

AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, January 18, 2016 at 7:00 p.m.** at City Hall-Council Chambers, 501 Sheppard Road, Burkburnett, Texas for the purpose of considering the following agenda items. The Board of Commissioners may discuss and take action on any item on this agenda. The Board of Commissioners reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

The public may speak on items listed on the posted agenda. All persons desiring to address a specific agenda item must submit an "Appearance before the City Commissioners" form prior to the reading of the item to the City Clerk, Janelle Dolan. The Mayor will allow comments before each agenda item for which they have requested to be heard. Comments will be limited to three (3) minutes with a maximum two (2) minute extension following approval by a majority of the members of the Board of Commissioners.

Item 1. Mayor: Call meeting to order.

Item 2. Invocation-

Item 3. Pledge of Allegiance.

Item 4. CONSENT AGENDA:

A. Approval of Minutes from December 21, 2015 Regular Meeting

Item 5. Discuss and take any action necessary on site plan for Dandy Donuts.

Item 6. Mayor to close regular meeting and open "Public Hearing" for the following Planning & Zoning Commission Case:

A. Case #2016-26, re-zone application for 1709 South FM 369, rezoned from Residential Open (R-2) to Agriculture (AG).

Item 7. Mayor to close Public Hearing and reopen the regular meeting and take any action necessary on Planning & Zoning Commission Cases:

A. Case #2016-26, re-zone application for 1709 South FM 369, rezoned from Residential Open (R-2) to Agriculture (AG).

Item 8. Discuss and take any action necessary on appointments to the Park and Recreation Board.

Item 9. Discuss and take any action necessary on appointments to the Zoning Board of Adjustments.

Item 10. Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the Board of Commissioners may convene in Executive Session regarding the following matters:

A. B. SECTION 551.072-Deliberation Regarding Real Property

a. Facility Assessment

Item 11. Reconvene to regular session and take action, if any, on matters discussed in Executive Session.

Item 12. Review of monthly reports.

A. Public Safety/Fire Department

- Annual review of the Racial Profiling Report
- Annual review of the Asset Forfeiture Report

Item 13. Public Comments.

The Board of Commissioners invites citizens to speak on any topic.

Please fill out an "Appearance Before City Commissioners" form in order to address the Commissioners and turn the form in prior to 7:00 p.m. to City Clerk, Janelle Dolan.

Public Comments are limited to five minutes. Time limits can be adjusted by the Mayor as to accommodate more or fewer speakers.

Unless the item is specifically noted on this agenda, the Board of Commissioners is required under the Texas Open Meetings Act to limit its response to one of the following:

Responding with a statement of specific factual information or reciting the City's existing policy on that issue.

Item 14. City Manager's report.

- TML Region 5 Quarterly Meeting – January 21 @ 6pm
- Chamber of Commerce Banquet –January 23 @ 6pm
- Special Called Meeting/Workshop-January 25 @ 12pm

Item 15. Commissioner's Comments.

Pursuant to Government Code Section 551.0415, City Commissioner Members may make a report about items of Community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

***Expressions of thanks, congratulations, or condolence;**

***Information regarding holiday schedules;**

***An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutary recognition for purposes of this subdivision;**

***A reminder about an upcoming event organized or sponsored by the governing body;**

***Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and**

***Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.**

Item 16. Adjournment.

I, Janelle Dolan, City Clerk for the City of Burkburnett, Texas do hereby certify that I posted this agenda on the glass front door of the City Hall, facing the outside at 10:30 a.m. on January 15, 2016 in compliance with the Open Meeting Act Chapter 551.

Janelle Dolan

Janelle Dolan, City Clerk

Posted 1/15/16 @ 10:30 am

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 72 hours prior to this meeting. Please contact the City Clerk's office at (940) 569-2263 for further information.

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, December 21, 2015 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro Tem
Randy Brewster	Commissioner
Frank Ducos	Commissioner
Marguerite Love	Commissioner
Mike Tugman	Commissioner

Commissioner Don Hardy was not present.

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; Gary Robinett, Economic Development Director; Ed Stahr, Police Chief; and Rod Ryalls, Fire Chief.

Item 1. Mayor Law called the meeting to order and welcomed the visitors.

Item 2. Invocation was given by Commissioner Tugman.

Item 3. The Pledge of Allegiance was led by Commissioner Love.

Item 4. Consent Agenda.

A. Approval of Minutes from November 16, 2015.

Motion was made by Commissioner Tugman, seconded by Commissioner Love to approve Consent Agenda 4. Motion carried unanimously.

Item 5. Resolution Number 598 was presented in its entirety. A resolution of gratitude for Morgan Perron.

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to approve Resolution Number 598 as presented. Motion carried unanimously.

Item 6. Resolution Number 599 was presented in its entirety. A resolution of gratitude for Trace Davis and Morgan Perron.

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to approve Resolution Number 599 as presented. Motion carried unanimously.

Item 7. Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated per the terms in the lease agreement for River Creek Golf Course, Scott Anderson is exercising his right to request a one year extension to the current lease agreement. Currently the lease agreement would end on December 31, 2016. This extension would effectively extend the lease through December 31, 2017. All other matters within the lease agreement will remain the same.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve the one year extension to the current lease agreement for River Creek Golf Course. Motion carried unanimously.

Item 8. Ordinance Number 893 was presented. Caption of same being:

AN ORDINANCE PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY OF BURKBURNETT, AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

Mr. Whaley addressed the Mayor and Commissioners and stated a retiree requested the City consider a COLA increase in the retiree benefit. The last increase went into effect in 2008 and was a 70% Ad Hoc or a one-time increase to the retiree benefit. We have a total of 43 retirees. I have calculated a 30%, 50%, & 70% Ad Hoc increase. This table reflects the financial impact:

30% - \$4,703 increase in cost to City, 19 retirees will see an avg. mo. increase of \$25.52
50% - \$18,719 increase in cost to City, 41 retirees will see an avg. mo. increase of \$51.48
70% - \$40,941 increase in cost to City, 42 retirees will see an avg. mo. increase of \$116.57

No motion was made.

