

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, FOR APPROVAL OF A COMMERCIAL SITE PLAN FOR A NEW OLD TOWN COMMERCIAL BUILDING AND GRANTING A LANDSCAPING AND BUILDING SETBACK WAIVER FOR THE DEVELOPMNENT AT 114 W. ELLISON STREET.

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, an application for commercial site plan with landscaping and building setback waivers was filed by Shipman Companies; on June 8, 2026, under Case Number CSP26-015, on property described herein below filed application with the City; and

WHEREAS, on September 23, 2026, the City’s Old Town Design Standards Review Committee made an inquiry into the matter and reviewed all relevant information and made a recommendation to the Planning and Zoning Commission and City Council; and

WHEREAS, on October 12, 2026, the City’s Planning and Zoning Commission made an inquiry into the matter and reviewed all relevant information and made a recommendation to the City Council; and

WHEREAS, on November 9, 2026, the City Council made an inquiry into the matter and reviewed all the relevant information, and

WHEREAS, City Council has determined that the commercial site plan meets the requirements of Section 131 of Article V of Appendix B, Site Plan Requirements.; and

WHEREAS, section 4-62 of Article IV of Appendix C, Private land and developments; (A) Private amenities; (3) Materials. Paving material shall be decorative paving or patterned concrete. Landscape material shall include trees planted no farther apart than 36 feet divided by the percentage of pavement coverage of the courtyard or plaza. (Example 1: Trees 36 feet apart divided by 100 percent pavement = trees 36 feet apart; Example 2: Trees 36 feet apart divided by 50 percent pavement = trees 72 feet apart.) Areas not paved shall be covered with turf or other landscaping material. Paving must be bounded on at least one side by plantings; and

WHEREAS, section 4-62 of Article IV of Appendix C, Private land and developments; (B) Front setback; (1) Dimensions. Minimum two feet; maximum 15 feet; and

WHEREAS, on November 9, 2026, the City Council made an inquiry into the matter and reviewed all the relevant information, and

WHEREAS, the City Council finds and determines that special conditions exist that are peculiar to the land, structure or building involved and are not applicable to other lands, buildings

or structures in the same vicinity; and

WHEREAS, City Council finds and determines that the strict interpretation of section 4-62 of Article IV of Appendix C, Private land and developments; (A) Private amenities; (3) Materials. Paving material shall be decorative paving or patterned concrete. Landscape material shall include trees planted no farther apart than 36 feet divided by the percentage of pavement coverage of the courtyard or plaza. (Example 1: Trees 36 feet apart divided by 100 percent pavement = trees 36 feet apart; Example 2: Trees 36 feet apart divided by 50 percent pavement = trees 72 feet apart.) Areas not paved shall be covered with turf or other landscaping material. Paving must be bounded on at least one side by plantings; and

WHEREAS, City Council finds and determines that the strict interpretation of section 4-62 of Article IV of Appendix C, Private land and developments; (B) Front setback; (1) Dimensions. Minimum two feet; maximum 15 feet; and

WHEREAS, City Council finds and determines that the special conditions and circumstances do not result from the actions of the applicant(s) and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and

WHEREAS, City Council finds and determines that granting the waivers will meet the objectives of the ordinance and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and

WHEREAS, City Council finds and determines that the request will be the minimum waiver necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of section 4-62 of Article IV of Appendix C, Private land and developments; (A) Private amenities; (3) Materials. Paving material shall be decorative paving or patterned concrete. Landscape material shall include trees planted no farther apart than 36 feet divided by the percentage of pavement coverage of the courtyard or plaza. (Example 1: Trees 36 feet apart divided by 100 percent pavement = trees 36 feet apart; Example 2: Trees 36 feet apart divided by 50 percent pavement = trees 72 feet apart.) Areas not paved shall be covered with turf or other landscaping material. Paving must be bounded on at least one side by plantings; and

WHEREAS, City Council finds and determines that the request will be the minimum waiver necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of section 4-62 of Article IV of Appendix C, Private land and developments; (B) Front setback; (1) Dimensions. Minimum two feet; maximum 15 feet; and

WHEREAS, City Council has determined that granting the waivers will be in harmony with the spirit and purpose of section 4-62 of Article IV of Appendix C, Private land and developments; (A) Private amenities; (3) Materials. Paving material shall be decorative paving or patterned concrete. Landscape material shall include trees planted no farther apart than 36 feet divided by the percentage of pavement coverage of the courtyard or plaza. (Example 1: Trees 36 feet apart divided by 100 percent pavement = trees 36 feet apart; Example 2: Trees 36 feet apart divided by 50 percent pavement = trees 72 feet apart.) Areas not paved shall be covered with turf or other landscaping material. Paving must be bounded on at least one side by plantings; and

