PLANNING \& ZONING COMMISSION MEETING
TUESDAY, OCTOBER 18, 2022, 6:30 P.M.
JUSTIN CITY HALL 415 NORTH COLLEGE STREET

## WORK SHOP SESSION AGENDA (6:30 PM)

A. Call to Order and Roll Call.
B. Discuss agenda format and future meetings
C. Discuss Timberbrook Developers Agreement.
D. Discuss lot standards.
E. Discuss joint meeting with City Council on November 15, 2022.
F. Discuss future zoning amendments to be recommended to City Council.
G. Briefing regarding the September $27^{\text {th }}$ and October $11^{\text {th }}$ Council Meetings.
H. Discuss regular agenda items.
I. Adjourn.

## CONVENE INTO REGULAR SESSION AT 7:30 PM

1. CALL TO ORDER AND ROLL CALL

## 2. PLEDGE OF ALLEGIANCE

## 3. PUBLIC COMMENT:

In order to the business flow and provide all citizens the opportunity to speak, the Planning \& Zoning Commission Chair may impose a three-minute limit on any person addressing the Commission. Speaker slips must be completed prior to speaking.

To allow the public the ability to participate in the public comment portion and not attend the meeting in person, the City allows the following: email comments may be submitted with name and address to the Director of Planning and Development Services by 5:00 pm on Tuesday, October 18, 2022 to mcyr@cityofjustin.com. Staff
will read any received email to Commission during the discussion of this item. Please identify the agenda item to discuss.

## 4. CONSENT ITEMS:

A. Consider approval of the minutes for August 16, 2022.
B. Consider approval of the minutes for September 20, 2022.

## 5. PUBLIC HEARING:

A. Conduct a Public Hearing to hear concerns for or against a Planned Development (SF-2 and GB) for a Church and age restricted living legally described as OLD DCAD TR 2 and A0439A M. GARNETT, TR 3D generally located northeast from the intersection of Strader Lane and FM 407.
B. Consider and act upon a recommendation to City Council for a Planned Development (SF-2 and GB) for a Church and age restricted living legally described as OLD DCAD TR 2 and A0439A M. GARNETT, TR 3D generally located northeast from the intersection of Strader Lane and FM 407.
C. Conduct a Public Hearing to hear concerns for or against a Specific Use Permit Amendment for a Temporary Batch Plant legally described as A0419A W.A. FERRIS, TR 1, OLD DCAD TR 4 and A0285A WM CABLE, TR 1(PT), generally located southwest from the intersection of Boss Range Road and FM 407.
D. Consider and act upon a recommendation to City Council for a Specific Use Permit Amendment for a Temporary Batch Plant legally described as A0419A W.A. FERRIS, TR 1, OLD DCAD TR 4 and A0285A WM CABLE, TR 1(PT), generally located southwest from the intersection of Boss Range Road and FM 407.
E. Conduct a Public Hearing to hear concerns for or against amending Chapter 52 of the Code of Ordinances relating to Public Notification requirements.
F. Consider and act upon a recommendation to City Council for amending Chapter 52 of the Code of Ordinances relating to Public Notification requirements.

## 6. ACTION ITEMS

A. Consider and act upon a Preliminary Plat for the Ranchettes at Oliver Creek Phase I legally described as A0433A T.H.W. FORSYTHE, TR 3, and A0433A T.H.W. FORSYTHE, TR 4, OLD DCAD TR 1B located north of FM 1384.
B. Consider and act upon appointments or reappointments to the Chair and Vice-Chair positions.

## 7. FUTURE AGENDA ITEMS:

A. Hillwood Preliminary Plat.
B. Timberbrook Phase 4B and 5 Final Plats.

## 8. EXECUTIVE SESSION :

A. 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.

## 9. ADJOURNMENT:

I, the undersigned authority, do hereby certify that the above notice of the meeting of the City Planning \& Zoning Commission 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.

Said notice has been posted this $14^{\text {th }}$ Day of October 2022 by $5: 00$ p.m., at least 72 hours preceding the scheduled meeting time.


NOTE: THE CITY OF JUSTIN COUNCIL CHAMBERS ROOM IS ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY DEVELOPMENT SERVICES DEPARTMENT

# PLANNING \& ZONING COMMISSION MEETING 

Staff Report
October 18, 2022

STAFF CONTACT: Matt Cyr, Director of Planning and Development Services
PROJECT: Lot Standards- Work Session

## EXECUTIVE

SUMMARY: At the request of the Commission, Staff is providing additional information to the setbacks of other communities.

## Northlake:



Justin:

|  | SF-LL | SF-1 | SF-1A | SF-2 | SF- <br> OT | 2F | MF | LR | GB | LI | MH |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Minimum Lot Area (SF) | 43,560 | 12,500 | 10,000 | 8,400 |  | 7,500 | 10,000 | 7,500 | 7,500 |  | 7,500 |
| Minimum Dwelling Floor Area (square feet) | 1,500 | 1,500 | 1,250 | 1,000 | 1,000 | 800 | 700, plus 200 SF for each additional bedroom | 1,000 | 1,000 |  | 1,000 |
| Minimum Lot Width (ft) | 100 | 100 | 80 | 70 |  | 60 | 100 | 50 | 50 |  | 60 |
| Minimum <br> Front <br> Yard <br> Setback <br> (ft) | 35 | 25 | 25 | 25 | 20 | 25 | 25 | 20 | 20 |  | 25 |
| Minimum Side Yard Setback (ft.) | 15 | 10\% of width | $10 \%$ <br> of width | $10 \%$ <br> of width |  | 10\% of width | 5 | 15 | 15 |  | $10 \%$ <br> of width |
| Minimum Side Yard Setback from Street |  |  |  |  | 15 ft . |  |  |  |  |  |  |
| Minimum Interior Side Yard Setback |  |  |  |  | 5 ft . |  |  | 5 ft . | 5 ft . |  |  |
| Minimum <br> Rear Yard <br> Setback <br> (ft) | 20 | 20 | 15 | 10 |  | 10 | 10 |  |  |  | 10 |


| Minimum <br> Rear Yard <br> Setback |  |  |  | 10 ft. |  |  | $10 \mathrm{ft}$. | 10 ft. |  |  |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- |

## Roanoke:

AG:

Minimum Front Yard - Fifty feet (50')
Minimum Side Yard - Ten percent (10\%) of the lot/tract width, but need not exceed fifteen feet ( 15 '); twenty-five feet ( $25^{\prime}$ ) from a street right-of way line for a corner lot/tract; fifty feet ( $50^{\prime}$ ) from a street right-of-way line for a key corner lot/tract.

Minimum Rear Yard- Twenty percent (20\%) of the lot/tract depth for the main building but need not exceed fifty feet (50').

SF-22:
Minimum Front Yard-Thirty-five feet (35').
Minimum Side Yard- Twenty feet (20') for an interior side yard; twenty-five feet (25') from a street right-of-way line for a corner lot/tract on a residential or collector street; twenty-five feet ( $25^{\prime}$ ) for a corner lot/tract on an arterial street; twenty-five feet ( 25 ') from a street right-of-way line for a key corner lot/tract.

Minimum Rear Yard. Thirty-five feet (35') for the main building.
SF-15:

Minimum Front Yard - Twenty-five feet (25').
Minimum Side Yard -Twelve feet (12') for an interior side yard; twenty-five feet (25') from a street right-of-way line for a corner lot/tract on a residential or collector street; twenty-five feet ( $25^{\prime}$ ) for a corner lot/tract on an arterial street; twenty-five feet (25') from a street right-of-way line for a key corner lot/tract.

Minimum Rear Yard- Thirty feet (30') for the main building.
SF-11:
Minimum Front Yard - Twenty-five feet (25').
Minimum Side Yard - Ten feet (10') for an interior side yard; twenty-five feet ( $25^{\prime}$ ) from a street right-of-way line for a corner lot/tract on a residential or collector street; twenty-five feet ( $25^{\prime}$ ) for a corner lot/tract on an arterial street; twenty-five feet ( $25^{\prime}$ ) from a street right-of-way line for a key corner lot/tract.

Minimum Rear Yard. Twenty-five feet (25') for the main building.(c)Maximum Lot/tract Coverage. Thirty-five percent (35\%) including main buildings and accessory buildings.

SF-7:
Minimum Front Yard. Twenty-five feet (25').
Minimum Side Yard -Seven and one-half feet (7.5') for an interior side yard; fifteen feet (15') from a street right-of-way line for a corner lot/tract on a residential or collector street; fifteen feet (15') for a corner lot/tract on an arterial street; fifteen feet (15') from a street right-of-way line for a key corner lot/tract.

Minimum Rear Yard. Twenty-five feet (25') for the main building.
SFA:
Minimum Front Yard. Fifteen feet (15'); front yard setback shall be staggered in at least five-foot (5') increments such that no more than two (2) units have the same front setback in a row, and such that at least $30 \%$ of the lot/tracts along any block face are set back at least twenty-five feet ( $25^{\prime}$ ), at least $30 \%$ of the lot/tracts are set back at least twenty feet ( $20^{\prime}$ ), and no more than $40 \%$ of the lot/tracts use the minimum fifteen-foot ( $15^{\prime}$ ) front setback; no front-entry garages permitted.

Minimum Side Yard.Single-family attached dwellings shall not have an interior side yard; however, a minimum eight-foot ( $8^{\prime}$ ) side yard is required for a key corner lot/tract or a corner lot/tract adjacent to a residential or collector street, and a minimum fifteen-foot (15') side yard is required for a corner lot/tract adjacent to an arterial street. The ends of any two adjacent building complexes or rows of buildings shall be at least fifteen feet (15') apart. The required side yards shall be designated upon a construction plat approved by the City Council.(B)A complex or continuous row of attached single-family dwellings shall have a minimum length of three (3) dwelling units (triplex), a maximum length of eight (8) dwelling units, and shall not exceed two hundred eighty feet (280') in length

Minimum Rear Yard. Eight feet (8') for the main building; twenty-four feet (24') for rear garage entry (to the face of the garage doors).

## Argyle:

## AG: All setbacks are 50

SF-2.5: Minimum front yard- Fifty feet.
Minimum side yard- Thirty feet.
Minimum rear yard- Fifty feet for the main building and accessory structures.
SF-1: Minimum Front Yard - Fifty feet.

Minimum Side Yard - Fifteen feet for an interior side yard; 15 feet from a street right-of-way line for a local street or collector street as designated on the Town of Argyle Thoroughfare Plan, as amended; 20 feet from a street right-of-way line for highway 377 or an arterial street as designated on the Town of Argyle Thoroughfare Plan; 40 feet from a street right-of-way line for a key corner lot.

Minimum Rear Yard - Fifteen feet for the main building and accessory structures.

SF-20: Minimum Front Yard - Thirty feet.
Minimum Side Yard - Ten feet for an interior side yard; 15 feet from a street right-of-way line for a corner lot on a residential or collector street; 20 feet for a corner lot on an arterial street; 30 feet from a street right-of-way line for a key corner lot.

Minimum Rear Yard- Fifteen feet for the main building.
Garages - Garage entries for motor vehicles shall not be located nearer than 24 feet to a street right-of-way or the minimum Side Yard or Rear Yard setbacks, whichever is greater.

SF-10: Minimum Front Yard - Thirty feet.
Minimum Side Yard - Ten feet for an interior side yard; 15 feet from a street right-of-way line for a corner lot on a residential or collector street; 20 feet for a corner lot on an arterial street; 25 feet from a street right-of-way line for a key corner lot.

Minimum Rear Yard - Fifteen feet for the main building.
Garages. Garage entries for motor vehicles shall not be located nearer than 24 feet to a street right-of-way or the minimum Side Yard or Rear Yard setbacks, whichever is greater.

SF-7 : Minimum Front Yard - Twenty-five feet.
Minimum Side Yard - Five feet required; 15 feet from a street right-of-way line for a corner lot on a residential or collector street; 20 feet for a corner lot on an arterial street; 25 feet from a street right-of-way line for a key corner lot.

Minimum Rear Yard - Twenty feet for the main building; 24 feet for rear garage entry.

Garages - Garage entries for motor vehicles shall not be located nearer than 24 feet to a street right-of-way or the minimum Side Yard or Rear Yard setbacks, whichever is greater.

ACTION
NEEDED:

Discuss Accordingly.

# PLANNING \& ZONING COMMISSION <br> REGULAR MEETING MINUTES <br> TUESDAY, AUGUST 16, 2022 <br> JUSTIN CITY HALL 415 NORTH COLLEGE STREET 

Members Present:
John Tinsley, David Beck, Tom Cronberger, Tory Turner, Davis Parsons

## Staff Present:

Matt Cyr, Director of Planning and Development Services

## WORK SHOP SESSION:

A. Call to Order and Roll Call

Chairman Beck called the work shop session to order at 6:30 p.m.
B. Discuss Potential Training for the Commission.

