

RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 1.

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

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

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

Section 2.

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

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

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney