



AGENDA
PLANNING & ZONING COMMISSION
JOSHUA CITY HALL - COUNCIL CHAMBERS
SEPTEMBER 05, 2023
6:30 PM

The Planning & Zoning Commission will hold a meeting on September 5, 2023, at 6:30 pm in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas.

Individuals may attend the Joshua Planning & Zoning Meeting in person, access the meeting via videoconference or telephone conference call.

Join Zoom Meeting:

<https://us02web.zoom.us/j/84481706005?pwd=bXMyZGRuYjkrSDFjYjhXZVY0UWdEQT09>

Meeting ID: 844 8170 6005 Passcode: 215259

A member of the public who would like to submit a question on any item listed on this agenda may do so via the following options:

Online: An online speaker card may be found on the City's website (cityofjoshuatx.us) on the Agenda/Minutes/Recordings page. Speaker cards received will be read during the meeting in the order received by the City Secretary.

By phone: Please call 817/558-7447 ext. 2003 no later than 5:00 pm on the meeting day and provide your name, address, and question. The City Secretary will read your question in the order they are received.

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

B. CITIZENS FORUM

The Planning & Zoning Commission invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the Planning & Zoning Commission is required under the Texas Open Meetings Act to limit its response to responding with a statement of specific factual information, reciting the City's existing policy, or directing the person making the inquiry to visit with City Staff about the issue. No Commission deliberation is permitted. Each person will have 3 minutes to speak.

C. REGULAR AGENDA

1. Discuss, consider, and possible action on the meeting minutes of July 06, 2023.
2. Public hearing on a request for amending subsection C, "Public Hearing and Notice," of section 3.1.4, "Amendments, Changes, and Procedures," of the City's Zoning Ordinance, found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas, by providing for notices relative to a change in a zoning regulation that could result in a nonconforming use consistent with Senate Bill 929; amending section 4.1.11, "Amortization," of Article 4, "Nonconformities," of the City's Zoning Ordinance, found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas, providing for amortization procedures consistent with Senate Bill 929; providing for a penalty; providing a severability clause; providing for publication; and providing an effective date.

- Staff Presentation
- Those in Favor
- Those Against

3. Discuss, consider, and possible action on approving an Ordinance amending subsection "C", "Public Hearing and Notice," of section 3.1.4, "Amendments, Changes and Procedures," of the City's Zoning Ordinance, found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas, by providing for notices relative to a change in a zoning regulation that could result in a nonconforming use consistent with Senate Bill 929; Amending section 4.1.11, "Amortization," of Article 4, "Nonconformities," of the City's Zoning Ordinance, found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas, providing for amortization procedures consistent with Senate Bill 929; providing for a penalty; providing a severability clause; providing for publication; and providing an effective date.
4. Discuss, consider, and possible action on approving a final plat regarding 1.50 acres of land known as Lot 1, Block 1, Purselley Addition, Thomas W. Baird Survey, Abstract No. 40, City of Joshua, Johnson County, Texas located at 1201 S. Broadway St. for the future construction of a carwash.
5. Discuss, consider, and possible action on approving a final plat regarding 31.854 acres of land known as Lot 1 & 2, Block 1, Dornan Acres, Thomas W. Baird Survey, Abstract No. 40, and McKinney & Williams Survey, Abstract No. 636, City of Joshua, Johnson County, Texas located at 1301 S. Broadway St. for the future construction of two residential homes.
6. Discussion and update on an Ordinance amending the Joshua Subdivision Ordinance to be in full compliance and meet all House Bill No 3699 requirements.

D. ADJOURN

The Planning & Zoning Commission reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551.071 for private consultation with the attorney for the City.

Pursuant to Section 551.127, Texas Government Code, one or more Commissioner may attend this meeting remotely using videoconferencing technology. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting. A quorum will be physically present at the posted meeting location of City Hall.

In compliance with the Americans with Disabilities Act, the City of Joshua will provide reasonable accommodations for disabled persons attending this meeting. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 817/558-7447.

CERTIFICATE:

I hereby certify that the above agenda was posted on the 31st day of August 2023, by 12:00 p.m. on the official bulletin board at the Joshua City Hall, 101 S. Main, Joshua, Texas.

Alice Holloway, City Secretary



MINUTES
PLANNING & ZONING COMMISSION
JOSHUA CITY HALL - COUNCIL CHAMBERS
JULY 06, 2023
6:30 PM

PRESENT

Commissioner Jerry Moore
 Commissioner Richard Connally
 Commissioner Julian Torrez
 Commissioner Robert Purdom
 Commissioner Kathy Sales
 Commissioner Elizabeth Webb

STAFF

Dev. Serv. Director Aaron Maldonado
 City Secretary Alice Holloway

ABSENT

Commissioner Brent Gibson
 Commissioner Jason Allred Sr.
 Commissioner Billy Jenkins

The Planning & Zoning Commission will hold a meeting on July 06, 2023, at 6:30 pm in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas.

Individuals may attend the Joshua Planning & Zoning Meeting in person, access the meeting via videoconference or telephone conference call.

Join Zoom Meeting:

<https://us02web.zoom.us/j/88563410597?pwd=dWxiZTFNY09hS2pTOVdLbVBmdlpSQT09>

Meeting ID: 885 6341 0597 Passcode: 196444

A member of the public who would like to submit a question on any item listed on this agenda may do so via the following options:

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By phone: Please call 817/558-7447 ext. 2003 no later than 5:00 pm on the meeting day and provide your name, address, and question. The City Secretary will read your question in the order they are received.

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

Commissioner Moore announced a quorum and called the meeting to order at 6:30 pm.

B. CITIZENS FORUM

The Planning & Zoning Commission invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the Planning & Zoning Commission is required under the Texas Open Meetings Act to limit its response to responding with a statement of specific factual information, reciting the

City’s existing policy, or directing the person making the inquiry to visit with City Staff about the issue. Commission deliberation is permitted. Each person will have 3 minutes to speak.

NA

C. REGULAR AGENDA

- 1. Discuss, consider, and possible action on meeting minutes of June 05, 2023.

Motion made by Commissioner Purdom to approve the meeting minutes of June 05, 2023. Seconded by Commissioner Allred Sr.

Voting Yea: Commissioner Allred Sr, Commissioner Torrez, Commissioner Moore, Commissioner Connally, Commissioner Purdom, Alternate 1 Sales

- 2. Public hearing on a request for amending section 5.2 Permitted Use Table, found in Ch. 14 Zoning Ordinance, by repealing the Land Use Type “Community or Social Buildings” contained in the “Institutional/Governmental” uses portion of the permitted use table and replacing it with Land Use Type “Assembly Hall (Private) and Event Centers”.

Commissioner Moore opened the public hearing at 6:31 pm.

Development Services Director Maldonado read the following statement:

The current property is undeveloped and has never been platted. The property will be required to Final Plat. This property is zoned (MH) Hud Code Manufactured Home District. The proposed development of this property is to allow for the construction of a duplex.

No comments made from the public.

Commissioner Moore closed the public hearing at 6:32 pm

- 3. Discuss, consider, and possible action on a request for amending section 5.2 Permitted Use Table, found in Ch. 14 Zoning Ordinance, by repealing the Land Use Type “Community or Social Buildings” contained in the “Institutional/Governmental” uses portion of the permitted use table and replacing it with Land Use Type “Assembly Hall (Private) and Event Centers”.

Motion made by Commissioner Connally to approve amending section 5.2 Permitted Use Table, found in Ch. 14 Zoning Ordinance, by repealing the Land Use Type “Community or Social Buildings” contained in the “Institutional/Governmental” uses portion of the permitted use table and replacing it with Land Use Type “Assembly Hall (Private) and Event Centers”. Seconded by Alternate 1 Sales.

Voting Yea: Commissioner Allred Sr, Commissioner Torrez, Commissioner Moore, Commissioner Connally, Commissioner Purdom, Alternate 1 Sales

D. ADJOURN

Commissioner Moore adjourned the meeting at 6:32 pm.

Brent Gibson, Chair

ATTEST:

Alice Holloway, City Secretary

Approved: September 5, 2023



**Planning & Zoning Agenda
September 5, 2023**

Minutes Resolution

Action Item

Agenda Description:

Public hearing on a request for amending subsection C, “Public Hearing and Notice,” of section 3.1.4, “Amendments, Changes and Procedures,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the code of ordinances of the City of Joshua, Texas, by providing for notices relative to a change in a zoning regulation that could result in a nonconforming use consistent with Senate Bill 929; Amending section 4.1.11, “Amortization,” of Article 4, “Nonconformities,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the code of Ordinances of the city of Joshua, Texas, providing for Amortization procedures consistent with Senate Bill 929; Providing for a penalty; Providing a severability clause; Providing for Publication; And Providing an effective date.

- A. Staff Presentation
- B. Owner’s Presentation
- C. Those in Favor
- D. Those Against
- E. Owner’s Rebuttal

Background Information:

This is a city related bill passed 2023 session.

Financial Information:

The cost associated with the zoning change request is the publication expense.

City Contact and Recommendations:

Aaron Maldonado, Development Services Director

Attachments:

1. Publication Notice

Item 2.

Notice of Public Hearing

Notice is hereby given that the City of Joshua's Planning and Zoning Commission and City Council will conduct public hearings to consider the request for amending subsection C, "Public Hearing and Notice," of section 3.1.4, "Amendments, Changes and Procedures," of the City's Zoning Ordinance, found in Chapter 14, "Zoning," of the code of ordinances of the City of Joshua, Texas, by providing for notices relative to a change in a zoning regulation that could result in a nonconforming use consistent with Senate Bill 929; Amending section 4.1.11, "Amortization," of Article 4, "Nonconformities," of the City's Zoning Ordinance, found in Chapter 14, "Zoning," of the code of Ordinances of the city of Joshua, Texas, providing for Amortization procedures consistent with Senate Bill 929; Providing for a penalty; Providing a severability clause; Providing for Publication; And Providing an effective date.

The Planning and Zoning Commission will conduct its public hearing on September 5, 2023, at 6:30 PM, and the City Council will conduct its public hearing and consideration on September 21, 2023, at 6:30 PM. Both meetings will be held in the City Council Chambers at Joshua City Hall, 101 South Main Street, Joshua, TX 76058.



**Planning & Zoning Agenda
September 5, 2023**

Ordinance

Action Item

Agenda Description:

Discuss, consider, and possible action on approving an ordinance amending subsection C, “Public Hearing and Notice,” of section 3.1.4, “Amendments, Changes and Procedures,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the code of ordinances of the City of Joshua, Texas, by providing for notices relative to a change in a zoning regulation that could result in a nonconforming use consistent with Senate Bill 929; Amending section 4.1.11, “Amortization,” of Article 4, “Nonconformities,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the code of Ordinances of the city of Joshua, Texas, providing for Amortization procedures consistent with Senate Bill 929; Providing for a penalty; Providing a severability clause; Providing for Publication; And Providing an effective date.

Background Information:

This is a city related bill passed 2023 session.

City Contact and Recommendations:

Aaron Maldonado, Development Services Director

Staff recommends approval.

Attachments:

1. Ordinance

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING SUBSECTION C, "PUBLIC HEARING AND NOTICE," OF SECTION 3.1.4, "AMENDMENTS, CHANGES AND ADMINISTRATIVE PROCEDURES," OF ARTICLE 3, "PROCESSES AND PROCEDURES," OF THE CITY'S ZONING ORDINANCE, FOUND IN CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, BY PROVIDING FOR NOTICES RELATIVE TO A CHANGE IN A ZONING REGULATION THAT COULD RESULT IN A NONCONFORMING USE, CONSISTENT WITH SENATE BILL 929; AMENDING SECTION 4.1.11, "AMORTIZATION," OF ARTICLE 4, "NONCONFORMITIES," OF THE CITY'S ZONING ORDINANCE, FOUND IN CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, PROVIDING FOR AMORTIZATION PROCEDURES CONSISTENT WITH SENATE BILL 929; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 88th Legislature recently passed Senate Bill 929 relative to nonconforming uses of property and notice to property owners, and it is the desire of the City Council to fully comply with such legislation; and

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Joshua, Texas, has recommended amending the City's Zoning Ordinance to encompass those amendments as set forth herein; and

WHEREAS, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said public hearing, the City Council of the City of Joshua, Texas, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the City to amend the City's Zoning Ordinance as set forth herein.

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

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Joshua, and they are hereby approved and incorporated into the body of this Ordinance as if restated herein in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Subsection C, "Public Hearing

and Notice,” of Section 3.1.4, “Amendments, Changes and Administrative Procedures,” of Article 3, “Processes and Procedures,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the Code of Ordinances of the City of Joshua, Texas, is hereby amended by adding a new Subpart (4) to read as follows:

“3.1.4 AMENDMENTS, CHANGES AND ADMINISTRATIVE PROCEDURES

* * *

C. Public Hearing and Notice. Upon filing of an application for an amendment to the zoning ordinance and/or map, the Planning and Zoning Commission shall call a public hearing on said application:

* * *

- 4. In addition to the foregoing notice, the City shall provide written notice of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed. The notice shall:
 - (a) be mailed by United States mail to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the most recently approved municipal tax roll and each occupant of the property not later than the 10th day before the hearing date;
 - (b) contain the time and place of the hearing; and
 - (c) include the following text in bold 14-point type or larger: “THE CITY OF JOSHUA 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.”

SECTION 3

From and after the effective date of this Ordinance, Section 4.1.11, “Amortization,” of Article 4, “Nonconformities,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

“4.1.11 AMORTIZATION

The City Council may request that the Zoning Board of Adjustment establish a compliance date for discontinuance of a nonconformity in accordance with this Section.

In determining whether to initiate an amortization proceeding, the Zoning Board of Adjustment may consider the character of the surrounding area, the degree of incompatibility of the nonconformity to the zoning district in which it is located, the effect of the nonconformity on the surrounding area, the effect of cessation of the nonconformity on the area, any other danger or nuisance to the public caused by the nonconformity, and any other factors the Zoning Board of Adjustment considers relevant. If the Zoning Board of Adjustment determines that there is no public necessity for establishing a compliance date, the Zoning Board of Adjustment shall notify the City Council of same.

The Zoning Board of Adjustment shall, in accordance with Section 211.019 of the Texas Local Government Code, as amended, utilize the procedures and owner or lessee compensation criteria contained in said Section in the event the City determines that a nonconforming use of property shall cease.”

SECTION 4

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City 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 and phrases be declared unconstitutional or invalid.

SECTION 5

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, and any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 7

This Ordinance shall become effective from and after its adoption and publication as required by law; however, the provisions of this Ordinance shall not be applicable to any residential development or tract of land for which one or more final plats has been approved by the City as of the effective date of this Ordinance.

DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS ____ DAY OF SEPTEMBER, 2023.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, City Attorney



**Planning & Zoning Agenda
September 5, 2023**

Minutes Resolution

Action Item

Agenda Description:

Discuss, consider, and possible action on approving a final plat regarding 1.50 acres of land known as Lot 1, Block 1, Purselley Addition, Thomas W. Baird Survey, Abstract No. 40, City of Joshua, Johnson County, Texas located at 1201 S. Broadway St. for the future construction of a carwash.

Background Information:

History: The property is undeveloped and has never been platted.

Zoning: This property is zoned (C1) Restricted Commercial District.

Analysis: The plat is converting one tract into one platted lot for the construction of a carwash.

Utilities: Water is provided by Johnson County Special Utility District. A letter of final approval has been submitted.

Transportation: Rights-of-way dedications have already been dedicated.

Financial Information:

N/A

City Contact and Recommendations:

This plat appears to meet the minimum requirements for a final plat as set forth in the City of Joshua Subdivision Ordinance therefore, we recommend approval.

Attachments:

Item 4.

1. Plat Application
2. Legal Description
3. Vicinity Map
4. JCSUD Approval Letter
5. Final Plat of Purselley Addition

City of Joshua Development Services Universal Application

Please check the appropriate box below to indicate the type of application you are requesting and provide all information required to process your request.

- Pre-Application Meeting
- Conditional Use Permit
- Preliminary Plat
- Replat
- Minor Plat
- Comprehensive Plan Amendment
- Zoning Variance (ZBA)
- Final Plat
- Planned Development Concept Plan
- Zoning Change
- Subdivision Variance
- Amending Plat
- Planned Development Detailed Plan
- Other _____

PROJECT INFORMATION

Project Name: PURSELLY ADDITION

Project Address (Location): 1201 S. BROADWAY, JOSHUA, TX 76058

Existing Zoning: RESTRICTED COMMERCIAL Proposed Zoning: RESTRICTED COMMERCIAL

Existing Use: UNDEVELOPED Proposed Use: CAR WASH

Existing Comprehensive Plan Designation: COMMERCIAL Gross Acres: 1.50

Application Requirements: The applicant is required to submit sufficient information that describes and justifies the proposal. See appropriate checklist located within the applicable ordinance and fee schedule for minimum requirements. Incomplete applications will not be processed.

APPLICANT INFORMATION

Applicant: JIMMY PURSELLY Company: PC INVESTORS, LLC

Address: 4640 E FM 1187 Tel: 817-205-8676 Fax: _____

City: BURLESON State: TX ZIP: 76028 Email: JIMMYPURSELLY@GMAIL.COM

Property Owner: PC INVESTORS, LLC Company: _____

Address: 4640 E FM 1187 Tel: 817-205-8676 Fax: _____

City: BURLESON State: TX ZIP: 76028 Email: JIMMYPURSELLY@GMAIL.COM

Key Contact: _____ Company: _____

Address: _____ Tel: _____ Fax: _____

City: _____ State: _____ ZIP: _____ Email: _____

<p>SIGNATURE OF PROPERTY OWNER OR APPLICANT (SIGN AND PRINT OR TYPE NAME)</p> <p>SIGNATURE: <u><i>Jimmy Purselly</i></u> <small>(Letter of authorization required if signature is other than property owner)</small></p> <p>Print or Type Name: _____</p> <p>Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity therein stated.</p> <p>Given under my hand and seal of office on this <u>17th</u> day of <u>Aug</u> 20<u>23</u></p> <p><u>Amy Ten Eyck</u> Notary Public</p> <p>Signature: <u><i>Amy Ten Eyck</i></u> Date: <u>8/17/23</u></p>	<p>For Departmental Use Only</p> <p>Case No.: _____</p> <p>Project Manager: _____</p> <p>Total Fee(s): _____</p> <p>Check No.: _____</p> <p>Date Submitted: _____</p> <p>Accepted By: _____</p> <p>Date of Complete Application: _____</p>
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CITY OF JOSHUA Planning and Development • City Hall 101 S. Main Street, Joshua, Texas 76058 817.558.7447



LEGAL DESCRIPTION

BEING 1.50 acres of land, situated in the Thomas W. Baird Survey, Abstract No. 40, Johnson County, Texas, being all of a called 1.50 acre tract described in a deed to PC. Investors, LLC., as recorded in Document No. 2023-19766, of the Official Public Records, Johnson County, Texas, and being more fully described by Metes and Bounds as follows;

BEGINNING at a 1/2" capped iron rod found at the southwest corner of said 1.500 acre tract, at a northwest corner of Lot 1, Block 1, of the Mariposa at South Broadway Subdivision according to the plat thereof as recorded in Volume 11, Page 112, Plat Records, Johnson County, Texas, on the east right of way line of State Highway No. 174(S. Broadway Street), and on the west line of said Thomas W. Baird Survey;

THENCE N 01°45'48" W, along the west line of said 1.500 acre tract and said east right of way line a distance of **150.05 feet** to a 1/2" capped iron rod stamped (RECER & FOX) found at the northwest corner of said 1.500 acre tract, at the southwest corner of a called 11.772 acre tract described in a deed to Joshua Independent School District as recorded in Volume 1961, Page 986, Real Property Records, Johnson County, Texas, and on said east right of way line;

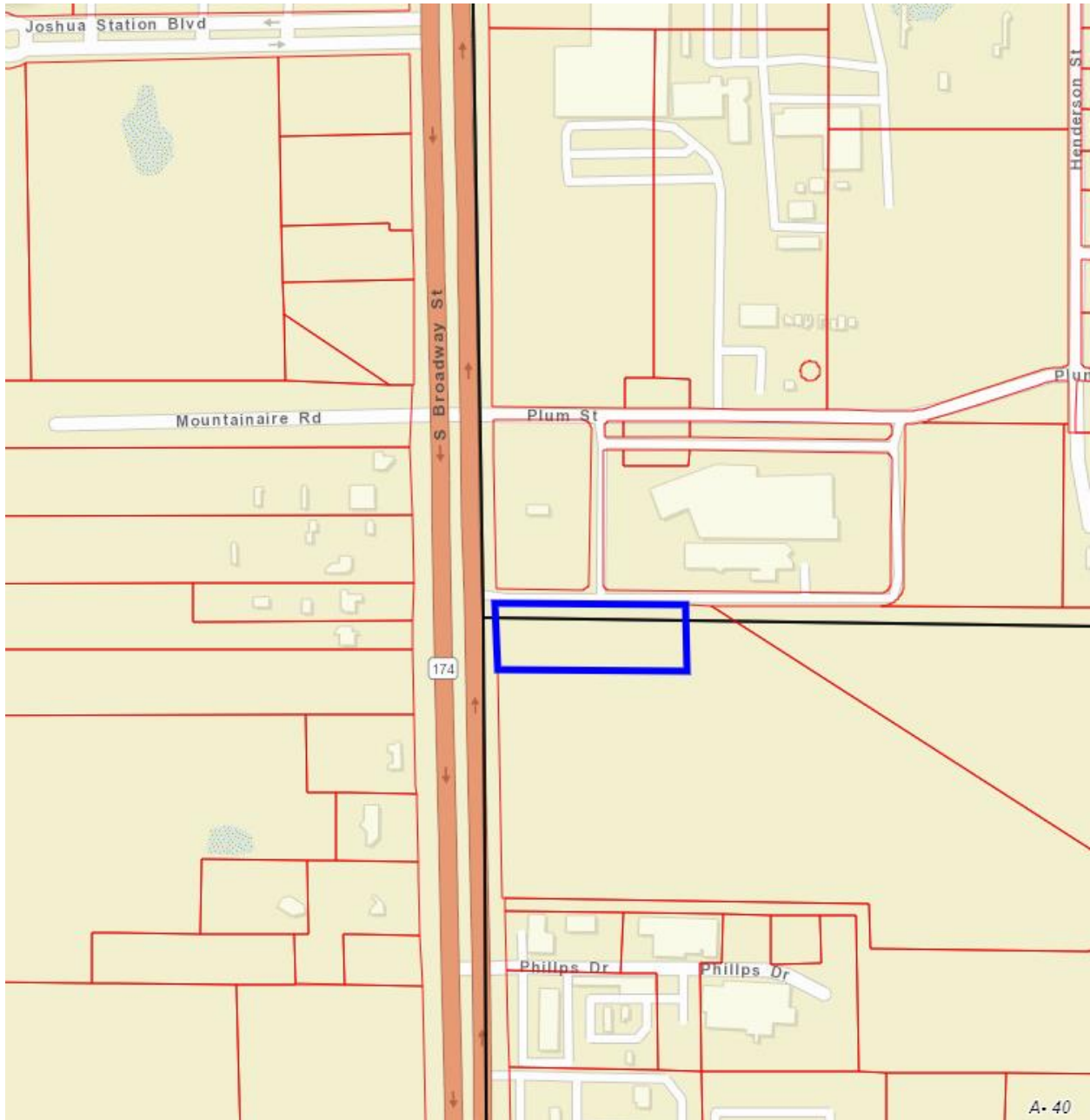
THENCE N 89°47'07" E, along the north line of said 1.500 acre tract and the south line of said 11.772 acre tract a distance of **435.67 feet** to a 1/2" capped iron rod stamped (RECER & FOX) found at the northeast corner of said 1.500 acre tract, on the south line of said 11.772 acre tract, and at a northwest corner of said Lot 1, Block 1, from which a 1/2" capped iron rod found at the northeast corner of said Lot 1, Block 1, and on the south line of said 11.772 acre tract, bears N 89°45'19" E a distance of 55.33 feet for reference;

THENCE S 01°47'37" E, along the east line of said 1.500 acre tract and a west line of said Lot 1, Block 1, a distance of **149.78 feet** to a PK nail in concrete found at the southeast corner of said 1.500 acre tract and at an ell corner of said Lot 1, Block 1;

THENCE S 89°44'58" W, along the south line of said 1.500 acre tract and a north line of said Lot 1, Block 1, a distance of **435.74 feet** to the POINT OF BEGINNING, containing 65,295 Square Feet and/or 1.50 acres of land, more or less.



Vicinity Map





Plat Review

Date: July 26, 2023

To: Zach McEwin

From: Lindsey Carroll

Subject: Purselley Addition

Johnson County Special Utility District (JCSUD) has received the final plat for the review of Purselley Addition. The development is located within the Certificate of Convenience and Necessity (CCN) granted by the State. JCSUD provides adequate water service to our customers in accordance with the rules and regulations of the Texas Commission on Environmental Quality (TCEQ) and the Public Utility Commission (PUC).

The requirements of the development's infrastructure are checked below:

- No infrastructure is needed, and the development can connect to the JCSUD System.
- Required to connect by installing required taps and/or road crossings.
- Required to install infrastructure listed below:
 - 1.) Extend the waterline
 - 2.) Participate in Contribution in Aid of Construction (CIAOC)
- Development has not submitted a Non-Standard Application/Utility Plans and will be required to follow the JCSUD Development Process.

This letter does not verify the approval of the utility plans for this development.

Sincerely,

Lindsey Carroll

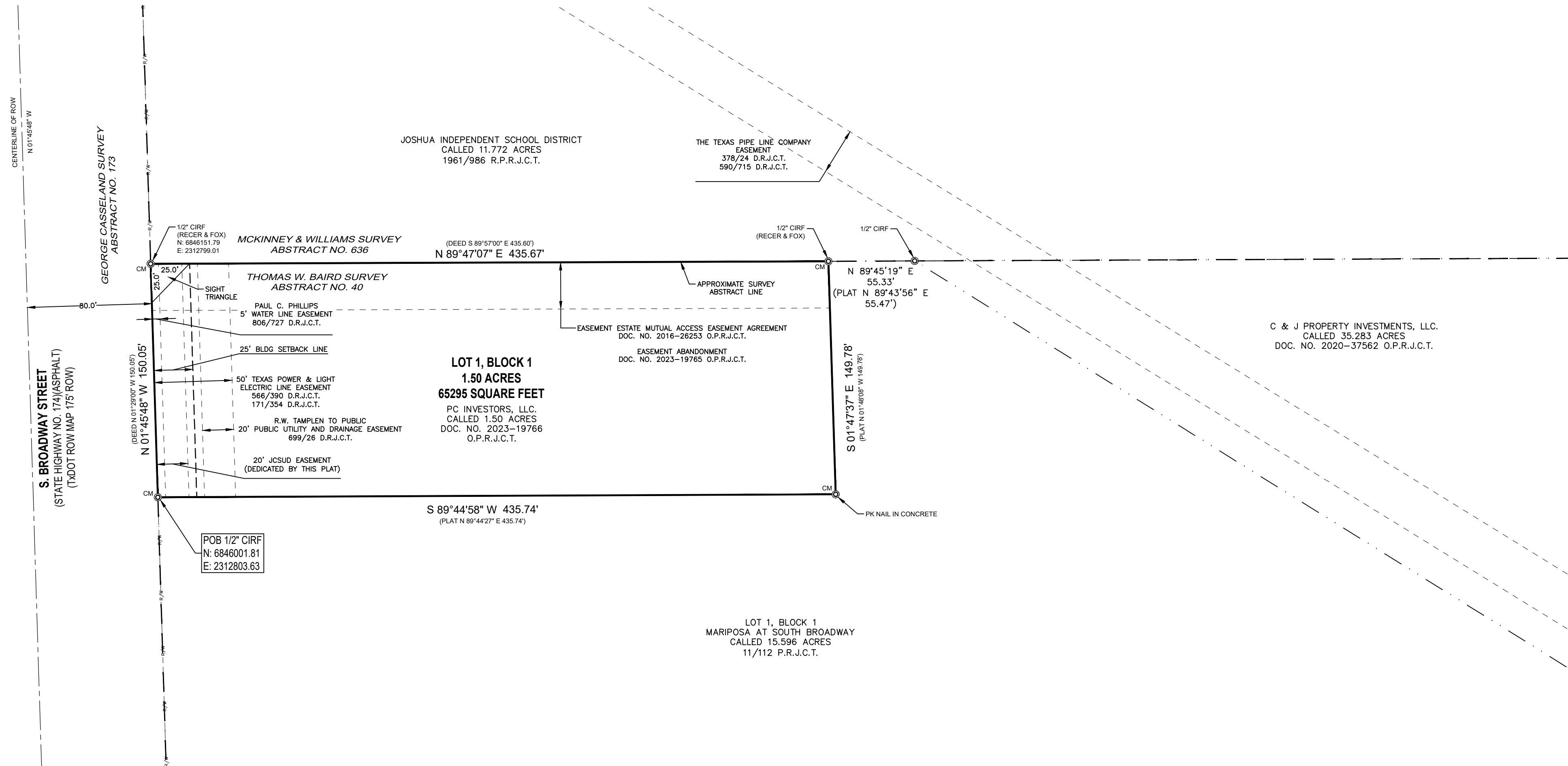
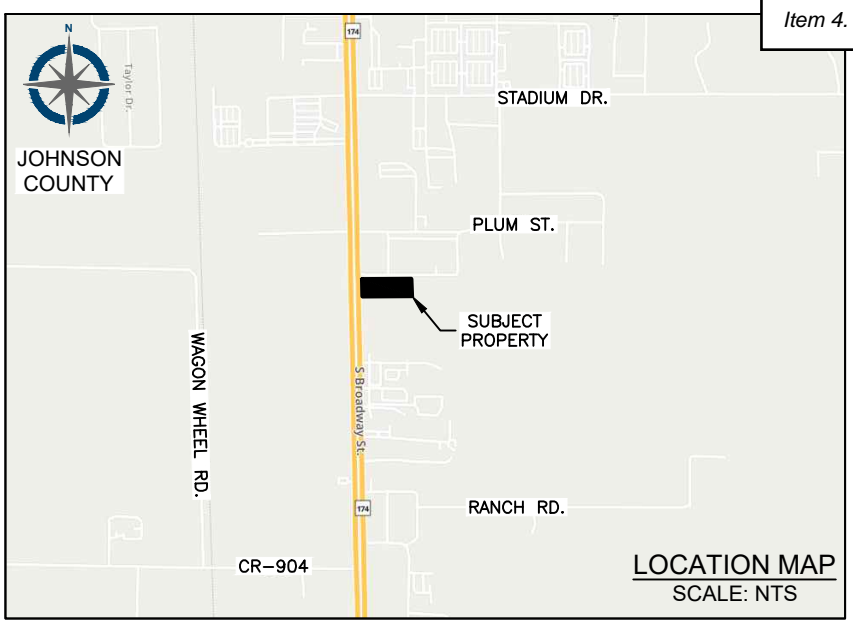
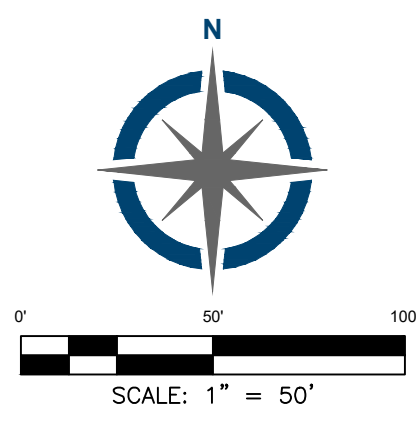
System Development Clerk

