

**CITY OF JOSEPHINE
LEGAL NOTICE
NOTICE OF PUBLIC HEARINGS**

The City of Josephine Planning and Zoning Commission will hold Public Hearings on **Tuesday, September 8, 2026, at 6:00 p.m.** to consider testimony and act on the items listed below, and the City Council of the City of Josephine will hold Public Hearings on **Monday, September 14, 2026, at 6:00 p.m.** to consider testimony and act on the items listed below:

- A rezoning request to amend the Zoning Ordinance and Zoning Map of the City of Josephine, each being a part of the Code of Ordinances, from LR – Local Retail to a Planned Development with a base zoning of LR - Local Retail on two parcels of land totaling approximately ±1.48 acres located at 520 Milton Street.
- An amendment to the Code of Ordinances Chapter 10A, Article II, Section 2.4 H – Engineering Plans, to allow the City Engineer to accept Preliminary Engineering Plans in lieu of detailed Final Engineering Plans with the submittal of a Preliminary Plat at an Applicant's request. If Preliminary Engineering Plans are submitted with a Preliminary Plat, the City Council shall condition approval of a Preliminary Plat on the submittal and approval of detailed Final Engineering Plans in accordance with this Ordinance.

The City Council of the City of Josephine will hold a Public Hearing on **Monday, September 14, 2026, at 6:00 p.m.** to consider testimony and act on the item listed below:

- An amendment to Chapter 5 – Fire Prevention and Protection, Article 5.03 Fire Code, to adopt the 2021 International Fire Code with associated NCTCOG Amendments.

The Board of Adjustment of the City of Josephine will hold a Public Hearing on **Monday, September 14, 2026, at 5:30 p.m.** to consider testimony and act on the item listed below:

- A request for a variance to Chapter 3.07 Signs, Section 3.07.017(35) Window Signs, for property located at 680 E. Cook Street, Suite 130, to allow perforated vinyl window signage exceeding the maximum permitted window coverage and to permit installation of such signage on the exterior surface of the storefront windows.

The public hearings will be held at the Josephine City Hall located at 201 Main Street, Josephine, Texas 75173 and will also be on the **City of Josephine YouTube Channel – live stream available.**

<https://www.youtube.com/@CityofJosephine>

The public is invited to attend the meeting and make comments for or against the requests. If you are unable to attend, you may provide written comments to planning@cityofjosephinetx.com for inclusion into the record no later than Monday, August 31, 2026, at 10:00 AM.

If you have any questions regarding the proposed items, you may call 469-717-0056 for assistance. Additional information and exhibits related to the requests can be found in the *Upcoming Public Hearings* section of the City of Josephine Planning website at: <https://cityofjosephinetx.com/departments/planning-development/>

City of Josephine
P.O. Box 99
201 Main Street Josephine, Texas 75164
972-843-8282



Planning & Zoning Commission Staff Report

Meeting Date:	September 8, 2026
Case Number:	ZONE-26-001
Title:	Planned Development Rezoning: 520 Milton Street
Address:	520 Milton Street
Legal Description:	See Exhibit A
Owner/Applicant:	JOSEPHINE TOWN CENTER LLC (Owner); Sunny Singh (Applicant)
Prepared By:	Miguel A. Inclan, AICP, CNU-A
Item:	Hold a public hearing to consider testimony and make a recommendation to the City Council on a request to amend the Zoning Ordinance and Zoning Map of the City of Josephine, each being a part of the Code of Ordinances, from LR – Local Retail to a Planned Development with a base zoning of LR -Local Retail on two parcels of land totaling approximately ±1.42 acres located at 520 Milton Street.

Aerial Location Map:



Summary/Background:

***NOTE, THIS IS A CONTINUATION OF A PUBLIC HEARING FROM JULY 6, 2026, WHICH WAS POSTPONED AT THE REQUEST OF THE APPLICANT AND STAFF.**

The applicant requests approval of a Planned Development District (PD-10) with a base zoning of LR – Local Retail for approximately 1.42 acres located at 520 Milton Street. The property was rezoned from SF-1 to LR in December 2025 (Case ZONE-25-003). At that time, no concept plan was required because the rezoning followed the standard zoning map amendment process.

As the applicant advanced to site design, several elements of the proposed development triggered the need for multiple variances and subdivision waivers, including:

- Driveway width exceeding the Thoroughfare Design Manual maximum
- Modified Fire Lane Configuration per 2015 IFC as adopted by the City.
- Parking ratio consolidation for mixed restaurant/retail use
- Screening wall waiver along the north and west property lines
- Reduced monument sign setback
- Two points of access but one will be a gated driveway for first responder use only.

Because these items span both the Zoning Ordinance and the Subdivision Ordinance, Staff determined that processing each request as an individual variance or waiver would not be efficient nor provide long-term regulatory clarity. Therefore, the Applicant elected to pursue a Planned Development rezoning.

