



## Planning & Zoning Commission Agenda

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Tuesday, December 19, 2023  
6:00 PM

City Hall - 141 W. Renfro  
Burleson, TX 76028

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### 1. **CALL TO ORDER**

Invocation

Pledge of Allegiance

### 2. **CITIZEN APPEARANCES**

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

### 3. **CONSENT AGENDA**

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

- A.** Consider approval of the minutes from November 14, 2023 Planning & Zoning Commission meeting.
- B.** Original Town of Burleson; Lot 1, Block 60, and Lots 1R1 & 2R1, Block 65 (Case 23-291): Consider approval of a replat for Original Town of Burleson; Lot 1, Block 60, and Lots 1R1 & 2R1, Block 65, addressed as 336, 348, and 360 S Dobson St. (*Staff Presenter: Lidon Pearce, Senior Planner*)
- C.** Original Town of Burleson; Lot 1R1, 3R1, & 5R thru 7R, Block 33 (Case 23-297): Consider approval of a replat for Original Town of Burleson; Lot 1R1, 3R1, & 5R thru 7R, Block 33, located in the SW block of E Eldred St and S Dobson St. (*Staff Presenter: Lidon Pearce, Senior Planner*)

- D. Victron Burleson Addition; Lots 4 and 5, Block A (Case 23-145): Consider approval of a replat for Lots 4 and 5, Block A, of the Victron Burleson Addition. (*Staff Presenter: JP Ducay, Senior Planner*)
- E. Arabella at Burleson; Lot 1R, Block 7 (Case 23-290): Consider approval of a replat for Arabella at Burleson; Lot 1R, Block 7, addressed as 1851 Greenridge Dr (*Staff Presenter: Lidon Pearce, Senior Planner*)

4. **PUBLIC HEARING**

- A. Burleson Retail Summercrest at 700 Wilshire Blvd (Case 23-252): Hold a public hearing and consider approval of a resolution for a commercial site plan with a variance to Chapter 36, fencing and screening regulations, allowing for an alternative transitional screening material. (*Staff Presenter: JP Ducay, Senior Planner*)

5. **REPORTS AND PRESENTATIONS**

- A. Consider approval of a minute order setting the Planning and Zoning Commission meeting dates for calendar year 2024. (Case 23-364) (*Staff Contact: JP Ducay, Senior Planner*)
- B. Lumberyard at 137 S. Wilson Street (Case 23-289): Consider approval of a resolution for a waiver to Article III, Landscape Standards, relating to artificial turf. (*Staff Presenter: JP Ducay, Senior Planner*)
- C. Receive a report regarding an update to the city's zoning ordinance. (*Staff Presenter: Lidon Pearce, Senior Planner*)

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**

Staff Contact

Tony McIlwain  
Director of Development Services  
817-426-9684

**CERTIFICATE**

I hereby certify that the above agenda was posted on this the 14th of December 2023, by 5:00 p.m., on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.



Amanda Campos

City Secretary

**ACCESSIBILITY STATEMENT**

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



## Department Memo

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### Planning & Zoning Commission Meeting

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**DEPARTMENT:** Development Services

**FROM:** Peggy Fisher, Administrative Assistant Sr.

**MEETING:** December 19, 2023

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**SUBJECT:**

Approve the minutes from November 14, 2023 Regular Session of the Planning & Zoning Commission meeting.

**SUMMARY:**

Minutes from the November 14, 2023 Regular Session of the Planning & Zoning Commission meeting.

**OPTIONS:**

Approve as presented

**RECOMMENDATION:**

Approve the minutes from the November 14, 2023 Regular Session of the Planning & Zoning Commission meeting.

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

None

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

Peggy Fisher  
Recording Secretary  
[pfisher@burlesontx.com](mailto:pfisher@burlesontx.com)  
817-426-9611



## PLANNING AND ZONING COMMISSION

November 14, 2023  
MINUTES

### Roll Call

#### Commissioners Present

David Hadley  
Dan Taylor  
Cobi Tittle  
Ashley Brookman  
Bill Janusch  
Clint Faram  
Todd Hulse  
Michael Kurmes  
Bobby Reading

#### Commissioners Absent

Michael Tune

#### Staff

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

### **REGULAR SESSION**

#### **1. Call to Order – 6:00 PM**

**Invocation – David Hadley**

**Pledge of Allegiance**

#### **2. Citizen Appearance**

None

#### **3. Consent Agenda**

- A.** Consider approval of the minutes from October 10, 2023 Planning and Zoning Regular Commission meeting. (*Staff Contact: Tony McIlwain, Director Development Services*).

- B. McDonald Subdivision; Lot 11R (Case 23-269): Consider approval of a replat for McDonald Subdivision, Lot 11R, addressed as 7816 FM 917. *(Staff Presenter: Lidon Pearce, Senior Planner)*
- C. Mabe Addition; Lot 16R, Block 1, (Case 23-023): Consider approval of a replat for Mabe Addition, Lot 16R, Block 1, located at 1532 S Burleson Blvd. *(Staff Presenter: Lidon Pearce, Senior Planner)*

Motion made by Commissioner Clint Faram and second by Commissioner David Hadley to approve the consent agenda.

Motion passed, 8-0. Commissioner Michael Tune was absent.

#### 4. **Public Hearing**

- A. **Burleson Retail Summercrest at 700 Wilshire Blvd (Case 23-252):** Hold a public hearing and consider approval of a resolution for a variance to Chapter 36, fencing and screening regulations, allowing for an alternative transitional screening material. *(Staff Presenter: JP Ducay, Senior Planner)*

JP Ducay presented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Tony Filley, representative of applicant, addressed the commissioners and answered questions.

Commission Vice Chairman Dan Taylor opened the public hearing at 6:10 p.m.

Anna Carrillo, applicant, addressed the commissioners and answered questions regarding drainage issues.

Tony Filley, representative of applicant, addressed the commissioners and answered questions.

Motion made by Commissioner David Hadley and second by Commissioner Clint Faram to close the public hearing.

Motion passed, 8-0. Commissioner Michael Tune was absent.

Commission Vice Chairman Dan Taylor closed the public hearing at 6:34 p.m.

Motion made by Commissioner Todd Hulsey and second by Commissioner David Hadley to table item 4A till the December 19, 2023 Planning & Zoning Commission meeting and to continue the public hearing at that time.

Motion passed, 8-0. Commissioner Michael Tune was absent.

- B. 113 N Dobson Street (Case 23-270):** Hold a public hearing and consider approval of an ordinance for a zoning change request from “SF7”, Single-family dwelling district 7 to “CC”, Central Commercial for a 0.15 acre site. *(Staff Presenter: JP Ducay, Senior Planner)*

JP Ducay presented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Commission Vice Chairman Dan Taylor opened the public hearing at 6:38 p.m.

Commission Vice Chairman Dan Taylor closed the public hearing at 6:40 p.m.

Motion made by Commissioner Michael Kurmes and second by Commissioner Todd Hulsey to approve.

Motion passed, 8-0. Commissioner Michael Tune was absent

- C. 6988 E FM 917 (Case 23-091):** Hold a public hearing and consider approval of an ordinance for a zoning change request from “A”, Agricultural to “C”, Commercial for a 2.8 acre portion of 6988 E FM 917. *(Staff Presenter: JP Ducay, Senior Planner)*

JP Ducay resented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Commission Vice Chairman Dan Taylor opened the public hearing at 6:45 p.m.

Trent Rhodes, applicant, 4025 Hwy 35, addressed the commissioner and spoke in favor of this item.

Commission Vice Chairman Dan Taylor closed the public hearing at 6:47 p.m.

Motion made by Commissioner Todd Hulsey and second by Commissioner Bill Janusch to approve.

Motion passed, 8-0. Commissioner Michael Tune was absent

- D. 3084 S Burleson Blvd (Case 23-254):** Hold a public hearing and consider approval of an ordinance for a zoning change request from “SP”, Site Plan Ordinance D-091-08 and “A”, Agricultural to “PD”, Planned Development for a 3.016 acre site. *(Staff Presenter: JP Ducay, Senior Planner)*

JP Ducay resented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Commission Vice Chairman Dan Taylor opened the public hearing at 6:53 p.m.

Commission Vice Chairman Dan Taylor closed the public hearing at 6:54 p.m.

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

Motion passed, 8-0. Commissioner Michael Tune was absent

## **5. Reports and Presentations**

None

## **6. Community Interest Items**

Commissioner Dan Taylor made an announcement regarding the Annual Christmas Parade on December 2<sup>nd</sup> held by the Rotary Club.

## **7. Executive Session**

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

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

## **8. Adjourn**

There being no further business Vice Chair Dan Taylor adjourned the meeting.  
**Time – 6:55PM**

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Peggy Fisher  
Administrative Assistant  
Recording Secretary

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## Planning & Zoning Commission Meeting

**DEPARTMENT:** Development Services  
**FROM:** Lidon Pearce, Senior Planner  
**MEETING:** December 19, 2023

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**SUBJECT:**

Original Town of Burleson; Lot 1, Block 60, and Lots 1R1 & 2R1, Block 65 (Case 23-291): Consider approval of a replat for Original Town of Burleson; Lot 1, Block 60, and Lots 1R1 & 2R1, Block 65, addressed as 336, 348, and 360 S Dobson St. (*Staff Presenter: Lidon Pearce, Senior Planner*)

**SUMMARY:**

On October 2, 2023, an application for a replat was submitted by Matt Powell representing DFW Geodesy on behalf of the City of Burleson (alley owner) for an alley abandonment and replat of the adjacent lots for approximately 3.274 acres. The property is being replatted for the purpose of abandoning the undeveloped alley that was originally proposed to run east and west between Commerce St and Dobson St.

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

**ENGINEERING:**

City Council approved the alley abandonment on September 18, 2023.

The City retained a 30 foot wide utility easement for the purpose of installing utilities if needed in the future.

**RECOMMENDATION:**

- 1) Approve as presented with the condition that the recording information for the alley abandonment is placed on the plat face prior to recording.

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

None.

**REFERENCE:**

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

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

Lidon Pearce, CNU-A  
Senior Planner  
[lpearce@burlesontx.com](mailto:lpearce@burlesontx.com)  
817-426-9649





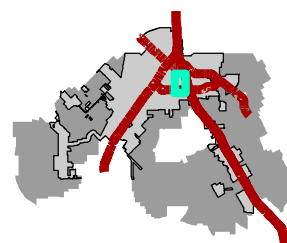
Item B.

Subject Property



**Replat**  
**Original Town of Burleson**  
**Lot 1, Block 60; and**  
**Lots 1R1 & 2R1, Block 65**  
**Case 23-291**

THE CITY OF  
**BURLESON**  
 TEXAS



Vicinity Map







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## Planning & Zoning Commission Meeting

**DEPARTMENT:** Development Services  
**FROM:** Lidon Pearce, Senior Planner  
**MEETING:** December 19, 2023

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**SUBJECT:**

Original Town of Burleson; Lot 1R1, 3R1, & 5R thru 7R, Block 33 (Case 23-297): Consider approval of a replat for Original Town of Burleson; Lot 1R1, 3R1, & 5R thru 7R, Block 33, located in the SW block of E. Eldred St. and S. Dobson St. (*Staff Presenter: Lidon Pearce, Senior Planner*)

**SUMMARY:**

On October 2, 2023, an application for a replat was submitted by Matt Powell representing DFW Geodesy, on behalf of the City of Burleson (alley owner), for an alley abandonment and replat of the adjacent lots consisting of approximately 1.435 acres. The property is being replatted for the purpose of abandoning the undeveloped alley that was originally proposed to run north and south between E. Bufford St. and E. Eldred St., as well as connecting to S. Dobson St.

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

**ENGINEERING:**

City Council approved the alley abandonment on September 18, 2023.

The City retained a 20-foot-wide utility easement from E. Bufford St. to E. Eldred St. A 10-foot-wide utility easement was retained between from S. Dobson St. (to the west), approximately 115 feet.

**RECOMMENDATION:**

- 1) Approve as presented with the condition that the recording information for the alley abandonment is placed on the plat face prior to recording.

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

None.

**REFERENCE:**

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

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

Lidon Pearce, CNU-A  
Senior Planner  
[lpearce@burlesontx.com](mailto:lpearce@burlesontx.com)  
817-426-9649

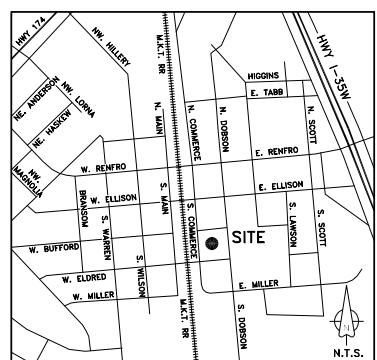




THE CITY OF  
**BURLESON**  
TEXAS







VICINITY MAP

PLAT FILED \_\_\_\_\_, 2023.

JOHNSON COUNTY PLAT RECORDING

YEAR \_\_\_\_\_ INSTRUMENT # \_\_\_\_\_

DRAWER \_\_\_\_\_ SLIDE \_\_\_\_\_

APRIL LONG, JOHNSON COUNTY CLERK

BY: \_\_\_\_\_

DEPUTY COUNTY CLERK

APPROVED BY THE PLANNING AND ZONING COMMISSION OF BURLESON, TEXAS

THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: \_\_\_\_\_

CHAIR OF PLANNING AND ZONING COMMISSION

BY: \_\_\_\_\_

CITY SECRETARY

**LEGEND:**

- 1/2" IRON ROD SET WITH A CAP STAMPED "PLS 5544" UNLESS OTHERWISE NOTED.
- LOT LINE TO BE ELIMINATED PER THIS PLAT

**BASIS OF BEARINGS:**

BASIS OF BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983, TEXAS NORTH CENTRAL ZONE, DERIVED FROM GPS OBSERVATIONS.

**FLOOD ZONE NOTE:**

ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 48251C0065J DATED DECEMBER 4, 2012, THE SUBJECT PROPERTY IS LOCATED WITHIN THE FOLLOWING FLOOD ZONE:

ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

**NOTES:**

1. THE PURPOSE OF THIS REPLAT IS TO ELIMINATE AND EXTEND INTERIOR LOT LINES SHOWN HEREON AND REFLECT THE ABANDONMENT OF THE 20' ALLEY.
2. THIS PLAT DOES NOT ALTER OR REMOVE EXISTING DEED RESTRICTIONS OR COVENANTS, IF ANY, ON THIS PROPERTY.
3. THE CITY OF BURLESON RESERVES THE RIGHT TO REQUIRE MINIMUM FINISH FLOOR ELEVATIONS 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.
4. ANY IMPROVEMENTS WITHIN THE UTILITY EASEMENTS MAY REQUIRE CITY REVIEW AND APPROVAL. A ROW/USE AGREEMENT MAY BE REQUIRED AND ALL EXPENSES SHALL BE BORNE BY THE PROPERTY OWNER.

**UTILITIES SERVICING SITE:**

WATER: CITY OF BURLESON  
ELECTRIC: ONCOR  
GAS: ATMOS  
FIRE: BURLESON FIRE DEPARTMENT  
SEWER: CITY OF BURLESON

**DEVELOPER:**

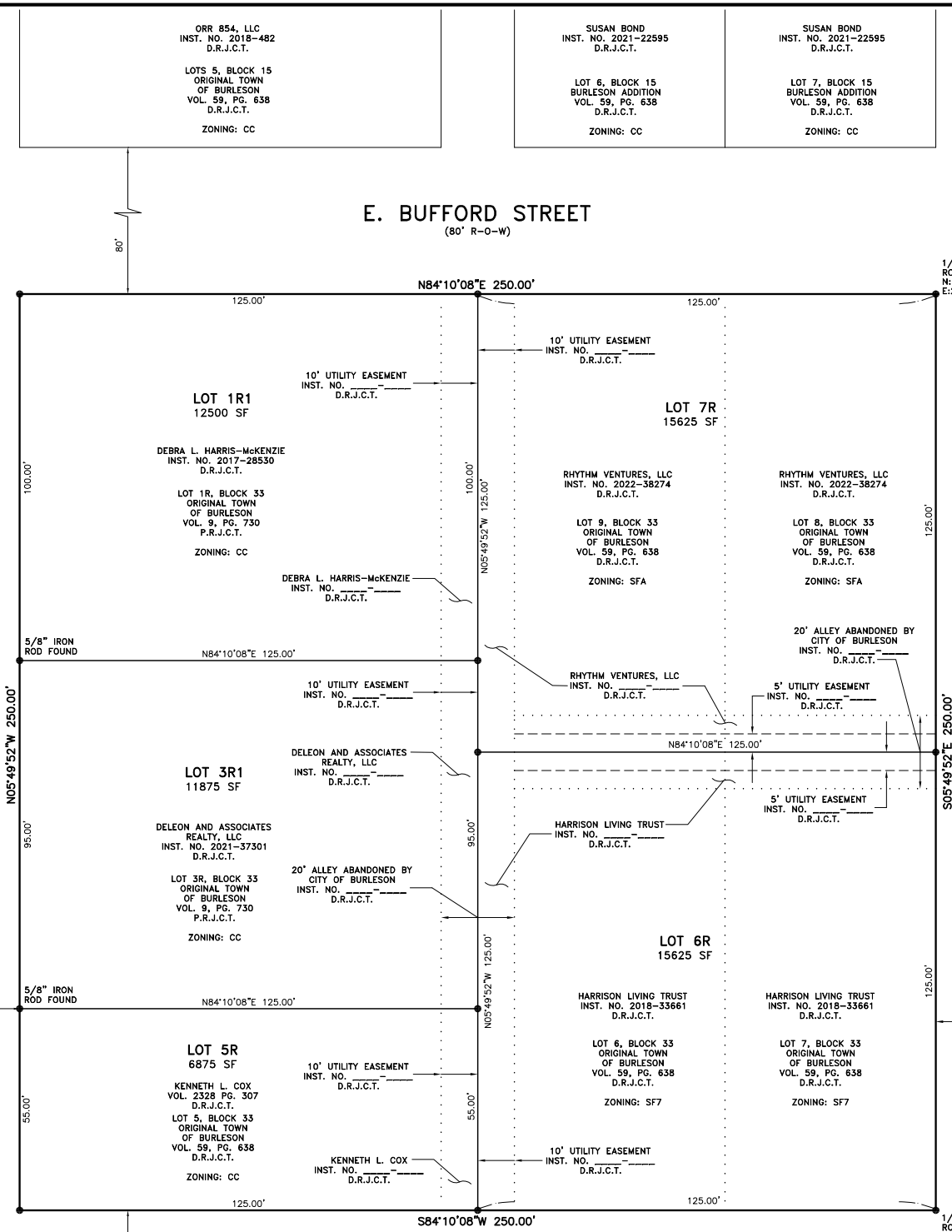
CITY OF BURLESON  
141 W. RENFRO ST.  
BURLESON, TX 76028

**SURVEYOR:**

**DFW**  
Geodesy  
1108 SOUTH DOBSON STREET  
BURLESON, TX 76028  
817-447-4122  
TWPCLS FIRM NO. 760706

M.K.T. RAILROAD  
(200' R-O-W)

S. COMMERCE STREET  
(50' R-O-W, FORMERLY EAST FRONT STREET)



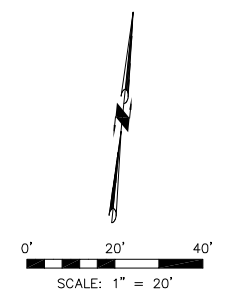
E. BUFFORD STREET  
(80' R-O-W)

E. ELDRED STREET  
(80' R-O-W)

S. DOBSON STREET  
(80' R-O-W)

**LEGAL DESCRIPTION:**

A TRACT OF LAND SITUATED IN THE J.W. HENDERSON SURVEY, ABSTRACT NO. 376, JOHNSON COUNTY, TEXAS, BEING ALL OF LOTS 1R & 3R BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 9, PAGE 730, PLAT RECORDS, JOHNSON COUNTY, TEXAS, TOGETHER WITH LOTS 5-9, BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND TOGETHER WITH THAT 20' ALLEY, BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, D.R.J.C.T., AND CONTAINING 1.435 ACRES OF LAND MORE OR LESS.



**NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:**

THAT WE, THE UNDERSIGNED, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINBEFORE DESCRIBED PROPERTY AS LOTS 1R1, 3R1, AND 5R-6R, BLOCK 33, ORIGINAL TOWN OF BURLESON, AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, AND WE DO HEREBY DEDICATE TO THE PUBLIC USE, FOREVER ALL STREETS, RIGHTS-OF-WAY, ALLEYS AND EASEMENTS SHOWN HEREON. THE CITY OR ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OF 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 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.

WITNESS MY HAND AT JOHNSON COUNTY, TEXAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

DEBRA L. HARRIS-McKENZIE (LOT 1R1)	CHARLIE DELEON DELEON AND ASSOCIATES REALTY (LOT 3R1)
KENNETH L. COX (LOT 5R)	DAVIS CHAPMAN CHARLES RHYTHM VENTURES (LOT 7R)
RICHARD DOUGLAS HARRISON HARRISON LIVING TRUST (LOT 6R)	MARCIADAN W. HARRISON HARRISON LIVING TRUST (LOT 6R)

**STATE OF TEXAS  
COUNTY OF JOHNSON**

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED DEBRA L. HARRIS-McKENZIE, KNOWN TO ME OR PROVED 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 PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC, STATE OF TEXAS

**STATE OF TEXAS  
COUNTY OF JOHNSON**

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED CHARLIE DELEON, KNOWN TO ME OR PROVED 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 PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC, STATE OF TEXAS

**STATE OF TEXAS  
COUNTY OF JOHNSON**

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED KENNETH L. COX, KNOWN TO ME OR PROVED 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 PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC, STATE OF TEXAS

**STATE OF TEXAS  
COUNTY OF JOHNSON**

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED MARCIADAN W. HARRISON, KNOWN TO ME OR PROVED 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 PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC, STATE OF TEXAS

**STATE OF TEXAS  
COUNTY OF JOHNSON**

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED RICHARD DOUGLAS HARRISON, KNOWN TO ME OR PROVED 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 PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC, STATE OF TEXAS

A REPLAT OF  
LOTS 1R1, 3R1 & 5R-7R, BLOCK 33  
**ORIGINAL TOWN OF BURLESON**  
TOTAL LOTS=5, 1.435 ACRES  
CITY OF BURLESON, JOHNSON COUNTY, TEXAS

A TRACT OF LAND SITUATED IN THE J.W. HENDERSON SURVEY, ABSTRACT NO. 376, JOHNSON COUNTY, TEXAS, BEING ALL OF LOTS 1R & 3R BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 9, PAGE 730, PLAT RECORDS, JOHNSON COUNTY, TEXAS, TOGETHER WITH LOTS 5-9, BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND TOGETHER WITH THAT 20' ALLEY, BLOCK 33, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, D.R.J.C.T.

**STATE OF TEXAS  
COUNTY OF JOHNSON**

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED MARCIADAN W. HARRISON, KNOWN TO ME OR PROVED 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 PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC, STATE OF TEXAS

JAMES G. ELDER  
VOL. 1717 PG. 209  
D.R.J.C.T.

LOTS 1-2, BLOCK 49  
ORIGINAL TOWN OF BURLESON  
VOL. 59, PG. 638  
P.R.J.C.T.

ZONING: SF7

KIP EDWARD TURNER  
VOL. 444 PG. 137  
D.R.J.C.T.

NORTH 1/2  
LOT 9, BLOCK 49  
ORIGINAL TOWN OF BURLESON  
VOL. 59, PG. 638  
P.R.J.C.T.

ZONING: SF7

KIP EDWARD TURNER  
VOL. 444 PG. 137  
D.R.J.C.T.

NORTH 1/2  
LOT 8, BLOCK 49  
ORIGINAL TOWN OF BURLESON  
VOL. 59, PG. 638  
P.R.J.C.T.

ZONING: SF7

**SURVEYOR'S CERTIFICATE:**

I, MATT POWELL, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON ACCURATELY REPRESENTS THE DESCRIBED PROPERTY AS DETERMINED BY A SURVEY MADE ON THE GROUND, UNDER MY DIRECTION AND SUPERVISION. THE MONUMENTS SET OR FOUND, ARE SUFFICIENT TO ENABLE RETRACEMENT.

MATT POWELL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5844  
DATED: 10/17/23

---

## Planning & Zoning Commission Meeting

**DEPARTMENT:** Development Services  
**FROM:** JP Ducay, Senior Planner  
**MEETING:** December 19, 2023

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**SUBJECT:**

Victron Burleson Addition; Lots 4 and 5, Block A (Case 23-145): Consider approval of a replat for Lots 4 and 5, Block A, of the Victron Burleson Addition. (*Staff Presenter: JP Ducay, Senior Planner*)

**SUMMARY:**

On July 24, 2023, an application for a replat including 22.584 acres was submitted by Monty Nixon with Summit Surveying (applicant) on behalf of DMJ Properties, Ltd. (owner). The purpose of this plat is to revise property lines for Lots 4 and 5 in order to create Lot 6 for future commercial development. The application is administratively complete and meets the requirements of Appendix A – Subdivision and Development regulations.

**RECOMMENDATION:**

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

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

July 19, 2021 – Victron Burleson Final Plat (21-064) was approved by City Council.

June 22, 2021 – Victron Burleson Final Plat (21-064) was recommended for approval by the Planning and Zoning Commission.

June 7, 2021 – Victron Burleson Addition Preliminary Plat (21-020) was approved by City Council.

May 11, 2021 – Victron Burleson Addition Preliminary Plat (21-020) was recommended for approval by the Planning and Zoning Commission

April 5, 2021 – Victron Zoning Change (20-123) was approved by City Council.

March 9, 2021 – Victron Zoning Change (20-123) was recommended for approval by the Planning and Zoning Commission.

**REFERENCE:**

<https://ecode360.com/39937414#39937414>

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

JP Ducay  
Senior Planner  
[jducay@burlesontx.com](mailto:jducay@burlesontx.com)  
817-426-9648

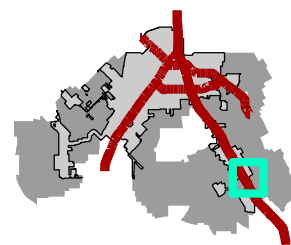




## Victron Burleson Addition

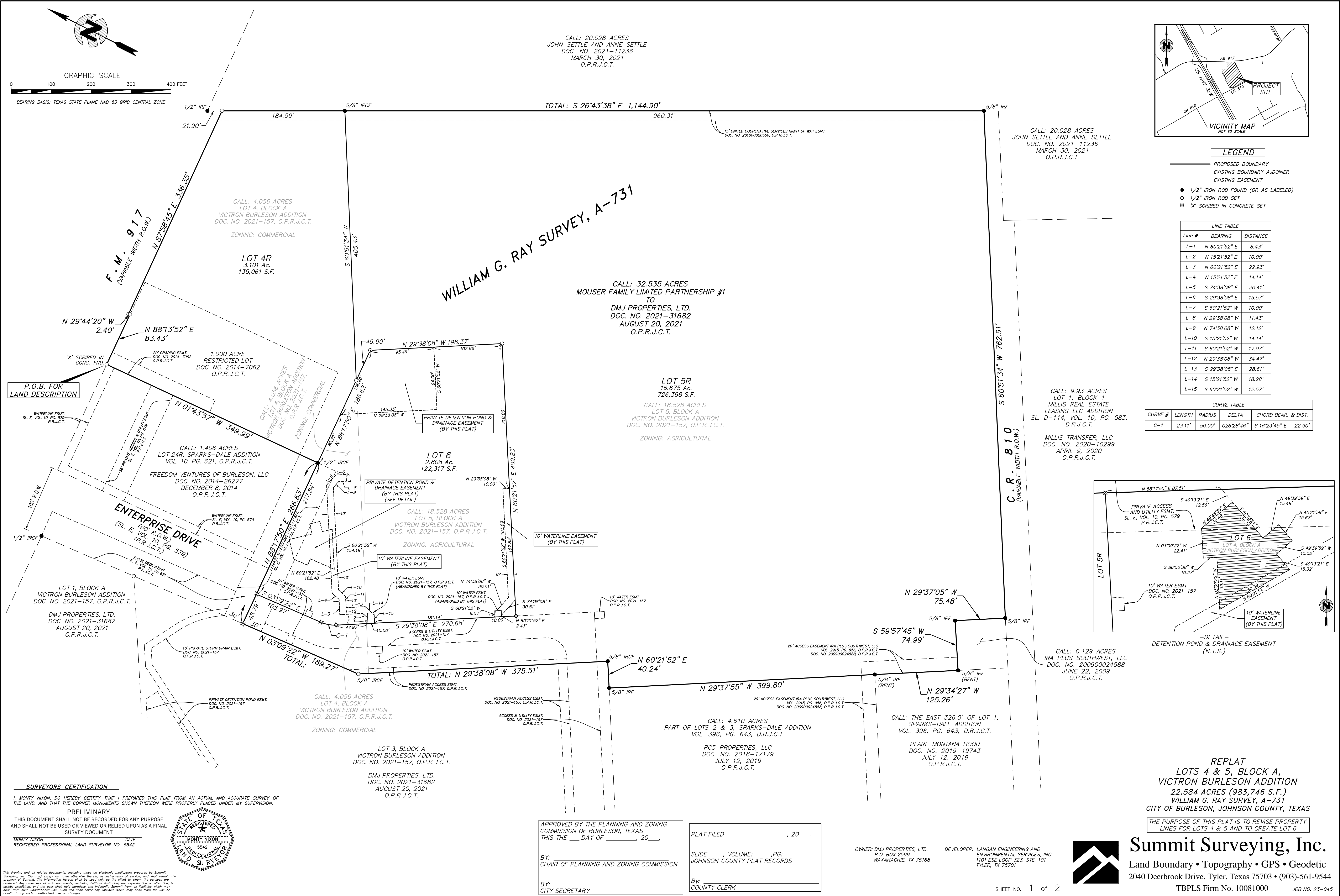
THE CITY OF  
**BURLESON**  
TEXAS

Replat  
Case 23-145



Vicinity Map







LEGAL DESCRIPTION

**ALL THAT CERTAIN** lot, tract, or parcel of land situated in the William G. Ray A–731, City of Burleson, Johnson County, Texas and being all of Lots 4 & 5, Block A, Victron Burleson Addition, an addition to the City of Burleson, Texas according to the plat recorded in Document No. 2021–157 in the Official Public Records of Johnson County, Texas, and being part of a called 32.535 acre tract of land recorded in Document No. 2021–31682 in said Official Public Records, and being more completely described as follows:

**BEGINNING** a 'X' scribed in concrete found in the south right of way line of Farm to Market Road 917 (variable width right of way), and being the northeast corner of Lot 24R, Sparks–Dale Addition, an addition to the City of Burleson, Texas according to the plat recorded in Volume 10, Page 621 in said Official Public Records, and being the northwest corner of said Lot 4;

**THENCE** along the common line south line of said Farm to Market Road and north line of said Lot 4, the following:

North 88 degrees 13 minutes 52 seconds East, a distance of 83.43 feet to a 1/2 inch iron rod set;

North 29 degrees 44 minutes 20 seconds West, a distance of 2.40 feet to a 1/2 inch iron rod set; and

North 87 degrees 58 minutes 45 seconds East, a distance of 336.35 feet to a 1/2 inch iron rod set for the northeast corner of said Lot 4, and being in the west line of a called 20.028 acre tract of land described in a deed to John Settle and Anne Settle recorded in Document No. 2021–11236 of said Official Public Records;

**THENCE** South 26 degrees 43 minutes 38 seconds East departing said south right of way line of Farm to Market Road 917, and along the common east line of said Lot 4 and Lot 5 and the west line of said called 20.028 acre tract, passing at a distance of 184.59 feet to a 5/8 inch iron rod with cap found, continuing along said common line a total distance of 1,144.90 feet to a 5/8 inch iron rod found for the southeast corner of said Lot 5, and being the northeast right–of–way of County Road 810 (variable width right of way);

**THENCE** South 60 degrees 51 minutes 34 seconds West along the common south line of said Lot 5 and the north right of way line of said County Road 810, a distance of 762.91 feet to a 5/8 inch iron rod found in the easternmost southwest corner of said Lot 5 and the southeast corner of a called 0.129 acre tract of land described in a deed to IRA Plus Southwest, LLC recorded in Document No. 20090024588 in said Official Public Records;

**THENCE** North 29 degrees 37 minutes 05 seconds West departing said north right of way line of County Road 810 and along the common west line of said Lot 5 and the east line of said called 0.129 acre tract, a distance of 75.48 feet to a 5/8 inch iron rod found in an ell corner of said Lot 5 and the northeast corner of said called 0.129 acre tract;

**THENCE** South 59 degrees 57 minutes 45 seconds West along the common said west line of Lot 5 and the north line of said called 0.129 acre tract, a distance of 74.99 feet to a 5/8 inch iron rod found (bent) in the northernmost southwest corner of said Lot 5 and the northwest corner of said 0.129 acre tract, and being in the east line of a tract described as the east 326.0 feet of Lot 1, Sparks–Dale Addition, an addition to the City of Burleson, Texas according to the plat recorded in Volume 396, Page 643, Deed Records of Johnson County, Texas;

**THENCE** North 29 degrees 34 minutes 27 seconds West along the said west line of Lot 5 and the said east line of the called east 326.0 feet of Lot 1, a distance of 125.26 feet to a 5/8 inch iron rod found (bent), and being the southeast corner of a called 4.610 acre tract of land described in and deed to PCS Properties, LLC recorded in Document No. 2018–17179 in said Official Public Records;

**THENCE** North 29 degrees 37 minutes 55 seconds West along the common west line of said Lot 5 and the east line of said 4.610 acre tract, a distance of 399.80 feet to a 5/8 inch iron rod found for an ell corner in said west line of Lot 5 and the northeast corner of said called 4.610 acre tract, and being in the south line of Lot 3, Block A of said Victron Burleson Addition;

**THENCE** North 60 degrees 21 minutes 52 seconds East along the common said west line of Lot 5 and the south line of said Lot 3, a distance of 40.24 feet to a 5/8 inch iron rod with cap found for an ell corner in same;

**THENCE** along the said common west line of Lot 5 and said Lot 4, and the east line of Lot 3, the following:

North 29 degrees 38 minutes 08 seconds West, a distance of 375.51 feet to a 5/8 inch iron rod with cap found for an angle corner in said Lot 4; and

North 03 degrees 09 minutes 22 seconds West, a distance of 189.27 feet to an 'X' scribed in concrete set for the northwest corner of said Lot 4 and on the said east line of Lot 3, and being in the south right–of–way of Enterprise Drive (a 100 foot right of way)

**THENCE** North 88 degrees 17 minutes 50 seconds East along the common most westerly north line of said Lot 4, the south right–of–way of Enterprise Drive, and the south line of said Lot 24R, a distance of 266.63 feet to a 1/2 inch iron rod capped found for an ell corner of said Lot 4 and being the southeast corner of said Lot 24R;

**THENCE** North 01 degree 43 minutes 57 seconds West along the common most northerly west line of said Lot 4 and the east line of said Lot 24R, a distance of 349.99 feet to the **PLACE OF BEGINNING** containing 22.584 acres (983,746.24 square feet square feet) of land.

OWNER'S CERTIFICATION

§ STATE OF TEXAS  
§ COUNTY OF JOHNSON

KNOW ALL MEN BY THESE PRESENTS  
That We, **DMJ Properties, Ltd.**, do hereby adopt this plat designating the hereinbefore described property as **Victron Burleson 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 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.

Guhania Almakdad Sharaf  
President of DMJ, LLC &  
Managing General Partner of DMJ Properties, LLC

§ STATE OF TEXAS  
§ COUNTY OF JOHNSON

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Guhania Almakdad Sharaf, 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

NOTES

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.  
According to the Flood Insurance Rate Map (FIRM) Community Panel No. 48251C0070J dated December 4, 2012 the subject property is located within the following zones:  
Zone X – Areas determined to be outside the 500–year floodplain.  
This plat does not alter or remove existing deed restrictions or covenants, if any, on this property. The City of Burleson is not responsible for the design, construction, operation, maintenance or use of any storm water storage facility and associated drainage easements hereinafter referred to as "improvements," to be developed and constructed by developer or successors. Developer will indemnify, defend and hold harmless the City of Burleson, its officers, employees and agents from any direct or indirect loss, damage, liability or expense and attorneys' fees for any negligence whatsoever, arising out of the design, construction, operation, maintenance condition or use of the improvements, including any non–performance of the foregoing. Developer will require any successor in interest to accept full responsibility and liability for the improvements. All of the above shall be covenants running with the land. It is expressly contemplated that developer shall impose these covenants upon Lot 6 abutting, adjacent or served by the improvements the full obligation and responsibility of maintaining and operating said improvements.

SURVEYORS' CERTIFICATION

I, MONTY NIXON, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION.

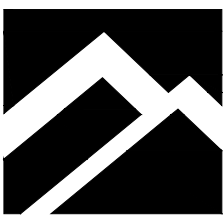
PRELIMINARY  
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE  
AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL  
SURVEY DOCUMENT

MONTY NIXON DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5542



REPLAT  
LOTS 4 & 5, BLOCK A,  
VICTRON BURLESON ADDITION  
22.584 ACRES (983,746 S.F.)  
WILLIAM G. RAY SURVEY, A–731  
CITY OF BURLESON, JOHNSON COUNTY, TEXAS

THE PURPOSE OF THIS PLAT IS TO REVISE PROPERTY  
LINES FOR LOTS 4 & 5 AND TO CREATE LOT 6



Summit Surveying, Inc.

Land Boundary • Topography • GPS • Geodetic  
2040 Deerbrook Drive, Tyler, Texas 75703 • (903)-561-9544

TBPLS Firm No. 10081000

JOB NO. 23–045

SHEET NO. 2 of 2

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## Planning & Zoning Commission Meeting

**DEPARTMENT:** Development Services  
**FROM:** Lidon Pearce, Senior Planner  
**MEETING:** December 19, 2023

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**SUBJECT:**

Arabella at Burleson; Lot 1R, Block 7 (Case 23-290): Consider approval of a replat for Arabella at Burleson; Lot 1R, Block 7, addressed as 1851 Greenridge Dr (*Staff Presenter: Lidon Pearce, Senior Planner*)

**SUMMARY:**

On October 2, 2023, an application for a replat was submitted by Dustin Pustejovsky representing Westwood Professional Services on behalf of Calvin Caldwell (owner) for a replat of approximately 9.301 acres. The property is being replatted for the purpose of adding a sidewalk easement and the right-of-way dedication for a right hand turn lane on Greenridge Drive.

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

**RECOMMENDATION:**

- 1) Approve as presented with the condition that the recording information for the sidewalk easement is placed on the plat face prior to recording.

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

The Planning and Zoning Commission approved the Final Plat for Lot 1, Block 7; Arabella at Burleson on June 14, 2022.

**REFERENCE:**

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

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

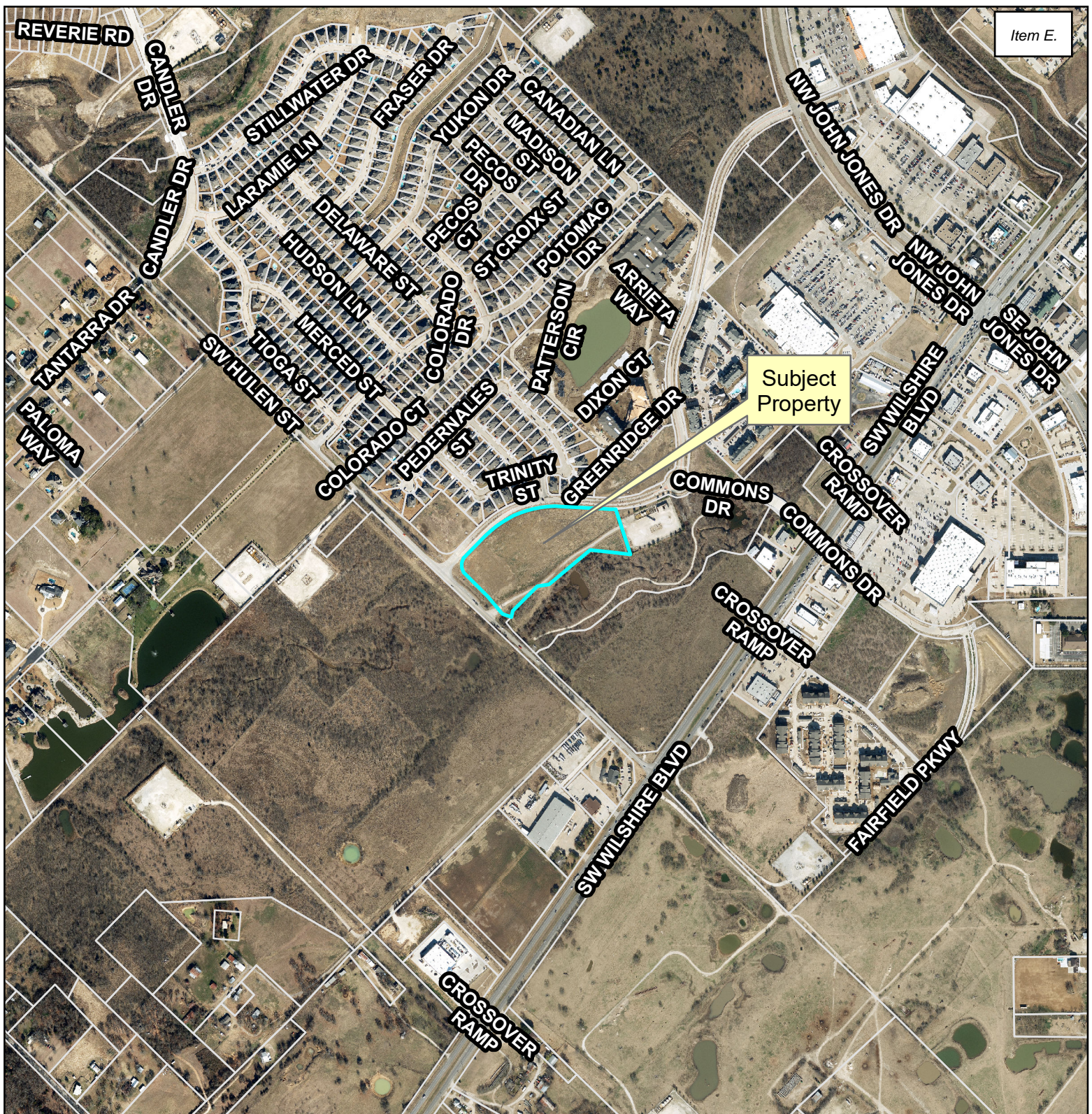
Lidon Pearce, CNU-A

Senior Planner

[lpearce@burlesontx.com](mailto:lpearce@burlesontx.com)

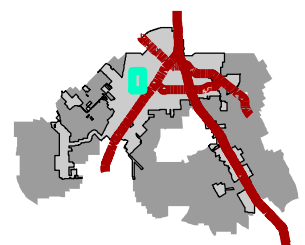
817-426-9649





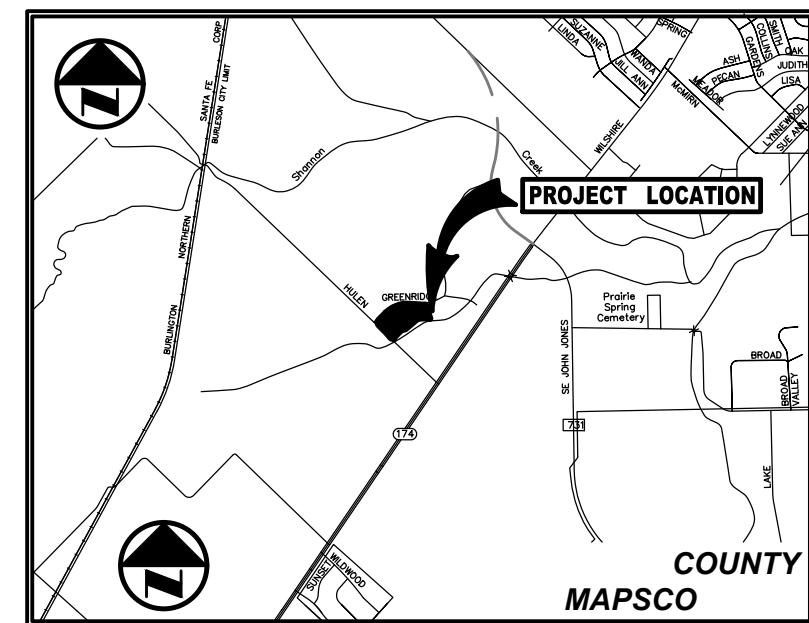
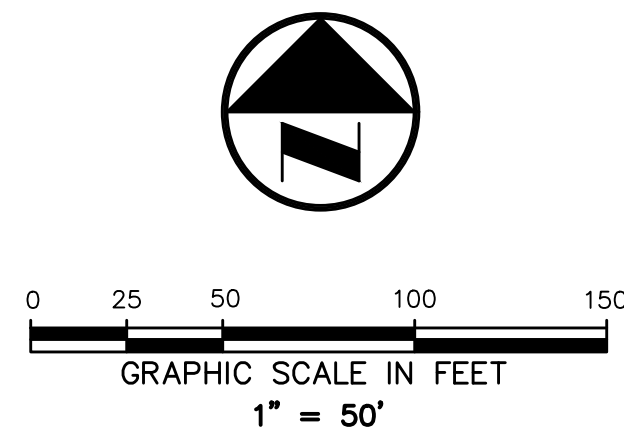
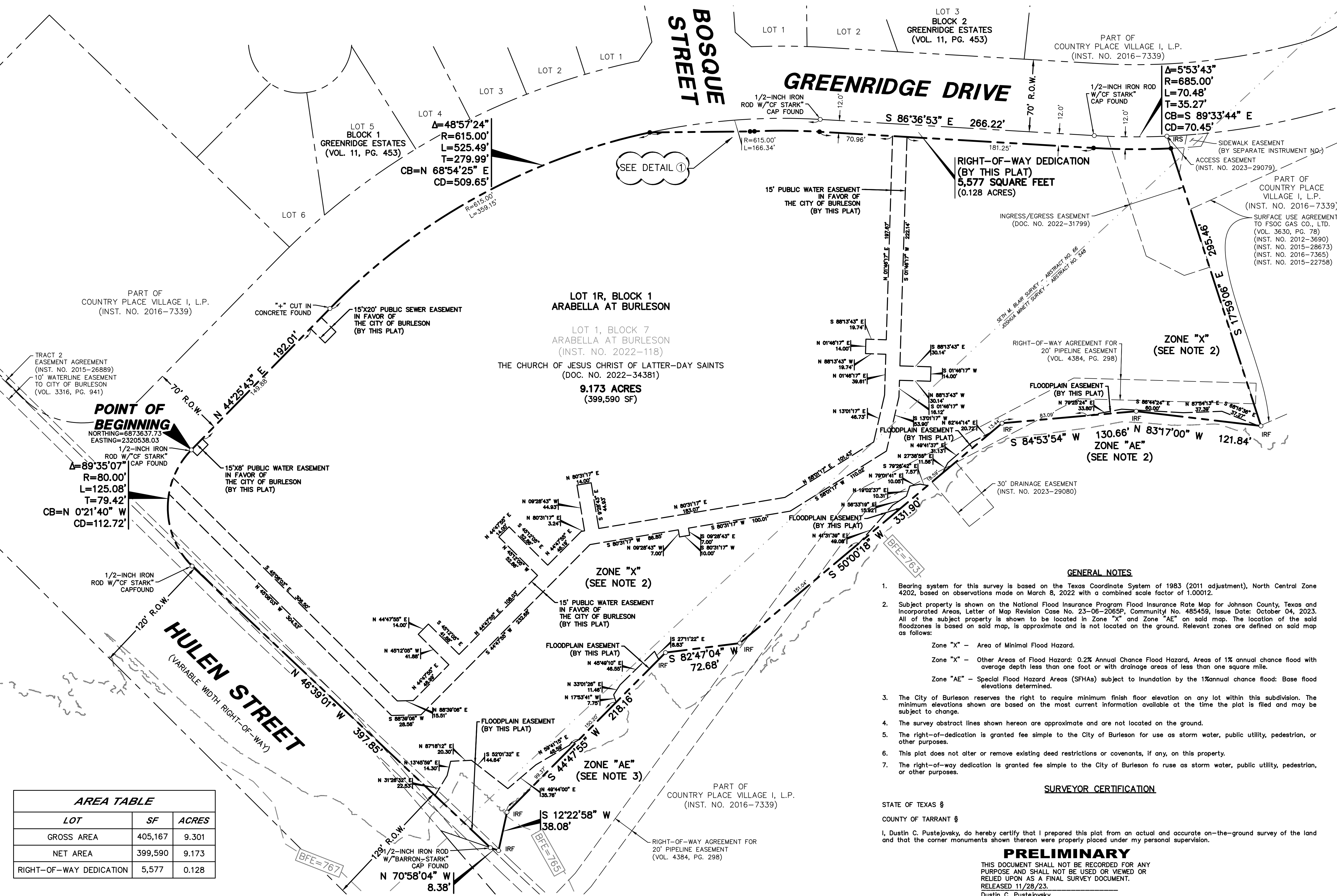
THE CITY OF  
**BURLESON**  
TEXAS

Replat  
Lot 1R, Block 7  
Arabella at Burleson  
Case 23-390



Vicinity Map





## OWNER'S CERTIFICATION

WHEREAS, The Church of Jesus Christ of Latter-Day Saints is the owner of a 9.301 acre (405,167 square feet) tract of land situated in the Joshua Minett Survey, Abstract No. 548 and the Seth M. Blair Survey, Abstract No. 66, City of Burleson, Johnson County, Texas; said tract being all of that tract of land described in Special Warranty Deed to The Church of Jesus Christ of Latter-Day Saints recorded in Document No. 2022-34381, Official Public Records of Johnson County, Texas, said 9.301 acre (405,167 square feet) tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod w/"OF STARK" cap found at the north end of a circular corner clip at the intersection of the southeast right-of-way line of Greenridge Drive (a 70-foot right-of-way) and the northeast right-of-way line of S.W. Hulén Street (a variable width right-of-way); said point being the;

THENCE, along said southeast line of Greenridge Drive the following four (4) calls:

North 44 degrees, 25 minutes, 43 seconds, East, a distance of 192.01 feet to a "+\*-cut in concrete found at the beginning of a tangent curve to the right;

In an easterly direction along said curve to the right, having a central angle of 48 degrees, 57 minutes, 24 seconds, a radius of 615.00 feet, a chord bearing and distance of North 68 degrees, 54 minutes, 25 seconds, East, 509.65 feet, on an arc distance of 525.49 feet to 1/2-inch iron rod with "OF STARK" cap found at the end of said curve;

South 88 degrees, 36 minutes, 53 seconds, East, a distance of 266.22 feet to 1/2-inch iron rod with "OF STARK" cap found at the beginning of a tangent curve to the left;

In an easterly direction along said curve, having a central angle of 05 degrees, 53 minutes, 43 seconds, a radius of 685.00 feet, a chord bearing and distance of South 89 degrees, 33 minutes, 44 seconds, East, 70.45 feet, on an arc distance of 70.48 feet to a 1/2-inch iron rod with "WESTWOODPS" cap set at the end of said curve;

THENCE, South 17 degrees, 59 minutes, 06 seconds, East, departing said southeast line of Greenridge Drive, a distance of 295.46 feet to a 1/2-inch iron rod with "WESTWOODPS" cap set for corner;

THENCE, North 83 degrees, 17 minutes, 00 seconds, West, a distance of 121.84 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found;

THENCE, South 84 degrees, 53 minutes, 54 seconds, West, a distance of 130.66 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found;

THENCE, South 50 degrees, 00 minutes, 18 seconds, West, a distance of 331.90 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found;

THENCE, South 82 degrees, 47 minutes, 04 seconds, West, a distance of 72.68 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found;

THENCE, South 44 degrees, 47 minutes, 55 seconds, West, a distance of 218.16 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found;

THENCE, South 12 degrees, 22 minutes, 58 seconds, West, a distance of 38.08 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found;

THENCE, North 70 degrees, 58 minutes, 04 seconds, West, a distance of 8.38 feet to a 1/2-inch iron rod with "OF STARK" cap found in said northeast right-of-way line of S.W. Hulén Street;

THENCE, North 46 degrees, 39 minutes, 01 seconds, West, a distance of 397.85 feet to a 1/2-inch iron rod found with "OF STARK" cap found for the south end of said circular corner clip and the beginning of a tangent curve to the right;

THENCE, in a northerly direction along said curve, having a central angle of 89 degrees, 35 minutes, 07 seconds, a radius of 80.00 feet, a chord bearing and distance of North 00 degrees, 21 minutes, 40 seconds, West, 112.72 feet, on an arc distance of 125.08 feet to the POINT OF BEGINNING;

CONTAINING: 9.301 acres (405,167 square feet) of land, more or less.

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

KNOWN ALL MEN BY THESE PRESENTS

That We, The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole do hereby adopt this plat designating the hereinbefore described property as **LOT 1R, BLOCK 7, ARABELLA AT BURLESON**, on Addition to the City of Burleson, Johnson County, Texas, and do hereby dedicate to the public the parcels of land shown by the plat as intended for public use. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Burleson, Texas.

The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole

AUTHORIZED AGENT:

STATE OF UTAH §  
COUNTY OF SALT LAKE §

On this day of \_\_\_\_\_, 2023 personally appeared before me \_\_\_\_\_ personally known to me to be the an Authorized Agent of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole, who acknowledged before me that he signed the foregoing instrument as Authorized Agent for The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole, and that instrument is the free and voluntary act of said Corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said Corporation and that said Corporation executed the same. 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.

Notary Public, State of Utah

My Commission Expires: \_\_\_\_\_

**REPLAT**  
**LOT 1R, BLOCK 7**  
**ARABELLA AT BURLESON**  
BEING A 9.301 ACRE TRACT  
LOCATED IN THE CITY OF BURLESON  
AND BEING OUT OF THE  
JOSHUA MINETT SURVEY, ABSTRACT NO. 548 AND  
THE SETH M. BLAIR SURVEY, ABSTRACT NO. 66  
JOHNSON COUNTY, TEXAS

**Westwood**

4060 BRYANT IRVIN ROAD  
FORT WORTH, TX 76109  
817.412.7155

PRE DIRECTION	STREET NAME	STREET TYPE	ROW (ACRES)
	GREENRIDGE	DRIVE	0.128

REF. CASE NO. RP23-290

TX REG. ENGINEERING FIRM F-11756

TX REG. SURVEYING FIRM LS-10074301

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
DCP	DCP	1"=50'	SEPT. 2023	R0039850.01



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## Planning & Zoning Commission Meeting

**DEPARTMENT:** Development Services  
**FROM:** JP Ducay, Senior Planner  
**MEETING:** December 19, 2023

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**SUBJECT:**

Burleson Retail Summercrest at 700 Wilshire Blvd (Case 23-252): Hold a public hearing and consider approval of a resolution for a commercial site plan with a variance to Chapter 36, fencing and screening regulations, allowing for an alternative transitional screening material. (*Staff Presenter: JP Ducay, Senior Planner*)

**SUMMARY:**

On September 5, 2023, an application was submitted by Anna Carrillo with Carrillo Engineering, LLC. for a site plan proposing to develop four retail/restaurant tenant spaces on two GR, General Retail zoned lots with a drive-thru on each. The subject site immediately abuts five single-family lots zoned SF-7 along the north-west property boundary. It is incumbent upon the developer to screen their property from the residential district along the entire property line. The fencing and screening regulations require that transitional screening shall be eight feet in height and constructed of solid masonry or reinforced concrete. Alternative designs and materials may be proposed and approved provided the screening meets the intent of Transitional Screening section. The applicant is requesting approval to construct an eight foot wooden fence. The DAC denied the alternative fencing proposal during the CSP review process. The applicant has appealed this determination for City Council consideration. Upon recommendation from the Planning and Zoning Commission, the City Council may grant temporary or permanent waivers to transitional screening. The applicant is requesting a variance to allow for an eight foot wooden fence to accommodate the transitional screening requirement in lieu of an eight foot masonry screening wall. The applicant's justification for approval in granting this variance has been attached as Exhibit 5.

**"Site plan approval required by City Council.** Any site plan that requires a waiver or variance to City Ordinances or is contingent upon the approval of a zoning district change must receive the approval of City Council upon recommendation of the planning and zoning commission."

The Development Assistance Committee does not support this variance request as it may result in detrimental impacts to the adjacent residential homes. The location of the drive-thru's and dumpster enclosure in proximity to the residential property will likely result in an excessive nuisance of noise if not adequately screened. Staff acknowledges the screening will be located within a ten foot utility easement and future easement accessibility should be considered.

According to the applicant, given the presence of an existing utility easement and overhead electric line, the proposed wooden fence would be less obtrusive than a masonry fence which would require wider columns at close intervals. It is the applicant's opinion that the wooden fence satisfies the intent of the ordinance by providing adequate screening from the development to the residential lots and is a significant improvement from the existing condition which consists of a combination of chain link and older wooden fence depending on the lot.

### Approval Standards in Granting a Variance.

(Chapter 36-Fencing and Screening Regulations, Section 36-4(b) – Administrative variance):

Consideration
There are <b>special circumstances existing on the property</b> on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district.
That a <b>variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed</b> , under the ordinance, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
That the granting of the variance on the specific property <b>will not adversely affect the land use pattern</b> as outlined by the land use plan and <b>will not adversely affect any other feature of the comprehensive plan</b> of the city.
That the variance, if granted, <b>will not be materially detrimental to the public welfare</b> of the use, enjoyment, or value of property within the vicinity.

