

AGENDA

CITY OF TAYLOR, TEXAS PLANNING AND ZONING COMMISSION MEETING

September 8, 2020, 6:00 P.M.

In order to assist in maintaining the health of Planning and Zoning Commissioners, staff and the public, this meeting will be conducted via *video conference*.

You may view this meeting live through the City's web site at:

<http://www.taylortx.gov/660/Taylor-Videos>

For Citizens Communication and to speak during the public hearings, please contact the Development Services office at 512-365-3863 prior to 5:30 p.m. on Tuesday, September 8, 2020 in order to receive video conferencing instructions.

The agenda packet is available on the City's web site at:

<http://www.taylortx.gov/18/Agendas-and-Minutes>

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 11, 2020.

REGULAR AGENDA

PLATS

2. **PZ-2020-1244** – Consider Freedom Center Christian Church Plat, a subdivision of 1 Lot, along with right-of-way dedication, consisting of approximately 1.48 acres; located approximately 1,786 feet east of South Main St. and SE Carlos G. Parker Blvd., part of and out of the Parthinia Coursey Survey, Abstract No. 131, described in document number 2015003966 O.P.R.W.C.TX., Taylor, Williamson County, Texas.

SUBDIVISION IMPROVEMENT PLANS

3. **PZ-2020-1215** Consider disapproving Castlewood Subdivision Improvement Plans, consisting of approximately 58.30 acres, located across from Taylor High School and addressed as 530 FM 973; part of and out of the George M. Reese Survey, Abstract No. 533, Taylor, Williamson County, Texas.

DISCUSSIONS ITEMS

4. Discussion and possible direction to staff regarding initiating an amendment to the Zoning Ordinance regarding carports.
5. Update regarding Council actions related to Planning and Zoning items.

ADJOURN

Next Meeting Date: October 13, 2020

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 this meeting was posted in the Taylor City Hall Lobby continuously for 72 continuous hours before **September 08, 2020**. I further certify that the following news media was notified of this meeting: Taylor Daily Press.

Posted By: Carrie Orts
Carrie Orts, Administrative Assistant

Date: 9.02.2020

**MINUTES
CITY OF TAYLOR, TEXAS
400 Porter Street, Taylor Texas 76574
PLANNING AND ZONING COMMISSION MEETING
August 11, 2020, 6:00 p.m.
Video Streamed Online and Via Zoom**

PRESENT

Don McAlister
Michael Aplin
Kellie Billings-Ray
Leland Stevens
Annette Maruska
Mike Eaton
Rick Selin

ABSENT

Donna Frazier
Faith Gardner

OTHERS PRESENT

Tom Yantis, Director, Development Services
Carrie Orts, Admin. Assistant, Development Services
Shelly Shelton, Senior Planner, 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 as part of the Regular agenda.)

Review and approve minutes from the meeting on July 14, 2020.

Motion made by Mrs. Maruska to approve minutes from July 14, 2020 as presented. Second by Mrs. Billings-Ray. All voted Aye.

PZ-2020-1242 - Public Hearing and consider taking action on an application regarding a request for a variance to the City of Taylor Subdivision Ordinance regarding the definition of a block for a proposed preliminary plat: Taylor Meadows, consisting of 12 lots, 2 blocks and parkland, being 36.99 acres, generally located at the northeast corner of FM 619 and CR 412, out of a 54.04 acre tract conveyed by warranty deed to SJPW Ranch Investments, LLC by Paula Safarik in document number 2019009600, being part of and out of Francis Bradley Survey, Abstract No. 74, Taylor, Williamson County, Texas.

Public hearing opened. Ms. Shelton made presentation including recommendation for disapproval of the proposed variance as there is no hardship; this is a greenfield development (a clean slate); there are no special circumstances that prevent the applicant from meeting the ordinance (shape or topography); and meeting the ordinance ensures managed growth and promotes the goals of the Comprehensive Plan; meeting the ordinance has the least impact on surrounding properties. Mr. Spiller was present to answer questions. Mr. Kent Safarik was present to voice his concerns on how the property that falls against his property would be developed and wanted to make sure all ordinances were met. Hearing closed. Mr. Selin made motion to disapprove variance. Second by Mrs. Maruska.

