



Planning & Zoning Commission Agenda

Tuesday, February 13, 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 31, 2024 Regular Session of the Planning & Zoning Commission meeting. *(Staff Contact: Peggy Fisher)*

B. Approve the minutes from February 5, 2024 Special Session of the Planning & Zoning Commission meeting. *(Staff Contact: Peggy Fisher)*

C. Hunter Place, Block D (Case 23-417): Consider approval of a replat for Hunter Place; Lots 1R, 2R, & 3R, Block D, addressed as 432 Valentine CT. *(Staff Contact: Lidon Pearce, Senior Planner)*

- D. Original Town of Burleson, Block 33 (Case 23-011): Consider approval of a replat for Original Town of Burleson; Lots 7R-1, 7R-2, 7R-3, & 7R-4, Block 33, addressed as 200 S Dobson. (*Staff Contact: Lidon Pearce, Senior Planner*)

4. **PUBLIC HEARING**

- A. Cliffwood Phase 3 (Case 23-327): Hold a public hearing and consider a resolution for a waiver to Section 5.1.a "Street and Right of Way Basic Policies" of the Design Standards Manual for the design criteria for Streets within the Cliffwood Phase 3. (*Staff Contact: Michelle McCullough, Assistant Director/City Engineer*)

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 9th of February 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.



Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Peggy Fisher, Administrative Assistant Sr.

MEETING: February 13, 2024

SUBJECT:

Approve the minutes from January 30, 2024 Regular Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the January 30, 2024 Regular Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the January 30, 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 30, 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

Clint Faram

Staff

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

REGULAR SESSION

1. Call to Order – 6:00 PM

Invocation – David Hadley

Pledge of Allegiance

2. Citizen Appearance

None

3. Consent Agenda

- A.** Consider approval of the minutes from January 16, 2024 Planning and Zoning Regular Commission meeting. (Staff Contact: Tony McIlwain, Director Development Services).

Motion made by Commissioner Michael Kurmes and second by Commissioner Ashley Brookman to approve the consent agenda.

Motion passed, 7-0. Commissioner Clint Faram was absent.

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)*

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 6:05 p.m.

Commission Chairman Michael Tune closed the public hearing at 6:10 p.m.

Motion made by Commissioner Bill Janusch and second by Commissioner Cobi Tittle to approve.

Motion passed, 7-0. Commissioner Clint Faram was absent.

- B.** 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)*

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 6:18 p.m.

Commission Chairman Michael Tune closed the public hearing at 6:28 p.m.

Motion made by Commissioner Michael Kurmes and second by Commissioner Bill Janusch to deny.

Motion passed, 7-0. Commissioner Clint Faram was absent.

5. Reports and Presentations

None

6. Community Interest Items

Chair Michael Tune made the announcement that Commissioner Todd Hulseby Resigned from the PZ Board.

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 Code.**

8. Adjourn

There being no further business Chair Michael Tune adjourned the meeting.
Time – 6:29 PM

Peggy Fisher
Administrative Assistant
Recording Secretary



Department Memo

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services

FROM: Peggy Fisher, Administrative Assistant Sr.

MEETING: February 27, 2024

SUBJECT:

Approve the minutes from February 5, 2024 Special Session of the Planning & Zoning Commission meeting.

SUMMARY:

Minutes from the February 5, 2024 Special Session of the Planning & Zoning Commission meeting.

OPTIONS:

Approve as presented

RECOMMENDATION:

Approve the minutes from the February 5, 2024 Special 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

SPECIAL PLANNING AND ZONING COMMISSION

February 5, 2024
MINUTES

Roll Call

Commissioners Present

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

Commissioners Absent

Cobi Tittle
Clint Faram

Staff

Tony McIlwain, Director Development Services
Emilio Sanchez, Assistant Director Development Services
Peggy Fisher, Administrative Assistant

REGULAR SESSION

1. Call to Order – 4:00 PM

2. Citizen Appearance

None

3. Consent Agenda

None

4. Public Hearing

None

5. Reports and Presentations

None

6. General

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

Emilio Sanchez presented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Motion made by Commissioner Dan Taylor and second by Commissioner Ashley Brookman to approve.

Motion passed, 6-0. Commissioners Cobi Tittle and Clint Faram were absent.

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

Emilio Sanchez presented the case to the Commission, reviewed the staff report, and answered questions from the Commission.

Motion made by Commissioner Dan Taylor and second by Commissioner Ashley Brookman to approve.

Motion passed, 6-0. Commissioners Cobi Tittle and Clint Faram were absent.

7. Community Interest Items

None

8. Executive Session

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

- 1. Pursuant to Sec. 551.071 consultation with its Attorney: The Planning & Zoning Commission may conduct private consultations with its attorneys when the Planning & Zoning Commission seeks the advice of its attorney concerning any item on this agenda or a matter in which the duty of the attorney to the Planning & Zoning Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly**

conflicts with Chapter 551 of the Government Code.

9. **Adjourn**

There being no further business Chair Michael Tune adjourned the meeting.
Time – 4:18 PM

Peggy Fisher
Administrative Assistant
Recording Secretary

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services
FROM: Lidon Pearce, Senior Planner
MEETING: February 13, 2024

SUBJECT:

Hunter Place, Block D (Case 23-417): Consider approval of a replat for Hunter Place; Lots 1R, 2R, & 3R, Block D, addressed as 432 Valentine CT. (Staff Contact: Lidon Pearce, Senior Planner)

SUMMARY:

On December 27, 2023, an application for a replat was submitted by Jeremy Nelson representing Kirkman Engineering on behalf of Justin Bosworth with DR Horton (owner) for a replat of approximately 0.919 acres. The property is being replatted for the purpose of providing HOA lots along Houston RD and the western boundary of Lot 1R. The plat is administratively complete and meets the requirements of Appendix A – Subdivision and Development Regulations.

RECOMMENDATION:

Approve the replat for Hunter Place, Block D.

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

March 21, 2022 - City Council approved the Final Plat (Case 22-007) for Hunter Place.

REFERENCE:

[City of Burleson, TX PLAT REQUIREMENTS:](#)
[§ 3.6 Replat. \(ecode360.com\)](#)

FISCAL IMPACT:

None

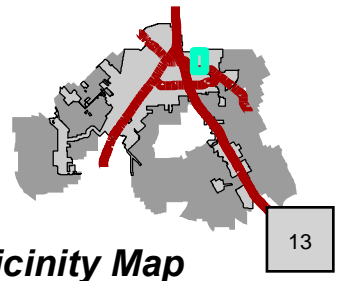
STAFF CONTACT:

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



THE CITY OF
BURLESON
TEXAS

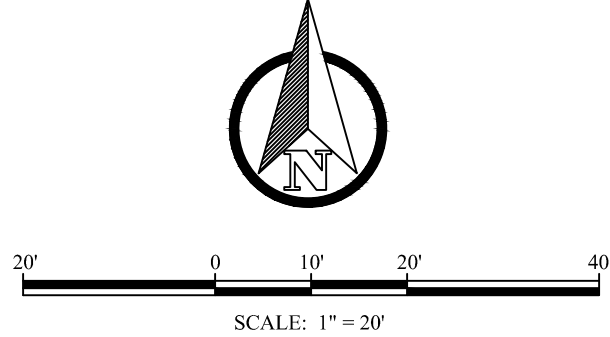
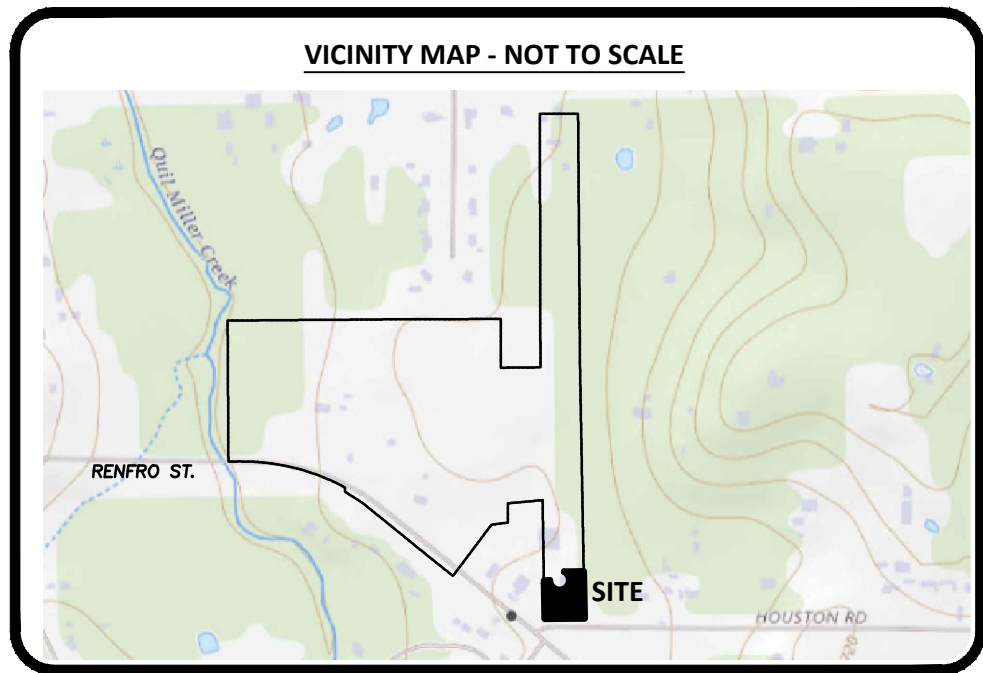
Replat
Lots 1R, 2R, & 3R, Block D
Hunter Place
Case 23-417



