

Planning & Zoning Commission Agenda

Tuesday, June 27, 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 June 13, 2023 Planning & Zoning Commission meeting.
- B. Christ Chapel Bible Church Addition; Lot 1R, Block 1 (Case 23-046): Consider approval of a replat of Lot 1R, Block 1, of Christ Chapel Bible Church Addition. (*Staff Presenter: JP Ducay, Senior Planner*)

4. Public Hearing

A. Bartley Addition (Case 23-044): Hold a public hearing and consider approval of an ordinance for a zoning change request from "A", Agricultural to "SFE", Single-Family Estate for a three (3) acre site.(*Staff Presenter: JP Ducay, Senior Planner*)

5. <u>Reports and Presentations</u>

6. Community Interest Items

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

-Expression of thanks, congratulations, or condolence;

- -Information regarding holiday schedules;
- -Honorary recognitions of city officials, employees, or other citizens;
- -Reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city official or city employee; and
- -Announcements involving imminent public health and safety threats to the city.
- 7. <u>Recess into Executive Session</u>

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 23rd of June 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.



Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Peggy Fisher, Administrative Assistant Sr.

MEETING: June 27, 2023

SUBJECT:

Approve the minutes from June 13, 2023 Regular Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the June 13, 2023 Regular Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the June 13, 2023 Regular Session of the Planning & Zoning Commission meeting.

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

None

FISCAL IMPACT:

None

STAFF CONTACT:

Peggy Fisher Recording Secretary <u>pfisher@burlesontx.com</u> 817-426-9611

PLANNING AND ZONING COMMISSION

June 13, 2023 MINUTES

Roll Call

Commissioners Present

David Hadley Dan Taylor Cobi Tittle Ashley Brookman Bill Janusch Michael Tune(Chair) Clint Faram Todd Hulsey Bobby Reading Commissioners Absent Michael Kurmes

<u>Staff</u> Matt Ribitzki, City Attorney Emilio Sanchez, Assistant Director Development Services Lidon Pearce, Planner Peggy Fisher, Administrative Assistant

REGULAR SESSION

1. Call to Order – 6:00 PM

Invocation – David Hadley

Pledge of Allegiance

2. Citizen Appearance

None

3. Consent Agenda

A. Consider approval of the minutes from May 23, 2023 Planning and Zoning Regular Commission meeting. (Staff Contact: Tony McIlwain, Director Development Services).

Motion made by Commissioner Cobi Tittle and second by Commissioner Clint Faram to approve the consent agenda. Motion passed, 8-0. Commissioner Michael Kurmes was absent.

4. Public Hearing

A. Lot B, Block 17, Hidden Vistas Phase 4B (Case 23-045): Hold a public hearing and consider an ordinance for a zoning change request from "PD", Planned Development to "PD" Planned Development to incorporate .334 acres of open space into three existing residential lots (*Staff Presenter: Lidon Pearce, Senior Planner*)

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

Commission Chairman Michael Tune opened the public hearing at 6:06 p.m.

Peter Thomas 13901 E Riviera, applicant, addressed the commissioners and answered questions regarding this item.

Commission Chairman Michael Tune closed the public hearing at 6:13 p.m.

Motion made by Commissioner Clint Faram and second by Commissioner Todd Hulsey to approve.

Motion passed, 8-0. Commissioner Michael Kurmes was absent.

5. <u>Reports and Presentations</u>

None

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

None

7. Executive Session

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

1. Pursuant to Sec. 551.071 consultation with Attorney: its 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 Code. conflicts with Chapter 551 the Government of

8. Adjourn

There being no further business Chair Michael Tune adjourned the meeting. Time – 6:14PM

Peggy Fisher Administrative Assistant Recording Secretary

Item B.



Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: JP Ducay, Senior Planner

MEETING: June 27, 2023

SUBJECT:

Christ Chapel Bible Church Addition; Lot 1R, Block 1 (Case 23-046): Consider approval of a replat of Lot 1R, Block 1, of Christ Chapel Bible Church Addition (*Staff Presenter: JP Ducay, Senior Planner*)

SUMMARY:

On May 8, 2023, an application for a replat including 12.6 acres was submitted by Joyce Stanton with Di Sciullo-Terry, Stanton & Associates, Inc. (applicant) on behalf of Christ Chapel Bible Church. The purpose of this replat is to increase the size of the shared access easement. 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 Christ Chapel Bible Church Addition; Lot 1R, Block 1 (Case 23-046).

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

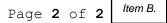
<u>December 14, 2020</u>: The final plat (20-102) of Christ Chapel Bible Church Addition was approved by City Council.

<u>October 27, 2020</u>: The final plat (20-102) of Christ Chapel Bible Church Addition was recommended for approval by the Planning and Zoning Commission.

PUBLIC NOTIFICATION:

None

FISCAL IMPACT:

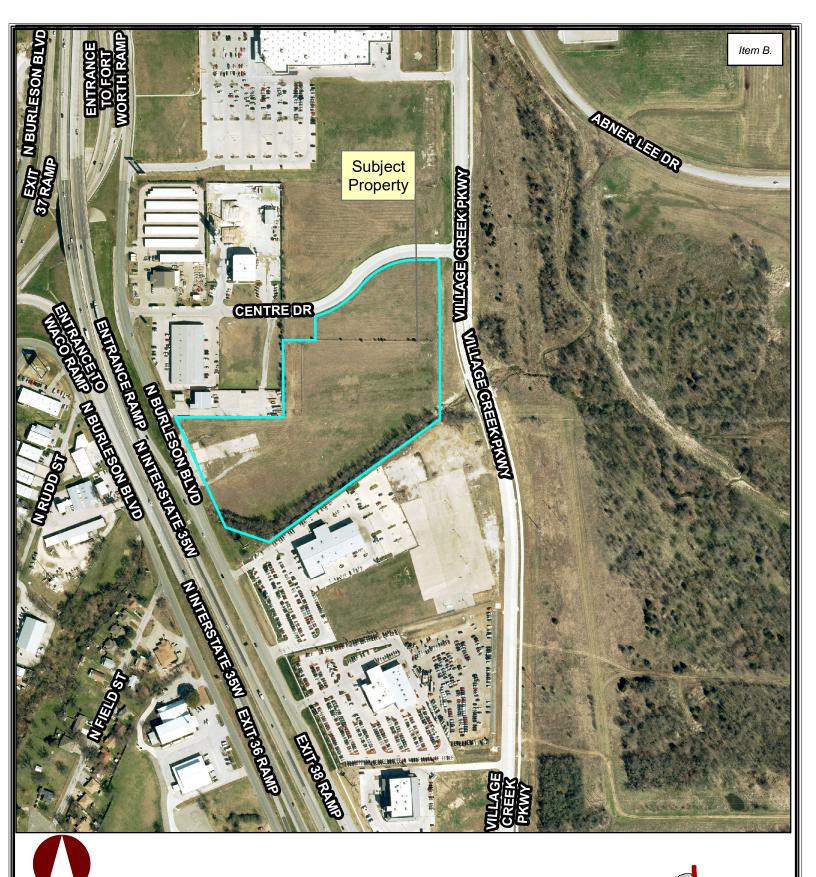


None

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



Christ Chapel Bible Church Addition

BURLESON

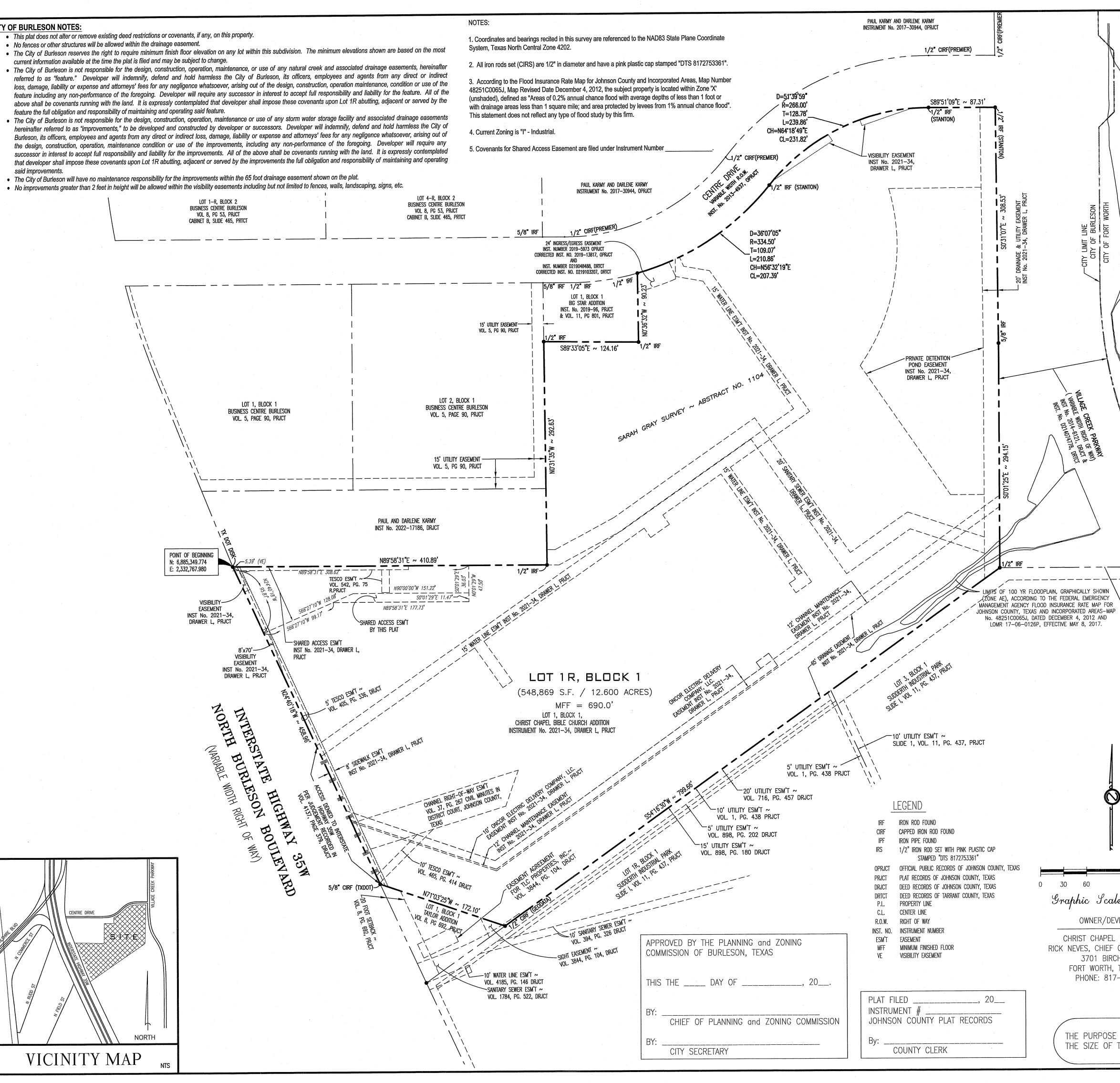
Replat Case 23-046

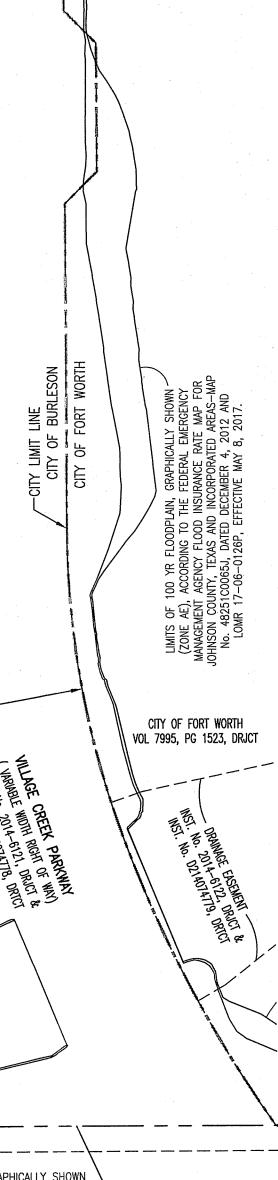
Vicinity Map

9

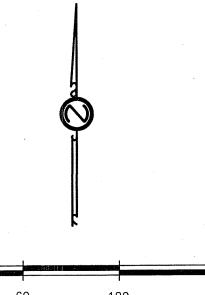
CITY OF BURLESON NOTES:

- This plat does not alter or remove existing deed restrictions or covenants, if any, on this property.
- current information available at the time the plat is filed and may be subject to change.
- referred to as "feature." 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 feature including any non-performance of the foregoing. Developer will require any successor in interest to accept full responsibility and liability for the feature. All of the above shall be covenants running with the land. It is expressly contemplated that developer shall impose these covenants upon Lot 1R abutting, adjacent or served by the
- 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 1R abutting, adjacent or served by the improvements the full obligation and responsibility of maintaining and operating said improvements.





CITY OF BURLESON INST No. 2015-1454, DRJCT



120 Graphic Scale In Feet

OWNER/DEVELOPER

CHRIST CHAPEL BIBLE CHURCH RICK NEVES, CHIEF OPERATING OFFICER 3701 BIRCHMAN AVE FORT WORTH, TEXAS 76107 PHONE: 817-546-0820

§ STATE OF TEXAS § COUNTY OF JOHNSON

WHEREAS, CHRIST CHAPEL BIBLE CHURCH, acting through its undersigned agent, is the sole owner of all of Lot 1, Block 1, Christ Chapel Bible Church Addition as recorded under Instrument Number 2021-34, Drawer L, Plat Records of Johnson County, Texas (PRJCT), and being more particularly described as follows:

Item B.

BEGINNING at a TXDOT monument found in the east right of way line of N. Burleson Boulevard (Interstate 35W Service Road), and being the northwest corner of the aforementioned Christ Chapel Bible Church tract;

THENCE North 89' 58' 31" East, departing the N. Burleson Boulevard (I-35W) right of way, a distance of 410.89 feet, to a 1/2 inch iron rod found in the elbow of an "L", for corner;

THENCE North 0' 31' 35" West, a distance of 292.63 feet to a 1/2 inch iron rod found at the southwest corner of Lot 1, Block 1, Big Star Addition, an addition to the City of Burleson, Johnson County, Texas as recorded under Instrument Number 2019-96, and Volume 11, Page 801, PRJCT, for corner;

THENCE South 89' 33' 05" East, with the south line of said Big Star Addition, a distance of 124.16 feet to a 1/2 inch iron rod found, for corner;

THENCE North 00'36'32" West, with the east line of said Big Star Addition, a distance of 90.23 feet to a 1/2 inch iron rod found, said iron rod located in the south right of way line of Centre Drive (a variable width right of way) as recorded in Instrument Number 2013-4937, OPRJCT, said iron rod also being in a non-tangent curve to the left, for corner;

THENCE with the south right of way line of Centre Drive and said curve to the left having a radius of 334.50 feet, an arc distance of 210.86 feet, a delta of 36'07'05", a chord which bears North 56'32'19" East a distance of 207.39 feet, to a 1/2 inch iron rod found with a pink plastic cap stamped "STANTON RPLS 6173", at the point of reverse curvature and the beginning of a curve to the right,

THENCE continuing with the aforementioned south right of way line of Centre Drive and with said curve to the right having a radius of 266.00 feet, an arc distance of 239.86 feet, a delta of 51'39'59", a chord which bears North 64'18'49" East a distance of 231.82 feet, to a 1/2 inch iron rod found with a pink plastic cap stamped "STANTON RPLS 6173", at the end of said curve,

THENCE South 89'51'09" East, continuing with the aforementioned south right of way line of Centre Drive, a distance of 87.31 feet to a 1/2 inch iron rod found with a pink plastic cap stamped "STANTON RPLS 6173", at the intersection of the south right of way line of Centre Drive and the west right of way line of Village Creek Parkway (a variable width right of way) as recorded in Instrument Number 2014-6121, Deed Records of Johnson County, Texas, (DRJCT) and Instrument Number D214074778, Deed Records of Tarrant County, Texas (DRTCT), for corner;

THENCE South 00'31'07" East, with the west right of way line of Village Creek Parkway, a distance of 308.53 feet to a 5/8 inch iron rod found, for angle point;

THENCE South 0' 01' 25" East, with the west right of way line of Village Creek Parkway, 294.15 feet to a 1/2 inch iron rod found in the elbow of the Village Creek Parkway right of way, for corner;

THENCE South 54° 16' 30" West, departing the Village Creek Parkway right of way, a distance of 799.66 feet, to a 1/2 inch iron rod found with a plastic cap stamped "GEODATA", located at the northeast corner of Lot 1, Block 1, Taylor Addition, an addition to the City of Burleson, Johnson County, Texas as recorded in Volume 8, Page 692, Plat Records of Johnson County, Texas (PRJCT), for corner;

THENCE North 71'03'25" West, with the north line of the aforementioned Taylor Addition, a distance of 172.10 feet to a 5/8 inch TXDOT monument at the northwest corner of said Taylor Addition, and the east right of way line of the aforementioned N. Burleson Boulevard (I-35W), for corner;

THENCE North 24' 40'18" West with the N. Burleson Boulevard right of way, a distance of 458.96 feet to the PLACE OF BEGINNING containing 548,869 square feet or 12.600 acres of land.