6 – In favor

1 – Not in favor (Mike Aplin)

Motion passed.

PZ-2019-1181 – Consider disapproving Taylor Meadows Preliminary Plat, consisting of 13 lots and 2 blocks and being 36.99 acres out of a 54.04 acres conveyed by warranty deed to SJPW Ranch Investments, LLC by Paula Safarik in document number 2019009600, being part of and out of Francis Bradley Survey, Abstract No. 74, Taylor, Williamson County, Texas.

Ms. Shelton made presentation including recommendation for disapproval of the preliminary plat since the variance was not granted and the preliminary plat does not meet the requirements of the Subdivision Ordinance. Mr. Eaton made motion to disapprove Taylor Meadows Preliminary Plat. Second by Mr. Selin. All voted aye.

PZ-2020-1235 – Consider The Grove at Bull Creek Phase I Final Plat, a subdivision of 221 Lots, 7 Blocks, parkland and drainage, along with right-of-way dedication; part of and out of W. J. Baker Survey, Abstract No. 65, consisting of 56.03 acres, including all of the land described in document number 2019004253 and portions of land described in documents numbered 2019005182 and 2009013705 and O.P.R.W.C.TX., Taylor, Williamson County, Texas.

Ms. Shelton made presentation including recommendation for approval of the proposed final plat as the minimum requirements of the subdivision ordinance have been met. Mr. Peter was present to answer questions. Mr. Stevens made motion to approve the plat. Second by Mrs. Maruska. All voted aye.

PZ-2020-1234 – Consider The Grove at Bull Creek Phase II Final Plat a subdivision of 150 Lots, 5 Blocks, parkland and drainage, along with right-of-way dedication; part of and out of W. J. Baker Survey, Abstract No. 65, consisting of 36.78 acres, including a portion the of land described in document number 2019005182 O.P.R.W.C.TX, Taylor, Williamson County, Texas.

Ms. Shelton made presentation including recommendation for approval of the proposed final plat as the minimum requirements of the Subdivision Ordinance have been met. Mr. Peter was present to answer questions. Mrs. Maruska made motion to approve the plat. Second by Mr. Eaton. All voted aye.

PZ-2019-1134 – Consider disapproving Northcutt - Buzan Preliminary Plat, consisting of 28 lots and 5 blocks and including 2.717 acres of right-of-way dedication, located to the west of the intersection of Southwood Hills and Old Coupland Road, being approximately 10.86 acres out of Parthinia Coursey Survey, Abstract No. 131, Taylor, Williamson County, Texas.

Ms. Shelton made presentation including recommendation for disapproval of the proposed preliminary plat as the minimum requirements of the subdivision ordinance have not been met. Mr. Stevens made motion to disapprove. Second by Mrs. Maruska. All voted aye.

PZ-2020-1228 - Public Hearing and consider making a recommendation regarding an application which proposes amending the Comprehensive Plan, Future Land Use Plan Map on land consisting of approximately 6.83 acres, out of 27.73, from the designation Single-Family to the designation Commercial for future development located at the northwest intersection of North Drive and NW Carlos G. Parker Boulevard, more particularly described by Williamson Central Appraisal District Parcel R383650; part of and out of William J. Baker Survey, Abstract No. 65, Taylor, Williamson County, Texas.

Public hearing opened. Ms. Shelton made presentation including recommendation for approval of the FLUP amendment. Mr. Corwin was present to answer questions. Discussion between Commission and Staff. Hearing closed. Mrs. Maruska made motion to recommend approval to City Council. Second by Mr. Stevens. All voted aye.

PZ-2020-1227 - Public Hearing and consider making a recommendation regarding an application, which proposes to re-zone land consisting of approximately 70.65 acres of Rural/Agricultural Zoning District (R/A) to approximately 6.83 acres of Local Commercial Zoning District (B-1) and approximately 63.83 acres of Single-Family Residential Zoning Districts with a Residential Planned Development Overlay (R-1/RPD), located at the northwest intersection of North Drive and NW Carlos G. Parker Boulevard, more particularly described by Williamson Central Appraisal District Parcels R383650 and R018683; part of and out of William J. Baker Survey, Abstract No. 65, Taylor, Williamson County, Texas.

