



**City Council  
Regular Meeting Agenda**

City Hall  
Council Chambers  
141 W. Renfro  
Burleson, TX 76028

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Monday, May 2, 2022

Live Stream at  
<https://www.burlesontx.com/880/Streaming-Video>

Council Chambers

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**5:30 P.M. REGULAR SESSION**

1. **CALL TO ORDER**

Invocation - Jane Burton, Next Step Women's Center

Pledge of Allegiance to the US Flag

Texas Pledge:

*Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God; one and indivisible*

2. **PUBLIC PRESENTATIONS**

A. Proclamations

- Public Service Recognition Week, May 1-7, 2022 (*Recipient: Rick DeOrdio, Human Resources Director; Employee Benefits Committee*)

B. Presentations

- Presentation of the State of the City Video. (*Staff Presenter: Amanda Campos, City Secretary*)

C. Community Interest Items

This is a standing item on the agenda of every regular meeting of the City Council. An "item of community interest" includes the following:

- expressions 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.

3. **CHANGES TO POSTED AGENDA**

A. Items to be continued or withdrawn.

- B. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.

4. **CITIZEN APPEARANCES**

Other than public hearings and items listed on the posted agenda, citizens in attendance who desire to speak to City Council may speak during this section.

Speakers in attendance: Each person will be allowed three (3) minutes to speak and will not be interrupted by City Council or staff. If you would like to speak, please fill out a speaker card and give the completed card to the City Secretary prior to addressing City Council.

Speakers not in attendance: Each person must fill out an online speaker card. Online speaker cards will be for items posted on the agenda only and must be submitted 30 minutes prior to the posted start time of the meeting. Online speaker cards will be read aloud by the City Secretary at the time the item is presented. Online speaker cards can be found on the city's website, [www.burlesontx.com](http://www.burlesontx.com) on the [agenda/notices page](#).

Please note that City Council may only take action on items posted on the agenda. The Texas Open Meetings Act prohibits the City Council from deliberating or taking action on an item not listed on the agenda. City Council may, however, receive your comments on the unlisted item, ask clarifying questions, respond with facts, and explain policy.

5. **CONSENT AGENDA**

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember 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 City Manager to implement each item in accordance with staff recommendations.

- A. Consider approval of the city council minutes from the April 18, 2022 regular meeting and April 21, 2022 special meeting. (*Staff Contact: Amanda Campos, City Secretary*)

**Attachments**

Department Memo  
minutes 4.18.22  
4.21.22

- B. Replat of Tantarra Estates, Lots 21R1 and 21R2, Block 1, addressed as 9821 Tantarra Drive, located on the southeast side of Tantarra Drive. (Case 21-161) (*Staff Contact: Tony McIlwain, Director of Development Services*) (*The Planning and Zoning Commission recommended approval by unanimous vote*)

**Attachments**

Department Memo  
Location Map  
Replat



- C. Consider approval of an ordinance amending Chapter 78, sections 78-41 “definitions” by adding and amending definitions, 78-42 “stopping, standing, or parking prohibited in certain places” by modifying the maximum parking time of certain vehicles in residential and non-residential districts, 78-46 “storing motor vehicles on public streets prohibited” by modifying the prohibition of storing vehicles on public streets, 78-47 “unauthorized parking on certain public property prohibited” by making grammatical edits, and 78-51 “citation; towing; evidence” by clarifying the removal of a vehicle. (Final Reading) *(Staff Contact: Billy Cordell, Chief of Police)*

**Attachments**

Department Memo

Staff Presentation

Proposed Ordinance

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**6. DEVELOPMENT APPLICATIONS**

- A. **Target located at 200 NW John Jones DR (Case 22-031):** Hold a public hearing and consider approval of a commercial site plan amendment with a waiver to section 132-115; Accessory building and structure yard regulations; pertaining to a covered parking and loading area in the front yard of a commercial site. *(Staff Presenter: Tony McIlwain, Director of Development Services) (Planning and Zoning Commission recommended approval by a unanimous vote.)*

**Attachments**

Department Memo  
Staff Presentation  
Site Plan

- B. **2301 S Burleson Blvd, North Texas Jellystone Park, Voluntary Annexation (Case 22-008):** Hold a public hearing and consider approval of an ordinance for voluntary annexation of approximately 44.36 acres tract of land out of the Ira Clemons survey described in the deed recorded in document No. 2016-8589, Johnson County, Texas (D.R.J.C.T), located in the exclusive Extraterritorial Jurisdiction (ETJ) of the City of Burleson, related to a previously approved development agreement, providing that the inhabitants thereof shall have all the privileges of all the citizens of Burleson, Texas; providing that this ordinance shall amend every prior ordinance in conflict herewith; providing that this ordinance shall be cumulative of all prior ordinances not in direct conflict; providing for severability and naming and effective date. (First and Final Reading) *(Staff Presenter: Tony McIlwain, Development Services Director)*

**Attachments**

Department Memo  
Staff Presentation  
Draft Ordinance

- C. **2301 S. Burleson Boulevard, North Texas Jellystone Park (Case 22-024):** Hold a public hearing and consider approval of an ordinance amending ordinance B-582, the zoning ordinance of the City of Burleson, Texas, by amending the official zoning map and changing the zoning on approximately 44.36 acres from defaulted "A", Agriculture to "PD", Planned Development District, making this ordinance cumulative of prior ordinances, providing a severability clause; providing a penalty clause, and providing for an effective date. (First and Final Reading) *(Staff Presenter: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval unanimously)*

**Attachments**

Department Memo  
Staff Presentation  
Draft Ordinance

**7. GENERAL**

- A. Consider approval of an ordinance appointing Terri Wilson, as Associate Municipal Court Judge for the Burleson Municipal Court of Record for a term of two years, expiring on February 4, 2024. (First Reading) *(Staff Presenter: Amanda Campos, City Secretary)*

**Attachments**

Department Memo  
Proposed Ordinance  
Contract

- B. Consider approval of a contract with Steele & Freeman, Inc. for the purchase and installation of Bid Pack 1 of 2 (structural and architectural items), for the construction of a new Parks Maintenance building for guaranteed maximum price (GMP) of \$1,154,297. *(Staff Presenter: Jen Basham, Director of Parks and Recreation)*

**Attachments**

Memo  
Staff Presentation  
GMP Item Summary Op. 2  
1295

8. **REPORTS AND PRESENTATIONS**

- A. Receive a report, hold a discussion, and provide staff direction regarding proposed modifications to the park land dedication fee structure and ordinance. *(Staff Presenter: Jen Basham, Parks and Recreation Director)*

**Attachments**

Department Memo  
Staff Presentation

9. **CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS**

10. **RECESS INTO EXECUTIVE SESSION**

Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

**A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**

- Land use, design standards, and density in the City's transit-oriented development district

**B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**

- Discuss and receive direction on certain parcels of real property for municipal purposes where deliberation in open session would have a detrimental effect on the position of negotiations with third parties
- 124 NW Magnolia St (also known as 124 SW Haskew St), in Burleson, Johnson County, Texas

**C. Deliberation regarding a negotiated contract for a prospective gift or donation to the state or the governmental body Pursuant to Section 551.073**

**D. Personnel Matters Pursuant to Section 551.074**

**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**

- 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**

- **Hyder Ranch**

- G. Pursuant to Sec. 418.183(f), deliberation of information related to managing emergencies and disasters including those caused by terroristic acts (must be tape recorded)**

**CERTIFICATE**

I hereby certify that the above agenda was posted on this the **27th of April 2022, by 5:00 p.m.**, on the official bulletin board at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.



*Amanda Campos*

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.



## City of Burleson

### City Council

City Hall  
Council Chambers  
141 W. Renfro  
Burleson, TX 76028

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** City Secretary Office

**DATE:** 05/02/2022

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#### SUBJECT

Consider approval of the city council minutes from the April 18, 2022 regular meeting and April 21, 2022 special meeting. *(Staff Contact: Amanda Campos, City Secretary)*

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#### Attachments

Department Memo  
minutes 4.18.22  
4.21.22

#### Respectfully submitted:

Amanda Campos, TRMC  
City Secretary  
817-426-9665 | [acampos@burlesontx.com](mailto:acampos@burlesontx.com)

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**DEPARTMENT MEMO**

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** May 2, 2022

**SUBJECT:**

Consider approval of the city council minutes from the April 18, 2022 regular meeting and April 21, 2022 special meeting.

**SUMMARY:**

The City Council duly and legally met on April 18, 2022 regular meeting and April 21, 2022 special meeting.

**OPTIONS:**

Council may approve the minutes as presented or approve with amendments

**RECOMMENDATION:**

Approval

**FISCAL IMPACT:**

N/A

**STAFF CONTACT:**

Name: Amanda Campos, TRMC  
Department: City Secretary's Office  
Email: [acampos@burlesontx.com](mailto:acampos@burlesontx.com)  
Phone: 817-429-9665

# BURLESON CITY COUNCIL REGULAR MEETING

April 18, 2022  
DRAFT MINUTES

## ROLL CALL

### Council present:

Victoria Johnson  
Rick Green  
Jimmy Stanford  
Chris Fletcher  
Tamara Payne  
Dan McClendon  
Ronnie Johnson

### Council Absent:

### Staff present

Bryan Langley, City Manager  
Tommy Ludwig, Deputy City Manager  
Amanda Campos, City Secretary  
Monica Solko, Deputy City Secretary  
Allen Taylor, City Attorney  
Matt Ribitzki, Deputy City Attorney

## 1. **CALL TO ORDER – 5:30 PM**

Invocation – Ronnie Johnson, Council member.

Pledge of Allegiance to the US Flag led by Congressman

Texas Pledge

## 2. **PUBLIC PRESENTATIONS**

### **A. Proclamations**

- Proclamation recognizing April 17-23, 2022 as National Volunteer Week in the City of Burleson. (Recipient: Kerry Montgomery, Volunteer Coordinator)
- Proclamation recognizing April 29, 2022 as National Arbor Day in the City of Burleson. (Recipient: Jen Basham, Parks and Recreation Director)
- Proclamation recognizing April 30, 2022 as National Therapy Animal Day in the City of Burleson. (Recipient: Donna Gumfory)

### **B. Presentations**

- Presentation of Outstanding Citizen Awards to Juliet Cobb and Everett Bates on behalf of the Burleson City Council. (Presenter: Councilmember V. Johnson, Pl. 1)
- Recognition of the Employee of the Quarter for the 1st quarter of 2022. (Staff Presenter: Rick DeOrdio, Director of Human Resources)

### **C. Community Interest Items**

- Congratulations to Alex Philips
- Thank you to everyone for the ribbon cutting for Bailey Lake Art display event
- Thank you area churches for Easter events
- Happy Birthday Betty Bailey



- Lisa Duello remind everyone to join us this Saturday for recycle event.
- Reminder of Drug Takeback event on April 30<sup>th</sup>.

**3. CHANGES TO POSTED AGENDA**

**A. Items to be continued or withdrawn**

- Withdraw 6D

**B. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the Consent Agenda.**

- None.

**4. CITIZEN APPEARANCES**

- Susan Cato, 820 Cedar Ridge Lane, came forward with concerns regarding the behavior of some elected city officials.

**5. CONSENT AGENDA**

**A. Minutes from the April 4, 2022 regular meeting. (Staff Contact: Amanda Campos, City Secretary).**

Motion made by Jimmy Stanford and Victoria Johnson to approve.

Motion passed 7-0.

**B. CSO#2045-04-2022 amended employment agreement with Bryan Langley to serve as City Manager. (Staff Contact: Matt Ribitzki, Deputy City Attorney/Compliance Manager).**

Motion made by Jimmy Stanford and Victoria Johnson to approve.

Motion passed 7-0.

**C. CSO#2046-04-2022 resolution authorizing the City Manager to execute a memorandum of understanding with Hemphill, LLC, concerning the height of a telecommunications tower facility generally located at 620 SW Wilshire Blvd. (Staff Contact: Matt Ribitzki, Deputy City Manager/Compliance Manager)**

Motion made by Jimmy Stanford and Victoria Johnson to approve.

Motion passed 7-0.

**D. CSO#2047-04-2022 minute order ratifying the land sale contract actions taken by the Burleson 4A Economic Development Corporation on April 18, 2022, related to a real estate agreement with IV3 Logistics Acquisition, LLC, to sell 5.79 acres of land situated in Lot 1R1, Block 7 Highpoint Business Park of Burleson, an addition in the City of Burleson, Johnson County, Texas near the intersection of Vantage Drive and Cirrus Drive. (Staff Contact: Alex Philips, Economic Development Director)**

Motion made by Jimmy Stanford and Victoria Johnson to approve.

Motion passed 7-0.

*City Secretary Amanda Campos stated that items 6A through 6C would be moved and considered after Section 7 General as the items were noticed in the newspaper for 6:30 p.m. start time.*

**6. DEVELOPMENT APPLICATIONS (MOVED)**

- A. ~~2230 S Burleson Blvd (Case 22-017): Public hearing and approval of CSO#2048-04-2022, an ordinance amending the official zoning map and changing the zoning on approximately 0.96 acres from "A" Agricultural, to "SF16" Single-family dwelling district-16, to allow for the development of one single-family residence, (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services). MOVED~~**

*Item was discussed and voted on after Section 7 General items below.*

- B. ~~2325 SW Wilshire Blvd (Bear Ridge) (Case 22-028): Public hearing and approval of CSO#2049-04-2022, a zoning ordinance change request from "A" Agricultural, to "SFA" Single-family attached, to allow for residential development on 14.75 acres. (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services) MOVED~~**

*Item was discussed and voted on after Section 7 General items below.*

- C. ~~2325 SW Wilshire Blvd (Bear Ridge) (Case 22-027): Public hearing and approval of CSO#2050-04-2022, an ordinance requesting zoning change from "A" Agricultural, to "SF7" Single-family dwelling district-7, to allow for residential development on 158.407 acres. (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services) MOVED~~**

*Item was discussed and voted on after Section 7 General items below.*

- D. Ordinance Amendments to Code of Ordinances Appendix A - Subdivision and Development (Case 21-099): an ordinance amending the Burleson Code of Ordinances - Appendix A (Subdivision and Development), Article 1 (General Provisions), Article 2 (Platting Policies), Article 3 (Plat Requirements), Article 4 (Community Facilities Policy), and Article 9 (Appendices - Community Facilities Contract) for the purpose of modifying platting approval authority, modifying the final plat and replat policies, designating the planning and zoning commission as the approval body for final plats and replats within the city limits, and amending the form community services contract. (First Reading) (Case 21-099) (Staff Presenter: Tony McIlwain, Director of Development Services). WITHDRAWN**

*Item was withdrawn under Section 3 Changes to Posted Agenda.*

**7. GENERAL**

- A. Public hearing and consider approval of an ordinance terminating the Tax Increment Finance Reinvestment Zone Number 3, City of Burleson, Texas,**

**dissolving the board of directors and tax increment fund for the Zone. (First Reading) (Staff Presenter: Tommy Ludwig, Deputy City Manager)**

Tommy Ludwig, Deputy City Manager, presented the ordinance terminating Tax Increment Finance Reinvestment Zone #3.

Mayor Fletcher opened the public hearing. **Time: 6:01 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:02 p.m.**

Mayor Fletcher reopened the public hearing: **Time: 6:12 p.m.**

Mayor Fletcher continue the public hearing to the second regular meeting in June.

Motion made by Victoria Johnson and Ronnie Johnson to table.

Motion passed 6-1, Tamara Payne voting against.

**B. CSO#2051-04-2022, ordinance changing the designation of McNairn Road between SW Sunnybrook Drive to Willow Circle N from an alley to a public street and setting the speed limit of the public street at 30 miles per hour. (First and Final Reading) (Staff Presenter: Eric Oscarson, Director of Public Works)**

Eric Oscarson, Director of Public Works, presented an ordinance designating McNairn Rd an alley to a public street.

Pam Carlisle, 221 NW Wintercrest Road, concerns with speed, noise, litter, and racing with the change of McNairn.

Motion made by Dan McClendon and Jimmy Stanford to approve.

Motion passed 7-0.

**C. Ordinance amending Chapter 78, sections 78-41 “definitions” by adding and amending definitions, 78-42 “stopping, standing, or parking prohibited in certain places” by modifying the maximum parking time of certain vehicles in residential and non- residential districts, 78-46 “storing motor vehicles on public streets prohibited” by modifying the prohibition of storing vehicles on public streets, 78-47 “unauthorized parking on certain public property prohibited” by making grammatical edits, and 78-51 “citation; towing; evidence” by clarifying the removal of a vehicle. (First Reading) (Staff Presenter: Billy Cordell, Chief of Police)**

Billy Cordell, Chief of Police, presented ordinance amendments to Chapter 78.

Motion made by Rick Green and Ronnie Johnson to approve.

Motion passed 6-1, Dan McClendon voting against.

- D. **CSO#2052-04-2022, resolution authorizing a real estate contract with Paul and Darlene Karmy to sell fee simple title to a tract of land in Johnson County, Texas, commonly known as 430 North Burleson Boulevard, for a sales price of \$900,000 and other consideration as prescribed in the contract; authorizing the City Manager to execute all documents necessary to close on the contract; authorizing the expenditure of funds;. (Staff Presenter: Alex Philips, Economic Development Director)**

Alex Philips, Economic Development Director, presented a real estate contract for 430 North Burleson Blvd.

Motion made by Dan McClendon and Victoria Johnson to approve.

Motion passed 7-0.

6. **DEVELOPMENT APPLICATIONS (MOVED)**

- A. **CSO#2048-04-2022, an ordinance amending the official zoning map and changing the zoning on approximately 0.96 acres from "A" Agricultural, to "SF16" Single-family dwelling district-16, to allow for the development of one single-family residence, located at 2230 S Burleson Blvd (Case 22-017). (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services).**

Tony McIlwain, Director of Development Services, presented Case 22-017 to the city council.

Mayor Fletcher opened the public hearing. **Time:6:34 p.m.**

No speakers.

Mayor Fletcher closed the public hearing. **Time: 6:35 p.m.**

Motion made by Tamara Payne and Dan McClendon to approve.

Motion passed 7-0.

- B. **CSO#2049-04-2022, a zoning ordinance change request from "A" Agricultural, to "SFA" Single- family attached, to allow for residential development on 14.75 acres located at 2325 SW Wilshire Blvd (Bear Ridge) (Case 22-028) (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services)**

Tony McIlwain, Director of Development Services presented Case 22-028 and Case 22-027 to the city council.

Mayor Fletcher opened the public hearing for case 22-028 and case 22-027. **Time:6:46 p.m.**

Walter Matyastik, 1520 Thomas Place, the developer came forward to discuss the development of the property.

Matt Powell, 1108 South Dobson Street, the applicant came forward to address the design including traffic study and drainage analysis.

Sheila Wakeman, 2811 Lakeside Drive, came forward with concerns of traffic impact and infrastructure needs in the area.

Larry Roberts, 1816 FM 731, came forward with concerns of traffic congestion and water runoff.

Adam Roberts 1813 FM 731, did not wish to speak but was in opposition of the development.

Steve Pascarelli, 2005 FM 731, came forward with concerns of traffic congestion and water runoff from Village Creek.

Cindy Pascarelli, 2005 FM 731, came forward with concerns of water runoff from Village Creek.

Gene Estes, 8101 County Road 802, came forward with concerns of high water and erosion from the water runoff from Village Creek.

Michael Hernandez, 8029 County Road 802, came forward with concerns of build out without the proper infrastructure and flooding concerns.

Phillip Waddell, 8021-8001-7953-7901 County Road 802, online speaker card oppose the project due to traffic and flooding.

Benjamin Kilpatrick, 317 Tinker Trail, online speaker card to encourage development for the growing city and the need for housing.

*Council member Tamara Payne left the dais at 7:18 p.m. and returned at 7:20 p.m.*

Bill Janusch, 117 NE Clinton Street, came forward with concerns of flooding.

Richard Holibe a landowner near the development had no issues with the request.

Mayor Fletcher closed the public hearing for case 22-028 and case 22-027. **Time: 7:21 p.m.**

Matt Powell, 1108 South Dobson Street, the applicant came forward to asked that the drainage analysis submitted be discussed for the public to hear. The applicant was proactive in getting a drainage anyalsis and traffic study.

Walter Matyastik, 1520 Thomas Place, the developer came forward to explain that some of the land will be dedicated and not developed.

Tony McIlwain, Director of Development Services stated that the drainage analysis and traffic study submitted to the city are currently under review.

**EXECUTIVE SESSION  
PENDING OR CONTEMPLATED LITIGATION OR TO SEEK THE  
ADVICE OF THE CITY ATTORNEY PURSUANT TO SECTION 551.071**

City Secretary Amanda Campos announced that Council would convene into Executive Session pursuant to Section 551.071

Motion was made by Victoria Johnson and Rick Green to convene into executive session at 7:35 p.m.

Motion passed 7-0.

Motion was made by Ronnie Johnson and Victoria Johnson to reconvene into open session at 7:52 p.m.

Motion passed 6-1, Jimmy Stanford voting against.

Motion made by Dan McClendon and Rick Green to approve Case 22-028.

Motion passed 5-2, with Jimmy Stanford and Tamara Payne voting against.

- C. CSO#2050-04-2022, an ordinance requesting zoning change from "A" Agricultural, to "SF7" Single- family dwelling district-7, to allow for residential development on 158.407 acres located at 2325 SW Wilshire Blvd (Bear Ridge) (Case 22-027). (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services)**

Tony McIlwain, Director of Development Services presented Case 22-028 and Case 22-027 to the city council.

Mayor Fletcher opened the public hearing for case 22-028 and case 22-027. **Time: 6:46 p.m.**

Speakers listed above with item 6B (case 22-028).

Mayor Fletcher closed the public hearing for case 22-028 and case 22-027. **Time: 7:21 p.m.**

Motion made by Dan McClendon and Rick Green to approve Case 22-027.

Motion passed 5-2, with Jimmy Stanford and Tamara Payne voting against.

**8. REPORTS AND PRESENTATIONS**

- A. Receive a report, hold a discussion, and provide staff direction regarding results from the 2022 citywide citizen satisfaction survey. (Staff Presenter: Jesse Elizondo, Director of Customer Service)**

*Mayor Pro Tem Dan McClendon left the dais at 7:55 p.m. and returned at 7:56 p.m.*

Director of Customer Service Jesse Elizondo reported on results from the 2022 citywide citizen satisfaction survey. He introduced Ryan Murray, with ETC Institute, who presented the survey analysis.

- B. Receive a report, hold a discussion, and provide a recommendation regarding the proposed FY 2023–FY 2027 Golf, Parks, and Recreation Capital Improvements Program (Staff Presenter: Jen Basham, Parks and Recreation Director)**

Parks and Recreation Director Jen Basham reported on the proposed FY 2023-FY 2027 Golf, Parks and Recreation capital improvements program.

- C. Receive a report, hold a discussion, and provide staff direction regarding an update on the financial overview of the 4A Economic Development Corporation Fund, 4B Community Services Corporation Fund, Parks Performance Fund and Golf Fund, and receive any additional direction from City Council regarding the fiscal year 2022-2023 annual budget. (Staff Presenter: Martin Avila, Finance Director)**

Finance Director Martin Avila updated on the financial overview of the 4A Economic Development Corporation fund, 4B Community Services Corporation fund, Parks Performance fund and Gold fund for FY 2022-2023 annual budget.

**8. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS OR REPORTS**

- None at this time.

**9. RECESS INTO EXECUTIVE SESSION**

Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

**A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**

- Land use, design standards, and density in the City's Transit Oriented Development District
- 124 NW Magnolia (also known as 124 SW Haskew) in Burleson, Johnson County, Texas

**B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**

- Discuss and receive direction on certain parcels of real property for municipal purposes where deliberation in open session would have a detrimental effect on the position of negotiations with third parties.

**C. 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**

- Project Warehouse
- Hyder Ranch

Motion was made by Victoria Johnson and Ronnie Johnson to convene into executive session at 9:03 p.m.

Motion passed 7-0.

Motion was made by Dan McClendon and Ronnie Johnson to reconvene into open session at 9:31 p.m.

Motion passed 7.0.

## **ADJOURNMENT**

Motion made by Tamara Payne and Jimmy Stanford to adjourn.

Mayor Fletcher adjourned the meeting at 9:31 p.m.

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Monica Solko  
Deputy City Secretary



# BURLESON CITY COUNCIL SPECIAL WORK SESSION

April 21, 2022  
DRAFT MINUTES

## ROLL CALL

### Council present:

Victoria Johnson

Jimmy Stanford

Chris Fletcher

Dan McClendon

Ronnie Johnson

### Council Absent:

Rick Green

Tamara Payne

### Staff present

Bryan Langley, City Manager

Tommy Ludwig, Deputy City Manager

Amanda Campos, City Secretary

Monica Solko, Deputy City Secretary

Matt Ribitzki, Deputy City Attorney

## **CALL TO ORDER**

Mayor Fletcher called the meeting to order at 9:12 a.m.

## **1. REPORTS AND PRESENTATIONS**

- A. Receive a report and hold a discussion regarding the roles and responsibilities of staff and elected officials during the operation of the Emergency Operation Center. (Staff Presenters, Will Allen Emergency Manager, K.T.Freeman Fire Chief, Casey Davis Assistant Fire Chief.)**

Fire Chief Freeman welcomed everyone and gave an outline of the presentation.

Emergency Operations Manager Will Allen presented a Powerpoint presentation on the following:

- possible threats that would trigger the Emergency Operation Center (EOC)
- different ways in which staff would notify the public (social media, website, local TV/radio, Everbridge Mass Notification System and outdoor warning system)
- possible action plans including mutual aid
- key responsibilities for staff, Mayor and Council.

After a brief discussion and questions, Council consensus was to have more information on the different tiers of the Everbridge Mass Notification System, advertise the Everbridge app for residents and a safety day for public awareness.

## **2. CITIZEN APPEARANCES**

- None.

## **ADJOURNMENT**

Motion made by Victoria Johnson and Dan McClendon to adjourn.

Mayor Fletcher adjourned the special meeting at 10:28 a.m.

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Monica Solko  
Deputy City Secretary



## City of Burleson

### City Council

City Hall  
Council Chambers  
141 W. Renfro  
Burleson, TX 76028

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** Development Services

**DATE:** 05/02/2022

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#### SUBJECT

Replat of Tantarra Estates, Lots 21R1 and 21R2, Block 1, addressed as 9821 Tantarra Drive, located on the southeast side of Tantarra Drive. (Case 21-161) *(Staff Contact: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval by unanimous vote)*

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#### Attachments

Department Memo

Location Map

Replat

#### Respectfully submitted:

Tony McIlwain  
Director, Development Services  
tmcilwain@burlesontx.com  
817-426-9684

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DEPARTMENT MEMO

DEPARTMENT: Development Services  
FROM: Tony McIlwain  
MEETING: May 2, 2022

SUBJECT:

Replat of Tantarra Estates, Lots 21R1 and 21R2, Block 1, addressed as 9821 Tantarra Drive, located on the southeast side of Tantarra Drive. (Case 21-161) (Staff Contact: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval by unanimous vote)

SUMMARY:

On December 13, 2021, an application for a replat, including 10.586-acres was submitted by David Powell with DFW Geodesy (Applicant) on behalf of David Shipman (owner). The purpose of this replat is to revise the northeast lot line of Lot 21 and incorporate a portion of the tract recorded in Volume 2811, Page 404, Deed records, Johnson County, Texas.

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

OPTIONS:

1. Approve the replat
2. Deny the replat

RECOMMENDATION:

Recommend approval of the replat for Tantarra Estates, Lots 21R1 and 21R2, Block 1, addressed as 9821 Tantarra Drive located on the southeast side of Tantarra Drive. (Case 21-161)

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

April 12, 2022: Planning and Zoning Commission unanimously approved the replat for Tantarra Estates. (21-161)

November 6, 1997: City Council approved the Final Plat for Phase one and two of Tantarra Estates.

FISCAL IMPACT:

None

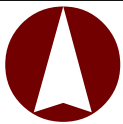
PUBLIC NOTIFICATION:

No public input required for this request.

STAFF CONTACT:

Name: JP Ducay  
Department: Senior Planner – Development Services  
Email: [jducay@burlesontx.com](mailto:jducay@burlesontx.com)  
Phone: 817-426-9648

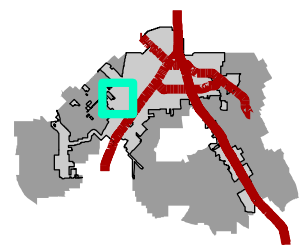




## Tantara Estates

THE CITY OF  
**BURLESON**  
TEXAS

Replat  
Case 21-161



*Vicinity Map*







## City of Burleson

### City Council

City Hall  
Council Chambers  
141 W. Renfro  
Burleson, TX 76028

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** Police Department  
**DIRECTOR:** Billy J. Cordell  
**DATE:** 05/02/2022

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#### SUBJECT

Consider approval of an ordinance amending Chapter 78, sections 78-41 “definitions” by adding and amending definitions, 78-42 “stopping, standing, or parking prohibited in certain places” by modifying the maximum parking time of certain vehicles in residential and non-residential districts, 78-46 “storing motor vehicles on public streets prohibited” by modifying the prohibition of storing vehicles on public streets, 78-47 “unauthorized parking on certain public property prohibited” by making grammatical edits, and 78-51 “citation; towing; evidence” by clarifying the removal of a vehicle. (Final Reading) *(Staff Contact: Billy Cordell, Chief of Police)*

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#### Attachments

Department Memo  
Staff Presentation  
Proposed Ordinance

#### Respectfully submitted:

Billy J. Cordell  
Chief of Police  
817.426.9912



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**DEPARTMENT MEMO**

**DEPARTMENT:** Police

**FROM:** Billy Cordell, Police Chief

**MEETING:** May 2, 2022

**SUBJECT:**

Consider approval of an ordinance amending sections 78-41 “definitions” by adding and amending definitions, 78-42 “stopping, standing, or parking prohibited in certain places” by modifying the maximum parking time of certain vehicles in residential and non-residential districts, 78-46 “storing motor vehicles on public streets prohibited” by modifying the prohibition of storing vehicles on public streets, 78-47 “unauthorized parking on certain public property prohibited” by making grammatical edits, and 78-51 “citation; towing; evidence” by clarifying the removal of a vehicle; providing a cumulative clause; providing a severability clause; providing a penalty clause; providing for publication and providing an effective date. (Final Reading) (Staff Contact: Billy Cordell, Police Chief)

**SUMMARY:**

On March 7, 2022, City Council received a presentation and discussed various provisions in the code of ordinances regarding stopping, standing, parking, and storing vehicles on public streets. At the conclusion of the discussion, Council directed staff to bring back for consideration an ordinance modifying the parking provisions contained in Chapter 78 of the code of ordinances.

Staff believes the proposed ordinance provides needed clarification and makes the changes suggested by Council. The two primary changes suggested by Council that are included in the proposed ordinance include allowing recreational vehicles to be parked on a public street continuously for up to 72 hours and removing the limitation on parking vehicles in residential districts for no more than 24 hours.

The proposed ordinance modifies five different sections in the code. First, the ordinance modifies Section 78-41 by adding a definition for non-residential districts and editing the definition for recreational vehicles. Second, the ordinance modifies Section 78-42. The modifications include (i) the removal of the 24 hour limitation on parking vehicles in residential districts, (ii) the allowance of recreational vehicles to be parked on public streets in residential districts for up to 72 hours, and (iii) the removal of subsection (e) concerning vehicles with expired license plates or registration.

Third, the proposed ordinance modifies Section 78-46 regarding storing motor vehicles, including trailers, on a public street. The modifications include adding language that more specifically defines a stored vehicle, specifically the vehicle must have one of the following characteristics: inoperability, deflated tire or tires, wrecked, dismantled or partially dismantled, no valid license plate, expired license plate, or no registration windshield sticker for the current registration period. The amendment also reduces the time

limitation for a motor vehicle to be parked from five days to 48 hours. The modification also defines a stored trailer as separate from a stored vehicle. Under the proposed ordinance, a trailer is considered stored if it is parked on a public street for more than 24 hours and is unhitched to a motor vehicle.

The Fourth, the proposed ordinance amends Section 78-47 to make a couple of grammatical changes. And, finally, the ordinance modifies Section 78-51 by stating more clearly that a vehicle may be towed without the necessity of receiving a citation.

**OPTIONS:**

- 1) Approve the ordinance;
- 2) Approve the ordinance with modifications; or
- 3) Deny the ordinance.

**RECOMMENDATION:**

Approve the ordinance.

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

On March 7, 2022, the City Council held a work session to discuss the parking ordinance. On April 18, 2022, City Council approved the ordinance on first reading by a vote of 6-1.

**FISCAL IMPACT:**

No Fiscal Impact

**STAFF CONTACT:**

Billy Cordell, Police Chief  
Police Department  
[bcordell@burlesontx.com](mailto:bcordell@burlesontx.com)  
817-426-9913



# Parking Ordinance

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Chief Billy J. Cordell

May 2, 2022

# Parking Ordinance Amendment

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- Work Session held on March 7, 2022
- Council directed staff to change the ordinance to allow recreational vehicles to park continuously for up to 72 hours and remove the limitation on parking vehicles in a residential district for no more than 24 hours
- Staff has prepared the proposed ordinance to address Council's concern as well as make modifications for better clarity

# Parking Ordinance Amendment

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- The proposed ordinance makes the following amendments:
  - Allows RVs to be continuously parked for 72 hours
  - Removes the limitation on continuously parking a vehicle in a residential district for no more than 24 hours
  - Amends the stored vehicle section to include registration and license plate elements, and defines stored trailers separately from vehicles

# Parking Ordinance Amendment

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- The proposed ordinance makes the following amendments (cont'd):
  - Amends the stored vehicle section to change the time limitation from 5 days to 48 hours
  - Makes minor grammatical changes to Section 78-47 and to the definition of recreational vehicle
  - Clarifies language to allow for removal of a vehicle without the necessity of issuing a citation

# Parking Ordinance Amendment

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- Options:

- Approve the proposed ordinance (staff's recommendation);
- Approve the proposed ordinance with modifications; or
- Deny the proposed ordinance

# Questions / Comments

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## **ORDINANCE**

**AN ORDINANCE FOR THE CITY OF BURLESON, TEXAS, AMENDING SECTIONS 78-41 “DEFINITIONS” BY ADDING AND AMENDING DEFINITIONS, 78-42 “STOPPING, STANDING, OR PARKING PROHIBITED IN CERTAIN PLACES” BY MODIFYING THE MAXIMUM PARKING TIME OF CERTAIN VEHICLES IN RESIDENTIAL AND NON-RESIDENTIAL DISTRICTS, 78-46 “STORING MOTOR VEHICLES ON PUBLIC STREETS PROHIBITED” BY MODIFYING THE PROHIBITION OF STORING VEHICLES ON PUBLIC STREETS, 78-47 “UNAUTHORIZED PARKING ON CERTAIN PUBLIC PROPERTY PROHIBITED” BY MAKING GRAMMATICAL EDITS AND 78-51 “CITATION; TOWING; EVIDENCE” BY CLARIFYING THE REMOVAL OF A VEHICLE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the Texas Transportation Code authorizes local authorities to reasonably regulate the stopping, standing, or parking of a vehicle with respect to a highway under its jurisdiction; and

**WHEREAS**, the City has previously adopted ordinance provisions regulating parking on public streets; and

**WHEREAS**, the City finds that parking regulations in addition to those provided in the Texas Transportation Code are necessary for the public safety of its citizens; and

**WHEREAS**, in an effort to maintain current and clear regulations regarding parking on public streets, the City Council now desires to update and amend the City’s ordinance provisions contained in Chapter 78 of the Burleson Code of Ordinances; and

**WHEREAS**, the City Council hereby finds and determines that the regulations and amendments set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, morals, and general welfare.

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

**Section 1.** Section 78-41 “Definitions” of Division 1 “Public Streets” of Article II “Parking” of Chapter 78 “Traffic and Vehicles” of the City of Burleson Code of Ordinances is hereby amended to read as follows:

**“Sec. 78-41. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bicycle lane* means a portion of a roadway that has been designated for preferential or exclusive use by bicyclists by pavement markings and, if used, signs.

*Commercial equipment* means any self-propelled or towable device that is used for profit which carries personal property or moves dirt, sand or gravel or compacts dirt, sand or gravel, and shall include trailers of any shape or design (except recreational vehicles and trailers which are primarily used for recreational purposes).

*Motor vehicle* means a self-propelled vehicle but does not include an electric bicycle or an electric personal assistive mobility device.

*Motorcycle* means a motor vehicle, other than a tractor, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground.

*Non-residential district* means any area under the comprehensive zoning ordinance that is not a residential district as defined in this Section.

*Oversized commercial motor vehicle* means any vehicle designated below:

- (1) Tow trucks, dump trucks, truck-tractors, concrete mixing trucks, stake-bed trucks, buses, trailers; or
- (2) Vehicles which are more than:
  - a. Twenty feet in length from end to end; or
  - b. Seven feet in width at their widest point, or
  - c. More than seven feet in height at their highest point.
- (3) *Exclusions*: The term oversize commercial motor vehicle shall exclude:
  - a. A recreational vehicle; or
  - b. A vehicle owned by a public or franchise utility that is located at the residence of an employee of said utility provided the employee is "on call" for emergency response outside normal business hours of 7:30 a.m. to 5:30 p.m.

*Passenger car* means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate ten or fewer passengers, including the operator.

*Public infrastructure* means the system of public works of the city including but not limited to roads; bridges; water, wastewater and stormwater systems and public utility systems (electric, gas and communications).

