

AGENDA

CITY OF TAYLOR, TEXAS

PLANNING AND ZONING COMMISSION MEETING

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

April 9, 2019 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 12, 2019.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

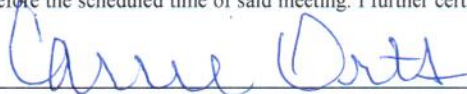
1. PZ-2019-1125 – Conduct Public Hearing on a request which proposes to change the current zoning of Single-Family Residential Zoning District (R-1) to Commercial Planned Development with Local Commercial Base Zoning (B-1/CPD) for a parcel of land being approximately 1.75 acres, more or less, more particularly described by Williamson Central Appraisal District Parcel R430315; part of and out of the John Winsett Survey, Abstract No. 661, located at the northeast intersection of West 12th Street and Davis Street, Taylor, Williamson County, Texas. (ORDINANCE 2019-18)
2. PZ-2019-1125 – Make Recommendation on a request which proposes to change the current zoning of Single-Family Residential Zoning District (R-1) to Commercial Planned Development with Local Commercial Base Zoning (B-1/CPD) for a parcel of land being approximately 1.75 acres, more or less, more particularly described by Williamson Central Appraisal District Parcel R430315; part of and out of the John Winsett Survey, Abstract No. 661, located at the northeast intersection of West 12th Street and Davis Street, Taylor, Williamson County, Texas. (ORDINANCE 2019-18)
3. Consider an update regarding Council actions related to Planning and Zoning items.

ADJOURN

Next Meeting Date: May 14, 2019

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 5, 2019** 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:

4.4.19

**MINUTES
CITY OF TAYLOR, TEXAS
400 Porter Street, Taylor Texas 76574
PLANNING AND ZONING COMMISSION MEETING
March 12, 2019 6:00 p.m.
City Council Chamber**

PRESENT

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

ABSENT

OTHERS PRESENT

Tom Yantis, Director Development Services
Carrie Orts, 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 January 8, 2019.

Motion made by Mr. Stevens to approve minutes from January 8, 2019 as written. Second by Mrs. Maruska. All voted Aye.

Introduction of New Members and Officer Elections

Mr. McAlister introduced new member Kellie Billings-Ray and returning member Faith Gardner.

Mr. Yantis opened nominations for Chair.

Chair –

Nomination made by Mr. Stevens to elect Mr. McAlister Chair. No other nominations were made.

Appointment approved by consent.

Mr. McAlister opened nominations for Vice Chair.

Vice Chair –

Nomination made by Mrs. Maruska to elect Mr. Stevens Vice Chair. No other nominations were made.

Appointment approved by consent.

Mr. McAlister opened nominations for Vice Chair.

Secretary –

Nomination made by Mr. Stevens to elect Mrs. Frazier Secretary. No other nominations were made.

Appointment approved by consent.

PZ-2019-1125 – Conduct Public Hearing on a request which proposes to change the current zoning of Light Industrial (M-1) to Mixed Use District – Downtown Neighborhood (DN) for a parcel of land being approximately 0.0991 acres, more or less, more particularly described by Williamson Central Appraisal District Parcel R105207; legally described as approximately the east 40 feet of Lots 6 and 7, Block 47, City of Taylor, addressed as 404 East 3rd Street, Taylor, Williamson County, Texas. (ORDINANCE 2019-11)

Mr. McAlister opened the public hearing. Mrs. Shelton made presentation including recommendation of approval of the re-zoning. Johan Borge was present to answer questions. There was discussion between Board and Staff.

PZ-2019-1125 – Make Recommendation on a request which proposes to change the current zoning of Light Industrial (M-1) to Mixed Use District – Downtown Neighborhood (DN) for a parcel of land being approximately 0.0991 acres, more or less, more particularly described by Williamson Central Appraisal District Parcel R105207; legally described as approximately the east 40 feet of Lots 6 and 7, Block 47, City of Taylor, addressed as 404 East 3rd Street, Taylor, Williamson County, Texas. (ORDINANCE 2019-11)

Motion made by Mr. Stevens to recommend approval to City Council. Second by Mrs. Fraizer. All voted Aye.

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

Mr. Yantis stated there were no items to bring forward from the last meeting

Adjourn

The meeting was adjourned at 6:10 p.m.

Carrie Orts
Administrative Assistant Development Services

Don McAlister
Planning & Zoning Commission Chairman

City of Taylor
PZ-2019-1124
Located at 602 West 12th Street
Staff Report

Requested Action: Amend the official zoning map to Local Commercial (B-1) Base Zoning District with a Commercial Planned Development Overlay on a parcel of land approximately 1.75 acres from Single-Family Zoning District (R-1).

Applicant: East Wilco 95/Cliff Olle

Subject Property: Is approximately 1.75 acres, more or less, more particularly described by Williamson Central Appraisal District Parcel R430315; part of and out of the John Winsett Survey, Abstract No. 661, located at the northeast intersection of West 12th Street and Davis Street, Taylor, Williamson County, Texas.

Parcel Information

Current Zoning: Single-Family Residential (R-1)

Current Use: Vacant Office Building

Proposed Zoning: (B-1/CPD)

Future Land Use Plan: Semi-Public/Institutional

Adjacent Parcel Information

Direction	Land Use	Zoning
North	Football Stadium	Single-Family Residential, (R-1)
South	West 12 th Street R.O.W and Single-Family Residential	Single-Family Residential, (R-1)
East	Sycamore Street R.O.W., Single-Family Residential and Public Park with amenities	Single-Family Residential, (R-1) and Park (P)
West	Davis Street R.O.W. and Single-Family Residential	Single-Family Residential, (R-1)

Purpose:

The applicant is proposing to re-zone and add an overlay to the subject property. At this time the existing buildings located on the subject property are vacant. The purpose of the request is to rehabilitate and redevelop the existing buildings for continued use in the future.

Staff Analysis:

As City Staff we are charged with using the Comprehensive Plan as a guide to make recommendations to the Planning and Zoning Commission on proposed re-zoning requests. The subject Property is designated Semi-Public/Institutional on the Future Land Use Plan map. As Semi-Public/Institutional land uses are non-residential the request is consistent with the FLUP map designation. The uses associated with the Semi-Public/Institutional narrative in the Comprehensive Plan consist of a wide range of uses from schools to electric substations¹ so a change to B-1/CPD may be tailored so that the uses and standards allow integration into the existing neighborhood.

