



AGENDA
PLANNING & ZONING COMMISSION
JOSHUA CITY HALL – COUNCIL CHAMBERS
101 SOUTH MAIN STREET, JOSHUA, TX 75058
AUGUST 09, 2021
6:30 PM

The Planning & Zoning Commission will hold a regular meeting on August 09, 2021, at 6:30 pm in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas.

Individuals may attend the Joshua Planning & Zoning Meeting in person, access the meeting via videoconference or telephone conference call.

Join Zoom Meeting:

<https://us02web.zoom.us/j/85172264698?pwd=MFZwNEU2bjdwaVRSVWhZSTNSYVZjQT09>

Meeting ID: 851 7226 4698 Passcode: 349077 or dial 1-346-248-7799.

A member of the public who would like to submit a question on any item listed on this agenda may do so via the following options:

- Online: An online speaker card may be found on the City's website (cityofjoshuatx.us) on the Agenda/Minutes/Recordings page. Speaker cards received will be read during the meeting in the order received by the City Secretary.
 - By phone: Please call 817/558-7447 ext. 2003 no later than 5:00 pm on the meeting day and provide your name, address, and question. The City Secretary will read your question in the order they are received.
- A. Call to order and announce a quorum present.
- B. 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.
- C. Discuss, consider, and possible action on the meeting minutes of July 06, 2021 meeting.
- D. Public Hearing on a request to amend the Chapter 14, "Zoning Ordinance," Article 5, Section 5.3, "Supplemental Use Standards," swimming pool property line setbacks to five feet (5') instead of the current eight feet (8'); Amending Article 5, Subsection 5.5.4, "Accessory Building Summary Table", to reflect a 5 foot (5') swimming pool property line setback instead of the current eight foot (8') swimming pool property line setback.
- E. Discuss, consider, and possible action on a request to amend the Chapter 14, "Zoning Ordinance," Article 5, Section 5.3, "Supplemental Use Standards," swimming pool property line setbacks to five feet (5') instead of the current eight feet (8'); Amending Article 5, Subsection 5.5.4, "Accessory Building Summary Table", to reflect a 5 foot (5') swimming pool property line setback instead of the current eight foot (8') swimming pool property line setback.
- F. Adjourn.

The Planning & Zoning Commission reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including 551.071 (private consultation with the attorney for the City); 551.072 (discussing purchase, exchange, lease or value of real property); 551.074 (discussing personnel or to hear complaints against personnel); and 551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Pursuant to Section 551.127, Texas Government Code, one or more Commissioner may attend this meeting remotely using videoconferencing technology. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting. A quorum will be physically present at the posted meeting location of City Hall.

In compliance with the Americans with Disabilities Act, the City of Joshua will provide reasonable accommodations for disabled persons attending this meeting. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 817/558-7447.

CERTIFICATE:

I hereby certify that the above agenda was posted on the 5th day of August 2021, by 5:00 p.m. on the official bulletin board at the Joshua City Hall, 101 S. Main, Joshua, Texas.

Alice Holloway, City Secretary



**MINUTES
PLANNING & ZONING COMMISSION
JOSHUA CITY HALL – COUNCIL CHAMBERS
101 SOUTH MAIN STREET, JOSHUA, TX 75058
JULY 6, 2021
6:30 PM**

The Planning & Zoning Commission will hold a regular meeting on July 6, 2021, at 6:30 pm in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas.

Individuals may attend the Joshua Planning & Zoning Meeting in person, access the meeting via videoconference or telephone conference call.

Join Zoom Meeting:

<https://us02web.zoom.us/j/82504702704?pwd=V1NyWDI2cDlaVF BhK2EzRXRkODI0dz09>

Meeting ID: 825 0470 2704 Passcode: 300438 or dial 1-346-248-7799.

A member of the public who would like to submit a question on any item listed on this agenda may do so via the following options:

- Online: An online speaker card may be found on the City's website (cityofjoshuatx.us) on the Agenda/Minutes/Recordings page. Speaker cards received will be read during the meeting in the order received by the City Secretary.
- By phone: Please call 817/558-7447 ext. 2003 no later than 5:00 pm on the meeting day and provide your name, address, and question. The City Secretary will read your question in the order they are received.

Planning & Zoning Commission Members Present: Brent Gibson, Chairman; Richard Connally, Place 4; Bryan Sears, Place 6, Billy Jenkins, Place 7

Planning & Zoning Commission Members Absent: John Mauldin, Place 1; Brandon Gage, Place 2; and Michael Frazier, Place 3.

City Staff Present: Mike Peacock, City Manager; Nora Fussner, City Planner; and Alice Holloway, City Secretary

- A. Call to Order and announce a quorum present.

Commissioner Gibson called to order at 6:30 p.m. and a quorum was announced.

- B. 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

- C. Discuss, consider, and possible action on the meeting minutes of the June 07, 2021 meeting.

Commissioner Sears moved to approve the meeting minutes of June 07, 2021. Commissioner Jenkins seconded the motion. The motion passed unanimously.

- D. Discuss, consider, and possible action on approval of a Replat of Lot 23R, Oak Haven Estates being a 2.024-acre tract of land situated in the David Lofton Survey, Abstract No. 504, City of Joshua, Johnson County, Texas and locally known as 917 Greenbriar Drive.

Staff Presentation

City Planner Fussner read the following statement:

In 1972, this property was platted into one acre lots known as Oak Haven Estates. The current property owner purchased two lots in 2021.

This property is zoned R1, Single Family Residential District

The property owner is combining two lots in order to build a secondary structure on the vacant lot. With the two lots platted as one, the property owner will comply with the City's Zoning Ordinance which requires a primary structure before a secondary structure can be built.

Water is provided by Johnson County Special Utility District. A letter of final approval has been submitted.

Rights-of-Way dedications have already been dedicated along all abutting streets.

This plat appears to meet the minimum requirements for a final plat as set forth in the City of Joshua Subdivision Ordinance therefore we recommend approval.

Commissioner Connally moved to approve a Replat of Lot 23R, Oak Haven Estates being a 2.024-acre tract of land situated in the David Lofton Survey, Abstract No. 504, City of Joshua, Johnson County, Texas and locally known as 917 Greenbriar Drive. Commissioner Sears seconded the motion. The motion passed unanimously.

- E. Discuss, consider, and possible action on a Final Plat regarding a 1.858-acre tract of land located west of Highway 174 locally known as 952 South Broadway Street, George Casseland Survey, Abstract No. 173. This development will be for a restaurant with a drive-thru known as McDonald's.

Staff Presentation

City Planner Fussner read the following statement:

A preliminary plat of Joshua Station Addition was approved in 2008. The subject property is referred to as Lot 4, as per the approved preliminary plat and will be platted as such. This property is located within the Joshua Station Overlay District and has been approved by the Planning and Zoning Commission and City Council as a Planned Development.

This property is zoned PD, Planned Development District.

The proposed development of this property is to allow for a fast-food restaurant with drive-thru service for McDonalds. The proposed building will be 4,500 square feet.

All requirements of the Detailed Site Plan which include specific information related to engineering such as drainage and other transportation related issues have been addressed and accepted by the City Engineer.

Staff recommends approval of the Final Plat with the conditions as follows- a written TxDOT approval of the improvements proposed in the Traffic Impact Analysis (TIA) within TxDOT Row (i.e., replacement of the directional sign on the signal mast arm and pavement marking in the east bound middle lane. A final approval from Johnson County Special Utility District approving construction plans and the 1,500 gpm fire flow requirement.

Commissioner Jenkins moved to approve a Final Plat regarding a 1.858-acre tract of land located west of Highway 174 locally known as 952 South Broadway Street, George Casseland Survey, Abstract No. 173 with the following conditions:

Conditions as follows-

- Letter from TxDOT approving the improvements proposed in the Traffic Impact Analysis (TIA) within TxDOT Row (i.e., replacement of the directional sign on the signal mast arm and pavement marking in the east bound middle lane.
- Letter from Johnson County Special Utility District approving construction plans and the 1,500 gpm fire flow requirement.

Commissioner Connally seconded the motion. The motion passed unanimously.

F. Adjourn.

Commissioner Gibson adjourned the meeting at 6:44 p.m.

