

**ORDINANCE NO. 24-06-06-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY REZONING THE PROPERTY WITHIN THE EXISTING “PLANNED DEVELOPMENT DISTRICT” (PDD) KNOWN AS THE “MAJESTIC” ESTABLISHED BY ORDINANCE NO. 08-06-19-01 TO THE P-1B (“DEVELOPED PARK, ACTIVE”) ZONING DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, in the absence of any known activity or investment in the previous two years by the owners of the property more particularly described in the attached **Exhibit “A”** (referred to hereinafter as the “Property”), the authority of Section 14.10 of Chapter 14 of the Lago Vista Code of Ordinances, and pursuant to the Interim Growth Management Policy adopted by Resolution No. 23-1996, the City of Lago Vista has filed an application requesting an amendment to consider rezoning this Property from an existing “Planned Development District” (PDD) known as the “Majestic” established by Ordinance No. 08-06-19-01 to the P-1B (“Developed Park, Active”) zoning district; and

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

**WHEREAS**, the owner of the Property formally requested the Planning and Zoning Commission on August 5, 2022, to initiate an amendment to the Future Land Use Map component of the current comprehensive master plan to change the designation of the property from “medium-density residential” to “POA Park;” and

**WHEREAS**, that amendment was approved by the Lago Vista City Council through the adoption of Ordinance No. 22-10-11-01 and the requested amendment is therefore consistent with the current comprehensive master plan as required by Section 13 of the City of Lago Vista Zoning Ordinance; and

**WHEREAS**, after giving fifteen (15) days written notice to the owners of the 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 May 9, 2024, and the City Council at its public hearing held on June 6, 2024, have both reviewed the request and the circumstances of the Property, and find that approval of the change is warranted, consistent with the intent of the current property owner, and consistent with the Interim Growth Management Policy adopted by Resolution No. 23-1996; 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 Section 51.001 of the *Texas Local Government Code*, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

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

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

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

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

**Section 2. Enactment.** The Zoning Code and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned Property.** The Zoning Code is hereby amended by zoning the Property described in **Exhibit "A"** attached to this Ordinance, from a "Planned Development District" (PDD) known as the "Majestic" established in Ordinance No. 08-06-19-01 to the P-1B ("Undeveloped Park, Active") zoning district.

**Section 4. 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 5. 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 6. Repealer.** The Zoning Ordinance and all other applicable portions of the Lago Vista Code of Ordinances are amended as required to incorporate the amendment as described herein. Any portion of the Zoning Ordinance, Comprehensive Master Plan, or any applicable ordinance in conflict with this Ordinance is hereby repealed or amended to the extent of such conflict only. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms of this ordinance shall govern.

**Section 7. 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 8. 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 9. 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 10. 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 6th day of June, 2024.

  
Kevin Sullivan, Mayor



ATTEST:

Lucy Aldrich  
Lucy Aldrich, City Secretary

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

**EXHIBIT "A"**

**Legal Description**

**8.9092 ACRES OUT OF THE H. & O. B. RAILROAD COMPANY SURVEY NO. 35, THE L. W. SIMPSON SURVEY NO. 610 AND THE GEORGE JOHNSON SURVEY NO. 535 IN TRAVIS COUNTY, TEXAS BEING ALL OF LOTS 21234 THROUGH 21264 AND PORTIONS OF LOTS 21231 THROUGH 21233, HIGHLAND LAKES ESTATES, SECTION TWENTY-ONE, A SUBDIVISION RECORDED IN VOL. 55 PG. 59, TRAVIS COUNTY, TEXAS PLAT RECORDS, SUBSEQUENTLY VACATED IN VOL. 5011 PG. 1696 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS. ALSO BEING A PORTION OF A 10.3612 ACRE TRACT CONVEYED TO KELLYWOOD, INC. IN DOC. NO. 2007195793 OF THE TRAVIS COUNTY, TEXAS REAL PROPERTY RECORDS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a ½" iron pin found on the North R.O.W. of Boggy Ford Road being the Southeast corner of Lot 21226 of said Highland Lakes Estates, Section Twenty-One for the Southwest corner of this tract and the **POINT OF COMMENCING**.

