

ORDINANCE NO. 24-05-02-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT FOR APPROXIMATELY 2.267 ACRES OF A TRACT WITHIN THE DALLAS & WICHITA RAILROAD COMPANY SURVEY NUMBER 9, ABSTRACT NUMBER 245, COMMONLY REFERRED TO AS BEING LOCATED AT 7602 BAR-K RANCH ROAD FROM THE TR-1 (“TEMPORARY RESTRICTED”) ZONING DISTRICT TO THE P-2 (“PARK AND GREENBELT, PASSIVE”) ZONING DISTRICT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owners of approximately 2.267 acres of a tract within the Dallas & Wichita Railroad Company Survey Number 9, Abstract Number 245, commonly referred to as being located at 7602 Bar-K Ranch Road and as more particularly described in the attached Exhibit “A” (referred to hereinafter as the “Property”), has filed an application requesting the change in zoning of this property from the TR-1 (“Temporary Restricted”) zoning district to the P-2 (“Park and Greenbelt, Passive”) zoning district; and

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

WHEREAS, after giving fifteen (15) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed rezoning of the Property included in this Ordinance; and

WHEREAS, the Planning and Zoning Commission at its public hearing held on April 11, 2024 and the City Council at its public hearing held on May 2, 2024, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning; and

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

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

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

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

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

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”).

Section 2. Enactment. The Zoning Ordinance and the Official Zoning Map and other applicable ordinances are hereby modified and amended by rezoning the Property from the TR-1 (“Temporary Restricted”) zoning district to the P-2 (“Park and Greenbelt, Passive”) zoning district.

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

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

Section 5. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 6. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 7. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

Section 8. Change of Zoning Map. The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

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

AND IT IS SO ORDERED.

PASSED AND APPROVED this 2nd day of May, 2024.



Kevin Sullivan, Mayor

ATTEST:



Lucy Aldrich, City Secretary



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

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission considered this application at their April 11, 2024, meeting following the required public hearing. Five of the six regular members and one alternate member voted to recommend approval of the change from the TR-1 ("Temporary Restricted") zoning district to the P-2 ("Park and Greenbelt, Passive") zoning district which is consistent with the request by the City of Lago Vista, the applicant and property owner. However, the motion was inadvertently stated as a change to the P-2 ("Park and Greenbelt, Active") zoning district when in fact there is no district with that name. One regular member voted against the motion to recommend approval.

EXHIBIT "A"

Legal Description

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

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

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

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

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

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

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