
Tuesday, May 09, 2023
6:00 PM

City Hall - 141 W. Renfro
Burleson, TX 76028

1. Call to Order

Invocation

Pledge of Allegiance

2. Citizen Appearances

Other than public hearings, citizens in attendance who desire to speak to the Planning and Zoning Commission may speak during this section. Each person will be allowed three (3) minutes to speak and will not be interrupted by the Commission or staff. If you would like to speak, please fill out a speaker card and give the completed card to the City staff prior to addressing the Commission. Please note that the Commission may only take action on items posted on the agenda. The Texas Open Meetings Act prohibits the Commission from deliberating or taking action on an item not listed on the agenda. Please also note that speakers who desire to speak on an item listed for public hearing will address the Commission during the public hearing and consideration of that particular agenda item.

3. Consent Agenda

All items listed below are considered to be routine by the Planning and Zoning Commission and will be enacted with one motion. There will be no separate discussion of the items unless a Commissioner or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence. Approval of the consent agenda authorizes the Development Services Director to place each item on the City Council agenda in accordance with the Planning and Zoning Commission's recommendations.

A. Consider approval of the minutes from April 25, 2023 Planning & Zoning Commission meeting.

B. Space Acres North Addition; Lots 34R-1, 34R-2, 34R-3 and Lot 34R-4, Block 1 (Case 23-016): Consider approval of a replat of Lots 34R-1, 34R-2, 34R-3 and Lot 34R-4, Block 1 of Space Acres North Addition (*Staff Presenter: JP Ducay, Senior Planner*)

4. Public Hearing

A. **Top Dog Texas at 136 NW Ellison (Case 22-134):** Hold a public hearing and consider an ordinance for a SUP, Specific Use Permit, allowing "Kennel (Indoor)" in the C, Commercial Zoning District.

5. Reports and Presentations

6. Other Items for Consideration

Nomination and Election of Planning and Zoning Commission Chairman.

Nomination and Election of Planning & Zoning Commission Vice Chairman.

7. Community Interest Items

This is a standing item on the agenda of every regular meeting of the Planning and Zoning Commission. An “item of community interest” includes the following:

- Expression of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- Honorary recognitions of city officials, employees, or other citizens;
- Reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city official or city employee; and
- Announcements involving imminent public health and safety threats to the city.

8. Recess into Executive Session

The Planning & Zoning Commission reserves the right to convene in Executive Session(s) during this meeting pursuant to the following Sections of the Government Code of the State of Texas:

Pursuant to Sec. 551.071 consultation with its Attorney:

The Planning & Zoning Commission may conduct private consultations with its attorneys when the Planning & Zoning Commission seeks the advice of its attorney concerning any item on this agenda or a matter in which the duty of the attorney to the Planning & Zoning Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code.

9. Adjourn

Staff Contact

Tony McIlwain
 Director of Development Services
 817-426-9684

CERTIFICATE

I hereby certify that the above agenda was posted on this the 5th of May 2023, by 5:00 p.m., on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.

Amanda Campos
 City Secretary



ACCESSIBILITY STATEMENT

The Burleson City Hall is wheelchair accessible. The entry ramp is located in the front of the building, accessible from Warren St. Accessible parking spaces are also available in the Warren St. parking lot. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-426-9600, or TDD 1-800-735-2989.



Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Peggy Fisher, Administrative Assistant Sr.

MEETING: May 9, 2023

SUBJECT:

Approve the minutes from April 25, 2023 Regular Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the April 25, 2023 Regular Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the April 25, 2023 Regular Session of the Planning & Zoning Commission meeting.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

None

FISCAL IMPACT:

None

STAFF CONTACT:

Peggy Fisher
Recording Secretary
pfisher@burlesontx.com
817-426-9611

PLANNING AND ZONING COMMISSION

April 25, 2023
MINUTES

Roll Call

Commissioners Present

Adam Russell(Chair)
Dan Taylor
Cobi Tittle
Bill Janusch
Michael Tune
Clint Faram
Todd Hulsey
Michael Kurmes

Commissioners Absent

David Hadley
Bobby Reading

Staff

Matt Ribitzki, City Attorney
Emilio Sanchez, Assistant Director Development Services
Peggy Fisher, Administrative Assistant

REGULAR SESSION

1. Call to Order – 6:00 PM

Invocation – Clint Faram

Pledge of Allegiance

2. Citizen Appearance

None

3. Consent Agenda

- A.** Consider approval of the minutes from March 7, 2023 Planning and Zoning Regular Commission meeting. *(Staff Contact: Tony McIlwain, Director Development Services).*

- B. Sierra Estates; Lot 23-R1, Block 9 (Case 23-022): Consider approval of a replat of Lot 23, Block 9 of Sierra Estates. *(Staff Presenter: Lidon Pearce, Senior Planner)*
- C. Faith Addition; Lots 1 & 2, Block 1 (Case 23-020): Consider approval of a final plat of Lots 1 & 2, Block 1 of Faith Addition. *(Staff Presenter: Lidon Pearce, Senior Planner)*
- D. J&K Miller Addition; Lots 1, 2 and 3, Block 1 (Case 23-017): Consider approval of a final plat for Lots 1, 2 and 3, Block 1 of J&K Miller Addition Addition *(Staff Presenter: JP Ducaay, Senior Planner)*

Motion made by Commissioner Michael Tune and second by Commissioner Clint Faram to approve the consent agenda.

Motion passed, 8-0. Commissioners David Hadley and Bobby Reading were absent.

4. Public Hearing

None

5. Reports and Presentations

None

6. Community Interest Items

Emilio Sanchez welcomed the new Planning & Zoning Commissioners.

7. Executive Session

The Planning & Zoning Commission reserves the right to convene in Executive Session(s) during this meeting pursuant to the following Sections of the Government Code of the State of Texas:

1. Pursuant to Sec. 551.071 consultation with its Attorney: The Planning & Zoning Commission may conduct private consultations with its attorneys when the Planning & Zoning Commission seeks the advice of its attorney concerning any item on this agenda or a matter in which the duty of the attorney to the Planning & Zoning Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code.

8. Adjourn

There being no further business Chair Adam Russell adjourned the meeting.
Time – 6:02 PM

Peggy Fisher
Administrative Assistant
Recording Secretary

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: JP Ducay, Senior Planner

MEETING: May 9, 2023

SUBJECT:

Space Acres North Addition; Lots 34R-1, 34R-2, 34R-3 and Lot 34R-4, Block 1 (Case 23-016): Consider approval of a replat of Lots 34R-1, 34R-2, 34R-3 and Lot 34R-4, Block 1 of Space Acres North Addition (*Staff Presenter: JP Ducay, Senior Planner*)

SUMMARY:

On March 6, 2023, an application for a replat including 5.92 acres was submitted by Michael Walker with HTX Dirt Inc. (applicant) on behalf of John Hart (owner). The purpose of this replat is to create four (4) new lots of record from the existing 5.92 acres of Lot 34. The application is administratively complete and meets the requirements of Appendix A – Subdivision and Development regulations.

OPTIONS:

- 1) Approve the Replat; or
- 2) Deny the Replat.

RECOMMENDATION:

Staff recommends approval of the replat of Space Acres North Addition; Lots 34R-1, 34R-2, 34R-3 and Lot 34R-4, Block 1 (Case 23-016).

PRIOR ACTION/INPUT (Council, Boards, Citizens):

None

PUBLIC NOTIFICATION:

The Texas Local Government Code (LGC) requires property owners within 200 feet of a residential replat to receive a mailed notice post approval according to section 212.015 for the LGC.

FISCAL IMPACT:

None

STAFF CONTACT:

JP Ducay
Development Services – Senior Planner
jducay@burlesontx.com
817-426-9648