### RECOMMENDATION:

- 1) Recommend approval of the resolution for a commercial site plan with a transitional screening variance as presented or with modifications; or
- 2) Recommend denial of the resolution for a commercial site plan with a transitional screening waiver.

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

November 14, 2023: The Planning and Zoning Commission tabled the transitional screening variance request to a later date.

### REFERENCE:

<https://ecode360.com/39930784#39930784>

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

JP Ducay  
Senior Planner  
[jducay@burlesontx.com](mailto:jducay@burlesontx.com)  
817-426-9648



# Burleson Retail Summercrest CSP



## Location:

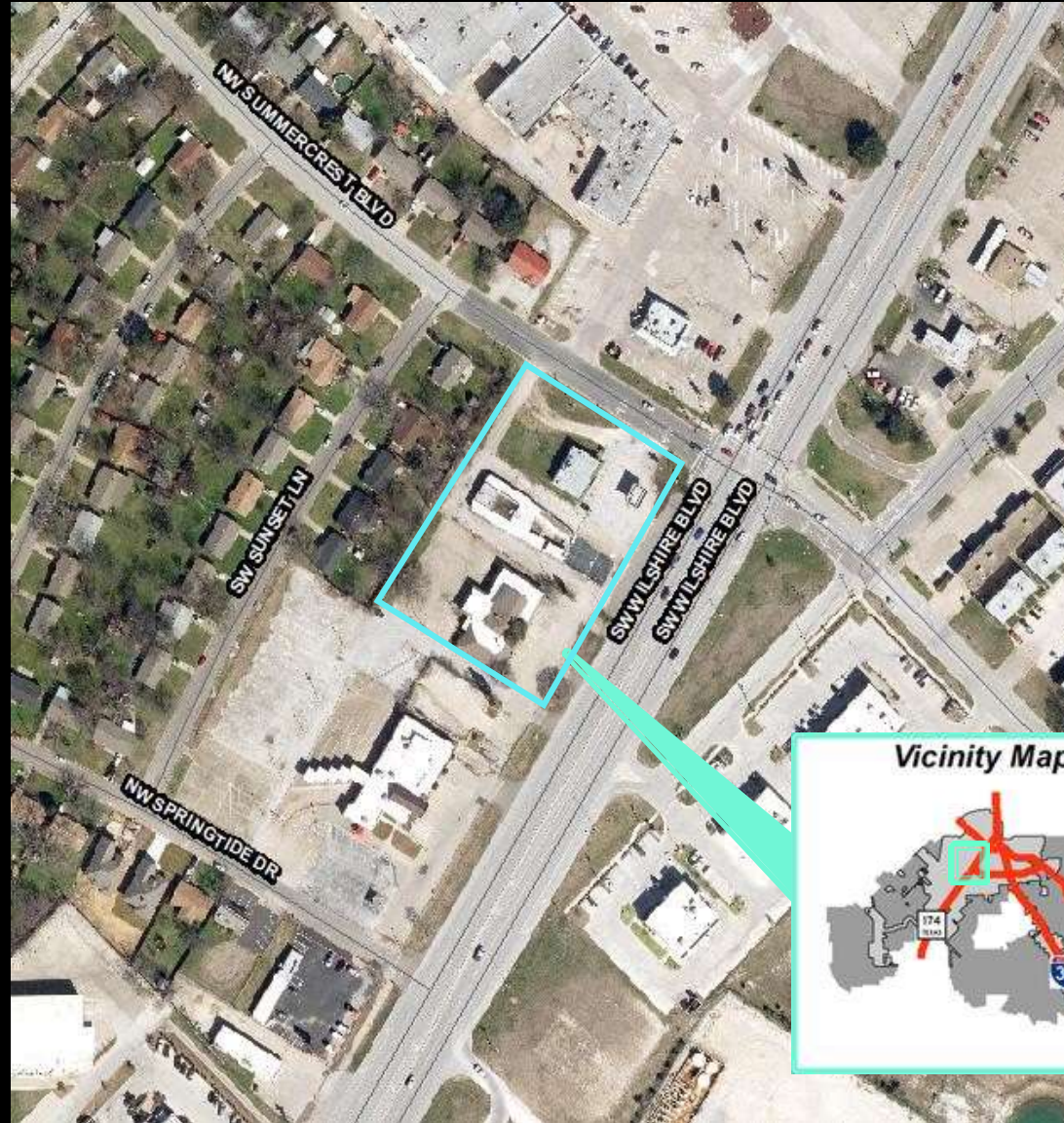
- 700 SW Wilshire Blvd
- 2.64 acres

## Applicant:

- Anna Carrillo

## Item for approval:

- CSP & Fence Variance (23-252)





# Burleson Retail Summercrest CSP



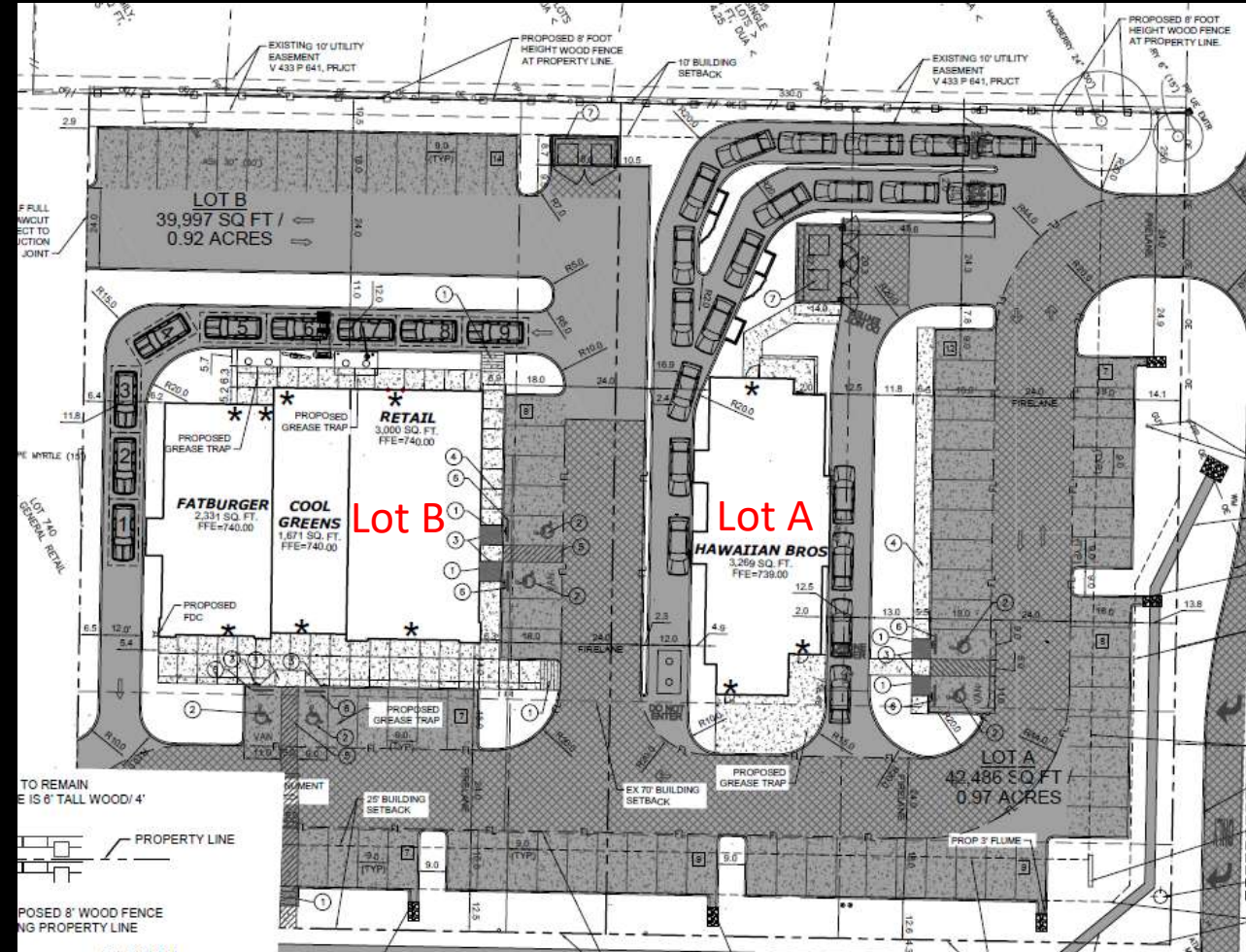
## Site Plan Summary *(Subject to Change)*

### Lot A:

- Proposed Building: 3,269 SF
- Building Height: 26 feet (one story)
- Use: Restaurant (Drive-thru)

### Lot B:

- Proposed Building: 7,002 SF
  - Building Height: 25 feet (one story)
  - Use: Restaurant (Drive-thru) & Retail
    - Three tenant spaces
- One variance being requested (screening)



# Burleson Retail Summercrest CSP

Item A.

BTX

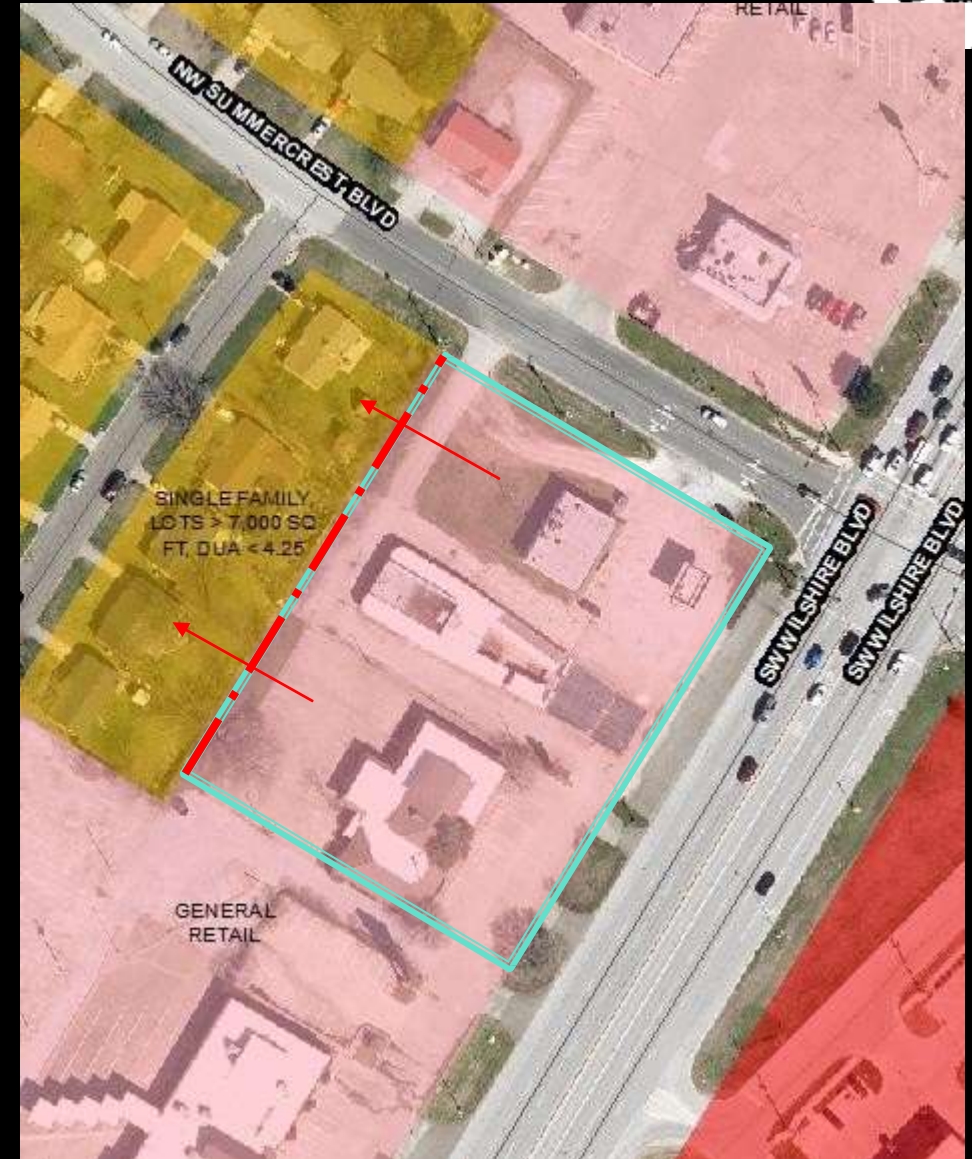
## Background

Per the fencing and screening regulations:

- Transitional screening shall be required when non-residential uses abut residential uses.
- It is incumbent upon the developer of the more intensively zoned property to screen their property from the less intensive zoning district.

**Subject site:** GR, General Retail

**Adjacent property:** SF7, Single-family dwelling district 7





# Burleson Retail Summercrest CSP

Item A.

BTX

## Variance Summary

Section 36-14(i) (Transitional Screening) of the Fencing and Screening regulations contains the following standard:

- Transitional screening shall be constructed of solid masonry or reinforced concrete. **All others designs and materials will have to be approved by the development assistance committee provided the screening meets the intent of this section.**

DAC denied the alternative fencing proposal during CSP review.

The applicant appealed this determination for City Council consideration - upon recommendation from the Planning and Zoning Commission, the City Council may grant temporary or permanent waivers to transitional screening.

Section 36-14 (Transitional screening) of the fencing and screening regulations contains the following requirements:

- (a) When NS, GR, C, CC, I districts or nonresidential uses abuts a MH, MHP, MF1, MF2, 2F, SFA, SFE, SFR, SF7, SF10, SF16 district or residential uses, transitional screening shall be required for separating these districts or uses along the entire property line of the higher intensity district or use except where visibility triangles or easements are required.
- (b) When MH, MHP, MF1, MF2 district or multiple family or mobile home uses abuts a 2F, SFA, SFE, SFR, SF7, SF10, SF16 district or single-family uses, transitional screening shall be required for separating these districts or uses along the entire property line of the higher intensity district or use except where visibility triangles or easements are required.
- (c) For the purpose of this section, "abut" or "adjacency" is defined as sharing a common property line except for private alleys, public alleys and private access easements.
- (d) Shall be located within and along the outer perimeter of a lot or boundary line and entirely on private property. No part of any screening device shall be located in public right-of-way or encroach within the visibility triangle.
- (e) Shall be eight feet in height.
- (f) Shall serve the purpose of providing a visual barrier between properties.
- (g) Shall be incumbent upon the developer of the more intensively zoned property to screen his property from a less intensive zoning district.
- (h) The screening wall shall be of consistent color, design and material all through the development.
- (i) **Shall be constructed of solid masonry or reinforced concrete. All others designs and materials will have to be approved by the development assistance committee provided the screening meets the intent of this section.**
- (j) If the development assistance committee approves this requirement to be better met by an irrigated, pruned and maintained living screen, the same maybe substituted.
- (k) Upon recommendation from the planning and zoning commission, the city council may grant a temporary or permanent waiver until such a time as the screening wall or fence maybe deemed necessary, if this requirement is impractical for immediate construction.

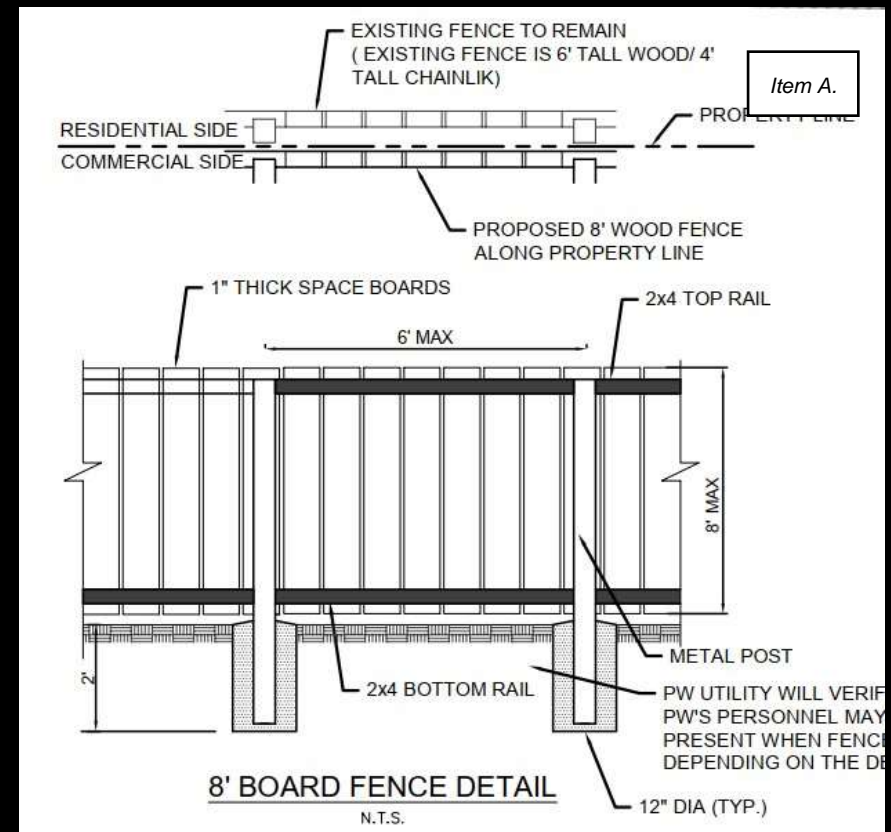
# Burleson Retail Summercrest CSP

## Request

- Allow for the transitional screening to be an eight foot wooden fence in lieu of a masonry screening wall.

## Applicant's Justification

- The proposed wooden fence would be less obtrusive than a masonry wall given the presence of an existing utility easement and overhead electric line.
- The wooden fence satisfies the intent of the ordinance by providing adequate screening from the development to the residential lots and is a significant improvement from the existing conditions.



# Burleson Retail Summercrest CSP



## Fencing and Screening Code Criteria For Variance Approval

There are [special circumstances existing on the property](#) on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district.

That a [variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed](#), under the ordinance, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.

That the granting of the variance on the specific property [will not adversely affect the land use pattern](#) as outlined by the land use plan and [will not adversely affect any other feature of the comprehensive plan](#) of the city.

That the variance, if granted, [will not be materially detrimental to the public welfare](#) of the use, enjoyment, or value of property within the vicinity.

# Burleson Retail Summercrest CSP



Site Conformance Table

<i>Required</i>	<i>Staff's Findings</i>
<u>Lot Size, Coverage and Setbacks</u> Specific lot information as shown on site plan	<b>Complies.</b> Site plan is in compliance with all development regulations with the exception of the screening variance request.
<u>Landscaping</u> 20% of Total Site shall be landscaped: 16,496 SF	<b>Complies.</b> Landscaping proposed: 19,332 SF
<u>Parking Requirement</u> Total Parking Required: 57 spaces 3 ADA spaces	<b>Complies.</b> Parking provided: 81 spaces ADA spaces: 6 spaces



# Burleson Retail Summercrest CSP

Item A.

BTX

## Public Hearing Notice

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

Staff has received **one** letter of interest from a property owner within 300' of the subject site proposing neither support or opposition.





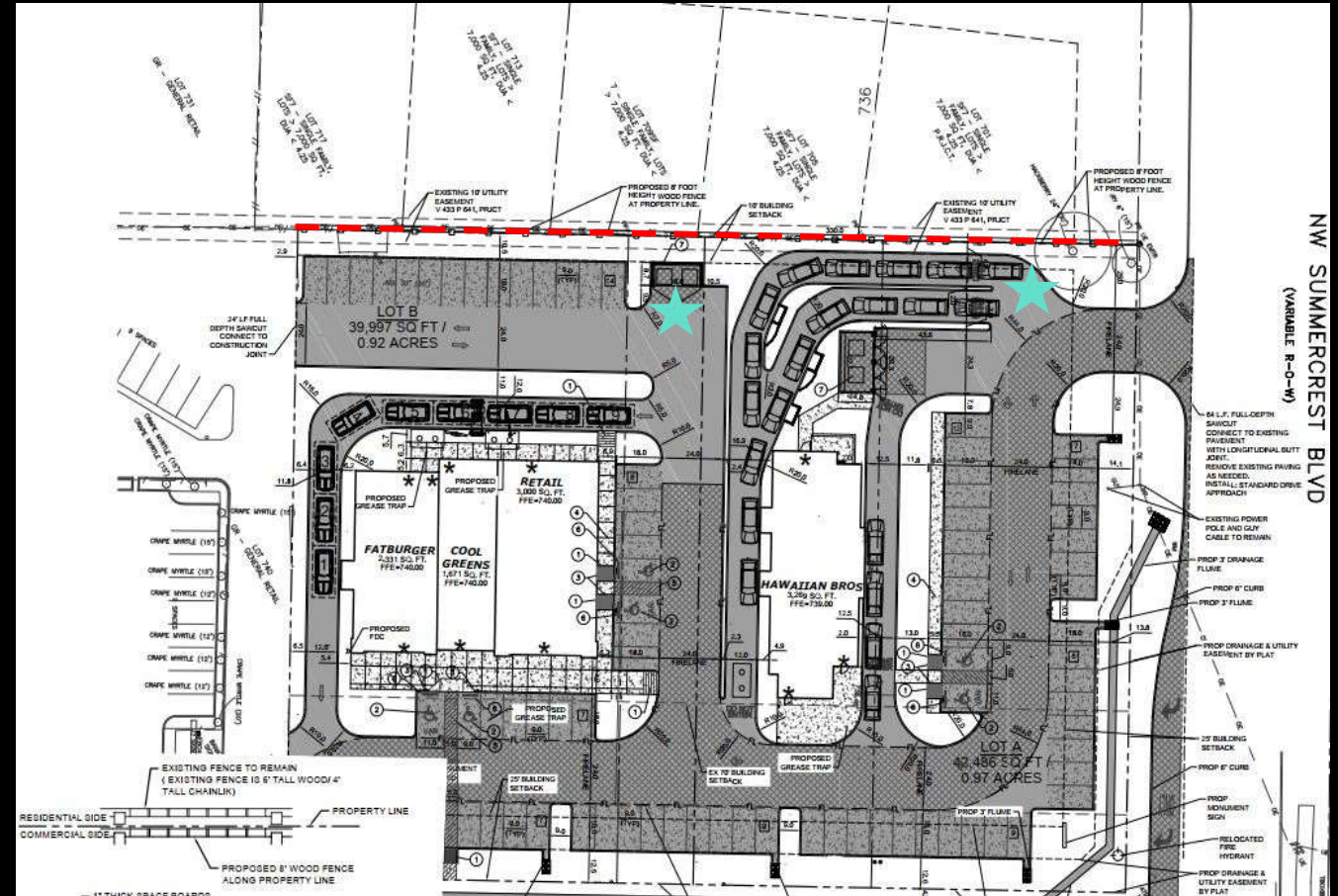
# Burleson Retail Summercrest CSP



## Staff Recommendation

The DAC denied the alternative fencing material based on the potential detrimental impacts to the adjacent residential homes.

- The location of the drive-thru's and dumpster enclosure in proximity to the residential property will likely result in an excessive nuisance of noise and light if not adequately screened.
- Staff acknowledges the screening will be located within a ten foot utility easement and future easement accessibility should be considered.



Setback from property line: Drive-thru = 5' / Dumpster enclosure = 10' / Residences = 40-60'

## RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, FOR A COMMERCIAL SITE PLAN WITH A VARIANCE TO CHAPTER 36, FENCING AND SCREENING REGULATIONS, TO ALLOW FOR AN ALTERNATIVE TRANSITIONAL SCREENING MATERIAL AT 700 SW WILSHIRE BOULEVARD.**

**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**, Chapter 36, Fencing and Screening Regulations, of the City of Burleson Code of Ordinances (2005) requires that no fence, wall or outdoor area enclosure structure, may be erected or altered within the city unless the fence, wall, or outdoor area enclosure is in conformance with the provisions of this chapter; and

**WHEREAS**, on September 5, 2023, an application was submitted by Anna Carillo representing Carillo Engineering LLC, for a site plan with a variance to allow for an eight foot wood fence to accommodate the transitional screening requirement in lieu of an eight foot masonry screening wall, and

**WHEREAS**, on January 8, 2024, the City Council made an inquiry into the matter and reviewed all the relevant information at a duly called public meeting, and

**WHEREAS**, the City Council finds and determines that there are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district; and

**WHEREAS**, City Council finds and determines that a variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed, under Chapter 36, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made; and

**WHEREAS**, City Council finds and determines that the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the city; and

**WHEREAS**, City Council finds and determines that the variance, if granted, will not be materially detrimental to the public welfare of the use, enjoyment, or value of property within the vicinity; and

**WHEREAS**, the City Council finds and determines the conditions attached to the variance, if any, are necessary to achieve the purpose of Chapter 36.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**

RESOLUTION

PAGE 1 OF 2

**OF BURLESON, TEXAS, THAT:****Section 1.**

City Council hereby grants a variance to Section 36-14(i) of Chapter 36, Fencing and Screening Regulations, of the City of Burleson Code of Ordinances (2005) requiring transitional screening be constructed of solid masonry or reinforced concrete, to allow for an eight foot wooden fence to accommodate the transitional screening requirement.

Except as otherwise specified above, all other conditions, regulations, procedures, and rules of Chapter 36, Fencing and Screening Regulations, of the City of Burleson Code of Ordinances (2005), as amended, shall apply to the transitional screening at 700 SW Wilshire.

**Section 2.**

This resolution shall take effect immediately from and after its passage.

**PASSED, APPROVED, AND SO RESOLVED** by the City Council of the City of Burleson, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chris Fletcher, Mayor  
City of Burleson, Texas

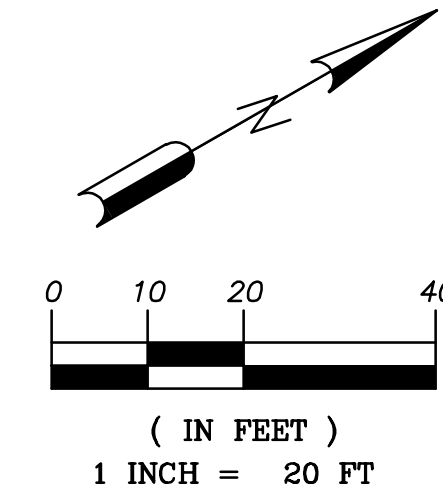
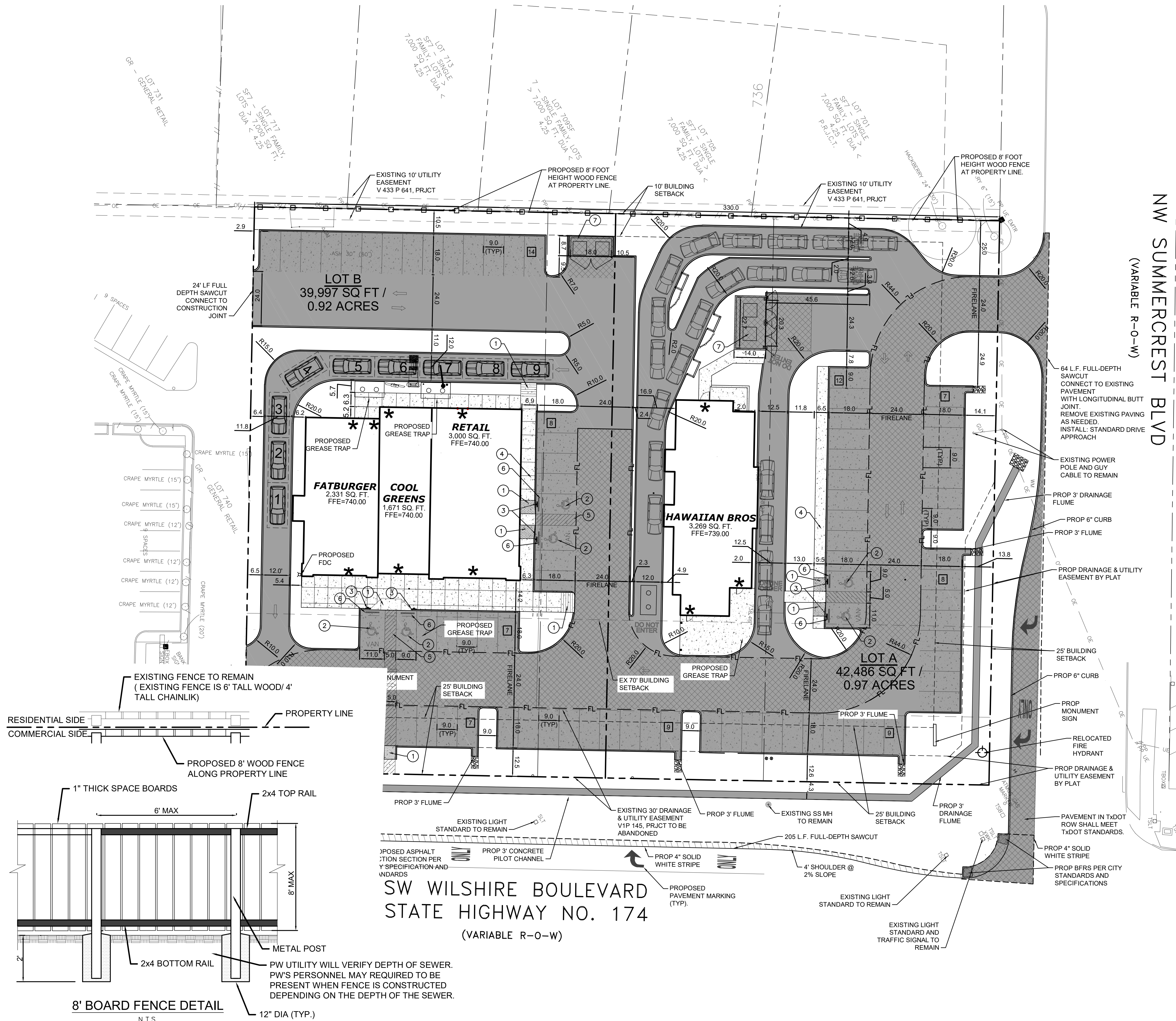
ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney





**LEGEND**

- EXISTING CURB
- PROPOSED CURB
- PARKING SPACES IN A ROW
- PROPOSED 7" REINFORCED, MEDIUM DUTY CONCRETE PAVEMENT PER DETAIL, SHEET
- PROPOSED 6" REINFORCED, MEDIUM DUTY CONCRETE PAVEMENT PER DETAIL, SHEET
- PROPOSED 5" REINFORCED, LIGHT DUTY CONCRETE PAVEMENT PER DETAIL, SHEET
- PROPOSED 2" TYPE D ASPHALT OVER 6" TYPE A ASPHALT OVER 6" COMPOSED FLEXBASE
- PROPOSED SIDEWALK PAVEMENT
- PROPOSED ENTRANCE AND EXITS

**CONSTRUCTION SCHEDULE**

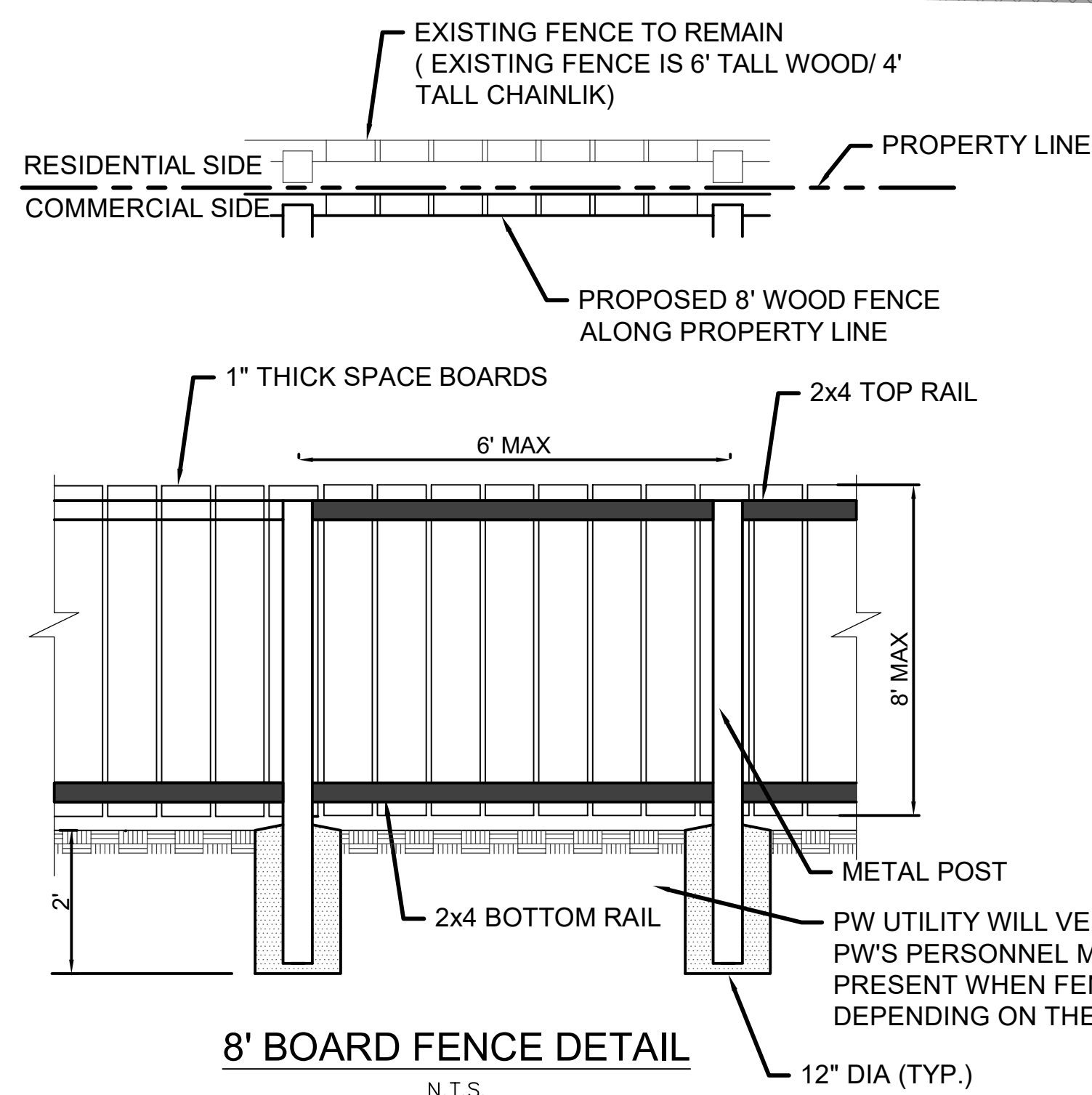
- 1 HANDICAP RAMPS PER DETAILS SHEET C6.00
- 2 HANDICAP SYMBOL PER DETAILS SHEET C6.00
- 3 HANDICAP SIGN PER DETAILS SHEET C6.00
- 4 5" SIDEWALK PER DETAILS SHEET C6.00
- 5 4" WHITE TRAFFIC STRIPING PER DETAILS SHEET C6.00
- 6 WHEEL STOP PER DETAILS SHEET C6.00
- 7 DUMPSTER WITH 6' MASONRY ENCLOSURE PER DETAILS ON ARCHITECTURAL ELEVATIONS.

ACREAGE OF PROPOSED SITE = 2.64 ACRES

**KEY NOTES**

1. ALL SIDEWALKS SHALL MAINTAIN A 2% MAXIMUM CROSS SLOPE AND 5% MAXIMUM IN THE DIRECTION OF PEDESTRIAN TRAVEL. ALL ADA SIDEWALKS SHOULD INCLUDE ALL LANDINGS, MARKINGS, ETC AS REQUIRED BY CODE.
2. REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS.
3. SAWCUT LINES SHOWN ON THE DESIGN PLANS FOR THE REMOVAL AND REPLACEMENT OF CONCRETE PAVEMENT, DRIVES, SLABS, SIDEWALKS, ETC...ARE FOR INFORMATIONAL PURPOSES ONLY.
4. SIDEWALK IN TxDOT ROW WILL BE ESCROWED AND CONSTRUCT AT LATER DATE.

- PINE 18" (25')
- TRAFFIC SIGN



**Carrillo Engineering, LLC**

301 Commerce Street, Ste 1410 - Fort Worth, Texas 76102  
Phone 817-697-4996 - Firm Registration #1-15893

**BURLESON RETAIL SUMMER CREST  
LOTS 11A, BLOCK 1  
SUMMER CREST ADDITION  
BURLESON, TEXAS**

**SITE PLAN / WOOD FENCE DETAIL**

Issue Dates:

Date	Revisions

Scale: AS SHOWN

Drawn By: AO

Checked By: ALC

**Sheet**

**EX 1**

**CASE # 23-252**

- BENCHMARKS**
1. X CUT ON EDGE OF EXISTING BFR OF THE INTERSECTION OF NW SUMMERCREST BLVD. AND SW WILSHIRE BLVD.  
ELEV=737.97
  2. X CUT ON EDGE OF EXISTING GUTTER OF THE INTERSECTION OF SW SUNSET LANE AND NW SPRINGTIDE DR  
ELEV=737.41





9001 Airport Fwy, Ste 700  
North Richland Hills, TX 76180  
817-697-4996  
anna.carrillo@carrilloeng.com

September 20, 2023

Mr. JP Ducay, Case Manager  
Department Services  
141 W. Renfro Street  
Burleson, Texas 76028

**RE:** Summercrest Screening Variance (Case 23-252)  
Screening Variance  
DAC Review Comments

Dear Mr. Duncay:

Carrillo Engineering, LLC received the comments provided by The City of Burleson Development Services on September 19, 2023, regarding the proposed Burleson Retail Summercrest and has revised the plans in response to each comment. Each comment below is followed by its corresponding response in bold and italics.

## **Planning Comments**

1. Please include case number 23-252 in all future correspondence related to this waiver.

***Response: We will add Case number 23-252 to our exhibit.***

2. What material is the existing residential fence made of and what is its height? If approved, how far apart will the proposed fence be from the existing residential fence?

***Response: The existing fence(s) consist of chain-link and wood fence – they vary by lot. See the photos below. The proposed fence would be as close to the existing fences as the posts would allow. This would help with not leaving a strip of “no-man’s land” that would be difficult to maintain.***



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North Richland Hills, TX 76180  
817-697-4996  
anna.carrillo@carrilloeng.com



3. Please provide some language that justifies why this waiver is being pursued and why it should be approved. Why an 8' masonry screening wall is not being constructed, and in your words why an 8' wooden fence makes more sense. It helps to have some reasoning behind a request when staff is preparing the meeting materials (memo / presentation). The language that was provided only states what is being requested not why it is being requested. Is the current drive-thru design only usable if a wooden fence is pursued along the property line? Are there other factors behind this proposal? Please elaborate.





9001 Airport Fwy, Ste 700  
North Richland Hills, TX 76180  
817-697-4996  
anna.carrillo@carrilloeng.com

***Response: Given the presence of an existing utility easement and overhead electric line, the proposed wooden fence would be less obtrusive than a masonry fence which would require wider columns at close intervals. It is our opinion that the wooden fence satisfies the intent of the ordinance by providing adequate screening from the development to the residential lots and is a significant improvement from the existing condition which consists of a combination of chain link and older wooden fence depending on the lot.***

## **Engineering Comments**

4. Please refer to the separate comment sheet for Engineering's comments

***Response: Please see the attached revised exhibit.***

5. If approved, an easement use agreement will need to be pursued with the City. For any questions or additional information regarding these comments, please reach out to the following contact:

**MICHELLE McCULLOUGH, P.E., CFM**

*Public Works Department*

Assistant Director/City Engineer

Development

[mmccullough@burlesontx.com](mailto:mmccullough@burlesontx.com)

phone: 817.426.9616 | [burlesontx.com](http://burlesontx.com) |

***Response: Acknowledged.***

Please contact me if you have any questions or need any additional information.

Very truly yours,

**CARRILLO ENGINEERING, LLC**

Anna L. Carrillo, P.E.



9001 Airport Fwy, Ste 700  
North Richland Hills, TX 76180  
817-697-4996  
anna.carrillo@carrilloeng.com

## APPENDIX

**Jerald Ducay**

---

**From:** donald scott <gmscott1942@sbcglobal.net>  
**Sent:** Thursday, December 7, 2023 11:47 AM  
**To:** Jerald Ducay  
**Subject:** [EXTERNAL] construction/summer&wilshire  
**Attachments:** Image (52).jpg

**CAUTION: This email originated from outside of the City of Burleson email system.**

**DO NOT click links or open attachments unless you expect them from the sender and know the content is safe.**

I am sending you the letter I got from Tony Filly. I did call him and listen to his concerns' I have thought this over and decided the decision should be made by our city council would have liked for the brick fence to have replaced the one that is there now, but I understand about the sewer line. I do have a concern about the wood fence if chosen [construction and material holding up over long term and still look nice.]. The decision the council makes is fine with me.

Thank you so much.

Georgia Scott



Date

Item A.

10-30-2023

CONCERNS OR QUESTIONS

NAME: Georgia Scott

ADDRESS: 705 S.W. Sunset Lane

PHONE: 817-455 8644

CITY: Burleson

STATE: Texas

Is concern or question listed on the agenda? ☒ Yes ☐ No

If yes, what is the item or case number associated with the development application?

Burleson Retail Summercrest at 700 Wilshire Blvd (case 23-252)

Please state the concern or comment:

My main concern is water drainage when it rains, with the old construction everytime it rained my backyard would flood. Please make sure that the drainage is done right. The other concern is privacy and noise barrier.

Thank you for letting voice my concerns  
Georgia Scott

---

## Planning & Zoning Commission Meeting

**DEPARTMENT:** Development Services  
**FROM:** JP Ducay, Senior Planner  
**MEETING:** December 19, 2023

---

**SUBJECT:**

Consider approval of a minute order setting the Planning and Zoning Commission meeting dates for calendar year 2024. (Case 23-364) (Staff Contact: JP Ducay, Senior Planner)

**SUMMARY:**

The purpose of this item is to review and approve the 2024 meeting calendar for the Planning and Zoning Commission. Staff has prepared and attached a calendar for review as Exhibit 3. Staff is requesting the Planning and Zoning Commission approve the calendar as presented, or with modifications. The approved 2024 City Council meeting dates are included in the subject calendar.

**RECOMMENDATION:**

- 1) Approve the calendar as presented or with modifications; or
- 2) Deny the calendar.

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

None

**REFERENCE:**

None

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

JP Ducay  
Senior Planner  
[jducay@burlesontx.com](mailto:jducay@burlesontx.com)  
817-426-9648





# 2024 P&Z Meeting Calendar



## Request:

- Review P&Z Meeting Calendar
  - Approve as presented
  - Approved with modification
- Council Dates (Yellow) have already been approved.

2024	
Planning and Zoning Meeting Calendar	
+	
January:	
Jan 01	New Year's Day
Jan 15	M L King Day
May:	
May 27	Memorial Day
July:	
Jul 04	Independence Day
September:	
Sep 02	Labor Day
November:	
Nov 28	Thanksgiving Day
Nov 29	Thanksgiving
December:	
Dec 24	Christmas Holiday
Dec 26	Christmas
<input type="checkbox"/>	City Council Meetings
<input type="checkbox"/>	P&Z Meetings
Template © calendarlabs.com	

# 2024 P&Z Meeting Calendar



January						
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<input type="checkbox"/>	City Council Meetings
<input type="checkbox"/>	P&Z Meetings

January:	
Jan 01	New Year's Day
Jan 15	M L King Day
May:	
May 27	Memorial Day
July:	
Jul 04	Independence Day
September:	
Sep 02	Labor Day
November:	
Nov 28	Thanksgiving Day
Nov 29	Thanksgiving
December:	
Dec 24	Christmas Holiday
Dec 26	Christmas

## Months of Note:

- July
- September
- October

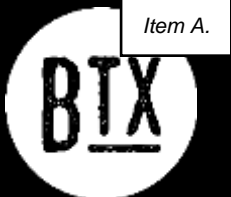
## Pros:

- Eliminates back-to-back meeting days

## Cons:

- Interrupts 2<sup>nd</sup> and 4<sup>th</sup> Tuesday schedule
- Creates three - one meeting months

# 2024 P&Z Meeting Calendar



## Staff’s Recommendation

Staff recommends approval of the calendar as presented or as modified by the Planning and Zoning Commission for the 2024 Meeting Calendar (Case 23-364)

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## Planning and Zoning Meeting Calendar

### January:

Jan 01 New Year's Day

Jan 15 M L King Day

### May:

May 27 Memorial Day

### July:

Jul 04 Independence Day

### September:

Sep 02 Labor Day

### November:

Nov 28 Thanksgiving Day


Nov 29 Thanksgiving

### December:

Dec 24 Christmas Holiday

Dec 26 Christmas

 City Council Meetings

 P&Z Meetings

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January						
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31						

April						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

---

## Planning & Zoning Commission Meeting

**DEPARTMENT:** Development Services

**FROM:** JP Ducay, Senior Planner

**MEETING:** December 19, 2023

---

**SUBJECT:**

Lumberyard at 137 S. Wilson Street (Case 23-289): Consider approval of a resolution for a waiver to Article III, Landscape Standards, relating to artificial turf. (*Staff Presenter: JP Ducay, Senior Planner*)

**SUMMARY:**

On October 2, 2023, an application was submitted by Derek Scheler, on behalf of Richard Nash, for a waiver to allow for the installation of artificial turf at 137 S. Wilson St. The owner of property (previously occupied by Moontower Pizza) is in the process of redeveloping the site for a future restaurant user called the Lumberyard. The subject site has an existing outdoor patio area that is approximately 0.10 acre, with a crushed granite surface. The applicant is requesting to replace the 0.10-acre gravel area with synthetic turf to clean up the site and better replicate the outdoor entertainment aesthetic of the Plaza. A drainage analysis was provided by the applicant that determined the additional runoff generated by the synthetic turf would not cause adverse effects offsite or downstream. The applicant's justification for approval in granting this waiver and aerial illustrations have been attached as Exhibits 4 and 5. Staff recommends approval of a resolution for a landscape waiver for a 0.10 acre portion of 137 S. Wilson Street as proposed by the applicant.

According to Sec. 86-103 Landscaping generally (d), of Article III, Landscape Standards, artificial plants or artificial turf are expressly prohibited.

**RECOMMENDATION:**

- 1) Recommend approval of the resolution for a landscaping waiver as presented or with modifications; or
- 2) Recommend denial of the resolution for a landscaping waiver.

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

None

**REFERENCE:**

<https://ecode360.com/39936847>

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

JP Ducay  
Senior Planner  
[jducay@burlesontx.com](mailto:jducay@burlesontx.com)  
817-426-9648



# Lumberyard Landscaping Waiver



## Location:

- 137 S Wilson Street
- 0.30 acres

## Applicant:

- Derek Scheler

## Item for approval:

- Landscape Waiver (23-289)



# Lumberyard Landscaping Waiver

## Background

Owner proposing to redevelop the Moontower Pizza site for a future restaurant user called the Lumberyard.

- Existing outdoor patio area that is approximately 0.10 acres with a crushed granite surface.





# Lumberyard Landscaping Waiver

## Request

- Allow for the 0.10 acre gravel patio area to be replaced with artificial turf.

## Waiver Summary

*Sec. 86-103 Landscaping generally (d): artificial plants or artificial turf are expressly prohibited.*

## Applicants Justification:

- The existing crushed granite tracks a lot of dirt and is a maintenance issue.
- Replicate outdoor entertainment aesthetic of the Plaza.





# Lumberyard Landscaping Waiver

## Staff Recommendation

Staff recommends approval of a resolution for a landscape waiver for a 0.10 acre portion of 137 S. Wilson Street as proposed by the applicant.

- Drainage analysis was provided by the applicant.
- The analysis determined that the additional runoff generated by the synthetic turf would not cause adverse effects offsite or downstream.



## RESOLUTION

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, FOR A WAIVER TO ARTICLE III, LANDSCAPE STANDARDS, TO ALLOW FOR THE INSTALLATION OF ARTIFICIAL TURF AT 137 S. WILSON STREET.

**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**, Article III, Landscaping Standards, of the City of Burleson Code of Ordinances (2005) purpose is to promote the value of property, enhance the welfare, and improve the physical appearance of the city; and

**WHEREAS**, on October 2, 2023, an application was submitted by Derek Scheler requesting a waiver to allow for the installation of artificial turf at 137 S. Wilson Street, and

**WHEREAS**, on January 8, 2024, the City Council made an inquiry into the matter and reviewed all the relevant information at a duly called public meeting, and

**WHEREAS**, the City Council finds and determines that there are individual circumstances, such as the presence of existing facilities or unusual topography, that limit the applicant's ability to comply with the landscaping requirements; and

**WHEREAS**, the City Council finds and determines the conditions attached to waiver, if any, are necessary to achieve the purpose of Article III.

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

#### Section 1.

City Council hereby grants a waiver to Section 86-103(d) of Article III, Landscape Standards, of the City of Burleson Code of Ordinances (2005) expressly prohibiting artificial plants or artificial turf, to allow for the installation of artificial turf on a 0.10-acre portion of 137 S. Wilson Street.

Except as otherwise specified above, all other conditions, regulations, procedures, and rules of Article III, Landscape Standards, of the City of Burleson Code of Ordinances (2005), as amended, shall apply to the landscaping at 137 S. Wilson Street.

#### Section 2.

This resolution shall take effect immediately from and after its passage.

**PASSED, APPROVED, AND SO RESOLVED** by the City Council of the City of

Burleson, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney





# TECHNICAL MEMORANDUM

For 137 S Wilson St– Commercial Lot

Burleson, TX

November 15, 2023

1600 W. 7th Street, Suite 400, Fort Worth, Texas 76102 | 817.810.0696  
Shield Engineering Group, PLLC

info@shield-engineering.com | www.SHIELDENGINEERINGGROUP.com  
TBPE FIRM #F-11039 | TBPLS FIRM #10193890



The purpose of this Drainage Study Technical Memo is to analyze the installation of synthetic turf within the patio space at 137 S Wilson St, Burleson, TX 76028. The existing patio is gravel and is proposed to be replaced with synthetic turf. The proposed area to be improved is approximately 0.10 acres, See Fig. 1: Site Aerial below.



Figure 1: Site Aerial

The following compares the pre-development and post-development runoff during a 100-year storm event as well as summarizes specifications of the proposed synthetic turf. Section 4.6 Drainage of the City of Burleson "Design Standards Manual" and the "iSWMM Technical Manual – Hydrology" were utilized to compare pre-development are post-development runoff conditions. Existing surface conditions were observed to be gravel and a runoff coefficient of 0.50 was selected as specified in Table 1.6 of the "iSWMM Technical Manual – Hydrology". Existing runoff was computed by the rational method and results are shown in Table 1 on the following page.



Table 1.6 Recommended Runoff Coefficient Values	
Description of Area	Runoff Coefficients (C)
<b>Lawns:</b>	
Sandy soil, flat, 2%	0.10
Sandy soil, average, 2 - 7%	0.15
Sandy soil, steep, > 7%	0.20
Clay soil, flat, 2%	0.17
Clay soil, average, 2 - 7%	0.22
Clay soil, steep, > 7%	0.35
<b>Agricultural</b>	0.30
<b>Forest</b>	0.15
<b>Streams, Lakes, Water Surfaces</b>	1.00
<b>Business:</b>	
Downtown areas	0.95
Neighborhood areas	0.70
<b>Residential:</b>	
Single Family (1/8 acre lots)	0.65
Single Family (1/4 acre lots)	0.60
Single Family (1/2 acre lots)	0.55
Single Family (1+ acre lots)	0.45
Multi-Family Units, (Light)	0.65
Multi-Family, (Heavy)	0.85
<b>Commercial/Industrial:</b>	
Light areas	0.70
Heavy areas	0.80
<b>Parks, cemeteries</b>	0.25
<b>Playgrounds</b>	0.35
<b>Railroad yard areas</b>	0.40
<b>Streets:</b>	
Asphalt and Concrete	0.95
Brick	0.85
<b>Drives, walks, and roofs</b>	0.95
<b>Gravel areas</b>	0.50
<b>Graded or no plant cover:</b>	
Sandy soil, flat, 0 - 5%	0.30
Sandy soil, flat, 5 - 10%	0.40
Clayey soil, flat, 0 - 5%	0.50
Clayey soil, average, 5 - 10%	0.60

Table 1: Predevelopment Runoff Calculations

ID	AREA (AC)	C	CA	I100 (IN/HR)	TOTAL FLOW (CFS)
1	0.10	0.5	0.05	11.6	0.58 CFS

1600 W. 7th Street, Suite 400, Fort Worth, Texas 76102 | 817.810.0696  
Shield Engineering Group, PLLC

info@shield-engineering.com | www.SHIELDENGINEERINGGROUP.com  
TBPE FIRM #F-11039 | TBPLS FIRM #10193890





For the purposes of this analysis, the proposed synthetic turf was assumed to be fully clogged, or impermeable, and a runoff coefficient of 1.0 was selected. Proposed conditions runoff results are shown in Table 2 below.

Table 2: Existing Runoff Calculations

ID	AREA (AC)	C	CA	I100 (IN/HR)	TOTAL FLOW (CFS)
1	0.10	1.0	0.10	11.6	1.16 CFS

Fully clogged conditions would then generate an additional 0.58 cfs to S Wilson St; estimated to be less than 1% of the total capacity of the street and assumed to be a statistically insignificant change in the total runoff from the overall contributing watershed.

Specifications and testing results of the proposed synthetic turf are attached for reference at the end of this document. Infiltration rates were observed to be 121 inches per hour, exceeding the estimated 100-year rainfall of 11.6 inches per hour. The turf was proposed to be installed over decomposed granite placed on non-woven geotextile fabric over native soil. That is, when unclogged would reduce direct runoff rates when compared to existing conditions.

In conclusion, it is in our professional opinion that proposed synthetic turf would not cause adverse effects offsite or downstream, both under the “unclogged” permeable and “clogged” impermeable conditions.

Sincerely,

Chandler Davis, P.E.  
Shield Engineering Group, PLLC  
Attn: Michelle McCullough





