



# *The City of Lago Vista*

*To provide and maintain a healthy, safe, vibrant  
community, ensuring quality of life.*

**NOTICE OF A REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
THURSDAY, August 13, 2015, 7:00 PM  
COUNCIL CHAMBERS  
CITY HALL - 5803 THUNDERBIRD**

**NOTICE IS HEREBY GIVEN** that the Planning and Zoning Commission of the City of Lago Vista, Texas will hold a Regular Meeting in the Council Chambers, City Municipal Building, 5803 Thunderbird, on the above date and time for discussion and possible action to be taken on the following:

**PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS**

**CONSIDER THE MINUTES OF JULY 9, 2015**

**PUBLIC HEARINGS**

1. **ZON 1038** – Recommendation of the Planning & Zoning Commission of a Rezoning at 9207 Bar K Ranch Rd. (Bar K Estates, Plat 11, Lot 11333A) from RR-A (Restricted Single Family with Aircraft) to C-4 (Commercial-Airport).
  - A. Staff Presentation
  - B. Applicant Presentation
  - C. Open Public Hearing
  - D. Close Public Hearing
  - E. Discussion
  - F. Consider Recommendation on Item.
  
2. **ZON 1041** – Recommendation of the Planning & Zoning Commission of a Conditional Use at 21104 Dawn Dr. (Lago Vista Section 1, Block E, Lots 27-28) from Chapter 14, Article 14.200, Section 6.10(B)(4)(d) to allow an accessory building height of 21.8' instead of 18', for a proposed accessory building.
  - A. Staff Presentation
  - B. Applicant Presentation
  - C. Open Public Hearing
  - D. Close Public Hearing
  - E. Discussion
  - F. Consider Recommendation on Item

3. **ZON 1042** - Recommendation of the Planning & Zoning Commission of a Rezoning at 7205-7207 Bar K Ranch Rd. (Bar K Ranches Plat 3, Lots 3089-3090) from U-1 (Utility, Governmental, Educational, and Institutional) to C-1C (Commercial-Professional, Business Office, Low Density Retail).
  - A. Staff Presentation
  - B. Applicant Presentation
  - C. Open Public Hearing
  - D. Close Public Hearing
  - E. Discussion
  - F. Consider Recommendation on Item.
  
4. **SUB 1093** - Recommendation of the Planning & Zoning Commission of a replat in Highland Lakes Estates Section 16 Lots 16069 – 16072 from a total of four (4) existing lots to six (6) lots.
  - A. Staff Presentation
  - B. Applicant Presentation
  - C. Open Public Hearing
  - D. Close Public Hearing
  - E. Discussion
  - F. Consider Recommendation on Item.

#### **BUSINESS ITEMS**

1. **Discussion and potential action regarding zoning at and around the Airport.**
  
2. **Discussion and potential action concerning the subcommittees.**

#### **FUTURE AGENDA ITEMS**

**IT IS HEREBY CERTIFIED** that the above Notice was posted on the Bulletin Board located in City Hall in said City at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

Sandra Barton, City Secretary

**THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.**

MINUTES  
Thursday, July 9th, 2015 Regular Meeting  
Planning and Zoning Commission  
City of Lago Vista

Chair Tara Griffin called the meeting to order at 7:00 P.M. in the Council Chambers at the City Municipal Building, 5803 Thunderbird St, Lago Vista, Texas. Members present were Tara Griffin, Jim Moss, Gary Zaleski and Andy White. Members Vernon Reher, Paul Smith and Richard Brown were absent. Development Services Director David Harrell and Development Services Secretary Sherry McCurdy were also present.

**PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS.**

There were no comments from the public for Non-Hearing Related Items.

**CONSIDER THE MINUTES OF APRIL 23, 2015**

On a motion by Gary Zaleski and seconded by Jim Moss the Planning and Zoning Commission unanimously approved the minutes of May 14, 2015.

**PUBLIC HEARING**

- 1. ZON 1038 – Recommendation of the Planning & Zoning Commission of a Rezoning at 9207 Bar K Ranch Rd. (Bar K Estates, Plat 11, Lot 11333A) from RR-A (Restricted Single Family with Aircraft) to C-4 (Commercial-Airport).**

The Public Hearing was opened at 7:02 PM.

David Harrell presented his staff report. He stated there are no objections from staff for the rezoning of the land.

Applicant, Alton Moore, explained the reasons for requesting rezoning of his property. He stated that he believed when he bought the lot he could build a hangar with living space inside the hangar but then found out that he would have to build a house with a hangar. He explained he had also visited with the Rusty Allen Airport Property Owner's Association (RAAPOA).

Stephen Moss, 8200 North Mopac #230 Austin, TX, stated he is the attorney representing Lee Wright. He believes the change in zoning would decrease the value of Mr. Wright's property. His client is in the process of selling his property currently and believes that spot zoning would apply in this case. He explained in cases where government action decreases a person's property value there have to be compensations given to that owner. In his opinion, the City could be liable for the loss of value in Mr. Wright's property and other properties around it.

Jim Awalt, 1900 Lohman Ford Rd., Lago Vista, TX stated he has four lots at the airport and spoke in support of the rezoning. He believes all of the remaining lots that are zoned RR-A should be rezoned to C-4. He explained the remaining lots could be purchased using grant money for ten cents on the dollar and would be very valuable to the city.

Public Hearing was closed at 7:26 PM.

The members of the Planning and Zoning Commission, David Harrell, Jim Awalt, Lee Wright, Stephen Moss, and Alton Moore discussed intent the of applicant, taxiway access, subject land being part of the RAAPOA, opposition of Mr. Wright, property on east side of airport, Future Land Use Map (FLUM), Airport Overlay, Comprehensive Plan and spot zoning

On a motion made by Tara Griffin and seconded by Andy White the Commission unanimously voted to table the item until the City Attorney is able to look at material presented to the Commission.

**2. ZON-1040- Recommendation of the Planning & Zoning Commission of a Conditional Use at 2403 Grant Ln. (Highland Lakes Estates Section 18 Lot 18083A) from Chapter 14, Article 14.200, Section 6.10(B)(4)(d) to allow an accessory building height of 20' instead of 18', for a partially constructed accessory building.**

David Harrell presented his staff report. He stated there are no objections from staff for the conditional use.

Ira Wiesman, contractor for applicant, 7306 Cowpoke Trail Lago Vista, TX 78645, stated he is applying for Conditional Use because the neighbor had commented about it. Applicant visited with neighbor who does not have a problem with the height. He stated from Highland Lake across from Grant Ln. they cannot see the building due to the tree line.

The Public Hearing was opened at 7:57 PM.

Dewey Nunley, 20405 Green Cove Lago Vista, TX, stated he is 100% fine with the building height.

John Peterson, applicant, state did not intentionally build the building taller. He stated the neighbor that was affected does not object to the height increase.

The Public Hearing was closed at 8:02 PM.

Members of the Commission, David Harrell, and Ira Wiesman discussed conforming and non-conforming structures, door height, permitting process, maximum building height and a Variance in comparison to Conditional Use Permit.

On a motion by Jim Moss and seconded by Andy White, the Commission voted unanimously to recommend to the City Council approval of a Conditional Use at 2403 Grant Ln. (Highland Lakes Estates Section 18 Lot 18083A) from Chapter 14, Article 14.200, Section 6.10(B)(4)(d) to allow an accessory building height of 20' instead of 18', for a partially constructed accessory building.

## **BUSINESS ITEMS**

**1. City Council Minutes of April 16, 2015 and May 1, 2015.**

David Harrell explained to the Commission the minutes are on the web-site and do not need to be an agenda item. Each member can view them through the web.

## **FUTURE AGENDA ITEMS**

Andy White requested discussion on zoning around airport area.

On a motion by Gary Zaleski and seconded by Andy White, the Planning & Zoning Commission meeting adjourned at 8:17 PM.

---

Tara Griffin, Chair

---

Sherry McCurdy, Development Services Secretary

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing instrument was passed and approved this 13<sup>th</sup> day of August, 2015.



# Development Services Department

## STAFF REPORT

### Application for Rezoning

### File Number: ZON-1038

**Date:** June 29, 2015 (Revised on July 28, 2015 by adding Update from Last Month)

**Applicant:** Alton Moore

**Representative:** SAME

**Hearing Dates:** Planning & Zoning Commission – July 9, 2015 (TABLED)  
Planning & Zoning Commission – August 13, 2015  
City Council – August 20, 2015

**Location:** 9207 Bar K Ranch Rd.

---

#### APPLICATION SUMMARY

Consider adoption of Ordinance amending the official zoning map of approximately .52 acres of land, described as Bar K Estates, Plat 11, Lot 11333A, located at 9207 Bar K Ranch Rd., respectively, Lago Vista, Travis County, Texas, zoned Restricted - Single Family with Aircraft (RR-A) to Commercial – Airport (C-4); providing a severability clause; and, providing an effective date. (Case No. ZON 1038)

#### TECHNICAL REVIEW

The Development Services Department has reviewed this request and there are no outstanding comments/issues. In the case that the rezoning is approved, all site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the Development has met all applicable Federal, State and local regulations and permitting requirements. No permits authorizing Development shall be issued prior to compliance with all applicable regulations.

#### UPDATE FROM LAST MONTH

This item was tabled by the Planning & Zoning Commission due to concerns of reduction in property values and spot zoning brought up by a neighbor in opposition through their attorney.

#### DEVELOPMENT REVIEW DEPARTMENT COMMENTS

The current request to rezone to Commercial – Airport (C-4) to allow for building of hanger with optional minimum living space located inside versus the current zoning which allows for a single family home with accessory hanger. Since the rezoning allows new uses, all these uses must be taken into consideration when determining compatibility with the area. On the next page is a list of all uses within the Restricted -

Single Family with Aircraft (RR-A) and potential rezoned Commercial – Airport (C-4), with **RED** being a subtracted use and **GREEN** being an added use:

STRUCTURE/USE	RR-A	C-4	STRUCTURE/USE	RR-A	C-4
Accessory Building or Use	v	v	Parking lot, commercial		v
Aircraft hangar, servicing, repair, operations		v	Plumbing, HVAC, roofing supply		v
Cabinet shop/commercial		v	Police station		v
Canvas goods fabrication		v	Public and municipal treatment plants, pump stations, lift stations, public works and related facilities, and municipal buildings and facilities	v	v
Carpentry shop		v	Restaurant		v
Community Home	v		School-business/commercial		v
Dwelling-single family with hangar	v		Studio-artist		v
Electric appliance shop/repair		v	Substation-public utility		v
Expressing, baggage, delivery service		v	Telephone exchange		v
Family home facility	v		Tinsmith & sheet metal		v
Fire Station	v	v	Upholstery shop		v
Fuel storage		v	Warehouse		v
Heliports		v	Water tank-surface, subsurface, public		v
Helistops		v	Wireless Communications Systems, Radio, television and microwave antennae and towers <sup>6</sup>		v
Home based business or occupation	v		Wholesale distribution		v
Marina		v			
Museums		v			

The rezoning will subtract four (4) uses and add twenty-six (26) potential uses to the site.

Uses that have the best potential on this site are Aircraft hangar, servicing, repair, operations; Dwelling-single family with hangar; Warehouse. The building on this site will more than likely be similar to other buildings constructed in the C-4 zoning category where there is potential living space and the building will take up the entire lot. This could foster the above uses due to the type of construction and vicinity to the Airport.

Uses that may have potential on this site are Cabinet shop/commercial, Canvas goods fabrication, Carpentry shop, Electric appliance shop/repair, Expressing, baggage, delivery service, Fuel storage, Heliports, Helistops; Parking lot, commercial; Plumbing, HVAC, roofing supply, Restaurant, School-business/commercial, Tinsmith & sheet metal, Upholstery shop; Wholesale distribution. Although many commercial type uses are potentially possible at the site, there would be difficulties with starting many of these businesses. Most require delivery of materials to the site which would be made difficult due to the steepness of Bar K Ranch Rd. and Bison Trail. Another factor is there is little customer base for other uses which require customers.

Uses not likely to have potential on this site are Fire Station, Museums, Police station, Studio-artist, Substation-public utility, Telephone exchange, Water tank-surface, subsurface, public; Wireless Communications Systems, Radio, television and microwave antennae and towers. There are no plans to expand police, fire, or other public utility services into that area due to lack of need. Other uses would not be compatible at the Airport due to height obstructions.

The Lago Vista Comprehensive Master Plan has certain policies that may be used as criteria or guidance for a change in zoning. Following is a staff analysis with objectives in **bold** and staff comments in *italics*:

**Objective 3.19: With so little property currently zoned for nonresidential use, it is critical that additional land be zoned for nonresidential use.** *This sites potential rezoning will allow for more land area in conjunction with the current C-4 zoned land to the north (see attachment 3).*

**Objective 5.11: Zone additional land and preserve for nonresidential land use.** *See answer to Objective 3.19.*

**Objective 5.13: Undeveloped land adjacent to the airport should be evaluated to determine potentially needed zoning changes to support additional nonresidential development.** *The present lot is undeveloped and adjacent to the Airport. Underlying land use is indicative of industrial uses for the lot. Although the zoning is not industrial in nature, a commercial use is closer to an industrial use than a residential use.*

Since the land use is Industrial and proposed rezoning is a commercial zoning these are not compatible. Although the City Code allows for a rezoning in this circumstance, it must meet the following additional requirements under Chapter 14, Section 13, Subsection 13.20(D). Below are the additional findings of fact (**bold**) and staff interpretation of those facts (*in italics*).

- (1) **The Commission finds significant and unanticipated changes have occurred in the area of the affected parcel since the classification on the land use map was adopted.** *The area near the Airport has been zoned residential even though the land use is industrial, rezoning the land to C-4 is a commercial zoning that would better match the underlying land use.*

- (2) **It is unlikely that the parcel will be developed or used for any use permitted under the zoning classification indicated in the City's Master Plan.** *The underlying zoning of RR-A is a residential zoning that allows for a single family home with an accessory hanger. This limits the likelihood of parcel development. The location near the airport should allow for the opportunity of additional Uses that utilize the Airport.*
- (3) **The Commission finds that the requested zoning classification is the most appropriate classification for the area affected.** *The underlying land use is indicative of industrial uses for the lot. Although the zoning is not industrial in nature, a commercial use is closer to an industrial use than a residential use.*

### **FINDINGS OF FACT**

Based on the planning file, staff report, and attachments associated with this packet staff believes this rezoning is not contrary to the public interest as required by Section 13.20(E)(3)(a) because the underlying land use is industrial which is indicative of a higher zoning category of commercial and the zoning to the immediate north is zoned C-4 (see attachment 3). Due to the location of the Airport, the uses listed within the C-4 zoning category would also better accommodate the development pattern of the Airport.

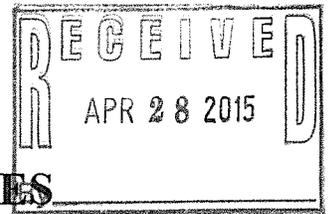
Several comprehensive plan objectives and additional findings of fact in Subsection 13.20(D) have been met in staff's professional opinion based on the documentation provided with the report.

### **ATTACHMENTS**

Additional information is provided through attached exhibits.

