



Planning & Zoning Commission Agenda

Tuesday, December 13, 2022
6:30 PM

City Hall - 141 W. Renfro
Burleson, TX 76028

1. Call to Order

Invocation

Pledge of Allegiance

2. Citizen Appearances

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

3. Consent Agenda

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

A. Consider approval of the minutes from November 15, 2022 Planning & Zoning Regular Commission meeting and Planning & Zoning Special Session Commission meeting. (Staff Contact: Tony McIlwain, Director Development Services).

B. Replat of A.P. Ranch, Lots 1R and 2, Block 1, located directly west of County Road 803 with an approximate address of 5629 CR 803, within the Extraterritorial Jurisdiction of the City of Burleson. (Case 22-127): Consider approval of a Replat for A.P. Ranch. (Staff Contact: JP Ducay, Senior Planner).

C. Final plat of Bear Ridge – Phase 1A, located at 2325 SW Wilshire Blvd (Case 22-113): Consider approval for a final plat of Bear Ridge, Phase 1A. (Staff Contact: Lindon Pearce, Senior Planner).

4. Public Hearing

A. **QuikTrip at 449 E Renfro (Case 22-105):** Hold a public hearing and consider an ordinance for a zoning change request from "PD", Planned Development, to "GR" General Retail with a

SUP, Specific Use Permit, allowing "Automobile fuel sales" in specific plan area 1, "Spinks" of the IH35 Overlay district. (Staff Presenter: Lidon Pearce, Senior Planner)

B. QuikTrip at 449 E Renfro (Case 22-106): Hold a public hearing and consider a site plan for QuikTrip with waivers to the IH35 parking setback, Section 5-51, Article V of Appendix C, IH35 Design Standards, and the minimum driveway spacing, Section 5.5 – Streets and Site Standards, Table 1 of the Engineering Design Manual. (Staff Presenter: Lidon Pearce, Senior Planner)

C. 4139 S Burleson Blvd (Case 22-122): Hold a public hearing and consider approval of an ordinance for a zoning change request from "A", Agricultural to "PD", Planned Development for a 4.13 acre site. (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 and start time for calendar year 2023. (22-137)

6. Community Interest Items

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

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

7. Recess into Executive Session

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

Pursuant to Sec. 551.071 consultation with its Attorney:

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

Pursuant to Sec 551.087 Deliberation regarding Economic Development

Negotiations The Planning and Zoning Commission may discuss or deliberate regarding commercial or financial information received from a business prospect that the City Of Burleson seeks to have locate, stay or expand in or near the City and which the City is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to a business prospect; particularly, discussion with economic development specialist regarding potential economic incentive agreement for development of real property.

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 9th of December 2022, 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.

Approve the minutes from November 15, 2022 Planning & Zoning Special Session Commission meeting.



Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Peggy Fisher, Administrative Assistant Sr.

MEETING: December 13, 2022

SUBJECT:

Approve the minutes from November 15, 2022 Regular and Special Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the November 15, 2022 Regular and Special Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the November 15, 2022 Regular and Special Session of the Planning & Zoning Commission meeting.

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

None

FISCAL IMPACT:

None

STAFF CONTACT:

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

PLANNING AND ZONING COMMISSION

November 15, 2022
MINUTES

Roll Call

Commissioners Present

Adam Russell(Chair)
David Hadley
Dan Taylor
Cobi Tittle
Bill Janusch
Michael Tune
Clint Faram
Bobby Reading

Commissioners Absent

Staff

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

REGULAR SESSION

1. Call to Order – 6:30 PM

Invocation – Clint Faram

Pledge of Allegiance

2. Citizen Appearance

None

3. Consent Agenda

- A. Approve the minutes from October 25, 2022 Planning and Zoning Commission meeting.**
- B. Final Plat for Silo Mills Phase 1C, containing Lots 1-5, Block 2, Lots 9-19, Block W, located at the southeast intersection of FM 917 and CR**

1017, with an approximate address of 3817 W FM 917, in the City of Burleson and the City of Cleburne ETJ. (Case 22-140): Consider approval of a Final Plat for Silo Mills Phase 1C.

Motion made by Commissioner Dan Taylor and second by Commissioner Michael Tune to approve the consent agenda.

Motion passed, 8-0.

4. Public Hearing

- A. 2220 W FM 917 (Case 22-125):** Hold a public hearing and consider a zoning change request from “A”, Agricultural to “GR”, General Retail for a 13.20 acre site.

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

Commission Chairman Adam Russell opened the public hearing at 6:35 p.m.

Commission Chairman Adam Russell closed the public hearing at 6:35 p.m.

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

Motion passed, 8-0.

5. Reports and Presentations

None

6. Community Interest Items

None

7. Executive Session

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

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

Pursuant to Sec 551.087 Deliberation regarding Economic Development Negotiations The Planning and Zoning Commission may discuss or deliberate regarding commercial or financial information received from a business prospect that the City Of Burleson seeks to have locate, stay or expand in or near the City and which the City is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to a business prospect; particularly, discussion with economic development specialist regarding potential economic incentive agreement for development of real property.

8. Adjourn

There being no further business Chair Adam Russell adjourned the meeting.

Time – 6:36PM

Peggy Fisher
Administrative Assistant
Recording Secretary

PLANNING AND ZONING COMMISSION
SPECIAL SESSION MEETING

November 15, 2022
MINUTES

Roll Call

Commissioners Present

Adam Russell(Chair)
David Hadley
Dan Taylor
Cobi Tittle
Bill Janusch
Michael Tune
Clint Faram
Bobby Reading

Commissioners Absent

Staff

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

REGULAR SESSION

1. Call to Order – 6:45PM

2. Citizen Appearance

None

5. Reports and Presentations

- A. Receive a report and hold a discussion on local government zoning, development, and land use laws and regulations. (Staff Presenter: Matt Ribitzki, Deputy City Attorney/Compliance Manager)**

Matt Ribitzki made a training presentation to the Commissioners and answered questions.

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. Pursuant to Sec 551.087 Deliberation regarding Economic Development Negotiations The Planning and Zoning Commission may discuss or deliberate regarding commercial or financial information received from a business prospect that the City Of Burleson seeks to have locate, stay or expand in or near the City and which the City is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to a business prospect; particularly, discussion with economic development specialist regarding potential economic incentive agreement for development of real property.

8. Adjourn

There being no further business Chair Adam Russell adjourned the meeting.

Time – 7:58PM

Peggy Fisher
Administrative Assistant
Recording Secretary

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: JP Ducay, Senior Planner

MEETING: December 13, 2022

SUBJECT:

Replat of A.P. Ranch, Lots 1R and 2, Block 1, located directly west of County Road 803 with an approximate address of 5629 CR 803, within the Extraterritorial Jurisdiction of the City of Burleson. (Case 22-127): Consider approval of a Replat for A.P. Ranch.

SUMMARY:

On September 6, 2022, an application for a replat including 9.946 acres was submitted by Marcus Miller, with Lonestar Land Surveying (applicant) on behalf of James Hoe (Owner). The purpose of this replat is to subdivide one lot into two lots for single-family development. The application is administratively complete and meets the requirements of Appendix A – Subdivision and Development regulations.

OPTIONS:

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

RECOMMENDATION:

Staff recommends approval of the Replat of A.P. Ranch, Lots 1R and 2, Block 1, located directly west of County Road 803 with an approximate address of 5629 CR 803, within the Extraterritorial Jurisdiction of the City of Burleson. (Case 22-127)

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

None

PUBLIC NOTIFICATION:

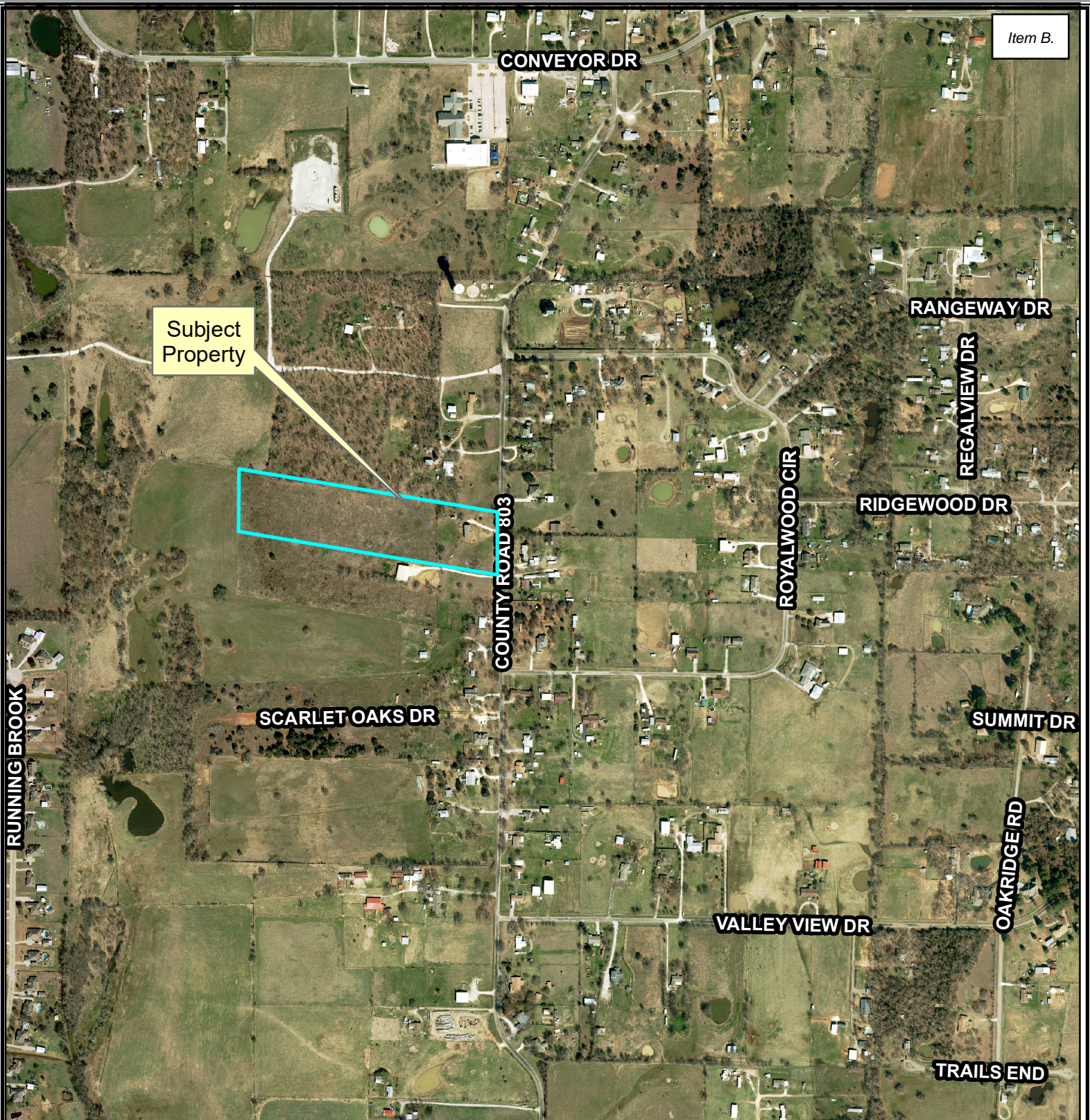
The Texas Local Government Code (LGC) requires property owners within 200 feet of a residential replat to receive a mailed notice post approval according to section 212.015 for the LGC.

Fiscal IMPACT:

None

STAFF CONTACT:

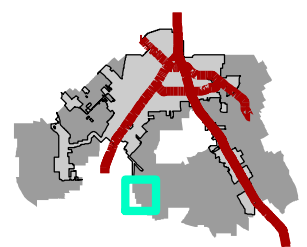
JP Ducay
Development Services – Senior Planner
jducay@burlesontx.com
817-426-9648



THE CITY OF
BURLESON
TEXAS

A.P. Ranch

**Replat
Case 22-127**



Vicinity Map

OWNER'S CERTIFICATE
STATE OF TEXAS
COUNTY OF JOHNSON

WHEREAS, **TNT FAMILY LEGACY WEALTH TRUST**, IS THE SOLE OWNER OF A 9.946 ACRE TRACT OF LAND SITUATED IN THE J. JENNINGS SURVEY, ABSTRACT NUMBER 457, JOHNSON COUNTY, TEXAS, AND BEING ALL OF LOT 1, BLOCK 1, A.P. RANCH, AN ADDITION TO JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 10, PAGE 824, PLAT RECORDS, JOHNSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID LOT 1, SAME BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 1, FANNING ADDITION, AN ADDITION TO JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 10, PAGE 850, PLAT RECORDS, JOHNSON COUNTY, TEXAS, AND BEING ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 803, A VARIABLE WIDTH RIGHT-OF-WAY;

THENCE NORTH 80 DEGREES 20 MINUTES 04 SECONDS WEST, ALONG THE SOUTH LINE OF SAID A.P. RANCH ADDITION, BEING COMMON WITH THE NORTH LINE OF SAID FANNING ADDITION AND THE NORTH LINE OF A CALLED 1.00 ACRE TRACT OF LAND DESCRIBED BY DEED TO DAVID S. RENCH AND PATRICIA C. RENCH, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2021-33954 AND THE NORTH LINE OF A CALLED 10.17 ACRE TRACT OF LAND (REMAINING PORTION) DESCRIBED BY DEED TO HENRY SYLVESTER PHILLIPS, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2013-3186, DEED RECORDS, JOHNSON COUNTY, TEXAS, RESPECTIVELY, A DISTANCE OF 1353.37 FEET, TO A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID A.P. RANCH ADDITION, SAME BEING THE NORTHWEST CORNER OF SAID CALLED 10.17 ACRE TRACT, AND BEING ON THE UPPER WEST LINE OF A CALLED 34.34 ACRE TRACT OF LAND DESCRIBED BY DEED TO BARNES FAMILY LIVING REVOCABLE TRUST, RECORDED IN VOLUME 2618, PAGE 1, DEED RECORDS, JOHNSON COUNTY, TEXAS;

THENCE NORTH 00 DEGREES 24 MINUTES 34 SECONDS EAST, DEPARTING SAID COMMON LINE AND ALONG THE WEST LINE OF SAID A.P. RANCH ADDITION, BEING COMMON WITH THE UPPER WEST LINE OF SAID CALLED 34.34 ACRE TRACT, A DISTANCE OF 324.58 FEET, TO A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID A.P. RANCH ADDITION, SAME BEING THE NORTHEAST CORNER OF SAID CALLED 34.34 ACRE TRACT, BEING ON THE SOUTH LINE OF A CALLED 51.5 ACRE TRACT OF LAND DESCRIBED BY DEED TO MAXINE CARLOCK, RECORDED IN VOLUME 4429, PAGE 859, DEED RECORDS, JOHNSON COUNTY, TEXAS;

THENCE SOUTH 80 DEGREES 18 MINUTES 55 SECONDS EAST, DEPARTING SAID COMMON LINE AND ALONG THE NORTH LINE OF SAID A.P. RANCH ADDITION, BEING COMMON WITH THE SOUTH LINE OF SAID CALLED 51.5 ACRE TRACT, AT A DISTANCE OF 1040.33 FEET, PASSING A 1/2" IRON ROD FOUND FOR REFERENCE, AND CONTINUING IN ALL 1353.54 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882" AT THE NORTHEAST CORNER OF SAID A.P. RANCH ADDITION, BEING ON THE WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 803;

THENCE SOUTH 00 DEGREES 25 MINUTES 34 SECONDS WEST, DEPARTING SAID COMMON LINE AND ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 324.11 FEET, TO THE **POINT OF BEGINNING**, AND CONTAINING 9.946 ACRES OR 433,266 SQUARE FEET OF LAND, MORE OR LESS.

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT JAMES ELLIOTT NOE AND SHILEY DEANN NOE, TRUSTEES, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN BEFORE DESCRIBED PROPERTY AS **LOTS 1R AND 2, BLOCK 1, A.P. RANCH**, AN ADDITION TO JOHNSON COUNTY, TEXAS, AND DOES HEREBY DEDICATE TO THE PUBLIC'S USE FOREVER ALL STREETS, RIGHTS-OF-WAY, ALLEYS AND EASEMENTS SHOWN THEREON. THE CITY, COUNTY, OR ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS IN WHICH ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THESE EASEMENTS, AND THE CITY, COUNTY, OR ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON THE SAID EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, AND PATROLLING, WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF BURLESON, TEXAS OR JOHNSON COUNTY.

JAMES ELLIOTT NOE

DATE ____/____/____.

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

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF SEPTEMBER, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SHELLEY DEANN NOE

DATE ____/____/____.

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

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF SEPTEMBER, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

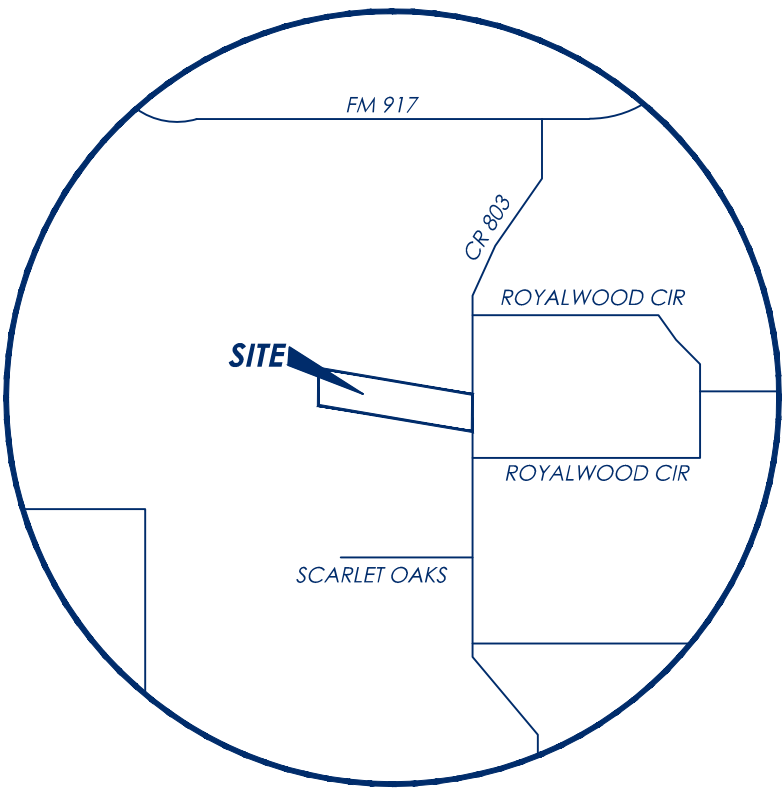
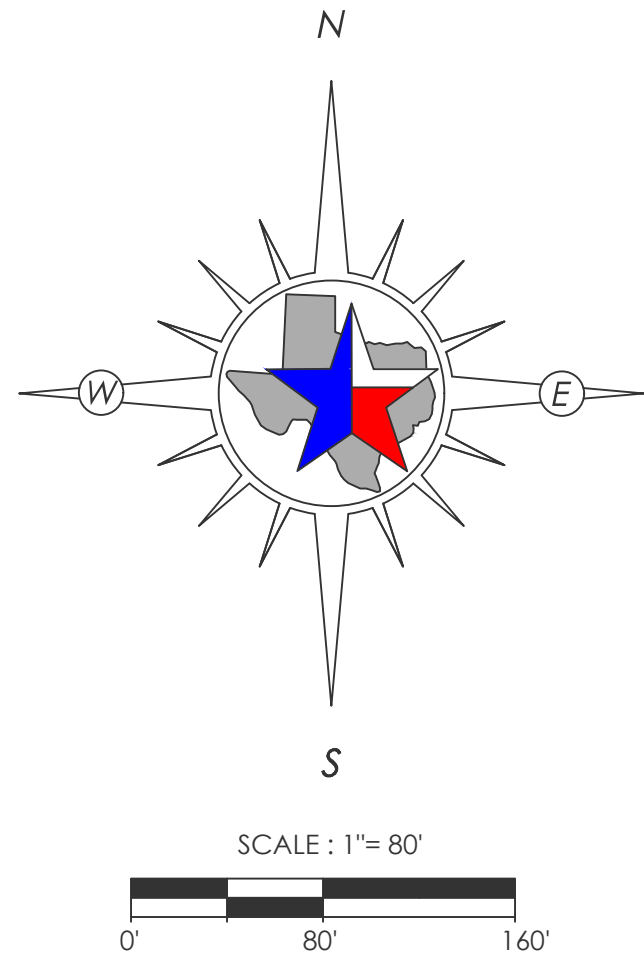
REPLAT
LOTS 1R AND 2, BLOCK 1
A.P. RANCH

BEING A REPLAT OF LOT 1, BLOCK 1, A.P. RACH
AN ADDITION TO JOHNSON COUNTY, TEXAS.
PREPARED: NOVEMBER, 2022

2 LOTS LOCATED WITHIN THE ETJ OF THE CITY OF
BURLESON, TEXAS.
CASE: 22-127



—LONESTAR—
LAND SURVEYING, LLC
TBPELS FIRM# 10194707
3521 SW WILSHIRE BLVD.,
JOSHUA, TX 76058
817-935-8701
MARSHALL.MILLER@LONESTARLANDSURVEYING.COM



SURVEYOR'S CERTIFICATION

I, MARSHALL W. MILLER, 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 PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BURLESON, TEXAS.

EXECUTED THIS THE ____ DAY OF NOVEMBER, 2022.

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.*

MARSHALL W MILLER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6882

APPROVED BY THE PLANNING AND ZONING COMMISSION
OF BURLESON, TEXAS

THIS THE ____ DAY OF _____, 2022.

BY: _____
CHAIR OF PLANNING AND ZONING COMMISSION

BY: _____
CITY SECRETARY

JOHNSON COUNTY APPROVAL BLOCK

PLAT FILED YEAR _____, INST. NO. _____.

SLIDE _____, VOL. _____, PG. _____.

JOHNSON COUNTY PLAT RECORDS

COUNTY CLERK, JOHNSON COUNTY, TEXAS

PROJECT NUMBER: 220719

REVISED DATE:

REVISION NOTES:

DATE: NOVEMBER 10, 2022

SHEET 1 OF 1

STANDARD NOTES

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

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

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

4. ON-SITE SEWAGE FACILITY PERFORMANCE CANNOT BE GUARANTEED EVEN THOUGH ALL PROVISIONS OF THE RULES OF JOHNSON COUNTY, TEXAS FOR PRIVATE SEWAGE FACILITIES ARE COMPLIED WITH.

5. INSPECTION AND/OR ACCEPTANCE OF A PRIVATE SEWAGE FACILITY BY THE JOHNSON COUNTY PUBLIC WORKS DEPARTMENT SHALL INDICATE ONLY THAT THE FACILITY MEETS MINIMUM REQUIREMENTS AND DOES NOT RELIEVE THE OWNER OF THE PROPERTY FROM COMPLYING WITH COUNTY, STATE AND FEDERAL REGULATIONS. PRIVATE SEWAGE FACILITIES, ALTHOUGH APPROVED AS MEETING MINIMUM STANDARDS, MUST BE UPGRADED BY THE OWNER AT THE OWNER'S EXPENSE IF NORMAL OPERATION OF THE FACILITY RESULTS IN OBJECTIONABLE ODORS, IF UNSANITARY CONDITIONS ARE CREATED, OR IF THE FACILITY WHEN USED DOES NOT COMPLY WITH GOVERNMENTAL REGULATIONS.

6. A PROPERLY DESIGNED AND CONSTRUCTED PRIVATE SEWAGE FACILITY SYSTEM, IN SUITABLE SOIL, CAN MALFUNCTION IF THE AMOUNT OF WATER IT IS REQUIRED TO DISPOSE OF IS NOT CONTROLLED. IT WILL BE THE RESPONSIBILITY OF THE LOT OWNER TO MAINTAIN AND OPERATE THE PRIVATE SEWAGE FACILITY IN A SATISFACTORY MANNER.

7. ANY PUBLIC UTILITY, INCLUDING JOHNSON COUNTY, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION OR MAINTENANCE, OR EFFICACY OF ITS RESPECTIVE SYSTEMS IN ANY OF THE EASEMENTS SHOWN ON THE PLAT; AND ANY PUBLIC UTILITY, INCLUDING JOHNSON COUNTY, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.

8. A MINIMUM OF 1 ACRE PER RESIDENTIAL STRUCTURE IS REQUIRED FOR ON-SITE SEWAGE FACILITIES (SEPTIC SYSTEMS). IF MORE THAN ONE STRUCTURE IS PROPOSED FOR CONSTRUCTION ON A LOT IN THE FUTURE, RE-PLATTING MAY BE REQUIRED.

