

1. Agenda

Documents:

2023-01-12-PZ-REG-AGN.PDF
PANDZ 01-12-2023 PACKET.PDF

Chairman
Tom Monahan

Vice-Chairman



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 regular meeting on Thursday, January 12, 2023, beginning at 6:30 p.m. in City Council Chambers at 5803 Thunderbird, Lago Vista Texas, as prescribed by Government Code Section §551.041 to consider the following agenda items.

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

You may join the meeting from your computer, tablet or smartphone using the following link: <https://meet.qoto.com/516948765>

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

United States: +1 (646) 749-3122
Access Code: 516-948-765

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

One-touch: <tel:+16467493122,,516948765#>

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

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

Citizen Participation Registration Form

CALL TO ORDER, ROLL CALL

CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA

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

BUSINESS ITEMS

1. Welcome of new members
2. Election of officers (Chair and Vice-Chair) for the coming year
3. Comments from the Council Liaison

PUBLIC HEARING AND ACTION (APPLICATIONS)

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

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

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

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

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

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

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

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

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

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

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

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

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

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.

9. Consider Approval of the Following Minutes:

December 8, 2022, Regular Meeting

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located in City Hall in said City at 4:25pm on the 5th day of January 2023.



Lucy Aldrich, City Secretary

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

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

Meeting Packet
Planning and Zoning Commission Regular Meeting

January 12, 2023

Chairman
Tom Monahan

Vice-Chairman



Commission Members
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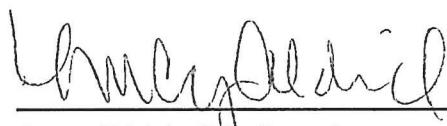
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January 12, 2023

Agenda Item 4
22-2260-R-REZ

3605 Allegiance Avenue

Zoning District Change (Future Land Use Map Amendment)
U-1 to R-2 (Public / Semi-Public to Medium Density Residential)

22-2260-R-REZ

3605 Allegiance Avenue

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: Donald A Norman **Fee:** See Ordinance Appendix A (non-refundable)
Contact Phone: (512)267-0080 **Contact Email:** dnorman@tcesd1.org
Property Owner(s):* Travis County Emergency Services District 1
Owner's mailing address: 20624 FM 1431, Suite-5, Lago Vista, TX 78645

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*
Highland Lake Estates, Section-11; Lot 11083 less the North 73-feet.

Municipal Address(es)* if applicable: 3605 Allegiance Avenue Lago Vista, TX 78645

NATURE OF REQUEST

Current Zoning District(s): P-1 **Requested District:** R-2 Two Family Residential

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

To obtain Future Land Use Map change to Low Density Residential and a Zoning change to allow conversion of the prior Kennedy Fire Station into a residential two family duplex.

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

Name of Agent: Greg Billings, Broker **Email:** GregLakeTr@aol.com
Mailing Address: 19209 Adrian Way; Jonestown, TX 78645 **Phone:** (512)963-1130

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.**

11/1/2022

Property Owner's signature(s)*

Date

***Attach additional sheets as required**

Date: October 31, 2022

To:

City of Lago Vista; Planning & Zoning Commission

RE: 3605 Allegiance Ave
Remainder of Lot-11083; Highland Lake Estates, Section-11
Former Kennedy Fire Station

Current Property Owner:
Travis County ESD #1
20624 FM 1431, Suite-5
Lago Vista, TX 78645

Prospective Purchaser:
Gregory L. Murray
Vice President & Partner
Murray Drywall & Insulation of Texas
18209 Adrian Way
Jonestown, Texas 78645

Agent for Buyer
Greg Billings, Broker
18670 Highway 1431
Jonestown, TX 78645

FUTURE LAND USE MAP

Currently the Future Land Use Map designates the subject property use as "Public / Semi-Public". We believe that the existing Future Land Use designation is erroneous as it does not accurately reflect the several decades long historical use as an improved property fire station with garage, living quarters and offices. The building was built in 1986.

We now request a change in the Future Land Use Map for the property to Low Density Residential in order to accommodate the attached Application for Zoning Change to R-2 Two-Family Residential.

Duplex is typically a transitional or "barrier" use between a Single Family use and other adjoining uses such as Multi-Family, Retail or Business, Commercial and Industrial; or Institutional.

The reason for this request is that the existing building, formerly a fire station, with offices, living quarters, kitchen, restrooms with showers, and a large service bay garage which housed the Fire Engine Trucks and emergency vehicles, still exists with a substantial remaining economic useful life, with the structural components still in good condition.

In addition, due to the closure and relocation of the fire station, a significant and unanticipated change occurred that affected the parcel since the classification on the land use map was adopted.

The existing Zoning district for the property is P-1A "Park District". It likely would have more suitably been Zoned U-1 "Utility, Governmental, Educational, and Institutional".

Adjoining the subject site is the City of Lago Vista utility Allegiance Water Tank fenced compound with a tall metal water storage tank and an industrial type metal building, which are on the other portion of Lot-11083. It is also currently Zoned P-1A; and as such could more suitably also have been zoned U-1.

Adjoining the Water Utility site is a vacant Lot-11082 which is currently Zoned C-1A "Professional, Business Office, Low Density Retail". These sites have established a non-residential block throughout many decades. It is easy to conceive that the Water Tank Compound and accessory industrial metal building in practicality could eventually have had expanded to include offices and warehouse or garage vehicle storage. Hence an adjoining, buffer or transitional R-2 duplex low density residential use would easily blend in and unify to soften the aesthetic distraction of having a water utility compound in a neighborhood.

As a general rule, most residential homeowners prefer not to reside adjoining an industrial water utility compound, and hence that is likely why the existing Zoning on the adjoining vacant Lot-11082 is C-1A. That is also why the existence of a governmental institutional fire station building is appropriately situated adjoining the water utility compound on the other side. Both the fire station multi-purpose building and the Retail zoned vacant Lot serve as a transitional buffer to neighboring residential zoned housing units.

Both the City of Lago Vista and the Lago Vista Property Owners Association declined to bid or buy the Fire Station property; hence a P-1A or U-1 Zoning district would no longer be an alternative. Also, none of the adjoining homeowners that back up to the subject site submitted a bid or purchase offer to consolidate or re-plat the subject property as an auxiliary or accessory structure to their residence.

The Travis County Emergency Services District (ESD) #1 (and #7) are both currently in need of supplemental funds for the daily operation of the fire and emergency protection needs of this fast growing area.

The appraised value of the property was factually based on the assumption that the Zoning would be a true reflection of the building's intended use and purpose as an institutional office or business. The appraisal states that the valuation assumes that the City of Lago Vista staff and Council will approve a zoning change to allow an appropriate for profit market use of this property. It is reasonable to expect that a transition from Institutional to R-2 residential is practical and sensible and enable the property to realize some production of income.

To deny the Future Land Use Map change to Low Density Residential might prevent a Zoning change to R-2 Two-Family Residential.

Without a Zoning change the existing building would be a Non-Conforming Use and render it ineligible for a certificate of occupancy; and an imminent impact of this could lead to an extended vacancy, eventual deterioration and decline of the property and improvements, and could result in an unjustifiable involuntary demolition of the building.

No changes would decrease the value of the property on the appraisal district valuations and the tax rolls. A mandate to tear down the building would place an unnecessary financial burden on the seller Travis County ESD -1; resulting in a lower appraisal and assessed value, and would be unfair and unreasonable.

We are hopeful that the City Council and the Planning & Zoning Commission will approve an amendment to the Future Land Use Map to change the former Kennedy Fire Station site from a Public / Semi-Public designation to the Low Density Residential category and Approve the Zoning change to R-2 Two-Family residential duplex.

A change such as this will facilitate the Travis County Emergency Services District in selling the property in concert with a practical use, and achieve a fair market price to support its emergency and protective services for community safety, and help in funding and overcoming any budget shortfalls.

22-2260-R-REZ

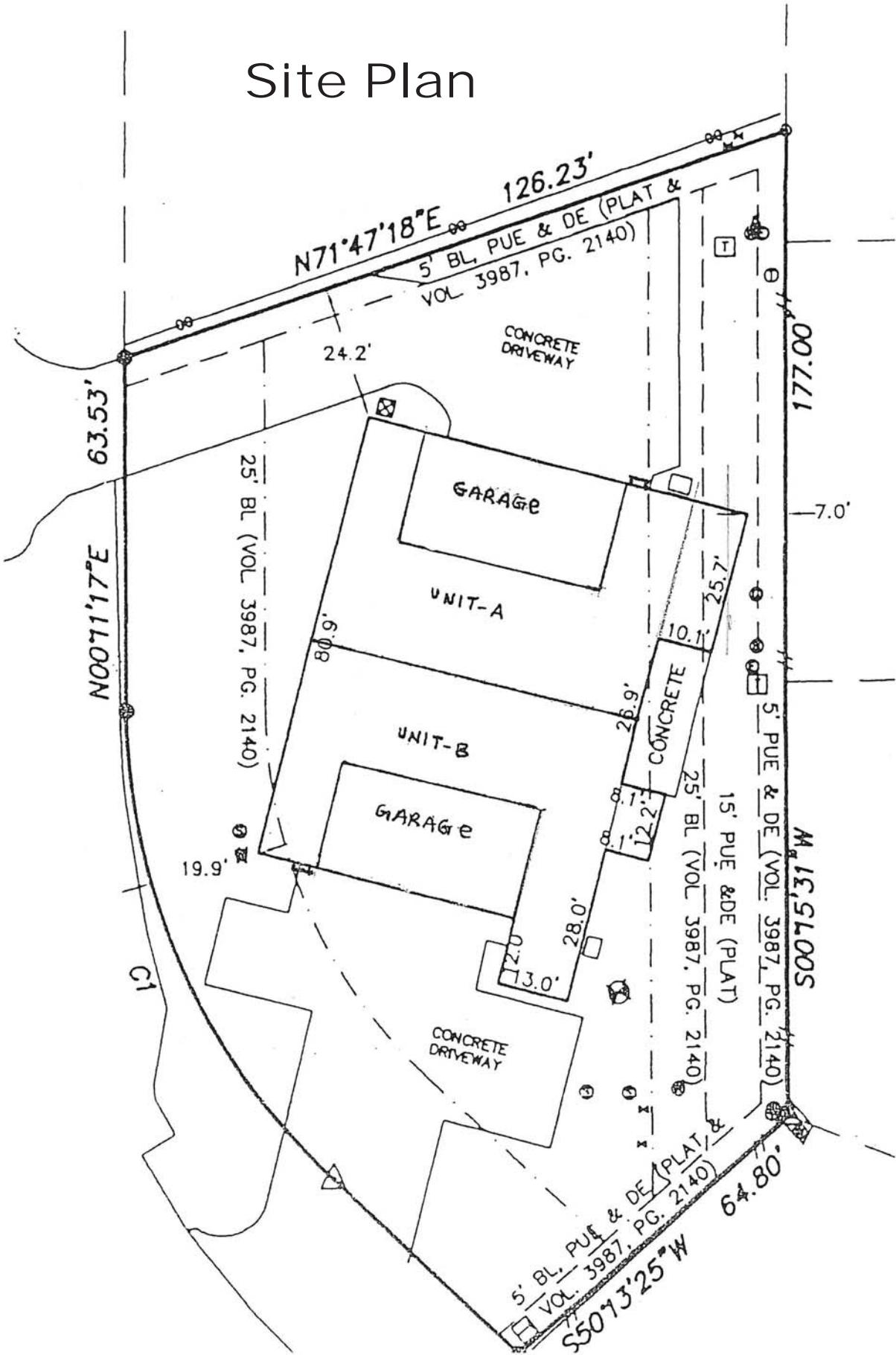
3605 Allegiance Avenue

Attachment 2

Site Plan

Site Plan

ALLEGIANCE AVENUE



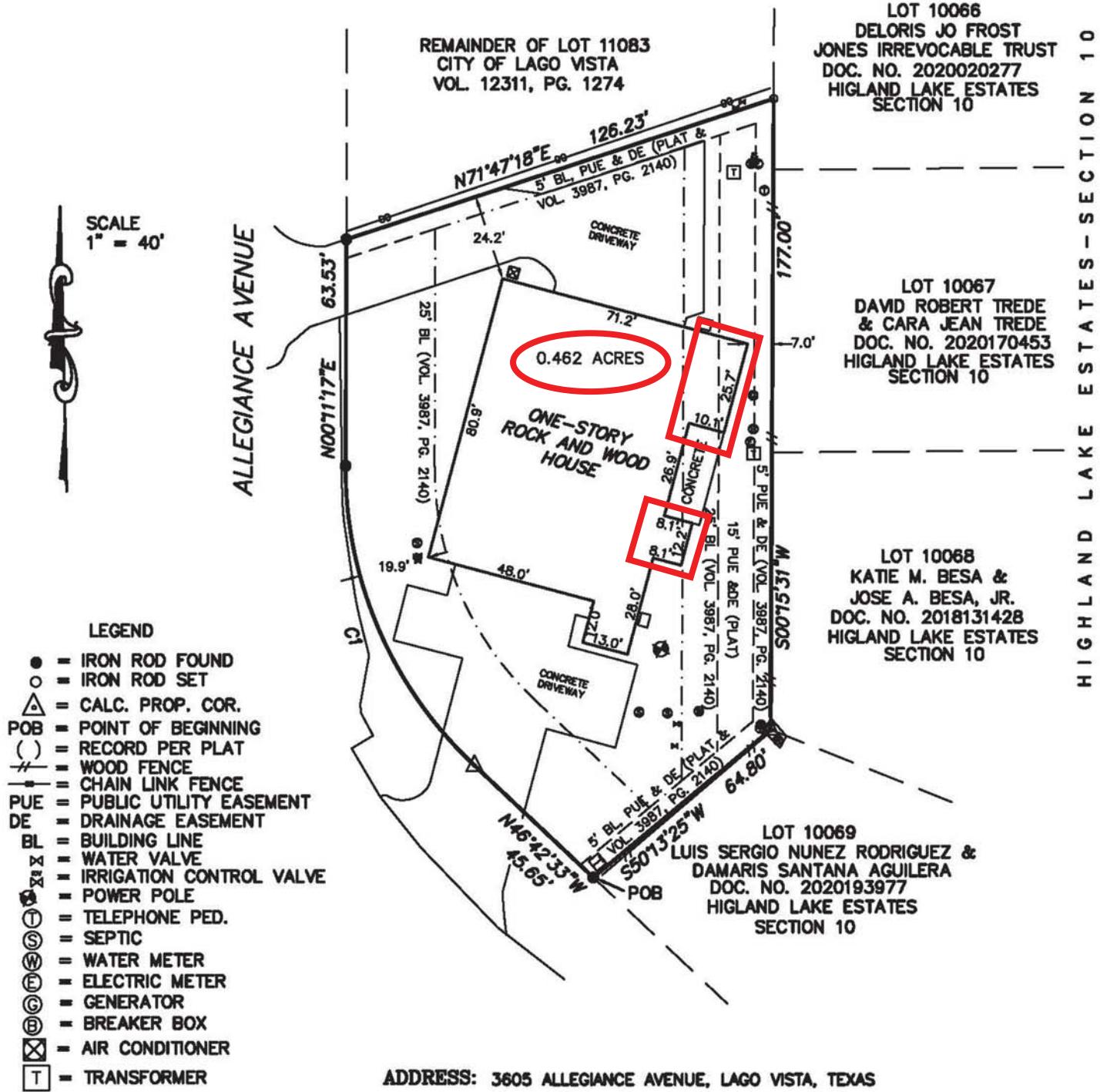
22-2260-R-REZ

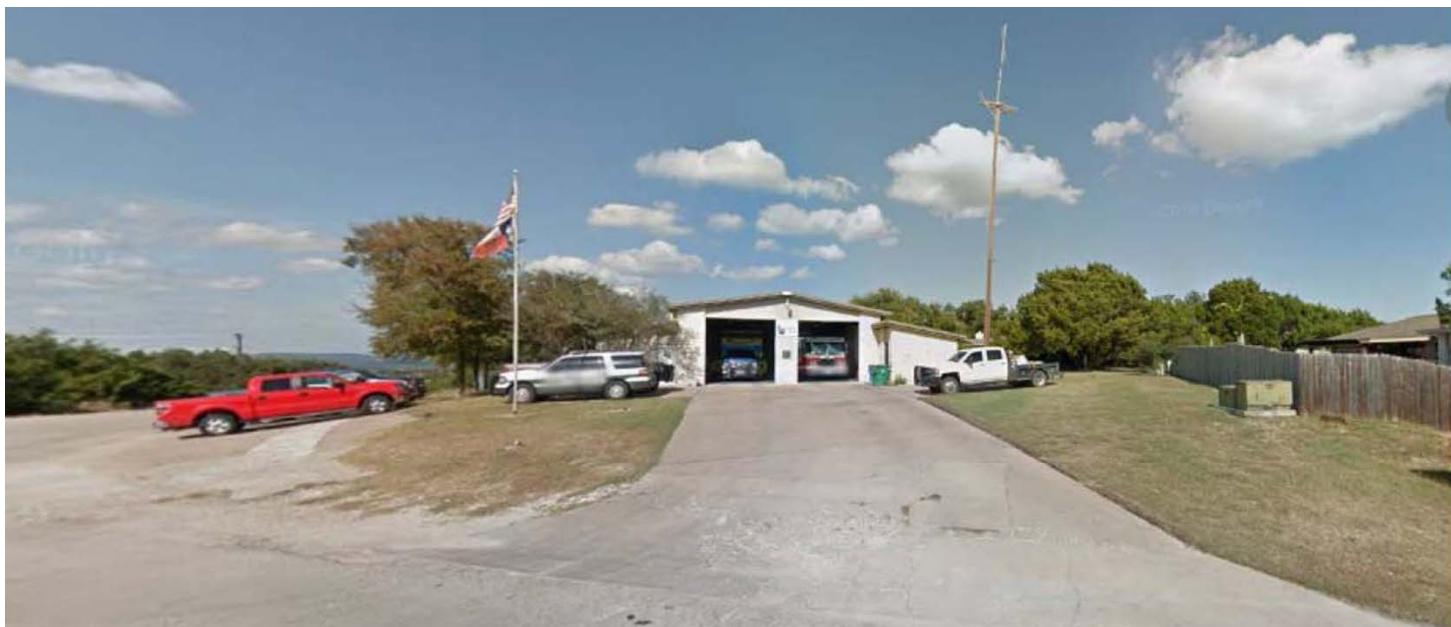
3605 Allegiance Avenue

Attachment 3

Additional Site Information and Staff Photographs

Material provided to the Planning and Zoning Commission
in March of 2022 as part of Application 22-2034-R-REZ





22-2260-R-REZ

3605 Allegiance Avenue

Attachment 4

Maps



N



0 15 30 60 90 120
1 in = 110 ft

3605 Allegiance Avenue

Request Type	Zoning Change	Project	22-2260-R-REZ
Change Requested	U-1 to R-2	Date	12/21/2022
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



0 15 30 60 90 120

$$1 \text{ in} = 110 \text{ ft}$$

3605 Allegiance Avenue

Request Type	Zoning Change	Project	22-2260-R-REZ
Change Requested	U-1 to R-2	Date	12/21/2022
Map Purpose	Zoning Map	Drawn By	chris.martinez

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Legend:

- Street
- Project Area
- TaxParcel
- City Limits
- Zoning Districts

C-1C	G-1
R-1B	Yellow
R-1C	Yellow
R-1G	Gold
R-4	Brown
TR-1	Light Blue
U-1	Dark Blue



0 15 30 60 90 120

$$1 \text{ in} = 110 \text{ ft}$$

3605 Allegiance Avenue

Request Type	Zoning Change	Project	22-2260-R-REZ
Change Requested	U-1 to R-2	Date	12/21/2022
Map Purpose	Future Land Use Map	Drawn By	chris.martinez

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22-2260-R-REZ

3605 Allegiance Avenue

Attachment 5

Notice Comments



0 15 30 60 90 120

$$1 \text{ in} = 110 \text{ ft}$$

3605 Allegiance Avenue

Request Type	Zoning Change	Project	22-2260-R-REZ
Change Requested	U-1 to R-2	Date	12/21/2022
Map Purpose	Notification Boundary Map	Drawn By	chris.martinez

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



Notice of Public Hearing

CITY OF
LAGO VISTA
TEXAS

Project #: **22-2260-R-REZ**

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

Project Property Location: 3605 Allegiance Avenue (Highland Lake Estates, Section 11, Lot 11083 less and except the North 73 feet)

200' Notification Mailing ID: 1

December 20, 2022

HENDERSON REVOCABLE TRUST
20501 HIGHLAND LAKE DR
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning district change request from the U-1 ("Utility, Governmental, Educational, and Institutional") zoning district to the R-2 ("Two-Family Residential") district and a corresponding amendment to the Future Land Use Map designation in the current Comprehensive Plan from "Public / Semi-Public" to "Medium Density Residential" at 3605 Allegiance Avenue (Highland Lake Estates, Section 11, Lot 11083 less and except the North 73 feet).