Additionally, Chapter 4 of the Taylor Comprehensive Plan is devoted to Land Use, the purpose of which is to address the use of land in Taylor so that growth and development is appropriately managed. During the process of preparing the Comprehensive Plan, land use issues were identified², along with Land Use Goals and Objectives with associated actions to achieve those objectives. A desire to have local neighborhood commercial uses that are accessible was noted and this became one of the Land Use Goals in the Comprehensive Plan³. One of the Land Use Objectives to guide us toward this goal is setting aside appropriate areas for land uses that support sustainable economic development⁴. As prescribed in the Comprehensive Plan we are charged with using our codes to make this possible e.g., zoning⁵. Using straight zoning when trying to use or re-use existing buildings that have been used by semi-public and institutional entities is difficult. Some of the contributing factors are: residential adjacency; semi-public and institutional land uses are not residential land uses but are permitted in residential zoning districts; existing buildings may not meet the current zoning codes as they change over

¹ *Taylor Independent School District schools and offices, churches, cemeteries, VFW and SPJST buildings, City (City Hall, Library, Airport, Fire and Police stations, Public Works and other City owned facilities), Post Office, State, Federal, and Williamson County facilities, City and County owned facilities other governmental facilities such as, libraries, fire stations, landfills and post offices, as well as utility facilities such as water storage facilities, electrical substations and telephone facilities. Page 4-6, Taylor Comprehensive Plan, 2004*

² ***Desire for City to be more pedestrian friendly*** – “Walkability”, “connectivity”, and linkages are terms that denote the desire for all areas of a community to accessible without the use of a car. When residents and visitors can walk, jog or ride a bike in a safe, comfortable and secure environment they will feel that they can travel conveniently from residence to places; work, school, recreation, and shopping. Page 4-2, Taylor Comprehensive Plan, 2004

³ ***Land Use Goal:*** A variety of safe, attractive, accessible, high quality residential, commercial, industrial, and recreational land to meet the needs of Taylor’s current and future population while preserving the historical structures and small town atmosphere of the City. Page 4-11, Taylor Comprehensive Plan, 2004

⁴ ***Objective L3:*** Provide viable retail, office and industrial areas that support opportunities for economic development. , 2004

⁵ ***Action L3.9:*** Review and monitor zoning and other development ordinances to achieve appropriate regulations and district designations to keep commercial areas viable, encourage redevelopment, and ensure quality new development., 2004

time and sometimes the existing development is out of scale for the surrounding built environment. Consequently, working within the parameters we have, rezoning the property to B-1 with a Commercial Planned Development (CPD) overlay is the action that can be taken to allow the subject property to be re-used with standards that are compatible with the adjacent neighborhood and achieve the land use goal of providing neighborhood retail and service uses in convenient proximity to residential neighborhoods⁶.

By using a CPD overlay⁷, we can work toward meeting the general planning policies so the adjacent residents benefit from this development⁸. As protecting the existing

⁶ **Retail/Office**

- *Neighborhood retail and service uses should be located at intersections of arterial or collector streets or at the edge of neighborhood areas unless appropriately placed within a planned development. Page 4-8, Taylor Comprehensive Plan, 2004*

⁷ **2.18.1 Purpose**

The CPD district is intended to allow and encourage greater design flexibility and variety in commercial planned developments.

2.18.2 Applicability

The CPD district is an overlay district that modifies the standards of the underlying base district. The CPD district may only be applied in areas zoned B-1 and B-2, and shall be indicated on the Zoning Map with the base district symbol followed by a slash and the CPD district symbol (i.e., B-2/CPD). All regulations of the underlying base district that are not in conflict with the regulations of the CPD district shall apply. In the event of conflict between the regulations of the CPD district and the underlying base district, the regulations of the CPD district shall control.

2.18.5 Unified Design Requirements

The CPD district shall be developed under unified control as an integrated development project, with common building design, signage and landscaping standards. City of Taylor Zoning Ordinance, 2001

⁸ **In General**

- *Neighboring land uses should not detract from the enjoyment or value of properties.*
- *Potential negative land use impacts (noise, odor, pollution, excessive light, traffic, etc.) should be considered and minimized.*
- *Transportation access and circulation should be provided for uses that generate large numbers of trips. Pedestrian and bicycle access should be addressed where appropriate.*
- *Compatibility with existing uses should be maintained. Well-planned, mixed uses that are compatible are to be encouraged.*
- *Adequate public infrastructure and facilities should be provided to support development, thereby encouraging prudent growth management.*
- *Retail development should be clustered throughout the City and convenient to residential areas.*

neighborhood is paramount, the development standards should be tailored to match the existing conditions as much as possible. In the B-1 Zoning District, the development standards are not the same for all land uses i.e., the setbacks are not based on land uses being the same, compatible or incompatible but on the proposed use of the subject property. The setbacks in the proposal are tailored to this development so any future development will be more consistent with the existing adjacent development, which is primarily zoned R-1 and residential in use. The setbacks for residential development in the B-1 Zoning District are more restrictive than the setbacks for commercial development in the B-1 Zoning District⁹. However; the current setback requirements for residential development are not being met by the existing residential so tailoring the development standards may help to promote compatibility¹⁰. An additional benefit to

- *Buffers should separate retail/office uses and residential areas. Downtown should be the major location for office, retail, service institutions and public use activities, particularly focusing on adaptive reuse of existing structures or redevelopment of vacant or industrial parcels.*
- *Office and professional uses should be compatible with nearby residential areas and other uses through appropriate building height. Pages 4-7 and 4-8, Comprehensive Plan, 2004*

9

Requirement		B-1 Residential	B-1 Commercial	Proposed by Staff
Setback	Front	25 feet	10 feet	15 feet
	Rear	10 feet	None	10 feet
	Side (Interior lot)	5 feet	None	5 feet
	Street Side	25 feet	10 feet	15 feet
	Side with residential adjacency	5 feet	10 feet	15 feet
Height		45 feet	45 – 80 feet	35 feet

Table 4.2, Taylor Zoning Ordinance, 2001

¹⁰ **ARTICLE III: - NON-RESIDENTIAL DISTRICTS**

2.12 - B-1, Local Business District

2.12.1 Purpose

The B-1 district provides for adequate high-density commercial development within the City, while maintaining consistency and continuity within the community.

2.12.2 Use Regulations. (Section 3.2)

2.12.3 Property Development Standards

1. *Minimum Lot Area: Non-residential: None. Residential: six thousand (6,000) square feet.*

2. *Maximum Density: One (1) dwelling unit per one thousand (1,500) square feet.*

3. *Minimum Yard Setbacks:*

a. *Front Setback: Non-residential: ten (10) feet. Residential: twenty-five (25) feet.*

b. *Rear Setback: Non-residential: None. Residential ten (10) feet.*

c. *Interior Side Setback: Non-residential: None. Adjoining Residential District: ten (10) feet. Residential: five (5) feet.*

d. *Street Side Setback: Non-residential: ten (10) feet. Residential: twenty-five (25) feet.*

incorporating tailored setbacks is management of the development pattern in the future. As this proposal is infill development, the opportunity to expand, plat for residential development or raze a building and re-build could occur. Using the proposed setbacks will help to create continuity and a sense of cohesiveness with the existing neighborhood.