*Recreational vehicle* means a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Residential district* means any area in which residential living is permitted under the comprehensive zoning ordinance.

*Right-of-way* means the strip of land, dedicated to or owned by the State of Texas, any political subdivision of the State of Texas, or any public authority having jurisdiction, that contains or will contain a street, sidewalk, parkway, median, and/or other public facilities.

*Roadway* means the portion of a street that is improved, designated for, or ordinarily used for vehicular travel.

*Street* means any road, street, parkway, boulevard or way, inclusive of its right-of-way, under the jurisdiction of the City of Burleson and open to public travel.

*Trailer* means a vehicle without motive power designed to be pulled by a motor vehicle and to transport persons or property.

*Vehicle* means a device that can be used to transport or pull persons or property on a street.”

**Section 2.** Section 78-42 “Stopping, standing, or parking prohibited in certain places” of Division 1 “Public Streets” of Article II “Parking” of Chapter 78 “Traffic and Vehicles” of the City of Burleson Code of Ordinances is hereby amended to read as follows:

**“Sec. 78-42. Stopping, standing, or parking prohibited in certain places.**

- (a) *Maximum parking time; non-residential districts.* Except as otherwise provided in this Article, an operator may not stop, stand, or park any vehicle that is unattended on a public street in a non-residential district for a continuous period of time longer than 24 hours.
- (b) *Maximum parking time; residential districts.* An operator may not stop, stand, or park any recreational vehicle or trailer which is primarily used for recreational purposes on a public street or other public right-of-way in a residential district for a continuous period of time longer than 72 hours.
- (c) *Alleys.* An operator may not stop, stand, or park in any dedicated public alley any motor vehicle or trailer, unless it is for the purpose of loading or unloading goods or materials from or to property adjacent to an alley, in which case the motor vehicle or trailer may be stood, stopped, or parked for a time period not to exceed 30 minutes.
- (d) *Parking for certain purposes prohibited.* An operator may not stop, stand, or park on any public street, playground, park, athletic field, or public school property any vehicle, boat, trailer, or any other type of vehicle for the purpose of displaying such vehicle for sale, repairing such vehicle (except repairs necessitated by an emergency), or selling or exhibiting property of any nature.
- (e) *State law.* An operator may not stop, stand, or park in any manner prohibited by V.T.C.A, Transportation Code ch. 545.”

**Section 3.** Section 78-46 “Storing vehicles on public streets prohibited” of Division 1 “Public Streets” of Article II “Parking” of Chapter 78 “Traffic and Vehicles” of the City of Burleson Code of Ordinances is hereby amended to read as follows:

**“Sec. 78-46. Storing vehicles on public streets prohibited.**

It shall be unlawful for any person to store or allow the storage of any vehicle, including a trailer, upon the public streets, alleys, sidewalks, or parkways of the city. For purposes of this section, a vehicle other than a trailer shall be considered stored if it (i) manifests one or more of the following characteristics: inoperability, deflated tire or tires, wrecked, dismantled or partially dismantled, no valid license plate affixed thereto, expired license plate affixed thereto, or no registration windshield sticker for the current registration period affixed thereto; and (ii) has remained parked at, or nearly at, the same location for a continuous period of time in excess of 48 hours. For purposes of this section, a trailer shall be considered stored if it has remained parked at, or nearly at, the same location for a continuous period of time in excess of 24 hours and is unattached to a motor vehicle.”

**Section 4.** Section 78-47 “Unauthorized parking on certain public property prohibited” of Division 1 “Public Streets” of Article II “Parking” of Chapter 78 “Traffic and Vehicles” of the City of Burleson Code of Ordinances is hereby amended to read as follows:

**“Sec. 78-47. Unauthorized parking on certain public property prohibited.**

- (a) *Unauthorized parking prohibited.* Except as provided in subsection (b), it shall be unlawful for any person to park, stop, stand, a vehicle, whether occupied or unoccupied:
  - (1) In a manner which blocks a public driveway or right-of-way, including sidewalks;
  - (2) For a period longer than four hours on any public parking lot upon which is located signage designating the parking lot for use of the public conducting business as a city facility; or
  - (3) On a public parking lot upon which is located signage designating the parking lot for city employees and/or city officials.
- (b) *Exception:* It is an exception to subsection (a) if a person parks, stops, or stands a vehicle:
  - (1) Temporarily for the purpose of, and while actually conducting the activity of, loading or unloading passengers from such vehicle, or
  - (2) Pursuant to written authorization from the city manager or their designee.”

**Section 5.** Section 78-51 “Citation; towing; evidence” of Division 1 “Public Streets” of Article II “Parking” of Chapter 78 “Traffic and Vehicles” of the City of Burleson Code of Ordinances is hereby amended to read as follows:

**“Sec. 78-51. Citation; towing; evidence.**

- (a) The chief of police or any member of the police department designated by the chief of police is hereby authorized to issue parking citations to any person who has violated any portion of this article.

- (b) Any vehicle found stopped or standing or parked in or upon any public street or other public place in violation of any provision of this article shall be deemed to be a nuisance per se, and a traffic hazard, and any such vehicle shall be removed in the manner and to a place as authorized by law. The chief of police or their designee may effectuate the towing or removal of such a vehicle under this article at the expense of the owner of said vehicle and, if towed, may have the vehicle impounded and detained until all towing and storage charges are paid by the owner.
- (c) In a prosecution for an offense under this article or under applicable state law involving the stopping, standing, or parking of an unattended motor vehicle it is presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place the offense occurred.”

**Section 6.** The findings set forth above in the recitals of this Ordinance are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 7.** 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.

**Section 8.** That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

**Section 9.** Any complaint, notice, notice of violation, action, cause of action, hearing request, appeal, or claim which prior to the effective date of this Ordinance that has been initiated or arisen under or pursuant to any other ordinance(s) shall continue to be governed by the provision of that ordinance or ordinances, and for that purpose that ordinance or ordinances shall be deemed to remain and shall continue in full force and effect.

**Section 10.** That 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 11.** Pursuant to Section 36 of the Charter of the City of Burleson, that this ordinance shall take effect after its passage and publication, and that the City Secretary is hereby directed to give notice of the passage of this ordinance by causing the caption or title and the penalty clause of this ordinance to be published once in a newspaper of general circulation in the city and on the city’s website.

**Section 12.** Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than five hundred dollars

(\$500.00), 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.

**PASSED AND APPROVED:**

**First Reading:** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**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 Attorney



## City of Burleson

### City Council

City Hall  
Council Chambers  
141 W. Renfro  
Burleson, TX 76028

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** Development Services  
**CASE MANAGER:** Lidon Pearce  
**DATE:** 05/02/2022

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#### SUBJECT

**Target located at 200 NW John Jones DR (Case 22-031):** Hold a public hearing and consider approval of a commercial site plan amendment with a waiver to section 132-115; Accessory building and structure yard regulations; pertaining to a covered parking and loading area in the front yard of a commercial site.  
*(Staff Presenter: Tony McIlwain, Director of Development Services) (Planning and Zoning Commission recommended approval by a unanimous vote.)*

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#### Attachments

Department Memo  
Staff Presentation  
Site Plan

#### Respectfully submitted:

Tony McIlwain  
Director, Development Services  
tmcilwain@burlesontx.com  
817-426-9684

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DEPARTMENT MEMO

DEPARTMENT: Development Services  
FROM: Tony McIlwain  
MEETING: May 2, 2022

SUBJECT

Target located at 200 NW John Jones DR (Case 22-031): Hold a public hearing and consider approval of a commercial site plan amendment with a waiver to Section 132-115; Accessory building and structure yard regulations, of Appendix B, Article V, Supplemental Regulations; pertaining to a covered parking and loading area in the front yard of a commercial site. (Staff Presenter: Tony McIlwain, Director of Development Services) (Planning and Zoning Commission recommended approval by a unanimous vote.)

SUMMARY:

On February 22, 2022, an application was submitted by Trent Draper with Kimley-Horn, on behalf of Matthew Flansburg, representing Target for a commercial site plan amendment with a waiver for covered parking spaces (accessory structure) within the front yard of a commercial site. This Commercial Site Plan (CSP) amendment request is to convert 34 currently existing parking spaces into a customer order pick-up area for online and mobile orders. The conversion will provide 26 drive-up stalls for customers and employees of Target to deliver and pick-up retail goods. The crosswalk from Target to the order pick-up area, and the first 10 drive-up stalls (5 to each side), will be covered with a permanently affixed overhead canopy with a 12-foot clearance.

Waiver requested

Per Section 123-115 of Article V; Accessory buildings and structure yard regulations; detached accessory buildings or structures shall not be located in the area defined as the rear yard.

132-115. Accessory building and structure yard regulations.

(a)Front yard. Attached accessory buildings or structures shall have a front yard not less than the main building. Detached accessory buildings or structures shall be located in the area defined as the rear yard.

(b)Side yard. A side yard of three feet shall be maintained for any accessory building or structure located in a residential district as measured from the side lot line; except that adjacent to a side street the accessory building side yard shall be not less than ten feet and a garage or carport entered from and opening onto the side shall provide a side yard of not less than 20 feet.

(c)Rear yard.



(1) There shall be a rear yard for accessory buildings or structures of not less than three feet measured from the lot line. In residential districts, the main building and all accessory buildings shall not cover more than 50 percent of that portion of the lot lying to the rear of a line joining the midpoint of one side lot line with the midpoint of the opposite side lot line. Detached carports, garages, or other detached accessory buildings located within this rear portion of the lot shall not be located closer than six feet to the main building or nearer than three feet to any side lot line (See Appendix Illustration 3).

(2) Where a garage or carport is designed and constructed to be entered from an alley or side street, the garage or carport shall be set back from the side street or alley a minimum distance of 18 feet. Ingress and egress to the subject site is gained from SE John Jones Dr, and will change as a result of the proposed building.

#### Planning Analysis

The applicant's request for drive up stalls reflects a change in the way many retailers conduct business in a post COVID-19 environment, as well as the continuing evolution of mobile and online ordering. Our zoning code does not currently address this emerging need for retailers and consumers; additionally, the code does not provide substantial guidance related to drive up stalls and covered parking in non-residential areas. Considering that the covered area will not encroach upon any established setbacks or minimum front yard requirements, nor does it adversely impact parking of the site, staff supports this request for a waiver. Additionally, staff will look to address the deficiency in the current zoning code related to commercial parking facilities in future text amendments.

#### Utilities and Drainage

Utilities are currently present to the subject site. The proposed improvements do not warrant additional detention per City of Burleson's standards. Overall drainage patterns will remain as they are today.

#### Traffic

The proposed improvements to this development will not trigger the need for a Traffic Impact Analysis (TIA).

#### OPTIONS:

1. Approve the Commercial Site Plan amendment with a waiver.
2. Approve the Commercial Site Plan amendment with a waiver with additional conditions.
3. Deny the Commercial Site Plan amendment with a waiver.

#### RECOMMENDATION:

Staff recommends approval of a Commercial Site Plan amendment with a waiver to Section 132-115; Accessory building and structure yard regulations, of Appendix B, Article V, Supplemental Regulations.

Staff is in support of the waiver request given the following considerations:

1. The accessory structure will be primarily obscured by preexisting landscaping and trees.
2. The structure would not encroach upon the minimum front setback of 25 feet.

3. Target, being a part of a larger shopping center does not have a side yard or rear yard in which to locate an accessory parking structure.
4. The structure provides a desired purpose and function that is not currently addressed by the Code of Ordinances for the City of Burleson.

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

April 12, 2022 \_ Planning and Zoning Commission recommend approval unanimously.

March 23, 2004 – City Council approved an amended Final Plat for South Towne Crossing Addition, Phase 1.

FISCAL IMPACT:

N/A

PUBLIC NOTIFICATION:

Notice was mailed to surrounding property owners within 200 feet in accordance with City ordinance.

STAFF CONTACT:

Name:	Tony McIlwain
Department:	Director, Development Services
Email:	<a href="mailto:tmcilwain@burlesontx.com">tmcilwain@burlesontx.com</a>
Phone:	817-426-9684

# Target Site Plan with Waiver

## Location:

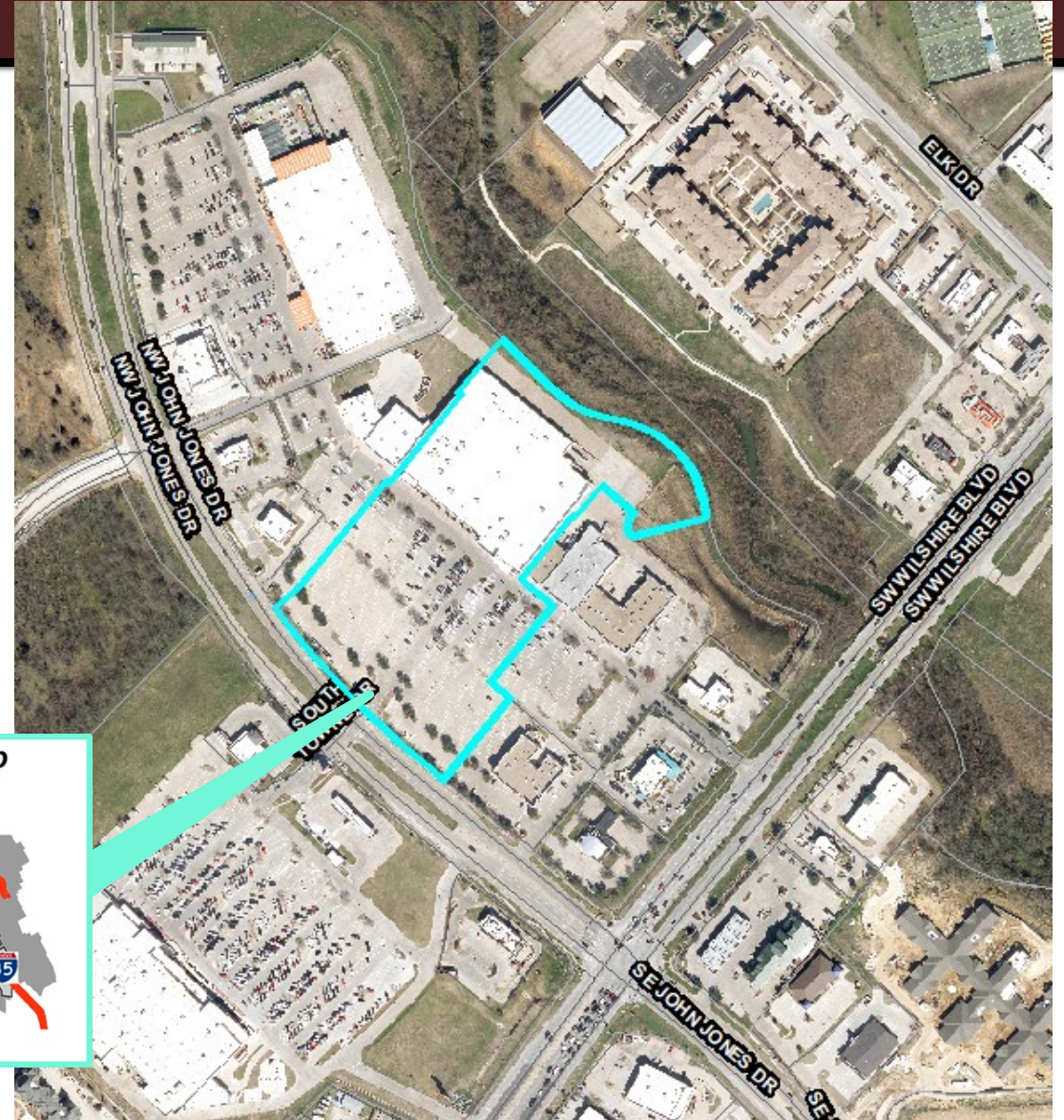
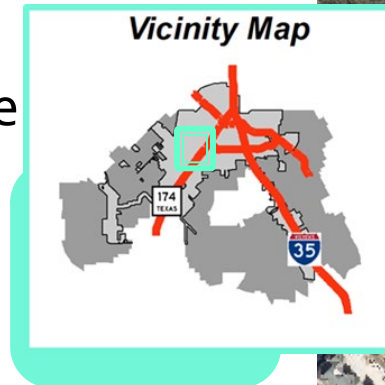
- 200 NW John Jones DR

## Applicant:

- Trent Draper representing Kimley-Horn

## Item for approval:

Site Plan amendment with a waiver to Section 132-115; Accessory building and structure yard regulations, of Appendix B, Article V, Supplemental Regulations; pertaining to a covered parking and customer loading area in the front yard of a commercial site. structure location (22-031)

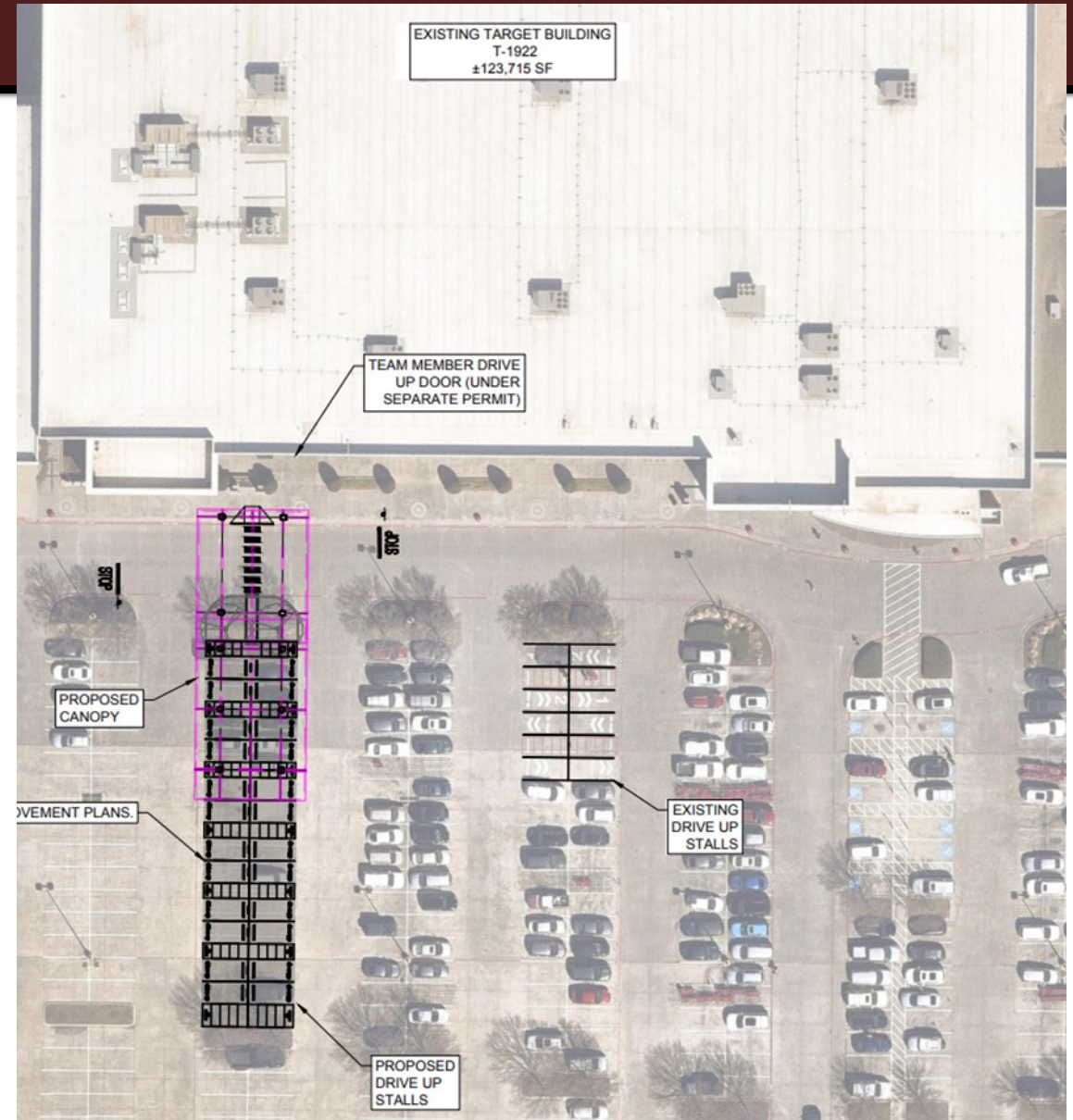




# Target Site Plan with Waiver

## Property Information:

- Current Zoning – “C”, Commercial
- Final plat was approved in 2004.
- Site currently conforms to site plan requirements.
- Applicant is requesting a waiver to allow for covered parking / drive-up stalls for online and mobile orders.
- Code currently does not allow or address covered parking in non-residential “front” yards.



# Target Site Plan with Waiver

## Proposed Canopy:

- Provides cover for 10 drive up parking stalls and the crosswalk from stalls to a future Target entrance
- employees delivering orders
- Will provide stall numbers for mobile orders
- 12 foot clearance



# Target Site Plan with Waiver

## **Utilities & Drainage:**

Water and sewer utilities are already at the site. The proposed improvements do not warrant additional detention per City of Burleson's standards. Overall drainage patterns will remain as they are today.

## **Traffic:**

The proposed improvements will not warrant a new TIA and will not significantly impact traffic around the site.

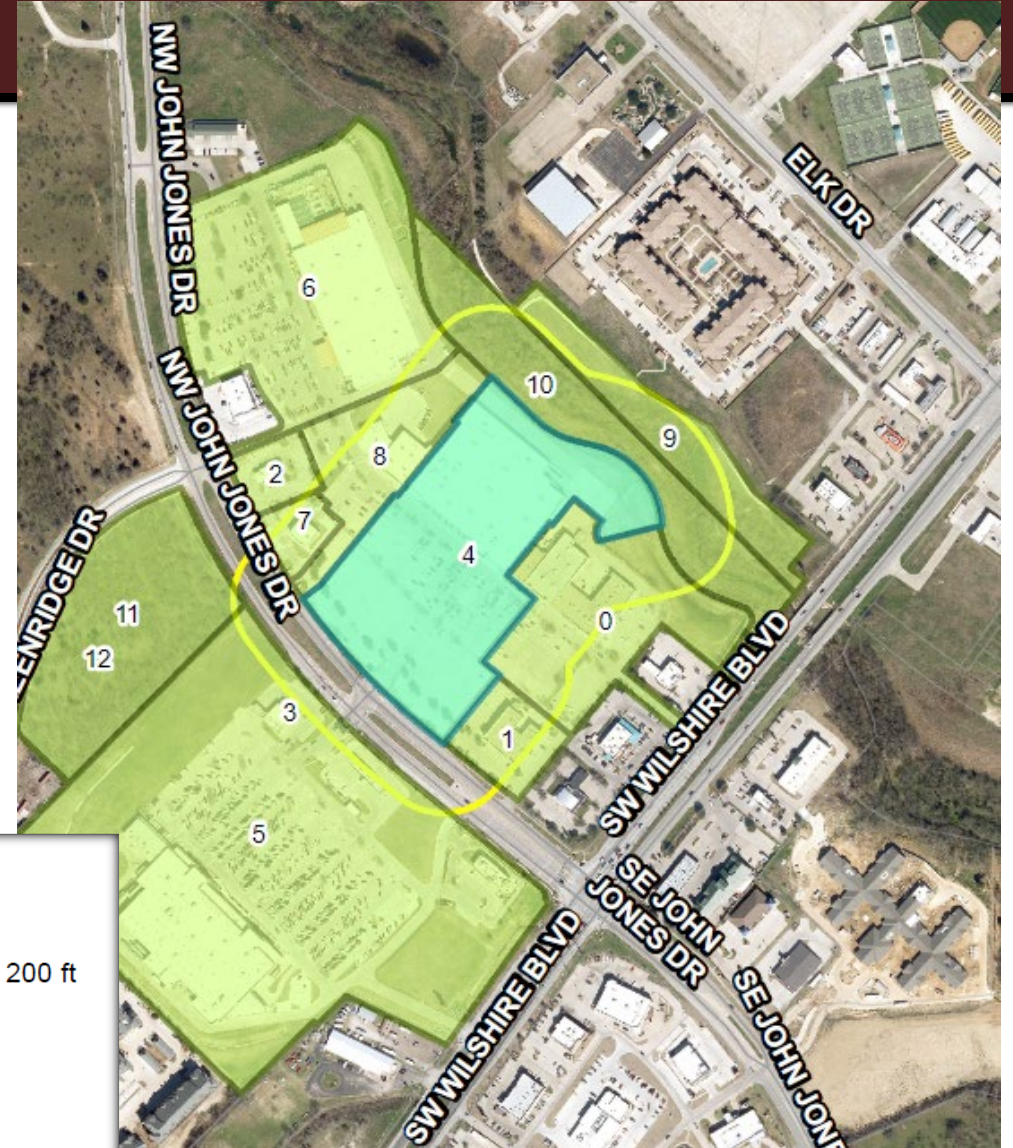


# Target Site Plan with Waiver

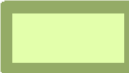


## Public Hearing Notice

- Public notices mailed to property owners within 200 feet of subject property
- Published in newspaper

Staff has not received any inquiries regarding this request.



### Legend

-  Properties within 200 ft
-  Buffer
-  Subject Property

# Target Site Plan with Waiver

## Staff Recommendation

Staff is in support of the waiver request given the following considerations:

- The accessory structure will be primarily obscured by preexisting landscaping and trees.
- The structure would not encroach upon the minimum front setback of 25 feet.
- Target, being a part of a larger shopping center does not have a side yard or rear yard in which to locate an accessory parking structure.
- The structure provides a desired purpose and function that is not currently addressed by the Code of Ordinances for the City of Burleson.



**Questions/Discussion**



# Target Site Plan with Waiver

## P&Z Summary

### Vote

Recommended Approval Unanimously

### Discussion

None

### Speakers

None

# Target Site Plan with Waiver

## Council Action Requested

1. Open a Public Hearing; and
2. Close a Public Hearing; and
3. Consider waiver request.
4. Approve a site plan amendment for Target located at 200 NW John Jones DR with a waiver to Section 132-115; Accessory building and structure yard regulations, of Appendix B, Article V, Supplemental Regulations; pertaining to a covered parking and loading area in the front yard of a commercial site. (22-031)



**Questions/Discussion**



PARKING LOT RE-STRIPING, STALL PARKING SIGNAGE AND  
WAYFINDING DRIVE UP BEACONS WHERE SHOWN ON THE PLAN.

## C-COMMERCIAL

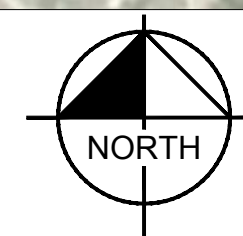
- DRIVE AISLE = 26' MIN. WIDTH
- STANDARD PARKING STALL = 9' X 18'

TARGET CORP.  
CONTACT: MATTHEW FLANSBURG  
50 SOUTH 10TH ST, SUITE 400  
MINNEAPOLIS, MN, 55403  
MATTHEW.FLANSBURG@TARGET.COM

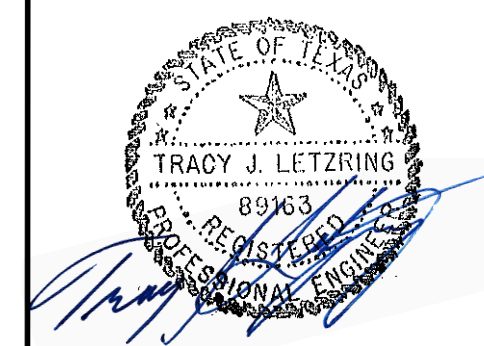
**KIMLEY-HORN**  
CONTACT: JUSTIN BECKER P.E.  
401 B ST, SUITE 600  
SAN DIEGO, CA, 92101  
619-234-9411  
JUSTIN.BECKER@KIMLEY-HORN.COM



DRIVE UP EXPANSION  
T-1922 BURLESON  
200 NW JOHN JONES DR  
BURLESON, TX 76028



COVER SHEET.....	C0.0
OVERALL SITE PLAN.....	C0.1
DEMOLITION PLAN.....	C0.2
IMPROVEMENT PLAN.....	C1.0
DETAILS.....	C2.0 - C2.1

[illegible]

DATE: 12/17/2021

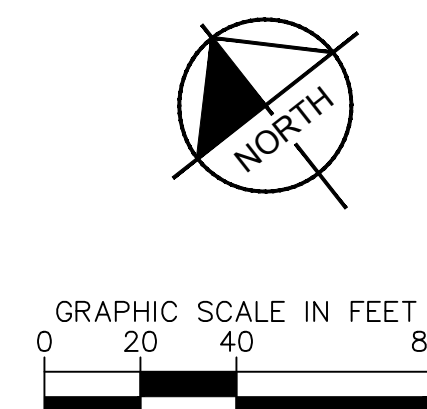
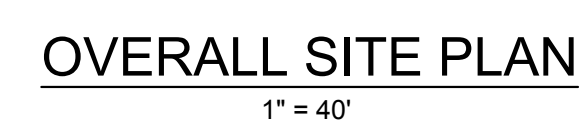


Project Number	T-192
Config:	
Drawn By	TG
Checked By	KE

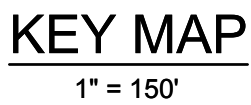
COVER SHEET

C0.0





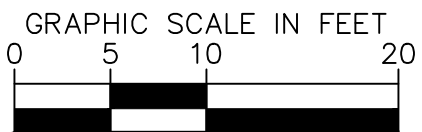
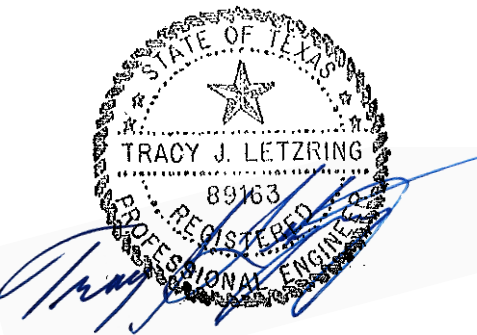




- 3 RESTRIPE STANDARD PARKING STALLS USING 4' WIDE WHITE STRIPING.
- 4 INSTALL CROSSWALK PER DETAILS SHEET.
- 5 INSTALL STOP BAR AND MARKING PER DETAILS SHEET.
- 6 INSTALL STOP SIGN PER DETAILS SHEET.
- 7 INSTALL CURB RAMP PER DETAILS SHEET.
- 8 INSTALL DRIVE UP STRIPING AND SIGNAGE PER DETAILS SHEET.
- 10 INSTALL STANCHION SIGN AND BASE PER DETAILS SHEET.
- 13 INSTALL WALKWAY THROUGH EXISTING LANDSCAPE ISLAND.
- 15 INSTALL TARP CANOPY: REFER TO STRUCTURAL DESIGN FOR USA SPEC AND FABRIC STRUCTURES, INC. FOR FURTHER DETAIL. REFERENCE TO THESE DRAWINGS MAKES NO IMPLICATION TO THEIR ACCURACY, NOR DOES IT INFER PROFESSIONAL SUPERVISION THEREOF.
- 17 INSTALL WHEEL STOP PER DETAILS SHEET.

1. THE LOCATION OF UTILITIES ARE BASED ON THE AVAILABILITY AND ACCURACY OF AVAILABLE RECORD DRAWINGS. A REASONABLE ATTEMPT HAS BEEN MADE TO SHOW THE LOCATIONS OF KNOWN UNDERGROUND OBSTRUCTIONS AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES. THE PLANS SHOWN ARE NOT TO BE INTERPRETED AS THE EXACT LOCATION, OR AS THE ONLY UNDERGROUND UTILITIES, OR OBSTACLES THAT MAY OCCUR ON THE SITE. THE OWNER AND ENGINEER BEAR NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR SHOWN IN AN INCORRECT LOCATION OR ELEVATION OR THE LOCATION OR ELEVATION OF UTILITIES NOT SHOWN. COMMENCING ANY CONSTRUCTION EFFORTS, ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
2. UTILITIES INTERFERING WITH CONSTRUCTION SHALL BE RESET OR RELOCATED BY THE CONTRACTOR UNLESS NOTED OTHERWISE, AND ENGINEER SHALL BE NOTIFIED.
3. THE CONTRACTOR SHALL GIVE PROPER NOTICE TO ALL UTILITY COMPANIES AND FACILITY OWNERS OF ANY REMOVAL AND RELOCATION ACTIVITIES, AND WHEN WORKING IN THE VICINITY OF UTILITY LINES.
4. CONFLICTS WITH IRRIGATION INFRASTRUCTURE SHALL BE ROUTED AROUND PROPOSED IMPROVEMENTS. IF AN ADJUSTED IRRIGATION PATH IS NECESSARY, PROVIDE THE MOST DIRECT CONNECTION POSSIBLE TO ROUTE AROUND IMPROVEMENTS. ENSURE THAT ALL AREAS AFFECTED BY THE IRRIGATION REROUTING ARE RELOCATED AT THE EXISTING SCHEDULED RATES, UNTIL CONSTRUCTION IS COMPLETE. SPLICING OF ANY CONTROL WIRES THAT REQUIRE REROUTING SHALL BE AVOIDED WHENEVER POSSIBLE. IF A SPLICE IS REQUIRED, IT SHALL BE DONE USING WATER-PROOF WIRE CONNECTORS. NEW CONTROL WIRE SHALL BE RUN, AND EXTEND AS NEAR AS POSSIBLE TO THE SAME AS THE EXISTING IRRIGATION WATER LINES. AFFECTED IRRIGATION AREAS MUST BE FUNCTIONING AS DESIGNED AFTER CONSTRUCTION IS COMPLETE.

—W— EXISTING WATER LINE

[illegible]

DATE: 12/17/2021



Project Number T-1922

Config:	
Drawn By	TG
Checked By	KR

## IMPROVEMENT PLAN

C1.0





**D** S/F REFLECTIVE CLEARANCE VINYL SIGN (QTY: 4)  
Scale: 3" = 1'-0"

**GENERAL SPECIFICATIONS:**

- ENGINEER GRADE REFLECTIVE FILM
- DIGITAL GRAPHICS APPLIED FIRST SURFACE

**COLORS:**

PMS 186 RED



**TYPICAL INSTALLATION**  
Scale: Not to Scale



10101 Reunion Place  
Suite 200  
San Antonio, TX 78216  
P 210. 886. 0644  
waltonsignage.com  
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Client: TARGET - 1922  
Address: 200 NW JOHN JONES DRIVE  
City/State: BURLESON, TX 76028  
Sales: HOUSE Designer: DSG  
Date: 01.18.22 PM TM

This is an original drawing created by Walton. It is submitted for your personal use, however, it shall at all times remain the property of Walton. It may be used in connection with the project being planned for you by Walton, but not otherwise. You are not authorized to show these drawings to anyone outside your organization, nor is it to be reproduced, used, copied or exhibited in any fashion.

Revision:  
R1) 01/27/22 Update per new bid set - RH  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
H:\Target\\_\_Drive Up Relo Expansion Program\Locations\TX\1922 Burleson TX\2-Design

Signs will be manufactured with 120 or 277 Volts A/C. All Primary electrical service to the sign, and final connection thereof, is the responsibility of the buyer. All work is to be done in accordance with the purchase agreement attached hereto. In case of variance between the specifications of the purchase agreement and this drawing, the drawing shall prevail.

