



Planning & Zoning Commission Agenda

Tuesday, August 13, 2024
6:00 PM

City Hall - 141 W. Renfro
Burleson, TX 76028

1. **CALL TO ORDER**

Invocation

Pledge of Allegiance

Texas Pledge:

Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God; one and indivisible

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 July 30, 2024 Planning & Zoning Commission meeting.

4. **PUBLIC HEARING**

[A.](#) 619 NW Renfro Blvd (Case 24-202): Hold a public hearing and consider a recommendation of approval of an ordinance for a zoning change request from "GR" General Retail to "SF7", Single-family dwelling district-7. (Staff Contact: Lidon Pearce, Principal Planner)

5. **REPORTS AND PRESENTATIONS**

6. **GENERAL**

7. COMMUNITY INTERESTS ITEMS**8. EXECUTIVE SESSION**

In accordance with Chapter 551 of the Texas Government Code, the Commission may convene in Executive Session in the City Council Workroom in City Hall to conduct a closed meeting to discuss any item listed on this Agenda.

A. Pending or Contemplated Litigation or to Seek the Advice of the City of Attorney Pursuant to Section 551.071

9. ADJOURNStaff Contact

Tony McIlwain

Director of Development Services

817-426-9684

CERTIFICATE

I hereby certify that the above agenda was posted on this the 7th of August 2024, 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: August 13, 2024

SUBJECT:

Approve the minutes from July 30, 2024 Regular Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the July 30, 2024 Regular Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the July 30, 2024 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

July 30, 2024
MINUTES

Roll Call

Commissioners Present

David Hadley
Dan Taylor
Cobi Tittle
Ashley Brookman
Bill Janusch
Michael Tune (Chair)
Clint Faram
Michael Kurmes
Bobby Reading

Commissioners Absent

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 – David Hadley

Pledge of Allegiance

Texas Pledge

2. Citizen Appearance

None

3. Consent Agenda

- A.** Consider approval of the minutes from June 25, 2024 Planning and Zoning Regular Commission meeting. (Staff Contact: Tony McIlwain, Director Development Services).

- B.** Hidden Vistas Commercial Addition (Case 24-163): Consider approval of a final plat of Hidden Vistas Commercial Addition, Lots 1 thru 4 and Lot A, Block 1, addressed as 951 Hidden Vistas Blvd. *(Staff Contact: Lidon Pearce, Principal Planner)*
- C.** Hahn-Jones Addition (Case 24-147): Consider approval of a replat of Hahn-Jones Addition, Lot BR, Block 1; addressed as 961 S Dobson. *(Staff Contact: Lidon Pearce, Principal Planner)*
- D.** Mountain Valley Lake (Case 24-137): Consider approval of a preliminary plat of Mountain Valley Lake, Tract B, addressed as 399 Clubhouse DR. *(Staff Contact: Lidon Pearce, Principal Planner)*
- E.** JM Addition (Case 24-178): Consider approval of a final plat of JM Addition, Lots 1 & 2, Block 1; addressed as 1017 SW Alsbury. *(Staff Contact: Lidon Pearce, Principal Planner)*
- F.** Songer Addition (Case 24-091): Consider approval of a Replat for The Songer Addition, Lots 3R, 4 and 5, Block 1; addressed as 9840 Songer Court. *(Staff Contact: Emilio Sanchez, Development Services Assistant Director)*

Motion made by Commissioner Cobi Tittle and second by Commissioner Clint Faram to approve the consent agenda.

Motion passed, 8-0.

4. Public Hearing

- A.** 3084 S Burleson Blvd (Case 24-146): Hold a public hearing and consider a recommendation of approval of an ordinance for a zoning change request from "A" Agricultural and "PD" Planned Development to "PD", Planned Development for a 5.153 acre site. *(Staff Contact: Emilio Sanchez, Development Services Assistant Director)*

Emilio Sanchez presented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Commission Chairman Michael Tune opened the public hearing at 6:06 p.m.

Commission Chairman Michael Tune closed the public hearing at 6:06 p.m.

Motion made by Commissioner Ashley Brookman and second by Commissioner Michael Kurmes to approve.

Motion passed, 8-0.

- B.** 3608 S Burleson Blvd (Case 24-189): Hold a public hearing and consider a recommendation of approval of an ordinance for a zoning change request from “A” Agricultural and “C” Commercial for all of Lot 5, Spring Valley Addition. *(Staff Contact: Emilio Sanchez, Development Services Assistant Director)*

Emilio Sanchez presented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Commission Chairman Michael Tune opened the public hearing at 6:09 p.m.