Subject Property



APOLLO DR

COUNTY ROAD 1014A

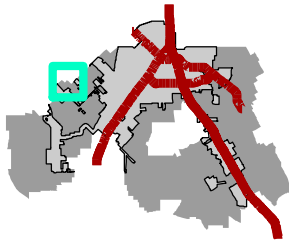
APOLLO DR



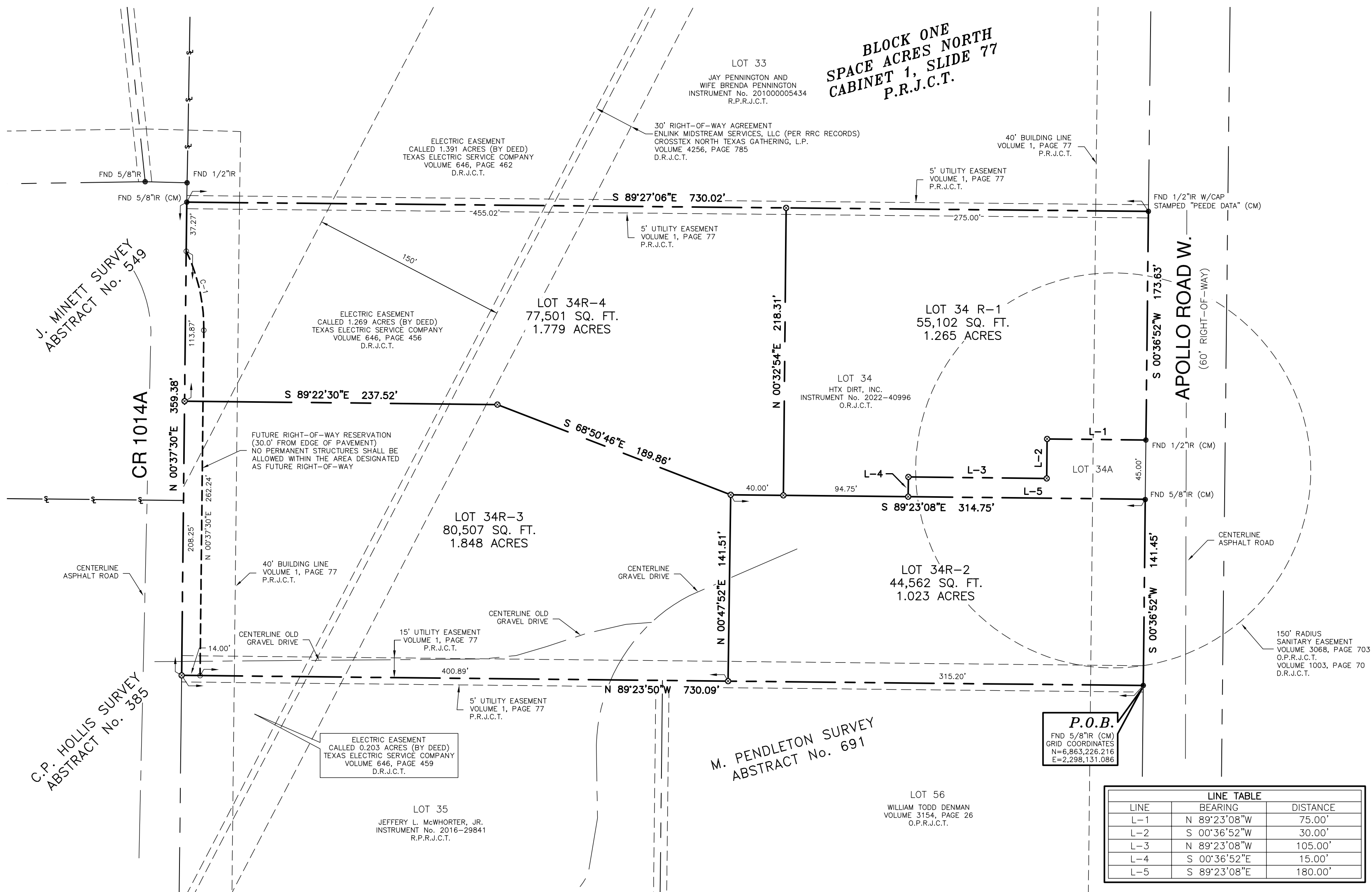
Space Acres North Addition



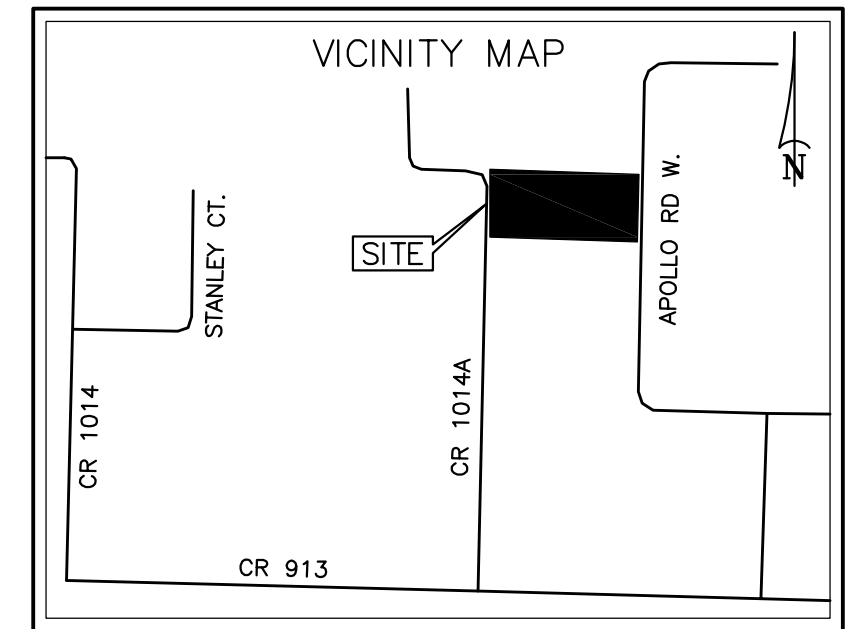
Replat Case 23-016



Vicinity Map



**BLOCK ONE
SPACE ACRES NORTH
CABINET 1, SLIDE 77
P.R.J.C.T.**



LEGEND

●	IRON ROD FOUND (AS NOTED)
⊗	IRON ROD SET (AS NOTED)
○	CALCULATED POINT
---	PROPERTY LINE (AS NOTED)
- - - -	PROPOSED/EXISTING EASEMENT LINE
(CM)	CONTROLLING MONUMENT
O.P.R.J.C.T.	OFFICIAL PUBLIC RECORDS JOHNSON COUNTY TEXAS
D.R.J.C.T.	DEED RECORDS JOHNSON COUNTY TEXAS
P.R.J.C.T.	PLAT RECORDS JOHNSON COUNTY TEXAS

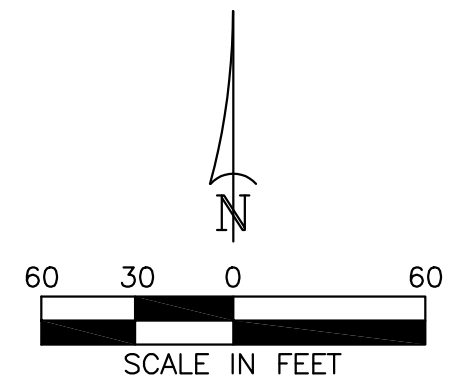
**PRELIMINARY THIS DOCUMENT
SHALL NOT BE RECORDED AND
SHALL NOT BE USED OR VIEWED
AS A FINAL SURVEY DOCUMENT**

LINE TABLE

LINE	BEARING	DISTANCE
L-1	N 89°23'08"W	75.00'
L-2	S 00°36'52"W	30.00'
L-3	N 89°23'08"W	105.00'
L-4	S 00°36'52"E	15.00'
L-5	S 89°23'08"E	180.00'

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C-1	135.00'	26°19'28"	N 12°32'14"W	61.48'	62.03'



BURLESON E.T.J. GENERAL NOTES:

- BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.
- THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THIS ADDITION WILL REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.
- JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OF EROSION.
- JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.
- ON-SITE SEWAGE FACILITY PERFORMANCE CANNOT BE GUARANTEED EVEN THOUGH ALL PROVISIONS OF THE RULES OF JOHNSON COUNTY, TEXAS FOR PRIVATE SEWAGE FACILITIES ARE COMPLIED WITH.
- INSPECTION AND/OR ACCEPTANCE OF A PRIVATE SEWAGE FACILITY BY THE JOHNSON COUNTY PUBLIC WORKS DEPARTMENT SHALL INDICATE ONLY THAT THE FACILITY MEETS MINIMUM REQUIREMENTS AND DOES NOT RELIEVE THE OWNER OF THE PROPERTY FROM COMPLYING WITH COUNTY, STATE AND FEDERAL REGULATIONS. PRIVATE SEWAGE FACILITIES, ALTHOUGH APPROVED AS MEETING MINIMUM STANDARDS, MUST BE UPGRADED BY THE OWNER AT THE OWNER'S EXPENSE IF NORMAL OPERATION OF THE FACILITY RESULTS IN OBJECTIONABLE ODORS, IF UNSANITARY CONDITIONS ARE CREATED, OR IF THE FACILITY WHEN USED DOES NOT COMPLY WITH GOVERNMENTAL REGULATIONS.
- A PROPERLY DESIGNED AND CONSTRUCTED PRIVATE SEWAGE FACILITY SYSTEM, IN SUITABLE SOIL, CAN MALFUNCTION IF THE AMOUNT OF WATER IT IS REQUIRED TO DISPOSE OF IS NOT CONTROLLED. IT WILL BE THE RESPONSIBILITY OF THE LOT OWNER TO MAINTAIN AND OPERATE THE PRIVATE SEWAGE FACILITY IN A SATISFACTORY MANNER.
- ANY PUBLIC UTILITY, INCLUDING JOHNSON COUNTY, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION OR MAINTENANCE, OR EFFICACY OF ITS RESPECTIVE SYSTEMS IN ANY OF THE EASEMENTS SHOWN ON THE PLAT; AND ANY PUBLIC UTILITY, INCLUDING JOHNSON COUNTY, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM 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.

OWNER/DEVELOPER
HTX DIRT, INC
2314 ROYCE DRIVE
ARLINGTON, TEXAS 76016
CONTACT: MIKE WALKER
PHONE: (817) 657-4127

SURVEYOR
GORRONDONA & ASSOCIATES, INC.
2800 N.E. LOOP 820, SUITE 660
FORT WORTH, TEXAS, 76137
CONTACT: JOSH BURGE
PHONE: (817) 496-1424

PLAT FILED _____/_____/_____
INSTRUMENT#: 2023-_____
DRAWER _____ SLIDE _____
JOHNSON COUNTY PLAT RECORDS
APRIL LONG, JOHNSON COUNTY CLERK
BY: _____ DEPUTY CLERK

**REPLAT OF
LOT 34R-1, LOT 34R-2,
LOT 34R-3, LOT 34R-4, BLOCK 1
SPACE ACRES NORTH ADDITION
AN ADDITION TO
JOHNSON COUNTY, TEXAS
CITY OF BURLESON E.T.J.
AS RECORDED IN
CABINET 1, SLIDE 77
PLAT RECORDS OF JOHNSON COUNTY, TEXAS**



HTX DIRT, INC.
2314 ROYCE DRIVE
ARLINGTON, TEXAS 76016
PHONE (817) 269-9451



GORRONDONA & ASSOCIATES, INC.
2800 N.E. LOOP 820, SUITE 660
FORT WORTH, TEXAS 76137
PHONE (817)496-1424 FAX (817)496-1768

GENERAL NOTES:

1. THE PURPOSE OF THIS REPLAT IS TO DIVIDE LOT 34 INTO INTO 4 NEW LOTS.
2. THE INTENDED USE OF THESE LOTS ARE FOR RESIDENTIAL USE.
3. ALL SET MONUMENTS ARE 5/8" IRON ROD SET WITH PLASTIC CAP STAMPED "GORRONDONA & ASSOCIATES" UNLESS OTHERWISE NOTED.
4. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD--83, THE NORTH CENTRAL ZONE 4202, ALL DISTANCES AND AREAS SHOWN ARE SURFACE.
5. THE SUBJECT PROPERTY LIES ENTIRELY WITHIN ZONE X, AREA OF MINIMAL FLOOD HAZARD, ACCORDING TO THE DIGITAL FLOOD INSURANCE RATE MAP FOR JOHNSON COUNTY, TEXAS, COMMUNITY PANEL NO. 48251C0160J, EFFECTIVE DECEMBER 04, 2012.
6. THIS PLAT DOES NOT ALTER OR REMOVE EXISTING DEED RESTRICTIONS OR COVENANTS, IF ANY, ON THIS PROPERTY.
7. THE CITY OF BURLESON RESERVES THE RIGHT TO REQUIRE MINIMUM FINISH FLOOR ELEVATION ON ANY LOT WITHIN THIS SUBDIVISION. THE MINIMUM ELEVATIONS SHOWN ARE BASED ON THE MOST CURRENT INFORMATION AVAILABLE AT THE TIME THE PLAT IS FILED AND MAY BE SUBJECT TO CHANGE.
8. A MINIMUM OF 1 ACRE PER RESIDENTIAL STRUCTURE PER LOT IS REQUIRED FOR ON--SITE SEWAGE FACILITIES (SEPTIC SYSTEMS). IF MORE THAN ONE STRUCTURE IS PROPOSED FOR CONSTRUCTION ON A LOT IN THE FUTURE, RE--PLATTING SHALL BE REQUIRED.
9. ALL BUILDING SETBACKS ARE SUBJECT TO CURRENT JOHNSON COUNTY DEVELOPMENT REGULATIONS.
10. ALL BUILDINGS OR STRUCTURES SHALL BE CONSTRUCTED SUCH THAT ALL GROUND LEVEL, EXTERIOR SIDES OF THE BUILDING ARE WITHIN 150 FEET OF A DEDICATED STREET OR FIRE LANE. IF THE 150 FEET CANNOT BE REACHED FROM A PUBLIC STREET, A FIRE LANE CAPABLE OF SUPPORTING 80,000 LBS SHALL BE REQUIRED ON SITE AT TIME OF CONSTRUCTION.
11. THE FIRE LANE SHALL BE 24 FOOT IN WIDTH WITH 30 FOOT INSIDE RADIUS AND 54' OUTSIDE RADIUS. THE FIRE LANE SECTION SHALL EITHER FOLLOW DETAIL P--11 OR 8 INCHES OF CONCRETE ON 95% COMPACTED BASE IS ACCEPTABLE. THE DEVELOPER SHALL BE RESPONSIBLE FOR ALL TESTING AND SHALL PROVIDE THE RESULTS TO THE CITY INSPECTORS.
12. FOR ALL SINGLE--FAMILY DETACHED AND DUPLEX RESIDENCES, EXCLUDING TOWNHOMES AND APARTMENTS, FIRE HYDRANTS SHALL BE SPACED TO HAVE A FIRE HOSE LAYING DISTANCE OF NO GREATER THAN 500 FEET. THE FIRE HOSE LAYING DISTANCE IS MEASURED BY THE LAYING OF FIRE APPARATUS HOSE LINES ALONG THE RIGHT--OF--WAY OR ACCESS EASEMENTS FROM THE NEAREST WATER SUPPLY ON A STREET TO THE MAIN ENTRANCE OF THE BUILDING.
13. FOR COMMERCIAL BUILDINGS, FIRE HYDRANTS SHALL BE SPACED TO HAVE A FIRE HOSE LAY DISTANCE OF NO GREATER THAN 300 FEET. THE FIRE HOSE LAYING DISTANCE IS MEASURED BY THE LAYING OF FIRE APPARATUS HOSE LINES ALONG THE RIGHT--OF--WAY OR ACCESS EASEMENTS FROM THE NEAREST WATER SUPPLY ON A STREET TO THE MAIN ENTRANCE OF THE BUILDING.
14. THE MINIMUM FIRE FLOW REQUIREMENTS FOR ONE-- AND TWO--FAMILY DWELLINGS HAVING A FIRE--FLOW CALCULATION AREA WHICH DOES NOT EXCEED 3,600 SQUARE FEET SHALL BE 1,500 GALLONS PER MINUTE. FIRE FLOW AND FLOW DURATION FOR DWELLINGS HAVING A FIRE--FLOW CALCULATION AREA IN EXCESS OF 3,600 SQUARE FEET SHALL NOT BE LESS THAN THAT SPECIFIED IN THE MOST CURRENT ADOPTED INTERNATIONAL FIRE CODE.
15. ALL FIRE HYDRANTS MUST PROVIDE A MINIMUM OF 35 PSI STATIC PRESSURE AND A 20 PSI RESIDUAL PRESSURE.
16. THE MINIMUM FIRE FLOW AND FLOW DURATION FOR BUILDINGS OTHER THAN ONE-- AND TWO FAMILY DWELLING SHALL BE AS SPECIFIED IN THE MOST CURRENT ADOPTED INTERNATIONAL FIRE CODE.
17. FOR ALL SINGLE FAMILY DETACHED AND DUPLEX RESIDENCES, EXCLUDING TOWNHOUSES AND APARTMENTS, FIRE HYDRANTS SHALL BE SPACED TO HAVE A FIRE HOSE LAYING DISTANCE OF NO GREATER THAN 500 FEET. THE FIRE HOSE LAYING DISTANCE IS MEASURED BY THE LAYING OF FIRE APPARATUS HOSE LINES ALONG THE RIGHT--OF--WAY OR ACCESS EASEMENTS FROM THE NEAREST WATER SUPPLY ON A STREET TO THE MAIN ENTRANCE OF THE BUILDING.
18. THE FIRE MARSHAL MAY WAIVE THE REQUIREMENT FOR THE LAY OF HOSE DISTANCE OR THE INSTALLATION OF A HYDRANT FOR SUBDIVISIONS OF 2 LOTS OR LESS WHEN THE EXISTING WATER SUPPLY IN THE AREA WILL NOT SUPPORT A HYDRANT. APPEALS TO THE FIRE MARSHAL'S DECISION SHALL BE MADE TO THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL. IF THE DEVELOPMENT IS WITHIN 100 FEET OF AN 8" WATER MAIN, THE OWNER MUST EXTEND THE MAIN TO AND THROUGH THE DEVELOPMENT AND PROVIDE A FIRE HYDRANT.
19. THE MINIMUM FIRE FLOW REQUIREMENTS FOR ONE AND TWO--FAMILY DWELLINGS HAVING A FIRE--FLOW CALCULATION AREA WHICH DOES NOT EXCEED 3,600 SQUARE FEET SHALL BE 1,500 GALLONS PER MINUTE. FIRE FLOW AND FLOW DURATION FOR DWELLINGS HAVING A FIRE--FLOW CALCULATION AREA IN EXCESS OF 3,600 SQUARE FEET SHALL NOT BE LESS THAN THAT SPECIFIED IN TABLE B105.1 OF THE 2003 INTERNATIONAL FIRE CODE.
20. ALL FIRE HYDRANTS MUST PROVIDE A MINIMUM OF 35 PSI STATIC PRESSURE AND A 20 PSI RESIDUAL PRESSURE.
21. A FIRE HYDRANT SHALL BE INSTALLED AT THE END OF MAINS ON CUL--DE--SACS. OTHER FIRE HYDRANTS SHALL BE LOCATED AT STREET INTERSECTIONS AND SHALL ALIGN WITH COMMON LOT LINES. ADDITIONAL FIRE HYDRANTS MAY BE REQUIRED BETWEEN INTERSECTIONS TO MEET THE MINIMUM SPACING REQUIREMENTS.
22. WHEN THE STREET IS DESIGNATED ON THE MASTER THOROUGHFARE MAP AS AN ARTERIAL OR LARGER, FIRE HYDRANTS SHALL BE REQUIRED ON THE SAME SIDE OF THE STREET THAT THE BUILDING IS TO BE CONSTRUCTED. ALL STREETS WITH MEDIANS SHALL HAVE A FIRE HYDRANT ON THE SAME SIDE OF THE STREET THAT THE BUILDING IS TO BE CONSTRUCTED.
23. FIRE HYDRANTS SHALL BE LOCATED IN ACCESSIBLE PROTECTED AREAS. THEY SHALL BE LOCATED A MINIMUM OF 3 FEET AND NO MORE THAN 8 FEET BEHIND THE BACK OF CURB. THEY SHALL NOT BE LOCATED IN THE SIDEWALK.
24. FIRE HYDRANTS SHALL BE LOCATED OUTSIDE CURB RETURNS AND AT LEAST 4 FEET FROM A DRIVEWAY
25. A CLEAR SPACE OF THREE FEET SHALL BE MAINTAINED AROUND ALL FIRE HYDRANTS.
26. FIRE HYDRANT MAINS SHALL BE PLACED BETWEEN 4 FEET AND 6 FEET IN DEPTH. OFFSETS OR BENDS SHALL BE USED TO BRING THE FIRE HYDRANT UP TO ALLOWABLE DEPTHS.
27. PRIVATE FIRE PROTECTION SYSTEMS AND PRIVATE FIRE HYDRANT LOCATIONS SHALL BE APPROVED BY THE FIRE MARSHAL PRIOR TO CONSTRUCTION. A FIRE HYDRANT SHALL BE INSTALLED NO MORE THAN 150 FEET FROM THE FIRE DEPARTMENT CONNECTION FOR AN AUTOMATIC SPRINKLER SYSTEM.
28. JOHNSON COUNTY SPECIAL UTILITY DISTRICT AND MONARCH UTILITIES DO NOT HAVE INFRASTRUCTURE IN PLACE FOR FIRE HYDRANTS ON COUNTY ROAD 1014A.
29. LETTERS OF NO OBJECTION HAVE BEEN RECEIVED FROM ONCOR AND ENLINK REGARDING EASEMENT CROSSINGS.
30. NO PERMANENT STRUCTURES SHALL BE ALLOWED WITHIN THE AREA DESIGNATED AS FUTURE RIGHT--OF--WAY.

OWNER/DEVELOPER
HTX DIRT, INC.
2314 ROYCE DRIVE
ARLINGTON, TEXAS 76016
CONTACT: MIKE WALKER
PHONE: (817) 657-4127

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FORT WORTH, TEXAS, 76137
CONTACT: JOSH BURGE
PHONE: (817) 496-1424

BURLESON FIRE MANUAL RECOMMENDS THE FOLLOWING:

1. A FIRE HYDRANT IS REQUIRED WITHIN 500 FEET OF ANY RESIDENTIAL STRUCTURES (EXCLUDING TOWNHOMES AND APARTMENTS AS MEASURED BY THE HOSE LAYING DISTANCE. FOR COMMERCIAL BUILDINGS, FIRE HYDRANTS SHALL BE SPACED TO HAVE AN EFFECTIVE RADIUS OF 300 FEET OR A FIRE HOSE LAY DISTANCE NO GREATER THAN 300 FEET TO THE FRONT ENTRANCE OF THE BUILDING, WHICHEVER RESULTS IN THE CLOSER FIRE HYDRANT SPACING, OR AS REQUIRED IN THE CURRENT INTERNATIONAL FIRE CODE.
2. FIRE HYDRANTS ARE REQUIRED WITHIN 300 FEET OF ALL EXTERIOR PORTIONS OF A COMMERCIAL BUILDING. THE DISTANCE SHALL BE EQUAL TO THE LAYING DISTANCE FOR FIRE APPARATUS HOSE LINES ALONG PUBLIC STREETS AND FIRE LANES FROM THE NEAREST WATER SUPPLY.
3. FIRE LANES SHALL BE PROVIDED SO THAT BUILDINGS OR STRUCTURES SHALL BE CONSTRUCTED SUCH THAT ALL GROUND--LEVEL, EXTERIOR SIDES OF THE BUILDING ARE WITHIN 150 FEET OF A DEDICATED STREET OR FIRE LANE. THE 150 FEET IS MEASURED BY AN APPROVED ROUTE AROUND THE EXTERIOR OF THE BUILDING OR FACILITY. IF THE 150 FEET CANNOT BE REACHED FROM A PUBLIC STREET, A FIRE LANE WILL BE REQUIRED ON--SITE. THIS DISTANCE MAY BE EXTENDED TO 200 FEET FOR SINGLE--FAMILY DWELLINGS WITH THE APPROVAL OF THE FIRE MARSHAL. EXCEPT FOR SINGLE OR TWO--FAMILY RESIDENCES, THE PATH OF MEASUREMENT SHALL BE ALONG A MINIMUM OF A TEN (10) FEET WIDE UNOBSTRUCTED PATHWAY AROUND THE EXTERIOR WALLS OF THE STRUCTURE.

OWNERS DEDICATION:

WHEREAS, MIKE WALKER AND JOHN HART, WITH HTX DIRT, INC, ARE THE SOLE OWNERS OF A 5.92 ACRE TRACT OF LAND SITUATED IN THE M. PENDLETON SURVEY, ABSTRACT NO. 691, JOHNSON COUNTY, TEXAS, SAID 5.92 ACRE TRACT OF LAND BEING ALL OF LOT 34, BLOCK ONE, SPACE ACRES NORTH, AN ADDITION TO JOHNSON COUNTY, TEXAS, AS RECORDED IN CABINET 1, SLIDE 77 OF THE PLAT RECORDS OF JOHNSON COUNTY, TEXAS, SAID LOT 34 BEING CONVEYED TO HTX DIRT, INC. AS RECORDED IN INSTRUMENT NUMBER 2022-40996 OF THE OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS, SAID LOT 34 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND (CONTROLLING MONUMENT) FOR THE SOUTHEAST CORNER OF SAID LOT 34, SAID 5/8 INCH IRON ROD FOUND BEING THE NORTHEAST CORNER OF LOT 56 OF SAID SPACE ACRES NORTH ADDITION, SAID 5/8 INCH IRON ROD FOUND BEING IN THE WEST LINE OF APOLLO ROAD WEST, A 60' RIGHT--OF--WAY, SAID 5/8 INCH IRON ROD FOUND HAVING A GRID COORDINATE OF N=6,863,226.216 AND E=2,298,131.086.