KNOW ALL MEN BY THESE PRESENTS

That, CHRIST CHAPEL BIBLE CHURCH, acting through its undersigned agent, is the sole owner of tracts of land and does hereby adopt this plat designating the hereinbefore described property as LOT 1R, BLOCK 1, CHRIST CHAPEL BIBLE CHURCH ADDITION, an Addition to the City of Burleson, Johnson County, Texas, and does hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City, County, 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, County, 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 or Johnson County.

Chief Operating Officer

STATE OF TEXAS

COUNTY OF TARRANT

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Rick Neves, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2023.

Notary Public in and for the State of Texas

SURVEYOR'S CERTIFICATE

I, Joyce P. Stanton, 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.

FOR REVIEW ON MAY 15, 2023, NOT TO BE FILED FOR ANY REASON

Joyce P. Stanton Registered Professional Land Surveyor Texas Registration No. 6173

REPLAT

LOT 1R, BLOCK 1, CHRIST CHAPEL BIBLE CHURCH ADDITION

BEING ALL OF LOT 1, BLOCK 1, CHRIST CHAPEL BIBLE CHURCH ADDITION AS RECORDED UNDER INSTRUMENT No. 2021-34, DRAWER L, PLAT RECORDS OF JOHNSON COUNTY TEXAS.

CITY OF BURLESON, JOHNSON COUNTY, TEXAS DATE: MAY 2023 SCALE: 1"=60' FILE: P:/CHRIST CHAPEL BURLESON PH 2

DI SCIULLO-TERRY, STANTON & ASSOCIATES, INC. ENGINEERING AND SURVEYING

908 WEST MAIN STREET * ARLINGTON, TEXAS 76013 TELEPHONE: 817 - 275 - 3361 ESTABLISHED 1953 * FIRM No. E-615 & S-100049-00 EMAIL: jstanton@dterry.com

C)DISCIULLO-TERRY, STANTON & ASSOCIATES, INC. 2023

CASE 23-046

FP-103<u>6</u>

THE PURPOSE OF THIS REPLAT IS TO INCREASE THE SIZE OF THE SHARED ACCESS EASEMENT.

Item A.



Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: JP Ducay, Senior Planner

MEETING: June 27, 2023

SUBJECT:

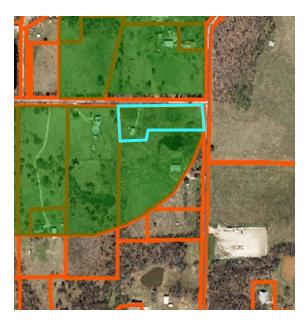
Bartley Addition (Case 23-044): Hold a public hearing and consider approval of an ordinance for a zoning change request from "A", Agricultural to "SFE", Single-Family Estate for a three (3) acre site.

SUMMARY:

On May 8, 2023, an application was submitted by Ron Coombs (applicant) with Coombs Land Surveying, Inc. on behalf of Laelonnie Bartley (owner), to rezone approximately three (3) acres from "A", Agricultural to "SFE", Single-Family Estate. The Bartley Addition contains approximately 11.170 acres of land located within the City of Burleson's city limits and the Extraterritorial Jurisdiction (ETJ). The majority of the subject site was annexed into the City of Burleson in 2002 and given a default zoning of A, Agricultural. The remaining portion of land is located within the ETJ and does not have a zoning designation. The applicant submitted a replat (23-021) proposing to subdivide the property by creating three (3) single-family residential lots on the portion of the site located within the city limits and zoned A, Agricultural. All three (3) of the proposed lots are exactly one (1) acre in size. However, the Agricultural zoning district requires a minimum lot size of three (3) acres. Subsequently, the applicant is requesting to rezone the portion of the Bartley Addition that contains the three (3) proposed one (1) acre lots to SFE, Single-Family Estate to be compliant with the zoning ordinance. 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 **Neighborhoods**. The Neighborhood designation is generally described as "predominantly residential with traditional development patterns but should allow for a mix of densities, lot sizes, housing types, and styles. The primary uses in this category include single-family residences, including a range of densities from large, agricultural lots to suburban neighborhood lots." The proposed zoning of a SFE, Single-Family Estate is in complete compliance with the Comprehensive Plan designation of Neighborhoods.



	Zoning	Use
Subject Site	A, Agricultural / ETJ	Contains two residences / to be
		developed further
North	A, Agricultural	Developed, Residential
East	ETJ	Developed, Residential
South	ETJ	Developed, Residential
West	A, Agricultural	Developed, Residential

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.

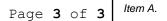
RECOMMENDATION:

Staff recommends approval of the zoning change request from "A", Agricultural to "SFE", Single-Family Estate for a portion of the Bartley Addition as proposed by the applicant.