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

10. THE REQUIREMENT OF PUBLIC INFRASTRUCTURE WAS BASED ON THE UTILITY EXHIBIT DATED AUGUST 24, 2022 SUBMITTED WITH THIS PLAT FOR REVIEW TO THE CITY OF BURLESON. ANY ADDITIONAL STRUCTURES PROPOSED ON THIS PROPERTY MAY REQUIRE THE EXISTING WATER LINES TO BE IMPROVED AND A FIRE HYDRANT(S) INSTALLED FOR FIRE PROTECTION. PLEASE CONTACT THE CITY OF BURLESON'S DEVELOPMENT SERVICES DEPARTMENT PRIOR TO ANY DEVELOPMENT PERMIT ISSUED.

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

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

13. THE SOLE PURPOSE OF THIS REPLAT IS TO SUBDIVIDE LOT 1 INTO 2 SEPARATE LOTS.

14. WATER PROVIDER - BETHESDA WATER SUPPLY CORP. (817)295-2131
ELECTRIC PROVIDER - UNITED COOPERATIVE SERVICES (817) 447-9292
FIRE PROTECTION - JOHNSON COUNTY ESD #1 (817) 556-2212

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

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

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

18. FOR ALL SINGLE-FAMILY DETACHED AND DUPLEX RESIDENCES, EXCLUDING TOWNHOUSES AND APARTMENTS, FIRE HYDRANTS SHALL BE SPACED TO HAVE A FIRE HOSE LAYING DISTANCE OF NO GREATER THAN 500 FEET. THE FIRE HOSE LAYING DISTANCE IS MEASURED BY THE LAYING OF FIRE APPARATUS HOSE LINES ALONG THE RIGHT-OF-WAY OR ACCESS EASEMENTS FROM THE NEAREST WATER SUPPLY ON A STREET TO THE MAIN ENTRANCE OF THE BUILDING.

19. FOR COMMERCIAL BUILDINGS, FIRE HYDRANTS SHALL BE SPACED TO HAVE A FIRE HOSE LAY DISTANCE OF NO GREATER THAN 300 FEET. THE FIRE HOSE LAYING DISTANCE IS MEASURED BY THE LAYING OF FIRE APPARATUS HOSE LINES ALONG THE RIGHT-OF-WAY OR ACCESS EASEMENTS FROM THE NEAREST WATER SUPPLY ON A STREET TO THE MAIN ENTRANCE OF THE BUILDING.

20. THE MINIMUM FIRE FLOW REQUIREMENTS FOR ONE- AND TWO-FAMILY DWELLINGS HAVING A FIRE-FLOW CALCULATION AREA WHICH DOES NOT EXCEED 3,600 SQUARE FEET SHALL BE 1,500 GALLONS PER MINUTE. FIRE FLOW AND FLOW DURATION FOR DWELLINGS HAVING A FIRE-FLOW CALCULATION AREA IN EXCESS OF 3,600 SQUARE FEET SHALL NOT BE LESS THAN THAT SPECIFIED IN TABLE B105.1 OF THE MOST CURRENT ADOPTED INTERNATIONAL FIRE CODE.

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

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

23. ALL BUILDINGS OR STRUCTURES SHALL BE CONSTRUCTED SUCH THAT ALL GROUND LEVEL, EXTERIOR SIDES OF THE BUILDING ARE WITHIN 150 FEET OF A DEDICATED STREET OR FIRE LANE. IF THE 150 FEET CANNOT BE REACHED FROM A PUBLIC STREET, A FIRE LANE CAPABLE OF SUPPORTING 80,000 LBS SHALL BE REQUIRED ON SITE AT TIME OF CONSTRUCTION.

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

FLOOD STATEMENT

ACCORDING TO COMMUNITY PANEL NUMBER 48251C01801, DATED AUGUST 4, 2012, THIS PROPERTY LIES WITHIN ZONE "X" WHICH IS NOT A SPECIAL FLOOD HAZARD AREA. IF THIS SITE IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA, THIS STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS AUGUST BE INCREASED BY MAN MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

OWNER(S)
JAMES AND SHELLEY NOE
5629 COUNTY ROAD 803
JOSHUA, TX 76058

LEGEND
D.R./C.T. = DEED RECORDS, JOHNSON COUNTY, TEXAS
P.R./C.T. = PLAT RECORDS, JOHNSON COUNTY, TEXAS
CC# = COUNTY CLERK'S FILE NUMBER
IRF = IRON ROD FOUND
RS = 5/8" CAPPED IRON ROD SET STAMPED "REALSEARCH"
JCSUD = JOHNSON COUNTY SPECIAL UTILITY DISTRICT

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: December 13, 2022

SUBJECT:

Final plat of Bear Ridge – Phase 1A, located at 2325 SW Wilshire Blvd (Case 22-113):

Consider approval for a final plat of Bear Ridge, Phase 1A.

SUMMARY:

On November 14, 2022, an application was submitted by Matt Powell representing DFW Geodesy on behalf of the owner (Walter Matyastik) for a final plat of approximately 33.407 acres for Phase 1A of the Bear Ridge subdivision.

Development Overview:

This development is proposing to construct 75 Single-family dwelling district-7, SF7 lots and 3 Commercial, C lots. Additionally, the plat contains .7 acres of open space and 11.7 acres of right-of-way. An approved commercial site plan will be required prior to the construction of structures on the commercially zoned lots. The proposed final plat meets the minimum lot size for each zoning district. The plat is administratively complete and meets the requirements of Appendix A – Subdivision and Development Regulations.

Engineering:

Prior to development of the site, civil engineering reviews will be required.

OPTIONS:

- 1) Approve the final plat; or
- 2) Deny the final plat

RECOMMENDATION:

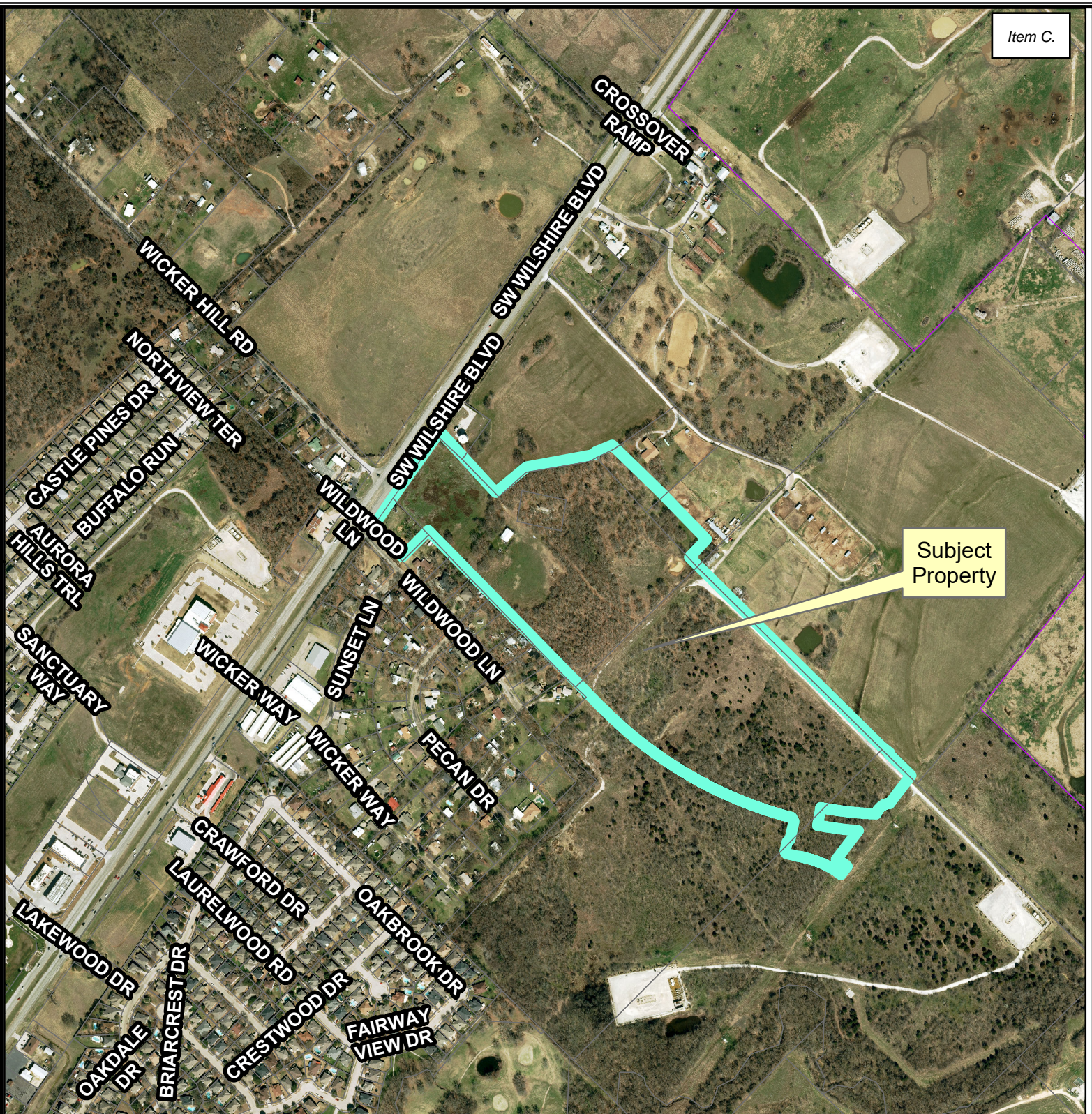
Recommend approval of the final plat for Bear Ridge – Phase 1A, located at 2325 SW Wilshire Blvd (Case 22-113).

Fiscal IMPACT:

None.

STAFF CONTACT:

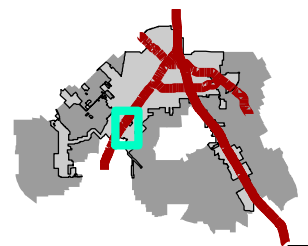
Lidon Pearce
Senior Planner
lpearce@burlesontx.com
817-426-9649



Bear Ridge - Phase 1A
Final Plat
Case 22-113



THE CITY OF
BURLESON
TEXAS



Vicinity Map



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. 48251C0180J DATED DECEMBER 4, 2012, THE SUBJECT PROPERTY IS LOCATED WITHIN THE FOLLOWING FLOOD ZONE:

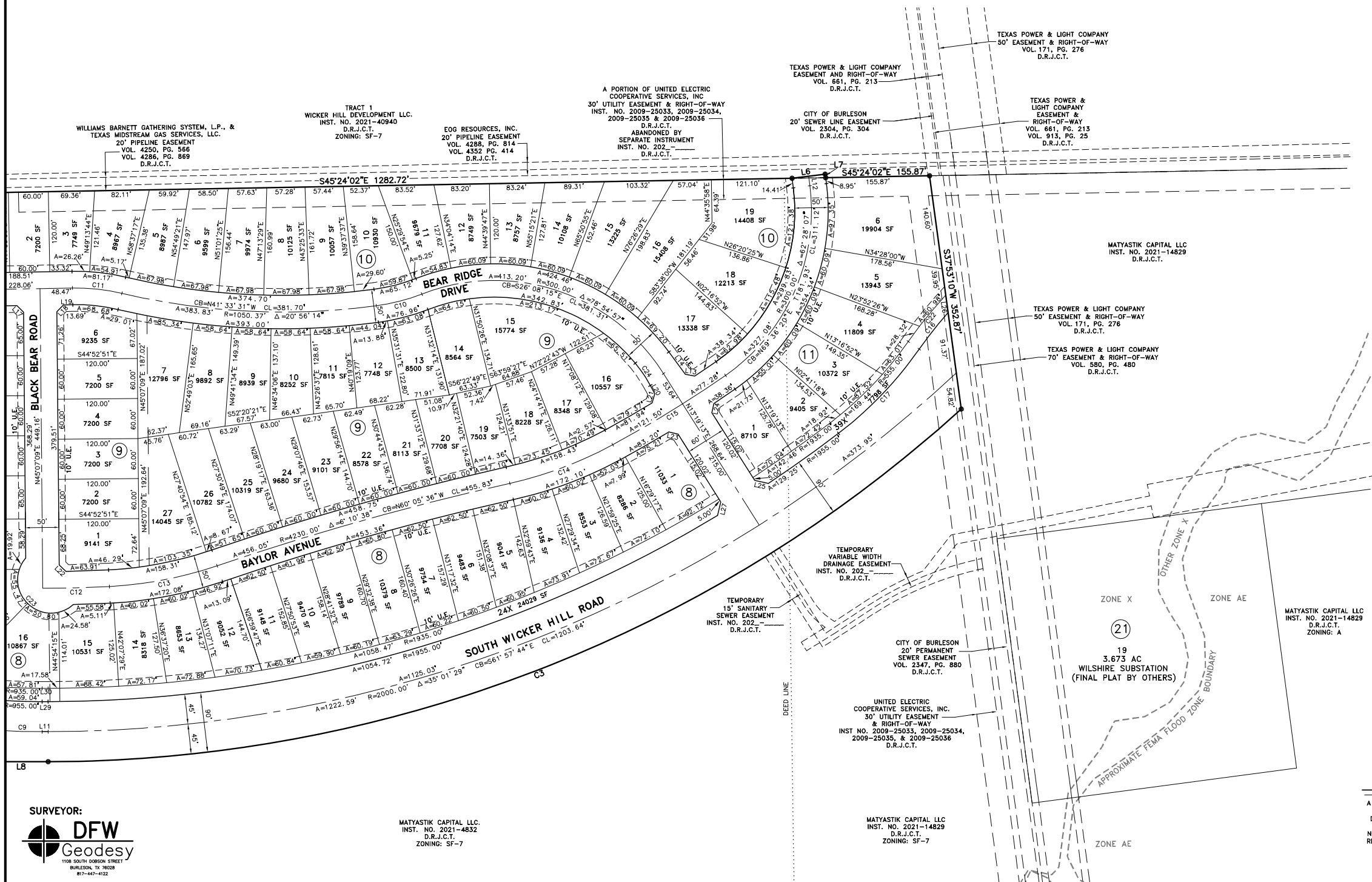
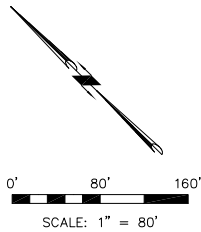
ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

UTILITIES SERVICING SITE:

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

LEGEND

- D.E. — DRAINAGE EASEMENT
R.A.E. — RECIPROCAL ACCESS EASEMENT
U.E. — UTILITY EASEMENT
① — BLOCK #
● — 1/2" IRON ROD SET WITH CAP STAMPED "RPLS 5544" UNLESS OTHERWISE NOTED

**NOTES:**

- ALL OF THIS PROPERTY LIES WITHIN THE CITY OF BURLESON CITY LIMITS.
- NO DIRECT RESIDENTIAL ACCESS TO SOUTH WICKER HILL ROAD WILL BE PERMITTED.
- NO FENCES OR OTHER STRUCTURES WILL BE ALLOWED WITHIN DRAINAGE EASEMENTS.
- THE CITY OF BURLESON RESERVES THE RIGHT TO REQUIRE MINIMUM FINISH FLOOR ELEVATION SHOWN 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.
- THE CITY OF BURLESON IS NOT RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY STORM WATER 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 NONPERFORMANCE 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 LOTS 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 NONPERFORMANCE 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 LOTS ABUTTING, ADJACENT OR SERVED BY THE FEATURE THE FULL OBLIGATION AND RESPONSIBILITY OF MAINTAINING AND OPERATING SAID FEATURE.
- VISIBILITY EASEMENTS AS REQUIRED BY CITY OF BURLESON DESIGN STANDARDS, SHALL BE DEDICATED AT THE INTERSECTIONS OF ALL PUBLIC STREETS ON FINAL PLATS.
- 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.
- 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.
- THE MINIMUM FIRE FLOW REQUIREMENTS FOR ONE- AND TWO-FAMILY DWELLINGS HAVING A FIRE-FLOW CALCULATION AREA WHICH DOES NOT EXCEED 3,600 SQUARE FEET SHALL BE 1,500 GALLONS PER MINUTE. FIRE FLOW AND FLOW DURATION FOR DWELLINGS HAVING A FIRE-FLOW CALCULATION AREA IN EXCESS OF 3,600 SQUARE FEET SHALL NOT BE LESS THAN THAT SPECIFIED IN TABLE B105.1 OF THE MOST CURRENT ADOPTED INTERNATIONAL FIRE CODE.
- ALL FIRE HYDRANTS MUST PROVIDE A MINIMUM OF 35 PSI STATIC PRESSURE AND A 20 PSI RESIDUAL PRESSURE.
- THE MINIMUM FIRE FLOW AND FLOW DURATION FOR BUILDINGS OTHER THAN ONE-AND TWO-FAMILY DWELLING SHALL BE AS SPECIFIED THE MOST CURRENT ADOPTED INTERNATIONAL FIRE CODE.

FINAL PLAT
BEAR RIDGE — PHASE 1A

LOT 1R1, BLOCK 1, LOTS 1-2, BLOCK 2,
LOTS 1-23 & 24X, BLOCK 8, LOTS 1-27, BLOCK 9
LOTS 1-19, BLOCK 10, LOTS 1-6 & 39X, BLOCK 11
CONSISTING OF 33.407 ACRES
CITY OF BURLESON, JOHNSON COUNTY, TEXAS

A TRACT OF LAND SITUATED IN THE H.G. CATLETT SURVEY, ABSTRACT NO. 179 AND IN THE H.G. CATLETT SURVEY, ABSTRACT NO. 184, JOHNSON COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO WALTER MATYASTIK AND SPOUSE, DANA MATYASTIK IN THAT DEED RECORDED IN VOLUME 2859, PAGE 864, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), TOGETHER WITH ALL OF THAT TRACT OF LAND CONVEYED TO MATYASTIK CAPITAL LLC IN THAT DEED RECORDED IN INSTRUMENT NO. 2021-14829, D.R.J.C.T., TOGETHER WITH ALL OF THAT TRACT OF LAND CONVEYED TO MATYASTIK CAPITAL LLC IN THAT DEED RECORDED IN INSTRUMENT NO. 2021-14832, D.R.J.C.T., TOGETHER WITH A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS TRACT 1 AND CONVEYED TO WICKER HILL DEVELOPMENT LLC. IN THAT DEED RECORDED IN INSTRUMENT NO. 2021-40940, D.R.J.C.T. AND TOGETHER WITH ALL OF LOT 1 AND 2, BLOCK 1, WILLOW ESTATES, AN ADDITION TO JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 429, PAGE 643, PLAT RECORDS, JOHNSON COUNTY, TEXAS,

11/08/22

CASE NO. 22-113
SHEET 2 OF 2

DFW JOB NUMBER

2020095-12

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: December 13, 2022

SUBJECT:

QuikTrip at 449 E Renfro (Case 22-105): Hold a public hearing and consider an ordinance for a zoning change request from "PD", Planned Development, to "GR" General Retail with a SUP, Specific Use Permit, allowing "Automobile fuel sales" in specific plan area 1, "Spinks" of the IH35 Overlay district. *(Staff Presenter: Lidon Pearce, Senior Planner)*

SUMMARY:

On July 25, 2022, an application was submitted by Bryan Clark representing QuikTrip South LLC, on behalf of the owner (Stephen Eisner) for a zoning change request of approximately 1.5919 acres for a QuikTrip convenience store and fueling station.

Development Overview:

The property is currently in the Village Creek North Planned Development (attached as Exhibit 3) which currently does not allow for automobile fuel sales. The applicant has requested to rezone the property to GR, General Retail with a SUP for automobile fuel sales as required by the IH35 overlay district for a QuikTrip. The uses and site development will occur in accordance with City of Burleson Code of Ordinances, "GR", General Retail district zoning, and IH35 design standards. The applicant has concurrently submitted a commercial site plan (Case 22-106) for review and consideration, as required when a SUP is requested with a zoning change.

Zoning and Land Use Table

	Zoning	Use
Subject Site	PD, Planned Development	Undeveloped
North	PD, Planned Development	Undeveloped
East	PD, Planned Development	Multifamily
South	PD, Planned Development	Undeveloped
West	C, Commercial	Restaurant with drive-thru

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. Corresponding zoning districts include "GR", General Retail and "C", Commercial.

Staff supports a zoning change request to "GR", General Retail district based on the adjacent uses and conformance with the Comprehensive Plan.

Engineering:

Prior to development of the site, platting and engineering reviews will be required, in addition to TxDot review.

OPTIONS:

- 1) Recommend approval of an ordinance for a zoning change request and specific use permit for automobile fuel sales; or
- 2) Recommend approval of an ordinance for a zoning change request and specific use permit for automobile fuel sales with additional conditions; or
- 3) Recommend denial of the ordinance for a zoning change request;

RECOMMENDATION:

Recommend to City Council approval of an ordinance for a zoning change request and specific use permit for automobile fuel sales (Case 22-105).

Pending the approval or disapproval of the commercial site plan and requested waivers (Case 22-106), staff will update the attached site plan exhibit within the Ordinance prior to the signing of the ordinance. The updated site plan exhibit will conform to all conditions and/or waivers as granted and approved by City Council for Case 22-106.

Fiscal IMPACT:

None.

STAFF CONTACT:

Lidon Pearce
Senior Planner
lpearce@burlesontx.com
817-426-9649

QuikTrip– 449 E Renfro

Item A.

Location:

- 449 E Renfro
- 1.5919 acres

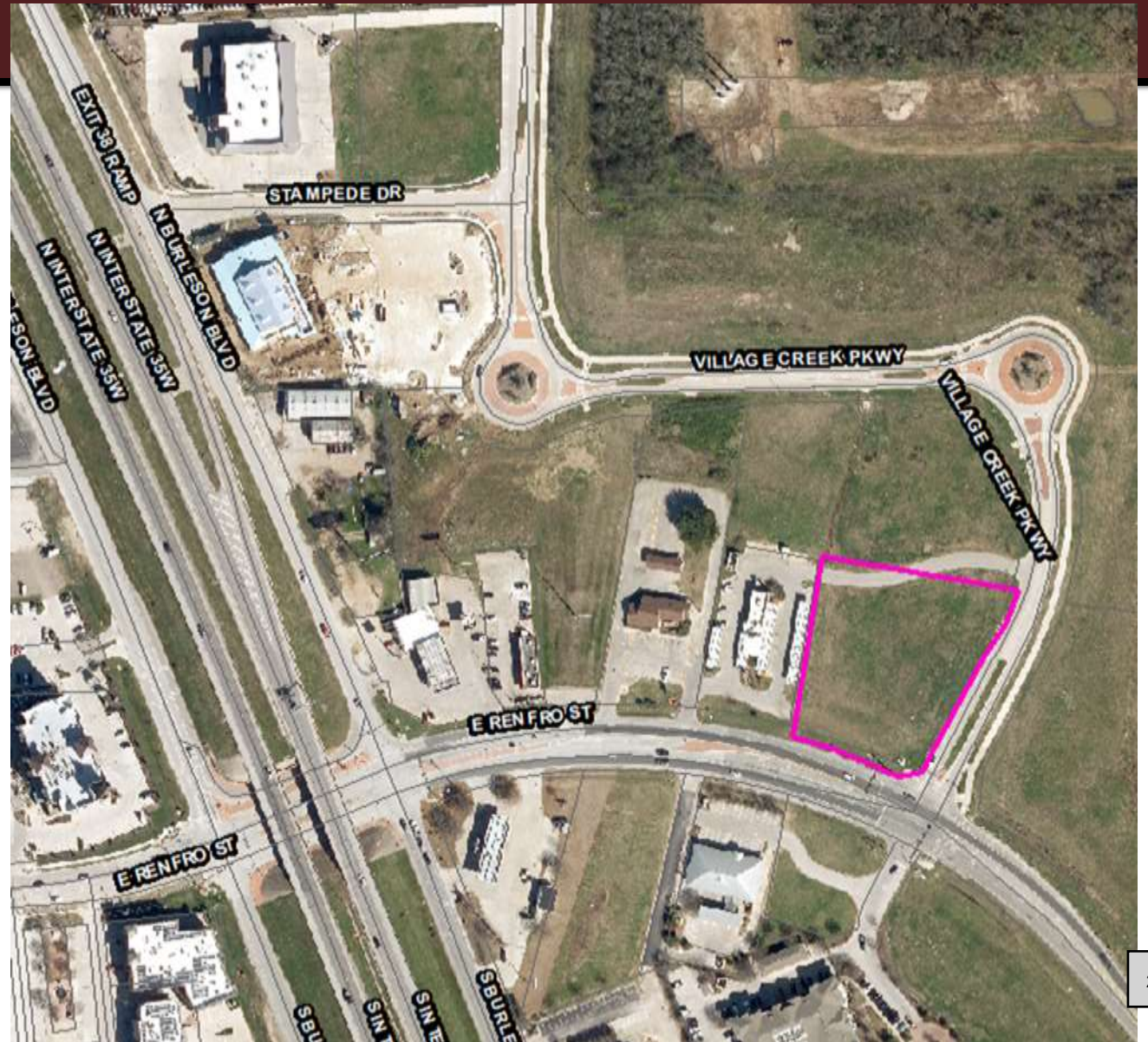
Applicant:

Bryan Clark

QuikTrip South LLC

Item for approval:

Zoning Change with a specific use permit for “automobile fuel sales”(Case22-105)



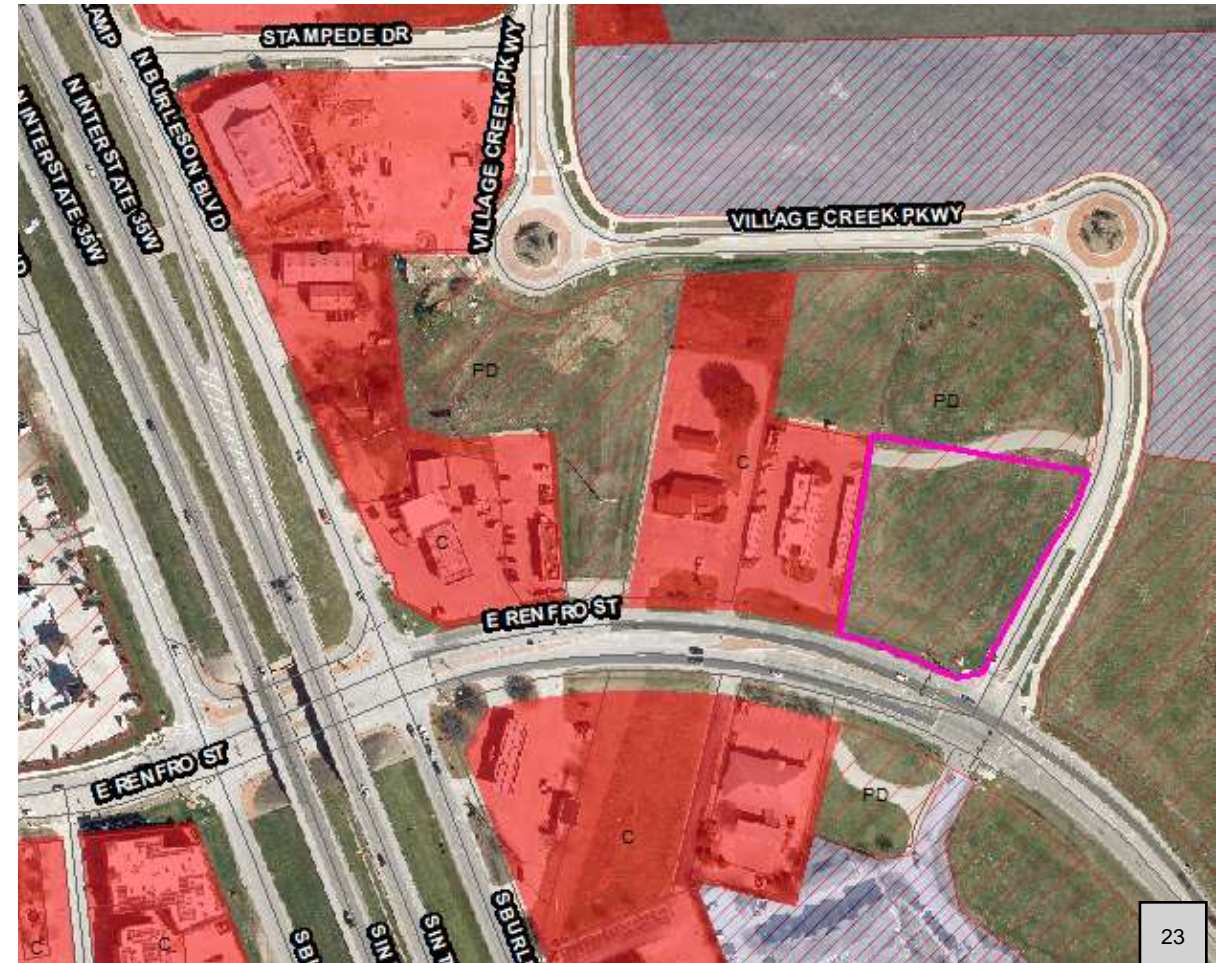
Comprehensive Plan

Regional Office/ Commercial

Zoning

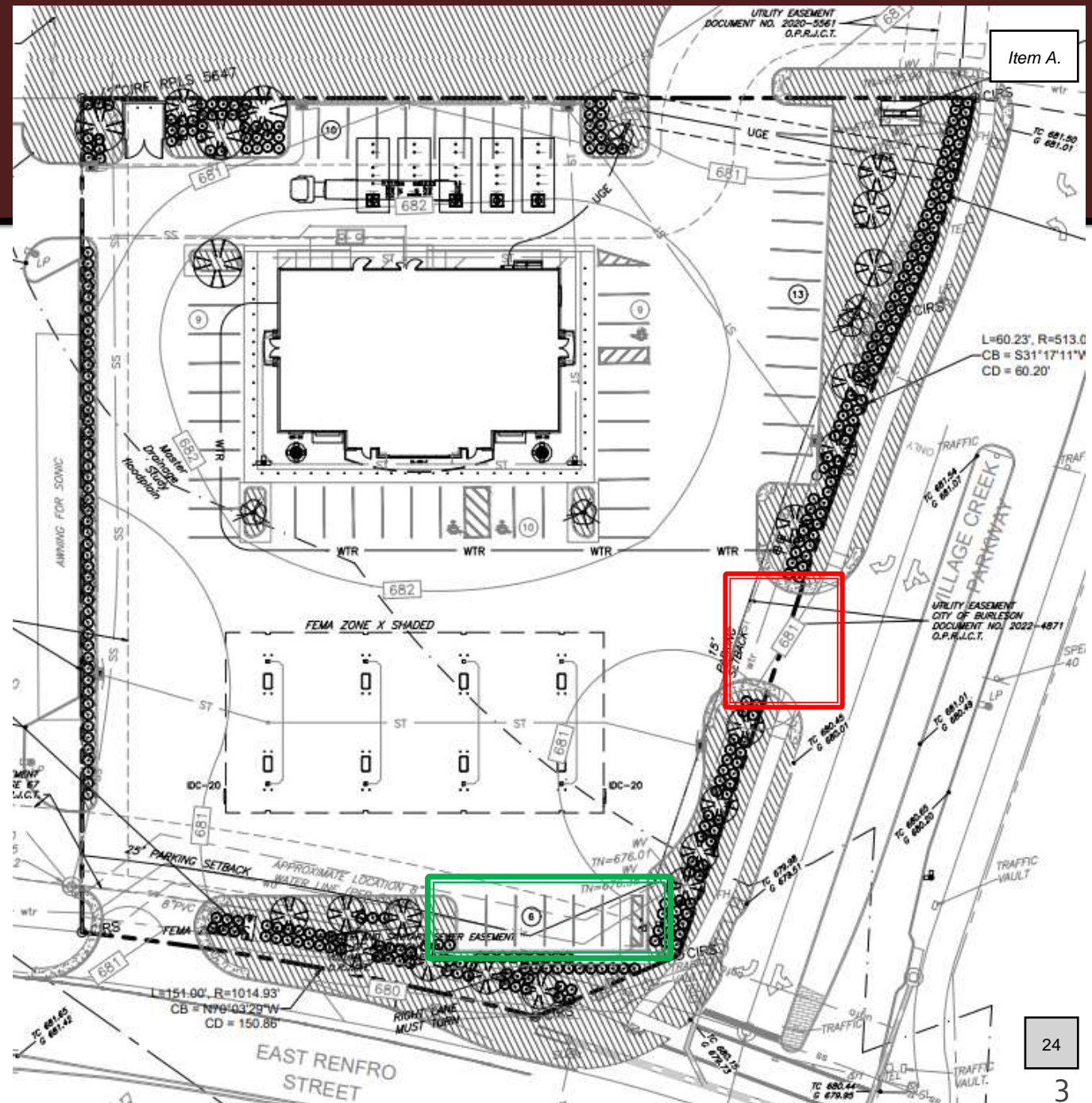
Item A.

PD – Planned Development
IH35 Overlay area 1



QuikTrip

- Applicant has concurrently requested waivers to the following items:
 - IH35 parking setback -staff supports based on minimum impact to forward portion of parking spaces [shown below in green]) and the provided landscaping.
 - Drive spacing [shown in red] -staff does not support based on proximity to E Renfro
- These waivers will be considered under the following cases (Case 22-118 & 22-119)
- If the waivers are not approved by City Council, the applicant will be required to submit a new site plan to staff showing those changes before they can proceed with permitting



QuikTrip– 449 E Renfro

Item A.

Public Hearing Notice Public notices mailed to property owners within 300 feet of subject property.

Published in newspaper
Signs Posted on the property



Legend

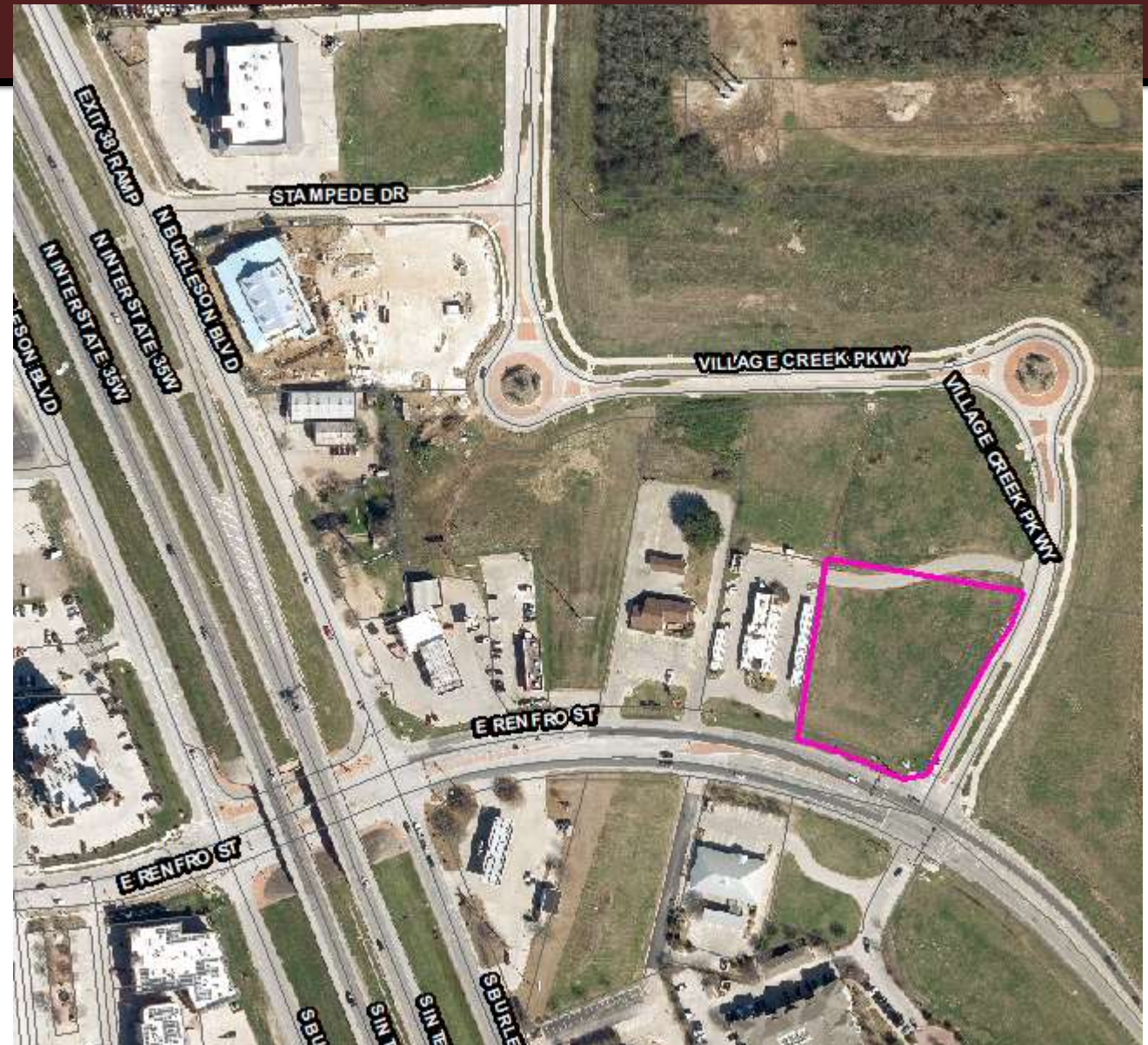
-  300 ft. Buffer
-  Subject Property
-  Properties within 300 ft.
-  Burleson

QuikTrip– 449 E Renfro

Item A.

Staff's Recommendation

- Staff recommends approval of an ordinance for the zoning change request with a specific use permit based on:
- Conformance with the Comprehensive Plan; and
- Compatibility with adjacent uses



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 24.616 ACRES OF LAND SITUATED IN THE FOLLOWING PARCELS: LOT 2-R1, BLOCK 2, WILBANKS PARK (Vol 8, Pg 19 P.R.J.C.T.); THE DAVID ANDERSON SURVEY, ABSTRACT NO. 4, THE J.M. BOOTH SURVEY, ABSTRACT NO. 1151, AND THE SARAH GRAY SURVEY, ABSTRACT NO. 1104, CITY OF BURLESON, JOHNSON COUNTY, TEXAS, FROM COMMERCIAL DISTRICT – (C) AND INDUSTRIAL ZONING DISTRICT (I) TO PLANNED DEVELOPMENT ZONING DISTRICT (PD), 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, an application for a zoning change was filed by Landmark Equities, LLC (property owner) on September 7, 2018, under Case Number 18 - 112; and

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

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

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

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

SECTION 1

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, as shown on the VILLAGE CREEK NORTH Zoning Exhibit (Exhibit A), and further described by the metes and bounds description attached as Exhibit B, by changing the zoning of said property from the Commercial District (C) and Industrial District (I) district to the PD Planned Development district, including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

SECTION 2

VILLAGE CREEK NORTH PD DEVELOPMENT STANDARDS

The Planned Development district, as defined by Exhibit A, shall be subject to the following conditions:

1.0 Planned Development District – Multi Family Residential Tracts (Tract One)

- 1.01 General Description:** Multi-Family units are attached residential units intended for lease. Access shall be allowed from controlled access drives or parking areas connecting to adjacent public roadways. Requirements for multi-family development shall be governed by standards as described below and the City of Burleson Multi-Family Design Standards Ordinance B792-10 (C0114). If there are conflicts between the requirements of Ordinance B792-10 (C0114) and these Planned Development requirements, the Planned Development requirements shall govern. The site plan of the Multi-Family tract shall generally conform to Exhibit C. The elevations included are for illustrative purposes only but shall generally resemble the color renderings included as Exhibit D. A site plan with color elevations shall be required and approved by the City Council prior to issuance of any building permits.
- 1.02 Uses:** Permitted uses as referenced below shall be permitted within Tract 1 in the Planned Development District. No Single Family, Duplex or Townhome uses will be allowed with this tract(s).

Permitted Uses:

Community Center – Private
Office - Private
Multi-Family attached dwelling units
Recreation Facilities

Accessory Uses Allowed:

Accessory buildings
Off-Street Parking
Swimming pool – private

Accessory Uses shall comply with Article 132 of the City of Burleson Zoning Ordinance.

- 1.03 Density:** The maximum allowed density for the entire tract will be 24 units per gross acre.
- 1.04 Required Parking:** Parking requirements for Tract One (multi-family residential) shall be as follows:
- a. One and a half (1.5) off-street parking spaces for each one-bedroom dwelling unit.
 - b. Two (2) off-street parking spaces for each two-bedroom dwelling unit.
 - c. Parking for the clubhouse building shall be calculated at four (4) spaces per 1,000 square feet of the leasing office and club room. Any area designated for residents only such as exercise/weight rooms will not be considered in the parking calculations. A minimum of one (1) parking space will be designated for handicap use for the clubhouse.

- d. Parking shall be permitted within all required front-, side- and rear-yard areas.
- e. Parking and driveways shall be paved of concrete, in accordance with paving standards established by the City of Burleson's Zoning & Subdivision Ordinances.

1.05 Architectural Standards and Building Materials: The building architecture and material shall conform to Section 8-42 of the Multi-Family Design Standards with the exception that 60% of the exterior of all new buildings (excluding doors and windows) shall be finished within the materials allowed within Section 8-42(d). The use of wood, cementitious fiberboard, HardiePlank® or HardiePanel®, tile or EFIS as an exterior building material shall be limited to a maximum of thirty-five percent (35%), excluding door and window openings of the total wall surface below the top plate line. Stairwells will be located within the interior envelope of the building structures.

1.06 Area Regulations:

- a. Depth of front yard – 2 feet
- b. Depth of side yard - 5 feet
- c. Depth of side yard adjacent to public street – 15 feet
- d. Building separation – 20 feet

1.07 Building Height: The permitted height of all multi-family structures shall not exceed three (3) stories except as permitted by Section 133, Zoning Ordinance – General Height Requirements.

1.08 Garbage and Trash Collection: All freestanding dumpsters shall be permanently screened on three sides and with an opaque enclosure consistent with that of the building structures, and measuring to a height at least six (6) inches above the top of the dumpster. The dumpster enclosure shall be buffered and screened in accordance with Article 8.46 (f) of the Multi-Family Design Standards, Ordinance B792-10(C0114). Rear yard setback requirements shall not apply to the dumpster enclosure located on the northerly property line.

1.09 Landscaping: Landscaping requirements shall be in accordance with the Multi-Family Design Standards, Ordinance B792-10 (C0114), Section 8-43, however clustering of landscaping throughout the site and along the right-of-way shall be permitted.

2.0 Planned Development District – Commercial Tracts (Tracts Two, Three, and Four)

2.01 General Description: The purpose of this district is for Retail, Office, and Commercial Uses as specifically stated in this Ordinance. Requirements for these tracts shall be governed by standards as described below and the City of Burleson I-35 Overlay Design Standards. If there are conflicts between the requirements of the I-35 Overlay Design Standards, the Planned Development requirements shall govern. A site plan with color elevations shall be required

and approved by City Council prior to issuance of building permits for all commercial tracts.

- 2.02 Permitted Uses:** All primary uses allowed within the NS, Neighborhood Services and GR, General Retail Zoning Districts except as prohibited herein.

Prohibited Uses

Auto parts and accessory sales (No outside storage)
 Cemetery or mausoleum
 Contractors, electrical/mechanical/plumbing (no outside storage)
 Convent or monastery
 Country club, private
 Fraternal lodge or union hall
 Fraternity or sorority
 Gasoline or motor fuels sales
 Household appliance repair
 Key, shop
 Laundry/clean self-service
 Miniature golf course
 Mortuary or funeral home
 Parking lot, trucks/trailers
 Pawnshop
 Plumbing shop (no outside storage)
 Private club
 Swim, tennis, handball club
 Telephone Office
 Theater or indoor playhouse
 Tool rental
 Veterinarian hospital

Accessory Uses Allowed

Off-Street parking and loading
 Satellite receive antenna (properly screened from view)
 Accessory uses that comply with Article 78-105 (b) of the City of Burleson Zoning Ordinance.

Specific Use Permit Required

A specific use permit is required within this Planned Development may be approved by the City Council for the following uses:

Hotel

2.03 Area Regulations:

- a. Depth of front yard – minimum 5 feet
- b. Depth of side yard adjacent to public street – 10 feet
- c. Depth of side yard – None
- d. Depth of side yard adjacent to residential use – 10 feet
- e. Depth of rear yard – None
- f. Depth of rear yard adjacent to residential use = 10 feet

2.04 Café Seating: Outdoor café seating for restaurant, café, deli or coffee shop uses shall be permitted and may be shared within the subject zoning tracts.

2.05 Required Parking: Parking requirements within the Planned Development Commercial Tracts Two, Three, and Four shall be based on the City of Burleson Zoning Ordinance requirements for the types and sizes of proposed uses. Shared parking agreements are permissible between allowed commercial uses.

2.06 Architectural Standards and Building Materials: The building architecture and material shall conform to the IH-35 Overlay Design Standards with the exception that 75% of the exterior of all new buildings (excluding doors and windows) shall be finished within the materials allowed within the design standards. In addition, stucco shall be allowed as an accent material.

2.07 Awnings: Adding accent color through the use of awnings is appropriate within the commercial environment. Awnings, where utilized, shall be canvas, or a lusterless material so as to resemble canvas, or a material complementary to the materials utilized within the structure, at least 70% of which is a single deep or neutral solid color, the remaining up to 30%, if different, shall be contrasting. Awnings, if utilized for decorative purposes, shall not be backlit. The use of awnings for signage purposes shall not be allowed.

2.08 Lights: Parking lot light standards shall not exceed 30 feet (30') in height and shall comply with City of Burleson shielding requirements.

2.09 Landscaping/Screening: Requirements for landscaping and screening shall be in accordance with the I-35 Overlay Design Standards, however clustering of the landscaping throughout the site and along the right-of-way shall be permitted.

2.10 Dumpster Screening: All free-standing dumpsters shall be permanently screened on three sides and with an opaque enclosure measuring to a height of at least six inches (6") above the top of the dumpster. Screening materials shall be the same or equal material/quality as those used for the principal building.

3.0 Planned Development- Miscellaneous

3.01 Buffering and Screening Requirements: A buffer or screen shall be provided between Tract One and Tract Two. Any of the following or combination may be used.

1. Screening Fence

- a. Fencing shall be made of wrought iron, masonry, stone, decorative concrete panels, or any combination thereof.
- b. A minimum of ten feet (10') landscaped area with one (1) tree for every forty feet (40') of linear screening.

The obligation for construction and maintenance of the buffer rests with Tract One.

SECTION 3 CUMULATIVE CLAUSE

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 4 SEVERABILITY CLAUSE

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 5 PENALTY CLAUSE

Any person, firm, association of persons, company, corporation, or their agents, 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 V.T.C.A. 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 6
EFFECTIVE DATE**


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

PASSED AND APPROVED this the 16th day of December, 2018.



