

Meeting Packet
Planning and Zoning Commission Regular Meeting

August 11, 2022

Chairman
Tom Monahan

Vice-Chairman
Richard Brown



Commission Members

Thomas Burlew
Julie Davis
Larry Hagler
Don Johndrow
Kathy Koza

**AGENDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING**

NOTICE IS HEREBY GIVEN that the Lago Vista Planning and Zoning Commission will hold a special call meeting on Thursday, August 11, 2022, beginning at 7:00 p.m. in City Council Chambers at 5803 Thunderbird, Lago Vista Texas, as prescribed by V.T.C.A., Government Code Section §551.041 to consider the following agenda items.

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

You may join the meeting from your computer, tablet or smartphone using the following link: <https://meet.goto.com/519713189>

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

United States: +1 (224) 501-3412
Access Code: 519-713-189

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

One-touch: <tel:+12245013412,,519713189#>

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

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

<https://cms7files.revize.com/lagovistatx/Citizen%20Participation%20Form%20-%20P&Z.pdf>

CALL TO ORDER, ROLL CALL

CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA

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

BUSINESS ITEMS

1. Comments from the Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

2. **22-2134-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend the existing “Turnback Ranch Planned Development District” (PDD) to approve a new concept and detail plan (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).
 - A. Staff Presentation
 - B. Applicant Presentation
 - C. Open Public Hearing
 - D. Close Public Hearing
 - E. Discussion
 - F. Recommendation
3. **22-2169-PDD-MOD:** Consideration of a recommendation regarding a requested amendment to the existing Planned Development District (PDD) approval known as “The Peninsula” regarding the list and description of permitted uses for the “Condominiums Parcels.” The property is commonly referred to as 1900 American Drive and a legal description of the 40.60-acre tract under consideration is available upon request from the City of Lago Vista.
 - A. Staff Presentation
 - B. Applicant Presentation
 - C. Open Public Hearing
 - D. Close Public Hearing
 - E. Discussion
 - F. Recommendation

PUBLIC HEARING AND ACTION (FUTURE LAND USE MAP AMENDMENT REQUESTS)

4. Consideration of a recommendation regarding a request from the Hollows Investment Holdings LLC and Younger Homes LLC for an amendment to the current Future Land Use Map adopted by Ordinance No. 16-05-05-02 to correct alleged errors impacting property they own.
 - A. Staff Presentation
 - B. Property Owners Presentation
 - C. Open Public Hearing
 - D. Close Public Hearing
 - E. Discussion
 - F. Recommendation

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

5. Consideration of a recommendation regarding a potential amendment to Sections 23 of Chapter 14 of the Lago Vista Code of Ordinances to amend the procedural and substantive requirements related to the short-term rental of residential properties.

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

- A. Continue Public Hearing
- B. Discussion
- C. Recommendation

6. Consideration of a recommendation regarding a potential amendment to Section 11.60(b) of Chapter 14 of the Lago Vista Code of Ordinances regarding the limitations on a special exception approval for property in the 100-year floodplain.

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

- A. Continue Public Hearing
- B. Discussion
- C. Recommendation

7. Consideration of a recommendation to amend Chapter 3 and the Future Land Use Map of the current Comprehensive Master Plan and Section 13.20(d) of Chapter 14 of the Lago Vista Zoning Ordinance in order to provide more flexible and useful tools to guide zoning decisions.

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

- A. Continue Public Hearing
- B. Discussion
- C. Recommendation

8. Consideration of a recommendation to amend Table B of Chapter 14 of the Lago Vista Code of Ordinances regarding the currently permitted uses (by right) within the G-1 ("Golf Courses and Supporting Facilities") zoning district.

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

- A. Continue Public Hearing
- B. Discussion
- C. Recommendation

9. Consideration of a recommendation to amend Section 13.20(e)(3) and Section 13.40(a)(1) of Chapter 14 to include details from a similar section of the Texas Local Government Code and to further limit the consideration to property that is located within the City of Lago Vista.

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

PUBLIC HEARING AND ACTION (POTENTIAL MORATORIUM RECOMMENDATION)

10. Consideration of a recommendation to establish a moratorium on accepting new applications for short-term rental permits under the authority of Section 23 of Chapter 14 of the Lago Vista Code of Ordinances.

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

CONSENT AGENDA

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

11. Consider Approval of the Following Minutes:


April 28, 2022 Special Call Meeting
May 12, 2022 Regular Meeting

DISCUSSION AND POSSIBLE ACTION

- 12. Discussion regarding a potential amendment to Table A, Table B and Section 4 of Chapter 14 to address various provisions that are inconsistent with current best zoning practices and inconsistencies between our existing zoning districts and the future land use designations within the current comprehensive plan.
- 13. Discussion regarding a potential amendment to Section 6.10 and various other sections regarding approval for temporary enclosures for storage of materials and tools during construction projects in specific zoning districts.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located in City Hall in said City at 7:40am on the 3rd day of August 2022.



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 DJOURN 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.

August 11, 2022

Agenda Item 2
22-2134-PDD-MOD

± 241.541 Acres primarily within the Christian Fehrenkamp Survey

“Turnback Ranch PDD”
Concept and Detail Plan Amendment

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – AUGUST 11, 2022**



P&Z CASE NO: 22-2134-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 07-04-05-03)
PROPOSED USE: PDD Concept and Detail Plan Amendment

GENERAL INFORMATION / LOCATION:

- The "Turnback Ranch PDD" approved by Ordinance Number 07-04-05-03 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 is often the case, applications seeking amendments to older existing PDD approvals such as Ordinance Number 07-04-05-03 seek to abandon entitlements that are proven to be unfeasible when the level of detail required by current procedures is included. Both the amendment and the existing PDD ordinance limit the density to three dwelling units per acre, a maximum of 724 dwelling units (not the 723 noted in the legend of one of the exhibits). However, while there is no "concept" or "detail plans" included with the existing approval, the current application limits specifically limits the total to a maximum of 523 dwelling units, including an approximation of 150 units in the 'SFA/SFD' Tract (Tract 'B'). That reduction is even more significant when considered in light of the elimination of the commercial uses that are seemingly no longer being pursued.
- While the application does not explicitly specify the intent, it appears that the single-family areas are seeking both "concept and detail plan" approval. Although there will likely be additional detail available in the very near future for some of the open space and park areas, the current application would seem sufficient to meet the requirements for both "concept and detail plan" approval for that type of development as no substantial structures are contemplated. However, both the 'SFA/SFD' Tract (Tract 'B') and the 'HOA Amenity Center' are likely seeking "concept plan" approval only.

SITE PLAN / CONTEXT CONSIDERATIONS:

- There are a number of ambiguities or inconsistencies between the exhibits in the application that are relatively minor, but nonetheless need to be resolved. The first involves a discrepancy in the exhibit labeled as the "concept plan" and the "detail plan" as it relates to Tract 'B', described as the 'SFA/SFD' Area. In the "concept plan," this area spans across both the north and south side of the area described as a 100-foot wide electrical easement. In the "detail plan," this area that can include multifamily family residential uses is only indicated on the south side of this same 100-foot wide electrical easement. As the "detail plan" includes 105 single-family residential lots and a portion of an additional 5 single-family residential lots, each identified as being a minimum of 45 feet wide and 130 feet deep, there is reason to believe this area is intended to be included as part of Tract 'A,' the "single-family residential tract."

- Similarly, the “detail plan” designates a significant amount of area on the west side of the proposed development as “HOA Open Space.” The “concept plan” conversely includes this same area is being within Tract ‘A,’ the “single-family residential tract.” However, in this case there is little consequence to the discrepancy as the area does not include any proposed development. This is undoubtedly the result of the relatively severe topography.
- The proposed amendment to the ordinance narrative specifies a number of uses permitted in Tract ‘C,’ described as the “Lakeside Tract” in the narrative but as various types of “open space” on the “concept plan” or “detail plan.” In addition to the expected “active” and “passive” park uses, it includes all uses permitted by Table B of Chapter 14 in the C-3 (“commercial marina”) zoning district and the following: restaurants, bars, taverns, retail alcohol sales, general retail, and dry stack boat storage. It also specifically mentions boat repairs and service, although that is a use already included in Table B for the C-3 zoning district.
- This seems to be an error, as no such uses are indicated on either the “concept plan” or “detail plan” for Tract ‘C.’ If it is not an error, the “detail plan” and perhaps even the “concept plan” for Tract ‘C’ is suspect. It is conceivable that some of these uses are intended for inclusion in the “HOA Amenity Center.” However, the “concept plan” includes that area in Tract ‘A,’ the “single-family residential tract.”
- Both the “concept plan” and “detail plan” indicate a new entry initially connecting to Tract ‘B’ from Bar-K Ranch Road slightly north of the intersection of Paseo de Vaca Street and Bar-K Ranch Road. This entry is depicted on property within the legal description of the current application, but does not align directly opposite Paseo de Vaca Street or include a sufficient offset to comply with current best traffic safety practices. There is a strong likelihood that a different alignment will be prescribed by the traffic impact analysis required as part of the subsequent subdivision approvals. Depending on the resolution, that may or may not require an amendment to a PDD approved for this development. However, if property currently included within this application is later conveyed to another party it would seemingly be appropriate to remove it from this PDD ordinance.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- Conversely, the “collector street” that is indicated as the main entry located opposite the intersection of Dodge Trail and Bar-K Ranch Road is not included in the legal description of this application. Despite being shown similarly as if it were a part of the approval of Ordinance Number 07-04-05-03, that property was and remains owned by the City of Lago Vista. Notwithstanding the implied intent or the possible value of the land for any other purpose, the staff and the applicant were unable to discover evidence of a formal agreement involving this property. This application was deferred from consideration at the previous regular meeting of the Planning and Zoning Commission in order to accommodate that search.
- However, unlike the entry road near the intersection of Paseo de Vaca Street and Bar-K Ranch Road, this property would seemingly need to be part of a subsequent amendment to add this property to the PDD approval after completing a formal agreement with the City. In addition to the ability to include the approval of the “entry monument sign” on the separate lot on Bar-K Ranch Road owned by the applicant without establishing a precedent for an otherwise remote “off-premise sign,” there are a number of other issues that need to be resolved.
- Once this entry is dedicated as a public street, the City will not want to include or maintain any landscaping or the proposed six-foot high stone screen wall within the right-of-way. In addition, there might not be sufficient width immediately adjacent to Bar-K Ranch Road to include the minimum 50-foot wide right-of-way. Subdivision variances, such as a variance to the minimum right-of-way width are not permitted in association with a PDD approval and must instead be included in the text of the ordinance.

- As mentioned above, there are a number of areas that do not meet the requirements for a “detail plan” approval. The specific areas that do not qualify for a “detail plan” approval are largely dependent on the resolution of the discrepancies or inconsistencies between the exhibits from the application mentioned above. However, in addition to the possibility of the “HOA Amenity Center,” as a minimum it would seem to include Tract ‘B,’ the ‘SFA/SFD’ area that can include any form of multifamily development permitted by the Lago Vista zoning ordinance.
- The applicant has minimized the number of existing lots in the R-1M (“manufactured home”) zoning district that are near Tract ‘B’ and additionally includes a “20-foot Landscape Buffer” on the “detail plan.” Nonetheless, the information provided does not seem sufficient to meet the design approval required by Section 6.105 of Chapter 14. The requirements of that section of the zoning ordinance will need to be evaluated when the “detail plan” approval for Tract ‘B’ is sought.
- Finally, there are a number of provisions in the proposed ordinance narrative amendment that need some minor attention or improvement. The first involves the description of the maximum block length or dead-end that terminates in a cul-de-sac (amended Section 4.D). As the “concept plan” does not include blocks 1,000 feet in length or that terminate in a cul-de-sac with a length of 1,500 feet (without an intersecting cross-street), this provision would seem to be unnecessary. Nonetheless, if it is to remain we would insist that it include the provisions required by the International Fire Code to accommodate emergency vehicles at maximum intervals and slopes (intersections, “hammerheads” or cul-de-sacs with a minimum inside radius of 25 feet).
- Amended Section 4.J which addresses signage and lighting needs to be amended to reference our current “dark sky ordinances” found in Section 3.800 of Chapter 3. Amended Section 4.K requires a minor correction to the description of the required approvals for consistency with the Lago Vista Code of Ordinances. The “preliminary plan” should instead reference “subdivision construction plans” while the “site plan review” is instead referred to as the “site development plan review.”
- Although included in the existing ordinance approval, the staff objects to the inclusion of amended Section 4.L which permits “flag lots.” The “detail plan” does not currently include any “flag lots” and we cannot imagine a physical condition that might be encountered on the property that could not be met with an alternative design solution. They have a tendency to create all types of complications as property owners add various improvements over time.
- Similarly, amended Section 4.R is a minor clarification to specify exactly how an existing “masonry requirement” will be administered. However, House Bill 2439 of the 2019 Texas Legislature prohibits the adoption or enforcement of any ordinance that seeks to limit the use of any exterior finish material otherwise permitted by the applicable model building code (in our case the International Building Code and the International Residential Code). As a result, the only available options would seem to include no amendment to this provision whatsoever or to delete it in its entirety. The developer would then be free to include whatever provisions or clarifications they might prefer in the form of a recorded restrictive covenant.
- Section 4.U is a new provision proposed by the applicant that is a common reaction to a failure to properly appreciate the two separate approval procedures related to tree preservation efforts. The provisions included in Section 20 of Chapter 14 are imposed only at the time a building permit is sought. They are completely separate from the evaluation performed by the Planning and Zoning Commission during consideration of a preliminary subdivision plat application that requires a protected tree survey as part of that submittal. They use that protected tree survey to ensure that the developer has made a sincere effort to locate streets and lot boundary lines to maximize the tree preservation effort. That preliminary plat approval requires the staff to allow without consequence the removal of any protected trees during the subsequent construction plan review that is required by that approval or its included conditions. That includes any protected trees displaced by the approved street network or associated rough grading plans.

- The balance of the tree preservation efforts as specified in Chapter 14, are the responsibility of the property owner when a building permit is sought. However, even in that case there is a maximum fee in lieu or replacement that will be imposed. In short, the provisions proposed by the applicant are more complex and difficult to administer over the course of the many years that might transpire between the preliminary plat application and the final building permit application. In addition, there is no reason to assume that it will result in a reduction of the total tree preservation obligation. While the staff does not oppose the inclusion of a summary of the existing requirements in the recommended PDD ordinance, the alternative system proposed in the application is not favored.
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POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend approval of the application as meeting the requirements of a concept and detail plan, with the exception of Tract 'B' (SFA/SFD Area) and the HOA Amenity Center which are recommended for concept plan approval only, subject also to the following conditions:
 1. submission of revised exhibits correcting discrepancies between the indications of areas within Tract 'A' and Tract 'B' between the concept and detail plans submitted as Exhibit B;
 2. submission of revised exhibits correcting discrepancies relating to the 'HOA Amenity Center' and/or the inclusion of commercial uses currently described as permitted in Tract 'C';
 3. amendment to the block length provision as required to maintain compliance with the International Fire Code and current best practices related to emergency services;
 4. amendment to the signage and lighting provision to reflect the current outdoor lighting ("dark sky") ordinances with Section 3.800 of Chapter 3;
 5. correction to the cut and fill provision to reflect the "subdivision construction plan review or site development plan review" as applicable;
 6. deletion of any provision that permits the inclusion of "flag lots" as none are indicated on the submitted detail plan;
 7. elimination of any amendment to or deletion of the provision that dictates a minimum amount of any specific exterior finish materials not otherwise required by a the International Building Code or International Residential Code;
 8. amendment to the proposed tree preservation provision to clarify the distinct requirements imposed as part of the preliminary plat approval and the existing limitations related to the building permit review; and
 9. submission of a future application or PDD amendment to resolve any issues related to or associated with either of the two proposed entry drives (at the intersection of Bar-K Ranch Road and either Dodge Trail or Paseo de Vaca Street).
 - B. Recommend approval of the application as meeting the requirements of a concept plan only, pending satisfactory resolution or corrections of the noted discrepancies or deficiencies.
 - C. Recommend denial of all components of the application for either a concept plan only approval or a concept and detail plan approval.
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22-2134-PDD-MOD

Existing “Turnback Ranch PDD” Amendment

Attachment 1

Application



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

Tel. (512) 267-5259

Fax (512) 267-5265

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

APPLICATION FOR ZONING DISTRICT CHANGE

Contact Person: 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: 9801 East Easter Avenue, Centennial, 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):

Amend the Turnback Ranch PDD and concept plan for a prestigious single-family residential project that better preserves the natural environment, heritage trees and open space, and develops the land efficiently and respectfully.

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)*

6/6/2022

Date

*Attach additional sheets as required

Roy Jambor

From: Laci M. Ehlers <lehlers@mcleanhowardlaw.com>
Sent: Wednesday, August 10, 2022 2:49 PM
To: Roy Jambor
Cc: Erin Selvera
Subject: Turnback - FLUM Amendment

Roy,

Please accepted this request on behalf of Turnback Development, LLC, as owner of that certain 241.541 acre tract in Lago Vista locally known as Turnback Ranch PDD, to amend the Future Land Use Map to align with the detail plan to be considered as part of the Turnback Ranch PDD. We request that the amendment to the FLUM be considered by Planning & Zoning Commission and Council concurrently with the submitted PDD amendment request (City Case File No. 22-2134-PDD-MOD).

Please let me know if you need any further information.

Thank you,
Laci

Laci Ehlers

lehlers@mcleanhowardlaw.com

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



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

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

LEGAL DESCRIPTION
241.541 ACRES

BEING a tract of land 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 RPI-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 1/2 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 1/2 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.

22-2134-PDD-MOD

Existing “Turnback Ranch PDD” Amendment

Attachment 2

Proposed Concept and Detail Plan Amendment

May 26, 2022

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

RE: **Zoning Amendment Application for Turnback Ranch Planned Development District**
(the "Application") Located at the Terminus of Dodge Trail, South of Surrey Lane, Lago Vista, Texas (the "Property")

Dear Mr. Jambor:

This firm represents, and this letter is submitted on behalf of, Turnback Development LLC (the "Applicant") as the owner of the Property in the above-referenced Application. The Property is 241.541 acres in size and is bounded by single-family homes to the north and east, the K-Oaks Clubhouse to the southeast, and Lake Travis to the south and west. The Property is currently zoned as the Turnback Ranch Planned Development District ("Turnback Ranch PDD") based on the Ordinance No. 07-04-05-03 ("PDD Ordinance"). The purpose of this Application is to amend the Turnback Ranch PDD and the associated concept plan to accommodate a single-family residential project (with both attached and detached units proposed) ("Project") that preserves the natural environment, heritage trees and open space, develops the land efficiently and respectfully, and establishes zoning that allows for a prestigious community.

The Applicant is requesting amendments to the PDD Ordinance that include reducing intensive permitted uses in certain districts, facilitating an overall reduction in density, increasing open space and parkland, adjusting the district boundaries, and modifications to development standards ("PDD Amendments"), as further detailed below:

- 1. Tracts within the PDD.** Modify the tracts within Turnback Ranch PDD to delete Tract C (Mixed Residential) and C-1 (Commercial/Mixed Use) and re-identify and re-name the tracts as follows:
 - a. Tract A – the "Single Family Residential Tract"
 - b. Tract B – the "SFA/SFD Residential Tract"
 - c. Tract C – the "Lakeside Tract"
- 2. Land Use Plan.** Replace Exhibit "B" of the PDD Ordinance with the enclosed concept plan and detail plan (collectively, the "Land Use Plan") as the new **Exhibit "B"**. The depiction of the Turnback Ranch PDD in **Exhibit "B"** is conceptual in nature. The layout is for informational purposes rather than for construction and is subject to the type of changes that are common to the site development plan review process and completion of construction documents. The

boundary of the tracts may be modified administratively by up to ten percent (10%) without requiring a zoning change or amendment to the Land Use Plan. Individual single-family lots shown in the Land Use Plan may be adjusted 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.

3. **Permitted Uses.** Include Park-Active and Park-Passive as permitted uses in Tract C (Lakeside Tract). Specifically, Park-Active may include boat ramp or launch, fishing/swimming area (recreational use), barbecue pits, picnic shelters, and playground equipment, and Park-Passive may include open space, trails, and benches. For the marina and park uses, the number or parking spaces provided is at the discretion of the Developer.
4. **Zoning and Development Standards.** Due to topography and other development constraints typical in the City of Lago Vista ("City"), modifications to the City Code of Ordinances ("Code") are requested to make the environmentally efficient Land Use Plan viable.
 - a. **Buffer Area.** Reduce the vegetative buffer to twenty (20) feet along the boundary line of the Property adjacent to any multi-family, single-family attached, condominium, or commercial use on the Property. A buffer is not required along the boundary line of the Property adjacent to any single-family detached lots on the Property.
 - b. **Maximum Height.**
 - i. Amend maximum building height in Tract A to be thirty-five feet (35') above the highest elevation of each platted lot in Tract A.
 - ii. Delete maximum building height for Tract B to allow Tract B to be regulated by the development standards for the base zoning district of R-4.
 - c. **Setbacks.** Replace provisions related to setbacks with the following:

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 street side-yard setback of ten feet (10'). Single-family attached and condominiums shall have a minimum front setback of ten feet (10'), minimum rear setback of five feet (5'), no minimum side-yard setback, and a minimum street side-yard setback of ten feet (10'). All other lots shall comply with the zoning district for the use applicable.
 - d. **Cut/Fill.** Amend cut and fill variance to allow four feet (4') to fifteen (15') with administrative approval.
 - e. **Construction on Slopes.** In the areas indicated on the Land Use Plan, development is permitted on slopes exceeding twenty-five percent (25%) without a variance. Development on all other areas within the Land Use Plan shall comply with the City Code in effect at the time of approval of the amendment to the PDD Ordinance.
 - f. **Parkland Dedication.** Replace provision related to parkland with the following:

Open Space/Parkland shown within Tract C on the Land Use Plan shall fully satisfy parkland dedication 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 homeowners' association for the benefit and use of the residents of the development. Open Space/Parkland 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.

- g. 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. The HOA Amenity Center shall be maintained by a homeowners' association.
- h. Critical Water Quality Zone.** The Critical Water Quality Buffer Zone ("CWQBZ") shall be a maximum of seventy-five feet (75') inland from the 681 contour, which may be less than the horizontal extents of the 100-year FEMA floodplain into the Property. The CWQBZ is not required to align with, and may be designated below, the one (1) percent chance flood areas shown on the adopted Flood Insurance Rate Map.
- i. Trees.** The planting of street trees in public rights of way is at the option of the Developer. Thirty percent (30%) of the Protected Trees, as defined in Section 20 of the Zoning Ordinance, will be preserved to the greatest extent possible. Mitigation is not required unless tree removal exceeds thirty percent (30%) of the Protected Trees. Mitigation shall be in compliance with Section 20 of the Zoning Ordinance and is only required for removal of Protected Trees in excess of seventy percent (70%).
- j. Impervious Cover.** Impervious cover on any individual single-family detached lot shall not exceed sixty percent (60%). Impervious cover for a lot with single-family attached, condominium, or multifamily use shall not exceed seventy percent (70%) of the total lot area.

5. Subdivision and Public Infrastructure.

- a. Block Length.** Maximum block length shall be no more than one thousand (1,000) feet.
- b. Streets.** Change the street classification of "minor" to "residential" which must be a minimum of fifty feet (50') wide. The center line radius shall be a minimum of one hundred and eight feet (180'). Street sections shall comply with details more particularly depicted in the new **Exhibit "C"** submitted with the Application.
- c. Lot Width.** Turnback Ranch PDD shall include various single-family lot sizes. Single family lots shall have a minimum width of forty-five feet (45') as measured at the front setback and a minimum depth of one hundred and thirty feet (130'). No more than forty percent (40%) of the single-family lots shall be less than fifty feet (50') wide as measured at the front setback. All other lots shall comply with the zoning district for the use applicable.

