

ORDINANCE NO. 23-03-02-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY CHANGING AN APPROXIMATELY 0.104-ACRE PORTION OF TRACT A OF LAGO VISTA ESTATES SECTION SIX ADJACENT TO 7600 LOHMAN FORD ROAD, FROM THE TR-1 (“TEMPORARY RESTRICTED”) DISTRICT TO THE C-2 (“COMMERCIAL, LARGE SCALE”) DISTRICT, TOGETHER WITH THE REQUIRED DESIGN APPROVAL; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Sikotar, LLC acting by and through Shyam Patel, Manager, the owner of an approximately 0.104-acre portion of Tract A of Lago Vista Estates Section Six, 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”) district to the C-2 (“Commercial, Large Scale”) district; and

WHEREAS, Sikotar, LLC acting by and through Shyam Patel, Manager, is also the owner of the adjacent Lot 1873 of Lago Vista Estates Section Six, commonly referred to as 7600 Lohman Ford Road, which is currently in the C-2 (“Commercial, Large Scale”) district; and

WHEREAS, Sikotar, LLC acting by and through Shyam Patel, Manager, has included a request for design approval in that same application in accordance with the provisions of Section 6.105 of Chapter 14, the Lago Vista Zoning Ordinance for both the Property and Lot 1873 of Lago Vista Estates, Section Six, as set forth in **Exhibit “B”** attached hereto; and

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

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 hearings held on January 12, 2023 and February 9, 2023, and the City Council at its public hearing held on March 2, 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 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 6.105 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 Ordinance and the Official Zoning Map and other applicable ordinances are hereby modified and amended by rezoning the approximately 0.104-acre portion of Tract A of Lago Vista Estates Section 6 as described in **Exhibit "A"** from the TR-1 ("Temporary Restricted") district to the C-2 ("Commercial, Large Scale"), together with the required design approval in accordance with **Exhibit "B"** and the conditions described in **Exhibit "C."**

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 March, 2023.


Ed Tidwell, Mayor

ATTEST:


Lucy Aldrich, City Secretary



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

EXHIBIT "A"

Legal Description

0.104 ACRES 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 0.104 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, 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 N24°59'51"E, leaving said north right-of-way line, in part along the line common to said Lot 1874 and said Tract A, and in part over and across said Tract A, a distance of 292.68 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;

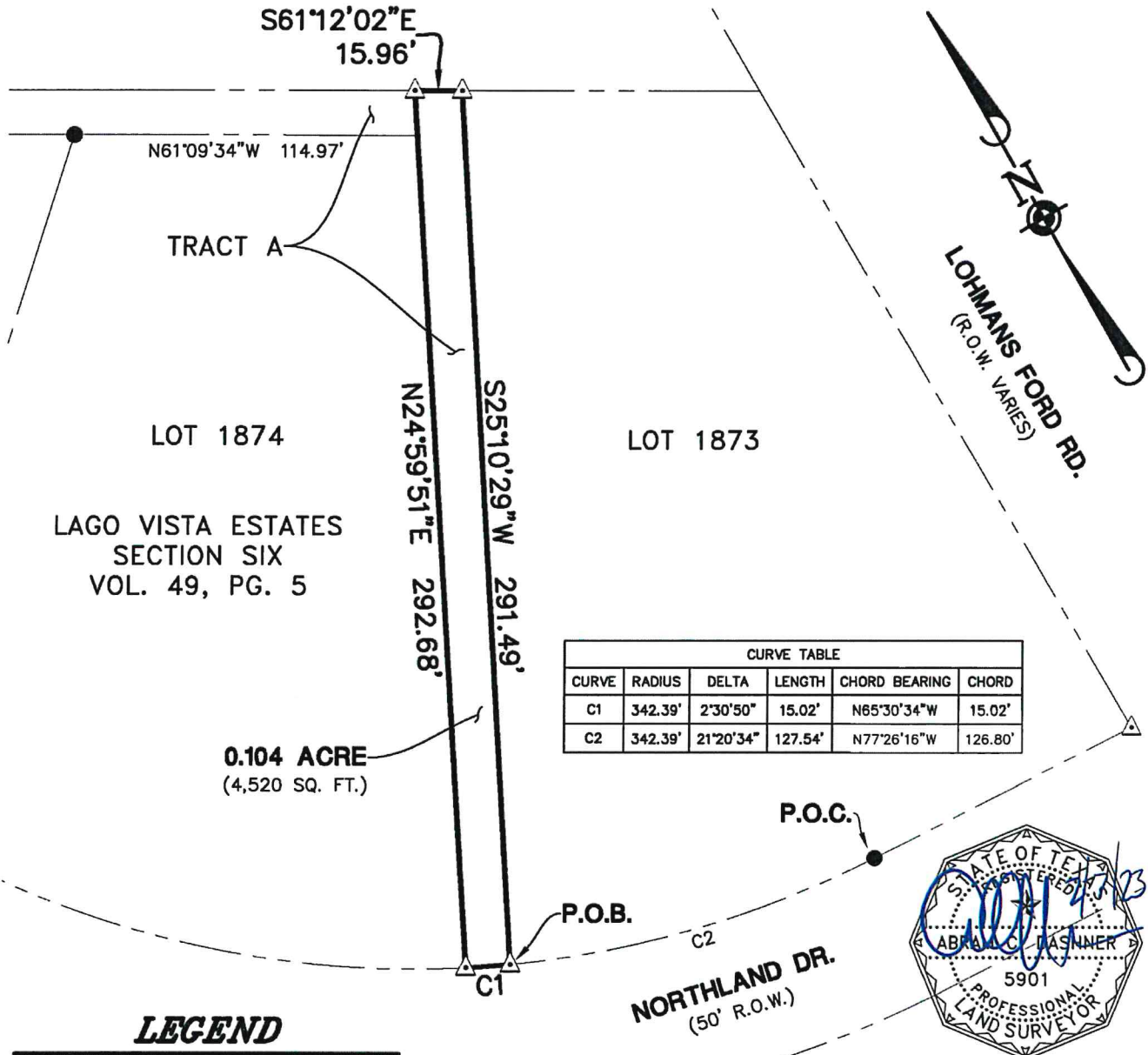
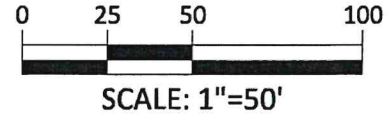
THENCE S61°12'02"E, along the south line of said Southwestern Bell Telephone Company tract, being the north line of said Tract A, a distance of 15.96 feet to a calculated point at the common north corner of said Tract A and said Lot 1873, for the northeasterly corner hereof;

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 approximately 0.104 acre (4,520 square feet) of land.

EXHIBIT "A"

Legal Description (Continued)

SOUTHWESTERN BELL
TELEPHONE COMPANY
VOL. 2574, PG. 607



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), UTILIZING THE LEICA SMARTNET
CONTINUALLY OPERATING REFERENCE NETWORK