MAYOR, Ken Shetter

ATTEST:

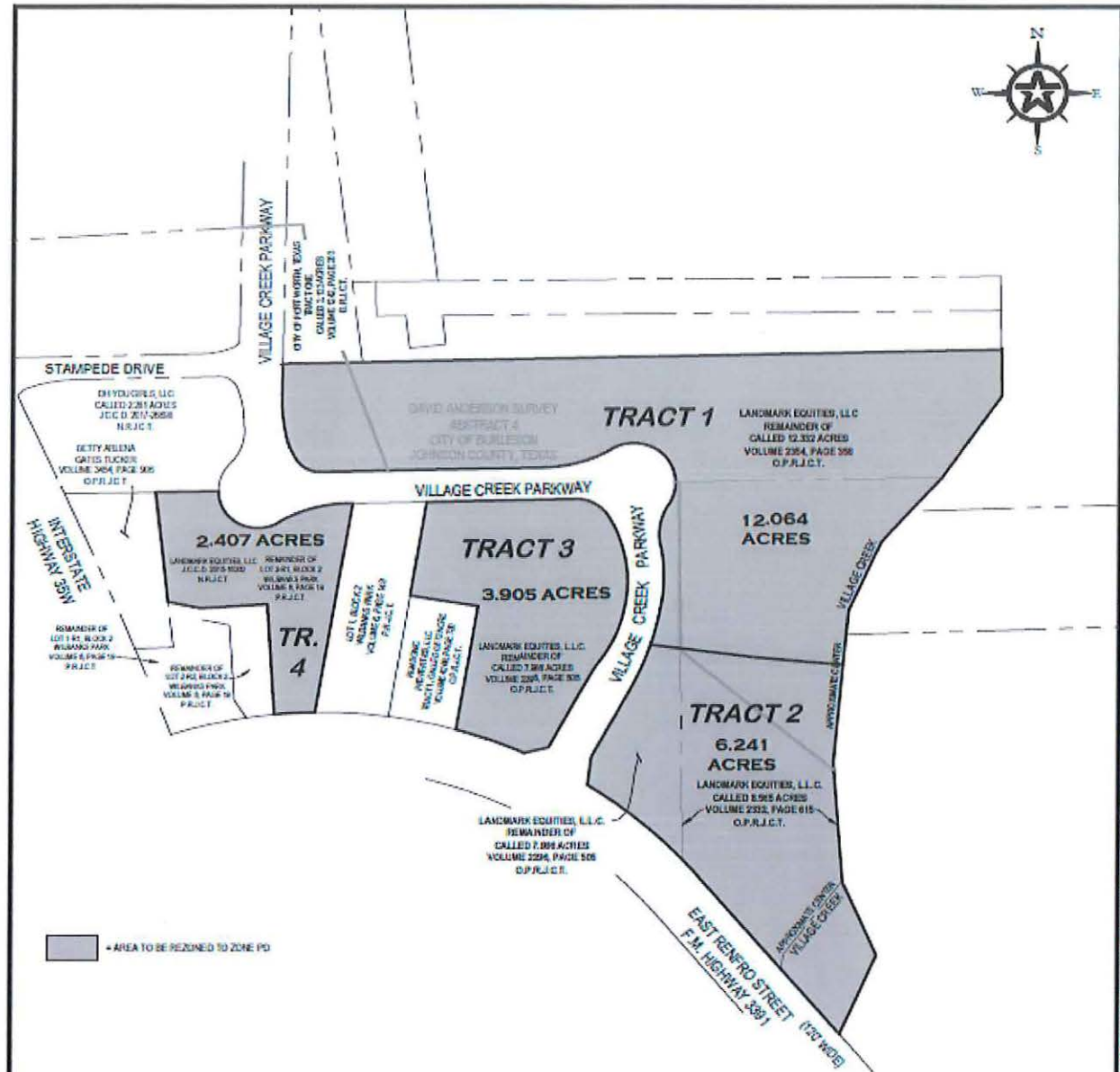


City Secretary, Amanda Campos



EXHIBIT A

VILLAGE CREEK NORTH - ZONING EXHIBIT CONCEPT PLAN



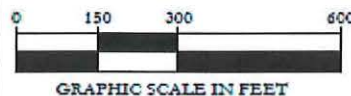
ZONING EXHIBIT (EXHIBIT A)

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Walker Partners
engineers ★ surveyors

823 Washington Ave. • Waco, Texas 76701
Phone: 1-254-714-1402 • T.B.P.E. Registration No. 8053
T.B.P.L.S. Registration No. 10032500



REVISIONS

FLAT NO. _____ DRAFT DATE 10-10-18 FB/PG _____
PROJ. NO. 1-03195 TAB NO. _____ FIELD NOTE NO. _____
DWG. NAME 1-03195ZONING EXHIBIT B.DWG DRAWN BY WHG

G:\PROJECTS\1-03195\1 SURVEY\1.0 CAD\1-03195ZONING EXHIBIT B.DWG, 8.5X11, 10/10/2018 2:45:48 PM, wgsatz, 1:1

EXHIBIT B

VILLAGE CREEK NORTH - METES AND BOUNDS DESCRIPTION

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18.304 ACRES

LOCATED IN THE JOHN M. BOOTH SURVEY, ABSTRACT 1151, SARAH GRAY SURVEY, ABSTRACT 1104, ABNER LEE SURVEY, ABSTRACT 496 AND DAVID ANDERSON SURVEY, ABSTRACT 4 IN THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS

FIELD NOTES FOR A 18.304 ACRE TRACT OF LAND SITUATED IN THE JOHN M. BOOTH SURVEY, ABSTRACT 1151, SARAH GRAY SURVEY, ABSTRACT 1104, ABNER LEE SURVEY, ABSTRACT 496 AND DAVID ANDERSON SURVEY, ABSTRACT 4, IN THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, AND BEING A REMAINDER OF A CALLED 12.332 ACRE TRACT DESCRIBED IN A DEED TO LANDMARK EQUITIES, LLC RECORDED IN VOLUME 2354, PAGE 358 OF THE OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS (O.P.R.J.C.T.), A REMAINDER OF A CALLED 7.988 ACRE TRACT DESCRIBED IN A DEED TO LANDMARK EQUITIES, LLC RECORDED IN VOLUME 2298, PAGE 505 OF THE O.P.R.J.C.T. AND ALL OF A CALLED 8.565 ACRE TRACT DESCRIBED IN A DEED TO LANDMARK EQUITIES, LLC RECORDED IN VOLUME 2332, PAGE 615 OF O.P.R.J.C.T. SAID 18.304 ACRE TRACT BEING MORE PARTICULARLY SHOWN HEREON AND FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" FOUND IN THE WEST LINE OF A CALLED 21.37 ACRE TRACT DESCRIBED AS TRACT 2 IN A DEED TO CHASE WINDSOR RECORDED IN JOHNSON COUNTY CLERK'S DOCUMENT (J.C.C.D.) 2016-19284 OF THE NAMED RECORDS OF JOHNSON COUNTY, TEXAS (N.R.J.C.T.) MARKING THE SOUTHEAST CORNER OF A CALLED 5.085 ACRE TRACT DESCRIBED IN A DEED TO THE CITY OF FORT WORTH, TEXAS RECORDED IN VOLUME 1242, PAGE 203 OF THE DEED RECORDS OF JOHNSON COUNTY, TEXAS (D.R.J.C.T.), SAME BEING THE NORTHEAST CORNER OF SAID 12.332 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8" IRON ROD FOUND IN THE WEST LINE OF SAID 21.37 ACRE TRACT MARKING THE NORTHEAST CORNER OF SAID 5.085 ACRE TRACT BEARS N 01°03'32" W - 84.89';

THENCE S 01°02'28" E - 100.52' WITH THE COMMON LINE OF SAID 12.332 ACRE TRACT AND SAID 21.37 ACRE TRACT, GENERALLY ALONG THE CENTER OF VILLAGE CREEK TO AN ANGLE POINT, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS N 01°02'28" W - 28.61' AND N 88°57'32" E - 0.50';

THENCE S 34°35'26" W - 214.30' WITH SAID COMMON LINE, GENERALLY ALONG THE CENTER OF VILLAGE CREEK TO AN ANGLE POINT AT THE SOUTHEAST CORNER OF SAID 12.332 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF SAID 8.565 ACRE TRACT, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS S 88°47'02" W - 30.00' AND A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" FOUND IN NORTH LINE OF SAID 7.988 ACRE TRACT AT ITS INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF VILLAGE CREEK PARKWAY (VARIABLE WIDTH) DESCRIBED AS BURLESON STONE ROAD, PARCEL NO. 1 IN A DEED TO THE CITY OF BURLESON RECORDED IN J.C.C.D. 2015-10956 OF THE N.R.J.C.T. BEARS S 88°47'02" W - 548.15';

THENCE WITH THE EAST LINE OF SAID 8.565 ACRE TRACT BEING COMMON WITH THE WEST LINES OF SAID 21.37 ACRE TRACT, A CALLED 5.54 ACRE TRACT DESCRIBED IN A DEED TO DP&P ROOFING AND CONSTRUCTION, INC. RECORDED IN J.C.C.D. 2015-19782 OF THE N.R.J.C.T. AND A CALLED 26.626 ACRE TRACT DESCRIBED IN A DEED TO SHANE JUSTIN BROWN, DIANA GAYLE JURASCHECK AND RONALD GENE BROWN RECORDED IN J.C.C.D. 2015-22964 OF THE N.R.J.C.T. GENERALLY ALONG THE CENTER OF VILLAGE CREEK THE FOLLOWING FOUR CALLS:

- 1) S 41°14'11" W - 187.38' TO AN ANGLE POINT,
- 2) S 24°01'30" W - 164.10' TO AN ANGLE POINT,
- 3) S 05°04'30" W - 334.40' TO AN ANGLE POINT,
- 4) S 04°25'30" E - 262.40' TO AN ANGLE POINT;

THENCE DEPARTING THE APPROXIMATE CENTER OF VILLAGE CREEK AND WITH THE COMMON LINE OF SAID 8.565 ACRE TRACT AND SAID 26.626 ACRE TRACT THE FOLLOWING TWO CALLS:

- 1) S 23°59'30" E - 172.10' TO AN ANGLE POINT,
- 2) S 23°27'07" W - 188.35' TO A 1/2" IRON ROD FOUND IN THE NORTHEAST RIGHT-OF-WAY LINE OF EAST RENFRO STREET (F.M. HIGHWAY 3391) (120' WIDE) MARKING THE MOST SOUTHERLY CORNER OF THE 8.565 ACRE TRACT;

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THENCE WITH THE COMMON LINES OF SAID EAST RENFRO STREET, SAID 8.565 ACRE TRACT AND THE REMAINDER OF SAID 7.986 ACRE TRACT THE FOLLOWING TWO CALLS:

- 1) N 40°23'18" W - 452.18' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" SET FOR THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT,
- 2) 303.67' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 1014.93', A CENTRAL ANGLE OF 17°08'34" AND A CHORD WHICH BEARS N 48°55'55" W - 302.53' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" SET AT A CUTBACK FOR SAID VILLAGE CREEK PARKWAY;
- 1) THENCE WITH THE EAST RIGHT-OF-WAY LINE OF SAID VILLAGE CREEK PARKWAY BEING COMMON WITH THE REMAINDER OF SAID 7.986 ACRE TRACT THE FOLLOWING SIX CALLS:
- 1) N 07°26'26" E - 61.31' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" SET FOR AN ANGLE POINT,
- 2) N 27°55'00" E - 160.29' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" SET FOR THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT,
- 3) 213.27' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 600.00', A CENTRAL ANGLE OF 20°21'57" AND A CHORD WHICH BEARS N 18°34'14" E - 212.15' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" SET FOR THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT,
- 4) 120.48' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 345.50', A CENTRAL ANGLE OF 19°58'47" AND A CHORD WHICH BEARS N 01°36'06" W - 119.87' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" SET FOR THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT,
- 5) 92.40' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 119.00', A CENTRAL ANGLE OF 44°29'26" AND A CHORD WHICH BEARS N 10°39'14" E - 90.10' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" SET FOR THE POINT OF REVERSE CURVATURE OF A NON-TANGENT CURVE TO THE LEFT,
- 6) WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 88.50', A CENTRAL ANGLE OF 154°02'28" AND A CHORD WHICH BEARS N 44°06'52" W - 168.58', AT 51.52' PASSING THE ABOVE MENTIONED 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" FOUND IN NORTH LINE OF SAID 7.986 ACRE TRACT, CONTINUING A TOTAL ARC LENGTH OF 232.56' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" SET FOR THE POINT OF REVERSE CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE PARTWAY WITH THE WEST LINE OF THE REMAINDER OF SAID 7.986 ACRE TRACT AND PARTWAY WITH THE COMMON LINE OF SAID VILLAGE CREEK PARKWAY AND THE REMAINDER OF SAID 12.332 ACRE TRACT THE FOLLOWING SIX CALLS:

- 1) 146.93' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 281.50', A CENTRAL ANGLE OF 29°54'22" AND A CHORD WHICH BEARS S 73°49'30" W - 145.27' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" FOUND FOR THE POINT OF TANGENCY OF SAID CURVE,
- 2) S 88°46'40" W - 460.29' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" SET FOR THE POINT OF CURVATURE OF A CURVE TO THE RIGHT,
- 3) 54.47' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 55.00', A CENTRAL ANGLE OF 56°44'33" AND A CHORD WHICH BEARS N 62°51'13" W - 52.27' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" FOUND FOR THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT,
- 4) 51.14' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 144.50', A CENTRAL ANGLE OF 20°16'34" AND A CHORD WHICH BEARS N 24°20'47" W - 50.87' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" FOUND FOR THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT,
- 5) 99.50' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 374.50', A CENTRAL ANGLE OF 15°13'23" AND A CHORD WHICH BEARS N 06°35'45" W - 99.21' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" FOUND FOR THE POINT OF TANGENCY OF SAID CURVE,

EXHIBIT B

VILLAGE CREEK NORTH - METES AND BOUNDS DESCRIPTION

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- 6) N 01°00'58" E - 66.45' TO A 1/2" IRON ROD WITH A CAP STAMPED "WALKER PARTNERS" FOUND MARKING A NORTHEAST CORNER OF THE ABOVE MENTIONED BURLESON STONE ROAD, PARCEL NO. 1, SAME BEING THE SOUTHWEST CORNER OF A CALLED 2.123 ACRE TRACT DESCRIBED AS TRACT ONE IN A DEED TO THE CITY OF FORT WORTH, TEXAS RECORDED IN VOLUME 1242, PAGE 203 OF THE D.R.J.C.T., SAME BEING THE NORTHWEST CORNER OF THE REMAINDER OF SAID 12.332 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;

THENCE N 88°46'47" E - 164.14' WITH THE COMMON LINE OF SAID 12.332 ACRE TRACT AND SAID 2.123 ACRE TRACT TO A 5/8" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF THE 2.123 ACRE TRACT, SAME BEING THE SOUTHWEST CORNER OF THE ABOVE MENTIONED 5.085 ACRE TRACT DESCRIBED AS TRACT TWO IN SAID DEED TO THE CITY OF FORT WORTH, TEXAS;

THENCE N 88°46'47" E - 1312.66' WITH THE COMMON LINE OF SAID 12.332 ACRE TRACT AND SAID 5.085 ACRE TRACT RETURNING TO THE POINT OF BEGINNING, AND CONTAINING 18.304 ACRES OF LAND.

THIS DESCRIPTION IS BASED ON THE ATTACHED SURVEY AND EXHIBIT DRAWING MADE BY DANA B. SPIGENER REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 4809.

BEARINGS CITED WITHIN THIS DESCRIPTION ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS NORTH CENTRAL ZONE ACQUIRED FROM GLOBAL POSITIONING SYSTEM OBSERVATIONS.

SURVEYED: JULY 17, 2018
RELEASED: OCTOBER 1, 2018

Dana B. Spigener
DANA B. SPIGENER, R.L.S. 4809

PROJ NO. 1-03195
PLAT NO. A1-1519
FIELD NOTE NO. 01
MAP CHECKED 09-28-18 JBM



EXHIBIT B

VILLAGE CREEK NORTH - METES AND BOUNDS DESCRIPTION

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**3.905 ACRES
LOCATED IN THE DAVID ANDERSON SURVEY, ABSTRACT 4
IN THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS**

FIELD NOTES FOR A 3.905 ACRE TRACT OF LAND SITUATED IN THE DAVID ANDERSON SURVEY, ABSTRACT 4, IN THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, AND BEING A REMAINDER OF A CALLED 7.986 ACRE TRACT DESCRIBED IN A DEED TO LANDMARK EQUITIES, LLC RECORDED IN VOLUME 2296, PAGE 505 OF THE OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS (O.P.R.J.C.T.). SAID 3.905 ACRE TRACT BEING MORE PARTICULARLY SHOWN ON THE ATTACHED EXHIBIT AND FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF VILLAGE CREEK PARKWAY, AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, OF WILBANKS PARK, PLAT OF RECORD IN VOLUME 6, PAGE 149 OF THE PLAT RECORDS OF JOHNSON COUNTY, TEXAS, FOR THE NORTHWEST CORNER OF SAID REMAINDER 7.986 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;

THENCE WITH THE COMMON LINE OF SAID VILLAGE CREEK PARKWAY AND THE REMAINDER OF SAID 7.986 ACRE TRACT, THE FOLLOWING SEVEN (7) CALLS:

- 1) N 88°46'40" E - 302.51' TO A POINT AT THE BEGINNING OF A CURVE TO THE RIGHT,
- 2) 84.42' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 80.00', A CENTRAL ANGLE OF 60°27'49" AND A CHORD WHICH BEARS S 60°59'29" E - 80.55' TO A POINT FOR THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT,
- 3) 212.23' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 277.58', A CENTRAL ANGLE OF 43°48'26" AND A CHORD WHICH BEARS S 08°50'03" E - 207.10' TO A POINT FOR THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT,
- 4) 112.70' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 287.00', A CENTRAL ANGLE OF 22°29'59" AND A CHORD WHICH BEARS S 23°23'41" W - 111.98' TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT,
- 5) 60.23' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 513.00', A CENTRAL ANGLE OF 06°43'39" AND A CHORD WHICH BEARS S 31°16'51" W - 60.20' TO A POINT AT THE END OF SAID CURVE,
- 6) S 27°55'00" W - 162.72' TO A POINT AT A CUTBACK OF VILLAGE CREEK PARKWAY,
- 7) S 76°04'31" W - 51.41' TO A POINT IN THE NORTHEAST RIGHT-OF-WAY LINE OF EAST RENFRO STREET (F.M. HIGHWAY 3391) (120' WIDE), FOR THE MOST SOUTHERLY CORNER OF THE REMAINDER OF SAID 7.986 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;

THENCE 150.11' WITH THE ARC A CURVE TO THE LEFT HAVING A RADIUS OF 1014.93', A CENTRAL ANGLE OF 08°28'26" AND A CHORD WHICH BEARS N 70°01'56" W - 149.97' TO POINT IN THE NORTHEAST RIGHT-OF-WAY LINE OF SAID EAST RENFRO STREET, AT THE SOUTHEAST CORNER OF A CALLED 0.872 ACRE TRACT DESCRIBED AS TRACT 1 IN A DEED TO RLM SONIC PROPERTIES, LLC, OF RECORD IN VOLUME 4269, PAGE 720 OF THE O.P.R.J.C.T., FOR THE SOUTHWEST CORNER OF THE REMAINDER OF SAID 7.986 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;

THENCE WITH THE COMMON LINE OF THE REMAINDER OF SAID 7.986 ACRE TRACT AND SAID 0.872 ACRE TRACT THE FOLLOWING TWO CALLS:

- 1) N 09°20'10" E - 273.01' TO A 5/8" IRON ROD WITH CAP STAMPED "RPLS 5647" FOUND AT THE NORTHEAST CORNER OF SAID 0.872 ACRE TRACT, FOR AN INSIDE ELL CORNER OF REMAINDER OF SAID 7.986 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;
- 2) N 80°39'50" W - 141.65' TO A POINT IN THE EAST LINE OF SAID LOT 1, AT THE NORTHWEST CORNER OF SAID 0.872 ACRE TRACT, FOR AN OUTSIDE ELL CORNER OF THE REMAINDER OF SAID 7.986 ACRE TRACT, AN OF THE HEREIN DESCRIBED TRACT;

THENCE N 09°20'10" E - 206.79' WITH THE COMMON LINE OF REMAINDER OF SAID 7.986 ACRE TRACT AND SAID LOT 1, RETURNING TO THE POINT OF BEGINNING, AND CONTAINING 3.905 ACRES OF LAND.

THIS DESCRIPTION IS BASED ON THE ATTACHED SURVEY AND EXHIBIT DRAWING MADE BY DANA B. SPIGENER, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 4809.

BEARINGS CITED WITHIN THIS DESCRIPTION ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS NORTH CENTRAL ZONE ACQUIRED FROM GLOBAL POSITIONING SYSTEM OBSERVATIONS.

SURVEYED: JULY 17, 2018
RELEASED: OCTOBER 1, 2018

Dana B. Spigener
DANA B. SPIGENER, R.P.L.S. 4809

PROJ NO. 1-03195
PLAT NO. A1-1519
FIELD NOTE NO. 02
MAP CHECKED 09-28-18 JBM



EXHIBIT B

VILLAGE CREEK NORTH - METES AND BOUNDS DESCRIPTION

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**2.407 ACRES
LOCATED IN THE DAVID ANDERSON SURVEY, ABSTRACT 4
IN THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS**

FIELD NOTES FOR A 2.407 ACRE TRACT OF LAND SITUATED IN THE DAVID ANDERSON SURVEY, ABSTRACT 4, IN THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, AND BEING THE REMAINDER OF LOT 2-R1, BLOCK 2, WILBANKS PARK ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8, PAGE 19 OF THE PLAT RECORDS OF JOHNSON COUNTY, TEXAS (P.R.J.C.T.). SAID 2.407 ACRE TRACT BEING MORE PARTICULARLY SHOWN ON THE ATTACHED EXHIBIT AND FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND IN THE NORTH RIGHT-OF-WAY LINE OF EAST RENFRO STREET (FM HIGHWAY 3391) (120' WIDE) MARKING THE SOUTHEAST CORNER OF LOT 2-R2, BLOCK 2 OF SAID WILBANKS PARK, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 2-R1 AND OF THE HEREIN DESCRIBED TRACT;

THENCE N 03°34'48" W – 240.93' WITH THE COMMON LINE OF SAID LOT 2-R2 AND SAID LOT 2-R1 TO A 3/8" IRON ROD FOUND MARKING THE NORTHEAST CORNER OF LOT 2-R2 AND AN INSIDE CORNER OF LOT 2-R1;

THENCE S 86°25'12" W – 136.97' WITH THE COMMON LINE OF SAID LOT 2-R2 AND SAID LOT 2-R1 TO A 3/8" IRON ROD FOUND MARKING AN ANGLE POINT;

THENCE N 77°54'03" W – 67.46' WITH THE COMMON LINE OF SAID LOT 2-R2 AND SAID LOT 2-R1 TO A 3/8" IRON ROD FOUND IN THE EAST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO BETTY ARLENA GATES TUCKER RECORDED IN VOLUME 3454, PAGE 906 OF THE O.P.R.J.C.T.;

THENCE N 06°23'35" W – 239.51' WITH THE COMMON LINE OF SAID LOT 2-R1 AND SAID BETTY ARLENA GATES TUCKER TRACT TO A POINT IN THE SOUTH LINE OF A CALLED 2.281 ACRE TRACT DESCRIBED IN A DEED TO OH YOU GIRLS, LLC RECORDED IN JOHNSON COUNTY CLERK'S DOCUMENT (J.C.C.D.) 2017-26698 OF THE NAMED RECORDS OF JOHNSON COUNTY, TEXAS (N.R.J.C.T.) FOR THE NORTHEAST CORNER OF THE BETTY ARLENA GATES TUCKER TRACT, SAME BEING THE NORTHWEST CORNER OF LOT 2-R1 AND OF THE HEREIN DESCRIBED TRACT;

THENCE N 88°47'02" E – 126.44' WITH THE COMMON LINE OF SAID LOT 2-R1 AND SAID 2.281 ACRE TRACT TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF VILLAGE CREEK PARKWAY (VARIABLE WITH);

THENCE WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID VILLAGE CREEK PARKWAY, CALLED 0.354 ACRE PERMANENT RIGHT-OF-WAY TRACT DESCRIBED AS PARCEL NO. 48 IN A DEED TO THE CITY OF BURLESON RECORDED IN J.C.C.D. 2015-10954 OF THE N.R.J.C.T. AND THE NORTH LINE OF THE REMAINDER OF SAID LOT 2-R1 THE FOLLOWING THREE CALLS:

- 1) 171.75' WITH THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 82.00', A CENTRAL ANGLE OF 120°00'13" AND A CHORD WHICH BEARS S 61°13'08" E – 142.03' TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT,
- 2) 150.22' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 287.00', A CENTRAL ANGLE OF 28°58'20" AND A CHORD WHICH BEARS N 73°46'28" E – 148.51' TO THE POINT OF TANGENCY OF SAID CURVE,
- 3) N 88°46'06" E – 11.03' TO A POINT FOR THE NORTHWEST CORNER OF LOT 1, BLOCK 2, WILBANKS PARK ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8, PAGE 149 OF THE P.R.J.C.T., SAME BEING THE NORTHEAST CORNER OF THE REMAINDER OF LOT 2-R1 AND OF THE HEREIN DESCRIBED TRACT;

EXHIBIT B

VILLAGE CREEK NORTH - METES AND BOUNDS DESCRIPTION

Page 6 of 6

THENCE S 09°25'02" W - 461.54' WITH THE COMMON LINE OF SAID LOT 2-R1 AND SAID LOT 1 TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF SAID EAST RENFRO STREET FOR THE SOUTHWEST CORNER OF LOT 1, SAME BEING THE SOUTHEAST CORNER OF LOT 2-R1 AND OF THE HEREIN DESCRIBED TRACT;

THENCE 84.79' WITH THE ARC OF A CURVE TO THE LEFT AND THE NORTH RIGHT-OF-WAY LINE OF SAID EAST RENFRO STREET HAVING A RADIUS OF 1014.93', A CENTRAL ANGLE OF 04°47'11" AND A CHORD WHICH BEARS S 86°45'55" W - 84.78' RETURNING TO THE POINT OF BEGINNING, AND CONTAINING 2.407 ACRES OF LAND.