A Planned Development District allows the City to:

- Consolidate all required deviations into a single, coherent regulatory document
- Ensure that the development is tied to a specific Concept Plan (Exhibit C)
- Establish tailored standards that reflect the site's unique constraints
- Provide predictability for both the applicant and the City
- Ensure high-quality design consistent with the Comprehensive Plan and FM 6 corridor vision

One of the parcels is currently occupied by a single-family residence, and the other is undeveloped. The existing surrounding land uses are as follows:

- North: Vacant (NETEX Rail District Right-of-Way)
- East: Single-Family Homes
- South: Vacant Undeveloped Land and FM 6
- West: City of Josephine Water Tower

The surrounding zoning districts include:

- North: SF-1 Single-Family Residential (NETEX Rail District Right-of-Way)
- East: SF-1 Single-Family Residential

- South: LR – Local Retail
- West: LR – Local Retail

Staff Analysis:

Exhibit B – Planned Development Standards, establishes the regulatory framework for PD-10. Key components include:

- Establishing the Base District of LR – Local Retail while adding additional the permitted use of dine-in restaurants.
- Dimensional modifications: Reduced minimum lot depth; screening modifications; sign setback reduction.
- Parking modification: Unified 1:200 parking ratio for all tenant spaces
- Subdivision modifications: Single point of access permitted with the second driveway being for emergency use only; driveway width increased to 36 feet.
- Fire protection enhancements: Mandatory fire sprinkler system (not currently required); site-specific Fire Lane configuration supported by Fire Chief under his authority for additional adjustments.
- Landscaping and screening: Enhanced buffers and landscaping elements, masonry screening adjacent to residential property, and trail-oriented screening modifications.
- Operational standards: Restrictions on outdoor dining hours, prohibition of outdoor amplified sound and live entertainment, and limitations designed to protect adjacent residential properties.
- Utility and infrastructure requirements: Underground utilities; clustered meters; mechanical screening.

The dimensional, parking, and subdivision design modifications are aimed at permitting the development of the parcel, which has a unique configuration and constraints associated with its location relative to FM 6 and Milton Street. Without these modifications, the development opportunities for this site would be severely minimized.

The modified Fire Lane configuration, which was reviewed by the City's Fire Chief in his official capacity, was the result of thorough discussions and conditioned upon the construction of the second point of access for emergency use only.

While a screening wall is retained along the eastern residential property line, Staff supports the waiver of screening along the northern property line because the property abuts the future NETEX Rail Trail corridor. Staff finds that a wall or fence in this location could create an undesirable enclosed condition along a future public pedestrian corridor. The proposed landscaping provides visual buffering while preserving visibility and natural surveillance of the future trail connection.

At the same time, the Fire Protection, Landscaping, and Lighting provisions exceed current code regulations, and in some cases take place of absent regulations in our current codes. These

provisions ensure that the City receives a high-quality development that would not be possible under the traditional development process.

After receiving feedback and concerns from a resident within 200 feet of the subject property, Staff added a section to the Planned Development standards to address hours of operation and outdoor noise and activities.

Staff finds that the combination of enhanced screening, lighting limitations, landscaping requirements, operational restrictions on outdoor dining areas, and prohibitions on outdoor amplified sound provide protections for adjacent residential properties beyond those that would otherwise exist under conventional LR zoning.

Exhibit C – Concept Plan and Exhibit D – Preliminary Landscape Plan, establish the general layout, access, circulation, and all other site design elements that must be consistent with the Detailed Site Plan, which would be submitted for approval by the Planning & Zoning Commission and the City Council. Note that Detailed Site Plans for properties zoned by a Planned Development are subject to approval by both bodies, not just the Planning & Zoning Commission.

Compliance with Comprehensive Plan:

The Future Land Use Plan designates the subject properties under the “Mixed Use” typology. This typology combines residential and low-intensity commercial uses designed to co-exist side-by-side without adverse impacts.

The proposed Planned Development is consistent with this designation as it will provide neighborhood-serving commercial uses in a walkable format, support the FM 6 corridor as a commercial spine, and include pedestrian connectivity to the NETEX Rail District right-of-way for future trail integration.

**Public Notice:**

Notice of the public hearing was published in the newspapers of general circulation in the County and on the City Website.

Additionally, letters were mailed to the owners of properties located within 200 feet of the subject properties.

Letters of Support/Opposition

As of the date of this report, no letters of support and one letter of opposition from property owners within 200 feet have been received. The letter of opposition is attached.

Staff Recommendation:

Staff recommends approval as presented.

Recommended Motion:

“I move to recommend approval of Case No. ZONE-26-001 as presented.”

Alternative Actions by the Planning & Zoning Commission:

- Recommend denial with or without prejudice

- Continue the Public Hearing and table the request

Attachments:

1. **Exhibit A – Legal Description**
2. **Exhibit B – Planned Development Standards**
3. **Exhibit C – Concept Plan**
4. **Exhibit D – Preliminary Landscape Plan**
5. **Letter of Opposition**

Draft

STATE OF TEXAS:

COUNTY OF COLLIN:

Being that certain lot, tract or parcel of land situated in the Samuel Rush Survey, Abstract No. 686,, Collin County, Texas, same being a portion of Lots 6, all of Lots 7 and 8, a portion of Lots 9 and 10, of Luper's Addition, an addition to the Town of Josephine, according to the Plat thereof recorded in Volume 170, Page 517, Plat Records, Collin County Texas, (P.R.C.C.T.) same being a tract of land described in deed to Wesley Mark Ireland, recorded in Volume 4753, Page 384, Deed Records, Collin County, Texas (D.R.C.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found stamped "CBG" in the Northwest line of Milton Street, at the Southwest corner of Lot 2, of Cruz Realty Addition, an addition to the Town of Josephine, according to the Plat thereof recorded in Volume 2018, Page 842, (P.R.C.C.T.), same being at the Southeast corner of that tract herein described;

THENCE South 55 deg. 38 min. 34 sec. West, with the Northwest line of said Milton Street, a distance of 118.92 feet to a 1/2 inch yellow capped iron rod set stamped "BURNS SURVEYING";

THENCE South 55 deg. 38 min. 34 sec. West, with the Heathen line of said Milton Street, a distance of 192.97 feet to a 1/2 inch pink capped iron rod found stamped "TXDOT"

THENCE South 72 deg. 31 min. 58 sec. West, with the Heathen line of said Milton Street, a distance of 117.69 feet to a 1/2 inch yellow capped iron rod set stamped "BURNS SURVEYING";

THENCE South 69 deg. 48 min. 36 sec. West, with the Heathen line of said Milton Street, a distance of 23.94 feet to a fence post for corner at the Southeast corner of a tract of land described in deed to the City of Josephine, recorded in Volume 5991, Page 2081, (D.R.C.C.T.) from which 1/2 inch iron rod found for reference bears North 56 deg. 48 min. 43 sec. East, 0.55 feet;

THENCE North 34 deg. 24 min. 57 sec. West, with the Northeast line of said Josephine tract, a distance of 105.14 feet to a 1/2 inch iron rod found in the Southeast line of a tract of land described in deed to Northeast Texas Rural Rail Transportation District, recorded under Instrument Number 20111012001094420, (D.R.C.C.T.);

THENCE North 55 deg. 36 min. 59 sec. East, with the Southeast line of said Northeast Texas Rural tract, a distance of 328.65 feet to a 1/2 inch yellow capped iron rod set stamped "BURNS SURVEYING";

THENCE North 55 deg. 36 min. 59 sec. East, with the Southeast line of said Northeast Texas Rural tract, a distance of 118.92 feet to a 1/2 inch yellow capped iron rod set stamped "BURNS SURVEYING" at the Northwest corner of the aforesaid Lot 2;

THENCE South 34 deg. 27 min. 31 sec. East, with the Southwest line of said Lot 2, a distance of 145.40 feet to the PLACE OF BEGINNING and containing 62,252 square feet or 1.42 acres of land.

EXHIBIT B PLANNED DEVELOPMENT STANDARDS

SECTION 1: BASE DISTRICTS

A. Purpose

The regulations set forth in this **Exhibit B** provide development standards for commercial designations the Planned Development District No. 10 (“PD-10”). The boundaries of PD-10 are identified by metes and bounds on the Legal Description, **Exhibit A** to this Ordinance, and the Property shall be developed in accordance with these regulations and the PD Concept Plan as depicted in **Exhibits C and D**. A use that is not expressly authorized herein is expressly prohibited in this PD-10.

B. Base District

In this PD-10, the LR – Local Retail zoning district regulations, and all other applicable regulations of the City of Josephine Code of Ordinances, as amended, shall apply except as modified herein. If a change to the Concept Plan, and/or associated Landscape and Other Ancillary Plans is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development.

SECTION 2: USE AND AREA REGULATIONS

The following regulations shall govern the development of the subject property of Planned Development No. 10. In the event of a conflict between the provisions contained herein and the Concept Plan and Ancillary Concept Plans or the Code of Ordinances, the more restrictive requirement shall apply.

I. Purpose

PD-10 is intended to permit the development of a 14,880 SF retail building. All buildings constructed in this tract shall be laid out in a manner to optimize the use of the land and in furtherance of the Comprehensive Plan’s principles as part of the FM 6 corridor.

II. Development Standards

The Code of Ordinances of the City of Josephine, as well as all other applicable ordinances and regulations, as may be amended, shall apply to this PD-10, subject to the modifications outlined below.

Chapter 14A, Zoning Ordinance, as amended, shall apply in its entirety, subject to modifications outlined below:

A. Section 16 Local Retail shall apply, except as modified below:

- 1. Section 16.1 General Purpose and Description** shall apply, except that Section 16.1.1 shall be modified to clarify that outdoor patio or seating areas enclosed by a fence or other physical barrier (such as planters) may be considered part of the enclosed building.
- 2. Section 16.2 Permitted Uses for Local Retail** shall apply, with the following stipulations listed below:
 - i. Additional Uses:** the following additional uses shall be permitted by right within this Planned Development No. 10:
 - Dine-In Restaurant w/ Bar (On Site Alcohol Sales and Consumption)
 - Dine-In Restaurant w/o Bar (On Site Alcohol Sales and Consumption)
- 3. Section 16.4 Height and Area Regulations**, which refers to Appendix 1 (Area, Setback, Height, and Coverage Regulations) of the Zoning Ordinance, shall apply, except as modified below:

Modifications to Appendix 1 District Regulations:

Regulation	Base LR District	PD-10 Dimensional Standards/Modifications
Maximum Height (feet)	35	35 (NO CHANGE)
Side yard width (feet)	15	15 (NO CHANGE)
Rear yard (feet)	None Required	0 (NO CHANGE)
Front yard (feet)	45	45 (NO CHANGE)
Lot area (square feet)	None Required	None Required (NO CHANGE)
Minimum lot width (feet)	75	75 (NO CHANGE)
Minimum lot depth (feet)	120	100
Maximum lot coverage*	35%	35% (NO CHANGE)

*For this PD-10, Maximum Lot Coverage shall be defined as the building footprint of the retail building only.

Modifications to Appendix 1 Notes:

- Note “c” shall apply, except as modified below:

The requirement to build screening on the north (rear) property line and western property line (adjacent to the City's water tower) is hereby waived by this PD-10. In-lieu of required screening on these two property lines, the property shall include a row of headlight screening shrubs on the western property boundary and a row of decorative shrubs on the rear property line adjacent to the Rail Right-of-Way, as defined in the Landscape Section of this PD-10.

The required screening between residentially zoned properties on the eastern property line shall consist of an eight (8) foot tall masonry screening wall. The fenced area shall also include a row of ornamental shrubs as described in the Landscape Section of this PD-10 and as depicted in Exhibit D – Preliminary Landscape Plan. Double fencing is prohibited.

At their expense, the Developer/Property Owner of this Planned Development shall arrange with adjacent property owners to replace any existing fences/walls. The City Council, on the recommendation of the City Planner, may permit the required screening wall to be constructed within the PD-10 property away from the property line if there is a demonstrated hardship that prevents the construction of the required screening wall at the property line. If the screening wall is constructed away from the property line within the PD-10 boundaries, Developer/Property Owner shall be responsible for maintaining the gap at their property between the screening wall and the property line.

Screening consistent with the provisions above shall be depicted in Exhibit D – Preliminary Landscape Plan and submitted with the required Detailed Site Plan and Engineering Construction Plans. The screening in the Detailed Site Plan submittal shall be generally consistent with the provisions above.

B. Section 20 PD - Planned Development District shall apply, except as modified below:

- 1. Section 20.4.3.1 (c)** shall apply, with the City Council hereby waiving the public hearing requirement for the approval of a Detailed Site Plan for this PD-10. This does not remove the approval authority of the City Council for a Detailed Site Plan for this PD-10.

C. Section 26 Off-Street Parking and Loading Requirements shall apply, except as modified below:

- 1. Section 26.3 Size of Space** shall apply with the additional stipulation below:

- i. Vehicle overhangs shall be prohibited when the sidewalk – public or private – is immediately adjacent to the curb. Wheel stops shall be provided at all parking spaces located immediately adjacent to sidewalks (public or private). Wheel stops shall not be required if a minimum three foot (3') wide landscaped strip is installed between the curb and the sidewalk in accordance with the standards described in the Landscaping section of this PD-10, or if the sidewalk exceeds eight feet (8') in width.

2. Section 26.6 Schedule of Parking Requirements Based on Use shall apply, except as modified below:

- i. **Section 26.6.37.a Shopping Center**, which requires one (1) space for each two hundred (200) square feet of floor area, shall be modified to remove the requirement for additional parking for restaurants exceeding ten percent (10%) of the shopping center floor area.

Chapter 10A, Subdivision Ordinance, as amended, shall apply in its entirety, subject to the modifications outlined below:

- A. Section 3.1.B.4 Approach Roads and Access** shall be modified to permit one (1) point of access to serve this PD-10 due to the proximity to intersections limiting the spacing required for additional points of access.
- B. Section 3.1.O Points of Access** shall be modified to permit one (1) point of access to serve this PD-10 due to the proximity to intersections limiting the spacing required for additional points of access.

Chapter 3, Building Regulations, as amended, shall apply in its entirety, subject to modifications outlined below:

A. Article 7 – Signs shall apply, except as modified below:

1. Section 3.07.013(i) Monument Sign, shall apply, except as modified below:

- i. **Subsection (1)(C)(ii) Location, Single tenant/multi-tenant monument sign** shall be modified to reduce the minimum fifteen feet (15') setback from all property lines to a minimum three feet (3') setback to account for property layout and to allow a reasonable location to install a monument sign. The location of the proposed multi-tenant monument sign shall be shown on the Detailed Site Plan and meet the minimum required setback established by this PD-10.

Landscaping

The Detailed Site Plan submittal, which shall include a Landscape Plan, shall comply with the standards listed below:

A. Parking Lot Landscaping

1. Parking areas shall be planted with one (1) shade tree per ten (10) parking spaces. Parking islands shall be planted with one (1) shade tree that will count towards meeting the provision of one (1) shade tree per ten (10) parking spaces. Required trees may be clustered in areas adjacent to parking area if space is not available on the proposed parking islands or corners of buildings.
2. If any sidewalk between parking space curbs and the building is not a minimum of five feet (5') in width, a minimum three foot (3') wide planting area shall be provided between the curb and the sidewalk. This planting area shall be planted at a rate of one (1) ornamental shrub per five linear feet (5'). This requirement shall not apply if wheel stops are provided.
3. A headlight screening buffer shall be provided on the parking lot spaces facing the west or south of the property. This buffer shall measure three (3) feet in width shall consist of a row of ornamental screening shrubs planted every three linear feet (3').

B. Buffers

1. A three (3) foot wide landscape buffer shall be required at the northern (rear) and eastern (side) property lines. A row of ornamental screening shrubs planted every three linear feet (3') shall be planted on this buffer.

C. Drainage Pond Landscaping

1. The required detention pond, if not converted into a retention (wet) pond at the time of detailed site plan, shall be planted at a minimum with three (3) shade trees and six (6) ornamental trees as depicted in Exhibit D – Preliminary Landscape Plan. Additional trees may be planted by the developer, if acceptable by the City Engineer, so as to not diminish the performance of the pond or create safety risks.

D. Landscaping Material

1. All landscaping material shall be of species listed in the North Texas Council of Governments' Texas SmartScape website.
2. All permeable areas not planted shall contain ground cover (grass) or

alternative surface subject to the approval of the Council at the time of Detailed Site Plan review.

3. All shade trees planted shall be a minimum of three caliper inches (3") at the time of planting.
4. All ornamental trees planted shall be a minimum of two caliper inches (2") at the time of planting.
5. All ornamental shrubs shall be a minimum of three feet (3') tall at the time of planting.

