

ORDINANCE NO. 22-09-01-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE EXISTING PLANNED DEVELOPMENT DISTRICT KNOWN AS “THE PENINSULA” APPROVED BY ORDINANCE NO. 07-02-15-01 AND AS AMENDED BY ORDINANCE NO. 08-08-21-02 REGARDING THE LIST AND DESCRIPTION OF PERMITTED USE FOR THE “CONDOMINIUM PARCELS.”

WHEREAS, the owner of approximately 40.60 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 Peninsula” approved by Ordinance No. 07-02-15-01 and as amended by Ordinance No. 08-08-21-02; 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 6 below, which modifies the designated land uses and restrictions applicable to the Property previously established in Ordinance No. 07-02-15-01 as amended by Ordinance No. 08-08-21-02, 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 August 11, 2022 and the City Council at its public hearing held on September 1, 2022, 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 except as specifically described and amended in Section 5 below, which shall not otherwise 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 10 as a “concept plan only” 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 40.60 acres of land, more particularly described in **Exhibit “A”** as an update to “The Peninsula Planned Development District” (PDD) and Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02, with the use of individual land areas 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 Peninsula” as established in Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02 shall remain intact except for the following provisions of Section 4 of Ordinance No. 08-08-21-02 which shall be repealed and re-enacted as follows:

4. **Zoning for the Condominiums Parcels – Parcels D1, D2 and D3:**

- C. The Condominium Parcels shall be developed only as any one or a combination of the following uses: residential condominiums or apartments, including privately owned or leased units; accessory uses as defined and limited in Item H below; and all uses specified in parcel E including parking except as limited in Item 4.L below;

- F. Up to one hundred percent (100%) of the residential condominiums or apartments may consist of rental units, which may not be leased for less than thirty days;
24. The developer agrees to fund design and construction of all off-site improvements, including but not limited to surface improvements and widening of American Drive between the project site and Boggy Ford Road as identified in a Traffic Impact Analysis (TIA) to be completed and approved as part of the required “detail plan” and “design review” required by the Lago Vista zoning ordinance.

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. Amendment of Future Land Use Map. To the extent that the Future Land Use Map adopted in 2016 by Ordinance No. 16-05-05-02 as amended is inconsistent with the official Zoning Map of the City of Lago Vista, Texas as it relates to the Property as established in Ordinance No. 07-02-15-01 and Ordinance No. 08-08-21-02, it is hereby amended as follows: the area corresponding to parcels ‘A,’ ‘E,’ and ‘F’ shall be designated as “POA Park;” and the area corresponding to parcels ‘B,’ ‘C,’ and ‘D’ shall be designated as “Mixed Use.”

Section 7. 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 Peninsula 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. 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 1st day of September 2022.

Ed Tidwell

Ed Tidwell, Mayor



ATTEST:

Lucy Aldrich

Lucy Aldrich, City Secretary

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

EXHIBIT "A"

Legal Description

40.60 ACRES OUT OF THE JAMES K. BALDWIN SURVEY (ABSTRACT NO. 609) , CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, BEING COMPOSED OF A 16.84 ACRE TRACT CONVEYED TO G&G / PENINSULA, LP BY DEED RECORDED IN DOCUMENT NO. 2005114201, TRAVIS COUNTY OFFICIAL PUBLIC RECORDS (TCOPR), AND A 23.76 ACRE TRACT CALLED 23.72 ACRES IN A DEED TO G&G / PENINSULA, LP RECORDED IN DOCUMENT NO. 2005114202, SAID 40.60 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a "X" in concrete found on the west side of a concrete electric transformer pad, at the northwest corner of said 16.84 acre tract, in the north right-of-way (ROW) line of American Drive; also the northeast corner of Lot 30001-C, **A RESUBDIVISION OF A PORTION OF HIGHLAND LAKE ESTATES SECTION 26 AND HIGHLAND LAKE ESTATES SECTION 30**, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for the northwest corner hereof;

THENCE S75°36'00"E 190.00 feet, with the south ROW line of American Drive, to a 1/2" steel pin with plastic orange cap set at the start of a curve;

THENCE along said ROW curve to the left with chord of N78°12'56"E 118.35 feet and radius of 60 feet, to a 1/2" steel pin found at a southerly corner of said 23.76 acre tract, for a point on curve hereof;

THENCE along said ROW curve to the left with chord of N66°05'56"W 107.89 feet and radius of 60 feet, to a 1/2" steel pin found at end of ROW curve, for corner hereof;

THENCE N75°38'49"W 189.94 feet along the north ROW of American Drive to a 1/2" steel pin found at the westerly southwest corner of said 23.76 acre tract, also the southeast corner of Lot 30078, Highland Lake Estates Section 30, a subdivision recorded in Book 81, Page 358, Travis County Plat Records, for westerly corner hereof;

THENCE N14°27'32"E 530.95 feet to a 1/2" steel pin found at the northwest corner of said 23.76 acres, also the southwest corner of a 18.23 acre tract recorded in Doc. 2003186577, TCOPR, for the northwest corner hereof;

THENCE S75°36'E 538.64 feet along the south line of said 18.23 acre tract to a submerged point in the southwest line of The Cove At Lago Vista, a subdivision recorded in Book 84, Page 163B, Travis County Plat Records, for angle point hereof;

THENCE S38°13' E 1103.20 feet to a submerged angle point in said subdivision, for angle point hereof;

EXHIBIT "A"

Legal Description (continued)

THENCE S04°52'E 570.10 feet to a submerged point on the approximate north bank of the Colorado River, at the southeast corner of said 23.76 acres, for southeast corner hereof;

THENCE S85°08'W 696.96 feet along said north bank to a submerged point at the southeast corner of said 16.84 acre tract for angle point hereof;

THENCE S85°05'35"W 707.74 feet along said north bank to a submerged point at the southeast corner of a 3.356 acre tract conveyed to Vacation Villages Association, Inc. by deed recorded in Book 12607, Page 2822, TCOPR, for southwest corner hereof;

THENCE along the east line of said 3.356 acres the following 2 courses:

- 1) N04°51'08"W 843.32 feet to a 1/2" steel pin found, for angle point;
- 2) N14°25'32"E 205.77 feet to a 1/2" steel pin found at the northeast corner of said 3.356 acre tract, for angle point hereof;

THENCE N14°21'58"E 69.15 feet along the east line of said Lot 30001-C to the **POINT OF BEGINNING**, containing 40.60 acres of land.

REPEALED BY ORD 23-042007