THIS DESCRIPTION IS BASED ON THE ATTACHED SURVEY AND EXHIBIT DRAWING MADE BY DANA B. SPIGENER REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 4809.

BEARINGS CITED WITHIN THIS DESCRIPTION ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS NORTH CENTRAL ZONE ACQUIRED FROM GLOBAL POSITIONING SYSTEM OBSERVATIONS.

SURVEYED: JULY 17, 2018
RELEASED: OCTOBER 1, 2018

Dana B. Spigener
DANA B. SPIGENER, R.P.L.S. 4809



PROJ NO. 1-03195
PLAT NO. A1-1519
FIELD NOTE NO. 03
MAP CHECKED 09-28-18 DBS

EXHIBIT D

CONCEPTUAL COLOR RENDERINGS



ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMMENDIING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 1.5919 ACRES OF LAND SITUATED WITHIN THE DAVID ANDERSON SURVEY, ABSTRACT NO. 4, AND BEING A PORTION OF A CALLED 7.986 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO LANDMARK EQUITIES, L.L.C. RECORDED IN VOLUME 2296, PAGE 505 OF THE DEED RECORDS OF JOHNSON COUNTY; BEING LOCATED AT THE INTERSECTION OF VILLAGE CREEK PKWY AND EAST RENFRO ST, CITY OF BURLESON, JOHNSON COUNTY, TEXAS FROM “PD” PLANNED DEVELOPMENT DISTRICT (VILLAGE CREEK NORTH) TO “GR” GENERAL RETAIL WITH A SPECIFIC USE PERMIT ALLOWING “AUTOMOBILE FUEL SALES”, MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, an application for a zoning change was filed by Bryan Clark representing QuikTrip South LLC on July 25, 2022, under Case Number 22-105; and

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

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

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

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

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

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

Section 1

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, described by the metes and bounds attached as Exhibit A, by changing the zoning of said property from PD, Planned Development district to GR, General Retail with a specific use permit allowing "Automobile fuel sales".

Section 2.

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

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

1. The use of "Automobile fuel sales" is permitted and shall conform to Exhibit "B" unless otherwise approved by City Council.

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when

the offense was committed and the former law is continued in effect for that purpose.

Section 7.

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

Section 8.

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

PASSED AND APPROVED

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

Chris Fletcher, Mayor
City of Burleson

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY

E. Allen Taylor, Jr., City Attorney

EXHIBIT A
Metes and Bounds

BEING a 1.5919 acre tract of land situated within the David Anderson Survey, Abstract No. 4, City of Burleson, Johnson County, Texas and being a portion of a called 7.986 acre tract of land as described in the deed to Landmark Equities, L.L.C. recorded in Volume 2296, Page 505 of the Deed Records of Johnson County, Texas. Said 1.5919 acre tract of land surveyed on the ground in 2022 under the direction and supervision of Robert A. Hansen, LSLS & Registered Professional Land Surveyor No. 6439 (the Basis of Bearings for this survey is GRID North as established by GPS observation utilizing the Texas Coordinate System of 1983, North Central Zone) and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set at the intersection of the west right of way line of Village Creek Parkway, a variable width right of way, as described in the deed to the City of Burleson recorded under Document No. 2015-10956 of the Official Public Records of Johnson County, Texas with the north right of way line of East Renfro Street, a 120-foot right of way, as evidenced by the plat titled "Burleson Crossing" recorded in Volume 9, Page 524 of the Plat Records of Johnson County, Texas, being the beginning of a curve;

THENCE westerly, coincident with the north curving right of way line of said East Renfro Street and said curve, concave to the south, having a radius of 1014.93 feet and a chord bearing and distance of NORTH 70 degrees 03 minutes 29 seconds WEST, 150.86 feet, an arc length of 151.00 feet to a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set at the southeast corner of Lot 1, Block 2 of said Burleson Crossing;

THENCE NORTH 09 degrees 24 minutes 26 seconds EAST, 272.65 feet with the east line of said Lot 1 to a 1/2-inch capped iron rod stamped "RPLS 5647" found at the northeast corner of said Lot 1, from which a 1/2-inch capped iron rod stamped "CBA" found at the northwest corner of said Lot 1 bears NORTH 80 degrees 37 minutes 16 seconds WEST, 141.56 feet;

THENCE SOUTH 80 degrees 37 minutes 16 seconds EAST, 291.79 feet with the easterly prolongation of the north line of said Lot 1 through the interior of said called 7.986 acre tract of land to a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set on the west right of way line of said Village Creek Parkway, from which a 1/2-inch capped iron rod stamped "Walker Partners" found at the west common corner of Lots 1 and 2 of the plat titled "Village Creek Addition" recorded in Volume 11, Page 855 of said Plat Records bears SOUTH 71 degrees 29 minutes 39 seconds EAST, 73.75 feet, and being the beginning of a non-tangent curve;

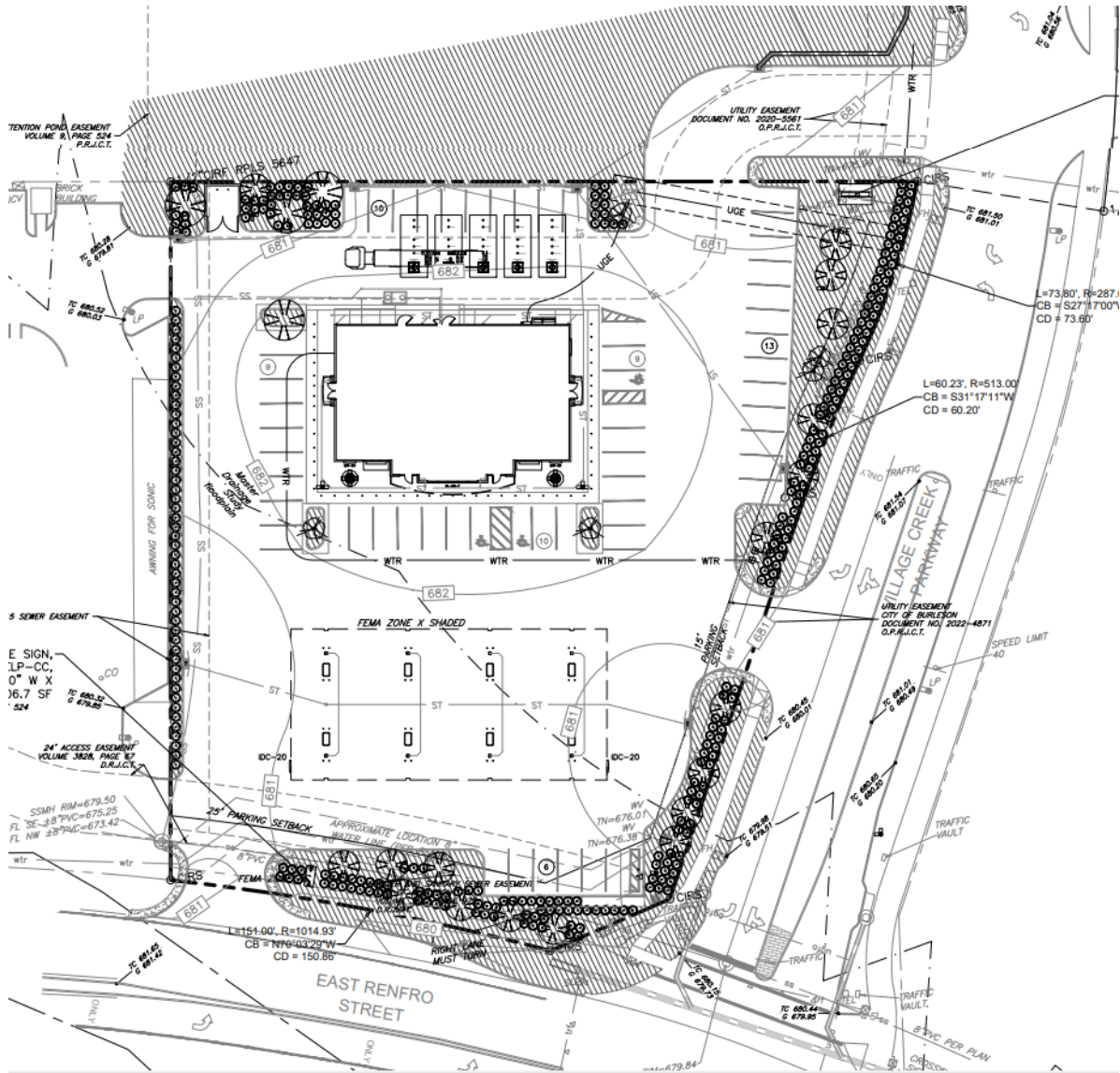
THENCE the following four (4) calls coincident with the west right of way line of said Village Creek Parkway:

1. southerly, with said non-tangent curve, concave to the west, having a radius of 287.00 feet and a chord bearing and distance of SOUTH 27 degrees 17 minutes 00 seconds WEST, 73.60 feet, an arc length of 73.80

feet to a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set at the beginning of a reverse curve;

2. southerly, with said reverse curve, concave to the east, having a radius of 513.00 feet and a chord bearing and distance of SOUTH 31 degrees 17 minutes 11 seconds WEST, 60.20 feet, an arc length of 60.23 feet to a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set;
3. SOUTH 27 degrees 55 minutes 20 seconds WEST, 162.72 feet to a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set;
4. SOUTH 76 degrees 04 minutes 51 seconds WEST, 50.94 feet to the POINT OF BEGINNING, containing 1.5919 acres (69,344± square feet).

EXHIBIT B **Automobile Fuel Sales**



Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: December 13, 2022

SUBJECT:

QuikTrip at 449 E Renfro (Case 22-106): Hold a public hearing and consider a site plan for QuikTrip with waivers to the IH35 parking setback, Section 5-51, Article V of Appendix C, IH35 Design Standards, and the minimum driveway spacing, Section 5.5 – Streets and Site Standards, Table 1 of the Engineering Design Manual. (*Staff Presenter: Lidon Pearce, Senior Planner*)

SUMMARY:

On July 25, 2022, an application was submitted by Bryan Clark representing QuikTrip South LLC, on behalf of the owner (Stephen Eisner) for a site plan of approximately 1.5919 acres for a QuikTrip convenience store and fueling station. On August 22, 2022, applications were submitted by the applicant requesting waivers to the IH35 parking setback and minimum driveway spacing.

Site Plan and Waivers:

Driveway Spacing along Village Creek Pkwy:

Per Table 1, Driveway Design Criteria of Section 5.5, Streets and Site Standards; of the Engineering Design Manual, the minimum driveway centerline spacing for a major collector shall be 180 feet for commercial uses. The applicant is proposing a centerline spacing of 123 feet from East Renfro Street and within the existing right-turn lane. The Design Manual does allow driveways to be placed no closer than 100 feet to a major street facility and located within a turn lane if the existing turn lane is extended. The existing right-turn lane currently does not meet the city's minimum requirements for storage and taper lengths. The proposed driveway may create queuing and storage issues of the existing turn-lane may eventually impact the level of service of the signalized intersection. In addition, staff anticipates vehicles waiting to turn right onto East Renfro Street will back up and block the proposed driveway creating internal site congestion.

Based on the proximity to East Renfro, the anticipated number of right turns, and inadequate turn lane length, staff is not in support of this waiver request. The applicant's justification for the waiver is attached as Exhibit 3.

IH35 parking setback:

Per Section 5-51, Article V of Appendix C, IH35 Design Standards:

“All parking areas adjacent to a major or minor arterial street, as shown in the master thoroughfare plan, shall be located a minimum of 25 feet from the right-of-way line. All parking areas adjacent to a major or minor collector street, as shown in the master thoroughfare plan, shall be located a minimum of 15 feet from the right-of-way line.”

The applicant’s justification for the waiver is attached as Exhibit 3. Based on the geographical constraints of the site, anticipated amount of parking to be utilized by customers, and the proposed landscaping between the parking spaces and the streets; staff is in support of this waiver request.

Site Conformance Table

<u>Required</u>	<u>Staff’s Findings</u>
<u>Lot Size, Coverage and Setbacks</u> Specific lot information as shown on site plan	Complies. Site plan is in compliance with all development regulations with the exception of the requested waivers
<u>Landscaping –</u> 20% of Total Site shall be landscaped: 13,869	Complies. Landscaping proposed: 13,873 SF with credits as listed on landscaping plans.
<u>Parking Requirement –</u> 1 space per 200 SF: 27 spaces 3 ADA spaces	Complies. Parking provided: 57 spaces ADA spaces: 3 spaces

Site plan and landscaping exhibits are attached as Exhibit 4.

Engineering:

Prior to development of the site, platting and engineering reviews will be required, in addition to TxDot review and approval of any City Council granted waivers.

OPTIONS:

- 1) Recommend approval of a site plan for QuikTrip with a waiver to the IH35 parking setback, Section 5-51, Article V of Appendix C, IH35 Design Standards; or
- 2) Recommend approval of a site plan for QuikTrip with waivers to the IH35 parking setback, Section 5-51, Article V of Appendix C, IH35 Design Standards, and the

minimum driveway spacing, Section 5.5 – Streets and Site Standards, Table 1 of the Engineering Design Manual.

- 3) Recommend approval of a site plan for QuikTrip with no waivers;
- 4) Recommend denial of the site plan.

RECOMMENDATION:

Recommend to City Council approval of a site plan for QuikTrip with a waiver to the IH35 parking setback, Section 5-51, Article V of Appendix C, IH35 Design Standards (Case 22-106).

Fiscal IMPACT:

None.

STAFF CONTACT:

Lidon Pearce
Senior Planner
lpearce@burlesontx.com
817-426-9649

E Renfro QuikTrip – Site Plan

Location:

- 449 E Renfro
- 1.5919 acres

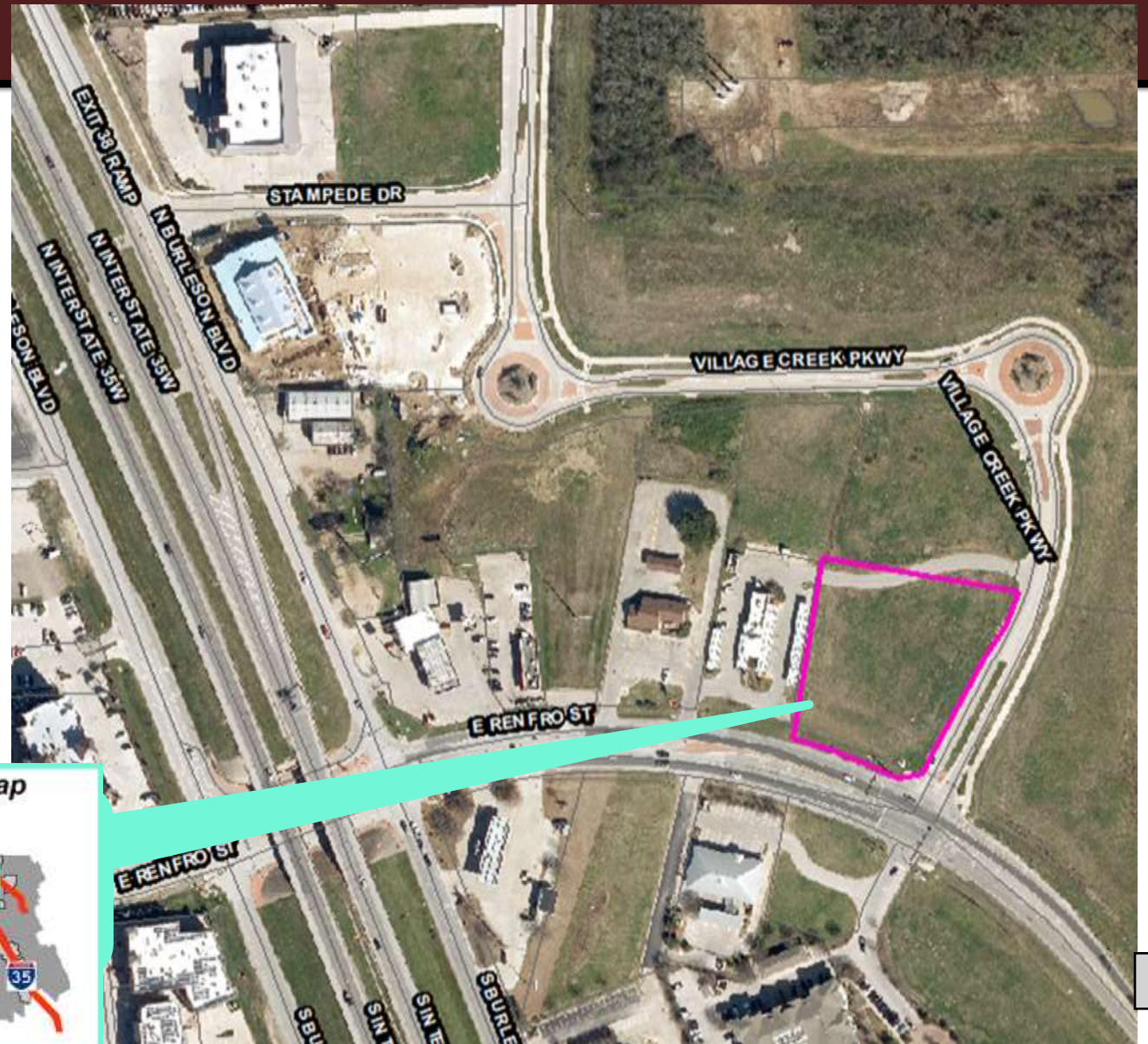
Applicant:

Bryan Clark

QuikTrip South LLC

Item for approval:

Site Plan with waivers
(22-106)



E Renfro QuikTrip – Site Plan

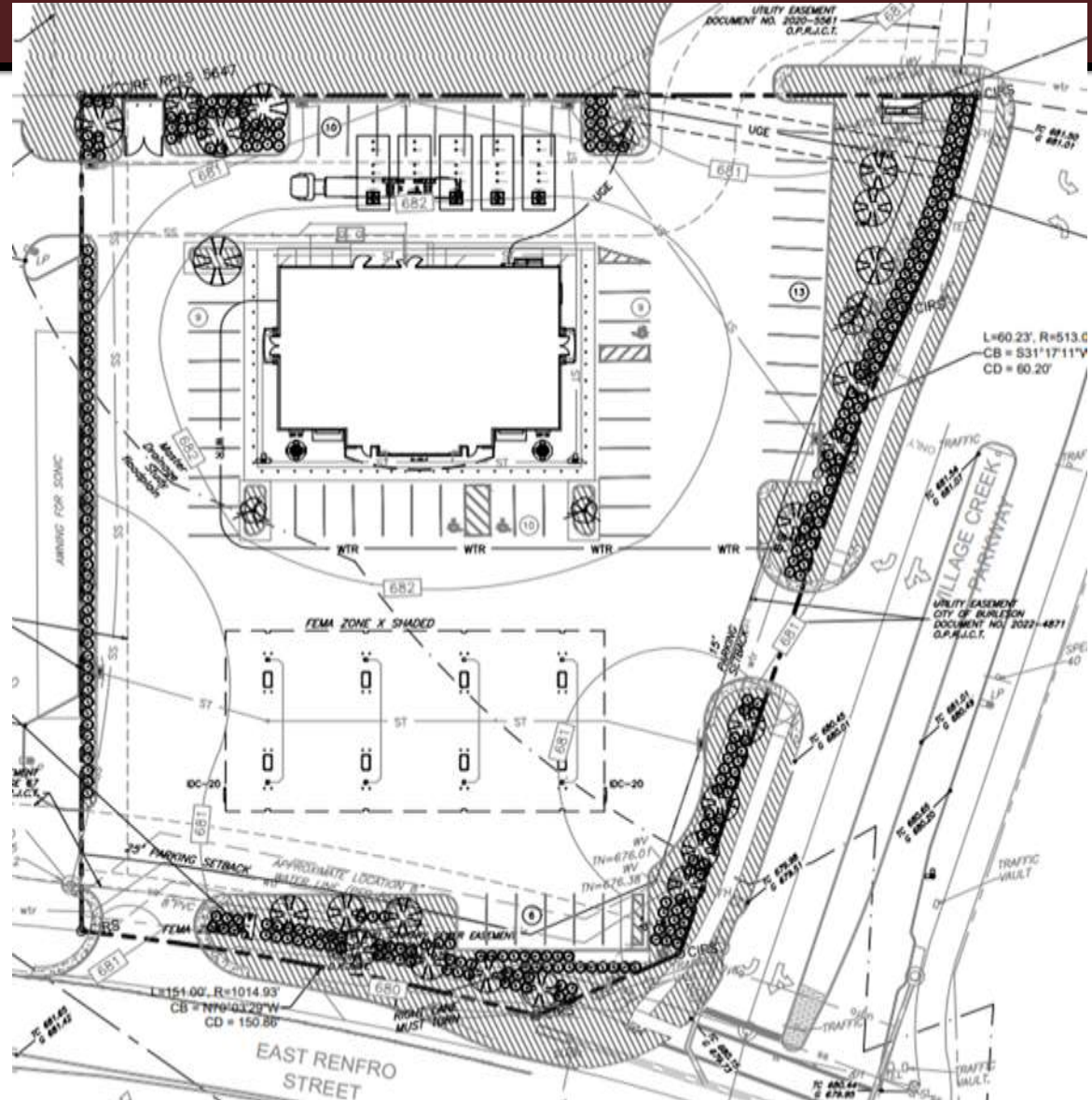
Item B.

Property Information:

- Located in IH35 overlay area 1 “Spinks”
- SUP required for “Automobile fuel sales” in IH35 overlay area 1
- Requesting GR, General Retail zoning and SUP (Case 22-105)

Site Plan Summary:

- 5,312 SF Building
- 20 feet in Height -Single-story
- Use – Convenience store with Automobile fuel sales



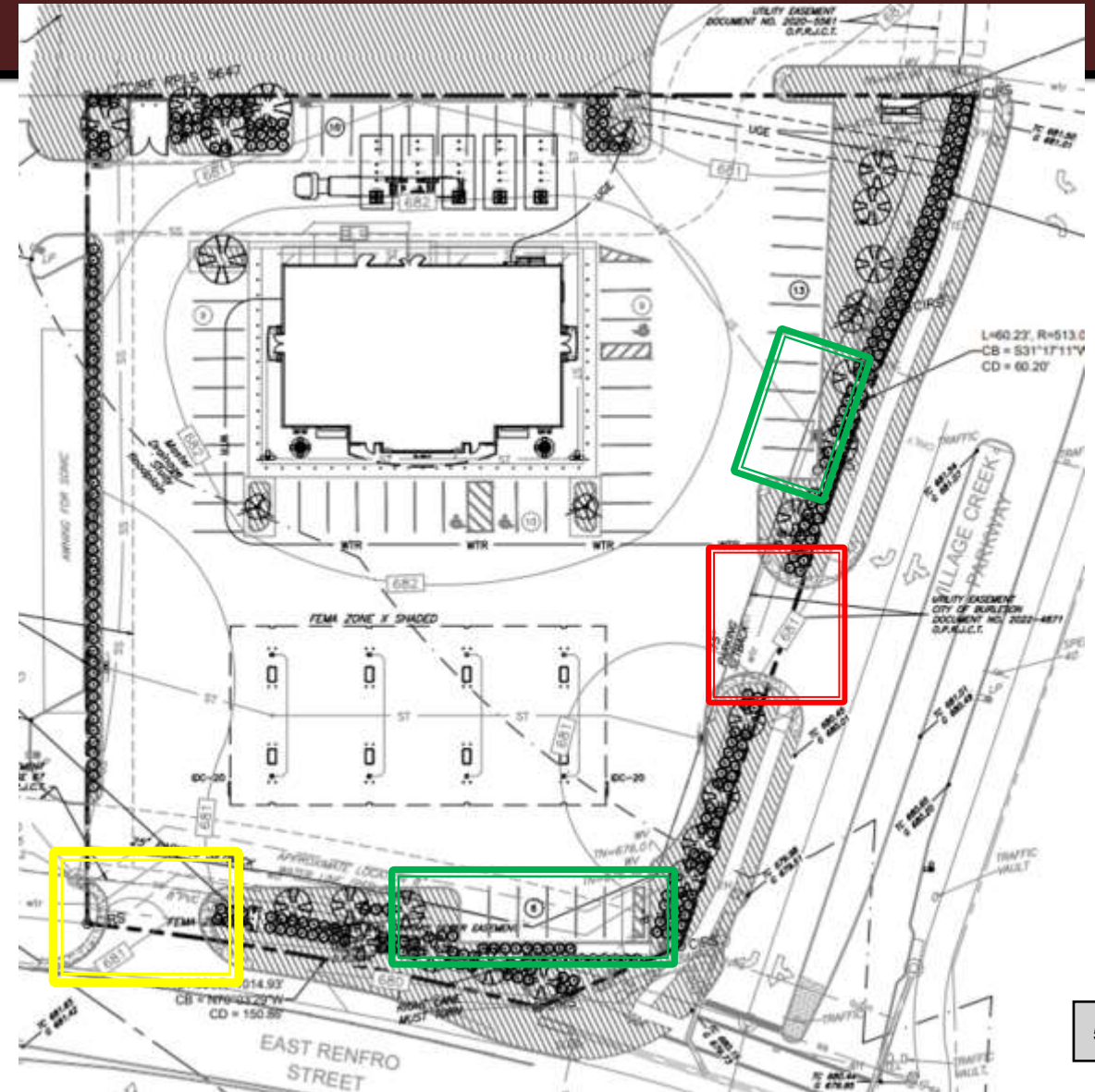
E Renfro QuikTrip – Site Plan

Item B.

