

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

ITEM NO. 8

| MEETING DATE: | May 4, 2021 |
|-------------------|---|
| AGENDA PLACEMENT: | |
| | □ Ceremonial □ Consent ⋈ Individual □ Closed Session |

CAPTION:

Discussion of and action on an Ordinance of the City Council of the City of Johnson City, Texas rezoning 408 N. U.S. Hwy. 281, Johnson City, TX 78636 from "Highway Commercial" to "Planned Unit Development" for the construction and operation of a recreational vehicle (RV) park; declaring a public purpose; authorizing the Chief Administrative Officer to take all necessary steps to implement the provisions of the Ordinance; incorporating recitals; providing for severability; and adopting an effective date. (Applicant)

EXECUTIVE SUMMARY:

Mrs. Amanda Martin submitted a Zoning Amendment Application requesting a change in zoning from "Highway Commercial" to "Planned Unit Development" for the construction of an RV Park located at 408 N. U.S. Hwy. 281 near the City's wastewater treatment plant on April 3, 2021.

The Municipal Code of Ordinances Chapter 14 *Zoning* does not include a recreational vehicle use within the Schedule of Uses. Consequently, City Staff recommended to the applicant that it request rezoning from its current zoning district to "Planned Unit Development," which would allow the requested use if approved by the City Council.

The subject parcel is 4.3 acres, and the applicant proposes to construct thirty-four (34) RV sites and an approximate 1,200 sq. ft. building consisting of office space, a laundry facility, a maintenance garage, four (4) shower facilities, and two (2) restrooms. The site is impacted by the 100-year FEMA floodplain. Consequently, if approved, a floodplain development permit would be required and reviewed by the City Engineer prior to construction.

The differences between current regulations for the "Highway Commercial" district and proposed regulations for the "Planned Unit Development" district are as follows:

- Minimum Side Yard Setback reduced from 15' to 5';
- Minimum Side Yard Setback adjacent to SF, MR, MH districts reduced from 15' to 5';

- Minimum Rear Yard Setback reduced from 10' to 5'; and
- Minimum Rear Yard Setback adjacent to SF, MR, MH districts reduced from 25' to N/A.

On April 20, 2021, the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request.

FINANCIAL: N/a

ATTACHMENTS:

- Proposed Ordinance w/ Exhibits
- Section 3-9 of the Code of Ordinances
- City Map w/ Floodplain

SUGGESTED ACTION:

Motion to approve an Ordinance of the City Council of the City of Johnson City, Texas rezoning 408 N. U.S. Hwy. 281, Johnson City, TX 78636 from "Highway Commercial" to "Planned Unit Development" for the construction and operation of a recreational vehicle (RV) park; declaring a public purpose; authorizing the Chief Administrative Officer to take all necessary steps to implement the provisions of the Ordinance; incorporating recitals; providing for severability; and adopting an effective date.

PREPARED BY: City Staff

DATE SUBMITTED: 4/30/21

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS REZONING 408 N. U.S. HWY. 281, JOHNSON CITY, TX 78636 FROM "HIGHWAY COMMERCIAL" TO "PLANNED UNIT DEVELOPMENT" FOR THE CONSTRUCTION AND OPERATION OF A RECREATIONAL VEHICLE (RV) PARK; DECLARING A PUBLIC PURPOSE; AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; AND ADOPTING AN EFFECTIVE DATE.

WHEREAS, Johnson City RV Park, LLC, the owner of 408 N. U.S. Hwy. 281, Johnson City, TX 78636, has petitioned the City Council of the City of Johnson City to rezone said property from "Highway Commercial" to "Planned Unit Development" for the construction and operation of an RV Park; and

WHEREAS, the owner desires to establish a clear set of rules and guidelines regulating development within the subject parcel; and

WHEREAS, notice of requisite Public Hearings was mailed U.S. Postal Service, first class, to property owners within two hundred feet (200') of the subject parcel on April 8, 2021; and

WHEREAS, the Planning and Zoning Commission published notice of the requisite Public Hearing in the Johnson City Record Courier on April 7, 2021 and held a Public Hearing on the matter on April 20, 2021; and

WHEREAS, the City Council published notice of the requisite Public Hearing in the Johnson City Record Courier on April 7, 2021 and held a Public Hearing on the matter on May 4, 2021.

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

SECTION ONE. Rezoning and Approval. 408 N. U.S. Hwy. 281, Johnson City, TX 78636, an approximate 4.3 acre tract of land, is rezoned from "Highway Commercial" to "Planned Unit Development No. 1" for the construction and operation of a recreational vehicle (RV) park, and the Planned Unit Development Application, attached hereto as "Exhibit A", is approved and shall govern development, rules, guidelines, and regulations within said parcel.

SECTION TWO. <u>Authorization.</u> The Chief Administrative Officer is authorized to take all necessary steps to implement the provisions of this Ordinance.

SECTION THREE. <u>Declaration of Compliance and Incorporation of Recitals.</u> The City Council declares that the Public Hearing held prior to the approval of the rezoning request was properly noticed in the manner prescribed by law, and the Ordinance was adopted at an open meeting in compliance with Tex. Gov. Code Ann Chapter 551. Additionally, the City Council finds that the recitals contained in the preamble to the Ordinance are true and correct and incorporates them as findings of fact.

SECTION FOUR. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION FIVE. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

SECTION SIX. Effective Date. This Ordinance shall become effective immediately upon the approval of the City Council.

PASSED, ORDERED, AND APPROVED this 4th day of May 2021.

| A TYPE CYP. | By: Hon. Rhonda Stell MAYOR |
|----------------|-----------------------------------|
| ATTEST: | |
| Rick Schroder | |
| CITY SECRETARY | |

EXHIBIT A

PLANNED UNIT DEVELOPMENT (PUD) APPLICATION JOHNSON CITY RV PARK, LLC

Applicant: Johnson City RV Park, a Texas Limited Liability Company

Address: 128 Martin Bros. Lane

Johnson City, TX 78636

Interest:

Johnson City RV Park, LLC owns the fee simple interest to the property located at 408 N. U.S. Hwy. 281. The company wishes to develop a high-end recreational vehicle (RV) park consisting of thirty-four (34) RV sites and one (1) multi-purpose building. The existing parcel is zoned "Highway Commercial" District, and it is surrounded by "Parks" and "Public Use Facility" Districts.

We are of the opinion that the proposed Site Plan:

- 1. is compatible with the character of surrounding properties;
- 2. is suitable for development in the manner proposed without hazards to persons or property, on or off the site:
- 3. is located, dimensioned, and arranged to permit unified planning and development; and
- 4. will mitigate or avoid adverse relationships between uses in/on the subject site and in surrounding areas.

The proposed development shall comply with Federal, State, and Local laws and/or development regulations, including all Texas Accessibility Standards.

Owner: Same as Applicant

Development Schedule:

A firm development schedule has not been completed to date. The Applicant estimates that the development will take six (6) months from approval to completion.

The Applicant has submitted a preliminary site plan; the site plan displays the following:

- 1. RV sites:
- 2. Multi-purpose building site;
- 3. Water and wastewater calculations;
- 4. Contour and floodplain lines;
- 5. Existing easement;
- 6. Existing and proposed water and sewer infrastructure;
- 7. Existing and proposed drainage structures; and
- 8. Proposed RV utility station details.

Planned Development Data Table:

| Minimum Lot Area | None |
|--|---|
| Minimum Lot Width | None |
| Minimum Lot Depth | 200 ft. |
| Minimum Front Yard Setback | 5 ft. |
| Minimum Side Yard Setback | 5 ft. |
| Minimum Side Yard Setback Adjacent to SF, | N/a |
| MR, and MH Districts | |
| Minimum Rear Yard Setback | 5 ft. |
| Minimum Rear Yard Setback Adjacent to SF, | N/a |
| MR, and MH Districts | |
| Maximum Lot Coverage | 75% |
| Maximum Structure Height | 2 Standard Stories (24' from average grade) |
| Maximum Density / Residential Units per Acre | 18 Units |
| Minimum Open Space / Parkland | 25% |
| Maximum Patron Length of Stay (Not for | 90 Calendar Days per Year |
| Permanent Residence) | |

Outdoor Lighting:

All outdoor lighting shall be dark-sky compliant (fully shielded) to minimize impacts on adjacent landowners and reduce light pollution.

Open Space:

Insofar as practicable, the landscape shall be preserved in its natural state through the minimization of tree and soil removal. Drive aisles and RV sites will be constructed of permeable decomposed granite, and each RV site shall have a small concrete patio for patron enjoyment.

Proposed structure(s) shall be sited harmoniously to the terrain and to other buildings, if any, in the vicinity that have a visual relationship to the proposed structure(s).

Proposed landscaping, if any, will consist of native foliage and trees that have been chosen for their ability to thrive on natural rainfall and, once established, not require irrigation except for unseasonably dry periods.

Circulation Plan:

Special attention shall be given to the location and number of access points to public streets, width of interior drive aisles and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that a safe and convenient.

Relation to Public Utilities, Facilities and Services:

The property is presently or can be served by the City of Johnson City's Water and Wastewater Utility, Pedernales Electric Cooperative, and the Texas Department of Transportation (TxDOT). There should be no costs incurred by the City of Johnson City for the provision of infrastructure, as infrastructure is already in place or readily accessible and will be paid by the Developer.

Floodplain Management:

In accordance with Municipal Code of Ordinances Article 3.04 *Flood Damage Prevention*, the development shall submit and receive approval of a Floodplain Development Permit from the City Engineer prior to the commencement of any site work and/or construction.

Signs:

The development shall comply with Municipal Code of Ordinances Chapter 3 *Building Regulations*, Article 3.06 *Signs*, as amended.

Permitted Schedule of Uses:

The intent of this Schedule of Uses is to define the permitted zoning uses for the subject property. Words, phrases, and terms defined here shall be given the defined meaning as set forth below. Words, phrases, and terms not defined herein, but defined in the City of Johnson City Code of Ordinances, shall be given the defined meaning in the Code of Ordinances. Words, phrases, and terms neither defined in this document, nor in the Code of Ordinances, shall be given their usual and customary meanings, except where the context in this document clearly indicates a different meaning. The word "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the present tense include the future tense, and words used in the future tense include the present tense.

Accessory use. Means a use incidental or secondary to the principal use of a lot, building, or structure and located on the same lot as the principal use.

Bar. Means an establishment where alcoholic beverages are sold for on-premises consumption, other than a restaurant.

Clubhouse. A building, or portion thereof, and related facilities used as a meeting place for recreational activities by patrons.

Commercial indoor recreation. Means indoor commercial uses which by their nature are recreational, including but not limited to, bowling alleys, skating rinks, health clubs, racquetball or squash courts, indoor swimming pools, video arcades, pool halls, etc.

Commercial outdoor recreation. Means outdoor commercial uses which by their nature are recreational, including but not limited to, golf courses, driving ranges, miniature golf courses, outdoor swimming pools, tennis courts, basketball courts, recreational camps, etc.

Office. Primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, including such activities as providing day-to-day office administrative services, financial management, billing, record keeping, personnel administration and logistics.

On-site parking. Means an area used for the storage of motor vehicles located wholly within a single lot whose use is dedicated to that particular lot.

Recreation vehicle. Means a motorized vehicle or non-motorized trailer designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

Recreational vehicle park. Any lot, tract, or parcel of land used, in whole or part, to provide facilities or accommodations for two or more recreational vehicles used by transients as living or sleeping quarters for the periods of time authorized by this document, and with or without compensation.

Restaurant. Means a structure that prepares and serves food to customers, including sit-down, fast-food, drive-through and drive-in facilities. At least 51 percent (51%) of the gross income shall be derived from the sale of prepared food.

Retail trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Attachments:

Exhibit A – Zoning Amendment Application

Exhibit B – Location Map

Exhibit C – Site Plan and Survey

Exhibit D – Proposed Structure

Rick has copy of Survey & siteplan

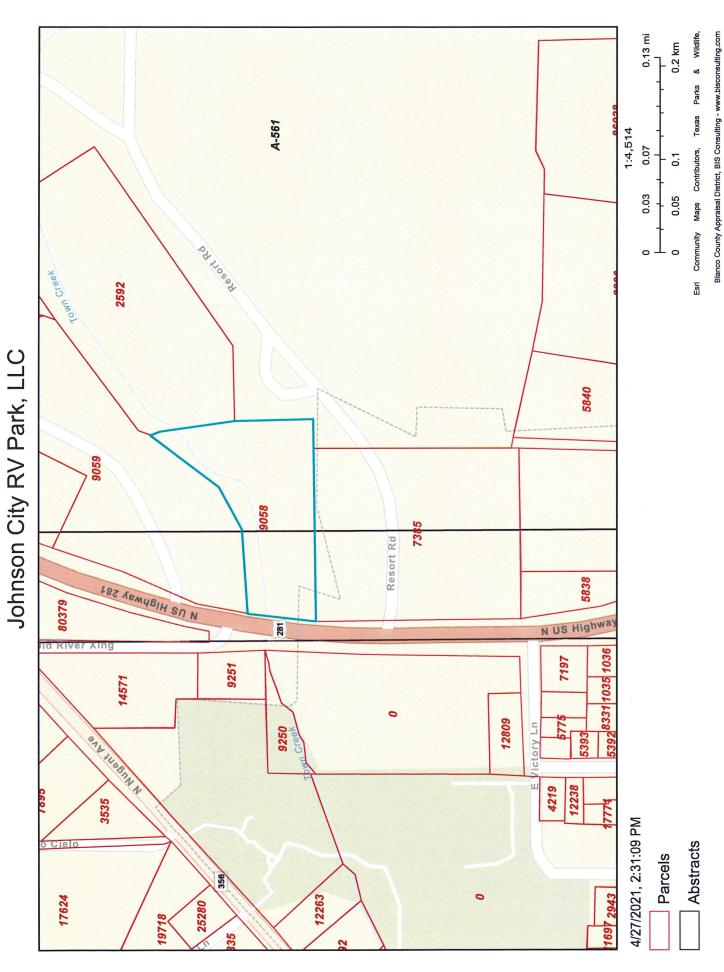


Development Services P.O. Box 3: 3 (Mailing) 303 E. Pecan St. (Physical) Johnson City, Texas 78636 (830) 868-7111, Ext. 4 (830) 868-718 (Fax) Application Date: 43/303

ZONING A MENDMENT APPLICATION CHAPTER 14

| NAME OF APPLICANT: TWO SON CH MAILING ADDRESS: 138 WWW. | y RV Park, Lic - Alwanda Mautin-Weinber Broslane Johnson City, TR. 78636 | |
|--|---|--|
| PHONE NUMBER: 214-862-70 | 50 mbl | |
| STATUS OF APPLICANT: | | |
| OWNER: | AGEN :: (IF AGENT, ATTACH LETTER OF AUTHORIZATION.) | |
| | PROPERTY DESCRIPTION | |
| PHYSICAL ADDRESS: 408 HWY. North US HWY. 281 Johnson City TX. 78636 | | |
| LEGAL DESCRIPTION: ABS A0561 | Survey 41J Stuckleford Acres 43 | |
| CURRENT ZONING: HC | PROPOSED ZONING: PUD | |
| DEED RESTRICTIONS PROHIBITING PROPOSED ZONING: | | |
| теренулган филикателия интернатиру кайна этом него открыто от автом ком постанова и подготочно образования у от В | | |
| EXISTING USE: LAVA | PROPOSED USE: High End RV Park | |
| LAND AREA: 4.3ACVES | DOES OWNER OWN ADJACENT PROPERTIÉS? YES NO V | |
| FUY TWO NAMPOSES DE N | in requesting this property he zonoda PUD | |
| 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. | | |
| MARIN | 4/2/2021 | |
| Applicant's Signature | Date | |
| | · · | |
| | | |
| | Office Use Only: | |
| | | |
| | | |
| | ~: | |
| Updated: 11/27/20 | | |

Exhibit B



Disclaimer. This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.



WELLBORN

211 Golden Valley Kerwille, TX 78028 phone: 830–928–9889 Texas Registration No. F–7761

wellbomengineering.com

This document is released for interim purposes only. It is incomplete and may not be used for regulatory approval, permit, or construction. Michael Wellborn, P.E. License # 88685

Exhibit

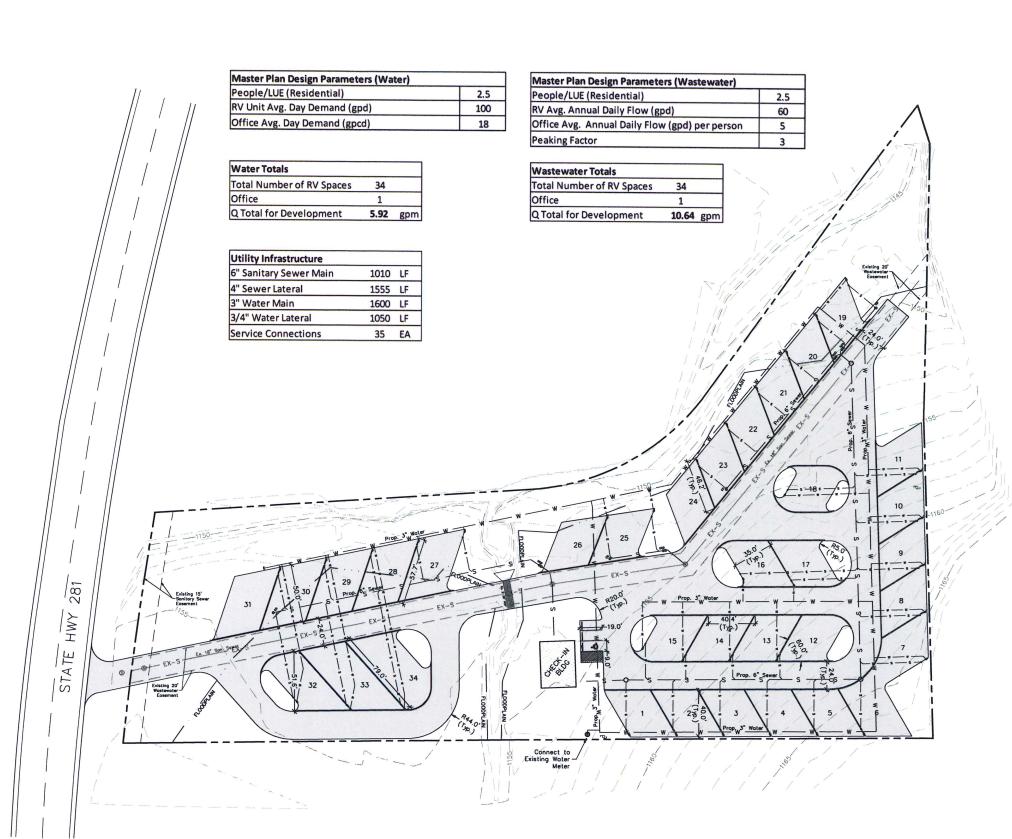
JCRV, LLC SH 281 Johnson City, TX

Development Site Plan

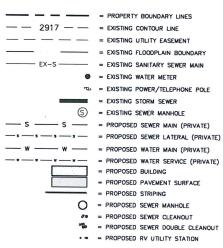
Scale 1"=40' for 22"×34" sheets

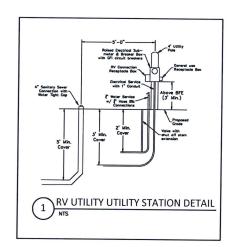
WEL Project No. WEL-17-20

SP1



LEGEND



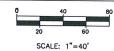


The features shown on this exhibit were created from available records provided by the owner and does not represent an on-the-ground survey. Therefore, the distances, dimensions, locations, elevations, and quantities identified on this whith identified on this exhibit are only approximate.