- d. **Signage and Lighting.** Amend the location of one of the two permitted off premise monument signs to be on the property located at the northwest corner of the intersection of Dodge Trail and Bar K Ranch Road (“Roadway Entrance”), as more particularly identified in the new **Exhibit “D”** submitted with the Application. The other permitted off premise monument sign shall remain at the location outside of the City right of way near the intersection of FM 1431 and Dodge Trail as provided in the PDD Ordinance. Allowance of the permitted off premise signs is not contingent on the widening and resurfacing of Dodge Trail from FM 1434 to Bar K Ranch Road.
 - e. **Access.** A public roadway, utilities, landscaping, and signage will be constructed at no cost or expense to the City within the City-owned property depicted on the **Exhibit “E”** (re-labeled) as an extension of Dodge Trail from Bar K Ranch Road (“Public Roadway”). Upon completion, the Public Roadway shall be accepted by the City for maintenance. Developer is not required to relocate, reconstruct, oversize, or demolish any existing pump house or related facilities within the Public Roadway.
 - f. **Entrance and Accessibility.** The Public Roadway shall remain the primary entrance for the development; however, construction vehicle traffic is prohibited from utilizing the Public Roadway. The Roadway Entrance shall be dedicated to the City after final platting of the Property and the City agrees to grant the Developer a license agreement for the off premise monument sign, landscaping, fencing, and other screening of the Public Roadway from adjacent properties, as depicted in the new **Exhibit “F”** submitted with the Application. The Developer shall provide a secondary access off Bark K Ranch Road in the vicinity of the K Oaks Clubhouse. An entrance is not required off Clubhouse Court Road.
6. **Phasing.** At the option of the Developer, the project contemplated herein may be developed in phases in accordance with the Land Use Plan. Developer has the right, in its discretion, during the construction site plan stage to determine the appropriate number of phases and percentages of the project covered in each phase. No approved concept plan, detailed plan, or preliminary plat shall expire as long as development on any part or phase of Turnback Ranch PDD is actively progressing and has not remained dormant for more than two (2) years.
7. **Applicable Regulations.** Development of and uses within the Turnback Ranch PDD shall conform to the limitations and conditions set forth in the PDD Ordinance, as amended. If the PDD Ordinance and the attached exhibits conflict, the PDD Ordinance, as amended, controls. Except as otherwise specifically modified by the PDD Ordinance, as amended, all other rules, regulations, and ordinances of the City in effect at the time of approval of the PDD Ordinance apply.
8. **Deletions from Turnback Ranch PDD Ordinance.** The following sections and/or provisions are requested to be deleted in their entirety:
- a. Section 5.3. (Tract C-1)
 - b. Section 6.3. (Zoning for Tract C-1 – “Commercial/Mixed use Tract”)
 - c. Section 6.4.J (Zoning Rollback)
9. **Exhibits.**
- a. Exhibit A – Property

- b.** Exhibit B – Land Use Plan (concept plan and detail plan)
- c.** Exhibit C – Street Sections
- d.** Exhibit D – Location of Roadway Entrance
- e.** Exhibit E – Public Roadway
- f.** Exhibit F – Public Roadway Screening and Landscaping

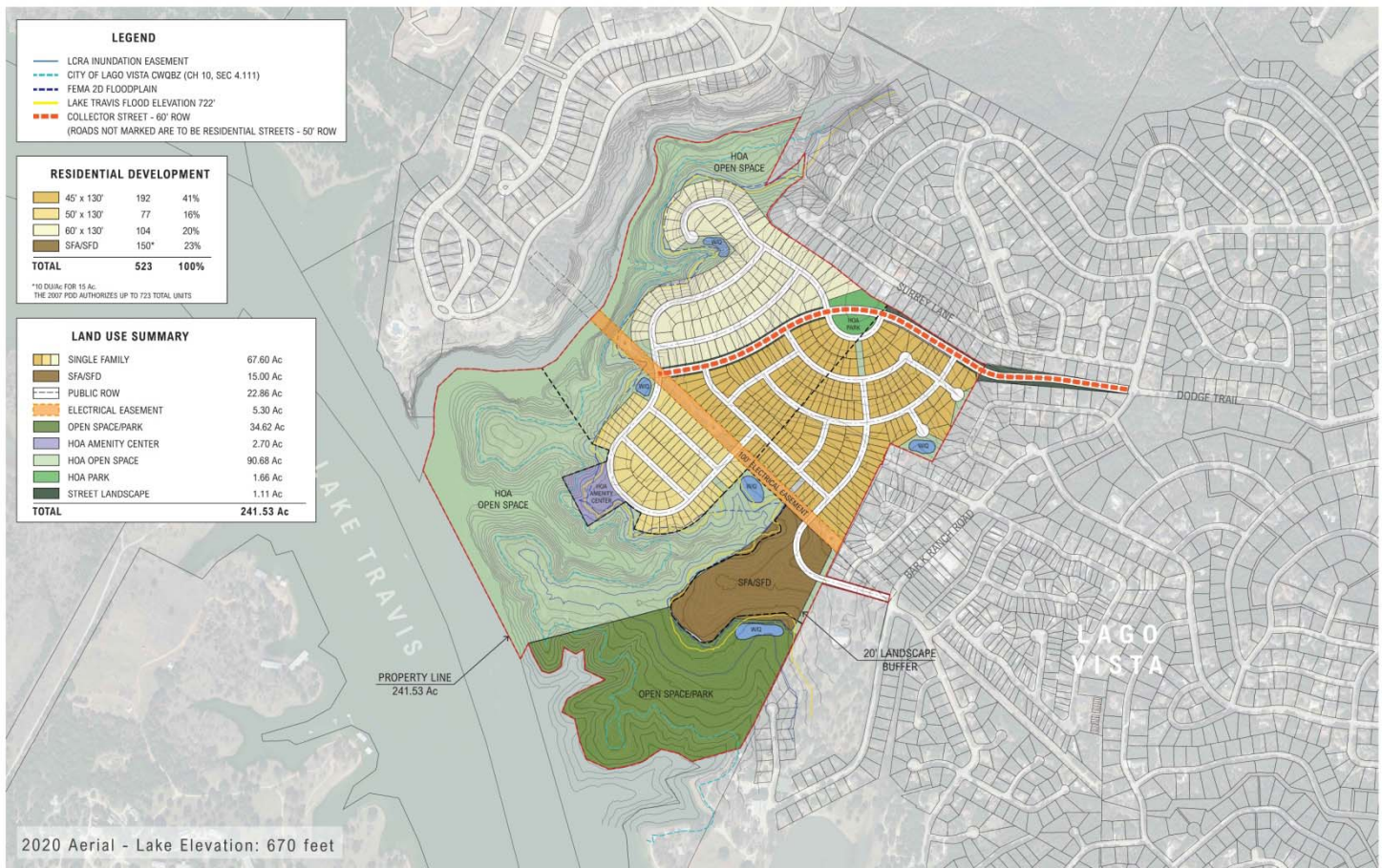
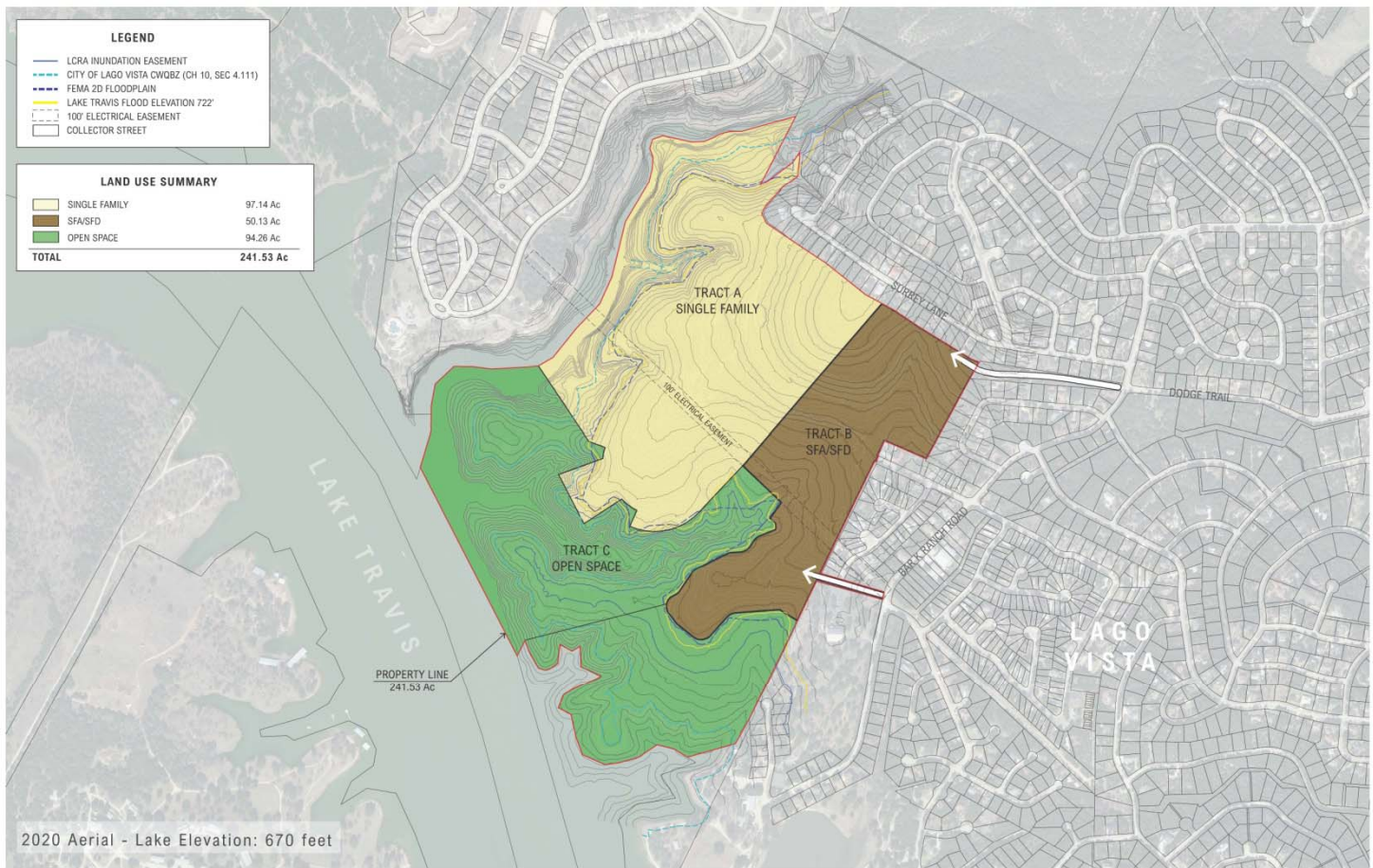
The PDD Amendments, which are necessary to accomplish the Project, the development intensity decreases, and the total open space and parkland increases substantially with land dedication and HOA-maintained facilities instead of simply a payment of fee-in-lieu. This proposed Project will work to preserve the natural environment, encourage high quality development, and ensure adequate public facilities and services. The amended Turnback Ranch PDD will result in development that is superior to the development that would occur under the existing approved PDD Ordinance.

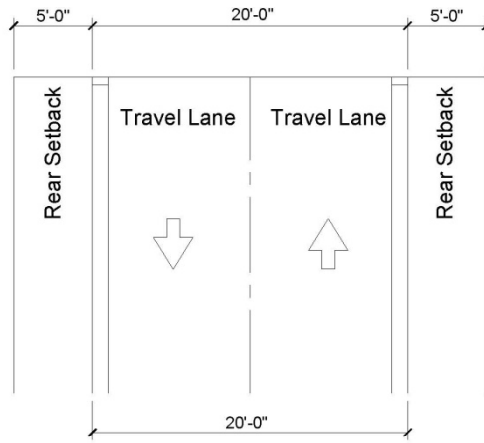
On behalf of the Applicant, we look forward to working with the City on approval of these PDD Amendments. If you have any questions or comments, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

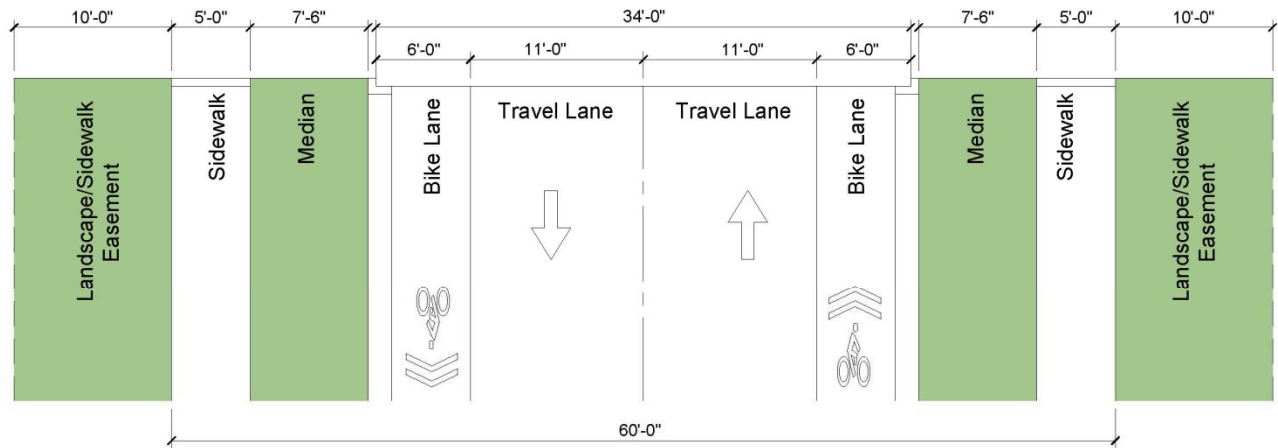


Laci Ehlers



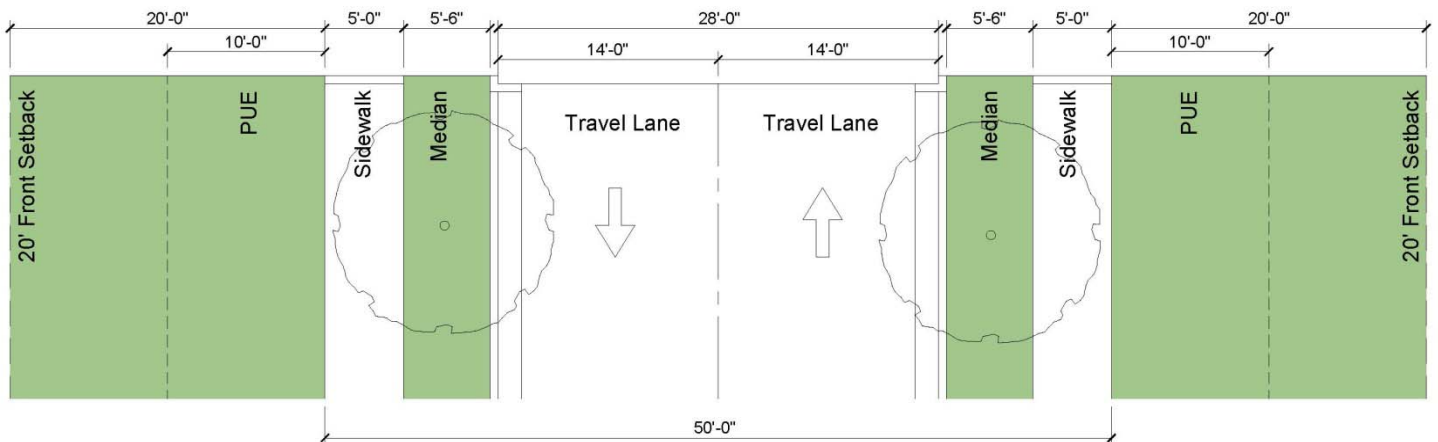


TURNBACK RANCH
ALLEY - 20'



NOTE: NO ON-STREET PARKING IS ALLOWED ON COLLECTOR

TURNBACK RANCH
COLLECTOR STREET 60' ROW



TURNBACK RANCH
RESIDENTIAL STREET 50' ROW

Legal Description: Lot 8234, Bar-K Ranches, Plat Eight, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 58, Page 71, Plat Records of Travis County, Texas.

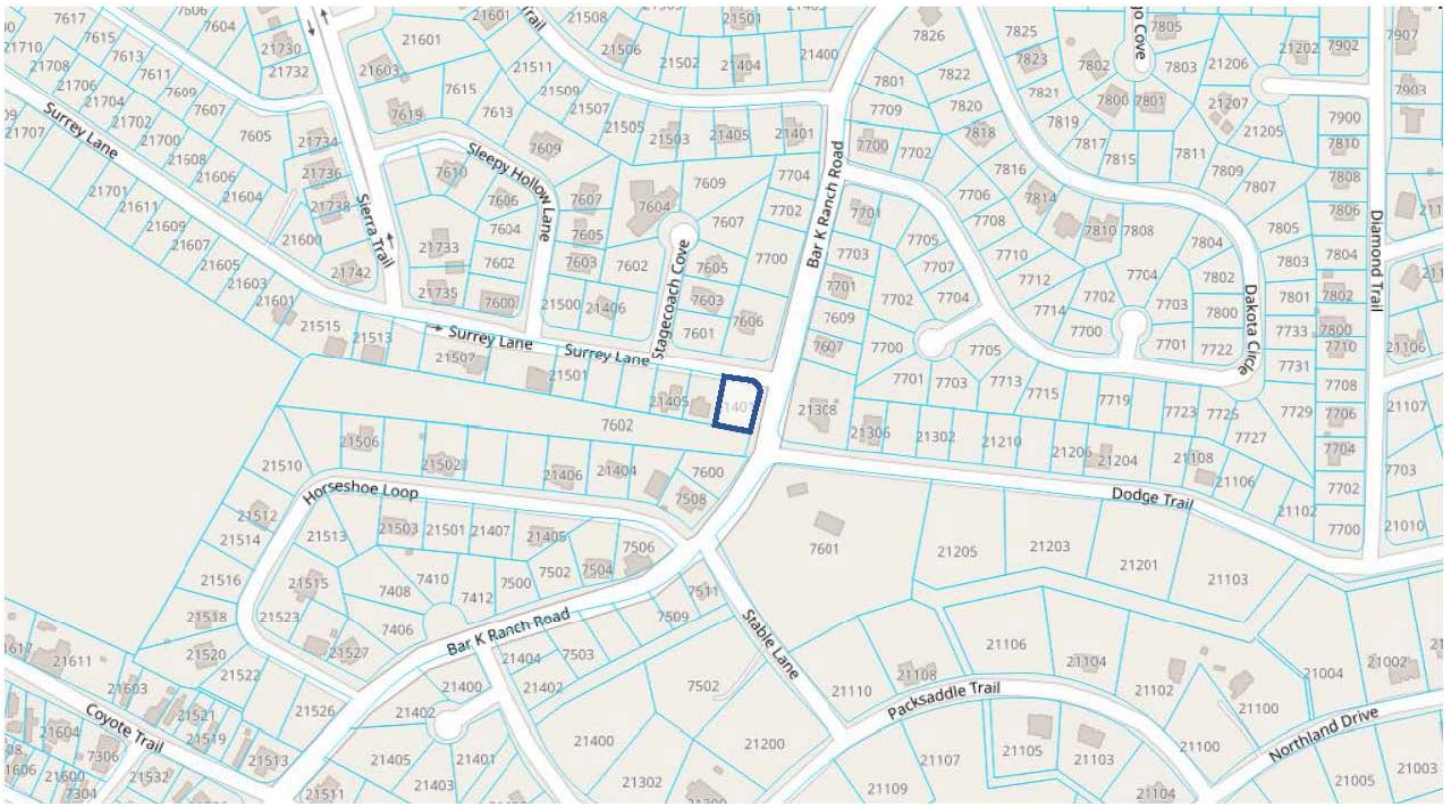


Exhibit "D"



Exhibit "E"



TURNBACK RANCH
MAIN ENTRY
APRIL 13, 2022



TURNBACK RANCH
MAIN ENTRY IMAGERY
APRIL 13, 2022



**PROPOSED AMENDMENT TO TURNBACK RANCH PDD
ORDINANCE NO. 07-04-05-03**

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

1. Tract A – the “Single Family Residential Tract”;
2. Tract B – the “SFA/SFD Residential Tract”; and
3. Tract C – the “Lakeside 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 – “Single Family Residential Tract”
 - A. Use and development of Tract A shall comply with the zoning requirements and development standards for Single Family Residential District – R-1A through R-1G except as hereinafter modified.
 - B. The minimum living area for a dwelling on any lot developed in Tract A shall be 1,500 square feet.
2. Zoning for Tract B – “SFA/SFD Residential Tract”
 - A. Use and development of Tract B shall comply with the zoning requirements and development standards for Multifamily Residential – R-4 zoning district, except as hereinafter modified.
 - B. In addition to all uses permitted for the Multifamily Residential – R-4 zoning district, the condominium use shall also be permitted. The minimum living area for condominiums shall be 1,000 square feet.
3. Zoning for Tract C – “Lakeside Tract”
 - A. Use and development of Tract C shall comply with the zoning requirements and development standards for Commercial Marina – C-3 zoning district, except as hereinafter modified.
 - B. In addition to all uses permitted in the Commercial Marina – C-3 zoning district, the following uses shall be permitted in Tract D:
 - (i) Restaurants;

- (ii) Bars, Taverns, Retail Liquor;
 - (iii) Retail-Store-General;
 - (iv) Dry stack storage of boats;
 - (v) Boat service, maintenance and repair;
 - (vi) Park-Active – including, but not limited to, boat ramp or launch, fishing/swimming area (recreational use), barbecue pits, picnic shelters, and playground equipment; and
 - (vii) Park-Passive – including, but not limited to, open space, trails, and benches.
- C. The number of parking spaces and amenities related to a marina and/or park uses are at the discretion of the Developer.

4. Zoning and Development Standards for All Tracts

- A. Buffer Area. A twenty foot wide vegetative buffer consisting of existing vegetation (“Buffer”) shall run along any boundary line of the Property adjacent to a multi-family, single-family attached, condominium, or commercial use on the Property. A Buffer is not required along the boundary line of the Property adjacent to a single-family detached lots on the Property. No buildings may be constructed within the Buffer.
- B. Maximum Building Height. Building height for the Tracts shall be measured from the highest elevation as described above 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 in Tract A shall be thirty-five feet (35’) above the highest elevation of each platted lot in Tract A.
 - 2) Maximum building height in Tract B shall comply with the height requirement for the assigned base zoning of R-4.
 - 3) Maximum building heights in Tract C will be limited to thirty-two feet (32’) above the highest ground elevation on Tract C.
- C. Setbacks. 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 street side-yard setback of ten feet (10’). Single-family attached and condominiums shall have a minimum front setback of ten feet (10’), minimum rear setback of five feet (5’), no minimum side-yard setback, and a minimum street side-yard setback of ten feet (10’). 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. Cul-de-sac length on all streets within the Property will be allowed up to a maximum of 1,500 feet, provided that a turn-around bubble is provided at a point 500 feet from the intersection.
- 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 “C”**.
- F. Lot Width. Turnback Ranch PDD shall include various single-family lot sizes. Single family lots shall have a minimum width of forty-five feet (45’) as measured at the front setback and a minimum depth of one hundred and thirty feet (130’). No more than forty percent (40%) of the single-family lots shall be less than fifty feet (50’) wide as measured at the front setback. All other lots 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 marina or 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. Notwithstanding, the Developer and City shall negotiate in good faith and execute a separate agreement, as necessary, that addresses details related to monument and wayfinding signage. 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.
- 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 preliminary plan or site plan review, provided the cut and fill slope is appropriately terraced to control erosion and sedimentation, 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. In the areas indicated on the Land Use Plan, development is permitted on slopes exceeding twenty-five percent (25%) without a variance. 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. Flag Lot. To allow driveway access and utilities to each single-family lot, lots within the Property are allowed to "flag" with a minimum frontage of thirty feet (30') on a public right of way. "Flagging" minimizes impacts to steep slopes and allows preservation of trees. The Developer agrees to take all reasonable steps to minimize the number of Flag lots within the Property.
- M. Private Driveways. Notwithstanding any other provision of this Ordinance, City approves the use of a maximum of five (5) private driveways or joint access easements with a width not to exceed twelve feet (12') used to access multiple lots on the Property.
- N. Access. Primary access for the Turnback PDD shall be located in the northeast corner of the Property, as depicted on the Land Use Plan, to be connected to the future extension of Dodge Trail from Bar K Ranch Road following such construction. Developer and the City shall negotiate in good faith and execute a separate agreement that addresses the commitments of (i) Developer to construct the extension of Dodge Trail as a public roadway that meets standards set forth in such separate agreement with utilities, landscaping, and appropriate signage ("Public Roadway"); and (ii) the City to designate appropriate property as right of way for construction of the Public Roadway, to the extent necessary. The requirement of a traffic impact analysis must be completed prior to the approval of the preliminary plat for the Property.
- O. Density. Overall density within the Property will not exceed three (3) dwelling units per acre.
- P. Parkland Dedication. Open Space/Parkland shown within Tract C on the Land Use Plan shall fully satisfy parkland dedication 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 homeowners' association for the benefit and use of the residents of the development. Open Space/Parkland 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.