Vicinity Map

Utility Service Information:
Water provided by City of Burleson through
Bethesda Water Supply Corporation

- LEGEND OF ABBREVIATIONS**
- D.R.J.C.T. DEED RECORDS, JOHNSON COUNTY, TEXAS
 - P.R.J.C.T. PLAT RECORDS, JOHNSON COUNTY, TEXAS
 - O.P.R.J.C.T. OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS
 - DOC.# DOCUMENT NUMBER
 - C.M. CONTROLLING MONUMENT
 - SQ. FT. SQUARE FEET
 - ROW RIGHT OF WAY
 - CRS CAPPED REBAR SET



SURVEYOR'S NOTES:

- Bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83), distances are surface with a combined scale factor of 1.00012.
- Monuments are found unless specifically designated as set.
- Elevations (if shown) are North American Vertical Datum of 1988 (NAVD '88).
- According to the Flood Insurance Rate Map (FIRM) Community Panel No. 48251C0070J, dated December 4, 2012, the subject property is located within the following zones:
Zone X - Area determined to be outside the 500-year floodplain.

PLAT NOTES:

- This plat does not alter or remove existing deed restrictions or covenants, if any, on this property.
- This property is zoned "SF-7"
- The purpose of this Replat is to create Lots 1X and 2X, Block D, and to alter the lot lines of Lots 1, 2, and 3, Block D
- The City of Burleson reserves the right to require minimum finish floor elevation on any lot within this subdivision. The minimum elevations shown are based on the most current information available at the time the plat is filed and may be subject to change.
- No fences or other structures will be allowed within the drainage easement.
- All screening walls/fences are to be maintained by the HOA.
- HOA is responsible for all maintenance of "X" (HOA) Lots.

STATE OF TEXAS §
COUNTY OF JOHNSON §

WHEREAS D.R. HORTON - TEXAS, LTD. is the owner of all of Lots 1, 2, and 3 in Block D of Hunter Place, an addition in the City of Burleson, Johnson County, Texas, according to the plat recorded under Document Number 2023-94, Plat Records, Johnson County, Texas, the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83)):

BEGINNING at a 1/2 inch rebar found for the southwest corner of said Lot 1 and the herein described tract;
THENCE North 00 degrees 56 minutes 28 seconds West, with the west line of said Lot 1, a distance of 196.17 feet to a 1/2 inch rebar with pink cap stamped, "BARTON CHAPA" found (hereinafter called "capped rebar found") for the northwest corner thereof;
THENCE North 89 degrees 03 minutes 32 seconds East, with the north line of said Lot 1, a distance of 29.80 feet to a capped rebar found at the beginning of a non-tangent curve to the left, having a radius of 50.00 feet, with a delta angle of 240 degrees 18 minutes 12 seconds, whose chord bears North 58 degrees 48 minutes 32 seconds East, a distance of 86.47 feet;
THENCE with the north line of said Lot 1, passing the common north corner of said Lots 1 and 2, continuing and passing the common northwest corner of said Lots 2 and 3, and continuing along said non-tangent curve to the left, a total arc length of 209.70 feet to a capped rebar found for the northwest corner of said Lot 3;
THENCE North 88 degrees 57 minutes 38 seconds East, with the north line of said Lot 3, a distance of 100.23 feet to a capped rebar found for the northeast corner thereof;
THENCE South 01 degrees 02 minutes 22 seconds East, with the east line of said Lot 3, a distance of 241.26 feet to a capped rebar found for the southeast corner thereof;
THENCE South 89 degrees 26 minutes 17 seconds West, with the south line of said Lots 1, 2, and 3, a distance of 205.14 feet, returning to the **POINT OF BEGINNING** and enclosing 0.919 acres (40,022 square feet) of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That, D.R. HORTON - TEXAS, LTD., owner, does hereby adopt this plat designating the hereinbefore described property as **LOTS 1R, 2R, AND 3R, BLOCK D OF HUNTER PLACE**, an addition to the City of Burleson, Johnson County, Texas, and do hereby dedicate 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 in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Burleson, Texas.

_____(owner signature)
_____(print name/title)

STATE OF TEXAS
COUNTY OF _____

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

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20____

Notary Public in and for the State of Texas

SURVEYOR'S CERTIFICATE

I, John H. Barton III, do hereby 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 supervision.

