



**CITY OF JUSTIN
PLANNING AND ZONING COMMISSION AGENDA
SEPTEMBER 17, 2024
415 N. COLLEGE AVE.
6:30 PM**

1. WORK SHOP SESSION AGENDA (6:30 PM)

- A. Call to Order and Roll Call.
- B. Briefing regarding the August 22nd and September 12th Council Meetings
 - a. Water and Master Wastewater Plan (August 22nd)
 - b. Reserve at Meadowlands Phase I Planned Development Amendment (September 12th)
 - c. Treeline Final Plat (September 12th)
 - d. Budget (September 12th)
- C. Discuss land use planning on W. 1st Street.
- D. Update on Developments in the City of Justin
- E. Discuss an update on the Unified Development Code.
- F. Discuss Planning and Zoning Commission Training
- G. Adjourn.

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 13th of September by 5:00 p.m., at least 72 hours preceding the scheduled meeting time.

Matthew Cyr

Matthew Cyr, Director of Development Services and Economic Development

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



First Street Rezone Report

Prepared by Diego Phoyu Solares, Development Services Intern

July 16, 2024

General Pros of Rezoning the 1st Street Corridor

- The rezone would increase the number of commercial lots in the City.
- The rezone could attract new, unique, and/or different businesses into the City, potentially providing new commercial amenities closer to Justin residents.
- The increase in commercial lots could reduce sales tax burden for residents, as commercial uses would make up a slightly higher percentage of the City's property tax base.
- The increase in businesses could help money (and sales tax) stay within the City, and provide new tax revenues for the City.
- The rezone could bring more vehicular and pedestrian traffic to the historic Old Town district.

General Cons of Rezoning the 1st Street Corridor

- The rezone would immediately impact up to 21 lots on the north side of W. 1st St, and potentially displace residents or make their uses legally non-conforming.
- Commercial lots tend to emit higher levels of noise and light and potentially increase traffic on West 1st Street, which could impact adjacent property owners.
- Senate Bill 929, enacted in 2023, enacts limits on municipalities seeking to do these types of rezones, and grants rights to homeowners who become legally non-conforming. See next page.
- There are existing commercially-zoned properties on W. Pafford St. that have remained residential uses, as the owners have remained legally non-conforming for many years. This would need to be addressed (potentially in the UDC), if this outcome is not desired to be repeated.
- W. 1st Street is currently part of FM 407, but this road will be redirected north in the next 10 years, which could reduce traffic flow and counts along W. 1st St.

SB 929 (2023) – a brief, crude summary

- Applies when municipalities change a use (for example, via a rezone) so that the existing use becomes legally non-conforming under the new regulations
- Required notice via mail with specific verbiage and formatting (bold 14pt font)

"THE [MUNICIPALITY] IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."

- Must require nonconforming use to continue unless the municipality “imposes a requirement to stop the nonconforming use”
- If this requirement is imposed, the property owner is entitled to payment equal to the sum of any loss in market value because of the nonconformance and any costs incurred to stop the noncompliance. Payment can go to the owner or lessee, and the value and apportionment can be appealed several times by owner, lessee, and/or municipality.
- Owner may waive these rights through written waiver
- Legal immunity of municipalities is waived for legal actions under this law

This and any related language and interpretation would need to be reviewed by the City Attorney

Topics of Discussion

- Do these pros/cons generally fit with the vision the Commission had with this discussion? Is there something we missed?
- What lots should be included in the rezone and which should not? Is there a good stopping point? What is our justification for including lot X and not lot Y? Etcetera.
- What timeline would this project be under? What is our justification for doing this now or during the year 20XX instead of the year 20YY? Etcetera.
- How comfortable does the Commission feel about the required verbiage and the potential challenges by homeowners to conformance / “takings”?

Preliminary Recommendations

- **Recommend limiting the rezone to the lots on the north side of W. 1st Street, from the intersection with Pafford St. to the intersection with Denton St.** The lots on the block from Pafford to College are all presumed unoccupied homes, and the lots on the two blocks from College to Denton are all owned by one property owner, except one. The two lots in the Northeast corner of Denton and W. 1st are also presumably unoccupied and would be included.
- **There would need to be a clear communication strategy developed if we proceed forward.** This would need to be palatable to the community and include:
 - o Language pursuant to SB 929 regarding the rezone and conformance.
 - o The goals sought with this project, and how the project ties into Imagine Justin, the UDC, and other guiding planning documents for Justin.
 - o Potential benefits to adjacent properties and to other Justin residents.
 - o Any other items the Commission feels it should contain.

