

**REGULAR MEETING OF THE
CITY OF ALVARADO PLANNING AND ZONING COMMISSION
104 W. COLLEGE AVE.
SEPTEMBER 5, 2023
6:30 PM
AGENDA**

The Planning and Zoning Commission of the City of Alvarado will meet in a regularly called session on Tuesday, September 5, 2023 at 6:30 p.m. in the Council Chambers at City Hall for the following agenda items.

CALL TO ORDER - Roll Call

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT:

This is an opportunity for citizens to address the convened board of this meeting on any matter. The presiding officer may ask for the citizen to hold his or her comment on an agenda item until that agenda item is reached. The convened board has no obligation to respond in any matter to comments or questions from the public. Any response from a member of the convened Board to comments related to items not on the agenda is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for a future meeting.

APPROVAL OF MINUTES

1. Consideration and action to approve Minutes from the 8/8/2023 Regular Planning and Zoning Commission Meeting.

CONSENT AGENDA: NA

NEW BUSINESS:

3. Public hearing, consideration and action on an application of Robert and Ann Johnston for approval of a specific use permit in the Single Family Residential (SF-2) District for a guest house use on 0.46 acres known as Lot 5R, Block A of the New Town Addition (aka Missouri Pacific Addition), addressed at 105 S. 5th Street. (French)

4. Public hearing, consideration and action on application of Auburn-Cal Associates, LP for approval of a zoning change from Multi-family (MF) District with a portion having the Floodplain (FP) Overlay District to General Commercial (C-2) District on 2.15 acres known as Lot 2 of the Great Divide Addition, addressed at 101 N. Parkway Drive. (French)

EXECUTIVE SESSION: (OPTIONAL WITH ADVANCED NOTICE TO CITY ATTORNEY)

Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council or other Board may convene in closed session to deliberate regarding the following matters: §551.071 Consultation with Attorney. The City Council or other Board may convene in Executive Session to conduct a private consultation with its Attorney on any legally posted agenda item, when the City Council or other Board seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551.

COMMISSIONER COMMENTS:

Pursuant to LGC Section 551.0415, Commission 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 may include, but not necessarily limited to any of the following:

- 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.

ADJOURN

ACCESSIBILITY STATEMENT

The Alvarado City Hall and Council Chamber are wheelchair accessible. The exit and parking ramps are located in the front of the building. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817-790-3351, FAX: 817-783-7925, e-mail: wallsb@cityofalvarado.org. Please call at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

NON-DISCRIMINATION STATEMENT

The City of Alvarado does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the employment or the provision of services.

I, the undersigned authority, do hereby certify that the above agenda was posted on the bulletin board at the City Hall of the City of Alvarado, Texas, a place convenient and readily accessible to the general public at all times, and said agenda was posted on September 1, 2023 by 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

A handwritten signature in black ink that reads "Justin French". The signature is written in a cursive, flowing style.

Justin French, AICP
Community Development Director
City of Alvarado, Texas

**REGULAR MEETING OF
THE CITY OF ALVARADO PLANNING AND ZONING COMMISSION**

**104 W. COLLEGE
August 8, 2023 @ 6:30 PM**

MINUTES

The Planning and Zoning Commission of the City of Alvarado met in a regularly called session on Tuesday, August 8, 2023 at 6:30 p.m. in the Council Chambers at City Hall. The following members were present for roll call:

Bryan Thornton
Mike McBee
Ryan Banister

The following Commissioners were absent for roll call:
Joshua Rendon
Kelly Richardson

The following alternates were absent for roll call:
Flint Webb
Barbara Fuller

City personnel present: Justin French, Community Development Director

Chairman Thornton called the meeting to order at 6:30 p.m.

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT – None

APPROVAL OF MINUTES – Commissioner McBee moved to approve the July 11, 2023 minutes as written. Commissioner Banister seconded the motion. Motion passed with three votes in favor and none opposed.

CONSENT AGENDA – None

NEW BUSINESS

Application of Torrez & Sons Real Estate, LLC represented by John Torrez for approval of the Rambler's Corner Addition final plat on 1.096 acres known as Tract 25 of the J. M. Ross Survey, Abstract 737, addressed at 450 Hwy 67. Mr. French presented a brief overview of the request. Chairman Thornton moved to recommend approval to City Council with conditions suggested by the Development Review Committee. Commissioner McBee seconded the motion. Motion passed with three votes in favor and none opposed.

Chairman Thornton opened the public hearing at 6:34 pm. for consideration and action on application of Robert and Ann Johnston for approval of a specific use permit in the Single Family Residential (SF-2) District for a guest house use on 0.46 acres known as Lot 5R, Block A of the New Town Addition (aka Missouri Pacific Addition), addressed at 105 S. 5th Street. Mr. French presented a brief overview of the request. The applicant, Robert Johnston, was present to answer any questions and his wife Ann was not. Mr. Johnston clarified that he intends for the guest house to have a kitchen. Mr. French then clarified that by definition of guest house in the Alvarado zoning ordinance no kitchen is permitted. Being no one further to speak upon the request, Chairman Thornton motioned to continue the public hearing to the September 5th regularly scheduled meeting so the applicant and City staff can work out a request that is eligible for the Commission's approval. Commissioner Banister seconded the motion. Motion passed with three votes in favor and none opposed.

Chairman Thornton opened the public hearing at 6:39 pm. for consideration and action on application of Shabana Mallick with Superior Grocers, Inc. for approval of a specific use permit in the General Commercial (C-2) District for truck parking use on 1.1 acres known as Lot 2, Block 1 of the Gandhi Addition, addressed at 1163 W. Hwy 67. Mr. French presented a brief overview of the request. The applicant was present to answer any questions. Being no one further to speak upon the request, Chairman Thornton closed the public hearing, and Chairman Thornton moved to recommend disapproval to City Council. Commissioner McBee seconded the motion. Motion passed with three votes in favor and none opposed.

ADJOURNMENT

Chairman Thornton adjourned the regular meeting at 7:00 p.m.

Passed and approved this _____ day of _____, 2023.

Bryan Thornton, Chairman

Attest:

Justin French, Community Development Director



Planning and Zoning Commission Meeting Management Report

Meeting Date: September 5, 2023

Contact: Justin French, Community Development Director

AGENDA ITEM:

Continue the public hearing opened on August 21, 2023, then consideration and action on the application of Robert and Ann Johnston for approval of a specific use permit in the Single Family Residential (SF-2) District for *guest house* use on 0.46 acres known as Lot 1R, Block A of the New Town Addition (aka Missouri Pacific Addition), addressed at 105 S. 5th Street.