William Myers, 3225 Twin Creek, applicant, addressed the commissioners and answered questions regarding this item.

Commission Chairman Michael Tune closed the public hearing at 6:10 p.m.

Motion made by Commissioner David Hadley and second by Commissioner Ashley Brookman to approve.

Motion passed, 8-0.

5. Reports and Presentations

None

6. General

None

7. Community Interest Items

None

8. Executive Session

In accordance with Chapter 551 of the Texas Government Code, the City Commission may convene in Executive Session in the City Council Workroom in City Hall to conduct a closed meeting to discuss any item listed on this Agenda.

A. Pending or Contemplated Litigation or to Seek the Advice of the City of Attorney Pursuant to Section 551.071

9. **Adjourn**

There being no further business Chair Michael Tune adjourned the meeting.

Time – 6:11PM

Peggy Fisher
Administrative Assistant
Recording Secretary

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services
FROM: Lidon Pearce, Principal Planner
MEETING: August 13, 2024

SUBJECT:

619 NW Renfro Blvd (Case 24-202): Hold a public hearing and consider a recommendation of approval of an ordinance for a zoning change request from "GR" General Retail to "SF7", Single-family dwelling district-7. (*Staff Contact: Lidon Pearce, Principal Planner*)

SUMMARY:

On July 8, 2024, a zoning change request was submitted by Ila Perkins (owner) to change the zoning of approximately 17,050 square feet to SF7, Single-family dwelling district-7.

DEVELOPMENT OVERVIEW:

The owner of the property has requested to rezone the property back to residential for the purpose of obtaining a mortgage refinance. The owner has provided a statement, attached as Exhibit 4. The owner has lived at the property since 1974 and has no knowledge as to why the property would have been rezoned to GR, General Retail. Staff research indicated that the property was rezoned during a comprehensive zoning code and map update in 1997. The property currently has one single-family detached dwelling unit on the lot and is being used for residential purposes.

Zoning and Land Use Table

	Zoning	Use
Subject Site	GR, General Retail	Residential
North	2F, Two-family dwelling district	Residential
East	SF-7, Single-family dwelling district 7	Residential
South	2F, Two-family dwelling district	Residential

West	SF-7, Single-family dwelling district 7	Residential
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This site is designated in the Comprehensive Plan as Neighborhoods.

This category is predominantly residential with traditional development patterns but should allow for a mix of densities, lot sizes, housing types, and styles. The primary uses in this category include single-family residences, including a range of densities from large, agricultural lots to suburban neighborhood lots.

Staff has determined the requested zoning and use align with the Comprehensive Plan based on the existing single family home and use as residential on the subject property.

Engineering:

N/A. Site is already developed.

RECOMMENDATION:

Approve an ordinance for the zoning change request.

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

1997 – Property was rezoned from a residential zoning district to General Retail.

REFERENCE:

[City of Burleson, TX ZONING DISTRICTS \(ecode360.com\)](#)

FISCAL IMPACT:

None

STAFF CONTACT:

Lidon Pearce, CNU-A, AICP
Principal Planner
lpearce@burlesontx.com
817-426-9649

ZC – 619 NW Renfro

Location:

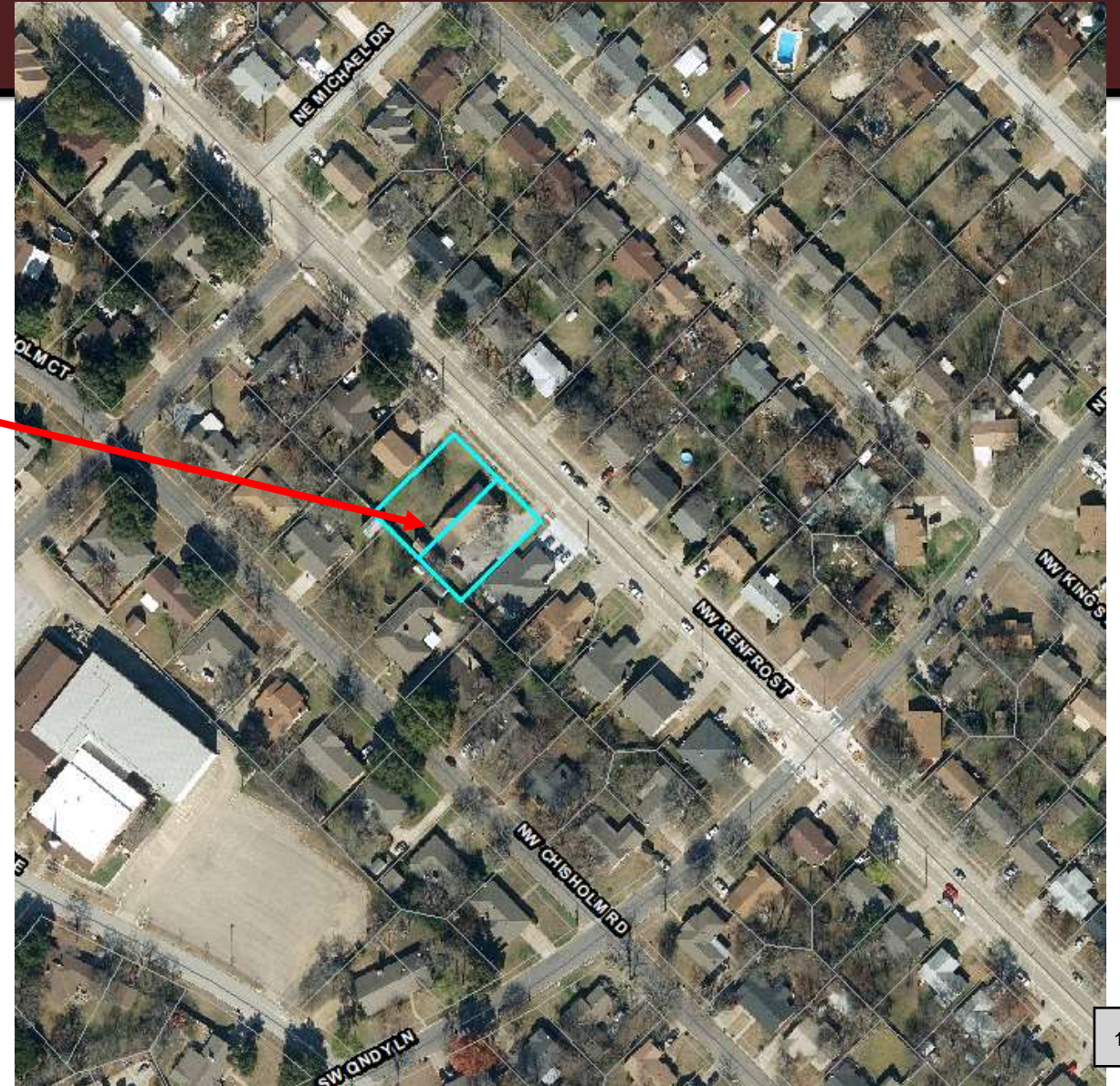
- 619 NW Renfro

Applicant:

Ila Perkins (owner)

Item for approval:

Zoning Change from “GR” General Retail to
“SF7” Single-family dwelling district-7
(Case 24-202).



Comprehensive Plan

Neighborhoods



Zoning

Item A.

General Retail



ZC – 619 NW Renfro

Item A.

Property was rezoned in 1997 to General Retail.
Current owner has lived and used the property
as residential since 1974.



ZC – 619 NW Renfro

Item A.

Public Hearing Notice

- Public notices were mailed to property owners (based on current JCAD records) within 300 feet of subject property.
- Published in newspaper.
- Signs posted on the property.
- At this time staff has received no formal opposition



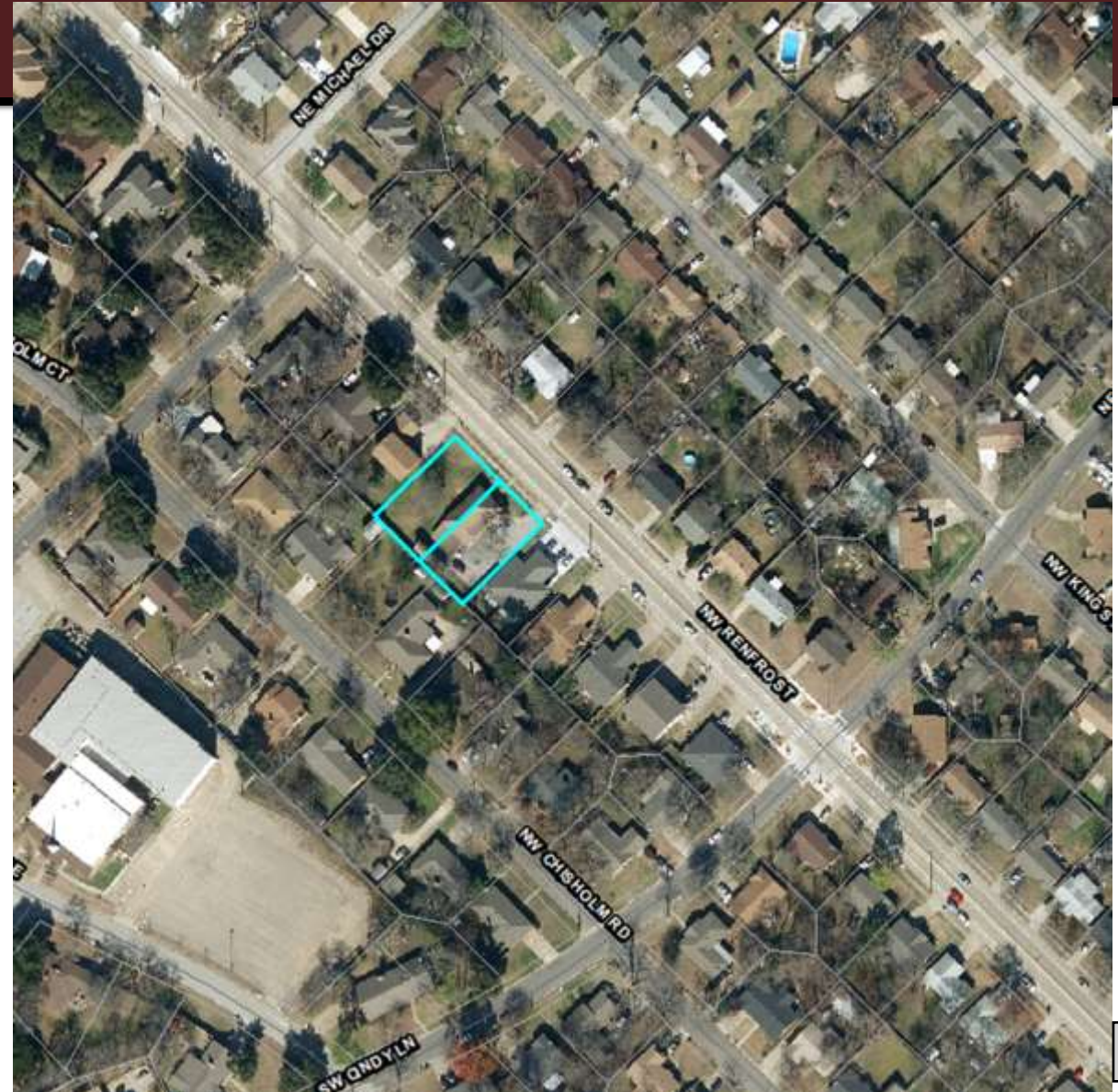
ZC – 619 NW Renfro

Item A.

Staff's Recommendation

Staff has determined that the requested zoning and use align with the Comprehensive Plan.

Staff recommends approval of the ordinance for a zoning change.



Ordinance

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE AND MAP OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 17,050 SQUARE FEET OF LAND KNOWN AS LOT 15 AND LOT 16, BLOCK 15, CRESTMOOR PARK NORTH, BY PLAT RECORDED IN VOLUME 463, PAGE 707, JOHNSON COUNTY PLAT RECORDS (J.C.P.R.T.), JOHNSON COUNTY, TEXAS, FROM 'GR' GENERAL RETAIL TO "SF7" SINGLE-FAMILY DWELLING DISTRICT 7; 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 ("City"), 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, the City Council passed, approved, and adopted Ordinance B-582, being the Zoning Ordinance and Map of the City of Burleson, Texas, showing the locations and boundaries of certain districts, as amended, and codified in Appendix B of the City of Burleson Code of Ordinances (2005) (the "Zoning Ordinance and Map"); and

WHEREAS, an application for a zoning change was filed by **Ila Perkins** on **July 8, 2024**, under **Case Number 24-202**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to rezone and reclassify said property from its current zoning classification; and

WHEREAS, the Planning and Zoning Commission of Burleson, Texas, held a public hearing on said application after at least one sign was erected upon the property on which the change of classification is proposed in accordance with the Zoning Ordinance and Map, and after written notice of such public hearing before the Planning and Zoning Commission on the proposed rezoning had been sent to owners of real property lying within 300 feet of the property on which the change of classification is proposed, said notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such notice being served by depositing the same, properly addressed and postage paid, in the U.S. mail; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas voted **7 to 0** to recommend approval to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **General Retail (GR)** to **Single-family dwelling district 7 (SF7)**; and

WHEREAS, notice was given of a further public hearing to be held by the City Council of the City of Burleson, Texas, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed rezoning and the City Council of the City of Burleson, Texas, being informed as to the location and nature of the use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Burleson, Texas, has changed in character since the enactment of its classification of **General Retail (GR)** and, by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community; and

WHEREAS, the City Council of the City of Burleson, Texas, may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the City of Burleson Code of Ordinances (2005); and

WHEREAS, the City Council of the City of Burleson, Texas, 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 of the City of Burleson Code of Ordinances.

