



Planning & Zoning Commission Agenda

Tuesday, February 25, 2025
6:00 PM

City Hall - 141 W. Renfro
Burleson, TX 76028

1. **CALL TO ORDER**

Invocation

Pledge of Allegiance

Texas Pledge:

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

2. **CITIZEN APPEARANCES**

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

3. **CONSENT AGENDA**

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

A. Consider approval of the minutes from February 11, 2025 Planning & Zoning Commission meeting.

B. Ridgcrest Estates Addition, Lots 12R & 13R (Case 24-357): Consider approval of a replat of Ridgcrest Estates Addition, Lots 12R & 13R, addressed as 5427 & 5433 Oakridge RD. (Staff Contact: Lidon Pearce, Principal Planner)

4. **PUBLIC HEARING**

A. 654 SW Wilshire BLVD (Case 24-377): Hold a public hearing and consider and take possible action on a zoning ordinance change request from "GR, General

Retail", to "GR, General Retail with a Specific Use Permit for a Liquor Store".
(Staff Contact: Lidon Pearce, Principal Planner)

- B. 601 SW Alsbury (Case 24-243): Hold a public hearing and consider and take possible action on a zoning ordinance change request from "SF7, Single-family district-7", to "GR, General Retail". (Staff Contact: Lidon Pearce, Principal Planner)
- C. 3225 S Burleson BLVD (Case 25-016): Hold a public hearing and consider and take possible action on a zoning ordinance change request from defaulted "A, Agricultural" to "C, Commercial. (Staff Contact: Lidon Pearce, Principal Planner)

5. **REPORTS AND PRESENTATIONS**

6. **GENERAL**

7. **COMMUNITY INTERESTS ITEMS**

8. **EXECUTIVE SESSION**

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

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

9. **ADJOURN**

Staff Contact

Tony McIlwain

Director of Development Services

817-426-9684

CERTIFICATE

I hereby certify that the above agenda was posted on this the 19th of February 2025, 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.

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services
FROM: Lidon Pearce, Principal Planner
MEETING: February 25, 2025

SUBJECT:

Ridgecrest Estates Addition, Lots 12R & 13R (Case 24-357): Consider approval of a replat of Ridgecrest Estates Addition, Lots 12R & 13R, addressed as 5427 & 5433 Oakridge RD. (Staff Contact: Lidon Pearce, Principal Planner)

SUMMARY:

On November 25, 2024, an application was submitted by Zach McEwin with Datapoint Surveying and Mapping on behalf of Robert Thrasher (owner) for a replat of lots 12 & 13, Block 1, to adjust the lot line between the two properties within the ETJ.

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

RECOMMENDATION:

Approve the replat for Ridgecrest Estates Addition, Lots 12R & 13R.

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

N/A

REFERENCE:

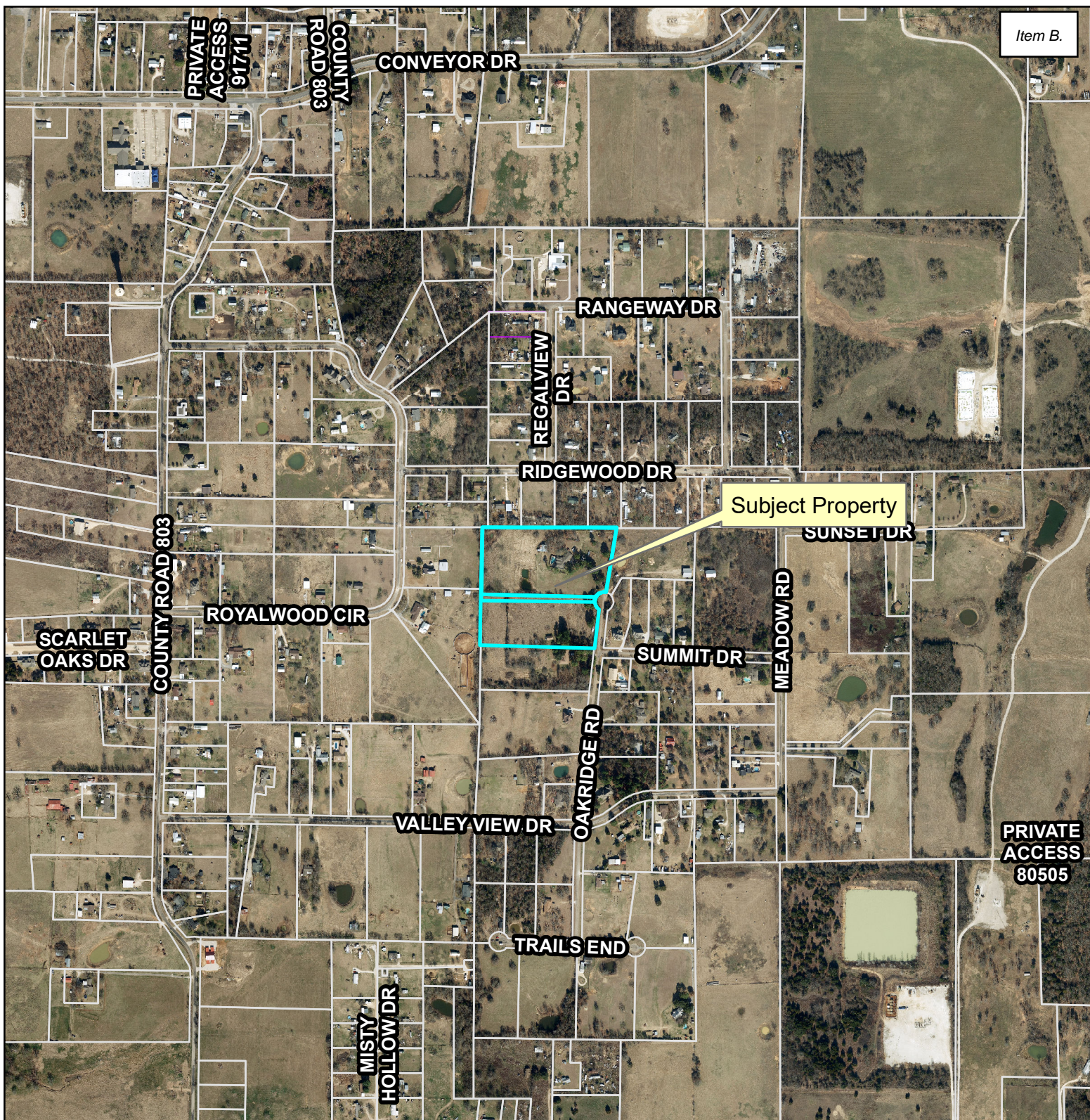
[City of Burleson, TX PLAT REQUIREMENTS](#)

FISCAL IMPACT:

N/A

STAFF CONTACT:

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



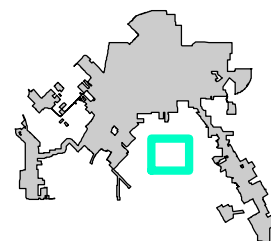
Item B.

Subject Property

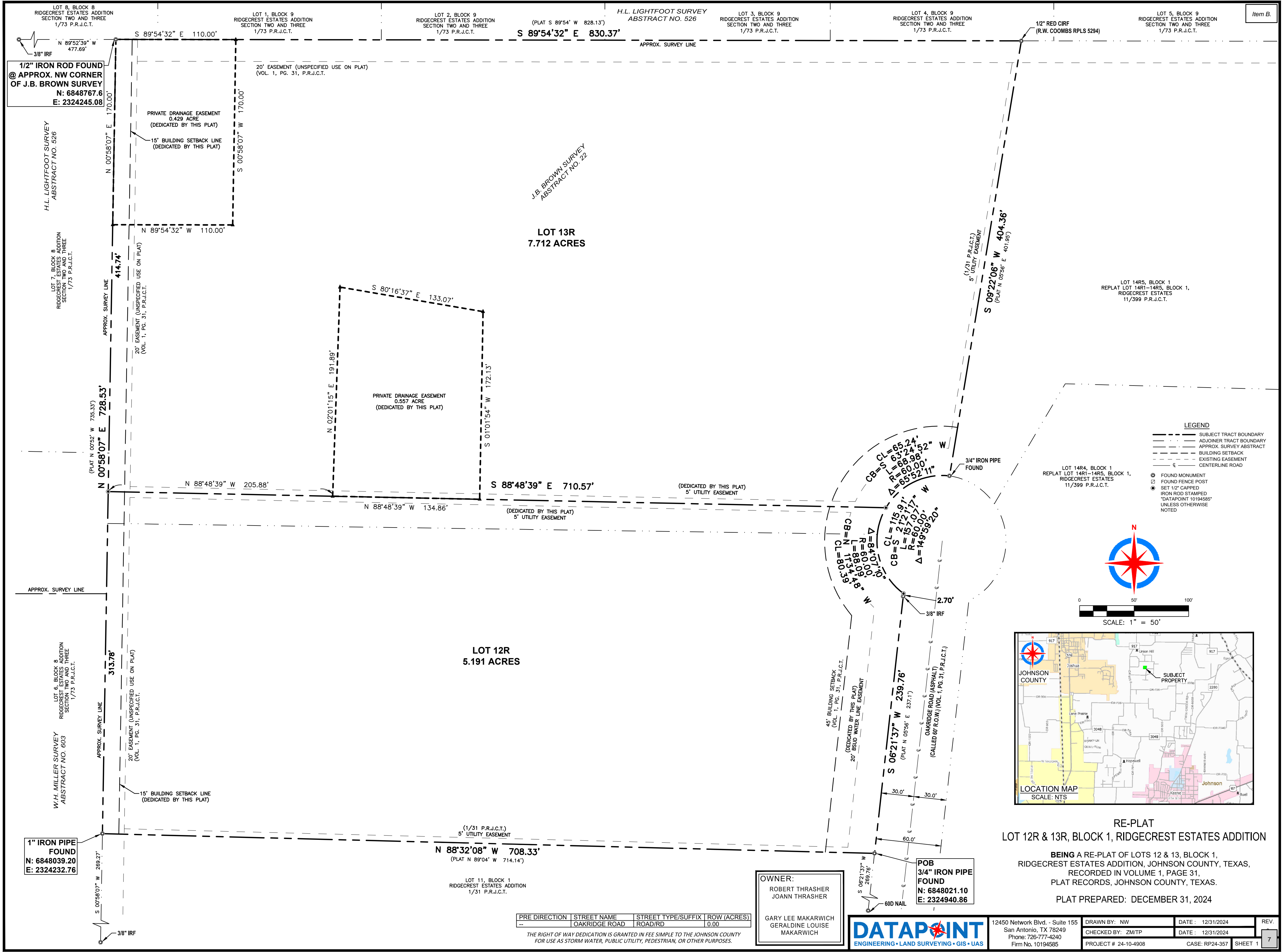


Ridgecrest Estates Addition
Lot 12R & 13R, Block 1
Replat
Case 24-357

THE CITY OF
BURLESON
 TEXAS



Vicinity Map



PRE DIRECTION	STREET NAME	STREET TYPE/SUFFIX	ROW (ACRES)
--	OAKRIDGE ROAD	ROAD/RD	0.00

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

OWNER:
ROBERT THRASHER
JOANN THRASHER

GARY LEE MAKARWICH
GERALDINE LOUISE
MAKARWICH



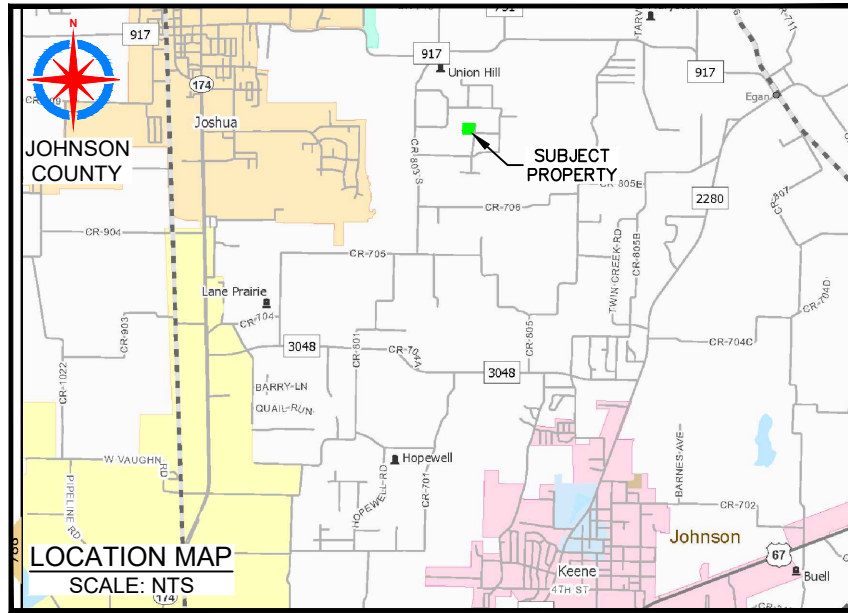
12450 Network Blvd. - Suite 155
San Antonio, TX 78249
Phone: 726-777-4240
Firm No. 10194585

DRAWN BY: NW	DATE: 12/31/2024	REV.
CHECKED BY: ZM/TP	DATE: 12/31/2024	7
PROJECT # 24-10-4908	CASE: RP24-357	SHEET 1

RE-PLAT
LOT 12R & 13R, BLOCK 1, RIDGECREST ESTATES ADDITION

BEING A RE-PLAT OF LOTS 12 & 13, BLOCK 1,
RIDGECREST ESTATES ADDITION, JOHNSON COUNTY, TEXAS,
RECORDED IN VOLUME 1, PAGE 31,
PLAT RECORDS, JOHNSON COUNTY, TEXAS.

PLAT PREPARED: DECEMBER 31, 2024



LEGEND

- SUBJECT TRACT BOUNDARY
- ADJOINER TRACT BOUNDARY
- APPROX. SURVEY ABSTRACT
- BUILDING SETBACK
- EXISTING EASEMENT
- CENTERLINE ROAD
- FOUND MONUMENT
- FOUND FENCE POST
- SET 1/2" CAPPED IRON ROD STAMPED "DATAPoint 10194585" UNLESS OTHERWISE NOTED

SCALE: 1" = 50'

ETJ OF BURLESON STANDARD PLAT NOTES:

- Blocking the flow of water or constructing improvements in the drainage easements, and filling or obstruction of the floodway is prohibited.
- The existing creeks or drainage channels traversing along or across this addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to drainage courses along or across said lots.
- Johnson County will not be responsible for the maintenance and operations of said drainage ways or for the control of erosion.
- Johnson County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flood conditions.
- On-site sewage facility performance cannot be guaranteed even though all provisions of the Rules of Johnson County, Texas for Private Sewage Facilities are complied with.
- Inspection and/or acceptance of a private sewage facility by the Johnson County Public Works Department shall indicate only that the facility meets minimum requirements and does not relieve the owner of the property from complying with County, State and Federal regulations. Private sewage facilities, although approved as meeting minimum standards, must be upgraded by the owner at the owner's expense if normal operation of the facility results in objectionable odors, if unsanitary conditions are created, or if the facility when used does not comply with governmental regulations.
- A properly designed and constructed private sewage facility system, in suitable soil, can malfunction if the amount of water it is required to dispose of is not controlled. It will be the responsibility of the lot owner to maintain and operate the private sewage facility in a satisfactory manner.
- Any public utility, including Johnson County, shall have the right to move and keep moved all or part of any buildings, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction or maintenance, or efficacy of its respective systems in any of the easements shown on the plat; and any public utility, including Johnson County, shall have the right at all times of ingress and egress to and from said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
- Johnson County will be responsible for all floodplain regulations as it relates to development. In the event the property is ever annexed into the City of Burleson, all future proposed development shall follow the City of Burleson's floodplain regulations.
- A minimum of 1 acre per residential structure is required for on-site sewage facilities (septic systems). If more than one structure is proposed for construction on a lot in the future, re-platting may be required. Johnson County Public Works shall review and approve proposed location and design of any on-site sewage facilities (septic system).
- All building setbacks are subject to current Johnson County development regulations.

- Fire Hydrants
- A. For all single family detached and duplex residences, excluding townhouses and apartments, fire hydrants shall be spaced to have a fire hose laying distance of no greater than 500 feet. The fire hose laying distance is measured by the laying of fire apparatus hose lines along the right-of-way or access easements from the nearest water supply on a street to the main entrance of the building.
- B. The Fire Marshal may waive the requirement for the lay of hose distance or the installation of a hydrant for subdivisions of 2 lots or less when the existing water supply in the area will not support a hydrant. Appeals to the Fire Marshal's decision shall be made to the Planning and Zoning Commission and City Council. If the development is within 100 feet of an 8" water main, the owner must extend the main to and through the development and provide a fire hydrant.
- C. The minimum fire flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet shall be 1,500 gallons per minute. Fire flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet shall not be less than that specified in Table B105.1 of the 2003 International Fire Code.
- D. All fire hydrants must provide a minimum of 35 psi static pressure and a 20 psi residual pressure.
- E. A fire hydrant shall be installed at the end of mains on cul-de-sacs. Other fire hydrants shall be located at street intersections and shall align with common lot lines. Additional fire hydrants may be required between intersections to meet the minimum spacing requirements.
- F. When the street is designated on the Master Thoroughfare Map as an arterial or larger, fire hydrants shall be required on the same side of the street that the building is to be constructed. All streets with medians shall have a fire hydrant on the same side of the street that the building is to be constructed.
- G. Fire hydrants shall be located in accessible protected areas. They shall be located a minimum of 3 feet and no more than 8 feet behind the back of curb. They shall not be located in the sidewalk.
- H. Fire hydrants shall be located outside curb returns and at least 4 feet from a driveway.
- I. A clear space of three feet shall be maintained around all fire hydrants.
- J. Fire hydrant mains shall be placed between 4 feet and 6 feet in depth. Offsets or bends shall be used to bring the fire hydrant up to allowable depths.
- K. Private fire protection systems and private fire hydrant locations shall be approved by the Fire Marshal prior to construction
- L. All buildings or structures shall be constructed such that all ground level, exterior sides of the building are within 150 feet of a dedicated street or fire lane. The 150 feet is measure by an approved route around the exterior of the building or facility. If the 150 feet cannot be reached from a public street, a fire lane will be required on site. This distance may be extended to 200 feet for single-family dwellings with approval of Fire Marshal. Except for single or two-family residences, the path of measurement shall be along a minimum of ten (10) fee wide unobstructed pathway around the exterior walls of the structure.
- M. The fire lane shall be 24 foot in width with 30 foot inside radii and 54' outside radii. The fire lane section shall either follow detail P-11 or 8 inches of concrete on 95% compacted base is acceptable. The developer shall be responsible for all testing and shall provide the results to the city inspectors.
- N. For commercial buildings, fire hydrants shall be spaced to have a fire hose lay distance of no greater than 300 feet. The fire hose laying distance is measured by the laying of fire apparatus hose lines along the right of way or access easements from the nearest water supply on a street to the main entrance of the building.
- O. The minimum fire flow and flow duration for buildings other than one- and two-family dwelling shall be as specified in the most current adopted International Fire Code.
- P. A fire hydrant is required within 500 feet of any residential structures (excluding townhomes and apartments as measured by the hose laying distance. For commercial buildings, fire hydrants shall be spaced to have an effective radius of 300 feet or a fire hose lay distance no greater than 300 feet to the front entrance of the building, whichever results in the closer fire hydrant spacing, or as required in the current International Fire Code.)
- Q. Fire hydrants are required within 300 feet of all exterior portions of a commercial building. The distance shall be equal to the laying distance for fire apparatus hose lines along public streets and fire lanes from the nearest water supply.

SURVEY NOTES:

- 1/2" IRON ROD SETS WITH YELLOW CAP MARKED (DATAPoint #10194585) UNLESS OTHERWISE NOTED.
- ALL COORDINATES AND BEARINGS CONTAINED HEREIN ARE GRID, BASED UPON THE TEXAS STATE PLANE COORDINATES SYSTEM, NORTH AMERICAN DATUM 83, NORTH CENTRAL ZONE (4202), NAVD 88.
- ALL DIMENSIONS SHOWN HEREIN ARE GRID (U.S. SURVEY FEET), BASED UPON AN ON THE GROUND SURVEY PERFORMED NOVEMBER 2, 2024.
- SELLING A PORTION OF THIS BY METES AND BOUNDS IS A VIOLATION OF COUNTY REGULATIONS AND STATE LAW AND IS SUBJECT TO FINES OR OTHER PENALTIES.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THEREFORE ALL EASEMENTS AND OTHER MATTERS OF RECORDS MAY NOT BE SHOWN HEREON.
- LOTS 12 AND 13 ARE LOCATED WITHIN THE EXTRA-TERRITORIAL JURISDICTION (ETJ) OF THE CITY OF BURLESON.
- APPROVAL OF THE PLAT BY THE CITY OF BURLESON DOES NOT GUARANTEE THAT JOHNSON COUNTY WILL ISSUE A DEVELOPMENT PERMIT AND/OR ON-SITE SANITARY SEWER PERMIT. STAFF SUGGESTS THAT IF THE PROPERTY OWNERS HAVE NOT ALREADY DONE SO, THAT THEY SPEAK WITH JOHNSON COUNTY PUBLIC WORKS BEFORE MOVING FORWARD TO ENSURE THAT THEY WILL ISSUE A DEVELOPMENT PERMIT IF THE PROPERTY IS PLATTED AS PROPOSED FOR THEIR DESIRED CONSTRUCTION.
- A MINIMUM OF 1 ACRE PER RESIDENTIAL STRUCTURE PER LOT IS REQUIRED FOR ON-SITE SEWAGE FACILITIES (SEPTIC SYSTEMS). IF MORE THAN ONE STRUCTURE IS PROPOSED FOR CONSTRUCTION ON A LOT IN THE FUTURE, RE-PLATTING SHALL BE REQUIRED.
- THE REQUIREMENT OF PUBLIC INFRASTRUCTURE WAS BASED ON THE UTILITY EXHIBIT THAT WAS SUBMITTED FOR REVIEW WITH THIS PLAT ON NOVEMBER 13TH, 2024 TO THE CITY OF BURLESON. ANY ADDITIONAL STRUCTURES PROPOSED ON THIS PROPERTY MAY REQUIRE THE EXISTING WATER LINE TO BE IMPROVED AND FIRE HYDRANT(S) TO BE INSTALLED FOR FIRE PROTECTION.
- THE RIGHT-OF-WAY DEDICATION IS GRANTED IN FEE SIMPLE TO THE CITY OF BURLESON FOR USE AS STORM WATER, PUBLIC UTILITY, PEDESTRIAN, OR OTHER PUBLIC PURPOSES.
- THE CITY OF BURLESON IS NOT RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY STORMWATER 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(S) ABUTTING, ADJACENT OR SERVED BY THE IMPROVEMENTS THE FULL OBLIGATION AND RESPONSIBILITY OF MAINTAINING AND OPERATING SAID IMPROVEMENTS.
- THE CITY OF BURLESON IS NOT RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, OR USE OF ANY NATURAL CREEK AND ASSOCIATED DRAINAGE EASEMENTS, HEREINAFTER REFERRED TO AS "FEATURE." 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 FEATURE INCLUDING ANY NON-PERFORMANCE OF THE FOREGOING.