- Q. Entrances and Accessibility. Subject to Section 6.4.N, the primary entrance for the development shall be the Public Roadway following such construction. To the extent owned or controlled by Developer, within a reasonable time after final platting of the Property, the Developer shall dedicate the property located at the northwest corner of the intersection of Dodge Trail and Bar K Ranch Road, or a portion thereof, as more particularly identified on the attached **Exhibit “D”**, to the City as right of way. Obligations related to a stone wall or walls and other fencing, landscaping and/or other devices needed to adequately screen the Public Roadway from the adjacent properties with regard to visibility and sound shall be included in a separate agreement that may be executed between the Developer and City. Construction vehicle traffic shall be prohibited from utilizing the Public Roadway as an entrance into the development. To the extent approved by the City in conjunction with the development of the Property, the Developer shall provide a secondary access into the development and construction vehicle entrance off of Bar K Ranch Road in the vicinity of the K Oaks Clubhouse property opposite of Paseo De Vaca.
- R. Masonry Requirements. Exterior surface area of all finished walls, including all stories of buildings / structures (excluding concrete foundation walls), in the development shall be constructed of no less than seventy-five percent (75%) masonry. Masonry is defined to include stone, brick, stucco, split face concrete block, and similar materials.
- S. 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. The HOA Amenity Center shall be maintained by a homeowners’ association.
- T. Critical Water Quality Zone. The Critical Water Quality Buffer Zone (“CWQBZ”) shall be a maximum of seventy-five feet (75’) inland from the 681 contour, which may be less than the horizontal extents of the 100-year FEMA floodplain into the Property. The CWQBZ is not required to align with, and may be designated below, the one (1) percent chance flood areas

shown on the adopted Flood Insurance Rate Map.

- U. Trees. The planting of street trees in public rights of way is at the option of the Developer. Thirty percent (30%) of the Protected Trees, as defined in Section 20 of the Zoning Ordinance, will be preserved to the greatest extent possible. Mitigation is not required unless tree removal exceeds thirty percent (30%) of the Protected Trees. Mitigation shall be in compliance with Section 20 of the Zoning Ordinance and is only required for removal of Protected Trees in excess of seventy percent (70%).
 - V. Impervious Cover. Impervious cover on any individual single-family detached lot shall not exceed sixty percent (60%). Impervious cover for a lot with single-family attached, condominium, or multifamily use shall not exceed seventy percent (70%) of the total lot area.
- 5. Phasing. At the option of the Developer, the project contemplated herein may be developed in phases in accordance with the Land Use Plan. Developer has the right, in its discretion, during the construction site plan stage to determine the appropriate number of phases and percentages of the project covered in each phase. No approved concept plan, detailed plan, or preliminary plat shall expire as long as development on any part or phase of Turnback Ranch PDD is actively progressing and has not remained dormant for more than two (2) years.
 - 6. Land Use Plan. The depiction of the Turnback Ranch PDD in **Exhibit "B"** is conceptual in nature. The layout is for informational purposes rather than for construction and is subject to the type of changes that are common to the site development plan review process and completion of construction documents. The boundary of the tracts may be modified administratively by up to ten percent (10%) without requiring a zoning change or amendment to the Land Use Plan. Individual single-family lots shown in the Land Use Plan may be adjusted 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.

**PROPOSED AMENDMENT TO TURNBACK RANCH PDD
ORDINANCE NO. 07-04-05-03**

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

1. Tract A – the “Single Family Residential Tract”;
2. Tract B ~~and Tract C~~ – the “~~Mixed SFA/SFD~~ Residential Tracts”; and
- ~~3. Tract C-1 – the “Commercial/Mixed Use Tract”; and~~
- ~~4.3. Tract D-C – the “Commercial Marina Lakeside 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 – “Single Family Residential Tract”
 - A. Use and development of Tract A shall comply with the zoning requirements and development standards for Single Family Residential District – R-1A through R-1G except as hereinafter modified.
 - B. The minimum living area for a dwelling on any lot developed in Tract A shall be 1,500 square feet.
2. Zoning for Tract B ~~and Tract C~~ – “~~Mixed SFA/SFD~~ Residential Tracts”
 - A. Use and development of Tract B ~~and Tract C~~ shall comply with the zoning requirements and development standards for Multifamily Residential – R-4 zoning district, except as hereinafter modified.
 - B. In addition to all uses permitted for the Multifamily Residential – R-4 zoning district, the condominium use shall also be permitted. The minimum living area for condominiums shall be 1,000 square feet.
- ~~3. Zoning for Tract C-1 – “Commercial/Mixed Use Tract”~~
 - ~~A. Use and development of Tract C-1 shall comply with the zoning requirements and development standards for Commercial C-1 zoning district, except as hereinafter modified.~~
 - ~~B. In addition to all uses permitted in the Commercial C-1 zoning district, the following uses shall also be permitted in Tract C-1:~~

(i) ~~Dwelling multi-family;~~

(ii) ~~Dwelling single-family;~~

(iii) ~~Townhouse;~~

(iv) ~~Condominium; and~~

(v) ~~Hotel~~

C. ~~Notwithstanding any other provision of this subsection 3, upon final plat of Tract C-1, the tract shall be restricted by plat note to either commercial use only or residential use only.~~

4.3. Zoning for Tract ~~D-C~~ – “~~Commercial Marina~~Lakeside Tract”

A. Use and development of Tract ~~D-C~~ shall comply with the zoning requirements and development standards for Commercial Marina – C-3 zoning district, except as hereinafter modified.

B. In addition to all uses permitted in the Commercial Marina – C-3 zoning district, the following uses shall be permitted in Tract D:

(i) Restaurants;

(ii) Bars, Taverns, Retail Liquor;

(iii) Retail-Store-General;

(iv) Dry stack storage of boats; ~~and~~

(v) Boat service, maintenance and repair;

(vi) Park-Active – including, but not limited to, boat ramp or launch, fishing/swimming area (recreational use), barbecue pits, picnic shelters, and playground equipment; and

(vii) Park-Passive – including, but not limited to, open space, trails, and benches.

C. The number of parking spaces and amenities related to a marina and/or park uses are at the discretion of the Developer.

5.4. Zoning and Development Standards for All Tracts

A. Buffer Area. ~~As depicted on the attached Conceptual Plan, a~~ A fifty twenty foot wide vegetative buffer consisting of existing vegetation (“Buffer”) shall run along ~~anythe northern~~ boundary line of the Property adjacent to a multi-

family, single-family attached, condominium, or commercial use on the Property. of Tract A, the eastern boundary line of Tract A Buffer is not required along the boundary line of the Property adjacent to a single-family detached lots on the Property, and the southeastern boundary line of Tract C. No buildings may be constructed within the Buffer ~~area~~.

- B. Maximum Building Height. Building height for the Tracts shall be measured from the highest elevation as described above 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 in Tract A shall be thirty-~~five~~two feet (~~35'~~) 32' above the highest elevation of each platted lot in Tract A.
 - 2) Maximum building height in Tract B shall ~~be thirty-two feet (32') above the highest elevation in Tract B~~comply with the height requirement for the assigned base zoning of R-4.
 - 3) Maximum building heights in ~~Tract~~Tracts C, C-1 and D will be limited to thirty-two feet (32') above the highest ground elevation on ~~Tract C~~Tracts C, C-1, and D.
- C. Side Yard Setbacks. ~~Single family lots of 1 acre or more shall maintain minimum twenty five foot (25') total side yard setbacks for single family lots of one (1) acre or more. Single family lots of less than one (1) acre shall maintain minimum side yard setback of seven and one half (7 1/2) feet per side with a minimum fifteen foot (15') total side yard setbacks. All other lots shall comply with the zoning district for the use applicable. 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 street side-yard setback of ten feet (10'). Single-family attached and condominiums shall have a minimum front setback of ten feet (10'), minimum rear setback of five feet (5'), no minimum side-yard setback, and a minimum street side-yard setback of ten feet (10'). 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. Cul-de-sac length on all streets within the Property will be allowed up to a maximum of 1,500 feet, provided that a turn--around bubble is provided at a point 500 feet from the intersection.
- E. Minor Streets. Street rights-of-way classified as "residential~~minor~~" pursuant to City ordinances shall be allowed to be a ~~minimum~~maximum 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 "C".

- F. Lot Width. ~~Turnback Ranch PDD shall include various single-family lot sizes. Single family lots shall have a minimum width of forty-five feet (45') as measured at the front setback and a minimum depth of one hundred and thirty feet (130'). No more than forty percent (40%) of the single-family lots shall be less than fifty feet (50') wide as measured at the front setback. Each single family lot shall have a minimum width of seventy five feet (75') along the front property line, with the exception of cul de sac lots, which shall have a minimum width of forty feet (40') along the front property line and a minimum width of sixty five feet (65') at the front setback line.~~ All other lots 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 marina or park use, minimum.~~ ~~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. Zoning Rollback. Section 14.10 of the Zoning Code is hereby amended. As long as any portion of the Property is developed within three (3) years after this PDD is approved by the City Council, the remaining portion or portions of the Property may be developed at any time prior to the expiration of ten (10) years from the date of execution of this PDD by the City Council at which time any unsubdivided sections of the Property for which building permits have not been issued shall rollback to R-1. For purposes of this subsection J, development may be evidenced by the issuance of a building permit for all or a portion of the Property.~~
- K.J. Signage and Lighting. All signage will comply with the City of Lago Vista Sign Ordinance. ~~Notwithstanding, the Developer and City shall negotiate in good faith and execute a separate agreement, as necessary, that addresses details related to monument and wayfinding signage. with the exception that the City will allow the developer to install two off premise monument signs one of which will be located outside of the City right of way near the intersection of FM 1431 and Dodge Trail and one to be located on City property near the intersection of Dodge Trail and Bar K Ranch Road. It is expressly understood that the Developer shall be solely responsible for all~~

~~costs related to the signage including the cost of the signs and any costs related to the leasing or purchase of property on which signage is to be located. The City shall provide Developer with an appropriate license agreement for the signage, and such sign shall meet all standards contained in the City's Sign Ordinance. Allowance of this off premise sign is contingent on the developer providing for the widening and resurfacing of Dodge Trail from FM 1431 to Bar K Ranch Road. 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.~~

~~L.K.~~ Cut/Fill and Construction on Slopes. All cut and fill variances of four feet (4') to ~~fifteeneight~~ feet (15'8') on the Property shall be approved administratively by the City Engineer (or acting City Engineer) during preliminary plan or site plan review, provided the cut and fill slope is appropriately terraced to control erosion and sedimentation, 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. In the areas indicated on the Land Use Plan, development is permitted on slopes exceeding twenty-five percent (25%) without a variance. 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.

~~M.L.~~ Flag Lot. To allow driveway access and utilities to each single- family lot, lots within the Property are allowed to "flag" with a minimum frontage of thirty feet (30') on a public right of way. "Flagging" minimizes impacts to steep slopes and allows preservation of trees. The Developer agrees to take all reasonable steps to minimize the number of Flag lots within the Property.

~~N.M.~~ Private Driveways. Notwithstanding any other provision of this Ordinance, City approves the use of a maximum of five (5) private driveways or joint access easements with a width not to exceed twelve feet (12') used to access multiple lots on the Property.

~~O.N.~~ Access. Primary access for the Turnback PDD shall be located in the northeast corner of the Property, as depicted on the Land Use Plan, to be connected to the future extension of Dodge Trail from Bar K Ranch Road following such construction. Developer and the City shall negotiate in good faith and execute a separate agreement that addresses the commitments of (i) Developer to construct the extension of Dodge Trail as aA public roadway that meets standards set forth in such separate agreement ,with utilities, landscaping, and appropriate signage ("Public Roadway"); and (ii) the City to designate appropriate property as right of way for construction of the Public Roadway, to the extent necessary. within the area depicted on the attached Exhibit "C" (collectively, "Roadway") will be constructed at no cost or expense to the City. The existing pump house and related facilities located

~~within the Roadway may be relocated or demolished to construct a functionally equivalent pump house in a location to be designated by the City. Oversizing of utilities or capacity for the pump house to serve land or properties outside the Property is not required, but oversizing may occur at the City's sole cost and expense. Once the road is completed, the City will accept the road for maintenance as a City street, provided that the road meets City standards.~~ The requirement of a traffic impact analysis must be completed prior to the approval of the preliminary plat for the Property.

P.O. Density. Overall density within the Property will not exceed three (3) dwelling units per acre.

Q.P. Parkland Dedication. ~~Open Space/Parkland shown within Tract C on the Land Use Plan shall fully satisfy parkland dedication 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 homeowners' association for the benefit and use of the residents of the development. Open Space/Parkland 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.~~ The parkland dedication for the project shall be satisfied by the payment of a fee in lieu of the dedication of park land. Payment of a fee in lieu of the dedication of parkland shall be made in accordance with the provisions of the City's Subdivision Ordinance. Such payment shall be made prior to the approval of the final plat for the Property.

R.Q. Entrances and Accessibility. ~~Subject to Section 6.4.N, The the primary entrance for the development shall be the Public Roadway following such construction an extension Dodge Trail from the Bar K Ranch Road to the Property, and shall be built according to City Standards. To the extent owned or controlled by Developer, within this roadway entrance ("Roadway Entrance") shall be dedicated to the City upon completion and approval of the City. Within a reasonable time after final platting of the Property, the Developer shall dedicate the Roadway Entrance property located at the northwest corner of the intersection of Dodge Trail and Bar K Ranch Road, or a portion thereof, as more particularly described identified on the attached Exhibit "D", to the City as right of way. Should the City grant Developer an appropriate license agreement, the Developer shall install a Obligations~~

related to a stone wall or walls and other fencing, landscaping and/or other devices needed to adequately screen the ~~Public Roadway~~primary entrance road from the adjacent properties with regard to visibility and sound in a manner substantially similar to the attached Exhibit "E"shall be included in a separate agreement that may be executed between the Developer and City. Construction vehicle traffic shall be prohibited from utilizing the ~~Public Roadway as an entrance~~primary entrance road into the development. To the extent approved by the City in conjunction with the development of the Property, the Developer shall provide: ~~(i) a separate entrance to the Commercial Marina Tract off of Clubhouse Court Road, and shall make reasonable efforts to direct traffic to the Commercial Marina Tract accordingly;~~ (ii) a secondary access into the development andseparate construction vehicle ~~only~~entrance off of Bar K Ranch Road in the vicinity of the K Oaks Clubhouse property opposite of Paseo De Vaca; ~~and (iii) a secondary access point into the development off of Surrey Lane.~~

S.R. Masonry Requirements. Exterior surface area of All all finished walls, including all stories of buildings / structures (excluding concrete foundation walls), structures in the development shall be constructed of no less than seventy-five percent (75%) masonry. Masonry is defined to include stone, brick, stucco, split face concrete block, and similar materials.

S. 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. The HOA Amenity Center shall be maintained by a homeowners' association.

T. Critical Water Quality Zone. The Critical Water Quality Buffer Zone ("CWQBZ") shall be a maximum of seventy-five feet (75') inland from the 681 contour, which may be less than the horizontal extents of the 100-year FEMA floodplain into the Property. The CWQBZ is not required to align with, and may be designated below, the one (1) percent chance flood areas shown on the adopted Flood Insurance Rate Map.

U. Trees. The planting of street trees in public rights of way is at the option of the Developer. Thirty percent (30%) of the Protected Trees, as defined in Section 20 of the Zoning Ordinance, will be preserved to the greatest extent possible. Mitigation is not required unless tree removal exceeds thirty percent (30%) of the Protected Trees. Mitigation shall be in compliance with Section 20 of the Zoning Ordinance and is only required for removal of Protected Trees in excess of seventy percent (70%).

V. Impervious Cover. Impervious cover on any individual single-family detached lot shall not exceed sixty percent (60%). Impervious cover for a lot with single-family attached, condominium, or multifamily use shall not exceed

seventy percent (70%) of the total lot area.

5. Phasing. At the option of the Developer, the project contemplated herein may be developed in phases in accordance with the Land Use Plan. Developer has the right, in its discretion, during the construction site plan stage to determine the appropriate number of phases and percentages of the project covered in each phase. No approved concept plan, detailed plan, or preliminary plat shall expire as long as development on any part or phase of Turnback Ranch PDD is actively progressing and has not remained dormant for more than two (2) years.
6. Land Use Plan. The depiction of the Turnback Ranch PDD in **Exhibit “B”** is conceptual in nature. The layout is for informational purposes rather than for construction and is subject to the type of changes that are common to the site development plan review process and completion of construction documents. The boundary of the tracts may be modified administratively by up to ten percent (10%) without requiring a zoning change or amendment to the Land Use Plan. Individual single-family lots shown in the Land Use Plan may be adjusted 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.

22-2134-PDD-MOD

Existing “Turnback Ranch PDD” Amendment

Attachment 3

Previously Approved PDD Plans / Ordinances

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 07-04-05-03

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING THE PROPERTY KNOWN AS THE TURNBACK RANCH SUBDIVISION FROM TR-1 AND C-3 ZONING DISTRICTS TO A "PLANNED DEVELOPMENT DISTRICT" TO BE KNOWN AS THE TURNBACK RANCH PLANNED DEVELOPMENT DISTRICT; ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED DEVELOPMENT DISTRICT, MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Winston Capital d/b/a TBR Development Partners, L.P., a Texas Limited Partnership ("Developer"), the owner of approximately 241.541 acres property known as Turnback Ranch as more particularly described on the attached **Exhibit "A"** (described hereinafter as the "Property"), has requested that the Property be rezoned from its current TR-1 (Temporary Unzoned) and C-3 (Commercial Marina) zoning districts to a Planned Development District ("PDD");

WHEREAS, a portion of the Property currently resides within the corporate limits of the City and a portion of the Property has been recently annexed into the City at the request of the Developer;

WHEREAS, the conceptual plan for the Property is set forth in this ordinance and on **Exhibit "B"** attached hereto ("Conceptual Plan"), which separates the Property into separate tracts as further described in Section 5 below;

WHEREAS, after giving ten (10) days written notice to the owners of land within 200-feet of the Property, the Planning and Zoning Commission and City Council held a public hearing on the proposed re-zoning on the Property included in this Turnback Ranch Planned Development District zoning ordinance (the "Ordinance");

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

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

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

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 Commission, City Manager and City Council find that the PDD in this Ordinance satisfies the requirements of Section 10.20 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended ("the Zoning Code").

Section 2. Amendment of Zoning Ordinance. 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 changing the zoning district for the Property, being the 241.541 acre tract of land described on **Exhibit "A"** attached to this ordinance, from the current TR-1 and C-3 zoning districts to a "PDD" zoning district. The Property is hereby rezoned to PDD with the uses of individual lots 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 in the Zoning Code together with any other applicable ordinances and 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 Conceptual Plan (sometimes individually a "Tract" or collectively the "Tracts"):

1. Tract A - the "Single Family Residential Tract";
2. Tract B and Tract C- the "Mixed Residential Tracts";
3. Tract C-1 - the "Commercial/Mixed-Use Tract"; and
4. Tract D - the "Commercial Marina 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 - "Single Family Residential Tract"

A. Use and development of Tract A shall comply with the zoning requirements and development standards for Single Family Residential District –R-1A through R-1G except as hereinafter modified.

B. The minimum living area for a dwelling on any lot developed in Tract A shall be 1,500 square feet.

2. Zoning for Tract B and Tract C - "Mixed Residential Tracts"

A. Use and development of Tract B and Tract C shall comply with the zoning requirements and development standards for Multifamily Residential–R-4 zoning district, except as hereinafter modified.

B. In addition to all uses permitted for the Multifamily Residential–R-4 zoning district, the condominium use shall also be permitted. The minimum living area for condominiums shall be 1,000 square feet.

3. Zoning for Tract C-1- "Commercial/Mixed Use Tract"

A. Use and development of Tract C-1 shall comply with the zoning requirements and development standards for Commercial–C-1 zoning district, except as hereinafter modified.

B. In addition to all uses permitted in the Commercial-C-1 zoning district, the following uses shall also be permitted in Tract C-1:

(i) Dwelling-multi-family;

(ii) Dwelling single-family;

(iv) Townhouse;

(v) Condominium; and

(vi) Hotel

C. Notwithstanding any other provision of this subsection 3, upon final plat of Tract C-1, the tract shall be restricted by plat note to either commercial use only or residential use only.

4. Zoning for Tract D - "Commercial Marina Tract"

A. Use and development of Tract D shall comply with the zoning requirements and development standards for Commercial Marina-C-3 zoning district, except as hereinafter modified.

B. In addition to all uses permitted in the Commercial Marina-C-3 zoning district, the following uses shall be permitted in Tract D:

- (i) Restaurants;
- (ii) Bars, Taverns, Retail Liquor;
- (iii) Retail-Store-General.
- (iv) Dry stack storage of boats; and
- (v) Boat service, maintenance and repair.

5. Zoning and Development Standards for All Tracts

A. Buffer Area. As depicted on the attached Conceptual Plan, a fifty foot wide vegetative buffer consisting of existing vegetation ("Buffer") shall run along the northern boundary line of Tract A, the eastern boundary line of Tract A, and the southeastern boundary line of Tract C. No buildings may be constructed within the Buffer area.

B. Maximum Building Height. Building height for the Tracts shall be measured from the highest elevation as described above 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 in Tract A shall be thirty-two feet (32') above the highest elevation of each platted lot in Tract A.

2) Maximum building height in Tract B shall be thirty-two feet (32') above the highest elevation in Tract B.

3) Maximum building heights in Tracts C, C-1 and D will be limited to thirty-two feet (32') above the highest ground elevation on Tracts C, C-1, and D.

C. Side Yard Setbacks. Single family lots of 1 acre or more shall maintain minimum twenty-five foot (25') total side yard setbacks for single-family lots of one (1) acre or more. Single family lots of less than one (1) acre shall maintain minimum side yard setback of seven and one half (7 ½) feet per side with a minimum fifteen foot (15') total side yard

setbacks. All other lots shall comply with the zoning district for the use applicable.

D. Cul-de-sac. Cul-de-sac length on all streets within the Property will be allowed up to a maximum of 1,500 feet, provided that a turn-around bubble is provided at a point 500 feet from the intersection.

E. Minor Streets. Street right-of-ways classified as “minor” pursuant to City ordinances shall be allowed to be a maximum of fifty feet (50’) wide as measured by the street’s right-of-way.

F. Lot Width. Each single family lot shall have a minimum width of seventy-five feet (75’) along the front property line, with the exception of cul-de-sac lots, which shall have a minimum width of forty feet (40’) along the front property line and a minimum width of sixty-five feet (65’) at the front setback line. All other lots 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. 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. Zoning Rollback. Section 14.10 of the Zoning Code is hereby amended. As long as any portion of the Property is developed within three (3) years after this PDD is approved by the City Council, the remaining portion or portions of the Property may be developed at any time prior to the expiration of ten (10) years from the date of execution of this PDD by the City Council at which time any unsubdivided sections of the Property for which building permits have not been issued shall rollback to R-1. For purposes of this subsection J, development may be evidenced by the issuance of a building permit for all or a portion of the Property.

K. Signage and Lighting. All signage will comply with the City of Lago Vista Sign Ordinance with the exception that the City will allow the

developer to install two off premise monument signs one of which will be located outside of the City right of way near the intersection of FM 1431 and Dodge Trail and one to be located on City property near the intersection of Dodge Trail and Bar k Ranch Road. It is expressly understood that the Developer shall be solely responsible for all costs related to the signage including the cost of the signs and any costs related to the leasing or purchase of property on which signage is to be located. The City shall provide Developer with an appropriate license agreement for the signage, and such sign shall meet all standards contained in the City's Sign Ordinance. Allowance of this off premise sign is contingent on the developer providing for the widening and resurfacing of Dodge Trail from FM 1431 to Bar K Ranch Road. 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.

L. Cut/Fill. All cut and fill variances of four feet (4') to eight feet (8') on the Property shall be approved administratively by the City, provided the cut and fill slope is appropriately terraced to control erosion and sedimentation, 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.

M. Flag Lot. To allow driveway access and utilities to each single-family lot, lots within the Property are allowed to "flag" with a minimum frontage of thirty feet (30') on a public right of way. "Flagging" minimizes impacts to steep slopes and allows preservation of trees. The Developer agrees to take all reasonable steps to minimize the number of Flag lots within the Property.

N. Private Driveways. Notwithstanding any other provision of this Ordinance, City approves the use of a maximum of five (5) private driveways or joint access easements with a width not to exceed twelve feet (12') used to access multiple lots on the Property.

O. Access. A roadway, utilities, landscaping and signage within the area depicted on the attached Exhibit "C" (collectively, "Roadway") will be constructed at no cost or expense to the City. The existing pump house and related facilities located within the Roadway may be relocated or demolished to construct a functionally equivalent pump house in a location to be designated by the City. Oversizing of utilities or capacity for the pump house to serve land or properties outside the Property is not required, but oversizing may occur at the City's sole cost and expense. Once the road is completed, the City will accept the road for maintenance as a City street, provided that the road meets City standards. The

requirement of a traffic impact analysis must be completed prior to the approval of the preliminary plat for the Property.

P. Density. Overall density within the Property will not exceed three (3) dwelling units per acre.

Q. Parkland Dedication. The parkland dedication for the project shall be satisfied by the payment of a fee in lieu of the dedication of park land. Payment of a fee in lieu of the dedication of parkland shall be made in accordance with the provisions of the City's Subdivision Ordinance. Such payment shall be made prior to the approval of the final plat for the Property.

R. Entrances and Accessibility. The primary entrance for the development shall be an extension Dodge Trail from the Bar K Ranch Road to the Property, and shall be built according to City Standards. To the extent owned or controlled by Developer, this roadway entrance ("Roadway Entrance") shall be dedicated to the City upon completion and approval of the City. Within a reasonable time after final platting of the Property, the Developer shall dedicate the Roadway Entrance, as more particularly described on the attached Exhibit "D," to the City. Should the City grant Developer an appropriate license agreement, the Developer shall install a stone wall or walls and other fencing, landscaping and/or other devices needed to adequately screen the primary entrance road from the adjacent properties with regard to visibility and sound in a manner substantially similar to the attached Exhibit "E". Construction vehicle traffic shall be prohibited from utilizing the primary entrance road into the development. To the extent approved by the City in conjunction with the development of the Property, the Developer shall provide: (i) a separate entrance to the Commercial Marina Tract off of Clubhouse Court Road, and shall make reasonable efforts to direct traffic to the Commercial Marina Tract accordingly; (ii) a separate construction vehicle only entrance off of Bar K Ranch Road in the vicinity of the K Oaks Clubhouse property opposite of Paseo De Vaca; and (iii) a secondary access point into the development off of Surrey Lane.

S. Masonry Requirements. All structures in the development shall be constructed of no less than seventy-five percent (75%) masonry. Masonry is defined to include stone, brick, stucco, split face concrete block, and similar materials.

6. The appropriate departments of the City, the 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 Code.

Section 7. Special Exceptions and Variances. To the extent the specific provisions in this Ordinance are in conflict with the water quality or other site development requirements of any ordinance of the City or any agreement entered into between the City of Lago Vista and any other city or county, this Ordinance shall govern and such authorization or approval shall be deemed to have been granted by special exception and variance by a finding of public necessity through duly adopted governing body of the City of Lago Vista.

Section 8. Amendment of Ordinances. The Zoning Code is hereby amended to add the above-described PDD. Any portion of the Zoning Code or any applicable ordinance in conflict herewith is hereby repealed to the extent of such conflict only.

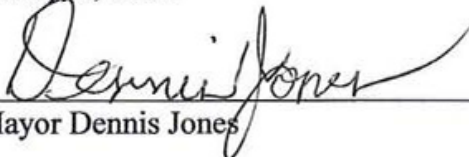
Section 9. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section 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 10. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 11. Open Meetings. It 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, *Chapt. 551, Tex. Gov't. Code*.

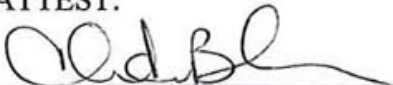
AND, IT IS SO ORDERED.

PASSED AND APPROVED this 5th day of April, 2007.



Mayor Dennis Jones

ATTEST:



Christina Buckner, City Secretary

On a motion by Councilmember Mike Thornton, seconded by Councilmember Randy Kruger, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

Legal Description
241.541 Acres

EXHIBIT "B"

Conceptual Plan

EXHIBIT "C"

Roadway

EXHIBIT "D"

Dedication Parcel

EXHIBIT "E"

Landscaping for Entrance

LEGAL DESCRIPTION
241.541 ACRES

BEING a tract of land 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 RPI-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 1/2 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 1/2 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.

EXHIBIT “B”

EXHIBIT “C”



EXHIBIT “D”

TaxNetUSA: Travis County Property Information

Propert

Owner's Name **WILSON DELJUAN**Mailing Address 708 WEST 6TH
POST, TX 79356-3662

Location 7600 BAR K RANCH RD 78645

Legal LOT 2118 LAGO VISTA ESTATES SEC 7

Property DetailsDeed Date
Deed Volume
Deed Page
Exemptions
Freeze Exempt
ARB Protest
Agent Code
Land Acres
Block
Tract or Lot
Docket No.
Abstract Code
Neighborhood Code**Value Information****2006 Certified**

Land Value	10,000.00
Improvement Value	0.00
AG Value	0.00
AG Productivity Value	0.00
Timber Value	0.00
Timber Productivity Value	0.00
Assessed Value	10,000.00
10% Cap Value	0.00
Total Value	10,000.00

D.

AGRICULTURAL (1-D-1)

APPOINTMENT OF AGENT FORM

FREEPORT EXEMPTION

PRINTER FRIENDLY REPORT

PROTEST FORM

RELIGIOUS EXEMPTION FORM

(TIFF) PLAT MAP

Value By Jurisdiction

Entity Code	Entity Name	2006 Tax Rate	Assessed Value
0A	TRAVIS CENTRAL APP DIST	0.000000	10,000.00
03	TRAVIS COUNTY	0.449900	10,000.00
16	LAGO VISTA ISD	1.565000	10,000.00
2J	TRAVIS CO HEALTHCARE DIST	0.073400	10,000.00
41	TRAVIS CO ESD NO 1	0.100000	10,000.00
49	CITY OF LAGO VISTA	0.596900	10,000.00

Improvement Information

Improvement ID	State Category	Description
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Segment Information

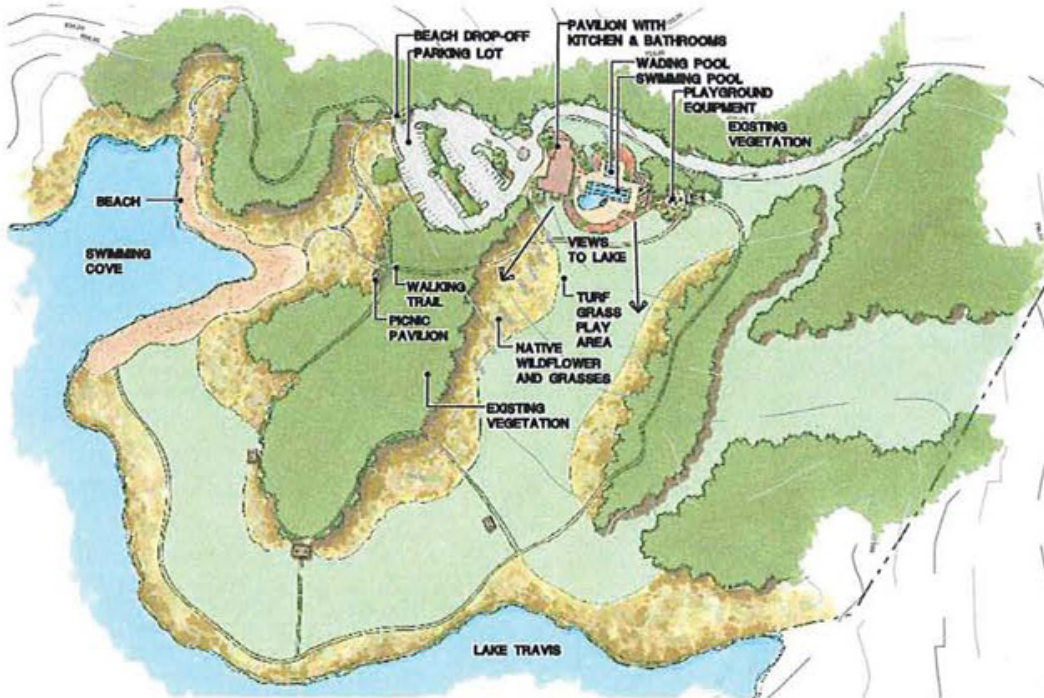
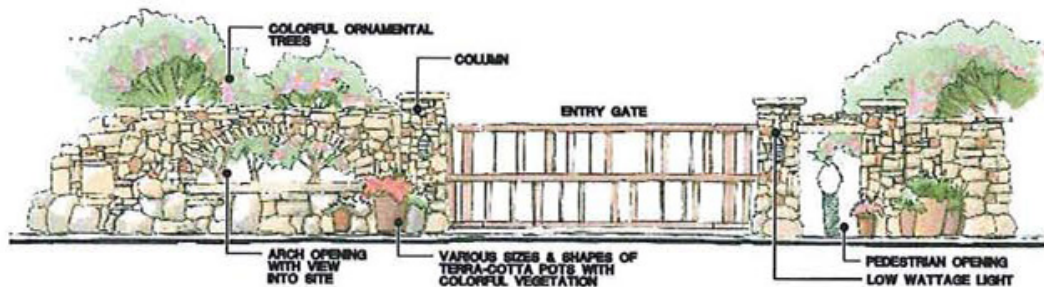
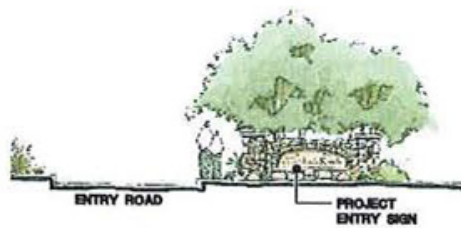
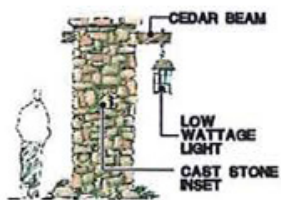
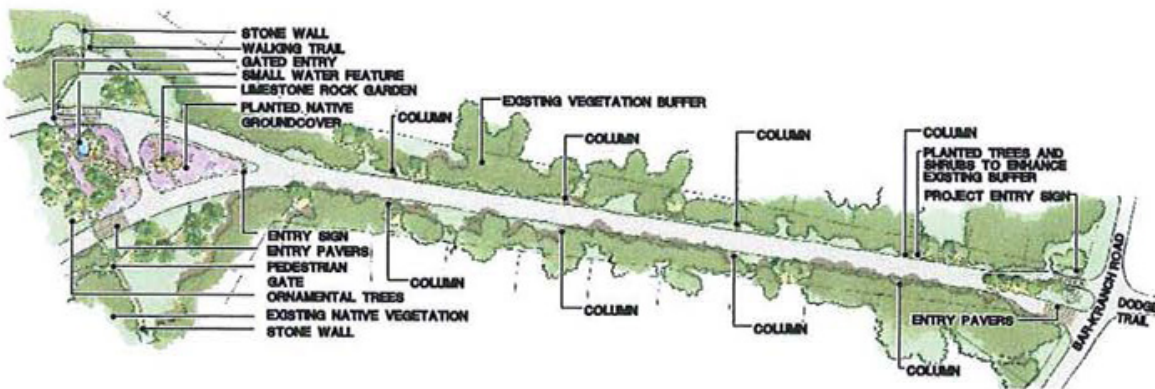
Imp ID	Seg ID	Type Code	Description	Class
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Land Information

Land ID	Type Code	SPTB Code	Homesite
180030	LAND	C1	F



EXHIBIT “E”

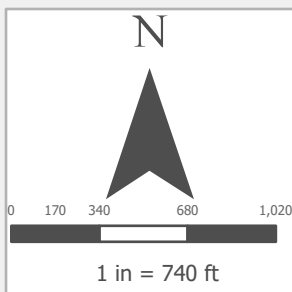
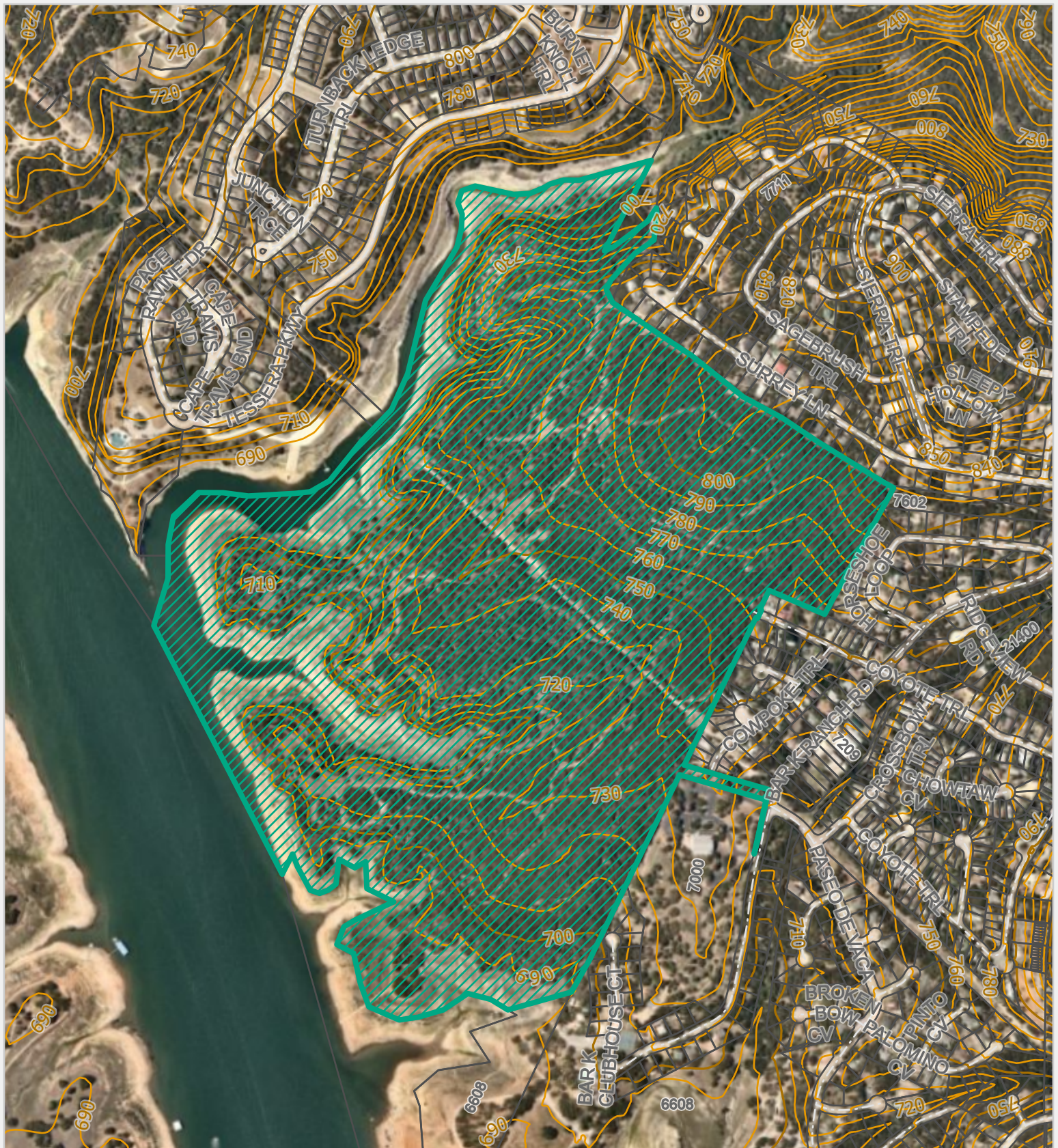


22-2134-PDD-MOD

Existing “Turnback Ranch PDD” Amendment

Attachment 4

Maps



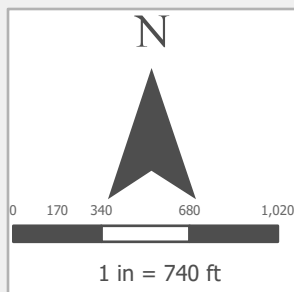
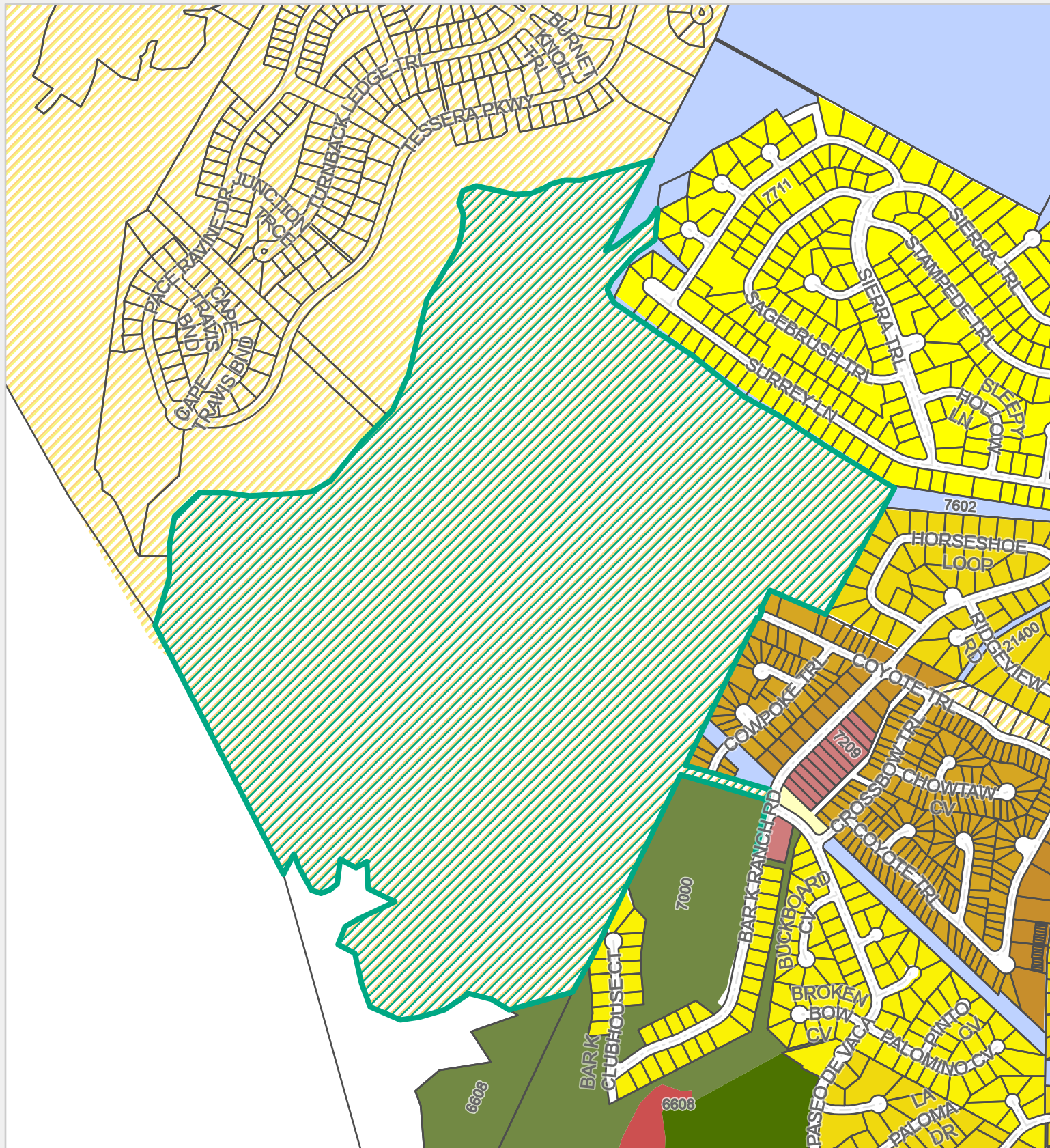
Turnback Ranch PDD

Request Type	Zoning Change	Project	22-2134-PDD-MOD
Change Requested	New Concept	Date	6/28/2022
Map Purpose	Aerial & Topo Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Contours

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

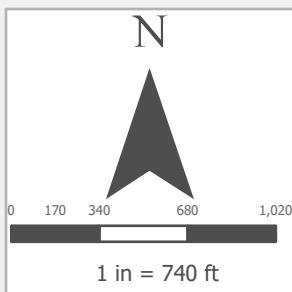
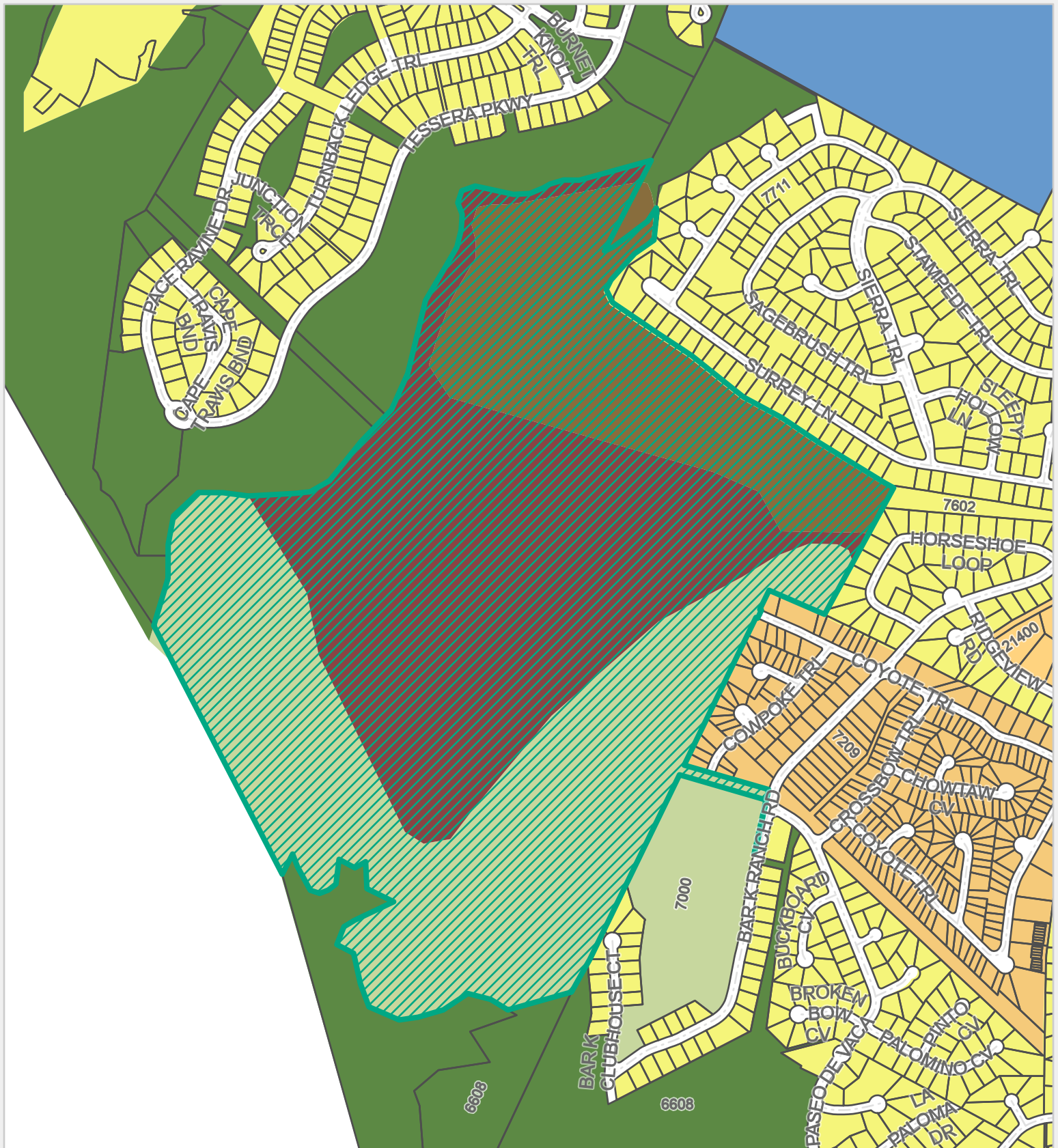


Turnback Ranch PDD

Request Type	Zoning Change	Project	22-2134-PDD-MOD
Change Requested	New Concept	Date	6/28/2022
Map Purpose	Zoning Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

— Street	▨ PDD
▬ Project Area	▨ R-0
▭ TaxParcel	▨ R-1A
Zoning Districts	
▨ C-1C	▨ R-1B
▨ C-3	▨ R-1D
▨ P-1B	▨ R-1M
▨ P-1C	▨ R-2
	▨ R-4
	▨ TR-1



Turnback Ranch PDD

Request Type	Zoning Change	Project	22-2134-PDD-MOD
Change Requested	New Concept	Date	6/28/2022
Map Purpose	Future Land Use Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

—	Street
	Project Area
	TaxParcel
	City Park
	Estate Residential
	High Density Residential
	Low Density Residential
	Medium Density Residential
	POA Park
	Public Semi-Public
	Regional Retail/Office/Commercial

22-2134-PDD-MOD

Existing “Turnback Ranch PDD” Amendment

Attachment 5

Notice Comments



Notice of Public Hearing

Project #: 22-2134-PDD-MOD

Hearing Date and Time: Thursday, July 14, 2022, at 7:00 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas and/or using an online videoconferencing tool to receive citizen input. Additional information, details, and instructions on how to participate will be included in the agenda posted at City Hall and on the City website (lagovistatexas.gov) prior to the scheduled meeting date in accordance with the Open Meetings Act.

Project Property Location: 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.

200' Notification Mailing ID: 36

June 28, 2022

REICHERT CHARLES A & RACHAEL R RICH
21817 SURREY LN
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning change request to amend the existing "Turnback Ranch Planned Development District" (PDD) to approve a new concept and detail plan (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).

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

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

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

☐ In Favor; ☒ Opposed

Comments:

Signed:

No real information or details given on plan changes.

