



**AGENDA ITEM REQUEST FORM  
CITY OF JOHNSON CITY, TEXAS  
CITY COUNCIL**

**ITEM NOS. 10**

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**MEETING DATE:** April 6, 2021

**AGENDA PLACEMENT:**

- Ceremonial
- Consent
- Individual
- Closed Session

**CAPTION:**

Discussion of and action on a Conditional Use Permit Application from Reck'em Right Brewing Company for the placement and operation of a food trailer on City right-of-way located at 102 S. Ave. G, Johnson City, TX 78636. (Applicant)

**EXECUTIVE SUMMARY:**

Timothy Jung, owner/operator of Reck'em Right Brewing Co., submitted an Encroachment License Agreement application for an existing barbecue trailer located on City right-of-way for City Council review and approval on February 2, 2021. The Council approved the Encroachment License Agreement.

In accordance with Municipal Code of Ordinances Article 4.06 *Mobile Food Vendors*, the subject barbecue trailer is exempt from mobile food vendor regulations and permitting because it is a complementary extension or outlet of a brick-and-mortar restaurant or business. However, the applicant must seek and receive a conditional use permit for operation of the food trailer in addition to the previously approved Encroachment License Agreement.

The Planning and Zoning Commission held a Public Hearing on the proposed Conditional Use Permit Application on March 23, 2021. One person spoke in opposition to the proposed conditional use permit; concerns included visibility, traffic, and smell. The Commission voted to recommend approval of the conditional use permit.

**FINANCIAL:** N/a

**ATTACHMENTS:**

- Zoning Amendment Application
- Section 4.06.002 of the Code of Ordinances
- Location Map

**SUGGESTED ACTION:**

Motion to approve a Conditional Use Permit Application from Reck'em Right Brewing Company for the placement and operation of a food trailer on City right-of-way located at 102 S. Ave. G, Johnson City, TX 78636.

**PREPARED BY:** CAO/City Secretary Rick Schroder

**DATE SUBMITTED:** 3/29/21

MINUTES  
CITY OF JOHNSON CITY, TEXAS  
PLANNING AND ZONING COMMISSION

The City of Johnson City Planning and Zoning Commission met for a Regular Meeting on Tuesday, March 23, 2021 at 6:00 p.m. in the City Hall Council Chamber, 303 E. Pecan Drive, Johnson City, Texas 78636. This was an open meeting, subject to the open meeting laws of the State of Texas.

Commissioners: Suree Birck, Chair  
Victor Hammond  
Kevin Tully

City Staff: Rick Schroder, CAO/City Secretary  
Whitney Walston, Dep City Secretary

Citizens: Stephanie Fisher  
Wesley LaCrone  
Brian Carey  
Wesley & Lisa Bond  
Stephanie and Chris Harper  
Timothy Jung  
Mark Liesmann  
Chad Pierce, Architect for Housing Authority

1. **Call to order.**

Commission Chair Birck called the meeting to order at 6:15 p.m.

PUBLIC HEARINGS:

2. **Public Hearing to give all interested persons the right to appear and be heard on a Conditional Use Permit Application from Reck'em Right Brewing Company for the placement and operation of a food trailer on City right-of-way located at 102 S. Ave. G, Johnson City, TX 78636. (Applicant)**

The public hearing opened at 6:15 pm. Owner Tim Jung spoke briefly about the brewing company and how the food trailer is a part of his overall operation. He clarified that no food is served from the trailer. All food is served inside. Next to speak was neighbor Mark Lisemann. He voiced concern over the lack of visibility the trailer creates. He is not able to see oncoming traffic when he is leaving his driveway. He stated that due to the lack of parking spaces, he has trouble accessing his house. He also spoke about the smoke generated from the BBQ trailer and that it is a nuisance to him. The public hearing closed at 6:23 p.m.

3. **Public Hearing to give all interested persons the right to appear and be heard on a Zoning Amendment Application from Texas Housing Foundation for a change in zoning from “Highway Commercial” to “Mixed Residential” for the construction of Johnson City Oaks Apartment Complex located at 206 U.S. Hwy. 281 S., Johnson City, TX 78636. (Applicant)**

The public hearing was opened at 6:24 p.m. Chad Pierce, Architect for the project spoke about the goal to preserve the large trees on the property. He also said that the parking lot was planned in its specific location to act as a buffer between the complex and the single-family homes. The design of the complex would mirror that of the Community Resource Center. Neighbor Brian Carey spoke about the hope for a visual block between the complex and the neighboring houses. He also expressed concerns about the power line on the complex property, sewer lines and the fire hydrant. Neighbor Lisa Bond spoke about her concerns with parking along the street, increased traffic flow, and general over crowding of the area. Neighbors Chris and Stephanie Harper voiced concerns about increased vehicle and foot traffic, location of the complex’s facilities in relation to the proximity of their property line and mitigating water runoff. Citizen Stephanie Fisher expressed worry over traffic along Old Austin Highway and had questions about why the zoning was not changed in 2019 to mixed residential. She also had concerns over water runoff and question why if these were for families why were there only one- and two-bedroom units. Neighbor Wesley LaCrone also spoke about traffic concerns, water run-off, and the width of the street. The public hearing was closed at 6:39 p.m.

OPEN SESSION:

4. **Citizens to be heard.**

There were no citizen comments.

ITEMS FOR INDIVIDUAL CONSIDERATION:

5. **Discussion of and action on the minutes of the Regular Meeting of the Planning and Zoning Commission dated October 27, 2020. (Staff; Approval Item)**

Commissioner Tully made a motion to accept the minutes as written. Commissioner Hammond seconded the motion. All were in favor and the minutes were approved.

6. **Discussion of and action on a recommendation to the City Council on a Conditional Use Permit Application from Reck’em Right Brewing Company for the placement and operation of a food trailer on City right-of-way located at 102 S. Ave. G, Johnson City, TX 78636. (Applicant; Recommendation Item)**

After a quick discussion, Commission Tully made the recommendation to approve the permit. Commission Hammond seconded the recommendation. All were in favor the action was approved.

7. **Discussion of and action on a recommendation to the City Council on a Zoning Amendment Application from Texas Housing Foundation for a change in zoning from “Highway Commercial” to “Mixed Residential” for the construction of Johnson City Oaks Apartment Complex located at 206 U.S. Hwy. 281 S., Johnson City, TX 78636. (Applicant; Recommendation Item)**

Commission Birck made a motion to recommend the zoning changes. Commissioner Hammond seconded the motion. Birck and Hammond were in favor and Kevin Tully was opposed. The motion passed.

With no additional business before the commission, the meeting was adjourned at 7:15 p.m.

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Commission Chair

ATTEST:

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Whitney Walston, Deputy City Secretary



Development Services  
 P.O. Box 369 (Mailing)  
 303 E. Pecan St. (Physical)  
 Johnson City, Texas 78636  
 (830) 868-7111, Ext. 4  
 (830) 868-7718 (Fax)

Application Date: 2/4/21

**ZONING AMENDMENT APPLICATION**  
**CHAPTER 14**

NAME OF APPLICANT: Timothy Jung  
 MAILING ADDRESS: 101 Arrowhead Dr  
 PHONE NUMBER: (830) 998-6814  
 STATUS OF APPLICANT:  
 OWNER: \_\_\_\_\_ AGENT:  (IF AGENT, ATTACH LETTER OF AUTHORIZATION.)

**PROPERTY DESCRIPTION**

PHYSICAL ADDRESS: 102 South Avenue G.  
 LEGAL DESCRIPTION: Johnson City, BLK 09, Lot 1 (pt of), 03+06, acres .28  
 CURRENT ZONING: Commercial District PROPOSED ZONING: Commercial District  
 DEED RESTRICTIONS PROHIBITING PROPOSED ZONING: N/A

EXISTING USE: Brewery PROPOSED USE: Brewery w/ outside food  
 LAND AREA: 0.28 acres DOES OWNER OWN ADJACENT PROPERTIES? YES noled No   
 PURPOSE OF REQUEST: Conditional use of permit for food trailer

I hereby certify that I have read and examined this application and know the information I have provided to be true and correct. All provision of laws and ordinances governing this application will be complied with, whether specified herein or not. The granting of this zoning amendment or change does not presume to give authority to violate or cancel the provisions of any other local law regulating the use of the property.

[Signature]  
 Applicant's Signature

2/4/21  
 Date

Office Use Only:

**Sec. 4.06.002 Permit required; application requirements; restrictions; exemptions**

(a) Permit required.

(1) A person shall be required to obtain a mobile food vendor permit from the city:

(A) To operate a mobile food trailer or establishment;

(B) To conduct sales at a mobile food trailer or establishment;

(C) Prior to erecting, installing or parking a mobile food trailer or establishment in city limits; and

(D) Prior to a sale, offer for sale or exhibit for the purpose of taking orders for the sale of any food or beverages, except in the following areas after obtaining a permit:

(i) Areas zoned residential; or

(ii) On any property where the food truck operation is permitted as a temporary use under the zoning ordinance, but only in accordance with such temporary use regulations.

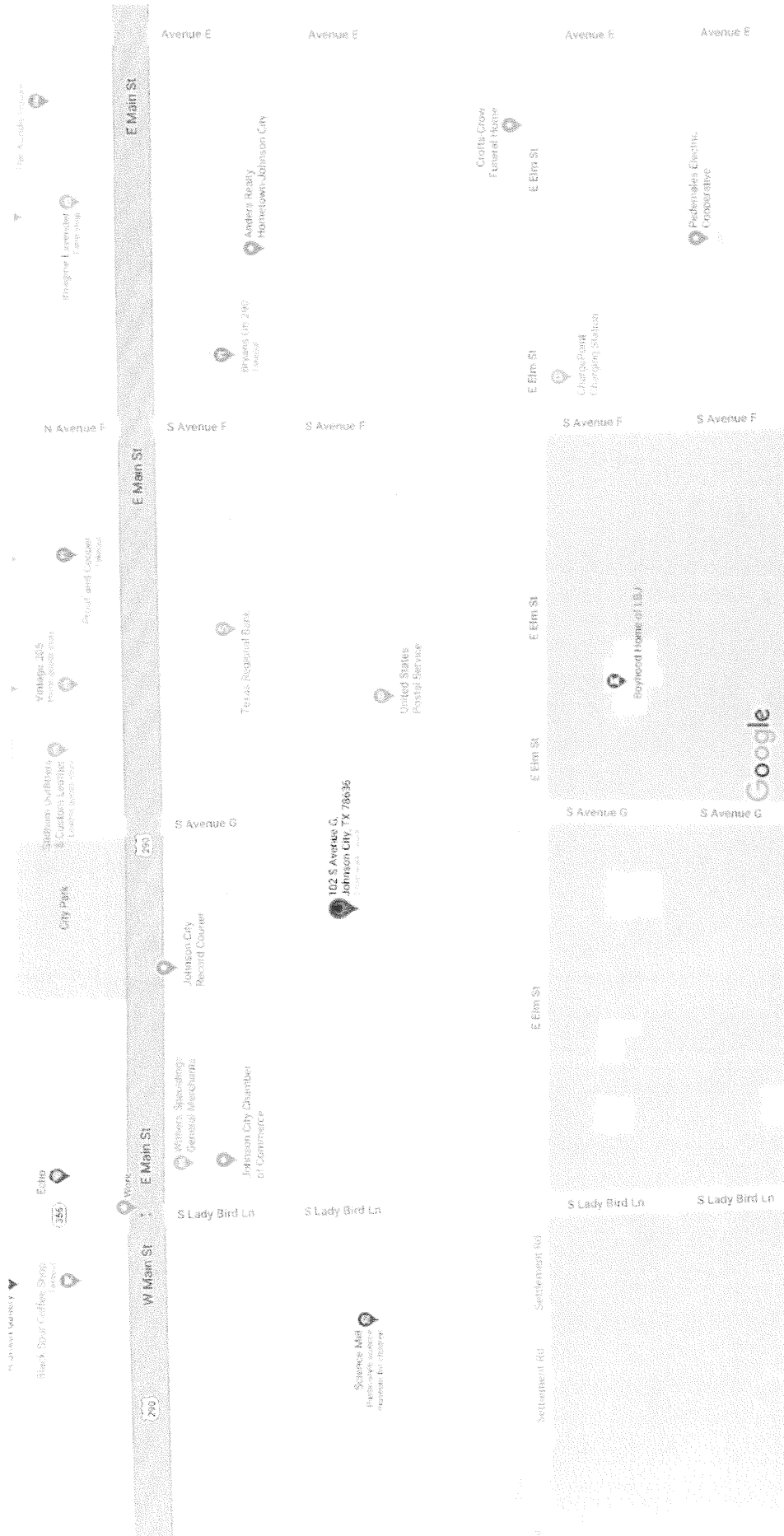
(2) The following persons and/or businesses are exempt from the permit requirement as follows:

(A) A person operating a mobile food trailer or establishment for a special event or city-sponsored event must submit an application for a mobile food vendor permit but is not required to pay a permit fee; said operator must provide written approval of participation by the mobile food court in the special event; or

(B) A person operating on private property only as a caterer under a contract for the sale of food to the property owner, and who does not sell food to any person other than the property owner; or

(C) The mobile food vendor is a complementary extension or outlet, of a brick-and-mortar restaurant or business and the applicant applies for and is granted a conditional use permit under the requirements of the city's zoning ordinance. The mobile food vendor shall only operate during the operating business hours of the brick-and-mortar business of which the mobile food vendor is an extension or outlet.

# Google Maps 102 S Avenue G



Map data ©2021 50 ft



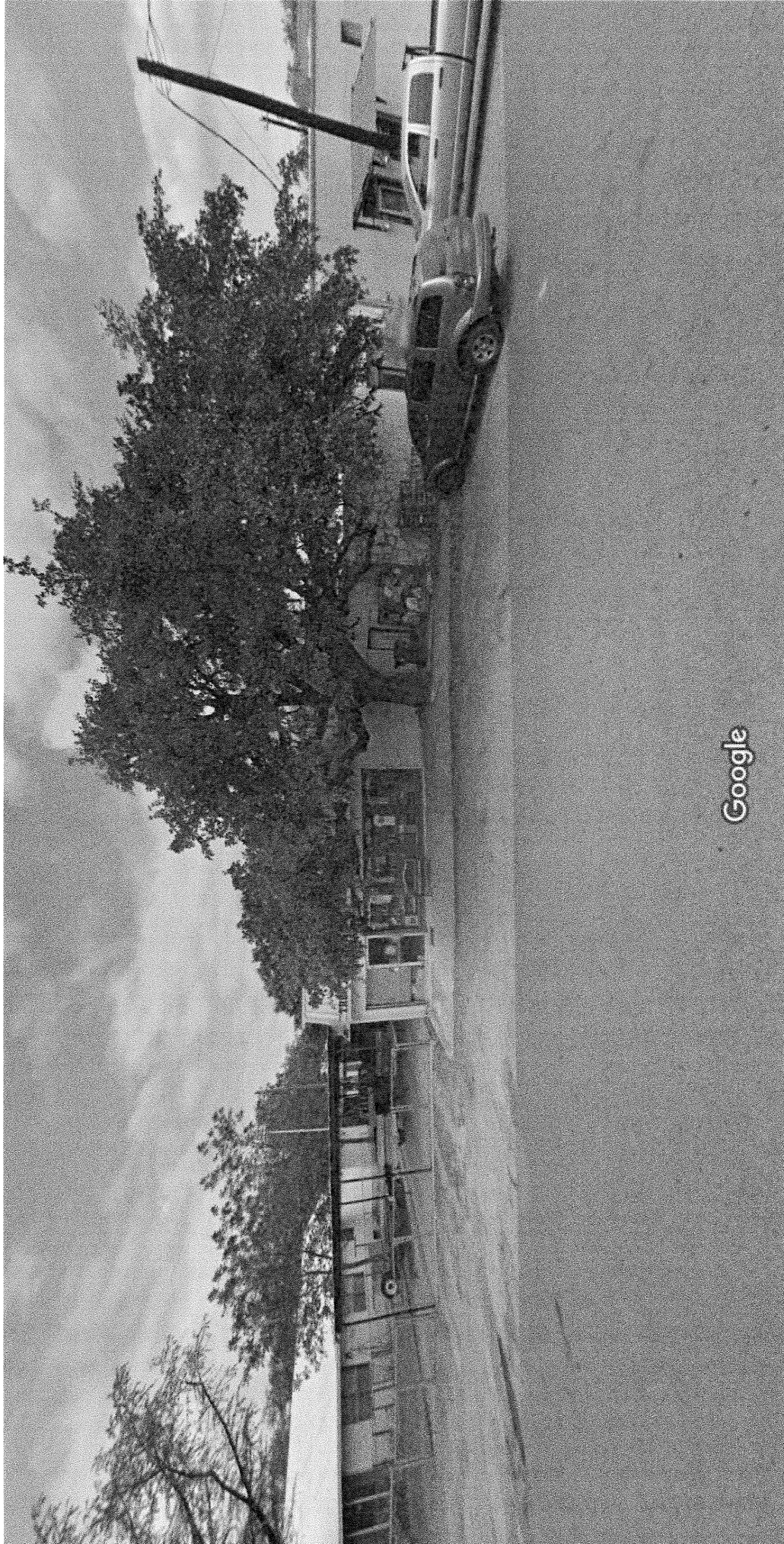
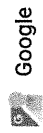
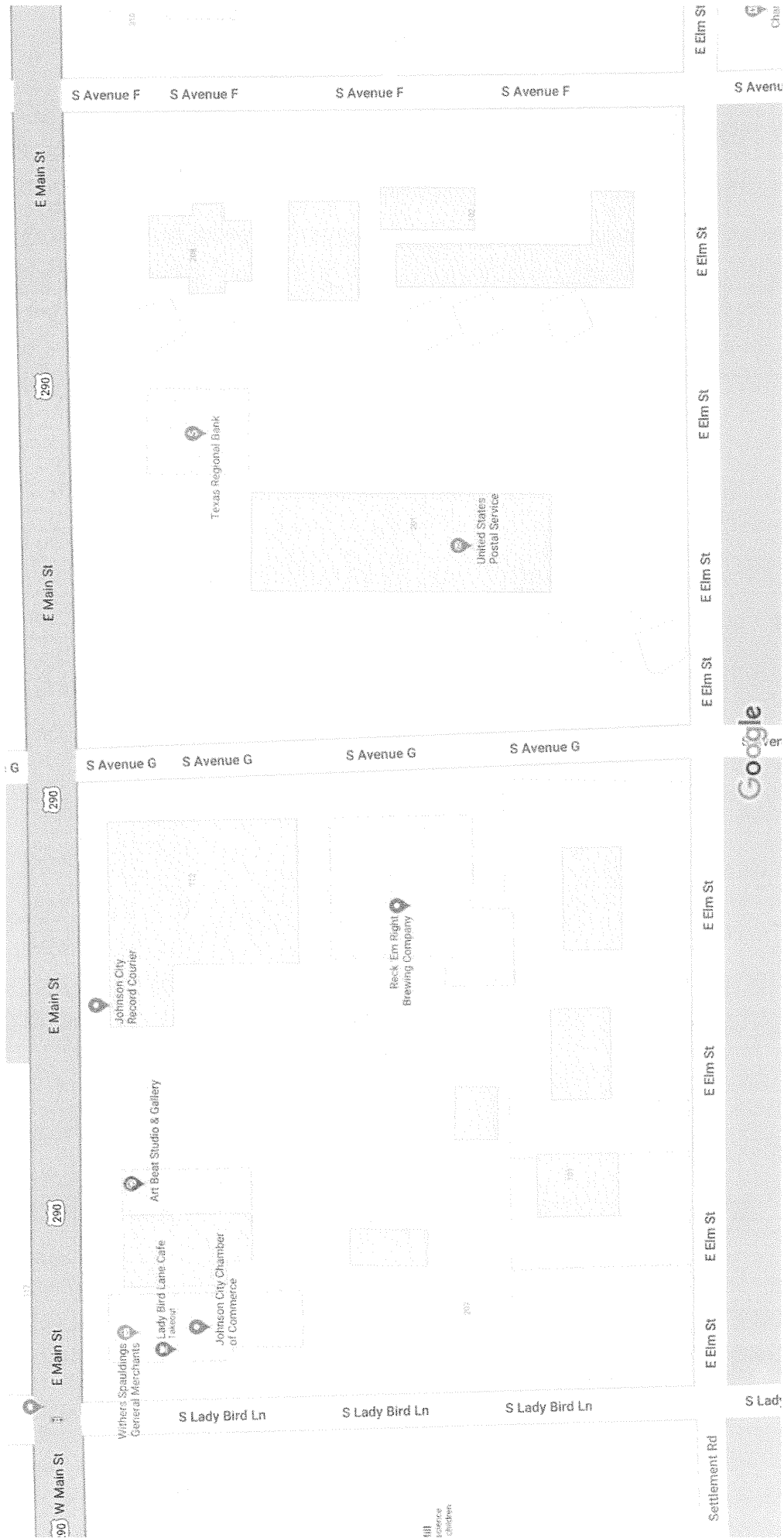


Image capture: Jun 2011 © 2021 Google

Johnson City, Texas



Street View



Map data ©2021 20 ft