Staff held a discussion with the Commission relating to this item.
C. Development Processes Overview.

Staff held a discussion with the Commission relating to this item. Staff explained the process to which a development application takes before it gets to the Commission and Council.
D. Discussion relating to Landscape Requirements

Staff gave a brief overview of the item and held discussion with the Commission.
E. Discuss future zoning amendments to be recommended to City Council.

Staff gave an update on the item to see if the Commission had any recommendations to City Council.
F. Briefing regarding the July $26^{\text {th }}$ and August $9^{\text {th }}$ Council Meetings.

Staff gave a brief overview of Council action on these dates.
G. Discuss Regular Agenda Items.

The Commission asked questions about the regular agenda items.
H. Adjourn

Chairman Beck adjourned the work shop session at 7:25 P.M.

1. CALL TO ORDER

Chairman Beck called the meeting to order at 7:31 P.M.

## 2. PLEDGE OF ALLEGIANCE

The Commission stood for the pledge.

## 3. PUBLIC COMMENT:

No member of the public provided public comment. No public comment was submitted in writing.

## 4. CONSENT ITEMS:

A. Consider approval of the minutes for July 19, 2022.

Commissioner Parsons motioned to approve the consent agenda.
Commissioner Tinsley seconded.
The motion passed 5/0/0.

## 5. ACTION ITEMS:

A. Consider and act upon a recommendation to City Council for a Final Plat described as Buddy Hardeman Business Addition Lot 1, Block 4 generally located west from the intersection of FM 156 and Hardeman Blvd.

Staff gave a brief presentation of the item.

The Commission held a discussion with the Applicant.
Commissioner Tinsley made a motion to recommend approval as presented.

Commissioner Cronberger seconded.
The motion passed 5/0/0

## 6. PUBLIC HEARING :

A. Conduct a Public Hearing to hear concerns for or against five new gas wells on the property legally described as A0419A W.A. FERRIS, TR 1, 27.25 ACRES, OLD DCAD TR 4 generally located west from the intersection of Boss Range Road and FM 407.

Chairman Beck opened the Public Hearing at 7:50 pm.
No one came forward.

Chairman Beck closed the Public Hearing at 7:51 pm.
B. Consider and act upon a recommendation to City Council for five new gas wells on the property legally described as A0419A W.A. FERRIS, TR 1, 27.25 ACRES, OLD DCAD TR 4 generally located west from the intersection of Boss Range Road and FM 407.

Jason Weaver, a representative of the Preserve Development, came forward to speak on the application.

Commissioner Cronberger asked about potentially making the drive-cut off of FM 407 wider to accommodate the larger trucks that will be on-site.

Bill, the superintendent for the Applicant (Bedrock), stated they would try to make it as wide as TXDOT would allow.

Commissioner Cronberger asked about how often the haulers would be onsite
Cody Grasnik, engineer with the Applicant (Bedrock), came forward to answer the Commission's questions about truck haulers on-site.

Commissioner Cronberger asked about security issues pertaining to this site.
Cody Grasnik stated they did not have any issues pertaining to security of the site in past projects and do not expect the same here.

Commissioner Cronberger asked about natural run-off on the site.
Bill stated he will work with the developer to ensure the run-off is not dumping towards houses.

Chairman Beck asked if the Applicant was amenable to the twenty foot temporary screening wall.

Bill replied that the wall is not cost effective and would prefer to not be constrained with this requirement.

Chairman Beck asked about the waste products on-site to ensure this would not affect the adjacent housing subdivision.

Bill replied these waste products would have primary and secondary containment.
Commissioner Turner asked if the Applicant would have third party inspections or conducted.

Bill responded they do utilize third party inspections.
John Tinsley asked of the Applicant to clarify if it would a six-foot or eight-foot fence along the back of the gas well pad.

Jason Weaver clarified that it could be either.
Commissioner Parsons mentioned it meets all requirements based on the Texas Railroad Commission permit. He also mentioned a concern relating to the adjacency of the homes to the gas well site.

The Commission held additional discussion among the rest of the members.
Commissioner Parsons made a motion to recommend approval as presented.
Commissioner Tinsley seconded the motion.
The motion approved 5/0/0

## 7. FUTURE AGENDA ITEMS:

Commissioner Cronberger asked Staff to discuss driveway requirements at the next work session.

## 8. ADJOURNMENT:

Commissioner Cronberger motioned to adjourn the meeting.
Commissioner Tinsley seconded.
The motion passed and the meeting was adjourned at 9:05 p.m.

## Chair David Beck

Attest:

Matt Cyr, Director of Development
Services

# PLANNING \& ZONING COMMISSION <br> REGULAR MEETING MINUTES TUESDAY, SEPTEMBER 20, 2022 <br> JUSTIN CITY HALL 415 NORTH COLLEGE STREET 

Members Present:
John Tinsley, David Beck, Tom Cronberger, Lisa Leary, Tory Turner, and Davis Parsons

## Staff Present:

Matt Cyr, Director of Planning and Development Services

## WORK SHOP SESSION AGENDA (6:30 PM)

A. Call to Order and Roll Call.

Chairman Beck called the work shop session to order at 6:30 p.m.
B. Comprehensive Plan update.

Staff gave a brief update on the item to the Commission.
C. Code Compliance update.

Staff gave a brief update on the item to the Commission.
D. Discuss driveway length requirements.

Staff gave a brief update on the item to the Commission.
The Commission asked Staff if they could provide additional information on setbacks from other communities.
E. Landscaping revision update.

Staff gave a brief update on the item to the Commission
F. Discuss public hearing notice requirements.

Staff gave a brief update on the item to the Commission.
The Commission discussed a variety of options pertaining to noticing requirements.
Staff confirmed they would bring a formal request for consideration next month.
G. Discuss future zoning amendments to be recommended to City Council.

Staff gave a brief overview of the item to the Commission.
H. Briefing regarding the August $16^{\text {th }}$ and September $13^{\text {th }}$ Council Meetings.

Staff gave a brief overview of the item to the Commission.
I. Adjournment.

The meeting was adjourned at 7:31 pm by Chairman Beck

# PLANNING \& ZONING COMMISSION MEETING 

Staff Report

October 18, 2022

STAFF CONTACT: Matt Cyr, Director of Planning and Development Services
PROJECT: A Public Hearing to consider a recommendation to City Council for a Planned Development (SF-2 and GB) for a Church and age restricted living legally described as A0439A M. GARNETT, TR 3, ACRES, OLD DCAD TR 2 and A0439A M. GARNETT, TR 3D.