THENCE NORTH 89 DEGREES 23 SECONDS 50 SECONDS WEST, WITH THE SOUTH LINE OF SAID LOT 34 AND WITH THE NORTH LINE OF SAID LOT 56 AND THE NORTH LINE OF LOT 35 OF SAID SPACE ACRES NORTH ADDITION, A DISTANCE OF 730.09 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES" SET FOR THE SOUTHWEST CORNER OF SAID LOT 34, SAID 5/8 INCH IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES" SET BEING THE NORTHWEST CORNER OF SAID LOT 35, SAID 5/8 INCH IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES" SET ALSO BEING IN THE EAST LINE OF COUNTY ROAD 1014A;

THENCE NORTH 00 DEGREES 37 MINUTES 30 EAST, WITH THE WEST LINE OF SAID LOT 34 AND WITH THE EAST LINE OF SAID COUNTY ROAD 1014A DISTANCE OF 359.38 FEET TO A 5/8 INCH IRON ROD FOUND (CONTROLLING MONUMENT) AT THE NORTHWEST CORNER OF SAID LOT 34, SAID 5/8 INCH IRON ROD FOUND BEING THE SOUTHWEST CORNER OF LOT 33 OF SAID SPACE ACRES NORTH ADDITION;

THENCE SOUTH 89 DEGREES 27 SECONDS 06 SECONDS EAST, WITH THE NORTH LINE OF SAID LOT 34 AND WITH THE SOUTH LINE OF SAID LOT 33, A DISTANCE OF 730.02 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "PEEDE DATA" FOUND (CONTROLLING MONUMENT) FOR THE NORTHEAST CORNER OF SAID LOT 34, SAID 1/2 INCH IRON ROD WITH CAP STAMPED "PEEDE DATA" FOUND BEING THE SOUTHEAST CORNER OF SAID LOT 33, SAID 1/2 INCH IRON ROD WITH CAP STAMPED "PEEDE DATA" FOUND ALSO BEING IN THE WEST LINE OF SAID APOLLO ROAD WEST;

THENCE SOUTH 00 DEGREES 36 SECONDS 52 SECONDS WEST, WITH THE EAST LINE OF SAID LOT 34 AND WITH THE WEST LINE OF SAID APOLLO ROAD WEST, A DISTANCE OF 173.63 FEET TO A 1/2 INCH IRON ROD WITH FOUND (CONTROLLING MONUMENT) FOR THE NORTHEAST CORNER OF LOT 34A OF SAID SPACE ACRES NORTH ADDITION;

THENCE NORTH 89 DEGREES 23 SECONDS 08 SECONDS WEST, WITH THE NORTH LINE OF SAID LOT 34A, A DISTANCE OF 75.00 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES" SET FOR CORNER;

THENCE SOUTH 00 DEGREES 36 SECONDS 52 SECONDS WEST, WITH THE NORTH LINE OF SAID LOT 34A, A DISTANCE OF 30.00 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES" SET FOR CORNER;

THENCE NORTH 89 DEGREES 23 SECONDS 08 SECONDS WEST, WITH THE NORTH LINE OF SAID LOT 34A, A DISTANCE OF 105.00 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES" SET FOR CORNER;

THENCE SOUTH 00 DEGREES 36 SECONDS 52 SECONDS WEST, WITH THE WEST LINE OF SAID LOT 34A, A DISTANCE OF 15.00 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES" SET FOR CORNER;

THENCE SOUTH 89 DEGREES 23 SECONDS 08 SECONDS EAST, WITH THE SOUTH LINE OF SAID LOT 34A, A DISTANCE OF 180.00 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES" SET FOR THE SOUTHEAST CORNER OF SAID LOT 34A, SAID 5/8 INCH IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES" SET BEING IN THE EAST LINE OF SAID LOT 34, SAID 5/8 INCH IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES" SET ALSO BEING IN THE WEST LINE OF SAID APOLLO ROAD WEST;

THENCE SOUTH 00 DEGREES 36 MINUTES 52 WEST, WITH THE EAST LINE OF SAID LOT 34 AND WITH THE WEST LINE OF SAID APOLLO ROAD WEST, A DISTANCE OF 141.45 FEET TO THE POINT OF BEGINNING AND CONTAINING 257,649 SQUARE FEET OR 5.92 ACRES OF LAND, MORE OR LESS.

APPROVED BY THE PLANNING AND ZONING COMMISSION OF BURLESON, TEXAS

THIS THE _____ DAY OF _____, 2023.

BY: _____
CHAIR OF PLANNING AND ZONING COMMISSION

BY: _____
CITY SECRETARY

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT WE, MIKE WALKER AND JOHN HART WITH HTX DIRT, INC, OWNERS, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN BEFORE DESCRIBED PROPERTY AS LOT 34R-1, LOT 34R-2, LOT 34R-3 AND LOT 34R-4, BLOCK ONE, SPACE ACRES NORTH, AN ADDITION TO JOHNSON COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER ALL STREETS, RIGHTS--OF--WAY, ALLEYS AND EASEMENTS SHOWN THEREON, THE CITY, COUNTY, OR ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS IN WHICH ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THESE EASEMENTS, AND THE CITY, COUNTY, OR ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON THE SAID EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, AND PATROLLING, WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF BURLESON, TEXAS OR JOHNSON COUNTY.

MIKE WALKER

JOHN HART

STATE OF TEXAS
COUNTY OF JOHNSON

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED (OWNER), KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2023 .

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRELIMINARY THIS DOCUMENT
SHALL NOT BE RECORDED
FOR ANY PURPOSE AND
SHALL NOT BE USED OR VIEWED
OR RELIED UPON AS A
FINAL SURVEY DOCUMENT

SURVEYOR'S CERTIFICATE

THAT I, RICHARD KENNEDY, REGISTERED PROFESSIONAL LAND SURVEYOR No. 5527 IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT REPRESENTS AN ACCURATE ACTUAL ON--THE--GROUND SURVEY UNDER MY SUPERVISION. THIS PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, THERE MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY NOT SHOWN HEREON.

ORIGINAL DATE: NOVEMBER 10, 2022

REPLAT OF
LOT 34R-1, LOT 34R-2,
LOT 34R-3, LOT 34R-4, BLOCK 1
SPACE ACRES NORTH ADDITION
AN ADDITION TO
JOHNSON COUNTY, TEXAS
CITY OF BURLESON E.T.J.
AS RECORDED IN
CABINET 1, SLIDE 77
PLAT RECORDS OF JOHNSON COUNTY, TEXAS



HTX DIRT, INC.
2314 ROYCE DRIVE
ARLINGTON, TEXAS 76016
PHONE (817) 269-9451



GORRONDONA & ASSOCIATES, INC.
2800 N.E. LOOP 820, SUITE 660
FORT WORTH, TEXAS 76137
PHONE (817)496-1424 FAX (817)496-1768

PLAT FILED ____/____/_____
INSTRUMENT#: 2023-_____
DRAWER _____ SLIDE _____
JOHNSON COUNTY PLAT RECORDS
APRIL LONG, JOHNSON COUNTY CLERK

BY: _____ DEPUTY CLERK

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: JP Ducay, Senior Planner

MEETING: May 9, 2023

SUBJECT:

Top Dog Texas at 136 NW Ellison (Case 22-134): Hold a public hearing and consider an ordinance for a SUP, Specific Use Permit, allowing “Kennel (Indoor)” in the C, Commercial Zoning District.

SUMMARY:

On September 19, 2022, an application was submitted by Adam Gibson owner of Top Dog Texas, LLC. requesting a SUP, Specific Use Permit, allowing for the use of “Kennel (indoor)” in the C, Commercial Zoning District for Top Dog Texas at 136 NW Ellison. Top Dog Texas has been operating at this location since 2018. When the original certificate of occupancy was approved by the Development Services Department, the dog training facility was designated as a personal service use that included a special condition prohibiting the boarding and kenneling of animals at any time. The use was originally misclassified as a personal service designation and did not fit the proposed use of a dog training facility. However, the current operation violates the boarding condition as established by the certificate of occupancy.

In 2022, the Animal Services Department inspected the facility and found that dogs were being boarded overnight. City staff contacted the owner and informed him that the boarding services were in direct violation of the certificate of occupancy and the base zoning district. The subject property is zoned C, Commercial which allows for Kennel (indoor) uses if approved by SUP. The applicant should have had to pursue a SUP for the use of “Kennel (indoor)” when originally proposing to operate his dog training business at this location.

Per the zoning ordinance, the use of Kennel (indoor) is defined as a facility for the boarding, grooming, and/or training of small domesticated household animals for commercial purposes. Considering this, the Top Dog Texas training facility should have been designated as a “Kennel (indoor)” use in lieu of the original designation of a personal service establishment in 2018. Subsequently, the pre-existing business is now retro-actively requesting SUP approval for its services. In order to bring the Top Dog Texas training facility into zoning compliance a SUP must be granted for the use of Kennel (indoor).

PLANNING ANALYSIS:

When considering the approval of a SUP one of the considerations is, whether the proposed use meets the City’s Comprehensive Plan. In this case, the City’s Imagine Burleson 2020

Midpoint Comprehensive Plan Update designates the subject property as Old Town, which specifies the following description:

This area is Burleson's historic and cultural center. Development in this area should further the vision for a social and entertainment destination for the region. Typical uses include restaurants, offices, retail, personal services, community and educational services, and mixed-use residential development. As Old Town continues to redevelop over time, this mix of uses and historic feel should be preserved and enhanced to support a pedestrian-friendly, vibrant downtown.

This request is in conformance with the Comprehensive Plan as this designation provides opportunity for service based businesses. Staff supports this request as Top Dog Texas is a pre-existing business that is retro-actively pursuing approval for its services.

OPTIONS:

- 1) Recommend approval of an ordinance for a specific use permit allowing the use of Kennel (indoor) for Top Dog Texas, LLC; or
- 2) Recommend approval of an ordinance for a specific use permit allowing the use of Kennel (indoor) for Top Dog Texas, LLC with additional conditions; or
- 3) Recommend denial of an ordinance for a specific use permit allowing the use of Kennel (indoor) for Top Dog Texas, LLC.