In the Zoning Ordinance, land uses are permitted by-right or by condition of a specific use permit. The requirement for a specific use permit in the land use tables shall remain with exception of retail greenhouses and assisted living facilities, which shall be permitted by-right. To manage future development, the CPD proposes some changes to the land use tables; Prohibited Land Uses and Specific Use Permit¹¹.

At this time, screening¹² is used to mitigate between different land uses. Staff would like to adjust the requirement. In order for the existing building to be re-used and incorporated into the neighborhood the CPD proposes screening off-street parking spaces that face the existing residential development rather than screening the entire development. Other screening regulations for loading spaces, dumpsters, outside storage and mechanical equipment shall be required. Also, one of the types of screening

4. Maximum Building Height: forty-five (45) feet, except that a building may increase to a height of eighty (80) feet if set back from all required setbacks a distance of one foot for each two feet of additional height above forty-five (45) feet. Taylor Zoning Ordinance, 2001

¹¹

Local Commercial Zoning District (B-1) with a Commercial Planned Development Overlay				
Prohibited Land Uses				
Aquariums	Fairgrounds or Exhibition Area	Electrical Energy Generating Plant	Hospitals (Residential Facilities)	Cemetery
Automotive Repair (Minor)	Auto Parts and Accessory Sales	Electrical Substation (High Voltage Bulk Power)	Theatre (Open Drive-In)	Mausoleum
Specific Use Permit				
Hospitals (Acute Care, Chronic Care)	Group Day Care Home	Retirement Housing for Elderly	Rehabilitation Care Facility (Halfway House)	Halfway Houses

¹² In 4.2 - Non-residential Property Development Standards ...

Screening and/or landscaping shall be placed along the perimeter of any district that is non-residential where it borders a residential district. The screening and/or landscaping shall be a minimum of six (6) feet and continuous in nature so as to not allow viewing through the obstruction and shall be maintained in good repair if structural or of a living material.

permitted in the Zoning Ordinance is chain link fencing. As chain link fencing is not opaque it serves little purpose with regard to screening so removing it from the permitted materials will help to ensure compatibility through screening¹³.

To promote walkability and buffering with open space, the CPD proposes limit the total number of off-street parking spaces to the existing 38 spaces.

Finally, the CPD provides for some alternative paving materials for parking areas and drive aisles.

Staff Recommendation

Staff recommends approval of the requested re-zoning with the Commercial Planned Development overlay, which includes tailored development standards and adjustments to the land use tables.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission is charged with reviewing all requests for re-zoning and making a recommendation to City Council either in favor of or in opposition to each request.

In determining a recommendation on a re-zoning request, the Planning and Zoning Commission should consider the following factors:

- **Is the re-zoning consistent with the Comprehensive Plan?**

The staff analysis indicates that this request for re-zoning is consistent with the Comprehensive Plan as the re-zoning would permit the re-use of existing resources while providing commercial development within walking distance of adjacent existing development. *A desire for all areas of a community to be accessible without the use of a car* was expressed as a Key Issue in the Comprehensive Plan.

The Land Use Goal associated with the Key Issue noted above includes providing areas for high quality commercial development to meet the needs of residents that is accessible. The associated Land Use Objective to provide areas for viable economic development and **Action L3.9: Review and monitor zoning and other development ordinances to achieve appropriate regulations and district**

¹³ **Chapter 11. – Definitions**

Screening Device - A barrier or enclosure made of stone, brick, pierced brick or block, wood, or other permanent material of equal character, density, and acceptable design, including but not limited to masonry walls, chain link fences, barbed wire fences, picket fences and privacy fences. Taylor Zoning Ordinance, 2001

designations to keep commercial areas viable, encourage redevelopment, and ensure quality new development.

The Planning Principles and Policy Guides recommend using Planned Developments (PDs) to facilitate development. The PD approach is particularly helpful for infill development. The PD provides the opportunity to tailor the zoning to the development; to ensure the least negative impact on any land use as stated in the Planning Principles and Policy Guides. Planning Principles and Policies are particularly concerned with any negative impacts on residential uses. Tenets of principles and guides promote mitigation for differing land uses and compatibility. Re-zoning to B-1 and incorporating the PD overlay is consistent with the Planning Principles and Policy Guides as would support tailoring the permitted land uses and development standards for the proposed development on an individual basis rather than a one size fits all approach.

- **Is the re-zoning compatible with the surrounding area?**

The staff analysis indicates that the re-zoning is compatible with the surrounding uses. Tailoring the permitted land uses to the subject property will help to manage its re-use so that appropriate land uses are established. The higher standards incorporated into the overlay will promote a contextual cohesion with regard to the future development of the subject property and the surrounding development.

- **Does the re-zoning promote the public health, safety, or general welfare?**

The purpose of the Comprehensive Plan and the City's development ordinances is to promote the health, safety and general welfare by promoting safe, orderly and economically sustainable development. According to the staff analysis, the purposes of the Planning Principles and Policy Guide of the Comprehensive Plan will be met as the proposed development will comply with all ordinances and the development standards incorporated in the CPD overlay.

- **Is adequate infrastructure available or planned to meet the needs of the proposed land use?**

As this is infill development there is adequate infrastructure for the proposed redevelopment, including frontage on a collector road and a connection to Main Street. As stated in the Comprehensive Plan, *"We would like to be a community that is prepared for and amenable to new development while recognizing the fundamental importance of its established neighborhoods, corridors, and historic areas."* This development fulfills that vision by locating where the City established a development pattern for the efficient use of land, infrastructure, and fiscal resources.

- **Do current conditions indicate that a re-zoning is necessary?**

As mentioned in the Staff Analysis, it is difficult to rehabilitate and redevelop sites and buildings that were established by institutional and semi-public entities because institutional and semi-public land uses are permitted in residential zoning districts while private service industries are not. Redevelopment of the subject property for a private office, a boutique, a barber shop or deli, etc. is not possible at this time without a change of zoning that permits neighborhood oriented land uses such as B-1. The overlay permits tailoring the land uses further and incorporating development standards that accommodate this particular site.