1. Applicant Request
2. Proposed Ordinance
3. Maps

Attachment 1  
Applicant Request



**CITY OF LAGO VISTA**  
**BUILDING AND DEVELOPMENT SERVICES**

5803 THUNDERBIRD LAGO VISTA, TEXAS 78645  
OFFICE 512-267-5259 FAX 512-267-5265

**ZONING CHANGE REQUEST APPLICATION**  
**(PLEASE PRINT)**

Name of Owner(s): Alton O. Moore III

Owner's Address: 5407 Phillips Circle

Austin, TX 78734-1451

Contact Person: Alton Moore

Email Address: gomoores@gmail.com

Contact Phone Numbers: 956-581-5577 956-581-5577

(DAYTIME)

(CELL)

(FAX)

**COMPLETE LEGAL DESCRIPTION OF PROPERTY (PLEASE PRINT)**

Subdivision: Bar-K Section: Plat II Lot No: 11333 A

Property Address: 9207 Bar-K Ranch Road

Volume and Page where deed is filed: Book 68, pgs. 11-13 and Volume 98, pg. 12

**NATURE OF REQUEST (PLEASE PRINT)**

Requests a Zoning Change from the current zoning designation of RR-A ?

To C4 for the purpose of building an airplane hangar

In my absence I hereby designate the following person to act in my behalf as my designated agent. (PLEASE PRINT).

Name of Agent: \_\_\_\_\_

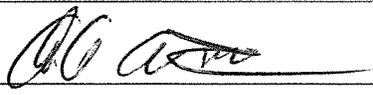
Address: \_\_\_\_\_

Phone Numbers: \_\_\_\_\_

(DAYTIME)

(CELL)

(FAX)

Signature of Applicant:  Date: 04/23/2015

Attachment 2  
Proposed Ordinance

**ORDINANCE NO. 15-08-20-?????**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY REZONING BAR K ESTATES, PLAT 11, LOT 11333A FROM THE RR-A (RESTRICTED – SINGLE FAMILY WITH AIRCRAFT) TO C-4 (COMMERCIAL – AIRPORT) ZONING DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the landowner of Lot 11333A, Plat 11, Bar K Estates (“Lot”) has filed an application requesting the City of Lago Vista (“City”) to consider rezoning such Lot from RR-A to C-4; 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 hearing(s), the Planning and Zoning Commission and City Council each held a public hearing on the proposed re-zoning; and

**WHEREAS**, the Planning and Zoning Commission (the “Commission”) at its public hearing on the rezoning of such Lot, reviewed the request and the circumstances of the area being rezoned and finds that a substantial change in circumstances of the area being rezoned has transpired sufficient to warrant a change in the zoning; and

**WHEREAS**, the Commission recommends rezoning such Lot from RR-A to C-4; and

**WHEREAS**, the City Council at its public hearing on the rezoning, reviewed the request and the circumstances of the area and it concurs with the recommendation of the Commission; 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

**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 Commission, City Manager and City Council find that this Ordinance satisfies the requirements of Section 13 of the City of Lago Vista Zoning Ordinance.

**Section 2. Amendment of Zoning Ordinance and Zoning Map.** The Zoning Ordinance and the Official Zoning Map and other applicable ordinances are hereby

modified and amended by rezoning Bar K Estates, Plat 11, Lot 11333A, from RR-A to C-4.

**Section 3. 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 4. Conflicting Ordinances.** 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 5. Effective Date.** This Ordinance shall be in force and effect from and after its passage on the date shown below.

**Section 6. Open Meeting.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't Code*.

**PASSED AND APPROVED** this 16<sup>th</sup> day of July, 2015.

---

Randy Kruger, Mayor

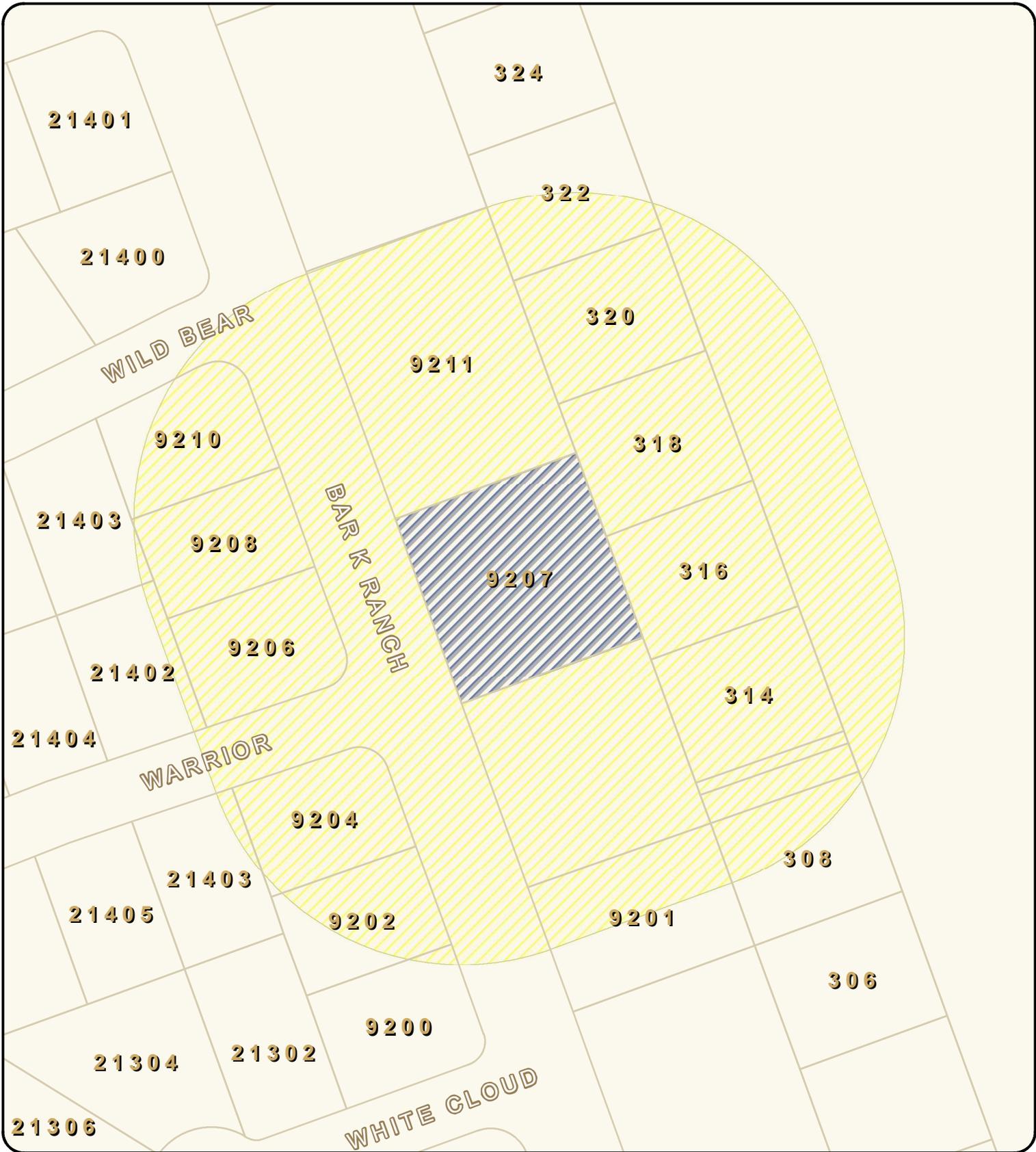
ATTEST:

---

Sandra Barton, City Secretary

## Attachment 3

### Maps



### 9207 Bar K Ranch Rd

Request Type:	Rezone	Project:	ZON-1038
Change Requested:	RR-A to C4	Date:	5/28/2015
Map Purpose:	200 ft Notice	Drawn By:	CM

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

#### Legend

- Owner Parcels
- Requestor
- 200' Buffer



1 inch = 100 feet



### 9207 Bar K Ranch Rd

Request Type:	Rezone	Project:	ZON-1038
Change Requested:	RR-A to C4	Date:	6/23/2015
Map Purpose:	Aerial & Topo	Drawn By:	CM

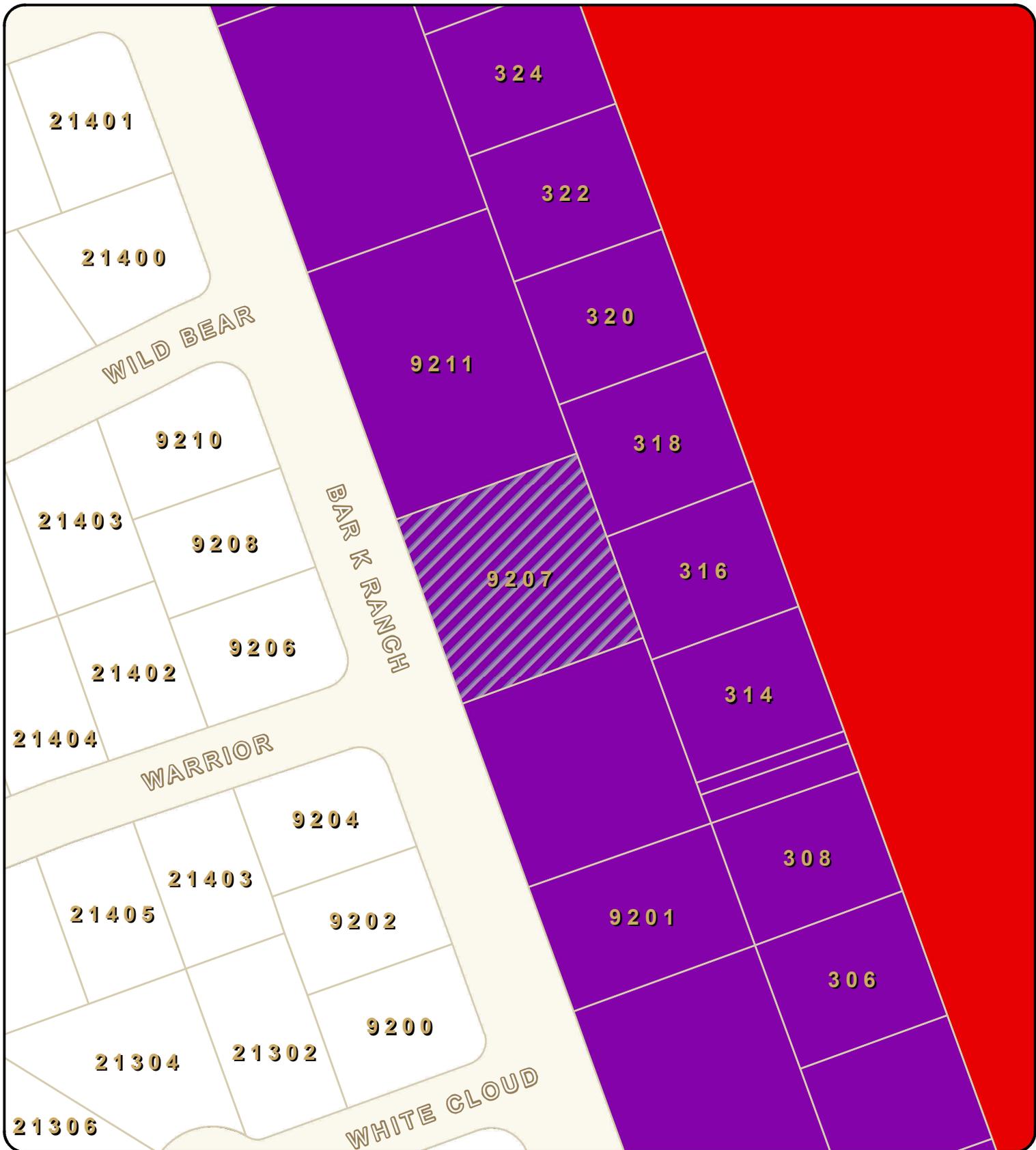
While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.



1 inch = 100 feet

#### Legend

- 20' Contours
- Owner Parcels
- Requestor



### 9207 Bar K Ranch Rd

Request Type:	Rezone	Project:	ZON-1038
Change Requested:	RR-A to C4	Date:	6/23/2015
Map Purpose:	Future Land Use	Drawn By:	CM

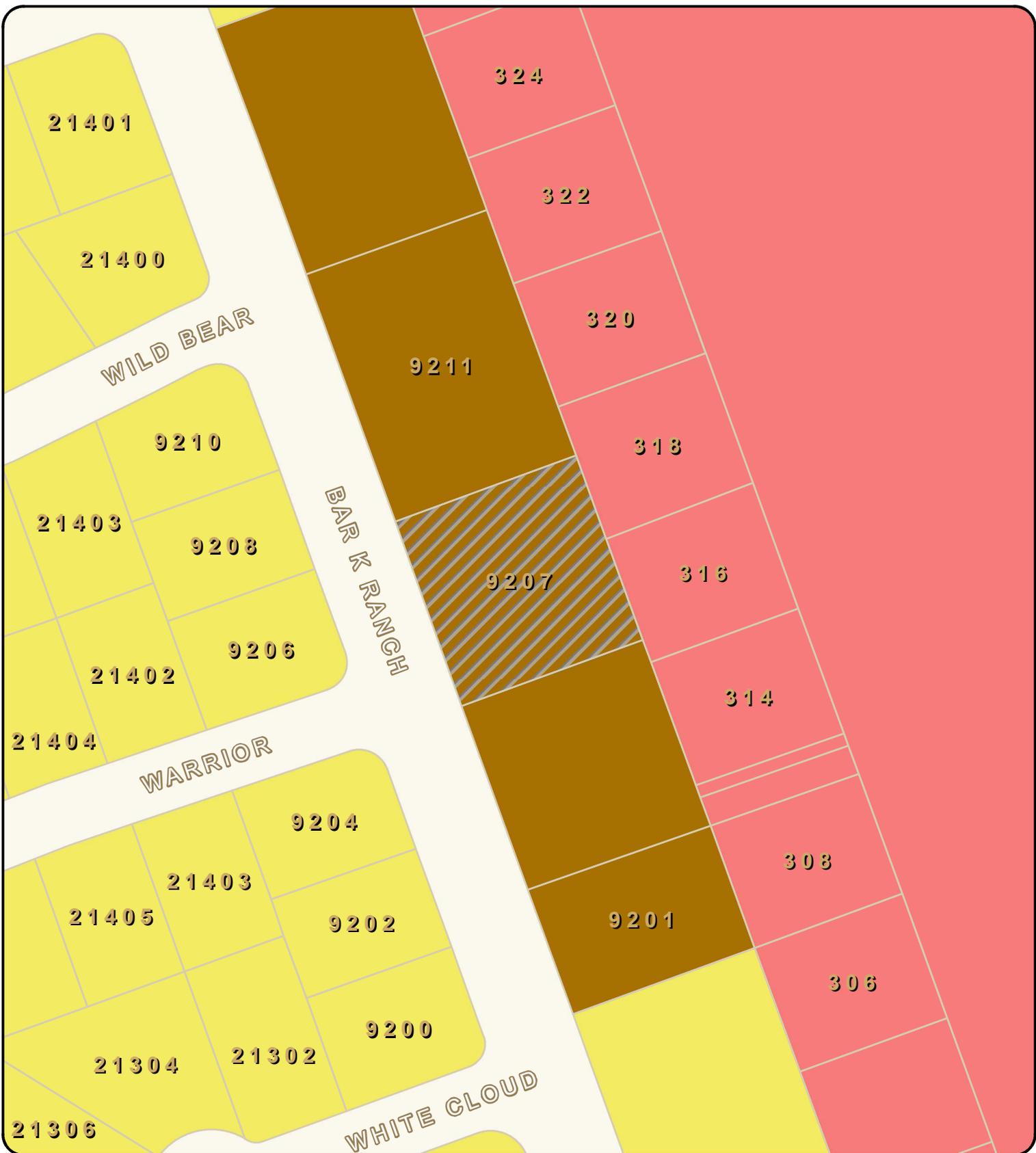
While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

#### Legend

- Owner Parcels
- Requestor
- Future Land Use**
- Low Density Residential
- Commercial
- Industrial



1 inch = 100 feet



### 9207 Bar K Ranch Rd

Request Type:	Rezone	Project:	ZON-1038
Change Requested:	RR-A to C4	Date:	6/23/2015
Map Purpose:	Zoning	Drawn By:	CM

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

#### Legend

- Owner Parcels
- Requestor
- C-4
- R-1
- R-1A
- RR-A
- TR-1



1 inch = 100 feet



# Development Services Department

## STAFF REPORT

### Application for Conditional Use

#### File Number: ZON 1041

**Date:** August 13, 2015

**Applicant:** Guy Burkhart

**Representative:** SAME

**Hearing Dates:** Planning & Zoning Commission – August 13, 2015  
City Council – August 20, 2015

**Location:** 21104 Dawn Dr.

---

#### APPLICATION SUMMARY

Consideration by the City Council of a Conditional Use at 21104 Dawn Dr. (Lago Vista Section 1, Block E, Lots 27-28) from Chapter 14, Article 14.200, Section 6.10(B)(4)(d) to allow an accessory building height of 21.8' instead of 18', for a proposed accessory building.

#### TECHNICAL REVIEW

The Development Services Department has reviewed this request and there are no outstanding comments/issues. In the case that the item is approved, all site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the Development has met all applicable Federal, State and local regulations and permitting requirements. No permits authorizing Development shall be issued prior to compliance with all applicable regulations.

#### DEVELOPMENT REVIEW DEPARTMENT COMMENTS

This conditional use is to allow placement of an accessory building (RV garage) approximately 3.8' feet higher than allowed by the zoning code (Chapter 14). This accessory building will be a building similar to the pictures shown in attachment 2.

#### FINDINGS OF FACT

The only finding of fact associated with the application is does the proposed 3.8' higher height balance the private need and benefits against the impact and effect on an area or neighborhood? Application of "balance the private need and benefits against the impact and effect on an area or neighborhood" can only be applied to the requested 3.8' since an accessory building can be built at the location by right and the request is only for the height presently existing at the site.

Staff doesn't believe that the "balance of the private need and benefits against the impact and effect on an area or neighborhood" will be significantly affected by

allowing the 3.8' height increase for the accessory building. Neighboring homes to the northwest are on the edge of the lake and would not notice the impact since they have a lake view (see attachment 3). Also, homes to the south would not be greatly affect since the accessory building is behind the present home (see attachment 3). The immediate home to the east wouldn't be greatly affected since the area between the proposed accessory building is heavily wooded and the home is on the far east side of their lot (see attachment 3).

Staff would recommend approval of this request.

**ATTACHMENTS**

Additional information is provided through attached exhibits.

1. Application
2. Site Plan and Location Photos
3. Maps

Attachment 1  
Application



# CITY OF LAGO VISTA

## Conditional Use Permit

Conditional Use Permit Fee: \$250.00

### Applicant Information:

Name: GUY BURKHART

Address: 21104 DAWN DRIVE LAGO VISTA TX 78645

Telephone #: (713) 254-1954

Date of Application: \_\_\_\_\_

Signature: Guy H Burkhart

### Request:

Conditional Use Permit is being sought for:

A Height exception FOR AN Accessory Building.

Legal Description: ~~Lot 27~~ LAGO VISTA SECTION ONE Lot 27  
LAGO VISTA sec. ONE 27  
(Subdivision) (Section) (Lot)

Please attach a to-scale drawing of the improvements that would be provided.

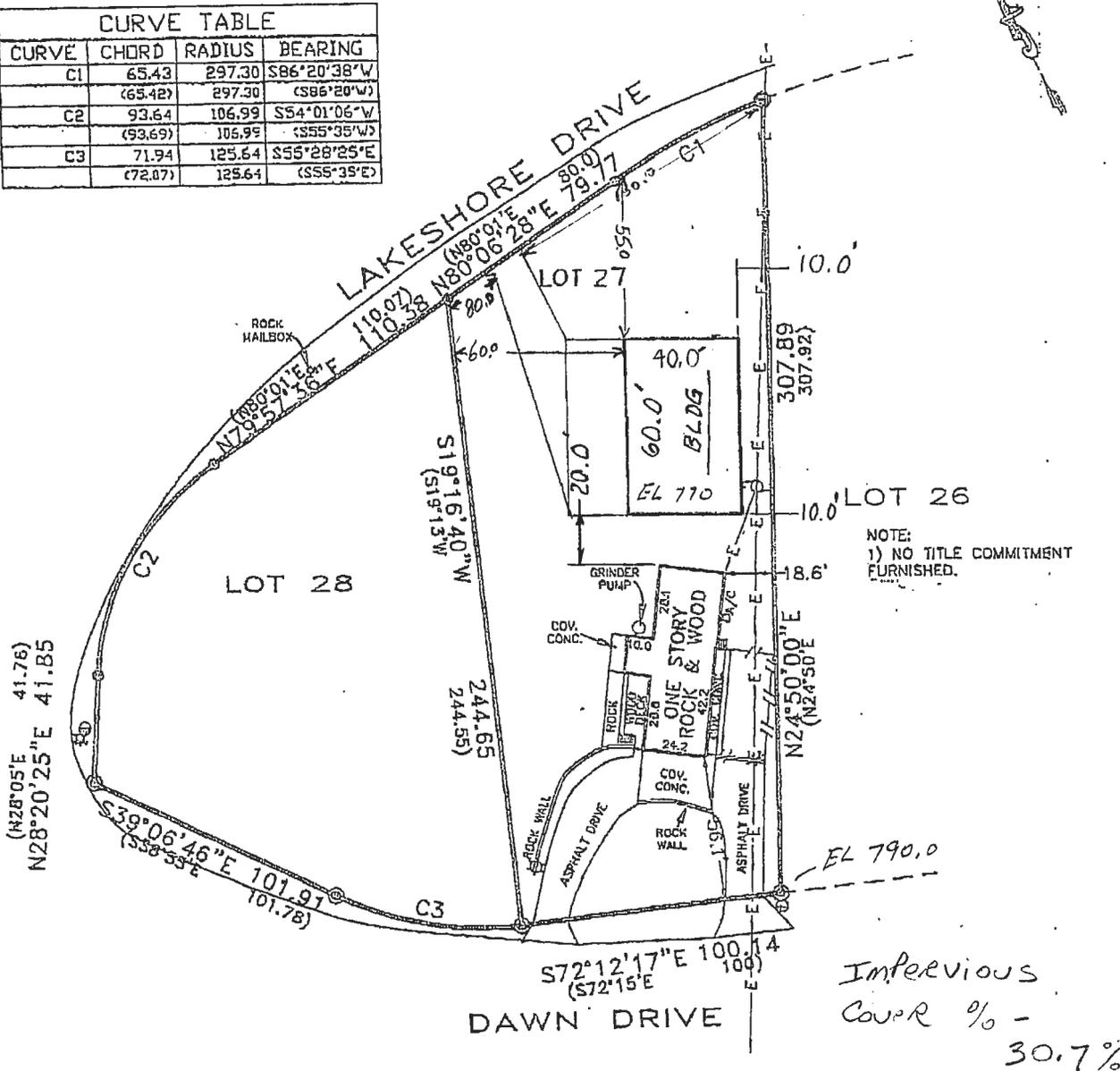
Attachment 2

Site Plan & Location Photos

Plat of survey of property at 21104 Dawn Drive  
 described as Lot 27 & 28, Block E, of LAGO VISTA SECTION ONE  
 a subdivision of record in Map or Plat  
 Volume/Book/Cabinet 8 of Page(s)/Slide(s) 85 of the Travis  
 County, Texas Plat Records. G.F. #      Dated:       
 Ref:     

SCALE: 1" = 60'

CURVE TABLE			
CURVE	CHORD	RADIUS	BEARING
C1	65.43	297.30	S86°20'38"W
	(65.42)	297.30	(S86°20'W)
C2	93.64	106.99	S54°01'06"W
	(93.69)	106.99	(S55°35'W)
C3	71.94	125.64	S55°28'25"E
	(72.07)	125.64	(S55°35'E)



To:      exclusively.

The undersigned does hereby certify that the plat shown represents the results of a survey on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflict, encroachments, overlapping of improvements, visible utility easements, except as shown and the property has access to and from a dedicated roadway.

The property shown hereon is located in Zone X Area outside 500 year floodplain

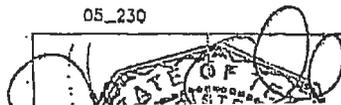
as shown on Community Panel Number 481588 0320 E  
 of the FLOOD INSURANCE RATE MAP prepared for City of Lago Vista  
 by the Federal Insurance Administration Department, H.U.D. Effective Date: June 16, 1993

This information is based solely on sold map and the surveyor does not assume responsibility as to any information provided and does not represent accuracy or inaccuracy of sold map

This survey is copyright 2005 by Crichton and Associates, Inc., and is being provided solely for the use of the current parties and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with this transaction only.

05\_230

LEGEND  
 © 1/2" IRON PIN FOUND  
 © 1/2" IRON PIN SET  
 © 3/4" PIPE FOUND



1. Example of Burkhart building.

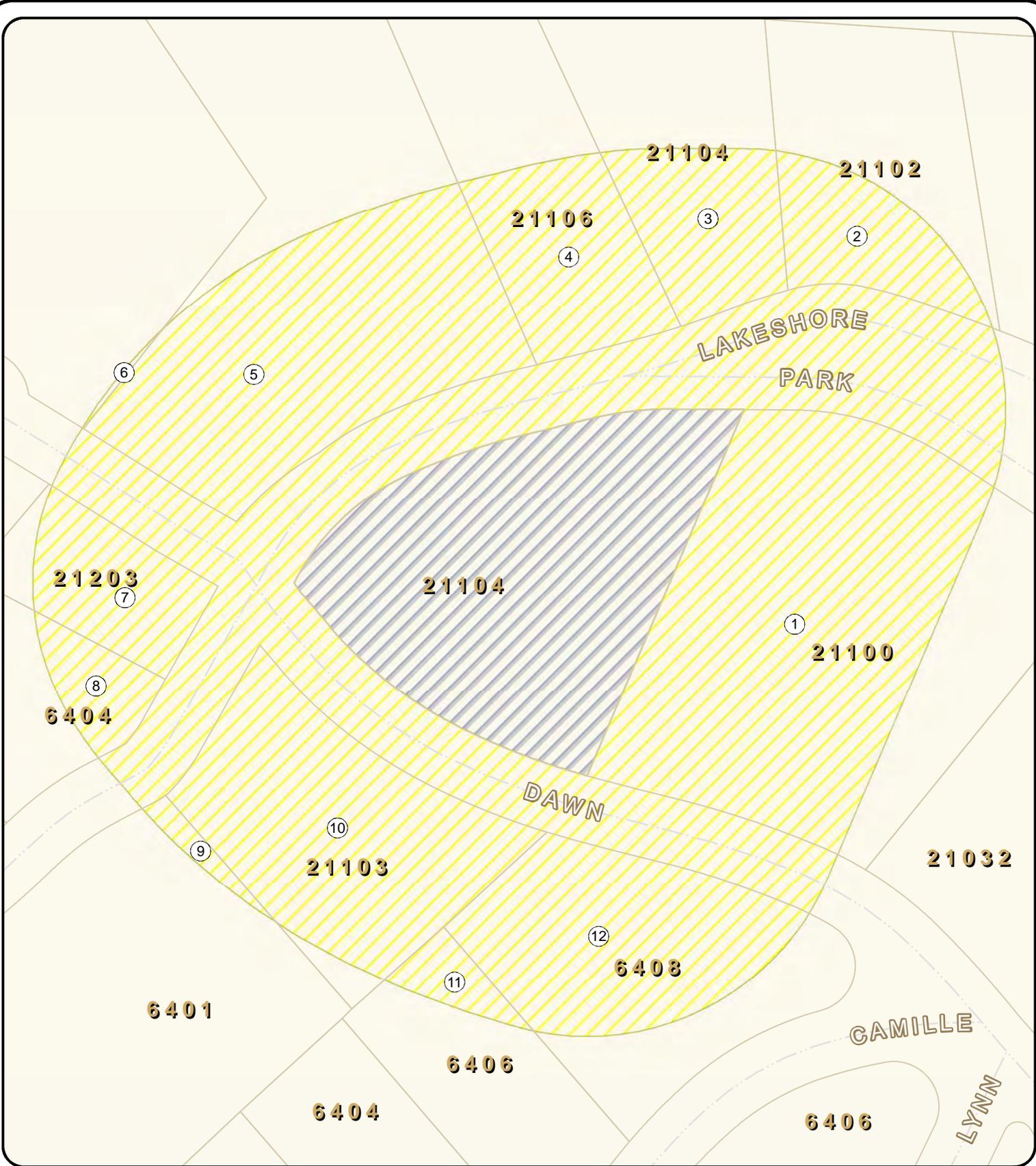
2. Burkhart building will have 3 roll up doors instead of 2.