This whole page may be returned as follows:

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



Notice of Public Hearing

Project #: 22-2134-PDD-MOD

Hearing Date and Time: Thursday, July 14, 2022, at 7:00 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas and/or using an online videoconferencing tool to receive citizen input. Additional information, details, and instructions on how to participate will be included in the agenda posted at City Hall and on the City website (lagovistatexas.gov) prior to the scheduled meeting date in accordance with the Open Meetings Act.

Project Property Location: 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.

200' Notification Mailing ID: 49

June 28, 2022

WYATT LORA & PHILIP
21703 SURREY LN
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning change request to amend the existing "Turnback Ranch Planned Development District" (PDD) to approve a new concept and detail plan (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).

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

E-mail: development@lagovistatexas.gov

Phone Number: 512-267-5259

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

☐ In Favor; ☒ Opposed

Comments:

See attached

Signed:

Lora Wyatt *Philip Wyatt*

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov

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

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

We object to the complete elimination of the 50 foot natural buffer along the entire northern boundary of the property - between the existing homes. If it was good idea when the original plan was approved 15 years ago, it should remain today - especially, with the number of homes that have since been built on the northern boundary. When we purchased our home new 4 years ago, the listing agent for the builder highlighted the REQUIRED 50 ft natural buffer in the development plan for the property behind us. Gave us piece of mind should the property ever be developed, even though the Lago Vista Development staff, at that time, told us they really didn't see the property ever being developed. They cited that the property was land locked and there were no longer natural points of access to develop a property of this size.

How is a plan developed and approved 15 years ago still viable today with the number of homes that have since been built in the area? City infrastructure stress? Traffic? Peaceful, quiet Lago Vista? All has dramatically changed since this plan was first devised and approved. Can't dust off a plan that was approved 15 years ago, make a number of changes in favor of the developer, and most to the detriment of existing residents, and call it good!!



Notice of Public Hearing

Project #: 22-2134-PDD-MOD

Hearing Date and Time: Thursday, July 14, 2022, at 7:00 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas and/or using an online videoconferencing tool to receive citizen input. Additional information, details, and instructions on how to participate will be included in the agenda posted at City Hall and on the City website (lagovistatexas.gov) prior to the scheduled meeting date in accordance with the Open Meetings Act.

Project Property Location: 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.

200' Notification Mailing ID: 55, 56

June 28, 2022

BRUNO KRISTA
21601 SURREY LN
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning change request to amend the existing "Turnback Ranch Planned Development District" (PDD) to approve a new concept and detail plan (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).

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

E-mail: development@lagovistatexas.gov

Phone Number: 512-267-5259

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

☐ In Favor; ☒ Opposed

Comments:

Signed:

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov

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

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



Notice of Public Hearing

Project #: 22-2134-PDD-MOD

Hearing Date and Time: Thursday, July 14, 2022, at 7:00 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas and/or using an online videoconferencing tool to receive citizen input. Additional information, details, and instructions on how to participate will be included in the agenda posted at City Hall and on the City website (lagovistatexas.gov) prior to the scheduled meeting date in accordance with the Open Meetings Act.

Project Property Location: 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.

200' Notification Mailing ID: 64

June 28, 2022

ELLIS LINDA
21512 HORSESHOE LOOP
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning change request to amend the existing "Turnback Ranch Planned Development District" (PDD) to approve a new concept and detail plan (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).

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

E-mail: development@lagovistatexas.gov

Phone Number: 512-267-5259

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

☐ In Favor; ☒ Opposed

Comments: *I moved here for green space + th quiet. I didn't want to live in a crowded sub-division. We don't have the infrastructure to support this new level of development.*
Signed: *Linda W. Ellis*

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov

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

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

August 11, 2022

Agenda Item 3
22-2169-PDD-MOD

1900 American Drive (\pm 40.64 Acres)

“Peninsula PDD”

Use Description Amendment

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – AUGUST 11, 2022**



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

GENERAL INFORMATION / LOCATION:

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

SITE PLAN / CONTEXT CONSIDERATIONS:

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

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

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

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

- Another new ordinance provision adopted subsequent to the most recent applicable PDD approval requires design review approval for any multifamily or non-residential development. Section 6.105 of Chapter 14 was adopted in 2019 by Ordinance Number 19-11-07-03. While the approval is an integral component of a new “concept and detail plan” PDD application and approval, that requirement remains outstanding as it relates to the subject property.
- While the required documents might have been included as part of the current application, the procedure outlined in Section 6.105(b)(2) seems preferable. It provides the opportunity for the review by the Planning and Zoning Commission (which does not require a public hearing) to benefit from the site development plan review required by Chapter 10.5. This would allow that review to incorporate compliance with the International Fire Code as it relates to the maximum area of improvements and the maximum number of dwelling units.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend approval of the application as meeting the requirements of a concept and detail plan, subject to limitations required for compliance with the current adopted edition of the International Fire Code and as documented by the site development plan approval required by Chapter 10.5 of the Lago Vista Code of Ordinances.
 - B. Recommend denial of the application for either a concept plan only approval or a concept and detail plan approval.
-

22-2169-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 1

Application



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

Tel. (512) 267-5259

Fax (512) 267-5265

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

APPLICATION FOR ZONING DISTRICT CHANGE

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

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

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

Municipal Address(es)* if applicable: _____

NATURE OF REQUEST

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

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

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

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

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

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

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

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

7-13-22

Date

***Attach additional sheets as required**

Roy Jambor

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

Roy,

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

Please let me know if you need any further information.

Thank you,
Laci

Laci Ehlers

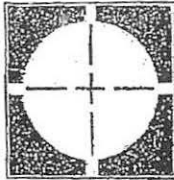
lehlers@mcleanhowardlaw.com

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

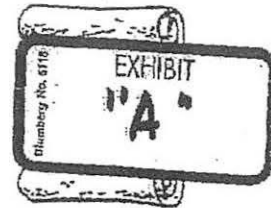
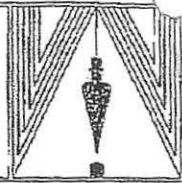


*******We've moved*****Please note our new address.**

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Surveyed 1 September 2005 by:


Stuart Watson, RPLS 4550



22-2169-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 2

Proposed Use Description Amendment

July 13, 2022

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

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

Dear Mr. Jambor:

This firm represents, and this letter is submitted on behalf of, SGB Development Corp. (the "Applicant") as the owner of the undeveloped Property in the above-referenced Application. The Property is 40.60 acres in size and is bounded by condominiums and vacation rentals to the west, undeveloped property owned by the Applicant to the north, and Lake Travis to the south and east. The Property is currently zoned as The Peninsula Planned Development District ("The Peninsula PDD") based on Ordinance No. 08-08-21-02 ("PDD Ordinance"). The purpose of this Application is to request minor amendments to The Peninsula PDD to permit apartments, increase the limitation on rental units, and limit the ability to use the units for short term rentals ("PDD Amendments").

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

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

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

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

Sincerely,



Laci Ehlers

22-2169-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 3

Previously Approved PDD Plans / Ordinances

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 07-02-15-01

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

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

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

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

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

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

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

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

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

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

Section 4. Amendment and Modification of Applicable Zoning Ordinances:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

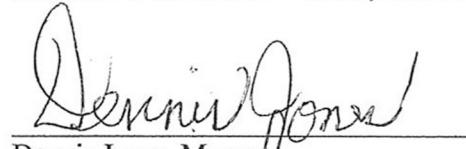
Section 9. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Tex. Gov't.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

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

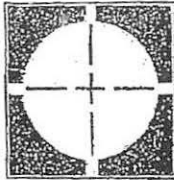
ATTEST:

THE CITY OF LAGO VISTA, TEXAS

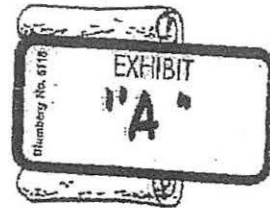
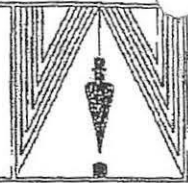

Christina Buckner, City Secretary


Dennis Jones, Mayor

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



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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Surveyed 1 September 2005 by:


Stuart Watson, RPLS 4550





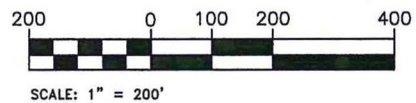
	APPROXIMATE SIZE
Ⓐ RECREATION AREA PARCEL	1.0 Ac.
Ⓑ DRY BOAT STORAGE FACILITY PARCEL	0.8 Ac.
Ⓒ MARINA PARCEL	11.6 Ac.
Ⓓ CONDOMINIUM PARCELS	6.0 Ac.
Ⓔ GARDENS PARCEL	4.3 Ac.
Ⓕ COVE PARCEL	16.9 Ac.

AREAS SUBJECT TO CHANGE FOR FINAL DESIGN AND GRADING.

THE PENINSULA
PDD ZONE MAP
JANUARY, 2007

**LOOMIS
AUSTIN**

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



CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 08-08-21-02

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE PLANNED DEVELOPMENT DISTRICT REQUIREMENTS FOR THE LAND KNOWN AS *THE PENINSULA*; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owner of the property known as The Peninsula described hereinafter (the "Property") has requested that the Planned Development District (PDD) requirements for the Peninsula be amended;

WHEREAS, the property was rezoned to PDD by ordinance 07-02-15-01;

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

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

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

Section 1. Property: The property for which this ordinance applies is for the land described as

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

Section 2. Amendment and Modification of Applicable PDD: The zoning requirements established herein shall apply to the Planned Development District ("PDD") known as The Peninsula Planned Development. All requirements and standards of the comprehensive zoning ordinance and other applicable requirements of the Lago Vista Code of Ordinances, except as stated herein, and the requirements for the individual Parcels shown on Exhibit B and set forth herein shall control.

Section 3. Identification of Parcels within the PDD: The Property consists of the following parcels of land which are also depicted in Exhibit “B” attached hereto and incorporated herein for all purposes:

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

Section 4. Zoning Requirements: The following zoning requirements established herein shall apply to the Parcels identified in Section 5, as follows:

- 1. **Zoning for the Recreational Area Parcel - Parcel A:**
 - A. Construction in Parcel A shall comply with the zoning requirements and development standards for Developed Park District P-1B, except as hereinafter modified.
 - B. No off-street parking will be required for Parcel A.
 - C. The Recreational Area Parcel shall be developed exclusively for outdoor recreational areas including, specifically, tennis courts, indoor and outdoor swimming pools, children’s playground, volleyball courts, and other similar conventional recreational uses associated with the project. No residential living quarters or public recreational water parks or commercial or community marina or private boat docks or slips shall be constructed on any portion of Parcel A.
 - D. The Recreational Area Parcel shall not be made available to the general public, but shall exclusively be reserved for the use of the condominium association and its members.
 - E. Lighting for recreational uses shall conform to Retail Center Lighting provisions which require downcasting lights, minimum wattage, and dimming after 11:00 p.m.
 - F. Construction and operation of a snack bar shall be permitted on Parcel A.
 - G. There shall be no setback requirements in Parcel A internal to the project boundaries or between parcels except that there shall be a 25’ building setback from the western property boundary of the project site.
- 2. **Zoning for the Dry Boat Storage Facility Parcel - Parcel B:**
The Dry Boat Storage Facility Parcel shall be designed, constructed and operated subject to the following conditions:

- A. Construction in Parcel B shall comply with the zoning requirements and development standards for Commercial District C-2, except as hereinafter modified:
- B. No off-street parking will be required for Parcel B.
- C. Any development or use permitted on Parcel E, the Garden Areas Parcel, with the exception of parking shall be permitted on Parcel B;
- D. The Dry Stack Boat Storage Facility Parcel shall be limited to the lesser of the following: (1) two hundred (200) dry stack slips with trailer storage facility or, (2) a number of dry stack slips equal to the total number of condominium units constructed in Parcels D1, D2 and D3.
- E. The dry boat storage facility shall be constructed and designed in a manner clearly consistent with the architectural style of the condominium buildings.
- F. The dry boat storage facility shall not exceed a height of 745 feet msl.
- G. Boat loading and unloading operations shall employ fork lifts and other equipment capable of the proposed load conveyance and equipped with noise suppression equipment and quiet technologies which will yield the lowest commercially available decibel measurements.
- H. Dry boat loading and unloading operations shall be restricted to times between the hours of 7:00 am and 10:00 pm.
- I. The dry boat storage loading ramp shall be constructed directly between the opening of the boat storage building and the nearest appropriate location of Lake Travis as defined by the site design engineer subject to City approval.
- J. Dry stack boat storage facilities may be made available to the general public.
- K. There shall be no setback requirements in Parcel B internal to the project boundaries or between parcels, except that there shall be a 25' building setback from the western property line boundary of the project site.
- L. The following accessory uses are also allowed on Parcel B: Meeting rooms, restaurant, bar, private club, spa, beauty parlor, retail shops, medical facilities, offices, and any and all recreational uses allowed on Parcel A. The total building area of all accessory uses allowed within the Property (on all Parcels) shall not exceed 35,000 square feet.

3. Zoning for the Marina Parcel-Parcel C:

- A. Construction in Parcel C shall comply with the zoning requirements and development standards for commercial zoning designation C-1C except as hereinafter modified:
- B. One publicly-available parking spot shall be provided for every two publicly-available marina slips.
- C. The Marina Parcel, including any inundated lands forming part of such Parcel, shall be developed only as condominium marina, private boat docks, wet slips, and/or dockominiums.

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

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

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

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

- L. Surface and enclosed parking facilities may be constructed with minimum parking ratios for each use contained within Parcels D1, D2 and D3 to comply with City of Lago Vista Code as of the date of adoption of this Ordinance;
- M. Boat Launch Facilities, including ramps, appurtenances, equipment and driveways, may be constructed across Parcel D1 to provide access and ingress and egress for to-be-stored or launched personal watercraft to and from Parcel B and Parcel C.
- N. There shall be no setback requirements in Parcels D1, D2 and D3 internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.

5. Zoning for the Garden Areas Parcel - Parcel E:

- A. Construction in Parcel E shall comply with the zoning requirements and development standards for park zoning designation P-1B except as hereinafter modified:
- B. The Garden Areas Parcel shall be developed only as a combination of one or more of the following uses: gardens, garden appurtenances such as gazebos and walkways, water features, driveways, entrance features, fire lanes, garbage truck access lanes, and surface parking areas limited to a maximum of 150 parking spaces, except as noted in D., below.
- C. There shall be no setback requirements in Parcel E internal to the project boundaries or between parcels except that there shall be a 25' building setback from the western property line boundary of the project site.
- D. Buildings on Parcels D1, D2, and D3 may be moved on Parcel E only if there is a direct correlation of increased setback from the lake and the critical water quality zone.
- E. Gated entrance(s) are permitted as long as access and all parking requirements are met.

6. Zoning for the Cove Parcel - Parcel F:

- A. Construction in Parcel F shall comply with the zoning requirements and development standards for park zoning designation P-2 except as hereinafter modified:
- B. The Cove Parcel shall be developed exclusively for pedestrian trails and walkways and non-structural recreational facilities such as picnic areas or volleyball. No residential living quarters or commercial or community marina or private boat docks or slips or parking areas or structural recreational facilities such as tennis courts or swimming pools shall be constructed on any portion of Parcel F. Subsurface anchoring systems required for construction of floating marina facilities located in Parcel C (the "Marina Parcel") shall be allowed in Parcel F.
- C. No off-street parking will be required for Parcel F.

7. The City of Lago Vista shall have a public safety easement over all private streets and roadways and all easements and any greenbelts dedicated to the homeowner's association.
8. Each developed Parcel within the PDD shall be served by City of Lago Vista water and wastewater utility services. Wastewater utilities located within this Planned Development are public utilities up to the point of connection to each Tract's lot line. Water utilities are part of the public system up to the point of connection to a private service meter.
9. No street lights shall be required on private streets. Street lights shall be installed by the declarant under the to-be-formed condominium regime ("Declarant") on all new public streets constructed by Declarant, not less frequently than every 800 lineal feet. All street lights shall be downcasting type capable of dimming after 11:00 p.m.
10. Save and except in case of excavations for construction of structures, boat storage facilities and subsurface parking, cut and fill shall be limited to a maximum of 4 feet above or below grade; provided, however, that cut or fill in excess of 4 feet shall be permitted if the cut or fill slope is terraced to control erosion and sedimentation. Cut or fill in excess of 4 feet for construction of boat launching and conveyance facilities shall be permitted provided such cut or fill shall be subject to recommendations from a licensed geotechnical engineer as to safe slope stability and erosion controls.
11. No oil drilling, extraction or removal of stone, gravel, caliche, minerals, earth or other natural material for commercial purposes shall be permitted.
12. No building or other structure other than a marine structure, boat ramp or associated appurtenances may be constructed below the 681 foot mean sea level contour line of Lake Travis.
13. No barbed wire shall be allowed in the construction of any fence on the Property. Any fence, wall, hedge or other similar structure shall not exceed 6-feet in height nor be composed of a material other than 14 gauge or heavier wire or wrought iron or masonry
14. No livestock, horses or exotic animals shall be allowed on any Parcel.
16. Building Setbacks shall also serve as conservation and Non-Point Source ("NPS") vegetative buffer strips unless otherwise designated on the Site Plan.
17. Except for conditions specifically set forth in this ordinance, the Zoning Ordinance 98-04-27-03 and other City ordinances, as amended from time to time, shall apply.
18. All of the Property shall be subject to a Critical Water Quality Zone beginning at the 681-ft contour and extending 75 feet horizontally inland.

19. Impervious cover on the property shall not exceed seventy (70) percent of the gross area of the tract located above the 681' contour.
20. The developer agrees that a fair and objective appraisal will be performed on the area currently designated as public ROW at The Peninsula property, and that the developer will pay the City of Lago Vista the value determined in this appraisal for purchase of this public ROW area.²¹ Upon approval of this PDD document, the developer agrees to commence subdivision and final platting for the subject property. The developer further agrees to submit a site plan application with construction documents to the City of Lago Vista. No issuance of building permits for the proposed project will occur without a City of Lago Vista approved Site Plan and Final Plat. The City of Lago Vista agrees that a condominium regime will be permitted on the subject property.
22. The following facilities will be open to the public:
 - Residential condominiums which may be rented out as described in Section 4.D above
 - Meeting rooms including the initial 5,000 sf and any additional meetings and convention space which is added to the project
 - On-shore restaurant including bar, dining room, outdoor decks, commercial kitchen and private club
 - Floating restaurant including bar, dining room, outdoor decks, commercial kitchen and private club
 - Ship's store at the floating marina
 - Spa/beauty facilities
 - Medical offices
 - Retail facilities
 - Easements for walking on private streets, sidewalks and common areas without use of the Parcel A recreational facilities
 - Dry Stack Storage
 - Floating marina slips and day docks in Parcel C.
23. The following facilities will not be open to the public but will be reserved exclusively for condominium owners/renters and their guests:
 - Residential condominiums reserved for ownership only
 - Boat rentals at the floating marina
 - Parcel A recreational facilities
 - Parcel A snack bar
 - Parcel D office facilities
 - Health and exercise areas
24. The developer agrees to fund design and construction of improvements to American Drive between the project site and Boggy Ford Road including roadway overlay and widening.
25. The developer agrees to fund design and construction of all lift station improvements at the American Drive lift station site necessary to serve

increased densities at the project site. The developer will also fund design and construction of a portion of the total length of force main improvements necessary to convey wastewater effluent to the City of Lago Vista's municipal wastewater treatment system.

26. The developer agrees to fund design and construction of all water line improvements along American Drive between the project site and Highland Lake Blvd necessary to serve increased densities at The Peninsula.

Section 5. Amendment of Ordinances. Ordinance No. 98-04-27-03 and Ordinance No. 00-12-14-02 are hereby amended to add the above-described Planned Development District.

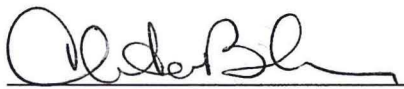
Section 6. Severability. Should any section or part of this Ordinance be held unconstitutional illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

PASSED AND APPROVED on this 21st day of August, 2008.

ATTEST:

THE CITY OF LAGO VISTA, TEXAS

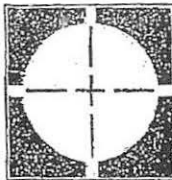


Christina Buckner, City Secretary

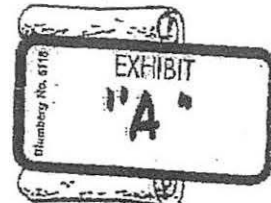
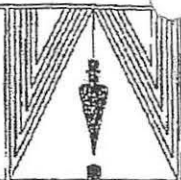


Randy Kruger, Mayor

On a motion by Council Member Pat Dixon, seconded by Council Member D'Anne Gloris, the above ordinance was passed and approved this 21st day of August, 2008.



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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Surveyed 1 September 2005 by:


Stuart Watson, RPLS 4550





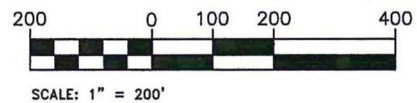
	APPROXIMATE SIZE
Ⓐ RECREATION AREA PARCEL	1.0 Ac.
Ⓑ DRY BOAT STORAGE FACILITY PARCEL	0.8 Ac.
Ⓒ MARINA PARCEL	11.6 Ac.
Ⓓ CONDOMINIUM PARCELS	6.0 Ac.
Ⓔ GARDENS PARCEL	4.3 Ac.
Ⓕ COVE PARCEL	16.9 Ac.

AREAS SUBJECT TO CHANGE FOR FINAL DESIGN AND GRADING.

THE PENINSULA
PDD ZONE MAP
JANUARY, 2007

**LOOMIS
AUSTIN**

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

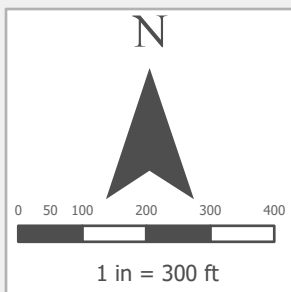


22-2169-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 4

Maps



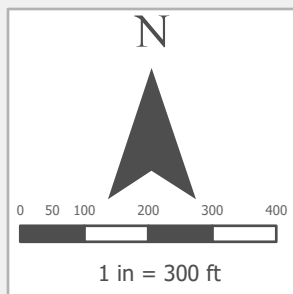
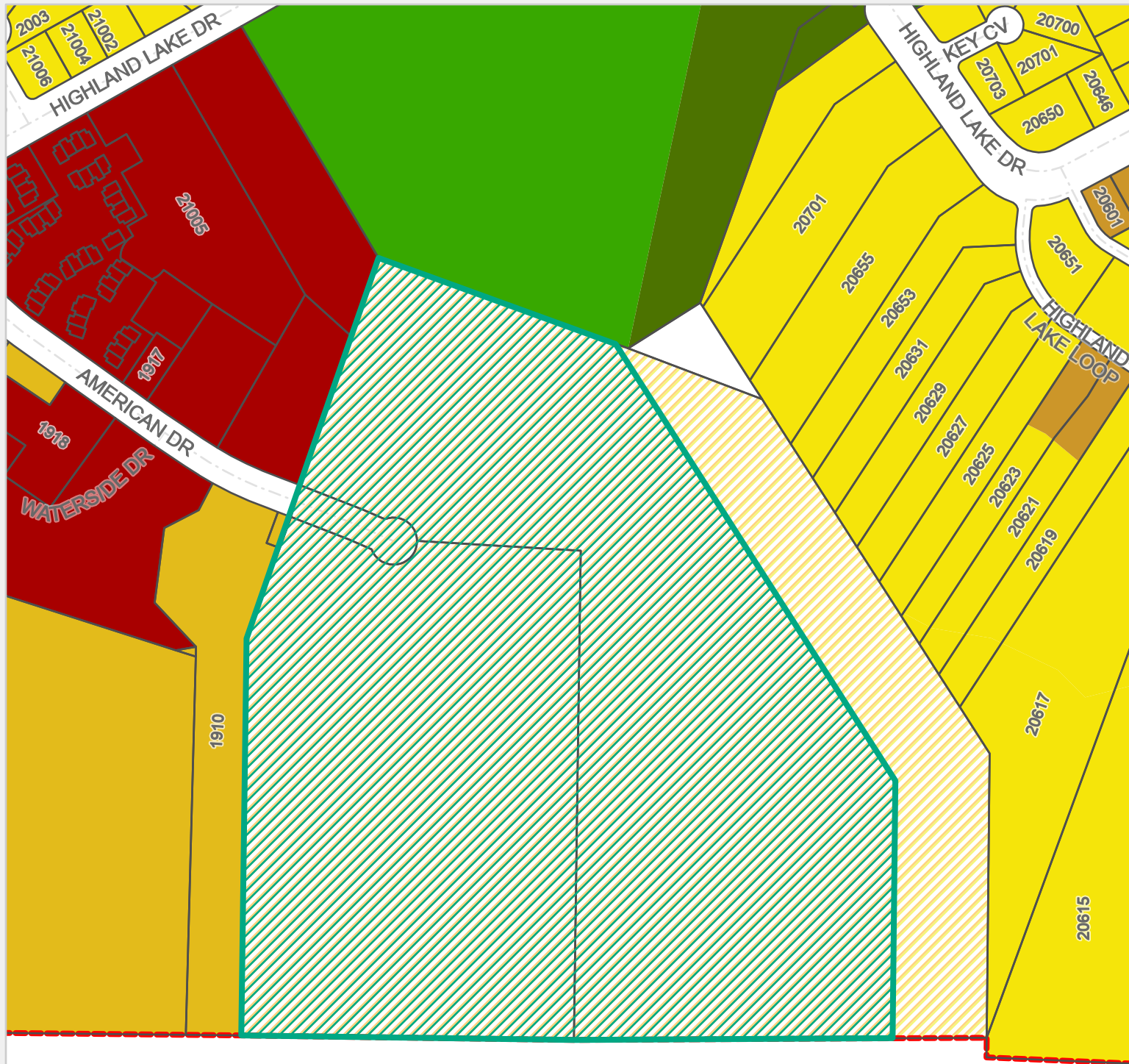
1900 AMERICAN DR

Request Type	PDD Amendment	Project	22-2169-PDD-MOD
Change Requested	Permitted Uses	Date	7/26/2022
Map Purpose	Aerial & Topo Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Contours

- 10 ft
- 50 ft
- Street
- ▨ Project Area
- TaxParcel
- City Limits

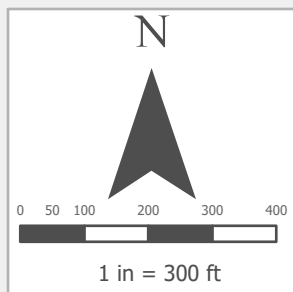
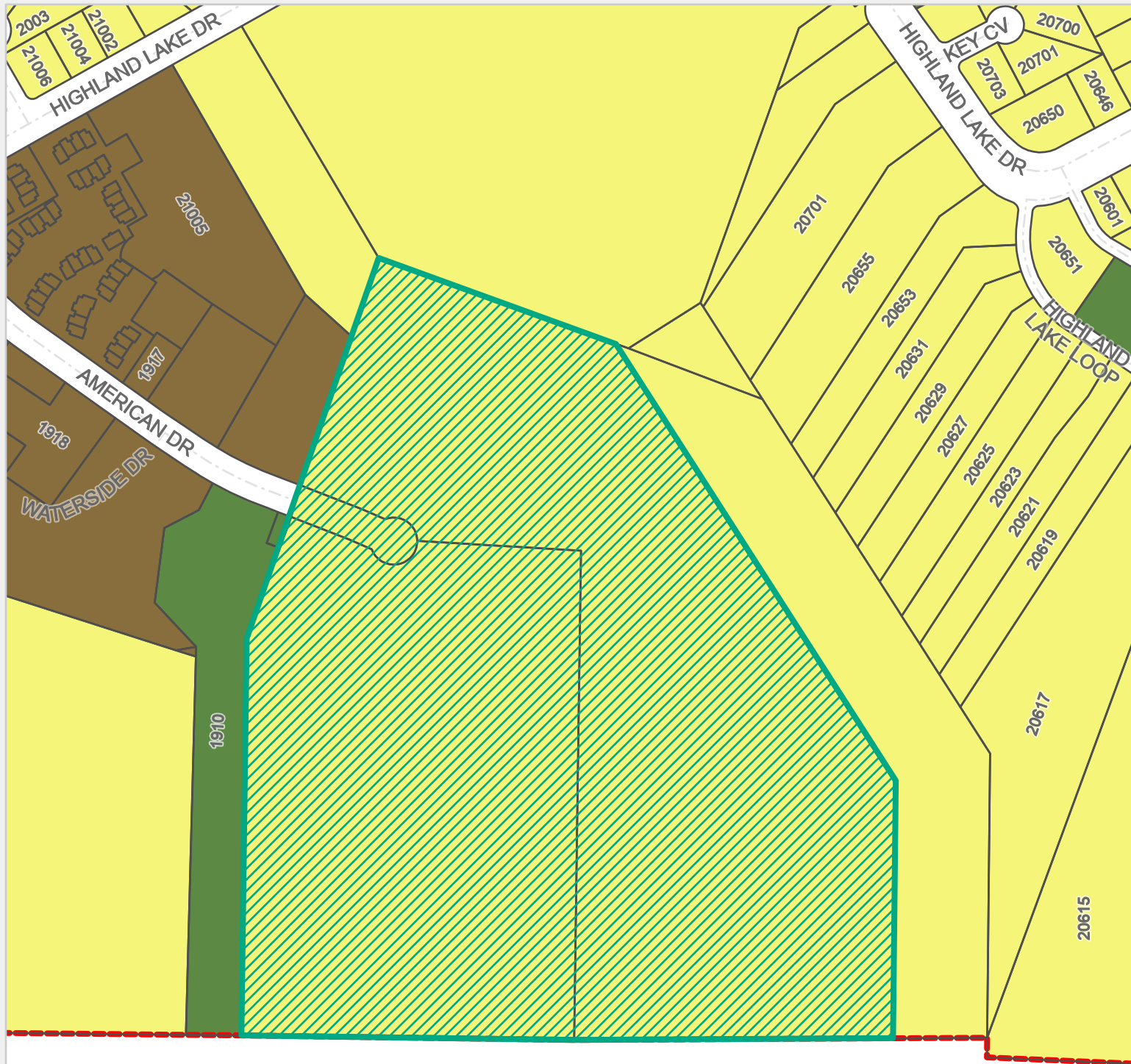


1900 AMERICAN DR

Request Type	PDD Amendment	Project	22-2169-PDD-MOD
Change Requested	Permitted Uses	Date	7/26/2022
Map Purpose	Zoning Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



1900 AMERICAN DR

Request Type	PDD Amendment	Project	22-2169-PDD-MOD
Change Requested	Permitted Uses	Date	7/26/2022
Map Purpose	Future Land Use Map	Drawn By	chris.martinez

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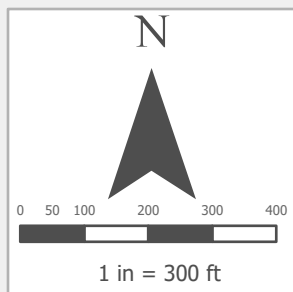
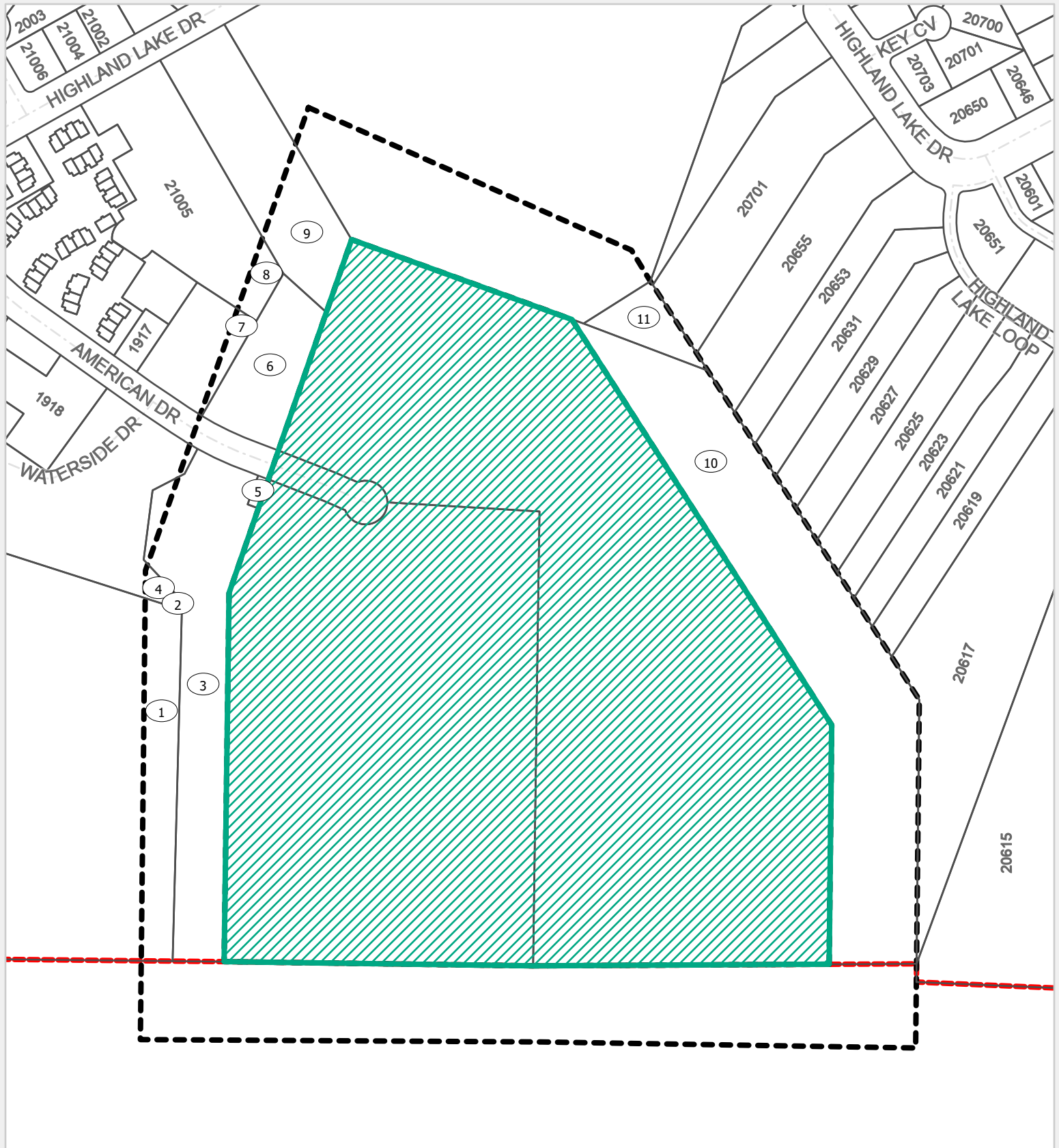
---	Street
	Project Area
	TaxParcel
	City Limits
	High Density Residential
	Low Density Residential
	POA Park

22-2169-PDD-MOD

Existing “Peninsula PDD” Amendment

Attachment 5

Notice Comments



1900 AMERICAN DR

Request Type	PDD Amendment	Project	22-2169-PDD-MOD
Change Requested	Permitted Uses	Date	7/26/2022
Map Purpose	Notification Boundary Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

22-2169-PDD-MOD
Notification ID # 5

comments with context and a specific basis.

☒ In Favor; ☐ Opposed

Comments: Luxury Condominiums Would Be Positive

Signed: Wilkie J. Kopecky Jr
WILKIE J. KOPECKY JR

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov

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

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

August 11, 2022

Agenda Item 4

Future Land Use Map Amendment Recommendation

Public Hearing

Potential Comprehensive Plan Amendment

Ordinance Number 16-05-05-02

THE HOLLOWS ON LAKE TRAVIS, LLC

6310 Lemmon Avenue
Suite 200
Dallas, TX 75209
Phone: 214-251-8100
Fax: 214-350-9099

May 31, 2022

Ed Tidwell, Mayor
City of Lago Vista
PO Box 4727
Lago Vista, TX 78645

Tom Monahan, Chairman
Planning and Zoning Commission
City of Lago Vista
PO Box 4727
Lago Vista, TX 78645

Dear Mayor Tidwell and Mr. Monahan:

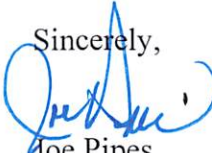
I am writing you on behalf of The Hollows on Lake Travis, LLC, the entity that owns and is developing property in The Hollows development. Over the past three years, we have worked with the City's staff to develop 122 residential lots. We recently received approval for a preliminary plat of property located in Lago Vista along Old Burnett Road that will allow us to develop 38 residential lots.

We are in the process of formulating our plans for the development of the other properties we own in Lago Vista. As part of that analysis, we reviewed the Comprehensive Plan adopted by the City Council in 2017. We were surprised to find that a large portion of our remaining property is labeled as Rural Residential on the Future Land Use Map. That same map is also included on the City's website in the GSI tab. The minimum density indicated for Rural Residential is less than 0.2 dwellings per acre (the equivalent of 5 acres per lot).

All of the properties we own in Lago Vista are part of a PDD established by Ordinance No. 05-01-06-01 (as subsequently amended by Ordinance Nos. 06-12-07-02, 07-01-04-01, 07-12-06-02, and 11-01-20-01). The provisions of the PDD specify that the residential property within the PDD shall have a base zoning of R-1A with minimum lot size of 5,000 square feet (the equivalent of 0.115 acres per lot). The PDD goes on to limit the number of units in the PDD to 375 which equates to an overall average of 1 dwelling per acre (the equivalent of 5 times the density allowed under Rural Residential classification).

It is our intent to continue planned development of our property in Lago Vista. To avoid possible confusion for residents and City staff, we would respectfully request that you revise the Future Land Use Map to reflect the density for our properties that is provided for by the PDD, and that you post that revised Future Land Use Map wherever the current map is shown.

If I can be of assistance in providing information, please let me know. If a meeting to discuss this request is desired, please contact me.

Sincerely,

Joe Pipes
Manager

Cc: Roy Jambor, Development Service Director, City of Lago Vista (Via Email)
Robert Long (Via Email)

Younger Homes + Sustainable Development in Lago Vista (Future Land Use Amendment)

Danielle Younger <danielle@younger-homes.com>

Mon 6/6/2022 10:03 PM

To: Roy Jambor <Roy.Jambor@lagovistatexas.gov>

Cc: Jesse Younger <jesse@younger-homes.com>; Taylor Whichard <Taylor.Whichard@lagovistatexas.gov>; Eric Zeno <Eric.Zeno@lagovistatexas.gov>; Ed Tidwell <Mayor@lagovistatexas.gov>; Chris Mobley <Chris.Mobley@lagovistatexas.gov>; Tracie Hlavinka <Tracie.Hlavinka@lagovistatexas.gov>

Dear Roy Jambor,

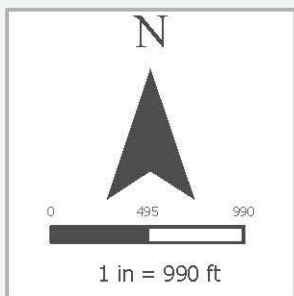
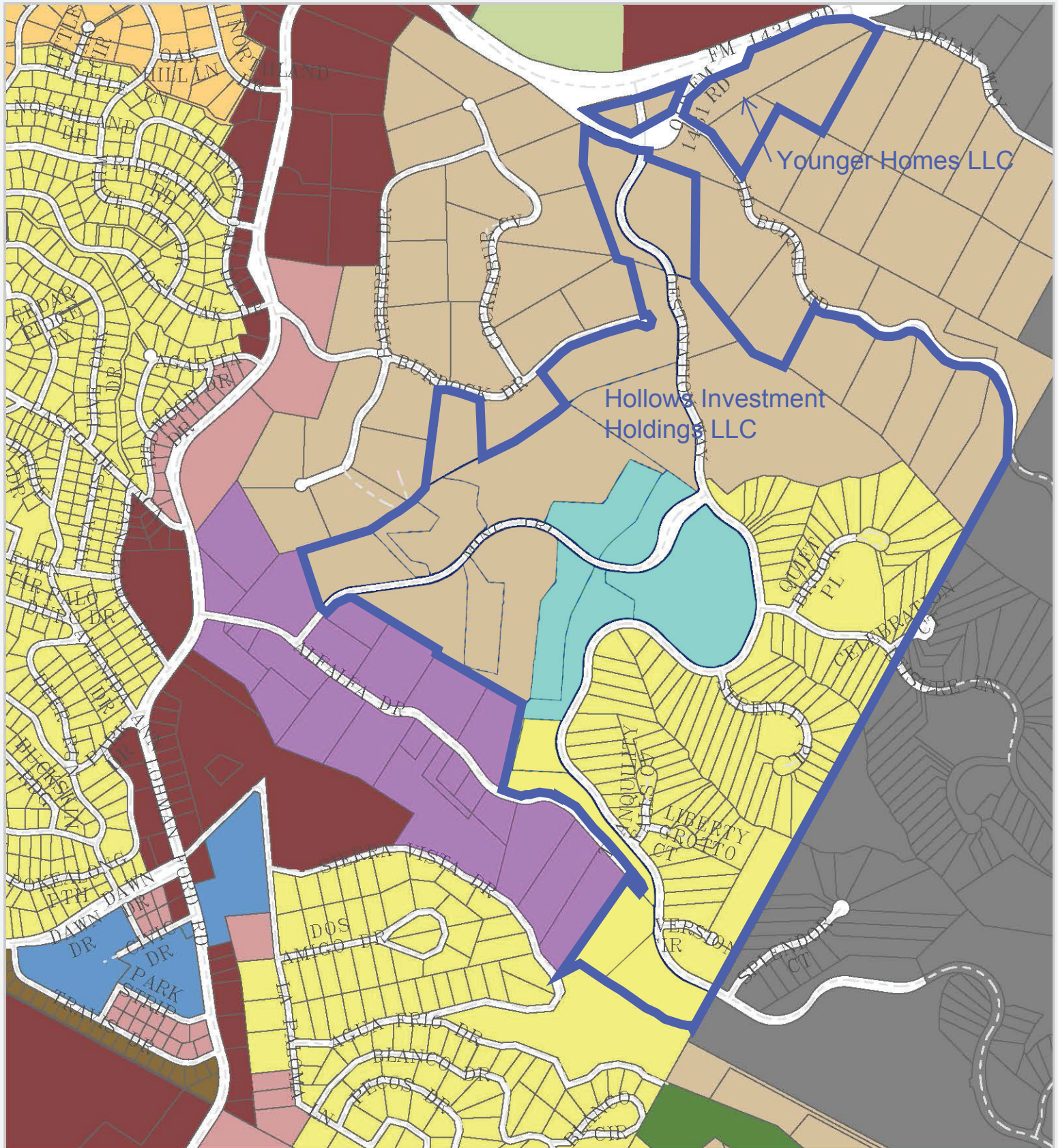
In care of Thomas Monahan and the Lago Vista Planning and Zoning Commission,

Our family has been a part of the Lago Vista community for the last 45 years. We are proud to say we have 4-generations of family living in the Lago Vista area, have personally resided here for the previous five years, and have created [Younger Homes](#), a thriving small business on the Northshore (follow us on [Houzz](#) + [IG](#) + [Facebook](#))!

We are deeply engaged in the community from a development and growth needs perspective, and in 2021 we were able to acquire ~19 acres of raw land at the corner of 1431 between Destination Way and Adrian Way in the City of Lago Vista (see attached boundary survey). We purchased this land with the hope of developing it into an active, healthy lifestyle community that exudes the beauty of the Texas Hill Country while providing much-needed accessible housing for employees and future residents of the Northshore.

We request the Planning and Zoning Commission to consider recommending an amendment to the Future Land Use Map within your Comprehensive plan as it relates to the 18.59 acres along the F.M. 1431 Corridor (1431). The property is currently designated as 'Rural Residential' in the Future Land Use document. We think that designation is inconsistent with the location and would instead likely preclude development of the property for a variety of reasons. We understand that the Future Land Use Map should be used to guide zoning decisions, so we would like to bring what we believe to be an error to your attention as the Planning and Zoning Commission. We found this land to be inconsistently designated compared to most other land along the 1431 Corridor in Lago Vista, which is designated as Mixed-use, Public/Semi-Public use, or Retail/Office/Commercial use. As part of a hard-corner along 1431, this land is ideally situated to provide the City of Lago Vista much needed mixed-use living and commercial opportunities to bring a unique sense of community unlike any other residential development in our area. This mixed-use + commercial designation is also consistent with the 2030 Lago Vista Comprehensive Plan that designates future growth goals along the 1431 corridor as a shopping and entertainment district with mixed-use residential housing opportunities.

We hope that we can form an alliance with the City and come together as a team to create something our community needs – sustainable development, development that will allow our community to grow responsibly while respecting the surrounding natural environment. As the first visible Lago Vista Development along 1431, we realize the significant impact and influence this 'Younger' community will have in welcoming newcomers and residents to Lago Vista. This is why we designed it with the intimate intention of providing a closely defined place for residents to live, work, and enjoy the gorgeous Texas Hill Country! Below, please see the proposed design of this community. Also, a more detailed plan book can be found with Mr. Jambor, Mr. Zeno, Mrs. Hlavinka, and Mr. Tidwell.



Future Land Use Map Amendment Request

Request	Designation Amendment	Project	N/A
Desired Change	Varies (see letters)	Date	07/30/2022
Map Purpose	Future Land Use Map	Drawn By	RJambor

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

- Requester
- City Park
- Estate Residential
- High Density Residential
- Industrial
- Low Density Residential
- Mixed Use
- Neighborhood Retail/Office/Commercial
- POA Park
- Public Semi-Public

August 11, 2022

Agenda Item 5
Short-Term Rentals

Public Hearing

Draft Ordinance Amendment Recommendation

Section 23 of Chapter 14 (and Chapter 4)

CHAPTER 14

ZONING

Section 23 Short-Term Occupancy

(a) Permit General.

Except for commercial lodging facilities with a current certificate of occupancy in a permissible zoning district, locations offered for short-term occupancy shall be subject to the use restrictions described herein and comply with all applicable operational regulations within Chapter 4, including periodic permitting, registration, inspection, and tax remittance requirements. Compliance with those requirements, including the maintenance in good standing of any required permits or registrations are a prerequisite to the use privileges described below.

~~(1) Short term occupancy is not permitted in any R-1 zoning district, the R-O, RR-A zoning districts or the R-2 zoning district, except with the approval of a short-term occupancy permit issued by the city.~~

~~(2) Application. The application for short-term occupancy shall include the following:~~

~~(A) A plat/plot plan that is to scale on an 8 1/2 x 11 sheets showing the lot, parking/driveway, garage and the dwelling in which the short-term occupancy would occur.~~

~~(B) The number of maximum occupants requested.~~

~~(C) The name of the property owner, agent(s) for the property owner, their contact information.~~

~~(D) The name(s) and phone number of any agent of the property owner that would manage and/or lease or rent the property.~~

~~(E) The property owner must sign the application.~~

(b) Standards Purpose. ~~All short-term occupancies shall comply with the following:~~

Subject to limitations to ensure the integrity of one and two-family residential neighborhoods and areas, an exception to the typical prohibition against the use of residential property for commercial lodging is desirable to supplement the local accommodations. In conjunction with the operational regulations within Chapter 4, these use restrictions are intended to preserve the orderly development and tranquility within areas consisting primarily of one and two-family residences that might include property used for short-term occupancy (also see Section 2.10 of Chapter 14).

~~(1) The maximum number of persons that may be in the dwelling at any one time shall not exceed the number applied for in the permit.~~

~~(2) Parking. Two spaces per dwelling unit. See section 7.20(a). No parking shall be allowed in the street ROW or on an unimproved surface.~~

~~(3) Violation and Penalty.~~

~~(A) It shall be a violation of this ordinance (Zoning) if short term occupancy as defined in this chapter occurs and there is any other violation of the city code associated with the short term occupancy, for instance noise ordinance violations, trash, or parking standard violations.~~

~~(B) The property owner shall be held responsible for violations of this chapter.~~

~~(C) The minimum fine for a violation of this section shall not be less than \$500.00 for the first violation, and not less than \$750.00 for the second and subsequent violations at the same property.~~

(c) Eligible Locations. The following locations are eligible short-term occupancy use but must obtain a short-term occupancy permit in accordance with the requirements described in Article 4.800 of Chapter 4.

(1) Multifamily Residential Development. Individual dwelling units on a property that contains one or more multifamily dwellings (see dwellings, multifamily in Section 2.10 of Chapter 14) shall be eligible to apply for a short-term occupancy permit in accordance with the applicable provisions of Chapter 4, notwithstanding the base zoning district, including R-4 (“multifamily residential”), CR (“commercial resort”) or a specific multifamily residential component within a PDD (“planned development district”). There shall be no limit on the number of short-term occupancy permits issued to individual dwelling units within a multifamily development regardless of the number of existing short-term occupancy permits in good standing on adjacent or nearby properties.

(2) Airport Related Development. Single-family residences within a structure in the C-4 (“commercial airport”) zoning district or single-family residences, with or without a hangar in the RR-A (“restricted single-family with aircraft”) zoning district shall be eligible to apply for a short-term occupancy permit in accordance with the applicable provisions of Chapter 4. There shall be no limit on the number of short-term occupancy permits issued to individual dwelling units or attached provisions within either of these zoning districts, regardless of the number of existing short-term occupancy permits in good standing on adjacent or nearby properties. However, in addition to other requirements specified herein, any property with access to the provisions of the Lago Vista Rusty Allen Airport shall also comply with relevant requirements of the FAA, including having a current valid through-the-fence access agreement with the City of Lago Vista that specifically includes the use of the property for short-term occupancy.