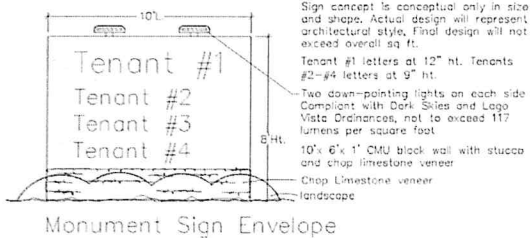
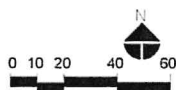
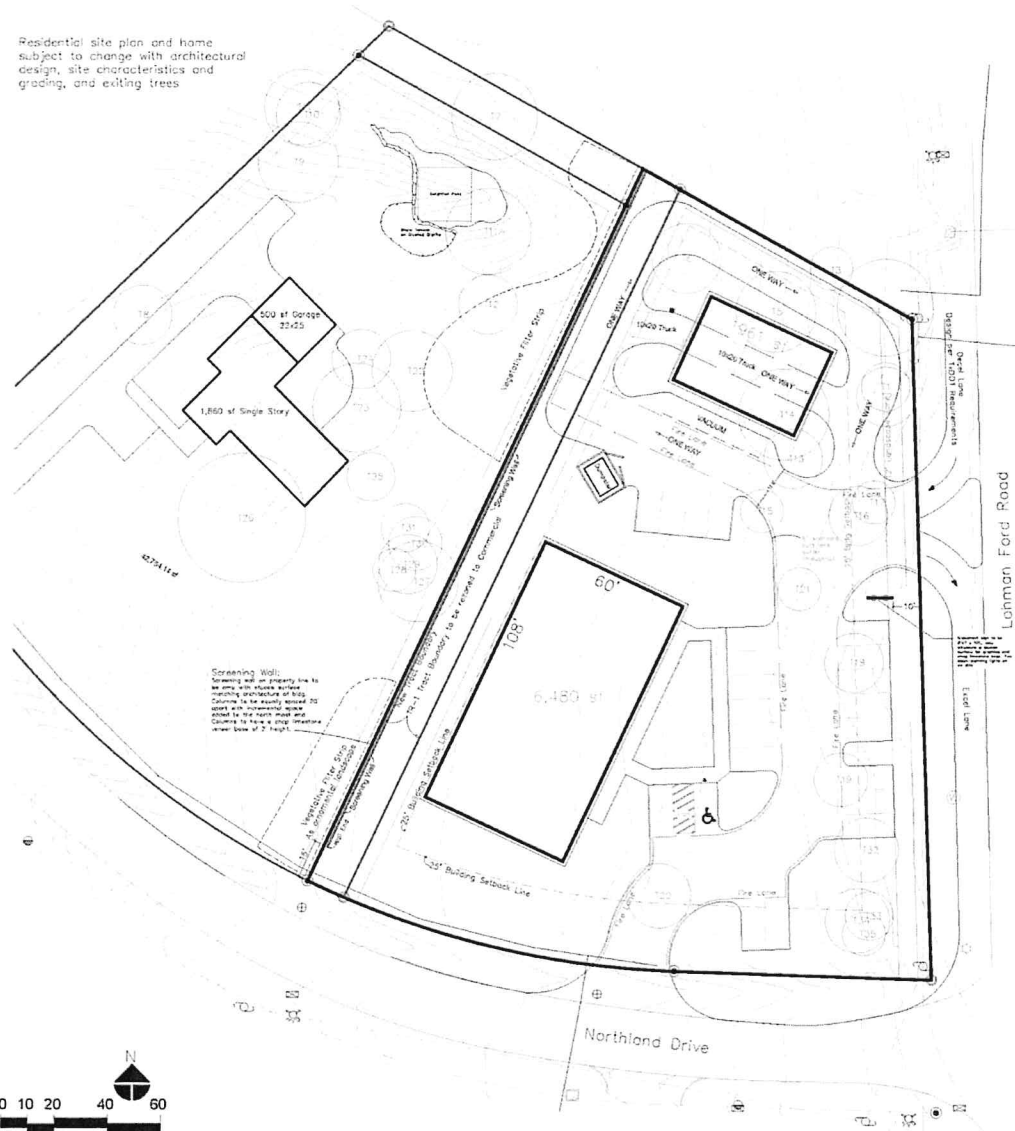
Design Approval



ZONING CHANGE DESCRIPTION

Design Approval

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



Impervious Cover-Residential Lot	
Total Lot	44,421.40 sf
50% IC Max	22,210.70 sf
Actual IC	5,956.10 sf 13.4%

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

- Commercial buildings subject to change with architectural design, site characteristics and grading, and existing trees. Calculations shown will not be exceeded.

Impervious Cover	
Total Lot	47,696.35 sf
60% IC Max	28,617.81 sf
Actual IC	26,480.99 sf (55.5% IC)

Parking:	1sp/300sf	
Building 1	6,480 sf	22 Spaces
Car Wash	1,961 sf	0 Spaces
Total Spaces Required		22 Spaces
Total Spaces Proposed		22 Spaces