817 760-5244

Enclosure: Submitted Plat for Approval

740 FM 3048 | Joshua, TX 76058 | (817) 760-5200

JCSUD.com



- NOTES**
- ALL DISTANCES CONTAINED HEREIN ARE GROUND, BASED UPON AN ON THE GROUND SURVEY PERFORMED DURING MARCH, 2023.
 - ALL COORDINATES AND BEARINGS CONTAINED HEREIN GRID, BASED UPON THE TEXAS STATE PLANE COORDINATES SYSTEM, NORTH AMERICAN DATUM 83, NORTH CENTRAL ZONE (4202), NAVD88.
 - ELEVATIONS MSL, DERIVED FROM G.N.S.S. OBSERVATION AND DERIVED FROM SAID ON-THE-GROUND SURVEY.
 - ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FIRM MAP NO. 48251C0160J EFFECTIVE DATE DECEMBER 04, 2012 THIS PROPERTY APPEARS TO LIE IN ZONE 'X'.
 - ALL MONUMENTS FOUND AND SHOWN HEREON WERE CONTROLLING MONUMENTS IN THE FINAL BOUNDARY DETERMINATION OF THIS SURVEY.
 - SELLING A PORTION OF ANY LOT WITHIN THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF STATE LAW AND CITY ORDINANCE AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITY SERVICES AND BUILDING PERMITS.
 - CURRENT ZONING OF TRACT IS RESTRICTED COMMERCIAL(C1).
 - MINIMUM FRONT SETBACK - 25 FEET.
 - MINIMUM SIDE SETBACK - NONE, IF ADJACENT TO ANOTHER NONRESIDENTIAL DISTRICT; 15 FEET, IF ADJACENT TO RESIDENTIAL; 15 FEET, IF ADJACENT TO STREET (PUBLIC OR PRIVATE).
 - MINIMUM REAR SETBACK - NONE, IF ADJACENT TO ANOTHER NONRESIDENTIAL DISTRICT; 15 FEET, IF ADJACENT TO RESIDENTIAL; 25 FEET IF THE REAR YARD IS ADJACENT TO A STREET (PUBLIC OR PRIVATE) - IT WILL BE CONSIDERED A FRONT YARD.
 - UTILITY EASEMENT RESTRICTION STATEMENT**
"ANY PUBLIC UTILITY, INCLUDING THE CITY OF JOSHUA, SHALL HAVE THE RIGHT TO REMOVE ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THE PLAT; AND ANY PUBLIC UTILITY, INCLUDING THE CITY OF JOSHUA, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE."
 - PUBLIC OPEN SPACE RESTRICTION STATEMENT**
"NO STRUCTURE, OBJECT OR PLANT OF ANY TYPE MAY OBSTRUCT VISION FROM A HEIGHT OF THIRTY INCHES (30") TO A HEIGHT OF TEN FEET (10') ABOVE THE TOP OF THE CURB, INCLUDING, BUT NOT LIMITED TO BUILDINGS, FENCES, WALKS, SIGNS, TREES, SHRUBS, CARS, TRUCKS, ETC., IN THE PUBLIC OPEN SPACE EASEMENT AS SHOWN ON THE PLAT."
 - DRAINAGE AND FLOODPLAIN EASEMENT RESTRICTION STATEMENT**
"NO CONSTRUCTION OR FILLING SHALL BE ALLOWED WITHIN A DRAINAGE EASEMENT OR A FLOODPLAIN EASEMENT WITHOUT THE WRITTEN APPROVAL OF THE CITY OF JOSHUA, AND THEN ONLY AFTER DETAILED ENGINEERING PLANS AND STUDIES SHOW THAT NO FLOODING WILL RESULT, THAT NO OBSTRUCTION TO THE NATURAL FLOW OF WATER WILL RESULT; AND SUBJECT TO ALL OWNERS OF THE PROPERTY AFFECTED BY SUCH CONSTRUCTION BECOMING A PARTY TO THE REQUEST, WHERE CONSTRUCTION IS PERMITTED, ALL FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF ONE FOOT (1') ABOVE THE 100-YEAR FLOOD ELEVATION."
 - WAIVER OF CLAIMS FOR DAMAGES**
"THE FINAL PLAT SHALL CONTAIN A WAIVER OF CLAIM FOR DAMAGES AGAINST THE CITY OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF EXISTING STREETS AND ALLEYS TO CONFORM TO THE GRADES ESTABLISHED IN THE SUBDIVISION."
 - SIGHT TRIANGLE REQUIREMENT**
"THE OWNERS OF ALL CORNER LOTS SHALL MAINTAIN SIGHT TRIANGLES IN ACCORDANCE WITH THE CITY'S SUBDIVISION ORDINANCE."

**STATE OF TEXAS
COUNTY OF JOHNSON**

That we, Stuart Shaw Family Partnership, LTD., owners of the herein described tract of land. Do hereby designate the herein described property as **Lots 1, Block 1, Purseley Addition**, an addition to Johnson County, Texas, in person or through a duly authorized agent, dedicates the use of the public, except areas identified as private or part of an enclave or planned unit development, forever all streets, alleys, parks, watercourses, drains, easements, and public places thereon shown for the purpose and consideration therein expressed.

There are no liens against the property.

OWNER: PC INVESTORS, LLC.
(AUTHORIZED REPRESENTATIVE)

**STATE OF TEXAS
COUNTY OF JOHNSON**

Before me, the undersigned authority on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and the capacity therein stated.

Given under my hand and seal of office this ____ day of _____, 2023.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

**STATE OF TEXAS
COUNTY OF JOHNSON**

Whereas, PC Investors, LLC., acting by and through the under signed, its duly authorized agent, is the sole owner of a tract of land situated in the Thomas W. Baird Survey, Abstract 40, County of Johnson, according to the deed recorded in Document No. 2023-19766, Official Public Records, Johnson County, Texas, and more particularly described as follows:

LEGAL DESCRIPTION
BENIG 1.50 acres of land, situated in the Thomas W. Baird Survey, Abstract No. 40, Johnson County, Texas, being all of a called 1.50 acre tract described in a deed to PC Investors, LLC., as recorded in Document No. 2023-19766, of the Official Public Records, Johnson County, Texas, and being more fully described by Metes and Bounds as follows:

BEGINNING at a 1/2" capped iron rod found at the southwest corner of said 1.500 acre tract, at a northwest corner of Lot 1, Block 1, of the Mariposa at South Broadway Subdivision according to the plat thereof as recorded in Volume 11, Page 112, Plat Records, Johnson County, Texas, on the east right of way line of State Highway No. 174(S. Broadway Street), and on the west line of said Thomas W. Baird Survey;

THENCE N 01°45'48" W, along the west line of said 1.500 acre tract and said east right of way line a distance of 150.05 feet to a 1/2" capped iron rod stamped (RECER & FOX) found at the northwest corner of said 1.500 acre tract, at the southwest corner of a called 11.772 acre tract described in a deed to Joshua Independent School District as recorded in Volume 1961, Page 986, Real Property Records, Johnson County, Texas, and on said east right of way line;

THENCE N 89°47'07" E, along the north line of said 1.500 acre tract and the south line of said 11.772 acre tract a distance of 435.67 feet to a 1/2" capped iron rod stamped (RECER & FOX) found at the northeast corner of said 1.500 acre tract, on the south line of said 11.772 acre tract, and at a northwest corner of said Lot 1, Block 1, from which a 1/2" capped iron rod found at the northeast corner of said Lot 1, Block 1, and on the south line of said 11.772 acre tract, bears N 89°45'19" E a distance of 55.33 feet for reference;

THENCE S 01°47'37" E, along the east line of said 1.500 acre tract and a west line of said Lot 1, Block 1, a distance of 149.78 feet to a PK nail in concrete found at the southeast corner of said 1.500 acre tract and at an ell corner of said Lot 1, Block 1;

THENCE S 89°44'58" W, along the south line of said 1.500 acre tract and a north line of said Lot 1, Block 1, a distance of 435.74 feet to the **POINT OF BEGINNING**, containing 65,295 Square Feet and/or 1.50 acres of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____, by and through the undersigned, its duly authorized agent, does hereby adopt this plat designating the hereinabove described property as _____, an addition to the City of Joshua, Johnson County, Texas, and I (we) do hereby dedicate the rights of way, (alleys, parks) and easements shown thereon to the public's use unless otherwise noted.

WITNESS my (our) hand(s) at Joshua, Johnson County, Texas this the ____ day of _____, 2023.

**STATE OF TEXAS
COUNTY OF JOHNSON**

Before me, the undersigned authority on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and the capacity therein stated.

Given under my hand and seal of office this ____ day of _____, 2023.

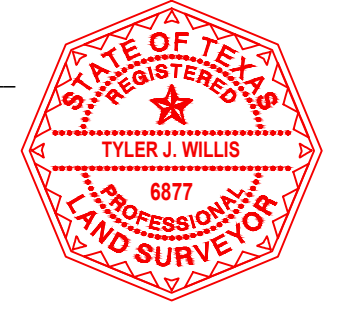
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

This is to certify that I, Tyler J. Willis, a Registered Professional Land Surveyor of the State of Texas, have prepared this plat of the above subdivision from an actual survey on the ground; and that all monuments for lot corners, angle points, and points of curvature shown thereon as "set" were placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Joshua.

**PRELIMINARY
(NOT TO BE RECORDED)**

Tyler J. Willis, Surveyor
Texas R.P.L.S. No. 6877
Date: 08/21/2023



APPROVED:

Chairman _____ DATE _____
Planning & Zoning Commission

ATTEST:

CITY SECRETARY _____ DATE _____

APPROVAL CERTIFICATES

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT FOR **LOT 1, BLOCK 1, PURSELLEY ADDITION**, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA ONE (1) DAY OF _____, 2023.

THIS APPROVAL SHALL BE INVALID UNLESS THE APPROVED PLAT FOR SUCH ADDITION IS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JOHNSON COUNTY, TEXAS, WITHIN TWO(2) YEARS FROM SAID DATE OF FINAL APPROVAL. SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF JOSHUA.

WITNESS OUT HANDS, THIS ____ DAY OF _____, 2023.

CITY SECRETARY _____

FILED FOR RECORD _____

VOLUME _____, PAGE _____, SLIDE _____

COUNTY CLERK _____

DEPUTY CLERK _____

OWNER:
PC INVESTORS, LLC.
4640 E FM 1187,
BURLESON, TX 76028
P: (817) 205-8876
E: JIMMYPURSELLEY@GMAIL.COM

ABBREVIATIONS

IRF	IRON ROD FOUND
CIRS	CAPPED IRON ROD SET
N.C.B.	NEW CITY BLOCK
O.P.R.	OFFICIAL PUBLIC RECORDS
D.P.R.	DEED AND PLAT RECORDS
J.C.T.	JOHNSON COUNTY TEXAS
DOC.	DOCUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
GAS (G)	GAS
ELEC (E)	ELECTRIC
TELE (T)	TELEPHONE
CATV (TV)	CABLE TELEVISION
ESMT	EASEMENT

LEGEND

---	SUBJECT TRACT BOUNDARY
---	ADJACENT TRACT BOUNDARY
---	BUILDING SETBACK
---	EXISTING EASEMENT
---	CENTRAL LINE ROAD
---	RIGHT OF WAY (R.O.W.)
---	UNDERGROUND TELEPHONE
---	OVERHEAD ELECTRIC
---	BARBED WIRE FENCE
---	CHAIN-LINK FENCE
---	PIPE FENCE
---	WOOD FENCE
---	SURVEY ABSTRACT LINE
CM	CONTROL MONUMENT
▲	CALCULATED POINT
○	ROUND MONUMENT
□	FOUNDED FENCE POST
○	WATER VALVE
○	GAS METER
○	ELECTRIC METER
○	SET TOP MARKER
○	IRON ROD STAMPED
○	TREATMENT STORAGE
○	UNLESS OTHERWISE NOTED
○	CLEAROUT

FLOOD ZONE LEGEND

ZONE A NO BASE FLOOD ELEVATIONS DETERMINED.

ZONE AE BASE FLOOD ELEVATIONS DETERMINED.

ZONE X AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL (SHADED) CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

ZONE X AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

**FINAL PLAT
LOT 1, BLOCK 1
PURSELLEY ADDITION**

1.50 Acres in
Thomas W. Baird Survey, Abstract A-40
1 Restricted Commercial Lot
City of Joshua, Johnson County, Texas
(August 21, 2023)



**Planning & Zoning Agenda
September 5, 2023**

Minutes Resolution

Action Item

Agenda Description:

Discuss, consider, and possible action on approving a final plat regarding 31.854 acres of land known as Lot 1 & 2, Block 1, Dornan Acres, Thomas W. Baird Survey, Abstract No. 40, and McKinney & Williams Survey, Abstract No. 636, City of Joshua, Johnson County, Texas located at 1301 S. Broadway St. for the future construction of two residential homes.

Background Information:

History: The property is undeveloped and has never been platted. The subject property has been used as agricultural raw land.

Zoning: This property is zoned (R1) Single Family Residential District.

Analysis: The plat is converting one tract into two platted lots for the construction of two residential homes.

Utilities: Water is provided by Johnson County Special Utility District. A letter of final approval has been submitted.

Transportation: Rights-of-way dedications have already been dedicated.

Financial Information:

N/A

City Contact and Recommendations:

This plat appears to meet the minimum requirements for a final plat as set forth in the City of Joshua Subdivision Ordinance therefore, we recommend approval.

Attachments:

Item 5.

1. Plat Application
2. Legal Description
3. Vicinity Map
4. JCSUD Approval Letter
5. Final Plat of Dornan Acres

City of Joshua Development Services Universal Application

Please check the appropriate box below to indicate the type of application you are requesting and provide all information required to process your request.

- Pre-Application Meeting
- Comprehensive Plan Amendment
- Zoning Change
- Conditional Use Permit
- Zoning Variance (ZBA)
- Subdivision Variance
- Preliminary Plat
- Final Plat
- Amending Plat
- Replat
- Planned Development Concept Plan
- Planned Development Detailed Plan
- Minor Plat
- Other _____

PROJECT INFORMATION

Project Name: Dornan Acres

Project Address (Location): 1301 S Broadway, Joshua, Tx 76058

Existing Zoning: Residential Proposed Zoning: Residential

Existing Use: AG Proposed Use: AG & Residential

Existing Comprehensive Plan Designation: _____ Gross Acres: 36.283

Application Requirements: The applicant is required to submit sufficient information that describes and justifies the proposal. **See appropriate checklist located within the applicable ordinance and fee schedule for minimum requirements. Incomplete applications will not be processed.**

APPLICANT INFORMATION

Applicant: James Dornan Company: _____

Address: 4011 Chisholm Trl Tel: 817-692-1006 Fax: _____

City: Crowley State: TX ZIP: 76036 Email: jamesdornan21@gmail.com

Property Owner: C & J Property Investments LLC Company: _____

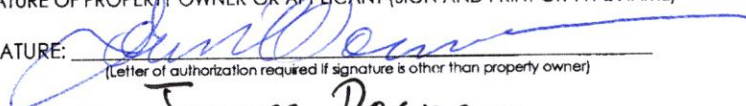
Address: 524 E Lamar Blvd., Ste 150 Tel: _____ Fax: _____

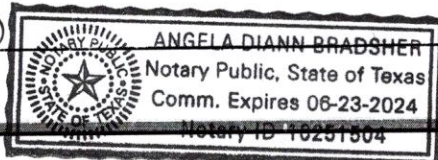
City: Arlington State: TX ZIP: 76011 Email: jamesdornan21@gmail.com

Key Contact: Matt Powell Company: DFW Geodesy

Address: 1108 S Dobson St Tel: 817-447-4122 Fax: _____

City: Burleson State: TX ZIP: 76028 Email: mpowell@dfwgeodesy.com

<p>SIGNATURE OF PROPERTY OWNER OR APPLICANT (SIGN AND PRINT OR TYPE NAME)</p> <p>SIGNATURE: </p> <p><small>(Letter of authorization required if signature is other than property owner)</small></p> <p>Print or Type Name: <u>James Dornan</u></p> <p>Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity therein stated.</p> <p>Given under my hand and seal of office on this <u>19</u> day of <u>April</u> 20<u>22</u></p> <p><u>Angela Diann Bradsher</u> Notary Public</p> <p>Signature: <u>Angela Diann Bradsher</u> Date: <u>4-19-22</u></p>	<p>For Departmental Use Only</p> <p>Case No.: _____</p> <p>Project Manager: _____</p> <p>Total Fee(s): <u>\$515 (Deducted from Deposit)</u></p> <p>Check No.: _____</p> <p>Date Submitted: _____</p> <p>Accepted By: _____</p> <p>Date of Complete Application: _____</p>
--	--



CITY OF JOSHUA Planning and Development • City Hall 101 S. Main Street, Joshua, Texas 76058 817.558.7447

BEGINNING AT A 1/2" IRON ROD FOUND WITH A CAP STAMPED "FORT WORTH SURVEYING" IN THE EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 174 (VARIABLE R-O-W) AT THE SOUTHWESTERLY CORNER OF LOT 1, BLOCK 1, MARIPOSA AT SOUTH BROADWAY, AN ADDITION TO THE CITY OF JOSHUA, ACCORDING TO THE PLAT RECORDED IN VOLUME 11, PAGE 112, P.R.J.C.T.;

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE S 89°44'40" E ALONG THE SOUTHERLY LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 839.92 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "FORT WORTH SURVEYING";

THENCE S 01°42'30" E, A DISTANCE OF 102.67 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "FORT WORTH SURVEYING";

THENCE S 89°47'12" E ALONG SAID SOUTHERLY LINE OF LOT 1, BLOCK 1, A DISTANCE OF 501.37 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "FORT WORTH SURVEYING" AT THE SOUTHEASTERLY CORNER OF SAID LOT 1, BLOCK 1;

THENCE N 49°32'36" E ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 210.33 FEET TO A 1/2" IRON ROD FOUND AT THE MOST EASTERLY CORNER OF SAID LOT 1, BLOCK 1;

THENCE N 58°26'08" W ALONG THE NORTHEASTERLY LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 188.07 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "FORT WORTH SURVEYING";

THENCE N 58°05'13" W CONTINUING ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 98.15 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO STUART SHAW FAMILY PARTNERSHIP LP IN THAT DEED RECORDED IN INSTRUMENT NO. 2023-75455, D.R.J.C.T.;

THENCE N 01°33'15" W ALONG THE EAST LINE OF SAID STUART SHAW FAMILY PARTNERSHIP LP TRACT, A DISTANCE OF 496.24 FEET TO A 1/2" IRON ROD FOUND IN THE NORTH LINE OF SAID 35.283 ACRE TRACT FOR THE NORTHEAST CORNER OF SAID STUART SHAW FAMILY PARTNERSHIP LP TRACT;

THENCE N 89°45'25" E ALONG SAID NORTH LINE, A DISTANCE OF 31.47 FEET TO A 1/2" IRON ROD FOUND;

THENCE CONTINUING ALONG SAID NORTH LINE N 89°36'40" E, A DISTANCE OF 950.80 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" AT THE SOUTH WEST CORNER OF LOT 21, BLOCK 2, ORCHARD GROVE ESTATES, ACCORDING TO THAT PLAT RECORDED IN VOLUME 6, PAGE 21, PLAT RECORDS, JOHNSON COUNTY, TEXAS;

THENCE N 24°38'43" E ALONG THE NORTHWESTERLY LINE OF SAID LOT 21, BLOCK 2, A DISTANCE OF 110.95 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" IN THE SOUTHERLY RIGHT-OF-WAY LINE OF APPLE COURT (60' R-O-W) AT THE NORTHWESTERLY CORNER OF SAID LOT 21, BLOCK 2 AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 60.00 FEET, WHOSE LONG CHORD BEARS S 88°21'00" E, 48.16 FEET;

THENCE WITH SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE 47°19'28", AN ARC LENGTH OF 49.56 FEET TO A 1/2" IRON ROD SET WITH CAP STAMPED "RPLS 5544" AT THE NORTHEAST CORNER OF SAID LOT 21, BLOCK 2;

THENCE S 23°06'05" E ALONG THE NORTHEAST LINE OF SAID LOT 21, BLOCK 2, A DISTANCE OF 107.12 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "FORT WORTH SURVEYING" AT THE SOUTHEAST CORNER OF SAID LOT 21, BLOCK 2 AND AT THE NORTHWEST CORNER OF SAID 1.00 ACRE TRACT;

THENCE N 89°36'40" E ALONG THE NORTH LINE OF SAID 1.00 ACRE TRACT, A DISTANCE OF 84.07 FEET TO A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID 1.00 ACRE TRACT;

THENCE S 00°27'24" W ALONG THE EAST LINE OF SAID 1.00 ACRE TRACT AND THE EAST LINE OF SAID 35.283 ACRE TRACT, A DISTANCE OF 1065.12 FEET TO A 30" OAK TREE FOUND AT THE SOUTHEAST CORNER OF SAID 35.283 ACRE TRACT;

THENCE S 89°37'40" W ALONG THE SOUTH LINE OF SAID 35.283 ACRE TRACT, A DISTANCE OF 732.84 FEET TO A 1/2" IRON ROD FOUND;

THENCE S 89°33'22" W CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 551.94 FEET TO A 1/2" IRON ROD FOUND;

THENCE S 89°34'41" W CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 271.94 FEET TO A 1/2" IRON ROD FOUND;

THENCE N 89°45'57" W CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 63.49 FEET TO A 3/8" IRON ROD FOUND AT THE MOST SOUTH SOUTHWEST CORNER OF SAID 35.283 ACRE TRACT;

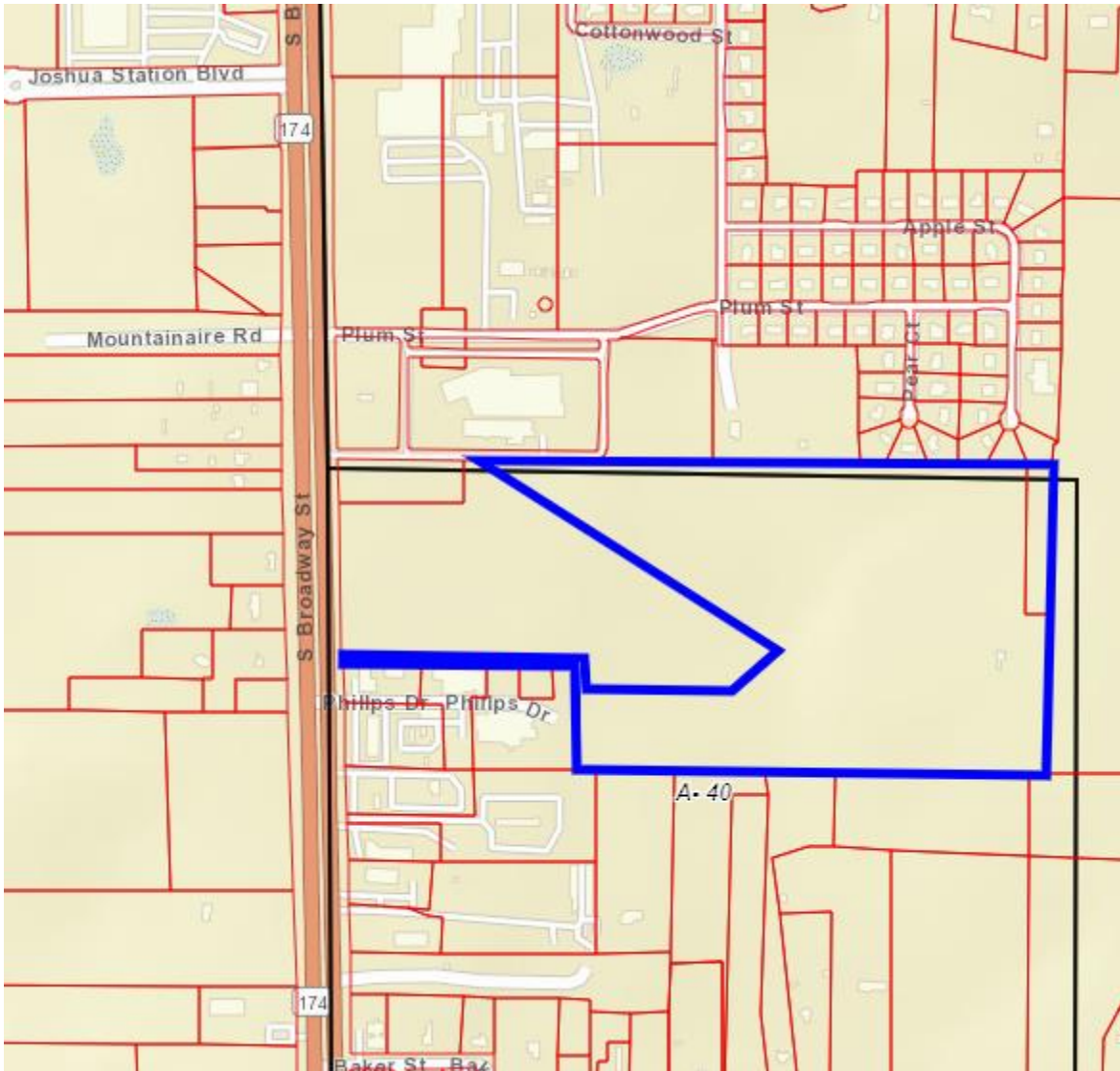
THENCE LEAVING SAID MOST SOUTHERLY SOUTHWEST CORNER N 01°48'45" W, A DISTANCE OF 360.12 FEET TO A 3/8" IRON ROD FOUND;

THENCE N 89°44'50" W, A DISTANCE OF 809.30 FEET TO A 1/2" IRON ROD FOUND IN SAID EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 174;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE N 01°29'07" W, A DISTANCE OF 29.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 31.854 ACRES OF LAND, MORE OR LESS.