**SHIELD**  
ENGINEERING GROUP

## Appendix A: Test Report

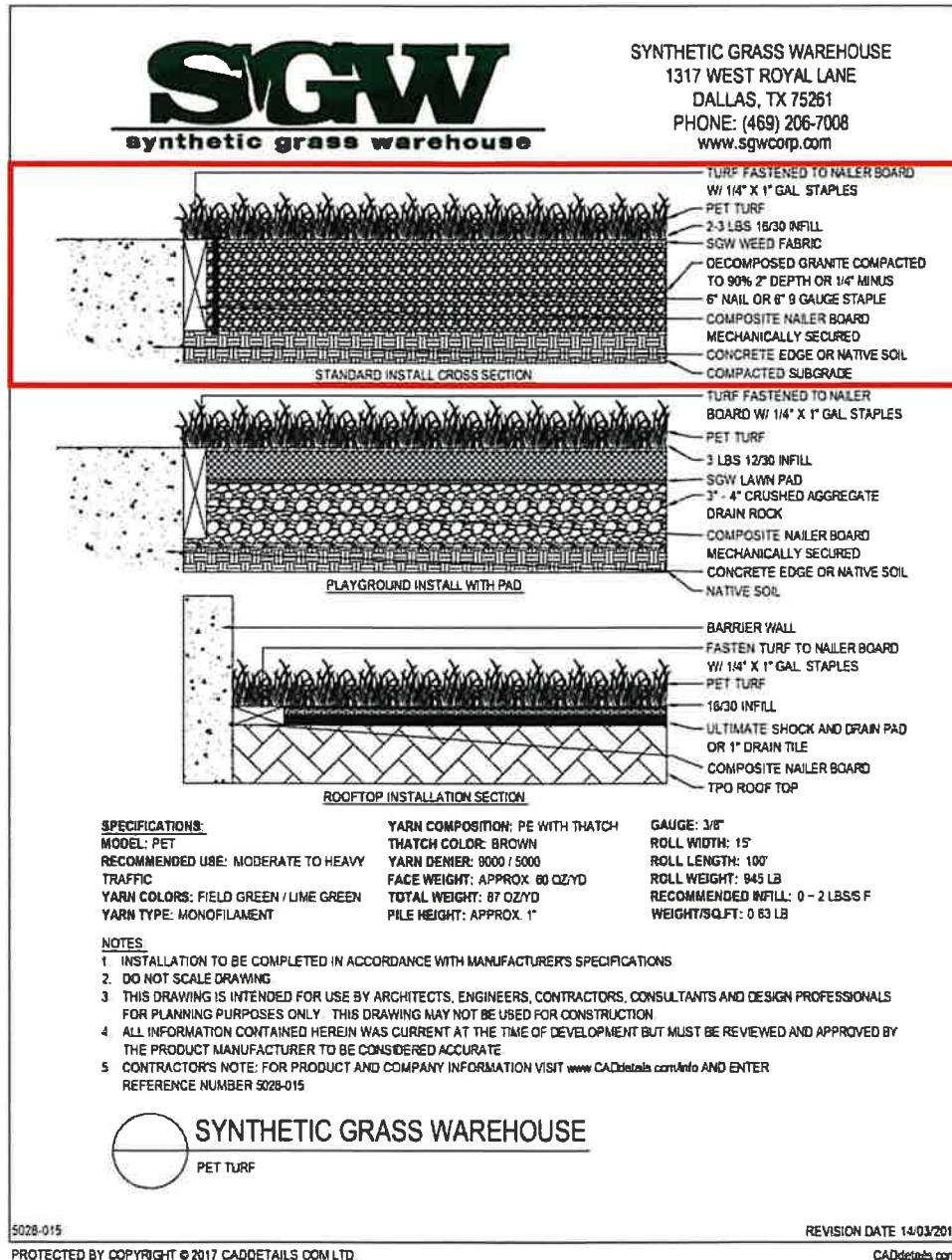
TEST REPORT			
<b>CLIENT:</b>			
Company:	Gloob Syn-Turf	Report Number:	679759
Address:	2482 Technology Drive Hayward, CA 94545	Lab Test Number:	2835-8355
		Test Completion Date:	7/8/2016
		Report Date:	7/20/2016
		Page:	1 of 1
Requested By:	Andrew Gao		
<b>TEST MATERIAL:</b>			
Material Type:	Synthetic Turf	Date Received:	7/7/2016
Material Condition:	EXCELLENT: <input checked="" type="checkbox"/> XXX GOOD: <input type="checkbox"/> POOR: <input type="checkbox"/> REJECTED: <input type="checkbox"/>		
Turf ID:	Pat Turf		
<b>TESTING METHODS REQUESTED:</b>			
Testing Services Inc. was instructed by the client to test for the following...			
Standard:	ASTM F1551	Test Method:	Standard Test Methods for Comprehensive Characterization of Synthetic Turf Playing Surfaces and Materials. Suffix-DIN 18-035, Part 6: Water Permeability of Synthetic Turf Systems and Permeable Bases
<b>SAMPLING PLAN:</b>			
Sampling Date:	7/7/2016		
<ul style="list-style-type: none"> <li>Specimen sampling is performed in the sampling department at TSI.</li> <li>The sampling size of specimens is determined by the test method requirements.</li> <li>In the event a specific sampling size is not listed for a determination will be made based on previous testing experience, and approved for use by an authorized manager.</li> <li>All samples are subjected to the outside environmental conditions of temperature and relative humidity.</li> <li>Sample requiring pre-determined exposure to specified environmental conditions based on a specific test method, take place in the departments in which they are tested.</li> </ul>			
<b>DEVIATION FROM TEST METHOD:</b>			
State reason for any Deviation from, Additions to, or Exclusions From Test Method.			
none			
<b>TEST SUMMARY:</b>			
TEST METHOD	TEST DESCRIPTION	TEST RESULT	
ASTM F1551: Suffix-DIN 18-035, Part 6	Average Rainfall Capacity (Water Permeability)	121.4 inches/hour	
<small>*Test data values represent drainage rates for the turf and infill only, and do not take into account the permeability properties of a sub-base or geotextile.</small>			
Infill System: 1.2 lbs/ft <sup>2</sup> Silica Sand	# of Specimens (3) 11.5" Diameter	Tube Weight: 39 lbs	
Tube: 10.75" OD 10.00" ID 6" Length (Borelled)	Tube Index Mark: 6"	Pre-Conditioning: none	
Flange: 9.375" Diameter	Tube Flow Head: 2 Gallons		
<p>We undertake all assignments for our clients on a best effort basis. Our findings and judgments are based on the information to us using the latest test methods available. TSI can only ensure the test results for the specific items tested.</p> <p>Unless otherwise noted in the deviations sections of this report, all tests performed are in compliance with stated test method.</p>			
<b>Test Report Approval:</b>			
Efe Miles, Jr. VP, Testing Services Inc.			
TSI Accreditation: Our laboratory is accredited by the US Dept of Commerce, National Institute of Standards and Technology: ISO/IEC 17025:2005. Our code # is: NVLAP 100108-0. TSI is a certified independent testing laboratory by the Synthetic Turf Council.			
Form:	Rev:	Revision Date:	Page 1 of 1
Release Date:	Control Type: Electronic - Expires 24 hours after this date: Jul. 21, 16 Printed copies are uncontrolled		
OUR LETTERS AND REPORTS APPLY ONLY TO THE SAMPLE TESTED AND ARE NOT NECESSARILY INDICATIVE OF THE QUALITIES OF APPARENTLY IDENTICAL OR SIMILAR PRODUCTS. THESE LETTERS AND REPORTS ARE FOR THE USE ONLY OF THE CLIENT TO WHOM THEY ARE ADDRESSED AND THEIR COMMUNICATION TO ANY OTHERS OR THE USE OF THE NAME TESTING SERVICES, INC. MUST RECEIVE OUR PRIOR WRITTEN APPROVAL. OUR REPORTS, LETTERS, NAME, SEALS, OR SIGNS ARE NOT UNDER ANY CIRCUMSTANCES TO BE USED IN ADVERTISING TO THE GENERAL PUBLIC.			
PO Box 2041 Dalton, GA 30722-2041 (706) 226-1400 tsloffice@optlink.us			

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Shield Engineering Group, PLLC

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TBPE FIRM #F-11039 | TBPLS FIRM #10193890



## Appendix B: Standard Installation



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 Shield Engineering Group, PLLC

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 TBPE FIRM #F-11039 | TBPLS FIRM #10193890



**137 S Wilson St (Artificial Turf Request)**

Details provided by the applicant:

**Flow / Run off:** We will be grading all drainage to bufford side of the lot. Grade work will be performed this week with additional crushed granite as a prep for the turf. Water will run same with turf as it would without the turf. During the last rain storms it drained fairly close to where we want it too so it won't be much more of a difference then now we will just level out the ponding areas and push them to the current drain pathway!

**Location:** Front of site in outside seating area

**Total Area to be Turf:** 0.10 Acres

**Reason / Justification:** Crushed granite is what is currently there and tracks in a lot of dirt and is a maintenance issue typically. Being a restaurant we want it to be clean and free of all debris and dirt. The turf was a good fit for what we are trying to accomplish! We enjoy the plaza and being able to sit down on the ground and watch music and enjoy the weather and want to replicate that.











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## City Council Regular Meeting

**DEPARTMENT:** Development Services  
**FROM:** Lidon Pearce, Senior Planner  
**MEETING:** December 19, 2023

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**SUBJECT:**

Receive a report regarding an update to the city's zoning ordinance. (*Staff Presenter: Lidon Pearce, Senior Planner*)

**SUMMARY:**

The purpose of this presentation is to provide the Planning and Zoning Commission a briefing on proposed updates to the City's Zoning Ordinance that were presented to City Council on November 13, 2023. The City of Burleson's zoning regulations (i.e. Zoning Ordinance) are located in Appendix B of the Code of Ordinances. The zoning code contain land use and development requirements, which are separated into distinct classifications (i.e. zones), on all properties within the municipal boundaries. These zones provide specific standards that govern the purpose of land such as permitted uses, minimum yard sizes, height and bulk regulations, etc.

This briefing (i.e. report and attached documents) will detail proposed changes to the city's zoning code that provide for revised definitions, a consolidation of land use categories, a new single-family residential zoning district (SF 8.5), revisions to the IH-35 design standards, new standards for accessory uses, and zoning options relating to liquor/package stores.

**OPTIONS:**

Not applicable; no official voting action is required.

**RECOMMENDATION:**

None at this time.

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

June 6, 2022: The City Council received a briefing on proposed updates to the Zoning Ordinance.

November 13, 2023: The City Council received a briefing on proposed updates to the Zoning Ordinance.

**FISCAL IMPACT:**

None

**STAFF CONTACT:**

Lidon Pearce, CNU-A  
Senior Planner  
[lpearce@burlesontx.com](mailto:lpearce@burlesontx.com)  
817-426-9649

# Zoning Code Update



# Purpose of Zoning

Item C.

Must be in accordance with and further the goals of a comprehensive plan and is intended to:

- Promote the public health, safety, morals, or general welfare of the City
- Protect and preserve places and areas of historical, cultural, or architectural importance and significance

Texas Local Gov't Code Section 211.001



# What Constitutes a Zoning Change

Item C.

- If the zoning on a parcel of land is inconsistent with the use the landowner desires, the owner may apply to the local jurisdiction for a change of zoning; or
- City Council may amend or change by ordinance, the boundaries or districts established by the zoning ordinance after:
  - Proper publication, posting, and notice to adjacent property owners of said zoning change; and
  - Upon receipt of findings/ recommendation from the Planning and Zoning Commission (can be a joint meeting P&Z and Council if done so by prior Resolution); and
  - After a public hearing at City Council and upon a qualifying vote by Council to amend the zoning district or boundary
  - Amendments to the zoning ordinance constitute a change





# Non-conforming Uses

Item C.

- A nonconforming use is a permitted use of property which would otherwise be in violation of the current zoning ordinance. The use is permitted because the landowner was using the land or building for that use before the zoning ordinance became effective.
- Nonconforming uses are often referred to as being "grandfathered in" to a zoning code. To qualify for nonconforming use, the property needs to have been continuously put to the non-conforming use. Thus, if the businesses closes and the use lapses for 180 days, the permission for the nonconforming ceases.
- Non-conforming uses may not be enlarged, changed, or altered.





# BACKGROUND

- Staff has worked on the zoning code update over the last several months utilizing feedback from the City attorney and Council, as well as lessons learned from recent zoning cases. Additionally, staff engaged Kimley-Horn and Associates Inc. to review the proposed changes from a best practices standpoint
- Kimley-Horn's comments
  - Minor in nature and primarily focused on providing graphics and tables to the “Development Area Regulations” of each of the zoning categories
  - Recommended changes to other sections of the Code of Ordinances to reflect the changes in the Zoning Code (i.e. Landscaping and parking)



Item C.

# Zoning Code Highlights

Item C.

- Based on recent trends in planning to move from specific land use lists to streamlined use categories, staff consolidated 200+ uses into roughly 30 broad land use categories
- Updated definitions language and removed definitions that are no longer relevant
- Converted IH-35 and Business Park overlays into new base zoning districts named as Interstate Commercial & Business Park Districts respectively
- Increased minimum Single Family lot size to 8,500 sq ft via the new SF8.5 zoning district
- SF7, MF1 and MF2 become legacy districts in effort to reduce densities (will not impact existing zoned parcels)
- Altered PD, Planned Development language and criteria

## Section 78. C, commercial district.

**78-100. Purpose.** The C, commercial district is established to accommodate the "heavier than retail sales and service uses" such as automobile sales and building material sales yards. Generally, the C, commercial district, is near highways, major thoroughfares, or railroad locations. Care is required in locating the C, commercial district, in close proximity to residential areas because of the heavier nature of the uses and the vehicular traffic which they tend to generate.

**78-105. Primary uses allowed.** In the C, commercial district no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

(a) Primary uses allowed:

Retail Sales and Services	Quick Vehicle Service	Basic Utilities
Commercial Outdoor Recreation	Major Event Entertainment	Colleges
Office, Traditional	Parks and Open Spaces	Community Services
Religious Institutions		

Airport or landing field  
Amusement, commercial (outdoor)  
Antique shop  
Art supply store  
Art gallery or museum  
Auto glass, seat cover, muffler shop  
Auto laundry/carwash  
Auto, new used auto sales; outdoors  
Auto painting or body shop  
Auto parts and accessory sales (No outside storage)  
Auto parts sales and accessory sales (with outside storage)  
Auto repair garage  
Auto sales or auction  
Automotive fuel sales  
Batting cages  
Bakery or retail confectionery  
Bakery or wholesale candy  
Bottling works  
Building materials sales  
Bus station or terminal  
Cabinet and upholstery shop

# Commercial (approximately 582 parcels zoned)

## Proposed Use Categories

By –right

Retail Sales and Services	Quick Vehicle Service	Basic Utilities
Commercial Outdoor Recreation	Major Event Entertainment	Colleges
Office, Traditional	Parks and Open Spaces	Community Services
Religious Intuitions	Schools (Public)	

SUP

Commercial Parking	Self Service Storage	Wholesale Sales
Office, Industrial	Vehicle Repair	Rail Lines and Utility Corridors
Radio Frequency Transmission Facilities	Day Care	Medical Centers
Aviation and Passage Terminals	Detention Facilities	

## Changes to uses in current Commercial zoning district

From by-right to requiring an SUP in Commercial

- Auto repair/paint
- Hospital/medical center (overnight facilities)  
*(this does not include urgent medical care, dental/medical offices which are classified as Retail Sales and Services)*
- Commercial/truck parking
- Day care

From SUP to allowed by-right

- Indoor amusement (commercial)
- Mini-golf



# General Retail (approximately 223 parcels zoned)

Item C.

## Proposed Use Categories

By –right

Office, Traditional	Retail Sales and Services	Basic Utilities
Parks and Open Space	Day Care	Religious Institutions
Schools (Public)		

SUP

Community Services	Colleges	Commercial Outdoor Recreation
Quick Vehicle Servicing	Wholesale Sales	Radio Frequency Transmission Facilities
Self Service Storage	Medical Centers	

## Changes to uses in current General Retail zoning district

From by-right to requiring an SUP in General Retail

- Auto fuel sales
- Hospital/medical center (overnight facilities)  
*(this does not include urgent medical care, dental/medical offices which are classified as Retail Sales and Services)*
- Commercial/truck parking

From SUP to allowed by-right

- Indoor amusement (commercial)
- Mini-golf

# Neighborhood Services (12 parcels zoned) becomes General Retail Item C.

## Proposed Use Categories

By –right

Office, Traditional	Retail Sales and Services	Basic Utilities
Parks and Open Space	Day Care	Religious Intuitions

SUP

Schools	Colleges	Commercial Outdoor Recreation
Quick Vehicle Servicing	Wholesale Sales	Radio Frequency Transmission Facilities
Self Service Storage	Medical Centers	Community Services

## Changes to uses in current Neighborhood Services district

From by-right to requiring an SUP in General Retail

- Self Service Storage

From SUP to allowed by-right

- Office, traditional
- Retail Sales and Services:
  - Health studio
  - Restaurant
  - Travel Agency
  - Retail stores
  - Artist/photographer studio

# Central Commercial (approximately 110 parcels zoned)

Item C.

## Proposed Use Categories

By-right

Retail Sales and Services	Parks and Open Spaces	Office, Traditional
Basic Utilities	Religious Institutions	Schools (Public)

SUP

Commercial Parking	Colleges	Community Services
Daycare		

## Changes to uses in current Central Commercial district

From by-right to requiring an SUP in Commercial

- College campus
- Public facility, municipal buildings

From SUP to allowed by-right

- Indoor amusement (commercial)



# Industrial (approximately 144 parcels zoned)

Item C.

## Proposed Use Categories

By-right

Commercial Parking	Aviation and Passage Terminals	Radio Frequency Transmission Facilities
Manufacturing and Production	Warehouse and Freight Movement	Wholesales Sales
Basic Utilities	Office	Medical Center
Quick Vehicle Services / Vehicle Repairs	Light Industrial Services	Self Service Storage
Retail Sales and Services	Rail Lines and Utility Corridors	Mining
Religious Institutions	Schools (Public)	

SUP

Major Event Entertainment	Waste Related	Sexually oriented business
College	Detention Facilities	

## Changes to uses in current Industrial zoning district

From by-right to requiring an SUP in Commercial

- Sexually oriented business

From SUP to allowed by-right

- Manufacturing and Production uses

\*Major entertainment and College by SUP  
(previously not allowed)

# Zoning Code Definitions

Item C.

- Provided clarifying language and standards for accessory dwelling units (ADU).
- Current code allows ADUs, but has no standards related to required minimum lot size and maximum ADU dwelling sizes

- a. Accessory Dwelling Units: ADUs are only authorized in the following zoning districts A, Agricultural (when the primary use is single-family residential), SF10, Single family dwelling district 10, SF16, Single family dwelling district 16, and SFE, Single family estate dwelling district.
- b. Accessory dwelling units are accessory structures with a kitchenette. Accessory dwelling units are permitted as an incidental residential use of a building on the same lot as the main dwelling unit.
- c. Accessory Dwelling Unit Standards:
  - i. The primary residence shall be occupied by the property owner.
  - ii. The accessory dwelling unit shall be subordinate to the primary structure in height, and size and in accordance with applicable zoning district.
  - iii. The minimum lot size for an accessory dwelling unit is 10,000 square feet.
  - iv. There is a limit of one (1) accessory dwelling unit per lot.
  - v. Occupancy is limited to regulations as per the adopted Building Code, ADUs shall not be subleased or rented.
  - vi. Lot must contain enough parking for primary dwelling unit to meet off street parking requirement and one space for accessory dwelling unit.
  - vii. Separate utility meters are prohibited.

# Anticipating (future-proofing) land uses

## Example: Liquor stores - If approved by Local Option election

**Allow by right in certain districts as "Retail Sales and Services" when ALL supplemental regulations are met or by SUP**

- C-Commercial
- GR-General Retail
- I – Industrial

**SUP would be required if location proposed in Old Town/IH-35 or if alternative supplemental regulations were proposed**

### **Supplemental regulations:**

- Shall not be located within the Old Town Overlay District or within 300 feet of IH-35 frontage.
- Minimum building size shall be 7,500 sq ft (requires fire sprinkling).
- No liquor stores shall be allowed within 300 feet of another liquor store as measured in a straight line from their respective property lines.
- A liquor (package) store shall not have walk-up window access and shall not have drive-through or drive-up access.
- The liquor store has an independent entrance for deliveries and customers. "Partitioned" means walls or other physical divisions separating the liquor store from all other retail or commercial establishments.
- All windows shall be either polycarbonate or have a protective shatterproof film installed on both sides and glass window.
- Increased landscaping between front façade and the parkway. Shall maintain a 15-foot landscaping buffer with canopy trees planted no less than 20 feet on center along entire frontage.

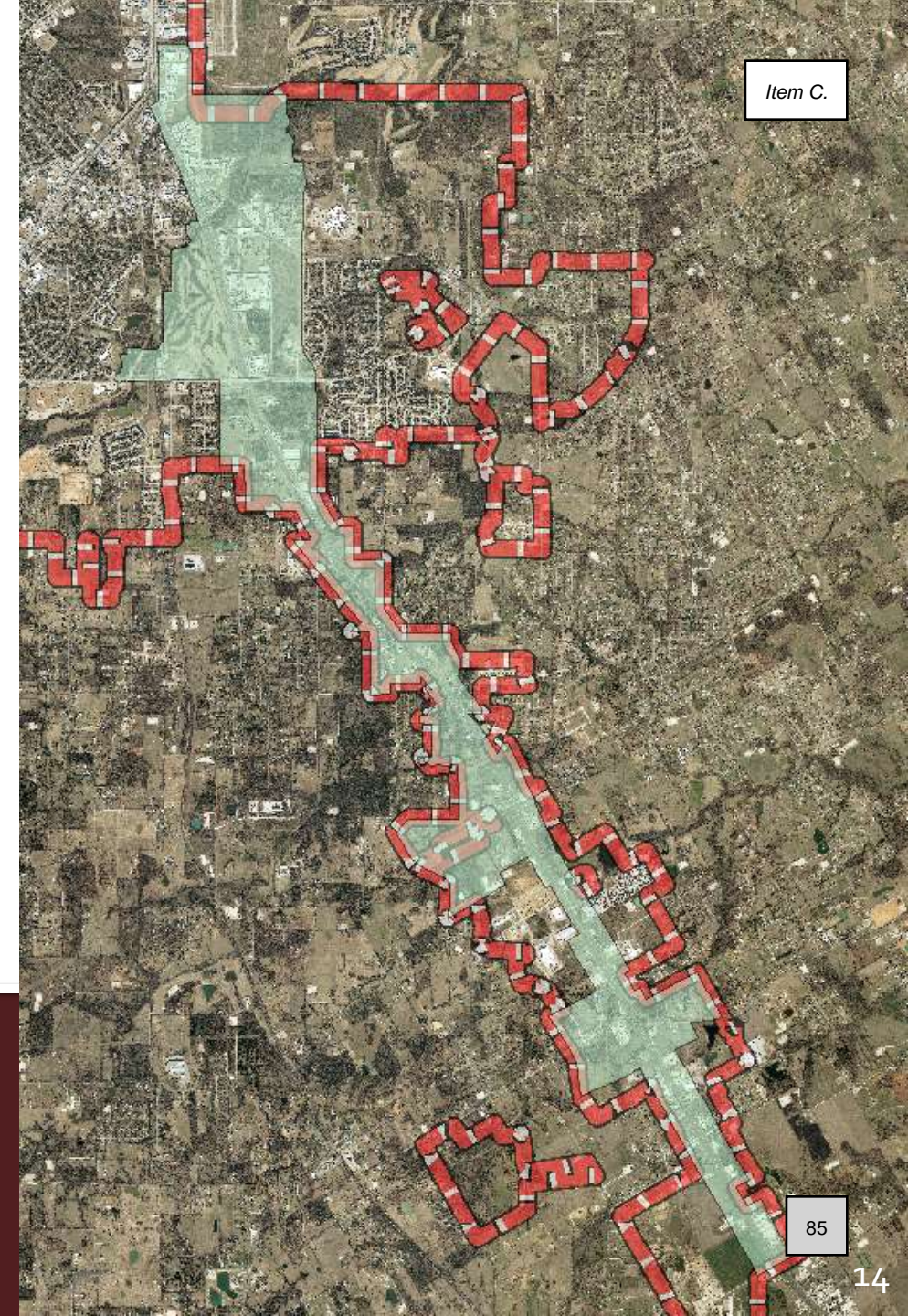


# IH-35 Design Standards

Staff believes the existing IH-35 design standards are cumbersome and present challenges to new development and existing businesses that would not normally occur outside of the IH-35 overlay.

The design standards are overcomplicated and have conflicting standards with other ordinances. This has resulted in several recent variances to Council for site plans for industrial and commercial uses located and proposed within the IH-35 overlay.

Staff believes that the pattern of development along the IH-35 corridor and existing standards contained elsewhere are sufficient to maintain quality development along IH-35.

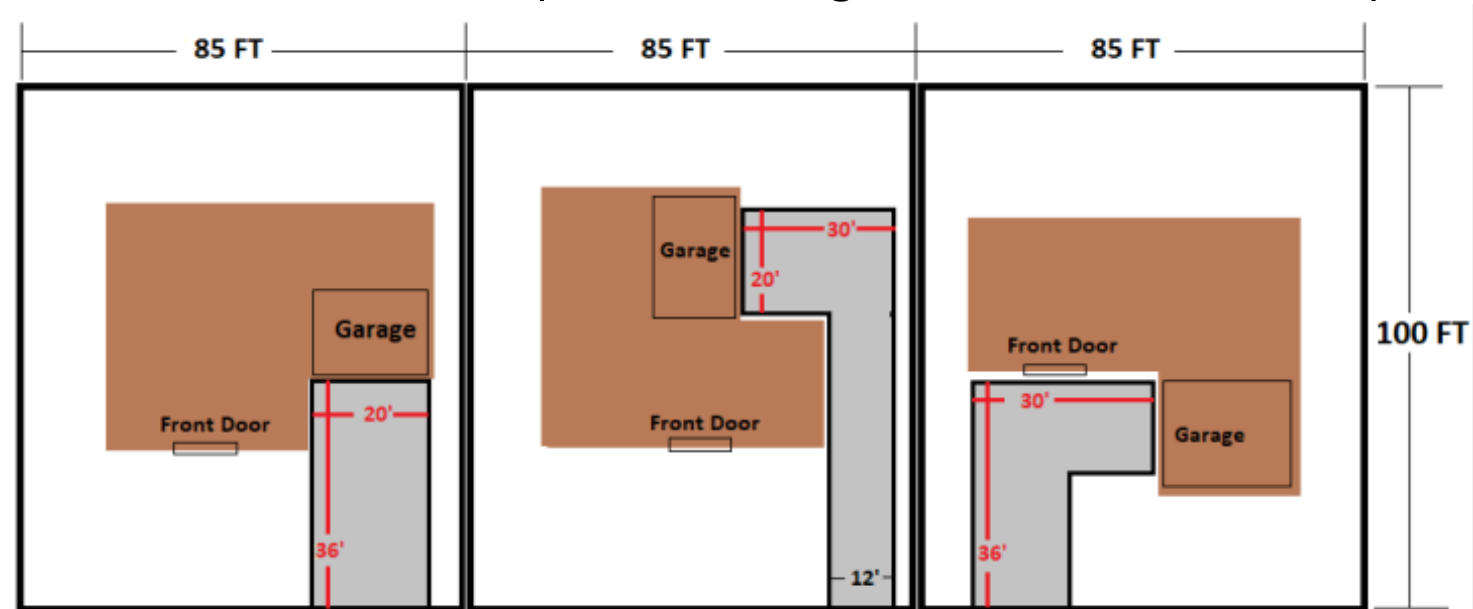


Item C.

# Proposed Changes to Residential Zoning Districts

Item C.

- Increased the minimum Single Family lot size from SF7 to SF8.5
  - 8500 square foot lots to combat density and drainage related issues.
  - Created garage/driveway minimum standards to combat parking along streets.
  - SF7 zoning districts will become “legacy” districts; maintains vested rights but no new parcels will be zoned to this district unless requested through a PD, Planned Development
- Consolidated the Multi-Family<sub>1</sub> & Multi-Family<sub>2</sub> district standards into new Multi-Family Zoning district
  - Decreased the maximum density from 24 dwelling units per acre down to 18 dwelling units per acre
  - MF<sub>1</sub> and MF<sub>2</sub> zoning districts will become “legacy” districts; maintain vested rights but no new parcels will be zoned to this district unless requested through a PD, Planned Development



# Changes and Impacts to existing zoning

**Residential** – smallest by-right lot size becomes 8500 square feet. SF7 becomes a legacy district as to not create non-conforming issues, however any new requests for a density greater than SF8.5 will have to be considered as part of a PD, Planned Development.

**Multifamily** – new max density of 18 du/per acre. MF1 and MF2 become legacy district, however any requests for greater density than new 18 du/acre will have to be considered as part of a PD, Planned Development.

**Commercial** – supplemental regulations related to car wash orientation in relation to the street and vacuum placement (Quick Vehicle Servicing is SUP in GR and by-right with supplemental regulations in C, IC, and I). Moves heavy commercial type uses to Interstate Commercial district and freight and light industrial uses to Business Park District.

**Industrial** – SOB's no longer allowed by-right and must now be requested through an SUP. Council has new districts that will be better suited than base Industrial such as Interstate Commercial which is geared towards heavier-interstate and tollway appropriate uses and Business Park District. Industrial zoning district can be used as a true "industrial" zoning. Existing Industrial uses will not lose any other by-right uses but may be candidates for downzoning to Interstate Commercial or Business Park.

**Overlays** – Business Park and IH-35 overlays would cease to exist. Standards are now streamlined into base zoning districts. Uses within the current BP overlay would be rezoned to Business Park zoning district (no change) and existing uses along IH-35 could be rezoned to Industrial or Interstate Commercial as appropriate. If a text only change is pursued, then some uses may become legal non-conforming until a rezone to the appropriate zoning district takes place.



# Planned Development District

- Altered PD, Planned Development language and criteria
  - Establish expectations and minimum criteria for the use of Planned Developments
  - Must provide a benefit to the public, as well as a unique development or combination of complimentary uses not contained within a singular specific zoning district
  - Modified the requirements for concept plans and other supporting documents for the approval of a Planned Development
  - Can allow greater density if the proposal furthers the goals of the Comprehensive Plan and provides enhanced community amenities

# Comprehensive Map Update versus Text-only zoning code update

Item C.

A text-only update would not physically establish any of the newly created zoning districts (Interstate Commercial, SF 8.5, Business Park) but will allow landowners and Council better zoning district options for future requests to ensure appropriate land uses.

Text-only amendments to zoning districts still constitute a zoning change and require noticing. Overlays and design standards can be amended or removed without a comprehensive map update.

A comprehensive map update would allow Council to rezone certain existing businesses/areas to a new zoning districts at time of adoption. For example, commercial or industrial zoned parcels along IH35 could be rezoned to Interstate Commercial or Business Park District.

Any currently existing uses that did not already conform to the new text, or new zoning map, would be considered legally non-conforming and would be allowed to continue to operate.

# Zoning Map: Highlighted Yellow areas are areas that could be rezoned

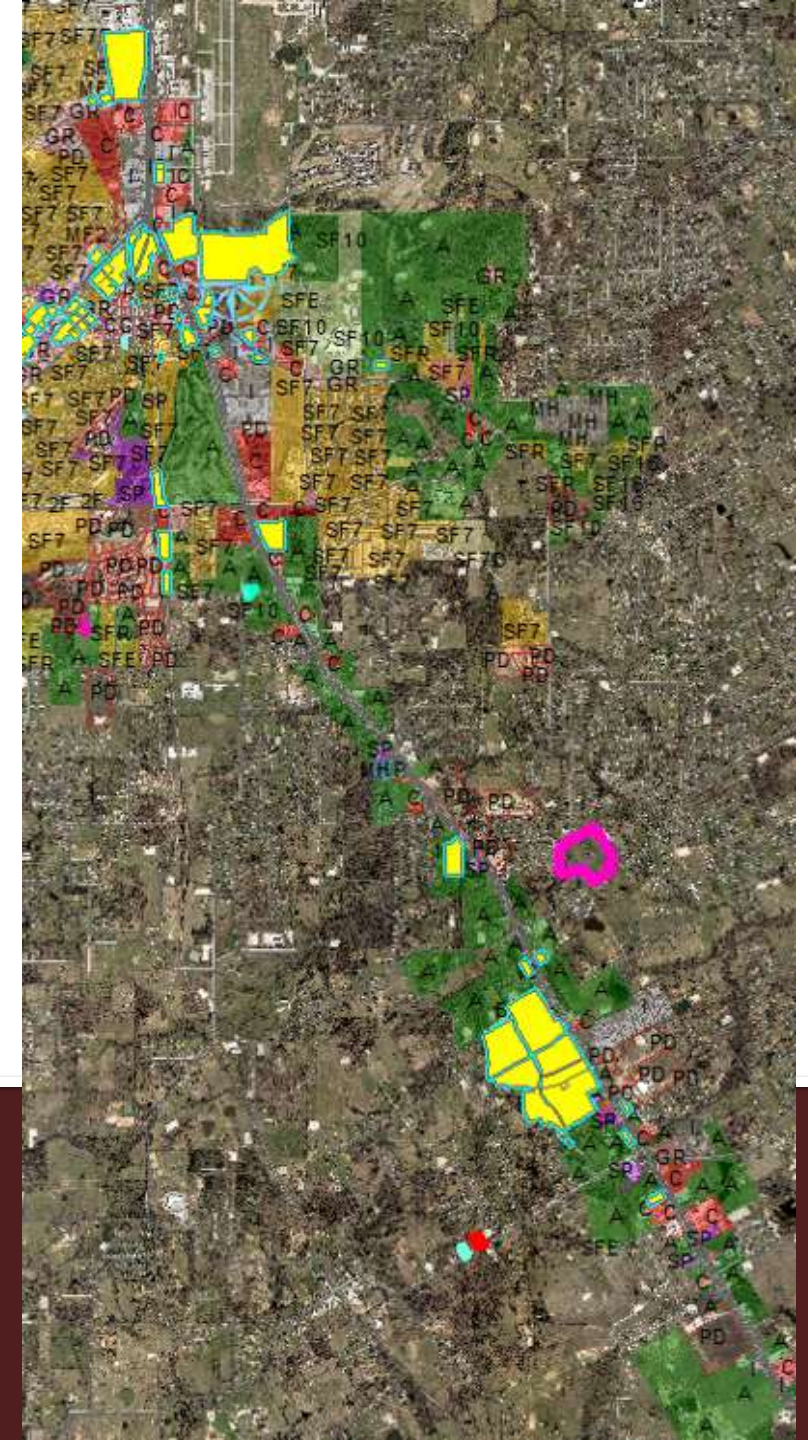
## Summary 34 parcels could be rezoned with map update

- **1 AG** (previously Commercial / School property with split zoning)
- **8 Business Park** (previously Industrial in the BP overlay)
- **10 Commercial** (previously Industrial)
- **2 Central Commercial** (previously "C" in vicinity of Old Town)
- **13 Interstate Commercial** (previously Industrial or Commercial along IH-35 or CTP) did not rezone all Commercial on these corridors if developed already and/or would allow a more intense use than currently existing

## Currently have 42 Industrial parcels

### Proposed:

- 13 Industrial parcels to remain as zoned (I)
- 11 rezoned to Interstate Commercial
- 10 rezoned to Commercial
- 8 rezoned to Business Park

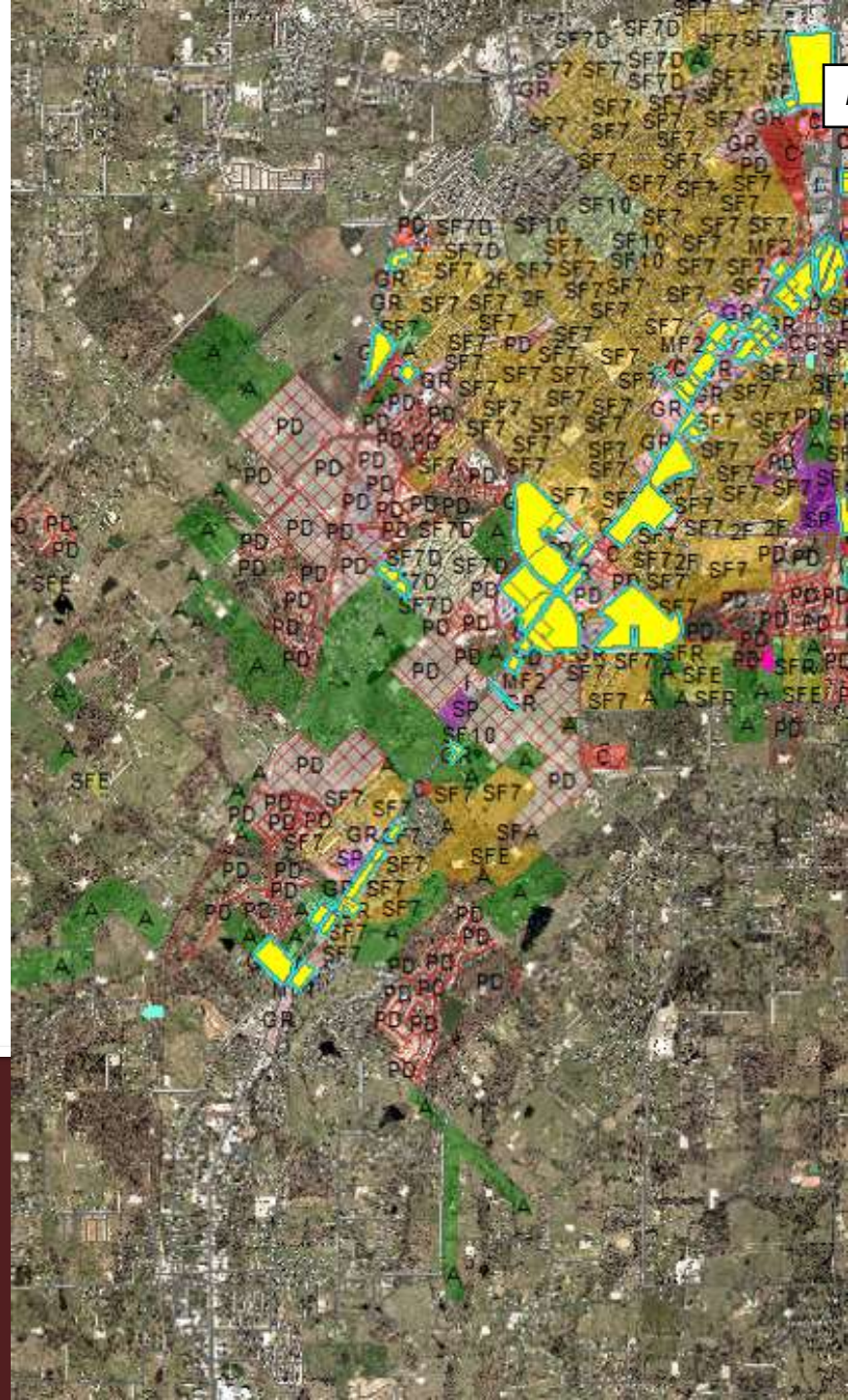




# Zoning Map consideration of uses / zoning parcels along SH-174

## Zone 72 new General Retail parcels

- Rezoning of parcels currently zoned Commercial / NS – primarily along Wilshire and some on Alsbury, John Jones, etc.
- Primarily impacts existing auto repair uses and would create legal nonconforming parcels that are currently used for auto repair. The applicant would be allowed to continue to operate, but would need an SUP to enlarge or expand the nonconformity
- Zoning NS parcels to General Retail will allow more uses than current NS zoned parcels allow. Primarily will grant more General Retail and Office uses by-right.  
    Would allow the following uses by-right that are currently SUP in NS
  - Office, traditional; and
  - Retail Sales and Services:
    - Health studio
    - Restaurant
    - Travel Agency
    - Retail stores
    - Artist/photographer studio



Item C.

# Noticing Requirements

It is important to reiterate that state law and local ordinance require noticing and public hearings for changes to zoning district land uses as well as for any zoning map updates. SB 929 requires additional notice to property owners and tenants whose property will be a nonconforming use after the map or text amendment.

## S.B. 929 – NONCONFORMING USES

The legislature passed S.B. 929, effective immediately, to require: (1) certain notice to property owners whose property's use will be a nonconforming use after a zoning change; and (2) payment if the city terminates the nonconforming use according to a specific formula.

First, the bill requires a planning and zoning commission or city council to provide notice of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary when the current conforming use of the property will be a nonconforming use once the regulation or boundary is adopted or changed. The notice must go to an **owner of real or business property** where a proposed nonconforming use is located as indicated by the most recently approved tax roll and **each occupant of the property (i.e. the tenant(s))**. The notice must: (1) be mailed by U.S. mail by the 10th day before the hearing date; (2) contain the time and place of the hearing; and (3) include certain text required by statute in bold font that is 14-point type or larger.

SB 929 will require staff to send a notice to each property owner according to the address of the owner as listed by the appraisal district, in addition to a second notice to the tenant(s) of the property at the physical address of the property.

Staff will work with the City Attorney to determine the best method to satisfy public notice requirements.

# Zoning Code Next Steps

- Current Phase - Incorporate any recommendations from Council into the proposed updates
- Phase 1 – Community engagement, solicit feedback from the public and stakeholders via the city's website, direct mail and/or email, public notice for solicitation efforts, and staff will conduct stakeholder meeting(s). This will occur before P&Z Commission consideration
- Phase 2 - Present updates and hold public hearings to both Planning and Zoning Commission and City Council
- Phase 3 – Present updates to other planning portions of the Code to be updated
  - Landscaping
  - Fencing and Screening
  - Sign Code
- Phase 4 – Continue to monitor and assess the new Code and bring forward any minor textual or grammatical changes as identified during the first year of implementation



# Questions?

*Item C.*