WHEREAS, City Council has determined that granting the waivers will be in harmony with the spirit and purpose of section 4-62 of Article IV of Appendix C, Private land and developments; (B) Front setback; (1) Dimensions. Minimum two feet; maximum 15 feet; and

WHEREAS, the City Council finds and determines the conditions attached to the waiver, if any, are necessary to achieve the purpose of section 4-62 of Article IV of Appendix C, Private land and developments; (A) Private amenities; (3) Materials; and

WHEREAS, the City Council finds and determines the conditions attached to the waiver, if any, are necessary to achieve the purpose of section 4-62 of Article IV of Appendix C, Private land and developments; (B) Front setback; (1) Dimensions

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

Section 1.

City Council hereby approves a commercial site plan (CSP26-015) for a new Old Town Commercial Building at 114 W Ellison Street shown on Exhibit “A”; and

City Council hereby grants waivers to section 4-62 of Article IV of Appendix C, Private land and developments; (A) Private amenities; (3) Materials; to provide no landscaping within the property line but rather withing the Right-of-Way; and (B) Front setback; (1) Dimensions; 2 feet building setback with balconies and awnings covering the sidewalk and encroaching into the Right-of-Way.

Except as otherwise specified above or as shown on Exhibit “A”, all other conditions, regulations, procedures, and rules section 4-62 of Article IV of Appendix C, and of the City of Burleson Code of Ordinances (2005), as amended, shall apply to the buildings at 114 W. Ellison Street.

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

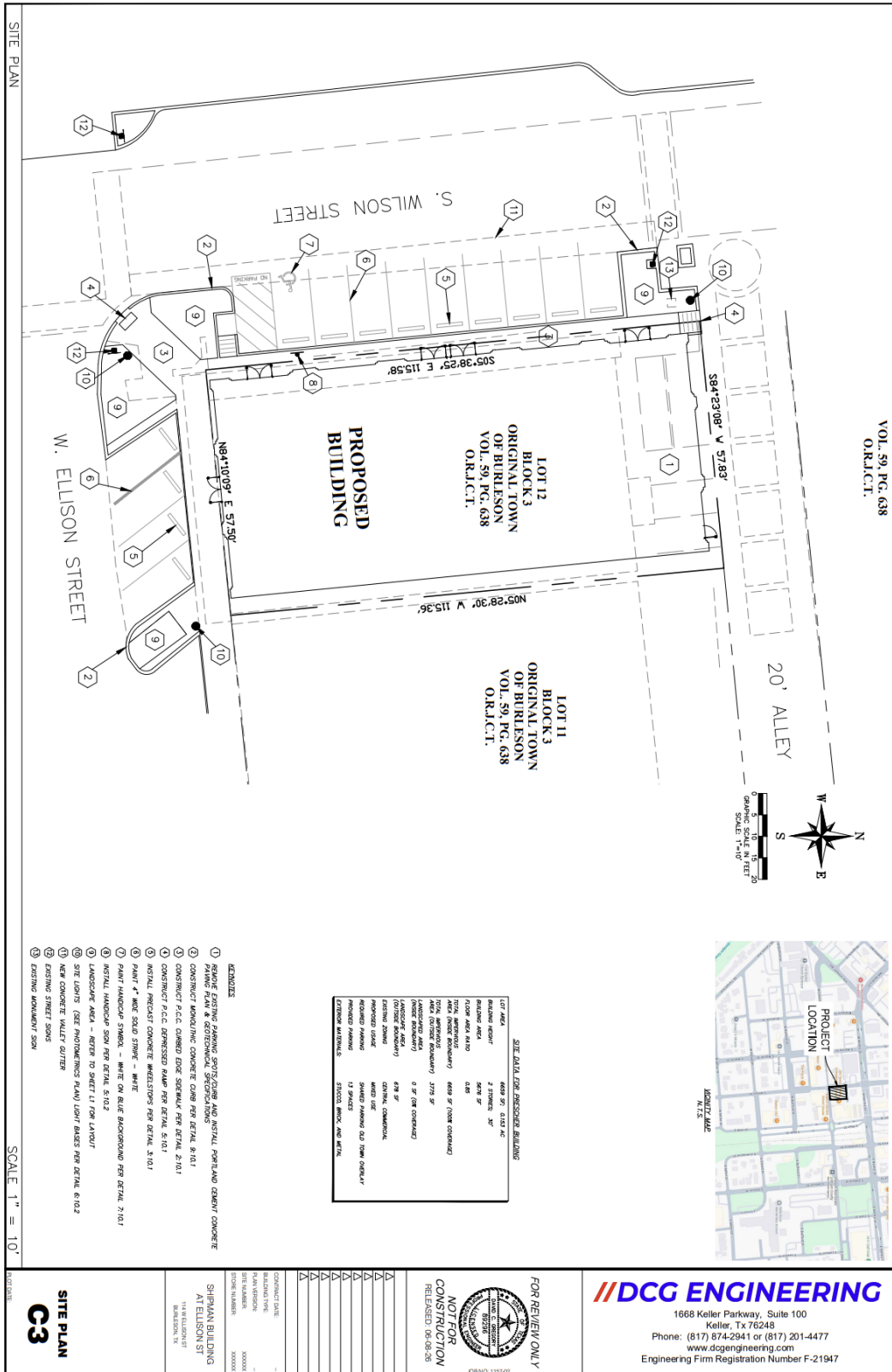
ATTEST:

APPROVED AS TO LEGAL FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit "A"



[illegible]

Exhibit “A”
Continued

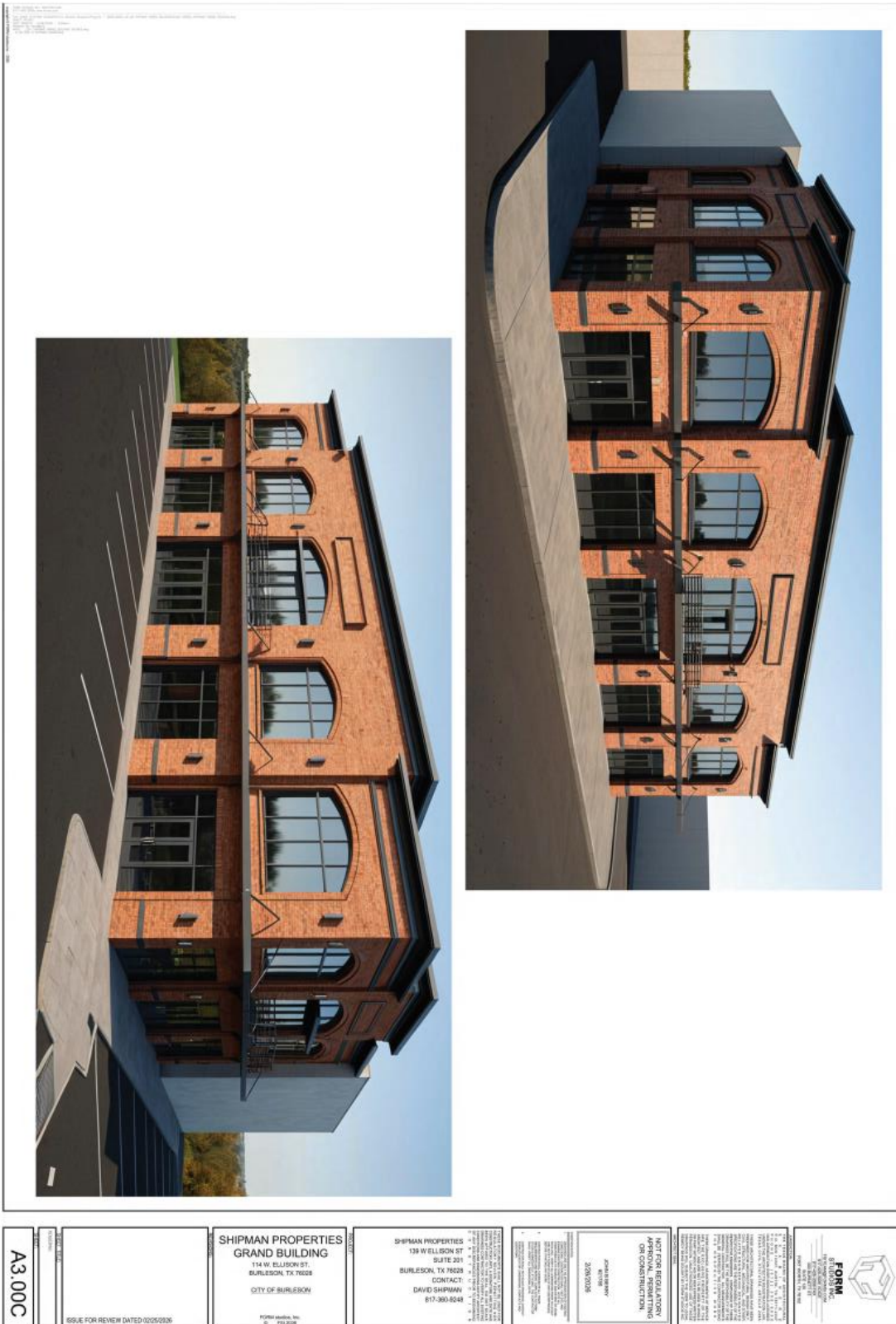


Exhibit "A"
Continued

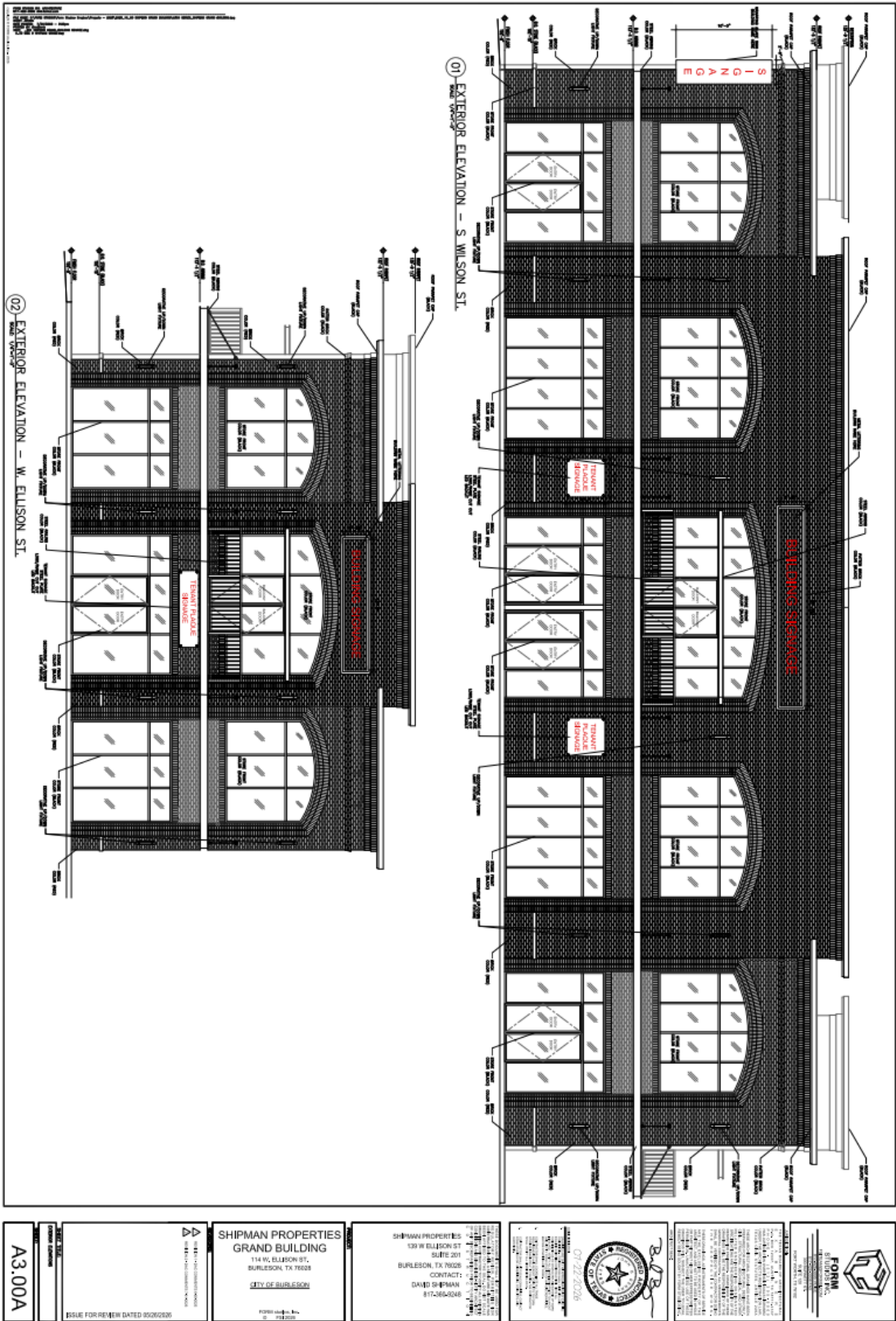


Exhibit “A”
Continued