RECOMMENDATION:

Staff recommends approval of this request as the Old Town Comprehensive Plan designation promotes service based businesses. Furthermore, Top Dog Texas is a pre-existing business that is retro-actively pursuing approval for services that were in violation due to misclassification.

PUBLIC NOTIFICATION:

Notice was mailed to surrounding property owners within 300 feet and published in the newspaper in accordance with City ordinances and State law. In addition, a sign was placed on the subject property.

At this time staff has received no inquiries regarding this case.

FISCAL IMPACT:

None.

STAFF CONTACT:

JP Ducay
Senior Planner
jducay@burlesontx.com

burlesontx.com | 817.426.9611 | 141 W Renfro Street, Burleson, Texas 76028

817-426-9648

Top Dog Texas SUP

Location:

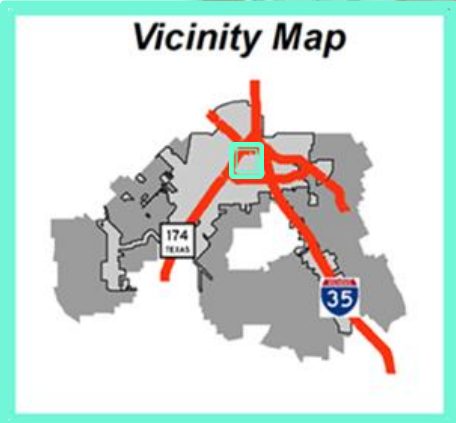
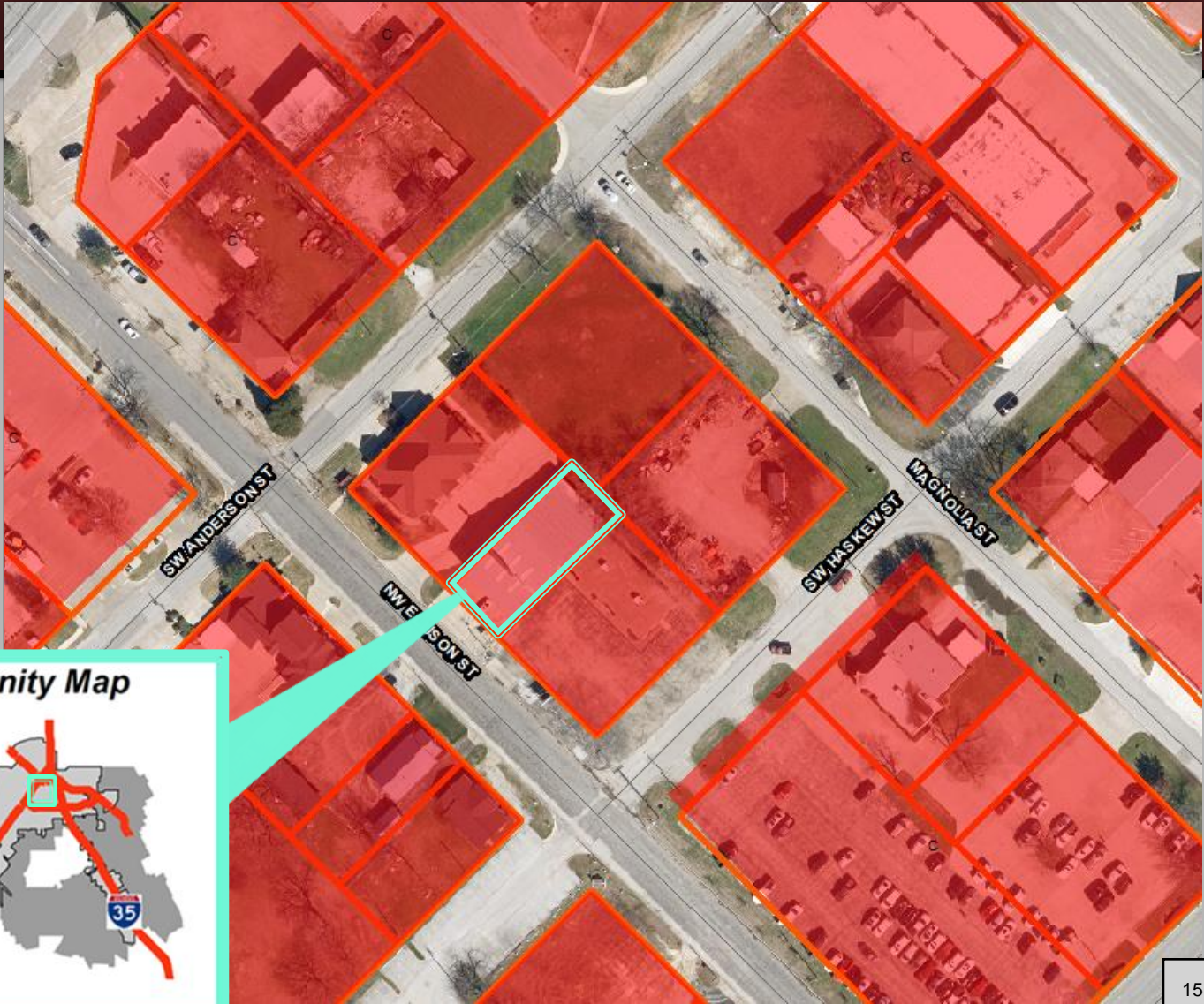
- 0.14 acres
- 136 NW Ellison St

Applicant/Owner:

Adam Gibson – Applicant / Owner

Item for approval:

SUP (Case 22-134)



Top Dog Texas SUP

Background

2018: Certificate of Occupancy was submitted and approved for Top Dog Texas at 136 NW Ellison St.

- The proposed dog training facility was designated as a "Personal service" use.
- Condition prohibiting the boarding of animals.

2022: Animal Services Department inspected the facility and found that dogs were boarded overnight.

- Violation of the C/O and base zoning C, Commercial.
- Kennel (indoor) use is allowed in Commercial if approved by SUP (use was originally misclassified).

Request: Top Dog Texas training facility is retro-actively requesting a SUP to operate a Kennel (indoor) use in the C, Commercial Zoning District.

Burleson TEXAS Certificate of Occupancy Application
Building Inspections

PLANNING NOTES \$80

Address: 136 NW Ellison St Permit No. 18-2253

Current zoning: C, Commercial / OT overlay

Is the use of the building and/or land described in the application allowable under the property's current zoning? Y N

Comments or special conditions: USE: personal service. NOTE ON C/O: NO kenneling / boarding allowed at any time. NO outside storage parking. 1000 SQFT total floor area



Comprehensive Plan

Old Town



Current Zoning

Commercial



Top Dog Texas SUP

Public Hearing Notice

- Public notices mailed to property owners within 300 feet of subject property.
- Published in newspaper.
- Sign posted on the property.

Staff has not received any inquiries regarding this request.



Top Dog Texas SUP

Staff's Recommendation

Staff recommends approval of the SUP to allow the use of Kennel (indoor) for Top Dog Texas at 136 NW Ellison St.

- Staff supports the SUP request as the Old Town Comprehensive Plan designation promotes service based businesses. Furthermore, Top Dog Texas is a pre-existing business that is retro-actively pursuing approval for services that were in violation due to misclassification.



ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMMENDIING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 0.14 ACRES OF LAND DESCRIBED AS LOT 8, BLOCK 11, CUMMINGS ADDITION; ADDRESSED AS 136 NW ELLISON STREET, CITY OF BURLESON, JOHNSON COUNTY, TEXAS FROM “C” COMMERCIAL DISTRICT TO “C” COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT ALLOWING “KENNEL (INDOOR)”, MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, an application for a specific use permit was filed by Adam Gibson representing Top Dog Texas LLC on September 19, 2022, under Case Number 22-134; and

WHEREAS, the City of Burleson has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission have held a public hearing and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Burleson.

WHEREAS, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

WHEREAS, the City Council finds that this ordinance may be considered and approved in only one meeting because the provisions of this ordinance concern an individual zoning case that does not propose a change to the language to the Code of Ordinances of the City of Burleson

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

Section 1

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, described by property information attached as Exhibit A, by authorizing a Specific Use Permit (SUP) allowing “Kennel (indoor)” in the C, Commercial District for Top Dog Texas LLC, located at 136 NW Ellison St.

Section 2.

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

The specific use permit, as defined by Exhibit A, shall be subject to the following conditions:

1. The use of “Kennel (indoor)” is permitted and shall conform to Exhibit “A” unless otherwise approved by City Council.

Section 3.

The findings and recitals set forth above in the preamble of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

Section 4.

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable., and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared

unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6.

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for that purpose.

Section 7.

Any person, firm, association of persons, company, corporation, or their agents, its servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 8.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED

First and Final Reading: the ___ day of _____, 20____.

