

AGENDA

Planning & Zoning
Commission Meeting
August 11, 2015
6:00 p.m. - City Hall
501 Sheppard Road
Burkburnett, Texas 76354

Item 1. Call meeting to order.

Item 2. Discuss and take any action necessary approval of the minutes from April 6, 2015.

Item 3. Consider and act upon a final plat, Lots 1 & 2 Block 1, Burke NH Addition.

Item 4. Consider and act upon site plan for a Skilled Nursing Facility.

Item 5. Chair to close regular meeting and open “Public Hearing” for the following Case:

- A. Case #2015-22, Specific Use Permit for Lots 1 & 2 Block 1, Burke NH Addition formerly known as WINTERS, C Abstract 322 to allow for an assisted nursing facility.

Item 6. Chair to close “Public Hearing” and re-open the regular meeting.

Item 7. Discuss and take any action necessary on the following Case:

- A. Case #2015-22, Specific Use Permit for Lots 1 & 2 Block 1, Burke NH Addition formerly known as WINTERS, C Abstract 322 to allow for an assisted nursing facility.

Item 8. Adjournment.

I, Janelle Dolan, City Clerk for the City of Burkburnett, Texas do certify that I posted this agenda on the front door of the City Hall facing the outside at 1:00 p.m. on August 7, 2015 in compliance with the Open Meeting Act Chapter 551.



Janelle Dolan, City Clerk
Posted 8/7/2015 @ 1:00 pm

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk’s office at (940) 569-2263 for further information

MINUTES
PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Burkburnett, Texas met in a regular meeting on April 6, 2015 at 6:00 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 Meeting Act. The following Commission members were present:

Tim Cornelius	Chairperson
John Erickson	Commissioner
Howard Locklin	Commissioner
Carla Walters	Commissioner
Gordon Smith	Director of Public Works

Commissioner King was not present.

Item 1. Chairperson Tim Cornelius called the meeting to order.

Item 2. Motion was made by Commissioner Erickson seconded by Commissioner Walters to approve the minutes from December 8, 2014. Motion carried unanimously.

Item 3. Chair Tim Cornelius closed the regular meeting at 6:02 p.m. and opened the Public Hearing for the following Cases:

- A. Case #2015-20 re-zone application for 200 Block of Linden, block rezoned as a carport overlay district.
- B. Case #2015-21, Specific Use Permit for 1007 Sugarbush, to construct an accessory building in the rear for the purpose of providing caretaker service for a family member.

Case #2015-20 Gordon Smith, Director of Public Works, addressed the Commissioners and reported Mr. Gil Beaver, owner of property located at 208 Linden, submitted an application for a carport overlay district on the 200 Block of Linden. Mr. Smith stated all publishing and mail out requirements have been met. Also, the required amount of signatures (75%) has been satisfied and ownership has been verified by City staff. 12 out of 12 (100%) total property owners on the block signed the petition.

Case #2015-21 Mr. Smith addressed the Commissioners and reported Sharon Woodruff, owner of 1007 Sugarbush presented an application request for a Specific Use Provision (SUP) to construct an accessory building for an accessory dwelling at 1007 Sugarbush. The property is zoned Single Family -6 (SF-6) and a Specific Use Provision is required for an accessory dwelling.

The following addressed the Commissioners:

Robert Stiver, 1005 Sugarbush, Sharon Woodruff's sister – Mr. Stiver stated this dwelling will be added to the property for their elderly mother to live in.

Item 4. Chair Tim Cornelius closed the Public Hearing at 6:10 p.m. and opened the regular meeting.

Item 5. Consider and act upon the following Cases:

- A. Case #2015-20 re-zone application for 200 Block of Linden, block rezoned as a carport overlay district.
- B. Case #2015-21, Specific Use Permit for 1007 Sugarbush, to construct an accessory building in the rear for the purpose of providing caretaker service for a family member.

Case #2015-20 Motion was made Commissioner Locklin, seconded by Commissioner King to approve the rezone application for 200 Block of Linden, block rezoned as a carport overlay. Motion carried unanimously.

Case#2015-21 Motion was made by Commissioner Locklin, seconded by Commissioner King to approve the Specific Use Permit for 1007 Sugarbush to construct an accessory building in the rear. Motion carried unanimously.

Item 6. There being no further business the meeting was adjourned.

Tim Cornelius, Chair

ATTEST:

Gordon Smith, Director of Public Works



Planning and Zoning Agenda Memo

From: Gordon Smith, Director of Public Works

Date: August 5, 2015

Item: Discuss and take any action necessary on a Specific Use Provision Application and Site Plan to construct a skilled nursing facility at 1007 South Red River Expressway Burkburnett Texas.

Background

Don Miller, Owner of Skilled Nursing Facilities presented an application request for a Specific Use Provision (SUP) to construct a skilled nursing facility at 1007 South Red River Expressway Burkburnett Texas. The property is zoned Commercial Business and a Specific Use Provision is required for the Skilled Nursing Facility.

The Facility is 50,000 square feet with a 7-8 million dollar construction value. The facility will employ 130 employees with a total 4 million dollar payroll.

The City, Burkburnett Economic Development and Wichita County will be meeting on a summary of incentives for the project.

Summary:

TIF: \$170,000 funded for utility	Developer: \$225,000 funded for Merian Drive Extension
EDC: \$132,000 funded for utility	
<u>\$90,000</u> funded for job creation	
\$222,000 combined funding for EDC	
City: \$260,000 funded as tax abatement	
County: \$196,000 funded as tax abatement	
Total City contribution: \$652,000	
Total City/County Contribution: \$848,000	

Public Notices have been submitted as required by the Zoning Ordinance.

Fiscal Impact

N/A

Options

- Recommend Approval to City Commission the Specific Use Provision Application as presented.
- Recommend Not Approving to City Commission the Specific Use Provision Application as presented.
- Recommend Approval to City Commission the Specific Use Provision Application with additional requirements. (i.e., front building façade improvements; additional landscape or fence screening; etc.)

Staff Recommendation

Staff recommends to Planning and Zoning Board that screening fence as per zoning ordinance be constructed on the east property line separating commercial /residential district. Also inform developers to consider and present façade improvements that would enhance the relationship of the development to the adjacent uses in the terms of harmonious design and negate any possible negative impacts.

Further recommend upon a SUP approval a Building Permit to be issued only after City Staff is in receipt of a full complete set of construction plans of the building.

Attachments

- 1) Specific Use Application.
- 2) Proposed Site plan for the skilled nursing facility.

STATE OF TEXAS
COUNTY OF WICHITA

WHEREAS Burke NH Realty, Ltd and A. P. & C. Development Corporation are the owners of 9.48 acres out of the C. Winters Survey, A-322, Burkburnett, Wichita County, Texas, and more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found at the intersection of the East line of U.S. 287/IH 44 and the South line of a 10 foot alley out of Section Four, Ashton Addition as recorded in Volume 3, Page 180A and 180B, Wichita County Plat Records, for the Northwest corner of this tract;

THENCE N 89° 32' 48" E, with the South line of said 10 foot alley, a distance of 535.63 feet to an iron rod found in the West line of a 20 foot alley out of Section 5, Ashton Addition as recorded in Volume 23, Page 197 and 198, Wichita County Plat Records, for the Northeast corner of this tract;

THENCE S 00° 03' 38" W, with the West line of said 20 foot alley, at 10.00 feet pass a 1/2" iron rod set, at 742.50 feet pass a 1/2" iron rod set in the North right of way line of Merian Drive, and continuing on the same course, a total distance of 792.50 feet to a 1/2" iron rod set in the South right of way line of Merian Drive, for the Southeast corner of this tract;

THENCE N 89° 53' 46" W a distance of 509.90 feet to a 1/2" iron rod set in the East line of U.S. 287/IH 44, for the Southwest corner of this tract;

THENCE N 01° 48' 35" W, with the East line of U.S. 287/IH 44, at 50.03 feet pass a 1/2" iron rod set in the projected North right of way line of Merian Drive, at 777.73 feet pass a 1/2" iron rod set, and continuing on the same course, a total distance of 787.73 feet to the PLACE OF BEGINNING and containing 9.48 acres of land.

THEREFORE, the owners of the land shown on this plat and whose names are subscribed hereto, and in person or through a duly authorized agent hereby dedicates to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed and further warrants that they have lawful authority to make such dedications.

BURKE NH REALTY, LTD
By: NTF Realty, Inc. General Partner

By: _____
William E. Campbell, President

Howard R. Clement, President
A. P. & C. Development Corporation

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared Don Miller, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the _____ day of _____, 20____.

Notary Public, _____ County, Texas

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared Howard R. Clement, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the _____ day of _____, 20____.

Notary Public, _____ County, Texas

This Plat of Lot 1, Block 1, Burke NH Addition, an addition to the City of Burkburnett, Texas, and is hereby approved.

Dated this the _____ day of _____, 20____.

Mayor, City of Burkburnett

This is to certify that all taxes due and collected by the Burkburnett Independent School District on the above described property have been paid up to and including _____, with the following exceptions:

This certification is conditional on values certified by the Appraisal District as of this date. Any changes to the certified value made subsequent to the date of the certification are not included.

Tax Collector: _____

by Deputy: _____

Date: _____, 2015

This is to certify that all taxes due and collected by Wichita County, and the City of Burkburnett on the above described property have been paid up to and including _____, with the following exceptions:

This certification is conditional on values certified by the Appraisal District as of this date. Any changes to the certified value made subsequent to the date of the certification are not included.

Tax Collector: _____

by Deputy: _____

Date: _____, 2015

I hereby certify that this plat has been prepared from an actual and accurate field survey of the land under my personal supervision on July, 2015; and that all information shown is true and correct; and that all monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Wichita Falls, Texas.



DEVIN G. SMITH
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5849

FINAL PLAT BURKE NH ADDITION LOTS 1 AND 2 BLOCK 1

BURKBURNETT, TEXAS
OUT OF
THE C. WINTERS SURVEY, A-322

JULY, 2015
SCALE: 1" = 100'

The herein described property does not lie within the Special Flood Hazard Areas inundated by 100 Year Flood as delineated on the Flood Insurance Rate Map for the City of Burkburnett, Wichita County, Texas.

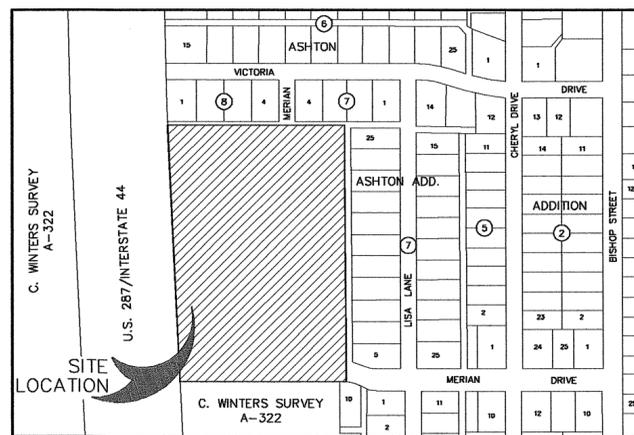
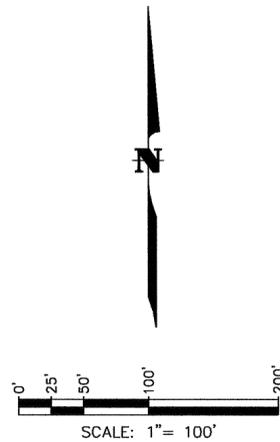
Panel Number: 48485C0185G.

Dated: February 3, 2010

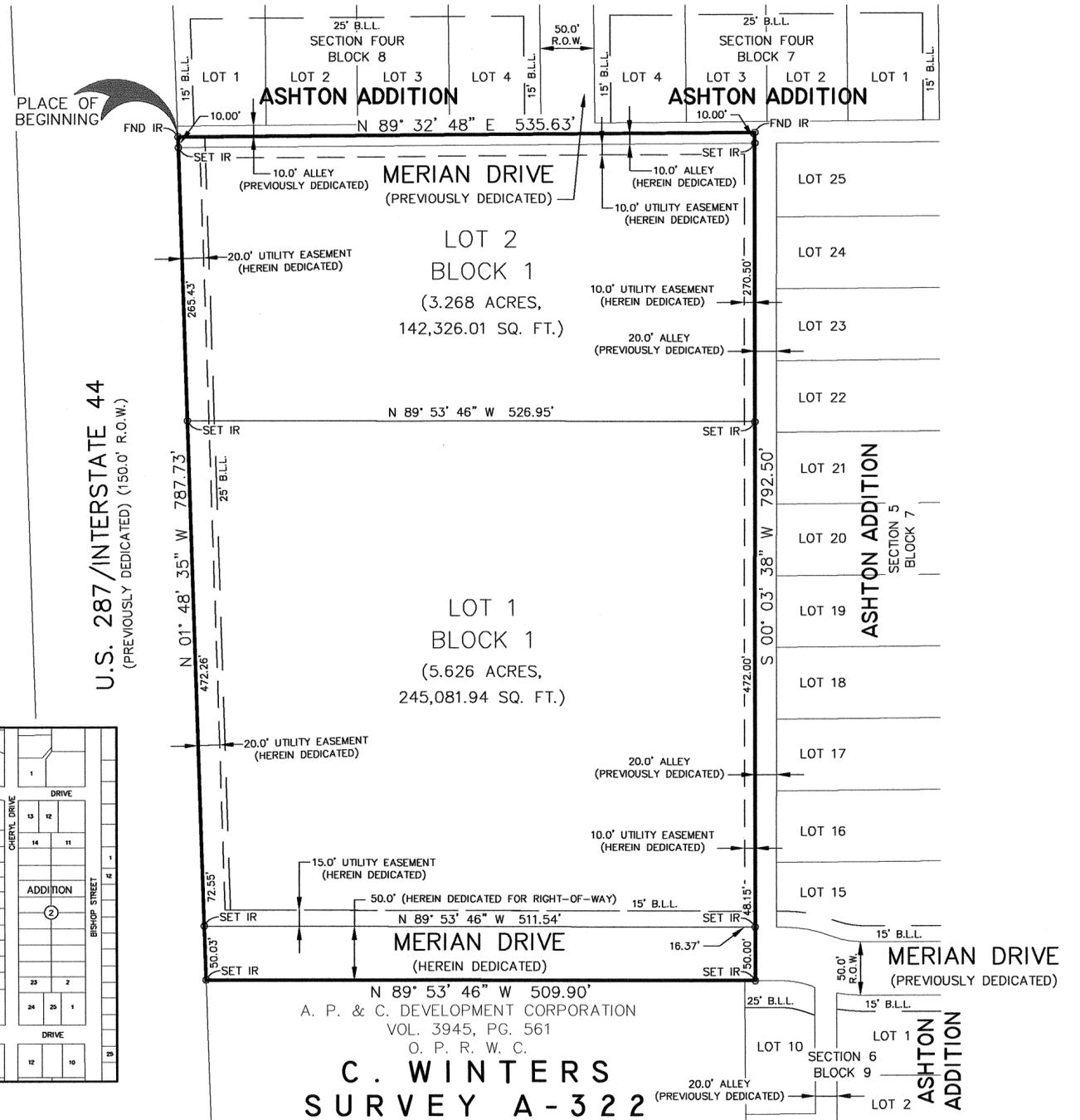
as published by the U.S. Department of Homeland Security, Federal Emergency Management Agency.

Flood Zone designation is Zone X.

BASIS OF BEARING IS THE EAST LINE OF U.S. 287/IH 44 BEING N 01° 48' 35" W



LOCATION MAP
NO SCALE

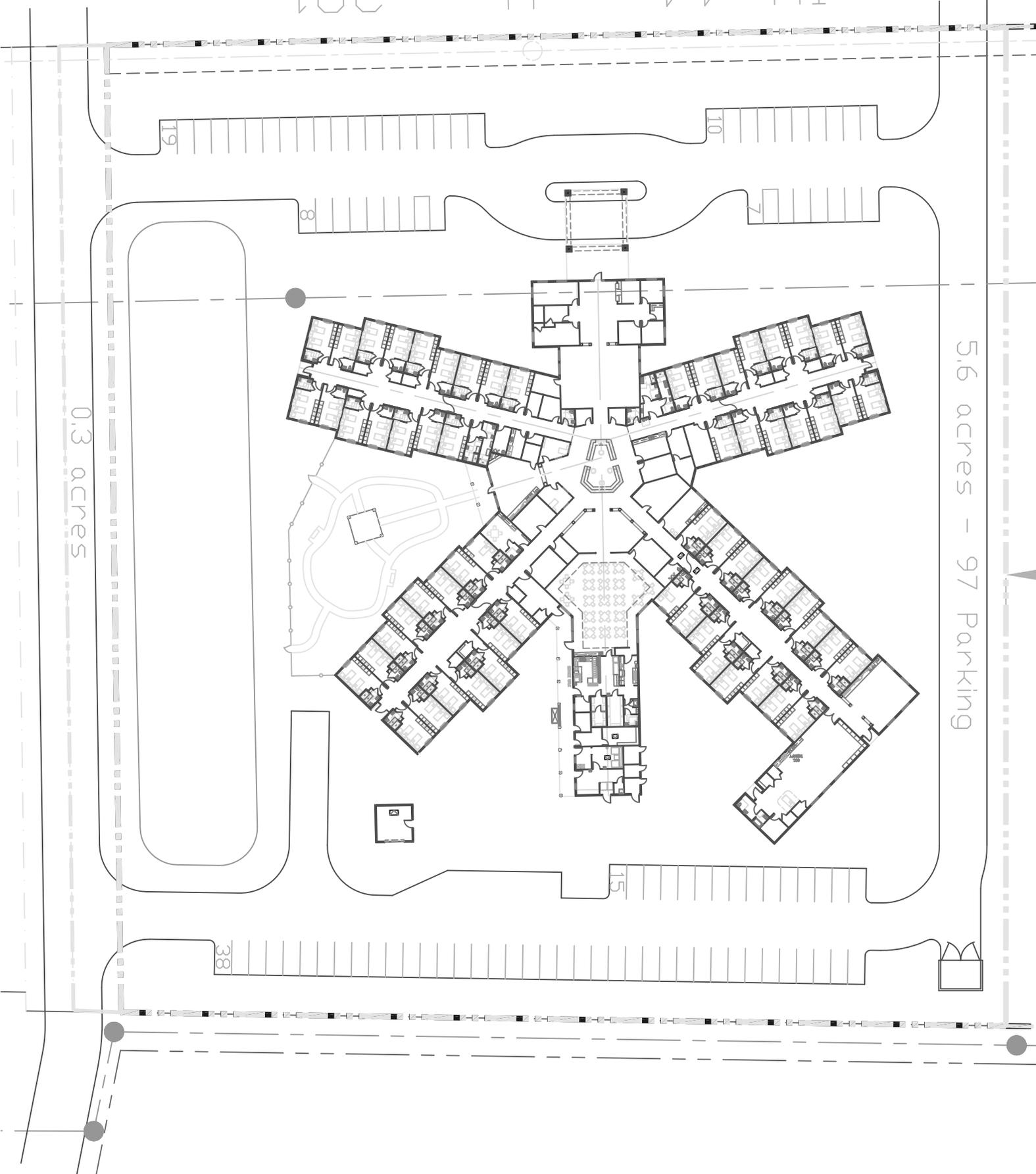


OWNER
BURKE NH REALTY, LTD
NTF REALTY, INC. GENERAL PARTNER
4809 COLE AVENUE STE 347
DALLAS, TEXAS 75205
PHONE (214) 521-9293

OWNER
A. P. & C. DEVELOPMENT CORPORATION
P.O. BOX 575
BURKBURNETT, TEXAS 76354
PHONE (940) 569-3333

PREPARED BY
CORLETT, PROBST & BOYD, P.L.L.C.
ENGINEERS & SURVEYORS
4605 OLD JACKSBORO HIGHWAY
WICHITA FALLS, TEXAS 76302
PHONE (940) 723-1455

IH 44 - HWY 281



0.3 acres

5.6 acres - 97 Parking

19

10

8

15

38



CITY OF BURKBURNETT
**SPECIFIC USE
APPLICATION**

OFFICE USE:

CASE NO. 3015-22

FEE PAID 50.00

Property Address 1007 South Red River Expressway
Legal Description 1 & 2 1 Burke NH Addition
 Lot(s) Block Subdivision
Tax Account No. 119366
Proposed Use Skilled Nursing Facility
Present Use Undeveloped - Farmland Zoning Commercial (Business)
Property Platted ? [] Yes [X] No (Is currently being platted)
Applicant's Name Corlett, Probst & Boyd, PLLC. Daytime Phone # (940)723-1455
Mailing Address 4605 Old Jacksboro Highway
 Wichita Falls, Texas Zip 76302

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 Don S. Miller DATE 7/10/15

Owner's Signature Don Miller, v.p. DATE 7-10-15

- 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.

Director Administration

Date