

Planning & Zoning Commission Agenda

Tuesday, March 26, 2024 6:00 PM City Hall - 141 W. Renfro Burleson, TX 76028

1. CALL TO ORDER

Invocation

Pledge of Allegiance

2. CITIZEN APPEARANCES

Each person in attendance who desires to speak to the Planning & Zoning Commission on an item NOT posted on the agenda, shall speak during this section. A speaker card must be filled out and turned in to the City Staff prior to addressing the Commission. Each speaker will be allowed three (3) minutes. Please note that the Commissioners may only take action on items posted on the agenda. The Texas Open Meetings Act prohibits the Planning & Zoning Commission from deliberating or taking action on an item not listed on the agenda. The Commission may, however, receive your comments on the unlisted item, ask clarifying questions, respond with facts, and explain policy. Each person in attendance who desires to speak to the Planning & Zoning Commission on an item posted on the agenda, shall speak when the item is called forward for consideration.

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 February 13, 2024 Planning & Zoning Commission meeting.
- B. Consider approval of the minutes from March 4, 2024 Planning & Zoning Commission Joint meeting.
- C. G.W. Cummings Addition, Block 11 (Case 23-282): Consider approval of a replat for G.W. Cummings Addition, Lots 1R & 2R, Block 11; addressed as 124 Magnolia. (*Staff Contact: Lidon Pearce, Senior Planner*)

- D. Nelon Addition, Block 1 (Case 24-060): Consider approval of a replat for Nelon Addition, Lots 1R & 2R, Block 1; addressed as 9832 County Road 603. (Staff Contact: Emilio Sanchez, Development Services Assistant Director)
- E. Mrs. M. A. Clark Addition, Block 44 (Case 24-004): Consider approval of a replat for Mrs. M. A. Clark Addition, Lots 4 & 5, Block 44; addressed as 133 S Scott Street. (*Staff Contact: Emilio Sanchez, Development Services Assistant Director*)

4. **PUBLIC HEARING**

- A. 3812 S Burleson Blvd (Case 24-042): Hold a public hearing and consider approval of an ordinance for a zoning change request from "A", Agricultural to "C" Commercial for a contractor's office with no outside storage. (*Staff Presenter: Lidon Pearce, Senior Planner*)
- **B.** Craftmasters at FM 1902 & CR 1019 (Case 23-308): Hold a public hearing and consider approval of an ordinance for a zoning change request from "PD", Planned Development to "PD" Planned Development for a commercial trade school. (*Staff Contact: Lidon Pearce, Principal Planner*)
- C. 314 NE Wilshire Blvd (Case 23-398): Hold a public hearing and consider approval of an ordinance for a zoning change request from "C" Commercial to "C" Commercial with an "SUP" Specific Use Permit allowing for an Auto repair garage located in the Old Town Overlay District for Team Hoover Automotive. (Staff Contact: Emilio Sanchez, Development Services Assistant Director)

5. REPORTS AND PRESENTATIONS

6. COMMUNITY INTERESTS 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.

7. RECESS INTO EXECUTIVE SESSION

In accordance with Chapter 551 of the Texas Government Code, the City Council 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 Attorney pursuant to Section 551.071, Texas Government Code
- B. Discussion regarding possible purchase, exchange, lease, or value of real property pursuant to Section 551.072, Texas Government Code
- C. Deliberation regarding a negotiated contract for a prospective gift or donation to the state or the governmental body Pursuant to Section 551.073, Texas Government Code
- D. Personnel matters pursuant to Section 551.074, Texas Government Code

- E. Deliberation regarding (1) the deployment, or specific occasions for implementation of security personnel or devices; or (2) a security audit Pursuant to Sec. 551.076, Texas Government Code
- F. Deliberation regarding commercial or financial information received from or the offer of a financial or other incentive made to a business prospect seeking to locate, stay or expand in or near the territory of the City and with which the City is conducting economic development negotiations pursuant to Section 551.087, Texas Government Code
- G. Pursuant to Sec. 418.183(f), Texas Government Code, deliberation of information related to managing emergencies and disasters including those caused by terroristic acts (must be tape recorded)

8. ADJOURN

<u>Staff Contact</u> Tony McIlwain Director of Development Services 817-426-9684

CERTIFICATE

I hereby certify that the above agenda was posted on this the 22nd of March 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 <u>the</u> 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: February 27, 2024

SUBJECT:

Approve the minutes from February 13, 2024 Regular Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the February 13, 2024 Regular Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the February 13, 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 <u>pfisher@burlesontx.com</u> 817-426-9611

PLANNING AND ZONING COMMISSION

February 13, 2024 MINUTES

Roll Call

Commissioners Present

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

Staff

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

REGULAR SESSION

1. Call to Order – 6:01 PM

Invocation – Dan Taylor

Pledge of Allegiance

2. <u>Citizen Appearance</u>

None

3. Consent Agenda

- A. Consider approval of the minutes from January 30, 2024 Planning and Zoning Regular Commission meeting. (Staff Contact: Tony McIlwain, Director Development Services).
- B. Consider approval of the minutes from February 5, 2024 Planning & Zoning Special Commission meeting. (Staff Contact: Tony McIlwain, Director Development Services).

- **C.** Hunter Place, Block D (Case 23-417): Consider approval of a replat for Hunter Place; Lots 1R, 2R, & 3R, Block D, addressed as 432 Valentine CT. (*Staff Contact: Lidon Pearce, Senior Planner*)
- D. Original Town of Burleson, Block 33 (Case 23-011): Consider approval of a replat for Original Town of Burleson; Lots 7R-1, 7R-2, 7R-3, & 7R-4, Block 33, addressed as 200 S Dobson. (Staff Contact: Lidon Pearce, Senior Planner)

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

Motion passed, 7-0. Commissioner David Hadley was absent.

4. Public Hearing

A. Cliffwood Phase 3 (Case 23-327): Hold a public hearing and consider a resolution for a waiver to Section 5.1.a "Street and Right of Way Basic Policies" of the Design Standards Manual for the design criteria for Streets within the Cliffwood Phase 3. (Staff Contact: Michelle McCullough, Assistant Director/City Engineer)

Michelle McCullough 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 6:08 p.m.

Victoria Martin, 3616 N Cummings, spoke against this item regarding traffic issues.

Rick Hickman, 7868 CR 517, spoke against this item regarding traffic issues.

Jeff Taylor, applicant, 7616 Woodwind, addressed the commissioners and answered questions regarding this item.

Commission Chairman Michael Tune closed the public hearing at 6:29 p.m.

Motion made by Commissioner Bill Janusch and second by Commissioner Ashley Brookman to deny.

Motion passed, 7-0. Commissioner David Hadley was absent.

5. <u>Reports and Presentations</u>

None

6. <u>Community Interest Items</u>

None

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 551 of the Government Chapter Code.

8. <u>Adjourn</u>

There being no further business Chair Michael Tune adjourned the meeting. **Time – 6:30PM**

Peggy Fisher Administrative Assistant Recording Secretary BURLESON

Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Peggy Fisher, Administrative Assistant Sr.

MEETING: March 26, 2024

SUBJECT:

Approve the minutes from March 4, 2024 Joint Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the March 4, 2024 Joint Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the March 4, 2024 Joint Session of the Planning & Zoning Commission meeting.

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

None

FISCAL IMPACT:

None

STAFF CONTACT:

Peggy Fisher Recording Secretary <u>pfisher@burlesontx.com</u> 817-426-9611

JOINT PLANNING AND ZONING COMMISSION

March 4, 2024 MINUTES

Roll Call

Commissioners Present David Hadley Dan Taylor Ashley Brookman Bill Janusch Clint Faram Michael Kurmes Bobby Reading <u>Commissioners Absent</u> Cobi Tittle Michael Tune

<u>Staff</u>

Tony McIlwain, Director Development Services Emilio Sanchez, Assistant Director Development Services Lidon Pearce, Senior Planner Peggy Fisher, Administrative Assistant

JOINT SESSION

- 1. Call to Order 5:00 PM
- 2. Citizen Appearance

None

3. <u>General</u>

A. Receive a report and hold a discussion regarding an ordinance amending the text of the City's zoning ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to liquor sales. (Staff Contact: Tony D. McIlwain, Development Services Director)

Tony McIlwain presented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Lidon Pearce, Senior Planner answered questions regarding this item.

4. 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.

Commission Dan Taylor made a motion to convene into executive session.

Motion was made by Commissioner David Hadley and second by Commissioner Clint Faram to approve.

Motion passed, 6-0.

Commission Chairman Dan Taylor convened into executive session at 5:54 p.m.

Commission Dan Taylor made a motion to reconvene into executive session.

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

Motion passed, 6-0. Commissioners Michael Tune & Cobi Tittle were absent.

Commission Chairman Dan Taylor reconvened from executive session at 6:25p.m.

B. Hold a joint public hearing with the Burleson City Council for the purpose of receiving public comment on proposed textual amendments to the City's zoning ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to liquor sales. (*Staff Contact: Tony D. Mcllwain, Development Services Director*)

Tony McIlwain presented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Commission Chairman Dan Taylor opened the public hearing at 6:27 p.m.

Matt Cobb, 1325 Shelley, spoke against this item and was opposed.

David Miller, 633 Irene, spoke against this item and was opposed.

Commission Chairman Dan Taylor closed the public hearing at 6:31 p.m.

C. Consider making a final report and recommendation to the Burleson City Council regarding an ordinance making textual amendments to the City's zoning ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to liquor sales. (*Staff Contact: Tony D. Mcllwain, Development Services Director*)

Motion was made by Commissioner Michael Kurmes and second by Commissioner Clint Faram to approve as presented with the exception of changing 7500 sq. ft. to 5000 sq. ft.

Motion passed, 6-0. Commissioners Michael Tune & Cobi Tittle were absent.

4. 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.

5. <u>Adjourn</u>

There being no further business Chairman Dan Taylor adjourned the meeting. **Time – 6:38 PM**

Peggy Fisher Administrative Assistant Recording Secretary



Item C.

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: March 26, 2024

SUBJECT:

G.W. Cummings Addition, Block 11 (Case 23-282): Consider approval of a replat for G.W. Cummings Addition, Lots 1R & 2R, Block 11; addressed as 124 Magnolia. (*Staff Contact: Lidon Pearce, Senior Planner*)

SUMMARY:

On October 2, 2023, an application for a replat was submitted by Nathan Harsh (owner) for a replat of approximately 0.3583 acres. The property is being replatted for the purpose of creating for two professional office buildings.

The plat is administratively complete and meets the requirements of Appendix A – Subdivision and Development Regulations.

RECOMMENDATION:

Approve the replat for G.W. Cummings Addition, Block 11.

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

January 17,2024 – Old Town Design Standards Review Committee approved the development plan.

REFERENCE:

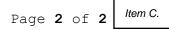
<u>City of Burleson, TX PLAT REQUIREMENTS:</u> § 3.6 Replat. (ecode360.com)

FISCAL IMPACT:

None

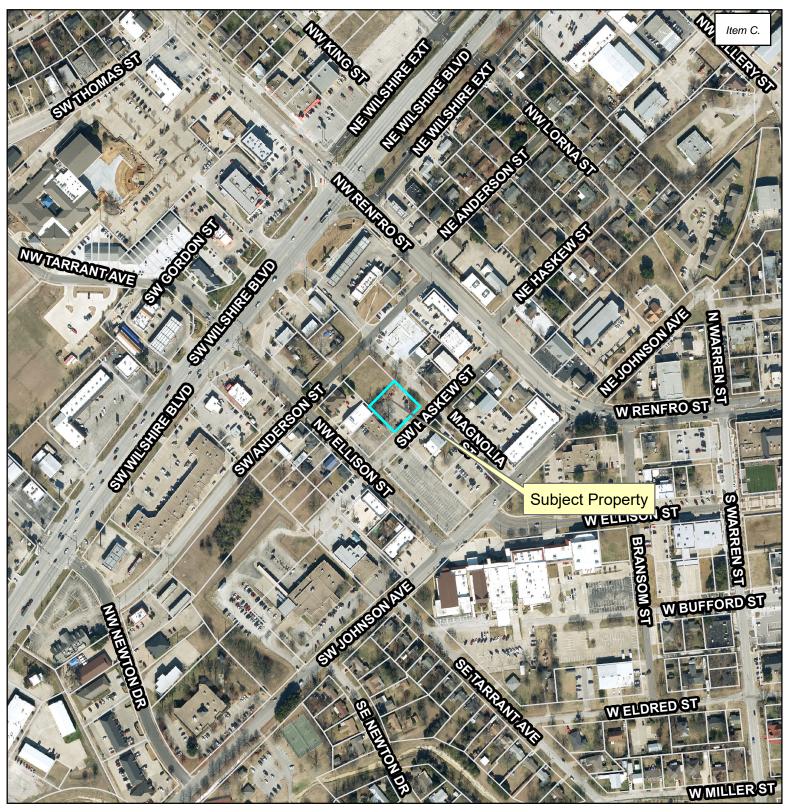
STAFF CONTACT:

Lidon Pearce, CNU-A, AICP Senior Planner <u>lpearce@burlesontx.com</u>



817-426-9649

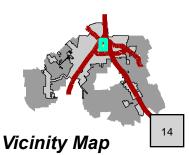
burlesontx.com | 817.426.9611 | 141 W Renfro Street, Burleson, Texas 76028

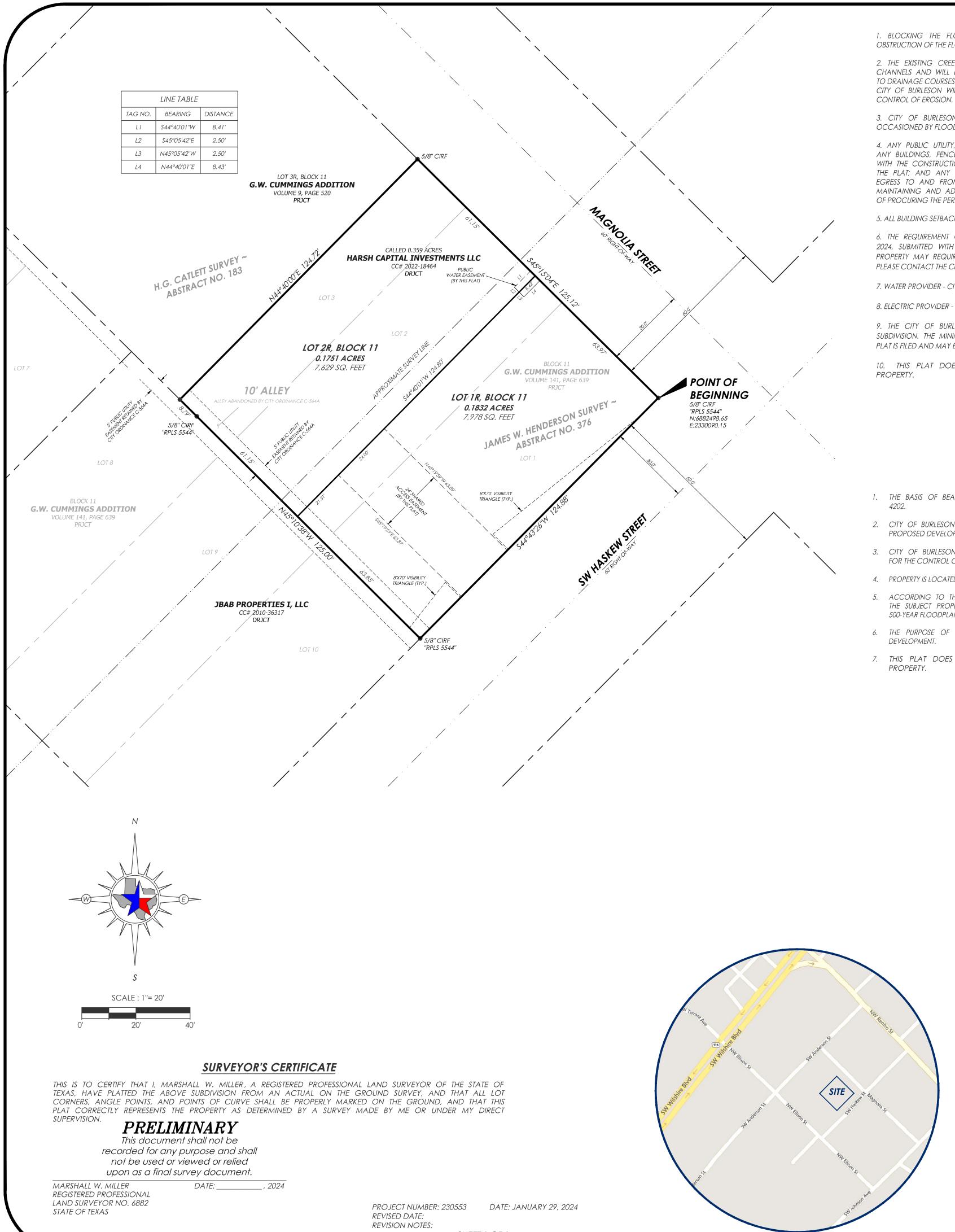






Replat Lot 1R & 2R, Block 11 G.W. Cummings Addition Case 23-282





Sheet 1 of 1

STANDARD NOTES

1. BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.

2. 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. CITY OF BURLESON WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE

3. CITY OF BURLESON WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.

4. ANY PUBLIC UTILITY, INCLUDING CITY OF BURLESON, 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 CITY OF BURLESON, 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.

5. ALL BUILDING SETBACKS ARE SUBJECT TO CURRENT CITY OF BURLESON DEVELOPMENT REGULATIONS.

6. THE REQUIREMENT OF PUBLIC INFRASTRUCTURE WAS BASED ON THE PRELIMINARY CONSTRUCTION PLANS DATED JANUARY, 2024, SUBMITTED WITH THIS PLAT FOR REVIEW TO THE CITY OF BURLESON. ANY ADDITIONAL STRUCTURES PROPOSED ON THIS PROPERTY MAY REQUIRE THE EXISTING WATER LINES TO BE IMPROVED AND A FIRE HYDRANT(S) INSTALLED FOR FIRE PROTECTION. PLEASE CONTACT THE CITY OF BURLESON'S DEVELOPMENT SERVICES DEPARTMENT PRIOR TO ANY DEVELOPMENT PERMIT ISSUED.

7. WATER PROVIDER - CITY OF BURLESON - (817) 426-9601

8. ELECTRIC PROVIDER - ONCOR ELECTRIC DELIVERY - (888) 313-6862

9. 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.

10. THIS PLAT DOES NOT ALTER OR REMOVE EXISTING DEED RESTRICTIONS OR COVENANTS, IF ANY, ON THIS

NOTES

- 1. THE BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, NORTH CENTRAL ZONE,
- 2. CITY OF BURLESON WILL BE RESPONSIBLE FOR ALL FLOODPLAIN REGULATIONS AS IT RELATES TO DEVELOPMENT. ALL FUTURE PROPOSED DEVELOPMENT SHALL FOLLOW THE CITY OF BURLESON'S FLOODPLAIN REGULATIONS.
- 3. CITY OF BURLESON WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OR EROSION.
- 4. PROPERTY IS LOCATED WITHIN THE CITY LIMITS OF BURLESON.
- 5. ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 48251C0065J, DATED DECEMBER 4, 2012, THE SUBJECT PROPERTY IS LOCATED WITHIN THE FOLLOWING ZONES: ZONE X - AREAS DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOODPLAIN.
- 6. THE PURPOSE OF THIS REPLAT IS TO CREATE 2 LOTS FROM LOTS 1, 2, AND A PORTION OF LOT 3 FOR COMMERCIAL
- 7. THIS PLAT DOES NOT ALTER OR REMOVE EXISTING DEED RESTRICTIONS OR COVENANTS, IF ANY, ON THIS

<u>OWNER(S)</u> HARSH CAPITAL INVESTMENTS LLC 124 S MAIN ST, SUITE 214, BURLESON, TX 76028

legend DRJCT = DEED RECORDS, JOHNSON COUNTY, TEXAS PRJCT = PLAT RECORDS, JOHNSON COUNTY, TEXASCC# = COUNTY CLERK'S INSTRUMENT NUMBER IRF = IRON ROD FOUND IRS = 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS 6882"

THIS THE _____ DAY OF _____, 2023.

CHAIR OF PLANNING AND ZONING COMMISSION

CITY SECRETARY

PLAT FILED YEAR _____, INST # _____ SLIDE _____, VOL. _____, PG. _ JOHNSON COUNTY PLAT RECORDS

COUNTY CLERK, JOHNSON COUNTY, TEXAS

OWNER'S CERTIFICATE

STATE OF TEXAS COUNTY OF JOHNSON

WHEREAS, HARSH CAPITAL INVESTMENTS LLC, IS THE SOLE OWNER OF A 0.3583 ACRE TRACT OF LAND SITUATED IN THE H.G. CATLETT SURVEY, ABSTRACT NUMBER 183, AND THE JAMES W. HENDERSON SURVEY, ABSTRACT NUMBER 376, CITY OF BURLESON, JOHNSON COUNTY, TEXAS, AND BEING ALL OF LOTS 1 AND 2, AND A PORTION OF LOT 3, BLOCK 11, G.W. CUMMINGS ADDITION, AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 141, PAGE 639, PLAT RECORDS, JOHNSON COUNTY, TEXAS, AND BEING ALL OF A CALLED 0.359 ACRE TRACT OF LAND AS DESCRIBED BY DEED TO HARSH CAPITAL INVESTMENTS LLC, FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. 2022-18464, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" CAPPED IRON ROD FOUND STAMPED "RPLS 5544" FOR THE EASTERNMOST CORNER OF SAID LOT 1, AND BEING AT THE INTERSECTION OF THE NORTHWEST LINE OF SW HASKEW STREET, A 60' RIGHT-OF-WAY, AND THE SOUTHEAST LINE OF MAGNOLIA STREET, A 60' RIGHT-OF-WAY;

THENCE SOUTH 44 DEGREES 43 MINUTES 26 SECONDS WEST, ALONG THE SOUTHEAST LINE OF SAID LOT 1, BEING COMMON WITH SAID NORTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 124.88 FEET, TO A 5/8" CAPPED IRON ROD FOUND STAMPED "RPLS 5544" FOR THE SOUTHERNMOST OF SAID CALLED 0.359 ACRE TRACT, SAME BEING THE EASTERNMOST CORNER OF THAT CERTAIN TRACT OF LAND AS DESCRIBED BY DEED TO JBAB PROPERTIES I, LLC, FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. 2010-36317, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND BEING IN THE CENTERLINE OF A CLOSED 10' ALLEY (CLOSED BY ORDINANCE C-564A);

THENCE NORTH 45 DEGREES 10 MINUTES 38 SECONDS WEST, ALONG THE SOUTHWEST LINE OF SAID CALLED 0.359 ACRE TRACT, BEING COMMON WITH THE NORTHWEST LINE OF SAID JBAB PROPERTIES I, LLC TRACT, AND ALONG SAID ALLEY CENTERLINE, AT A DISTANCE OF 116.21 FEET, PASSING A 5/8" CAPPED IRON ROD FOUND STAMPED "RPLS 5544", AND CONTINUING FOR A TOTAL DISTANCE OF 125.00 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" FOR THE WESTERNMOST CORNER OF SAID CALLED 0.359 ACRE TRACT, SAME BEING THE SOUTHERNMOST CORNER OF LOT 3R, BLOCK 11, G.W. CUMMINGS ADDITION, AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 9, PAGE 520, PLAT RECORDS, JOHNSON COUNTY, TEXAS;

THENCE NORTH 44 DEGREES 40 MINUTES 00 SECONDS EAST, DEPARTING SAID COMMON LINE AND SAID ALLEY CENTERLINE, AND ALONG THE NORTHWEST LINE OF SAID CALLED 0.359 ACRE TRACT, BEING COMMON WITH THE SOUTHEAST LINE OF SAID LOT 3R, A DISTANCE OF 124.72 FEET, TO A 5/8" CAPPED IRON ROD FOUND FOR THE NORTHERNMOST CORNER OF SAID CALLED 0.359 ACRE TRACT, SAME BEING THE EASTERNMOST CORNER OF SAID LOT 3R, AND BEING ON SAID SOUTHWEST RIGHT-OF-WAY LINE;

THENCE SOUTH 45 DEGREES 15 MINUTES 04 SECONDS EAST, ALONG THE NORTHEAST LINE OF SAID CALLED 0.359 ACRE TRACT AND SAID BLOCK 11, BEING COMMON WITH SAID SOUTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 125.12 FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.3583 ACRES (15,607 SQUARE FEET) OF LAND, MORE OR LESS.

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT HARSH CAPITAL INVESTMENTS LLC, OWNER, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN BEFORE DESCRIBED PROPERTY AS LOTS 1R AND 2R, BLOCK 11, G.W. CUMMINGS ADDITION, AN ADDITION TO THE CITY OF BURLESON, 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.

NAME: TITLE:

DATE____/___/____

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



APPROVED BY THE PLANNING AND ZONING COMMISSION OF BURLESON, TEXAS,

JOHNSON COUNTY APPROVAL BLOCK



Item D.

Planning & Zoning Commission Meeting

DEPARTMENT:	Development Services
FROM:	Emilio Sanchez, Development Services Assistant Director
MEETING:	March 26, 2024

SUBJECT:

Nelon Addition, Block 1 (Case 24-060): Consider approval of a replat for Nelon Addition, Lots 1R & 2R, Block 1; addressed as 9832 County Road 603. (*Staff Contact: Emilio Sanchez, Development Services Assistant Director*)

SUMMARY:

On February 19, 2024, an application for a replat was submitted by Kristen Nelon (owner) for a replat of approximately 9.762 acres. The property is being replatted for the purpose of creating two single family lots.

The plat is administratively complete and meets the requirements of Appendix A – Subdivision and Development Regulations.

RECOMMENDATION:

Approve the replat for Nelon Addition, Block 1.

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

None

REFERENCE:

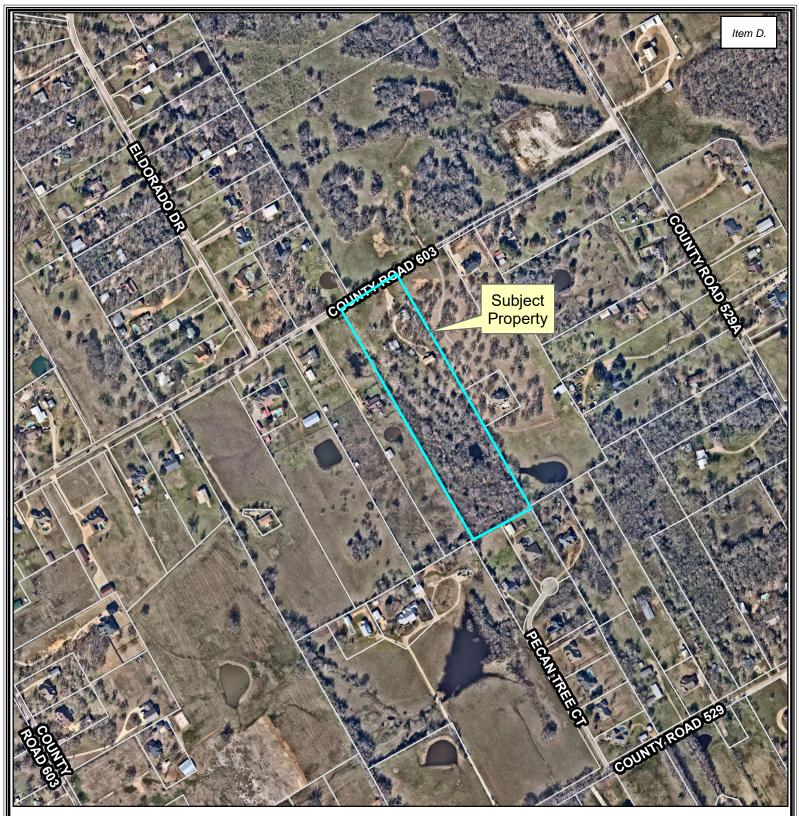
City of Burleson, TX PLAT REQUIREMENTS: § 3.6 Replat. (ecode360.com)

FISCAL IMPACT:

None

STAFF CONTACT:

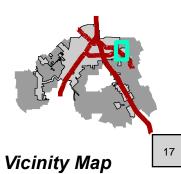
Emilio Sanchez Development Services Assistant Director <u>esanchez@burlesontx.com</u> 817-426-9686

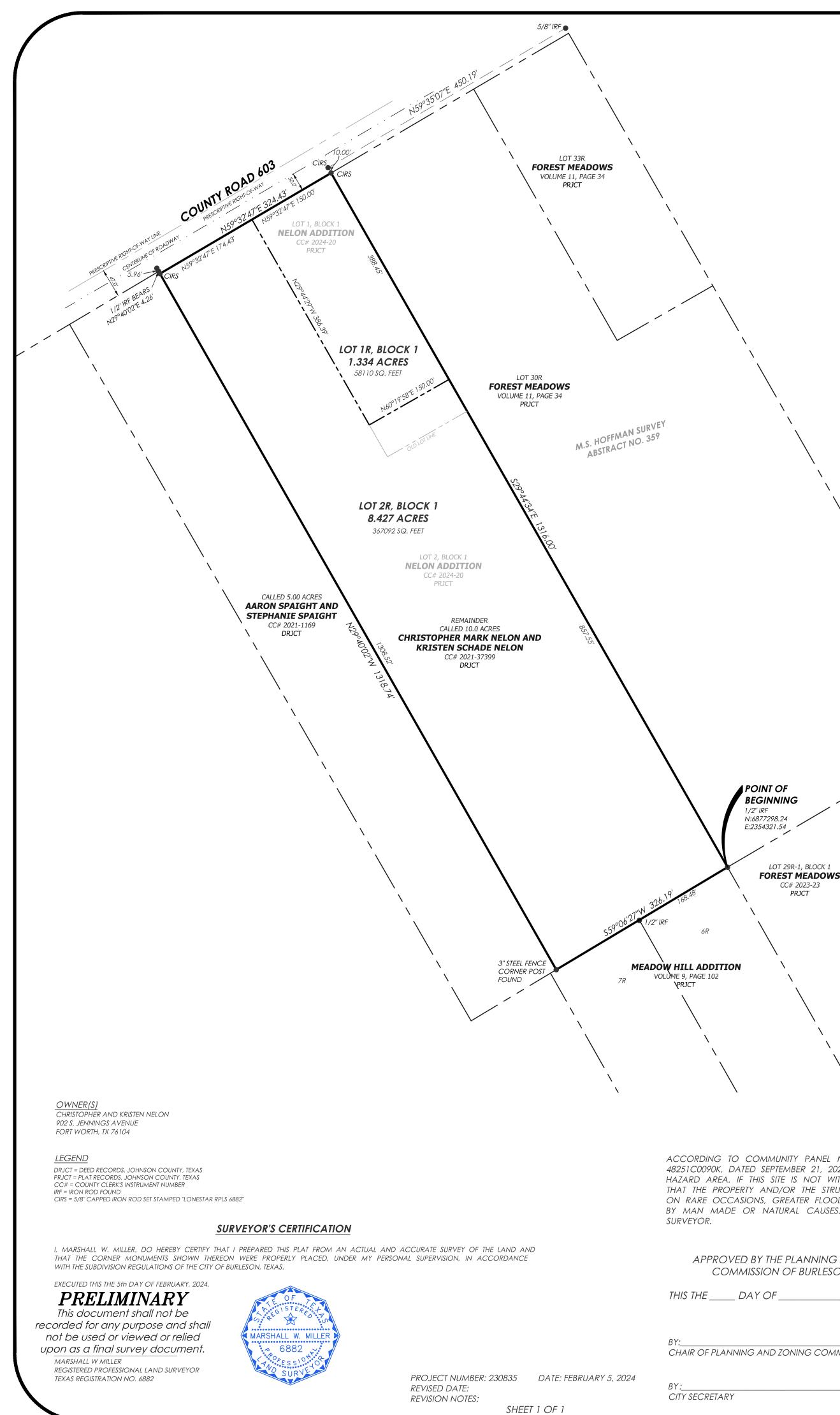




BURLESON

Replat Lot 1R & 2R, Block 1 Nelon Addition Case 24-060





STANDARD NOTES

1. BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.

2. 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

3. JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS

4. 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.

5. 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.

6. 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.

7. 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.

8. A MINIMUM OF 1 ACRE PER RESIDENTIAL STRUCTURE 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 MAY BE REQUIRED.

9. ALL BUILDING SETBACKS ARE SUBJECT TO CURRENT JOHNSON COUNTY DEVELOPMENT REGULATIONS.

10. THE REQUIREMENT OF PUBLIC INFRASTRUCTURE WAS BASED ON THE UTILITY EXHIBIT DATED NOVEMBER 20, 2023 SUBMITTED WITH THIS PLAT FOR REVIEW TO THE CITY OF BURLESON. ANY ADDITIONAL STRUCTURES PROPOSED ON THIS PROPERTY MAY REQUIRE THE EXISTING WATER LINES TO BE IMPROVED AND A FIRE HYDRANT(S) INSTALLED FOR FIRE PROTECTION. PLEASE CONTACT THE CITY OF BURLESON'S DEVELOPMENT SERVICES DEPARTMENT PRIOR TO ANY DEVELOPMENT PERMIT ISSUED.

11. THE BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, NORTH CENTRAL ZONE, 4202.

12. UNLESS NOTED OTHERWISE, ALL INTERIOR LOT CORNER ARE 5/8 CAPPED IRON RODS SET STAMPED "LONESTAR 6882".

13. THE SOLE PURPOSE OF THIS REPLAT IS TO CHANGE THE LOT LINE BETWEEN LOTS 1 AND 2.

14. WATER PROVIDER - BETHESDA WATER SUPPLY CORPORATION (817) 295-2131

ELECTRIC PROVIDER - UNITED COOPERATIVE SERVICES (817) 447-9292 FIRE PROTECTION - JOHNSON COUNTY ESD#1 (817) 357-8800

15. JOHNSON COUNTY WILL BE RESPONSIBLE FOR ALL FLOODPLAIN REGULATIONS AS IT RELATES TO DEVELOPMENT. IN THE EVENT THE PROPERTY IS EVER ANNEXED INTO THE CITY OF BURLESON, ALL FUTURE PROPOSED DEVELOPMENT SHALL FOLLOW THE CITY OF BURLESON'S FLOODPLAIN REGULATIONS

16. JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OF EROSION.

17. THE CITY OF BURLESON RESERVES THE RIGHT TO REQUIRE MINIMUM FINISH FLOOR ELEVATION ON ANY LOT WITHIN THIS SUBDIVISION.

18. 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.

19. 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

20. 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 MOST CURRENT ADOPTED INTERNATIONAL FIRE CODE.

21. ALL FIRE HYDRANTS MUST PROVIDE A MINIMUM OF 35 PSI STATIC PRESSURE AND A 20 PSI RESIDUAL PRESSURE.

22. THE MINIMUM FIRE FLOW AND FLOW DURATION FOR BUILDINGS OTHER THAN ONE-AND TWO-FAMILY DWELLING SHALL BE AS SPECIFIED THE MOST CURRENT ADOPTED INTERNATIONAL FIRE CODE.

23. ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 48251C0180J, DATED DECEMBER 4, 2012, THE SUBJECT PROPERTY IS LOCATED WITHIN THE FOLLOWING ZONE: ZONE "X" - AREA DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOODPLAIN.

24. 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.

25. THE RIGHT-OF-WAY DEDICATION IS GRANTED IN FEE SIMPLE TO JOHNSON COUNTY FOR USE AS STORM WATER, PUBLIC UTILITY, PEDESTRIAN. OR OTHER PUBLIC PURPOSES.

26. WHILE THE CITY OF BURLESON MAY REVIEW AND APPROVE THE PLAT, THIS DOES NOT GUARANTEE JOHNSON COUNTY WILL ISSUE PERMITS FOR ANY PROPOSED DEVELOPMENT OF THIS PROPERTY.

27. 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.

28. 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.

29. 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 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

30. THE FIRE LANE SHALL BE 24 FOOT IN WIDTH WITH 30 FOOT INSIDE RADII AND 54' OUTSIDE RADII. 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.

FLOOD STATEMENT

ACCORDING TO COMMUNITY PANEL NUMBER 48251C0070J, DATED DECEMBER 4, 2012, AND PANEL NUMBER 48251C0090K, DATED SEPTEMBER 21, 2023, THIS PROPERTY LIES WITHIN ZONE "X" WHICH IS NOT A SPECIAL FLOOD HAZARD AREA. IF THIS SITE IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA, THIS STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MARCH BE INCREASED BY MAN MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE

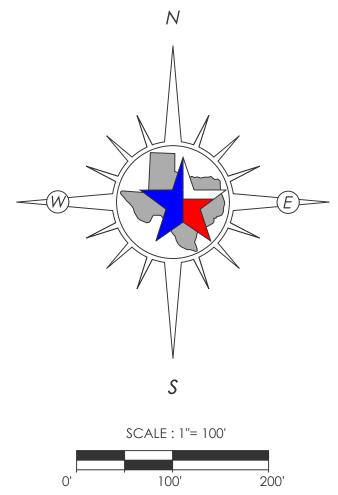
APPROVED BY THE PLANNING AND ZONING COMMISSION OF BURLESON, TEXAS, THIS THE _____ DAY OF _____, 2024.

CC# 2023-23

CHAIR OF PLANNING AND ZONING COMMISSION

FILING BLOCK PLAT FILED _____ / ____ / ____ INSTRUMENT #: 2024 - _____ DRAWER SLIDE JOHNSON COUNTY CLERK

DEPUTY CLERK





OWNER'S CERTIFICATE

STATE OF TEXAS COUNTY OF JOHNSON

WHEREAS CHRISTOPHER MARK NELON AND KRISTEN SCHADE NELON, ARE THE SOLE OWNERS OF 9.837 ACRE TRACT OF LAND SITUATED IN THE M.S. HOFFMAN SURVEY, ABSTRACT NUMBER 359, JOHNSON COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 10.0 ACRE TRACT OF LAND DESCRIBED BY DEED TO CHIRSTOPHER MARK NELON AND KRISTEN SCHADE NELON, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2021-37399, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND BEING ALL OF LOTS 1 AND 2, BLOCK 1, NELON ADDITION, AN ADDITION TO JOHNSON COUNTY, TEXAS, ACORDING TO THE PLAT RECORDED IN COUNTY CLERK'S INSTRUMENT NO. 2024-20, PLAT RECORDS, JOHNSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND AT THE EASTERNMOST CORNER OF SAID CALLED 10.0 ACRE TRACT, SAME BEING THE SOUTHERNMOST CORNER OF LOT 30R, FOREST MEADOWS, AN ADDITION TO JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11, PAGE 34, SAME BEING THE WESTERNMOST CORNER OF LOT 29R-1, BLOCK 1, FOREST MEADOWS, AN ADDITION TO JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2023-23, AND BEING THE NORTHERNMOST CORNER OF LOT 6R, MEADOW HILL ADDITION, AN ADDITION TO JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 9, PAGE 102, PLAT RECORDS, JOHNSON COUNTY, TEXAS, RESPECTIVELY;

THENCE SOUTH 59 DEGREES 06 MINUTES 27 SECONDS WEST, ALONG THE SOUTHEAST LINE OF SAID CALLED 10.0 ACRE TRACT, BEING COMMON WITH THE NORTHWEST LINE OF SAID MEADOW HILL ADDITION, AT A DISTANCE OF 168.48 FEET, PASSING A 1/2" IRON ROD FOUND (LEFT 0.58) PERPENDICULAR) AND CONTINUING IN ALL 326.19 FEET, TO A 3" STEEL FENCE CORNER POST FOUND AT THE SOUTHERNMOST CORNER OF SAID CALLED 10.0 ACRE TRACT, SAME BEING THE EASTERNMOST CORNER OF A CALLED 5.00 ACRE TRACT OF LAND DESCRIBED BY DEED TO AARON SPAIGHT AND STEPHANIE SPAIGHT, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2021-1169, DEED RECORDS, JOHNSON COUNTY, TEXAS;

THENCE NORTH 29 DEGREES 40 MINUTES 02 SECONDS WEST, DEPARTING SAID COMMON LINE AND ALONG THE SOUTHWEST LINE OF SAID CALLED 10.0 ACRE TRACT, BEING PARTIALLY COMMON WITH THE NORTHEAST LINE OF SAID CALLED 5.00 ACRE TRACT, AT A DISTANCE OF 1312.78 FEET, PASSING A 1/2" IRON ROD FOUND AT THE NORTHERNMOST CORNER OF SAID CALLED 5.00 ACRE TRACT, AND CONTINUING IN ALL 1318.74 FEET, TO THE WESTERNMOST CORNER OF SAID CALLED 10.0 ACRE TRACT, BEING ON THE APPARENT SOUTHEAST LINE OF COUNTY ROAD 603, A PRESCRIPTIVE RIGHT-OF-WAY;

THENCE NORTH 59 DEGREES 35 MINUTES 07 SECONDS EAST, DEPARTING SAID COMMON LINE AND ALONG THE NORTHWEST LINE OF SAID CALLED 10.0 ACRE TRACT, AND WITH THE APPARENT SOUTHEAST LINE OF SAID COUNTY ROAD 603, A DISTANCE OF 324.41 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882" AT THE NORTHERNMOST CORNER OF SAID CALLED 10.0 ACRE TRACT, SAME BEING THE WESTERNMOST CORNER OF SAID LOT 30R, FROM WHICH A 5/8" IRON ROD FOUND AT THE NORTHERNMOST CORNER OF SAID FOREST MEADOWS (11-34) BEARS NORTH 59 DEGREES 35 MINUTES 07 SECONDS EAST, A DISTANCE OF 450.19 FEET;

THENCE SOUTH 29 DEGREES 44 MINUTES 34 SECONDS EAST, DEPARTING SAID NORTHWEST LINE AND ALONG THE SOUTHWEST LINE OF SAID LOT 30R, A DISTANCE OF 1316.00 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 9.837 ACRES OR 428,482 SQUARE FEET OF LAND, MORE OR LESS.

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT CHRISTOPHER MARK NELON AND KRISTEN SCHADE NELON, OWNERS, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN BEFORE DESCRIBED PROPERTY AS LOTS 1R AND 2R, BLOCK 1, NELON ADDITION, AN ADDITION TO JOHNSON COUNTY, TEXAS, AND DOES HEREBY DEDICATE TO THE PUBLIC'S 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.

CHRISTOPHER MARK NELON

DATE____/____

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED CHRISTOPHER MARK NELON, 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 5TH DAY OF FEBRUARY, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

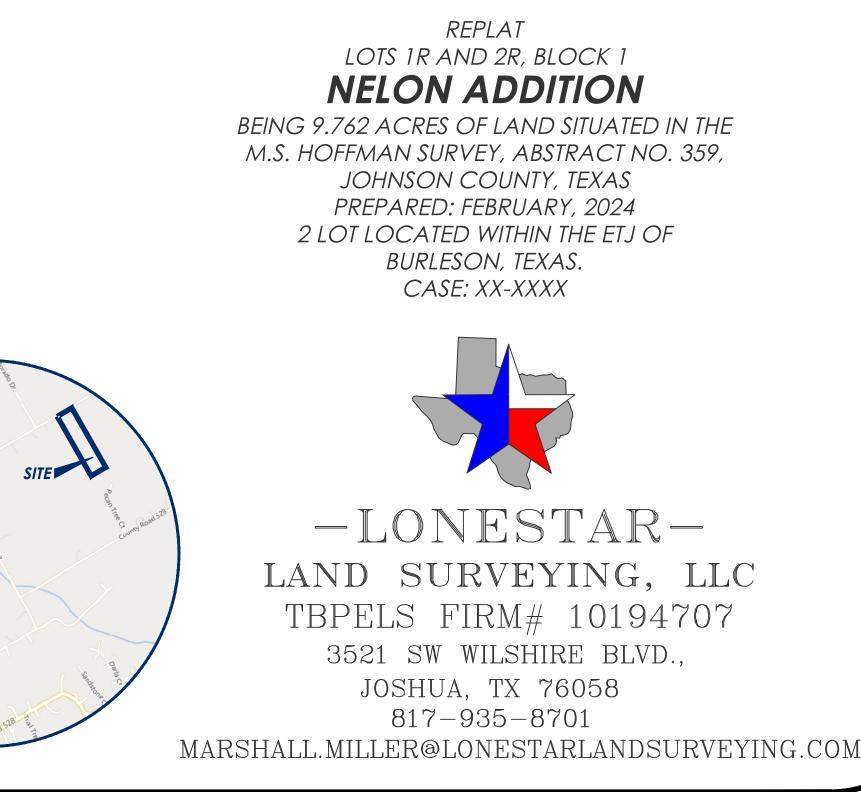
KRISTEN SCHADE NELON

DATE____/___/____

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED KRISTEN SCHADE NELON, 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 5TH DAY OF FEBRUARY, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





Item E.

Planning & Zoning Commission Meeting

DEPARTMENT:	Development Services
FROM:	Emilio Sanchez, Development Services Assistant Director
MEETING:	March 26, 2024

SUBJECT:

Mrs. M. A. Clark Addition, Block 44 (Case 24-004): Consider approval of a replat for Mrs. M. A. Clark Addition, Lots 4 & 5, Block 44; addressed as 133 S Scott Street. (*Staff Contact: Emilio Sanchez, Development Services Assistant Director*)

SUMMARY:

On January 8, 2024, an application for a replat was submitted by David Reaves (applicant) for a replat of approximately 1.0425 acres. The property is being replated for the purpose of creating two commercial lots.

The plat is administratively complete and meets the requirements of Appendix A – Subdivision and Development Regulations.

RECOMMENDATION:

Approve the replat for Mrs. M. A. Clark Addition, Block 44.

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

None

REFERENCE:

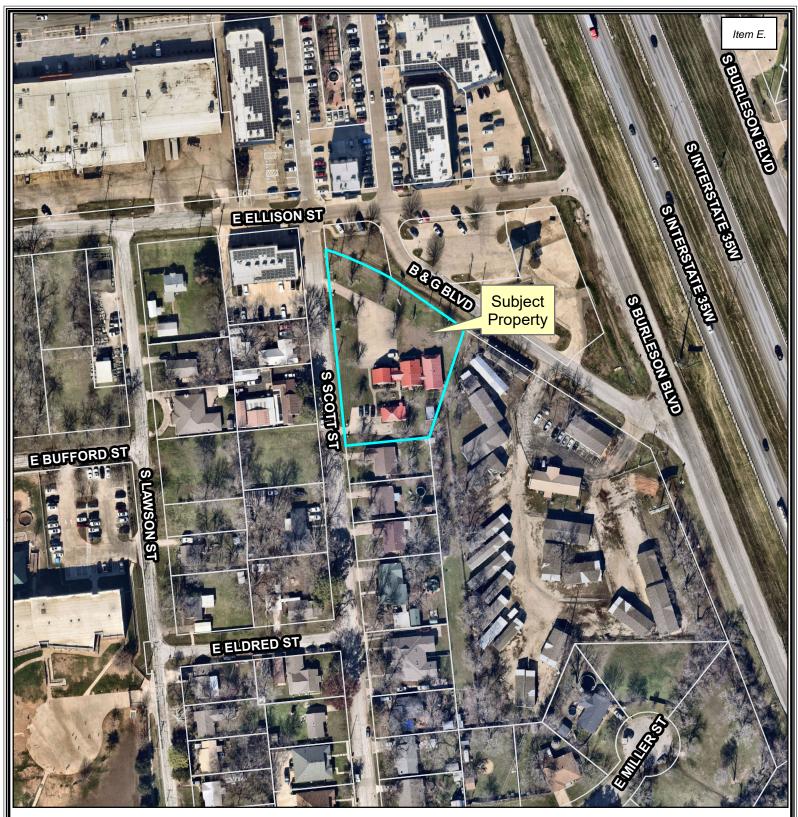
City of Burleson, TX PLAT REQUIREMENTS: § 3.6 Replat. (ecode360.com)

FISCAL IMPACT:

None

STAFF CONTACT:

Emilio Sanchez Development Services Assistant Director <u>esanchez@burlesontx.com</u> 817-426-9686



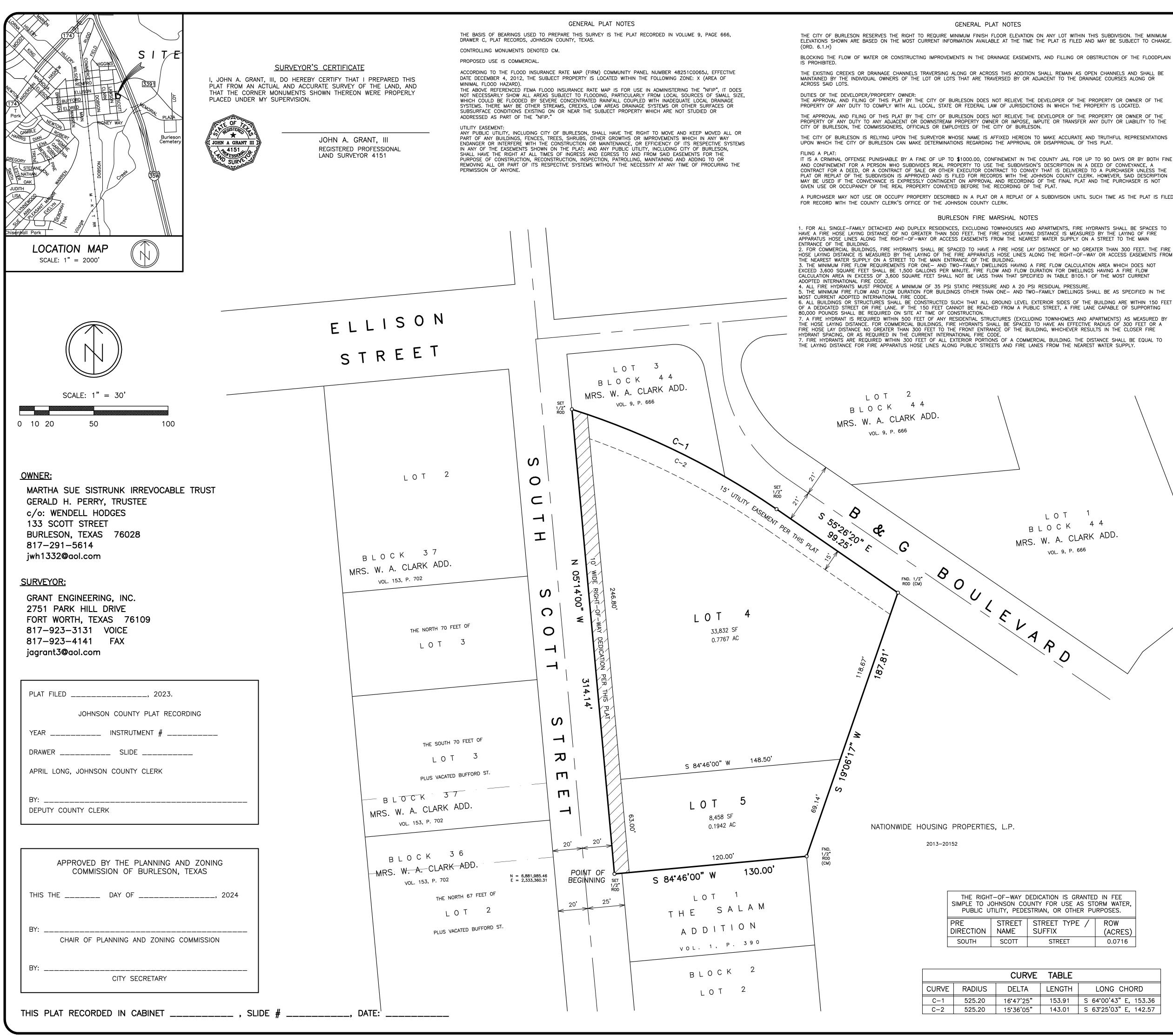




Replat Lot 4 & 5, Block 44 Mrs. M. A. Clark Addition Case 24-004



Vicinity Map



BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODPLAIN

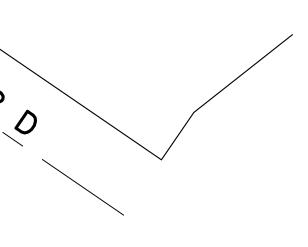
THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THIS ADDITION SHALL REMAIN AS OPEN CHANNELS AND SHALL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DRAINAGE COURSES ALONG OR

THE APPROVAL AND FILING OF THIS PLAT BY THE CITY OF BURLESON DOES NOT RELIEVE THE DEVELOPER OF THE PROPERTY OR OWNER OF THE PROPERTY OF ANY DUTY TO COMPLY WITH ALL LOCAL, STATE OR FEDERAL LAW OF JURISDICTIONS IN WHICH THE PROPERTY IS LOCATED. THE APPROVAL AND FILING OF THIS PLAT BY THE CITY OF BURLESON DOES NOT RELIEVE THE DEVELOPER OF THE PROPERTY OR OWNER OF THE

PROPERTY OF ANY DUTY TO ANY ADJACENT OR DOWNSTREAM PROPERTY OWNER OR IMPOSE, IMPUTE OR TRANSFER ANY DUTY OR LIABILITY TO THE THE CITY OF BURLESON IS RELYING UPON THE SURVEYOR WHOSE NAME IS AFFIXED HEREON TO MAKE ACCURATE AND TRUTHFUL REPRESENTATIONS UPON WHICH THE CITY OF BURLESON CAN MAKE DETERMINATIONS REGARDING THE APPROVAL OR DISAPPROVAL OF THIS PLAT.

IT IS A CRIMINAL OFFENSE PUNISHABLE BY A FINE OF UP TO \$1000.00, CONFINEMENT IN THE COUNTY JAIL FOR UP TO 90 DAYS OR BY BOTH FINE AND CONFINEMENT FOR A PERSON WHO SUBDIVIDES REAL PROPERTY TO USE THE SUBDIVISION'S DESCRIPTION IN A DEED OF CONVEYANCE, A CONTRACT FOR A DEED, OR A CONTRACT OF SALE OR OTHER EXECUTOR CONTRACT TO CONVEY THAT IS DELIVERED TO A PURCHASER UNLESS THE PLAT OR REPLAT OF THE SUBDIVISION IS APPROVED AND IS FILED FOR RECORDS WITH THE JOHNSON COUNTY CLERK. HOWEVER, SAID DESCRIPTION MAY BE USED IF THE CONVEYANCE IS EXPRESSLY CONTINGENT ON APPROVAL AND RECORDING OF THE FINAL PLAT AND THE PURCHASER IS NOT GIVEN USE OR OCCUPANCY OF THE REAL PROPERTY CONVEYED BEFORE THE RECORDING OF THE PLAT A PURCHASER MAY NOT USE OR OCCUPY PROPERTY DESCRIBED IN A PLAT OR A REPLAT OF A SUBDIVISION UNTIL SUCH TIME AS THE PLAT IS FILED

LOT BLOCK 44 MRS. W. A. CLARK ADD. VOL. 9, P. 666



ROW (ACRES) 0.0716

BLE	
GTH	LONG CHORD
3.91	S 64°00'43" E, 153.36
3.01	S 63°25'03" E, 142.57

Grant Engineering, Inc.

Engineers 2751 Park Hill Drive

Surveyors Fort Worth, Texas 76109 Firm Registration No. 100919-00

817-923-3131

Planners

Item E.

OWNER'S DEDICATION

STATE OF TEXAS COUNTY OF JOHNSON

WHEREAS I, GERALD H. PERRY, ACTING ON BEHALF OF THE MARTHA SUE SISTRUNK IRREVOCABLE TRUST, BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT: A 1.0425 ACRE TRACT OUT OF THE DAVID ANDERSON SURVEY, ABSTRACT NO. 4, JOHNSON COUNTY, TEXAS,

BEING A PORTION OF BLOCK 44, OF MRS. M. A. CLARK ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 153, PAGE 702, PLAT RECORDS, JOHNSON COUNTY, TEXAS, FURTHER BEING ALL OF THAT TRACT CONVEYED TO THE MARTHA SUE SISTRUNK RREVOCABLE TRUST BY SPECIAL WARRANTY DEED RECORDED UNDER INSTRUMENT NO. 2022-37567, REAL PROPERTY RECORDS, JOHNSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A SET 1/2 INCH STEEL ROD IN THE WEST LINE OF SAID BLOCK 44, IN THE EAST RIGHT-OF-WAY LINE OF SOUTH SCOTT STREET, A PUBLIC STREET WITH A VARIABLE WIDTH, BEING 40 FEET WIDE AT THIS POINT. AND LYING SOUTH 84 DEGREES 46 MINUTES 00 SECONDS WEST, 5.00 FEET FROM A FOUND 1/2 INCH STEEL ROD AT THE NORTHWEST CORNER OF LOT 1. BLOCK 2. OF THE SALAM ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 PAGE 390. OF SAID PLAT RECORDS:

THENCE NORTH 05 DEGREES 14 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SAID BLOCK 44 AND THE EAST RIGHT-OF-WAY LINE OF SAID SOUTH SCOTT STREET, 314.14 FEET TO A SET 1/2 INCH STEEL ROD AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 44, OF MRS. M. A. CLARK ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 9, PAGE 666. DRAWER C, OF SAID PLAT RECORDS, SAID POINT BEING IN A CURVE TO THE RIGHT WHOSE RADIUS BEARS SOUTH 17 DEGREES 35 MINUTES 35 SECONDS WEST, 525.20 FEET;

THENCE ALONG THE SOUTH LINE OF SAID LOT 3, BLOCK 44 AND ALONG SAID CURVE TO THE RIGHT, PASSING AT AN ARC LENGTH OF 111.48 FEET A FOUND 1/2 INCH STEEL ROD AT THE SOUTHEAST CORNER OF SAID LOT 3, BLOCK 44, IN THE SOUTHWEST RIGHT-OF-WAY LINE OF OLD ALVARADO ROAD, A PUBLIC STREET WITH A VARIABLE WIDTH BEING 42 FEET WIDE AT THIS POINT, AND CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE IN ALL, THROUGH A CENTRAL ANGLE OF 16 DEGREES 47 MINUTES 25 SECONDS, AN ARC LENGTH OF 153.91 FEET (LONG CHORD BEARS SOUTH 64 DEGREES 00 MINUTES 43 SECONDS EAST, 153.36 FEET) TO A SET 1/2 INCH STEEL ROD AT THE END OF THIS CURVE;

THENCE SOUTH 55 DEGREES 26 MINUTES 20 SECONDS EAST, CONTINUING ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID OLD ALVARADO ROAD, 99.25 FEET TO A FOUND 1/2 INCH STEEL ROD AT THE NORTHWEST CORNER OF THAT TRACT CONVEYED TO NATIONWIDE HOUSING PROPERTIES, L.P. BY SPECIAL WARRANTY DEED RECORDED UNDER CLERK'S FILE NO. 2013-20152, OF SAID REAL PROPERTY

THENCE SOUTH 19 DEGREES 06 MINUTES 17 SECONDS WEST ALONG THE WEST LINE OF SAID NATIONWIDE HOUSING PROPERTIES TRACT, 187.81 FEET TO A FOUND 1/2 INCH STEEL ROD AT AN ANGLE POINT IN THE WEST LINE THEREOF, AND AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 2 OF THE SALAM ADDITION; THENCE SOUTH 84 DEGREES 46 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 1. BLOCK 2, 130.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.0425 ACRES (45,409 SQUARE FEET) OF LAND, MORE OR LESS. KNOW ALL MEN BY THESE PRESENTS

THAT I, GERALD H. PERRY, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINBEFORE DESCRIBED PROPERTY AS LOTS 4 AND 5, BLOCK 44, MRS. M. A. CLARK ADDITION AN ADDITION TO THE CITY OF BURLESON

AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER ALL STREETS, RIGHTS-OF-WAY, ALLEYS AND EASEMENTS SHOWN THEREON. THE CITY 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 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.

GERALD H. PERRY, TRUSTEE ACTING ON BEHALF OF

JOHNSON COUNTY, TEXAS

THE MARTHA SUE SISTRUNK IRREVOCABLE TRUST

ACKNOWLEDGMENT

STATE OF TEXAS COUNTY OF JOHNSON

MY COMMISSION EXPIRES:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED GERALD H. PERRY, 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

WITNESS MY HAND AND SEAL OF OFFICE ON THIS THE _____ DAY OF _____, 2024.

NOTARY PUBLIC STATE OF TEXAS

REPLAT

LOTS 4 AND 5, BLOCK 44

MRS. M. A. CLARK ADDITION

AN ADDITION TO THE

CITY OF BURLESON,

JOHNSON COUNTY, TEXAS A REPLAT OF A PORTION OF BLOCK 44 MRS. M. A. CLARK ADDITION AS RECORDED IN VOLUME 153, PAGE 702 PLAT RECORDS, JOHNSON COUNTY, TEXAS BEING

A 1.0425 ACRE TRACT OUT OF THE DAVID ANDERSON SURVEY, ABSTRACT NO. 4 JOHNSON COUNTY, TEXAS AS RECORDED UNDER INSTRUMENT NO. 2022-37567 REAL PROPERTY RECORDS JOHNSON COUNTY, TEXAS

> FEBRUARY, 2024 1.0425 ACRES 2 NON-RESIDENTIAL LOTS

CASE NO. RP24-004



Item A.

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: March 26, 2024

SUBJECT:

3812 S Burleson Blvd (Case 24-042): Hold a public hearing and consider approval of an ordinance for a zoning change request from "A", Agricultural to "C" Commercial for a contractor's office with no outside storage. (*Staff Presenter: Lidon Pearce, Senior Planner*)

SUMMARY:

On February 5, 2024, a zoning change request was submitted by Saul and Juan Ramon Solis of Indeed Construction Inc. (owners) to change the zoning of approximately 2.07 acres to C, Commercial.

DEVELOPMENT OVERVIEW:

The owners are proposing a C, Commercial zoning for the development of a contractor's office with no outside storage. The proposed use would be allowed by-right with a C, Commercial zoning and within the IH-35 overlay district. If the zoning is approved a commercial site plan submittal will be required to ensure the site is developed in accordance with the C, Commercial zoning district and the IH-35 Design Standards.

	Zoning	Use
Subject Site	A, Agricultural	Undeveloped
North	Undeveloped	Industrial
East	Interstate 35	Highway
South	A, Agricultural	Undeveloped
West	ETJ	Undeveloped

Zoning and Land Use Table

This site is designated in the Comprehensive Plan as Employment Growth Center.

This land use category should include a mix of low and medium density industrial buildings and industrial yards and have ample surface parking for cars and trucks. Corresponding zoning districts may include Commercial, Industrial, and Business Park Overlay.

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

Engineering:

Commercial site plan, civil engineering, and TxDOT reviews will be required prior to the development of the site. Sanitary sewer extension will be required to the site prior to development as well.

RECOMMENDATION:

Recommend approval of an ordinance for the zoning change.

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

<u>June 1984</u> – Spring Valley plat was approved by the Commissioner's Court of Johnson County.

REFERENCE:

City of Burleson, TX ZONING DISTRICTS (ecode360.com)

FISCAL IMPACT:

None

STAFF CONTACT:

Lidon Pearce, CNU-A, AICP Senior Planner <u>lpearce@burlesontx.com</u> 817-426-9649

Location:

- 3812 S Burleson
 Applicant:
- Saul and Juan Ramon Solis (owners) of Indeed Construction INC.

Item for approval:

Zoning Change from "A", Agricultural to "C" Commercial for a contractor's office (Case 24-042).



Comprehensive Plan

Employment Growth



A, Agricultural

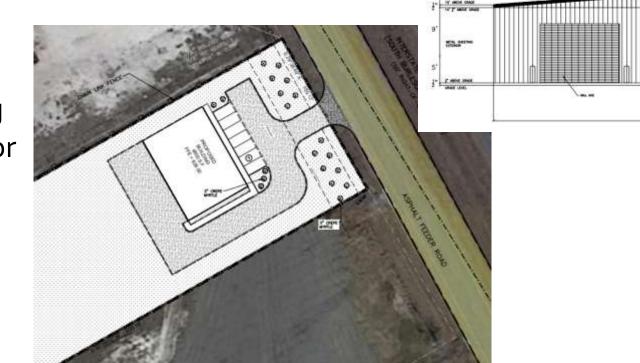


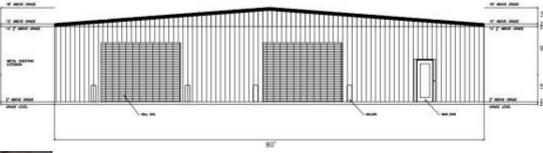


Conceptual site plan provided by the applicant. Item A.

FRONT ELEVATION







26

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





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 2.07 ACRES OF LAND KNOWN AS LOT 12, SPRING VALLEY, AS RECORDED IN VOLUME 4, PAGE 47, PLAT RECORDS JOHNSON COUNTY, TEXAS (P.R.J.C.T); FROM AGRICULTURAL (A) TO COMERCIAL (C); 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 <u>Saul and Juan Ramon Solis</u> on <u>February 5, 2024</u>, under <u>Case Number 24-042</u>, 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 classification of <u>Agricultural</u> (A) to <u>Commercial (C)</u>; 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 <u>Agricultural (A)</u>; 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

The Zoning Ordinance and Map is hereby amended insofar as it relates to certain land described as 2.07 acres of land known as Lot 12, Spring Valley, as recorded in Volume 4, Page 47, plat records Johnson County, Texas, (P.R.J.C.T), as <u>described in Exhibit A</u>, by changing the zoning of said property from <u>Agricultural (A)</u> to <u>Commercial (C)</u> being further described and attached as <u>Exhibit A</u>.

Section 2.

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 3.

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 4.

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 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
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Chris Fletcher, Mayor City of Burleson, Texas

APPROVED AS TO FORM:

ATTEST:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT "A"

DESCRIPTION OF PROPERTY

BEGINNING at a 5/8" iron rod set from which a 3/8" iron rod found which bears S 03°47'56" W, 0.85 feet. Set along the right-of-way of Interstate Highway No. 35, (aka South Burleson Boulevard) (350 feet wide) for the Northeasterly corner of said 2.068 acre tract and the herein described tract;

THENCE S 29°36'40" E 150.13 feet, along the right-of-way of said Interstate Highway No. 35, to a 3/8" iron rod with cap, for a corner of the herein described tract;

THENCE S 60°19'12" W, 600.19 feet, continuing from the right-of-way of said Interstate Highway No. 35, continuing along Lot 13 to a 3/8" iron rod set as a corner for Lot 12, Lot 13, Lot 73A and Lot 73B;

THENCE N 29°36'40" W, 150.02 feet, continuing with the Northwesterly along Lot 73A to a 5/8" iron rod, from which a capped 3/8" iron rod bears N 46°04'23" E, 1.96 feet, at the corner of Lot 11 and Lot 12;

THENCE N 60°18'34" E, 600.12 feet, continuing along the property boundary of Lot 11 and Lot 12 to the Point of Beginning along Interstate highway No. 35 with a 5/8" iron rod set from which a 3/8" iron rod found which bears S 03°47'56" W, 0.85 feet.



Item B.

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: March 26, 2024

SUBJECT:

Craftmasters at FM 1902 & CR 1019 (Case 23-308): Hold a public hearing and consider approval of an ordinance for a zoning change request from "PD", Planned Development to "PD" Planned Development for a commercial trade school. (*Staff Contact: Lidon Pearce, Principal Planner*)

SUMMARY:

On October 16, 2023, a zoning change request was submitted by Chad Turnbull representing Craftmasters (applicant) with authorization from Burleson 4A Economic Development Corporation (owners) to change the zoning of approximately 70.851 acres to PD, Planned Development.

DEVELOPMENT OVERVIEW:

The applicant is proposing new PD, Planned Development district zoning for the development of a professional campus / commercial trade school. If the zoning is approved, a commercial site plan submittal will be required to ensure the site is developed in accordance with the PD development standards contained within the proposed ordinance, attached as Exhibit 3.

	Zoning	Use			
Subject Site	PD, Planned Development	Undeveloped			
North	ETJ	Undeveloped			
East	Chisholm Summit Development	In development			
South	Chisholm Summit Development	In development			
West	ETJ	Undeveloped			

Zoning and Land Use Table

This site is designated in the Comprehensive Plan as Neighborhoods.

This land use category is intended for predominantly traditional single-family residential developments, but does allow for a mix of densities, lot sizes, housing stock, and styles as appropriate. Neighborhoods should have increased pedestrian connectivity that includes sidewalks, trails, and greenbelts.

Retail and commercial uses in the area should be located along larger thoroughfares and should be developed in harmony with the residential character

Staff supports a Planned Development zoning for a professional campus/commercial trade school center in this area based on proximity to the Chisholm Trail Parkway.

Engineering:

Commercial site plan and civil engineering, reviews will be required prior to the development of the site. Sanitary sewer extension will be required to the site prior to development as well.

RECOMMENDATION:

Recommend approval of an ordinance for the zoning change.

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

Oct. 3, 2022 – PD zoning or Hooper Business Park approved by City Council.

Oct. 3, 2022 – Annexation approved by City Council for Hooper Business Park.

REFERENCE:

City of Burleson, TX ZONING DISTRICTS (ecode360.com)

FISCAL IMPACT:

None

STAFF CONTACT:

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

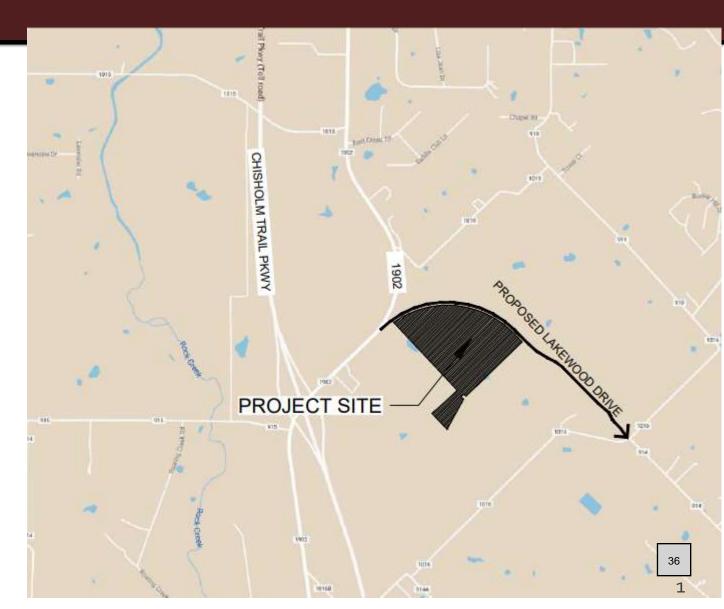
ZC – Craftmasters PD

Location:

- FM 1902 & CR 1019
- 70.851 acres
 Applicant:
- Chad Turnbull (Craftmasters)
- Burleson 4A Economic Development Corporation

Item for approval:

Zoning Change from "PD", Planned Development to PD, for a commercial trade school (Case 23-308).



Comprehensive Plan Neighborhoods



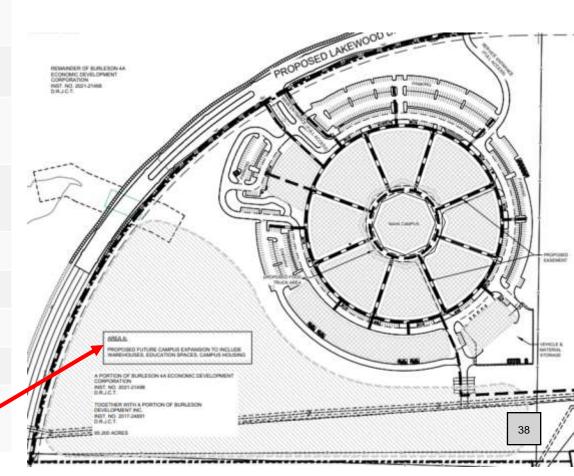
Item B.

PD, Planned Development



Craftmasters PD

Current Zoning (Hooper BP)	Proposed (Craftmasters)
Bus station or terminal	Café (Craftmasters – Storyville Coffee)
College or university	College or university
Hospital	Commercial trade school
Medical laboratory	Professional artisan workshop (limited to 5,000 sq. ft.)
Offices, medical , business, and professional	Accessory building (school related)
Accessory commercial buildings	Food Truck
Parking lot or structure	Off-street Parking
Bus station or terminal	Parking lot or structure
SUP Required	SUP Required
Food/beverage sales, store Restaurant or cafeteria	Campus Housing (Area A only)

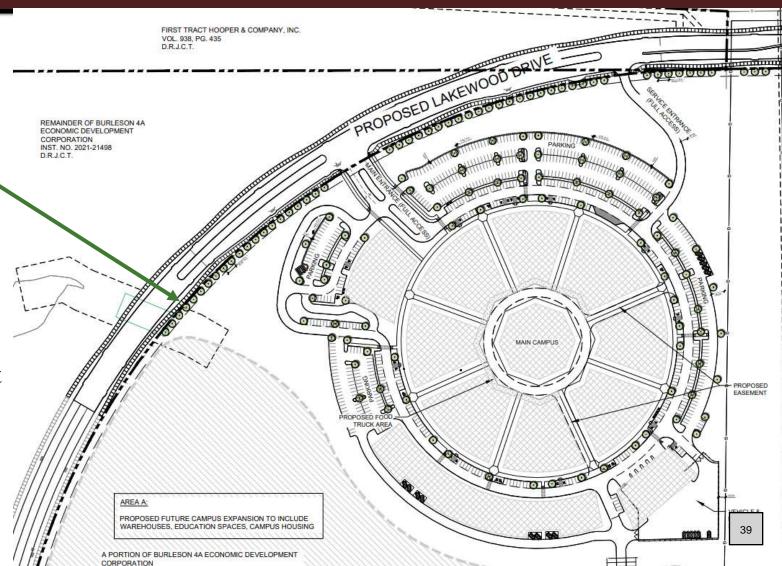


ZC – Craftmasters PD

Landscaping:

- Minimum of 15 percent of property to be devoted to landscaping
- Street trees minimum 3 caliper inches with no more than 30 foot spacing to be provided along all public right-ofways. Staff and developer will coordinate to ensure consistency of spacing and species for landscaping of Lakewood DR.
- A single row of shrubs shall be placed at the edge of parking areas to screen from view of public right-of-way

A detailed landscaping plan to be provided as part of site plan review and approval



INST NO 2021-21498

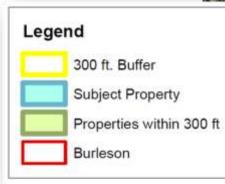
ZC – Craftmasters PD Campus & Coffee Shop Building Elevations



ZC – Craftmasters PD

Public Hearing Notice

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



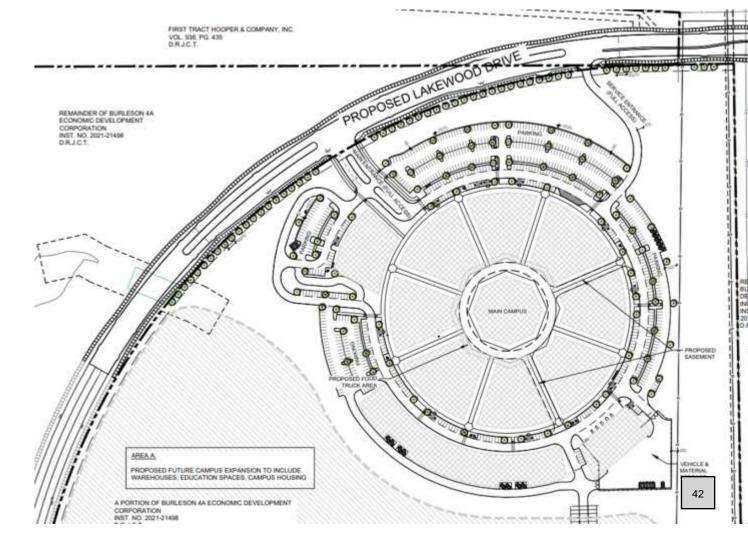


ZC – Craftmasters PD

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 70.851 ACRES OF LAND SITUATED IN THE D. DYKES SURVEY, ABSTRACT NO. 229, AND IN THE F.A. CLARAGE SURVEY, ABSTRACT NO. 142, JOHNSON COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO BURLESON 4A ECONOMIC DEVELOPMENT CORPORATION IN THAT DEED RECORDED IN INSTRUMENT NO. 2021-21498, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), TOGETHER WITH A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO BURLESON DEVELOPMENT, INC., IN THAT DEED RECORDED IN INSTRUMENT NO. 2017-24891, (D.R.J.C.T.); FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT ORDINANCE (PD); MAKING **CUMULATIVE** OF THIS 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 <u>Chad Turnbull representing</u> <u>Craftmasters and Burleson 4A Economic Development Corporation on October 16, 2023</u>, under <u>Case Number 23-308</u>, 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 $\underline{0}$ to $\underline{0}$ to recommend approval to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classification of <u>Planned</u> <u>Development (PD)</u> to <u>Planned Development (PD)</u>; 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 **Planned Development (PD)**; 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, described by the metes and bounds attached as **Exhibit "a"**, by changing the zoning of said property from the PD, Planned Development district to the PD, Planned Development district.

Section 2 DEVELOPMENT STANDARDS

The property shall be developed and used in accordance with the applicable provisions of the City of Burleson, Code of Ordinances, as amended, except to the extent modified by the Development Regulations set forth below:

A. <u>GENERAL DESCRIPTION:</u> The purpose of this district is for Commercial Trade School, Retail, Office, and Commercial Uses as specifically stated in this Ordinance. Access shall be allowed from access drives or parking areas connecting to adjacent public roadways. Requirements for development shall be governed by standards as described below.

B. EXHIBITS AND PROCEDURE:

- a. Conceptual Site Plan. The Property shall be developed in general conformance with the Conceptual Site Plan, attached hereto as "**Exhibit A**" (the "Conceptual Site Plan").
- b. <u>Conceptual Landscape Plan</u>. Landscaping shall be provided in general conformance with the Conceptual Landscape Plan, attached hereto as "**Exhibit B**" (the "Conceptual Landscape Plan").
- c. Conceptual Sidewalk and Trailway Plan. Pedestrian sidewalks and trailways shall be developed in general conformance with the Conceptual Sidewalk and Trailway Plan, attached hereto as "Exhibit C" (the "Conceptual Sidewalk and Trailway Plan").
- d. Conceptual Pedestrian and Parking Lighting Plan. Except as provided in Section K of this ordinance, pedestrian and parking lighting on the main campus shall be provided in general conformance with the Conceptual Pedestrian and Parking Lighting Plan, attached hereto as "Exhibit D" (the "Conceptual Pedestrian and Parking Lighting Plan").
- e. <u>Conceptual Sign Plan</u>. Except as provided in Section J of this ordinance, signage on the main campus shall be provided in general conformance with the Conceptual Sign Plan, attached hereto as "Exhibit E" (the "Conceptual Sign Plan").
- f. <u>Development of Area A.</u> Development and use of Area A shall comply with a final site plan, submitted to the City in accordance with the City of Burleson Code of Ordinances.
- g. <u>Main Campus Character Elevations.</u> Main campus character elevations are attached hereto as "Exhibit F", and are illustrative of the conceptual building designs for primary buildings on the campus (the "Character Elevations"). While these images are not intended to be an exact or final representation of the final building designs, primary buildings on the campus shall generally conform to architectural design and materials represented in the images.

C. <u>DEFINITIONS:</u>

- a. *Area A* means the proposed future expansion area, as depicted on the Conceptual Site Plan.
- b. *Campus housing* means residential facilities for housing students, faculty, staff, or groundskeepers of the commercial trade school.
- c. *Commercial trade school* means a business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades. For purposes of this ordinance, commercial trade school shall include instruction and training related to topics such as: agriculture, building information modeling, carpentry, concrete, construction technology, electrical work, fabrication, heavy equipment operation, HVAC installation and repair, irrigation, landscaping, masonry, plumbing, project management, robotics, stonework, and water processing.
- d. *Food truck area* means the area where food trucks may be located, as depicted on the Conceptual Site Plan.
- e. *Internal fencing* means any fencing that is located 20 feet or more from the property line or 100 feet or more from a public right-of-way.
- f. *Main campus* means the initial phase of development on the Property, as depicted on the Conceptual Site Plan.
- g. *Professional artisan workshop* means an establishment used by a skilled craft worker for the production, processing, or manufacturing of specialty or craft goods by the use of hand tools or mechanical equipment.

D. <u>PERMITTED USES:</u> Land uses permitted are as follows:

<u>Permitted Uses</u> Café (drive in or not drive in type) College or university Commercial trade school Professional artisan workshop (limited to 5,000 square feet of floor area)

Accessory Uses Allowed Accessory building Food Truck Off-street parking Parking lot or structure

<u>Specific Use Permit Required</u> Campus housing (permitted in Area A only)

E. <u>BULK RESTRICTIONS:</u>

- a. Minimum Lot Area ten thousand (10,000) square feet)
- b. Maximum Lot Coverage no more than sixty-five percent (65%) of the total lot area shall be covered by the combined area of the main buildings and accessory buildings.
- c. Minimum Lot Width one hundred feet (100')
- d. Minimum Front Yard twenty feet (20')
- e. Side Yard a side yard adjacent to a public street shall be a minimum of fifteen feet (15'). A side yard adjacent to a residential or commercial lot shall be a minimum of ten feet (10'). Nothing in this section is intended to or shall eliminate or supersede any requirements of the City of Burleson's building or fire codes that establish regulations dealing with building separations or fire resistive construction.
- f. Minimum Rear Yard minimum depth of the rear yard shall be ten feet (10') when adjacent to a residential use. Otherwise it is zero feet (0').
- g. Shipping containers related to a commercial trade school may be used for storage purposes or in a manner consistent with the construction industry, but shall not be used as classrooms. Shipping containers shall be located on a concrete foundation or constructed in a manner that is consistent with permanent structures under the City of Burleson's Code of Ordinances. The number of shipping containers permitted on the property shall not exceed a total of one (1) per three (3) acres. Shipping containers shall not be located within 200 feet of a public right-of-way and shall be painted to meet aesthetic design of the main campus. Shipping containers may not be stacked and shall be screened in accordance with Section M of this Ordinance.
- **F.** <u>**CAMPUS HOUSING BULK RESTRICTIONS:**</u> The bulk restrictions for campus housing shall be determined at the time of SUP.
- **G.** <u>CAFÉ SEATING:</u> Outdoor café seating for restaurant, café, deli or coffee shop uses shall be permitted but the café seating must be contained within the building's private lot or privately owned common areas. Café seating may not extend into public right-of-way.
- **H. <u>PARKING:</u>** Parking requirements within the Planned Development Commercial Tracts shall be based on the City of Burleson Zoning Ordinance requirements for the types and sizes of proposed uses, except as modified below.
 - a. For non-residential uses, parking shall be provided at the minimum rate of 1.5 spaces per 1,000 square feet of floor area.
 - b. For campus housing, parking shall be determined at time of SUP.
 - c. Shared parking agreements are permissible between allowed commercial uses with the prior approval of the City of Burleson.
 - d. Required parking areas shall meet the requirements of the City of Burleson Code of Ordinances. Additional surface parking areas in excess of what is required for the

use may be paved or consist of other impervious or pervious materials, including: concrete; asphalt; gravel; concrete masonry product, such as pavers; or permeable and semi-pervious paving system designed to support vehicular and pedestrian traffic, while allowing grass or vegetation to grow within the open cells of the pavement. Any area designated as a fire lane shall be constructed in accordance with the relevant City standards.

I. <u>ARCHITECTURAL STYLE:</u> Primary buildings on the main campus shall be designed in an architecturally similar manner as the Character Elevations.

J. DETAILED SIGN PLAN:

- a. For purposes of signage related to a commercial trade school, a detailed sign plan application shall be submitted to City Council for review and approval. Unless excepted by the City of Burleson's Code of Ordinances, a sign permit application shall be submitted and no permanent sign shall be constructed until a building permit has been approved by the building official in accordance with the Code. A detailed sign plan application shall include:
 - i. Proposed sign palette, which may include any combination of sign types;
 - ii. Location of all proposed signs included in the sign palette;
 - iii. Size and number of all proposed signs including maximum area, letter height, number, and height;
 - iv. Materials proposed for all signs and sign structures;
 - v. Color and style palette for all signs (letter colors, background colors, text fonts, etc.) including context of where signs are to be placed on any given facade;
 - vi. Type of illumination proposed, and whether external or internal;
 - vii. Landscaping or ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement the proposed sign palette and design; and
 - viii. Any other information as required by the decision-making bodies.

K. LIGHTING:

- a. Lighting shall be designed as an integral part of the building and site design and shall be compatible and harmonious throughout the entire development and shall be in keeping with the specific function and building type served.
- b. Light fixtures shall be compatible with the colors and materials of the building architecture.
- c. Lighting shall use consistent fixtures, lamp type, and illumination levels.
- d. Lighting illumination will be provided for all parking areas.
- e. The orientation of the fixture and the pattern of light created shall be so designed so as to avoid glare of light intrusion into the sky, a public way, street or adjacent property.
- f. All exterior illumination shall comply with the ordinance, rules and regulations of the city.

- g. All parking and loading areas shall be illuminated utilizing full cut-off fixtures and shall have fixtures no taller than 35 feet.
- L. <u>LANDSCAPING</u>: For purposes of landscaping, the entire Property shall be considered one lot and shall be provided in general conformance with the Conceptual Landscape Plan, subject to the following:
 - a. A minimum of 15 percent of the Property shall be devoted to landscaping.
 - b. <u>Phasing.</u> Where construction is to be a single phase or multi-phase development, only the area being constructed in the current phase shall be required to comply with the landscaping regulations. For example, landscaping for the main campus shall be provided with construction of the main campus, and landscaping for Area A shall be provided with construction of Area A.
 - c. <u>Tree species.</u> Unless otherwise approved by the Director of Development Services, trees shall be provided in accordance with the approved species specified under the City of Burleson's Code of Ordinances.
 - d. <u>Transitional landscaping.</u>
 - i. A 20 foot landscape strip shall be provided along any non-residential use abutting a single family residential district, as in existence at the time of passage of this ordinance, except along the eastern property line. Said landscape buffer may be located within the front yard or within an easement area. Planting material within the landscape strip shall include at least one (1) large canopy tree each 50 linear feet. For every five (5) large canopy trees, one (1) small ornamental tree shall be provided. One (1) large canopy tree may be replaced with two (2) small ornamental tree.
 - ii. Trees may be grouped or clustered to facilitate site design.
 - iii. A pedestrian pathway shall be provided to create connectivity between the main campus and the Chisholm Summit development.
 - e. <u>Parking lot landscaping.</u>
 - A single row of shrubs shall be placed at the edge of parking areas within a dedicated planting bed to provide screening of parking areas from view along a public right-of-way, as depicted in the Conceptual Landscape Plan. Planting material shall include a minimum two and one-half (2 ¹/₂) feet tall hedge of evergreen shrubs at time of planting, spaced no greater than three (3) feet on center, or a minimum two and one-half (2 ¹/₂) foot tall grass berm, or a combination of the two. Such landscaping or berms shall not conflict with any sight easements.
 - ii. Parking aisles that shall terminate in landscape islands, which shall be vegetated with trees, plantings, grass, or shrubs.
 - iii. Within parking lot interiors, areas that are not covered with live plant materials shall be permanently maintained with decorative stone or natural mulch materials such as hard wood, pine bark, or other typical mulch materials.
- M. <u>FENCING AND SCREENING</u>: For purposes of fencing and screening, the entire Property shall be considered one lot and shall comply with the following regulations:

- a. <u>Fencing.</u> i.
 - External fencing. External fencing shall comply with the requirements of the Burleson Code of Ordinances, Chapter 36, "Fencing and Screening Regulations", except as provided below:
 - (a) No fencing shall be required along any non-residential use abutting a single family residential district, as in existence at the time of passage of this ordinance.
 - ii. Internal fencing. Internal fencing shall be permitted, provided the fencing is comprised of common fencing material (excluding galvanized chain link, barbed wire or electric fences) and no more than 8 feet in height.
- b. <u>Screening</u>. Screening shall comply with the Burleson Code of Ordinances, Chapter 36, "Fencing and Screening Regulations", except as provided below:
 - i. Mechanical equipment screening.
 - (a) Total screened areas of the roof-mounted equipment may be 100 percent of the roof area of the structure.
 - (b) When the total screened area(s) of roof-mounted equipment exceeds 25 percent of the roof area, screening shall be constructed using a material that is architecturally compatible with the main structure, at least as high as the roof-mounted equipment.
 - (c) Screening shall not be required for ground-level mechanical equipment that is not visible from the public right-of-way and used for educational purposes related to the campus.
 - ii. Outdoor storage screening.
 - (a) Screening shall not be required for outdoor storage that is used for educational purposes related to the campus.
 - iii. Loading area screening.
 - (a) A loading dock or truck berth that that is located 20 feet or more from the property line or 100 feet or more from a public right-of-way shall not require screening.
 - iv. Transitional screening.
 - (a) Transitional screening shall only be required when non-residential uses abut residential uses, as in existence at the time of passage of this ordinance.
 - (b) When abutting a residential use, live screening using natural growth or planted vegetation shall be permitted. Planting material shall include a minimum four (4) feet tall hedge of evergreen shrubs at time of planting, spaced no greater than four (4) feet on center, or a minimum four (4) foot tall grass berm, or a combination of the two.
 - (c) Transitional screening or buffering shall not be required along private alleys, streets, or easement areas.
 - v. Shipping containers.
 - (a) Shipping containers shall be screened from a public right-of-way.

- **N.** <u>FOOD TRUCKS</u>: Food trucks that are accessory to a commercial trade school shall be permitted subject to the following:
 - a. For purposes of this ordinance and permitting, the food truck area shall not be considered a food truck park or food truck operation site, as defined in the City of Burleson's Code of Ordinances.
 - b. No more than eight (8) food trucks shall be permitted in the food truck area.
 - c. <u>Additional standards.</u> Except as provided below, each food truck shall be required to comply with the provisions of Chapter 14, Article 5, Section 14-240, Food trucks, of the City of Burleson's Code of Ordinances, as it relates to the operation of a single food truck.
 - i. Sanitary facilities shall be made available to the satisfaction of the City Manager or his/her designee.
 - ii. Electrical, outlet access, temporary pole, or use of generator is permitted. Food truck must be self-contained and where the water and wastewater service provided by commissary.
 - iii. Operation of the food truck shall not impede on the minimum existing parking use requirements of this ordinance.
 - iv. A food truck shall only be allowed to engage in sales or food service during the hours of operation of the main campus.
 - v. Food trucks shall be subject to the noise requirements of Chapter 34, Article V of the City of Burleson's Code of Ordinances.
 - vi. The vicinity around the food truck shall be kept clean and free of debris.
- **O.** <u>**BUILDING HEIGHT:**</u> Maximum Building Height within the Planned Development shall be six (6) stories. Additional height may be granted by City Council with the formal submittal of a site plan.
- P. <u>STREET TREES</u>: Street trees of three (3) inch caliper or more will be located on no more than thirty (30) foot spacing on private property along both sides of all public right-of-ways. As depicted on the Conceptual Landscape Plan, street trees planted along Lakewood Drive shall extend slightly beyond the main campus near Area A to ensure consistency in growth and maturity of the site. The developer and City Staff will coordinate the placement of street trees along Lakewood Drive to ensure species and spacing consistency with the City of Burleson's median and public right-of-way landscaping. The Director of Development Services may authorize a deviation in spacing, not to exceed 10 percent, to ensure consistent and healthy planting of street trees along Lakewood Drive only. Street tree species shall be in accordance with Article 86-81 of the City Landscape Ordinance.