3. T.O.C. 770 EL.



## Attachment 3

### Maps



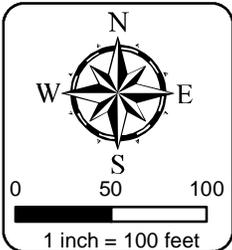
### 21104 Dawn Dr

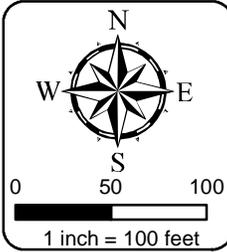
Request Type:	Conditional Use	Project:	ZON-1041
Change Requested:	Accessory Building Height Exception	Date:	7/28/2015
Map Purpose:	200' Buffer	Drawn By:	CM

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

#### Legend

- Owner Parcels
- 200' Buffer
- Requestor



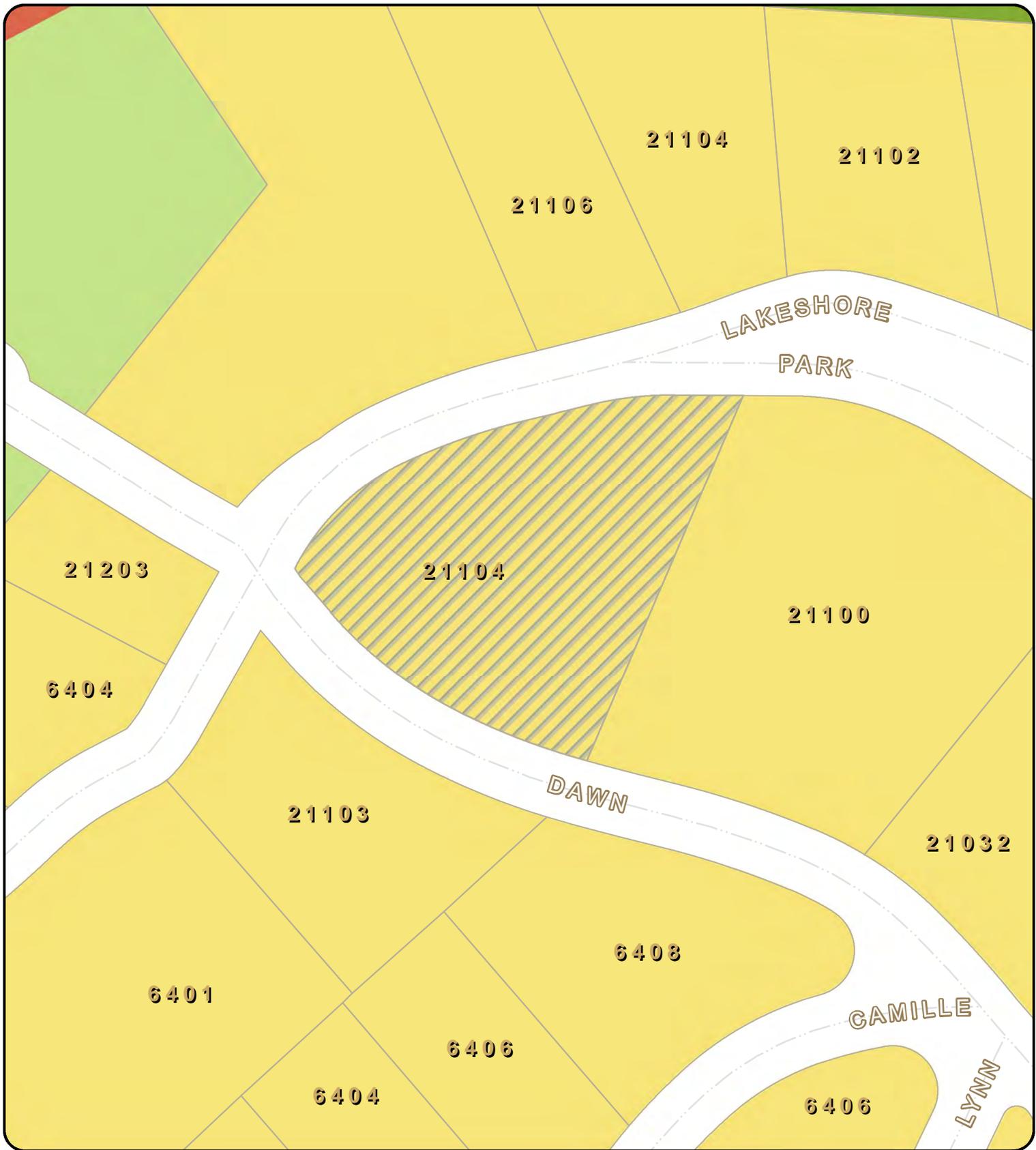


### 21104 Dawn Dr

Request Type:	Conditional Use	Project:	ZON-1041
Change Requested:	Accessory Building Height Exception	Date:	7/28/2015
Map Purpose:	Aerial & Topo	Drawn By:	CM

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

- Legend**
- 20' Contours
  - Owner Parcels
  - Requestor



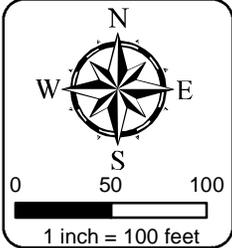
### 21104 Dawn Dr

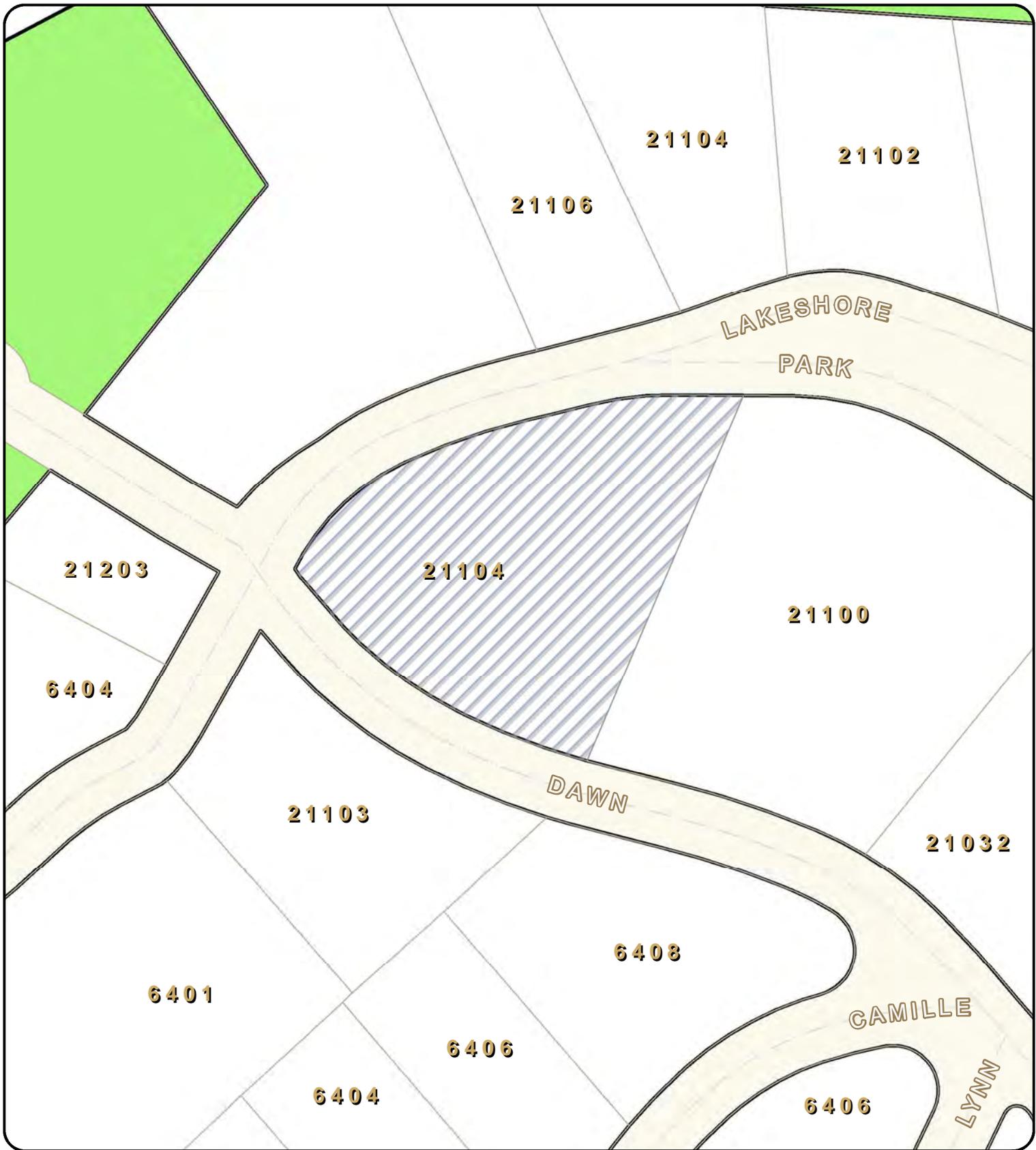
Request Type:	Conditional Use	Project:	ZON-1041
Change Requested:	Accessory Building Height Exception	Date:	7/28/2015
Map Purpose:	Zoning Map	Drawn By:	CM

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

#### Legend

- Owner Parcels
- Requestor
- Zoning Classification**
- C-3
- P-1A
- P-1B
- P-1C
- R-1E





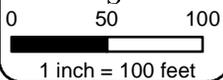
### 21104 Dawn Dr

Request Type:	Conditional Use	Project:	ZON-1041
Change Requested:	Accessory Building Height Exception	Date:	7/28/2015
Map Purpose:	Future Land Use	Drawn By:	CM

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

#### Legend

-  Requestor
-  Owner Parcels
- Future Land Use**
-  Low Density Residential
-  Parks





# Development Services Department

## STAFF REPORT

### Application for Rezoning

### File Number: ZON-1042

**Date:** July 28, 2015

**Applicant:** RHSE Investments LLC

**Representative:** SAME

**Hearing Dates:** Planning & Zoning Commission – August 13, 2015  
City Council – August 20, 2015

**Location:** 7205-7207 Bar K Ranch Rd.

---

#### APPLICATION SUMMARY

Consider adoption of an Ordinance amending the official zoning map for approximately .538 acres of land from U-1 (Utility, Governmental, Educational, and Institutional) to C-1C (Commercial-Professional, Business Office, Low Density Retail) providing a severability clause; and, providing an effective date. (Case No. ZON-1042).

#### TECHNICAL REVIEW

The Development Services Department has reviewed this request and there are no outstanding comments/issues. In the case that the rezoning is approved, all site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the Development has met all applicable Federal, State and local regulations and permitting requirements. No permits authorizing Development shall be issued prior to compliance with all applicable regulations.

#### DEVELOPMENT REVIEW DEPARTMENT COMMENTS

The current request is to rezone to Commercial – Professional, Business Office, Low Density Residential (C-1C). Since the rezoning allows new uses, all these uses must be taken into consideration when determining compatibility with the area. On the next page are a list of all uses within the current Utility, Government, Educational, and Institutional (U-1) zoning and the potential zoning of Commercial-Professional, Business Office, Low Density Retail (C-1C), with **RED** being a subtracted use and **GREEN** being an added use:

STRUCTURE/USE	C-1	U-1	STRUCTURE/USE	C-1	U-1
Accessory Building or Use	v	v	Dog and cat grooming	v	
Amphitheater	v		Drug store, soda fountain, tobacco, candy shops	v	
Antique shop	v		Dry cleaning	v	
Apartment Hotel with Commercial	v		Electric appliance shop/repair	v	
Auto wash, tune-up, repair	v		Employment agency	v	
Bakery	v		Fabric shop	v	
Bank, Savings and Loan	v		Farmers markets	v	
Barber, Beauty Shop	v		Fire Station	v	v
Bed and Breakfast Establishment	v		Florist	v	
Boat Ramp, Commercial	v		Food store-convenience	v	
Book/stationary shop	v		Food store-supermarket	v	
Cafeterias	v		Fuel storage	v	
Camera store	v		Furniture, appliance store	v	
Carpentry shop	v		Golf course	v	v
Carpet, rug cleaners	v		Golf course-miniature	v	
Catering establishments	v		Greenhouse-retail	v	
Cemetery		v	Hardware, paints, wallpaper	v	
Chapel	v	v	Health club/spa	v	
Child care institution	v		Hobby shop	v	
Churches, Temples	v	v	Hospice	v	
Clinics (medical)	v	v	Ice cream store	v	
Clothing store-men's and/or women's	v		Interior Decorator	v	
Club, not nightclub	v		Jewelry, optical goods	v	
College or university		v	Laundromat	v	
Community Center	v	v	Library	v	v
Convalescent home/Nursing home	v		Massage establishments	v	
Country club	v		Meat markets	v	
Craft, hobby shop	v		Museums	v	v
Dept. store, sporting goods, novelty, toy shops	v		Office, Medical and general	v	v
			Park-Active		v

STRUCTURE/USE	C-1	U-1	STRUCTURE/USE	C-1	U-1
Park-passive	v	v	Specialty and novelty establishments	v	
Parking lot, commercial	v	v	School-business/commercial	v	v
Pet boarding with outside run	SUP	v	Service station	v	
Pet store-no outside run	v		Sign Shop	v	
Photo studio	v		Studio-artist	v	
Playground		v	Studio-dance	v	
Police station	v	v	Studio-health	v	
Public and municipal treatment plants, pump stations, lift stations, public works and related facilities, and municipal buildings and facilities	v	v	Studio-music	v	
Radio, TV, VCR sales/service	v		Substation-public utility	v	v
Radio, TV studio	v		Swimming pool-private	v	
Realty office	v		Swimming pool-public		v
Realty office-temporary	v		Tailor & dressmaking shop	v	
Recreation facility, commercial	v	v	Telephone exchange	v	v
Restaurant	v		Upholstery shop	v	
Retail store-general	v		Veterinary hospital, no outside run	v	
School-public/private	v	v	Vocational and Private School	v	
			Water tank-surface, subsurface, public	v	v
			Wireless Communications Systems, Radio, television and microwave antennae and towers <sup>6</sup>	v	v

The rezoning will subtract five (5) uses and add sixty-six (66) potential uses to the site. Uses that will be allowed and may have potential on this site are antique shop, Auto wash, tune-up, repair, Bakery, Bank, Savings and Loan, Barber, Beauty Shop, Book/stationary shop, Camera store, Carpentry shop, Carpet, rug cleaners, Catering establishments, Child care institution, Clothing store-men's and/or women's, Craft, hobby shop, Dept. store, sporting goods, novelty, toy shops, Dog and cat grooming, Drug store, soda fountain, tobacco, candy shops, Dry cleaning, Electric appliance shop/repair, Employment agency, Fabric shop, Florist, Furniture, appliance store, Greenhouse-retail, Hardware, paints, wallpaper, Health club/spa, Hobby shop, Ice cream store, Interior Decorator, Laundromat, Massage establishments, Meat markets, Pet store-no outside run, Photo studio, Radio, TV, VCR sales/service, Specialty and novelty establishments, Sign Shop, Studio-artist, Studio-dance, Studio-health, Studio-music, Tailor & dressmaking shop, Upholstery shop, Veterinary

hospital, no outside run. This site could foster the above uses due to neighboring residential and the ability to foster development within the current building and on the site.

Uses that will be allowed and not likely to have potential on this site are Amphitheater, Apartment Hotel with Commercial, Bed and Breakfast Establishment, Boat Ramp, Commercial, Cafeterias, Club, not nightclub, Convalescent home/Nursing home, Country club, Farmers markets, Food store-convenience, Food store-supermarket, Fuel storage, Golf course-miniature, Hospice, Jewelry, optical goods, Radio, TV studio, Realty office, Restaurant, Retail store-general, Service station, Swimming pool-private, Vocational and Private School. Constraints such as size of parcel, lack of access to the Lake, and lack of traffic make these uses not likely to materialize on the site.

The Lago Vista Comprehensive Master Plan has certain policies that may be used as criteria or guidance for a change in zoning. Following is a staff analysis with objectives in **bold** and staff comments in *italics*:

**Objective 2.12: Attract hotels, motels and other lodging, medical services and clinics, restaurants, retailers, services, and employers.** *A rezoning to C1-C with over sixty (60) uses will increase the overall number of lots associated with a commercial zoning making this an opportunity to attract most of these uses.*

**Objective 3.19: With so little property currently zoned for nonresidential use, it is critical that additional land be zoned for nonresidential use.** *See answer to Objective 2.12.*

**Objective 5.01: Maintain a sufficient amount of nonresidential land to meet the future requirements for new businesses and that encourages local employment and increasing Lago Vista property values.** *With the rezoning, the amount of uses by right will greatly increase from a commercial perspective which should increase the marketability of the site and the property values.*

**Objective 5.11: Zone additional land and preserve for nonresidential land use.** *See answer to Objective 2.12.*

Since the land use is Residential and proposed rezoning is a commercial zoning these are not compatible. Although the City Code allows for a rezoning in this circumstance, it must meet the following additional requirements under Chapter 14, Section 13, Subsection 13.20(D). Below are the additional findings of fact (**bold**) and staff interpretation of those facts (*in italics*).

