

Planning & Zoning Commission Agenda

Tuesday, February 28, 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 February 14, 2023 Planning & Zoning Commission meeting.
- B. Hidden Vistas, Phase 8; Lot 37-R, Block 4 (Case 23-001): Consider approval of a replat of Lot 37, Block 4 of Hidden Vistas, Phase 8. (*Staff Presenter: Lidon Pearce, Senior Planner*)
- C. Valley View Estates Phase 2; Lot 23R, Block 1 (Case 23-002): Consider approval of a replat of Lot 23R, Block 2 of Valley View Estates Phase 2 (*Staff Presenter: JP Ducay, Senior Planner*)

4. Public Hearing

- A. **5917 W FM 917 (Case 23-007):** Hold a public hearing and consider an ordinance for a zoning change request from "A", Agriculture to "GR" General Retail *(Staff Presenter: Lidon Pearce, Senior Planner)*
- 5. <u>Reports and Presentations</u>

6. <u>Community Interest Items</u>

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. <u>Adjourn</u>

<u>Staff Contact</u> Tony McIlwain Director of Development Services 817-426-9684

CERTIFICATE

I hereby certify that the above agenda was posted on this the 24th of February 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 <u>the</u> 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.

Item B.



Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: February 28, 2023

SUBJECT:

Hidden Vistas, Phase 8; Lot 37-R, Block 4 (Case 23-001): Consider approval of a replat of Lot 37, Block 4 of Hidden Vistas, Phase 8. (*Staff Presenter: Lidon Pearce, Senior Planner*)

SUMMARY:

On January 9, 2023, an application for a replat, including 0.438 acres, was submitted by Peter Thomas (developer) on behalf of Kenneth and Mary Freeman (owners). The replat is adding a portion of unplatted land (approximately 2,300 square feet) to the rear of their previously platted residential lot.

The replat 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).

<u>Utilities</u>

The property is served by the City of Burleson.

OPTIONS:

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

RECOMMENDATION:

Approve a replat for Hidden Vistas, Pahse 8; Lot 37-R, Block 4 (Case 23-001)

FISCAL IMPACT:

None.

STAFF CONTACT:

Lidon Pearce Senior Planner <u>lpearce@burlesontx.com</u> 817-426-9649

burlesontx.com | 817.426.9611 | 141 W Renfro Street, Burleson, Texas 76028





BURLESON

Hidden Vistas, Phase 8 Lot 37-R, Block 4 Replat Case 23-001



Vicinity Map





PROPERTY DESCRIPTION:

BEING a 0.438 acre tract of land in the Thomas Chandler Survey, Abstract Number 127, situated in the City of Burleson, Johnson County, Texas, and being a portion of that certain tract of land described in ded to Burleson Hidden Vistas LP, recorded in Volume 360, Page 237, Deed Records, Johnson County, Texas and being al of that certain tract of land described as Lot 37, Block 4, Hidden Vistas, Phase 8, an addition to the City of Burleson, Johnson County, Texas, recorded in Volume 10, Page 900, Pat Records, Johnson County, Texas and in deed to Kenneth Todd Freeman and Mary. D. Freeman, recorded in Instrument Yannber 20174015, Deed Records, Johnson County, Texas. The bearings for this description are based on the Texas State Plane Coordinate System, Texas North Central Zone (202), North American Datum 1983, using static observation and NOAVNGS Opus calculations. Said 0.438 acre tract of land being described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found at the southeast corner of that certain tract of land described as Lot 38, Block 4, Hidden Vistas, Phase 8, an addition to the City of Burleson, Johnson County, Texas, recorded in Volume 10, Page 900, Plat Records, Johnson County, Texas and the southeast corner of said Lot 37;

THENCE South 00°29'44" East, continuing over and across said Burleson Hidden Vistas LP tract, a distance of 20.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

THENCE South 89°27'19" West, continuing over and across said Barleson Hidden Vistas LP tract, a distance of 116.88 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set to an est line of that certain tract of land described in deed to Jerry and Judy Lace, recorded in Instrument Number 2013-23437, Deed Records, Johnson Contry, Teasa;

THENCE North 00°29'44" West, along said east line, a distance of 20.00 Feet to a 1/2" iron rod found for the northeast corner of said Luce tract and in the south line of said Lot 37;

THENCE South 89°15'24" West, departing said east line and continuing along the said south line and a north line of said Luce tract, a distance of 89.43 Feet to a 1/2" iron rod found for the southwest corner of said Lot 37 and the southeast corner of Lot 36 of said Block 4;

THENCE North 22°23'11" East, along an easterly line of said Lot 36 and a westerly line of said Lot 37, a distance of 140.30 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the northeast corner of said Lot 36 and the northwest corner of said Lot 37 and the right of way line of Rainer of said Lot 37 and the right of way line of Rainer corner of said Lot 37 and the right of way line of Rainer corner of said Lot 37 and the right of way line of Rainer corner of said Lot 37 and the right of way line of Rainer corners to the north, having a radius of 50.00 Feet a central angle of 60°00'00", and a chord of 50.00 Feet bearing North 82°23'11" East;

THENCE easterly along said right of way line and the north line of said Lot 37 and said curve, a distance of 52.36 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the northeast corner of said Lot 37 and the southwest corner of said Lot 38;

THENCE South 37°36'49" East, departing said right of way line and the said north line of Lot 37 and continuing along the common line of said Lots 37 and 38, a distance of 169.26 Feet to the POINT OF BEGINNING and containing a computed area of 0.438 Acres, more or less.

PLAT NOTES:

1. ALL LOT CORNERS, ANGLE POINTS, POINTS OF TANGENCY AND POINTS OF CURVATURE WERE PHYSICALLY SET, SAID POINTS WERE MARKED WITH 1/2" IRON RODS WITH A CAP STAMPED "RPLS 4818", DRIVEN INTO THE GROUND DURING THE CONTROL OF UNLESS OTHERWISE NOTED.

2. PROPOSED LOTS SHALL BE GRADED INDIVIDUALLY IN ACCORDANCE WITH THE DRAINAGE/GRADING PLAN PER THE CONSTRUCTION PLANS. THE BUILDER SHALL SUBMIT A GRADING PLAN WITH THE BUILDING PERMIT APPLICATION FOR REVIEw.

FINISH FLOOR NOTES:

THE CITY OF BURLESON RESERVES THE RIGHT TO REQUIRE MINIMUM FINISH FLOOR ELEVATIONS ON ANY LOT WITHIN THIS SUBDIVISION. THE MINIMUM ELEVATIONS SHOWN ARE BASED ON THE MOST CURRENT INFORMATION AVAILABLE AT THE TIME THIS PLAT IS FILED AND MAY BE SUBJECT TO CHANGE. FLOODPLAIN NOTE:

NO PORTION OF THE REFERENCED SITE IS WITHIN AN EXISTING 100 YEAR FLOOD PLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP FOR JOINSON COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 482510665, FFFECTIVE DATE BECEMBER 4, 2012.

SUBDIVISION NOTES:

1. DRIVEWAY APPROACH LOCATIONS ON CORNER LOTS SHALL BE LOCATED TO LINE UP WITH THE SIDE OF THE HOUSE OR GARAGE THAT IS FARTHEST FROM THE INTERSECTION.

2. ALL FENCES ALONG OPEN SPACE LOTS, SHALL BE MADE OF WROUGHT IRON

ANY PUBLIC UTILITY, INCLUDING THE CITY OF BURLESON, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANCER OR INTERPREE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THE PLAT; AND ANY PUBLIC UTILITY, INCLUDING THE CITY OF BURLESON, SHALL HAVE THE RIGHT AT ALL TIMES OF INCRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, NEPECTIO, PATROLING, MAINTAINING, AND ADDRICT ON REMOVING ALL OF PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.

