



Planning & Zoning Commission Agenda

Tuesday, May 23, 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 May 9, 2023 Planning & Zoning Commission meeting.

B. Final Plat of Bear Ridge – Phase 1B (Case 23-037): Consider approval of a final plat for Phase 1B of the Bear Ridge subdivision located at 2325 SW Wilshire Blvd. (*Staff Presenter: Lidon Pearce, Senior Planner*)

C. Replat of Pruitt Addition (Case 23-035): Consider approval of a replat for Pruitt Addition, Lots 1R, 2, and 3, Block 1, located at 10417 CR 1016. (*Staff Presenter: Lidon Pearce, Senior Planner*)

4. Public Hearing

A. **Food Truck Park at 2635 S Burleson Blvd (Case 23-028):** Hold a public hearing and consider an ordinance for a zoning change request from "A", Agricultural, to "GR" General Retail with a SUP, Specific Use Permit, allowing for a "Food Truck Park" to operate at 2635 S Burleson Blvd.

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 19th of May 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: May 23, 2023

SUBJECT:

Approve the minutes from May 9, 2023 Regular Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the May 9, 2023 Regular Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the May 9, 2023 Regular Session of the Planning & Zoning Commission meeting.

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

None

FISCAL IMPACT:

None

STAFF CONTACT:

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

PLANNING AND ZONING COMMISSION

May 9, 2023
MINUTES

Roll Call

Commissioners Present

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

Commissioners Absent

Staff

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

REGULAR SESSION

1. Call to Order – 6:00 PM

Invocation – Dan Taylor

Pledge of Allegiance

2. Citizen Appearance

None

3. Consent Agenda

- A.** Consider approval of the minutes from April 25, 2023 Planning and Zoning Regular Commission meeting. (Staff Contact: Tony McIlwain, Director Development Services).
- B.** Space Acres North Addition; Lots 34R-1, 34R-2, 34R-3 and Lot 34R-4, Block 1 (Case 23-016): Consider approval of a replat of Lots 34R-1, 34R-2,

34R-3 and Lot 34R-4, Block 1 of Space Acres North Addition (*Staff Presenter: JP Ducay, Senior Planner*)

Motion made by Commissioner David Hadley and second by Commissioner Todd Hulsey to approve the consent agenda.

Motion passed, 9-0.

4. Public Hearing

- A. Top Dog Texas at 136 NW Ellison (Case 22-134):** Hold a public hearing and consider an ordinance for a SUP, Specific Use Permit, allowing “Kennel (Indoor)” in the C, Commercial Zoning District. (*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 6:05 p.m.

Commission Chairman Adam Russell closed the public hearing at 6:05 p.m.

Adam Gibson, 748 Willow Creek, applicant, answered questions regarding this item.

Motion made by Commissioner Clint Faram and second by Commissioner Bill Janusch to approve.

Motion passed, 9-0.

5. Reports and Presentations

None

6. Other Items for Consideration

Nomination and Election of Planning and Zoning Commission Chairman.

Motion made by Commissioner Bill Janusch and second by Commissioner Dan Taylor to nominate Michael Tune as Commission Chairman.

Motion passed, 9-0.

Nomination and Election of Planning and Zoning Commission Vice Chairman.

Motion made by Commissioner Clint Faram and second by Commissioner Bill Janusch to nominate Dan Taylor as Commission Vice Chairman.

Motion passed, 9-0.

7. Community Interest Items

Chairman Adam Russell addressed the commissioners and thanked them and the citizens for electing him as a City Councilman. He thanked staff as well.

Emilio Sanchez, Assistant Director of Development Services thanked Adam Russell for his service as Planning & Zoning Chairman and presented him with a plaque.

Commissioner Bill Janusch thanked Adam Russell for his service as Planning & Zoning Chairman.

8. Executive Session

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

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

8. Adjourn

There being no further business Chair Adam Russell adjourned the meeting.
Time – 6:15 PM

Peggy Fisher
Administrative Assistant
Recording Secretary

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: May 23, 2023

SUBJECT:

Final Plat of Bear Ridge – Phase 1B (Case 23-037): Consider approval of a final plat for Phase 1B of the Bear Ridge subdivision located at 2325 SW Wilshire Blvd. (*Staff Presenter: Lidon Pearce, Senior Planner*)

SUMMARY:

On April 3, 2023, an application for a final plat of 16.228 acres, was submitted by Matt Powell representing DFW Geodesy on behalf of Walter Matyastik (owner) for Phase 1B of the Bear Ridge subdivision. Phase 1B consists of 69 single family lots that comply with the approved Bear Ridge preliminary plat.

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

ENGINEERING:

Prior to filing of the plat all engineering reviews and acceptance of public infrastructure will be required.

OPTIONS:

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

RECOMMENDATION:

Approve a final plat for Bear Ridge – Phase 1B (Case 23-037)

FISCAL IMPACT:

None.

STAFF CONTACT:

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



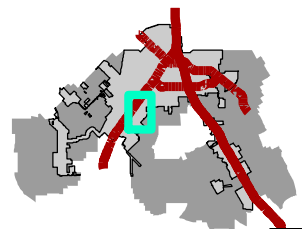
Item B.

Subject
Property



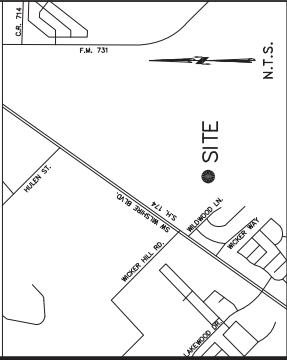
THE CITY OF
BURLESON
TEXAS

**Bear Ridge
Phase-1B
Final Plat
Case 23-037**



Vicinity Map

VICINITY MAP



- NOTES:
- ALL OF THIS PROPERTY LIES WITHIN THE CITY OF BURLESON CITY LIMITS.
 - NO DIRECT RESIDENTIAL ACCESS TO SOUTH WICKER HILL ROAD WILL BE PERMITTED.
 - NO FENCES OR OTHER STRUCTURES WILL BE ALLOWED WITHIN DRAINAGE EASEMENTS.
 - THE CITY OF BURLESON RESERVES THE RIGHT TO RECLAIM ANY LOT WITHIN THIS SUBDIVISION THE MINIMUM ELEVATIONS SHOWN ARE BASED ON THE MOST CURRENT INFORMATION AVAILABLE AT THE TIME THE PLAT IS FILED AND MAY BE SUBJECT TO CHANGE.

THE CITY OF BURLESON IS NOT RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE OR PERFORMANCE OF THE FOREGOING. DEVELOPER WILL BE RESPONSIBLE FOR THE FULL OBLIGATION AND IMPROVEMENTS TO THE FOREGOING. DEVELOPER SHALL MAINTAIN AND OPERATING SAID IMPROVEMENTS.

THE CITY OF BURLESON IS NOT RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE OR PERFORMANCE OF THE FOREGOING. DEVELOPER WILL BE RESPONSIBLE FOR THE FULL OBLIGATION AND IMPROVEMENTS TO THE FOREGOING. DEVELOPER SHALL MAINTAIN AND OPERATING SAID IMPROVEMENTS.

VISIBILITY EASEMENTS AS REQUIRED BY CITY OF BURLESON DESIGN STANDARDS, SHALL BE DEDICATED AT ALL INTERSECTIONS OF ALL PUBLIC STREETS ON FINAL PLATS.

ENGINEER
HRV ENGINEERS
1000 WEST HIGHWAY, SUITE 175
GRAPEVINE, TX 76051
PHONE: (469)283-2825
CONTACT: MARK HICKMAN, PE

DEVELOPER
WICKER HILL DEVELOPMENT LLC
3304 W. 5TH STREET
FORT WORTH, TX 76107
PHONE: (817)795-7288
CONTACT: WALTER MATYASTIK

SURVEYOR
DFW GEODESY INC.
P.O. BOX 2527
FARMERSVILLE, TX 76804
PHONE: (817)447-6697
CONTACT: MATT POWELL RPLS

SURVEYOR:



APPROVED BY THE PLANNING AND ZONING COMMISSION OF BURLESON, TEXAS

THIS THE _____ DAY OF _____, 2023.

BY: _____

BY: _____

PLAT FILED _____, 2023.

JOHNSON COUNTY PLAT RECORDING

YEAR _____ INSTRUMENT # _____

DRAWER _____ SLIDE _____

APRIL LONG, JOHNSON COUNTY CLERK

BY: _____

DEPUTY COUNTY CLERK

UTILITIES SERVICING SITE:

WATER: CITY OF BURLESON
ELECTRIC: UCS
GAS: ATROS
SEWER: JOHNSON FIRE DEPARTMENT
SEWER: CITY OF BURLESON

LEGEND

U.E. — UTILITY EASEMENT
S.S.E. — SANITARY SEWER EASEMENT

1 — BLOCK #

— 1/2" IRON ROD SET WITH CAP STAMPED "RPLS 5544" UNLESS OTHERWISE NOTED

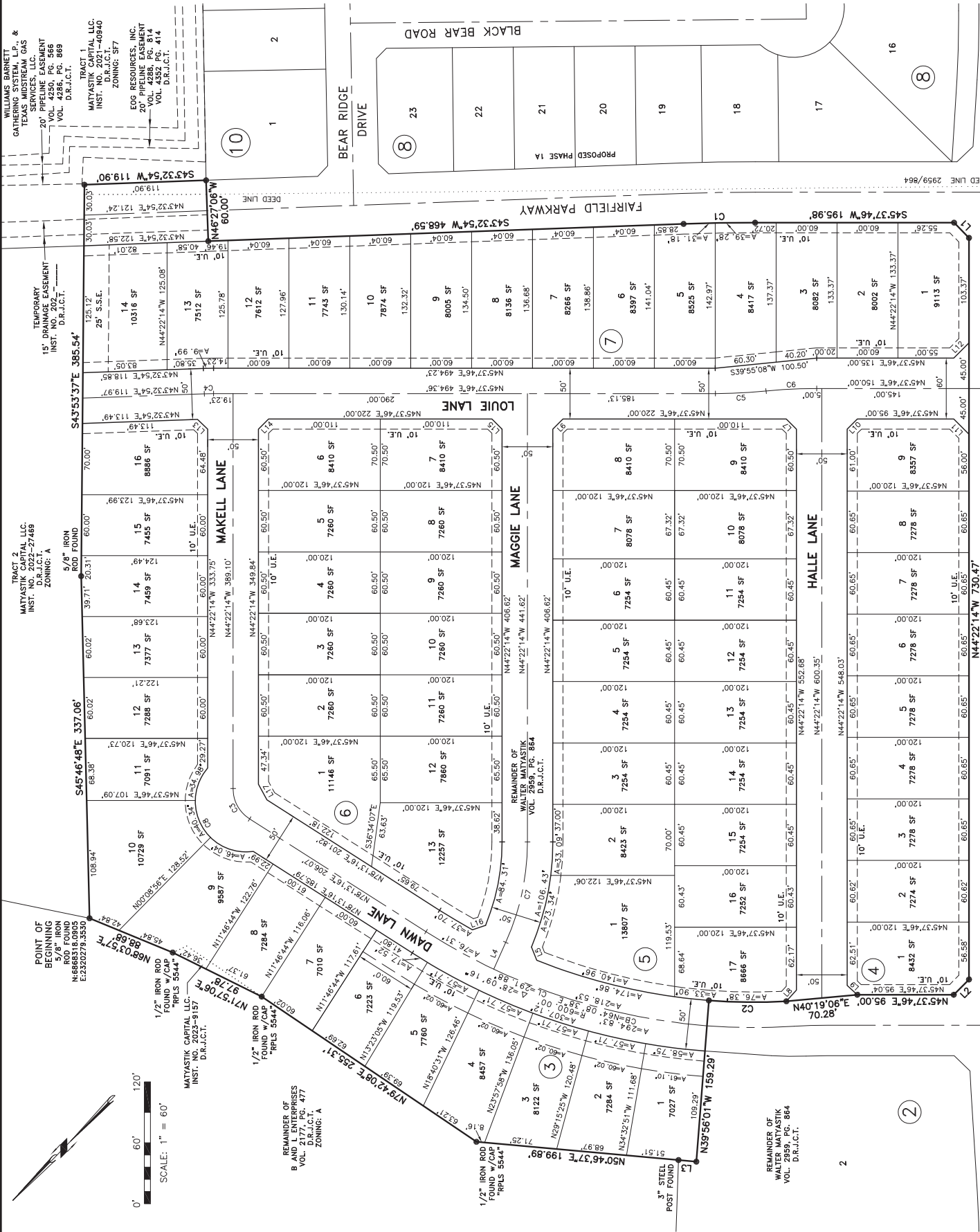
SOUTH WICKER HILL ROAD

WILLIAM JAMES SMITH
VOL. 1214, PG. 725
D.R.J.C.T.

SURVEYOR'S CERTIFICATE:

I, MATT POWELL, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND A SURVEY MADE ON THE GROUND, UNDER MY DIRECTION AND SUPERVISION. THE MONUMENTS SET OR FOUND, ARE SUFFICIENT TO ENABLE RETRACEMENT.

MATT POWELL
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5544
DATED: 04/21/23



LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE H.G. CATLETT SURVEY, ABSTRACT NO. 184, JOHNSON COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO WALTER MATYASTIK IN THAT DEED RECORDED IN VOLUME 2859, PAGE 864, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), TOGETHER WITH A PORTION OF THAT TRACT OF LAND CONVEYED TO WICKER HILL DEVELOPMENT AND DESCRIBED AS TRACT 1 IN THAT DEED RECORDED IN INSTRUMENT NO. 2021-40940, D.R.J.C.T., TOGETHER WITH A PORTION OF THAT TRACT OF LAND CONVEYED TO WICKER HILL DEVELOPMENT AND DESCRIBED AS TRACT 2 S 45°48'48" E, A DISTANCE OF 357.06 FEET TO A 5/8" IRON ROD SET WITH A CAP STAMPED "RPLS 5544";

BEARING AT A 5/8" IRON ROD FOUND FOR THE MOST WESTERLY CORNER OF A TRACT OF LAND CONVEYED TO MATYASTIK CAPITAL LLC, AND DESCRIBED AS TRACT 2 IN THAT DEED RECORDED IN INSTRUMENT NO. 2022-27489, D.R.J.C.T.;

THENCE S 43°32'54" W, A DISTANCE OF 118.90 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544";

THENCE N 49°27'06" W, A DISTANCE OF 80.00 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544";

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Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: May 23, 2023

SUBJECT:

Replat of Pruitt Addition (Case 23-035): Consider approval of a replat for Pruitt Addition, Lots 1R, 2, and 3, Block 1, located at 10417 CR 1016. (*Staff Presenter: Lidon Pearce, Senior Planner*)

SUMMARY:

On April 3, 2023, an application for a replat of Lot 1, Block 1 of Pruitt Addition, was submitted by Matthew Hayden representing Trans Texas Surveying & Mapping on behalf of Sidney and Myra Pruitt (owners). The purpose of the replat is to subdivide the previously platted 12.048 acres into three lots for single-family development in the ETJ.

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

ENGINEERING:

Roadways

This replat does not trigger the requirement for a Traffic Impact Analysis (TIA).

Utilities

The property is served water by Johnson County Special Utility District.

OPTIONS:

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

RECOMMENDATION:

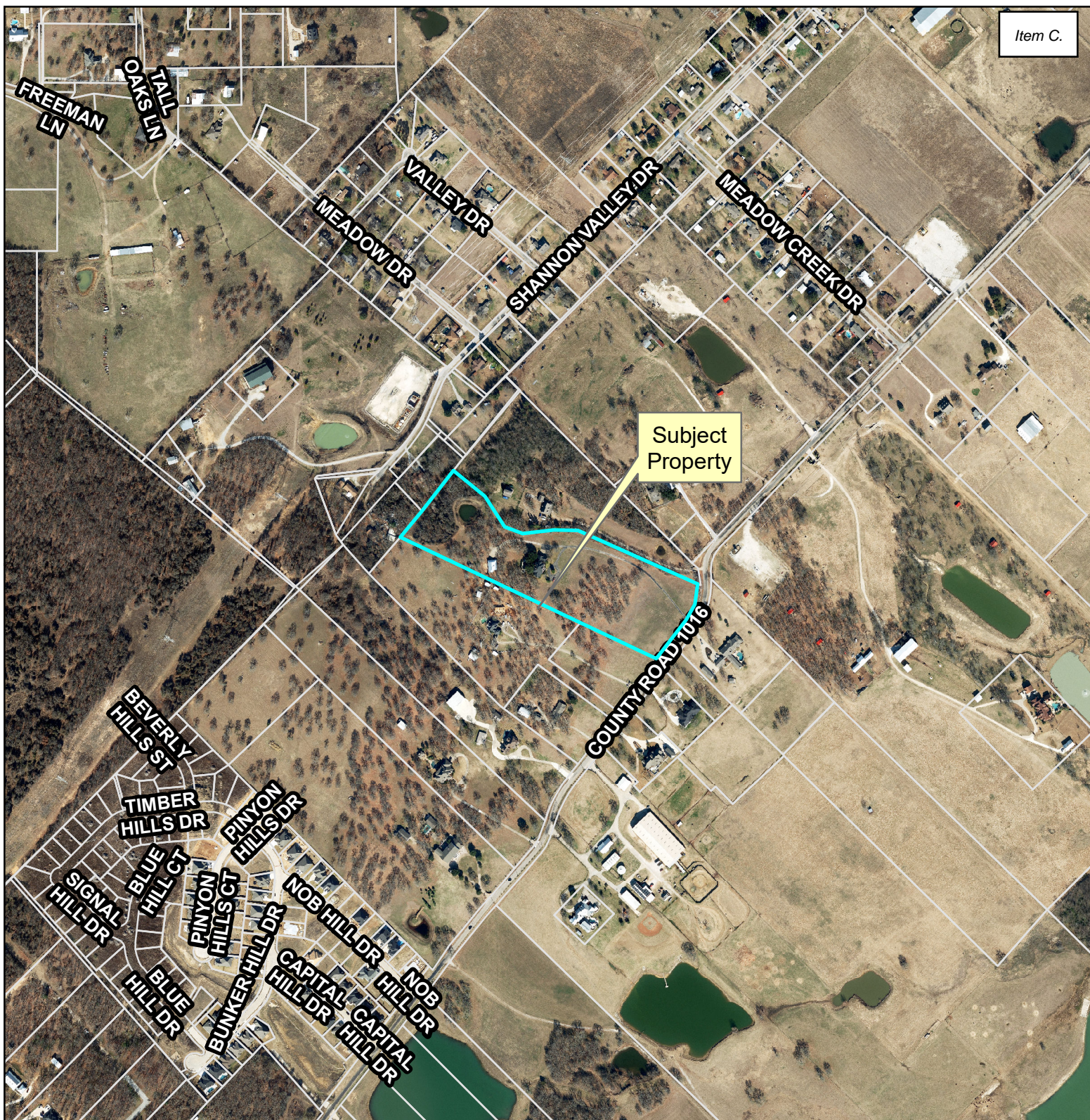
Approve a replat for Pruitt Addition (Case 23-035).

FISCAL IMPACT:

None.

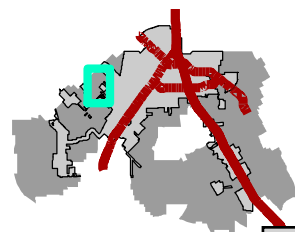
STAFF CONTACT:

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

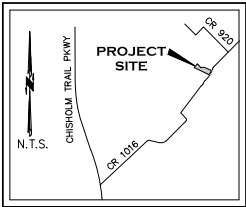
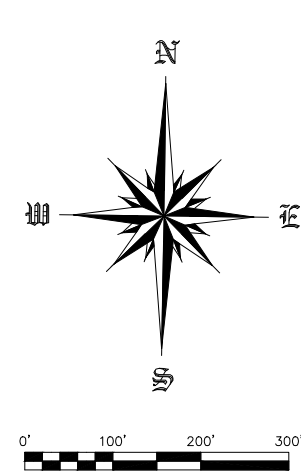


THE CITY OF
BURLESON
TEXAS

Pruitt Addition
Lots 1R, 2, and 3, Block 1
Replat
Case 23-035



Vicinity Map



VICINITY MAP
(NOT TO SCALE)

SURVEYOR'S NOTES:

- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE CORRELATED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NAD83 (NA2011). ALL DISTANCES RECITED HEREIN ARE GRID. SCALE FACTOR IS 1.000000000.
- THE SURVEY PERFORMED ON THE GROUND OF THE SUBJECT PROPERTY AND THE PREPARATION OF A DEPICTION OF THE RESULTS THEREOF ON THIS FINAL PLAT AND PROPERTY DESCRIPTION WERE PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE THERE MAY BE EASEMENTS OR OTHER MATTERS THAT COULD EXIST AND ARE NOT SHOWN.
- () DENOTES RECORD DATA.