BACKGROUND & FINDINGS:

The Future Land Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Low Density Residential, which is generally single-family-detached homes at approximately four dwelling units per acre. Though guest houses are not directly mentioned in the Plan, the proposed use is consistent with the targeted density in the Comprehensive Plan.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

Staff suggests the Commission recommend to Council approval of the requested specific use permit.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

ATTACHMENTS:

Application
Applicant's Exhibits
Location Map
Zoning Map
SF-2 District Quick Reference
Property Owner Notice List
Notices
Drafted Ordinance 2023-0020

CITY OF ALVARADO

APPLICATION FOR A SPECIFIC USE PERMIT

DATE: 7/14/2023 CLERK: Pray FEE: 250⁰⁰ CASE NO: 2023-0549
NAME OF APPLICANT: Robert & Ann Johnston PH: (817) 319-6555
MAILING ADDRESS: 105 S. 5th Street Alvarado, TX 76009
APPLICANT IS THE: OWNER / LEASER / PURCHASER OF THE PROPERTY.
circle one
NAME OF OWNER: Robert & Ann Johnston PH: (817) 319-6555
MAILING ADDRESS: 105 S. 5th Street Alvarado, TX 76009
STREET ADDRESS OF PROPERTY: 105 S. 5th Street ACREAGE: 0.457
LEGAL DESCRIPTION: Lot 5R, Block A, Missouri - Pacific Addition
PRESENT ZONE OF PROPERTY: Single Family PRESENT USE: Single Family Dwelling
REASON FOR NEEDING A SPECIFIC USE PERMIT: METAL Building
Guest house 872 sq. ft. (32'x36')
USAGE OF ADJACENT PROPERTY NORTH: VACANT Lot / Austin Street
SOUTH: Residential, Across S. SPARKS St.
EAST: Gilbreath Residence (800 S. SPARKS St.)
WEST: JOHNSTON (Tommy/Dennis) (100 S. 5th St.)

PLEASE ATTACH REQUIRED SITE PLAN FOR APPLICATION CONSIDERATION.

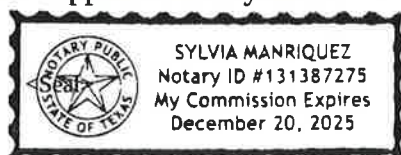
NOTE: If the property can be identified by the subdivision or addition please include that with the lot and block numbers as the legal description. You must also attach a copy of the appropriate portion of the subdivision or addition plat with the subject property clearly indicated on it. If property is not part of a subdivision or addition plat, give the complete metes and bounds description of the property and indicate the location of said property by identifying one or more adjacent tracts and/or rights-of-way or attach a surveyor's plat of the property.

APPLICANT'S SIGNATURE: [Signature]

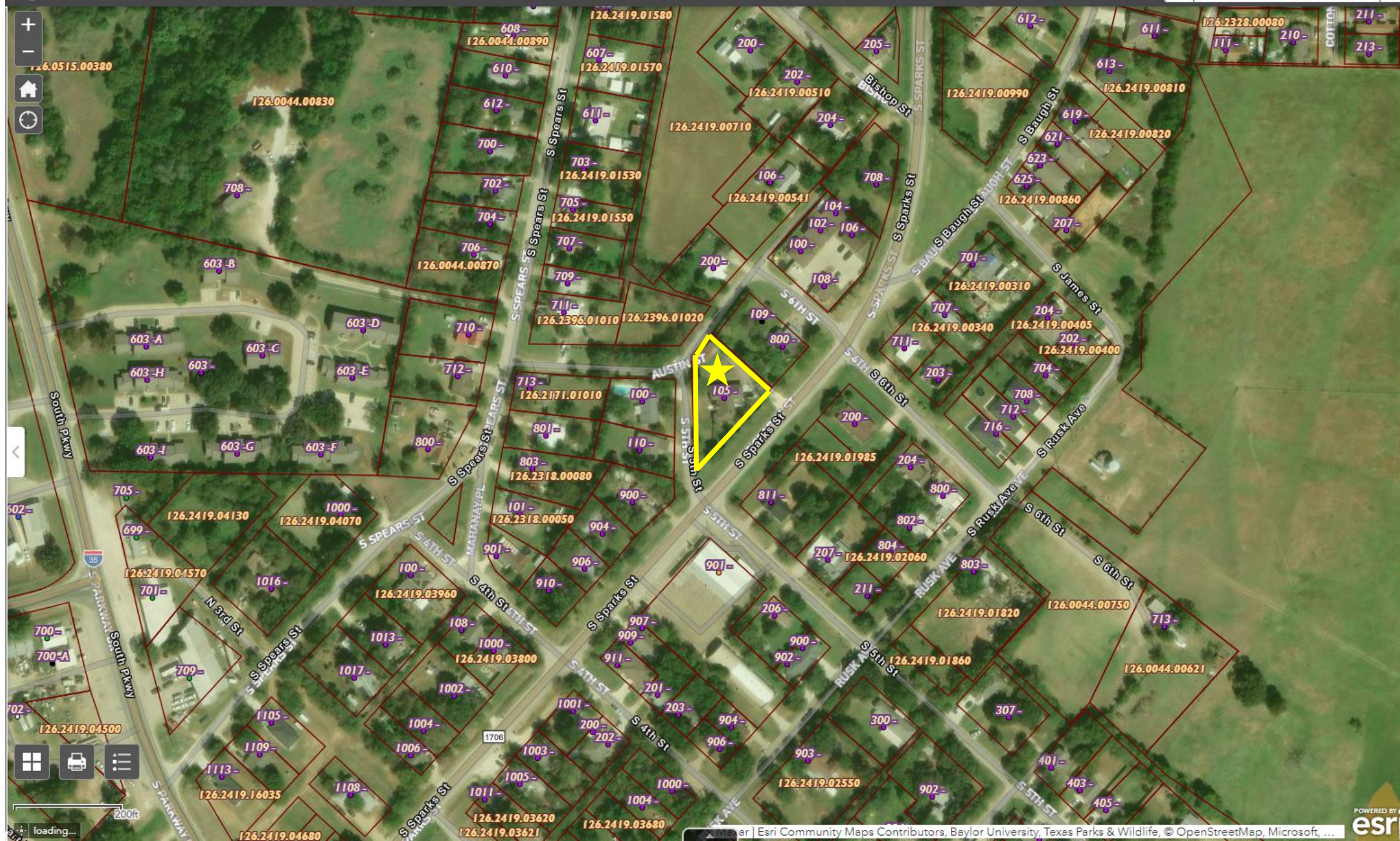
The undersigned hereby, on oath, states that he or she is the record owner of the property for which this application is made.

OWNER: [Signature]

SWORN TO AND SUBSCRIBED before me this 14 day of June, 2023, by the person whose signature appears directly above.



[Signature]
Notary Public in and for The State of Texas.
My Commission expires Dec. 20, 2025



SF-2

MF

TF

TF

M1

2

I-35BR

S. SPEARS ST.

M. HWY. 1706

AUSTIN

SOUTH

N.

AVE.

SPARKS

N.

5TH

N 6TH

JAMES AVE.

STREET

AVE.

ST

BROWN

COTTON

ST.

ST.

ST.

BA

S.



Sec. 42-22. SF-2 single-family residential district.

- (a) *Purpose.* The SF-2 district is not as restrictive as the "SF-1" district. This district is to be applied in areas where smaller residential lots are appropriate and in areas of transition between nonresidential uses and the SF-1 single-family residential district. This district also functions as a buffer or transition between major streets and the SF-1 district.
- (b) *Permitted uses and parking regulations.* In the SF-2 single-family residential district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

USE	PARKING REGULATIONS
Accessory building to main use	0 spaces
Carport	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Retirement housing	1 space for each 6 beds per unit
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

- (c) *Development requirements.*

Minimum lot area:	6,000 square feet ¹
Minimum lot width:	50 linear feet
Minimum lot depth:	120 linear feet
Minimum front yard:	25/35 linear feet ²
Minimum side yard:	8/10/15 linear feet ³
Minimum rear yard:	25 linear feet ⁴
Maximum ground coverage:	45/55 ⁵
Maximum density per acre:	6.00 DU

Height:	35 linear feet
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¹ A lot of less than 6,000 square feet may be used for a single family residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

² The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

³ The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

⁴ A one-story wing or extension may be built to within 15 feet of the rear lot line.

⁵ The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

(d) *Specific uses.* The following specific uses are allowed in the SF-2 district when authorized under the provisions of section 42-45:

USE	PARKING REGULATIONS
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Boarding home facility	1 space per employee, plus 1 space for each 6 beds
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains
Community home	1 space per employee, plus 1 space for each 6 beds
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Farm, ranch, or orchard	1 space per employee
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Guest house	1 space per unit
Hospital (chronic care); long term health care facility	1 space for each 2 beds
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and

	additional parking provided on the basis of 1 space for each 4 seats that it contains
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i))	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee
Zero lot line house	2 enclosed spaces per unit

(e) *Special construction requirements.*

- (1) *Developments of ten or more lots.* All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.
- (2) *Developments of one to nine lots.* All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry, masonry-type products and/or glass, or may be of a log cabin-type material and design. It is provided; however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.
- (3) *Applicability of regulations.* These construction requirements shall apply to all the following:
 - a. Newly constructed houses.
 - b. Houses moved into or within the city from a previous location.
- (4) *Attic space.* All residential structures must have at least six feet of attic space from the attic floor to the highest point of the attic framing.
- (5) *Living space.* All residential structures must have at least 1,200 square feet of living space.

(Ord. No. 2015-005, § 1, 4-20-2015)



City of Alvarado
104 W. College Ave. Alvarado, TX 76009
817-790-3351 ♦ www.cityofalvarado.org

July 20, 2023

Robert & Ann Johnston
105 S. 5th Street
Alvarado, TX 76009
817.319.6555

The City of Alvarado has received your request for approval of a specific use permit in the Single Family Residential (SF-2) District for *guest house* use on 0.46 acres known as a Lot 5R, Block A of the New Town Addition (aka Missouri Pacific Addition), addressed at 105 S. 5th Street.

NOTICE OF HEARING BEFORE PLANNING AND ZONING COMMISSION

Notice is hereby given that a public hearing will be held before the Planning and Zoning Commission of the City of Alvarado on Tuesday, the 8th day of August 2023, in the Council Chambers, 104 W. College Avenue, at 6:30p.m. regarding this request. The Planning and Zoning Commission will forward a recommendation to the City Council.

NOTICE OF HEARING BEFORE CITY COUNCIL

Notice is hereby given that a public hearing will be held by the City Council of the City of Alvarado on Monday, the 21st day of August 2023, in the Council Chambers, 104 W. College Avenue, at 6:30 p.m., regarding this request.

For more information on the Comprehensive Plan, its land use classifications and its role in the planning and zoning process, you may contact the Community Development Director at 817.240.9585, or at frenchj@cityofalvarado.org.

Sincerely,

Justin French, AICP
Community Development Director
City of Alvarado
frenchj@cityofalvarado.org

Alvarado Address	Owner within 200 Feet	Mailing Address	City	State	Zip Code
800 S. Sparks Street	Lisa Jannette Gibreath	PO Box 1155	Alvarado	TX	76009
811 S. Sparks Street	Ruben Marin Sanchez	811 S. Sparks Street	Alvarado	TX	76009
900 S. Sparks Street	Martin Gurrola	900 S. Sparks Street	Alvarado	TX	76009
901 S. Sparks Street	New Life Ministries Inc.	PO Box 488	Alvarado	TX	76009
904 S. Sparks Street	Leanna Cowan	113 S. Dick Price Road	Kennedale	TX	76060
106 Austin Street	Willie Lee Davis	10900 CR 103	Grandview	TX	76050
200 Austin Street	Bah Alpha Etux	907 Rockcress Drive	Mansfield	TX	76063
300 Austin Street	Alma Vega	2809 CR 206	Alvarado	TX	76009
100 S. 5th Street	Tommy B. Johnston	PO Box 196	Alvarado	TX	76009
110 S. 5th Street	Sanuel D. Pence Etux	4309 FM 2415	Alvarado	TX	76009
707 S. Spears Street	Thurman & Penelope Susan Shumate	4034 CR 317	McKinney	TX	75069
709 S. Spears Street	Randell S. Gaskill	Box 166	Alvarado	TX	76009
711 S. Spears Street	CM Jackson Enterprises, LLC	7300 Hinton Drive	Mansfield	TX	76063
713 S. Spears Street	Dennis Weiss	5420 CR 707	Alvarado	TX	76009
801 S. Spears Street	Dennis Weiss	5420 CR 707	Alvarado	TX	76009
803 S. Spears Street	Rafael Flores	101 Mahaney	Alvarado	TX	76009
199 Bishop Street	CM Jackson Enterprises, LLC	1241 W. Green Oaks Blvd.	Arlington	TX	76013
100-108 S. 6th Street	Vonlar Inc.	2816 S. I35W	Burleson	TX	76028
200 S. 6th Street	Robert Garcia Etux Sulema V	2809 Maverick Ave.	Dallas	TX	75228
200 S. 6th Street	Robert Garcia Etux Sulema V	2809 Maverick Ave.	Dallas	TX	75228
Owner, Applicant, ISD		Mailing Address	City	State	Zip Code
Owner	Robert & Ann Johnston	105 5th Street	Alvarado	TX	76009



City of Alvarado
104 W. College Ave. Alvarado, TX 76009
817-790-3351 ♦ www.cityofalvarado.org

July 20, 2023

Dear Property Owner,

The City of Alvarado has received the request made by Robert and Ann Johnston for approval of a specific use permit in the Single Family Residential (SF-2) District for *guest house* use on 0.46 acres known as a Lot 5R, Block A of the New Town Addition (aka Missouri Pacific Addition), addressed at 105 S. 5th Street.

NOTICE OF HEARING BEFORE PLANNING AND ZONING COMMISSION

Notice is hereby given that a public hearing will be held before the Planning and Zoning Commission of the City of Alvarado on Tuesday, the 8th day of August 2023, in the Council Chambers, 104 W. College Avenue, at 6:30p.m. regarding this request. The Planning and Zoning Commission will forward a recommendation to the City Council.

NOTICE OF HEARING BEFORE CITY COUNCIL

Notice is hereby given that a public hearing will be held by the City Council of the City of Alvarado on Monday, the 21st day of August 2023, in the Council Chambers, 104 W. College Avenue, at 6:30 p.m., regarding this request.

According to City and County Tax Records, you are the owner of property which is located within two hundred (200) feet of the area of the requested zoning change. This is notice of the public hearings, at which any interested persons will be given an opportunity to be heard. In hearing this matter, the Planning and Zoning Commission and City Council may approve the request as submitted, may approve an amended request, or may deny the request.

For more information on the Comprehensive Plan, its land use classifications and its role in the planning and zoning process, you may contact the Community Development Director at 817.240.9585, or at frenchj@cityofalvarado.org.

Sincerely,

Justin French, AICP
Community Development Director
City of Alvarado
frenchj@cityofalvarado.org

July 14, 2023

City of Alvarado
104 W. College Ave
Alvarado, TX 76009

RE: Permit for proposed metal dwelling @ 105 S. 5th Street (Johnston)

To whom it may concern -

As a neighbor and property owner adjacent to the Johnston residence located at 105 S. 5th Street, I do not have any objections to the proposed dwelling to be constructed on their property.

Sincerely,



Lisa Gilbreath

800 S. Sparks Street

Alvarado, TX 76009

Tommy & Donnie Johnston

100 S 5th Street

Alvarado TX 76009

July 13, 2023

City of Alvarado

Planning and Development

To Whom it May Concern:

We understand our neighbors at 105 S 5th Street are petitioning the city for permission to construct a metal building on their property. Let it be known that we have no objection to this structure being built.

Respectfully,



Donnie Johnston
Tommy & Donnie Johnston

ORDINANCE NO. 2023-0020

AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS, APPROVING A SPECIFIC USE PERMIT IN THE SINGLE FAMILY RESIDENTIAL (SF-2) DISTRICT FOR A GUEST HOUSE USE ON 0.46 ACRES KNOWN AS LOT 5R, BLOCK A OF THE NEW TOWN ADDITION (AKA MISSOURI PACIFIC ADDITION), ADDRESSED AT 105 S. 5TH STREET; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICAITION IN THE OFFICAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas is a home-rule municipality located in Johnson County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the provisions of, and subject only to the limitations imposed by the State Constitution, State Laws, and the City Charter; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has previously adopted a Zoning Ordinance for the purpose of promoting health, safety, and general welfare of the citizens of the City of Alvarado to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and

WHEREAS, in accordance with Chapter 42 of the City's Code of Ordinances, the owner(s) of the 0.46-acre property described herein have filed an application for approval of a specific use permit to allow a guest house use; and

WHEREAS, the Planning and Zoning Commission of the City of Alvarado, Texas held a public hearing on August 8, 2023, with respect to the proposed specific use permit described herein and recommended _____ by a vote of _____; and

WHEREAS, in accordance with Section 211 of the Texas Local Government Code the City Council of the City of Alvarado, Texas held a public hearing on August 21, 2023, with respect to the specific use permits described herein; and

WHEREAS, the City Council finds it appropriate to approve the specific use permit described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, City ordinances, and all other laws dealing with notice, publication, and procedural requirements for approval of an ordinance approving a specific use permit; and

WHEREAS, the City Council finds approval of the specific use permit as outlined herein are in the best interest of the City of Alvarado and will promote the health, safety, and general welfare of the citizens of the City of Alvarado and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS THAT:

SECTION 1

The zoning map of the City of Alvarado is hereby amended by approving a specific use permit in the Single Family Residential District (SF-2) District for a guest house use on 0.46 acres known as Lot 5R, Block A of the New Town Addition (aka Missouri Pacific Addition), addressed at 105 S. 5th Street.

SECTION 2

The use of the property described above shall be subject to the restrictions, terms and conditions set forth in Exhibit "A" Performance and Design Standards, Exhibit "B" Site Plan, and to all applicable regulations contained in the Zoning Ordinance, as amended, and all other applicable and pertinent ordinances of the City of Alvarado, Texas. In addition, the authorization to conduct the land use described in Section 1 hereof is valid indefinitely following publication as prescribed in Section 7.

SECTION 3

This ordinance shall be cumulative of all other ordinances of the City of Alvarado, Texas, as amended, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

All rights or remedies of the City of Alvarado, Texas are expressly saved as to any and all violations of any ordinance affecting subdivisions or design standards that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the City Council of the City of Alvarado shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 9-67 of the Code of Ordinances, City of Alvarado, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 7.

The City Secretary of the City of Alvarado is hereby directed to the caption, penalty clause, publication clause and effective date clause of this ordinance one time in the official newspaper of the City, as authorized by Section 52.013 of the Local Government Code.

SECTION 8.

This ordinance shall be in full force and effect from and after its passage as required by law,

AND IT IS SO ORDAINED.

PASSED AND APPROVED ON this the 21st day of August, 2023.

CITY OF ALVARADO

By: _____
Jacob Wheat, Mayor

ATTEST:

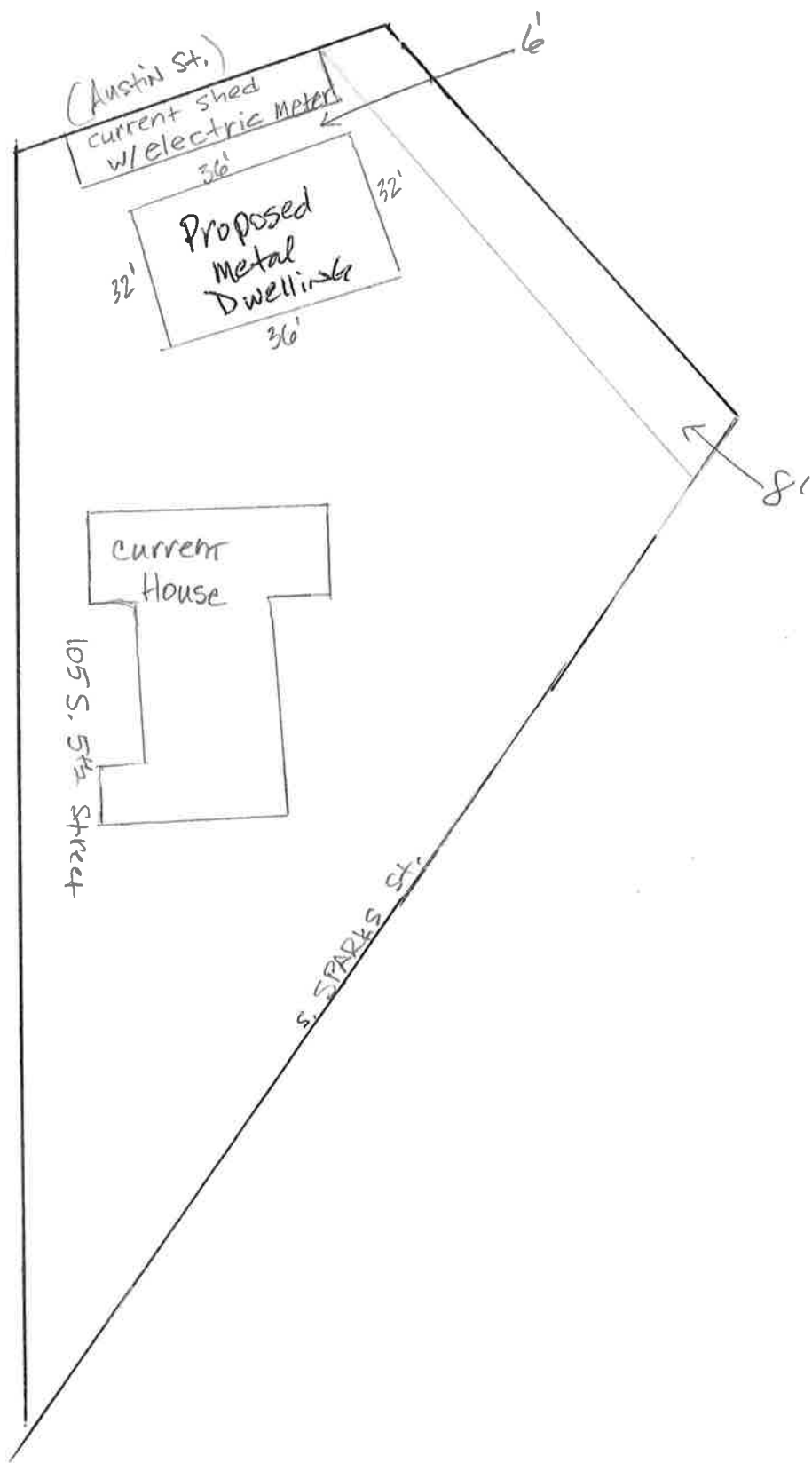
Beth A. Walls, City Secretary

**“Exhibit A”
Performance and Design Standards**

- 1. This specific use permit allows an 872-square-foot guest house at 105 S. 5th Street.**
- 2. Two off-street parking spaces are required for the existing residence and one additional off-street space is required for the guest house use. The additional off-street parking space must be paved concrete or hot-mix asphalt.**
- 3. By definition in the Alvarado zoning ordinance, the guest house must be living quarters within a detached accessory building located on the same premises with the principal residence for use by temporary guests of the occupants of the premises. A guest house shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.**
- 4. The guest house must be at least six feet from other structures and at least eight feet from the nearest side property line.**

**“Exhibit B”
Site Plan**

(See Next Page)



32' x 36'

Cottage Plan: 872 Square Feet, 1 Bedroom, 1.5 Bathrooms - 348-00296

No Fireplace
1 story

CLOSE



Slab foundation / Same color scheme as existing home
Metal exterior & roof

"Illustration purposes"



Planning and Zoning Commission Meeting Management Report

Meeting Date: September 5, 2023

Contact: Justin French, Community Development Director

AGENDA ITEM:

Public hearing, consideration and action on the application of Auburn-Cal Associates, LP. For approval of a zoning change from Multi-family (MF) District with a portion having the Floodplain (FP) Overlay District to General Commercial (C-2) District on 2.15 acres known as Lot 2 of the Great Divide Addition, addressed at 101 N. Parkway Drive.

BACKGROUND & FINDINGS:

The Future Land Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Interstate Business, which generally includes big box retail and lifestyle shopping centers. This type of development is targeted to increase the non-residential tax revenue for the City and attract residents and visitors. The requested use will not change tax revenue but is consistent with the Comprehensive Plan.

The portion of the subject site actually within the FEMA designated area of significant flood hazard (Zone A) is minimal if any; however, the FP Overlay extends beyond the mapped FEMA Zone A. Although FEMA's Zone A is mapped, the mapping is not studied or based on an on-the-ground survey. FEMA's Estimated Base Flood Elevation reporting indicates the area of inundation is in front of the subject site within TxDOT right-of-way but not on the subject site. Therefore, City staff has no objections to the removal of the FP Overlay from the subject site. (See FEMA Estimated Flood Risk Report attached)

The applicant's purpose in rezoning the site is to make the existing nursing and rehabilitation facility a conforming use to the zoning prior to selling to a new owner.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

Staff suggests the Commission recommend approval to Council per the Comprehensive Plan.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

ATTACHMENTS:

Application
Location Map
Zoning Map
Property Owner Notice List
Notices
General Commercial District Quick Reference
FEMA Estimated Flood Risk Report
Drafted Ordinance 2023-0021

CITY OF ALVARADO

APPLICATION FOR ZONING CHANGES

DATE: _____ CLERK: _____ FEE: _____ CASE NO: _____

NAME OF APPLICANT: Auburn-Cal Associates, L.P. PH: (310) 229-0277

MAILING ADDRESS: 10960 Wilshire Boulevard, 5th Floor, Los Angeles, CA 90024

APPLICANT IS THE: OWNER / LEASER / PURCHASER OF THE PROPERTY.

circle one

NAME OF OWNER: Auburn-Cal Associates, L.P., a California limited partnership PH: (310) 229-0277

MAILING ADDRESS: 10960 Wilshire Boulevard, 5th Floor, Los Angeles, CA 90024

STREET ADDRESS OF PROPERTY: 101 N. Parkway, Alvarado, TX 76009 ACREAGE: 2.15 acres

LEGAL DESCRIPTION: See Attached

PRESENT ZONE OF PROPERTY: MF PRESENT USE: Skilled Nursing Facility

REQUESTED ZONE: C-2 PROPOSED USE: Skilled Nursing Facility

REASON FOR CHANGE: Change to a zoning district which allows the present use as of right.

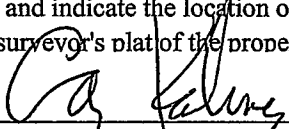
USAGE OF ADJACENT PROPERTY NORTH: C-2

SOUTH: SF-2

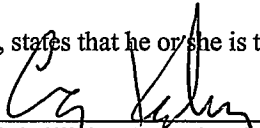
EAST: C-2

WEST: MF and SF-2

NOTE: If the property can be identified by the subdivision or addition please include that with the lot and block numbers as the legal description. You must also attach a copy of the appropriate portion of the subdivision or addition plat with the subject property clearly indicated on it. If property is not part of a subdivision or addition plat, give the complete metes and bounds description of the property and indicate the location of said property by identifying one or more adjacent tracts and/or rights-of-way or attach a surveyor's plat of the property.

