

AGENDA

CITY OF TAYLOR, TEXAS

PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers
400 Porter Street, Taylor, TX 76574
October 9, 2018 6:00 P.M.

CALL TO ORDER AND DECLARE A QUORUM

CITIZENS COMMUNICATION

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Board may act on with one single vote. The Chairman or a Board member may pull any item from the Consent Agenda in order to discuss and act upon it individually as part of the Regular agenda.)

1. Review and approve minutes from the meeting on September 18, 2018.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

1. **PZ-2018-1102 – Conduct Public Hearing** on a request for Rezoning 105 Franklin Street, being Lot 18, Block 2, Carlow Addition, from the Light Industrial (M-1) District to the Local Business (B-1) District. (ORDINANCE 2018-19)
2. **PZ-2018-1102 – Make Recommendation** on a request for Rezoning 105 Franklin Street, being Lot 18, Block 2, Carlow Addition, from the Light Industrial (M-1) District to the Local Business (B-1) District. (ORDINANCE 2018-19)
3. **PZ-2018-1101 – Conduct Public Hearing** on a request for a Specific Use Permit (SUP) for a Bar/Tavern Use within a portion of 410 West 7th Street, in a Commercial Planned Development (C-PD) District. (ORDINANCE 2018-18)
4. **PZ-2018-1101 – Make Recommendation** on a request for a Specific Use Permit (SUP) for a Bar/Tavern Use within a portion of 410 West 7th Street, in a Commercial Planned Development (C-PD) District. (ORDINANCE 2018-18)
5. Consider an update regarding Council actions related to Planning and Zoning items.

ADJOURN

Next Meeting Date: November 13, 2018

The Board may vote and/or act upon each of the items listed in this Agenda. The Board reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act. I certify that the notice of meeting was posted in the Taylor City Hall Lobby before 6:00 pm on October 5, 2018 and remained posted for at least 72 continuous hours before the scheduled time of said meeting. I further certify that the following news media was notified of this meeting: Taylor Daily Press.

Posted By: Carrie Orts
Carrie Orts Administrative Assistant to Development Services

Date: 10.5.18

**MINUTES
CITY OF TAYLOR, TEXAS
400 Porter Street, Taylor Texas 76574
PLANNING AND ZONING COMMISSION MEETING
September 18, 2018 6:00 p.m.
City Council Chamber**

PRESENT

Don McAlister
Michael Aplin
Mike Eaton
Leland Stevens
Betty Day
Annette Maruska

ABSENT

Donna Frazier
Rick Selin

OTHERS PRESENT

Tom Yantis, Director Development Services
Shelly Shelton, Senior Planner Development Services
Michael Elabarger, Senior Planner Development Services

CALL TO ORDER AND DECLARE A QUORUM

The meeting was called to order and a quorum declared at 6:01 p.m.

Introduce new City Staff

Mr. McAlister introduced the new Director of Development Services, Tom Yantis to the Commission.

CITIZEN COMMUNICATION

None

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Commission or Board may act on with one single vote. The Chairman or a Board member may pull any item from the Consent Agenda in order to discuss and act upon it individually as part of the Regular agenda.)

Review and approve minutes from the meeting on August 14, 2018.

Motion made by Mr. Stevens to approve minutes from August 14, 2018 with correction to who made motion to approve from Mrs. Maruska to Mr. Stevens. Second by Mr. Aplin. All voted Aye.

PZ-2018-1098 – Conduct Public Hearing on a Final Plat of a Replat of a portion of Lot 1, E.S. Harris' Addition to the City of Taylor, located at 1305 Frink Street in the Single Family Residential (R-1) District, to be known as New Hope 2 Subdivision.

Hearing opened. Mrs. Shelton made presentation including recommendation of approval as the plat has met all of the technical requirement of the City of Taylor Subdivision Ordinance. Mr. Patrick Peck was present to answer questions. There was discussion between the Board, Resident and Staff. Hearing closed.

PZ-2018-1098 – Consider Approval on a Final Plat of a Replat of a portion of Lot 1, E.S. Harris' Addition to the City of Taylor, located at 1305 Frink Street in the Single Family Residential (R-1) District, to be known as New Hope 2 Subdivision.

Mr. Stevens made motion to approve Final Plat. Second by Mrs. Maruska. All voted aye.

PZ-2018-1096 – Conduct Public Hearing on Final Plat of a Replat of a Lots 3-16, Block 35 and a portion of the 20-foot alley, Washington Heights Addition to the City of Taylor, located at 401 Potomac Street in the Single Family Residential (R-1) District, to be known as Trinity Heights Subdivision.

Hearing opened. Mrs. Shelton made presentation including recommendation of approval as the plat has met all of the technical requirement of the City of Taylor Subdivision Ordinance. Ms. Jen Henderson, were present to answer questions.

Mr. Tim Mikeska was present to voice his concern on what will happen to the land if houses start to pop up.

PZ-2018-1096 – Consider Approval on Final Plat of a Replat of a Lots 3-16, Block 35 and a portion of the 20-foot alley, Washington Heights Addition to the City of Taylor, located at 401 Potomac Street in the Single Family Residential (R-1) District, to be known as Trinity Heights Subdivision.

Mr. Stevens made motion to approve Final Plat. Second by Mrs. Day. All voted Aye.

PZ-2018-1091 – Conduct Public Hearing on a request to rezone approximately 73.22 acres and 19.04 acres out of the W. J. Baker Survey, Abstract No. 65, located approximately 1,300 feet north of Mallard Lane, east and south of Northwest Carlos G. Parker Boulevard, and west of North Drive, from the Rural/Agricultural (R/A), Residential Single Family (R-1), and Local Business (B-1) Districts to a Residential Planned Development (R-PD) District, to be known as The Grove at Bull Creek. ORDINANCE 2018-10.

Hearing opened. Mr. Elabarger made presentation including recommendation of approval of Ordinance 2018-10. Mr. David Peter was present to answer questions. Mr. Jack Eastland was present to voice his concern about flooding with the new construction. There was discussion between the Board and Staff. Hearing closed.

PZ-2018-1091 – Make Recommendation on a request to rezone approximately 73.22 acres and 19.04 acres out of the W. J. Baker Survey, Abstract No. 65, located approximately 1,300 feet north of Mallard Lane, east and south of Northwest Carlos G. Parker Boulevard, and west of North Drive, from the Rural/Agricultural (R/A), Residential Single Family (R-1), and Local Business (B-1) Districts to a Residential Planned Development (R-PD) District, to be known as The Grove at Bull Creek. ORDINANCE 2018-10.

Mr. Stevens made a motion to recommend approval of ordinance 2018-10 to Council. Second by Mr. Eaton. All voted Aye.

Consider an update regarding Council actions related to Planning and Zoning items.

Mr. Elabarger stated that there were currently no new updates.

Adjourn

The meeting was adjourned at 7:16 p.m.

Carrie Orts
Administrative Assistant Development Services

Don McAlister
Planning & Zoning Commission Chairman

PZ-2018-1102

105 Franklin Street

Rezoning from M-1 to B-1



Applicant Information:

Applicant: City of Taylor

Applicant Request: Rezone the property from the M-1 District to the B-1 District

Subject Property:

Location: 105 Franklin Street

Legal Description: Carlow Addition, Block 2, Lot 18

Existing Zoning: M-1 – Light Industrial District

Utilities: Service area of City Water and Wastewater; ONCOR Electric

Existing Use of Property: Single-family residence slated for demolition

Adjacent Zoning and Land Use Pattern:

<u>Direction</u>	<u>Current Zoning</u>	<u>Existing Land Use</u>
North	M-1 – Light Industrial District	Single-family detached
South	M-1 – Light Industrial District	Single-family detached
East	M-1 – Light Industrial District	Single-family detached, Industrial business
West	M-1 – Light Industrial District	Single-family detached

Application Summary

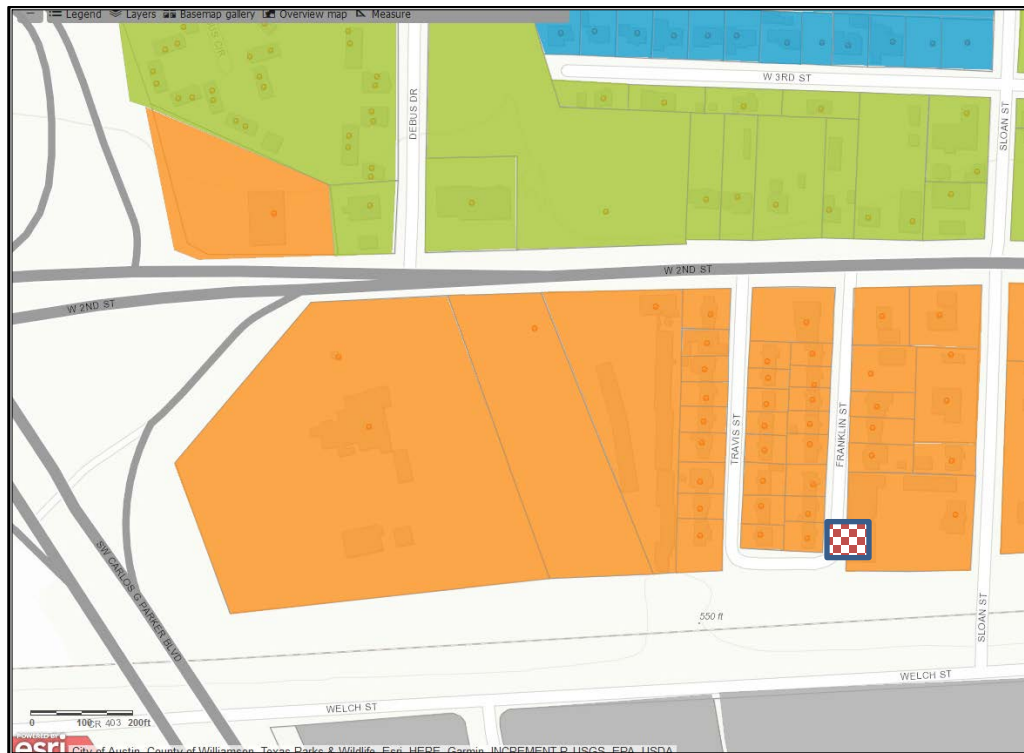
The proposal is to rezone a 0.11 acre platted lot, created via the 1952 Carlow Addition subdivision plat, from the M-1, Light Industrial District to the B-1, Local Business District.

Analysis

The inception of zoning regulations, including identifying every property within the City Limits as a specific Zoning District, and establishing use parameters of that property, date to 1951, when the (then referred to as) City of Taylor Board of Commissioners adopted an Ordinance that created two (2) districts – Residential and Commercial. A revision to this, Ordinance 1968-14, was adopted in 1968 that expanded the Zoning Districts to six (6) – R-1 Single-family; R-2 Multi-Family; B-1 Local Business; B-2 General Business; M-1 Light Industrial; M-2 Heavy Industrial – and added additional descriptions of what uses were permitted in which district, as well as a comprehensive list of definitions. A Zoning District Map adopted August 5, 1997 exists that references eight (8) districts – those from the 1968 revision, plus two additional Multifamily Districts termed R2-A and R2-B. In 2001, a major overhaul of the Zoning Ordinance was performed that expanded the number

of zoning districts to thirteen (13), and added more comprehensive Specific Use tables/charts, more detailed development standards for each district, expanded process detail such as for the Zoning Board of Adjustment, and more and revised definitions.

The 1997 Zoning District map, as well as the map currently in effect, identifies the entire south side of West 2nd Street, from the interchange of 2nd Street and Highway 79/Carlos G. Parker Boulevard on the west to within several blocks of Main Street (Highway 95), as the M-1, Light Industrial District. This zoning designation covers the entire Carlow Addition, which created the subject property in 1952 as a residential neighborhood; see excerpt from current Zoning Map below.



The City’s Future Land Use (FLU) map, part of the Comprehensive Plan, recognizes this property, and the entire area south of West 2nd Street in this vicinity, as being appropriate for “Commercial” type uses; see excerpt from the FLU map below, with the property in a Yellow circle.



Staff Recommendation

Staff recommends approval of the rezoning request, based on the following findings:

1. The property, and entire neighborhood, having been created as residential lots and a residential neighborhood, respectively, are inappropriately zoned as M-1 Light Industrial.
2. The B-1 District provides a District that permits Single-family Detached Dwelling as a permitted use.
3. The Future Land Use Map identifies the property, and surrounding vicinity, as being appropriate for 'commercial' uses, which is supported by the proposed B-1 Local Business District.

Attachments:

1. Proposed Ordinance 2018-19
2. Ordinance Exhibit A – Legal Description (1952 Subdivision Plat)
3. Aerial Photo

ORDINANCE NO. 2018-19

AN ORDINANCE CHANGING THE ZONING OF PROPERTY DESCRIBED AS LOT 18, BLOCK 2, CARLOW ADDITION, LOCATED AT 105 FRANKLIN STREET IN TAYLOR, WILLIAMSON COUNTY, TEXAS, AND LEGALLY DESCRIBED IN THIS ORDINANCE FROM LIGHT INDUSTRIAL DISTRICT (M-1) TO LOCAL BUSINESS DISTRICT (B-1); AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TAYLOR, TEXAS, TO SHOW THE ZONING CHANGE ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

WHEREAS, the Taylor City Council conducted a public hearing on October 25, 2018, to consider the request made by the City of Taylor, which property is legally described in Exhibit “A” attached hereto and incorporated by reference herein for all purposes (“Property”), to change the zoning for the Property from Light Industrial M-1 District to Local Business B-1 District; and

WHEREAS, the Planning and Zoning Commission, after proper notice, conducted a public hearing on October 9, 2018, to consider the zoning request, and recommended the zoning change to the City Council; and

WHEREAS, the City Council, after the public hearing, approves the request for the Property zoning change.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS, that:

SECTION 1. The facts and recitations contained in the preamble of this Ordinance are hereby declared to be true and correct and are incorporated by reference herein and made a part hereof, as if copied verbatim.

SECTION 2. The Property is changed from Light Industrial M-1 District to Local Business B-1 District.

SECTION 3. The Official Zoning map of the City of Taylor, Texas, is changed to show the Property zoning district changed from Light Industrial M-1 District to Local Business B-1 District.

SECTION 4. All other terms and conditions contained in the official zoning map, except as amended herein, shall continue and remain in full force and effect.

SECTION 5. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 6. In accordance with Article VIII of the City Charter, Ordinance 2018-19 was introduced before the Taylor City Council on the 25th day of October, 2018.

PASSED, APPROVED, and ADOPTED on the _____ day of _____, 2018.

Mayor

ATTEST:

Dianna Barker, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl,
City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Dianna Barker, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2018-19, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2018, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this _____ day of _____, 2018.

Dianna Barker
City Clerk

EXHIBIT A

[Legal Description – Deed & Plat]

DRAFT

THE STATE OF TEXAS)
COUNTY OF WILLIAMSON) WHEREAS, the undersigned, Charles E. Carlow and wife, Gwen Carlow, are the

owners of the hereinafter described tract or parcel of land, lying and being situated within the corporate limits of the City of Taylor, Williamson County, Texas, and being out of and a part of the Williams Survey, Abstract Number 665, and being a part of that tract of land heretofore conveyed in two (2) tracts to Charles E. Carlow by Henry Dentler and wife, Carrie Dentler, by deed dated March 1st, 1949, of record in Volume 353, page 474, Deed Records of Williamson County, Texas, the portion of said original tract intended to be included in this Addition being described by metes and bounds as follows, to-wit:

BEGINNING at a point which is 120 feet South 3 deg. 45 min. West of the S. W. intersection of West Second and Sloan Streets, said point being in the West line of Sloan Street;
THENCE South 3 deg. 45 min. West, 398 feet along the West line of Sloan Street to an iron stake for a corner in the North right-of-way line of the Missouri Pacific Railroad;
THENCE South 88 deg. 28 min. West 573.2 feet along the said Railroad right-of-way line to a stake for a corner;
THENCE North 3 deg. 45 min. East, 321.9 feet to a stake for a corner, said stake being the N. W. corner of Lot 1, Block 1, of this Subdivision;
THENCE South 86 deg. 15 min. East, 85 feet to a stake for a corner in the West line of Travis Street;
THENCE North 3 deg. 45 min. East, 222 feet along the West line of Travis Street to a stake in the South line of West Second Street;
THENCE North 89 deg. 50 min. East, 206 feet along the South line of West Second Street to an angle point for a corner, said point also being the N. E. corner of Lot 11, Block 2 of this Addition;
THENCE South 89 deg. 09 min. East, 160 feet to a stake for a corner;
THENCE South 3 deg. 45 min. West, 114 feet to a stake for a corner;
THENCE South 86 deg. 15 min. East, 119.7 feet to the place of beginning, and

WHEREAS, as owners of the above-described property they have caused the same to be surveyed and platted into blocks, lots and streets and have made a plat thereof, the same to be filed in the plat Records of Williamson County, Texas, and thereafter known as the Carlow Addition to the City of Taylor, Williamson County, Texas, and all sales hereafter made shall be made by reference to said plat and all lots, blocks, streets, and easements shall be determined from the said plat and dimensions and numbers given thereon.

We do hereby GRANT AND DEDICATE to the public, for public use forever, all streets and easements which are designated on the attached plat. The utility easements shown on said plat are for the use of the City of Taylor, owners of property in the Carlow Addition, and for the utility companies, public or private, serving the owners of said Addition, and no permanent structure shall be erected on said easements, and the City of Taylor or the representatives of any public or private utility company furnishing utilities in said Addition shall have the right to enter on said easements for the purpose of the installation or repair of said utilities. The City of Taylor shall have the authority to designate the location of said utilities.

IN WITNESS WHEREOF, we hereunto sign our names this, the 26th day of December, A. D. 1951.

CHARLES E. CARLOW

GWEN CARLOW

THE STATE OF TEXAS)
COUNTY OF WILLIAMSON) BEFORE ME, the undersigned authority, on this day personally appeared CHARLES E. CARLOW AND GWEN CARLOW, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and the said GWEN CARLOW, wife of the said CHARLES E. CARLOW, having been examined by me privately and apart from her husband, and having the same fully explained to her, she, the said Gwen Carlow, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this, the 26th day of December, A. D. 1951.

(Seal)

R. R. CROWELL
Notary Public in and for Williamson County, Texas.

Filed for record Jan. 2, 1952, at 8:00 o'clock A.M.
Recorded Jan. 10, 1952, at 11 o'clock A.M.

DICK CERVENKA, Clerk, County Court,
Williamson County, Texas.

THE STATE OF TEXAS)
COUNTY OF WILLIAMSON)

A RESOLUTION APPROVING THE SUBDIVISION, DEDICATION AND NAMING OF THE STREETS AND AVENUES IN THE CARLOW ADDITION TO THE CITY OF TAYLOR, WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF FILED WITH THE CITY SECRETARY AND HEREBY APPROVED

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF TAYLOR:

SECTION 1. That the action of Charles E. Carlow and wife, Gwen Carlow, in subdividing, dedicating and naming the streets and avenues of the Carlow Addition to the City of Taylor, Williamson County, Texas, is hereby in all things approved by the Board of City Commissioners of the City of Taylor as meeting all of the requirements and provisions of said City Charter. The lots of the Carlow Addition are fully shown on a plat of such Addition as filed with the City Secretary of the City of Taylor, which plat is hereby approved and accepted as constituting the lots, blocks, streets, avenues, and utility easements of the Carlow Addition. Further, the dedication of the streets and avenues to the public for public use forever and the granting of easements through the Carlow Addition for the installation and maintenance of utilities are hereby accepted and approved.

PASSED AND APPROVED on this, the 27th day of December, A. D. 1951, at a regular meeting of the Board of City Commissioners and at which a quorum was present.

ATTEN: HAROLD WILLIAMSON (C.S.)
(SIGNED)
R. E. KOLLMAN (SIGNED)
Chairman, Board of City Commissioners
of the City of Taylor, Texas.

City Secretary of the City of Taylor, Texas.

I, HAROLD WILLIAMSON, City Secretary of the City of Taylor, Williamson County, Texas, do hereby certify that the above and foregoing resolution is a true and correct emanation of the original resolution passed and adopted by the Board of City Commissioners of the City of Taylor at a regular meeting duly held, at which a quorum was present, on the 27th day of December, A.D. 1951.

THE STATE OF TEXAS)
COUNTY OF WILLIAMSON)

BEFORE ME, the undersigned authority, on this day personally appeared HAROLD WILLIAMSON, known to me to be the person whose name is subscribed to the foregoing instrument, and in my presence executed the same and swore to the truth thereof, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this, the 27th day of December, A. D. 1951.

R. R. CROWELL
Notary Public in and for Williamson County, Texas.



ATTACHMENT 3 – AERIAL VIEW (2018)



PZ-2018-1101

410 West 7th Street

Specific Use Permit for ‘Bar/Tavern’ in C-PD District



Applicant Information:

Applicant: Old Taylor High

Owner: East Wilco 95 LLC

Applicant Request: Specific Use Permit (SUP) for the “Bar/Tavern” use in a Commercial Planned Development (C-PD) District, with the underlying base District of B-2, General Business

Subject Property:

Location: 410 West 7th Street (portion within existing building)

Legal Description: Olle Subdivision, Block A, Lot 1

Existing Zoning: Commercial Planned Development (C-PD) District, with a base District of B-2 – General Business

Utilities: Service area of City Water and Wastewater; ONCOR Electric

Existing Use of Property: Developed with former public school buildings converted to various private development uses; parking lots.

Adjacent Zoning and Land Use Pattern:

<u>Direction</u>	<u>Current Zoning</u>	<u>Existing Land Use</u>
North	R-1 – Single Family Residential District	Single-family detached
South	MF-2 – High Density Multifamily District	Church properties
East	MF-2 – High Density Multifamily District	Single-family detached and Public Library;
West	R-1 – Single Family Residential District	Single-family detached; church properties

Application Summary

The proposal is to establish the “Bar/Tavern” specific use within a portion of an existing building and site on this platted property. The underlying zoning of the Commercial Planned Development Zoning District is the General Business, B-2, District, which permits the “Bar/Tavern” use only with an approved Specific Use Permit from the City Council. The “Bar/Tavern” use is defined in Chapter 11 of the Zoning Ordinance as *“An establishment or part of an establishment devoted primarily to the serving of alcoholic beverages by the drink for on-premise consumption and in which the sale of food is less than fifty (50) percent of the establishment’s gross sales.”*

The applicant submitted a revised Letter of Explanation, dated October 5, 2018; the remainder of the original materials submitted are unchanged. The revised Letter removed details regarding the size that would be dedicated to the proposed use, but the general location within the building and property (outdoor area immediately adjacent the building) remained the same. See Attachment 4, which is Exhibit C to the Ordinance.

While the applicants submittal includes a graphic depicting door-to-door distances from the planned space for the Bar/Tavern use, the SUP request does not constitute a permit for the sale of alcoholic beverages. A separate permit for the sale of alcoholic beverages will be required from the State and City if the SUP is approved.

Comprehensive Plan – Future Land Use Map

The City’s Future Land Use map, which is part of the Comprehensive Plan and was last revised in 2013, recognizes this property as being appropriate for “Semi-Public/Institutional”; when the current Comprehensive Plan was adopted in 2004, it designated this property as “Institutional”. Both of these designations commemorate, and date to when, the property was still owned by the Taylor ISD and operated as a public school and later as a ‘community center’. All other properties surrounding it are designed for ‘Single family’, ‘Multifamily’, or ‘Institutional’ uses.



Zoning Ordinance

The City’s Zoning Ordinance, in Table 3.7, Recreational and Entertainment Uses, lists the specific use – **“Bar/Tavern”** – as being a Permitted (P) use in the B-3, M-1, and M-2 zoning districts, but requiring a Specific Use Permit (S) in the B-2 and B-1 Districts.

TABLE 3.7 — RECREATIONAL AND ENTERTAINMENT USES																		
Residential Districts									Misc. Districts			Nonresidential Districts						
R-A	R-1	R-2	R-3	MH	D	M F-1	MF-2	Permitted Uses	DN	I	P	B-1	B-2	B-3	BP-1	BP-2	M-1	M-2
								Ballroom Dancing				P	P	P			P	P
								Bar or tavern				S	S	P			P	P

Section 8.2 of the City’s Zoning Ordinance describes Specific Use Permits; see below:

8.2 - Specific Use Permits

8.2.1 Public Hearing, Review and Recommendation

Before authorization of any specific use permit, the request shall be referred to the Planning and Zoning Commission for their recommendation concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the area.

Notice of public hearings held by the Planning and Zoning Commission shall be given by sending written notice to all owners of property to which the proposed change would apply and to all owners of property located within two hundred (200) feet of any property affected or to be changed thereby, such notice to be served at least ten (10) days prior to the date set for the public hearing.

A second public hearing shall be held by the City Council before adopting any proposed amendment, supplement, change or modification. Notice of such public hearing shall be given by publication at least one time in a newspaper of general circulation in the City, which notice shall state the time and place of hearing and which date of publication shall be at least ten (10) days prior to the date set for public hearing.

8.2.2 Review and Action

The City Council by an affirmative three-fourths (¾) vote may grant a specific use permit for uses that are otherwise not permitted by-right by this Ordinance, and may impose appropriate conditions and safeguards, including a specified period of time for the permit to protect the Comprehensive Plan and to conserve and protect property values.

City Council’s approval of such an SUP requires a ¾ majority vote, and Council may impose conditions on the operation or functioning of the proposed use.

Analysis

The proposed use of “Bar/Tavern” is an approved use within the B-2 Zoning District, subject to the approval of a Specific Use Permit (SUP) by City Council. Staff finds that some parameters on the hours of operation are warranted, and have include an end-time commensurate with the hours contained in the applicant’s initial explanatory letter. More than adequate parking is currently available across the property.

The scope of the request, the nature of the proposed location and the property in general, the approved zoning entitlement for the property, and the proposed Conditions of Operation all function to facilitate the proposed use to function with no greater impacts than many other already permitted uses. City and/or State regulations regarding nuisances, noise, light, etc. exist to regulate negative impacts that may arise from the property by either already permitted uses/activities or this one specific use being requested.

Proposed Conditions of Operation

1. Applicability - The Specific Use Permit shall be for Old Taylor High or its successors or assigns to perform, or allow to be performed, the “Bar/Tavern” use within the indoor/outdoor area generally depicted in the Applicant’s submitted materials, hereby referenced as Ordinance Exhibit C.
2. Expiration - The Specific Use Permit shall cease to be valid when/if Old Taylor High or its successors or assigns is no longer the Owner of the property subject to this permit.
3. Hours of operation – The “Bar/Tavern” use shall not be open to the public later than 10:00 pm Monday through Saturday, and 8:00 pm Sundays. These limits do not supersede any regulations that may be more restrictive (i.e. require earlier end-times).
4. All applicable Zoning Ordinance, Building Code, and Fire Code requirements, as well as any Williamson County or State of Texas laws, relative to the establishment of the “Bar/Tavern” use, shall be demonstrated and met during the Certificate of Occupancy process.

Notification/Public Comments

Notification letters were sent to owners of properties located within a 200-foot radius of the subject property; this resulted in 30 letters being mailed. To date, one (1) written public comment has been received by City Staff, in opposition to the request. The comments are included as Attachment 6 to this report.

Staff Recommendation

Staff recommends approval of the Specific Use Permit request – subject to the above conditions of operations – and based on the following findings:

1. The Conditions of Approval are meant to ensure that the parameters and intensity of the proposed use are maintained and not exceeded.
2. The governing Zoning of the property, Ordinance 2017-13, a Commercial Planned Development District with the B-2, General Business as base District, envisioned a wide variety of uses developed in a mixed and integrated fashion across a unique and largely developed property. Many retail and commercial uses are permitted by-right under the governing zoning, including uses that could inherently involve the sale and consumption of alcoholic beverages such as restaurants and special event venues.
3. This zoning use request in no way supersedes the rules, procedures, and permitting requirements for the sale of alcoholic beverages by the City of Taylor and the Texas Alcoholic Beverage Commission (TABC).

Attachments:

1. Proposed Ordinance 2018-18
2. Ordinance Exhibit A – Legal Description (Plat)
3. Ordinance Exhibit B – Conditions of Operation
4. Ordinance Exhibit C - Applicant's Submittal Materials
5. Aerial Photo
6. Public Comments

ORDINANCE NO. 2018-18

AN ORDINANCE APPROVING A SPECIFIC USE PERMIT FOR PROPERTY BEING OLLE SUBDIVISION, BLOCK A, LOT 1, LOCATED GENERALLY AT 410 WEST SEVENTH STREET IN TAYLOR, WILLIAMSON COUNTY, TEXAS, FOR A BAR/TAVERN USE IN THE COMMERCIAL PLANNED DEVELOPMENT DISTRICT C-PD; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TAYLOR, TEXAS, TO SHOW THE SPECIFIC USE PERMIT ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

WHEREAS, the Taylor City Council conducted a public hearing on October 25, 2018, to consider the request made by Old Taylor High and East Wilco 95 LLC, as Applicant and Owner of the property, respectively, which property is legally described in Exhibit "A" attached hereto and incorporated by reference herein for all purposes ("Property"), to request a Specific Use Permit for a Bar/Tavern use, which is use permitted by Specific Use Permit approval within the B-2 General Business District which is the base district of the Commercial Planned Development District; and

WHEREAS, the Planning and Zoning Commission, after proper notice, conducted a public hearing on October 9, 2018, to consider the Specific Use Permit, and recommended the Specific Use Permit to the City Council; and

WHEREAS, per Zoning Ordinance Section 8.2.2, the City Council by an affirmative three-fourths (3/4) vote may grant a Specific Use Permit for uses that are otherwise not permitted by-right by the Zoning Ordinance, and may impose appropriate Conditions and safeguards, including a specified period of time for the permit to protect the Comprehensive Plan and to conserve and protect property values.

WHEREAS, the City Council, after the public hearing, approves the request for the Specific Use Permit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS, that:

SECTION 1. The facts and recitations contained in the preamble of this Ordinance are hereby declared to be true and correct and are incorporated by reference herein and made a part hereof, as if copied verbatim.

SECTION 2. The Property is approved for a Specific Use Permit to allow a Bar/Tavern use per the attached Conditions of Operation contained in Exhibit "B".

SECTION 3. All other terms and conditions contained in the official zoning map, except as amended herein, shall continue and remain in full force and effect.

SECTION 4. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of

this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional

SECTION 6. In accordance with Article VIII of the City Charter, Ordinance 2018-18 was introduced before the Taylor City Council on the 25th day of October, 2018.

PASSED, APPROVED, and ADOPTED on the _____ day of _____, 2018.

Brandt Rydell
Mayor

ATTEST:

Dianna Barker, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl,
City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Dianna Barker, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2018-18, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2018, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this _____ day of _____, 2018.

Dianna Barker
City Clerk

ABSTRACTS
 R.O. - FOUND
 I.R. - IRON ROD
 C. - CEMENT
 C. - CEMENTLINE
 R.O.W. - RIGHT-OF-WAY
 D.R.M.C. - DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
 O.R.M.C. - OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS
 P.L.R. - PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS
 W.D. - WARRANTY DEED
 G.M.D. - GENERAL WARRANTY DEED
 S.M.D. - SPECIAL WARRANTY DEED
 W/L - DEED WITH VENDOR'S LIEU
 P.O.C. - PLACE OF COMMENCING
 P.O.B. - PLACE OF BEGINNING

LEGEND:

DEED OWNERSHIP REFERENCES

A "0,048 ACRE TRACT"
OD - JANETTA MCCOY TO EAST WILCO 95, LLC
DOC.# 2016109035 OPRMC 11-9-2016

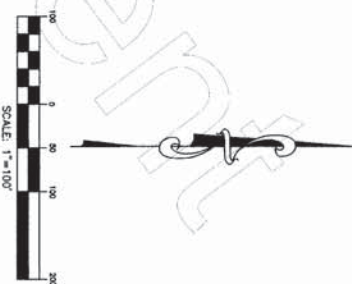
B "0,007 ACRE TRACT"
OD - EAST WILCO 95, LLC TO JANETTA MCCOY
DOC.# 2016109035 OPRMC 11-9-2016

U. WINSETT SURVEY
ABSTRACT NO. 661



Line Table		
Line #	Direction	Length
L1	N83°08'22"E	133.10'
L2	N81°17'36"E	99.26'
L3	N07°07'15"W	55.30'
L4	N00°44'31"E	134.01'
L5	N00°44'31"E	70.79'
L6	N83°22'36"E	30.06'
L7	N83°22'36"E	30.06'
L8	S83°16'10"W	29.82'

SCALE: NONE



THE BEARINGS SHOWN HEREON ARE ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, 93 ADJUSTMENT.

SITE DATA:
 SURVEY: J. WINGSTEDT SURVEY, ABSTRACT NO. 661
 TOTAL AREA OF SITE: 7.315 ACRES
 LINEAR FEET OF NEW STREETS: NONE
 NUMBER OF LOTS: 1
 NUMBER OF BLOCKS: 1
 A 10 FOOT WIDE PUBLIC UTILITY EASEMENT (P.U.E.) SHALL BE DEDICATED ALONG ALL STREET FRONTAGE. SIDEWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF IATLOR SUPERVISION ORDINANCE. CODE OF ORDINANCES, AS AMENDED, AND WITH THE CONCERNING MUNICIPAL.
 ALL BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF IATLOR ZONING ORDINANCE, AS AMENDED

UTILITY PROVIDERS:
SPECTRUM - (CABLE)
AT&T - (PHONE)
ONCOR - (ELECTRIC)
ATMOS - (GAS)
CITY OF TAYLOR - (SEWER)
CITY OF TAYLOR - (WATER)

BRYAN TECHNICAL SERVICES, INC.



PHONE: (512) 352-9091
FAX: (512) 352-9091

FIRM No. 10128500
surveying@austin.tx.com
www.bryanttechnicalservices.com

www.bryanttechnicalservices.com

NO.	DATE	REVISIONS
1.	3/23/2017	ADDRESSED CITY COMMENTS

[illegible]

DRAWN BY: JRG	CHECKED BY:
---------------	-------------

SCALE: 1" = 100'	APPROVED BY:
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PROJECT NO. 10-748	DATE: 01/08/88
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Z:\AUTOCAD\PROJECT DRAWINGS\2016 DRAWINGS\16-748 PLAT.dwg

LEGEND:

- 1/2" IRON ROD SET (CAPPED "BRYAN TECH SERVICES")
- IRON ROD FOUND
- △ PK NAIL SET

SHEET 1 OF 2

3/24/2017 4:58 PM

CITY OF TAYLOR PERMIT
07-20171011

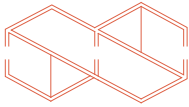
PZ-20171033

ATTACHMENT 3

ORDINANCE EXHIBIT B

Conditions of Operation

1. Applicability - The Specific Use Permit shall be for Old Taylor High or its successors or assigns to perform, or allow to be performed, the “Bar/Tavern” use within the indoor/outdoor area generally depicted in the Applicant’s submitted materials, hereby referenced as Ordinance Exhibit C.
2. Expiration - The Specific Use Permit shall cease to be valid when/if Old Taylor High or its successors or assigns is no longer the Owner of the property subject to this permit.
3. Hours of operation – The “Bar/Tavern” use shall not be open to the public later than 10:00 pm Monday through Saturday, and 8:00 pm Sundays.
4. All applicable Zoning Ordinance, Building Code, and Fire Code requirements, as well as any Williamson County or State of Texas laws, relative to the establishment of the “Bar/Tavern” use, shall be demonstrated and met during the Certificate of Occupancy process.

**STEWARDSHIP STRATEGIES**

Design | Planning | Historic Preservation | Economic Development

October 5, 2018

RE: Specific Use Permit at 410 W. 7th Street

Dear Taylor City Council and Planning & Zoning Commission,

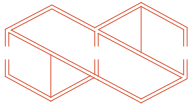
Old Taylor High is requesting a Specific Use Permit so that they can lease space at 410 W. 7th St. for a bar/tavern, which is a use type that requires a SUP for a parcel zoned B-2. The property is zoned as a Commercial Planned Development with B-2 base zoning, Per City of Taylor Ordinance 2017-13. The success of brewing operations in Taylor and craft beer in Central Texas have made a bar/tavern use an attractive option for the campus.

Proposed Business

The campus at 410 W. 7th St. is a perfect fit for a beer garden with its shaded outdoor areas, and the large lawn is an asset for attracting families with children - a demographic that is helping craft beer businesses succeed in Central Texas. Any bar/tavern use on the property must conform to the requirements for such use by the Texas Alcoholic Beverage Commission (TABC) and the City of Taylor. Per the City of Taylor Code of Ordinances Chapter 3 Section 3-1:

(a) The sale within the corporate limits of the city, of any alcoholic beverage by any dealer where the place of business of any such dealer is within 300 feet of any church, if the church is not located in the Central Business District, or a public school or a public hospital shall be unlawful. No distance requirements from a church in the Central Business District are imposed for the sale of alcoholic beverages from the place of business by any dealer.

(b) As used in this section the term "alcoholic beverage" shall mean alcohol and any beverage containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted. As used in this section the term "dealer" shall mean any person who deals in alcoholic beverages and shall include a permittee or licensee who has paid the city the fee levied by the city for permits or licenses to sell alcoholic beverages in city.



STEWARDSHIP STRATEGIES

Design | Planning | Historic Preservation | Economic Development

Site Location, Hours of Operation & Parking

Please refer to the location map attached to this letter demonstrating door-to-door distances for the entrance at the southwest corner of the Main Building (Building 1 in the property's Planned Development) as defined by the TABC. The southwest corner of the Main Building is highlighted in this application as it sits more than 200 feet back from the property lines and exceeds TABC's measuring methods for the City's 300 foot requirement for door-to-door distance between the establishment and the churches across the street.

The hours of operation for a bar/tavern use must conform to requirements of any issued TABC permits. The hours of operation of any outdoor music or activity must conform to the applicable City of Taylor Code of Ordinances and the property's Planned Development (City of Taylor Ordinance 2017-13 Section 12), which limits the use of stationary speakers and amplifiers to the following hours:

Monday - Thursday: 7:00am-11:00pm

Friday - Saturday: 7:00am-12:00am

Sunday: 1:00-11:00pm

Per City of Taylor Ordinance 2017-13, the Planned Development for the property, a minimum number of 95 parking spaces is required for Buildings 1 and 2, which are the Main Building and Gymnasium. The required parking spaces have been striped and the wheel stops have been installed, including accessible parking spaces.

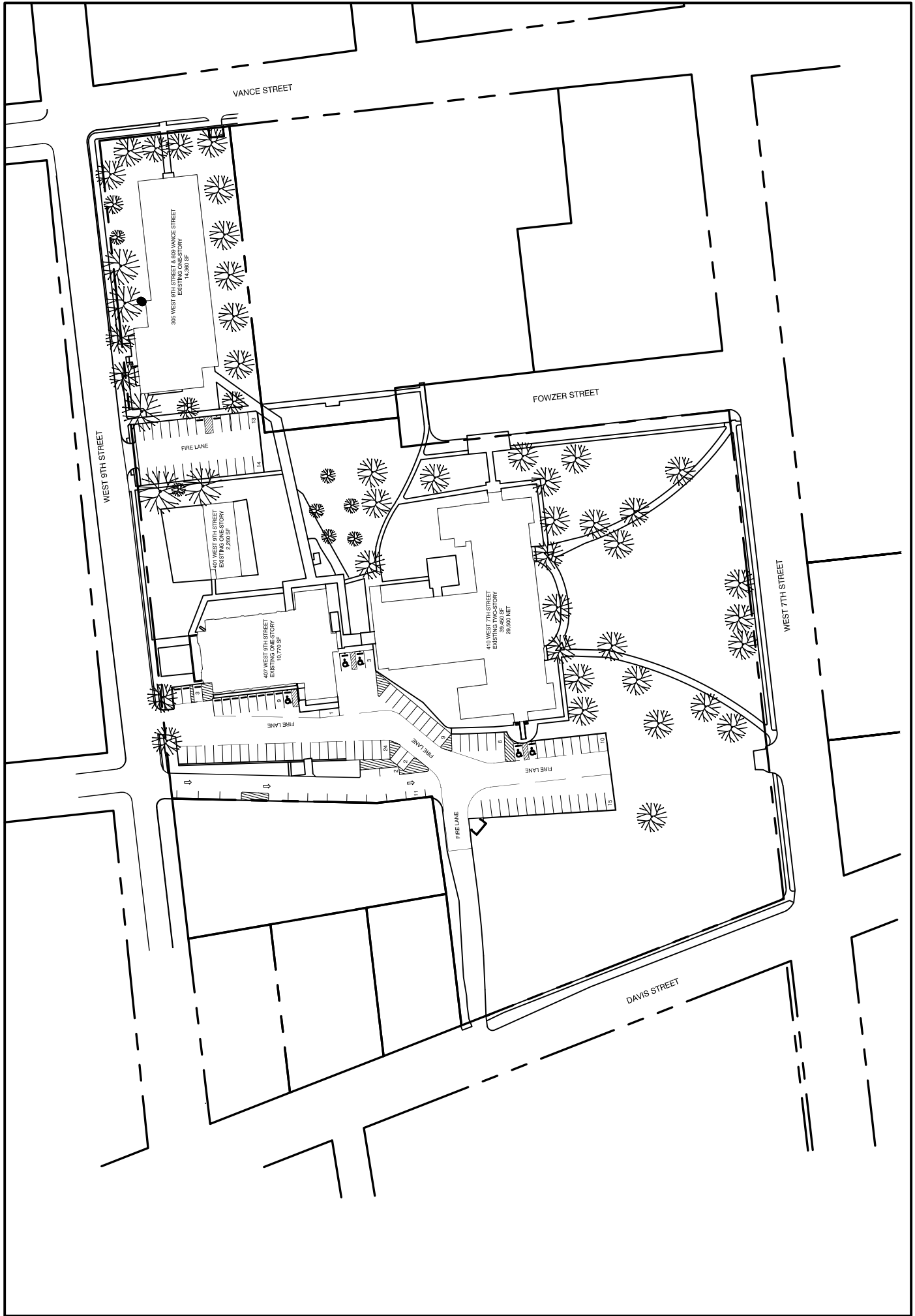
Thank you for considering this application.

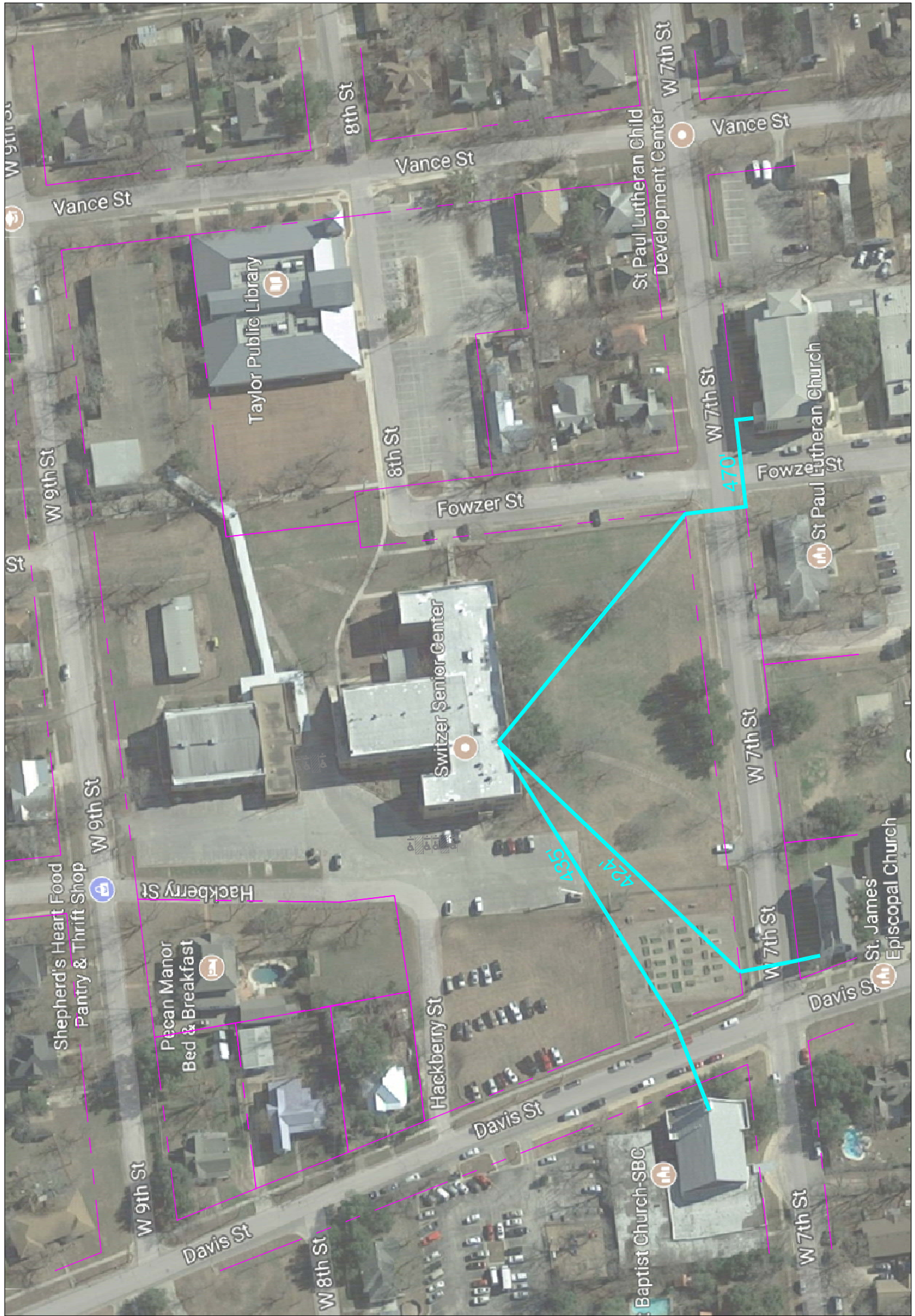
Regards,

Britin Bostick

Principal

STEWARDSHIP STRATEGIES, LLC

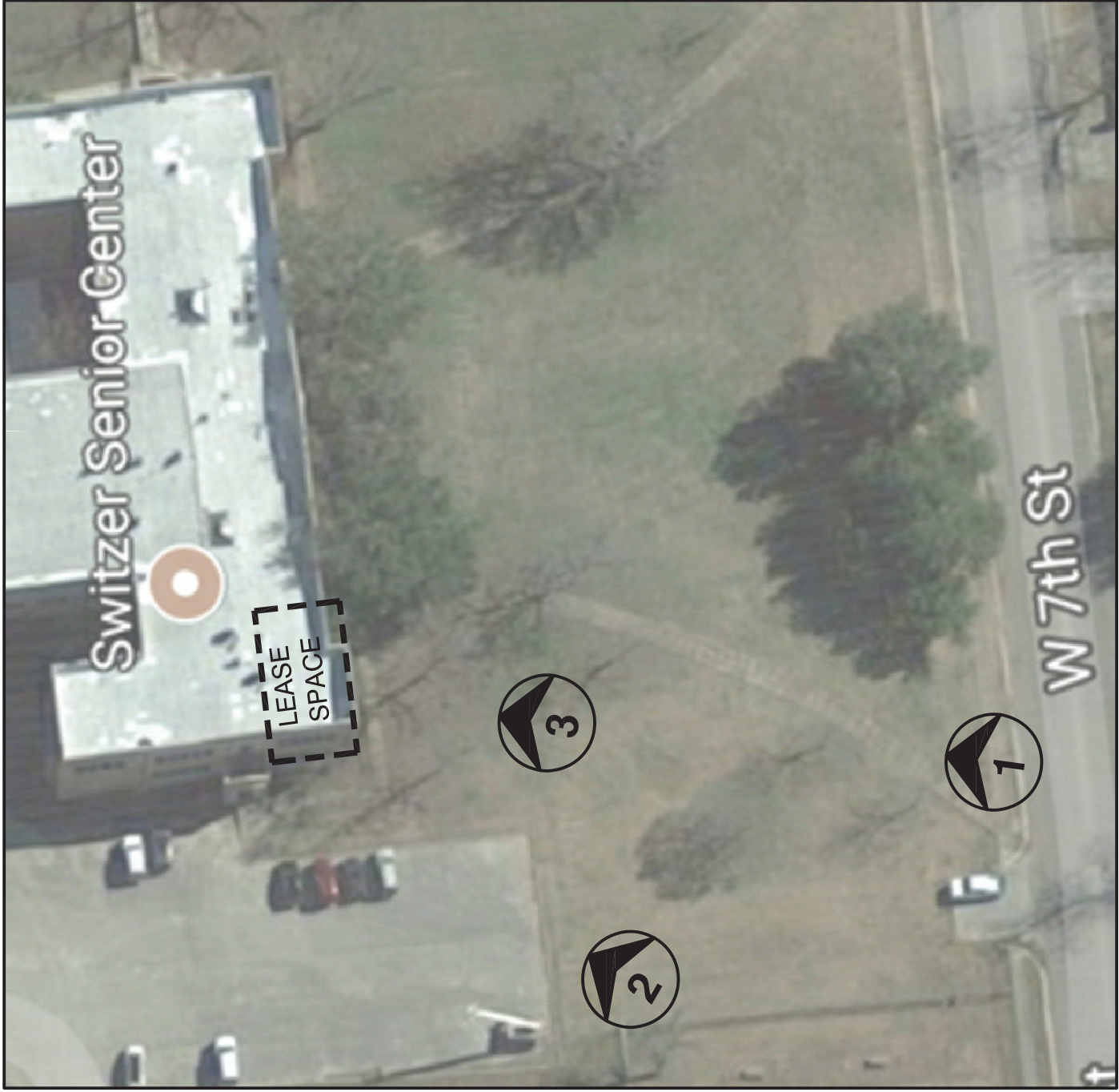




DOOR-TO-DOOR DISTANCES FOR 300' MINIMUM COMPLIANCE

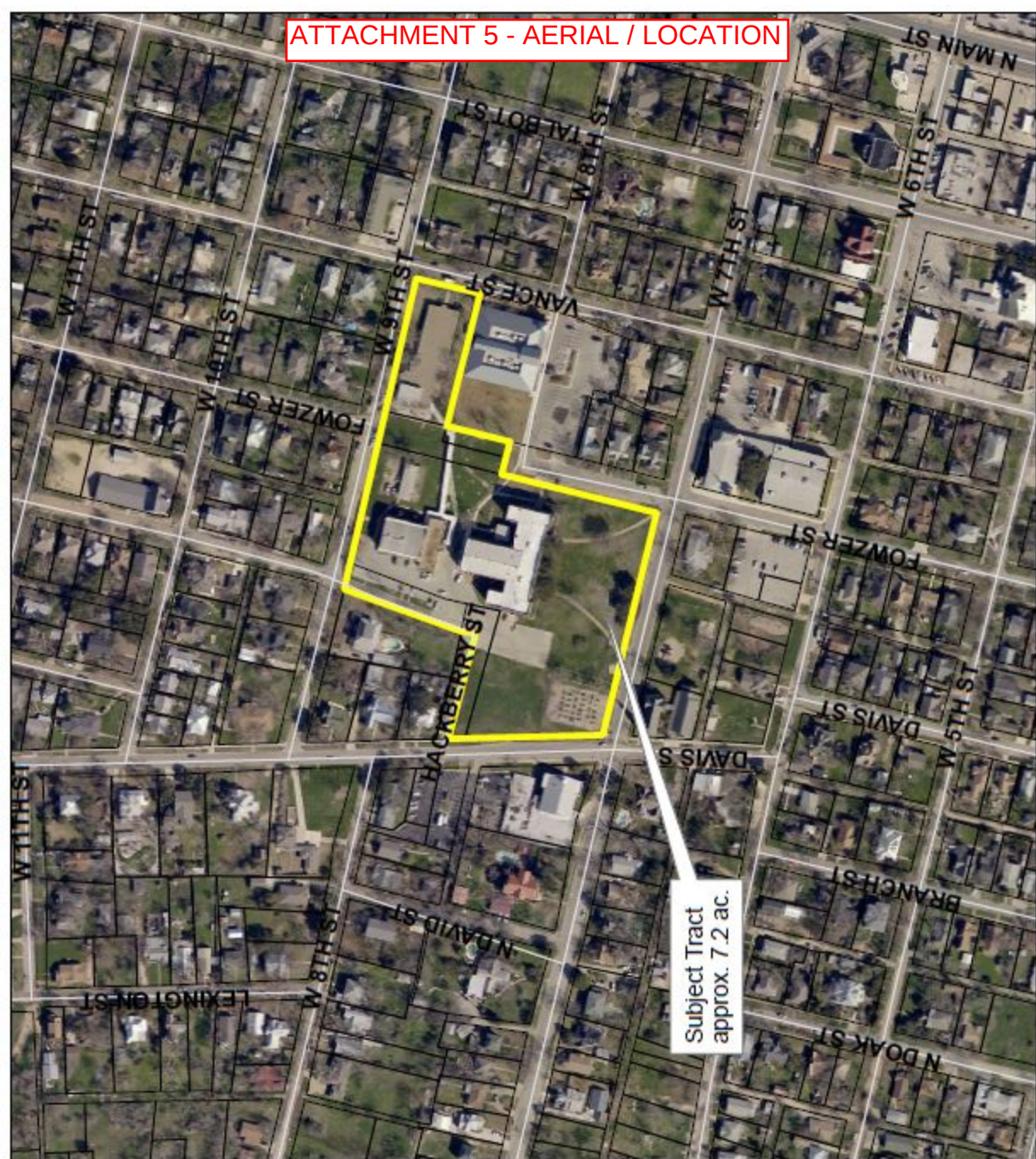


SCALE
0' 50' 100'



410 W. 7th Street Exterior Photos

ATTACHMENT 5 - AERIAL / LOCATION



Subject Tract
approx. 7.2 ac.

Michael Elabarger

From: Jeanne Hawes <jeannehawes@sbcglobal.net>
Sent: Thursday, October 04, 2018 12:06 AM
To: Michael Elabarger
Cc: Tom Yantis
Subject: Re: Question about Specific Use Permit for Bar/Tavern [PZ-2018-1101]

Thank you for sending so quickly. Yes, I think I have asked other questions about development of 410 W. 7th Street. I reviewed what you sent and am concerned about a bar on this property and how it will affect the quality of life & value of my property, as well as surrounding properties. I am all for development, but a bar is a concern for all the obvious reasons.

My property at 720 Davis, is on the corner of Davis & Hackberry, and would be the closest of any home to the location in question. The parking for the bar would be adjacent to the side of my property. My concern about a closing time of 10pm in a quiet residential neighborhood is considerable.

I have improved my property tremendously, from the overgrown wreck of a house that was there, and spent quite a lot of money on it. It looks considerably better and now has increased property taxes as a result. I can't imagine having a bar right down the street, with the problems that will inevitably come with it.

I supported this project when it was first bought and started to be developed, but I think they promised "light" retail that would fit into the character of the neighborhood, not a bar/tavern. I wonder if that was part of the original plan if it would have been approved by the city or local residents.

Thanks! Jeanne Hawes cell 214-478-2836

From: Michael Elabarger <michael.elabarger@taylor.tx.gov>
Sent: Wednesday, October 3, 2018 4:57 PM

Hi, Jeanne, I know we have interacted before, your email popped right into the "To" line ☺.

Please find attached the Applicant's submittal documents for the request Specific Use Permit (SUP) For a Bar/Tavern use in a specific location at 410 W. 7th Street. I hope that this information, from the applicant, may answer some of your questions, but certainly either I or my Director, Tom Yantis, will be happy to speak with you tomorrow or Friday.

From your voicemail message, it sounds like you know Cliff Olle. I would encourage you to speak to him (as he is the applicant requesting this SUP approval from the City Council), and he may be able to answer questions that you have that staff cannot.

Thank you for your interests in Taylor!

Mike Elabarger
Senior Planner
City of Taylor, Texas
Office phone - 512-352-3675
Cell phone - 512-595-1882
michael.elabarger@taylor.tx.gov

From: Shelly Shelton
Sent: Wednesday, October 03, 2018 4:26 PM

To: Michael Elabarger <michael.elabarger@taylortx.gov>
Subject: FW: Question about Specific Use Permit for Bar/Tavern

From: Jeanne Hawes [<mailto:jeannehawes@sbcglobal.net>]
Sent: Wednesday, October 3, 2018 4:23 PM

Hi Planning Department. I got the notice for public hearing for next week and I wanted to get more detail on what you are asking the city for? Is this a stand alone bar/tavern? Or is it to serve alcohol at events that they will be hosting. As you know, the area surrounding this complex is all residential & churches, so I can't imagine that the City of Taylor would allow a bar placed in the middle of such a nice neighborhood. Any & all info you can provide would be helpful. Thanks! Jeanne Hawes