## EXECUTIVE

SUMMARY: The Applicant is proposing a Planned Development for an approximately 47,000 square-foot Church off of FM 407 and for an age restricted development located behind the Church.

## ADJACENT

PROPERTIES:
North: Timberbrook/Bloomfield

South: NA
East: Mitchell Farms
West: Timberbrook/Bloomfield

ZONING: The property is currently vacant and is zoned Planned Development Single-Family 2 and General Business. The base zoning will remain, however, since the Applicant is requesting to utilize an age restricted concept, a Planned Development is required because there is no current zoning district that accommodates the proposed design standards.

FLUP: The property is currently classified as Residential and Commercial. The Planned Development is consistent with the Future Land Use Plan.

SITE DETAILS: The site is approximately 41 acres and is located on the frontage of FM 407 going back north. The residential units being proposed is 157 units ( 6 units to be duplexes), while the Church is being proposed at approximately 47,000 squarefeet.

RESIDENTIAL: The residential portion of this development will contain several amenities. Such as a 3.93 acre-pond feature with a dock, an $8^{\prime}$ trail that meanders around the residential portion of the development, pickleball, two hang-out buildings ("The Shack" and "The Hub"), a gazebo, sitting areas, and a pool.

The residential development will be platted as one entire lot, with multiple dwellings. The layouts shown on the plans are of the building pad and not the lot layout. The building separation or setbacks is proposed to be at least 6 ' from each structure. The buildings will have fire rated walls and will meet all the necessary International Fire Code requirements.

## CHURCH:

FENCING:

MATERIALS:

The residential development meets all of the required landscaping per the code.
The residential portion of this development is proposing streets to be $29^{\prime}$. The requirement for public roads is to be $31^{\prime}$, however, the Condominium Owner's Association will be responsible for maintenance.

The development also will be gated at three areas. Two on the east side where Timberbrook Parkway is to be constructed and one to the southwest, which will be an emergency access gate only.

The applicant is proposing to build approximately a 47,000 square-foot Church. The Church would be built after the first two phases if approved.

The total number of landscaping meets all the landscaping requirements. The only difference is the landscape buffer to the north and to the east have a more clustered concept not meeting the specified requirements per 100', however, the number of trees and landscaping is meeting the ordinance requirements.

The development requires 267 parking spaces according to the ordinance. They are providing 470 parking spaces. The parking dimensions are $8 \times 18$ and meet the code requirements.

The Church will also feature a .63 acre pond along with open space with additional landscaping to the north.

The maximum height of the building will be 40 ', which differs from our ordinance requirement of $35^{\prime}$.

To the north of the residential development the Applicant is proposing a 6 , ornamental fence or a Simtek wall. To the east of the residential development the Applicant is proposing a $6^{\prime}$ ornamental metal with masonry columns. To the west of the residential development the Applicant is proposing a 6; ornamental metal fence.

To the north of the Church, north of the Mitchell property, and east of the church the Applicant is proposing a $6^{\prime}$ Simtek wall.

Residential buildings and the activity center shall be a total of eighty (80) percent masonry including brick or stone on the main floor. An exception to that requirement is if the Activity or Shack use The Craftsman/Farmhouse style in which they may have up to one hundred (100) percent cementitious fiberboard lapsiding.

The Applicant has provided preliminary drainage plans. At this time there are no major concerns from Staff. If approved, Staff will require Civil Plans with more details to be followed.

SIGNAGE: The applicant is meeting all of the sign requirements except for the wall signage off of FM 407 for the Church. The max requirement is 200 square-feet. The Applicant is requesting 300 square-feet.

STAFF ANALYSIS: The land use for the residential development is a good transition use in this location. The development will be surrounded by 60 ' single-family residential lots, which eases the transition over to Commercial off of FM 407. Because of Federal Regulations (RLUIPA), Municipalities are limited in some capacities. However, Council has authority to add reasonable conditions to the site if needed. Overall, Staff has no major concerns with this application.

## ACTION CONSIDERED:

1) Make a recommendation to City Council to approve, approve with conditions, table the item with clarification and intent or deny.

## STAFF RECOMMENDATION:

Staff recommends consideration based on the request.

## ATTACHMENTS:

(A) Maps
(B) Supporting Documentation
(C) Proposed Ordinance


Being all that certain lot, tract or parcel of land situated in the Margaret Garnett Survey, Abstract Number 439, City of Justin, Denton County, Texas, being part of that certain called 411.268 acre tract of land described in deed in favor of Justin Timberbrook, LLC, recorded in Document Number 2016-55837 of the Real Property Records of Denton County, Texas, being all of that certain called 6.483 acre tract of land described as Tract 2 in deed in favor of Bloomfield Homes, LP, recorded in Document Number 2021-106330 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a $5 / 8^{\prime \prime}$ rebar found at the southwest corner of said Tract 2 and the southwest corner of said 411.268 acre tract, being the southeast corner of that certain called 241.210 acre tract of land described in deed in favor of Justin Timberbrook, LLC, recorded in Document Number 2017-5803 of the Real Property Records of Denton County, Texas, being the northwest corner of that certain called 1.04 acre tract of land described in Right-of Way deed in favor of the State of Texas recorded in Volume 348, Page 450 of the Real Property Records of Denton County, Texas, and being the northeast corner of that certain called 0.42 acre tract of land described in Right-of Way deed in favor of the State of Texas recorded in Volume 348, Page 451 of the Real Property Records of Denton County, Texas, and being on the north right-of-way line of F.M. 407 ( 90 ' right-of-way);

THENCE N $00^{\circ} 25^{\prime} 43^{\prime \prime}$ W, with the west line of said 411.268 acre tract and the west line of said Tract 2 passing at 589.13 feet the northwest corner of said Tract 2 and continuing for a total distance of 1563.75 feet to $1 / 2$ " capped rebar set "McAdams" from witch a 1 " spiral square pipe on the west line of said 411.268 acre tract and the east line of said 241.210 acre tract bears $N 00^{\circ} 25^{\prime} 43^{\prime \prime} \mathrm{W}, 3878.3^{\prime}$ and the northwest corner of said 411.268 acre tract and the northeast corner of said 241.210 acre tract bears N $00^{\circ} 25^{\prime} 43^{\prime \prime} \mathrm{W}, 4058.56^{\prime}$ from which a $1^{\prime \prime}$ spiral square pipe bears $\mathrm{N} 19^{\circ} 26^{\prime} 40^{\prime \prime} \mathrm{E}, 5.6$ feet;

THENCE $N 89^{\circ} 27^{\prime} 48^{\prime \prime}$ E, 1553.61 feet to the west line of that certain called 186.362 acre tract of land described as Tract 1 in the aforementioned deed in favor of Bloomfield Homes, LP;

THENCE with the west line of said Tract 1 the following nine (9) calls:

```
S 00`32'12" E, 108.44 feet;
S 440}2\mp@subsup{7}{}{\prime}4\mp@subsup{8}{}{\prime\prime}\textrm{W},14.14 feet
S 00`32'12" E, 50.00 feet;
S 45`32'12" E, 14.14 feet;
S 00`32'12" E, 720.19 feet;
S 44027'48" W, 14.14 feet;
S 00`32'12" E, 50.00 feet;
S 45`32'12" E, 14.14 feet;
```

THENCE S $89^{\circ} 31^{\prime} 09^{\prime \prime} \mathrm{W}, 553.79$ feet with a north line of said Tract 1 to a $1 / 2^{\prime \prime}$ capped rebar found "Goodwin \& Marshall" at the westerly northwest corner thereof, and being at a reentrant corner on the south line of said 411.268 acre tract and being the northwest corner of that certain called 4.05 acre tract of land described in deed in favor of Pete Allen Michell and wife, Sheron Lanelle Mitchell, recorded in Document Number Volume 1226, Page 392 of the Real Property Records of Denton County, Texas;

THENCE S $89^{\circ} 20^{\prime} 19^{\prime \prime} \mathrm{W}$, with the south line of said 411.268 acre tract and the north line of said 4.05 acre tract passing the northwest corner thereof and being the northeast corner of that certain called 3.003436 acre tract of land described in deed in favor of William Dwayne Michell and wife, Cheryl D. Mitchell recorded in Document Number Volume 2292, Page 269 of the Real Property Records of Denton County, Texas and continuing with the north line thereof a total distance of 522.50 feet to a $1 / 2^{\text {" capped }}$ rebar found "Goodwin \& Marshall" at the northwest corner thereof, being the northeast corner of the aforementioned Tract 2 and being at a reentrant corner on the south line of said 411.268 acre tract;

THENCE S $00^{\circ} 32^{\prime} 43$ " E, 588.16 feet with the west line of said 3.003436 acre tract, the east line of said Tract 2 and the south line of said 411.268 acre tract to a $5 / 8$ " rebar found at the southwest corner of said 3.003436 acre tract, the southeast corner of said Tract 2 , the most westerly southeast corner of said 411.268 acre tract, and being on the north line of said F.M. 407;

THENCE $\mathrm{S} 89^{\circ} 20^{\prime} 19^{\prime \prime} \mathrm{W}, 480.36$ feet with the south line of said 411.268 acre tract, the south line of said Tract 2 and with the north line of said F.M. 407 to the POINT OF BEGINNING and containing approximately 41.217 acres of land.

Bearings based Texas Coordinate System, North Central Zone (4202), NAD '83.

PRELIMINARY DOCUMENT:
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. COLE CARPENTER, RPLS 6892 03/09/22

## Ladera

September 7, 2022

Mrs. Sasha Torres
Planning and Development Services
Justin City Hall
415 N College Ave.
Justin, TX 76247

## RE: Ladera Timberbrook - Planned Development Application McAdams Job Number 2021310647

Mrs. Torres,

Please accept this letter, on behalf of Integrity Group and Milestone Church, as an explanation of the proposed application. We are submitting a Planned Development Application for review and approval on approximately 41.217 acres within Justin, TX. The proposed zoning designation is a Planned Development Single Family-2 and General Business, for an active adult, age-restricted, condominium-style, single family residential development and a church.

## PROJECT OVERVIEW

Tract 1 will be the Ladera at Timberbrook. The Ladera communities have experienced immense success throughout the DFW area by providing active seniors with amenity rich options and a lock and leave lifestyle in their own familiar neighborhoods close to family and friends. The existing communities are in Highland Village, Rockwall, Keller, Fort Worth, Mansfield (2), Prosper, and Little Elm. For many of these communities, there is a waiting list of homebuyers before the construction even starts.

One of the unique aspects about Ladera is the gated-community will be maintained and managed by a Condominium Owners Association (which has stricter enforcement than a HOA)- including all green space and amenities. The homes are right-sized to attract empty nesters and those adults looking to down-size and still have high-end kitchens, large open living areas and quality finish out. There are several customization options for the size and the amenities within the homes. In addition, each home will have a private courtyard. The homes will not be on individually platted lots, as is typical for a traditional subdivision. Instead, the homeowners will own their house and a portion of the common grounds, which is similar to a vertical condominium-style development. The fees they pay to the COA will allow Ladera to be privately maintained, inclusive of the streets.

Ladera Timberbrook will provide a home ownership living option for area residents who are looking to sell their existing home and stay within their community or for grandparents that want to move to the area to be close to their
loved ones. These types of buyers help support the local economy, not only by their increased discretionary spending but, because they do most of their spending during the day which benefits area businesses.

Ladera Timberbrook is a gated, privately maintained development containing up to 157 residential units, a gross density of 4.87 units per acre, with amenity features such as fitness trails over 6,000 linear feet in length; an approximately 3,000 SF activity center (The HUB) with resort style amenities such as, an exercise room, pool, kitchen, outdoor gathering areas, pickleball courts, arbors, firepit, and a community event lawn and another smaller amenity building, The Shack. Of the 32.216 acres over $30 \%$ is greenbelts, parks, gathering spaces, and landscape buffers.

Tract 1 has a current land use designations of Low Density Residential. The existing zoning is Planned Development SF-2. We are submitting a Planned Development application to change the existing zoning to a new PD for the agerestricted residential development.

Tract 2 will be Milestone Church. The church property contains a building that measures to be approximately 50,000 SF and sits on approximately 9 acres. The Tract 2 is zoned in the City of Justin, which can be found in Denton County, Texas. The current zoning is set as Planned Development-General Business. The proposed Zoning will be set to Planned Development - General Business. The Future Land use is utilized for a Church. The Planned Development will include the church's zoning district with the northern property, which is planned to be developed as Low Density Residential by Integrity Groups. The two property's will use a shared drive coming off of Timberbrook Parkway.

Thank you for your consideration of the presented request. We look forward to working with the City of Justin on this exciting project, specifically tailored to the growing Active Adult market. Please feel free to contact us to discuss any comments or questions you have during the review of this request.

