



**AGENDA
PLANNING AND ZONING COMMISSION CALLED MEETING**

OCTOBER 23, 2025 AT 6:00 PM

AMENDED AGENDA

JOIN MEETING VIA VIDEO CONFERENCE

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/361413933>

You can also dial in using your phone.

Access Code: 361-413-933

United States: +1 (872) 240-3311

I. CALL TO ORDER, CALL OF ROLL

Lynda Aird, Chairperson

Dave Snyder, Vice-Chairperson

Jeff Hewgley

Gene Harris

Rachael Rich

Kathy Koza

Alternate Member: Frank Robbins

Rob Durbin - Council Liaison

Jordan Strohmeyer - Staff Liaison

II. CITIZEN COMMENTS

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Chair prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the link below.

[Citizen Participation Registration Form](#)

III. STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
2. Routine Reports from City Council Liaison.

IV. CONSENT AGENDA

All matters listed in the Consent Agenda are to be considered routine by the Commission and will be enacted by one motion without discussion. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

1. Action regarding the Planning and Zoning Commission regular meeting minutes of April 11, 2024.
2. Action regarding the Planning and Zoning Commission special meeting minutes of April 22, 2024.
3. Action regarding the Planning and Zoning Commission regular meeting minutes of May 9, 2024.
4. Action regarding the Planning and Zoning Commission regular meeting minutes of June 13, 2024.
5. Action regarding the Planning and Zoning Commission regular meeting minutes of July 11, 2024.

V. DISCUSSION AND ACTION

1. Discussion and recommendation for the creation of Comprehensive Plan Subcommittee and direction to City Staff regarding the subcommittee.

VI. PLANNING & ZONING COMMISSION WORKSHOP

1. Discussion on a referral from the City Council to review and make recommendations on the Parkland Dedication / Fee-in Lieu of ordinance requirements.
2. Discussion on a referral from the City Council to review and make recommendations on the Fee-in Lieu of Tree Preservation ordinance and define the allowed uses for those fees.
3. Discussion on a referral from the City Council to recommend an ordinance establishing criteria and policies on dealing with Dormant Entitlements that were established and not utilized within a specific time frame. This ordinance will also need to follow established State Statutes as they apply to zoning.
4. Discussion on a referral from the City Council on possible subdivision regulations drafted by Council Member Rob Durbin.
5. Discussion on a referral from the City Council to clarify the definition of aggrieved person and any zoning or subdivision procedures associated with an aggrieved person.
6. Discussion on a referral from the City Council to amend the Code of Ordinances, concerning drainage regulation.

7. Discussion on the creation of an ordinance to address landscaping failure after site development has been completed.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board in accordance with Government Code section 551.041 located at all times in City Hall in said City by 12:00 pm on the 17th day of October 2025.

Robin Smith, 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.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.



Item Cover Page

PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Susie Quinn, Development Services

SUBJECT: Action regarding the Planning and Zoning Commission regular meeting minutes of April 11, 2024.

BACKGROUND: Because of the lack of staff, the minutes for Planning and Zoning have not been presented for approval for several months. We are trying to correct this, fortunately we do have video to support these minutes. This item creates the official written record of the Commission's action at the meeting referenced. Therefore, it does not require approval by the previous Planning and Zoning members.

Minutes are not transcripts and are not required to be. All that is technically required is that 1) It be noted that a quorum of members were present 2) The items discussed and acted on be listed with enough specificity to pass appropriate legal review, 3) Motions made and voted on are noted with the result of the vote recorded.

Beyond this, to the extent that the minutes reasonably reflect the proceedings and agenda format (for retention reasons), the extent of the commentary is a generally discretionary.

FINDINGS: A quorum was present.
The meeting was posted as required by law.
The proposed draft minutes accurately reflect the meeting.

RECOMMENDATION: Approve with any corrections changes as may be desired.

ATTACHMENTS:
[2024-04-11 P and Z regular meeting minutes](#)
[2024-04-11 regular meeting agenda for reference](#)

These minutes have been prepared to satisfy the requirements of Section 551.021 of the Texas Government Code. Video recordings of most City meetings can be viewed at: <https://lagovistatx.new.swagit.com/videos/354461>

**REGULAR MEETING MINUTES
LAGO VISTA PLANNING AND ZONING
APRIL 11, 2024
CITY COUNCIL CHAMBERS**

CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson

Don Johndrow, Vice-Chairperson

Adam Benefield

Kathy Koza

Norma Owen

Rachael Rich

Dave Snyder

Alternate Member: Frank Robbins

Chair Monahan called the meeting to order at 6:30 pm, stating all Commissioners were present. He noted that also present were Roy Jambor, Planning Services Director; Cobby Caputo, City Attorney; and Rob Durbin, City Council Liaison.

(0:31:18 to 0:33:05)

CITIZEN COMMENTS

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

No citizen comments were presented.

(0:01:14 to 0:02:20)

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
No reports were given.
2. Routine Reports from City Council Liaison.
No reports were given.

PUBLIC HEARING AND ACTION (APPLICATIONS)

(0:02:20 to 0:31:18)

3. **23-2584-R-REZ:** Consideration of a recommendation regarding a zoning change request from the C-1C ("Professional Office, Neighborhood Retail") zoning district to the C-2 ("General Commercial / Retail") zoning district with design approval for a proposed carwash at 8019 Bronco Lane (Bar-K Ranches, Section 18, Lot 18005-B).

Note: This application was deferred, and the public hearing continued at the March 14, 2024, regular meeting of the Planning and Zoning Commission.

- Staff Presentation

- Applicant Presentation
- Continue Public Hearing at 6:42 PM
- Close Public Hearing at 6:44 PM
- Discussion
- Recommendation

This item concerned consideration of a recommendation regarding a zoning change request from C-1C ("Professional Office, Neighborhood Retail") to C-2 ("General Commercial/Retail") with design approval for a proposed car wash at 8019 Bronco Lane (Bar-K Ranches, Section 18, Lot 18005-B).

Planning Services Director Roy Jambor explained that the property owner was selling the property and trying to gather as much information as possible. He noted that there was a shared access agreement with the Dollar General store to the east, which would help address concerns about the narrow lot with two driveways.

Jambor explained that staff had the authority to enforce ordinance provisions to address most concerns, but the commission needed to exercise discretion regarding the rear property line buffer treatment, specifically:

- The fence material (with cement core composite material being recommended)
- The fence height
- The landscaping requirements and spacing

The applicant, Jimmy Taylor, identified himself as the property owner and builder from Ameritex Builders. He confirmed he would be using concrete composite fencing and planting live oak, red oak, or other oak trees as buffers.

The public hearing continued from the previous month's meeting Guy Burkhart expressed concern about the city having to answer questions for the applicant and suggested putting responsibility back on the applicant.

After closing the public hearing, the commission discussed specific buffer requirements. Commissioner Benefield suggested an 8-foot fence, trees spaced 20 feet apart with a minimum 3.5-inch caliper and 12 feet in height at installation, with no ornamental trees allowed from the approved list. He also recommended adding a row of evergreen shrubs in front of the trees.

Motion: Commissioner Benefield moved to approve the application with the following conditions:

- 1. Vehicular entry to the property should be limited to the existing shared access drive with the new intersection at that shared access drive revised in accordance with Chapter 11 during site development plan review**
- 2. Relocation of the proposed ground sign is required to remain outside of any protected vision triangle and the lighting must be compliant with the local dark sky ordinance**
- 3. The fence must be made of a composite concrete material or stone reinforced with concrete and be 8 feet in height, set back 10 feet from the property line**

4. All trees shall be spaced no greater than 20 feet apart, have a caliper of 3.5 inches, be no shorter than 12 feet at time of installation, and all ornamentals will be removed from the list of approved trees
5. There will be a row of evergreen shrubs planted every 7 feet apart to provide privacy screening

Seconded by: Commissioner Johndrow

Vote: Unanimous approval

(0:33:05 to 1:10:04)

4. **23-2603-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend the existing "Turnback Ranch Planned Development District" (PDD) established by Ordinance No. 07-04-05-03 as amended by Ordinance No. 23-09-21-01 to include a detail plan approval for the "SFD parcel" (approximately 241.541 acres of a tract within the Texas-Mexico Survey, Abstract Number 2291, the Christian Fehrenkamp Survey, Abstract Number 286, and the Lewis Goodwin Survey, Abstract Number 336).

- Staff Presentation
- Applicant Presentation
- Open Public Hearing (opened at 0:53:00 on the video approximately 7:23 PM)
- Close Public Hearing at 7:36 PM
- Discussion
- Recommendation

This item concerned consideration of a recommendation regarding a zoning change request to amend the existing "Turnback Ranch Planned Development District" (PDD) established by Ordinance No. 07-04-05-03 as amended by Ordinance No. 23-09-21-01 to include a detail plan approval for the "SFD parcel" (approximately 241.541 acres).

Planning Services Director Roy Jambor explained that when the application was initially reviewed by the commission, the applicant had reserved a 15-acre tract for potentially attached units with higher density or detached units. Following discussions with the City Council, they amended their approach to develop single-family detached residences, similar to the rest of the development, but they needed a detailed plan approval for this portion. The proposed plan included 39 homes.

Edward Kubly, Vice President with Ventana Capital and managing partner with Turnback Ranch, introduced himself as the new applicant replacing Andy Tritely. He stated that while the face may have changed, the company and mission remained the same, emphasizing that they had listened to community concerns, made promises, and delivered on them.

Stephen Ferris, designer, land planner, and landscape architect for the project, presented the detailed plan. He noted that the design complied with requirements set months earlier, including:

- The SFD tract is approximately 15 acres
- Density is limited to 39 lots
- Access is from Paseo de Vaca

- The water quality pond previously shown on parkland has been relocated within their development
- The plan includes two lot sizes: 60-foot wide (yellow) and 70-foot wide (blue) lots, both 130 feet deep
- Lots marked with stars would be single-story homes as required by the PDD

During the public hearing, several speakers commented:

- Guy Burkhart questioned how the SFD area could be detailed without finalizing the secondary entrance road
- Louise Madigan expressed positive feedback on Turnback Ranch honoring the 39-home limit and using larger lots than required
- Ed Bippus, representing the Lago Vista Property Owners Association Board, expressed concern about the lack of communication regarding the Paseo de Vaca intersection and its impact on POA property

After closing the public hearing, the commission discussed concerns about road alignment and access. Jambor confirmed that the property couldn't be platted until the road issue was resolved with the LVPOA. Commissioner Johndrow emphasized the importance of the Kay Oaks Clubhouse access.

Motion: Commissioner Rich moved to recommend approval of the application as meeting the requirements of a detailed plan approval for the SFD parcel as being consistent with the provisions of ordinance number 23-09-21-01.

Seconded by: Commissioner Koza

Vote: Unanimous approval

(1:10:04 to 1:35:43)

5. **23-2617-R-REZ:** Consideration of a recommendation regarding a zoning change request from the TR-1 ("Temporary Restricted") zoning district to the P-2 ("Park and Greenbelt, Passive") zoning district at 7602 Bar-K Ranch Road, commonly referred to as the "Dodge Trail extension" (approximately 2.267 acres of a tract within the Dallas & Wichita Railroad Company Survey Number 9, Abstract Number 245).

- Staff Presentation
- Applicant Presentation
- Open Public Hearing (opened at 1:23:06 on the video approximately 7:56 PM)
- Close Public Hearing at 8:01 PM
- Discussion
- Recommendation

This item concerned consideration of a recommendation regarding a zoning change request from the TR-1 ("Temporary Restricted") zoning district to the P-2 ("Park and Greenbelt, Passive") zoning district at 7602 Bar-K Ranch Road, commonly referred to as the "Dodge Trail extension."

Planning Services Director Roy Jambor explained that the city was the applicant, as authorized in the existing development agreement approval. He explained that the property was a tapering piece of land where a wall would be built for privacy. Since the city did not want to own or maintain this property, it needed to be zoned in a manner

where the principal use was not a structure, hence the P-2 zoning. This would allow the HOA to eventually own the land on each side of the right-of-way and install walls, landscaping, and trails.

During the public hearing, several concerns were raised:

- Louise Madigan expressed confusion about the inconsistencies mentioned in potential recommendations
- Nan Nesmith and Gigi Covington noted that the notifications sent to property owners were unclear about what was being proposed and lacked a due date
- Ed Bippus expressed concern about how the LVPOA would be affected by these changes

After closing the public hearing, the commission briefly discussed utility placement and the need for clearer notification forms for future zoning changes.

Motion: Commissioner Johndrow moved to approve the zoning change request from TR-1 to P-2 for the Dodge Trail extension.

Seconded by: Commissioner Snyder

Vote: 6 in favor, 1 opposed (Commissioner Benefield)

(1:35:43 to 2:12:03)

6. **23-2607-R-REZ:** Consideration of a recommendation regarding a zoning change request from the C-1A "Professional Office, Neighborhood Retail" zoning district to the C-1A (SUP) "Professional Office, Neighborhood Retail" zoning district with a special use permit approval to sell "specialty and novelty items" identified in Section 18.20(f) at 20811 Dawn Drive, Suite 100 and 150 (Lago Vista Travis Plaza, Lot 8-C, 9-C, and 10-C).

- Staff Presentation
- Applicant Presentation
- Open Public Hearing (opened at 1:39:20 on the video approximately 8:09 PM)
- Close Public Hearing at 8:31 PM
- Discussion
- Recommendation

This item concerned consideration of a recommendation regarding a zoning change request from the C-1A "Professional Office, Neighborhood Retail" zoning district to the C-1A (SUP) "Professional Office, Neighborhood Retail" zoning district with a special use permit approval to sell "specialty and novelty items" at 20811 Dawn Drive, Suite 100 and 150.

Planning Services Director Roy Jambor explained that the applicant was requesting an SUP because they planned to sell items listed in Section 18.20(f) of the ordinance. He noted that this was similar to a tattoo parlor previously approved in the same building. The staff had suggested conditions regarding hours of operation and age restrictions.

The applicant, De La Zad, stated he was trying to open a vape/tobacco shop selling Delta 8, Delta 9, and Delta 10 products. He emphasized these products are legal when containing less than 0.3% Delta 9 THC. He stated the shop would enforce a 21+ age

limit with a sign at the entrance and a locked door requiring ID verification. He proposed operating hours of 8 AM to 10 PM but indicated flexibility.

During the public hearing, several citizens spoke in opposition:

- Robyn Pond (representing George), opposed the zoning change without strong governing ordinances in place, citing problems in other communities like Sugar Land, Fresno, and New York City
- Anne Bergland who lives across from the proposed location, opposed changing from professional to retail designation due to increased traffic and the shop's products being inappropriate for a residential area
- Al Edwards expressed concern about the nature of the business near residential areas and an elementary school
- Dale Hill stated the change would be disingenuous to property owners who bought homes expecting a residential and professional environment
- Robyn Burkhart and Guy Burkhart also expressed opposition

After closing the public hearing, the commission discussed the application. Commissioner Johndrow noted that many items proposed for sale could be considered drug paraphernalia under the health and safety code. Commissioner Koza mentioned concerns about substances like kratom. Multiple commissioners agreed the business was out of character with the neighborhood.

Motion: Commissioner Snyder moved to recommend denial of the request.

Seconded by: Commissioner Johndrow

Vote: Unanimous denial

ACTION ITEMS

(2:12:03 to 2:33:09)

7. Discussion and possible action regarding prioritization of the annual work plan, including the potential appointment of members to a subcommittee and/or joint subcommittees with other regulatory boards and commissions for the purpose of discussing meeting dates in relation to application and packet publication deadlines.

The commission discussed prioritization of their annual work plan. Chairman Monahan presented a draft plan listing priorities:

1. Applications (highest priority)
2. Comprehensive Plan review (when it comes later this year)
3. Subdivision regulations

4. Application deadlines and process
5. Home-based business ordinance
6. Tree ordinance and fire safety
7. Special Use Permit correction (Section 18 and Table B)

The commission discussed forming subcommittees to work on these items. Commissioner Koza volunteered to help with the tree ordinance, noting her experience with tree boards in other communities. Rachel Rich was also suggested for this committee.

The commission also discussed the need for clearer application deadlines. Planning Director Jambor explained that current deadlines create timing conflicts with council packets. The commission agreed that rather than changing meeting dates, it would be better to establish longer lead times for applications (possibly 60 days) and formalize these in an ordinance. Jambor agreed to bring an ordinance amendment for consideration at the next meeting.

Motion: Commissioner Robbins moved to approve the draft work plan.

Seconded by: Commissioner Johndrow

Vote: Unanimous approval

(2:33:09)

ADJOURNMENT

The meeting was adjourned at 9:10 PM.

CITY OF LAGO VISTA

Lynda Aird, Chairperson at time of minute approval

ATTEST:

Susie Quinn, Interim City Staff

Date approved by Planning and Zoning Commission: _____



AGENDA
PLANNING & ZONING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
5803 THUNDERBIRD STREET
APRIL 11, 2024 AT 6:30 PM

JOIN MEETING VIA VIDEO CONFERENCE

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/754607821>

You can also dial in using your phone.

United States: +1 (224) 501-3412

Access Code: 754-607-821

CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson

Don Johndrow, Vice-Chairperson

Adam Benefield

Kathy Koza

Norma Owen

Rachael Rich

Dave Snyder

Alternate Member: Frank Robbins

CITIZEN COMMENTS

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STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
2. Routine Reports from City Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

3. **23-2584-R-REZ:** Consideration of a recommendation regarding a zoning change request from the C-1C (“Professional Office, Neighborhood Retail”) zoning district to the C-2 (“General Commercial / Retail”) zoning district with design approval for a proposed carwash at 8019 Bronco Lane (Bar-K Ranches, Section 18, Lot 18005-B).

Note: This application was deferred, and the public hearing continued at the March 14, 2024, regular meeting of the Planning and Zoning Commission.

- Staff Presentation
 - Applicant Presentation
 - Continue Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
4. **23-2603-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend the existing “Turnback Ranch Planned Development District” (PDD) established by Ordinance No. 07-04-05-03 as amended by Ordinance No. 23-09-21-01 to include a detail plan approval for the “SFD parcel” (approximately 241.541 acres of a tract within the Texas-Mexico Survey, Abstract Number 2291, the Christian Fehrenkamp Survey, Abstract Number 286, and the Lewis Goodwin Survey, Abstract Number 336).
 - Staff Presentation
 - Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
 5. **23-2617-R-REZ:** Consideration of a recommendation regarding a zoning change request from the TR-1 (“Temporary Restricted”) zoning district to the P-2 (“Park and Greenbelt, Passive”) zoning district at 7602 Bar-K Ranch Road, commonly referred to as the “Dodge Trail extension” (approximately 2.267 acres of a tract within the Dallas & Wichita Railroad Company Survey Number 9, Abstract Number 245).
 - Staff Presentation
 - Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
 6. **23-2607-R-REZ:** Consideration of a recommendation regarding a zoning change request from the C-1A “Professional Office, Neighborhood Retail” zoning district to

the C-1A (SUP) “Professional Office, Neighborhood Retail” zoning district with a special use permit approval to sell “specialty and novelty items” identified in Section 18.20(f) at 20811 Dawn Drive, Suite 100 and 150 (Lago Vista Travis Plaza, Lot 8-C, 9-C, and 10-C).

- Staff Presentation
- Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

ACTION ITEMS

7. Discussion and possible action regarding prioritization of the annual work plan, including the potential appointment of members to a subcommittee and/or joint subcommittees with other regulatory boards and commissions for the purpose of discussing meeting dates in relation to application and packet publication deadlines.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 9:00 a.m. on the 27th day of March 2024.

Lucy Aldrich, 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.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.



Item Cover Page

PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Susie Quinn, Development Services

SUBJECT: Action regarding the Planning and Zoning Commission special meeting minutes of April 22, 2024.

BACKGROUND: Because of the lack of staff, the minutes for Planning and Zoning have not been presented for approval for several months. We are trying to correct this, fortunately we do have video to support these minutes. This item creates the official written record of the Commission's action at the meeting referenced. Therefore, it does not require approval by the previous Planning and Zoning members.

Minutes are not transcripts and are not required to be. All that is technically required is that 1) It be noted that a quorum of members were present 2) The items discussed and acted on be listed with enough specificity to pass appropriate legal review, 3) Motions made and voted on are noted with the result of the vote recorded.

Beyond this, to the extent that the minutes reasonably reflect the proceedings and agenda format (for retention reasons), the extent of the commentary is a generally discretionary.

FINDINGS: A quorum was present.
The meeting was posted as required by law.
The proposed draft minutes accurately reflect the meeting.

RECOMMENDATION: Approve with any corrections changes as may be desired.

ATTACHMENTS:
[2024-04-22 PandZ special meeting minutes](#)
[2024-04-22 PandZ special meeting agenda for reference](#)

These minutes have been prepared to satisfy the requirements of Section 551.021 of the Texas Government Code. Video recordings of most City meetings can be viewed at:
<https://lagovistatx.new.swagit.com/videos/354461>

**SPECIAL MEETING MINUTES
LAGO VISTA PLANNING AND ZONING
APRIL 22, 2024
CITY COUNCIL CHAMBERS**

CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson

Don Johndrow, Vice-Chairperson

Adam Benefield

Kathy Koza

Norma Owen

Rachael Rich

Dave Snyder

Alternate Member: Frank Robbins

Roy Jambor, Development Services Director

Rob Durbin, Council Liaison

Joshua Katz, City Attorney (virtual)

Chairperson Monahan called the special meeting to order at 4 PM.

CITIZEN COMMENTS

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

(0:01:24 to 0:05:13)

Lynda Aird addressed concerns at a public meeting regarding how city ordinances are being followed—specifically comparing the clarity of a tree ordinance discussed at a recent City Council meeting with another ordinance that governs procedures after final plat approval. She emphasized that this latter ordinance is extremely specific, citing that it mentions "calendar days" 41 times and "business days" 21 times, indicating the author's clear intent and the council's thorough approval process.

She pointed out that there is no provision in the code allowing anyone to unilaterally change or ignore the timing requirements. She referenced the case of the Firefly Cove plat, stating it was not submitted within the required 30 calendar days, which should render the approval null and void. Despite this, the Planning and Zoning Commission (PNC) chair signed it after the deadline. She recommended a new process for future final plat approvals: the chair should publicly report to the commission the date of submission, confirm all code requirements and deadlines were met, and specify any conditions.

Finally, she questioned whether the Firefly Cove plat has officially been declared null and void.

STAFF AND COUNCIL LIAISON REPORTS

(0:05:14 to 0:5:29)

1. Routine Reports from City staff.

Planning Services Director Roy Jambo indicated he would provide reports during the individual agenda items rather than presenting a separate staff report.

(0:05:29 to 0:08:00)

2. Routine Reports from City Council Liaison.

Councilmember Rob Durbin reported that the City Council had requested the Planning and Zoning Commission add to a future agenda the consideration of requiring a super majority of Council to affirm any PDD (Planned Development District), regardless of P&Z recommendation. This would also include any zoning changes within a PDD. Chairperson Monahan asked if a super majority of Council had made this recommendation. Councilmember Durbin responded that while he couldn't recall if there was a formal vote, there was "a massive concurrence" among the Council members on this direction.

PUBLIC HEARING AND ACTION (APPLICATIONS)

(0:08:00 to 0:29:46)

3. **23-2621-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend the existing "Marshall's Harbor Planned Development District" (PDD) established by Ordinance No. 01-01-18-01 as amended by Ordinance No. 05-11-03-01 and Ordinance No. 06-06-08-02 to modify the uses permitted on the approximately 65.618 acres of undeveloped property consisting of Lot 49-AA, Lot 49-BB, and Lots 67 through 74 of Marshall's Harbor subdivision.

- Staff / Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

Director Jambor provided context that this application was initiated by the city pursuant to the interim growth management policy adopted by City Council, which directs staff to monitor long dormant entitlements throughout the city. This property included two areas of concern:

- Lots 49-AA and 49-BB: Originally designated for condominiums and a private marina, but remain undeveloped. The marina designation is problematic due to frequently low water levels. Though these lots were replatted, the zoning entitlements remained unchanged and potentially unfeasible.
- The "hilltop" area near the high school football stadium: Previously amended to be a resort hotel, but the lots remain platted for residential development. A landscape architect consulted by the city confirmed that both entitlements might be ill-conceived and not economically feasible.

Staff recommended changing all these lots back to R1A (single-family residential) with large setbacks, consistent with their original platting, noting that the property owners

were properly notified but did not provide any feedback.

Commissioner Johndrow asked for clarification, which Director Jambor provided - explaining that they were proposing to include these lots exclusively in the Marshall's Harbor PDD (rather than partially in Montecino PDD) and change them from condominium/marina designations to residential R1A. This would simplify the zoning and make it consistent with surrounding properties.

Commissioner Rich noted that the property's location made it inappropriate for a marina, as LCRA wasn't issuing permits for structures on the water, and the lake was rarely high enough for such use.

Commissioner Johndrow expressed support for the change, stating that condominiums and marinas were not appropriate at the end of a residential neighborhood with estate-style lots, and that the change would help preserve resources.

The public hearing was opened at 4:23 PM and closed at 4:24 PM with no public comments received.

Motion: Commissioner Johndrow moved to recommend approving the requested change and the existing configuration of lots as described in the subdivision plat as meeting the requirements for both the concept plan and detailed plan approval (Alternative A). Commissioner Owen seconded the motion. The motion carried unanimously.

(0:29:47 to 0:43:56)

4. **23-2622-R-REZ:** Consideration of a recommendation regarding a zoning change request from the CR ("Commercial Resort") zoning district to the R-1M ("Single- Family Residential, Medium Lot") zoning district for the approximately 17.2879 acres of undeveloped property commonly referred to as being located at 20990 Waterside Drive (legally described as the "amended boat house dockominiums lot" within the Village III at Highland Lake Estates subdivision, Phase 2 revised).

- Staff / Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

Director Jambor explained this item involved property immediately west of a previously rezoned area. Staff had received numerous calls about this property based on confusion with a neighboring property that was for sale. Through research, they discovered ownership complications involving the "dockominiums" property.

Commissioner Johndrow explained the unusual situation with the property data in TCAD (Travis County Appraisal District), where the mapping system showed one owner but detailed records indicated approximately 30 different owners each owning 0.32 percent of the property.

Ms. Richa Johns, who identified herself as being from 21001 Highland Lake Drive, Unit 2, clarified that the property involved 30 dock owners who collectively own the acreage between Waterside Drive and the lake. She explained that Waterside Oaks is a separate condominium development distinct from the dockominiums, though many waterside owners also own docks, causing confusion. She offered to meet with staff to

share documentation about the ownership structure.

Due to notification and ownership issues, this item was tabled.

Motion: Commissioner Owen moved to table item 23-2622-R-REZ until proper notification could be made. Commissioner Rich seconded the motion. The motion carried unanimously.

(0:43:57 to 0:48:36)

5. **23-2623-R-REZ:** Consideration of a recommendation regarding a zoning change request from the Planned Development District (PDD) referred to as “The Majestic” in the concept plan approved in Ordinance No. 08-06-19-01 to the P-1B (“Developed Park, Active”) zoning district for the approximately 8.9092 acres of undeveloped property located on the north side of Boggy Ford Road west of Poe Cove (Highland Lake Estates, Section 21, all of Lots 21234 through 21264 and portions of Lots 21231 through 21233).

- Staff / Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

Director Jambor explained this application was also initiated by the city as part of reviewing dormant entitlements. The property is owned by the Lago Vista Property Owners Association (POA), who may not have realized when purchasing it that there was a PDD entitlement called “The Majestic” still in place. This application would essentially correct the zoning to match its current and intended use.

Due to notification errors, this item was also tabled.

Motion: Commissioner Rich moved to table agenda item number 5, 23-2623-R-REZ, until proper notification could be made. Commissioner Koza seconded the motion. The motion carried unanimously.

(0:48:37 to 0:52:07)

6. **23-2624:** Consideration of a recommendation to amend the Future Land Use Map component of the 2030 Comprehensive Plan adopted by Ordinance No. 16-05-05-02 as amended to change the designation of the property at 8116 Chestnut Cove (Bar-K Ranches Plat 10, 64.96-acre “Golf Course Tract”) from “POA Park” to “Estate Residential.”

- Staff / Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

Director Jambor noted that this item also had notification problems. He explained that a plat had previously been approved with the owners at the time, but they did not close on the property, so their vested rights to that plat had likely expired.

Motion: Commissioner Snyder moved to table agenda item number 6, 23-2624, until proper notification could be given. Commissioner Johndrow seconded the motion. The motion carried unanimously.

ACTION ITEMS

(0:52:07 to 1:10:21)

7. **23-2619:** Consideration of an amended design review approval in accordance with Section 6.105 of Chapter 14 of the Lago Vista Code of Ordinances to allow periodic hosting of a farmer's market at the existing microbrewery with shared parking located at 8001 Bronco Lane (Bar-K Ranches, Section 18, Lot 18008).

- Staff Presentation
- Applicant Presentation
- Discussion
- Decision

Director Jambor explained that the owner of the brewery would like to host the farmers market that used to be held elsewhere in the city. The owner's current approval allows him to have up to 7 vendors without additional review, but he would like approval for up to 15 vendors.

Jambor observed the site on a Saturday to assess parking capacity and determined the brewery doesn't have much business during the farmers market hours (10 AM to 2 PM), but noted that parking in the area could become problematic if both businesses grew significantly. He recommended requiring periodic review of the arrangement and enforcing the requirement for a formal parking lease agreement for any off-site parking.

Commissioners discussed various concerns:

- Commissioner Snyder asked about emergency access, which Jambor clarified would not be affected as vendors would be in the beer garden area, not blocking driving lanes.
- Commissioner Rich noted she had observed parking issues in the right-of-way that could impede emergency vehicles.
- Commissioner Benfield mentioned the owner's statement that his maximum parking usage was 21 cars out of 52 available spaces, leaving 31 spaces available, which should be sufficient even with farmers market vendors.
- Commissioner Koza expressed concern about overflow affecting nearby businesses like the doctor's office across the street.

After discussion, the Commission agreed that while the current arrangement seemed workable, having a formal lease for any off-site parking and requiring a biannual review would be appropriate safeguards.

Motion: Commissioner Johndrow moved to approve Alternative A for case 23-2619, adding the requirement for a biannual inspection (every 2 years) to ensure that everything is going all right. Commissioner Rich seconded the motion. The motion carried unanimously.

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

(1:10:21 to 1:26:30)

8. Consideration of a potential amendment to Section 4, Section 8, and Section 18 of Chapter 14 to update the references to various zoning districts for consistency with Ordinance Number 23-09-07-04 and to accommodate the relocation of certain provisions related to industrialized housing to Chapter 3.

Director Jambor explained this amendment would update cross references to be consistent with previous zoning district changes and would move industrialized housing provisions from Chapter 14 to Chapter 3, changing appeals from the Board of Adjustment to the Building Standards Commission. This was deemed appropriate as the issues relate to value, appraisals, and construction, where the Building Standards Commission has more expertise.

Chairperson Monahan suggested including an additional correction to add footnote 6 to Table B for specialty and novelty items, which legal counsel Josh Katz confirmed would be appropriate since the agenda language mentioned Section 18 amendments.

Commissioner Johndrow asked about the appraisal methodology for industrialized housing, and Jambor confirmed they review methodology and ensure reasonable assumptions are used when evaluating applications.

The public hearing was opened at 5:20 PM and closed at 5:20 PM with no public comments.

Motion: Commissioner Johndrow moved to accept the changes as written and to add footnote 6 to Table B for specialty and novelty items. Commissioner Owen seconded the motion. The motion carried unanimously.

(1:26:32 to 1:28:35)

9. Consideration of a potential amendment to Section 11.60(b)(4) of Chapter 14 to correct an error relating to the expiration of special exception approvals.

Director Jambor explained that this amendment would correct a mathematical error in the ordinance that had been present since its creation but had never been addressed.

The public hearing was opened at 5:27 PM and closed at 5:28 PM with no public comments.

Motion: Commissioner Johndrow moved to accept the correction to Section 11.60(b)(4) of Chapter 14 as struck. Commissioner Koza seconded the motion. The motion carried unanimously.

(1:28:36)

ADJOURNMENT

Chair Monahan adjourned the meeting at 5:28 PM.

CITY OF LAGO VISTA

Lynda Aird, Chairperson at time of minute approval

ATTEST:

Susie Quinn, Interim City Staff

Date approved by Planning and Zoning Commission: _____



AGENDA
PLANNING AND ZONING COMMISSION SPECIAL MEETING
COUNCIL CHAMBERS
5803 THUNDERBIRD STREET
APRIL 22, 2024 AT 4:00 PM

JOIN MEETING VIA VIDEO CONFERENCE

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/988178253>

You can also dial in using your phone.

United States: +1 (224) 501-3412

Access Code: 988-178-253

CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson

Don Johndrow, Vice-Chairperson

Adam Benefield

Kathy Koza

Norma Owen

Rachael Rich

Dave Snyder

Alternate Member: Frank Robbins

CITIZEN COMMENTS

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Chair prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the link below.

[Citizen Participation Registration Form](#)

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
2. Routine Reports from City Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

3. **23-2621-PDD-MOD:** Consideration of a recommendation regarding a zoning change request to amend the existing “Marshall’s Harbor Planned Development District” (PDD) established by Ordinance No. 01-01-18-01 as amended by Ordinance No. 05-11-03-01 and Ordinance No. 06-06-08-02 to modify the uses permitted on the approximately 65.618 acres of undeveloped property consisting of Lot 49-AA, Lot 49-BB, and Lots 67 through 74 of Marshall’s Harbor subdivision.
 - Staff / Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
4. **23-2622-R-REZ:** Consideration of a recommendation regarding a zoning change request from the CR (“Commercial Resort”) zoning district to the R-1M (“Single-Family Residential, Medium Lot”) zoning district for the approximately 17.2879 acres of undeveloped property commonly referred to as being located at 20990 Waterside Drive (legally described as the “amended boat house dockominiums lot” within the Village III at Highland Lake Estates subdivision, Phase 2 revised).
 - Staff / Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
5. **23-2623-R-REZ:** Consideration of a recommendation regarding a zoning change request from the Planned Development District (PDD) referred to as “The Majestic” in the concept plan approved in Ordinance No. 08-06-19-01 to the P-1B (“Developed Park, Active”) zoning district for the approximately 8.9092 acres of undeveloped property located on the north side of Boggy Ford Road west of Poe Cove (Highland Lake Estates, Section 21, all of Lots 21234 through 21264 and portions of Lots 21231 through 21233).
 - Staff / Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
6. **23-2624:** Consideration of a recommendation to amend the Future Land Use Map component of the 2030 Comprehensive Plan adopted by Ordinance No. 16-05-05-02 as amended to change the designation of the property at 8116 Chestnut Cove (Bar-K Ranches Plat 10, 64.96-acre “Golf Course Tract”) from “POA Park” to “Estate Residential.”
 - Staff / Applicant Presentation
 - Open Public Hearing

- Close Public Hearing
- Discussion
- Recommendation

ACTION ITEMS

7. **23-2619:** Consideration of an amended design review approval in accordance with Section 6.105 of Chapter 14 of the Lago Vista Code of Ordinances to allow periodic hosting of a farmer's market at the existing microbrewery with shared parking located at 8001 Bronco Lane (Bar-K Ranches, Section 18, Lot 18008).
 - Staff Presentation
 - Applicant Presentation
 - Discussion
 - Decision

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

8. Consideration of a potential amendment to Section 4, Section 8, and Section 18 of Chapter 14 to update the references to various zoning districts for consistency with Ordinance Number 23-09-07-04 and to accommodate the relocation of certain provisions related to industrialized housing to Chapter 3.
9. Consideration of a potential amendment to Section 11.60(b)(4) of Chapter 14 to correct an error relating to the expiration of special exception approvals.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 2:45 p.m. on the 4th day of April 2024.

Lucy Aldrich, 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.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.



Item Cover Page

PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Susie Quinn, Development Services

SUBJECT: Action regarding the Planning and Zoning Commission regular meeting minutes of May 9, 2024.

BACKGROUND: Because of the lack of staff, the minutes for Planning and Zoning have not been presented for approval for several months. We are trying to correct this, fortunately we do have video to support these minutes. This item creates the official written record of the Commission's action at the meeting referenced. Therefore, it does not require approval by the previous Planning and Zoning members.

Minutes are not transcripts and are not required to be. All that is technically required is that 1) It be noted that a quorum of members were present 2) The items discussed and acted on be listed with enough specificity to pass appropriate legal review, 3) Motions made and voted on are noted with the result of the vote recorded.

Beyond this, to the extent that the minutes reasonably reflect the proceedings and agenda format (for retention reasons), the extent of the commentary is a generally discretionary.

FINDINGS: A quorum was present.
The meeting was posted as required by law.
The proposed draft minutes accurately reflect the meeting.

RECOMMENDATION: Approve with any corrections changes as may be desired.

ATTACHMENTS:
[2024-05-09 PandZ regular meeting minutes](#)
[2024-05-09 PandZ regular meeting agenda for reference](#)

These minutes have been prepared to satisfy the requirements of Section 551.021 of the Texas Government Code. Video recordings of most City meetings can be viewed at:
<https://lagovistatx.new.swagit.com/videos/354461>

**REGULAR MEETING MINUTES
LAGO VISTA PLANNING AND ZONING
MAY 9, 2024
CITY COUNCIL CHAMBERS**

CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson	Norma Owen
Don Johndrow, Vice-Chairperson	Rachael Rich (Absent)
Adam Benefield	Dave Snyder
Kathy Koza	Alternate Member: Frank Robbins (Seated)

Others Present:

Roy Jambor, Development Director	Cobby Caputo, City Attorney
Rob Durbin, Staff Liaison	

Chairperson Monahan called the meeting to order at 6:30 PM.

CITIZEN COMMENTS

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

No citizen comments were presented for non-agenda items.

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
No reports were presented.
2. Routine Reports from City Council Liaison.
No reports were presented.

PUBLIC HEARING AND ACTION (APPLICATIONS)

(0:01:59 to 0:09:14)

3. **23-2623-R-REZ:** Consideration of a recommendation regarding a zoning change request from the Planned Development District (PDD) referred to as "The Majestic" in the concept plan approved in Ordinance No. 08-06-19-01 to the P-1B ("Developed Park, Active") zoning district for the approximately 8.9092 acres of undeveloped property located on the north side of Boggy Ford Road west of Poe Cove (Highland Lake Estates, Section 21, all of Lots 21234 through 21264 and portions of Lots 21231 through 21233).

Note: This application was originally to be considered at a special called meeting

of the Planning and Zoning Commission scheduled for April 22, 2024, but was removed from the agenda due to a flawed notice which has since been corrected.

- Staff / Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

Director Jambor explained this application was initiated by the city as part of the interim growth management policy to address dormant entitlements. The property is owned by the LVPOA, who had previously requested a change to the comprehensive plan's future land use map to accommodate their future uses.

Jambor clarified there had been a discrepancy in the acreage because the original PDD showed property that wasn't included in the legal description attached to the ordinance. He noted this change would essentially help the LVPOA by rezoning the property to match their intended use.

The public hearing was opened at 6:38 PM. With no speakers, the hearing was closed at 6:38:30 PM.

Motion by Commissioner Don Johndrow, seconded by Commissioner Frank Robbins, to recommend approval of case 23-2623-R-REZ to rezone the property to P1B. Motion passed unanimously.

(0:09:14 to 1:27:10)

4. **23-2633-CO-U:** Consideration of a recommendation regarding a conditional use permit application pursuant to Section 16.70 of Chapter 14 of the Lago Vista Code of Ordinances to allow for a home-based business that includes the use of an existing detached accessory structure for the maintenance, assembly and sale of small firearms and accessories, a use otherwise prohibited at 4205 Hillside Drive (Country Club Estates, Section 7, Lot 1353).

- Staff Presentation
- Applicant Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

Roy Jambor introduced the application for a conditional use permit to allow a home-based business for the maintenance, assembly, and sale of small firearms and accessories at 4205 Hillside Drive. He noted that there were more questions than answers in the staff report about the nature of the business.

Stefan Medley, the applicant, explained his business (Wyvern Machine and Tool) would focus on research, development, design, and engineering of firearms and accessories from the accessory structure in his backyard. He clarified that:

- The business would not be manufacturing firearms in quantity (possibly 10 per year at most).
- Most work is done in virtual space, researching market needs and designing solutions.

- There would be no sales to the general public.
- No ammunition would be stored or sold on the premises.
- Any test-firing would be conducted off-site.
- Firearms would be stored in a safe within the shed, with typical quantities (3-5) found in a Texas home.
- Client visits would be minimal (possibly one per year).

Commissioners expressed several concerns:

- Don Johndrow questioned discrepancies between the application and presentation, noting difficulties finding information about the business online.
- Kathy Koza expressed concerns about the exploratory nature of the business without clear boundaries.
- Norma Owen (who disclosed being a neighbor of the applicant) expressed understanding but noted the difficult nature of the conversation around firearms.
- Dave Snyder worried about the safety implications for neighbors, particularly regarding potential customers.
- Adam Benefield asked detailed questions about manufacturing processes, customer visits, and firearms storage.
- Chair Monahan wanted more clarity on the business's scope and operations.

The public hearing opened at 7:22 PM.

Janet Robbins (4109 Hillside Drive) expressed her discomfort with the business in a residential neighborhood, citing safety concerns, particularly regarding children and elderly residents in the area.

It was noted that Robert Owen had submitted written comments but they were not read aloud.

The public hearing closed at 7:28 PM.

During discussion, commissioners debated the nature of the business, what conditions would be appropriate, and whether there was sufficient information to make a decision. After considerable discussion, the applicant agreed to withdraw his application to resubmit a clearer, more detailed description of his business.

Motion by Commissioner Frank Robbins, seconded by Commissioner Kathy Koza, to accept the withdrawal and waive the application fee for resubmission. Motion passed unanimously.

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

(1:27:10 to 1:43:52)

5. Consideration of a potential amendment to Section 2.10, Section 5.30, and Section 5.40 of Chapter 14 to more clearly define what constitutes a “structure” that is subject to the various setback requirements unless specifically exempted.
 - Staff Presentation

- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

Roy Jambor explained this was the final piece of work from the Building and Standards Commission to address inconsistencies regarding what structures are subject to setback requirements. The recommendation from the joint subcommittee was that decks within 30 inches of grade (the height at which a guardrail is required) would be treated more like patios and not subject to setbacks. Taller structures would be subject to setbacks.

Commissioner Benefield noted a discrepancy between Chapter 14, which refers to "uncovered wood decks," and Chapter 3, which specifies "decks, patios of wood, and concrete." Roy Jambor agreed it would be better to make the language identical between the two sections.

Commissioner Owen asked about rainwater capture systems and whether they should be included in the exemptions list. After discussion, it was determined this could be addressed in the future if needed.

The public hearing opened at 8:11 PM and, with no speakers, closed at 8:11 PM.

Motion by Commissioner Norma Owen, seconded by Commissioner Frank Robbins, to approve the amendments to Section 2.10, Section 5.30, and Section 5.40 of Chapter 14 as shown in the packet, with the amendment to add "or concrete" after "uncovered wood decks" in Section 5.40(F)(1). Motion passed unanimously.

(1:43:52 to 2:05:15)

6. Consideration of a potential amendment to Section 11.40, 11.60, and Section 13.20 of Chapter 14 to create deadlines for receipt of a complete application before it can be considered for inclusion on a future agenda of the Board of Adjustment or Planning and Zoning Commission as applicable.

- Staff Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

Roy Jambor presented the amendments to create deadlines for receipt of complete applications before they can be considered for inclusion on a future agenda. He explained this would address the long lead times required for notices and publication, suggesting a 60-day timeframe.

Commissioner Benefield questioned language that gave the development services director "sole discretion" to determine if an application is complete, suggesting a secondary review. Frank Robbins noted that all administrative decisions are appealable to the Board of Adjustment.

Commissioner Snyder expressed concerns about Section 11.40(C)(1) which states that "Board members who have not adequately prepared may not vote on the consideration of variance application," noting this could further delay applications.

Commissioner Owen asked about application expiration timelines to ensure applications don't remain pending indefinitely, but it was clarified that the city doesn't currently have expiration dates for zoning applications.

The public hearing was opened and closed at 8:11 PM with no speakers.

Motion by Commissioner Frank Robbins, seconded by Commissioner Dave Snyder, to approve the amendments to Sections 11.40, 11.60, and 13.20 of Chapter 14 as presented in the packet, with the exception of deleting the last sentence in Section 11.40(C)(1) regarding board members who have not adequately prepared. Motion passed unanimously.

(2:05:17)

ADJOURNMENT

Chair Monahan adjourned the meeting at 8:36 PM.

CITY OF LAGO VISTA

Lynda Aird, Chairperson at time of minute approval

ATTEST:

Susie Quinn, Interim City Staff

Date approved by Planning and Zoning Commission: _____



**AGENDA
PLANNING & ZONING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
5803 THUNDERBIRD STREET
MAY 9, 2024 AT 6:30 PM**

JOIN MEETING VIA VIDEO CONFERENCE

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/447832733>

You can also dial in using your phone.

United States: +1 (872) 240-3212

Access Code: 447-832-733

CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson

Don Johndrow, Vice-Chairperson

Adam Benefield

Kathy Koza

Norma Owen

Rachael Rich

Dave Snyder

Alternate Member: Frank Robbins

CITIZEN COMMENTS

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[Citizen Participation Registration Form](#)

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
2. Routine Reports from City Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

3. **23-2623-R-REZ:** Consideration of a recommendation regarding a zoning change request from the Planned Development District (PDD) referred to as “The Majestic” in the concept plan approved in Ordinance No. 08-06-19-01 to the P-1B (“Developed Park, Active”) zoning district for the approximately 8.9092 acres of undeveloped property located on the north side of Boggy Ford Road west of Poe Cove (Highland Lake Estates, Section 21, all of Lots 21234 through 21264 and portions of Lots 21231 through 21233).

Note: This application was originally to be considered at a special call meeting of the Planning and Zoning Commission scheduled for April 22, 2024, but was removed from the agenda due to a flawed notice which has since been corrected.

- Staff / Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
4. **23-2633-CO-U:** Consideration of a recommendation regarding a conditional use permit application pursuant to Section 16.70 of Chapter 14 of the Lago Vista Code of Ordinances to allow for a home-based business that includes the use of an existing detached accessory structure for the maintenance, assembly and sale of small firearms and accessories, a use otherwise prohibited at 4205 Hillside Drive (Country Club Estates, Section 7, Lot 1353).
- Staff Presentation
 - Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

5. Consideration of a potential amendment to Section 2.10, Section 5.30, and Section 5.40 of Chapter 14 to more clearly define what constitutes a “structure” that is subject to the various setback requirements unless specifically exempted.
- Staff Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation

6. Consideration of a potential amendment to Section 11.40, 11.60, and Section 13.20 of Chapter 14 to create deadlines for receipt of a complete application before it can be considered for inclusion on a future agenda of the Board of Adjustment or Planning and Zoning Commission as applicable.

- Staff Presentation
- Open Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 1:30 p.m. on the 23rd day of April 2024.

Lucy Aldrich, 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.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

Item Cover Page

PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Susie Quinn, Development Services

SUBJECT: Action regarding the Planning and Zoning Commission regular meeting minutes of June 13, 2024.

BACKGROUND: Because of the lack of staff, the minutes for Planning and Zoning have not been presented for approval for several months. We are trying to correct this, fortunately we do have video to support these minutes. This item creates the official written record of the Commission's action at the meeting referenced. Therefore, it does not require approval by the previous Planning and Zoning members.

Minutes are not transcripts and are not required to be. All that is technically required is that 1) It be noted that a quorum of members were present 2) The items discussed and acted on be listed with enough specificity to pass appropriate legal review, 3) Motions made and voted on are noted with the result of the vote recorded.

Beyond this, to the extent that the minutes reasonably reflect the proceedings and agenda format (for retention reasons), the extent of the commentary is a generally discretionary.

FINDINGS: A quorum was present.
The meeting was posted as required by law.
The proposed draft minutes accurately reflect the meeting.

RECOMMENDATION: Approve with any corrections changes as may be desired.

ATTACHMENTS:
[2024-06-13 PandZ regular meeting minutes](#)
[2024-06-13 PandZ regular meeting agenda for reference](#)

These minutes have been prepared to satisfy the requirements of Section 551.021 of the Texas Government Code. Video recordings of most City meetings can be viewed at: <https://lagovistatx.new.swagit.com/videos/354461>

**REGULAR MEETING MINUTES
LAGO VISTA PLANNING AND ZONING
JUNE 13, 2024
CITY COUNCIL CHAMBERS**

CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson	Norma Owen
Don Johndrow, Vice-Chairperson	Rachael Rich
Adam Benefield	Dave Snyder
Kathy Koza	Alternate Member: Frank Robbins

Others present:

Roy Jambor, Planning Development Services Director
Rob Durbin, City Council Liaison
Cobby Cobuto, City Attorney (virtual attendance)

Chair Monahan called the meeting to order at 6:30 PM.

CITIZEN COMMENTS

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

STAFF AND COUNCIL LIAISON REPORTS

(0:01:21 to 0:04:40)

1. Routine Reports from City staff.

Roy Jambor, Planning Development Services Director, informed the Commission that due to the recently approved ordinance regarding publication deadlines, the normal deadline for advertisements (which would be the following day at noon) would be for the August meeting rather than the typical July meeting. He noted this might result in a lighter agenda for July, making it a good time to add work session items if desired. He mentioned the possibility of a couple of preliminary plat applications coming forward, but noted they were currently incomplete, missing protected tree surveys.

Mr. Jambor clarified that if commissioners wanted to advertise a public hearing for a potential ordinance change, they would need to notify him by the following day. He also explained that items not requiring notice could be added to the agenda later, as the Open Meetings Act only requires 72 hours notice, though the department typically tries to publish the agenda 15 days before meetings.

(0:04:41 to 0:05:01)

2. Routine Reports from City Council Liaison.

No report was provided from the Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

(0:05:02 to 0:36:52)

3. **23-2624:** Consideration of a recommendation to amend the Future Land Use Map component of the 2030 Comprehensive Plan adopted by Ordinance No. 16-05-05-02 as amended to change the designation of the property at 8116 Chestnut Cove (Bar-K Ranches Plat 10, 64.96-acre "Golf Course Tract") from "POA Park" to "Estate Residential."

- Staff / Applicant Presentation • Open Public Hearing 6:50 PM • Close Public Hearing 6:57 PM • Discussion • Recommendation

Roy Jambor explained that this item was part of the City Council's strategic work plan involving an interim growth management policy. He noted that one of the tasks was to address "dormant entitlements," and the property in question, formerly the Barquet Golf Course, was currently zoned as G1 Golf in Country Club District despite being unlikely to ever be developed for that use.

Mr. Jambor explained that before changing the zoning, the Future Land Use Map (FLUM) designation would need to be updated to something consistent with potential development. He noted that the city is currently updating its comprehensive plan with a consultant and the Comprehensive Plan Advisory Committee (CPAC). After consulting with the planning consultants, staff decided to initiate this process separately to ensure a higher level of public input specific to this property, which might not receive the same detailed attention in the broader comprehensive planning process.

Mr. Jambor mentioned that there had been previous discussions about this property potentially becoming a city park, and that conversation has resurfaced as the city looks at updating its park master plan. He emphasized that staff was not taking a position on the best use for the property, as there were various considerations for any potential use.

Sharon Miller, a property owner along the golf course, spoke during the public hearing. She expressed concern about what would happen to her property if the golf course were redeveloped. Ms. Miller noted that she and others own property along the golf course that currently lacks utilities, making it unbuildable, but they enjoy the views and open space. She was concerned that development of the golf course property might destroy those views while leaving their properties without improvements.

Donald Miller also spoke, noting that he and his wife own two contiguous lots along Corral Lane. He shared that they regularly walk the former golf course and suggested it would make a great city park. He expressed concerns about utilities and the poor condition of Corral Lane, which he described as being "from a third world country." Mr. Miller noted that he and his family have owned property in Lago Vista since 1973 and value their access to the lake and amenities.

During discussion, commissioners noted that many comment letters were in favor of the Estate Residential designation, though Commissioner Benefield pointed out that most appeared to be from investors rather than residents. Commissioners discussed various options for the property, with several expressing support for maintaining it as some type of community or park space rather than residential development.

The Commission ultimately decided it was premature to make a specific recommendation and that the input gathered should be forwarded to the CPAC for consideration in the comprehensive plan update.

Motion: Commissioner Benefield moved to deny the amendment to the future land use map pending completion of the current effort to update the comprehensive plan and forward a formal and detailed analysis of the relevant concerns to the comprehensive plan advisory committee. Commissioner Johndrow seconded the motion. The motion carried unanimously.

(0:36:53 to 0:54:18)

4. **23-2641-R-REZ:** Consideration of a recommendation regarding a zoning change request from the TR-1 ("Temporary Restricted") zoning district to the C-2 ("General Commercial / Retail") zoning district with the required design approval for a retail center that includes a convenience store with fuel service for approximately 3.012 acres of a larger undeveloped tract of property commonly referred to as a portion of 5700 Lohman Ford Road (a survey map with bearings and distances is available upon request from the City of Lago Vista).

- Staff / Applicant Presentation • Open Public Hearing 7:21 PM • Close Public Hearing Continued • Discussion • Recommendation

Roy Jambor presented the application, noting that there had initially been some confusion about the property boundaries. He explained that the applicant, Leonard Strickler, had resolved the issue by straightening out the property line through a land swap with the Lago Vista ISD. Mr. Jambor also noted some concerns with the submitted site plan, including excessively wide driveways and parking areas that could be reduced to save more trees.

Mr. Jambor suggested that the detention pond shown on the site plan could be designed as an earthen berm with landscaping to provide a better buffer between the commercial development and the adjacent school property.

Leonard Strickler, the applicant, confirmed that the property line had been straightened out through a land swap with LVISD. He described the proposed development as a convenience store with a delicatessen and a separate chicken food restaurant. Mr. Strickler noted that Lago Vista was not originally designed with adequate commercial services and that Lohman Ford Road was a logical location for commercial development. He acknowledged staff's concerns about the driveway widths and confirmed they would be addressing those in an updated drawing.

Commissioner Owen expressed concern about traffic flow, noting that vehicles leaving the site would need to turn around at Boggy Ford or drive in front of the school to get back to other parts of town. Mr. Strickler indicated they were following the recommendations of their Traffic Impact Analysis (TIA) to ensure safety.

No members of the public spoke during the public hearing.

During discussion, Commissioner Rich expressed her preference for seeing an updated drawing with accurate representations of driveways, parking, tree preservation measures, and the proposed berm before making a recommendation. Other commissioners agreed with this approach.

Motion: Commissioner Rich moved to defer agenda item number 4, 23-2641-R-REZ, and recommended they come back with an accurate and updated drawing with conditions 1 through 5 that are under B in the staff report. Amended to leave the public hearing as continued instead of closed. Commissioner Benefield seconded the motion. The motion carried unanimously.

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

(0:54:19 to 1:12:29)

5. Consideration of a potential amendment to Section 10 of Chapter 14 regarding the procedural requirements to approve or amend a zoning change involving a Planned Development District (PDD).

- Staff / Applicant Presentation • Open Public Hearing 7:31 PM • Close Public Hearing 7:31:30 PM • Discussion • Recommendation

Roy Jambor explained that the proposed amendment addressed two issues: (1) requiring that amendments to a portion of a PDD must include a legal description for the entire PDD, as it is a comprehensive zoning designation by definition; and (2) requiring a supermajority (3/4 vote) of City Council for approval of PDDs and PDD amendments.

Mr. Jambor explained that the rationale for the supermajority requirement was that PDDs are similar to variances in that they provide relief from strict compliance with ordinances. The city attorney had agreed with this analysis.

During discussion, commissioners suggested several wording improvements to the amendment:

- Changing "an applicant or aggrieved party may appeal such a denial" to specify "an administrative denial"
- Creating a new paragraph starting with "Non-substantive, administrative changes..." instead of using "however" as a transition
- In section 10.8, removing the phrase "Because relief from strict compliance with requirements that would otherwise be applicable is included" and starting with "The affirmative vote of least 3/4 of all members..."

Commissioners expressed support for the supermajority requirement, noting that it would ensure developers bring better projects forward to secure the necessary votes. They also discussed how PDDs should be focused on creating superior developments rather than simply providing relief from ordinance requirements.

No members of the public spoke during the public hearing.

Motion: Adam Benefield moved to approve agenda item number 5 with the following changes: in page 43, section 10.3 in the last sentence to add "such as an administrative denial"; also in the same paragraph to remove the word "however" and add a second paragraph; and on page 44, under 10.8 approval of districts, remove the entire sentence of "because relief from..." all the way to the comma and start a new sentence that says "the affirmative vote of least 3/4 of all members." Norma Owen seconded the motion. The motion carried unanimously.

ACTION ITEMS

(1:12:20 to 1:24:54)

6. Discussion and possible action to appoint a subcommittee composed of members of the Planning and Zoning Commission to study and make recommendations for potential amendments to Section 20 of Chapter 14 regarding Tree Preservation and Landscaping Requirements.

Chairman Monahan noted that Rachel Rich, Adam Benefield, and Kathy Koza had previously volunteered to serve on this subcommittee. He mentioned that Frank Robbins, an alternate member, had also expressed interest in participating, but there was concern about creating a quorum.

Adam Lewis, who identified himself as part of Firewise, spoke to express interest in the subcommittee's work. He suggested that both Chapter 14 (regarding tree preservation) and Chapter 6 (regarding property maintenance and vegetation management) were relevant to fire safety concerns. He mentioned that Firewise recommends certain species not be planted within 30 feet of houses and suggested the committee consider the relationship between tree preservation and fire safety.

City Attorney Cobby Caputo advised that adding a fourth member to the subcommittee could constitute a quorum of the Commission, which would create potential issues with meeting laws. He suggested that Mr. Robbins could be one of the three members but should not be added as a fourth.

Commissioners discussed adding fire safety considerations to the subcommittee's scope of work. Roy Jambor noted that when the tree preservation ordinance was previously amended, evergreens with rosin were removed from the preferred tree list specifically due to fire concerns.

Motion: Tom Monahan moved for agenda item number 6 to appoint a subcommittee composed of the following members of the Planning and Zoning Commission, which should be Rachel Rich, Adam Benefield, and Kathy Koza, to study and make recommendations for potential amendments to section 20 of chapter 14 regarding tree preservation and landscaping requirements, and to add the additional requirements for fire wise and property maintenance. Adam Benefield seconded the motion. The motion carried unanimously.

ADJOURNMENT

(1:24:55)

Chairman Monahan adjourned the meeting at 7:55 PM.

CITY OF LAGO VISTA

Lynda Aird, Chairperson at time of minute approval

ATTEST:

Susie Quinn, Interim City Staff

Date approved by Planning and Zoning Commission: _____



**AGENDA
PLANNING & ZONING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
5803 THUNDERBIRD STREET
JUNE 13, 2024 AT 6:30 PM**

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You can also dial in using your phone.

United States: +1 (872) 240-3412

Access Code: 527-714-333

CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson

Don Johndrow, Vice-Chairperson

Adam Benefield

Kathy Koza

Norma Owen

Rachael Rich

Dave Snyder

Alternate Member: Frank Robbins

CITIZEN COMMENTS

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Chair prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the link below.

[Citizen Participation Registration Form](#)

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
2. Routine Reports from City Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

3. **23-2624:** Consideration of a recommendation to amend the Future Land Use Map component of the 2030 Comprehensive Plan adopted by Ordinance No. 16-05-05-02 as amended to change the designation of the property at 8116 Chestnut Cove (Bar-K Ranches Plat 10, 64.96-acre “Golf Course Tract”) from “POA Park” to “Estate Residential.”
 - Staff / Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
4. **23-2641-R-REZ:** Consideration of a recommendation regarding a zoning change request from the TR-1 (“Temporary Restricted”) zoning district to the C-2 (“General Commercial / Retail”) zoning district with the required design approval for a retail center that includes a convenience store with fuel service for approximately 3.012 acres of a larger undeveloped tract of property commonly referred to as a portion of 5700 Lohman Ford Road (a survey map with bearings and distances is available upon request from the City of Lago Vista).
 - Staff Presentation
 - Applicant Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

5. Consideration of a potential amendment to Section 10 of Chapter 14 regarding the procedural requirements to approve or amend a zoning change involving a Planned Development District (PDD).
 - Staff Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation

ACTION ITEMS

6. Discussion and possible action to appoint a subcommittee composed of members of the Planning and Zoning Commission to study and make recommendations for potential amendments to Section 20 of Chapter 14 regarding Tree Preservation and Landscaping Requirements.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 11:30 a.m. on the 28th day of May 2024.

Lucy Aldrich, 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.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.



Item Cover Page

PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Susie Quinn, Development Services

SUBJECT: Action regarding the Planning and Zoning Commission regular meeting minutes of July 11, 2024.

BACKGROUND: Because of the lack of staff, the minutes for Planning and Zoning have not been presented for approval for several months. We are trying to correct this, fortunately we do have video to support these minutes. This item creates the official written record of the Commission's action at the meeting referenced. Therefore, it does not require approval by the previous Planning and Zoning members.

Minutes are not transcripts and are not required to be. All that is technically required is that 1) It be noted that a quorum of members were present 2) The items discussed and acted on be listed with enough specificity to pass appropriate legal review, 3) Motions made and voted on are noted with the result of the vote recorded.

Beyond this, to the extent that the minutes reasonably reflect the proceedings and agenda format (for retention reasons), the extent of the commentary is a generally discretionary.

FINDINGS: A quorum was present.
The meeting was posted as required by law.
The proposed draft minutes accurately reflect the meeting.

RECOMMENDATION: Approve with any corrections changes as may be desired.

ATTACHMENTS:
[2024-07-11 PandZ regular meeting minutes](#)
[2024-07-11 PandZ regular meeting agenda for reference](#)

These minutes have been prepared to satisfy the requirements of Section 551.021 of the Texas Government Code. Video recordings of most City meetings can be viewed at: <https://lagovistatx.new.swagit.com/videos/354461>

**REGULAR MEETING MINUTES
LAGO VISTA PLANNING AND ZONING
JULY 11, 2024
CITY COUNCIL CHAMBERS**

(0:00:01 to 0:01:17)

CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson

Don Johndrow, Vice-Chairperson

Adam Benefield

Kathy Koza (Absent)

Norma Owen

Rachael Rich

Dave Snyder

Alternate Member: Frank Robbins (Seated)

Others present:

Rob Durbin, Council Liaison

Roy Jambor, Planning Development Services Director

Cobby Caputo, City Attorney

Chair Monahan called the meeting to order at 6:30 PM.

CITIZEN COMMENTS

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

No Citizen Comments were made.

STAFF AND COUNCIL LIAISON REPORTS

(0:01:18 to 0:01:30)

1. Routine Reports from City staff.

Development Services Director Roy Jambor reported that there were no routine reports to present.

(0:01:30 to 0:02:45)

2. Routine Reports from City Council Liaison.

Mayor Pro-Tem Rob Durbin reported on a discussion from the last City Council meeting regarding the Planning and Zoning Commission's interest in examining tree ordinances. He noted that the Commission had expressed interest in looking into tree ordinances and the differences between sections 6 and 14. He mentioned that the City Council had previously increased costs for developers who cut down trees in hopes of deterring the practice, but these measures had not been effective. The Council thought it would be a good idea for the Commission to look into potential conflicts between the ordinances and update them as needed, similar to other successful updates the Commission had completed.

PUBLIC HEARING AND ACTION (APPLICATIONS)

(0:02:46 to 0:47:12)

3. **23-2641-R-REZ:** Consideration of a recommendation regarding a zoning change request from the TR-1 ("Temporary Restricted") zoning district to the C-2 ("General Commercial / Retail") zoning district with the required design approval for a retail center that includes a convenience store with fuel service for approximately 3.012 acres of a larger undeveloped tract of property commonly referred to as a portion of 5700 Lohman Ford Road (a survey map with bearings and distances is available upon request from the City of Lago Vista).

Note: This application was deferred and the public hearing continued at the regular meeting of the Planning and Zoning Commission on June 13, 2024.

•Staff Presentation • Applicant Presentation • Continue Public Hearing 7:09 PM •
Close Public Hearing 7:10 PM • Discussion • Recommendation

Roy Jambor reminded the Commission that this application had been deferred from the previous month's meeting. He explained that one issue from the previous meeting regarding a discrepancy between the applicant's property description and the Travis County Appraisal District (TCAD) records had been resolved. The applicant had explained that a conveyance had occurred between him and the adjacent property owner, confirming that the application materials accurately reflected the current ownership.

Mr. Jambor reported that the Commission had requested an updated site plan to address other issues raised at the previous meeting. He mentioned that the applicant had submitted updates via email, with one update showing a new driveway and a subsequent update that removed the original driveway and kept only the new one.

Commissioner Robbins initiated a discussion about the applicable ordinances for this case, suggesting that Section 3.5 regarding zoning of newly annexed areas should govern rather than Section 6.15. He explained that since the property was annexed in April, it currently had TR-1 zoning (temporary unzoned) and this would be an initial zoning rather than a rezoning. He noted that Section 3.5 requires the Commission or Council to give newly annexed territory a permanent zoning classification and allows property owners to apply for zoning.

An extensive discussion ensued among Commission members about whether the design review requirements in Section 6.105 should apply to this initial zoning case. Director Jambor and City Attorney Caputo provided input on the legal interpretation, with Mr. Jambor suggesting that the Commission could still require design review if the applicant initiated the case rather than the Commission or Council.

After considerable debate, the Commission reached a consensus that the property should receive C-2 zoning, with design review requirements to be addressed prior to any building permits being issued. Commissioners expressed concern about ensuring all requirements, including traffic impact analysis, would be met before final approval.

Motion: Commissioner Robbins moved to recommend approval of C-2 zoning for the property. Additionally, prior to any permit being issued, the following conditions must be met: (1) Planning and Zoning Commission approval of a site plan in accordance with Section 6.105 of the zoning ordinance; (2) the property

must comply with the interim growth management policy; and (3) a Traffic Impact Analysis (TIA) reviewed by staff must accompany the site plan for review by the Planning and Zoning Commission. Commissioner Benefield seconded the motion. The motion carried unanimously.

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

(0:47:13 to 1:17:33)

4. Consideration of a potential amendment to Section 16 of Chapter 14 regarding the procedural and substantive requirements for approval of a home-based business, sometimes referred to as a home occupation.

•Staff Presentation • Open Public Hearing 7:51 PM • Close Public Hearing 7:51:30 PM • Discussion • Recommendation

Roy Jambor presented a proposed amendment to the home-based business ordinance, explaining that while this had been on the list of ordinances needing revision, it hadn't been an urgent priority until the Economic Development department requested it be addressed. He noted that they wanted to streamline the process for home-based businesses that had minimal impact on neighborhoods.

Mr. Jambor explained the proposed tiered approach:

- Home businesses that are completely invisible would not need a Certificate of Occupancy
- Businesses that comply with the first two use limitations but violate one or two others could be administratively approved with a CO that expires in two years
- Businesses violating more requirements would need conditional use approval from the Commission and Council

The Commission discussed several aspects of the proposed ordinance, including:

- The shift in terminology from "home occupation" to "home-based business"
- Concerns about restricting employees to only household members
- Requirements regarding use of detached garages
- Restrictions on signage for vehicles
- Delivery frequency limitations
- Parking requirements

Commissioner Owen suggested revising the delivery limitation language, as the once-per-week restriction seemed too limiting given modern delivery patterns like frequent Amazon deliveries. The Commission agreed this should be changed to reflect deliveries typically found in residential neighborhoods.

Commissioners Benefield and Snyder expressed concerns about the prohibition on signage for vehicles, noting that many people have work vehicles with company logos that they park at home.

Commissioner Robbins suggested several areas where the ordinance could be improved for

clarity and to avoid potential legal challenges.

After discussion, the Commission agreed that the proposed ordinance needed further revisions before approval.

Motion: Chair Monahan moved to defer consideration of the amendments to Section 16 of Chapter 14 to a meeting at which time the staff will bring it back for the Commission's consideration. Commissioner Johndrow seconded the motion. The motion carried unanimously.

(1:17:13 to 1:18:57)

5. Consideration of a potential amendment to Section 22.20 of Chapter 14 regarding exemptions from the fence and screening device requirements.

•Staff Presentation • Open Public Hearing (time not stated) • Close Public Hearing (time not stated) • Discussion • Recommendation

Roy Jambor explained that the current fence ordinance includes exemptions for municipal facilities like water plants to use razor wire for security purposes, but does not include exemptions for PEC (Pedernales Electric Cooperative) electrical substations. He noted that PEC is planning to build a new substation and has requested the same exemption for using razor wire that other utility facilities receive.

Motion: Commissioner Rich moved to approve agenda item number 5 regarding amendments to Section 22.20 of Chapter 14 for fence and screening device requirement exemptions. Commissioner Snyder seconded the motion. The motion carried unanimously.

ACTION ITEMS

(1:18:58 to 1:22:18)

6. Discussion and possible action, including a potential appointment of a subcommittee to begin working on recommended amendments to Chapter 10 of the Code of Ordinances, the Lago Vista Subdivision Regulations.

The Commission discussed forming a subcommittee to work on amendments to Chapter 10, the Lago Vista Subdivision Regulations. Commissioner Frank Robbins expressed interest in serving on the subcommittee, and Chairman Tom Monahan and Vice-Chair Don Johndrow also volunteered.

Commissioner Adam Benefield commented that the subcommittee should maintain high standards for subdivision regulations and ensure that the amendments don't make it easier to bypass the Planned Development District (PDD) requirements, which were designed to encourage higher quality developments.

By unanimous consensus: The Commission appointed Frank Robbins, Don Johndrow, and Tom Monahan to serve on the subcommittee for recommended amendments to Chapter 10 of the Code of Ordinances.

ADJOURNMENT

(1:22:26)

Chair Monahan adjourned the meeting at 7:57 PM.

CITY OF LAGO VISTA

Lynda Aird, Chairperson at time of minute approval

ATTEST:

Susie Quinn, Interim City Staff

Date approved by Planning and Zoning Commission: _____



**AGENDA
PLANNING & ZONING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
5803 THUNDERBIRD STREET
JULY 11, 2024 AT 6:30 PM**

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United States: +1 (312) 757-3121

Access Code: 908-434-789

CALL TO ORDER, CALL OF ROLL

Tom Monahan, Chairperson

Don Johndrow, Vice-Chairperson

Adam Benefield

Kathy Koza

Norma Owen

Rachael Rich

Dave Snyder

Alternate Member: Frank Robbins

CITIZEN COMMENTS

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STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
2. Routine Reports from City Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

3. **23-2641-R-REZ:** Consideration of a recommendation regarding a zoning change request from the TR-1 (“Temporary Restricted”) zoning district to the C-2 (“General Commercial / Retail”) zoning district with the required design approval for a retail center that includes a convenience store with fuel service for approximately 3.012 acres of a larger undeveloped tract of property commonly referred to as a portion of 5700 Lohman Ford Road (a survey map with bearings and distances is available upon request from the City of Lago Vista).

Note: This application was deferred and the public hearing continued at the regular meeting of the Planning and Zoning Commission on June 13, 2024.

- Staff Presentation
- Applicant Presentation
- Continue Public Hearing
- Close Public Hearing
- Discussion
- Recommendation

PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

4. Consideration of a potential amendment to Section 16 of Chapter 14 regarding the procedural and substantive requirements for approval of a home-based business, sometimes referred to as a home occupation.
 - Staff Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation
5. Consideration of a potential amendment to Section 22.20 of Chapter 14 regarding exemptions from the fence and screening device requirements.
 - Staff Presentation
 - Open Public Hearing
 - Close Public Hearing
 - Discussion
 - Recommendation

ACTION ITEMS

6. Discussion and possible action, including a potential appointment of a subcommittee to begin working on recommended amendments to Chapter 10 of the Code of Ordinances, the Lago Vista Subdivision Regulations.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 5:00 p.m. on the 2nd day of July 2024.

Lucy Aldrich, City Secretary

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Item Cover Page

PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Charles West, Development Services

SUBJECT: Discussion and recommendation for the creation of
Comprehensive Plan Subcommittee and direction to City Staff
regarding the subcommittee.



Item Cover Page

PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Charles West, Development Services

SUBJECT: Discussion on a referral from the City Council to review and make recommendations on the Parkland Dedication / Fee-in Lieu of ordinance requirements.

ATTACHMENTS:
[Parkland ded.pdf](#)



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: July 17, 2025

SUBMITTED BY: Councilor Roberts, City Council

SUBJECT: Discussion, consideration, and possible action directing the Planning and Zoning Commission and staff to review Parkland Dedication requirements, including but not limited to impact fees, fee's in lieu of, amount of land to be dedicated, as related to Chapter 5 of the Subdivision Ordinance.

BACKGROUND: See attached

FINANCIAL IMPACT: Unknown

RECOMMENDATION: Refer item to Planning and Zoning Commission and staff.

ATTACHMENTS:

[Referral to the Planning and Zoning Commission for Review of Parkland Dedication Requirements and Direction to Initiate a Nexus .docx](#)

CITY COUNCIL AGENDA ITEM REPORT

DATE: May 15, 2025

SUBMITTED BY: Councilor Roberts, City Council

SUBJECT: Referral to the Planning and Zoning Commission for Review of Parkland Dedication Requirements and Direction to Initiate a Nexus Study

BACKGROUND:

Chapter 5 of the City's Subdivision Ordinance (Sections 5.10–5.14) establishes parkland dedication or fee-in-lieu requirements for new residential subdivisions. Currently, developers must dedicate one (1) acre of parkland for every thirty (30) dwelling units or pay a fee-in-lieu of \$1,050 per unit. These standards have not been revised in many years, despite rapid development and increasing parkland acquisition and development costs.

The Draft 2025 Comprehensive and Parks Master Plan recommends a full review of these requirements in light of growing population pressure and rising demand for public park access. Specifically, page 108 of the plan states:

"A parkland dedication ordinance is a vital tool for ensuring that there is a mechanism to preserve and enhance accessible green spaces for current and future residents. This ordinance requires new residential developments to set aside land or pay fees specifically allocated toward parks. Such an ordinance not only balances urban growth with environmental stewardship but also supports the city's long-term vision of cultivating parkland for current and future generations."

Parkland dedication ordinances may be structured to require new developments to include land for public parkland and/or trails, options to accept fees in lieu of land, and consider development fees that would pay for amenities in addition to land. While less common, several cities in Texas also have trail dedication ordinances, which require development to build trails if identified on a Trails Master Plan.

Lago Vista's current parkland dedication ordinance requires dedication to the City of one acre of parkland for every 30 dwelling units or the developer may choose to pay a per unit fee instead of dedicating land. Due to increased interest in development and public demand for more parks, it could be time for a review to ensure the ordinance is meeting the community vision for parkland. While the current ordinance is strong, the City could consider adding a park development fee or incorporating trail dedication requirements."

Additionally, under Texas law, any changes to parkland dedication formulas or fee amounts must satisfy the constitutional "rough proportionality" standard (see *Town of*

Flower Mound v. Stafford Estates), typically supported by a Nexus Study or Parkland Impact Fee Analysis.

This agenda item formally refers the matter to the Planning and Zoning Commission (P&Z) for review and recommendation, and concurrently directs City staff to initiate a Nexus Study to ensure legal defensibility and data-supported planning.

FINDINGS:

- The current ratio and fee amounts may no longer reflect true land acquisition costs or community recreational needs.
- Page 108 of the Draft 2025 Comprehensive Plan supports ordinance review and potential expansion of dedication options.
- The Planning and Zoning Commission has purview over subdivision-related ordinances.
- A Nexus Study is the standard legal tool for substantiating proportionality and defending policy updates.
- Early coordination between staff, P&Z, and any consultant will allow for a timely recommendation and ordinance update.

AGENDA ITEM NO.: [To be assigned]

PROPOSED STAFF ACTION:

Staff is directed to coordinate with a qualified consultant to initiate a Nexus Study or Parkland Impact Fee Analysis. Staff will also provide P&Z with relevant ordinance sections, growth data, and findings from the 2025 Draft Comprehensive Plan to support its review.

FINANCIAL IMPACT:

To be determined based on consultant scope and procurement. May require budget allocation or contract amendment.

RECOMMENDATION:

I move to refer to the Planning and Zoning Commission a review and recommendation

regarding potential amendments to Chapter 5 of the Subdivision Ordinance relating to parkland dedication and fee-in-lieu requirements, including but not limited to revised land dedication ratios, updated monetary fee rates per dwelling unit, and incorporation of trail or park development cost adjustments.

Further, I move to direct staff to initiate a qualified Nexus Study or Parkland Impact Fee Analysis to evaluate rough proportionality and establish legally supportable standards to accompany the Commission's review. Results of the study shall be presented to the Planning and Zoning Commission prior to final recommendation to Council.



Item Cover Page

PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Charles West, Development Services

SUBJECT: Discussion on a referral from the City Council to review and make recommendations on the Fee-in Lieu of Tree Preservation ordinance and define the allowed uses for those fees.

ATTACHMENTS:

[Tree Prev.pdf](#)

ORDINANCE NO. 20-06-04-01

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 20 OF CHAPTER 14, THE ZONING ORDINANCE, REGARDING THE TREE PRESERVATION AND LANDSCAPING REQUIREMENTS APPLICABLE TO ALL PROPERTY WITHIN THE MUNICIPAL LIMITS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established requirements for tree preservation and landscaping within Chapter 14, the Zoning Ordinance; and

WHEREAS, the recent volume of development has exposed the need for increased tree preservation measures and more detailed landscaping requirements; and

WHEREAS, the proposed changes should yield results that are more consistent with the expectations of our residents that we zealously protect the scenic character of our community; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of those regulations and subsequently conducted a public hearing concerning those regulations at their regular meeting of April 9, 2020; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend those requirements contained within Section 20 of Chapter 14 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council at its public hearing to consider this ordinance amendment held on June 4, 2020, reviewed the recommendation and found the changes to be warranted.

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

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Section 20 of Chapter 14 of the Lago Vista Code of Ordinances as shown in **Exhibit "A."**

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or

unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 6. OPEN MEETINGS. 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 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 4th day of June 2020.




Ed Tidwell, Mayor

ATTEST:


Sandra Barton, City Secretary

On a motion by Councilman Robbins, seconded by Mayor Pro Tem Weatherly, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"**CHAPTER 14****ZONING**

Preface**Guiding Facts and Principles**

1. We are a rural community located within vast wildlands. Many residents come here to escape urbanism and suburbanism.
2. The majority of Lago Vista exists within a Wildland-Urban Intermix. This brings with it bountiful natural beauty, wildlife, outdoor opportunities, and enhanced wildfire risk.
3. Preserving Lago Vista's tree canopy, wildlife habitat and nature ecologies is important to preserving the city scenic beauty and identity.
4. Maintaining and protecting a biodiverse forest within Lago Vista is critical to maintaining the overall health of our forests and supporting native wildlife.
5. The wholesale elimination of certain trees, such as ashe junipers, should be avoided as that could destroy habitat for endangered species, like the golden-cheeked warbler, and have adverse effects on the ecology, wildlife, stormwater resistance and runoff.
6. Decisions regarding tree removal and/or replacement should be reserved for the eventual Owner-Occupants whenever possible.

Section 20 Tree Preservation And Landscaping Requirements

- (a) **Definitions.** The following definitions shall apply to this section:

"Allowable Building Area" shall mean the area below and extending thirteen (13) feet beyond the building foundation, including any patios or porches. Buildable area includes all of commercial or residential building lot, development site or other site, excluding the fully developed FEMA floodplain and required street/landscaping buffer areas. Trees located within TXDOT rights-of-way are exempt from the terms and provisions of this chapter.

"Build-to-Suit Developers" Entities constructing property for a pre-identified end-user under contract or agreement.

"Clear cutting" shall mean the removal of substantially all trees from any property by any means other than a flood, tornado or other natural disaster.

Cluster. Clustering trees in lots and plats to preserve tree canopy and satisfy overall circumference requirements.

"Ember Ignition Zone (EIZ)" A 5-foot-wide noncombustible buffer surrounding structures and appendages. Its purpose is to reduce the risk of structure ignition from wind-blown embers, radiant heat, and direct flame contact during a wildfire. This zone is based on research from the National Fire Protection Association (NFPA) and the Insurance Institute for Business & Home Safety (IBHS) showing that the first 5 feet around a building are the most critical for preventing ember-related ignitions.

"Native Tree" means any Live Oak, Spanish Oak, Cedar Elm, Shin Oak, Bald Cypress, Post Oak, Pecan, Bur Oak or other such tree indigenous to Central Texas.

"Owner-Occupants" Individuals or entities developing property for their own use or occupancy.

"Permeable Surface" shall mean any ground surface that allows for the absorption of water and is not covered by a structure or materials that would prevent the absorption of water.

"Protected Tree" shall mean any tree, except an ashe juniper with a main trunk diameter of ten (10) inches or larger measured at forty (40) inches above ground. Protected definition includes heritage (18 inch diameter), and specimen (8-17 inch diameter) For ashe junipers or elms, 24" caliper at 4.5" above grade require permits and/or fines to remove and should be replaced by total caliper inch removed. A tree becomes a specimen tree when it reaches approximately 50% of the size of Big Tree Registry; an historic when it reaches 75%.

"Shrub" shall mean a self-supporting perennial plant which has leaves.

"Small Native Tree" means Texas Madrone, Black Cherry, Texas Mountain Laurel, Texas Redbud, Evergreen Sumac, Mexican Buckeye, Flameleaf Sumac, or Texas Persimmon.

"Speculative Developers" Entities undertaking development without a designated end-user or occupant at the time of permitting.

"Tree" shall mean any self-supporting woody perennial plant which has a trunk and branches. It may appear to have several stems or trunks as in several varieties of oak and ashe juniper. A tree has a more or less definitely formed crown, usually attaining a mature height of at least eight (8) feet.

"Tree Survey" shall mean a diagram or drawing, prepared by a registered professional land surveyor unless specifically exempted below, which accurately depicts the location and approximate size of all protected trees on a lot and shall include a legend that identifies and differentiates protected trees to be removed and those to be retained.

"Vegetative Roof (Green Roof)" A roofing system that incorporates a layer of vegetation and engineered growing media installed over a waterproof membrane on a building's roof surface. These systems are designed to provide stormwater management, thermal insulation, biodiversity support, and urban heat island mitigation.

"Vegetation Management" Synonymous with Landscaping Management.

"Wildfire-resistance" The ability of a structure, landscape, or material to withstand ignition, heat exposure, and ember attack during a wildfire, thereby reducing the likelihood of damage or destruction.

Wildland-Urban Interface (WUI): A geographical area where structures and other human development abut or are adjacent to wildland vegetative fuels. These areas typically feature dense housing near large, contiguous blocks of wildland vegetation, creating a clear boundary between developed and undeveloped land.

Wildland-Urban Intermix: An area where structures and wildland vegetation are intermingled. Unlike the WUI, there is no clear boundary—homes and vegetation are interspersed throughout the landscape, often with lower housing density and higher vegetation coverage.

"Yard Area" shall mean the front, side and rear-yard areas as required under the zoning ordinance and the zoning district requirements applicable thereto.

- (b) Clear cutting of trees and replacement of trees. Clear cutting of all trees from any property shall be

restricted based upon the requirements of this section.

(c) Removal of protected trees. Permit required.

- (1) No person shall remove or cause the removal of any protected trees without first securing a separate permit or a construction permit that includes the removal of such tree or trees except as follows:

- (A) within the "allowable building area" as noted in subsection (e)(7) below, and

- (B) as provided for in subsection (m) below.

- (C) The city must make the final determination that tree replacement is not possible. The tree replacement cost cannot be used to determine that tree replacement is not possible. If a tree replacement is not possible, developers should consider modifying development plans to accommodate existing protected trees.

- (D) To protect canopy and habitat preservation for endangered species, such as the Golden Cheeked Warbler, removal or thinning of Ashe Juniper or Eastern Red juniper may only be done in months outside of mating season, which is March-June. (read that it is actually March – July)

- (E) Speculative Developers are prohibited from removal of heritage trees that are 18 inches in diameter, or specimen trees, between 6 and 18 inches in diameter. No fee in lieu of tree replacement is allowed for heritage/specimen trees, and a fee in lieu replacement when deemed when replacement is not possible.

- (2) All permits that include the removal and/or replacement of a protected tree or trees shall be issued by the City of Lago Vista through its Development Services Department. The council City staff, Planning and Zoning Commission and the City Council may consider tree removal and replacement as an element of any application for development approval over which they have authority.

- (3) Applications for the tree removal and/or replacement permit that are distinct from other construction permit applications must be made in the format designated by the City and shall be signed by the owner of the affected property or their designated representative. All tree removal and/or replacement permit applications shall include a current tree survey depicting the location of all protected trees on the property on which the tree or trees to be removed are located, DBH (diameter at breast height), health and species. Subject to prior written documentation from the Development Services Department verifying the size of no more than three protected trees proposed for removal, a registered professional land surveyor shall not be required to certify the required tree survey. The fees charged for the issuance of the permit and the removal and/or replacement of protected trees shall be established by the Lago Vista City Council through its Fee Ordinance. Notice signage is required prior to tree removal. Signage fee: \$200 per sign.

- (4) The approval of a site development plan or building permit for a particular tract of property may serve as the Protected Tree Removal Permit so long as the required tree survey is included along with the site development plan or the building permit application and the removal of specific protected trees is appropriately identified. All removal and/or replacement fees shall be paid prior to the issuance of either a temporary or permanent certificate of occupancy.
- (5) A Protected Tree Removal Permit may include authorization for the removal of one or more protected trees on a particular lot.

- (6) A Protected Tree Removal Permit shall not be required in those instances in which the City of Lago Vista has determined that removal of the protected tree is necessary in order to prevent the spread of Oak Wilt or other disease in accordance with Subsection (m)(1) below, and/or to eliminate a hazard to public health or safety as deemed necessary by any federal, state or local authority.
- (7) A tree removal permit and sign fee include \$250 for removal of historic tree up to \$1,000 per permit. The City requires the replanting of trees that are removed on site through approved methods. A per caliper inch cash value shall be used to calculate mitigation costs for authorized and unauthorized removals of protected, specimen, and historic trees. The City will maintain a record of the current per-caliper inch case value of replacement trees.
- (8) The permit authority may approve the tree removal, deny the removal, approve removal with replacement, require a fee for removal in accordance with subsection (e)(6) below, or any combination thereof.
- (d) Nonpoint Pollution Permit Required. In any case of tree removal involving the disturbance of soil, such as with the use of heavy equipment, stump removal, or removal/clearing of ground cover, a nonpoint source pollution permit in accordance with the Highland Lakes Watershed Ordinance adopted by the City is required.
- (e) Replacement of Protected Trees Required.
- (1) Every effort shall be made to allow for as many protected trees, native trees and small native trees to remain on the property as possible. During the building design phase, courtyards, alcoves, and innovative shapes shall be considered. Winding sidewalks and driveways shall also be employed to preserve protected trees when possible. Parking lots shall be designed to incorporate and preserve as many protected trees as possible. Patios and decks shall be designed and located to avoid protected trees.
 - (2) Any person removing or causing the removal of a protected tree or trees from any property within the City of Lago Vista without a permit issued in accordance with this chapter shall be required to provide for the replacement of the protected trees or otherwise comply with the provisions of this section.
 - (3) Selection of replacement trees shall include trees listed in subsection (k) of this section and shall be a minimum of three (3) inches caliper measured forty (40) inches above ground level.
 - (4) The cumulative total caliper inches of replacement trees shall be required to meet or exceed the cumulative total caliper inches of any and all protected trees removed from a tract or property as follows:
 - (A) Caliper inches of protected trees in the allowable building area shall be replaced or assessed fees at a ratio of 1:1;
 - (B) Caliper inches of protected trees between 10 inches and 36 inches in diameter measured at forty inches above the ground shall be replaced or assessed fees at a ratio of 1.5:1; ~~reduced to 1:1 if minimum 3-inch caliper replacements trees are provided;~~ and
 - (C) Caliper inches of protected trees larger than 36 inches in diameter measured at forty inches above the ground shall be replaced or assessed fees at a ratio of 2:1, reduced to

1.5:1 ~~if minimum 3-inch caliper replacement trees are provided.~~

- (D) Preservation Credits. Developers may receive mitigation credit for preserving trees inside buildable areas or clustering trees to preserve canopy.
 - (E) Removal from habitat conservation areas or stream corridors requires additional mitigation and/or site redesign.
- (5) The placement of replacement trees shall not be allowed within any public utility or drainage easements, natural drainage ways or in any location which limits site distances for vehicular traffic along roadways, rights-of-way, or driveway/roadway intersections.
 - (6) Replacement trees for nonresidential and multifamily development shall be located as follows:
 - (A) within a buffer area between the development and one- or two-family zoned property or residences;
 - (B) in an area between parking lots and a street;
 - (C) in an area between building(s) and a street; and/or
 - (D) within parking lots.
 - (7) If it is not possible or feasible to provide for the replacement of the total number of inches of protected trees to be removed, the owner or controlling agent of the property shall pay a fee to the City of Lago Vista in lieu of tree replacement in accordance with Appendix A, **Fee Schedule**. Any such fees collected by the City shall be placed in a special fund and the use of these funds shall be restricted for the planting of trees on City property or other areas as determined by the City Council.
 - (8) In addition to the required tree survey, all protected trees to be removed shall be depicted on the site plan for the project, including those in the allowable building area. The fee for any removed protected tree that can be detected on aerial or other available imagery, but not documented on the required tree survey shall be assessed as if 36 caliper inches, measured 40 inches above the ground.
 - (9) Replacement and mitigation
 - (A) Specimen trees: Permit fee of \$250, capped at \$1,000. (signage)
 - (B) Mitigation required based on caliper inch value:
 - 8–18.9 inches: \$150/inch
 - 19–25.9 inches: \$300/inch
 - 26+ inches (Heritage): \$450/inch
 - (C) Per-caliper-inch values may be updated by city council.
 - (D) For Habitat Protection: Removal from designated environmentally sensitive upland/riparian habitats triggers mitigation — either in fees (\$15,000/acre) or in replacement plantings.
 - (E) Preservation Incentives: Credit is granted for preserved trees within buildable areas if root zones remain untouched. Credits may offset mitigation requirements.

- (F) Penalties: Unauthorized removal or damage incurs fines per caliper inch and/or replacement of trees totaling up to 5× the removed caliper inches.

- (f) Multifamily and Nonresidential Development. All multifamily and nonresidential developments within the City are required to submit a Landscape Plan as part of the Site Development Plan and Design Review required for obtaining a permit. The City encourages the use of native vegetation, xeriscaping and other forms of landscaping to promote water conservation and to retain the natural appearance of the community. All landscape plans and the resulting landscape shall meet the minimum standards of this section.
- (1) Landscaping in multifamily and nonresidential areas shall be in compliance with the landscape plan approved by the City of Lago Vista and in accordance with this section.
 - (2) Areas of permeable surface, except the areas of retention and/or detention ponds, shall be landscaped with areas designated as lawn, rock garden or plant bedding area. All such areas shall have sufficient topsoil to support indicated plant life and comply with the erosion control requirements within Chapter 3. The City encourages the use of grasses such as buffalo grass to promote water conservation. Areas designated plant bedding shall have sufficient topsoil and other required materials to support the scheduled plants. The landscaped areas shall be separated from parking and other paved areas by concrete, stone or brick curbing.
 - (3) A minimum number of trees and their location shall be included according to the following:
 - (A) Within parking lots: One shade (not ornamental) tree for every eight parking spaces. Trees may be clustered and uniform planting is not required.
 - (B) Within areas between a parking lot and a street: One tree for every 40 linear feet of street. Planted trees shall be at least 20 feet from another tree. Trees under existing power lines shall be ornamental trees.
 - (C) Within residential buffers: Where the development adjoins land used or zoned for one- or two-family development;- , one shade (not ornamental) tree for every 25 linear, feet uniformly spaced.
 - (D) Planted trees shall be in planting area of at least 64 square feet and no dimension shall be less than eight feet.
 - (4) Trees required by this section shall be a minimum caliper of three (3) inches measured forty(40) inches from the ground and a minimum of eight (8) feet in height when planted, and shall be one of the species listed in subsection (k), or any other ornamental trees approved by the City.
 - (5) Retention and Detention Ponds. Exterior walls of retention and/or detention ponds above grade level shall be faced with stone, brick or similar decorative facing, or screening by planting of shrubbery or vines of a type suitable for this area, and as approved by the City.
 - (6) An owner shall maintain required landscaped areas in a healthy condition, free from diseases, pests, weeds and litter in accordance with generally accepted horticultural practices. An owner who receives notification from the City that plants on site are dead, diseased or severely damaged shall remove the plants within sixty (60) days from receipt of such notification and shall replace the plants within six (6) months after notification or within the next planting season whichever comes first. Any owner who is required to replace plants must use the same species and size of plants shown on the approved landscaping plan or equivalent quality and size.

(g) Landscaping in One- and Two-Family Residential Areas.

- (1) Prior to the issuance of a Certificate of Occupancy, areas of permeable surface within the boundaries of a one- or two-family residential property shall be landscaped with front and side areas designated as lawn, rock garden or plant bedding area. All such areas shall have sufficient topsoil to support indicated plant life and comply with the erosion control requirements within Chapter 3. The City encourages the use of **native** grasses such as buffalo grass in order to promote water conservation. The areas designated plant bedding shall have sufficient topsoil and other required materials to support the provided plants. At least six (6) shrubs will be required to be located on the property preferably in the plant bedding area. **Arizona Ash, cottonwood, honeylocust, willows (except desert) and photinias are among those discouraged and shall not be included as credit toward landscaping requirements.**
- (2) **The City encourages drip irrigation, allowing water to drip to plant roots and lessening live grass turf. Sprinklers that cause water flows over sidewalks, streets and other non-vegetated areas are prohibited.**
- (3) **The City encourages the use of drought resistant vegetation and landscaping that minimizes runoff and erosion.**
- (4) **The use of tree clusters can ensure the total caliper requirements are met.**
- (5) A minimum number of trees per lot are required as provided in the following:

Lot Size	Number of trees required
1-8000 square feet	2
8,001-10,000 square feet	3
10,001-14,000 square feet	4
14,001-18,000 square feet	5
18,001 square feet or more	6

- (6) An owner shall maintain:
 - (A) required landscaped areas in a healthy condition, free from diseases, pests, weeds and litter in accordance with generally accepted horticultural practices;
 - (B) the required number of shrubs and trees; and
 - (C) required accessory building screening and landscaping.
- (7) An owner who receives notification from the City that plants on site are dead, diseased or severely damaged or missing shall remove the plants within sixty (60) days from receipt of such notification and/or shall replace required plants within six (6) months after notification or within the next planting season whichever comes first. Any owner who is required to replace plants must use the same species and size of plants shown on the approved landscaping plan of equivalent quality and size.
- (h) Alternative Landscape Plan. In lieu of meeting the requirements of this section, an applicant may submit an alternative landscape plan to the approving authority. The plan should be superior to what could be achieved from following the specifications of this section.

- (i) Certificate of Occupancy. Prior to the issuance of a Certificate of Occupancy, properties will be inspected to ensure compliance with any approved landscape plan for the development and with this section. Failure to comply with the approved landscape plan and/or the provisions of this section may result in a denial of the Certificate of Occupancy by the City.
- (j) Tree Protection During Construction and Tree Protection Zone.
- (1) During any construction or land development, the developer or property owner shall take reasonable care to avoid damaging any trees that are to remain on the lot or site. The developer or property owner shall not allow any cleaning of equipment or tools nor the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc, under the canopy of any tree or groups of trees. Trees to remain after construction is complete should be protected from possible injury during construction. Tree protection measures shall be shown on the required landscape plan.
 - (2) For trees that are to be preserved, a root protection zone according to the following shall be established. The area of the root protection zone shall be at least an area with a radius of six inches for each inch of main trunk measured 40 inches above the ground. The area need not be uniform and can be at no point closer than five feet from the trunk. There shall be no disturbance in the root protection zone. The root protection zone of more than one tree may overlap. The maximum size of the root protection zone shall be 1,000 sq. ft.
- (k) Allowed Replacement Trees. Replacement trees required by the provisions above and any new required trees to be planted shall be a minimum of **three (3)** inches caliper measured forty (40) inches from the ground and **eight (8)** feet in height when planted, and shall be one of the following species of tree or any other ornamental trees approved by the City. Planting shall be completed in accordance with best practices established in the Tree Care Kit published by the Texas A&M AgriLife Extension Service and the Native Tree Growing Guide for Central Texas available from the City of Austin.

American Elm	American Smoketree	Bald Cypress
Big tooth Maple	Blanco crab apple (ornamental)	Bur Oak
Black Cherry	Carolina Buckthorn	Cedar Elm
Chinese Flame	Chinese Pistachio	Chinquapin Oak
Crape Myrtle (ornamental)	Chitalpa-Desert Willow (ornamental)	Maple (Bigtooth, Shantung, Red)
Deciduous Holly (ornamental)	Evergreen Sumac	Magnolia
Eve's Necklace	Elm	Escarpment Live Oak
Flame leaf Sumac	Lacebark Elm	Live Oak
Mexican Buckeye	Mexican Plum	Mountain Laurel
Ashe Juniper or Eastern Red Cedar	Monterey Oak	Montezuma Cypress
Pecan	Rough Leaf Dogwood	Texas Red Oak
Texas Persimmon	Texas Madrone	Texas Red Bud (ornamental)
Western Soapberry	Black Walnut	Sycamore

(l) Removal/Eradication of stumps required.

- (1) In the event that any trees of any kind are cut on a lot, the owner of the lot or the owner's agent will be required to remove, grind or otherwise eradicate the stump of the cut trees in a manner in which the stump will not be noticeable from surrounding properties or the street right-of-way. Stump removal shall occur within 60 days of cutting.
- (2) For purposes of this section, a stump will not be considered visible if the top of the stump does not exceed two (2) inches above the surface of the lot at location of the stump.
- (3) Removal of one or more stumps from a lot through excavation or bulldozing will require the installation of temporary and permanent erosion and sedimentation controls as deemed necessary by the City of Lago Vista and compliant with the requirements within Chapter 3. Re-vegetation of any area disturbed by the removal of trees or stumps must be accomplished within sixty (60) days of the removal absent the express written permission of the permitting authority. Erosion and sedimentation controls must be maintained in an appropriate manner to ensure their effectiveness and aesthetic appearance until such time as new vegetation is permanently established in the disturbed area(s).

(m) Exceptions. The following shall be exemptions to this section.

- (1) Trees certified as dead or diseased by an arborist or registered landscape architect at the time of a tree survey required by any permit shall not result in a replacement obligation under the provisions of this section. In addition, any or all trees on a property that are infested with a contagious disease, such as oak wilt, shall be promptly removed in accordance with the requirements of other chapters within the Lago Vista Code of Ordinances. When certified by an arborist or registered landscape architect, removal of trees with a contagious disease shall not result in a replacement obligation. However, any dead or dying tree not caused by a contagious disease but required as a result of permitted improvements shall be replaced as specified herein. The City may require certification by an arborist or licensed landscape architect to verify that a tree is dying.

See revisions to Oak Wilt ordinances (2025)

- (2) During the state of an emergency, as declared by the City, the requirements of this chapter may be temporarily waived for a period of time as may be deemed necessary by the City.
- (3) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this chapter only in relation to those trees planted and growing on the premises of said licensee, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.
- (4) Utility companies franchised by the City may not remove trees without a permit, except in emergency situations which endanger public safety and welfare by interfering with utility service that is contained within rights-of-way or easements.
- (5) Fire department personnel actively engaged in fighting a fire may remove as many trees as necessary to aid in containment or suppression of the fire.
- (6) Any lot which does not have, as of the effective date of this chapter, the minimum number of required trees or shrubs shall be exempt from any requirement to add trees or shrubs unless a building permit, design review or site development plan review is requested for that property.

However, this exception shall not exempt a property owner from the requirement to replace dead or diseased trees under the provisions of (m)(l) above.

(n) Failure to Comply.

- (1) Failure to obtain a permit prior to the removal of a protected tree will result in a permit fee which is double the fee per caliper inch as the fee established in the Fee Ordinance for the City of Lago Vista.
- (2) Failure to comply with this chapter may result in the imposition of additional fees and penalties as contained in this section.
- (3) In those cases in which a tree is removed without permit and that tree may have been a protected tree under this chapter, the City will rely on and all available evidence to determine if a violation of this chapter has occurred. For enforcement purposes the City will consider that any stump remaining on the property which is ten (10) inches or more in diameter measured at ground level or higher was a stump of a protected tree as defined by this chapter. See also Section (e)(7) above.
- (4) Failure to install landscaping as required by this chapter shall be considered a violation of the building permit and a violation of this chapter. The construction shall not be considered complete until all landscaping is installed as required.

~~(e) Other Landscaping Considerations~~

- ~~1. Landscaping requirements for shrubs should:~~
 - ~~a. be minimal considering our non-urban nature,~~
 - ~~b. never require or allow vegetation within the EIZ,~~
 - ~~c. encourage the use of plants native, adapted and common to the Lago Vista area.~~

(o) Vegetation Management and Wildfire Resistance

- (1) Ember Ignition Zone (EIZ) for structures The following EIZ Recommendations are modeled on Austin's WUI code (Section 603.2.1) which was updated in 2025.
 - (A) The EIZ is the area within 0 to 5 feet surrounding any structure or appendage. (outbuildings?)
 - (B) For fire-resistive structures, the EIZ may be reduced to 10 feet on either side of required egress points. (debatable)
 - (C) The EIZ must be kept free of all combustible materials at all times.
 - (D) Use only non-flammable landscaping materials such as soil, inorganic mulches, decomposed granite, gravel, rocks, pavers, etc.
 - (E) No mulch or vegetation with the exception of heritage trees, protected trees and irrigated mowed perennial grass.
 - (F) New trees must be planted outside the EIZ.
 - (G) Heritage and protected trees may remain within the EIZ if existing. EIZ rules do not provide justification for removal of heritage or protected trees.
 - (H) Protective mulch for tree roots (CRZ) is allowed during construction but must be removed when work is complete.
 - (I) Artificial turf is not allowed within the EIZ.
 - (J) These restrictions are to be strictly enforced for Speculative Developers.
 - (K) These restrictions may be relaxed for Owner-Occupants and Build-to-Suit Developers at the discretion of the Owner-Occupant. (debatable)

(L) The EIZ should only be required for new structure development. An EIZ should only be encouraged for existing structures.

(M) Note: Austin's WUI code defines three zones with varying degrees of wildfire-risk and wildfire-resistance measures. To my knowledge, Lago Vista does not have these zones defined. To define these for Lago Vista will take no small amount of effort. Given that the majority of Lago Vista is immersed within a dense Hill Country forest, I recommend we forgo the use of similar risk zones and implement wildfire-resistant measures uniformly throughout the city.

(2) Although all vegetative landscaping is flammable, the use of "highly flammable" plants and shrubs are discouraged. The definition of highly flammable plants is somewhat subjective. Guidelines from this list could be provided: Firewise Landscaping - Urban Programs Travis County.

(3) Vegetative roofs (green roofs) are not allowed on any structure due to the risk of ignition from embers.

(4) Vegetation Management on Undeveloped Land:

(A) Heavy accumulations of woody debris must be removed.

(B) It is recommended (required?) to thin trees to remove smaller (define smaller) conifers.

(C) Mowing of undeveloped lands is not required.

(D) Lands designated as wildlife habitats, conservation areas, or conservation easements or that are otherwise reserved for environmental conservation or preservation are excepted from these regulations.

(p) Dark Sky Considerations (needs work)

(1) The main concern with trees and lighting is that trees near lights can cause light scatter that degrades the night sky. This is more of an issue for public lighting such as lights in parks and streetlights but proper light selection minimizes this.

(2) The other consideration is that tall trees can obscure views of the night sky but the height of trees common to our area are not an issue.

(3) I can also check with my Liberty Hill contact on this if time allows this week. They recently received their Dark Sky designation.



Item Cover Page

PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Charles West, Development Services

SUBJECT: Discussion on a referral from the City Council to recommend an ordinance establishing criteria and policies on dealing with Dormant Entitlements that were established and not utilized within a specific time frame. This ordinance will also need to follow established State Statutes as they apply to zoning.

ATTACHMENTS:
[DormantEnt.pdf](#)



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 17, 2025

SUBMITTED BY: Councilor Roberts, City Council

SUBJECT: Discussion, consideration and possible action on the development of a policy framework for reviewing and evaluating Dormant Planned Development Districts (PDDs).

BACKGROUND:

Throughout the years, the City of Lago Vista has approved multiple Planned Development Districts (PDDs), some of which have remained inactive or undeveloped for an extended period. These "dormant" entitlements raise questions regarding land use alignment, infrastructure commitments, vested rights, community impact, and the City's long-range planning goals.

At the direction of the City Council, staff has prepared, and attached a list of these dormant PDDs for potential review. The purpose of this agenda item is to facilitate an open session discussion, consistent with the Texas Open Meetings Act (TOMA), to allow Council to explore policy-level considerations related to:

- Criteria for identifying and classifying PDDs as "dormant"
- Potential approaches for engagement with property owners
- Triggers or thresholds for initiating reconsideration or rezoning
- Legal boundaries and risks related to vested rights and takings
- Process and structure for reviewing dormant PDDs one-by-one

While sensitive legal matters may arise during this conversation, the City Attorney has advised that general policy deliberation should occur in open session. If needed, Council may retire into Executive Session (ES) mid-topic to address specific legal concerns, with an ES agenda item already

posted for that purpose.

FINDINGS:

- Several PDDs previously approved by the City remain inactive, potentially affecting land use planning, public expectations, and development patterns.
- No current policy exists for evaluating or managing dormant PDDs systematically.
- Establishing a framework for identifying, reviewing, and addressing dormant PDDs will support transparency, orderly growth, and legal defensibility.
- Legal counsel has indicated that while policy should be discussed in open session, Executive Session may be warranted for specific legal matters.
- Council has requested this item be placed on the agenda to allow open dialogue and potential direction to staff regarding next steps, including further legal or planning analysis.

Attached is a list of potentially dormant PDD's and a map showing each one's location.

FINANCIAL IMPACT:

n/a

RECOMMENDATION:

Staff requests input and direction from the City Council regarding potential policy development and process design for evaluating dormant PDDs.

ATTACHMENTS:

[Dormant Entitlements.pdf](#)

[Dormant_Entitlements_Map_4_10_25.pdf](#)

Potentially Dormant or Partially Dormant Entitlements

Description	Latest Ordinance Date	Last Activity Date	Last Activity Description	Current Zoning	Ordinance Number	FLUM	Address or Location	Maximum Number of Dwellings
Lot 8 - The Island	4/27/1998	4/27/1998	Original LV Zoning Ordinance Designation	R-4 / R1S (1SC)	98-04-27-03	POA Park	3904 Lake Park Cove ¹	n/a
Emerald Pointe Subdivision	5/20/2010	7/8/2023	Vacate access and public utility easements	R-1S (18C)	10-05-20-02	City Park	Patric Drive north of Azure Avenue	alligned plans pending ²
Highland Lake Drive at Canary Way	10/21/2021	10/21/2021	Zoning Change (no legal access to property)	R-1S (18C)	21-10-21-02	Low-Density Residential	Highland Lake Drive ³	no exist. subdivision
Common Area, Village II at Highland Lake	6/15/2006	6/15/2006	CR Approval (after required development plan)	CR	06-06-15-02	Low-Density Residential	Waterside Drive at Santa Anna Cove	no exist. subdivision or approval
Former England Property	2/6/2020	2/6/2020	Zoning Change (no subsequent subdivision)	R-1S (18A)	20-02-06-02	Varies ⁴	5315 Lohman Ford Road	no exist. subdivision
Former Highland Lakes Golf Course	4/27/1998	4/27/1998	Original LV Zoning Ordinance Designation	G-1	98-04-27-03	POA Park	20406 Earhart Lane	0
Former Executive Golf Course	4/27/1998	10/13/2022	Preliminary Plat Approval (19 residential lots)	G-1	98-04-27-03	POA Park	8116 Chestnut Cove	19 (vested prior to ordinance amendment)
Marsella Vista / Shoreline Ranch	10/19/2007	8/3/2023	Failed FLUM Amendment Request	PDD	07-10-18-01 ⁵	Varies ⁶	Shoreline Ranch Drive east of LVHS	568 (single-family & multifamily)
Montecino (currently undergoing re-branding effort)	10/17/2019	8/10/2023	Preliminary Plat approved	PDD	15-11-19-01 ⁵	Varies ⁶	SE Corner of Lohman Ford Road at Shoreline Ranch Drive	195 single-family lots + 2 commercial lots + alignment center ⁴
The Falls	6/19/2022	6/19/2022	Zoning Change	PDD	22-06-16-02	Varies ⁶	SE Corner of Lohman Ford Road at Sylvester Ford Road	729 + 200 townhomes + 55 acres of hotel / mixed use
Vista Villas	1/11/2024	8/30/2023	Application (Post request)	PDD	04-11-18-01	Medium-Density Residential	2006 American Drive (Amenity Center)	82 (18 built) + amenity center (built)
Lohman Ford Heights / 6801 Panorama Ridge PDD ⁸	9/8/2018	8/30/2023	Site Development Plan Review for expansion	C-2	18-09-06-03	Regional Retail/Office/Commercial	6706 Lohman Ford Road	n/a
Highland Lakes Clubhouse Expansion PDD	9/8/2018	8/13/2023	Site Development Plan Review for expansion	C-2	18-09-06-03	Regional Retail/Office/Commercial	20552 Highland Lake Drive	add hotel, pavilion, and new car barn
Marshalls Harbor (Resort Hotel/Commercial only)	6/9/2006	2/6/2020	Failed Zoning Change Request	PDD	13-09-19-01	Rural Residential	4800-5100 Shoreline Ranch Road	min. 100 guest rooms / amenities + 1,000 sf conference center
Marshalls Harbor (Resort Hotel/Commercial only)	11/6/2005	2/6/2020	Failed Zoning Change Request	PDD	06-06-08-02	Rural Residential	5424 Mira Lago Drive (Lot 49A before resubdivision)	56 condominium units
Marshalls Harbor (Resort Hotel/Commercial only)	11/6/2005	2/6/2020	Failed Zoning Change Request	PDD	05-11-03-01	Rural Residential	5424 Mira Lago Drive (Lot 49B before resubdivision)	"private" marina
Peninsula	8/21/2008	9/1/2022	Withdrawn Application	PDD	08-08-21-02	Low-Density Residential	1900 American Drive	225 condominium units + marina / amenities
Turkey Ranch	9/21/2023	current	PDD Amendment	PDD	23-09-21-01	Varies ⁶	7602 Bar-K Ranch Road (Dodge Trail Extension)	349
Turkanni / Firefly Cove	9/2/2021	current	Subdivision Construction Plans	PDD	21-09-02-01	Varies ⁶	19304 Treat Trail	325 (includes 45 estate lots) + amenities
Lakeshore Boulevard PDD	4/16/2020	4/16/2020	Zoning Change (waterfront access issues)	PDD	20-04-16-02	Rural Residential	5619 Lakeshore Boulevard	70 condominium units
The Mistic	6/19/2008	6/19/2008	C-1 to PDD (housing with commercial outparcel)	PDD	08-06-19-01	POA Park	Boggy Ford Road west of Pec Cove	78 + 1 commercial lot
Villas at Keagans Crossing	6/19/2006	6/19/2006	Original Approval	PDD	08-06-19-02	Regional Retail/Office/Commercial	Lohman Ford Road north of Rancho Ocho	154 +5 commercial lots

¹ Lot 8 of the island was omitted from the PDD and is being marketed along with this single-family residential lot as alleged access.

² Application to vacate existing subdivision was never completed, but the existing final plat was approved for 182 single-family lots.

³ The unimproved dedication referred to as Canary Way on an existing plat does not meet the subdivision regulations or minimum industry standards for safety and additional property is required for legal access.

⁴ Regional Retail/Office/Commercial, Neighborhood Retail/Office/Commercial, Low-Density Residential

⁵ Rural Residential, POA Park

⁶ Ordinance 19-03-07-01 and 19-10-17-01 displaced 67 single-family lots and 2 commercial lots, but added 130 assisted living apartments, 100 independent living townhomes, and a new amenity center.

⁷ Low-Density Residential, Regional Retail/Office/Commercial

⁸ Low-Density Residential, Medium-Density Residential, Regional Retail/Office/Commercial

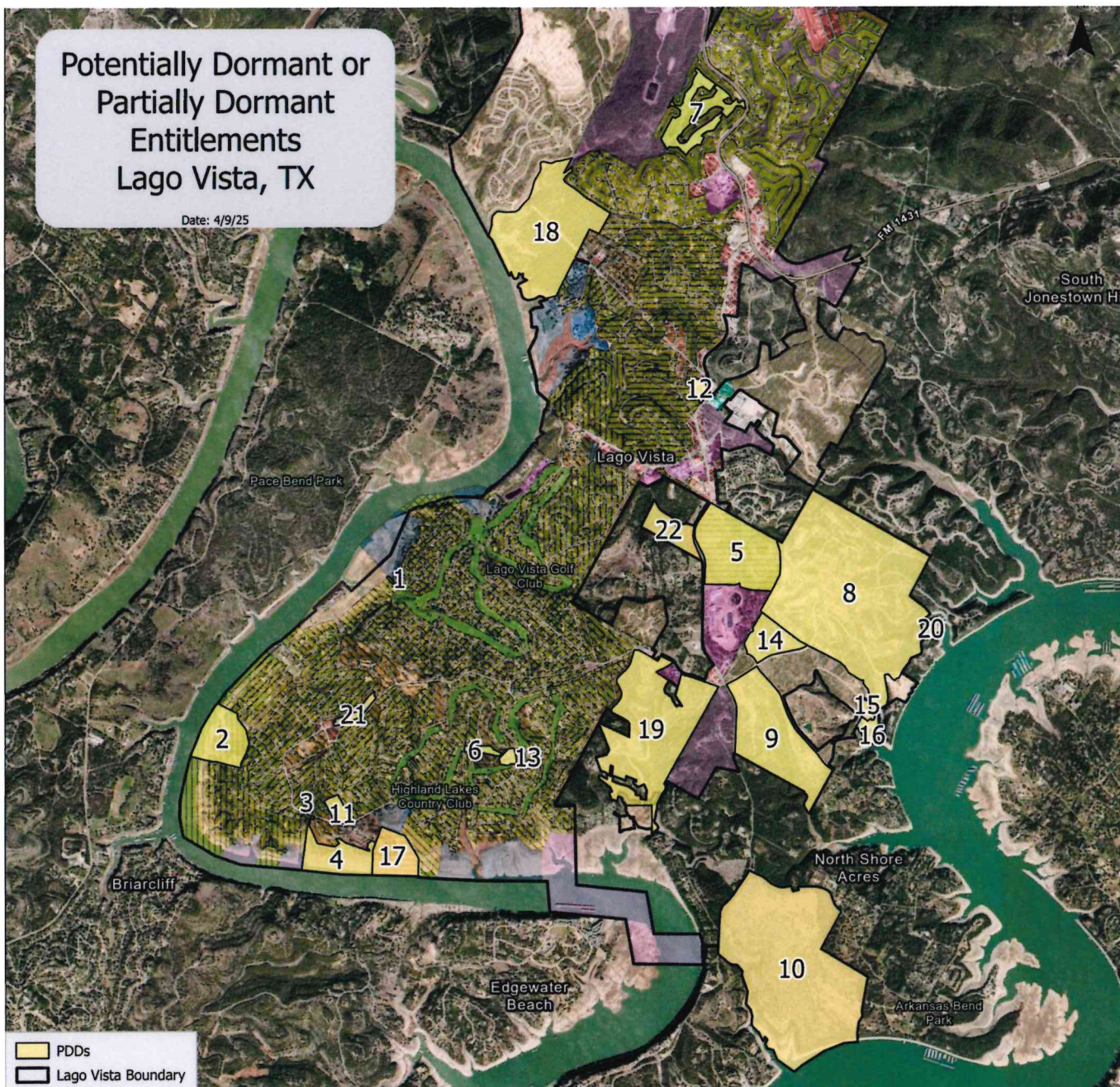
⁹ Because of the multiple and inconsistent addresses, the PDD approved in Ordinance No. 96-06-20-01 was inadvertently included despite being displaced by Village Print (C-2) in Ordinance No. 18-09-05-03.

¹⁰ High-Density Residential, Regional Retail/Office/Commercial, City Park

¹¹ High-Density Residential, Low-Density Residential, Mixed-Use, City Park

Potentially Dormant or Partially Dormant Entitlements Lago Vista, TX

Date: 4/9/25



Potentially Dormant or Partially Dormant Entitlements

PDD #	Description	Latest Ordinance Date	Last Activity Date	Last Activity Description	Current Zoning	Ordinance Number	FLUM	Address or Location	Maximum Number of Dwellings
1	Lot 8 - The Island	4/27/1998	4/27/1998	Original LV Zoning Ordinance Designation	R-4 / R1S (15C)	98-04-27-03	POA Park	3904 Lake Park Cove ¹	n/a
2	Emerald Pointe subdivision	5/20/2010	7/8/2023	Vacate access and public utility easements	R-1S (18C)	10-05-20-02	City Park	Patriot Drive north of Azure Avenue	alleged plans pending ²
3	Highland Lake Drive at Canary Way	10/21/2021	10/21/2021	Zoning Change (no legal access to property)	R-1S (18C)	21-10-21-02	Low-Density Residential	Highland Lake Drive ³	no exist. subdivision
4	Common Area: Village III at Highland Lake	6/15/2000	6/15/2000	CR approval without required development plan	CR	00-06-15-02	Low-Density Residential	Waterside Drive at Santa Anna Cove	no exist. subdivision or approval
5	Former England Property	2/6/2020	2/6/2020	Zoning Change (no subsequent subdivision)	R-1S (18A)	20-02-06-02	Varies ⁴	5315 Lohman Ford Road	no exist. subdivision
6	Former Highland Lakes Golf Course	4/27/1998	4/27/1998	Original LV Zoning Ordinance Designation	G-1	98-04-27-03	POA Park	20406 Earhart Lane	0
7	Former Executive Golf Course	4/27/1998	10/13/2022	Preliminary Plat Approval (19 residential lots)	G-1	98-04-27-03	POA Park	8116 Chestnut Cove	19 (vested prior to ordinance amendment)
8	Marshall's Vista / Shoreline Ranch	10/18/2007	8/3/2023	Failed FLUM Amendment Request	PDD	07-10-18-01	Varies ⁵	Shoreline Ranch Drive east of LVHS	568 (single-family & multifamily)
9	Montecchio (currently undergoing re-branding effort)	10/17/2019	8/10/2023	Preliminary Plat approved	PDD	15-11-19-01 ⁶	Varies ⁷	SE Corner of Lohman Ford Road at Shoreline Ranch Drive	195 single-family lots + 2 commercial lots + retirement center ⁸
10	The Falls	6/16/2022	6/16/2022	Zoning Change	PDD	22-06-16-02	Varies ⁹	SE Corner of Lohman Ford Road at Sylvester Ford Road	729 + 200 townhomes + 55 acres of hotel / mixed use
11	Vista Villas	11/18/2004	8/28/2023	Application (Pool renewal)	PDD	04-11-18-01	Medium-Density Residential	2006 American Drive (Amenity Center)	62 (18 built) + amenity center (built)
12	Lohman Ford Heights / 6601 Panorama Ridge PDD ¹	9/6/2018	11/29/2023	Site Development Plan Review for expansion	C-2	18-09-06-03	Regional Retail/Office/Commercial	6706 Lohman Ford Road	n/a
13	Highland Lakes Clubhouse Expansion PDD	9/19/2013	8/13/2021	Failed Fire Inspection (Grill at Highland Lake)	PDD	13-09-19-01	Regional Retail/Office/Commercial	20552 Highland Lake Drive	add hotel, pavilion, and new cart barn
14	Marshall's Harbor (Resort Hotel/Commercial only)	6/8/2006	2/6/2020	Failed Zoning Change Request	PDD	06-06-08-02	Rural Residential	4800-5100 Shoreline Ranch Road	min. 100 guest rooms / amenities + 1,000 sq ft conference center
15	Marshall's Harbor (condominium only)	11/3/2005	2/6/2020	Failed Zoning Change Request	PDD	05-11-03-01	Rural Residential	5424 Mira Lago Drive (Lot 49A before resubdivision)	56 (condominium units)
16	Marshall's Harbor (marina only)	1/18/2001	2/6/2020	Failed Zoning Change Request	PDD	01-01-18-01	Rural Residential	5424 Mira Lago Drive (Lot 49B before resubdivision)	"private" marina
17	Peninsula	8/21/2008	9/1/2022	Withdrawn Application	PDD	08-08-21-02	Low-Density Residential	1900 American Drive	225 (condominium units) + marina / amenities
18	Turnback Ranch	9/21/2023	current	PDD Amendment	PDD	23-09-21-01	Varies ¹⁰	7602 Bar-K Ranch Road (Dodge Trail Extension)	349
19	Tusikanni / Firefly Cove	9/2/2021	current	Subdivision Construction Plans	PDD	21-09-02-01	Varies ¹¹	19304 Treat Trail	325 (includes 45 estate lots) + amenities
20	Lakeshore Boulevard PDD	4/16/2020	4/16/2020	Zoning Change (waterfront access issues)	PDD	20-04-16-02	Rural Residential	5619 Lakeshore Boulevard	70 (condominium units)
21	The Majestic	6/19/2008	6/19/2008	C-1 to PDD (housing with commercial outposts)	PDD	08-06-19-01	POA Park	Boggy Ford Road west of Poe Cove	78 + 1 commercial lot
22	Villas at Keegans Crossing	6/19/2006	6/19/2006	Original Approval	PDD	08-06-19-02	Regional Retail/Office/Commercial	Lohman Ford Road north of Rancho Cielo	154 + 5 commercial Lots



Item Cover Page

PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Charles West, Development Services

SUBJECT: Discussion on a referral from the City Council on possible subdivision regulations drafted by Council Member Rob Durbin.

