



Special Planning & Zoning Commission Agenda

Monday, February 05, 2024
4:00 PM

City Hall - 141 W. Renfro
Burleson, TX 76028

1. CALL TO ORDER

2. CITIZEN APPEARANCES

Each person in attendance who desires to speak to the Planning & Zoning Commission on an item NOT posted on the agenda, shall speak during this section.

A speaker card must be filled out and turned in to the City Staff prior to addressing the Commission. Each speaker will be allowed three (3) minutes.

Please note that the Commissioners may only take action on items posted on the agenda. The Texas Open Meetings Act prohibits the Planning & Zoning Commission from deliberating or taking action on an item not listed on the agenda. The Commission may, however, receive your comments on the unlisted item, ask clarifying questions, respond with facts, and explain policy.

Each person in attendance who desires to speak to the Planning & Zoning Commission on an item posted on the agenda, shall speak when the item is called forward for consideration.

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.

4. GENERAL

A. Consider approval of a minute order recommending approval of a resolution setting a public hearing to be held jointly by the City Council and the Planning and Zoning Commission on March 4, 2024, to consider an ordinance amending the City of Burleson Zoning Ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to liquor sales. *(Staff Presenter: Emilio Sanchez, Development Services Assistant Director)*

B. Consider approval of a minute order recommending approval of a resolution setting the method by which notice shall be given of the joint public hearing to be held jointly by the City Council and the Planning and Zoning Commission on March 4, 2024, to consider an ordinance amending the City of Burleson Zoning Ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to liquor sales. *(Staff Presenter: Emilio Sanchez, Development Services Assistant Director)*

5. COMMUNITY INTERESTS ITEMS

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

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

6. EXECUTIVE SESSION

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

A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071, Texas Government Code

7. 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 31st of January 2024, 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.

Special Planning and Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Emilio Sanchez, Development Services Assistant Director

MEETING: February 5, 2024

SUBJECT:

Consider approval of a minute order recommending approval of a resolution setting a public hearing to be held jointly by the City Council and the Planning and Zoning Commission on March 4, 2024, to consider an ordinance amending the City of Burleson Zoning Ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to liquor sales. (*Staff Contact: Emilio Sanchez, Development Services Assistant Director*)

SUMMARY:

City staff previously provided the City Council and Planning and Zoning Commission a briefing on proposed text amendments to the city's Zoning Ordinance in anticipation of a voter referendum that would allow for liquor/package stores. Staff has attached the proposed text amendments as Exhibit 2. As required under state law, it will be necessary to conduct public hearings to solicit feedback for changes affecting the city's zoning regulations. In an effort to streamline the public hearing process, staff is recommending a joint City Council and Planning and Zoning Commission meeting for the date of March 4, 2024.

RECOMMENDATION:

Staff recommends the Planning and Zoning Commission approve a minute order recommending approval the resolution setting a joint City Council and Planning and Zoning Commission public hearing date of March 4, 2024.

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

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

December 19, 2023: The Planning and Zoning Commission received a presentation on proposed updates to the Zoning Ordinance.

January 8, 2024: The City Council received a presentation on the proposed alcohol-related zoning text amendments in anticipation of a future, successful local option election.

REFERENCE:

<https://ecode360.com/39938217>

FISCAL IMPACT:

None

STAFF CONTACT:

Emilio Sanchez
Development Services Assistant Director
esanchez@burlesontx.com
817-426-9686



Setting a Joint Public Hearing with the Planning and Zoning Commission & Setting the Method of Notice

Planning and Zoning Commission Meeting: 2.05.24



Background/Roadmap

- On January 8, 2024, the City Council received a presentation on proposed text amendments to the City's Zoning Ordinance regarding liquor/package stores. (The Planning and Zoning Commission received the same presentation on December 19, 2023).
- To amend the zoning ordinance, state law requires the City hold and give notice of a public hearing to solicit feedback on the proposed changes to the City's zoning regulations.
- As discussed on January 8th, staff is recommending the public hearing and consideration of the amendment occur at a joint meeting of the City Council and Planning and Zoning Commission. The City's zoning ordinance requires that the joint hearing be called by a Council resolution.
- The items before the Commission tonight are two resolutions. The first resolution sets the date of the public hearing and joint meeting. The second resolution sets the notification standards for the hearing and joint meeting.



