

AGENDA

CITY OF TAYLOR, TEXAS

PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers
400 Porter Street, Taylor, TX 76574
April 10, 2018 6:00 P.M.

CALL TO ORDER AND DECLARE A QUORUM

CITIZENS COMMUNICATION

CONSENT AGENDA

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

1. Review and approve minutes from the meeting on March 13, 2018 and March 27, 2018.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

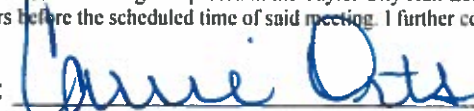
1. **PZ-2018-1083 – Conduct Public Hearing** on a request to rezone 1207 Frink Street, being E S Harris Addition, Block 1, Lot 7 and Lot 6(pt), from the Residential Single Family (R-1) District to the Duplex Single Family (D) District. ORDINANCE 2018-08
2. **PZ-2018-1083 – Make Recommendation** on a request to rezone 1207 Frink Street, being E S Harris Addition, Block 1, Lot 7 and Lot 6(pt), from the Residential Single Family (R-1) District to the Duplex Single Family (D) District. ORDINANCE 2018-08
3. Consider an update regarding Council actions related to Planning and Zoning items.

ADJOURN

Next Meeting Date: May 8, 2018

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

Posted By:



Carrie Orts Administrative Assistant to Development Services

Date:

4.5.2018

**MINUTES
CITY OF TAYLOR, TEXAS
400 Porter Street, Taylor Texas 76574
PLANNING AND ZONING COMMISSION MEETING
March 13, 2018 6:00 p.m.
City Council Chamber**

PRESENT

Don McAlister
Michael Aplin
Mike Eaton
Rick Selin
Annette Maruska
Faith Gardner
Betty Day
Leland Stevens

ABSENT

Donna Frazier

OTHERS PRESENT

Michael Elabarger, Senior Planner Development Services
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 meeting on February 13, 2018.

Motion made by Mr. Stevens to approve minutes as written from the February 13, 2018 meeting.
Second by Mrs. Eaton. All voted Aye.

2018-2254 – Review and Make Recommendation on a request to abandon a portion of a Right-of-way (alley) created via the Doaks Addition Subdivision plat, which lies within a property described as Lot 22 and Part of Lot 21, Block 4, of the Doaks Addition, addressed as 1016 West 7th Street, in the Single Family Residential (R-1) Zoning District.

Mr. Elabarger made presentation on the request, including the recommendation of approval of the Alley (right of way) Abandonment, as the alley serves no purpose any longer and is Mrs. Julie Downs was present to answer questions. There was discussion between the Board, Resident and Staff. Mr. Stevens made a motion to recommend approval of plat to City Council. Second by Mrs. Maruska. All voted aye.

PZ-2018-1079 – Conduct Public Hearing on a Final Plat of a Replat of Lot 22 and Part of Lot 21, Block 4, of the Doaks Addition, to be known as Victoria Street Subdivision, located at 1016 West 7th Street, in the Single Family Residential (R-1) Zoning District.

Hearing opened. 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 and Zoning Ordinance. Discussion between City Staff and Board. Hearing closed.

PZ-2018-1079 – Consider Approval on a Final Plat of a Replat of Lot 22 and Part of Lot 21, Block 4, of the Doaks Addition, to be known as Victoria Street Subdivision, located at 1016 West 7th Street, in the Single Family Residential (R-1) Zoning District.

Mr. Stevens made a motion to recommend approval of Final plat. Second by Mr. Aplin. All voted aye.

PZ-2018-1081 – Conduct Public Hearing on a request to Amend Ordinance 2017-13, a Commercial Planned Development (C-PD; Base District of B-2, General Commercial) District, for Lot 1, Block A, Olle Subdivision, located at 410 West 7th Street.

Hearing opened. Mr. Elabarger made presentation on the request, including the recommendation that the Staff cannot support the inclusion of decomposed or crushed granite as a permitted material. There are no specific objections to the request for the “restrained system”, which deviates from the City’s Zoning Ordinance, to be used on the property. Concern exists that the loose particles within the system may still migrate into the public right-of-way. Mrs. Britin Bostick & Mr. Cliff Olle was present to answer questions. Discussion between Board and Staff. Hearing closed.

