

## **ORDINANCE NO. 23-01-05-01**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE EXISTING PLANNED DEVELOPMENT DISTRICT KNOWN AS “THE LAGO VISTA RETAIL CENTER” APPROVED BY ORDINANCE NO. 05-07-07-01 TO INCLUDE RELIEF FROM STRICT COMPLIANCE WITH THE SIGN REGULATIONS OTHERWISE APPLICABLE.**

**WHEREAS**, the owner of approximately 8.87 acres of land, as more particularly described in the attached Exhibit “A” (referred to hereinafter as the “Property”), has filed an application requesting an amendment to the existing Planned Development District (PDD) known as “The Lago Vista Retail Center” approved by Ordinance No. 05-07-07-01; and

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

**WHEREAS**, the amended list and description of permitted uses for the Property is set forth in Section 4 below, which modifies the sign regulations otherwise applicable and as previously established in Ordinance No. 05-07-07-01, with all other aspects of the approval remaining intact; and

**WHEREAS**, after giving ten (10) 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 December 8, 2022 and the City Council at its public hearing held on January 5, 2023, 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 it, the City Council finds the rezoning approved herein to be consistent with the comprehensive plan, which shall not otherwise be interpreted as inconsistent with this zoning change; 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 10 and 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 Ordinance is hereby amended by zoning the approximately 8.87 acres of land, more particularly described in Exhibit “A” as an update to “The Lago Vista Retail Center Planned Development District” (PDD) and Ordinance No. 05-07-07-01, with the amended sign regulations as set forth in this Ordinance.

**Section 4. Zoning Requirements.** All applicable use restrictions and development requirements in the existing Planned Development District” (PDD) known as “The Lago Vista Retail Center” as established in Ordinance No. 05-07-07-01 shall remain intact except for the following provisions of Section 4 which shall be repealed and re-enacted as follows:

5. All signage shall comply with the City of Lago Vista ordinances and development regulations except as follows:
  - A. a single ID or logo sign attached to the building façade shall be permitted for each business with a maximum display surface area of 144 square feet;
  - B. in addition to the single ID or logo sign as described immediately above, each business shall be permitted up to a maximum of four additional hanging wall signs attached to the building façade mounted at a maximum height of forty feet above the adjacent grade elevation; and
  - C. the maximum display surface area for a single hanging wall sign shall be 285 square feet and the cumulative total display surface area for all hanging wall signs for the same business shall be a maximum of 425 square feet.

**Section 5. Amendment of Applicable Zoning Ordinances.** The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

**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 to “The Lago Vista Retail Center Planned Development District” (PDD) 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.

**Section 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 Government Code*.

**AND, IT IS SO ORDERED.**

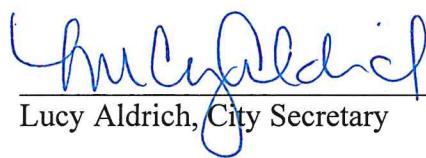
**PASSED AND APPROVED** this 5th day of January 2023.



Ed Tidwell, Mayor



ATTEST:



Lucy Aldrich, City Secretary

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

**EXHIBIT “A”**  
**Legal Description**

Lots 1, 2, 3, and 4 of Block A of the Lago Vista Retail Center Subdivision.

Lots 1 and 2 of Block B of the Lago Vista Retail Center Subdivision.

**LAGO VISTA CITY COUNCIL  
STAFF LAND USE REPORT – JANUARY 5, 2023**



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<b>P&amp;Z CASE NO:</b>	<b>22-2265-PDD-MOD: 20900 FM 1431</b>
<b>APPLICANT:</b>	LVV Investments LLC (Brookshire Brothers, Tenant)
<b>LANDOWNER:</b>	LVV Investments LLC (Jasmyn Yu)
<b>LOCATION:</b>	Southeast side of Bar-K Ranch Road north of FM 1431
<b>ZONING:</b>	"Lago Vista Retail Center PDD" (Ordinance No. 05-07-07-01)
<b>PROPOSED USE:</b>	Signage Design Standards Amendment

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**PLANNING AND ZONING COMMISSION MEETING AND RECOMMENDATION:**

- The property owner was represented at the December 8, 2022, meeting of the Planning and Zoning Commission by a member of the Brookshire Brothers staff. Perhaps more importantly he brought the contractor that will be fabricating and installing the proposed signs. He had a full-size sample of a portion of a similar sign and demonstrated his somewhat unique solution to ensure compliance with our "dark sky" regulations.
- The sign includes an amount of the display surface that is "stark white" in color that would normally preclude any backlighting of that same portion of the sign at night. However, rather than modifying the color of the material to an "off-white" (the typical response) he employed a lamp color and fixed dimmer (one that cannot be adjusted without removing the sign). This allows the sign to include an unlimited amount of material that appears "stark white" in daylight but appears "off-white" at night when the backlighting is employed.
- There was no opposition present at the public hearing. Two written comments were received and included in the meeting packet, included for review by the City Council. With relatively little discussion, the Planning and Zoning Commission members confirmed their opinion that the proposed signs were proportional to the building elevations and attractive.
- All seven members were present during this specific application, although attendance fluctuated at other times during the meeting. The recommendation for approval of the amendment to the PDD to permit the proposed signage was unanimous.

**POTENTIAL ALTERNATIVE DECISIONS:**

- A. Approve the requested amendment.
- B. Deny the requested amendment.

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**LAGO VISTA PLANNING AND ZONING COMMISSION  
STAFF LAND USE REPORT – DECEMBER 8, 2022**



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<b>P&amp;Z CASE NO:</b>	22-2265-PDD-MOD: 20900 FM 1431
<b>APPLICANT:</b>	LVV Investments LLC (Brookshire Brothers, Tenant)
<b>LANDOWNER:</b>	LVV Investments LLC (Jasmyn Yu)
<b>LOCATION:</b>	Southeast side of Bar-K Ranch Road north of FM 1431
<b>ZONING:</b>	"Lago Vista Retail Center PDD" (Ordinance No. 05-07-07-01)
<b>PROPOSED USE:</b>	Signage Design Standards Amendment

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**GENERAL INFORMATION / LOCATION:**

- The "Lago Vista Retail Center PDD" consists of a total of six lots in a subdivision that includes one additional lot (Lot 5 of Block A) that is not within the legal description of that approval. That seventh lot of the Lago Vista Retail Subdivision is located on Bronco Lane at the east end of the subject property and is instead within the C-1C zoning district. Only one of those six lots, Lot 4 of Block A includes the existing tenant structure and parking, although a significant amount of the existing parking is on a portion of Lots 1 through 3 of Block A.
- Although none of those four lots has frontage on FM 1431, the applicant asserts that the municipal address is 20900 FM 1431. That same address is indicated on "Google Maps" for all this property, and it was used to establish the utility account for the existing building in the name of the property owner. However, that address appears to be unknown to Travis County 911 Addressing which has six different addresses for this property, all within the 8000 block of Bronco Lane. As this presents a potentially serious safety concern, the staff will contact Travis County 911 Addressing to determine the best way to resolve this problem before this new tenant begins to operate.
- Notwithstanding the safety concerns described immediately above, this new tenant is in the process of completing the renovations to operate a Brookshire Brothers grocery store within the entirety of the taller single-story component on the west end of the existing structure nearest Bar-K Ranch Road. Our existing sign ordinance contemplates a large retail structure with multiple tenants, each with their own entry and distinct attached ("hanging") wall signs. However, it does not contemplate a single tenant large enough to occupy a space with multiple public entries and separate services that justifies multiple large signs for that same enterprise.
- Since this property is within a PDD ("Planned Development District") rather than one of our existing defined zoning districts, it is not eligible for any other form of relief from the sign ordinance and an amendment to the PDD is required. While no use change is involved, it is nonetheless an amendment to the zoning ordinance and the official zoning map. However, the process is not significantly lengthier than a sign variance application, which requires a recommendation from the Building and Standards Commission and approval by the City Council.

**SITE PLAN / CONTEXT CONSIDERATIONS:**

- The applicant seeks approval for a single ID or logo sign, defined in the current sign ordinance as an attached or "hanging wall sign displaying text, initials or other symbols that distinctively identifies a business." A logo sign is further defined as a "design or insignia of an organization, individual, company or product that is commonly used in advertising." The validity of this distinction is highly questionable considering more recent U.S. Supreme Court decisions and is not being preserved in the current comprehensive sign ordinance amendment effort. It is nonetheless part of our current ordinance and cannot be ignored while considering this application.
- It should be noted that if this property were in one of our existing defined commercial zoning districts such as C-1, C-2, or C-6, then no relief would be required for the use of an ID or logo sign with a display area of 144 square feet or less as proposed. An ID or logo sign is only allowed in a PDD when it is specifically provided for in the approval ordinance, and no such language appears in Ordinance No. 05-07-07-01.

- The applicant is also requesting an increase in the maximum number of hanging wall signs for a single business that are not considered an ID or logo sign. The ordinance limits each business within a PDD to a single hanging wall sign absent relief contained in the approval ordinance. The application proposes a total of four such attached or hanging wall signs.
- Using the building permit application, the staff has prepared a site plan that identifies the portion of the existing building that will serve as the location of the new grocery store. The same source provided a color rendering of the front elevation and the relevant building elevations. This provides the context and location for the sign details submitted with this application. The hanging wall signs are numbered sequentially beginning at the west end of the front (south) elevation.

#### **RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:**

- The request also seeks an increase to the maximum display area for each hanging wall sign and the maximum height above grade on the building it can be located. The relief sought is an increase in the maximum display area from 24 square feet to 285 square feet and an increase to the maximum mounting height from 12 feet above grade to 40 feet above grade.
- However, both the display area and mounting height vary significantly for each proposed hanging wall sign. Hanging Wall Sign #3 includes the largest display area and the highest proposed mounting height. The rest are significantly smaller and lower on the building. However, all seem proportionate in height and size given the specific proposed location for each sign on the building.
- Although not applicable to a PDD, the existing ordinance seems to recognize that larger buildings warrant additional signs without creating or increasing "clutter," the avoidance of which is consistent with the "content neutral" regulations ("time, place and manner" restrictions) demanded by the U.S. Supreme Court to avoid "strict scrutiny." Section 4.808 of Chapter 4 specifies that one additional hanging wall...sign for each additional 25 linear feet of store front length exceeding a basic storefront length of 18 linear feet... may be installed." As such, the existing ordinance would seem to be primarily concerned with the form of the approval by consistently requiring that all forms of relief related to a PDD be included in the ordinance approval.
- Nonetheless, the Building and Standards Commission has recommended the inclusion of a "master sign program" as part of the comprehensive sign ordinance amendment currently in progress and nearing completion. It would provide for administrative approvals under very strict and specific conditions for a multi-tenant or mixed use development of this scale or larger. Included among those strict approval conditions is a mandate to increase the quality of the design and construction of all signs in comparison to the applicable ordinance provisions.
- The Comprehensive Plan includes two issues indirectly relevant to this application. While the recommendation is limited to freestanding signs, page 43 within Chapter 3 (Land Use) mentions the need to consider increases to the display area of signs within a multi-tenant development. Chapter 9 (Appendix) is a summary of the public input that informed the plan. Public comments frequently mention a stigma associated with vacant commercial facilities. At the time that this Comprehensive Plan was adopted, this location was completely vacant. That is no longer the case, but this establishment might generate the level of patronage to ensure the success of the smaller retailers.

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#### **POTENTIAL ALTERNATIVE RECOMMENDATIONS:**

- A. Recommend approval of the request as meeting the requirements of a PDD detail plan amendment.
- B. Recommend denial of the request.

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22-2265-PDD-MOD

Existing “Lago Vista Retail Center PDD” Amendment

Attachment 1

Application



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

Tel. (512) 267-5259

Fax (512) 267-5265

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

**APPLICATION FOR ZONING DISTRICT CHANGE**

Contact Person: Jasmyn Yee Fee: See Ordinance Appendix A (non-refundable)  
Contact Phone: 512 999-8819 Contact Email: jasmynyue@yahoo.com  
Property Owner(s):\* LVV Investments  
Owner's mailing address: 10901 N Lamar Blvd, Suite G, Austin, TX 78753

**COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY**

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

Lot 4, Block A, Lago Vista Retail Subdivision

Municipal Address(es)\* if applicable: 20900 2090 Ranch Road 1431, Lago Vista Texas, 78645

**NATURE OF REQUEST**

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

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

Amend PDD to allow additional signage on the 40,320 S.F. retail space, on west side of the property.

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

Name of Agent: Jasmyn Yee Email: jasmynyue@yahoo.com  
Mailing Address: 10901 N. Lamar Blvd, suite G Phone: 512-999-8819  
Austin, TX 78753

**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)\*

11-9-22

Date

\*Attach additional sheets as required

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

Mr. Jambor,

Brookshire Brothers is excited to have a new store opening soon in Lago Vista Texas. Unfortunately, during development, we have discovered that the sign ordinance is very restrictive for a large food store. The ordinance allows for only one wall sign. A typical food store would have several signs and the Pharmacy signage is required by law. The attached sign package is part of the Brookshire Brothers branding and is used in all their locations. Therefore, Brookshire Brothers inc. is requesting to amend Ordinance #05-07-07-01. Below is a summary of the changes requested:

Add:

Section 4, Item 15:

At westmost 40,320 S.F. Retail Space, hanging wall signage shall be limited to four (4) signs, attached to the building, with a total aggregate area, for all four signs, of 425 S.F. Signs shall be mounted so that the top of sign is no higher than 40.'

At westmost 40,320 S.F. Retail Space, one (1) ID or Logo sign mounted to the façade and limited to 144 S.F. shall be allowed.

Outdoor internally illuminated signs (backlit), whether freestanding or building-mounted, shall be permitted with a white background and darker letters and symbols. The internally illuminated or backlit portion of the sign can be white, cream, off-white, or yellow.

Please let us know if you have any questions. Our signage contractor is available to discuss sign specifics and can be available, if required, at the zoning meeting.

Thank you,

William Lonsdale, RA, NCARB  
Principal, Sr. Associate



**Heights Venture**

Architecture + Design

5741 Legacy Drive, Suite 320

Plano, Texas 75024

D: 281.854.6136

[Will.Lonsdale@hva.cc](mailto:Will.Lonsdale@hva.cc)

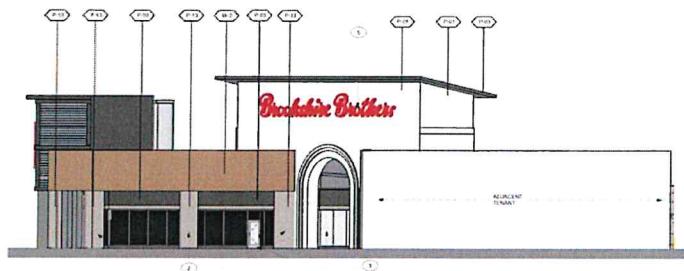


22-2265-PDD-MOD

Existing “Lago Vista Retail Center PDD” Amendment

Attachment 2

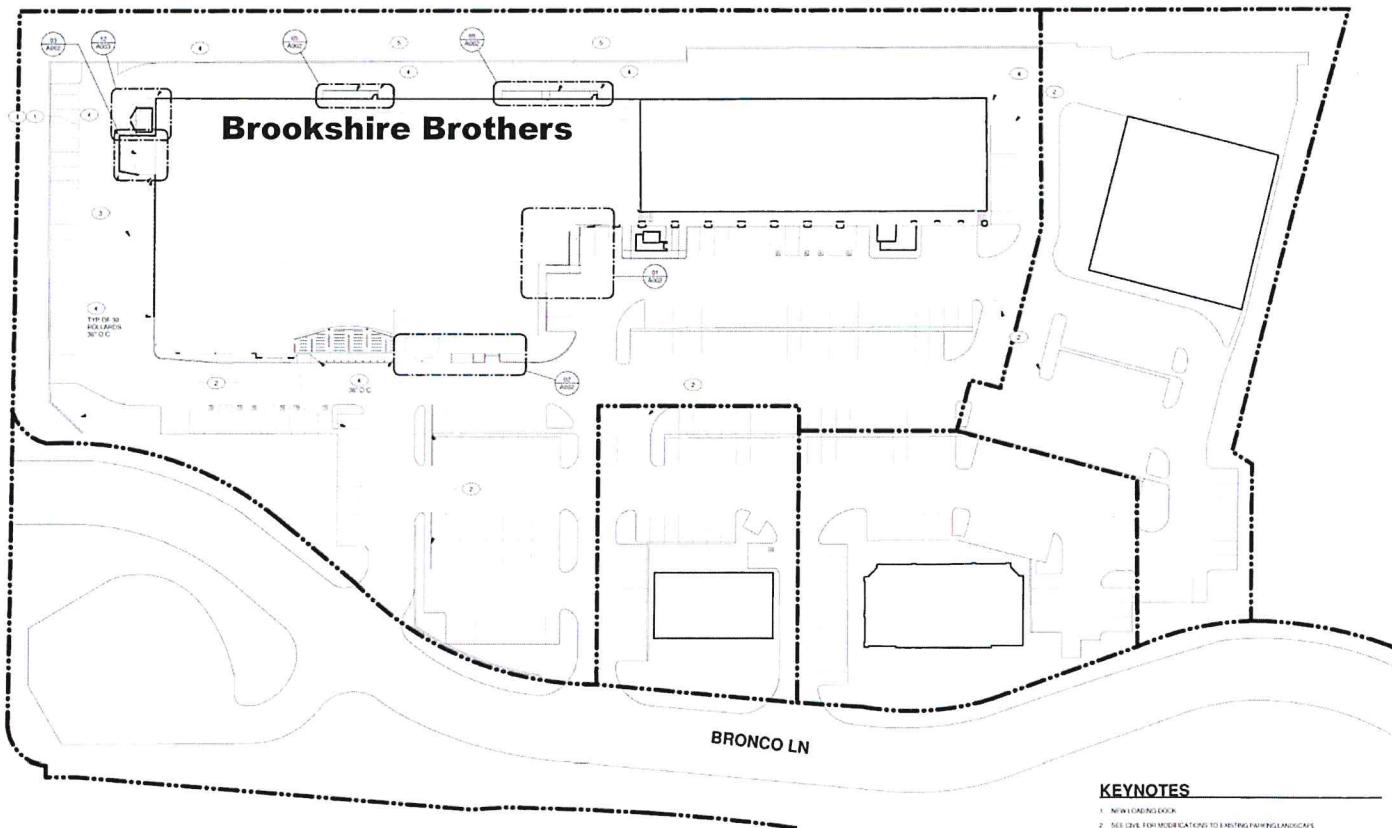
Proposed Sign Design Standard Amendment



**East Elevation**



**South Elevation**



**Site Plan**



**Rendering – Front Elevation**

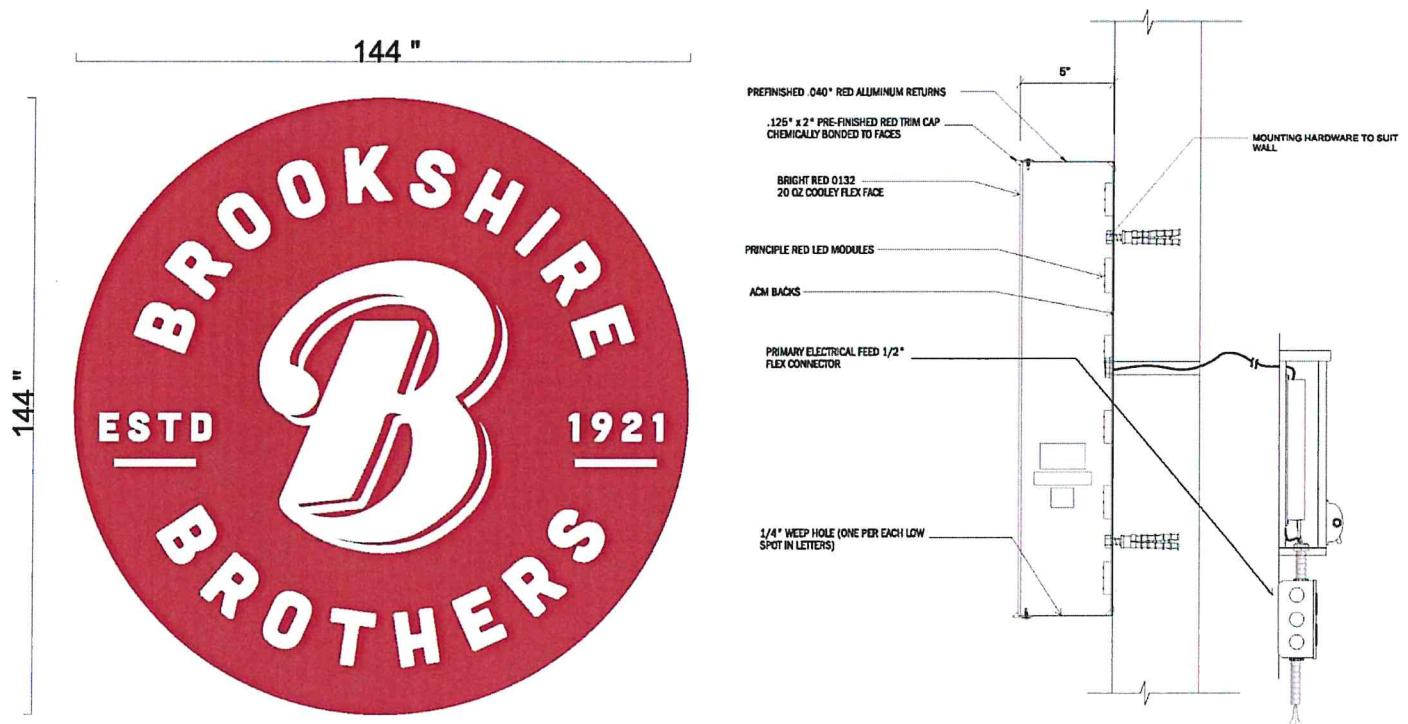


ENTRY TOWER

14' - 1" 0"

## ID / Logo Sign

front lighted channel cabinet with flex face 20 oz cooley flex faces in bright red 0132 / red 2" trim / red returns



front lighted channel letters white faces / white trim / white returns / direct mount



## Hanging Wall Sign #1

front lighted channel letters white faces / white trim / white returns / direct mount



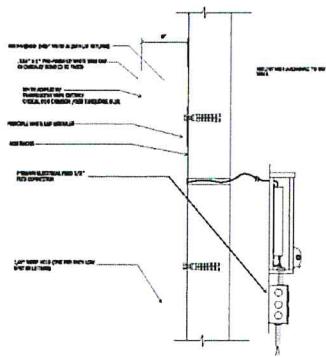
## Hanging Wall Sign #2

front lighted channel letters red 2793 faces / 2" Jewelite red rim / red aluminum returns / red LED's / eyebolts for lifting / mounting pattern



## Hanging Wall Sign #3

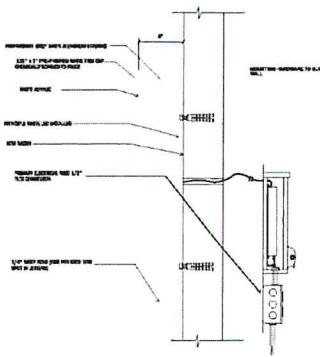
### LOGO CABINET



front lighted channel cabinet with white face and 2 color translucent vinyl orocel 016 crimson & orocel 066 turquoise blue / white trim / white returns  
front lighted channel letters / white face/ 1" white trim / white returns / direct mount



### CHANNEL LETTERS



## Hanging Wall Sign #4

**TABLE A**

Sign type	C-4	G-1	P, P-1, P-2	CR Resorts	PDD	LI	ETJ and TR-1
<b>ID or Logo</b>				1	Unless otherwise stated in the PDD text		attached to bldg.
Number allowed per business	1	Not allowed	Not allowed	Not allowed	Not allowed	1	Not allowed
Location (distance from property line)	runway side only	Not allowed	Not allowed	Not allowed	Not allowed	attached to bldg. within facade	Not allowed
Maximum display surface area (sq. ft.)	within facade 144	Not allowed	Not allowed	Not allowed	Not allowed	144	Not allowed
<b>Hanging wall (see Section 4.808)</b>				144	Unless otherwise stated in the PDD text	4	
Number allowed per business	1	1	1	1	4	1	1
Location	attached to bldg.	attached to bldg.	attached to bldg.				
Maximum height above grade	12'	12'	12'	12'	12'	12'	12'
Maximum display surface area (sq. ft.)	24	24	24	24	24	24	24

\*\*\*\*\*

40'

285 (max.)  
425 (cumulative)

22-2265-PDD-MOD

Existing “Lago Vista Retail Center PDD” Amendment

Attachment 3

Previously Approved PDD Plan / Applicable Ordinance

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 05-07-07-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING THE LOTS KNOWN AS THE LAGO VISTA RETAIL CENTER FROM C-1C AND C-6 ZONING TO A "PLANNED DEVELOPMENT DISTRICT" TO BE KNOWN AS THE LAGO VISTA RETAIL CENTER PLANNED DEVELOPMENT DISTRICT; ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED DEVELOPMENT DISTRICT, MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owner/developer of the property known as Lago Vista Retail Center (described hereinafter as the "Property") has requested that the Property be rezoned; and

WHEREAS, the lots currently described as Lots 18001, 18002, 18003, 18004, 18012, 18013, and 18014 of the Bar K Ranches Subdivision, Section 18 is in the process of being replatted and the new plat will establish the properties as Lots 1, 2, 3 and 4 of Block A and Lots 1 and 2 of Block B of the Lago Vista Retail Center Subdivision, and

WHEREAS, the properties as mention above will be commonly referred to as the Lago Vista Retail Center, and

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

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

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

**Section 2. Amendment of Zoning Ordinance.** Ordinance No. 98-04-27-03, as amended, and all subsequent ordinances of the City of Lago Vista relating to the zoning of the property, is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned Property.** The Zoning Ordinance is hereby amended by changing the zoning district for the land and parcel of property being a 10.21 acre tract of land out of the Bar K Ranches Subdivision, Section 18, amended, of the deed records of Travis County, Texas, more fully described in Exhibit "A" to this ordinance from the

current zoning district C-1C and C- 6 to zoning district “PDD”. The Property is hereby rezoned to Planned Development District (“PDD”) with the uses of individual lots as set forth on the approved subdivision plat as provided in Section 4.

**Section 4. Zoning Requirements.** The zoning requirements established herein shall apply to the Planned Development District (“PDD”) known as Lago Vista Retail Center Planned Development District. The comprehensive zoning requirements of Ordinance No. 98-04-27-03, as amended, shall apply to each property as individually zoned; provided that should any conflict appear between the requirements in the comprehensive zoning ordinance and the requirements for the individual lots set forth herein, the requirements set forth herein shall control:

1. Zoning. All properties within the development shall be zoned C-1 and shall comply with the zoning requirements of C-1 District except as hereinafter specifically modified.
2. The impervious cover for the entire development contained in PDD may exceed normal commercial development limits of 60% so long as adequate water quantity and/or quality facilities are designed and constructed to accommodate runoff. Under no circumstances shall the impervious cover of the PDD exceed 70%.
3. Minimum parking requirements for all lots included in the PDD shall meet or exceed a ratio of 1 parking space for every 300 square foot of building area.
4. Exterior lights shall not be permitted to shine directly in the eyes of any occupant of any vehicle on any roadway or directly on to adjoining private property. Except for business that are open 24 hrs. per day, lighting other than that necessary for security, shall be turned off at 11:00 PM.  
Exception: Holiday lighting between Thanksgiving and New Years Day may be on all night provided it does not blind motorists or cause a nuisance to adjoining residences.  
Light Poles shall not exceed 25 feet in height measured from the base of the pole to the top of the fixture, have no more than 2 fixtures per pole, not exceed 200 watts per fixture, have hooded fixtures that direct the light down, and have no more than one single light per every other pole illuminated after 11:00 PM for security purposes.
5. All signage will comply with City of Lago Vista ordinances and development regulations and shall be dimmed to half their original illumination after 11:00 PM.
6. Use of Lot 2, Block B of the Lago Vista Retail Center shall be restricted to solely provide for storm water retention and/or detention and for other drainage purposes for all other lots within with in the Retail Center.
7. Use of Lots 1, 2, 3 and 4, Block A shall be permitted as additional uses such uses as allowed under C-2, and/or C-6 zoning categories.
8. Use of Lot 1, Block B shall be restricted to such uses as allowed under the C-1 zoning category.
9. The maximum building height for the lots in the Lago Vista Retail Center are as follows:

Block A:      Lot 1 – 35 feet above the first finished floor elevation of 941.5 feet above sea level;

Lot 2 – 35 feet above the finished first floor elevation of 938.5 feet above sea level;

Lot 3 – 35 feet above the first finished floor elevation of 943.5 feet above sea level;

Lot 4 – 35 feet above the first finished floor elevation of 951 feet above sea level; however, the building on Lot 4 will be allowed to include a clock tower with width of approximately 17 feet that does not exceed 55 feet above the first finished floor elevation and two or three roof dormers not to exceed 45 feet above the first finished floor elevation.

Block B:      Lot 1 – 35 feet above the first finished floor elevation of 953.5 feet above sea level;

Lot 2 – drainage structures and retaining walls shall not exceed a maximum height of 930 feet above sea level.

10. Parking for all lots in the Lago Vista Retail Center may be shared among the various buildings in the Center as well as all driveways and other related facilities, provided the minimum requirements are met for the proper ratio of cumulative buildings to cumulative parking and adequate ingress and egress is provided for each building and each building sharing a parking lot and driveway have the uninhibited right to use the parking lot and driveway from the other owners.

11. Constrictors or poisonous snakes, lions, tigers and bears, or other exotic animals are prohibited.

12. Professional kennel operations are prohibited.

13. Accessory use structures shall not be permitted.

14. All development shall be constructed in accordance with the Lago Vista Retail Center Site Development Plan attached hereto, and made a part hereof.

**Section 5. Amendment of Ordinances.** Ordinance No. 98-04-27-03 and any subsequent ordinances are hereby amended to add the above-described planned development district.

**Section 6. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance 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 7. Conflicts.** Any portion of ordinance in conflict herewith is hereby repealed to the extent of such conflict only.

**Section 8. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

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

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 7<sup>th</sup> day of July, 2005.



Dennis Jones  
Dennis Jones, Mayor

ATTEST:

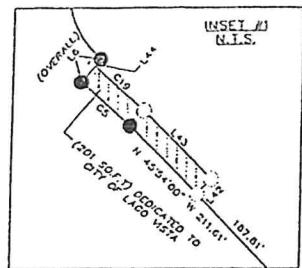


Joyce W. Stapleton  
Joyce W. Stapleton, City Secretary

On a motion by Council Member Hugh Farmer, seconded by Council Member Randy Kruger, the above and foregoing ordinance was passed and approved.

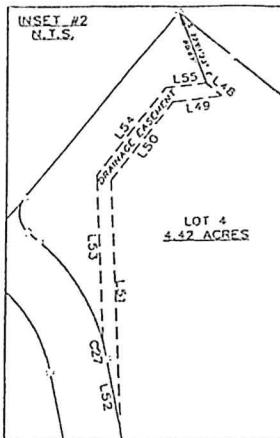
## EXHIBIT "A"

FINAL PLAT OF THE  
LAGO VISTA RETAIL SUBDIVISION  
12.08 ACRES OUT OF THE DALLAS & WICHITA RAILROAD COMPANY SURVEY NO. 97  
TRAVIS COUNTY, TEXAS



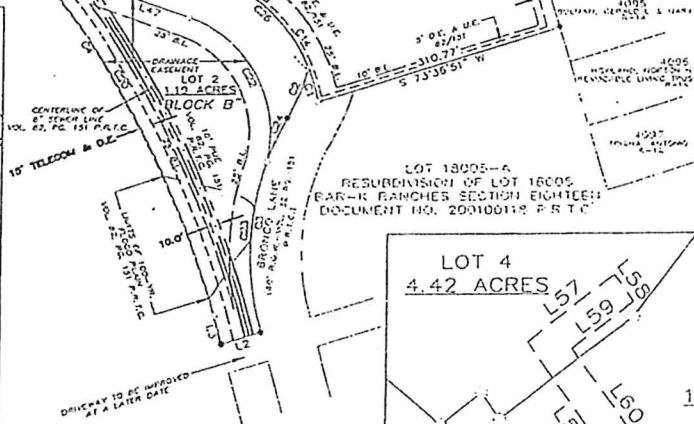
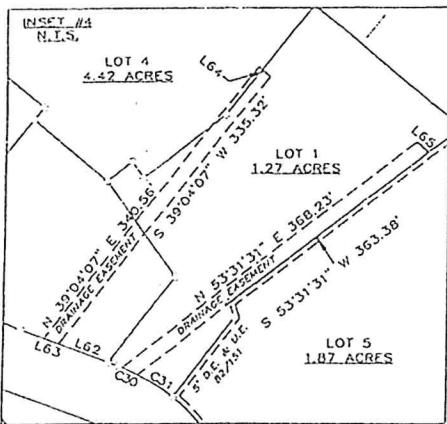
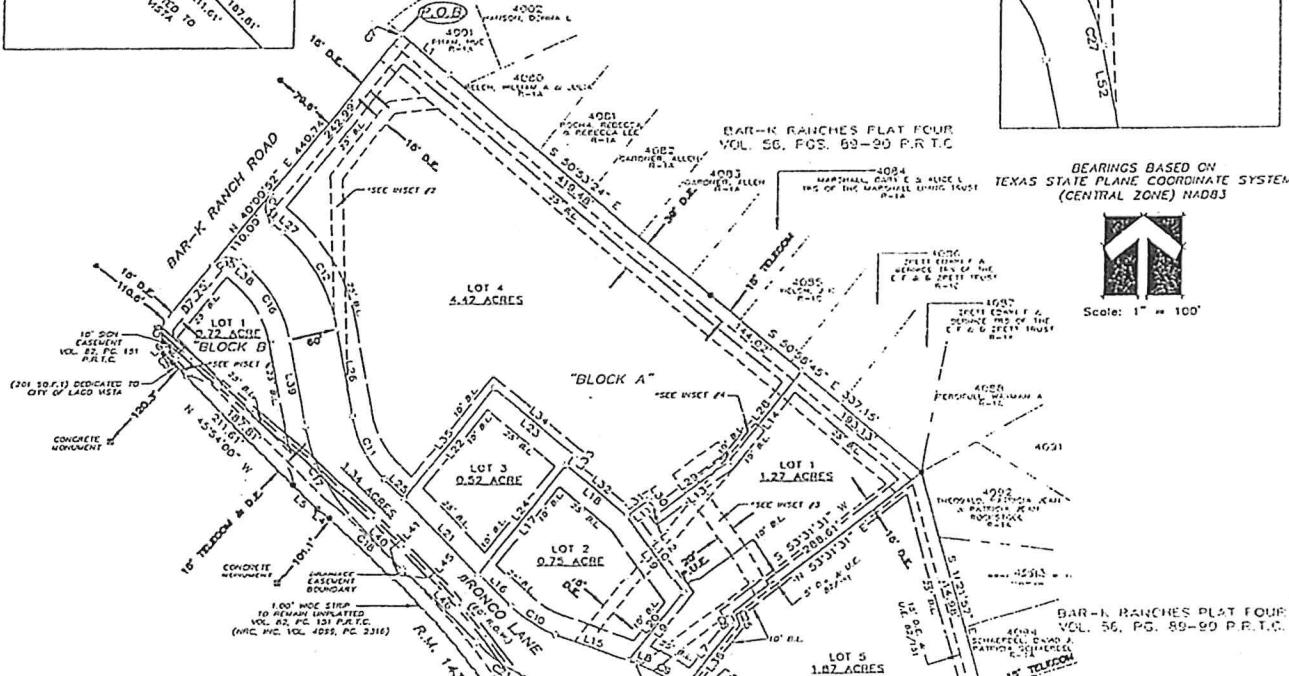
**LEGEND**

- 1/2" IRON PIN FOUND  
(UNLESS OTHERWISE NOTED)
- 1/2" IRON PIN SET  
w/YELLOW PLASTIC CAP "CS, LTD"
- SANITARY SEWER MANHOLE
- D.C. DRAINAGE EASEMENT
- U.C. UTILITY EASEMENT
- P.U.C. PUBLIC UTILITY EASEMENT
- BL. BUILD LINE
- PLAT. PLAT RECORDS TRAVIS CO., TX

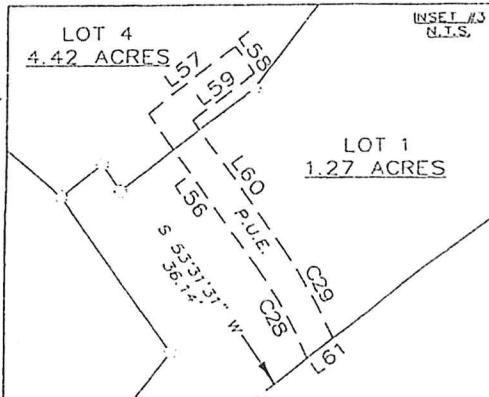


BEARINGS BASED ON  
LATE PLANE COORDINATE SYSTEM  
(CENTRAL ZONE) NAD83

Scale: 1" = 100'



INSET #3



This is a detailed location map of the New Town Site (N.T.S.) in Lago Vista, Texas. The map shows a grid of streets and roads, with various landmarks and features labeled. A north arrow is located in the top left corner. The map is titled 'LOCATION MAP N.T.S.' and includes a scale bar. The 'VILLAGE OF LAGO VISTA' is labeled in the bottom right corner, with a population of 'Pop. 2,112' indicated. The map also shows the 'CITY OF LAGO VISTA' boundary.

**OWNER/SUPPLIER:**

ADMIRAL CONSTRUCTION, INC.  
DAVID YOUNG (PRESIDENT)  
1515 CAPITAL OF TEXAS HWY., STE 107  
AUSTIN, TEXAS 78746

OWNER/SUBDIXER:

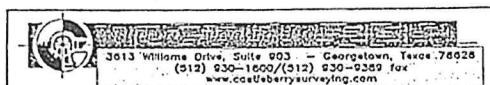
MICHAEL W. KURNIAWAN  
PINTU AIR 30 K-L  
JAKARTA PUSAT, INDONESIA

#### LAND USE:

TOTAL ACREAGE: 12.08  
R.O.W. DEDICATED: 1.34 ACRES  
LINEAR FEET OF STREET: 963.60 LF  
TOTAL NO. BLOCKS: 2  
TOTAL NO. OF LOTS: 7  
ZONING: PDD  
USE: COMMERCIAL

**SURVEYOR:**  
CASTLERERRY SURVEYING, LTD.  
203 SOUTH IH 35, SUITE 101 C  
GEORGETOWN, TEXAS 78628  
(512) 930-1600 -- PHONE  
(512) 930-2312 -- FAX

**ENGINEERS**  
AUSTIN CIVIL ENGINEERING, INC.  
2700 S. LAMAR BLVD., STE 200A  
AUSTIN, TEXAS 78704  
(512) 306-0016 - PHONE  
(512) 306-0040 - FAX



## CHAPTER 4

### BUSINESS REGULATIONS AND TAXATION

\*\*\*\*\*

#### ARTICLE 4.800 SIGNS AND GRAFFITI

##### Sec. 4.801 Definitions

\*\*\*\*\*

*Hanging Wall Sign.* A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall.

*ID or Logo Sign.* A hanging wall sign displaying text, initials, or other symbols that distinctively identifies a business. The size of the display area is that area that completely encloses the text, initials, or symbols within no more than three geometric shapes. The maximum allowable display size shall be no more than 10% of the facade to which it is hung. In no case may the display area be more than 144 sq. ft. and the display may not project above the or beyond the facade lines.

\*\*\*\*\*

##### Sec 4.808 Design Requirements

All signs erected in the city shall conform to the requirements prescribed in table A and table B of this article and shall be constructed in a workmanlike manner:

- (a) A business or organization may install one additional set of signs if it has regular customer or client access from a second separate street.
- (b) One additional hanging wall, projecting wall, window and awning sign for each additional 25 linear feet of store front length exceeding a basic storefront length of 18 linear feet, for instance to show the name of the building which may have multiple tenants, may be installed.
- (c) Tenants of a multitenant building may install, if feasible, a hanging wall, projecting wall, window or awning sign in addition to their advertisement on a multitenant freestanding sign.

\*\*\*\*\*

**TABLE A**

Sign type	C-4	G-1	P, P-1, P-2	CR Resorts	PDD	LI	ETJ and TR-1
<b>ID or Logo</b>					Unless otherwise stated in the PDD text		
Number allowed per business	1	Not allowed	Not allowed	Not allowed	Not allowed	1	Not allowed
Location (distance from property line)	runway side only	Not allowed	Not allowed	Not allowed	Not allowed	attached to bldg. within facade	Not allowed
Maximum display surface area (sq. ft.)	within facade 144	Not allowed	Not allowed	Not allowed	Not allowed	144	Not allowed
<b>Hanging wall (see Section 4.808)</b>					Unless otherwise stated in the PDD text		
Number allowed per business	1	1	1	1	1	1	1
Location	attached to bldg.	attached to bldg.	attached to bldg.	attached to bldg.	attached to bldg.	attached to bldg.	attached to bldg.
Maximum height above grade	12'	12'	12'	12'	12'	12'	12'
Maximum display surface area (sq. ft.)	24	24	24	24	24	24	24

\*\*\*\*\*

22-2265-PDD-MOD

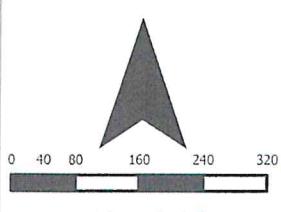
Existing “Lago Vista Retail Center PDD” Amendment

Attachment 4

Maps



N



## 20900 FM 1431

Request Type	PDD Amendment	Project	22-2265-PDD-MOD
Change Requested	Sign regulations	Date	11/21/2022
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

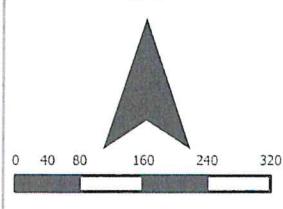
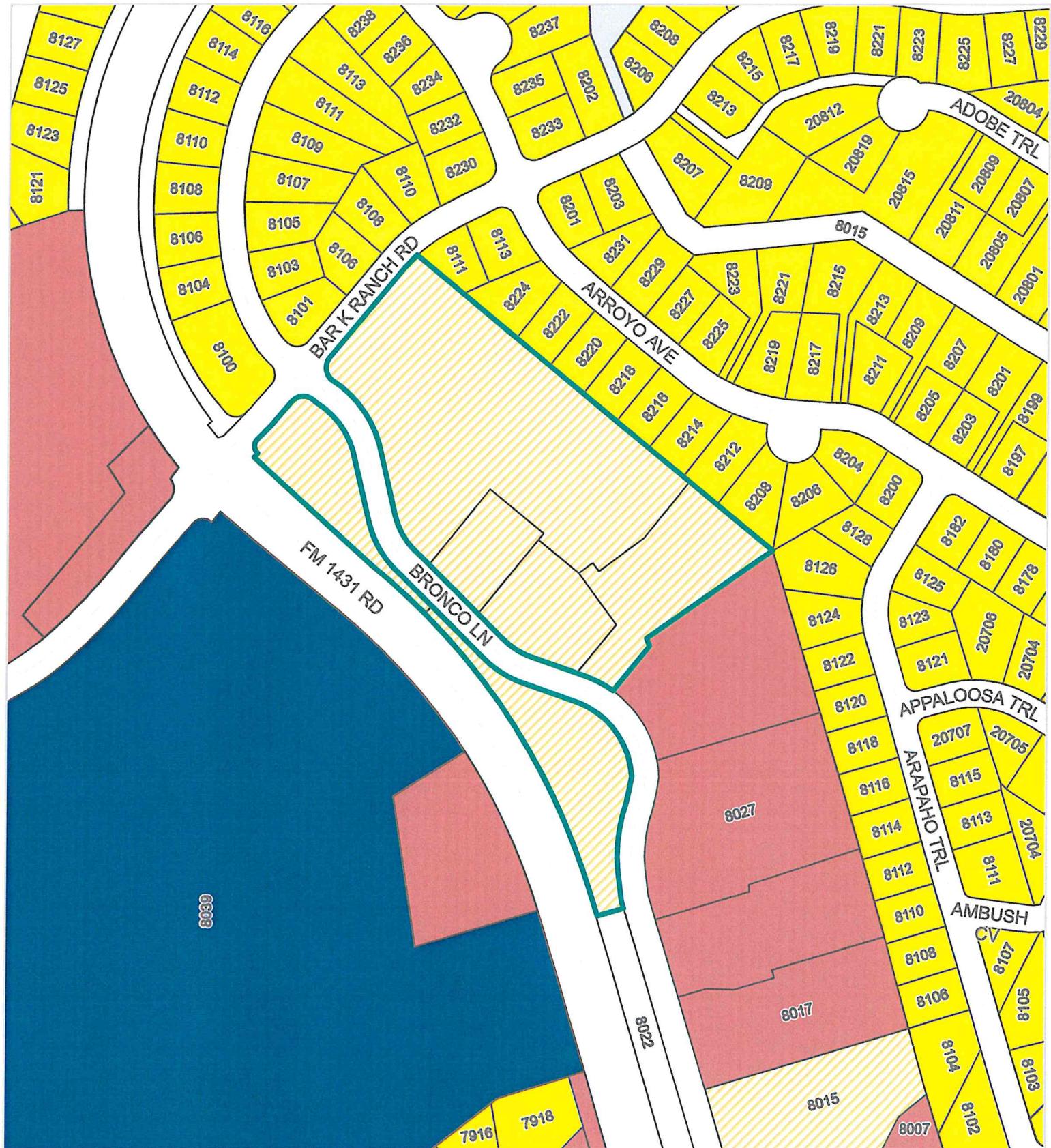
50 ft

### Street

Project Area

TaxParcel

City Limits

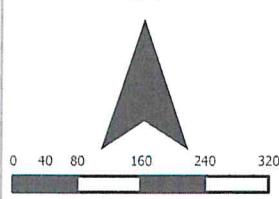


**20900 FM 1431**

Request Type	PDD Amendment	Project	22-2265-PDD-MOD
Change Requested	Sign regulations	Date	11/21/2022
Map Purpose	Zoning Map	Drawn By	chris.martinez

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**20900 FM 1431**

Request Type	PDD Amendment	Project	22-2265-PDD-MOD
Change Requested	Sign regulations	Date	11/21/2022
Map Purpose	Future Land Use Map	Drawn By	chris.martinez

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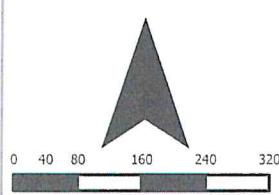
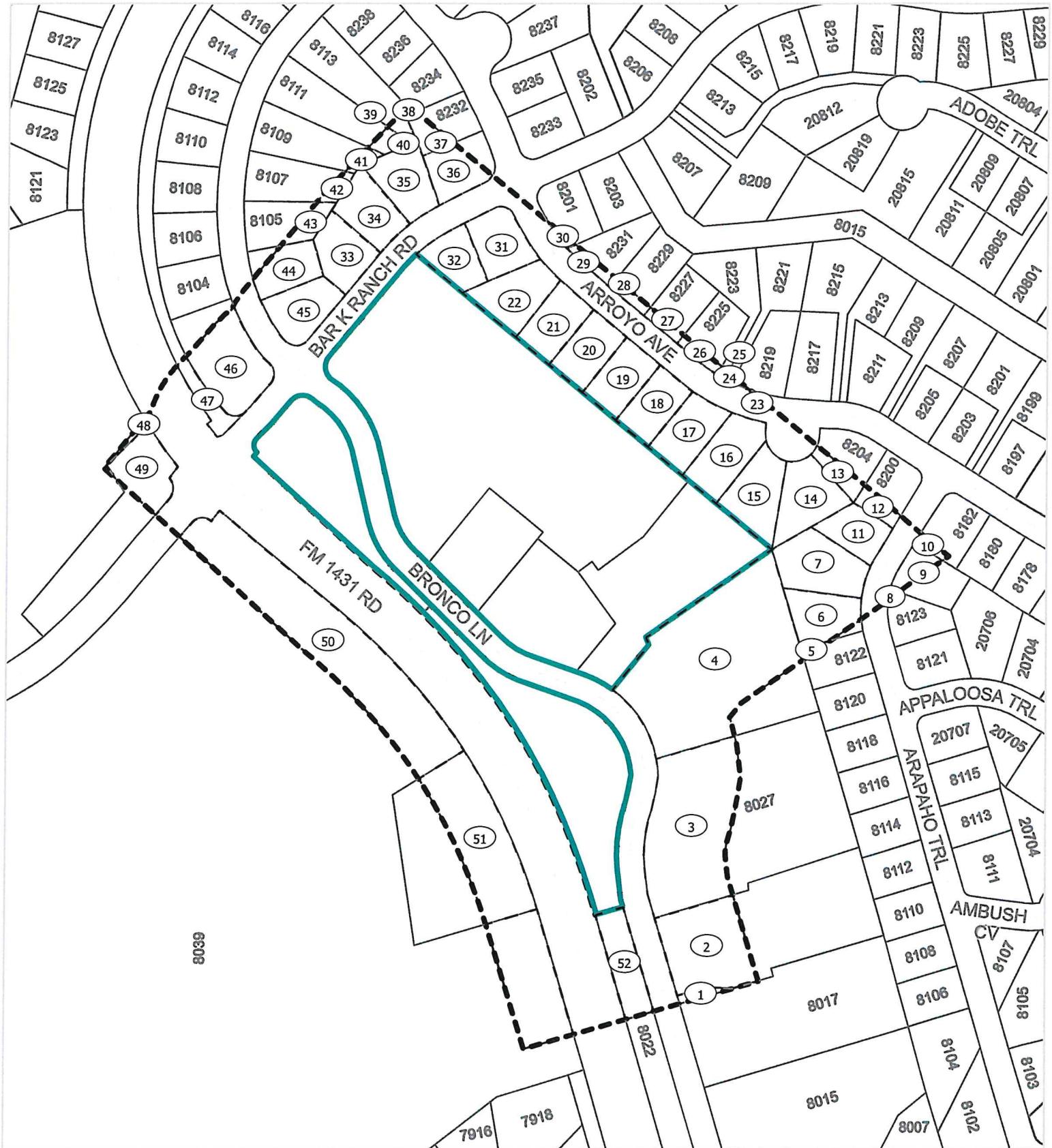


22-2265-PDD-MOD

Existing “Lago Vista Retail Center PDD” Amendment

Attachment 5

Notice Comments



**20900 FM 1431**

Request Type	PDD Amendment	Project	22-2265-PDD-MOD
Change Requested	Sign regulations	Date	11/21/2022
Map Purpose	Notification Boundary Map	Drawn By	chris.martinez

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

Street  
Project Area  
200ft Notice Boundary  
TaxParcel  
City Limits



## Notice of Public Hearing

DEC 08 2022

CITY OF  
**LAGO VISTA**  
TEXAS

**Project #:** 22-2265-PDD-MOD

**Hearing Date and Time:** Thursday, December 8, 2022, at 7:00 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas and/or using an online videoconferencing tool to receive citizen input. Additional information, details, and instructions on how to participate will be included in the agenda posted at City Hall and on the City website ([lagovistatexas.gov](http://lagovistatexas.gov)) prior to the scheduled meeting dated in accordance with the Open Meetings Act.

**Project Property Location:** 20900 FM 1431 (Lago Vista Retail Center Subdivision, Lots 1 through 4 of Block A and Lots 1 and 2 of Block B)

**200' Notification Mailing ID:** 9

November 22, 2022

CARUSO NATHAN A  
13805 Field Spar Dr  
Manor, TX 78653

The Planning and Zoning Commission will make a 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 through 4 of Block A and Lots 1 and 2 of Block B).

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

**E-mail:** [development@lagovistatexas.gov](mailto: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](mailto: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 #: **22-2265-PDD-MOD**

**Hearing Date and Time:** Thursday, December 8, 2022, at 7:00 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas and/or using an online videoconferencing tool to receive citizen input. Additional information, details, and instructions on how to participate will be included in the agenda posted at City Hall and on the City website ([lagovistatexas.gov](http://lagovistatexas.gov)) prior to the scheduled meeting dated in accordance with the Open Meetings Act.

**Project Property Location:** 20900 FM 1431 (Lago Vista Retail Center Subdivision, Lots 1 through 4 of Block A and Lots 1 and 2 of Block B)

**200' Notification Mailing ID:** 49

November 22, 2022

LAGO VISTA I S D  
20801 FM 1431  
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a 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 through 4 of Block A and Lots 1 and 2 of Block B).

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In Favor;  Opposed

Comments:

Signed: Daren Webb Lago Vista ISD

This whole page may be returned as follows:

E-mail: [development@lagovistatexas.gov](mailto: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.