- (1) The Commission finds significant and unanticipated changes have occurred in the area of the affected parcel since the classification on the land use map was adopted.** *The neighboring parcels to the north and south are within the same land use and have the same zoning as proposed in the rezoning (see attachment 3). The site itself with a large building and*

*parking area has never been built for or had any residential zoning uses on the site despite the Residential Land Use (see attachment 3). This development pattern is the same on some of the other neighboring lots.*

- (2) **It is unlikely that the parcel will be developed or used for any use permitted under the zoning classification indicated in the City's Master Plan.** *The parcel has been developed with a parking field and a large building. Previous uses of the site have been non-residential in nature. It is unlikely this site would be used as residential since it is developed to be non-residential in nature (see attachment #1).*
- (3) **The Commission finds that the requested zoning classification is the most appropriate classification for the area affected.** *The neighboring zoning consists of C1-C, which is the zoning north and south of this location (see attachment 3). To rezone these lots to a similar zoning would eliminate an area that is spot zoned and would better compliment the area along Bar K Ranch Rd.*

#### **FINDINGS OF FACT**

Based on the planning file, staff report, and attachments associated with this packet staff believes this rezoning is not contrary to the public interest as required by Section 13.20(E)(3)(a) because the proposed rezoning will make it match the other zoning category on lots to the north and south, eliminate a spot zoning, and allow for better use for the current development pattern of a large commercial building with associated parking.

Several comprehensive plan objectives and additional findings of fact in Subsection 13.20(D) have been met in staff's professional opinion based on the documentation provided with the report.

#### **ATTACHMENTS**

Additional information is provided through attached exhibits.

1. Application/Present Site Plan
2. Proposed Ordinance
3. Maps

Attachment 1

Application/Present Site Plan

**CITY OF LAGO VISTA  
BUILDING AND DEVELOPMENT SERVICES**

5803 THUNDERBIRD LAGO VISTA, TEXAS 78645  
OFFICE 512-267-5259 FAX 512-267-5265

**ZONING CHANGE REQUEST APPLICATION**  
**(PLEASE PRINT)**

Name of Owner(s): RHSE INVESTMENTS, L.L.C.

Owner's Address: 1103 Gray PARK Dr.  
SAN ANTONIO, TX 78249-4413

Contact Person: JOHN JACKSON

Email Address: jj@wmmu-fx.com

Contact Phone Numbers: 818/219-1600 (DAYTIME) 818/763-6693 (CELL) (FAX)

**COMPLETE LEGAL DESCRIPTION OF PROPERTY (PLEASE PRINT)**

Subdivision: BKR# Section: 3 Lot No: 3090 + 3089

Property Address: 7205 + 7207 BAR K RANCH ROAD.

Volume and Page where deed is filed: VOLUME 57, PAGE 15, PLAT RECORDS TRAVIS COUNTY

**NATURE OF REQUEST (PLEASE PRINT)**

Requests a Zoning Change from the current zoning designation of G-1

To C1-C for the purpose of Professional Business  
offices Low DENSITY

In my absence I hereby designate the following person to act in my behalf as my designated agent. (PLEASE PRINT).

Name of Agent: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Numbers: \_\_\_\_\_

(DAYTIME)

(CELL)

(FAX)

Signature of Applicant: [Signature] Date: 6/30/15



Attachment 2  
Proposed Ordinance

**ORDINANCE NO. 15-08-20-?????**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY REZONING BAR K RANCHES PLAT 3, LOTS 3089-3090 FROM THE U-1 (UTILITY, GOVERNMENT, EDUCATIONAL, AND INSTITUTIONAL) TO C-1C (COMMERCIAL-PROFESSIONAL, BUSINESS OFFICE, LOW DENSITY RESIDENTIAL) ZONING DISTRICT; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the landowner of Bar K Ranches Plat 3, Lots 3089-3090 (“Lots”) has filed an application requesting the City of Lago Vista (“City”) to consider rezoning such Lots from U-1 to C-1C; 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 hearing(s), the Planning and Zoning Commission and City Council each held a public hearing on the proposed re-zoning; and

**WHEREAS**, the Planning and Zoning Commission (the “Commission”) at its public hearing on the rezoning of such Lots, reviewed the request and the circumstances of the area being rezoned and finds that a substantial change in circumstances of the area being rezoned has transpired sufficient to warrant a change in the zoning; and

**WHEREAS**, the Commission recommends rezoning such Lot from U-1 to C-1C; and

**WHEREAS**, the City Council at its public hearing on the rezoning, reviewed the request and the circumstances of the area and it concurs with the recommendation of the Commission; 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

**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 Commission, City Manager and City Council find that this Ordinance satisfies the requirements of Section 13 of the City of Lago Vista Zoning Ordinance.

**Section 2. Amendment of Zoning Ordinance and Zoning Map.** The Zoning Ordinance and the Official Zoning Map and other applicable ordinances are hereby modified and amended by rezoning Bar K Ranches Plat 3, Lots 3089-3090, from U-1 to C-1C.

**Section 3. 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 4. Conflicting Ordinances.** 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 5. Effective Date.** This Ordinance shall be in force and effect from and after its passage on the date shown below.

**Section 6. Open Meeting.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't Code*.

**PASSED AND APPROVED** this 20<sup>th</sup> day of August, 2015.

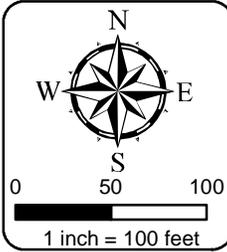
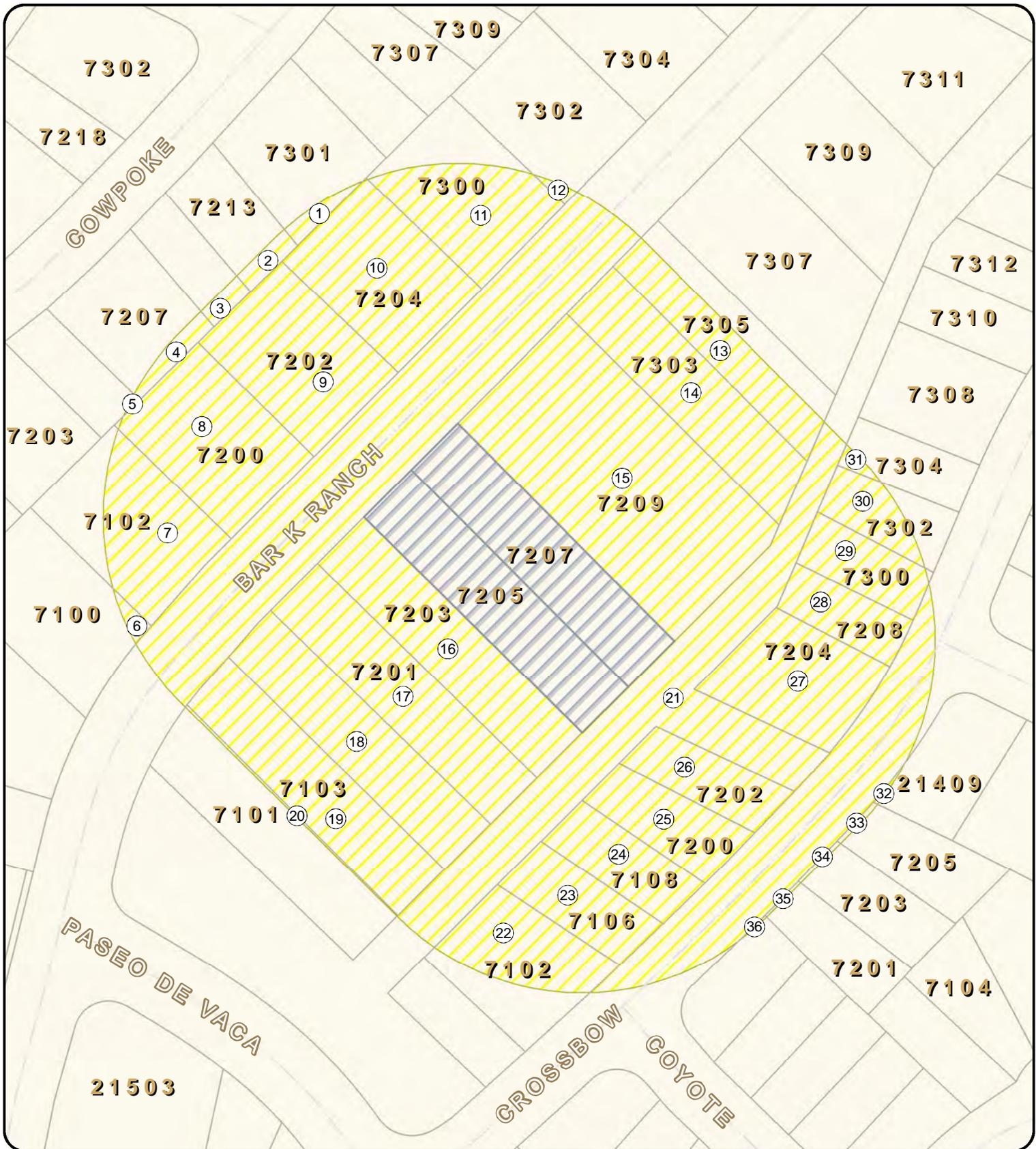
\_\_\_\_\_  
Randy Kruger, Mayor

ATTEST:

\_\_\_\_\_  
Sandra Barton, City Secretary

## Attachment 3

### Maps



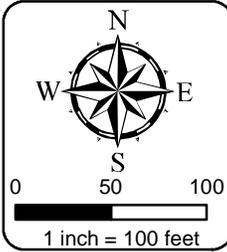
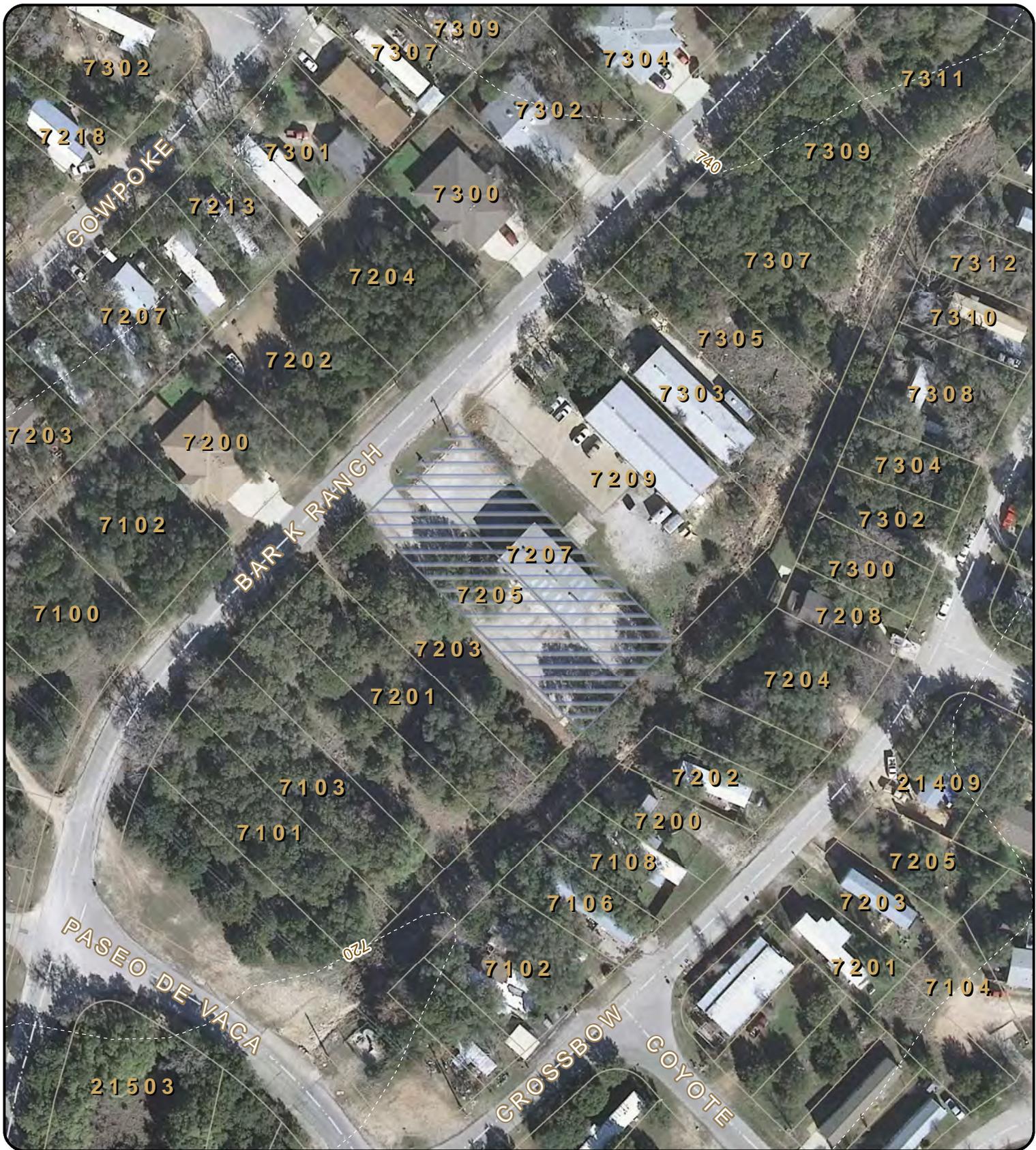
### Continental Dr Lots: 16069-16072

Request Type:	Rezone	Project:	ZON-1042
Change Requested:	U-1 to C1-C	Date:	7/30/2015
Map Purpose:	200' Buffer	Drawn By:	CM

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

#### Legend

- Requestor
- Owner Parcels
- 200' Buffer



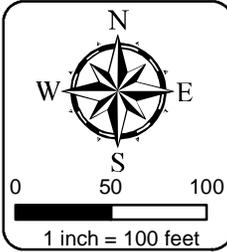
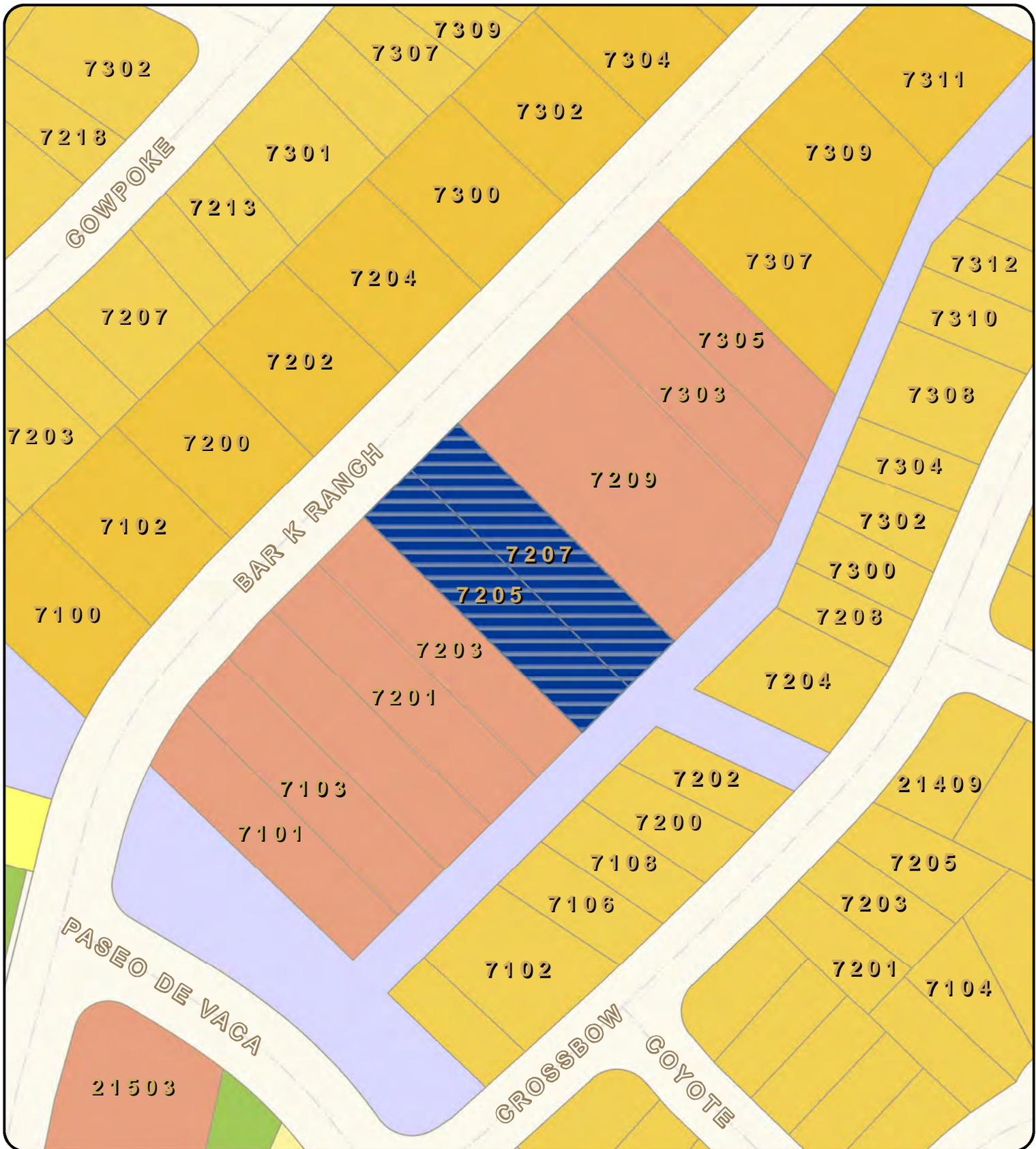
### Continental Dr Lots: 16069-16072

Request Type:	Rezone	Project:	ZON-1042
Change Requested:	U-1 to C1-C	Date:	7/30/2015
Map Purpose:	Aerial & Topo	Drawn By:	CM

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

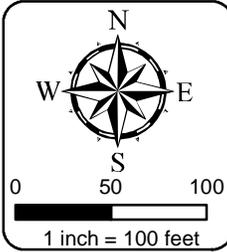
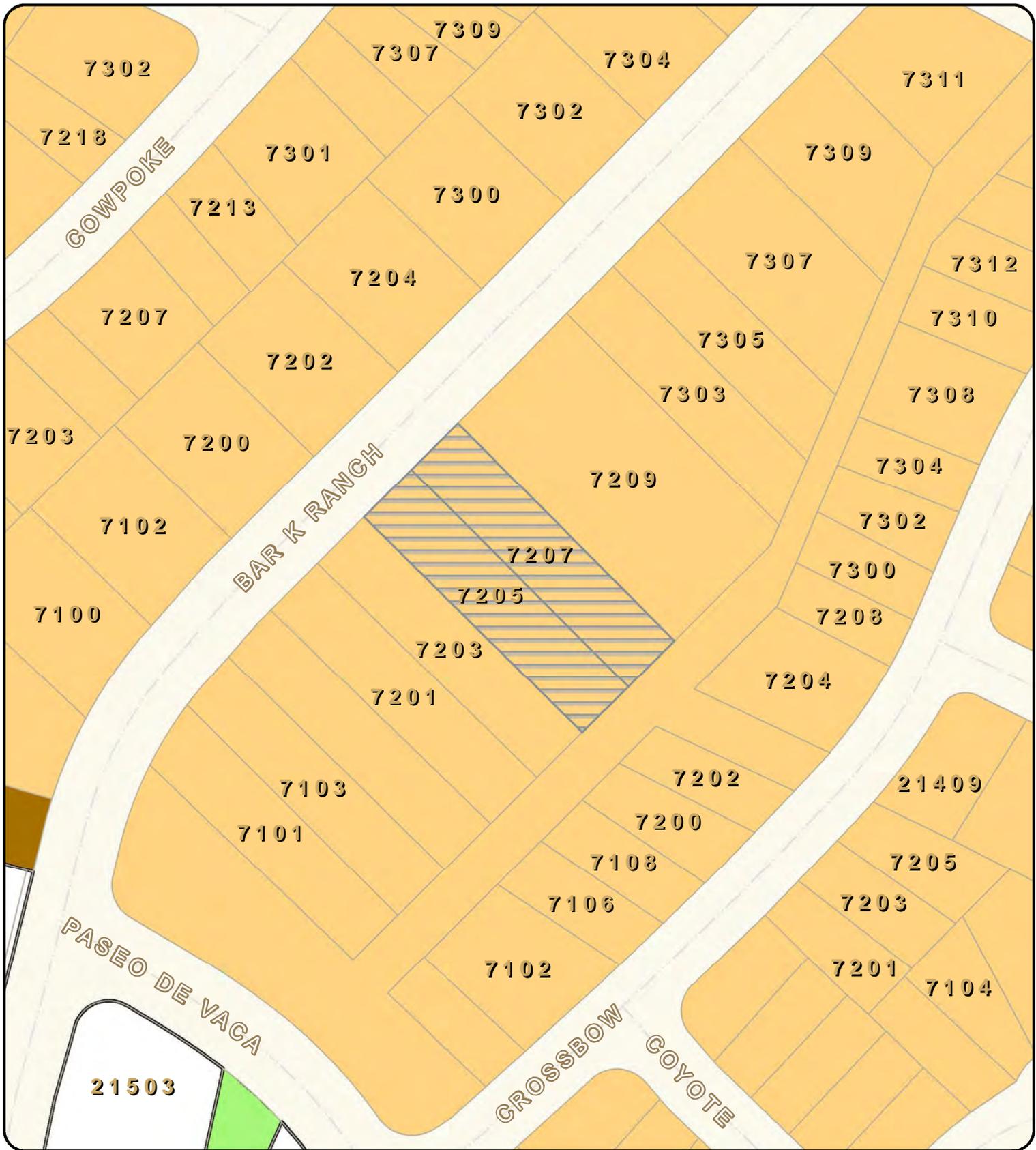
#### Legend

- 20' Contours
- Requestor
- Owner Parcels



Continental Dr Lots: 16069-16072			
Request Type:	Rezone	Project:	ZON-1042
Change Requested:	U-1 to C1-C	Date:	7/30/2015
Map Purpose:	Future Land Use	Drawn By:	CM
<small>While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.</small>			

Legend	
<span style="color: red;">■</span>	C-1C
<span style="color: green;">■</span>	P-1B
<span style="color: yellow;">■</span>	PDD
<span style="color: orange;">■</span>	R-1B
<span style="color: gold;">■</span>	R-1M
<span style="color: brown;">■</span>	R-2
<span style="color: lightblue;">■</span>	TR-1
<span style="color: blue;">■</span>	U-1
<span style="border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span>	Owner Parcels
<span style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, blue 2px, blue 4px); display: inline-block; width: 10px; height: 10px;"></span>	Requestor



<b>Continental Dr Lots: 16069-16072</b>			
Request Type:	Rezone	Project:	ZON-1042
Change Requested:	U-1 to C1-C	Date:	7/30/2015
Map Purpose:	Future Land Use	Drawn By:	CM
<small>While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.</small>			

**Legend**

- Requestor
- Owner Parcels

**Future Land Use**

- Low Density Residential
- Med Density Residential
- High Density Residential
- Parks



# **Development Services Department**

## **STAFF REPORT**

### **Business Item #1**

#### **Discussion and potential action regarding zoning at and around the Airport.**

**Date:** July 28, 2015

---

#### **DEVELOPMENT REVIEW DEPARTMENT COMMENTS**

At the last meeting, the Commission had asked Staff to add this item to the Agenda. This was in regards to the zoning case of ZON-1038 which was reheard on this month's agenda and sought to rezone a parcel of land from RR-A to C-4 zoning. Staff has provided a zoning map of the City for review by the Commission.



# Development Services Department

## STAFF REPORT

### Application for Replat

### File Number: SUB 1093

**Date:** July 28, 2015

**Applicant:** Red Cardinal, LLC

**Hearing Dates:** Planning & Zoning Commission – August 13, 2015  
City Council – August 20, 2015

**Location:** Site is located along Continental Dr.

**Request:** The applicant seeks a re-plat in Highland Lakes Estates Section 16 Lots 16069 – 16072 from a total of four (4) existing lots to six (6) lots

---

#### **TECHNICAL REVIEW**

The Development Services Department has routed this request to all appropriate reviewing departments. There are no outstanding comments. In the case that the replat is approved, all site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the Development has met all applicable Federal, State and local regulations and permitting requirements. No permits authorizing Development shall be issued prior to compliance with all applicable regulations.

#### **PLANNING AND ZONING DIVISION COMMENTS**

The applicant has proposed a replat for a portion of Highland Lake Estates to increase the number of lots for four (4) to six (6) lots. Staff has reviewed the application and some specified code requirements as stated in Chapter 10, Article 10.100, Sections 2.18, 4.10, 4.111, and 4.13 of the City Code have not been met by the applicant. The applicant has been notified of the code issues but they have not submitted changes for staff review.

#### **STAFF RECOMMENDATION**

Recommend tabling of the item until staff comments as stated in Attachment 4 have been addressed by the applicant.

#### **ATTACHMENTS**

Additional information is provided through attached exhibits.

1. Application
2. Originally Approved Plat
3. Proposed Replat
4. Open Comments from Staff
5. Maps

Attachment 1  
Application



**CITY OF LAGO VISTA DEVELOPMENT SERVICES**

5803 THUNDERBIRD SUITE 103 \* PO BOX 4727 LAGO VISTA, TX. 78645  
512-267-5259 FAX 512-267-5265

**PLAT APPLICATION**

Request is for:

Amended Plat  Re-Plat  Minor Plat  Preliminary Plat  Final Plat  
 Vacating Plat

Property owner's name: Red Cardinal, LLC

Mailing address: 11675 Jollyville Rd #102 Austin, Tx 78759  
Number & Street City State Zip code

Phone: (512) 401-9067 (512) 922-3260 (512) 401-9062  
Day time Cell Fax

Surveyor/Engineer: Waterloo Surveyors Inc Brian Sumner  
Name of Company Contact person

Phone: (512) 481-9602 (512) 330-1621  
Office Fax

Name of Proposed Project/Subdivision: Re-subdivision of Lots 16069-16070-16071 & 16072, Highland Lake Estates, Section-16.

Complete Legal Description of the Proposed Property

Tax Parcel ID #: 159604, 159605, 159606, 159607 Subdivision: Highland Lake Estates

Lot Number(s): 16069, 16070, 16071, 16072 Section: 16 Block:         

Number and Street Address: 20213, 20209, 20205, 20201 Continental Dr.

Deed is recorded in Volume:          Page:          of Travis County Records.

I authorize the following person/company to act in my behalf as my designated agent: \*

Name of agent/company: GREG BILLINGS, BROKER GREG BILLINGS  
Name of Company Name of Contact

Phone Numbers: (512) 963-1130  
Day time EMAIL: GREG.LAKE@AOL.COM  
Cell Fax

Signature of Applicant: Robert Guixiang Date: 6-24-15

I voluntarily waive my right to consideration by the Planning & Zoning Commission within 30 days of this application and consideration by the City Council within 60 days of this application.

Signature of Applicant: Robert Guixiang Date: 6-24-15

Attachment 2

Originally Approved Plat

HIGHLAND LAKE ESTATES  
SECTION SEVENTEEN  
BOOK 5

HIGHLAND LAKE  
DRIVE

DECLARATION CIRCLE

HIGHLAND LAKE ESTATES  
SECTION EIGHT  
BOOK 5 PAGE 77

J. Cantwell Survey  
J. M. Puryear Survey

UNPLATED  
NATIONAL RESORT  
COMMUNITIES  
VOL. 3913 P. 41194

1	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981	2982	2983	2984	2985	2986	2987	2988	2989	2990	2991	2992	2993	2994	2995	2996	2997	2998	2999	3000
---	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------



Attachment 3  
Proposed Replat

SCALE: 1" = 100'

GRAPHIC SCALE

LEGEND

- FIR 1/2" IRON ROD FOUND
- FIR 1/2" IRON ROD FOUND WITH "WATERLOO 4324" CAP FOUND
- △ CALCULATED POINT
- SRC 1/2" IRON ROD WITH "WATERLOO 4324" CAP SET

O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS

P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS

P.O.B. POINT OF BEGINNING

( ) RECORD INFORMATION

**OWNER INFORMATION**  
 Red Cardinal, LLC,  
 c/o Robert Bruinsma, Owner  
 11675 Jollyville Road  
 Austin, TX 78759

**SURVEY FIRM INFORMATION**  
 Waterloo Surveyors, Inc.  
 P.O. Box 160176, Austin, TX 78716  
 \*TBPLS Firm #10124400  
 Phone: 512-481-9602  
 Fax: 512-330-1621  
 www.WaterlooSurveyors.com

- NOTES:**
- This subdivision is within the City Limits of Lago Vista, Texas, as of this the 16th day of June, 2015.
  - All recorded restrictive covenants, restrictions and easements from previous subdivision apply to this Resubdivision plat.
  - All construction shall be in compliance with the setbacks as set forth in the City of Lago Vista Zoning Ordinance.

