

ORDINANCE 21-718

(SUP Kirby/Nasa)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAYLOR LAKE VILLAGE, TEXAS, REZONING AND GRANTING A SPECIFIC USE PERMIT TO TTPP LAND INC FOR A MIXED USE DEVELOPMENT ON APPROXIMATELY FIVE ACRES OF LAND AT 4446 NASA ROAD ONE, ALSO KNOWN AS 119 KIRBY BLVD., CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; AMENDING THE ZONING DISTRICT MAP TO REFLECT THIS AMENDMENT; PROVIDING FOR A PENALTY IN AN AMOUNT NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000) FOR ANY VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, on July 14, 2021, TTPP Land INC (the “Applicant”) filed an application, including attachments 1, 2 and 3 (the “Application”), attached hereto as Exhibit A, for a specific use permit for a mixed used development at 4446 NASA ROAD ONE, also known as 119 Kirby Blvd., as shown on the ALTA/HSPS LAND SURVEY TITLE, attachment 1 of Exhibit A, hereafter called the “Property”; and

WHEREAS, the Property is currently zoned C-1; and

WHEREAS, Section 29 of the City’s Zoning Ordinance permits residential and commercial uses in District C-1 and further makes provisions for other uses by a specific use permit; and

WHEREAS, the Applicant proposes a development to be known as the Canals of Taylor Lake, consisting of mid-rise multi-family dwelling units, commercial units, and common areas for both; and

WHEREAS, on August 4, 2021, the Planning and Zoning Commission (the “Commission”) approved a preliminary report for consideration of the specific use permit, and City Council called by Ordinance a joint public hearing of the Commission and the City Council to be held on September 8, 2021, on the Applicant’s request for a specific use permit; and

WHEREAS, after ten (10) days written notice to adjacent property owners and the school district, and after sixteen (16) days newspaper notice, the Commission and the City Council held a joint public hearing on the Applicant’s request for a specific use permit; and

WHEREAS, after the hearing, the Commission approved a final report recommending the approval of the Applicant’s request for a specific use permit, and sent the report to the City Council for consideration by the City Council; and

WHEREAS, after receiving and considering the Commission's final report, reviewing the Applicant's request, and hearing all the comments of the public and adjacent property owners regarding the matter, the City Council finds that the specific use permit should be granted with various conditions to ensure its appropriateness at the proposed location; and

WHEREAS, the City Council finds that the specific use will not be a nuisance or be detrimental to the adjacent properties or the community; and

WHEREAS, the City Council finds that this specific use permit is consistent with the comprehensive plan of the City;

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Application of TTTP Land INC for a specific use permit is granted to allow the following uses of the Property subject to the following terms and conditions:

1. The buildings and other structures on the Property shall be located and constructed in locations shown on the Satellite Site Layout, Attachment 2 of the Application. Except as shown in the Satellite Site Layout a building shall be thirty (30) feet from any property line and any waterfront line. [Sec. 29(c)].

2. Buildings exceeding thirty-five (35) feet in height shall be built and constructed in substantially the same configuration as shown on Project Description, Attachment 3, of the Application. Except as shown in the Satellite Site Layout (Attachment 2), buildings shall not exceed thirty-five (35) feet in height. [Sec. 29(b)]. No building shall exceed fifty (50) feet in height.

3. Restaurants may provide take-out services; provided, however, there shall be no drive-thrus, and the buildings and other structures on the Property shall be located and constructed in the locations shown on the Satellite Site Layout, Attachment 2 of the Application. [Sec. 29(a)(12)].

4. The parking spaces shall be located and constructed in the locations shown on the Satellite Site Layout, Attachment 2 of the Application, and there shall not be less than two-hundred four (204) off-street parking spaces for all uses on the Property. [Sec. 29(d)].

5. Buildings may have sheet metal as an exterior wall covering, provided, however, any such building shall be constructed with a façade in substantially the form as shown in the Application. [Sec. 29(f)].

6. The building and other structures on the property shall be located and constructed in accordance with the Site Layout dated 9/8/2021 attached hereto as Exhibit B. To the extent of any conflict between Exhibit B and the Satellite Site Layout (Attachment 2 of the Application), Exhibit B shall control.

7. The description of the Property identified as attachment 1 of Exhibit A is more accurately identified on the survey of the three (3) parcels of a 5.3772 acre tract on Exhibit C, attached hereto.

Section 3. The City's Zoning Map is hereby amended to reflect the amendment to the specific use permitted on the Property.

Section 4. This Ordinance shall be included as part of the City's comprehensive plan.

Section 5. This Ordinance shall in no manner amend, change, supplement or revise any provision of any ordinance of the City, save and except that this specific use permit shall authorize the specific use as provided herein, together with the imposition of any findings, limitations, restrictions, and conditions made a part of this specific use permit Ordinance.

Section 6. Any person, corporation or entity who or which intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$2,000.00. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 7. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Taylor Lake Village, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Exhibit A, including attachments 1-3, attached.

Exhibit B, Site Plan -- 9/8/21

Exhibit C, Survey of three (3) parcels out of a called 5.3772 acre tract

[signatures follow]

PASSED, APPROVED AND ADOPTED THIS 8th day of September, 2021

CITY OF TAYLOR LAKE VILLAGE

Jon Keeney, Mayor

ATTEST:

Stacey Fields, City Secretary