Waivers requested:

- Parking setback of 25 ft. along E Renfro and 15 ft. along Village Creek Pkwy (IH35 overlay requirement)
- Staff supports - Parking spots will be landscaped between headlights and street (shown in green)
- Drive (access) spacing of 200 feet.[Engineering Design Manual requirement] along Village Creek Pkwy
- Staff does not support reducing the minimum required spacing from 200 ft. to 123 ft., based on proximity to E Renfro and existing access to the site (shown in red)

A separate variance request has been submitted to TxDot (shown in yellow) for E Renfro

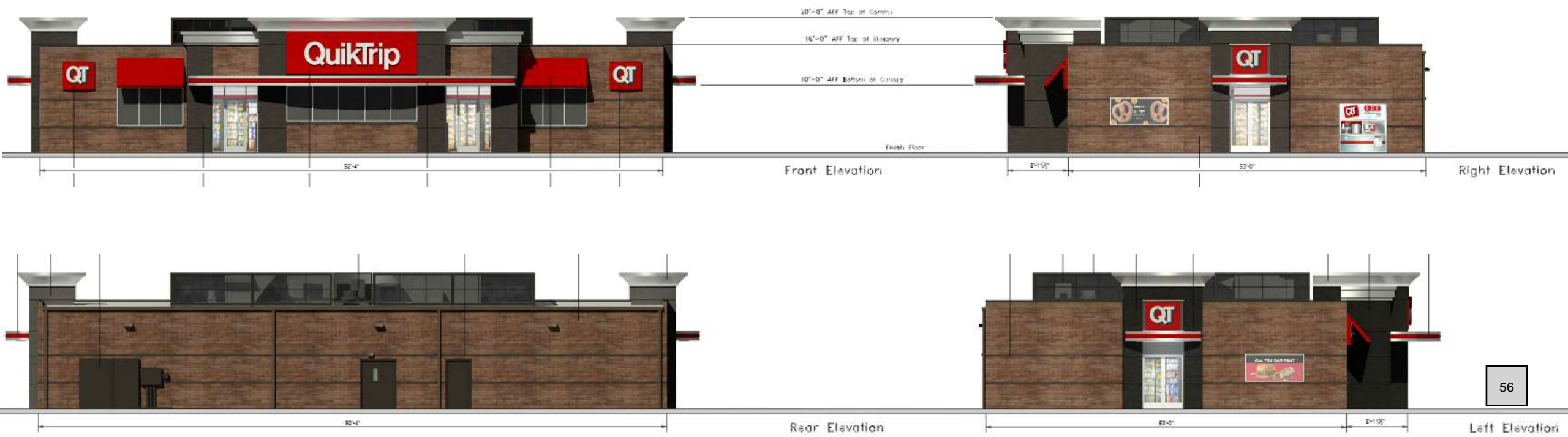


E Renfro QuikTrip – Site Plan

Item B.

Building Renderings

Modern QuikTrip design utilizing a masonry brick (bronze stone), brushed aluminum, and red polycarbonate accents

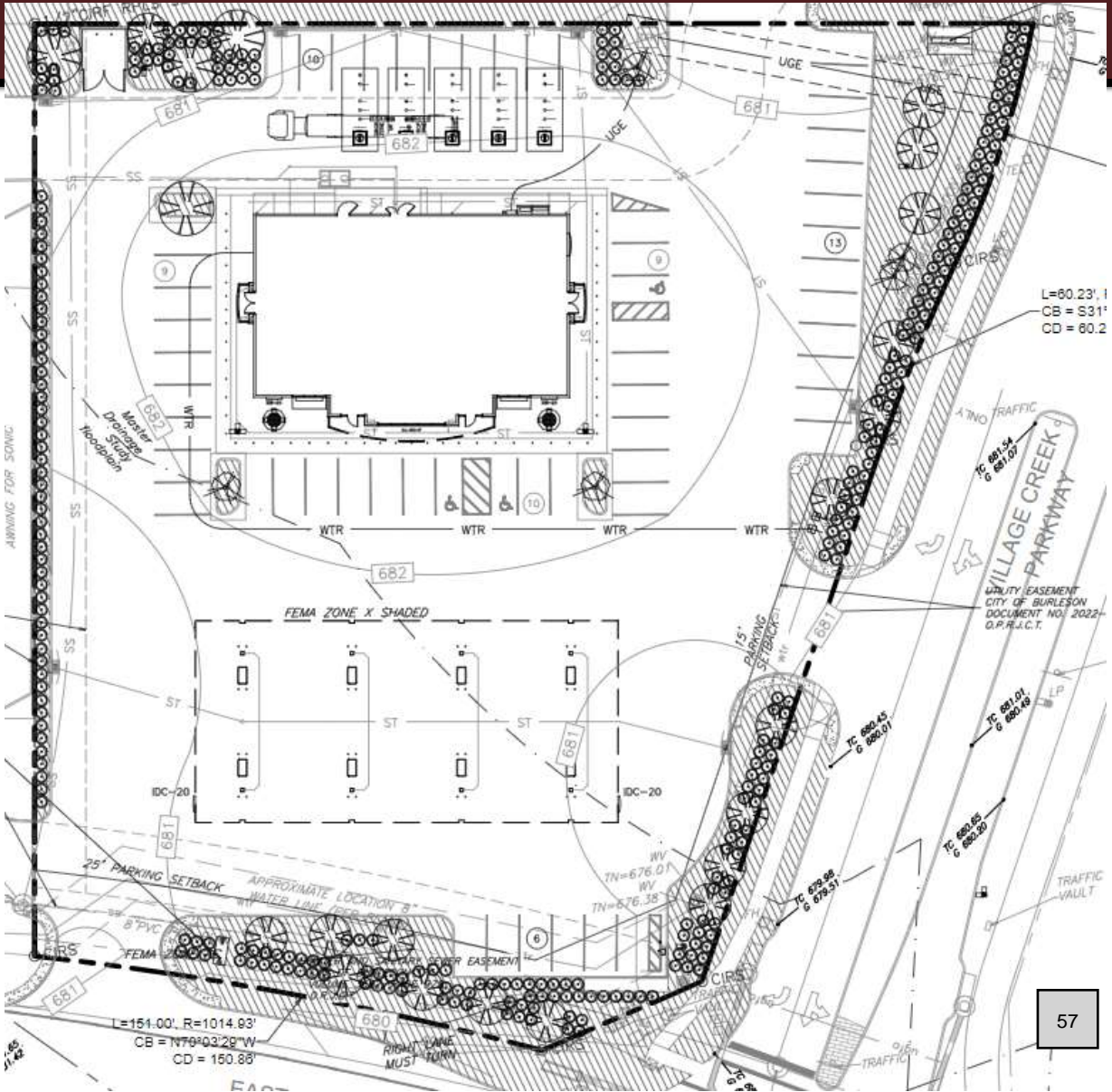


E Renfro QuikTrip – Site Plan

Landscaping

Required 13,869 SF
Providing 13,873 SF

USE	SYMBOL	COMMON NAME <i>Botanical Name</i>	MINIMUM SIZE/ HEIGHT/SPREAD	QUANTITIES
SHRUBS		LOROPETALUM (CHINESE FRINGE FLOWER) <i>Loropetalum chinese var. rubrum</i>	HEIGHT/SPREAD RATIO = 3:2 15"Ø X 10" HT MIN	230
		NEEDLE POINT HOLLY <i>Ilex Cornuta "Needle Point"</i>	HEIGHT/SPREAD RATIO = 3:2 24"Ø X 16" HT MIN	0
FRONTAGE TREES		CRAPE MYRTLE <i>Lagerstroemia Indica</i>	3" CALIPER (TOTAL) 6' HT	0
		CHINESE PISTACHE <i>Pistacia Chinensis</i>	2" CALIPER 12' HT 3" DIAMETER	17
		CHINESE PISTACHE <i>Pistacia Chinensis</i>	2" CALIPER 12' HT 6" DIAMETER	8
		GINKGO (Maidenhair Tree) <i>Ginkgo Biloba (Male Species)</i>	2" CALIPER 12' HT	0



E Renfro QuikTrip – Site Plan

Item B.

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	Complies. Site plan is in compliance with all development regulations with exception of requested waivers to the parking setback and drive access spacing
<u>Landscaping</u> 20% of Total Site shall be landscaped 13,869 SF required	Complies. Providing 13,873 SF
<u>Parking Requirement</u> 1 space per 200 SF (27 spaces)	Complies. 57 spaces / 3 ADA

E Renfro QuikTrip – Site Plan

Item B.

Utilities & Drainage:

City water and sewer utilities are available to the site. The proposed improvements/ additional impervious area does not warrant detention per City of Burleson's standards. Overall drainage patterns will remain as they are today.

Traffic:

A variance to TxDOT regulations has been submitted for driveway spacing along E Renfro. Permits will not be issued until staff and TxDOT review and approve the access and any variance(s) that are granted.

E Renfro QuikTrip – Site Plan



Item B.

Public Hearing Notice

- Public notices mailed to property owners within 300 feet of subject property
- Published in newspaper
- Signs Posted on the property



Legend

-  Subject Property
-  Properties within 300 ft
-  300 ft Buffer

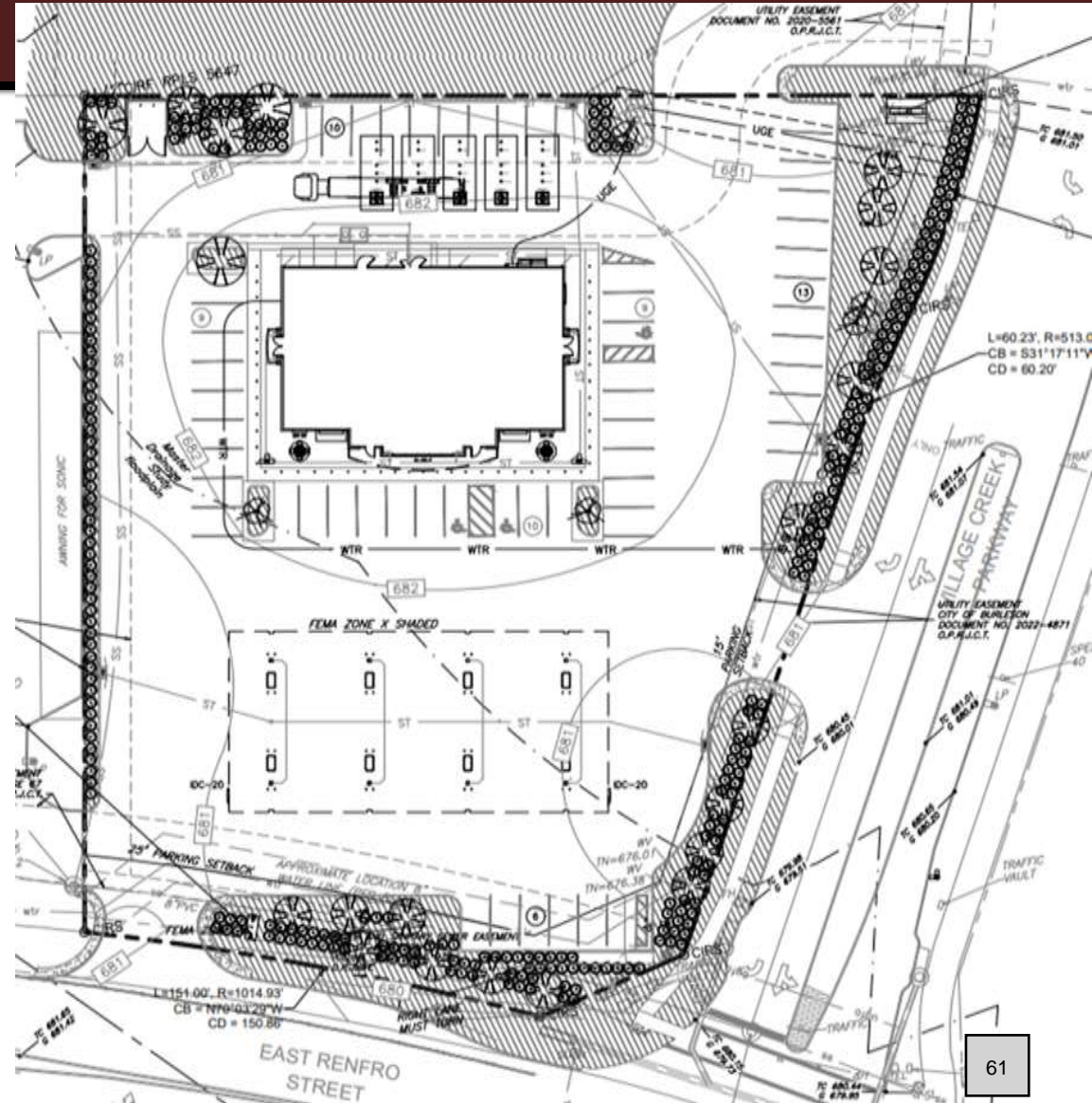
E Renfro QuikTrip – Site Plan

Item B.

Staff Recommendation

Recommend approval of a commercial site plan with a waiver to the IH35 parking setback requirement (Case 22-106).

Recommend disapproval of the request for a waiver to the driveway spacing requirement along Village Creek Pkwy.





August 22nd, 2022

Lidon Pearce

Development Services Department

Senior Planner City of Burleson, TX

Project: QT-1872 Burleson Texas
Renfro and Village Creek Parkway

QuikTrip Would like to request a variance to the driveway spacing requirements on Village Creek Parkway and a variance to the driveway spacing for a right in right out on Renfro Street. Please reference the site plan associated with this request. This request seeks to modify the requirement of 200 feet of spacing to be 123 feet on village creek parkway and XXX feet on Renfro Street. The requirement is based on table 1 of the Burleson Design standards manual. The proposed driveway on Renfro is being provided with a non standard right turn lane in order to mitigate the impacts from the spacing relief.

In order for QuikTrip to provide a facility with adequate access for staff and customers the variance is needed. The layout of the existing access does not allow for driveway spacing to be met and the location provided serves as a compromise for the proposed development. The existing driveway and intersection of Renfro Street on Village Creek Parkway does not allow for the minimum spacing requirements needed. The driveway on Renfro Street will serve to provide access to east bound traffic and prevent congestion at the existing access point on Renfro street.

We hope that staff will consider the requested variances and we seek approval of a waiver to the ordinance.

Sincerely,

Tommy Vilbig, P.E.

469-907-4377 (Direct) tommy@vilbig.com 214-352-7333 (Office)

Vilbig & Associates, PLLC | 517 W Woodard | Denison, TX 75020 | www.vilbig.com |

Tx. Eng. Firm No. F-5614 | Tx. Surv. Firm No. 10033000

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A certified HUB/NCTRCA woman-owned business

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517 W. Woodard | Denison, Texas 75020 | 214-352-7333

vilbig.com | Texas Engineer Firm F-5614 | Texas Survey Firm 10033000





August 22nd, 2022

Lidon Pearce

Development Services Department

Senior Planner City of Burleson, TX

Project: QT-1872 Burleson Texas
Renfro and Village Creek Parkway

QuikTrip Would like to request a variance to the parking setback ordinance Sec 5-51
Landscaping subsection D

(d)Perimeter. All parking areas adjacent to a major or minor arterial street, as shown in the master thoroughfare plan, shall be located a minimum of 25 feet from the right-of-way line. All parking areas adjacent to a major or minor collector street, as shown in the master thoroughfare plan, shall be located a minimum of 15 feet from the right-of-way line

In order for QuikTrip to provide a facility with adequate parking for staff and customers the variance is needed. The layout of the property does not allow for alternative locations for parking spaces. The land area between the existing restaurant to the west and the existing Village Creek ROW to the east constrains the site.

We hope that staff will consider the requested setback variances and we seek approval of a waiver to the ordinance

Sincerely,

Tommy Vilbig, P.E.

469-907-4377 (Direct) tommy@vilbig.com 214-352-7333 (Office)

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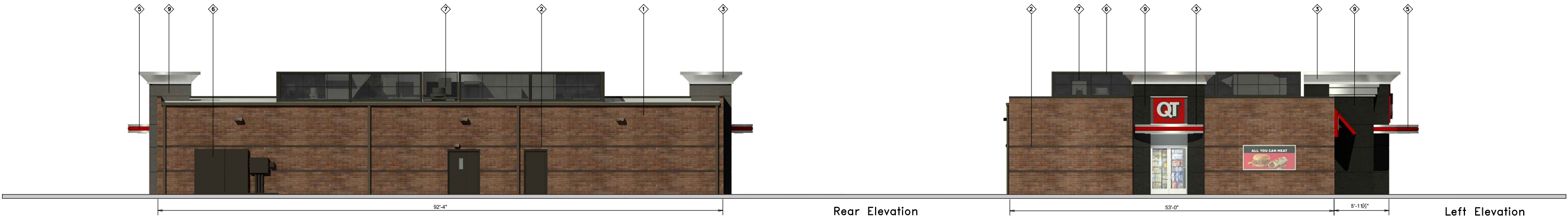
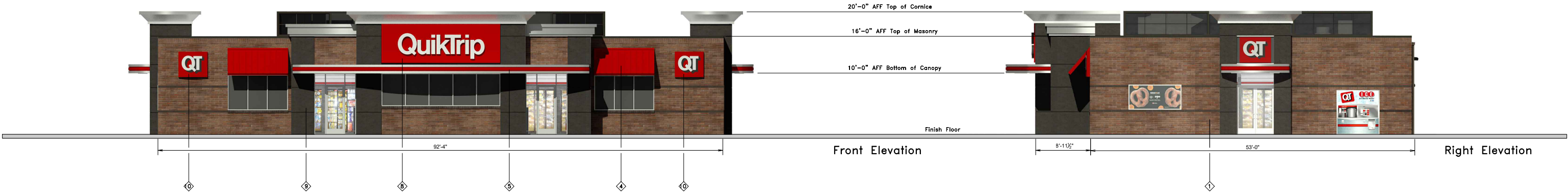
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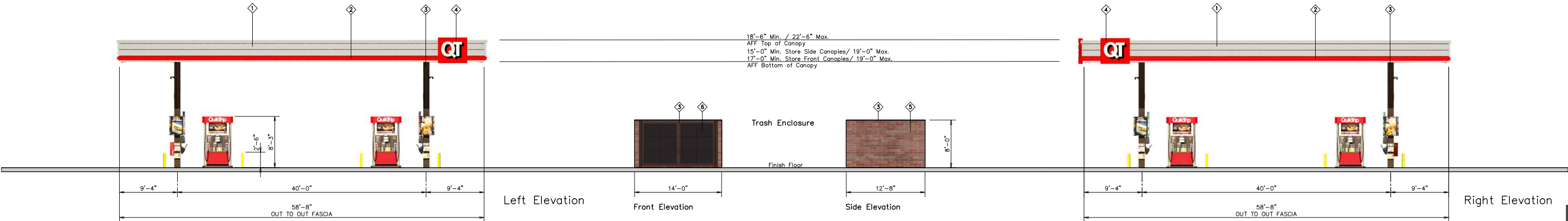
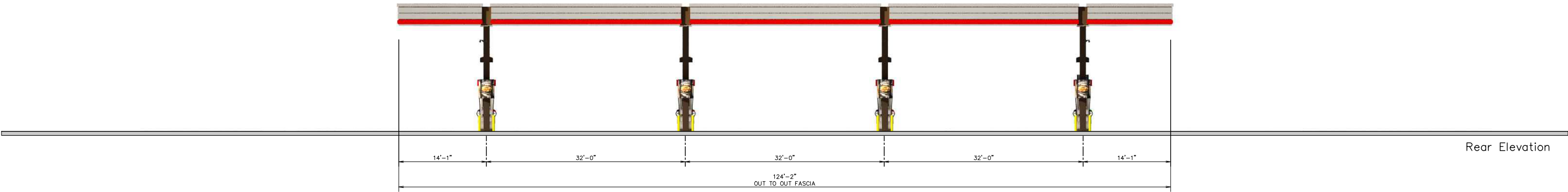
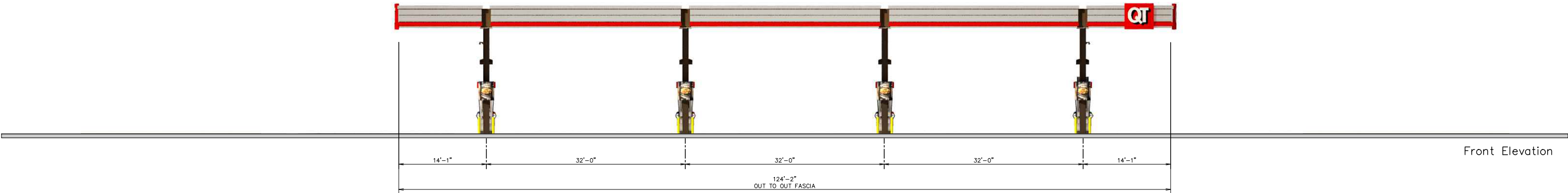
QuikTrip.

4705 South 129th East Ave.
Tulsa, OK 74134-7008
P.O. Box 3475
Tulsa, OK 74101-3475
(918) 615-7700

Store # 1872	G3SE Building Elevations	Address: NEC of Renfro and Village Pkwy	City, State: Burleson, TX
Serial # 08-1872-G3SE	Scale: 1/16"=1'-0"	Issue Date: 06.09.22	Drawn By: JK
		Rev/Notes:	
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①	FINISH	MANUFACTURER	SPECIFICATION
1	BRONZESTONE	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK
2	MIDNIGHT	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK
3	BRUSHED ALUMINUM	REYNOLDS	FASCIA
4	QT RED	SHERWIN-WILLIAMS	STANDING SEAM AWNING
5	RED POLYCARBONATE	ALLEN INDUSTRIES	ILLUMINATED BAND
6	QT BROWN	SHERWIN-WILLIAMS	METAL PAINT
7	BLACK	ALL COURT FABRICS	POLYPRO 95 MESH
8	CL-60R	ALLEN INDUSTRIES	SIGNAGE
9	GRANITE	STO	A100G EIFS
10	IDB-20	ALLEN INDUSTRIES	ILLUMINATED SIGNAGE

64



QuikTrip.

