

AGENDA

CITY OF TAYLOR, TEXAS

PLANNING AND ZONING COMMISSION MEETING

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

March 14, 2017 6:00 P.M.

CALL TO ORDER AND DECLARE A QUORUM

CITIZENS COMMUNICATION

CONSENT AGENDA

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

1. Review and approve minutes from the meeting on February 28, 2017.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

1. **PZ-20171029 - Conduct Public Hearing** on a request for a Specific Use Permit for an Accessory Dwelling Unit at 725 West 8th Street. (Ordinance 2017-09)
2. **PZ-20171029 – Make recommendation** on a request for a Specific Use Permit for an Accessory Dwelling Unit at 725 West 8th Street. (Ordinance 2017-09)
3. **PZ-20171034 – Conduct Public Hearing** on a request to rezone 67.71 acres in the M. Dentler Survey, Abstract No. 211 and the W.G. Robinson Survey (T.T. Williamson Survey, Abstract No. 754), from the R/A District and ETJ to the R-1 (Single-family Residential/Residential - PD District. (Ordinance 2017-08)
4. **PZ-20171034 – Make recommendation** on a request to rezone 67.71 acres in the M. Dentler Survey, Abstract No. 211 and the W.G. Robinson Survey (T.T. Williamson Survey, Abstract No. 754), from the R/A District and ETJ to the R-1 (Single-family Residential/Residential - PD District. (Ordinance 2017-08)
5. Consider an update regarding Council actions related to Planning and Zoning items.

ADJOURN

Next Meeting Date: April 11, 2017

The Board may vote and/or act upon each of the items listed in this Agenda. The Board reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act. I certify that the notice of meeting was posted in the Taylor City Hall Lobby before 6:00 pm on **March 10, 2017** and remained posted for at least 72 continuous hours before the scheduled time of said meeting. I further certify that the following news media was notified of this meeting: Taylor Daily Press.

Posted By: Original Signed Date: 3/10/17
Shae Lazenby, Permit Tech to Development Services

**MINUTES
CITY OF TAYLOR, TEXAS
400 Porter Street, Taylor Texas 76574
PLANNING AND ZONING COMMISSION MEETING
February 28, 2017 6:00 p.m.
City Council Chamber**

PRESENT

Don McAlister
Annette Maruska
Mike Eaton
Donna Frazier
Leland Stevens
Rick Selin
Faith Gardner
Dwayne Ariola
Mike Aplin

ABSENT

OTHERS PRESENT

Ashley Lumpkin, Director Development Services
Carrie Orts, Admin to Development Services
Michael Elabarger, Senior Planner
Shae Lazenby, Permit Tech

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 February 14, 2017.

Motion made by Mr. Stevens to approve minutes as written from the February 14, 2017 meeting.
Second by Mrs. Frazier. All voted Aye. Motion passed.

PZ-20161021 - Conduct Public Hearing on a replat of a portion of Lots 7, 8, and 9 and a portion of an alley, Block 7, Washington Heights Addition, located at 507 West Rio Grande Street.

Hearing opened. Mr. Elabarger made presentation on the request, including the recommendation of approval. Mr. William Chalmers, the owner was present to answer questions. There was discussion between Staff, Board members and the Client. Hearing closed.

PZ-20161021 – Consider Approval on a replat of a portion of Lots 7, 8, and 9 and a portion of an alley, Block 7, Washington Heights Addition, located at 507 West Rio Grande Street.

Mr. Selin made motion to approve replat. Second by Mrs. Maruska. All voted aye. Motion passed.

PZ-20171030 – Consider Approval on a Preliminary Plat of 4.052 acres in the William J. Baker Survey, Abstract No. 65, located at 200 Carlos G. Parker Boulevard.

Mr. Elabarger made presentation on a Preliminary Plat, including the recommendation of approval.

Mr. Cory Hall was present to answer questions. There was discussion between Staff, Board members and the Client.

Mr. Stevens made motion to approve. Second by Mrs. Frazier. All voted aye. Motion passed.

PZ-20171031 – Consider Approval on a Final Plat of 4.052 acres in the William J. Baker Survey, Abstract No. 65, located at 200 Carlos G. Parker Boulevard.

Mr. Elabarger stated that the staff recommends approval of Final Plat. Mr. Stevens made motion to approve. Second by Mrs. Frazier. All voted aye. Motion passed.

Adjourn

The meeting was adjourned at 6:16 p.m.

Carrie Orts
Administrative Assistant Development Services

Don McAlister
Planning & Zoning Commission Chairman

PZ-20171029

725 West 8th Street

Specific Use Permit (SUP) for an Accessory Dwelling Unit (ADU)



Applicant Information:

Applicant: Robert Reid (Owner).

Applicant Request: Specific Use Permit permission to establish an Accessory Dwelling Unit in approximately 600 square feet of the existing structure.

Subject Property:

Location: South side of West 8th Street, east of Kimbro Street

Legal Description: DOAK ADDITION, BLOCK 23, LOT 17-18 & 19/PT, ACRES 0.577

Existing Zoning: R-1 – Single-family Residential District

Utilities: Serviced by City Water and Wastewater; ONCOR Electric

Existing Use of Property: Developed with a single-family residence.

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

Application Summary

The proposal is to establish an Accessory Dwelling Unit in approximately 600 square feet of the existing residence at this property by converting the two-car garage and an adjacent utility room into a dwelling unit. The remainder of the existing structure would be approximately 1,300 square feet. See Attachment 4, a photograph of the portion of the home proposed for the ADU.

The unit would need to be created according to Building and Fire Code requirements, with water and sewer utilities extended from the existing lines that service the existing residence on the property; no new meters or utility connections would be created for the accessory dwelling unit.

The property is zoned R-1 (Single-family Residential District), which principally permits single-family detached dwelling units. Single-family Attached, Two-Family (aka Duplex), and any form of Multifamily dwellings are prohibited in this District. As Accessory Uses, ‘Garage/Accessory Dwellings’ and ‘Caretaker’s/Guard’s Residence’ are two forms of residential occupancy uses that are permitted with an approved Specific Use Permit (SUP) by City Council.

