



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

ITEM NO. 11

MEETING DATE: April 6, 2021

AGENDA PLACEMENT:

- Ceremonial
- Consent
- Individual
- Closed Session

CAPTION:

Discussion of and action on Zoning Amendment and Board of Adjustment Applications from Texas Housing Foundation for a change in zoning from “Highway Commercial” to “Mixed Residential” and side and rear-yard setback variances for the construction of Johnson City Oaks Apartment Complex located at 206 U.S. Hwy. 281 S., Johnson City, TX 78636. (Applicant)

EXECUTIVE SUMMARY:

Texas Housing Foundation submitted Zoning Amendment and Board of Adjustment Applications on March 4, 2021 requesting rezoning of a parcel to the rear of the Community Resource Center from Highway Commercial to Mixed Residential and side and rear-yard setback variances to construct the Johnson City Oaks Apartment Complex. The proposed complex would consist of 18 units (10 one-bedroom units and 8 two-bedroom units).

Currently, the subject parcel is zoned Highway Commercial, and it directly abuts parcels zoned Single-Family Residential and Single-Family Residential Restricted. The proposed rezoning would moderate the drastic differences between Highway Commercial and Single-Family Residential zoning districts and allow for a transition from commercial uses to multi-family units to single family residences.

Per the applicant, the requested side and rear-yard setback variances are related to the preservation of all but one (1) tree currently located on the property and the construction of a twenty-four foot (24’) ingress/egress to allow for improved public safety. Assuming the approval of Mixed Residential zoning, current and requested setbacks are as follows:

<u>Yard</u>	<u>Mixed Residential</u>	<u>Request</u>
Front	5’	5’
Side	10’	5’
Rear	15’	10’

The side yard setback variance impacts only that portion of the property abutting the Community Resource Center, as the other side yard is impacted only by a parking lot, which is not a structure subject to the setback regulations. The rear yard abuts commercially-zoned property, and is adjacent to Dairy Queen.

In order to grant the side yard setback variance, the City Council must find the following:

- (1) There are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this ordinance would deprive the applicant of the reasonable use of the land; and
- (2) The special exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) The granting of the special exception will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
- (4) The granting of the special exception constitutes a minimal departure from this ordinance; and
- (5) The subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and
- (6) Granting the special exception is in harmony with the spirit, general purpose, and intent of this ordinance so that:
 - (A) The public health, safety and welfare may be secured; and
 - (B) That substantial justice may be done.

The Planning and Zoning Commission held a Public Hearing on the proposed Zoning Amendment Application on March 23, 2021. The Commission did not hold a Public Hearing on or discuss the setback variance request, as only the City Council (acting as the Board of Adjustment) can do so. Several residents spoke in opposition to the proposed rezoning request; concerns included traffic, flooding, lighting, and screening between the apartment complex and adjacent properties. The Commission voted to recommend approval of the rezoning request.

FINANCIAL: N/a

ATTACHMENTS:

- Zoning Amendment Application
- Sections 3.2 and 3.6 of the Code of Ordinances and Schedule of Uses
- Zoning Map
- Memorandums
- Site Plans, Layouts, and Affected Trees
- Board of Adjustment Application & Exhibits

SUGGESTED ACTION:

Motion to approve Zoning Amendment and Board of Adjustment Applications from Texas Housing Foundation for a change in zoning from “Highway Commercial” to “Mixed Residential” and side and rear-yard setback variances for the construction of Johnson City Oaks Apartment Complex located at 206 U.S. Hwy. 281 S., 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.

Commission Chair

ATTEST:

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: 3/4/21

ZONING AMENDMENT APPLICATION
CHAPTER 14

NAME OF APPLICANT: Mark Mayfield (Texas Housing Foundation)
 MAILING ADDRESS: 1110 Broadway, Marble Falls, TX 78654
 PHONE NUMBER: (830) 693-8100
 STATUS OF APPLICANT:
 OWNER: X AGENT: _____ (IF AGENT, ATTACH LETTER OF AUTHORIZATION.)

PROPERTY DESCRIPTION

PHYSICAL ADDRESS: 206 U.S. Hwy 281 S, Johnson City, Texas
 LEGAL DESCRIPTION: 0.859 Acres tract out of called 1.76 acre tract of the Joseph Duel Survey No. 172, Abstract No. 147 (Texas Housing Foundation Doc. No. 1932226
 CURRENT ZONING: Highway Commercial (HC) PROPOSED ZONING: Mixed Residential (MR)
 DEED RESTRICTIONS PROHIBITING PROPOSED ZONING: N/A

EXISTING USE: open field PROPOSED USE: multi-family
 LAND AREA: .859 Acres DOES OWNER OWN ADJACENT PROPERTIES? Yes X No X
 PURPOSE OF REQUEST: Re-zoning from HC to MR

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

3-5-21
 Date

Office Use Only:

Sec. 3-2. Mixed Residential District (MR).

(a) The purpose of the MR district is to provide for owner-occupied single-family housing and also to provide for and to encourage development at higher densities with smaller minimum lot sizes, and duplex, triplex, quadplex, or small multifamily apartment buildings. (Ordinance 19-0401, att. A, sec. C, adopted 5/3/19)

(b) See schedule of uses in Article VIII of this ordinance for permitted and conditional uses. (Ordinance 16-0303 adopted 2/1/16)

(c) General regulations of the MR zone are contained in the table below:

MR DISTRICT

Maximum dwelling units	None
Minimum lot width (street frontage)	50 feet
Minimum lot size (area)	8,000 square feet
Minimum front yard	5 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to street	10 feet
Minimum rear yard	15 feet
Minimum dwelling unit size	500 square feet for single-bedroom; 750 for two-bedroom unit
Maximum lot coverage (all structures)	80%
Maximum structure height (stories)	2 stories
Maximum structure height (feet)	35 feet

(Ordinance 19-0401, att. A, sec. E, adopted 5/3/19)

(d) Landscaping requirements are contained in the City's landscaping ordinance.

(e) Parking requirements are contained in the City's parking ordinance.

Sec. 3-6. Highway Commercial Corridor District (HC).

(a) The purpose of the HC district is to create centers of activity including shopping, services, recreation, employment, public uses, and institutional facilities supported by and serving an entire region. It is intended for use on tracts directly adjacent to Highway 281 and Highway 290. It is specifically envisioned to handle a mixture of commercial and office uses along highway corridors. The unique characteristics of this development are its high concentration of activity requiring extensive planning and engineering for ingress and egress to the development site coupled with the need for extensive off-street parking, loading and maneuvering areas. Development in the HC district will serve the needs of locals and visitors.

(b) See schedule of uses in Article VIII of this ordinance for permitted and conditional uses.

(c) General regulations of the HC district are contained in the table below:

HC DISTRICT

Minimum lot area	None
Minimum lot width	None
Minimum lot depth	200 feet
Minimum front yard	5 feet
Minimum side yard	15 feet
Minimum side yard, adjacent to SF, MR, MH districts	15 feet plus one additional foot for each additional one foot in height above 15 feet
Minimum rear yard	10 feet
Minimum rear yard, adjacent to SF, MR, MH districts	25 feet
Maximum lot coverage	75 percent (75%)
Maximum structure height	2 stories
Maximum density/residential units per acre	18

(d) Additional requirements:

(1) All uses within this district shall be of a retail, service, or office character. A mixture of uses may be undertaken provided they occur within a unified development project.

(2) All businesses shall be conducted entirely within a building, with the exception of outdoor seating for a restaurant. Outside storage and/or display of any type shall be prohibited unless in accordance with the outdoor storage section of this ordinance.

(3) All exterior lighting designed for security, illumination, parking lot illumination or advertising and which is placed within this zoning district shall be designed in such a manner as to ensure that is [it] does not extend into adjacent residentially zoned properties.

(4) Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be screened on three sides by fence, planting, or other suitable visual barrier.

(5) If development within this district is configured as a pedestrian mall, either indoor or outdoor, sales from small stand-alone booths, kiosks, stands, carts or other display devices shall be permitted within the pedestrian walking areas of the mall. This zoning district is intended to permit the aggregation of a

wide array of retail marketing activities to include arts and crafts. Sidewalk or interior mall displays and sales of these types of products and activities is permitted and encouraged.

(6) If development within this district is configured as a pedestrian mall, the location of sidewalk-type cafes shall be permitted within this district in pedestrian walkways.

(7) A site plan shall be required for any construction in the HC district.

(e) Landscaping requirements are contained in the City's landscaping ordinance.

(f) Parking requirements are contained in the City's parking ordinance.

ARTICLE VIII. SCHEDULE OF USES

Zoning district abbreviations are as follows:

MR Mixed Residential
 HC Highway Commercial Corridor District

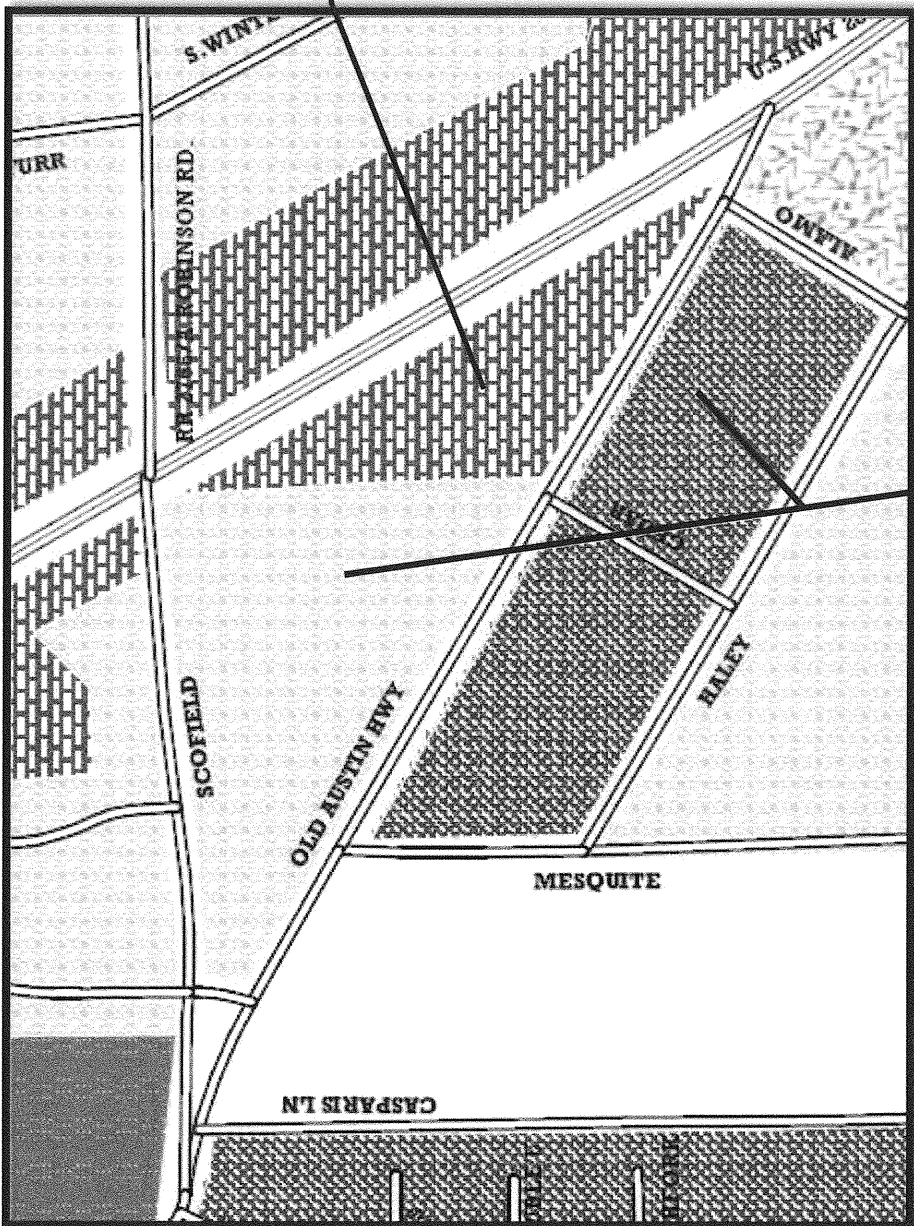
Permitted use abbreviations are as follows:

C: Conditional Use Permit
 P: Permitted

Schedule follows:

Schedule of Permitted Uses

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PFD	DO
AGRICULTURE											
Community Garden	C		C	C		P					
Farmers Market						C					P
Plant Nursery (Small-Scale, retail)	P						P	P			
RESIDENTIAL											
Accessory Bldg/Structure (Nonresidential)											P
Accessory Bldg/Structure (Residential)	P		P	P	P	P					
Accessory Dwelling	C		C	C	C						
Caretaker's/Guard Residence	P		P	P	P						P
Community or Group Home	C	C	C	C	C	C	C	C			
Duplex/Two-Family			P			C					
Garage Residential Conversion	P		P								
Garden Home/Townhome			P		P						
Home Occupation	P		P	P							
HUD-Code Manufactured Home, Single Wide				P							
HUD-Code Manufactured Home, Double Wide	P			P							
Living Quarters onsite with a Business											P
Multiple Family Dwelling			P								
Residential Loft											P
Single Family Dwelling, Detached	P		P	P	P	P					
Single Family Industrialized Housing				P							
Swimming Pool Private	P		P	P	P						



Subject Parcel
Highway Commercial Zoning

Abutting Parcels
Single Family Residential &
Single Family Residential Restricted



SEAUX PIERCE

March 5, 2021

Mr. Rick Schroder
Chief Administrative Officer
303 E. Pecan Street
Johnson City, TX 78636

RE: Johnson City Oaks Apartments

Mr. Schroder,

The project site we are requesting re-zoning on from Highway Commercial (HC) to Mixed Residential (MR) is behind the newly renovated Community Resource Center on Hwy 281. The 18-unit complex would consist of 10 one-bedroom units and 8 two-bedroom units.

The property has 10 Live Oaks that range in size from 12" to 41" so we have developed the building plan so they are situated on the site in a way that would only require the removal of one 18" Live Oak. To fit the buildings on the site with minimal impact to the trees we are requesting a variance to allow 5' side yard setbacks and 10' rear setback. The 5' side yard setbacks also help maintain a 24' wide driveway lane for EMS access.

Please refer to the attached site plan and floor plans illustrations.

Should you have any questions or require additional information, please advise.

Sincerely,

SEAUX-PIERCE Architecture
Chad Pierce

Enclosure: Zoning Amendment Application, Application to Board of Adjustment, Survey, Preliminary Plat,
Site Plan, Floor Plans

Copy: Mark Mayfield (Texas Housing Foundation)



SEaux PIERCE



The tree in the fore-ground is the 41" Live Oak we want to preserve. All the trees in the distance would also be preserved with the exception of one 18" Live Oak.

APPLICATION TO BOARD OF ADJUSTMENT FOR VARIANCE

INSTRUCTION SHEET

1. COMPLETE THE APPLICATION FORM.
2. INCLUDE THE NATURE AND EFFECT OF THE PROPOSED VARIANCE ON THE APPLICATION FORM.
3. INCLUDE TWELVE (12) COPIES OF ALL PERTINENT DOCUMENTATION.
4. INCLUDE A LIST OF ALL PROPERTY OWNERS WITHIN TWO HUNDRED FEET (200') OF THE PROPERTY UNDER CONSIDERATION.
5. IN THE EVENT THE VARIANCE IS DENIED BY THE BOARD OF ADJUSTMENTS, THE APPLICANT MAY APPEAL THE DECISION IN DISTRICT COURT.
7. THE BOARD OF ADJUSTMENT MEETS ON AN AS NEEDED BASIS.

MAILING LIST OF PROPERTY OWNERS TO BE NOTIFIED

PLEASE FURNISH NAMES AND COMPLETE ADDRESSES OF PROPERTY OWNERS WITHIN 200 FEET OF THE PROPERTY IN QUESTION. NAMES AND ADDRESSES SHOULD BE THOSE IDENTIFIED BY BLANCO COUNTY APPRAISAL DISTRICT AS THE PROPERTY OWNER OF RECORD.

- | | |
|--|--|
| <p>1. <u>Mark Mayfield (Texas Housing Fnd)</u></p> | <p><u>1110 Broadway, Marble Falls, TX 78654</u></p> |
| <p>2. _____</p> | <p>_____</p> |
| <p>3. <u>Amistad DQ Ltd.</u>
<u>Property ID: 3345</u></p> | <p><u>Dary Queen #42</u>
<u>PO Box 1299</u>
<u>Graham, TX 76450</u></p> |
| <p>4. _____</p> | <p>_____</p> |
| <p>5. <u>Carey Brian E & Wife</u>
<u>Property ID: 15523</u></p> | <p><u>Kathleen E Spellman</u>
<u>PO Box 2304</u>
<u>Page, AZ 86040</u></p> |
| <p>6. _____</p> | <p>_____</p> |
| <p>7. <u>Harper Christopher</u>
<u>Property ID: 5155</u></p> | <p><u>106 Old Austin Hwy</u>
<u>PO Box 1428</u>
<u>Johnson City, TX 78636</u></p> |
| <p>8. _____</p> | <p>_____</p> |
| <p>9. <u>Biggs Lemuel B and</u>
<u>Brenda L Mccann Property ID: 4583</u></p> | <p><u>105 Old Austin Hwy</u></p> |
| <p>10. _____</p> | <p>_____</p> |
| <p>11. <u>Polo Ventures LLC</u>
<u>Property ID: 4211</u></p> | <p><u>John Hay</u>
<u>611 W. 5th St #300</u>
<u>Austin, TX 78701</u></p> |
| <p>12. _____</p> | <p>_____</p> |
| <p><u>Polk Becky</u>
<u>Property ID: 18209</u></p> | <p><u>202 Old Austin Hwy</u>
<u>PO Box 1611</u>
<u>Johnson City, TX 78636</u></p> |
| <p><u>Lazy Oak Arc LLC</u>
<u>Property ID: 18209</u></p> | <p><u>P.O. Box 9</u>
<u>Johnson City, TX 78636</u></p> |
| <p><u>Hiner Harry Lee III</u>
<u>Property ID: 16137</u></p> | <p><u>204 Old Austin Hwy</u>
<u>attn: Steven J Westberg</u>
<u>912 E Creek Drive</u>
<u>Dripping Springs, TX 78620</u></p> |
| <p><u>Property ID: 11623</u></p> | <p><u>Thompson Micky</u>
<u>PO Box 174</u>
<u>Johnson City, TX 78636</u></p> |

