



Planning & Zoning Commission Agenda

Tuesday, September 13, 2022
6:30 PM

City Hall - 141 W. Renfro
Burleson, TX 76028

1. Call to Order

Invocation

Pledge of Allegiance

2. Citizen Appearances

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

3. Consent Agenda

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

A. Approve the minutes from August 23, 2022 Planning & Zoning Commission meeting.

B. **Final Plat of MBP Addition, Lot 1, Block 1, located southwest of the intersection of NW John Jones Dr and SW Alsbury Blvd with an approximate address of 1258 FM-731 within the City of Burleson. (Case 22-109):** Consider approval of a Final Plat for MBP Addition.

4. Public Hearing

A. **Hooper Business Park at FM 1902 & CR 1019 (Case 21-127):** Hold a public hearing and consider a zoning change request from defaulted "A", Agriculture, to "PD" Planned Development District for properties addressed as 9640 FM 1902 and 9028 CR 1019 for a future business park.

B. **4139 S Burleson Blvd (Case 22-122):** Hold a public hearing and consider a zoning change request from "A", Agricultural to "I", Industrial for a 4.13 acre site.

5. Reports and Presentations

6. Other Items for Consideration

Nomination and Election of Planning and Zoning Commission Vice Chairman.

7. 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.

8. Recess into Executive Session

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

Pursuant to Sec. 551.071 consultation with its Attorney:

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

Pursuant to Sec 551.087 Deliberation regarding Economic Development

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

9. Adjourn**Staff Contact**

Tony McIlwain
Director of Development Services
817-426-9684

CERTIFICATE

I hereby certify that the above agenda was posted on this the 9th of September 2022, by 5:00 p.m., on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.

Amanda Campos
City Secretary

**ACCESSIBILITY STATEMENT**

The Burleson City Hall is wheelchair accessible. The entry ramp is located in the front of the building, accessible from Warren St. Accessible parking spaces are also available in the Warren St. parking lot.

Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-426-9600, or TDD 1-800-735-2989.

Memorandum

To: The Burleson Planning and Zoning Commission

From: Peggy Fisher, Senior Administrative Assistant

Date: September 13, 2022

Subject: Minutes from the August 23, 2022 Regular Session Planning and Zoning Commission Meeting.

Commission Action Requested:

Approve the minutes from the August 23, 2022 Regular Session of the Planning and Zoning Commission Meeting.

Background Information:

None

Board/Citizen Input:

None

Financial Considerations:

None

Attachments:

Minutes of the August 23, 2022 Regular Session of the Planning and Zoning Commission.

Staff Contact:

Peggy Fisher
Recording Secretary
817-426-9611

PLANNING AND ZONING COMMISSION

August 23, 2022
MINUTES

Roll Call

Commissioners Present

Kason Mobley
Jason Morse
Bill Janusch
Chris Dyer

Commissioners Absent

Dan Taylor
Adam Russell
Michael Tune

Staff

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

REGULAR SESSION

1. Call to Order – 6:30 PM

Invocation – Chris Dyer

Pledge of Allegiance

2. Citizen Appearance

None

3. Consent Agenda

- A. Approve the minutes from August 9, 2022 Planning and Zoning Commission meeting.**
- B. Replat of Sewol Addition, Lot 1A-R, Block 1, located southeast of the intersection of NE Alsbury Blvd and N Burleson Blvd with an approximate address of 900 N Burleson Blvd, within the City of Burleson. (Case 22-078): Consider approval of a Replat for Sewol Addition.**
- C. Replat of Business Centre Burleson, Lot 1-R1 and Lot 2-R1, Block 2, located northeast of the intersection of N Burleson Blvd and Centre Dr**

with an approximate address of 500 N Burleson Blvd, within the City of Burleson. (Case 22-101): Consider approval of a Replat for Business Centre Burleson.

- D. Replat of Denham Addition, Lot 1R, Block 1, located northeast of the intersection of E Renfro St and County Road 528 with an approximate address of 2601 E Renfro St, within the Extraterritorial Jurisdiction of the City of Burleson. (Case 22-107):** Consider approval of a Replat for Denham Addition.

Motion was made by Commissioner Jason Morse and second by Commissioner Bill Janusch to approve the consent agenda.

Motion passed, 4-0. Commissioners Dan Taylor, Adam Russell & Michael Tune were absent.

4. Public Hearing

- A. 200 S Dobson (Case 22-108):** Hold a public hearing and consider a zoning change request from "SF7", Single-family dwelling district-7, to "SFA" Single-family attached dwelling district for future residential development.

Lidon Pearce presented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Commission Chairman Kason Mobley opened the public hearing at 6:37 p.m.

Richard Harrison, 206 S Dobson, addressed the commissioners and spoke against this item.

Jessica Nelson, applicant, addressed the commissioners and answered questions regarding this item.

Commission Chairman Kason Mobley closed the public hearing at 6:43 p.m.

Commission Chairman Kason Mobley opened the public hearing at 6:48 p.m.

Vicki Sorensen, 368 S Dobson, addressed the commissioners and spoke against this item.

Commission Chairman Kason Mobley closed the public hearing at 6:50 p.m.

Richard Harrison, 206 S Dobson, addressed the commissioners and answered questions regarding this item.

Commission Chairman Kason Mobley opened the public hearing at 7:02 p.m.

Richard Harrison, 206 S Dobson, addressed the commissioners and asked questions regarding this item.

Commission Chairman Kason Mobley closed the public hearing at 7:03 p.m.

Motion was made by Commissioner Jason Morse and second by Commissioner Kason Mobley to approve.

Motion failed to pass, 2-2. Bill Janusch and Chris Dyer were opposed.

- B. 4139 S Burleson Blvd (Case 22-089):** Hold a public hearing and consider a zoning change request from “A”, Agricultural to “PD”, Planned Development District for a 4.13 acre site.

Applicant withdrew this item

5. Reports and Presentations

None

6. Other Items for Consideration

Nomination and Election of Planning and Zoning Commission Chairman.

Motion was made by Commissioner Jason Morse and second by Commissioner Chris Dyer to nominate Adam Russell as Commission Chairman.

Motion passed, 4.0. Commissioners Dan Taylor, Adam Russell & Michael Tune were absent.

Nomination and Election of Planning and Zoning Commission Vice Chairman.

Motion was made by Commissioner Bill Janusch and second by Commissioner Kason Mobley to nominate Dan Taylor as Commission Vice Chairman.

Motion passed, 4.0. Commissioners Dan Taylor, Adam Russell & Michael Tune were absent.

7. Community Interest Items

Commissioner Jason Morse addressed the commissioners regarding local Elections and expressed his concerns.

Commissioner Bill Janusch addressed the commissioners and expressed his Concerns regarding local elections.

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

Adjourn.

There being no further business Chair Kason Mobley adjourned the meeting.

Time – 7:15PM

Peggy Fisher
Administrative Assistant
Recording Secretary

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: JP Ducay, Senior Planner

MEETING: September 13, 2022

SUBJECT:

Final Plat of MBP Addition, Lot 1, Block 1, located southwest of the intersection of NW John Jones Dr and SW Alsbury Blvd with an approximate address of 1258 FM-731 within the City of Burleson. (Case 22-109): Consider approval of a Final Plat for MBP Addition.

SUMMARY:

On July 25, 2022, an application for a Final Plat including 8.40 acres was submitted by Drew Donosky, with Claymoore Engineering (applicant) on behalf of Madison Burleson Property LTD (Owner). The plat includes one non-residential lot that will contain the Alley Cats Entertainment development. The subject property is zoned PD, Planned Development Villages of Wakefield (ORD B-646).

On March 8, 2022, the Commercial Site Plan for the Alley Cats Entertainment development (Case 22-019) was approved by the Development Assistance Committee.

The application is administratively complete and meets the requirements of Appendix A – Subdivision and Development regulations.

OPTIONS:

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

RECOMMENDATION:

Staff recommends approval of the Final Plat for the MBP Addition, Lot 1, Block 1, located southwest of the intersection of NW John Jones Dr and SW Alsbury Blvd with an approximate address of 1258 FM-731 within the City of Burleson. (Case 22-109)

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

April 27, 2000: The Villages of Wakefield Planned Development was approved by City Council.

PUBLIC NOTIFICATION:

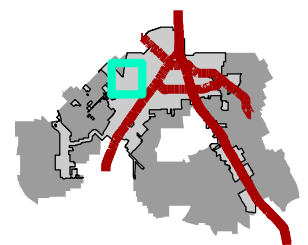
No public input required for this request.

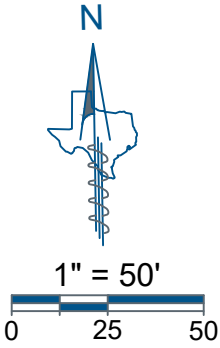
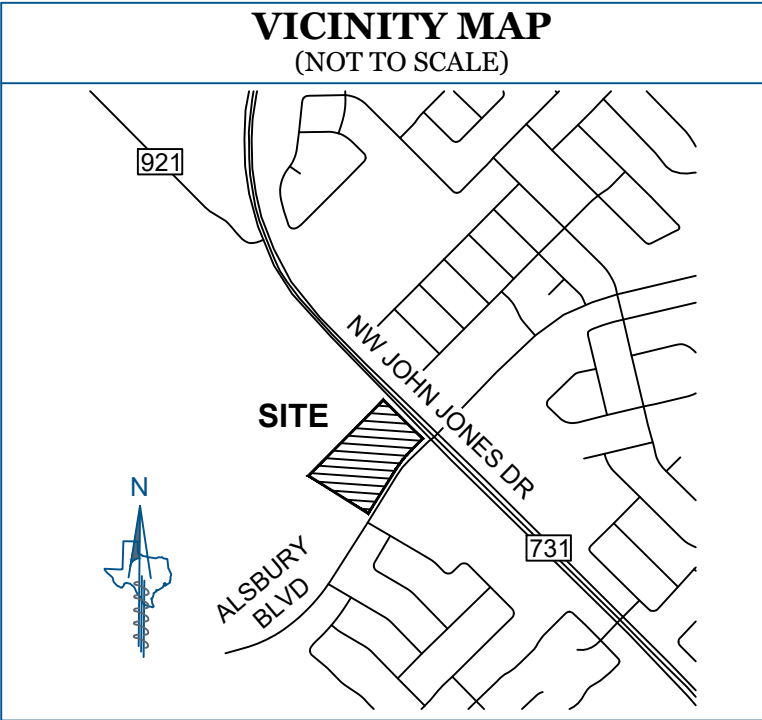
Fiscal IMPACT:

None

STAFF CONTACT:

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





- GENERAL PLAT NOTES**
- All interior property corners are marked with a 1/2" iron rod with a green cap stamped "Eagle Surveying" unless otherwise noted.
 - This property is located in **Non-Shaded Zone "X"** as scaled from the F.E.M.A. Flood Insurance Rate Map dated December 4, 2012 and is located in Community Number 485459 as shown on Map No. 48251C0065J. The Flood Zone location is approximate. For the exact Flood Zone designation, contact 1-(877) FEMA MAP.
 - The purpose of this plat is to create one lot of record from an unplatted tract of land and to dedicate easements and right-of-way.
 - The bearings shown on this survey are based on GPS observations utilizing the AllTerra RTK Network, North American Datum of 1983 (Adjustment Realization 2011) Texas North Central Zone (4202).
 - No fences or other structures will be allowed within drainage easements.
 - 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 (Ord. 6.1.H).
 - The right-of-way dedication is granted in fee simple to the City of Burleson for use as storm water, public utility, pedestrian, or other public purposes.
 - The City of Burleson is not responsible for the design, construction, operation, maintenance or use of any storm water storage facility and associated drainage easements hereinafter referred to as "improvements," to be developed and constructed by developer or successors. Developer will indemnify, defend and hold harmless the City of Burleson, its officers, employees and agents from any direct or indirect loss, damage, liability or expense and attorneys' fees for any negligence whatsoever, arising out of the design, construction, operation, maintenance condition or use of the improvements, including any non-performance of the foregoing. Developer will require any successor in interest to accept full responsibility and liability for the improvements. All of the above shall be covenants running with the land. It is expressly contemplated that developer shall impose these covenants upon Lot(s) abutting, adjacent or served by the improvements the full obligation and responsibility of maintaining and operating said improvements.
 - The subject property is zoned Villages of Wakefield Planned Development.

LEGEND

| | | |
|--------------|---|---|
| PG. | = | PAGE |
| VOL. | = | VOLUME |
| POB | = | POINT OF BEGINNING |
| IRF | = | IRON ROD FOUND |
| ROW | = | RIGHT-OF-WAY |
| DOC. NO. | = | DOCUMENT NUMBER |
| O.P.R.J.C.T. | = | OFFICIAL RECORDS, JOHNSON COUNTY, TEXAS |
| P.R.J.C.T. | = | PLAT RECORDS, JOHNSON COUNTY, TEXAS |
| D.R.J.C.T. | = | DEED RECORDS, JOHNSON COUNTY, TEXAS |
| CL | = | CENTER LINE OF ROAD |
| CL | = | APPROXIMATE LOCATION OF SURVEY LINE |
| A.D.U.E. | = | ACCESS, DRAINAGE, & UTILITY EASEMENT |

SURVEYOR
Eagle Surveying, LLC
Contact: Brad Eulankes
222 S. Elm Street, Suite: 200
Denton, TX 76201
(940) 222-3009

ENGINEER
Claymore Engineering, Inc.
Contact: Matt Moore
1903 Central Drive, Suite: 406
Bedford, TX 76021
(817) 281-0572

OWNER
Madison Burleson Property, Ltd.
6116 N. Central Expy., Suite: 510
Dallas, TX 75206

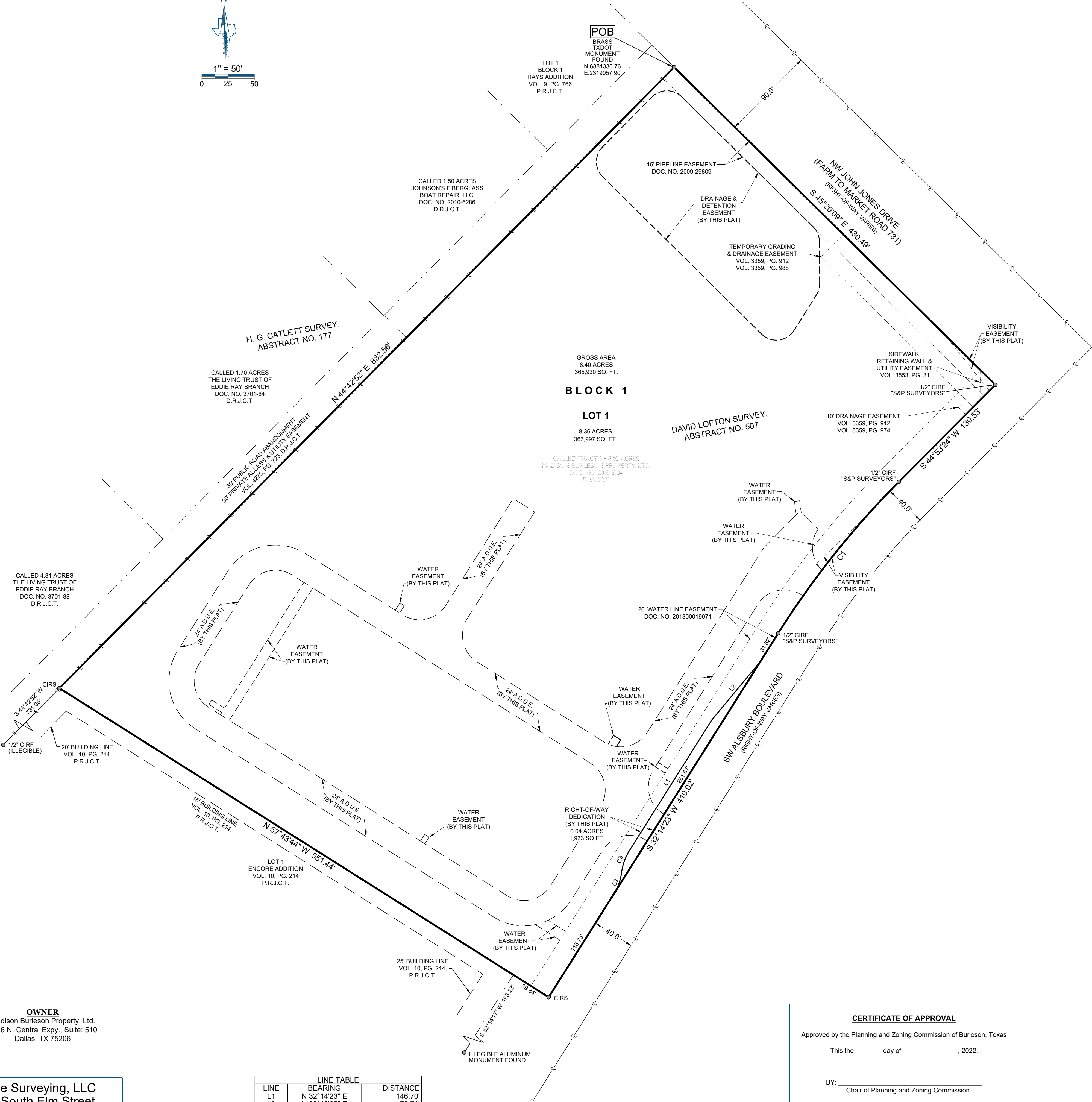
Eagle Surveying, LLC
222 South Elm Street
Suite: 200
Denton, TX 76201
940.222.3009
www.eaglesurveying.com
TX Firm # 10194177

| |
|-------------|
| JOB NUMBER |
| 2111.023-03 |
| DATE |
| 08/05/2022 |
| REVISION |
| - |
| DRAWN BY |
| BE |



| LINE TABLE | | | | |
|------------|---------------|----------|--|--|
| LINE | BEARING | DISTANCE | | |
| L1 | N 32°14'23" E | 146.70' | | |
| L2 | N 39°42'25" E | 72.71' | | |

| CURVE TABLE | | | | |
|-------------|------------|---------|-------------|---------------|
| CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING |
| C1 | 184.69' | 840.00' | 12°35'51" | S 38°32'21" W |
| C2 | 21.26' | 49.00' | 24°51'21" | N 19°48'43" E |
| C3 | 23.00' | 53.00' | 24°51'57" | N 19°49'01" E |



CERTIFICATE OF APPROVAL

Approved by the Planning and Zoning Commission of Burleson, Texas

This the _____ day of _____, 2022.