PZ-2018-1081 – Make Recommendation on a request to Amend Ordinance 2017-13, a Commercial Planned Development (C-PD; Base District of B-2, General Commercial) District, for Lot 1, Block A, Olle Subdivision, located at 410 West 7th Street.

Mr. Selin made motion to recommend approval to City Council. Second by Mrs. Maruska. All voted aye.

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

Mr. Elabarger stated that there were currently no updates.

Adjourn

The meeting was adjourned at 7:04 p.m.

Carrie Orts
Administrative Assistant Development Services

Don McAlister
Planning & Zoning Commission Chairman

**MINUTES
CITY OF TAYLOR, TEXAS
400 Porter Street, Taylor Texas 76574
PLANNING AND ZONING COMMISSION MEETING
March 27, 2018 6:00 p.m.
City Council Chamber**

PRESENT

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

ABSENT

Rick Selin
Faith Gardner

OTHERS PRESENT

Michael Elabarger, Senior Planner Development Services
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

PZ-2018-1084 – Conduct Public Hearing on a Rezoning of Pierce Park Subdivision Lots 1 and 2, located at 211 East 3rd Street and 200 East 4th Street, respectively, from the Local Business (B-1) District to the Park (P) District (Lot 1) and Central Business (B-3) District (Lot 2). (ORDINANCE 2018-07)

Hearing opened. Mr. Elabarger made presentation on the request, including the recommendation of approval based on the stated analysis. Mr. Pierce and Mr. Sledge were present to answer questions. There was discussion between the Board and Staff. Hearing closed.

PZ-2018-1084 – Consider Approval on a Rezoning of Pierce Park Subdivision Lots 1 and 2, located at 211 East 3rd Street and 200 East 4th Street, respectively, from the Local Business (B-1) District to the Park (P) District (Lot 1) and Central Business (B-3) District (Lot 2). (ORDINANCE 2018-07)

Mr. Stevens made a motion to recommend approval of rezoning to City Council. Second by Mrs. Frazier. All voted aye.

Adjourn

The meeting was adjourned at 6:08 p.m.

Carrie Orts
Administrative Assistant Development Services

Don McAlister
Planning & Zoning Commission Chairman

PZ-2018-1083

1207 Frink Street

Rezoning from R-1 to D



Applicant Information:

Applicant: Debbie Hoffman, representing Habitat For Humanity (Owner).

Applicant Request: Rezone the property from the R-1 District to the D District

Subject Property:

Location: 1207 Frink Street

Legal Description: E S Harris Addition, Lot 7 and Lot 6(pt)

Existing Zoning: R-1 – Single Family Residential District

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

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	Single-family detached
South	R-1 – Single Family Residential District	Single-family detached
East	R-1 – Single Family Residential District	Single-family detached
West	R-1 – Single Family Residential District	Single-family detached

Application Summary

The proposal is to rezone a 0.346 acre tract that comprises all of the original Lot 7, and the majority part of original Lot 6, of the ES Harris Addition (circa 1916), from the R-1, Single Family Residential District to the D, Duplex Single Family Residential District.

The D District is described as “provide(ing) areas of town with low density single family attached development, while maintaining the character and protecting the health, safety, and general welfare of the community”. Permitted primarily residential uses include ‘Single family dwelling (Detached)’ and ‘Two family dwelling (Duplex)’. The D District only differs from the R-1 District - which is the most prevalent zoning district in the City by both land mass and number of properties – by the allowance of the Two Family (Duplex) use.

Chapter 11 of the Zoning Ordinance provides definitions for specific uses and terms used in the Ordinance. There are two defined terms that speak to or capture the “Duplex” use, and each provides a slightly different expression of the same use.

1. **Two Family Residential** – *the use of a lot for two (2) dwelling units within a single structure.* (see also single family dwelling, attached (duplex)).
2. **Single-family Dwelling, Attached** – *a dwelling which is joined to another dwelling at one (1) or more sides by party (ie, shared) wall, which is designed for occupancy by one (1) family on either side of the shared wall, and where the entire structure is located on a separate lot delineated by front side and rear lot lines.* (see also two-family residential).