CAUTION:

- Existing water, sanitary sewer, gas, electric, telephone, cable television, and other may be in close proximity to proposed construction area throughout the contract limits. Contractor shall be responsible for locating these facilities prior to construction commencement and protect the same during construction. The location of all utilities located on these plans were identified from the project survey, line locates, and/or obtained from available records. The horizontal and vertical location of all utilities may not be exact.

 Call 811 for utility locates.



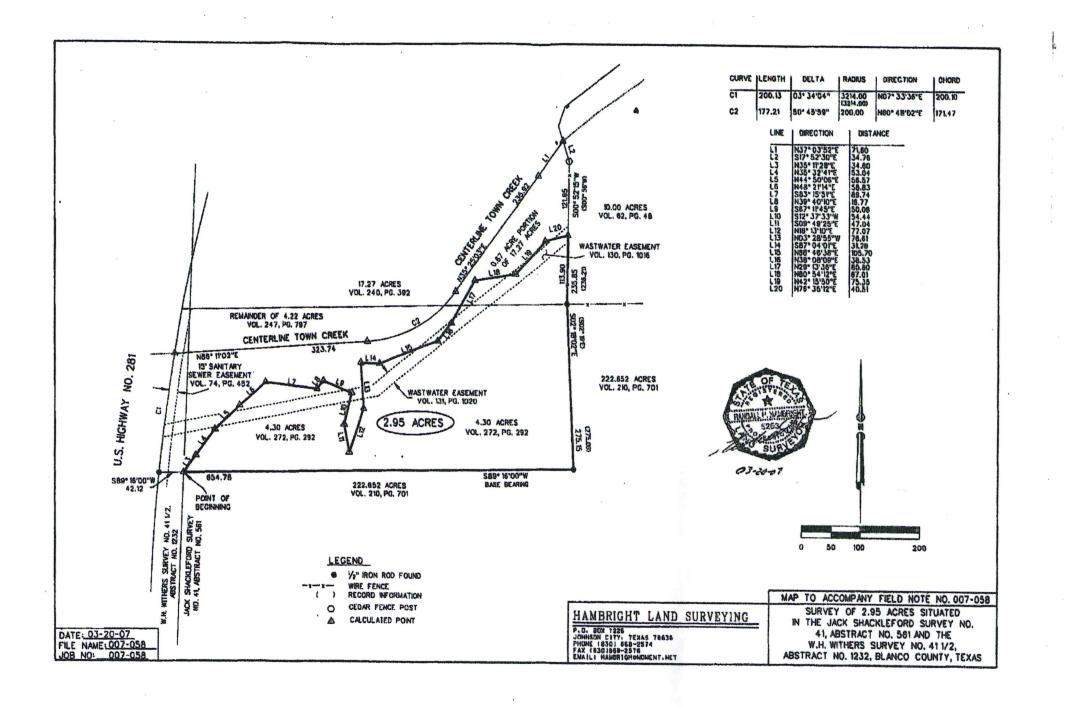
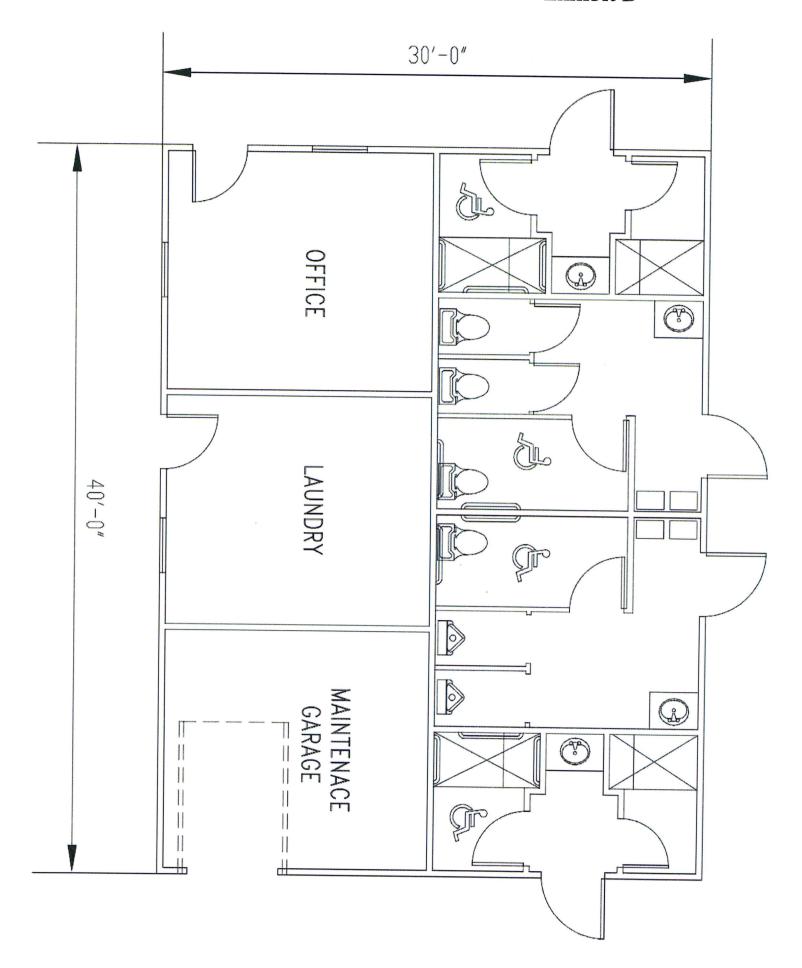