DEVELOPER WILL REQUIRE ANY SUCCESSOR IN INTEREST TO ACCEPT FULL RESPONSIBILITY AND LIABILITY FOR THE FEATURE. ALL OF THE ABOVE SHALL BE COVENANTS RUNNING WITH THE LAND. IT IS EXPRESSLY CONTEMPLATED THAT DEVELOPER SHALL IMPOSE THESE COVENANTS UPON LOT(S) ABUTTING, ADJACENT OR SERVED BY THE FEATURE THE FULL OBLIGATION AND RESPONSIBILITY OF MAINTAINING AND OPERATING SAID FEATURE.

LEGAL DESCRIPTION

BEING a 12.90 acre tract of land, situated in the J.B. Brown Survey, Abstract No. 22, Johnson County, Texas, being all of Lot 12, Block 1, Ridgecrest Estates Addition, an addition to Johnson County, Texas, according to the plat recorded in Volume 1, Page 31, Plat Records, Johnson County, Texas, (P.R.J.C.T.), as referenced in a deed to Robert Thrasher and Joann Thrasher as recorded in Document No. 2021-13120, Official Public Records, Johnson County, Texas, (O.P.R.J.C.T.), and all of Lot 13, Block 1, of said Ridgecrest Estates Addition (Volume 1, Page 31, P.R.J.C.T.), as referenced in a deed to Gary Lee Makarwich and Geraldine Louise Makarwich as recorded in Document No. 2017-31426, O.P.R.J.C.T., said 12.90 acre tract being more fully described by Metes and Bounds as follows;

BEGINNING at a 3/4" iron pipe found having grid coordinates of N-6848021.10, E-2324940.86 (all coordinates reported herein are based on the Texas State Plane Coordinate System, NAD83, North Central Zone) for the southeast corner of said Lot 12, for the northeast corner of said Lot 11, Block 1, of said Ridgecrest Estates Addition (Volume 1, Page 31, P.R.J.C.T.), and on the west right of way line of Oakridge Road, from which a 600 nail found for the southeast corner of said Lot 11, bears S 06°21'37" W a distance of 269.76 feet for reference;

THENCE N 88°32'08" W, along the south line of said Lot 12 and the north line of said Lot 11 a distance of **708.33 feet** to a 1" iron pipe found having grid coordinates of N-6848039.20, E-2324232.76 (all coordinates reported herein are based on the Texas State Plane Coordinate System, NAD83, North Central Zone) for the southwest corner of said Lot 12, for the northwest corner of said Lot 11, and on the east line of Lot 6, Block 8, of the Ridgecrest Estates Addition, Section Two and Three, according to the plat recorded in Volume 1, Page 73, P.R.J.C.T.;

THENCE N 00°58'07" E, along the west line of said Lots 12 & 13, Block 1, and the east line of Lots 7 & 8, Block 8, of said Ridgecrest Estates Addition, Section Two and Three, (Volume 1, Page 73, P.R.J.C.T.), a distance of **830.37 feet** to a 1/2" red capped iron rod found for the northwest corner of said Lot 13, for the northeast corner of said Lot 7, Block 8, and on the south line of Lot 8, Block 8, of said Ridgecrest Estates Addition, Section Two and Three, (Volume 1, Page 73, P.R.J.C.T.), from which a 3/8" iron rod found for the northwest corner of said Lot 7, Block 8, and for the southwest corner of said Lot 8, Block 8, bears N 89°52'39" W a distance of 477.69 feet for reference;

THENCE S 89°54'32" E, along the north line of said Lot 13, and the south line of Lot 8, Block 8 and Lots 1-4, Block 9, of said Ridgecrest Estates Addition, Section Two and Three, (Volume 1, Page 73, P.R.J.C.T.), a distance of **830.37 feet** to a 1/2" red capped iron rod stamped (R.W. COOMBS RPLS 5294) found for the northeast corner of Lot 13, for the northwest corner of Lot 14R5, Block 1, of the Replat Lot 14R1 - 14R5, Block 1, Ridgecrest Estates, according to the plat recorded in Volume 11, Page 399, P.R.J.C.T.;

THENCE S 09°22'06" W, along the east line of said Lot 13 and the west line of said Lot 14R5 a distance of **404.36 feet** to a 3/4" iron pipe found for a southeast corner of said Lot 13, for the southwest corner of said Lot 14R5, on the north line of a cul-de-sac of Oakridge Road, and at the beginning of a curve;

THENCE along said curve having a central angle of **149°59'20"**, a radius of **60.00 feet**, a chord bearing and distance of **S 21°21'17" W, 115.91 feet**, through an arc length of **157.07 feet** to a 1/2" yellow capped iron rod stamped (DATAPoint #10194585) set for a northeast corner of said Lot 12;

THENCE S 06°21'37" W, along the east line of said Lot 12, at 2.70 feet passing a 3/8" iron rod found for reference, continuing along said course in all total distance of **239.76 feet** to the **POINT OF BEGINNING**, containing 12.90 acres of land, more or less.

SURVEY NOTES CONTINUED:

13. BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.
14. THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THIS ADDITION WILL REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.
15. JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OF EROSION.
16. JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.
17. ON-SITE SEWAGE FACILITY PERFORMANCE CANNOT BE GUARANTEED EVEN THOUGH ALL PROVISIONS OF THE RULES OF JOHNSON COUNTY, TEXAS FOR PRIVATE SEWAGE FACILITIES ARE COMPLIED WITH.
18. INSPECTION AND/OR ACCEPTANCE OF A PRIVATE SEWAGE FACILITY BY THE JOHNSON COUNTY PUBLIC WORKS DEPARTMENT SHALL INDICATE ONLY THAT THE FACILITY MEETS MINIMUM REQUIREMENTS AND DOES NOT RELIEVE THE OWNER OF THE PROPERTY FROM COMPLYING WITH COUNTY, STATE AND FEDERAL REGULATIONS. PRIVATE SEWAGE FACILITIES, ALTHOUGH APPROVED AS MEETING MINIMUM STANDARDS, MUST BE UPGRADED BY THE OWNER AT THE OWNER'S EXPENSE IF NORMAL OPERATION OF THE FACILITY RESULTS IN OBJECTIONABLE ODORS, IF UNSANITARY CONDITIONS ARE CREATED, OR IF THE FACILITY WHEN USED DOES NOT COMPLY WITH GOVERNMENTAL REGULATIONS.
19. A PROPERLY DESIGNED AND CONSTRUCTED PRIVATE SEWAGE FACILITY SYSTEM, IN SUITABLE SOIL, CAN MALFUNCTION IF THE AMOUNT OF WATER IT IS REQUIRED TO DISPOSE OF IS NOT CONTROLLED. IT WILL BE THE RESPONSIBILITY OF THE LOT OWNER TO MAINTAIN AND OPERATE THE PRIVATE SEWAGE FACILITY IN A SATISFACTORY MANNER.
20. ANY PUBLIC UTILITY, INCLUDING JOHNSON COUNTY, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION OR MAINTENANCE, OR EFFICACY OF ITS RESPECTIVE SYSTEMS IN ANY OF THE EASEMENTS SHOWN ON THE PLAT; AND ANY PUBLIC UTILITY, INCLUDING JOHNSON COUNTY, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.
21. 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.
22. NO FENCES OR OTHER STRUCTURES WILL BE ALLOWED WITHIN THE DRAINAGE EASEMENT.

The requirement of public infrastructure was based on the Utility exhibit that was submitted for review with the plat on December 27, 2024 to the City of Burleson. Any additional structures proposed on this property may require the existing water lines to be improved and fire hydrant(s) to be installed for fire protection.

According to the Flood Insurance Rate Map (FIRM) Community Panel No. 48251C0180J dated 12/4/2012 the subject property is located within the following zones:

Zone X - Areas determined to be outside the 500-year floodplain

STATE OF TEXAS
COUNTY OF JOHNSON

That I, ROBERT THRASHER, Owner, does hereby adopt this plat designating the hereinbefore described property as RIDGECREST ESTATES ADDITION, an Addition to Johnson County, Texas, and do hereby dedicate to the public use forever all streets, rights-of way, alleys and easements shown thereon. The City, County, or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City, County, or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Burleson, Texas or Johnson County.

ROBERT THRASHER

STATE OF TEXAS
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared ROBERT THRASHER, 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 _____, 20____.

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF JOHNSON

That I, JOANN THRASHER, Owner, does hereby adopt this plat designating the hereinbefore described property as RIDGECREST ESTATES ADDITION, an Addition to Johnson County, Texas, and do hereby dedicate to the public use forever all streets, rights-of way, alleys and easements shown thereon. The City, County, or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City, County, or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Burleson, Texas or Johnson County.

JOANN THRASHER

STATE OF TEXAS
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared JOANN THRASHER, 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 _____, 20____.

Notary Public in and for the State of Texas

STATE OF TEXAS
JOHNSON COUNTY

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

THIS THE _____ DAY OF _____, 20____.

BY: _____
CHAIR OF PLANNING AND ZONING COMMISSION

BY: _____
CITY SECRETARY

STATE OF TEXAS
JOHNSON COUNTY

Plat Filed _____, 20____.

Slide _____, Vol., _____ Pg. _____

Johnson County Plat Records

By: _____
County Clerk

OWNER:
ROBERT THRASHER
JOANN THRASHER

GARY LEE MAKARWICH
GERALDINE LOUISE
MAKARWICH

STATE OF TEXAS
COUNTY OF JOHNSON

That I, GARY LEE MAKARWICH, Owner, does hereby adopt this plat designating the hereinbefore described property as RIDGECREST ESTATES ADDITION, an Addition to Johnson County, Texas, and do hereby dedicate to the public use forever all streets, rights-of way, alleys and easements shown thereon. The City, County, or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City, County, or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Burleson, Texas or Johnson County.

GARY LEE MAKARWICH

STATE OF TEXAS
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared GARY LEE MAKARWICH, 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 _____, 20____.

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF JOHNSON

That I, GERALDINE LOUISE MAKARWICH, Owner, does hereby adopt this plat designating the hereinbefore described property as RIDGECREST ESTATES ADDITION, an Addition to Johnson County, Texas, and do hereby dedicate to the public use forever all streets, rights-of way, alleys and easements shown thereon. The City, County, or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City, County, or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Burleson, Texas or Johnson County.

GERALDINE LOUISE MAKARWICH

STATE OF TEXAS
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared GERALDINE LOUISE MAKARWICH, 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 _____, 20____.

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF JOHNSON

I, Tim C. Pappas, 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:

Datapoint Surveying & Mapping

PRELIMINARY
(NOT TO BE RECORDED) _____ DECEMBER 31, 2024

TIM C. PAPPAS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5543



RE-PLAT
LOT 12R & 13R, BLOCK 1, RIDGECREST ESTATES ADDITION

BEING A RE-PLAT OF LOTS 12 & 13, BLOCK 1,
RIDGECREST ESTATES ADDITION, JOHNSON COUNTY, TEXAS,
RECORDED IN VOLUME 1, PAGE 31,
PLAT RECORDS, JOHNSON COUNTY, TEXAS.

PLAT PREPARED: DECEMBER 31, 2024



12450 Network Blvd. - Suite 155
San Antonio, TX 78249
Phone: 726-777-4240
Firm No. 10194585

DRAWN BY: NW	DATE: 12/31/2024	REV.
CHECKED BY: ZM/TP	DATE: 12/31/2024	
PROJECT # 24-10-4908	CASE: RP24-357	SHEET 2

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services
FROM: Lidon Pearce, Principal Planner
MEETING: February 25, 2025

SUBJECT:

654 SW Wilshire BLVD (Case 24-377): Hold a public hearing and consider and take possible action on a zoning ordinance change request from “GR, General Retail”, to “GR, General Retail with a Specific Use Permit for a Liquor Store”. (Staff Contact: Lidon Pearce, Principal Planner)

SUMMARY:

On December 23, 2024, an application was submitted by William C. Johnson BTX Bottle Shoppe LLC for a zoning change request for to allow liquor sales at 654 SW Wilshire BLVD.

Development Overview:

This site is part of a commercial shopping center strip located within Burleson Plaza. The location is zoned GR, General Retail and requires a Specific Use Permit to allow liquor sales at this site. If approved, liquor sales would only apply to the tenant of the unit addressed as 654 SW Wilshire BLVD and as shown on the ordinance exhibit(s).

In considering whether to grant a specific use permit, the following supplemental regulations must be met unless otherwise approved by City Council:

Supplemental Regulation	Applicant Response
Shall not be located within the Old Town Overlay District or within 300 feet of IH-35 frontage without City Council approval.	BUILDING IS NOT LOCATED IN THESE AREAS
Minimum building size shall be 5,000 sq. ft.	ACKNOWLEDGED - BUILDING IS APPROXIMATELY 8,700 SQUARE FEET

No liquor stores shall be allowed within 1,000 feet of another liquor store as measured in a straight line from their respective property lines.	BUILDING IS NOT LOCATED NEAR ANOTHER LIQUOR STORE
A liquor (package) store shall not have walk-up window access and shall not have drive-through or drive-up access.	BUILDING DOES NOT/WILL NOT HAVE A 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.	YES, CUSTOMERS ENTER THROUGH THE FRONT ENTRANCE AND DELIVERIES ENTER THROUGH THE BACK ENTRANCE
All windows shall be either polycarbonate or have a protective shatterproof film installed on both sides and glass window.	DUE TO \$400 PER WINDOW COST, SHATTER PROOF FILM WILL BE INSTALLED UPON CITY APPROVAL OF BUSINESS LOCATION
Shall provide additional landscaping between front facade and the parkway.	NOT APPLICABLE DUE TO COMPLETE CEMENT PARKING LOT
Shall maintain a 15-foot landscaping buffer with canopy trees planted no less than 20 feet on center along entire frontage	NOT APPLICABLE DUE TO COMPLETE CEMENT PARKING LOT

This site is designated in the Comprehensive Plan as Community Commercial.

This land use category is intended to provide suitable areas for the development of light to medium intensity commercial uses to support surrounding urban development.

Staff supports the specific use permit request for liquor sales as the use type generally conforms to the uses of the GR, General Retail zoning district.

RECOMMENDATION:

Recommend approval of the ordinance to City Council; with the condition that liquor store sales only apply to the unit addressed as 654 SW Wilshire (Case 24-377).

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

August 20, 2002 – City of Burleson approved the replat for Burleson Plaza.

REFERENCE:

[City of Burleson, TX ZONING DISTRICTS](#)

FISCAL IMPACT:

N/A

STAFF CONTACT:

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

ZC – 654 SW Wilshire

Item A.

Location:

- 654 SW Wilshire
- Burleson Plaza

Applicant:

William C. Johnson (BTX Bottle Shoppe LLC)

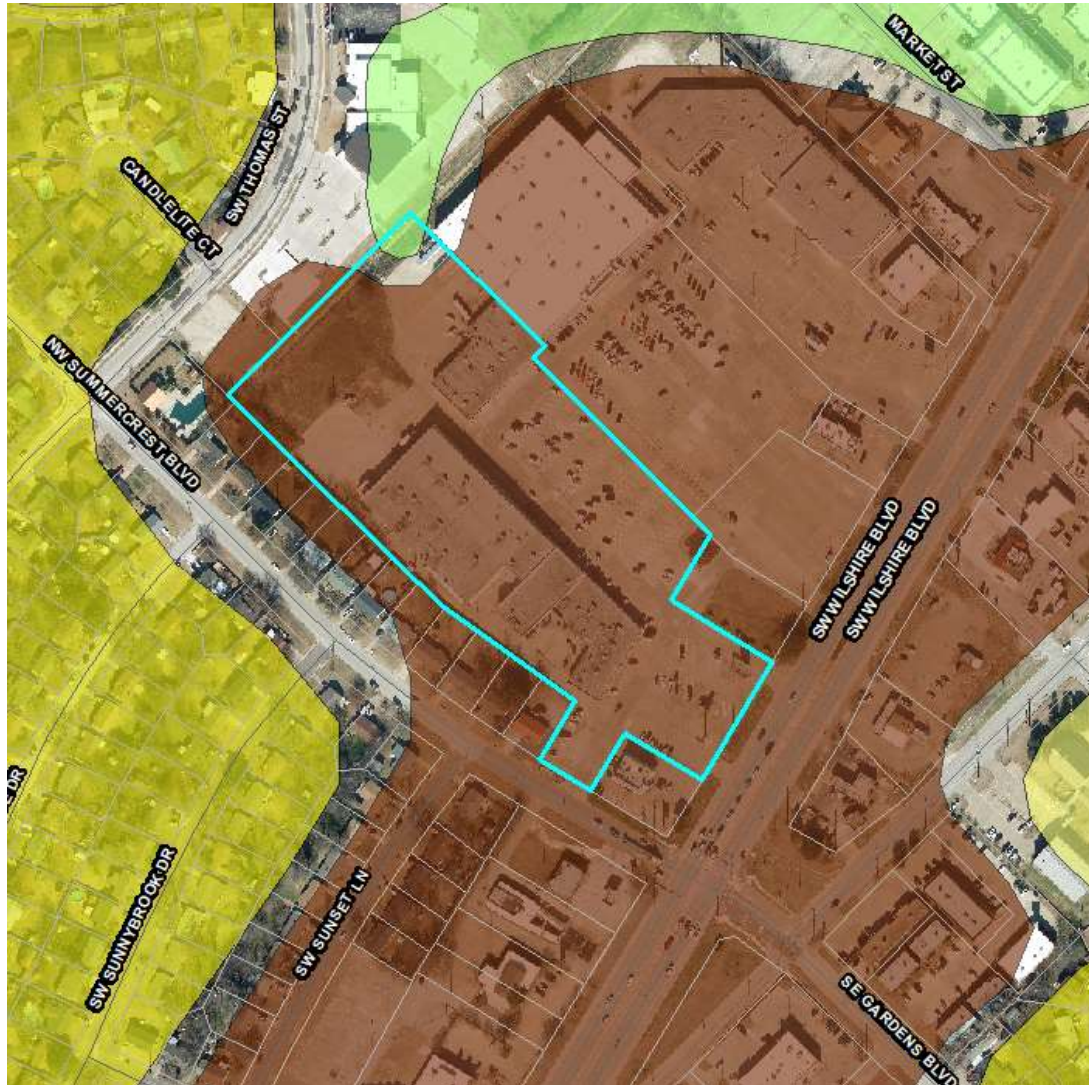
Item for approval:

Zoning Change from “GR” General Retail to “GR” General Retail with a SUP for a liquor store (Case 24-377)



Comprehensive Plan

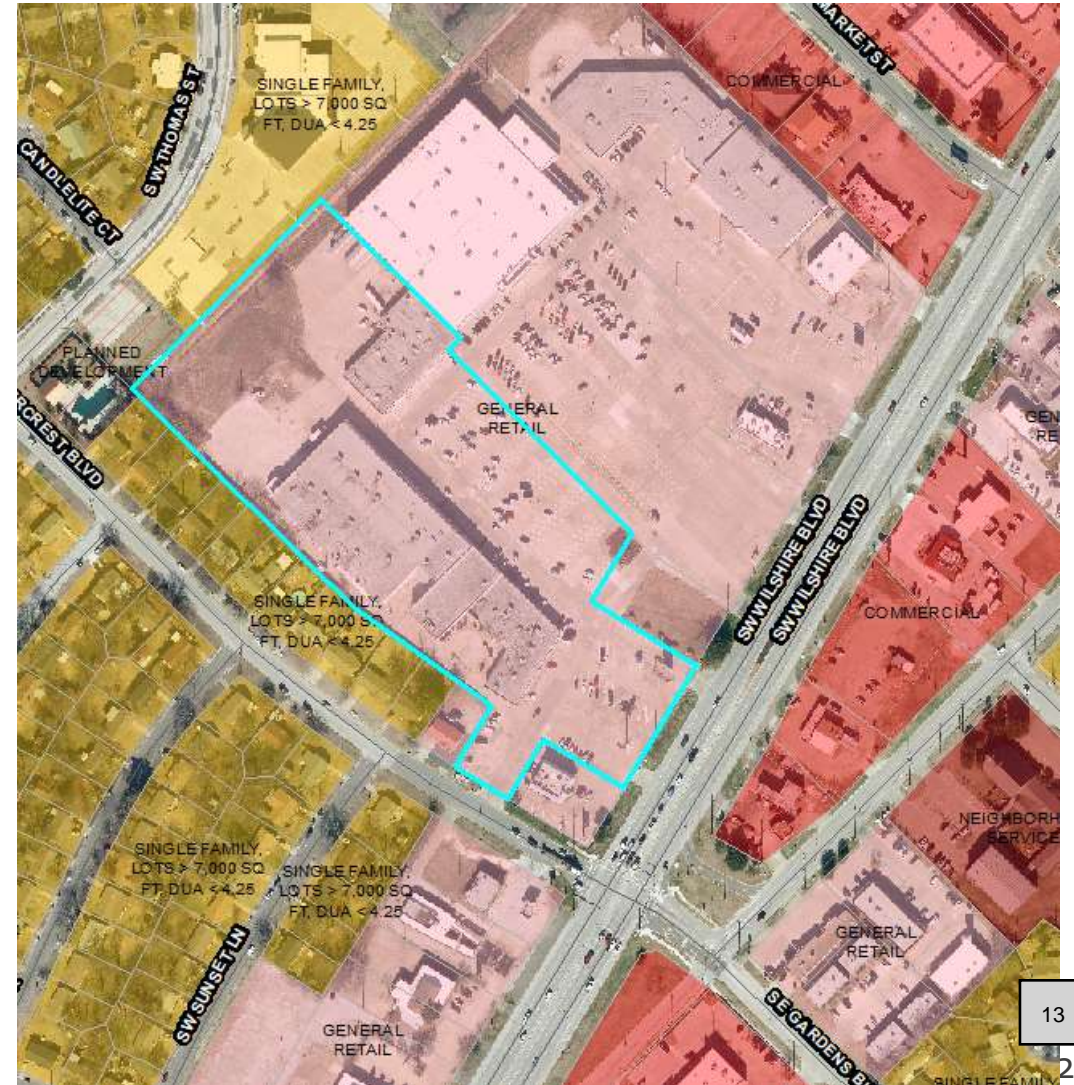
Community Commercial



Zoning

GR, General Retail

Item A.



ZC – 654 SW Wilshire

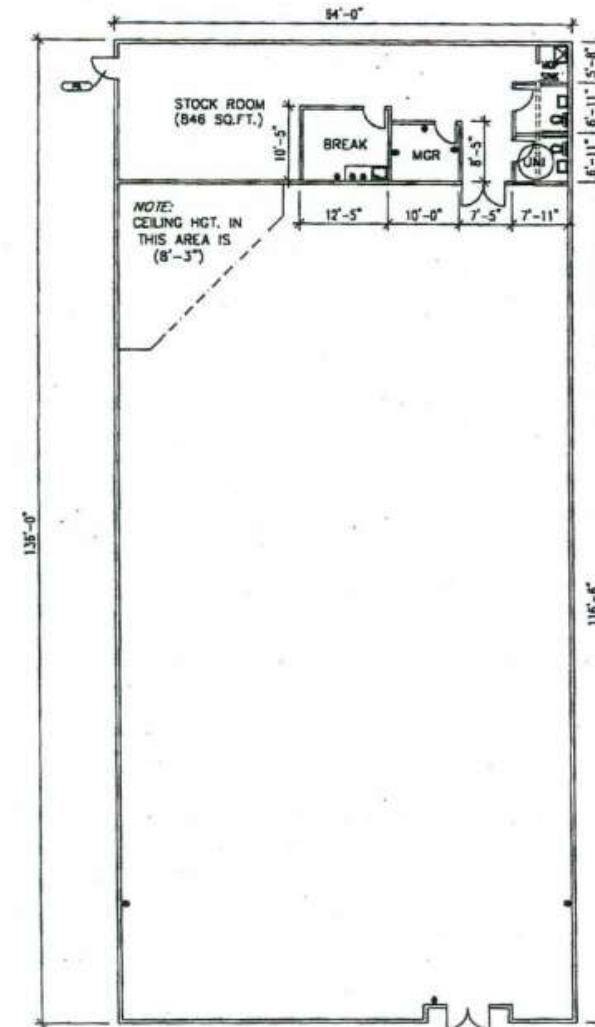
Item A.