Resolution Number 1 – Setting the Public Hearing and Joint Meeting

- The first proposed resolution sets the public hearing at the joint meeting of the Council and Commission as follows:
 - Meeting Type: Special Joint Meeting of the City Council and Planning and Zoning Commission
 - Date: Monday, March 4, 2023
 - Time: 5:00 p.m.
 - Location: City Council Chambers at City Hall
 - Subject: An ordinance amending the text of the City's zoning ordinance relating to liquor sales



Resolution Number 2 – Method and Type of Notice

- The second proposed resolution requires that notice of the public hearing at the joint meeting of the Council and Commission be given by publishing notice of the date, time, meeting type, subject to be considered, and location in the newspaper at least twice.
 - The first notice shall be published at least 15 days before the date of the public hearing.
 - The second notice shall be published at least 10 days before the date of the public hearing.
- By setting a joint hearing, the law allows the Council to set notification standards without the necessity of mailing notices to individual property owners



Requested Action & Recommendation

- Consider approval of a minute order recommending approval of a resolution setting the public hearing at a joint meeting of the City Council and Planning and Zoning Commission on March 4, 2024, to consider an amendment to the zoning ordinance relating to liquor sales.
 - Staff Recommends Approval
- Consider approval of minute order recommending approval of a resolution setting the method by which notice shall be given of the public hearing and joint meeting by requiring notice be published in the newspaper twice, one at least 15 days and another 10 days before the date of the public hearing.
 - Staff Recommends Approval

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, SETTING A PUBLIC HEARING TO BE HELD JOINTLY BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION ON MARCH 4, 2024, TO CONSIDER AN ORDINANCE AMENDING THE CITY OF BURLESON ZONING ORDINANCE CODIFIED IN APPENDIX B OF THE CITY OF BURLESON CODE OF ORDINANCES RELATING TO LIQUOR SALES.

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, on April 19, 2010, 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

WHEREAS, on January 8, 2024, the City Council received a report and held a discussion regarding amending the text of the City’s Zoning Ordinance regarding liquor sales, and

WHEREAS, in accordance with Sections 211.006 and 211.007 of the Texas Local Government Code and the City’s Zoning Ordinance, the City Council desires to set a public hearing to take place at a joint meeting of the City Council and the City’s Planning and Zoning Commission regarding amending the text of the City’s Zoning Ordinance regarding liquor sales.

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

Section 1.

City Council hereby sets a joint public hearing to be held at a special joint meeting of the City Council and the Planning and Zoning Commission to consider an ordinance amending the text of the City’s Zoning Ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to liquor sales with the following conditions:

Meeting: Special Joint Meeting of the City Council and the Planning and Zoning Commission

Location: Council Chambers located in City Hall at 141 NW Renfro St, Burleson, Texas, 76028

Date and Time: March 4th, 2024 at 5:00 P.M.

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

Special Planning and Zoning Commssion Meeting

DEPARTMENT: Development Services

FROM: Emilio Sanchez, Development Services Assistant Director

MEETING: February 5, 2024

SUBJECT:

Consider approval of a minute order recommending approval of a resolution setting the method by which notice shall be given of the joint public hearing to be held jointly by the City Council and the Planning and Zoning Commission on March 4, 2024 to consider an ordinance amending the City of Burleson Zoning Ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to liquor sales. (*Staff Contact: Emilio Sanchez, Development Services Assistant Director*)

SUMMARY:

Appendix B, Article I, Section 6-105 (f) of the City's Code of Ordinances prescribes the type of notice to be given for a joint public hearing between the City Council and the Planning and Zoning Commission. The Code provision is written as follows:

The city council may, by resolution, elect to combine the planning and zoning commission hearing and the council hearing; however, the city council shall not take action upon any proposed amendment or change until it has received the final report and recommendation from the planning and zoning commission. When the joint hearing provision of this ordinance is in effect, the city council shall cause a notice showing the time and place of the hearing to be published in a newspaper of general circulation at least 15 days prior to the hearing. In addition, notice of all jointly held public hearings on proposed changes in classification shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed, the notice to be given not less than ten days before the date set for hearing, to all the property owners as the ownership appears on the last approved city tax roll. Such notice may be served by depositing it, properly addressed and postage paid, in the United States mail. When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice requirements shall be the same as those specified in paragraph (c), above.

RECOMMENDATION:

Staff recommends approval of the method of notice as detailed in the resolution.