BY: _____
Chair of Planning and Zoning Commission

BY: _____
City Secretary

OWNERS CERTIFICATION

STATE OF TEXAS
COUNTY OF JOHNSON

WHEREAS, MADISON BURLESON PROPERTY, LTD, is the owner of an 8.40 acre tract of land out of the DAVID LOFTON SURVEY, ABSTRACT NO. 507, situated in the City of Burleson, Johnson County, Texas, being all of a called Tract 1 - 8.40 acre tract of land conveyed to Madison Burleson Property, Ltd, by deed of record in Document Number 2016-1904 of the Real Property Records of Johnson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING, at a Brass TxDOT Monument found in the Southwest right-of-way line of NW John Jones Drive (Farm to Market Road 731 - right-of-way varies), being the North corner of said 8.40 acre tract and hereof,

THENCE, S45°20'09"E, along the Southwest right-of-way line of NW John Jones Drive, being the common Northeast line of said 8.40 acre tract, a distance of 430.49 feet to a 1/2 inch iron rod with yellow plastic cap stamped "S&P SURVEYORS" found at the intersection of the Southwest right-of-way line of NW John Jones Drive with the Northwest right-of-way line of SW Alsbury Boulevard (right-of-way varies), being the East corner of said 8.40 acre tract and hereof,

THENCE, along the Northwest right-of-way line of SW Alsbury Boulevard, being the common Southeast line of said 8.40 acre tract, the following three (3) courses and distances:

- S44°53'24"W, a distance of 130.53 feet to a 1/2 inch iron rod with yellow plastic cap stamped "S&P SURVEYORS" found at the point of curvature of a non-tangent curve to the left;
- Along said non-tangent curve to the left, having a radius of 840.00 feet, a chord bearing of S38°32'21"W, a chord length of 184.32 feet, a delta angle of 12°35'51", an arc length of 184.69 feet to a 1/2 inch iron rod with yellow plastic cap stamped "S&P SURVEYORS" found at the end of said curve;
- S32°14'23"W, a distance of 410.02 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set, being the South corner of said 8.40 acre tract and hereof;

THENCE, N57°43'44"W, leaving the Northwest right-of-way line of SW Alsbury Boulevard, along the Southwest line of said 8.40 acre tract, being in part, the common Northeast line of Lot 1, Encore Addition, a subdivision of record in Volume 10, Page 214 of the Plat Records of Johnson County, Texas, a distance of 551.44 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set, being the North corner of said Lot 1, also being the West corner of said 8.40 acre tract and hereof,

THENCE, N44°42'52"E, along the Northwest line of said 8.40 acre tract, a distance of 832.56 feet to the **POINT OF BEGINNING**, and containing an area of 8.40 acres (365,930 square feet) of land, more or less.

OWNERS DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT MADISON BURLESON PROPERTY, LTD, do hereby adopt this plat, designating herein described property as a **MBP ADDITION**, an Addition to the City of Burleson, Johnson County, Texas and does hereby dedicate to public use forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed. 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, Texas.

OWNER: MADISON BURLESON PROPERTY, LTD

BY: _____ Signature _____ Date _____

BY: _____ Printed Name / Title _____

STATE OF _____
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of the office this _____ day of _____, 2022.

Notary Public, _____ County, Texas.

My commission expires _____.

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
COUNTY OF DENTON

I, **MATTHEW RAABE**, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from and actual survey made on the ground and that the monuments shown hereon were found or placed with 1/2" iron rods capped "EAGLE SURVEYING" under my direction and supervision in accordance with the ordinances of the City of Burleson, Johnson County, Texas.

Matthew Raabe R.P.L.S. # 6402 _____ Date _____

STATE OF TEXAS
COUNTY OF DENTON

Before me, the undersigned authority, on this day personally appeared **MATTHEW RAABE**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of the office this _____ day of _____, 2022.

Notary Public, Denton County, Texas.

My commission expires _____.

PAGE 1 OF 1

**FINAL PLAT
MBP ADDITION
LOT 1, BLOCK 1**

BEING 8.40 ACRES OF LAND SITUATED IN THE
DAVID LOFTON SURVEY, ABSTRACT NO. 507, IN THE
CITY OF BURLESON, JOHNSON COUNTY, TEXAS

CITY CASE #: 22-109

PLAT FILED _____, 20____.
SLIDE _____, VOL. _____ PG. _____
JOHNSON COUNTY PLAT
RECORDS
BY: _____
COUNTY CLERK

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: September 13, 2022

SUBJECT:

Hooper Business Park at FM 1902 & CR 1019 (Case 21-127): Hold a public hearing and consider a zoning change request from defaulted "A", Agriculture, to "PD" Planned Development District for properties addressed as 9640 FM 1902 and 9028 CR 1019 for a future business park.

SUMMARY:

On September 20, 2021, an application was submitted by Drew Pennywell representing Burleson 4A Economic Development Corporation for a zoning change request of approximately 106.582 acres for a future business park.

Development Overview:

This site is part of a previously approved 380 agreement for the future Chisholm Summit Master Planned Community. The applicant is proposing to develop the site for a future business park to include a medical center and complimentary retail. The property is currently in the ETJ and upon approval of annexation Case 21-128 the property would be assigned a default zoning of A, Agriculture. The annexation request is currently scheduled to go concurrently with this zoning request before City Council on October 3, 2022. Land uses and site development will occur in accordance with the development standards contained within the proposed ordinance attached as Exhibit 3.

Zoning and Land Use Table

| | Zoning | Use |
|--------------|--|-------------|
| Subject Site | ETJ, part of Chisholm Summit Development Agreement | Undeveloped |
| North | ETJ | Undeveloped |
| East | ETJ, part of Chisholm Summit Development Agreement | Undeveloped |
| South | ETJ, part of Chisholm Summit Development Agreement | Undeveloped |

| | | |
|------|-----|-------------|
| West | ETJ | Undeveloped |
|------|-----|-------------|

This site is designated in the Comprehensive Plan as Neighborhoods.

This land use category is intended for predominantly traditional single-family residential developments, but does allow for a mix of densities, lot sizes, housing stock, and styles as appropriate. Neighborhoods should have increased pedestrian connectivity that includes sidewalks, trails, and greenbelts.

Retail and commercial uses in the area should be located along larger thoroughfares and should be developed in harmony with the residential character

Staff supports a Planned Development zoning for a business park and medical/retail center in this area based on proximity to the Chisholm Trail Parkway.

Engineering:

Prior to development of the site, formal site plan submittal and engineering reviews will be required.

OPTIONS:

- 1) Recommend approval of the zoning change request subject to annexation; or
- 2) Recommend denial of the zoning change request

RECOMMENDATION:

Approve the zoning change request from defaulted "A", Agriculture, to "PD" Planned Development District; subject to City Council approval of annexation request (Case 21-128).

Fiscal IMPACT:

None.

STAFF CONTACT:

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

Hooper Business Park PD

Item A.

Location:

- FM 1902 & CR 1019
addressed as 9640 FM 1902 and
9028 CR 1019
- 106.582 acres

Applicant:

Burleson 4A Economic
Development Corporation

Item for approval:

Zoning Change (Case21-127)



Comprehensive Plan

Neighborhoods



Zoning

Item A.

N/A – ETJ
Defaults to AG upon annexation



Hooper Business Park PD

Item A.

| Permitted Uses | SUP Required | Prohibited |
|---|----------------------------|--|
| Bus station or terminal | Food/beverage sales, store | Auto sales |
| College or university | Restaurant or cafeteria | Auto repair |
| Hospital | | Contractor office |
| Medical laboratory | | Gas wells |
| Offices, medical , business, and professional | | Outside sales or storage |
| Accessory commercial buildings | | Parking lot, heavy trucks and trailers |
| Parking lot or structure | | Wholesale sales/storage |

Hooper Business Park PD

Item A.

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

Published in newspaper
Signs Posted on the property



Hooper Business Park PD

Staff's Recommendation

- Staff recommends approval of the zoning change request due to:
- Proposed Planned Development furthers the goals and vision of the Comprehensive Plan
- Part of previously approved development agreements



ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMMENDIING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 106.582 ACRES TOTAL; 14.278 OF SAID ACRES BEING A TRACT OF LAND SITUATED IN THE J. GANT SURVEY, ABSTRACT NO. 316, AND 92.304 OF SAID ACRES BEING TRACTS OF LAND SITUATED IN THE D. DYKES SURVEY, ABSTRACT NO. 229; JG REAVIS SURVEY, ABSTRACT NO. 726; MARTHA A. HUFF SURVEY, ABSTRACT NO. 353; AND IN THE J. GANT SURVEY, ABSTRACT NO. 316, LOCATED AT THE INTERSECTION OF FM 1902 AND CR 1019, CITY OF BURLESON ETJ, JOHNSON COUNTY, TEXAS FROM THE DEFAULTED “A” AGRICULTURE TO “PD” PLANNED DEVELOPMENT DISTRICT (HOOPER BUSINESS 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, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, an application for a zoning change was filed by the Burleson 4A Economic Development Corporation on September 20, 2021, under Case Number 21-127; and

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

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

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

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

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

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

SECTION 1 MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, described by the metes and bounds attached as Exhibit A, by changing the zoning of said property from the A Agricultural district to the PD Planned Development district.