Supplemental Regulation	Applicant Response
Shall not be located within the Old Town Overlay District or within 300 feet of IH-35 frontage without City Council approval.	BUILDING IS NOT LOCATED IN THESE AREAS
Minimum building size shall be 5,000 sq. ft.	ACKNOWLEDGED - BUILDING IS APPROXIMATELY 8,700 SQUARE FEET
No liquor stores shall be allowed within 1,000 feet of another liquor store as measured in a straight line from their respective property lines.	BUILDING IS NOT LOCATED NEAR ANOTHER LIQUOR STORE
A liquor (package) store shall not have walk-up window access and shall not have drive-through or drive-up access.	BUILDING DOES NOT/WILL NOT HAVE A 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.	YES, CUSTOMERS ENTER THROUGH THE FRONT ENTRANCE AND DELIVERIES ENTER THROUGH THE BACK ENTRANCE
All windows shall be either polycarbonate or have a protective shatterproof film installed on both sides and glass window.	DUE TO \$400 PER WINDOW COST, SHATTER PROOF FILM WILL BE INSTALLED UPON CITY APPROVAL OF BUSINESS LOCATION
Shall provide additional landscaping between front facade and the parkway.	NOT APPLICABLE DUE TO COMPLETE CEMENT PARKING LOT
Shall maintain a 15-foot landscaping buffer with canopy trees planted no less than 20 feet on center along entire frontage	NOT APPLICABLE DUE TO COMPLETE CEMENT PARKING LOT

ZC – 654 SW Wilshire



FLOOR PLAN AND SITE PLAN



SALES AREA:	7257
STOCK AREA:	846
OTHER:	544
GROSS:	8647

ZC – 654 SW Wilshire

Public Hearing Notice

- Public notices were mailed to property owners (based on current JCAD records) within 300 feet of subject property
- Published in newspaper
- Signs Posted on the property

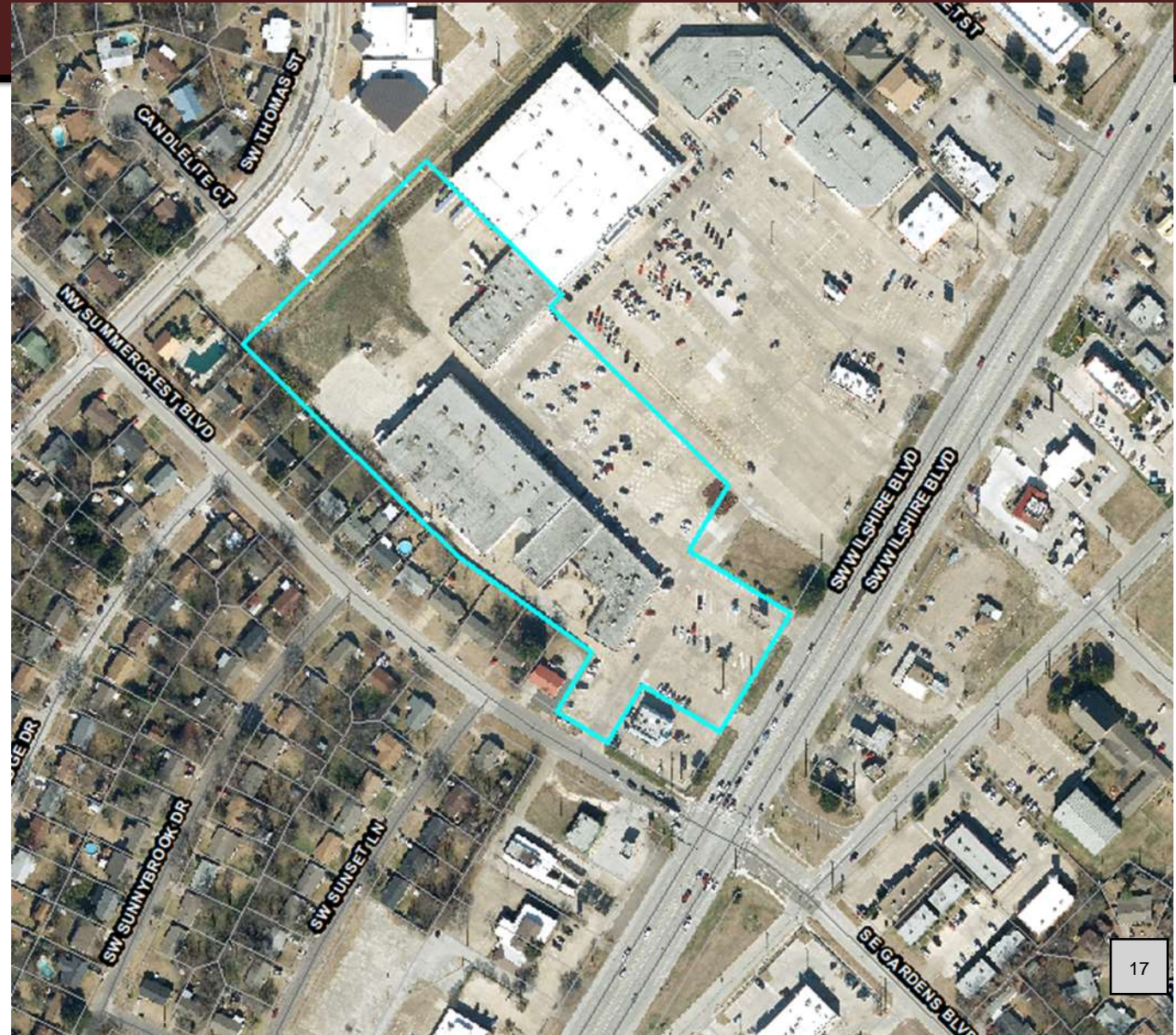


ZC – 654 SW Wilshire

Item A.

Staff's Recommendation

- Staff recommends approval of an ordinance for the zoning change request to “GR, General Retail with a specific use permit for a Liquor Store” with the condition liquor sales only apply to the unit addressed as 654 SW Wilshire.
- Retail use conforms with the Comprehensive Plan



Ordinance

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 8.731 ACRES OF LAND DESCRIBED AS LOT 2R-1, BLOCK 1, BURLESON PLAZA IN THE PLAT FILED IN VOLUME 9, PAGE 48, SLIDE B-666, PLAT RECORDS JOHNSON COUNTY, TEXAS (P.R.J.C.T) FROM "GR" GENERAL RETAIL TO "GR" GENERAL RETAIL WITH A SPECIFIC USE PERMIT FOR LIQUOR STORE SALES AT THE LOCATION ADDRESSED AS 654 SW WILSHIRE BLVD, MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City Council passed, approved, and adopted Ordinance B-582, being the Zoning Ordinance and Map of the City of Burleson, Texas, showing the locations and boundaries of certain districts, as amended, and codified in Appendix B of the City of Burleson Code of Ordinances (2005) (the "Zoning Ordinance and Map"); and

WHEREAS, an application for a zoning change was filed by **William C. Johnson** on **December 23, 2024**, under **Case Number 24-377**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to rezone and reclassify said property from its current zoning classification; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas voted **X to 0** to recommend XX to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **General Retail (GR)** to **General Retail (GR) with a Specific Use Permit (SUP) for a Liquor Store at the unit addressed as 654 SW Wilshire**; and

WHEREAS, notice was given of a further public hearing to be held by the City Council of the City of Burleson, Texas, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest

were notified that they would have an opportunity to be heard, such notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

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

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

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

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

Section 1 MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land described as LOT 2R-1, BLOCK 1, BURLESON PLAZA IN THE PLAT FILED IN VOLUME 9, PAGE 48, SLIDE B-666, Plat Records, Johnson County, Texas, included on Exhibit A, from GR, General Retail to GR, General Retail with a Specific Use Permit (SUP) for a Liquor Store at the unit addressed as 654 SW Wilshire, which are incorporated herein as Exhibit B, being attached hereto and incorporated herein by reference for all purposes.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6.

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

Section 7.

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

Section 8.

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

PASSED AND APPROVED:

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

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A Property Description

STATE OF TEXAS }

COUNTY OF JOHNSON }

KNOW ALL MEN BY THESE PRESENTS, That, Burleson Shopping Center, L.P., acting by and through the undersigned, its duly authorized agent, is the owner of the following described real property, to wit:

All of Lot 2-R, Block 1, BURLESON PLAZA, an Addition to the City of Burleson, Johnson County, Texas, according to Plat recorded in Volume 8, Page 36, Plat Records, Johnson County, Texas, and all of Lot 5, Block 1, BURLESON PLAZA, an Addition to the City of Burleson, Johnson County, Texas, according to Plat recorded in Volume 1, Page 398, Plat Records, Johnson County, Texas, being more particularly described, as follows:

Beginning at a 5/8" iron found at the northeast corner of said Lot 2-R and the northwest corner of Lot 1, Block 1, BURLESON PLAZA, an Addition to the City of Burleson, Johnson County, Texas, according to Plat recorded in Volume 1, Page 398, Plat Records, Johnson County, Texas, and being in the southeasterly line of that certain tract of land conveyed to Trinity Assembly of God Church of Burleson, by deed recorded in Volume 1476, Page 802, Deed Records, Johnson County, Texas;

THENCE South 45 degrees 03 minutes 00 seconds East, 320.00 feet to a "Y" cut in concrete found;

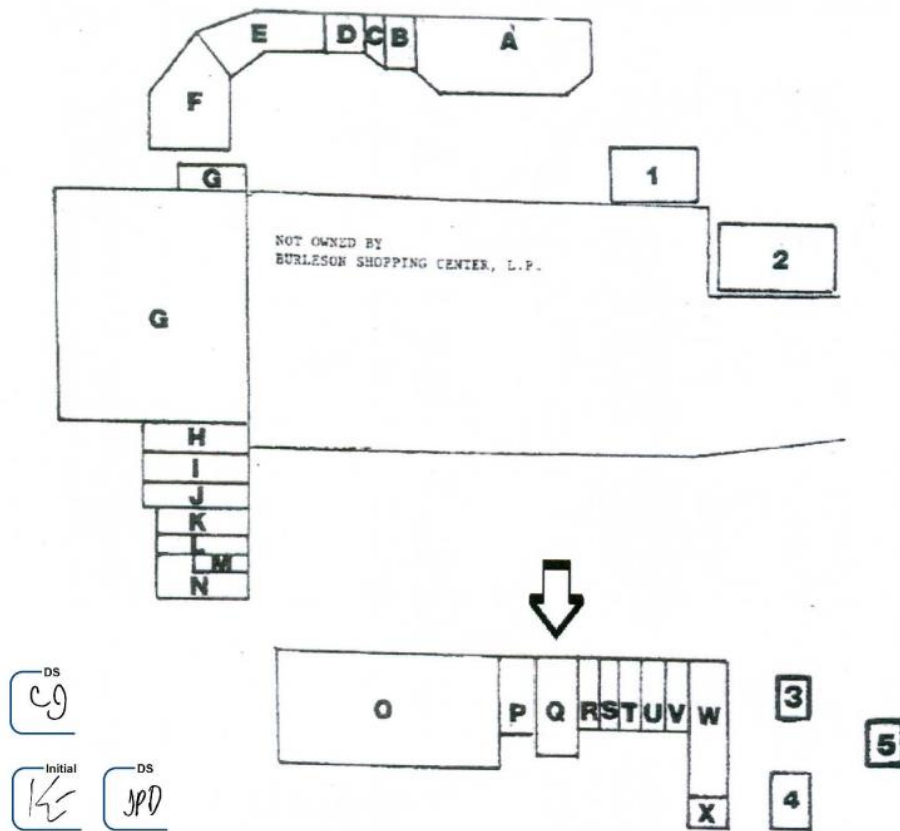
THENCE South 44 degrees 57 minutes 00 seconds West, 34.80 feet to a "Y" cut in concrete found;

THENCE South 45 degrees 03 minutes 00 seconds East, 471.40 feet to a "Y" cut in concrete found;

THENCE South 58 degrees 28 minutes 00 seconds East, 150.00 feet to a 1/2" iron found in the north line of Southwest Wilshire Boulevard-State Highway No. 174 (a 160 foot wide R.O.W.);

THENCE South 31 degrees 32 minutes 00 seconds West, along the north line of said Southwest Wilshire Boulevard, 350.00 feet to a 5/8" iron found at the southeast corner of Lot 4, Block 1, BURLESON PLAZA, an Addition to the City of Burleson, Johnson County, Texas, according to Plat recorded in Volume 1, Page 398, Plat Records, Johnson County, Texas;

Specific Use Permit only applies to the unit addressed as 654 SW Wilshire (shown as "Q" in the below exhibit)



Planning & Zoning Commission Meeting

DEPARTMENT: Development Services
FROM: Lidon Pearce, Principal Planner
MEETING: February 25, 2025

SUBJECT:

601 SW Alsbury (Case 24-243): Hold a public hearing and consider and take possible action on a zoning ordinance change request from "SF7, Single-family district-7", to "GR, General Retail". (*Staff Contact: Lidon Pearce, Principal Planner*)

SUMMARY:

On August 19, 2024, an application was submitted by Clark Stricklin of Impact Family Church for a zoning change request on approximately 4.383 acres of land for future development in accordance with the GR, General Retail zoning district.

Development Overview:

This site currently has a replat in staff review which will create 2 lots; one for the existing church and one for future development. If the zoning request is approved, both lots would be designated as GR, General Retail. A religious institution is allowed by right with GR, General Retail zoning for the existing church. A commercial site plan and engineering civil construction reviews will be required prior to any new development at the site.

This site is designated in the Comprehensive Plan as Community Commercial.

This land use category is intended to provide suitable areas for the development of light to medium intensity commercial uses to support surrounding urban development.

Staff supports the zoning request as the GR, General Retail zoning district conforms to the Comprehensive Plan.

RECOMMENDATION:

Recommend approval of the ordinance to City Council (Case 24-243).

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

January 24, 1991 – City Council approved the plat for Cedar Ridge Addition.

REFERENCE:

[City of Burleson, TX ZONING DISTRICTS](#)

FISCAL IMPACT:

N/A

STAFF CONTACT:

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

ZC – 601 SW Alsbury

Item B.

Location:

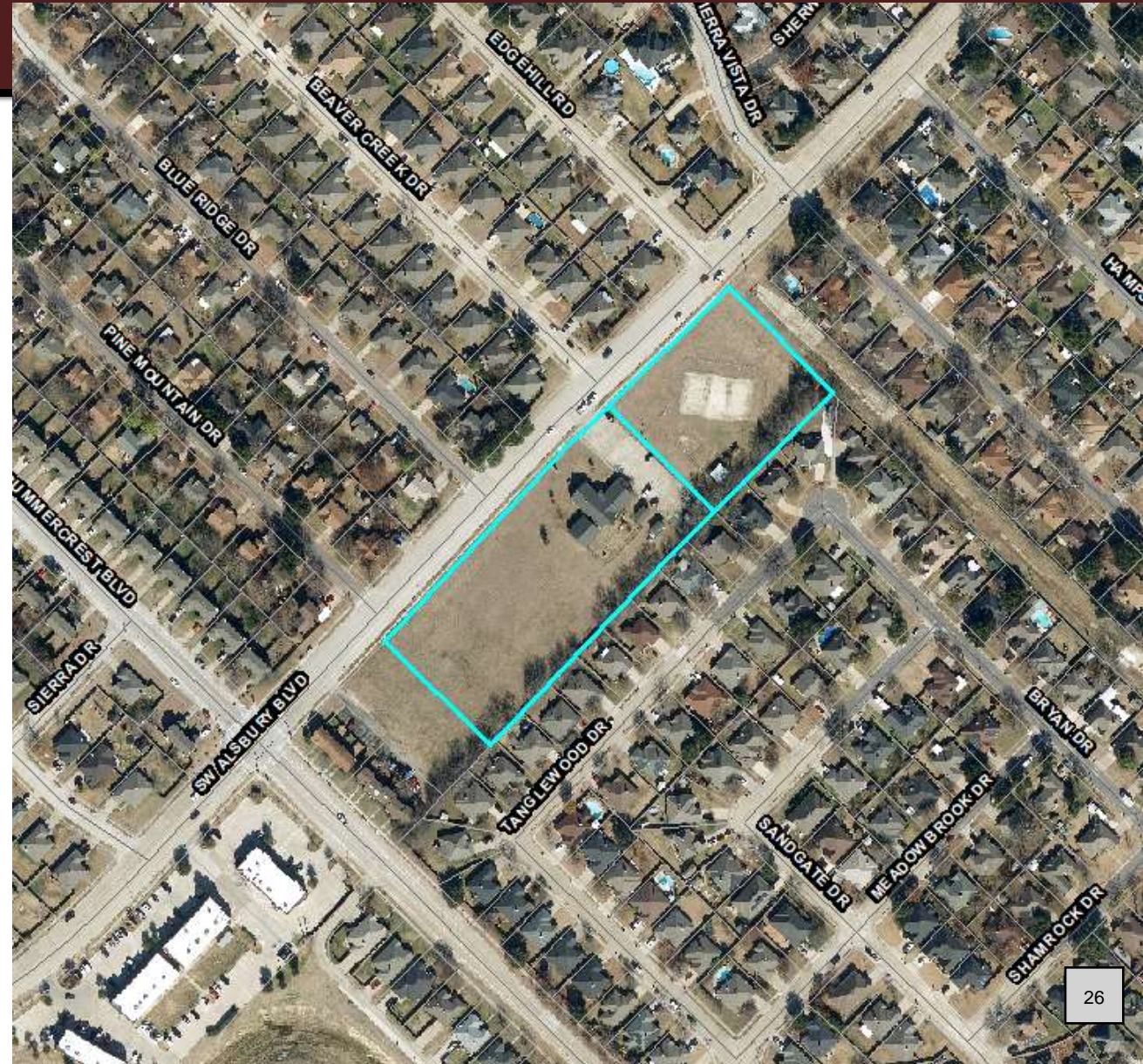
- 601 SW Alsbury

Applicant:

Clark Stricklin (Impact Family Church)

Item for approval:

Zoning Change from “SF7” Single-family dwelling district-7 to “GR” General Retail (Case 24-243)



Comprehensive Plan

Community Commercial



Zoning

Single-family dwelling - 7

Item B.



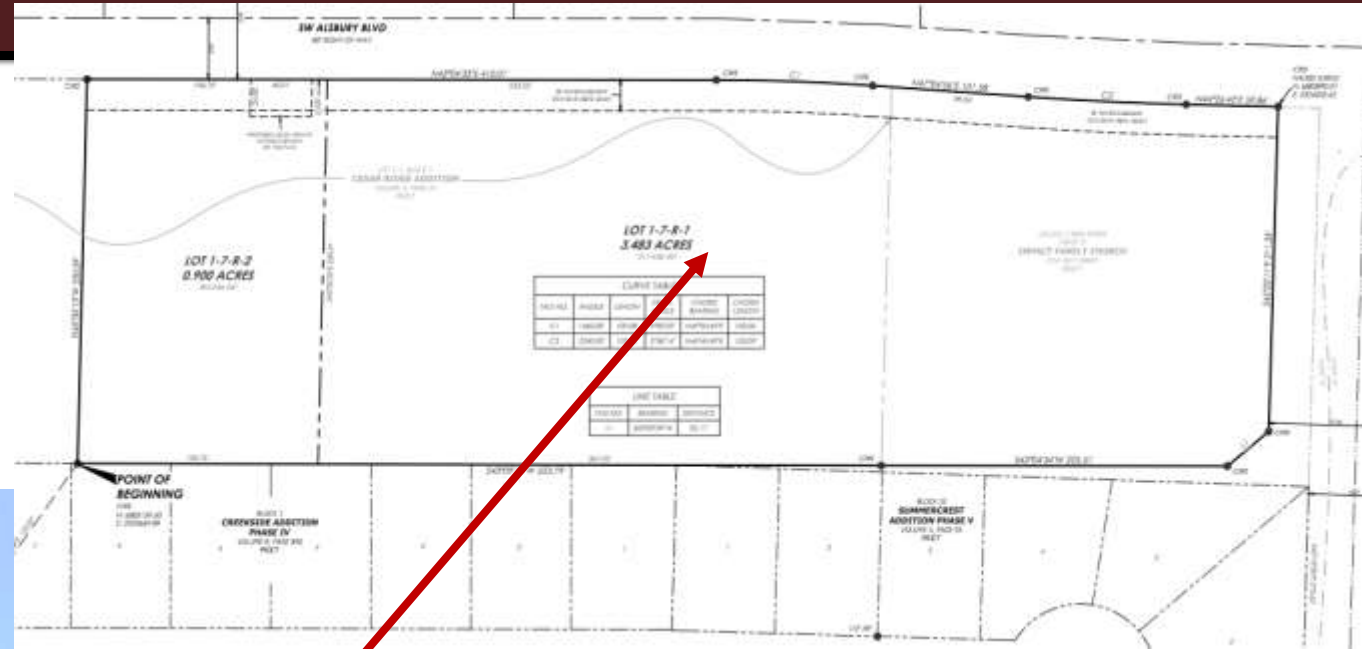
ZC – 601 SW Alsbury

Item B.

Allowed by-right	SUP required
Antique shop	Amusement
Auto fuel sales	Auto rental
Bakery / retail	Fairgrounds
Child care	Liquor store
Drugstore or pharmacy	Plumbing shop
Office; medical, business, and professional	Taxidermy
Restaurant	
School / Religious institution	
Studio; music, dance, drama	
Variety store / retail	

ZC – 601 SW Alsbury

Item B.



- Public notices were mailed to property owners (based on current JCAD records) within 300 feet of subject property
- Published in newspaper
- Signs Posted on the property



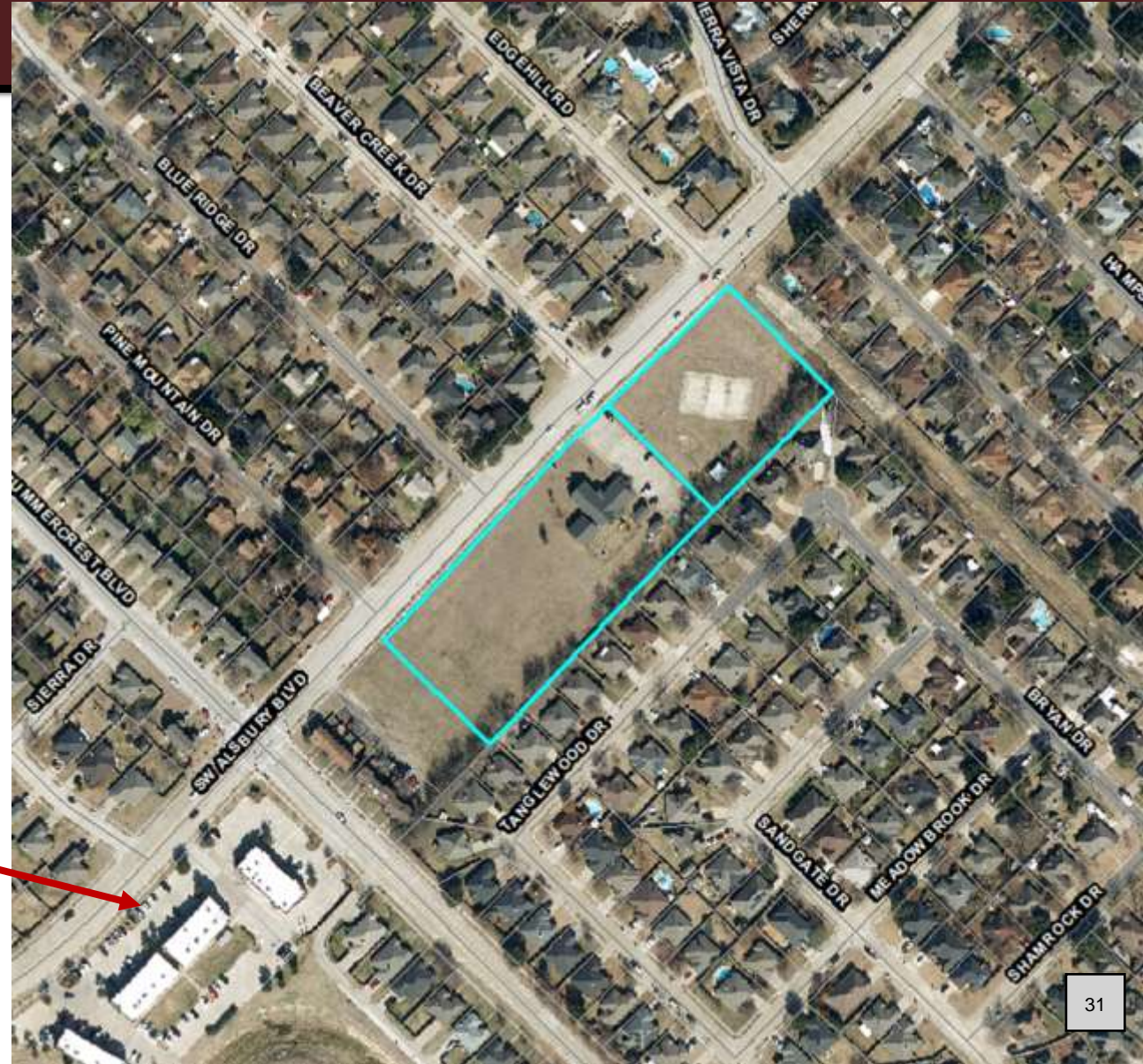
ZC – 601 SW Alsbury

Item B.

Staff's Recommendation

- Staff recommends approval of an ordinance for the zoning change request to “GR, General Retail”
- GR, General Retail district conforms with the Comprehensive Plan, and similar zoning and development patterns along Alsbury

(SW intersection of NW Summercrest and Alsbury is also zoned GR, General Retail)



Ordinance

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 4.383 ACRES OF LAND TOTAL; BEING 1.3693 ACRES OF LAND SITUATED IN THE MEMUCAN HUNT SURVEY, ABSTRACT NO. 383 AND THE REAMINING ACRES BEING A PORTION OF LOT 1-7, BLOCK 1, CEDAR RIDGE ADDITION, AS DESCRIBED IN THE PLAT RECORDED IN VOLUME 3, PAGE 44, DEED RECORDS JOHNSON COUNTY, TEXAS (D.R.J.C.T) FROM "SF7" SINGLE-FAMILY DWELLING DISTRICT-7 AND "NS" NEIGHBORHOOD SERVICE TO "GR" GENERAL RETAIL, ADDRESSED AS 601 SW ALSBURY, MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City Council passed, approved, and adopted Ordinance B-582, being the Zoning Ordinance and Map of the City of Burleson, Texas, showing the locations and boundaries of certain districts, as amended, and codified in Appendix B of the City of Burleson Code of Ordinances (2005) (the "Zoning Ordinance and Map"); and

WHEREAS, an application for a zoning change was filed by **Clark Stricklin** on **August 19, 2024**, under **Case Number 24-243**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to rezone and reclassify said property from its current zoning classification; and

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

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

WHEREAS, notice was given of a further public hearing to be held by the City Council of the City

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

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed rezoning and the City Council of the City of Burleson, Texas, being informed as to the location and nature of the use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Burleson, Texas, has changed in character since the enactment of its classification of **Single-family dwelling district -7 (SF7) and Neighborhood Service (NS)** and, by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community; and

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

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

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

Section 1 MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land described as approximately 4.383 ACRES OF LAND TOTAL; BEING 1.3693 ACRES OF LAND SITUATED IN THE MEMUCAN HUNT SURVEY, ABSTRACT NO. 383 AND THE REAMINING ACRES BEING A PORTION OF LOT 1-7, BLOCK 1, CEDAR RIDGE ADDITION, AS DESCRIBED IN THE PLAT RECORDED IN VOLUME 3, PAGE 44, Deed Records, Johnson County, Texas, included on Exhibit A, from defaulted A, Agricultural to C, Commercial for the property addressed as 3225 S Burleson BLVD, which are incorporated herein as Exhibit B, being attached hereto and incorporated herein by reference for all purposes.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable., and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6.

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

Section 7.

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

Section 8.

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

PASSED AND APPROVED:

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

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A Property Description

WHEREAS, IMPACT FAMILY CHURCH, OWNER OF A 4.383 ACRE TRACT OF LAND SITUATED IN THE MEMUCAN HUNT SURVEY, ABSTRACT NUMBER 383, CITY OF BURLESON, JOHNSON COUNTY, TEXAS, AND BEING A PORTION OF LOT 1-7, BLOCK 1, CEDAR RIDGE ADDITION, AN ADDITION TO THE CITY OF BURLESON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3, PAGE 44, PLAT RECORDS, JOHNSON COUNTY, TEXAS, AND BEING ALL OF A CALLED 1.3693 ACRE TRACT OF LAND (TRACT II) AS DESCRIBED IN THE DEED TO IMPACT FAMILY CHURCH, FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. 2017-28497, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" IN THE SOUTHEAST LINE OF SAID LOT 1-7, SAME BEING THE EASTERNMOST CORNER OF A CALLED 0.797 ACRE TRACT OF LAND (TRACT II) AS DESCRIBED IN THE DEED TO 1220 CINDY LLC, FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. 2017-17169, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND BEING IN THE NORTHWEST LINE OF LOT 6, BLOCK 1, CREEKSIDE ADDITION, PHASE IV, AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 8, PAGE 890, PLAT RECORDS, JOHNSON COUNTY, TEXAS, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHERNMOST CORNER OF LOT 7, OF SAID BLOCK 1, BEARS FOR REFERENCE SOUTH 11 DEGREES 46 MINUTES 38 SECONDS EAST, A DISTANCE OF 122.07 FEET, AND FROM WHICH A 1/2" CAPPED IRON ROD FOUND (ILLEGIBLE) FOR THE WESTERNMOST CORNER OF LOT 8, OF SAID BLOCK 1, BEARS FOR REFERENCE SOUTH 43 DEGREES 09 MINUTES 19 SECONDS WEST, A DISTANCE OF 181.93 FEET;

THENCE NORTH 45 DEGREES 35 MINUTES 13 SECONDS WEST, ALONG THE NORTHEAST LINE OF SAID CALLED 0.797 ACRE TRACT, A DISTANCE OF 250.09 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" FOR THE NORTH CORNER OF SAID CALLED 0.797 ACRE TRACT, AND BEING IN THE NORTHWEST LINE OF SAID LOT 1-7, BEING COMMON WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF ALSBURY BOULEVARD, AN 80' RIGHT-OF-WAY;

THENCE NORTH 43 DEGREES 04 MINUTES 33 SECONDS EAST, ALONG SAID COMMON LINE, A DISTANCE OF 410.01 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882", BEING AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1460.00 FEET;

THENCE ALONG SAID CURVE TO THE RIGHT, AND IN A NORTHEASTERLY DIRECTION, THROUGH A CENTRAL ANGLE OF 04 DEGREES 00 MINUTES 22 SECONDS, AN ARC LENGTH OF 102.08 FEET, AND HAVING A LONG CHORD WHICH BEARS NORTH 45 DEGREES 04 MINUTES 45 SECONDS EAST, A CHORD LENGTH OF 102.06 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882";

THENCE NORTH 47 DEGREES 04 MINUTES 56 SECONDS EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 101.58 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882", BEING AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2240.00 FEET;

THENCE ALONG SAID CURVE TO THE LEFT, AND IN A NORTHEASTERLY DIRECTION, THROUGH A CENTRAL ANGLE OF 02 DEGREES 38 MINUTES 14 SECONDS, AN ARC LENGTH OF 103.10 FEET, AND HAVING A LONG CHORD WHICH BEARS NORTH 45 DEGREES 45 MINUTES 49 SECONDS EAST, A CHORD LENGTH OF 103.09 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882";

THENCE NORTH 44 DEGREES 26 MINUTES 42 SECONDS EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 59.86 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" FOR THE NORTH CORNER OF SAID CALLED 1.3693 ACRE TRACT;

THENCE SOUTH 45 DEGREES 22 MINUTES 11 SECONDS EAST, DEPARTING SAID COMMON LINE, AND ALONG THE NORTHEAST LINE OF SAID CALLED 1.3693 ACRE TRACT, A DISTANCE OF 211.33 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" FOR THE UPPER EAST CORNER OF SAID CALLED 1.3693 ACRE TRACT;

THENCE SOUTH 03 DEGREES 09 MINUTES 09 SECONDS WEST, ALONG THE EAST LINE OF SAID CALLED 1.3693 ACRE TRACT, A DISTANCE OF 35.17 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" FOR THE LOWER EAST CORNER OF SAID CALLED 1.3693 ACRE TRACT;

THENCE SOUTH 43 DEGREES 04 MINUTES 34 SECONDS WEST, ALONG THE SOUTHEAST LINE OF SAID CALLED 1.3693 ACRE TRACT, A DISTANCE OF 225.51 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" FOR THE SOUTHERNMOST CORNER OF SAID CALLED 1.3693 ACRE TRACT, SAME BEING THE EAST CORNER OF SAID LOT 1-7;

THENCE SOUTH 43 DEGREES 09 MINUTES 19 SECONDS WEST, ALONG THE SOUTHEAST LINE OF SAID LOT 1-7, AT A DISTANCE OF 133.48 FEET, PASSING THE WESTERNMOST ADDITION CORNER OF SUMMERCREST ADDITION, PHASE V, AN ADDITION TO THE CITY OF BURLESON, ACCORDING TO THE PLAT RECORDED IN VOLUME 5, PAGE 93, PLAT RECORDS, JOHNSON COUNTY, TEXAS, SAME BEING THE NORTHERNMOST ADDITION CORNER OF SAID CREEKSIDE ADDITION, PHASE IV, AND CONTINUING ALONG SAID SOUTHEAST LINE, BEING COMMON WITH THE NORTHWEST LINE OF SAID CREEKSIDE ADDITION, PHASE IV, A TOTAL DISTANCE OF 523.79 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 4.383 ACRES (190,926 SQUARE FEET) OF LAND, MORE OR LESS.

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services
FROM: Lidon Pearce, Principal Planner
MEETING: February 25, 2025

SUBJECT:

3225 S Burleson BLVD (Case 25-016): Hold a public hearing and consider and take possible action on a zoning ordinance change request from defaulted "A, Agricultural" to "C, Commercial. (*Staff Contact: Lidon Pearce, Principal Planner*)

SUMMARY:

On January 21, 2025, an application was submitted by Steven Everitt, executor of the JD Everitt estate(owner) for a zoning change request on approximately 4.091 acres of land for future development in accordance with the C, Commercial zoning district and the IH-35 overlay corridor.

Development Overview:

This site is located within the IH-35 corridor overlay specific area 5 (FM 917 Interchange). If the zoning is approved, any new development and land usage would occur in accordance with the C, Commercial zoning district and the IH-35 overlay specific plan area 5. A commercial site plan, platting, and engineering civil construction reviews will be required prior to any new development at the site.

This site is designated in the Comprehensive Plan as Regional Office/ Commercial.

This land use category is intended for uses with regional emphasis due to the area's high visibility. Uses such as large retail centers, hotels, restaurants, and corporate or professional offices are encouraged in this category. Corresponding zoning districts may include GR, General Retail and C, Commercial.

Staff supports the zoning request as the C, Commercial zoning district conforms to the Comprehensive Plan and development will occur in accordance with the IH-35 overlay and design standards.

RECOMMENDATION:

Recommend approval of the ordinance to City Council (Case 25-016).

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

N/A

REFERENCE:

[City of Burleson, TX ZONING DISTRICTS](#)

[City of Burleson, TX OVERLAY ZONING DISTRICTS](#)

FISCAL IMPACT:

N/A

STAFF CONTACT:

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

ZC – 3225 S Burleson BLVD

Item C.

Location:

- 3225 S Burleson BLVD
- IH-35 overlay specific area 5

Applicant:

Steven Everitt (executor of JD Everitt estate)

Item for approval:

Zoning Change from "A" Agricultural to "C" Commercial (Case 25-016)



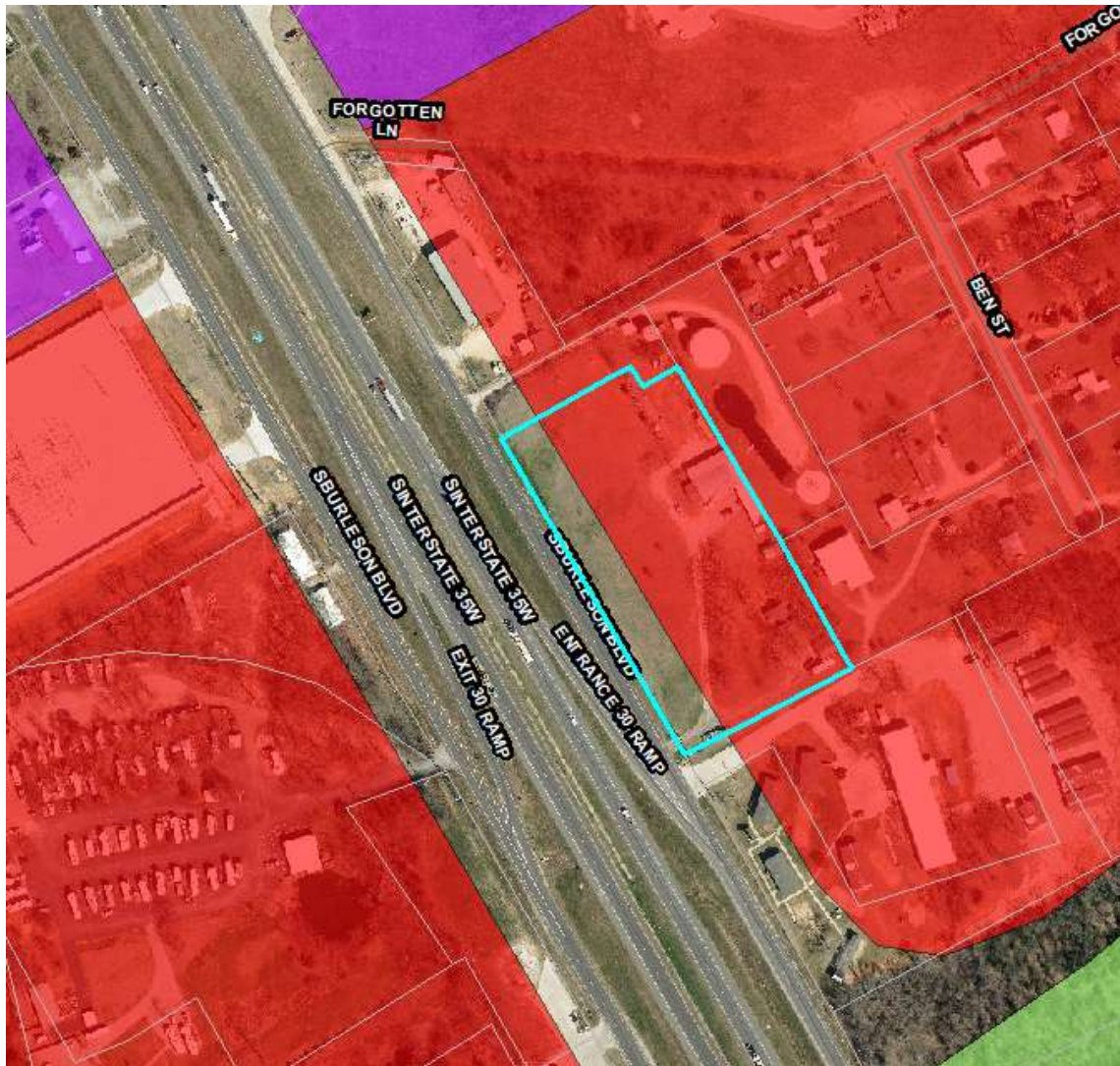
Comprehensive Plan

Regional Office / Commercial

Zoning

A, Agricultural

Item C.



ZC – 3225 S Burleson BLVD

Item C.

Land Use Category	1. SPINKS S	2. HURST T	3. HCDC	4. BP	5. FM917
Apartment, studio or loft	.	.	.	.	.
Automobile sales (new or used)	S	S	S	S	S
Automotive fuel sales	S	S	S	.	.
Bakery	.	.	.	.	.
Banks	.	.	.	.	.
Catering services	.	.	.	.	.
Bulk distribution center	S			.	.
College or university	.	.	.	.	.
Conference facilities	.	.	.	.	.
Contractor office with storage yard	S			S	S
Corporate office	.	.	.	.	.
Day care	.	.	.	.	.
Delicatessen	.	.	.	.	.
Dry cleaner	.	.	.	.	.
Financial services	.	.	.	.	.
Health services office, clinic or laboratory	.	.	.	.	.
Health or fitness club	.	.	.	.	.
Hotels	.	.	.	.	.
Kennel (indoor)	S	S	S	S	S
Mini-warehouse/self storage facility	S	S	S	S	S
Municipal offices	.	.	.	.	.
Museum	.	.	.	.	.
Parking garage	.	.	.	.	.
Pharmacy	.	.	.	.	.
Postal and reprographic service	.	.	.	.	.
Professional services	.	.	.	.	.
Recreational and sports facilities	S	.	.	.	.
Restaurants	.	.	.	.	.
Restaurants with drive-thru or drive in service	S	S	S	.	.
Salvage yards	S			S	S
School, business or trade	.	.	.	.	.
Swimming, tennis or sports club	.	.	.	.	.
Theater, drive in					.
Theater, movie or performance	.	.	.	.	.
Townhouse	.	.	.	.	.
Training facilities or classrooms	.	.	.	.	.
Travel agency	.	.	.	.	.
Wireless communications facility (monopole)	S	S	S	S	S

ZC – 3225 S Burleson BLVD

Item C.



ZC – 3225 S Burleson BLVD

Public Hearing Notice

- Public notices were mailed to property owners (based on current JCAD records) within 300 feet of subject property
- Published in newspaper
- Signs Posted on the property



ZC – 3225 S Burleson BLVD

Item C.

Staff's Recommendation

- Staff recommends approval of an ordinance for the zoning change request to “C, Commercial”
- Commercial district conforms with the Comprehensive Plan, additionally the site is subject IH-35 design standards and overlay specific area 5.



Ordinance

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 4.091 ACRES OF LAND OUT OF THE T.W. BUNDWICK SURVEY, ABSTRACT NO. 77, DESCRIBED IN THE DEED RECORDED UNDER VOLUME 513, PAGE 654, DEED RECORDS JOHNSON COUNTY, TEXAS (D.R.J.C.T) FROM DEFAULTED "A" AGRICUTURAL TO "C" COMMERCIAL, ADDRESSED AS 3225 S BURLESON BLVD, MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City Council passed, approved, and adopted Ordinance B-582, being the Zoning Ordinance and Map of the City of Burleson, Texas, showing the locations and boundaries of certain districts, as amended, and codified in Appendix B of the City of Burleson Code of Ordinances (2005) (the "Zoning Ordinance and Map"); and

WHEREAS, an application for a zoning change was filed by **Steven Everitt** on **January 21, 2025**, under **Case Number 25-016**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to rezone and reclassify said property from its current zoning classification; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas voted **X to 0** to recommend XX to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **Agricultural (A)** to **Commercial (C)**; and

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

the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

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

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

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

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

Section 1 MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land described as approximately 4.091 ACRES OF LAND OUT OF THE T.W. BUNDWICK SURVEY, ABSTRACT NO. 77, DESCRIBED IN THE DEED RECORDED UNDER VOLUME 513, PAGE 654, Deed Records, Johnson County, Texas, included on Exhibit A, from defaulted A, Agricultural to C, Commercial for the property addressed as 3225 S Burleson BLVD, which are incorporated herein as Exhibit B, being attached hereto and incorporated herein by reference for all purposes.

Section 2.

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

Section 3.

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

Section 4.

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas,

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

Section 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable., and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6.

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

Section 7.

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

Section 8.

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

PASSED AND APPROVED:

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

City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A Property Description

PROPERTY DESCRIPTION

BEING a tract of land out of the T.W. Bundwick Survey, Abstract Number 77, in the City of Burleson, Johnson County, Texas, and being that same tract of land described by deed to Joe D. Everitt and Martha N. Everitt as recorded under Volume 513, Page 654, Deed Records, Johnson County, Texas, (D.R.J.C.T.), the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83)):

BEGINNING at a 1/2 inch rebar found for the east corner of said Everitt tract and the herein described tract;

THENCE South 63 degrees 38 minutes 01 seconds West, with the southeast line of said Everitt tract, a distance of 283.75 feet to a 1/2 inch rebar with pink cap stamped, "BARTON CHAPA" set (hereinafter called "capped rebar set") for the south corner thereof;

THENCE North 29 degrees 37 minutes 12 seconds West, with the southwest line of said Everitt tract, a distance of 622.59 feet to a capped rebar set for the westernmost corner thereof, same being the south corner of the "Second Tract" of land described by deed to Bethesda Water Supply Corporation as recorded under Volume 499, Page 398, (D.R.J.C.T.);

THENCE North 61 degrees 42 minutes 23 seconds East, with the southeast line of said "Second Tract", a distance of 223.00 feet to a point for the east corner thereof, same being in the southwest line of the "First Tract" as described by said deed to Bethesda Water Supply Corporation;

THENCE South 28 degrees 17 minutes 37 seconds East, with the southwest line of said "First Tract", a distance of 55.00 feet to a 4 inch metal fence corner post found for the south corner thereof;

THENCE North 61 degrees 42 minutes 33 seconds East, with the southeast line of said "First Tract", a distance of 75.00 feet to a 4 inch metal fence corner post found for the east corner thereof, from which a 1 inch iron pipe found for the north corner of said "First Tract" bears North 28 degrees 17 minutes 37 seconds West, a distance of 75.00 feet;

THENCE South 28 degrees 17 minutes 37 seconds East, with the northeast line of said Everitt tract, a distance of 576.96 feet, returning to the **POINT OF BEGINNING** and enclosing 4.091 acres (178,224 square feet) of land, more or less.