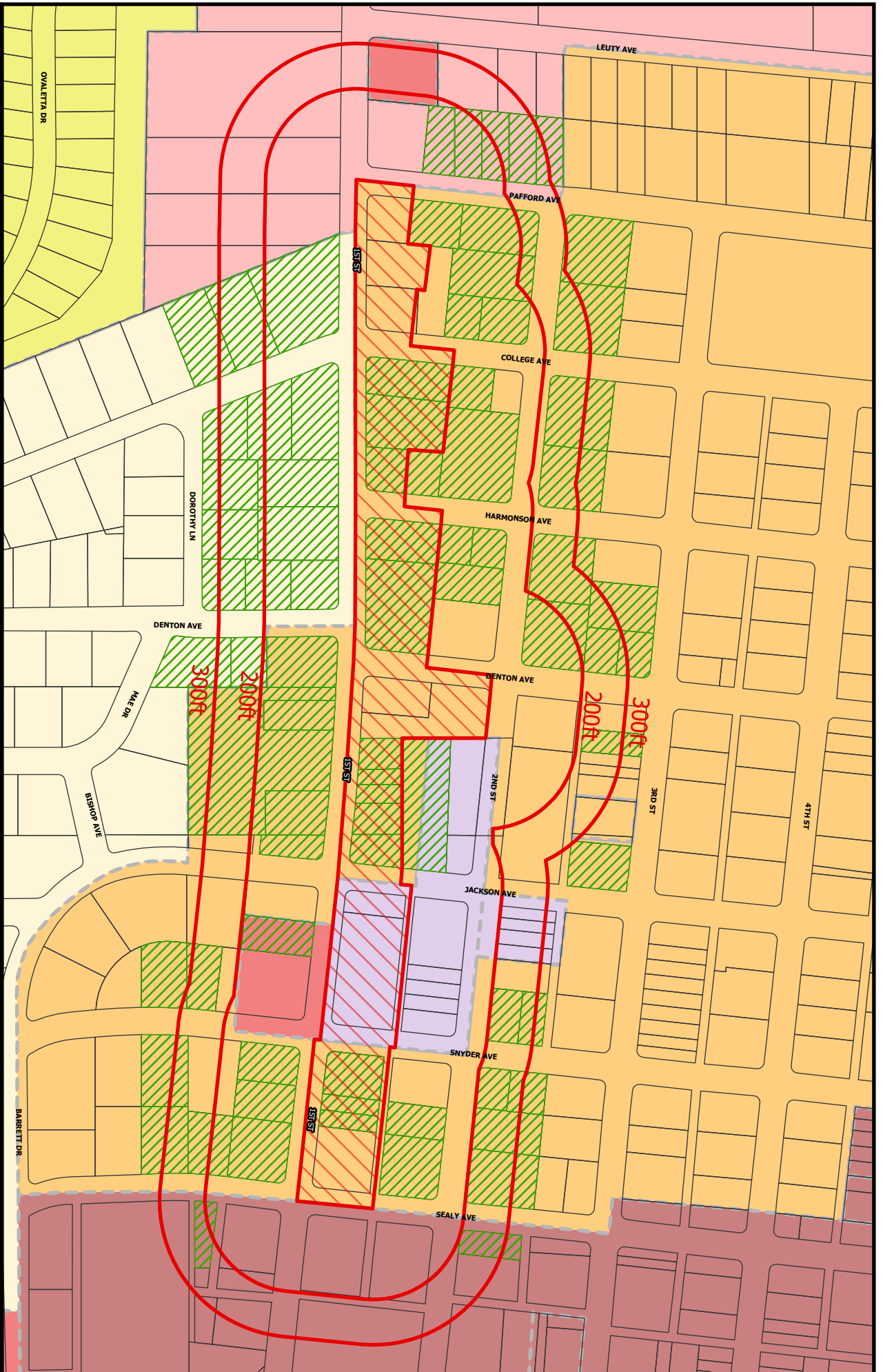
Lot Counts

- **Total number of lots analyzed for rezone: 21**
 - o 19 lots currently zoned residential, 19 lots presumed residential use
 - o 2 lots currently zoned non-residential, 2 lots presumed non-residential use
 - o 13 lots presumed occupied homes
- **Recommended, limited rezone: Lots affected: 10**
 - o All 10 lots currently zoned residential
 - o 5 homes presumed occupied

GIS Exhibits

- The next pages show the entire rezone area analyzed in map exhibits.
- The first map shows “uses”, which were determined based on lot by lot analysis compared to zoning. It shows the specific use of the lots, whether residential, non-residential (including commercial, institutional, religious, etc), or undeveloped lots, the rezone lots analyzed, 200’ and 300’ adjacency buffer, and the homes we believe are currently occupied based on water usage and utility account activation.
- The second map shows the current zoning regulations, the rezone lots analyzed, 200’ and 300’ adjacency buffers, and the homes we believe are currently occupied based on water usage and utility account activation. The principal difference between the first and second maps is the prescribed use (zoning) versus something closer to actual use.
- Note the lots zoned LR on and around W. 1st St between Leuty and Pafford, and their overlap with occupied homes. These are the commercially zoned but residential occupied properties discussed earlier.





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Prepared by:
Christopher T. Young
GIS Technician
Date: 7/05/2024

First Street Proposed Rezoning Area City of Justin, TX

SF-LL
SF-1
SF-1A
SF-2

SF-OT
2F
MF
LR

GB
GB-OT
LI

Notification Radius
Occupied Homes

Legend

Rezoning Area