Public hearing opened. Ms. Shelton made presentation including recommendation for approval of change of zoning. Mr. Corwin was present to answer questions. Hearing closed. Mr. Stevens made motion to recommend approval to City Council. Second by Mr. Eaton. All voted aye.

Discussion and possible recommendation to City Council regarding carports.

Mr. Yantis made presentation on possible recommendations to City Council regarding carports. The Commission discussed several options presented by staff regarding non-conforming carports. A majority of the Commission recommended that the Council consider amending the Zoning Ordinance to allow the owners of existing, non-conforming carports to register with the City, pay for and receive a safety inspection of the carport and for the Council to consider other criteria such as architectural compatibility. The Commission does not recommend allowing any additional carports to be constructed without meeting the requirements of the Zoning Ordinance and building codes.

Update regarding Council actions related to Planning and Zoning items.

Mr. Yantis stated that there were no updates regarding Council actions related to P&Z items.

Adjourn

The meeting was adjourned at 7:49 p.m.

Carrie Orts
Administrative Assistant, Development Services

Don McAlister
Planning & Zoning Commission Chairman

City of Taylor
Freedom Center Christian Church Minor Plat
PZ-2020-1244
Staff Report

Requested Action: Disapproval of Freedom Center Christian Church Minor Plat

Applicant: Tommy Richter/Bryan Technical Services, Inc.

Subject Property: A subdivision of 1 Lot, along with right-of-way dedication, consisting of approximately 1.48 acres; located approximately 1,786 feet east of South Main and SE Carlos G. Parker, part of and out of Parthinia Coursey Survey, Abstract No. 131, described in document number 2015003966 O.P.R.W.C.TX., Taylor, Williamson County, Texas.

Parcel Information

Current Zoning: R-1

Current Use: Vacant

Purpose:

The purpose of the plat is the future construction of a church and associated uses.

Staff Recommendation:

Staff comments are attached for your review. The submitted plat does not meet the minimum requirements of the Subdivision Ordinance. As the plat does not meet the State and local ordinances, staff recommends disapproval of the proposed subdivision.

Attachments:

1. Staff Comments
2. Location Map
3. Proposed Plat



City of Taylor

400 Porter Street
Taylor, TX 76574
(512) 352-3675
www.ci.taylor.tx.us

Date: Friday, August 21, 2020

TOMMY RICHTER
BTS
911 N MAIN ST
TAYLOR TX 76574
trichter@bryantechnicalservices.com

Permit Number PZ-2020-1244
Job Address: CR 452, TAYLOR 76574

Dear Mr. RICHTER,

Staff has completed its review of plans for the Freedom Center Christian Church Minor Plat that is to be located at CR 452, TAYLOR 76574. Comments from this review follow.

Fire Department Comments (PZ)

The following comments have been provided by Bobby Copeland. Should you have any questions or require additional information regarding any of these comments, please contact Bobby Copeland at (512) 352-6992 or by email at robert.copeland@taylortx.gov.

No comment pertaining to the minor plat. Access and water supply etc. will be reviewed during site plan.

Planning Department Comments

The following comments have been provided by Shelly Shelton. Should you have any questions or require additional information regarding any of these comments, please contact Shelly Shelton at (512) 309-6186 or by email at shelly.shelton@taylortx.gov.

Correct the zoning on the plat.

Include a description of the land being platted under the title of the plat.

Dedication along Old Coupland is required (10 feet).

Replace the Vicinity Map. It's not possible to tell where the subject property is. No scale is necessary.

Move the name of the survey to the area being platted and lighten it.

Correct the year on the notary date of signature under the owner's certificate.

Remove Block A as you are creating a lot only and not a block and a lot.

You could combine the abbreviations and legend.

The following notes are on the application and required if they apply to the plat.

Required Notes (as applicable):

General Notes (label the notes as General Notes)

Utility Providers – Water: ____ ; Wastewater/septic: ____ ; Electricity: ____.

All structures and/or obstructions are prohibited in drainage easements.

There (are/are not) areas within the boundaries of this subdivision in the 100-year Floodplain as defined by FIRM Map Number _____, effective date of _____.

A 10-ft Public Utility Easement (P.U.E.) shall be dedicated along all street frontages.

All minimum yard (building) setbacks shall be in accordance with the City of Taylor Zoning Ordinance, as amended.

No development shall begin prior to the issuance of a Floodplain Development Permit for each of the following lots: _____.

Parkland Dedication requirements are met by: the dedication of Block __/Lot __; payment of fees in lieu per residential lot, payable at the time of Final Plat recordation; < other situation as described >.

Minimum Fire Flow of __ <per Fire Marshall> __ gallons per minutes for not less than two (2) hours shall be provided.

This subdivision is subject to Ordinance _(#)_, which contains the following development requirements/restrictions: {enumerate them}

This subdivision is subject to all general notes and restrictions appearing on the plat of _____, recorded as Document # _____ of the Plat Records of Williamson County, Texas. (for Amending or Replats)

The date on the bottom right says May 1, 2019. It seems it would probably be 2020.

Show the required 10-foot public utility easements.

Correct the Owner's Certificate as the plat is in the City limits and the Certificate of Formation for the nonprofit and the Owner's Certificate don't match (the church owns the land. see below:

STATE OF TEXAS {

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF WILLIAMSON {

I, <name of current owner> , sole owner (or co-owner) of the certain (acreage) tract of land shown hereon and described in a deed recorded in Document No. _____ (or Volume and Page) of the Official Records of Williamson County, Texas, [and do hereby state that there are no lien holders of the certain tract of land], and do hereby <subdivide, resubdivide, amend, etc.> said tract as shown hereon, and do hereby consent to all plat note requirements shown hereon, and do hereby dedicate to <the City of Taylor or Williamson County if in ETJ> to the streets, alleys, rights-of-way, 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 <subdivision name>.

TO CERTIFY WHICH, WITNESS by my hand this ____ day of _____, 20____.

(Owner's Signature)_____

<Owner's typed name and address>

STATE OF TEXAS {

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF WILLIAMSON {

Before me, the undersigned, a notary public in and for said county and state, on this day personally appeared

<owner's name>, known to me to be the person whose name is subscribed to the foregoing instrument.

GIVEN UNDER MY HAND AND SEAL of office this day of _____, 20__ .

Notary Public in and for the State of Texas

My Commission expires on: _____

The application number is PZ-2020-1244.

Provide signatory authority. The Certificate of Formation on file with the Secretary of States lists three Directors.

Documents have been uploaded to jurisdictional files for your review: mark ups for planning and SOS information.

Engineering Department Review

The following comments have been provided by Javier Vasquez. Should you have any questions or require additional information regarding any of these comments, please contact Javier Vasquez at (713) 576-3691 or by email at javier.vasquez@hdrinc.com.

Plan review file has been uploaded on the Associated Documents portion of the permit page. Refer to the review file for the comments noted below:

- i. Provide plat updates as noted in the Planning Department Comments.
- ii. Verify the FEMA FIRM Panel on the Engineer's Certificate and the Plat Note C. Provide complete information for license number and TBPE firm number.
- iii. Show Owner and Filing information for the lot located near the Vicinity Map
- iv. Update the owner name for the 0.188 acre tract. Verify if Hefner or Lefner and update the plat/field notes.
- v. Provide complete ROW information for Loop 427/Carlos G. Parker.
- vi. Provide complete ROW information/limits shown for Old Coupland Road.

Please revise the project plans to address the comments noted above. Following revision, please submit the revised drawings in PDF format.

Should you have questions regarding specific comments, please contact the staff member referenced under the section in which the comment occurs. Should you have questions or require additional information regarding the plan review process itself, please feel free to contact me directly. I can be reached by telephone at (512) 309-6186, or by e-mail at shelly.shelton@taylortx.gov.