Attachments:

1. Proposed Ordinance 2019-18
2. Zoning Map
3. Future Land Use Plan Map

Planned Development – B-1 Base Zoning
602 West 12th Street
Approximately 1.75 acres

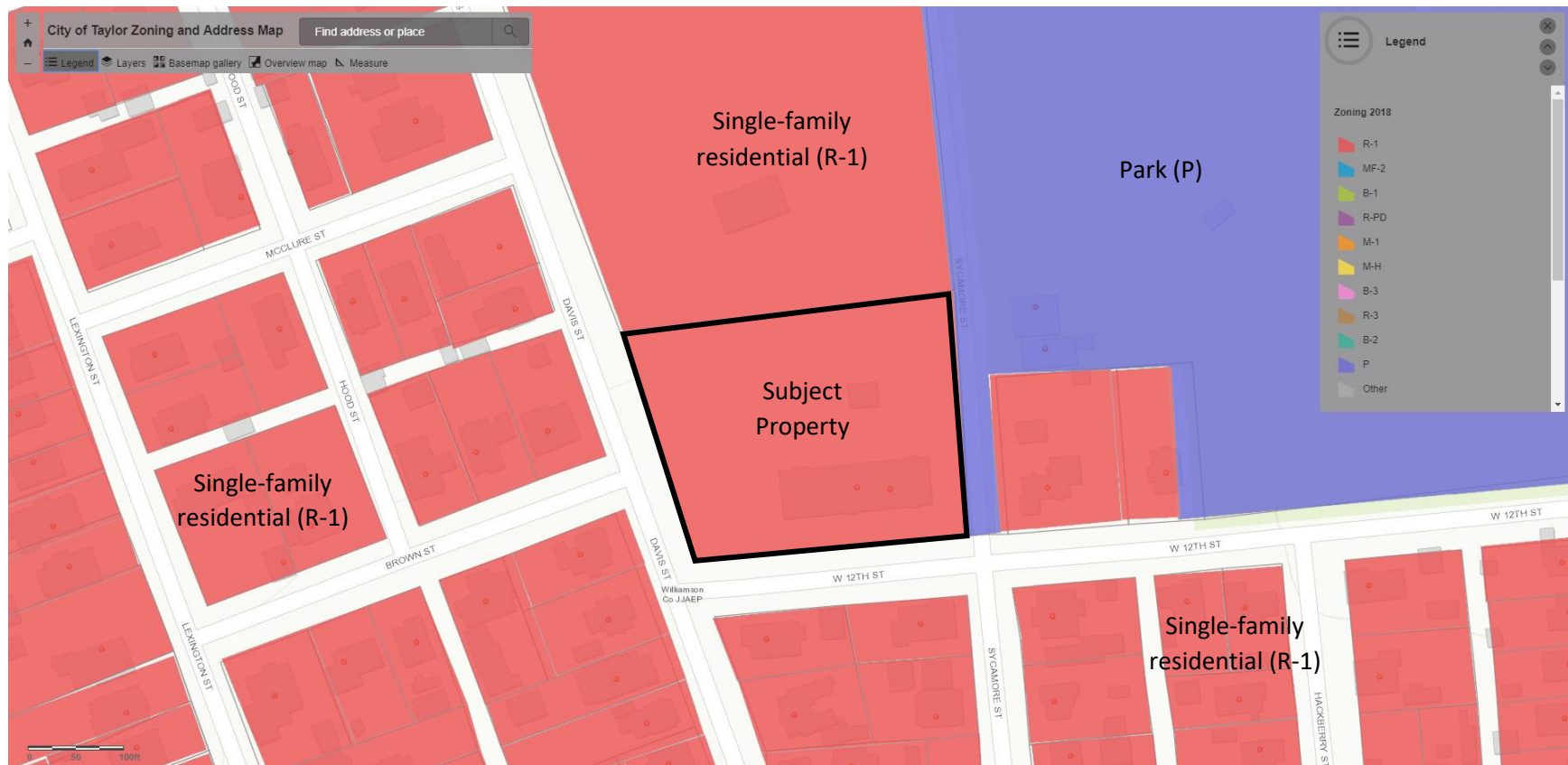
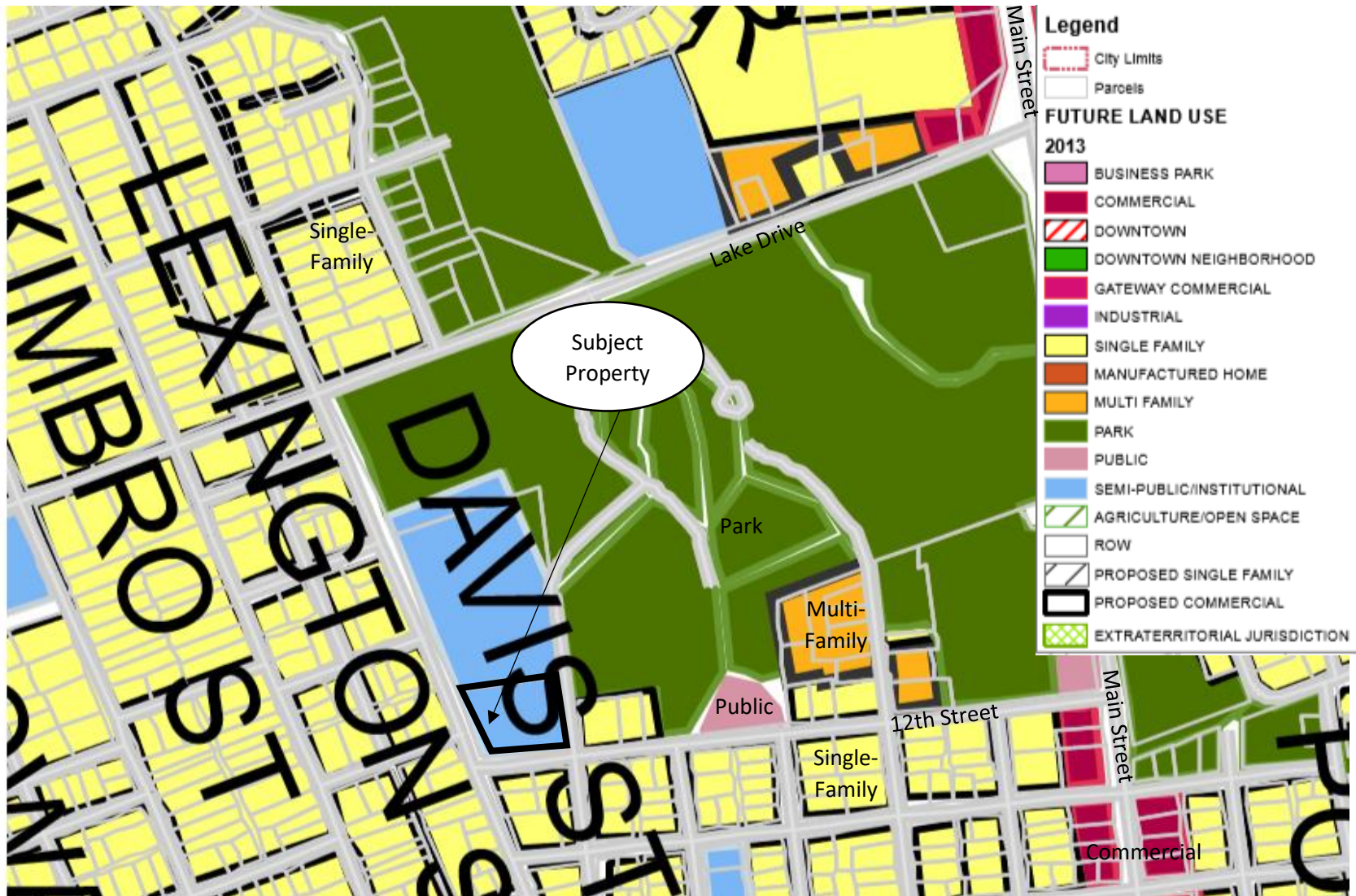