4705 South 129th East Ave.
Tulsa, OK 74134-7008
P.O. Box 3475
Tulsa, OK 74101-3475
(918) 615-7700

Store # 1872 Double Stack 8 Canopy Elevations

Serial # 08-1872-GD08

Scale: 1/16"=1'-0"

Issue Date: 06.09.22

Address: NEC of Renfro and Village Pkwy

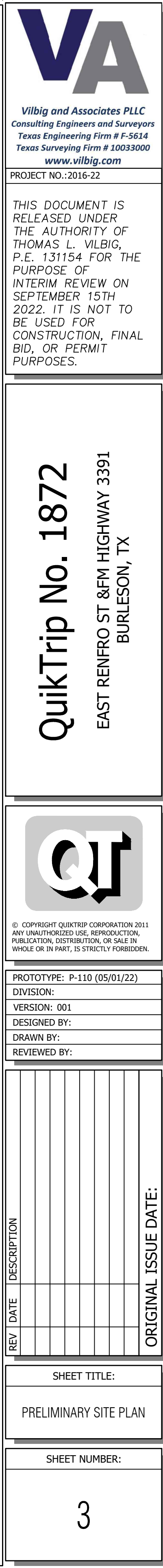
Drawn By: JK

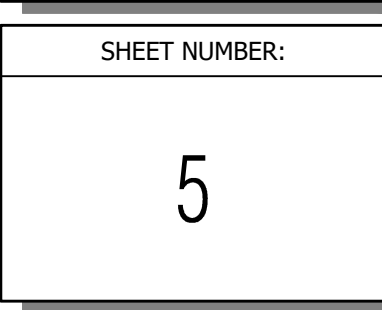
Rev/Notes:

City, State: Burleson, TX

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①	FINISH	MANUFACTURER	SPECIFICATION
1	BRUSHED ALUMINUM	REYNOLDS	CANOPY
2	RED POLYCARBONATE	ALLEN INDUSTRIES	ILLUMINATED BAND
3	QT BROWN	SHERWIN - WILLIAMS	METAL PAINT
4	IDC-20	ALLEN INDUSTRIES	ILLUMINATED SIGNAGE
5	BRONZESTONE	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK
6	BLACK	ALL COURT FABRICS	POLYPRO 95 MESH





Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: JP Ducay, Senior Planner

MEETING: December 13, 2022

SUBJECT:

4139 S Burleson Blvd (Case 22-122): Hold a public hearing and consider approval of an ordinance for a zoning change request from "A", Agricultural to "PD", Planned Development for a 4.13 acre site.

SUMMARY:

On October 17, 2022, an application was submitted by Daniel Welling (owner/applicant) with Welling Investments INC, to rezone approximately 4.13 acres from "A", Agricultural to "PD", Planned Development. The subject PD will provide a base zoning of Industrial that allows for all industrial uses in accordance with the zoning code while prohibiting the following uses from operating at the subject site:

- Auto salvage yards
- Asphalt/concrete batching
- Petroleum or gas well
- Petroleum storage/collection
- Railroad freight terminal
- Railroad passenger terminal
- Railroad team track
- Railroad track or right-of-way
- Sand/gravel/topsoil extraction/storage
- Sexually oriented business (SOB's)

The site currently contains two structures that include a 4,000 square-foot office/warehouse building and a 5,000 square-foot warehouse. According to the owner, the structures were originally built in the 1990's and were used as an auto storage facility for classic cars and personal projects of the previous owner. Welling Investments INC (current owner) acquired the property in 2021 and made some improvements to the site. The cosmetic improvements included a full repaint of the building's exterior and re-laying the gravel base. According to the owner, there is not a tenant lined up to occupy the site at this time, however, receiving approval of the requested zoning change will attract future industrial uses. A draft ordinance for this zoning change request is included in this packet.

Planning Analysis

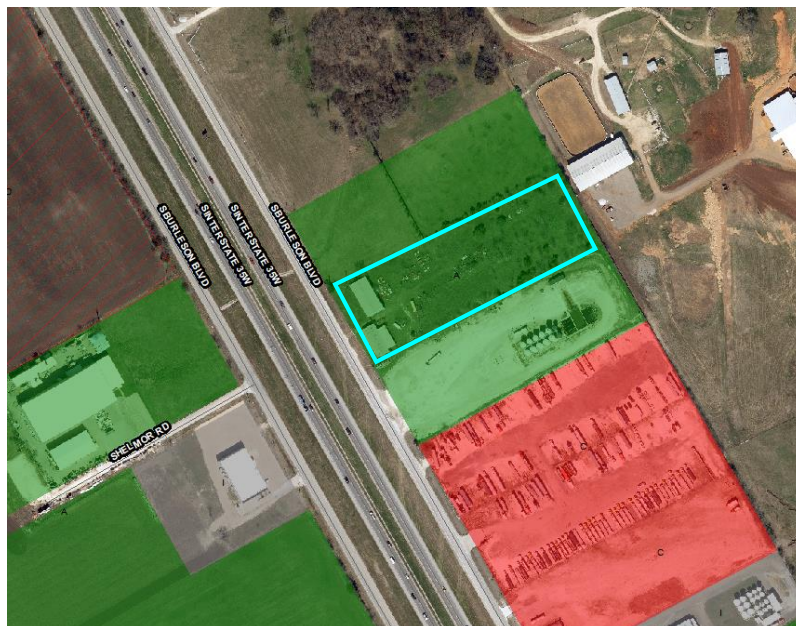
The City's Imagine Burleson 2030 Midpoint Update Comprehensive Plan designates this site as **Employment Growth Center** that provides the following description:

“Employment Growth Centers offer important employment opportunities, occupy large areas of land, and are generally located near major roads. The City’s Highpoint Business Park has been a great start to diversifying the economy and bringing world-class industries to the City. This future land use category focuses on the opportunities to expand the development.

This land use category should include a mix of low and medium density industrial buildings and industrial yards and have ample surface parking for cars and trucks. Design standards should be implemented to protect the image from the IH-35W corridor – specifically quality building materials and screening for outside storage. Success of the Employment Growth Center relies on quality road access with wide street lanes and large intersections and may be linked to rail for freight purposes. Transit, sidewalks and other pedestrian features should be limited.

The Employment Growth Center area in Burleson should be marketed to industries with potential for upward mobility of skilled workers such as logistics and warehousing. Limited residential uses focused on workforce housing may be considered.”

Per the Employment Growth Center description, the Industrial zoning district is a corresponding district. Subsequently, the requested PD, Planned Development zoning district with a base zoning of I, Industrial is in conformance with the Comprehensive Plan. This property is also located within the IH35 Overlay – any future development must meet the requirements of the City’s design standards for the area. These design standards will be evaluated during commercial site plan processes.



	Zoning	Use
Subject Site	A, Agricultural	Developed, Unoccupied
North	A, Agricultural	Undeveloped

East	N/A, ETJ	Developed, Commercial
South	A, Agricultural	Developed, Industrial
West	Agricultural/Industrial	Developed, Industrial

OPTIONS:

- 1) Recommend approval of the zoning change request; or
- 2) Recommend approval of the zoning request with modifications; or
- 3) Recommend denial of the zoning change request.

RECOMMENDATION:

Staff recommends approval of the zoning change request from “A”, Agricultural to “PD”, Planned Development for 4139 S Burleson Blvd as proposed by the applicant.

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

October 3, 2022: City Council motion to **deny** the request to rezone 4139 S Burleson Blvd to I, Industrial was approved by a vote of 6-0.

September 13, 2022: Planning and Zoning Commission’s recommendation to approve the straight zoning request to I, Industrial was approved by a vote of 4-1.

PUBLIC NOTIFICATION:

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

At this time staff has not received any formal opposition regarding this case.

Fiscal IMPACT:

None

STAFF CONTACT:

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

4139 S Burleson Blvd ZC

Item C.

Location:

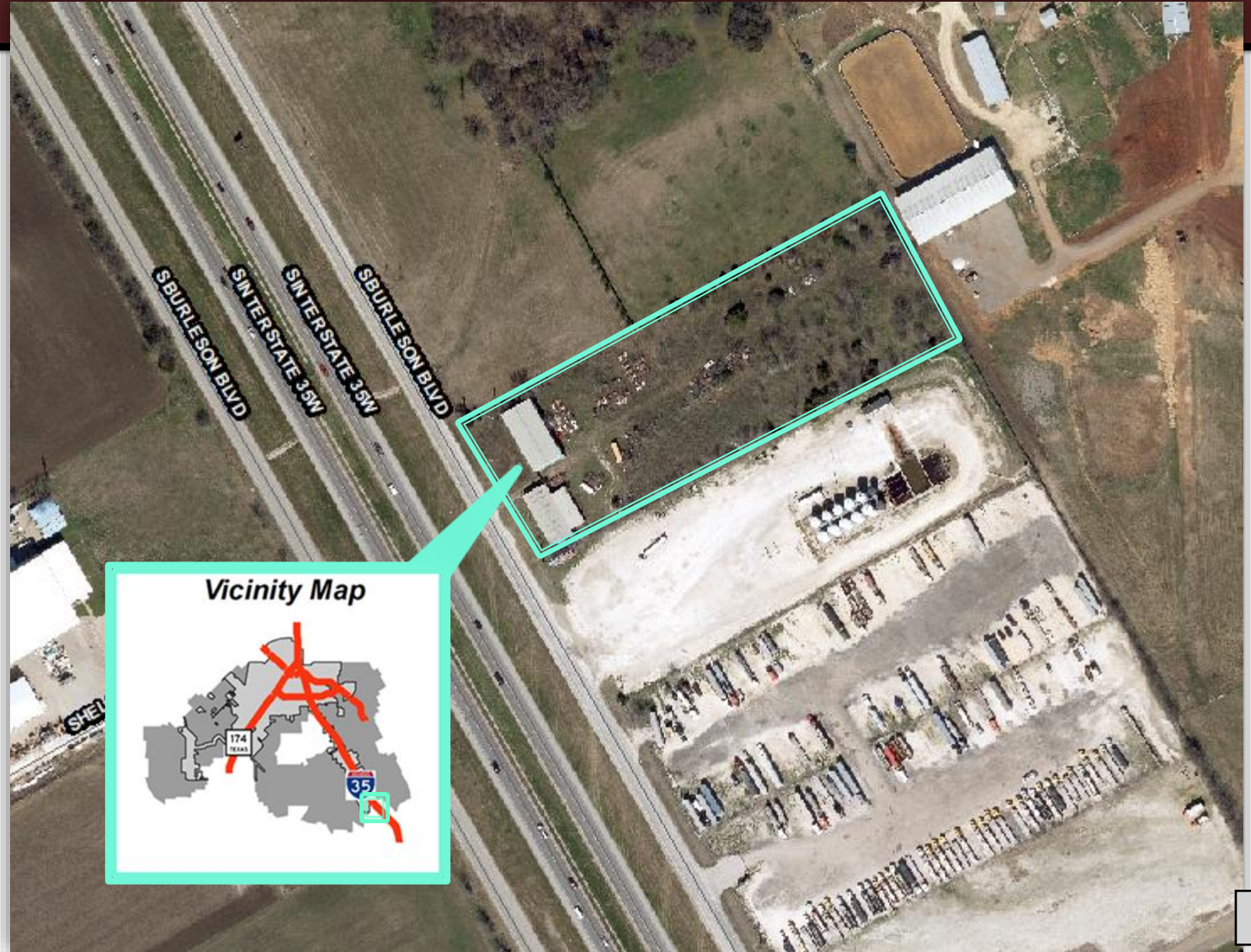
- 4.13 acres
- 4139 S Burleson Blvd

Applicant/Owner:

Daniel Welling

Item for approval:

Zoning Change (Case 22-145)

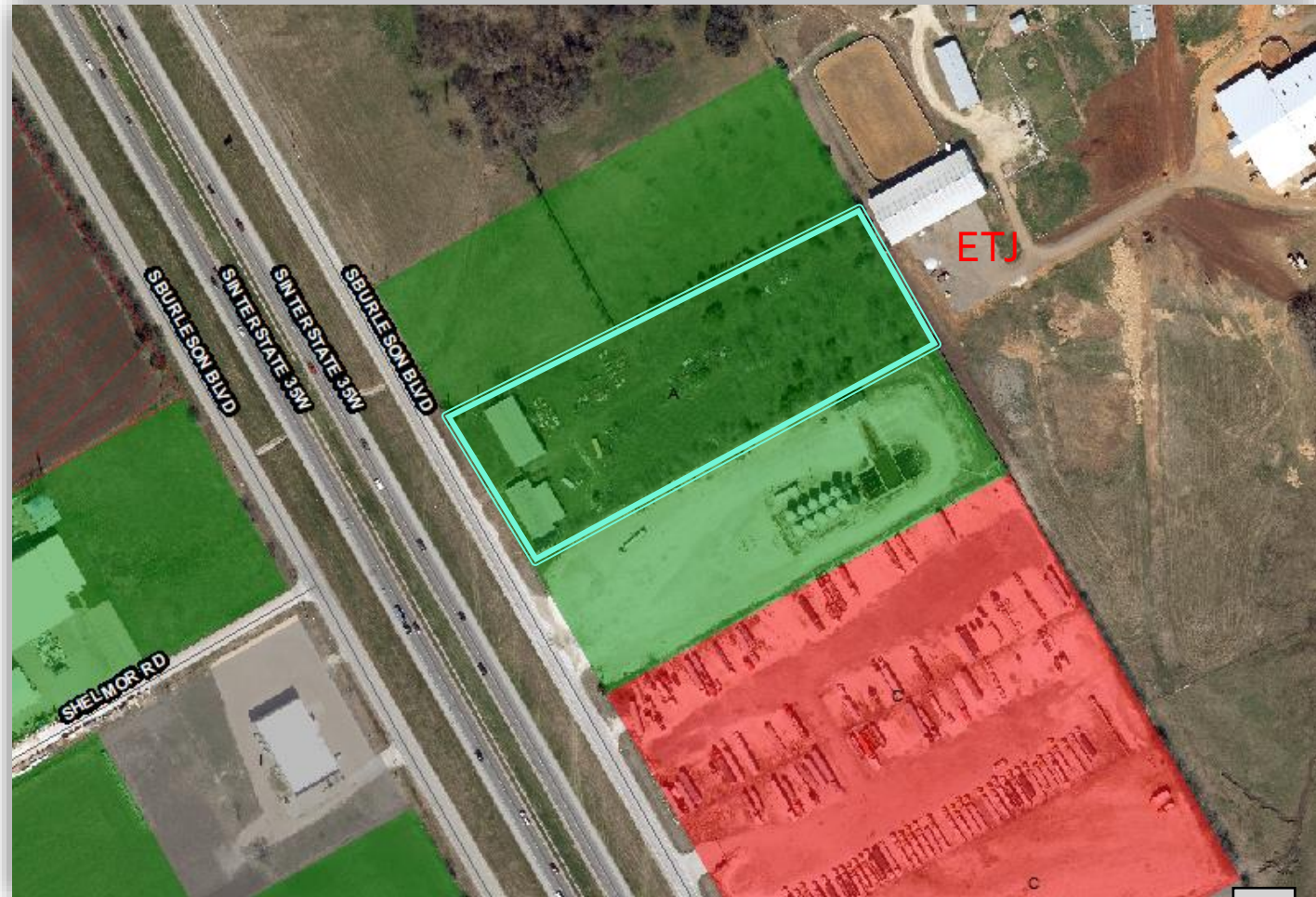


4139 S Burleson Blvd ZC

Item C.

Zoning Information

- Current zoning is Agricultural
 - Contains two structures on site (built in 1990's):
 - 4,000sqft office/warehouse
 - 5,000sqft warehouse
- Applicant is requesting a zone change to PD, Planned Development.
 - Base Zoning of I, Industrial
 - Allow for future industrial uses to occupy and operate on the subject property.



4139 S Burleson Blvd ZC

Item C.

Zoning Restrictions

- Applicant is requesting a zone change to PD, Planned Development.
 - Base Zoning of I, Industrial
 - All industrial uses in accordance with the zoning code are permitted by right with the exception of the following prohibited uses:

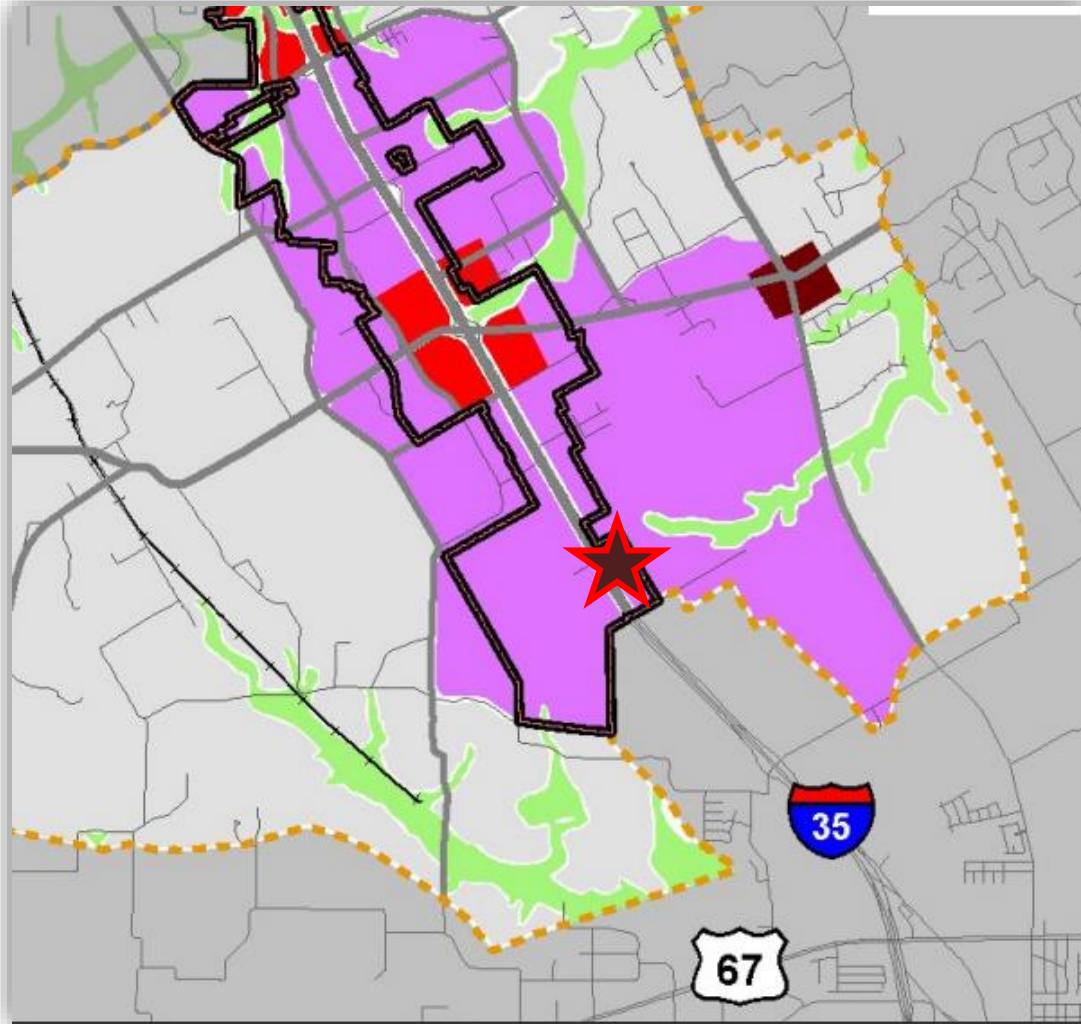


Prohibited Uses:

- Asphalt/concrete batching
- Auto salvage yards
- Petroleum or gas well
- Petroleum storage/collection
- Railroad freight terminal
- Railroad passenger terminal
- Railroad team track
- Railroad track or right-of-way
- Sand/gravel/topsoil extraction storage
- Sexually oriented businesses (SOB's)

Comprehensive Plan

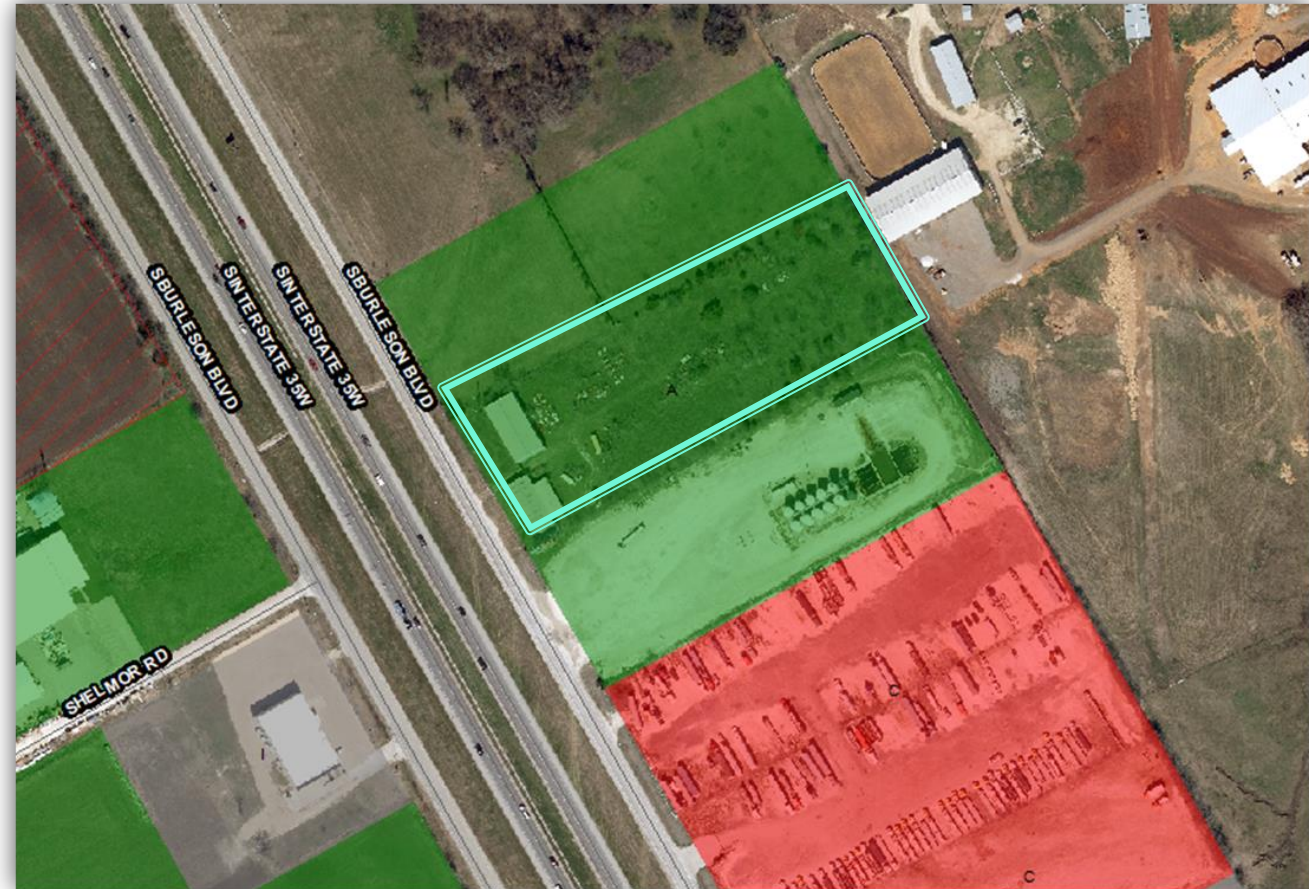
Employment Growth Center



Current Zoning

Item C.

Agricultural



4139 S Burleson Blvd ZC

Public Hearing Notice

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

Staff has received no inquiries concerning this request.

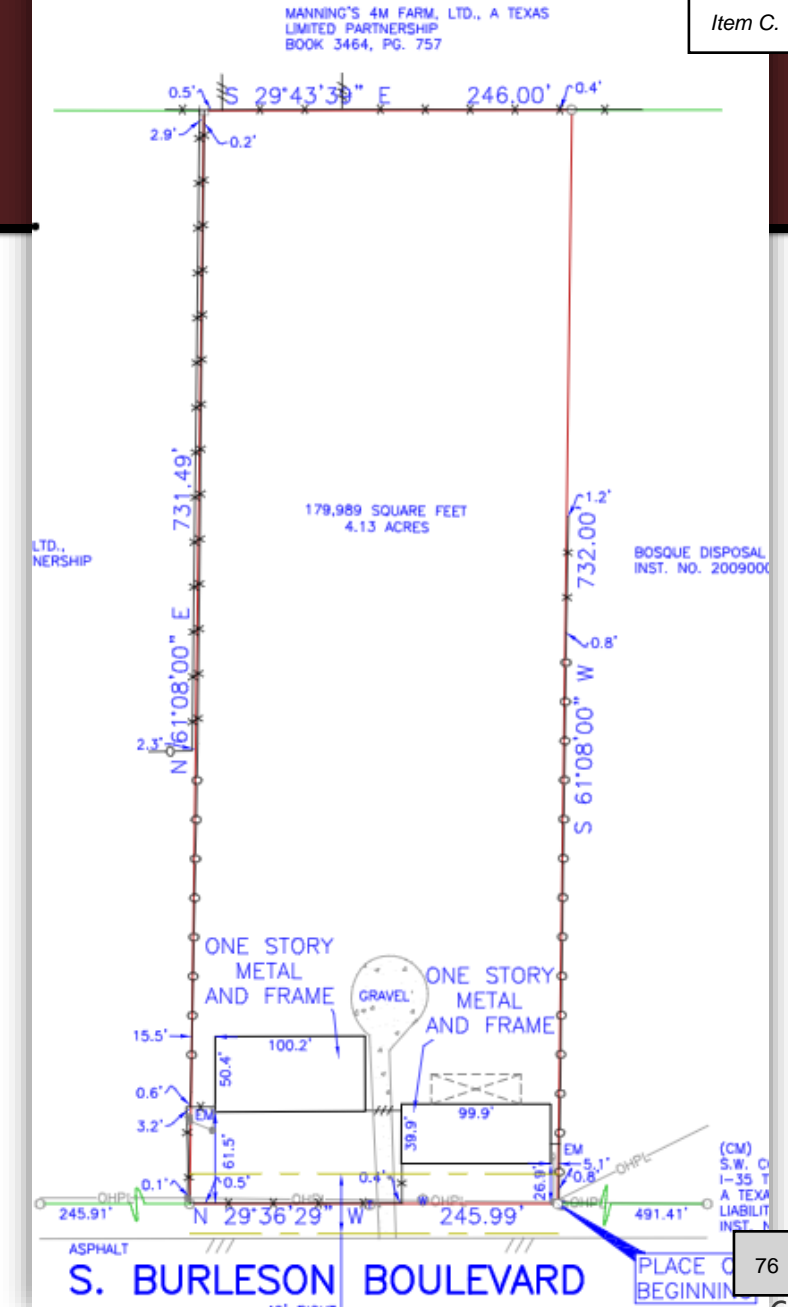


4139 S Burleson Blvd ZC

Staff's Recommendation

Staff recommends approval of the zoning change request from "A", Agricultural to "PD", Planned Development for 4139 S Burleson Blvd as proposed by the applicant.