Exhibit D



Sec. 3-9. Planned Unit Development District (PUD).

(a) The PUD district is a zoning district that allows flexibility in development standards and accommodates multiple uses as integrated land use units either by a single owner or a combination of owners. A PUD district may be used to permit new or innovative concepts in land

use not permitted by other zoning districts, to ensure the compatibility of land uses, and to allow for the Adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- (1) To provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties:
- (2) To provide an environment within the layout of a site that contributes to a sense of community and a coherent living style;
- (3) To encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape, and size; and to provide for open space;
- (4) To provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure;
- (5) To encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or topography.
- (b) The following evaluation and design criteria will be applied to master site plans in the PUD district:
- (1) Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil removal.
- (2) Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.
- (3) In regards to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of the proposed structures and neighboring properties.
- (4) Private streets and gates may be approved as part of the application but are not required.
- (5) The maximum height of structures shall be as prescribed for each land-use category or category of uses.
- (6) Setbacks shall be governed by the PUD district plan.
- (7) A minimum of twenty (20) percent of gross platted area shall be open green space/parkland. This shall include community recreational areas that are continuously maintained. Open space shall not include areas specifically designated or used as parking lots, garages, streets, or driveways.
- (8) Lighting. All outdoor lighting shall be shielded to limit impacts on residential units and reduce light pollution.
- (9) Utilities and infrastructure shall meet the standards of Johnson City's subdivision regulations and most recently adopted International Codes.
- (c) The zoning of a PUD district shall be that shown on the development site plan approved and made a part of the adoptive ordinance and any written special conditions within or attached to the adoptive ordinance or development plan. The ordinance granting a PUD district shall include a statement as to the purpose and intent of the PUD district granted therein, as well as a general statement citing the reason for the PUD request.