Brent Gibson
Planning & Zoning

ATTEST:

Alice Holloway, City Secretary
Approved: August 9, 2021



Planning & Zoning Agenda August 9, 2021

Agenda Item:D1 Text Amendment (Action Item)

Agenda Description:

Discuss, consider, and take action on a request to amend the Chapter 14, "Zoning Ordinance," Article 5, Section 5.3, "Supplemental Use Standards," swimming pool property line setbacks to five feet (5') instead of the current eight feet (8'); Amending Article 5, Subsection 5.5.4, "Accessory Building Summary Table", to reflect a 5 foot (5') swimming pool property line setback instead of the current eight foot (8') swimming pool property line setback.

Background Information:

On June 17, 2021, at the City Council meeting, a local contractor with Lemaster Pools asked the Council members to consider reducing the setback requirements for a residential swimming pool. The contractor stated that within the surrounding communities setback requirements ranged from 5' to 3', and that Joshua had the only 8' setback requirement, which made it difficult to follow with certain sized lots. It has been determined that the City of Burleson has a 3' side and rear setback, while the City of Cleburne only has a 5' setback from a structure and relies on approval from Oncor electric to approve swimming pool setbacks.

The City Council made a motion for City Staff to reduce the swimming pool setbacks.

Financial Information:

Only cost associated with the Text Amendment is the publication expense as required by state law.

City Contact and Recommendations:

Aaron Maldonado, Development Services Director
Staff recommends approval

Attachments:

1. Application
2. Section 5.3 Supplemental Use Standards
3. Section 5.5.4 Accessory Building Summary Table
4. City of Burleson/Oncor Electric Requirements

City of Joshua Development Services Universal Application

Please check the appropriate box below to indicate the type of application you are requesting and provide all information required to process your request.

- | | | |
|--|---|--|
| ☐ Pre-Application Meeting | ☐ Comprehensive Plan Amendment | ☐ Zoning Change |
| ☐ Conditional Use Permit | ☐ Zoning Variance (ZBA) | ☐ Subdivision Variance |
| ☐ Preliminary Plat | ☐ Final Plat | ☐ Amending Plat |
| ☐ Replat | ☐ Planned Development Concept Plan | ☐ Planned Development Detailed Plan |
| ☐ Minor Plat | | ☒ Text Amendment |

PROJECT INFORMATION

Project Name: City of Joshua

Project Address (Location): 101S. Main St.

Existing Zoning: N/A Proposed Zoning: N/A

Existing Use: N/A Proposed Use: N/A

Existing Comprehensive Plan Designation: N/A Gross Acres: N/A

Application Requirements: The applicant is required to submit sufficient information that describes and justifies the proposal. **See appropriate checklist located within the applicable ordinance and fee schedule for minimum requirements. Incomplete applications will not be processed.**

APPLICANT INFORMATION

Applicant: City of Joshua Company: _____

Address: 101 S. Main St. Tel: 817-558-7447 Fax: 817-641-
7526

City: Joshua State: TX ZIP: 76058 Email: _____

Property Owner: _____ Company: _____

Address: _____ Tel: _____ Fax: _____

City: _____ State: _____ ZIP: _____ Email: _____

Key Contact: _____ Company: _____

Address: _____ Tel: _____ Fax: _____

City: _____ State: _____ ZIP: _____ Email: _____

SIGNATURE OF PROPERTY OWNER OR APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: [Signature]

(Letter of authorization required if signature is other than property owner)

Print or Type Name: Mike Peacock

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity therein stated.

Given under my hand and seal of office on this 15 day of July 2021

[Signature]
Notary Public

Signature _____ Date: _____

For Departmental Use Only

Case No.: _____

Project Manager: _____

Total Fee(s): _____

Check No: _____

Date Submitted: _____

Accepted By: _____

Date of Complete Application _____

Section 5.3 Supplemental Use Standards

21. **Swimming Pools:** It is the purpose of the following provisions to recognize an outdoor **swimming pool** as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of **swimming** pools whether privately, publicly, or commercially owned or operated.

a. No **swimming pool** shall be constructed or used until a **swimming pool** building permit has been issued therefore. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department regulations.

b. A **swimming pool** may be constructed and operated when:

(1). The **pool** is not located in any required front or side yard abutting a street;

(2). a wall or fence, not less than six (6) feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the **pool** area or the surrounding yard area;

(3). All lighting of the **pool** is shielded or directed to face away from adjoining residences. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible for adjacent properties;

(4). No broadcasting system is used for the purpose of advertising the operation of the **pool** or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the **pool** and the safety of swimmers; and

(5). The **swimming pool** is no closer than eight (8) feet from any property line.

5.5.4 ACCESSORY BUILDING SUMMARY TABLE.

Accessory Building	Residential Setbacks	Non Residential Setbacks	Height	Notes
Storage Building or Hobby Shop	Behind primary Building. Five (5) feet from property lines. Not in side setbacks	Setback distance as set by district. Within the rear setback of site.	Eighteen (18) feet Farm Accessory Structures shall not exceed zoning district height standard.	Requires permit if exceeding 120 sf.
Garages	Behind primary building. Five (5) feet from property lines. Not in side setbacks Additional height requires meeting district setbacks.	Setback distance as set by district. Within the rear setback of site.	May be as tall as thirty (30) feet in height if garage meets primary building side setback. Height may not exceed primary building.	Requires permit and foundation.
Carports	Behind primary building. Five (5) feet from property lines. Not in side setbacks	Meet all setbacks. Located at the rear of the primary building.	Sixteen (16) feet.	Requires permit. Must be an extension of the primary building roof line. Must contain columns compatible with those on the primary building.
Swimming Pool	May be located in rear or side yard. Eight (8) feet from property lines.	NA	Requires permit. Three (3) foot minimum walkway on all sides. Pools must be fenced.	

CITY OF BURLESON **SWIMMING POOL REQUIREMENTS**

Number of Plans Required: 1 Set
Number of Plot Plans Required: 1 Set

Stamped with electrical provider approval.
Oncor: 2118 S Bowen Rd.
Arlington, TX 76013
Bryon Spencer – 817-861-7551
UCS: 817-447-9292

Call 1-800-DIG-TESS to locate lines and to receive a confirmation number. Confirmation number is needed before you submit plans to your electrical company. The City of Burleson will not accept any unstamped plans.

All Public Pool Applicants will require a separate application and plan review from Tarrant County Public Health (817-321-4960). Confirmation number will be required from TCPH prior to City of Burleson permit issuance.

Permits Required: In Ground: Electrical Included, Plumbing Requires a Separate Permit
Above Ground: Electrical and Plumbing Requires Separate Permits

Additional Permits: Fence & Decking (30" Above Grade)

Permit Fee: \$200.00 In ground, \$50.00 Above ground, \$25.00 Fence, \$25.00 Deck (30" Above Grade)

Setback Requirements: From Waters Edge

Requirement Setbacks: Rear: *3' Sides: *3' Foundation: 5'
* Greater setback required if dedicated easement on plat
* If excavation is less than 5' from foundation a set of engineer plans will be required. (from any load bearing structure – i.e.: covered patio)
* Include setbacks on plans

Fencing Requirements: Minimum Height: 4'
Temporary Required: Yes (During Construction)

No openings larger than 4" in any dimension
Gate shall be equipped with self-closing and self-latching device.

Backwash Requirement: Sanitary sewer or area ditch (must be contained on site)

Backflow Protection: Required on auto-fill lines below overflow level. Minimum backflow protection, double-check/double gate.

Electrical Service Setback: Line in Conduit: 5' Not in Conduit: 10' Depth Requirements: 24"
(Regulated by ONCOR if service line from transformer to meter)

Required Inspections: Belly Steel/Grounding, Deck Steel, and Final

ONCOR ELECTRIC DELIVERY POOL REQUIREMENTS

Pool plans will only be accepted at **Arlington Service Center, Attn: Byron Spencer, located at 2118 S. Bowen Rd. in Arlington, Texas 76013.** For your convenience, plans can be mailed with a self addressed stamped envelope to the appropriate location for review.

Contact Information:

Metro West – Byron Spencer – 817.861.7551

The following guidelines will be required in order to obtain a ONCOR Electric Delivery approval stamp on all swimming pools and other water features.