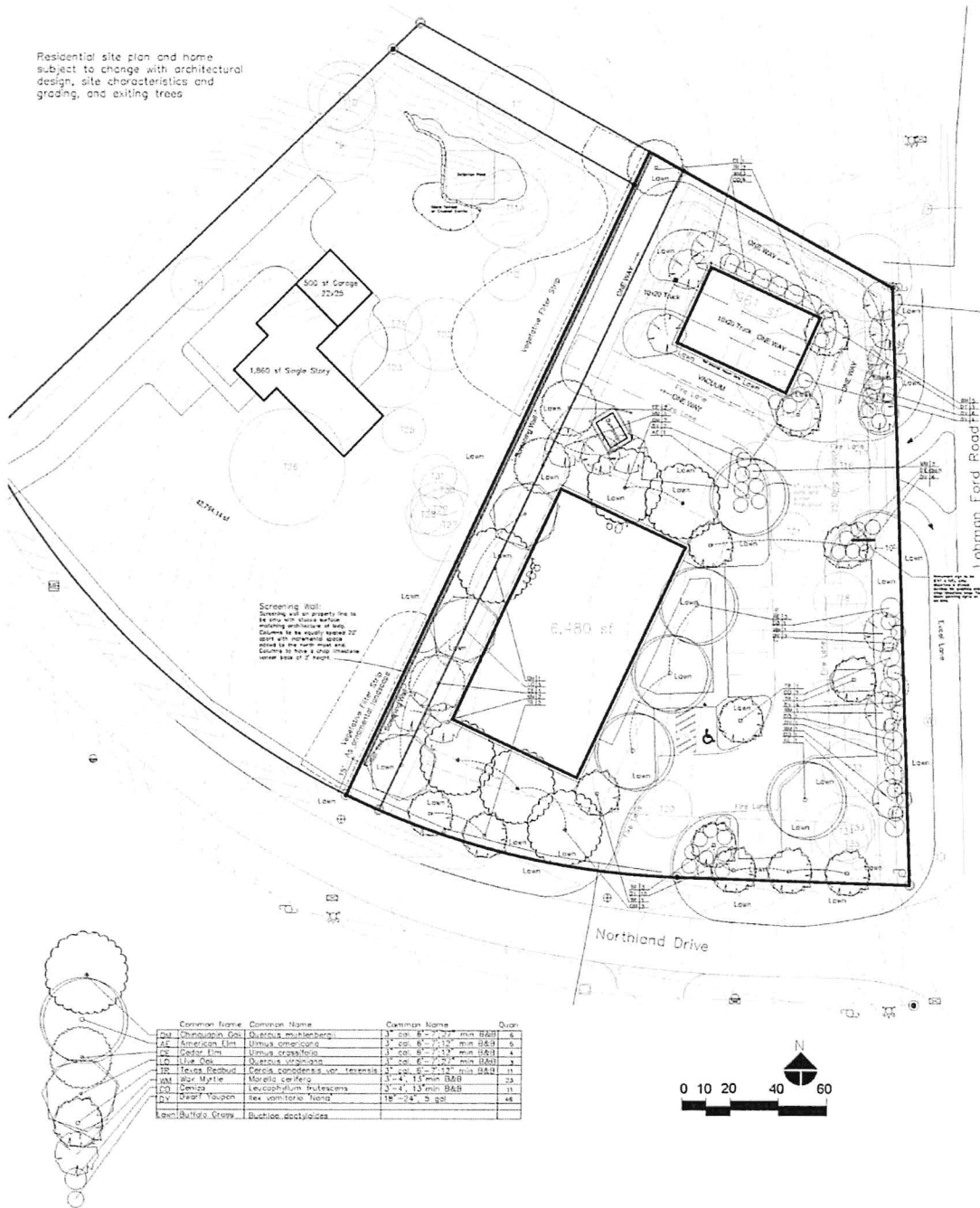
Land Use Summary 01 20 23

SITE PLAN

EXHIBIT "B"

Design Approval

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



LANDSCAPE PLAN

Design Approval

Tree Preservation & Replacement Calculations

Tree Survey							Total Caliper Inc	Total Protected Inches	Protected Saved Inches	Protected Removed-Site	Bldg Site	Caliper Inches Replaced
R	T1	CO	CEDAR									
R	T2	CO	LIVE OAK	8	6		14					
R	T4	CO	LIVE OAK	10	9	7	26	10		10		10
R	T5	CO	LIVE OAK	15			15	15		15	BA	15
R	T6	CO	LIVE OAK	9	8		17					
	T7	RE	SPANISH OAK	11	10		21	21	21			
	T8	RE	ASH	11			11	11	11			
	T9	RE	SPANISH OAK	15			15	15	15			
	T10	RE	SPANISH OAK	12			12	12	12			
	T11	RE	SPANISH OAK	14			14	14	14			
	T11A	RE	SPANISH OAK	11	10		21	21	21			
	T12	RE	LIVE OAK	11			11	11	11			
O	T13	CO	LIVE OAK	11			11	11	11		BA	
R	T14	CO	LIVE OAK	17			17	17		17	BA	17
R	T15	CO	CEDAR									
R	T16	CO	LIVE OAK	11			11	11		11		11
R	T17	CO	CEDAR									
R	T18	CO	LIVE OAK	11			11	11		11		11
R	T19	CO	LIVE OAK	10			10	10		10		10
R	T20	CO	LIVE OAK	12			12	12		12		12
R	T21	CO	CEDAR									
	T22	RE	SPANISH OAK	10	10		20	20	20			
	T23	RE	SPANISH OAK	11	11		22	22	22			
	T24	RE	LIVE OAK	11			11	11	11			
	T26	RE	SPANISH OAK	16	16	13	45	45	45			
	T27	RE	LIVE OAK	11	8		19	11	11			
	T29	RE	LIVE OAK	11			11	11	11			
	T30	RE	CEDAR									
	T31	RE	CEDAR									
O	T32	CO	LIVE OAK	12			12	12	12			
	T34	CO	LIVE OAK	12			12	12	12			
	T35	CO	CEDAR									
							401	346	260	86		86
								65%	21%	% Removed/saved from total caliper inches		
C	Cluster of Trees											
R	Removed Trees											
O	Option to Explore with architecture											
RE	Residential Lot											
CO	Commercial Lot											

Note: The tree calculation assumes 3" trees so that all tree replacement inches are at a 1:1 ratio

28.673" trees to be planted

7,166.67Fee in Lieu of planting trees

Note: When measuring caliper inch of 3" trees selected, be sure to measure at 40" HT according to Lago Vista Ordinance; Chp 14, Exh. A, Part IV, Sec. 20 (e)(3)

Mulch: Stone mulch to be 4"–6" crushed limestone

Woody mulch to be Texas Hardwood, twice grind minimum, 3" depth after settling

All tree rings are woody mulch unless indicated otherwise.

Mulch edges to have trench-cut edge, no steel or plastic edging

TREE LIST

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

R Remove

0 Options for saving

(C) = CLUSTER OF TREES

(M) = MULTI TRUNK TREE

PROTECTED TREE PRESERVATION

EXHIBIT “B”

Design Approval

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 solid wall and landscape
All exterior lighting to be compliant with Dark Skies and Lago Vista ordinances

Building Exteriors:

The architectural materials and style to reflect the image examples above.

The buildings will be a combination of stucco and limestone veneers with limestone being more accents and wainscoting of the two buildings.

The proposed south building is a single story building that will be divided for commercial uses in conformance to the proposed allowable land use chart provided. The north building is an automated car wash.

Accessory Structures:

Monument sign, screening wall, and dumpster enclosure will all be of similar style of exterior building materials. In general this refers to stucco wall surfacing with accents of split faced limestone veneer bases and column base accents.

