

Spot Zoning for RV Park

- There are 4 criteria for spot zoning:
 1. Benefit to only one property owner – significant value to Meiers of increased property value, access to city water/sewer, 1' lower floodplain requirement, no subdivision treatment ...
 2. Use is different than the surrounding area – as map shows, the area is residential all the way to the business district to the east and HWY 87 to the west.
 3. Not in accordance with municipality land use strategy – as map tries to show, Llano has a concentrated commercial area and plenty of commercial property available for business use. There is no need for nor desire for a new commercial area. This also sets a commercial precedent and the next thing you know there will be a big strip mall that would suck the life out of our business district so not a long term benefit.
 4. No substantial benefit to surrounding area – There isn't any benefit of an RV park to the residents in the area and they have said they do not want it. There isn't any benefit to the city of Llano either:
 - We don't have water or sewer for 100-150 new transient families...
 - No difference to local business whether RV Park is in the city or county
 - No difference to jobs whether RV Park is in the city or county
 - No control since no zoning ordinance being imposed. We have a 50 page ordinance for subdivisions but none for a 100-150 family RV park.
- The state courts of Texas have recognized that simply looking at the state of the zoning map, without further analysis, is insufficient.

In *Burkett v. City of Texarkana*, the Texas Sixth District Court of Appeals observed:

"... spot zoning is descriptive of the process of singling out a small parcel of land for a use classification different and inconsistent with that of the surrounding area, for the benefit of the owner of such property and to the detriment of the rights of other property owners."

Texas courts imply improper motives are the root of evil in spot zoning. To find illegal spot zoning they look not only at the neighborhood, but also make an analysis of whether preferential benefits resulted for one, or a small number of landowners. In *Thompson v. City of Palestine*, the Texas Supreme Court has viewed spot zoning as *"preferential treatment which defeats a preestablished comprehensive plan. It is piecemeal zoning, the antithesis of planned zoning."*

- So, the court will also look at the process used to pass the zoning change. Was there sufficient time for scrutiny by the public and sufficient impact analysis? Clearly not in this case. Closed meetings on water and sewer, minimum notification to public, 3 day notice to P&Z Commission, superficial/incomplete/incorrect city resource analysis, no time for the newspapers to report, over-crowded meeting agendas like this one with two major/controversial items, and questionable statements made by council members, P&Z members, and staff that showed bias.