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	60°10'02"	145.58'	138.63'	S62°34'18"E	138.98'

LINE TABLE		
L1	N88°34'19"W	125.31'
	(S84°13'W)	(125.25')
L2	N49°04'20"W	63.53'
	(S84°13'W)	(125.25')
L3	N04°54'18"W	164.49'
	(N12°04'W)	(164.51')
L4	S85°19'44"W	41.92'
	(S78°08'W)	(41.96')
L5	S03°25'27"W	67.81'
	(S03°44'E)	(67.70')
L6	S36°41'17"W	173.34'
	(S28°29'W)	(173.44')
L7	S73°33'09"W	66.02'
	(S66°21'W)	(65.82')
L8	N51°17'17"W	108.83'
	(N58°30'W)	(108.87')
L9	S10°06'07"W	69.91'
	(S03°02'W)	(69.91')
L10	S45°11'43"W	52.18'
	(S37°47'W)	(51.90')
L11	N88°36'24"W	55.30'
	(S84°08'W)	(55.87')
L12	S02°34'39"E	50.02'

**METES AND BOUNDS DESCRIPTION**

BEING 4.491 ACRES (APPROX. 195,641 SQUARE FEET) OF LAND IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF LOTS 16069, 16070, 16071 AND 16072 OF HIGHLAND LAKES ESTATES SECTION SIXTEEN, A SUBDIVISION OF RECORD IN VOLUME 54, PAGE 37 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO RED CARDINAL, LLC IN A GENERAL WARRANTY DEED DATED JANUARY 4, 2006 AND RECORDED IN DOCUMENT NO. 2006222564 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS:

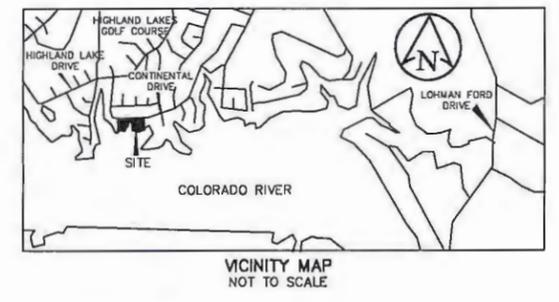
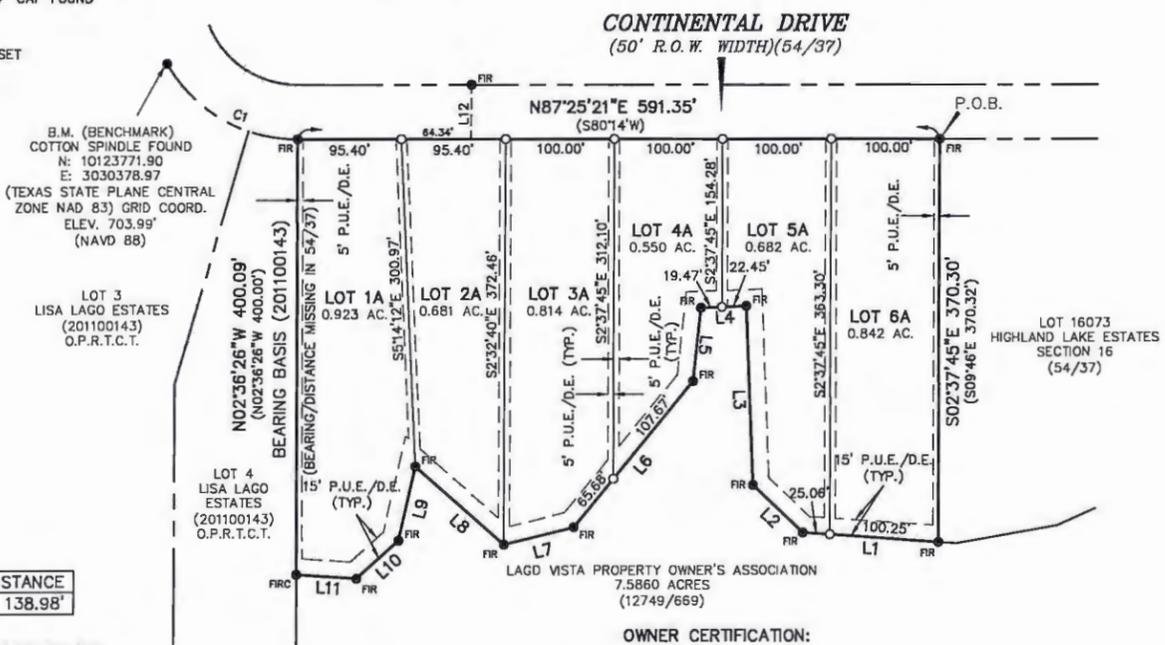
BEGINNING at a 1/2" iron rod found in the south right-of-way of Continental Drive (50' right-of-way width), for the northeast corner of said Lot 16072, being the northwest corner of Lot 16073 of said Highland Lake Estates;

THENCE South 02°37'45" East, with the east line of said Lot 16072, being the west line of said Lot 16073 a distance of 370.30 feet to a 1/2" iron rod found in the north line of a 7.5860 acre tract conveyed to Lago Vista Property Owner's Association in Volume 12749, Page 669 of the Real Property Records of Travis County, Texas, for the southeast corner of said Lot 16072, being the southwest corner of said Lot 16073;

THENCE with the common line of said Highland Lake Estates Section 16, being the north line of the said 7.5860 acre tract, the following eleven (11) courses and distances:

- North 88°34'19" West, a distance of 125.31 feet to a 1/2" iron rod found;
- North 49°04'20" West, a distance of 63.53 feet to a 1/2" iron rod found;
- North 04°54'18" West, a distance of 164.49 feet to a 1/2" iron rod found;
- South 85°19'44" West, a distance of 41.92 feet to a 1/2" iron rod found;
- South 03°25'27" East, a distance of 67.81 feet to a 1/2" iron rod found;
- South 36°41'17" West, a distance of 173.34 feet to a 1/2" iron rod found;
- South 73°33'09" West, a distance of 66.02 feet to a 1/2" iron rod found;
- North 51°17'17" West, a distance of 108.83 feet to a 1/2" iron rod found;
- South 10°06'07" West, a distance of 69.91 feet to a 1/2" iron rod found;
- South 45°11'43" West, a distance of 52.18 feet to a 1/2" iron rod found;
- North 88°36'24" West, a distance of 55.30 feet to a 1/2" iron rod with "Waterloo" cap found in the east line of Lot 4 of Lago Vista Estates, a subdivision of record in Document No. 201100143 of the Official Public Records of Travis County, Texas, at the northwest corner of the said 7.5860 acre tract, for the southwest corner of said Lot 16069;
- THENCE North 02°36'26" West, with the west line of said Lot 16069, being the east line of said Lot 4, a distance of 400.09 feet to a 1/2" iron rod found in the south right-of-way line of Continental Drive for the northwest corner of said Lot 16069, being the northeast corner of said Lot 4;
- THENCE North 87°25'21" East, with the south right-of-way line of Continental Drive, being the north lines of said Lots 16069, 16070, 16071 and 16072, a distance of 591.35 feet to the POINT OF BEGINNING and containing 4.491 acres (approx. 195,641 square feet.)

# THE RESUBDIVISION OF LOTS 16069, 16070, 16071, AND 16072, HIGHLAND LAKES ESTATES SECTION SIXTEEN



**SURVEYOR CERTIFICATION:**

STATE OF TEXAS:  
 COUNTY OF TRAVIS:

I, the undersigned, a registered professional land surveyor in the State of Texas, hereby certify, that this plat is true and correct, that it was prepared from an actual survey of the property made under my supervision on the ground, and that all necessary survey monuments are correctly set or found as shown thereon.

**"Preliminary, this document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document."**

Thomas P. Dixon  
 Registered Professional Land Surveyor  
 of the State of Texas No. 4324,

**ADMINISTRATOR OR HIS/HER DESIGNEE CERTIFICATION:**

I, the undersigned, \_\_\_\_\_ of the City of Lago Vista, hereby certify that this subdivision plat conforms to all requirements of the City of Lago Vista and has been approved by the city council.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

**CITY COUNCIL CERTIFICATION:**

This final plat has been considered by the City Council of the City of Lago Vista, Texas and is approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Mayor \_\_\_\_\_ Date \_\_\_\_\_  
 City of Lago Vista, Texas

**CERTIFICATION OF THE CITY SECRETARY:**

I hereby certify that the above and foregoing plat of Addition to the City of Lago Vista, Texas was approved by the Planning and Zoning Commission (or the city council as the case may be) of the City of Lago Vista on the \_\_\_\_\_ day of \_\_\_\_\_, 2015. Said addition shall be subject to all the requirements of the subdivision ordinance of the City of Lago Vista, Texas.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

City Secretary \_\_\_\_\_  
 City of Lago Vista, Texas

**FILING CERTIFICATION**

STATE OF TEXAS  
 COUNTY OF TRAVIS

I, \_\_\_\_\_, Clerk of the County Court of Travis County, Texas, hereby certify that the foregoing instrument with its Certification of Authentication was filed in my office at \_\_\_\_\_ o'clock \_\_\_\_\_ m. this \_\_\_\_\_ day of \_\_\_\_\_, 2015, and duly recorded at \_\_\_\_\_ o'clock \_\_\_\_\_ m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, in the Plat Records of Travis County, Texas, as Document No. \_\_\_\_\_

WITNESS MY HAND AND SEAL OF THE COURT OF TRAVIS COUNTY, TEXAS, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

Clerk of the County Court Travis County, Texas

By \_\_\_\_\_ Deputy

STATE OF TEXAS  
 COUNTY OF TRAVIS

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

Clerk of the County Court Travis County, Texas

By \_\_\_\_\_ Deputy

**OWNER CERTIFICATION:**

STATE OF TEXAS  
 COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, That Red Cardinal, LLC, a Texas limited liability corporation, a corporation organized and existing under the laws of the State of Texas, with its home address at 11675 Jollyville Road, Suite 102, Austin, Texas 78759, being owners of Lots 16069, 16070, 16071 and 16072, Highland Lakes Estates Section Sixteen, a subdivision of record in Volume 54, Page 37 of the Plat Records of Travis County, Texas, conveyed to it in a General Warranty Deed dated January 4, 2006 and recorded in Document No. 2006222564 of the Official Public Records of Travis County, Texas, and acting through its owner, Robert Bruinsma do hereby resubdivide said Lots, totalling 4.491 acres (approx. 195,641 sq. ft.) in this plat to be known as

The Resubdivision of Lots 16069, 16070, 16071, and 16072, Highland Lakes Estates Section Sixteen

in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public the use of the streets and easements shown hereon.

WITNESS MY HAND, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2015.

Robert Bruinsma, Owner  
 Red Cardinal, LLC  
 11675 Jollyville Road, Suite 102  
 Austin, Texas 78759

STATE OF TEXAS  
 COUNTY OF TRAVIS

This instrument was acknowledged before me on \_\_\_\_\_ by Robert Bruinsma, Owner of Red Cardinal, LLC, a limited liability corporation, on behalf of said corporation.

Notary Public, State of Texas

**FLOOD-PLAIN NOTE:**

The tract shown hereon lies within an area designated as Zone "AE", as identified by the Federal Emergency Management Agency, National Flood Insurance Program, and shown on map no. 48453C01954, dated September 26, 2008, for Travis County, Texas and incorporated areas. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.

Attachment 4

Open Comments from Staff



**CITY OF LAGO VISTA  
DEVELOPMENT SERVICES**

P.O. BOX 4727  
LAGO VISTA, TX 78645

*Tel. (512) 267-5259*

*Fax (512) 267-5265*

July 16, 2015

**RE: SUB 1093 – Replat of 4 lots into 6 lots located along Continental Dr.**

To Whom It May Concern:

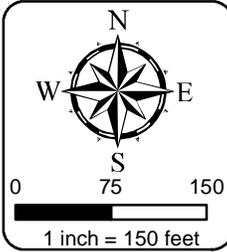
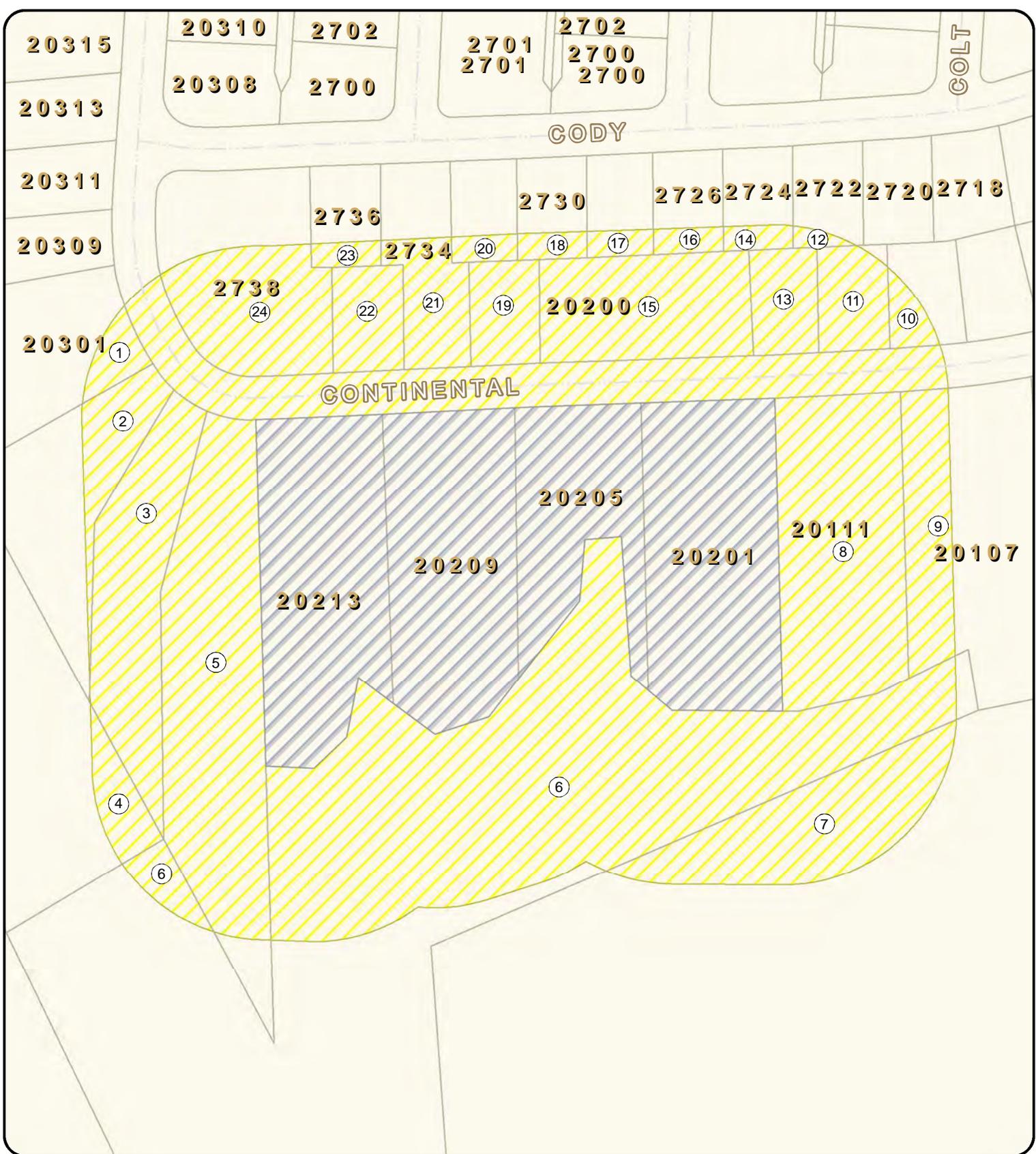
- 1) Please address the below comments quickly and resubmit to the City.
- 2) Provide a ten (10) foot wide public utility easements along the ROW (Chapter 10, Article 10.100, Section 4.13(B) City Code).
- 3) Provide documentation from the power, gas, and communication companies providing service to the proposed subdivision that easements shown on the plat are adequate (Chapter 10, Article 10.100, Section 4.13(A) City Code)
- 4) Since there is a nearby creek that drains six hundred and forty (640) acres or greater please provide a minimum buffer width of 300 feet from the centerline of the creek or swale on the proposed replat (Chapter 10, Article 10.100, Section 4.111(A)(5) and (10) City Code). Note, this may greatly affect the easternmost parcels in the new plat. A note shall be added to the plat stating, "No development or clearing or grading shall take place in the water quality buffer zone except as allowed by the city watershed protection ordinances."
- 5) Provide the slope percentages associated with each new lot. Be aware that no development shall be permitted on slopes exceeding twenty-five (25) percent without an exception approved by the Council. Such areas shall be shown on the final plat as a slope easement. The final plat shall have a note that states, "No development is permitted in a slope easement." (Chapter 10, Article 10.100, Section 4.10(D) City Code)
- 6) Provide documentation showing that all city and county property taxes, then due, have been paid (Chapter 10, Article 10.100, Section 2.18(4)(b) City Code).
- 7) Under the City Secretary on the Plat, please remove anything stating "Planning & Zoning Commission" and replace with "City Council".