Exhibit "C"

Future Land Use Plan Map
Semi-Public/Institutional



ORDINANCE NO. 2019-18

AN ORDINANCE CHANGING THE ZONING OF PROPERTY FOR A PARCEL OF LAND BEING APPROXIMATELY 1.75 ACRES, MORE OR LESS, MORE PARTICULARLY DESCRIBED BY WILLIAMSON CENTRAL APPRAISAL DISTRICT PARCEL R430315; PART OF AND OUT OF THE JOHN WINSETT SURVEY, ABSTRACT NO. 661, LOCATED AT THE NORTHEAST INTERSECTION OF WEST 12TH STREET AND DAVIS STREET, TAYLOR, WILLIAMSON COUNTY, TEXAS, FROM SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1) TO LOCAL COMMERCIAL BASE ZONING DISTRICT WITH A COMMERCIAL PLANNED DEVELOPMENT OVERLAY (B-1/CPD).

WHEREAS, the Taylor City Council conducted a public hearing on April 11, 2019, to consider the request made by East Wilco 95, LLC, 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 Zoning District (R-1) to Commercial Planned Development with Local Commercial Zoning District base zoning (B-1/CPD) with the requirements in Exhibit “B” attached hereto; and

WHEREAS, the Planning and Zoning Commission, after proper notice, conducted a public hearing on April 9, 2019, 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 Zoning District (R-1) to Local Commercial Zoning District with a Commercial Planned Development overlay (B-1/CPD).

SECTION 3. The Official Zoning map of the City of Taylor, Texas, is changed to show the Property zoning district changed from to Local Commercial Zoning District with a Commercial Planned Development Overlay (B-1/CPD) attached as Exhibit “B”.

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 2019-18 was introduced before the Taylor City Council on the _____ day of April 25, 2019.

PASSED, APPROVED, and ADOPTED on the _____ day of _____, 2019.

Mayor

ATTEST:

Dianna Barker, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl,
City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Dianna Barker, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2019-18, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2019, 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 _____, 2019.

Dianna Barker
City Clerk

EXHIBIT A
Legal Description

DRAFT

EXHIBIT B

Commercial Planned Development

DRAFT

Exhibit "A"

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.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

Date:

January 14, 2019

Grantor:

Taylor Independent School District

Grantor's Mailing Address:

3101 N. Main Street, Suite 104
Taylor, TX 76574

Grantee:

East Wilco 95, LLC, a Texas limited liability company

Grantee's Mailing Address: 410 W. 7th Street, Room 106

Taylor, Williamson County, Texas 76574

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, including a note of even date that is in the principal amount of TWO HUNDRED TWENTY THOUSAND AND NO/100 DOLLARS (\$220,000.00) and is executed by Grantee, payable to the order of SOUTHSTAR BANK, S.S.B., a Texas state savings bank. The note is secured by a vendor's lien retained in this deed and by a first lien deed of trust of even date from Grantee to David Kapavik, Trustee.

SOUTHSTAR BANK, S.S.B., at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note described above from Grantee to SOUTHSTAR BANK, S.S.B. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of SOUTHSTAR BANK, S.S.B., and are transferred to SOUTHSTAR BANK, S.S.B., without recourse against Grantor.

Property (including improvements):

All that certain 1.75 acre tract of land out of the JOHN WINSETT SURVEY, ABSTRACT NO. 661, in Williamson County, Texas and the same tract as described in/under Volume 144, Page 273, Deed Records, Williamson County, Texas, begin more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

Reservations from Conveyance:

Grantor does hereby except and reserve unto Grantor, Grantor's successors and assigns all of the oil, gas, and other minerals owned by Grantor, together with the following rights appurtenant thereto: (i) the right to lease Grantor's interest in the minerals; (ii) the right to receive bonus payments; (iii) the right to receive delay rentals; and (iv) the right to receive royalty. If the mineral estate is subject to existing production or an existing lease, then this reservation shall include the production, the lease, and all benefits therefrom. This reservation also includes any and all future and reversionary interests in the oil, gas, and other minerals that Grantor is currently entitled to, and/or those that may be otherwise associated with Grantor's interest(s) in the mineral estate in, on, and under the Property. Notwithstanding the above, Grantor and Grantor's successors and assigns hereby waive and convey unto Grantee, Grantee's heirs, successors, and assigns the surface rights associated with mineral interest(s) reserved herein, including the rights of ingress and egress over the surface of the Property for mining, drilling, exploring, operating, and developing the surface of the Property for oil, gas, and other minerals and for removing them from the Property. Grantor and Grantor's successors and assigns agree that all future oil, gas, and mineral leases executed by them shall specifically prohibit any use of the surface of the Property. However, Grantor's waiver of surface rights herein shall not be construed as a waiver of the right of Grantor, Grantor's heirs, successors, assigns, and lessees to explore, develop, or produce the mineral estate herein reserved with wells with surface locations on lands other than the subject Property, including, but not limited to, directional and/or horizontal wells that travel beneath the subject Property, or by pooling its oil, gas, and mineral interests with lands adjoining the Property in accordance with the laws and regulations of the State of Texas.

