



Planning & Zoning Commission Agenda

Tuesday, January 17, 2023
6:00 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 December 13, 2022 Planning & Zoning Commission meeting.

B. Sherwood Forest Estates addressed as 3301 FM 731 (Case 22-142): Consider approval of a final plat for Sherwood Forest Estates, Lots 1-24, Block 1. (*Staff Presenter: Lidon Pearce, Senior Planner*)

C. Forest Meadows; Lots 29R1 and 29R2, Block 1 (Case 22-148): Consider approval of a replat of Lot 29, Block 1, of Forest Meadows. (*Staff Presenter: Lidon Pearce, Senior Planner*)

4. Public Hearing

A. **Ordinance Modification for text amendments to Appendix B, Zoning, Article I, Board of Adjustments and Appendix C, Urban Design Standards, Article IV Old Town Design Standards, Old Town Design Standards Committee:** Hold a public hearing and consider an ordinance amending the number of voting members and terms of members for the Board of

Adjustments and Old Town Design Standards Committee. (Staff Presenter: Amanda Campos, City Secretary)

- B. 2500 SW Hulen St (TOD Mixed-Use) (Case 22-131):** Hold a public hearing and consider an ordinance for a zoning change request from “PD” Planned Development district, to “PD” Planned Development district, to allow for retail and single-family attached residential development on 35.20 acres. (Staff Presenter: Lidon Pearce, Senior Planner)
- C. 2825 S Burleson (Case 22-152):** Hold a public hearing and consider an ordinance for a zoning change request from “A”, Agriculture to “C” Commercial. (Staff Presenter: Lidon Pearce, Senior Planner)
- D. 4139 S Burleson Blvd (Case 22-139):** Hold a public hearing and consider a resolution approving a waiver to Section 5.5.E “Parking Lot/Site Layout Design Criteria” of the Design Standards Manual as amended by Resolution R-1175-10 for the parking lot design within 4139 S. Burleson Blvd. (Staff Presenter: Travis Attanasio, Senior Civil Engineer)

5. Reports and Presentations

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.

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 13th of January 2023, by 5:00 p.m., on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.

Amanda Campos
City Secretary

**ACCESSIBILITY STATEMENT**

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



Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Peggy Fisher, Administrative Assistant Sr.

MEETING: January 17, 2023

SUBJECT:

Approve the minutes from December 13, 2022 Regular Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the December 13, 2022 Regular Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the December 13, 2022 Regular Session of the Planning & Zoning Commission meeting.

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

None

FISCAL IMPACT:

None

STAFF CONTACT:

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

PLANNING AND ZONING COMMISSION

December 13, 2022

MINUTES

Roll Call

Commissioners Present

Adam Russell(Chair)
David Hadley
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
Lidon Pearce, Planner
Michelle McCullough, Assistant Director Public Works
James Rogge, City Engineer
Peggy Fisher, Administrative Assistant

REGULAR SESSION

1. Call to Order – 6:30 PM

Invocation – Adam Russell

Pledge of Allegiance

2. Citizen Appearance

None

3. Consent Agenda

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

Consider approval of the minutes from November 15, 2022 Planning and 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: Lidon Pearce, Senior Planner).

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

Motion passed, 8-0.

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).

Lidon Pearce 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 6:37 p.m.

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

Motion passed, 8-0.

- 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).

Lidon Pearce 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 6:42 p.m.

Tommy Vilbig, applicant, 400 Chishol Place, answered questions regarding this item.

Tommy Vilbig, applicant, 400 Chishol Place, made a brief presentation regarding the driveway waivers to the commissioners.

Tommy Vilbig, applicant, 400 Chishol Place, answered questions regarding this item.

Commission Chairman Adam Russell closed the public hearing at 7:01 p.m.

Motion made by Commissioner Dan Taylor and second by Commissioner Michael Tune to approve the site plan with the parking setback waiver and deny the driveway spacing waiver.

Motion passed, 8-0.

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).

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 7:12 p.m.

Tony McIlwain, Director Development Services, addressed the commissioners regarding this item.

Commission Chairman Adam Russell closed the public hearing at 7:16 p.m.

Motion made by Commissioner Clint Faram and second by Commissioner Michael Tune to approve.

Motion passed, 8-0.

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)
(Staff Presenter: JP Ducay, Senior Planner).

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

Motion made by Commissioner David Hadley and second by Commissioner Cobi Tittle to approve the PZ Start time as 6:00PM and to use the staggered PZ Calendar with modifying March to the 7th and November to the 14th of the month.

Motion passed, 8-0.

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 – 7:33M

Peggy Fisher

Administrative Assistant
Recording Secretary

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: January 17, 2023

SUBJECT:

Sherwood Forest Estates addressed as 3301 FM 731 (Case 22-142): Consider approval of a final plat for Sherwood Forest Estates, Lots 1-24, Block 1. (*Staff Presenter: Lidon Pearce, Senior Planner*)

SUMMARY:

On October 3, 2022, an application for a Final Plat, including 28.245 acres, was submitted by Alton Isbell representing Sendero Oaks LLC. The Sherwood Forest Estates development contains 23 residential lots and 1 HOA lot dedicated as a draining easement within the Extra Territorial Jurisdiction (ETJ) of the City of Burleson.

The preliminary plat and associated street waivers were approved by City Council on February 7, 2022. The plat is administratively complete and meets the requirements of Appendix A – Subdivision and Development Regulations.

ENGINEERING:

Roadways

Have been constructed in accordance with previously approved City Council waivers.

Utilities

The property is served by the Bethesda Water Supply Corporation. Individual lots will contain septic systems.

Drainage

Detention is required for developments 1 acre in size or larger. The applicant has submitted preliminary detention calculations. An additional drainage easement has been added to Lot 12.

OPTIONS:

- 1) Approve the final plat; or

- 2) Deny the final plat

RECOMMENDATION:

Approve the final plat for Sherwood Forest Estates (Case 22-142)

FISCAL IMPACT:

None.

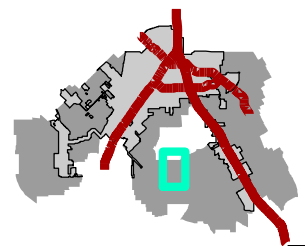
STAFF CONTACT:

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Senior Planner
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THE CITY OF
BURLESON
TEXAS

**Sherwood Forest Estates
Final Plat
Case 22-142**



Vicinity Map

2. IRF - Iron Rod Found
3. IRS - Iron Rod Set
4. CJA - Controlling Monument
5. Basis of Bearing - The basis of bearings for this survey is the Texas State Plane Coordinate System Grid, North Central Zone (4202), North American Datum 1983(2002).
6. This property is located inside the City of Burleson ETJ.
7. This property is for residential use.
8. Electric is TU Electric Services.
9. Water is provided by Bethesda Water Supply.
10. Sewer is provided by private facility
11. The City of Burleson reserves the right to require minimum finish floor on any lot within this subdivision.
12. No fences or other structures will be allowed within a Drainage Easement.
13. Blocking the flow of storm water or constructing improvements in the drainage easements and filling or obstruction of the Floodway is prohibited.
14. The existing crevices or drainage channels traversing along or across this addition will remain as open channels and will be subject to the individual owners of the lots or tracts that are traversed by adjacent to drainage courses along or across said lots.
15. Johnson County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
16. 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.
17. Inspection of a private sewage facility by the Johnson County Public Works Department shall indicate only that the facility meets the minimum requirements and does not relieve the owner of the property from complying with the County, State and Federal Regulations, Private sewage facilities, although approved as meeting the minimum standards, must be upgraded by the owner at the owners 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.
18. 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.
19. Any public utility including Johnson County, shall have the right to move and keep all or part of the buildings, fences, trees, shrubs, and other improvements which in any way endanger or interfere with the construction or maintenance or efficient operation of its respective systems in any of the easements shown on the plat and public utility including Johnson County shall have the right at all times of ingress and egress to and from said easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining, and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone.
20. All building setbacks are subject to current Johnson County subdivision regulations .
21. 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.
22. Johnson County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flood conditions.
23. A minimum of 1 acre per residential structure is required for on-site sewage facility (septic systems). If more than one structure is proposed for construction on a lot in the future, re-planting may be required.
24. Structures constructed such as sheds, barns, etc. that all ground level, exterior sides of the building are within 150 feet of a dedicated street or fire lane. If the 150 feet cannot be reached from a public street, a fire lane capable of supporting 80,000 lbs shall be required on site at time of construction.
25. The requirement of public infrastructure was based on the Utility exception that was submitted for review with this plat on July 15, 2019 to the City of Burleson. Any additional structures proposed on this property may require the existing water lines to be improved and fire lines to be installed for fire protection. Please contact the City of Burleson's Development Services Department prior to any development permit being issued.

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.

The street length exceeds the allowed 1200 feet as specified in the adopted Subdivision and development Ordinance article 5.4,

BLUESTAR
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Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: January 17, 2023

SUBJECT:

Forest Meadows; Lots 29R1 and 29R2, Block 1 (Case 22-148): Consider approval of a replat of Lot 29, Block 1, of Forest Meadows. (*Staff Presenter: Lidon Pearce, Senior Planner*)

SUMMARY:

On October 31, 2022, an application for a replat, including 2.66 acres, was submitted by Donnie Tucker, representing Tucker Surveyors, on behalf of Caleb Parks (owner). The replat subdivides the previously platted Lot 29, Block 1, being a total of 2.66 acres, into two separate lots (29R1- being 1.52 acres and Lot 29R2- being 1.14 acres) within the Extra Territorial Jurisdiction (ETJ) of the City of Burleson.

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

ENGINEERING:

Roadways

Access is provided from Pecan Tree Court. This replat does not trigger the requirement for a Traffic Impact Analysis (TIA).

Utilities

The property is served by the Bethesda Water Supply Corporation. Individual lots will contain septic systems.

OPTIONS:

- 1) Approve the replat; or
- 2) Deny the replat

RECOMMENDATION:

Approve a replat for Forest Meadows, Lots 29R1 and 29R2, Block 1 (Case 22-148).

FISCAL IMPACT:

None.

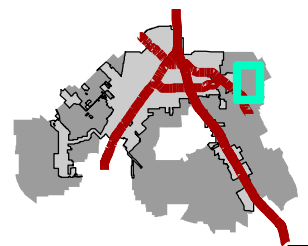
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THE CITY OF
BURLESON
TEXAS

Forest Meadows
Lots 29R1 & 29R2, Block 1
Replat
Case 22-148



Vicinity Map

Planning & Zoning Commission Meeting

DEPARTMENT: City Secretary's Office
FROM: Amanda Campos, City Secretary
MEETING: January 17, 2023

SUBJECT:

Ordinance Modification for text amendments to Appendix B, Zoning, Article I, Board of Adjustments and Appendix C, Urban Design Standards, Article IV Old Town Design Standards, Old Town Design Standards Committee: Hold a public hearing and consider an ordinance amending the number of voting members and terms of members for the Board of Adjustments and Old Town Design Standards Committee. *(Staff Presenter: Amanda Campos, City Secretary)*

SUMMARY:

The city council reviewed and discussed the current structure of all the city's boards, commissions, and committees with the goal in mind to increase community participation. The review covered the number of members, the qualifications, total number of existing boards, commissions, and committee, the term limits, and the absence rule.

The city council agreed the number of members appointed to each board, commission, and committee should be increased to 9 voting members. The qualifications, the absence rule, and number of existing boards, commissions, and committees should remain unchanged.

The city council agreed the term limits should be modified by changing the current term limits from 3 full terms to 2 full terms for all boards, commissions, and committee except the planning and zoning commission and youth members. The proposed amendments would change 3 full 3 year terms to 2 full 3 year terms. The planning and zoning commission terms will remain unchanged and continue to be 3 full 3 year terms. All youth member terms would change to a 1 year term with no term limits.

The transition of the these changes will be as follows:

1. Each current term of all member of all boards, commissions, and committee would remain the same as they currently are.
2. Term limits will effect members when their current term is over and under review and consideration for re-appointment.
3. The number of members will increase to 9 voting members after final approval of the ordinance (January 23, 2023) and required publication of ordinance in both a newspaper

and website. Would suggest council provide for an effective date of April 1, 2023 to allow time to appoint members to the vacancies created by added numbers.

The Board of Adjustments and the Old Town Design Standards committee were established in Appendix B, Zoning and Appendix C, Urban Design Standards requiring a public hearing and consideration of the Planning and Zoning Commission for recommendation to the city council. This item will be presented to city council for consideration on first reading at their January 23, 2023 council meeting with the final reading presented at the February 6, 2023 meeting. City council will follow Council Policy #40 Boards/Commissions/Committee appointment process.

The Board of Adjustments currently is composed of 5 regular voting members and 4 alternate members. The alternate members only vote when there is an absence on the board. The new proposed change to 9 voting members would allow these alternate members to become full voting members. The change requires amendments to Section 11, Board of adjustments, 11-100. Organization and 11-120. Vote required for board decisions.

▪ Section 11. Board of adjustment

~~11-100. Organization. There is hereby created a board of adjustment. The board membership shall be in compliance with Chapter 2, Article II, Section 2-31 (e) for number of members, Section 2-33 (a) for qualifications and Section 2-31 (d) for terms consisting of five members, each to be appointed for a term of two years and removable for cause by the city council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant. The city council may appoint four alternate members who shall serve in the absence of one or more regular members when requested to do so by the mayor or city manager, as the case may be. The City Council may appoint three alternate members who shall serve in the absence of one or more regular. All cases to be heard by the board of adjustment must be heard by a minimum number of the seven members. The alternate members shall serve for the same terms and shall be subject to removal the same as regular members. Vacancies in the positions of alternate members shall be filled in the same manner as for regular members. All cases to be heard by the board of adjustment must be heard by a minimum number of the four five members. The alternate members, shall serve for the same terms and shall be subject to removal the same as regular members. Vacancies in the positions of alternate members shall be filled in the same manner as for regular members.~~

~~11-120. Vote required for board decisions. The concurring vote of four five members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance to the ordinance.~~

The Old Town Design Standard Review Committee currently is composed of 5 regular voting members and 2 alternate members. The new proposed change to 9 voting members would all the alternate members to be full voting members and provide for 2 new members. These changes require amendments to Section 4-91 Appointment and terms.

Sec. 4-91. Appointment and terms.

- A. → *Membership.* ~~The committee membership shall be in compliance with Chapter 2, Article II, Section 2-31 (e) for number of members. The committee shall be composed of five regular members and two alternate members appointed by the City Council. Regular members shall be appointed to places numbered 1 through 5 and the alternate members shall be appointed to places numbered 6 and 7. The City Council shall appoint a chair from among the regular members. The director of planning or that person's duly authorized representative shall be an ex-officio member of and shall act as secretary to the committee, but shall have no vote on any matter before the committee. Appointed members of the committee shall hold office at the pleasure of the City Council.~~
- B. → *Terms.* ~~Each member shall serve terms in compliance with Chapter 2, Article II, Section 2-31 (d). Upon initial appointment pursuant to this ordinance, members in the odd-numbered places shall be appointed to serve terms expiring on October 30, 2005, and members appointed to the even-numbered places shall serve terms expiring on October 30, 2006. Thereafter, the terms of office of the members shall be two years beginning on November 1, of the year of appointment. The terms of the odd-numbered places shall expire in the odd-numbered years, and the terms of the even-numbered places shall expire in the even-numbered years. Committee members may be appointed to succeed themselves. Vacancies shall be filled by the City Council for the unexpired term. Newly appointed members shall be installed at the first regular committee meeting after their appointment.~~
- C. → *Alternate members.* ~~The alternate members shall serve in the absence of one or more regular members. Alternate members must meet the same qualifications as regular committee members. An alternate member has voting privileges only when sitting in place of an absent member and may be seated in place of any member.~~

OPTIONS:

- 1) Recommend approval of the amendments to Appendix B and Appendix C as presented
- 2) Recommend approval of the amendments to Appendix B and Appendix C with amendments or conditions
- 3) Recommend denial of the amendments to Appendix B and Appendix C as presented

RECOMMENDATION:

Staff recommends approval as presented to achieve city council goal.

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

The city council workshopped these amendments at a regular meeting and considered approval of all other amendments to code to add more members and modify the term limits at the January 9, 2023 regular meeting.

FISCAL IMPACT:

N/A

STAFF CONTACT:

Name: Amanda Campos
Title: City Secretary
acampos@burlesontx.com
817-426-9665

City of Burleson Boards & Commission

January 17, 2022 Planning & Zoning Commission Meeting

A hand is holding a white card against a dark blue background. The card features the logo for the City of Burleson, Texas. The logo consists of the words "THE CITY OF" in a small, sans-serif font, followed by "BURLESON" in a large, bold, serif font, and "TEXAS" in a smaller, sans-serif font below it.

THE CITY OF
BURLESON
TEXAS

Board/Commission/Committee Changes Overview

Item A.

Term limits

Full term = 3 years

Current term limit = 3 full (9 years)

New term limit = 2 full (6 years)

Exception:

Planning & Zoning no change = 3 full (9 years)

Youth members

New Full term = 1 year

New term limit = No term limit

Number of Members

Current number = 5 to 7 (varies)

Voting members = varies alternates do not vote

New number = 9 voting members for ALL

An Ordinance amendment is required.
Ordinances require two readings at two separate meetings.

January 9 1st reading

January 23 Final reading

Ordinance will have an effective date of April 1, 2023. Allows time to go through appointment process.

Transition – term limits – All except P&Z and Youth Item A.

Term Transition

All members remain in their current term

Term change becomes effective at the next time for re-appointment

Member A
1st appointment

Term 2021-2024
Remains on board
until 2024

Member B
2nd appointment

Term 2021-2024
Remains on board
until 2024

Appointments in 2024

Member A – served 1 full term 3 years – Can be re-appointed for another full term

Member B – served 2 full terms 6 years – Cannot be re-appointed for another full term

Both members are eligible to be appointed to another board/commission/committee if they apply.

Transition – term limits – Planning & Zoning

Item A.

Member A P&Z
1st appointment

Term 2021-2024
Remains on board
until 2024

**NO CHANGES
TO CURRENT TERMS**

Member B P&Z
2nd appointment

Term 2021-2024
Remains on board
until 2024

Appointments in 2024

Member A – served 1 full term 3 years – Can be re-appointed for another full term

Member B – served 2 full terms 6 years – Can be re-appointed for another full term

Both members are eligible to be appointed to another board/commission/committee if they apply

Transition – term limits – Youth

Term Transition

All members remain in their current term

Term change becomes effective at the next time for re-appointment

Youth Member

Term 2021-2024
Remains on board
until 2024

Appointments in 2024

Youth member– served 1 full term 3 years – Can be re-appointed for a 1 year term

Youth member – served 2 full terms 6 years – Can be re-appointed for a 1 year term

No term limits – must remain eligible. All boards/commission/committee must be 13 to 17 years of age.

Transition – 9 Voting members

- Review all boards/commission/committee to obtain how many new appointments are needed
- Follow Council Policy #40 for appointment process

Advisory
Committee on
People
w/disabilities

Animal Shelter
Advisory

Building &
Standards

Capital
Improvement
Advisory

Cemetery

Old Town Design
Standards

Library Advisory

Parks &
Recreation

Planning &
Zoning
commission

Zoning Board of
Adjustments

Zoning Board of Adjustments & Old Town Design Standards Review Committee

Item A.

Found in Appendix B –Zoning and Appendix C – Urban Design Standards

- Require a Public Hearing - Planning & Zoning Commission and City Council
- January 17, 2023 Planning & Zoning Commission
- January 23, 2023 City Council Public hearing and 1st reading of Ordinance
- February 6, 2023 City Council final reading of Ordinance
- New members appointed and seated by April 1, 2023

Action Requested:

- Hold a public hearing
- Recommend approval of an Ordinance modifying text amendments to Appendix B, Zoning, Article I, Board of Adjustments and Appendix C, Urban Design Standards, Article IV Old Town Design Standards, Old Town Design Standards Committee.