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

Section 1 MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, known as Lot 15 and Lot 16, Block 15, Crestmoor Park North; and shown on the land survey attached as **Exhibit A**, by changing the zoning of said property from GR, General Retail district to the SF7, Single-family dwelling district 7.

Section 2

The property shall be developed and used in accordance with the applicable provisions of the City of Burleson, Code of Ordinances.

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.

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.

Section 6.

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 7.

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 8.

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 9.

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, Texas

ATTEST:

APPROVED AS TO FORM:

The City of Burleson Texas
Zoning & Site Planning
Burleson, Texas

July 1, 2024

To whom it may concern,

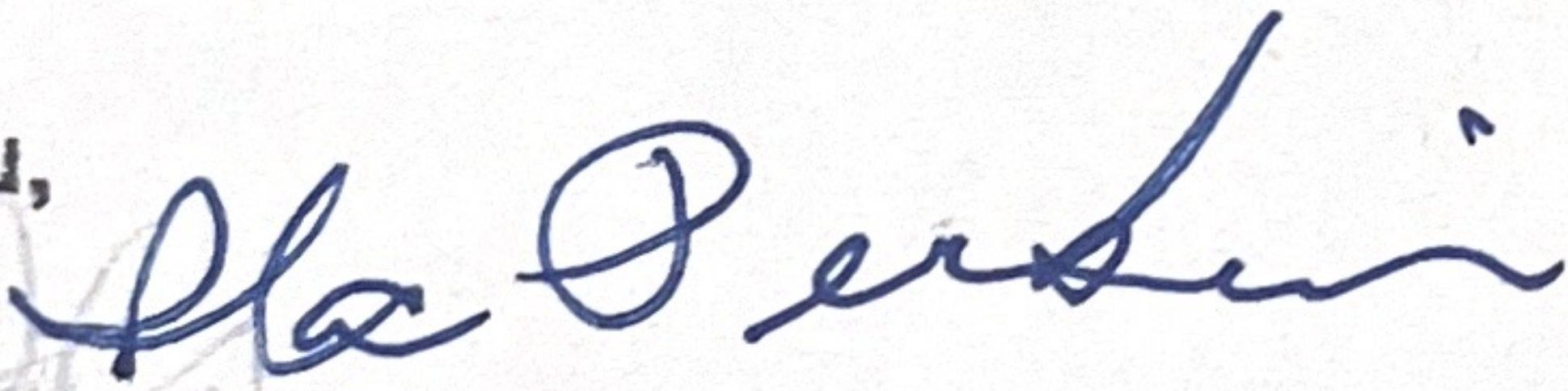
My name is Ila Perkins. I live at 619 NW Renfro in Burleson. I have lived in this home and at this residence since 1974, 50 years at this same address. I am now 87 years old. 50 years ago, our home was the only residence on the west side of this block. It was zoned Residential single family/duplex or small business at that time.

While trying to refinance my mortgage in June 2024, I learned that my residence is no longer zoned as Residential, but General Retail. I had no knowledge of a change to the zoning until this time. My husband passed away in Feb. 2011, so I cannot ask him about it. I have refinanced my home at least 2 times in the previous 20 years, and no one at the City, or any banks or mortgage companies or my husband (when he was alive) have advised me of any zoning change. I am now unable to complete the current refinance with FHA with current zoning of General Retail, which make me ineligible for a new loan with FHA unless I can get my home's zone changed back to "Residential".

I live on a very minimal fixed income. Since 2020, with increased cost of food, necessities, utilities, medical expenses, etc. my cash outlay has increased almost 50% more monthly. I've had to use credit cards to pay for some of these increased costs or go without. I don't have enough income to cover these increases any longer. I now need to rely on cash from my homes equity to pay off these credit cards, pay cash for monthly bills and reduce my expenses overall.

I respectfully ask that the City decision makers vote in favor of this exception of my home zone changed back to "Residential" in order for me to finalize my loan and complete this business.

Thank you,



Ila Perkins
619 NW Renfro
Burleson, TX 76028

P.S. - My home address was 617 NW Renfro until 2016, when then the address was changed by the City Fire Department request to 619 NW Renfro due to me selling one of my lot's next door and a new duplex was built on it by the new lot owner. .