

Application Date: 8/8/23



P.O. Box 369 (Mail)  
363 E. Pecan Cr. (Physical)  
Johnson City, TX 78636  
830 868 7111 (Phone)  
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# ZONING AMENDMENT APPLICATION

## CHAPTER 14

NAME OF APPLICANT: David Conlon

MAILING ADDRESS: PO Box 804, Johnson City, TX 78636

PHONE NUMBER: 830.868.2886

STATUS OF APPLICANT:

OWNER: X AGENT: \_\_\_\_\_ (IF AGENT, ATTACH LETTER OF AUTHORIZATION.)

### PROPERTY DESCRIPTION

PHYSICAL ADDRESS: 512 N US Hwy. 281, Johnson City, TX 78636

LEGAL DESCRIPTION: ABS A0561 SURVEY 41 J. SHACKLEFORD, ACRES 12.94

CURRENT ZONING: Highway Commercial PROPOSED ZONING: Highway Commercial / Conditional Use Permit

DEED RESTRICTIONS PROHIBITING PROPOSED ZONING: N/a

EXISTING USE: Commercial PROPOSED USE: Commercial / Residential

LAND AREA: 12.94 Acres DOES OWNER OWN ADJACENT PROPERTIES? YES X No \_\_\_\_\_

PURPOSE OF REQUEST: Conditional Use Permit for the construction / installation of a residential structure to house Tech Con Trenching, Inc. employees.

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

8/8/2023  
Date

Office Use Only:

**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, August 22, 2023 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.

Present: Suree Birck  
Kenneth Bible  
James Whitfill  
Kevin Tully  
Bart Burkhard  
Paul Babb

Staff Present: Rick Schroder, CAO  
Whitney Walston, City Secretary

1. **Call to order.**

Chairperson Birck called the meeting to order at 6:00 pm.

PUBLIC HEARING:

2. **Public Hearing to give all interested persons the right to appear and be heard on a Zoning Amendment Application from Mr. David Conlon for a Conditional Use Permit for the construction / installation of a residential structure to house Tech Con Trenching, Inc. employees located at 512 N. U.S. Hwy. 281, Johnson City, Texas 78636.**

The public hearing opened and closed at 6:01 pm. There were no comments.

OPEN SESSION:

3. **Citizens to be heard.**

There were no comments.

**ITEMS FOR INDIVIDUAL CONSIDERATION:**

4. **Discussion of and action on the minutes of the Regular Meeting of the Planning and Zoning Commission dated June 27, 2023. (Staff)**

Commissioner Babb motioned to approve the minutes of June 27<sup>th</sup> regular meeting. Commissioner Burkard seconded the motion. All were in favor and the minutes were approved.

5. **Discussion of and action on a Zoning Amendment Application from Mr. David Conlon for a Conditional Use Permit for the construction / installation of a residential structure to house Tech Con Trenching, Inc. employees located at 512 N. U.S. Hwy. 281, Johnson City, Texas 78636. (Applicant)**

Commissioner Burkhard motioned to approve the Conditional Use Permit for the construction / installation of a residential structure to house Tech Con Trenching, Inc. employees located at 512 N. U.S. Hwy. 281, Johnson City, Texas 78636 to include one (1) single building with five (5) units. Commissioner Tully seconded the motion. Commissioner Burkhard amended the motion to add in the placement of the building, as described on the provided map, and that the structure be affixed to the ground to ensure that it is taxable. Commissioner Tully seconded the amended motion. All were in favor and the application was approved.

The commission took a break from 7:34 to 7:41 pm.

6. **Discussion of and direction on Municipal Code of Ordinances Chapter 14 Zoning. (Staff)**

Discussion continued on this item. No action was taken.

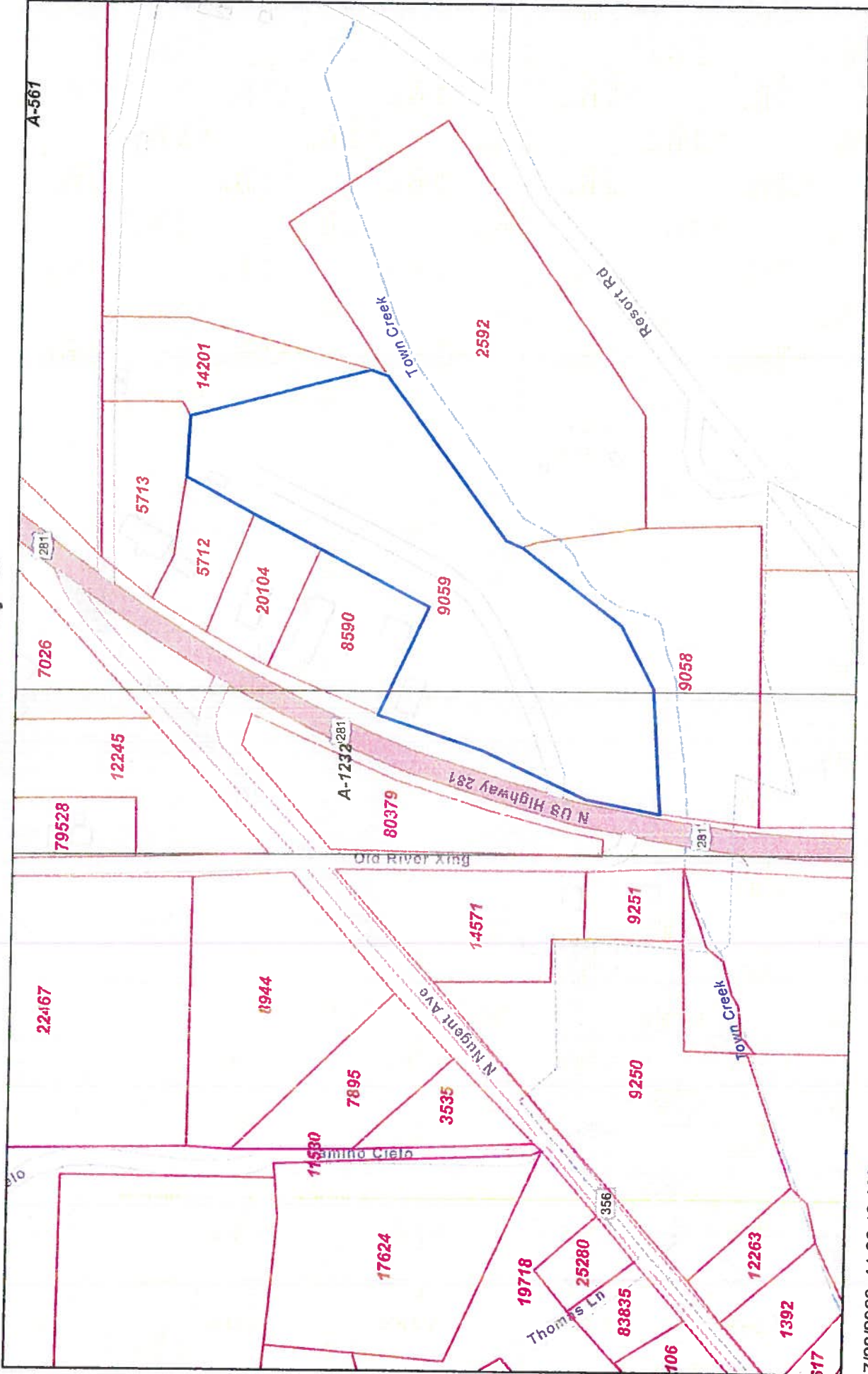
With no further business before the commission, the meeting was adjourned at 8:22 pm.

\_\_\_\_\_  
Chairperson

ATTEST:

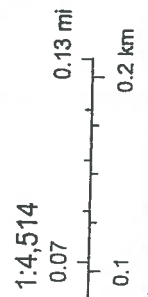
\_\_\_\_\_  
Whitney Walston, City Secretary