Item 9. Ed Stahr, Police Chief, addressed the Mayor and Commissioners and stated the Emergency Medical Service Advisory Board is an advisory board to ensure a quality EMS program by monitoring the personnel, vehicles, financial information and service level of the joint Ambulance Services Contract between the cities of Wichita Falls, Burkburnett, Iowa Park and Wichita County. It also reviews citizen complaints. Dan King has been jointly appointed to serve on this board by the City of Burkburnett and the City of Iowa Park. Mr. King's term is ending December 21, 2015. The City of Iowa Park will reappoint Mr. King at their December 14, 2015 meeting.

Motion was made by Commissioner Brewster, seconded by Commissioner Tugman to reappoint Dan King to the Emergency Medical Service Advisory Board. Motion carried unanimously.

Item 10. Resolution Number 596 was presented in its entirety. A resolution declaring support for the River Terrace Senior Apartments. Gary Robinett, Economic Development Director, addressed the Mayor and Commissioners and stated JES Development Company has applied to the TDHCA for 2016 Housing Tax Credits to build a 50 unit affordable senior housing rental project, to be known as “River Terrace Senior Apartments.” The approximate cost for development of the project is between \$7 and \$7.5 million dollars. Mr. Robinett reported JES Development Company has entered into a contract with Burkburnett Development Corporation to purchase 5.459 acres on Sheppard Road (ABST 322 WINTERS), located between the Red River Inn and Twilite Inn. Purchase price for the property was set at \$150,000, and sale is contingent upon JES Development Company receiving the TDHCA 2016 Housing Tax Credits. The resolution of support will help with the scoring for the TDHCA Housing Credits.

The following addressed the Mayor and Commissioners:

Mark Feaster, JES Development Company

Motion was made by Commissioner Brewster, seconded by Commissioner Ducos to approve Resolution number 596 as presented. Motion carried unanimously.

Item 11. Resolution Number 597 was presented in its entirety. A resolution authorizing the filing of a grant application with the Nortex Regional Planning Commission for a regional solid waste grants program grant. Gordon Smith, Director of Public Works, addressed the Mayor and Commissioners and stated this resolution is for fiscal year 2016/2017 of the solid waste grant program which is administered by NORTEX Regional Planning Commission. This resolution is necessary to allow the City to participate in the grant program. The City is requesting \$12,000.00 to assist in the removal of a dilapidated structure located at 122 W 1st. The grant allows Cities to utilize the grant funds to demolish any structure deemed dilapidated on property stricken off to the City and the clean-up of that property.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Ducos to approve Resolution Number 597 as presented. Motion carried unanimously.

Item 12. Ordinance Number 890 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES; TITLE IX. GENERAL REGULATIONS, AMENDING CHAPTER 94: FIRE PREVENTION; FIREWORKS; PROHIBITING THE USE OF RESTRICTED FIREWORKS WITHIN CITY LIMITS; ALLOWING THE SALE OF FIREWORKS WITHIN CITY LIMITS; PROVIDING A SEVERABILITY CLAUSE REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Whaley addressed the Mayor and Commissioners and stated Senate Bill 1593 was passed altering Local Government Code 217.042 which addressed the sale of fireworks. Previously, home rule cities had the authority to prohibit the sale of fireworks within 5,000 feet of the city limits. 217.042 of the Local Government Code was changed so that home rule cities can no longer regulate fireworks under the nuisance provision of that chapter. Our ordinance currently restricts the sale of fireworks within 5,000 feet of the city limits. This amendment omits that language from the ordinance and aligns the City with the new legislation that has been passed. Secondly, at our previous meeting, the Board of Commissioners discussed the possibility of allowing fireworks sales within the City Limits. This ordinance allows sales with certain additional requirements: 1) signage requirements stating the use of fireworks inside City limits are prohibited 2) time requirements for set up of site and teardown of site once season is over.

The following addressed the Mayor and Commissioners:

David Munsey, 931 Schmoker Rd.
Thomas Watson, 209 S. Ave B Lot 21
Ed Stahr, Police Chief
Rod Ryalls, Fire Chief

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to approve Ordinance Number 890 as presented.

Ayes: Mayor Law; Commissioners Brewster, Ducos, Tugman

Nays: Commissioners Lindenborn and Love

Motion carried.

Item 13. Mayor Law closed the regular meeting at 7:35 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Cases:

A. Amend Section 27.11 (page 90) of Zoning Ordinance #589 as follows:

Add Fireworks Sales to use chart (COMMERCIAL USES). Add “S” to the use chart to allow Fireworks Sales by Specific Use Provision in commercial business districts and industrial districts.

B. Case #2015-24, Specific Use Provision for 936 Cropper Rd. R, to allow for a Wrecker Service Impound Yard.

C. Case#2015-25, Specific Use Provision for 208 S. Red River Expressway vacant lot frontage, to allow for the seasonal business of Firework Sales.

Mr. Smith addressed the Mayor and Commissioners regarding amending the Zoning Ordinance. He stated that David Munsey, Owner of Rebel Fireworks LLC. presented a request to add Fireworks Sales to the zoning ordinance. Public notices were submitted as required by the Zoning Ordinance. Mr. Smith stated on December 7, 2015 the Planning

and Zoning Board met and staff presented the information for review and a recommendation to City Commissioners. Mr. Munsey was in attendance and presented additional information. The Planning and Zoning Board discussed the case and considered the overall evaluation of the request. The Planning and Zoning Board voted unanimously to recommend approval to the Board of Commissioners to: Add Fireworks Sales to use chart (Commercial Uses). Add “S” to the use chart to allow Fireworks Sales by Specific Use Provision in commercial business and industrial districts.

Case #2015-24 - Mr. Smith addressed the Mayor and Commissioners and stated a specific use application was presented by Mr. Daniel Hill lessee of the property located at 936 Cropper Rd. R. The applicant is requesting a Certificate of Occupancy to conduct the daily business of a Wrecker Service Impound Yard. The owner of the property is Dude Smith, who was contacted and verified he was aware of the request and it was authorized. Public notices as required by the Zoning Ordinance were sent to the proposed district and all properties 200 feet adjacent to the proposed district. On December 7, 2015 the Planning and Zoning Board met and staff presented the information for review and requested a recommendation to City Commissioners. Mr. Hill was in attendance and presented additional information. The Board discussed the case and considered the overall evaluation of the request. The Board expressed concerns over the impound yard turning into a salvage yard. Staff assured the Planning & Zoning Board that with the specific use provision if any changes in use occur, staff will immediately issue a notice to cease any unauthorized use. Mr. Hill informed the Planning & Zoning Board that it was not his intent to keep the cars impounded, but as soon as vehicles could be released to auction he would move them out. Some would be moved out within a week and the most a vehicle would stay was 90 days. The Planning & Zoning Board voted unanimously to recommend to the Board of Commissioners approval of the specific use request.

Case #2015-25 – Mr. Smith addressed the Mayor and Commissioners and stated David Munsey, Owner of Rebel Fireworks LLC. presented an application request for a Specific Use Provision (SUP) to place an enclosed trailer on a seasonal basis at 208 S. Red River Expressway Burkburnett Texas (Vacant Lot directly in front of Subway fronting the service road) . The property is zoned Commercial Business and a Specific Use Provision is required for Fireworks Sales. The enclosed trailer is 8 feet x 18 feet and will be located on the property per the proposed site plan on a seasonal basis. The owner of the property is Mike Shallenberger and he has signed approval of the application. Public notices were submitted as required by the Zoning Ordinance. On December 7, 2015 the Planning and Zoning Board met and staff presented the information for review and a recommendation to City Commissioners. Mr. Munsey was in attendance and presented additional information on how the business would be a seasonal business and the enclosed trailer would be removed after each sale season. The Board discussed the case and considered the overall evaluation of the request. The Planning & Zoning Board voted unanimously to recommend to the Board of Commissioners approval of the specific use request.

Item 14. Mayor Law closed the “Public Hearing” at 7:13 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Cases:

A. Amend Section 27.11 (page 90) of Zoning Ordinance #589 as follows:

Add Fireworks Sales to use chart (COMMERCIAL USES). Add “S” to the use chart to allow Fireworks Sales by Specific Use Provision in commercial business districts and industrial districts.

B. Case #2015-24, Specific Use Provision for 936 Cropper Rd. R, to allow for a Wrecker Service Impound Yard.

C. Case#2015-25, Specific Use Provision for 208 S. Red River Expressway vacant lot frontage, to allow for the seasonal business of Firework Sales.

Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to approve adding Fireworks Sales to use chart (Commercial Uses) and adding “S” to the use chart to allow Fireworks Sales by Specific Use Provision in commercial business and industrial districts.

Ayes: Mayor Law; Commissioners Brewster, Ducos, Tugman

Nays: Commissioners Lindenborn and Love

Motion carried.

Case #2015-24 Motion was made by Commissioner Love, seconded by Commissioner Lindenborn to approve the Specific Use Provision for 936 Cropper Rd. R, to allow for a Wrecker Service Impound Yard.

Ayes: Mayor Law; Commissioners Brewster, Ducos, Lindenborn, and Love

Nays: Commissioner Tugman

Motion carried.

Case#2015-25 Motion was made by Commissioner Brewster, seconded by Commissioner Ducos to approve the Specific Use Provision for 208 S. Red River Expressway vacant lot frontage, to allow for the seasonal business of Firework Sales.

Ayes: Mayor Law; Commissioners Brewster, Ducos, Tugman

Nays: Commissioners Lindenborn and Love

Motion carried.

Item 15. Ordinance Number 894 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING ZONING ORDINANCE NUMBER 589, SECTION 27.11 (PAGE 90), BY ADDING FIREWORK SALES TO USE CHART

(COMMERCIAL USES); ADDING “S” TO THE USE CHART TO ALLOW FIREWORK SALES BY SPECIFIC USE PROVISION IN COMMERCIAL BUSINESS DISTRICTS AND INDUSTRIAL DISTRICTS; ADDING “S” TO THE USE CHART TO ALLOW A FIREWORKS SALES BY SPECIFIC USE PROVISION IN COMMERCIAL BUSINESS DISTRICTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mr. Whaley addressed the Mayor and Commissioners and stated this ordinance is required by the Zoning Ordinance in order to finalize the decision to amend the Zoning Ordinance by adding the sale of fireworks to the use charts.

Motion was made by Commissioner Brewster, seconded by Commissioner Tugman to approve Ordinance Number 894 as presented.

Ayes: Mayor Law; Commissioners Brewster, Ducos, Tugman

Nays: Commissioners Lindenborn and Love

Motion carried.

The Mayor allowed those that had signed up to speak on Item 16 to do so before the Board of Commissioners convened into Executive Session.

The following addressed the Mayor and Commissioners:

Jonny Zellner, 1011 Jewel

Item 16. Mayor Law closed the meeting at 7:54 p.m. and opened the Executive Session pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code; the Board of Commissioners may convene in Executive Session regarding the following:

A. Section 551.074-Personnel matters:

a. Discussion and take any action necessary regarding the salaries and potential raises for the following employees:

1. Amanda Angle
2. Daniel Elbaum
3. Roy Mullens
4. Michael Ikeler
5. Blake Deeb
6. Matthew McDonald
7. Keenan Stubblefield
8. Donnie Osborn
9. Liberty Billingsley
10. Jonathan Zellner
11. Jeffery KRC

12. Steven Barnes
13. Eric Holt
14. Royce Challis
15. Zachary Leonard
16. Juan Gonzales
17. Donald Morgan
18. Lahoma Vaughn
19. Eddie Stahr

Item 17. Mayor Law reconvened the regular meeting at 8:39 p.m. Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to give the City Manager the authority to amend the budget to provide additional compensation of up to \$70,000 based on his discretion to be effective January 1, 2016. Motion carried unanimously.

Item 18. There were no public comments.

Item 19. Mr. Whaley reviewed the following dates:

- Christmas Holiday- City Hall closed December 25th
- Tracy Cissell Retirement – December 31st , 2:30 pm, Courtroom, Police Department
- New Year’s Eve – City Hall closed January 1st

Item 20. No Commissioner comments.

Item 21. Motion was made by Commissioner Lindenborn, seconded by Commissioner Ducos to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Gordon Smith, Director of Public Works

Date: January 13, 2016

Item: Discuss and take any action necessary on a Site Plan to construct a Commercial Building at 700 Sheppard Rd. Burkburnett Texas.

Background

Mr. In Jun Shim, Owner of Dandy Donuts presented a site plan for consideration of approval to construct a commercial building at 700 Sheppard Rd. Burkburnett Texas. The Owner intends to relocate the existing Dandy Donuts business into the new facility just adjacent from the existing Dandy Donuts. The property is Zoned Commercial Business.

The proposed building is 1,850 square feet and meets the required parking and landscape requirements.

On January 4, 2016 the Planning and Zoning Board met and staff presented the information for review and a recommendation to City Commissioners. The Board discussed the case and consider the overall evaluation of the request.

Then a motion was made and seconded for approval of the site plan. Chairman Tim Cornelius took a vote. The vote was 3-0 in favor of approval of the Dandy Donut Site Plan.

Fiscal Impact

N/A

Options

- Approval of the site plan as presented.
- Non Approval of the site plan as presented.

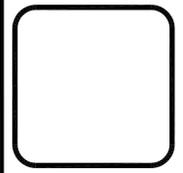
Staff Recommendation

Staff recommends approval.

Attachments

- 1) Proposed Site Plan for the Commercial Building.
- 2) Façade Plan
- 3) Landscape Plan

R:\1778\1778EE.dwg, 1/7/2016 9:36:40 AM, Bluebeam PDF

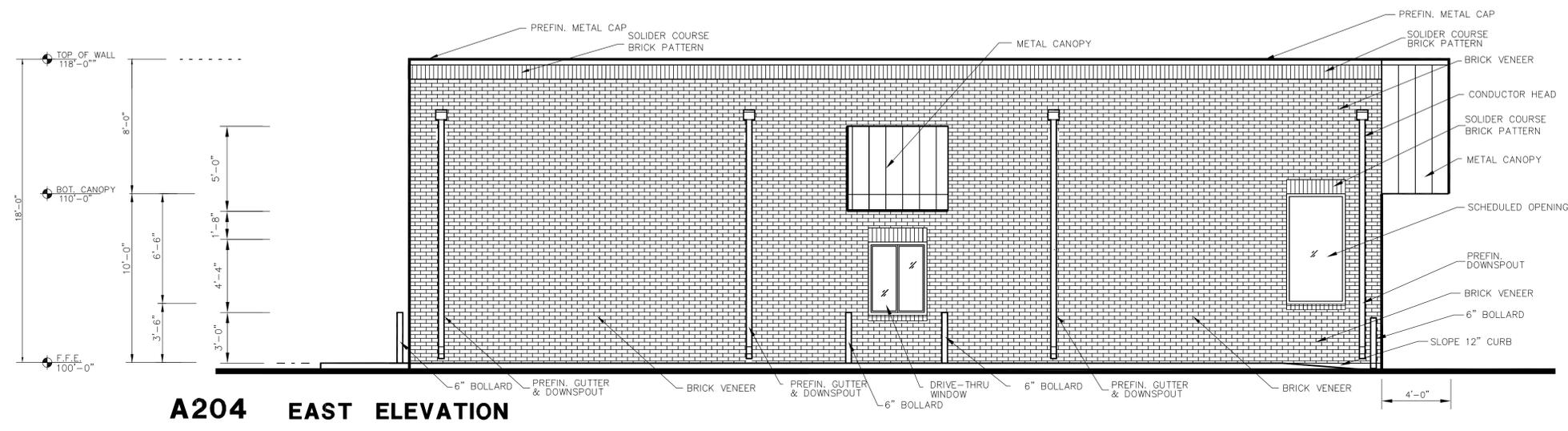


Michael E. Koen . . . Architect, Inc.
2211 Midwestern Parkway, Suite #4,
Wichita Falls, Texas 76308
940-692-5857 Fax 940-692-5854

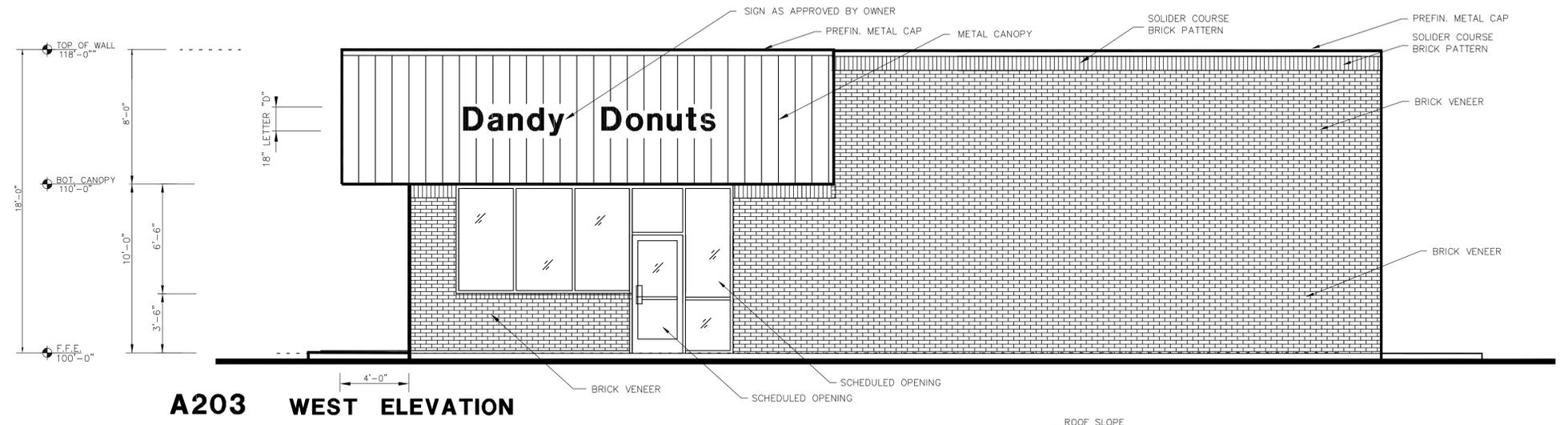
A New Building For
MR. IN JUN SHIM
Dandy Donuts
700 Sheppard Road
Burkburnett, Texas 76354

Revised:
12-17-15
By: Matthew 7:7
Job No.
15778
Date:
Nov. 2015
Drawn By:
Koen

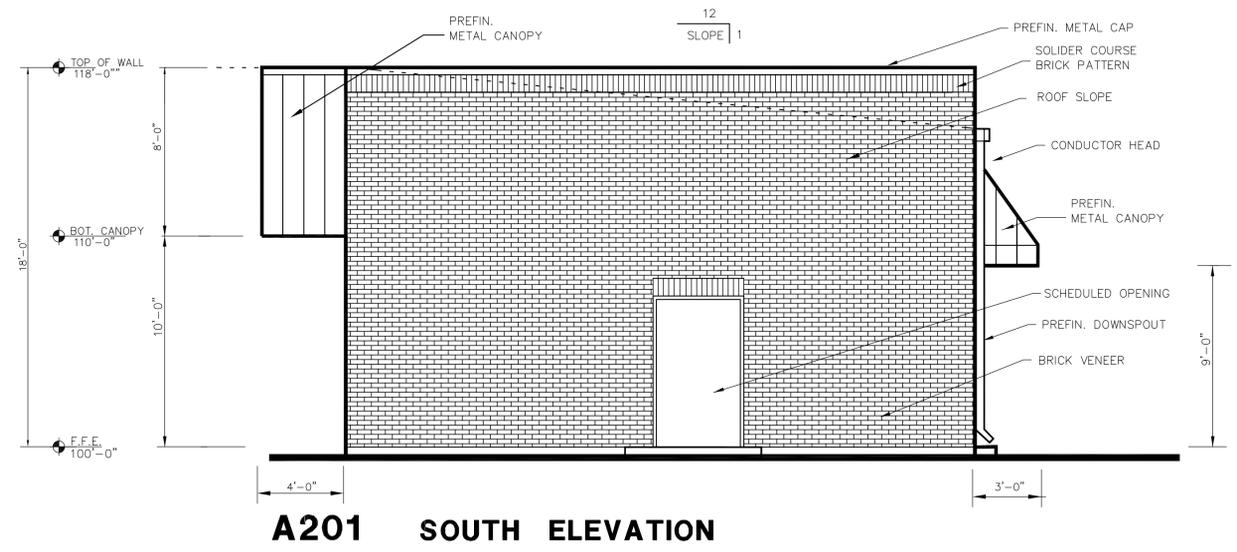
© 2015 Michael E. Koen, Architect, Inc.
Sheet No.
A2
of 11



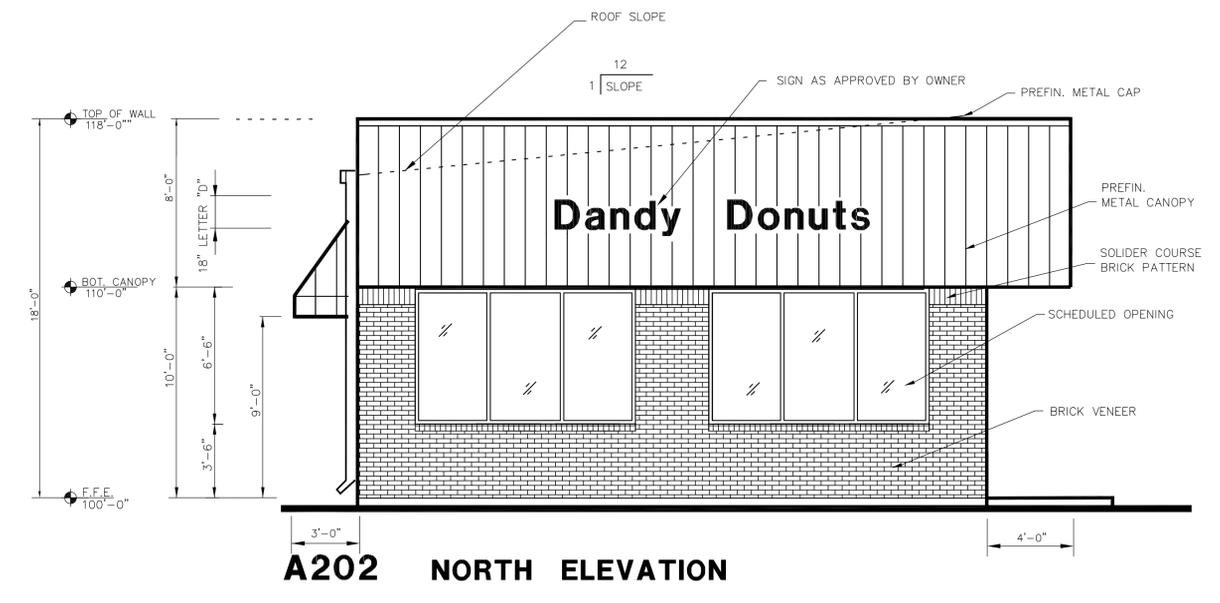
A204 EAST ELEVATION



A203 WEST ELEVATION



A201 SOUTH ELEVATION



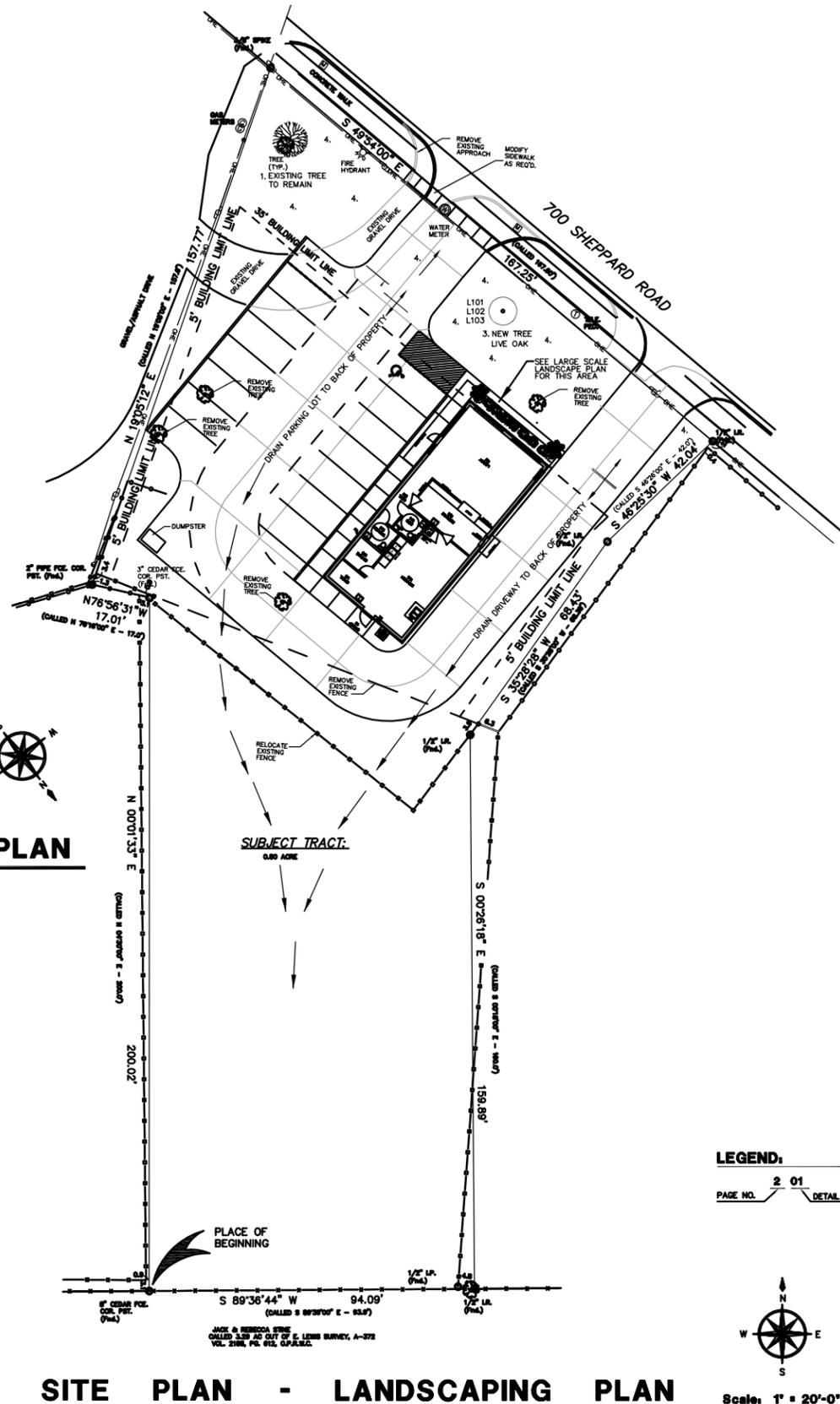
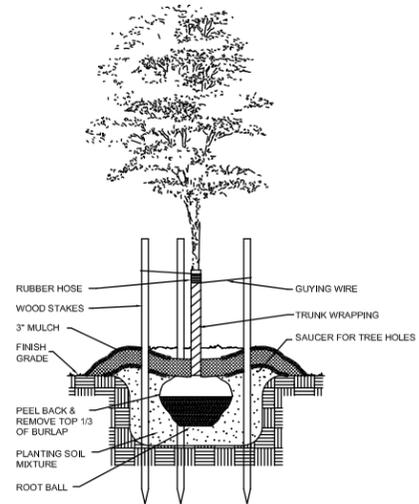
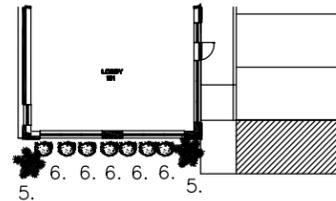
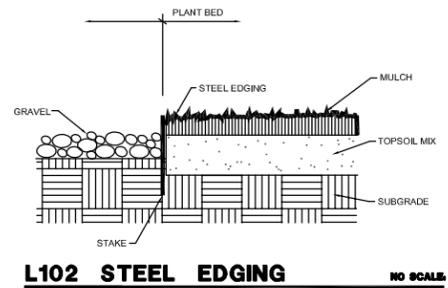
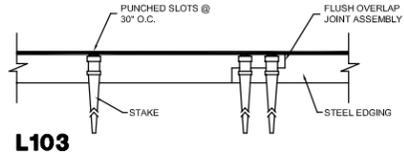
A202 NORTH ELEVATION

EXTERIOR ELEVATIONS

Scale: 1/8" = 1'-0"

LANDSCAPE LEGEND			
SYMBOL	KEY NAME	KEY	REMARKS
	1. EXISTING TREE TO REMAIN	10" TO 20"	LEVEL FOR NEW GRASS
	2. EXISTING TREE TO BE REMOVED	10" TO 20"	
	3. NEW TREE LIVE OAK	3" CALIPER	65 GALLON CONTAINER - SEE DET L101
	4. BERMUDA GRASS	SOLID SOD	419 SOD BERMUDA
	5. CRAPE MYRTLE	5 GALLON	CONTAINER GROWN
	6. DWARF YOUAPON	2 GALLON	CONTAINER GROWN, FULL - 24" O.C.

NOTES:
 1. BED PREPARATION: ADD 5 CUBIC FEET PEAT MOSS AND 1/2 LB. EPLAM GRANULES PER 100 SQ. FT. OF BED AREA. TILL TO DEPTH OF 6" TO 8". FINISH GRADE OF BED SHALL BE 1" BELOW ADJACENT TURF OR PLANTING.



LEGEND:
PAGE NO. 2 01 DETAIL NO.



Michael E. Koen . . . Architect, Inc.
 2211 Midwestern Parkway, Suite #4,
 Wichita Falls, Texas 76308
 940-692-5857 Fax 940-692-5654



A New Building
 For
 MR. IN JUN SHIM
 • Dandy Donuts •
 700 Sheppard Road
 Burkburnett, Texas 76354

Revised:
 12-17-15

Job No.
 15778
 Date:
 Nov. 2015
 Drawn By:
 Koen

© 2015 Michael E. Koen, Architect, Inc.

Sheet No.
L1
 of 11



City Commission Agenda Memo

From: Gordon Smith, Director of Public Works

Date: January 13, 2016

Item: Rezone Application: Residential 2 (open) to AG Agricultural

Background

After receiving a complaint on 1709 South FM 369, City Staff performed an investigation and informed Mr. Nathan Waddell, the owner, that the existing shipping storage container, vehicles and various other junk and debris would need to be removed from the property due to non-compliance with Zoning Ordinances and violation of nuisance ordinance.

Mr. Waddell was informed that the container was not permitted and the other items were creating a nuisance upon inspection by City Code Official. Additionally, he was informed that R-2 Open zoning requires a main structure to be constructed on the property prior to any accessory building.

An application was then presented by Mr. Nathan Waddell to rezone the property from R-2 to AG.

Mr. Waddell owns 21.23 acres at the south end of the City Limits on FM 369. Part of the property is in City Limits and the remainder is in the County. He stated reason for the request is to allow for an accessory building to be used for Agricultural use and storage.

Public Notices as required by the Zoning Ordinance were sent to all properties 200 feet adjacent to the proposed district. All publishing and mail out requirements have been met.

On January 4, 2016 the Planning and Zoning Board met and staff presented the information for review and a recommendation to City Commissioners. Mr. Waddell was in attendance and presented additional information. Property Owners adjacent to the property were in attendance and expressed concerns that the property had signs of turning into junkyard.

The Board discussed the case and consider the overall evaluation of the request, and its assessment regarding how the request relates to the City's Comprehensive Plan.

Then a motion was made and seconded for denial of the zoning change request. Chairman Tim Cornelius took a vote. The vote was 3-0 in favor of denying the request.

Zoning Ordinance

Agricultural Zoning allows for an accessory building on acreage with the primary use to be for agricultural purposes.

All other Zoning Districts require a main structure on the property prior to any accessory building being constructed.

Keep in mind, in order to overturn the P&Z vote, a ¾ vote is required. In our case that would mean 6 of the members would have to vote to approve the zoning request.

Comprehensive Plan

The Future Land Use Plan displays the property as medium density residential.

Subdivision Ordinance

N/A

Staff Recommendation:

Non- Approval based on compliance with existing approved Comprehensive Plan (Future Land Use Plan)

Attachments

Application

Site Plan of the Property

Future Land Use Plan

CITY OF BURKBURNETT
REZONING APPLICATION

OFFICE USE:

CASE NO. 2016-1

FEE PAID 8/50.00

PROPERTY ADDRESS: ~~XXXXXXXXXX~~ 1709 South FM 369, Burkburnett, TX 76354

LEGAL DESCRIPTION: 2 15 Red River Valley Lands
Tract LOT(S) BLOCK SECTION SUBDIVISION

AREA IN ACRES 21.23 Acres

PRESENT ZONING CLASSIFICATION R-2 PROPOSED ZONING AG

PRESENT USE Agricultural wheat Production & grazing lands.

PROPOSED USE Agricultural, wheat Production, Cattle production

REASON FOR REQUEST Currently zoned residential but I have

No plans to build a home, only a barn for storage. Only
aprox. _____ acres is inside the city limits but it includes all the property not in a flood
plain.

NAME OF APPLICANT Nathan Waddell

ADDRESS 1704 Pearl Ave #4 Wichita Falls, TX 76310

PHONE # 832-233-9522 nathanallenwaddell@gmail.com

I hereby certify that all information contained herein is true and correct, and that all required submissions (see reverse) have been submitted.

SIGNATURE OF APPLICANT Nath DATE 12/15/15

SIGNATURE OF PROPERTY OWNER Nath DATE 12/15/15

NOTE: SEE REVERSE SIDE FOR INSTRUCTIONS

Attach PUD application for a Planned Unit Development

PERMIT (To be completed by the Planning Department)

The rezoning request is hereby approved based on Ord. No. _____

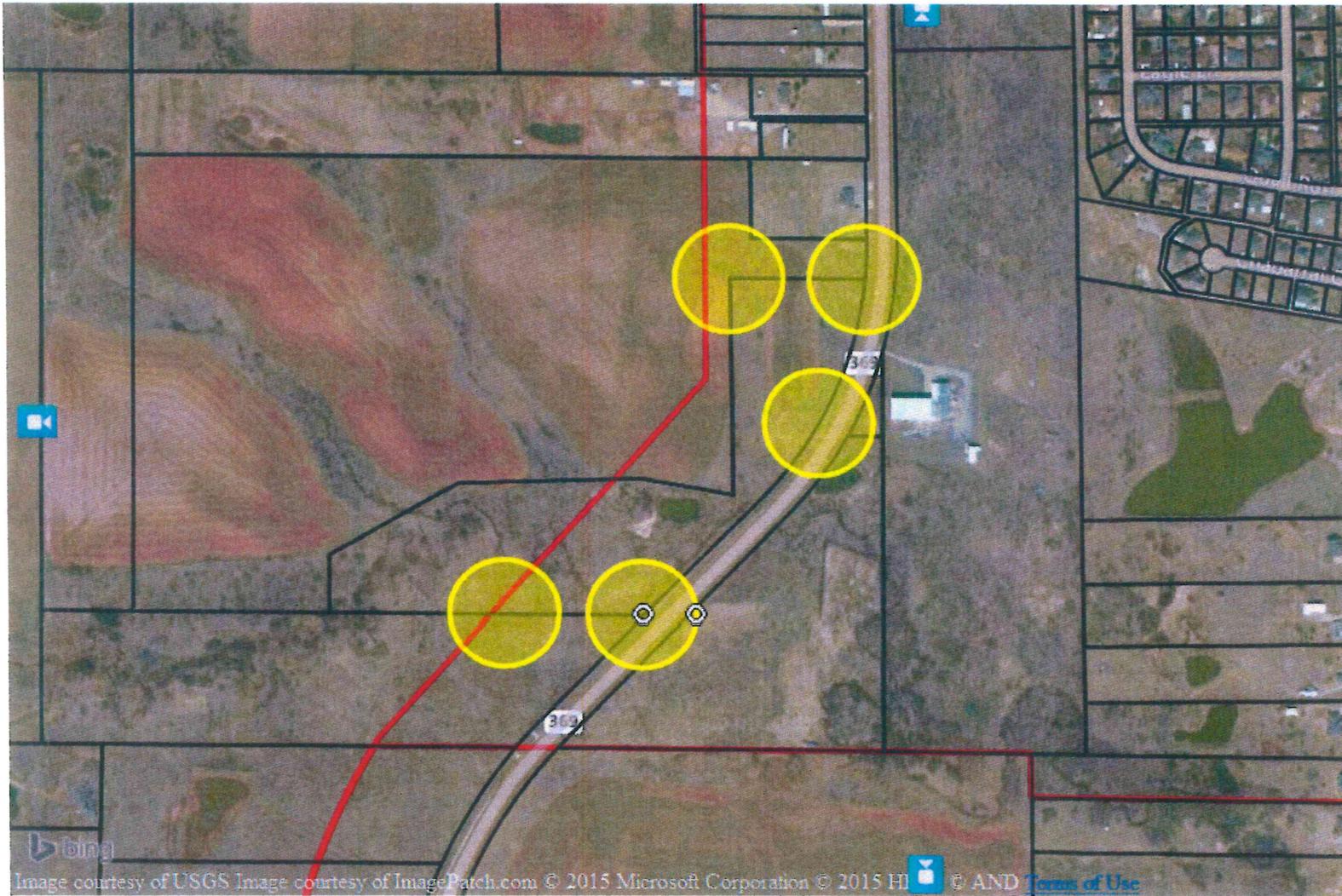
The rezoning request is hereby disapproved by City Council on _____

Date _____
Director of Planning



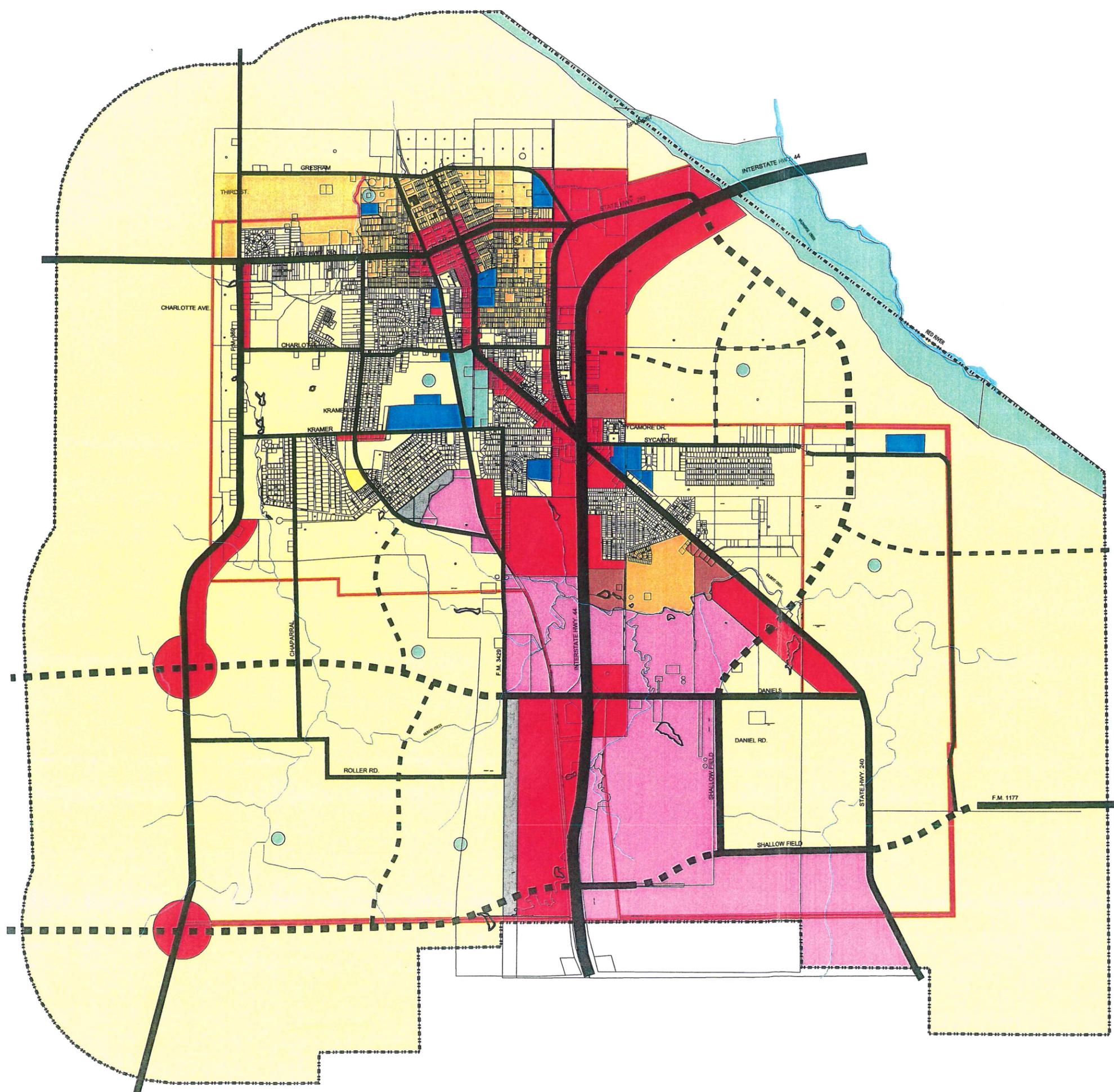
Red line is city limit line.

Yellow line is property line of applicant.



FUTURE LAND USE PLAN

Comprehensive Plan 2000 City of Burkburnett, Texas



Legend

- Low Density Residential
- Medium Density Residential
- Residential (Open)
- High Density Residential
- Public/Semi-Public
- Parks/Open Space
- Office/Retail/Commercial
- Commercial
- Industrial
- Transition Zone
- Red River



0 1000' 2000' 3000' 4000'

DUNKIN SEFKO & ASSOCIATES, INC.
URBAN PLANNING CONSULTANTS
Date: February 9, 2000

PLATE 8



City Commission Agenda Memo

From: Gordon Smith, Director of Public Works
Date: January 13, 2016
Item: Discussion and Action on re-appointments to Parks and Recreation Board

Background

The City of Burkburnett Parks and Recreation Board consist of seven appointed members that serve 2 year terms. Recently three (3) members terms are nearing completion all at the end of 2/2016 and staff contacted them for consideration of re-appointment for another term.

Mr. Danny Cremeens, Dr. Jeremy Duff and Mr. Rodney McCleskey Jr. all agreed to serve another term if approved by the City Commissioners.

Fiscal Impact

N/A

Options

- Approve Appointment
- Not approve Appointment

Staff Recommendation

Approve Re-Appointments of Mr. Danny Cremeens, Dr. Jeremy Duff and Mr. Rodney McCleskey Jr. to the Parks and Recreation Board for a 2 year term limit.

Attachments

N/A



City Commission Agenda Memo

From: Gordon Smith, Director of Public Works
Date: January 13, 2016
Item: Re-Appointments for Zoning Board of Adjustments

Background

The City of Burkburnett Zoning Board of Adjustment consists of five (5) appointed members and two (2) alternate members that serve 2 year terms. Two (2) members are nearing the end of their term 2/2016; Mr. Mickey Cornelius and Ms. Donna Beaver.

Staff contacted them and both stated their desire to continue to serve on the board

Fiscal Impact

N/A

Options

- Approve Appointment
- Not approve Appointment

Staff Recommendation

Approve Re-Appointments of Mr. Mickey Cornelius and Ms. Donna Beaver to the Zoning Board of Adjustments for an additional 2 year term limit.

Attachments

N/A