PRE DIRECTION	STREET NAME	STREET TYPE	ROW (ACRES)
	1016	COUNTY ROAD	0.131

LEGEND

- IRON ROD SET WITH A RED PLASTIC CAP STAMPED "TRANS TEXAS SURVEYING"
- IRF IRON ROD FOUND
- (C.M.) CAPPED IRON ROD FOUND
- (C.M.) CONTROLLING MONUMENT
- O.P.R.J.C.T. OFFICIAL PUBLIC RECORD JOHNSON COUNTY TEXAS
- M.T.P MASTER THOROUGHFARE PLAN

KNOW ALL MEN BY THESE PRESENTS:

THAT SIDNEY C. PRUITT III, AND MYRA PRUITT DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINBEFORE DESCRIBED PROPERTY AS LOTS 1R, LOT 2, AND LOT 3, BLOCK 1, PRUITT ADDITION, AN ADDITION TO JOHNSON COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER ALL STREETS, RIGHTS-OF-WAY, ALLEYS AND EASEMENTS SHOWN THEREON. THE CITY OR ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS IN WHICH ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THESE EASEMENTS, AND THE CITY OR ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON THE SAID EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, AND PATROLLING, WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF BURLESON, OF TEXAS OR JOHNSON COUNTY.

BY: _____
SIDNEY C. PRUITT III DATE

BY: _____
MYRA PRUITT DATE

STATE OF TEXAS
COUNTY OF JOHNSON

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

WITNESS MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____ 20____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF JOHNSON

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

WITNESS MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____ 20____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PLAT RECORDED IN

YEAR _____ INSTRUMENT # _____

DRAWER _____ SLIDE _____

DATE _____

COUNTY CLERK, JOHNSON COUNTY, TEXAS

DEPUTY _____

APPROVED BY THE PLANNING AND ZONING
COMMISSION OF BURLESON, TEXAS

THIS THE _____ DAY OF _____, 20____

BY: _____
CHAIR OF PLANNING AND ZONING COMM.

BY: _____
CITY SECRETARY

SURVEYOR'S CERTIFICATION

THAT I, ROBERT L. YOUNG, DO CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND ON FEBRUARY 24, 2023 AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REQUIREMENTS OF THE CITY OF BURLESON.

PRELIMINARY. FOR REVIEW PURPOSES ONLY.
NOT TO BE RECORDED FOR ANY REASON.

REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5400

PROPERTY DESCRIPTION

BEING A TRACT OF LAND LOCATED IN THE H. G. CATLETT SURVEY, ABSTRACT NO. 186, JOHNSON COUNTY, TEXAS AND BEING ALL OF A CALLED 12.114 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO SIDNEY C. PRUITT III, and wife, MYRA PRUITT, RECORDED IN VOLUME 1587, PAGE 425, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS (O.P.R.J.C.T.), ALSO KNOWN AS LOT 1, BLOCK 1, PRUITT ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 11, PAGE 314, PLAT RECORDS, JOHNSON COUNTY, TEXAS (P.R.J.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND (N 68°57'59.80, E 2308474.16) IN THE EASTERLY LINE OF A CALLED 2.01 ACRE TRACT OF LAND AS DESCRIBED IN A DEED RECORDED IN INSTRUMENT NO. 2021-45905, O.P.R.J.C.T., FOR THE NORTHWESTERLY CORNER OF SAID LOT 1 AND BEING THE SOUTHWESTERLY CORNER OF A CALLED 9.61 ACRE TRACT OF LAND AS DESCRIBED IN A DEED RECORDED IN INSTRUMENT NO. 2020-32530, O.P.R.J.C.T.;

THENCE, WITH THE COMMON LINE BETWEEN SAID LOT 1 AND SAID 9.61 ACRE TRACT, THE FOLLOWING BEARINGS AND DISTANCES:

S 50°43'19" E, A DISTANCE OF 201.67 FEET TO A 1/2" IRON ROD FOUND;

S 32°40'02" E, A DISTANCE OF 179.86 FEET TO A 1/2" IRON ROD FOUND;

S 69°20'36" E, A DISTANCE OF 95.92 FEET TO A 1/2" IRON ROD FOUND;

N 83°08'56" E, A DISTANCE OF 155.66 FEET TO A 1/2" IRON ROD FOUND;

N 89°39'02" E, A DISTANCE OF 116.29 FEET TO A 1/2" IRON ROD FOUND;

S 65°37'45" E, A DISTANCE OF 655.75 FEET TO A 5/8" IRON ROD WITH A RED PLASTIC CAP STAMPED "TRANS TEXAS SURVEYING" SET IN THE WESTERLY LINE OF COUNTY ROAD NO. 1016 AND IN THE SOUTHERLY LINE OF SAID 9.61 ACRE TRACT, FOR THE NORTHEASTERLY CORNER OF SAID LOT 1, BLOCK 1, FROM WHICH A 1/2" IRON ROD FOUND BEARS, S 65°37'45" E, A DISTANCE OF 10.62 FEET;

THENCE, WITH THE WESTERLY LINE OF SAID COUNTY ROAD NO. 1016, THE FOLLOWING BEARINGS AND DISTANCES:

S 08°13'04" W, A DISTANCE OF 101.69 FEET TO A 5/8" IRON ROD WITH A RED PLASTIC CAP STAMPED "TRANS TEXAS SURVEYING" SET;

S 28°53'44" W, A DISTANCE OF 86.02 FEET TO AN "X" CUT SET IN A CONCRETE DRIVEWAY;

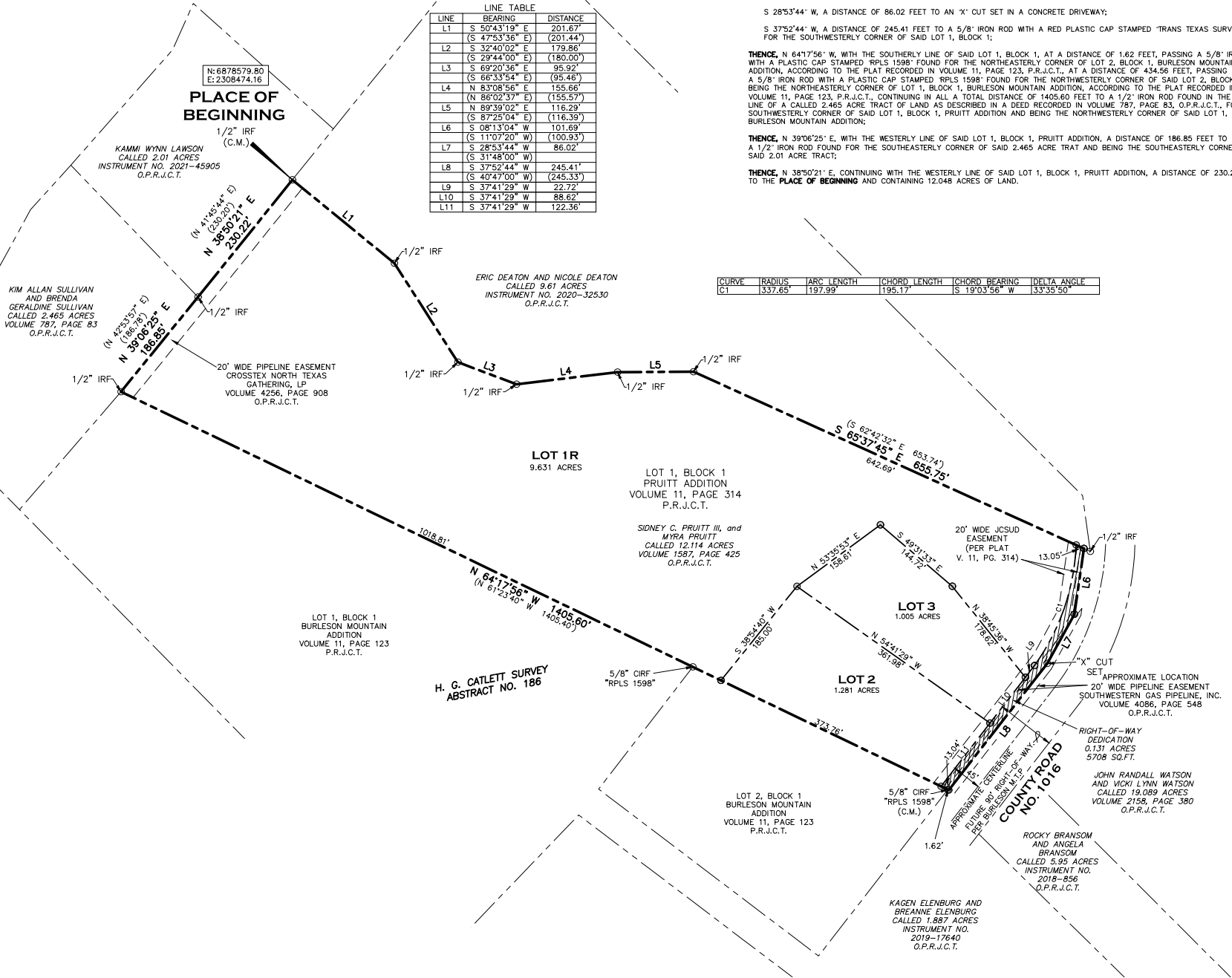
S 37°52'44" W, A DISTANCE OF 245.41 FEET TO A 5/8" IRON ROD WITH A RED PLASTIC CAP STAMPED "TRANS TEXAS SURVEYING" SET FOR THE SOUTHWESTERLY CORNER OF SAID LOT 1, BLOCK 1;

THENCE, N 64°17'56" W, WITH THE SOUTHERLY LINE OF SAID LOT 1, BLOCK 1, AT A DISTANCE OF 1.62 FEET, PASSING A 5/8" IRON ROD WITH A PLASTIC CAP STAMPED "RPLS 1598" FOUND FOR THE NORTHEASTERLY CORNER OF LOT 2, BLOCK 1, BURLESON MOUNTAIN ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 11, PAGE 123, P.R.J.C.T., AT A DISTANCE OF 434.96 FEET, PASSING A 5/8" IRON ROD WITH A PLASTIC CAP STAMPED "RPLS 1598" FOUND FOR THE NORTHWESTERLY CORNER OF SAID LOT 2, BLOCK 1 AND BEING THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 1, BURLESON MOUNTAIN ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 11, PAGE 123, P.R.J.C.T., CONTINUING IN ALL A TOTAL DISTANCE OF 1405.60 FEET TO A 1/2" IRON ROD FOUND IN THE EASTERLY LINE OF A CALLED 2.465 ACRE TRACT OF LAND AS DESCRIBED IN A DEED RECORDED IN VOLUME 187, PAGE 83, O.P.R.J.C.T., FOR THE SOUTHEASTERLY CORNER OF SAID LOT 1, BLOCK 1, PRUITT ADDITION AND BEING THE NORTHWESTERLY CORNER OF SAID LOT 1, BLOCK 1, BURLESON MOUNTAIN ADDITION;

THENCE, N 39°08'25" E, WITH THE WESTERLY LINE OF SAID LOT 1, BLOCK 1, PRUITT ADDITION, A DISTANCE OF 186.85 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEASTERLY CORNER OF SAID 2.465 ACRE TRAT AND BEING THE SOUTHEASTERLY CORNER OF SAID 2.01 ACRE TRACT;

THENCE, N 38°50'21" E, CONTINUING WITH THE WESTERLY LINE OF SAID LOT 1, BLOCK 1, PRUITT ADDITION, A DISTANCE OF 230.22 FEET TO THE PLACE OF BEGINNING AND CONTAINING 12.048 ACRES OF LAND.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
G1	337.69	197.99	195.17	S 19°03'56" W	33°35'50"



NOTES:

- BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE AREA AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.
- THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THIS A REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.
- JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OF EROSION.
- JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.
- ON-SITE SEWAGE FACILITY PERFORMANCE CANNOT BE GUARANTEED EVEN THOUGH ALL PROVISIONS OF THE RULES OF JOHNSON COUNTY, TEXAS FOR PRIVATE SEWAGE FACILITIES ARE COMPLIED WITH.
- A MINIMUM OF 1 ACRE PER RESIDENTIAL STRUCTURE IS REQUIRED FOR ON-SITE SEWAGE FACILITIES (SEPTIC SYSTEMS). IF MORE THAN ONE STRUCTURE IS PROPOSED FOR CONSTRUCTION ON A LOT IN THE FUTURE, RE-PLATTING MAY BE REQUIRED.
- ANY STRUCTURE(S) LOCATED GREATER THAN 150 FEET FROM A PUBLIC ROADWAY OR FIRE LANE SHALL HAVE AN ALL-WEATHER SURFACE DRIVE THAT WILL SUPPORT 80,000 LBS FOR EMERGENCY VEHICLES TO ACCESS THE STRUCTURE(S).
- INSPECTION AND/OR ACCEPTANCE OF A PRIVATE SEWAGE FACILITY BY THE JOHNSON COUNTY PUBLIC WORKS DEPARTMENT SHALL INDICATE ONLY THAT THE FACILITY MEETS MINIMUM REQUIREMENTS AND DOES NOT RELIEVE THE PROPERTY FROM COMPLYING WITH COUNTY, STATE AND FEDERAL REGULATIONS. PRIVATE SEWAGE FACILITIES, ALTHOUGH APPROVED AS MEETING MINIMUM STANDARDS, MUST BE UPGRADED BY THE OWNER AT THE OWNER'S EXPENSE IF NORMAL OPERATION OF THE FACILITY RESULTS IN OBJECTIONABLE ODORS, IF UNSANITARY CONDITIONS ARE CREATED, OR IF THE FACILITY WHEN USED DOES NOT COMPLY WITH GOVERNMENTAL REGULATIONS.
- A PROPERLY DESIGNED AND CONSTRUCTED PRIVATE SEWAGE FACILITY SYSTEM, IN SUITABLE SOIL, CAN MALFUNCTION IF THE AMOUNT OF WATER IT IS REQUIRED TO DISPOSE OF IS NOT CONTROLLED. IT WILL BE THE RESPONSIBILITY OF THE LOT OWNER TO MAINTAIN AND OPERATE THE PRIVATE SEWAGE FACILITY IN A SATISFACTORY MANNER.
- ANY PUBLIC UTILITY, INCLUDING JOHNSON COUNTY, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION OR MAINTENANCE, OR EFFICACY OF ITS RESPECTIVE SYSTEMS IN ANY OF THE EASEMENTS SHOWN ON THE PLAT; AND ANY PUBLIC UTILITY, INCLUDING JOHNSON COUNTY, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.
- THE REQUIREMENT OF PUBLIC INFRASTRUCTURE WAS BASED ON THE UTILITY EXHIBIT DATED MARCH 28, 2023, SUBMITTED WITH THIS PLAT FOR REVIEW TO THE CITY OF BURLESON. ANY ADDITIONAL STRUCTURES PROPOSED ON THIS PROPERTY MAY REQUIRE THE EXISTING WATER LINES TO BE IMPROVED AND A FIRE HYDRANT(S) INSTALLED FOR FIRE PROTECTION. PLEASE CONTACT THE CITY OF BURLESON ENGINEERING SERVICES DEPARTMENT PRIOR TO ANY DEVELOPMENT PERMIT ISSUED.
- ALL BUILDING SETBACKS ARE SUBJECT TO CURRENT JOHNSON COUNTY SUBDIVISION REGULATIONS.
- ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 48251C0050J, DATED DECEMBER 4, 2012, THE SUBJECT PROPERTY IS LOCATED WITHIN THE FOLLOWING ZONES:
ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
THIS SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF SAID FEMA FLOOD INSURANCE RATE MAP.
- THE RIGHT-OF-WAY DEDICATION IS GRANTED IN FEE SIMPLE TO TXDOT FOR USE AS STORM WATER, PUBLIC UTILITY, PEDESTRIAN, OR OTHER PUBLIC PURPOSES.
- THIS PLAT DOES NOT ALTER OR REMOVE EXISTING DEED RESTRICTIONS OR COVENANTS, IF ANY, ON THIS PROPERTY.
- 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.
- THE CITY OF BURLESON RESERVES THE RIGHT TO REQUIRE MINIMUM FINISH FLOOR ELEVATION ON ANY LOT WITHIN THIS SUBDIVISION. THE MINIMUM ELEVATIONS SHOWN ARE BASED ON THE MOST CURRENT INFORMATION AVAILABLE AT THE TIME THE PLAT IS FILED AND MAY BE SUBJECT TO CHANGE.
- FOR ALL SINGLE-FAMILY DETACHED AND DUPLEX RESIDENCES, EXCLUDING TOWNHOUSES AND APARTMENTS, FIRE HYDRANTS SHALL BE SPACED TO HAVE A FIRE HOSE LAYING DISTANCE OF NO GREATER THAN 500 FEET. THE FIRE HOSE LAYING DISTANCE IS MEASURED BY THE LAYING OF FIRE APPARATUS HOSE LINES ALONG THE RIGHT-OF-WAY OR ACCESS EASEMENTS FROM THE NEAREST WATER SUPPLY ON A STREET TO THE MAIN ENTRANCE OF THE BUILDING.
- FOR COMMERCIAL BUILDINGS, FIRE HYDRANTS SHALL BE SPACED TO HAVE A FIRE HOSE LAY DISTANCE OF NO GREATER THAN 300 FEET. THE FIRE HOSE LAYING DISTANCE IS MEASURED BY THE LAYING OF FIRE APPARATUS HOSE LINES ALONG THE RIGHT-OF-WAY OR ACCESS EASEMENTS FROM THE NEAREST WATER SUPPLY ON A STREET TO THE MAIN ENTRANCE OF THE BUILDING.
- THE MINIMUM FIRE FLOW REQUIREMENTS FOR ONE- AND TWO-FAMILY DWELLINGS HAVING A FIRE-FLOW CALCULATION AREA WHICH DOES NOT EXCEED 3,600 SQUARE FEET SHALL BE 1,500 GALLONS PER MINUTE. FIRE FLOW AND FLOW DURATION FOR DWELLINGS HAVING A FIRE-FLOW CALCULATION AREA IN EXCESS OF 3,600 SQUARE FEET SHALL NOT BE LESS THAN THAT SPECIFIED IN TABLE B105.1 OF THE MOST CURRENT ADOPTED INTERNATIONAL FIRE CODE.
- ALL FIRE HYDRANTS MUST PROVIDE A MINIMUM OF 35 PSI STATIC PRESSURE AND A 20 PSI RESIDUAL PRESSURE.
- THE MINIMUM FIRE FLOW AND FLOW DURATION FOR BUILDINGS OTHER THAN ONE-AND TWO-FAMILY DWELLING SHALL BE AS SPECIFIED THE MOST CURRENT ADOPTED INTERNATIONAL FIRE CODE.
- THE PURPOSE OF THE REPLAT IS FOR SINGLE FAMILY RESIDENTIAL.
- UTILITY PROVIDERS:
WATER SERVICE PROVIDED BY JOHNSON COUNTY SPECIAL UTILITY DISTRICT 817-760-5200.
ELECTRIC SERVICE PROVIDED BY ONCOR ELECTRIC DELIVERY COMPANY LLC. 888-313-4747
- NO PERMANENT STRUCTURES SHALL BE ALLOWED WITHIN THE AREA DESIGNATED AS "FUTURE RIGHT-OF-WAY" ON THIS PLAT.