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

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

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

In Favor; Opposed

Comments:

This neighborhood is showing declining due to the Lake Highland Golf course deterioration. It is has become an eyesore to the area. To add multi residential units, usually rentals, will only add to the decline. Thus, I am opposed to anything but single dwellings.

Signed:

Dennis Henderson - (Dennis Henderson) 20501 Highland Lake Dr

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.

I do not know who owns the fire house -
I suggest tear it down and build two
quality houses.

January 12, 2023

Agenda Item 5
22-2275-CO-U

7503 White Oak Drive
Conditional Use Approval
Accessory Building Floor Area Increase

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



P&Z CASE NO:	22-2275-CO-U: 7503 White Oak Drive
APPLICANT:	Mark G. and Sharon G. Lyell
LANDOWNER:	Same
LOCATION:	East side of street ± 275 feet north of Oak Hill Lane
ZONING:	R-1D ("Single-Family Residential")
PROPOSED USE:	Accessory building with excessive floor area

GENERAL INFORMATION / LOCATION:

- White Oak Drive is a street west of Lohman Ford Road that forms a circular loop that extends north from Ridgeview Road. The centerline distance between the origin and termination of White Oak Drive on Ridgeview Road is approximately 900 feet. The subject property is in the northeast quadrant of this loop, north of Oak Hill Lane which is the nearest intersecting street. An amended subdivision plat was approved in 1990 that combined two former lots at this location. The distance between the centerline of the Oak Hill Lane and the centerline of the subject property is approximately 275 feet.
- The applicant seeks approval to construct a detached accessory building with a floor area that exceeds fifty percent of the floor area of the principal residence. The proposed 1,200 square foot accessory building appears intended to include the storage of vehicles or watercraft. The application form that was submitted suggests that the floor area of the existing residence is approximately 1,400 square feet on a 1.43-acre lot. It also promises to obtain "approval signatures from all adjacent neighbors, which is not a requirement for this application.
- However, the application includes quite a bit of ambiguous and potentially contradictory information about the height of the proposed accessory building and the height of the existing residence. Although the staff has no reason to assume that a special exception for additional height will be required, the current application does not include enough reliable information to support that conclusion. As a result, an email was sent requesting the applicant to commit to providing more reliable height information as a prerequisite to the required notices. No additional information has been received pursuant to that request.

SITE PLAN / CONTEXT CONSIDERATIONS:

- The survey of the property completed in 2021 identifies the high point of the lot as 873.20 feet above mean sea level (MSL). The proposed new site plan includes information about the maximum height permitted by the zoning ordinance on this property (888.20 feet above MSL). It also includes some information about the height of two distinct buildings, which are presumably the existing residence and the proposed accessory building. Unfortunately, it does not clarify what information is associated with each building. The ordinance prescribes that the accessory building must not exceed the maximum height permitted by the zoning ordinance or the height of the principal residence, absent a special exception approval for the additional height.
- While the information provided suggests that the height of both buildings will be similar, there are also reasons to question whether that information is accurate. The principal residence is a two-story structure that was remodeled with an addition in 2019. The original second floor living area is accommodated within the confines of a steeply pitched gable roof. The Travis County Appraisal District confirms that assumption by noting that the living area on the second level is only slightly more than half the size of the first floor living area. Although the addition is likely excluded, they estimated that the residence previously consisted of approximately 1,796 of floor area, distinguished from the living area by including all covered areas. This suggests that the building with a roof height 28.9 feet above the first floor level is the principal residence and is taller than the proposed accessory building as required by the ordinance, absent a special exception approval.

- However, the information on the site plan about the second building, presumably the proposed accessory building, indicates that it has a roof that is 26.1 feet above the first floor level. The commitment to provide information showing the height of the roof above the first floor level remains outstanding. In addition, the building elevations add to the confusion instead of helping to resolve it.
- Those building elevations include an indication that the plate height of the accessory building is 12 feet above the first floor level. While there is no dimension to the top of the roof provided, it is apparent (if the drawing is to scale as required) that the height of the roof framing is at least two feet less than the height of the supporting walls. That would lead to the conclusion that the proposed accessory building will have a height that is no greater than approximately 22 feet in height. The information on the site plan instead asserts that the shorter of the two buildings is 26.1 feet in height above the first floor level, a discrepancy of almost 20 percent.
- The building elevations do not indicate the roof pitch of the proposed accessory building, although it is clearly less steep than the roof on the principal residence that accommodates a second living area. This would tend to confirm the accuracy of the building elevations and the inaccuracy of the height information on the site plan.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- HB 2439 of the 2019 Texas legislature prohibits the City from enforcing regulations that restrict the use of building materials or construction methods that are otherwise permitted by the adopted model building codes. However, the failure to include any of that information on the building elevations can be problematic. In addition to a similar roof pitch (adequate in this case), the color of both the roof and façade of the accessory building must resemble those on the principal residence in accordance with Section 6.10(b)(5)(C) of Chapter 14.
- When the proposed accessory building is to be a pre-engineered “metal building,” compliance can require additional effort which has been ignored in the recent past as the color selections are typically more limited. Although redundant and arguably unnecessary, the staff would nonetheless encourage the Commission to seek confirmation of the construction methods and materials of the accessory building and to specify the colors as including a dark grey roof and beige siding.
- The 2021 survey includes an indication of three existing accessory structures consisting of a “steel carport, a “steel shipping container,” and a wooden shed. There are no records of any of these being permitted although the wooden shed might be exempt from that requirement if it has an area less than 30 square feet. Section 6.10(b)(1) of Chapter 14 also prohibits more than two accessory structures larger than 30 square feet. As the proposed new site plan does not show any of these accessory buildings, they will presumably be removed, and any potential violations resolved.
- However, that same survey shows a very substantial rectangular area very near the northwest property line shared by the adjacent lot (notification ID 6). The staff was able to determine that this is an indication of clearing and site work that was begun in anticipation of an accessory building permit that was denied in early 2021 because it was also larger than 50 percent of the floor area of the principal residence. Photographs of that work were taken by the code enforcement official and included in the records of that permit application. While that application was for an accessory living quarters (described by the applicant as a “mother-in-law suite”), the current proposed accessory building appears to be in a similar location, although noticeably smaller.
- While that application was denied because it exceeded more than 50 percent of the floor area of the principal residence, it is less clear that the current application is required. As noted above, the application form submitted asserts that the existing residence includes approximately 1,400 square feet. However, the 2019 permit for additions and renovations to the existing residence suggest that that it includes 1,946 square feet of living area and a total floor area of 2,906 square feet.

POTENTIAL ALTERNATIVE DECISIONS:

- A. Defer consideration of a recommendation regarding the conditional use approval pending the previously promised information regarding building heights and an accurate computation of the total floor area of the existing principal residence.
- B. Recommend denial of the conditional use approval as:
 1. it is not required since the proposed accessory building does not exceed fifty percent of the floor area of the existing principal residence; and
 2. this application cannot resolve any height related issues.
- C. Recommend approval of the conditional use for an accessory building that has an area of 1,200 square feet subject to a requirement that the maximum height of the building does not exceed the limits prescribed in Table A of Chapter 14 or the height of the existing principal residence.

22-2275-CO-U

7503 White Oak Drive

Attachment 1

Application



CITY OF LAGO VISTA

Conditional Use Permit

Conditional Use Permit Fee: \$250.00

Applicant Information:

Name: Mark & Sharon Lyell

Address: 7503 White Oak Drive, Lago Vista TX 78645

Telephone #: 512-576-3000

E-mail: sharon@lyellco.com

Date of Application: 09/21/22

Signature: Sharon Lyell

Request:

Conditional Use Permit is being sought for: Accessory Building exceeding 50% of primary residence size. Detached garage 1200sq ft, primary residence ~1400sq ft. Will get approval signatures from all adjacent neighbors. Lot is 1.43 Acres

Legal Description: 1901A - Resub of lots 1901 & 1902 Section 6
Lago Vista Estates

(Subdivision) (Section) (Lot)

Please attach a to-scale drawing of the improvements that would be provided.

Re: MyGovernmentOnline.org - Application #APP-9970 Received Confirmation

Sharon Lyell <sharon@lyellco.com>

Mon 12/12/2022 7:29 PM

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

 2 attachments (189 KB)

LYELL NEW DETACHED GARAGE - FLOOR PLAN & ELEVATIONS.pdf; Project1 - Sheet - A101 - LYELL SURVEY.pdf;

Hi Roy,

Here is the drawing "Project 1" which shows the existing residence with elevations and the garage detail. The garage roof pitch is 7/12 so the ridge height is 12 plus 8.5' to the peak, 2-5' total. Well under the limit of height. Please let me know if you need anything else and I will get it for you. Or if you want me to upload these drawings on the portal "mygovernmentonline". Thank you for your help.

Sharon Lyell
512-576-3000
www.lyellco.com
sharon@lyellco.com

From: Roy Jambor <Roy.Jambor@lagovistatexas.gov>
Sent: Thursday, December 8, 2022 1:15 PM
To: Sharon Lyell <sharon@lyellco.com>
Subject: RE: MyGovernmentOnline.org - Application #APP-9970 Received Confirmation

No this is fine. I will send the ad.

Roy Jambor, AICP/PA
Director of Development Services
City of Lago Vista, Texas

Please take note of the new email address
roy.jambor@lagovistatexas.gov



From: Sharon Lyell <sharon@lyellco.com>
Sent: Thursday, December 8, 2022 1:13 PM
To: Roy Jambor <Roy.Jambor@lagovistatexas.gov>
Subject: Re: MyGovernmentOnline.org - Application #APP-9970 Received Confirmation

Yes you have my commitment, do I need to something other than this email?

Sharon Lyell
512-576-3000

www.lyellco.com
sharon@lyellco.com

From: Roy Jambor <Roy.Jambor@lagovistatexas.gov>
Sent: Thursday, December 8, 2022 1:04 PM
To: Sharon Lyell <sharon@lyellco.com>
Cc: Alice Drake <Alice.Drake@lagovistatexas.gov>
Subject: RE: MyGovernmentOnline.org - Application #APP-9970 Received Confirmation

No problem. I just need your commitment right now (so I can run the ad).

Roy Jambor, AICP/PA
Director of Development Services
City of Lago Vista, Texas

Please take note of the new email address
roy.jambor@lagovistatexas.gov



From: Sharon Lyell <sharon@lyellco.com>
Sent: Thursday, December 8, 2022 1:02 PM
To: Roy Jambor <Roy.Jambor@lagovistatexas.gov>
Subject: Re: MyGovernmentOnline.org - Application #APP-9970 Received Confirmation

yes sir, I will get you those before Monday, I think I already have all of that, I am just at the office and it is at home. I will get it to you right away

Sharon Lyell
512-576-3000
www.lyellco.com
sharon@lyellco.com

From: Roy Jambor <Roy.Jambor@lagovistatexas.gov>
Sent: Thursday, December 8, 2022 12:16 PM
To: Sharon Lyell <sharon@lyellco.com>; Alice Drake <Alice.Drake@lagovistatexas.gov>
Subject: RE: MyGovernmentOnline.org - Application #APP-9970 Received Confirmation

I need a drawing of your proposed accessory building that shows the height to the ridge and the dimensions of the building, or something that is printed to scale as required by the ordinance. What you submitted is not. Your existing drawing only shows the plate height. Alternatively, you can give me the roof pitch, which will allow me to determine the height of the ridge based on the dimensions of the building you supplied with the site plan.

However, I am not understanding your notes on this site plan regarding height as they appear to say something different than your email below.

Below you state that the new detached garage will be lower than the height of the existing residence and that you don't really know the exact elevations.

However, the site plan you sent includes the following exact elevations and an indication that the new roof will be slightly higher than the roof of the existing residence:

Existing residence finish first floor elevation: 864.4'

Existing residence roof height: 879.5'

New garage finish first floor elevation: 853.4'

New garage roof height: 882.3' (almost three feet higher than the existing residence)

However, these numbers seem highly suspect. They assert that the peak of the ridge on the garage is 28.9' above the finish floor level. However, the elevations indicate that the plate height is exactly 12 feet. If 28.9' is accurate, the roof framing has a height of 16.9' and exceeds the plate height by 4.9'. While I can scale your elevation drawings, I can assure you that the roof framing is drawn in a manner that indicates that it is shorter than the plate height.

That likely means that no special exception is required and that your email below is probably accurate. However, I need drawings that show that and that are consistent with each other. Otherwise, you are not likely to be approved. If you will commit to providing accurate drawings in a reply to this email, I will go ahead and advertise your application. I must have those within two weeks from now.

Please let me know as soon as possible as my deadline for the information to include in the ad is today.

Roy Jambor, AICP/PA
Director of Development Services
City of Lago Vista, Texas

Please take note of the new email address
roy.jambor@lagovistatexas.gov



From: Sharon Lyell <sharon@lyelco.com>
Sent: Thursday, December 8, 2022 11:42 AM
To: Alice Drake <Alice.Drake@lagovistatexas.gov>
Cc: Roy Jambor <Roy.Jambor@lagovistatexas.gov>
Subject: Re: MyGovernmentOnline.org - Application #APP-9970 Received Confirmation
Importance: High

Hi Roy,

Here is the site plan showing our existing house and the proposed detached garage. The back of our property is a hill, I don't have the exact elevation but the garage's highest point will be lower than my existing house and much lower than 18 feet above the highest point of the property but I am not sure exactly how to display this on the plan. The highest point of the roofed garage will be 19 feet

from ground level (and my house is a two-story so it is higher than that). Please let me know what else you need from me, as we are ready to start right away once approved. Thank you so much for your help!

Sharon Lyell

512-576-3000

www.lyellco.com

sharon@lyellco.com

22-2275-CO-U

7503 White Oak Drive

Attachment 2

Existing Survey, Site Plan, and Accessory Building Floor Plan

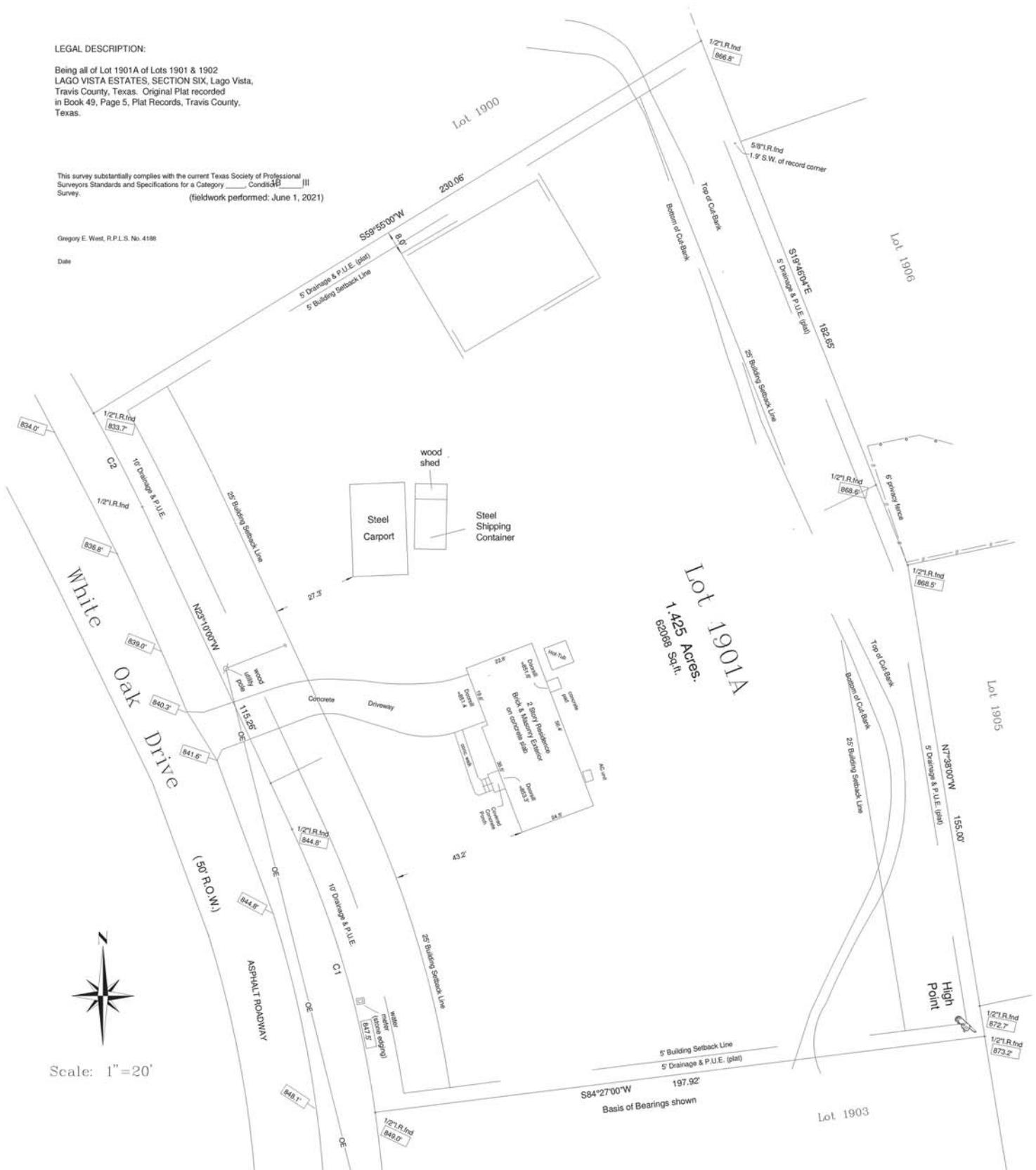
LEGAL DESCRIPTION:

Being all of Lot 1901A of Lots 1901 & 1902
LAGO VISTA ESTATES, SECTION SIX, Lago Vista,
Travis County, Texas. Original Plat recorded
in Book 49, Page 5, Plat Records, Travis County,
Texas.

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category _____ Condition 1B III Survey.
(fieldwork performed: June 1, 2021)

Gregory E. West, R.P.L.S. No. 4189

Date:



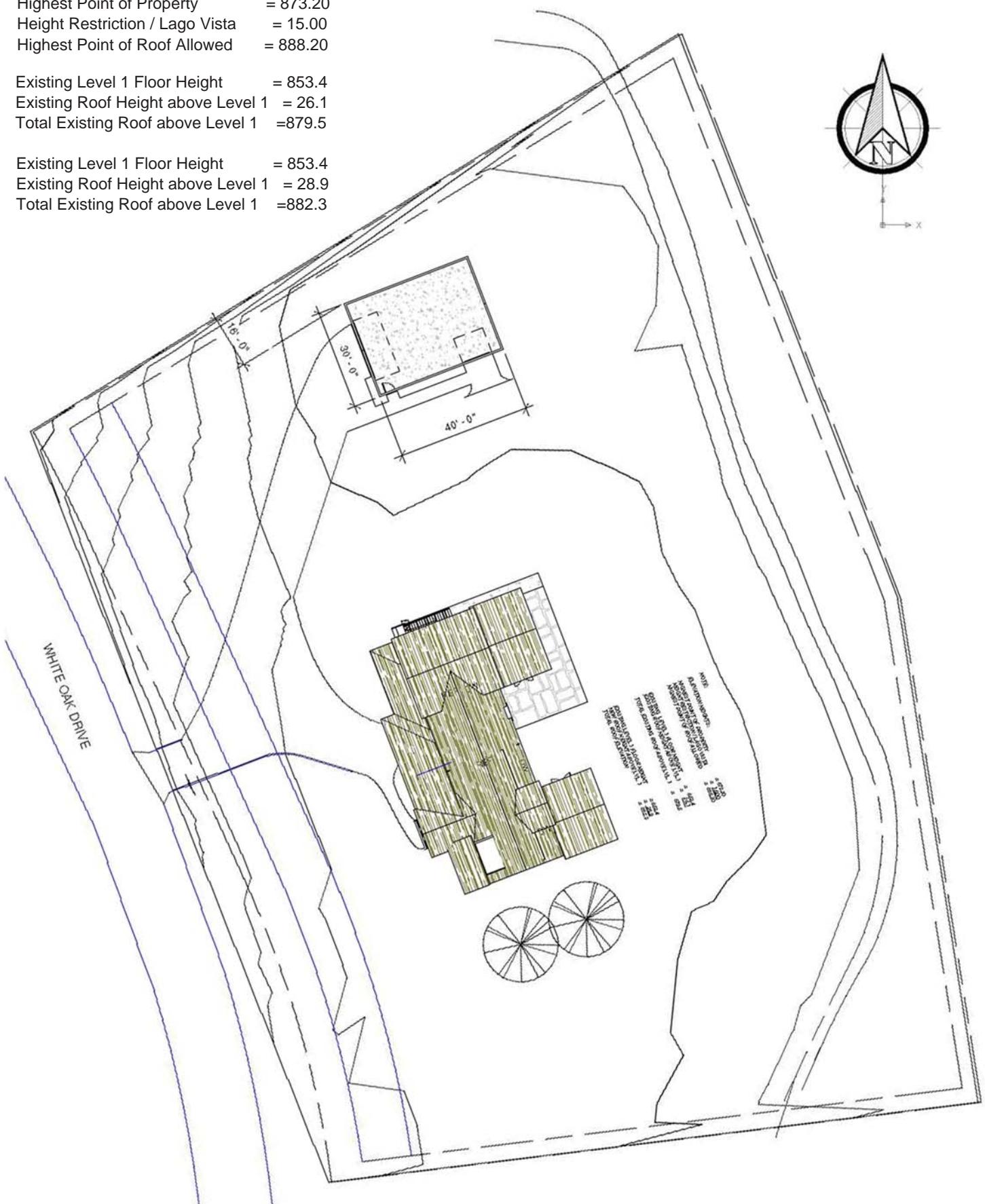
Existing Survey (6/1/2021)

Elevation Heights:

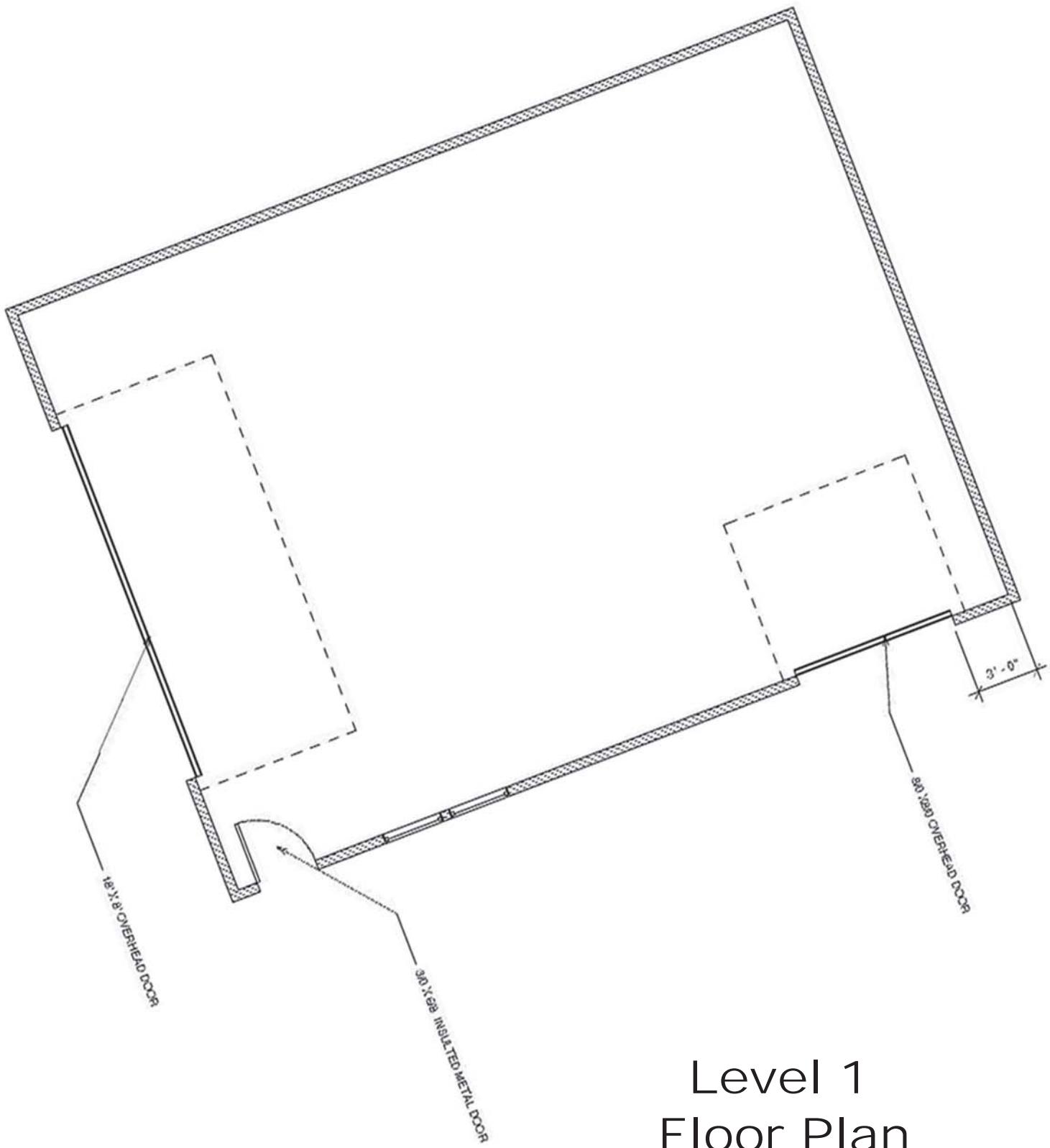
Highest Point of Property = 873.20
Height Restriction / Lago Vista = 15.00
Highest Point of Roof Allowed = 888.20

Existing Level 1 Floor Height = 853.4
Existing Roof Height above Level 1 = 26.1
Total Existing Roof above Level 1 = 879.5

Existing Level 1 Floor Height = 853.4
Existing Roof Height above Level 1 = 28.9
Total Existing Roof above Level 1 = 882.3



Site Plan



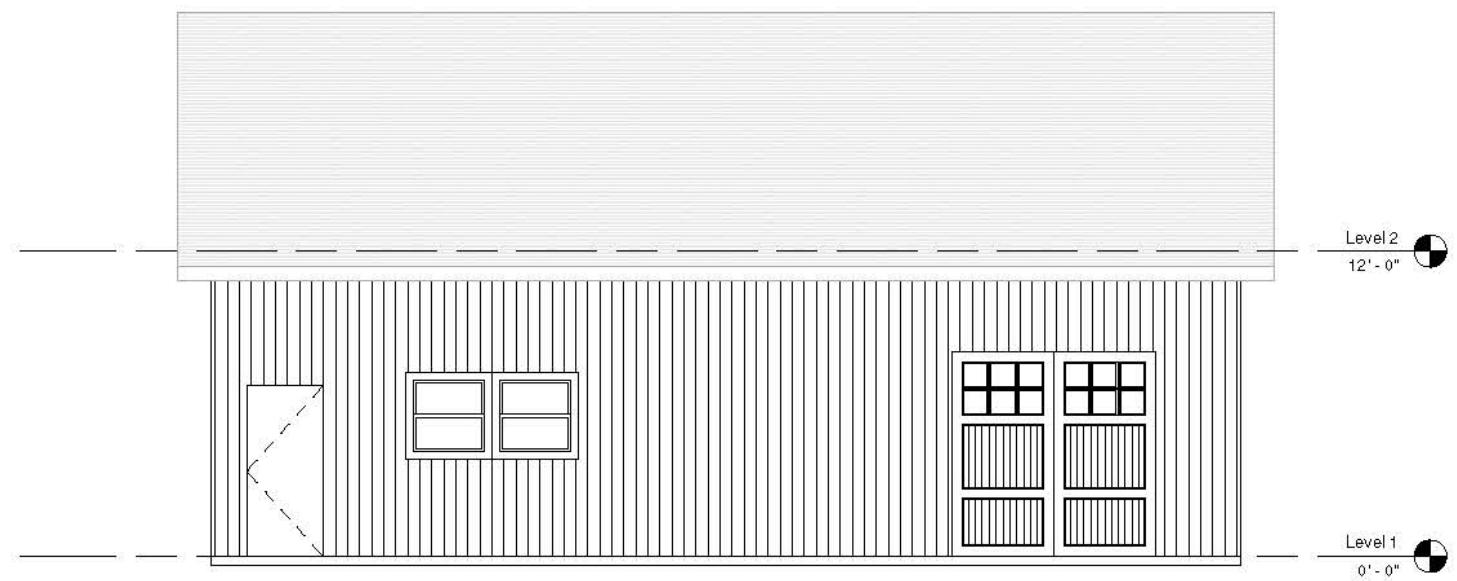
Level 1
Floor Plan

22-2275-CO-U

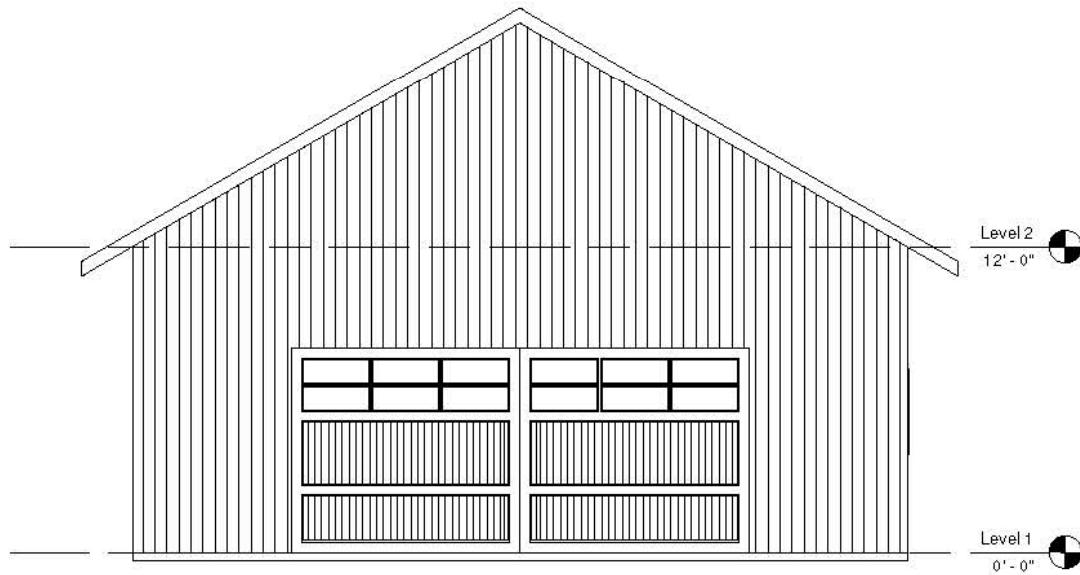
7503 White Oak Drive

Attachment 3

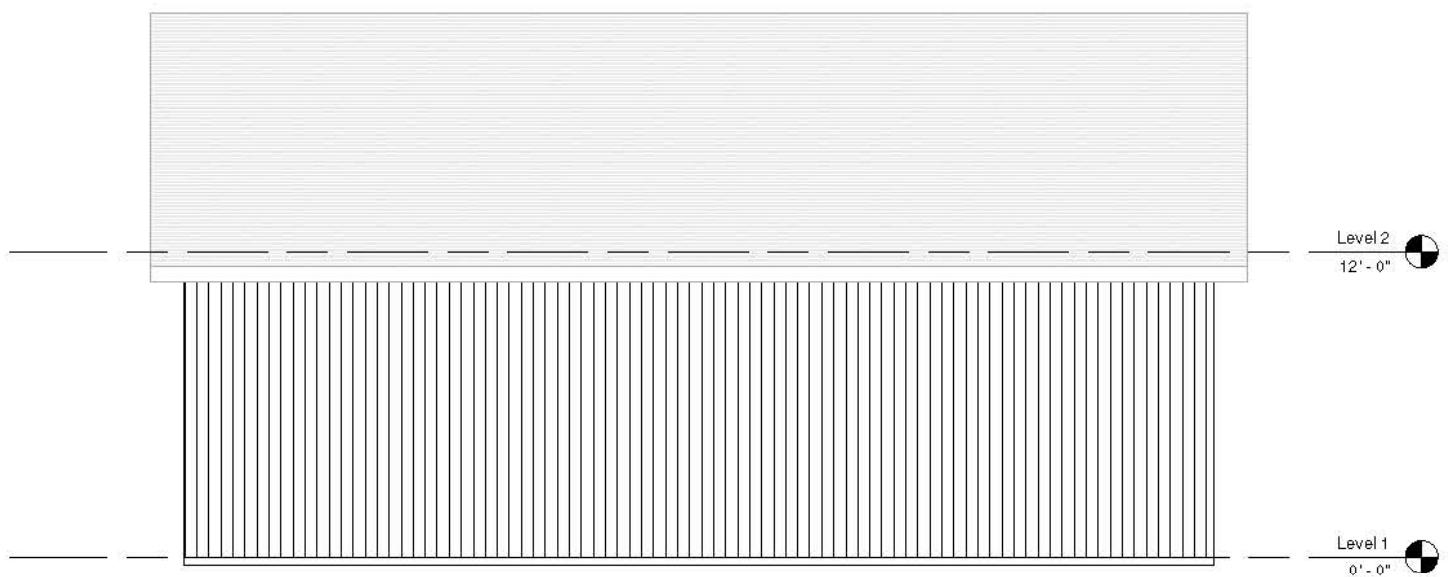
Accessory Building Elevations



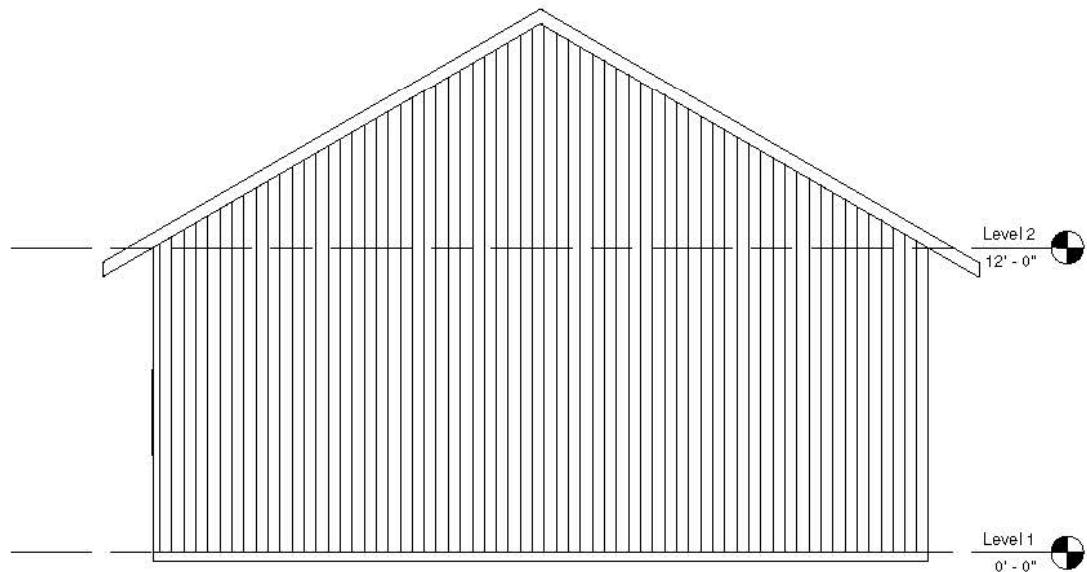
Right (Southeast) Elevation



Front (Southwest) Elevation



Left (Northwest) Elevation



Rear (Northeast) Elevation

22-2275-CO-U

7503 White Oak Drive

Attachment 4

Maps



0 20 40 80 120 160

$$1 \text{ in} = 120 \text{ ft}$$

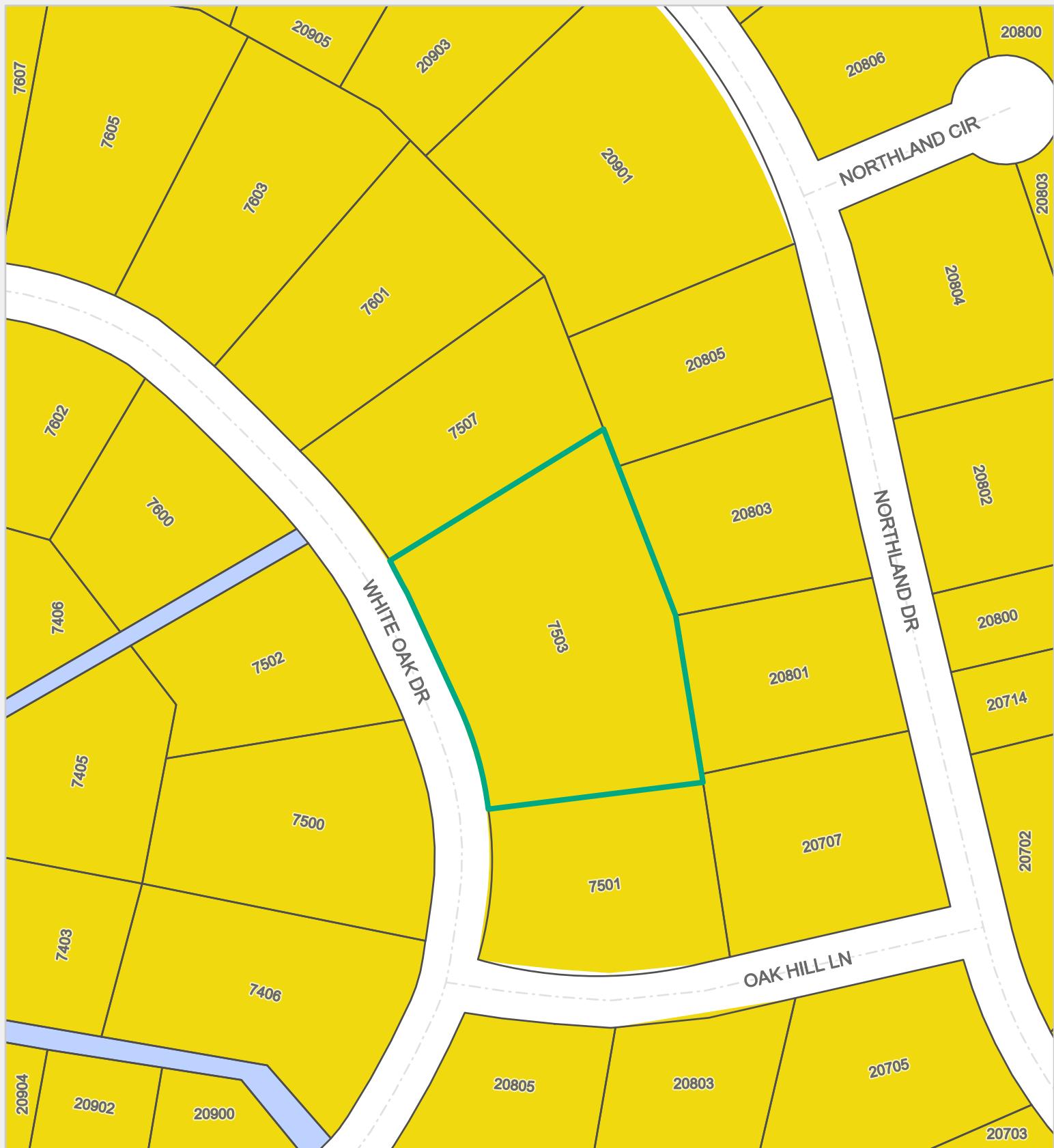
7503 White Oak Dr

Request Type	Conditional Use Permit	Project	22-2275-CO-U
Change Requested	Increase floor area of accessory building	Date	12/14/2022
Map Purpose	Aerial & Topo Map	Drawn By	chris.martinez

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

Contours

A legend block containing five entries, each with a colored line segment and a label: a yellow line for 10 ft, a brown line for 50 ft, a grey dashed line for Street, a teal rectangle for Project Area, and a white rectangle for TaxParcel.



0 20 40 80 120 160

$$1 \text{ in} = 120 \text{ ft}$$

7503 White Oak Dr

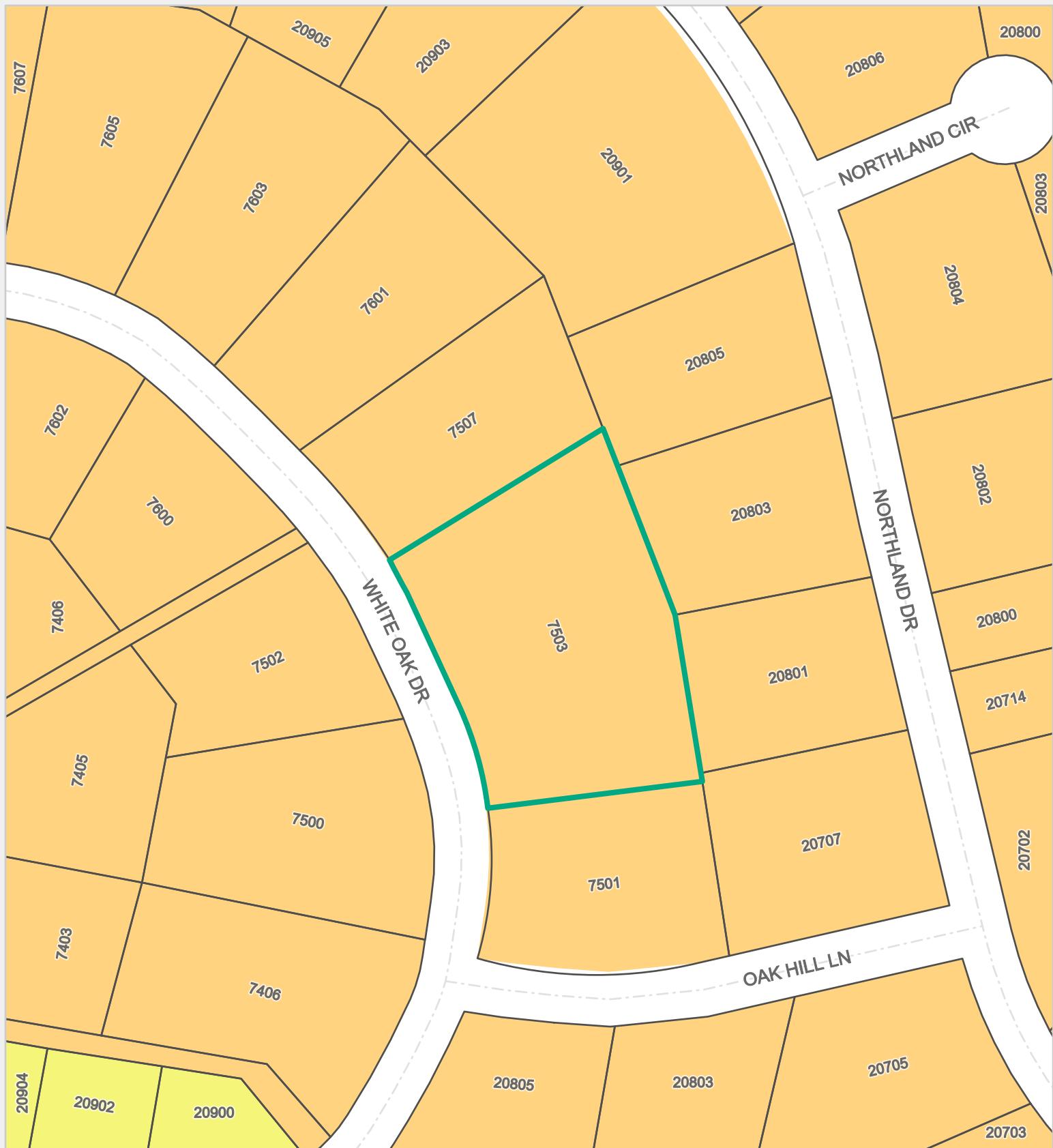
Request Type	Conditional Use Permit	Project	22-2275-CO-U
Change Requested	Increase floor area of accessory building	Date	12/14/2022
Map Purpose	Zoning Map	Drawn By	chris.martinez

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

- Street
-  Project Area
-  TaxParcel

Zoning Districts

-  R-1D
-  TR-1



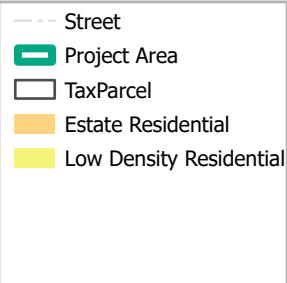
0 20 40 80 120 160

1 in = 120 ft

7503 White Oak Dr

Request Type	Conditional Use Permit	Project	22-2275-CO-U
Change Requested	Increase floor area of accessory building	Date	12/14/2022
Map Purpose	Future Land Use Map	Drawn By	chris.martinez

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22-2275-CO-U

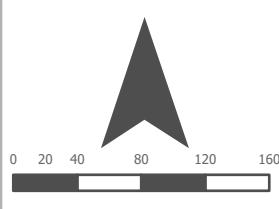
7503 White Oak Drive

Attachment 5

Notice Comments



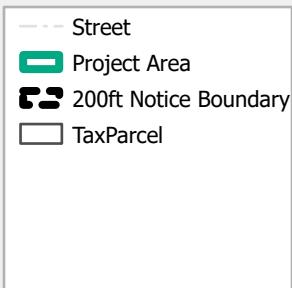
N



7503 White Oak Dr

Request Type	Conditional Use Permit	Project	22-2275-CO-U
Change Requested	Increase floor area of accessory building	Date	12/14/2022
Map Purpose	Notification Boundary Map	Drawn By	chris.martinez

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





Notice of Public Hearing

CITY OF
LAGO VISTA
TEXAS

Project #: **22-2275-CO-U**

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

Project Property Location: 7503 White Oak Drive (Lago Vista Estates, Section 6, Lot 1901A)

200' Notification Mailing ID: 2

December 20, 2022

LYELL LEVI
7500 WHITE OAK DR
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a conditional use permit application pursuant to Section 17 of Chapter 14 of the Lago Vista Code of Ordinances to allow for an accessory building that includes more than one-half of the floor area of the principal residence at 7503 White Oak Drive (Lago Vista Estates, Section 6, Lot 1901A)

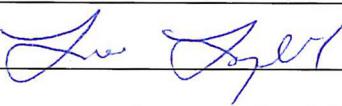
For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

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

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

In Favor; Opposed

Comments:

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 #: 22-2275-CO-U

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

Project Property Location: 7503 White Oak Drive (Lago Vista Estates, Section 6, Lot 1901A)

200' Notification Mailing ID: 3

December 20, 2022

PETTINGER WESLEY E & HEDWIG
1501 BANBURY CT
RICHARDSON, TX 75082

The Planning and Zoning Commission will make a consideration of a recommendation regarding a conditional use permit application pursuant to Section 17 of Chapter 14 of the Lago Vista Code of Ordinances to allow for an accessory building that includes more than one-half of the floor area of the principal residence at 7503 White Oak Drive (Lago Vista Estates, Section 6, Lot 1901A)

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

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

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

In Favor; Opposed

Comments: *I don't want a storage/accessory building directly in front of my HOME (I plan to build on Lot 7502). An eye sore and negative effect on value.*
Signed: *Wesley E. Pettinger Hedwig Pettinger*

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov
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In Person at Front Counter: Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.



Notice of Public Hearing

CITY OF
LAGO VISTA
TEXAS

Project #: 22-2275-CO-U

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

Project Property Location: 7503 White Oak Drive (Lago Vista Estates, Section 6, Lot 1901A)

200' Notification Mailing ID: 8

December 20, 2022

YETLEY BRODY & AMANDA L
20901 NORTHLAND DR
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a conditional use permit application pursuant to Section 17 of Chapter 14 of the Lago Vista Code of Ordinances to allow for an accessory building that includes more than one-half of the floor area of the principal residence at 7503 White Oak Drive (Lago Vista Estates, Section 6, Lot 1901A)

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

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

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

In Favor; Opposed

Comments:

No Objection

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 #: 22-2275-CO-U

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

Project Property Location: 7503 White Oak Drive (Lago Vista Estates, Section 6, Lot 1901A)

200' Notification Mailing ID: 10

December 20, 2022

DURHAM CLIFFORD G & CYNTHIA J
20803 NORTHLAND DR
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a conditional use permit application pursuant to Section 17 of Chapter 14 of the Lago Vista Code of Ordinances to allow for an accessory building that includes more than one-half of the floor area of the principal residence at 7503 White Oak Drive (Lago Vista Estates, Section 6, Lot 1901A)

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

E-mail: development@lagovistatexas.gov

Phone Number: 512-267-5259

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

In Favor; Opposed

Comments:

We live directly above the area in consideration.
We are not opposed. We feel it will be an improvement
for the area. There's plenty of room for a home or in this
case accessory building and would not be an obstruction.
Signed: Cynthia Durhan

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 #: **22-2275-CO-U**

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

Project Property Location: 7503 White Oak Drive (Lago Vista Estates, Section 6, Lot 1901A)

200' Notification Mailing ID: 11

December 20, 2022

ANDERSEN FLOYD & JULIA REVOCABLE LIVING TRUST
20801 NORTHLAND DR
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a conditional use permit application pursuant to Section 17 of Chapter 14 of the Lago Vista Code of Ordinances to allow for an accessory building that includes more than one-half of the floor area of the principal residence at 7503 White Oak Drive (Lago Vista Estates, Section 6, Lot 1901A)

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

E-mail: development@lagovistatexas.gov

Phone Number: 512-267-5259

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

In Favor; Opposed

Comments:

will add to property looks

Signed: Andersen

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.

January 12, 2023

Agenda Item 6
22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

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

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



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

GENERAL INFORMATION / LOCATION:

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

SITE PLAN / CONTEXT CONSIDERATIONS:

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

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

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

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

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

POTENTIAL ALTERNATIVE RECOMMENDATIONS / DECISION:

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

1. submittal of a revised site plan that is compliant with the International Fire Code, local access management requirements, and relocates any proposed drive-thru lane adjacent to the north property line;
2. submittal of a revised landscape plan that calculates the tree preservation obligations and shows the size and location of the proposed monument sign at the Lohman Ford Road entry;
3. exterior building materials visible from any residentially zoned property shall be limited to plaster and stone as indicated on the submitted “architectural examples;”
4. both the screening wall and dumpster enclosure shall be constructed of materials that resist decay, preclude the penetration of light, reflect or absorb sound, and includes a finish that is commonly included for residential development; and
5. an amendment of the Future Land Use Map for the property seeking a change from the TR-1 zoning district to the R-1D zoning district from the “estate residential” designation to the “low-density residential” designation.

C. Recommend approval of the requested commercial zoning change and the required design review subject to the same conditions enumerated above (reviewed by staff prior to forwarding the recommendation to the City Council), but defer or recommend a denial of the residential zoning change pending approval of an amendment to the Future Land Use Map from the “estate residential” designation to a designation consistent with the size of the existing platted lots.

D. Recommend approval of all requests with no additional conditions related to the required design review.

E. Recommend denial of all requests.

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

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

22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 1

Applications



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

LAGO VISTA

Tel. (512) 267-5259

Fax (512) 267-5265

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

APPLICATION FOR ZONING DISTRICT CHANGE

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

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

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

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

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

NATURE OF REQUEST

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

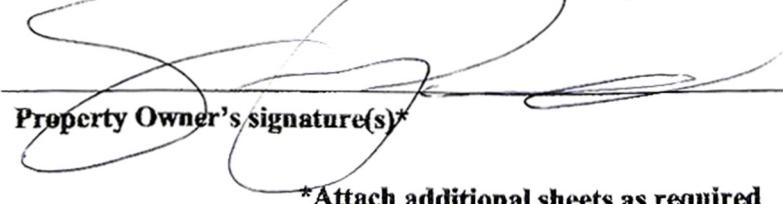
Purpose or Basis of Request* (if PDD, include whether concept and/or detail plan approval is sought):

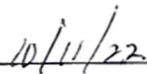
Please see attached cover letter and exhibits

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

Name of Agent: Shyam Patel Email: syp247@gmail.com
Mailing Address: 3565 Route 9W; Highland, New York 12528 Phone: 845 389-8641

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


Property Owner's signature(s)*


Date

*Attach additional sheets as required

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

PROJECT: 617.012001
DATE: 12/13/2022

DESCRIPTION

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

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

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

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

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

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

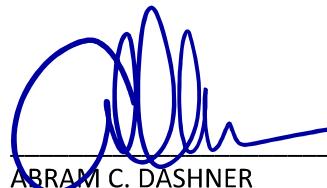
THENCE, N24°59'51"E, leaving the north line of said Lot 1874, over and across said Tract A, a distance of 14.92 feet to a calculated point in the north line of said Tract A, being the south line of that certain tract conveyed to Southwestern Bell Telephone Company, by Deed of record in Volume 2754, Page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

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

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

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

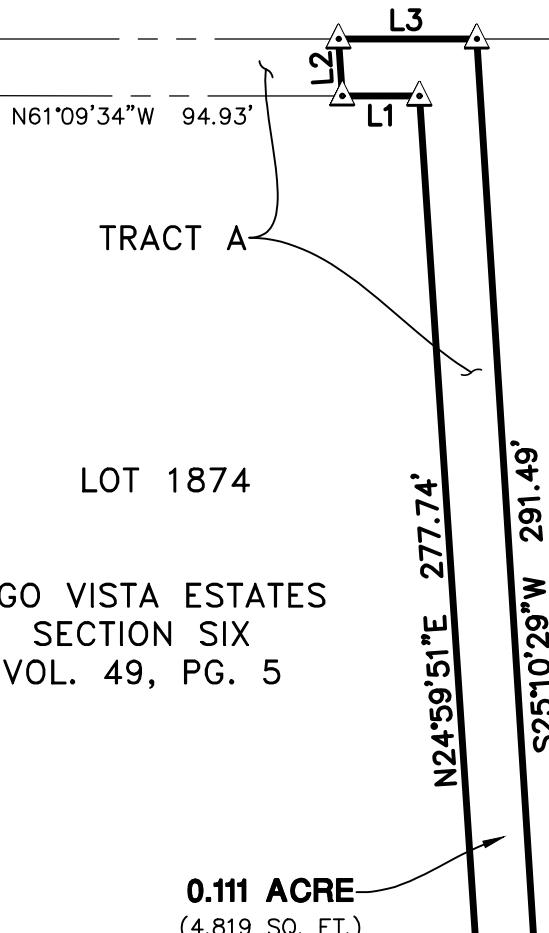
I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF JULY, 2022, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.



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



SOUTHWESTERN BELL
TELEPHONE COMPANY
VOL. 2574, PG. 607



LOT 1873

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

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

LEGEND

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

BASIS OF BEARINGS

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

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

Khodiyar LLC
7600 Lohman Ford Rd., Lago Vista, TX 78645

Zoning Exhibit

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

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

PROJECT: 617.012001
DATE: 12/13/2022

DESCRIPTION

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

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

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

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

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

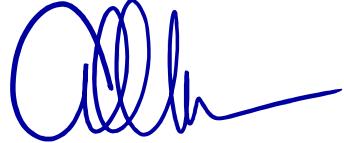
THENCE, along the line common to said Tract A and said Lot 1874, the following two (2) courses and distances;

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

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

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

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



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



SOUTHWESTERN BELL
TELEPHONE COMPANY
VOL. 2574, PG. 607

N61°09'34"W 94.93'

L1

LOT 1874

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

0.128 ACRE
(5,562 SQ. FT.)

N24°59'51"E 278.24'
S24°59'51"W 277.74'

TRACT A

LOT 1873

0 25 50 100
SCALE: 1"=50'

LOHMAN'S FORD RD.
(R.O.W. VARIES)

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

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

LEGEND

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

P.O.C.

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

BASIS OF BEARINGS

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

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Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers
Construction Managers | Environmental Scientists | Landscape Architects | Planners
Texas Board of Professional Engineers & Land Surveyors Reg. No. F-10194754 (Surv), F-21732 (Eng)

Khodiyar LLC

7600 Lohman Ford Rd., Lago Vista, TX 78645

Zoning Exhibit

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

ABRAM DASHNER RPLS, LLC
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR 5901
TBPLS FIRM NO. 10194420
abe@rpls5901.com 512-244-3395

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

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

DESCRIPTION

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

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

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

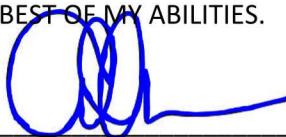
THENCE, S61°12'02"E, along the south line of said Southwestern Bell Telephone Company tract, being the north line of said Tract A, a distance of 89.32 feet to a calculated point, for the northeasterly corner hereof;

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

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

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

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


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



SOUTHWESTERN BELL
TELEPHONE COMPANY
VOL. 2574, PG. 607

N46°05'47"E
15.52'

S61°12'02"E 89.32'

POINT OF
BEGINNING

LOT
1875

N61°09'34"W 94.93'
1,369 SQ. FT.
(0.031 ACRE)

S24°59'51"W
14.92'

LOT 1874

TRACT A

LOT 1873

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



LEGEND

● 1/2-INCH IRON ROD FOUND
CALCULATED POINT

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



BEARING BASIS:

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

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

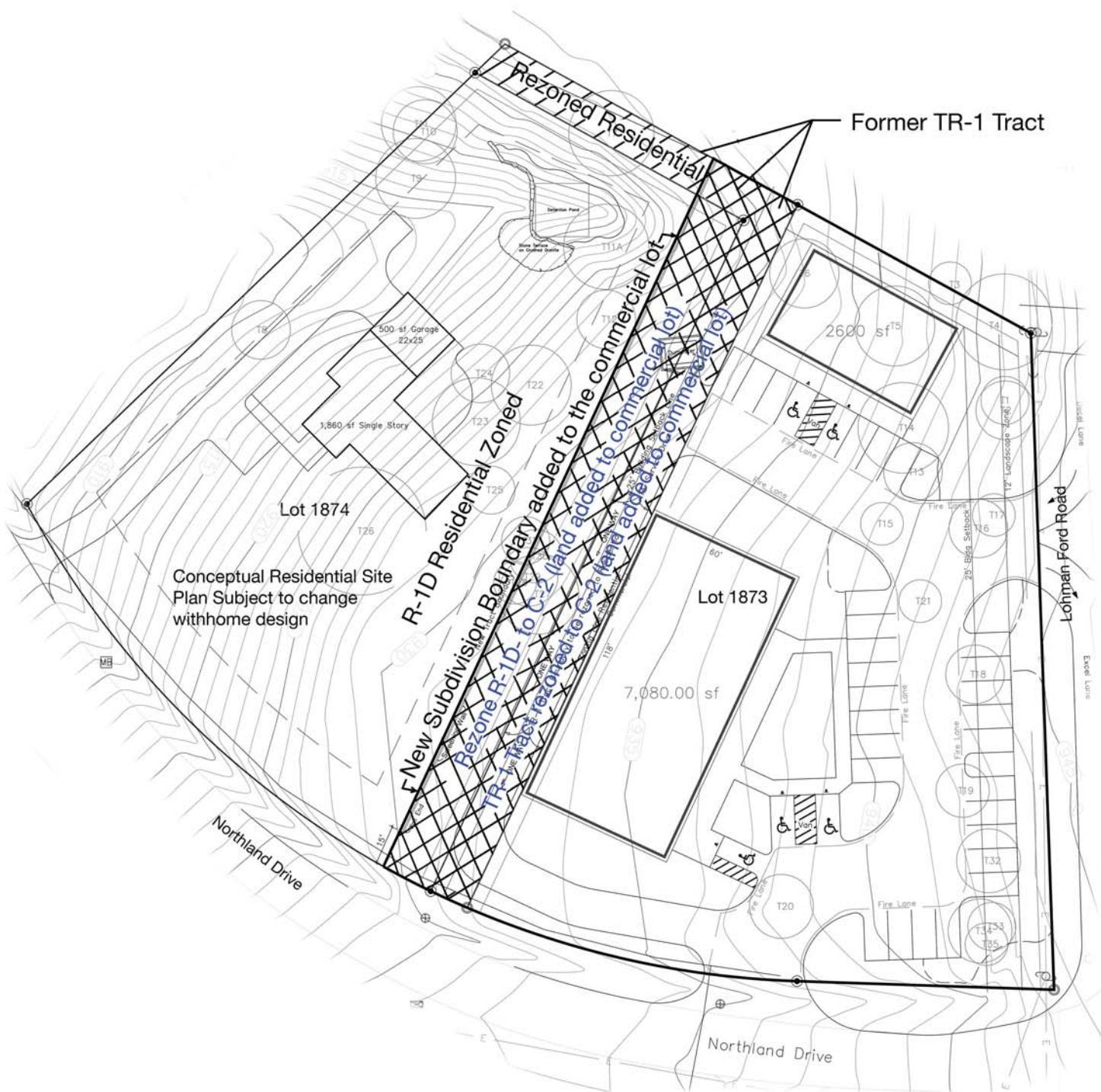
22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 2

Site and Landscaping Plans

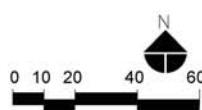
Proposed Zoning Changes



Rezone to Residential R-1D



Rezone to Commercial C-2



Site Plan

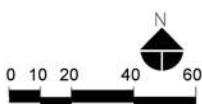
Residential site plan and home subject to change with architectural design, site characteristics and grading, and existing trees



TREE LIST

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

R Remove
O Options for saving



Impervious Cover-Residential Lot

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

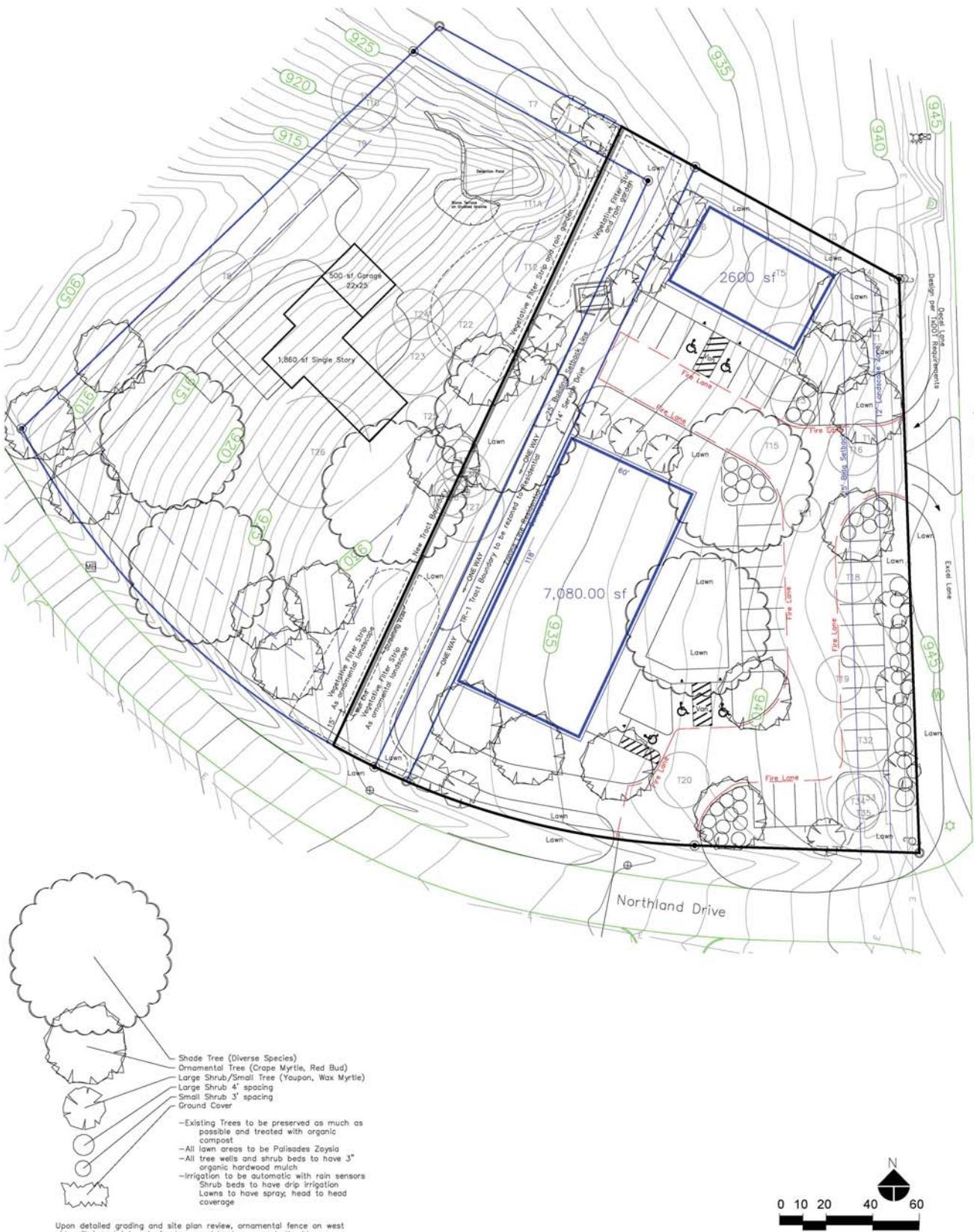
Note: Commercial Lot and residential lot are the same owner

Land Use Summary 11-30-23

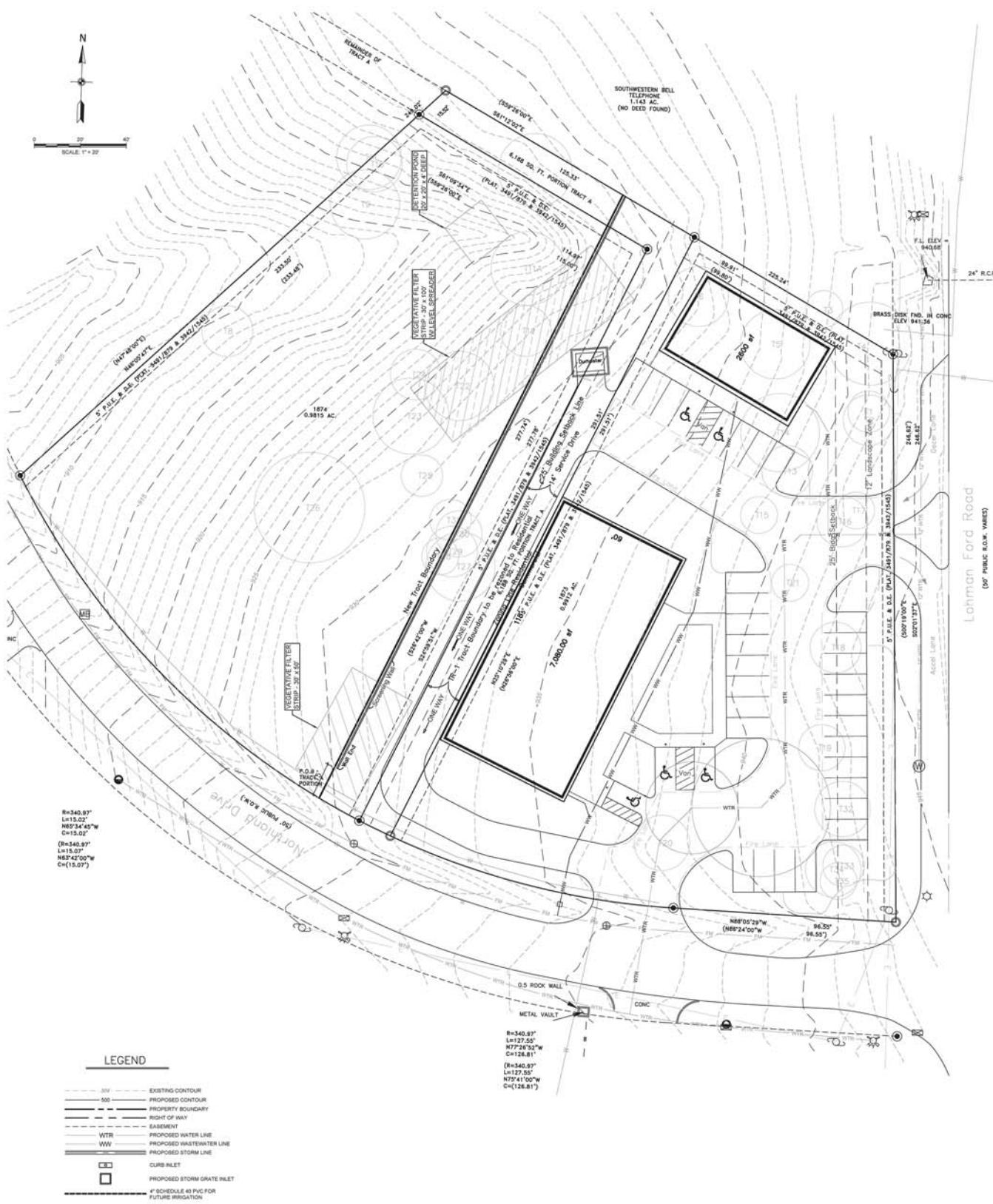
Impervious Cover

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

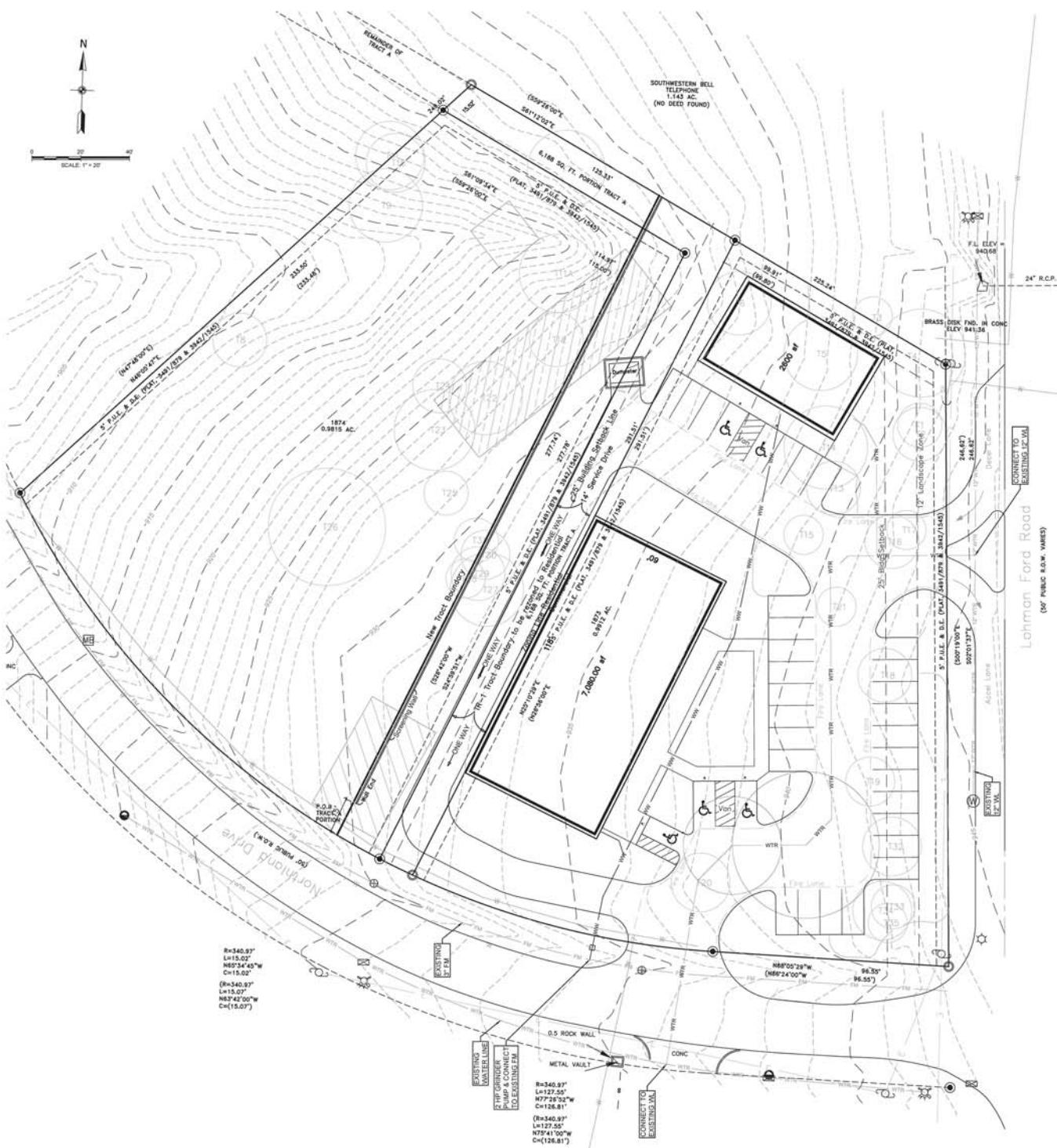
Landscape Plan



Drainage Plan



Utility Plan



22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 3

Building Design

Architectural Points of Commitment:

- Compliance with all building code and style requirements
- Modern lines and styling
- Substantial glazing on front of buildings
- Stone and stucco veneer
- Rear property screening with wood wall and landscape



ARCHITECTURAL EXAMPLES

22-2282-R-REZ

20700 Northland Drive / 7600 Lohman Ford Road

Attachment 4

Maps



N



0 20 40 80 120 160

1 in = 120 ft

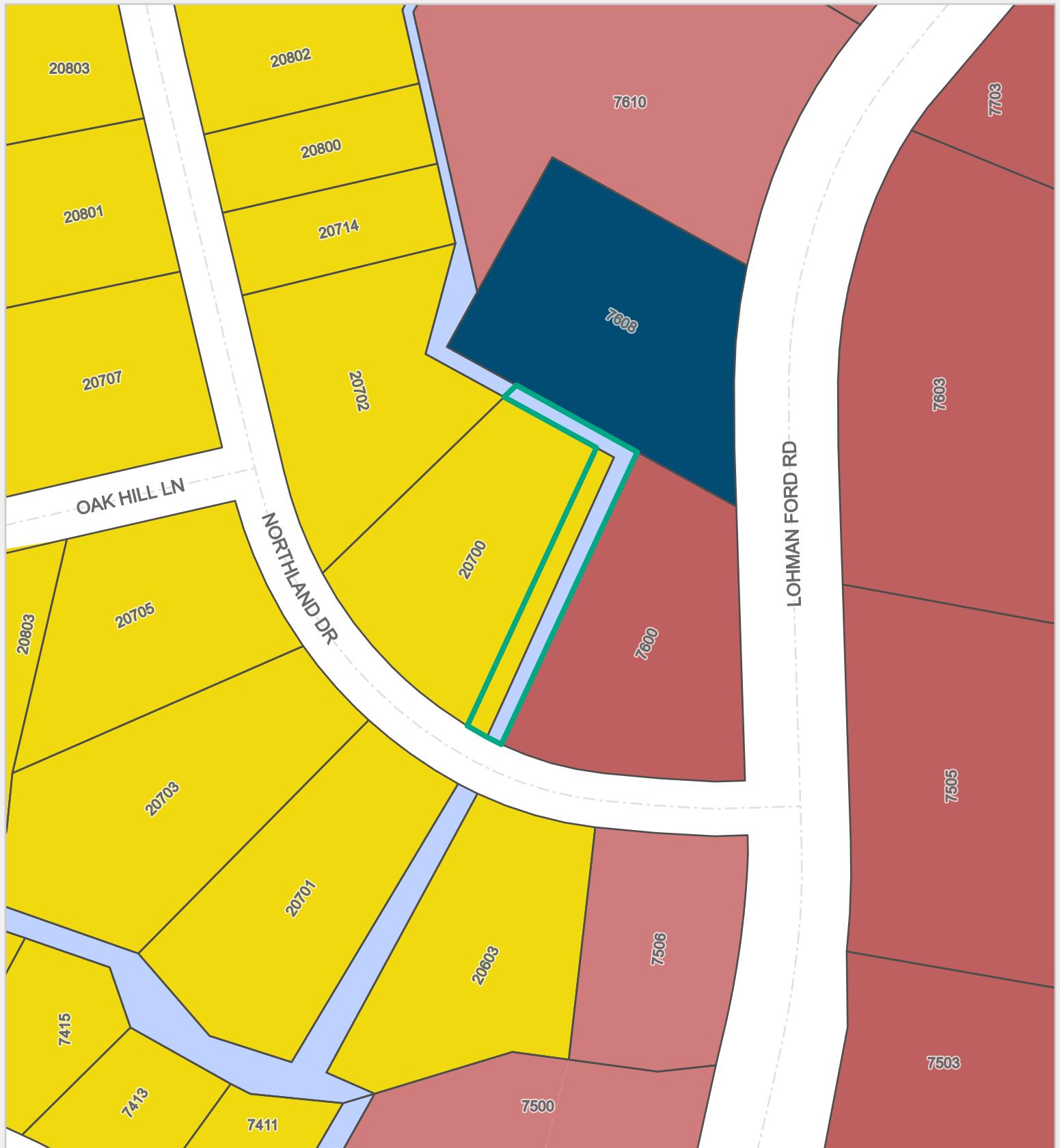
20700 Northland Dr

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

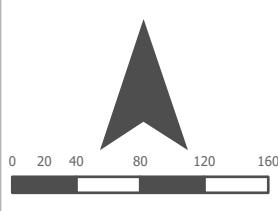
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Contours

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



N

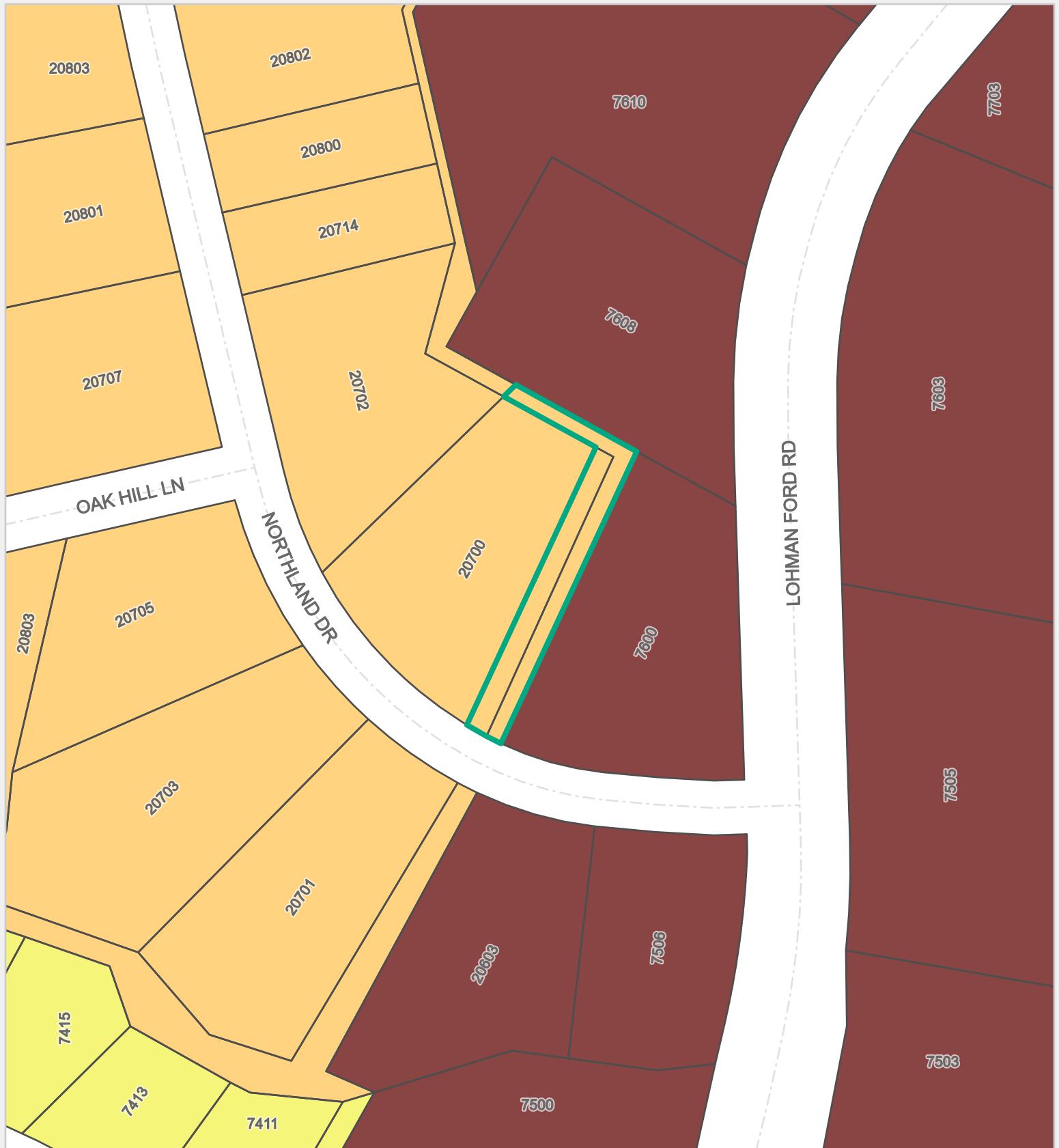


20700 Northland Dr

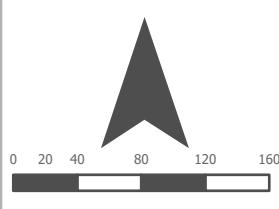
Request Type	Zoning Change	Project	22-2282-R-REZ
Change Requested	TR-1 to R-1D & TR-1 to C-2	Date	12/14/2022
Map Purpose	Zoning Map	Drawn By	chris.martinez

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



N



20700 Northland Dr

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

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

22-2282-R-REZ

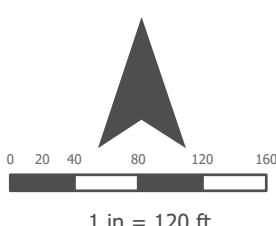
20700 Northland Drive / 7600 Lohman Ford Road

Attachment 5

Notice Comments



N



20700 Northland Dr

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

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

— Street
 Project Area
 200ft Notice Boundary
 TaxParcel



Notice of Public Hearing

CITY OF
LAGO VISTA
TEXAS

Project #: **22-2282-R-REZ**

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

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

200' Notification Mailing ID: 4

December 20, 2022

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

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

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

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

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

In Favor;

Opposed

Comments:

we own 20701 Northland Dr. & are very
against a commercial property being developed
across the street. will bring a lot of traffic & noise to
our peaceful retirement place

Signed:

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.

January 12, 2023

Agenda Item 7
22-2286-SP-E

19903 Calhoun Avenue

Special Exception Approval
Additional Height (7.7 Feet)

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



P&Z CASE NO:	22-2286-SP-E: 19903 Calhoun Avenue
APPLICANT:	Maria D. Quiroz
LANDOWNER:	Same
LOCATION:	South side of street ± 200 feet west of Constitution Drive
ZONING:	R-1B (single-family residential): 15-foot maximum height
PROPOSED USE:	New Residence 7.7 feet above height limit

GENERAL INFORMATION / LOCATION:

- Calhoun Avenue is a relatively short street that extends west from Constitution Drive and terminates at Congress Avenue. It is located east of the sixth fairway of the former Highland Lakes Golf Course. The subject property is on the south side of Calhoun Avenue and is the first lot to the west of adjacent property that fronts on Constitution Drive. The east boundary of the subject property is the rear boundary of two different lots that are addressed on Constitution Drive. 3602 Constitution Drive (notification ID 13) is the adjacent vacant corner lot and 3510 Constitution Drive (notification ID 14) includes a single-family residence on five separate lots that were subsequently combined.
- The application seeks approval to construct a two-story single-family residence with a roof that is ostensibly flat. The proposed ceiling heights are relatively modest with a lower floor of approximately 10 feet and a second level that is four inches less. However, the proposed finish floor elevation of the lower level is only 0.3 feet below the highest existing grade elevation of the lot. As such, even these efforts do not negate the need for a special exception approval for a two-story residence at this location, absent a similar amount of excavation (cut).

SITE PLAN / CONTEXT CONSIDERATIONS:

- The proposed building elevations suggest that even these ceiling heights might not be achievable within the limits of this request. The front (north) elevation includes a total of 13 inches from the second level plate height to the top of the roof fascia. If the roof framing (joists or trusses) and the combined depth of the decking and roofing material cannot be achieved for the indicated span (including the roof pitch) within 13 inches, the ceiling heights will have to be reduced accordingly. A special exception approval is based on a maximum increase and not an estimate.
- There are significant “hill country views” in this area to the south toward the lake and to the west perpendicular to Constitution Drive. However, because of both the topography and the exiting tree line, this view is not available in many locations. Typically it is only available in locations that are devoid of trees, such as within a public street or between existing residences. However, there are a few exceptions. For example, if a residence of the height otherwise limited by the zoning ordinance were constructed on the subject property, it would not unlikely to obstruct the “hill country views” from the lots on the west side of Constitution Drive that share its east property line, particularly the adjacent vacant corner lot (notification ID 13).
- However, it should also be noted that 3510 Constitution Drive (notification ID 14) includes an existing residence that is located well to the south of the subject property. The impact of the application is far more significant to the balance of that property to the north of the existing residence. Similarly, the vacant lot at 3602 Constitution Drive (notification ID 13) only aligns with the location of the single-story garage proposed by the applicant.
- There have been six previous special exception applications for additional height that were approved in near proximity to this location, all with addresses on Constitution Drive. One has expired and would require a new application if a permit with additional height is ever sought. Four of the remaining five are on the east side of Constitution Drive, a location with no platted lots even further to the east that would be impacted by the additional height.

- The remaining approval is on the west side of Constitution Drive in a location that also does not impact a “significant view.” Two of those locations are within the 200-foot notification boundary (notification ID 6 and 7) while another (3704 Constitution Drive) is close enough to appear on that same map. The remaining two (3501 and 3503 Constitution Drive) are immediately adjacent to a lot that appears at the southeastern edge of the map. All of those approvals are similar or slightly greater than the current request.
- However, in addition to the impact on a “significant view” from the adjacent property described as notification ID 13 and 14, it should be noted that there is ample property within the required minimum setbacks to accommodate the entirety of the upper level at the same grade elevation as the lower level. Equally important, no protected trees would be displaced by a design change that included the same amount of floor area on a single level.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- In this case, the evaluation of the impact of the proposal on the surrounding architectural context would seem to also be particularly relevant. While there are many two-story residences in the area, several did not require a special exception approval for additional height as the lower floor level is accommodated by the topography of the lot. All include some form of pitched roof.
- All of the two-story residences in the area that received a special exception approval for a similar or slightly greater amount of additional height also include some form of pitched roof. Perhaps even more noticeable, all of the two-story residences in this area include second floor levels that are appreciably smaller in area than the lower level. Together with the pitched roofs, this ensures that there are no vertical walls in the same plane that are more than one-story in height. This maintains a similarity of “scale” with the single-story residences within the area.
- Conversely, the application includes an ostensibly flat roof with a second floor level that is only slightly smaller than the lower level (1,651 square feet as opposed to 1,901 square feet). As a result, there are a number of walls that are in excess of 23 feet in height in the same plane. As the proposed material is stucco (cement plaster), this vertical plane will appear even higher if the building elevations were to accurately include and depict the exposed edge of the concrete foundation. At the lowest corner of the foundation, this will add almost 7 feet of additional height in the same vertical plane using a material that is similar in appearance.

POTENTIAL ALTERNATIVE DECISIONS:

- A. Deny the request for additional height.
- B. Approve the request for 7.7 feet of additional height.
- C. Defer the decision to accommodate a revised design that is more consistent with the surrounding architectural context.

22-2286-SP-E

19903 Calhoun Avenue

Attachment 1

Application



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

Tel. (512) 267-5259

Fax (512) 267-5265

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

APPLICATION FOR SPECIAL EXCEPTION

Date submitted: December 05, 2022 **Fee:** \$250.00

Applicant's name: Maria Quiroz

Applicant's mailing address: 6732 Broad Brook Dr.

Subject property address: 19903 Calhoun Ave.

Applicant's email: mariq05@gmail.com

Applicant's authorized representative (if any): _____

Applicant's phone numbers: 2109579785 2109579785
Mobile Day Evening

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

Proposed maximum "building height" 884.0

Maximum allowed by right in the development standards for the zoning district is 876.3

Highest existing grade elevation on the property: 861.3

(above MSL, use 723' if property is in the 100-year flood plain)

Primary finish first floor elevation: 861.0

(above MSL or relative to the highest existing grade elevation)

Elevation of highest ridge or peak: 884.0

(above MSL or relative to the highest existing grade elevation)

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

DocuSigned by:

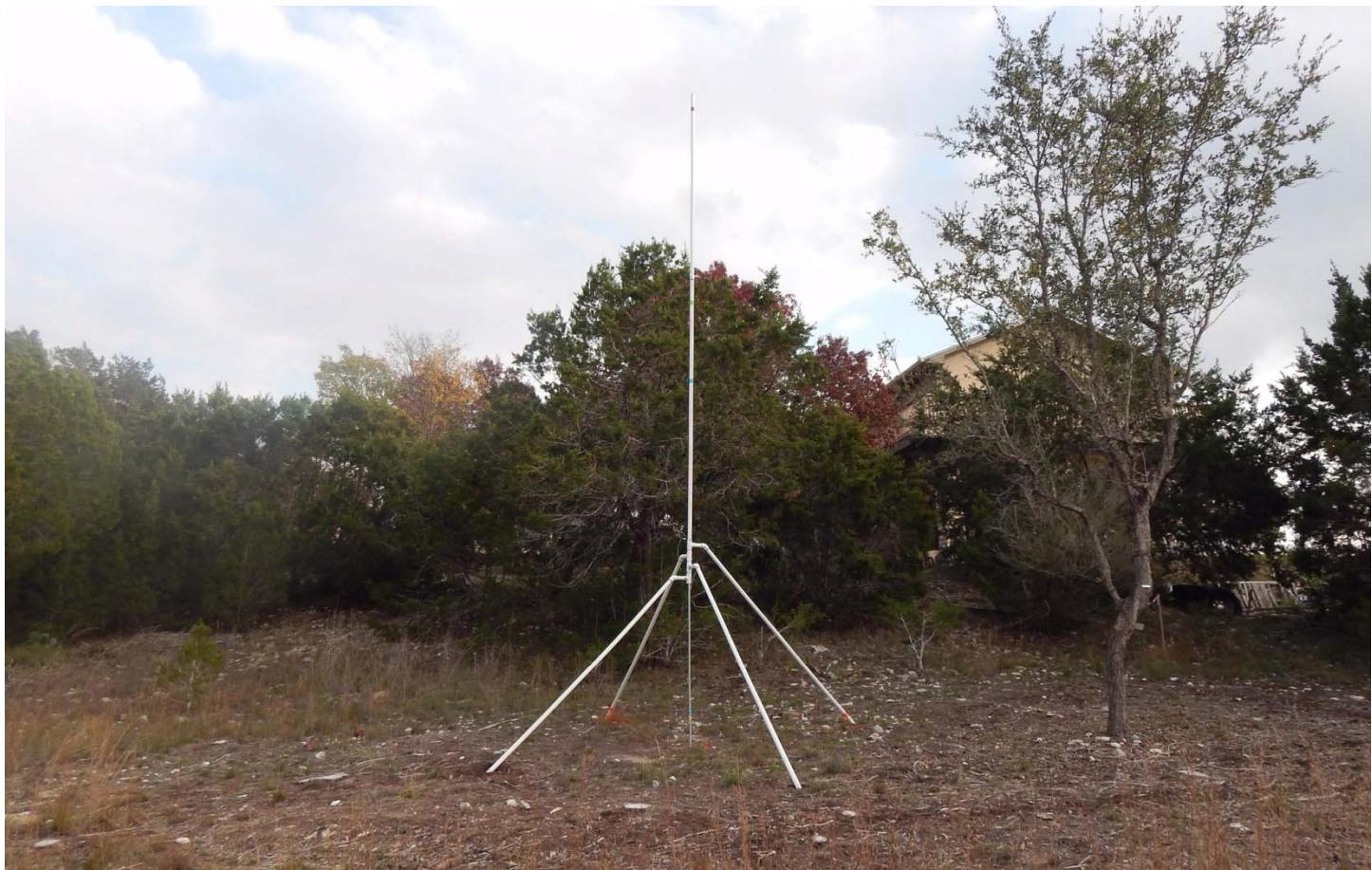

Maria Quiroz

EC1D7CB72C86437...

December 5, 2022

Applicant's signature(s)

Date



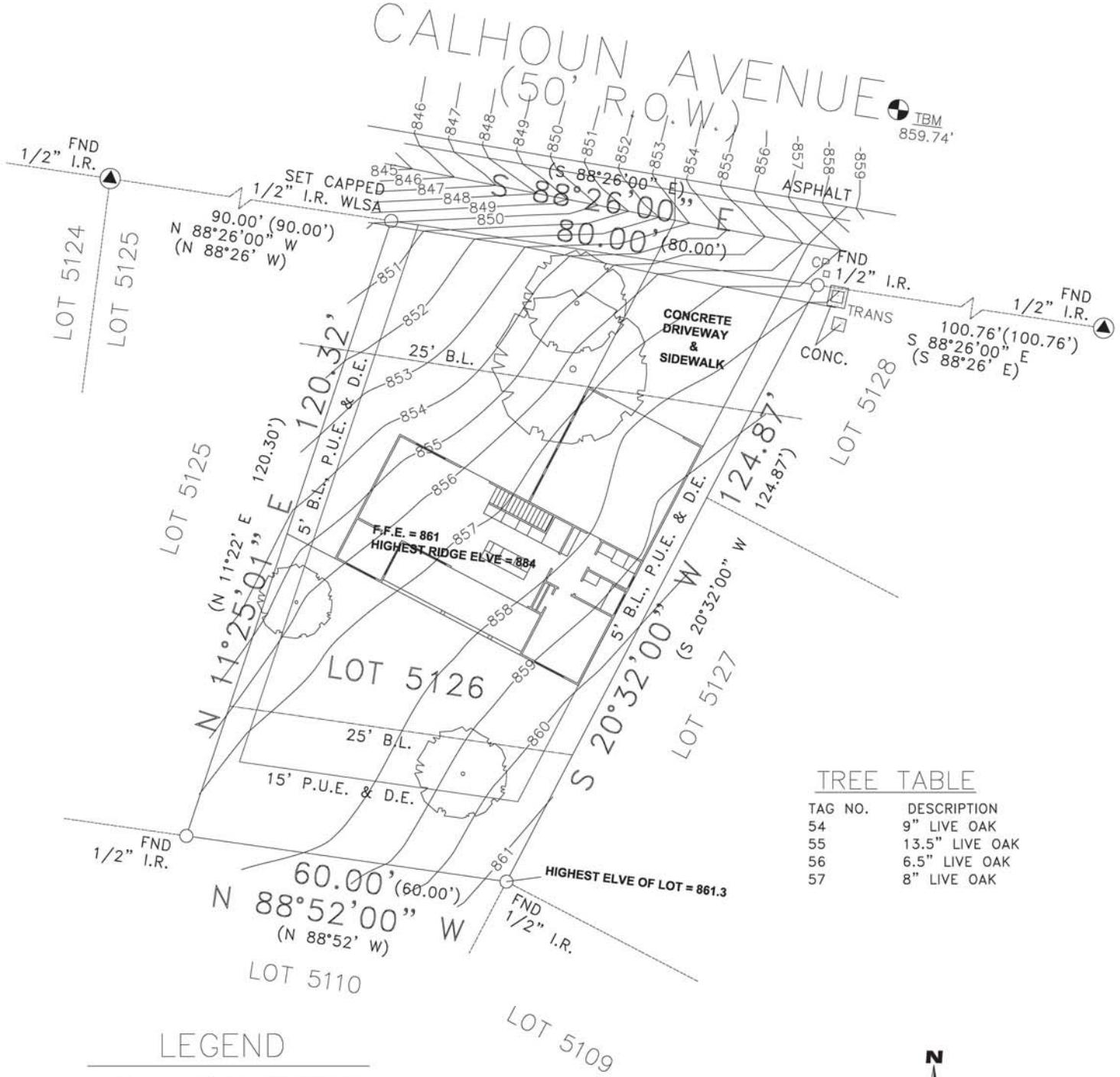




22-2286-SP-E
19903 Calhoun Avenue

Attachment 2
Site and Floor Plans

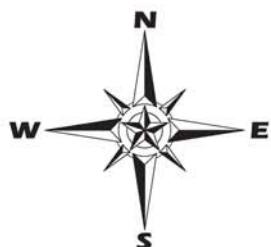
CALHOON AVENUE



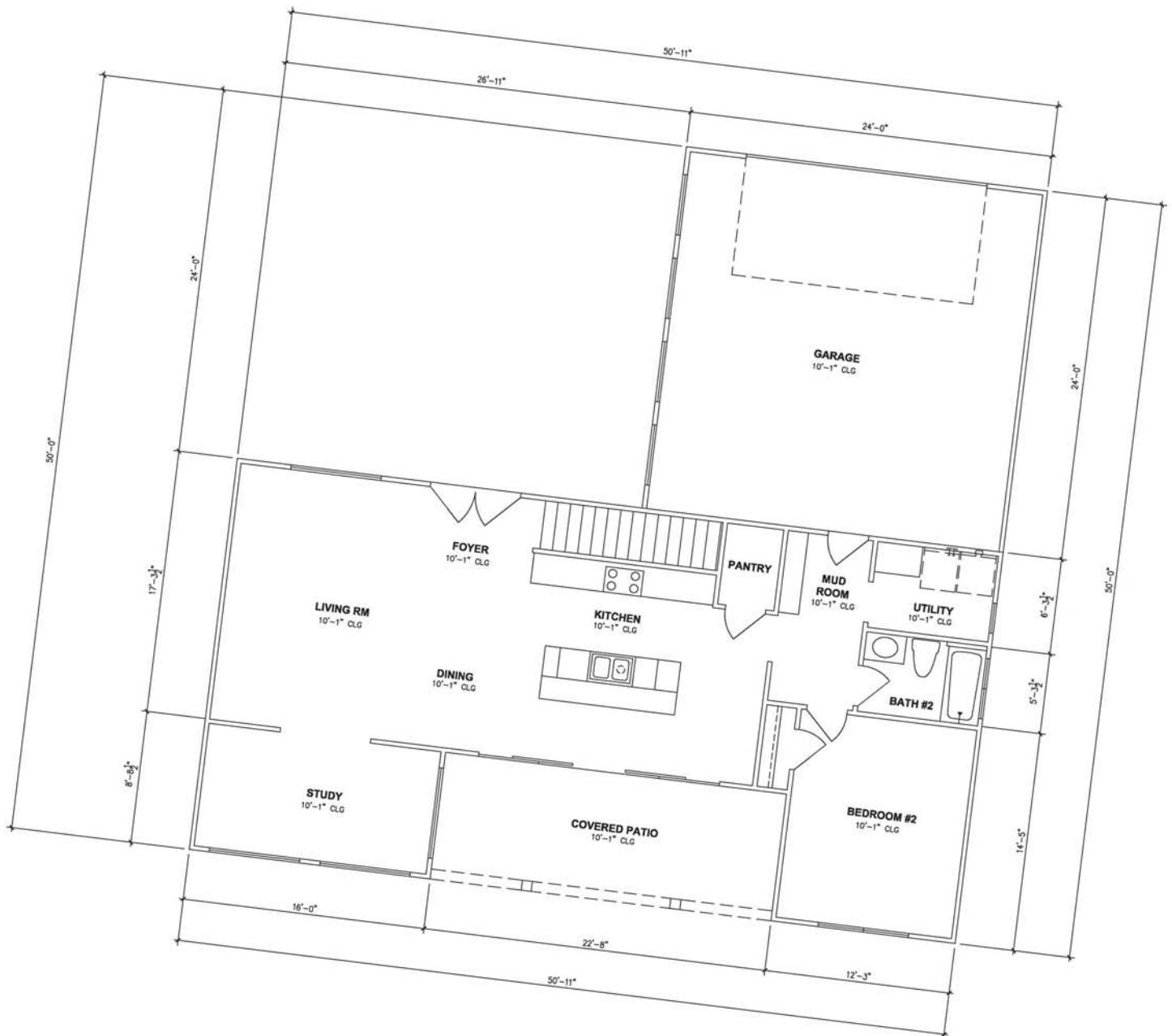
LEGEND

- CP - CABLE TV PEDESTAL
- TRANS - ELECTRIC TRANSFORMER
- B.L. - BUILDING LINE
- D.E. - DRAINAGE EASEMENT
- P.U.E. - PUBLIC UTILITY EASEMENT
- () - RECORD INFORMATION
- ▲ - CONTROL MONUMENT
- TBM - MAG NAIL FOUND FOR TEMPORARY BENCHMARK

Site Plan

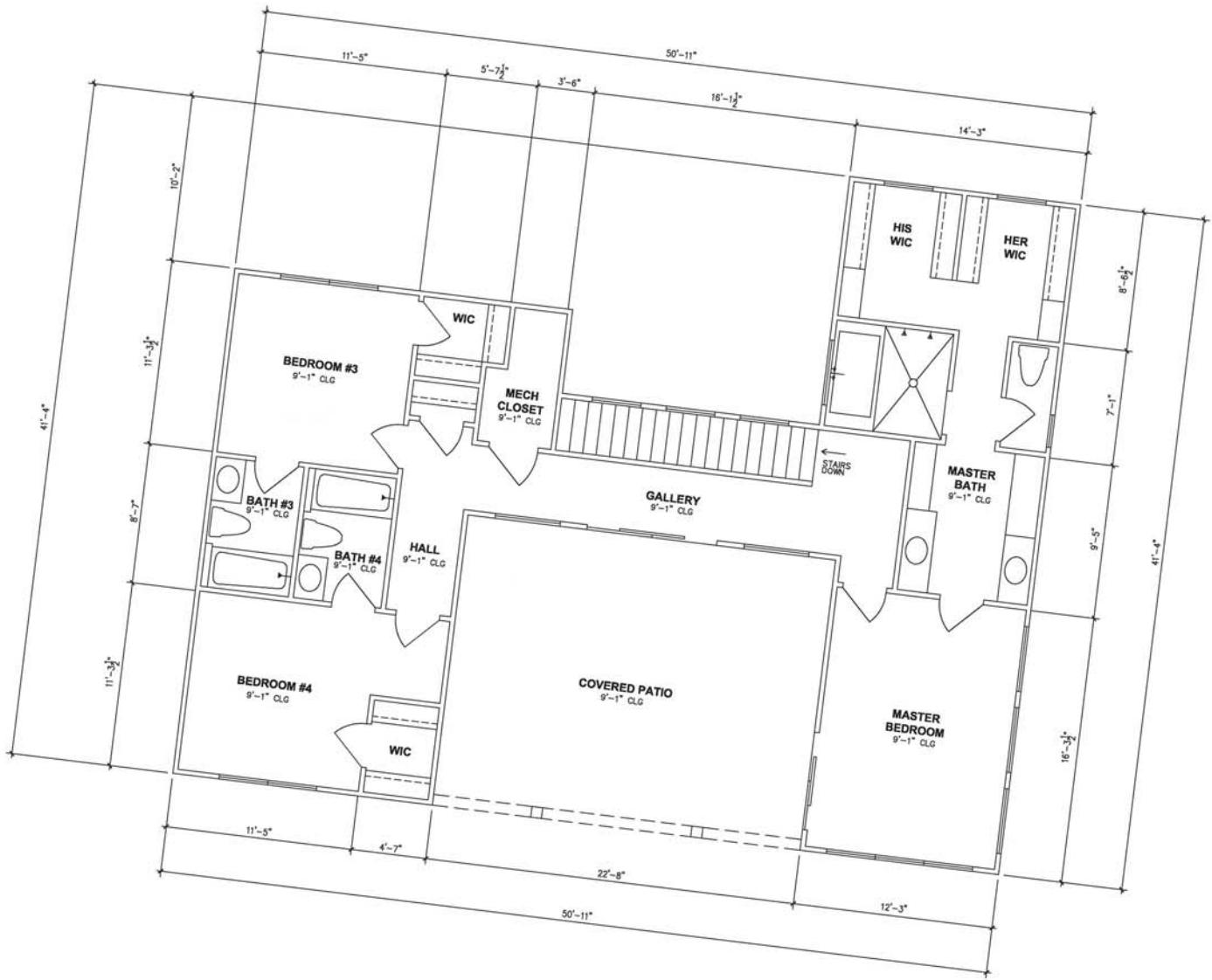


SCALE: 1/8 " = 1'



AREA CALCULATIONS	
LOWER LIVING SQFT	1,080 SF
UPPER LIVING SQFT	1,244 SF
LOWER COV. PORCHES:	245 SF
UPPER COV. PORCHES:	407 SF
GARAGE:	576 SF
TOTAL COVERED AREA:	3,552 SF

Lower Level Floor Plan

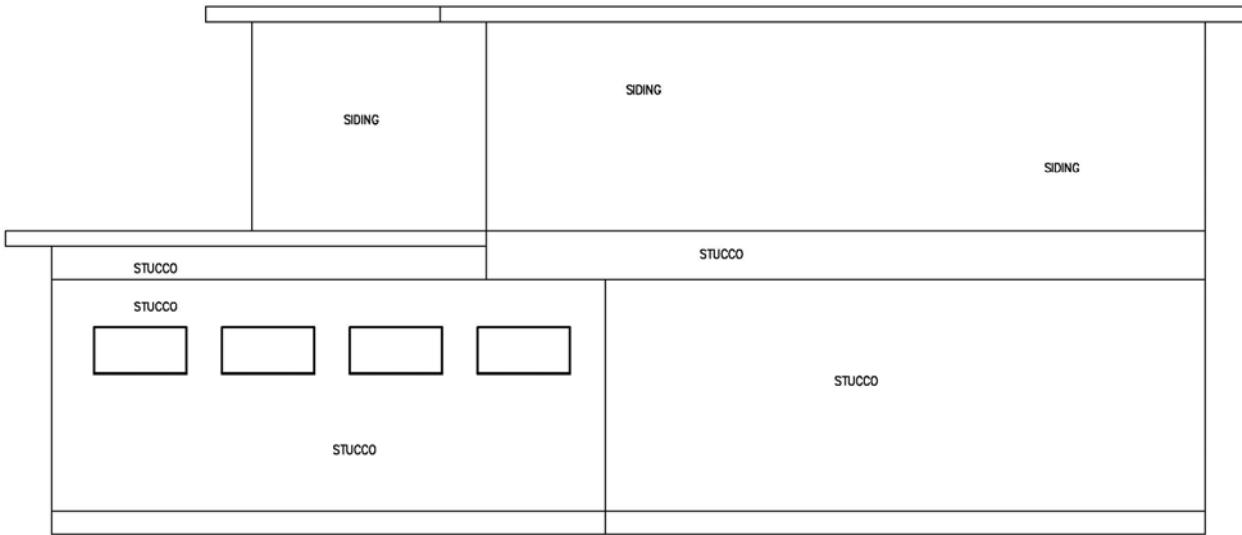


AREA CALCULATIONS	
LOWER LIVING SQFT	1,080 SF
UPPER LIVING SQFT	1,244 SF
LOWER COV. PORCHES:	245 SF
UPPER COV. PORCHES:	407 SF
GARAGE:	576 SF
TOTAL COVERED AREA:	3,552 SF

Upper Level Floor Plan

22-2286-SP-E
19903 Calhoun Avenue

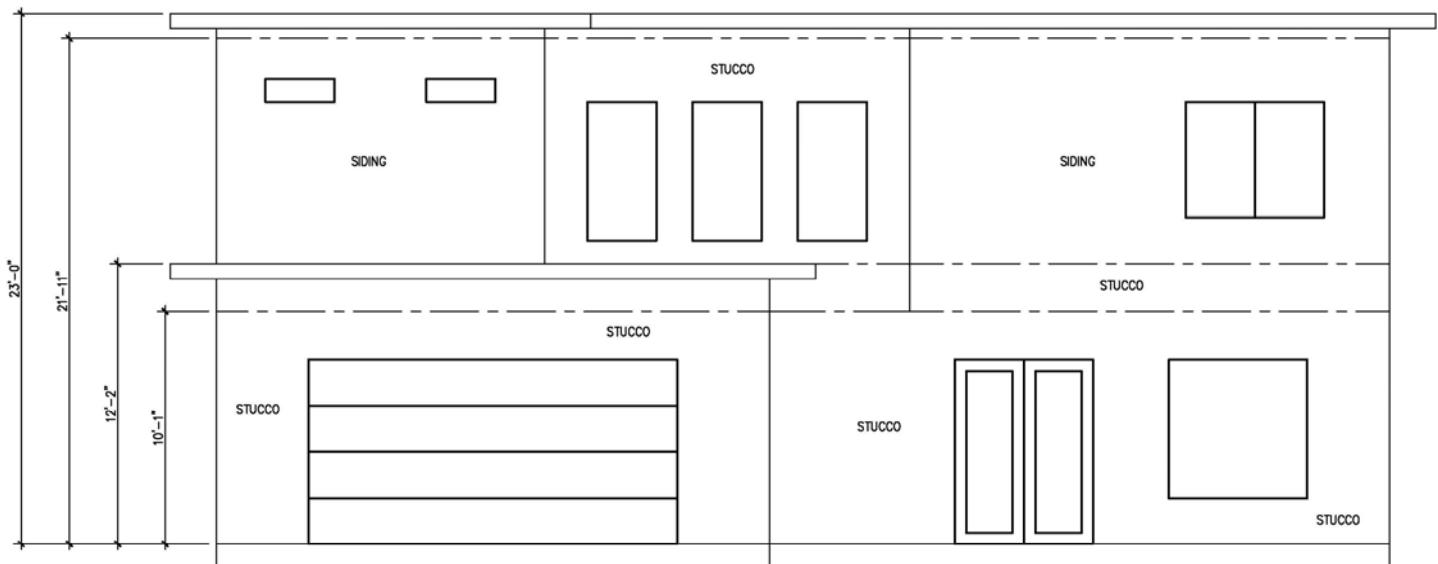
Attachment 3
Building Elevations



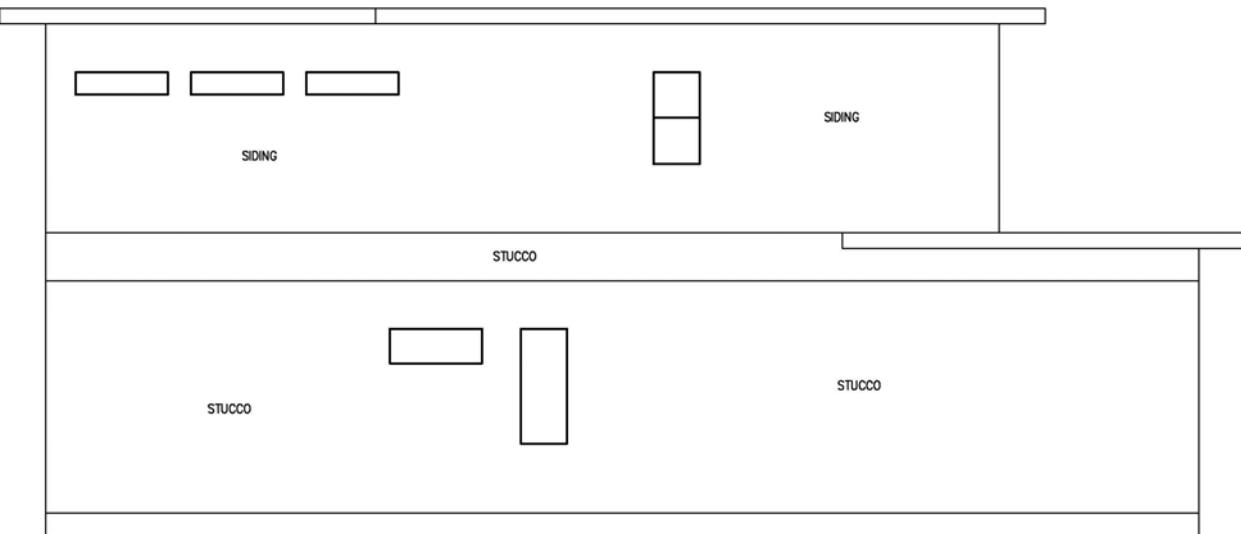
Right (West) Elevation

ELEVATION NOTES:

- A ALL ROOF PITCHES ARE 1/4" / 12"
- B UNLESS OTHERWISE NOTED, ALL OVERHANGS ARE 2'-0" FROM FACE OF STUD AND 2' ON RAKES.
- C ROOFING AS PER SPECS.
- D EXTERIOR IS SIDING WITH STUCCO AS PER SPECS.
- E ALL FASCIA IS 2X8 PRIMED PINE WITH 1X4 DRIP EDGE WITH HARDI SOFFIT



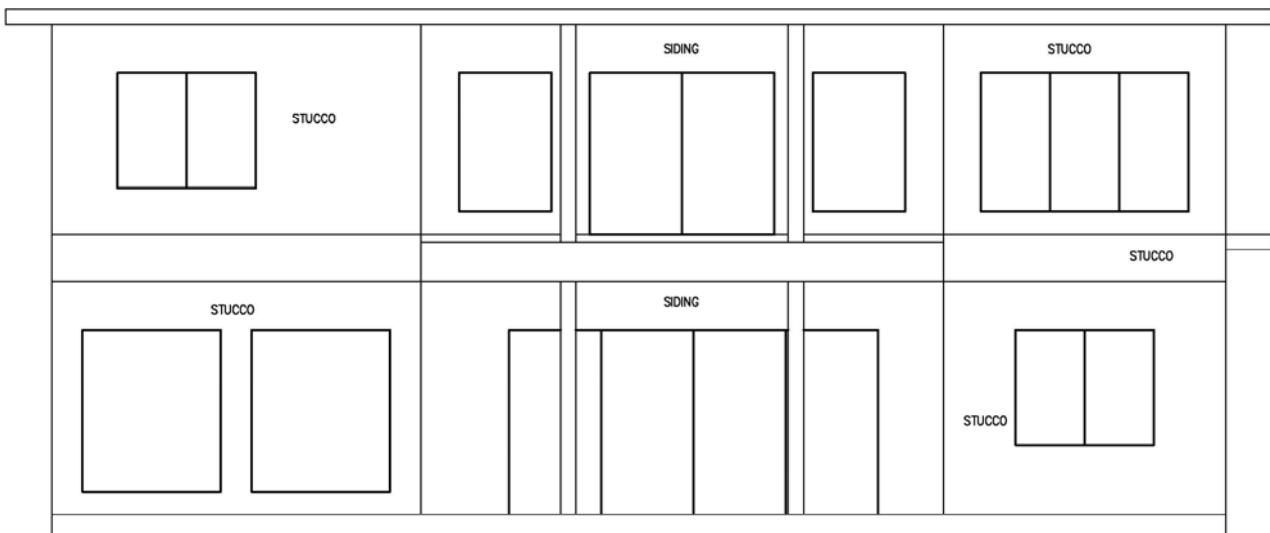
Front (North) Elevation



Left (East) Elevation

ELEVATION NOTES:

- A ALL ROOF PITCHES ARE 1/4" / 12"
- B UNLESS OTHERWISE NOTED, ALL OVERHANGS ARE 2'-0" FROM FACE OF STUD AND 2' ON RAKES.
- C ROOFING AS PER SPECS.
- D EXTERIOR IS SIDING WITH STUCCO AS PER SPECS.
- E ALL FASCIA IS 2X8 PRIMED PINE WITH 1X4 DRIP EDGE WITH HARDI SOFFIT



Rear (South) Elevation

22-2286-SP-E

19903 Calhoun Avenue

Attachment 4

Maps



0 15 30 60 90 120

$$1 \text{ in} = 100 \text{ ft}$$

19903 Calhoun Ave

Request Type	Special Exception	Project	22-2286-SP-E
Change Requested	Increase height 15 to 22.7 feet	Date	12/14/2022
Map Purpose	Aerial & Topo Map	Drawn By	chris.martinez

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

Contours

— 10 ft

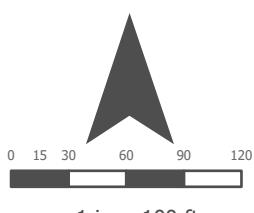
— 50 ft

— — — Street

Project A



N



19903 Calhoun Ave

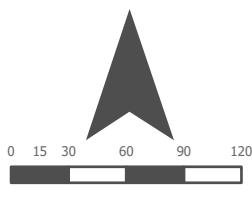
Request Type	Special Exception	Project	22-2286-SP-E
Change Requested	Increase height 15 to 22.7 feet	Date	12/14/2022
Map Purpose	Zoning Map	Drawn By	chris.martinez

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- Street
- Project Area
- TaxParcel

Zoning Districts

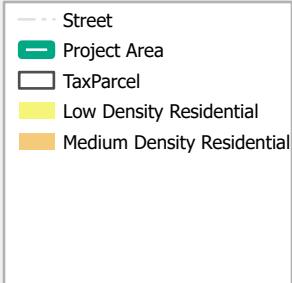
- R-1B
- R-1C
- R-2



19903 Calhoun Ave

Request Type	Special Exception	Project	22-2286-SP-E
Change Requested	Increase height 15 to 22.7 feet	Date	12/14/2022
Map Purpose	Future Land Use Map	Drawn By	chris.martinez

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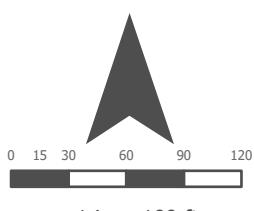


22-2286-SP-E
19903 Calhoun Avenue

Attachment 5
Notice Comments



N



19903 Calhoun Ave

Request Type	Special Exception	Project	22-2286-SP-E
Change Requested	Increase height 15 to 22.7 feet	Date	12/14/2022
Map Purpose	Notification Boundary Map	Drawn By	chris.martinez

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

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



Notice of Public Hearing

Project #: 22-2286-SP-E

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

Project Property Location: 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126)

200' Notification Mailing ID: 5

December 20, 2022

EZZELL CHARLES D & CYNTHIA M
3603 CONSTITUTION DR
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 22.7 feet for a single-family residence at 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126).

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

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

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

In Favor;

Opposed

Comments:

We want to see trees not tops of houses.

Signed:

Cynthia Ezzell

char 0 2022

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 #: **22-2286-SP-E**

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

Project Property Location: 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126)

200' Notification Mailing ID: 11, 12

December 20, 2022

AARESTAD JACK C & HARRIET
3506 CONSTITUTION DR
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 22.7 feet for a single-family residence at 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126).

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

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

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

In Favor; Opposed

Comments:

*There is a height restriction for a reason!
would interfere with view of valley and lake
for owners of lot 28 and 27*

Signed: *Jac A. Aarestad / Jack Aarestad*

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Notice of Public Hearing

Project #: **22-2286-SP-E**

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

Project Property Location: 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126)

200' Notification Mailing ID: 13

December 20, 2022

APARICIO CESAR & SELENE A
20515 RAINPORT CIR
KATY, TX 77449

The Planning and Zoning Commission will make a consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 22.7 feet for a single-family residence at 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126).

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

E-mail: development@lagovistatexas.gov

Phone Number: 512-267-5259

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

In Favor; Opposed

Comments:

Preserving the hill country feel, it will block my view, when time to build, we will have to set a larger budget in order to build a home that will allow us to enjoy the view of the lake.

We will have to submit a special exception application as well to allow us the increase in the maximum height allowed by table A of chapter 14. (setbacks)

Signed: C. A.

This whole page may be returned as follows:

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

Project # 22-2286-SP-E

Cesar & Selene Aparicio.

Hello,

Thank you very much for reaching out to both, my wife, Selene and I. At this time, we opposed to the special exception request since the project property is adjacent to ours. Please see the map for reference. Specific basis are as follows.

- Preserving the hill country feel.
- It will block my view.
- When time to build, I will have to set a larger budget in order to build a home that will allow us to enjoy the view of the lake.
- We will have to submit a special exception application as well to allow us the increase in the maximum height allowed by table A of chapter 14. (setbacks)

Best regards,



Notice of Public Hearing

CITY OF
LAGO VISTA
TEXAS

Project #: 22-2286-SP-E

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

Project Property Location: 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126)

200' Notification Mailing ID: 15, 17

December 20, 2022

BENNATT JIM & LAURA
PO BOX 4395
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 22.7 feet for a single-family residence at 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126).

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

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

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

In Favor; Opposed

Comments:

Stop the domino effect. When I build, owners of said lots will not grant elevation waivers to meet my needs and wants because then I will impair their view, etc, privacy concerns also

Signed:

Jim B. Bennett Jr.

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



Notice of Public Hearing

CITY OF
LAGO VISTA
TEXAS

Project #: **22-2286-SP-E**

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

Project Property Location: 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126)

200' Notification Mailing ID: 25

December 20, 2022

PERLA BALARAJU
10013 Iris Ln
Eden Prairie, MN 55347

The Planning and Zoning Commission will make a consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 22.7 feet for a single-family residence at 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126).

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

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In Favor; Opposed

Comments:

my property at 20000 Calhoun Ave is right in front of the subject property. The height increase would potentially block the view from my property

Signed: DR. M. L. D. L. D.

This whole page may be returned as follows:

E-mail: [**development@lagovistatexas.gov**](mailto:development@lagovistatexas.gov)
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Notice of Public Hearing

CITY OF
LAGO VISTA
TEXAS

Project #: 22-2286-SP-E

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

Project Property Location: 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126)

200' Notification Mailing ID: 27

December 20, 2022

NUNEZ SCOT O & KIM G
20005 COLONIAL LN
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 22.7 feet for a single-family residence at 19903 Calhoun Avenue (Highland Lake Estates, Section 5, Lot 5126).

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

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

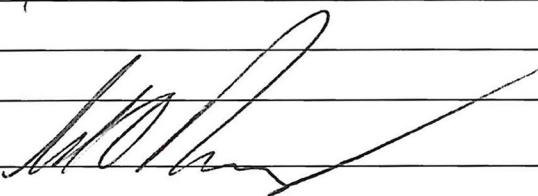
Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less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

In Favor; Opposed

Comments:



Signed:



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January 12, 2023

Agenda Item 8
Zoning District Amendments

Public Hearing
Draft Ordinance Amendment Recommendation
Section 4, Table A and Table B of Chapter 14

Use	R-MH	R-1	R-2	R-4	RR-A	C-1	C-2	C-3	C-4	C-5	G-1	U-1	P	CR	LI
	Old R-1M							Old C-6		Old C-3					
Accessory Building or Use	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V
Aircraft hangar, servicing, repair									V						
Amphitheater							V	V	V				V	V	
Amusement arcade							V	V						V	
Amusement Park							V	V						V	
Antique shop							V	V	V					V	
Apartments				V									V		
Apartment Hotel with Commercial						V	V	V					V		
Arborets															
Arcades							SUP	SUP	SUP				SUP	SUP	
Asphalt and concrete production														V	
Assisted Living				V											
Auditorium							V	V						V	
Auto sales and service							V	V	V					V	
Auto wash, tune-up, repair						V	V	V					V		
Bakery						V	V	V					V		
Bank, Savings and Loan						V	V	V					V		
Barber, Beauty Shop						V	V	V					V		
Bars, Nightclubs and Taverns						V	V						V	V	
Bed and Breakfast Establishment		SUP	SUP	V		V	V						V		
Beverage Bottling or distribution						V	V						V		
Bike/motorbike sales & service						V	V						V		
Billiard/Pool Rooms						V	V						V	V	
Boat storage (outside)						V				V			V	V	
Boat Sales or Service						V				V				V	
Boat slips/day slips										V				V	
Boat Ramp, Commercial						V	V			V			SUP	V	
Book/stationary shop						V	V	V						V	
Bowling alley establishment						V	V							V	
Building material sales						V	V							V	
Bus depot						V	V							V	
Cabinet shop/commercial						V		V						V	
Cafeterias						V	V	V						V	
Camera store						V	V	V						V	
Canvas goods fabrication						V		V						V	
Carpentry shop						V	V		V					V	
Carpet, rug cleaners						V	V							V	
Carting, hauling, storage warehouse						V		V						V	
Catering establishments						V	V							V	
Cemetery						V						V			
Chapel						V	V				V			V	
Child care institution						V	V							V	
Churches, Temples	V	V	V	V		V	V	V			V		V		
Clinics (medical)						V	V	V			V			V	
Clothing store-men's and/or women's						V	V	V						V	
Club, not nightclub						V	V	V				V	V	V	
Coal, sand, soil, and gravel yards						SUP								V	
College or university						V		V				V			
Community Home	V	V	V	V	V										
Community Center						V	V	V			V	V	V		

Use	R-MH	R-1	R-2	R-4	RR-A	C-1	C-2	C-3	C-4	C-5	G-1	U-1	P	CR	LI
Laundromat						V	V	V					V	V	
Laundry-commercial							V								V
Library	V	V	V	V		V	V	V				V	V	V	V
Livestock or Poultry shelter or care, Stable		SUP	SUP	SUP	SUP	SUP	SUP					SUP	SUP		SUP
Machine shop, metal products, welding							V								V
Manufactured housing sales							V								V
Manufacturing and Assembly							V								V
Marina								V	V				V	V	
Massage establishments ⁶						V	V								
Meat markets						V	V	V							V
Mini warehouse (inside storage only)															V
Mini warehouse (with outside storage)															V
Mixed-use						SUP	SUP	SUP							
Mortuary							V								V
Motel							V	V						V	V
Museums						V	V	V	V			V			V
Office, medical and general						V	V	V				V		V	V
Open storage						V									V
Park-Active											V	V	V		
Park-Passive	V	V	V	V		V	V				V	V	V		
Park-and-ride facilities															V
Parking lot, commercial						V	V		V	V		V	V		V
Pet boarding with outside run						SUP	SUP					V			V
Pet store-no outside run						V	V								V
Photo studio						V	V	V							V
Playground	V	V	V	V								V	V	V	
Plumbing, HVAC, roofing supply						V		V							V
Police station	V	V	V	V		V	V	V	V			V	V		V
Printing shop						V	V								V
Public and municipal treatment plants, pump stations, lift stations, public works and related facilities, and municipal buildings and facilities	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V
Quarry, Mining, Rock Crushing															V
Radio, TV, VCR sales / service						V	V	V							V
Radio, TV studio						V	V	V							V
Realty office						V	V	V						V	V
Realty office-temporary ⁷	V	V	V			V	V	V						V	V
Recreation facility, commercial						V	V	V		V	SUP	V		V	V
Recreational Vehicle Park	SUP			SUP						V			V	V	V
Restaurant						V	V	V	V					V	V
Retail store-general						V	V	V							V
School-public/private	V	V	V	V		V	V	V				V			
School-business/commercial						V	V	V	V			V			
Service station						V	V	V							V
Sexually-oriented business ⁵							SUP								
Short Term Occupancy	V ⁴	V ⁴	V										V		
Sign Shop						V	V	V						V	
Specialty and novelty establishments						V	V	V						V	
Storage & sale of autos, trailers, farm implements & equip., & similar equipment on open lot							V								V
Studio-artist						V	V	V	V						
Studio-dance						V	V	V							

Consent Agenda
Planning & Zoning Commission Regular Meeting

January 12, 2023

Draft Minutes

December 8, 2022, Regular Meeting

Agenda Item 9

MINUTES
City of Lago Vista
Planning and Zoning Commission
Thursday, December 8, 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 Don Johndrow, Larry Hagler, Kathy Koza, Thomas Burlew, Julie Davis and Richard Brown, Vice-Chair. Development Services Director Roy Jambor 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 spoke about the canceled meeting last month and discussed how the City Council needs to authorize what he discussed with the Commission. He went over his notes from the City Council from the last meeting on November 3, 2022. He reviewed the scope of the Commission and discussed developing a training plan, separating FLUM changes and zoning change requests, errors on the FLUM map, clarifying minimum lot sizes in the CMP, and suggested changes for the height exception ordinance. He also discussed the denial of The Hollows application for FLUM changes by the City Council and ethics complaints and policies.

Richard discussed the details of readily apparent errors on the FLUM map and how they should be handled with Paul. Paul suggested the Commission should include a justification for such errors.

2. Discussion about the starting time for meetings and potentially scheduling a second meeting each month beginning in January of 2023, limited to ordinance amendment recommendations, subdivision plat applications, and perhaps design review approval when a zoning change is not required (which does not require a public hearing).

Tom suggested they move their meetings to 6:30 P.M. starting in January. Everyone agreed. Tom also discussed having special call meetings in months where there are numerous items on the agenda and discussed when they should be scheduled.

3. Consideration of a request to the Chairman from the Building and Standards Commission to appoint a subcommittee to collaborate with their existing subcommittee that is working on resolving existing duplications and conflicts between the provisions within Chapter 3 and Chapter 14 of the Lago Vista Code of Ordinances.

Tom asked if anyone would like to serve on the subcommittee to discuss the issue. Kathy commented she might be interested and discussed the meeting details with Roy. Larry and Don stated they were interested in participating. Kathy added she would like to be considered as a backup in case someone cannot make it.

PUBLIC HEARING AND ACTION (APPLICATIONS)

4. 22-2241-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 21.5 feet for a two-family residence at 3400 MacArthur Avenue, formerly 3302 Ross Lane (Highland Lake Estates, Section 11, Lot 11073).

A. Staff Presentation

Roy discussed the staff report and commented that there weren't any major issues with the application.

The Commission discussed the details of the architectural features of the neighborhood.

B. Applicant Presentation

Josh Becker spoke about the location of the property and the existing homes on the surrounding lots. He spoke about the details of his property and his application with the Commission.

Don discussed the details of the proposed home and the existing structures on adjacent lots with Roy.

C. Open Public Hearing

The public hearing was continued at 7:37 P.M.

Sally Brewster, 22 Oaks Place, discussed the details of where she lives and spoke about her concerns with the height of the building. She was against the item.

Nicholas Hill said he is a resident and said he didn't have any concerns with the project and was for the item.

D. Close Public Hearing

The public hearing was closed at 7:44 P.M.

E. Discussion

Thomas spoke about his concerns for the proposed duplex.

Larry discussed his concerns with the drainage on the property and how it would affect the surrounding property.

Don spoke about his concerns with the privacy and security in the area.

Kathy spoke about the details of the proposed duplex and said that it would not match the architectural elements of the neighborhood.

Richard discussed the property in the neighborhood and examined the concerns that were considered with the privacy of the surrounding neighbors. He reported the criteria for the request would be met.

Thomas discussed the concerns about the request and his general apprehension about granting height exceptions in the city.

Julie said she agrees with the concerns of the community.

Tom spoke about his concerns with the proposed duplex.

Mr. Becker spoke about the details of the proposed duplex with the Commission.

F. Recommendation

On a motion by Thomas Burlew, seconded by Julie Davis, the Commission voted five to two (5-2) to deny the request. (Richard Brown and Larry Hager were opposed.) The motion passed.

5. 22-2264-SP-E: Consideration of a special exception application pursuant to Section 11.60 of Chapter 14 to allow an increase in the maximum height allowed by Table A of Chapter 14 from 15 feet to 20 feet for a single-family residence at 6712 Bar-K Ranch Road (Bar-K Ranches, Plat 2, Lot 2056).

A. Staff Presentation

Roy said there are not any obstructions with the views and said the only issue might be the architectural context of it with the neighborhood. He discussed the details of the plans of the proposed building which will be located in the floodplain.

B. Applicant Presentation

Don Milligan discussed the details of the proposed building and his justification for the height exception stating that he is trying to avoid a drainage issue said he wants a higher garage to store his RV. He also said that he is trying not to cut into the lot and to save some trees.

Don commented the structure would not block any views and asked if Mr. Milligan wants a flat roof. The Commission and Mr. Milligan discussed the roof design.

Kathy commented there aren't any impacted views.

C. Open Public Hearing

The public hearing was opened at 8:04 P.M.
There were no public comments.

D. Close Public Hearing

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

E. Discussion

Don commented he doesn't have any concerns about the application.

Julie commented that she doesn't have any issues with it.

F. Decision

On a motion by Kathy Koza, seconded by Don Johndrow, the Commission voted all in favor to approve the height request. The motion passed.

6. 22-2265-PDD-MOD: Consideration of a recommendation to amend the "Lago Vista Retail Center PDD" established by Ordinance No. 05-07-07-01 to include relief from strict compliance with the sign regulations otherwise applicable to this property commonly described as being located at 20900 FM 1431 (Lago Vista Retail Center Subdivision, Lots 1 and 2 of Block B).

A. Staff Presentation

Roy discussed the details of the application and said he doesn't have any concerns with the request. He said the only way to provide relief is to change the PDD ordinance.

The Commission discussed the details of the PDD with Roy. Roy spoke about the issues with the 911 addressing for the property.

B. Application Presentation

The applicant discussed the details of the signage for the new Brookshire Brothers store with the Commission and how it would conform to the Dark Skies Ordinance.

C. Open Public Hearing

The public hearing was opened at 8:16 P.M.
There were no public comments.

D. Close Public Hearing

The public hearing was closed at 8:17 P.M.

E. Discussion

Tom and Don stated they have no complaints about the signage.

F. Decision

On a motion by Tom Monahan, seconded by Larry Hagler, the Commission voted all in favor to recommend approval to the City Council for the change in signage in the PDD.

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

7. Consideration of a recommendation to amend Section 13.20(d) of Chapter 14 of the Lago Vista zoning Ordinance regarding the procedural and substantive requirements to amend the Future Land Use Map or other components of the Comprehensive Plan to accommodate a subsequent zoning change request.

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

A. Continue Public Hearing

The public hearing was opened at 8:43 P.M.
There were no public comments.

The public hearing was closed at 8:43 P.M.

B. Discussion

Roy discussed the criteria needed to be consistent with amending the Future Land Use Map. He also discussed the details of the language in the ordinance and changes that should be made with the Commission.

Roy suggested that everyone should send him their suggestions for the changes so he can include them in the draft ordinance.

C. Recommendation

On a motion by Tom Monahan, seconded by Kathy Koza, the Commission voted all in favor to recommend approval to the City Council for the changes to Section 13.20(d) of Chapter 14 with the draft presented at the meeting with the following changes: item D(2) change “or any of its various plans” to “or any of its various components;” for D(3) correct the provisions of “13.40(e)3” to “13.20(e)3;” for 4(a), define by example, what is a significant and unanticipated

change; for 5(c) change that the proposed change is inappropriate designation for both the property and surrounding area and delete “the most.”

Tom announced a break at 8:47 P.M. and the meeting resumed at 8:54 P.M.

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

A. Continue Public Hearing

The public hearing was opened at 9:27 P.M.

There were no public comments.

The public hearing was continued at 9:27 P.M. for the regular January meeting.

B. Discussion

Roy spoke about the proposed changes to the ordinance and noted issues that he was able to resolve.

Roy and the Commission discussed the proposed amendment and how it will affect development the city.

C. Recommendation

On a motion by Tom Monahan, seconded by Larry Hagler, the Commission voted all in favor to continue the item until the next regular meeting in January.

9. Consideration of a revision to a previous recommendation to include additional annotations within Sections 11.20 and 11.30 of Chapter 14 of the Lago Vista Code of Ordinances that maintained consistency with recent amendments to the Texas Local Government Code regarding the discretion of the Board of Adjustment to approve zoning variances.

A. Staff Presentation

Roy and the Commission discussed the revisions requested for the ordinance and why they are needed.

B. Open Public Hearing

The public hearing was opened at 9:30 P.M.

There were no public comments.

C. Close Public Hearing

The public hearing was closed at 9:31 P.M.

D. Discussion

There was no further discussion.

E. Recommendation

On a motion by Tom Monahan, seconded by Don Johndrow, the Commission voted all in favor to recommend the City Council approve revisions with annotations to Section 11.20 and 11.30 of Chapter 14 as written in the packet.

Note: This item was remanded to consider the inclusion of annotations requested by the Vice-Chairman of the Board of Adjustment. However, the Council Liaison to the Board of Adjustment has requested that this item be deferred until it can be presented to that Board at their Special Call Meeting on December 6, 2022.

10. Consideration of a recommendation regarding a potential amendment to Section 11.60 of Chapter 14 of the Lago Vista Code of Ordinances regarding the substantive and procedural requirements for special exceptions to height standards.

A. Staff Presentation

Roy discussed the background and details of the ordinance with the Commission. He recommended adding criteria for the approval of variances.

B. Open Public Hearing

The public hearing was opened at 9:40 P.M.
There were no public comments.

C. Close Public Hearing

The public hearing was closed at 9:40 P.M.

D. Discussion

Tom commented Roy wants to move special exception applications to the Board of Adjustment and include variances for accessory buildings.

Roy and the Commission discussed the changes needed in the ordinance and what to include in the proposed amendment.

E. Recommendation

On a motion by Tom Monahan, seconded by Larry Hagler, the Commission voted all in favor to recommend the City Council approve the amendments to Section 11.60 for special exceptions with the following changes to the draft: in paragraph A remove reference to Sections 11.10 through 11.40 and replace with 13.40 and include that the Board of Adjustments is authorized to approve both variances and special exceptions of this chapter and in paragraph B(2)A in reference to Section 11.40 be replaced with 13.40; and 13.40 is annotated to include references to conditional uses and special uses.

11. Consideration of a recommendation regarding a potential amendment to Sections 6.10, 11.60 and 17 of Chapter 14 of the Lago Vista Code of Ordinances to create substantive and procedural requirements for a new special exception approval for setback and size limit requirement relief related to accessory buildings (eliminating the current conditional use approval required for that relief).

A. Staff Presentation

Roy and the Commission discussed the proposed amendment.

B. Open Public Hearing

The public hearing was opened at 9:49 P.M.
There were no public comments.

C. Close Public Hearing

The public hearing was continued at 9:49 P.M.

D. Discussion

Roy and the Commission discussed continuing the item to the second special call meeting in January.

E. Recommendation

On a motion by Tom Monahan, the Commission voted all in favor to defer the item to the second special call meeting in January.

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

A. Staff Presentation

Roy discussed the details of the recommendation with the Commission and commented he was not able to obtain any suggestions for limiting storage and vehicle parking to resolve the issues.

B. Open Public Hearing

The public hearing was opened at 9:57 P.M.

There were no public comments.

C. Close Public Hearing

The public hearing was continued at 9:57 P.M.

D. Discussion

Roy and the Commission discussed the recommendation and the issues that should be addressed.

E. Recommendation

On a motion by Tom Monahan, the Commission voted all in favor to defer the item until the regular meeting in February.

CONSENT AGENDA

13. Consider Approval of the Following Minutes:

October 13, 2022, Regular Meeting

On a motion by Don Johndrow, seconded by Tom Monahan, the Commission voted all in favor to approve the minutes for October 13, 2022.

ADJOURNMENT

On a motion by Tom Monahan, the Commission voted unanimously to adjourn at 9:58 P.M.

Tom Monahan, Chair

Alice Drake, Administrative Assistant

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