Tomas Mendoza, Councilmember John Mounce, Councilmember Chrissa Hartle, Councilmember



James Clark, Mayor Pro Tem Jim Tate, Councilmember

Elizabeth Woodall, Mayor

CITY OF JUSTIN CITY COUNCIL AGENDA TUESDAY, APRIL 12, 2022 415 N. COLLEGE AVE. 6:00 P.M.

CALL TO ORDER

Convene into Session: Invocation and Pledge of Allegiance American Flag

Texas Flag: "Honor the Texas Flag; I pledge allegiance to thee, Texas, one state, under God, one and indivisible"

BUSINESS INTRODUCTION

✤ Adams Furniture

PROCLAMATION

• Proclamation, Mental Health Month/ Children's Mental Health Awareness Day

MAYORAL UPDATE

• Mayor to recognize Sophia Jordan, Operation Homefront 2022 Military Child of the Year Award Recipient - USMC

WORKSHOP SESSION

- 1. Discuss entrance signs.
- 2. Discuss water bill opt-out fees.
- 3. Discussion regarding Reatta Ridge pedestrian bridge construction.
- 4. Discuss next phases of street rehabilitation.
- 5. Discuss regular session agenda items.

PUBLIC COMMENT

In order to expedite the flow of business and to provide all citizens the opportunity to speak, the mayor may impose a three-minute limitation on any person addressing the Council. The Texas Open Meetings Act prohibits the City Council from discussing issues, which the public have not been given a seventy-two (72) hour notice. Issues raised may be referred to City staff for research and/or placed on a future agenda.

PUBLIC HEARING

- 6. **PUBLIC HEARING (7:00 P.M):** Conduct a Public Hearing to consider a zoning change from Local Retail (LR) to Single-Family Old-Town (SF-OT) for 115 Pafford Avenue, located approximately 250 feet northwest from the intersection of Pafford Avenue and 1st Street, legally described as Dooley Subdivision Block 1, Lot 2.
 - a. Open public hearing
 - b. Close public hearing
 - c. Consider and take appropriate action
- 7. **PUBLIC HEARING (7:00 P.M):** Conduct a Public Hearing to consider a Specific Use Permit for a Temporary Batch Plant located at 9060 Teasley Lane, located on the north side of FM 407, legally described as Garnett Survey, Tract 2.
 - a. Open public hearing
 - b. Close public hearing
 - c. Consider and take appropriate action

POSSIBLE ACTION ITEMS

8. Consider and take appropriate action regarding Ordinance 722-22 amending Chapter 48-Utilities of the City of Justin Code of Ordinances limiting extension of water and sanitary sewer service to property in the Justin corporate limits.

CONSENT

<u>Any Council Member may request an item on the Consent Agenda to be taken up for individual</u> <u>consideration</u>

9. Consider and take appropriate action approving City Council meeting minutes dated March 22, 2022.

EXECUTIVE SESSION

Any item on this posted agenda could be discussed in Executive Session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and Section 551.087 of the Texas Government Code.

- Under Section 551.071, to conduct private consultation with the City Attorney regarding:
 - o Oliver Creek Ranch MUD
 - o Range Property Development Agreement
 - Justin Crossing Development
 - o Constellation Wastewater Service Agreement

Convene into executive session

Adjourn into open meeting.

10. Discuss, consider, and act on items discussed in Executive Session.

FUTURE AGENDA ITEMS

ADJOURN

I, the undersigned authority, do hereby certify that the above notice of the meeting of the City Council of the City of Justin, Texas, is a true and correct copy of the said notice that I posted on the official bulletin board at Justin Municipal Complex, 415 North College Street, Justin, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 7th day of April, 2022 by 5:00 p.m., at least 72 hours preceding the scheduled meeting time.

Brittany Andrews Brittany Andrews, City Secretary

April 12, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item # 1 (Workshop)

Title: Discuss entrance signs.

Department: Administration

Contact: City Manager, Chuck Ewings

Recommendation: Discussion item

Background:

Council Member Mounce requested this item be placed on the agenda.

City Attorney Review: N/A

Attachments: None.

April 12, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item #2 (Workshop)

Title: Discuss water bill opt-out fees

Department: Administration

Contact: City Manager, Chuck Ewings

Recommendation: Discussion item.

Background:

Council Member Hartle requested this item be placed on the agenda.

City Attorney Review: N/A

Attachments:

April 12, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item #3 (Workshop)

Title: Discussion regarding Reatta Ridge pedestrian bridge construction.

Department: Administration

Contact: City Manager, Chuck Ewings

Recommendation: Discussion item.

Background:

This item is on the agenda at the request of Mayor Pro Tem Clark.

City Attorney Review: N/A

Attachments: None

April 12, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item #4 (Discussion)

Title: Discuss next phases of street rehabilitation program

Department: Public Works

Contact: City Manager, Chuck Ewings, Public Works Director, Josh Little

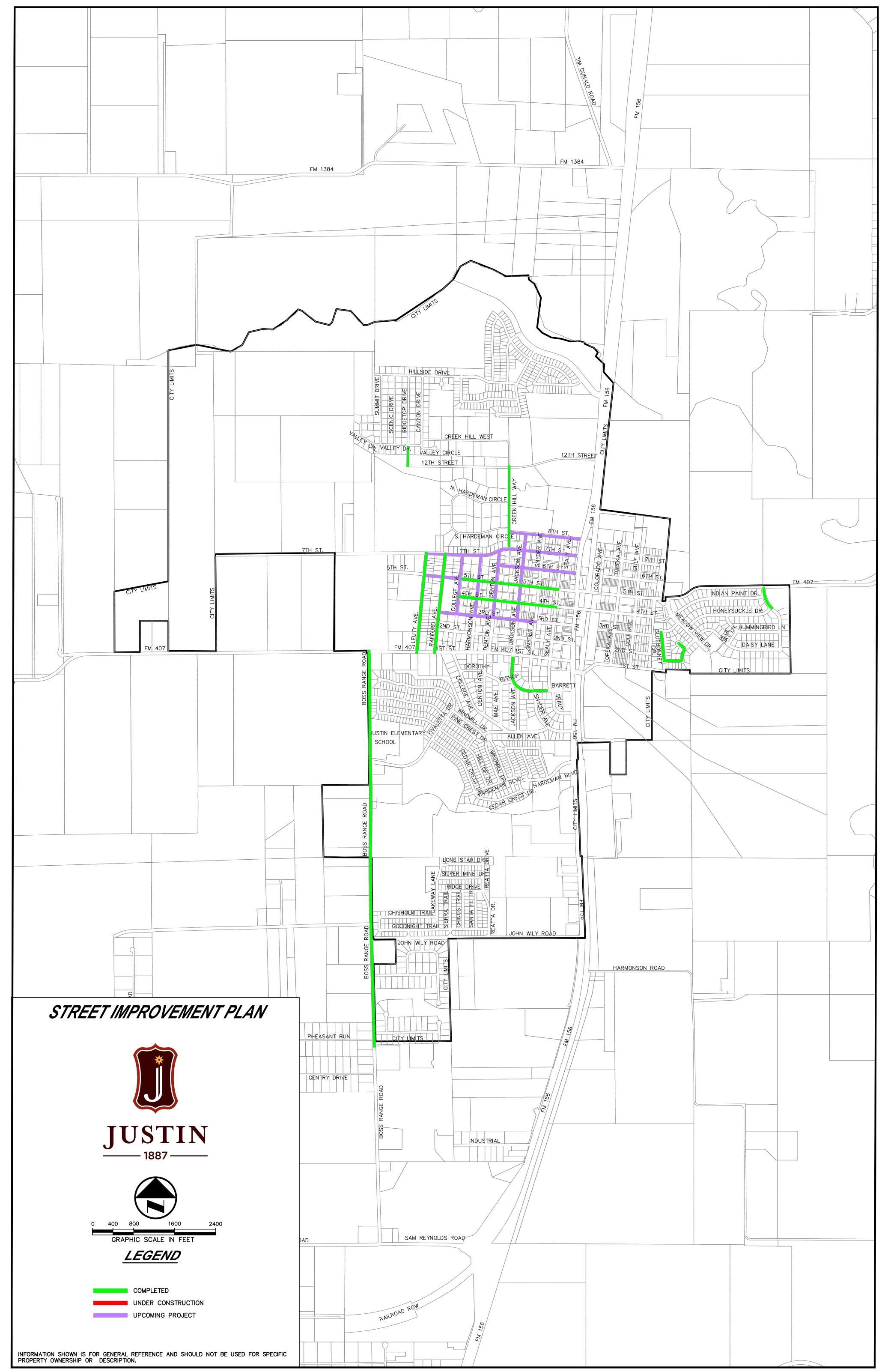
Recommendation: No action

Background:

The next phase of the street rehabilitation program is planned for this summer after completion of water line replacements in Old Town. The street maintenance fund is projected to have approximately \$800,000 to go towards this project. The attached exhibit provides the streets planned for milling and overlay this summer.

City Attorney Review: N/A

Attachments: Street Improvement Plan







April 12, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item # 6 (Public Hearing)

Title: Conduct a Public Hearing to consider a zoning change from Local Retail (LR) to Single-Family Old-Town (SF-OT) for 115 Pafford Avenue, located approximately 250 feet northwest from the intersection of Pafford Avenue and 1st Street, legally described as Dooley Subdivision Block 1, Lot 2.

Department: Administration

Contact: Planning and Development Director, Matt Cyr

Recommendation:

Staff recommends consideration based on Future Land Use Plan and the request.

Background:

The Applicant is proposing a zoning change from Local Retail to Single-Family Old Town.

The Resident recently bought the property at the end of 2021 to use it as residential. Currently, the use of the property is residential, however, the zoning is Local Retail. Because the zoning is for Retail, the structure and use are considered non-conforming.

The Applicant is permitted to use the structure as residential, but they are not permitted to expand the main structure in any way according to our ordinances since the structure is considered non-conforming.

The Applicant eventually wants to expand the structure within the next year or so and the only way to do this would be to request a zoning change.

Ordinance:

According to Sec. 52-44 (g) "Repairs and alterations may be made to a nonconforming building, provided that <u>no structural alternations or extensions</u> shall be made except those required by law or ordinance, unless the building is changed to a conforming use."

Current Zoning:

Local Retail (LR) – This has been zoned Local Retail since at least 2004 according to the City's records.

Current Future Land use Plan (FLUP) Designation:

Local Retail (LR)

Proposed Zoning:

Single-Family Old Town (SF-OT)

Adjacent Zoning:

- North- Local Retail (LR)
- South: Local Retail (LR)
- East: Single-Family Old Town (SF-OT)
- West: Local Retail (LR)

Adjacent Uses:

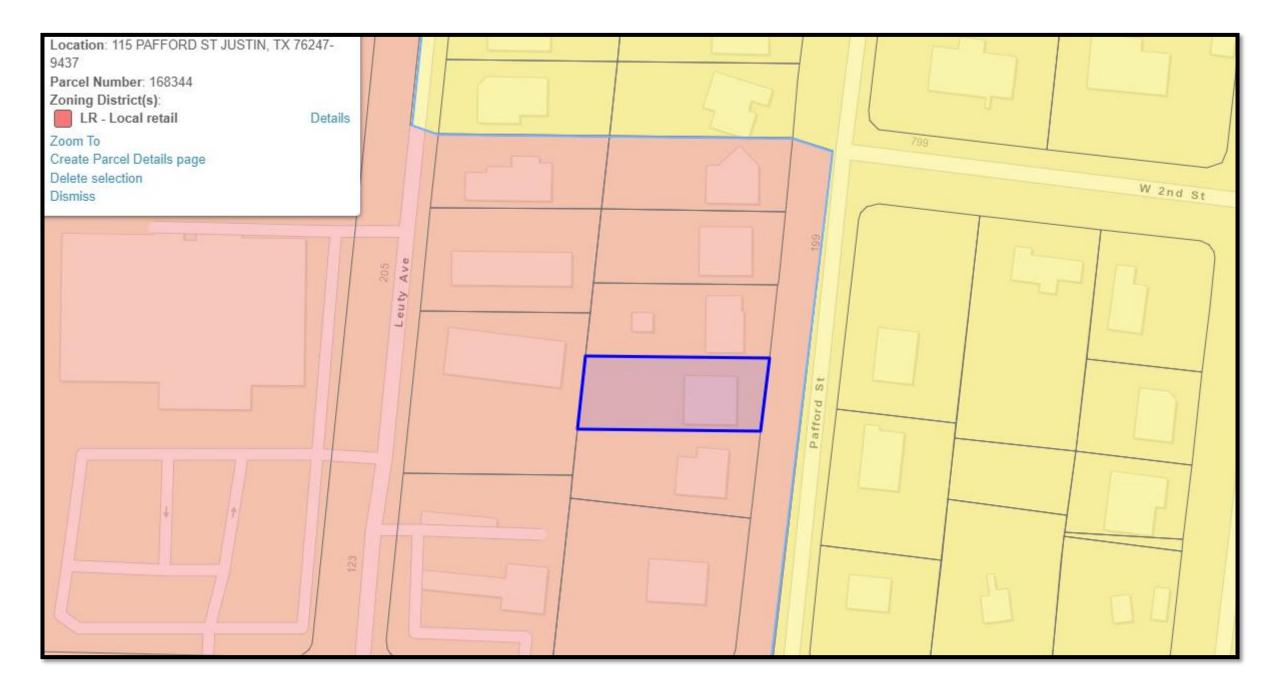
- North- Residential
- South- Residential
- East- Residential
- West- Synthetic Technologies Incorporated (Commercial)

City Attorney Review: N/A

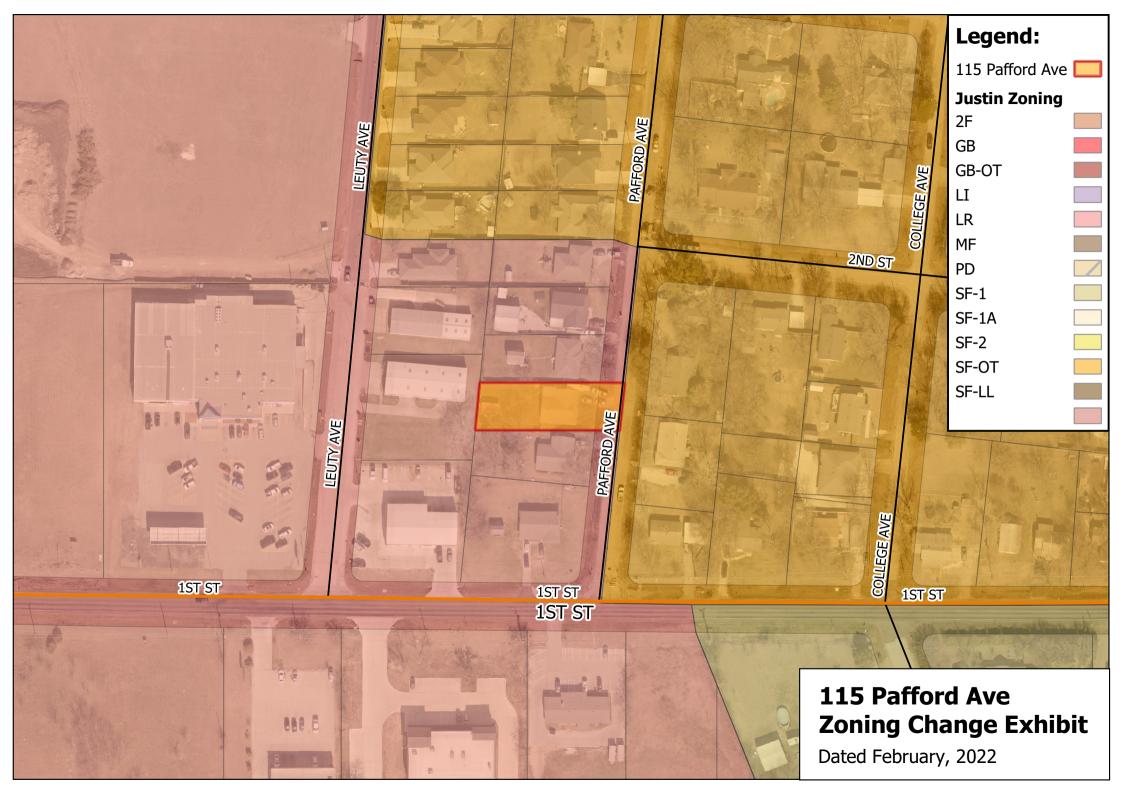
Attachments:

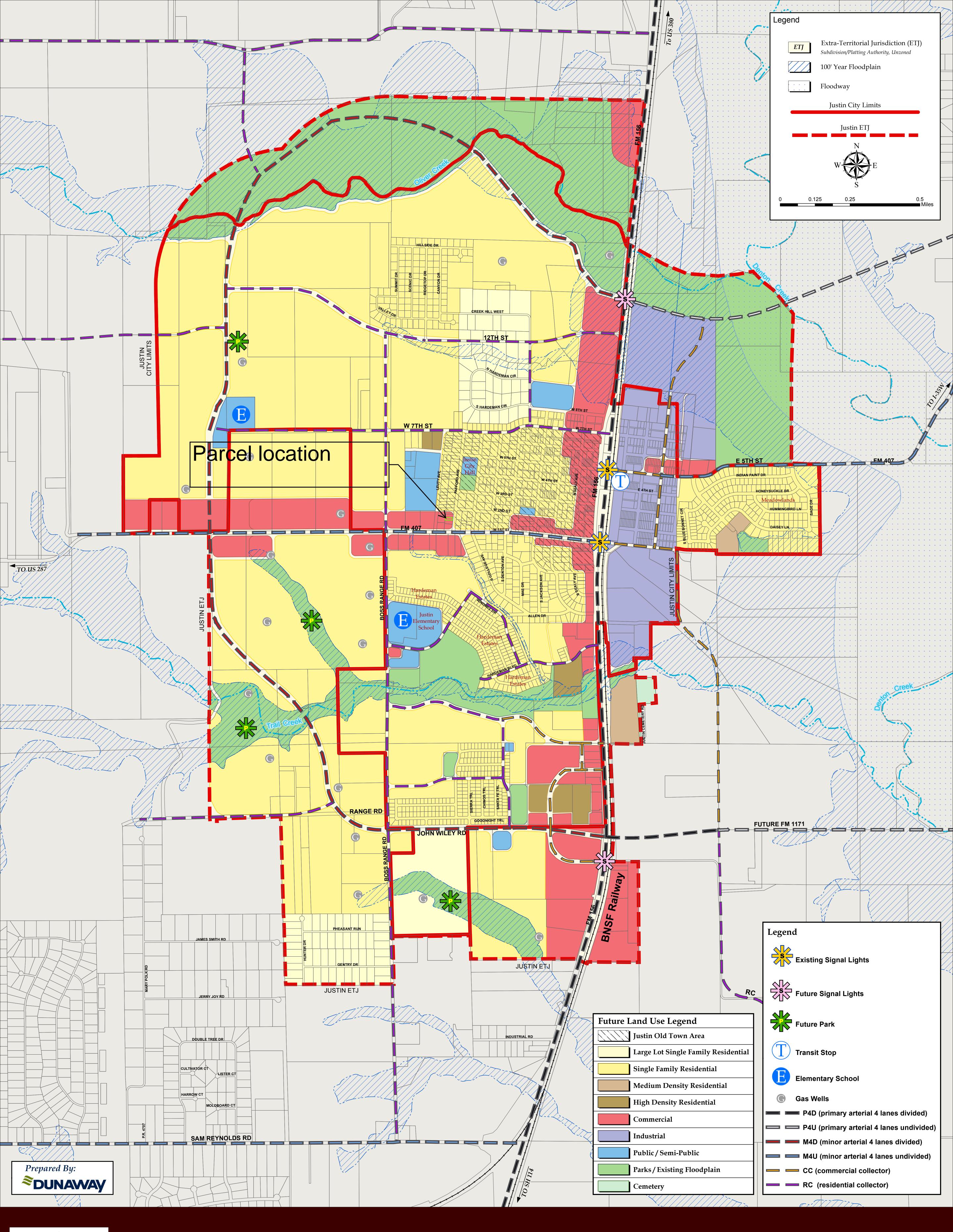
- (A) Maps
- (B) Zoning Exhibit
- (C) Future Land Use Plan

- 2004 Zoning Map (Parcel is outlined in Red) Sec. 52-44 Ordinance Proposed Ordinance (D) (E) (F)