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

PAGE SIZE: 11" x 17"

Approvals:

Sales:	Date:
P.M.:	Date:
Design:	Date:
Client:	Date:

**CID318803**  
Sheet: 8 of 15

[illegible]

DATE: 12/17/2021

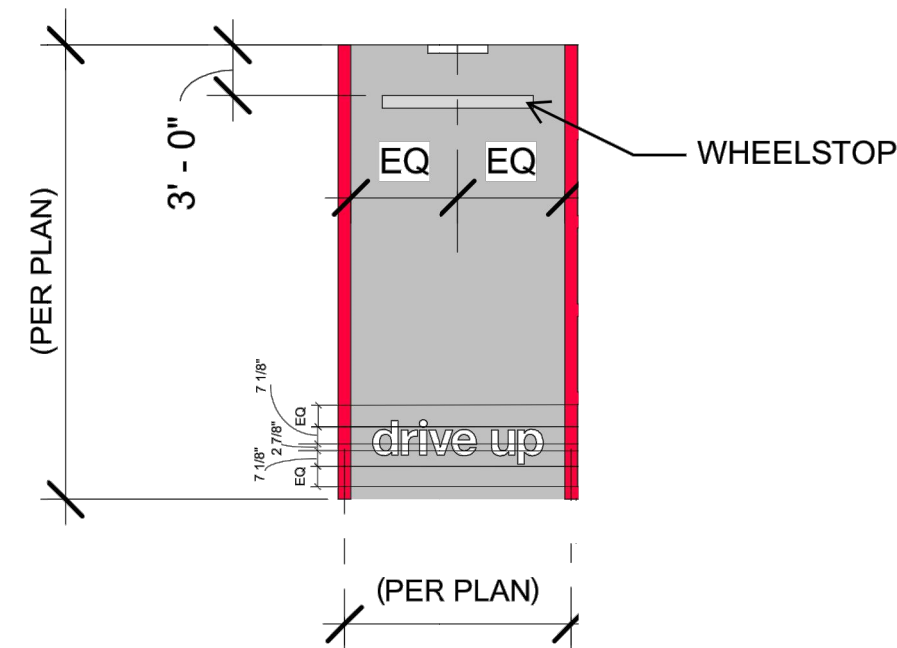


Project Number T-1922

Config:	
Drawn By	TG
Checked By	KR

## DETAILS

C2.0

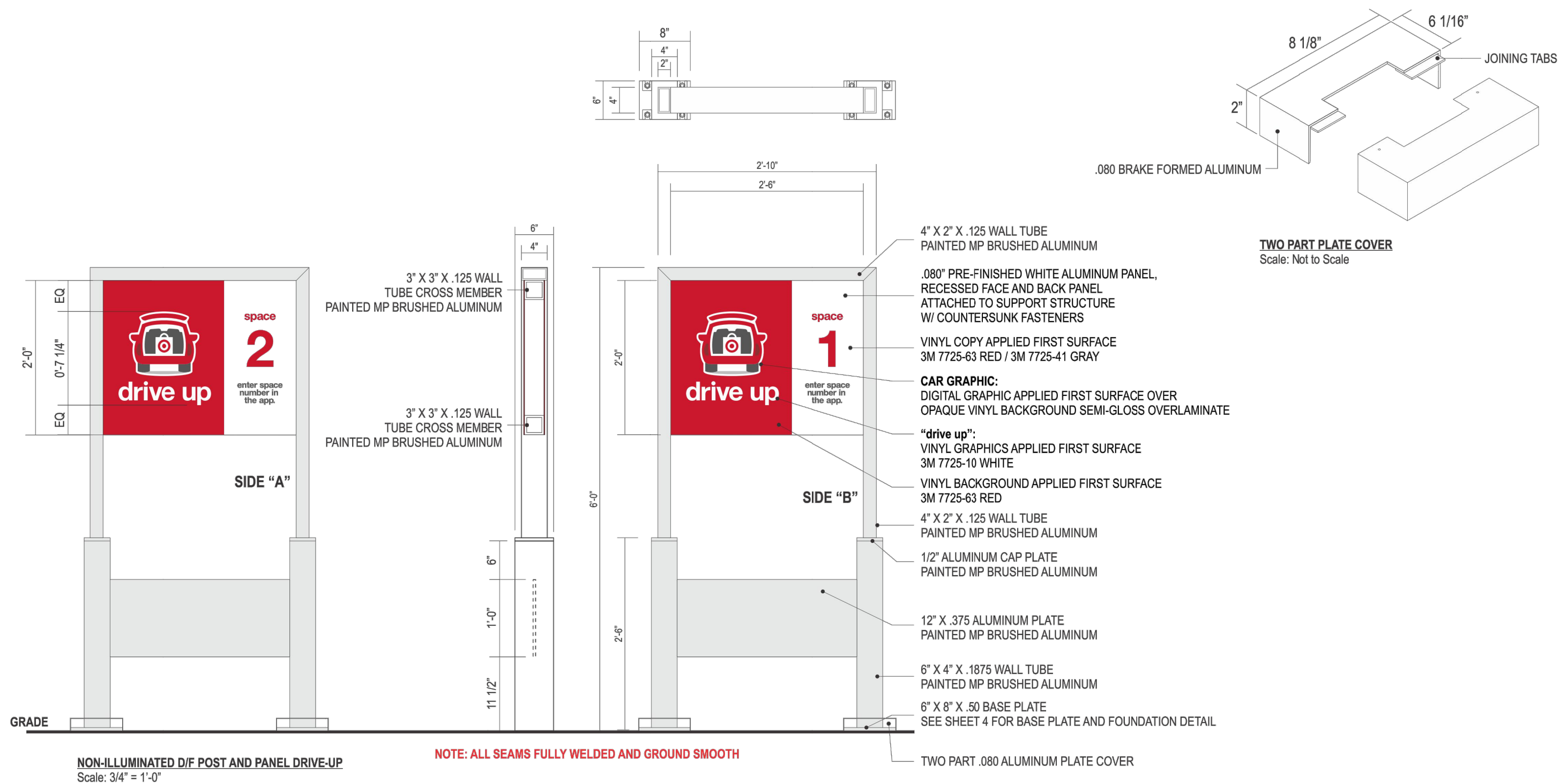


NOTES:

1. ALL RED STRIPING IS 6" WIDE
2. TARGET TO PROVIDE GC WITH "drive up" AND "NO PARKING" TEMPLATES
3. SEE PLAN VIEW DIMENSIONS FOR EXACT LAYOUT OF SITE
4. REFER TO C1.0 FOR EXACT DIMENSIONS

## DRIVE UP STRIPING

N.T.S.



STRUCTURAL DETAILS SHOWN HEREON WERE PROVIDED BY THOMPSON ENGINEERING SERVICES, LLC, AND CERTIFICATION OF THESE DRAWINGS MAKES NO IMPLICATION TO THEIR ACCURACY. NOR DOES IT INFER PROFESSIONAL SUPERVISION THEREOF.



## STANCHION SIGN POST AND BASE - DOUBLE SIDE

N.T.S.



Know what's **below**.  
Call before you dig.









**VICINITY PLAN**  
Scale: Not to Scale



10101 Reunion Place  
Suite 200  
San Antonio, TX 78216  
P 210. 886. 0644  
waltonsignage.com  
© 2021 WALTON ALL RIGHTS RESERVED

Client: TARGET - 1922  
Address: 200 NW JOHN JONES DRIVE  
City/State: BURLESON, TX 76028  
Sales: HOUSE Designer: DSG  
Date: 01.18.22 PM TM

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R1) 01/27/22 Update per new bid set - RH  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
H:\Target\\_\_Drive Up Relo Expansion Program\Locations\TX\1922 Burleson TX\2-Design

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This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

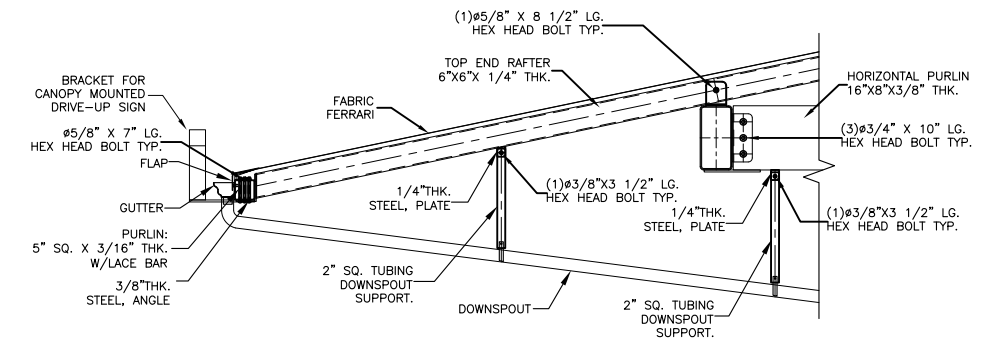
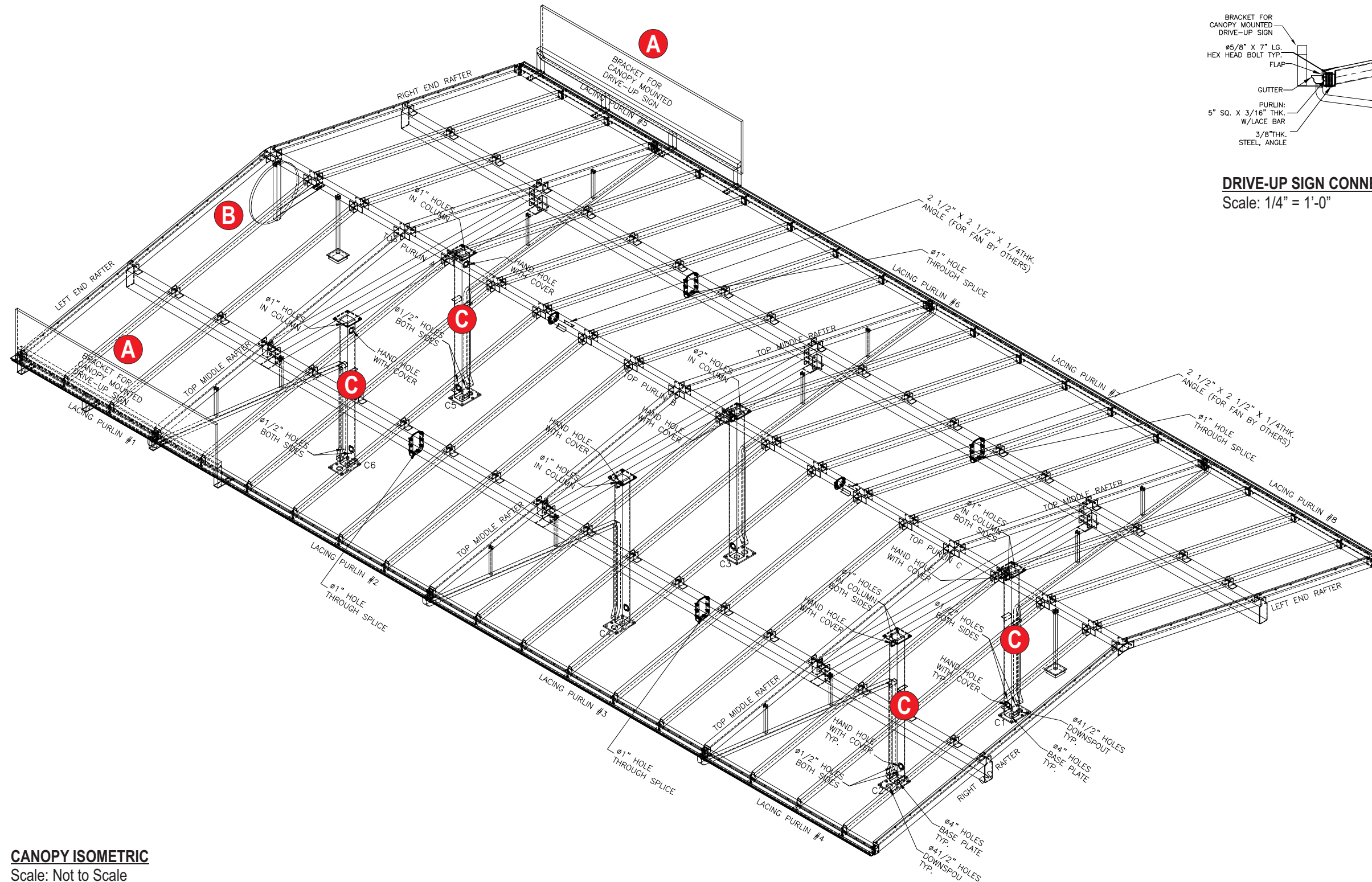
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Approvals:

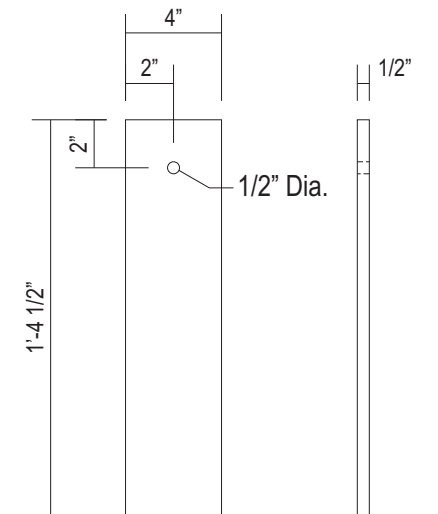
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P.M.:	Date:
Design:	Date:
Client:	Date:

**CID318803**  
Sheet: 2 of 15

## DRIVE UP CANOPY

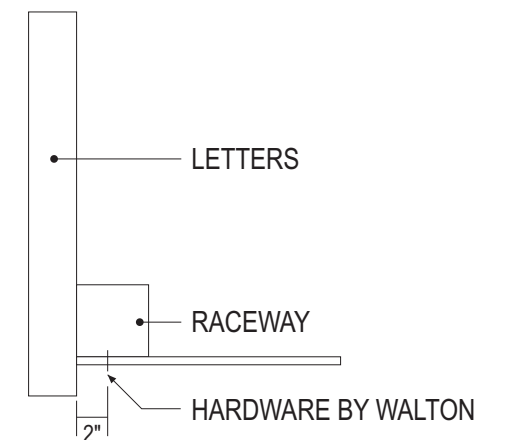


**DRIVE-UP SIGN CONNECTION DETAIL**  
Scale: 1/4" = 1'-0"



**ATTACHMENT PLATE DETAIL**  
Scale: 1 1/2" = 1'-0"

**NOTE: PLATES BY OTHERS**



**CANOPY ISOMETRIC**  
Scale: Not to Scale



Client: TARGET - 1922  
Address: 200 NW JOHN JONES DRIVE  
City/State: BURLESON, TX 76028  
Sales: HOUSE Designer: DSG  
Date: 01.18.22 PM TM

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Revision:  
R1) 01/27/22 Update per new bid set - RH

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Approvals:

**Sales:**

P.M.:

Design:

Client:

Date:

Date:

Date:

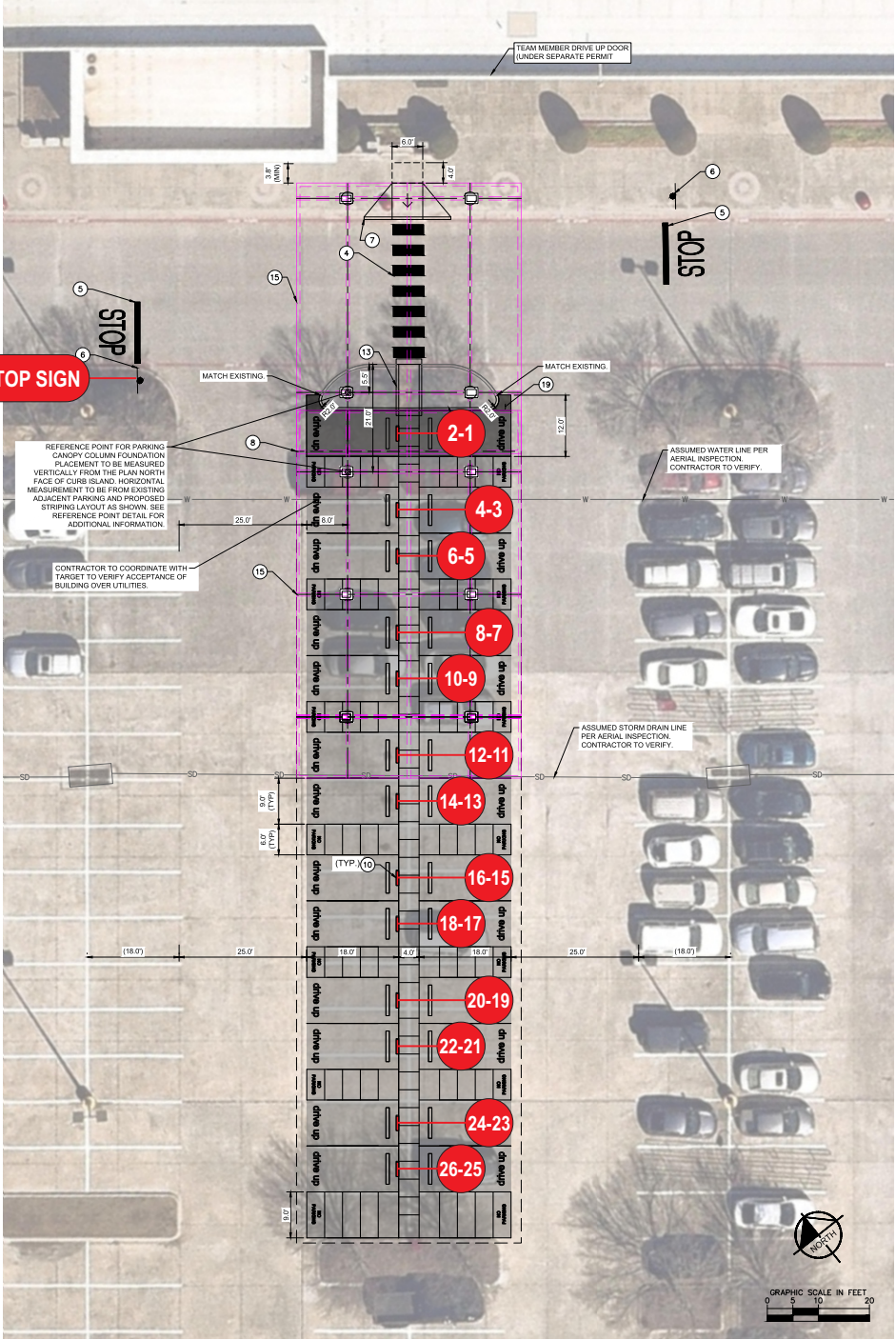
Date:

**CID318803**

Sheet: 4 of 15

PAGE SIZE: 11" x 17"





**PROPOSED DRIVE UP STALLS**  
Scale: Not to Scale

**LEGEND**

— W —	EXISTING WATER LINE
— SD —	EXISTING STORM DRAIN
■	PROPOSED ASPHALT PAVEMENT



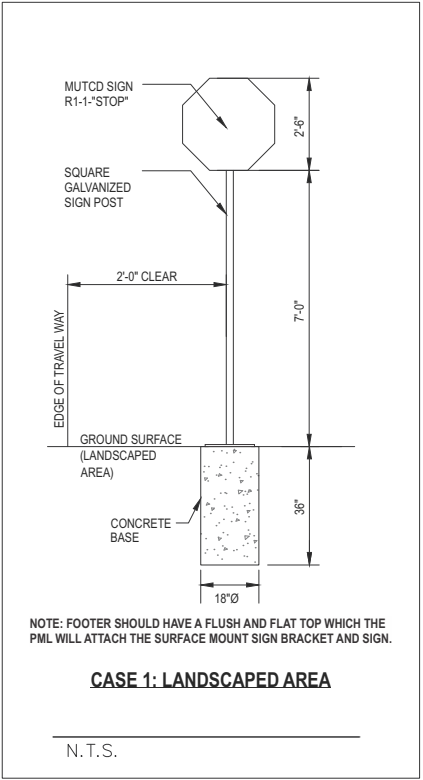
**INSTALLATION NOTES**

**DRIVE UP:**  
REMOVE EXISTING DRIVE-UP SIGNS  
MANUFACTURING AND INSTALL **(12) TWELVE** D/F POST AND PANEL DRIVE-UP BY WALTON  
MANUFACTURERS TO SHIP FASTENAL HARDWARE (PROVIDED BY WALTON) TO INSTALLERS WITH DRIVE UP SIGN  
SIGNS SHIPPED COMPLETELY ASSEMBLED

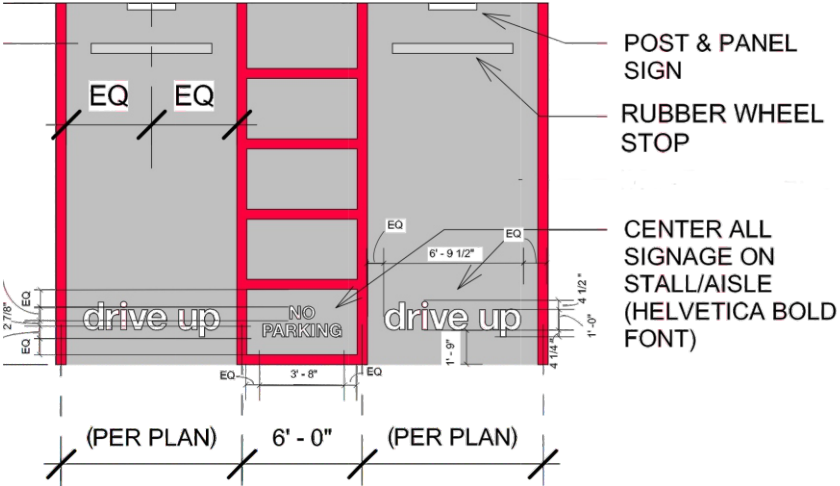
**NOTE:**  
ALL EVEN NUMBER SIDES OF THE SIGN ARE LOCATED ON THE LEFT SIDE WHILE THE ODD NUMBER ARE LOCATED ON THE RIGHT SIDE AS YOU FACE THE STOREFRONT.

**EXISTING BEACON:**  
REMOVE EXISTING BEACON FOUNDATION;  
INCLUDES FOOTER, 2' SECTION THAT IS ABOVE GRADE AND ASPHALT PATCH – ALL MATERIALS SUPPLIED BY INSTALLER  
APPROPRIATELY RECYCLE PER WALTON DETAILED DIRECTIONS

**STOP SIGN:**  
NEW FOUNDATION IN SOFTSCAPE

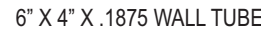


**STOP SIGN POST**  
Scale: Not to Scale



**POST AND PANEL PLACEMENT DETAIL**  
Scale: Not to Scale





Scale: Not to Scale



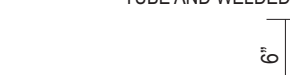
Scale: Not to Scale



Scale: Not to Scale



Scale:  $3/4" = 1'-0"$



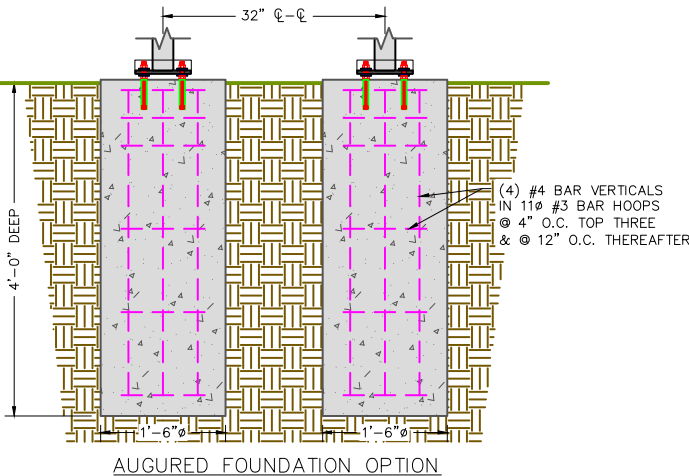
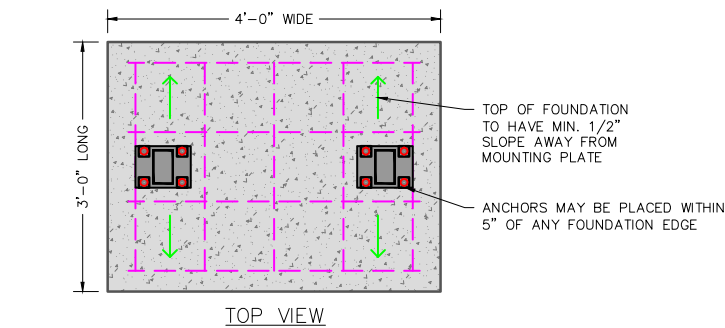
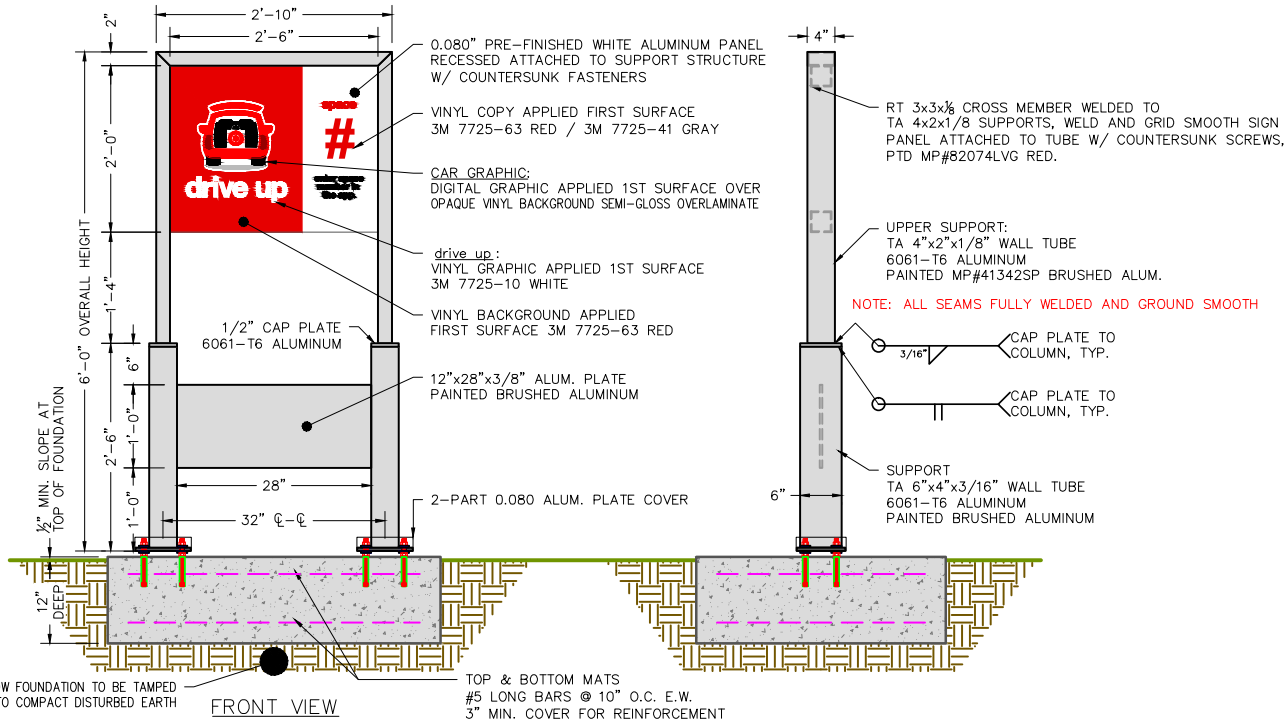
Scale: 3" = 1'-0"

- 1/2" THICK 6061-T6 BASE PLATE

- HILTI ANCHOR ROD HAS-V-36 HDG 1/2" X 6-1/2" MC/160 #3693371  
(OR EQUIVALENT GRADE 36 THREADED ROD W/  
(2) NUTS – 1 NUT UNDER THE PLATE AND ONE ON TOP OF THE PLATE

• HILTI ADHESIVE CAPSULE HVU2 1/2" X 4 1/4" #2234721





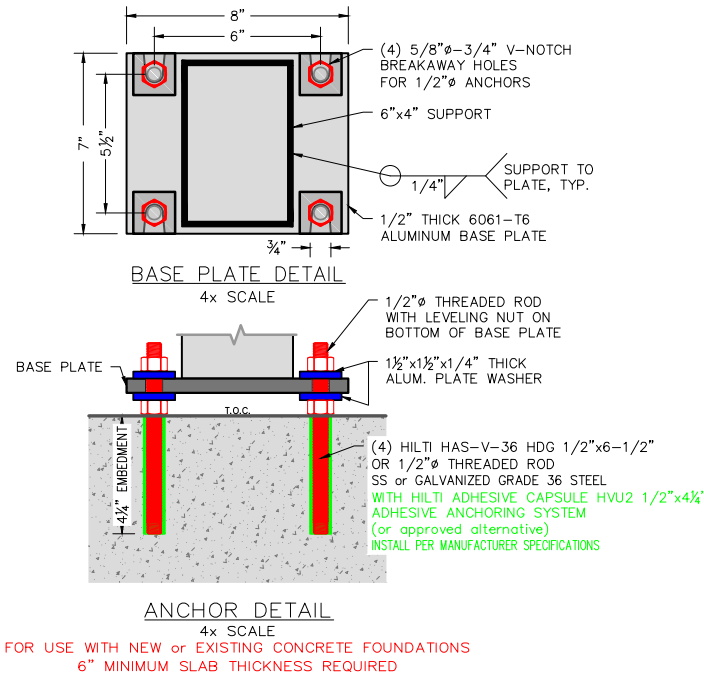
International Building Code 2018  
1809.5 Frost protection. Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of the locality;
2. Constructing in accordance with ASCE 32; or
3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I.
2. Area of 600 square feet (56m<sup>2</sup>) or less for light-frame construction or 400 square feet (37 m<sup>2</sup>) or less for other than light-frame construction; and
3. Eave height of 10 feet (3048 mm) or less.

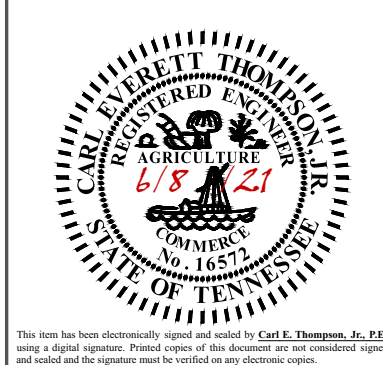
Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.



- GENERAL NOTES:**
1. All design, detailing, fabricating and construction shall conform to the following codes and specifications:
    - a. The 2018 International Building Code (ASCE 7-16).
    - b. American Society of Testing and Materials (ASTM) specifications.
    - c. Building Code Requirements for Reinforced concrete (ACI 318-Current Edition).
    - d. Code for Welding in Building Construction of the American Welding Society.
    - e. Specification for the Design, Fabrication and Erection of Structural Steel for Buildings by The American Institute of Steel Construction (AISC) (Current Edition).
    - f. Aluminum Association Aluminum Design Manual (2010 Edition).
  3. Concrete shall be  $f'_c=3,000$  P.S.I. (min.) @ 28 days Compressive Strength, STD WT (150 P.C.F.)
    - 3.a. Contractor may install signage on the structure after the concrete has cured for seven (7) days, providing the curing process has been properly maintained.
    - 3.b. Air Content - Exposure Class F2 & F3:
      - Aggregate size: 1/2" = 7%
      - Aggregate size: 3/4" = 6%
      - Aggregate size: 1" = 6%
  4. Reinforcing Steel shall be ASTM A-615 Grade 60, ( if required ).
    - a. All reinforcing steel shall be free from mud, oil, rust or coatings that would reduce or destroy bond.
    - b. All reinforcing bars shall lap 30 diameters minimum, except as noted.
    - c. Minimum concrete cover on ties, stirrups and main bars shall be 3/4 inch for slab, wall and surfaces not exposed to weather or in contact with ground; 3 inches for unformed surfaces deposited against the ground except as noted.
  5. Structural Material Specifications:
    - a. Aluminum shapes shall be extruded from 6061-T6 alloy. Welding filler alloy shall be 5183, 5356, 5556 or approved alternative.
    - b. Structural Steel and Plates shall be ASTM A-36 (F<sub>y</sub>=36 ksi)
    - c. W-Shape beams shall be ASTM A-992 (F<sub>y</sub>=50 ksi) Minimum
    - d. Structural tubing shall be ASTM A-500, Grade B, (F<sub>y</sub>=46 ksi)
    - e. Structural piping shall be ASTM A-53, Grade B, Type E or S, (F<sub>y</sub>=35 ksi), ASTM A572 Grade 42 (F<sub>y</sub>=42 ksi) or ASTM A572 Grade 50 (F<sub>y</sub>=50 ksi), (see drawing for individual member specifications).
  6. Anchor Bolts shall be Galvanized F-1554 Grade 36 Rod, unless otherwise noted.
  7. Stainless Steel bolts for connections shall be ASTM 316A SS Class 2A , unless otherwise noted.
  8. Standard strength bolts for connections shall be Galvanized ASTM A-307, unless otherwise noted.
  9. Welding electrodes shall comply with AWS D1.2-(Current Edition). (All welding to be done by welder certified for specified weld type.)
  10. Design Wind Speed, V<sub>ULT</sub>= 165 MPH Equivalent Wind Load, P<sub>ULT</sub>= 75.6 PSF @ 6'-0" above the ground (3 Sec Wind Gusts). Exposure C, Risk Category I, I<sub>p</sub>=-1.0, G=0.85
  11. Soil Bearing Capacity Requirements:
    - a. Minimum Allowable Vertical Bearing Capacity shall be 1,500 P.S.F.
    - b. Minimum Allowable Lateral Bearing Capacity shall be (100  $\frac{PSF}{FT} \times 2$ )=200 P.S.F. per foot of depth. (Times two increase per IBC Section 1806.3.4) .
  12. Contractor shall verify all dimensions and conditions in the field before erection and notify the Engineer of any discrepancies.

NOT FOR PERMIT PROCUREMENT PURPOSES

NOTICE:  
T.E.S. is responsible for column supports, lateral supports, base plate, anchor studs & foundation design only, all other items shown are for informational purposes only. This drawing is NOT FOR PERMIT PROCUREMENT PURPOSES & is for the sole use of T.E.S. and its designees. Unauthorized use is strictly prohibited.



This item has been electronically signed and sealed by Carl E. Thompson, Jr., P.E., using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

SHEET  
1 of 1

Location: Target, Anywhere, US

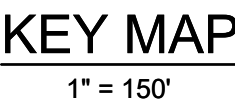
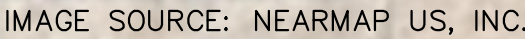
WALTON SIGNAGE, LTD.  
10101 Reunion Place, Suite 200  
San Antonio, TX 78216  
Phone: 210-886-0644

D.P.Ward	June 8, 2021	035521	EB-10761	1/2" = 1'-0"
CLIENT PO#:	201284	PROJECT#	DWG#	SCALE:

165 MPH Design | Layout & Details

TES THOMPSON ENGINEERING SERVICES, LLC  
P.O. BOX 1500, ENGLEWOOD, TN 37329  
PHONE: (423)781-7336 FAX: (423)781-7337





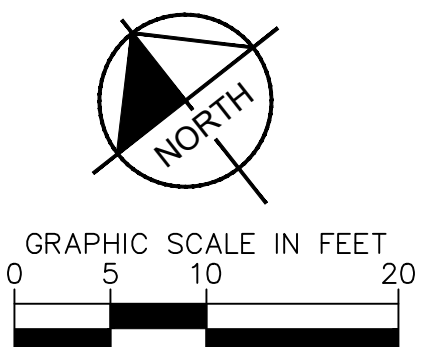


1. CONTRACTOR TO CONFIRM EXISTING SYSTEM SOURCE AND BACKFLOW ARE PREVENT OPERATIONAL.
2. CONTRACTOR TO CONFIRM EXISTING BACKFLOW IS TO SERVE IRRIGATION SYSTEM ONLY. IF EXISTING BACKFLOW MUST BE PLACED ON IRRIGATION SERVICE LINE TO PREVENT ANY POSSIBILITY OF BACKFLOW FROM BEING DIRECTED INTO THE BUILDING, IF THE EXISTING BACKFLOW IS NOT ADEQUATE TO SERVE THE IRRIGATION SYSTEM, CONTRACTOR TO INSTALL A NEW BACKFLOW, SIZE ACCORDING TO METER SIZE.
3. CONFIRM EXISTING CONTROLLER ZONE AVAILABILITY; IF CONTROLLER CANNOT HANDLE PROPOSED ZONES, CONTACT IRRIGATION DESIGNER IMMEDIATELY.
4. CAP EXISTING LINES WHERE NECESSARY FOR CONSTRUCTION.
5. DO NOT TOUCH UNDER EXISTING TREES. HAND TRIM LATERALLY TO INSTALL HEADS, DRIP, ETC.
6. ALL PROPOSED IRRIGATION TO MATCH EXISTING PRECIPITATION RATES, IF ZONES ARE COMBINED WITH EXISTING ZONES, NO DRIP AND HEADS TO BE ON SAME ZONES.
7. ALL EXISTING IRRIGATION SHOWN TO REMAIN SHOULD BE PROTECTED DURING CONSTRUCTION. CONTRACTOR TO CONFIRM 100 PERCENT COVERAGE ON EXISTING AND MODIFY IF NEEDED.
8. MODIFY ZONES PER REVISED CHANGES. CAP LINES WHERE NECESSARY. ADD HEADS AS NEEDED. REPAIR/REPLACE NOZZLES TO PROVIDE FULL COVERAGE.
9. DO NOT REMOVE EXISTING SLEEVED LINES UNDER PAVEMENT UNLESS SPECIFIED.
10. CONTRACTOR TO NUMBER EXISTING VALVES AND PROPOSED VALVES, IF NUMERICAL ORDER STARTING FROM THE METER AND GOING IN A CLOCKWISE DIRECTION.
11. CONTRACTOR TO FIELD INVESTIGATE EXISTING CONDITIONS TO LOCATE EXISTING IRRIGATION LATERAL LINES AND RE-PURPOSE FOR NEW IRRIGATION IN THE LANDSCAPE AND LAND.
12. CONTRACTOR TO BORE UNDER/BEHIND EXISTING CONCRETE WHERE APPLICABLE TO ARCHIVE FULL HEAD TO COVER COVERAGE AND PIPING FOR ANY NEW CONSTRUCTION.

[illegible]

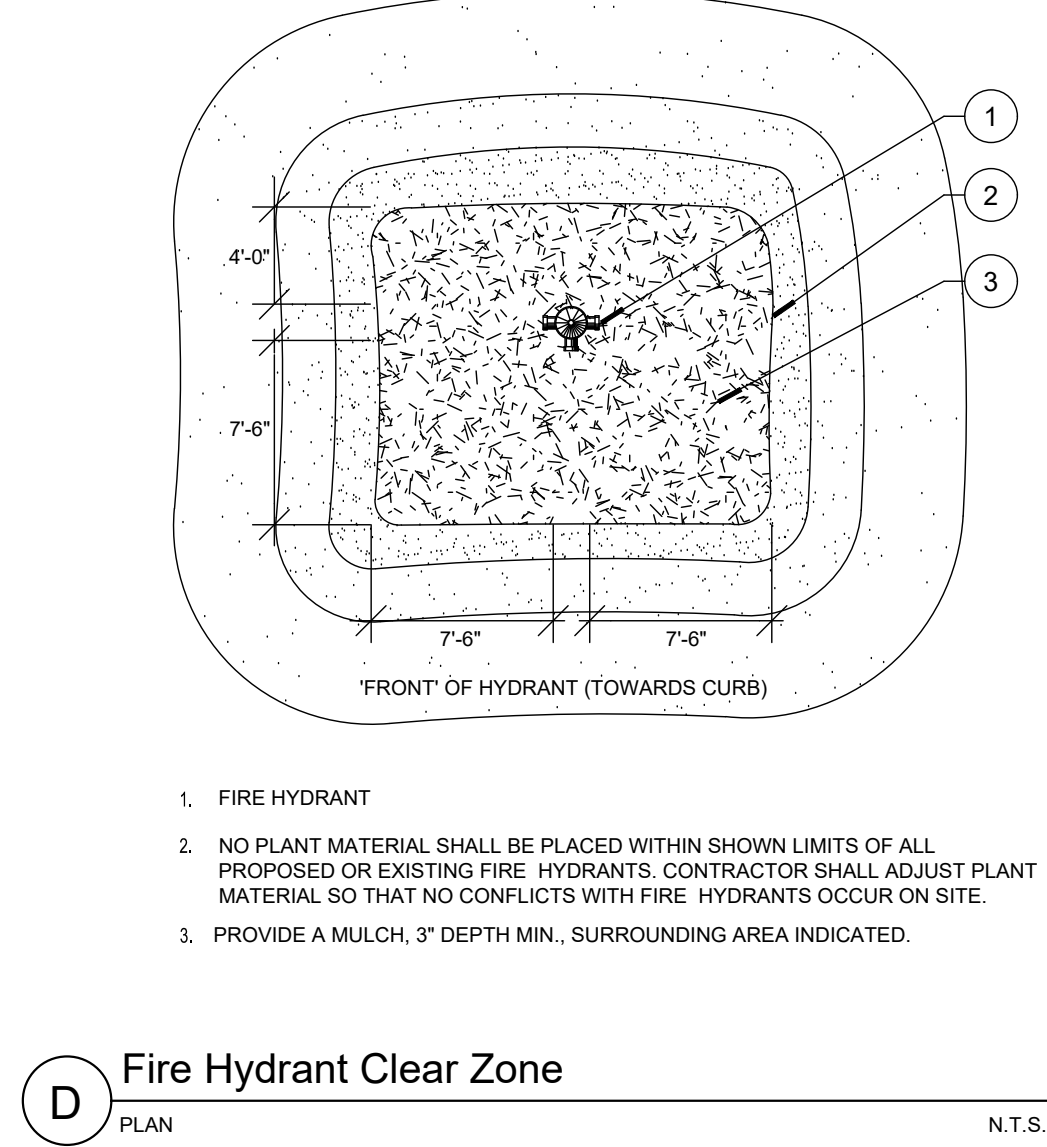
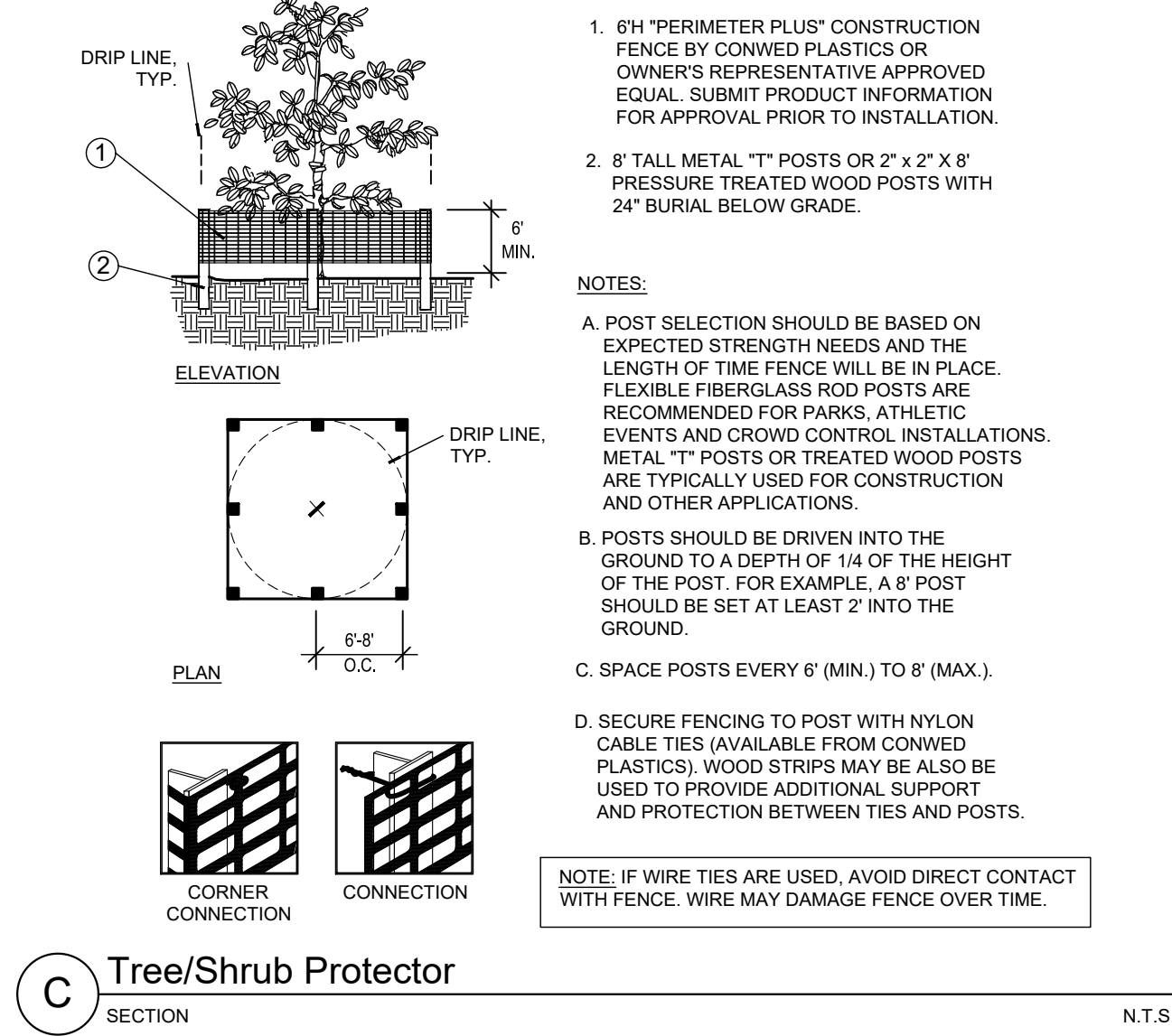
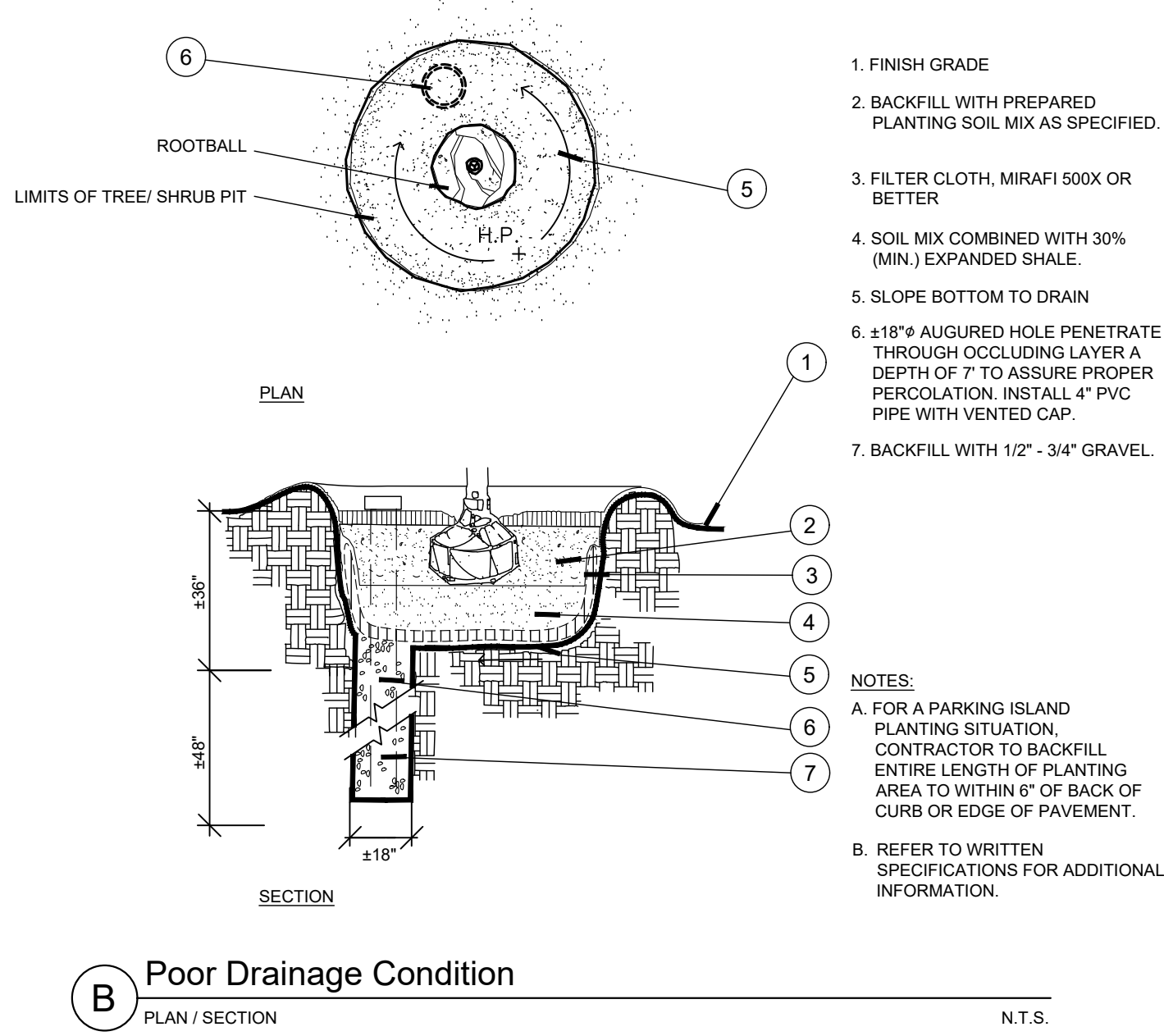
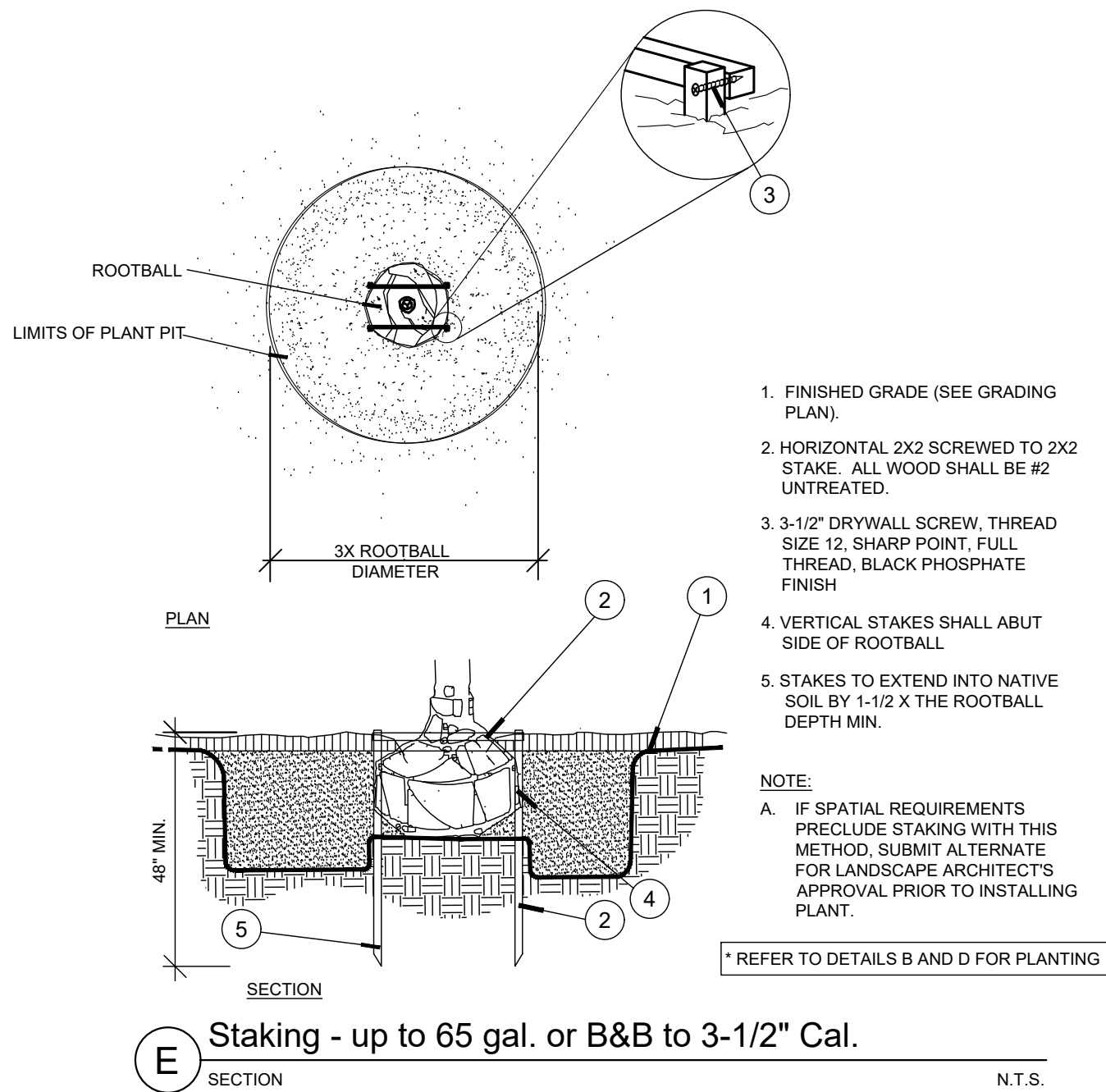
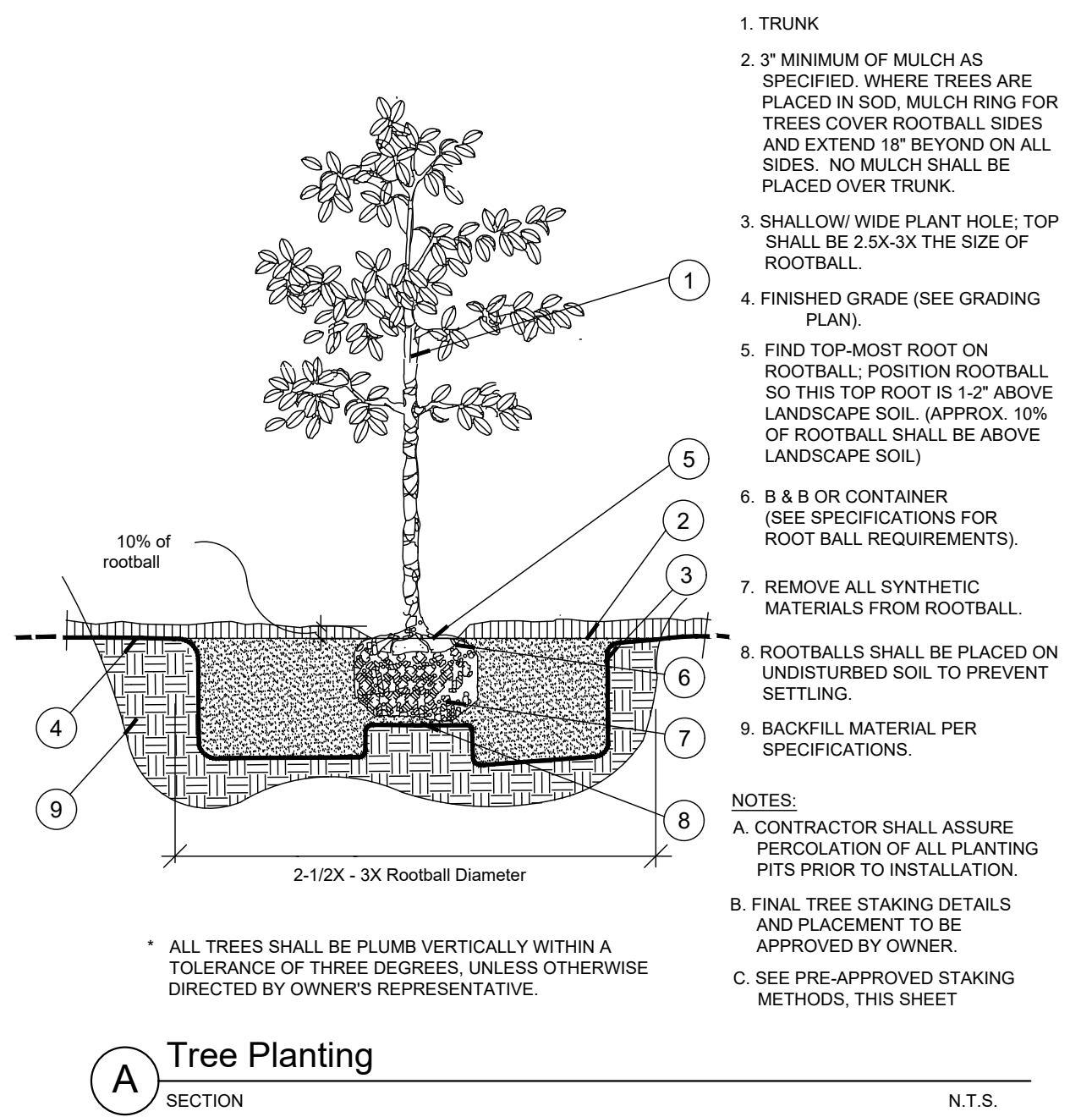
DATE: 02/18/2022

PLANT SCHEDULE								
TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CALIPER	SIZE	REMARKS
	UC	2	ULMUS CRASSIFOLIA	CEDAR ELM	B & B	3" CAL. MIN.	12'-14' H X 4'-6' W	SINGLE STRAIGHT TRUNK, FULL AND MATCHING
GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE	SPACING	REMARKS
	SOD	284 SF	CYNODON DACTYLON	BERMUDA GRASS	SOD			SOLID SOD, ROLLED TIGHT WITH SAND FILLED JOINTS, 100% WEED, DISEASE, AND PEST FREE





Plotted By: Depina, Morgan (Taylor) Sheet Set: K:\SAU\_LALP\Target DU Expansion\1922\_Burleson\CAD\\_-Set.dwg  
This document, together with the concepts and designs presented herein, is an instrument of service, it is intended only for the specific purpose and client for which it was prepared. Reuse of any information contained herein without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



**TARGET**  
T-1922 BURLESON  
200 NW JOHN JONES DR  
BURLESON, TX 76028

© 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
13455 NDELL ROAD, SUITE 700,  
DALLAS, TX 75240  
PHONE: 972-770-1300  
WWW.KIMLEY-HORN.COM

DATE: 02/18/2022

Project Number **T-1922**

Config:  
Drawn By MKD  
Checked By ABP

**LANDSCAPE  
DETAILS**

L2.0



## City of Burleson

### City Council

City Hall  
Council Chambers  
141 W. Renfro  
Burleson, TX 76028

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** Development Services  
**CASE MANAGER:** Lidon Pearce  
**DATE:** 05/02/2022

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#### SUBJECT

**2301 S Burleson Blvd, North Texas Jellystone Park, Voluntary Annexation (Case 22-008):** Hold a public hearing and consider approval of an ordinance for voluntary annexation of approximately 44.36 acres tract of land out of the Ira Clemons survey described in the deed recorded in document No. 2016-8589, Johnson County, Texas (D.R.J.C.T), located in the exclusive Extraterritorial Jurisdiction (ETJ) of the City of Burleson, related to a previously approved development agreement, providing that the inhabitants thereof shall have all the privileges of all the citizens of Burleson, Texas; providing that this ordinance shall amend every prior ordinance in conflict herewith; providing that this ordinance shall be cumulative of all prior ordinances not in direct conflict; providing for severability and naming and effective date. (First and Final Reading) *(Staff Presenter: Tony McIlwain, Development Services Director)*

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#### Attachments

Department Memo  
Staff Presentation  
Draft Ordinance

#### Respectfully submitted:

Tony McIlwain  
Director, Development Services  
tmcilwain@burlesontx.com  
817-426-9684



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DEPARTMENT MEMO

DEPARTMENT: Development Services  
FROM: Tony McIlwain  
MEETING: May 2, 2022

SUBJECT

2301 S Burleson Blvd, North Texas Jellystone Park, Voluntary Annexation (Case 22-008): Hold a public hearing and consider approval of an ordinance for voluntary annexation of approximately 44.36 acres tract of land out of the Ira Clemons survey described in the deed recorded in document No. 2016-8589, Johnson County, Texas (D.R.J.C.T), located in the exclusive Extraterritorial Jurisdiction (ETJ) of the City of Burleson, related to a previously approved development agreement. (First and Final Reading) (Staff Presenter: Tony McIlwain, Development Services Director)

SUMMARY:

North Texas Jellystone Park is a regional tourism center that offers a water park, cabins, RV spaces and numerous other family activities. Additionally, it also serves as a special events venue as well as hosting seasonal activities for families and groups. The owner partnered with a national franchise, Yogi Bear's Jellystone Park Camp-Resorts in January of 2010. The Little Pirates water park has been operating from 2012 and has expanded into Pirates Cove.

On July 15, 2019, Ronnie Bowyer (property owner) submitted a request for a zoning change from A, Agriculture to PD, Planned Development zoning district for the now annexed portions of the subject property. This zoning change was associated with an Economic Development Agreement between the City and Jellystone Park (CSO# 648-05-2017) that involved three steps:

1. 2017 - Jellystone Park requested annexation into the City of Burleson.
2. 2019 – Annexation of the water park
3. 2021 – Final annexation is to be requested (Current requests/phase)

The final annexation request (Case 22-008) per the Economic Development Agreement was submitted on January 24, 2022, by Felix Wong (applicant) on behalf of Ronnie Bowyer. A zoning request (Case 22-024) will run concurrently with the annexation request for consideration by the City Council. The zoning request will apply Jellystone's previously adopted PD, Planned Development standards (with updated exhibits) for the remaining 44.36 acres being considered for annexation approval.

An annexation schedule has been developed per the Texas Local Government Code Section 43.0673, which governs the procedure to be followed by the municipal government for this type of annexation. In accordance with this statute, annexations must be strictly coordinated in conjunction with the City Council public hearing schedule due to specific timing mandates established by Texas State Law.

OPTIONS:

1. Approve the voluntary annexation request; or
2. Deny the voluntary annexation request.

RECOMMENDATION:

Staff recommends approval of a voluntary annexation request, located at 2301 S. Burleson Blvd. (Case 22-008).

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

April 12, 2022 – The Planning and Zoning Commission recommend approval unanimously.

September 21, 2020 – City Council approves PD, Planned Development zoning request and annexation of portions of North Texas Jellystone Park

May 22, 2017 - City Council approval of amendment to Economic Development Agreement (CSO#6481-05-2017).

February 20, 2017 - City Council approval of original Economic Development Agreement (CSO#602-02-2017).

PUBLIC NOTIFICATION:

The required notice was published in the newspaper, posted on the City website, notified school districts and utility companies.

At this time staff has received no inquiries regarding this case.

FISCAL IMPACT:

None

STAFF CONTACT:

Name:	Tony McIlwain
Department:	Director, Development Services
Email:	<a href="mailto:tmcilwain@burlesontx.com">tmcilwain@burlesontx.com</a>
Phone:	817-426-9684

# 2301 S. Burleson Boulevard Annexation

## Location:

- 44.36 acres
- 2301 S. Burleson Blvd.

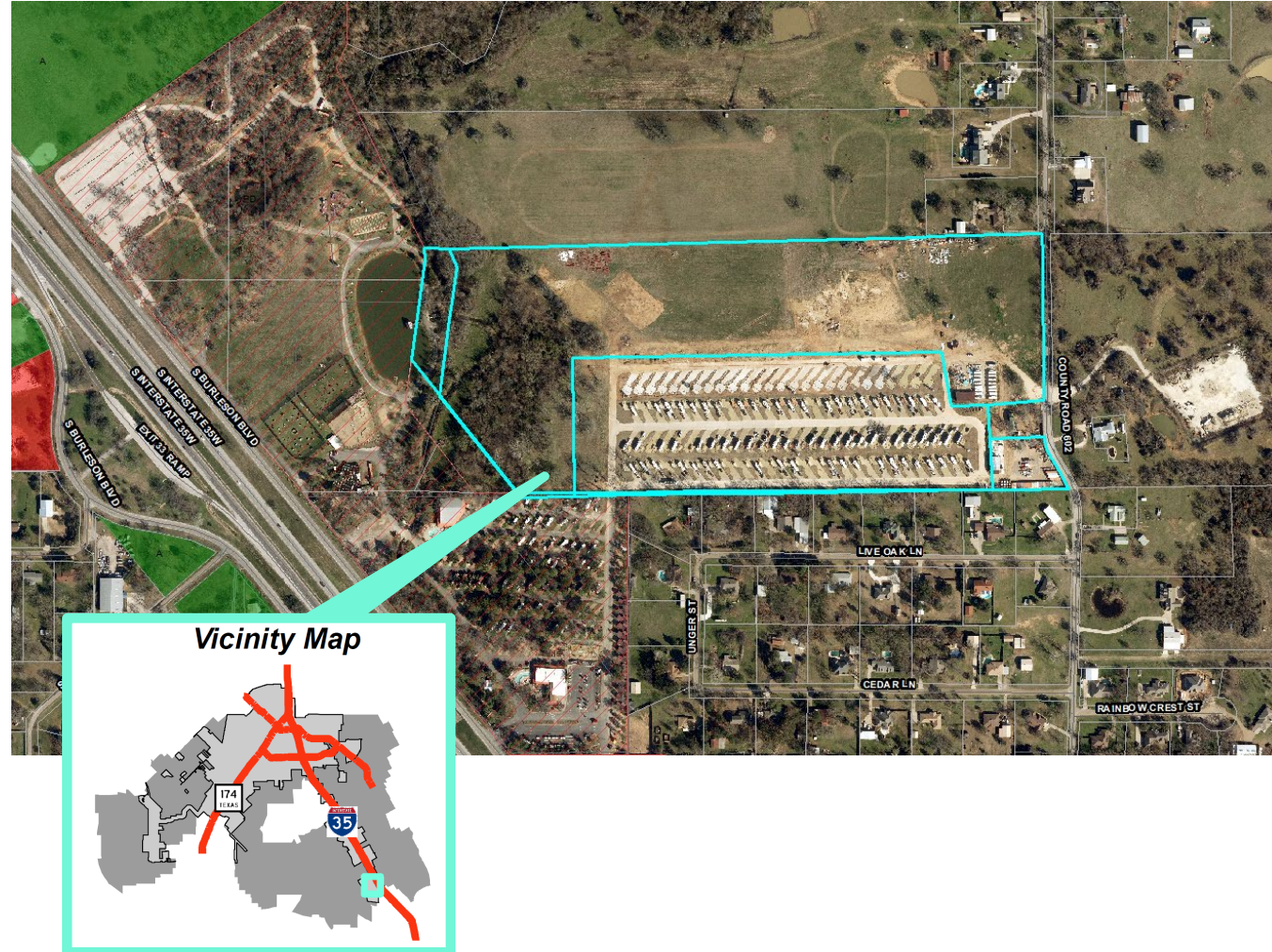
## Property Owner and Applicant:

Felix Wong (applicant)

Ronald Bowyer (owner)

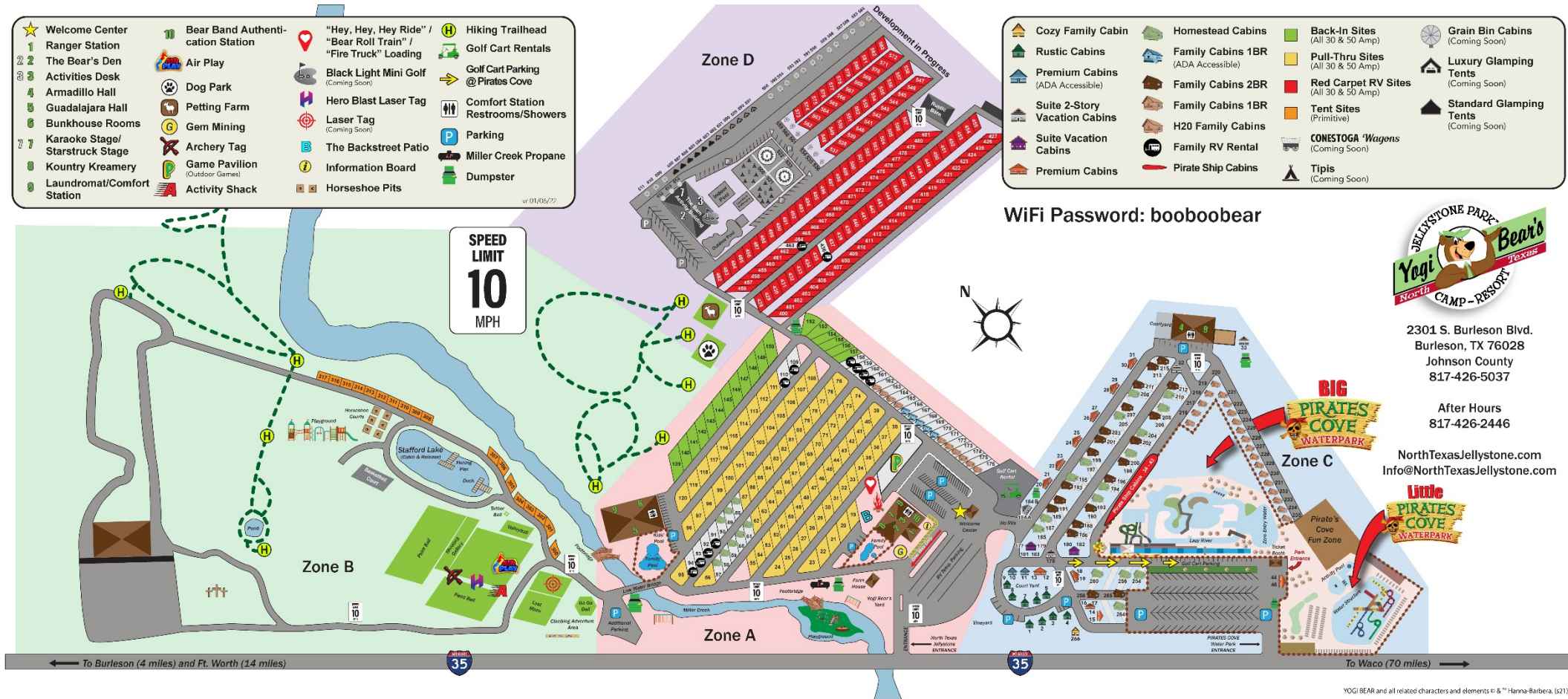
## Item for approval:

Annexation related to a previously approved development agreement (Case 22-008).





# 2301 S. Burleson Boulevard Annexation



**North Texas Jellystone Park**

**Zone D -44.36 acre site under consideration**  
**(Case 22-008)**

- 
- Zone D**
- Development in Progress**
- 1 The Barn Activity Building**
- 2**
- 3**
- Indoor Pool**
- Outdoor Pool**
- Laundry & Workshop**
- Rustic Barn**
- SPEED LIMIT 10 MPH**
- H**
- 152**
- 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614**

# 2301 S. Burleson Boulevard Annexation

## **2017 DEVELOPMENT AGREEMENT**

### **JELLYSTONE RESPONSIBILITIES**

- 2017 – Request voluntary annexation of 3.85 acres
- 2019 – Request voluntary annexation of Lot 1, Block 1, Quill Miller Park Addn.
- 2021 – Request voluntary annexation of remainder 44.36 acres (In-progress)
- Request a Planned Development Ordinance within 120 days of 2019 annexation
- Operation in accordance with City ordinances
- Dedication of Sanitary Sewer Easement
- Terminate use of on-site sewage facility
- Expenditure of grant payments on tourism promotion activities

# 2301 S. Burleson Boulevard Annexation

## **2017 DEVELOPMENT AGREEMENT**

### **CITY INCENTIVES**

- Jellystone will be allowed to connect to the sanitary sewer line with the 2017 annexation
- Grant Payments
  - 2019 75% rebate of property tax for 3 years on annexed property
  - 2020 65% rebate of property tax for 2 years on annexed property
  - 2021 60% rebate of property tax for 1 year for annexed property
- Payment of 60% of Hotel Occupancy Tax revenue for 4 years not to exceed \$60,000
- Waiver of development fees not to exceed \$10,000



# 2301 S. Burleson Boulevard Annexation

## Benefits of Development Agreement to the City:

- Elimination of environmental concerns related to failing on-site sewer system
- Zoning control of property through Planned Development Ordinance
- Code enforcement authority to address nuisance issues
- Building/Fire code applicability to site
- Hotel Occupancy Tax revenue





# 2301 S. Burleson Boulevard Annexation

## Public Hearing Notice

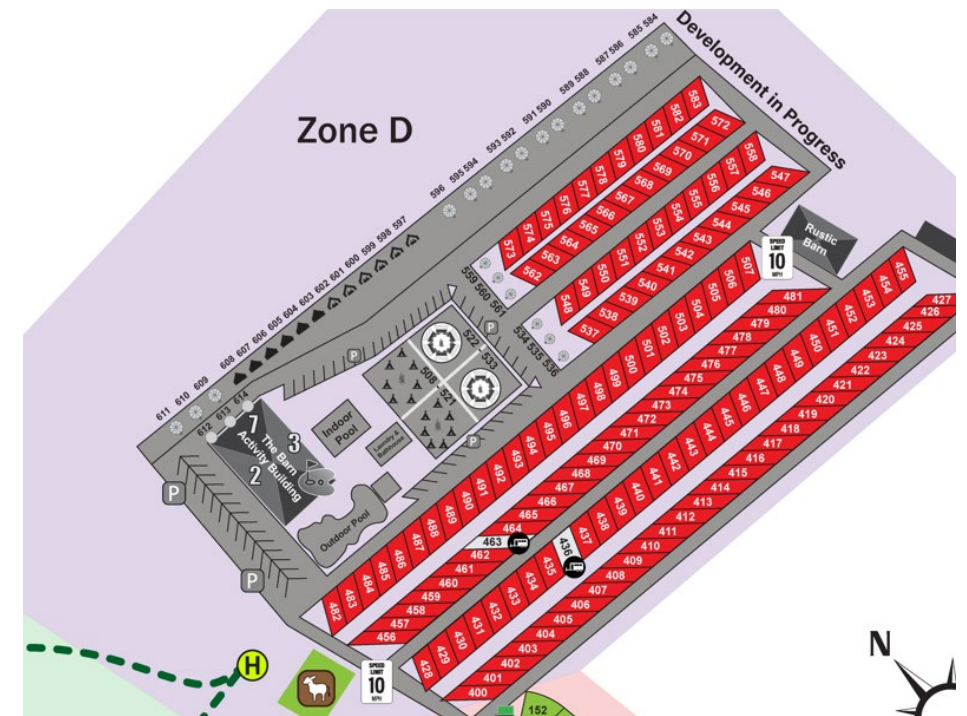
- Published in newspaper
- Posted on City Website
- Notified school districts and sent utility letters for annexation.