E. Landscape Maintenance

1. Developer/Property Owner shall replace damaged or dead vegetation for any reason in accordance with the Landscape Plan submitted to and approved as part of the Detailed Site Plan. All replacements must comply with the approved plan to ensure consistency with established landscaping requirements. Replacement shall occur within 30 days of notification by City Staff.
2. Developer/Property Owner shall install and maintain an underground automatic irrigation system in the landscaped areas of the site.

Lighting

A Photometric Plan detailing proposed light fixtures and light distribution curve shall be submitted for review as an attachment to the Detailed Site Plan.

A. Lighting shall conform to the following standards:

1. Mercury vapor lighting shall be prohibited.
2. Site lighting features used along driveways and in parking areas shall be no taller than fifteen feet (15') and the fixtures shall be of a contiguous and coordinated design. The pattern of lighting from each fixture shall provide smooth and even lighting of driveways and parking lots while eliminating undesirable glare or light intrusion onto adjacent building sites. Lighting fixtures shall be hooded and direct light downwards. Lighting fixtures adjacent to residential uses shall be angled towards the parking lot and not facing straight to the ground.
3. Pedestrian walkways, entrance areas, & parking lot shall be illuminated to enhance the pedestrian safety and qualities of the development. Light fixtures

attached to the buildings shall complement the architectural design and focus on quality lighting that will enhance the development.

4. Exterior building lights shall be used to illuminate building signage. Building identification graphics and signs that are illuminated shall be lit internally, or from another light source either attached to the building or lit from the ground. If ground-mounted, light fixtures shall be in front of the sign incorporated into landscaping. Ground mounted lights may also be used to illuminate building signage attached to the buildings. All lighting must be lit during dark hours.
5. Illumination of all lighting must commence at least 30 minutes prior to sunset and remain on until at least 30 minutes after sunrise. Pedestrian walkways and hallways shall be illuminated during the hours of darkness or when poor weather conditions warrant.
6. Building accent lighting is required. Lighting shall include wall-mounted scones, wall or ground mounted up lighting or down lighting, or other accent lighting that emphasizes building or site elements.
7. Illumination at property line adjacent to single-family residential zoning districts shall not exceed 0.2 horizontal foot-candles and 0.5 vertical foot-candles.
8. Illumination at property line adjacent to all other zoning districts, or right-of-way, shall not exceed 3.0 horizontal foot-candles and 3.0 vertical foot-candles.

Other Development Considerations

A. Hours of Operation and Noise Control

To protect the adjacent residential properties and ensure compatibility between commercial and residential land uses, the following operational standards shall apply to all restaurant uses within this PD-10:

1. Outdoor patio and dining areas shall not be open to patrons between the hours of 10:00 p.m. and 7:00 a.m.
2. Outdoor amplified sound shall be prohibited at all times. Outdoor amplified sound includes, but is not limited to, speakers, outdoor music systems, public address systems, televisions with amplified audio, and any other device used to broadcast sound outdoors.
3. Live outdoor entertainment, including live music, DJs, karaoke,

performances, or similar activities that generate sound intended for patrons located outside of the building, shall be prohibited.

4. Drive-through ordering stations, if proposed as part of a future tenant finish-out or amendment to this Planned Development, shall be prohibited unless specifically approved by the City Council through an amendment to this Planned Development.

B. Solid Waste Container Enclosures

1. Solid Waste Container (dumpster) enclosures shall be constructed with a minimum six (6) foot high masonry wall and metal closing gate, which shall remain closed and only be opened when emptying the containers.
2. Enclosure design shall meet the standards of the City's provider of solid waste collection services at the time of Detailed Site Plan.
3. Enclosures may encroach on the side building setback provided they do not encroach into required utility easements.

C. Pedestrian Connectivity

1. At least one internal pedestrian walkway connection, no less than 5 feet (5') in width, shall be provided to the right-of-way of the NETEX Rail District for future connectivity to the planned rail trail. At a minimum, walkways shall connect focal points of user/pedestrian activity, accessible parking, and principal building entrances.

D. Mechanical Equipment Screening

Mechanical equipment shall be screened for visibility from public ROW, internal streets or drives, and sidewalks by a row of ornamental shrubs planted at a rate of one (1) shrub per three linear feet (3') with a minimum of three feet (3') in height at the time of planting or a wood fence no less than four feet (4') in height.

E. Utility Meters

1. Utility Meters – shall be located in clusters or linear groups and on either end of the building's exterior walls.
2. Screening shall not be required for wall mounted equipment.
3. Water Meters shall be located within water easements for city maintenance.

F. Underground Utilities

All new utilities shall be constructed underground. Existing overhead infrastructure shall be replaced by underground infrastructure. In the event that the replacement of existing overhead infrastructure is deemed impractical by the City Council, overhead infrastructure may remain as shown on the Detailed Site Plan.

G. Thoroughfare Design Manual

The Thoroughfare Design Manual shall apply, except as modified below:

1. **Section V – Driveway Design Standards**, shall apply, except as modified below:
 - i. **Subsection B (2), Driveway Width, Commercial/Industrial, Two-way operation**, shall be modified to increase the maximum width from thirty (30) feet to thirty-six (36) feet to account for the unique lot configuration and proximity to the intersection of FM 6 (Cook Street) and Milton Street.

H. Special Fire Protection Provisions

Due to the unique configuration and location of the lot, this PD-10 contains special provisions for Fire Protection to ensure a minimum development capability for this property.

The following special provisions shall apply:

1. The proposed retail building shall provide full fire sprinkler system that meets International Fire Code regulations. This requirement goes beyond the City's current adopted code and is required by this PD-10 to ensure adequate fire protection.
2. The proposed fire lane configuration shown in Exhibit C – Concept Plan has been reviewed and approved by the Fire Chief in his official capacity as the Authority Having Jurisdiction (AHJ). Under the City's adopted 2015 International Fire Code with regional amendments, the fire code official is expressly granted the authority to modify or approve alternative configurations where necessary for fire and rescue operations. Specifically, Section 503.2.2 provides that the fire code official may require or adjust access design based on operational needs, and Section 503.1.1 allows the required fire apparatus access distance to be increased from 150 feet where approved by the fire code official. In this case, the Fire Chief has determined that the proposed layout, combined with the applicant's voluntary installation

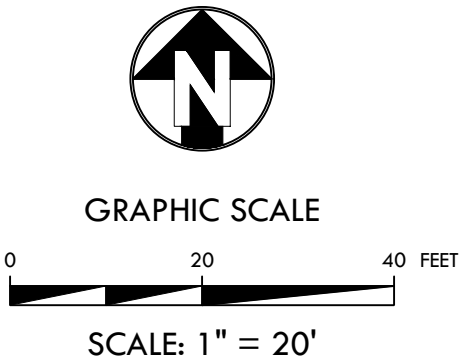
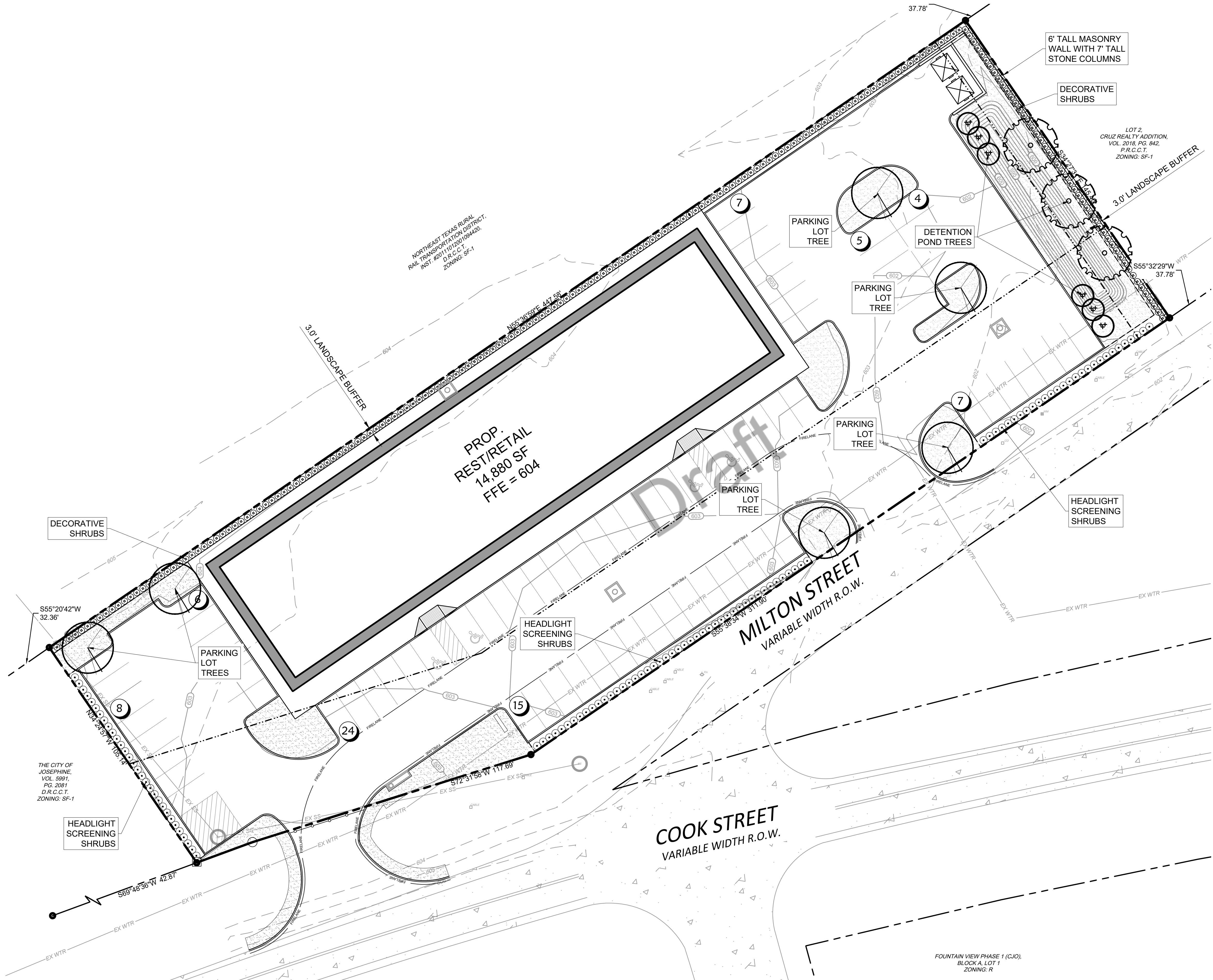
of a full automatic sprinkler system (which exceeds minimum code requirements), provides an equivalent level of fire protection and life safety. As such, the design is compliant through AHJ-approved alternative means consistent with the authority granted under the adopted fire code.