It is the responsibility of the pool company digging the pool or other water feature to call Texas Excavation Safety System (TESS) at 1-800-344-8377, and request a locate before pool plans are submitted (If excavation begins fourteen days after the initial locates, the pool company may be obligated to request a new locate pursuant to the applicable legal authorities). This request must include located for all electrical facilities including primary, secondary, service and street light facilities either direct buried or in conduit. These facilities must be marked in red and drawn to scale on all three (3) sets of plans that are required to be submitted to ONCOR Electric Delivery for approval. The location of the electric meter must be shown of the house. Any overhead electrical lines within thirty (30') feet of the water's edge must also be shown, drawn to scale. Plans to include water feature, associated decking and walkways. The TESS confirmation number must be listed on the pool plans.

Along with the three (3) sets of pool plans, it is required that the pool builder supply a copy of the final survey for the lot showing all property lines and any easements located within the property. If the pool is being built on a new construction site, a copy of that portion of the Final City Plat showing the address will be accepted. The clearing of easements and right-of-way is the responsibility of the pool company. Decking or permanent structure will be prohibited over existing direct buried services. In these cases a reroute will be required. **NO ENCROACHMENTS INTO EXISTING EASEMENTS WILL BE ALLOWED.**

The pool company will be provided with a form Indemnity and Release regarding the accuracy and completeness of the information provided to ONCOR Electric Delivery for the approval of pool plans or other water feature. This completed and signed document, WITH ORIGINAL SIGNATURE, must be attached to the pool plans when submitted for approval. Failure to provide a signed copy of this document will delay the approval of the pool plans.

All pool plans submitted to ONCOR Electric Delivery for approval will require (5) five normal working days for approval, barring any conflicts or reroutes.

**NEW POOL OR WATER FEATURE
APPROVAL REQUEST AND RELEASE**
(Version 2007.1)

____ (“Company”) requests approval from ONCOR Electric Delivery Company (“ONCOR”) of Company’s plans to construct a pool or water feature (“Project”) at _____/city_____.

In order for ONCOR to properly evaluate the Project, Company must attach the following to this completed document:

- Three copies of Company’s constructions plans, which include the location of (1) the pool or water feature (including all decking and walkways); (2) all underground electric facilities drawn to scale and clearly marked as either direct buries or in conduit, including primary, secondary, service and street light facilities (the “Underground Facilities”); (3) the electric meter; and (4) all overhead electric facilities within (30’) thirty feet of the water’s edge (1, 2, 3, & 4 may be referred to collectively as the “Facilities”); and
- A copy of the final survey for the property (“Survey”) showing the location of all property lines and easements location on the property.

In exchange for ONCOR’s review and requested approval of the Construction Plans, Company certifies that:

- (a) The Underground Facilities at the Property have been located through the Texas Excavation Safety System (“TESS”);
- (b) Company has accurately represented on the Construction Plans and the Survey the location of each of the Facilities located through TESS, easements and property lines located at the Property;
- (c) ONCOR can rely on the information set forth in the Construction Plans and the Survey in considering Company’s request for approval of the Construction Plans;
- (d) Company will exercise extreme caution consistent with all industry accepted standards and practices when excavation around Facilities;
- (e) Company has requester ONCOR to approve the Construction Plans for the sole purpose of obtaining any necessary municipal approvals and to resolve potential conflicts with existing electric facilities; and
- (f) Except as set forth in (g)(1), below Company agrees to indemnify, protect, defend, and hold ONCOR harmless from and against any and all damages, claims, judgments, causes of action, suits, liability, or losses (“Claims”) arising out of the construction of the Project or the representations made herein by Company, including Claims arising out of the activities set forth in (g)(2), below.
- (g) In the event ONCOR incorrectly identified the location of the Underground Facilities and such identifications were relied on by Company to prepare the Construction Plans: (1) Company shall not be responsible for the damage to the Underground Facilities, but (2) Company shall be responsible for applicable costs associated with any necessary reroute of the Facilities and all costs associated with relocation of the Project regardless of the cause or reasons for such reroute or relocation.

(Company Name)

By Sign~: _____
Name Print~: _____
Title: _____
Phone: _____
Date: _____

(TESS Confirmation Number)