Vicinity Map





June 10, 2022

Location: Dornan Acres
Lots 1 & 2, Block 1
Joshua

To Whom This May Concern:

Pursuant your request, I can confirm that the aforementioned property is located within the service area of Johnson County Special Utility District (JCSUD). JCSUD provides adequate water service to our customers in accordance with the rules and regulations of the Texas Commission on Environmental Quality (TCEQ) and Public Utility Commission (PUC). The water supplied complies with standard governing chemical and bacteriological quality of drinking water.

Johnson County Special Utility District does have a Water Certificate of Convenience and Necessity granted by the Texas Water Commission to serve the area referenced above.

This letter **does not** verify approval on the utility plans for this development. **However**, the developer will need to follow the development process. Capacity cannot be determined until the process has been followed.

A final plat was submitted for review to the District. A copy of the plat, approved by JCSUD, is enclosed with this letter.

Sincerely,

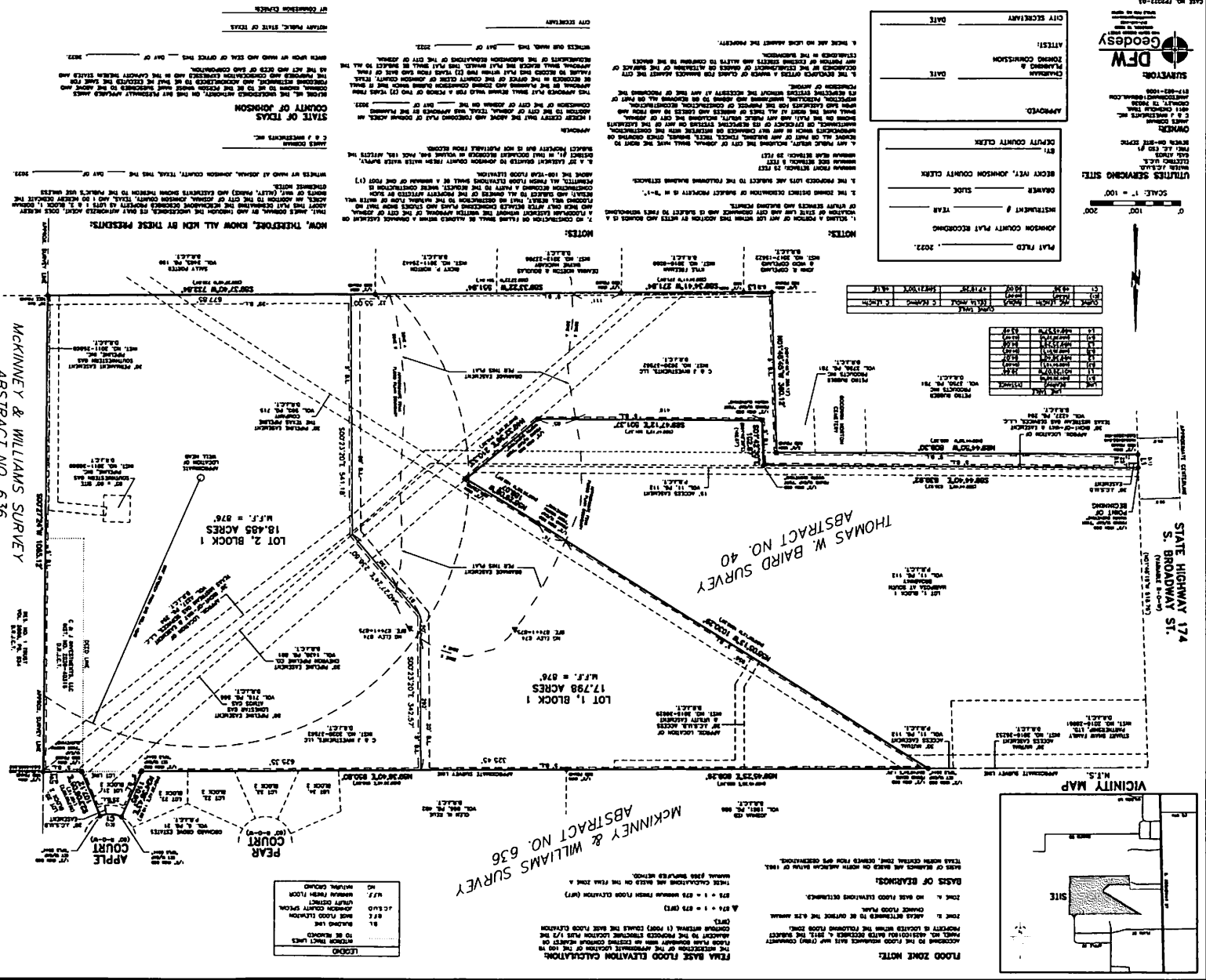
Kimberly J Wilson
Easement Analyst
kwilson@jcsud.com
(817) 760-5204

Enclosure: Submitted Plat for Approval

STATE OF TEXAS
 COUNTY OF JOHNSON
 THOMAS W. BAIRD SURVEY, ABSTRACT NO. 40 AND
 MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 636
 2 RESIDENTIAL LOTS
 66.283 ACRES
 DORNAN ACRES
 LOTS 1 & 2, BLOCK 1
 FINAL PLAN

DATE: 06/07/23
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 TITLE: [Title]

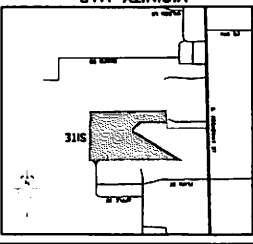
STATE OF TEXAS
 COUNTY OF JOHNSON
 THOMAS W. BAIRD SURVEY, ABSTRACT NO. 40 AND
 MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 636
 2 RESIDENTIAL LOTS
 66.283 ACRES
 DORNAN ACRES
 LOTS 1 & 2, BLOCK 1
 FINAL PLAN



MCKINNEY & WILLIAMS SURVEY
 ABSTRACT NO. 636

THOMAS W. BAIRD SURVEY
 ABSTRACT NO. 40

MCKINNEY & WILLIAMS SURVEY
 ABSTRACT NO. 636



FLOOD ZONE NOTE:
 ACCORDING TO THE FLOOD HAZARD MAP (FHM) COMPILED BY THE FLOOD INSURANCE RATE MAP (FIRM) COMMISSION, THE PROJECT SITE IS WITHIN THE SPECIAL FLOOD HAZARD AREA (SFHA) WITH THE SAFETY FACTOR OF 1.0. THE SAFETY FACTOR IS THE RATIO OF THE DESIGN FLOOD FLOW TO THE FLOOD FLOW CAPACITY OF THE CHANNEL.

BASES OF BEARINGS:
 THE BEARINGS ARE BASED ON NORTH MAGNETIC BEARING OF 1983. THE BEARINGS ARE CORRECTED FOR ANOMALOUS DEVIATION.

CHANCE FLOOD FLOW:
 THE CHANCE FLOOD FLOW IS BASED ON THE 100-YEAR FLOOD ESTIMATION DETERMINED BY THE FLOOD INSURANCE RATE MAP (FIRM) COMMISSION.

DESIGN FLOOD FLOW:
 THE DESIGN FLOOD FLOW IS BASED ON THE 100-YEAR FLOOD ESTIMATION DETERMINED BY THE FLOOD INSURANCE RATE MAP (FIRM) COMMISSION.

DESIGN FLOOD ELEVATION CALCULATION:
 THE DESIGN FLOOD ELEVATION CALCULATION IS BASED ON THE 100-YEAR FLOOD ESTIMATION DETERMINED BY THE FLOOD INSURANCE RATE MAP (FIRM) COMMISSION.

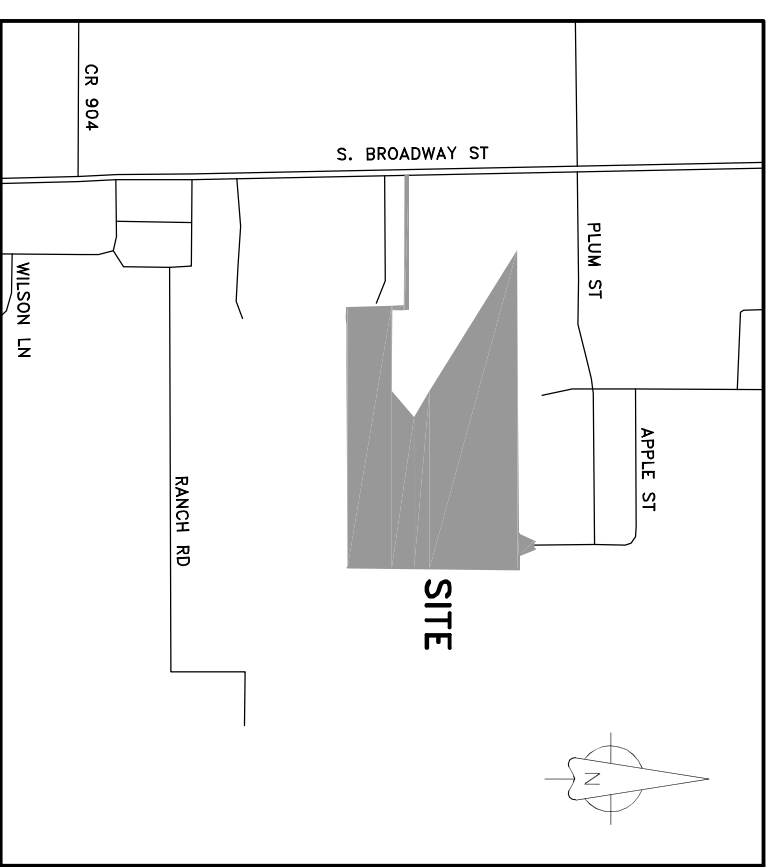
PLAT FILED: 2023
 JOHNSON COUNTY PLAT RECORDS
 INSTRUMENT # YEAR
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 COUNTY: JOHNSON COUNTY, TEXAS
 CITY: JOHNSON
 APPROVED: [Signature]
 CITY SECRETARY: [Signature]
 DATE: [Date]



NOTES:
 1. THE PROPERTY IS BEING PLATED AS TWO RESIDENTIAL LOTS, LOT 1 AND LOT 2, WITH A TOTAL AREA OF 36,286 ACRES.
 2. THE DESIGNER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO ENCROACHMENTS OR EASEMENTS THAT WOULD AFFECT THE PLATING OF THE LOTS.
 3. THE DESIGNER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO ENCROACHMENTS OR EASEMENTS THAT WOULD AFFECT THE PLATING OF THE LOTS.