THE BEARINGS FOR THIS SURVEY ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM 1983, USING STATIC OBSERVATION AND NOAMNGS OPUS CALCULATIONS.

by Peter Thomas Burleson Hidden Vistas, LP State of Texas

THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That We, Barleson Hidden Vista, I.P., Kenneth Todd and Mary D. Freeman, and Ryan M. and Amanda J. Richardson do hereby adopt this plat designating the hereinabove described property as HIDDEN VISTAS- PHASE EIGHT, an Addition to the City of Barleson Johnson County, Texas and do hereby dedicate to the public's use forver all streets, rights-of-way, alleys and casements 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 all times have the right of ingress and egress to and from and upon said easement for the purpose of constructing, reconstructing, inspecting and partolling without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Burleson, Texas. Item B. IN WITNESS THEREOF this dedication was executed the _____ day of _____ . 2023. SIT County of Johnson BEFORE ME, the undersigned authority, on this day personally appeared Peter Thomas of Burleson Hidden Vistas, LP, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he did the same for the purposes and considerations expressed. VICINITY MAP Notary Public in and for the State of Texas My Commission availant IN WITNESS THEREOF this dedication was executed the _____ day of _____ Kenneth Todd Freeman State of Texas County of Johnson BEFORE ME, the undersigned authority, on this day personally appeared Kenneth Todd Freeman, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he did the same for the purposes and considerations expressed. Notary Public in and for the State of Texas IN WITNESS THEREOF this dedication was executed the ____ day of _____, 2023 by Mary D. Freeman State of Texas County of Johnson BEFORE ME, the undersigned authority, on this day personally appeared Mary D. Freeman, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he did the same for the purposes and considerations expressed. by_____ Notary Public in and for the State of Texas FINAL PLAT SHOWING LOT 37-R, BLOCK 4 **HIDDEN VISTAS, PHASE 8** JOHNSON COUNTY, TEXAS **BEING A REPLAT OF LOT 37, BLOCK A HIDDEN VISTAS, PHASE 8** AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN VOLUME 3860, PAGE 237 **DEED RECORDS, JOHNSON COUNTY, TEXAS** AN ADDITION TO THE CITY OF BURLESON JOHNSON COUNTY, TEXAS AND BEING IN THE THOMAS CHANDLER SURVEY ABSTRACT NO. 127

. 2023

WER	_, SLIDE
RIL LONG,	JOHNSON COUNTY CLER
COUNTY C	DEPUTY CLER

PLAT FILED

This the

pproved by the Planning and Zoning Commission of Burleson, Texas	
`his the day of, 2023	
y: Chair of Planning and Zoning Commission	SUR WH REC LAN
y: City Secretary	3559 FOI TBI (817 Joh



Survevor's Certificate

THIS is to certify that I, Johnny D.L. Williams, a Registered Professional Land Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision PRELIMINARY - FOR REVIEW ONLY NOT TO BE FILED FOR ANY REASON Johnny D.L. Williams Registered Professional Land Surveyor Texas Registration No. 4818 TPELS Firm Reg. No. 10138500 DATE: January 23, 2023

LINE TABLE
 Id
 Bearing
 Distance

 L1
 S 00°29'44" E
 20.00'
 L2 N 00°29'44" W 20.00'



UTILITY EASEMENT NOTE

BASIS FOR BEARINGS

OWNER/DEVELOPER: BURLESON HIDDEN VISTAS, LP P.O. BOX 939 BURLESON, TEXAS 76097 (817) 426-3116 (817) 426-3116 fax CONTACT: PETER THOMAS telle@aoleom

OWNER: KENNETH TODD FREEMAN MARY D. FREEMAN 1263 RAINER DR. BURLESON, TEXAS 76028

0.438 ACRES CASE NUMBER 23-001

TPELS FIRM REG. NO. 10138500 JOB NO. 17-112

6



Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: JP Ducay, Senior Planner

MEETING: February 28, 2023

SUBJECT:

Valley View Estates Phase 2; Lot 23R, Block 1 (Case 23-002): Consider approval of a replat of Lot 23R, Block 2 of Valley View Estates Phase 2 (*Staff Presenter: JP Ducay, Senior Planner*)

SUMMARY:

On January 9, 2023, an application for a replat including 1.040 acres was submitted by Peter Thomas with Burleson Hidden Vista (applicant). The purpose of this replat is to add a portion of Burleson Hidden Vistas LP Tract, Recorded in Volume 3860, Page 237, Deed Records, Johnson County, Texas to Lot 23, Block 1, Valley View Estates Phase 2.The application is administratively complete and meets the requirments of Appendix A – Subdivision and Development regulations.