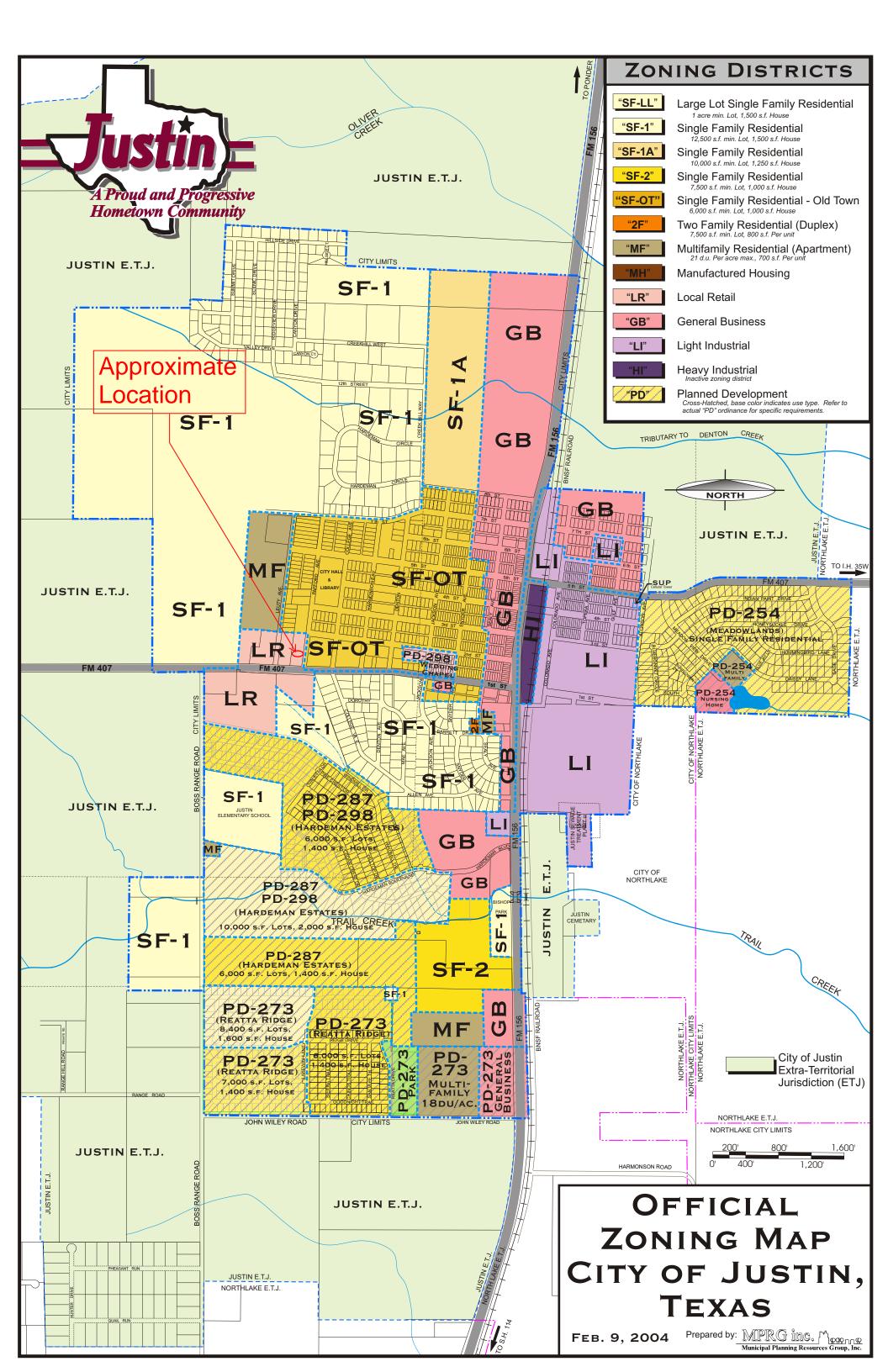








Future Land Use Plan Updated Tuesday, June 6, 2017



Sec. 52-44. - Nonconforming uses.

- (a) The lawful use of land existing upon the effective date of the ordinance from which this article is derived, although such use does not conform to the provisions thereof, may be continued, subject to the provisions hereof.
- (b) The lawful use of a building existing upon the effective date of the ordinance from which this article is derived may be continued, although such use does not conform to the provisions hereof. Such use may be extended throughout such portions of the buildings as are arranged or designed for such use, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. If such nonconforming building is voluntarily removed, the future use of such premises shall be in conformity with the provisions of this article.
- (c) In the event a nonconforming use of any building or premises is voluntarily discontinued for a period of one year, the use of the same shall conform to the provisions of the district in which it is located.
- (d) A residential dwelling unit having a lesser floor area at the time of the passage of this article than the minimum floor area required for the district in which it is located shall not be construed to be a nonconforming use so long as the dwelling unit is maintained as that existing at the time of the passage of this article.
- (e) A nonconforming use if changed to a conforming use or a more restricted nonconforming use, may not be changed back to a less restricted use than that to which it was changed.
- (f) If by amendment to this article any property is transferred to a more restricted district by a change in the district boundaries, or the regulations and restrictions in any district are made more restrictive or of a higher classification, the provisions of this article relating to the nonconforming use of buildings or premises existing upon the effective date of the ordinance from which this article is derived shall apply to building or premises occupied or used upon the effective date of such amendment.
- (g) Repairs and alterations may be made to a nonconforming building, provided that no structural alternations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.
- (h) A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other causes. In the case of partial destruction by fire or other causes not exceeding 50 percent of its value, the building inspector shall issue a permit for reconstruction. If destruction is greater than 50 percent of its value, the board of adjustment may grant a permit for repair or replacement after public hearing and having due regard for the property right of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purposes of this article.

(Code 1994, § 12.1300)

ORDINANCE NUMBER

AN ORDINANCE OF THE CITY OF JUSTIN, TEXAS, APPROVING A ZONING CHANGE FROM LOCAL RETAIL (LR) TO SINGLE-FAMILY OLD TOWN (SF-OT) ADDRESSED AS 115 PAFFORD AVENUE LOCATED APPROXIMATELY 250 FEET NORTHWEST FROM THE INTERSECTION OF 1ST STREET AND PAFFORD AVENUE HAVING THE LEGAL DESCRIPTION OF LOT 2, BLOCK 1 OF THE DOOLEY COUNTY, SUBDIVISION, DENTON **TEXAS:** PROVDING AN **INCORPORATION** OF **PREMISES:** PROVIDING Α CUMULATIVE/REPEALER CLAUSE, PROVIDING A SEVERABILITY **CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the landowners of property having the legal description of Lot 2, Block 1 of the Dooley Subdvision, Justin, Denton County, TX, request a zoning change from Local Retail to Single Family-Old Town zoning district; and

WHEREAS, the Planning and Zoning Commission of the City of Justin (the "Commission"), in compliance with the laws of the State of Texas, gave the requisite notices by publication and otherwise, and held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard; and

WHEREAS, having reviewed the zoning change the Commission determined that the change of the proposed zoning change was compatible with surrounding uses and recommended approval of this Ordinance; and

WHEREAS, the City Council of the City of Justin, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, having held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard, and having considered the recommendation of the Planning and Zoning Commission, has determined that the proposed zoning change as presented is approved and made a part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS:

Section 1. <u>Incorporation of Premises</u>. That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. That the Zoning Map of Justin, Texas, regulating property at 115 Pafford Avenue located approximately 250 feet northwest from the intersection of 1st Street and Pafford Avenue having the legal description of lot 2, block 1 of the Dooley Subdivision, Justin, Denton County, Texas, is amended to change the zoning from Local Retail to Single- Family Old-Town.

Section 3. <u>Applicable Regulations/Zoning Ordinance and Zoning Map Amended</u>. Development and use of the property shall follow this ordinance, including all Exhibits thereto as amended hereby, the Code of Ordinances of the City of Justin, Texas, and all applicable state and federal law. **Section 4.** <u>**Cumulative/Repealer Clause.**</u> This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Justin, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 5. <u>Severability Clause.</u> If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portions of this ordinance, or the Comprehensive Zoning Ordinance, Chapter 52 of the City of Justin Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 6. <u>Effective Date.</u> This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

Elizabeth Woodall, Mayor

ATTEST:

Brittany Andrews, City Secretary

Approved as to form:

City Attorney

April 12, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item # 7 (Public Hearing)

Title: Conduct a Public Hearing to consider a Specific Use Permit for a Temporary Batch Plant located at 9060 Teasley Lane, located on the north side of FM 407, legally described as Garnett Survey, Tract 2.

Department: Administration

Contact: Planning and Development Director, Matt Cyr

Recommendation:

Staff recommends consideration based on the request.

Background:

The Applicant is proposing a Temporary Batch Plant for the Timberbrook Ph. 3B & 4A to mitigate the potential traffic for delivery of materials and construction.

The Applicant is requesting to utilize site pad of approximately 25,000 - 30,000 squarefeet as a Temporary Batch Plant for these phases. According to the Code of Ordinances a Temporary Batch Plant requires approval from City Council (Sec. 10-26)

The land is vacant everywhere except to the west. There is a residential home/farm to the west. The proposed location would be 600' from the plant to the nearest building going to the west. The Plant would be in operation for approximately 24 days pending on good weather and will operate from 7AM-6PM. The Applicant will utilize down lighting to mitigate the impact on residential to the west.

Staff has no major concerns with the request based on the setbacks from the nearest residential use, the time-frame being 24 days for operation (pending good weather), and the use of down lighting.

Staff Analysis:

The conditions for consideration are: "The permit may be issued with appropriate, reasonable conditions determined by the city council, including conditions for control of traffic, view from public or adjacent property, dust, light, noise, ingress and egress, and hours of operation." (Sec. 10-26(b))

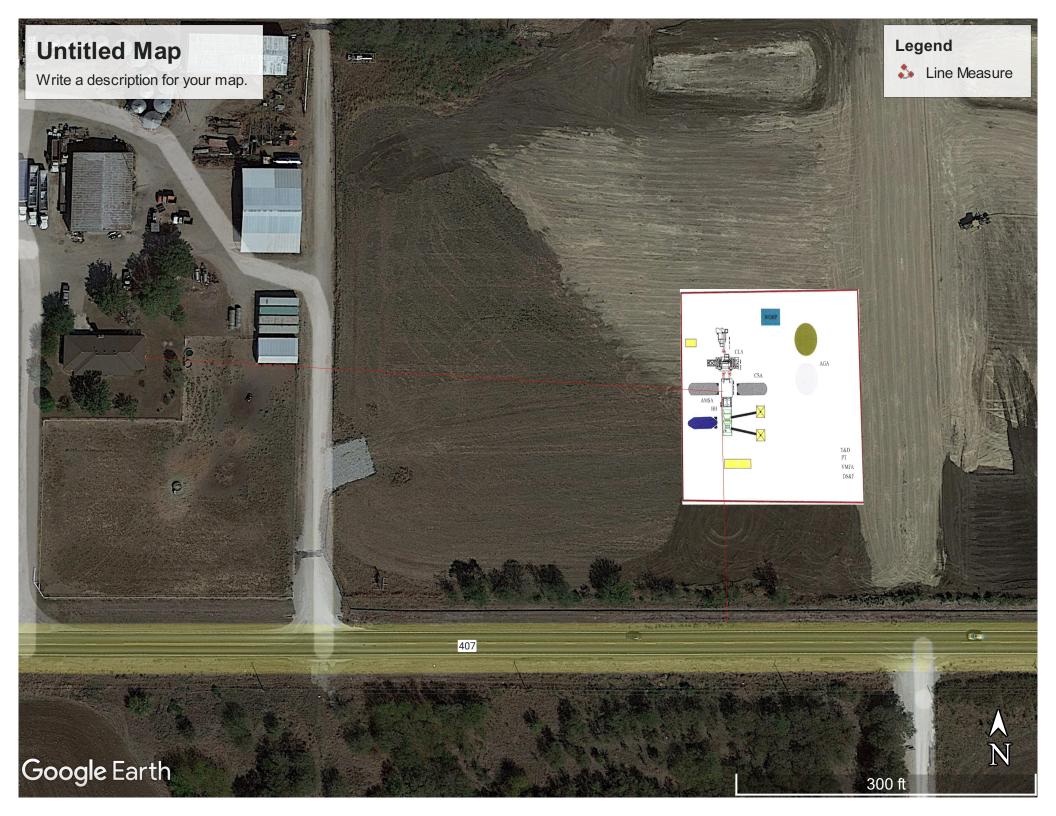
Planning and Zoning Commission Recommendation:

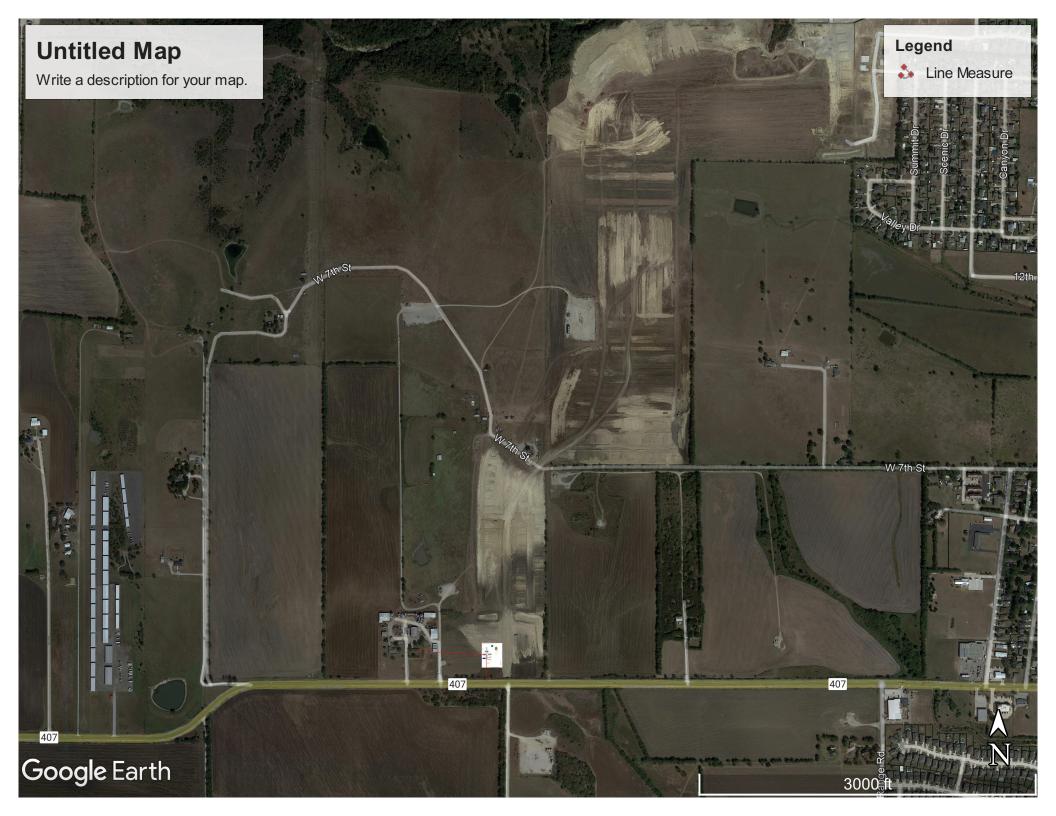
The Commission unanimously recommended approval on March 15, 2022.

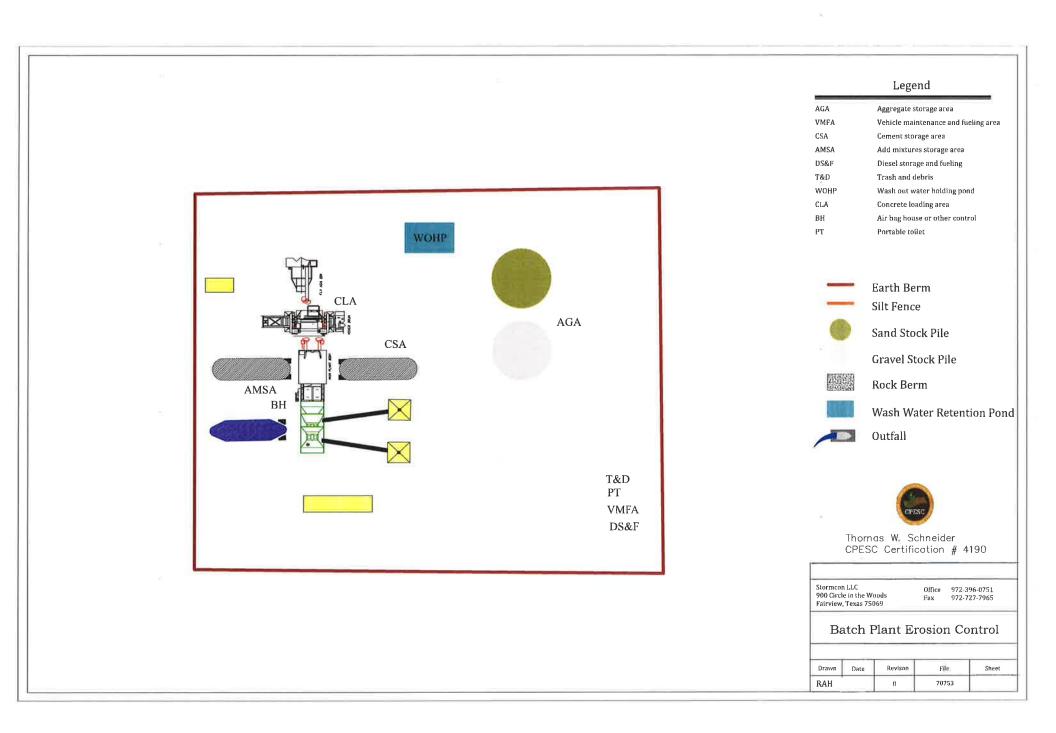
City Attorney Review: N/A

Attachments:

- A) Supporting Documentation
- B) Section 10-26 Ordinance







Jon Niermann, *Chairman* Emily Lindley, *Commissioner* Bobby Janecka, *Commissioner* Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 4, 2022

Mr. Brian Cottle, Chief Estimator Chris Harp Construction LLC 17388 County Rd 543 Nevada, Texas 75173-8042

Re: Relocation Request for a Concrete Batch Plant; Standard Permit Registration No. 147393L001; 1 mile west of Boss Range Rd and FM 407, directly off of FM 407 (Timberbrook Ph 3B & 4A), Justin, Denton County, Texas; TCEQ ID Nos.: RN109829796; CN605125335

Dear Mr. Cottle:

This is in response to your relocation application concerning the proposed construction of the above listed concrete batch plant at the above listed location. Based on the information presented, the TCEQ DFW Regional Office Air Program has determined that the proposed authorization can be granted as of the date of this letter to construct and operate the concrete batch plant referenced above at the proposed site, since it is located in or contiguous to the right-of-way of a public works project or related project segments.

The TCEQ DFW Regional Office understands that the concrete batch plant will remain at this site until the completion of the project. This authorization is contingent upon continued compliance with the conditions listed in the Standard Permit for Concrete Batch Plants and with all representations made in your relocation request. Any changes to the representations must have prior written approval from a delegated representative of the executive director.

In addition, you are reminded that all future applications for relocation <u>must be submitted at</u> <u>least 12 business days prior to your estimated move date</u> as required by the Standard Permit for Concrete Batch Plants and written authorization must be obtained prior to locating onsite. Failure to do so may result in denial of your relocation request or formal enforcement action.

After completion of construction or modification, start-up notification is required in accordance with 30 TAC 116.115(b)(2)(B)(i). Enclosed is a notification form for you to complete and send in prior to your construction or site move.

TCEQ Region 4-Dallas/Fort Worth • 2309 Gravel Dr. • Fort Worth, Texas 76118-6951 • 817-588-5800 • Fax 817-588-5700

Mr. Brian Cottle, Chief Estimator Page 2 January 4, 2022

You are reminded that regardless of whether a permit is required, these facilities must be in compliance with all regulations of the TCEQ and the U.S. Environmental Protection Agency at all times. If you need further information or have any questions, please contact Ms. Patricia Chen at 817-588-5850.

Sincerely,

Kimberli Fowler, Air Section Manager Dallas-Fort Worth Region Office Texas Commission on Environmental Quality

KSF/PXC/jxs

Enclosure: Updated Information for the Movement of a Portable Facility

Sec. 10-26. - Temporary concrete batching plant.

- (a) Upon application, including a site plan, the city council may, if it finds that the public interest requires it to reduce construction traffic, street damage and/or cost, authorize the issuance of a temporary concrete batching plant permit, for a location on or adjacent to a major construction site in the city, for a period not to exceed six months. The temporary permit may be extended by the city council for additional periods not exceeding six months each.
- (b) The permit may be issued with appropriate, reasonable conditions determined by the city council, including conditions for control of traffic, view from public or adjacent property, dust, light, noise, ingress and egress, and hours of operation.

(Code 1994, § 3.107; Ord. No. 485, § 1, 1-11-2010)

April 12, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item #8 (Possible Action)

Title: Consider and take appropriate action regarding Ordinance 722-22 amending Chapter 48- Utilities of the City of Justin Code of Ordinances limiting extension of water and sanitary sewer service to property in the Justin corporate limits

Department: Administration

Contact: City Manager, Chuck Ewings

Recommendation: Consider recommended ordinance

Background:

Mayor Woodall requested this item be placed on the agenda. If approved, the City's utilities code would be amended limiting the extension water and sanitary sewer service to property within the city's corporate boundary or city limit.

City Attorney Review: N/A

Attachments: Ordinance 722-22

ORDINANCE NO. 722-22

AN ORDINANCE AMENDING CHAPTER 48, ARTICLE I. – IN GENERAL, PROVIDING THAT UTLITY SERVICE WILL BE EXTENDED ONLY TO PROPERTIES LOCATED WITH THE CORPORATE LIMITS OF THE CITY OF JUSTIN PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Justin is a Type A general-law municipality in the State of Texas;

and

WHEREAS, the city council has previously adopted ordinances and regulations related to

the provision of water and sanitary sewer service; and

WHEREAS, the city council finds that it is in the city's interest to limit water and sewer

service to properties located within the City's corporate boundaries; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE

CITY OF JUSTIN, TEXAS:

SECTION 1.

Chapter 48, Article I – IN GENERAL of the Justin Code is hereby amended to add language as follows:

Section 48-2. Extension of water and sanitary sewer service shall be limited to properties located in the corporate limits of the City of Justin.

SECTION 2. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause,

sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 3. PUBLICATION REQUIREMENTS

The City Secretary is directed to publish in the official newspaper of the City of Justin the caption, penalty clause, publication clause, and effective date clause of this Ordinance one (1) time within ten (10) days after approval of this Ordinance as required.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed and approved on the 12th day of April 2022.

ELIZABETH WOODALL, MAYOR

ATTEST:

BRITTANY ANDREWS, CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

April 12, 2022

Justin City Hall, 415 North College Street

City Council Cover Sheet

Agenda Item: #9 (Consent)

Title Consider and take appropriate action approving City Council minutes dated March 22, 2022.

Department: Administration

Contact: City Secretary, Brittany Andrews

Recommendation: Motion to approve minutes as presented.

Background:

City Attorney Review: N/A

Attachments:

1. March 22, 2022 City Council Minutes