CASE 23-035
MARCH 2023

REPLAT
SHOWING
LOTS 1R, LOT 2, AND LOT 3, BLOCK 1,
PRUITT ADDITION
AN ADDITION IN THE CURRENT E.T.J. OF
THE CITY OF BURLESON,
JOHNSON COUNTY, TEXAS
BEING A REPLAT OF LOT 1, BLOCK 1, PRUITT ADDITION
TO JOHNSON COUNTY, TEXAS, ACCORDING TO THE
PLAT RECORDED IN VOLUME 11, PAGE 314
PLAT RECORDS, JOHNSON COUNTY, TEXAS.



Scale: 1"=100' Date: 05/01/2023 DWG: 20230027-MINOR PLAT
Drawn: LGB Checked: MLH Job: 20230027

OWNERS:
SIDNEY C. PRUITT III, AND MYRA PRUITT
10417 COUNTY ROAD 1016,
GODLEY, TEXAS 76044
PHONE: 817-929-3041
EMAIL: SMPRUITT@AOL.COM

401 N. NOLAN RIVER ROAD
CLEBURNE, TEXAS 76033

OFFICE: 817-556-3
FAX: 817-556-35
www.transexasurveyor.com

14

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: JP Ducay, Senior Planner

MEETING: May 23, 2023

SUBJECT:

Food Truck Park at 2635 S Burleson Blvd (Case 23-028): Hold a public hearing and consider an ordinance for a zoning change request from "A", Agricultural, to "GR" General Retail with a SUP, Specific Use Permit, allowing for a "Food Truck Park" to operate at 2635 S Burleson Blvd.

SUMMARY:

On March 6, 2023, an application was submitted by Suleman Sultan owner of RSS-97 Inc, requesting a zoning change from "A", Agricultural, to "GR" General Retail with a SUP, Specific Use Permit, allowing for a "Food Truck Park" to operate at 2635 S Burleson Blvd. The subject site is an unplattd one acre tract zoned A, agricultural that currently contains a Valero gas station. The owner contacted the Neighborhood Services Department inquiring about the additional operation of a food truck on the same property. After a preliminary review by city staff, it was determined that a Food truck operation site could not be pursued as the food truck would be operating within 100 feet of the property line of a "Brick and Mortar" food establishment (the Valero grocery/snack bar operation). This requirement was in place to protect against the proliferation of food trucks, however, in this case the applicant owned the brick and mortar business. Subsequently, the only alternative approach to allow for the operation of a food truck would be to pursue a Food truck park.

According to the food truck ordinance, in order to establish a food truck park, a specific use permit request must be approved by City Council. Additionally, food truck parks shall only be permitted on a private plattd property. Subsequently, the applicant was informed that if he wished to pursue a food truck, the following items would need to be completed:

- Plat the property proposed to contain the food truck.
- Request a SUP allowing for the operation of a Food Truck Park at 2635 S Burleson Blvd.
- Rezone the subject property to a more conducive zoning district as the property will be non-compliant with the 3 acre minimum lot size standard required by the existing A, Agricultural District.

A minor plat was submitted by the applicant and cleared by city staff under case number (23-027). The applicant has also submitted the subject zoning change request proposing to rezone the property from A, Agricultural, to GR, General Retail with a SUP, Specific Use Permit, allowing for a "Food Truck Park" to operate at 2635 S Burleson Blvd.

PLANNING ANALYSIS:

Section 14-240 (b.2.b) *Acceptable location – permitted land use* for Food truck operation sites requires the following:

- 100-foot minimum from a food truck to an existing "brick and mortar" food establishment property line.

Section 14-240 (a.1) *General Provisions – Required permits, plans, and inspections* of the Food Trucks Ordinance provides the following standard:

- Specific use permit required (food truck parks only): A specific use permit approved by the city council as outlined in section 130, "Specific use permits," of appendix B, "Zoning" of the Code of Ordinances, is required for the operation of a food truck park.

Section 14-240 (b.1.a) *Acceptable location – Permitted land use* of the Food Trucks Ordinance provides the following standard:

- Food truck parks shall only be permitted on a private platted property.

Article I Administrative – Section 19-105 *Nonconforming uses regulated* of Nonconforming uses, lots and structures establishes the following:

- Except as herein provided, no nonconforming use of land or buildings nor any nonconforming structure shall be enlarged, changed, altered or repaired in conformity with the regulations contained in this article.

The subject property is approximately 1 acre and is currently zoned A, Agricultural. The A, Agricultural zoning district provides a minimum lot size standard of 3 acres. Subsequently, the subject property is currently deemed legal non-conforming. However, the legal non-conforming status has been terminated now that changes or alterations to the site are being proposed in the form of an additional use (food truck park) and platting of the property. In attempt to bring the site back into zoning compliance, the applicant has requested to rezone the property from A, Agricultural to GR, General Retail.

Zoning and Land Use Table

	Zoning	Use
Subject Site	A, Agricultural	Developed (Valero)
North	A, Agricultural	Developed (United Cooperative Services)
East	A, Agricultural	Developed
South	A, Agricultural	Developed (Hotel)
West	A, Agricultural	Developed (Residential & Industrial)

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

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

Staff supports a zoning change request to "GR", General Retail district based on the existing utilization of the property and diversification of use the proposed food truck will bring to an Industrial dominated corridor.

ENGINEERING / NEIGHBORHOOD SERVICES:

The food truck is proposed to be located on an improved surface that does not impede existing parking spaces or encroach into the fire lane. The proposed location has been preliminarily cleared by the Engineering and Neighborhood Services Departments. If the zoning request is approved, all permitting and inspection based processes will be handled by the Neighborhood Services Department.

OPTIONS:

- 1) Recommend approval of an ordinance for a zoning change request and specific use permit for a food truck park; or
- 2) Recommend approval of an ordinance for a zoning change request and specific use permit for a food truck park with additional conditions; or
- 3) Recommend denial of the ordinance for a zoning change request and specific use permit for a food truck park.

RECOMMENDATION:

Staff recommends approval of the ordinance for a zoning change request from "A", Agricultural, to "GR" General Retail with a SUP, Specific Use Permit, allowing for a "Food Truck Park" to operate at 2635 S Burleson Blvd with the following condition:

- The Food truck park shall be limited to no more than 2 food trucks.

PUBLIC NOTIFICATION:

Notice was mailed to surrounding property owners within 300 feet and published in the newspaper in accordance with City Ordinances and State Law. In addition, a sign was placed on the subject property.

At this time, staff has received no inquiries regarding this case.

FISCAL IMPACT:

None.

STAFF CONTACT:

JP Ducay
Senior Planner
jducay@burlesontx.com

Food Truck Park 2635 S Burleson Blvd

Item A.

Location:

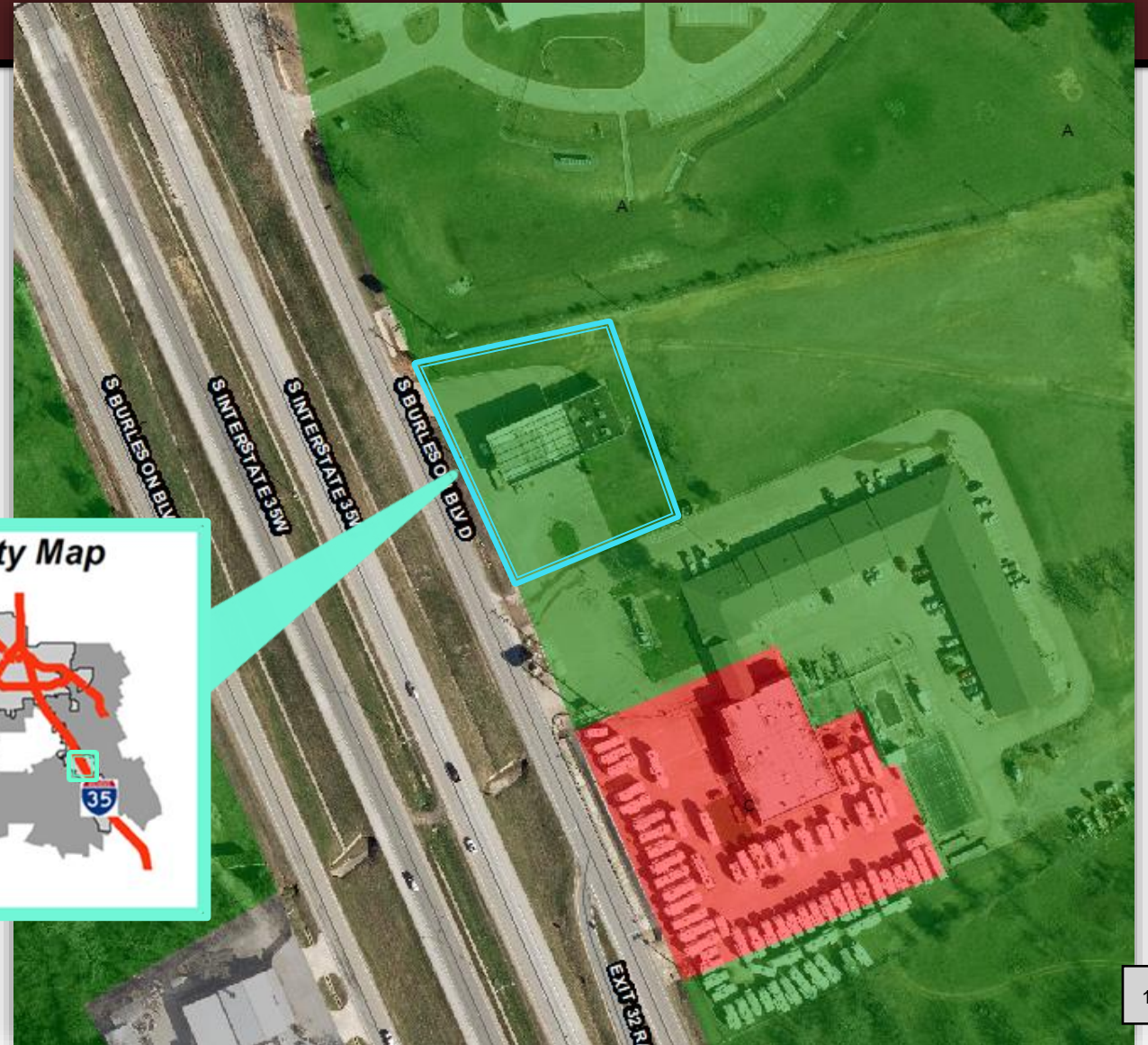
- 2635 S Burleson Blvd.
- 1.00 acre

Applicant/Owner:

Suleman Sultan
RSS-97 Inc.

Item for approval:

Zoning Change with a specific
use permit for "Food Truck
Park" (Case23-028)



Food Truck Park 2635 S Burleson Blvd

Item A.

Background

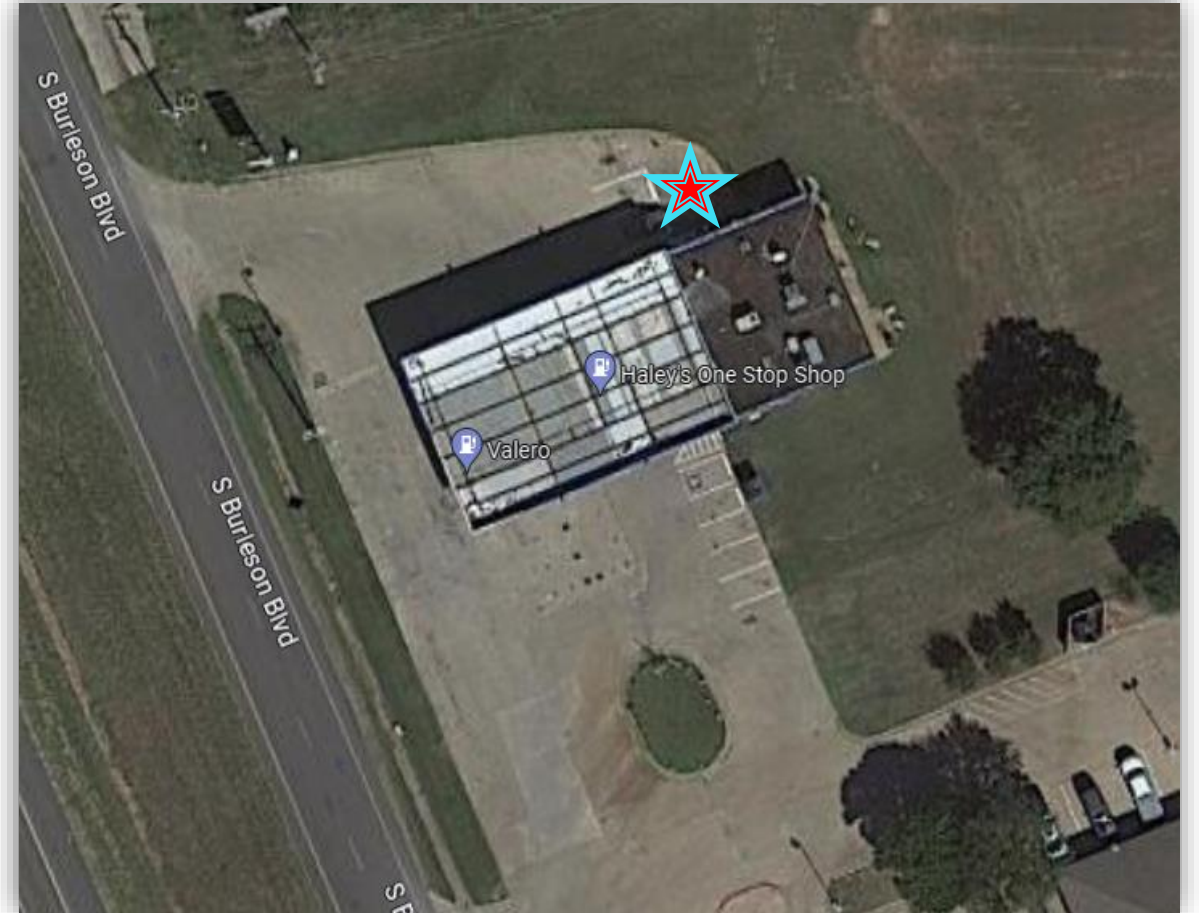
Current zoning is A, Agricultural

- 1-acre site containing Valero Gas Station
- Applicant requesting to operate a food truck on the same property

Requirements

Per the Food Trucks Ordinance:

- Provides two processes allowing for the operation of a food truck: Food truck operation site & Food truck park
 - Applicant was unable to comply with a food truck operation site standard and is now pursuing a food truck park.
- Food Truck Parks are permitted if approved by SUP

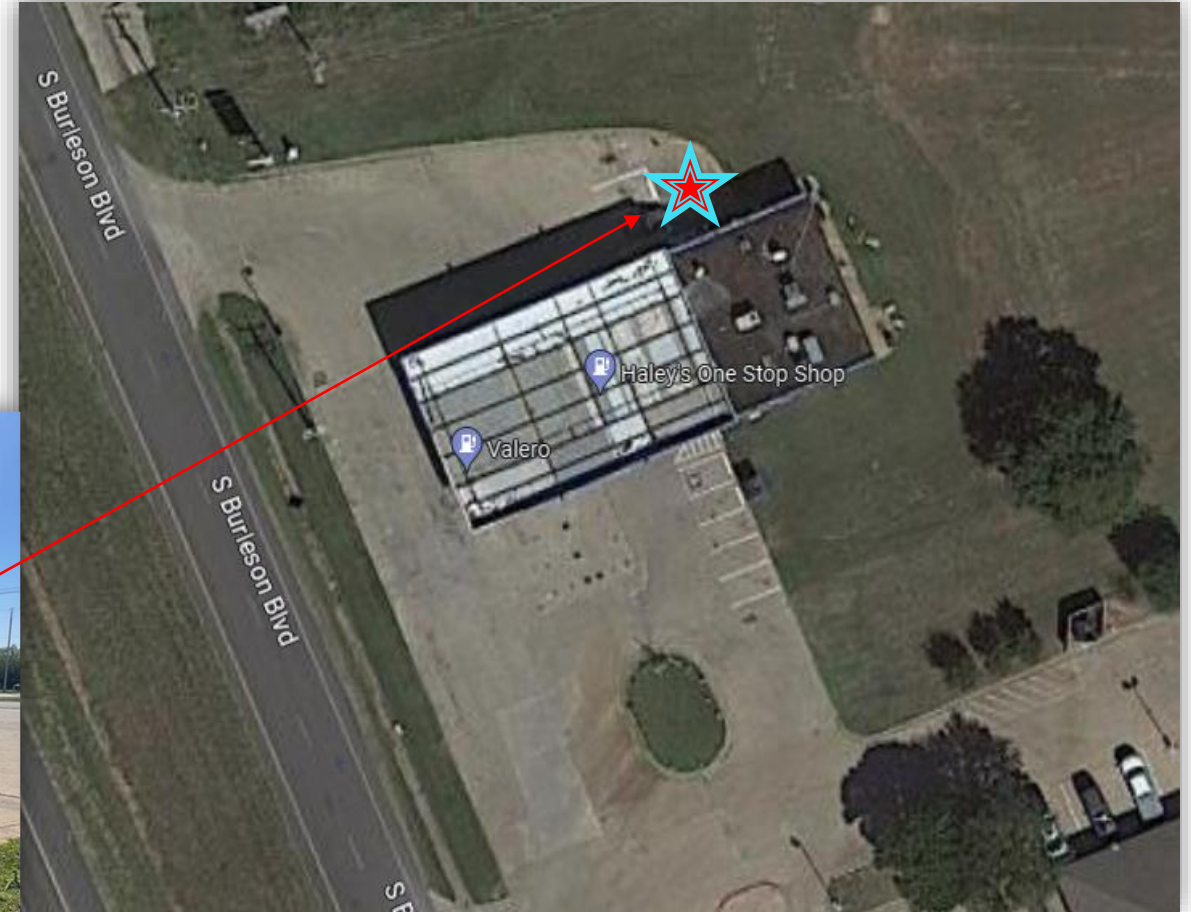


Food Truck Park 2635 S Burleson Blvd

Item A.

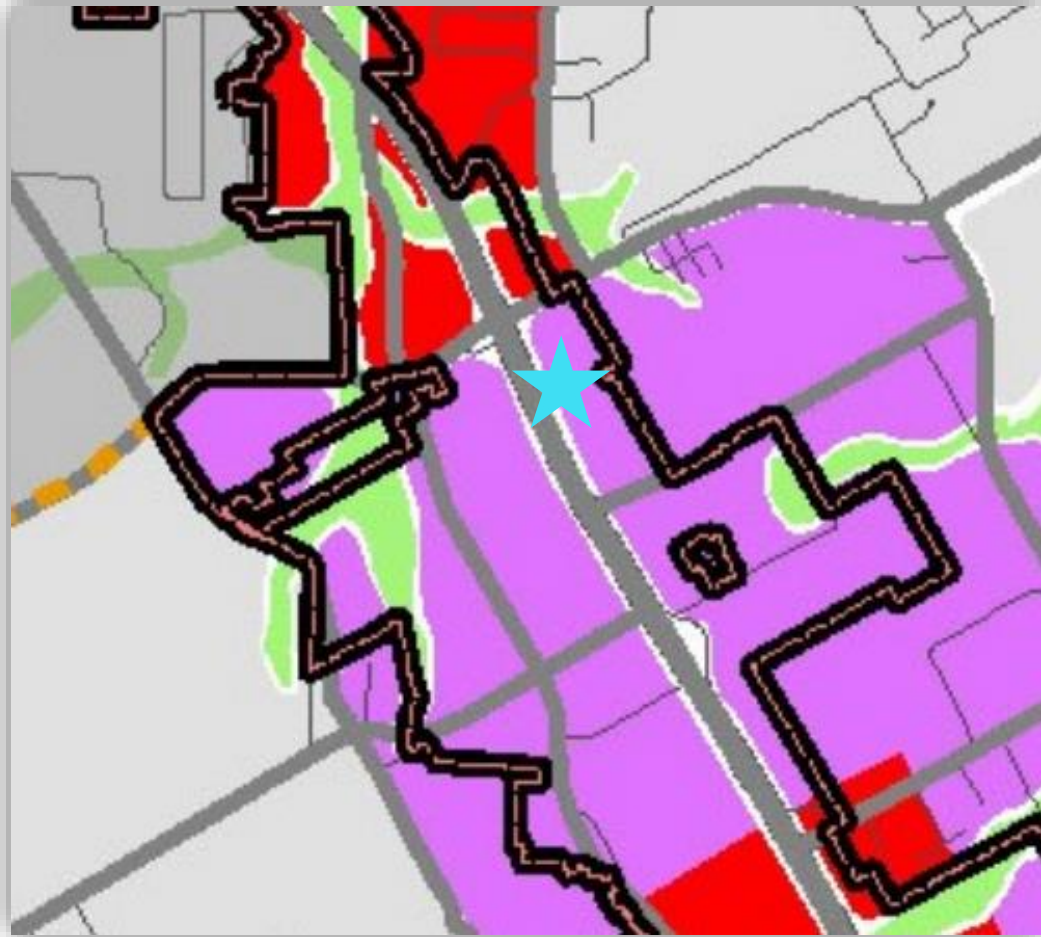
Requests

- SUP allowing for a “Food Truck Park” to operate at 2635 S Burleson Blvd.
- Rezone property from A, Agricultural, to GR, General Retail (losing legal non-conforming status)



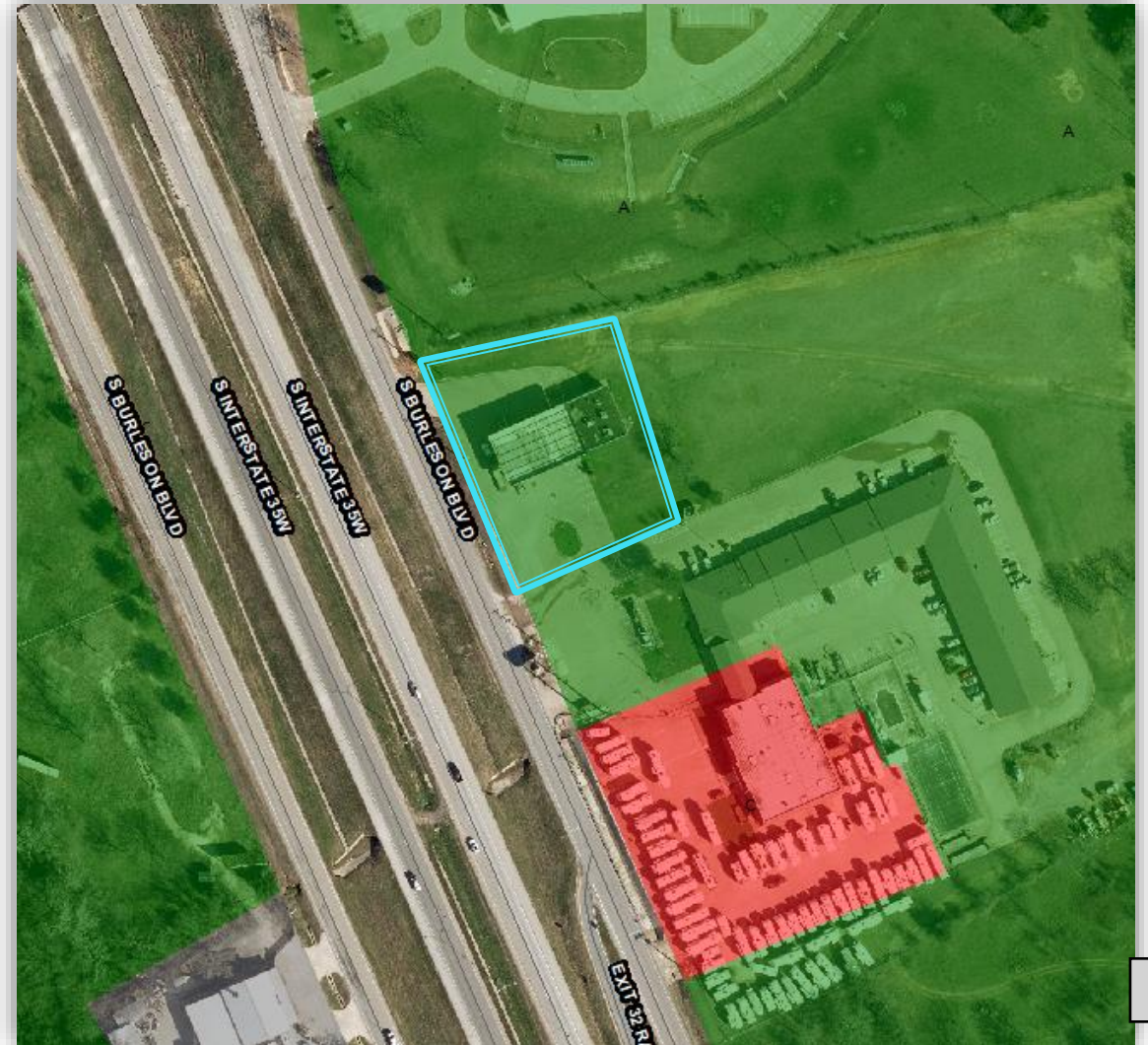
Comprehensive Plan

Employment Growth Center



Current Zoning

A, Agricultural



Item A.

Food Truck Park 2635 S Burleson Blvd

Item A.

Public Hearing Notice

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

Staff has not received any inquiries regarding this request.



Legend

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

Food Truck Park 2635 S Burleson Blvd

Item A.

Staff's Recommendation

Staff recommends approval of the ordinance for a zoning change request from "A", Agricultural, to "GR" General Retail with a Specific Use Permit, allowing for a "Food Truck Park" to operate at 2635 S Burleson Blvd with the following condition:

- The Food truck park shall be limited to no more than 2 food trucks at any given time.



ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE AND MAP OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING **ON APPROXIMATELY 1.00 ACRE OF LAND SITUATED WITHIN SAMUEL MYERS SURVEY, ABSTRACT NO. 627, AND THE J.W. RAWLS SURVEY, ABSTRACT NO. 728; ADDRESSED AS 2635 S BURLESON BOULEVARD, CITY OF BURLESON, JOHNSON COUNTY, TEXAS FROM AGRICULTURAL (A) DISTRICT TO GENERAL RETAIL (GR) WITH A SPECIFIC USE PERMIT ALLOWING “FOOD TRUCK PARK”,** MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, an application for a **zoning change** and **specific use permit** was filed by **Suleman Sultan (property owner)** on **March 6, 2023**, under **Case Number 23-028**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to allow for the changing in zoning of said property from **Agricultural (A) district to General Retail (GR) with a specific use permit allowing for the operation of a “Food Truck Park”**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas voted **0 to 0** to recommend to the City Council of Burleson, Texas,

that the hereinafter described property be rezoned from its classification of **Agricultural (A) district to General Retail (GR) with a specific use permit allowing for the operation of a “Food Truck Park”** ; and

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

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

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

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

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

Section 1

The Zoning Ordinance and Map is hereby amended insofar as it relates to certain land described as **1.0 acres of land situated within Samuel Myers Survey, Abstract NO.627, and the J.W. Rawls Survey, Abstract NO 728, addressed as 2635 S Burleson Blvd, City of Burleson, Johnson County, Texas** as shown on the attached Exhibit A incorporated herein by reference, by allowing for the change in zoning from **Agricultural (A) to General Retail (GR) with a specific use permit allowing for the operation of a “Food Truck Park”** with the following condition:

1. **The Food truck park shall be limited to no more than two (2) food trucks at any given time.**

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:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT A

Metes and Bounds

Being a 1.00 acre tract or parcel of land situated in the Samuel Myers Survey, Abstract No. 627 and the J.W. Rawls Survey, Abstract No. 728, Johnson County, Texas, and being all of that certain called 0.990 acre tract of land conveyed from SBJ Investments, Inc. to RSS-97, Inc., by Special Warranty Deed with Vendor's Lien, as recorded in File No. 2016-16571, Official Public Records, Johnson County, Texas, (Bearings are based on NAD 83 (2011), Texas North Central 4202, as observed by GPS. Area and distances shown hereon are at grid), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found at the Northwest corner of said 0.990 acre tract, at the most Westerly Southwest corner of Lot 1, Block 1, UCS Burleson Addition, an Addition to the City of Burleson, according to the plat thereof as recorded in Volume 10, Page 293, Slide E, Plat Records, Johnson County, Texas, and in the East line of S. Burleson Boulevard, also known as Interstate 35 W., a variable width right-of-way, from which a concrete right-of-way monument found bears North 23 degrees 41 minutes 20 seconds West, a distance of 164.49 feet;