- Staff supports the Planned Development as the conditions established within it restrict the more intensive and undesirable uses allowed by right in the Industrial zoning district.



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 4.13 ACRES OF LAND, ADDRESSED AS 4139 S BURLESON BLVD, AND BEING SITUATED IN THE ISSAC SAUNDERS SURVEY, ABSTRACT NO. 800, CONVEYED BY DEED, AS RECORDED IN VOLUME 3143, PAGE 649, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, FROM A, AGRICULTURAL TO PD, PLANNED DEVELOPMENT DISTRICT, MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, an application for a zoning change was filed by Daniel Welling, Applicant, on October 17, 2022, under Case Number 22-145; and

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

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

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

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

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

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

Section 1.

The Official Zoning Map is hereby amended insofar as it relates to certain land described as 4.13 acres of land, addressed as 4139 S Burleson Blvd, and being situated in the Issac Saunders survey, Abstract No. 800, conveyed by deed, as recorded in Volume 3143, Page 649, official public

records, Johnson County, Texas, more particularly described in Exhibit “A” and illustrated in Exhibit “B”, all exhibits being attached hereto and incorporated herein by reference for all purposes, by changing the zoning of said property from Agricultural (A) to Planned Development District (PD).

Section 2.

The Planned Development district, as defined by Exhibit A, shall be subject to the following conditions:

1. GENERAL

This property is subject to all the regulations contained in the City of Burleson development codes, except where amended by this Ordinance

2. PERMITTED LAND USES

Except as otherwise provided herein, land uses shall be permitted within this PD district shown on Exhibit A and are limited to Industrial district (I) and uses permitted within the IH35 overlay district as defined by the City of Burleson Zoning Ordinance. Except as otherwise provided herein, use and development of the property shall be in accordance with the Industrial district and IH35 design standards.

3. PROHIBITED LAND USES

The following land uses are prohibited within the PD district shown on Exhibit A:

- a. Auto salvage yards
- b. Asphalt/concrete batching
- c. Petroleum or gas well
- d. Petroleum storage/collection
- e. Railroad freight terminal
- f. Railroad passenger terminal
- g. Railroad team track
- h. Railroad track or right-of-way
- i. Sand/gravel/topsoil extraction/storage
- j. Sexually oriented business (SOB's)

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Section 7.

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

Section 8.

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

Section 9.

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

PASSED AND APPROVED:

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

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A- Legal Description

Being all that certain lot, tract or parcel of land situated in the I. Saunders Survey, Abstract No. 800, in Johnson County, Texas and being the same land described in deed to John Glyn Morgan Jones and Constance Julia Jones, recorded in Book 3143, Page 649, Deed Records, Johnson County, Texas (D.R.J.C.T.) and being more particularly described as follows:

BEGINNING at a 3/4 inch iron pipe found for corner in the Northeast line of S. Burleson Boulevard, at the West corner of a tract of land described in deed to Bosque Disposal Systems, LLC., recorded in Instrument No. 200900030552 (D.R.J.C.T.) and at the South corner of said Jones tract;

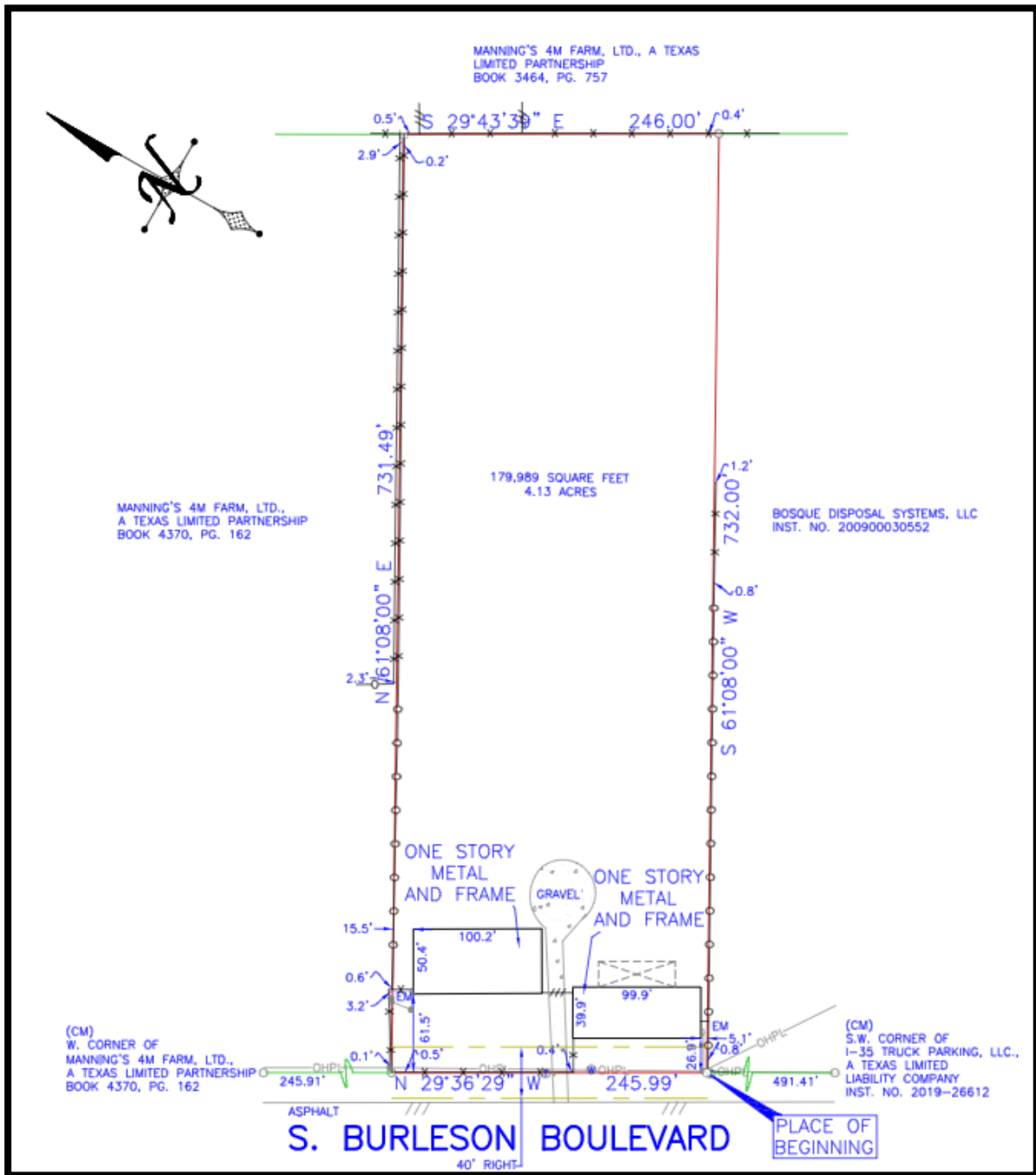
THENCE North 29 degrees 36 minutes 29 seconds West, with the said Northeast line of S. Burleson Boulevard, a distance of 245.99 feet to a 1/2 inch iron rod found at the South corner of a tract of land described in deed to Manning's 4M Farm, LTD., a Texas limited partnership, recorded in Book 4370, Page 162 (D.R.J.C.T.);

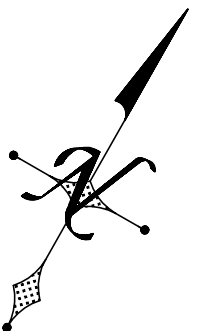
THENCE North 61 degrees 08 minutes 00 seconds East, a distance of 731.49 feet to a 1 inch iron pipe found for corner in the Southwest line of a tract of land described in deed to Manning's 4M Farm, LTD., a Texas limited partnership, recorded in Manning's 4M Farm, LTD., a Texas Limited Partnership, recorded in Book 3464, Page 757, (D.R.J.C.T.), at the East corner of said Manning's 4M Farm tract (Book 4370, Page 162);

THENCE South 29 degrees 43 minutes 39 seconds East, a distance of 246.00 feet to a 1/2 inch iron rod found for corner in the said Southeast line of Manning's 4M Farm tract (Book 3464, Page 757), at the North corner of said Bosque Disposal Systems tract;

THENCE South 61 degrees 08 minutes 00 seconds West, a distance of 732.00 feet to the PLACE OF BEGINNING and containing 179,989 square feet or 4.13 acres of land.

Exhibit B



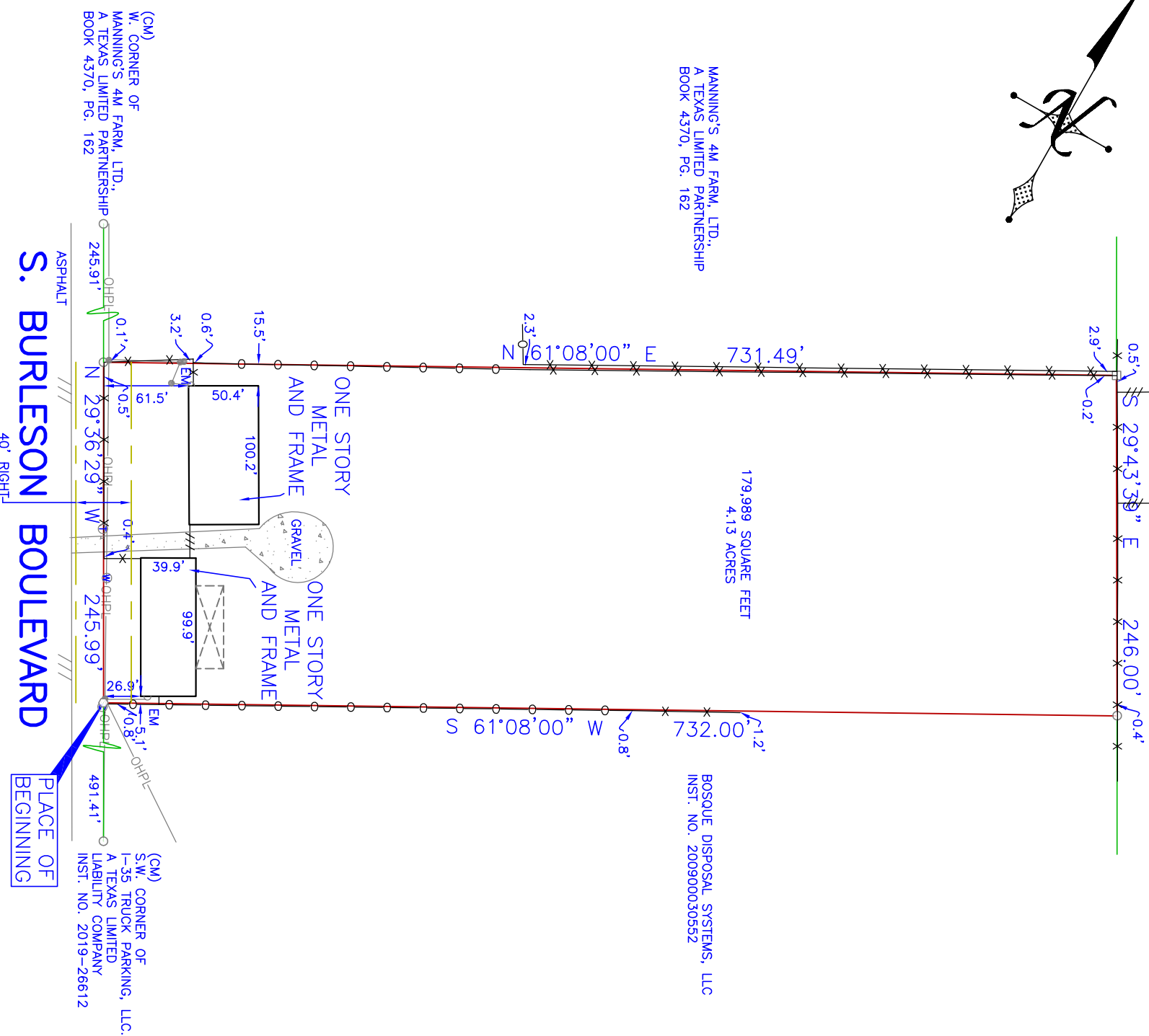


MANNING'S 4M FARM, LTD., A TEXAS
LIMITED PARTNERSHIP
BOOK 3464, PG. 757

MANNING'S 4M FARM, LTD.,
A TEXAS LIMITED PARTNERSHIP
BOOK 4370, PG. 162

179,989 SQUARE FEET
4.13 ACRES

BOSQUE DISPOSAL SYSTEMS, LLC
INST. NO. 200900030552



40' RIGHT] OF WAY
EASEMENT
AGREEMENT
VOL. 4468,
PG. 11



7509 PENNRIDGE CIRCLE
ROWLETT, TX 75088

FIRM REGISTRATION NO. 10194366

BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 4139 S. BURRESON BOULEVARD, in JOHNSON COUNTY, Texas.

Being all that certain lot, tract or parcel of land situated in the I. Saunders Survey, Abstract No. 800, in Johnson County, Texas and being the same land described in deed to John Glyn Morgan Jones and Constance Julia Jones, recorded in Book 3143, Page 649, Deed Records, Johnson County, Texas (D.R.J.C.T.) and being more particularly described as follows:

BEGINNING at a 3/4 inch iron pipe found for corner in the Northeast line of S. Burleson Boulevard, at the West corner of a tract of land described in deed to Bosque Disposal Systems, LLC., recorded in Instrument No. 200900030552 (D.R.J.C.T.) and at the South corner of said Jones tract;

THENCE North 29 degrees 36 minutes 29 seconds West, with the said Northeast line of S. Burleson Boulevard, a distance of 245.99 feet to a 1/2 inch iron rod found at the South corner of a tract of land described in deed to Manning's 4M Farm, LTD., a Texas limited partnership, recorded in Book 4370, Page 162 (D.R.J.C.T.);

THENCE North 61 degrees 08 minutes 00 seconds East, a distance of 731.49 feet to a 1 inch iron pipe found for corner in the Southwest line of a tract of land described in deed to Manning's 4M Farm, LTD., a Texas limited partnership, recorded in Manning's 4M Farm, LTD., a Texas Limited Partnership, recorded in Book 3464, Page 757, (D.R.J.C.T.), at the East corner of said Manning's 4M Farm tract (Book 4370, Page 162);

THENCE South 29 degrees 43 minutes 39 seconds East, a distance of 246.00 feet to a 1/2 inch iron rod found for corner in the said Southeast line of Manning's 4M Farm tract (Book 3464, Page 757), at the North corner of said Bosque Disposal Systems tract;

THENCE South 61 degrees 08 minutes 00 seconds West, a distance of 732.00 feet to the PLACE OF BEGINNING and containing 179,989 square feet or 4.13 acres of land.

PROPERTY SUBJECT TO
EASEMENTS & RESTRICTIONS
2016-18189

ACCEPTED BY:

(CM)
W. CORNER OF
MANNING'S 4M FARM,
A TEXAS LIMITED PAR
BOOK 4370, PG. 162

(CM)
S.W. CORNER OF
I-35 TRUCK PARKING, LLC.
A TEXAS LIMITED
LIABILITY COMPANY
INST. NO. 2019-26612

S. BURLESON BOULEVARD

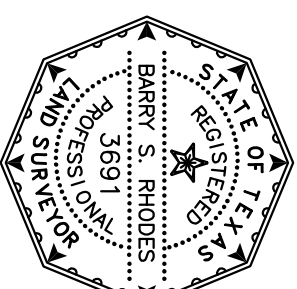
PLACE OF BEGINNING

Scale:	1" = 100'	USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDER SIGNED IS NOT RESPONSIBLE TO OTHER FOR ANY LOSS RESULTING THEREFROM.
Date:	01/14/2021	THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR COMMUNITY NATIONAL TITLE
G. F. No.:	21010005YC	
Job no.:	202100184	
Drawn by:	CMR	

WOOD FENCE	LEGEND	WOOD FENCE
CHAIN LINK	IMPROVEMENTS	CHAIN LINK
IRON FENCE	BOUNDARY LINE	IRON FENCE
WIRE FENCE	EXISTING SETBACK	WIRE FENCE
CM - CONTROLLING LINE	RESIDENCE	CM - CONTROLLING LINE
MRB - MARKMENTS OF RECORD DIGNITY		MRB - MARKMENTS OF RECORD DIGNITY
1/2" - IRON ROD FOUND		1/2" - IRON ROD FOUND
1 SET X		1 SET X
2 SET X		2 SET X
FOUND X		FOUND X
3/4" IRON PIPE FOUND		3/4" IRON PIPE FOUND
PK TAIL FOUND		PK TAIL FOUND
GALE	ELECTRIC	GALE
CLEAN OUT	POOL EQUIP	CLEAN OUT
OS METER	POWER POLE	OS METER
FIRE HYDRANT	TELEPHONE	FIRE HYDRANT
LIGHT POLE	WATER METER	LIGHT POLE
WAMPLE	WATER VALVE	WAMPLE
(UNLESS OTHERWISE NOTED)		(UNLESS OTHERWISE NOTED)



COMMUNITY
NATIONAL TITLE



James M.







Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: JP Ducay, Senior Planner

MEETING: December 13, 2022

SUBJECT:

Consider approval of a minute order setting the Planning and Zoning Commission meeting dates and start time for calendar year 2023. (22-137)

SUMMARY:

The purpose of this item is to review and approve the 2023 meeting calendar and start time for the Planning and Zoning Commission. Staff has provided two calendar options to consider. Please see the 2023 Calendar Options attachment for reference. Planning and Zoning Commission approval on one of the calendar options is requested. This approval allows staff to develop schedules for processing development applications that coordinate with City Council meeting dates. The approved 2023 City Council meeting dates are included in the calendars. The Planning and Zoning Commission is further requested to consider maintaining or amending the meeting start time of 6:30pm for calendar year 2023.

OPTIONS:

- 1) Approve staggered meeting dates for the 2023 Planning and Zoning Commission Calendar and meeting start time; or
- 2) Approve standard meeting dates for the 2023 Planning and Zoning Commission Calendar and meeting start time; or
- 3) Approve the 2023 Planning and Zoning Commission Calendar and start time with amendments

RECOMMENDATION:

Staff recommends approval of Option #1 – staggered meeting dates for the 2023 Planning and Zoning Commission Calendar (Case 22-137).

Staff supports Option #1 – staggered meeting dates as it will eliminate back-to-back meeting dates for calendar year 2023.

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

None

PUBLIC NOTIFICATION:

No public input required for this request.

Fiscal IMPACT:

None

STAFF CONTACT:

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

2023 Meeting Dates & Start Time

Items to be considered:

- P&Z start time:
 - Maintain existing 6:30pm start time
 - Amend start time?
 - Put into effect on the first meeting of January 2023 (TBD)
- P&Z meeting dates:
 - Option #1: P&Z Calendar - staggered dates
 - Option #2: P&Z Calendar - standard dates

2023

January:	
Jan 01	New Year's Day
Jan 02	New Year's Holiday
Jan 16	M L King Day
May:	
May 29	Memorial Day
July:	
Jul 04	Independence Day
September:	
Sep 04	Labor Day
November:	
Nov 11	Veterans Day
Nov 23	Thanksgiving Day
Nov 24	Thanksgiving
December:	
Dec 25	Christmas
Dec 26	Christmas Holiday
	City Council Meetings
	P&Z Meetings

2023 Meeting Dates (Option 1 – Staggered Dates) Item A.

January						
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				

February						
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				

March						
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	

April						
S	M	T	W	T	F	S
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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						
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	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						
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						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
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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
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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						

Option #1: Staggered Dates

January:	
Jan 01	New Year's Day
Jan 02	New Year's Holiday
Jan 16	M L King Day
May:	
May 29	Memorial Day
July:	
Jul 04	Independence Day
September:	
Sep 04	Labor Day
November:	
Nov 11	Veterans Day
Nov 23	Thanksgiving Day
Nov 24	Thanksgiving
December:	
Dec 25	Christmas
Dec 26	Christmas Holiday
<div> <div></div> City Council Meetings </div> <div> <div></div> P&Z Meetings </div>	

Months of Note:

- January
- August
- November
- December

Pro:

- Eliminate back-to-back meeting days

Con:

- Interrupts 2nd and 4th Tuesday schedule four months out of the year

2023 Meeting Dates (Option 2 – Standard Dates) Item A.

January						
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				

February						
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				

March						
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	

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						

Option #1: Staggered Dates

January:	
Jan 01	New Year's Day
Jan 02	New Year's Holiday
Jan 16	M L King Day
May:	
May 29	Memorial Day
July:	
Jul 04	Independence Day
September:	
Sep 04	Labor Day
November:	
Nov 11	Veterans Day
Nov 23	Thanksgiving Day
Nov 24	Thanksgiving
December:	
Dec 25	Christmas
Dec 26	Christmas Holiday
	City Council Meetings
	P&Z Meetings

Months of Note:

- January
- August
- November
- December

Pro:

- Maintain 2nd and 4th Tuesday of every month schedule

Con:

- Creates six back-to-back meetings days

2023 Meeting Dates & Start Time

Staff's Recommendation

Staff recommends approval of Option #1 – staggered meeting dates for the 2023 Planning and Zoning Commission Calendar (Case 22-137)

- Staff supports Option #1 – staggered meeting dates for the 2023 Planning and Zoning Commission calendar as it will eliminate back-to-back meeting dates.

January						
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				

February						
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				

March						
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	

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

Option #1: Staggered Dates

January:

Jan 01 New Year's Day

Jan 02 New Year's Holiday

Jan 16 M L King Day

May:

May 29 Memorial Day

July:

Jul 04 Independence Day

September:

Sep 04 Labor Day

November:

Nov 11 Veterans Day

Nov 23 Thanksgiving Day

Nov 24 Thanksgiving

December:

Dec 25 Christmas

Dec 26 Christmas Holiday

 City Council Meetings

 P&Z Meetings

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January						
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				

February						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
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19	20	21	22	23	24	25
26	27	28				

March						
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
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26	27	28	29	30	31	

April						
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23	24	25	26	27	28	29
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May						
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June						
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				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						
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						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August						
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6	7	8	9	10	11	12
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September						
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24	25	26	27	28	29	30

October						
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November						
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
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December						
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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						

Option #2: Standard Dates

January:

Jan 01 New Year's Day

Jan 02 New Year's Holiday

Jan 16 M L King Day

May:

May 29 Memorial Day

July:

Jul 04 Independence Day

September:

Sep 04 Labor Day

November:

Nov 11 Veterans Day

Nov 23 Thanksgiving Day


Nov 24 Thanksgiving

December:

Dec 25 Christmas

Dec 26 Christmas Holiday

 City Council Meetings

 P&Z Meetings

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January						
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				

February						
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			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				

March						
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
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April						
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						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
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May						
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21	22	23	24	25	26	27
28	29	30	31			

June						
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				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						
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6	7	8	9	10	11	12
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27	28	29	30	31		

September						
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October						
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22	23	24	25	26	27	28
29	30	31				

November						
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			1	2	3	4
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26	27	28	29	30		

December						
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31						