# 2301 S. Burleson Boulevard Annexation

## Staff's Recommendation

Staff recommends approval of the Voluntary Annexation of approximately 44.36 acres tract of land out of the Ira Clemons survey described in the deed recorded in document No. 2016-8589, Johnson County, Texas (D.R.J.C.T), located in the exclusive Extraterritorial Jurisdiction (ETJ) of the City of Burleson, related to a previously approved development agreement. (Case 22-008)

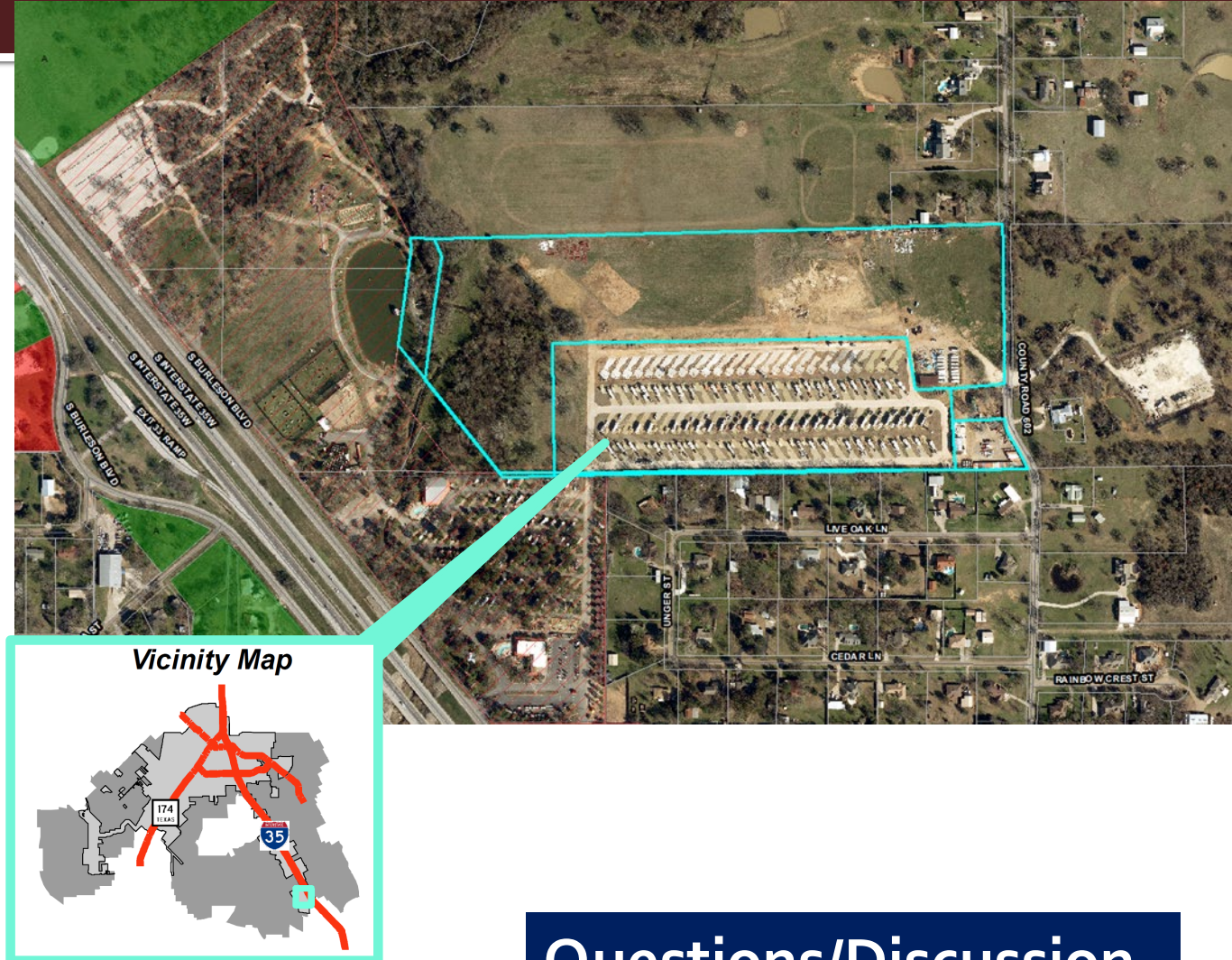




# 2301 S. Burleson Boulevard Annexation

## Action Requested

1. Conduct first and final public hearing on annexation and institute first and final reading of annexation ordinance.
2. Approval of an ordinance for voluntary annexation of approximately 44.36 acres tract of land out of the Ira Clemons survey described in the deed recorded in document No. 2016-8589, Johnson County, Texas (D.R.J.C.T), located in the exclusive Extraterritorial Jurisdiction (ETJ) of the City of Burleson, related to a previously approved development agreement.



Questions/Discussion

## ORDINANCE

**AN ORDINANCE OF THE CITY OF BURLESON, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF BURLESON; PROVIDING FOR THE ANNEXATION OF A 44.36 ACRE TRACT OF LAND (ANNEXATION AREA), OUT OF THE IRA CLEMONS SURVEY DESCRIBED IN THE DEED RECORDED IN DOCUMENT NO. 2016-8589, JOHNSON COUNTY, TEXAS, (D.R.J.C.T), RELATED TO A PREVIOUSLY APPROVED DEVELOPMENT AGREEMENT. SAID ANNEXATION AREA IS LOCATED IN THE EXCLUSIVE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BURLESON; PROVIDING THAT THE TERRITORY ANNEXED SHALL BEAR ITS PRO RATA PART OF TAXES; PROVIDING THAT THE INHABITANTS THEREOF SHALL HAVE ALL THE PRIVILEGES OF ALL THE CITIZENS OF BURLESON, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL AMEND EVERY PRIOR ORDINANCE IN CONFLICT HERewith; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES NOT IN DIRECT CONFLICT; PROVIDING FOR SEVERABILITY AND NAMING AN EFFECTIVE DATE.**

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

**WHEREAS**, the proposed annexation of the territory hereinafter described was requested by petition letter, shown herein as Exhibit "B" and submitted executed January 18, 2022, by Ronald Bowyer, owner of the annexation area; and

**WHEREAS**, the first and final public hearing before the City Council of the City of Burleson, Texas, wherein all interested persons were provided an opportunity to be heard on the proposed annexation of the territory hereinafter described, was held in the City Council Chambers at the City Hall Building, 141 W. Renfro Street in Burleson, Texas, on May 2, 2022; and

**WHEREAS**, notice of such first and final public hearing was published in a newspaper having general circulation in the City of Burleson, Texas, and in the hereinafter described territory, and posted on the City of Burleson's internet web site, on April 15, 2022, which date was not more than twenty (20) days nor less than ten (10) days prior to the date of said such first public hearing; and

**WHEREAS**, written notice of the proposed annexation was provided to the Burleson Independent School District, 1160 SW Wilshire Blvd., Burleson, Texas, 76028 on April 15, 2022, which date was not more than twenty (20) days nor less than ten (10) days prior to the date of the first public hearing; and

**WHEREAS**, all of the Annexation Area described herein is adjacent to and within the exclusive extraterritorial jurisdiction of the City of Burleson, Texas; and

**WHEREAS**, a Service Plan is as Exhibit “C”; and

**WHEREAS**, the hereinafter described territory contains 44.36 acres of land, more or less; and

**WHEREAS**, the City Council of the City of Burleson finds it to be in the best interest of the citizens of Burleson to enter into the municipal services agreement described herein; and

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

**WHEREAS**, the City Council finds that this ordinance may be considered and approved in only one meeting because the provisions of this ordinance concern changes to the boundaries of the City via annexation.

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

## **SECTION 1 ANNEXATION**

That all portions of the following tract (the “Annexation Area”) located in Johnson County, Texas, comprising a total of 44.36 acres of land, more or less, is hereby annexed into the City of Burleson as a part of the city for all municipal purposes, and the city limits are extended to include such Annexation Area located in the IRA CLEMONS SURVEY DESCRIBED IN THE DEED RECORDED IN DOCUMENT NO. 2016-8589, JOHNSON COUNTY, TEXAS, (D.R.J.C.T), being described and depicted in Exhibit “A” and incorporated into this Ordinance.

## **SECTION 2 RIGHTS AND DUTIES OF OWNERS AND INHABITANTS IN NEWLY ANNEXED AREA**

That the owners and inhabitants of the Annexation Area are entitled to all of the rights and privileges of all other citizens and property owners of the City of Burleson, and are bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be subsequently adopted.

### **SECTION 3 OFFICIAL MAP**

That Ordinance C-594-06(A0709), the official map and boundaries of the City, previously adopted, is hereby amended to include the Annexation Area as a part of the City of Burleson, Texas. The City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the town to add the territory annexed as required by law.

### **SECTION 4 FILING CERTIFIED COPY**

That the City Secretary is directed to file or cause to be filed a certified copy of this ordinance in the office of the county clerk of Johnson County, Texas.

### **SECTION 5 SERVICE PLAN**

That attached hereto, marked as Exhibit "C" and incorporated herein for all purposes incident hereto, is a Service Plan providing for the extension of municipal services into the Annexation Area, which was made available at the public hearings for inspection by and explanation to the inhabitants of the area to be annexed.

### **SECTION 6 INCORPORATION OF RECITALS**

That 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 7 CUMULATIVE CLAUSE**

That 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.

### **SECTION 8 SEVERABILITY CLAUSE**

That should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application thereof, the unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or



portions thereof, but as to such remaining portions, the same shall be and remain in full force and effect.

## **SECTION 9 AREAS EXCEPTED FROM ANNEXATION**

That should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Burleson, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to the remainder of such Annexation Area. The City Council hereby declares it to be its purpose to annex into the City of Burleson every part of the area described in Section 1 of this ordinance, regardless of whether any part of such described area is hereby not effectively annexed to the City. Provided, further, that if there is included within the general description of territory set out in Section 1 of this ordinance to be hereby annexed into the City of Burleson any lands or area which are presently part of and included within the limits of the City of Burleson, or which are presently part of and included within the limits of any other City, Town or Village, or which are not within the City of Burleson's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

## **SECTION 10 EFFECTIVE CLAUSE**

That this ordinance shall become effective immediately upon its passage and publication as required by law.

### **PASSED AND APPROVED:**

**First and Final Reading:** the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:  
LEGALITY:

APPROVED AS TO FORM &

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney

**EXHIBIT A**  
**METES AND BOUNDS DESCRIPTION**  
**44.36 ACRES**  
**IN THE IRA CLEMONS SURVEY, A-170**  
**JOHNSON COUNTY, TEXAS**

Whereas Arlington Stor-More, LLC, is the owner of all that certain 44.36 acres of land, which is out of the 44.36 acre tract described in the deed recorded in Document Number 2016-8589 in Deed Records of Johnson County, Texas (D.R.J.C.T.), in the Ira Clemons Survey, A-170, Johnson County, Texas and more particularly described by metes and bounds as follows: (all bearings shown hereon are based on the south line of the 10.76 acre tract, described in the deed to South Fort Worth RV Ranch II, L.L.C., recorded in Document Number 2015-14963 D.R.J.C.T.)

BEGINNING at a 1/2" iron rod with a cap stamped "Spry 5647" set in the south line of said 45.95 acre tract, common to then north line of the 16.82 acre tract described in the deed to South Fort Worth, RV Ranch, L.L.C., recorded in Document Number 2015-14857 D.R.J.C.T., from which an "X" in concrete found for the southeast corner of said 10.76 acre, common to the southwest corner of said 45.95 acre tract, bears North 89° 49' 54" West - 378.78', and from said "X" in concrete, a 1/2" iron rod with a cap stamped "Spry 5647" found for the southwest corner of said 10.76 acre tract, and in the northeast right-of-way line of Interstate Highway 35 W (350' R.O.W.) bears North 89° 49' 54" West - 391.66';

THENCE North 38° 41' 00" West 464.15' to a 1/2" iron rod with a cap stamped "Spry 5647" set for the west corner of the herein described tract, in the east line of the said 10.76 acre tract;

THENCE along the east line of said 10.76 acre tract the following courses:

North 07° 39' 00" East - 339.54' to a 1/2" iron rod with a cap stamped "Spry 5647" found for an angle corner of the herein described tract;

North 08° 44' 05" East - 126.10' to a 1/2" iron rod with a cap stamped "Spry 5647" set for an angle corner of the herein described tract;

North 24° 59' 00" West - 73.46' to a 1/2" iron rod with a cap stamped "Spry 5647" set for the northwest corner of the herein described tract, in the north line of said 45.95 acre tract, common to the south line of the 22.97 acre tract described in the deed to Theron Kilburn and Robin Kilburn, recorded in Volume 3792, Page 926 D.R.J.C.T.;

THENCE North 89° 05' 19" East departing the east line of said 10.76 acre tract, along the north line of said 45.95 acre tract, common to the south line of said 22.97 acre tract, passing at a distance of 2156.92' the southeast corner of the 2.02 acre tract described in the deed to Lisa Mooney, recorded in Document Number 2014-18448 D.R.J.C.T., from which a 5/8" iron rod found for the northeast corner of said 22.97 acre tract bears North 00° 00' 59" East - 458.87', continuing along the north line of said 45.95 acre tract, for a total distance of 2173.75' to a P.K. Nail with washer stamped "Spry 5647" found for the northeast corner of the herein described tract, in the centerline of County Road 602 (approximate width 40'; no record found);

THENCE along the centerline of said County Road 602 the following courses:

South 00° 09' 14" West - 685.75' to a P.K. Nail with washer stamped "Spry 5647" found for the Point of Curvature of a curve to the left, having a central angle of 27° 03' 46", a radius of 250.00' and a chord bearing and distance of South 13° 22' 39" East - 116.99';

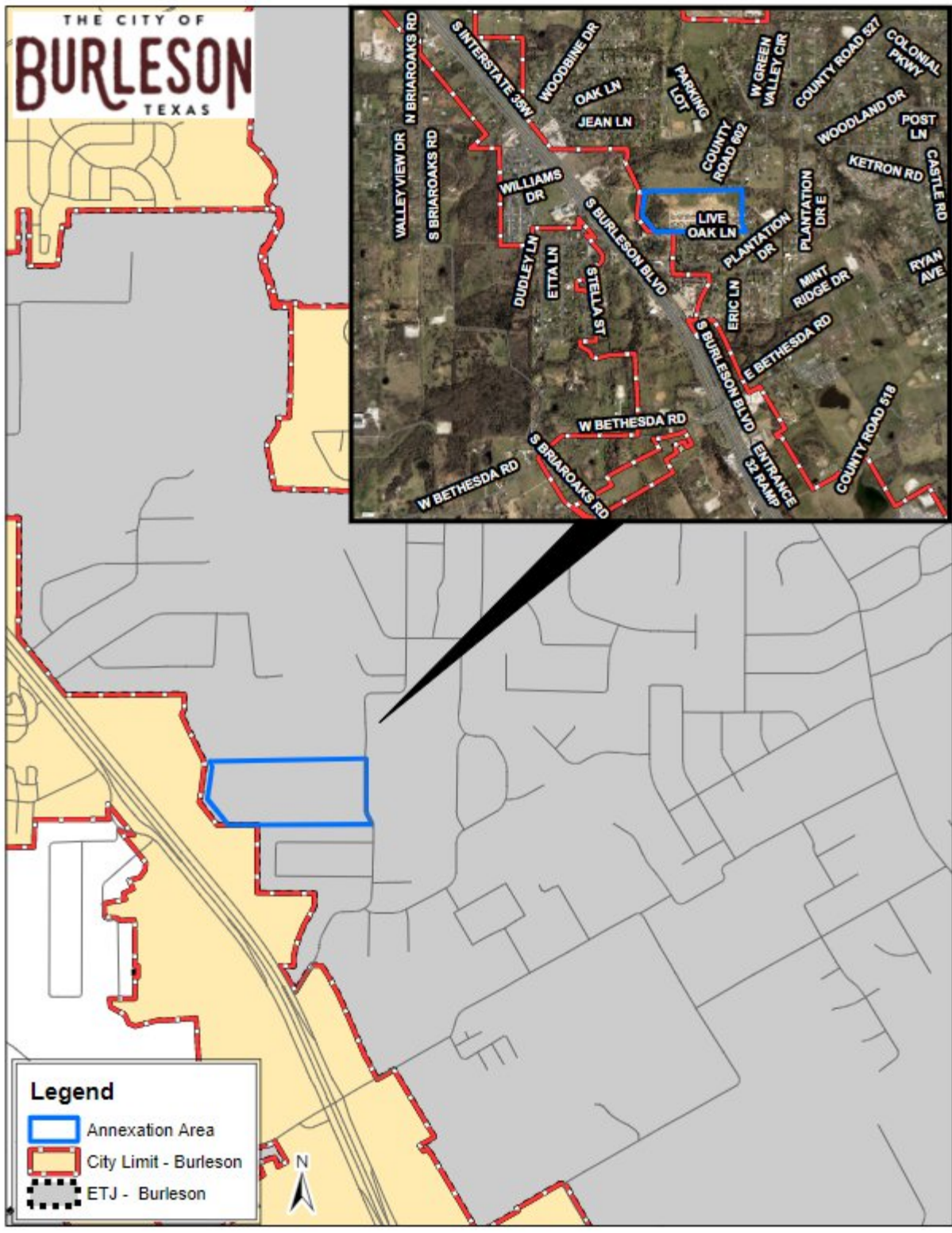
Along said curve to the left, an arc distance of 118.08' to a P.K. Nail with washer stamped "Spry 5647" found for the end of curve;

South 26° 54' 32" East - 96.55' to a P.K. Nail with washer stamped "Spry 5647" found for the Point of Curvature of a curve to the right, having a central angle of 07° 19' 24", a radius of 250.00' and a chord bearing and distance of South 23° 14' 50" East - 31.93';

Along said curve to the right, an arc distance of 31.95' to a P.K. Nail with washer stamped "Spry 5647" found for the southeast corner of the herein described tract, in the most northerly line of Tract II described in the deed to David Campbell, recorded in Document Number 2009-29075 D.R.J.C.T.;

THENCE South 89° 36' 38" West departing the centerline of said County Road 602, along the south line of the herein described tract, passing at a distance of 199.17' the common north corner of the 1.033 acre tract described in the deed to Douglas G. Burchfield, recorded in Volume 1680, Page 569 D.R.J.C.T. and the tract described in deed to Ricky D. Brown, II and Kimberly R. Brown, recorded in Volume 3939, Page 681 D.R.J.C.T., continuing along said south line for a total distance of 1593.08' to a 1/2" iron rod found for the common north corner of said 16.82 acre tract, and the 1.047 acre tract described in the deed to Jackie R. McElhanon, recorded in Document Number 200900027912 D.R.J.C.T.;

THENCE North 89° 49' 54" West - 405.18 along the north line of said 16.82 acre tract to the POINT OF BEGINNING and containing 44.36 acres of land.





## Exhibit "B"

January 12, 2022

Mayor and City Council  
City of Burleson  
141 W Renfro St  
Burleson TX 76028

Re: Request for voluntary annexation of 44.36 acres, Ira Clemons Survey, Abst. 170, Johnson County, Texas, depicted in the attached exhibit and survey

As the owner of the property referenced above, I would like to request voluntary annexation of the property in accordance with the economic development agreement adopted via CSO#648-05-2017.

I also request that the City waive the fee associated with the annexation request and the related zoning. See Section 5.05 of the economic development agreement below.

5.05 The City will waive development fees for Jellystone Owner to include the platting, zoning, building permit, and inspection fees associated with the Development not to exceed a total of ten thousand dollars (\$10,000) over the Term of this Agreement. All other fees are the responsibility of Jellystone Owner.

Any additional information can be obtained by contacting me at (817) 233-5432 or ron5566@aol.com.

Regards,



Ronald Bowyer

STATE OF TEXAS  
COUNTY OF JOHNSON

This instrument was acknowledged before me on this 18<sup>th</sup> day of January, 2022 by Ronald Bowyer.



Notary Public's Signature



**Exhibit “C”**

**AGREEMENT FOR  
CITY OF BURLESON  
ANNEXATION SERVICE PLAN  
FOR**

Property Subject to Plan: A 44.36 acre tract out of the IRA CLEMONS SURVEY DESCRIBED IN THE DEED RECORDED IN DOCUMENT NO. 2016-8589, JOHNSON COUNTY, TEXAS, (D.R.J.C.T).

This Agreement is entered into between the City of Burleson and **Ronald Bowyer**, (“Owners”) pursuant to Section 43.0672 of the Texas Local Government Code. The parties agree to the provision of services set forth below.

Municipal services to the Annexation Area will be furnished by or on behalf of the City of Burleson, Texas, at the following levels and in accordance with the following service plan programs:

**I. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION**

The City will provide the following services in the Annexation Area on the effective date of the annexation, unless otherwise noted.

**1. POLICE PROTECTION**

The City of Burleson, Texas will provide police protection to the Annexation Area at the same or similar level of service now being provided to other areas of the City of Burleson, Texas, with similar topography, land use and population density. The need for additional service will be assessed periodically as new development occurs within the Annexation Area based on population growth, predicted future growth, call volume and response times.

**2. FIRE PROTECTION AND AMBULANCE SERVICE**

The City of Burleson, Texas will provide, or cause to be provided, fire protection and ambulance service to the Annexation Area at the same or similar level of service now being provided to other areas of the City of Burleson, Texas, with similar topography, land use and population density. The need for additional service will be assessed periodically as new development occurs within the Annexation Area based on population growth, predicted future growth, call volume and response times.

**3. SOLID WASTE COLLECTION**

The City of Burleson, Texas provides, or causes to provide, solid waste and refuse collection services within the city limits of the City of Burleson, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed areas to the extent that the annexed lot or tract is adjacent to public right-of-way. Persons using the services of a privately owned solid waste management service provider prior to the effective date of annexation may continue to use such services until the second anniversary of the annexation in accordance with Section 43.056 (n) and (o), Local Government Code, State of Texas.

#### 4. MAINTENANCE OF WATER AND WASTE WATER FACILITIES

Any and all water or waste water facilities owned or maintained by the City of Burleson, Texas, at the time of annexation shall continue to be maintained by the City of Burleson, Texas. Any and all water or waste water facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Burleson, Texas, to the extent of its ownership. The newly annexed existing water mains at their existing locations shall be available for point of use extension based upon the current City's standard water extension policies now existing or as may be amended.

#### 5. MAINTENANCE OF ROADS AND STREETS

Any and all roads, streets or alleyways which have been dedicated to the public, and which are owned by the City of Burleson, Texas, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway, or utility company easement shall be maintained by the applicable utility company servicing the City of Burleson, Texas, pursuant to the current rules, regulations and fees of the City of Burleson, Texas.

#### 6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Burleson, Texas, is not aware of the existence of any public parks, public playgrounds or public swimming pools now located in the area proposed for annexation. In the event any such public parks, public playgrounds, or public swimming pools do exist and are public facilities, the City of Burleson, Texas, will maintain such areas to the same extent and degree that it maintains public parks, public playgrounds and public swimming pools and other similar areas of the City now incorporated in the City of Burleson, Texas.

#### 7. MAINTENANCE OF PUBLICLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Burleson, Texas is not aware of the existence of any publicly owned municipal facility, building or other municipal service now located in the



area proposed for annexation. In the event any such publicly owned municipal facility, building or municipal service does exist and are public facilities, the City of Burleson, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned municipal facilities, buildings or municipal services of the City now incorporated in the City of Burleson, Texas.

## **II. PROGRAM FOR PROVIDING ADDITIONAL SERVICES**

In addition to the services identified above, the following services will be provided in the Annexation Area on the effective date of the annexation, unless otherwise noted:

### **1. LIBRARY SERVICES**

Any residents of the Annexation Area will be eligible to receive library services from the Burleson Public Library commencing on the effective date of the annexation.

### **2 MUNICIPAL ADMINISTRATION**

The City of Burleson, Texas will provide general municipal administration and administrative services commencing on the effective date of the annexation.

### **3. ENFORCEMENT OF CODES AND ORDINANCES**

Enforcement of the City's ordinances and regulatory codes will be provided within the Annexation Area on the effective date of the annexation. The City's health, environmental, building, plumbing, mechanical, electrical, and all other codes will be enforced within the Annexation Area beginning with the effective date of the annexation. The City's zoning ordinance, subdivision regulations, design standards manual and related ordinances shall be enforced in the Annexation Area beginning on the effective date of the annexation. Complaints of ordinance or regulation violations within the area will be answered and investigated by existing personnel.

### **4. INSPECTION SERVICES**

All inspection services furnished by the City of Burleson, Texas, but not mentioned above, will be provided to the Annexation Area beginning on the effective date of the annexation.

## **III. CONSTRUCTION OF CAPITAL IMPROVEMENTS**

In addition to the services listed above, the City of Burleson, Texas will provide full municipal services to the Annexation Area commensurate with the levels of services provided in other parts of the City no later than two and one-half (2-½) years after the effective date of the annexation except if differences in topography, land use, and population density constitute a sufficient basis for providing different levels of service. If full municipal services cannot be reasonably provided within the aforementioned time period, the City of Burleson, Texas will propose a schedule for providing said services

within a period of four and one-half (4-½) years after the effective date of the annexation, and/or upon commencement of development of a land subdivision within the Annexation Area, whichever occurs later.

#### 1. GENERAL

- a. The City policy for extending water and waste water service is to extend service on an as required basis when development applications or subdivision plats are submitted to the City in accordance with the City's subdivision and development ordinances.
- b. Landowners may be required to fund capital improvements necessary to provide service in a manner consistent with law. Nothing in this plan shall be interpreted to require a landowner within the newly annexed area to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

#### 2. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE.

The City Council of the City of Burleson, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement for the purposes of providing police protection, fire protection, or emergency medical service. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Burleson, Texas, with the same or similar topography, land use and population density, without reducing by more than a negligible amount the level of police, fire and emergency medical services provided within the corporate limits of the City. The need for construction of new facilities will be assessed periodically as new development occurs within the Annexation Area based on population growth, predicted future growth, call volume and response times.

#### 3. WATER FACILITIES AND SERVICES

The area to be annexed is currently served by another water provider with a Certificate of Convenience and Necessity. If further development occurs that warrants extension or expansion of the City's water main, such extension or expansion will be implemented in accordance with the City's utility policies and Water and Wastewater Master Plan. Upon connection to existing mains, water will be provided at rates established by the water service provider.

#### 4. WASTE WATER SERVICES

Current plans for development of the Annexed Area do not warrant extension of

wastewater lines. The City of Burleson, Texas will undertake to provide waste water mains for points of connection for serviceable extensions, and/or contract with other utilities to provide service, for the establishment of water and wastewater service within the Annexation Area pursuant to the City's standard wastewater extension policies now in existence or as may be amended by the City Council. Upon connection to existing mains, waste water services will be provided at rates established by the City.

## 5. ROADS AND STREETS

The City of Burleson, Texas, with cooperative effort of the City's designated utility company, will undertake to provide the same degree of road and street lighting as provided in areas of similar topography, land use and population density within the present corporate limits of the City of Burleson, Texas. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and population density to the annexed property. Developers will be required, pursuant to the ordinances of the City of Burleson, Texas, to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Burleson, Texas.

## F. MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS, AND THE MAINTENANCE OF ANY OTHER PUBLICLY OWNED FACILITY, BUILDING OR SERVICE.

To the extent that it becomes necessary due to development demands, population growth, and a bona fide need, the City Council of the City of Burleson, Texas, will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of the citizens of the newly incorporated area based upon the standard considerations of topography, land use and population density.

## IV. SPECIFIC FINDINGS

The City Council of the City of Burleson, Texas, finds and determines that this Service Plan will provide full municipal services to the Annexation Area commensurate with the levels of services provided in other parts of the City with the same or similar topography, land use and population density, and it will not provide a lower level of service in the area proposed to be incorporated than were in existence at the time immediately preceding the effective date of annexation.

AGREED TO AND APPROVED ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

City of Burleson, Texas

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

AGREED:

By: \_\_\_\_\_  
Ronald Bowyer

STATE OF TEXAS                   §  
   §  
COUNTY OF \_\_\_\_\_ §

Before me on this day personally appeared \_\_\_\_\_ known to me (or proved to me on the oath of \_\_\_\_\_ or through \_\_\_\_\_ (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

[Notary Seal]

\_\_\_\_\_  
Notary Public, State of Texas



## City of Burleson

### City Council

City Hall  
Council Chambers  
141 W. Renfro  
Burleson, TX 76028

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** Development Services  
**CASE MANAGER:** Lidon Pearce  
**DATE:** 05/02/2022

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#### SUBJECT

**2301 S. Burleson Boulevard, North Texas Jellystone Park (Case 22-024):** Hold a public hearing and consider approval of an ordinance amending ordinance B-582, the zoning ordinance of the City of Burleson, Texas, by amending the official zoning map and changing the zoning on approximately 44.36 acres from defaulted "A", Agriculture to "PD", Planned Development District, making this ordinance cumulative of prior ordinances, providing a severability clause; providing a penalty clause, and providing for an effective date. (First and Final Reading) *(Staff Presenter: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval unanimously)*

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#### Attachments

Department Memo  
Staff Presentation  
Draft Ordinance

#### Respectfully submitted:

Tony McIlwain  
Director, Development Services  
tmcilwain@burlesontx.com  
817-426-9684

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DEPARTMENT MEMO

DEPARTMENT: Development Services  
FROM: Tony McIlwain  
MEETING: May 2, 2022

SUBJECT

2301 S. Burleson Boulevard, North Texas Jellystone Park (Case 22-024): Hold a public hearing and consider approval of an ordinance amending ordinance B-582, the zoning ordinance of the City of Burleson, Texas, by amending the official zoning map and changing the zoning on approximately 44.36 acres from defaulted "A", Agriculture to "PD", Planned Development District. (First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval unanimously)

SUMMARY:

North Texas Jellystone Park is a regional tourism center that offers a water park, cabins, RV spaces and numerous other family activities. Additionally, it also serves as a special events venue as well as hosting seasonal activities for families and groups. The owner partnered with a national franchise, Yogi Bear's Jellystone Park Camp-Resorts in January of 2010. The Little Pirates water park has been operating from 2012 and has expanded into Pirates Cove.

On July 15, 2019, Ronnie Bowyer (property owner) submitted a request for a zoning change from A, Agriculture to PD, Planned Development zoning district for the now annexed portions of the subject property. This zoning change was associated with an Economic Development Agreement between the City and Jellystone Park (CSO# 648-05-2017) that involved three steps:

1. 2017 - Jellystone Park requested annexation into the City of Burleson.
2. 2019 – Annexation of the water park
3. 2021 – Final annexation is to be requested (Current requests/phase)

The final annexation request (Case 22-008) per the Economic Development Agreement was submitted on January 24, 2022, by Felix Wong (applicant) on behalf of Ronnie Bowyer. This zoning request (Case 22-024) will run concurrently with the annexation request for consideration by the City Council. This zoning request will apply Jellystone's previously adopted PD, Planned Development standards (with updated exhibits) for the remaining 44.36 acres being considered for annexation approval.

Planning Analysis

The City's Imagine Burleson 2030 Comprehensive Plan designates this site as Conventional Freeway Commercial which provides the following description:



"This land use category is intended for intense, auto-oriented uses with regional emphasis due to the area's high visibility. Uses such as corporate or professional offices, hotels, food establishments and retail centers are encouraged in this category. Mixed use developments, both horizontal and vertical, with a high-density residential component may also be appropriate within some places in this category. Conventional Freeway Commercial areas may also host regional open space such as golf courses and water parks."

Staff concludes that North Texas Jellystone Park aligns with this designation.

#### PD Highlights

The original PD, Planned Development was adopted on September 21, 2020 and has been updated with new exhibits from North Texas Jellystone Park.

Existing structures and operations are intended to remain in service. These structures may be repaired, changed or enlarged to accommodate the land uses approved by this PD. Due to the nature of the park, future development of the site will be exempt from the I35 Overlay District and Design Standards, but all other ordinances will apply except as noted within the PD. New operations or the expansion of an existing operation or facility by 50% or more will require compliance with all City regulations including site plan approval. Any expansion of buildings will comply with building, fire and health codes.

There are many permitted uses due to the various existing uses and inherent nature of the park. The Development Services Director will review and evaluate any disputes related to ordinance applicability and will determine if site plan approval will be required. The Owner will obtain a certificate of occupancy (CO) under the use category of "Amusement, commercial (outdoor)" that will cover future "New Operations" conforming to this Planned Development. Accessory buildings, such as cabins will not require a commercial site plan review, but must meet building codes and obtain a building permit.

#### Summary of Changes to previously adopted PD

No changes were made to Exhibit C, which governs the regulations and uses at the site.

- A new Exhibit 'A' showing the metes and bounds description of the 44.36 acres being annexed
- Updated Exhibits 'D' through 'G' to show existing structures and facilities as of January 6, 2022 and the new annexation area
- Added Overall Site Map and map legend for Exhibits 'E' through 'H'

#### OPTIONS:

1. Approve the zoning change request; or
2. Deny the zoning change request.

#### RECOMMENDATION:

Staff recommends approval for the zoning change request from "A" Agricultural, to "PD" Planned Development at North Texas Jellystone Park (Case 22-024).

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

April 12, 2022 – The Planning and Zoning Commission recommend approval unanimously.

September 21, 2020 – City Council approves PD, Planned Development zoning request and annexation of portions of North Texas Jellystone Park

May 22, 2017 - City Council approval of amendment to Economic Development Agreement (CSO#6481-05-2017).

February 20, 2017 - City Council approval of original Economic Development Agreement (CSO#602-02-2017).

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.

At this time there have been no inquiries regarding this case.

FISCAL IMPACT:

None

STAFF CONTACT:

Name: Tony McIlwain  
Department: Director, Development Services  
Email: [tmcilwain@burlesontx.com](mailto:tmcilwain@burlesontx.com)  
Phone: 817-426-9684

# 2301 S. Burleson Boulevard

## Location:

- 44.36 acres
- 2301 S. Burleson Blvd.