Q. SITE PLAN:

- 1. A final site plan is required for development and use of Area A within this PD Ordinance.
- 2. The site plan shall be submitted concurrently or in advance of the final plat and engineering plans for a particular development tract. Approval of the site plan is required prior to issuance of any Development Permit or Building Permit for a

development parcel.

- 3. Detail site plan requirements are contained in the City of Burleson Code of Ordinances but at a minimum the site plan shall address:
 - a. Location and size of all parking lots and parking spaces, loading areas, vehicular circulation paths, and proposed access points to adjacent property and the public street system.
 - b. Building size and location within the property.
 - c. Building setback lines.
 - d. Location of creeks, ponds, detention facilities (if applicable) and all proposed major drainage facilities.
 - e. Location and route of major water and sewer facilities required to serve the property.
 - f. Location of tree masses to be preserved.
 - g. Location and type of proposed screening.
 - h. Type and location of proposed signage.
 - i. Sidewalks and trail connections that comply with this PD Ordinance.
 - k. Conceptual building elevations noting the composition and percentages of proposed building materials.
- **R.** <u>AMBIGUITY IN REGULATIONS:</u> If these standards do not regulate a particular aspect of development, or there is ambiguity between these regulations and the City of Burleson Code of Ordinances, then such aspect of development shall be rerated as follows:

If the type of land use affected by the ambiguity in regulation or lack of regulation is related to the development of commercial property, then the standards applied for resolving an issue shall be those that would be applicable if the property in question was zoned C.

S. <u>STREETS:</u> Except for the main entrance and service entrance depicted on the Conceptual Site Plan, driveways, intersections, and fire lanes for site development shown on the exhibits to this Ordinance are shown for illustrative purposes only. The location, configuration, spacing and construction of streets will be determined at the time of final site plan and shall be provided in conformance with all applicable sections 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
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Chris Fletcher, Mayor City of Burleson, Texas

APPROVED AS TO FORM:

ATTEST:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT "a"

DESCRIPTION OF PROPERTY

LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE D. DYKES SURVEY, ABSTRACT N0. 229, AND IN THE F.A. CLARAGE SURVEY, ABSTRACT NO. 142, JOHNSON COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO BURLESON 4A ECONOMIC DEVELOPMENT CORPORATION IN THAT DEED RECORDED IN INSTRUMENT NO. 2021-21498, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), TOGETHER WITH A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO BURLESON DEVELOPMENT, INC., IN THAT DEED RECORDED IN INSTRUMENT NO. 2017-24891, D.R.J.C.T., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND IN THE NORTHWESTERLY LINE OF SAID BURLESON DEVELOPMENT, INC., TRACT, FOR THE MOST SOUTHERLY CORNER OF SAID BURLESON 4A ECONOMIC DEVELOPMENT CORPORATION TRACT AND FOR THE MOST EASTERLY CORNER OF A TRACT OF LAND CONVEYED TO ANIMAL PANCAKES LLC. IN THAT DEED RECORDED IN VOLUME 4313, PAGE 277, D.R.J.C.T.;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID ANIMAL PANCAKES LLC. TRACT N 44°44'59" W, A DISTANCE OF 1948.77 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1940.00 FEET, WHOSE LONG CHORD BEARS S 86°16'52" E, 2532.10 FEET;

THENCE LEAVING SAID NORTHEASTERLY LINE ALONG SAID NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 81°28'35", AN ARC LENGTH OF 2758.74 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544";

THENCE S 45°32'35" E, A DISTANCE OF 247.61 FEET TO A POINT;

THENCE S 44°23'42" E, A DISTANCE OF 1673.97 FEET TO A POINT;

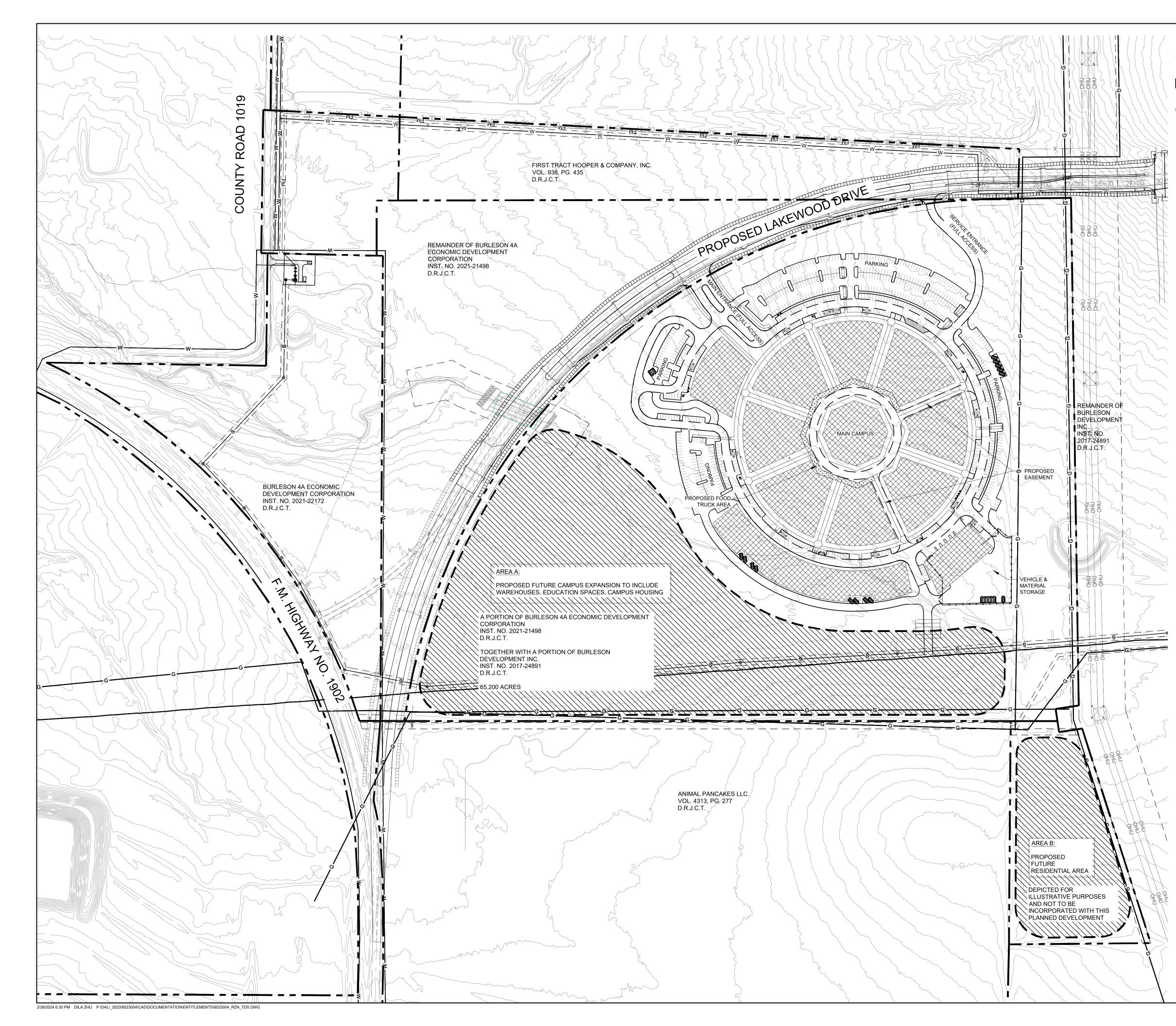
THENCE S 27°32'42" E, A DISTANCE OF 758.60 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF SAID BURLESON DEVELOPMENT, INC., TRACT;

THENCE N 45°14'59" W ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 455.81 FEET TO A 3/4" IRON ROD FOUND IN THE SOUTHEASTERLY LINE OF SAID ANIMAL PANCAKES LLC. TRACT FOR THE MOST WESTERLY CORNER OF SAID BURLESON DEVELOPMENT, INC., TRACT;

THENCE N 45°42'36" E ALONG SAID SOUTHEASTERLY LINE AND THE NORTHWESTERLY LINE OF SAID BURLESON DEVELOPMENT, INC., TRACT, A DISTANCE OF 718.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 70.851 ACRES OF LAND MORE OR LESS.

Exhibits "A through F" contained on the following pages:

- **Exhibit A Conceptual Site Plan**
- Exhibit B Conceptual Landscape Plan
- Exhibit C –Conceptual Sidewalk and Trailway Plan
- Exhibit D Conceptual Pedestrian and Parking Lighting Plan
- Exhibit E Conceptual Signage Plan
- **Exhibit F Character Elevation**



LEGEND:

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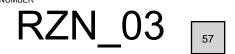
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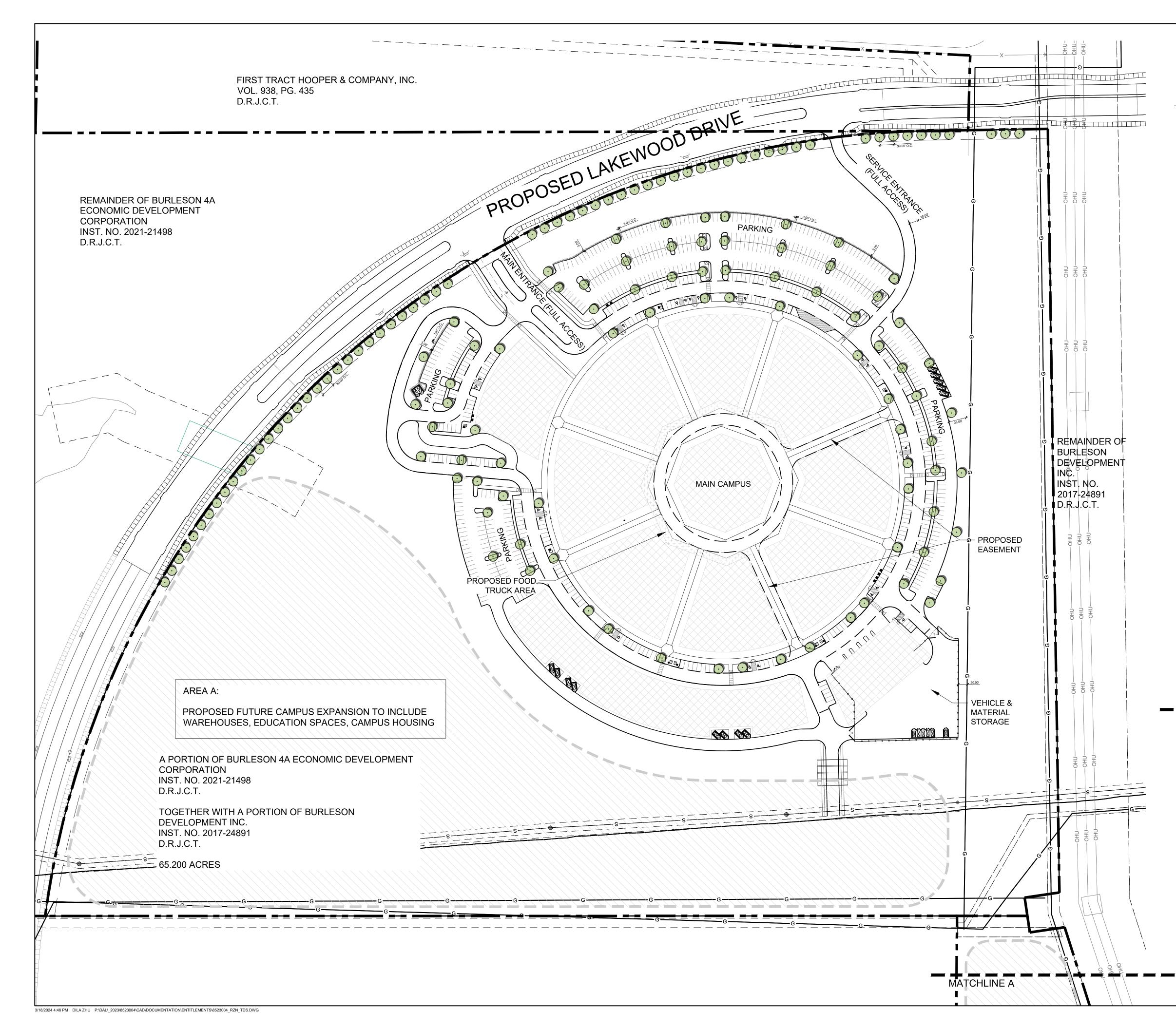
PROPOSED FUTURE AREA

PROPOSED FOOD TRUCK AREA LOT BOUNDARY LINE

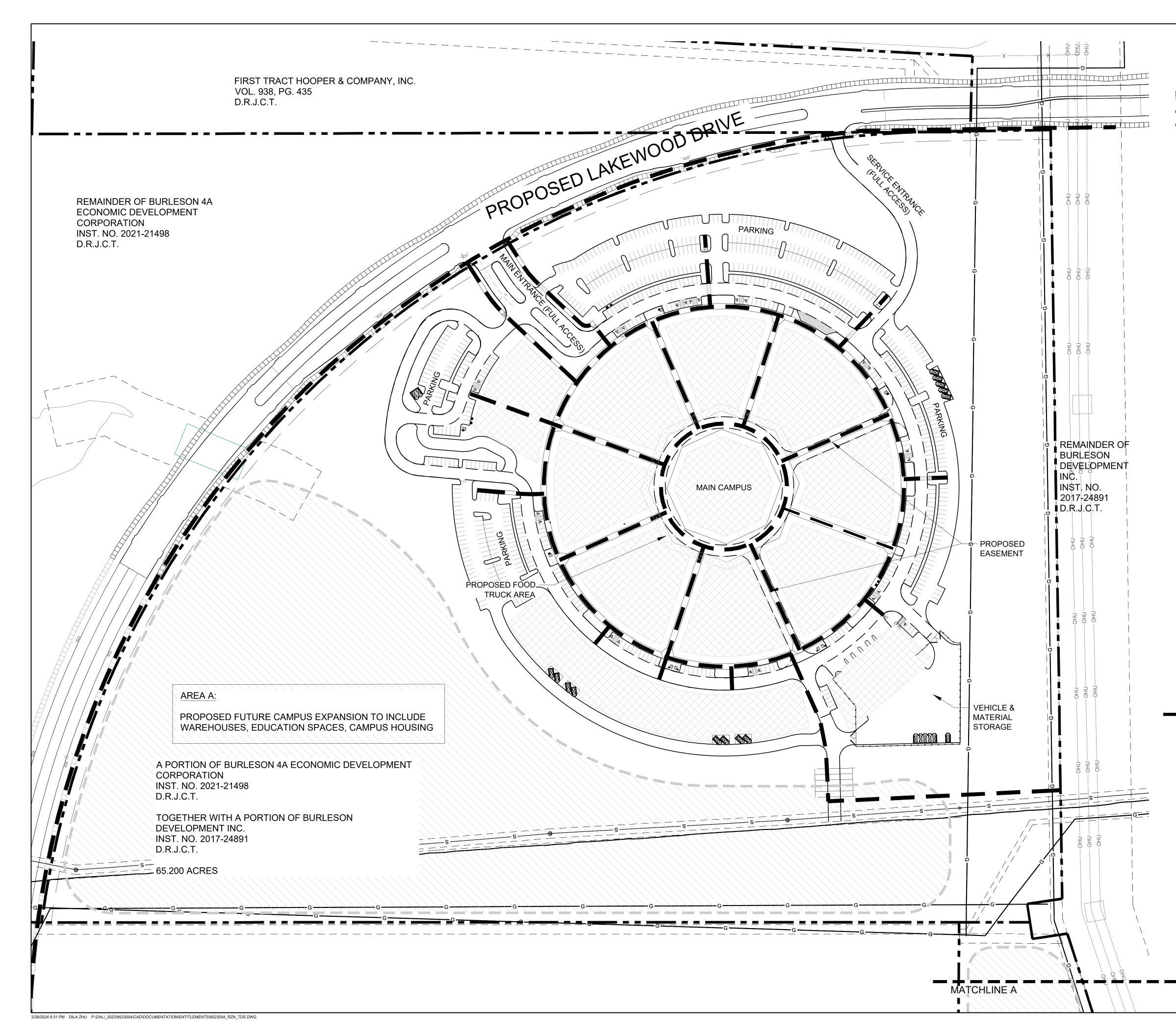
LandDesign. 5301 ALPHA ROAD, SUITE 24 DALLAS, TX 75240 214.785.6009 WWW.LANDDESIGN.COM FIRM LICENSE # TBPE: F-14754 / TBAE: BR-1927 Craftmasters PRELIMINARY -FOR REVIEW ONLY-THESE DOCUMENTS ARE FOR DESIGN REVIEW ONLY AND NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSE. THEY ARE PREPARED BY, OR UNDER THE SUPERVISION OF: HETH KENDRICK 2948 LANDSCAPE ARCHITECT REG. # **NOT FOR** CONSTRUCTION CRAFTMASTERS CRAFTMASTER 9028 CR 1019 BURLESON, TX LANDDESIGN PROJ.# 8523004 **REVISION / ISSUANCE** NO. DESCRIPTION DATE ----DESIGNED BY: XX DRAWN BY: XX CHECKED BY: XX SCALE VERT: N/A HORZ: 1" = 150'

> EXHIBIT A CONCEPTUAL SITE PLAN SHEET NU





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ONCEPT PLANT SCHEDULE	
STREET TREE - 3" CAL 135	Craftmasters
STREET TREE - 3" CAL 135	
PARKING LOT SCREENING 364	
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	KEY MAP
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SIDEWALK AND TRAILWAY

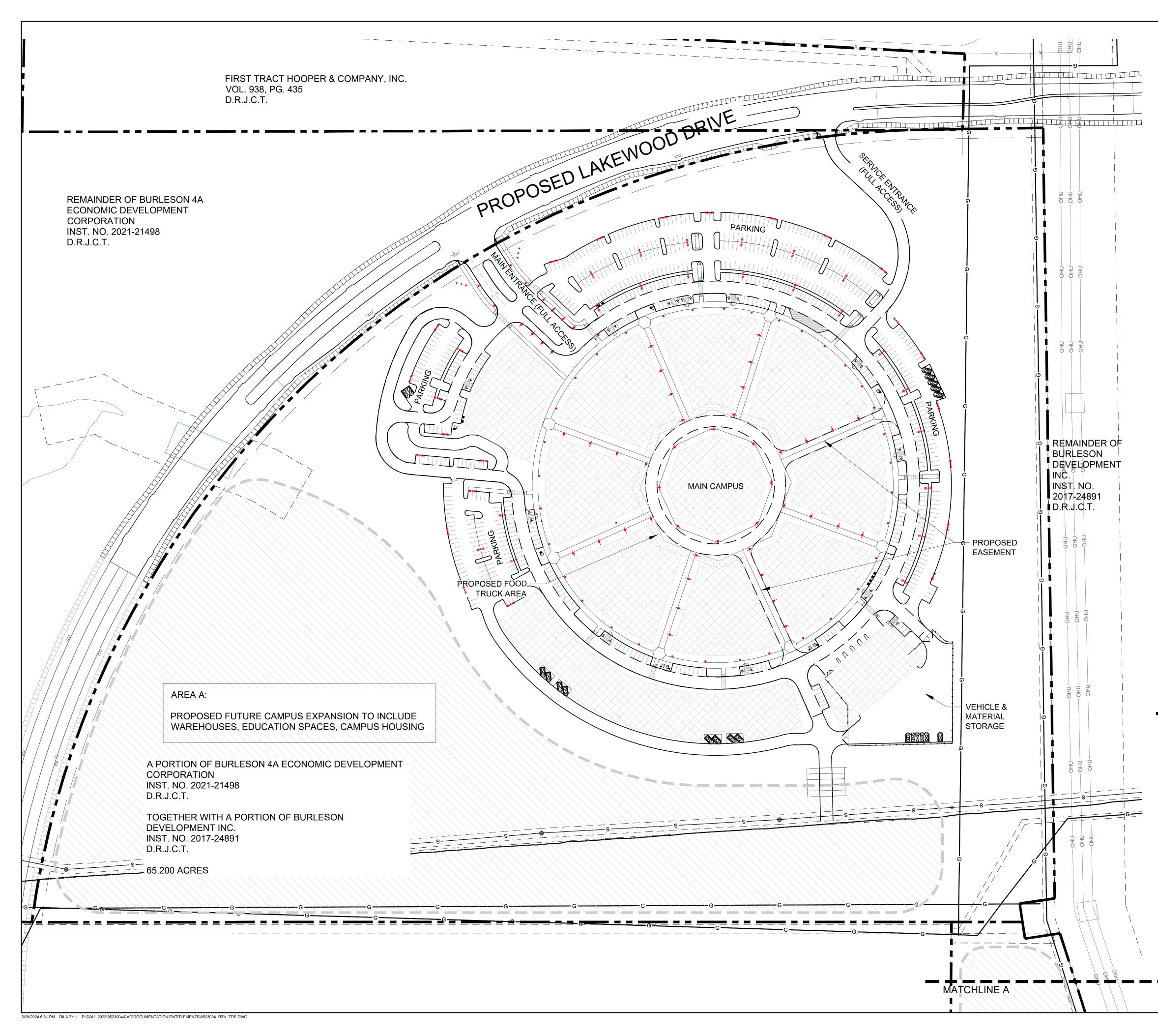
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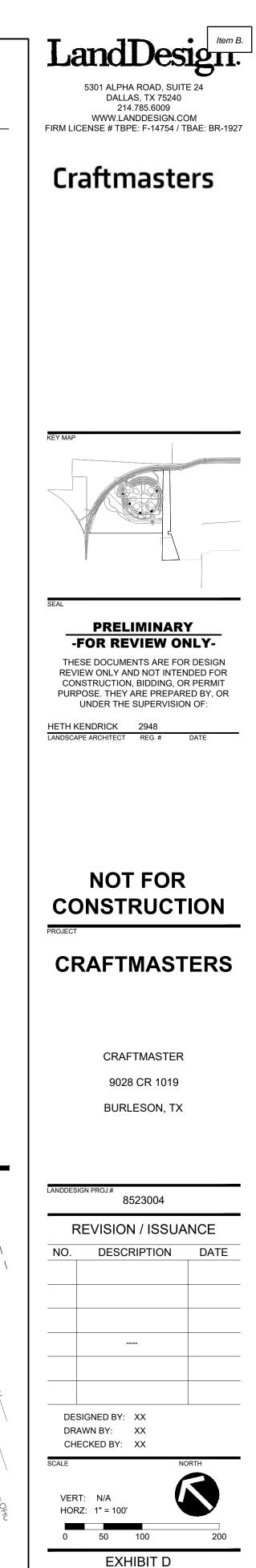


LIGHTING SCHEDULE

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(L-103	>
(L-104)	>
(L-105)	>

LIGHTING & ELECTRICAL DESCRIPTION STREETLIGHT WITH BANNER STREETLIGHT PARKING LOT LIGHT WITH 3'H CONCRETE BASE FLAG UPLIGHT

DETAIL



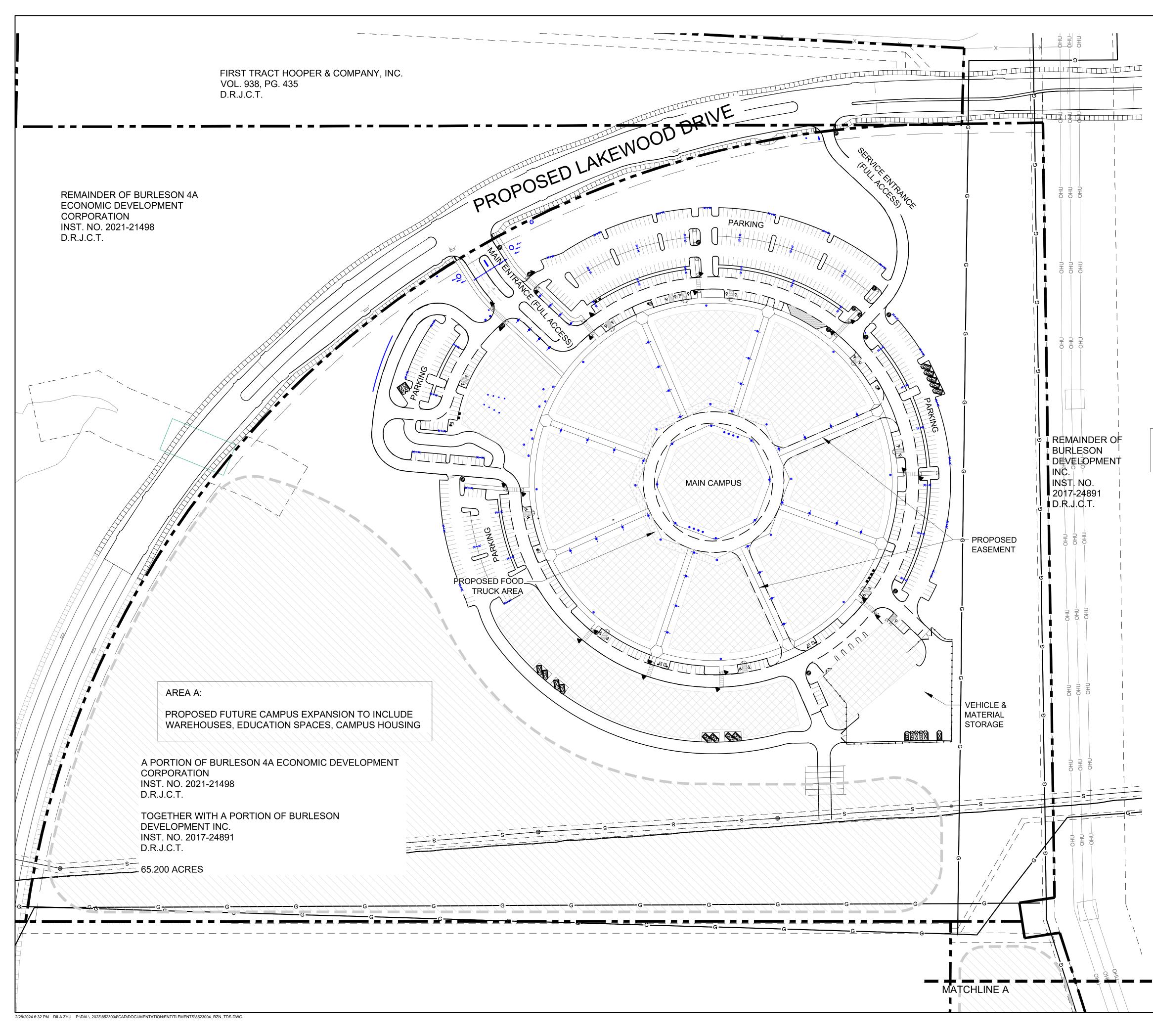
CONCEPTUAL PEDESTRIAN AND PARKING LIGHTING PLAN

RZN_06

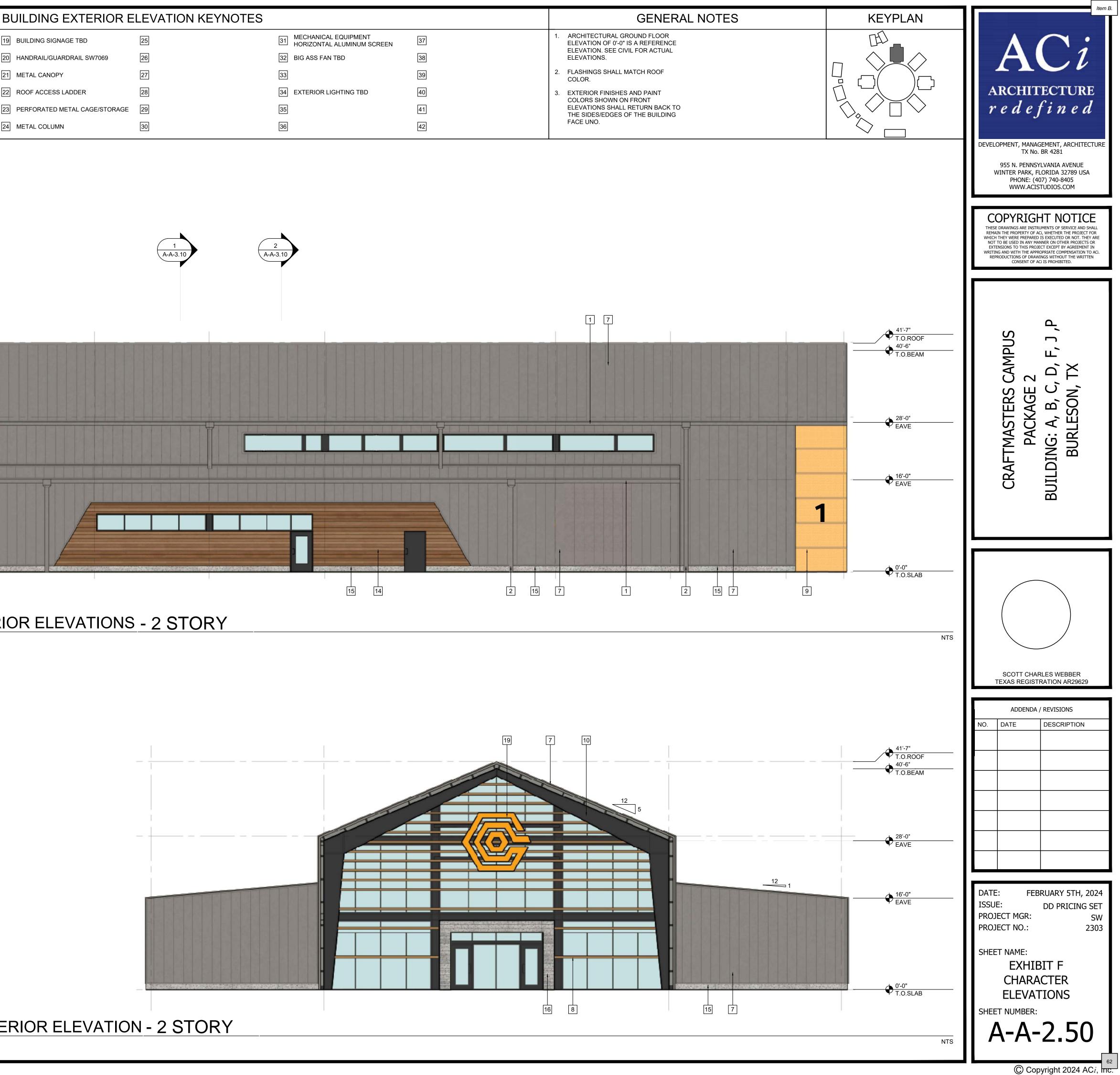
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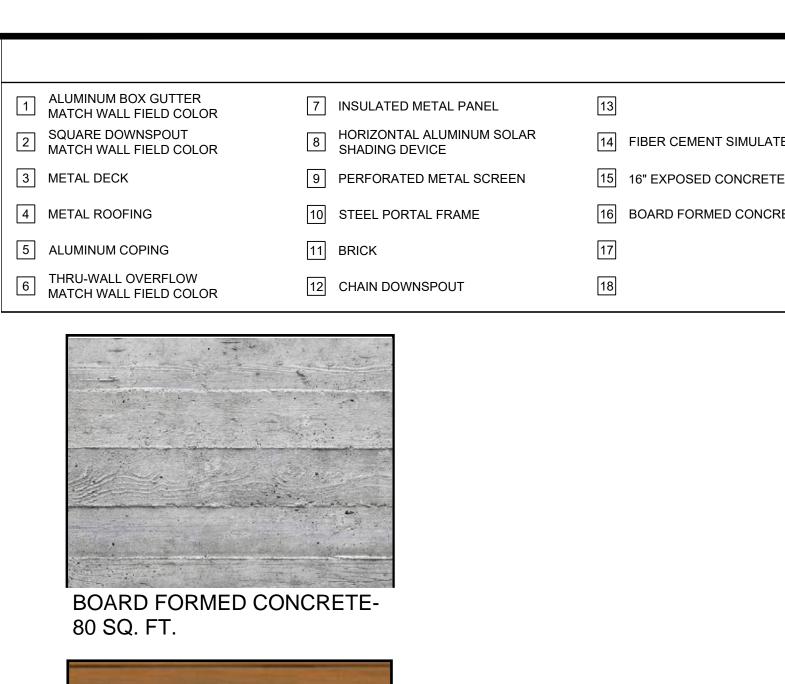
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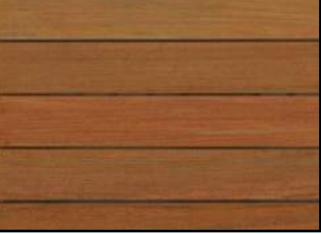


LandD 5301 ALPHA ROAD, SUITE 24 DALLAS, TX 75240 214.785.6009 WWW.LANDDESIGN.COM FIRM LICENSE # TBPE: F-14754 / TBAE: BR-1927 SIGNAGE SCHEDULE: DESCRIPTION DETAIL SYMBOL (MN-101) (MN-102) MAIN ENTRANCE SIGN Craftmasters MAIN ENTRANCE ARCH SIGN (30'H X 115'W) MN-103 MN-104 MN-105 MN-106 MN-107 STORYVILLE MONUMENT SIGN ENTRANCE SIGN MONUMENT ENTRY SIGN FLAG POLE SINGLE SIDE BANNER MN-108 MN-109 MN-110 MN-111 MN-112 MN-113 MN-114 MN-115 DOUBLE SIDE BANNER (LONG) DOUBLE SIDE BANNER (SHORT) ICONIC PANEL WAYFINDING SIGN PYLON SIGN MONUMENT SIGN STOP SIGN PEDESTRIAN CROSSING SIGN **BUILDING SIGNAGE:** PRELIMINARY -FOR REVIEW ONLY-ATTACHED SIGNS AND ROOF SIGNS ARE PERMITTED THESE DOCUMENTS ARE FOR DESIGN REVIEW ONLY AND NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSE. THEY ARE PREPARED BY, OR UNDER THE SUPERVISION OF: NOTE: DESIGN STANDARDS AND SPECIFICATIONS FOR ALL HETH KENDRICK 2948 LANDSCAPE ARCHITECT REG. # SIGN TYPES WILL BE DETERMINED AT THE TIME OF DETAILED SIGN PLAN APPLICATION **NOT FOR** CONSTRUCTION CRAFTMASTERS CRAFTMASTER 9028 CR 1019 BURLESON, TX NDDESIGN PROJ. 8523004 **REVISION / ISSUANCE** NO. DESCRIPTION DATE ----AREA B: PROPOSED DESIGNED BY: XX FUTURE DRAWN BY: XX **RESIDENTIAL AREA** CHECKED BY: XX DEPICTED FOR VERT: N/A ILLUSTRATIVE PURPOSES HORZ: 1" = 100' AND NOT TO BE INCORPORATED WITH THIS PLANNED DEVELOPMENT EXHIBIT E CONCEPTUAL SIGNAGE PLAN RZN_07 ORIGINAL SHEET SIZE: 22" X 34"