3. The approval of the proposed Fire Lane configuration depicted in Exhibit C – Concept Plan, shall be conditioned on the construction of the emergency-only access and gate that was granted approval by the Texas Department of Transportation on the southwest side of the property onto FM 6.
4. At the time of Detailed Site Plan review, the Fire Chief may require any other additional appurtenances or infrastructure deemed necessary to provide adequate fire protection to the site.
5. Minor modifications to turning radii may be required, and shall not be considered a substantive change, provided that the general layout and spirit of the Exhibit C – Concept Plan are met.
6. The Fire Chief, in his official capacity as the Authority Having Jurisdiction (AHJ), is permitted to approve further modifications or departures from the adopted International Fire Code, as amended, and recommend approval as presented to the Planning & Zoning Commission and City Council at the time of Detailed Site Plan approval.



FILE PATH: C:\Users\larryj\Documents\larryj\London Landscapes\Projects\3203\JOSEPHINE\larryj\London Landscapes Plan

REVISIONS: 1.00 Landscape Plan
DRAWN BY: Amy London
CHECKED BY: Amy London
DATE: 6/2/2025



MILTON STREET
RETAIL

ABS A0686 SAMUEL PUGH
SURVEY, SHEET 1, TRACT 38
CITY OF JOSEPHINE
COLLIN COUNTY, TEXAS

KE
kirkman
ENGINEERING

KIRKMAN ENGINEERING, LLC
5200 STATE HIGHWAY 121
COLLEYVILLE, TX 76034
TEXAS FIRM NO. 15874

JOB NUMBER: JAG26001_JOSEPHINE
ISSUE DATE: 5/7/26

**PRELIMINARY
LANDSCAPE
PLAN**

SHEET:
L1.00

From: Karissa Robertson <karissalrobertson@gmail.com>
Sent: Saturday, August 29, 2026 5:27 PM
To: Planning
Cc: Jason Turney; April Aurand; Jane Ridgway; Alex Esquivel; Pam Sardo; Gary Chappell; Lisa Palomba
Subject: Formal Opposition to ZONE-26-001 - 520 Milton Street Planned Development

Please include the attached letter in the official record for ZONE-26-001 and distribute it to the Planning & Zoning Commission and City Council members for consideration prior to the public hearings.

Dear City of Josephine Planning & Zoning Commission and City Council,

My fiance, Colin Pabst, and I are residents of Josephine and live at **114 Sebastian Lane**, immediately adjacent to the property involved in the proposed rezoning at **520 Milton Street**.

We are writing to formally and strongly oppose **ZONE-26-001 and the proposed Planned Development**.

While we are not opposed to responsible growth in Josephine, however, we are strongly opposed to placing a large-scale restaurant and retail development immediately adjacent to our home and the surrounding residential properties.

After reviewing the City's proposed Planned Development documents, we understand that the proposal contemplates a 14,880 square foot commercial building. This is not simply a concern about an unknown future use. The proposed zoning specifically creates the opportunity for a substantial restaurant operation, including outdoor dining and alcohol service, directly next to existing residential property.

We believe this is an inappropriate and incompatible use for this location.

The proposed development includes 76 parking spaces and a substantial commercial parking and circulation area. Our concern is not simply the number of parking spaces themselves. A restaurant and retail development of this size would bring significantly more vehicle traffic, customer activity, deliveries, employees, and vehicle headlights to an area immediately adjacent to our home.

We do not believe the residential properties surrounding this site should be expected to absorb the increased traffic and activity associated with a large commercial development simply because the property is capable of being rezoned for that purpose.

We are particularly concerned about the outdoor patio. A restaurant with outdoor seating and the potential for alcohol service creates the possibility of substantially more activity

and noise than would be expected. **Our home is not separated from this proposed development by a significant commercial corridor. It would be immediately adjacent to it.**

We do not want our backyard and home subjected to restaurant patrons, outdoor conversations, music, amplified sound, late-night activity, deliveries, trash collection, and other commercial noise. **This is not something we believe should simply be addressed through additional restrictions on the restaurant. We believe the proposed restaurant use itself is incompatible with the location.**

The proposed development would introduce commercial parking lot lighting, building lighting, signage, pedestrian lighting, vehicle headlights, and other nighttime illumination immediately next to residential property.

Our home currently has the expectation of a residential environment. We should not have to accept commercial lighting and nighttime activity directly against our property line as a consequence of this rezoning. **Likewise, while the proposal includes screening along the residential property line, a wall does not eliminate the fundamental impacts of placing a large commercial development immediately next to a residence.**

Our greatest concern is the fundamental incompatibility between the proposed use and the surrounding residential properties.

There is a significant difference between having a commercial development somewhere within Josephine and placing a **14,880 square foot restaurant/retail development immediately against existing homes.**

If this zoning change is approved, the City would be creating the opportunity for a commercial operation that could substantially change the character, privacy, noise level, traffic patterns, and nighttime environment of the properties immediately surrounding it.

When we purchased our home, we were specifically informed by our home inspector that development in the area immediately adjacent to our property would not be possible due to the presence of a utility easement. We therefore had no expectation that a commercial development—or any substantial development—would be placed directly next to our home. Learning that the property is now being considered for a large-scale restaurant and retail development has been especially concerning given what we were told when purchasing our home. We do not believe it is reasonable to place a development of this scale and intensity immediately adjacent to existing residential homes.

We also have concerns regarding the fact that when we previously contacted the City regarding this property, we were informed that the developer did not currently have specific plans for what would be located there.