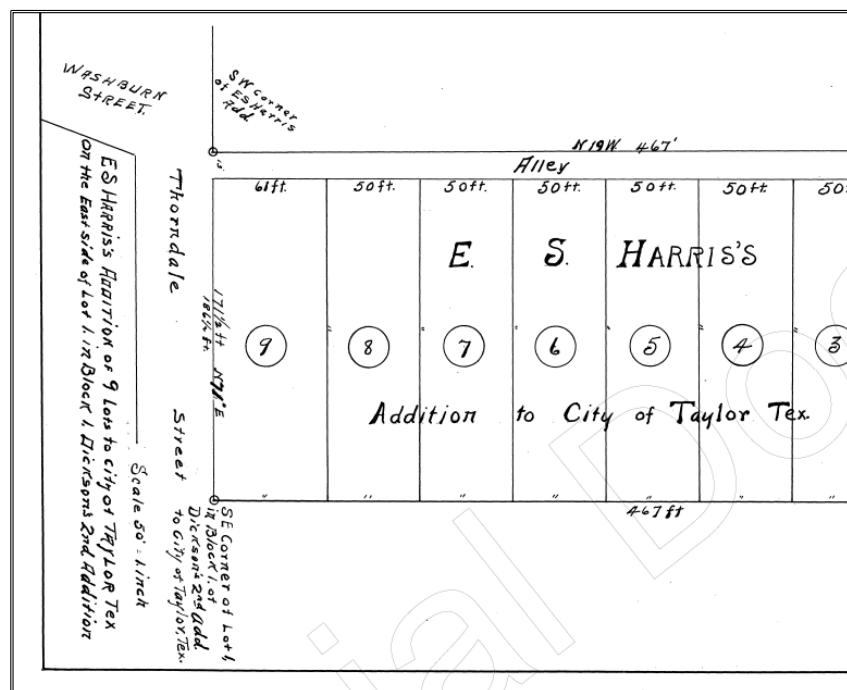
The City's Future Land Use map, part of the Comprehensive Plan, recognizes this property, and a wide swath of the City in all directions from it, as being appropriate for "Single family residential". There is no future land use category that specifically speaks to Duplex or Two-family dwellings.