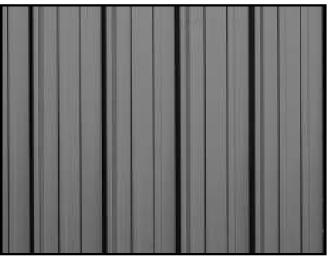




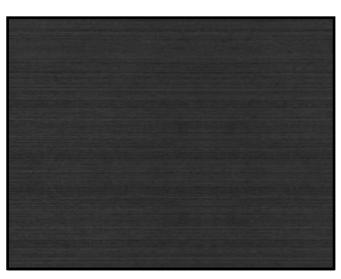




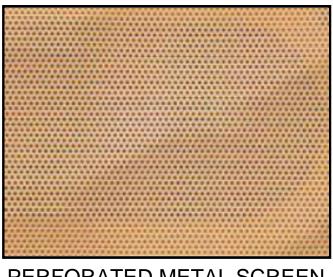
FIBER CEMENT PANEL



INSULATED METAL PANEL



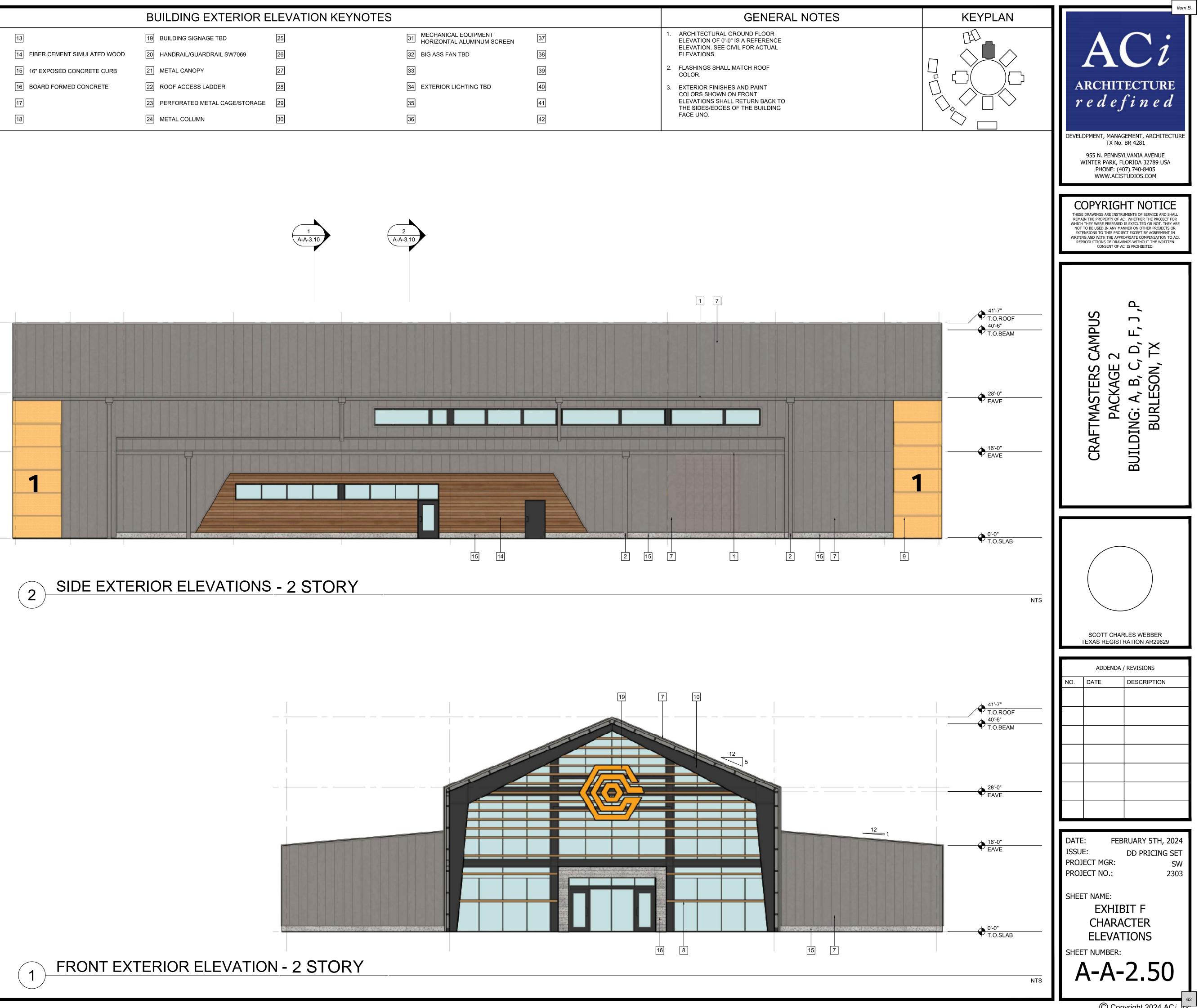
STEEL PORTAL FRAME



PERFORATED METAL SCREEN

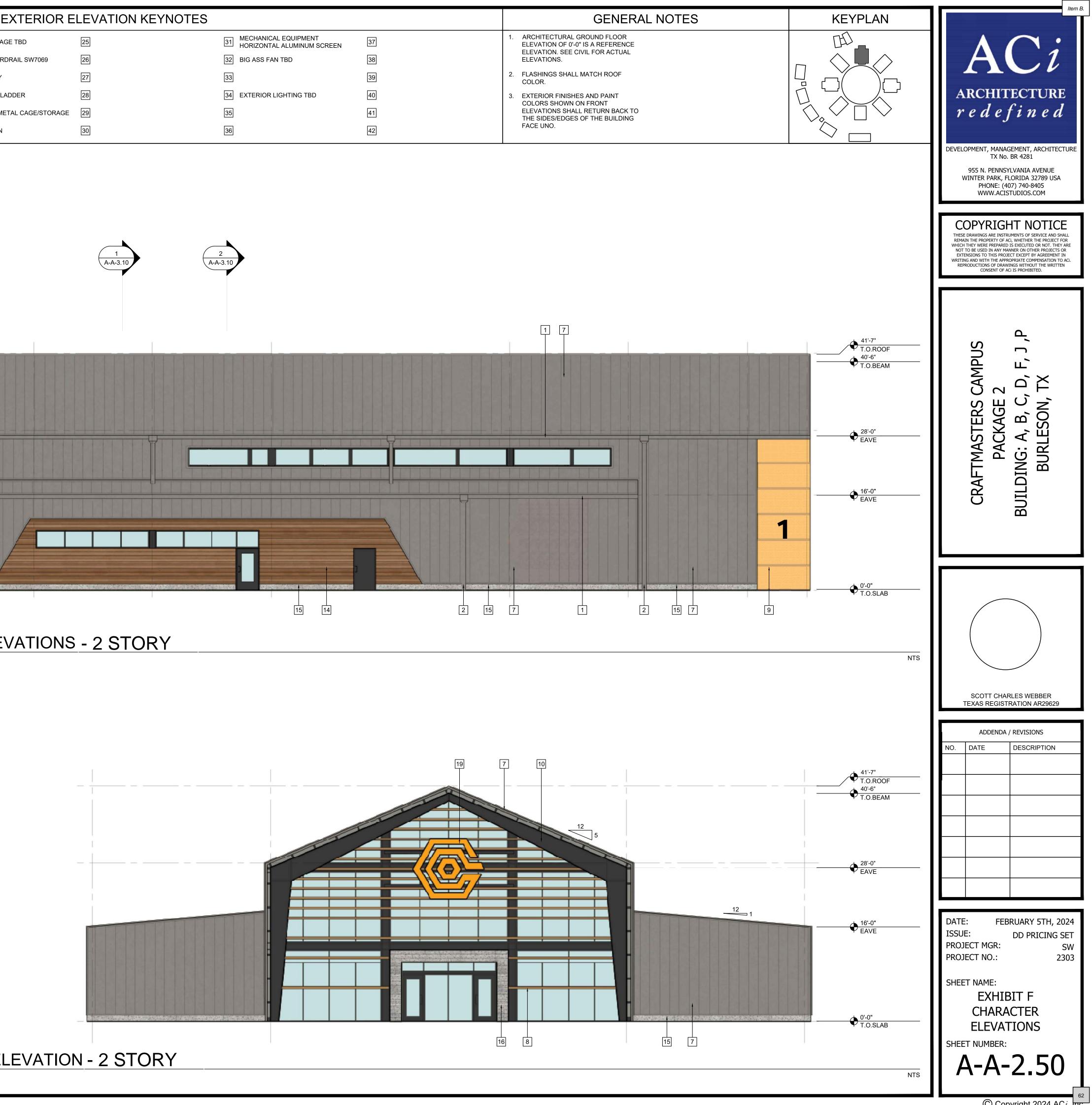


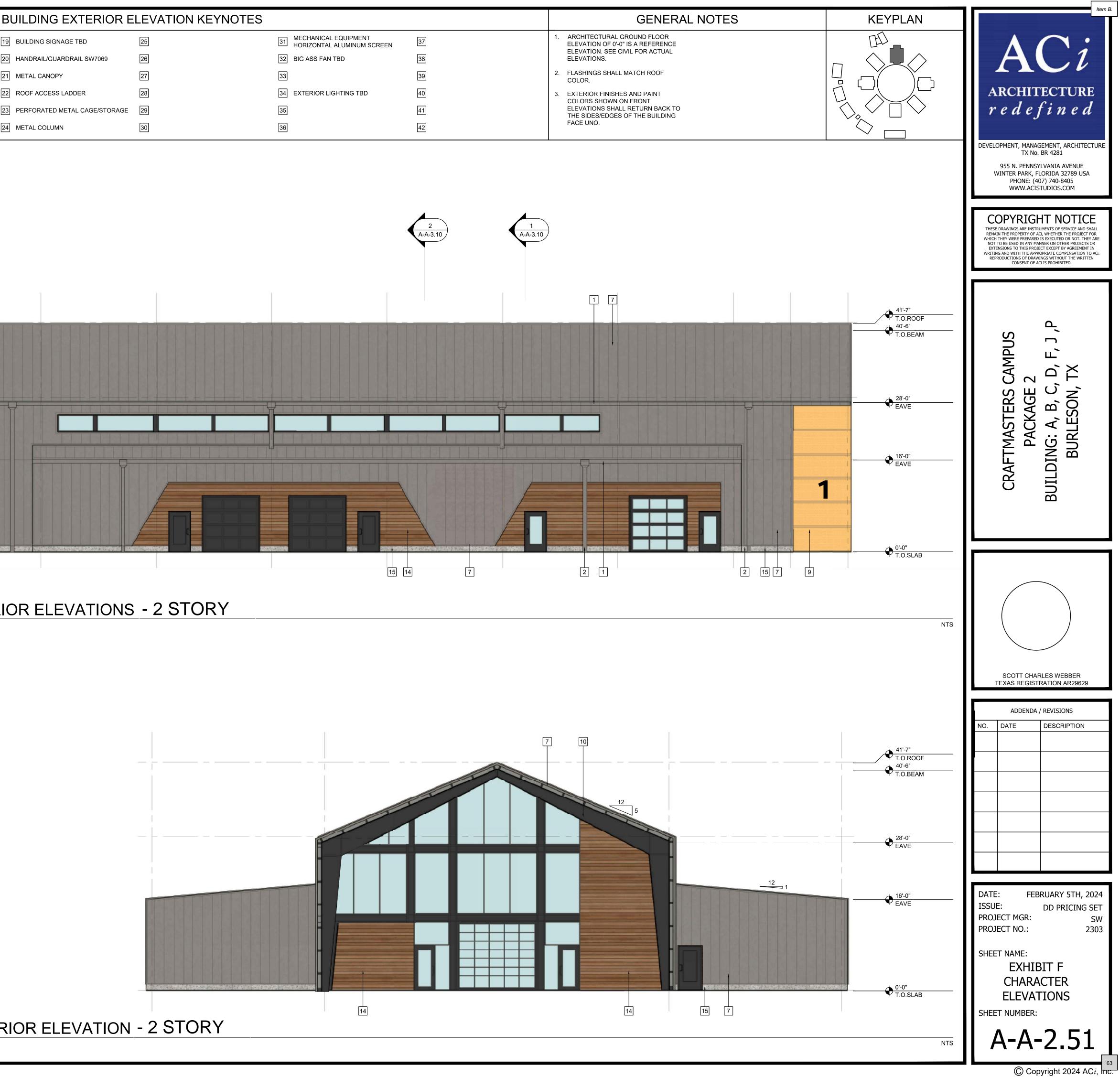
ALUMINUM SHADING DEVICE

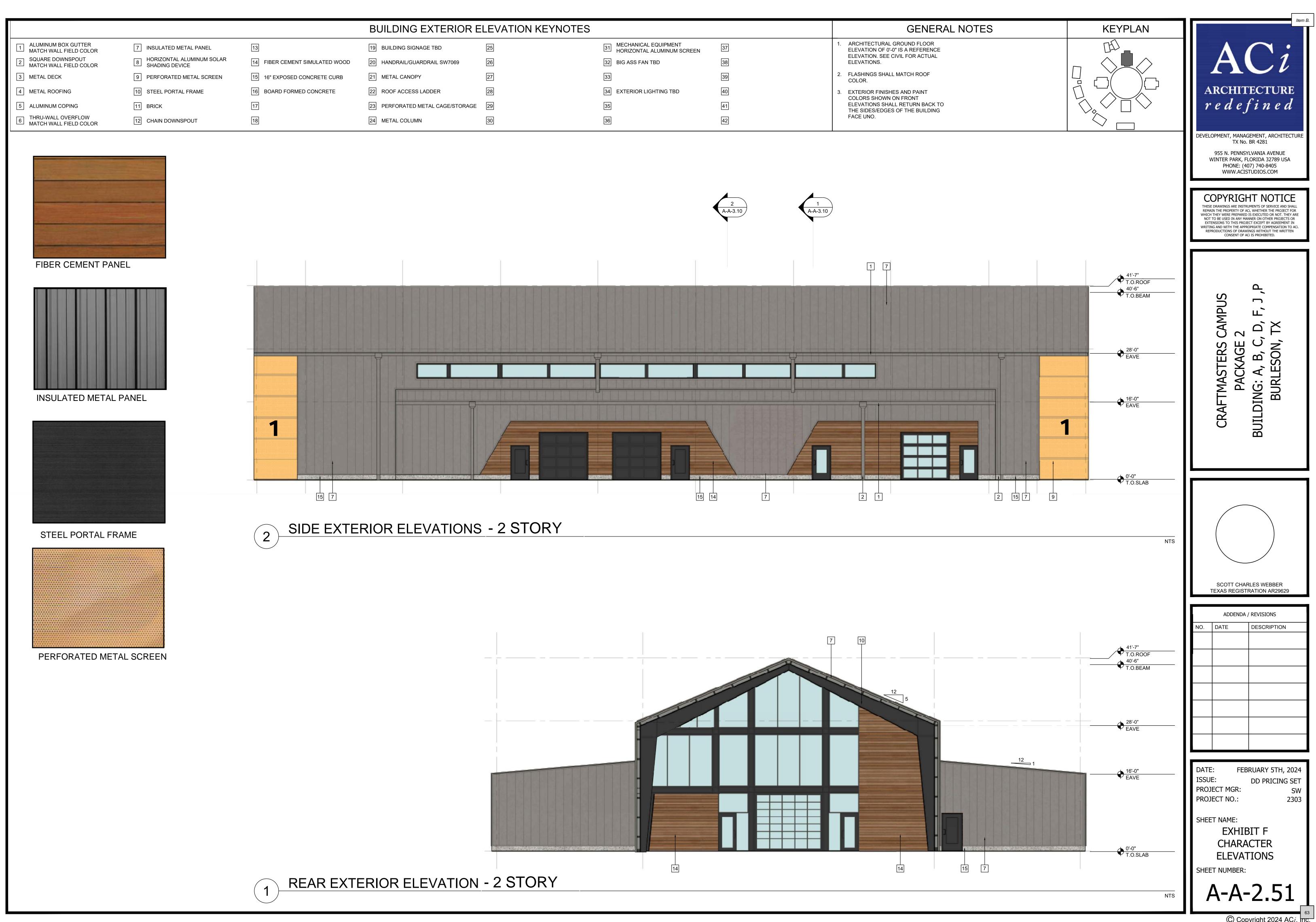


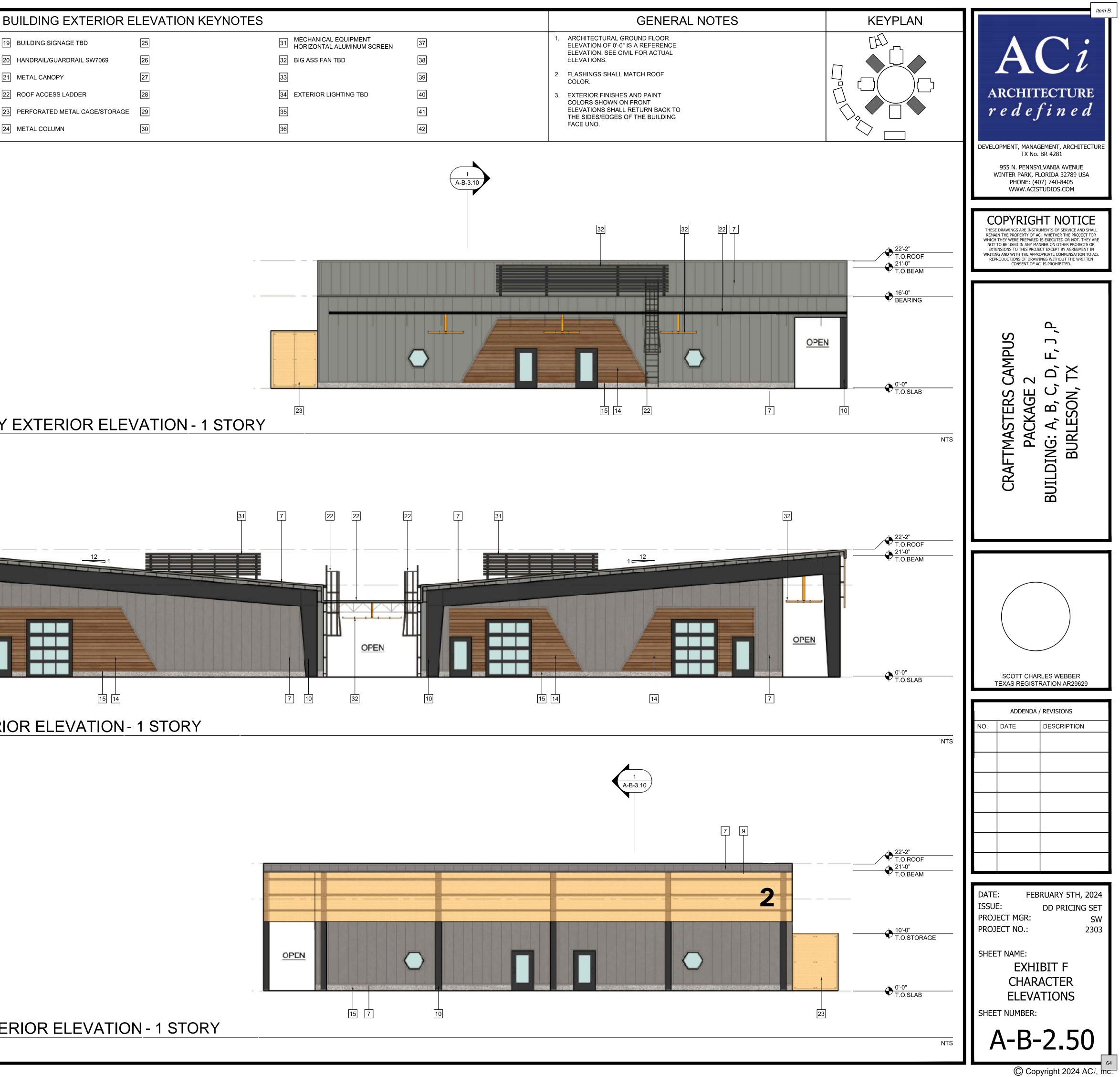


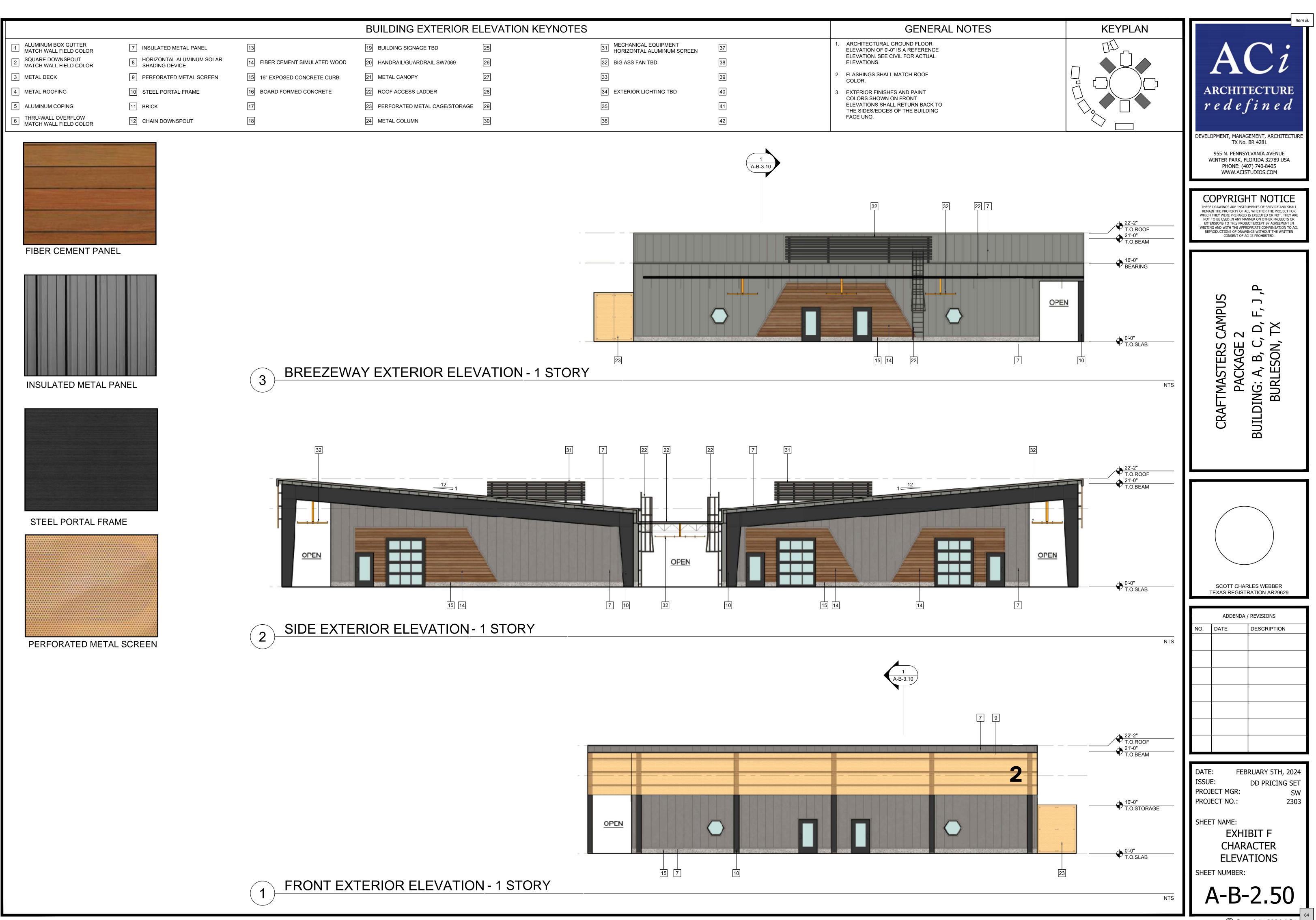




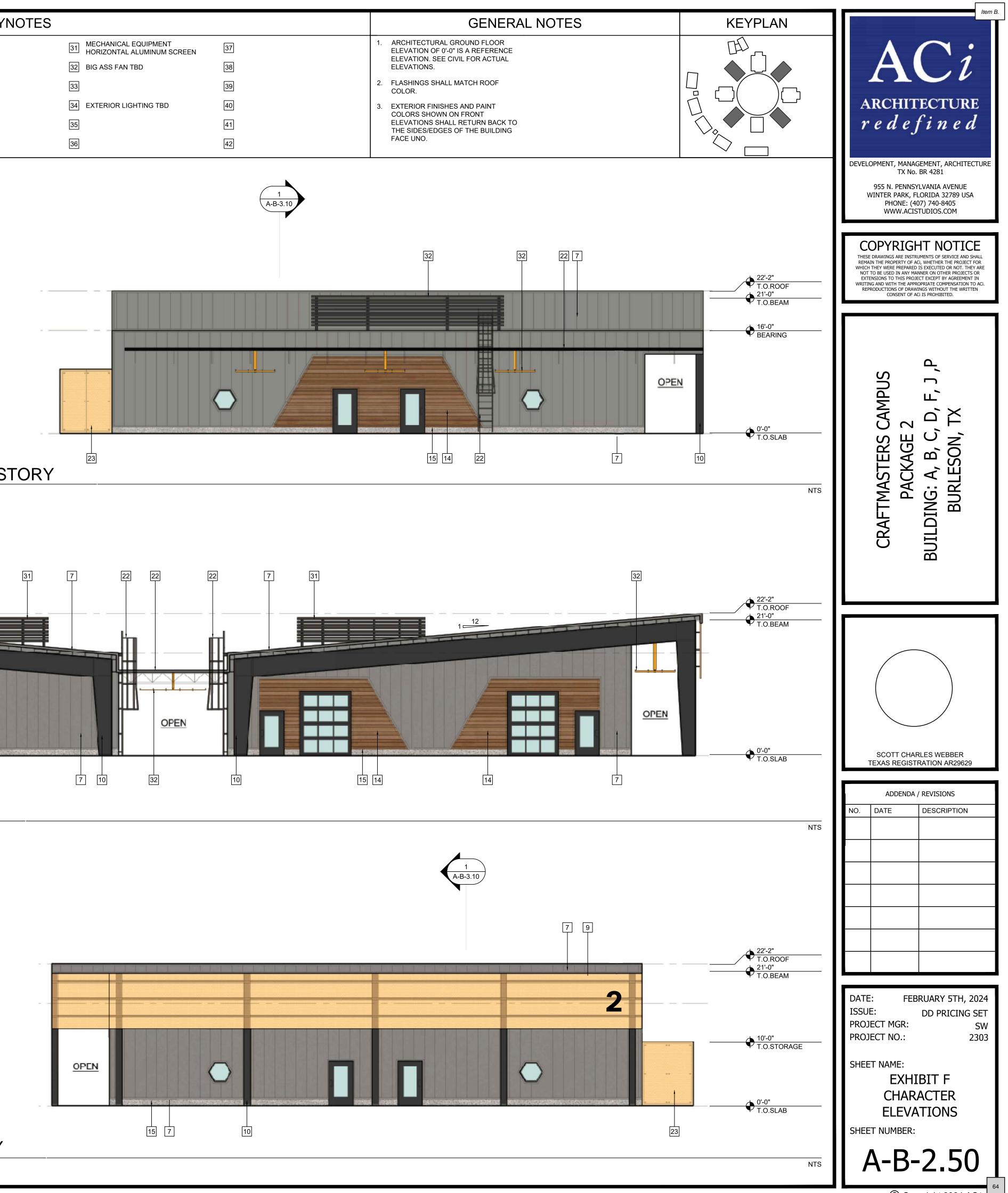




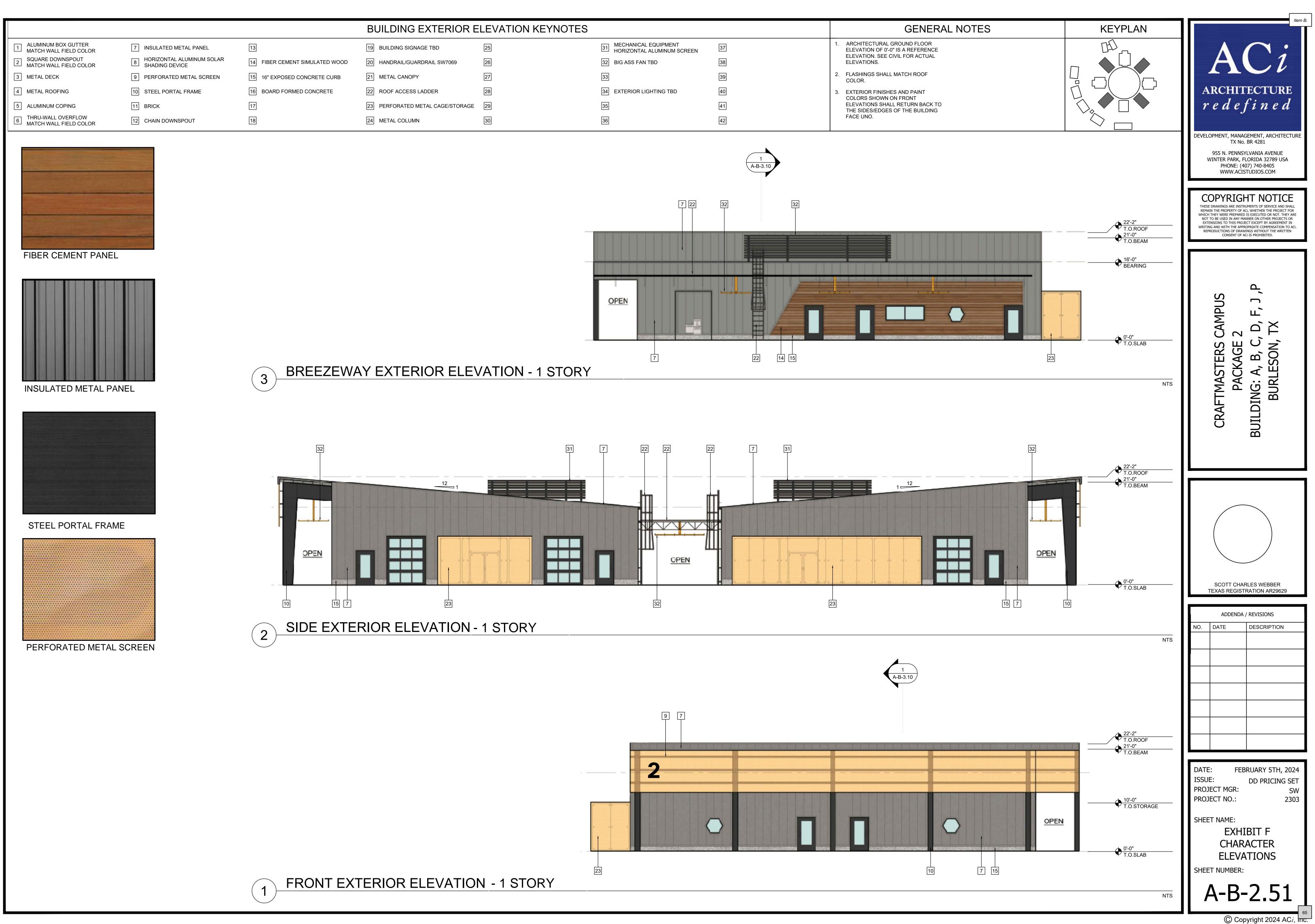




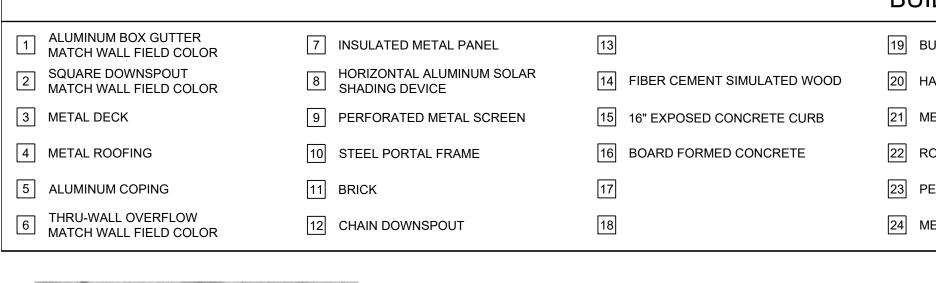










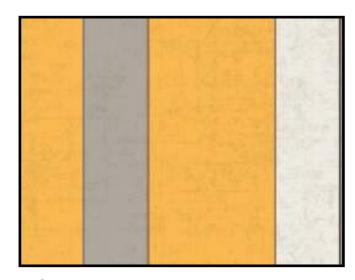




BOARD FORMED CONCRETE-80 SQ. FT. FRONT ELEVATION 26 SQ. FT. SIDE ELEVATION



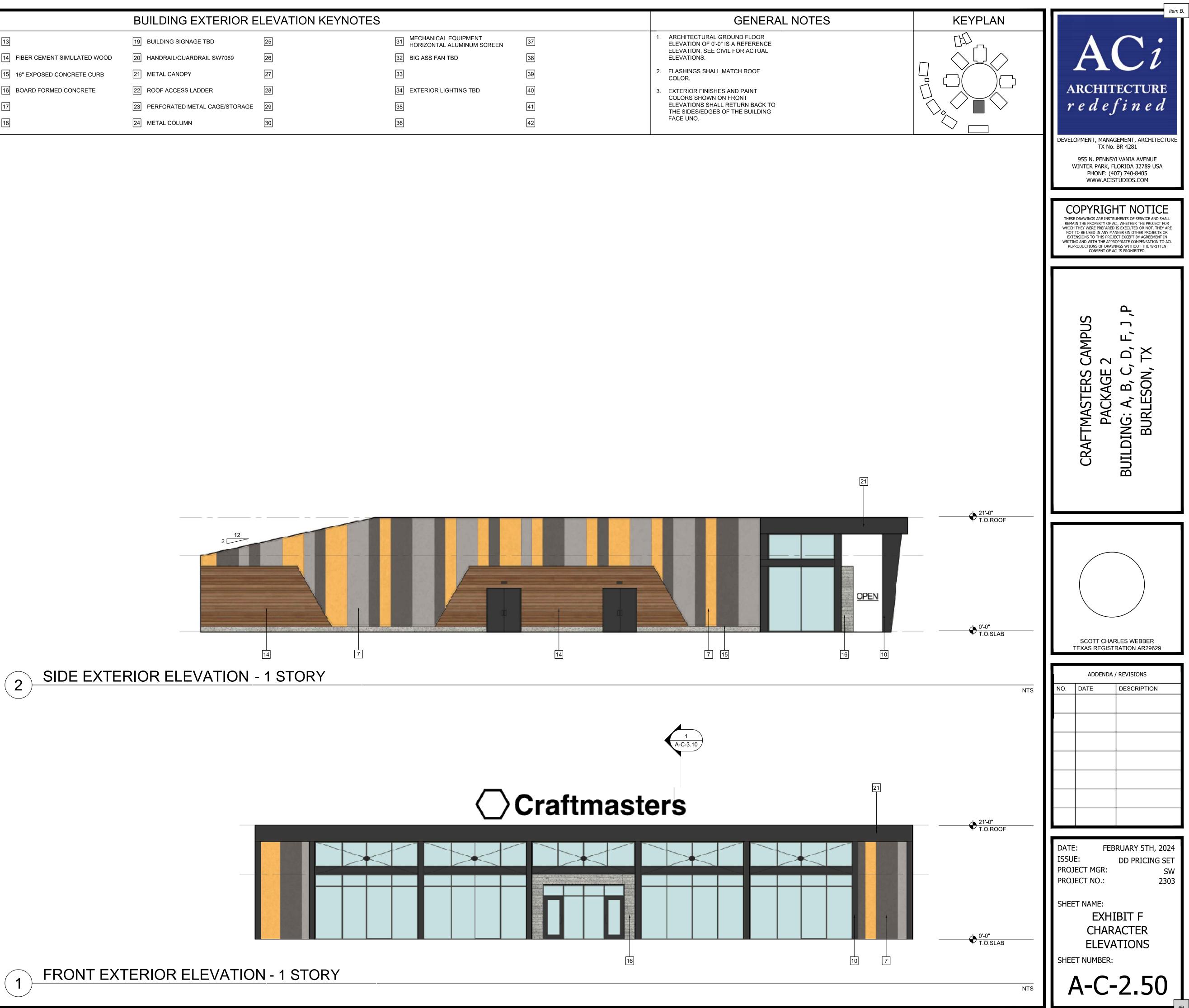
FIBER CEMENT PANEL



INSULATED METAL PANEL

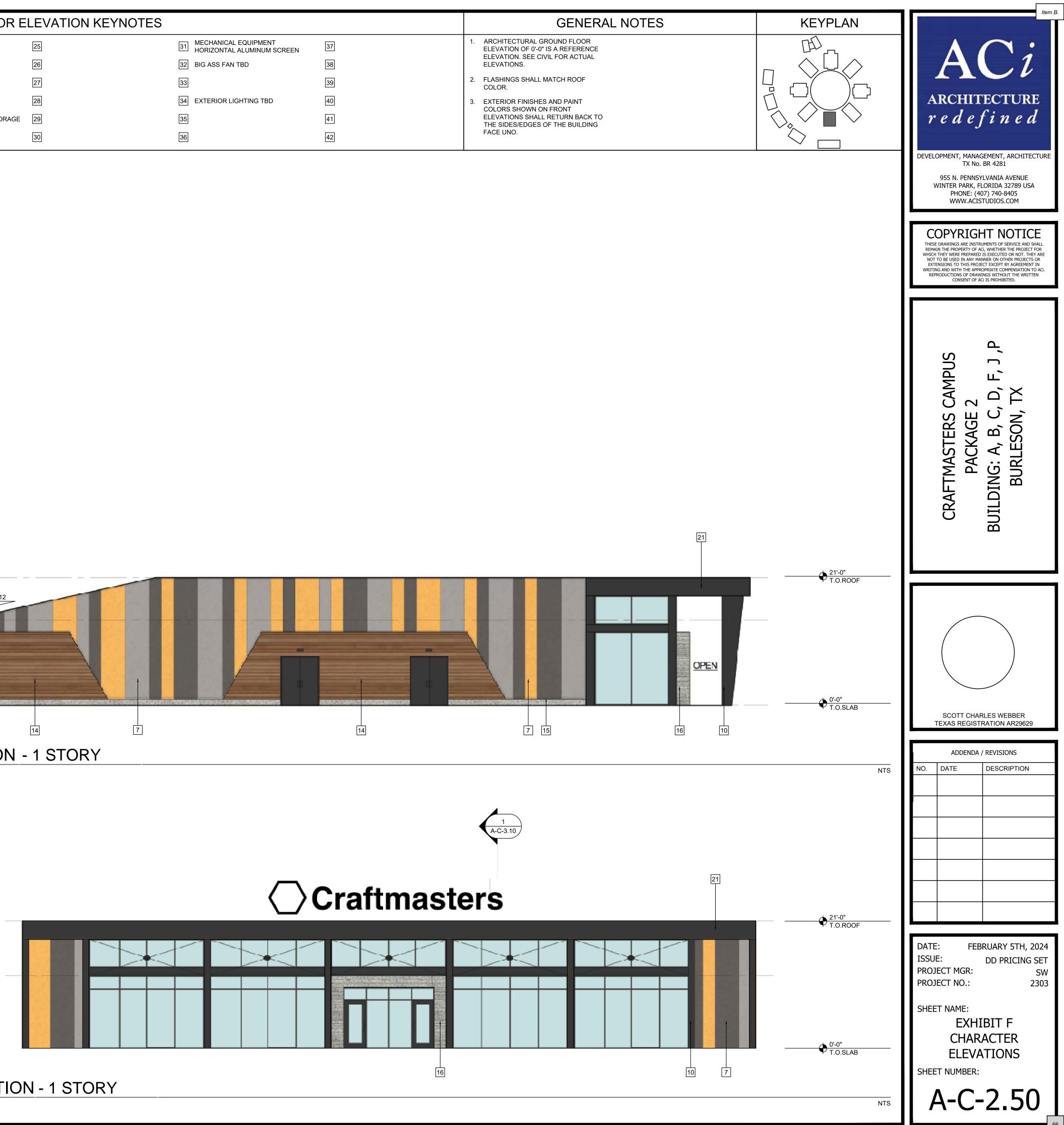


STEEL PORTAL FRAME



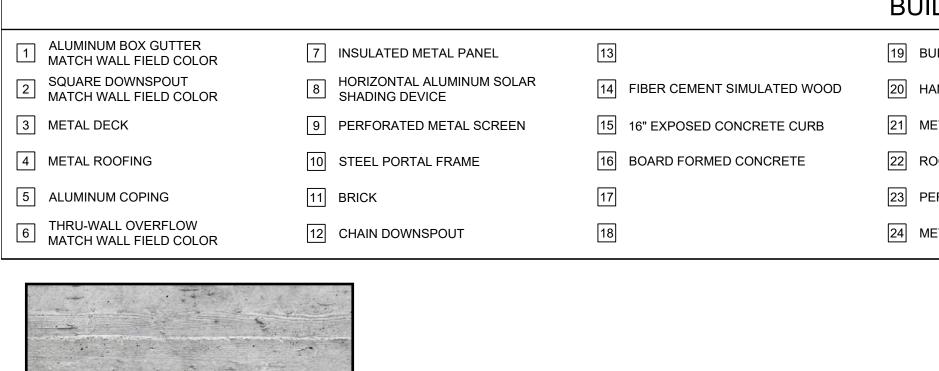


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OPY	27	33	39	2.	FLASHINGS SHALL MA COLOR.
SS LADDER	28	34 EXTERIOR LIGHTING TBD	40	3.	EXTERIOR FINISHES A COLORS SHOWN ON F
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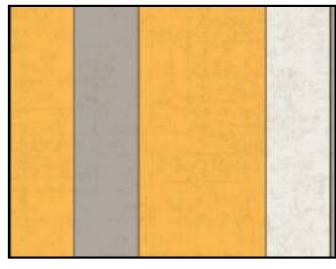








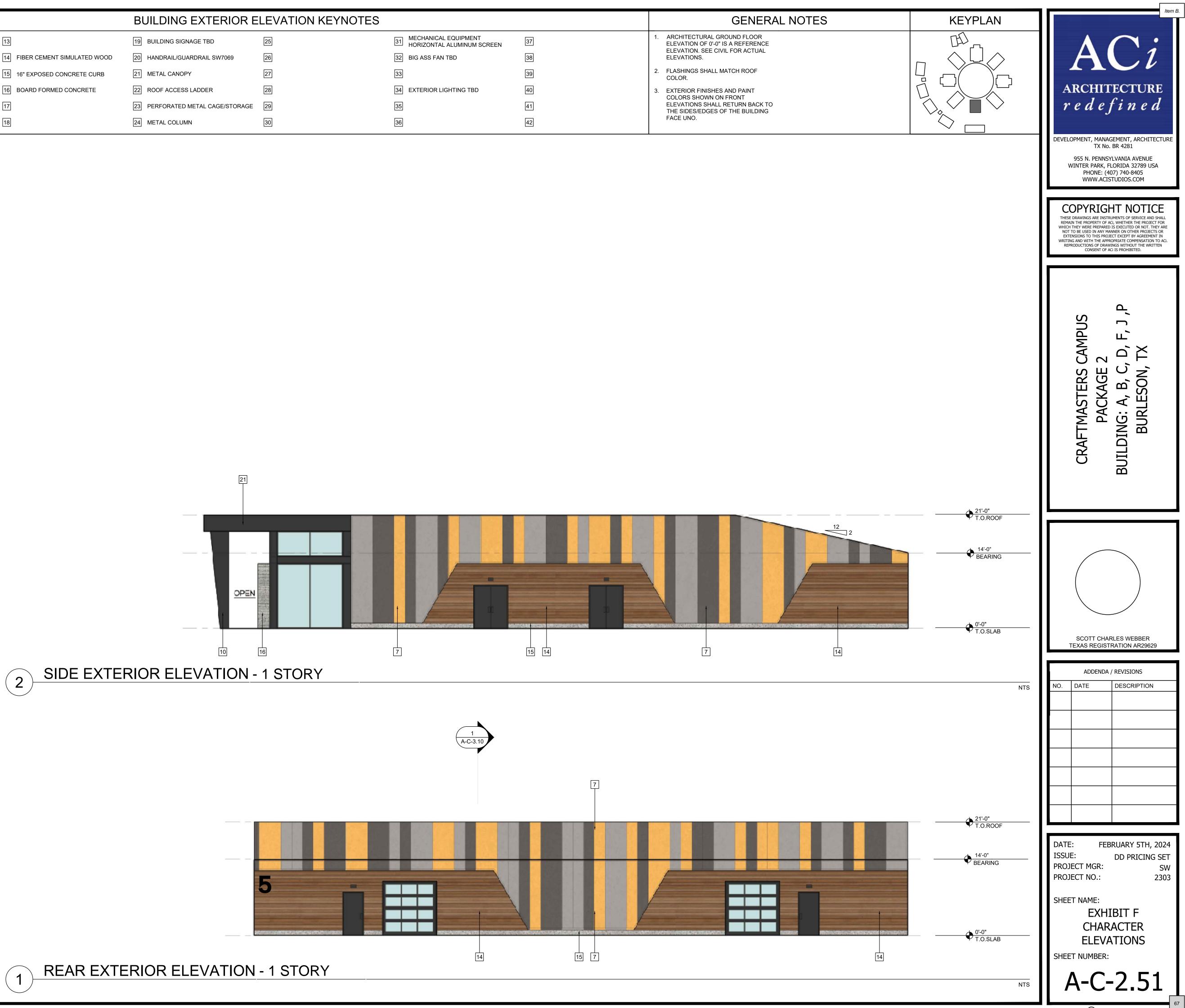
FIBER CEMENT PANEL



INSULATED METAL PANEL

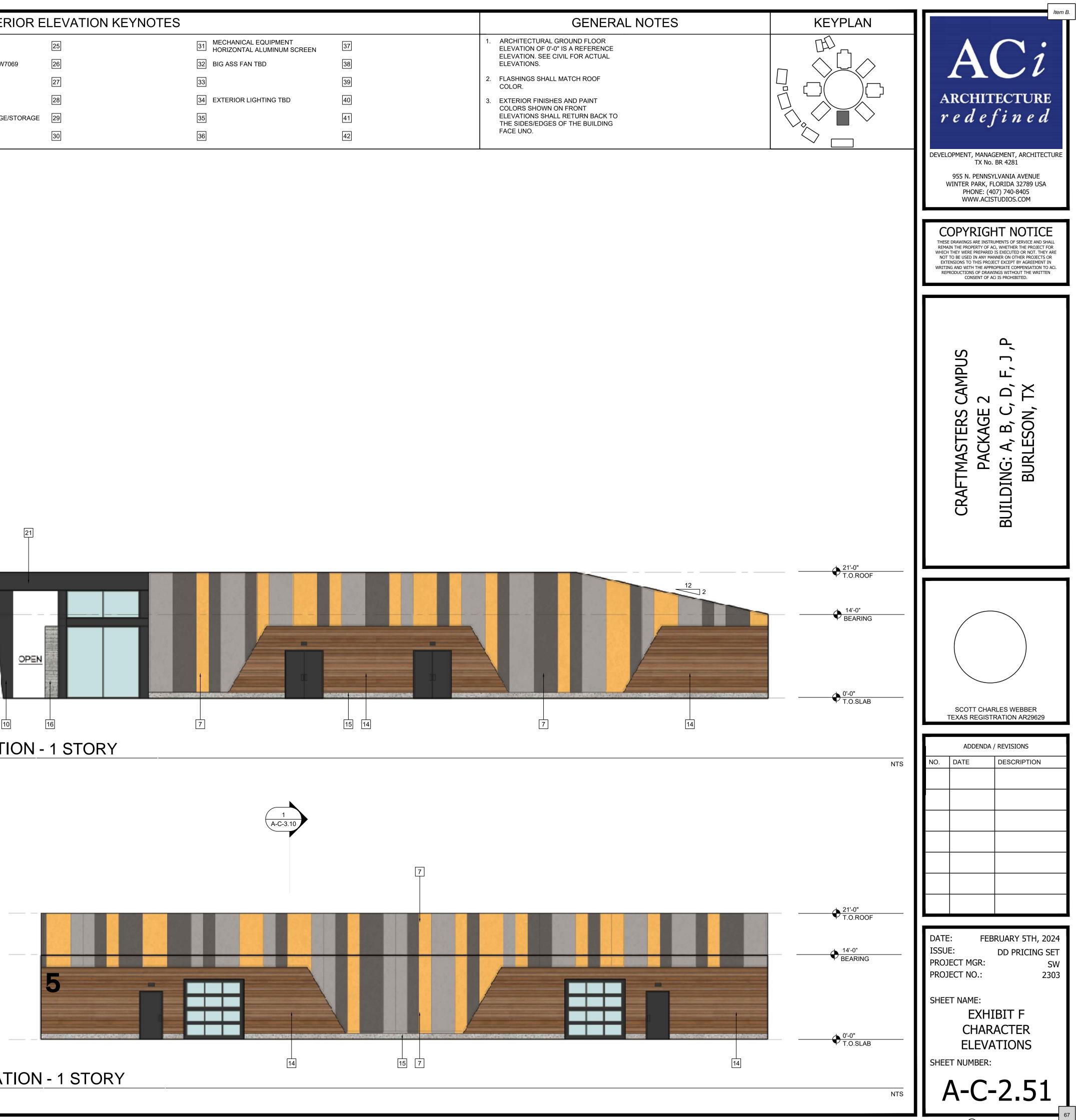


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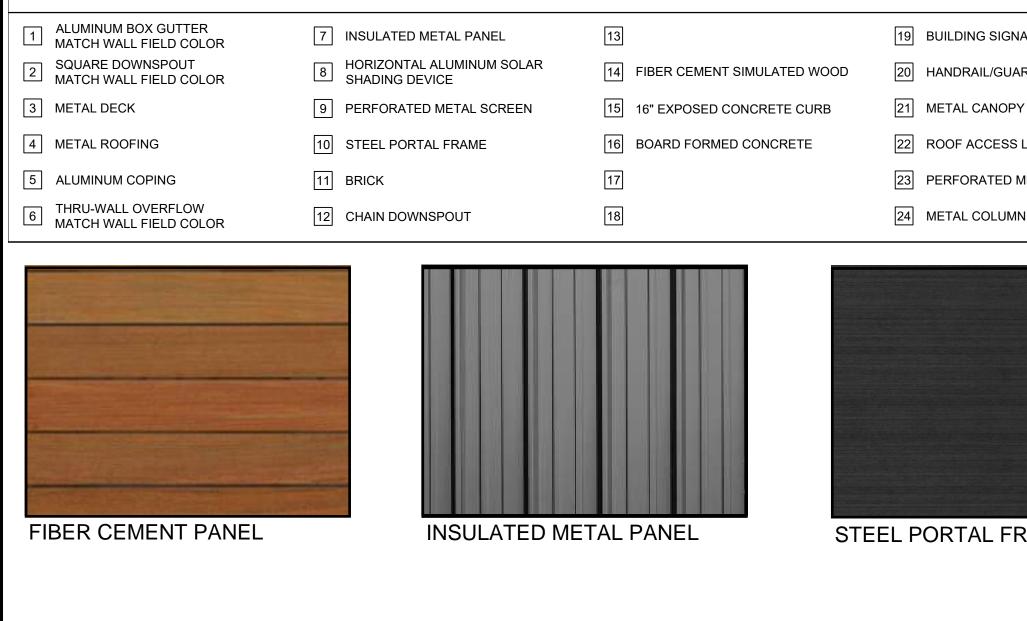


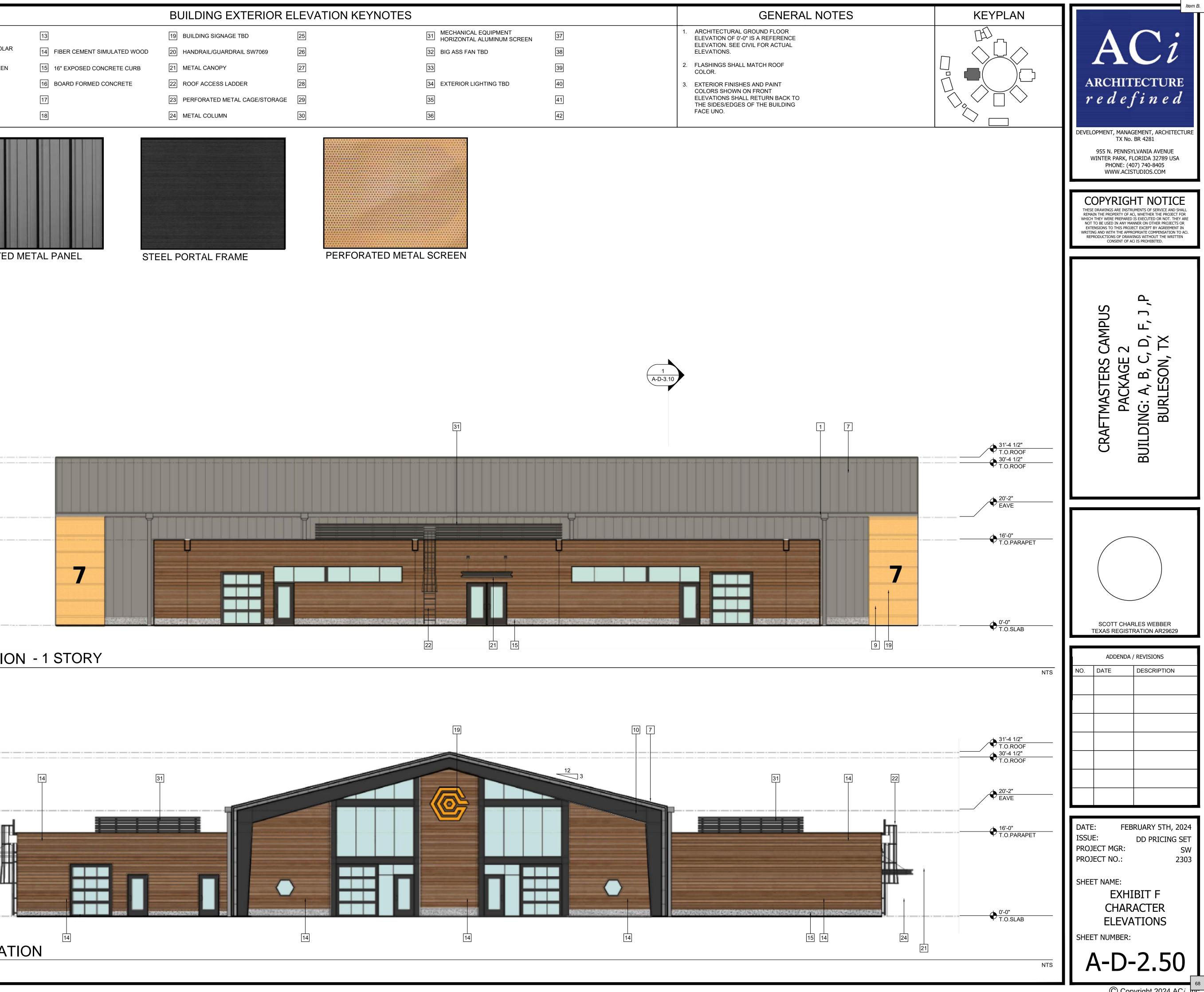


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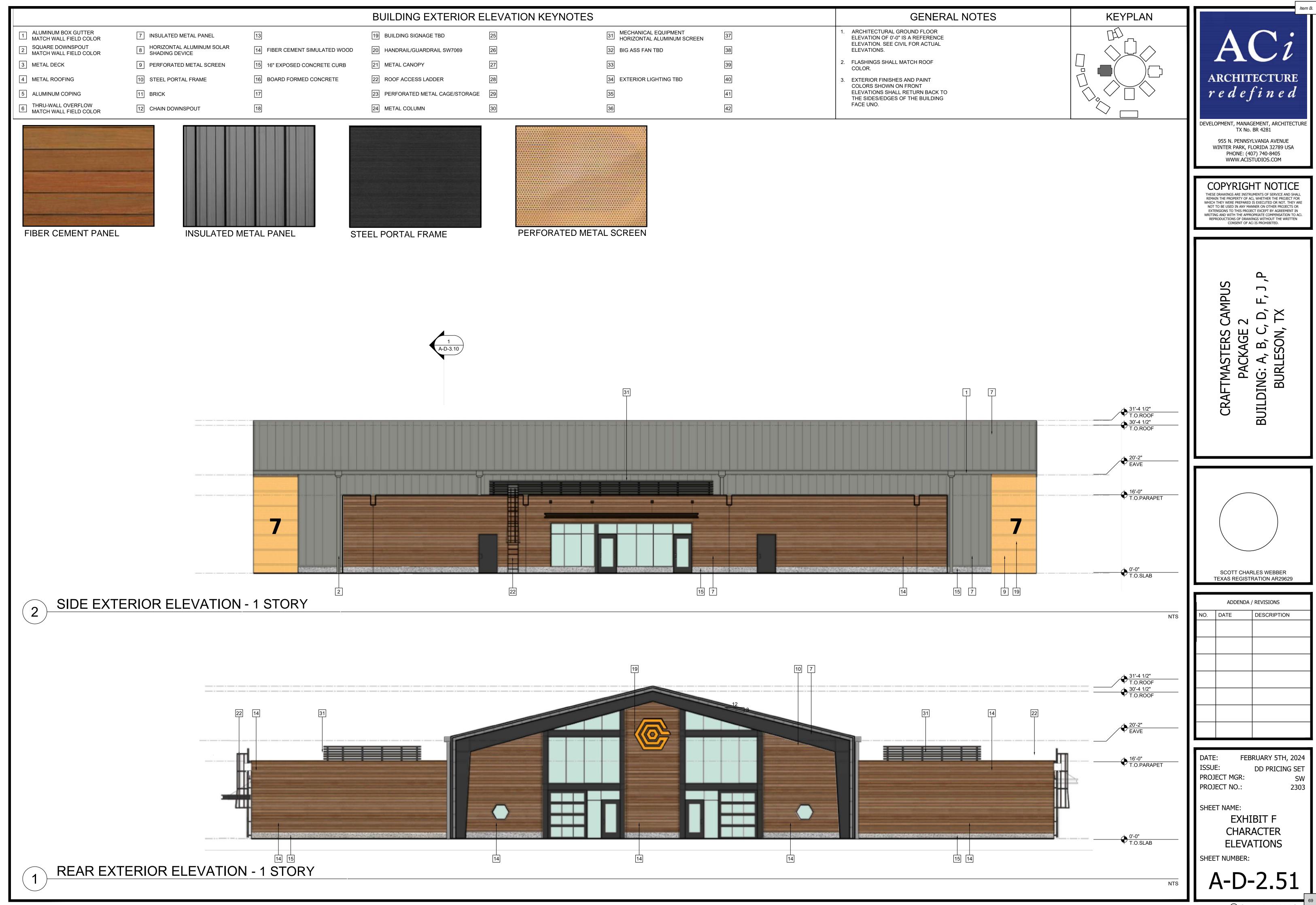