Additionally, Grantor specifically reserves, excepts, and retains a nonexclusive and irrevocable easement for parking upon the current parking area of the property during school related events sponsored by Grantor held on property adjacent to the subject property. This easement right shall extend to the Grantor's employees, guests and invitees attending such events sponsored by Grantor on adjacent property. The easement shall remain in full force for so long as Grantor uses the adjacent property for school related events sponsored by the District. At such time that the adjacent property ceases to be used by Grantor for events sponsored by Grantor, the Easement shall become null and void by its own terms, and Grantor shall not be required to file any release, termination or other document to evidence the termination of this Easement. The rights retained shall be deemed to be covenants running with the land and binding upon the parties and their respective successors and assigns.

Exceptions to Conveyance and Warranty:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing 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 arising from and existing by reason of any Williamson County water or utility district; and taxes for 2019, which Grantee assumes and agrees

to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

THE PROPERTY IS SOLD AND CONVEYED TO AND ACCEPTED BY GRANTEE IN ITS PRESENT CONDITION, AS IS, WHERE IS, WITH ALL FAULTS AND WITHOUT ANY REPRESENTATIONS OR WARRANTIES WHATSOEVER, EXPRESS OR IMPLIED, OTHER THAN THE LIMITED SPECIAL WARRANTY OF TITLE INCLUDED HEREIN, AND GRANTEE EXPRESSLY ACKNOWLEDGES THAT THE SALES PRICE REFLECTS SUCH CONDITION. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, EXCEPT FOR THE LIMITED SPECIAL WARRANTY OF TITLE INCLUDED HEREIN, THE SALE OF THE PROPERTY IS WITHOUT ANY EXPRESS OR IMPLIED WARRANTY, REPRESENTATION, AGREEMENT, STATEMENT OR EXPRESSION OF OPINION (OR LACK THEREOF) OF OR WITH RESPECT TO: (A) THE CONDITION OF THE PROPERTY OR ANY ASPECT THEREOF, INCLUDING, WITHOUT LIMITATION, ANY AND ALL EXPRESS OR IMPLIED REPRESENTATIONS OR WARRANTIES RELATED TO SUITABILITY FOR HABITATION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE; (B) THE INCOME TO BE DERIVED FROM THE PROPERTY; (C) THE COMPLIANCE WITH ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY; (D) THE SOIL CONDITIONS, WATER, DRAINAGE, TOPOGRAPHICAL FEATURES OR OTHER CONDITIONS OF THE PROPERTY OR WHICH AFFECT THE PROPERTY; (E) ANY CONDITIONS RELATING TO OR ARISING FROM ANY ARCHEOLOGICAL OR HISTORIC SITE, CEMETERY, BURIAL GROUND, ENDANGERED SPECIES HABITAT, OR OTHER SUCH CONDITION WHICH MAY AFFECT THE PROPERTY; (F) AREA, SIZE, SHAPE, CONFIGURATION, LOCATION, CAPACITY, QUANTITY, QUALITY, VALUE, CONDITION OR COMPOSITION OF THE PROPERTY; (G) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY; (H) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY; (I) ANY ENVIRONMENTAL, GEOLOGICAL, METEOROLOGICAL, STRUCTURAL OR OTHER CONDITION OR HAZARD OR THE ABSENCE THEREOF HERETOFORE, NOW OR HEREAFTER AFFECTING IN ANY MANNER ANY OF THE PROPERTY; AND (J) ALL OTHER EXPRESS OR IMPLIED REPRESENTATIONS AND WARRANTIES BY GRANTOR WHATSOEVER. GRANTEE HAS MADE ITS OWN PHYSICAL INSPECTION OF THE PROPERTY AND HAS SATISFIED ITSELF AS TO THE CONDITION OF THE PROPERTY FOR GRANTEE'S INTENDED USE. GRANTOR MAKES NO EXPRESS OR IMPLIED REPRESENTATIONS OR WARRANTIES AS TO THE NATURE OR QUANTITY OF THE INTERESTS THEY OWN IN ANY OIL, GAS AND OTHER MINERALS.

AFTER CLOSING, AS BETWEEN GRANTEE AND GRANTOR, THE RISK OF LIABILITY OR EXPENSE FOR ENVIRONMENTAL PROBLEMS, EVEN IF ARISING FROM EVENTS BEFORE CLOSING, WILL BE THE SOLE RESPONSIBILITY OF GRANTEE, REGARDLESS OF WHETHER THE ENVIRONMENTAL PROBLEMS WERE KNOWN OR UNKNOWN AT CLOSING. ONCE CLOSING HAS OCCURRED, GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES GRANTOR FROM LIABILITY FOR ANY LATENT DEFECTS AND FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY UNDER THE COMPREHENSIVE

ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, OR THE TEXAS WATER CODE. GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES GRANTOR FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVES. GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES GRANTOR FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF THEORIES OF PRODUCTS LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. GRANTEE FURTHER AGREES TO DEFEND, AT ITS OWN EXPENSE, AND ON BEHALF OF GRANTOR AND IN THE NAME OF GRANTOR, ANY CLAIM OR LITIGATION BROUGHT IN CONNECTION WITH ANY SUCH ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY.

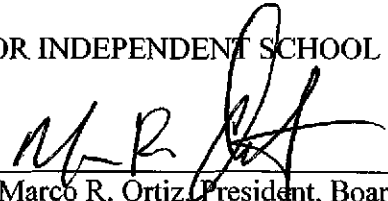
Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

The vendor's lien against and superior title to the property are retained until such note described herein 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.

TAYLOR INDEPENDENT SCHOOL DISTRICT

By: 

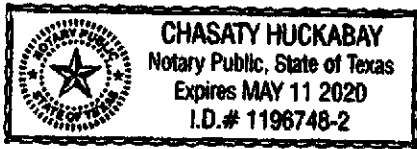
Marco R. Ortiz, President, Board of Trustees

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

§
§
§

ACKNOWLEDGMENT

BEFORE ME, a Notary Public, on this 14 day of January, 2019, personally appeared Marco R. Ortiz, known to me to be the person whose name is subscribed to the foregoing instrument, and having been sworn, upon his oath stated that he is the President of the Board of Trustees of the Taylor Independent School District; that he was authorized to execute such instrument pursuant to resolution adopted by the Board of Trustees; and acknowledged that said instrument is executed as the free and voluntary act and deed of such governmental unit for the purposes and consideration expressed therein.