NOTES:
 1. THE PROPERTY IS BEING PLATED AS TWO RESIDENTIAL LOTS, LOT 1 AND LOT 2, WITH A TOTAL AREA OF 36,286 ACRES.
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 2. THE DESIGNER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO ENCROACHMENTS OR EASEMENTS THAT WOULD AFFECT THE PLATING OF THE LOTS.
 3. THE DESIGNER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO ENCROACHMENTS OR EASEMENTS THAT WOULD AFFECT THE PLATING OF THE LOTS.

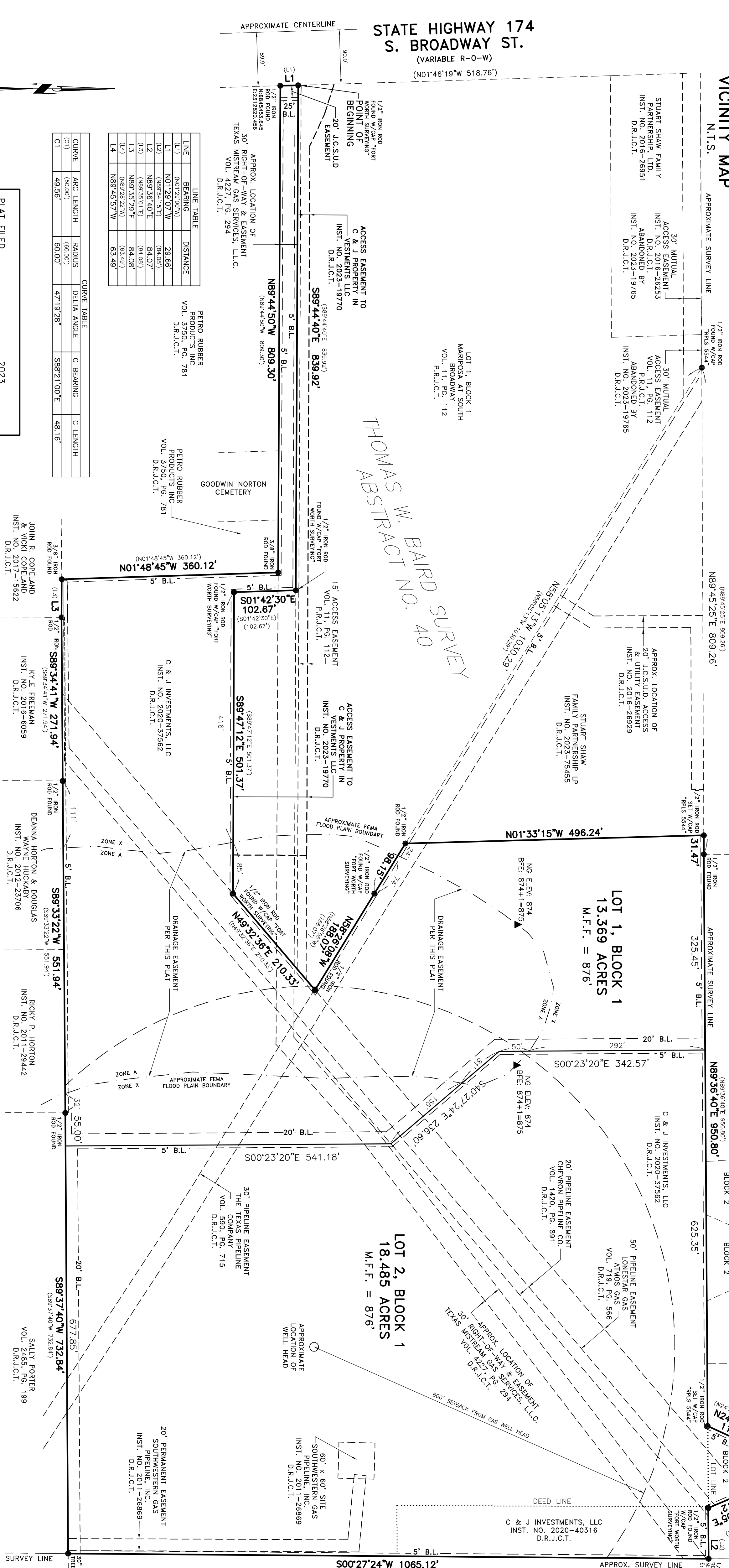


FLOOD ZONE NOTE:
 ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) COUNTY PANHANDLE #4825 (FILED DATED DECEMBER 4, 2012), THE SUBJECT PROPERTY IS LOCATED WITHIN THE FOLLOWING FLOOD ZONE:
 ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
 ZONE A: THE BASE FLOOD ELEVATION (BFE) WAS DEVELOPED USING A SIMPLIFIED METHOD AS DESCRIBED IN FEMA MANUAL #256.
BASIS OF BEARINGS:
 BASIS OF BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983, TEXAS NORTH CENTRAL ZONE, DERIVED FROM GPS OBSERVATIONS.

FEMA BASE FLOOD ELEVATION CALCULATION:
 THE INTERSECTION OF THE APPROXIMATE LOCATION OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN AND THE FEMA FLOOD ELEVATION ADJACENT TO THE PROPOSED STRUCTURE LOCATION PLUS 1/2 THE CONTOUR INTERVAL (1 FOOT) YIELDS THE BASE FLOOD ELEVATION (BFE).
 874 + 1 = 875 (BFE)
 875 + 1 = 876 MINIMUM FINISH FLOOR ELEVATION (MFF)
 THESE CALCULATIONS ARE BASED ON THE FEMA ZONE A MANUAL #256 SIMPLIFIED METHOD.

LEGEND

.....	INTERIOR TRACT LINES
.....	TO BE REMOVED
—	BUILDING LINE
—	BASE FLOOD ELEVATION
—	J.C.S.U.D. JOHNSON COUNTY SPECIAL UTILITY DISTRICT
—	MINIMUM FINISH FLOOR
—	NATURAL GROUND



UTILITIES SERVICING SITE:
 WATER: J.C.S.U.D.
 SEWER: J.C.S.U.D.
 GAS: AMOS
 FIRE: J.C. ESP #1
 SEWER: ON-SITE SEPTIC

OWNER:
 JAMES DORNAN
 C & J INVESTMENTS, INC.
 1000 WEST 10TH ST
 COWLEY, TX 76038
 JAMESDORNAN21@GMAIL.COM
 817-692-1006

SURVEYOR:
DFW
 THE DORNAN SURVEYING GROUP
 1000 WEST 10TH ST
 COWLEY, TX 76038
 817-692-1006

APPROVED: _____ DATE _____
CHAIRMAN & PLANNING & ZONING COMMISSION

ATTEST: _____ DATE _____
CITY SECRETARY

JOHNSON COUNTY PLAT RECORDING
 INSTRUMENT # _____ YEAR _____
 DRAWER _____ SLIDE _____
 APRIL LONG, JOHNSON COUNTY CLERK

BY: _____
 DEPUTY COUNTY CLERK

PLAT FILED _____, 2023.

- NOTES:**
- SELLING A PORTION OF ANY LOT WITHIN THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF STATE LAW AND CITY ORDINANCE AND IS SUBJECT TO FINES WITHHOLDING OF UTILITY SERVICES AND BUILDING PERMITS.
 - THE ZONING DISTRICT DESIGNATION OF SUBJECT PROPERTY IS IN "R-1".
 - THE PROPOSED LOTS ARE SUBJECT TO THE FOLLOWING BUILDING SETBACKS:
 MINIMUM FRONT SETBACK: 25 FEET
 MINIMUM SIDE SETBACK: 5 FEET
 MINIMUM REAR SETBACK: 20 FEET
 - ANY PUBLIC UTILITY, INCLUDING THE CITY OF JOSHUA, SHALL HAVE THE RIGHT TO REMOVE ALL OR PART OF ANY BUILDING, STRUCTURE, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THIS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS. THE OWNER SHALL HAVE THE RIGHT AT ALL TIMES OF ACCESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PAROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF THE EASEMENTS, WITHIN THE NECESSITY AT ANY TIME OF PROCEEDING ON THE EASEMENTS OF ANYONE.
 - THE DEVELOPER OFFERS A WAIVER OF CLAIMS FOR DAMAGES AGAINST THE CITY OF JOSHUA FOR THE CONSTRUCTION OF THE PROPOSED LOTS AND THE EASEMENTS ESTABLISHED IN THE SUBDIVISION.
 - THERE ARE NO LIENS AGAINST THE PROPERTY.

NOTES:

- NO CONSTRUCTION OR FILING SHALL BE ALLOWED WITHIN A DRAINAGE EASEMENT OR FLOODPLAIN EASEMENT WITHOUT THE WRITTEN APPROVAL OF THE CITY OF JOSHUA, AND THEN ONLY AFTER DETAILED ENGINEERING PLANS AND STUDIES SHOW THAT NO FLOODING WILL RESULT, THAT NO OBSTRUCTION TO THE NATURAL FLOW OF WATER WILL BE PERMITTED, THAT NO FLOODING WILL BE CAUSED BY THE PROPOSED LOTS, AND THAT CONSTRUCTION BECOMING A PARTY TO THE REQUEST, WHERE CONSTRUCTION IS PERMITTED, ALL FINISH FLOOR ELEVATIONS SHALL BE A MINIMUM OF ONE FOOT (1') ABOVE THE 100-YEAR FLOOD ELEVATION.
- A 20' EASEMENT GRANTED TO JOHNSON COUNTY FRESH WATER WATER SUPPLY, DISTRICT #1, IN THAT DOCUMENT RECORDED IN VOLUME 948, PAGE 195, AFFECTS THE SUBJECT PROPERTY BUT IS NOT PLATABLE FROM RECORD.

APPROVED: _____
 JAMES DORNAN
 C & J INVESTMENTS, INC.

STATE OF TEXAS
COUNTY OF JOHNSON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JAMES DORNAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME SUBSCRIBED TO THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAID INSTRUMENT VOLUNTARILY AND KNOWINGLY, AND IN THE CAPACITY THEREIN STATED AND AS THE ACT AND DEED OF SAID CORPORATION.

OPEN UPON MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2023.
 NOTARY PUBLIC, STATE OF TEXAS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
 THAT JAMES DORNAN, BY AND THROUGH THE UNDERSIGNED, ITS DULY AUTHORIZED AGENT, DOES HEREBY ADDRESSES AN ADDITION TO THE CITY OF JOSHUA, JOHNSON COUNTY, TEXAS, AND I DO HEREBY DEDICATE THE ADDITION TO THE CITY OF JOSHUA, TEXAS, WAS APPROVED BY THE PLANNING COMMISSION OF THE CITY OF JOSHUA ON THE _____ DAY OF _____, 2023.

