

Planning & Zoning Commission Agenda

Tuesday, January 30, 2024 6:00 PM

City Hall - 141 W. Renfro Burleson, TX 76028

1. CALL TO ORDER

Invocation

Pledge of Allegiance

2. CITIZEN APPEARANCES

Each person in attendance who desires to speak to the Planning & Zoning Commission on an item NOT posted on the agenda, shall speak during this section. A speaker card must be filled out and turned in to the City Staff prior to addressing the Commission. Each speaker will be allowed three (3) minutes. Please note that the Commissioners may only take action on items posted on the agenda. The Texas Open Meetings Act prohibits the Planning & Zoning Commission from deliberating or taking action on an item not listed on the agenda. The Commission may, however, receive your comments on the unlisted item, ask clarifying questions, respond with facts, and explain policy. Each person in attendance who desires to speak to the Planning & Zoning Commission on an item posted on the agenda, shall speak when the item is called forward for consideration.

3. **CONSENT AGENDA**

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

A. Approve the minutes from January 16, 2024 Regular Session of the Planning & Zoning Commission meeting. (Staff Contact: Peggy Fisher)

4. PUBLIC HEARING

- A. Dobson Townhomes (Case 23-003): Consider a site plan for Dobson Townhomes located at 200 S Dobson with a waiver to the development plan related to the maximum roof pitch for a Rural Farmhouse architectural style. (Staff Presenter: Lidon Pearce, Senior Planner)
- <u>B.</u> 625, 631, and 637 Mockingbird Ln (Case 23-350):Hold a public hearing and consider an ordinance for a zoning change request from "A", Agricultural to "C" Commercial for existing

commercial uses at 625, 631, and 637 Mockingbird Ln. (Staff Presenter: Lidon Pearce, Senior Planner)

5. **REPORTS AND PRESENTATIONS**

6. **COMMUNITY INTERESTS ITEMS**

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

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

7. RECESS INTO EXECUTIVE SESSION

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

- A. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071, Texas Government Code
- B. Discussion regarding possible purchase, exchange, lease, or value of real property pursuant to Section 551.072, Texas Government Code
- C. Deliberation regarding a negotiated contract for a prospective gift or donation to the state or the governmental body Pursuant to Section 551.073, Texas Government Code
- D. Personnel matters pursuant to Section 551.074, Texas Government Code
- E. Deliberation regarding (1) the deployment, or specific occasions for implementation of security personnel or devices; or (2) a security audit Pursuant to Sec. 551.076, Texas Government Code
- F. Deliberation regarding commercial or financial information received from or the offer of a financial or other incentive made to a business prospect seeking to locate, stay or expand in or near the territory of the City and with which the City is conducting economic development negotiations pursuant to Section 551.087, Texas Government Code
- G. Pursuant to Sec. 418.183(f), Texas Government Code, deliberation of information related to managing emergencies and disasters including those caused by terroristic acts (must be tape recorded)

8. **ADJOURN**

Staff Contact
Tony McIlwain
Director of Development Services
817-426-9684

CERTIFICATE

I hereby certify that the above agenda was posted on this the 26th of January 2024, by 5:00 p.m., on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.



Amanda Campos

City Secretary

ACCESSIBILITY STATEMENT

The Burleson City Hall is wheelchair accessible. The entry ramp is located in the front of the building, accessible from Warren St. Accessible parking spaces are also available in the Warren St. parking lot. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-426-9600, or TDD 1-800-735-2989.

Meeting Agenda



Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Peggy Fisher, Administrative Assistant Sr.

MEETING: January 30, 2024

SUBJECT:

Approve the minutes from January 16, 2024 Regular Session of the Planning & Zoning Commission meeting. (Staff Contact: Peggy Fisher)

SUMMARY:

Minutes from the January 16, 2024 Regular Session of the Planning & Zoning Commission meeting.

RECOMMENDATION:

Approve the minutes from the January 16, 2024 Regular Session of the Planning & Zoning Commission meeting.

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

None

FISCAL IMPACT:

None

STAFF CONTACT:

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

PLANNING AND ZONING COMMISSION

January 16, 2024 MINUTES

Roll Call

Commissioners Present

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

Commissioners Absent Todd Hulsey

<u>Staff</u>

Matt Ribitzki, City Attorney Tony McIlwain, Director Development Services Emilio Sanchez, Assistant Director Development Services 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 December 19, 2023 Planning and Zoning Regular Commission meeting. (Staff Contact: Tony McIlwain, Director Development Services).

Motion made by Commissioner Michael Kurmes and second by Commissioner Dan Taylor to approve the consent agenda.

Motion passed, 8-0. Commissioner Todd Hulsey was absent.

4. Public Hearing

A. 1161 Golf Club at 224 E. Renfro Street (Case 23-351): Hold a public hearing and consider approval of an ordinance for a SUP, Specific Use Permit, allowing "Amusement, commercial (indoor)" in the CC, Central Commercial Zoning District. (Staff Presenter: Emilio Sanchez, Development Services Assistant Director)

Emilio Sanchez 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 6:05 p.m.

Commission Chairman Michael Tune closed the public hearing at 6:09 p.m.

Motion made by Commissioner Michael Kurmes and second by Commissioner Clint Faram to approve.

Motion passed, 8-0. Commissioner Todd Hulsey was absent.

B. 1560 Broad Valley Court (Case 23-345): Hold a public hearing and consider approval of an ordinance for a zoning change request from "SFR", Singlefamily rural district to "SFE", Single-family estate district for 4.619 acres of property. (Staff Presenter: Emilio Sanchez, Development Services Assistant Director

Emilio Sanchez 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 6:13 p.m.

Commission Chairman Michael Tune closed the public hearing at 6:14 p.m.

Motion made by Commissioner David Hadley and second by Commissioner Clint Faram to approve.

Motion passed, 8-0. Commissioner Todd Hulsey was absent.

5. Reports and Presentations

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 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

8. Adjourn

There being no further business Chair Michael Tune adjourned the meeting.

Time – 6:14PM

Peggy Fisher Administrative Assistant Recording Secretary





Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: January 30, 2024

SUBJECT:

Dobson Townhomes (Case 23-003): Consider a site plan for Dobson Townhomes located at 200 S Dobson with a waiver to the development plan related to the maximum roof pitch for a Rural Farmhouse architectural style. (Staff Presenter: Lidon Pearce, Senior Planner)

SUMMARY:

On January 9, 2023, a development plan and site plan were submitted by Paul Jenkins (owner) on approximately .30 acres of land addressed as 200 S Dobson. The applicant is proposing 4 two-story townhomes with a "Rural Farmhouse" architectural style, with a waiver to the maximum roof pitch.

Site Plan:

The applicant has submitted a site plan concurrent with the development plan which confirms to the parking, landscaping, and general yard requirements for this location as outlined in the SFA, Single-family attached zoning district and OT, Old Town overlay district.

Building Elevations:

The proposed buildings are designed with a majority of the façade being cementitious fiber board clad lap siding, less the windows and doors. The design is in keeping with a complementary architectural style as prescribed in the Old Town Design Standards for "Rural Farmhouse".

Proposed Architectural Style:

Rural Farmhouse (1850s to 1920)

Two story height maximum.	In conformance
Clad lap siding or shingles (Cementatious Fiber Board shall be acceptable)	In conformance

Prominent entrance with a covered porch containing a minimum of one hundred square feet (100 SF) in area.	In conformance
Porch railings to be milled wood top and bottom rails with square, turned, or flat sawn balusters.	In conformance
At least two-thirds (%) of the street facing edge(s) of the porch structure shall be enclosed with vertical wood or iron railing, or solid masonry bulkhead that has a minimum height of 36 inches.	In conformance (vertical wood railing)
Side gabled roof.	In conformance
12"—24" max overhang.	In conformance
Roof pitch Max. = 7:12. Min. = 5:12.	Not in conformance (applicant requesting 12:12; which they believe conforms more to the style and examples as contained with the Old Town Design Standards)
Boxed (concealed) eave.	In conformance
Gabled dormers.	In conformance
Fiberglass shingles (architectural grade), cementitious shingles, slate and faux slate materials, standing-seam metal, and pressed metal shingles shall be permitted.	In conformance (fiberglass shingles of architectural grade)
Decorative corbels (bracket work).	In conformance
Symmetrical placement of doors and windows.	In conformance
Entrance door located in the center of wide houses, or at the side corner of narrow houses.	In conformance

The site plan, SACC Memo, and building elevations are attached as Exhibit 3.

RECOMMENDATION:

Recommend approval of the site plan with a waiver to the roof pitch.

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

<u>September 19, 2022</u>: City Council approved a zoning change from Sf7, Single-family district-7 to SFA, Single-family attached district.

<u>January 17, 2024</u>: Old Town Design Standards Review Committee recommended approval of the development plan with a waiver to the maximum roof pitch.

REFERENCE:

<u>City of Burleson, TX OLD TOWN DESIGN STANDARDS</u> (ecode360.com)

<u>City of Burleson, TX GENERALLYSearch: § 4-4</u> <u>Classification of architectural styles. (ecode360.com)</u>

FISCAL IMPACT:

None

STAFF CONTACT:

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

Dobson Townhomes

Location:

- 200 S Dobson
- .30 acres

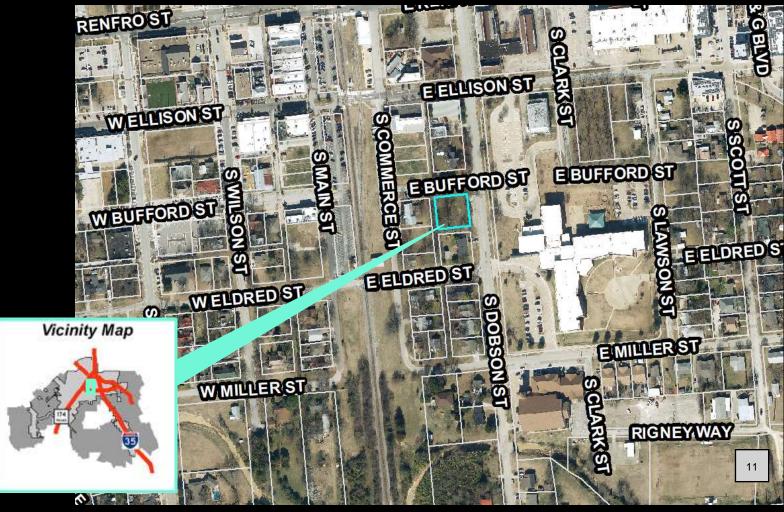
Applicant:

Paul Jenkins (owner)

Item for approval:

Site Plan with waiver (23-003)





Dobson Townhomes



Property Information:

Zoned SFA, Single-family attached district

Located in the OT, Old Town Overlay district

Summary:

4 townhomes with a "Rural Farmhouse" architectural style



Rural Farmhouse

	Item A.
BI	$\frac{X}{2}$

Old Town Design Standard	Conformance
Two story height maximum.	Yes
Clad lap siding or shingles (Cementatious Fiber Board shall be acceptable)	Yes
Porch railings to be milled wood top and bottom rails with square, turned, or flat sawn balusters.	Yes
At least two-thirds ($\frac{2}{3}$) of the street facing edge(s) of the porch structure shall be enclosed with vertical wood or iron railing, or solid masonry bulkhead that has a minimum height of 36 inches.	Yes
Side gabled roof.	Yes
12"—24" max overhang.	Yes
Roof pitch Max. = 7:12. Min. = 5:12.	No (12:12)
Boxed (concealed) eave.	Yes
Gabled dormers.	Yes
Fiberglass shingles (architectural grade), cementitious shingles, slate and faux slate materials, standing-seam metal, and pressed metal shingles shall be permitted.	Yes
Decorative corbels (bracket work).	Yes
Symmetrical placement of doors and windows.	Yes
Entrance door located in the center of wide houses, or at the side corner of narrow houses.	Yes

Waiver to max roof pitch

Old Town Design Standard	Justification
Roof pitch Max. = 7:12. Min. = 5:12.	Applicant is requesting 12:12; which they believe conforms more to the style and examples as contained with the Old Town Design Standards



Examples provided in City of Burleson Old Town Design Standards for "Rural Farmhouse"







Waiver to max roof pitch



Staff supports the waiver as the examples in our Code appear to have roof pitches that exceed 7:12 (30.2 degree slope) and based on the narrowness of townhome (SFA zoned) lots compared to traditional single-family detached.