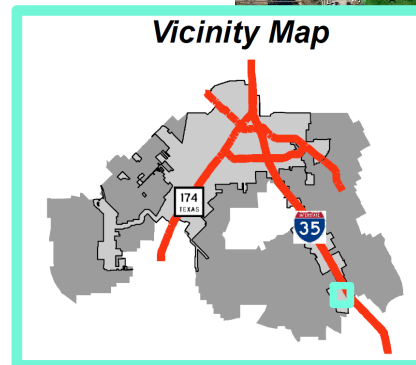
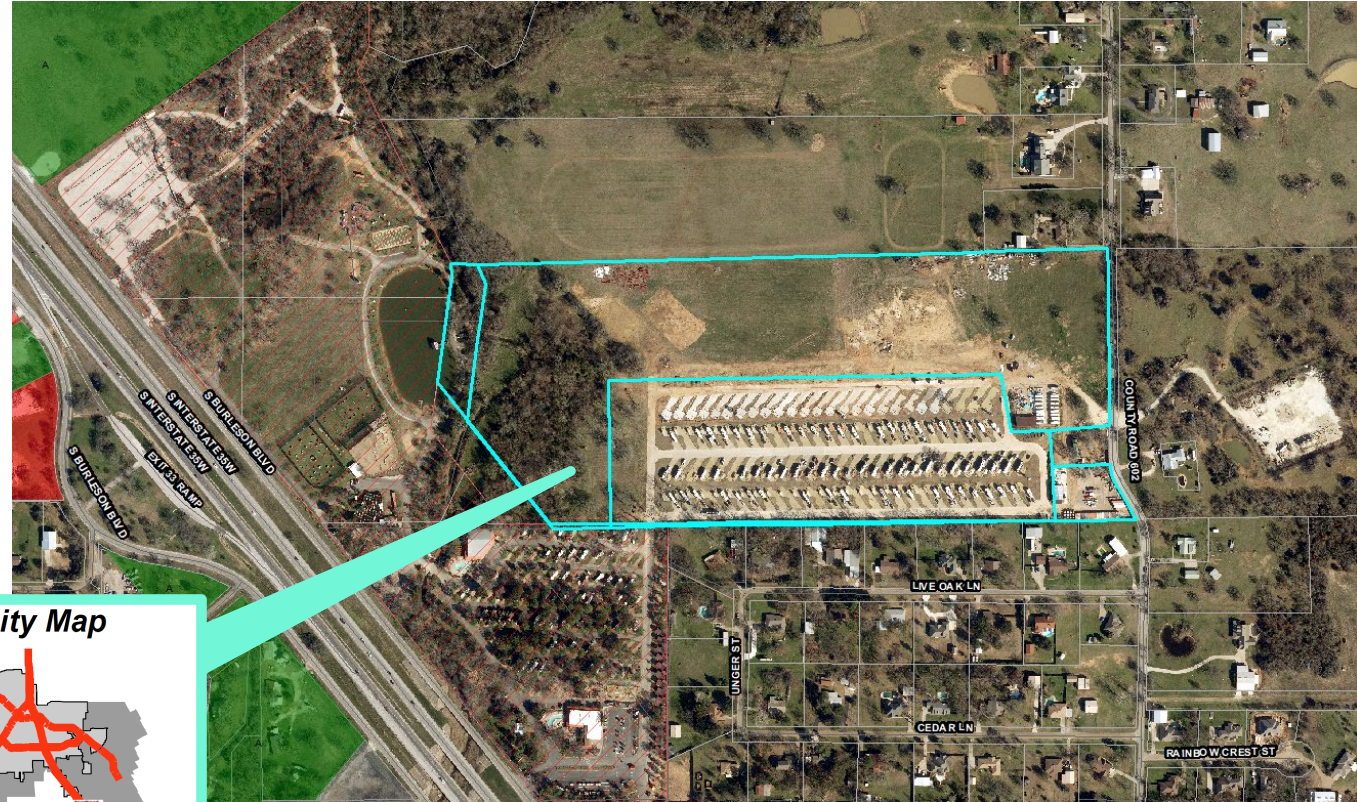
## Property Owner and Applicant:

Felix Wong (applicant)

Ronald Bowyer (owner)

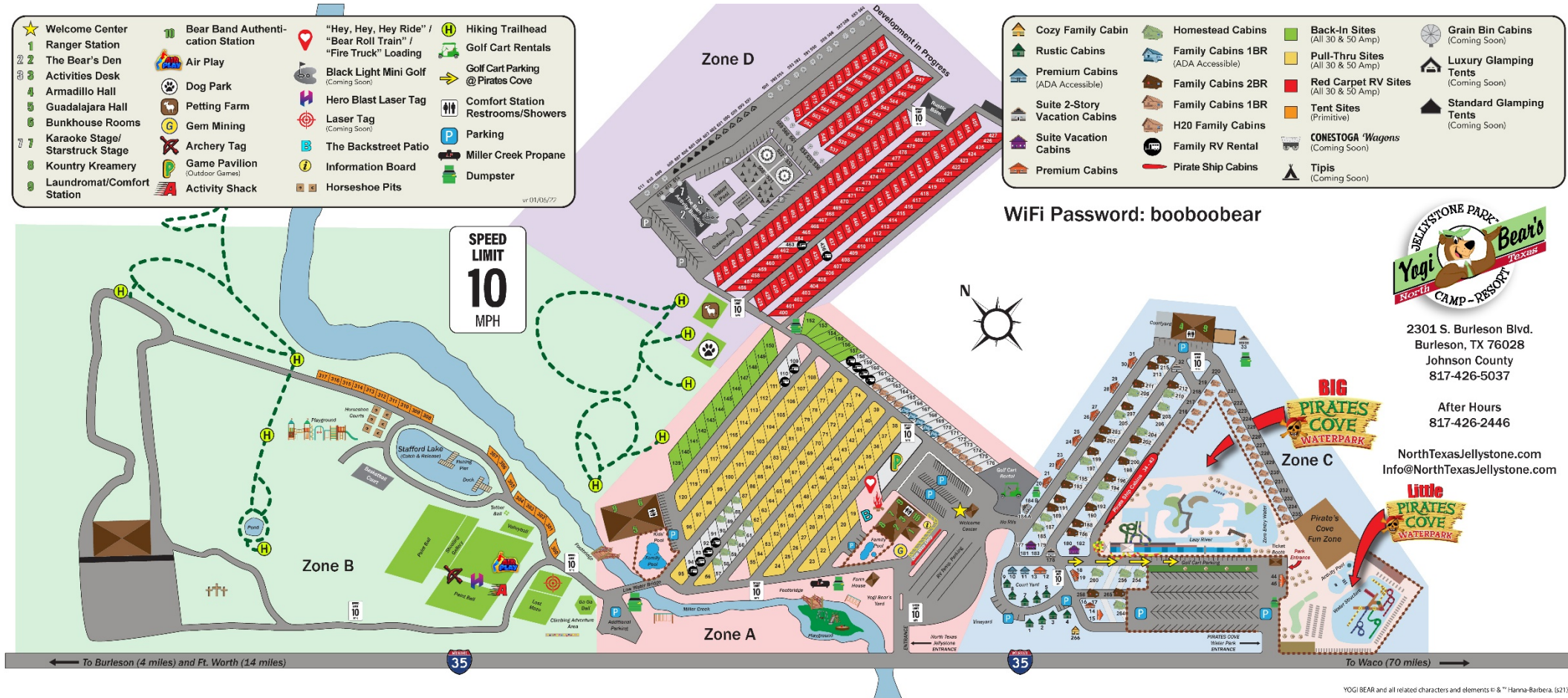
## Item for approval:

Zoning Change (Case22-024)





# 2301 S. Burleson Boulevard

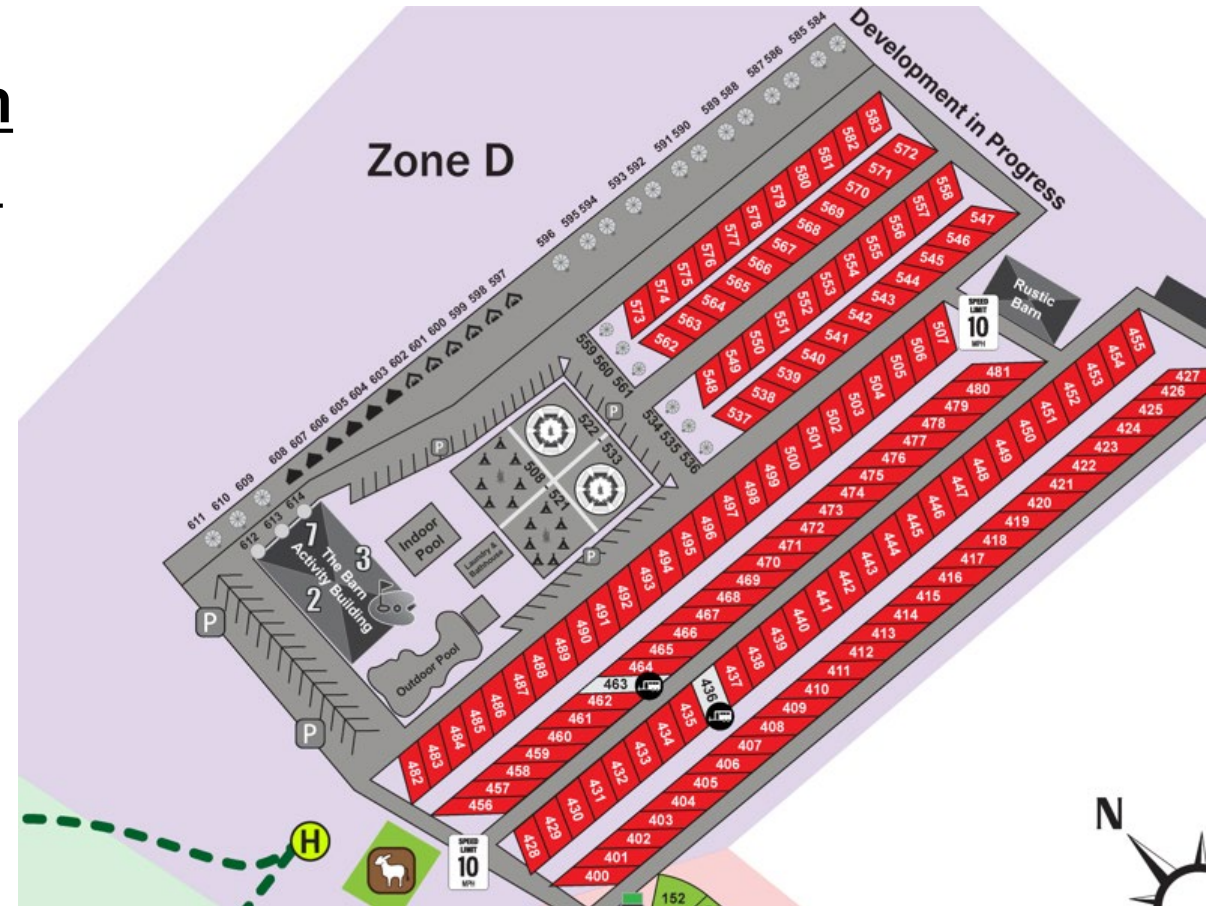


## North Texas Jellystone Park

# 2301 S. Burleson Boulevard

## Zone D -44.36 acre site under consideration (Case 22-024) and annexation (Case 22-008)

- Activity Center
- Mini Golf
- Indoor Pool
- Outdoor pool
- Teepees
- Wagon camping
- Luxury and Standard Tents (Glamping)
- RV Sites
- Rustic Barn
- Grain Bin Camping



# 2301 S. Burleson Boulevard

## **2017 DEVELOPMENT AGREEMENT**

### **JELLYSTONE RESPONSIBILITIES**

- 2017 – Request voluntary annexation of 3.85 acres
- 2019 – Request voluntary annexation of Lot 1, Block 1, Quill Miller Park Addn.
- 2021 – Request voluntary annexation of remainder 44.36 acres (In-progress)
- Request a Planned Development Ordinance within 120 days of 2019 annexation
- Operation in accordance with City ordinances
- Dedication of Sanitary Sewer Easement
- Terminate use of on-site sewage facility
- Expenditure of grant payments on tourism promotion activities



# 2301 S. Burleson Boulevard

## **2017 DEVELOPMENT AGREEMENT**

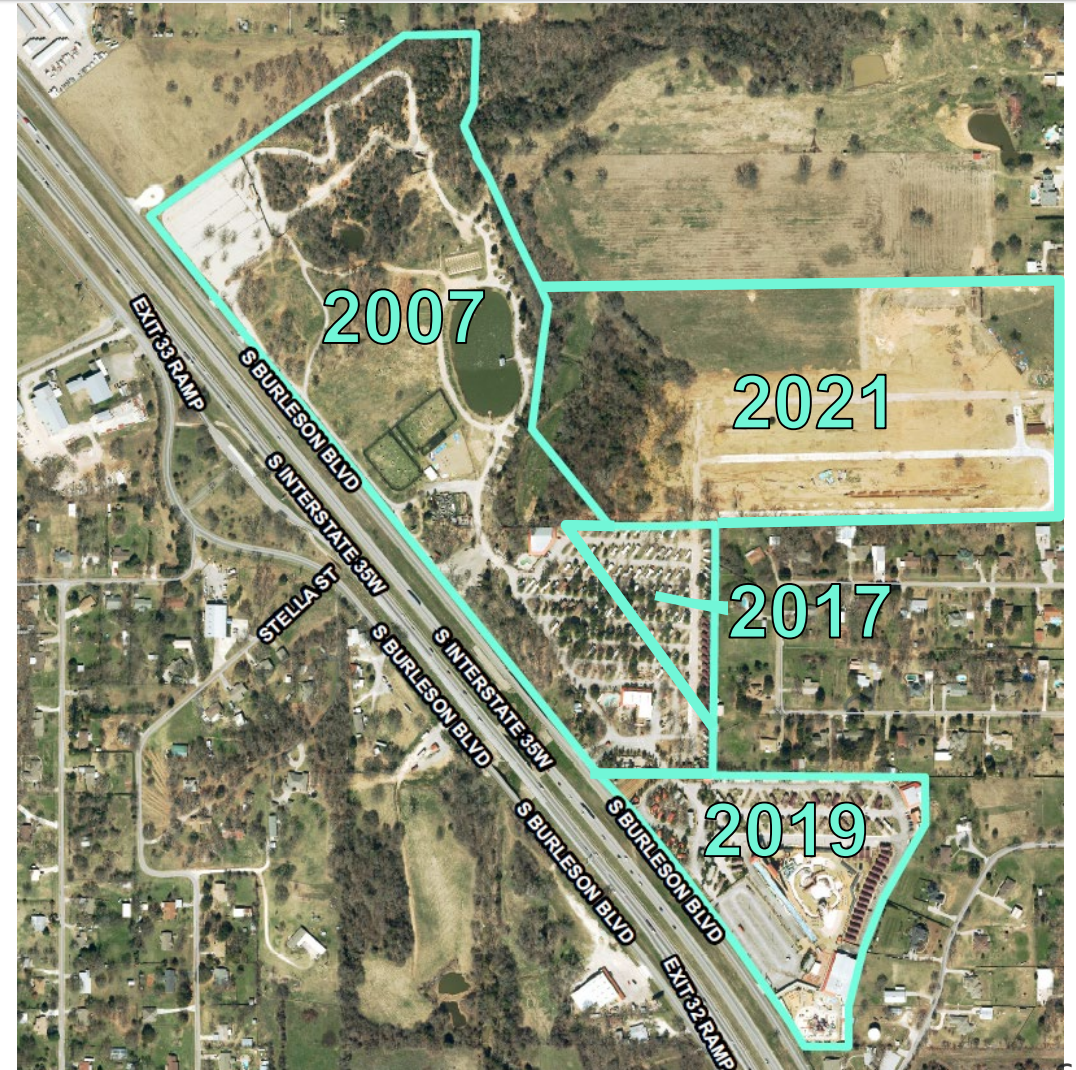
### **CITY INCENTIVES**

- Jellystone will be allowed to connect to the sanitary sewer line with the 2017 annexation
- Grant Payments
  - 2019 75% rebate of property tax for 3 years on annexed property
  - 2020 65% rebate of property tax for 2 years on annexed property
  - 2021 60% rebate of property tax for 1 year for annexed property
- Payment of 60% of Hotel Occupancy Tax revenue for 4 years not to exceed \$60,000
- Waiver of development fees not to exceed \$10,000

# 2301 S. Burleson Boulevard

## Benefits of Development Agreement to the City:

- Elimination of environmental concerns related to failing on-site sewer system
- Zoning control of property through Planned Development Ordinance
- Code enforcement authority to address nuisance issues
- Building/Fire code applicability to site
- Hotel Occupancy Tax revenue

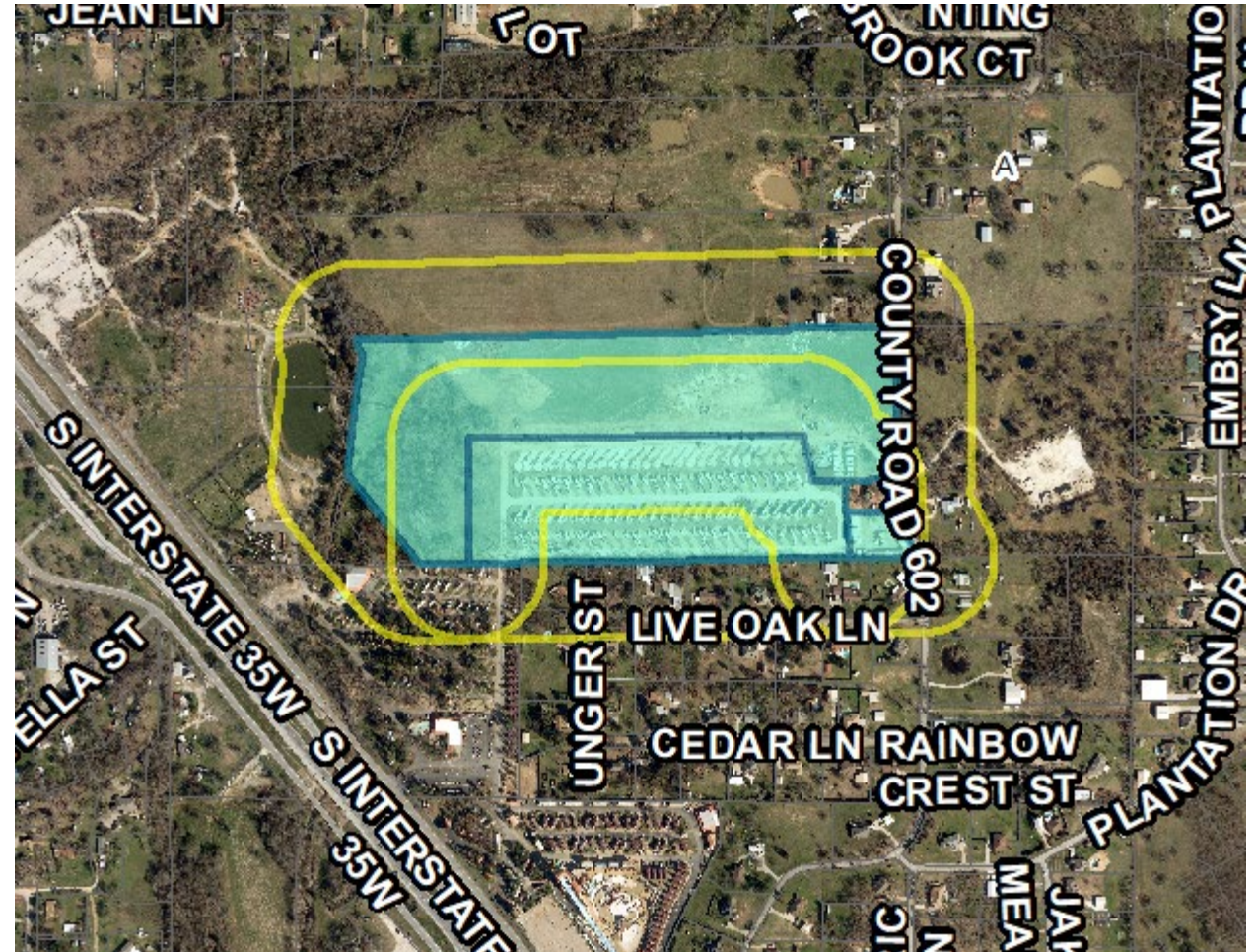




# 2301 S. Burleson Boulevard

## Public Hearing Notice

- Mailed to property owners within 300 feet of subject property
- Published in newspaper
- Signs Posted on the property



# 2301 S. Burleson Boulevard



## PD Process Highlights:

- Existing structures and operations remain
- Exemption from:
  - IH-35 Overlay
  - Parking Regulations
  - Temporary Use Regulations
- Expansion of an existing buildings/operations by more than 50% requires compliance with all codes including submission of site plan.



# 2301 S. Burleson Boulevard



## PD Process Highlights (Continued):

- Development Services Director will evaluate disputes related to ordinance applicability and determine whether a commercial site plan is required and forwarded to City Council.
- Obtain Certificate of Occupancy (CO) "Amusement, commercial (outdoor)" applies to future uses" according to PD.
- Submission of a site map within 90 days to catalog existing uses.

# 2301 S. Burleson Boulevard

## PD Highlights (Continued)

Category	Requirement
Noise (Chapter 34, Sec. 34-191)	PD shall be considered Commercial
Lighting Light Trespass Over Illumination Glare and Sky Glow Direct View Lighting (up light)	5 lux maximum when measured according to PD. Average maximum of 15 lux, no exceedance of 100 lux All site fixtures require Cutoff's are required. Maximum lumen levels; Off during curfew hours 11:00 PM to 5:00 AM
Buffers (Building Setbacks)	Minimum 10 feet
Transitional Screening Council may approve waivers Administrative Approval	Minimum height: 6 feet -Opaque fencing material (no chain link with slats); or -15-foot buffer natural vegetation or landscaping
Construction Materials	Allowed flexibility to design standards and permitted building materials as allowed by building code



# 2301 S. Burleson Boulevard

## PD Highlights (Continued)

Category	Requirement
Landscaping	Located at key entry points and central gathering areas.
Floodplain, Chapter 42, Floods	Applies to the site and floodplain development permits shall be required
Height Limitation	All building and structures are limited to a maximum height of 100 feet
Parking Regulations, Article V, Section 134	Exempt. The owner is responsible for keeping fire lanes clear for emergency access. Vehicle parking will be on an all-weather surface in conformance with the City's design standards.

# 2301 S. Burleson Boulevard

## PD Highlights (Continued)

Category	Requirement
Temporary Use; Art. V, Section 136	Exempt from this requirement to regulate special events and seasonal uses.
Transitional Screening Council may approve waivers Administrative Approval	Minimum height: 6 feet -Opaque fencing material (no chain link with slats; or -15-foot buffer natural vegetation or landscaping
Access Roads (Interior)	Interior roadways that will be used for emergency access are required to support a fire truck according to fire codes regulations.
Sidewalks Subdivision Ordinance Section 5.7	Sidewalks or escrow shall be required with first site plan submission. Escrow contract or future fee in lieu of sidewalk will be formulated according to the PD.
Flatwork	Owner may clear, grade and pave if Development Services Director receives plan 30 days in advance with letter that storm water will not adversely affect property.



# 2301 S. Burleson Boulevard

## April 12, 2022 - P&Z Summary

### Vote

Recommended approval unanimously.

### Discussion and Speakers

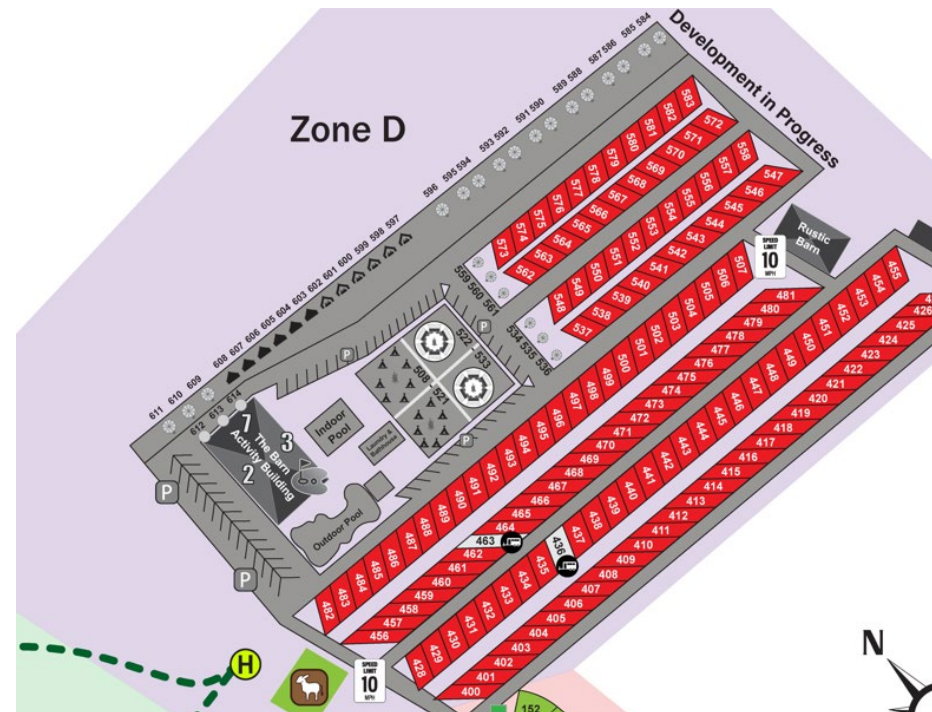
2 speakers with concerns:

- Screening
- Future impacts to ETJ properties

# 2301 S. Burleson Boulevard

## Staff's Recommendation

Staff recommends approval of a zoning change from A, Agriculture to PD, Planned Development located at 2301 S. Burleson Boulevard. (Case 22-024)

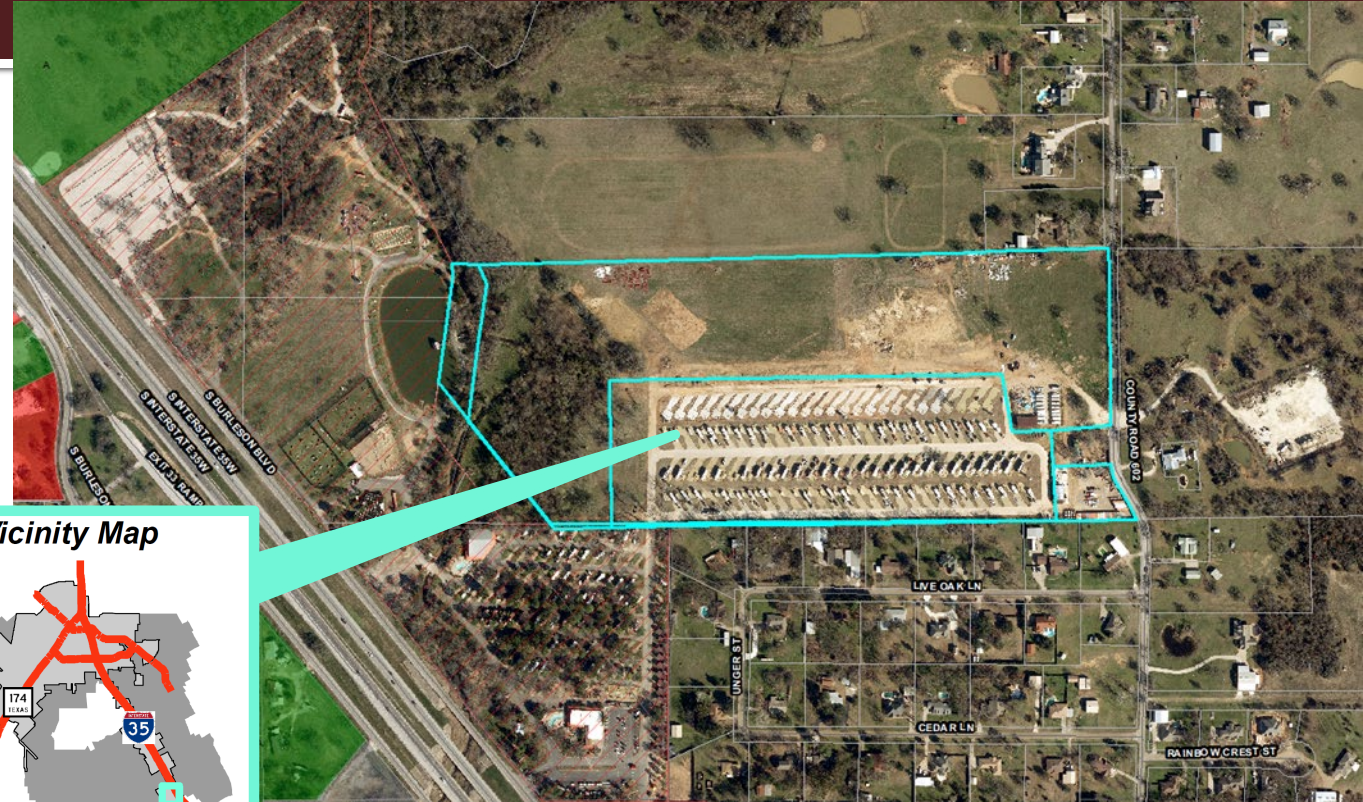
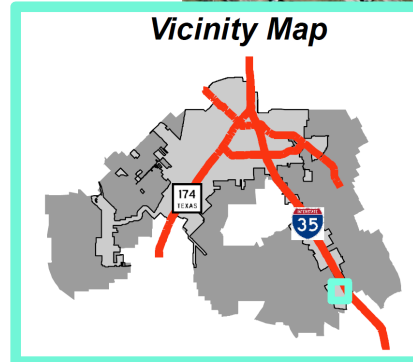




# 2301 S. Burleson Blvd.

## Action Requested

1. Open the public hearing;
2. Close the public hearing; and
3. Approve the zoning change from A, Agriculture to PD, Planned Development located at 2301 S. Burleson Boulevard Burleson Blvd. (Case 22-024)



Questions/Discussion

## **ORDINANCE**

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON AN APPROXIMATELY 44.36 ACRE TRACT OF LAND OUT OF THE IRA CLEMONS SURVEY DESCRIBED IN THE DEED RECORDED IN DOCUMENT NO. 2016-8589, JOHNSON COUNTY, TEXAS (D.R.J.C.T), AND ADDRESSED AS 2600 CR 602 AND 2302 S. BURLESON BLVD., FROM AGRICULTURAL (A) ZONING DISTRICT TO (PD) PLANNED DEVELOPMENT ZONING DISTRICT, MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, an application for a zoning change request was filed by Ronnie Bowyer, Property Owner, on January 24, 2020, under Case Number 22-024; and

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

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

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

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

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

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



## **Section 1**

The Official Zoning Map is hereby amended insofar as it relates to certain land described on an approximately 44.36 acre tract of land out of the IRA Clemons survey described in the deed recorded in Document No. 2016-8589, Johnson County, Texas (D.R.J.C.T), and addressed as 2600 CR 602 and 2302 S. Burleson Blvd. included on Exhibit A, City of Burleson, Johnson County, Texas, attached hereto and incorporated herein by reference for all purposes, by changing the zoning of said property from Agricultural (A) zoning district to Planned Development (PD) zoning district which are incorporated herein as Exhibits B and C, both exhibits being attached hereto and incorporated herein by reference for all purposes.

## **Section 2**

The findings and recitations 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**

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

## **Section 4**

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

## **Section 5**

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

## Section 6

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

### **PASSED AND APPROVED:**

**First and Final Reading:** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney



**EXHIBIT A**  
**METES AND BOUNDS DESCRIPTION**  
**44.36 ACRES**  
**IN THE IRA CLEMONS SURVEY, A-170**  
**JOHNSON COUNTY, TEXAS**

Whereas Arlington Stor-More, LLC, is the owner of all that certain 44.36 acres of land, which is out of the 44.36 acre tract described in the deed recorded in Document Number 2016-8589 in Deed Records of Johnson County, Texas (D.R.J.C.T.), in the Ira Clemons Survey, A-170, Johnson County, Texas and more particularly described by metes and bounds as follows: (all bearings shown hereon are based on the south line of the 10.76 acre tract, described in the deed to South Fort Worth RV Ranch II, L.L.C., recorded in Document Number 2015-14963 D.R.J.C.T.)

BEGINNING at a 1/2" iron rod with a cap stamped "Spry 5647" set in the south line of said 45.95 acre tract, common to then north line of the 16.82 acre tract described in the deed to South Fort Worth, RV Ranch, L.L.C., recorded in Document Number 2015-14857 D.R.J.C.T., from which an "X" in concrete found for the southeast corner of said 10.76 acre, common to the southwest corner of said 45.95 acre tract, bears North 89° 49' 54" West - 378.78', and from said "X" in concrete, a 1/2" iron rod with a cap stamped "Spry 5647" found for the southwest corner of said 10.76 acre tract, and in the northeast right-of-way line of Interstate Highway 35 W (350' R.O.W.) bears North 89° 49' 54" West - 391.66';

THENCE North 38° 41' 00" West 464.15' to a 1/2" iron rod with a cap stamped "Spry 5647" set for the west corner of the herein described tract, in the east line of the said 10.76 acre tract;

THENCE along the east line of said 10.76 acre tract the following courses:

North 07° 39' 00" East - 339.54' to a 1/2" iron rod with a cap stamped "Spry 5647" found for an angle corner of the herein described tract;

North 08° 44' 05" East - 126.10' to a 1/2" iron rod with a cap stamped "Spry 5647" set for an angle corner of the herein described tract;

North 24° 59' 00" West - 73.46' to a 1/2" iron rod with a cap stamped "Spry 5647" set for the northwest corner of the herein described tract, in the north line of said 45.95 acre tract, common to the south line of the 22.97 acre tract described in the deed to Theron Kilburn and Robin Kilburn, recorded in Volume 3792, Page 926 D.R.J.C.T.;

THENCE North 89° 05' 19" East departing the east line of said 10.76 acre tract, along the north line of said 45.95 acre tract, common to the south line of said 22.97 acre tract, passing at a distance of 2156.92' the southeast corner of the 2.02 acre tract described in the deed to Lisa Mooney, recorded in Document Number 2014-18448 D.R.J.C.T., from which a 5/8" iron rod found for the northeast corner of said 22.97 acre tract bears North 00° 00' 59" East - 458.87', continuing along the north line of said 45.95 acre tract, for a total distance of 2173.75' to a P.K. Nail with washer stamped "Spry 5647" found for the northeast corner of the herein described tract, in the centerline of County Road 602 (approximate width 40'; no record found);

THENCE along the centerline of said County Road 602 the following courses:

South 00° 09' 14" West - 685.75' to a P.K. Nail with washer stamped "Spry 5647" found for the Point of Curvature of a curve to the left, having a central angle of 27° 03' 46", a radius of 250.00' and a chord bearing and distance of South 13° 22' 39" East - 116.99';

Along said curve to the left, an arc distance of 118.08' to a P.K. Nail with washer stamped "Spry 5647" found for the end of curve;

South 26° 54' 32" East - 96.55' to a P.K. Nail with washer stamped "Spry 5647" found for the Point of Curvature of a curve to the right, having a central angle of 07° 19' 24", a radius of 250.00' and a chord bearing and distance of South 23° 14' 50" East - 31.93';

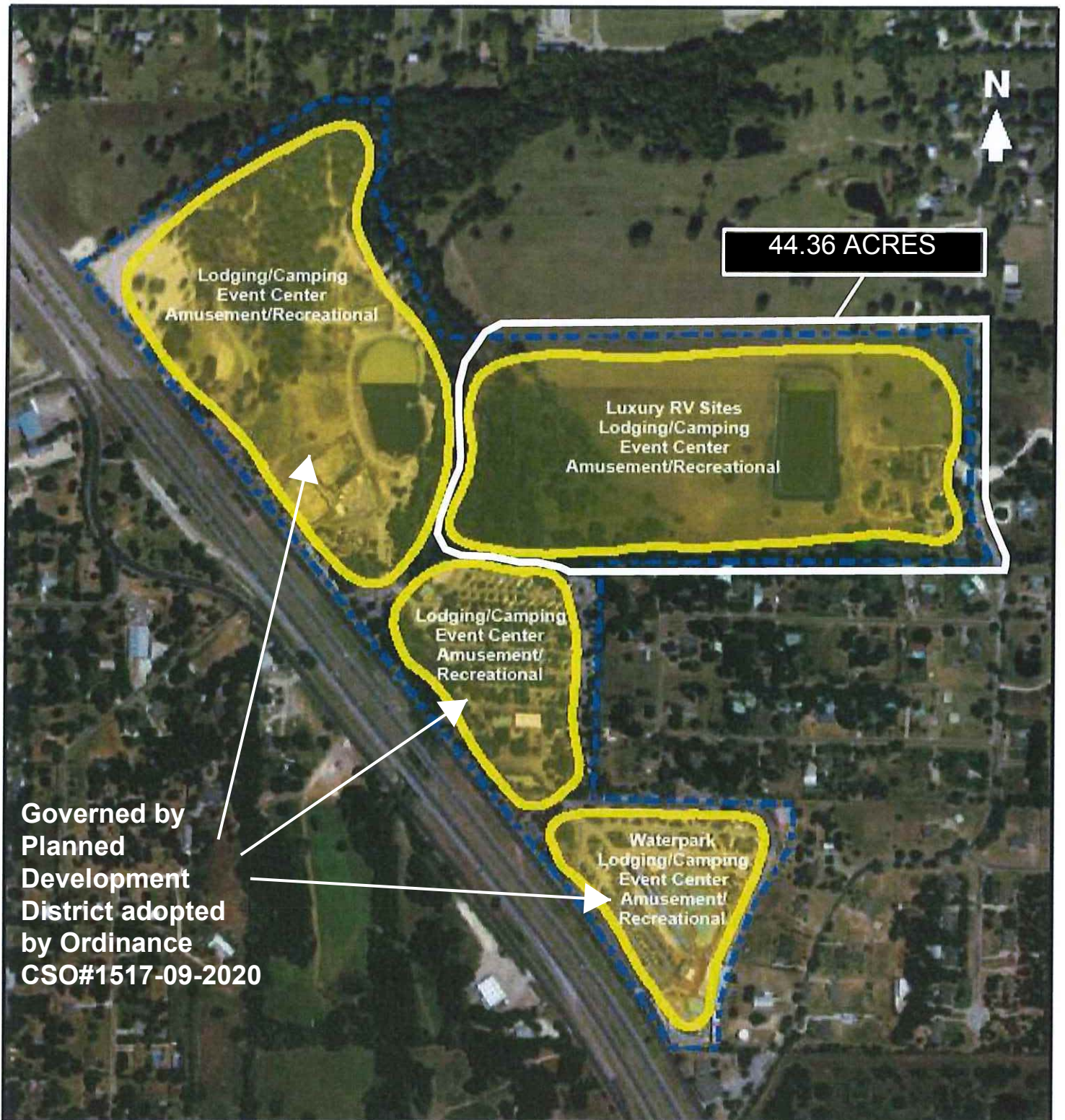
Along said curve to the right, an arc distance of 31.95' to a P.K. Nail with washer stamped "Spry 5647" found for the southeast corner of the herein described tract, in the most northerly line of Tract II described in the deed to David Campbell, recorded in Document Number 2009-29075 D.R.J.C.T.;

THENCE South 89° 36' 38" West departing the centerline of said County Road 602, along the south line of the herein described tract, passing at a distance of 199.17' the common north corner of the 1.033 acre tract described in the deed to Douglas G. Burchfield, recorded in Volume 1680, Page 569 D.R.J.C.T. and the tract described in deed to Ricky D. Brown, II and Kimberly R. Brown, recorded in Volume 3939, Page 681 D.R.J.C.T., continuing along said south line for a total distance of 1593.08' to a 1/2" iron rod found for the common north corner of said 16.82 acre tract, and the 1.047 acre tract described in the deed to Jackie R. McElhanon, recorded in Document Number 200900027912 D.R.J.C.T.;

THENCE North 89° 49' 54" West - 405.18 along the north line of said 16.82 acre tract to the POINT OF BEGINNING and containing 44.36 acres of land.



**EXHIBIT B**  
**PLANNED DEVELOPMENT CONCEPT PLAN**





**EXHIBIT C**  
**PLANNED DEVELOPMENT**

**PURPOSE:** This Planned Development Concept Plan is designed for an existing regional tourism center, amusement and recreational park known as North Texas Jellystone Park, Rustic Creek Ranch and Pirates Cove (collectively, "park"). To accommodate future growth, the property owner and the City of Burleson share a mutual desire to allow for the flexible and creative use of the property to afford the continual and regional prominence of the tourism center, amusement and recreational park. The following regulations, which are part of this Planned Development Concept Plan, are designed to achieve this purpose. Additionally, This Planned Development shall apply to park property within the City Limits of Burleson

- A. Applicability of City Regulations. Development occurring within the boundaries of this Planned Development shall conform to all applicable land use and development requirements in the City of Burleson Code of Ordinances save and except the regulations provided herein as substitution or exemption to certain requirements in the Code of Ordinances. In the event that the requirements in the Code of Ordinances conflict with these Planned Development regulations, the terms of these Planned Development regulations shall control.
- B. Existing Structures and Operations. All existing structures and operations such as cabins, water park and accessory entertainment activities within the boundaries of this Planned Development as noted on exhibits D, E and F, all exhibits attached hereto and incorporated herein by reference for all purposes, of the effective date of the approval of this Planned Development are intended to remain in service and allowed to be repaired, changed or enlarged in order to accommodate the land uses approved by this planned development.
- C. New Operations. New operations or facilities within the boundaries of this Planned Development occurring after the effective date of the approval of this Planned Development ("New Operation(s)") will be subject to these Planned Development regulations. An existing building will become a New Operation upon adding 50% or greater square footage to the footprint of the operation and will be subject to all current city regulations. Expansion is defined as cumulative expansion, not individual expansion. Any expansion of buildings will comply with building, fire, and health codes.

Per the Economic Development Agreement (CSO-648-05-2017) this Planned Development is intended to cover all additional properties that the owner of Jellystone Park has agreed to be included in future voluntary annexation requests in accordance with the terms of the Agreement. An amendment of this Planned Development will be requested within 120 days of any future annexation.

- D. Permitted Uses. The Permitted Uses in this Planned Development are intended to be theme park or resort attractions to attract tourists and visitors and to support the Existing Operations and New Operations. The Permitted Uses will include but not limited to the following:
  - 1. Lodging unit, pre-fabricated or built-on-site
  - 2. RV and tent site
  - 3. Tree house cabin
  - 4. Park model RV (see section "T" Definitions)
  - 5. RV or camper storage on gravel
  - 6. Yurt
  - 7. Teepee
  - 8. Cabin
  - 9. Floating-on-lake cabin
  - 10. Over-the-water cabin
  - 11. Sun shelter
  - 12. Event center, indoor or outdoor
  - 13. Tower for slides or rides
  - 14. Playground equipment
  - 15. Net or rope walk
  - 16. Spider rope net
  - 17. Zip line
  - 18. Bridge across creek or lake

19. Video game arcade
20. Water park
21. Water slide or pool
22. Slide tower
23. Splash pad
24. Spray feature
25. Water fall or water feature
26. Swimming pool, indoor or outdoor
27. Food court village or food truck court
28. Petting zoo
29. Dog park or dog run
30. Rides
31. Miniature golf
32. Putting green
33. Mini soccer field
34. Volleyball court
35. Go kart track
36. Radio control car race track
37. Paint ball court or yard
38. Laser tag court or yard
39. Dry sled or ski run
40. Rock climbing wall
41. Maze
42. Batting cage
43. Outdoor stage and amphitheater
44. Movie screen area
45. Activity center and building
46. Wedding venue
47. Sports building
48. Pavilion
49. Holiday market or seasonal use
50. Caretaker Residence

Minor accessory uses such as outdoor furniture and fixtures, grills, trails and others shall be allowed. These are not specifically listed in order to not exclude other minor accessory uses that may be determined at a later date.

- E. Existing Theme Park Uses. Existing theme park uses legally operating at the time of the approval of this Planned Development, whether located in buildings or operated in outdoor spaces, may be changed to another permitted use and will be subject to the regulations identified in this Planned Development. The Development Services Director reserves the right to forward requests to City Council for review and approval.

- F. Food Trucks. A site plan as outlined in Section 131, Site plan requirements, of Appendix B, Zoning Ordinance is required to be approved by the City Council. The site plan must include the provision of electrical service for Food Trucks operating on the site. Generators may only be used for emergency circumstances. The following shall be required once the site plan has been approved.

Commissary visits and Log Required:

Each Food Truck shall report to its designated Commissary at least once per day for food, supplies, cleaning and servings. The operator of each Food Truck shall maintain a log that contains each date of servicing and the signature of the Commissary operator certifying that servicing occurred at the commissary.

On-site management and hours:

There must be a designated manager of the Food Truck Park that is responsible for the orderly organization of the Food Trucks, the cleanliness of the site and the site's compliance with all rules and regulations during the hours of operation. A certified food manager must also be designated for each Food Truck operating in a Food Truck Park. Hours of the Food Truck Park operations are limited to 7:00 AM to 12:00 AM (midnight).

Refuse, recycling, litter, liquid waste and food preparation by products:

1. Food Truck Parks shall provide containers of sufficient size and number for disposal of refuse and recyclables resulting from the operation and sales of the Food Truck Park.



2. Any refuse, recyclable, and/or litter on the ground at the Food Truck Park shall be immediately picked up and discarded appropriately by the Food Truck operator or Food Truck Park' designated manager. Refuse and /or recyclables must be removed from the Food Truck Park at least daily or more frequently as needed to remove excess refuse and /or recyclables from the property thereby avoiding the creation of unsanitary or unhealthy conditions or nuisances.
  3. Grease, oils, vapors and other similar food preparation byproducts shall be kept in the Food Trucks at all times. Dumping or improper disposal of food preparation byproducts on the ground pavement or other surface or into a storm water collection system or other system not designed for the specific use is strictly prohibited and may result in the immediate revocation of all permits and licenses of the Food Truck or the Food Truck Park in addition to the performance of any necessary remediation and the issuance of citations and fines.
  4. Sewage, liquid wastes and food preparation byproducts shall be removed from the Food Truck at an approved waste servicing area (commissary) in such a way that public health hazard or nuisances are not created.
- G. Noise. The regulation of noise shall be handled according to the City of Burleson Code of Ordinances, Chapter 34 Environment, Article V Noise Section 34-191 where this PD shall be considered commercial zoning district. The following sound level examples are provided for guidance purposes.
- Examples of 70 dB:
- Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB); Living room music (76 dB); radio or TV-audio; vacuum cleaner (70 dB) and a leaf-blower noise at 50 feet ranges from 64 to 78
- Examples of 80 dB (2 times as loud as 70 dB. Possible damage in 8 hour exposure):
- Garbage disposal (80 dB), dishwasher; average factory; freight train (at 15 meters); Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); Heavy traffic; window air conditioner; noisy restaurant.
- H. Buffers. Building setbacks shall be addressed from a commercial zoning designation from the Zoning Ordinance in section 78-126. Does not apply to replacement structures.
- I. Transitional Screening. The purpose of this requirement is to provide screening between this PD and adjacent properties with residential uses, Screening shall be constructed or designated according to the following:
1. Shall be the responsibility of the more intensely zoned property or land use.
  2. Fencing shall be a minimum of six feet in height and constructed of opaque construction material. Chain link fences with opaque slats are prohibited. or
  3. A minimum 15-foot buffer consisting of natural vegetation or landscaping of a minimum of six feet in height may be in lieu of the fencing.
  4. Upon recommendation from the planning and zoning commission, the city council may grant a temporary or permanent waiver until such a time as the screening maybe deemed necessary, if this requirement is impractical for immediate construction.
- Other fencing and screening regulations will be evaluated as development occurs and approved by the Development Services Director. The Development Services Director reserves the right to forward requests to City Council for review and approval. Primary consideration will be to keep visibility from IH-35 aesthetically pleasing and to reduce impact upon adjacent property owners with residential uses.
- J. Construction Materials. Construction of new facilities in this Planned Development, such as buildings, structures, outdoor coverings, competitive games, lodging and camping sites, amusement, recreational and other similar facilities, will be treated as theme or non-permanent facilities that may be modified over time by the property owner to respond to visitors' demand. In order to achieve the purpose statement above, the City of Burleson will allow flexibility to design standards and permitted building materials as allowed by the City's currently adopted building code. All new construction will comply with the City's building code and applicable permits will be obtained.
- K. IH-35 Overlay District. This Planned Development is exempt from the requirements in Section 101,

IH-35 Overlay District, Article IV - Overlay Districts, Appendix B - Zoning, and Article V – IH-35 Design Standards, Appendix C, City of Burleson Code of Ordinances.

- L. Landscaping. Landscaping will be located at key entry points and central gathering areas such as the tourism center, amusement and recreational park with New Operations.
- M. Floodplain. All regulations and provisions of Chapter 42 (Floods) of the City's Code of Ordinances will be applicable to this site. Floodplain development permits will be required for all improvements within the regulatory floodplain.
- N. Signs. The signs that are intended for internal use and communication inside this Planned Development are exempt from Chapter 63 - Sign Regulations, City of Burleson Code of Ordinances. Signage along the perimeter of the site intended for site identification or advertising shall comply with Chapter 63 – Sign Regulations or waivers will be requested and approved by the Council in accordance with the ordinance.
- O. Height. All buildings and structures are limited to a height of 100-feet maximum unless otherwise approved by City Council.
- P. Vehicle Parking. This Planned Development is exempt from the requirements in Section 134, Vehicle Parking Regulations, Article V - Supplemental Regulations, City of Burleson Code of Ordinances, provides that the property owner will manage vehicular parking to prohibit parking in fire lanes or emergency access, public rights-of-way or unauthorized private properties. As required, vehicle parking will be on an all-weather surface in conformance with city's design standards and specifications.
- Q. Lighting. The purpose of these lighting standards is to protect the adjacent property with residential uses by reducing light pollution (also called glare) and light trespass (often described as light shining across property lines).
  - 1) To minimize *light trespass* at the property line, 5 (lux) shall not be exceeded when measured 10 feet beyond the property line at a height of 5 feet measured vertically above grade, except at drive entrances to the site. New light poles within 70 feet of adjacent property with residential uses are limited to a maximum height of 15 feet. Existing lighting not meeting this standard shall be retrofitted with shielding to bring the lighting fixture into compliance within 1 year of the effective date of this Planned Development.
  - 2) To prevent *glare*, all site fixtures shall have cutoffs (shields), "semi-cutoff" and "full cutoff" shall be used. Special care shall be used to keep adjacent property with residential uses shielded from glare and light trespass by limiting light between 80-90 degrees above nadir (vertical line from light source to grade that causes the most glare) and within the guidelines stated under *light trespass*.
  - 3) *Direct view lighting*, which is bare bulb lighting, neon lighting or neon-like LED lighting typically used for accent lighting, lighting outlining a building or site element (includes any bare bulb installed without an enclosure or housing surrounding the bulb) shall meet the guidelines stated under *light trespass*.
- R. Temporary Use. This Planned Development is exempt from the requirements in Section 136, Temporary Use Regulations, Article V - Supplemental Regulations, City of Burleson Code of Ordinances that are intended to regulate uses such as special events, seasonal uses, holiday sales or temporary outdoor sales.



- S. Access Roads. Any planned access road that will serve as a fire lane or emergency access shall be required to support a fire truck per the most current adopted fire code regulations. All other roadways shall be reviewed by the Public Works Director and Fire Marshal or their designee and shall be allowed flexibility on material and width. Any public roadway proposed within the property shall be designed and constructed to city standards.
- T. Sidewalks. Sidewalks or sidewalk escrow will be required per Section 5.7 Coordination with other roadways of the Subdivision Ordinance. With the submission of the first site plan, an escrow contract for the full development will be executed that establishes a plan to prorate sidewalk escrow in lieu of construction. Should the City implement a fee in lieu of sidewalk construction, an agreement will be formulated for the payment of the fee on a prorated basis.
- U. Flatwork. The property owner may at his discretion clear, grade, and pave any portion of this Planned Development to accommodate a Permitted Use to include but not limited to drives, berms, walkways, cart paths, swales, ponds and other surface features. At least thirty (30) days prior to beginning the site construction, Owner will submit to the Development Services Director (1) a drawing outlining the intended construction, and (2) a letter certifying the construction will not adversely impact the movement or detention of storm water across the property.
- V. Review Process. The Development Services Director is assigned the responsibility of reviewing and evaluating New Operation's adherence to this Planned Development and will determine whether a commercial site plan will be required and forwarded to Planning & Zoning Commission and City Council for approval. Accessory buildings or uses will not require site plan review.
- W. Certificate of Occupancy. Owner shall obtain an issued certificate of occupancy (CO) under the use category of "Amusement, commercial (outdoor)" within 90 days of the approval of this PD. The application for the initial CO shall include a site map. This site map shall be a scaled drawing that includes buildings and other structures relative to property lines. The obtained CO shall be amended by providing an updated site map as structures are added to the site.

Definitions. The following definitions will apply to this Planned Development:

- 1. New Operations  
New structures, facilities or operations in an undeveloped area. The addition of cabins or RV spaces in existing developed areas such as those illustrated in exhibits D and E are not considered new operations that will not require an approved commercial site plan, but a building permit shall be required. The addition of larger lodging or activity areas in developed areas may require an approved commercial site plan if deemed necessary by the Development Services Director. An approved commercial site plan shall be required for new structure, facilities or operations in an undeveloped area such as the area in exhibit F or any future property expansions under the authority of this planned development.
- 2. Lodging Facilities  
For-profit facilities where lodging, meals and the like are provided to transient visitors and guests for a defined period. Use types include:
  - Hotel. A building or group of buildings providing transient lodging accommodation to the general public for compensation.
  - RV Park. An area for locating, establishing or maintaining one or more sites for occupancy by recreation vehicles of the general public as temporary living quarters for recreation or vacation purposes. The area is intended for use on a temporary basis by campers, vacationers and travelers.

Park Model RV. As defined in Section 94.001 of the Texas Property Code, a "Park Model Unit" means a recreational vehicle that is designed primarily as temporary living quarters for recreation, camping, or seasonal use and that is built on a single chassis, mounted on wheels, and has a gross trailer area not exceeding 400 square feet in the set-up mode. They are not meant to be permanently affixed to the property, they do not improve property values in any way, and they are neither designed nor intended by their manufacturers to be used as permanent residences.



2. Recreation and Entertainment, Indoor

Recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking and maintenance facilities. Use types include:

Banquet Hall. Facility leased on a temporary basis before the day of the event by the public to accommodate private functions such as banquets, weddings, anniversaries, and receptions along with business and organizational meetings as well as other similar functions. Accessory uses may include kitchen facilities, areas for dancing, dining and other entertainment activities that occur at previously mentioned activities.

Other Recreation, Indoor. A building or area for sport, entertainment, games of skill, or recreation to the general public for a fee. Examples include but are not limited to, gymnasium or indoor arena, basketball, handball, swimming pools and amusement devices.

Amusement devices is defined as follows:

- a) Any mechanical or electronic machines or equipment that, may be operated by the public generally for use as games of skill for interactive amusement, whether or not registering a score.
- b) Amusement devices shall include, but not be limited to, video games, computer games, pinball machines, foosball machines, billiard or pool tables, arcade games and similar activities.
- c) Amusement devices shall not include games of chance gambling-like device versions of bingo, keno, blackjack, lottery, roulette, video poker, eight-liners or similar electronic, electromechanical, or mechanical games, or facsimiles thereof.
- d) Amusement devices shall include children's rides, jukeboxes or similar electronic or mechanical music machines that do not involve games of skill for interactive amusement.

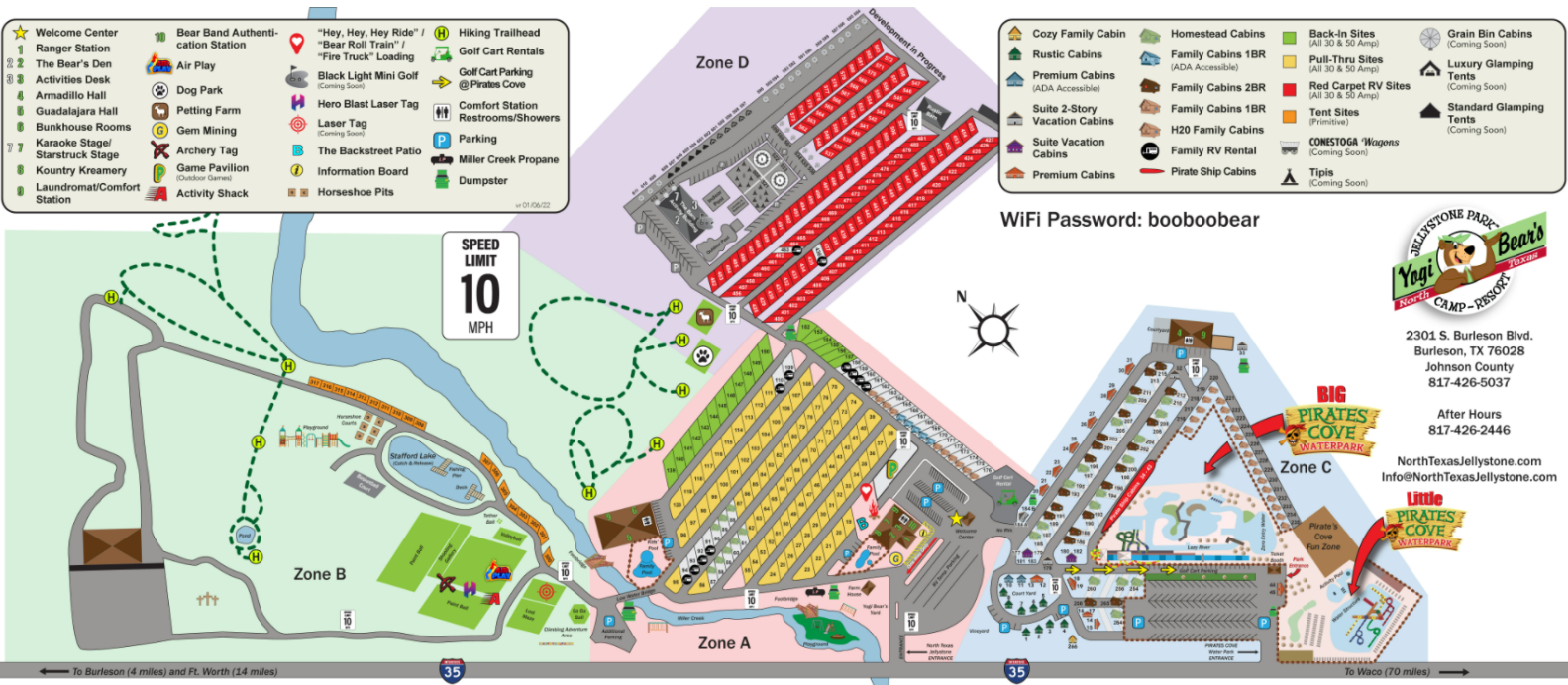
3. Recreation and Entertainment, Outdoor.

Recreation or entertainment activities outside of an enclosed environment. Accessory uses may include concessions, snack bars, maintenance facilities and parking. Use types include:

Recreation, General Outdoor. An area open to the public that contains outdoor amusement rides and facilities, such as miniature golf courses, water parks, basketball or tennis courts, baseball or soccer fields, go-cart racetracks, playgrounds, and/or outdoor motion picture theaters. Such establishments may include structures and buildings where there are various amusement devices, facilities for shows and entertainment, rides, and /or booths for the conduct of games, sale of merchandise and or sale of food and beverages.



# Exhibit D Overall Site Map and Legend



**Jellystone Park - Bear's**  
Yogi  
CAMP-RESORT

2301 S. Burleson Blvd.  
Burleson, TX 76028  
Johnson County  
817-426-5037

After Hours  
817-426-2446

NorthTexasJellystone.com  
Info@NorthTexasJellystone.com

**BIG PIRATES COVE WATERPARK**  
**Little PIRATES COVE WATERPARK**

★ Welcome Center	10 Bear Band Authentication Station	📍 "Hey, Hey, Hey Ride" / "Bear Roll Train" / "Fire Truck" Loading	🚶 Hiking Trailhead
1 Ranger Station	🎮 Air Play	🏌️ Black Light Mini Golf (Coming Soon)	🚗 Golf Cart Rentals
2 The Bear's Den	🐾 Dog Park	🎯 Hero Blast Laser Tag	➡️ Golf Cart Parking @ Pirates Cove
3 Activities Desk	🐕 Petting Farm	🎯 Laser Tag (Coming Soon)	🚻 Comfort Station Restrooms/Shower
4 Armadillo Hall	🎮 Gem Mining	🎯 The Backstreet Patio	🅑🅖 Parking
5 Guadalajara Hall	🎯 Archery Tag	📍 Information Board	🚛 Miller Creek Propane
6 Bunkhouse Rooms	🎮 Game Pavilion (Outdoor Games)	🏠 Horseshoe Pits	🗑️ Dumpster
7 Karaoke Stage/Starstruck Stage	🎮 Activity Shack		
8 Kountry Creamery			
9 Laundrymat/Comfort Station			

vr 01/06/22

🏠 Cozy Family Cabin	🏠 Homestead Cabins	🟢 Back-In Sites (All 30 & 50 Amp)	📶 Grain Bin Cabins (Coming Soon)
🏠 Rustic Cabins	🏠 Family Cabins 1BR (ADA Accessible)	🟡 Pull-Thru Sites (All 30 & 50 Amp)	🏠 Luxury Glamping Tents (Coming Soon)
🏠 Premium Cabins (ADA Accessible)	🏠 Family Cabins 2BR	🔴 Red Carpet RV Sites (All 30 & 50 Amp)	🏠 Standard Glamping Tents (Coming Soon)
🏠 Suite 2-Story Vacation Cabins	🏠 Family Cabins 1BR	🟠 Tent Sites (Primitive)	
🏠 Suite Vacation Cabins	🏠 H2O Family Cabins	🚐 CONESTOGA Wagons (Coming Soon)	
🏠 Premium Cabins	🚐 Family RV Rental	🏠 Tipis (Coming Soon)	
	🚢 Pirate Ship Cabins		

## Exhibit E

Current facilities as of 1.6.2022 within Zone A

Cabins

RV Sites

Ranger Station

The Bear's Den

Activities Den

Guadalajara Hall

Bunkhouse Rooms

Karaoke Stage / Startstruck Stage

Kountry Kreamery

Bear Band Authentication Station

Laundromat

Restrooms

Swimming pool, playgrounds, and small accessory structures





## Exhibit F

Current facilities as of 1.6.2022 within Zone B

Parking  
Playground  
Lake  
Hiking Trails  
Activity Shack  
Archery Tag  
Air Play



## Exhibit G

Current facilities as of 1.6.2022 within Zone C

## Cabins

## Pirate Ship Cabins

## Restrooms

## Pirate's Cove Fun Zone

## Armadillo Hall

### Water Park and small accessory structures





Current facilities as of 1.6.2022 within Zone D

RV Sites

## Luxury and Standard Tents

## Tipis

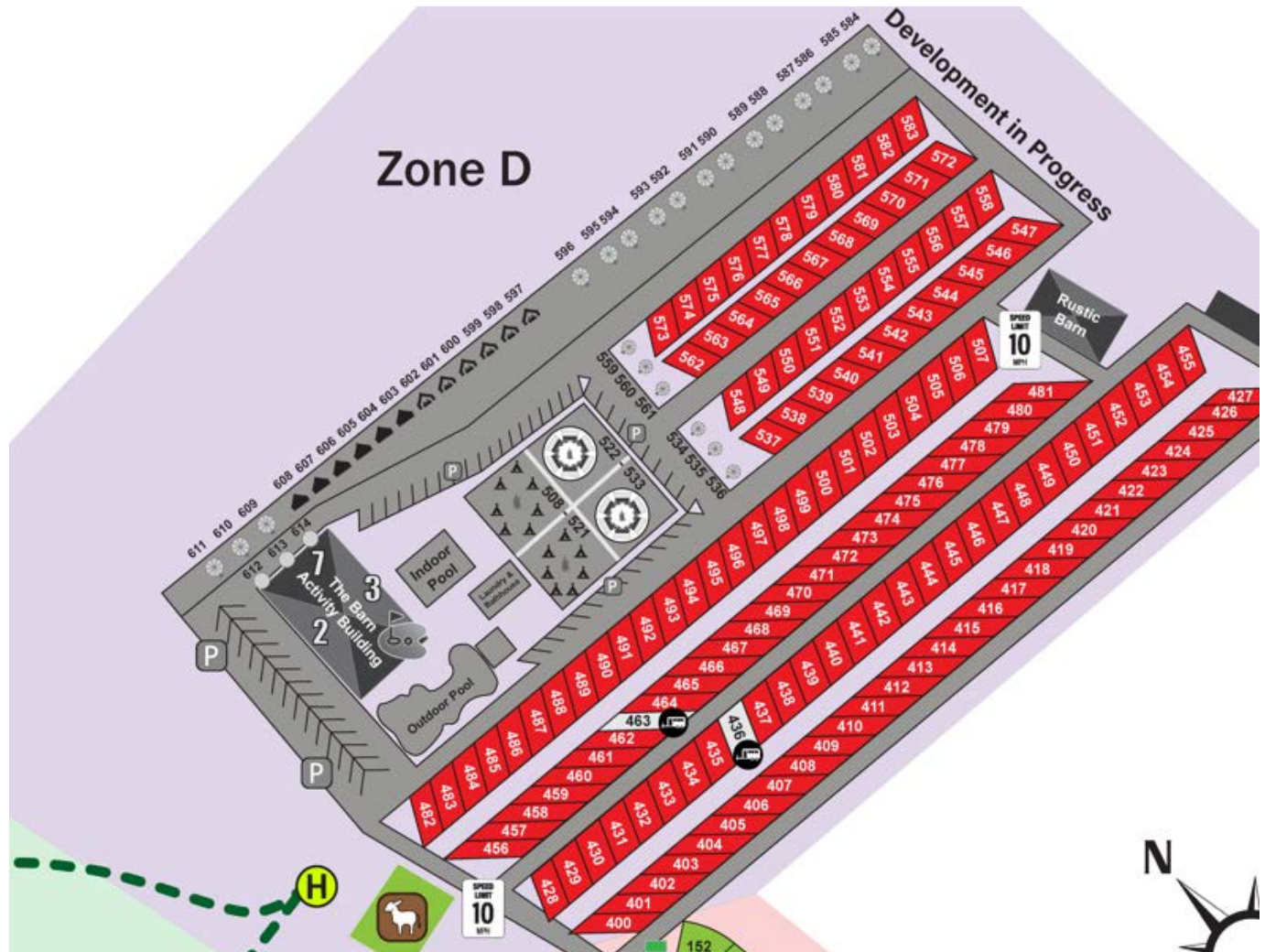
## Wagon Camping

## Grain Bin Cabins

Indoor Pool / Outdoor Pool

## The Barn Activity Building

## Rustic Barn





## City of Burleson

### City Council

City Hall  
Council Chambers  
141 W. Renfro  
Burleson, TX 76028

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** City Secretary Office

**DATE:** 05/02/2022

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#### SUBJECT

Consider approval of an ordinance appointing Terri Wilson, as Associate Municipal Court Judge for the Burleson Municipal Court of Record for a term of two years, expiring on February 4, 2024. (First Reading) (*Staff Presenter: Amanda Campos, City Secretary*)

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#### Attachments

Department Memo  
Proposed Ordinance  
Contract

#### Respectfully submitted:

Amanda Campos, TRMC  
City Secretary  
817-426-9665 | [acampos@burlesontx.com](mailto:acampos@burlesontx.com)



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**DEPARTMENT MEMO**

**DEPARTMENT:** City Secretary's Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** May 2, 2022

**SUBJECT:**

Consider approval of an ordinance appointing Terri Wilson, Associate Municipal Court Judge for the Burleson Municipal Court of Record for a term of two years, expiring on February 4, 2024. (First Reading)  
(Staff presenter: Amanda Campos, City Secretary)

**SUMMARY:**

The Burleson City Charter Section 30 states the qualifications and manner to appoint municipal judges; as a competent and duly licensed attorney practicing law in the State of Texas and shall be appointed by ordinance. Terri Wilson currently serves as one of the associate municipal court judge for the city of Burleson. Judge Wilson was first appointed in 2020.

An ordinance appointing municipal judges requires two readings at two separate meetings to be in compliance. The professional service agreement is attached for review, it is however part of the ordinance approval and does not require a separate approval motion.

The attached ordinance is before council for first reading consideration. Pending approval the final reading will be on the May 16, 2022 council meeting agenda. After approval of ordinance and execution of the professional services agreement the judge will be sworn in by the City Secretary.

**FISCAL:**

The associate judge will be paid \$75/hr and \$900 monthly on call service. The city will provide training, paid fees for associations and any equipment necessary to perform the job of association judge.

The cost is budgeted in the judicial account.

**RECOMMENDATION:**

Approval

**STAFF CONTACT:**

Name: Amanda Campos, TRMC

Department: City Secretary's Office

Email: [acampos@burlesontx.com](mailto:acampos@burlesontx.com)

Phone: 817-429-9665



## **ORDINANCE**

AN ORDINANCE OF THE CITY OF BURLESON, TEXAS APPOINTING ASSOCIATE JUDGE OF THE MUNICIPAL COURT OF RECORD OF THE CITY OF BURLESON; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE ASSOCIATE MUNICIPAL COURT JUDGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Burleson 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 has established its municipal court as a municipal court of record; and

**WHEREAS**, Chapter 30 of the Texas Government Code relating to municipal courts of record provides that the judge of the municipal court of record shall be appointed by the City Council by ordinance.

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

### **Section 1.**

Terri Wilson is hereby appointed as associate judge of the municipal court of record in the City of Burleson, Texas in accordance with the terms of the Agreement and incorporated by reference herein.

### **Section 2.**

This appointment of the associate judge shall be for a term of two years, which shall expire on February 4, 2024.

### **Section 3.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

### **Section 4.**

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

**Section 5.**

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**PASSED AND APPROVED:**

**First Reading:** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**Final Reading:** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Chris Fletcher, Mayor

Attest:

\_\_\_\_\_  
Amanda Campos, City Secretary

(Seal)

Approved as to Form:

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney



Professional Services Agreement  
Associate Municipal Judge

The Agreement made and executed into this \_\_\_\_\_ day of May, 2022 by and between the City of Burleson, Texas, a Municipal Court of Record of the State of Texas, hereinafter referred to as "City" and Terri Wilson, the Associate Municipal Judge of the Burleson Municipal Court of Record hereinafter referred to as "Associate".

1. City does hereby agree to enter into an agreement with Terri Wilson for Municipal Court services beginning on \_\_\_\_\_ and continuing through midnight on February 4, 2024 at a contract rate of \$75 per hour, and a \$900 monthly stipend for on-call services.
2. Associate understands and agrees that Associate is an appointed contractor of City, the benefits, appeal and grievance provisions set forth in the City employment policies do not apply to appointed contractors, and Associate is not entitled to any benefits except as provided herein.
3. City will provide judge's robe. Additionally, City does hereby agree to budget and pay for professional memberships, subscription, and dues to state and local legal associations and organizations necessary and desirable for continued professional participation, growth, and advancement, and for the good of the City. Membership to include but not limited to the following:
  - Texas State Bar Association
  - Tarrant County Bar Association
  - Johnson County Bar Association
4. City does hereby agree to budget and to pay for the travel and subsistence expenses of Associate training, short courses, institutes and seminars that are necessary for professional development that directly relate to City municipal judicial duties. Applicable requested training and estimated expense must be authorized in advance for budgetary purposes.
5. The Associate shall perform all functions and duties required under the City Charter, city ordinances, and as delineated and defined in the City of Burleson Job Description and shall perform such other legally permissible and proper duties and functions as said position shall require.
6. The Associate shall keep the Presiding Municipal Judge and City Secretary informed of issues related to the Presiding Municipal Court and shall execute their performance in cooperation with the Presiding Municipal Judge to the extent such cooperation does not impair the necessity of

judicial independence and avoids the appearance of impropriety.

7. During this agreement, the Associate agrees to comply with all provisions of the code of Judicial Conduct, Section 30 of the Burleson City Charter, Chapter 26 of the Code of Ordinances of the City of Burleson, Section 30 of the Texas Government Code, and all other applicable laws pertaining to the operation of the Burleson Municipal Court of Record. In the event of a conflict between the terms of this Agreement and said Code, Charter, Statutes and laws, the terms of said Code, Charter, Statutes and laws shall govern.
8. The Associate shall not take on representation of a client adverse to the City. The Associate shall not represent a client in a case where an employee of the City in his capacity as an employee of the City is a witness or may be summoned to appear as a witness.
9. The Associate warrants they meet the minimum qualifications listed in Chapter 26 of the Code Ordinances of the City of Burleson.
10. The City Council may remove the Associate from office during their term pursuant to Section 30 of the City Charter and in accordance with the requirements of Chapter 30 of the Texas Government Code or its successor, as same may hereafter be amended.

In Witness Whereof, City has caused this agreement to be signed in its name by the Mayor of the City of Burleson and City corporate seal to be hereunto affixed and attested by its City Secretary, and the Associate has hereunto set their hand.

Signed:

\_\_\_\_\_  
Terri Wilson

\_\_\_\_\_  
Date

Signed:

\_\_\_\_\_  
Mayor

(Seal)

Attest:

\_\_\_\_\_  
City Secretary, Amanda Campos



## City of Burleson

### City Council

City Hall  
Council Chambers  
141 W. Renfro  
Burleson, TX 76028

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** Parks & Rec  
**DIRECTOR:** Jennifer Basham  
**DATE:** 05/02/2022

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#### SUBJECT

Consider approval of a contract with Steele & Freeman, Inc. for the purchase and installation of Bid Pack 1 of 2 (structural and architectural items), for the construction of a new Parks Maintenance building for guaranteed maximum price (GMP) of \$1,154,297. *(Staff Presenter: Jen Basham, Director of Parks and Recreation)*

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#### Attachments

Memo  
Staff Presentation  
GMP Item Summary Op. 2  
1295

#### Respectfully submitted:

Jen Basham, CPRE  
Director  
Parks and Recreation  
817-426-9201  
jbasham@burlesontx.com



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**DEPARTMENT MEMO**

**DEPARTMENT:** Parks and Recreation

**FROM:** Jen Basham, Parks and Recreation Director

**MEETING:** May 2, 2022

**SUBJECT:**

Consider approval of a contract with Steele & Freeman, Inc. for the purchase and installation of Bid Pack 1 of 2 (structural and architectural items), for the construction of a new Parks Maintenance building for guaranteed maximum price (GMP) of \$1,154, 297.00. (Staff Presenter: Jen Basham, Director of Parks and Recreation)

**SUMMARY:**

In October of 2021, City Council approved a contract for the design of a new Park service center building to be located within the campus of the City Service Center located at 725 SE John Jones Dr. The early conceptual budgets for this project estimated the cost of construction up to \$2.7M to be funded by multiple sources.

Through a request for proposals (RFP), the City solicited services for a construction manager at risk (CMAR) to provide a rough order of magnitude for minimum project needs and establish a GMP for total construction. The City received three responses from the RFP and selected the respondent with ideal experience, the lowest pre-construction fees, and the lowest construction-phase fees. Steele & Freeman, Inc. submitted the overall best value for this project as determined by the City.

Firm	Pre-construction Fee	Construction-phase Service Fees of Construction Budget
Hill & Wilkinson General Contractors	\$5,000.00	4.95%
Pete Durant & Associates, Inc.	\$5,000.00	5%
<b>Steele &amp; Freeman, Inc.</b>	<b>None</b>	<b>3.5%</b>

In the CMAR's budget development for rough order of magnitude, it was determined that total project for construction would be much higher than originally projected during concept phase. A new budget for construction was value engineered from \$4,888,194.00 to \$4,073,133.00 primarily by removing pavement and structure for the covered parking area originally proposed in the project. Although CMAR fees

only pertain to construction, it was also determined that an additional \$500,000.00 be should be budgeted for owner-furnished items such as data, security and furniture, fixtures, and equipment.

**OPTIONS:**

- 1) Approve a contract with Steele & Freeman, Inc. for the purchase and installation of Bid Pack 1 of 2 (structural and architectural items), for the construction of new Parks Maintenance building for a guaranteed maximum price of \$1,154, 297.00.
- 2) Deny approval of a contract with Steele & Freeman, Inc. for the purchase and installation of Bid Pack 1 of 2 (structural and architectural items), for the construction of a Parks Maintenance building for a guaranteed maximum price of \$1,154, 297.00.

**RECOMMENDATION:**

- 1) Staff recommends Option (1) approve a contract with Steele & Freeman, Inc. for the purchase and installation of Bid Pack 1 of 2 (structural and architectural items), for the construction of a new Parks Maintenance building for a guaranteed maximum price of \$1,154, 297.00.

**FISCAL IMPACT:**

Budgeted Y/N: Y

Fund Name: Non-bond Capital Projects

Full Account #s: 352-6020-456-72.98

Amount: \$1,154,297.00

Project: PK2201

**STAFF CONTACT:**

Jen Basham, CPRE  
Director  
Parks and Recreation  
jbasham@burlesontx.com  
817-426-9201

# Parks Building Construction Contract: Bid Pack 1 of 2

City Council Meeting  
May 2, 2022

Presented by Jen Basham, Director of Parks and Recreation

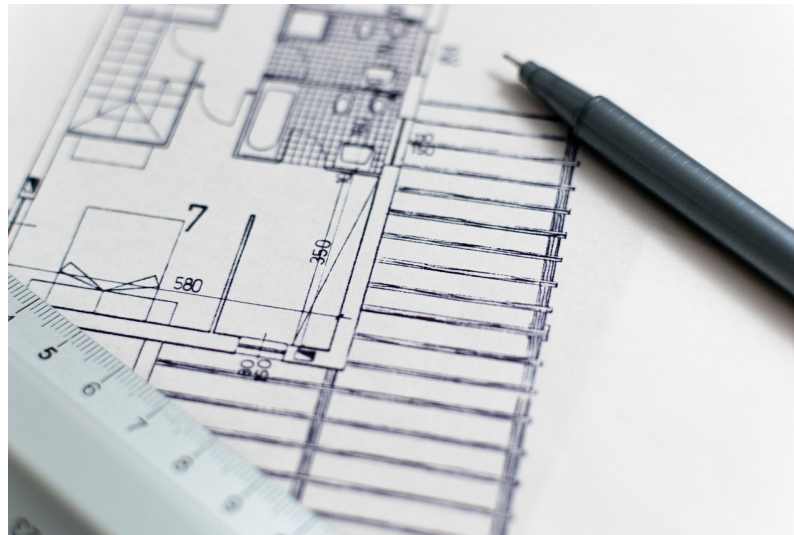


# Overview

- ① Background
- ② Budget and Funding
- ③ RFP for CMAR
- ④ Design and Programming
- ⑤ Value Engineering
- ⑥ Bid Pack Breakdown
- ⑦ Timeline Updates
- ⑧ Recommendations and Approval

# Background

- October 2022 - City Council approved design contract with Ron Hobbs Architects for new Parks Service Center building
- November 2022 - City issued Requests for Proposals for qualified construction firms to provide Construction Manager-At-Risk (CMAR) Services necessary for construction of Parks Service Center



# Total Project Funding Summary



Project Budget: \$4,500,000

Estimate Completion Date: January 2023

Funding: Sale of existing properties, Chesapeake Settlement and 4B

Funding Breakdown:

\$500,000 General Fund FY 2022

\$550,000 Chesapeake Settlement

\$190,000 Sale of Haskew Lot

\$900,000 Sale of Current Annex Facility

\$2,640,000-Total, transactions may be slightly reduced due to closing cost associate with transactions



# RFP for Construction Manager at Risk (CMAR) Services

Selection of the CMAR occurs early (preferably prior to 30% design) to ensure that the most appropriate materials are selected based off of price and availability, and provide you with a guaranteed max price for construction

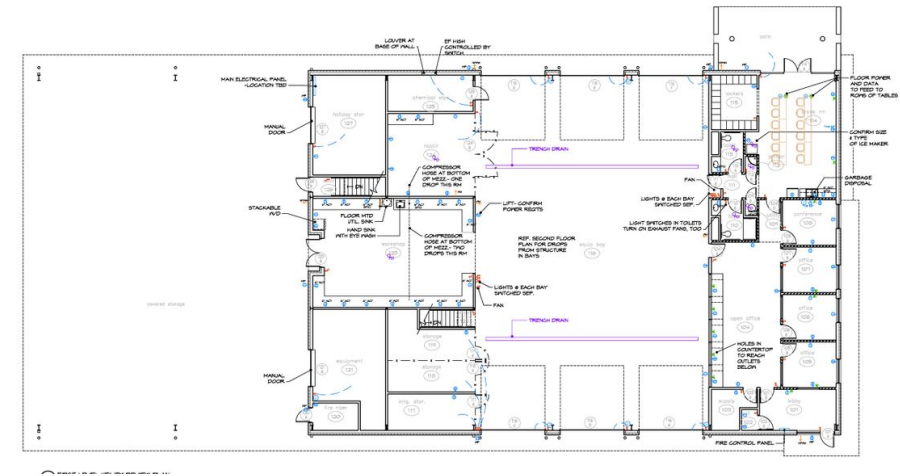
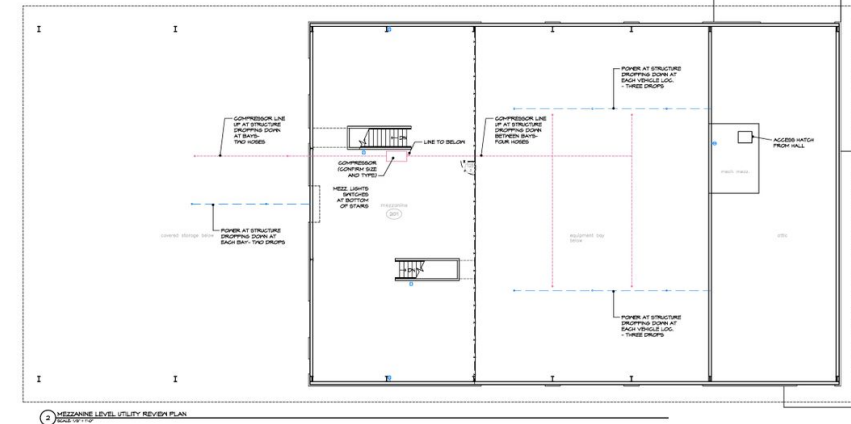
Firm	Pre-construction fee	Construction phase services fee of construction budget
Hill & Wilkinson General Contractors	\$5,000	4.95%
Pete Durant & Associates, Inc.	\$5,000	5%
<b>Steele &amp; Freeman, Inc.</b>	<b>None</b>	<b>3.5%</b>

Three firms responded to RFP for Parks Service Center building construction with Steele and Freeman, Inc. demonstrating overall best value for the project.

