
City Council Regular Meeting

DEPARTMENT: Development Services

FROM: Tony McIlwain, Director of Development Services

MEETING: October 3, 2022

SUBJECT:

4139 S Burleson Blvd (Case 22-122): Hold a public hearing and consider approval of an ordinance for a zoning change request from “A”, Agricultural to “I”, Industrial for a 4.13 acre site. *(First and Final Reading) (Staff Presenter: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission motion for approval passed 4-1).*

SUMMARY:

On August 22, 2022, an application was submitted by Collin Maher (applicant) on behalf of Daniel Welling (owner) with Welling Investments INC, to rezone approximately 4.13 acres from “A”, Agricultural to “I”, Industrial to allow for future industrial uses to occupy and operate out of the subject location. The site currently contains two structures that include a 4,000 square-foot office/warehouse building and a 5,000 square-foot warehouse. According to the owner, the structures were originally built in the 1990’s and were used as an auto storage facility for classic cars and personal projects of the previous owner. Welling Investments INC (current owner) acquired the property in 2021 and made some improvements to the site. The cosmetic improvements included a full repaint of the building’s exterior and re-laying the gravel base. According to the owner, there is not a tenant lined up to occupy the site at this time, however, receiving approval of the requested zoning change will attract future industrial uses. A draft ordinance for this zoning change request is included in this packet.

Planning Analysis

The City’s Imagine Burleson 2030 Midpoint Update Comprehensive Plan designates this site as **Employment Growth Center** that provides the following description:

“Employment Growth Centers offer important employment opportunities, occupy large areas of land, and are generally located near major roads. The City’s Highpoint Business Park has been a great start to diversifying the economy and bringing world-class industries to the City. This future land use category focuses on the opportunities to expand the development.

This land use category should include a mix of low and medium density industrial buildings and industrial yards and have ample surface parking for cars and trucks. Design standards should be implemented to protect the image from the IH-35W corridor – specifically quality building materials and screening for outside storage. Success of the Employment Growth Center relies on quality road access with wide street lanes and large intersections and

may be linked to rail for freight purposes. Transit, sidewalks and other pedestrian features should be limited.

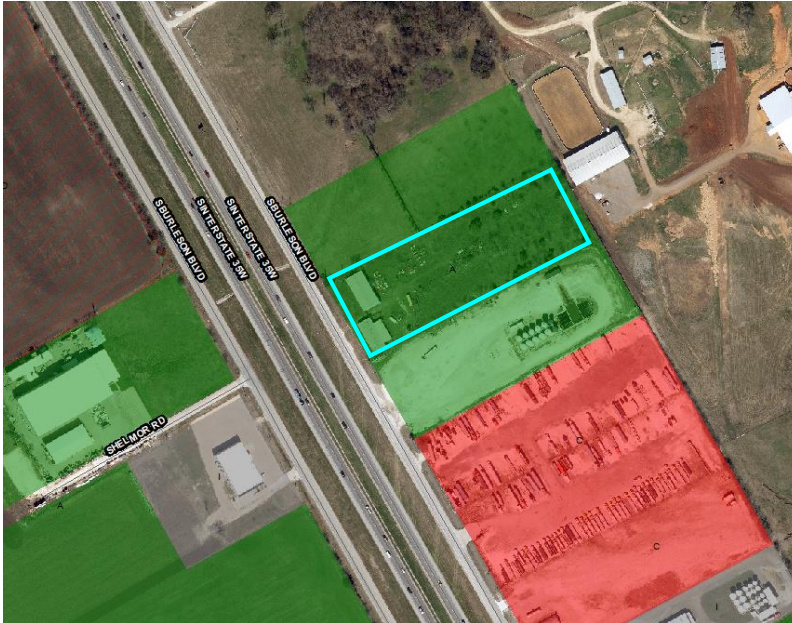
The Employment Growth Center area in Burleson should be marketed to industries with potential for upward mobility of skilled workers such as logistics and warehousing. Limited residential uses focused on workforce housing may be considered.”

Per the Employment Growth Center description, the Industrial zoning district is a corresponding district. Subsequently, the requested I, Industrial zoning district is in general conformance with the Comprehensive Plan. However, the Employment Growth Center designation specifically encourages a mix of low and medium density industrial buildings and uses. Considering this, staff recommends modifying the Industrial zoning request to include restrictions to the more intensive and undesirable uses allowed by right in the Industrial zoning district. This would produce a PD, Planned Development with a base zoning of I, Industrial that allows for industrial uses in accordance with the zoning code to be pursued while only prohibiting the following uses from operating at the subject site:

- Auto salvage yards
- Asphalt/concrete batching
- Petroleum or gas well
- Petroleum storage/collection
- Railroad freight terminal
- Railroad passenger terminal
- Railroad team track
- Railroad track or right-of-way
- Sand/gravel/topsoil extraction/storage
- Sexually oriented business (SOB's)

Without express restrictions provided in a planned development, the aforementioned uses would be allowed by right in the Industrial zoning district. This property is also located within the IH35 Overlay District – and all future development must meet the requirements of the City’s design standards for the area. These design standards will be evaluated during commercial site plan processes.

	Zoning	Use
Subject Site	A, Agricultural	Developed, Unoccupied
North	A, Agricultural	Undeveloped
East	N/A, ETJ	Developed, Commercial
South	A, Agricultural	Developed, Industrial
West	Agricultural/Industrial	Developed, Industrial



OPTIONS:

- 1) Approve the zoning change request; or
- 2) Approve the zoning request with modifications; or
- 3) Deny the zoning change request.

RECOMMENDATION:

Staff recommends modifying the Industrial zoning request to include restrictions to the more intensive and undesirable uses allowed by right in the Industrial zoning district.

This would produce a PD, Planned Development with a base zoning of I, Industrial that allows for industrial uses in accordance with the zoning code by right while prohibiting the following uses from operating at the subject site:

- Auto salvage yards
- Asphalt/concrete batching
- Petroleum or gas well
- Petroleum storage/collection
- Railroad freight terminal
- Railroad passenger terminal
- Railroad team track
- Railroad track or right-of-way
- Sand/gravel/topsoil extraction/storage
- Sexually oriented business (SOB's)

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

burlesontx.com | 817.426.9611 | 141 W Renfro Street, Burleson, Texas 76028

September 13, 2022: Planning and Zoning Commission motion to approve the straight zoning request to I, Industrial was approved by a vote of 4-1.

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. In addition, a sign was placed on the subject property.

At this time staff has not received any formal opposition regarding this case.

Fiscal IMPACT:

None

STAFF CONTACT:

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