ORDINANCE

AN ORDINANCE AMENDING THE CITY OF BURLESON CODE OF ORDINANCES BY AMENDING SECTIONS 11-100 (ORGANIZATION) AND 11-120 (VOTE REQUIRED FOR BOARD DECISIONS) OF SECTION 11 (BOARD OF ADJUSTMENT) OF ARTICLE I (ADMINISTRATIVE) OF APPENDIX B (ZONING) AND SECTION 4-91 (APPOINTMENT AND TERMS) OF DIVISION 5 (BURLESON OLD TOWN DEVELOPMENT STANDARDS REVIEW COMMITTEE) OF ARTICLE IV (OLD TOWN DESIGN STANDARDS) OF APPENDIX C (URBAN DESIGN STANDARDS) BY INCREASING THE NUMBER OF VOTING MEMBERS ON THE ZONING BOARD OF ADJUSTMENT AND OLD TOWN DEVELOPMENT STANDARDS REVIEW COMMITTEE AND TO LIMIT THE NUMBER OF CONSECUTIVE TERMS A MEMBER MAY SERVE ON SAID BOARDS, EXCEPT FOR YOUTH MEMBERS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A CUMULATIVE CLAUSE, A SEVERABILITY CLAUSE, AND 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, the City Council desires to increase the number of voting members to nine (9) on the Zoning Board of Adjustment and Old Town Development Standards Review Committee; and

WHEREAS, except for youth members, the City Council desires to limit the number of consecutive terms a member may serve on the Zoning Board of Adjustment and Old Town Development Standards Review Committee to two (2); and

WHEREAS, the City Council desires to amend its ordinances as provided herein; and

WHEREAS, the City Council hereby finds and determines that the amendments and regulations set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, welfare, morals, and general welfare.

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

Section 1.

Appendix B “Zoning,” Article I “Administrative,” Section 11 “Board of Adjustment,” is hereby amended by repealing and replacing Section 11-100 “Organization” to read as follows:

“Sec. 11-100. Organization.

There is hereby created a board of adjustment. The board membership shall be in compliance with Chapter 2, Article II, Section 2-31(e) for the number of members, Section 2-33(a) for qualifications of members, and Section 2-31(d) for terms of members. The City Council may appoint three alternate members who shall serve in the absence of one or more regular. All cases to be heard by the board of adjustment must be heard by a minimum number of the seven members. The alternate members shall serve for the same terms and shall be subject to removal the same as regular members. Vacancies in the positions of alternate members shall be filled in the same manner as for regular members.”

Section 2

Appendix B “Zoning,” Article I “Administrative,” Section 11 “Board of Adjustment,” is hereby amended by repealing and replacing Section 11-120 “Vote Required for Board Decisions” to read as follows:

“Sec. 11-120. Vote Required for Board Decisions.

The concurring vote of seven members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance to the ordinance.”

Section 3

Appendix C “Urban Design Standards,” Article IV “Old Town Design Standards,” Division 5 “Burleson Old Town Development Standards Review Committee,” is hereby amended by repealing and replacing Section 4-91 “Appointment and Terms” to read as follows:

“Sec. 4-91. Appointment and Terms.

- A. *Membership.* The committee membership shall be in compliance with Chapter 2, Article II, Section 2-31(e) for number of members. The director of planning or that person’s duly authorized representative shall be an ex officio member of and shall act a secretary to the committee, but shall have no vote on any matter before the committee. Appointed members of the committee shall hold office at the pleasure of the City Council.
- B. *Terms.* Each member shall serve terms in compliance with Chapter 2, Article II, Section 2-31(d).”

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 the City Code and other ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

Section 6

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 7

This ordinance shall be in full force and effect on and after April 1, 2023. The City Secretary shall provide for the publication of this ordinance after its passage and as provided by law.

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

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

PASSED AND APPROVED this the _____ day of _____, 20____.

Chris Fletcher, Mayor

(Seal)

ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: January 17, 2023

SUBJECT:

2500 SW Hulen St (TOD Mixed-Use) (Case 22-131): Hold a public hearing and consider an ordinance for a zoning change request from “PD” Planned Development district, to “PD” Planned Development district, to allow for retail and single-family attached residential development on 35.20 acres. (*Staff Presenter: Lidon Pearce, Senior Planner*)

SUMMARY:

On September 19, 2022, an application was submitted by Nicholas Balsamo with Kalterra Capital Partners, to rezone approximately 35.20 acres from “PD” Planned Development district, to “PD” Planned Development district to allow for a mixture of retail and single-family attached lots within the Transit-Oriented Development (TOD) district. The applicant has proposed a new “PD” for their 35.20-acre parcel, attached as Exhibit “3”.

Planning Analysis

The applicant is proposing to develop the site as a planned development and zone the lot out of the current “PD” zoning outlined in Ordinance D-065-06 (attached as Exhibit 4). This request (if approved) would only apply to this 35.20 acre parcel. The original/ current PD zoning would remain intact for the remainder of parcels within the TOD designated area. The proposed PD reduces the overall potential or by-right residential density for this area, while also providing a retail component. Additionally, minimum design standards have been incorporated into the zoning (PD language) to enhance the residential component of the proposed development.

Significant highlights of the current zoning proposal:

- Only permits general retail (Zones A1 and A2) and single family attached (Zones B1 and B2) with a maximum density of 12 dwelling units per acre.
 - Current zoning allows 20 dwelling units per acre by right. Allows greater than 20 dwelling units per acre with a parking structure [24 units per building].
- Multifamily apartments and endcap / live-work mixed-use apartment no longer allowed.
 - Under current zoning, apartments are permitted as an end cap with a maximum of 24 units; or as a component of mixed use with commercial and a parking structure.

- No more than 50 percent of residential units (as shown on site plan exhibit) shall be front loaded.
- Increased landscaping standards for residential dwellings. An ornamental tree (30 gallon) will be provided at a minimum of one (1) per cluster of units (2 attached dwelling units) and 1 canopy tree per six (6) dwelling units. 10 shrubs or bushes with a minimum size of 5 gallons, will be provided per dwelling unit.
 - Current zoning only requires one three (3) inch caliper tree per lot
- Provided amenities with standards. 2 dog stations, pool (2,000 S.F.), minimum one acre of connected walkways, clubhouse (min. 5,000 S.F.), 20 percent open space with 1,000 SF of cabanas, 2 BBQ pits, and a dog park (min. 3,000 SF)
 - Current zoning requires open/civic space, but no specific amenities
- Provided anti-monotony standards for residential dwellings. Additionally, no more than 35 % of units may be single-story.
 - Current zoning does not provided anti-monotony standards
- Provided garage standards. Cannot be forward-most element, or exceed 50 percent of the front façade.
- Providing decorative street and pedestrian lighting.
 - Current zoning does not provide enhanced lighting standards.

Proposed phasing:

Phase I will consist of zones A1 (general retail) and B1 (200 dwelling units).

Phase II will consist of zones A2 (general retail) and B2 (70 dwelling units).

Phase II residential shall not begin construction until Zone A1 or Zone A2 has received Certificate of Occupancy for no less than 6,000 SF of retail.

All street trees along Hulen St and Alsbury Dr will be planted prior to commencement of Phase II.

Site Plan Exhibit



This site is designated in the Comprehensive Plan as Transit Oriented District.

This land use category is reserved for higher density development that incorporates public transit access via rail, streetcar, or bus. Mixed use development that provides opportunities to live, work, shop and play within a closely defined area should be prioritized. Development should include a mix of office, retail, cultural facilities, and multi-story housing and townhomes that may be located above retail and office centers to create an interesting ground level that is pedestrian friendly.

Staff supports the zoning change request based on the reduction of density, the incorporation of retail with connected walkways, and the proposed enhancements incorporated within the planned development (PD) language.

Engineering:

Traffic:

A Traffic Impact Analysis (TIA) has been submitted and is currently in review. Any recommendations provided in the TIA shall be incorporated into the design of the Development.

Utilities/ Drainage:

The City of Burleson will provide sanitary sewer service. Water service will be provided for the Development by the City of Burleson and Johnson County Special Utility District (JCSUD). Existing facilities shall be extended to serve the Development as required by the City's Code of Ordinances. Detention of stormwater is required for proposed developments one acre in size or larger. Detention of stormwater shall be incorporated into the design of the Development.

OPTIONS:

- 1) Recommend approval of an ordinance for the zoning change request; or
- 2) Recommend approval of an ordinance for the zoning change request with changes to or additional requirements within the PD; or
- 3) Recommend denial of an ordinance for the zoning change request.

RECOMMENDATION:

Recommend to City Council approval of an ordinance for the zoning change request (Case 22-131)

FISCAL IMPACT:

None.

STAFF CONTACT:

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

2500 SW Hulen ZC

Item B.

Location:

- 35.20 acres

Applicant:

Nicholas Balsamo
(Kalterra)

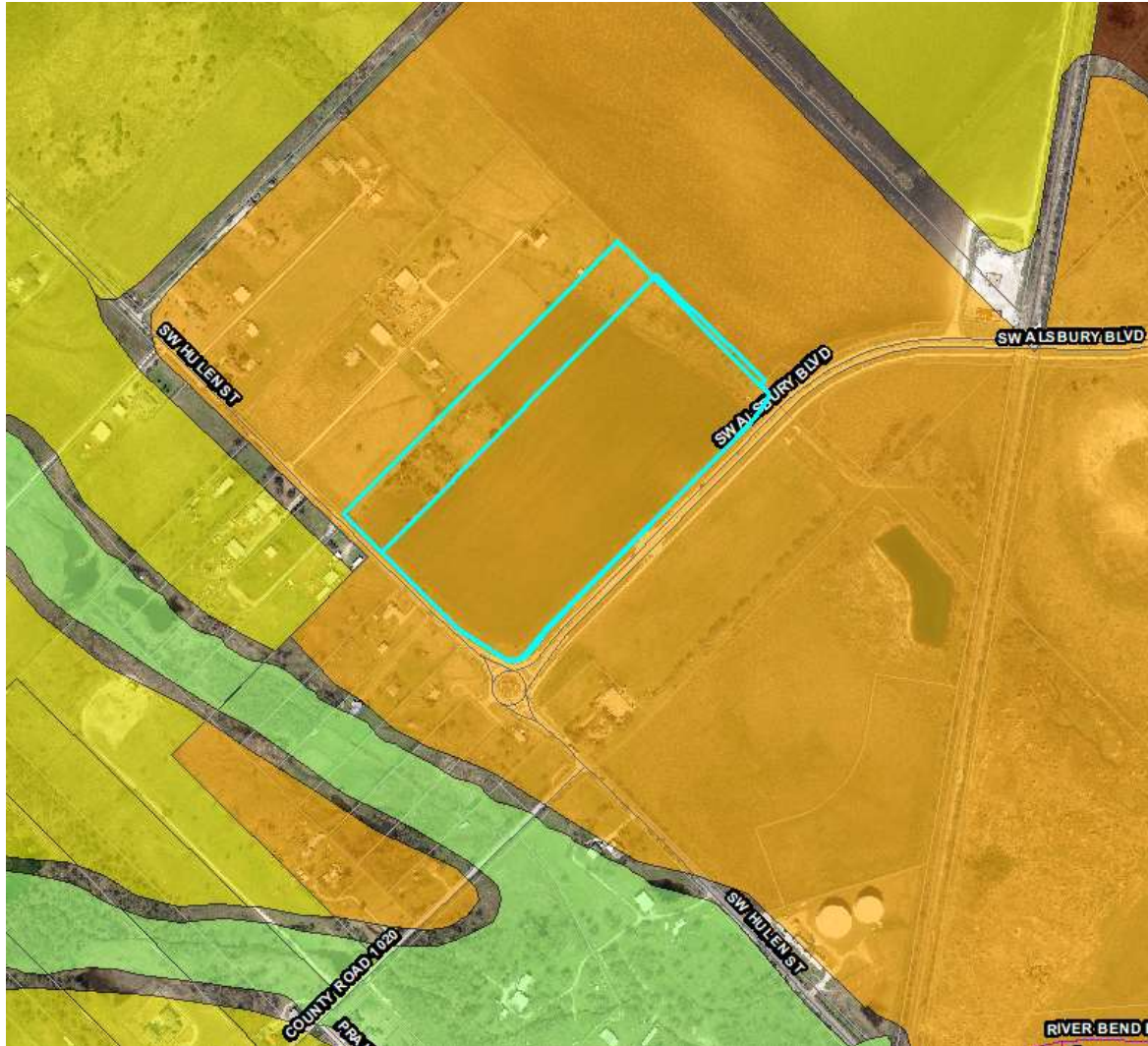
Item for approval:

Zoning Change Ordinance
(Case 22-131)



Comprehensive Plan

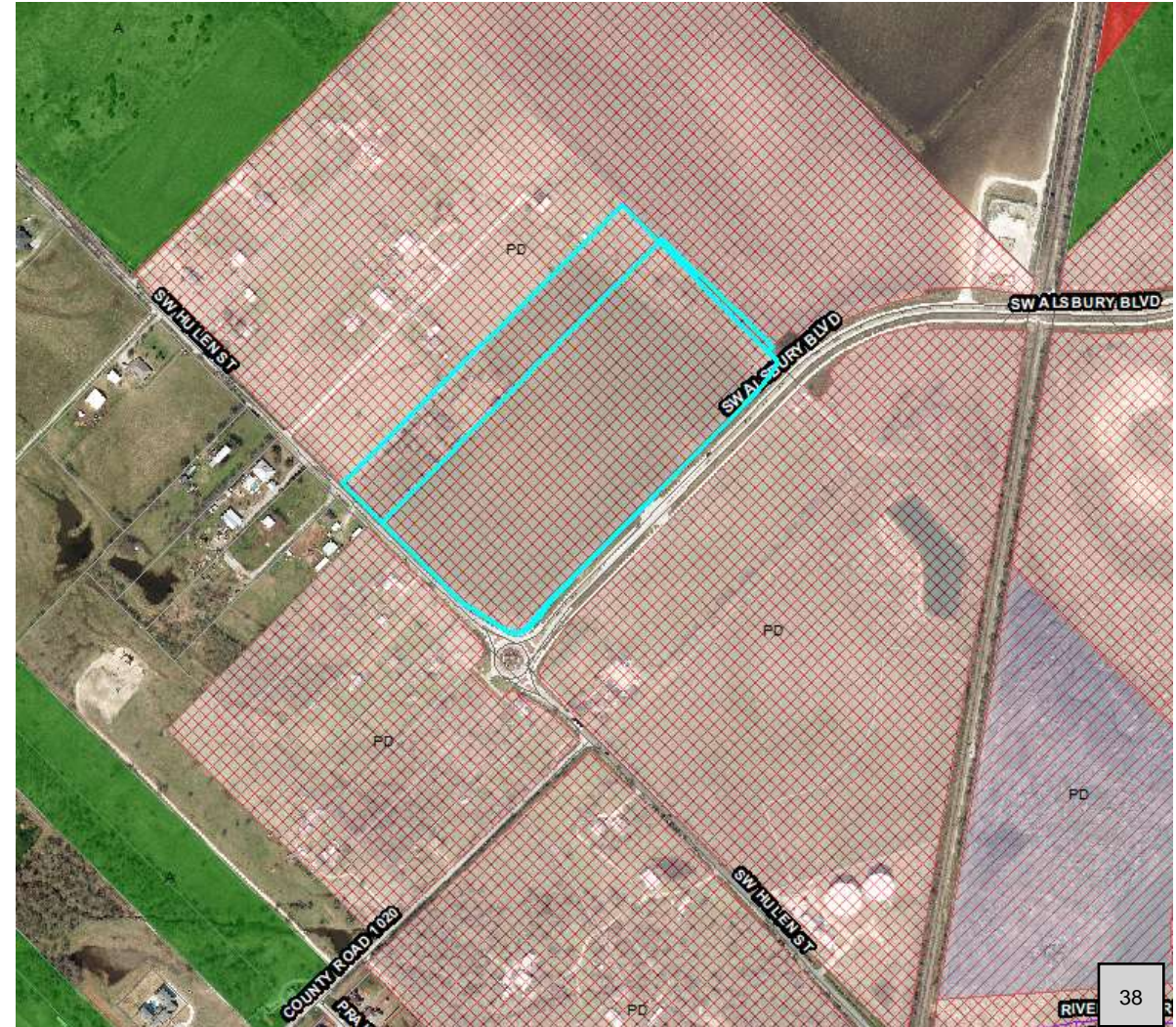
Transit Oriented District (TOD)



Zoning

PD (Ord. D-o65-o6)

Item B.



2500 SW Hulen ZC

Item B.

Proposed zoning	Current zoning
Only permits general retail and single family attached with a maximum density of 12 dwelling units per acre.	Allows 20 dwelling units per acre by right. Allows greater than 20 dwelling units per acre with a parking structure [24 units per building].
Multifamily apartments and endcap / live-work mixed-use apartment no longer permitted.	Multifamily apartments permitted as an end cap with a maximum of 24 units; or as a component of mixed use with commercial and a parking structure.
An ornamental tree (30 gallon) will be provided at a minimum of one (1) per cluster of units (2 attached dwelling units) and 1 canopy tree per six (6) dwelling units. 10 shrubs or bushes with a minimum size of 5 gallons, will be provided per dwelling unit.	Only requires one three (3) inch caliper tree per lot.
Provided amenities with standards. 2 dog stations, pool (2,000 S.F.), minimum one acre of connected walkways, clubhouse (min. 5,000 S.F.), 20 percent open space with 1,000 SF of cabanas, 2 BBQ pits, and a dog park (min. 3,000 SF).	Requires open/civic/ green space, but no specific or additional amenities.
Provided anti-monotony standards for residential dwellings. Additionally, no more than 35 % of units may be single-story.	Does not provided anti-monotony standards. All structures can be identical
Provided garage standards. Cannot be forward most element or exceed 50 percent of the front façade.	Requires rear entry or pull through garage with breezeway.
Providing decorating street and pedestrian lighting.	Current zoning does not provide enhanced lighting standards.

2500 SW Hulen ZC

Item B.

Proposed phasing:

Phase I will consist of zones A1 (general retail) and B1 (200 dwelling units).

Phase II will consist of zones A2 (general retail) and B2 (70 dwelling units).

Phase II residential shall not begin construction until Zone A1 or Zone A2 has received Certificate of Occupancy for no less than 6,000 SF of retail.

All street trees along Hulen St and Alsbury Dr will be planted prior to commencement of Phase II.



2500 SW Hulen ZC

Utilities/ Drainage:

- Detention is required for developments 1 acre in size or larger; a five-acre area has been set aside on the site plan for a pond. Detention of storm water shall be incorporated into the design of the Development. Water is provided for a portion of the Development by the City of Burleson (Zone A2 and B2) and the remainder (Zone A1 and B1) provided by Johnson County Special Utility District (JCSUD). The development is proposing to have two separate water systems at this time. Burleson water and sanitary sewer will be extended to the development from existing lines located adjacent to the intersection of Alsbury Boulevard and Candler Drive.

2500 SW Hulen ZC

Traffic:

- Based on information provided by the developer, the development is anticipated to include approximately 22,400 square feet of commercial space), and 270 townhomes. Build-out of the development is anticipated to be completed by 2027. A traffic impact analysis (TIA) has been submitted and is currently being reviewed. The report indicated that access would be provided by five (5) proposed access connections: two (2) connections to Hulen Street and three (3) connections to Alsbury Boulevard, it is anticipated that right-turn auxiliary lanes would be required along Hulen Street (northernmost drive only) and Alsbury Boulevard (two easternmost). The traffic engineering consultant for the City has not given final approval to the TIA therefore neither has the Development Services Department.

2500 SW Hulen ZC

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



2500 SW Hulen ZC

Item B.

Staff's Recommendation

- Staff supports a zoning change request based on the reduction of density, the incorporation of retail with connected walkways, and the proposed enhancements incorporated within the planned development (PD) language.
- Recommend to City Council approval of an ordinance for the zoning change request (Case 22-131)



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 35.20 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE H.G. CATLETT SURVEY, ABSTRACT NO. 177, JOHNSON COUNTY, TEXAS, AND BEING PART OF THAT CERTAIN CALLED 40.172 ACRE TRACT OF LAND CONVEYED FROM MATT POWELL TO HULEN COMMONS, LP, BY SPECIAL WARRANTY DEED, AS RECORDED IN VOLUME 3924, PAGE 66, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT 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 Nicholas Balsamo on September 19, 2022 under Case Number 22-131; 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 will promote the health, safety, and welfare of the community; 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:

Section 1

The Official Zoning Map is hereby amended insofar as it relates to certain land described as approximately 35.20 acre tract or parcel of land situated in the H.G. Catlett survey, Abstract No. 177, Johnson County, Texas, and being part of that certain called 40.172 acre tract of land conveyed from Matt Powell to Hulen Commons, LP, by special warranty deed, as recorded in Volume 3924, Page 66, official public records, Johnson County Texas, included on Exhibit A, from PD, Planned Development District to PD, Planned Development District which are incorporated herein as Exhibit B, being attached hereto and incorporated herein by reference for all purposes.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

An offense committed before the effective date of this ordinance is governed by the prior law and

the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for that purpose.

Section 7.

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

Section 8.

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

PASSED AND APPROVED:

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

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A
Property Description

Being a 35.20 acre tract or parcel of land situated in the H.G. Catlett Survey, Abstract No. 177, Johnson County, Texas, and being part of that certain called 40.172 acre tract of land conveyed from Matt Powell to Hulen Commons, LP, by Special Warranty Deed, as recorded in Volume 3924, Page 66, Official Public Records, Johnson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point at or near the centerline of S.W. Hulen Street, also known as County Road 920, at the South corner of a called 11.498 acre tract of land conveyed to Lynda Ann Knight, by Warranty Deed, as recorded in Volume 1650, Page 275, Official Public Records, Johnson County, Texas, and at the West corner of said 40.172 acre tract;

THENCE North 44 degrees 50 minutes 54 seconds East, with the Southeast line of said 11.498 acre tract and with the Northwest line of said 40.172 acre tract, passing at 25.26 feet a 1/2" iron rod found, continuing for a total distance of 1,653.96 feet to a 3/4" iron pipe found in the Southwest line of the remainder of a called 1,021.925 acre tract of land conveyed to HMP Ranch LTD., by Limited General Warranty Deed, as recorded in Volume 3803, Page 887, Official Public Records, Johnson County, Texas, at the East corner of said 11.498 acre tract, and at the North corner of said 40.172 acre tract;

THENCE South 45 degrees 02 minutes 06 seconds East, with the Southwest line of said 1,021.925 acre tract and with the Northeast line of said 40.172 acre tract, a distance of 901.20 feet to a 5/8" iron rod found at the North corner of a called 4.920 acre tract of land conveyed to the City of Burleson, by Judgement in Absence of Objections, as recorded in File No. 2017-4195, Official Public Records, Johnson County, Texas and at the beginning of a curve to the right, with a radius of 34.00 feet, a delta angle of 29 degrees 02 minutes 24 seconds, the chord of which bears South 11 degrees 52 minutes 44 seconds West, for a chord distance of 17.05 feet;

THENCE with the Northwest and Northeast line of said 4.920 acre tract, the following courses and distances:

Along the arc of said curve, for an arc length of 17.23 feet to a 5/8" iron rod found in a compound curve to the right, with a radius of 489.00 feet, a delta angle of 18 degrees 10 minutes 31 seconds, the chord of which bears South 35 degrees 28 minutes 58 seconds West, for a chord distance of 154.47 feet;

Along the arc of said curve, for an arc length of 155.12 feet to a 1/2" iron rod set capped (By-Line);

South 44 degrees 34 minutes 13 seconds West, a distance of 1,081.63 feet to a 1/2" iron rod set capped (By-Line) at the beginning of a curve to the left, with a radius of 1,551.00 feet, a delta angle of 08 degrees 05 minutes 36 seconds, the chord of which bears South 44 degrees 03 minutes 03 seconds West, for a chord distance of 218.90 feet;

Along the arc of said curve, for an arc length of 219.09 feet to a point;

South 38 degrees 00 minutes 03 seconds West, a distance of 66.84 feet to a 1/2" iron rod set capped (By-Line);

South 80 degrees 35 minutes 53 seconds West, a distance of 23.45 feet to a 1/2" iron rod set capped (By-Line) at the beginning of a curve to the right, with a radius of 49.00 feet, a delta angle of 40 degrees 58 minutes 20 seconds, the chord of which bears North 78 degrees 54 minutes 57 seconds West, for a chord distance of 34.30 feet;

Along the arc of said curve, for an arc length of 35.04 feet to a 1/2" iron rod set capped (By-Line);

North 58 degrees 25 minutes 47 seconds West, a distance of 237.30 feet to a 1/2" iron rod set capped (By-Line);

North 45 degrees 13 minutes 20 seconds West, a distance of 65.24 feet to a 1/2" iron rod set capped (By-Line);

South 44 degrees 46 minutes 40 seconds West, a distance of 24.86 feet to a PK nail found at or near the centerline of S.W. Hulen Street, at a West corner of said 4.920 acre tract, and in a Southwest line of said 40.172 acre tract;

THENCE North 45 degrees 14 minutes 44 seconds West, generally along the centerline of S.W. Hulen Street and with a Southwest line of said 40.172 acre tract, a distance of 613.50 feet to the POINT OF BEGINNING and CONTAINING 35.20 acres of land.

Exhibit B – Development Standards

Section 1. Purpose and Intent

The purpose and intent of this zoning ordinance is to establish appropriate restrictions and development controls necessary to ensure that the future horizontal mixed-use development of the subject property maintains compatibility with the surrounding development and zoning.

Section 2. Development Standards

A. Applicability

All development located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this zoning ordinance.

B. Base Zoning

Any zoning, land use requirement or restriction shall conform to those requirements and/or standards of the base zoning detailed in the Site Plan Exhibit.

C. Concept Plans.

Development of any property within the boundaries of this Planned Development District shall generally conform with the Site Plan Exhibit. If there is any conflict between the text of this ordinance and the concept plan, the text of this article controls.

D. Detailed Zone Standards

1. Zone A – General Retail District

- a. **Base Zoning.** Zone A base zoning is General Retail District.
- b. **Special Use Permit (SUP).** The following uses require a Special Use Permit within Zone A:
 - i. Convenience Store with Fuel Sales
 - ii. Drive-Thru

2. Zone B – SFR-AT Single-Family Attached Townhomes

- a. Units shall conform to the attached concept elevations. Single story – Style A.1 and A.2; 2-story townhomes – Style B (front and rear-loaded); 3-story buildings – Style C.
- b. **Base Zoning.** Zone B base zoning is SFR-AT Single-Family Attached Townhomes
- c. **General Description.** The SFR-AT single family attached dwelling district is established to provide adequate space for medium-density, single-family attached type residential development.

- d. **Underlying Standards.** This district will adhere to the SFA zoning district as established by the City of Burleson Zoning Ordinance, Section 58, unless specifically altered in this section.
- e. **Lot Dimension Calculation.**
 - i. The average width of a lot may be calculated as the total width of all platted lots of the one-family attached dwelling complex contained within that block divided by the number of dwellings in the complex.
 - ii. The area of a lot may be calculated as the total square footage of all platted lots of the one-family attached dwelling complex divided by the number of dwellings in the complex for each block.
 - iii. The maximum width of a one-family attached dwelling complex utilizing this calculation shall be limited to 125 feet. The maximum number of dwellings shall be limited to six (6).
- f. **SFR-AT Single-Family Attached Townhomes Standards.** Development complying with SFR-AT Single-Family Attached Townhomes standards shall comply with the following standards:
 - i. **Density.** The maximum residential density is 12 dwelling units per acre.
 - ii. **Living Area.** The minimum living area per unit is 600 square feet and the maximum living area per unit is 2,400 square feet.
 - iii. **Lot Size.** The minimum lot size is 2,000 square feet.
 - iv. **Lot Coverage.** The maximum coverage per lot is 70 percent.
 - v. **Lot Width.** The minimum lot width is 20 feet.
 - vi. **Lot Depth.** The minimum depth allowed per lot is 70 feet (minimum lot size will be 2,000 SF).
 - vii. **Units per Building.** Maximum number of units per building is 6 units.
 - viii. **Height.** The maximum building height is 40 feet; maximum 3 stories.
 - ix. **Single story.** No more than 35% of total units shall be single story.
- g. **Yard Area Requirements**
 - i. Front yard setback – 5 feet.
 - ii. Side yard setback (attached units) – 0 feet.
 - iii. Side yard setback (between structures) – 5 feet minimum between structures
 - iv. Side yard (exterior lot street or alley corners) – 5 feet.
 - v. Rear yard setback – 5 feet.

- vi. Garage door setback – 5 feet.
 - vii. Front yard projections into setback – 2 feet.
 - viii. Rear yard projections into setback – 2 feet.
 - ix. Side yard projections into setback – 2 feet.
 - x. Courtyard within front yard setback will be permitted to within 0 feet or front property line.
 - xi. Fencing within front yard setback will be permitted to within 5 feet of property line. Front yard fencing on interior lots will be 50 opaque not to exceed 48" in height (i.e., wrought iron or picket fences).
 - xii. Privacy fencing of lots along the perimeter of the development may not exceed 6 feet in height.
 - xiii. Accessory trellis within front yard setback permitted to within 2 feet of property line.
 - xiv. Minimum sidewalk width will be 3 feet.
- h. **Roof Pitch.** A minimum roof pitch of 4:12 will be allowed. No minimum pitch is required for accent or dormer roofs.
 - i. **Garage Standards.** No garage shall exceed 50 percent of the front façade and shall not be the forward most element of the structure. (i.e., front door or covered porch must extend forward of the garage opening)
 - j. No less than 50 percent of the homes as generally shown on Exhibit A shall be rear entry.
 - k. **Landscaping.** An ornamental tree (30 gallon) will be provided at a minimum of one (1) per cluster of units (2 attached dwelling units) and 1 canopy tree per six (6) dwelling units. 10 shrubs or bushes with a minimum size of 5 gallons, will be provided per dwelling unit.
 - l. **Lighting:** Pedestrian poles on major drives inside the property – every 200 feet; bollard lights – min. 2 per every interior sidewalk.
 - i. Street and pedestrian lighting shall be of a decorative nature and have a black powder coat finish and must be raised at least nine-inches above finished grade on a concrete pedestal.
 - m. **Dog cleanup stations** – min. 2 along the trail; Benches – min. 2 along the trail.
 - n. **Open Space.** Open space and parks requirements for the City will be satisfied by the Master Developer as described in this Ordinance. 20% open space; minimum 1,000 SF cabanas and 2 BBQ pits will be provided. Dog park – minimum of 3,000 SF.
 - o. **Separate pool** – minimum 2,000 SF.

- p. **Connected walkways.** Minimum 1.0 acre will be provided.
- q. **Clubhouse** – minimum 5,000 SF and will include Business Center – minimum 300 SF; community room – minimum 800 SF.
- r. **Off-street parking:** 1 garage and 1 parking space per dwelling unit will be provided.
- s. **Anti-Monotony Standards**
 - i. **Interior lots:** No two of the same elevation shall exist on the same side of any street. This does not include the attached structure(s) sharing the same elevation.
 - ii. **Perimeter lots:** No structure shall have the same elevation within 4 structures of any unit. This does not include the attached structure(s) sharing the same elevation.
 - iii. Anti-monotony can be accomplished by having adjacent structures of different stories and/or utilizing different elevations / architectural styles or by utilizing different primary façade materials that comprise no less than 50 percent for each adjacent structure (i.e., brick or stone)
- t. **Phasing – (Shown below)**
 - i. Phase I will consist of zones A1 and B1. Phase II will consist of zones A2 and B2. Phase II residential shall not begin construction until Zone A1 or Zone A2 has received Certificate of Occupancy for no less than 6,000 SF of retail.
 - ii. Maximum number of units for Phase I is 200 units.
 - iii. Maximum number of units for Phase II is 70 units.
 - iv. All street trees along Hulen St and Alsbury Dr will be planted prior to commencement of Phase II.

Site Plan Exhibit



Style A.1



Style A.2



Style B (Front loaded)



Style B (Rear Loaded)



Style C



ORDINANCE D-065-06

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 OF APPROXIMATELY 373 ACRES OUT OF THE H.G. CATLETT SURVEY, ABSTRACTS NO. 180, 186 AND 177, AND THE S.M. BLAIR SURVEY, ABSTRACT 65, CITY OF BURLESON, JOHNSON COUNTY, TEXAS, FROM THE A AGRICULTURAL DISTRICT TO THE PD PLANNED DEVELOPMENT DISTRICT; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a zoning change was initiated by the City of Burleson under Case Number 06-030; 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 joint 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.

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

SECTION 1

The Comprehensive Plan, the Zoning Ordinance, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Burleson, Texas, as shown on the Zoning Map attached as Exhibit "A", and described by metes and bounds description attached as Exhibit "B", by changing the zoning of said property from the A Agricultural 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

The Planned Development, commonly known as the Burleson West Transit Oriented Development, shall be subject to the following conditions:

A. COMMUNITY INTENT

The West Transit-Oriented Development (TOD) District establishes a mixed use community anchored by a planned commuter rail station linking Johnson and Tarrant Counties, surrounded by authentic neighborhoods with roots in the enduring qualities of Burleson—its small town ambience, its traditional downtown and its strong heritage.

The West TOD District provides the design and development standards for the subject area delineated within the West portion of the Burleson TOD, attached as Exhibit 1 and incorporated by reference. The TOD Street Type Matrix, Table A attached hereto and incorporated by reference, the TOD Building Type Matrix, Table B attached hereto and incorporated by reference, and the respective explanatory regulations accompanying those matrices constitute binding regulations and standards for the West TOD District and are incorporated herein by reference. In order to develop and sustain this community, the following standards are hereby established.

1. Walkability. In order to facilitate walkability and livability, all streets shall provide accessible sidewalks with street trees or adjacent trails. Block lengths shall be as short as possible to accommodate a walking environment. Street types and cross-sections are established herein to facilitate an integrated set of transportation choices—driving, walking, cycling and transit, as well as to form a place bounded by building facades creating “street walls.” Carefully designed civic spaces such as greens, squares, plazas and trails shall be integrated into the neighborhoods.
2. Home Occupations. In order to accommodate a community that reflects the modern economy and demographic trends, home occupations shall be allowed in all residential units as follows:
 - a. The occupation function shall be incidental to the primary function of the building as a residence.
 - b. No person outside the residence may be employed unless the residence is a Live-Work unit.
 - c. There shall be no exterior display, no exterior storage of materials and no other variation from the residential character of the principal building, unless the residential unit is a Live-Work Unit or the building has been converted to a non-residential function consistent with applicable building codes.
 - d. A Live-Work Unit shall have separate entry doors and spaces for the respective residential and non-residential functions.
3. Architecture. Architectural standards herein (e.g., “windows shall be oriented vertically”) are functional in nature. Conversely, architectural style (e.g., Victorian, Prairie, Arts & Crafts, etc.) shall be determined through privately enforced conditions, covenants & restrictions (CC&Rs) so that the neighborhoods over time are responsive to evolving market preferences and styles.
4. Applicability of Subdivision Standards
 - a. The standards herein shall establish the street cross-section criteria and lot standards for subdivision within the area depicted in Exhibit 1. Any approved Preliminary and/or Final Subdivision Plat must substantially conform to the adopted site plan and concept plan for zoning.
 - b. Lots utilized for uses within the West TOD District shall conform to the requirements of the Subdivision and Development Ordinance. To the extent any standards therein conflict with standards herein, the standards herein shall control.
5. Applicability of other Requirements the Zoning Ordinance. All other requirements of the Zoning Ordinance shall apply unless they conflict with standards established in the West TOD District.

B. LAND USES, BUILDING HEIGHTS, AND OTHER ACTIVITIES

1. This section shall apply to areas designated “mixed use,” “destination retail/mixed use” or the area within Hulen Street, Alsbury Street and the Railroad delineated in Exhibit 1.
 - a. A premises on a legal lot shall be used for the following:
 - (1) retail services
 - (2) retail goods sales

- (3) art, furniture or electronics studio (retail, repair or fabrication)
 - (4) restaurant, café, bakery, deli or coffee shop
 - (5) coffee roasting
 - (6) beer, wine or other alcoholic beverage on premises sales in conjunction with a restaurant
 - (7) movie and/or performance theater
 - (8) museum or philanthropic institutions
 - (9) fraternal or other private social club
 - (10) structured parking garage provided that the frontage on the ground floor addressing the primary street is another use delineated herein
 - (11) hotel
 - (12) bed & breakfast professional offices
 - (13) health services office, clinic or laboratory
 - (14) government/civic offices
 - (15) transit
 - (16) farmer's market, parade, cultural events (requires special use permit)
 - (17) gas station (subject to specific use permit based on design and location accommodating an urban environment)
 - (18) Residential uses per the Building Type Matrix (Table B) and per the applicable street established in the Street Type Matrix (Table A), except for Estate, Large, Medium and Small House
- b. Buildings may not exceed three (3) stories in height. Up to an additional five (5) stories may be constructed if structured parking is utilized and at least five (5) of the eight (8) of the following elements are utilized at the primary address of the building.
- (1) patio/café seating
 - (2) plaza or courtyard
 - (3) water feature/fountain
 - (4) bicycle racks
 - (5) overhangs providing shade/colonnade
 - (6) recessed front entryway of at least forty (40) square feet
 - (7) sculpturing of the ground floor, utilizing cornices, corbelling, molding, string coursing, change in materials, and/or change in color
 - (8) recessed windows, or arches, pediments or mullions to distinguish windows
- c. Buildings shall be sited according to the build-to-line established by street type in the Street Type Matrix (Table A)
2. This section applies to areas not designated "mixed use," or "destination retail/mixed use"; and the area west of Hulen Street or the area west of Alsbury Street delineated in Exhibit 1.
- a. Premises on a legal lot shall be used for residential or live-work (if applicable) uses per any of the housing types allowed in the Building Type Matrix (Table B) and per the applicable street established in the Street Type Matrix (Table A).
 - b. Building heights are established by the applicable building in the Building Type Matrix (Table B).
 - c. Buildings shall be sited according to the build-to-line established by street type in the Street Type Matrix (Table A)
3. Outdoor Displays. Outdoor displays for retail uses shall be limited to no more than fifty percent (50%) of the building's private frontage for lots fifty (50) feet or less in width and no more than twenty-five percent (25%) for lots greater than fifty (50) feet in width. Displays shall be allowed with functional restrictions within the building's public frontage (i.e., the public right-of-way) upon the approval of the City Manager or designee, subject to appeal to the City Council.
4. Café Seating. Outdoor café seating for restaurant, café, deli or coffee shop uses shall be limited to the building's private frontage unless café seating is licensed with functional restrictions with the

building's public frontage (i.e., the public right-of-way) upon the approval of the City Manager or designee, subject to appeal to the City Council.

5. Accessory Building Uses. The massing and use of accessory buildings shall comply with those standards contained in the Burleson Zoning Ordinance.
6. Prohibited Uses. Uses not specifically enumerated in the West TOD District, but are substantially similar, may be permitted upon the approval of the City Manager or designee, subject to appeal to the City Council. All other uses shall be prohibited, including but not limited to vehicle sales/services/repair, industrial, heavy manufacturing, and warehousing.

C. STREET CONNECTIVITY AND VISTAS

1. All streets shall be located so that all streets terminate at other streets except where not feasible due to natural site conditions. Cul-de-sacs shall be permitted only when warranted by natural site conditions.
2. Alleys should be utilized where feasible.
3. At every termination point of a street, or where it makes a ninety-degree turn (plus or minus fifteen degrees), the street shall terminate on a building or vertical element to establish a terminated vista, unless the street terminates into a park, a monumented trail entrance or natural area.

D. OFF-STREET PARKING

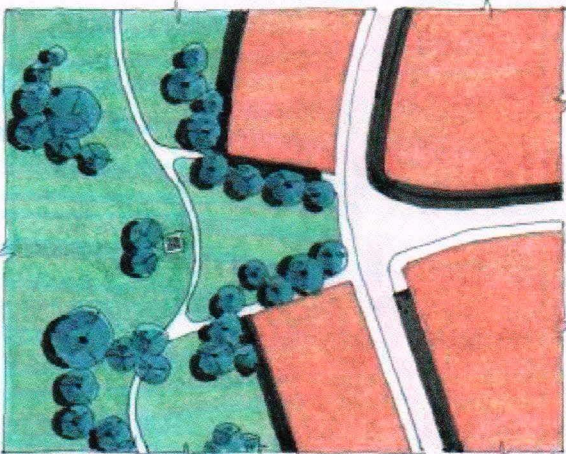
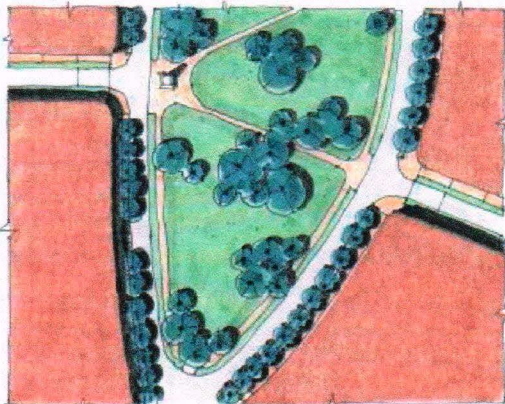
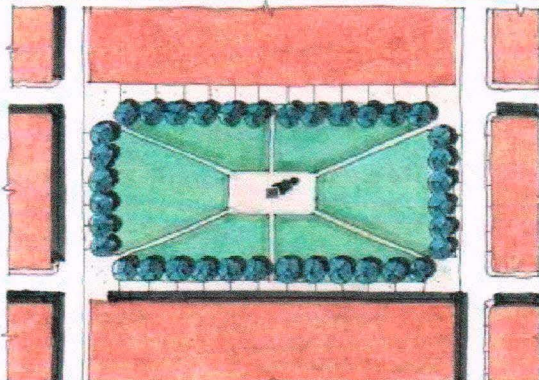
1. Location Generally. Off-street parking shall not be located between the primary address of the building and the public right-of-way.
2. Area within Hulen Street, Alsbury Street and the Railroad delineated in Exhibit 1. An off-street parking lot on the side of a building shall not be wider than sixty-five (65) feet, and a street-screen shall be provided such that the side of the parking bays closest to the street shall be screened by a wall or landscaped wrought iron fence three (3) feet in height.
 1. Spaces Required
 - (a) Residential Uses—As required by the applicable housing type in the Building Type Matrix (Table B)
 - (b) Non-residential Uses—As required by the Burleson Zoning Ordinance
 - (c) Neighborhood Commercial Incentive—The number of off-street parking spaces required for retail services, retail goods sales; pharmacies; dry cleaners; art, antique, furniture or electronics studios (retail, repair or fabrication); restaurants, cafés, delis or coffee shops; and retail bakeries shall be waived for the first 1,500 square feet of retail floor space (excluding kitchen, administrative and storage space) for a particular use as long as the total square footage of the use is no greater than 5,000 square feet.
3. Shared Parking. Off-street parking requirements for any and all uses permitted in the West TOD District may be waived subject to a shared parking agreement or a coordinated parking plan approved by the City Manager or designee, subject to appeal to the City Council.

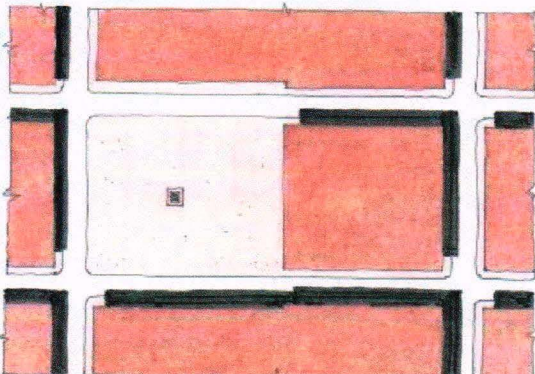
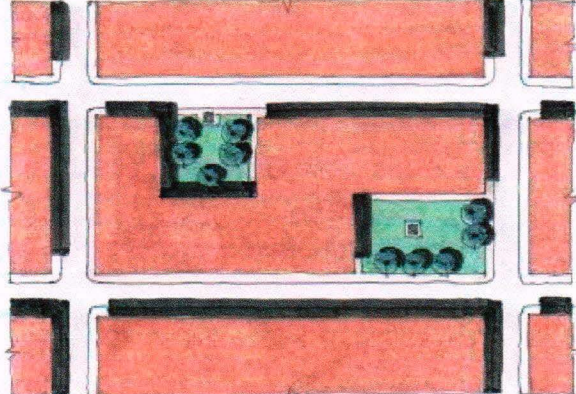
E. CIVIC SPACE

1. Each platted project shall assign at least five (5) percent of the acreage (not including public right of way or flood plain) to civic space as graphically depicted below. This standard shall not be satisfied through the option of payment into a parkland dedication fund.
2. Seventy (70) percent of all residential or mixed-use lots shall be located within 800 feet of green or

civic space for any given platted project.

3. Backing buildings onto trails or natural areas is strongly discouraged. If a building backs onto trails or natural areas, it shall utilize a rear fence that is metal and not opaque in order to enhance visual security of the Public Space, trails or natural areas. If a rear-loaded garage or pull through garage is utilized, the garage shall be located within three (3) feet of the side property line or utilize a common wall with an adjacent garage to enhance the visual security.
4. The civic space shall be designed in accordance with the following illustrative standards.

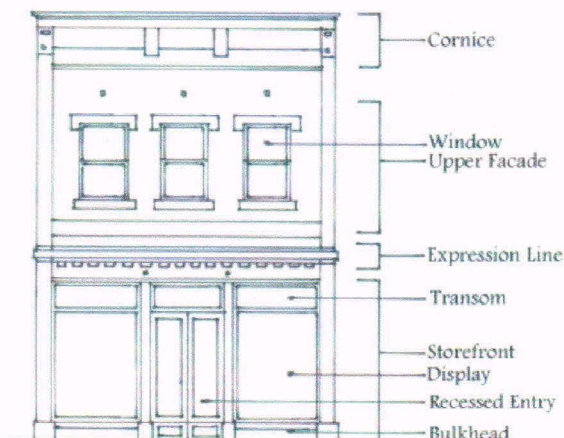
<p>a. Park</p> <p>A natural area available for unstructured recreation. A park may not be framed by building frontages. Parks shall be composed of trails, paths, meadows, tree stands and open shelters. Parks may be linear, following natural corridors and waterways. The minimum size shall be fifteen (15) acres.</p>	
<p>b. Green</p> <p>An open space, available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees laid out naturally. The minimum size shall be two (2) acres and the maximum size shall be fifteen (15) acres.</p>	
<p>c. Square</p> <p>An open space available for unstructured recreation and civic purposes. A square is spatially defined by buildings. Its landscape shall consist of paths, lawns, and trees laid out formally. Squares shall be located at the intersection of important streets. The minimum size shall be one (1) acre and the maximum size shall be five (5) acres.</p>	

<p>d. Plaza</p> <p>A primarily hardscaped open space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings. Plazas should be dimensioned at an approximate 3:1 ratio in terms of its width relative to the building heights. It shall not be dimensioned at more than a 6:1 ratio</p>	
<p>e. Playground</p> <p>An open space designed and equipped for children's recreation. A playground shall be fenced and may include an open shelter. Playgrounds shall be located within residential areas and may be placed within a block as illustrated. They may included in parks and greens. There shall be no minimum or maximum size.</p>	

F. ARCHITECTURAL, LANDSCAPE, SIGNAGE AND MISCELLANEOUS STANDARDS

1. Architectural Standards

- a. An expression line shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of facades that do not utilize a pitched roof. For retail storefronts, a transom, display window area and bulkhead at the base shall be utilized.



- b. To screen rooftop mechanical equipment, other appurtenances, and flat or built-up roofs, all structures having a footprint of 5,000 square feet or less shall be constructed with a pitched roof. Those structures having a footprint greater than 5,000 square feet shall be constructed with either a pitched or parapet roof system enclosed on all sides.

- c. Mansard roofs and flat membrane-type roofs that are visible are prohibited. Roofs shall be constructed of a process and of materials that shall have a minimum installation and manufacturer's warranty of at least 20 years.
- d. Ground floor retail building plate heights shall be at least fifteen (15) feet in height.
- e. Windows shall be oriented vertically. Windows on single family or town house residential buildings shall also utilize significant surrounds or shutters, as well as mullions between grouped windows.
- f. Columns and piers shall be spaced no farther apart than the height of the column or pier.
- g. Transparency: Each floor of any building façade facing a park, plaza or street shall contain transparent windows covering from 15 to 75 percent of the façade area. In order to provide clear views of merchandise and to provide natural surveillance of exterior street spaces, the street-level floor along the retail storefront facade shall have transparent storefront windows covering no less than fifty (50) percent of the façade area.
- h. Permitted finishes for commercial or mixed use buildings – At least eighty percent (80%) of the exterior of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials:
 - (1) Brick, stone, cast stone, rock, marble, granite, glass block and/or tile
 - (2) Exterior Insulating Finishing System (EIFS) as an accent (abuse resistant EIFS above 8 feet above grade)
 - (3) Cementitious-fiber clapboard with at least a 50-year warranty
 - (4) Split face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the façade on at least twenty-five (25) percent of each façade.
- i. The following permitted finishes for residential buildings and live/work units shall be allowed: Cementitious-fiber clapboard (not sheets) with at least a 50-year warranty; brick; stone; man-made stone and stucco utilizing a three-step process. The following shall be allowed up to thirty percent (30%) as an accent material: wood, Exterior Insulating Finishing System (EIFS) (abuse resistant EIFS above 8 feet above grade) or similar material over a cementitious base, rock, glass block and tile.
- j. Side facades and rear facades shall be of finished quality and of the same color and materials that blend with the front of the building. Rear facades may be painted tilt-wall or painted block matching the same color of the rest of the building if the rear façade faces an alley or is not viewable from a public street or right-of-way.
- k. On single-family residences, at least one of the following shall be utilized: porches, stoops, bay windows, balconies, masonry clad chimneys, attached pergolas or colonnades. Those architectural elements may encroach into the build-to-line.
- l. Plate Heights for single-family residential homes shall be no less than ten (10) feet for the first floor and nine (9) feet for the second or higher floors.
- m. Garages for residential buildings generally shall be located at the rear on alleys, except in order to preserve trees at the rear of the lots. Pull-through garages are allowed if the garage door is set back behind the rear façade of the main structure. If front-loaded garages are utilized on single-family residential lots, the garages shall be no greater than twenty-four (24) feet wide, and set back at least ten (10) feet measured from the face of the main structure closest to the garage, or rotated ninety (90) degrees with windows on the wall facing the street. All garage doors shall be divided into single bays separated by at least an 18-inch column. Front-loaded garages on

residential lots less than sixty (60) feet wide shall not be allowed. Town homes and courtyard apartments shall utilize rear-loaded garages.

- n. An enclosed garage or carport shall be designed and constructed of the same material as the primary building.
 - o. The exterior walls of buildings may be lit with wall washer type lights, natural gas lamps, or low wattage decorative electric lamps.
2. Landscaping. Requirements for landscaping shall be in accordance with Chapter 10 of the Burleson Code of Ordinances.
 3. Signage. Requirements for signs shall be in accordance with the provisions of the Zoning Ordinance.
 4. Dumpster Screening. All freestanding dumpsters shall be screened on all four sides with an opaque closure measuring to a height at least six (6) inches above the top of the dumpster. A dumpster located in an alley on the perimeter of the project shall be screened from view on all sides with an opaque enclosure or building niche measuring at least six (6) inches above the top of the dumpster. The building niche shall be constructed of material that matches the building.

EXHIBIT 1 – BURLESON TOD

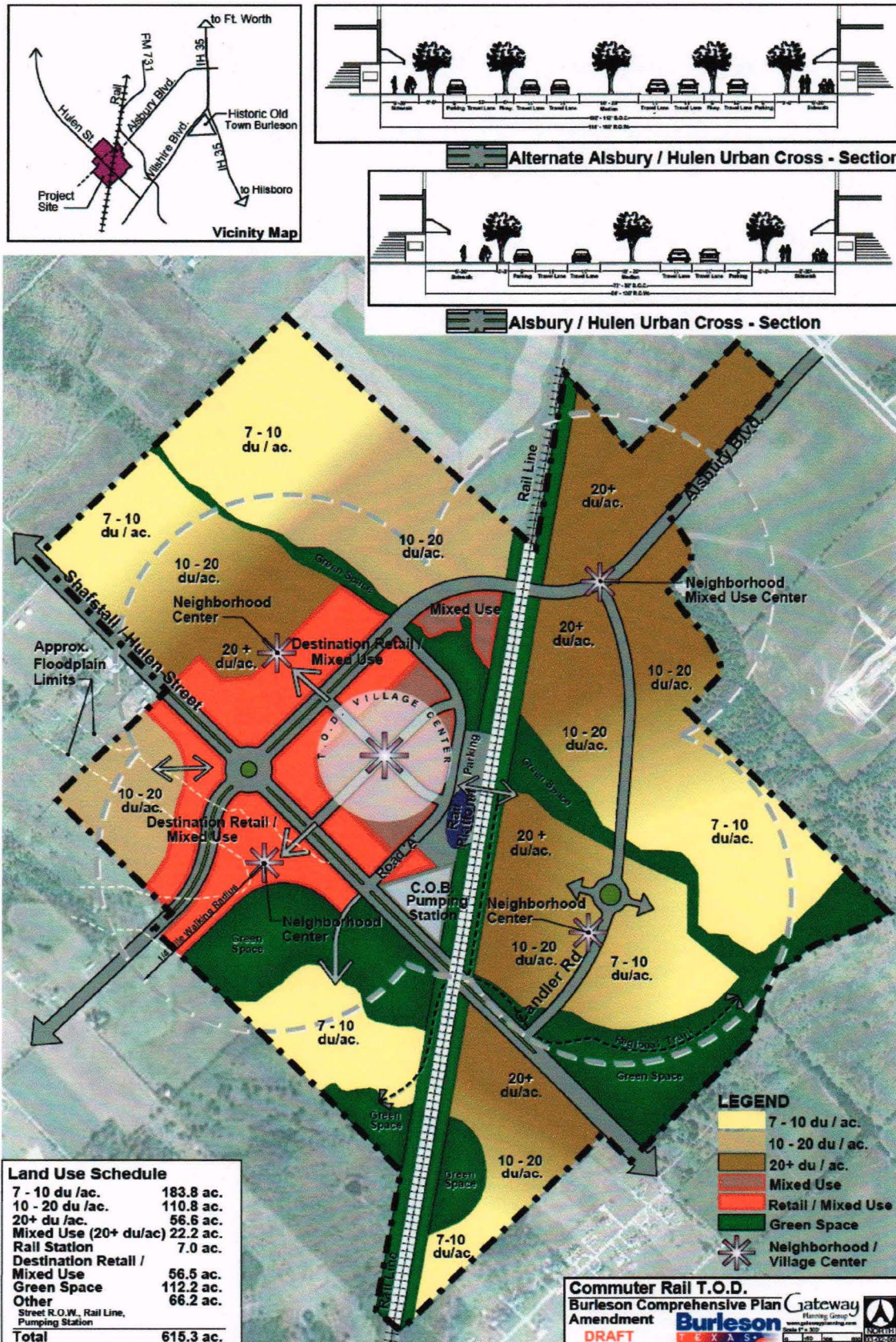


TABLE A – TOD STREET TYPE MATRIX

Street Types (1)		Curb Radii	Speed mph	Build-to-Line (2)	Street Cross Section (3)	Building Types (4)
A-68-34	Two-way Avenue with Parking	15'	30	20'-30'		All
S-56-30	Two-way Street with Parking	15'	25	20'-30'		All
S-50-26	Two-way Street with Parking	10'	20	15'-25'		All except non-residential, apartment, and Live-Work/Urban Loft
S1W-40-18	One-way Street with Parking	10'	15	15'-20'		All
C-34-23	Two-way Court with Parking	10'	15	10'-25'		All except non-residential and apartment
RA-20-14	Residential Alley (5)	15'	15	3'-7' or ? 16' (6)		All except non-residential and urban loft
CA-20-20	Commercial Alley - Temporary Parking	15'	15	0'-5'		All except House and Townhome/Stacked Condo
PA-138-62	Primary Arterial (Ailsbury--Hulen)	15'	35	varies		All except House
PA-168-80	Primary Arterial (Alternative Ailsbury--Hulen)	15'	35	varies		All except House

Gateway Planning Group

Explanatory Regulations:

- The first number in the type name establishes the right-of-way width; the second number establishes the paved section width.
The paved section width dimensions are set curb face to curb face except primary arterials, and the parkway includes the top of curb. Mountable curbs shall be allowed. Curbless streets shall be allowed adjacent to greenways, Public Space, and trails for storm water management purposes.
- A Build-to-Line (BTL) shall be established and platted for each street. No less than 80% of the buildings along a block shall conform to the BTL. For the Side Street side of buildings on corner lots, the minimum side yard dimension shall serve as the BTL.
- Trees denote required street trees.
- The West TOD Zoning District Building Types Matrix establishes the building types and core uses allowed.
- For houses fronting on greens, the RA-20-14 alleys may serve as sole street access for the lot if the BTL is established at 7 feet or greater than 16 feet, or on-street parking is located within 100 feet of the front door, or additional off-street parking is provided.

TABLE B – TOD BUILDING TYPE MATRIX

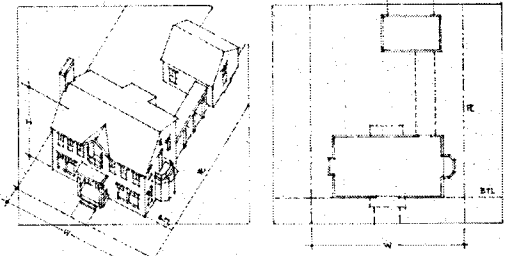
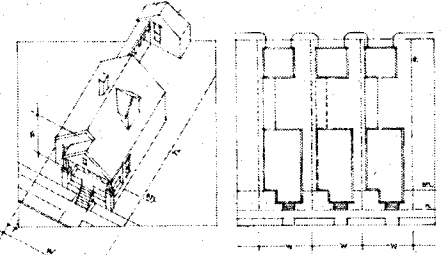
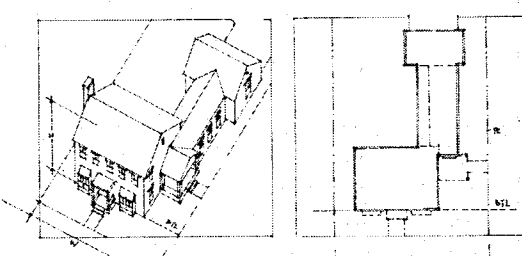
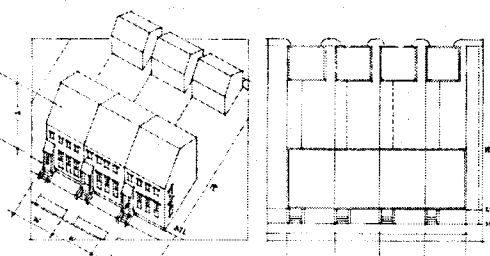
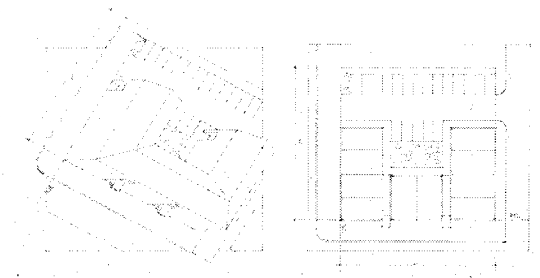
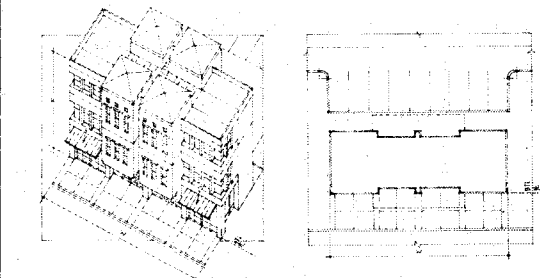
Development Standards												Prototypical Building Types
Types	Lot Widths Minimum (W)	Lot Depth Minimum	Minimum Side Yard/Rear Yard	Rear-loaded Covered Parking ⁽¹⁾	Off Street Parking Spaces Minimum Per Dwelling Unit ⁽¹⁾	Garage Set Back (front-loaded) ⁽²⁾	Maximum Height (H)	Square Foot Minimum-Maximum Per Dwelling Unit	Porch or Stoop / Depth Minimum	Accessory Unit/Max Square Footage	Maximum Lot Coverage	
Estate House	70'-80'	110'	5'	A	2	10'	2 story	3000 - No max	A/6'	A(5)/ 1000'	50%	
Large House	60'-69'	110'	5'	A	2	10'	2 story	2400-3600	A/6'	A(5)/ 800'	60%	
Medium House	50'-59'	100'	5'	R ⁽³⁾	2	n/a	2 story	1600-2600	R/6'	A(5)/ 800'	50%	
Small House	40'-49'	100'	4' ⁽⁶⁾	R	1	n/a	2 story	1400-2200	R/6'	A(5)/ 400'	60%	
Cottage House	25'-39'	90'	4' ⁽⁶⁾	R	1	n/a	2 story	900-1800	R/6'	A(5)/ 400'	70%	
Multi-Unit House ⁽⁷⁾⁽⁸⁾	60'-100'	110'	5'	R	1	10'	2 story	1700 - No max	R/6'	A(5)/ 400'	60%	
Townhome/ Stacked Condo	20'-30'	80'	0'/5'	R	1	n/a	3 story	1000 - No Max	R/0'	A(5)/ 400'	70%	

TABLE B – TOD BUILDING TYPE MATRIX

"End Cap" Apartment (9) (11)	120'	150'	10'	R	1	n/a	2 story	750 - No Max	A	N	80%	
Live-Work/ Urban Loft (12)	25'	100'	5' (13)	R	1	n/a	4 story (6)	750 - No Max	A	N	100%	

A - Allowed

N - Not Allowed

R - Required

Gateway Planning Group

Explanatory Regulations:

- (1) An enclosed garage or a carport shall be constructed of the same material as the main residential structure. Rear-loaded garages may be attached at side property line.
- (2) Garage setback shall be measured from the face of the main structure closest to the garage. Carports shall not be allowed for front-loaded parking.
- (3) "Pull-through" garages shall be allowed if the front façade of the garage is set back behind the rear façade of the house. Covered breezeways connecting the garage and the house shall be allowed.
- (5) The accessory unit shall have cooking facilities and a bathroom; but shall not require a separate water meter.
- (6) Buildings may be sited at side property line so long as buildings on adjacent lots are not within 8'.
- (7) 2 to 6 units shall be allowed.
- (8) The design of the building shall make the multi-unit structure appear as a large single-family house.
- (9) Maximum 24 units shall be allowed per building.
- (10) Courtyard(s) shall face street and provide at least 100 square feet of space per unit.
- (11) Address of building shall face the street at the end of the block so that the building acts as a block "cap."
- (12) Residential Uses shall be allowed on ground floor of building on a commercial streets with a specific use permit and if the ground floor is constructed to meet requirements of the Americans with Disabilities Act and applicable commercial building code and fire code standards; or if the residential use does not front the main address of the building and a separate entrance from the commercial use is provided externally or into a common public hallway. All Live-work units require a separate entrance for the non-residential use.
Buildings 40 units or greater per acre housing shall utilize structured parking within the area bounded by Alsbury, Hulén and the Railroad ROW.
- (13) No side yard required for urban buildings within the area bounded by Alsbury, Hulén and the Railroad ROW.

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.

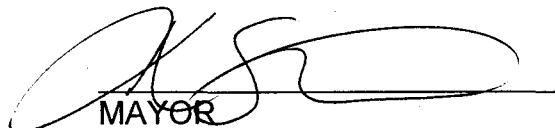
SECTION 5 PENALTY CLAUSE

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.

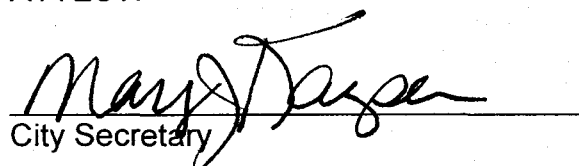
SECTION 6 EFFECTIVE DATE

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 23rd day of March 2006


MAYOR

ATTEST:


City Secretary

First Reading: 3/9/06

Exhibit A Zoning Map

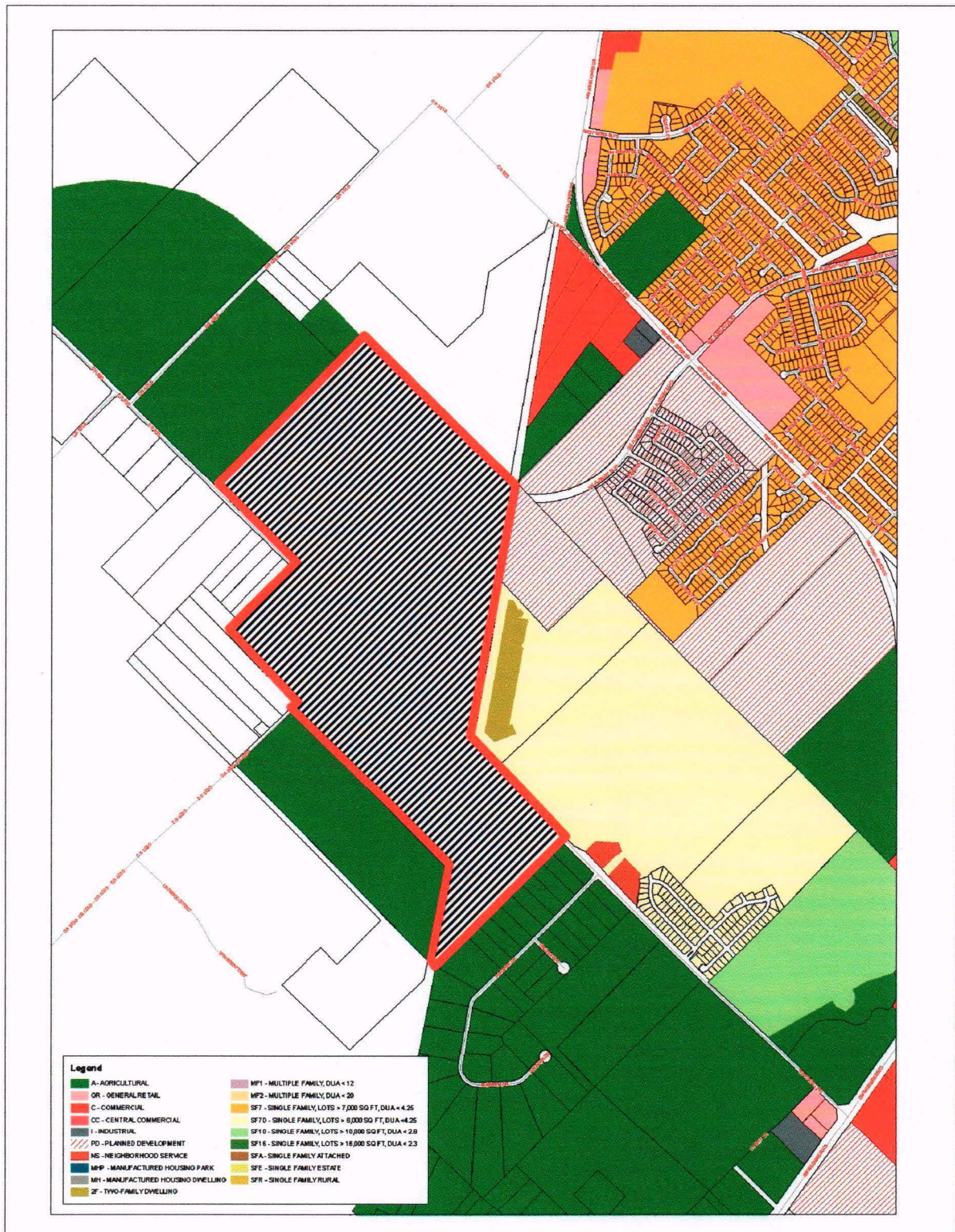


Exhibit B Metes and Bounds Description

Being approximately 373 acres of land out of the H.G. Catlett Survey, Abstract 177; the H.G. Catlett Survey, Abstract 180; the H.G. Catlett Survey, Abstract 186; and the S.M. Blair Survey, Abstract 65, and being more particularly described as follows:

BEGINNING at the east corner of Tract 12C, HG Catlett Survey, Abstract 180, said point being in the south right-of-way line of County Road 920 (Shaffstall Road);

THENCE North 45 degrees West 1,700 feet along the south right-of-way line of County Road 920 (Shaffstall Road) to a point in the east right-of-way line of the BNSF railroad;

THENCE North 9 degrees East, following the east right-of-way line of the BNSF railroad, a distance of 3,390 feet to a point in the west line of Tract 2, SM Blair Survey, Abstract 65;

THENCE North 45 degrees West, leaving the east right-of-way line of the BNSF railroad and following the common extra-territorial jurisdiction line with the City of Fort Worth, as shown on the Official City Map dated February 13, 2003, a distance of 2,720 feet to a point, said point being on a line North 43 degrees East 370 feet from the east corner of Tract 9, HG Catlett Survey, Abstract 177;

THENCE, South 43 degrees West, leaving said point a distance of 2,670, following the south line of said Tract 9, to a point in the south right-of-way line of County Road 920 (Shaffstall Road), said point being in the north line of Tract 27A, HG Catlett Survey, Abstract 186;

THENCE South 45 degrees East 1,340 feet, following the south right-of-way line of County Road 920 (Shaffstall Road) to the northwest corner of Tract 33D, HG Catlett Survey, Abstract 186;

THENCE South 43 degrees West, leaving the south right-of-way line of County Road 920 (Shaffstall Road), a distance of 1,200 feet, following the northwest line of said Tract 33D, and passing the southwest line of said Tract 33D to a point in the southwest line of Tract 36, HG Catlett Survey, Abstract 186;

THENCE South 45 degrees East, following the southwest line of said Tract 36, a distance of 1,215 feet to a point in the northwest right-of-way line of County Road 1020;

THENCE South 45 degrees West, following the northwest right-of-way line of County Road 1020, a distance of 120 feet to a point in the southeast line of Tract 37B, HG Catlett Survey, Abstract 186;

THENCE South 45 degrees East, leaving the northwest right-of-way line of County Road 1020, and following the southwest line of Tracts 11A and 11, HG Catlett Survey, Abstract 180, a distance of 2,900 feet to the northwest right-of-way line of the BNSF railroad;

THENCE South 9 degrees West, following the northwest right-of-way of the BNSF railroad, a distance of 1,200 feet to a point, said point also being the most southerly east corner of Tract 10, HG Catlett Survey, Abstract 180;

THENCE South 68 degrees East, a distance of 100 feet to a point in the southeast right-of-way line of the BNSF railroad, said point also being the most westerly corner of Lot 11, Block 1, Tantarra Estates Addition, an addition to Johnson County, Texas, as shown on the plat recorded in Volume 8, Page 368, Plat Records, Johnson County, Texas;

THENCE North 45 degrees East, following the northwest line of said Block 1, Tantarra Estates Addition, a distance of 2,270 feet to the POINT OF BEGINNING, and containing 373 acres of land, more or less.

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF JOHNSON
CITY OF BURLESON

BEFORE ME, a notary public in and for the above named County, on this day personally appeared the person whose name is subscribed below, who having been duly sworn, says upon oath that he or she is a duly authorized officer or employee of the *Burleson Star*, which is a newspaper of general circulation in the above named County, devoting not less than 25% of its total column lineage to the carrying of items of general interest, published not less frequently than once each week, entered as periodical permit postal matter in the county where published, and having been published regularly and continuously for not less than 12 months prior to the making of any publication. The clipping attached to this Affidavit was published in said newspaper on the following date(s):

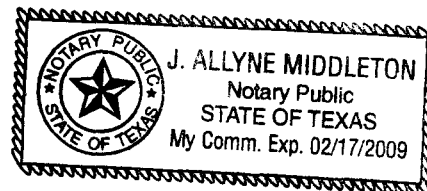
March 29 & April 2, 2006

The Mayor

Authorized Officer or Employee

SUBSCRIBED AND SWORN TO BEFORE ME on this 30 day of March, 2006

J. Allyn Middleton
J. Allyn Middleton
Notary Public



ORDINANCE

D-065-06

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 of approximately 373 acres out of the H.G. Catlett Survey, Abstracts No. 180, 186 and 177, and the S.M. Blair Survey, Abstract 65, City of Burleson, Johnson County, Texas, from the A Agricultural District to the PD Planned Development District; making this ordinance cumulative of prior ordinances; providing for the violation of this ordinance; providing a savings clause; authorizing publication; and providing for an effective date.

Be it ordained by the City Council of the City of Burleson, Texas:

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 non compliance 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.

Passes and Approved on this 23rd day of March, 2006.

/s/Mayor, Ken Shetter
Attest: City Secretary,
Mary Kayser

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: January 17, 2023

SUBJECT:

2825 S Burleson (Case 22-152): Hold a public hearing and consider an ordinance for a zoning change request from "A", Agriculture to "C" Commercial. *(Staff Presenter: Lidon Pearce, Senior Planner)*

SUMMARY:

On November 14, 2022, an application for a zoning change request was submitted by Andrew Feghali (owner) for a zoning change request of approximately 2.66 acres for laboratory research in an existing industrial/commercial building.

Development Overview:

The property is currently in the IH-35 corridor overlay and is zoned A, Agriculture with a commercial building that appears to have been vacant for several years. The applicant has requested to rezone the property to C, Commercial for aerospace laboratory research and testing. The applicant's personal narrative and request are attached as Exhibit 4. The uses and any future site improvements will occur in accordance with City of Burleson Code of Ordinances, "C" Commercial district zoning, and IH-35 design standards.

Zoning and Land Use Table

Location	Zoning	Use
Subject Site	A, Agriculture	Vacant commercial building
North	A, Agriculture	Undeveloped
East	A, Agriculture	Undeveloped
South	C, Commercial	Commercial building
West	IH-35/ Business Park	Interstate

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

This land use category is intended for uses with important employment opportunities and potential for upward mobility of skilled workers. Corresponding zoning districts include C, Commercial; I, Industrial; and BP, Business Park.

Staff supports a zoning change request to “C” Commercial district based on the adjacent uses, proximity to IH-35, and conformance with the Comprehensive Plan.

Engineering:

The applicant intends to utilize the current structure. Future expansion of the site or building will require platting and engineering reviews.

OPTIONS:

- 1) Recommend approval of an ordinance for a zoning change request to “C” Commercial;
or
- 2) Recommend approval of an ordinance for a zoning change request to an alternative
zoning district; 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 to “C” Commercial (Case 22-152).

FISCAL IMPACT:

None.

STAFF CONTACT:

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

ZC - 2825 S Burleson

Item C.

Location:

- 2825 S Burleson
- 2.66 acres

Applicant:

Andrew Feghali
Property Owner

Item for approval:

Zoning Change from "A"
Agriculture to "C" Commercial
(Case22-152)



Comprehensive Plan

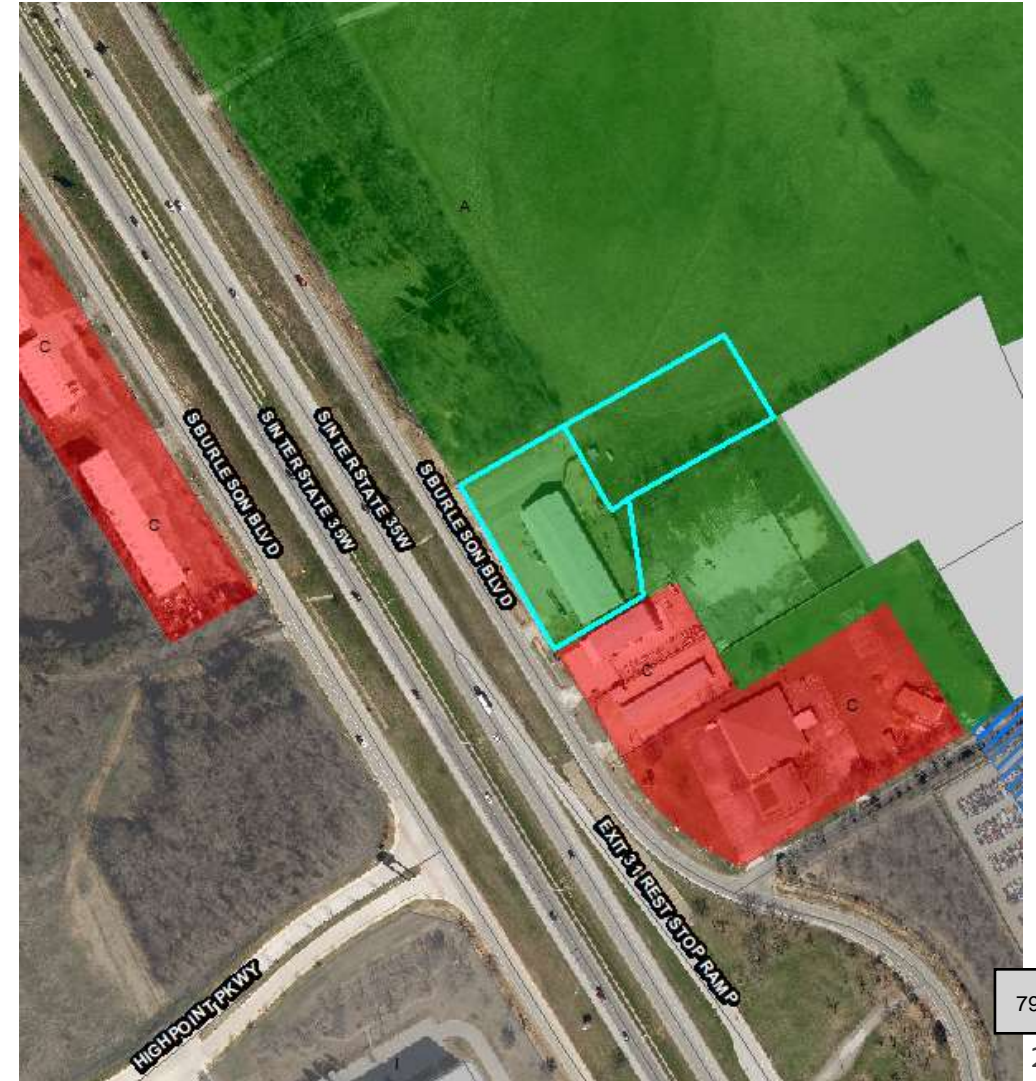
Employment Growth



Zoning

Item C.

A, Agriculture
IH-35 Overlay



ZC - 2825 S Burleson

Item C.

Applicant intends to use currently existing structure on the site. Future expansions to the building and/or site are subject to platting and applicable engineer and building department reviews.

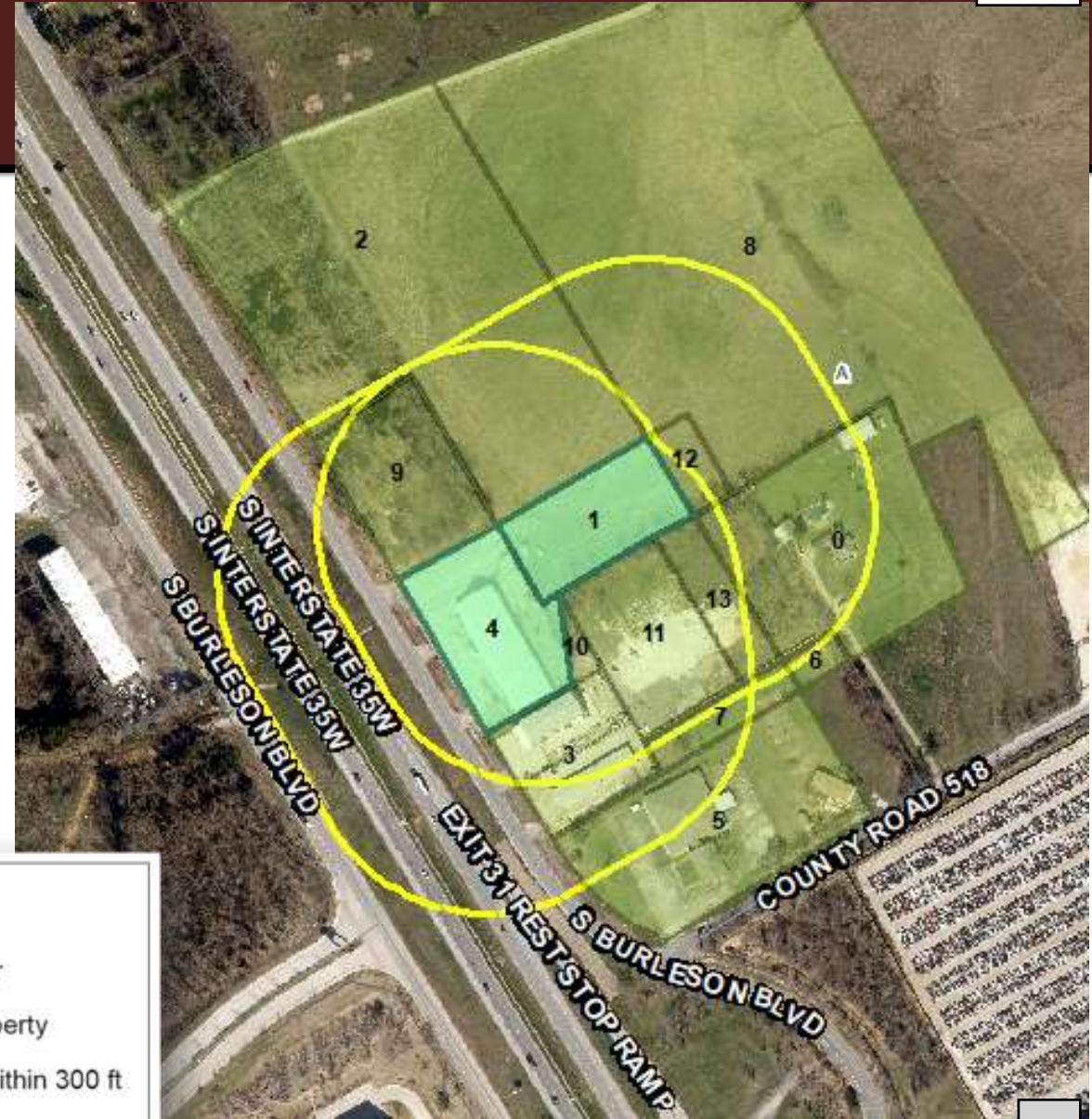


ZC - 2825 S Burleson

Item C.

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

ZC - 2825 S Burleson

Item C.

Staff's Recommendation

- Staff recommends approval of an ordinance for the zoning change request to "C" Commercial
- Conformance with the Comprehensive Plan; and
- Compatibility with adjacent uses; and
- Proximity to IH-35



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 2.66 ACRES OF LAND LOCATED IN THE J.W. RAWLS SURVEY ABST NO. 728 AND THE S. MYERS SURVEY ABST. NO. 627, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), FROM AGRICULTURE (A) TO COMMERCIAL (C), MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas, 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 Andrew Feghali (property owner) on November 14, 2022, under Case Number 22-152; 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:

Section 1

The Official Zoning Map is hereby amended insofar as it relates to certain land described as 2.66 acres of land located in the J.W. Rawls Survey ABST NO. 728 and the S. Myers Survey ABST. NO. 627, deed records, Johnson County, Texas (D.R.J.C.T.), as illustrated in Exhibit A, by changing the zoning of said property from Agriculture (A) to Commercial (C).

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Section 7.

Any person, firm, association of persons, company, corporation, or their agents, its servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00),

and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 8.

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

PASSED AND APPROVED:

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

Chris Fletcher, Mayor
City of Burleson, Texas

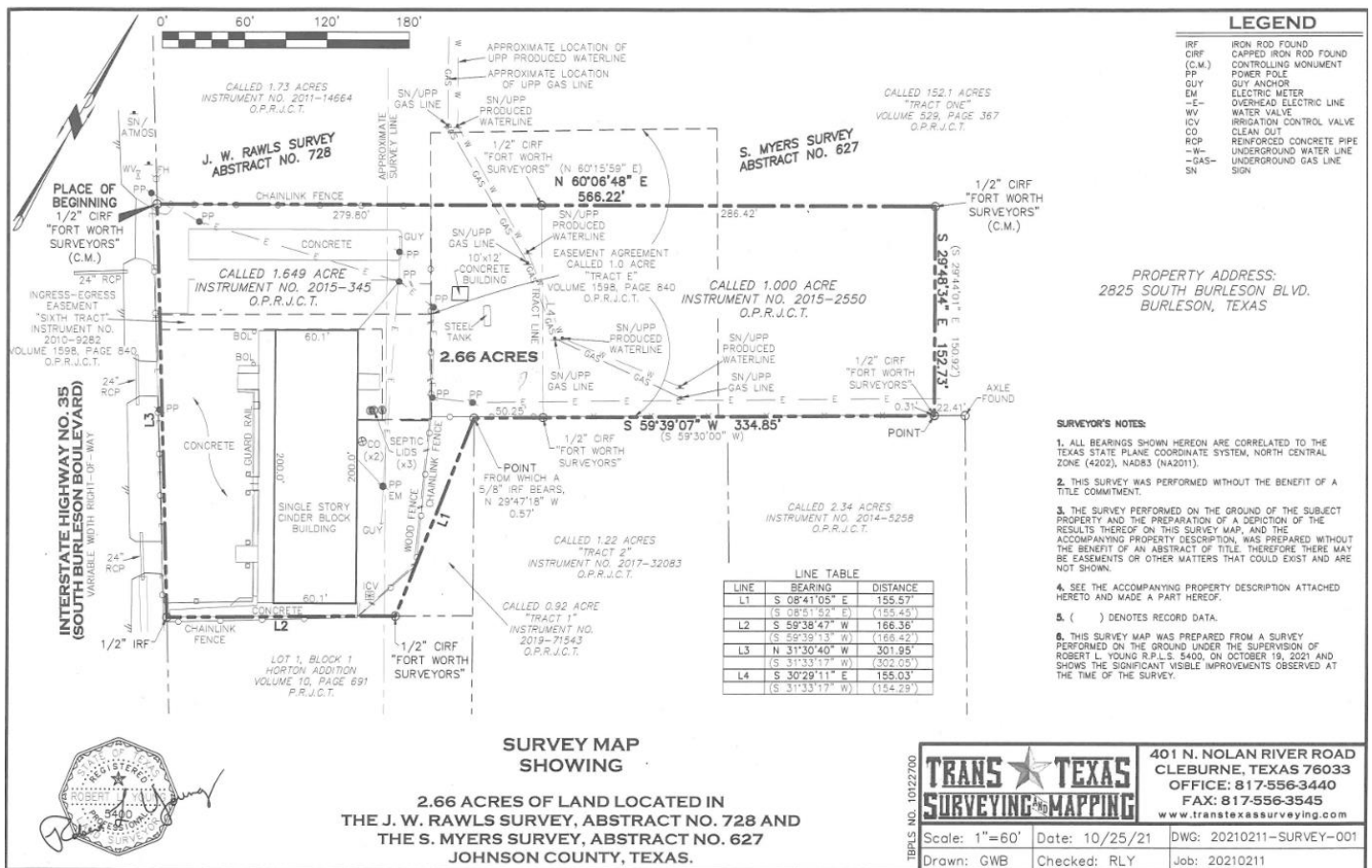
ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT "A"



Dear City of Burleson Zoning Department,

My name is Andrew Feghali. My wife (Holly) and I started a business a few years ago in the Alliance area of Fort Worth. We moved to Burleson this year and want to move our business down here as well.



← That's us

We purchased the property located at 2825 S Burleson Blvd which is currently zoned as Agricultural. We are requesting a zoning change to Industrial.

We do not have much information on the history of this building. In speaking with the previous owner, we learned that at one point it was an auction house. The previous owner purchased it with plans for an automotive shop, but that never came to fruition and the property has been vacant for the past 7+ years.

Our proposed use for this site is Laboratory Testing. Our business is Aeroblaze Laboratory. We provide testing, certification, and research & development services for the aerospace industry. We perform a wide array of tests, including flammability, bird strike, flotation, slip-resistance, and other safety tests in aviation.

We look forward to moving our business to Burleson and establishing our new life here!

Best regards,

Andrew Feghali





Planning & Zoning Commission Meeting

DEPARTMENT: Public Works

FROM: Travis Attanasio, Senior Civil Engineer

MEETING: January 17, 2023

SUBJECT:

4139 S Burleson Blvd (Case 22-139): Hold a public hearing and consider a resolution approving a waiver to Section 5.5.E "Parking Lot/Site Layout Design Criteria" of the Design Standards Manual as amended by Resolution R-1175-10 for the parking lot design within 4139 S. Burleson Blvd. (Staff Presenter: Travis Attanasio, Senior Civil Engineer)

SUMMARY:

On January 9, 2023 the City Council approved an item rezoning the subject property from Agriculture Zoning to Planned Development. During the rezoning process, staff notified the property owner the current parking lot material did not meet current city standards and if a Certificate of Occupancy (CO) was required in the future, the parking lot would need to be brought up to current standards utilizing one of the following sections –

- Six inches of asphalt on six inches of stabilized soil
- Five inches of concrete on six inches of stabilized soil

Where parking lot drive aisles serve as fire lanes, the fire lane standard included in the City's Design Manual shall apply.

The property owner submitted an application requesting a waiver to the required parking lot section. The existing parking lot consists of twelve inches of flexbase material. Flexbase consists of crushed concrete, limestone, asphalt ect. Flexbase typically can be used as a base material for roadways, temporary roadways, parking lots, or areas for storage of material. The property owner provided a geotechnical engineering report indicating the existing parking lot and drive will support a fire truck (80,000 lb) which is a requirement for development.

OPTIONS:

- 1) Recommend approval as presented
- 2) Recommend approval with changes
- 3) Recommend denial

RECOMMENDATION:

Staff recommends approval of the waiver with the following conditions:

1. Provides a site plan demonstrating the required number of parking stalls for the proposed use at time of Certificate of Occupancy.

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

N/A

PUBLIC NOTIFICATION:

Notice was mailed to surrounding property owners within 200 feet of the acreage proposed for this waiver and published in the newspaper in accordance with City ordinances and State law.

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

FISCAL IMPACT:

None

STAFF CONTACT:

Travis Attanasio
Senior Civil Engineer
tattanasio@burlesontx.com
817-426-9614

Waiver Request – Parking Lot Standards

Item D.

4139 S. Burleson Blvd.

Location:

- 4.13 acres
- Located north of the intersection of Asher Rd. and S. Burleson Blvd.

Applicant and Property Owner:

Daniel Welling, Welling Investments, LLC

Item for approval:

Waiver to Section 5.5.E “Parking Lot/Site Layout Design Criteria” of the Design Standards Manual as amended by Resolution R-1175-10



Waiver Request – Parking Lot Standards

Item D.

4139 S. Burleson Blvd.

Background:

- City Council approved Resolution amending Design Standards Manual on June 21, 2010 to include parking lot pavement standards
 - 6" Hot-Mix Asphalt Concrete-HMAC on 6" Lime or Cement stabilized soil
 - 5" Reinforced Portland Cement Concrete on 6" Lime or Cement stabilized soil
- Property owner informed current parking lot material did not meet current standards
 - Submitted request for waiver to current standards
 - Provided geotechnical report showing existing parking lot consists of 12 inches of flexbase material and will support a fire truck (80,000 lb) which is a requirement for development
- Flexbase Material and Uses
 - Consists of compacted crushed concrete, limestone, asphalt, etc
 - Base for roadways, temporary roadways, parking lots

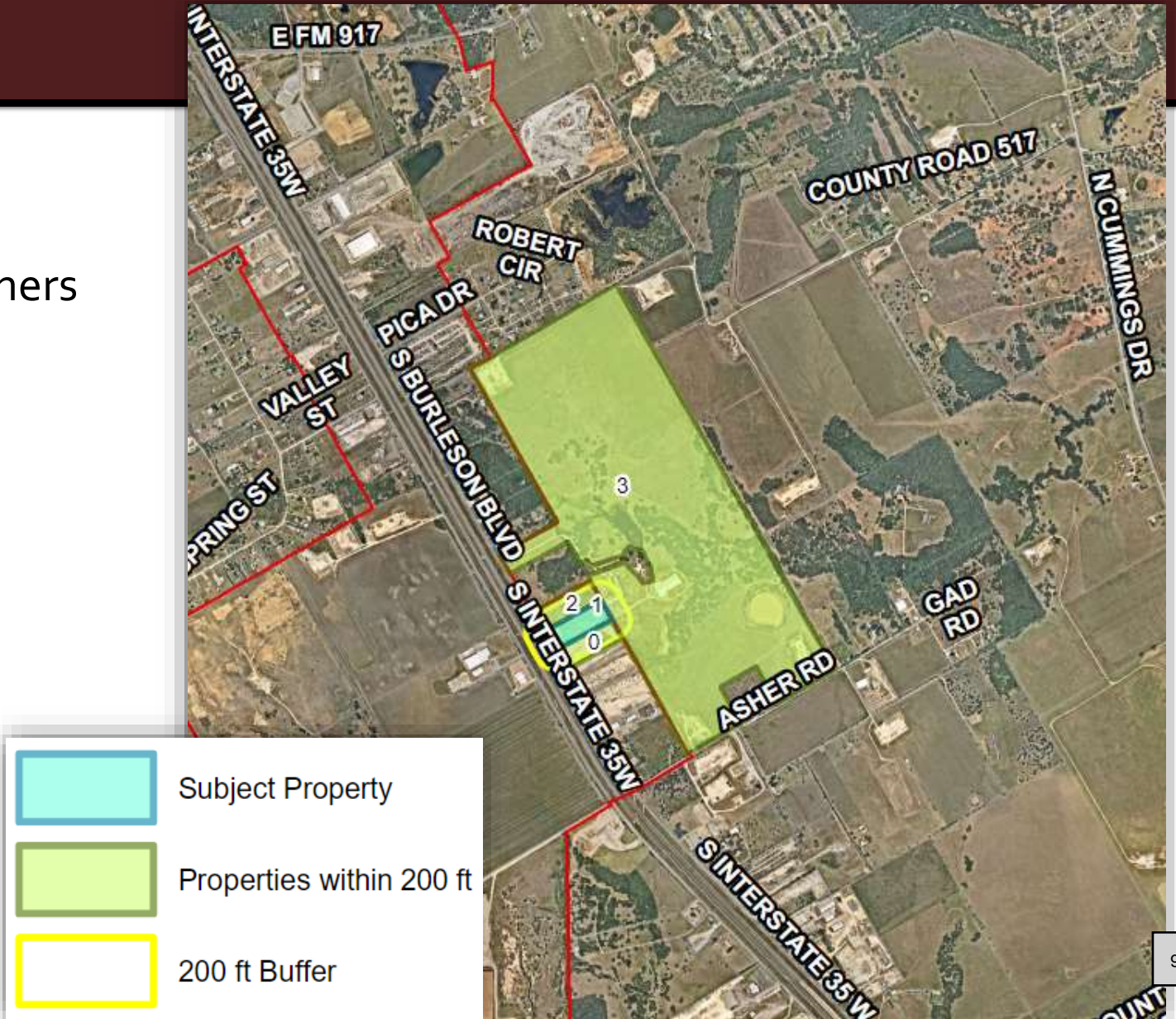
Waiver Request – Parking Lot Standards

Item D.

4139 S. Burleson Blvd.

Notification:

- Public notices mailed to property owners within 200 feet of subject property
- Published in newspaper
- Staff has received no inquiries concerning this request.



Waiver Request – Parking Lot Standards

Item D.

4139 S. Burleson Blvd.

P&Z Action Requested

Questions/Discussion

Staff recommends approval of a waiver to Section 5.5.E “Parking Lot/Site Layout Design Criteria” of the Design Standards Manual as amended by Resolution R-1175-10 for the parking lot located at 4139 S. Burleson Blvd with the following conditions. (Case 22-139)

- Provides a site plan demonstrating the required number of parking stalls for the proposed use at time of Certificate of Occupancy

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, FOR A VARIANCE TO SECTION 5.5.E “PARKING LOT/SITE LAYOUT DESIGN CRITERIA” OF THE DESIGN STANDARDS MANUAL AS AMENDED BY RESOLUTION R-1175-10 FOR THE PARKING LOT DESIGN WITHIN 4139 S. BURLESON BLVD.

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

WHEREAS, City Council has determine that Special conditions exist that are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity; and

WHEREAS, the strict interpretation of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of this chapter; and

WHEREAS, special conditions and circumstances do not result from the actions of the applicant(s) and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and

WHEREAS, City Council has determined that granting the variance will meet the objectives of the ordinance and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and

WHEREAS, City Council has determined that the request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and

WHEREAS, City Council has determined that granting the variance will be in harmony with the spirit and purpose of this chapter.

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

Section 1.

City Council grants a variance to Section 5.5.E “Parking Lot/Site Layout Design Criteria” of the Design Standards Manual as amended by Resolution R-1175-10 for the parking lot design within 4139 S. Burleson Blvd with the following condition:

1. The parking lot shall only be utilized for employee parking and vehicle/truck storage and not accessible to the general public.

Section 2.

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

PASSED, APPROVED, AND SO RESOLVED by the City Council of the City of Burleson, Texas, on the _____ day of _____, 20____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

**GEOTECHNICAL ENGINEERING STUDY
PROPOSED PARKING LOT AND DRIVES
4139 SOUTH BURLESON BOULEVARD
ALVARADO, TEXAS**

Presented To:
Welling Investments, Inc.

December 2022

PROJECT NO. 3048-22-01

December 7, 2022
Report No. 3048-22-01

Welling Investments, Inc.
1250 S. Capital of Texas Highway
Building 3, Suite 400
Austin, Texas 78746

Attn: Mr. Daniel Welling

**GEOTECHNICAL ENGINEERING STUDY
PROPOSED PARKING LOT AND DRIVES
4139 SOUTH BURLESON BOULEVARD
ALVARADO, TEXAS**

Dear Mr. Welling:

Submitted here are the results of a geotechnical engineering study for the referenced project. This study was performed in general accordance with CMJ Proposal 22-8895 dated November 3, 2022. The geotechnical services were authorized by Mr. Daniel Welling on November 3, 2022.


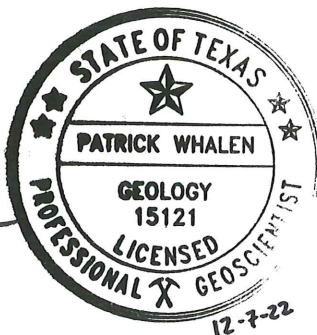
Engineering analyses and recommendations are contained in the text section of the report. The results of our field and laboratory services are included in the appendix of the report. We would appreciate the opportunity to be considered for providing construction material testing services during the construction phase of this project.

We appreciate the opportunity to be of service to Welling Investments, Inc. Please contact us if you have any questions or if we may be of further service at this time.

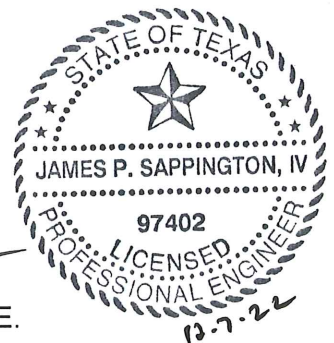
Respectfully submitted,
CMJ ENGINEERING, INC.
TBPELS REGISTRATION No. F-9177
TBPG REGISTRATION No. 50644



Patrick J. Whalen, P.G.
Project Geologist
Texas No. 15121



James P. Sappington IV, P.E.
President
Texas No. 97402



copies submitted: (2) Mr. Daniel Welling; Welling Investments, Inc. (mail and email)

CMJ Engineering
p: 817.284.9400
f: 817.589.9993

7636 Pebble Drive
Fort Worth, TX 76118
www.cmjengr.com

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3.0 SUBSURFACE CONDITIONS -----	3
4.0 PAVEMENTS-----	4
5.0 EARTHWORK-----	9
6.0 CONSTRUCTION OBSERVATIONS-----	12
7.0 REPORT CLOSURE -----	12

APPENDIX A

	<u>Plate</u>
Plan of Borings-----	A.1
Unified Soil Classification System-----	A.2
Key to Classification and Symbols -----	A.3
Logs of Borings -----	A.4 – A.5
Soluble Sulfate Test Results-----	A.6

1.0 INTRODUCTION

1.1 Project Description

The site is located at 4139 South Burleson Boulevard, approximately 1,800 feet northwest of Asher Road in Alvarado, Texas. The project consists of new parking lots and drives to support heavy truck traffic. Plate A.1, Plan of Borings, presents the project vicinity and approximate locations of the exploration borings.

1.2 Purpose and Scope

The purpose of this geotechnical engineering study has been to determine the general subsurface conditions, evaluate the engineering characteristics of the subsurface materials encountered, provide pavement subgrade and earthwork recommendations, and provide pavement design guidelines.

To accomplish its intended purposes, the study has been conducted in the following phases: (1) drilling sample borings to determine the general subsurface conditions and to obtain samples for testing; (2) performing laboratory tests on appropriate samples to determine pertinent engineering properties of the subsurface materials; and (3) performing engineering analyses, using the field and laboratory data, to develop geotechnical recommendations for the proposed construction.

The design is currently in progress. Once the final design is near completion (80-percent to 90-percent stage), it is recommended that CMJ Engineering, Inc. be retained to review those portions of the construction documents pertaining to the geotechnical recommendations, as a means to determine that our recommendations have been interpreted as intended.

1.3 Report Format

The text of the report is contained in Sections 1 through 7. All plates and large tables are contained in Appendix A. The alpha-numeric plate and table numbers identify the appendix in which they appear. Small tables of less than one page in length may appear in the body of the text and are numbered according to the section in which they occur.

Units used in the report are based on the English system and may include tons per square foot (tsf), kips (1 kip = 1,000 pounds), kips per square foot (ksf), pounds per square foot (psf), pounds per cubic foot (pcf), and pounds per square inch (psi).

2.0 FIELD EXPLORATION AND LABORATORY TESTING

2.1 Field Exploration

Subsurface materials were explored by two (2) borings drilled in the existing pavement areas to a depth of 10 feet using continuous flight augers at the approximate locations shown on the Plan of Borings, Plate A.1. The boring logs are included on Plates A.4 and A.5 and keys to classifications and symbols used on the logs are provided on Plates A.2 and A.3.

Undisturbed samples of cohesive soils were obtained with nominal 3-inch diameter thin-walled (Shelby) tube samplers at the locations shown on the logs of borings. The Shelby tube sampler consists of a thin-walled steel tube with a sharp cutting edge connected to a head equipped with a ball valve threaded for rod connection. The tube is pushed into the soil by the hydraulic pulldown of the drilling rig. The soil specimens were extruded from the tube in the field, logged, tested for consistency with a hand penetrometer, sealed, and packaged to limit loss of moisture.

The consistency of cohesive soil samples was evaluated in the field using a calibrated hand penetrometer. In this test, a 0.25-inch diameter piston is pushed into the relatively undisturbed sample at a constant rate to a depth of 0.25 inch. The results of these tests, in tsf, are tabulated at respective sample depths on the logs. When the capacity of the penetrometer is exceeded, the value is tabulated as 4.5+.

Groundwater observations during and after completion of the borings are shown on the upper right of the boring log. Upon completion of the borings, the bore holes were backfilled with soil cuttings and tamped at the surface.

2.2 Laboratory Testing

Laboratory soil tests were performed on selected representative samples recovered from the borings. In addition to the classification tests (liquid limits and plastic limits), moisture content, unit weight, and unconfined compressive strength tests were performed. Results of the laboratory classification tests, moisture content, unit weight, and unconfined compressive strength tests conducted for this project are included on the boring logs.

Soluble sulfate tests were conducted on selected soil samples recovered from the borings. The sulfate testing was conducted to help identify lime-induced heaving potential of the soils. Lime-

induced heaving can cause detrimental volumetric changes to a lime-stabilized subgrade. The results of the sulfate tests are presented on Plate A.6.

The above laboratory tests were performed in general accordance with applicable ASTM procedures, or generally accepted practice.

3.0 SUBSURFACE CONDITIONS

3.1 Site Geology

The Dallas Sheet of the Geologic Atlas of Texas indicates the project site is located in the Eagle Ford Formation of the Upper Cretaceous age. The Eagle Ford Formation is composed primarily of dark shales with an occasional very thin sandstone or limestone stratum. Calcareous concretions, roughly spherical and up to 18 inches in diameter are found throughout this formation. The Eagle Ford weathers to a tan or tan and gray shaly clay with a dark brown to black residual soil, both of which are highly active.

3.2 Soil Conditions

Specific types and depths of subsurface strata encountered at the boring locations are shown on the boring logs in Appendix A. The generalized subsurface stratigraphy encountered in the borings is discussed below. Note that depths on the borings refer to the depth from the existing grade or ground surface present at the time of the investigation, and the boundaries between the various soil types are approximate.

Crushed rock base material is present at the surface in Borings B-1 and B-2 with thicknesses of 5 to 8 inches. Concrete with a thickness of 6 inches is present beneath the crushed rock material in Boring B-2.

Natural soils encountered beneath the paving materials consists of dark brown clays overlying light brown and gray shaly clays. Ironstone nodules and occasional calcareous nodules and pebbles are present within the soils. Occasional sand seams are noted above 4 feet in Boring B-2, and occasional sandstone seams are noted below a depth of 10 feet within the shaly clays in Boring B-2. The borings were terminated within the various natural soils at a depth of 10 feet.

The various soils encountered in the borings had Liquid Limits (LL) ranging from 54 to 71 with Plasticity Indices (PI) ranging from 36 to 49 and are classified as CH by the USCS. The various clayey (cohesive) soils are generally soft to stiff (soil basis) in consistency with pocket penetrometer readings of 0.75 to 2.25 tsf. Tested unit weight values varied from 88 to 95 pcf and tested unconfined compressive strengths were 2,000 to 3,010 psf.

The Atterberg Limits tests indicate the various clays encountered at this site are highly active with respect to moisture-induced volume changes. Active clays can experience volume changes (expansion or contraction) with fluctuations in their moisture content.

3.3 Groundwater Observations

The borings were drilled using continuous flight augers in order to observe groundwater seepage during drilling. No groundwater seepage was encountered during drilling and the borings were dry at drilling completion.

While it is not possible to accurately predict the magnitude of subsurface water fluctuation that might occur based upon these short-term observations, it should be recognized that groundwater conditions will vary with fluctuations in rainfall.

Fluctuations of the groundwater level can occur due to seasonal variations in the amount of rainfall; site topography and runoff; hydraulic conductivity of soil strata; and other factors not evident at the time the borings were performed. During wet periods of the year, seepage can occur in joints in the clays or via more permeable strata. The possibility of groundwater level fluctuations should be considered when developing the design and construction plans for the project.

4.0 PAVEMENTS

4.1 General Pavement Considerations

The subgrade soil encountered in the borings consists of primarily highly plastic clays. The success of the pavement subgrade is subgrade soil strength and control of water. Adequate subgrade performance can be achieved by stabilizing existing soils and fills used to construct the pavement subgrade. Stabilization of the clay subgrade soils can be accomplished with the addition of hydrated lime.

On-site soils are highly plastic and subject to expansive movement with soil wetting and drying. Estimates of expansive movement potential are on the order of 4 to 5 inches. Movements in excess of this estimate can occur if poor drainage, excessive water collection, leaking pipelines, etc. occur. Any such excessive water conditions should be rectified as soon as possible. In order to minimize rainwater infiltration through the pavement surface, and thereby minimizing future upward movement of the pavement slabs, all cracks and joints in the pavement should be sealed on a routine basis after construction.

4.2 Lime-Induced Heaving

Soluble sulfate tests were conducted to check for lime-induced heaving potential. Lime-induced heaving is caused when hydrated lime is added to a soil with a high sulfate concentration. The lime reacts with the sulfates when water is present to cause potentially large volumetric changes in the soil.

Soluble sulfate levels in soils on the order of 2,000 parts-per-million (ppm) or less are usually of low concern and warrant only observation of the subgrade during the stabilization process. Soluble sulfate levels on the order of 2,000 to 6,000 ppm usually warrant a double lime process, with the first treatment of lime consisting of $\frac{1}{2}$ the recommended concentration and a second lime treatment consisting of the full recommended concentration. Sulfate levels on the order of 6,000+ ppm may require a double-lime process, with the two full-concentration lime treatments.

The soluble sulfate levels of the tested samples were less than 100 ppm. Since the samples tested were below 2,000 ppm, a single-lime process is recommended at this time. The single-lime treatment is described in Section 4.3. In addition, it is recommended that during the curing period of the lime treatment, the subgrade be supplied with ample moisture and it should be checked for any volumetric changes that may indicate a lime-induced heaving condition.

4.3 Pavement Subgrade Preparation

The highly plastic clays are subject to loss in support value with the moisture increases which occur beneath pavement sections. They react with hydrated lime, which serves to improve and maintain their support value. Treatment of these soils with hydrated lime will improve their subgrade characteristics to support area paving. Lime treatment is recommended for all subgrade areas.

Alternatively, in lieu of a lime-stabilized subgrade, a minimum of 6-inch thick crushed stone flexible base meeting TxDOT Item 247, Type A, Grade 1/2 may be utilized on an equal basis and placed atop a properly compacted subgrade. The option of using a flexible base in lieu of lime stabilizing the subgrade presents a relatively quick, straight forward solution to preparing the subgrade prior to pavement placement.

Prior to lime stabilization or compaction, the subgrade should be proofrolled with heavy pneumatic equipment. Any soft or pumping areas should be undercut to a firm subgrade and properly backfilled as described in the Earthwork section. The subgrade should be scarified to a minimum depth of 6 inches and uniformly compacted to a minimum of 95 percent of Standard Proctor density (ASTM D 698), to minus 2 to plus 4 percentage points of the optimum moisture content determined by that test. It should then be protected and maintained in a moist condition until the pavement is placed. The presence of ironstone nodules, pebbles, and calcareous nodules in the surficial soils can complicate mixing of the soil and lime.

We recommend a minimum of 8 percent hydrated lime be used to modify the clay subgrade soils. The amount of hydrated lime required to stabilize the subgrade should be on the order of 36 pounds per square yard for a 6-inch depth based on a dry unit weight of 100 pcf. The hydrated lime should be thoroughly mixed and blended with the upper 6 inches of the clay subgrade (TxDOT Item 260). The hydrated lime should meet the requirements of Item 260 (Type A) in the Texas Department of Transportation (TxDOT) Standard Specifications for Construction of Highways, Streets and Bridges, 2014 Edition. Lime treatment should extend beyond exposed pavement edges to reduce the effects of shrinkage and associated loss of subgrade support.

We recommend that subgrade stabilization extend to at least one foot beyond pavement edges to aid in reducing pavement movements and cracking along the curb line due to seasonal moisture variations after construction. Each construction area should be shaped to allow drainage of surface water during earthwork operations, and surface water should be pumped immediately from each construction area after each rain and a firm subgrade condition maintained. Water should not be allowed to pond in order to prevent percolation and subgrade softening, and lime should be added to the subgrade after removal of all surface vegetation and debris. Sand should be specifically prohibited beneath pavement areas, since these more porous soils can allow water inflow, resulting in heave and strength loss of subgrade soils (lime-stabilized soil will be allowed for fine grading).

After fine grading each area in preparation for paving, the subgrade surface should be lightly moistened, as needed, and recompact to obtain a tight non-yielding subgrade.

Surface drainage is critical to the performance of this pavement. Water should be allowed to exit the pavement surface quickly. All pavement construction should be performed in accordance with the following procedures.

4.4 Pavement Sections

The project will include the construction of parking and drives subject to heavy-duty trucks, to include vehicles with anticipated loads of 80,000 lbs., with on the order of 2 passes per week. The pavement sections below and in Section 4.5 are presented for an approximate 20-year design life based on our experience with similar facilities.

We recommend that rigid pavements be utilized at this project whenever possible, since they tend to provide better long-term performance when subjected to significant slow moving and turning traffic.

If asphaltic concrete pavement is used, we recommend a full depth asphaltic concrete section having a minimum total thickness of 6 inches for paving subject to 80-kip trucks. A minimum surface course thickness of 2 inches is recommended for asphaltic concrete pavements.

If Portland cement concrete pavement is used, a minimum thickness of 6 inches for paving subject to 80-kip trucks.

In the event a lime-stabilized subgrade is not used in conjunction with a PCC pavement section, the total concrete thickness should be increased by 2 inches for a total of 8 inches.

A California Bearing Ratio or other strength tests were not performed because they were not within the scope of our services on this project. A subgrade modulus of 100 psi was considered appropriate for the near-surface soils. If heavier vehicles are planned, the above cross sections can be confirmed by performing strength tests on the subgrade materials once the traffic characteristics are established. Periodic maintenance of pavement structures normally improves the durability of the overall pavement and enhances its expected life.

The above sections should be considered minimum pavement thicknesses and higher traffic volumes and heavy trucks may require thicker pavement sections. These recommendations must

be reviewed once traffic volumes and loads are known. Periodic maintenance should be anticipated for minimum pavement thickness. This maintenance should consist of sealing cracks and timely repair of isolated distressed areas.

4.5 All-Weather Surface

For an all-weather surface for the proposed parking and drives, we recommend a minimum of 12 inches of flexible base over a properly compacted subgrade to support an 80-kip truck. Flexible base material should meet the requirements of TxDOT Item 247, Type A, Grade 1/2 and should be compacted to a minimum of 95 percent of ASTM D 698 and at a moisture content between minus 2 to plus 5 percentage points of the optimum moisture value. The section may alternatively consist of a minimum of 8 inches of flexible base placed atop a geotechnical grid, Tensar TriAx Geogrid TX140 or equivalent overlying a properly compacted subgrade. Placement of the geogrid should be installed in accordance with the manufacturer's specifications. The above section is intended to support the given 80,000 lb. truck only. Increased traffic and/or wheel loads may cause undue rutting and distress. Regardless, the owner should anticipate and preserve a regular maintenance budget and schedule when utilizing a flexible base pavement section.

This pavement section should not be considered equivalent to full-depth concrete or asphalt sections and will result in higher maintenance costs. More frequent pavement maintenance in these areas should be anticipated and regularly scheduled. More frequent heavy vehicles and/or tractor trailer traffic may cause significant rutting and shoving of this pavement section and should be expected if so exposed. Particular attention should be given to proper drainage at the interface of concrete or asphalt sections at the flexible base section should this be planned. The underlying clay subgrade is subject to strength loss with increases in moisture content. It is very difficult to provide a proper water-tight seal between two different pavement types. Water infiltrates at this joint between the two pavement types with pavement distress typically occurring at this joint.

Surface drainage is critical to the performance of this pavement. Water should be allowed to exit the pavement surface quickly.

4.6 Pavement Material Requirements

Reinforced Portland Cement Concrete: Reinforced Portland cement concrete pavement should consist of Portland cement concrete having a 28-day compressive strength of at least 3,500 psi. The mix should be designed in accordance with the ACI Code 318 using 3 to 6 percent air entrainment.

The pavement should be adequately reinforced with temperature steel and all construction joints or expansion/contraction joints should be provided with load transfer dowels. The spacing of the joints will depend primarily on the type of steel used in the pavement. We recommend using No. 3 steel rebar spaced at 18 inches on center in both the longitudinal and transverse direction. Control joints formed by sawing are recommended every 12 to 15 feet in both the longitudinal and transverse directions. The cutting of the joints should be performed as soon as the concrete has “set-up” enough to allow for sawing operations.

Hot Mix Asphaltic Concrete Surface Course: Item 340, Type D, Texas Department of Transportation Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges, 2014 Edition.

Hot Mix Asphaltic Concrete Base Course: Item 340, Type A or B, Texas Department of Transportation Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges, 2014 Edition.

Lime Stabilized Subgrade: Lime treatment for the base course (road mix) - Item 260, Texas Department of Transportation Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges, 2014 Edition.

Flexible Base: Crushed Stone Flexible Base – Item 247, Type A, Grade 1/2, Texas Department of Transportation Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges, 2014 Edition.

5.0 EARTHWORK

5.1 Site Preparation

The subgrade should be firm and able to support the construction equipment without displacement. Soft or yielding subgrade should be corrected and made stable before construction proceeds. The subgrade should be proof rolled to detect soft spots, which if exist, should be reworked to provide a firm and otherwise suitable subgrade. Proof rolling should be performed using a heavy pneumatic tired roller, loaded dump truck, or similar piece of equipment. The proof rolling operations should be observed by the project geotechnical engineer or his/her representative. Prior to fill placement, the

subgrade should be scarified to a minimum depth of 6 inches, its moisture content adjusted, and recompacted to the moisture and density recommended for fill.

The on-site soils are suitable for use in general site grading. Imported fill material should be clean soil with a Liquid Limit less than 60 and no rock greater than 4 inches in maximum dimension. The fill materials should be free of vegetation and debris.

5.2 Placement and Compaction

Fill material should be placed in loose lifts not exceeding 8 inches in uncompacted thickness. The uncompacted lift thickness should be reduced to 4 inches for structure backfill zones requiring hand-operated power compactors or small self-propelled compactors. The fill material should be uniform with respect to material type and moisture content. Clods and chunks of material should be broken down and the fill material mixed by disking, blading, or plowing, as necessary, so that a material of uniform moisture and density is obtained for each lift. Water required for sprinkling to bring the fill material to the proper moisture content should be applied evenly through each layer.

The fill material should be compacted to a minimum of 95 percent of the maximum dry density determined by the Standard Proctor test, ASTM D 698. In conjunction with the compacting operation, the fill material should be brought to the proper moisture content. The moisture content for general earth fill should range from 2 percentage points below optimum to 5 percentage points above optimum (-2 to +5). These ranges of moisture contents are given as maximum recommended ranges. For some soils and under some conditions, the contractor may have to maintain a more narrow range of moisture content (within the recommended range) in order to consistently achieve the recommended density.

Field density tests should be taken as each lift of fill material is placed. As a guide, one field density test per lift for each 5,000 square feet of compacted area is recommended. For small areas or critical areas the frequency of testing may need to be increased to one test per 2,500 square feet. A minimum of 2 tests per lift should be required. The earthwork operations should be observed and tested on a continuing basis by an experienced geotechnician working in conjunction with the project geotechnical engineer.

Each lift should be compacted, tested, and approved before another lift is added. The purpose of the field density tests is to provide some indication that uniform and adequate compaction is being

obtained. The actual quality of the fill, as compacted, should be the responsibility of the contractor and satisfactory results from the tests should not be considered as a guarantee of the quality of the contractor's filling operations.

5.3 Excavation

The side slopes of excavations through the overburden soils should be made in such a manner to provide for their stability during construction. Existing structures, pipelines or other facilities, which are constructed prior to or during the currently proposed construction and which require excavation, should be protected from loss of end bearing or lateral support.

Temporary construction slopes and/or permanent embankment slopes should be protected from surface runoff water. Site grading should be designed to allow drainage at planned areas where erosion protection is provided, instead of allowing surface water to flow down unprotected slopes.

Trench safety recommendations are beyond the scope of this report. The contractor must comply with all applicable safety regulations concerning trench safety and excavations including, but not limited to, OSHA regulations.

5.4 Acceptance of Imported Fill

Any soil imported from off-site sources should be tested for compliance with the recommendations for the particular application and approved by the project geotechnical engineer prior to the materials being used. The owner should also require the contractor to obtain a written, notarized certification from the landowner of each proposed off-site soil borrow source stating that to the best of the landowner's knowledge and belief there has never been contamination of the borrow source site with hazardous or toxic materials. The certification should be furnished to the owner prior to proceeding to furnish soils to the site. Soil materials derived from the excavation of underground petroleum storage tanks should not be used as fill on this project.

5.5 Erosion and Sediment Control

All disturbed areas should be protected from erosion and sedimentation during construction, and all permanent slopes and other areas subject to erosion or sedimentation should be provided with permanent erosion and sediment control facilities. All applicable ordinances and codes regarding erosion and sediment control should be followed.

6.0 CONSTRUCTION OBSERVATIONS

In any geotechnical investigation, the design recommendations are based on a limited amount of information about the subsurface conditions. In the analysis, the geotechnical engineer must assume the subsurface conditions are similar to the conditions encountered in the borings. However, quite often during construction anomalies in the subsurface conditions are revealed. Should such anomalies be discovered Welling Investments, Inc. or their consultants should immediately notify CMJ Engineering, Inc. before proceeding further with construction to allow CMJ Engineering, Inc. to reconsider its recommendations as necessary. It is also recommended that Welling Investments, Inc. retain CMJ Engineering, Inc. to observe earthwork and foundation installation and perform materials evaluation during the construction phase of the project. This enables the geotechnical engineer to stay abreast of the project and to be readily available to evaluate unanticipated conditions, to conduct additional tests if required and, when necessary, to recommend alternative solutions to unanticipated conditions. Until these construction phase services are performed by the project geotechnical engineer, the recommendations contained in this report on such items as final foundation bearing elevations, proper soil moisture condition, and other such subsurface-related recommendations shall only be considered as preliminary, and not final, recommendations.

It is proposed that construction phase observation and materials testing commence by the project geotechnical engineer at the outset of the project. Experience has shown that the most suitable method for procuring these services is for the owner or the owner's design engineers to contract directly with the project geotechnical engineer. This results in a clear, direct line of communication between the owner and the owner's design engineers and the geotechnical engineer.

7.0 REPORT CLOSURE

The boring logs shown in this report contain information related to the types of soil encountered at specific locations and times and show lines delineating the interface between these materials. The logs also contain our field representative's interpretation of conditions that are believed to exist in those depth intervals between the actual samples taken. Therefore, these boring logs contain both factual and interpretive information. Laboratory soil classification tests were also performed on samples from selected depths in the borings. The results of these tests, along with visual-manual procedures were used to generally classify each stratum. Therefore, it should be understood that the classification data on the logs of borings represent visual estimates of classifications for those portions of each stratum on which the full range of laboratory soil classification tests were not

performed. It is not implied that these logs are representative of subsurface conditions at other locations and times.

With regard to groundwater conditions, this report presents data on groundwater levels as they were observed during the course of the field work. In particular, water level readings have been made in the borings at the times and under conditions stated in the text of the report and on the boring logs. It should be noted that fluctuations in the level of the groundwater table can occur with the passage of time due to variations in rainfall, temperature, and other factors. Also, this report does not include quantitative information on rates of flow of groundwater into excavations, on pumping capacities necessary to dewater the excavations, or on methods of dewatering excavations. Unanticipated soil conditions at a construction site are commonly encountered and cannot be fully predicted by mere soil samples, test borings, or test pits. Such unexpected conditions frequently require that additional expenditures be made by the owner to attain a properly designed and constructed project. Therefore, provision for some contingency fund is recommended to accommodate such potential extra cost.

The analyses, conclusions, and recommendations contained in this report are based on site conditions as they existed at the time of our field investigation and further on the assumption that the exploratory borings are representative of the subsurface conditions throughout the site; that is, the subsurface conditions everywhere are not significantly different from those disclosed by the borings at the time they were completed. If during construction, different subsurface conditions from those encountered in our borings are observed, or appear to be present in excavations, we must be advised promptly so that we can review these conditions and reconsider our recommendations where necessary. If there is a substantial lapse of time between submission of this report and the start of the work at the site (more than twelve months is considered a substantial lapse of time; however, depending on the circumstances, less than six months may be considered a substantial lapse of time), if conditions have changed due either to natural causes or to construction operations at or adjacent to the site, or if structure locations, structural loads or finish grades are changed, we urge that we be promptly informed and retained to review our report to determine the applicability of the conclusions and recommendations, considering the changed conditions and/or time-lapse. In this regard, if (a) construction at the site does not start within twelve months of the date of this report and (b) CMJ Engineering, Inc. is not present at the site when construction starts to confirm that conditions have not changed since the date of this report, the information in this report cannot be relied upon or used for any purpose.

Further, it is urged that CMJ Engineering, Inc. be retained to review those portions of the plans and specifications for this particular project that pertains to earthwork and foundations as a means to determine whether the plans and specifications are consistent with the recommendations contained in this report. In addition, we are available to observe construction, particularly the compaction of structural fill, or backfill and the construction of foundations as recommended in the report, and such other field observations as might be necessary.

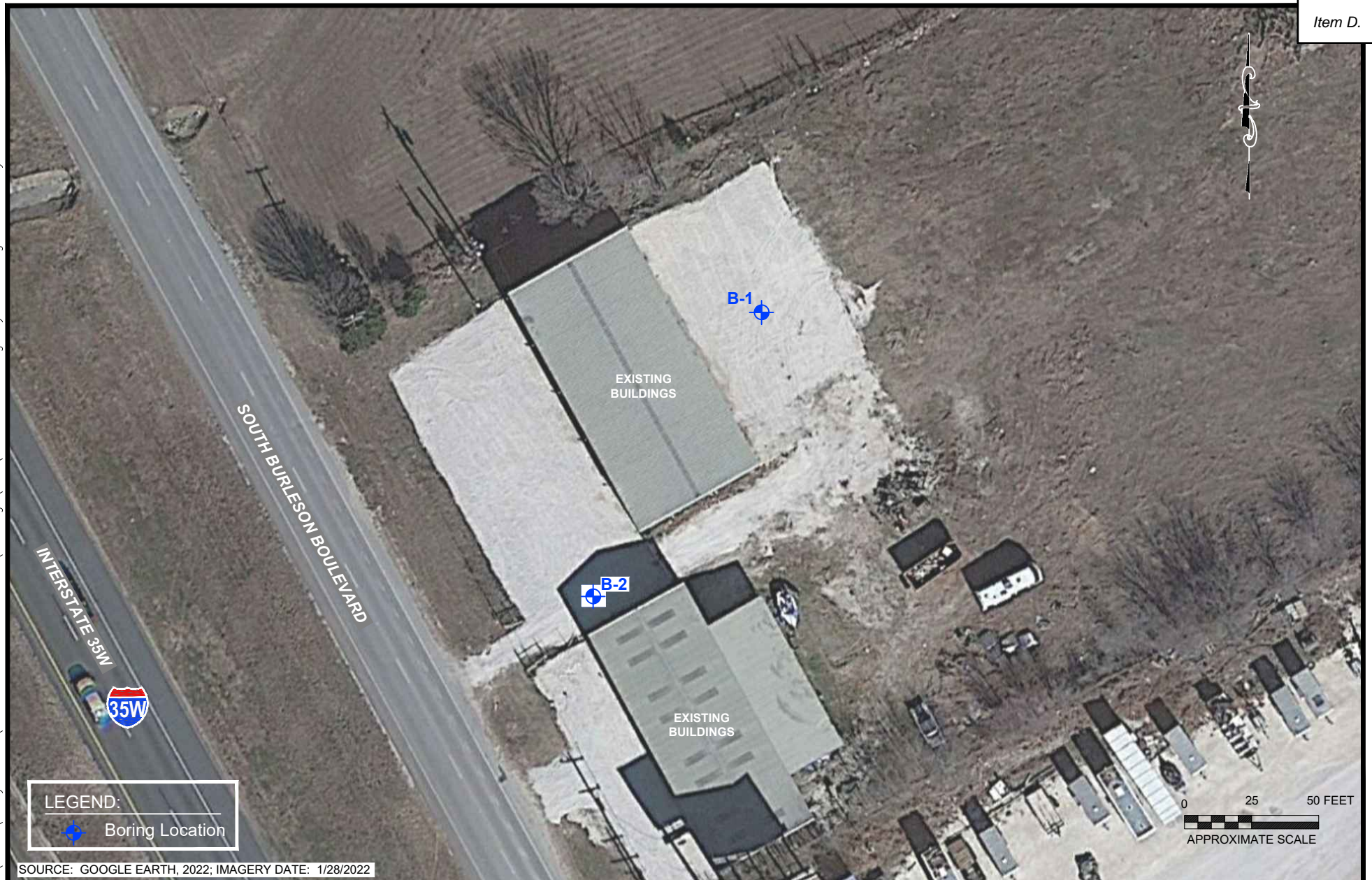
The scope of our services did not include any environmental assessment or investigation for the presence or absence of wetlands or hazardous or toxic materials in the soil, surface water, groundwater, or air, on or below or around the site.

This report has been prepared for use in developing an overall design concept and is a preliminary document. Paragraphs, statements, test results, boring logs, diagrams, etc. should not be taken out of context, nor utilized without knowledge and awareness of their intent within the overall concept of this report. The reproduction of this report, or any part thereof, supplied to persons other than the owner, should indicate that this study was made for design purposes only and that verification of the subsurface conditions for purposes of determining the difficulty of excavation, trafficability, etc. are responsibilities of the contractor.

This report has been prepared for the exclusive use of Welling Investments, Inc. and their consultants for specific application to design of this project only, and not for additions or modifications to the project. The only warranty made by us in connection with the services provided is that we have used that degree of care and skill ordinarily exercised under similar conditions by reputable members of our profession practicing in the same or similar locality. No other warranty, expressed or implied, is made or intended.

* * * *

Date: 11/08/22 C:\Users\CherylDriscoll\OneDrive - TLP Solutions\drawings\CMJ\3048-22-01.dwg Layout: boring Current Layer: -BORING



Item D.

PLATE
A.1

PLAN OF BORINGS

PARKING LOT AND DRIVES
ALVARADO, TEXAS

 **CMJ** ENGINEERING, INC.

CMJ PROJECT No. 3048-22-01

Major Divisions			Grp. Sym.	Typical Names	Laboratory Classification Criteria			Item D.		
Coarse-grained soils (more than half of the material is larger than No. 200 sieve size)	Gravels (More than half of coarse fraction is larger than No. 4 sieve size)	Clean gravels (Little or no fines)	GW	Well-graded gravels, gravel-sand mixtures, little or no fines	Determine percentages of sand and gravel from grain size curve. Depending on percentage of fines (fraction smaller than No. 200 sieve size), coarse-grained soils are classified as follows: Less than 5 percent.....GW, GP, SW, SP More than 12 percent.....GM, GC, SM, SC 5 to 12 percent.....Borderline cases requiring dual symbols	$C_u = \frac{D_{60}}{D_{10}}$ greater than 4: $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}}$ between 1 and 3				
			GP	Poorly graded gravels, gravel-sand mixtures, little or no fines		Not meeting all gradation requirements for GW				
		Gravels with fines (Appreciable amount of fines)	GM	Silty gravels, gravel-sand-silt mixtures		Liquid and Plastic limits below "A" line or P.I. greater than 4	Liquid and plastic limits plotting in hatched zone between 4 and 7 are borderline cases requiring use of dual symbols			
			GC	Clayey gravels, gravel-sand-clay mixtures		Liquid and Plastic limits above "A" line with P.I. greater than 7				
	Sands (More than half of coarse fraction is smaller than No. 4 sieve size)	Clean sands (Little or no fines)	SW	Well-graded sands, gravelly sands, little or no fines		$C_u = \frac{D_{60}}{D_{10}}$ greater than 6: $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}}$ between 1 and 3	Not meeting all gradation requirements for SW			
			SP	Poorly graded sands; gravelly sands, little or no fines						
		Sands with fines (Appreciable amount of fines)	SM	Silty sands, sand-silt mixtures		Liquid and Plastic limits below "A" line or P.I. less than 4	Liquid and plastic limits plotting between 4 and 7 are borderline cases requiring use of dual symbols			
			SC	Clayey sands, sand-clay mixtures		Liquid and Plastic limits above "A" line with P.I. greater than 7				
		Fine-grained soils (More than half of material is smaller than No. 200 sieve)	Silts and clays (Liquid limit less than 50)	ML		Inorganic silts and very fine sands, rock flour, silty or clayey fine sands, or clayey silts with slight plasticity				
				CL		Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, and lean clays				
OL	Organic silts and organic silty clays of low plasticity									
Silts and clays (Liquid limit greater than 50)	MH		Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts							
	CH		Inorganic clays of high plasticity, fat clays							
	OH		Organic clays of medium to high plasticity, organic silts							
	Highly Organic soils		Pt	Peat and other highly organic soils						

PLATE A.2

SOIL OR ROCK TYPES

	GRAVEL		LEAN CLAY		LIMESTONE						
	SAND		SANDY		SHALE						
	SILT		SILTY		SANDSTONE						
	HIGHLY PLASTIC CLAY		CLAYEY		CONGLOMERATE	Shelby Tube	Auger	Split Spoon	Rock Core	Cone Pen	No Recovery

TERMS DESCRIBING CONSISTENCY, CONDITION, AND STRUCTURE OF SOIL**Fine Grained Soils** (More than 50% Passing No. 200 Sieve)

Descriptive Item	Penetrometer Reading, (tsf)
Soft	0.0 to 1.0
Firm	1.0 to 1.5
Stiff	1.5 to 3.0
Very Stiff	3.0 to 4.5
Hard	4.5+

Coarse Grained Soils (More than 50% Retained on No. 200 Sieve)

Penetration Resistance (blows/foot)	Descriptive Item	Relative Density
0 to 4	Very Loose	0 to 20%
4 to 10	Loose	20 to 40%
10 to 30	Medium Dense	40 to 70%
30 to 50	Dense	70 to 90%
Over 50	Very Dense	90 to 100%

Soil Structure

Calcareous	Contains appreciable deposits of calcium carbonate; generally nodular
Slickensided	Having inclined planes of weakness that are slick and glossy in appearance
Laminated	Composed of thin layers of varying color or texture
Fissured	Containing cracks, sometimes filled with fine sand or silt
Interbedded	Composed of alternate layers of different soil types, usually in approximately equal proportions

TERMS DESCRIBING PHYSICAL PROPERTIES OF ROCK**Hardness and Degree of Cementation**

Very Soft or Plastic	Can be remolded in hand; corresponds in consistency up to very stiff in soils
Soft	Can be scratched with fingernail
Moderately Hard	Can be scratched easily with knife; cannot be scratched with fingernail
Hard	Difficult to scratch with knife
Very Hard	Cannot be scratched with knife
Poorly Cemented or Friable	Easily crumbled
Cemented	Bound together by chemically precipitated material; Quartz, calcite, dolomite, siderite, and iron oxide are common cementing materials.

Degree of Weathering

Unweathered	Rock in its natural state before being exposed to atmospheric agents
Slightly Weathered	Noted predominantly by color change with no disintegrated zones
Weathered	Complete color change with zones of slightly decomposed rock
Extremely Weathered	Complete color change with consistency, texture, and general appearance approaching soil

KEY TO CLASSIFICATION AND SYMBOLS**PLATE A.**

Project No. 3048-22-01		Boring No. B-1		Project Parking Lot and Drives Alvarado, Texas												
Location See Plate A.1				Water Observations No seepage encountered during drilling; dry at completion												
Completion Depth 10.0'		Completion Date 11-16-22														
Depth, Ft.	Symbol	Samples	Surface Elevation		Type B-47, w/ CFA		REC %	RQD %	Blows/Ft. or Pen Reading, T.S.F.	Passing No 200 Sieve, %	Liquid Limit, %	Plastic Limit, %	Plasticity Index	Moisture Content, %	Unit Dry Wt. Lbs./Cu. Ft.	Unconfined Compression Pounds/Sq. Ft.
			Stratum Description													
					CRUSHED ROCK BASE, 8 inches thick				2.25		66	20	46	26	95	
					CLAY, dark brown, w/ occasional ironstone nodules, calcareous nodules, and pebbles, firm to stiff				1.25					32	88	2000
					- soft, 4' to 6'				0.75					32		
5									2.0					30		
					SHALY CLAY, light brown, w/ occasional ironstone nodules, calcareous nodules, and pebbles, firm				1.0					28		
10																

Project No. 3048-22-01		Boring No. B-2		Project Parking Lot and Drives Alvarado, Texas									
Location See Plate A.1		Water Observations No seepage encountered during drilling; dry at completion											
Completion Depth 10.0'		Completion Date 11-16-22											
Surface Elevation		Type B-47, w/ CFA											
Depth, Ft.	Symbol	Samples	Stratum Description	REC %	RQD %	Blows/Ft. or Pen Reading, T.S.F.	Passing No 200 Sieve, %	Liquid Limit, %	Plastic Limit, %	Plasticity Index	Moisture Content, %	Unit Dry Wt. Lbs./Cu. Ft.	Unconfined Compression Pounds/Sq. Ft.
			CRUSHED ROCK BASE , 5 inches thick										
			CONCRETE , 6 inches thick			1.75					28	95	3010
			CLAY , dark brown, w/ occasional ironstone nodules, calcareous nodules, and pebbles, stiff - w/ occasional sand seams above 4'			2.0		71	22	49	28	92	
5						2.0					29		
						2.0					27		
			SHALY CLAY , light brown and gray, w/ occasional ironstone nodules, calcareous nodules, and sandstone seams, stiff			2.0		54	18	36	26		
10													

LOG OF BORING 3048-22-01.GPJ CMJ.GDT 12/7/22

SOLUBLE SULFATE TEST RESULTS

Project: Proposed Parking Lot and Drives
4139 South Burleson Boulevard – Alvarado, Texas

Project No.: 3048-22-01

Boring No.	Depth (ft.)	Material	Soluble Sulfates (ppm)
B-1	8"–2	Clay	<100
B-2	2–4	Clay	<100

Note: Test Method TxDOT Tex 145-E.