# 512 N. U.S. Hwy. 281

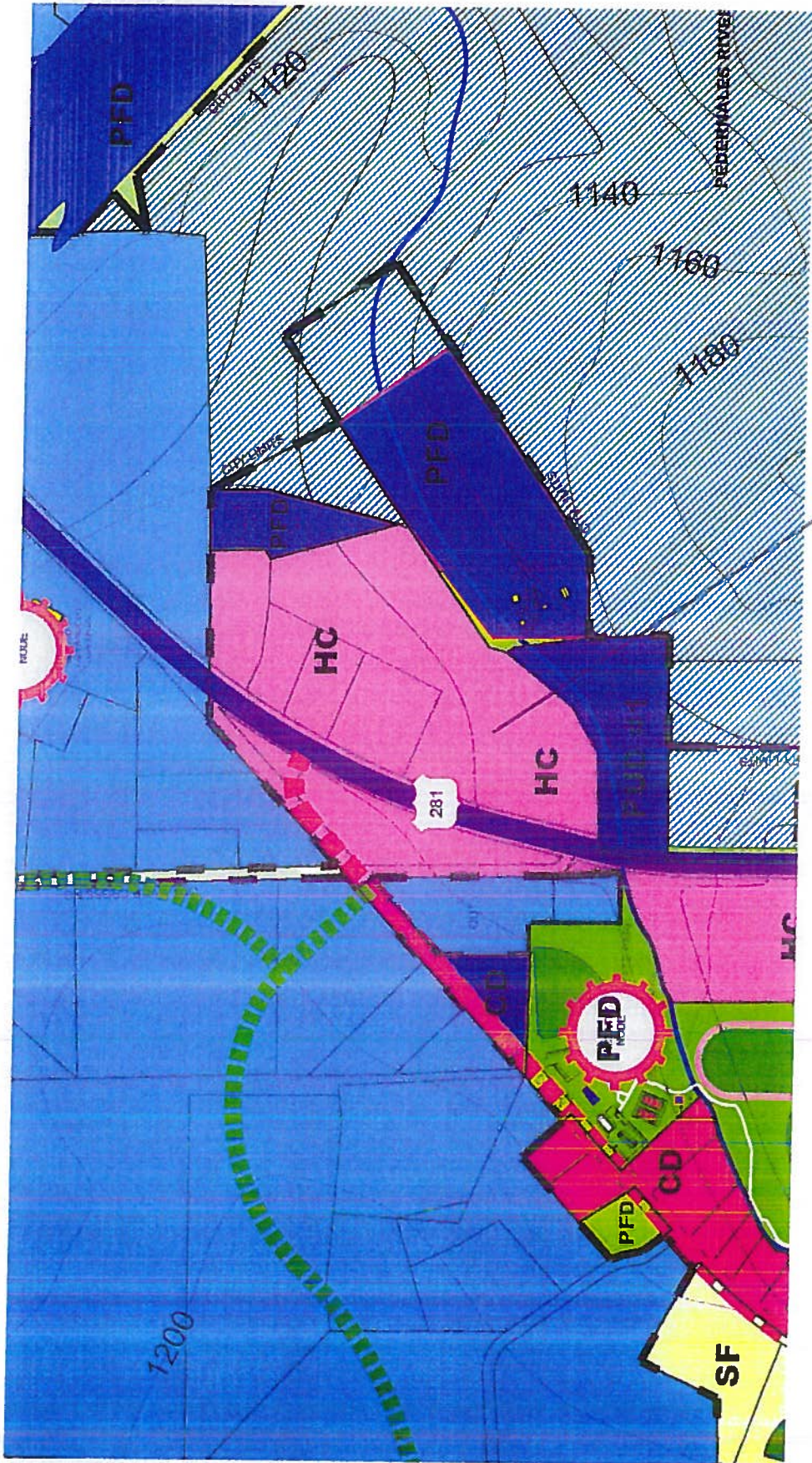


7/28/2023, 11:06:19 AM

-  Parcels
-  Abstracts

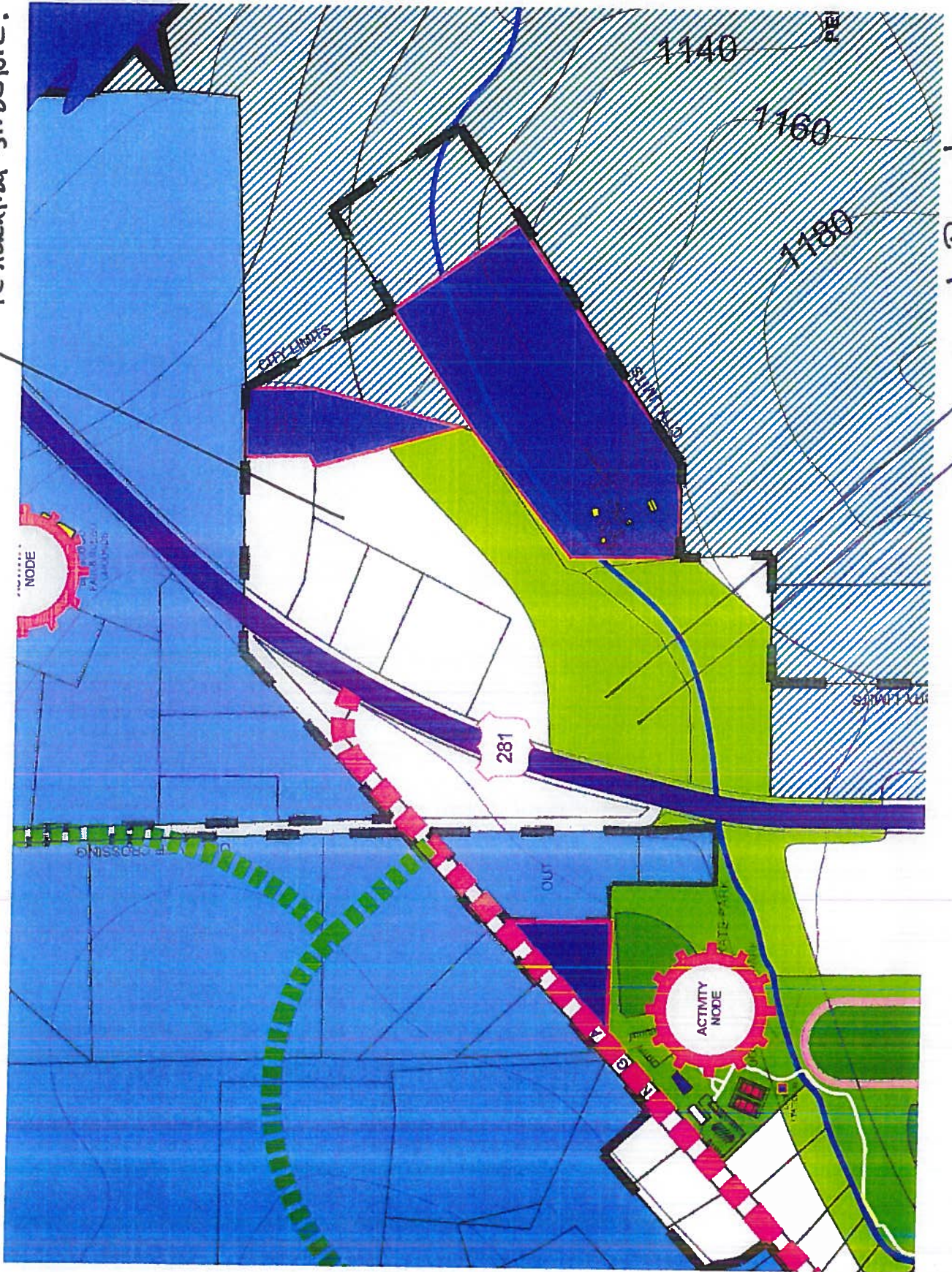


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Subject Property

Approx. location of residential structure.



Subject Property  
100 year FEMA Floodplain

**§ 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

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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.

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- (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.  
(Ordinance 16-0303 adopted 2/1/16)



Schedule of Permitted Uses

**AGRICULTURE**

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

**§ 4-3. Conditional use permits.**

Conditional use permits are authorized under the terms of this article to provide for certain uses which cannot be well adjusted to their environment in particular locations, with full protection offered to surrounding properties by the application of the underlying zoning district regulations. Further, conditional permit uses are those uses which, if not specially regulated, can have an undue impact on or be incompatible with other uses of land within or adjacent to a given zoning district. Upon the granting of a conditional use permit by City Council, these uses may be allowed to be located or expanded within given designated zoning districts under the standards, controls, limitations, performance criteria, restrictions and other regulations of this ordinance.

- (a) All applications for conditional use permits shall be reviewed using the following criteria:
  - (1) The proposed use shall be:
    - (A) In harmony with the adopted comprehensive plan;
    - (B) In harmony with the intent and purpose of the zoning district in which the use is proposed to be located; and
    - (C) In harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development.
  - (2) The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities.
  - (3) The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.
  - (4) The proposed use shall be designated, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.
- (b) In granting any conditional use permit, the City Council may impose any conditions necessary to assure that the proposed use will conform to the requirements of this section and will continue to do so. The City Council may take all necessary actions to ensure compliance with the conditions imposed.
  - (1) The City Council may impose reasonable standards as deemed necessary to protect the public interest and welfare. Such standards may include, but need not be limited to:
    - (A) More restrictive sign standards.
    - (B) Additional open space, landscaping or screening requirements.
    - (C) Additional yard requirements.
    - (D) Special lighting requirements.
    - (E) Time limitations on hours of operation.
    - (F) Additional off-street parking and loading requirements.
    - (G) Additional utility, drainage and public facility requirements.
    - (H) Additional right-of-way and public access requirements.

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§ 4-3

- (I) Additional requirements to ensure compatibility with the comprehensive plan.
  - (J) Conditions for renewal, extension, expiration and/or revocation of the conditional use permit.
- (2) The City Council may specify time limits or expiration dates for a conditional use permit, including provisions for periodic review and renewal.
- (c) Application requirements for a conditional use permit are as follows:
- (1) An application for a conditional use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the zoning administrator, and shall be accompanied by the filing fee.
  - (2) If the request for a conditional use permit has been denied by the City Council, a request in substantially the same form shall not be resubmitted within one year of the date of denial.
  - (3) The application shall include the following information:
    - (A) A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
    - (B) A written statement of the proposed use's compatibility with the following:
      - (i) The comprehensive plan.
      - (ii) The applicable zoning district.
      - (iii) The surrounding properties.
      - (iv) Current and future neighborhood conditions.
      - (v) Pedestrian and vehicular traffic patterns, on-site and off-site.
      - (vi) Adequate public facilities.
      - (vii) When requested by the zoning administrator, the Planning and Zoning Commission or the City Council, the following information shall be provided by the applicant:
        - (a) The architectural elevations and floor plans of proposed building(s).
        - (b) Parking and site circulation analysis.
        - (c) Photographs of the property and surrounding area.
- (d) Action by the Planning and Zoning Commission and City Council is as follows:
- (1) No conditional use permit shall be approved unless the proposal has been reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall conduct at least one public hearing in accordance with this article. Following the public hearing, the Planning and Zoning Commission shall prepare, and by motion adopt, its recommendations, which may include changes in the applicant's original proposal resulting from the hearing, and shall report such recommendations, together with any explanatory material, to the City Council.
  - (2) Before approving a conditional use permit, the City Council shall hold at least one public

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hearing in accordance with this article after which the City Council may make appropriate changes to or impose appropriate conditions upon the proposed conditional use. Nothing herein shall preclude the City Council from holding a joint public hearing with the Planning and Zoning Commission. § 4-3

- (3) A concurring vote of a majority of the members of City Council shall be required to approve a conditional use permit.
- (e) Extension, renewal, expiration, revocation:
  - (1) Extension.
    - (A) An extension shall be for the purpose of administratively extending timeframes established by the City Council for the implementation and/or completion of certain improvements which were stipulated as a condition of original conditional use permit approval. A request for extension may be initiated by the property owner.
    - (B) Upon initiation of property owner's request for extension, or upon any other initiative, the zoning administrator shall inspect the conditional use permit, review the record of compliance with those conditions and restrictions previously imposed by the City Council, and make a determination on whether the conditional use permit satisfies other conditions of approval and the provisions of this ordinance.
    - (C) Upon a favorable finding, the zoning administrator shall approve an extension of the original conditional use permit for a period of time not to exceed one year or for such timeframe as may have been otherwise specified for future extension by the City Council at the time of approval of the original conditional use permit.
    - (D) If it is determined that the use is not in compliance with all conditions and restrictions previously imposed by the City Council, the zoning administrator shall, depending on the nature of the noncompliance, either deny the extension or require the remedy of any violation within a specified time. If the extension is denied or the property owner fails to correct the violation within the time specified, the conditional use permit shall expire. The approval of a new conditional use permit shall be required prior to any subsequent reinstatement of the use.
  - (2) Renewal.
    - (A) A renewal shall be for the purpose of allowing a new period of time for the operation of a currently valid conditional use permit; provided, however, that the City Council shall not approve a renewal application for a use which is no longer allowed as a conditional use permit in the zoning district in which the conditional use permit is located.
    - (B) The procedure for the renewal of a conditional use permit shall be the same as specified herein for the approval of the original permit, except that the zoning administrator may waive any submission requirement if such requirement is deemed not necessary for an adequate review of the application.
    - (C) The City Council shall review the applicant's record of compliance with those conditions and restrictions previously imposed and determine if the use still satisfies the provisions of this ordinance.
    - (D) Any conditional use permit that is not renewed prior to the established time shall expire

without notice and become null and void.

(3) Expiration.

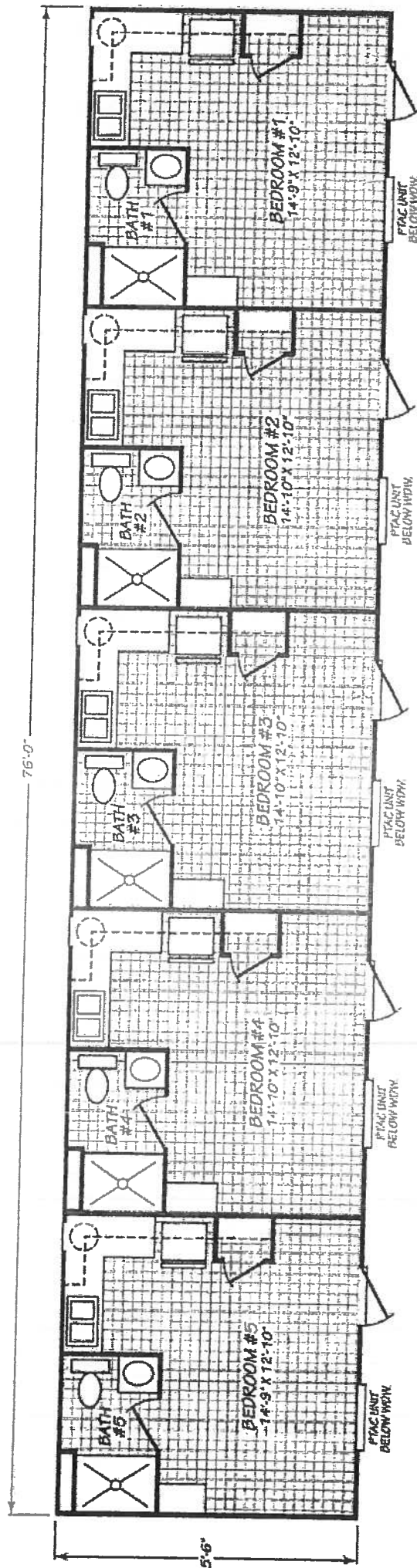
- (A) Whenever a conditional use permit is approved by the City Council, the conditional use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the City Council may have specified, or, if no such time has been specified, then within two years from the approval date of such permit.
- (B) If the conditional use or construction has not commenced in accordance with the above provisions, then the conditional use permit shall automatically expire without notice and become null and void.

(4) Revocation.

- (A) Unless a time limit is specified for a conditional use permit, the same shall be valid for an indefinite period of time, except that if the use or activity should cease for any reason for a continuous period of two years or more, the conditional use permit shall automatically terminate without notice and become null and void.
- (B) The approval of a new conditional use permit shall be required prior to any subsequent reinstatement of the use.
- (C) A conditional use permit shall be revocable upon written order of the City Council at any time because of the failure of the owner or operator of the use covered by the permit to observe all requirements with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were imposed in issuing the same. A revoked permit shall become null and void.

(Ordinance 16-0303 adopted 2/1/16)





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