

## AGENDA

### CITY OF TAYLOR, TEXAS

#### PLANNING AND ZONING COMMISSION MEETING

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

**March 12, 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 January 8, 2019.

#### REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

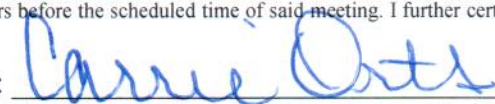
1. Introduction of New Members and Officer Elections
2. **PZ-2019-1125 – Conduct Public Hearing** on a request which proposes to change the current zoning of Light Industrial (M-1) to Mixed Use District – Downtown Neighborhood (DN) for a parcel of land being approximately 0.0991 acres, more or less, 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 3<sup>rd</sup> Street, Taylor, Williamson County, Texas. (ORDINANCE 2019-11)
3. **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 3<sup>rd</sup> Street, Taylor, Williamson County, Texas. (ORDINANCE 2019-11)
4. Consider an update regarding Council actions related to Planning and Zoning items.

#### ADJOURN

**Next Meeting Date: April 9, 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 **March 8, 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:

3.7.2019

**MINUTES  
CITY OF TAYLOR, TEXAS  
400 Porter Street, Taylor Texas 76574  
PLANNING AND ZONING COMMISSION MEETING  
January 8, 2019 6:00 p.m.  
City Council Chamber**

**PRESENT**

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

**ABSENT**

Rick Selin

**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 November 20, 2018.**

Motion made by Mrs. Maruska to approve minutes from November 20, 2018 as written. Second by Mr. Stevens. All voted Aye.

**PZ-2018-1113 – Conduct Public Hearing on a request which proposes to change the current zoning of Single-Family Residential Zoning District (R-1) to Light Industrial Zoning District (M-1) for a parcel of land being approximately 9.46 acres, more or less, more particularly described by Williamson Central Appraisal District Parcel R019079; part of and out of the P. Coursey Survey, Abstract No. 131, generally located east of SH 95 at the end of Southpark Blvd. (ORDINANCE 2019-02)**

Mrs. Shelton made presentation including recommendation of approval as the plat meets the regulations set forth in the ordinance for the planned development, the State and Local Subdivision Ordinances. David Peter was present to answer questions. There was discussion between Board and Staff.

**PZ-2018-1113 – Make Recommendation on a request which proposes to change the current zoning of Single-Family Residential Zoning District (R-1) to Light Industrial Zoning District (M-1) for a parcel of land being approximately 9.46 acres, more or less, more particularly described by Williamson Central Appraisal District Parcel R019079; part of and out of the P. Coursey Survey, Abstract No. 131, generally located east of SH 95 at the end of Southpark Blvd. (ORDINANCE 2019-02)**

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

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

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

**Discuss the upcoming 2019 P&Z meeting calendar**

Board reviewed upcoming 2019 P&Z Calendar.

**Adjourn**

The meeting was adjourned at 6:21 p.m.

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Carrie Orts  
Administrative Assistant Development Services

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Don McAlister  
Planning & Zoning Commission Chairman

**City of Taylor**  
**Located at 404 East 3<sup>rd</sup> Street**  
**Zoning Map Amendment**  
**Staff Report**

**Requested Action:** Zoning Map Amendment to the official zoning map to re-zone approximately 0.0991 acres from Light Industrial (M-1) to Mixed Use District – Downtown Neighborhood (DN).

**Applicant:** Johan Borge

**Subject Property:** Is approximately 0.0991 acres, more or less, more particularly described by Williamson Central Appraisal District Parcel R105207; approximately the east 40 feet of Lots 6 and 7, Block 47, City of Taylor Subdivision, addressed as 404 East 3<sup>rd</sup> Street, Taylor, Williamson County, Texas.