Sincerely,
Patricia Fant
Planning + Entitlements, Designer III
MCADAMS


## EXHIBIT "C"

## LADERA AT TIMBERBROOK

## MILESTONE CHURCH

## DEVELOPMENT REGULATIONS

## Planned Development - 41.217 Acres

## I. PURPOSE

This Planned Development includes two tracts of land as shown on Exhibit " A ".
Tract 1 is planned as Ladera at Timberbrook is a proposed aged-restricted, low-maintenance gated, single family home, residential community integrated with quality amenities such as walking trails, activity center "The HUB", with pool, pickle ball courts, an additional activity building called "The Shack", amenity pond, parks, and open space areas that provide for an enhanced quality of life for active adults seeking a lock and leave, low-maintenance lifestyle within the City of Justin.

Tract 2 is planned as Milestone Church, which is an approximately fifty thousand $(50,000)$ square foot church. The church is planning on having an entrance/exit onto Timberbrook Parkway as well as FM 407.

The development regulations herein apply to either Tract 1 or Trat 2 as indicted.

## II. DEVELOPMENT PLAN

Each tract shall be developed in accordance with the Timberbrook Planned Agreement and then the City of Justin regulations unless stated otherwise herein or shown otherwise on the Development Plan (Exhibit "D"), Elevations and Floorplans (Exhibit "E"), and Landscape Plans (Exhibit "F").

## TRACT 1- LADERA AT TIMBERBROOK

The following standards shall apply to Tract 1, Ladera at Timberbrook.
III. USES
A. Permitted Uses - The following uses shall be permitted by right:

1) Single Family Detached Dwelling-Shall be age restricted to residents 55 years of age and older.
2)Two-Family Residential- Two family attached dwelling units
2) Activity Center (HUB)
3) Community Pool
4) The Shack (reduced size additional amenity building)
B. Accessory Uses - The following uses shall be permitted as accessory uses:
5) Gazebos
6) Pavilions
7) Tennis and Sport Courts

## EXHIBIT "C"

4) Accessory Buildings
5) Pond

## IV. CONDOMINIUM ASSOCIATION

A Condominium Owners Association (COA) shall be required and shall be responsible for the maintenance of the common areas, entry features, accessory structures, and perimeter fencing and landscaping.

## V. LANDSCAPE SETBACK REQUIREMENTS

There shall be a landscape setback with a minimum width of twenty (20) feet from the perimeter property line to a residential structure. Trails shall be permitted within the landscape easement.

## VI. AREA REQUIREMENTS

Ladera at Timberbrook is a condominium community and individual dwelling units will not be platted into individual residential lots. The site will remain as one lot with approximately one hundred and fifty-seven (157) dwellings units. There shall not be more than five (5) two-family residential buildings, ten (10) dwelling units total. Therefore, the reference to setbacks shall be used as building separation from other buildings and from the private street.

| Side Yard Setback (Between <br> Buildings) | Front Yard Setback (Front of <br> Building to Back of Curb) | Rear Yard Setback (Between <br> Buildings) |
| :---: | :---: | :---: |
| $6^{\prime}$ Minimum | $20^{\prime}$ Minimum | $20^{\prime}$ Minimum |

VII. DEVELOPMENT AND PERFORMANCE STANDARDS

| Minimum <br> Lot Size | Minimum Lot <br> Width | Minimum Lot <br> Depth | Maximum <br> Height | Maximum Lot <br> Coverage <br> (percent of lot <br> area) | Minimum <br> Dwelling Size <br> (square feet) |
| :---: | :---: | :---: | :---: | :---: | :---: |
| N/A | N/A | N/A | $35^{\prime}$ or 2 $1 / 2$ <br> Stories | $65 \%^{*}$ | $1,250^{* *}$ |

* Lot Coverage based on total building coverage (excluding accessory uses) for the entire 41.217-acre site.
** Air-conditioned space.


## VIII. RESIDENTIAL DENSITY

The gross residential density for Ladera at Timberbrook not exceed five (5) units per gross acre (du/ac). Residential density shall be calculated using the gross land area of thirty two (32) acres.

## IX. BUILDING DESIGN

A. The dwelling units and activity center shall be generally constructed in accordance with the building elevations shown in Exhibit "E".
B. Residential buildings and the activity center shall be a total of eighty (80) percent masonry including brick or stone on the main floor. An exception to that requirement is if the Activity or Shack use The Craftsman/Farmhouse style in which they may have up to one hundred (100) percent cementitious fiberboard lap-siding.
C. Minimum roof pitch of residential structures shall be 4:12 for rear elevations and 8:12 minimum for front elevations, with exceptions to formers and shed roofs.
D. Mailboxes shall be cluster boxes of 14 or greater boxes. Sufficient structural support to keep the mailbox upright is required. Mailboxes may be made from metal.
E. Cementitious fiberboard may constitute up to one hundred (100) percent of the exterior facades of stories other than the first floor.
F. Attached Pergolas and Patio Covers shall be permitted and shall extend no more than five (5) feet into the rear yard.

## X. TRAILS, SCREENING AND LANDSCAPING

Screening and landscaping shall be generally installed in accordance with the Landscape Plan, Exhibit " $F$ " in addition to the following:
A. There shall be an ornamental metal fence or pre-cast (Simtek) wall of at least six (6) in height located around the perimeter of the property.
B. Each front yard shall have one (1) canopy tree with a minimum caliper size of four (4) inches, as measured six (6) inches above grade, from the approved plant list for the City of Justin.
C. Residential fencing shall consist of ornamental metal or vinyl and have a minimum height of four (4) feet and a maximum height of six (6) feet.
D. Residential fencing shall be permitted within the twenty foot (20) perimeter landscape buffer.
E. There shall be a minimum of twenty (20) foot landscape buffer between Tract 1 and Tract 2. The following standards shall apply for every one hundred (100) linear feet of landscape buffer length:
a. There shall be a minimum of two (2) canopy trees.
b. There shall be a minimum of three (3) understory trees.

## EXHIBIT "C"

c. There shall be a minimum of twelve (12) screening shrubs.
d. There shall be a six foot ( $6^{\prime}$ ) pre-cast (Simtek) wall on the Trat 1 side of the property.
F. There shall be a minimum twenty (20) foot landscape buffer along Timberbrook Parkway. The following standards shall apply for every one hundred (100) linear feet of landscape buffer length:
a. There shall be a minimum of four (4) canopy trees.
b. There shall be a minimum of four (4) understory trees.
c. There shall be a minimum of ten (10) screening shrubs.
d. There shall be a six foot ( $6^{\prime}$ ) ornamental metal fence with masonry columns.
e. Berms shall not be required.
G. There shall be no fences on or within the trail.
H. A Landscape Plan with tree species shall be submitted at the time of Construction Plans.

## XI. PARKING

Off street parking shall be allowed in areas shown on the approved Development Plan, Exhibit "D".

## XII. STREETS AND ACCESS

A. The proposed streets shall be privately maintained by the Condominium Association of Ladera of Timberbrook.
B. The private streets shall conform to the street section on the Development Plan, "Exhibit D", also shown below.
C. All storm and streets shall be labeled private and maintained by the Condominium Owners Association.

XIII. OPEN SPACE

The minimum required designated open space area shall be thirty percent (30\%) of the gross land area.
A. The perimeter landscape buffer shall be counted toward open space.
XIV. EXHIBITS

All attached Exhibits to be adopted by this ordinance.

## TRACT 2- MILESTONE CHURCH

## I. LANDSCAPE AND BUFFER REQUIREMENTS

Screening and landscaping shall be generally installed in accordance with the Landscape Plan. Exhibit " F " in addition to the following:
A. The interior landscaping area of the property shall be a minimum of ten percent ( $10 \%$ ).
a. Detention and Retention ponds shall be counted toward interior landscaping.
b. Street buffer tress shall be counted toward the total plant count.
B. Interior Landscape Planting Requirements are as follows:

## EXHIBIT "C"

a. One canopy tree per six hundred (600) square feet of the required ten percent (10\%) of the interior landscape, planted a minimum of twelve feet ( $12^{\prime}$ ) on center.
b. One understory tree per three hundred ( $300^{\prime}$ ) square feet of the required ten percent $(10 \%)$ of the interior landscape, planted a minimum of eight feet ( $8^{\prime}$ ) on center
c. Shrubs shall be planted along the street frontage and along parking isles where applicable.
d. There shall be no ground cover requirement.
C. There shall be a twenty ( $20^{\prime}$ ) foot landscape buffer along FM 407.The following standards shall apply for every one hundred (100) linear feet of landscape buffer:
a. There shall be a minimum of four (4) canopy tress.
b. There shall be a minimum of four (4) understory trees.
c. There shall be a minimum of ten (10) screening shrubs.
d. There shall be no fencing requirement.
e. Three foot ( $3^{\prime}$ ) berms shall not be required.
D. A Landscape Plan with tree species shall be submitted at the time with Construction Plans.

## II. Non-Residential Design Standards

A. The total exterior wall surface of all main building facing public streets shall have a minimum of seventy-five (75) percent stone construction, excluding windows and doors.
B. The maximum building height shall be forty ( $40^{\prime}$ ) feet.
C. The façade adjacent to a street shall be constructed of a minimum of seventy-five (75) percent of the following materials including but not limited to:
a. Stone
b. Cast stone
c. Decorative concrete stamped and stained to resemble the appearance of stone.
d. Or similar
D. Accent materials for the architectural details shall be in conformance with the architectural style of the main building. There shall be no old west material required.

## EXHIBIT "C"

E. Along the façade adjacent to the street, buildings shall provide an awning with a pitch of no greater than 2:12, for fifty (50) percent of the frontage which projects no less than six (6) feet from the building face, with no required posts.
F. Old West detail devices shall not be required.
G. In lieu of "old west" detail devices not being required the church will work with the City of Justin to add enhancements to the building and to the landscaping.

## III. Signage

A. The total area of the building mounted sign facing FM 407 shall be three hundred (300) square feet.
B. Monument Signage shall be permitted within the landscape buffer along FM 407.
C. Signage shall be permitted separately.


Orramental Metal Fence or SMTEK wall











Toscana

2,248 SF

2BR / 2BA

## 3 Elevations

*Will Have Faux Cedar Garage Doors


Avanti

1,964 SF

2BR / 2BA

5 Elevations
*Will Have Faux Cedar Garage Doors


Casina

2,231 SF

2BR / 2BA

5 Elevations
*Will Have Faux Cedar Garage Doors


Castella

2,419 SF

2BR / 2BA

## 3 Elevations

*Will Have Faux Cedar Garage Doors

erona

2,809 SF

2BR / 2BA

5 Elevations
*Will Have Faux Cedar Garage Doors


Verona 2-Story

2,146 SF

3BR / 3BA

3 Elevations
*Will Have Faux Cedar Garage Doors



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#### Abstract

AN ORDINANCE OF THE CITY OF JUSTIN, TEXAS, APPROVING A PLANNED DEVELOPMENT FOR LADERA FARMS AND MILESTONE CHURCH HAVING THE LEGAL DESCRIPTION AS OLD DCAD TR 2 AND A0439A M. GARNETT, TR 3D GENERALLY LOCATED NORTHEAST FROM THE INTERSECTION OF STRADER LANE AND FM 407, DENTON COUNTY, TEXAS; PROVIDING AN INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE/REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.


WHEREAS, the landowners authorized the applicant of property legally described as OLD DCAD TR 2 and A0439A M. GARNETT, TR 3D generally located northeast from the intersection of Strader Lane and FM 407, Justin, Denton County, TX, for a Planned Development for an age restricted residential and church development; 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 request the Commission determined that the proposed Planned Development was compatible with surrounding uses and the City's Future Land Use Plan 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 Planned Development 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. Incorporation of Premises. 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 Ordinance of Justin, Texas, regulating property legally described as OLD DCAD TR 2 and A0439A M. GARNETT, TR 3D generally located northeast from the intersection of Strader Lane and FM 407, Justin, Denton County, Texas, is amended to establish a Planned Development as further described in the attached documents.

Section 3. Applicable Regulations/Zoning Ordinance and Zoning Map Amended. 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. Cumulative/Repealer Clause. 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. Severability Clause. 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. Effective Date. 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

# PLANNING \& ZONING COMMISSION MEETING 

Staff Report

October 18, 2022

STAFF CONTACT: Matt Cyr, Director of Planning and Development Services
PROJECT:
A Public Hearing to consider a recommendation to City Council for a Specific Use Permit Amendment for a Temporary Batch Plant legally described as A0419A W.A. FERRIS, TR 1, 27.25 ACRES, OLD DCAD TR 4 and A0285A WM CABLE, TR 1(PT), 80.5650 ACRES.

