

AGENDA

CITY OF TAYLOR, TEXAS PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers
400 Porter Street, Taylor, TX 76574

September 12, 2017 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 August 8, 2017.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

2. **PZ-2017-1055 – Consider Approval** on a Final Plat of 6.526 acres in the William J. Baker Survey, Abstract No. 65, to be known as Parkside by Mondel Subdivision, generally located at the southwest corner of Mallard Lane and Davis Street.
3. **PZ-2017-1052 – Consider Approval** on a Preliminary Plat of 38.98 acres in the George Reese Survey, Abstract No. 533, to be known as Taylor Prosperity Square Subdivision, generally located at the southwest corner of FM 973 and Carlos G. Parker Boulevard (aka State Highway 79).
4. **PZ-2017-1054 – Public Hearing** on a Specific Use Permit for 407 West 6th Street, to permit a Studio, Health/Reducing/Fitness or Similar Service/Establishment Use (specifically a Yoga Studio), in the High Density Multifamily Zoning District. (Ordinance 2017-23)
5. **PZ-2017-1054 – Take Action** on a Specific Use Permit for 407 West 6th Street, to permit a Studio, Health/Reducing/Fitness or Similar Service/Establishment Use (specifically a Yoga Studio), in the High Density Multifamily (MF-2) Zoning District. (Ordinance 2017-23)
6. **PZ-2017-1062 - Public Hearing** on a Specific Use Permit for 2109 East 4th Street, to permit an Event/Wedding Center use, in the Single Family Residential (R-1) Zoning District. (Ordinance 2017-24)
7. **PZ-2017-1062 - Take Action** on a Specific Use Permit for 2109 East 4th Street, to permit an Event/Wedding Center use, in the Single Family Residential (R-1) Zoning District. (Ordinance 2017-24)

8. **Conduct Public Hearing and make a recommendation** to amend Chapter 28, Vegetative Ordinance to update Section 28-29 – Landscape Plan Requirements and 28-31 – Tree Preservation and Protected Trees, Appendix A – Preferred Plant List, and Appendix B, Invasive Plants. (Ordinance 2017-15)
9. **Conduct Public Hearing and make a recommendation** to Amend Chapter 11, Definitions, to clarify and update zoning definitions pertaining to ‘Donation Containers’ and ‘Recycle Bins’ and add language to Chapter 3.5.3, Zoning Ordinance – Commercial Accessory Uses, to create Donation Containers and Recycle Bin regulations. (Ordinance 2017-16)
10. **Discussion** regarding owner/applicant attendance.
11. Consider an update regarding Zoning Ordinance Use Chart Updates, parking in yards, and driveway standards for large lots.
12. Consider an update regarding Council actions related to Planning and Zoning items.

ADJOURN

Next Meeting Date: October 10, 2017

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 September 08, 2017 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: 9.8.2017

**MINUTES
CITY OF TAYLOR, TEXAS
400 Porter Street, Taylor Texas 76574
PLANNING AND ZONING COMMISSION MEETING
August 8, 2017 6:00 p.m.
City Council Chamber**

PRESENT

Don McAlister
Annette Maruska
Faith Gardner
Michael Aplin
Leland Stevens
Mike Eaton

ABSENT

Donna Frazier
Rick Selin
Betty Day

OTHERS PRESENT

Ashley Lumpkin, Director Development Services
Michael Elabarger, Senior Planner
Carrie Orts, Assistant Development Services

CALL TO ORDER AND DECLARE A QUORUM

The meeting was called to order and a quorum declared at 6:00 p.m.

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 June 13, 2017.

Motion made by Mrs. Maruska to approve minutes as written from the June 13, 2017 meeting. Second by Mr. Stevens. All voted Aye.

PZ-20171047 – Consider Approval on a Preliminary Plat of 6.526 acres in the William J. Baker Survey, Abstract No. 65, to be known as Parkside by Mondel Subdivision, generally located at the southwest corner of Mallard Lane and Davis Street.

Mr. Elabarger made presentation on the request, including the recommendation of approval of the plat, as it meets all of the technical requirements of the Subdivision Ordinance. Mr. Richard Lade, representative was present to answer questions. There was discussion between Staff, Board members and the representative.

Mr. Stevens made motion to recommend approval to Council. Second by Mr. Aplin. All voted aye.

Discussion regarding upcoming Zoning Ordinance and Vegetative Ordinance amendments.

The Board and staff discussed the Zoning and Vegetative Ordinance amendments.

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

Mrs. Lumpkin gave update regarding Council actions related to Planning and Zoning.

Adjourn

The meeting was adjourned at 7:06 p.m.

Carrie Orts
Administrative Assistant Development Services

Don McAlister
Planning & Zoning Commission Chairman

PZ-2017-1055

Parkside by Mondel Subdivision

Final Plat



Applicant Information:

Applicant Abel Mondragon (Owner), Dan Jackson (Applicant)

Applicant Request: Request approval of a one-lot Preliminary Plat

Subject Property:

Location: Southwest corner of Mallard Lane and Davis Street

Legal Description: 6.526 acres in the William J. Baker Survey, Abstract No. 65

Existing Zoning: MF-2, High Density Multifamily District

Utilities: Developer will extend City Utilities

Existing Use of Property: Undeveloped

Adjacent Zoning and Land
Use Pattern:

<u>Direction</u>	<u>Current Zoning</u>	<u>Existing Land Use</u>
North	B-1 – Local Commercial District (across Mallard Ln.)	Undeveloped and commercial
South	MF-2 High Density Multifamily	Multifamily development
East	MF-2 High Density Multifamily (across Davis St.)	Commercial, vacant, multifamily
West	Parkland District	Public Park (baseball field)

Case Summary

The subject tract is located at the southwest corner of Mallard Lane and Davis Street. The applicant is proposing a Final Plat of approximately 6.5 acres to create one lot; a Preliminary Plat for this project was approved by the Planning & Zoning Commission on August 8, 2017. The proposed plat will facilitate multifamily development under the current MF-2 District zoning, which the applicant achieved for the entire property earlier this year through a rezoning approved by City Council. The plat has met all of the City's subdivision regulation requirements.

Staff Recommendation

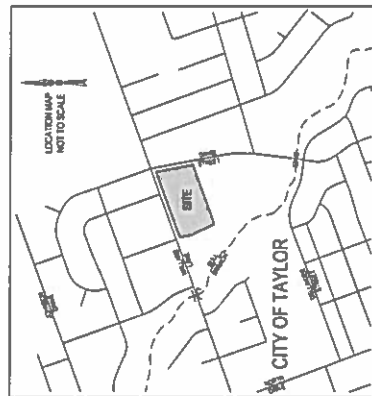
Staff recommends approval of the Final Plat.

Attachments: Aerial Photograph
Final Plat

Aerial Photograph
Parkside by Mondel Subdivision Final Plat



BEING A FINAL PLAT OF 6.528 ACRE TRACT OF LAND LOCATED IN THE WILLIAM J. BAKER SURVEY, ABSTRACT NO. 65, WILLAMSON COUNTY, TEXAS, BEING ALL OF THAT CALLED 6.536 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 2015017331, OFFICIAL PUBLIC RECORDS WILLAMSON COUNTY, TEXAS.



- GENERAL NOTES:
1. TOTAL ACRES: 6.508
 2. PROPOSED LOTS: LOT 1
 3. LARGEST LOT OF NEW ROAD: 0
 4. LARGEST LOT OF EXISTING ROAD: 0
 5. FLOOD HAZARDS DETERMINED BY FEMA: PORTIONS OF THIS TRACT ARE BLANKETED BY THE NORTH AMERICAN VERTICAL DATUM OF 1988 WITHIN FLOOD ZONE "X" AND FLOOD ZONE "W". ACCORDING TO FLOOD INSURANCE RATE MAP 48030C002, WITH AN EFFECTIVE DATE OF SEPTEMBER 30, 2008, THE LIMITS OF FLOOD ZONE "X", SHOWN HEREIN ARE AS FOLLOWS:
 6. FLOOD ELEVATION: ELEVATION: 201' AUGUST 10, 1984, EXERCISED BY W.S. GILMORE AND MIKE ANNE GILMORE TO LONG STAR GAS COMPANY, RECORDED IN VOLUME 184, PAGE 101 (DOC. NO. 10460182, DEED RECORDS, WALLAMOUNT COUNTY, TEXAS) (ENCLURE 1) IS BLANKET IN NATURE, CANNOT BE SHOWN HEREIN.
 7. A PRELIMINARY MAP (P-251-2017-007) FOR THIS SUBMISSION WAS APPROVED BY THE CITY OF TAYLOR PLANNING AND ZONING COMMISSION ON AUGUST 10, 2017.

POINT OF BEGINNING	P.O.B.	POINT OF BEGINNING	P.O.B.
POINT 1/2 FROM ROAD	1	POINT 1/2 FROM ROAD	1
POINT 1/4 FROM ROAD	2	POINT 1/4 FROM ROAD	2
POINT 1/8 FROM ROAD	3	POINT 1/8 FROM ROAD	3
POINT 1/16 FROM ROAD	4	POINT 1/16 FROM ROAD	4
POINT 1/32 FROM ROAD	5	POINT 1/32 FROM ROAD	5
POINT 1/64 FROM ROAD	6	POINT 1/64 FROM ROAD	6
POINT 1/128 FROM ROAD	7	POINT 1/128 FROM ROAD	7
POINT 1/256 FROM ROAD	8	POINT 1/256 FROM ROAD	8
POINT 1/512 FROM ROAD	9	POINT 1/512 FROM ROAD	9
POINT 1/1024 FROM ROAD	10	POINT 1/1024 FROM ROAD	10
POINT 1/2048 FROM ROAD	11	POINT 1/2048 FROM ROAD	11
POINT 1/4096 FROM ROAD	12	POINT 1/4096 FROM ROAD	12
POINT 1/8192 FROM ROAD	13	POINT 1/8192 FROM ROAD	13
POINT 1/16384 FROM ROAD	14	POINT 1/16384 FROM ROAD	14
POINT 1/32768 FROM ROAD	15	POINT 1/32768 FROM ROAD	15
POINT 1/65536 FROM ROAD	16	POINT 1/65536 FROM ROAD	16
POINT 1/131072 FROM ROAD	17	POINT 1/131072 FROM ROAD	17
POINT 1/262144 FROM ROAD	18	POINT 1/262144 FROM ROAD	18
POINT 1/524288 FROM ROAD	19	POINT 1/524288 FROM ROAD	19
POINT 1/1048576 FROM ROAD	20	POINT 1/1048576 FROM ROAD	20
POINT 1/2097152 FROM ROAD	21	POINT 1/2097152 FROM ROAD	21
POINT 1/4194304 FROM ROAD	22	POINT 1/4194304 FROM ROAD	22
POINT 1/8388608 FROM ROAD	23	POINT 1/8388608 FROM ROAD	23
POINT 1/16777216 FROM ROAD	24	POINT 1/16777216 FROM ROAD	24
POINT 1/33554432 FROM ROAD	25	POINT 1/33554432 FROM ROAD	25
POINT 1/67108864 FROM ROAD	26	POINT 1/67108864 FROM ROAD	26
POINT 1/134217728 FROM ROAD	27	POINT 1/134217728 FROM ROAD	27
POINT 1/268435456 FROM ROAD	28	POINT 1/268435456 FROM ROAD	28
POINT 1/536870912 FROM ROAD	29	POINT 1/536870912 FROM ROAD	29
POINT 1/1073741824 FROM ROAD	30	POINT 1/1073741824 FROM ROAD	30
POINT 1/2147483648 FROM ROAD	31	POINT 1/2147483648 FROM ROAD	31
POINT 1/4294967296 FROM ROAD	32	POINT 1/4294967296 FROM ROAD	32
POINT 1/8589934592 FROM ROAD	33	POINT 1/8589934592 FROM ROAD	33
POINT 1/17179869184 FROM ROAD	34	POINT 1/17179869184 FROM ROAD	34
POINT 1/34359738368 FROM ROAD	35	POINT 1/34359738368 FROM ROAD	35
POINT 1/68719476736 FROM ROAD	36	POINT 1/68719476736 FROM ROAD	36
POINT 1/137438953472 FROM ROAD	37	POINT 1/137438953472 FROM ROAD	37
POINT 1/274877906944 FROM ROAD	38	POINT 1/274877906944 FROM ROAD	38
POINT 1/549755813888 FROM ROAD	39	POINT 1/549755813888 FROM ROAD	39
POINT 1/1099511627776 FROM ROAD	40	POINT 1/1099511627776 FROM ROAD	40
POINT 1/2199023255552 FROM ROAD	41	POINT 1/2199023255552 FROM ROAD	41
POINT 1/4398046511104 FROM ROAD	42	POINT 1/4398046511104 FROM ROAD	42
POINT 1/8796093022208 FROM ROAD	43	POINT 1/8796093022208 FROM ROAD	43
POINT 1/17592186044416 FROM ROAD	44	POINT 1/17592186044416 FROM ROAD	44
POINT 1/35184372088832 FROM ROAD	45	POINT 1/35184372088832 FROM ROAD	45
POINT 1/70368744177664 FROM ROAD	46	POINT 1/70368744177664 FROM ROAD	46
POINT 1/140737488355328 FROM ROAD	47	POINT 1/140737488355328 FROM ROAD	47
POINT 1/281474976710656 FROM ROAD	48	POINT 1/281474976710656 FROM ROAD	48
POINT 1/562949953421312 FROM ROAD	49	POINT 1/562949953421312 FROM ROAD	49
POINT 1/1125899906842624 FROM ROAD	50	POINT 1/1125899906842624 FROM ROAD	50
POINT 1/2251799813685248 FROM ROAD	51	POINT 1/2251799813685248 FROM ROAD	51
POINT 1/4503599627370496 FROM ROAD	52	POINT 1/4503599627370496 FROM ROAD	52
POINT 1/9007199254740992 FROM ROAD	53	POINT 1/9007199254740992 FROM ROAD	53
POINT 1/18014398509481984 FROM ROAD	54	POINT 1/18014398509481984 FROM ROAD	54
POINT 1/36028797018963968 FROM ROAD	55	POINT 1/36028797018963968 FROM ROAD	55
POINT 1/72057594037927936 FROM ROAD	56	POINT 1/72057594037927936 FROM ROAD	56
POINT 1/144115188075855872 FROM ROAD	57	POINT 1/144115188075855872 FROM ROAD	57
POINT 1/288230376151711744 FROM ROAD	58	POINT 1/288230376151711744 FROM ROAD	58
POINT 1/576460752303423488 FROM ROAD	59	POINT 1/576460752303423488 FROM ROAD	59
POINT 1/1152921504606846976 FROM ROAD	60	POINT 1/1152921504606846976 FROM ROAD	60
POINT 1/2305843009213693952 FROM ROAD	61	POINT 1/2305843009213693952 FROM ROAD	

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DATE SEPTEMBER 2017
AES JOB NO. - 2863100
CITY OF TAYLOR
PROJECT PZ-2017-1055
SHEET 1 OF 2

NOTES:

1. UTILITY PROVIDERS - WATER, CITY OF TAYLOR; WASTEWATER, CITY OF TAYLOR; ELECTRICITY, ONCOR NATURAL GAS, AT&T ENERGY.
2. ALL STRUCTURES AND/OR OBSTRUCTIONS ARE PROHIBITED IN DAMAGE EASEMENTS.
3. THE BASIS OF SURVEY FOR THIS SUBDIVISION IS THE 10-YEAR FLOODPLAIN AS DETERMINED BY THE TAYLOR CITY ENGINEERING DEPARTMENT.
4. ALL MINIMUM FLOOD ELEVATION SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF TAYLOR ZONING ORDINANCE, AS AMENDED.
5. MINIMUM FLOOD FLOW OF 1,000 GALLONS PER MINUTE FOR NOT LESS THAN TWO (2) HOURS SHALL BE PROVIDED.
6. A 30' PUBLIC UTILITY EASEMENT (P.U.E.) SHALL BE DEDICATED ALONG ALL NEW PUBLIC DEDICATED RIGHTS-OF-WAY.
7. NO NEW RIGHT-OF-WAY WILL BE DEDICATED ALONG DAVIS STREET RIGHT-OF-WAY.
8. A 15' F.U.E. WILL BE DEDICATED ALONG DAVIS STREET RIGHT-OF-WAY.
9. THERE IS NO PARALLEL DEDICATION ON FEES-PAID REQUIRED WITH THIS SUBDIVISION.
10. PUBLIC SEWERAGE SHALL BE PROVIDED ALONG THE FRONTAGES OF ALL PUBLIC STREETS IN ACCORDANCE WITH THE CITY ENGINEERING MANUAL, PRIOR TO ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.
11. NO DEVELOPMENT SHALL BEGAIN ACCESS TO THE ISSUANCE OF A FLOODPLAIN DEVELOPMENT PERMIT FOR EACH OF THE FOLLOWING LOTS, LOT 1, BLOCK A.

BEING A 1.508 ACRE TRACT OF LAND LOCATED IN THE WILLIAM J. BAKER SURVEY NO. 2, ABSTRACT NO. 46, WILLAMSON COUNTY, TEXAS, BEING ALL OF THAT CALLED 1.508 ACRE TRACT OF LAND RECORDED IN VOLUME 801, PAGE 731, OFFICIAL PUBLIC RECORDS OF WILLAMSON COUNTY, TEXAS.

TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- BEGINNING AT A 5/8" FROM ROD FOUND FOR NORTH CORNER AT THE INTERSECTION OF THE SOUTHEAST RIGHT-OF-WAY LINE OF WALLARD LANE, WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF DAVIS STREET;
- (1) THENCE S 17° 42' 42" E, WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF DAVIS STREET, THE NORTHEAST BOUNDARY LINE OF THE HERBEN DESCRIBED TRACT, TO THE NORTH CORNER OF A 37' E 30.42' RECORDED TO A 1/4" FROM ROD FOUND FOR EAST CORNER AT THE NORTH CORNER OF A CALLED 4.233 ACRE TRACT RECORDED IN DOCUMENT NO. 201300988, OFFICIAL PUBLIC RECORDS OF WILLAMSON COUNTY, TEXAS;
- (2) THENCE S 01° 17' 41" W, DESCRIBING THE SOUTHWEST RIGHT-OF-WAY LINE OF DAVIS STREET, WITH THE NORTHEAST BOUNDARY LINE OF THE HERBEN DESCRIBED TRACT, TO THE NORTH CORNER OF A 1/4" FROM ROD FOUND FOR SOUTH CORNER AT THE WEST CORNER OF THE CALLED 4.233 ACRE TRACT, AN ANGLE POINT IN THE NORTHEAST BOUNDARY LINE OF A CALLED 11.49 ACRE TRACT RECORDED IN VOLUME 801, PAGE 731, OFFICIAL PUBLIC RECORDS OF WILLAMSON COUNTY, TEXAS;

- (3) THENCE WITH THE NORTHEAST BOUNDARY LINE OF THE CALLED 11.49 ACRE TRACT, THE SOUTHWEST BOUNDARY LINE OF THE HERBEN DESCRIBED TRACT, THE FOLLOWING COURSES AND DISTANCES:

A. N 72° 09' 44" W, 27.47' N 27° 28' 37" W, 273.01' RECORDED TO A 1/4" FROM ROD FOUND FOR ANGLE; B. S 02° 30' 15" W, 125.39' RECORDED TO A 1/4" FROM ROD FOUND FOR WEST CORNER AT THE NORTH CORNER OF THE CALLED 11.49 ACRE TRACT, IN THE SOUTHWEST RIGHT-OF-WAY LINE OF WALLARD LANE.

- (4) THENCE N 61° 20' 20" E, WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF WALLARD LANE, THE NORTHEAST BOUNDARY LINE OF THE HERBEN DESCRIBED TRACT, A DISTANCE OF 728.79' N 71° 07' 41" E, 728.64' RECORDED TO THE POINT OF BEGINNING AND CONTAINING 1.508 ACRES OF LAND.

NOTE: THE BASIS OF SURVEY WAS ESTABLISHED USING THE TRIANGLE VHS NETWORK, AND THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, 4203, US SURVEY FOOT, GRID. A SURVEY PLAT WAS PREPARED BY A SEPARATE DOCUMENT.

PARKSIDE BY MONDEL SUBDIVISION

STATE OF TEXAS ☒ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WILLAMSON ☒

I, MARY L. JACKSON, SOLE OWNER OF THE 1.508 ACRE TRACT OF LAND LOCATED IN THE WILLIAM J. BAKER SURVEY NO. 2, ABSTRACT NO. 46, WILLAMSON COUNTY, TEXAS, BEING ALL OF THAT CALLED 1.508 ACRE TRACT OF LAND SHOWN HEREON AND DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 201301031, THE OFFICIAL RECORDS OF WILLAMSON COUNTY, TEXAS, AND DO HEREBY STATE THAT THERE ARE NO LENS OR HEREBY CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON AND DO HEREBY DEDICATE TO THE CITY OF TAYLOR THE EASEMENTS AND PUBLIC PLACES SHOWN HEREON FOR SUCH PUBLIC PURPOSES AS THE CITY OF TAYLOR MAY DEEM APPROPRIATE. THIS SUBDIVISION IS TO BE KNOWN AS PARKSIDE BY MONDEL.

TO CERTIFY WHOM, WITNESS BY MY HAND THIS ____ DAY OF _____, 2017.

OWNER: MARY L. JACKSON
1201 APHANNIA LN
MANOR, TEXAS 78053

STATE OF TEXAS ☒ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WILLAMSON ☒

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS FOREGOING INSTRUMENT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2017.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES ON _____

I, JEFF BOERNER, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OR OVERLAPPING OF BOUNDARIES, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE PLAT. I HAVE REVIEWED THE PLAT AND THE INSTRUMENTS SHOWING THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF TAYLOR, TEXAS.

TO CERTIFY WHOM, WITNESS BY HAND AND SEAL AT TAYLOR, WILLAMSON COUNTY, TEXAS, THIS ____ DAY OF _____, 2017.

JEFF BOERNER, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 483 STATE OF TEXAS

I, DANNY L. JACKSON, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT A PORTION OF THIS SUBDIVISION IS ENCOMPASSED BY A ZONE A-FLOOD AREA, AS DESIGNATED HEREON, AND AS DEFINED BY FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION FLOOD HAZARD BOUNDARY MAP COMMUNITY PANEL NUMBER AMH0000000, EFFECTIVE DATE SEPTEMBER 28, 2008, AND THAT EACH LOT CONFORMS TO THE CITY OF TAYLOR REGULATIONS.

THE FULLY DEVELOPED, CONCENTRATED STORMWATER RUNOFF RESULTING FROM THE ONE HUNDRED (100) YEAR FREQUENCY STORM IS CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN AND/OR PUBLIC RIGHTS-OF-WAY DEDICATED BY THIS PLAT.

TO CERTIFY WHOM, WITNESS BY HAND AND SEAL AT TAYLOR, WILLAMSON COUNTY, TEXAS, THIS ____ DAY OF _____, 2017.

DANNY L. JACKSON, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 86728 STATE OF TEXAS

THIS SUBDIVISION TO BE KNOWN AS PARKSIDE BY MONDEL, HAS BEEN ACCEPTED AND APPROVED FOR FILING OF THE CITY OF TAYLOR, TEXAS, ACCORDING TO THE MINUTES OF THE MEETING OF THE TAYLOR PLANNING AND ZONING COMMISSION ON THE ____ DAY OF _____, 2017, A.D.

_____, CHAIRMAN

_____, DATE

_____, SECRETARY

_____, DATE

STATE OF TEXAS ☒ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WILLAMSON ☒

CERTIFY THAT THE FOREGOING INSTRUMENT IN WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, 2017, A.D., AT ____ O'CLOCK ____ A.M. AND DULY RECORDED THIS ____ DAY OF _____, 2017, A.D., AT ____ O'CLOCK ____ A.M. IN THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY IN DOCUMENT NO. _____

TO CERTIFY WHOM, WITNESS BY HAND AND SEAL AT THE COUNTY COURT OF SAID COUNTY AT MY OFFICE IN GEORGETOWN, TEXAS, THE DATE LAST SHOWN ABOVE WRITTEN

_____, CLERK OF THE COUNTY OF SAID COUNTY, DO HEREBY

BY: _____ DEPUTY

MATKIN HOOVER
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& SURVEYING

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Tomball, TX 77480
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WWW.MATKINHOOVER.COM

AGENT/ENGINEER:

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SURVEYOR:

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C/O JEFF BOERNER, R.P.L.S.
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SPENCER, TEXAS 76082
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FAX: (817) 244-0000
JACKSON@MATKINHOOVER.COM

OWNER(S):

MONDEL HOUSES
C/O MARY L. JACKSON
1201 APHANNIA LN
MANOR, TEXAS 78053
TEL: (817) 883-6528
FAX: (817) 883-6528
MONDEL@GMAIL.COM

DATE: SEPTEMBER 28, 2017

SHEET NO. 285300
CITY OF TAYLOR
PROJECT PZ-2017-1065

SHEET 2 OF 2

PZ-2017-1053

Taylor Prosperity Square

Subdivision Preliminary Plat



Applicant Information:

Applicant: Jen Henderson, P.E., Hagood Engineering (Applicant)
Prosperity Land Development, LLC (Owner)

Applicant Request: Request approval of a two-lot Preliminary Plat

Subject Property:

Location: Southwest corner of FM 973 and Carlos G. Parker Blvd.

Legal Description: 38.98 acres in the George Reese Survey, Abstract No. 533

Existing Zoning: B-2, General Commercial District

Utilities: Developer will extend City Utilities

Existing Use of Property: Undeveloped

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	Vacant/undeveloped/large lot residential
South	R-1 – Single Family Residential District	Vacant/undeveloped/farm land
East	R/A – Residential Agriculture District	Vacant/undeveloped/farm land
West	R-1 – Single Family Residential District	Vacant/undeveloped/farm land

Case Summary

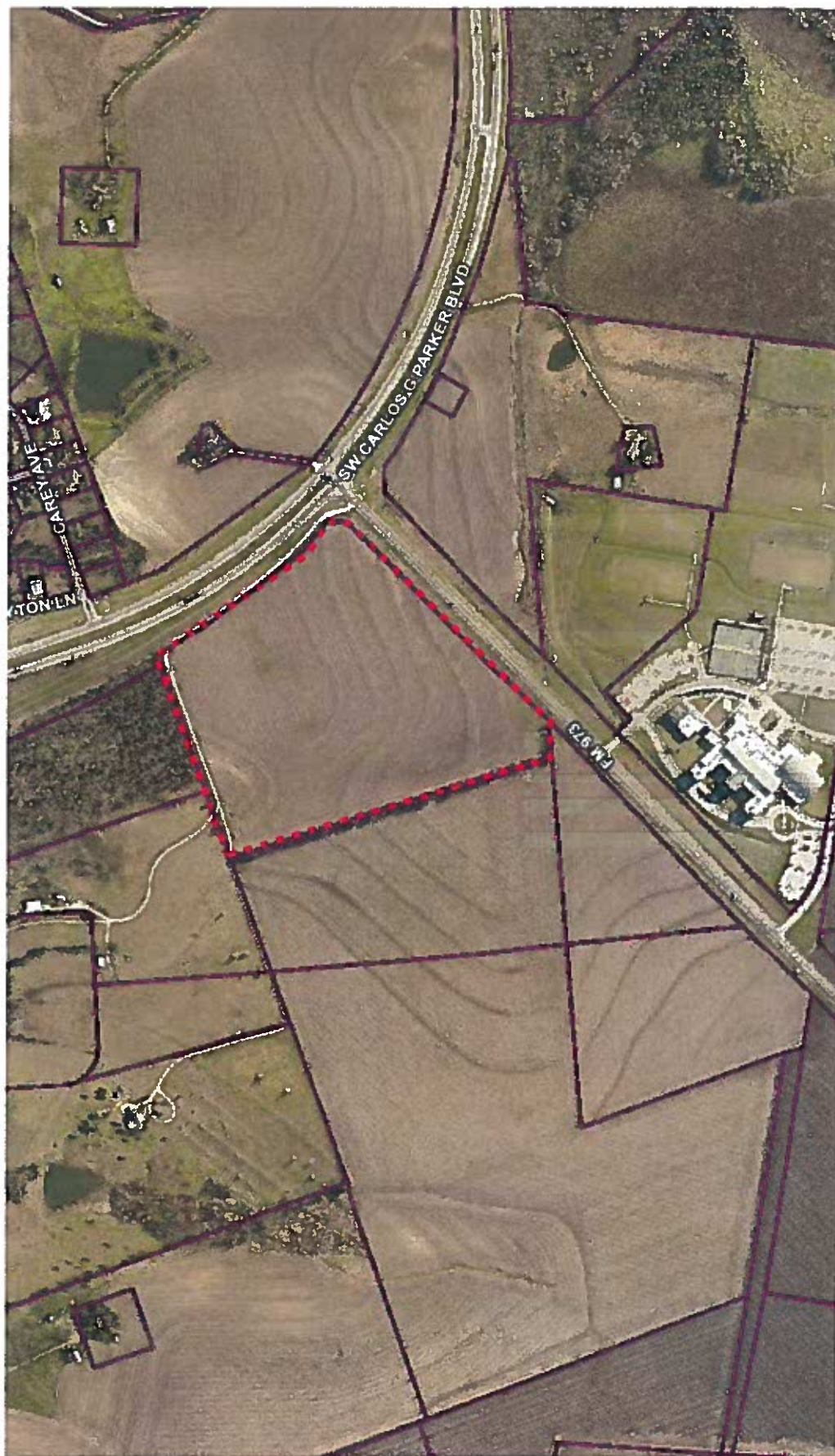
The subject tract is located at the southwest corner of FM 973 and Carlos G. Parker Blvd. The applicant is proposing a Preliminary Plat of approximately 38 acres to create two lots, one of which is at the hard corner of the two roads. Future use of the lots will be per the allowed uses and development standards of the City's Zoning Ordinance. The plat has met all of the City's subdivision regulation requirements.

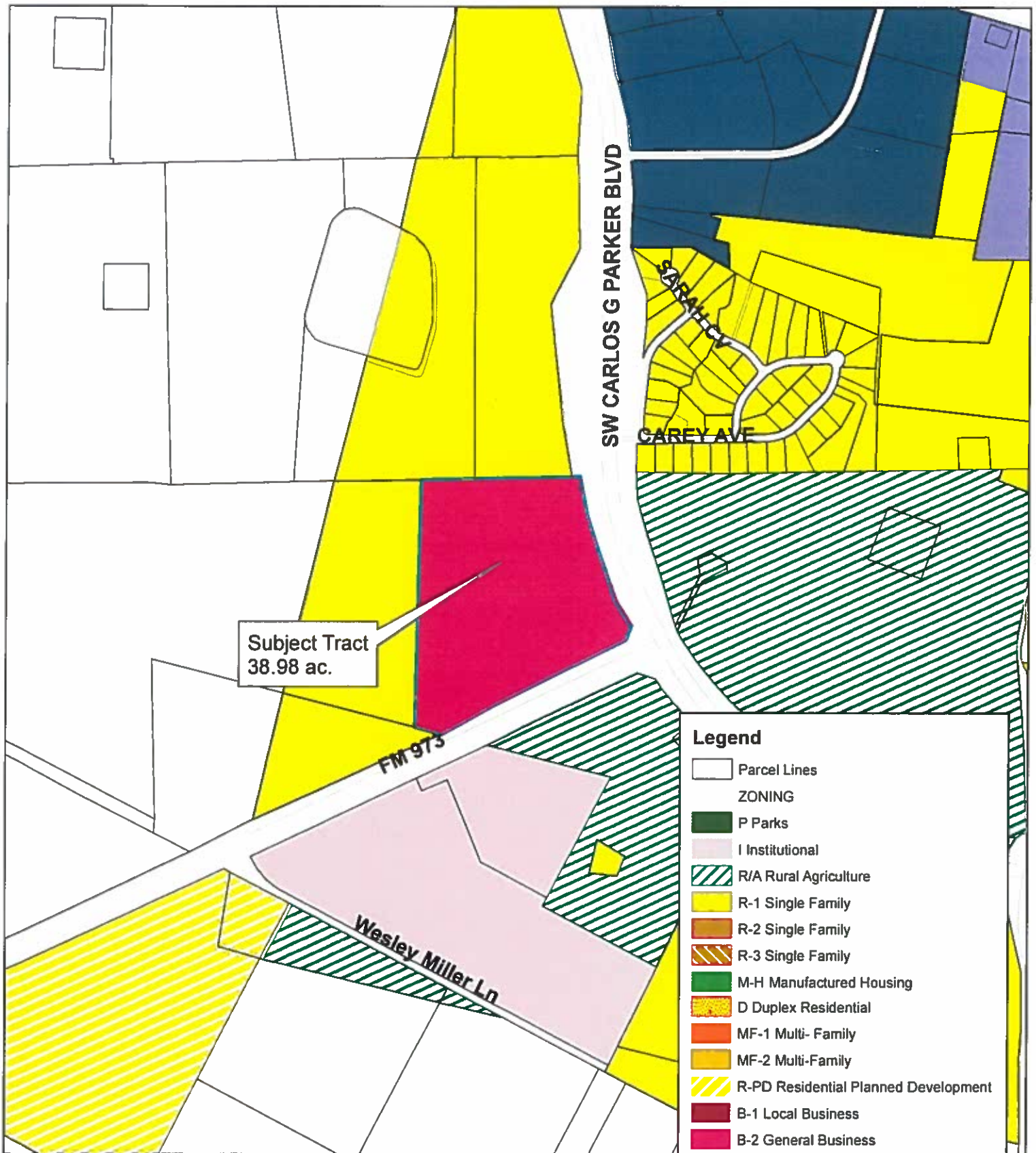
Staff Recommendation

Staff recommends approval of the Preliminary Plat.

Attachments: Aerial Photograph
Zoning Map
Preliminary Plat

AERIAL MAP (2017)





Legend

-  Parcel Lines
- ZONING**
-  P Parks
-  I Institutional
-  R/A Rural Agriculture
-  R-1 Single Family
-  R-2 Single Family
-  R-3 Single Family
-  M-H Manufactured Housing
-  D Duplex Residential
-  MF-1 Multi- Family
-  MF-2 Multi-Family
-  R-PD Residential Planned Development
-  B-1 Local Business
-  B-2 General Business
-  B-3 Central Business
-  BP-1 Business Park 1
-  BP-2 Business Park 2
-  M-1 Light Industrial
-  M-2 Heavy Industry

PZ-2017-1053 Taylor Property Square Preliminary Plat



A PRELIMINARY PLAT OF 32.99 ACRES OUT OF THE GEORGE REESE SURVEY, ABSTRACT NO. 531, BEING A 20.99 TRACT, CITY OF TARRANT, WILLIAMSON COUNTY, TEXAS.

THAT, PROGRESS LAND DEVELOPMENT, L.L.C., A TEXAS LIMITED LIABILITY CORPORATION, SOLE OWNER OF THE CESTIAN 30.96 ACRES OF LAND SHOWN HEREON AND DECEASED IN A DEED RECORDED IN DOCUMENT NUMBER 70770573 OF THE OFFICIAL RECORDS OF WILMINGTON COUNTY, TEXAS, AND DO HEREBY ALLOCATE SAID TRACT AS SHOWN HEREON, AND DO HEREBY CONSENT TO ALL AS-TO-RITE REQUIREMENTS SHOWN HEREON, AND DO HEREBY DEDICATE TO THE CITY OF TATUM TO THE STREETS, ALLEYS, RIGHTS-OF-WAY, EASEMENTS AND PUBLIC PLACES SHOWN HEREON FOR SUCH PUBLIC PURPOSES AS THE CITY OF TATUM MAY DEEM APPROPRIATE. THIS SUBDIVISION IS TO BE KNOWN AS TATUM PROPERTY SQUARE SUBDIVISION.

DAVE TILGNER, PRESIDENT
PROSPERITY LAND DEVELOPMENT, LLC
9950 JOE DIAMONDO BLVD.
ROUND ROCK, TEXAS 78665

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED TO ME DANIEL J. LINDO, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT.

ATTORNEY GENERAL AND FOR THE STATE OF TEXAS

TWO FEMALE HOBBYISTS AT

THAT FIRST TEXAS BANK, THE LIEN HOLDER OF THAT CERTAIN 30.00 ACRE TRACT OF LAND RECORDED IN DOCUMENT NUMBER 170126750.0, OF THE OFFICE RECORDS OF WALLINGOUR COUNTY, TEXAS DO HEREBY CONSENT TO THE SUBMISSION OF THAT CERTAIN 30.00 ACRE TRACT OF LAND SITUATED IN THE CITY OF TAYLOR, WALLINGOUR COUNTY, TEXAS, AND DO FURTHER HEREBY AGREE, APPROVE, AND CONSENT TO THE DEDICATION TO THE PUBLIC, FOR THE USE OF THE HIGHWAY, ALLEYS, EASEMENTS AND ALL OTHER LANDS INTENDED FOR PUBLIC DEDICATION AS SHOWN HEREON.

STATE OF TEXAS
COUNTY OF WILLIAMSON

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

BY COMMISSION DIRECTIVE 94/62

1. LANCE BRIAN, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLOT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO KNOWN DISCREPANCIES, CONFLICTS, OR OVERLAPS OF INTERESTS, PUBLIC UTILITY LINES OR ROAD EASEMENTS, EXCEPT AS SHOWN ON THE ACCOMPANYING PLOT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SURVEYING REGULATIONS OF THE CITY OF AUSTIN, TEXAS.

BRUCE LANE TINTAL
REGISTERED PROFESSIONAL SURVEYOR
NO. 4741 STATE OF TEXAS


DANWELL HENDERSON
REGISTERED PROFESSIONAL ENGINEER
NO. 114493 STATE OF TEXAS

DATE _____

DON MCALISTER, CHAIRMAN

●

1. UTILITY PROVIDERS
WATER: CITY OF TAYLOR;
WASTEWATER/SEWIC: CITY OF TAYLOR;
ELECTRICITY: ONCOR.

1. THERE ARE NOT AREAS WITHIN THE BOUNDARIES OF THIS SUBDIVISION IN THE 100-YEAR FLOODPLAIN AS DETERMINED BY THE FIRM MAP NUMBER 46411005-AGE, EFFECTIVE DATE OF SEPTEMBER 24, 2006.

4. MINIMUM FLOW OF 500 GALLONS PER MINUTES FOR NOT LESS THAN TWO (2) HOURS SHALL BE PROVIDED.

800 979 4083

[illegible][illegible][illegible]

THEENCE SOUTH 30° 15' 15" EAST WITH SAID SOUTHWESTERN RIGHT-OF-WAY LINE OF CARLOS
PARKER BLVD., A DISTANCE OF 212.97 FEET TO A W' BORN ROD SET PLANTED "TULIP TECHNICAL
BENCHMARK" AT AN ANGLES POINT IN LINE.

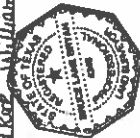
THENCE SOUTH 47° 47' 05" EAST WITH SAID SOUTHWESTERN RIGHT-OF-WAY LINE OF CARLOS PABER BLVD. A DISTANCE OF 438.55 FEET TO A POINT A TYPE 1 TIE-OUT CONCRETE MONUMENT BEING KEYS STATION 211+48.93 AT AN ANGLE POINT IN SAME.

THENCE SOUTH 17° 38' 43" EAST WITH SAID SOUTHWESTERN RIGHT-OF-WAY LINE OF CARLOS PABER BLVD, A DISTANCE OF 174.08 FEET TO A W/ 100' BORN 90° SET LEAVED "BEAM TECHNICAL SURVEY" AT THE INTERSECTION WITH THE NORTHWESTERN RIGHT-OF-WAY OF FARM TO MARKET ROAD NO. 972, REFERRED TO AS A CALLED "1/2 ACRES" AS RECORDED IN VOLUME 1772, PAGE 757, DOWK.

[illegible][illegible]

THENCE SOUTH 84° 10' 07" WEST WITH THE COMMON LINE OF SAID "BEST TRACT" - 61.48 ACRES AND "TULAS RESIDUAL PORTION ACRES", A DISTANCE OF 143.72 FEET TO A POINT 1/4" FROM CORNER OF SAID "TULAS ACRES", SAME BEING THE SOUTHEAST CORNER OF AFORESAID TRACT ONE - 55 ACRES;

ENCE NORTH 1° 07' 57" WEST WITH THE COMMON LINE OF SAID 1912.55 RESIDUAL PORTION ACRES AND TRACT ONE - 55 ACRES, ALONG AN OLD TREE LINE, A DISTANCE OF 154.14 FEET TO THE PLACE OF BEGINNING CONTAINING ACCORDING TO THE DIMENSIONS BEEN STATED AN AREA OF 38.979 ACRES OF LAND.



PZ-2017-1054
407 West 6th Street



**Specific Use Permit (SUP) for a
Studio, Health/Reducing/Fitness or Similar Service/
Establishment, specifically being a Yoga Studio**

Applicant Information:

Applicant: Jennifer Brown (Owner/Applicant).

Applicant Request: Specific Use Permit permission to establish a Yoga Studio in approximately 450 square feet of the existing structure on the property.

Subject Property:

Location: South side of West 6th Street, east of Davis Street

Legal Description: City of Taylor, BLOCK 41, LOT 6 (E/Pt)

Existing Zoning: MF-2 – High Density Multi-family District

Utilities: Serviced by City Water and Wastewater; ONCOR Electric

Existing Use of Property: A one-story non-residential tin/wood building

**Adjacent Zoning and Land
Use Pattern:**

<u>Direction</u>	<u>Current Zoning</u>	<u>Existing Land Use</u>
North	MF-2 – High Density Multi-Family District	Church play-ground
South	MF-2 – High Density Multi-Family District	Single-family residence
East	MF-2 – High Density Multi-Family District	Single-family residence
West	MF-2 – High Density Multi-Family District	Single-family residence

Application Summary

The proposal is to establish a Yoga Studio use in approximately 450 square feet of the existing structure at this property. According to the applicant, the property has never been used residentially, with possible past uses including a dry cleaner and a beer distributorship. The applicant would utilize the north (front) portion as an open studio for yoga classes. The remainder of the existing structure would be utilized privately by the applicant for non-business purposes. See Attachment 1, a photograph of the portion of the structure from West 6th Street. The space would need to be renovated, as needed to current Building and Fire Code requirements.

The applicant is proposing an off-site shared parking agreement with the St. Paul's Lutheran Church which maintains a paved parking at 412 West 6th Street directly across 6th Street from the property. Attachment 5 to this report is a Draft, unsigned document for this parking agreement. Other proposed Conditions of Operation are listed further in this report.

The property is zoned MF-2 (High Density Multi-family District), which is the zoning of a large swath of the City, stretching from 3rd to 7th Streets, and from Vance westward to Sloan Street. Besides multifamily and some group living situations, only certain educational, institutional, civic and utility uses are also permitted in this District.

Zoning Ordinance

The City's Zoning Ordinance, in Table 3.8, lists a specific use – **“Studio, Health/Reducing/Fitness/or Similar Service/Establishment”** – as being a Permitted (P) use in the DN, B-1, B-2, B-3, and BP-2 zoning districts. It is permitted by Specific Use Permit (S) in the BP-1 District.

Residential Districts									Misc. Districts			Nonresidential Districts							
R-A	R-1	R-2	R-3	MH	D	M F-1	M F-2	Permitted Uses	DN	I	P	B-1	B-2	B-3	BP-1	BP-2	M-1	M-2	
								Photographer											
								Studio, Health/Reducing/Fitness/or Similar Service/Establishment	P			P	P	P	S	P			

Chapter 11 of the Ordinance defines this use as:

***Studio, Health/Reducing/Fitness** - Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instructional classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.*

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.	
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Section 8.2.2 allows the City Council to consider an SUP for a use not otherwise permitted by-right in a certain zoning District. The applicant is following this process to request this project.

Comprehensive Plan – Future Land Use Map

The City's Future Land Use map, part of the Comprehensive Plan, recognizes this property as being in a large area that is appropriate for “Single Family” uses.

Proposed Conditions of Operation

1. The Specific Use Permit shall be for one (1) Yoga Studio/Center use located in approximately 450 square feet in the north side of the structure.
2. The Specific Use Permit shall be for Jennifer Brown, and shall cease to be valid when/if Jennifer Brown no longer is Owner and/or Operator of the property and a Yoga Studio/Center business within the property.
3. Total maximum occupancy of the Yoga Studio/Center space shall be fifteen (15) persons, including employees/instructors.
4. One (1) on-site parking space shall be permitted on the property, on the western side in front of the sliding barn (garage) doors; see Attachment 1.
5. Off-street parking shall be provided per an Off-Site Shared Parking Agreement with the St. Paul's Lutheran Church, whereby parking at 412 West 6th Street will be permitted by the proposed use according to the standards in that agreement.
6. Yoga Class Schedule shall include a minimum 30 minute gap/window between classes so as to allow for full utilization of the parking spaces by all class attendees (students).
7. The area in front of the Yoga Studio, to the public street right-of-way edge, may be utilized for outdoor seating and decorative plantings, so long as safety measures are taken relative to vehicles, given there is no raised curb on the south side of West 6th Street in the vicinity of the property. Final design and approval of such shall be done through the Certificate of Occupancy.
8. All applicable Zoning Ordinance, Building Code, and Fire Code requirements for the establishment of the Yoga Studio/Center use shall be met during the Certificate of Occupancy process.

Staff Recommendation

Staff recommends approval of the Specific Use Permit request, subject to the above Conditions, based on the following findings:

1. The Conditions of Approval, including the Off-Site Parking Agreement, are meant to ensure a level of development that would improve upon the existing conditions of the property, and ensure that no negative impacts arise from the proposed use.
2. While the Comprehensive Plan Future Land Use map designation is "Single Family", and the zoning is High Density Multifamily, the existing structure/development is non-residential in nature, and there is no known history of residential use on the property.

Attachments:

1. Attachment 1 – Photo and Project Explanation
2. Attachment 2 – Aerial Map (2017 Williamson County Data)
3. Attachment 3 – Current Zoning Map
4. Attachment 4 – Legal Description (Deed Document 2017037621)
5. Attachment 5 – Draft Parking Agreement with St. Paul's Church

Parking in front will be converted to seating area and container plants to prevent cars from pulling in to those spaces and backing out into traffic. One parking space will be used on the far right since there will be more visibility with the length of the driveway.





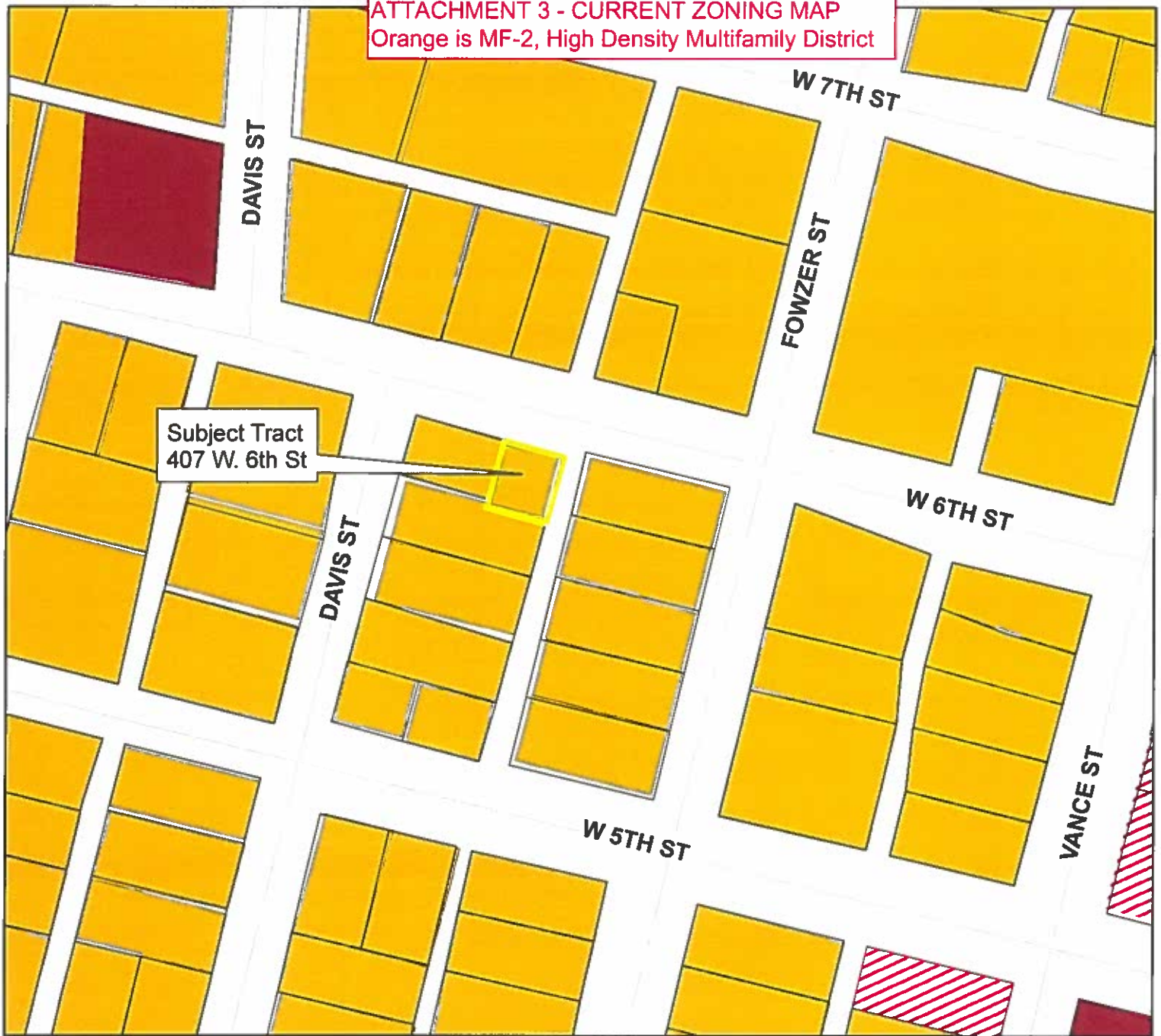
PZ-2017-1054
407 W 6th Street
SUP Request

Legend

-  200-ft Notification Buffer
-  Subject Tract
-  Parcels

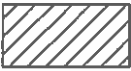


ATTACHMENT 3 - CURRENT ZONING MAP
Orange is MF-2, High Density Multifamily District



PZ-2017-1054
407 W 6th Street
SUP Request

Legend

-  200-ft Notification Buffer
-  Subject Tract
-  Parcels



15-ITC-1712931-RRK-GJW

GF#1712931

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED WITH VENDOR'S LIEN

Date: April 28, 2017

Grantor: Robert Fulford and Judy Fulford, married to each other

Grantor's Mailing Address (including county):

4510 Ave. D
Austin, Texas 78751
Travis County

Grantee: Jennifer Brown and Raymond Brown, married to each other

Grantee's Mailing Address (including county):

515 N. Doak Street
Taylor, Texas 76574
Williamson County

Consideration:

For the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration paid to the undersigned by the Grantee herein named, the receipt and sufficiency of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of Grantee's Note of even date herewith that is in the principal amount of **Sixty-Five Thousand and No/100 Dollars (\$65,000.00)** payable to the order of **Robert Fulford and Judy Fulford**. The Note is secured by a Vendor's Lien retained in favor of Grantor, in this Deed and by a Deed of Trust of even date herewith from Grantee to Law Office of Kenneth M. Kohl, P.C., Trustee.

Property (including any improvements):

Lot 6, Block 41, CITY OF TAYLOR, according to the map or plat thereof, recorded in Cabinet A, Slide 186, Plat Records, Williamson County, Texas; **SAVE AND EXCEPT** that portion conveyed to W.O. Minzenmayer and wife, Olga Minzenmayer by Warranty Deed dated October 27, 1969, recorded in Volume 522, Page 324, Deed Records, Williamson County, Texas.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights of record; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines, any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance, and operation of any applicable governmental district, agency, authority, etc. taxes for current year, the payment of which Grantee assumes.

Grantor for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.

The Vendor's Lien and Superior Title to the property are retained for the benefit of Grantor.

EXECUTED this 28th day of April, 2017.

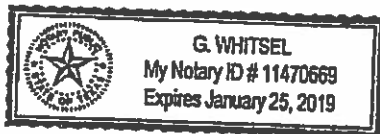

Robert Fulford

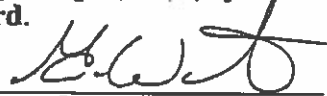
Judy Fulford

By:  Robert Fulford, her attorney-in-fact

STATE OF TEXAS
COUNTY OF WILLIAMSON

This instrument was acknowledged before me on the 28 day of April, 2017, by Robert Fulford individually, and as attorney-in-fact on behalf of Judy Fulford.




Notary Public, State of _____
Notary's Name (printed): _____
Notary's commission expires: _____

AFTER RECORDING RETURN TO:

INDEPENDENCE TITLE COMPANY
101 E. Old Settler's Blvd., Suite 110
Round Rock, TX 78664

**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2017037621

Pages: 4 Fee: \$29.00
04/28/2017 12:22 PM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas

Unofficial Document

Off-site Access and Parking Agreement

This Access and Parking Agreement is made and entered into this 8th day of September, 2017, by and between Refine Yoga and St. Paul's Lutheran Church.

Whereas Jennifer Brown is owner of real property in the City of Taylor, Williamson County, Texas described as Refine Yoga, located at 407 W. 6th Street, Taylor, Texas ("Property 1").

Whereas Chris Rohlack is President of real property in the City of Taylor, Williamson County, Texas described as St. Paul's Lutheran Church, located at 401 W. 7th Street, Taylor, Texas ("Property 2").

Whereas, Property 1 is seeking a Specific Use Permit to operate as a Yoga Center for classes of an average of 10-15 people at a time.

Whereas, Property 2 is allowing the use of a minimum of 10 parking spaces in the church parking lot for students attending yoga classes .

Whereas, this Access and Parking Agreement shall not run with the property, but shall remain valid and in full force and effect in accordance with the terms of this Access and Parking Agreement;

NOW, THEREFORE, premises considered, the Parties hereby agree as follows:

1. Property 1 hereby grants Property 2, its guests and invitees, access and parking privileges across and upon the Property, subject to the following conditions:
 - a. Detail - 1 space proposed in front of the garage door on the western side of the building.
 - b. Detail – Sunday – all day
 - c. Detail – with prior notice owner will make accommodations for the one parking space the city is allowing in front of lot of 407 W. 6th Street.
2. It is the intent of the Parties that this Access and Parking Agreement remain valid and in full force and effect so long as Property 1 and Property 2 own their respective properties, and Property 2 maintains a valid Certificate of Occupancy for the Property, unless and until this Agreement is terminated by either Property providing the other a minimum of 60 days notice of the intent to terminate this Agreement for any reason. Such notice shall be provided in writing to the other Property, with a copy to the City of Taylor.
3. It is expressly understood by the Parties that this Agreement is being entered into order to comply with the Zoning Ordinance requirements of the City of Taylor, Texas, in effect on the day of execution, for Property 1. Any future modification of this Agreement shall require the express approval of the City of Taylor in order to maintain the legal status of Property 1.

Should either Property fail to comply with the terms of this Agreement; no Certificate of Occupancy shall be issued by the City of Taylor for the occupancy of Property 1 and/or any existing Certificate of Occupancy may be revoked if these requirements are not met.

PROPERTY 1: 407 West 6th Street

Signature: _____ DATE: _____

Print Name/Title: _____

NOTARY:

Before me, the undersigned authority, on this day personally appeared _____ (owner or agent name) known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he or she executed the same for the purposes and consideration expressed and in the capacity herein stated.

Given under my hand and seal of office on this _____ day of _____.

Notary Public in and for the State of Texas.

My Commission expires: _____

PROPERTY 2: St. Paul's Lutheran Church

Signature: _____ DATE: _____

Print Name/Title: _____

NOTARY:

Before me, the undersigned authority, on this day personally appeared _____ (owner or agent name) known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he or she executed the same for the purposes and consideration expressed and in the capacity herein stated.

Given under my hand and seal of office on this _____ day of _____.

Notary Public in and for the State of Texas.

My Commission expires: _____

PZ-2017-1062
1209 East 4th Street
Specific Use Permit (SUP) for a
Wedding/Event Center Use



Applicant Information:

Applicant: High Pointe Wedding Ventures, LLC - Dawson Clark

Owner: Taylor Mansion Estate, LLC – Traci/Tracy Qualls

Applicant Request: Specific Use Permit permission to establish a Wedding/Event Center use on approximately 4 acres (not including parking areas) of a 51-acre tract of land currently developed with five buildings, and a Certificate of Occupancy for an Assembly/Restaurant use.

Subject Property:

Location: North side of East 4th Street, opposite Allison Drive.

Legal Description: P. Coursey Survey, Abstract No. 131, 51.179 acres

Existing Zoning Districts: R-1 – Single Family Residential – approximately 38 acres which includes the existing site features and proposed improvements;
 B-1 – Local Commercial – approx. 11 acres, fronting East 4th Street.
 R-A – Rural Agricultural – approx. 3 acres, northeast side of site.

Utilities: Serviced by City Water; the property is served by an on-site sewage facility, but the enclosed ballroom building sends effluent through a pump to a City wastewater line to the west of the property; ONCOR provides electricity

Existing Use of Property: An Assembly/Restaurant use (event center) comprising a one-story glass enclosed building, a one-story open walled pavilion structure, and a pool and pool house. Also on the property is a barn structure utilized as a private residence by the current owners, and a historic residential structure (“Taylor Mansion”).

**Adjacent Zoning Districts
and Land Use Pattern:**

<u>Direction</u>	<u>Current Zoning</u>	<u>Existing Land Use</u>
North	R-1 – Single-Family Residential and R-A – Rural Agricultural	Undeveloped farmland
South	B-1 – Local Business and M-1 – Light Industrial (Across 4 th St.)	Social Hall / Industrial use across 4 th Street
East	R-1 – Single-Family Residential and B-1 – Local Business	Undeveloped / Single residence
West	R-1 – Single-Family Residential and M-1 – Light Industrial	Single-family residences

Application Summary

The proposal is to establish a Wedding and Event Center use that will expand upon the existing Assembly/Restaurant (event center) use for which the current owners have a Certificate of Occupancy for. The applicant's proposal is fully detailed in Attachment 1.

Property History

The property has been developed over a long history. The current buildings and site features are detailed below:

- Historic 'Taylor Mansion' Structure – this residential building is over 130 years old, and was previously utilized by the current owners as their private residence.
- A Barn structure that has been converted/renovated into a private residence; the current owners reside in this building currently.
- Pool and Pool House – this was constructed as an amenity feature for the current owners Event Center use.
- Glass-enclosed Building ("Crystal Ballroom") – this was constructed for the purpose of holding public events.
- Pavilion – This was constructed via a 2012 Building Permit as an amenity feature for the current owners' event center use.

In February of 2009, the current owners obtained a Certificate of Occupancy for an Assembly/Restaurant use that included the glass-enclosed building ("Crystal Ballroom") and the pool and pool house. The Pavilion became part of the public commercial space in 2012.

Zoning / Status of Existing Use

The property is split zoned, with approximately 38 acres (comprising the northern portion) zoned R-1, Single Family Residential District; approximately 11 acres (the southern portion, comprising most of the frontage with East 4th Street) zoned B-1, Local Commercial District; and approx. 3 acres of the Rural Agricultural District.

The City's Zoning Ordinance, in Chapter 3, does not list a specific use that describes a 'wedding or event center' use. Chapter 11 does not include a definition for such uses.

On August 25, 2017, the City Development Services Department determined that the current owners Assembly/Restaurant (event center) use was a Legal Nonconforming use in the R-1 zoning district, and could be continued by a subsequent owner so long as the use did not become abandoned as is described in the City's Zoning Ordinance, and so long as it was of the same scope as the current owners. The Applicant declared that their intentions were to greatly expand the use with multiple physical and operational changes to the property, and it was determined that the scope of that project/development would require the applicant to seek a Specific Use Permit, under Zoning Ordinance Section 8.2.2 (see clip below), as a Wedding/Event Center use is not a permitted use in the R-1 District (nor is it a described/defined use in the Zoning Ordinance).

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.

Section 8.2.2. allows the City Council, with a ¾ vote, to consider and grant an SUP for a use not otherwise permitted by-right in a certain zoning District. The applicant is following this process to request this project.

Proposed Use/Improvements to Property

The applicant's Letter of Intent (Attachment 1) and Planned Improvements (Attachment 2) thoroughly detail the physical and operational plans for the property for a Wedding/Event Center use. Briefly paraphrasing the applicants' information:

Physical Changes:

1. Historic Mansion building – cosmetic improvements only.
2. Crystal Ballroom & Pavilion – connecting and enclosing both structures, with a caterers kitchen and multi-bathroom addition, to create an approximately 7,100 square foot single building.
3. Pool/Pool Cabana - cosmetic improvements only.
4. Barn Homes (residence) – no improvements/not part of commercial business.
5. Italian Garden – NEW - outdoor area directly south of ballroom building, to host outdoor events amongst decorative garden environment.
6. Pasture/Barnyard – NEW - 17-acre area south and west of Italian Garden, to contain pasture animals as accessories to the event center (photo opportunities).
7. Groom's Quarters – NEW - structure west of ballroom building, animal maintenance space on the ground floor, with 2nd story finished space for Groom's party to organize, rest, prep, etc.
8. Lakeside Ceremony Site – NEW - site for wedding ceremonies northeast of the main structures adjacent lake on the property.
9. Access Roads/Paths – NEW - means of access to Groom's Quarters and Lakeside site.

Operations:

1. Hosting 2 to 3 events each weekend of the year (between 100 and 150 events annually)
2. Accommodating up to 250 people per event / 25,000 persons annually.
3. Rebrand property as "Villa Fiore".

Comprehensive Plan – Future Land Use Map

The City's Future Land Use map, part of the Comprehensive Plan, recognizes this property as being in a large area that is appropriate for "Single Family" use.

Proposed Conditions of Operation

1. The Specific Use Permit shall be for a Wedding/Event Center use located on the property as outlined in the Applicant's Letter of Intent and Planned Improvements documents.
2. All applicable Zoning Ordinance, Engineering Manual, Building Code, and Fire Code requirements for the establishment of a Wedding/Event Center use shall be met during the Site Development Plan, Building Permit, and/or Certificate of Occupancy process, as each may apply.

❖ A forthcoming Condition (or Conditions) shall capture the applicability of this Specific Use Permit to the applicant and future owners of the property. Staff, including the City Attorney, will finalize this language prior to the City Council consideration of the request.

Staff Recommendation

Staff recommends approval of the Specific Use Permit request, subject to the above Conditions, based on the following findings:

1. The Conditions of Operation are meant to ensure a level of development that would improve upon the existing conditions of the property, ensure that no negative impacts arise from the proposed use, and ensure that all applicable adopted Ordinances of the City will be enforced.
2. While the Comprehensive Plan Future Land Use map designation is "Single Family", and the zoning (where the use is occurring on the property) is Single Family Residential (R-1), the expansion of the existing use and structures that have operated in a non-residential nature for approximately 8 years, on a 51 acre property, is not incongruous with the surroundings.

Attachments:

1. Attachment 1 – Applicant Letter of Intent (Project Description)
2. Attachment 2 – Applicant Planned Improvements (Use of Property)
3. Attachment 3 – Current Zoning Map
4. Attachment 4 – Aerial Map-Existing Conditions (2017 Williamson County Data)
5. Attachment 5 – Legal Description (Survey-11-15-16)

ATTACHMENT 1 - LETTER OF INTENT (PROJECT DESCRIPTION)

HighPointe Wedding Ventures, LLC
dba Villa Fiore Event Center
Dawson Clark, President
413 S Ridge Cir
Georgetown, TX 78628

August 29, 2017

The Honorable Brandt Rydell
Mayor of Taylor
400 Porter Street
Taylor, TX 76574

Dear Mayor Rydell, City Council, Planning & Zoning Commission, and City Staff,

We are pleased to introduce ourselves to you as a company keenly interested in actively supporting the explosive growth of your city. We look forward to meeting you in person and interacting with you and city staff as we complete the necessary steps to develop our event venue, Villa Fiore. The primary purpose of this letter is to make application for Specific Use Permit for property located at 2109 E 4th Street in Taylor. The property has most recently been known as The Taylor Mansion & Crystal Ballroom.

Our company is currently under contract to purchase the Taylor Mansion property, with plans to dramatically expand and improve the facilities. We fully intend the property to be among the top 5 wedding venues in the entire Austin Metro area. We have submitted details about our plans through the online zoning change process, and we hope you agree that our plans will dramatically improve the facilities.

Our business plan envisions 2-3 large wedding or corporate events at our venue each weekend of the year. Our completed facilities will accommodate up to 250 people, bringing large numbers of guests to Taylor. We fully expect that as many as 25,000 individuals could attend events at our venue annually. Many of those guests will come from out of town, so this venture has significant value to the City of Taylor in filling current and future hotel rooms, restaurants, and other entertainment venues in the downtown area.

We are planning to make many enhancements to the property and rename the property Villa Fiore. We provide below a list of the buildings and our current plans for each. A high-level set of drawings and conceptual images has been uploaded to the online application, along with a very preliminary site development concept.

The Historic Mansion – only cosmetic changes. We will repaint the interior and exterior, and possible update the flooring in a few rooms. We do not anticipate adding any square footage to the mansion or removing walls, etc..

The Crystal Ballroom/Open Pavilion – There will be virtually no changes to the Crystal Ballroom, except to bring all the doors up to code, so they swing outward with break bars, rather than the current sliding doors. We will enclose the open pavilion and add HVAC to the structure, along with restrooms, a small catering kitchen for use by outside caterers who serve events at the site, and storage. The newly enclosed pavilion will be physically connected to the Crystal ballroom with a wide loggia, creating the feeling of one large space with two very different personalities. The restrooms will tie into an existing holding tank system, which is connected via a grinder pump to city sewer. Our septic inspector expressed his view that the current system will be adequate for the planned restroom improvements. We realize this will be subject to City or County approval. See attached floorplan depicting the planned changes.

Pool Cabana/Swimming Pool – no changes except a fresh coat of paint to match the repainted mansion.

Barn Home – no changes, unless we decide to insulate and climate control areas on the south and north sides, which are under shed roofs with access from the residence. Currently, one such space is a 4-car garage and the other is a storage area.

Planned Additions:

Italian Garden – We will construct a beautiful outdoor garden in the lawn area southwest of the mansion. The garden will consist of a tall stone wall on the southern edge and extensive landscaping to define the area where guests will sit for weddings. There will be flagstone paths leading from the Mansion to the garden area, and a bisecting path from the altar area at the south to an expansive stone terrace on the south side of the ballroom. See attached sketches for conceptual ideas and preliminary landscape sketches.

Groom's Quarters/Barn/Barnyard/Pasture – We will enhance the fencing of the approx. 17-acre pasture on the western edge of the property in order to add the latest rage in wedding concepts...live animals for photos shoots and interaction with guests. Just outside the western gate of the Italian Garden we will construct a 24x40 2-Story barn. The lower level will serve as a barn/storage area for the animals and the second floor will contain a 2-bedroom apartment for the groom's party to occupy on wedding day.

Lakeside Ceremony Site – We will develop a very primitive and natural site on the North side of the two-acre lake on the northeast corner of the property to be used for the bride and groom who desire a more natural setting for their nuptials.

Road Development – We will develop a couple caliche roads as defined on the attached sketch.

We are grateful for the assistance and support in developing this business. Mike Elabarger and other members of city staff have been very helpful so far. We look forward to continued partnership to support the mutual goals of our business and the growth of the City of Taylor.

Best personal regards,

Dawson Clark
dawsonclark@sbcglobal.net
512-636-9200

Master Concept Plan

Mansion – unchanged except new pain

Barn Residence – unchanged

Swimming Pool/Cabana – unchanged except new paint

NEW - Lakeside Ceremony Site

NEW – Caliche Road to Lakeside Ceremony Site

NEW – Italian Garden Ceremony Site

NEW – Enclose Existing Pavilion, add restrooms, catering kitchen and storage

NEW – Groom's Quarters, upstairs/Barn downstairs

NEW – add barbed wire livestock fence for barnyard animals (i.e. miniature cows, llamas, etc..)

NEW – Caliche Road for service access to Ballroom/Catering Kitchen, and also to Groom's Quarters in Barn.

ATTACHMENT 2 - APPLICANT PLANNED IMPROVEMENTS



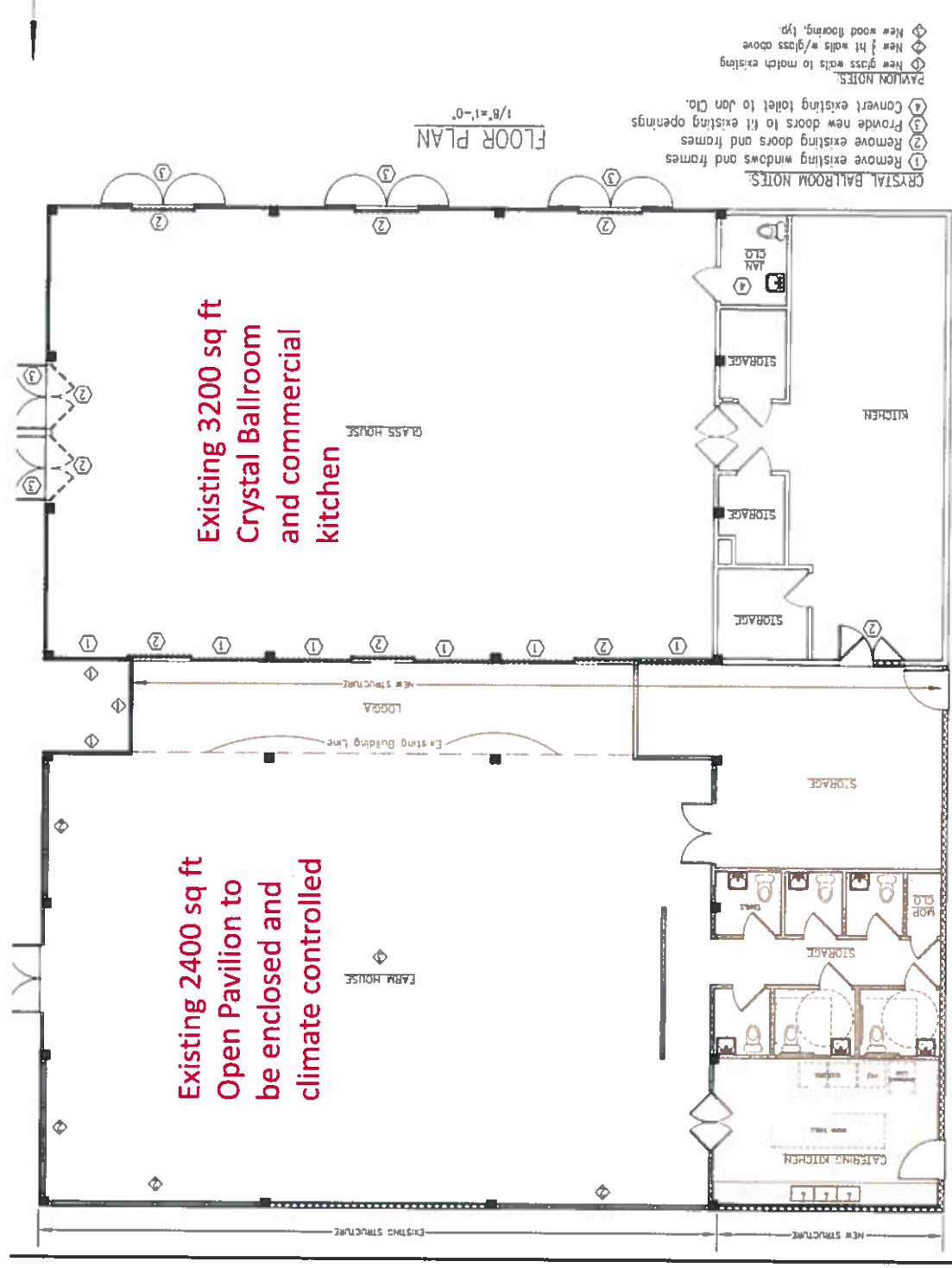
TAYLOR WEDDING / EVENT VENUE

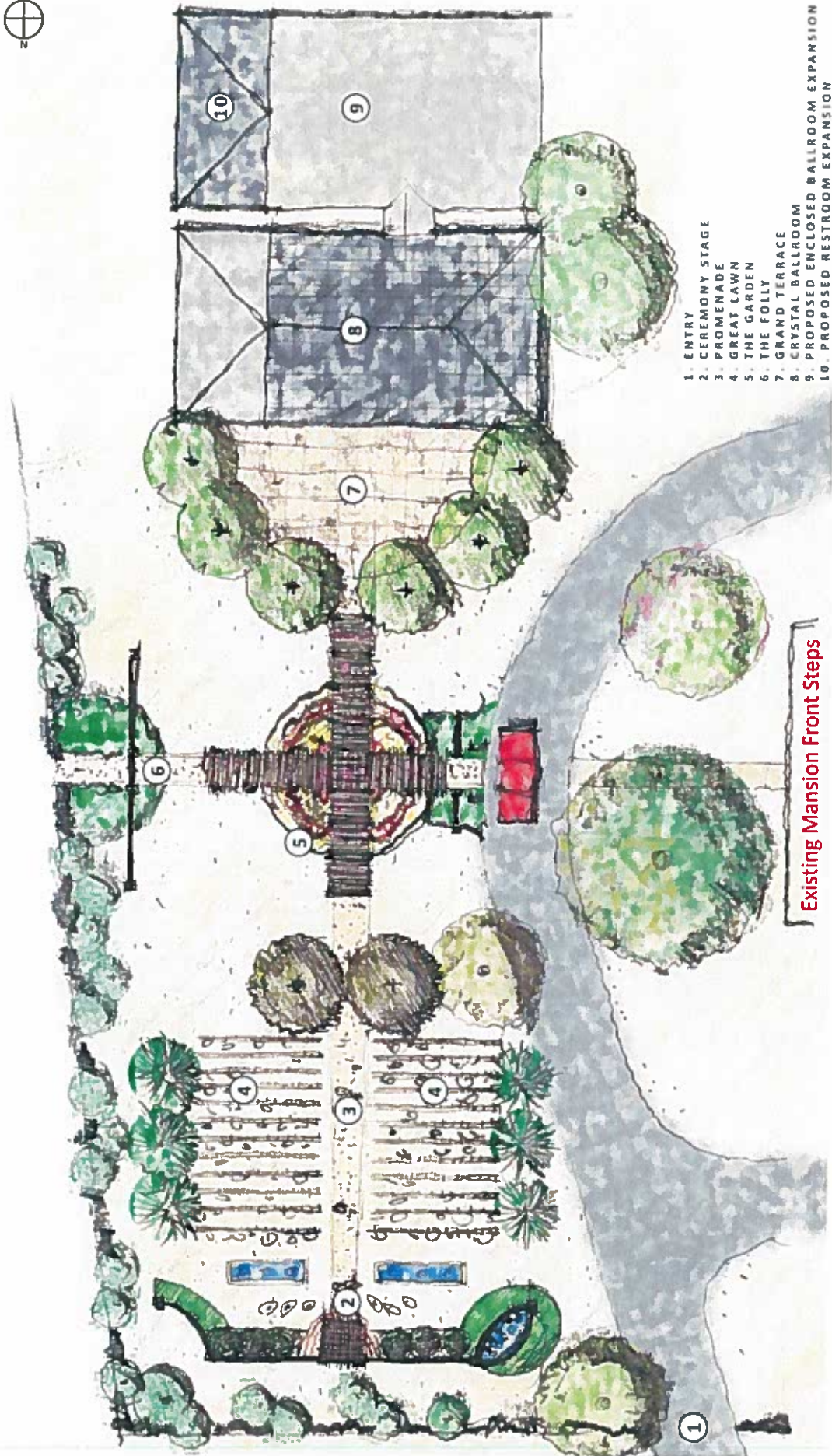
PROPOSED MASTER PLAN CONCEPT v2

BallRoom Preliminary Development Plan

Approx 1500
sq feet of
space to be
added.

This entire
structure will
be approx
7100 square
feet



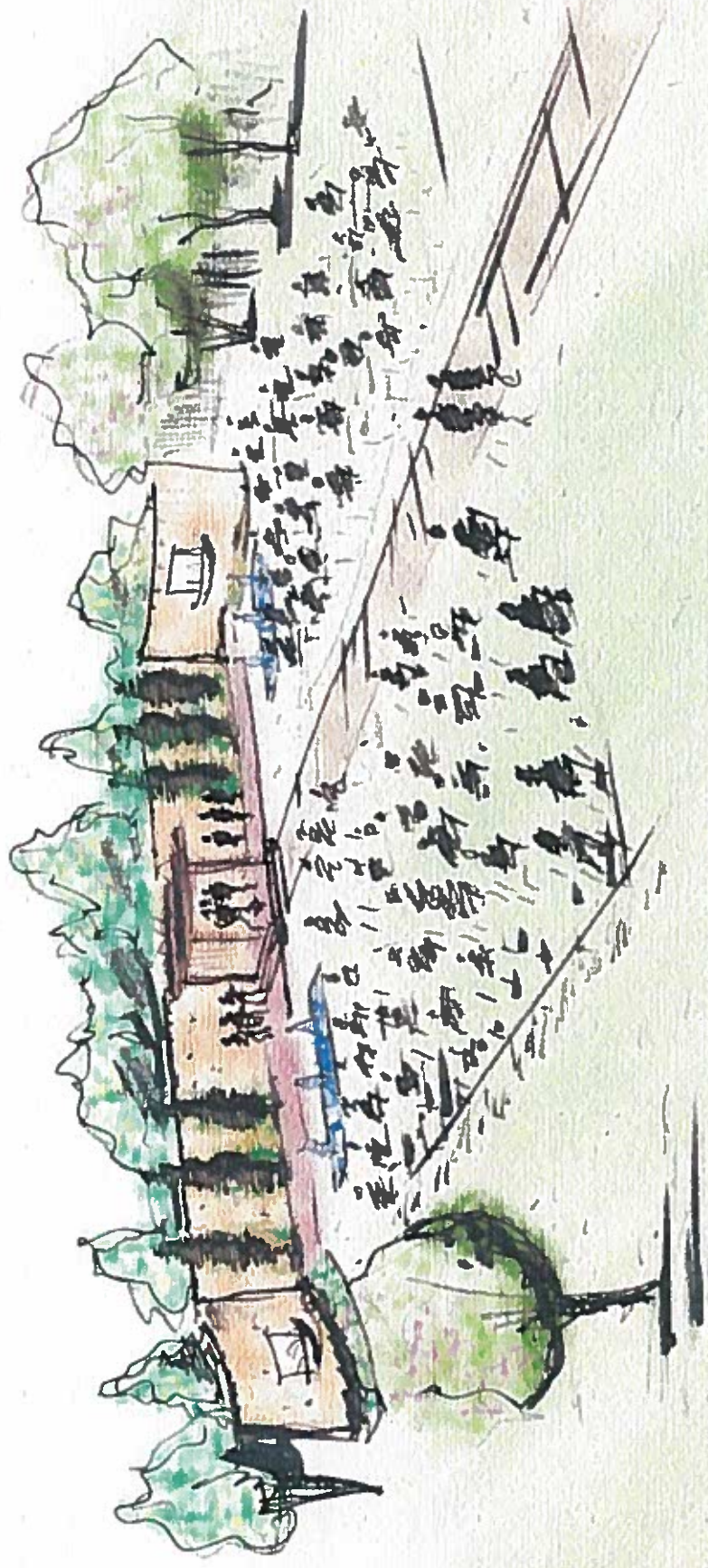


1. ENTRY
2. CEREMONY STAGE
3. PROMENADE
4. GREAT LAWN
5. THE GARDEN
6. THE FOUNTAIN
7. GRAND TERRACE
8. CRYSTAL BALLROOM
9. PROPOSED ENCLOSED BALLROOM EXPANSION
10. PROPOSED RESTROOM EXPANSION

Existing Mansion Front Steps



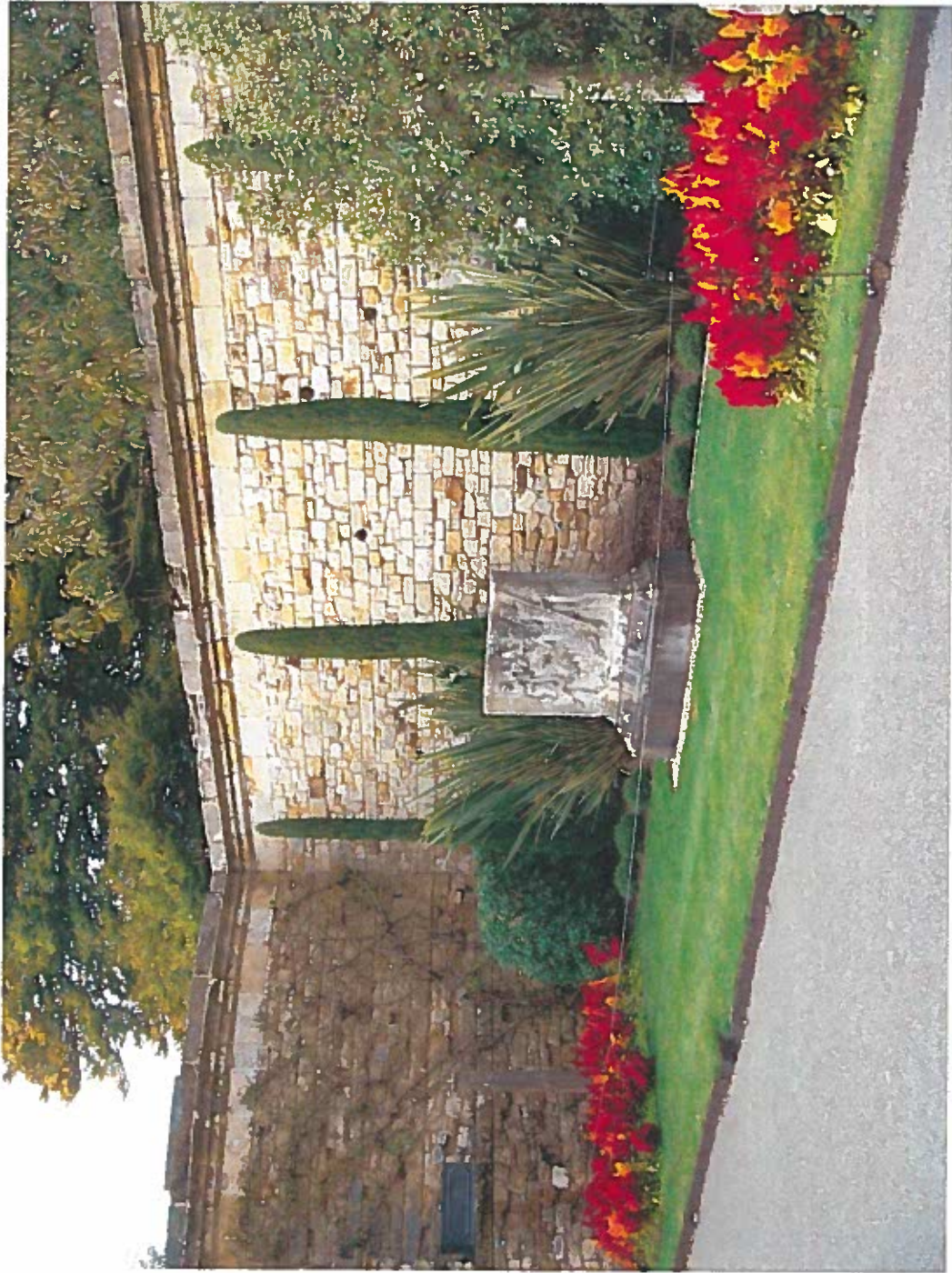
Italian Garden Entrance Gate



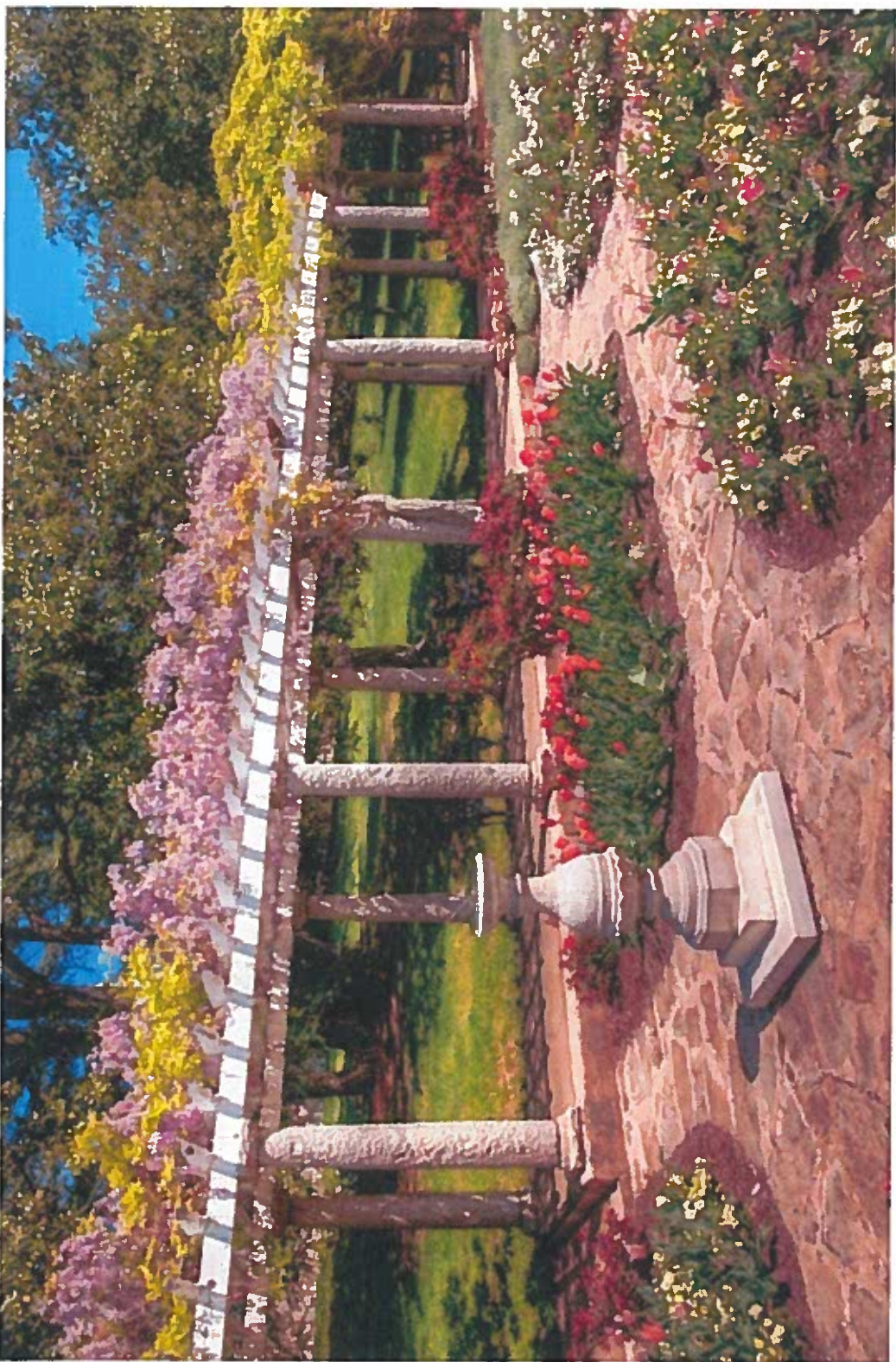
Overhead Conceptual View of Italian Garden Ceremony Site



Conceptual Image



Conceptual Image

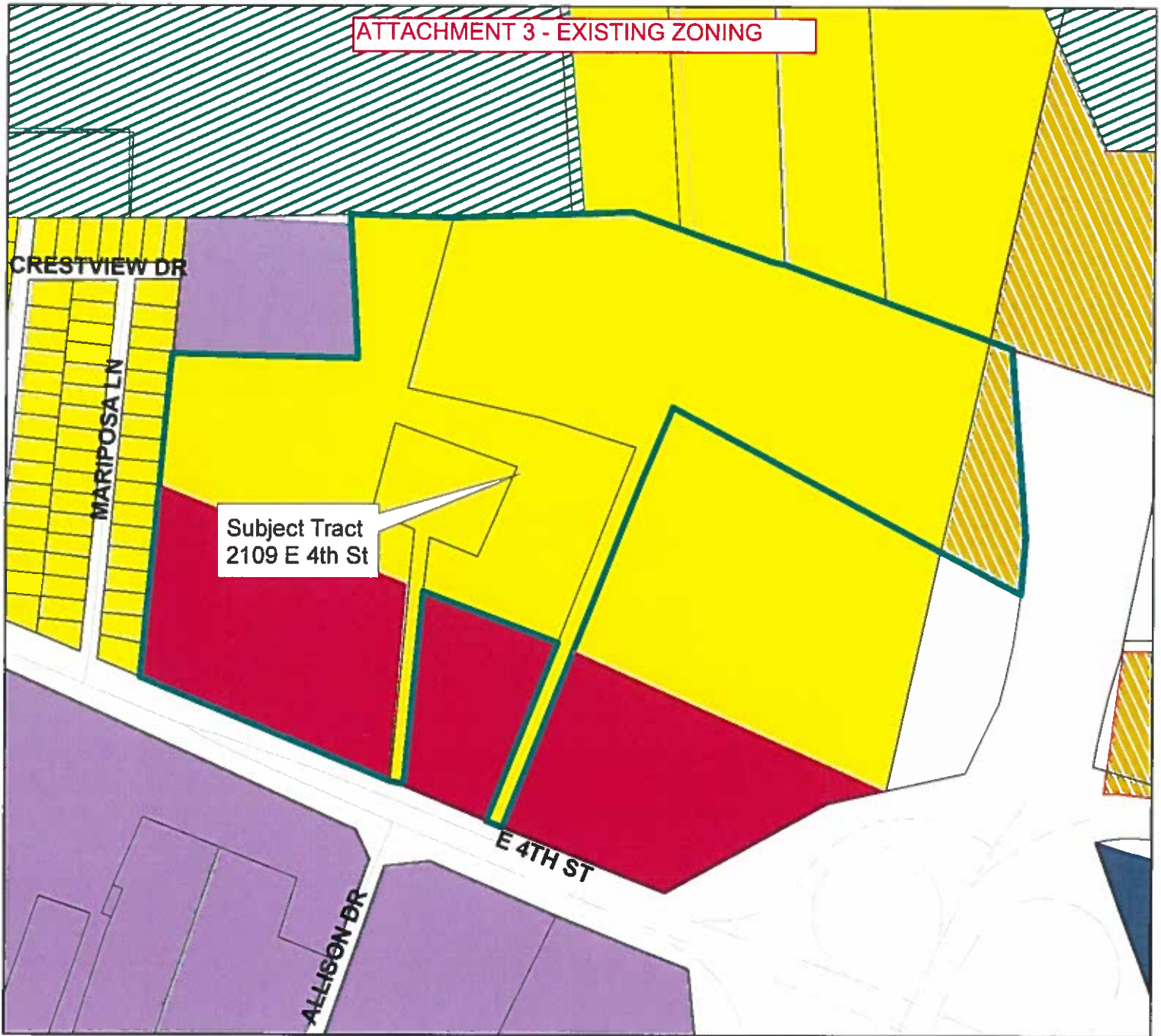


Conceptual Image



Conceptual Image

ATTACHMENT 3 - EXISTING ZONING



PZ-2017-1062
2109 4th Street
SUP Request

YELLOW = R-1 District (Single Family Residential)
RED = B-1 District (Local Business)
PURPLE = M-1 District (Light Industrial)

Legend

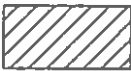
-  200-ft Notification Buffer
-  Subject Tract
-  Parcels

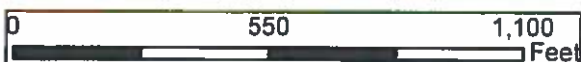




PZ-2017-1062
2109 4th Street
SUP Request

Legend

-  200-ft Notification Buffer
-  Subject Tract
-  Parcels



STATE OF TEXAS
COUNTY OF WILLIAMSON

NOVEMBER 15, 2016

51.179 ACRES

These notes describe that certain tract of land located in the **PARTHENIA COURSEY SURVEY, ABSTRACT No. 131**, situated in Williamson County, Texas within the corporate city limits of Taylor, Texas, further described as being all of a tract conveyed in a Special Warranty Deed from Ora Louise Qualls to The Taylor Mansion Estate, LLC dated 9-16-2013 and recorded in Document No. 2013090514 of the Official Public Records of Williamson County (OPRWC), being comprised of the following tracts:

- a called "16.86 Acres" conveyed in a Quitclaim Deed from Eugen J. Johnson to James a Qualls dated 11-3-1980 and recorded in Volume 817, Page 433, Deed Records of Williamson County (DRWC)
- a called "Tract One – 1.772 Acres" conveyed in a Warranty Deed from Eugene J. Johnson, et ux to James A. Qualls, et ux dated 3-10-1983 and recorded in Volume 916, Page 1, DRWC
- a called "Tract Two – 0.169 Acre" conveyed in a Warranty Deed from Eugene J. Johnson, et ux to James A. Qualls, et ux dated 3-10-1983 and recorded in Volume 916, Page 1, DRWC
- "Tract Three – 5.565 Acres" conveyed in a Warranty Deed from Eugene J. Johnson, et ux to James A. Qualls, et ux dated 3-10-1983 and recorded in Volume 916, Page 1, DRWC
- "Tract One – 2.00 Acres" conveyed in a Warranty Deed from Jimmie D. Morelan to James A. Qualls, et ux dated 9-27-1978 and recorded in Volume 732, Page 100, DRWC
- "Tract Two – 0.81 Acre" conveyed in a Warranty Deed from Jimmie D. Morelan to James A. Qualls, et ux dated 9-27-1978 and recorded in Volume 732, Page 100, DRWC
- "22.015 Acres" conveyed in a Cash Warranty Deed from BarbyW. Brunken and Charles Brunken to James A. Qualls dated 9-4-1998 and recorded in Document No. 9853239 of the Official Records of Williamson County (ORWC)
- "1.972 Acres" conveyed in a Cash Warranty Deed from Barby W. Brunken and Charles Brunken to James A. Qualls dated 9-4-1998 and recorded in Document No. 9853239 of the Official Records of Williamson County (ORWC)

being surveyed on the ground under the direct supervision of Bruce Lane Bryan, Registered Professional Land Surveyor No. 4249, during the months of October and November, 2016 and being more fully described as follows:

BEGINNING at the Southwest corner of subject tract in the North Right-of-Way line of U. S. Highway No. 79, same being the Southwest corner of aforementioned "16.86 Acres" and the Southeast corner of Lot 1 of the Crestview Addition to the City of Taylor, a dedicated subdivision, plat of which is recorded in Cabinet "B", Slide 46, Plat Records of Williamson County;

THENCE South 88° 31' 06" East with said North Right-of-Way line of U. S. Highway No. 79 (said Right-of-Way conveyed to The State of Texas as recorded in Volume 451, Page 79, DRWC) and South line of said "16.86 Acres", at 756.21 feet pass a found ½" iron rod at the Southeast corner of aforementioned "Tract One – 1.772 Acres", same being the Southwest corner of aforementioned "Tract Two – 0.81 Acre", and continuing with said North Right-of-Way line of U. S. Highway No. 79 and South line of said "Tract Two – 0.81 Acre", an additional 52.54 feet for a total distance of 808.75 feet to a ½" iron rod set (capped BRYAN TECHNICAL SERVICES) at the Southwest corner of a called "4.00 Acres" conveyed to Taylor Columbus Club as recorded in Volume 534, Page 128, DRWC, same being the Southeast corner of said "Tract Two – 0.81 Acre"; found a ½" iron rod at the Southeast corner of said "4.00 Acres" bearing South 88° 26' 43" East, 250.00 feet (called 250.00 feet);

THENCE North 15° 10' 11" West with the common line of said "Tract Two – 0.81 Acre" and "4.00 Acres", generally along a fence, a distance of **547.23 feet** to a found ½" iron rod at the Northwest corner of said "4.00 Acres", same being the Southwest corner of aforementioned "Tract Three – 5.565 Acres"; found a ½" iron rod at the Northeast corner of said "Tract Two – 0.81 Acre" bearing North 15° 28' 55" West, 160.59 feet;

THENCE South 89° 23' 48" East with the common line of said "Tract Three – 5.565 Acres" and "4.00 Acres", generally along a fence, a distance of **406.61 feet** to a found ½" iron rod at the Northeast corner of said "4.00 Acres" in the lower West line of aforementioned "22.015 Acres", same being the Southeast corner of said "Tract Three – 5.565 Acres";

THENCE South 01° 27' 17" West with the East line of said "4.00 Acres" and lower West line of aforementioned "22.015 Acres", generally along a fence, a distance of **530.84 feet** to a found ½" iron rod at the Southeast corner of said "4.00 Acres" in aforementioned North Right-of-Way line of U. S. Highway No. 79, same being the lower Southwest corner of said "22.015 Acres";

THENCE South 88° 23' 26" East with the common line of said "22.015 Acres" and North Right-of-Way line of U. S. Highway No. 79, a distance of **49.85 feet** to a found ½" iron rod at the Southeast corner of said "22.015 Acres", same being the Southwest corner of a called "26.82 Acres" conveyed to Josh Richards dated 12-12-2001 and recorded in Document No. 2001093528, OPRWC; found a Type I concrete TxDOT monument for reference bearing South 88° 33' 52" East, 504.90 feet (TxDOT station 401+87.65);

THENCE with the common line of said "22.015 Acres" and "26.82 Acres", generally along a fence, as follows:

1. **North 01° 28' 22" East** **531.31 feet** to a found ½" iron rod,
2. **North 01° 23' 44" East** **596.06 feet** to a found ½" iron rod and
3. **North 05° 02' 49" East** **149.52 feet** to a found ½" iron rod at the Northwest corner of said "26.82 Acres", same being an interior corner of said "22.015 Acres" and the West corner of aforementioned "1.972 Acres";

THENCE South 82° 13' 17" East with the common line of said "26.82 Acres" and "1.972 Acres", generally along a fence, passing a found ½" iron rod at 585.45 feet, and continuing with said line an additional 529.79 feet for a total distance of **1115.24 feet** to a found ½" iron rod at the Northeast corner of said "26.82 Acres", same being the Southeast corner of said "1.972 Acres" in the curving West line of a called "3.508 Acres" relinquished in a Judgement from Perrin Land and Cattle Co., et al to The State of Texas dated 8-7-1969 and recorded in Volume 520, Page 478, DRWC; found a ½" iron rod at an exterior corner of said "26.82 Acres" whose chord bearing is South 09° 12' 07" East, chord length is 312.53 feet;

THENCE with the curving common line of said "1.972 Acres", "22.015 Acres" and "3.508 Acres", being a curve to the left having a **radius of 2142.01 feet, a chord bearing of North 22° 39' 32" West, a chord length of 690.34 feet and an arc length of 693.36 feet** to a set ½" iron rod (capped "BRYAN TECHNICAL SERVICES") at the Northwest corner of said "3.508 Acres" (TxDOT station 420+90), same being the Northeast corner of "22.015 Acres"; found a 1" iron rod (standing 1.5 feet tall, did not honor) bearing South 85° 39' 21" East, 10.09 feet; found an 8" cedar post fence corner bearing North 89° 01' 21" East, 406.00 feet (called 406.00 feet) at the occupied lower Southeast corner of a called "Tract Two – 12.378 Acres" conveyed to Martin Martinez, et ux dated 4-24-2006 and recorded in Document No. 2006054383, OPRWC;

THENCE South 89° 01' 21" West with a common line of said "22.015 Acres" and "Tract Two – 12.378 Acres", a distance of **36.00 feet** to a found ½" iron rod at a common corner of said tracts;

THENCE South 89° 11' 39" West continuing with a common line of said "22.015 Acres" and "Tract Two – 12.378 Acres", a distance of **348.51 feet** to a found ½" iron rod at a common corner of said tracts at a point near where the deed line joins a fence, same being the Southeast corner of a called "12.378 Acres" conveyed to Charles K. Brunken dated 9-24-2002 and recorded in Document no. 2002083869, OPRWC;

THENCE South 89° 02' 46" West with the common line of said "12.378 Acres – Brunken" and said "22.015 Acres", generally along said fence, a distance of **310.47 feet** to a found ½" iron rod at a common corner of said tracts, same being the Southeast corner of a called "12.378 Acres" conveyed to the Veterans Land Board of Texas dated 2-17-1983 and recorded in Volume 956, Page 635, DRWC;

THENCE South 89° 02' 01" West with the common line of said "12.378 Acres – Veterans Land Board" and said "22.015 Acres", generally along said fence, a distance of **309.48 feet** to a found ½" iron rod at a common corner of said tracts, same being the Southeast corner of a called "12.377 Acres" conveyed to Christopher Robert Frenette dated 12-11-2015 and recorded in Document No. 2015108174, OPRWC;

THENCE with the common lines of said "12.377 Acres" and said "22.015 Acres", generally along said fence, as follows:

1. **North 89° 57' 55" West** 147.02 feet to a found $\frac{1}{2}$ " iron rod and
2. **South 67° 37' 33" West** 169.85 feet to a found $\frac{1}{2}$ " iron rod at the Southwest corner of said "12.377 Acres", same being the Southeast corner of a called "66.83 Acres" conveyed to Oscar Seggern dated 12-3-1951 and recorded in Volume 375, Page 142, DRWC;

THENCE South 68° 46' 07" West with the common line of said "66.83 Acres" and "22.015 Acres", generally along said fence, a distance of **329.55 feet** to a set $\frac{1}{2}$ " iron rod (capped "BRYAN TECHNICAL SERVICES") at the Northwest corner of said "22.015 Acres", same being the Northeast corner of aforementioned "Tract Two – 0.169 Acre"; found a $\frac{1}{2}$ " iron rod at the Southeast corner of said "Tract Two – 0.169 Acre" bearing South 03° 44' 06" East, 25.93 feet;

THENCE South 68° 27' 13" West with the common line of said "66.83 Acres" and "Tract Two – 0.169 Acre", generally along said fence, a distance of **298.04 feet** to a found $\frac{1}{2}$ " iron rod at the Northwest corner of said "Tract Two – 0.169 Acre", same being the Northeast corner of a called "4.50 Acres" conveyed to Time Warner Cable Texas, LLC dated 9-30-2012 and recorded in Document No. 2012087669, OPRWC

THENCE South 22° 24' 54" East with the common line of said "Tract Two – 0.169 Acre" and "4.50 Acres", a distance of **24.69 feet** to a found $\frac{1}{2}$ " iron rod at the Southwest corner of said "Tract Two – 0.169 Acre", same being the upper Northwest corner of aforementioned "16.86 Acres";

THENCE with the common lines of said "4.50 Acres" and said "16.86 Acres", generally along said fence, as follows:

1. **South 23° 52' 33" East** 380.79 feet to a found $\frac{1}{2}$ " iron rod at the Southeast corner of said "4.50 Acres", same being an interior corner of said "16.86 Acres" and
2. **South 70° 49' 29" West** 526.43 feet to a found $\frac{1}{2}$ " iron rod at the Southwest corner of said "4.50 Acres", same being the lower Northwest corner of said "16.86 Acres" in the East line of aforementioned Crestview Addition;

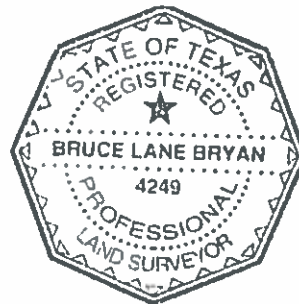
THENCE South 15° 07' 55" East with the common line of said Crestview Addition and "16.86 Acres", passing a found ½" iron rod at a common corner of Lot 12 and Lot 13 at 120.03 feet, passing a found ½" iron rod at a common corner of Lot 11 and Lot 12 at 120.03 feet, passing a found ½" iron rod at a common corner of Lot 2 and Lot 3 at 741.87 feet, and continuing with said line an additional 169.51 feet for a total distance of **911.38 feet** to the **PLACE OF BEGINNING** containing according to the dimensions herein stated an area of **51.179 Acres** of Land.

NOTE: Bearings and coordinates recited herein based on Texas Plane Coordinate System (central zone) NAD 83/93 adjustment and are grid values. Attention is invited to accompanying plat for further information.


Bruce Lane Bryan

Registered Professional Land Surveyor No. 4249

Bryan Technical Services, Inc.
TBPLS Firm No. 10128500
911 N. Main St., Taylor, TX 76574





To: Planning and Zoning Commission

From: Ashley Lumpkin, AICP
Development Services Director

RE: Landscape Ordinance Amendments

Date: September 8, 2017

In August, staff brought forward a proposed amendment to modify the landscaping ordinance required planting percentage, move Bradford Pear trees from the Preferred Plant List to the Invasive Plat List, and provide additional flexibility within the tree preservation and tree mitigation requirements.

DISCUSSION

The proposed revisions modify the ratio in which required plantings are required for commercial, industrial, and manufacturing development lots. Staff is also proposing additional tree preservation and mitigation language to provide developers the flexibility to remove trees when necessary with a proposed development.

The current ordinance essentially disallows the removal of a tree that is greater than six inches in diameter, regardless of development plans for a site. The draft language provides guidelines for tree protection during construction and allows additional mitigation methods for developers. One of the highlights of the proposed language is that it allows a developer to donate trees to the city as a means of mitigating tree removal on a development site.

In addition, the proposed revision contains additional language that would provide developers the ability to have an alternate tree mitigation plan approved by Planning and Zoning Commission and City Council when a tract is otherwise unable to meet the ordinance, as requested by the Planning and Zoning Commission at the last meeting.

RECOMMENDATION

Staff recommends approval of the Ordinance, as written.

ATTACHMENTS

DRAFT Ordinance 2017-15

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2010-12
ADOPTED BY THE CITY OF TAYLOR, TEXAS ON JUNE 22, 2010
AS HERETOFORE AMENDED, BY MODIFYING 28-29(B)(1)
REQUIRED SITE LANDSCAPING AND TABLE 4.1 – REQUIRED
LANDSCAPING, AMENDING SECTION 28-31 TREE
PRESERVATION AND PROTECTED TREES, AND MODIFYING
APPENDIX A – PREFERRED PLANT LIST AND APPENXIDX B –
INVASIVE PLANTS**

WHEREAS, the City Council of the City of Taylor has determined quality of life and aesthetics are important issues and concerns affecting Taylor; and

WHEREAS, proper landscaping will augment those qualities while helping to improve air purification, storm water runoff, noise reduction and heat abatement while conserving energy, water and other natural resources; and

WHEREAS, landscape standards can enhance the quality of life and enhance the general welfare and beauty of the City of Taylor by creating and maintaining visual environmental amenities; and

WHEREAS, to promote and protect the health, safety, and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through enhanced quality of life.

WHEREAS, the City Council recognizes that the establishment of rules and regulations for mandatory tree requirements, mandatory planting areas in developments, landscaping, and tree preservation and mitigation is necessary and in the interest of the public welfare, and that an effective method to provide for the same is the adoption of a new landscape ordinance rules and regulations.

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

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Chapter 28, "Vegetation" of the Taylor Code of Ordinances is hereby amended as follows:

Sec. 28-29. - Landscape plan requirements.

(a) The landowner or his/her agent shall submit and receive approval of a landscape plan demonstrating compliance with the landscape requirements contained herein. Plans shall show all dimensions, types of materials, size and spacing of vegetative materials, and plans for providing irrigation to plants. The plan(s) shall demonstrate that landscaping materials will:

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(1) Abate objectionable noise, light, glare, visual clutter, dust or loss of privacy.

(2) Adequately accomplish the purpose of which they were intended.

(b) *Required site landscaping.*

(1) *Minimum percentage.* A minimum percentage of the total lot area of property on which development or new construction occurs after the effective date of this ordinance shall be devoted to landscape development in accordance with Table 4.1. The landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty percent (50%) of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed. Undeveloped portions of a tract or lot shall not be considered landscaped.

~~For every six hundred (600) square feet of landscape area required by Table 4.1, two (2) trees and four (4) shrubs shall be planted.~~

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Should a tree die or be removed for which credit has been obtained pursuant to the terms of this article, landscape development sufficient to equal the area credited shall be required. A small tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree is retained.

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TABLE 4.1—REQUIRED LANDSCAPING

Land Use	Landscaping Required (% of constructed impervious coverage of the lot)	Planting Ratio
Multifamily structures	25	Two (2) Trees and Four (4) Shrubs for every 600 square feet of required landscape area
Manufactured home park	25	Two (2) Trees and Four (4) Shrubs for every 600 square feet of required landscape area
Institutional	20	Two (2) Trees and Four (4) Shrubs for every 600 square feet of required landscape area

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Office and professional uses	20	Two (2) Trees and Four (4) Shrubs for every 600 square feet of required landscape area
Commercial and Retail	15	Two (2) Trees and Four (4) Shrubs for every 1,000 square feet of required landscape area
Business Park (2009-08-3/24/09)	20	Two (2) Trees and Four (4) Shrubs for every 600 square feet of required landscape area
Industrial or manufacturing	15	Two (2) Trees and Four (4) Shrubs for every 4,000 square feet of required landscape area

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(c) *Credit for trees.* In order to reward the preservation of existing trees, 100 percent of the crown area of undisturbed existing trees shall be reduced from the landscape area requirements; provided that the area surrounding the tree is left undisturbed and that this area consists of a least 100 square feet but not less than 50 percent of the crown area.

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(d) *Screening.* Off-street loading spaces refuse and outside storage areas, antennas, satellite dishes, and mechanical equipment within the street yard must be screened from all public streets. The screening must be of a minimum of six feet in height or a height sufficient to obscure the area or equipment requiring the screening, whichever is less. The screening may be provided by plants, a solid screen fence or wall, or a combination thereof.

(1) *Acceptable landscape screening materials.*

- a. No artificial plant materials may be used to satisfy the requirements of this article.
- b. Plant materials required by this ordinance must comply with the following minimum size requirements at the time of installation. At time of planting, plant height shall be measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.
 1. Large trees must have a minimum caliper of two inches and shall be planted in an area with a minimum of 100 square feet of permeable surface area. This area may be reduced to 50 square feet if a permanent life support system, which must include but is not limited to an irrigation system and an internal drainage mechanism, is incorporated within the planting area.

2. Small trees must have a minimum height of six feet and shall be planted in an area with a minimum of 25 square feet of permeable surface area.
3. Large shrubs must have a minimum height of two feet and must be planted in an area with a minimum of nine square feet of permeable surface area. The permeable surface areas for shrubs may be included within permeable surface areas required for trees.

- c. Each large tree, small tree or large shrub must be planted at least 36 inches away from any paved surface or city right-of-way.

- (e) *Protection of plant areas.* Plant areas must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

(f) Modification of landscape requirements.

The planning director or a designee may approve minor variations in the location of required landscape materials due to unusual topographic constraints, siting requirements, preservation of existing stands of native trees or similar conditions, or to maintain consistency of established front yard setbacks. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted to the planning director or a designee and shall specify the modifications requested and present a justification for such modifications.

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Sec. 28-31. - Tree preservation and protected trees.

This section preserves and protects existing, healthy and desirable trees within the city, to provide guidelines for the protection of trees and establish guidelines for planting trees. Protected trees are: Pecan, American Elm, Cedar Elm, Texas Ash, Southern Magnolia, Cottonwood, all varieties of Oak, and all varieties of Maple with the exception of Boxelder Maple and Silver Maple.

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(1) Applicability and Exemptions

a. The provisions of this section are applicable to the following:

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(i) All new residential and nonresidential development within the City limits or its extraterritorial jurisdiction.

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(ii) Redevelopment of any residential or nonresidential property within the City limits or its extraterritorial jurisdiction that results in an increase in the building footprint or the total destruction and reconstruction.

b. The following areas are exempt from the tree removal permitting requirements of this section but shall be subject to the mitigation requirements identified in this section:

(i) Trees located within, and within ten feet (10') of, the building footprint

(ii) Trees located within the area of a proposed on-site sewage facility (OSSF)

c. The following areas are exempt from the preservation requirements of this section:

(i) Trees located within a right-of-way to be dedicated to and maintained by the City

(ii) Trees located within any utility easement

(iii) Trees that are injured, dying, diseased or infested with harmful insects

(12) Preliminary development plans. A general survey of natural vegetation showing tree groupings and anticipated protected tree losses shall be submitted with all preliminary site plans.

(23) Tree removal permit. No person directly or indirectly, shall cut down, destroy, top-off, remove or effectively destroy through damaging, any protected tree six inches in diameter or larger, measured 24 inches from the ground on any commercial, industrial or multi-family property within the city without first obtaining a tree removal permit as provided by this section. The permit must be accompanied by an appropriate application and shall contain a tree preservation plan showing the following:

a. Existing/proposed topography

b. Location of property lines, easement, rights of ways, setbacks, parking areas and sidewalks

c. Location, species and size (in DBH) of each Protected tree, except those trees exempted by Section 28.31(1)b, above.

d. A tree inventory that summarizes the following

- (i) Total number of DBH inches on the site
- (ii) Total number of DBH inches to be removed
- (iii) Total number of DBH inches to be preserved
- (iv) Location of any proposed tree mitigation
- (v) Any proposed tree preservation credits.

e. A summary of the tree protection methods to be utilized

a. Permit required. Protected trees shall not be removed prior to the issuance of a tree removal permit until the community development director or authorized designee, approves the removal due to the following:

1. The tree(s) are injured, dying, diseased or infested with harmful insects;
2. The tree(s) are in danger of falling, interfere with utility service or create unsafe vision clearance; or
3. The tree(s) in any manner create a hazardous or dangerous condition so as to endanger the public health, welfare or safety.

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Utility companies shall be exempt from authorization of the community development director when public health, welfare or safety of the general citizenship is in danger.

Under no circumstances shall the clear-cutting of protected trees six inches or larger in diameter, measured 24 inches from the ground on any property, other than single-family homesites, be allowed prior to the issuance of a tree removal permit for the property. Any protected tree removed will be required to follow the guidelines of this article.

(3) Tree Mitigation

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Any trees that are removed or damaged as a result of the approval of a Tree Removal Permit shall be mitigated for on the same site as the proposed development. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or provide a fee-in-lieu of payment which will be used to place trees at public parks, schools, or other approved public facilities throughout the City.

a. Protected Trees Protected trees shall be mitigated at a one-to-one (1:1) caliper inch ratio for every tree removed. Replacement trees shall have a minimum caliper of three inches (3").

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b. Damaged Trees Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection 4.a above.

(34) Penalties. If any protected tree(s) are removed from any property, excluding single-family homesites, including any injury to a tree resulting from the owner's failure to follow required tree protection measures that causes or may reasonably be expected to cause the protected tree to die, the property owner shall be determined to be in violation of this article.

(45) Application. Tree removal permits shall be obtained by making application to the community development department on a form provided by the city. Upon receipt of a proper application for a tree removal permit, the community development director or his/her designee shall review the application and may conduct field inspections of the development.

The application for tree removal permit, if required, shall be considered an integral part of the application for development plan approval, and no new development plan for any new development subject to the terms and provisions of this article shall be approved without approval of said tree removal permit.

(6) Relief from tree mitigation requirements.

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The Planning and Zoning Commission and City Council may, upon completion of the following, grant relief from tree mitigation requirements in situations where the individual circumstances, such as the presence of existing facilities, unusual topography, or number of

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protected trees on site that limit the applicant's ability to comply with the landscaping requirements:

(a)

Application for relief from tree mitigation requirements may be made by any property owner, or other person having a proprietary interest in the property for which relief is requested.

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(b)

Applications for relief from tree mitigation requirements shall be made in writing and shall specify the property conditions or considerations that make the requested relief necessary.

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(c)

Applications for relief from tree mitigation requirements shall include a proposed landscape plan, drawn to scale, illustrating the area available for landscaping and specifying proposed plantings by size, type and location. The proposed plan shall indicate the means by which irrigation will be provided and provide a phasing schedule for completion of the plan. The plan shall include the mitigation plan, either fees in lieu of planting or tree replacement mitigation, and tree removal request.

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(d)

Applications for relief from tree mitigation requirements shall be accompanied by an application fee in the amount specified by the city fee schedule.

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(e)

Applications for relief from tree mitigation requirements shall be presented to the Planning and Zoning Commission. Applications for relief shall not require a public hearing. The Planning and Zoning Commission after considering a proposed plan may recommend that it be approved as presented, approved with modification, or denied.

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(f)

Following consideration by the Planning and Zoning Commission, a proposed tree mitigation plan shall be forwarded to the City Council with the Commission's recommendation. The City Council shall act to approve a plan, as presented, approve it with modifications, or deny approval.

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(g)

City Council's action regarding a proposed tree mitigation plan shall be documented as follows:

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(1)

If approved—The mayor shall sign two copies of the approved plan. One copy shall be returned to the applicant. The second copy shall be retained as permanent record by the city.

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(2)

If approved with modification—The applicant shall amend the plan to reflect the required modifications. The applicant shall return two copies of the amended

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plan to the city within 14 calendar days of the City Council's action to approve the plan with modifications. The mayor shall sign two copies of the amended plan. One copy shall be returned to the applicant. The second copy shall be retained as permanent record by the city.

(3)

If disapproved—The mayor shall sign two copies of the plan that have been marked as being disapproved. A letter prepared by the Director of Development Services, stating the reasons for disapproval shall be attached to each signed plan. One copy of the plan shall be returned to the applicant. The second copy shall be retained as permanent record by the city.

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APPENDIX A PREFERRED PLANT LIST

DECIDUOUS TREES/ LARGE SHRUBS (*Native)	HEIGHT (Feet)	FEATURES
Bradford Pear <i>Pyrus calleryana</i> "Bradford"	30—40	Showy white spring flowers, brilliant coppery-red foliage in late fall, moderate-to-fast growth

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APPENDIX B INVASIVE PLANTS

Common Name	Scientific Name
Prohibited Trees	
Bradford Pear	<i>Pyrus calleryana</i>

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To: Planning and Zoning Commission

From: Ashley Lumpkin, AICP
Development Services Director

RE: Donation Containers and Recycling Bins

Date: September 8, 2017

As you may recall, Staff brought forward a proposed amendment to clarify the requirements for donation containers and recycling bins. Donation containers and recycling bins are typically utilized by charitable and for-profit entities collecting various goods and are often placed in commercial or non-residential parking lots. Staff has received multiple requests by various entities to place donation containers throughout town.

DISCUSSION

The Zoning Ordinance is currently silent on donation containers and recycling bins. The regulation of placement, property owner approval, and maintenance is not fully defined. Additional clarification and requirements will further protect the aesthetics of the community and allow the City to effectively remedy unpermitted or poorly maintained donation containers.

The proposal adds a definition to clarify donation containers and recycle bins, sets minimum approval requirements, and provides other performance measures to ensure the city does not have a proliferation of unkempt containers/bins.

In addition, the proposal seeks to limit the number of containers or bins allowed on individual lots or within larger, commercial centers, and prohibit containers or bins on vacant/undeveloped lots. The ordinance also provides language to ensure mitigation of containers or bins that become a nuisance is clearly defined and enforceable.

RECOMMENDATION

Staff recommends approval of the Ordinance, as written.

ATTACHMENTS

DRAFT Ordinance 2017-16

ORDINANCE NO. 2017-16

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2001-17 ADOPTED BY THE CITY OF TAYLOR, TEXAS ON APRIL 24, 2001 AS HERETOFORE AMENDED, BY ADDING SECTION 3.5.2.10, DONTATION CONTAINERS AND RECYCLE BINS AS AN ACCESSORY USE AND ADDING DONTATION CONTAINERS AND RECYCLE BINS TO SECTION 11, DEFINITIONS.

WHEREAS, the City of Taylor, Texas desires to amend the Zoning Ordinance to define Donation Containers and Recycle Bins as an accessory uses; and

WHEREAS, the City of Taylor, Texas conducted a public hearing regarding the zoning change and no opposition was expressed regarding the zoning change; and

WHEREAS, the City deems it is in the best interest that the amendment in the zoning ordinance be allowed.

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

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. Section 3.5.3.10 is to read as follows:

3.5.3.10 Donation Containers and Recycle Bins:

- (a) The organization or company benefiting from the Donation Container or Recycle Bin, or the host site on whose property the Donation Container or Recycle Bin is situated, must indicate the following information on the container or bin: name of organization or company, address, and contact telephone number.
- (b) Donation Containers and Recycle Bins shall be maintained in good condition and appearance, with no structural damage, no holes in the container that would allow leaks, no visible rust, and free of graffiti or advertising other than the name of the organization or company benefiting from the Donation Container or Recycle Bin.
- (c) The placement of Donation Containers and Recycle Bins shall not impede traffic nor visually impair any mother vehicle operation within a parking lot or from a public space.
- (d) Donation Containers and Recycle Bins may not be located on a vacant parcel or on a parcel containing a vacant building.

- (e) Donation Containers and Recycle Bins cannot obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, required building setbacks, landscape areas, and areas in front of the primary building on the site, drive aisles, required parking spaces, fire lanes, loading zones, or other unsafe location.
- (f) The maximum capacity of any donation container or recycle bin is 6 cubic yards and a maximum height of 6.5-feet.
- (g) Only one donation container or recycle bin may be placed on a property or within 500-feet of another donation container or recycle bin. In the case of a shopping center or office development that consists of multiple platted lots, the Development Services Director, or designee, shall treat the shopping center or office development as if it is only one contiguous lot.
- (h) Donation containers and recycled bins must be painted or coated in a color that is compatible with the context of its setting. Bright primary, fluorescent or contrasting colors are prohibited.
- (i) Donated items must be collected and stored in the container or bin. Donated items cannot be left outside of the container or bin. Donations not fully enclosed in a donation container or recycle bin are considered a zoning violation and public nuisance, with the donations and container or bin subject to removal by the city at the owner's expense.
- (j) Any donation container or recycle bin located within the jurisdiction of the City of Taylor that does not have a current, valid permit (or any permitted donation container or recycle bin that has received more than two (2) notices of violation from the City in the past 12 months) shall be subject to impoundment by the City. Any donation container or recycle bin impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees.

Section 11, Definitions, is amended as follows:

Donation Containers: include, but not limited to, any box, building, or other receptacle that is instead for use as a collection point for donated clothing or other small household materials at times when no employee or representative of the sponsoring company or organization is present to accept donations.

Recycle Bins shall include, but not limited to, any box, building, or other receptacle that is intended for use as a collection point for recyclable materials, including but not limited to, glass, paper, aluminum, or plastics.

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

In accordance with Article VIII, Section 1, of the City Charter, Ordinance No. 2017-16 was introduced and a public hearing was held before the Taylor City Council on the _____ day of _____, 2017.

PASSED, APPROVED, and ADOPTED on the _____ day of _____, 2017.

Brandt Rydell, Mayor

ATTEST:

Susan Brock, City Clerk

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