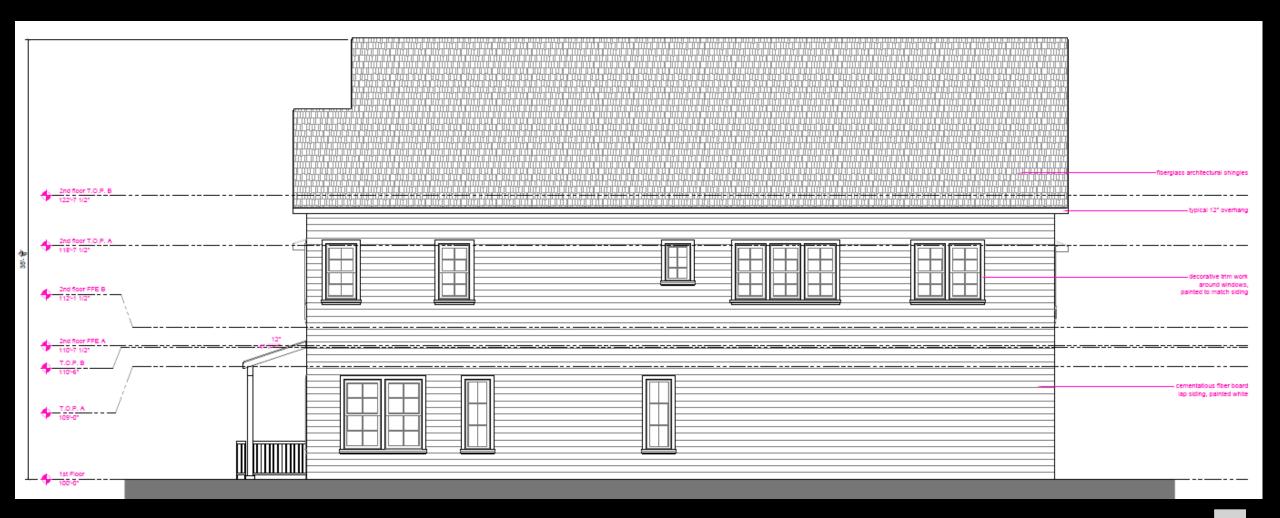
Elevations and Materials





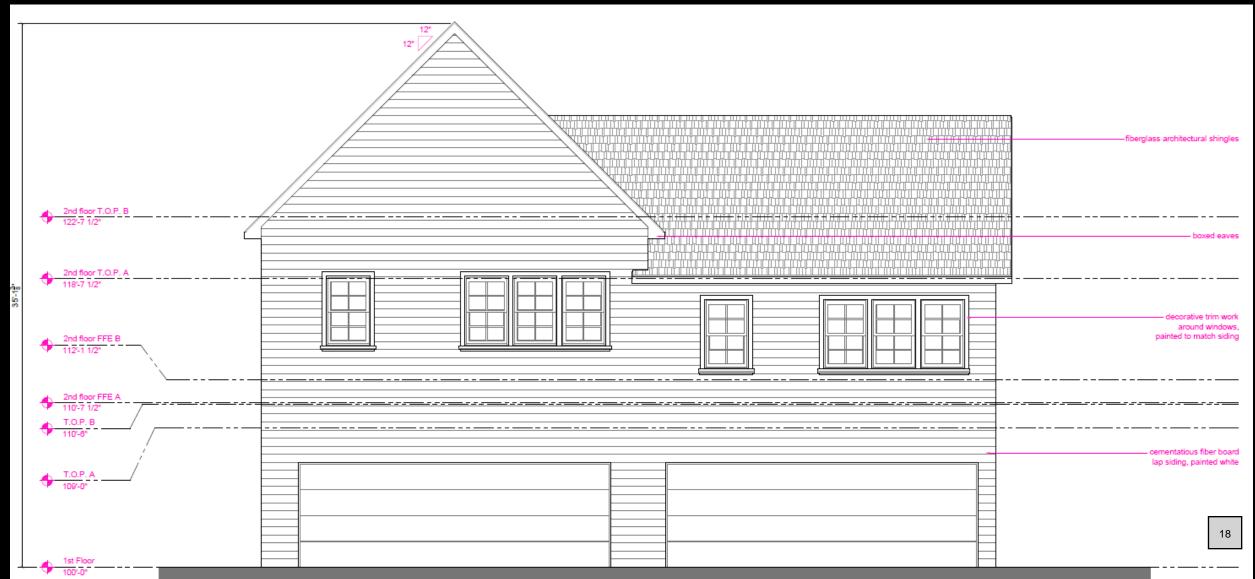
Elevations and Materials





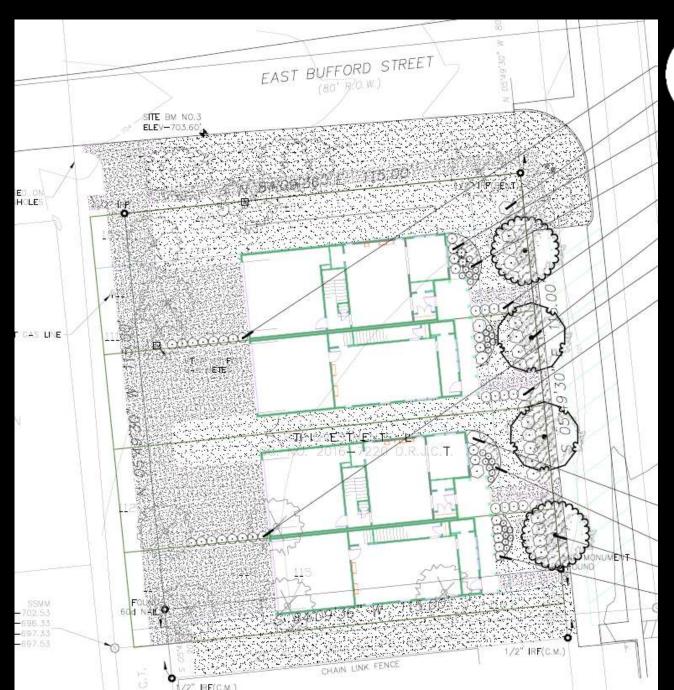
Elevations and Materials





Recommendation

 Recommend approval of the site plan with waiver



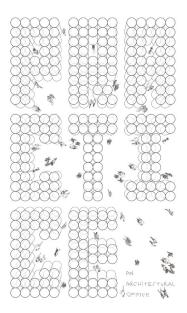


Practice

an architectural office

 $829\ West\ Jefferson\ Boulevard,\ Dallas,\ Texas\ 75208$

office@practicearchitecturaloffice.com



09 January 2023

Statement of Architectural and Contextual Compatibility RE: 200 South Dobson Street Townhomes

Dear committee members,

Attached you will find our proposed elevations and plans for 4 townhomes on 200 South Dobson Street. We recognize the importance of maintaining the distinct historical character of Burleson's Old Town District and weaving this new project into the existing fabric. In accordance with Burleson's historic design guidelines, we chose to design the townhomes in the "Rural Farmhouse" style.

Our goal is for the design to read like 2 farmhouses in keeping with the scale of the neighborhood rather than 4 individual houses. Two long porches dominate the front elevation and each unit has a minimum of 100 square feet of covered porch area complete with white painted wood railing and columns with decorative corbels in a simple farmhouse style. Dormers and gables accentuate the roof line with dark grey architectural fiberglass shingles.

The townhomes are situated on the site to maximize their front yards while the 3^\prime tall white picket fences provide a degree of privacy for each home.

The material selection is simple with fiber cement siding wrapping the building and an all white color pallet for the materials except for a subtle pop of color on the front doors. All windows are multi-paned and double hung with traditional trim work. The white shutters mark the front façade windows from the secondary elevations. The siding, trim, and shutters will be made from a fiber cement material which requires less maintenance and is resistant to mold and decay but still gives the look and feel of real wood.

Practice

an architectural office 829 West Jefferson Boulevard, Dallas, Texas 75208

office@practicearchitecturaloffice.com

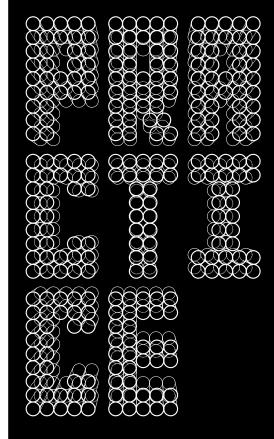
The project's design is intended to emphasize the unique character of Burleson's Old Town and we hope the committee appreciates the respect the design gives to the rural farmhouse style.