John H. Barton III, RPLS# 6737 Date _____

STATE OF TEXAS
COUNTY OF _____

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

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20____

Notary Public in and for the State of Texas

Approved by the Planning and Zoning Commission of Burleson, Texas
This the ____ day of _____, 20____.

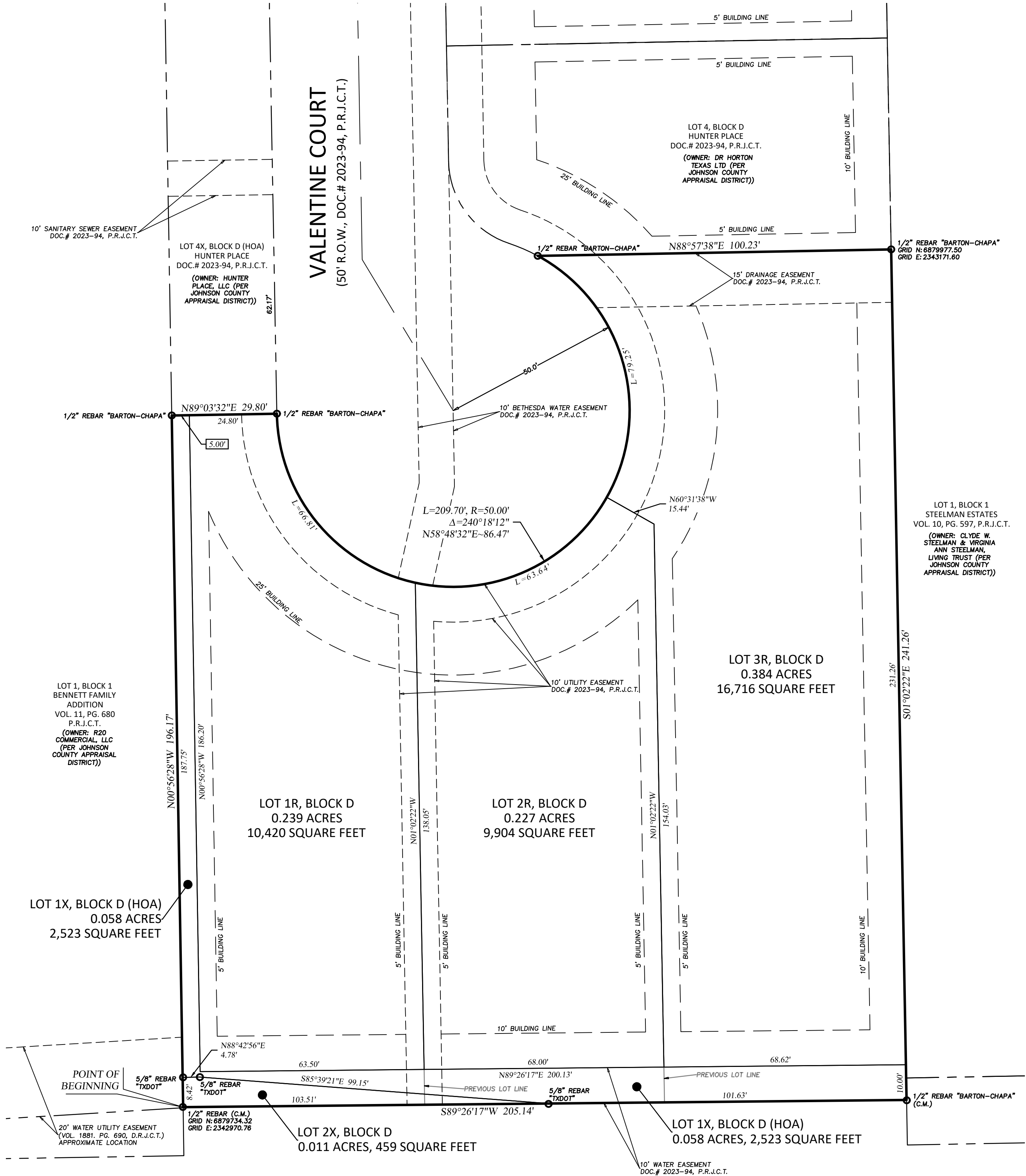
By: _____
Chair of the Planing and Zoning Commission

By: _____
City Secretary

REPLAT
HUNTER PLACE
LOTS 1R, 2R, & 3R, BLOCK D

BEING AN REPLAT OF LOTS 1, 2, & 3, BLOCK D OF HUNTER PLACE
AN ADDITION IN THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS
ACCORDING TO THE PLAT RECORDED UNDER DOCUMENT NUMBER 2023-94, P.R.J.C.T.
PREPARED NOVEMBER 7, 2023

CASE# RP23-417



HOUSTON ROAD
(R.O.W. VARIES, DOC.# 2023-94, P.R.J.C.T.)

Item C.