SECTION 2 DEVELOPMENT STANDARDS

The property shall be developed and used in accordance with the applicable provisions of the City of Burleson, Code of Ordinances, as amended, except to the extent modified by the Development Regulations set forth below:

A. GENERAL DESCRIPTION: The purpose of this district is for Retail, Office, and Commercial Uses as specifically stated in this Ordinance. Access shall be allowed from access drives or parking areas connecting to adjacent public roadways. Requirements for development shall be governed by standards as described below.

B. PERMITTED USES: Land uses permitted are as follows:

Permitted Uses

Bus Station or terminal
College or university
Hospital, institution, acute care, or training
Laboratory, medical related
Office, medical or dental
Office, business and professional

Accessory Uses Allowed

Accessory building (Commercial, business)
Off-street parking
Parking lot or structure, commercial

Specific Use Permit Required

Food/beverage sales store
Restaurant or cafeteria

Prohibited Uses

Auto sales, used or new
Auto repair, paint, or body shop
Contractor office
Gas Wells
Outside sales or storage
Parking lot, heavy trucks and trailers
Wholesale sales/storage

C. Bulk Restrictions

- a. Minimum Lot Area – ten thousand (10,000) square feet)
- b. Maximum Lot Coverage – no more than sixty-five percent (65%) of the total lot area shall be covered by the combined area of the main buildings and accessory buildings.
- c. Minimum Lot Width – one hundred feet (100')
- d. Minimum Front Yard – twenty feet (20')
- e. Side Yard – a side yard adjacent to a public street shall be a minimum of fifteen feet (15'). A side yard adjacent to a residential or commercial lot shall be a minimum of ten feet (10'). A minimum building separation of ten feet (10') shall be provided between building structures on a single lot. Nothing in this section is intended to or shall eliminate or supersede any requirements of the City of Burleson's building or fire codes that establish regulations dealing with building separations or fire resistive construction.
- f. Minimum Rear Yard – minimum depth of the rear yard shall be ten feet (10') when adjacent to a residential use. Otherwise it is zero feet (0').

D. Café Seating: Outdoor café seating for restaurant, café, deli or coffee shop uses shall be permitted but the café seating must be contained within the building's private lot. Café seating may not extend into public right-of-way or privately owned common areas.

E. Required Parking: Parking requirements within the Planned Development Commercial Tracts shall be based on the City of Burleson Zoning Ordinance requirements for the types and sizes of proposed uses. Shared parking agreements are permissible between allowed commercial uses with the prior approval of the City of Burleson.

F. Building Materials

1. Permitted Finishes – At least eighty percent (80%) of the exterior of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials:
 - a. Brick, stone, cast stone, rock, marble, granite, split face concrete block, glass block and/or tile.
 - b. Exterior Insulating Finishing System (EFIS) as an accent. When used, EFIS must be installed a minimum of eight feet (8') above the adjacent finish grade.
 - c. Split faced concrete block, poured-in-place concrete and tilt wall panels. Any use of concrete products shall have an integrated color and be textured or patterned. Tilt wall concrete structures shall have reveals, punch outs, or other similar surface characteristics to enhance the façade on at least twenty-five percent (25%) of each façade.

d. Side facades and rear facades shall be of finished quality and of the same color and materials that blend with the front of the building. Rear facades may be painted tilt wall or painted block matching the same color of the rest of the building if the rear façade is not visible from a public street right-of-way.

2. Unless a specific exception is granted by the City Council at the time of site plan approval, materials for institutional buildings shall have the same as those for office and retail development.

- G. Attached Signs:** All exposed conduit, junction boxes, and electrical transformer boxes must be concealed from public view. Individual channel letters (with or without internal illumination) are preferred. Channel letters incorporated on a cloud background are also acceptable. Wireways are preferred over exposed raceways, and shall be as thin and narrow as possible so as to not extend in width or height beyond the area of the sign's lettering or graphics, finished to match the color and texture of the façade background, or be integrated into the overall design of the sign. Exposed raceways are discouraged and subject to administrative review. Freestanding signage will be in accordance with the City of Burleson's sign ordinance.
- H. Awnings:** Adding accent color through the use of awnings is appropriate within the commercial environment. Awnings shall be canvas, or a lusterless material which closely resembles canvas, at least 80% of which is a single deep or neutral solid color, the remaining up to 20%, if different, shall be contrasting. Awnings shall not be back lit.
- I. Lights:** Parking lot light standards shall not exceed 30 feet (30') in height and shall comply with City of Burleson shielding requirements.
- J. Landscaping:** Requirements for landscaping shall be in accordance with the City of Burleson Code of Ordinances for the size and type of use proposed.
- K. Dumpster Screening:** All free standing dumpsters shall be screened on all four sides with an opaque closure measuring to a height of at least six inches (6") above the top of the dumpster.
- L. Building Height:** Maximum Building Height within the Planned Development shall be six (6) stories. Additional height may be granted by City Council with the formal submittal of a site plan.
- N. Street Trees:** Street trees of three (3) inch caliper or more will be located on no more than thirty (30) foot spacing along both sides of all public right-of-ways. Lots with double frontage will have trees on both frontages. Street tree species shall be in accordance with Article 86-81 of the City Landscape Ordinance.
- P. Site Plan**
1. A formal site plan is required for each development tract within this PD Ordinance.

2. The site plan shall be submitted concurrently or in advance of the final plat and engineering plans for a particular development tract. Approval of the site plan is required prior to issuance of any Development Permit or Building Permit for a development parcel.
3. Detail site plan requirements are contained in the City of Burleson Code of Ordinances but at a minimum the site plan shall address:
 - a. Location and size of all parking lots and parking spaces, loading areas, vehicular circulation paths, and proposed access points to adjacent property and the public street system.
 - b. Building size and location within the property.
 - c. Building setback lines.
 - d. Location of creeks, ponds, detention facilities (if applicable) and all proposed major drainage facilities.
 - e. Location and route of major water and sewer facilities required to serve the property.
 - f. Location of tree masses to be preserved.
 - g. Location and type of proposed screening.
 - h. Type and location of proposed signage.
 - i. Sidewalks and trail connections that comply with this PD Ordinance.
 - k. Conceptual building elevations noting the composition and percentages of proposed building materials.

Q. Ambiguity in Regulations: If these standards do not regulate a particular aspect of development, or there is ambiguity between these regulations and the base zoning district requirements, then such aspect of development shall be rerated as follows:

If the type of land use affected by the ambiguity in regulation or lack of regulation is related to the development of commercial property, then the standards applied for resolving an issue shall be those that would be applicable if the property in question was zoned C.

D. STREETS: The location, configuration, spacing and construction of streets will be in conformance with all applicable sections of the City of Burleson Code of Ordinances

SECTION 3 CUMULATIVE CLAUSE

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

SECTION 4

SEVERABILITY CLAUSE

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

SECTION 5 PENALTY CLAUSE

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in 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 6 EFFECTIVE DATE

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

PASSED AND APPROVED

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

Chris Fletcher, Mayor
City of Burleson

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY

E. Allen Taylor, Jr., City Attorney

EXHIBIT A
Metes and Bounds

A TRACT OF LAND SITUATED IN THE J. GANT SURVEY, ABSTRACT NO. 316, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT TRACT OF LAND CONVEYED TO RAYFORD M. SHELTON, JR. AND MARY SHEBA GRAVES IN THAT DEED RECORDED IN VOLUME 4588 , PAGE 977, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1 INCH IRON ROD FOUND IN THE EASTERLY RIGHT-OF-WAY LINE OF FARM TO MARKET HIGHWAY 1902 (80' R-0-W) AT THE MOST NORTHERLY CORNER OF SAID SHELTON AND GRAVES TRACT AND FOR A CORNER IN THE SOUTHWESTERLY LINE OF A TRACT OF LAND CONVEYED TO SEAN KIRBY IN THAT DEED RECORDED IN INSTRUMENT NO. 2014-23765, D.R.J.C.T.;

THENCE S 43°55'50" E ALONG THE NORTHEASTERLY LINE OF SAID SHELTON AND GRAVES TRACT AND THE SOUTHWESTERLY LINE OF SAID KIRBY TRACT, A DISTANCE OF 706.12 FEET TO A 1/2 INCH IRON ROD SET WITH A CAP STAMPED "RPLS 5544";

THENCE N 46° 04' 10 " E ALONG COUNTY ROAD 1019 (VARIABLE R-0-W), A DISTANCE OF 361.48 FEET TO A PK NAIL SET AT THE MOST NORTHEASTERLY CORNER OF SAID SHELTON AND GRAVES TRACT;

THENCE S 43°29 ' 42 " E LEAVING SAID COUNTY ROAD 1019 ALONG THE NORTHEASTERLY LINE SAID SHELTON AND GRAVES TRACT, A DISTANCE OF 370.65 FEET TO A 1/2 " IRON ROD FOUND AT THE MOST EASTERLY CORNER OF SAID SHELTON AND GRAVES TRACT;

THENCE S 45°34' 11" W ALONG THE SOUTHEASTERLY LINE OF SAID SHELTON AND GRAVES TRACT, A DISTANCE OF 1496.55 FEET TO A 1/2" IRON ROD FOUND AT THE MOST SOUTHERLY CORNER OF SAID SHELTON AND GRAVES TRACT;

THENCE N 43° 45 ' 49 " W ALONG THE SOUTHERLY LINE OF SAID SHELTON AND GRAVES TRACT , A DISTANCE OF 67.00 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" IN SAID EASTERLY RIGHT- OF-WAY LINE AT THE MOST SOUTHWESTERLY CORNER OF SAID SHELTON AND GRAVES TRACT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 1909.99 FEET, WHOSE LONG CHORD BEARS N 04. 06' 41" E, 15 29.82 FEET;

THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 47°12'59", AN ARC LENGTH OF 1573.98 FEET TO THE POINT OF BEGINNING, AND CONTAINING 14.278 ACRES OF LAND, MORE OR LESS.