THIS APPROVED PLAT SHALL REMAIN VALID FOR A PERIOD OF TWO (2) YEARS FROM THE DATE OF RECORDING OF THIS PLAT IN THE PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS. IF THE PLAT IS NOT RECORDED WITHIN TWO (2) YEARS FROM SAID DATE OF FINAL APPROVAL, THE PLAT SHALL BE VOID AND THE CITY OF JOSHUA SHALL BE ENTITLED TO RECONSIDER THE RESOLUTIONS OF THE CITY OF JOSHUA.

WITNESS MY HAND AT JOSHUA, JOHNSON COUNTY, TEXAS THIS _____ DAY OF _____, 2023.

JAMES DORNAN
 C & J INVESTMENTS, INC.

STATE OF TEXAS
COUNTY OF JOHNSON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JAMES DORNAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME SUBSCRIBED TO THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAID INSTRUMENT VOLUNTARILY AND KNOWINGLY, AND IN THE CAPACITY THEREIN STATED AND AS THE ACT AND DEED OF SAID CORPORATION.

OPEN UPON MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2023.
 NOTARY PUBLIC, STATE OF TEXAS

FINAL PLAT
LOTS 1 & 2, BLOCK 1
31.854 ACRES
DORNAN ACRES
2 RESIDENTIAL LOTS
THOMAS W. BAIRD SURVEY, ABSTRACT NO. 40 AND
MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 636
CITY OF JOSHUA, JOHNSON COUNTY, TEXAS

SURVEYOR'S CERTIFICATE:
 THIS IS TO CERTIFY THAT I, MATT POWELL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HAVE PREPARED THIS PLAT OF THE ABOVE DESCRIBED PROPERTY AS SHOWN ON THE ATTACHED PLAT. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF JOSHUA.

MATT POWELL
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 553
 DATE: _____ 09/14/23



Planning & Zoning
September 5, 2023

Minutes

Discussion

Agenda Description:

Discussion and update on an Ordinance amending the Joshua Subdivision Ordinance to be in full compliance and meet all House Bill No 3699 requirements.

Background Information:

During the 88th Texas Legislature, Regular Session, HB 3699 was approved and signed by Governor Abbott. HB 3699 addressed multiple aspects of subdivision and platting regulations for municipalities. This ordinance amends the City of Joshua's current Subdivision Ordinance so the City will be in full compliance with the new legislation. The effective date of the new legislation is September 1.

Following is a short summary of HB 3699 as it relates to the City of Joshua:

- Any plat that is submitted to the City is deemed "filed" as of the date of submittal if it is accompanied by a completed plat application and appropriate application fees, as well as with any documentation that may otherwise be required by state law.
- The City will provide to the public a listing of requirements relating to the filing of plats, and state law allows for any city to have plat submittal dates—for example, plats will only be accepted on the 2nd and 4th Tuesdays, or similar time periods.
- Approval of plats can now be delegated to City staff—the proposed ordinance delegates approval or denial authority to the City Manager or designee in the event there is not sufficient time for the planning and zoning commission or city council to timely review a plat. If the City Manager or designee denies a plat, the applicant can appeal to the planning and zoning commission.
- If an applicant and City both agree, the 30-day time period for plats to be approved by the City can be extended for multiple 30-day periods, subject to council or planning and zoning commission review and approval.
- Cannot require dedication of land for roadways that are not intended by owner or are not on City's capital improvement plan

The draft ordinance will be placed on the Planning & Zoning agenda as an update once approved by City Council.

Financial Information:

NA

City Contact and Recommendations

[Faint, illegible text]

Aaron Maldonado, Director

Development Services

[Faint, illegible text]

Attachments:

1. Ordinance

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING SUBSECTION B, "DEFINITIONS," OF SECTION 10.1.7, "DEFINITIONS," OF ARTICLE 1, "GENERAL," BY AMENDING THE DEFINITION OF "ADMINISTRATIVE OFFICIAL" AND "FILING DATE," AND REPEALING THE DEFINITION OF "ADMINISTRATIVELY COMPLETE"; AMENDING SUBSECTION D, "INCOMPLETE APPLICATION," OF SECTION 10.4.2, "DOCUMENTS REQUIRED FOR PROCESSING APPLICATIONS," OF ARTICLE 4, "REQUIREMENTS FOR PLAT SUBMITTAL"; AND AMENDING SECTION 10.5.1, "GENERAL PROVISIONS," OF ARTICLE 5, "PROCEDURES FOR PLAT APPROVAL" TO CONFORM WITH THE FILING DATES MANDATED BY HOUSE BILL NO. 3699; ALL CONTAINED IN THE CITY'S SUBDIVISION ORDINANCE, EXHIBIT "A" TO ARTICLE 10.02.001, "SUBDIVISION ORDINANCE," OF CHAPTER 10, "SUBDIVISION REGULATION," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Joshua, Texas ("City"), is a home-rule municipality under the laws of the State of Texas and is duly incorporated; and

WHEREAS, the City possesses the full power of self-government, as authorized by the Texas Constitution and the City's duly adopted Charter; and

WHEREAS, the 88th Legislature recently passed House Bill No. 3699, which Bill was signed by the Governor, providing for amendments to Chapter 212, "Municipal Regulation of Subdivisions and Property Development," of the Texas Local Government Code; and

WHEREAS, the following amendments to the City's Subdivision Ordinance are in full compliance with the requirements of House Bill No. 3699, and the City Council of the City has determined that the adoption of these new provisions is in the best interests of the citizens of the City and will promote the public health, safety and general welfare; and

WHEREAS, the City Council, on behalf of Joshua and its citizens, further has determined that the following amendments will promote the orderly, safe and efficient growth of the City and the City's extraterritorial jurisdiction.

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

SECTION 1

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, Subsection B, "Definitions," of Section 10.1.7, "Definitions," of Article 1, "General," of the City's Subdivision Ordinance, contained in Exhibit "A" to Article 10.02.001, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

"SECTION 10.1.7 DEFINITIONS.

* * *

B. Definitions. For the purpose of this Ordinance, certain words or terms applicable hereto are defined as hereinafter provided. Words and terms used in this Ordinance, but not defined in this Ordinance shall have the meanings ascribed thereto in the Zoning Ordinance of the City. Words and terms defined in both ordinances shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Ordinance shall control.

* * *

Administrative Official – The City Manager, or the City Manager's designated representative, authorized to enforce the terms of this Ordinance. The Administrative Official is also authorized, in the event there is not sufficient time for either the Planning and Zoning Commission or City Council review, to approve, approve with conditions or deny any plat referenced in this Ordinance.

* * *

Filing Date - The Filing Date means the date a preliminary plat, replat or final plat, along with a completed application and applicable fees, and other requirements as prescribed by or under Texas Local Government Code § 212.004, as amended.

* * *"

The definition of "Administratively Complete" contained in the same Section is hereby repealed.

SECTION 3

From and after the effective date of this Ordinance, Subsection D, “Incomplete Application,” of Section 10.4.2, “Documents Required for Processing Applications,” of Article 4, “Requirements for Plat Submittal,” of the City’s Subdivision Ordinance, contained in Exhibit “A” to Article 10.02.001, “Subdivision Ordinance,” of Chapter 10, “Subdivision Regulation,” of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

“SECTION 10.4.2 DOCUMENTS REQUIRED FOR PROCESSING APPLICATIONS.

* * *

D. Incomplete Application. The processing of an application by any City employee that is not a completed application or does not contain applicable fees, or other requirements as prescribed by or under Texas Local Government Code § 212.004, as amended, shall not be binding on the City as the official acceptance of the application and/or fees for filing.

* * *

SECTION 4

From and after the effective date of this Ordinance, Section 10.5.1, “General Provisions,” of Article 5, “Procedures for Plat Approval,” of the City’s Subdivision Ordinance, contained in Exhibit “A” to Article 10.02.001, “Subdivision Ordinance,” of Chapter 10, “Subdivision Regulation,” of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

“SECTION 10.5.1 GENERAL PROVISIONS.

A. Authority for Approval of Minor and Amending Plats. The Administrative Official is authorized to approve all minor plats and amending plats. An applicant who is dissatisfied with the decision of the Administrative Official may request that the plat be referred to the Commission, and then the Council, for decision. If such a request is made, the filing date shall be in accordance with Subsection (F) of this Section.

B. Recommendation of Commission. The Commission shall review and recommend approval, approval with conditions or disapproval on all preliminary plats, replats and final plats.

C. Approval by City Council. The City Council shall receive a recommendation from the Commission on each preliminary plat, final plat and replat and shall then make a final decision as to the approval, approval with conditions or disapproval of these plats.

D. Conformance. All preliminary plats, final plats and replats shall substantially conform to any concept plan or plan for development or planned development plan approved in accordance with the requirements of the Zoning Ordinance, as well as all other applicable Ordinances, including but not limited to the Comprehensive Plan and all standards for adequacy of public facilities, where applicable. No final plat shall be approved until the City has received a Letter of Approval from JCSUD or BWSC confirming its approval of water and wastewater construction plans. Further, a final plat shall conform to the approved preliminary plat except for minor changes authorized under Subsection (G) of this Section.

E. Plat Review and Conditional Approval or Disapproval. In the event the Commission or Council conditionally approves or disapproves a preliminary plat, final plat or replat, the Commission or Council shall provide an applicant a written statement of the conditions for the conditional approval or reasons for disapproval, in accordance with Section 212.0091 of the Texas Local Government Code, as amended. After the conditional approval or disapproval of a preliminary plat, final plat or replat, an applicant may submit to the Commission or Council a written response that satisfies each condition for the conditional approval or remedies each reason provided for the disapproval, in accordance with Section 212.0093 of the Texas Local Government Code, as amended. In the event the Commission or Council receives such a response from an applicant, the Commission or Council shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended.

F. Filing Date. The thirty (30) day period for approval, approval with conditions or disapproval of a plat, as established in Chapter 212 of the Texas Local Government Code, as amended, shall be the date the plat application is filed. Pursuant to Section 212.009(b-2) of the Texas Local Government Code, as amended, upon application in writing by an applicant, the Commission or City Council may approve one (1) or more Extensions of the 30-day action requirement; however, each such Extension shall not to exceed 30 additional days.

G. Minor Changes to Preliminary Plat. Minor changes in the design of the subdivision subject to a preliminary plat may be incorporated in an application for approval of a final plat without the necessity of filing a new application for approval of a preliminary plat. Any substantial deviation in street layout or alignment, lot size or configuration, utility and/or drainage layout, or easements shall require submittal for consideration of a new preliminary plat. All other proposed changes to the design of the subdivision subject to an approved preliminary plat shall be deemed major amendments that require submittal and approval of a new application for approval of a preliminary plat before approval of a final plat.

H. Authority of Administrative Official to Act upon Plats. In the event there is not sufficient time for either the Planning and Zoning Commission or City Council to timely approve, approve with conditions or deny any plat referenced in this Ordinance, the

Administrative Official is authorized to approve, approve with conditions or deny any such plat. The disapproval of any such plat by the Administrative Official may be appealed to the Planning and Zoning Commission.”

SECTION 5

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. 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 and phrases be declared unconstitutional or invalid.

SECTION 6

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 8

This Ordinance shall become effective from and after its passage and publication.

DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS 17TH DAY OF AUGUST, 2023.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, City Attorney