ATTACHMENTS:

[SUB_Regs.pdf](#)

2.12.5 Pre-Design Conference

A pre-design conference is required for all applicants prior to the submittal of a plan or plat, with the exception of minor plats, lot consolidations, and amending plats where it is only recommended for pre-design conference. Attendance at the pre-design conference should include the applicant, the applicant's designated engineer, other professionals as required by the applicant, the Administrator and any other members of the City staff as may be appropriate. The date of the Pre-Design Conference as well as a list of all attendees and notices thereof should be included in the Staff Report for any plats sought thereafter.

2.13 Establishment Of Order For Platting Of Land

Generally, the subdivision process is comprised of four (4) individual steps, including the concept plan or master development plan, the preliminary plat, construction plans, and the replat or final Plat. None of the aforementioned steps may be waived without Council approval. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect, and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval.

2.13.5 Processing Procedures

1. City Council.
 - a. Final Action. The Council shall hear and take final action on the following subdivision procedures: Concept Plan
 - b. Appeal. The Council shall hear an appeal from the Commission on the following subdivision procedures in accordance with this Chapter:
 - i. Major Plat - Preliminary Plat;
 - ii. Major Plat - Final Plat;
 - iii. Major Plat - Replat;
 - iv. Vacating Plat;
 - v. Minor Plat;
 - vi. Amending Plat;
 - vii. Lot Consolidation.
2. Planning and Zoning Commission.
 - a. Final Action. The Commission shall hear and take final action on the following subdivision procedures:
 - i. Major Plat - Preliminary Plat;
 - ii. Major Plat - Final Plat;
 - iii. Major Plat - Replat;
 - iv. Vacating Plat.

- b. Review and Recommendation. The Commission shall hear and take final action on the following subdivision procedures: a Concept Plan;
- c. Appeal. The Commission shall hear an appeal from the Administrator on the following subdivision procedures in accordance with this Chapter:
 - i. Minor Plat;
 - ii. Amending Plat;
 - iii. Lot Consolidation.
- 3. Administrator (Final Action). The Administrator shall hear and take final action on the following subdivision procedures:
 - a. Minor Plat;
 - b. Amending Plat;
 - c. Lot Consolidation;
 - d. Subdivision Construction Plans - including modifications.
- 4. None of the above listed steps above may be skipped, waived, combined or by-passed without prior approval by City Council.

- 1) 2.15 Concept Plan
- 2) Purpose. The purpose of the Concept Plan (Plan) is to demonstrate conformance with the Comprehensive Plan, compatibility of the proposed development with this and other applicable City ordinances, and the coordination of improvements within and among individually platted divisions of property, sections, or phases of a development, prior to the consideration of a Preliminary Plat.
 - a) A Plan shall be required for all subdivisions of land that propose ten (10) or more lots, except for subdivisions eligible for approval as an Amending Plat, and any property designated as a Planned Development District (PDD) on the official Lago Vista zoning map. For the purposes of determining whether a concept plan is required, the divisions of property to be included in the total number of lots, regardless of the designation used on the plat, shall be limited to those that allow residential and commercial buildings or structures, and shall not include divisions of property on which commercial and residential structures are precluded by language on the proposed plat or by applicable regulations. For example, private drives or streets and common lots preserved as open space shall not be included in the total regardless of how they might be designated on a proposed plat.
 - b) It shall not be necessary to submit a Plan on any land more than once, unless the concept changes, or approval of the Plan has expired, as set forth in subsection 2.15(i) below.
- 3) Format. The Concept Plan application and package to be submitted shall be on paper and/or in digital form as determined by the Administrator. When required, drawings shall be prepared on 22 x 34-inch sheets and 11 x 17-inch reductions at a scale of one (1) inch equals one (1) hundred feet (1" = 100') or one (1) inch equals two (2) hundred feet (1" = 200') with all dimensions measured accurately to the nearest foot.
- 4) Content. The Plan shall contain or have attached thereto:
 - a) Name, address and phone numbers of the developer, record owner, and authorized agents (engineer, surveyor, land planner, etc.)
 - b) Proposed name of the development; date revised and/or prepared; north indicator; scale.

- c) Location map. Use of the latest USGS 7.5 minute quadrangle map is required.
 - d) A layout of the entire tract and its relationship to adjacent property, existing development and recorded plats.
 - e) The owner's name, deed or plat reference and property lines of property within two hundred (200) feet of the development boundaries, as determined by current tax rolls.
 - f) Topographic contours at five (5) foot intervals, or less, unless otherwise approved by the City Engineer.
 - g) Proposed major categories of land use by acreage showing compatibility of land use with the Master Plan.
 - h) Proposed number of residential and nonresidential lots, tracts or parcels together with the estimated:
 - i) Number of LUEs required for each category of lots;
 - ii) Traffic volume to be generated by all proposed development and a Traffic Impact Analysis for projected average daily trips of 200 or more; and
 - iii) Anticipated water & wastewater flows, pressures, etc. that is necessary to gauge potential use.
 - i) Proposed and existing arterial and collector streets required by the Comprehensive Plan and additional such streets as necessary to serve the general area.
 - j) Location of sites for parks, schools and other public uses, and all areas of common ownership.
 - k) Significant drainage features and structures including any regulatory one hundred (100) year floodplains.
 - l) Significant existing features on, or within two hundred (200) feet of, the property boundary, such as railroads, roads, buildings, utilities and drainage structures.
 - m) Approximate boundaries, development density, and anticipated timing of proposed phases of development.
 - n) Identification of known exceptional topographical, cultural, historical, archaeological, hydrological and other physical conditions of the property to be developed, or existing within two hundred (200) feet of the property boundary.
 - o) Location of City limit lines and/or outer border of the City's extraterritorial jurisdiction, as depicted on the City's most recent base map, if either such line traverses the development or is contiguous to the development's boundary.
 - p) A proposed phasing plan for the development of future sections.
 - q) A park plan in conformance with this Ordinance including all land proposed for dedication, all proposed park facilities, and calculations or other information indicating compliance with park requirements.
 - r) Any information required by the most recent City Concept Plan application/checklist.
- 5) Procedure.
- a) Legible prints, or digital finals, shall be submitted to the City along with the completed application forms, payment of all applicable fees, all information required by the most recent application/checklist and any attendant documents needed to supplement the information provided on the Plan.
 - b) The Administrator shall complete a sufficiency review of all information submitted within twenty-one (21) calendar days of the submittal by the applicant. The sufficiency review only determines whether all required components of the application have been

received and not whether that application is complete or that those components are correct.

c) Completion of Sufficiency Review.

- i) If deemed compliant by the Administrator, the application will be forwarded for review by the Development Review Committee, hereinafter referred to as the DRC. This satisfies the sufficiency requirement.
- ii) If deemed noncompliant by the Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information to address the noncompliance within sixty (60) calendar days following the noncompliance determination. Failure to meet the deadline or address all noncompliance shall cause the application to be considered denied.

d) Submittal Review.

- i) The DRC shall review the first submittal within fifteen (15) calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.
- ii) The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant. The applicant shall have sixty (60) calendar days from the end of the DRC review to resubmit to the Department. Failure to address all comments within this timeframe shall cause the application to be considered denied..
- iii) The second and third submittal, if needed, shall be reviewed by the DRC within fifteen (15) calendar days of the applicant's submittal to the City. Responses to the DRC for this submittal shall be subject to the same deadline and consequences as the first submittal.
- iv) Upon the satisfaction of all DRC comments or subsequent third submittal by the applicant, the Plan will be automatically scheduled for public hearings as denoted in subsection (f) below.

6) Review. The DRC shall review the plan for consistency with the Comprehensive Plan, other adopted plans, City codes, policies and plans and then release comments and concerns to the applicant. After comments and concerns from the DRC have been satisfied City staff shall prepare a report analyzing the Plan submittal, and recommending action on the Concept Plan, including any conditions.

7) Public Hearings. The Council and Commission shall hold at least one (1) public hearing. The City shall provide notice as stated below:

a) Notice.

i) Written Notice to Property Owners.

- (1) Written notice shall be given by the City to owners of real property located within two hundred feet (200') of the boundaries of the property under the Plan. Such notice shall be mailed, first class, not less than ten (10) calendar days prior to the date set for the public hearings to all owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a Concept Plan request is pending and shall include the date, time, and place of the Commission and Council public hearings and a description of the matter under consideration.
- (2) The City shall complete and postal mail the individual notices.

- ii) By Publication. The City shall publish at least one notice of the proposed public hearings in the official City newspaper or in a newspaper of general circulation in Lago Vista, Texas, at least fifteen (15) calendar days prior to the date on which the hearing is to occur. The notice shall include the date, time, and place of the public hearings and a description of the matter under consideration.
- iii) Signs On-Premises. At least fifteen (15) calendar days prior to the date on which the hearing is to occur, the City shall place signs on the property easily visible to the public. Signs shall meet the following requirements:
 - (1) Each sign shall be erected on the property for which an application has been filed. At least one (1) sign shall be placed at intervals of 300 feet along the roadway frontage of the property. No more than three (3) signs shall be required on each roadway frontage. If the tract has less than 300 feet of frontage per roadway, then only one sign is required per road.
 - (2) All required signs shall remain on the property until final disposition of the action is determined.

8) Consideration.

- a) If applicable, zoning of the tract shall permit the uses proposed by the Plan, or a zoning amendment necessary to permit the proposed uses shall be required prior to approval of the Plan.
 - b) Approval of a Plan constitutes acceptance of the general development and arrangement of lots indicated on the Plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. Subsequent zoning approvals cannot be guaranteed.
 - c) Plan approval does not ensure approval of a Preliminary Plat failing to meet specific requirements of this Ordinance, and approval does not comprise any assurance that permits of any kind will be issued.
 - d) Upon denial by the Council, the application expires.
- 9) Certificates and other language shall be included on the plan, pursuant to the following sections:
- a) An accurate legal description by bearings and distances, including necessary curve and line data, accurate to the nearest one-hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.
 - b) A statement signed by the property owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the property owner adopts the plan as shown, described and named.
 - c) A place for plan approval signature of the Mayor, a place for the City Secretary to attest such signature, and the approval dates by the Council.
 - d) Property owner's and surveyor's certificate, approval blocks.

~~d)10) Approval Expiration. The approval of a Plan shall expire two (2) years after approval by Council unless a preliminary plat on all, or a portion of, the land is filed prior to such expiration date and additional preliminary plats are filed in not greater than two (2) year intervals from approval of the previous preliminary plat until all of the land within the Plan is included within approved preliminary plats.~~

~~a. Approval Expiration. The approval of a Plan shall expire two (2) years after approval by Council unless a preliminary plat on all, or a portion of, the land is filed prior to such expiration~~

~~date and additional preliminary plats are filed in not greater than two (2) year intervals from approval of the previous preliminary plat until all of the land within the Plan is included within approved preliminary plats.~~



Item Cover Page

PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Charles West, Development Services

SUBJECT: Discussion on a referral from the City Council to clarify the definition of aggrieved person and any zoning or subdivision procedures associated with an aggrieved person.

ATTACHMENTS:

[AggPerson.pdf](#)

[AG Opinion 200 Feet.pdf](#)

[Cover Sheet.docx](#)

[Ordinance Update.docx](#)

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: [Insert Date]

SUBMITTED BY: Councilor Roberts, City Council

SUBJECT:

Discussion, Consideration, and Possible Action Regarding Amendments to the City of Lago Vista Code of Ordinances:

- Chapter 14 (Zoning), Section 2.10 to establish a two-tiered definition of “Aggrieved Person” that preserves state-law limitations for Board of Adjustment appeals but broadens standing for procedural complaints made before final approval or vesting.
- Chapter 3.5 (Site Development Regulations), to add a new Article 3.5.200 creating a procedural compliance appeal process limited to ordinance enforcement issues raised prior to vesting or final administrative approval.

BACKGROUND:

The proposed amendment to Section 2.10 will ensure that residents or entities with a credible interest in ordinance enforcement can raise procedural concerns — such as omitted concept plans, notices, or required public steps — before approval is finalized, even if they do not reside within 200 feet.

A new Article 3.5.200 will also establish a formal process for such complaints to be reviewed by staff under City Manager oversight, without creating new judicial rights or post-approval delay. These changes aim to increase transparency, prevent procedural oversights, and strengthen confidence in the City’s compliance framework.

This item is being referred to the Planning & Zoning Commission for formal recommendation under Chapter 14 and is also being provided to the Building Standards Commission for comment, consistent with their role in administering Chapter 3.

FINDINGS:

These amendments clarify internal compliance procedures and ensure public accessibility to the review of procedural concerns. They do not modify statutory rights or timelines under Chapters 211, 212, or 245 of the Texas Local Government Code.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

- Draft Text – New Article 3.5.200: Procedural Compliance Appeals
- Draft Ordinance Language (Clean Version for P&Z and BSC Review)

Proposed Ordinance Amendments for P&Z and BSC Review

P&Z:

Section 1. Amendment to Chapter 14, Article 14.200 (Zoning Ordinance), Part II, Section 2.10 – Definitions

AGGRIEVED PERSON

(a) For purposes of zoning appeals to the Board of Adjustment under Texas Local Government Code Chapter 211, an “aggrieved person” means a person who is aggrieved by the administrative decision and is the owner of real property within 200 feet of the property that is the subject of the decision, as required by Texas Local Government Code § 211.010(a-1)(1)(C).

(b) For all other administrative actions not governed by Chapter 211, including decisions involving platting, development agreements, site plans, and planned development districts (PDDs), an “aggrieved person” means any of the following, provided the appeal or complaint is made prior to final approval or vesting of the application:

1. A resident of the City of Lago Vista;
2. A utility account holder within the City of Lago Vista;
3. A property owner or officer of a property owners association or civic organization operating within the city;
4. Any individual or entity who demonstrates a credible allegation that a mandatory procedural requirement imposed by ordinance—such as required public notice, plan submission, or review step—was not followed.

This expanded standing in subsection (b) shall not extend to judicial challenges or apply after final approval or vesting has occurred. It shall apply only for the purpose of initiating administrative compliance reviews or procedural appeals allowed by City ordinance.

BSC:

Section 2. New Article 3.5.200 – Procedural Compliance Appeals (Pre-Approval Only)

Sec. 3.5.201 – Purpose and Applicability

The purpose of this article is to establish a narrowly defined administrative process for reviewing complaints or appeals alleging failure to follow mandatory procedural

requirements set forth in the City's ordinances during the review of zoning, subdivision, site development, or related applications. This process shall apply only to actions prior to final approval or vesting and does not extend to post-approval or judicial challenges.

Sec. 3.5.202 – Scope of Appeal

A procedural appeal under this article may only be filed to allege the omission or misapplication of a required step in the review process, including but not limited to:

- Failure to require or process a mandatory concept plan, detail plan, or site plan;
- Failure to publish or mail notice as required by ordinance;
- Failure to obtain required recommendations or approvals from Planning & Zoning Commission, City Council, or applicable boards.

Appeals under this article shall not address subjective disagreements, policy objections, or discretionary judgments lawfully made by staff or appointed bodies.

Sec. 3.5.203 – Standing to File

Only a person meeting the definition of 'aggrieved person' under Chapter 14, Section 2.10(b) may initiate a procedural appeal under this article.

Sec. 3.5.204 – Filing Requirements and Timing

- (a) The appeal must be submitted in writing to the City Manager or designee before the application at issue has received final approval or triggered vested rights under state law.
- (b) The complaint must cite the specific ordinance provision allegedly violated and include sufficient facts to establish that a procedural requirement was not followed.
- (c) The City shall develop a standardized form for procedural appeals to aid in clarity and consistency.

Sec. 3.5.205 – Administrative Review and Disposition

- (a) The City Manager shall review each submission for sufficiency and determine whether the procedural appeal is valid on its face.
- (b) If the City Manager finds no violation or finds the matter to be immaterial or outside the scope of this article, the appeal shall be dismissed and recorded.
- (c) If the City Manager finds that a mandatory procedural requirement has been omitted or misapplied, they may take corrective action, including:
 - Directing staff to defer or reconsider the pending action;
 - Requiring compliance with the omitted procedure;
 - Referring the matter to Planning & Zoning or another appropriate body for further review.

Sec. 3.5.206 – No Stay of Deadlines or Legal Effect

Filing a procedural appeal does not stay or toll statutory deadlines applicable under Texas

Local Government Code Chapter 212 (Platting) or Chapter 245 (Vested Rights). No rights accrue to the appellant as a result of filing. This section creates only an internal city mechanism for review and correction of alleged compliance errors prior to approval.

Sec. 3.5.207 – Limitation on Relief

This article shall not be construed to:

- Create judicial standing;
- Authorize damages or equitable relief;
- Create any cause of action in state or federal court;
- Delay lawful approvals that otherwise meet all ordinance and statutory requirements.



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 29, 2025

The Honorable Donna Campbell, M.D.
Chair, Senate Committee on Nominations
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

Opinion No. KP-0498

Re: Zoning procedures, notification requirements, and eligibility for protests under Chapter 211 of the Local Government Code (RQ-0577-KP)

Dear Senator Campbell:

You ask three questions regarding municipal zoning procedures set out in Texas Local Government Code sections 211.006 and 211.007.¹ First, you ask if “property owners within 200 feet of the proposed zoning change—whether within or outside city limits—are entitled to notification” of the change “regardless of their presence on municipal tax rolls.” Request Letter at 1. Second, you ask whether property owners within a “designated radius,” regardless of whether they are listed on the municipal tax roll, “have the right to protest” a proposed zoning change. *Id.* Third, you ask about “the standard procedural requirements for verifying eligibility for notification and protest, as well as the role of external (*e.g.*, county-level) records in ensuring accurate notifications.” *Id.*

The process to reclassify property generally involves a municipality’s zoning commission and governing body.

“Zoning regulation is a recognized tool of community planning, allowing a municipality, in the exercise of its legislative discretion, to restrict the use of private property,” *City of Brookside Vill. v. Comeau*, 633 S.W.2d 790, 792 (Tex. 1982), in a manner that conforms to a comprehensive plan, *see Williamson Pointe Venture v. City of Austin*, 912 S.W.2d 340, 342 (Tex. App.—Austin 1995, no writ) (per curiam); TEX. LOC. GOV’T CODE § 211.004 (requiring zoning regulations be adopted in accordance with a comprehensive plan). Chapter 211, subchapter A, of the Local Government Code sets forth the “General Zoning Regulations” applicable to municipalities. TEX. LOC. GOV’T CODE §§ 211.001–.020. Pursuant to those provisions, the process to reclassify

¹ See Letter and Attachment from Hon. Donna Campbell, M.D., Chair, S. Comm. on Nominations, to Hon. Ken Paxton, Tex. Att’y Gen. at 1–2 (Jan. 24, 2025), <https://www.texasattorneygeneral.gov/sites/default/files/request-files/request/2025/RQ0577KP.pdf> (“Request Letter” and “Attachment,” respectively).

property generally involves the municipality’s zoning commission and governing body. *See id.* §§ 211.006–.007; *Williamson Pointe Venture*, 912 S.W.2d at 342.