(3) One and Two-Family Residential Development. Individual dwelling units within a two-family residential structure or a single-family residence shall be eligible to apply for a short-term occupancy permit in accordance with the applicable provisions of Chapter 4, subject to the additional restrictions applicable to this specific subsection below.

(A) Eligible dwelling units include those in the in the R-4 (“multifamily residential”), R-2 (“two-family residential”), R-0 (“zero lot line single-family residential”), any of the R-1 (“single-family residential”) districts including the R-1M (“manufactured home and industrialized housing”) district, or a specific one or two-family residential component within a PDD (“planned development district”).

(B) Individual dwelling units within a two-family residential structure or a single-family residence eligible for approval of a short-term occupancy permit shall be limited to a maximum of twenty (?) percent of the lots within the same “block” in accordance with the following evaluation guidelines:

- (i) the “block” to be considered shall consist of all the lots that share a street frontage with the subject property, uninterrupted by an intersecting cross street on each side of the street;
- (ii) the “block” shall also include any lot that shares a property line with the subject property or that shares a property line with a frontage lot with an existing short-term occupancy permit in good standing;
- (iii) the “block” shall exclude any lot that includes a multifamily or commercial development and any vacant lot in a multifamily or commercial zoning district;
- (iv) each individual dwelling unit within a two-family residential structure that has a short-term occupancy permit in good standing shall be considered as equivalent to one-half of a single-family residential short-term occupancy permit, regardless of the relative size of each of the two separate dwelling units;
- (v) existing properties used for short-term occupancy in accordance with all applicable regulations and obligations in place before the effective date of this ordinance shall not be subject to this limitation, but shall be included in the evaluation of other new permit applications;
- (vi) existing short-term occupancy permits in good standing can be revoked for cause in accordance with the provisions of Chapter 4, but shall not be eliminated from the evaluation of other permit applications in the same “block” until a request for reinstatement has been formally denied;
- (vii) subsequent owners of a property that included a short-term occupancy permit that was revoked for cause shall be subject to the same limitation as a new applicant; and
- (viii) applicants for short-term occupancy permits that were denied because of this percentage limitation shall be solely responsible for accurately determining any change in circumstances, such as a nearby short-term occupancy permit being revoked for cause or a zoning change that might materially impact a subsequent evaluation.

(d) Compliance with Related Requirements. In addition to the other requirements of this section, a prerequisite for the approval of a short-term occupancy permit application pursuant to the provisions of Chapter 4 shall include compliance with all zoning and building regulations otherwise applicable, including but not limited to parking requirements, landscaping requirements, development standards, FEMA regulations, and building code requirements. Compliance with those regulations shall not preclude additional short-term occupancy permit limitations based on the determinations made pursuant to the required review of that application, such as the maximum number of occupants based on factors such as available parking or bedrooms.

August 11, 2022

Agenda Item 6
Special Exception Approval Criteria

Public Hearing
Draft Ordinance Amendment Recommendation
Section 11.60(b) of Chapter 14

CHAPTER 14

ZONING

11.60 Special Exceptions to Height Standards (Draft 'A')

- (b) Approval Standards. Provided the applicant has fully complied with all requirements, the Planning and Zoning Commission, or the Board of Adjustment upon appeal, may approve an increase to the maximum height of a principal building or an addition to a principal building, if it finds there is no significant adverse impact on the view, as defined in Section 2.10, of another property owner or the architectural context of the surrounding neighborhood created by the proposed additional height. The approval may include whatever conditions might be required to ensure compliance with the standard, but in no case shall it allow an absolute height in excess of 35 feet above the ground measured from the geometric center of the proposed foundation or for more than two stories, **outside of the 100-year floodplain. Within the 100-year floodplain, the maximum absolute height of 35 feet shall be measured from an elevation of 723 feet above mean sea level (MSL) with no more than three floor levels.**

11.60 Special Exceptions to Height Standards (Draft 'B')

- (b) Approval Standards. Provided the applicant has fully complied with all requirements, the Planning and Zoning Commission, or the Board of Adjustment upon appeal, may approve an increase to the maximum height of a principal building or an addition to a principal building, if it finds there is no significant adverse impact on the view, as defined in Section 2.10, of another property owner or the architectural context of the surrounding neighborhood created by the proposed additional height. The approval may include whatever conditions might be required to ensure compliance with the standard, but in no case shall it allow an absolute height in excess of 35 feet above the ground measured from the geometric center of the proposed foundation or for more than two stories, **outside of the 100-year floodplain. Within the 100-year floodplain, the maximum absolute height shall be 45 feet with no more than three floor levels.**

NOTE: Although there are a small number of vacant lots on Lakeshore Drive with a grade elevation of 690 feet above MSL at a potential foundation location, the likely location of the geometric center of a foundation is 700 feet above MSL. Staff research also revealed that are no properties within the jurisdiction that could not accommodate a foundation with a geometric center approximately 700 feet above MSL. Moreover, there is no need to accommodate every possible location on the lot for a residence. As such, a residence at such a location might have a maximum height by right of 741 feet above MSL (723 feet above MSL plus 18 feet). A maximum absolute height of 45 feet above the above ground at the geometric center of the proposed foundation would seemingly ensure that the owner of such property could apply for a special exception approval for approximately 4 additional feet of height (up to 745 feet above MSL).

11.60 Special Exceptions to Height Standards (Draft 'C')

- (b) Approval Standards. Provided the applicant has fully complied with all requirements, the Planning and Zoning Commission, or the Board of Adjustment upon appeal, may approve an increase to the maximum height of a principal building or an addition to a principal building, if it finds there is no significant adverse impact on the view, as defined in Section 2.10, of another property owner or the architectural context of the surrounding neighborhood created by the proposed additional height. The approval may include whatever conditions might be required to ensure compliance with the standard, but in no case shall it allow an absolute height in excess of 35 feet above the ground measured from the geometric center of the proposed foundation or for more than two stories (three stories in the 100-year floodplain). While this shall not preclude any application in the 100-year floodplain, approvals for an absolute height above 35 feet shall also be required to demonstrate considerable and substantiated necessity. Special exception approvals for absolute heights greater than 35 feet shall be automatically forwarded as an appeal in accordance with the provisions of Section 11.60(c)(4) below.

11.60 Special Exceptions to Height Standards (Draft 'D')

- (c) Approval Standards. Provided the applicant has fully complied with all requirements, the Planning and Zoning Commission, or the Board of Adjustment upon appeal, may approve an increase to the maximum height of a principal building or an addition to a principal building, if it finds there is no significant adverse impact on the view, as defined in Section 2.10, of another property owner or the architectural context of the surrounding neighborhood created by the proposed additional height. The approval may include whatever conditions might be required to ensure compliance with the standard, but in no case shall it allow an absolute height in excess of 35 feet above the ground measured from the geometric center of the proposed foundation or for more than two stories (three stories in the 100-year floodplain). While this shall not preclude any application in the 100-year floodplain, approvals for an absolute height above 35 feet shall also be required to demonstrate considerable and substantiated necessity. Special exception approvals for absolute heights greater than 35 feet shall require the affirmative vote of at least three-fourths of the Commission.

August 11, 2022

Agenda Item 7

Potential Comprehensive Plan and Chapter 14 Amendment

Public Hearing

Comprehensive Plan: Chapter 3 (Land Use / Future Land Use Plan)

Section 13.20(d) of Chapter 14

CHAPTER 14

ZONING

13.20 Procedure for a Change of Zoning Classification of a Parcel of Land

- (d) Parcel Change Does Not Conform to Master Inconsistent with the Comprehensive Plan. A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. The Future Land Use Map is an element of the Comprehensive Plan that reflects its policy recommendations and serves as a guideline for future zoning decisions that will yield a balanced, diversified, and compatible pattern of development. A zoning change request that is inconsistent with the Comprehensive Plan can be approved only in accordance with the following requirements.
- (1) A change of zoning proposed by the owner of the ~~parcel-affected~~ property or authorized individuals may be recommended ~~for enactment~~ by the Planning and Zoning Commission and subsequently approved by the City Council, even though ~~such proposed change does not conform to the land use map in~~ it is inconsistent with the City's ~~Master~~ Comprehensive Plan, provided that:
- (A) The Commission and City Council finds that the land use recommendations within the Comprehensive Plan relating to the request includes errors or should be amended due to significant ~~and unanticipated~~ changes in circumstances that have occurred ~~in the area of the affected parcel since the classification on the land use map was adopted;~~ and
- (B) ~~It is unlikely that the parcel will be developed or used for any use permitted under the zoning classification indicated in the City's Master Plan.~~ The Commission and City Council find that the requested zoning change is as feasible as the existing zoning classification and the Comprehensive Plan recommendation and provides similar indirect benefits to the community; and
- (C) The Commission and City Council finds that the requested zoning ~~classification is the most appropriate classification for the area affected~~ change will result in an appropriate mix of compatible land uses that includes all desirable transitions or buffers.
- (2) All zoning map change requests found to be inconsistent with the Comprehensive Plan shall be enacted by an ordinance that incorporates amendments as necessary to eliminate all discrepancies. Required amendments may include but not be limited to land use policies, narratives, descriptions, and the Future Land Use Map.

August 11, 2022

Agenda Item 8

G-1 (“Golf Course and Supporting Facilities”)

Public Hearing

Draft Ordinance Amendment Recommendation

Table B of Chapter 14

CHAPTER 14

ZONING

TABLE B TABLE OF ALLOWED USES FOR ZONING

New and Unlisted Uses. The city manager or his 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 he may seek an amendment to Table B to add the unlisted use in the same manner as amendment to this chapter.

List of G-1 Permitted Uses:

Accessory Building or Use

~~Bars, Nightclubs and Taverns~~

~~Country club~~ Clubhouse and country club facilities including associated bars, nightclubs, parking lots, restaurants, swimming pools, taverns, and tennis or pickleball courts

~~Dwelling single-family*~~

Fire Station

Golf course

Golf course-driving range

Golf course-miniature

~~Park, active~~

~~Park, passive~~

~~Parking lot, commercial~~

Public and municipal treatment plants, pump stations, lift stations, public works and related facilities, and municipal buildings and facilities

Recreation facility, commercial (SUP only)

~~Restaurant~~

~~Swimming pool-private~~

Telephone exchange

Water tank-surface, subsurface, public

Wireless Communications Systems, Radio, television and microwave antennae and towers**

*Also see permitted uses in other zoning districts where single-family or two-family residences are allowed (this ostensibly refers to the state requirement to permit industrialized housing, i.e. manufactured or modular homes). Note: the only development standards included in Table A for the G-1 district reference a requirement to use the C-1C district standards. As such, there is no requirement for a minimum 400 square foot garage or any minimum amount of living area like there is for any other zoning district that allows a single-family residence other than the R-1M (“manufactured home”) zoning district. In addition, the maximum height is 28 feet (larger than most other single-family districts) while the minimum and cumulative side yards setbacks are increased (from 5 feet to 10 feet and 15 feet to 20 feet respectively). While this is undoubtedly an oversight, there is no current basis for denying a building permit for a single-family residence on a platted lot that can accommodate these development standards (and other applicable regulations).

**Some require SUP’s. See Section 18 of Chapter 14.

August 11, 2022

Agenda Item 9
Boundary Notification Regulations

Public Hearing

Draft Ordinance Amendment Recommendation
Section 13.20(e)(3) and Section 13.40(a)(1) of Chapter 14

CHAPTER 14

ZONING

13.20 Procedure for a Change of Zoning Classification of a Parcel of Land

(e) Review of Zoning Change Request by City Council. The Council shall:

- (1) Review the Commission recommendation.
- (2) Before acting upon the zoning change, hold at least one (1) public hearing on the proposed zoning change. Notice of a hearing before the Council shall be given by publication as prescribed in Section 13.40(a)(2) below. Separate written notice to property owners is not necessary. Notice of the hearing before the Council may be combined with the notice given for the hearing on the same matter before the Commission.
- (3) Take appropriate action as follows:
 - (A) The Council may enact a proposed change of zoning by ordinance, if it finds that such change is in the public interest. A change of zoning may be enacted, even though such proposed change does not conform to the land use map in the City's Master Plan provided that the Council's findings conform to the requirements of Section 13.20(d).
 - (B) A change of zoning shall not become effective except by the affirmative vote of at least three-fourths of all members of the governing body if a written protest, signed by owners of at least twenty percent (20%) of either:
 - (i) ~~Lots~~ The area of lots or land covered by the proposed change;
 - (ii) ~~Lots~~ The area of lots or land immediately abutting the area covered by the proposed change and extending two hundred feet (200') from that area, that is within the municipal limits of the City of Lago Vista.
 - (iii) ~~A change of zoning shall not become effective except by the affirmative vote of at least three-fourths (3/4) of all members of the governing body, if the Commission has recommended against enactment of a proposed zoning change.~~ In computing the percentage of land area described in this subsection, the area of streets, alleys and publicly owned property within the municipal limits of the City of Lago Vista shall be included.
 - (C) A change of zoning shall not become effective except by the affirmative vote of at least three-fourths (3/4) of all members of the governing body, if the Commission has recommended against enactment of a proposed zoning change.

13.40 Procedures for Hearings Conducted by the Council, Commission or Board

The Council and Commission shall hold at least one (1) public hearing on all proposed zoning classification changes and general amendments to this chapter. The Board shall hold a public hearing on all requests for a variance or special exception to this chapter.

(a) Notice.

(1) Written Notice to Property Owners.

- (A) Written notice of a proposed zoning change or variance request shall be given by the City to owners of real property located within the municipal limits of the City of Lago Vista and that is within two hundred feet (200') of the boundaries of the property to be developed, zoned, or rezoned. Such notice shall be mailed, first class, not less than ten (10) days prior to the date set for Commission, Council and Board hearings to all municipal property owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a zoning change proposal or variance request is pending and shall include the date, time, and place of the Commission or Board meeting and a description of the matter under consideration.
- (B) A copy of the notice may be delivered to the person to be served, or to his duly authorized agent either in person or by mail to his last known address, or it may be given in such other manner reasonably calculated to give notice and approved by the City.
- (C) The City shall complete and mail the individual notices.

Consent Agenda

Planning & Zoning Commission Regular Meeting

August 11, 2022

Draft Minutes

April 28, 2022 Special Call Meeting

Agenda Item 11a

MINUTES
City of Lago Vista
Planning and Zoning Commission
Thursday, April 28, 2022
Special Call Meeting

Chair Tom Monahan called the meeting to order at 6:35 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, TX. Other members present were Kathy Koza, Don Johndrow, Julie Davis, Larry Hagler, Thomas Burlew, and Richard Brown, Vice-Chair. Development Services Director Roy Jambor, City Attorney Erin Selvera and Council Liaison Paul Prince were also present.

CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA

There were no public comments.

BUSINESS ITEMS

1. Comments from the Council Liaison.

Paul discussed the proposed amendment to the special exception for height standards and said it will be on the upcoming agenda in two weeks. He suggested that the Commission needs to wrap up their discussions on the rezoning for §13.20(d) so a decision can be made.

Roy and Paul discussed the Montechino application and Roy mentioned that they have deferred the discussion.

Linda Walls commented that she was disappointed with what was going on and said everyone is favoring the builders and developers that don't live in the city. She said builders and developers are out to make money at all costs and the Commission is not looking after the interests of the citizens in the city and asked everyone to do their job.

PUBLIC HEARING AND ACTION (APPLICATIONS)

2. 22-2060-CO-U: Consideration of a recommendation regarding a conditional use permit application pursuant to Section 17 of Chapter 14 of the Lago Vista Code of Ordinances to allow for the construction of a carport in the required side yard setback at 5200 Arrowhead Drive (Country Club Estates, Section 3, Lot 305).

A. Staff Presentation

Roy spoke about the details of the application and explained a carport is not to take the place of a garage, but it's to be in addition to a garage.

Tom and Roy discussed the ordinance requirements for garages and carports. Roy mentioned while the history of the garage is uncertain, the Commission must decide if the garage can be replaced with a carport.

B. Applicant Presentation

William Walker spoke about when he bought the property and said he is currently leasing it. He discussed his plans to build a garage for storage; discussed issues with drainage and the topography of the property; and said his solution is to build a carport to address the issues. He discussed the required setbacks with Roy. Mr. Walker spoke about his plans to build the carport.

Tom spoke about issues that need to be discussed, such as the existing garage being converted in the past without a permit and said the house should have a garage, which may affect the ability to have a carport.

C. Open Public Hearing

The public hearing was open at 6:59 P.M.
There were no public comments.

D. Close Public Hearing

The public hearing was closed at 6:59 P.M.

E. Discussion

The Commission discussed drainage issues on the property; suggested that Mr. Walker build a garage instead of a carport; and spoke with Mr. Walker about the garage conversion.

Tom said Mr. Walker has two options, to convert the room back to a garage and then come back for the carport approval or just build a garage instead of a carport. Roy and Tom discussed the setback issues in this situation. The Commission discussed the details of the possible construction with Mr. Walker.

F. Recommendation

On a motion by Richard Brown, seconded by Tom Monahan, the Commission voted all in favor to recommend deferral of the application so the applicant can come up with a different plan.

3. **22-2068-CO-U:** Consideration of a recommendation regarding a conditional use permit application pursuant to Section 16.70 of Chapter 14 of the Lago Vista Code of Ordinances to allow for a home-based beauty salon, a use otherwise prohibited at 20205 Park Strip Street (Lago Vista Civic Center Addition, Lot 2012).

A. Staff Presentation

Roy noted the concern was the condition of the property for the proposed home-based business and further deterioration of the property might be an issue when patrons visit the property. He said a condition should be added that the property should be inspected every two years if the application is approved and have the owner renew the permit on that basis. He continued and said if the property deteriorates further, then the matter will come before the Commission. He said this includes not only the building, but the paving too. Roy discussed his concerns about the property deterioration issue and safety with the Commission.

B. Applicant Presentation

Dixie Wilkinson, 20205 Park Strip St., spoke about her life in the city and said her property doesn't have an impact on other properties in the neighborhood. She spoke about parking availability for her salon and said she is licensed in the State of Texas and will be inspected once a year. She mentioned when COVID began, they were promoting work out of the home and said she will look for commercial property when it's available and said it was too expensive at this time. She discussed her business plans with the Commission.

C. Open Public Hearing

The public hearing was opened at 7:19 P.M.

David Freeman, 20926 Oak Ridge Dr., said he has lived in the city for 25 years and said Ms. Wilkinson's business is good and was for the item.

Monnie Colhour, 20205 Park Strip, said she is the property owner and spoke about her history of living in the city and spoke about the issues with the business in the past and the configuration of the building. She said it won't have an impact on the community and said that during COVID, her business became home based for safety concerns. She said the building is secluded and was for the item.

Linda Walls spoke about the business being prohibited in the ordinances and was against the item.

D. Close Public Hearing

The public hearing was closed at 7:26 P.M.

E. Discussion

Richard commented that there are many home-based businesses in the city and the Commission can grant a permit for such a business. He said the impact on the city would be minimal.

Tom and Roy spoke about use limitations in which the Commission can grant approval by adding conditions. The Commission discussed possible conditions that should be imposed for the business. Roy pointed out that the business, which is located in an accessory building, is an issue since it's prohibited.

F. Recommendation

On a motion by Tom Monahan, seconded by Don Johndrow, the Commission voted all in favor to approve and recommend the conditional use permit to the City Council with additional stipulations that it's by appointment only, limited to two years and according to potential alternative decision (A) in the staff report.

4. **22-2033-SP-E:** Consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 24.62 feet for a single-family residence at 2705 Cody Avenue (Highland Lake Estates, Section 16, Lot 16036 and approximately 0.0307 acres of the W.S. Iley Survey 641, Abstract 433).

A. Staff Presentation

Roy discussed the issues with the information on the application and noted the height of the building on the drawings is different from what is listed on the application. He also mentioned the discrepancies regarding the floor level have been resolved.

Roy and the Commission discussed the details of the issues with the application. Roy noted the applicant has not clarified the discrepancies and as a result, the accuracy of the ridge pole is questionable. Roy reported the applicant submitted new drawings and he noted that there is a change in elevation between the boat storage and the garage, which is three feet.

Richard spoke about issues with the diagrams in the application and stated they were hard to read. Roy and the Commission discussed similar issues with applications submitted online.

B. Applicant Presentation

The applicant, Joseph Wolf with Lago Homes, apologized about the issues with the clarity of the documents in the application and discussed the issues and discrepancies with the application. He mentioned the garage was custom designed for the owner's recreational vehicles, which is why the garage door is very tall. He said they were able to redesign it and reduce it by 2.5 feet and asked if they could request a variance for 7.6 feet above the maximum

allowed height, which is reflected on their updated plans.

Tom asked about the validity of the ridgepole. Mr. Wolf stated that the ridgepole is still at the original height and said they didn't change it because they didn't have the appropriate equipment to fix it. He mentioned he doesn't know anyone who saw the pole. Roy and the applicant discussed the height request on the application.

The Commission discussed their experience viewing the ridgepole. The applicant explained that the ridgepole was placed for better viewing on the property and noted the highest ridge location is located further back on the lot.

Roy spoke about issues with the setback for the deck and noted the deck placement needs to be corrected.

The Commission discussed the details of the garage and how it will be used with the applicant. The applicant noted no views are blocked in the area. The Commission also spoke about the details for the driveway construction and the applicant stated they haven't fine-tuned the plans for the driveway. Roy and the Commission discussed the requirements for driveways.

C. Open Public Hearing

The public hearing was opened at 8:00 P.M.

Teresa Emerson stated she owns a lot at 20059 Continental Dr. and spoke about learning the variance process. She noted she didn't think it would block any views and commented the basis for the request seemed to be weak.

Linda Walls spoke about her experience building in the city and noted the applicant should be more aware of the building codes and they should adhere to them. She was against the item.

D. Close Public Hearing

The public hearing was closed at 8:05 P.M.

E. Discussion

Tom stated his opinion that people have different reasons for extra height, but if views are not blocked and the height is in congruence with the architecture in the neighborhood, then there are no issues. He said he doesn't have any issues with the request.

Richard spoke about the details of the additional height and said the owners might have a view. Richard discussed issues with viewing ridgepoles in the city with Roy.

Thomas spoke about his experience viewing the property and said the neighbors may not like the building in the neighborhood.

Kathy discussed her opinion of the application and stated the additional height is for the garage and noted that the tall trees on the property will block some views.

Paul discussed the two key issues to consider for such applications, said the height request may block neighboring views and the architectural context must be consistent with the neighborhood.

The Commission discussed the impact on views for the application; possibly reducing the

height request; issues with the ridgepole, and possible architectural issues for the neighborhood.

F. Recommendation

On a motion by Tom Monahan, seconded by Kathy Koza, the Commission voted all in favor to defer the application to the next regular meeting with the condition that the ridgepole and markings be reset to reflect the current 7.5-foot height increase request and to clear out some trees so that it can be viewed.

The applicant requested that the application be deferred to the May meeting instead. Tom replied, they can accommodate the request if the ridgepole can be fixed in a week so that they have time to view it before the meeting.

5. **22-2058-SP-E:** Consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 31.025 feet for a single-family residence at 2100 Valley Forge Cove (Highland Lake Estates, Section 30, Lot 30188).

A. Staff Presentation

Roy reported that there are numerous violations of the zoning code and said the likelihood that the issues will be corrected and have a similar house is very slim. He noted that it would be difficult to make a judgement without viewing the drawings even if the criteria were met.

Roy and the Commission discussed the issues with the application.

B. Applicant Presentation

Walid Jomaa, the applicant, stated he lives at 1716 Garamond Lane in Austin, and said he bought the lot about 13 years ago and decided to build on it last year. He said he designed the house with engineers and submitted the plans to the city. He said there are two-story houses in the area and said he wanted to raise the height.

Tom stated that he is asking for double the maximum allowed height and Mr. Jomaa replied that he could reduce the request to 28 feet. Tom noted that there is also an issue with the footprint of the building and also a number of other issues that need to be addressed before they can look at the height, due to the setback and design issues.

The Commission discussed their decision options with Roy.

C. Open Public Hearing

The public hearing was opened at 8:32 P.M.

Steve Swan, 2017 American Dr., said he lives adjacent to the property and spoke about the comments that the Commissioners made that evening and spoke about building his house in the city and the tall two-story houses built adjacent to his property and was against the request.

Rise Johns, 2122 Highland Lake Dr., Unit 1, said she lives at Vista Village and spoke about the request and stated it doesn't fit in the neighborhood and was against the request.

Charles Bulot at 2101 Valley Forge Cove stated he lives across the street from the property and spoke about the houses in the area and stated that the proposed house would not fit the area and was against the request.