Chris Fletcher, Mayor
City of Burleson

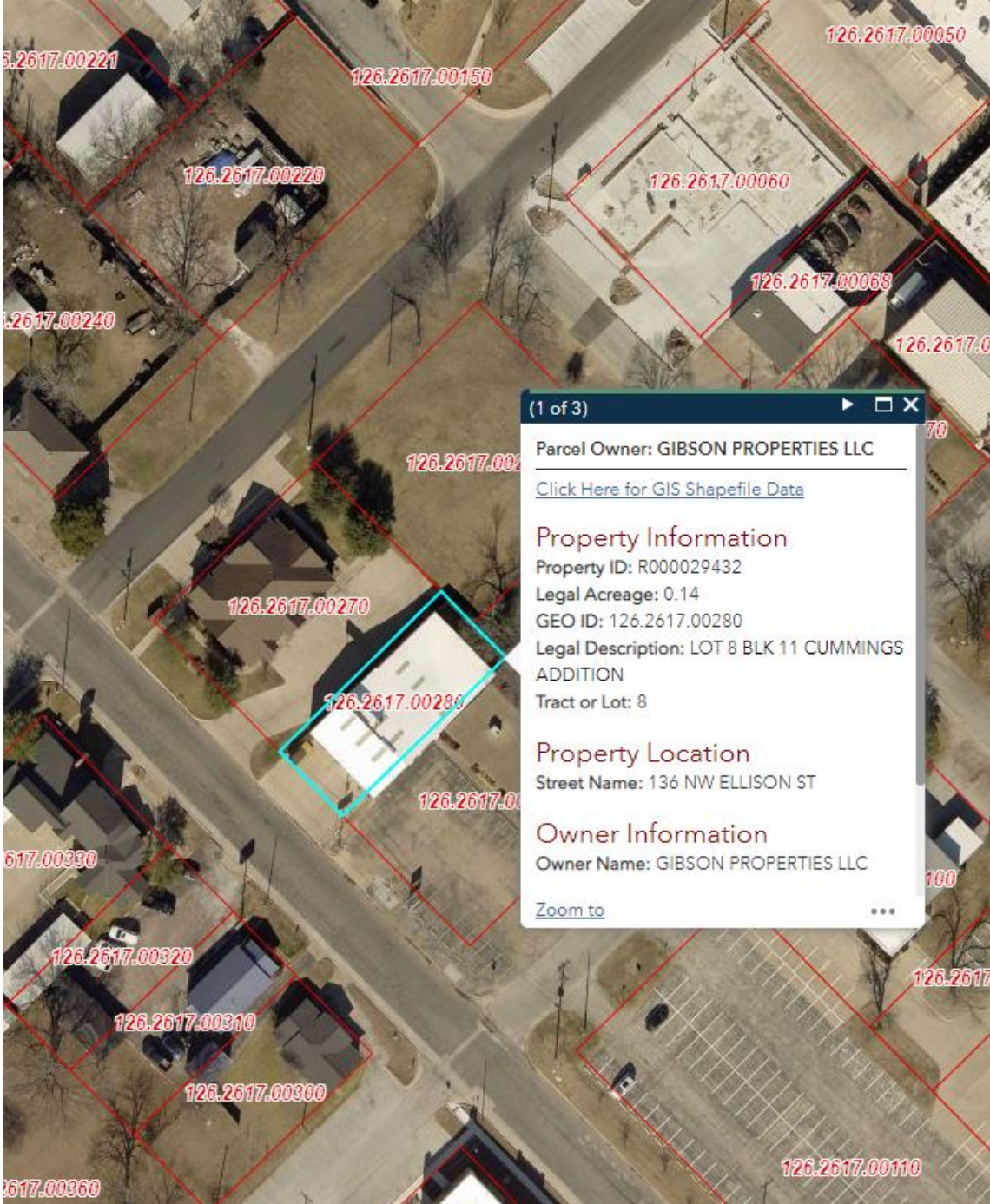
ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY

E. Allen Taylor, Jr., City Attorney

EXHIBIT A Property Description



Top Dog Texas LLC. **Burleson, TX**

Top Dog Texas LLC. is a premier dog training service that has been in business since 2005. The business relocated, making Burleson its home base, in 2012. Since coming to Burleson the team at Top Dog has helped over a thousand Burleson residents and their pets to become better behaved citizens of the community!



Adam Gibson in front, followed by some of the Top Dog Staff

Top Dog provides training through an excellent variety of formats including private classes, group classes, in home lessons, and board and train programs. Top Dog is also a certified evaluator through the American Kennel Club (AKC) and hosts quarterly Canine Good Citizen evaluations.

Adam Gibson

Adam Gibson is the founder, CEO, and Training Director of Top Dog Texas LLC. Over the course of his career he's trained Police and Military Working Dogs, Service animals, Therapy Dogs, and thousands of pet dogs. He is a former board member and director of the International Association of Canine Professionals, holds more than a dozen training certifications, and is a leading mentor for several dog training organizations around the country.

Currently he has set up Top Dog so that it is best able to help the community by giving dog owners the deeper and more fulfilling



relationships that so many want to have with their dogs, but are unable to accomplish due to poor training. Not only does he provide training to help pet owners gain better control over their dogs, but he also specializes in training Diabetic Alert Dogs for Type 1 Diabetics, and Therapy Dogs that participate in a variety of programs for Children's Hospitals, Autistic Learning Centers, and Senior Assisted Living Facilities.

Founder and Training Director Adam Gibson with a Black Labrador "Rocky" who is a Diabetic Alert Dog accredited with saving his owner's life over a dozen times, as well as Rocky's younger brother "Tito" who was just beginning his training journey at seven weeks old.

Adam is recognized as an industry leader and has spoken twice at annual conferences for the International Association of Canine Professionals. He has been a guest lecturer at three different accredited schools for higher learning.

Adam employs a team of eight staff here in Burleson and the impact that he and his staff have made on the community has been immense.

Some local testimonials:



I can't say enough good things about Top Dog! We brought our 3 year old golden retriever in after he started showing signs of anxiety and reactivity as well as prepare him to be a part of our wedding. We started seeing changes and improvements with him as quickly as the first lesson. Adam and Madison really know what they're doing and they care for your dog as if they were their own. Our dog has been a completely different dog since taking him to top dog. Once our training was over Adam went above and beyond and offered us two free group training sessions where we could set up a fake wedding and practice walking our dog down the aisle with distractions and such. It was so fun and such a sweet gesture. And our dog was PERFECT throughout our whole wedding. He did such a good job and none of

the would have been possible without Top Dog. Thank you to Adam, Madison, and the whole team!

-Emma Epps

We love the Top Dog team. We trust them for training and boarding. They have done so much to help us live a better, healthier, well balanced life with our dogs. Being good dog owners is just as much human training as it is dog training. We are thankful for the guidance in being better humans to our dogs, and for the education and manners they have taught our pooches.

-Amber Tollison

We learned about Top Dog a few years ago, but didn't become clients until a few months ago when we decided to adopt one of their foster dogs. Now, having known the owners and employees both personally and professionally, I can attest to their extremely high level of expertise.

Our sweet doberman, was abused by his former family. Top Dog took him in, rehabilitated him, socialized him, trained him, and MOST importantly - gave him the love and security he needed to feel safe again. Now he's part of my family, but that would not have been possible without Top Dog and their incredible work.

Adam is a top-tier trainer with a wealth of knowledge and experience, and a life-long dedication to his trade - and it shows in the results. I've never seen someone take so much care when dealing with animals (while also devoting the same attention to their people).

-Matt Cobb



Certificate of Occupancy Application

Building Inspections

PLEASE PRINT OR TYPE - INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

Application is made to the Building Official of the City of Burleson, Texas for Certificate of Occupancy authorizing the use of building and/or land:

Property Address: 136 NW Ellison Burleson, TX Suite: _____

Description of business (be specific): Dog Training

BUSINESS NAME: Top Dog Professional Training

Email: Admin@TopDogTexas.com Phone: (817) 668-5867

Address: 136 NW Ellison City: Burleson State: TX Zip: 76028

BUSINESS CONTACT: Adam Gibson

Email: Adam@TopDogTexas.com Phone: ()

Address: 136 NW Ellison City: Burleson State: TX Zip: 76028

EMERGENCY CONTACT: Andrea Githcart

Email: Andrea.eden@hotmail.com Phone: (903) 279-7776

Address: 748 Willow Creek Dr City: Burleson State: TX Zip: 76028

BUSINESS OWNER: Adam Gibson

Email: Adam@TopDogTexas.com Phone: ()

Address: 136 NW Ellison City: Burleson State: TX Zip: 76028

PROPERTY OWNER: " "

Email: _____ Phone: ()

Address: _____ City: _____ State: _____ Zip: _____

TYPE OF APPLICATION (Check all that apply)

- New owner / new business
- New owner / existing business correct
- Name change
- New or additional uses
- Clean & Show
- Remodeling or expanding (describe below)
- Other (specify): _____

SQUARE FOOTAGE

Sales area	<u>0</u>
Office	<u>100</u>
Warehouse / Storage	<u>4800</u>
Dining / Seating	<u>0</u>
Manufacturing	<u>0</u>
Waiting area	<u>0</u>
Other	<u>0</u>
Total business sq. ft.	<u>4950</u>
Total building sq. ft.	<u>4950</u>

*Describe any building, site or interior remodeling and expansions:

We plan to paint the exterior and seal the floors.