BCS
BARTON CHAPA
SURVEYING
SURVEYOR
BARTON CHAPA SURVEYING, LLC
JOHN H. BARTON, III RPLS# 6737
5200 STATE HIGHWAY 121
COLLEYVILLE, TX 76034
(817) 864-1957
JACK@BCSDFW.COM

ENGINEER

KIRKMAN ENGINEERING
5200 State Highway 121
Colleyville, TX 76034
Phone: 817-488-4960

OWNER
D.R. HORTON - TEXAS, LTD.
6751 NORTH FREEWAY
FORT WORTH, TX 76131

JOB NO. 2020.001.150
DRAWN: BCS
CHECKED: JHB

TABLE OF REVISIONS	
DATE	SUMMARY

HUNTER PLACE

BURLESON, TEXAS

SHEET:

1 OF 1

Planning & Zoning Commission Meeting

DEPARTMENT: Development Services
FROM: Lidon Pearce, Senior Planner
MEETING: February 13, 2024

SUBJECT:

Original Town of Burleson, Block 33 (Case 23-011): Consider approval of a replat for Original Town of Burleson; Lots 7R-1, 7R-2, 7R-3, & 7R-4, Block 33, addressed as 200 S Dobson. (Staff Contact: Lidon Pearce, Senior Planner)

SUMMARY:

On January 23, 2023, an application for a replat was submitted by Jessica Nelson, representing Practice Architectural, on behalf of Paul Jenkins with Rhythm Ventures (owner) for a replat of approximately 0.3587 acres. The property is being replatted for the purpose of creating four SFA, single-family attached lots. The plat is administratively complete and meets the requirements of Appendix A – Subdivision and Development Regulations.

RECOMMENDATION:

Approve the replat for Original Town of Burleson, Block 33.

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

September 19, 2022 - City Council approved the zoning change for 200 S Dobson.

REFERENCE:

[City of Burleson, TX PLAT REQUIREMENTS:](#)
[§ 3.6 Replat. \(ecode360.com\)](#)

FISCAL IMPACT:

None

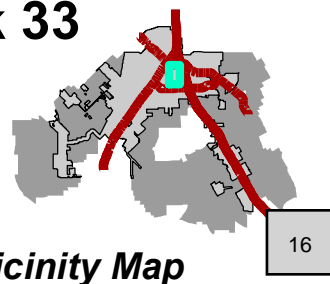
STAFF CONTACT:

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



THE CITY OF
BURLESON
TEXAS

Replat
Lots 7R-1, 7R-2, 7R-3, & 7R-4, Block 33
Original Town of Burleson
Case 23-011



Vicinity Map

Planning & Zoning Commission Meeting

DEPARTMENT: Public Works & Engineering

FROM: Michelle McCullough, Assistant Director/City Engineer

MEETING: February 13, 2024

SUBJECT:

Cliffwood Phase 3 (Case 23-327): Hold a public hearing and consider a resolution for a waiver to Section 5.1.a "Street and Right of Way Basic Policies" of the Design Standards Manual for the design criteria for Streets within the Cliffwood Phase 3. (*Staff Contact: Michelle McCullough, Assistant Director/City Engineer*)

SUMMARY:

On October 30, 2023, Darrell Howard, with Dunaway Associates, LP (applicant) submitted an application on behalf of Clifford Deal (Owner) for a waiver to the subdivision ordinance for the design criteria for local streets within the Cliffwood Phase 3 residential subdivision located in the City's extraterritorial jurisdiction (ETJ). Local streets are required to be designed and constructed per Section 5.1 of the Subdivision and Development Ordinance and shall conform to the City's Design Manual criteria.

DEVELOPMENT OVERVIEW:

The applicant proposes to dedicate 60-foot of right-of-way and 30-foot pavement width with the following section –

- Three-course chip seal **or** 2 inches of asphalt
- 8 inches flex base to be laid in two equal courses compacted to 95% minimum density
- 8 inches of re-compacted subgrade to 95% minimum density

The table on the following page summarizes the standards within the City's Subdivision Ordinance, the County's minimum standards, and modified design standards for streets within the ETJ that have been approved in the past.

The applicant's proposed section is inconsistent with the modified section approved by the City Council in the past.

Street Sections				
Element	City Standard	County Standard	Modified Section	Applicant Requested Section
ROW Width	80'	60'	60'	60'
Pavement Width	Asphalt - 28' with 12" ribbon curb (30' total) Concrete – 30' (curb and gutter)	Asphalt - 22' with 3' flexbase shoulder or 31' if curbs provided Concrete – No detail provided	Asphalt - 24' with 3' flexbase shoulder Concrete – 24' with 1' stabilized base outside pavement	Asphalt - 28' with 1' flexbase shoulder
Pavement Thickness	7" Asphalt 6" Concrete	Three-course chip seal 2" Asphalt 5" Concrete	2" Asphalt 5" Concrete*	Three-course chip seal 2" Asphalt
Base		8" Flexbase	8" Flexbase (if Asphalt)	8" Flexbase (if Asphalt)
Subgrade	8" Lime or Cement Stabilized	8" Lime or Cement Stabilized	8" Lime or Cement Stabilized	8" of re-compacted subgrade
Culvert Requirements	Concrete Pipe	Corrugated Metal Pipe	Concrete Pipe	Concrete Pipe
Width for Ditches	25'	13'	Contain 100- year flows	Contain 100-year flows

***Geotech Report must support section**

It should be noted the County has notified City staff they have limited ability and funding to maintain streets constructed to City standards. Due to funding constraints, streets constructed to city standards may be prioritized lower on the County's maintenance schedule, and any failures in the future may not be addressed in a timely manner.

RECOMMENDATION:

Staff recommends the P&Z Commission provide a recommendation to the City Council for the requested waiver.

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

August 9, 2022- P&Z Commission approved the preliminary plat.

December 11, 2023 – City Council denied ETJ Release Petition.

REFERENCE:

[Paving Details | Burleson, TX - Official Website](https://www.burlesontx.com/paving-details)
([burlesontx.com](https://www.burlesontx.com))

FISCAL IMPACT:

None

STAFF CONTACT:

Michelle McCullough, P.E., CFM
Assistant Director/City Engineer
mmccullough@burlesontx.com
817-426-9616

Waiver Request –Street Section

Cliffwood Phase 3

Item A.

Location:

- Approximately 80.97 acres
- N Cummings Dr and CR 517, addressed as 3601 N Cummings Dr

Applicant and Property Owner:

- Darrell Howard (Dunaway Associates)
- Clifford Deal (Owner)

Item for approval:

Resolution for a Waiver to Section 5.1 “Street and right-of-way basic policies” of the Subdivision and Development Ordinance



Waiver Request – Cliffwood Phase 3

City of Burleson:

Per interlocal agreement with Johnson County

- Burleson has platting authority within ETJ
- City can extend development design standards to ETJ developments including paving standards

Burleson Subdivision Ordinance

- Public streets shall be designed and constructed per public street standards
- City inspectors inspect street paving and associated drainage

City does not maintain roadways located within the ETJ

Johnson County:

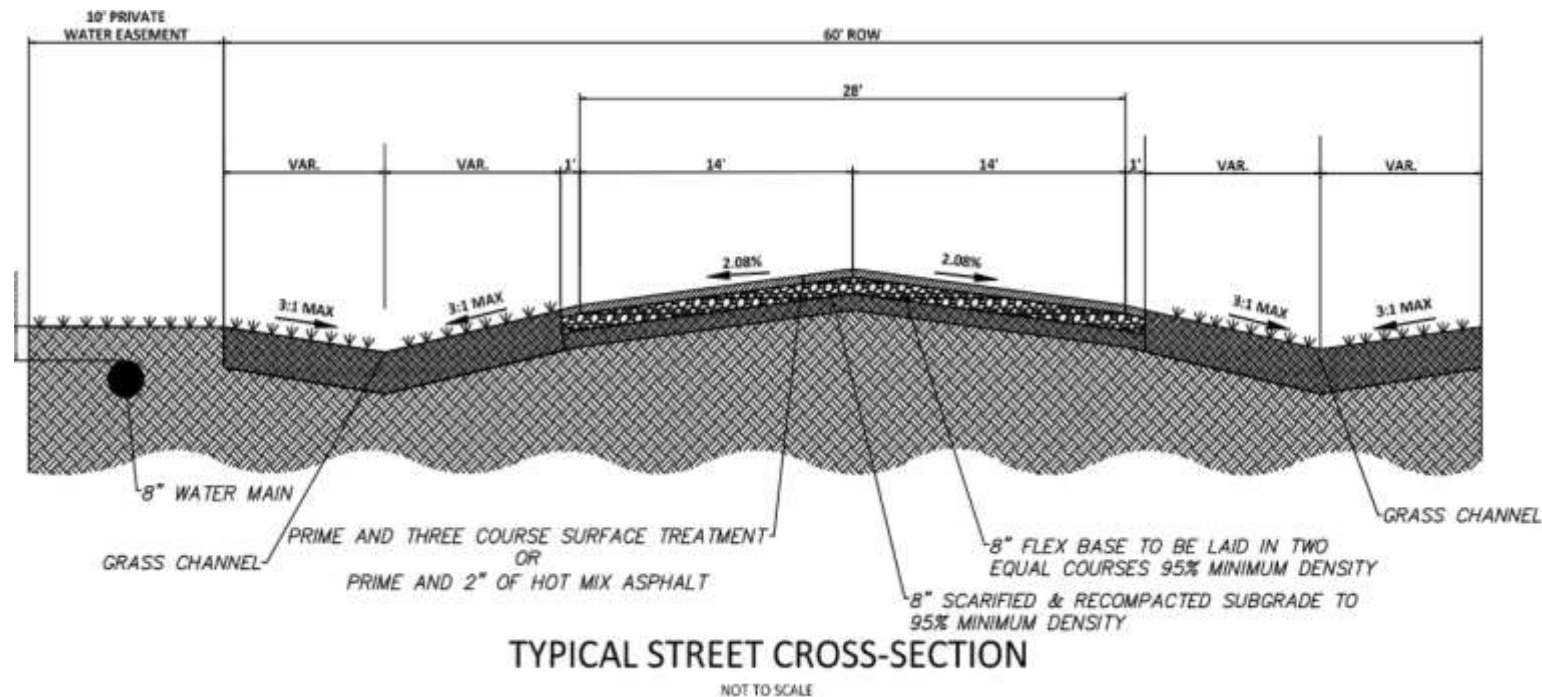
Limited funding available for maintenance of streets