Clive Rutherford, 2008 American Dr., Unit 1, spoke about the issues with the application and said the proposed house would not fit in the neighborhood and was against the request.

D. Close Public Hearing

The public hearing was closed at 8:39 P.M.

E. Discussion

Tom stated due to the numerous issues with the application that deferring it would not be possible.

F. Recommendation

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

Tom called a five-minute recess.

The meeting was resumed at 8:48 P.M.

- 6. 20-2070-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend approximately 19.420 acres of the existing Planned Development District (PDD) known as the “Falls on Lake Travis” and to add approximately 7.819 acres currently in the TR-1 (“Temporary Restricted”) zoning district that approval, in order to amend the designated uses within the described area (portions of “Area 2,” “Area 5,” “Area 6” and the entirety of the described area within the TR-1 district) to only those allowed within the P-2 (“Park and Greenbelt, Passive”) zoning district.

A. Staff Presentation

Roy spoke about the details of the application and stated part of the property has been annexed. He spoke about the applicant omitting the 200-foot buffer on the West side of the property, which can’t be done. He spoke about the restrictive building requirements for the area.

Tom and Roy spoke about the zoning requirements and Roy said the PDD will be amended so that the slivers of entitled land that were previously omitted will also be included.

B. Applicant Presentation

Michael Wayland, representing the applicant, said they are trying to make the development consistent and spoke about the building details, the required 200-foot buffer, and planned phases of the development with the Commission.

Dr. Winn, the owner of the property, introduced himself and spoke about the history of his property and said he has been looking for someone to sell it to.

C. Open Public Hearing

The public hearing was opened at 9:08 P.M.

Don Roach, President of the Waterford POA, commented the information regarding the development has not been available and spoke about his concerns regarding size, scale, and density of the development.

John Sneed, who lives in Waterford, spoke about his infrastructure and traffic concerns for the proposed development. He commented the agenda item did not have an address so that the

public could find more information about it. He said it should have listed as Winn Ranch and not The Falls for the name of the development.

Tom Buckle, 18310 West Rim Dr. in Jonestown, TX, said he is an attorney and represents Jim and Susan Avants and spoke about the required 200-foot buffer and discussed about his client's concerns about not including the required buffer in the development.

Tom commented the 200-foot buffer would be incorporated into the PDD and asked Erin if the property is still in consideration for notifications. Erin said as they go through the rezoning process, they will look at the 200-foot buffer in relation to what is being rezoned.

Jim Awalt, 1909 Lohman Ford Rd., passed out copies of the proposed development plan to each Commissioner and said he lives next to the proposed development. He spoke about the number of LUEs that will be allowed in the area and discussed how it's related to the anticipated traffic in the area. He said the infrastructure should be completed before they start the proposed development and discussed the requirements of the interlocal agreement and spoke about issues with the required 200-foot buffer and the proposed marina. He was against the item.

David Stoneking said he lives across from the proposed development and said the Commission should look after the public's interest and spoke about the details of the development, issues with the required 200-foot buffer and potential traffic issues. He was against the rezoning request.

D. Close Public Hearing

The public hearing was closed at 9:28 P.M.

E. Discussion

Thomas commented that he learned a lot about the required buffer and from the public comments and said there may be a big reason to believe that it may inhibit local residents to oppose by supermajority which would be a mechanism to inhibit the natural likelihood of an impasse.

Don mentioned that part of the 200-foot buffer would not be under water, and said the property is located near Thurman Road. He also spoke about the increased LUEs and the proposed infrastructure for the development.

Richard spoke about the increased LUEs for the development and said they need to look at the timing for the infrastructure work and mentioned that would be discussed at a later date.

Tom commented that will be addressed and asked if the applicant had any comments.

Mr. Wayland spoke about the details of the development agreement which will be analyzed by the City Engineer, Public Works and the county and addressed the issue of the 200-foot buffer, stating that the law gives adjacent landowners within 200 feet of the development the ability to amplify their voice and gives them protection from the development.

Richard asked how much of the portion of the buffer that is adjacent to the water is below the 723 elevation. Mr. Wayland replied, he couldn't answer that question, but his Engineer may know. Richard and Mr. Wayland discussed how the buffer will benefit the community. Mr. Wayland discussed how they incorporated the buffer into the proposed development.

Dr. Winn discussed the details of why he chose the developer.

Thomas mentioned the meeting is not to discuss the development plan and asked the planner why it can't be less than 200 feet to give some space and said instead the buffer prohibits them from voicing their concerns and restricts their rights. Richard commented that they don't know how many people would be affected if they changed the buffer.

Tom made comments about the owners in the notification area and stating that it would be nicer if it was all one request, but he would be good with approving it.

Thomas stated he felt uncomfortable with the item and has concerns about the mechanism with what the tool does to landowners' rights and is opposed to the item.

Larry stated that he is also opposed and agrees with Thomas.

Richard said while he doesn't like it due to the impact of the property owners, he is for the item since there isn't anything wrong with it.

Erin asked the Chairman to go into Executive Session so that she can provide them with information regarding the material they are evaluating.

Tom announced they were going into Executive Session with Erin.

The Commission readjourned at 10:10 P.M. from the Executive Session.

Tom announced they need to get back to the objective material used to evaluate the criteria for the request and said the remainder of their discussion they will be going through Section 13.20(d) which pertains to changes to the Future Land Use Map. He said they will make their decision on their agreement or disagreement on those conditions. Tom went through the details and requirements of the ordinance as it pertains to the application.

F. Recommendation

On a motion by Tom Monahan, seconded by Richard Brown, the Commission voted six to one (6-1) to recommend approval to the City Council for the rezoning request to P-2 since it meets all of the criteria of Section 13.20(d), condition one, the property cannot be used for any development due to it being in water and the topography; condition two, it is also unlikely that it will be developed for any other use permitted under the zoning classification indicated in the master plan, which is residential; and the Commission finds that the requested zoning classification is the most appropriate classification for the area. (Thomas Burlew was opposed.)

7. **22-2028-PDD-REZ:** Consideration of a recommendation regarding a zoning district change request from G-1 ("Golf Courses and Country Club District") to PDD ("Planned Development District") for the property commonly referred to as being located at 8116 Chestnut Cove (Bar-K Ranches, Plat 10, 64.96-acre Golf Course Tract).

A. Staff Presentation

Roy discussed the details of the application and stated that the difference in the application is that it is no longer requesting the R-4/P-2 designation but is requesting a PDD which allows a greater ability to enforce the concept and detail plan. He said there are no design review changes that should be made other than a zoning ordinance change as specified in the PDD

ordinance. He said it will have a base that is consistent with the Future Land Use Map.

The Commission discussed the details of the application with Roy.

B. Applicant Presentation

Jennifer Garcia who was representing the applicant, spoke about the details of the concept plan for the proposed development with the Commission. She noted not much has changed in the plan since it was discussed in the last meeting.

Ms. Garcia read a document submitted from Mr. Case, the property owner, regarding the zoning change request. The Commission discussed the details of the type, size and placement of the homes to be built; the roads to be built and the placement of the gates for the development to accommodate emergency access; and the details of the dedicated parkland and where it will be located.

C. Open Public Hearing

The public hearing was opened at 10:41 P.M.

Linda Walls stated the developers are only interested in profits and will ruin the land. She was against the zoning change request.

Sarah Teale spoke about the PDD process and the concept plan and spoke about elements that were missing or inconsistent with the application. She stated that the applicant is requesting the PDD designation to avoid the process. She said the PDD is not in the public interest, is not consistent with the Future Land Use Map and the application would degrade the quality of life and she was against the item.

Erin spoke about the concept and detail plan requirements in Chapter 14 of the Code of Ordinances.

Jan Gerard said she owns property in Bar-K Ranch and stated her concerns about not having her speaker form in the meeting packet and said the notification maps had different addresses on them. She said she and her husband are against the item since her taxes will go up and there aren't any utilities in the area. She commented the property should remain a green area.

Rory O'Donnell agreed with Jan and Sarah's comments and spoke about the history of his property, said he will be in close proximity to the proposed two-story homes, commented that it's too high density for the area and stated he is opposed to the zoning district change request.

D. Close Public Hearing

The public hearing was closed at 11:02 P.M.

E. Discussion

Tom stated he was for the project and discussed the positive aspects of it. He also spoke about the details of the zoning change and said they comply with Section 13.20(d).

Thomas discussed the zoning change and stated it goes against Section 13.20(d)(2) and said he was against the application.

Roy and the Commission discussed the POA designated parkland in the area that is not in the Comprehensive Plan. They discussed the possible uses for the area.

Don said he agreed with Tom and commented it's a good project.

Kathy and Julie discussed why they are against the project.

Richard remarked the old golf course has not been used for years and said you need to look at significant changes that the parcel will probably will not be developed for its current use. He spoke about the density of the proposed project and said it's not compatible with parkland. He said he was against the tall structures since it conflicts with the architecture of the surrounding neighborhood.

Tom commented he drove around the area and couldn't see how the proposed tall homes would impact the surrounding neighborhood because of the numerous, tall trees on the property.

The Commission discussed the details of the uses, open space, and utility expansion for the property.

F. Recommendation

On a motion by Tom Monahan, seconded by Don Johndrow, the Commission voted two to five (2-5) to recommend to the City Council the approval of the PDD based on condition A of the staff summary report, letter A, with regard to §13.20(d) which is the parcel change does not conform to the master plan which requires significant and unanticipated changes have occurred in the area that affects the parcel since the classification of the Future Land Use Map as adopted; one, it's not going to be a golf course again, it's not going to be a POA park, unless part of it would be if it is approved, but there isn't another use for it according to the Future Land Use Map classification of POA parks. Two, it is unlikely that the parcel will be developed or used under the current zoning classification, it's been a dormant golf course for 17 years and there is no competing interest or indication that this will ever change. Three, the Commission finds that the requested zoning classification is the best classification for the area affected, it's the best that can be developed for that area given that there is significant open space and parkland preserved and the density for the area is low with only 97 homes planned, given the acreage. It's a good classification to make use of this property. (Thomas Burlew, Richard Brown, Julie Davis, and Kathy Koza were opposed.) The motion failed.

Richard commented the proposed classification is some-what appropriate and is not necessarily valid and said R1-T is not an appropriate blend with R1-A. He said that he disagreed that it was the only option for the future development of the property. Tom and Richard discussed the proposed zoning category and Richard said he was against putting tall homes in the area since it will impact the neighborhood.

Thomas said he agreed with Richard, that the current use of the property should not change and can be used for other greenspace uses.

Ms. Garcia discussed the types of homes for the proposed development, the topography of the site and where the homes will be situated. She stated this is why they need the extra height for the homes.

Larry spoke about the possible special exception applications that would be received to increase building height in the neighborhood if the project is approved and the issues they may need to address. He noted that most of the lots in the area are not built and the project will impact those lots in the future.

On a motion by Thomas Burlew, the Commission voted to deny the application because it does not comply with Section 13.20(d)(2). The motion died for lack of a second.

The Commission discussed the impact of how many two story homes would be built, which would be two thirds of the proposed development. They discussed the topography of the area and noted that two-story homes are possible in the area.

Richard asked the applicant if they need time to think about their comments. The applicant stated they need an answer right now.

The Commission discussed possible changes to the plan with the applicant to address height issues.

On a motion by Tom Monahan, seconded by Don Johndrow, the Commission voted five to two (5-2) to recommend to City Council to approve the PDD based on paragraph A of the recommendations in the staff report with respect to Section 13.20(d); 1) there is significant unanticipated changes in the area for the land in question because it's not going to be used; there's no interest from any other POA to make it a POA park; there's no interest in the city to make it a park or any type of greenspace; 2) it is unlikely the parcel will be developed or used for any use permitted under the zoning classifications indicated in the city's master plan and there is no indication that it will ever be a golf course again and 3) the Commission finds the requested rezoning classification is the most appropriate classification for the area affected; since it's a PDD it preserves much of the open space that is already there in addition to the parks because it's complementary to the proposed trail system, there is open space that will remain within the development and is a good balance between the current nonuse open area and what has been proposed; the maximum height limit is 25 versus 28 feet; and with 50/50 one-story, two-story homes. (Julie Davis and Thomas Burlew were opposed.) The motion passed.

Richard asked Erin if PDD is the best classification or if it's R1-T. Erin replied that the classification is PDD, which is the base classification and the classification included is the R1 - T.

Tom announced that item number 8 and 9 will be deferred to the next meeting.

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

8. Consideration of a recommendation regarding a potential amendment to Sections 11.20 and 11.30 of Chapter 14 of the Lago Vista Code of Ordinances to align the local requirements more closely with the Texas Local Government Code requirements for approval of a zoning variance.

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

9. Consideration of a recommendation regarding a potential amendment to Sections 23 of Chapter 14 of the Lago Vista Code of Ordinances to amend the procedural and substantive requirements related to the short-term rental of residential properties.

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

ADJOURNMENT

On a motion by Tom Monahan, the Commission voted unanimously to adjourn at 12:09 A.M.

Tom Monahan, Chair

Alice Drake, Administrative Assistant

On a motion by _____, seconded by _____, the foregoing instrument was passed and approved this _____ Day of _____, 2022.

Draft Minutes

May 12, 2022 Regular Meeting

Agenda Item 11b

MINUTES
City of Lago Vista
Planning and Zoning Commission
Thursday, May 12, 2022
Regular Meeting

Chair Tom Monahan called the meeting to order at 7:00 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, TX. Other members present were Kathy Koza, Julie Davis, Thomas Burlew, and Richard Brown, Vice-Chair. Development Services Director Roy Jambor, City Attorney Erin Selvera and Council Liaison Paul Prince were also present. Don Johndrow and Larry Hagler were absent.

Tom announced that the applicant for the Falls on Lake Travis project has requested that the item be deferred to next month's meeting.

CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA

There were no public comments.

BUSINESS ITEMS

1. Comments from the Council Liaison.

Paul discussed the City Council proceedings for the old golf course rezoning application and said it was denied with a six to one vote. He said that the majority questioned the requirements in §13.20(d) regarding the change in conditions and said during the discussion, the interpretation of the requirements was varied, so additional discussion is needed. He said there were numerous comments from the public that this is not the best rezoning for the property. He said Mayor Tidwell expressed his desire to extend the discussion beyond the meeting to address the issues.

Tom mentioned a member of the City Council criticized the Commission for not providing accurate findings of fact and he reviewed the findings. He noted the City Council misinterpreted §13.20(d) and did not use it according to the parameters set in the ordinance.

Richard discussed the ambiguities in the ordinance and discussed the comments made by the City Council regarding the interpretation of the ordinance.

Paul said he would take the Commission's feedback to the City Council for discussion.

APPLICATIONS (NO PUBLIC HEARING)

2. 22-2086-PR-PLA: Consideration of a preliminary plat approval in accordance with Section 2.16 of Chapter 10 for 44 lots described as "The Ridge" within the Hollows on Lake Travis, being the resubdivision of Tracts 4 through 8 of Travis Hollow, Section 1.

A. Staff Presentation

Roy spoke about the comments received with the Commission and stated that the corrections to the lots and utilities have been made. Roy commented the Commission needs to make a condition based on the amended drawings that were received. Roy and the Commission discussed the details of the drawings.

B. Applicant Presentation

Robert Long, a Project Manager, spoke about the details of the proposed development. He spoke about establishing a POA office for the subdivision.

Tom spoke about public comments that were received and invited public comments.

Jim Little, who lives in The Hollows, spoke about the proposed project and commented that the proposed development is much different than what was proposed in the past and was against the item.

C. Discussion

The Commission discussed the application and noted the concerns from the public. Richard noted that developments for large estate lots for the area seems to be in the past.

Roy reminded the Commission that this is not a zoning case and said the applicant has a lot of work to do to correct the issues. He said they shouldn't discuss the details of the PDD until the application is in front of them.

D. Decision

On a motion by Richard Brown, seconded by Thomas Burlew, the Commission voted all in favor to approve the application.

PUBLIC HEARING AND ACTION (APPLICATIONS)

3. **22-2060-CO-U:** Consideration of a recommendation regarding a conditional use permit application pursuant to Section 17 of Chapter 14 of the Lago Vista Code of Ordinances to allow for the construction of a carport in the required side yard setback at 5200 Arrowhead Drive (Country Club Estates, Section 3, Lot 305).

Note: This item was deferred, and the public hearing continued at the April 28, 2022, special call meeting of the Planning and Zoning Commission.

A. Staff Presentation

Roy said he spoke with the applicant about the issues with the application. He said that applicant told him that he would like to add the required 400 square foot garage and the rest of it would be a carport. He noted that he was unsure if the applicant has plans for project.

B. Applicant Presentation

The applicant was not present at the meeting.

C. Open Continued Public Hearing

The public hearing was opened and continued at 7:38 P.M.

There were no public comments.

D. Close Public Hearing

The public hearing was closed at 7:38 P.M.

E. Discussion

Tom commented that since the application has changed, his preference is to deny it with the condition that the applicant address the issues.

The Commission discussed denying or deferring the application with Roy and Erin.

F. Recommendation

On a motion by Richard Brown, seconded by Kathy Koza, the Commission voted all in favor to table the application until they hear from the applicant again and find out when he wants it put back on the agenda to discuss the new design in keeping with the new scope of work.

4. **22-2033-SP-E:** Consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 24.62 feet for a single-family residence at 2705 Cody Avenue (Highland Lake Estates, Section 16, Lot 16036 and approximately 0.0307 acres of the W.S. Iley Survey 641, Abstract 433).

A. Staff Presentation

Roy commented that the ridgepole should reflect the amended height request which is 7.5 feet.

B. Applicant Presentation

Ralph Sharp, the applicant, said he cleared the lot and adjusted the ridgepole for the amended height request.

Richard asked if the applicant adjusted the support for the deck. Roy replied, while he doesn't have plans from the applicant that adjust that issue, it's just a reminder since the Commission doesn't have the ability to grant a setback variance and the applicant needs to fix the issue in his plans.

C. Open Continued Public Hearing

The public hearing was opened and continued at 7:46 P.M.

Linda Walls said that the Commission does not enforce building codes or the master plan and grants variances anyway. She was against the item.

Richard discussed the two-story homes in the neighborhood with Ms. Walls and discussed the principles they apply when considering such applications.

D. Close Public Hearing

The public hearing was closed at 7:52 P.M.

E. Discussion

Kathy discussed her experience on the property and the surrounding views while viewing the ridgepole.

Julie stated that it was hard to ascertain the views of the property because of the undeveloped lots surrounding the lot.

Thomas agreed with Julie and stated it feels like a one-story neighborhood. He said it wasn't about views and asked if the request was warranted because there's a need for it. He said the building doesn't fit in the neighborhood.

Richard said he feels confident that the lot will not be flooded in the future, but it's technically in the floodplain. Richard stated the applicant's justification for the height request seems to be an unwarranted consideration.

Tom said the height of the ceiling in the garage is not a consideration and said no views are blocked and said they need to determine if the architectural design fits the neighborhood.

Mr. Sharp said that it will be a two-story home since it's in the floodplain and will match the other existing two-story homes in the neighborhood.

Thomas discussed if they should change the use of the land.

Kathy discussed the height variances granted in the past and said they were all shorter than the height than the current request.

Richard and Mr. Sharp discussed the details of request and the design of the home.

The Commission discussed the details of the height of the living area floor and the architectural impact of the height request for the neighborhood.

F. Decision

On a motion by Tom Monahan, seconded by Richard Brown, the Commission voted two to three (2-3) to approve the additional height request of 7.5 feet. (Thomas Burlew, Julie Davis, and Kathy Koza were opposed.) The motion failed.

The Commission discussed their options for determining their decision for the application.

On a motion by Richard Brown, seconded by Tom Monahan, the Commission voted two to three (2-3) to set the living area floor at 723 instead of the 725-foot elevation with an additional height of five feet, six inches. (Thomas Burlew, Julie Davis and Kathy Koza were opposed.) The motion failed.

Richard noted that a couple of houses in the neighborhood are very close and not significantly higher in elevation as the requested height on the application.

On a motion by Thomas Burlew, seconded by Julie Davis, the Commission voted four to one (4-1) to deny the application. (Tom Monahan was opposed.) The motion passed.

5. **22-2097-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend approximately 295.9 acres of the existing Planned Development District (PDD) known as the "Falls on Lake Travis" and to add approximately 190.9 acres currently in the TR-1 ("Temporary Restricted") zoning district to that approval that includes a new concept and detail plan modifying the uses and development standards for that property (a total of approximately 486.8 acres of the B.F. Cox Survey 740, Abstract 207).

Tom announced that the applicant requested a deferral of the application, but they will take public comments.

Donald McNary, 17724 Cherry Lane, invited everyone to check out the road conditions in the area, and consider utilities that are needed since more people will be moving to the area if the application is approved. He said that these are items they need to look at before making their decision. He said he was for the item.

Robert Gorlow, 7485 Fairway Dr., Miami, Florida, said he represents the developer and requested the deferral of the application. He concurred with Mr. McNary's comments and said they were not going to design the development to cause problems for the community.

Richard asked Mr. Gorlow what the name of the development will be. Mr. Gorlow replied, it will be called Winn Ranch.

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

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

6. Consideration of a recommendation regarding a POTENTIAL AMENDMENT TO Sections 11.20 and 11.30 of Chapter 14 of the Lago Vista Code of Ordinances to align the local requirements more closely with the Texas Local Government Code Requirements for approval of a zoning variance.

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

A. Continue Public Hearing

There were no public comments.

B. Discussion

The Commission discussed what they need to do to complete the draft amendment with Roy. Roy stated that they need to add state language in the amendment, but they need to find the intent of that language first so that it won't turn into absurd results. Erin discussed what she is doing to get that information.

Tom announced that the public hearing will be continued to the next meeting.

7. Consideration of a recommendation regarding a potential amendment to Sections 23 of Chapter 14 of the Lago Vista Code of Ordinances to amend the procedural and substantive requirements related to the short-term rental of residential properties.

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

A. Continue Public Hearing

There were no public comments.

B. Discussion

Tom announced that he has an outline for the proposed amendment and discussed it with other members. They discussed how the amendment would be applied to the Code of Ordinances and mentioned that it will be cross-referenced, and the language should be consistent.

Richard suggested an ordinance proposal that limits the occupancy to six people. He discussed his experience with short-term rentals. He commented that short-term rentals are hard on the city because the city needs to keep up with regulations, compliance, and tax collection. He suggested the manpower should be included in the amendment to dedicate resources for the management of short-term rentals and they should have a town hall meeting with the public regarding these issues. He mentioned this would create more success for the proposed amendment.

Julie and the other members spoke about looking at such ordinances in other communities.

Erin and Roy discussed the issues involved with the amendment and what will be needed to get the program up and running and what requirements are needed for it.

The Commission discussed the existing short-term rentals in the city and what type of buildings they are; they discussed putting together a list of purpose, conditions, and compliance issues; and discussed looking at ordinances and permitting requirements in other cities to gather information for the amendment and create an outline for discussion.

CONSENT AGENDA

- 8.** Consider approval of the following minutes:
January 27, 2022, Special Call Meeting

On a motion by Thomas Burlew, seconded by Kathy Koza, the Commission voted all in favor to approve the minutes for January 27, 2022.

DISCUSSION AND POSSIBLE ACTION

Tom announced that he has requested that Roy set up item numbers 9, 10, and 11 for a public hearing next month.

- 9.** Continuation of the discussion regarding the desired approach to the annual work plan of the Commission (required by Ordinance Number 21-07-15-01), including items identified in the previous Comprehensive Master Plan Subcommittee reports such as the need to amend Chapter 3 and the Future Land Use Map of the current Comprehensive Master Plan and Section 13.20(d) of Chapter 14 of the Lago Vista Zoning Ordinance in order to provide more flexible and useful tools to guide zoning decisions.
- 10.** Discussion regarding a potential amendment to Section 11.60(b) of Chapter 14 of the Lago Vista Code of Ordinances relating to special exception approvals and the “absolute height” limit of 35 feet from grade at the geometric center of the foundation for certain property within the 100-year floodplain.

Tom stated that he will change the definition of “absolute height” to “building height,” which has a definition, to keep it consistent.

The Commission discussed issues with some buildings being over the maximum height of 35 feet in the floodplain and discussed the possible intentions of the original ordinance. They also discussed assessing the ordinance and suggesting changes that are needed for it.

- 11.** Discussion regarding a potential amendment to Section 2.10 and Table B of Chapter 14 to define and create a path for approval (other than through a Planned Development District) for a development that includes specific residential uses within a commercial structure of zoning district.

Roy commented they received a couple of letters regarding the potential amendment.

ADJOURNMENT

On a motion by Tom Monahan, the Commission voted unanimously to adjourn at 10:02 P.M.

Tom Monahan, Chair

Alice Drake, Administrative Assistant

On a motion by _____, seconded by _____, the foregoing instrument was passed and approved this _____ Day of _____, 2022.