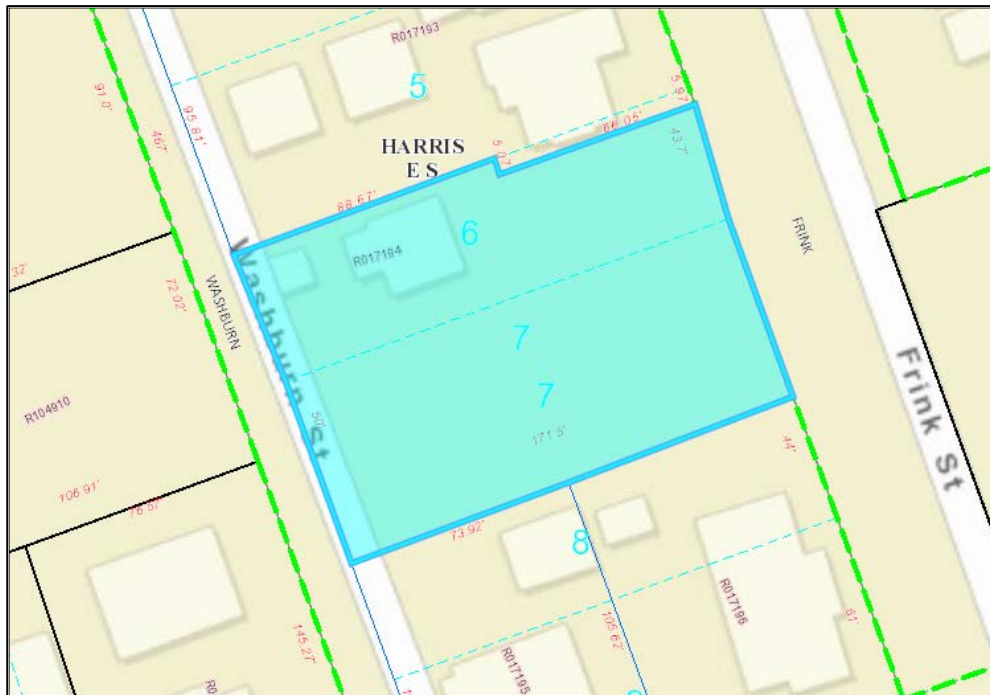
Analysis

The property consists of the original Lot 7, and a majority portion of the original Lot 6 (a slight portion at the northeast corner was, at some point through a deed division, encompassed by the property to north (addressed as 1209 Frink), which is legally described as "Lot 4(pt), Lot 5, and Lot 6(NE/pt)". Lot 7 can be immediately developed upon within Zoning Ordinance regulations. Lot 6, because of the discrepancy from the original boundaries, is not viewed as a "legal lot" per the City's Subdivision Ordinance, and per Section 2.3 of that Ordinance, lots must be legally platted in order to receive development permits. Therefore, the applicant would have to process and have recorded a Resubdivision Plat, which per State law, requires a public hearing [held before the Planning & Zoning Commission] due to the single or two-family zoning of the property.

Being under common ownership (and currently in one deed), the current configuration of the property could be developed with one permitted use, but a Resubdivision plat as described above would have to be processed and recorded, since the current property does not consist of two intact original platted lots.

It is noted that, per the 1916 Harris Addition, the lots were originally created as 50' wide, which is much less than the 70' width required for the creation of lots in both the R-1, and D, Districts. All applicable Zoning Ordinance regulations regarding developing the lots, under the applicable Zoning District, will apply at the time of building permit submittal.





Staff Recommendation

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

1. The Duplex District is described as a Single Family district, which is in keeping with the Future Land Use Plan.
2. The Duplex District effectively doubles the allowed density on the subject property (or the 2 individual lots if used separately) from the current R-1 zoning.
3. The neighborhood is comprised of a variety of lot sizes and dimensions, and residences of various ages, sizes, and building materials, all of which creates a non-homogenous development pattern.
4. The property, as one lot, is much larger than most any property in the vicinity; as two lots, the lots are very similar in size to many lots in the area.
5. It is noted that the property is existing, and vacant, and if used as one lot, or platted and utilized as two (2) lots, all current Zoning Ordinance will be met by the applicant in order to develop.
6. While the current R-1 zoning is consistent with surrounding zoning, consistent with the Future Land Use Map, and consistent with the level and type of development (single-family detached dwelling units) occurring in all directions, the introduction of Duplex zoning on one (or two) properties in the area would not greatly impact the nature of the area.

Attachments:

1. Proposed Ordinance 2018-08
2. Ordinance Exhibit A – Legal Description (Deed & 1916 Subdivision Plat)
3. Aerial Photo

ORDINANCE NO. 2018-08

AN ORDINANCE CHANGING THE ZONING OF PROPERTY DESCRIBED AS 0.346 ACRE PORTION OF E S HARRIS ADDITION, LOT 7 AND LOT 6(PT), LOCATED AT 1207 FRINK STREET IN TAYLOR, WILLIAMSON COUNTY, TEXAS, AND LEGALLY DESCRIBED IN THIS ORDINANCE FROM SINGLE FAMILY RESIDENTIAL DISTRICT (R-1) TO DUPLEX SINGLE FAMILY RESIDENTIAL DISTRICT (D); AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TAYLOR, TEXAS, TO SHOW THE ZONING CHANGE ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

WHEREAS, the Taylor City Council conducted a public hearing on April 26, 2018, to consider the request made by Habitat For Humanity of Williamson County, as Applicant and Owner of the property, respectively, which property is legally described in Exhibit “A” attached hereto and incorporated by reference herein for all purposes (“Property”), to change the zoning for the Property from Single Family Residential R-1 District to Duplex Single Family Residential D District; and

WHEREAS, the Planning and Zoning Commission, after proper notice, conducted a public hearing on April 10, 2018, to consider the zoning request, and recommended the zoning change to the City Council; and

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

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

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

SECTION 2. The Property is changed from Single Family Residential R-1 to Duplex Single Family Residential D.

SECTION 3. The Official Zoning map of the City of Taylor, Texas, is changed to show the Property zoning district changed from Single Family Residential R-1 to Duplex Single Family Residential D.

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

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

SECTION 6. In accordance with Article VIII of the City Charter, Ordinance 2018-08 was introduced before the Taylor City Council on the 26th day of April, 2018.

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

Mayor

ATTEST:

Susan Brock, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl,
City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Susan Brock, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2018-08, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2018, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

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

Susan Brock
City Clerk

EXHIBIT A

[Legal Description – Deed & Plat]

DRAFT

ATTACHMENT 2

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.

17054950

CASH WARRANTY DEED

Date: April 15, 2017

Grantor: RICHARD K. HAGLER and MARCIA HAGLER

Grantee: HABITAT FOR HUMANITY of Williamson County Texas

Grantee's Mailing Address :

2108 N. Austin Avenue
Georgetown, Texas 78626
Williamson County

Consideration: TEN AND NO/100 DOLLARS and other good and valuable consideration.

Property (including any improvements):

Being a part of Lot Six (6) and all of Lot Seven (7) of E. S. HARRIS'S ADDITION to the City of Taylor in Williamson County, Texas according to the map or plat thereof recorded in Cabinet A, Slide 74 of the Plat Records of Williamson County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto.

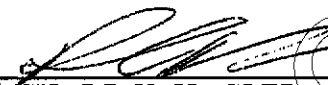
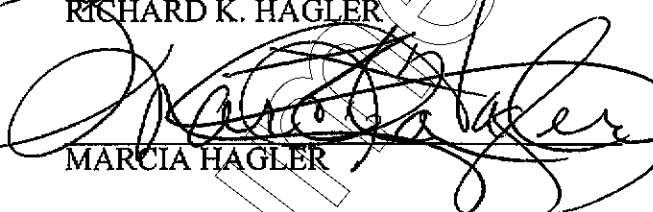
Reservations From and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property; taxes for the current year, the payment of which Grantee assumes.

Grantor, for the consideration, receipt of which is acknowledged, 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 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 conveyance and warranty.

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

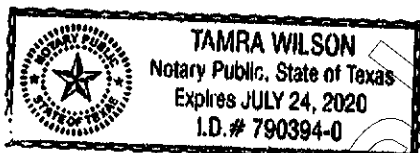

 RICHARD K. HAGLER

 MARCIA HAGLER

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on May 15, 2017 by RICHARD K. HAGLER.



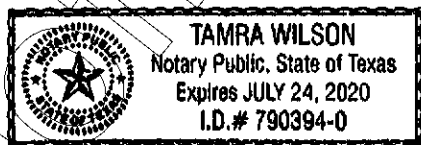

 Notary Public, State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on May 15, 2017 by MARCIA HAGLER.




 Notary Public, State of Texas

PREPARED IN THE OFFICE OF:
 David Darnell
 3613 Williams Drive, Suite 204
 Georgetown, Texas 78628

AFTER RECORDING RETURN TO:
 Longhorn Title Co., Inc.
 3613 Williams Drive, Suite 204
 Georgetown, Texas 78628

EXHIBIT "A"

STATE OF TEXAS
COUNTY OF WILLIAMSON

May 16, 2002

0.346 ACRE

These notes describe that certain tract of land situated in City of Taylor in Williamson County, Texas, subject tract being a part of Lot Six (6) and all of Lot Seven (7) of E.S. Harris's Addition to the City of Taylor, plat of which is recorded in Cabinet "A", Slide 74 of the Williamson County Plat Records, same being conveyed in a Warranty Deed from Dorothy Johnson, Independent Executrix of the Estate of Martha Back to Van Stiba, et ux dated 03-08-02 and recorded in Document No. 2002020724 of the Official Records of Williamson County (ORWC), subject tract being surveyed on the ground under the direct supervision of Bruce Lane Bryan, Registered Professional Land Surveyor No. 4249, on May 16, 2002 and being more fully described as follows:

BEGINNING at the Northeast corner of subject tract in a line for the West line of Frink Street, same being for the Southeast corner of a called "382 Sq. Ft." tract conveyed in a Warranty Deed from Martha Back to June Lauricella dated 3-25-98 and recorded in Document No. 9817897 of said ORWC; found a 1/2" Iron Rod at same corner;

THENCE South 71°54'07" West (Basis of Bearings) with a line for the South line of said "382 Sq. Ft." tract, a distance of 66.05 feet to the Southwest corner of same; found a 1/2" Iron Rod at same corner;

THENCE North 19°24'26" West with a line for the West line of said "382 Sq. Ft." tract, a distance of 5.07 feet to the Northwest corner of same in a line for the common line of said Lot Six (6) and Lot Five (5); found a 1/2" Iron Rod at same corner;

THENCE South 71°15'13" West with said common line of said Lot Six (6) and Lot Five (5), a distance of 88.67 feet to a 1/2" Iron Pipe found for the apparent Southwest corner of said Lot Five (5) and for the Northwest corner Lot Six (6) in a line for the East line of a 15 foot wide alley;

THENCE South 18°48'27" East with a line for the common line of said Lot Five (5) and said East line of alley, a distance of 99.99 feet to a 1/2" Iron Rod found for the apparent Southwest corner of said Lot Seven (7) and for the Northwest corner of said Lot Eight (8);

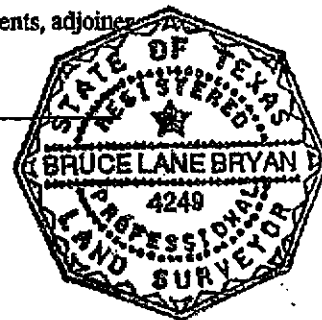
THENCE North 71°06'25" East with a line for the common line of said Lot Seven (7) and Lot Eight (8), at 75.83 feet a 1/2" Iron Rod found bears South 18°53'35" East, 0.17 feet, same being for a common corner of a tract now or formerly owned by Harvey Patsche, et ux, recorded in Document No. 92009826 of said ORWC and a tract now or formerly owned by Maria Teresa Trevino recorded in Document No. 9835735 of said ORWC, and continuing with said common line an additional 78.88 feet for a total distance of 154.51 feet to a 1/2" Iron rod found for the apparent Southeast corner of said Lot Seven (7) and for the Northeast corner of said Lot Eight (8) in the aforementioned the West line of Frink Street;

THENCE North 18°38'51" West with said West line of Frink Street, same being for the East lines of said Lot Six (6) and Seven (7), a distance of 93.78 feet to the **PLACE OF BEGINNING**, containing according to the dimensions herein stated, an area of 0.346 Acre.

Surveyor's Note: Attention is invited to accompanying plat for location of improvements, adjoining information, visible utilities and roadways.

Bruce Lane Bryan

Registered Professional Land Surveyor No. 4249



**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2017044389

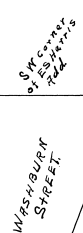
Pages: 4 Fee: \$29.00
05/17/2017 03:04 PM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas

Unofficial Document



I, E S Harris of the City of Taylor in County of Willmonson,
State of Texas, do hereby certify that the above map is a true and correct map
of an addition made by me to city of Taylor, Texas, and all sales of lots
therein will be made with reference to saidmap
Witness my hand and seal this 14th day of February 1916.

County of Williamson:
Before me, J. S. Jones, a Notary Public, in and for said county, and State on this day personally appeared E. S. Harris, known to me to be the person whose name is subscribed to foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Filed For record Feb. 15 1916, at 10 o'clock A.M.
Recorded February 16 1916 at 2 o'clock P.M.

Recorded February 16, 1916, at 2 o'clock P. M.
[Signature]
 County Clerk, Williamson County, Texas.

Dept. _____

$$\begin{array}{r} 279 \text{ m} \\ 186 \text{ m} \\ \hline 465 \text{ m} \end{array}$$

ATTACHMENT 3 – AERIAL VIEW (2018)