**Parcel Information**

**Current Zoning:** Light Industrial (M-1)

**Current Use:** Single-Family Residential

**Proposed Zoning:** Downtown Neighborhood (DN)

**Future Land Use Plan:** Downtown Neighborhood

**Adjacent Parcel Information**

| Direction | Land Use      | Zoning |
|-----------|---------------|--------|
| North     | Single-Family | B-1    |
| South     | Vacant        | M-1    |
| East      | Single-Family | M-1    |
|           | Automotive    |        |
| West      | Repair        | M-1    |

**Purpose:**

The applicant is proposing to rezone the subject property. The purpose of the rezoning is to become a conforming land use. The subject property is and has been a single-family residence. At this time, the residence is occupied. The subject property is zoned M-1, which does not permit residential land uses. To be compliant with the Zoning Ordinance rather than a non-conforming land use it would be necessary to rezone the subject property to a zoning district designation that permits residential land uses by right. The property owner is requesting a change to the DN Zoning District, which permits residential land uses. To consider the request it's necessary to refer to our guiding documents e.g., Future Land Use Plan map (FLUP). This request to rezone the subject property to DN is consistent with the FLUP as the designation for the subject property is Downtown Neighborhood.

**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.

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The Comprehensive Plan includes a Future Land Use Plan map. The map is a graphic representation of the vision of the City of Taylor. As a guiding document the FLUP provides the logic behind decisions about land use with regard to regulation i.e., zoning. Additionally, it helps everyone visualize the desired future land development pattern in the community. The Future Land Use Plan map identifies the subject property as an area designated as Downtown Neighborhood. The request to rezone the subject property is consistent the Future Land Use Plan map. Also, the Comprehensive Plan, includes land use narratives for the different designations on the map. The Downtown Neighborhood land use narrative is as follows:

*Downtown Neighborhood encompasses the areas in the central part of the City. These areas have a variety of housing styles and conditions that need to be retained, preserved and rehabilitated. Small neighborhood businesses should be encouraged. Both single and multi-family uses should be permitted, but one should not have a negative impact on the other. New infill housing should be encouraged and the City should continue to support the expanded areas with reduced permit fees and code considerations.*

The narrative is consistent with the following excerpt from the Comprehensive Plan:

***Objective L4: Preserve and enhance Downtown and Downtown Neighborhoods character and economic investment.***

In addition to the Land Use Objectives, the Comprehensive Plan includes general Planning Principles and Policy Guides. See below:

- *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.*

- *Industrial development should have direct access to truck routes, hazardous material routes and railroads.*
- *Industrial uses should be targeted in selected industrial development areas.*
- *Industrial development should have good access to primary streets and major highways.*
- *Industrial development should be separated from other uses by buffers.*
- *Industrial development should not be directly adjacent to residential areas.*
- *Landscaping should be included in all industrial development for screening as well as to provide visual continuity and compatibility with adjacent uses.*

In addition to the creation of the Downtown Neighborhood designation on the FLUP map, the Land Use Objective and the narrative above, the Comprehensive Plan incorporated **Action L4.1: Amend appropriate codes to allow more mixed-use, live/work development opportunities in Downtown and Downtown Neighborhoods.** This action was taken by adding Downtown Neighborhood Zoning District to our current Zoning Ordinance. The purpose of the DN zoning District is as follows:

#### *2.11[.4] Mixed Use District—Downtown Neighborhood*

##### *2.11[.4].1 Purpose*

*The Downtown Neighborhood District (DN) provides mixed-use areas near the downtown to allow for both residential and commercial uses, while maintaining the historic and neighborhood character, encouraging infill and development flexibility and discouraging incompatible uses. The DN District is a District within those areas designated as Downtown Neighborhood on the Future Land Use Map. A request for rezoning to DN must occur from the property owner within the DN area for any DN uses.*

*The overarching principle for this Section shall be the preservation of the ability of single-family residences to continue to exist and flourish in the District, the limitation of automobile traffic and encouragement of pedestrian activity, and the preservation and strengthening of Taylor's traditional family-oriented neighborhood structure.*

The DN Zoning District is the codification of the land use narrative above. With the code it's possible to further and promote the City's objectives and goals. To further encourage development in the Downtown area the Neighborhood Empowerment Zone (NEZ) was created. It provides fiscal incentives to property owners who are developing and redeveloping in the established area.

The subject property is one of several single-family residences that are adjacent to or within close proximity to other land uses. The area has a mix of land uses that the Comprehensive Plan and the DN Zoning District encourage and permit. At this time, the land use is nonconforming with the existing zoning district designation; however, if the zoning change to DN were approved the existing land use of single-family residential would be conforming.

### **Staff Recommendation**

Staff recommends approval of the request to re-zone the subject Property to the DN Zoning District. The request is consistent with the Comprehensive Plan. Further, this redevelopment is consistent with the desire to support and manage growth, whether it's new development, redevelopment or the continued use of existing facilities, especially where there are adequate public facilities in order to capitalize upon existing resources. As noted above one of the ways the City encourages infill development is with the NEZ which gives significant discounts on building permit applications, for property owners.

### **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 noted in the analysis, the request is consistent with the FLUP; the Downtown Neighborhood land use narrative and the ***Objective L4: Preserve and enhance Downtown and Downtown Neighborhoods character and economic investment.*** In addition, the desire to support infill development was codified in the Zoning Ordinance as mentioned previously. Creating the DN Zoning District completes ***Action L4.1: Amend appropriate codes to allow more mixed-use, live/work development opportunities Downtown and Downtown Neighborhoods.***

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

The staff analysis indicates the proposed re-zoning is compatible with surrounding land uses. The subject property is a single-family residential land use as are the existing land uses to the north and east. To the south, the land is vacant at this time. To the west, the property is being used for automotive repair. The properties in the area are mixed as is consistent with the requested zoning of DN.

- **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 ensuring that concerns with regard to public health, safety and general welfare are addressed.

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

The staff analysis indicates that the single-family home is in use and has utilities. There is adequate infrastructure for the continued use of the single-family residence.

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

At this time, the subject property is zoned M-1. Residential land uses are not permitted in the industrial districts. As the current land use is residential, the subject property is nonconforming. As a nonconforming land use the continuation of the land use is permitted; however, the land use cannot be expanded. Further, if the residence were destroyed, as a nonconforming use the residence could not be rebuilt. To protect his investment the owner would like to re-zone to the DN Zoning District which permits residential land uses by-right. If the subject property is re-zoned then his land use would be conforming. With the conforming status the land use could be expanded. Also, if the residence were damaged, the residence could be rebuilt with the appropriate permits.

Exhibits:

1. Proposed Ordinance 2019-11
  - a. Deed
2. Zoning Map
3. Future Land Use Plan Map

**ORDINANCE NO. 2019-11**

**AN ORDINANCE CHANGING THE ZONING OF PROPERTY DESCRIBED AS 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 3<sup>RD</sup> STREET, TAYLOR, WILLIAMSON COUNTY, TEXAS, FROM LIGHT INDUSTRIAL (M-1) TO MIXED USE DISTRICT – DOWNTOWN NEIGHBORHOOD (DN)); 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 28, 2019, to consider the request made by Johan Borge, 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 Light Industrial Zoning District (M-1) to Downtown Neighborhood (DN); and

**WHEREAS**, the Planning and Zoning Commission, after proper notice, conducted a public hearing on March 12, 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 Light Industrial Zoning District (M-1) to Downtown Neighborhood Zoning District (DN).

**SECTION 3.** The Official Zoning map of the City of Taylor, Texas, is changed to show the Property zoning district changed from to Downtown Neighborhood Zoning District (DN).

**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 2019-11 was introduced before the Taylor City Council on the \_\_\_\_\_ day of March 28, 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. 2019-11, 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**

DRAFT

Exhibit "A"

GF# 1010181-RRK

PID No. R015207

**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.**

**GENERAL WARRANTY DEED**

DATE: July 6, 2010

GRANTOR: David Jones and wife, Linda J. Jones

GRANTOR'S MAILING ADDRESS: 51 County Road 417, Taylor, Williamson County, Texas 76574

GRANTEE: Acquisition Properties Investment, LLC, a Texas limited liability company

GRANTEE'S MAILING ADDRESS: 5715 Lomita Verde Circle, Austin, Travis County, Texas 78749

**CONSIDERATION:**

\$10.00 and other valuable consideration, receipt of which is hereby acknowledged, and for the payment of which no lien, either express or implied, is herein retained.

**PROPERTY (including improvements):**

The Eastern forty feet (40') of Lots 6 and 7, Block 47, TOWN OF TAYLOR, according to the map or plat thereof, recorded in Cabinet A, Slide 186, Plat Records, Williamson County, Texas.

**RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

This conveyance is made and accepted subject to all restrictions, covenants, conditions, rights-of-way, assessments and easements, if any, affecting the above-described property that are valid, existing and properly of record, and subject further to taxes for the year 2010 and subsequent years.

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

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

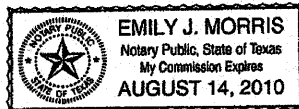
David L. Jones  
David Jones

Linda J. Jones  
Linda J. Jones

Acknowledgement

STATE OF Texas  
COUNTY OF Williamson

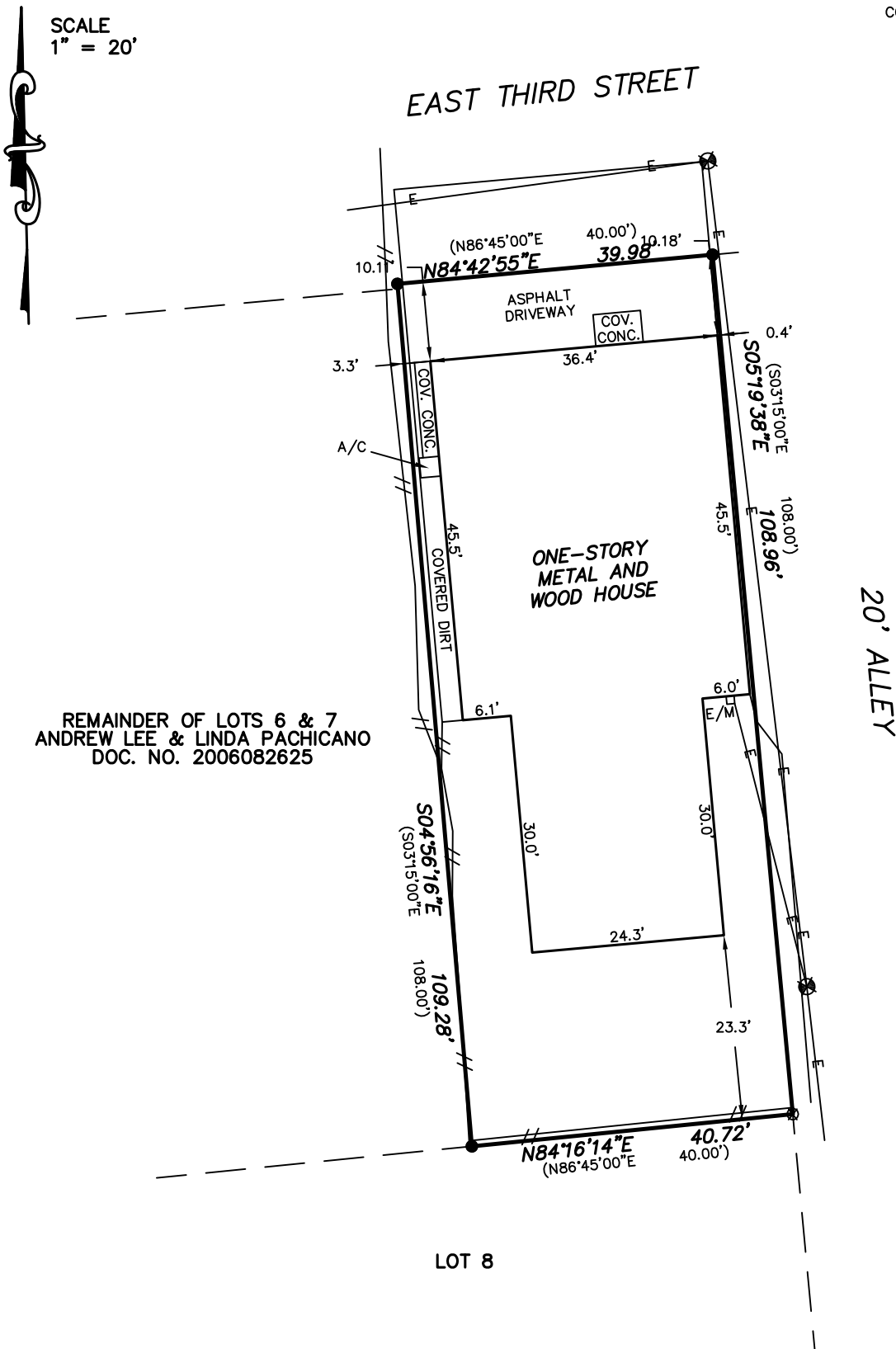
This instrument was acknowledged before me this 9 day of July, 2010, by David Jones and wife, Linda J. Jones.