At the same time, the proposed Planned Development specifically introduces restaurant uses, including restaurants with bars, alcohol service, and outdoor patio areas, and the concept plan contemplates a substantial restaurant component.

This raises an important question as to why the City should approve a zoning change that creates additional commercial uses before a specific end user and development plan have been established.

We do not believe the answer should be to approve the rezoning now and address the consequences later.

We respectfully and unequivocally request that the Planning & Zoning Commission recommend DENIAL of ZONE-26-001 and that the Josephine City Council DENY the proposed Planned Development.

We are not asking for additional screening, reduced lighting, restricted patio hours, or other conditions that would make the proposed restaurant more acceptable to us. **Our position is that the proposed restaurant/retail development should not be approved for this location in the first place.**

We believe the proximity of this proposed commercial development to existing residential homes creates an unacceptable conflict between commercial and residential land uses.

We support responsible development in Josephine, but responsible development must also consider the residents who already live here. Growth should not come at the expense of the privacy, peace, safety, and quality of life of homeowners who would be directly affected by the development.

We respectfully request that this letter be included in the official record for ZONE-26-001 and that the City deny the requested rezoning.

Thank you for your consideration.

Sincerely,

Karissa & Colin Pabst
114 Sebastian Lane
Josephine, TX 75173



Planning & Zoning Commission Staff Report

Meeting Date:	September 8, 2026
Case Number:	CA-26-003
Title:	Code of Ordinances Amendment: Amendment to Subdivision Ordinance Subsection 2.4 H to permit Preliminary Engineering at time of Preliminary Plat
Address:	N/A
Legal Description:	N/A
Owner/Applicant:	City of Josephine
Prepared By:	Miguel A. Inclan, AICP, CNU-A
Item:	Hold a public hearing to consider testimony and make a recommendation to the City Council on an amendment to the Code of Ordinances Chapter 10A, Article II, Section 2.4 H – Engineering Plans, to allow the City Engineer to accept Preliminary Engineering Plans in lieu of detailed Final Engineering Plans with the submittal of a Preliminary Plat at an Applicant’s request. If Preliminary Engineering Plans are submitted with a Preliminary Plat, the City Council shall condition approval of a Preliminary Plat on the submittal and approval of detailed Final Engineering Plans in accordance with this Ordinance.

Summary/Background:

Currently, per Subsection 2.4 H of the Subdivision Ordinance, when submitting a Preliminary Plat application, an applicant shall submit complete engineering plans for streets, alleys, storm sewers and drainage structures, water and sanitary sewer facilities, screening and retaining walls, landscaping and irrigation, and any other required public improvements for the area covered by the preliminary plat.

The purpose of this ordinance amendment is to give an option for applicants to provide preliminary engineering plans that can sufficiently demonstrate that a proposed subdivision will be properly served and designed without requiring detailed engineering plans.

Staff Analysis:

The current procedure, adopted in 2015, does not reflect the realities for the plat approval process which was significantly altered in 2019 by the State Legislature. Per Chapter 212 of the Texas Local Government Code, municipalities have 30 days to approve or disapprove a plat. Requiring detailed engineering plans and tying the approval of Engineering Plans to the approval of a Preliminary Plat runs the risk of conflict with the intent of Chapter 212 of the Texas Local Government Code as it

may result in disapprovals of plats for reasons beyond the technical requirements of a plat document.

Additionally, the current 30-day deadline to approve Preliminary Plats does not provide Staff the sufficient time to properly review an engineering plan set of that magnitude and scope, particularly when a Preliminary Plat is being submitted for a larger or more intense development.

The impacts of the current regulation are already negatively affecting Josephine's future. During discussions regarding the Greenwood MUD, the requirement to submit detailed engineering plans at the preliminary plat stage was identified by the MUD's consulting engineers as a significant concern and factor in the decision to pursue removal from the City's ETJ. The City of Josephine lost the ability to control development along a major future corridor. This is a major risk for the City as the Municipal Development District (the City's economic development arm) receives sales tax from properties within the ETJ.

The City Engineer has received several inquiries from developers, including developers with existing entitlements, regarding the ability to submit Preliminary Engineering Plans in lieu of detailed Final Engineering Plans at the Preliminary Plat stage.

Staff is proposing this amendment to provide applicants with the option of submitting Preliminary Engineering Plans that demonstrate the feasibility and general design of required infrastructure improvements.

The proposed amendment does not reduce the City's engineering, construction, or infrastructure standards. Rather, it modifies the timing of engineering review by allowing applicants to demonstrate feasibility and general design at the preliminary plat stage while preserving the requirement that detailed final engineering plans be reviewed and approved by the City Engineer prior to construction. All applicable design standards, specifications, and infrastructure requirements will remain in full force and effect.

The City Engineer and the City Planner both concur that this amendment is necessary to ensure efficient and orderly development both within the City Limits and its ETJ.

Applicable Policies:

Subsection 2.4 H of the Subdivision Ordinance and Chapter 212 of the Texas Local Government Code, which governs plat approval.

Public Notice:

The required public notices were published in the newspapers of general circulation and in the City website.

Staff Recommendation:

Staff recommends approval as presented.

Recommended Motion:

“I move to recommend approval of Case No. CA-26-003 – Amendment to Subdivision Ordinance Subsection 2.4 H to permit Preliminary Engineering at time of Preliminary Plat, as presented.”

Alternative Actions by the Planning & Zoning Commission:

- Recommend denial with or without prejudice
- Table the request

Draft