



**MINUTES
PLANNING & ZONING COMMISSION
JOSHUA CITY HALL – COUNCIL CHAMBERS
101 SOUTH MAIN STREET, JOSHUA, TX 75058
June 1, 2020
6:30 PM**

The Planning & Zoning Commission will hold a special meeting on June 1, 2020 at 6:30 pm in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas. This meeting is closed to the public and subject to the Open Meeting Laws of the State of Texas.

City facilities are closed to the public in response to a health emergency specifically Coronavirus Disease (COVID-19). This meeting is available via live stream. Join Zoom Meeting

<https://us02web.zoom.us/j/82710783355?pwd=KzE0ajhyank3WUtqK1JnY3A2UElwUT09>

Meeting ID: 827 1078 3355 Password: 239056

Planning & Zoning Commission Members Present: Robert Fleming, Chairman; John Mauldin, Place 1; Angela Kidd, Place 2; Richard Connally, Place 4; Brent Gibson, Place 5; and Bryan Sears, Place 6

Planning & Zoning Commission Members Absent: Michael Frazier, Place 3

City Staff Present: Aaron Maldonado, Development Services Director; Steven Cook, Planning Consultant; Karen Mitchell, City Planning Consultant; and Alice Holloway, City Secretary

A. Call to Order and announce a quorum present.

The meeting was called to order at 6:30 p.m. and a quorum was announced.

B. Administration of the Oath of Office by City Secretary Holloway to Bryan Sears, Commissioner Position Number Six (6).

City Secretary Holloway administered the Oath of Office to Bryan Sears, Commissioner Position Number Six.

C. Citizens Forum

The Planning & Zoning Commission invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the Planning & Zoning Commission is required under the Texas Open Meetings Act to limit its response to responding with a statement of specific factual information, reciting the City's existing policy, or directing the person making the inquiry to visit with City Staff about the issue. No Commission deliberation is permitted. Each person will have 3 minutes to speak.

NA

D. Discuss, consider, and take action on approval of meeting minutes from April 04, 2020.

Commissioner Kidd moved to approve the meeting minutes of April 04, 2020. Commissioner Gibson seconded the motion. The motion passed unanimously.

- E.** Public hearing on the request for zoning change from Single-Family Residential (R-1) to Single-Family Residential-Large Lot (R1L) on a 2.00 acre tract of land located at 109 Little Brook Road, legally known as Lot 1-R-3 Little Brook Estates, an addition to the City of Joshua, Johnson County, Texas 76058.

- a. Staff Presentation
- b. Owner's Presentation
- c. Those in Favor
- d. Those Against
- e. Owner's Rebuttal

Commissioner Fleming opened the public hearing at 6:34 p.m.

Development Services Director Maldonado stated that a re-zoning application was filed on May 13, 2020. He stated that the owners are requesting a zoning change from R-1, Single Family Residential to R-1L Single-Family Residential – Large Lot so they can have a barn/horse on their property. In addition, Mr. Maldonado stated that according to the City's current zoning ordinance; private barns/stables are only permitted on properties zoned Agricultural or R-1L. Mr. Maldonado stated that the proposed rezoning request is in compliance with the Future Land Use Plan.

Mrs. Danica Flew stated that the main reason for the zoning change request is because they want to be able to have a horse.

No other comments were made.

Commissioner Fleming closed the public hearing at 6:37 p.m.

- F.** Discuss, consider, and take action on the request for zoning change from Single-Family Residential (R-1) to Single-Family Residential-Large Lot (R1L) on a 2.00 acre tract of land located at 109 Little Brook Road, legally known as Lot 1-R-3 Little Brook Estates, an addition to the City of Joshua, Johnson County, Texas 76058.

Commissioner Kidd moved to approve the request for zoning change from Single-Family Residential (R-1) to Single-Family Residential-Large Lot (R1L) on a 2.00 acre tract of land located at 109 Little Brook Road, legally known as Lot 1-R-3 Little Brook Estates, an addition to the City of Joshua, Johnson County, Texas 76058. Commissioner Sears seconded the motion. The motion passed unanimously.

- G.** Public hearing on the adoption of a new Zoning Ordinance, to be contained in Chapter 14, "Zoning." Of the Code of Ordinances of the City of Joshua, Texas, and repealing the existing Zoning Ordinance in its entirety, currently found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas.

- a. Staff Presentation
- b. Those in Favor
- c. Those Against
- d. Staff Rebuttal

Commissioner Fleming opened the public hearing at 6:39 p.m.

Karen Mitchell, Planning Consultant; thanked the Planning & Zoning Commission for their time and effort. She stated they met several times to come up with the draft ordinance. In addition, she stated that she there was a work session with City Council on February 20th this year and there was a number of comments and directions given to staff.

Mrs. Mitchell stated that previously, the modification report only included the city attorney comments. She stated that everyone received a revision with questions sent out today. In addition, she stated that there was a number of questions from councilmembers and the red line is how they were addressed.

Mrs. Mitchell stated the following:

- The majority of this re-write is related to reformatting and adding a comprehensive Table of Permitted Uses. Approximately 80-85% of the regulations have remained the same, just in a different format. Below are areas of significant changes:
- In the Agricultural District, the Commission recommended to increase the minimum size of a dwelling from 1000 sf to 1500 sf.
- In the nonresidential districts we have added provisions for setbacks in order to accommodate required landscaping and greenspace areas.
- Landscaping requirements for nonresidential properties- we added provisions; however, overall, we simplified the regulations.
- Accessory Structures and Accessory Dwellings- we added language regarding location and lot sizes as well as inserted graphics to make things easier to understand. We kept the number of allowed accessory structures per lot and added a provision that would give the property owner the opportunity of obtaining an additional structure with an approved CUP.
- We added construction standards for driveways regarding pavement requirements for single family and two family residential. Under the current ordinance, there are no provisions requiring striping of nonresidential parking lots nor are there any standards for construction of residential driveways being concrete. This is for new development only. We have incorporated language regarding allowance of gravel or all weather surface driveways.
- Per direction from the City, we have added provisions that allow for single family residential uses in the Heritage Preservation Overlay District along with standards if the use converts to a nonresidential use. Additionally we have added provisions for Live/Work units in the Overlay District and loft apartments on the second story of a nonresidential use but no standalone multifamily. We are recommending that the only required parking in the Overlay district is for residential uses and if a residential use is converted to a nonresidential use, parking would be required. There are additional recommended changes to the Heritage Preservation Overlay District that has come about since our last meeting.
- We have recommended that due to several state and federal rulings, it is best to remove the Wireless Communications Section from the Zoning Ordinance and put it in as an appendix. The City Attorney is going to be reviewing this ordinance later to determine if it meets those state and federal laws.
- We attempted to make the Joshua Station Overlay District a conventional district; however, because of the nuances associated with the district, specifically related to the TIF, we had to leave it as- is. This is a district unlike any other zoning district and functions more like a Planned Development District than a conventional one or overlay. There may come a time, when the TIF dissolves or runs out, the City may want to re-look at this District to see if it can become a conventional district. At this time, there is not much that can be changed.
- We also attempted to merge the Manufactured Housing standalone ordinance in with the Manufacture housing district provisions. Again, there were many things in the standalone district that complicated this process. We did, however, take the design standards in the standalone ordinance and incorporate those into the MHD zoning. Based on direction from the City Council, properties requesting an MHD zoning classification will have to apply for a Planned Development District and the MHD will be the underlying classification.

- Second to the reformatting of the document, the largest change is the Table of Permitted Uses. Under your current ordinance, there are very few uses listed. It was difficult for the City Staff to help the public because a use was not listed nor was there a use similar enough to the proposed use. Over the years, the City Council has had to add uses to the permitted use table because of this. The proposed Table of Permitted Uses is one of the most comprehensive use tables we have seen. Many cities are now using this very table because of its comprehensive nature. We also generalized use such as retail that gives the staff latitude in determining new uses that aren't listed. The definition is broad enough to encompass this use. Once the City Council has approved the draft ordinance, we will place hyperlinks on each use so all you have to do is click on the use and it takes you to the definition.
- Finally, the state of Texas in its last legislative session took away the municipality's authority regarding building materials. As you are aware, cities can no longer regulate building material for residential and commercial structures. If the material is allowed by the International Building Codes, the City must allow the structure to be built. We can no longer regulate this in the zoning ordinance or in a planned development district. As such, we have had to revise the ordinance to reflect this. The caveat is that we can regulate building materials in the Heritage Overlay District and the Original Town of Joshua subdivision as these both maintain historical qualities and the regulations were in place prior to April 1, 2019.
- Per direction from the City Council at its work session on February 20, 2020, the Council directed us to revise the Site Plan process by allowing this to be an administrative process instead of the site plan going before the Planning and Zoning Commission and City Council. By allowing this to be administrative, it will save the applicant 30-60 days in the process time. The City Staff will review the site plans to make sure the plan meets all of the requirements as set forth in the Zoning Ordinance. Specific areas that will be reviewed will be setbacks, landscaping, lighting, parking layout, screening, drainage and on-site and off-site traffic safety.
- Final direction given to us from the City Council at the February 20, 2020 work session related to fencing requirements. Currently, the City has a standalone ordinance regarding fencing regulations. It allows a property owner to request variances to those regulations to the City Council. If this ordinance was incorporated into the Zoning Ordinance, the Zoning Board of Adjustment would be the only authority on variances and the property owner would have to meet strict conditions in order for the variance to be granted. The City Council asked that the fence ordinance remain as a standalone ordinance and not be incorporated into the Zoning.
- As discussed earlier in this report, I would like to discuss the Heritage Preservation Overlay District. Historically, (prior to 2013), the overlay district encompassed almost all of Main Street. In the Comprehensive Plan, the community wanted the heavier commercial uses to locate out on Highway 174 and locate the less intense non-residential uses on Main Street. In 2013, the boundaries of the district were reduced substantially and the regulations were better established for the smaller overlay only.
- Properties on the Main Street are already a mixed with residential and non-residential. The properties are zoned Commercial, including the houses. And the houses were put into a non-confirming situation. At some point, the City rezoned the area as a commercial district. Over the last several years, cases have come to the Planning & Zoning Commission and the City Council and requested to be rezoned back to residential. Because of this, it needs to be looked at now. Since we are in the process, now is the time to for us to consider increasing the Heritage Overlay Boundaries and increasing it so it can encompass a lot of the single family residential uses. One of the proposal is to add the following language:

Permitted Uses. The following uses are allowed within the HP district in addition to the permitted uses in the underlying commercial district:

1. Dwelling, One-Family Residential with a minimum dwelling size of nine hundred (900) square feet.

2. Live/Work Unit or Loft Apartment above Commercial.
3. Bed and Breakfast (Hosted and Non-hosted).
4. Farmer's Market.
5. Other uses not listed in prohibited list below, may be allowed with an approved conditional use permit if designed properly.

Since we already added single family residential to the list of permitted uses in the current Heritage Preservation Overlay District, we are now recommending to enlarge the boundaries of the District, still not as large as it was originally, but large enough to accommodate the residential uses and provide opportunity for the less intense nonresidential uses to mix.

- In summary, I want to thank you for taking the time to read and work on this ordinance and thank those who sent in questions and comments that needed to be addresses. The City Attorney has reviewed this ordinance and we have incorporated his comments and revisions into the document.

Commissioner Gibson asked if the table of use in the Heritage District is consistent with what we currently have listed. Karen Mitchell stated that no change was made to the table of use in the Heritage District.

Commissioner Mauldin asked if the current businesses can still operate as is. Karen Mitchell answered yes, they are grandfathered in.

Commissioner Sears asked for clarification regarding non-conforming use in section 4.1.1. of the draft zoning ordinance. Steve Cook stated that the new language is consisted with state law and other cities. Steven Cook stated that the intent is as the use changes, the owner/developer is compiled to bring it up to code.

After no more comments, Commissioner Fleming closed the public hearing at 7:11 p.m.

- H.** Discuss, consider, and take action on the adoption of a new Zoning Ordinance, to be contained in Chapter 14, "Zoning," Of the Code of Ordinances of the City of Joshua, Texas, and repealing the existing Zoning Ordinance in its entirety, currently found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas.

Commissioner Gibson moved to recommend the adoption of a new Zoning Ordinance, to be contained in Chapter 14, "Zoning," Of the Code of Ordinances of the City of Joshua, Texas, and repealing the existing Zoning Ordinance in its entirety, currently found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas. Commissioner Mauldin seconded the motion. The motion passed unanimously.

- I.** FUTURE AGENDA ITEMS/REQUESTS BY COMMISSIONERS TO BE ON NEXT AGENDA
(Commissioners shall not comment upon, deliberate, or discuss any item that is not on the agenda. Councilmembers shall not make routine inquiries about operations or project status on an item that is not posted. Any Commissioners may, however, state an issue and a request that this issue be placed on a future agenda.)

NA

- J.** Adjourn.

Commissioner Fleming adjourned the meeting at 7:13 p.m.

ATTEST:

Alice Holloway, City Secretary

Robert Fleming
Planning & Zoning Chairman

Approved: July 6, 2020