Sincerely, Jessica Nelson Registered Architect



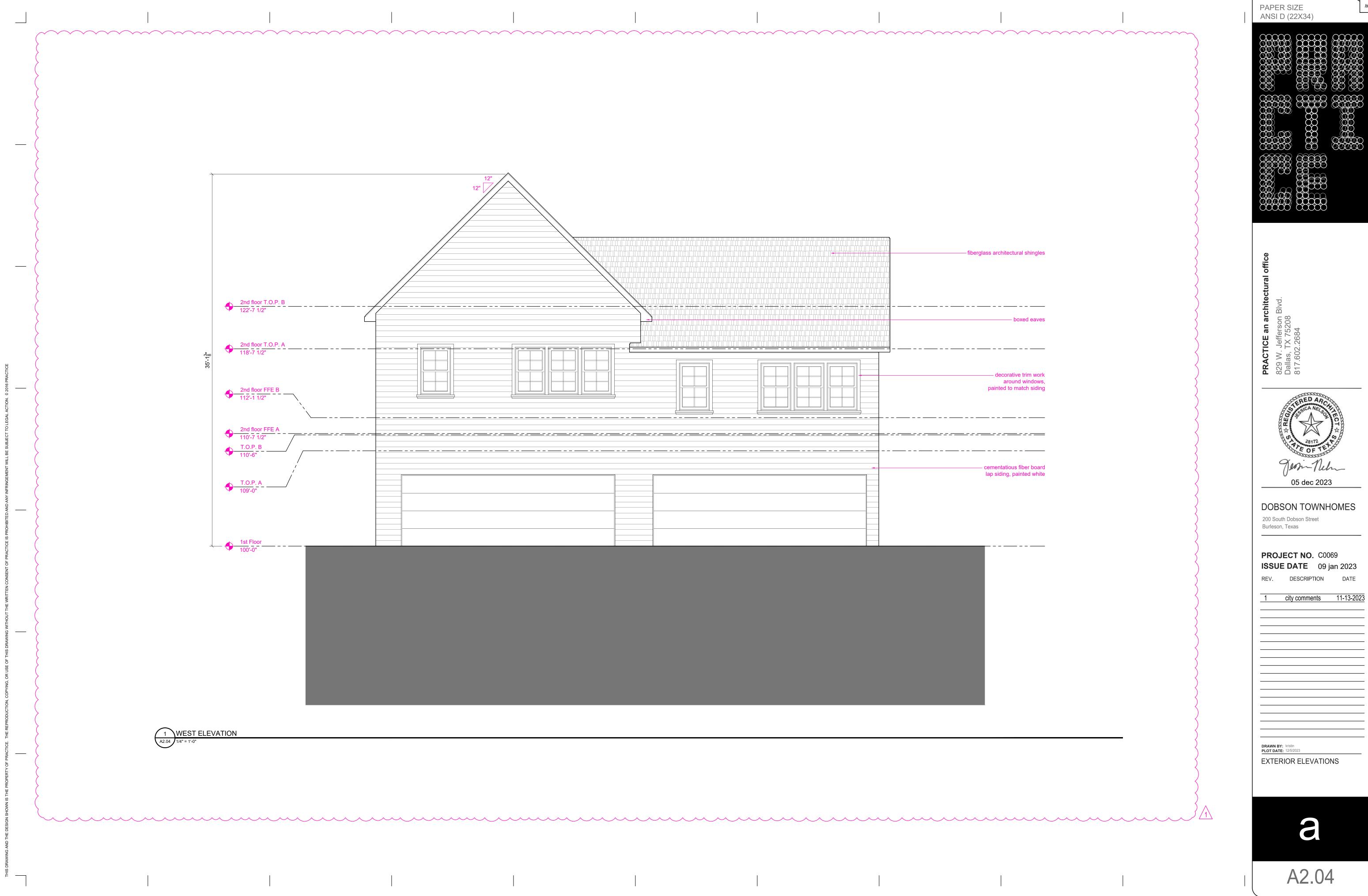


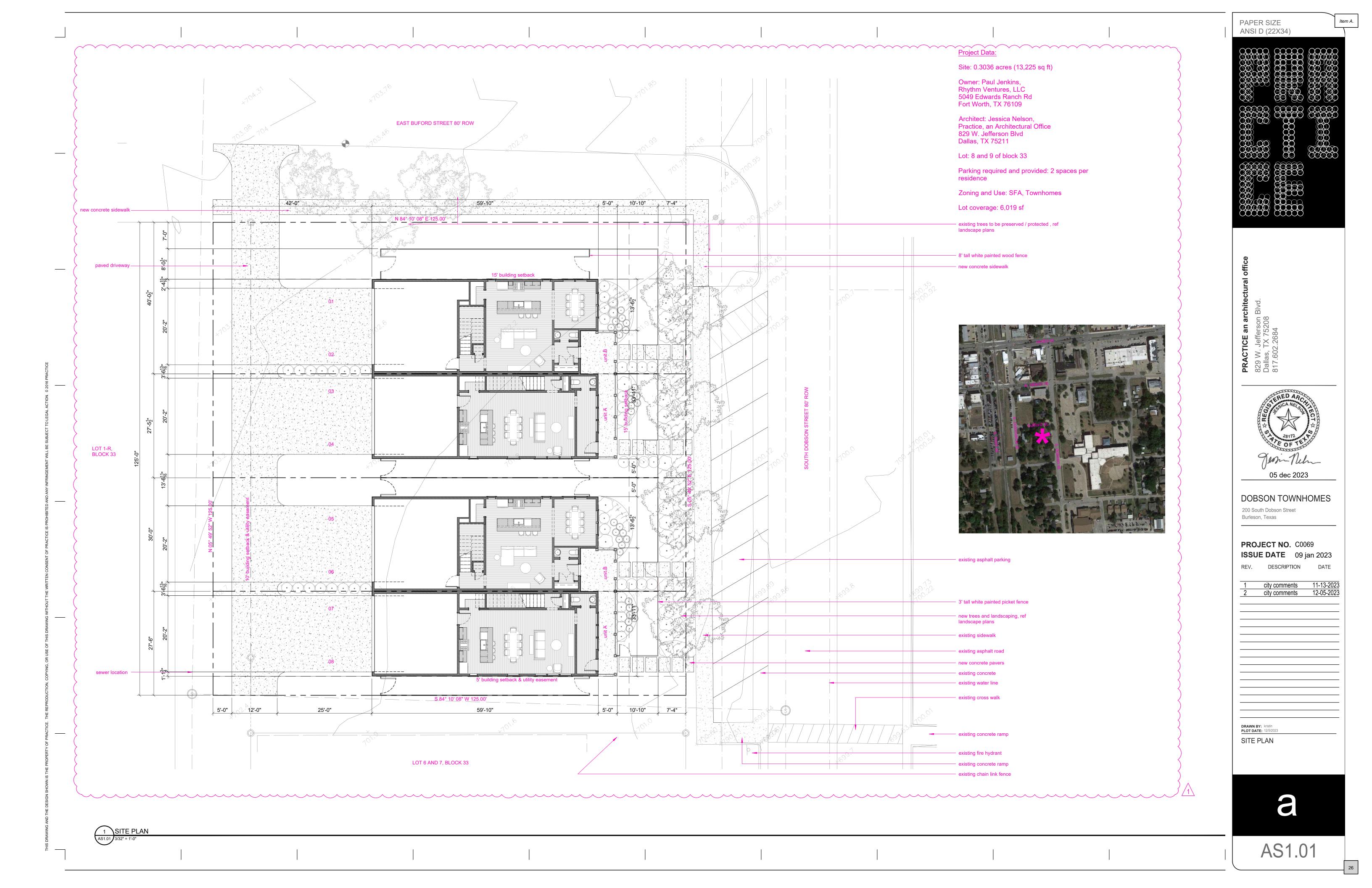
PAPER SIZE



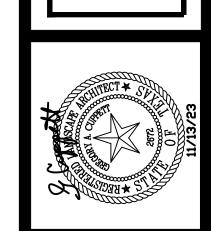








Item A.



Sheet No.

LANDSCAPE PLAN

(8) PIT TRI

(6) PIT TRI

5 gal.

3 gal.

5 gal.

(8) ILE NAN

(2) QUE SHU

(8) PIT TRI

(15) MYR DON

_l5 gal.

5 gal.

~ ج

(2) MYR DON

(15) MUH REV

(2) ULM CRA

RIM-699.77

FL 8" N(IN)

FL 8" W(IN)

(7) PIT TRI

∖5 gal.

3" Cal.

(13) MYR DON

(15) MUH REV

EAST BUFFORD STREET

CHAIN LINK FENCE

THE HARRISON LIVING TRUST

DOC. NO. 2018-33661 D.R.J.C.T.

COMMENT

PRESERV

REMOV

REMOV

REMOV

SITE BM NO.3

STUB UP FOR

GAS METER:

1/2" IRF(C.M.)

SPECIES

HACKBERRY

HACKBERRY

HACKBERRY

HACKBERRY

HACKBERRY

HACKBERRY

HACKBERRY

TREE SURVEY

CONDITION

FAIR-MISTLETOE FAIR-MISTLETOE

FAIR-MISTLETOE

FAIR-MISTLETOE FAIR-MISTLET FAIR-MIST

FAIR-MISTLETOE

FAIR-MISTLETOE

FAIR-MISTLETOE

FAIR-MISTLETOE

FAIR-MISTLETOE

TOTAL MITIGATION REQUIRED

EXISTING TREE TO BE PRESERVED/PROTECTED

EXISTING TREE TO BE REMOVED BY PERMIT

NO MITIGATION REQUIRED

LEGEND

FAIR-MISTLE

ELEV-703.60

EWER LOCATION BASED ON

NT MARKS AND MANHOLES

3LOCK 33

OF BURLESON

30 P.R.J.C.T.

APPARENT GAS LINE +

RIM - 702.53

FL 8" E(OUT)-696.33

-R, BLOCK 33

OWN OF BURLESON G. 730 P.R.J.C.T.

FL 8" N(IN)-697.33 FL 8" S(IN)-697.53 1. PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE. 2. ALL PLANT MATERIAL TO BE NURSERY GROWN STOCK.

4. ALL CONTAINER GROWN PLANTS TO HAVE FULL, VIGOROUS ROOT SYSTEM, COMPLETELY

5. ALL PLANTS WELL ROUNDED AND FULLY BRANCHED. ALL TREES WITH SPREAD 2/3 OF

AND LAWNS. 7. MAINTAIN/PROTECT VISIBILITY TRIANGLE WITH PLANT MATERIAL PER CITY STANDARDS AT ALL

WHERE SHRUBS ARE LOCATED ALONG CURB, SET SHRUBS BACK FROM CURB 3 FT.

TELEPHONE, TELECABLE, ELECTRIC, GAS, WATER AND SEWER. ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR AT NO COST TO OWNER.

OF CITY ARBORIST. WORK TO INCLUDE REMOVAL OF ALL SUCKER GROWTH; DEAD AND DISEASED BRANCHES AND LIMBS; VINES, BRIARS AND OTHER INVASIVE GROWTH; AND ALL INTERFERING BRANCHES. MAKE ALL CUTS FLUSH TO REMAINING LIMB. RETAIN NATURAL

12. QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES. CONTRACTOR TO VERIFY PRIOR TO PRICING.

13. INSTALL EDGING BETWEEN LAWN AND PLANTING BEDS. REFER TO SPECIFICATIONS. FILE ALL CORNERS SMOOTH.

14. INSTALL CURLEX BLANKET (OR EQUAL) PER MANUFACTURES INSTRUCTIONS ON ALL

15. AT TIME OF PLAN PREPARATION, SEASONAL PLANT AVAILABILITY CANNOT BE DETERMINED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE AND RESERVE ALL B&B PLANTS WHEN AVAILABLE IN CASE ACTUAL INSTALLATION OCCURS DURING THE OFF-SEASON.

16. BERM ALL PARKING LOT ISLANDS AS SHOWN ON ENCLOSED DETAIL SHEET. (BERMS MAY NOT

1. TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH TURF IN ALL OFF SITE DISTURBED AREAS WITHOUT A PERMANENT IRRIGATION SYSTEM.

2. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONFIRM TREE CALIPER MEASUREMENT HEIGHT ABOVE GRADE AS REQUIRED BY TOWN.

4. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR AND SHALL MAINTAIN THE LANDSCAPING FOR 90 DAYS PAST THE FINAL INSPECTION.

TURF SHALL BE ESTABLISHED IN ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND EROSION CONTROL PLAN.

PLANTING NOTES:

3. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT

ENCOMPASSING CONTAINER.

6. CONTRACTOR TO PROVIDE OWNER WITH PREFERRED MAINTENANCE SCHEDULE OF ALL PLANTS

ENTRANCES TO SITE. 8. PREP ENTIRE WIDTH OF ALL DEFINED PLANTING BEDS WITH MIX AS OUTLINED IN SPECS.

9. SEE DETAIL SHEET FOLLOWING FOR PLANTING DETAILS. 10. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO

11. EXISTING TREES ARE SHOWN TO REMAIN, CONTRACTOR SHALL PRUNE ONLY ON APPROVAL SHAPE OF PLANT. ALL WORK SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.

GROUNDCOVER/SHRUB BEDS WITH A SLOPE OF 4:1 OR GREATER.

PURCHASE AND HOLD B&B PLANTS FOR LATE SEASON INSTALLATION.

BE SHOWN ON GRADING PLAN.)

17. PRIOR TO PLANTING, CONTRACTOR SHALL STAKE TREE LOCATIONS FOR OWNER APPROVAL.

3. NO LANDSCAPE PLANTINGS WITHIN 18" OF PARKING LOT CURBS.

PLANT SCHEDULE

SYMBOL	CODE	<u>QTY</u>	BOTANICAL NAME	COMMON NAME	SIZE	<u>HEIGHT</u>	SPACING		REMARKS
TREES	QUE SHU	2	Quercus shumardii	Shumard Oak	3" Cal.	12` Height Min	As Shown		Single Straight Trunk
Er.	ULM CRA	2	Ulmus crassifolia	Cedar Elm	3" Cal.	12` Height Min	As Shown		Single Straight Trunk
E T	OLIVI CHA	2	Olitius Crassilolia	Cedai Elili	5 Cal.	12 Height Will	AS SHOWN		Single Straight Trunk
SHRUBS									
	ILE NAN	12	llex vomitoria 'Nana'	Dwarf Yaupon Holly	5 gal.		36" O.C.		
	MUH CAP	2	Muhlenbergia capillaris	Pink Muhly Grass	5 gal.		36" O.C.		
ANNONANANCE	MUH REV	30	Muhlenbergia reverchonii	Seep Muhly	3 gal.		24" O.C.		
\bigcirc	MYR DON	28	Myrica cerifera 'Don's Dwarf'	Don's Dwarf Wax Myrtle	5 gal.		48" O.C.		
	PIT TRI	29	Pittosporum tobira 'Dwarf Variegata'	Dwarf Variegated Pittosporum	5 gal.	18"-24"	36" O.C.		
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	<u>HEIGHT</u>	SPACING	SPACING	REMARKS
GROUND COVE	<u>ERS</u>								
	CYN DAC	7,009 sf	Cynodon dactylon	Bermudagrass	Solid Sod				
	LIR BIG	647	Liriope muscari 'Big Blue'	Big Blue Lilyturf	4" pots		12" O.C.	12" o.c.	

CONTRACTOR SHALL BE RESPONSIBLE FOR CONFIRMING TREE AND SHRUB SIZES CONFORM TO CITY LANDSCAPE STANDARDS AND MITIGATION REQUIREMENTS.

REFERENCE NOTES SCHEDULE

SYMBOL	01 GENERAL DESCRIPTION	<u>QTY</u>	DETAIL	
01-01	Composite Edging	209 If		

CAUTION!!! UNDERGROUND UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTACT LINE LOCATES FOR FRANCHISE UTILITY INFO. TEXAS EXCAVATION SAFETY SYSTEM (TESS BEFORE YOU DIG... LONE STAR NOTIFICATION CENTER 1-800-669-8344 EXT. 5

CALL BEFORE YOU DIG: TEXAS ONE CALL SYSTEMS 1-800-245-4545

CITY OF BURLESON LANDSCAPE REQUIREMENTS

PROVIDED

4,744 SF

PROVIDED

PROVIDED

PROVIDED

PROVIDED

(2) TREES (2) TREES

PROVIDED

PROVIDED

497 SF OFF SITE

(1) EXISTING TREES

4,744 SF

JB 344 SF SHRUB/ORNAMENTAL GRASS = 11% 2,761 SF TURF/GROUNDCOVER = 89%

10' MINIMUM LANDSCAPE STRIP

(23) SHRUBS
(23) SHRUBS LOCATED THROUGH OUT SITE

MAXIMUM 90% OF REQUIRED LANDSCAPING TO BE TURF/GROUNDCOVER MINIMUM 10% OF REQUIRED LANDSCAPING TO BE SHRUBS/ORNAMENTAL GRASSES

MINIMUM 40% OF REQUIRED LANDSCAPING TO BE IN FRONT YARD

10 FT LANDSCAPE STRIP REQUIRED AT STREET ROW

DNE 3" CANDPY TREE REQUIRED PER EACH 60 FT. DF RDW

DNE 5 GAL SHRUB REQUIRED PER EACH 5 FT. DF RDW

A 162 SF LANDSCAPE ISLAND FOR EACH 12 PARKING SPACES

MINIMUM 20% OF LOT TO BE LANDSCAPED

13,221 X 20% = 2,644 SF

2,644 X 10% = 264 SF MIN SHR

2,644 X 40% = 1,058 SF

10' LANDSCAPE STRIP

115 LF/60 = (2) TREES 115 LF/60 = (2) TREES

115 LF/5 = (23) SHRUBS 115 LF/5 = (23) SHRUBS

(9 SPACES / 12) X 126 = 95

9 SPACES / 12 = (1) TREES

REQUIRED

REQUIRED

REQUIRED

REQUIRED

REQUIRED

REQUIRED

REQUIRED

MININIMUM AMOUNT

OF LANDSCAPE

MAXIMUM AMDUNT

GR□UNDC□∨ER

MINIMUM AMDUNT

OF FRONT YARD LANDSCAPING

ROW FRONTAGE

LANDSCAPE

PARKING LOT

LANDSCAPING

LANDSCAPE CREDITS

OF GRASS/



Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Lidon Pearce, Senior Planner

MEETING: January 30, 2024

SUBJECT:

625, 631, and 637 Mockingbird LN (Case 23-350): Hold a public hearing and consider an ordinance for a zoning change request from "A", Agricultural to "C" Commercial for existing commercial uses at 625, 631, and 637 Mockingbird LN. (Staff Presenter: Lidon Pearce, Senior Planner)

SUMMARY:

On November 13, 2023, a zoning change request was submitted by Stephen Martin and Jason Tharp (owners) to change the zoning of approximately 10.01 acres to "C", Commercial to align the zoning with the current uses and certificate of occupancies on-file.

DEVELOPMENT OVERVIEW:

The owners are proposing a "C", Commercial zoning. The previous certificate of occupancy allowed for a cabinet shop, warehousing, and fabrication. The current certificate of occupancy with the City allows for residential and commercial remodeling.

Zoning and Land Use Table

	Zoning	Use		
Subject Site	A, Agricultural	Commercial		
North	Railroad / ETJ	Residential		
East	PD, Planned Development	Residential		
South	Gas Well and PD, Planned Development	Residential		
West	Railroad / ETJ	Residential		

This site is designated in the Comprehensive Plan as Neighborhoods.

This category is 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. Supporting and complementary uses, such as open space, schools and other public or civic uses, and limited small-scale neighborhood commercial uses, are also encouraged in this category.

Staff has determined that this request is not in conformance with the Comprehensive Plan and pursuant to Local Gov't Code Section 211.04 an amendment to the Future Land Use Map would be appropriate if rezoned for the applicant's proposal.

Staff is unable to recommend approval based on the request not meeting the Comprehensive Plan, however based on the facility and uses already existing, staff is not opposed to the proposed zoning change request. Additionally, this property is located directly adjacent to the railroad and a gas well pad site and is unlikely to be developed for residential uses.

Engineering:

Engineering reviews will be required if the applicant expands or proposes any improvements to the site(s) in the future. At this time the applicant is not proposing any improvements or additions.

RECOMMENDATION:

Staff is unable to recommend approval of the zoning change request. However, staff acknowledges and supports the continued use of this non-conforming site.

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

None.

REFERENCE:

City of Burleson, TX ZONING DISTRICTS (ecode360.com)

FISCAL IMPACT:

None

STAFF CONTACT:

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

Location:

625, 631, and 637 Mockingbird LN

Applicant:

Stephen Martin and Jason Tharp (owners)

Item for approval:

Zoning Change from "A", Agricultural to "C" Commercial for existing commercial uses at 625, 631, and 637 Mockingbird LN (Case 23-350)



Item B.

Comprehensive Plan

Neighborhoods

Zoning A, Agricultural



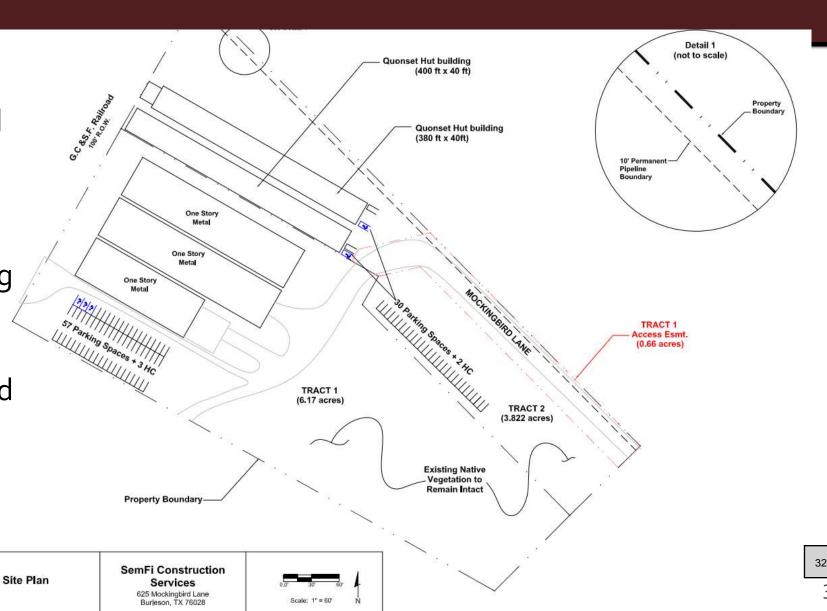


Staff has determined that this request is not in conformance with the Comprehensive Plan and pursuant to Local Gov't Code Section 211.04 an amendment to the Future Land Use Map would be appropriate if rezoned for the applicant proposal.

Current uses of construction, fabrication, cabinet shop, and warehousing are legal non-conforming.

Zoning change to "C
"Commercial aligns the zoning with current uses.

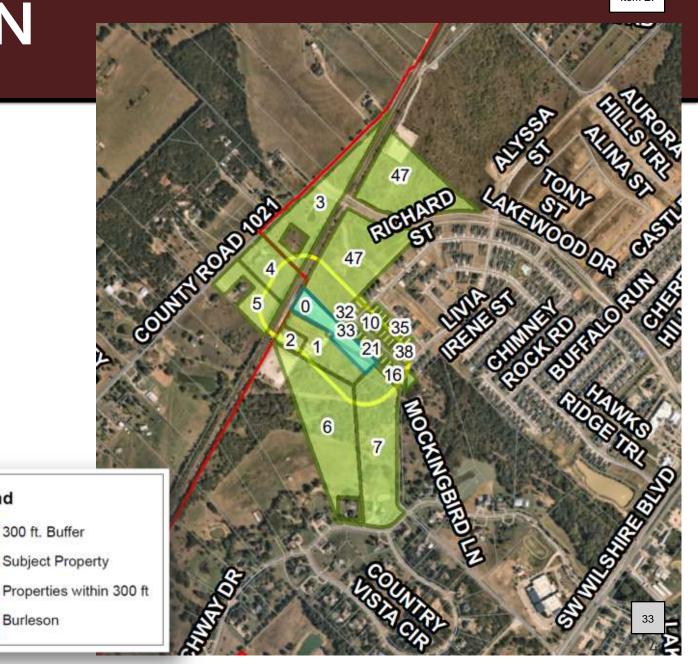
Current uses would be allowed to continue as legal nonconforming if the zoning change request were denied.



Public Hearing Notice

- Public notices were mailed to property owners (based on current JCAD records) within 300 feet of subject property.
- Published in newspaper.
- Signs posted on the property.
- At this time staff has received no formal opposition

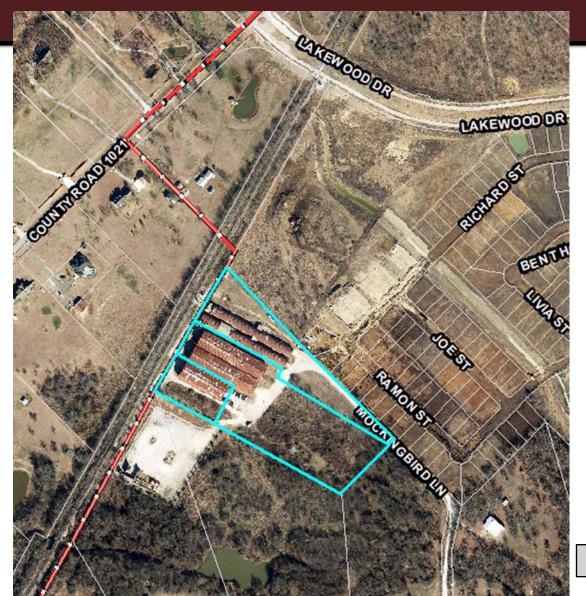
Legend



Staff's Recommendation

Staff is unable to recommend approval of the applicant's zoning application due to the request not meeting the Comprehensive Plan.

Staff supports the continuation of the existing non-conforming land uses on the property. This property is located directly adjacent to the railroad and a gas well pad site, and is unlikely to be developed for residential uses.



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 10.652 ACRES OF LAND SITUATED IN H.G. CATLETT SURVEY, ABSTRACT 178, SITUATED IN THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, AND BEING 4.482 ACRES OF LAND IN THE DEED TO STEVEN R. ATKINS, RECORDED IN VOLUME 2375, PAGE 867, DEED RECORDS JOHNSON COUNTY, TEXAS (D.R.J.C.T.), AND 6.17 ACRES OF LAND CONVEYED TO GRAND INTERNATIONAL CORPORATION, BY DEED RECORDED IN VOLUME 1818 PAGE 133, DEED **JOHNSON** RECORDS COUNTY. **TEXAS** (D.R.J.C.T.), AGRICULTURAL (A) TO COMERCIAL (C); MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, an application for a zoning change was filed by <u>Stephen Martin and Jason Tharp</u> on <u>November 13, 2023</u>, under <u>Case Number 23-350</u>, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to rezone and reclassify said property from its current zoning classification; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas voted <u>8 to 0</u> to recommend to the City Council of Burleson, Texas,

that the hereinafter described property be rezoned from its classification of <u>Agricultural (A)</u> to <u>Commercial (C)</u>; and

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

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

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

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

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

Section 1

The Zoning Ordinance and Map is hereby amended insofar as it relates to certain land described as 10.652 acres of land situated in the H.G. Catlett Survey, Abstract Number 1178, situated in the City Of Burleson, Johnson County, Texas and being 4.482 acres of land in the deed to Steven R. Atkins, recorded in Volume 2375, Page 867, deed records Johnson County, Texas (D.R.J.C.T.), and 6.17 acres of land conveyed to Grand International Corporation, by deed recorded in Volume 1818 Page 133, deed records Johnson County, Texas (D.R.J.C.T.), as **described in Exhibit A**, by changing the zoning of said property from **Agricultural (A)** to **Commercial (C)** being further described and attached as **Exhibit A**.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Section 7.

Any person, firm, association of persons, company, corporation, or their agents, its servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 8.

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

PASSED AND APPROVED:		
First and Final Reading:	the day of	, 20
	Chris Fletcher, Mayor City of Burleson, Texas	
ATTEST:	APPROVED AS TO FORM	:
Amanda Campos, City Secretary	E. Allen Taylor, Jr., City Att	orney

EXHIBIT "A"

DESCRIPTION OF PROPERTY

637 Mockingbird Lane

TRACT 1:

Being a lot, tract or parcel on land situated in the H.G. Catlett Survey, Abstract No. 178, City of Burleson, Johnson County, Texas, same being a tract of land conveyed to New Grand International Corporation, by deed recorded in Volume 1818, Page 133, Deed Records, Johnson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the West corner of that tract of land conveyed to Steven R. Atkins, by deed recorded in Volume 2375, Page 867, Deed Records, Johnson County, Texas, said corner being the Southeast right of way line of G.C. and S.F. Railroad (100 foot right of way);

THENCE South 60 degrees 48 minutes 41 seconds East, along the Southwest line of said Atkins tract, a distance of 480.00 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being an "ELL" corner of said Atkins tract:

THENCE South 29 degrees 04 minutes 11 seconds West, along a Northwest line of said Atkins tract, a distance of 52.87 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being an "ELL" corner of said Atkins tract:

THENCE South 45 degrees 14 minutes 53 seconds East, along a Southwest line of said Atkins tract, a distance of 478.27 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being along the Northwest line of Lot 6, Block 1 of Willow Creek Ranch, an addition to the City of Burleson, Johnson County, Texas, according to the map thereof recorded in Volume 8, Page 678, Map Records, Johnson County, Texas;

THENCE South 44 degrees 49 minutes 34 seconds West, along the Northwest line of Lot 6, Block 1 of said Willow Creek Ranch, a distance of 172.41 feet to a 1 inch iron rod found for corner, said corner being the Northeast corner of Lot 7, Block 1 of said Willow Creek Ranch:

THENCE North 60 degrees 47 minutes 20 seconds West, along the Northeast line of Lot 7, Block 1 of said Willow Creek Ranch, a distance of 893.89 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG SURVEYING" for corner, said corner being the North corner of Lot 8, Block 1 of said Willow Creek Ranch, said corner being along the Southeast right of way line of G.C. and S.F. Railroad;

THENCE North 29 degrees 06 minutes 33 seconds East, along the Southeast line of said G.C. and S.F. Railroad, a distance of 346.87 feet to the POINT OF BEGINNING and containing 268,659 square feet or 6.17 acres of land.

TRACT 2: Proposed 50' Access Easement

Being a 28,764 square feet or 0.66 acres of land situated in the H.G. Catlett Survey, Abstract No. 178, City of Burleson, Johnson County, Texas, and being a portion of a tract of land conveyed to Steven R. Atkins, by deed recorded in Volume 2375, Page 867, Deed Records, Johnson County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for corner, said corner being the West corner of said Atkins tract, said corner being the North corner of that tract of land conveyed to New Grand International Corporation, by deed recorded in Volume 1818, Page 133, Deed Records, Johnson County, Texas, said corner being the Southeast right of way line of G.C. and S.F. Railroad (100 foot right of way);

THENCE South 60 degrees 48 minutes 41 seconds East, along the Southwest line of said Atkins tract, a distance of 430.34 feet to a point for corner, said corner being the POINT OF BEGINNING of herein described tract;

THENCE North 29 degrees 11 minutes 19 seconds East, a distance of 22.23 feet to a point for corner;

THENCE North 76 degrees 31 minutes 25 seconds East, a distance of 118.86 feet to a point for corner, said corner being along the Southwest line of Block 2 of The Parks at Panchasarp Farms Phase 2, an addition to the City of Burleson, Johnson County, Texas, according to the map thereof recorded in Instrument No. 267—2021, Map Records, Johnson County, Texas;

THENCE South 45 degrees 14 minutes 32 seconds East, along the Southwest line of Block 2 of said The Parks at Panchasarp Farms Phase 2, a distance of 483.98 feet to a point for corner, said corner being the Southeast corner of said Atkins tract, said corner being the North corner of Mockingbird Lane (50 foot Private Access, Utility and Drainage Easement, by map thereof recorded in Volume 8, Page 678, Map Records, Johnson County, Texas, and by deed recorded in Volume 2120, Page 603, Deed Records, Johnson County, Texas, from which a 1 inch iron rod found bears, South 40 degrees 20 minutes 35 seconds West, a distance of 2.58 feet for witness;

THENCE South 44 degrees 49 minutes 34 seconds West, along the Southeast line of said Atkins tract, a distance of 50.00 feet to a point for corner;

THENCE North 45 degrees 14 minutes 32 seconds West, a distance of 456.07 feet to a point for corner;

THENCE South 76 degrees 31 minutes 25 seconds West, a distance of 69.57 feet to a point for corner, said corner being along the Northeast line of said New Grand International Corporation tract;

THENCE North 60 degrees 48 minutes 41 seconds West, along the Northeast line of said New Grand International Corporation tract, a distance of 49.66 feet to the POINT OF BEGINNING and containing 28,764 square feet or 0.66 acres of land.

LEGAL DESCRIPTION
10 Foot Permanent Pipeline Easement
H.G. Catlett Survey, Abstract 178
Johnson County, Texas

All that certain lot, tract or parcel of land lying and situated in the H.G. Catlett Survey, Abstract 178, Johnson County, Texas, being a part of that certain tract of land described as 3.822 acres in the deed from The Quanset Trust dated March 22, 1994, Don C. Armour, Trustee to Steven R. Atkins, dated August 16, 1999, recorded in Volume 2375, Page 867 of the Official Public Records of Johnson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point at a corner lying in the westerly line of that certain tract of land described as 83.00 acres in the deed to R.J. Panchasarp, recorded in Volume 1098, Page 172 of the Official Public Records of Johnson County, Texas, the southeast corner of said 3.822 acre tract, the northern most northeast corner of a 50 foot private access easement (more commonly known as Mockingbird Lane) according to the plat of Willow Creek Ranch, an addition to the City of Burleson, recorded in Volume 8, Page 678 of the Plat Records of Johnson County, Texas;

THENCE South 45 degrees 27 minutes West along the southerly line of said 3.822 acre tract, the northerly line of said addition 10 feet to a point at a corner;

THENCE North 44 degrees 33 seconds West parallel to and 10 feet from the easterly line of said 3.822 acre tract, the westerly line of said 83.00 acre tract, 1017.75 feet to a point at a corner lying in the northerly line of said 3.822 acre tract, the southerly right-of-way line of the G.C.&S.F. Railroad;

THENCE North 29 degrees 53 minutes East along the northerly line of said 3.822 acre tract, the southerly right-of-way line of said Railroad, 10.38 feet to a point at a corner, the northeast corner of said 3.822 acre tract, the northwest corner of said 83.00 acre tract; THENCE South 44 degrees 33 minutes East along the easterly line of said 3.822 acre tract, the westerly line of said 83.00 acre tract, 1020.97 feet to the point of beginning and containing 0.23 acre of land, more or less. The bearings and distances herein are based on the description of that certain tract of land described as 3.822 acres in the deed to Steven R. Atkins, recorded in Volume 2375, Page 867 of the Official Public Records of Johnson County, Texas.