

## Memorandum

To: Honorable Mayor Shetter and members of the Burleson City Council

From: Shai Roos, AICP Director of Community and Economic Development

Date: January 5, 2009

Subject: Public Hearing and consideration of Ordinance D-095-08 for a specific use permit (SUP) for Joshua Baptist Church, located within single family 7 (SF7) zoning district on a portion of Abstract No. 178 and a portion of Abstract No. 179, H.G.Catlett Survey, Johnson County, Texas along the north side of Wilshire Boulevard between Lakewood Drive and Wicker Hill Road. (Case No. 08-132)

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### **Council Action Requested:**

1. Conduct a public hearing
2. Approve or deny a request for a specific use permit (SUP) by Ordinance D-095-08 for Joshua Baptist Church, located within single family 7 (SF7) zoning district on a portion of Abstract No. 178 and a portion of Abstract No. 179, H.G.Catlett Survey, Johnson County, Texas along the north side of Wilshire Boulevard between Lakewood Drive and Wicker Hill Road.(Case No. 08-132)

### **Background Information:**

#### Planning and Zoning Commission Recommendation

The Planning and Zoning Commission recommended approval with a vote of 3: 2 with Commissioners Norwood and Lewis opposing at their public hearing on October 21, 2008.

The Commissioners opposing the request did not approve of placing an 8 foot screening berm between the residential lots and the church. In response to this, the applicant has agreed to install a two foot berm and a 6 foot live screen made of evergreen shrubs in lieu of the originally proposed 8 foot tall berm. Additionally the applicant has agreed that the shrubs will be planted at minimum 5 gallon and will be of a species that will create a dense 6 feet tall screen within two growing seasons from the time of planting.

### Proposed Development

First Baptist Church of Joshua (FBC Joshua) is the owner of this 31.213 acre tract near the Wilshire- Lakewood intersection. The owner requests an SUP Specific Use Permit to construct a church. The preliminary plat, final plat, and commercial site plan for this property have been submitted in conjunction with this request.

The site is vacant except for a gas well pad constructed on the northeast portion of the property. The site is zoned (SF7) Single Family 7. Construction of a religious institution within a SF7 zoning district requires an SUP. The site is abutted by existing single family development to the west and future retail uses to the north and south.

The parcel proposed for development is located within an area designated as a commercial node at Lakewood and Wilshire on the Future Land Use Plan. Wilshire Boulevard is classified as principal arterial, Lakewood Drive as a minor arterial and Wicker Hill Road as a major collector.

### Development Information

- **Structure:** The FBC Joshua intends to build a 34,000 square feet masonry structure for its main sanctuary on the undeveloped portion of the site. Room for future expansion is provided. Two metal buildings about 1,536 square feet each currently existing on site are to be retained. The metal buildings accommodate church offices and will be removed when future expansion occurs.
- **Access:** The property has frontage and access on Wilshire Boulevard. A TXDOT permit for access is being processed. The SUP provides flexibility to modify the access location when TXDOT permit is finalized.
- **Screening:** Transitional screening is proposed to separate residential uses from the church and will consist of 8 foot high screening consisting of a two foot berm and 6 foot shrubs at full growth. The shrubs will be planted at minimum 5 gallon and will be of a species that will create a dense 6 feet tall screen within two

growing seasons from the time of planting.

- **Landscaping:** The landscape requirement for this site is being met according to the City's landscape ordinance.
- **Additional regulations:** Planning and Zoning Commission and the City Council may add special conditions or requirements of the development in order to approve the request.
- **Next Steps:** A commercial site plan has been submitted and is being reviewed by city staff in order to ensure that building construction, parking, landscaping, utility connections and other site considerations are in accordance with City of Burleson regulations.

#### Public Notification

Staff mailed notices to all property owners within 200' of the zoning change. Notice was published in the *Burleson Star* as required by state law and the zoning ordinance. Two informational requests were received. Staff has met with the neighbors and the Church regarding the transitional screen between the church and the residential properties. As of December 11, 2008 staff believes that the requirement in this AIP and the attached ordinance is acceptable to all parties.

#### **Board Citizen Input:**

A public hearing was held on October 21, 2008. One neighbor spoke against this item at the public hearing. Renotification of this case was sent out before the December 11, 2008 council meeting and this January 5<sup>th</sup>, 2009 public hearing.

Staff received signatures of residents regarding this case. It is the staff's understanding that these signatures were against an 8 foot berm originally proposed between the residential lots and the church. In response to this the applicant has agreed to install a two foot berm and a 6 foot live screen made of evergreen shrubs in lieu of the originally proposed 8 foot tall berm. Additionally the applicant has agreed that the shrubs will be

planted at minimum 5 gallon and will be of a species that will create a dense 6 feet tall screen within two growing seasons from the time of planting.

**Financial Considerations:**

There is no expenditure of municipal funds associated with this item.

**Attachments:**

1. Location/ Aerial Map
2. Zoning Map
3. Zoning Exhibit and Concept Plan
4. Conceptual Elevations
5. Draft Zoning Ordinance

**Staff Contact:**

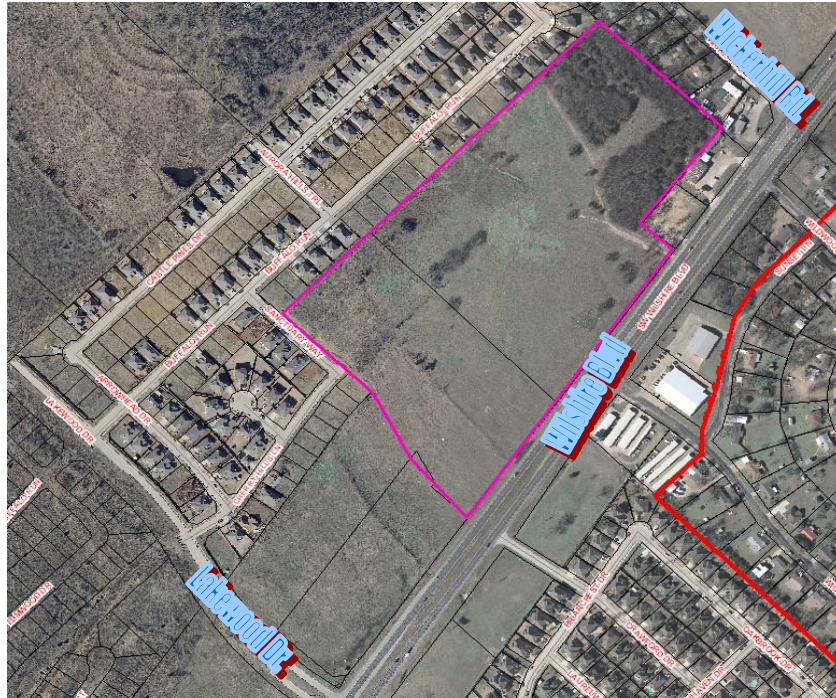
Shai Roos, AICP

Director of Community and Economic Development

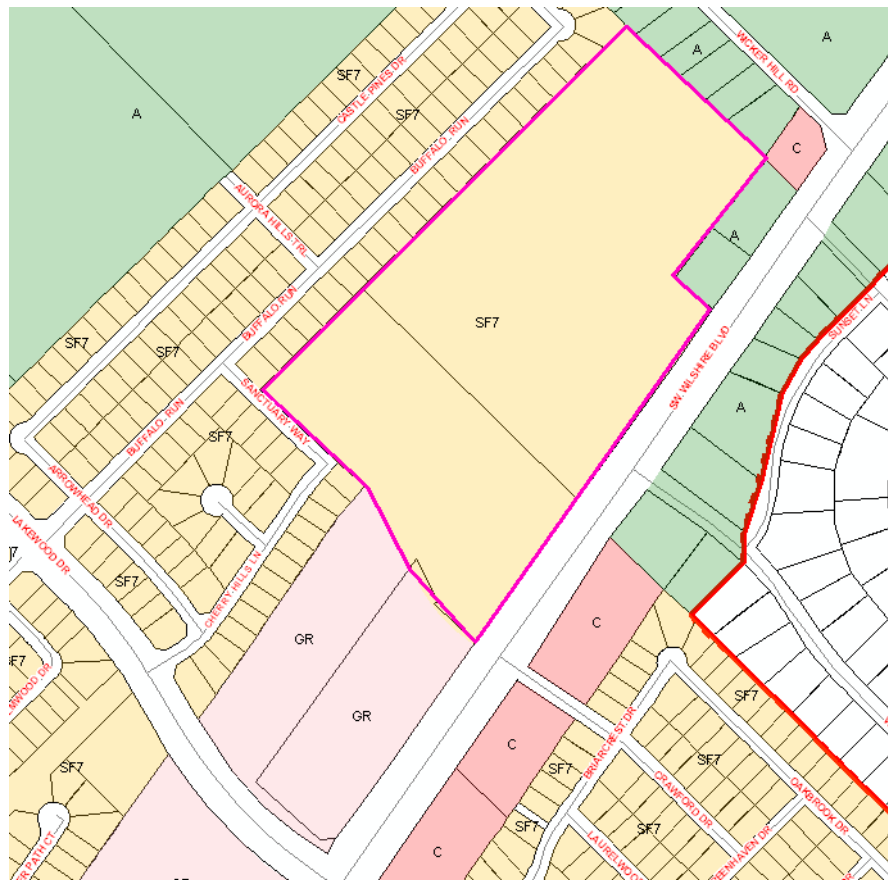
817-447- 5400 ext. 238

sroos@ burlesontx.com

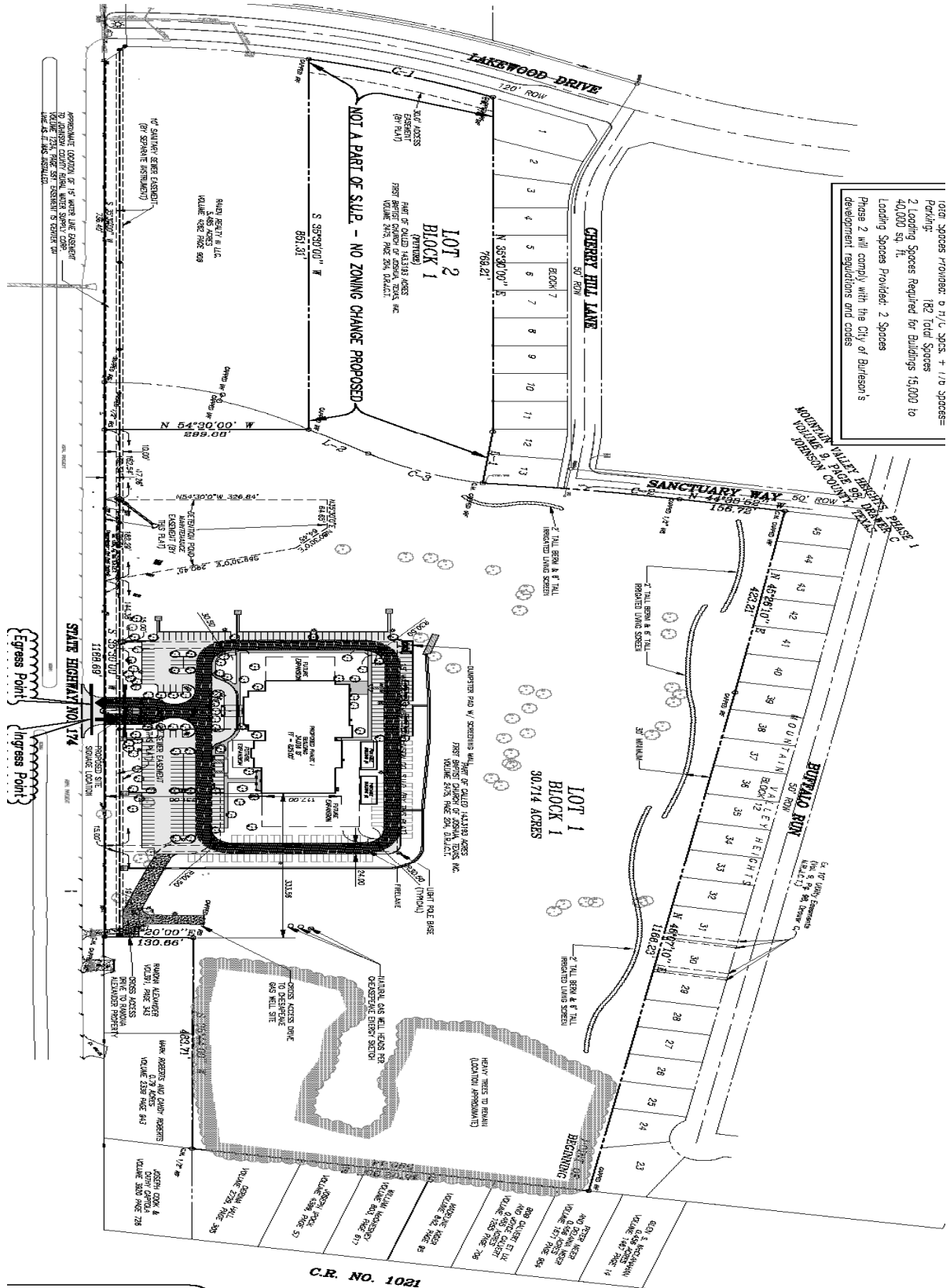
### Attachment 1. Location / Aerial Map



### Attachment 2. Zoning Map



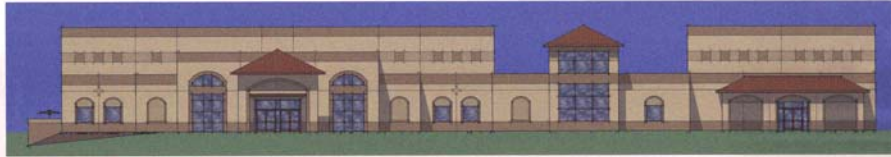
Attachment 3: Zoning Exhibit and Concept Plan



1000 spaces provided to 1/10 spaces =  
 Parking: 182 Total Spaces  
 2 Loading Spaces Required for Buildings 15,000 to 40,000 sq. ft.  
 Loading Spaces Provided: 2 Spaces  
 Phase 2 will comply with the City of Burlington's development regulations and codes.

C.R. NO. 1021

Attachment 4: Conceptual Elevations



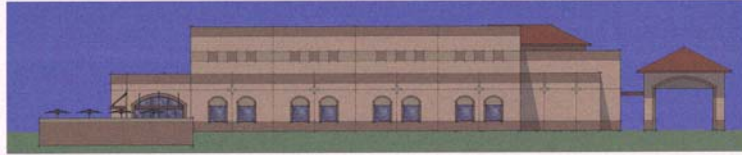
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

**BGW KODIAK**  
A DESIGN AND CONSTRUCTION PARTNERSHIP

New Worship Facilities  
FIRST BAPTIST CHURCH - JOSHUA

10/1/2008

Elevations 1 of 1

Attachment 5: Draft Ordinance  
ORDINANCE D-095-08

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AUTHORIZING A SPECIFIC USE PERMIT FOR RELIGIOUS INSTITUTION ON LOT 1, BLOCK 1, FIRST BAPTIST CHURCH JOSHUA ADDITION, OUT OF THE H.G. CATLETT SURVEY ABSTRACT NO. 178 AND 179, JOHNSON COUNTY, TEXAS; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a zoning change was filed by First Baptist Church of Joshua on September 4, 2008, under Case Number 08-132;

WHEREAS, the Zoning Ordinance B-582 approved by the City Council, that requires a specific use permit for religious institutions within the single family 7 district ;

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

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.

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 located in Burleson, Texas, as shown on the Recorded Plat attached as Exhibit A and described as Lot 1, Block 1, First Baptist Church Joshua Addition, City of Burleson, Johnson County, and by metes and bounds as attached as Exhibit B; by authorizing a Specific Use Permit for religious institution, subject to the following conditions:

- a. This property shall be subject to all the regulations contained within the City of Burleson Code of Ordinances, except where amended by this Ordinance.
- b. The development on this site shall be consistent with the site plan drawing attached as Exhibit A.
- c. The built structure shall be a 34,000 square feet masonry structure for its main sanctuary on the undeveloped portion of the site. Future expansion as shown on the attached exhibit A shall be allowed as a part of this SUP. Two metal buildings about 1,536 square feet each currently existing on site may be retained. The metal buildings shall be removed when future expansion occurs.
- d. The property shall have access on Wilshire Boulevard contingent to a TXDOT permit approval.
- e. Transitional screening shall separate residential uses from the church and consist of 8 foot high live screening consisting of a two foot berm and 6 foot shrubs at full growth. The shrubs will be planted at minimum 5 gallon and will be of a species that will create a dense 6 feet tall screen within two growing seasons from the time of planting.
- f. The landscape requirement for this site must be met according to the City's landscape ordinance.

- g. All landscaping including the transitional screening will be maintained and irrigated as per the requirements of the City's landscape ordinance.

SECTION 2  
CUMULATIVE CLAUSE

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

SECTION 3  
SEVERABILITY CLAUSE

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

SECTION 4  
PENALTY CLAUSE

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in V.T.C.A. 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 5  
EFFECTIVE DATE

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

PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_ 2009

\_\_\_\_\_  
MAYOR

ATTEST:

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

First Reading: \_\_\_\_\_



EXHIBIT B  
Metes and Bounds Description

BEING part of a 143.3193 acre tract as conveyed to the First Baptist Church of Joshua, Texas, Inc. as recorded in Volume 2475, Page 204, Deed Records of Johnson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a capped iron rod found for the most easterly northeast corner of Mountain Valley Heights, Phase 1, an addition to the City of Burleson, Johnson County, Texas, according to the plat thereof recorded in Volume 9, Page 98 of the plat Records of Johnson County, Texas, said iron rod being in the northeast line of said 143.3193 acre tract;

THENCE South 45°02'30" East, a distance of 590.44' to a 1/2" iron rod found for corner;

THENCE South 35°44'00" West, a distance of 483.71' to a 1/2" iron rod set for corner;

THENCE South 53°20'00" East a distance of 130.66' to a capped iron rod found for corner in the northwest right-of-way line of State Highway No. 174 (a variable width right-of-way);

THENCE South 35°30'00" West following the northwest right-of-way line of State Highway No. 174 a distance of 1168.69' to a capped 1/2" iron rod set for corner;

THENCE North 54°30'00" West, departing said State Highway 174 right-of-way, a distance of 299.88' to a capped 1/2" iron rod found for corner, said iron rod being the most northerly northwest corner of a called 5.485 acre tract conveyed to Raven Realty III L.L.C. as recorded in Volume 4262, Page 908, D.R.J.C.T.;

THENCE North 21°27'38" West a distance of 104.37' to a capped 1/2" iron rod set for corner, said iron rod being at the beginning of a curve to the left;

THENCE around a curve to the left through a central angle of  $22^{\circ}00'18''$  a radius distance of 475.00' an arc distance of 182.43' a chord bearing of North  $32^{\circ}27'47''$  West a distance of 181.31' to a 1/2" iron rod found for corner in the southeast line of said Mountain Valley Heights, Phase 1, said iron rod being at the beginning of a curve to the right;

THENCE around a curve to the right, following the southeast line of said Mountain Valley Heights, Phase 1, through a central angle of  $05^{\circ}17'48''$  a radius distance of 3155.24' an arc distance of 291.68' a chord bearing of North  $47^{\circ}12'46''$  West a distance of 291.58' to a capped 1/2" iron rod set for corner;

THENCE North  $44^{\circ}33'52''$  West, following the southeast line of said Mountain Valley Heights, Phase 1, a distance of 156.72' to a capped 1/2" iron rod found for corner;

THENCE North  $45^{\circ}26'10''$  East, following the southeast line of said Mountain Valley Heights, Phase 1, a distance of 423.21' to a capped 1/2" iron rod found for corner;

THENCE North  $46^{\circ}07'10''$  East, following the southeast line of said Mountain Valley Heights, Phase 1, a distance of 1166.23' to the POINT OF BEGINNING and containing 1,337,921 square feet or 30.7144 acres of land.