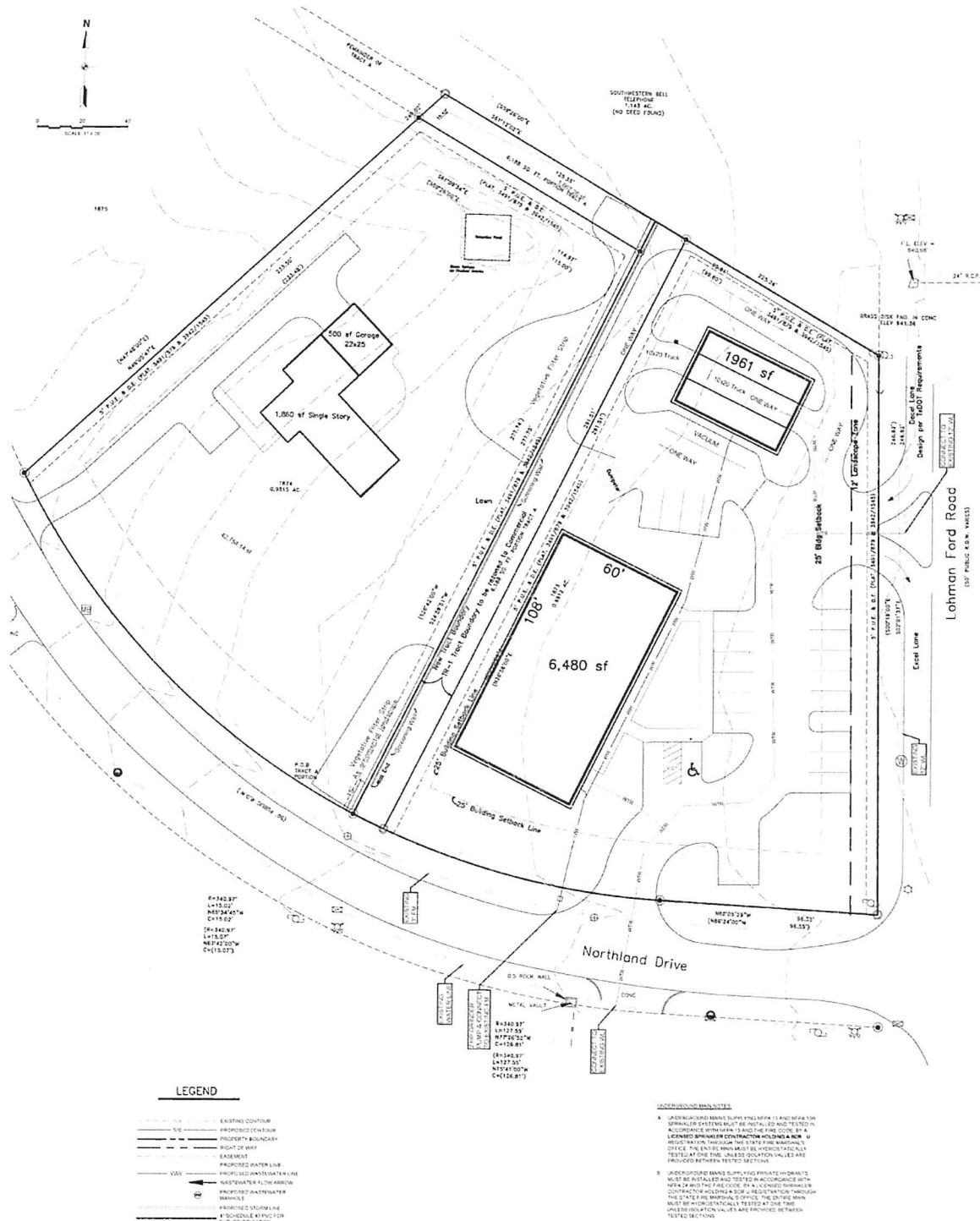


ARCHITECTURAL
EXAMPLES

BUILDING MATERIALS / ELEVATIONS

EXHIBIT "B"

Design Approval



UTILITY PLAN

EXHIBIT “C”

Conditions

The Property and Lot 1873 of Lago Vista Estates Section Six as described in Exhibit “B” attached hereto, has been approved as meeting the design review requirements in accordance with Section 6.105 of Chapter 14, the Lago Vista Zoning Ordinance, subject to compliance with the following conditions:

1. the required traffic impact analysis (TIA) shall be submitted as part of the required site development plan review and prior to the approval of the required subdivision plat amendment involving the commercial property;
2. all improvements identified in the TIA as being the responsibility of this development, including improvements to Lohman Ford Road and Northland Drive; shall be completed prior to the issuance of a certificate of occupancy for any commercial use of the property, except as otherwise might be provided for in a subsequent development agreement approved by the Lago Vista City Council;
3. the subdivision plat amendment of the commercial property shall include the adjacent residential property which shall include any encumbrances in favor of the commercial property to accommodate required stormwater detention and water quality improvements;
4. absent the relocation of the existing water main from within the former Tract A (the Property), all landscaping within or adjacent to the associated utility easement shall be in accordance with the required administrative site development plan approval; and
5. the monument sign proposed adjacent to the Lohman Ford Road driveway shall comply with the regulations applicable at the time when the required permit is issued.