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

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

Bartley Addition ZC

Location:

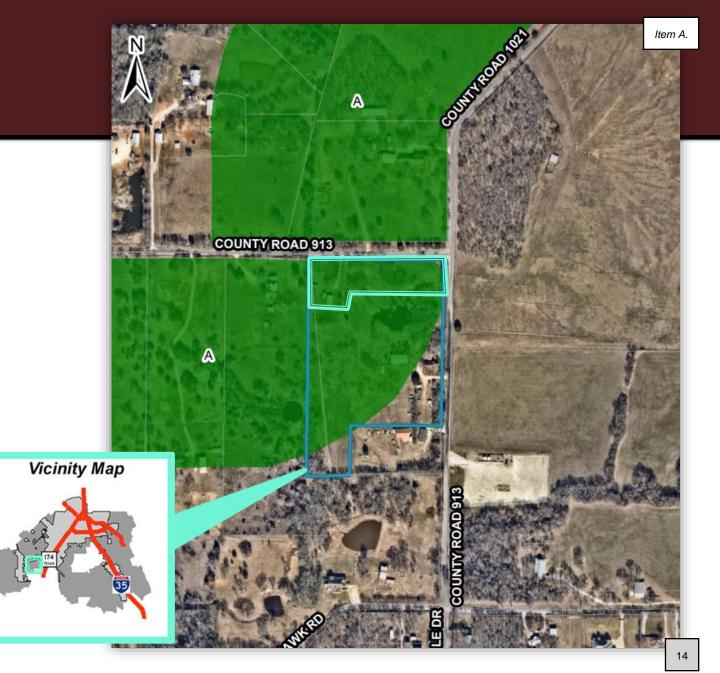
- 3 acres
- 1433 CR 913

Applicant/Owner:

Ron Coombs – Applicant Laelonnie Bartley – Owner

Item for approval:

Zoning Change (Case 23-044)



Bartley Addition ZC

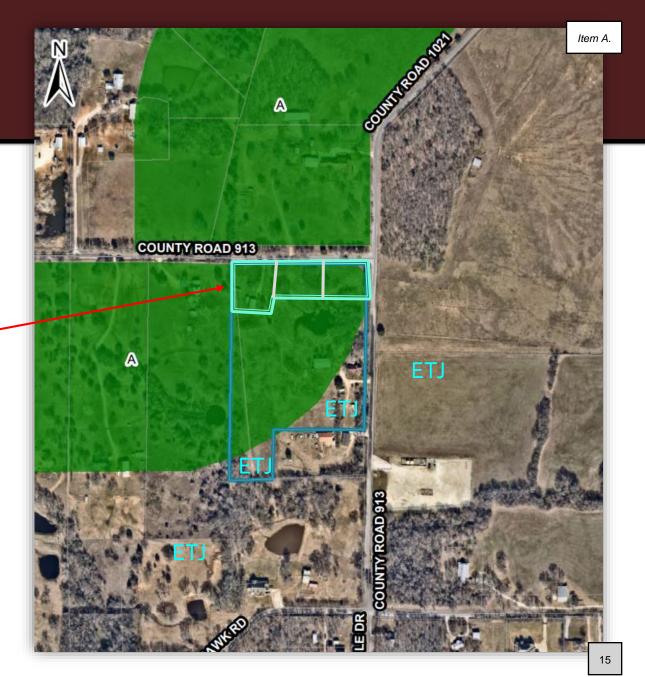
Zoning Information

2002: The majority of the subject site was annexed into the City of Burleson – given default zoning of A, Agricultural.

2023: The applicant submitted a replat (23-021) proposing to subdivide the property by creating three (3) single-family residential lots within the Agricultural zoning district.

- > The Agricultural development standards requires a minimum lot size of three (3) acres.
- Land containing the three (3) one (1) acres lots needs to be rezoned to a more conducive zoning district.

2023: The applicant submitted the subject zoning change request proposing to rezone a portion of the Bartley Addition containing three future one acre lots to SFE, Single-Family Estate.

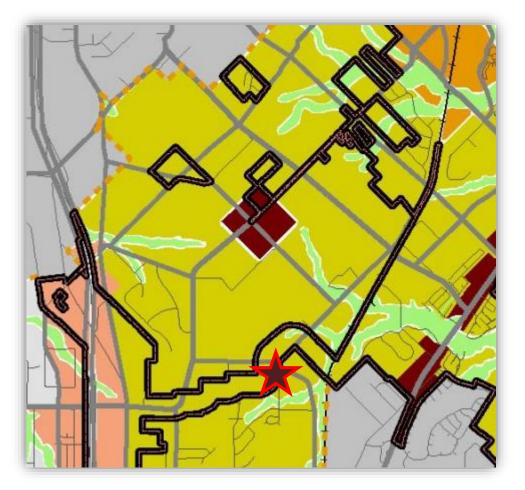


Comprehensive Plan

Current Zoning

Neighborhoods / Community Commercial

Agricultural





3

16

Bartley Addition 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 not received any inquiries regarding this request.

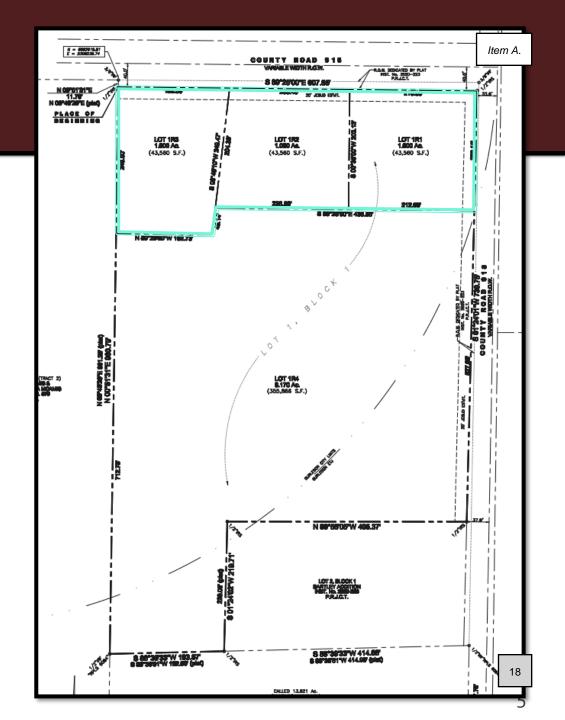


Bartley Addition ZC

Staff's Recommendation

Staff recommends approval of the zoning change request from "A", Agricultural to "SFE", Single-Family Estate for 3 acres of the Bartley Addition as proposed by the applicant.

 Staff supports the proposed zoning as it is in conformance with the vision of Comprehensive Plan and brings the proposed lots into zoning compliance.



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 3.00 ACRES OF LAND BEING A PORTION OF LOT 1, BLOCK 1, BARTLEY ADDITION, AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS FROM AGRICULTURAL** (A) DISTRIC TO SINGLE-FAMILY ESTATE (SFE), 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 **Ron Coombs** (<u>Applicant</u>) on behalf of Laelonnie Bartley (<u>Owner</u>) on <u>May 8, 2023</u>, under <u>Case Number 23-044</u>, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to allow for the changing in zoning of said property from Agricultural (A) district to Single-Family Estate (SFE); and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas voted <u>0 to 0</u> to recommend to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classification of Agricultural (A) district to Single-Family Estate (SFE); 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>3.0 acres of land being a portion of Lot 1, Block 1, Bartley Addition, an addition to the City of Burleson, Johnson County, Texas</u> as shown on the attached Exhibit A incorporated herein by reference, by allowing for the change in zoning from Agricultural (A) to Single-Family Estate (SFE).

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

APPROVED AS TO FORM:

ATTEST:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT A Metes and Bounds

BEING a portion of Lot 1, Block 1, Bartley Addition, an addition to the City of Burleson and Johnson County, Texas, according to the plat recorded in Clerk's File No. 2020-223 of the Plat Records of Johnson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Northwest corner of said Lot 1, lying in the South right-of-way line of County Road 913 (a variable width right-of-way), also lying in the East boundary line of that certain tract of land described as Tract 2 in deed to Tommy Mcamis and spouse, Patricia Mcamis, recorded in Volume 2761, page 576 of the Deed Records of Johnson County, Texas, from which a 3/8-inch iron rod found at the original Northwest corner of said Bartley Tract bears N 00" 51' 31" E, 11.79 feet;

THENCE S 89° 25' 00" E, 607.85 feet along the North boundary line of said Lot 1 with the said South right-of-way line of County Road 913 to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Northeast corner of said Lot 1, lying in the West right-of-way line of County Road 1021 (a variable width right-of-way);

THENCE S 01" 24' 01" W, 203.15 feet along the East boundary line of said Lot 1 with the said West right-of-way line of County Road 1021 to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294";

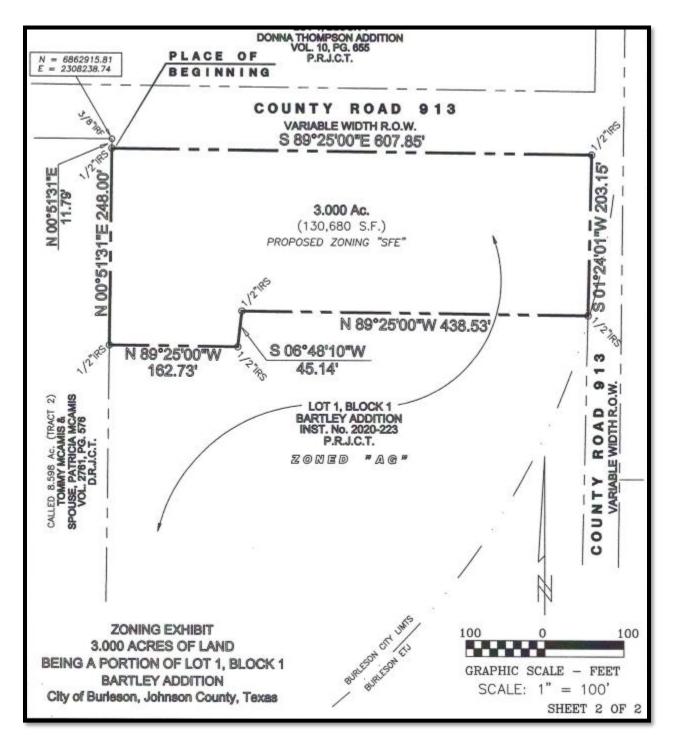
THENCE N 89° 25' 00" W, 438.53 feet departing said boundary line and said right-of-way line to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294";

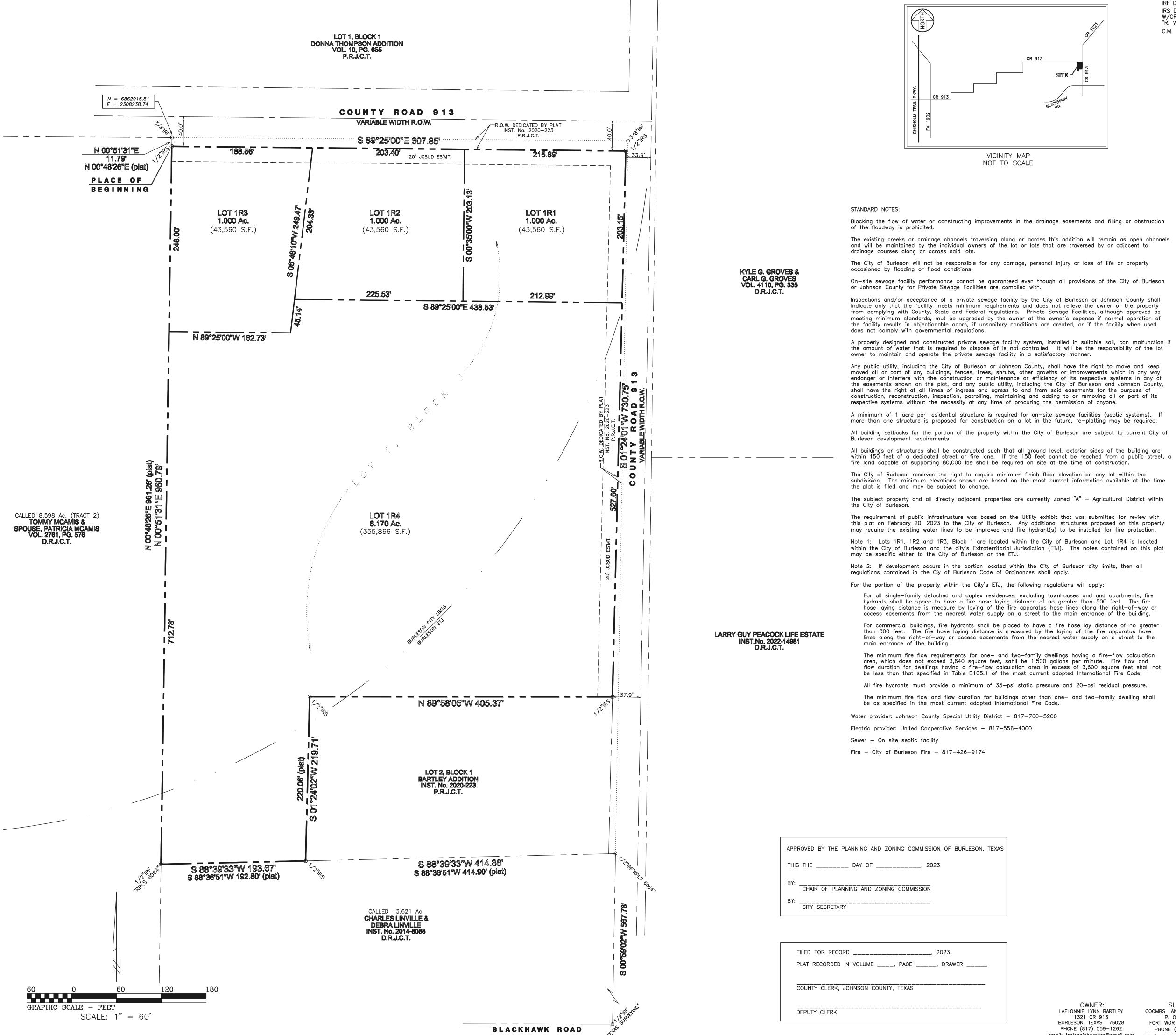
THENCE S 06" 48' 10" W, 45.14 feet to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294";

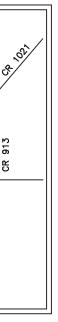
THENCE N 89° 25' 00" W, 162.73 feet to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" in the West boundary line of aforesaid Lot 1, lying in the East boundary line of aforesaid Mcamis Tract;

THENCE N 00° 51' 31" E, 248.00 feet along the common boundary line between said Lot 1 and said Mcamis Tract to the PLACE OF BEGINNING, containing 3.000 acres (130,680 square feet) of land.

EXHIBIT B Survey







IRF DENOTES IRON ROD FOUND IRS DENOTES IRON ROD SET W/ORANGE PLASTIC CAP STAMPED "R. W. COOMBS RPLS 5294" C.M. DENOTES CONTROLLING MONUMENT

STATE OF TEXAS

COUNTY OF JOHNSON



Coombs Land Surveying, Inc. P.O. Box 6160 Fort Worth Texas 76115 (817) 920-7600 T.B.P.L.S. FIRM No. 10111800 CLS JOB No. 22-0191 GF No. NONE

Item A.

WHEREAS, LAELONNIE LYNN BARTLEY is the sole owner a tract of land located in the W. W. BYERS SURVEY, ABSTRACT No. 535, City of Burleson, Johnson County, Texas according to the deed recorded in Clerk's File No. 2018-8151 of the Deed Records of Johnson County, Texas and being all of Lot 1, Block 1, Bartley Addition, an addition to the City of Burleson and Johnson County, Texas, according to the plat recorded in Clerk's File No. 2020-223 of the Plat Records of Johnson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Northwest corner of said Lot 1, lying in the South right-of-way line of County Road 913 (a variable width right—of—way), also lying in the East boundary line of that certain tract of land described as Tract 2 in deed to Tommy Mcamis and spouse, Patricia Mcamis, recorded in Volume 2761, page 576 of the Deed Records of Johnson County, Texas, from which a 3/8-inch iron rod found at the original Northwest corner of said Bartley Tract bears N 00° 51' 31" E, 11.79 feet;

THENCE S 89° 25' 00" E, 607.85 feet along the North boundary line of said Lot 1 with the said South right-of-way line of County Road 913 to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Northeast corner of said Lot 1, lying in the West right-of-way line of County Road 913 (a variable width right-of-way);

THENCE S 01° 24' 01" W, 730.75 feet along the East boundary line of said Lot 1 with the said West right—of—way line of County Road 913 to a 1/2—inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the most Easterly Southeast corner of said Lot 1, being the Northeast corner of Lot 2. aforesaid Block 1:

THENCE along the common boundary line between said Lots 1 and 2 as follows:

N 89° 58' 05" W, 405.37 feet to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Northwest corner of said Lot 2:

S 01° 24' 02" W, 219.71 feet to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Southwest corner of said Lot 2, lying in the North boundary line of that certain tract of land described in deed to Charles Linville and Debra Linville, recorded in Instrument No. 2014-8000 of the Deed Records of Johnson County, Texas, lying S 88° 39' 33" W, 414.88 feet from a 1/2-inch iron rod found with plastic cap stamped "RPLS 6084" at the original Southeast corner of aforesaid Bartley Tract;

THENCE S 88° 39' 33" W, 193.67 feet along the common boundary line between aforesaid Lot 1 and said Linville Tract to a 1/2-inch iron rod found with plastic cap stamped "RPLS 6084" at the Southwest corner of said Lot 1 and said Bartley Tract, lying in the East boundary lie of aforesaid Mcamis Tract;

THENCE N 00° 51' 31" E, 960.79 feet along the common boundary line between said Lot 1 and said Mcamis Tract to the PLACE OF BEGINNING, containing 11.170 acres (486,548 square feet) of land.

STATE OF TEXAS

COUNTY OF JOHNSON

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, LAELONNIE LYNN BARTLEY, owner, do hereby adopt this plat designating the hereinbefore described property as LOTS 1R1, 1R2, 1R3 AND 1R4, BLOCK 1, BARTLEY ADDITION, an addition to the City of Burleson and Johnson County, Texas and do hereby dedicates to the public use forever all streets, rights—of—way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in 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, regulationsm and resolutions of the City of Burleson, Texas.

Date:

Name: LAELONNIE LYNN BARTLEY

STATE OF TEXAS

COUNTY OF JOHNSON

BEFORE ME, the undersigned authority, on this day personally appeared LAELONNIE LYNN BARTLEY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ___ 2023

NOTARY PUBLIC STATE OF TEXAS

SURVEYOR'S CERTIFICATE

THIS is to certify that I, RONALD W. COOMBS, a Registered Professional Land Surveyor of the State of Texas, certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Burleson, Texas.

. Bearings shown hereon are Grid Bearings, based on the Texas State Plane Coordinate System, North Central

2. Johnson County will be responsible for all floodplain regulations as it relates to development. In the

event the property is ever anexed into the City of Burleson, all future proposed development shall follow the

3. Johnson County will not be responsible for the maintenance and operations of said drainage ways or for

5. Easements to West Prairie Water Supply Corporation recorded in Vol. 531, Pg. 49, D.R.J.C.T., Johnson County Rural Water Supply Corporation recorded in Vol. 3058, Pg. 575, D.R.J.C.T., and Johnson County Special Utility District recorded in Inst. No. 2017-1088, Inst. No. 2020-23759 and Inst. No. 2020-23760, D.R.J.C.T.

6. The purpose of this replat is to create separate lots for the two homes on the property and create two

According to Community Panel No. 48251C0160 J, effective date December 4, 2012, of the Federal Emergency

Management Agency, National Flood Insurance Program Map, this property lies within Zone "X", which is not a Special Flood Hazard Area. If this site is not within a Special Flood Hazard Area, the statement does not

imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare

occasions, greater floods can and will occur, and flood heights may be increased by man made or natural

Bearings shown hereon are Grid Bearings, based on the Texas State Plane Coordinate System, North Central

RFPLAT

BARTLEY ADDITION

BEING A REVISION OF LOT 1, BLOCK 1

4 LOTS

APRIL 27, 2023

LOTS 1R1, 1R2, 1R3 AND 1R4, BLOCK 1

7. This plat does not alter or remove existing deed restrictions or covenants, if any, on this property.

RONALD W. COOMBS, R.P.L.S.

Texas Registration No. 5294

City of Burleson's floodplain regulations.

new lots for future construction.

4. A portion of this property lies within the ETJ of the City of Burleson.

do affect the subject property but do not have plottable descriptions.

causes. This statement shall not create liability on the part of the surveyor.

25

SURVEYOR: COOMBS LAND SURVEYING, INC. P. O. BOX 6160 FORT WORTH, TEXAS 76115 PHONE (817) 920-7600 email: ron.coombs@sbcglobal.net

BARTLEY ADDITION, AN ADDITION TO THE CITY OF BURLESON AND JOHNSON COUNTY, TEXAS ACCORDING TO THE CITY THE PLAT RECORDED IN INSTRUMENT No. 2020-223 OF THE PLAT RECORDS OF JOHNSON COUNTY, TEXAS

Texas Zone, 4202.

the control of erosion.

FLOOD STATEMENT

Texas Zone, 4202.

NOTES

BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL TEXAS ZONE (NAD 83).



LEGAL DESCRIPTION

BEING a portion of Lot 1, Block 1, Bartley Addition, an addition to the City of Burleson and Johnson County, Texas, according to the plat recorded in Clerk's File No. 2020-223 of the Plat Records of Johnson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Northwest corner of said Lot 1, lying in the South right-of-way line of County Road 913 (a variable width right-of-way), also lying in the East boundary line of that certain tract of land described as Tract 2 in deed to Tommy Mcamis and spouse, Patricia Mcamis, recorded in Volume 2761, page 576 of the Deed Records of Johnson County, Texas, from which a 3/8-inch iron rod found at the original Northwest corner of said Bartley Tract bears N 00° 51' 31" E, 11.79 feet;

THENCE S 89° 25' 00" E, 607.85 feet along the North boundary line of said Lot 1 with the said South right-of-way line of County Road 913 to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Northeast corner of said Lot 1, lying in the West right-of-way line of County Road 1021 (a variable width right-of-way);

THENCE S 01° 24' 01" W, 203.15 feet along the East boundary line of said Lot 1 with the said West right-of-way line of County Road 1021 to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294";

THENCE N 89° 25' 00" W, 438.53 feet departing said boundary line and said right-of-way line to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294";

THENCE S 06° 48' 10" W, 45.14 feet to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294";

THENCE N 89° 25' 00" W, 162.73 feet to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" in the West boundary line of aforesaid Lot 1, lying in the East boundary line of aforesaid Mcamis Tract;

THENCE N 00° 51' 31" E, 248.00 feet along the common boundary line between said Lot 1 and said Mcamis Tract to the PLACE OF BEGINNING, containing 3.000 acres (130,680 square feet) of land.

ZONING EXHIBIT 3.000 ACRES OF LAND BEING A PORTION OF LOT 1, BLOCK 1 BARTLEY ADDITION City of Burleson, Johnson County, Texas

SHEET 1 OF 2