A TRACT OF LAND SITUATED IN THE D. DYKES SURVEY, ABSTRACT NO. 229, JG REAVIS SURVEY, ABSTRACT NO. 726, MARTHA A. HUFF SURVEY, ABSTRACT NO. 353, AND IN THE J. GANT SURVEY, ABSTRACT NO. 316, JOHNSON COUNTY, TEXAS, BEING ALL OF THE SECOND TRACT AND A PORTION OF THE FIRST TRACT AS DESCRIBED AND CONVEYED TO HOOPER AND COMPANY, INC. IN THAT DEED RECORDED IN VOLUME 938, PAGE 435, DEED RECORDS, JOHNSON COUNTY, TEXAS (D. R. J.C.T.), AND BEING MORE PARTICULARL Y DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND IN THE WESTERLY CORNER OF SAID SECOND TRACT AND THE MOST SOUTHERLY CORNER OF A TRACT OF LAND CONVEYED TO RAYFORD M. SHELTON, JR. & MARY SHEBA GRAVES IN THAT DEED RECORDED IN VOLUME 4588, PAGE 977 D.R.J.C.T.;

THENCE N 45 ' 35 ' 11 " E ALONG THE NORTHWESTERLY LINE OF SAID SECOND TRACT AND THE SOUTHEASTERLY LINE OF SAID SHELTON AND GRAVES TRACT, A DISTANCE OF 1496.55 FEET TO A 1/2 INCH IRON ROD FOUND FOR A CORNER IN THE SOUTHWESTERLY LINE OF SAID FIRST TRACT AND THE MOST EASTERLY CORNER OF SAID SHELTON AND GRAVES TRACT;

THENCE LEAVING SAID NORTHWESTERLY LINE ALONG THE NORTHWESTERLY LINE OF SAID FIRST TRACT AND THE NORTHEASTERLY LINE OF SAID SHELTON AND GRAVES TRACT N 43 ' 29 ' 42 " W, A DISTANCE OF 391.36 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED AT THE MOST WESTERLY CORNER OF SAID FIRST TRACT IN COUNTY ROAD 1019 (VARIABLE R-0-W) AND IN THE SOUTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO JUANA VARGAS VALLADARES, A SINGLE WOMAN, IN THAT DEED RECORDED IN INSTRUMENT NO. 2020-16028, D.R.J.C.T.;

THENCE N 46°06'16" E ALONG THE NORTHWESTERLY LINE SAID FIRST TRACT. ALONG SAID SOUTHEASTERLY LINE AND THE SOUTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO DONALD DEWAYE MAULDIN AND SARAH ELIZABETH MAULDIN, HUSBAND AND WIFE, IN THAT DEED RECORDED IN INSTRUMENT NO. 2017-11914, D.R.J.C.T., A DISTANCE OF 460.69 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544";

THENCE LEAVING SAID NORTHWESTERLY LINE, SAID SOUTHEASTERLY LINE AND SAID COUNTY ROAD 1019 (VARIABLE R-0-W) S 41°46'33" E, A DISTANCE OF 2433.88 FEET TO A 1/2" IRON ROD SET IN THE SOUTHEASTERLY LINE OF SAID FIRST TRACT AND THE NORTHWESTERLY LINE OF A TRACT OF LAND CONVEYED TO BURLESON DEVELOPMENT IN THAT DEED RECORDED IN INSTRUMENT NO. 2017-24891, D.R.J.C.T.;

THENCE ALONG SAID SOUTHEASTERLY LINE. ALONG SAID NORTHWEST

TERLY LINE AND THE SOUTHEASTERLY LINE OF SAID SECOND TRACT,
THROUGH THE FOLLOWING THREE COURSES

S 46° 51' 45" W, A DISTANCE OF 558.77 FEET TO A 1/2" IRON ROD FOUND;
S 46° 05' 52" W, A DISTANCE OF 629.05 FEET TO A 1/2" IRON ROD
FOUND; S 45° 32' 41" W, A DISTANCE OF 651.94 FEET TO A 1/2" IRON ROD
FOUND AT THE SOUTHERLY CORNER OF SAID SECOND TRACT;

THENCE LEAVING SAID NORTHWESTERLY LINE N 44° 44' 59" W
ALONG THE SOUTHWESTERLY LINE OF SAID SECOND TRACT, A
DISTANCE OF 2026.17 FEET TO THE POINT OF BEGINNING, AND
CONTAINING 92.304 ACRES OF LAND, MORE OR LESS.

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: JP Ducay, Senior Planner

MEETING: September 13, 2022

SUBJECT:

4139 S Burleson Blvd (Case 22-122): Hold a public hearing and consider a zoning change request from “A”, Agricultural to “I”, Industrial for a 4.13 acre site.

SUMMARY:

On August 22, 2022, an application was submitted by Collin Maher (applicant) on behalf of Daniel Welling (owner) with Welling Investments INC, to rezone approximately 4.13 acres from “A”, Agricultural to “I”, Industrial to allow for future industrial uses to occupy and operate out of the subject location. The site currently contains two structures that include a 4,000 square-foot office/warehouse building and a 5,000 square-foot warehouse. According to the owner, the structures were originally built in the 1990’s and were used as an auto storage facility for classic cars and personal projects of the previous owner. Welling Investments INC (current owner) acquired the property in 2021 and made some improvements to the site. The cosmetic improvements included a full repaint of the building’s exterior and re-laying the gravel base. According to the owner, there is not a tenant lined up to occupy the site at this time, however, receiving approval of the requested zoning change will attract future industrial uses. A draft ordinance for this zoning change request is included in this packet.

Planning Analysis

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

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

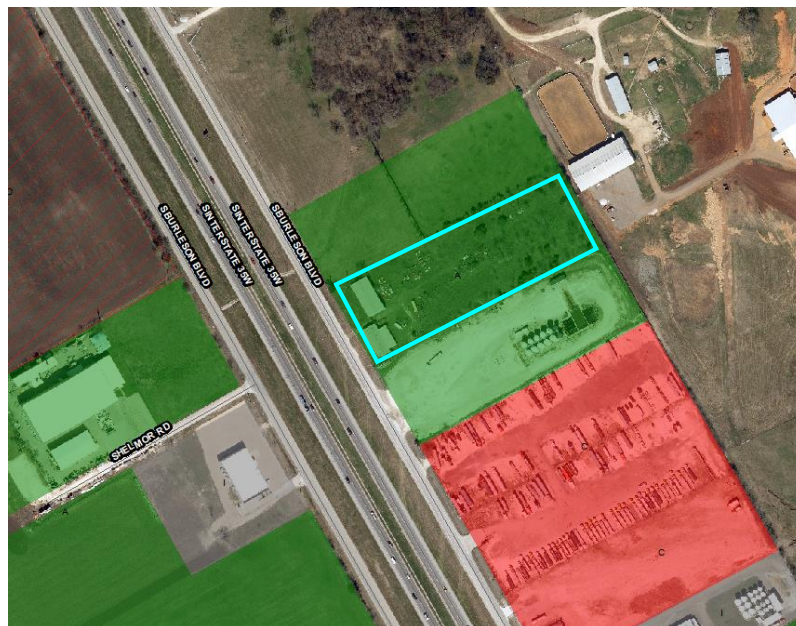
This land use category should include a mix of low and medium density industrial buildings and industrial yards and have ample surface parking for cars and trucks. Design standards should be implemented to protect the image from the IH-35W corridor – specifically quality building materials and screening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

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

Per the Employment Growth Center description, the Industrial zoning district is a corresponding district. Subsequently, the requested I, Industrial zoning district is in general conformance with the Comprehensive Plan. However, the Employment Growth Center designation specifically encourages a mix of low and medium density industrial buildings and uses. Considering this, staff recommends modifying the Industrial zoning request to include restrictions to the more intensive and undesirable uses allowed by right in the Industrial zoning district. This would produce a PD, Planned Development with a base zoning of I, Industrial that allows for industrial uses in accordance with the zoning code to be pursued while only prohibiting the following uses from operating at the subject site:

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

Without express restrictions provided in a planned development, the aforementioned uses would be allowed by right in the Industrial zoning district. This property is also located within the IH35 Overlay District – and all future development must meet the requirements of the City’s design standards for the area. These design standards will be evaluated during commercial site plan processes.



| | Zoning | Use |
|--------------|-------------------------|-----------------------|
| Subject Site | A, Agricultural | Developed, Unoccupied |
| North | A, Agricultural | Undeveloped |
| East | N/A, ETJ | Developed, Commercial |
| South | A, Agricultural | Developed, Industrial |
| West | Agricultural/Industrial | Developed, Industrial |

OPTIONS:

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

RECOMMENDATION:

Staff recommends modifying the Industrial zoning request to include restrictions to the more intensive and undesirable uses allowed by right in the Industrial zoning district.

This would produce a PD, Planned Development with a base zoning of I, Industrial that allows for industrial uses in accordance with the zoning code by right while prohibiting the following uses from operating at the subject site:

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

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

None

PUBLIC NOTIFICATION:

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

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

Fiscal IMPACT:

None

STAFF CONTACT:

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

4139 S Burleson Blvd ZC

Item B.

Location:

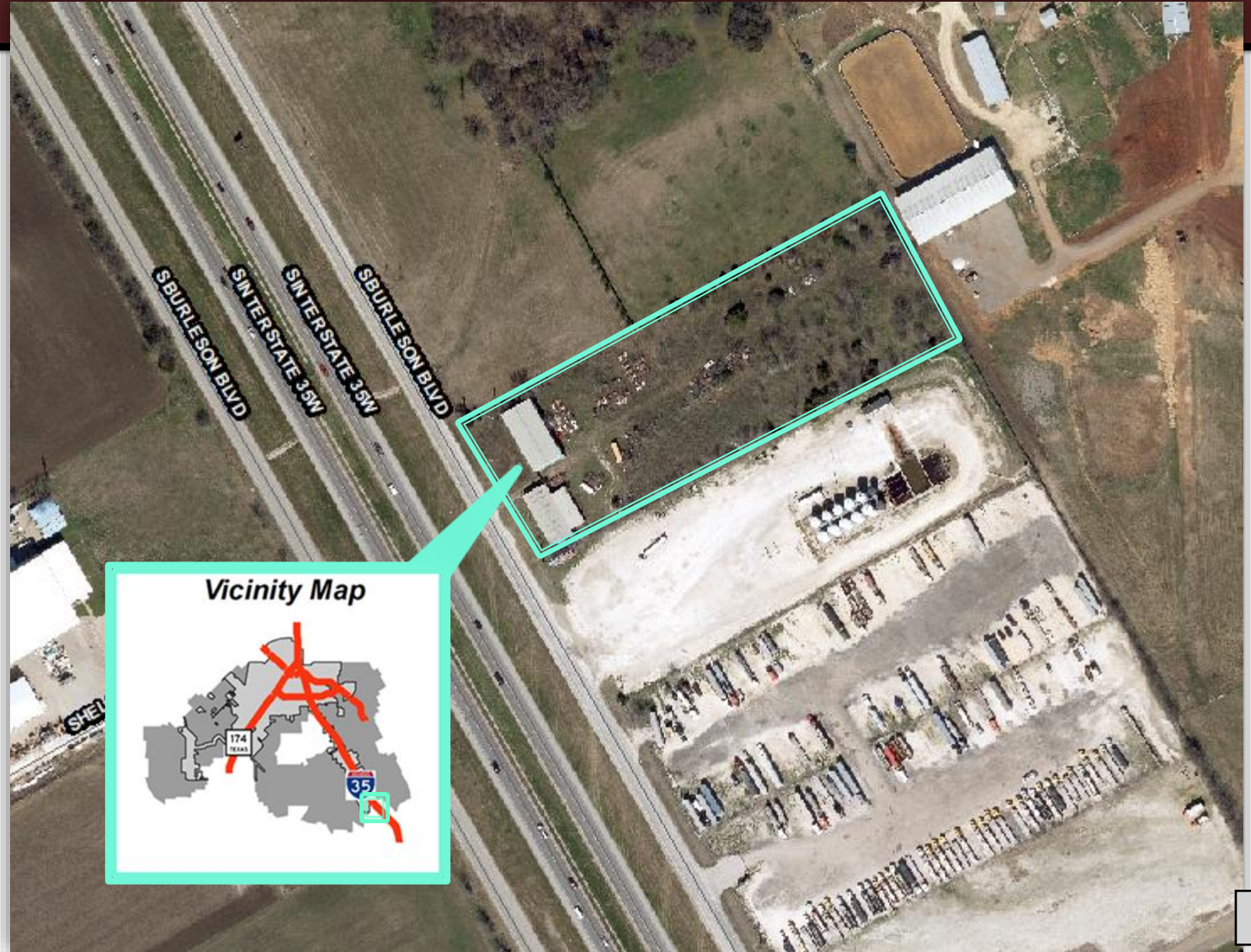
- 4.13 acres
- 4139 S Burleson Blvd

Applicant/Owner:

Daniel Welling

Item for approval:

Zoning Change (Case 22-122)

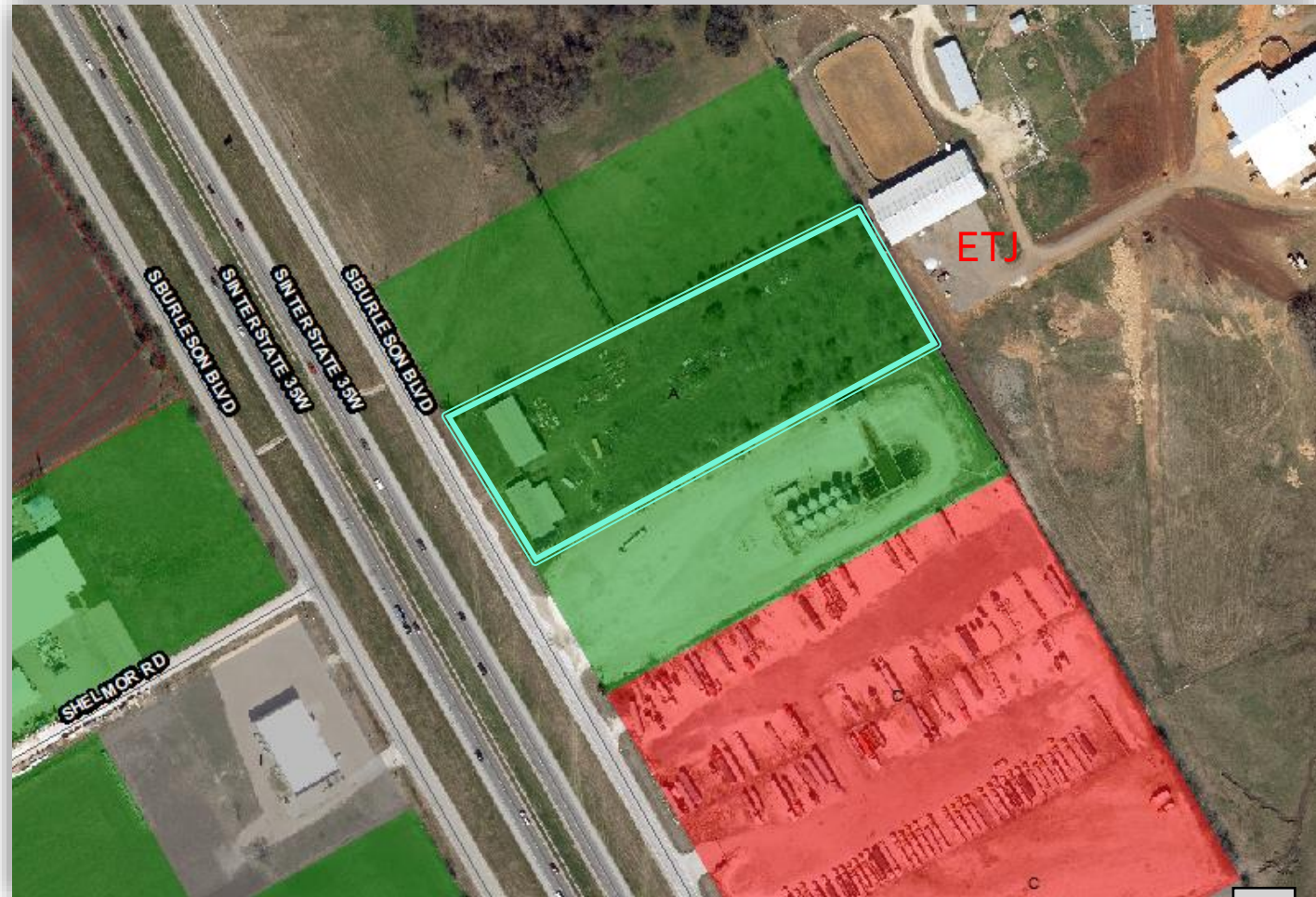


4139 S Burleson Blvd ZC

Item B.

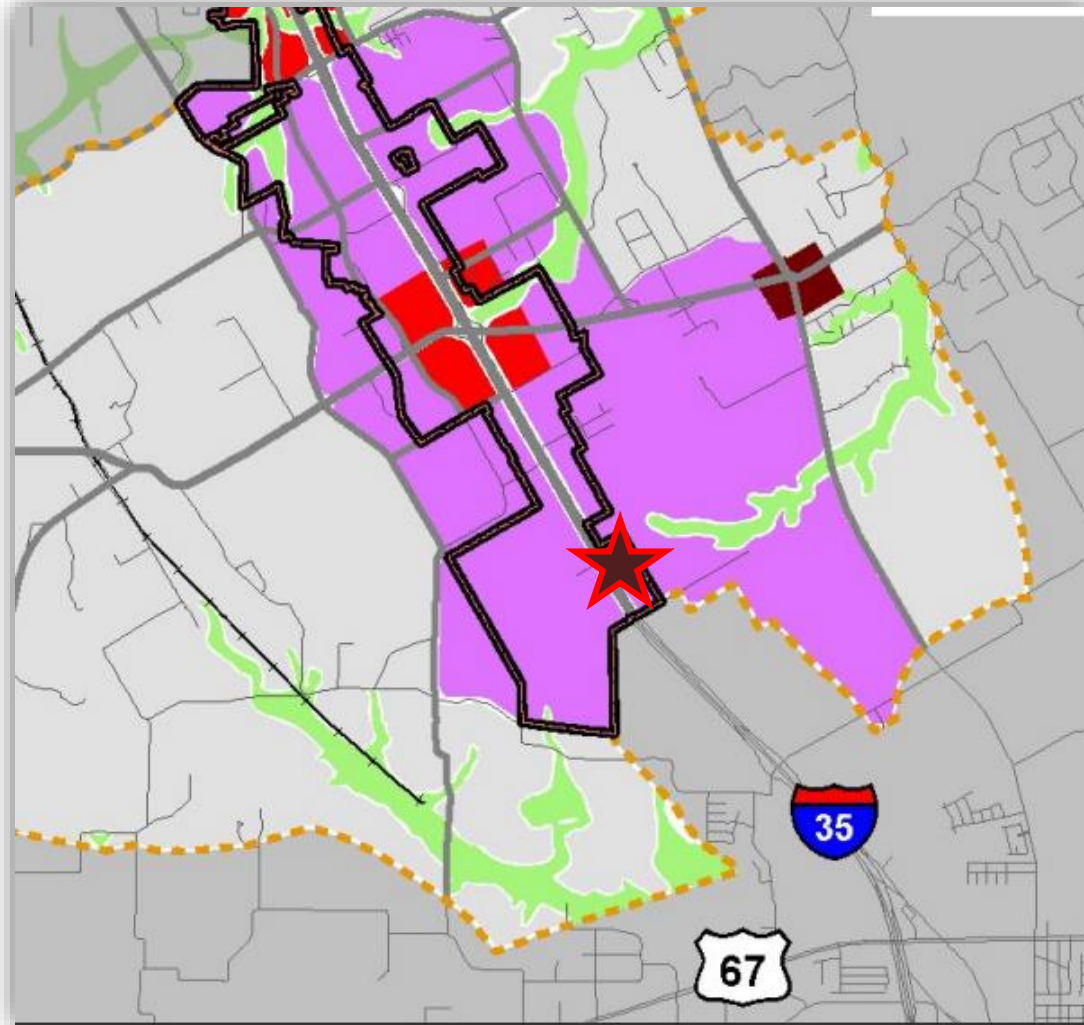
Zoning Information

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



Comprehensive Plan

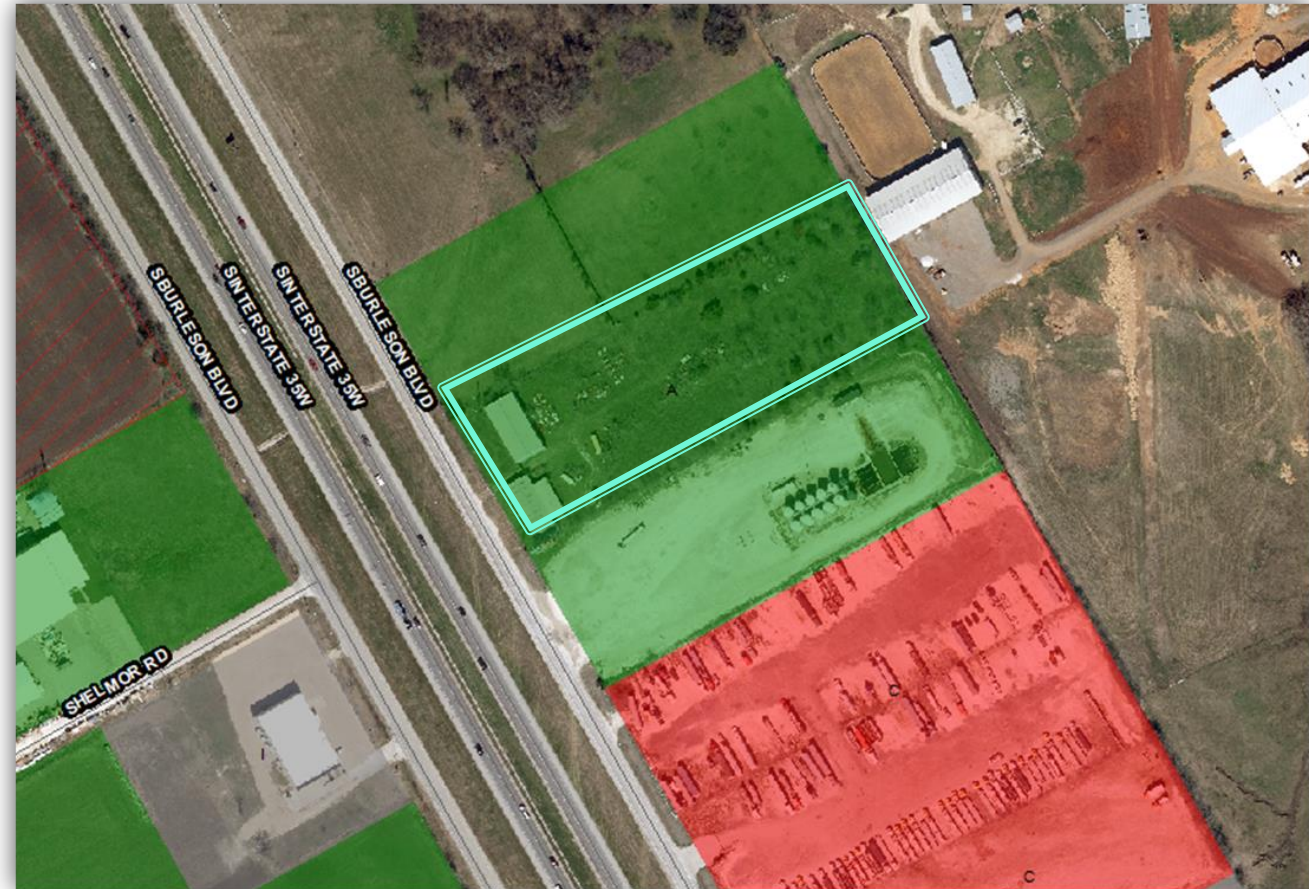
Employment Growth Center



Current Zoning

Item B.

Agricultural



4139 S Burleson Blvd ZC

Public Hearing Notice

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

Staff has received no inquiries concerning this request.

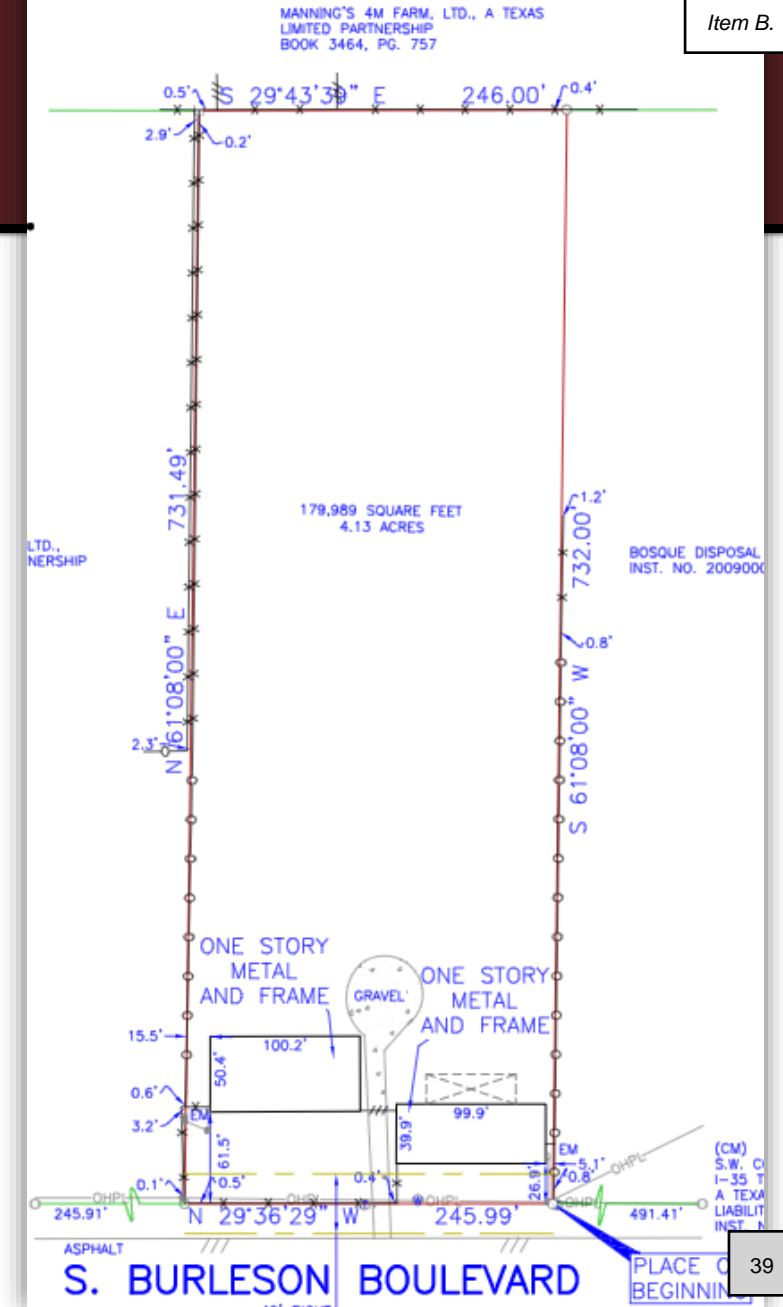


4139 S Burleson Blvd ZC

Staff's Recommendation

Staff recommends modifying the Industrial zoning request to include restrictions to the more intensive and undesirable uses allowed by right in the Industrial zoning district.

- Such restrictions would require a Planned Development with a base zoning of Industrial that allows for industrial uses in accordance with the zoning code by right - while prohibiting the following uses from operating at the subject site.
 - Asphalt/concrete batching
 - Auto salvage yards
 - Petroleum or gas well
 - Petroleum storage/collection
 - Railroad freight terminal
 - Railroad passenger terminal
 - Railroad team track
 - Railroad track or right-of-way
 - Sand/gravel/topsoil extraction storage
 - Sexually oriented businesses (SOB's)



ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 4.13 ACRES OF LAND, ADDRESSED AS 4139 S BURLESON BLVD, AND BEING SITUATED IN THE ISSAC SAUNDERS SURVEY, ABSTRACT NO. 800, CONVEYED BY DEED, AS RECORDED IN VOLUME 3143, PAGE 649, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, FROM A, AGRICULTURAL TO I, INDUSTRIAL, MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, an application for a zoning change was filed by Collin Maher, Applicant, on August 22, 2022, under Case Number 22-122; and

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

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

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

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

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

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

Section 1.

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

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

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Section 7.

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

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

Section 8.

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

PASSED AND APPROVED:

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

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A- Legal Description

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

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

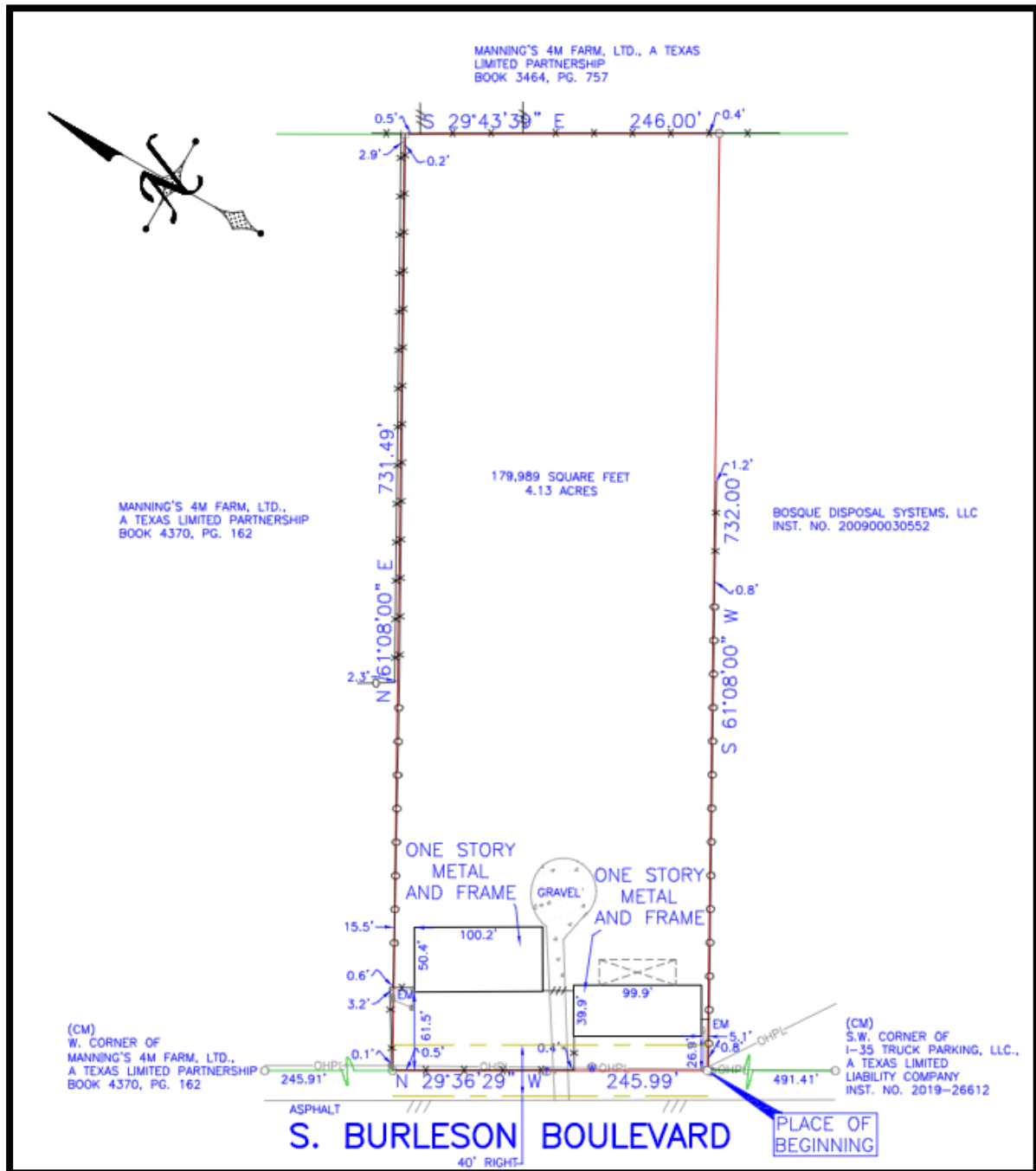
THENCE North 29 degrees 36 minutes 29 seconds West, with the said Northeast line of S. Burleson Boulevard, a distance of 245.99 feet to a 1/2 inch iron rod found at the South corner of a tract of land described in deed to Manning's 4M Farm, LTD., a Texas limited partnership, recorded in Book 4370, Page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

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

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

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

Exhibit B



7509 PENNRIDGE CIRCLE
ROWLETT, TX 75088

FIRM REGISTRATION NO. 10194366

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

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. _____, in _____, Texas.

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

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

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

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

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

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

SURVEY PLAT



PROPERTY SUBJECT TO
EASEMENTS & RESTRICTIONS
2016-18189

ACCEPTED BY: _____

THE plot hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements, TITLE AND ABSTRACTING WORK FURNISHED BY COMMUNITY NATIONAL TITLE

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 100'

Date: 01/14/2021

G. F. No.: 210100051C

Job no.: 202100184

Drawn by: CMR

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHER FOR ANY LOSS RESULTING THEREFROM.

THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR COMMUNITY NATIONAL TITLE

LEGEND

WOOD FENCE - IRON PIPE FOUND - IRON ROD FOUND - CHAIN LINK FENCE - BOUNDARY LINE - IRON FENCE - EASEMENT SETBACK - RESIDENCE - LAND - MONUMENTS OF RECORD DENSITY - 1/2" YELLOW-CAPPED IRON ROD SET - SET "X" - FOUND "X" - 3/4" IRON PIPE FOUND - PK NAIL FOUND - CABLE - CLEAN OUT - GAS METER - GAS WATER - FIRE HYDRANT - LIGHT POLE - WATER METER - WATER VALVE - (UNLESS OTHERWISE NOTED)

WOOD FENCE - IRON PIPE FOUND - IRON ROD FOUND - CHAIN LINK FENCE - BOUNDARY LINE - IRON FENCE - EASEMENT SETBACK - RESIDENCE - LAND - MONUMENTS OF RECORD DENSITY - 1/2" YELLOW-CAPPED IRON ROD SET - SET "X" - FOUND "X" - 3/4" IRON PIPE FOUND - PK NAIL FOUND - CABLE - CLEAN OUT - GAS METER - GAS WATER - FIRE HYDRANT - LIGHT POLE - WATER METER - WATER VALVE - (UNLESS OTHERWISE NOTED)