# Design and Programming

City staff began working with design firm and CMAR to refine design that meets current and future needs for Parks' operations

- Administrative space for managerial, training, meeting, human resource, and technological requirements
- Indoor warehouse storage and workshop needs with corresponding controls and environmental compliance
- Outdoor storage needs for equipment and supplies
- Paving requirements
- Fire code requirements
- Data requirements
- Security and safety requirements



# New Service Center - 725 SE John Jones Dr.

- 9,386 SF of building space (minus mezzanine)
  - 3 offices
  - 2 restrooms
  - Warehouse space
  - Workshop area
  - 3 indoor vehicle bays
  - Storage mezzanine (2,810 SF)
- Consolidates all service center and storage needs
- 41,888 SF of paving and landscape area

Existing annex is approximately 12,600 sq ft including the upstairs mezzanine





# Budget Reductions



Concept Budget Estimate: \$2,700,000

First OPCC at 60% design: \$4,888,194

- Removal of covered parking area - paving and metal roof
- Reduction of access pavement and drive areas
- Alternative mezzanine floor materials
- Wainscoting material - limestone to CMU

**Value Engineered Total: \$4,500,000**

\*Additional items still under review include the addition of a left turn lane into the service center, lift station, and detention

# Rendering



# Bid Packs

- Due to the timing required to get materials, this project has been split into 2 bid packs.
  - Bid pack 1 includes- structural and architectural elements
  - Bid pack 2 will include- electrical, plumbing, mechanical, civil, landscape, and any final design changes required to the site
  - FF&E, and network cabling will be owner furnished





# Bid Pack 1 of 2 (Items included in this bid pack)



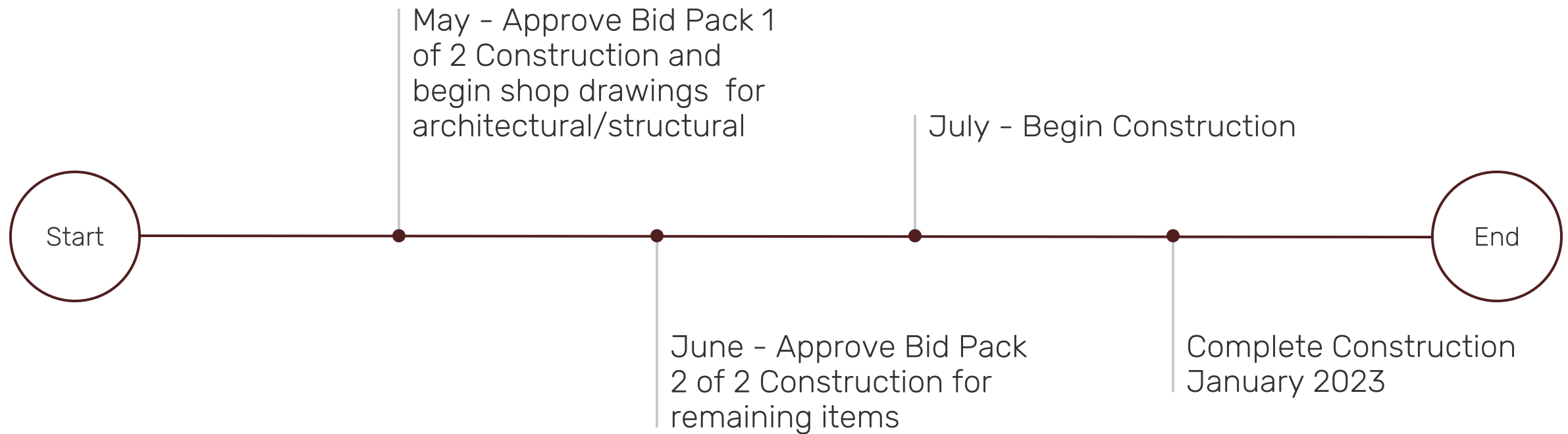
- Building fabrication and erection
  - 5-7 weeks-shop drawings
  - 8-10 weeks fabrication
  - 8-9 weeks erection
  - 26 total weeks
- Awarding to subcontractors
  - Alliance Steel
  - Warnick Metal Building
  - Branch Iron Works
  - Vaden's Drywall and Fabricating
- Total Award for Bid Pack 1- \$1,154,297

# Bid Pack 2 of 2 (future bid pack)



- Plumbing
- Mechanical
- Electrical
- Fire Protection
- Low Voltage
- Paving, landscape and site improvements

# Estimated Timeline





# Options

Staff recommendation



Approve contract with Steele & Freeman Inc. for Bid Pack 1 of 2 for Parks building construction for guaranteed maximum price of \$1,154,297.00



Deny approval of contract with Steele & Freeman Inc. for Bid Pack 1 of 2 for Parks building construction for guaranteed maximum price of \$1,154,297.00

OPTION #2 - BURLESON PARKS BUILDING PHASE 1 GMP - WITH COMBINATION SUBCONTRACTORS

Project: BURLESON PARKS

Architect: RON HOBBS

SFI Job No. 5210    Date:    4/21/2022

DESCRIPTION	QTY	TOTALS
TOTAL MATERIAL		\$12,196
TOTAL LABOR		\$15,732
LABOR BURDEN	38.00%	\$5,978
TOTAL SUBCONTRACT		\$800,227
SUB CONTRACTOR INSURANCE	1.50%	\$12,003
TOTAL OTHER		\$11,583
TOTAL EQUIPMENT RENTAL		\$52,338
SALES TAX (RENTAL ONLY)		\$4,318
CONTRACTOR CONTINGENCY	5.00%	\$57,715
INFLATION CONTINGENCY	1.00%	\$11,543
DESIGN CONTINGENCY (TBD)		\$0
GENERAL / EXCESS LIABILITY	0.52%	\$6,002
BUILDERS RISK	0.16%	\$1,847
PAYMENT & PERFORMANCE BONDS	1.24%	\$14,313
OVERHEAD FEE (* PRORATED AT 36% OF \$300,280)	PRORATED	\$108,101
CM FEE	3.50%	\$40,400
TOTAL		\$1,154,297

# of Months to Begin                      2.0 Mo

TOTAL SF	TOTAL \$	\$ / SF	
12,196			BUILDING AND SITE COMBINED
12,196			TOTAL BUILDING/STRUCTURE
9,386			ENCLOSED AREA
2,810			MEZZANINE

\* SCOPE BID WAS 36% OF WORK ESTIMATED TO BE SUBCONTRACTED

	\$12,196	\$15,732	\$800,227	\$11,583	\$52,338	\$4,318	\$896,394	
DESCRIPTION	MATERIAL	LABOR	SUBCONTRACTOR	OTHER	EQUIPMENT	TAX	TOTAL	% of TOTAL
BURLESON PARKS BLDG - PHASE 1	\$12,196	\$15,732	\$800,227	\$11,583	\$52,338	\$4,318	\$896,394	100.00%
BURLESON PARKS SITE	\$0	\$0	\$0	\$0	\$0	\$0	\$0.00	0.00%



STEELE & FREEMAN, INC.  
CONSTRUCTION MANAGERS

OPTION #2 - BURLESON PARKS BUILDING PHASE 1 GMP - WITH COMBINATION SUBCONTRACTORS

Project: BURLESON PARKS Architect: RON HOBBS SFI Job No. 5210 Date: 4/21/2022

Code	Description	Qty	Units	Unit. Mat.	Material	Unit Lab.	Labor	Unit Sub.	Sub	Unit Oth.	Other	Unit Eqp.	Equipment	Tax	Total	Comments
\$896,394																
					\$12,196		\$15,732		\$800,227		\$11,583		\$52,338		\$4,318	\$896,394
DIV 01	EXECUTION AND CLOSE-OUT REQUIREMENTS	ALL DIV 01 QTY'S PRORATED @ 36%				\$87,264										
01.1113.1	PUBLIC BID ADVERTISEMENT	0.36	EA		\$0.00		\$0.00		\$0	200.00	\$72.00		\$0.00	\$0.00	\$72	
01.1113.3	SWPPP FILING	0.36	EA		\$0.00		\$0.00		\$0	200.00	\$72.00		\$0.00	\$0.00	\$72	
01.2116	CONTINGENCY ALLOWANCE				\$0.00		\$0.00		\$0		\$0.00		\$0.00	\$0.00	\$0	
01.3526	AGC SAFETY FEES	146,710.80	V		\$0.00		\$0.00		\$0	0.0002	\$22.01		\$0.00	\$0.00	\$22	
01.4100.	PERMIT FEES (NO IMPACT FEES)	12,196.00	SF		\$0.00		\$0.00		\$0	0.70	\$8,537.20		\$0.00	\$0.00	\$8,537	
01.4516	QUALITY CONTROL		SF		\$0.00		\$0.00		\$0	1.50	\$0.00		\$0.00	\$0.00	\$0	
01.5113.	TEMPORARY POWER	3.60	MO		\$0.00		\$0.00		\$0	600.00	\$2,160.00		\$0.00	\$0.00	\$2,160	
01.5123.	START UP POWER		MO		\$0.00		\$0.00		\$0	0.00	\$0.00		\$0.00	\$0.00	\$0	
01.5123	TEMPORARY HEAT, COOLING & VENTILATION		MO		\$0.00		\$0.00		\$0	750.00	\$0.00		\$0.00	\$0.00	\$0	
01.5136.	TEMPORARY WATER	3.60	MO		\$0.00		\$0.00		\$0	200.00	\$720.00		\$0.00	\$0.00	\$720	
01.5219.	SANITARY FACILITIES	3.60	MO		\$0.00		\$0.00		\$0		\$0.00	1,650.00	\$5,940.00	\$490.05	\$6,430	
01.5416.	MISC. EQUIPMENT RENTAL	15.84	WKS		\$0.00		\$0.00		\$0		\$0.00	600.00	\$9,504.00	\$784.08	\$10,288	
01.5500.	TEMPORARY YARD, ROAD & MAINTAIN ACCESS		LS		\$0.00		\$0.00		\$0	6,000.00	\$0.00		\$0.00	\$0.00	\$0	
	SCAFFOLDING		SF		\$0.00		\$0.00		\$0		\$0.00	8.00	\$0.00	\$0.00	\$0	
01.5623.	BARRICADES, PROTECTION, FIRST AID & SAFETY	3.60	MO		\$0.00		\$0.00		\$0		\$0.00	300.00	\$1,080.00	\$89.10	\$1,169	
01.5626.	TEMPORARY FENCING, GATES & REMOVAL	216.00	LF		\$0.00		\$0.00		\$0		\$0.00	5.00	\$1,080.00	\$89.10	\$1,169	
01.5713.	EROSION CONTROL & MAINTENANCE	3.60	MO		\$0.00	150.00	\$540.00		\$0		\$0.00		\$0.00	\$0.00	\$540	
01.5733	TEMPORARY SECURITY	3.60	MO		\$0.00		\$0.00		\$0		\$0.00	1,500.00	\$5,400.00	\$445.50	\$5,846	
01.5813.	PROJECT SIGN & SAFETY SIGNAGE	1.00	LS		\$0.00		\$0.00		\$0		\$0.00	750.00	\$750.00	\$61.88	\$812	
01.6600	STORAGE TRAILERS	3.60	MO		\$0.00		\$0.00		\$0		\$0.00	200.00	\$720.00	\$59.40	\$779	
01.7123.	FIELD ENGINEERING & LAYOUT	72.00	HR		\$0.00	35.00	\$2,520.00		\$0		\$0.00	15.00	\$1,080.00	\$89.10	\$3,689	
01.7400.	GENERAL CLEANUP	15.84	WKS		\$0.00	800.00	\$12,672.00		\$0		\$0.00	600.00	\$9,504.00	\$784.08	\$22,960	
01.7400.	FINAL CLEANUP	4,390.56	SF		\$0.00		\$0.00	0.75	\$3,293		\$0.00		\$0.00	\$0.00	\$3,293	
01.7419.	DUMPSTER	28.80	EA		\$0.00		\$0.00		\$0		\$0.00	600.00	\$17,280.00	\$1,425.60	\$18,706	
Div. 02	EXISTING CONDITIONS	\$0														
Div. 03	CONCRETE	\$0														
Div. 04	MASONRY	\$0														
Div. 05	METALS	\$108,028														
05.1000.	MEZZANINE STRUCTURE / STAIRS / ANCHOR BOLTS	1	LS		\$0.00		\$0.00	83,636.00	\$83,636		\$0.00		\$0.00	\$0.00	\$83,636	BRANCH IRON WORKS
05.1000.	18 GA. B DECK		LS		\$0.00		\$0.00		\$0		\$0.00		\$0.00	\$0.00	\$0	INCLUDED WITH BIW





STEELE & FREEMAN, INC.  
CONSTRUCTION MANAGERS

OPTION #2 - BURLESON PARKS BUILDING PHASE 1 GMP - WITH COMBINATION SUBCONTRACTORS

Project: BURLESON PARKS Architect: RON HOBBS SFI Job No. 5210 Date: 4/21/2022

Code	Description	Qty	Units	Unit. Mat.	Material	Unit Lab.	Labor	Unit Sub.	Sub	Unit Oth.	Other	Unit Eqp.	Equipment	Tax	Total	Comments
\$896,394																
	STAIRS AND RAILINGS		VLF		\$0.00		\$0.00		\$0		\$0.00		\$0.00	\$0.00	\$0	INCLUDED WITH BIW
05.1000.	MISC. STEEL	12,196	SF	1.00	\$12,196.00		\$0.00	1.00	\$12,196		\$0.00		\$0.00	\$0.00	\$24,392	SFI
Div. 06	WOODS, PLASTICS, & COMPOSITES															\$0
Div. 07	THERMAL AND MOISTURE PROTECTION															\$0
07.1000.	PEMB ROOF INSULATION				\$0.00		\$0.00		\$0		\$0.00		\$0.00	\$0.00	\$0	W/ALLIANCE
07.4213.	HORIZONTAL METAL SIDING - BERRIGE OR EQUAL				\$0.00		\$0.00		\$0		\$0.00		\$0.00	\$0.00	\$0	W/ALLIANCE
08 - OPENINGS																\$0
09 - FINISHES																\$255,750
	DRYWALL & ACCOUSTICAL				\$0.00		\$0.00		\$0		\$0.00		\$0.00	\$0.00	\$0	
	LIGHT GAUGE STUDS AND SHEATHING & BLOCKING	1	LS		\$0.00		\$0.00	119,222.00	\$119,222		\$0.00		\$0.00	\$0.00	\$119,222	VADEN'S
	Finish Out of Remaining Spaces (Insulation/drywall/ ceilings)	1	LS		\$0.00		\$0.00	37,875.00	\$37,875		\$0.00		\$0.00	\$0.00	\$37,875	VADEN'S
	MISC. FINALIZATION OF DETAILS	1	LS		\$0.00		\$0.00	10,000.00	\$10,000		\$0.00		\$0.00	\$0.00	\$10,000	SFI
	MEZZANINES															
	MEZZANINE FRAMING (LIGHT GAUGE )	1	LS		\$0.00		\$0.00	36,864.00	\$36,864		\$0.00		\$0.00	\$0.00	\$36,864	VADEN'S
	MEZZANINE RESIN DECK & MECH. WOOD DECK	1	LS		\$0.00		\$0.00	23,041.00	\$23,041		\$0.00		\$0.00	\$0.00	\$23,041	VADEN'S
	MEZZANINE TYPE B 20 GAUGE DECK	1	LS		\$0.00		\$0.00	28,748.00	\$28,748		\$0.00		\$0.00	\$0.00	\$28,748	VADEN'S
10 - SPECIALTIES																\$0
11 - EQUIPMENT																\$0
12 - FURNISHINGS																\$0
13 - SPECIAL CONSTRUCTION																\$445,352
	PEMB - TURN-KEY	1	LS		\$0.00		\$0.00		\$0		\$0.00		\$0.00	\$0.00	\$0	
	PEMB - FABRICATION	1	LS		\$0.00		\$0.00	329,051.00	\$329,051		\$0.00		\$0.00	\$0.00	\$329,051	ALLIANCE STEEL
	PEMB - ROOF INSULATION		LS		\$0.00		\$0.00		\$0		\$0.00		\$0.00	\$0.00	\$0	INCLUDED ABOVE
	PEMB - METAL WALL PANELS		LS		\$0.00		\$0.00		\$0		\$0.00		\$0.00	\$0.00	\$0	INCLUDED ABOVE
	PEMB - ERECTION	1	LS		\$0.00		\$0.00	106,301.00	\$106,301		\$0.00		\$0.00	\$0.00	\$106,301	INCLUDED ABOVE
	PEMB FINALIZATION OF FAB & ERECTION DETAILS	1	LS		\$0.00		\$0.00	10,000.00	\$10,000		\$0.00		\$0.00	\$0.00	\$10,000	SFI
21 - FIRE SUPPRESSION SYSTEM																\$0



## Project: BURLESON PARKS

**Architect: RON HOBBS**

**SFI Job No. 5210****Date:**

**4/21/2022**

PAGE #3 OF #3

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:  
2021-826182

Date Filed:  
11/22/2021

Date Acknowledged:

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

Steele & Freeman, Inc.  
Fort Worth, TX United States

**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**

City of Burleson

**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**

CMAR RFP 2022-002  
Burleson Parks Building

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Steele & Freeman, Inc.	Fort Worth, TX United States	X	

**5 Check only if there is NO Interested Party.**

☐

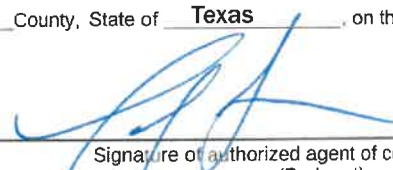
**6 UNSWORN DECLARATION**

My name is Michael D. Freeman, and my date of birth is [REDACTED]

My address is 1301 Lawson Road, Fort Worth, TX, 76131, USA.  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Tarrant County, State of Texas, on the 23 day of November, 2021.  
(month) (year)

  
Signature of authorized agent of contracting business entity  
(Declarant)





## City of Burleson

### City Council

City Hall  
Council Chambers  
141 W. Renfro  
Burleson, TX 76028

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** Parks & Rec  
**DIRECTOR:** Jen Basham  
**DATE:** 05/02/2022

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#### SUBJECT

Receive a report, hold a discussion, and provide staff direction regarding proposed modifications to the park land dedication fee structure and ordinance. *(Staff Presenter: Jen Basham, Parks and Recreation Director)*

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#### Attachments

Department Memo  
Staff Presentation

#### Respectfully submitted:

Jen Basham, CPRE  
Director- Parks and Recreation  
City of Burleson  
jbasham@burlesontx.com.  
817-426-9201

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DEPARTMENT MEMO

DEPARTMENT: Parks and Recreation

FROM: Jen Basham

MEETING: May 2, 2022

SUBJECT:

Receive a report, hold a discussion, and provide staff direction regarding proposed modifications to the park land dedication fee structure and ordinance. (Staff presenter: Jen Basham, Parks and Recreation Director).

SUMMARY:

In 2008 the City of Burleson began collecting fees and land for the development of the park system. Dedication requirements were created to off set the impact residential development has on the city's level of service for parks. A fee in lieu could be collected if a developer did not have suitable land to dedicate. A development fee was also created to contribute to the cost for building a standard neighborhood park.

The City's current level of service requires one acre for every 100 dwelling units for a development. A fee in lieu of \$300 per dwelling unit and a development fee of \$300 per dwelling unit.

Staff has revised the calculations based off Burleson's current level of service of parks as well as the increased demand on our system from new developments. These calculations are based on creating an equitable proportion of cost to the toll of a development Using census data to understand the average amount of people per household for single and multi-family new formulas have been created to develop appropriate fee's.

The proposed formulas are as follows:

Land Dedication Requirements:

Establish a baseline level of service

- Population/acreage of applicable parks= level of service
- $47,641/191.87=1$  acre per 248 residents

Establish land dedication requirement for development type

- Acreage per resident/census density value= acre per number of unit type
- Single family
  - $248/2.6 = 95$  (1 acre per 95 dwelling units)
- Multi-Family
  - $248/2.26 = 109$  (1 acre per 109 dwelling units)

Fee in Lieu:

Determine value per square foot to acquire parkland

- \$1 per sq ft= \$43,560 per acre

Identify unit level price per development type

- Single acre price/unit count per acre dedication requirement
- Single family
  - $\$43,560/95 = \$458.53$  fee in lieu per dwelling unit
- Multi-family
  - $\$43,560/109 = \$399.63$  fee in lieu per dwelling unit

Par Development Fee:

Establish cost to develop applicable parks

- \$1,000,000-includes playground, loop trail, amenities package, athletic field, sports court, design and construction fees

Determine number of people served per park

- Population/number of applicable parks
- $47,641/15 = 3,176$

Determine cost per person to develop a park

- $\$1,000,000/3,176 = \$314.86$

Determine cost per development type

- Census density value \* cost per person to develop a park
- Single Family
  - $\$314.86 * 2.6 = \$818.64$  park development fee per dwelling unit
- Multi-Family
  - $\$314.86 * 2.26 = \$711.58$  park development fee per dwelling unit

Total Fee Recommendation

Add fee components together

- Fee in lieu + park development fee= total fee per development type per unit



- Single Family
  - \$458.53 fee in lieu + \$818.64 park development fee= \$1,134.43 per dwelling unit (rounded to \$1,133)
- Multi-Family
  - \$4399.63 fee in lieu + \$711.58 park development fee= \$1,111.21 per dwelling unit (rounded to \$1,110)

**OPTIONS FOR DESIGN:**

- 1) Recommend as presented
- 2) Recommend with changes
- 3) Maintain current fee structure

**RECOMMENDATION:**

Staff recommends proceeding with the proposed parkland dedication and development requirements as presented.

Park Board met on March 31, 2022 and unanimously supported the fee's as presented.

**FISCAL IMPACT: TBD**

**STAFF CONTACT:**

Jen Basham  
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An aerial night photograph of a park. A multi-lane road runs vertically through the center. To the right of the road is a large green soccer field, a running track with red and blue lanes, and several red tennis courts. To the left of the road is a parking lot with many cars and some buildings. The surrounding area is filled with trees with autumn foliage in shades of orange, yellow, and red. A semi-transparent dark rectangle is overlaid on the left side of the image, containing the title and event information.

# Parkland Dedication

City Council- May 2, 2022

Staff Presenter: Jen Basham, Director- Parks and Recreation





Parkland Dedication and Development Fees?

What are they and why  
do we charge them?



# WHAT ARE PARKLAND DEDICATION FEES AND REQUIREMENTS?

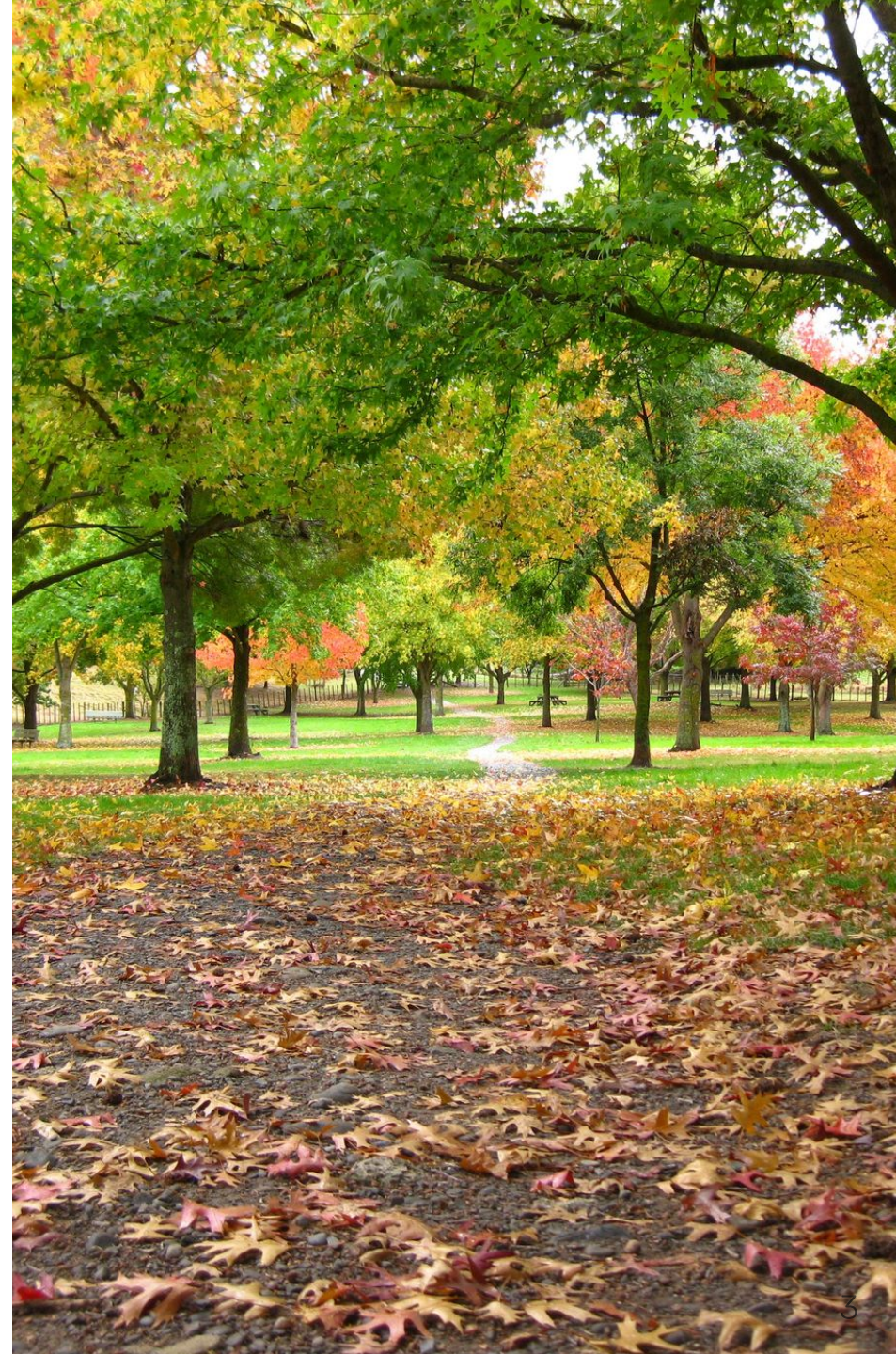
- Parkland Dedication: Offset the impact residential development has on the city's level of service for parks
- Fee-in-lieu of dedication: Allow home builders to provide a cash payment for the value of required parkland dedication in lieu of dedicating land

**Developer will choose to dedicate land or pay fee in lieu**

- Park development fee: Contributes to the cost of building a standard neighborhood park

**Developer will always be required to pay development fee**

Current dedication and fees adopted in 2008





# Helps Burleson Parks Keep up with Growth



- The parkland fees and dedication requirements ensure that as the City grows the parks system is maintained and expanded to maintain the current level of service
- As developers bring in new residents, they are responsible for the impact on the park system and the growing demand

# Rough Proportionality

## NOLLAN v. CALIFORNIA COASTAL COMMISSION (1987)

PRIVATE PROPERTY

### DIRECTIONS

Read the Case Background and Key Question. Then analyze the Documents provided. Finally, answer the Key Question in a well-organized essay that incorporates your interpretations

### Case Background

Concerned about increasing development along the California shoreline, the California Coastal Commission sought to protect public views of the beaches. James and Marilyn Nollan wished to replace a small (521-square-foot) beachfront bungalow with a 1,674-square-foot home. The much larger house would block public view of the beach from the street. Property use restrictions required that, before a property owner could receive a permit for new construction, s/he must agree to allow the public permanent use of the beach through an easement on the property. The easement would have allowed beach-goers to pass over a strip of land on Nollan's private beach in

- Requires that land donation/fee must be proportionate to the toll of the development
- Nollan-Dolan Limits  
Two supreme court cases that set limits on governments' ability to impair property interests with land use regulations
- Parkland dedication cannot be used to make up for former oversight, must be made based on current service level



# Standard amenities for a neighborhood park



# Standard amenities

Occur in more than 50% of neighborhood parks

- Play equipment
- Picnic Tables
- Benches
- Pavilion or shelter
- Parking lot
- Landscaping
- Natural Turf
- Irrigation
- Trail or sidewalk
- Lighting
- Monument Sign
- Park Rules Sign
- Grills
- Trash and Pet Waste Receptacles
- Flag pole and Flag
- Drinking Fountain



# Current Level of Service and Fees





# Current Fees

- Current Fee In Lieu: \$300 per dwelling unit. Under the city's ordinance, if the required land dedication is less than 3 acres, or if it does not meet the minimum standards for dedication, a fee-in-lieu of dedication may be required
- Development Fee: \$300 per dwelling unit, does not currently breakdown between single family, multi-family or hotel/motel
- This equates to \$30,000 in value per acre

# Proposed Changes





## FORMULA

# Dedication Requirements

- Establish baseline level of service  
(population/acreage of applicable parks= level of service)  
 $47,641/191.87=1$  acre per 248 residents
- Establish land dedication requirement for development type
  - Baseline LOS/census density value= dedication requirement by unit type
  - Single Family  $248 \text{ (LOS)}/2.6 \text{ (Census Density Value)}=95$  du per acre
  - Multi-Family-  $248 \text{ (LOS)}/2.26 \text{ (Census Density Value)}=109$  du per acre



## FORMULA

# Fee in Lieu

- Fee in lieu

- Determine value per square foot to acquire parkland
- \$1 per square foot-\$43,560 per acre
- Identify unit level price per development type
- \$43,560/unit count per acre dedication requirement

- Single Family

- \$43,560/95=\$458 fee in lieu per du

- Multi-Family

- \$43,560/109= \$399 fee in lieu per du

# Development Fee

- Development Fee Formula

Establish cost to develop applicable parks

\$1,000,000 for a typical neighborhood park

Determine number of people served per park

population/number of applicable parks (15 applicable parks in current inventory)

$47,641/15=3,176$

Determine cost per person to develop a park

Cost to develop a neighborhood park/number of people per park

$\$1,000,000$  (cost to develop a park)/  $3,176$  (number of people served)=\$ $314.86$  (cost per person to develop)

Determine cost per development type

Census density value\*cost per person to develop a park

- Single Family

- $\$314.86$  (cost per person to develop a park) \* $2.6$  (census density)= \$ $818$  per du

- Multi-Family

- $\$314.86$  (cost per person to develop a park)\* $2.26$  (census density)= \$ $711$  per du



# Total Fee Recommendation

- Add fee components together
  - Fee in lieu + park development fee = total fee per development type
- Single Family
  - \$458 (fee in lieu)+ \$818 (development fee)=\$1,276 per du
- Multi-Family
  - \$399 (fee in lieu) + \$711 (development fee) =\$1,110 per du

Fee in lieu is only applicable if land is not dedicated



# Example Calculation- using a 10 acre parcel

Zoning	Dwelling units allowed per acre	Fee in Lieu (DU*Fee in Lieu)	Development Fee (DU*Development fee)	Total fee with proposed calculations
SF-7	4.25	\$19,465.0	\$34,765	\$54,230.00
MF-1	12	\$47,880	\$85,320	\$133,200
MF-2	24	\$95,760	\$170,640	\$266,400

Zoning	Dwelling units allowed per acre	Fee in Lieu (\$300 per du)	Development Fee (\$300 per du)	Total fee with existing dedication calculations
SF-7	4	\$12,750	\$12,750	\$25,500
MF-1	12	\$36,000	\$36,000	\$72,000
MF-2	24	\$72,000	\$72,000	\$144,000



What are other cities doing?

# Parkland Dedication across our region

- Fees and calculations vary greatly from community to community  
Ranging from \$350 with no development fee to \$6,339.54 per dwelling unit
- Each city must create their fee to be roughly proportionate to the impact of the development
- Burleson's current dedication and development requirements are near the lowest of the benchmarked communities





# Benchmarks

	Dedication	Fee in Lieu	Development Fee
Burleson (Current)	1 acre per 100 du	\$300 per du	\$300 per du
Burleson (Proposed)	1 acre per 109 du multi-family, 1 acre per 95 du single family	\$458 per du single family, \$399 per du multi-family	\$825 per du single family, \$500 per du multi-family, \$550 per room hot/mot
Lewisville	.03 acres per du	area of land x fair market value	1,100 x du= dollars to be paid
Wylie	5 acres per 100 du	per acre price	Five (5) or more single-family dwelling units per acre \$1,500.00 per lot. Three (3) or four (4) single-family dwelling units per acre \$2,000.00 per lot. One (1) or two (2) single-family dwelling units per acre \$3,000.00 per lot. Multi-family (apartment) dwelling units \$800 per dwelling units
Highland Village	1 acre per 100 du	\$350 per du	No development fee
McKinney	1 acre per 50 du	Fair market value	No development fee
Denton	Based on zone 1 acre per 67.75-108.65 du	Fair market x amount of land required	Based on zone \$2,557.2-\$5,242.2 per du
Flower Mound	3.3 per du/ single family 2.78 per du/multi-family and 2.4 per du/age restricted	\$1,388 per du Fair market value x amount of land required to dedicate	\$1,388 per unit
Fort Worth	(3.25 acres x (no of DU X person/unit))/1,000= acres to be dedicated	Fair market value less a credit for the value of land actually dedicated	acres to be dedicated x per acre development fee rate= development fee
Mansfield	1 acre per 93.1 du	\$1,000 per du single family \$1,250 multi-family	\$1,900 per du single family, \$2,375 per du multi-family

# Credits towards fees



# Credits

- Development credits for additional parkland dedication, HOA maintained parks or preservation of trees
  - If a developer chooses to dedicate more than the required land they would receive credit toward the parkland dedication fee
  - If a developer develops a park within the development, requires the HOA to maintain the park, and the park remains open to the public, a credit towards the parkland dedication and development fee would be given
  - If a developer chooses to selectively preserve trees for the development, trees preserved that meet the minimum preservation requirements would result in a credit towards the parkland dedication and development fees





# Additional information regarding credits



- H0A Maintained Parks
  - Park would be required to be open to the public
  - Park improvements approved, inspected and accepted by Director or designee
  - Would receive a credit of 50% towards dedication and development fees
- Reduction in fee if preserve 2 trees per DU
  - Min caliber inch of 6 inches
  - Approved tree type
  - Tree survey with preserved trees identified
  - Would receive a credit of 50% towards dedication and development fees

# Park Board Comments

- Recommended to review and update the fees in conjunction with the parks master plan updates
- Unanimously recommended the new fee structure
  - Requested that the tree credit change from 75% preservation of trees that meet requirements to a more equitable calculation that wouldn't be impacted by development type. Staff proposes 2 trees per du







# OPTIONS

- OPTION A: Adopt new dedication requirements and fees as presented
- OPTION B: Continue with current dedication requirements and fees
- OPTION C: Adopt new dedication requirements and fees with changes
- OPTION D: Request new fee structure