EXECUTIVE
SUMMARY: The Applicant is requesting an extension beyond the six-month time frame. According to the ordinance any extension beyond six-months requires approval from City Council.

DETAILS: $\quad$ The Phase I Preserve Plat was approved by City Council on March 22, 2022.
The Applicant was approved for a temporary batch plant on June 15, 2022. The time-frame to complete the work expires on December 15, 2022. The Applicant is requesting an extension until February 28, 2023, however, they anticipate the work to be done sometime in mid-January.

The Applicant attributes the delay to the drought restrictions imposed on the development. No other changes to the temporary batch plant are requested.

## ACTION CONSIDERED:

1) Make a recommendation to City Council to approve, approve with conditions, table with clarification and intent, or deny.

## STAFF RECOMMENDATION:

Staff recommends consideration based on the request.

## ATTACHMENTS:

None

# PLANNING \& ZONING COMMISSION MEETING 

Staff Report

October 18, 2022

STAFF CONTACT: Matt Cyr, Director of Planning and Development Services PROJECT:

A Public Hearing to consider a recommendation to City Council amending Chapter 52 of the Code of Ordinances relating to Replat procedures.

## EXECUTIVE

SUMMARY: The Commission had requested a formal revision to the code pertaining to sign and buffer requirements.

DETAILS: $\quad$ Staff is proposing to keep the notice buffer for Public Notifications to 200’. Staff is also proposing to require signage for all zoning changes and SUPs. The signage may be provided by the City and shall meet certain requirements.

## ACTION CONSIDERED:

1) Make a recommendation to City Council to approve, approve with conditions, table with clarification and intent, or deny.

## STAFF RECOMMENDATION:

Staff recommends consideration based on the request.

## ATTACHMENTS:

1. Public Notification Example
2. Proposed Revision
3. Proposed Ordinance

## Sec. 52-425. Submission to planning and zoning commission.

Before taking any action on any proposed amendment, supplement, or change in this chapter, the city council shall submit the proposed revision to the planning and zoning commission for its review, recommendation and report.
(Code 1994, § 12.1902)

## Sec. 52-426. Public hearing.

A public hearing shall be held by the planning and zoning commission before recommendation to city council concerning adopting any proposed amendment, supplement, or change to this chapter. Written notice of all public hearings before the planning and zoning commission on proposed changes in classification shall be sent to owners of real property buying within 200 feet of the property on which the change is proposed, not less than ten days before the date set for such hearing. Notice of the city council hearing shall be given by publication one time in a newspaper of general circulation in the city, stating the time and place of such hearing, which time shall not be earlier than 15 days from the first date of publication. A sign shall be posted by the Applicant for any zoning change or Specific Use permit request.
(Code 1994, § 12.1903)

## Sec. 52-427. Sign Posting.

(a) For every zoning or specific use permit request, the applicant shall erect a sign on the subject property to publicize the proposed request. The sign may be provided by the City, however, in the event the City does not have a sign readily available it will be the Applicant's responsibility to provide the sign.
(b) All Public Hearing signs shall meet the following criteria:

1. Signs shall be at minimum four (4) feet by four (4) feet.
2. Lettering shall be placed on both sides of the sign.
3. Lettering shall be placed on in a professional manner. Marker, pen, or any other similar device shall be prohibited.
4. Supporting posts shall be metal.
(c) The sign shall contain the following information:
5. "Proposed Specific Use Permit" or "Proposed Zoning Change".
6. The case number.
7. The phone number of Town Hall or the Development Services Department.
(d) The sign shall be placed in a location visible from all major streets adjacent to the property in the request. The property owner or his/her representative shall erect the sign on the property ten (10) days prior to the first public hearing scheduled. The property owner shall be responsible for maintaining the sign on the property throughout the entire process.
(e) Ten (10) days prior to the first public hearing, the property owner or his/her representative must provide verification with a photograph that the sign is in place. The photograph must be provided to the Development Services Department. The property owner, applicant, or representative must remove the sign within seven (7) days after the City Council's action regarding the application.

## Sec. 52-428. In case of protests.

In the case that such amendment, supplement, or change has been disapproved by the planning and zoning commission, or in case of a protest signed by the owners of 20 percent or more either of the area of the lots included in the proposed change, or of those immediately adjoining the same such change shall not become effective except by the favorable vote of three-fourths of all the members of the city council.
(Code 1994, § 12.1904)

## Sec. 52-429. Limitation on resubmission of petition.

No amendment, supplement, change or repeal of any section of this chapter which has been legally rejected by the city council shall be again considered either by the planning and zoning commission or the city council on an appeal or petition by an appellant or application before the expiration of six months from the date of the original action.
(Code 1994, § 12.1905)

WHEREAS, On September 20, 2022, the Planning and Zoning Commission requested Staff to bring an amendment forward for consideration to City Council ; 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 amendment the Commission determined that the change was appropriate 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 amendment 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. Incorporation of Premises. 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 Ordinance of Justin, Texas, is amended to as further described in the attached documents.

## Section 3. Applicable Regulations/Zoning Ordinance and Zoning Map Amended.

 Development 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. Cumulative/Repealer Clause. 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. Severability Clause. 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. Effective Date. 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

# PLANNING \& ZONING COMMISSION MEETING 

Staff Report
October 18, 2022

STAFF CONTACT: Matt Cyr, Director of Planning and Development Services
PROJECT:
Consider and act upon a Preliminary Plat for the Ranchettes at Oliver Creek Phase I legally described as A0433A T.H.W. FORSYTHE, TR 3, and A0433A T.H.W. FORSYTHE, TR 4, OLD DCAD TR 1B located north of FM 1384.

EXECUTIVE
SUMMARY: The Applicant is requesting a preliminary plat for twelve residential lots within the Extra-Territorial Jurisdiction. The applicant will not be utilizing any City services.

## ACTION CONSIDERED:

1) Make a recommendation to City Council to approve, approve with conditions, table with clarification and intent, or deny.

## STAFF RECOMMENDATION:

Staff recommends approval.

## ATTACHMENTS:

1. Map
2. Proposed Plat










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VICINITY MAP
(NOT TO SCALE)


PRELIMINARY PLAT THE RANCHETTES AT OLIVER CREEK BLOCK A, PHASE 1 BEING 42.560 ACRES OF 1-12 L LOCATED IN THE T. FORSYTH SURVEY, ABSTRACT NO. 433,

N ADDITION WITHIN THE ET OF THE CITY OF JUSTIN, DENTON COUNTY TEXAS