SIDE EXTERIOR ELEVATION - 1 STORY (2)



G EXTERIOR ELEVATION KEYNOTES					
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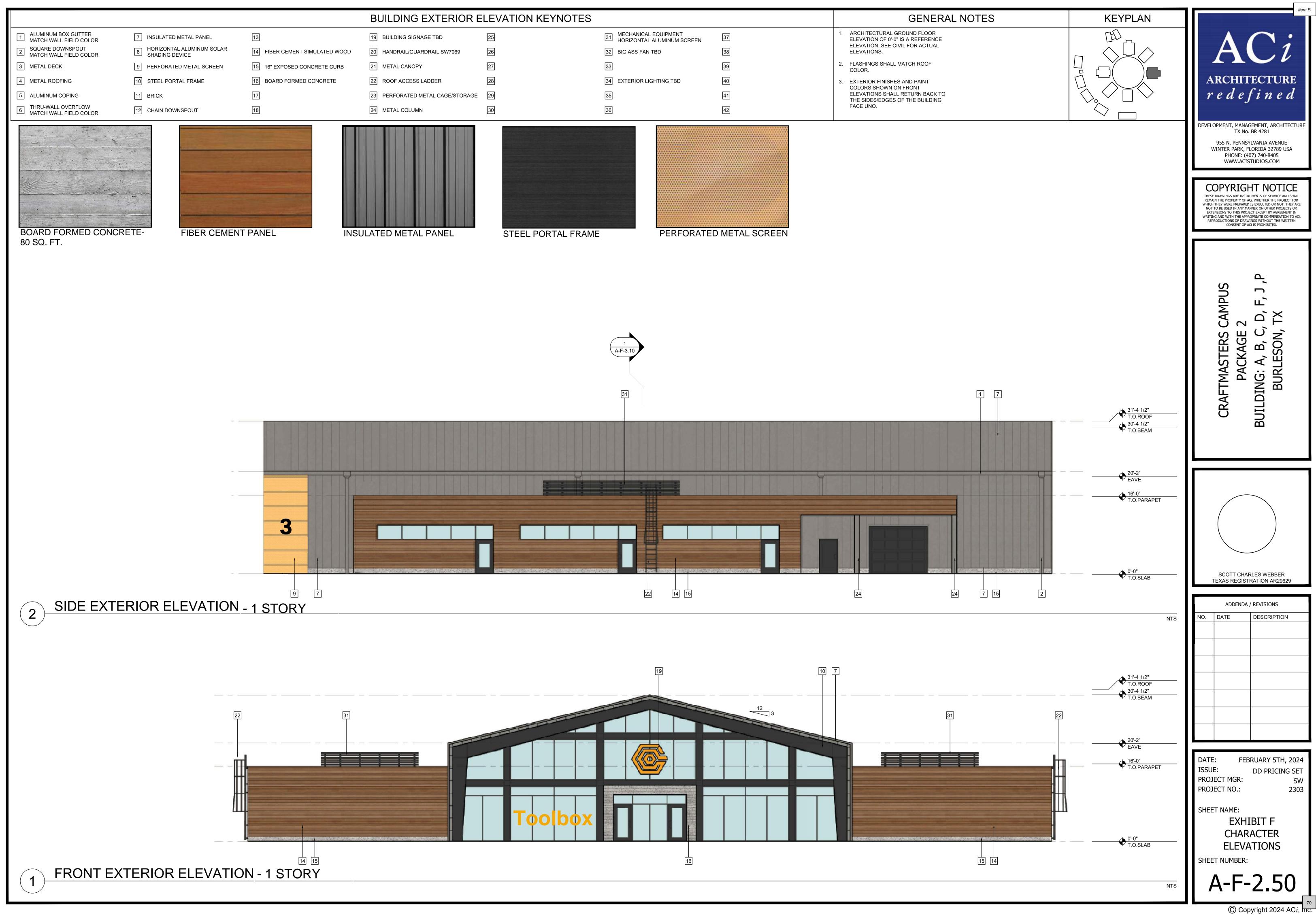


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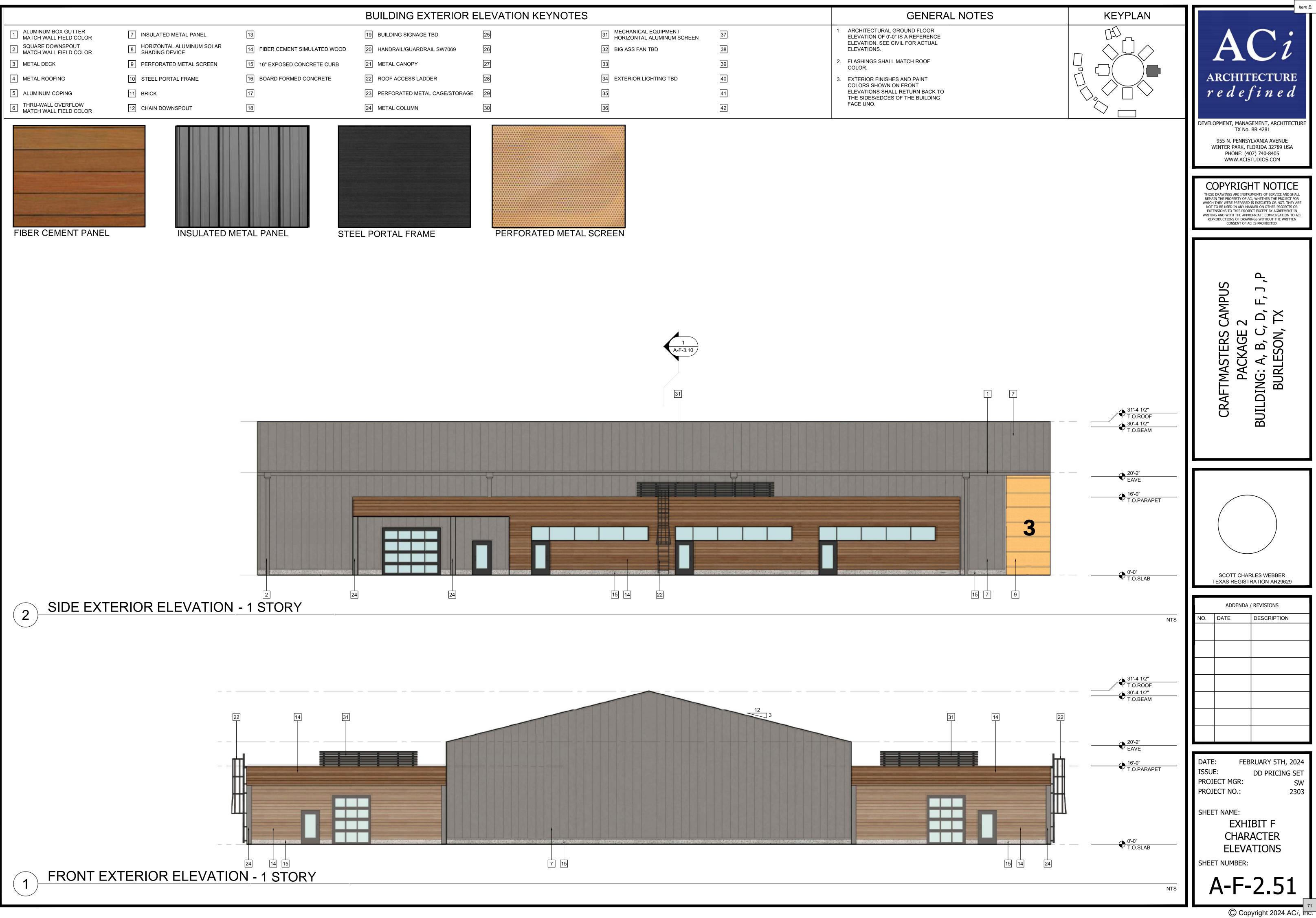




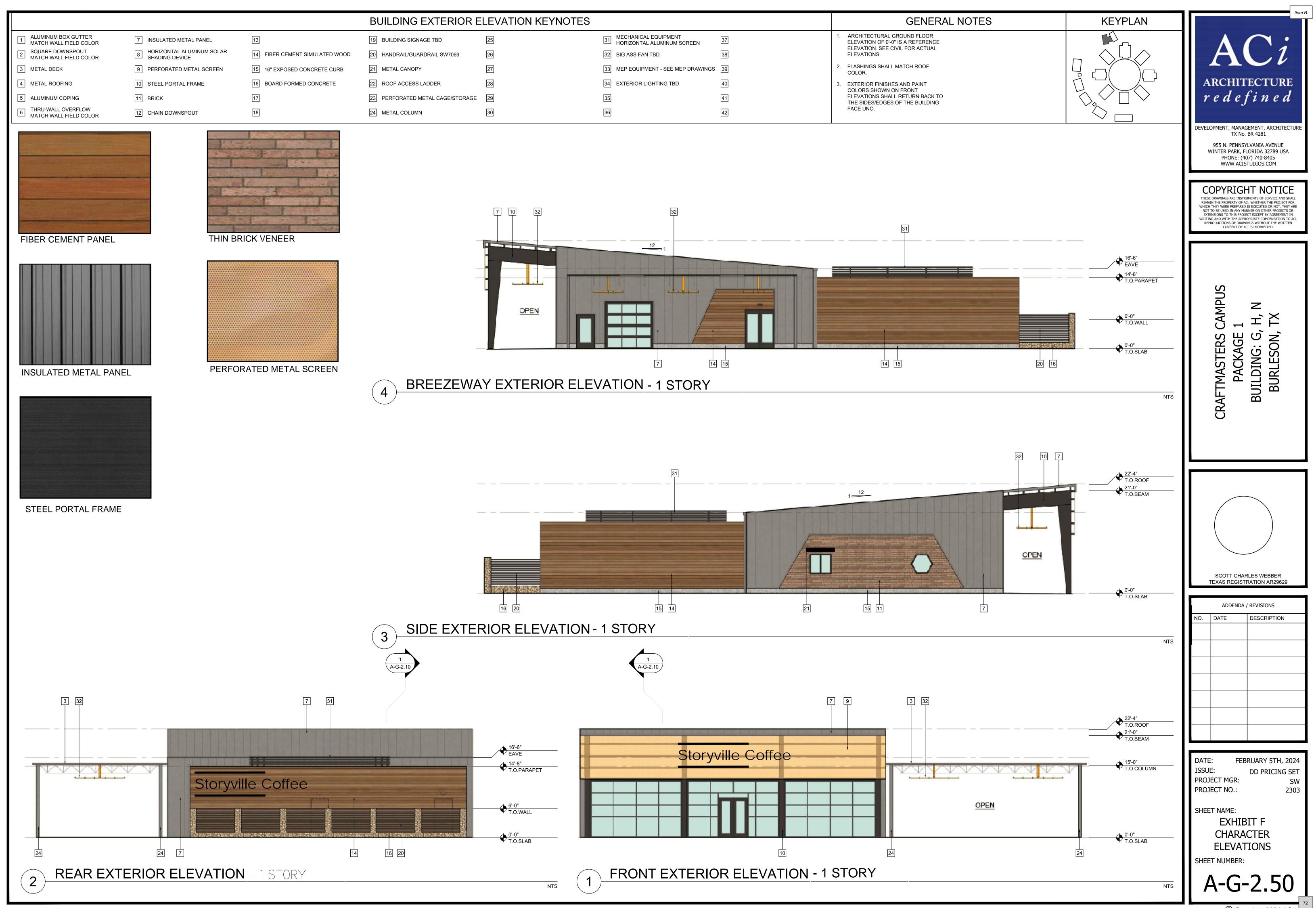
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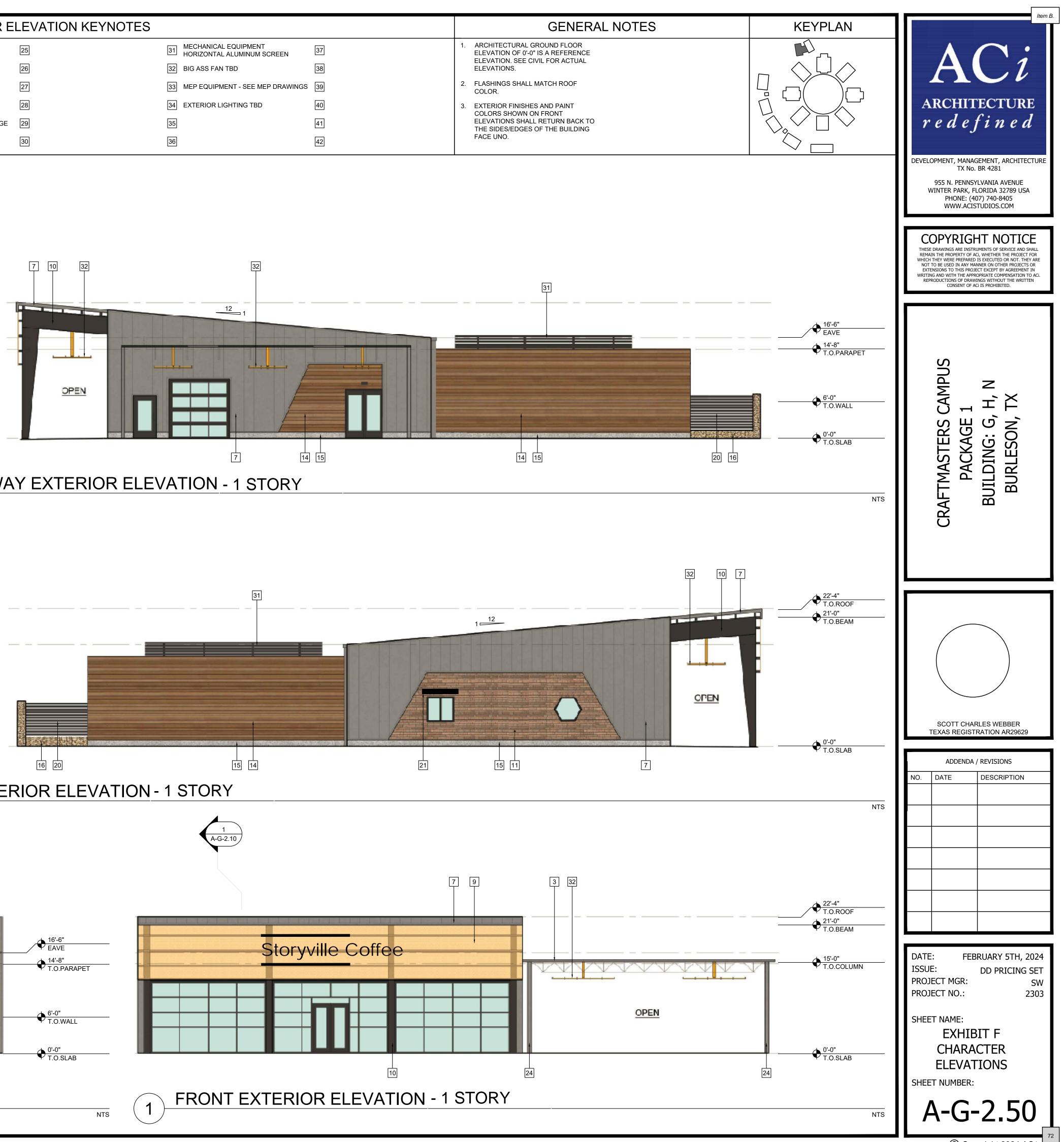
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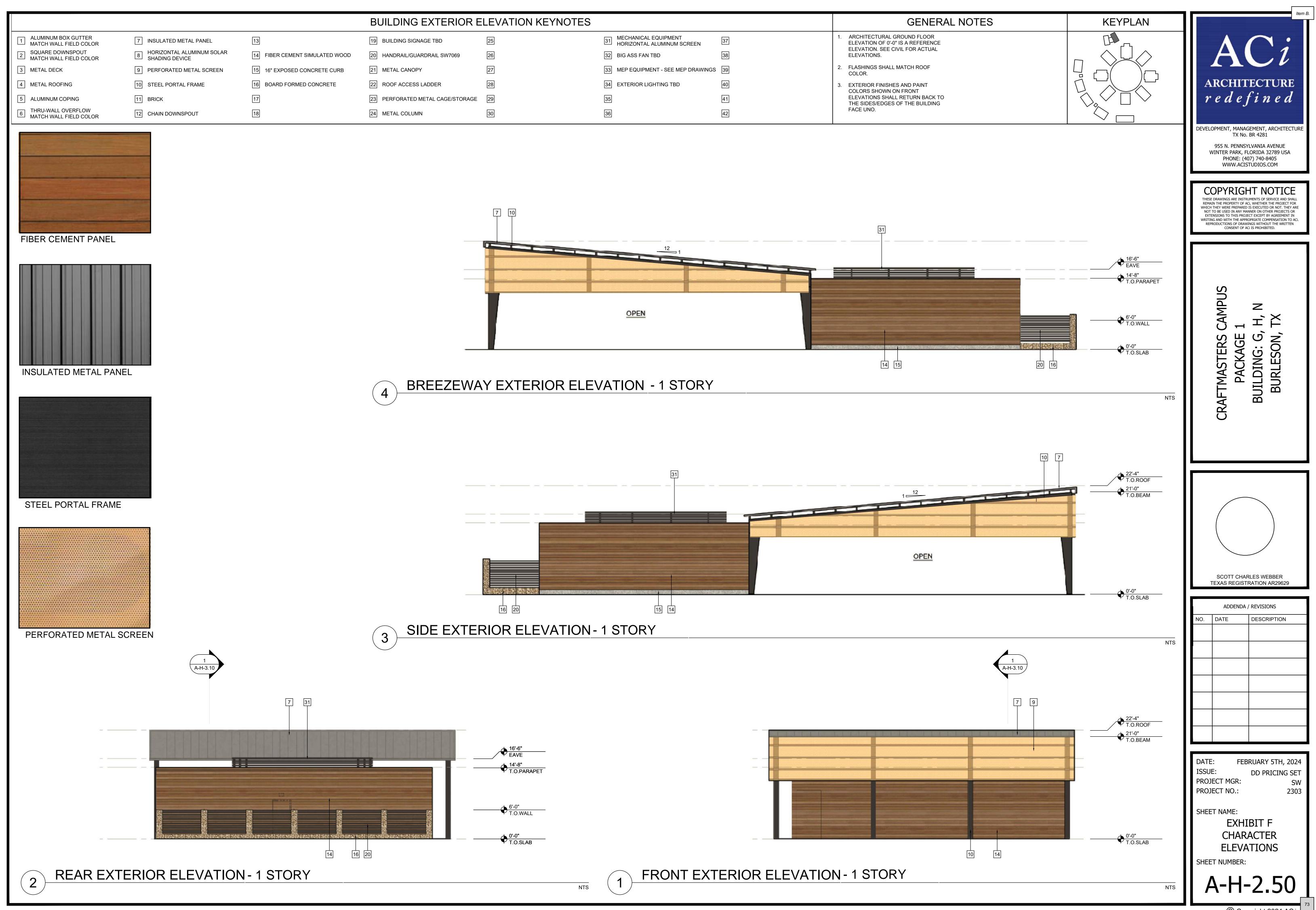
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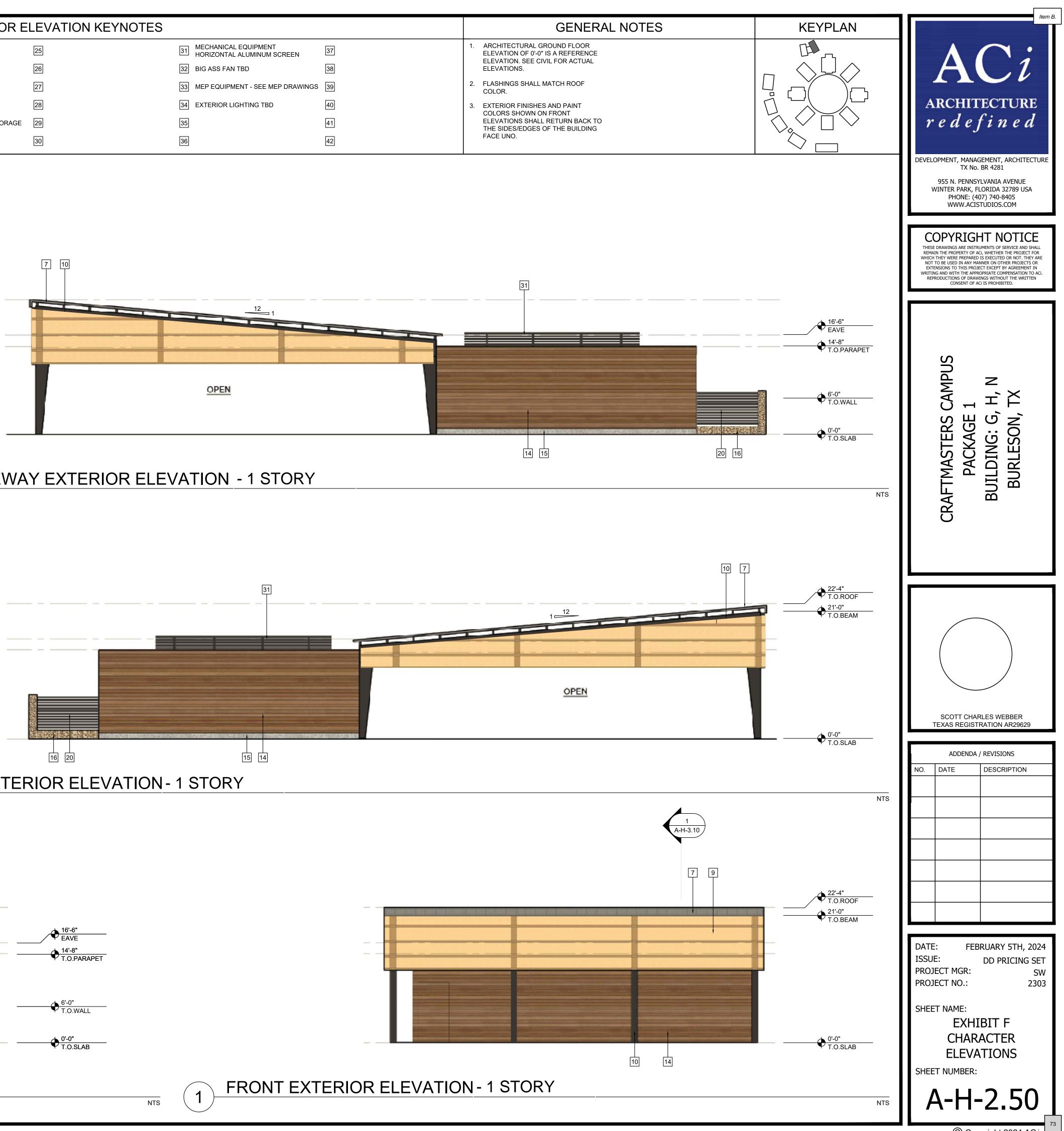
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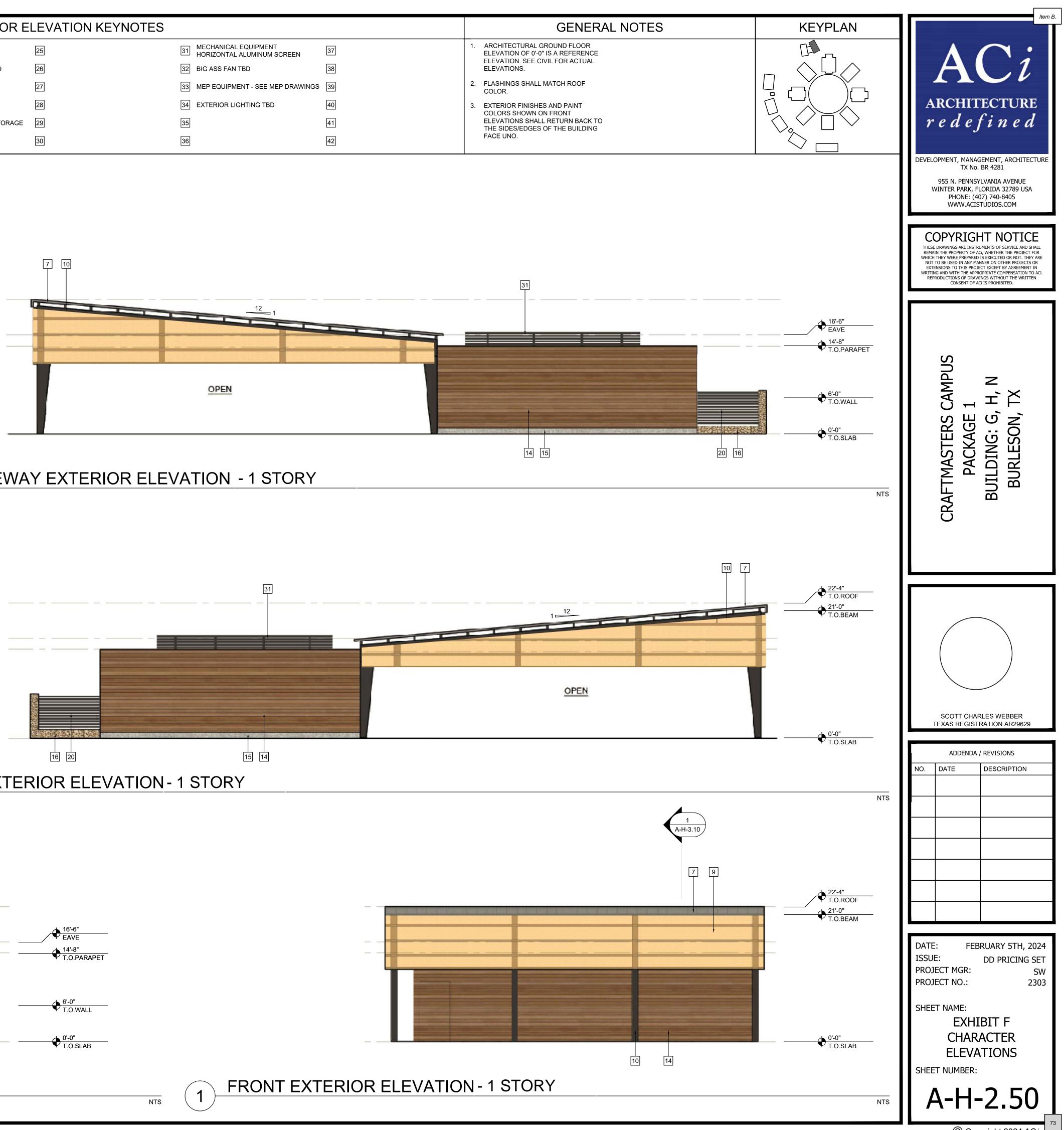