Emily J. Morris  
Notary Public, State of \_\_\_\_\_

After recording, return to:  
Independence Title  
101 E. Settlers Blvd., Ste. 110  
Round Rock, TX 78664  
GF# 1010181-RRK  
Attention: Gina Whitsel

SCALE  
1" = 20'



REMAINDER OF LOTS 6 & 7  
ANDREW LEE & LINDA PACHICANO  
DOC. NO. 2006082625

LOT 8

LEGEND

- = IRON ROD FOUND
- ⊗ = PK NAIL FOUND
- ( ) = RECORD PER PLAT
- = WOOD FENCE
- PUE = PUBLIC UTILITY EASEMENT
- DE = DRAINAGE EASEMENT
- BL = BUILDING LINE
- W/M = WATER METER
- A/C = AIR CONDITIONER
- G/M = GAS METER
- E/M = ELECTRIC METER
- ⊗ = POWER POLE
- = GUY WIRE ANCHOR

THIS SURVEY WAS PREPARED WITHOUT THE  
BENEFIT OF A TITLE COMMITMENT AND A  
TITLE EXAMINATION WAS NOT REQUESTED NOR  
WAS ONE PERFORMED.

ADDRESS: 404 EAST THIRD STREET, TAYLOR, TEXAS

LEGAL DESCRIPTION: THE EASTERN FORTY (40') FEET OF LOTS 6 AND 7, BLOCK 47, TOWN OF TAYLOR, ACCORDING TO THE  
MAP OR PLAT THEREOF, RECORDED IN CABINET A, SLIDE 186, PLAT RECORDS, WILLIAMSON COUNTY,  
TEXAS.

CERTIFICATION

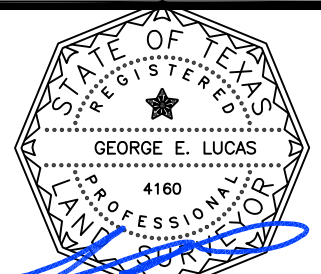
THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS PLAT  
CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY SHOWN  
HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS, EXCEPT AS  
SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY, EXCEPT AS  
SHOWN HEREON.

BUYER: N/A  
TITLE CO: N/A  
G.F.#: N/A

LENDER: N/A

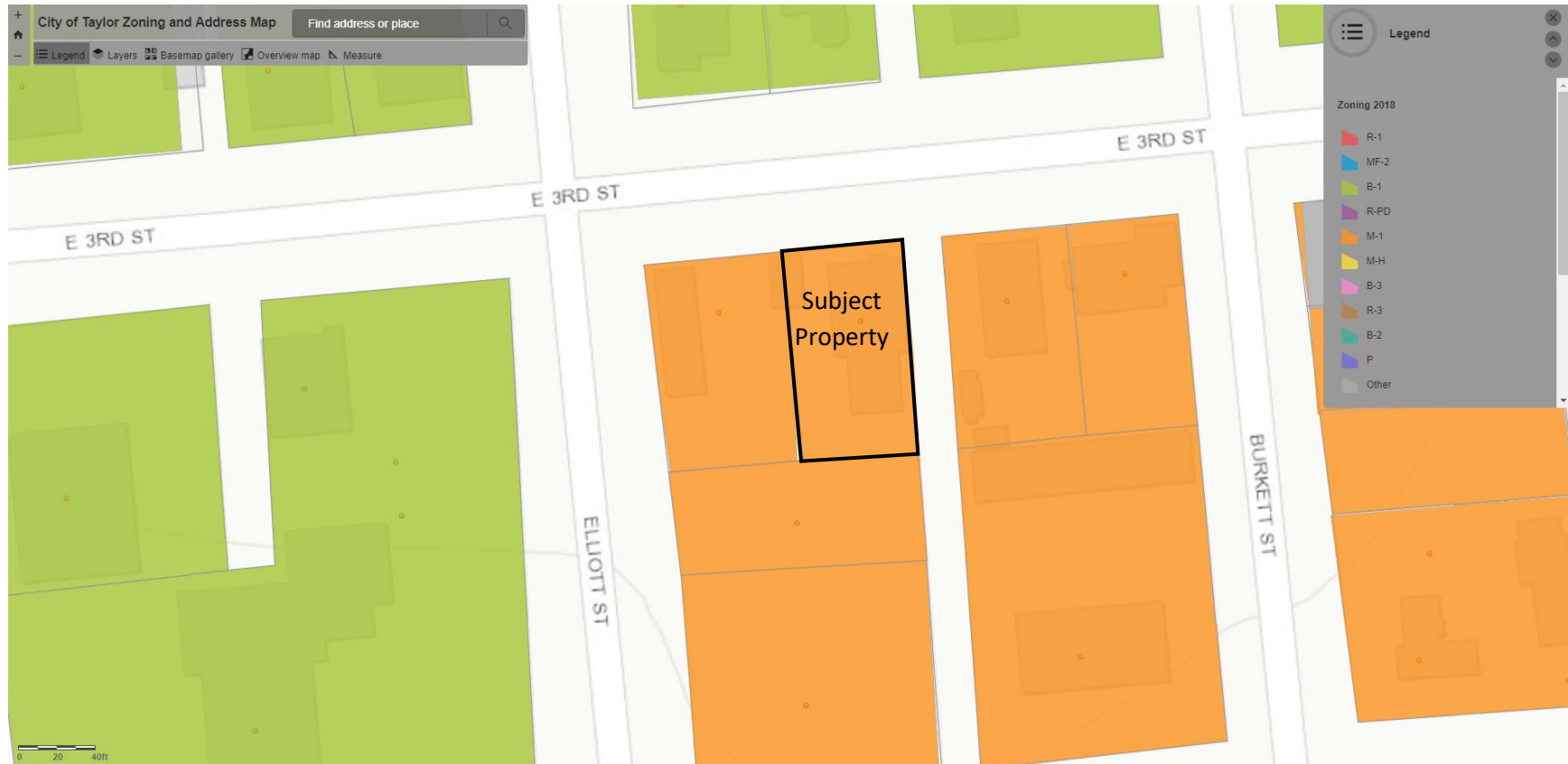
PLAN No.: 2018-2290

SURVEY DATE: DECEMBER 19, 2018



GEORGE E. LUCAS R.P.L.S. 4160

Rezoning from M-1 to DN  
404 East 3<sup>rd</sup> Street  
Approximately 0.0991



Future Land Use Plan Map  
Downtown Neighborhood Land Uses