OPTIONS:

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

RECOMMENDATION:

Staff recommends approval of the Replat of Valley View Estates Phase 2; Lot 23R, Block 1. (Case 23-002)

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

<u>September 3, 2013</u>: The Final Plat of Valley View Estates Phase 2 was approved by City Council.

PUBLIC NOTIFICATION:

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

Fiscal IMPACT:

None

STAFF CONTACT:

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

burlesontx.com | 817.426.9611 | 141 W Renfro Street, Burleson, Texas 76028



Valley View Estates Ph 2

BURLESON

Replat Case 23-002



Vicinity Map



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

3. THE SUBJECT LOT IS LOCATED WITHIN THE VALLEY VIEW ESTATES PLANNED **DEVELOPMENT (ORD D-067-06)**

PRELIMINARY - FOR REVIEW ONLY NOT TO BE FILED FOR ANY REASON Johnny D.L. Williams **Registered Professional Land Surveyor Texas Registration No. 4818 TPELS Firm Reg. No. 10138500 DATE: JANUARY 23, 2023**

PROPERTY DESCRIPTION:

BEING a 1.040 acre tract of land in the Thomas Chandler Survey Abstract Number 127, situated in City of Burleson, Johnson County, Texas, being a portion of that certain tract of land described in deed to Burleson Hidden Vistas L.P. recorded in Volume 3860, Page 237, Deed Records, Johnson County, Texas, and being all of that certain tract of land described as Lot 23, Block 1, Valley View Estates Phase II, an addition to the City of Burleson, Johnson County, Texas, recorded in Volume 10, Page 560, Drawer E. Plat Records, Johnson County, Texas, and in deed to Ryan M. Richardson and Amanda J. Richardson recorded in Instrument Number 2016-22775 Deed Records, Johnson County, Texas. The bearings for this survey are based on the TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM 1983, using static observation and NOAA/NGS OPUS calculations. Said 1.040 acre tract of land being described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod found in the south line of that certain tract of land described as Lot 37, Block 4, Hidden Vistas Phase 8, an addition to the City of Burleson, Johnson County, Texas, Recorded in Volume 10, Page 900, Plat Records, Johnson County, Texas, and in deed to Kenneth Todd Freeman and Mary D. Freeman recorded in Instrument Number 2017-07015, Deed Records, Johnson County, Texas, and being the north east corner of a certain tract of land described in deed to Jerry Luce and Judy Luce recorded in Instrument Number 2013-23437, Deed Records, Johnson County, Texas;

THENCE South 00°29'44" East, along the east line of said Jerry Luce and Judy Luce tract a distance of 260.00 Feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set for the POINT OF **BEGINNING;**

THENCE departing said east line and continuing over and across said Burleson Hidden Vistas L.P. tract the following courses and distances

North 89°27'19" East, a distance of 155.97 Feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set:

South 00°46'39" East, at a distance of 70.89 Feet pass a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set for the northeast corner of said Lot 23, and northwest corner of Lot 24, of said Block 1, and continuing along the common line of said Lot 23, and Lot 24, a total distance of 193.91 feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set in the said common line

THENCE South 26°08'26" East, along said common line of Lot 23 and Lot 24 a distance of 52.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set in the north right of way line of Woodview Court, a 45' right of way and the most easterly southeast corner of said Lot 23, and most southerly southwest corner of said Lot 24, being the point of curvature of a non-tangent curve, concave to the southeast, having a radius of 50.00 Feet a central angle of 64°24'17", and a chord of 53.29 Feet bearing South 31°39'36" West;

THENCE southwesterly departing said common line of Lot 23, and Lot 24, and continuing along southeast line of said Lot 23, and said north right of way line and along said curve, a distance of 56.20 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the most southerly southeast corner of said Lot 23;

THENCE South 89°27'19" West, departing said southeast line and said north right of way and continuing along south line of said Lot 23, a distance of 150.01 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the southwest corner of said Lot 23 and on the said east line of the Jerry Luce and Judy Luce tract;

THENCE North 00°46'39" West, departing said south line of Lot 23 and continuing along common line of said Lot 23, and said Jerry Luce and Judy Luce tract, a distance of 215.01 Feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set for the northwest corner of said Lot 23 on the said east line of Jerry Luce and Judy Luce tract;

THENCE North 00°29'44" West, continuing along the said east line of Jerry Luce and Judy Luce tract, a distance of 70.89 Feet to the POINT OF BEGINNING and containing a computed area of 1.040 Acres, more or less.

PLAT NOTES:

1. ALL LOT CORNERS, ANGLE POINTS, POINTS OF TANGENCY AND POINTS OF CURVATURE WERE PHYSICALLY SET, SAID POINTS WERE MARKED WITH 1/2" IRON RODS WITH A CAP STAMPED "RPLS 4818", DRIVEN INTO THE GROUND, UNLESS OTHERWISE NOTED.

2. PROPOSED LOTS SHALL BE GRADED INDIVIDUALLY IN ACCORDANCE WITH THE DRAINAGE/GRADING PLAN PER THE CONSTRUCTION PLANS. THE BUILDER SHALL SUBMIT A GRADING PLAN WITH THE BUILDING PERMIT APPLICATION FOR REVIEW.

FINISH FLOOR NOTES:

THE CITY OF BURLESON RESERVES THE RIGHT TO REQUIRE MINIMUM FINISH FLOOR ELEVATIONS ON ANY LOT WITHIN THIS SUBDIVISION. THE MINIMUM ELEVATIONS SHOWN ARE BASED ON THE MOST CURRENT INFORMATION AVAILABLE AT THE TIME THIS PLAT IS FILED AND MAY BE SUBJECT TO CHANGE.

FLOODPLAIN NOTE:

NO PORTION OF THE REFERENCED SITE IS WITHIN AN EXISTING 100 YEAR FLOOD PLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP FOR JOHNSON COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 48251C0065J, EFFECTIVE DATE DECEMBER 4, 2012.

SUBDIVISION NOTES:

1. DRIVEWAY APPROACH LOCATIONS ON CORNER LOTS SHALL BE LOCATED TO LINE UP WITH THE SIDE OF THE HOUSE OR GARAGE THAT IS FARTHEST FROM THE INTERSECTION.

2. ALL FENCES ALONG OPEN SPACE LOTS, SHALL BE MADE OF WROUGHT IRON.

UTILITY EASEMENT NOTE

ANY PUBLIC UTILITY, INCLUDING THE CITY OF BURLESON, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THE PLAT; AND ANY PUBLIC UTILITY, INCLUDING THE CITY OF BURLESON, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, **RECONSTRUCTION, INSPECTION, PATROLING, 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.

PLAT FILED	, 2023
INSTRUMENT # 2023	
DRAWER SLIDE	
APRIL LONG, JOHNSON COUNT	FY CLERK

DEPUTY CLERF COUNTY CLERK

Approved by the Planning and Zoning Commission of Burleson, Texas			
This the day of	, 2023		
by: Chair of Planning and Zon	ing Commission		
by:			

City Secretary

SURVEYOR: WHITFIELD-HALL SURVEYORS REGISTERED PROFESSIONAL LAND SURVEYORS 3559 WILLIAMS ROAD, SUITE 107 FORT WORTH, TEXAS 76116 TBPLS FIRM REG. NO. 10138500 (817) 560-2916 Johnny@whitfieldhall.org

Addition to the City of Burleson, Johnson County, Texas and do hereby dedicate to the public's 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 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	DIABICO DRIVE
resolutions of the City of Burleson, Texas.	TELU
IN WITNESS THEREOF this dedication was executed the day of, 2023.	
by Peter Thomas	ST. EUAS UNIT
Peter Thomas Burleson Hidden Vistas, LP	
Durieson Huden visus, Li	EAIRWEATHER DRIVE
State of Texas	FAIRING HOL
	FARMEAN
County of Tarrant	
BEFORE ME , the undersigned authority, on this day personally appeared Peter Thomas of Burleson Hidden Vistas, LP, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he did the same for the purposes and considerations expressed.	SITE
hv.	
by Notary Public in and for the State of Texas	NOT TO SCALE
My Commission expires:	
My Commission expires: IN WITNESS THEREOF this dedication was executed the day of, 2023. by	
My Commission expires: IN WITNESS THEREOF this dedication was executed the day of, 2023. by Ryan M. Richardson State of Texas	erson whose name is subscribed to the foregoing
My Commission expires:	erson whose name is subscribed to the foregoing
My Commission expires: IN WITNESS THEREOF this dedication was executed the day of, 2023. by	erson whose name is subscribed to the foregoing
My Commission expires:	erson whose name is subscribed to the foregoing
My Commission expires:	erson whose name is subscribed to the foregoing
My Commission expires:	erson whose name is subscribed to the foregoing

REPLAT

SHOWING LOT 23-R, BLOCK 1 VALLEY VIEW ESTATES, PHASE II **BEING A REPLAT OF LOT 23, BLOCK 1, VALLEY** VIEW ESTATES, PHASE II, **RECORDED IN VOLUME 10, PAGE 560, DRAWER E,** PLAT RECORDS, JOHNSON COUNTY, TEXAS AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN **VOLUME 3860, PAGE 237, DEED RECORDS, JOHNSON COUNTY, TEXAS** AN ADDITION TO THE CITY OF BURLESON JOHNSON COUNTY, TEXAS AND BEING IN THE THOMAS CHANDLER SURVEY ABSTRACT NO. 127

> **1.040 ACRES CASE 23-002**

OWNER: Ryan M. Richardson Amanda J. Richardson **101 WOODVIEW CT,** BURLESON, TX 76028

Notary Public in and for the State of Texas

My Commission expires:

OWNER/DEVELOPER: BURLESON HIDDEN VISTAS, LP P.O. BOX 939 **BURLESON, TEXAS 76097** (817) 426-3113 (817) 426-3116 fax **CONTACT: PETER THOMAS** tcllc@aol.com

Item C



Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: February 28, 2023

SUBJECT:

5917 W FM 917 (Case 23-007): Hold a public hearing and consider an ordinance for a zoning change request from "A", Agriculture to "GR" General Retail *(Staff Presenter: Lidon Pearce, Senior Planner)*

SUMMARY:

On January 23, 2023, an application for a zoning change request was submitted by Bryan Clark with QuikTrip on behalf of Kristoffer Maddox (property owner) for a zoning change request of approximately 1.520 acres for a future QuikTrip convenience store with auto fuel sales.

Development Overview:

The property is currently zoned A, Agriculture and will require platting and commercial site plan review and approvals if the zoning is approved by City Council. Traffic and drainage studies will occur with submittal of the plat and site plan. Since the commercial site plan will be associated with a zone change, the site plan will require Planning and Zoning and City Council review and consideration. A conceptual site plan is attached as Exhibit 4.

	Zoning	Use	
Subject Site	A, Agriculture	Undeveloped	
North	A, Agriculture	Residential	
East	C, Commercial	Convenience Store	
South	W FM 917 / A, Agriculture	Commercial and Retail	
West	C, Commercial	Storage facility	

Zoning and Land Use Table

This site is designated in the Comprehensive Plan as Chisholm Trail Corridor.

This land use category is intended for nonresidential use with the primary focus being large professional campuses and office parks, as well as complimentary retail spaces. GR, General retail is listed as a corresponding zoning district that is appropriate in this area of the Comprehensive Plan.

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

Engineering:

Development of the land will require platting and engineering reviews.

OPTIONS:

- Recommend approval of an ordinance for a zoning change request to "GR" General Retail; or
- 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 "GR" General Retail (Case 23-007).

FISCAL IMPACT:

None.

STAFF CONTACT:

Lidon Pearce Senior Planner <u>Ipearce@burlesontx.com</u> 817-426-9649

Location:

- 5917 W FM 917
- 1.520 acres
 Applicant:
- Bryan Clark (QuikTrip)

Item for approval:

Zoning Change from "A'" Agriculture to "GR" General Retail (Case 23-007)







A, Agriculture





If the zoning request is approved; platting and commercial site plan submittals, as well as associated traffic, drainage, and engineering/development reviews will be required prior to any development.

Site plan will require P&Z consideration and City Council approval since it is associated with a zoning change request.



Conceptual (visual reference only)

3

15

Public Hearing Notice

 Public notices were mailed to property owners (based on current JCAD records) within 300 feet of subject property

Legend

- Published in newspaper
- Signs Posted on the property



Staff's Recommendation

- Staff recommends approval of an ordinance for the zoning change request to "GR" General Retail
- Conforms with the Comprehensive Plan
- Compatible with adjacent uses and proximity to Chisholm Trail Pkwy



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 1.520 ACRES OF LAND SITUATED IN THE JOSEPH WEST SURVEY, ABSTRACT NO. 855, DESCRIBED IN SPECIAL WARRANTY DEED WITH **VENDOR'S** LIEN WITH **MINERAL** RESERVATIONS TO THE MADDOX GROUP LLC AS RECORDED IN INSTRUMENT NO. 2022-137, OFFICIAL PROPERTY RECORDS, JOHNSON COUNTY, TEXAS (O.P.R.J.C.T.), FROM AGRICULTRE (A) TO GENERAL RETAIL (GR); MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE: AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, an application for a zoning change was filed by **<u>Bryan Clark</u>** on **January 23, 2023**, under **<u>Case Number 23-007</u>**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to rezone and reclassify said property from its current zoning classification; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas voted \underline{X} to \underline{X} to recommend to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classification of <u>Agriculture (A)</u> to <u>General Retail (GR)</u>; 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 <u>Agriculture (A)</u>; 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 <u>1.520 acres of land situated in the Joseph West Survey, Abstract No. 855, described in</u> <u>Special Warranty Deed with Vendor's Lien with Mineral Reservations to The Maddox</u> <u>Group LLC as recorded in Instrument No. 2022-137, Official Property Records, Johnson</u> <u>County, Texas (O.P.R.J.C.T.), as described in Exhibit A,</u> by changing the zoning of said property from <u>Agriculture (A)</u> to <u>General Retail (GR)</u>.

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
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Chris Fletcher, Mayor City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT "A"

Exhibit A

DESCRIPTION OF PROPERTY

Being a 1.520 acre (66,191 square foot) tract of land situated in the Joseph West Survey, Abstract No. 855, City of Burleson, Johnson County, Texas, said 1.520 acre tract of land being all of a called 1.521 acre tract of land described in Special Warranty Deed with Vendor's Lien with Mineral Reservations to The Maddox Group LLC as recorded in Instrument No. 2022-137 of the Official Public Records of Johnson County, Texas, said 1.520 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for the northwest corner of said called 1.521 acre tract of land and the southwest corner of a called 1.378 acre tract of land described in Warranty Deed with Vendor's Lien to Myles E Mize and wife, Brenda Mize as recorded in Volume 2146, Page 837 of the Deed Records of Johnson County, Texas, said 5/8 inch iron rod being in the east line of a tract of land described in Special Warranty Deed to FM 917 Storage LLC as recorded in Instrument No. 2019-33512 of said Official Public Records of Johnson County, Texas and in the east line of Lot 1, Block 1 Self Storage Solution, an addition to the City of Burleson, Texas as recorded in Volume 9, Page 312 of the Plat Records of Johnson County, Texas;

THENCE South 89 degrees 31 minutes 12 seconds East, with the north line of said called 1.521 acre tract of land and with the south line of said called 1.378 acre tract of land, a distance of 313.49 feet to a calculated point for the northeast corner of said called 1.521 acre tract of land and the southeast corner of said called 1.378 acre tract of land, said calculated point being in the existing westerly right-of-way line of FM 1902 (Old Grandbury Road) (an 80' right-of-way), from which a 3/8 inch iron rod found for reference bears North 89 degrees 31 minutes 12 seconds West, a distance of 0.81 feet; THENCE South 00 degrees 28 minutes 56 seconds West, with said existing westerly right-of-way line of FM 1902 and with the east line of said called 1.521 acre tract of land, a distance of 194.68 feet to a 5/8 inch iron rod found for the most northerly southeast corner of said called 1.521 acre tract of land and an internal angle point in said existing westerly right-of-way line of FM 1902;

THENCE South 45 degrees 20 minutes 14 seconds West, with said existing westerly right-of-way line of FM 1902 and with the south line of said called 1.521 acre tract of land, a distance of 49.15 feet to a 3 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." found for the intersection of said existing westerly right-of-way line of FM 1902 with the existing northerly right-of-way line of FM 917 (a variable width right-of-way), said 3 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." being the southeast corner of said called 1.521 acre tract of land;

THENCE North 85 degrees 47 minutes 12 seconds West, with said existing northerly right-of-way line of FM 917 and with the south line of said called 1.521 acre tract of land, a distance of 77.19 feet to a 3 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." found for corner;

THENCE North 84 degrees 48 minutes 30 seconds West, with said existing northerly right-of-way line of FM 917 and with the south line of said called 1.521 acre tract of land, a distance of 88.62 feet to a 3 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." found for an external angle point of said called 1.521 acre tract of land, said 3 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." found for an external angle point of said called 1.521 acre tract of land, said 3 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." being in the east line of a called 0.059 acre tract of land described in Warranty Deed to Southwestern Bell Telephone Company as recorded in Volume 921, Page 698 of said Deed Records of Johnson County, Texas;

THENCE North 00 degrees 28 minutes 52 seconds East, with the south line of said called 1.521 acre tract of land and with the east line of said called 0.059 acre tract of land, a distance of 32.63 feet to a 3 inch aluminum disk stamped "S.W.B. TEL CO. PROPERTY CORNER" found for an internal angle point of said called 1.521 acre tract of land and being the northeast corner of said called 0.059 acre tract of land;

THENCE North 89 degrees 47 minutes 00 seconds West, with the south line of said called 1.521 acre tract of land and with the north line of said called 0.059 acre tract of land, a distance of 50.23 feet to a 3 inch aluminum disk stamped "S.W.B. TEL CO. PROPERTY CORNER" found for an internal angle point of said called 1.521 acre tract of land and being the northwest corner of said called 0.059 acre tract of land;

THENCE South 00 degrees 00 minutes 36 seconds West, with the south line of said called 1.521 acre tract of land and with the west line of said called 0.059 acre tract of land, a distance of 28.32 feet to a 1/2 inch capped iron rod (illegible) found for an external angle point of said called 1.521 acre tract of land and being in said existing northerly right-of-way line of said FM 917;

THENCE North 85 degrees 17 minutes 31 seconds West, with said existing northerly right-of-way line of FM 917 and with the south line of said called 1.521 acre tract of land, a distance of 13.01 feet to a 3 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." found for an internal angle point of said existing northerly right-of-way line of FM 917 and an external angle point of said called 1.521 acre tract of land;

THENCE North 45 degrees 09 minutes 26 seconds West, with said existing northerly right-of-way line of FM 917 and with the south line of said called 1.521 acre tract of land, a distance of 17.01 feet to a 3 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." found for an external angle point of said existing northerly right-of-way line of FM 917 and an internal angle point of said called 1.521 acre tract of land;

THENCE North 89 degrees 45 minutes 16 seconds West, with said existing northerly right-of-way line of FM 917 and with the south line of said called 1.521 acre tract of land, a distance of 35.00 feet to a 3 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." found for the southwest corner of said called 1.521 acre tract of land and for the southeast corner of said called 6.523 acre tract of land, said 3 inch aluminum disk stamped "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." being in the east line of said Lot 1;

THENCE North 00 degrees 28 minutes 26 seconds West, with the west line of said called 1.521 acre tract of land, with the east line of said called 6.523 acre tract of land and with the east line of said Lot 1, a distance of 200.46 feet to the POINT OF BEGINNING and containing 66,191 square feet or 1.520 acres of land, more or less.