- Streets constructed to city standards can be more expensive to maintain and may be prioritized lower for maintenance
- County may not address failures in a timely manner

Waiver Request – Cliffwood Phase 3

Proposed Section by Applicant

- Three course chip seal or 2 inches of asphalt
- 8 inches flex base placed in equal courses compacted to 95% minimum density
- 8 inches recompacted subgrade to 95% minimum density



Waiver Request – Cliffwood Phase 3

- Table summarizes City, County and modified section
- Proposed section is inconsistent with City, County and modified section previously approved by the City Council
- City's Subdivision Ordinance does not provide ability for staff to modify without waiver today

Street Sections				
Element	City Standard	County Standard	Modified Section	Applicant Requested Section
ROW Width	80'	60'	60'	60'
Pavement Width	Asphalt - 28' with 12" ribbon curb (30' total) Concrete – 30' (curb and gutter)	Asphalt - 22' with 3' flexbase shoulder or 31' if curbs <u>provided</u> Concrete – No detail provided	Asphalt - 24' with 3' flexbase shoulder Concrete – 24' with 1' stabilized base outside pavement	Asphalt - 28' with 1' flexbase shoulder
Pavement Thickness	7" Asphalt 6" Concrete	Three-course chip seal 2" Asphalt 5" Concrete	2" Asphalt 5" Concrete*	Three-course chip seal 2" Asphalt
Base		8" Flexbase	8" Flexbase (if Asphalt)	8" Flexbase (if Asphalt)
Subgrade	8" Lime or Cement Stabilized	8" Lime or Cement Stabilized	8" Lime or Cement Stabilized	8" of re-compacted subgrade
Culvert Requirements	Concrete Pipe	Corrugated Metal Pipe	Concrete Pipe	Concrete Pipe
Width for Ditches	25'	13'	Contain 100- year flows	Contain 100-year flows

*Geotech Report must support section

Waiver Request – Cliffwood Phase 3

Notification:

Public notices mailed to property owners within 200 feet of subject property.

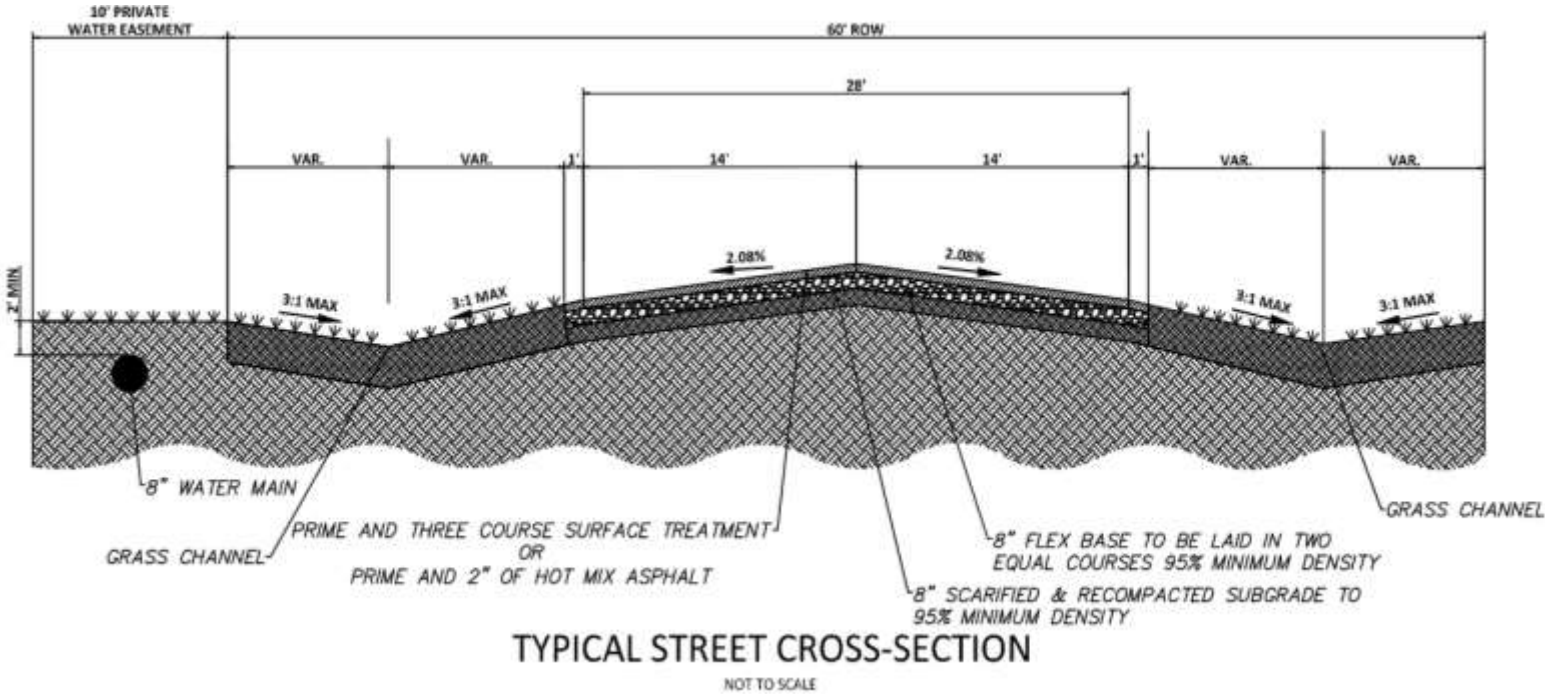
Published in newspaper.



Waiver Request – Cliffwood Phase 3

P&Z Action Requested

Staff recommends the P&Z Commission provide a recommendation to the City Council for the requested waiver (Case 23-327).



RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, FOR A WAIVER TO SECTION 5.1.A "STREET AND RIGHT OF WAY BASIC POLICIES" OF THE DESIGN STANDARDS MANUAL FOR THE DESIGN CRITERIA FOR STREETS WITHIN THE CLIFFWOOD PHASE 3, SUBDIVISION.

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

WHEREAS, on October 30, 2023, an application was submitted by Clifford Deal, for a waiver to the typical street section as prescribed in Section 5.1.A, Street and right of way basic policies, of the Design Standards Manual, and

WHEREAS, on February 13, 2024, the Planning and Zoning Commission held public hearing, made an inquiry into the matter, and reviewed all the relevant information at a duly called public meeting, after which the Commission made a recommendation to the City Council; and

WHEREAS, on March 4, 2024, the City Council held a public hearing, made an inquiry into the matter, and reviewed all the relevant information at a duly called public meeting, and

WHEREAS, the City Council finds and determines that there are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area; and

WHEREAS, City Council finds and determines that a waiver is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed, under Section 5.1.A, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made; and

WHEREAS, City Council finds and determines that the granting of the waiver on the specific property will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the city; and

WHEREAS, City Council finds and determines that the waiver, if granted, will not be materially detrimental to the public welfare of the use, enjoyment, or value of property within the vicinity; and

WHEREAS, the City Council finds and determines the conditions attached to the waiver, if any, are necessary to achieve the purpose of Section 5.1.A; and

WHEREAS, the City Council finds and determines the strict enforcement of Section 5.1.A is impractical given the location of the subdivision being within the Extra Territorial Jurisdiction of

the City of Burleson and the maintenance practices and standards of county maintained roads within Johnson County.

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

Section 1.

City Council hereby grants a waiver and variance to Section 5.1.A of the Design Standards Manual, of the City of Burleson, requiring all roads to be built to a specified city standard with the following street section conditions:

- Three-course chip seal **or** 2 inches of asphalt; and
- 8 inches flex base to be laid in two equal courses compacted to 95% minimum density; and
- 8 inches of re-compacted subgrade to 95% minimum density

Except as otherwise specified above, all other conditions, regulations, procedures, and rules of Section 5.1.A of the Design Standards Manual of the City of Burleson, shall apply to the street section for the Cliffwood Phase 3, subdivision.

Section 2.

This resolution shall take effect immediately from and after its passage.

PASSED, APPROVED, AND SO RESOLVED by the City Council of the City of Burleson, Texas, on the _____ day of _____, 20____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney