BURKBURNETT Texas
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City Commission Agenda Memo

From: Mike Whaley

Date: April 16th, 2012

Item: Zoning Ordinance Amendment (RECREATIONAL AND ENTERTAINMENT USES)

Background

Mickey Cornelius on the behalf of the Blacksox organization has requested to set a building for storage and grounds maint, after reviewing the request, the City staff found that the Blacksox organization would be recognized by the zoning ordinance as a private field or stadium by definition; however, after reviewing the use charts, we found that it had not been printed. We determined that it was the original intent to have this in the use charts under public field or stadium since it had been clearly defined by the ordinance.

Fiscal Impact

N/A

Options

(The P&Z voted unanimously to approve)
Accept P&Z recommendation
Accept with changes
Deny amendment

Staff Recommendation

We recommend amending ordinance to include following: Add playfield or stadium (private) to use chart (RECREATIONAL AND ENTERTAINMENT USES). Add "●" to the use chart to allow a playfield or stadium (private) in commercial/business and industrial districts. Add "S" to the use chart to allow a playfield or stadium (private) by Specific Use Provision in all other districts.

Attachments

Aerial view

N
© 2012 Google
Google earth
Imagery Date: 11/29/2009 1995
34°05'37.84" N 98°35'02.89" W elev 1058 ft
Eye alt 1928 ft

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City Commission Agenda Memo

From: Mike Whaley

Date: April 16th 2012

Item: Specific Use Permit for Blacksox Organization

Background

After reviewing the case, and addressing the amendment to the use charts under (RECREATIONAL AND ENTERTAINMENT USES), staff recommended to the Blacksox Organization that they apply for a specific use permit. They were in operation as a private playfield prior to the adoption of the zoning ordinance and have continued to operate as such. However they are currently in a Sf-6 zone, which makes them a nonconforming use. The SUP would "tidy up" any further request and allow them to continue to operate as such.

Fiscal Impact

N/A

Options

(P&Z voted unanimously)
Approve
Approve with modification
Deny

Staff Recommendation

Approval

Attachments

Aerial view – See previous attachment
Application

CITY OF BURKBURNETT

SPECIFIC USE APPLICATION

OFFICE USE:

CASE NO. 2012-5

FEE PAID $50.00

Property Address 511 West 1ST

Legal Description 200X115 ABST 335 Dubose

Lot(s) Block Section Subdivision

Tax Account No. 119020

Proposed Use Sports Complex Parking + Storage building for Mowers 10X16

Present Use Vacant Lot Zoning

Property Platted ? [X] Yes [ ] No

Applicant's Name Mickey Cornelius Blacksox Daytime Phone # 940 569 1488

Mailing Address PO Box 606

Burkburnett TX Zip 76354

I hereby certify that all information contained herein is true and correct; that I have been informed of the date and time that this request will be considered by the Planning and Zoning Commission; and that all required submissions (see reverse) have been provided.

Applicant's Signature Mickey Cornelius DATE 3 13 12

Owner's Signature Mickey Cornelius DATE 3 13 12

Note:

- Application must be submitted with a site plan.
- See reverse side for instructions for site plan submission requirements.

Permit (To be completed by the Planning Department .)

A conditional use permit is hereby:

[ ] Approved

[ ] Disapproved

[ ] Conditionally Approved (conditions attached) based on the Planning and Zoning Commission's action on _____.

NOTE: A CONDITIONAL USE PERMIT IS VALID FOR 1 YEAR UNLESS A BUILDING PERMIT IS ISSUED AND CONSTRUCTION IS ON GOING.

City Planning Administrator

Date

BURKBURNETT Texas
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City Commission Agenda Memo

From: Mike Whaley

Date: April 16th, 2012

Item: Zoning Ordinance Amendment (RECREATIONAL AND ENTERTAINMENT USES)
Ordinance 819

Background

Mickey Cornelius on the behalf of the Blacksox organization has requested to set a building for storage and grounds maint, after reviewing the request, the City staff found that the Blacksox organization would be recognized by the zoning ordinance as a private field or stadium by definition; however, after reviewing the use charts, we found that it had not been printed. We determined that it was the original intent to have this in the use charts under public field or stadium since it had been clearly defined by the ordinance.

Fiscal Impact

N/A

Options

(The P&Z voted unanimously to approve)
Accept P&Z recommendation
Accept with changes
Deny amendment

Staff Recommendation

We recommend amending ordinance to include following: Add playfield or stadium (private) to use chart (RECREATIONAL AND ENTERTAINMENT USES). Add "●" to the use chart to allow a playfield or stadium (private) in commercial/business and industrial districts. Add "S" to the use chart to allow a playfield or stadium (private) by Specific Use Provision in all other districts.

Attachments

Copy of Ordinance

ORDINANCE NUMBER 819

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING ZONING ORDINANCE NUMBER 589, SECTION 27.9 (PAGE 82), BY ADDING PLAYFIELD OR STADIUM (PRIVATE) TO USE CHART (RECREATIONAL AND ENTERTAINMENT USES); ADDING THE SYMBOL "•" TO THE USE CHART TO ALLOW A PLAYFIELD OR STADIUM (PRIVATE) IN COMMERICAL BUSINESS AND INDUSTRIAL DISTRICTS; ADDING "S" TO THE USE CHART TO ALLOW A PLAYFIELD OR STADIUM (PRIVATE) BY SPECIFIC USE PROVISION IN ALL OTHER DISTRICTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Planning and Zoning Commission of the City of Burkburnett and the Board of Commissioners of the City of Burkburnett, Texas in compliance with state law with reference to the Zoning Ordinance Regulations and Zoning Map, have given requisite notices by publication and otherwise and, after holding due hearings and affording a full and fair hearing to all the property owners generally and to the persons interested situated in the affected area and in the vicinity thereof, the Board of Commissioners of the City of Burkburnett is of the opinion that the zoning changes should be made as set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

SECTION 1. The text in Section 27.9 (Page 82) of Zoning Ordinance Number 589 be amended by adding: Playfield or Stadium (Private) to Use Chart (Recreational and Entertainment Uses); adding the symbol "•" to the Use Chart to allow a Playfield or Stadium (Private) in Commercial Business and Industrial Districts; adding "S" to the Use Chart to allow a Playfield or Stadium (Private) by Specific Use Provision in all other districts.

SECTION 2. In all other respects, the above shall be subject to all the applicable regulation contained in the Zoning Ordinance of the City of Burkburnett, Texas.

SECTION 3. The terms and provisions of this Ordinance shall be deemed to be severable in that if the validity of the zoning affecting any portion of the above described property shall be declared to be invalid; the same shall not affect the validity of the zoning of the balance of said property.

SECTION 4. Any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in the basic Zoning Ordinance of the City of Burkburnett.

SECTION 5. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of state law.

PASSED AND APPROVED by the Board of Commissioners of the City of Burkburnett, Texas on this 16th day of April, 2012.

_____
Carl Law, Mayor

ATTEST:

_____
Janelle Dolan, City Clerk

BURKBURNETT Texas
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City Commission Agenda Memo

From: Mike Whaley

Date: April 16, 2012

Item: Adopt Ordinance 820

Background

This is done in accordance with Zoning Ordinance 10.8.E. **Final Approval and Ordinance Adoption,** which states, ***The zoning request shall be deemed approved at the time the Board of Commissioners makes a decision to approve the request as submitted or with certain conditions. However, the amending ordinance will not be prepared or formally adopted (i.e., effective) until a correct description and all required exhibits have been submitted to the City Manager, or his/her designee.***

If certain conditions are required with the approval of a request, this allows City staff to verify that those conditions are met prior to adoption of the ordinance. Secondly, this allows the City staff to effectively update the OFFICIAL ZONING MAP as required.

Fiscal Impact

N/A

Options

Approve

Staff Recommendation

Approve

Attachments

Copy of Ordinance

ORDINANCE NUMBER 820

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING ZONING ORDINANCE NUMBER 589, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTIES: 1.25 ACRE TRACT OF LAND OUT OF WM. P. B. DUBOSE SURVEY, A-335 FROM SINGLE FAMILY SF-6 TO COMMERCIAL BUSINESS; 1100 BLOCK OF LISA LANE, 1400 BLOCK OF AMHERST, 500 BLOCK OF W. COLLEGE ALL TO BE REZONED AS CARPORT OVERLAY DISTRICTS; LOT 14 BLK 27 ORIGINAL TOWN, BB, ALSO KNOWN AS 203 E. THIRD, SPECIFIC USE PERMIT TO ALLOW FOR AN INDOOR FIRING RANGE AND 200 X 115' OUT OF WM. P. B. DUBOSE SURVEY, A-335, ALSO KNOWN AS 511 W. FIRST, SPECIFIC USE PERMIT TO ALLOW A PRIVATE PLAYFIELD OR STADIUM; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Burkburnett and the Board of Commissioners of the City of Burkburnett, Texas in compliance with state law with reference to the Zoning Ordinance Regulations and Zoning Map, have given requisite notices by publication and otherwise and, after holding due hearings and affording a full and fair hearing to all the property owners generally and to the persons interested situated in the affected area and in the vicinity thereof, the Board of Commissioners of the City of Burkburnett is of the opinion that the zoning changes should be made as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS:

SECTION 1. The basic Zoning Ordinance of the City of Burkburnett be and the same is hereby amended insofar as the property hereinafter described shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said Ordinance generally, and the Zoning Map and plat be, and are hereby, corrected so that the properties described below, shall be zoned as the following:

Property Description

Being 1.25 acre tract of land out of WM. P. B. Dubose Survey, A-335 to Commercial Business and more particularly described in Exhibit 1 attached hereto and made a part hereof for all purposes.

Being 1100 Block of Lisa Lane, 1400 Block of Amherst and 500 Block of W. College, to Carport Overly Districts and more particularly described in Exhibit 2 attached hereto and made a part hereof for all purposes.

Being LOT 14 BLK 27 Original Town, BB, also known as 203 E. Third, Specific Use Permit to allow an indoor firing range and more particularly described in Exhibit 3 attached hereto and made a part hereof for all purposes.

Being 200 X 115' out of WM. P. B. Dubose Survey, A-335, also known as 511 W. First, Specific Use Permit to allow a private playfield or stadium and more particularly described in Exhibit 4 attached hereto and made a part hereof for all purposes.

The City Clerk is hereby directed to correct the Zoning Maps of the City of Burkburnett to reflect the changes in zoning herein and made a part hereof for all purposes.

SECTION 2. In all other respects, the above said properties shall be subject to all the applicable regulation contained in the Zoning Ordinance of the City of Burkburnett, Texas.

SECTION 3. The terms and provisions of this Ordinance shall be deemed to be severable in that if the validity of the zoning affecting any portion of the above described property shall be declared to be invalid; the same shall not affect the validity of the zoning of the balance of said property.

SECTION 4. Any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in the basic Zoning Ordinance of the City of Burkburnett.

SECTION 5. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of state law.

PASSED AND APPROVED by the Board of Commissioners of the City of Burkburnett, Texas on this 16th day of April, 2012.

_____
Carl Law, Mayor

ATTEST:

_____
Janelle Dolan, City Clerk