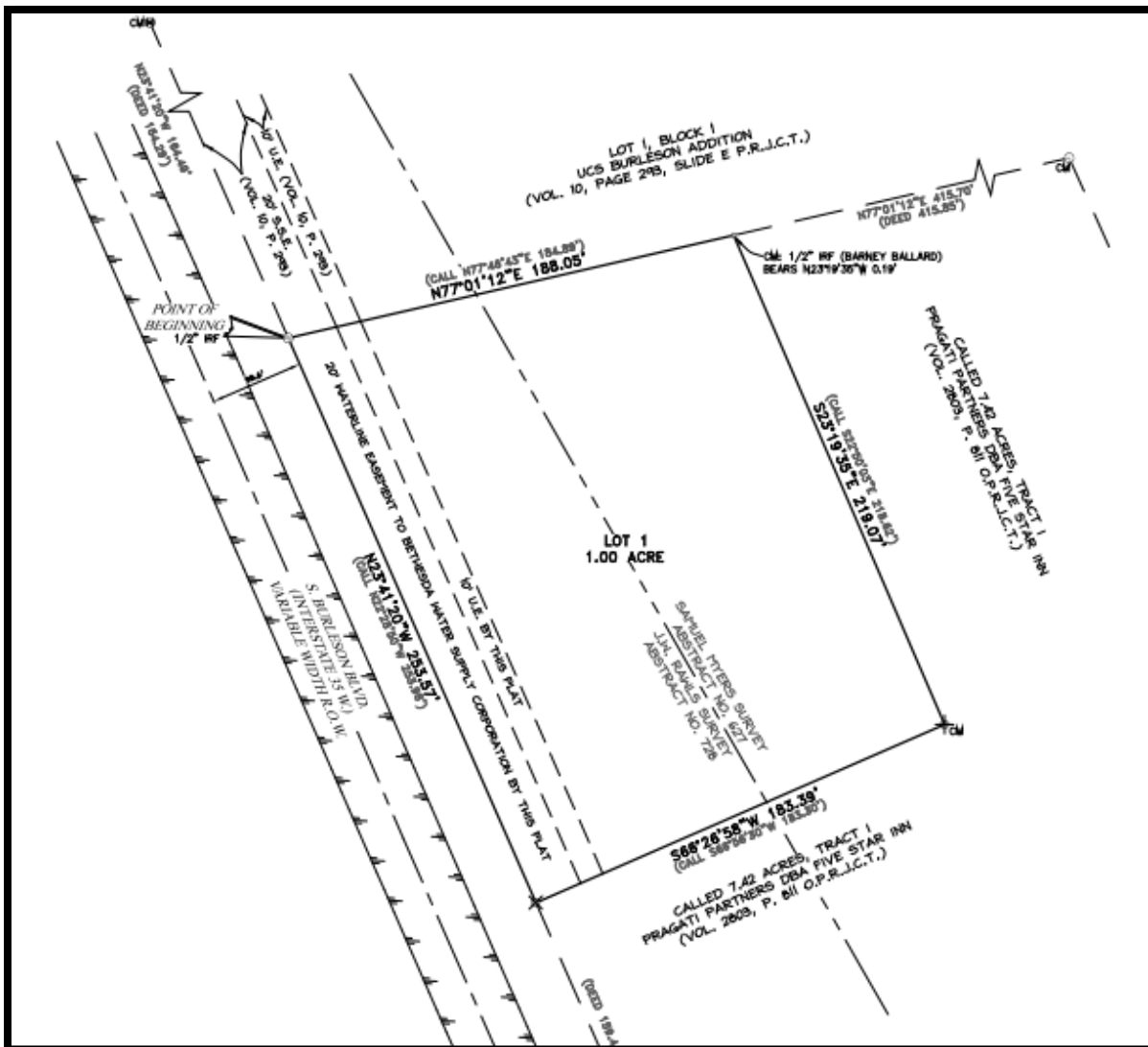
THENCE North 77 degrees 01 minutes 12 seconds East, with the North line of said 0.990 acre tract and with a South line of said UCS Burleson Addition, a distance of 188.05 feet to a point at the Northeast corner of said 0.990 acre tract and at the most Northerly Northwest corner of a called 7.42 acre tract of land, described as Tract I, conveyed to Pragati Partners DBA Five Star Inn, by deed as recorded in Volume 2803, Page 811, Official Public Records, Johnson County, Texas, from which a 1/2" iron rod found capped (Barney Ballard) bears North 23 degrees 19 minutes 35 seconds West, a distance of 0.19 feet and a 3/8" iron rod found at an ell corner of said UCS Burleson Addition and at the most Northerly Northeast corner of said 7.42 acre tract bears North 77 degrees 01 minutes 12 seconds East, a distance of 415.70 feet;

THENCE with the common line of said 0.990 acre tract and said 7.42 acre tract, the following courses and distances:
 South 23 degrees 19 minutes 35 seconds East, a distance of 219.07 feet to a PK nail found stamped (Ballard) at the Southeast corner of said 0.990 acre tract and at an ell corner of said 7.42 acre tract;
 South 66 degrees 26 minutes 58 seconds West, a distance of 183.39 feet to a punch hole found at the Southwest corner of said 0.990 acre tract, at the most Westerly Northwest corner of said 7.42 acre tract, and in the East line of said S. Burleson Boulevard, from which a 3/8" iron rod found bears South 23 degrees 41 minutes 20 seconds East, a distance of 438.10 feet;

THENCE North 23 degrees 41 minutes 20 seconds West, with the West line of said 0.990 acre tract and with the East line of said S. Burleson Boulevard, a distance of 253.57 feet to the POINT OF BEGINNING and CONTAINING 1.00 acre of land.

Exhibit B

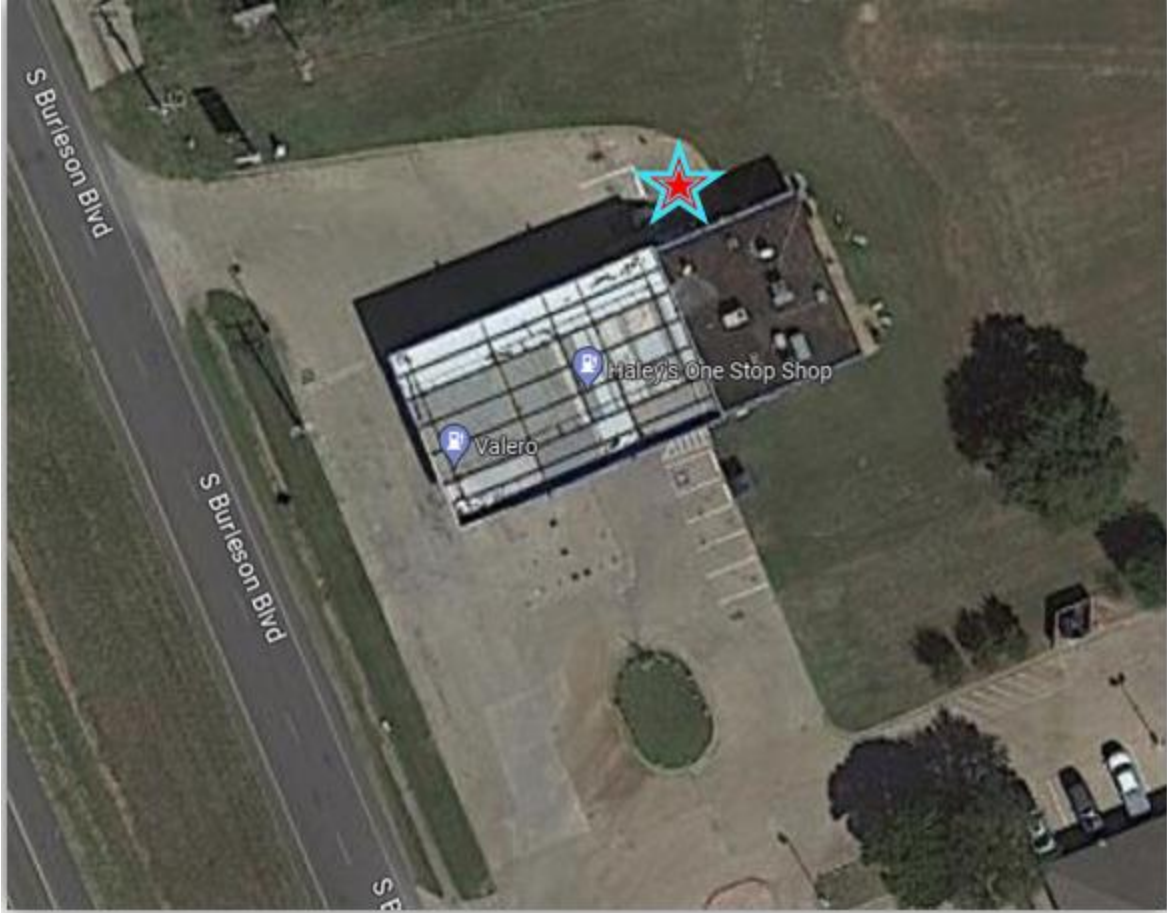
Food Truck Park











HOURS OF OPERATION

Monday / 7am-3pm
 Tuesday / 7am-3pm
 Wednesday / 7am-3pm
 Thursday / 7am-3pm
 Friday / 7am-3pm
 Saturday / 7am-3pm
 Sunday / 7am-3pm



ENTREES

BIG BURRITO

description of what the item is, or
 ingredients, calories.
 Choice of Meat
9.99

FLAUTAS 8.99

ENCHILADAS 8.99
 Choice of Meat

RICO MENUDO 9.99
 Choice of Meat

CHILAQUILES 6.99

BURGERS

CHEESE BURGER 9.99
 W/ Fries & Drink

CHEESE BURGER 5.99

FRIES 3.99

WINGS

8pc Combo W/ Fries & Drink **\$9.99**
 12pc Combo W/ Fries & Drink **\$12.99**
 25pc Combo W/ Fries & Drink..... **\$24.99**
 35pc Combo W/ Fries & Drink..... **\$34.99**
 50pc Combo W/ Fries & Drink..... **\$45.99**

*Please inform us of any allergies prior to placing an order

TORTAS

BEANS, CHEESE, LETTUCE,
 TOMATOES, ONIONS, AVOCADO,
 JALAPEÑOS, AND YOUR CHOICE
 OF MEAT
9.99

CHICKEN TOSTADA
 CORN TOSTADA, BEANS, LETTUCE,
 TOMATOES, ONIONS, AVOCADO,
 CHEESE AND SOUR CREAM
4.99

BREAKFAST ITEM
 description of what the item is, or
 ingredients, calories.
9.99

BREAKFAST BURRITO
 FLOUR TORTILLA, EGGS AND
 YOUR CHOICE OF :
7.99

CHOOSE FROM

- Sausage
- Bacon
- Ham
- Potatoes
- Chorizo

TACOS Flour & Corn

CARNITAS **1.99**

AL PASTOR **1.99**

BARBOACO **2.29**

POLLO **2.29**

TRIPA **2.29**

FAJITA **2.29**

TACO PLATE

3 Tacos + Drink **9.99**

Rice, Beans, and Choice of Meat

- Barbacoa
- Fajita
- Pastor
- Pollo
- Carnitas
- Tripa

NACHOS

NACHOS W/ CHEESE **4.99**

NACHOS W/ CHEESE **7.99**
 Choice of Meat

QUESADILLAS

description of what the item is, or
 ingredients, calories.
9.99