Chasaty Huckabay
NOTARY PUBLIC, STATE OF TEXAS

Return to Grantee's Address:
EAST WILCO 95, LLC
410 W. 7th Street, Room 106
Taylor, TX 76574

EXHIBIT A
FOREST SURVEYING AND MAPPING CO.
 T.B.P.L.S Firm # 10002000
 1002 Ash St.
 Georgetown, Tx. 78626

BEING 1.75 acres of the John Winsett Survey, Abstract No. 661, in Williamson County, Texas; including the same property that is described in a deed from Dan Murphy, et. ux., to the Taylor Independent School District called 1.72 ac. as described in Vol. 144, Pg. 273 (1911), of the Official Public Records of Williamson County, Texas (OPRWCT). This tract was surveyed on the ground in October of 2017 under the direction of William F. Forest, Jr., Registered Professional Land Surveyor No. 1847. Survey note: The bearing basis for this survey is the State Plane Coordinate System, Texas Central Zone (4203).

BEGINNING at a capped ½ inch iron pin (capped Surveyor No. 1847), which was set for the Southeast corner of this property, in the West line of Sycamore Street (60 feet wide) and in the North line of 12th Street (60 feet wide per plat of the Murphy Addition to Taylor, Texas, of record in Vol. 101, Pg. 240, Deed Records).

THENCE with the North line of 12th Street and the South boundary of the said 1.72 acre tract, S 83°08'40" W 271.94 feet to a capped ½ inch iron pin which was set for the Southwest corner of this property, at the intersection of the North line of 12th Street with the East line of Davis Street.

THENCE with the East line of Davis Street and the West line of the said 1.72 acres, N 21° 41'49" W at 167.68 feet pass the Southwest corner of a proposed easement of 0.64 acre to be retained by the Taylor Independent School District, continuing in all 258.70 feet to a steel cotton spindle set in an existing parking lot for the Northwest corner of this property and the Northwest corner of the said easement.

THENCE with the North line of the proposed easement of 0.64 acre and the South boundary of the 5.29 acre property that is described in a deed to the Taylor Independent School District (Vol. 204, Pg. 348), and with the North line of the said 1.72 acres, N 83°08'44" E 338.16 feet to a capped ½ inch iron pin that was set in the West boundary of Sycamore Street.

THENCE with the West line of Sycamore Street and the East boundary of the 1.72 acres, S 06° 51'59" E at 83.46 feet pass the Southeast corner of the easement to be retained by the Taylor I.S.D., continuing in all 250.06 feet to the POINT OF BEGINNING.

Return to
Longhorn Title Co., Inc.
 309 N. Main
 Taylor, TX 76574

**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2019003564

Pages: 7 Fee: \$41.00
01/15/2019 12:42 PM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas

Unofficial Document

**Commercial Planned Development
for the
Former Taylor Independent School District Administration Building**



View of the existing office building from 12th Street.

Property

This Development Plan applies to 1.75 acres of land, legally described as 1.75 ACRE JOHN WINSETT SURVEY, ABSTRACT NO 661, recorded under Document No. 2019003564, Official Public Records of Williamson County, Texas, located at 602 West Twelfth Street, Taylor, Texas 76574.

Purpose

The purpose of this Commercial Planned Development (C-PD) is to transition the former Taylor Independent School District (Taylor ISD) Administration Office Building into a commercial property that utilizes the existing buildings, parking and other site improvements. As Taylor ISD moves school facilities and offices to other, larger properties and sells off property located centrally in the City of Taylor, those properties, which are primarily located in Single-Family Residential zoning areas, do not always have the right match of building function and permitted use, and require a change of zoning to be brought into conformance with the City of Taylor's ordinances so that they might transition to new uses that reduce the likelihood of vacancy and abandonment.

Infill Development

The Comprehensive Plan expresses:

“Desire for City to be more pedestrian friendly – “Walkability”, “connectivity”, and linkages are terms that denote the desire for all areas of a community to accessible without the use of a car. When residents and visitors can walk, jog or ride a bike in a safe, comfortable and secure environment they will feel that they can travel conveniently from residence to places work, school, recreation, and shopping.” – page 4-2

“Downtown Neighborhood (Beige): Older areas of the City where rehabilitation, repair and infill (new) housing should be encouraged. Small-scale neighborhood businesses (restaurants, small stores, personal services) are also encouraged.” – page 4-5

The reuse of existing buildings, particularly those with a scale and form compatible with the neighborhood, is a way to accomplish these goals from the Comprehensive Plan, as is infill development, which is a way to build capacity and provide opportunity to meet the needs of the City’s residents while capitalizing on existing resources. The reuse of the ISD office as a commercial property can provide amenity within walking distance of many residents while not requiring the City to extend additional infrastructure.

Comprehensive Plan

The City of Taylor’s Comprehensive Plan pages 4-8 & 4-9 say this with respect to new development and redevelopment of residential areas:

“Neighborhood retail and service uses should be located at intersections of arterial or collector streets or at the edge of neighborhood areas unless appropriately placed within a planned development.

- Retail development should be clustered throughout the City and convenient to residential areas...
- Office and professional uses should be compatible with nearby residential areas and other uses through appropriate building height limitations and adequate buffering and landscaping that encourage pedestrian access.
- Low-intensity office and professional uses should provide a transition between more intense uses and residential areas.
- Parking should be well labeled and adequate for the retail and office needs. Requiring more parking than is needed may discourage redevelopment and can create unnecessarily large parking lots.

Commercial

- Commercial areas should include a range of development types to serve regional as well as local needs, from large commercial developments to smaller, freestanding commercial sites.

- Commercial development should be concentrated in nodes at intersections and along major arterials and collectors that are designed and constructed to accommodate heavy traffic.”

The transition of the former Taylor ISD Administration Building, which was built as an office, to a Commercial Planned Development that can continue the property’s use within appropriate zoning is consistent with these goals and policies expressed in the Comprehensive Plan. Its location on the northeast corner of Davis Street (a “collector” street) and West 12th Streets meets the Comprehensive Plan goals stated just above.

Zoning

The underlying zoning for this C-PD is B-1, which is Local Business District. The property will be subject to all of the requirements of the B-1 district, including the sign ordinance and the landscape ordinance, excepting the specific provisions of this Planned Development.

The purpose of the Local Business District zoning underlay is to facilitate the existing building’s continued use now that it is no longer owned by the Taylor ISD. The existing zoning R-1, which is Single Family Residential District, is compatible with schools and churches but not with businesses that could use the existing building in conformance with the Comprehensive Plan.

A map of the existing zoning surrounding the subject property is provided as “Exhibit A”.