Certificate of Occupancy Application

Building Inspections

CHECK ALL FEATURES OF THE BUILDING AND/OR PROPERTY:

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Fire Alarm System | <input type="checkbox"/> Hood Ansul System | <input type="checkbox"/> Irrigation System | <input type="checkbox"/> Sand Trap |
| <input type="checkbox"/> Fire Sprinkler System | <input type="checkbox"/> Above/Underground Tank(s) | <input type="checkbox"/> Backflow Devices | <input type="checkbox"/> Swimming pool or spa* |
| <input type="checkbox"/> Standpipe System | <input type="checkbox"/> Paint Booth | <input checked="" type="checkbox"/> Grease Interceptor/Trap | <input type="checkbox"/> Interactive water feature* |

CHECK ALL ACTIVITIES WHICH WILL BE CONDUCTED ON THE PREMISES:

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Food or food products* | <input type="checkbox"/> Hotel / Motel | <input type="checkbox"/> Petroleum products | <input type="checkbox"/> Auto sales – new |
| <input type="checkbox"/> Restaurant* | <input type="checkbox"/> Laundry / Clean-Press | <input type="checkbox"/> Welding or cutting | <input type="checkbox"/> Auto sales – used |
| <input type="checkbox"/> Grocery or convenience store* | <input type="checkbox"/> Lithography / Print shop | <input type="checkbox"/> Painting or coating | <input type="checkbox"/> Auto parts/accessories - new |
| <input type="checkbox"/> Alcoholic beverage sales* | <input checked="" type="checkbox"/> Pet shop | <input type="checkbox"/> Sanding, mill or woodcutting | <input type="checkbox"/> Auto parts/accessories - used |
| <input type="checkbox"/> Child care center* | <input type="checkbox"/> Industrial / Manufacturing | <input type="checkbox"/> Incineration | <input type="checkbox"/> Brakes / muffler repair |
| <input type="checkbox"/> School* | <input type="checkbox"/> Parts or vehicle wash | <input type="checkbox"/> Reclaiming waste materials | <input type="checkbox"/> Engine repair |
| <input type="checkbox"/> Church* | <input type="checkbox"/> Flammable / combustible liquid | <input type="checkbox"/> Outside storage | <input type="checkbox"/> Auto body repair |
| <input type="checkbox"/> Office | <input type="checkbox"/> Compressed gases | <input type="checkbox"/> Items stacked higher than 12' | <input type="checkbox"/> Auto painting |
| <input type="checkbox"/> Retail | <input type="checkbox"/> Ammunition / fireworks | <input type="checkbox"/> Tire sales / installation | <input type="checkbox"/> State inspection |
| <input type="checkbox"/> Medical | <input type="checkbox"/> Poisonous or hazardous chemicals or acids | <input type="checkbox"/> Tire storage | <input type="checkbox"/> Oil change / lube |
| <input type="checkbox"/> Mortuary / Funeral home | | <input type="checkbox"/> Auto related business | <input type="checkbox"/> Vehicle parking |

* Plans for food establishments and public and semi-public swimming pools and spas may be required to be submitted to Tarrant County Public Health. A food establishment includes any establishment that offers food for public consumption (including restaurants, vitamin stores, coffee shops, and establishments which offer only pre-packaged food). A food establishment does not include vending machines, employee break rooms or private residences.

QUESTIONNAIRE

1. Will a significant portion of the business interior space be used for storage? Y N

If yes, please answer the following:

What types of materials will be stored? _____

Will the materials be stored on racks? _____

How high will materials be stored? _____

2. What is the water source for this facility? (Check all boxes that apply)

- City water On-site well water Other (explain): _____

3. What type of system will wastewater be discharged to? (Check all boxes that apply)

- City sewer Septic system* Other (explain): _____

*Properties with septic systems are required to submit plans to the City of Burleson Neighborhood Services Department. Additional plans may be required to be submitted to Tarrant County Public Health.

4. Does (or will) this facility discharge any wastewater OTHER than domestic wastewater (wastewater from restrooms) to the sewer system? Y N

If yes, please explain: _____

5. Will any portion of the building or tenant space be used as a training room, classroom or daycare? Y N

If yes, please provide the following:

- 0 – 2 ½ years old _____ (# of students) Older than 2 ½ years old _____ (# of students)

I certify that all the information contained herein is true and correct to the best of my knowledge and I understand that failure to make full disclosure may result in revocation of the Certification of Occupancy.

Adem Gibson
Printed Name

[Signature]
Signature

5/17/2018
Date

OFFICE USE ONLY



Certificate of Occupancy Application

Building Inspections

PLANNING NOTES

\$80

Address: 136 NW Ellison St

Permit No. 18-2253

Current zoning: C, Commercial / OT Overlay

Is the use of the building and/or land described in the application allowable under the property's current zoning? Y N

Comments or special conditions: USE: PERSONAL SERVICE NOTE ON C/O: NO kenneling / boarding allowed at any time. NO outside storage parking. 1700 SQ FT total floor area

[Signature]
Planning Department

5.18.2018
Date

INSPECTION NOTES

FIRE MARSHAL

Inspected by: _____

NEIGHBORHOOD SERVICES

Inspected by: _____

BUILDING OFFICIAL

Comments or special conditions: _____

Construction Type: _____

Occupancy Group: _____

Sprinkler Provided: _____

Sprinkler Required: _____

Occupant Load: _____

Building Official

Date

City of Burleson Non-Residential Water/Wastewater User Survey

I. Purpose. The City of Burleson is responsible for protection of the drinking water supply and ensuring all state and federal pretreatment (wastewater) rules are adhered to. The purpose of this survey is to ensure compliance with these regulations. This survey must be completed by the applicant and then reviewed and approved by the Public Works Department before a certificate of occupancy will be issued.

II. Company Information

- A. Water/Wastewater Service Address 136 NW Ellison St
- B. Date Operations were (will be) established at this site 6/1/2018
- C. Company Name Top Dog Professional Training
- D. Mailing Address (if different than listed above) _____
City, State, Zip Burleson, TX, 76028
- E. Phone No. (817) 668-5867 Fax No. _____

III. Contact Information

- A. Contact Name Adam Gibson
- B. Contact Title Owner
- C. Phone No. (817) 668-5867 Fax No. _____ Email Adam@TopDogTexas.com

IV. Business Activity

- A. Check all boxes that correspond with operations at this facility. Give a brief description under "other" for any not listed on this form.
 - Auto/Equipment Cleaning, Repair or Servicing
 - Convenience store
 - Hotel/Motel
 - Laundry/Clean-Press
 - Lithography/Print shop
 - Medical (other than office)
 - Mortuary/Funeral home
 - Office
 - Pet shop
 - Restaurant/Fast Food
 - Retail
 - Industrial/Manufacturing (list details of operations on "other" line)
 - Other _____
- B. Are any potential hazardous substances handled at this facility? If yes please explain: NO

V. Water Services

- A. What is water source for facility? Check all boxes that apply.
 - City Water
 - On-Site Well Water
 - Other (please explain) _____
- B. Does this facility have any backflow prevention assemblies? Yes No Unknown
- C. Does (or will) this facility have a fire sprinkler system? Yes No
- D. Does (or will) this facility have a lawn irrigation system? Yes No
- E. Does (or will) this facility have a carbonated beverage dispenser (fountain drink machine)? Yes No

VI. Wastewater Services

- A. Where will wastewater be discharged to? Check all boxes that apply.
 - City Sewer
 - Septic System
 - Other (please explain) _____
- B. Does (or will) this facility discharge any wastewater OTHER than domestic wastewater (wastewater from restrooms) to the sewer system? Yes No If Yes, please explain _____
- C. Will any liquid waste or sludges be disposed of in the sewer system? Yes No
- D. Will any wastewater that is discharged from this facility be treated by the below listed treatment types? Check all boxes that apply.
 - Grease Trap/Interceptor
 - Sand Trap
 - Other _____

VII. Signature

I have personally examined and am familiar with the information submitted in this document. Based upon my inquiry of those individuals responsible for obtaining the information reported herein, I believe submitted information is true, accurate and complete.

Adam Gibson
(Signature of Respondent)
Adam Gibson
(Printed Name of Respondent)

Owner
(Title of Respondent)
5/17/2018
(Date)