Zoning Ordinance

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

8.2 - Specific Use Permits

8.2.1 Public Hearing, Review and Recommendation

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

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

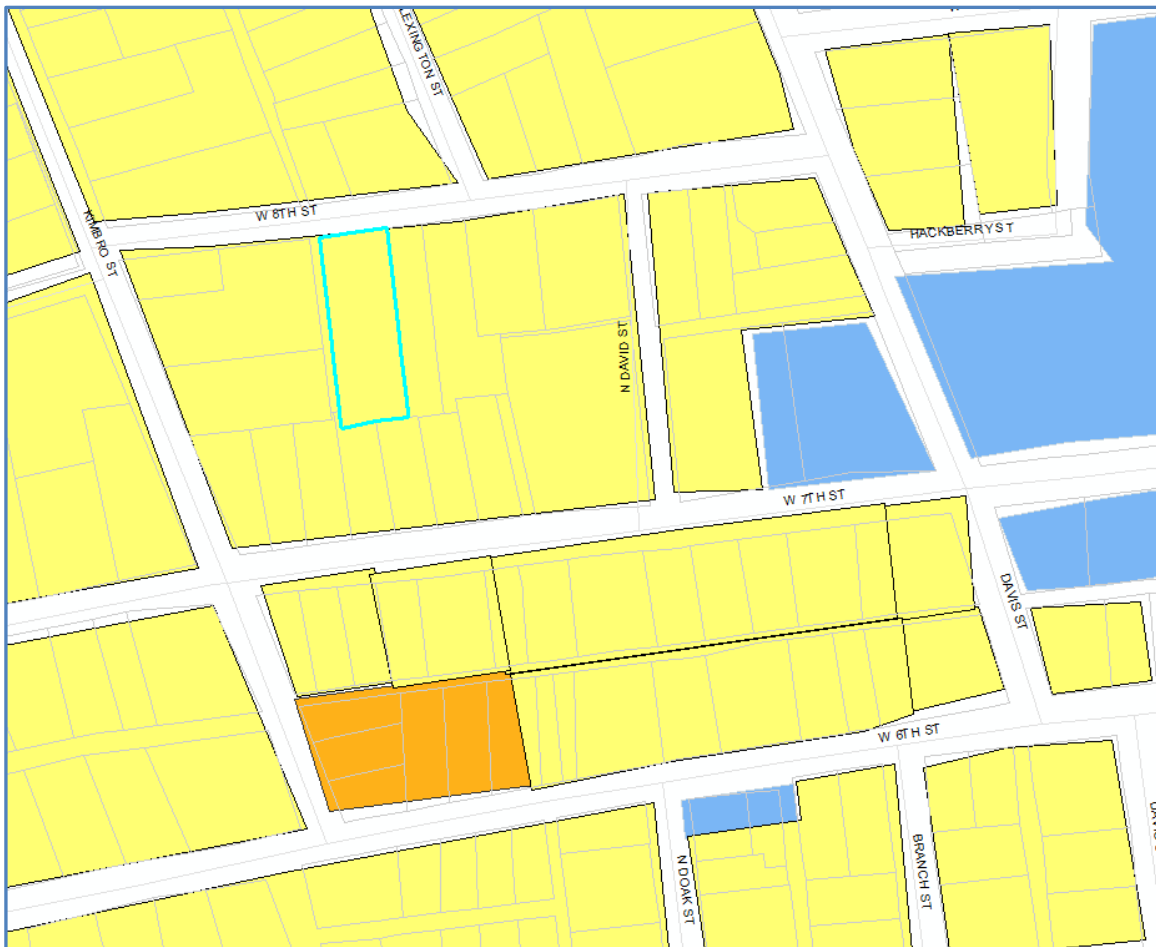
A second public hearing shall be held by the City Council before adopting any proposed amendment, supplement, change or modification. Notice of such public hearing shall be given by publication at least one time in a newspaper of general circulation in the City, which notice shall state the time and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

8.2.2 Review and Action

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

Comprehensive Plan – Future Land Use Map

The City's Future Land Use map, part of the Comprehensive Plan, recognizes this property as being in a large area that is appropriate for "Residential" uses (see below, Yellow is Residential).



Proposed Conditions

1. The Specific Use Permit shall be for one (1) accessory dwelling unit located on the west side of the structure and occupying approximately 600 square feet of that structure.
2. Off-street parking shall be created according to the following:
 - a. A minimum of two (2) covered parking spaces located behind the front yard minimum setback (25'), and not within any side or rear yard setback area, shall be provided prior to issuance of Certificate of Occupancy for either the principle dwelling unit or the Accessory Dwelling Unit.
 - b. Space for an additional two (2) vehicles, minimum, shall be provided on driveways or parking pads on the property.
 - c. Parking shall be created so that each unit shall always have access to two (2) parking spaces (ie, no stacking of vehicles of one unit by vehicles of the other unit).
 - d. The existing driveways from 8th Street, if not presently in a solid-surface, dust-free condition, shall be improved to such for the portion located within the 25' front yard setback area.
 - e. Any area designated as the 4 minimum required parking spaces shall be of a dust-free solid surface.
 - f. All of the above shall be identified on a "Parking Plan" submitted with the Building Permit for the conversion of the spaces identified for the Accessory Dwelling Unit, or the covered parking structure, whichever is submitted first.
 - g. The Certificate of Occupancy for the Accessory Dwelling Unit will not be issued until all the above parking requirements are built and inspected/approved for compliance with these conditions.
3. All applicable Building and Fire Code requirements for the creation of the Accessory Dwelling Unit shall be met during the Building Permit process.
4. Any and all other Zoning Ordinance requirements for a single-family residential use shall be met by the applicant.

Staff Recommendation

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

1. The Comprehensive Plan Future Land Use map designation is "Residential", and an accessory dwelling unit on this property is consistent with that designation.
2. Surrounding development consisting of single-family residences zoned R-1.
3. The current density of the property is 1 dwelling unit on a 0.577 acre lot (or 1.733 dwellings per acre).
4. The additional (accessory) dwelling unit would increase the density to 2 units on a 0.577 acre lot (or 3.46 dwellings per acre).
5. Comparative adjacent and nearby lot densities are 3.3, 2.9, 3.6, 4.5, 4.3, 7.1, 2.8, and 1.4 dwellings per acre.
6. The Conditions of Approval are meant to ensure a level of development that would improve upon the existing conditions of the property.

Attachments:

1. Proposed Ordinance 2017-09
2. Ordinance Exhibit A – Legal Description (Deed Document 2008013116)
3. Aerial Photo (Williamson County 2016 data)
4. Photo of House / Area of ADU
5. Public Comments

ORDINANCE NO. 2017-09

AN ORDINANCE APPROVING A SPECIFIC USE PERMIT FOR PROPERTY BEING DOAK ADDITION, BLOCK 23, LOT 17, 18, AND PART OF 19, ALSO KNOWN AS 725 WEST 8TH STREET IN TAYLOR, WILLIAMSON COUNTY, TEXAS, FOR AN ACCESSORY DWELLING UNIT IN THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TAYLOR, TEXAS, TO SHOW THE SPECIFIC USE PERMIT ADOPTED HEREIN; PROVIDING A SAVINGS CLAUSE.

WHEREAS, the Taylor City Council conducted a public hearing on April 13, 2017, to consider the request made by Robert Reid, Owner of the property, whose property is legally described in Exhibit “A” attached hereto and incorporated by reference herein for all purposes (“Property”), to request a Specific Use Permit for an Accessory Dwelling Unit; and

WHEREAS, the Planning and Zoning Commission, after proper notice, conducted a public hearing on March 14, 2017, to consider the zoning request, and recommended the Specific Use Permit to the City Council; and

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

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

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

SECTION 2. The Property is approved for a Specific Use Permit to allow an Accessory Dwelling Unit per the Conditions contained in Exhibit “B” attached.

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

SECTION 4. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or unconstitutional

SECTION 5. In accordance with Article VIII of the City Charter, Ordinance 2017-09 was introduced before the Taylor City Council on the 13th day of April, 2017.

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

Jesse Ancira, Jr,
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. 2017-09, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2017, 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 _____, 2017.

Susan Brock
City Clerk

EXHIBIT A

[Legal Description – Survey/Field Notes]

DRAFT

EXHIBIT B – CONDITIONS OF APPROVAL

DRAFT

SPECIAL WARRANTY DEED

Date: August 16, 2007

Grantors: Robert D. Reid and Valerie Angela Reid, residents of the State of California

Grantors' Mailing Address:

205 Avenue I, Unit #28
Redondo Beach, CA 90277

Grantee: 725 West 8th Street, LLC, a Texas limited liability company

Grantee's Mailing Address:

725 West 8th Street, LLC
C/O RREM
205 Avenue I, Unit 328
Redondo Beach, CA 90277

Consideration:

Ten dollars and other good and valuable consideration paid by Grantee to Grantors, the receipt and sufficiency of which is acknowledged by Grantors.

Property (including improvements):

Tract 1: Lots 17 and 18, Block 23, Doak's Addition, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet A, Slide 90, Plat Records of Williamson County, Texas.

Tract 2: A portion of Lot 19, Block 23, Doak's Addition, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet A, Slide 90, Plat Records of Williamson County, Texas; said tract being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein by reference.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

This deed is subject to all mortgage and vendor's liens, easements, restrictions, assessments, conditions, covenants, interests, and other instruments of record against the Property.

Grantors, for the consideration and subject to the reservations from conveyance, and exceptions to conveyance and warranty, grant, sell, and convey to Grantee all of Grantors' interest in the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee and Grantees' heirs, successors, and assigns forever. Grantors bind Grantors and Grantors' 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 Grantors but not otherwise, except as to the reservations from conveyance and exceptions to conveyance and warranty.

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

Grantee assumes all ad valorem taxes due on the Property for the current year.


Robert D. Reid, Grantor

ACKNOWLEDGEMENT

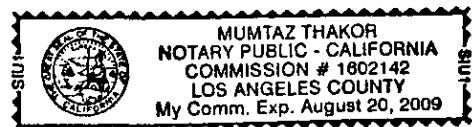
STATE OF CALIFORNIA §

COUNTY OF LOS ANGELES §

This instrument was acknowledged before me on Feb. 7, 2008, by Robert D. Reid.


Notary Public, State of CALIFORNIA

Notary Stamp:



Valerie Reid

Valerie Angela Reid, Grantor

ACKNOWLEDGEMENT

STATE OF CALIFORNIA

§

COUNTY OF LOS ANGELES

§

This instrument was acknowledged before me on Feb. 7, 2008, by Valerie Angela Reid.

Mumtaz Thakor

Notary Public, State of CALIFORNIA

Notary Stamp:



AFTER RECORDING RETURN TO:

725 West 8th Street, LLC
C/O RREM
205 Avenue I, Unit 328
Redondo Beach, CA 90277

PREPARED IN THE LAW OFFICE OF:

2
E
MosterWynne
620 Congress Avenue, Suite 320
Austin, Texas 78701

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS 2008013116

Nancy E. Rister

02/21/2008 10:03 AM

SURRATT \$24.00

NANCY E. RISTER, COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

ATTACHMENT 3 - Aerial Photo



ATTACHMENT 4 –
PORTION OF HOUSE PROPOSED FOR ACCESSORY DWELLING UNIT



ATTACHMENT 5 - PUBLIC COMMENTS

From: [Todd Osborn](#)
To: [Susan Brock](#); [Don McAlister](#); [Carrie Orts](#)
Cc: [Michael Elabarger](#)
Subject: Upcoming agenda item - SUP - PZ20171029
Date: Thursday, March 09, 2017 12:54:46 PM

Don<

I'm not sure I'll be able to make the upcoming meeting to speak out in opposition to this SUP (PZ20171029). This is a fantastic neighborhood and in a renewal phase and the additional density doesn't seem to fit the other homes in this area. I'm also not sure how parking would work within this item. Have a great one,

Todd Osborn
710 West 11th, 76574



Todd Osborn
CISA, CISSP, C|EH
512-773-3871 cell
512-352-5992 fax
todd@kendrickservices.com
www.kendrickservices.com

KENDRICK
services

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regm removed message

From: "Aaron Mullins" <aaron@unisondevelopment.org>
To: "Carrie Orts" <carrie.orts@taylor.tx.gov>, "garywmaruska@sbcglobal.net" <garywmaruska@sbcglobal.net>, "Ashley Lumpkin" <ashley.lumpkin@taylor.tx.gov>, "donnafrazier1704@gmail.com" <donnafrazier1704@gmail.com>, "dwayne.ariola@gmail.com" <dwayne.ariola@gmail.com>, "fanewkirk@yahoo.com" <fanewkirk@yahoo.com>, "stevenscpa@sbcglobal.net" <stevenscpa@sbcglobal.net>, "eaton.mike@att.net" <eaton.mike@att.net>, "Rick_selin@hotmail.com" <Rick_selin@hotmail.com>, "Robert Copeland" <robert.copeland@taylor.tx.gov>
Subject: Upcoming agenda item - SUP - PZ20171029

All,

I'm not sure I will be able to make the upcoming meeting to speak out in opposition to PZ20171029. As a very close neighbor to this property, I would like to say that this property is a very poorly maintained rental unit. I believe that allowing this property owner to rezone, therefore adding more renters will be detrimental to this area and will just promote further poor maintenance and upkeep of the property. I would also like to add that due to the narrow width of the lot all new covered parking would have to be created directly in front of the house which doesn't fit the style and feel of this reviving historic neighborhood.

I have seen Taylor change quite a bit in the past few years which has been very encouraging. There have been many people moving in and restoring homes and reviving this town. It bothers me to see rental homes owned by people outside of Taylor, that have no intentions of improving our neighborhoods or town be completely uncared for. Thank you for serving our city and taking time to read this email and consider what I have to say.

Thanks,
Aaron

From: [redacted]
To: [redacted]
Subject: [redacted]
Date: [redacted]
Time: [redacted]
Please include the comments on the report and the email with the photos.
One last my Office
Begin forwarded message:
From: "Robert Caplan" [redacted]
To: "Robert Caplan" [redacted]
Subject: Upgrading upgrade issue - 10/17/2017 10:08 AM
Hi,
We will not be able to make the upcoming meeting to speak and in addition to the property, I would like to say that this property is a very quiet residential street. I believe that allowing the property owner to move, without adding more vehicles and be detrimental to this area and will just increase further your maintenance and safety of the property. I would also like to add that due to the narrow width of the lot of one corner parking would have to be created directly in front of the house which doesn't fit the style and that of the existing houses in the neighborhood.
I have seen before change signs a lot in the past few years which has been very annoying. There have been many people moving in and existing houses and moving houses. I believe that to see and have caused by people outside of the city, that have no intention of improving our neighborhoods or even to completely understand. Thank you for sending your email and letting me to read this email and consider what I have to say.
Respectfully,
Robert



PZ-20171034
67.71 acres in the M. Dentler Survey,
Abstract and the W.G. Robinson Survey
Rezoning from R/A and ETJ to R-1/RPD



Applicant Information:

Applicant: Josh Welch, W&B Development (applicant) on behalf of Hafernik Farm Group (owner)

Applicant Request: Rezone the property from the R/A District and ETJ to the R-1 (Single-family Residential/Residential - PD District

Subject Property:

Location: South of the southeast corner of Carlos G. Parker Blvd and FM 973

Legal Description: 67.71 acres in the M. Dentler Survey, Abstract No. 211 and the W.G. Robinson Survey (T.T. Williamson Survey, Abstract No. 754)

Existing Zoning: R/A – Residential Agriculture District and Unzoned ETJ

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

Existing Use of Property: Vacant/undeveloped.

Adjacent Zoning and Land Use Pattern:

<u>Direction</u>	<u>Current Zoning</u>	<u>Existing Land Use</u>
North	I – Institutional District	Taylor High School
South	Unzoned - ETJ	Vacant/undeveloped/farm land
East	Unzoned - ETJ	Vacant/undeveloped/farm land
West	FM 973 right-of-way and Unzoned - ETJ	Vacant/undeveloped/farm land

Application Summary

The proposal is to rezone an unplatted tract of land from the R/A (Residential Agriculture) District and Extraterritorial Jurisdiction (ETJ) to the R-1 (Single-family Residential) and Residential - PD District (RPD) District for a single-family subdivision. The result of this request is approximately 3.6 acres being rezoned from R/A (Residential Agriculture) District to R-1/RPD and an original zoning of the remaining approximate 62.7 acres to R-1/RPD. A voluntary annexation petition will be presented to City Council in conjunction with the recommendation of this Residential Planned Development.

The intent of the request is to provide the ability to develop a residential subdivision with lot sizes a minimum of 6,000 square feet while provide an open space/detention/park area in excess of nine acres at the north of the project. The developer also proposes a pedestrian connection to the adjacent Taylor High School. The applicant has provided two conceptual exhibits that demonstrate the proposed layout of approximately 279 single-family lots and the open space area. A Preliminary Plat has been submitted but the proposed zoning must

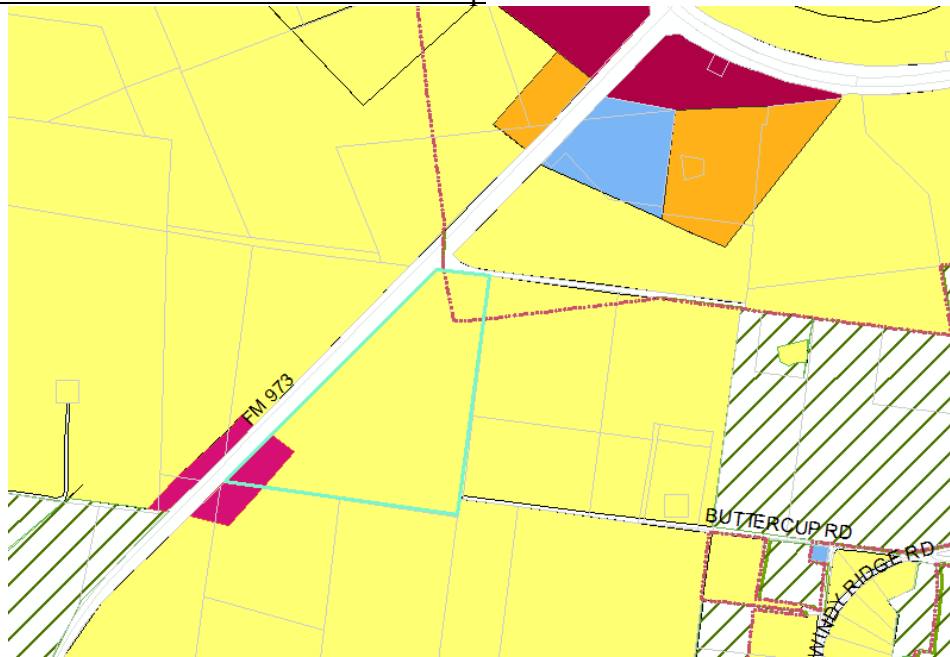
be obtained due to the variations from the standard R-1 Single-family District. The Preliminary Plat is expected to be presented at the April Planning and Zoning Commission meeting.

The R-1/RPD District “is intended to allow and encourage greater design flexibility and variety in residential planned developments”. Key development standards for the proposed RPD meet or exceed the RPD/R-1 District standards in the following manner:

- The lot sizes conform to the Zoning Ordinance RPD minimum of 6,000 square feet
- Masonry Standards for the RPD are defined as stone, brick, stucco, and up to 75% of horizontally installed cement based siding
- All two-story homes along FM 973 and corner lots will be constructed of 90% masonry to provide an upgraded rear façade along the corridor
- Front and rear porches/patios are required elements for each home
- Each home will include a two-car garage
- Elevation variations within the subdivision are proposed so that no three adjacent lots will have the same home elevation
- Subdivision fencing will include masonry columns, a top cap, and treated wood along FM 973
- Trees and drought-resistant sod will be provided for each front yard as required landscaping.
- Over nine acres of open space will be provided within a HOA-maintained amenity park and drainage facility
- The developer will provide a walking trail adjacent to the parkland and detention area as well as provide connection to the adjacent Taylor High School
- A covered pavilion and a playground will also be provided.

The City’s Future Land Use map, part of the Comprehensive Plan, recognizes this property as being appropriate for single-family uses, with a small portion of the area having also been provided the ability for Gateway Commercial. See the clip on the next page from the Future Land Use map.

Comprehensive Plan – Future Land Use Map



Staff Recommendation

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

1. The Comprehensive Plan Future Land Use map designation of Residential supports and equates directly to the uses and development standards of the R1-RPD
2. The property sits in an area identified by the UTSA : A Vision for Growth plan as Growth Sector #4 stating, “The presence of Taylor High School within the sector makes it attractive to families, and the accessibility and proximity to important parts of Taylor only increase this value.”
3. Surrounding zoning of R-1 and R/A Districts are holding districts from the time of annexation, and do not present conflicts with a proposed residential district.
4. The proposed amenities, open space, and architectural features proposed exceed the minimum standards of the R-1 Single-Family Zoning District/RPD as adopted in the Zoning Ordinance.

Attachments:

1. Proposed Ordinance 2017-08
2. Aerial Map

ORDINANCE NO. 2017-08

AN ORDINANCE CHANGING THE ZONING OF PROPERTY DESCRIBED AS BEING 67.71 ACRES IN THE M. DENTLER SURVEY, ABSTRACT NO. 211 AND THE W.G. ROBINSON SURVEY (T.T. WILLIAMSON SURVEY, ABSTRACT NO. 754), GENERALLY LOCATED AT 530 FM 973 IN TAYLOR, WILLIAMSON COUNTY, TEXAS, AND LEGALLY DESCRIBED IN THIS ORDINANCE FROM RESIDENTIAL AGRICULTURE DISTRICT R/A AND SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 TO SINGLE FAMILY – RESIDENTIAL PLANNED DEVELOPMENT R-1/RPD; 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 March 23, 2017, to consider the request made by W&B Development/Josh Welch and Hafernik Farm Group, as Applicant Agent 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 Residential Agriculture R/A and to Local Business B-1; and

WHEREAS, the Planning and Zoning Commission, after proper notice, conducted a public hearing on February 14, 2017, 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 Residential Agriculture (R/A) and Single-Family Residential District to Single-Family Residential District/Residential Planned District R-1/RPD.

SECTION 3. The Official Zoning map of the City of Taylor, Texas, is changed to show the Property zoning district changed from Residential Agriculture (R/A) and Single-Family Residential District to Single-Family Residential District/Residential Planned District R-1/RPD.

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 2017-08 was introduced before the Taylor City Council on the 23rd day of March, 2017.

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

Jesse Ancira, Jr,
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. 2017-05, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2017, 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 _____, 2017.

Susan Brock
City Clerk

EXHIBIT A

[Legal Description – Survey/Field Notes]

EXHIBIT "A"
67.71 ACRE TRACT
WILLIAMSON COUNTY, TEXAS

Field Notes for a 67.71 acre tract of land situated in, and being out of the M. Dentler Survey, Abstract No. 211 and the W.G. Robinson Survey (T.T. Williamson Survey, Abstract No. 754), Williamson County, Texas, and being a part of a called 150 acre "Tract I" described in a deed to Vernon G. Hafernik, Jr., Rose Marie Hafernik Apel and John Fred Hafernik, recorded in Document No. 2011036448, Official Public Records of Williamson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod with cap found in the south line of a called Lot 1, Block A of the Taylor High School Addition to the City of Taylor, recorded in Document No. 2011040451, Official Public Records of Williamson County, Texas, said corner also being the northeast corner of said 150 acre tract and the northwest corner of a called 55 acre tract of land described in a deed to Emily Jo Simons, recorded in Volume 737, Page 21, of said records, for the northeast corner of the herein described tract, from which an "X" scratched in the top of a concrete storm structure bears N 73°48'27" W, 41.74 feet;

THENCE S 07°33'38" W, 2049.13 feet, departing the south line of said Taylor High School tract, with east line of said 150 acre tract and the west line of said 55 acre tract, to an iron rod with cap found in the south line of said 150 acre tract and the north line of a called 34.43 acre tract of land described in a deed to Glen & Joan Polasek, recorded in Document No. 2001048223, of said records, also being the southwest corner of said 55 acre tract;

THENCE N 83°08'51" W, 23.72 feet, to a ½ inch iron rod found for the northwest corner of said 34.43 acre tract and an interior corner of said 150 acre tract and of the herein described tract;

THENCE S 08°41'16" W, 160.57 feet, with the common line of said 150 acre tract and said 34.43 acre tract, to a concrete monument found at the southeast corner of said 150 acre tract and the northeast corner of a called 78.95 acre tract of land described in a deed to Charlie W. Mikulencak, recorded in Document No. 2008045905, of said records, for the southeast corner of the herein described tract;

THENCE N 82°26'18" W, with the south line of said 150 acre tract and the north line of said 78.95 acre tract, at 1081.14 feet passing an iron rod with cap found for the northwest corner of said 78.95 acre tract and the northeast corner of a called 29.089 acre tract of land described in a deed to Dennis & Theresa Pokorny, recorded in Document No. 199802230, of said records, continuing on the same bearing an additional 1058.04 feet for a total distance of 2139.18 feet, to an iron rod with cap found in the east right-of-way line of F.M. Road 973, for the southwest corner of the herein described tract, from which a found concrete TXDOT monument bears S 44°29'29" W, 1271.08 feet;

THENCE N 44°27'17" E, 2761.39 feet, with the east right-of-way line of said F.M. 973 to a ½ inch iron rod found in the north line of said 150 acre tract and for the southwest corner of said Taylor High School tract, for the northwest corner of the herein described tract;

THENCE S 82°36'38" E, with the north line of said 150 acre tract and the south line of said Taylor High School tract, at 107.00 feet passing a concrete monument found, continuing with the same bearing for a total distance of 508.29 feet, to the **POINT OF BEGINNING**, and containing 67.71 acres of land, more or less.

NOTES:

*The bearings recited hereon are grid bearings derived from GPS observations based on the Texas State Plane Coordinate System, NAD1983 (2011) datum, Texas Central Zone No. 4203. All distances are horizontal ground distances. The average Combined Correction Factor (CCF) is 0.999887929. Grid distance = Ground Distance * CCF. Permanent iron rods set for corner are 1/2 inch iron rods with cap marked "YALGO 6200", unless otherwise noted herein.*


Luther E. Frobish
Registered Professional Land Surveyor
State of Texas No. 6200



TOPOGRAPHIC SURVEY LEGEND

- = IRON ROD FOUND, UNLESS OTHERWISE NOTED
- ⊠ = CONCRETE BLOCK MONUMENT FOUND
- ⊙ = SANITARY SEWER MANHOLE
- = OVERHEAD ELECTRIC LINE
- UGU = UNDERGROUND UTILITY MARKER
- ⊙ = POWER POLE
- ← = GUY WIRE
- ⊕ = WATER VALVE
- ⊕ = FIRE HYDRANT ASSEMBLY

JOHN FRED ET AL. HAFERNIK
DOC# 2011036448, OPRWCTX
06/06/2011

JOHN FRED ET AL. HAFERNIK
DOC# 2011036448, OPRWCTX
06/06/2011

HUNG ET AL.
NGUYEN
DOC# 2007002705
OPRWCTX
01/08/2007

CALLED 29.089 ACRES
DENNIS & THERESA POKORNY
DOC# 199802230 OPRWCTX
01/14/1998

VERNON G. HAFERNIK, JR.;
ROSE MARIE HAFERNIK APEL;
AND JOHN FRED HAFERNIK
DOC# 2011036448, OPRWCTX
06/06/2011

CALLED 78.95 ACRES
CHARLIE W. MIKULJENCAK
DOC# 2008045995 OPRWCTX
06/10/2008

CALLED 34.43 ACRES
GLEN & JOAN POLASEK
DOC# 2001048223 OPRWCTX
07/06/2001

"X" Concrete
N 73°48'27" W 41.74'
from P.O.B.

TAYLOR HIGH SCHOOL ADDITION
DOC# 201140451 OPRWCTX
LOT 1, BLOCK A

CALLED 55 ACRES
EMILY JO SIMONS
VOL. 737 PG. 21 OPRWCTX
11/14/1978

CALLED 55 ACRES
EMILY JO SIMONS
VOL. 737 PG. 21 OPRWCTX
11/14/1978

GENERAL NOTES:

- The bearings recited hereon are grid bearings derived from GPS observations based on the Texas State Plane Coordinate System, NAD1983 (2011) datum, Texas Central Zone No. 4203. All distances are horizontal ground distances. The average Combined Correction Factor (CCF) is 0.999887929. Grid distance = Ground Distance x CCF. Permanent iron rods set for corner are 1/2 inch iron rods with cap marked "YALGO 6200", unless otherwise noted herein. All coordinates can be referenced to a benchmark described as an "X" scratched on top of a concrete storm structure that bears N 73°48'27" W, 41.74 feet from the Point of Beginning. Observed GPS coordinates for said "X" in concrete benchmark are N=10174591.11, E=3209651.53, Z=611.56' (NAVD88-Geoid12A).
- No portion of this tract is within a Special Flood Hazard Area per the Flood Insurance Rate Maps (FIRM), Panel No. 48491C0540E & Panel No. 48491C0545E, both dated September 26, 2008. This Surveyor does not attest to the accuracy or inaccuracy of said map or study and does not imply that any portion of, or structure located upon, this tract will be free from flooding or flood damage.
- This survey was performed with the benefit of a title commitment provided by Fidelity National Title Insurance Co., Georgetown, TX, GF No. 17054655.
- This surveyor could not find any documentation supporting the existence of any easements within the subject property. There are no visible encroachments or protrusions affecting this tract.
- Interior fencing, temporary buildings, and other items deemed by the Surveyor as not related to boundary line determination are not shown hereon.
- This survey was made in accordance with and satisfies the requirements of the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey, and conforms to the current standards promulgated by the Texas Board of Professional Land Surveying.

TITLE COMMITMENT EASEMENT NOTES:

- Underground cable/overhead electric lines were located inside R.O.W. as shown hereon.

SURVEYOR'S CERTIFICATE

I, the undersigned, Registered Professional Land Surveyor, in the State of Texas, do hereby certify to the best of my knowledge and belief, that this map is true and correct, that it was prepared from an actual survey of the property made on the ground, and that all boundary survey monuments are correctly shown thereon.

Luther E. Frobish 2/16/2017

Luther E. Frobish
Registered Professional Land Surveyor
State of Texas No. 6200



REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	02/16/2017	LEF

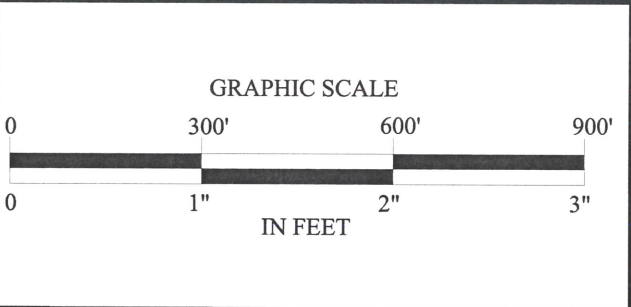


EXHIBIT "B"
67.71 ACRE PROPERTY
WILLIAMSON COUNTY, TEXAS

Yalgo, LLC
3000 Illinois Ave., Suite 100
Killeen, TX 76543
PH (254) 953-5353
FX (254) 953-0032
Texas Registered Engineering
Firm F-10264
Texas Registered
Surveying Firm 10194095

SHEET
1
OF
1

**Avery Glen
Planned Development
Development Plan**

A. PROPERTY

The Avery Glen Planned Development District encompasses approximately 67.71 acres, located within the city limits of Taylor, Texas, and more particularly described in **Exhibit A**. It is hereinafter referred to as the “property”.

B. PURPOSE

This PD serves to augment and/or modify the standards for development outlined in the City’s Zoning, Subdivision, and other development related Ordinances in order to implement the vision for the property and insure a cohesive, quality development not otherwise anticipated by the underlying base zoning district. This Development Plan, titled **Exhibit A**, is a summary of the development and design standards for the property, and a site layout plan of the proposed development as described in Zoning Ordinance Article IV. Planned Development Districts (Section 2.17, Residential Planned Development District [RPD]).

C. APPLICABILITY AND BASE ZONING

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by the R-1 (Single Family Residential) zoning district and other section of the Code, as applicable. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

All other Ordinances within the Code, shall apply to the Property, except as clearly modified by this Plan. In the event of a conflict, the terms of this Plan shall control. In the case that this Development Plan does not address a specific item, the City of Taylor development regulations shall apply.

D. SITE LAYOUT PLAN

A Site Layout Plan has been attached to this Development Plan as **Exhibit A** to illustrate the land use and design intent for the property. The Site Layout Plan is intended to serve as a guide to illustrate the general vision and design concepts and is not intended to serve as a final document. The Site Layout Plan depicts roadways, residential areas, park areas, and landscaping that may be developed in phases, provided the minimum requirements of the PD district are met. Approval of this PD, Development Plan, and Site Layout Plan does not constitute approval of a subdivision plat.

E. PERMITTED USES

The primary use of the Property shall be for single family residential housing, R-1, Single Family Residential District. Accessory uses not specifically covered by this Plan shall be regulated by the R-1 (Single Family Residential) zoning district except that above ground pool are prohibited.

F. DEVELOPMENT STANDARDS

1. Single Family Development Standards

Minimum lot size	6,000 SF
Minimum lot Width	50 ft.
Minimum setback from street (ROW)	25 ft.

Minimum garage door setback from street	25 ft. or 15 ft for side entry
Minimum side setback	5 ft. ⁽¹⁾
Minimum rear setback	10 ft.
Minimum accessory building setback	5 ft, not permitted in any street yard setback
Maximum height of principal building	2.5 stories/35 feet
Maximum height of accessory building	10 ft. ⁽²⁾
Maximum height of fence outside front street yard	6 ft.

(1) Side setbacks for corner lots shall be one half (1/2) of the front yard setback

(2) Accessory buildings or structures are limited to 7 feet (7') in height for all lots along the FM973 corridor.

2. Masonry Façade Requirements

The exterior finish of all single family homes within the Plan shall be masonry, except non-load bearing elements such as doors, windows, trim, and accents. Gables, roofs, soffits, porches, and patios may also be of a non-masonry material. Masonry shall be defined as stone, brick, two-step hard coat stucco, and up to 75% of horizontally installed cement based siding. Façade requirements are further regulated as follows:

- a. Two story homes shall be constructed with 90% brick or stone on exposed surface walls facing roadways, except non-load bearing elements such as doors, windows, trim, gables, roofs, soffits, patios, porches, and accents.
 - i. All homes adjacent to FM973; and
 - ii. All homes on corner lots

3. Building Elevations

Exterior elevations shall vary so that no three adjacent lots shall have the same elevation. Building elevations on lots directly across from one another must also differ.

4. Exterior Lighting. Exterior Lighting on the Property and its buildings will comply with the requirements set forth in Chapter 5 of the Zoning Ordinance related to outdoor lighting.

5. Garages

All homes constructed within the Plan shall include a two car garage.

6. Porches

All homes shall have a back patio or porch with the home.

H. VEHICULAR ACCESS AND CIRCULATION

Driveways Access. Driveway permits will be required from TXDOT for two (2) access points to FM 973 and the TXDOT standards will have to be met.

I. LANDSCAPE AND BUFFER REQUIREMENTS

Landscaping on the Property shall be in conformance with Chapter 28 of the City Code unless otherwise stated in this Development Plan. All single family lots shall contain the following landscaping, located outside of the easements along the rights-of-way:

- a. One (1) - 2" caliper shade tree in the front yard
- b. Five (5) – 5 gallon shrubs

- c. All corner lots shall contain an additional 2" caliper shade tree adjacent to the street side
- d. All single family lots shall have drought resistant grass, such as Bermuda or Buffalo Grass, sodded in the front yard upon Certificate of Occupancy. Synthetic lawns or plants are prohibited.

K. SIGNAGE

Signage on the Property shall be in conformance with Chapter 24 of the Code for a subdivision greater than 50 acres and placed at each of the two entrances at FM 973.

N. PARKLAND AND COMMON AMENITIES

1. Parkland

- a. The parkland dedication requirements of Subdivision Ordinance Section 2.12 will be met with as follows:
 - i. The Park and Drainage Facilities shall be in excess of 9 acres.
 - ii. The Park area is estimated to be approximately 3 acres out of the 9 acres. Final determination of acreage for the park will be determined by the remainder of the acreage not required for Drainage Facilities and will be determined upon City Engineer plan approval for the Drainage Facilities.
 - iii. The detention area is approximately 6 acres and shall serve as additional open space
 - iv. Park area shall be maintained by the Home Owners' association

2. Common Amenity Area

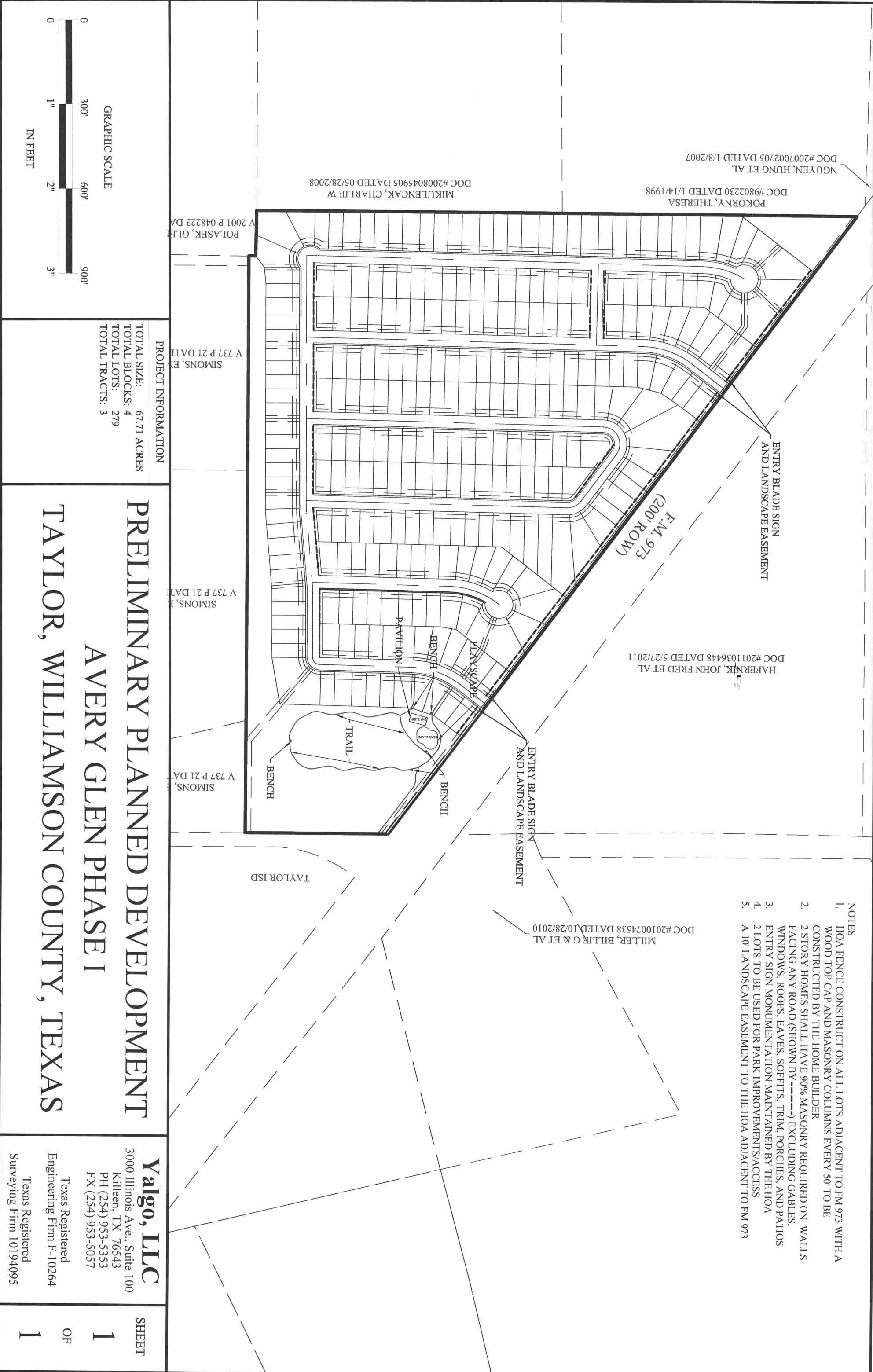
- a. A walking trail, a minimum of a ¼ mile in length will connect pedestrian traffic from the neighborhood to the high school property
- b. A walking trail will also be installed adjacent to the parkland and detention area as generally depicted in Exhibit A.
- c. Park benches shall be provided along the trail and throughout the Park, with a minimum of five (5) places across the property. A low seating wall at the playground area shall suffice in lieu of two (2) benches.
- d. Covered pavilion in the park area
- e. Play ground in the park area
- f. A six (6') foot typical cedar fence with treated rails and a minimum picket size of 1" x 6", and a top cap with masonry columns every 50' shall be constructed by the Home Builder within an HOA landscape easement along FM 973.
- g. Two points of pedestrian access into the Park area
- h. No less than the equivalent of the average of two residential lots will be provided in addition to the park and common amenity area
- i. All above improvements to be maintained by the HOA

P. PD DISTRICT MODIFICATIONS

Any modifications of this Plan shall adhere to the provisions as stated in Chapter 2, Zoning Ordinance, City of Taylor.

Q. LIST OF EXHIBITS

Exhibit A – PD Site Layout Plan



- NOTES
1. HOA FENCE CONSTRUCT ON ALL LOTS ADJACENT TO FM 973 WITH A WOOD TOP CAP AND MASONRY COLUMNS EVERY 50' TO BE CONSTRUCTED BY THE HOME BUILDER
 2. 2 STORY HOMES SHALL HAVE 90% MASONRY REQUIRED ON WALLS FACING ANY ROAD (SHOWN BY -----) EXCLUDING GABLES, WINDOWS, ROOFS, EAVES, SOFFITS, TRIM, PORCHES, AND PATIOS
 3. ENTRY SIGN MONUMENTATION MAINTAINED BY THE HOA
 4. 2 LOTS TO BE USED FOR PARK IMPROVEMENTS/ACCESS
 5. A 10' LANDSCAPE EASEMENT TO THE HOA ADJACENT TO FM 973

PROJECT INFORMATION

TOTAL SIZE: 67.71 ACRES
 TOTAL BLOCKS: 4
 TOTAL LOTS: 279
 TOTAL TRACTS: 3

PRELIMINARY PLANNED DEVELOPMENT

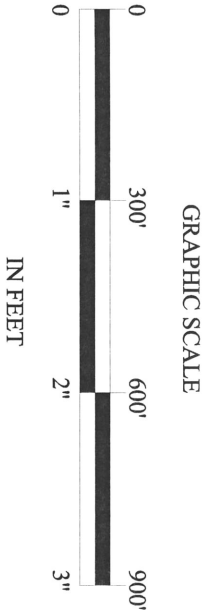
AVERY GLEN PHASE I

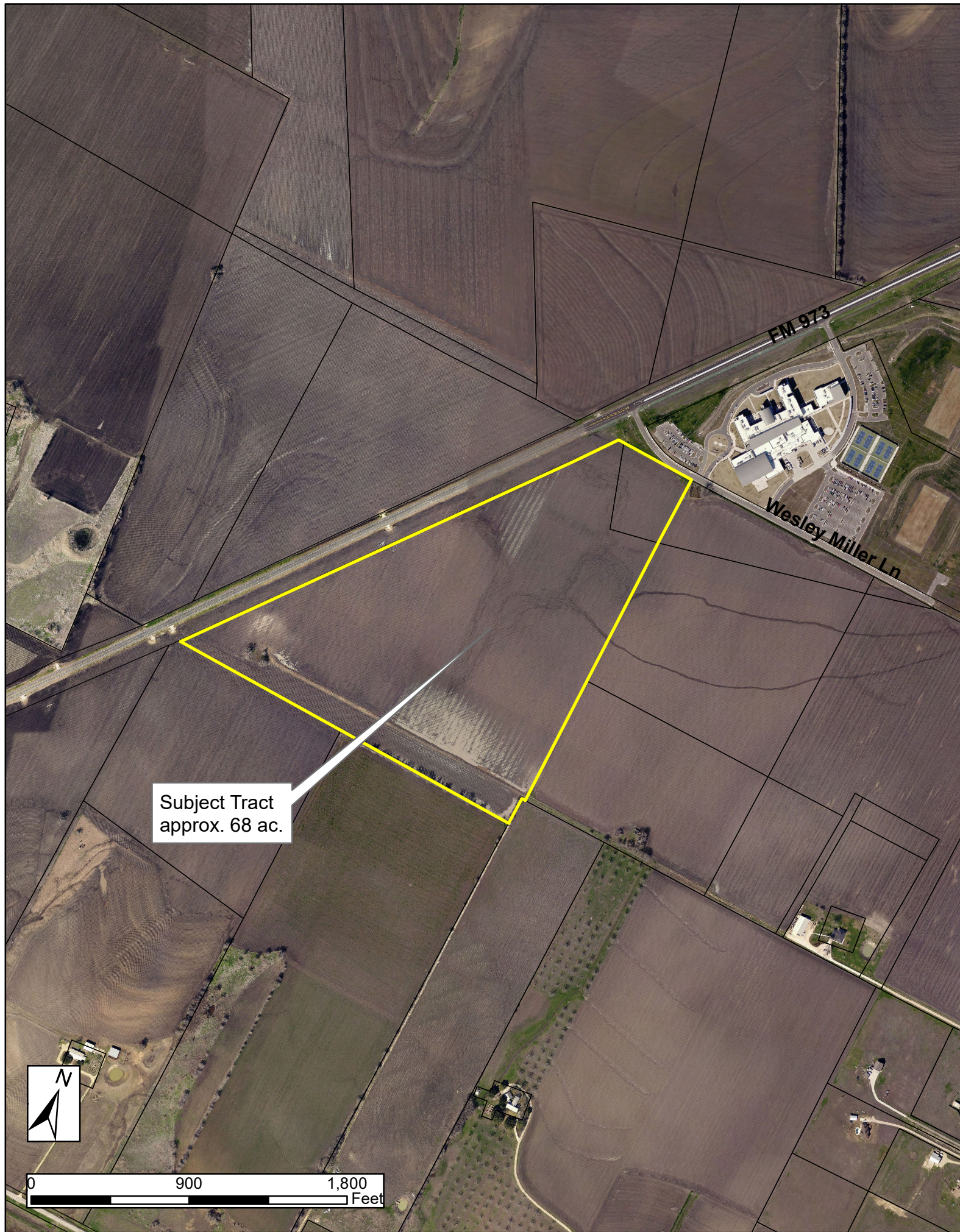
TAYLOR, WILLIAMSON COUNTY, TEXAS

Yalgo, LLC
 3000 Illinois Ave., Suite 100
 Killen, TX 76543
 PH (254) 953-5353
 FX (254) 953-5057

Texas Registered
 Engineering Firm F-10264

Texas Registered
 Surveying Firm 10194095





Subject Tract
approx. 68 ac.

FM 973

Wesley Miller Ln



0 900 1,800 Feet