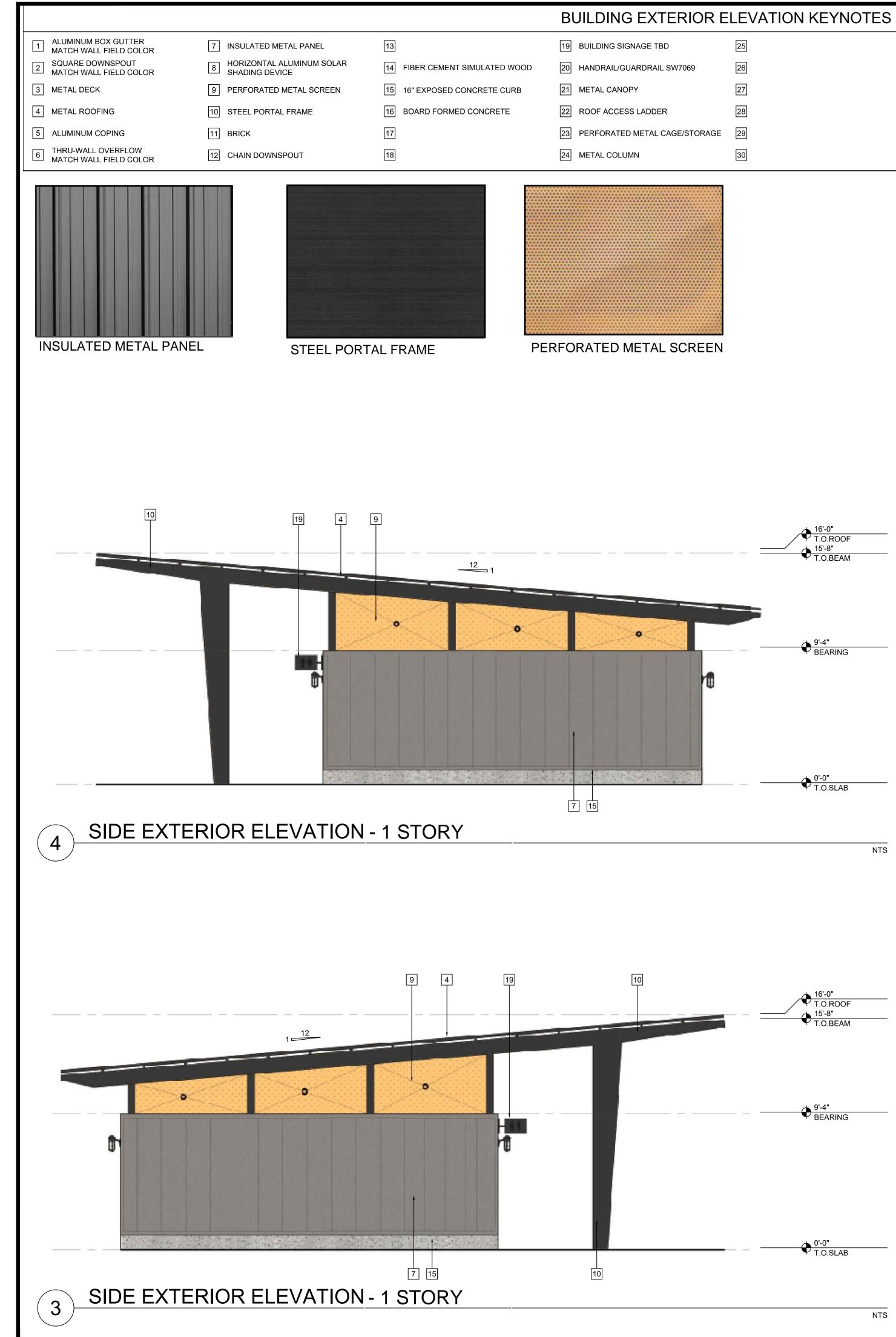
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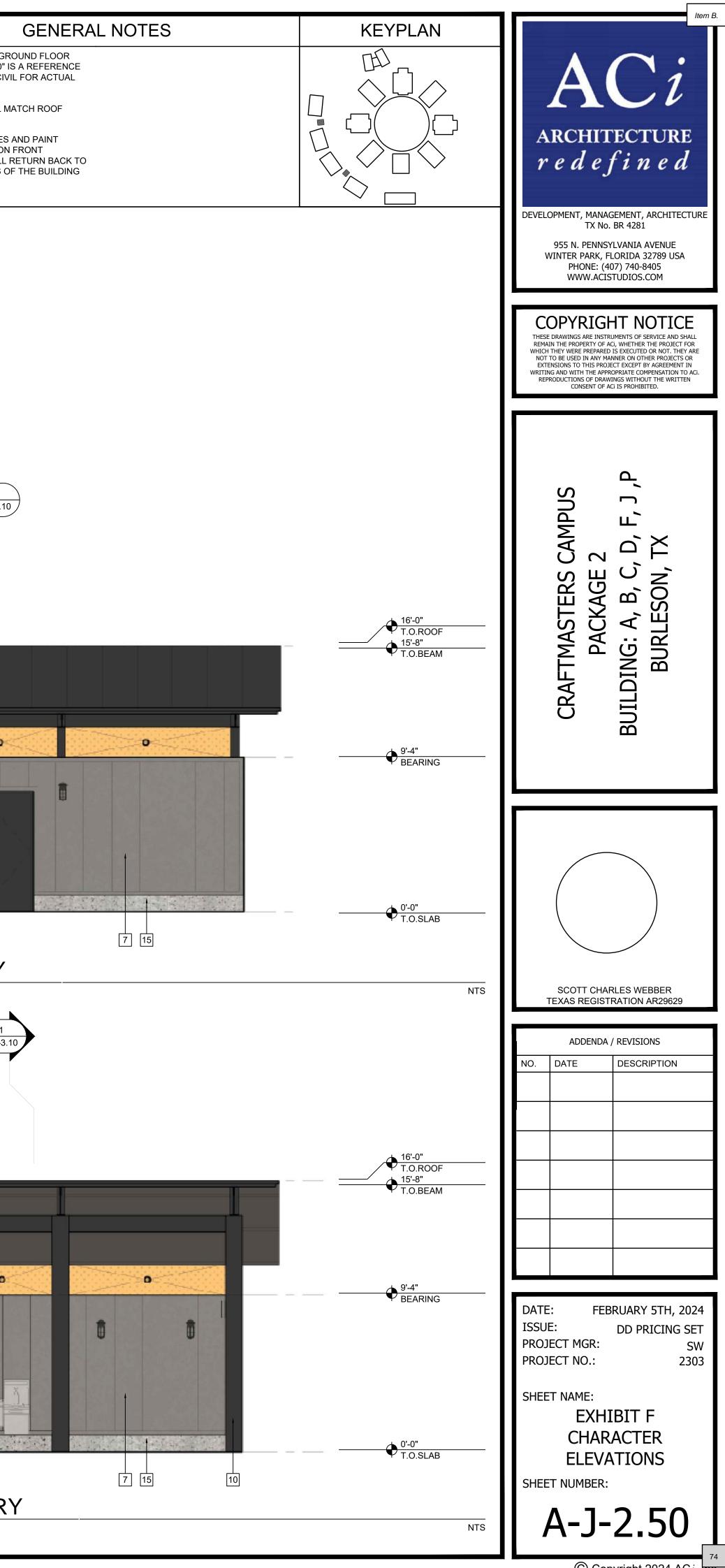




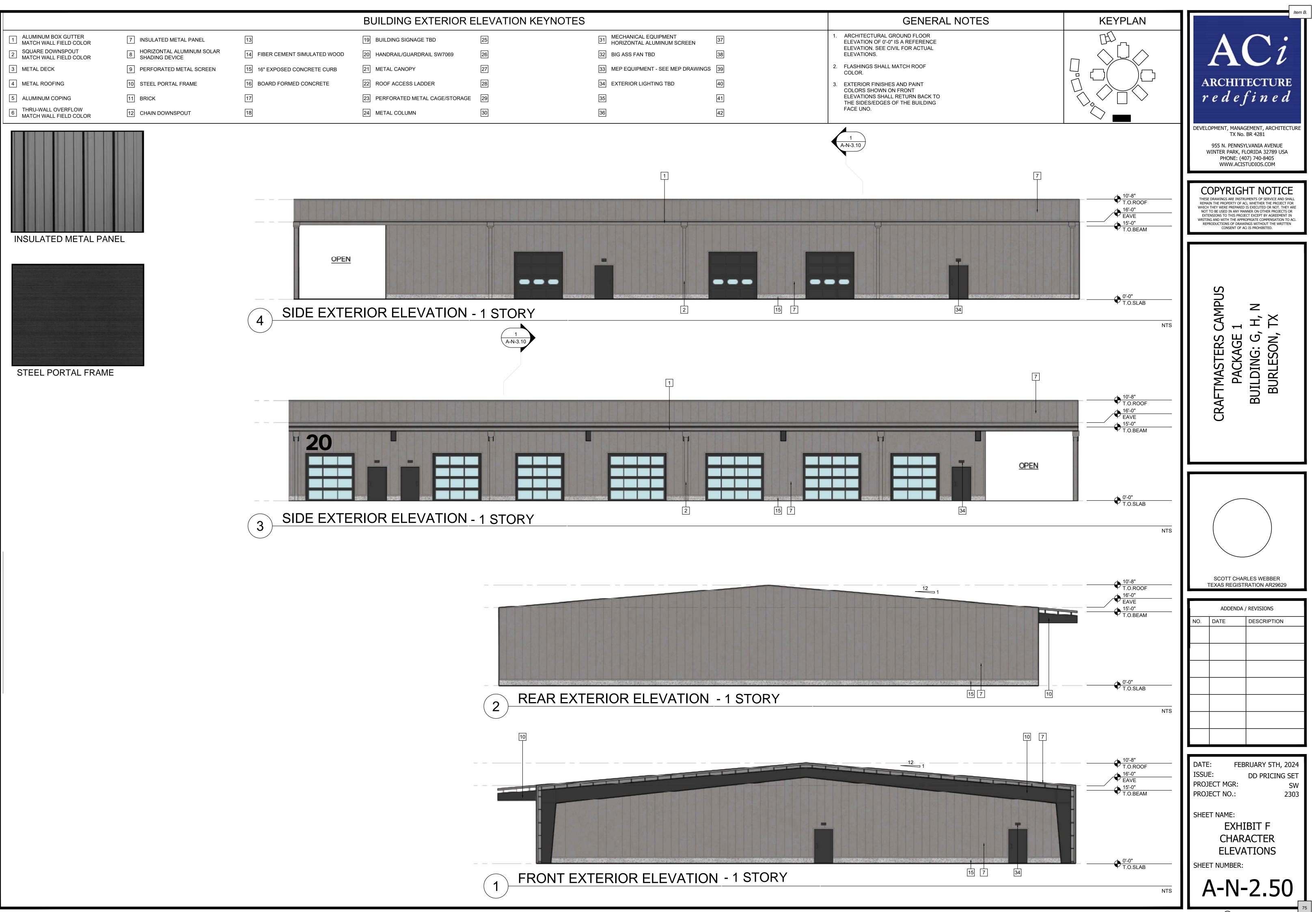


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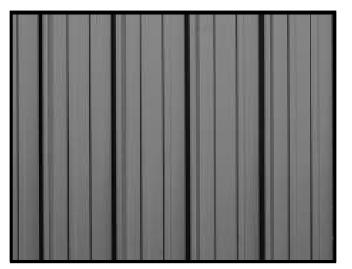
C Copyright 2024 ACi, Inc



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BUILDING

ALUMINUM BOX GUTTER MATCH WALL FIELD COLOR 13 7 INSULATED METAL PANEL 2 SQUARE DOWNSPOUT MATCH WALL FIELD COLOR 8 HORIZONTAL ALUMINUM SOLAR SHADING DEVICE 3 METAL DECK 9 PERFORATED METAL SCREEN 4 METAL ROOFING 10 STEEL PORTAL FRAME 11 BRICK 17 5 ALUMINUM COPING 6 THRU-WALL OVERFLOW MATCH WALL FIELD COLOR 18 12 CHAIN DOWNSPOUT



INSULATED METAL PANEL



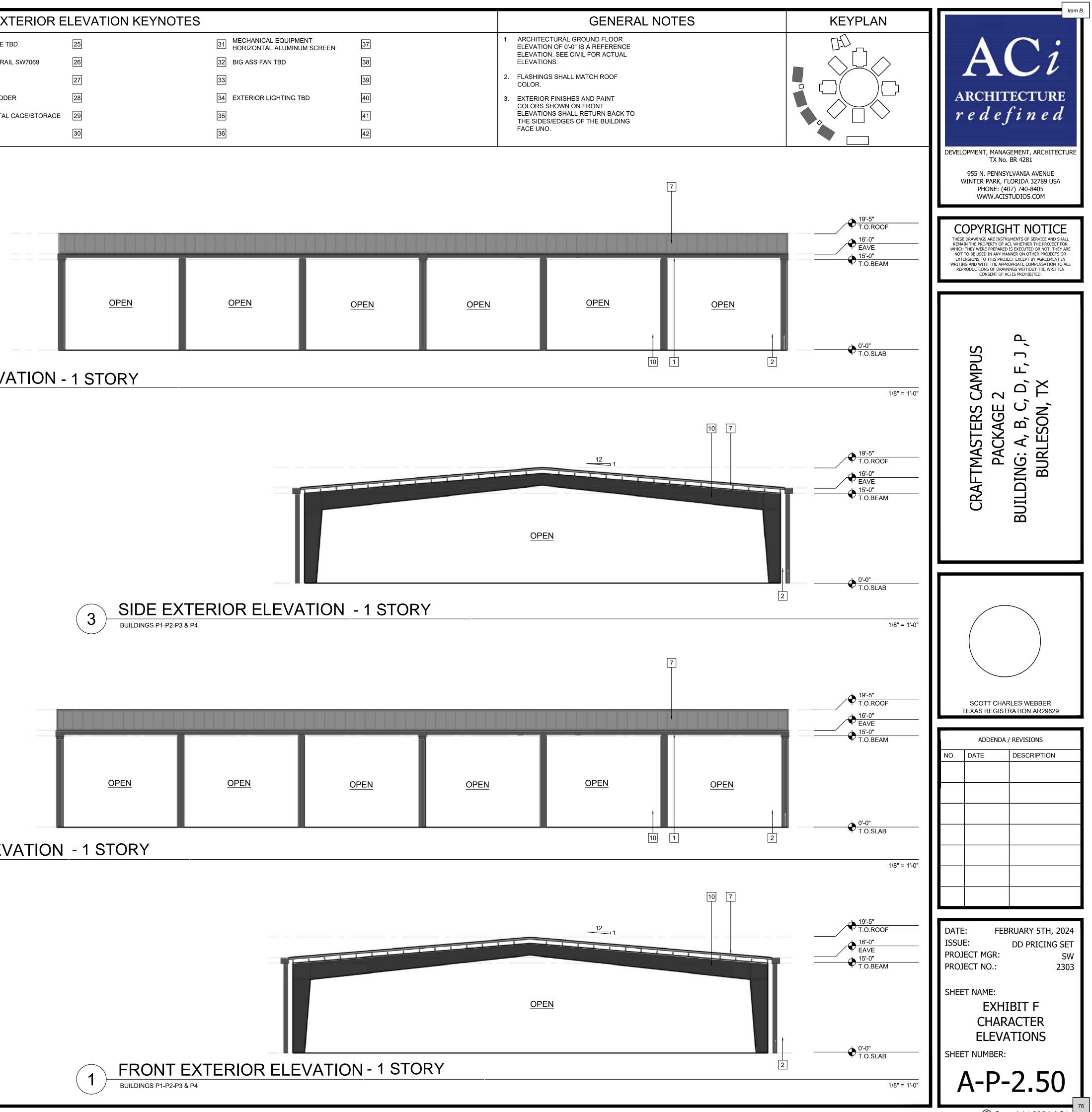
STEEL PORTAL FRAME

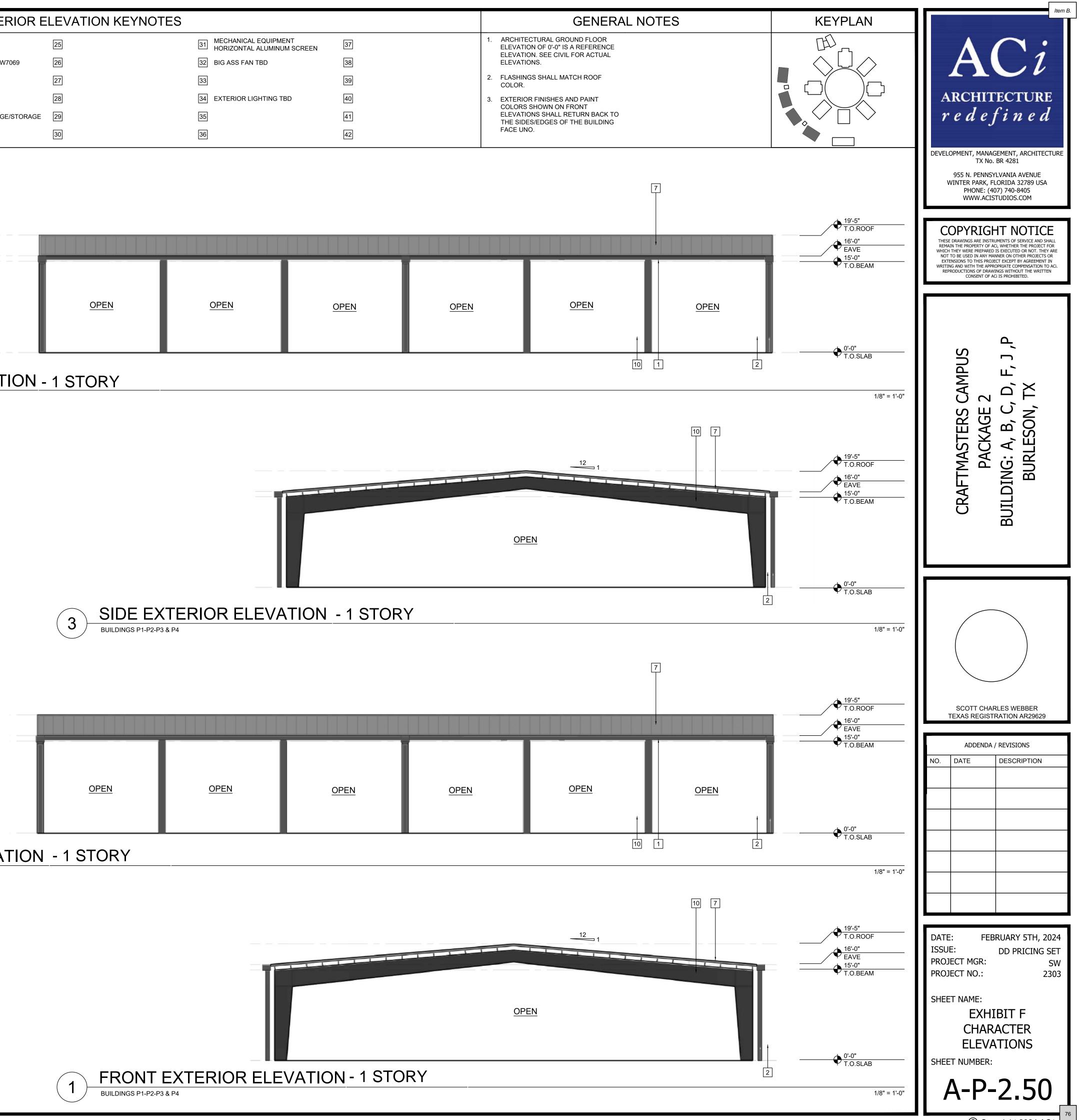
- 14 FIBER CEMENT SIMULATED WOOD
- 15 16" EXPOSED CONCRETE CURB
- 16 BOARD FORMED CONCRETE



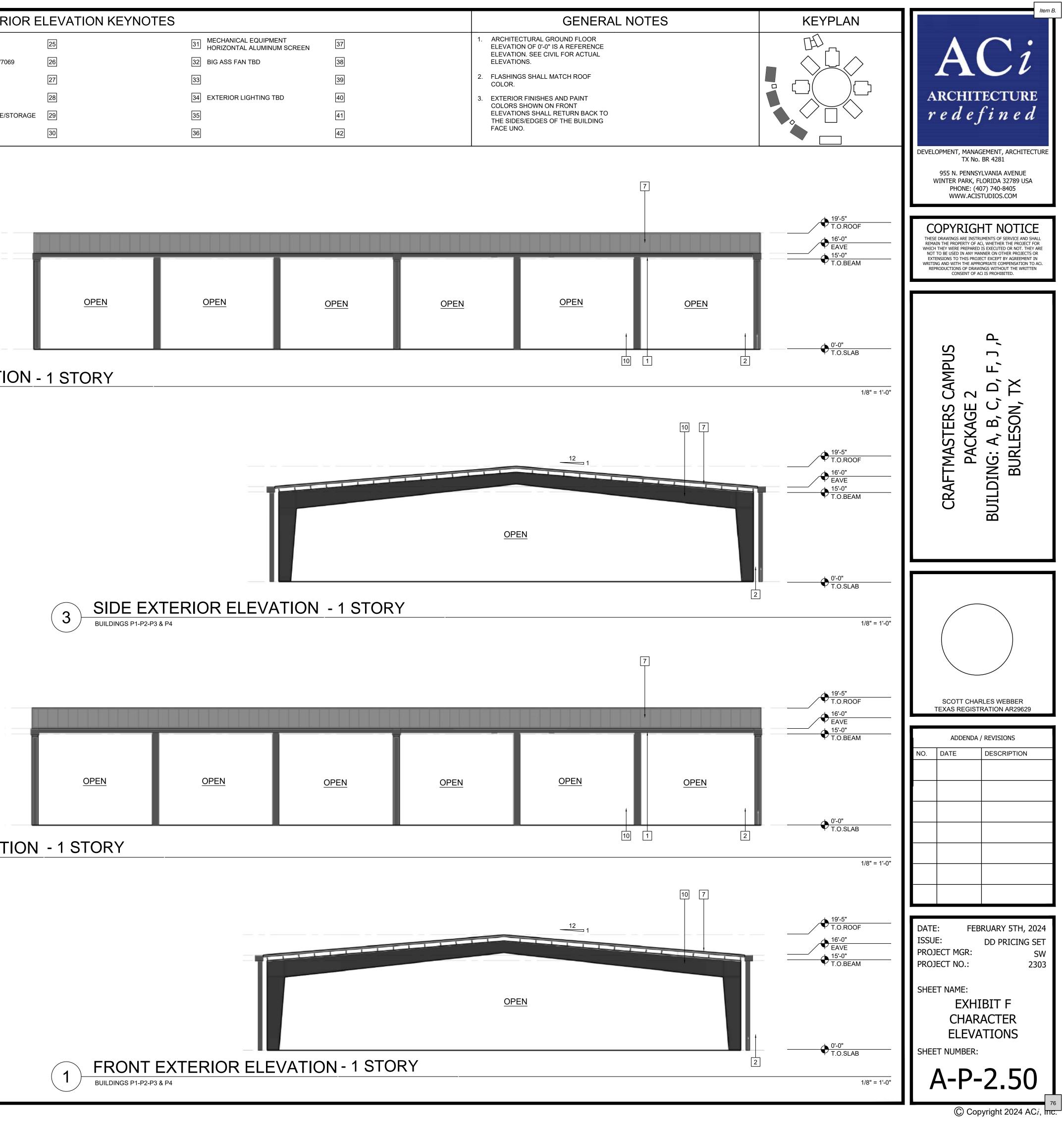


BUILDING EXTERIOR E	LEVATION KEYNOTES				
19 BUILDING SIGNAGE TBD	25	31 MECHANICAL EQUIPMENT HORIZONTAL ALUMINUM SCREEN	37	1.	ARCHITECTURAL GROU ELEVATION OF 0'-0" IS /
20 HANDRAIL/GUARDRAIL SW7069	26	32 BIG ASS FAN TBD	38		ELEVATION. SEE CIVIL ELEVATIONS.
21 METAL CANOPY	27	33	39	2.	FLASHINGS SHALL MAT COLOR.
22 ROOF ACCESS LADDER	28	34 EXTERIOR LIGHTING TBD	40	3.	EXTERIOR FINISHES AN COLORS SHOWN ON FI
23 PERFORATED METAL CAGE/STORAGE	29	35	41		ELEVATIONS SHALL RE THE SIDES/EDGES OF
24 METAL COLUMN	30	36	42		FACE UNO.





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Planning & Zoning Commission Meeting

DEPARTMENT:	Development Services
FROM:	Emilio Sanchez, Development Services Assistant Director
MEETING:	March 26, 2024

SUBJECT:

314 NE Wilshire Blvd (Case 23-398): Hold a public hearing and consider approval of an ordinance for a zoning change request from "C" Commercial to "C" Commercial with an "SUP" Specific Use Permit allowing for an Auto repair garage located in the Old Town Overlay District for Team Hoover Automotive. (*Staff Contact: Emilio Sanchez, Development Services Assistant Director*)

SUMMARY:

On December 13, 2023, a zoning change request was submitted by Mike Hoover of Team Hoover Automotive (owner) to change the zoning of approximately 0.816 acres to C, Commercial with a Specific Use Permit for an Auto Repair Garage located within the Old Town Overlay District.

DEVELOPMENT OVERVIEW:

The owner is proposing a C, Commercial zoning with a Specific Use Permit for the expansion of his existing auto repair business located at 134 NW Hillery Street. The proposed use would be allowed by-right with a C, Commercial zoning but with the subject property being located in the Old Town overlay district, a Specific Use Permit is required.

The subject property was previously Stowe's Automotive but has been abandoned for a number of years. The applicant is proposing to install additional car lifts as well as an office so that he can continue to grow his business that has been operating on an adjacent property located at 134 NW Hillary Street. The applicant has replaced the roof and painted the exterior but is not proposing any major renovations to the building. The applicant will be replacing dead landscaping and installing signage. The applicants plans a future expansion to include a second story retail site that will meet the Old Town Design Standards.

Zoning and Land Use Table

	Zoning	Use
Subject Property	C, Commercial	Vacant Building
North	I, Industrial	Industrial/Rental

East	I, Industrial	Industrial/Rental
South	I, Industrial	Industrial/ Auto Repair Garage
West	C, Commercial	Commercial/Auto Repair Garage

This site is designated in the Comprehensive Plan as Old Town.

Typical uses include restaurants, offices, retail, personal services, community and educational services, and mixed-use residential development.

Staff has determined the requested zoning and Specific Use Permit align with the Comprehensive Plan.

RECOMMENDATION:

Recommend approval of an ordinance for the zoning change with a Specific Use Permit for Auto repair Garage in the Old Town Overlay District.

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

None

REFERENCE:

https://ecode360.com/39939233#39939233

FISCAL IMPACT:

None

STAFF CONTACT:

Emilio Sanchez Development Services Assistant Director <u>esanchez@burlesontx.com</u> 817-426-9686

Team Hoover Automotive SUP

Location:

- 314 NE Wilshire BLVD
- 0.816 acres

Applicant:

Mike Hoover

Team Hoover Automotive

Items for approval:

Zone change with SUP for Auto Repair Garage within Old Town Overlay District



Comprehensive Plan Old Town Category

- Typical uses include restaurants, offices, retail, personal services, community and educational services, and mixed-use residential development
- The site is on the periphery of the overlay district and not within the focus area of Old Town while also being surrounded by compatible automotive related uses.



Current Zoning Commercial

- Auto Repair Garage is an allowed use in the underlying Commercial District but requires a Specific Use Permit in the Old Town Overlay District.
- Surrounding land uses include the following:
 - North- State Highway 174
 - South Existing Auto Repair Garage
 - East Heavy Equipment Rental
 - West Vacant lot and Auto Repair Garage



Current & Proposed Use

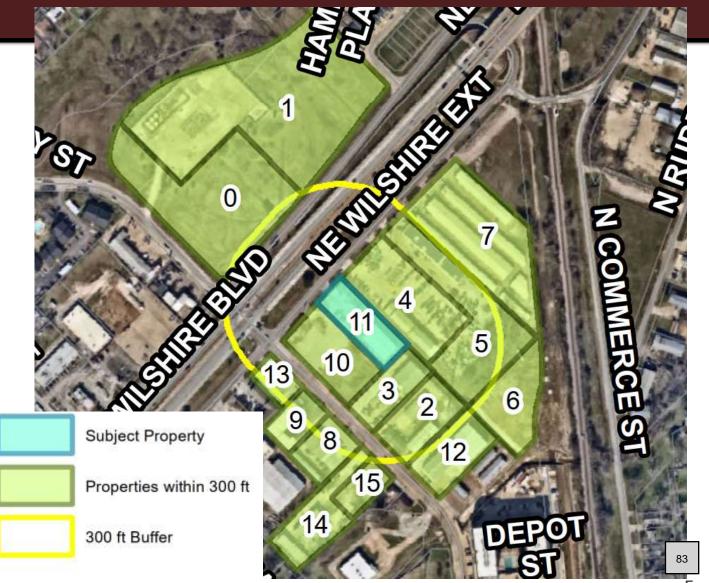
- Currently the building is vacant and has been for a number of years.
- Previously the site was home to Stowe's Automotive, which was an Auto Repair Garage.
- The proposed use of Auto Repair Garage with a future retail second floor.



Team Hoover Automotive SUP

Public Hearing Notice

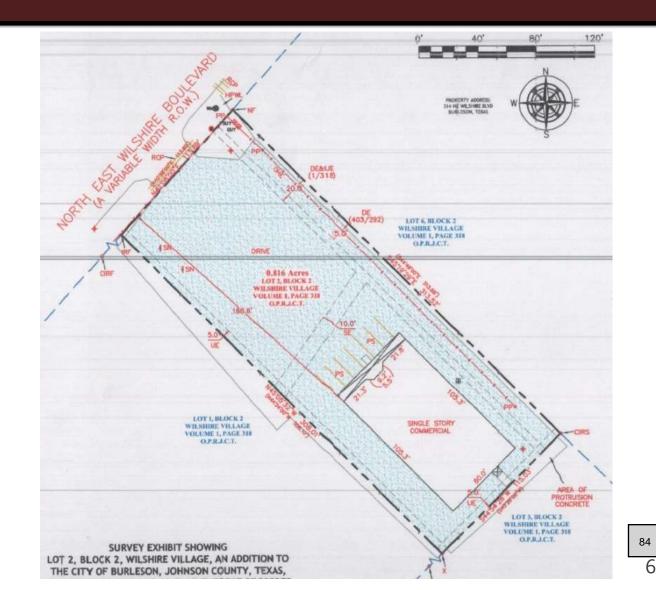
- Public notices were mailed to property owners (based on current JCAD records) within 300 feet of subject property
- Published in newspaper
- Signs Posted on the property
- At this time staff has received no formal opposition or phone calls



Team Hoover Automotive SUP

Staff Recommendation

Approve an ordinance for a zoning change request with a specific use permit for auto repair garage (Case 23-398).



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 0.816 ACRES OF LAND BEING ALL OF LOT 2, BLOCK 2, OF WILSHIRE VILLAGE AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECOREDED IN VOLUME 1, PAGE 318, PLAT RECORDS, JOHNSON COUNTY TEXAS; FROM COMMERCIAL (C) TO COMMERCIAL (C) WITH A SPECIFIC USE PERMIT (SUP) FOR AUTO REPAIR GARAGE; 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 <u>Mike Hoover</u> on <u>December 13</u>, <u>2023</u>, under <u>Case Number 23-398</u>, 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 0 to 0 to recommend to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classification of <u>Commercial (C)</u> to <u>Commercial (C)</u> with a Specific Use Permit (SUP) for Auto Repair Garage; 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 **Commercial (C)**; 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

The Zoning Ordinance and Map is hereby amended insofar as it relates to certain land described as 0.816 acres of land known as Lot 2, Block 2, of Wilshire Village an addition to the City of Burleson, Johnson County Texas, according to the map or plat thereof recorded in volume1, page 318, plat records, Johnson County Texas, as <u>described in Exhibit A</u>, by changing the zoning of said property from <u>Commercial (C)</u> to <u>Commercial (C) with a Specify Use Permit (SUP) for</u> <u>Auto Repair Garage</u> being attached hereto and incorporated herein by reference for all purposes, herein with an associated commercial site plan attached herein as <u>Exhibit A</u>;

Section 2.

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 3.

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 4.

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 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
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Chris Fletcher, Mayor City of Burleson, Texas

APPROVED AS TO FORM:

Amanda Campos, City Secretary

ATTEST:

E. Allen Taylor, Jr., City Attorney

EXHIBIT "A"