We understand that your questions arise from a proposed zoning classification change in a home-rule municipality in which the governing body does not meet jointly with the zoning commission, and we limit this opinion accordingly.² *See* Attachment at 1–2 (relating to a City of San Antonio zoning commission case involving a property owner’s request to change the property’s zoning classification from commercial to multi-family); *see also Milberger Landscaping, Inc. v. City of San Antonio*, No. 08-23-00283-CV, 2024 WL 5099206, at *10 (Tex. App.—El Paso Dec. 12, 2024, pet. filed) (mem. op.) (stating San Antonio is a home-rule municipality). On this backdrop, we turn to your first question, which we understand to relate to the part of the reclassification process involving the zoning commission.

Landowners are only entitled to written notice of a hearing before the zoning commission regarding a proposed classification change if the most recently approved municipal tax roll indicates they own the property.

“In a home-rule city, a zoning commission must recommend zoning districts and zoning regulations to the city’s governing body.”³ *City of Austin*, 651 S.W.3d at 478; *see also* TEX. LOC. GOV’T CODE § 211.007(a). The zoning commission must “make a preliminary report and hold at least one public hearing” regarding a proposed zoning change. TEX. LOC. GOV’T CODE § 211.007(b). “A municipality is required to give written notice of each public hearing before the zoning commission on a proposed change in a zoning classification.” *City of Dallas v. E. Vill. Ass’n*, 480 S.W.3d 37, 41 (Tex. App.—Dallas 2015, pet. denied); *see also* TEX. LOC. GOV’T CODE § 211.007(c). The notice is “sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed.” TEX. LOC. GOV’T CODE § 211.007(c); *see also City of McKinney v. OH Skyline/380, L.P.*, 375 S.W.3d 580, 584 (Tex. App.—Dallas 2012, no pet.) (holding this requirement applies to the owner of property subject to the proposed change). If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given by publication in a newspaper. TEX. LOC. GOV’T CODE §§ 211.006(a), .007(c).

Your first question appears to concern a landowner’s right to individual written notice of a public hearing pursuant to subsection 211.007(c). Request Letter at 1. Subsection 211.007(c) defines the scope of those to whom written notice is owed before a classification change is made. *City of McKinney*, 375 S.W.3d at 583. By its terms, the subsection requires that written notice “be sent to any person or entity that the current tax roll indicates is the owner of real property located

² *See* Letter from Andrew Segovia, City Att’y, City of San Antonio, to Joshua C. Fiveson, Chair, Op. Comm. at 1–2 (Feb. 28, 2025) (on file with the Op. Comm.) (describing advertising and notifications for hearings held separately before the zoning commission and city council) (“City Letter”).

³ “A reference in . . . subchapter [A] to the adoption of a zoning regulation or a zoning district boundary includes the amendment, repeal, or other change of a regulation or boundary.” TEX. LOC. GOV’T CODE § 211.002. One court explains that case law generally treats the terms zoning regulations or district boundaries as “synonymous” with “changes in zoning classification.” *City of Austin v. Acuna*, 651 S.W.3d 474, 479 (Tex. App.—Houston [14th Dist.] 2022, no pet.).

within 200 feet of property on which the ‘change in classification’ is proposed.” *Id.* The right to notice is therefore “established by the tax rolls” and “[t]he test for one who deserves individual notice is its ownership of real property.” *Id.* at 584; *see also* TEX. TAX CODE § 26.09(e) (providing “[t]he appraisal roll with amounts of tax entered as approved by the governing body constitutes the” municipality’s tax roll). Thus, in regard to your first question, owners of real property located within 200 feet of a proposed change in classification are entitled to individual written notice of the hearing before the zoning commission only if the most recently approved municipal tax roll indicates they own the property.⁴

A landowner likely does not have to be listed on the most recently approved municipal tax roll to count toward the protest calculation regarding a proposed classification change before the governing body.

Your second question relates to the part of the reclassification process involving the governmental body. *See* Request Letter at 1. Upon receipt of a final report from the zoning commission, TEX. LOC. GOV’T CODE § 211.007(b), the governing body sets a hearing date to consider a zoning reclassification and publishes “notice of the time and place of the hearing . . . in an official newspaper or a newspaper of general circulation in the municipality,” *id.* § 211.006(a).⁵ At the hearing, all “parties in interest and citizens have an opportunity to be heard.” *Id.* An affirmative vote of at least three-fourths of all members of the governing body is required to adopt the proposed change if validly protested by “owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.” *Id.* § 211.006(d) (noting that the protest “must be written and signed”).

We understand your second question to ask whether a landowner must be listed on the approved municipal tax roll to qualify as an owner who counts toward the protest calculation under subsection 211.006(d). Request Letter at 1. Our goal is to ascertain and give effect to the Legislature’s intent as expressed by the words of the subsection, *City of Rockwall v. Hughes*, 246 S.W.3d 621, 625 (Tex. 2008), “read[ing] the statute contextually, giving effect to every word, clause, and sentence,” *Jaster v. Comet II Constr., Inc.*, 438 S.W.3d 556, 562 (Tex. 2014) (quoting *In re Off. of Att’y Gen.*, 422 S.W.3d 623, 629 (Tex. 2013)). We presume “the Legislature included words that it intended to include and omitted words it intended to omit.” *Pub. Util. Comm’n of Tex. v. Luminant Energy Co. LLC*, 691 S.W.3d 448, 461 (Tex. 2024) (quoting *Union Carbide Corp. v. Synatzske*, 438 S.W.3d 39, 52 (Tex. 2014)).

⁴ That an owner may not receive individual written notice does not, however, mean the owner receives no notification of a proposed zoning classification change because individual notice “is in addition to the general public notice and opportunity to be heard provided in section 211.006(a).” *FLCT, Ltd. v. City of Frisco*, 493 S.W.3d 238, 264 (Tex. App.—Fort Worth 2016, pet. denied); *see also* City Letter at 2 (stating that even though an owner may not be “mailed a direct notice from the City, they still receive notice through the publication process . . . and may voice their opposition to the Zoning Commission and City Council through the public hearing process”).

⁵ In addition to notice provided under section 211.006(a), the governing body of a home-rule municipality “may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing.” TEX. LOC. GOV’T CODE § 211.006(c).

Subsection 211.006(d) does not, by its terms, require that an owner appear on the most recently approved municipal tax roll. TEX. LOC. GOV'T CODE § 211.006(d)(2). And the term “owner” as used in subchapter A is not always confined to those on the tax roll. *Id.* § 211.007(c) (instructing how to serve notice on owners not on the approved tax roll but whose property is “within 200 feet of the property on which the change is proposed” and annexed to the municipality). Consistent with a plain reading of the subsection, a landowner does not have to be listed on the approved municipal tax roll to qualify as an owner under subsection 211.006(d). This reading is likewise confirmed by statutory history, which reveals that protest rights predate the statute’s limitation of the term “owner” to those on the approved tax roll in other contexts. *See* Act of March 14, 1927, 40th Leg., R.S., ch. 283, § 1, 1927 Tex. Gen. Laws 424, 425; *see also City of Austin*, 651 S.W.3d at 484 n.11 (noting that protest rights predate the right to written notice of proposed changes in classification under subsection 211.007(c) by more than twenty years). Nor does subsection 211.006(d) refer to the same class of people described in subsection 211.007(c). *Compare* TEX. LOC. GOV'T CODE § 211.006(d)(2) (referring to owners of “the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area” (emphases added)), *with id.* § 211.007(c) (referring to owners on the tax roll with “real property within 200 feet of the property on which the change in classification is proposed”); *see also City of Austin*, 651 S.W.3d at 484 (rejecting the city’s argument “that protest rights are co-extensive with the right to written notice”).

To be sure, the court in *Strong v. City of Grand Prairie* held that “the intent of the legislature was to permit written protests of proposed zoning changes by the owners of ‘real property’ lying within 200 feet of the property on which the zoning change is proposed, *which ownership is to be determined from the last approved city tax roll.*” 679 S.W.2d 767, 770 (Tex. App.—Fort Worth 1984, no writ) (emphasis added) (construing subsection 211.006(d)(2)’s predecessor statute). But more recent guidance counsels in favor of the statute’s plain text. *See City of Austin*, 651 S.W.3d at 484. As such, were the Texas Supreme Court to consider the issue, it would likely conclude that the protest criteria under subsection 211.006(d) is ownership within the qualifying geographical areas—regardless of the municipal tax roll.⁶

Other than use of the tax roll to identify an owner entitled to written notice of a hearing before the zoning commission, subsections 211.006(d) and 211.007(c) neither direct nor prohibit the use of external records or a specific method or course of action to verify an owner.

Your final question asks about “standard procedural requirements for verifying [owner] eligibility for” notice under subsection 211.007(c) and to protest under subsection 211.006(d) “as

⁶ A previous opinion concluded “only those who own real property within the specified geographic limits and whose ownership is indicated on the most recently approved city tax roll” are eligible to protest under subsection 211.006(d)(2). Tex. Att’y Gen. Op. No. GA-0630 (2008) at 3. But this conclusion was based on the fact that, at the time, *Strong* was the only precedent on point. *Id.* at 4 (explaining we were advising about our understanding of the current state of the law). The intervening decision in *City of Austin* construes section 211.006 differently, 651 S.W.3d at 484, and compels us to revisit the statutory text’s plain language. House Bill 24, effective September 1, 2025, changes the protest procedures as described in this opinion, but does not change our conclusion. *See* Act of May 31, 2025, 89th Leg., R.S., ch. 909, § 3, 2025 Tex. Sess. Law Serv. __, __ (to be codified at TEX. LOC. GOV’T CODE § 211.0061).

well as the role of external (e.g., county-level) records in ensuring accurate notifications.” Request Letter at 1. As previously explained, *supra* p. 3, an owner’s right to written notice under subsection 211.007(c) is established by the most recently approved municipal tax roll. TEX. LOC. GOV’T CODE § 211.007(c). The statute neither directs nor prohibits the use of other external records or a specific method or course of action to verify an owner described in subsection 211.007(c). *Id.* § 211.007(c). Likewise, subsection 211.006(d) neither directs nor prohibits the use of any particular external record, method, or course of action to verify an owner described in that subsection. *Id.* § 211.006(d). Instead, this type of detail is often found in local zoning ordinances, subject to judicial review for abuse of discretion. *See, e.g., City of Dallas v. Homan*, No. 05-20-01111-CV, 2022 WL 969631, at *4–5 (Tex. App.—Dallas Mar. 31, 2022, no pet.) (mem. op.); *see also, e.g., Powell v. City of Houston*, 628 S.W.3d 838, 842 (Tex. 2021) (explaining that “[c]ity ordinances are ‘presumed to be valid,’ and courts ‘have no authority to interfere unless the ordinance is unreasonable and arbitrary—a clear abuse of discretion’” (citation omitted)). Thus, one generally looks to an individual municipality’s local regulations to determine whether any external records, or particular methods or courses of action are used to verify an owner.

S U M M A R Y

The owner of real property within 200 feet of a proposed change in zoning classification is entitled to written notice of a hearing before the zoning commission if the owner is indicated as such on the most recently approved municipal tax roll.

The plain text of the Local Government Code does not require that an owner be listed on the most recently approved municipal tax roll to count toward the protest calculation regarding a proposed classification change before the governing body.

Other than use of the municipal tax roll to identify an owner entitled to written notice of a hearing before the zoning commission, Local Government Code subsections 211.006(d) and 211.007(c) neither direct nor prohibit the use of external records or a specific method or course of action to verify an owner.

Very truly yours,

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive, flowing style.

K E N P A X T O N
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

LESLEY FRENCH
Chief of Staff

D. FORREST BRUMBAUGH
Deputy Attorney General for Legal Counsel

JOSHUA C. FIVESON
Chair, Opinion Committee

CHRISTY DRAKE-ADAMS
Assistant Attorney General, Opinion Committee

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CITY COUNCIL AGENDA ITEM REPORT

DATE: Oct 2, 2025

SUBMITTED BY: Paul Roberts

SUBJECT: Referral of Amendment to Chapter 14, Section 13.20(e)(3)(B)(ii–iii) (Zoning Protest Procedures) to Planning & Zoning Commission

BACKGROUND:

Attorney General Opinion No. KP-0498 (August 29, 2025) clarified that under Texas Local Government Code §211.006(d), property owners within 200 feet of a proposed zoning change are entitled to file a valid protest regardless of whether their property lies within municipal limits or appears on the municipal tax roll.

The City’s current ordinance, **Chapter 14, Section 13.20(e)(3)(B)(ii–iii)**, limits protest rights and land area calculations to properties “within the municipal limits of the City of Lago Vista.” This restriction conflicts with state law and the Attorney General’s interpretation.

A redline amendment has been prepared to remove the municipal-limits language in subsections (ii–iii). This will ensure compliance with Chapter 211 and preserve the legal defensibility of City zoning actions.

FINANCIAL IMPACT:

None.

RECOMMENDED ACTION:

Refer the proposed ordinance amendment to the Planning & Zoning Commission for review and recommendation.

ATTACHMENTS:

1. Draft Redline Ordinance Amendment – Chapter 14, Section 13.20(e)(3)(B)(ii–iii)
2. Attorney General Opinion KP-0498 (Aug. 29, 2025)

Chapter 14, Section 13.20(e)(3)(B)(ii–iii)

(e) Review of Zoning Change Request by City Council. The Council shall:

- (1) Review the Commission recommendation.
- (2) Before acting upon the zoning change, hold at least one (1) public hearing on the proposed zoning change. Notice of a hearing before the Council shall be given by publication as prescribed in Section 13.40(a)(2) below. Separate written notice to property owners is not necessary. Notice of the hearing before the Council may be combined with the notice given for the hearing on the same matter before the Commission.
- (3) Take appropriate action as follows:
 - (A) The Council may enact a proposed change of zoning by ordinance, if it finds that such change is in the public interest. A change of zoning may be enacted, even though such proposed change does not conform to the land use map in the City's Master Plan provided that the Council's findings conform to the requirements of Section 13.20(d).
 - (B) A change of zoning shall not become effective except by the affirmative vote of at least three-fourths of all members of the governing body if a written protest, signed by owners of at least twenty percent (20%) of either:
 - (i) The area of lots or land covered by the proposed change;
 - (ii) The area of lots or land immediately abutting the area covered by the proposed change and extending two hundred feet (200') from that area., ~~that is within the municipal limits of the City of Lago Vista.~~
 - (iii) In computing the percentage of land area described in this subsection, the area of streets, alleys, and publicly owned property. ~~within the municipal limits of the City of Lago Vista shall be included.~~



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PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Councilor Roberts, City Council

SUBJECT: Discussion on a referral from the City Council to amend the Code of Ordinances, concerning drainage regulation.

BACKGROUND: Please review the attached staff report from Councilmember Paul Roberts, dated May 15, 2025.

ATTACHMENTS:
[Drainage Ordinance Agenda Item.pdf](#)

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: May 15, 2025

SUBMITTED BY: Councilor Roberts, City Council

SUBJECT: Discussion, Consideration, and Possible Action on a Referral of Draft Drainage Ordinance Amendments to Relevant Commissions for Review and Recommendation.

BACKGROUND:

Recent drainage complaints and enforcement limitations have revealed gaps in the City's ability to regulate and respond to grading and runoff issues across both legacy and newly developed areas. Draft ordinance language has been prepared to establish universal drainage plan requirements, improve complaint response procedures, and ensure enforceable standards exist regardless of subdivision type, zoning status, or existing infrastructure.

Because these proposed amendments impact multiple chapters of the Lago Vista Code of Ordinances—including Chapters 3, 3.5, 10, and 14—City Council is asked to formally refer each amendment to the appropriate commission(s) for review and recommendation.

FINDINGS:

Each proposed amendment has been structured to address one or more of the following:

1. Universal requirement for grading and drainage plans on all residential lots.
2. Prohibition on altering topography without review and approval.
3. Mandatory flow modeling for culverts, swales, and slope changes.
4. A standardized drainage complaint and enforcement process.
5. Authority to require corrective action when drainage violations occur.

Chapters 3 and 3.5 fall under the Building Commission's purview.

Chapters 10 and 14 fall under the Planning & Zoning Commission's purview.

Refer the attached draft ordinance sections to the appropriate commissions (Building Commission and Planning & Zoning Commission) for review, discussion, and recommendation back to Council. The draft ordinance packet is included with this cover sheet.

FINANCIAL IMPACT: None at this time.

ATTACHMENTS:

[2025-05-08 _ Drainage Referrel _ Councilman Roberts.pdf](#)

Drainage Code Modernization: Referral Packet for Commission Review

Councilmember-Initiated Draft

City of Lago Vista

May 15, 2025

Introduction and Referral Instruction

This document is submitted for concurrent review by the Planning & Zoning Commission and the Building Commission at the direction of City Council and in response to a request from Councilmember Paul Roberts. It includes proposed draft ordinance sections intended to improve drainage accountability, enforcement, and site-level planning for new development and infill construction throughout Lago Vista.

Each proposed amendment includes:

- The specific Chapter and Section of the Code to be added or modified
- The policy purpose and intent
- Clean draft language for discussion and refinement

These proposals are structured for Commission comment, editing, and recommendation back to Council. Commissions may suggest alternative language, additions, or strike elements as needed.

Section 1 – Building Commission Review (Chapters 3 & 3.5)

Sec. 3.5.107 – Required Lot-Level Drainage Plan

Purpose: To ensure all residential construction includes a site-specific drainage plan reviewed by Public Works or Engineering prior to permit issuance.

(a) All residential building permit applications shall include a grading and drainage plan sealed by a licensed Texas Professional Engineer. The plan must show:

- Existing and proposed contours
- Cut/fill areas and flow directions
- Drainage easements and discharge points
- Methods to prevent runoff to adjacent lots

(b) No permit shall be issued until the City Engineer or designee confirms the plan complies with Sec. 3.1401 and applicable standards.

Sec. 3.5.108 – Unauthorized Topographic Alteration Prohibited

Purpose: To prohibit unpermitted grading or terrain modification that affects drainage.

No person shall cut, fill, regrade, or alter existing topography on any lot without prior City approval and a stamped drainage plan. Unauthorized grading is a violation of this Code and subject to penalties under Sec. 3.1403.

Section 2 – Planning & Zoning Commission Review (Chapters 10 & 14)

Sec. 10.2.12 – Subdivision Drainage and Grading Plans

Purpose: To ensure all subdivisions demonstrate adequate drainage management at platting and construction stages.

- (a) All preliminary plats and construction plans shall include a master drainage plan with existing/proposed contours, flow paths, easements, and downstream impacts.
- (b) The City may require individual lot drainage analysis at construction stage where slopes exceed 10% or drainage concerns are identified.

Sec. 14.4.09 – Corrective Action for Drainage Impacts

Purpose: To provide formal enforcement tools when offsite drainage issues arise due to negligent construction.

- (a) When City staff determines site work has caused offsite drainage impacts, the responsible party (developer, builder, property owner, or utility) shall be required to implement corrective measures.
- (b) The City may impose deadlines, issue notices of violation, and recover costs if City action is required.

Sec. 14.4.10 – Drainage Complaint Review Process

Purpose: To standardize the process for receiving, investigating, and responding to drainage complaints.

- (a) Complaints shall be acknowledged within 5 business days, inspected within 15, and resolved or responded to within 30 days.
- (b) Verified violations shall result in written notice and required mitigation under Sec. 3.1403.



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PLANNING & ZONING COMMISSION CALLED MEETING AGENDA ITEM REPORT

DATE: October 23, 2025

SUBMITTED BY: Charles West, Development Services

SUBJECT: Discussion on the creation of an ordinance to address landscaping failure after site development has been completed.