**THENCE** N 17° 56' 18" W, 223.15 feet to a ½" iron pin found being the Northeast corner of said Lot 21226 also being on the South line of Lot 21224 of said Highland Lakes Estates, Section Twenty-One for the Northwest corner of this tract.

**THENCE** N 72° 02' 18" E with the South line of Lots 21224 through 21221 of said Highland Lakes Estates, Section Twenty-One, 321.61 feet to a point for the Northwest corner of this tract and the **POINT OF BEGINNING**.

**THENCE** continuing with the South line of Lots 21224 through 21203 of said Highland Lakes Estates, Section Twenty-One the following four (4) courses:

- 1) N 72° 02' 18" E, 144.31 feet to a ½" iron pin found.
- 2) N 61° 14' 39" E, 663.01 feet to a ½" iron pin found.
- 3) N 29° 25' 28" E, 667.39 feet to a ½" iron pin found.
- 4) N 40° 07' 32" E, 243.93 feet to a ½" iron pin found at the Southeast corner of said Lot 21203 also being on the West R.O.W of Poe Cove for the Northeast corner of this tract.

**THENCE** with the West R.O.W. of Poe Cove the following four (4) courses:

- 1) S 49° 52' 28" E, 19.28 feet to a ½" iron pin set at a point of curve to the right.
- 2) Along said curve to the right whose elements are R=33.55, L=40.43 whose chord bears S 15° 32' 33" E, 38.03 feet to a ½" iron pin found at a point of reversed curve.

- 3) Along said curve to the left whose elements are  $R=98.01$ ,  $L=117.47$  whose chord bears  $S 15^{\circ} 26' 51'' E$ , 110.57 feet to a  $\frac{1}{2}''$  iron pin found.
- 4)  $S 49^{\circ} 54' 37'' E$ , 58.18 feet to a  $\frac{1}{2}''$  iron pin found at a point of curve to the right being the intersection of the West R.O.W. of Poe Cove and the North R.O.W. of Boggy Ford Road for the Southeast corner of this tract.

**THENCE** with the North R.O.W. of Boggy Ford Road the following six courses:

- 1) Along said curve to the right whose elements are  $R=20.00$ ,  $L=31.07$  whose chord bears  $S 05^{\circ} 35' 25'' E$ , 28.04 feet to a  $\frac{1}{2}''$  iron pin found.
- 2)  $S 40^{\circ} 03' 48'' W$ , 119.26 feet to a  $\frac{1}{2}''$  iron pin found.
- 3)  $S 29^{\circ} 21' 37'' W$ , 569.77 feet to a  $\frac{1}{2}''$  iron pin found at a point of curve to the right.
- 4) Along said curve to the right whose elements are  $R=485.27$ ,  $L=269.60$  whose chord bears  $S 45^{\circ} 19' 27'' W$ , 266.14 feet to a  $\frac{1}{2}''$  iron pin found.
- 5)  $S 61^{\circ} 13' 40'' W$ , 610.37 feet to a  $\frac{1}{2}''$  iron pin found.
- 6)  $S 69^{\circ} 42' 01'' W$ , 235.31 feet to a point of the Southwest corner of this tract.

**THENCE** through the interior of said Highland Lakes Estates, Section Twenty-One the following three courses:

- 1)  $N 20^{\circ} 17' 59'' W$ , 138.39 feet to a point.
- 2)  $N 70^{\circ} 52' 08'' E$ , 80.00 feet to a point.
- 3)  $N 20^{\circ} 17' 59'' W$ , 189.94 feet to the **POINT OF BEGINNING** and containing 8.9092 acres more or less.