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

None

REFERENCE:

<https://ecode360.com/39938217>

FISCAL IMPACT:

None

STAFF CONTACT:

Emilio Sanchez
Development Services Assistant Director
esanchez@burlesontx.com
817-426-9686



Setting a Joint Public Hearing with the Planning and Zoning Commission & Setting the Method of Notice

Planning and Zoning Commission Meeting: 2.05.24



Background/Roadmap

- On January 8, 2024, the City Council received a presentation on proposed text amendments to the City's Zoning Ordinance regarding liquor/package stores. (The Planning and Zoning Commission received the same presentation on December 19, 2023).
- To amend the zoning ordinance, state law requires the City hold and give notice of a public hearing to solicit feedback on the proposed changes to the City's zoning regulations.
- As discussed on January 8th, staff is recommending the public hearing and consideration of the amendment occur at a joint meeting of the City Council and Planning and Zoning Commission. The City's zoning ordinance requires that the joint hearing be called by a Council resolution.
- The items before the Commission tonight are two resolutions. The first resolution sets the date of the public hearing and joint meeting. The second resolution sets the notification standards for the hearing and joint meeting.



Resolution Number 1 – Setting the Public Hearing and Joint Meeting

- The first proposed resolution sets the public hearing at the joint meeting of the Council and Commission as follows:
 - Meeting Type: Special Joint Meeting of the City Council and Planning and Zoning Commission
 - Date: Monday, March 4, 2023
 - Time: 5:00 p.m.
 - Location: City Council Chambers at City Hall
 - Subject: An ordinance amending the text of the City's zoning ordinance relating to liquor sales



Resolution Number 2 – Method and Type of Notice

- The second proposed resolution requires that notice of the public hearing at the joint meeting of the Council and Commission be given by publishing notice of the date, time, meeting type, subject to be considered, and location in the newspaper at least twice.
 - The first notice shall be published at least 15 days before the date of the public hearing.
 - The second notice shall be published at least 10 days before the date of the public hearing.
- By setting a joint hearing, the law allows the Council to set notification standards without the necessity of mailing notices to individual property owners



Requested Action & Recommendation

- Consider approval of a minute order recommending approval of a resolution setting the public hearing at a joint meeting of the City Council and Planning and Zoning Commission on March 4, 2024, to consider an amendment to the zoning ordinance relating to liquor sales.
 - Staff Recommends Approval
- Consider approval of minute order recommending approval of a resolution setting the method by which notice shall be given of the public hearing and joint meeting by requiring notice be published in the newspaper twice, one at least 15 days and another 10 days before the date of the public hearing.
 - Staff Recommends Approval

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, SETTING THE METHOD BY WHICH NOTICE SHALL BE GIVEN OF THE JOINT PUBLIC HEARING TO BE HELD JOINTLY BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION ON MARCH 4, 2024, TO CONSIDER AN ORDINANCE AMENDING THE CITY OF BURLESON ZONING ORDINANCE CODIFIED IN APPENDIX B OF THE CITY OF BURLESON CODE OF ORDINANCES RELATING TO LIQUOR SALES.

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, on April 19, 2010, 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

WHEREAS, on January 8, 2024, the City Council received a report and held a discussion regarding amending the text of the City’s Zoning Ordinance regarding liquor sales, and

WHEREAS, in accordance with Sections 211.006 and 211.007 of the Texas Local Government Code and the City’s Zoning Ordinance, the City Council has set a public hearing to take place at a special joint meeting of the City Council and the City’s Planning and Zoning Commission at 5:00 p.m. on March 4, 2024, in the Council Chambers located at City Hall at 141 NW Renfro St, Burleson, Texas, 76028, the regarding amending the text of the City’s Zoning Ordinance regarding liquor sales; and

WHEREAS, in accordance with Sections 211.006 and 211.007 of the Texas Local Government Code and the City’s Zoning Ordinance, the City Council desires to set forth the method of notification of the joint public hearing.

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

Section 1.

The City Council directs the City Manager or the City Manager’s designee to give notice of the joint public hearing at the special joint meeting of the City Council and the Planning and Zoning Commission described above and by publishing notice of the joint public hearing in the *Fort Worth Star-Telegram* twice. A first notice shall be published before the 15th day before the date of the joint public hearing, and a second notice shall be published before the 10th day before the date of the joint public hearing. Notice of the joint public hearing shall state the meeting type, the time and place of the joint public hearing, and the subject to be considered.

Meeting: Special Joint Meeting of the City Council and the Planning and Zoning Commission

Location: Council Chambers located in City Hall at 141 NW Renfro St, Burleson, Texas, 76028

Date and Time: March 4th, 2024, at 5:00 P.M.

Subject to be Considered: Consider an ordinance amending the text of the City's Zoning Ordinance codified in Appendix B of the City of Burleson Code of Ordinances relating to liquor sales.

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