Permitted Uses

All uses allowed within the zoning district B-1 shall be permitted, with the exception of the following:

The following uses are allowed without a Specific Use Permit:

- Greenhouse (Retail)
- Assisted Living Facility

The following uses are prohibited:

- | | |
|---|----------------------------------|
| • Auto Parts and Accessory Sales (Indoor) | • Fairgrounds or Exhibition Area |
| • Auto Repair, Minor | • Hospital (Residential) |
| • Cemetery or Mausoleum | • Theater (Open Drive-In) |
| | • Aquariums |

The following uses are allowed only with a Specific Use Permit:

- | | |
|--|----------------------------------|
| • Group Day Care Home | • Retirement Housing for Elderly |
| • Rehabilitation Care Facility (Halfway House) | • Hospital, Acute Care |
| • Halfway Houses | • Hospital Chronic Care |

Setbacks & Building Height

Any new or additional development of the property shall be subject to the following standards:

Front Setback	Fifteen (15) Feet
Rear Setback	Five (5) Feet
Interior Side Setback	Ten (10) Feet
Street Side Setback	Fifteen (15) Feet
Maximum Building Height	Thirty-Five (35) Feet

Screening

Additional screening will not be required for the existing property conditions. Any new or additional development of the property shall be subject to the following standards:

- 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. Chain link fencing may not be used as a screening material.
- Screening is required for all trash receptacles, dumpsters and recycling.
- Screening is required for all new mechanical units, including HVAC units, unless the unit is replacing an existing unit and is of the same or smaller size.
- Screening is required for any additional parking so that parked vehicle headlights cannot shine into neighboring residences.
- Screening is required for any outside storage areas.

Future Development

Any future development or additions to the site beyond what is existing will conform to the requirements of this Planned Development, B-1 zoning requirements and the City of Taylor's Code of Ordinances, as applicable.

Parking

All parking required in this Development Plan shall be on-Property, and not on public right-of-way. All required parking is existing in Parking Lot A, which includes the 38 parking spaces as shown in Exhibit B, and no additional parking shall be required regardless of the use.

Paving

Alternative paving materials that help mitigate local flooding issues and that reduce non-permeable surface areas are permitted for use in all parking areas on the property, subject to:

1. Permeable interlocking concrete pavers and permeable pavers shall have a design that provides sufficient compressive strength for Fire Lanes, should Fire Lanes be required by the City of Taylor Code of Ordinances.
2. Fire Lanes are permitted to be designated with the materials and products provided by the paving system manufacturer.
3. Products and underlying drainage material shall be installed per manufacturers' specifications and sub-grade soils shall be compacted as required per the product installation specifications.
4. Decomposed granite and crushed rock may not be used unless the material is contained within the voids of a grid system.
5. All paving shall be compliant with all other provisions of the City of Taylor Code of Ordinances and any applicable standards or guidelines, including accessibility standards.

Exhibit A – Area Zoning Map



Zoning surrounding the subject property at 602 W 12th Street, which was formerly the Taylor ISD Administration Building.

Site Plan & Existing Development

Two (2) existing buildings and an existing parking lot are located on the Property as shown in "Exhibit B". The Site Plan showings the existing site development and configuration.

Exhibit B – Existing Site Plan

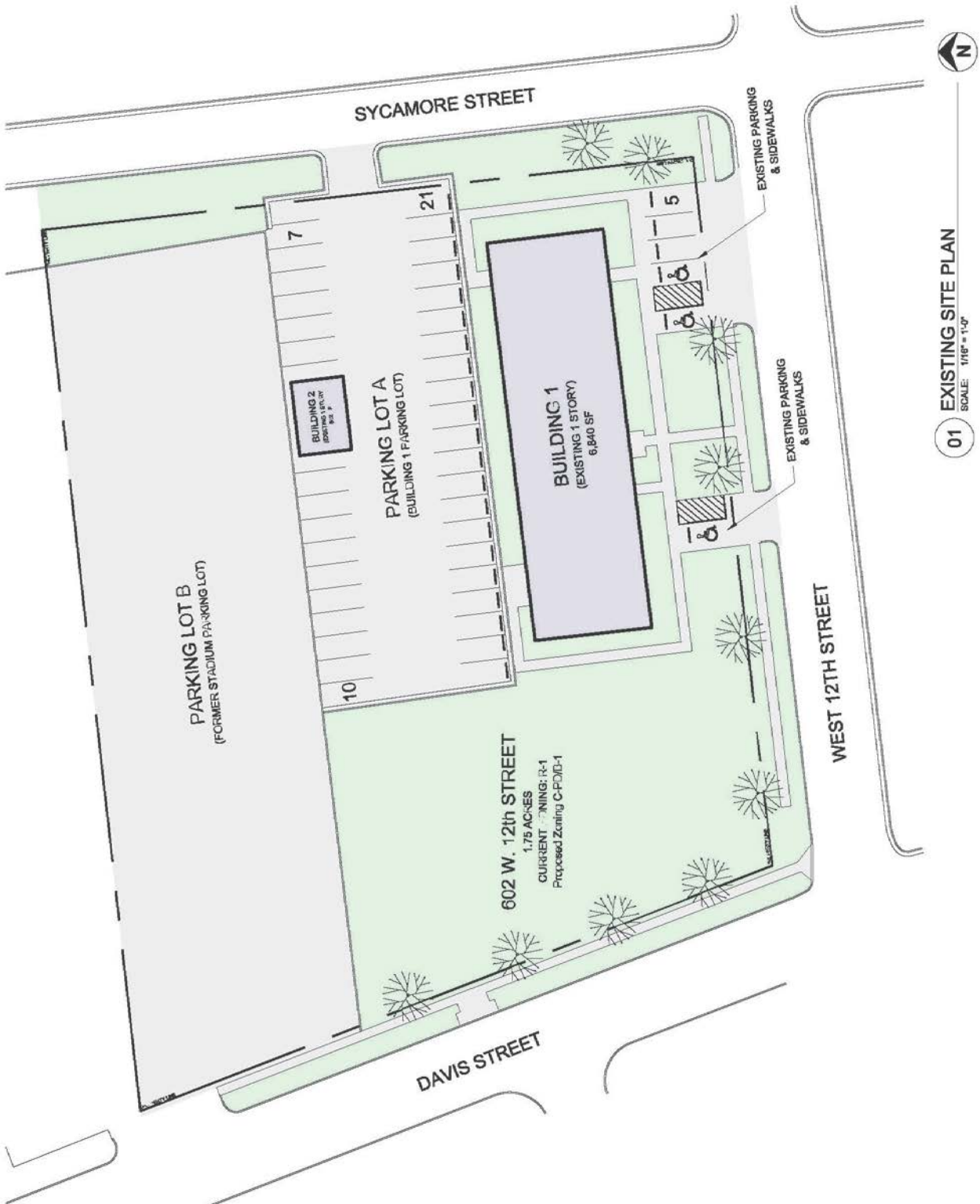


Exhibit C – Existing Property Photos



View from the intersection of Davis Street & W. 12th Street, looking east.



View from Davis Street, looking east.