Respectfully,

David Harrell, AICP

## Attachment 5

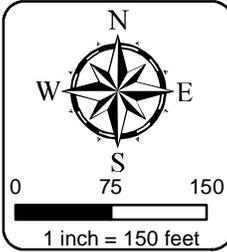
### Maps



<b>Continental Dr Lots: 16069-16072</b>			
Request Type:	Replat	Project:	SUB-1093
Change Requested:	Plat Amendment	Date:	7/30/2015
Map Purpose:	200' Buffer	Drawn By:	CM
<small>While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.</small>			

**Legend**

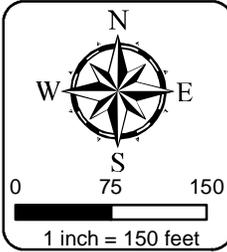
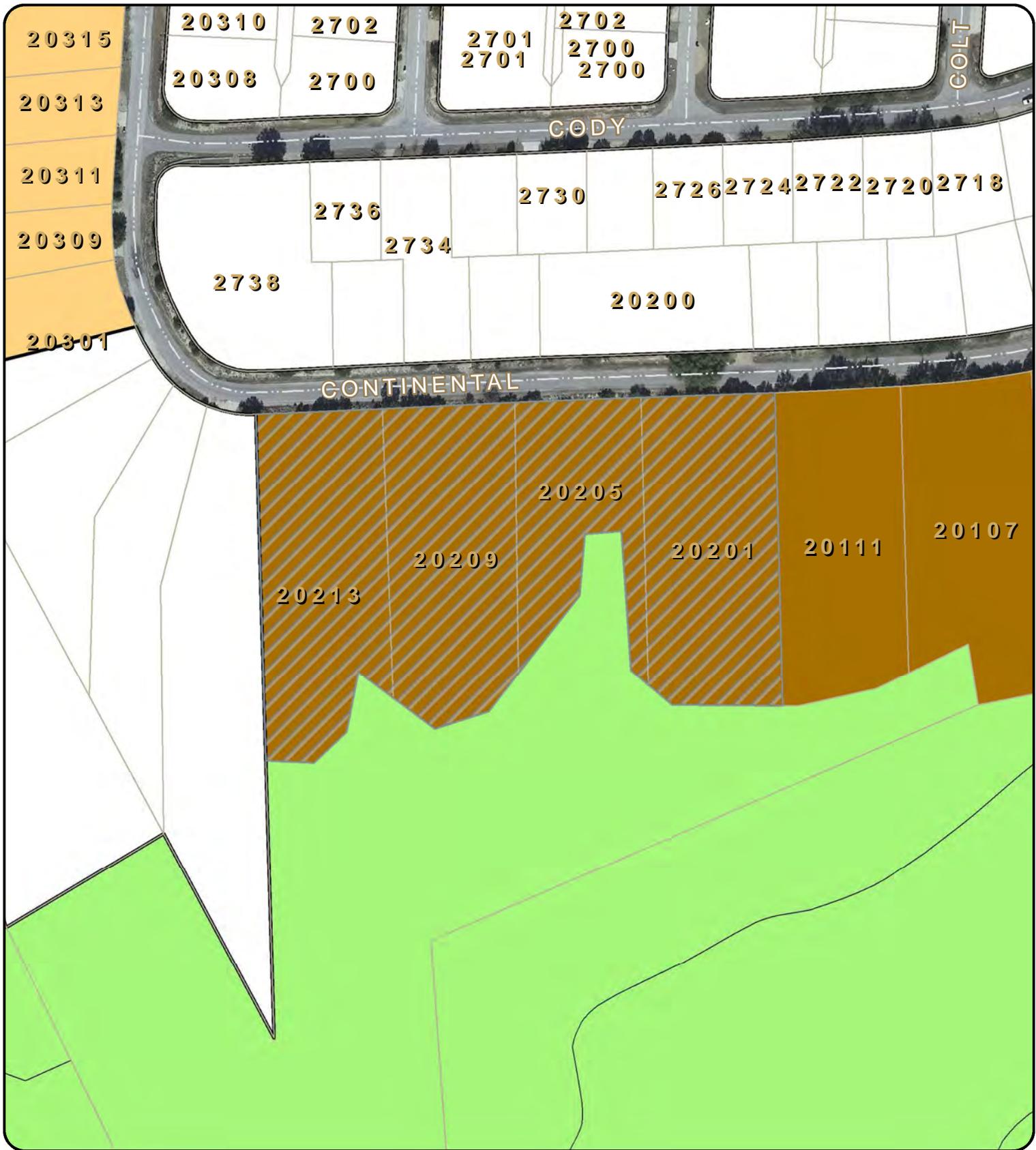
- Requestor
- Owner Parcels
- 200' Buffer



<b>Continental Dr Lots: 16069-16072</b>		
Request Type:	Replat	Project: SUB-1093
Change Requested:	Plat Amendment	Date: 7/30/2015
Map Purpose:	Aerial & Topo	Drawn By: CM
<small>While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.</small>		

**Legend**

- 20' Contours
- Requestor
- Owner Parcels

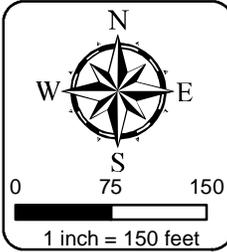
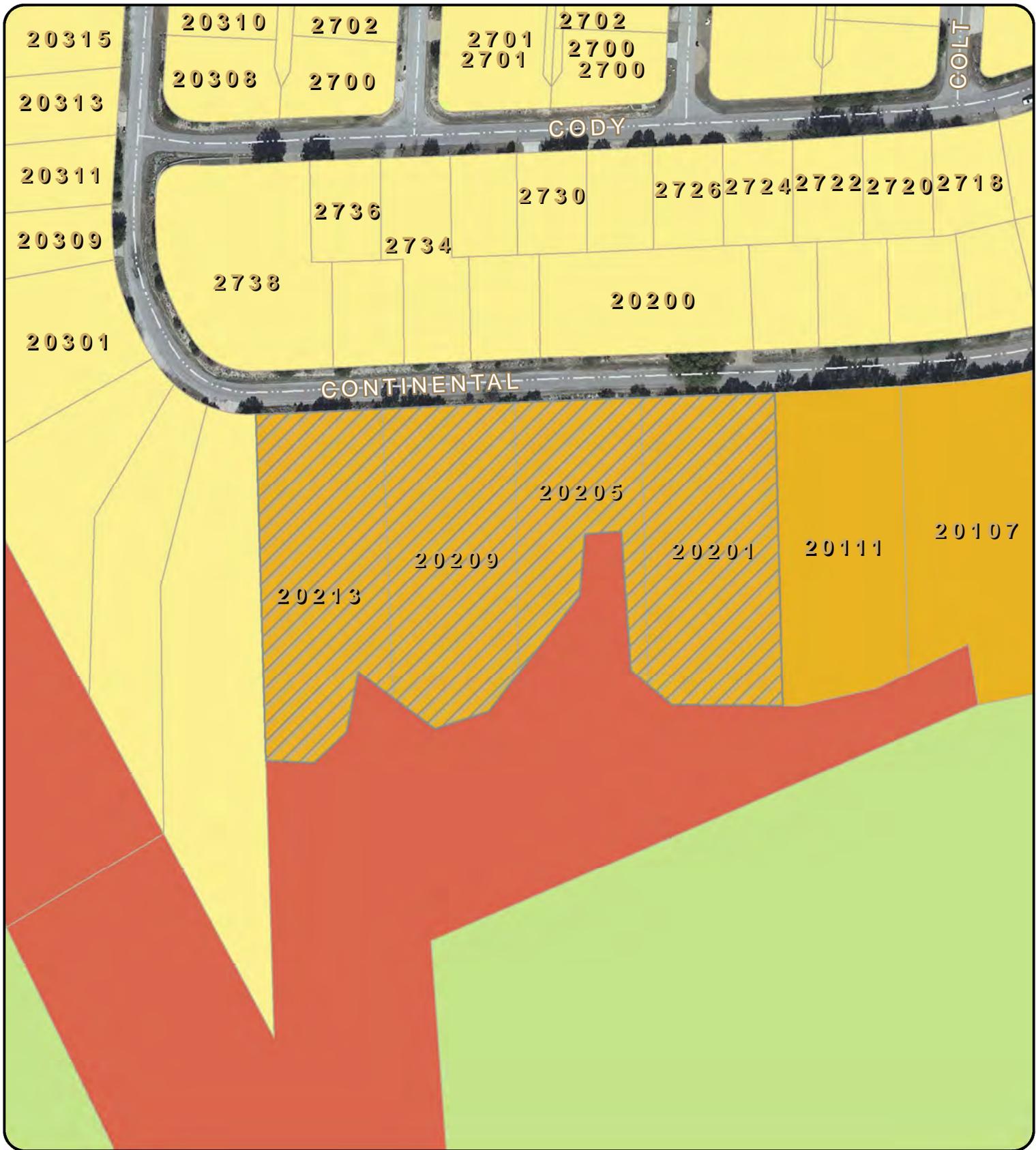


### Continental Dr Lots: 16069-16072

Request Type:	Replat	Project:	SUB-1093
Change Requested:	Plat Amendment	Date:	7/30/2015
Map Purpose:	Future Land Use	Drawn By:	CM

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

- Legend**
- Requestor
  - Owner Parcels
- Future Land Use**
- Low Density Residential
  - Med Density Residential
  - High Density Residential
  - Parks



Continental Dr Lots: 16069-16072			
Request Type:	Replat	Project:	SUB-1093
Change Requested:	Plat Amendment	Date:	7/30/2015
Map Purpose:	Zoning Map	Drawn By:	CM
<small>While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.</small>			

**Legend**

- Requestor
- Owner Parcels

**Zoning Classification**

- C-3
- P-1A
- R-1C
- R-4



# **Development Services Department**

## **STAFF REPORT**

### **Business Item #1**

#### **Discussion and potential action regarding zoning at and around the Airport.**

**Date:** July 28, 2015

---

#### **DEVELOPMENT REVIEW DEPARTMENT COMMENTS**

At the last meeting, the Commission had asked Staff to add this item to the Agenda. This was in regards to the zoning case of ZON-1038 which was reheard on this month's agenda and sought to rezone a parcel of land from RR-A to C-4 zoning. Staff has provided a zoning map of the City for review by the Commission.

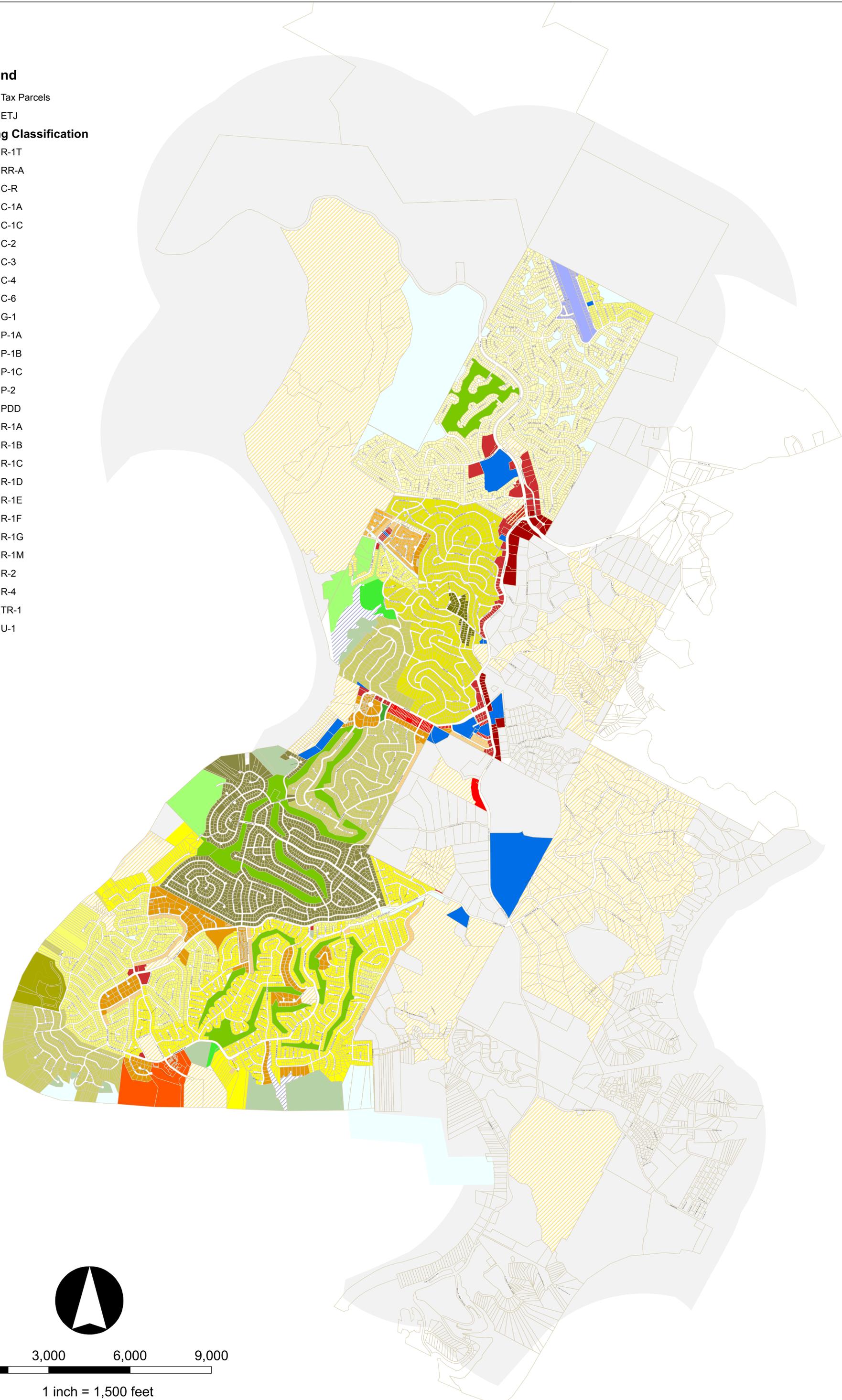
**Legend**

□ Tax Parcels

□ ETJ

**Zoning Classification**

- R-1T
- RR-A
- C-R
- C-1A
- C-1C
- C-2
- C-3
- C-4
- C-6
- G-1
- P-1A
- P-1B
- P-1C
- P-2
- PDD
- R-1A
- R-1B
- R-1C
- R-1D
- R-1E
- R-1F
- R-1G
- R-1M
- R-2
- R-4
- TR-1
- U-1



0 3,000 6,000 9,000

1 inch = 1,500 feet



**CITY OF LAGO VISTA**  
***DEVELOPMENT SERVICES***

P.O. BOX 4727  
LAGO VISTA, TX 78645

---

*Tel. (512) 267-5259*

*Fax (512) 267-5265*

July 27, 2015

**RE: Business Item #2: Discussion and potential action concerning the subcommittees.**

Planning & Zoning Commission:

This will be discussed by staff at the meeting.