Thank you,



Shelly Shelton
Development Services



PZ-2020-1244

**FREEDOM
CENTER
CHRISTIAN
CHURCH MINOR
PLAT**

**APPROXIMATELY
1.48 ACRES AND
APPROXIMATELY
1,786 FT. EAST OF
S MAIN AND SE
CARLOS G PARKER**

Legend

- Streets
- City of Taylor
- ▭ FCCC

0 37.5 75
US Feet

DRAWN BY: MH

CHECKED BY: SS



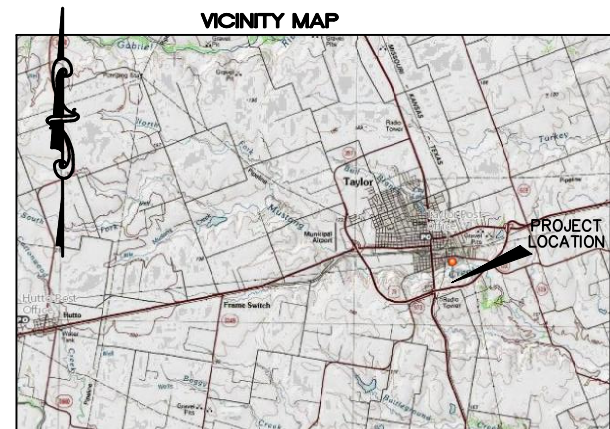
LEGEND:

○ 1/2" IRON ROD SET

● IRON ROD FOUND

60 0 30 60 120

SCALE: 1" = 60'



1.481 Acres

THENCE South 68° 17' 18" West, with the South line of said "1.481 Acres" and the North line of said Old Coupland Road, a distance of 178.46 feet, to the PLACE OF BEGINNING, containing according to the dimensions herein stated, an area of 1.481 Acres (64,507 Square Feet).

JOE ENGLAND
REGISTERED PROFESSIONAL ENGINEER
NO. xxxx STATE OF TEXAS
TBPE FIRM NO. xxx

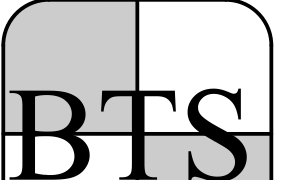
BY: _____ DEPUTY

A. UTILITY PROVIDERS
WATER – CITY OF TAYLOR
WASTEWATER/SEPTIC – CITY OF TAYLOR
ELECTRICITY – ONCOR

B. ALL STRUCTURES AND/OR OBSTRUCTIONS ARE PROHIBITED IN DRAINAGE EASEMENTS.

C. THERE ARE NO AREAS WITHIN THE BOUNDARIES OF THIS LOT IN THE 100+-YEAR FLOODPLAIN AS DEFINED BY FIRM MAP NUMBER 48491C0533F, EFFECTIVE DATE OF 12/20/2019

D. THE SETBACK REQUIREMENT SHOWN ON THE PLAT IS PER M-1 LIGHT INDUSTRIAL. THE CURRENT ZONING ORDINANCE AND IS SUBJECT TO CHANGE AS ZONING ORDINANCES ARE SUBJECT TO CHANGE.

CITY OF TAYLOR PERMIT PZ-2020-xxxx			
BRYAN TECHNICAL SERVICES, INC.			
			
911 NORTH MAIN TAYLOR, TX 76574	PHONE: (512) 352-9090 FAX: (512) 352-9091		
FIRM No. 10128500 surveying@austin.rr.com www.bryantechnicalservices.com			
NO.	DATE	REVISIONS	BY
DRAWN BY: TLR		CHECKED BY: BLB	
SCALE: 1" = 40'		APPROVED BY: BLB	
PROJECT NO. 19-194		DATE: MAY 01, 2019	

City of Taylor
Castlewood Subdivision Improvement Plans
PZ-2020-1215
Staff Report

Requested Action: Disapproval of Castlewood Subdivision Improvement Plans

Applicant: Will Buzzelli/Kimley-Horn

Subject Property: Being approximately 58.30 acres, located across from Taylor High School and addressed as 530 FM 973; part of and out of the George M Reese Survey, Abstract No. 533, Taylor, Williamson County, Texas.

Parcel Information

Current Zoning: B-1 and R-1/RPD

Current Use: Agricultural

Purpose:

The purpose of the subdivision improvement plans application is for future development of commercial and single-family residential development.

Staff Recommendation:

Staff comments are attached for your review. As the plans do not meet the local ordinances, staff recommends disapproval of the proposed subdivision improvement plans.

Attachments:

1. Staff Comments
2. Vicinity Map



City of Taylor

400 Porter Street
Taylor, TX 76574
(512) 352-3675
www.ci.taylor.tx.us

Date: Monday, August 31, 2020

Will Buzzelli
Kimley-Horn
2600 Via Fortuna, Terrace I, Ste. 300
Austin TX 78746
william.buzzelli@kimley-horn.com

Permit Number PZ-2020-1215
Job Address: 530 FM 973, Taylor 76574

Dear Will Buzzelli,

Staff has completed its review of plans for the Castlewood Subdivision that is to be located at 530 FM 973, Taylor 76574. Comments from this review follow.

Planning Department Comments

The following comments have been provided by Shelly Shelton. Should you have any questions or require additional information regarding any of these comments, please contact Shelly Shelton at (512) 309-6186 or by email at shelly.shelton@taylortx.gov.

Make sure all sidewalks in the development that are not part of the parks are shown at 4 feet.

Sheet 91

Does not show a sidewalk along the right-of-way of 973. SEE UPDATED NOTE BELOW.

THIS SHEET DOES NOT SHOW THE CONNECTION OF THE TRAIL TO A SIDEWALK IN THE ROW OF 973. ADDITIONALLY, THERE IS NO SIDEWALK SHOWN IN FRONT OF THE LOTS ZONED B-1 ON 973. THE SIDEWALKS HAVE TO BE SHOWN ON THE PLANS AND CONSTRUCTED.

Engineering Department Review

The following comments have been provided by Javier Vasquez. Should you have any questions or require additional information regarding any of these comments, please contact Javier Vasquez at (713) 576-3691 or by email at javier.vasquez@hdrinc.com.

*****See associated files in the permit page for comments provided on the submitted construction plan permit review set.**

Sheet 6 of 107 - General Notes

- i. Retaining Walls - Verify if Items 2-4 are per the Contract.
- ii. Pond Notes - Verify reference; There is no pond liner spec found in the geotech report.

Sheet 63 of 107 - Offsite Drainage Channel (4 of 5)

- i. Match the plan and profile

Sheet 79 of 107 - Wastewater Plan & Profile Line A (6 of 6)

- i. Slope shall be positive for stub out line.

Sheet 90 of 107 - Wastewater Plan & Profile Line J & K

- i. Verify utility crossing conflict on Line J near end of Castlebridge Way.

Sheet 95 of 107 - Paving Details (1 of 2)

- i. For PV002, what specifically is the detail representing. Geotech report requires 4,000 psi concrete for concrete pavement.
- ii. For PV003, what specifically is the detail representing.
- iii. Provide specific detail for the proposed curb shown on street sections.

Drainage Review

Sheet 91 of 107

- i. Sections B-B – verify the berm height of 605.61. This is the same as the WSEL.
- ii. Top of berm is 606.50 and the WSEL is 605.61. Per section 8.15 of the Engineering Manual there needs to be 1' of freeboard in the pond.
- iii. Top of berm is 606.50 and the outfall is 599.17. Per section 8.16 of the Engineering Manual if a dam is great than 6' it requires additional hydraulic modeling.
- iv. The call out on the pond outfall references sheet 101 for pond outfall details and it is actually sheet 102.

Sheet 102 of 107

- i. Top of berm called out in the Detention Pond Outlet Structure (Front View) is incorrect. It should be 606.50
- ii. What is the deck thickness of the sidewalk over the spillway? Suggest referencing details on sheet S2.0. Low cord needs to be above the 100 year WSEL.

Sheet S2.0

- i. Dimensions and elevations do not match the outfall detail on sheet 102

Fire Department Comments (PZ)

The following comments have been provided by Bobby Copeland. Should you have any questions or require additional information regarding any of these comments, please contact Bobby Copeland at (512) 352-6992 or by email at robert.copeland@taylorx.gov.

Reviewed plans with upload date of 8/24/2020 with no comments.

Please revise the project plans to address the comments noted above. Following revision, please submit to My Government Online in PDF format.

Should you have questions regarding specific comments, please contact the staff member referenced under the section in which the comment occurs. Should you have questions or require additional information regarding the plan review process itself, please feel free to contact me directly. I can be reached by telephone at (512) 309-6186, or by e-mail at shelly.shelton@taylorx.gov.

Thank you,



Shelly Shelton
Development Services
Original Departments: Permit Administrator, Planning
(Shelly R Shelton), Planning Admin., Planning case
manager (reviewer)
Attachment



PZ-2019-1215

**CASTLEWOOD
SUBDIVISION**

530 FM 973

**APPROXIMATELY
58.30 ACRES**

Legend

- Streets
- - - Castlewood
- City of Taylor
- ETJ Boundary 1 Mile

0 250 500
US Feet

DRAWN BY: MH

CHECKED BY: SS

City of Taylor
Discussion Regarding Carports Located in Front Setbacks

Staff Report

Requested Action: Direction to staff to initiate a Zoning Ordinance amendment related to non-conforming carports.

Applicant: City of Taylor

Purpose:

Earlier this year, the City received a code enforcement complaint regarding a carport that was being constructed and enclosed in the Crestview neighborhood. After investigating the complaint, city staff determined that the carport was located within the required 25 foot front setback and directed the property owner to remove the carport. The owner of the property complied. The Code Enforcement Officer identified other similar carports within the neighborhood.

After further investigation, staff initiated several additional enforcement cases in the neighborhood. One of the property owners contacted their councilmember to see if there is anything the City can do to allow these carports to remain. City Council discussed this issue at their July 16, 2020 meeting and referred the topic to the Planning and Zoning Commission for a recommendation.

P&Z discussed this at their August 11, 2020 meeting and recommended to Council that the Zoning Ordinance be amended to:

Allow the owners of existing, non-conforming carports to register with the City, pay for and receive a safety inspection of the carport and for the Council to consider other criteria such as architectural compatibility.

The Commission did not recommend allowing any additional carports to be constructed without meeting the requirements of the Zoning Ordinance and building codes.

At their August 27, 2020 meeting the Council received the recommendation from the P&Z and concurred with the recommendation to allow non-conforming carports to register. The Council did not support requiring specific architectural standards for non-conforming carports. The Council also requested that a procedure be incorporated into the Zoning Ordinance amendment to allow property owners to request a special permit for new carports that encroach into a required setback.

Background:

The Zoning Ordinance currently requires all structures to be setback 25 feet from the front property line in residential districts. See the chart below:

DEVELOPMENT STANDARD	ZONING DISTRICT					
	R/A	R-1	R1-MH	R-2	R-2A	R-2B
Front Yard Setback (ft.)	25	25	25	25	25	25

Following are the definitions of setback from the Zoning Ordinance:

Setback - The unobstructed, unoccupied open space between a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky and measured as the horizontal distance between a property line and the furthestmost projection of the structure, except as provided otherwise in this Ordinance.

Setback, Front - A setback extending along the whole length of the front lot line between the side lot lines, and being the minimum horizontal distance between street line and the main building or any projections thereof other than steps, planter boxes, and unenclosed porches.

In addition to the prohibition of structures in the front setback, Chapter 6 of the Zoning Ordinance also prohibits required off-street parking spaces in residential districts to be located in the front setback. See Section 6.4 below:

6.4 - Location and Design of Off-Street Parking and Loading Spaces

2. Setbacks. In all residential districts, no required off-street parking or loading space shall be located within a required front or street side setback area.

Staff Recommendation:

Based upon the P&Z recommendation and the Council discussion, staff recommends the following:

Amend Section 9.2 – Nonconforming Status of the Zoning Ordinance to add the following provision:

4. Carports constructed prior to June 1, 2020 that did not meet the requirements of this ordinance at the time of construction and which were registered with the City by the property owner and which passed a safety inspection by the City prior to June 1, 2021.

Amend Section 4.3 – Measurements and Special Circumstances of the Zoning Ordinance to add the following provision:

4.3.2 Yard Setbacks

5. Front Setbacks:

j. Where special conditions exist such that the provision of covered parking on a residential lot is not possible in any location other than within the required front setback, a property owner may seek a Specific Use Permit for an unenclosed carport to be located within the front setback. If granted, the permit shall specify the following conditions and any other conditions deemed appropriate by the Planning and Zoning Commission and City Council to protect the public health, safety and general welfare:

- 1. The carport may not encroach into any easements or rights-of-way;*
- 2. The carport may not block visibility from any street or alley;*
- 3. No protected trees may be removed in order to construct the carport;*
- 4. The carport must meet all adopted building codes.*