APPLICANT'S SIGNATURE: 
Auburn-Cal Associates, L.P., by K&Y Investments, Inc., General Partner, by Gary Kading, President

The undersigned hereby, on oath, states that he or she is the record owner of the property for which this application is made.

OWNER: 
Auburn-Cal Associates, L.P., by K&Y Investments, Inc., General Partner, by Gary Kading, President

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023, by the person whose signature appears directly above.

SEE ATTACHED NOTARY BLOCK

<Seal>


Notary Public in and for The State of Texas CALIFORNIA
My Commission expires 10/17/2025

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

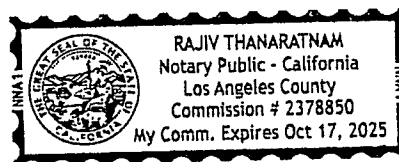
County of LOS ANGELES)

On AUGUST 3, 2023 before me, RAJIV THANARATNAM Notary Public, personally appeared Gary Kading, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

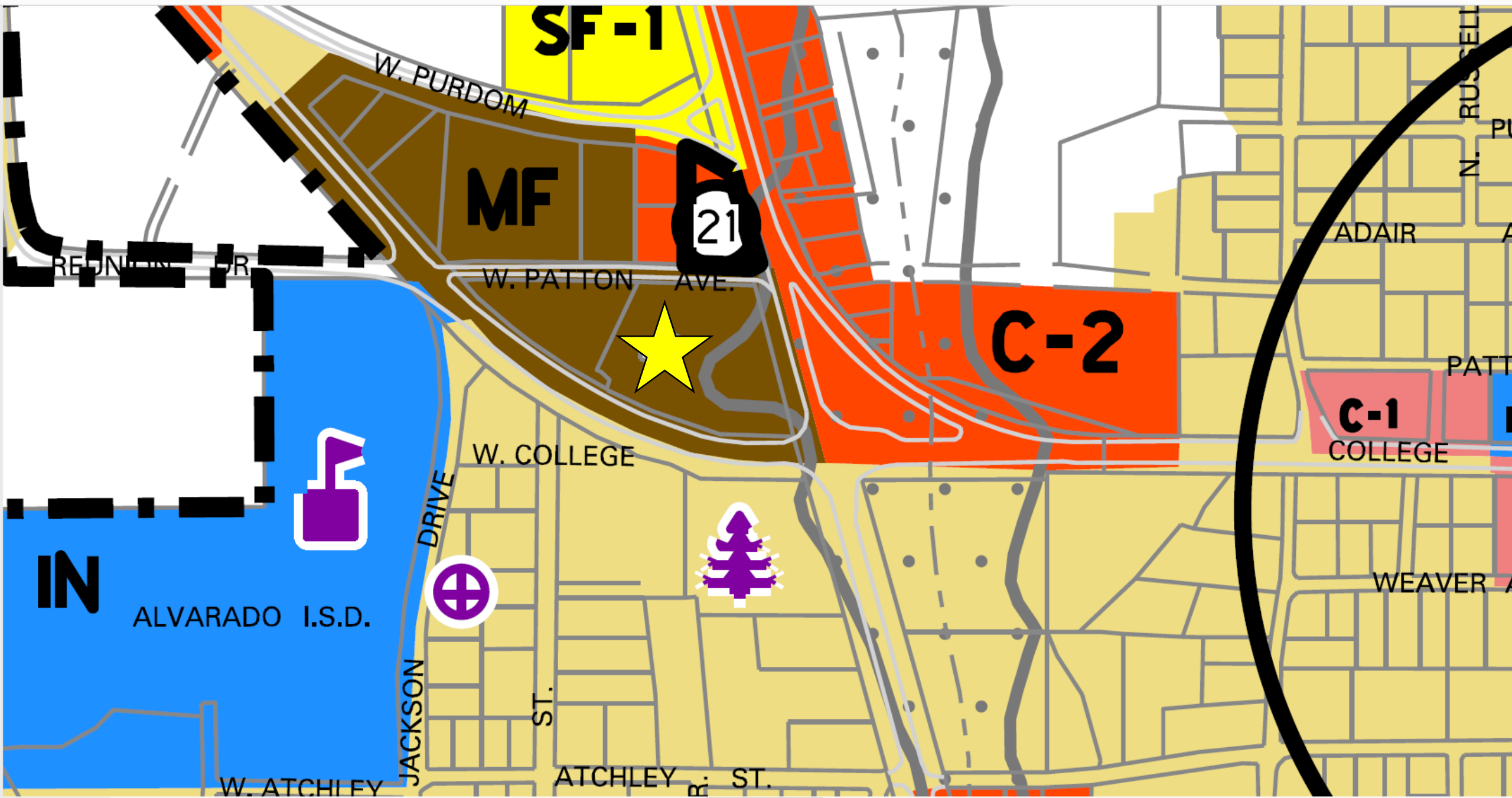
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature RJ



FOR NOTARY STAMP



SF-1

W. PURDOM

MF

21

W. PATTON AVE.



C-2

W. COLLEGE

C-1

COLLEGE

WEAVER A.

JACKSON DRIVE

ST.

ATCHLEY ST.

W. ATCHLEY

ALVARADO I.S.D.

IN



Alvarado Address	Owner within 200 Feet	Mailing Address	City	State	Zip Code	PID
500 Glenwood Drive	Junaid Farooqui	2514 Bunker Hill Cir	Plano	TX	75075	126.2468.00010
109 N. Bill Jackson Dr.	Alvarado Economic	104 W. College St	Alvarado	TX	76009	126.2489.01010
101 S. Watson Street	Alvarado Economic	104 W. College St	Alvarado	TX	76009	126.2489.02010
103 S. Watson Street	Alvarado Economic	104 W. College St	Alvarado	TX	76009	126.0313.00650
408 W. Patton Street	Leona Davis	PO Box 85	Grandview	TX	76050	126.0313.00920
402 W. Patton Street	Bolten Ventures LLC	4301 Glenshire Ct	McKinney	TX	75072	126.0313.00670
405 W. Purdom Ave.	Patricia Callahan	5012 Kemble St	Fort Worth	TX	76103	126.2406.01010
404 W. Patton Street	Patricia Callahan	5012 Kemble St	Fort Worth	TX	76103	126.2406.01020
201 N. Parkway Drive	Alvarado Old Pueblo Ltd	3206 CR 530b	Burleson	TX	76028	126.0313.00590
100 N. Parkway Drive	NY Texas Equities LLC	8 Lemberg Ct Ste 001	Monroe	NY	10950	126.0313.00460
200 N. Parkway Drive	Alvarado Old Pueblo Ltd	3206 CR 530b	Burleson	TX	76028	126.0313.00960
202 N. Parkway Drive	379 Property Group LLC	6204 CR 707	Alvarado	TX	76009	126.0313.00950
204 N. Parkway Drive	Amadeus Holdings Inc	PO Box 543	Grapevine	TX	76099	126.2357.00040
	Owner, Applicant, ISD	Mailing Address	City	State	Zip Code	
	Auburn Cal Associates, LP	10960 Wilshire Blvd Fifth Floor	Los Angeles	CA	90024	126.2468.00020



City of Alvarado
104 W. College Ave. Alvarado, TX 76009
817-790-3351 ♦ www.cityofalvarado.org

August 16, 2023

Auburn-Cal Associates, LP
Attn: Gary Kading, President
10960 Wilshire Boulevard Fifth Floor
Los Angeles,
310.229.0277

The City of Alvarado has received your request for approval of a zoning change from Multi-family (MF) District with a portion having the Floodplain (FP) Overlay District to General Commercial (C-2) District on 2.15 acres known as Lot 2 of the Great Divide Addition, addressed at 101 N. Parkway Drive.

NOTICE OF HEARING BEFORE PLANNING AND ZONING COMMISSION

Notice is hereby given that a public hearing will be held before the Planning and Zoning Commission of the City of Alvarado on Tuesday, the 5th day of September 2023, in the Council Chambers, 104 W. College Avenue, at 6:30p.m. regarding this request. The Planning and Zoning Commission will forward a recommendation to the City Council.

NOTICE OF HEARING BEFORE CITY COUNCIL

Notice is hereby given that a public hearing will be held by the City Council of the City of Alvarado on Monday, the 11th day of September 2023, in the Council Chambers, 104 W. College Avenue, at 6:30 p.m., regarding this request.

For more information on the Comprehensive Plan, its land use classifications and its role in the planning and zoning process, you may contact the Community Development Director at 817.240.9585, or at frenchj@cityofalvarado.org.

Sincerely,

Justin French, AICP
Community Development Director
City of Alvarado
frenchj@cityofalvarado.org



City of Alvarado
104 W. College Ave. Alvarado, TX 76009
817-790-3351 ♦ www.cityofalvarado.org

July 20, 2023

Dear Property Owner,

The City of Alvarado has received the request made by Auburn-Cal Associates LP for approval of zoning change from Multi-family (MF) District with a portion having the Floodplain (FP) Overlay District to General Commercial (C-2) District on 2.15 acres known as Lot 2 of the Great Divide Addition, addressed at 101 N. Parkway Drive.

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NOTICE OF HEARING BEFORE CITY COUNCIL

Notice is hereby given that a public hearing will be held by the City Council of the City of Alvarado on Monday, the 11th day of September 2023, in the Council Chambers, 104 W. College Avenue, at 6:30 p.m., regarding this request.

According to City and County Tax Records, you are the owner of property which is located within two hundred (200) feet of the area of the requested zoning change. This is notice of the public hearings, at which any interested persons will be given an opportunity to be heard. In hearing this matter, the Planning and Zoning Commission and City Council may approve the request as submitted, may approve an amended request, or may deny the request.

For more information on the Comprehensive Plan, its land use classifications and its role in the planning and zoning process, you may contact the Community Development Director at 817.240.9585, or at frenchj@cityofalvarado.org.

Sincerely,

Justin French, AICP
Community Development Director
City of Alvarado
frenchj@cityofalvarado.org

Sec. 42-30. C-2 general commercial district.

- (a) *Purpose.* The C-2 district is intended to allow the development of areas that provide a greater number and mix of retail and commercial uses. The uses permitted in the C-2 district are not generally carried on completely within a building or structure and an expanded range of service and repair uses is permitted. This district is reserved for areas of adequate size and location so that its broad range of high intensity land uses will not cause or create nuisances to adjoining zoning districts.
- (b) *Permitted uses and parking regulations.* In the C-2 district, no building or land shall be used and no building shall be hereinafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

USE	PARKING REGULATIONS
Accessory building to main use	1 space per employee to be occupying the building
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Antique shop	1 space for every 200 square feet of floor area
Arts, crafts store (indoor or outdoor sales)	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Auto laundry	1 space per 200 square feet of floor space
Auto parts sales (inside)	1 space for every 200 square feet of floor area
Auto repair, minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Automobile and trailer sales area, new or used	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Automobile service station	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Bakery and confectionary, retail sales	1 space per 300 square feet of gross floor area
Bank, savings and loan, credit union	1 space per 200 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barber school or college	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Barbershop	1 space per 200 square feet of gross floor area
Beauty culture school; cosmetology spec. shop	6 or 1 space per 300 square feet of gross floor area
Beauty shop	1 space per 200 square feet of gross floor area
Bed and breakfast inn	2 enclosed spaces per unit, must be attached to main structure
Boat sales and storage	1 space per 300 square feet of gross floor area
Bowling alley	Six spaces for each lane
Building materials, hardware (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Bus terminal	1 space per intended user
Business service	1 space per 300 square feet of gross floor area
Candle manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1

	space per 1,000 square feet of gross floor area, whichever is greater
Carwash	1 space per employee
Child care center	1 space per ten pupils/clients (design capacity)
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. In an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains
Clinic, medical or dental	1 space per 200 square feet of gross floor area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Convenience store	1 space per 300 square feet of gross floor area or 32
Custom personal service shop	1 space per 200 square feet of gross floor area
Dance hall	1 space per 100 square feet of gross floor area
Discount, variety, or department store	1 space per 200 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Electrical substation	1 space per employee
Electrical transmission line	0 spaces
Engine and motor repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm equipment, sales and service	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Feed and farm supply (inside sales/storage)	1 space per 300 square feet of gross floor area
Feed and farm supply (outside sales/storage)	1 space per 300 square feet of gross floor area
Field or sales office, temporary	1 space per employee
Florist	1 space per 300 square feet of gross floor area
Food store; grocery store	1 space per 300 square feet of gross floor area

Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Furniture and appliance repair and storage	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garage, private	1 space per employee to be occupying the garage
Garden center (retail sales)	1 space per 200 square feet of gross floor area
Gas metering station	1 space per employee
General merchandise indoor auction	1 space per 300 square feet of gross floor area
General merchandise store	1 space per 200 square feet of gross floor area
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area
Health club; gymnasium	1 space per employee plus 1 space per 100 square feet of floor area
Heliport or heli-atop	1 space if located on the ground
Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long term health care facility	1 space for each 2 beds
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Laundry and cleaning, commercial	1 space per 300 square feet of gross floor area
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains
Liquefied petroleum gas, storage and sale (no bulk plants)	1 space per employee plus 1 space for every 2,000 square feet of floor area
Local utility distribution lines	0 spaces
Medical supplies, sales and service	1 space per 300 square feet of gross floor area
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Mobile food vendor	0 spaces
Mortuary or funeral home	1 space per 500 square feet of gross floor space in slumber rooms, parlors, or individual funeral service rooms
Motel, motor hotel, or motor lodge	1 space for each sleeping room, plus 1 space for each 300 square feet of commercial floor area
Motorcycle sales and service	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and

	additional parking provided on the basis of 1 space for each 4 seats that it contains
Nonprofit animal shelter	1 space per 200 square feet of floor area
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Office center	1 space per 300 square feet of gross floor area
Office, professional or general administrative	1 space per 300 square feet of gross floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Pawn shop	1 space per 300 square feet of gross floor area
Personal service shop	1 space per 200 square feet of gross floor area
Pet shop	1 space per 300 square feet of gross floor area
Pharmacy	1 space per 300 square feet of gross floor area
Plumbing service	1 space per 300 square feet of gross floor area
Plumbing, heating, refrigeration or air conditioning business	1 space per 300 square feet of gross floor area
Post office, government and private	1 space per 300 square feet of gross floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Quick oil change facility	1 space per employee
Quick tune-up facility	1 space per employee
Racquetball facilities	4 spaces for each court
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i))	1 space per employee
Railroad station	1 space per employee, and if station is for public travel, 1 space for every 1,000 square feet of areas meant for public travel
Railroad Team track and right-of-way	1 space per employee
Railroad track and right-of-way	1 space per employee
Residence hotel	1 space for each sleeping room per unit, plus 1 space for each 300 square feet of commercial floor area
Restaurant or cafeteria, with drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, trade	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Second hand store, furniture/clothing	1 space per 200 square feet of gross floor area
Service, retail	1 space per 200 square feet of gross floor area
Sewage pumping station	0 spaces
Shopping center	1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area
Shops, office and/or storage area of public or private utility	1 space per employee
Stadium or playfield	1 parking space for each 4 seats or bench seating spaces
Studio (photographer, musician, artist)	1 space per 200 square feet of gross floor area
Studio for radio and television	1 space per 200 square feet of gross floor area
Swimming pool, commercial	1 space for each 100 square feet of gross water surface and deck area
Tanning salon	1 space per 200 square feet of gross floor area
Tattoo parlor/body piercing studio	1 space per 200 square feet of gross floor area
Taxidermist	1 space per 200 square feet of gross floor area
Teen club	1 space for every 1,000 square feet of floor area
Telephone exchange	1 space per employee
Telephone line	0 spaces
Theater (indoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (with outside storage)	1 space for every 200 square feet of floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Transit station or turnaround	1 space per intended user
Truck sales	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Washateria	1 space per 200 square feet of gross floor area
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(c) *District restrictions.* The following restrictions shall apply to uses in the C-2 district.

(1) The business shall be conducted wholly within an enclosed building;

-
- (2) Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or refuse facilities;
 - (3) All merchandise shall be sold at retail on the premises; and
 - (4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
- (d) *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
- (1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:
 - a. Off-street parking of motor vehicles in operable condition;
 - b. Off-street loading;
 - c. Permitted display of merchandise for sale to the public; and
 - d. Establishments of the drive-in type.
 - (2) The first ten feet of the required front yard setback, measured from the property line shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.
 - (3) No loading or storage of material or products shall be permitted in the required front yard.
- (e) *Specific uses.* The following specific uses are allowed in the C-2 district when authorized under the provisions of section 42-45:

USE	PARKING REGULATIONS
Air conditioning and refrigeration contractor	1 space for every 200 square feet of floor area
Airport, landing field	1 space per employee, plus 1 space per stored vehicle
Arcade	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee to be occupying the building
Auto leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Brew pub	1 space per 100 square feet of gross floor area
Building materials, hardware (outside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

Community home	1 space per employee to be occupying the building
Electric power generating plant	1 space per employee
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm seed and/or fertilizer sales/storage (inside)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Flea market	1.5 spaces for each 200 square feet of gross floor area or market area
Food products processing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Heavy machinery sales	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Hotel, motel, motor hotel, or motor lodge	1 space for each sleeping room, unit or guest accommodation, plus 1 space for each 300 square feet of commercial floor area
Kennel (with or without outside pens)	1 space per 200 square feet of floor area
Microbrewery	1 space per 200 square feet of floor area
Microdistillery	1 space per 200 square feet of floor area
Newspaper printing	1 space per 300 square feet of gross floor area
Parking lot or parking garage, truck parking	1 space per employee, plus 1 space per vehicle to be parked
Pipe sales and supply	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Print shop	1 space per 300 square feet of gross floor area
Prison, jail or place of incarceration	1 space per employee plus 1 space for every 200 square feet of visitor floor area
Pump sales, repair and maintenance	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Registered family home	1 space per employee
Retirement housing	1 space for each 6 beds per unit
Sand, gravel, stone or earth sales	1 space per 300 square feet of gross floor area
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Self storage; mini-warehouse	4 spaces per complex, plus 1 space per 5,000 square feet of storage area

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Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Shooting range, target range	1 space per employee plus 1 space for every 5,000 square feet of floor area
Solid waste transfer station	1 space per employee
Storage/wholesale warehouse, light	1 space for each 2 employees, or 1 space per 1,000 square feet of total gross floor area, whichever is greater
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Theater (outdoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (no outside storage)	1 space for every 200 square feet of floor area
Tire retreading and recapping	1 space per employee
Tobacco sales	1 space per 200 square feet of gross floor area
Trailer rental	1 space per 200 square feet of gross floor area
Travel trailer, manufactured housing or manufactured home display and sales	1 space per 200 square feet of gross floor area
Truck and bus leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Truck or motor freight terminal	1 space per employee plus one space for each intended vehicle to be accommodated
Vendor, stationary	1 space per 200 square feet of gross floor area
Veterinarian clinic (with or without outside pens)	1 space per 200 square feet of gross floor area

(f) *Development requirements.*

Minimum lot area:	None
Minimum lot width:	None
Minimum lot depth:	80 linear feet
Minimum front yard:	25/35 linear feet ¹
Minimum side yard:	No side yard is required except that a side yard of not less than 15 feet shall be provided on the side of a lot abutting a residential district even when separated by an alley.
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 25 feet or 20 percent of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting or across a rear alley or street from a residential district.
Maximum ground coverage:	None
Maximum density per acre:	NA
Height:	45 linear feet ²

¹ The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

² No building shall exceed 45 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond maximum building height. The height restrictions of this district shall not apply to church steeples.

(g) *Screening devices.* In the event that the C-2 district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1, MH-2, MH-3, TF, or MF, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry or wood wall shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade and shall taper to a height of three feet at the front building setback. Screening located exclusively along the front building set back must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the commercial use by the owner of the property.

(h) *Masonry requirements.*

(1) All single-story buildings hereafter constructed or placed in the C-2 district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.

(2) All buildings having more than a single story hereafter constructed or placed in the C-2 district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(3) All additions hereafter constructed to buildings in the C-2 district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

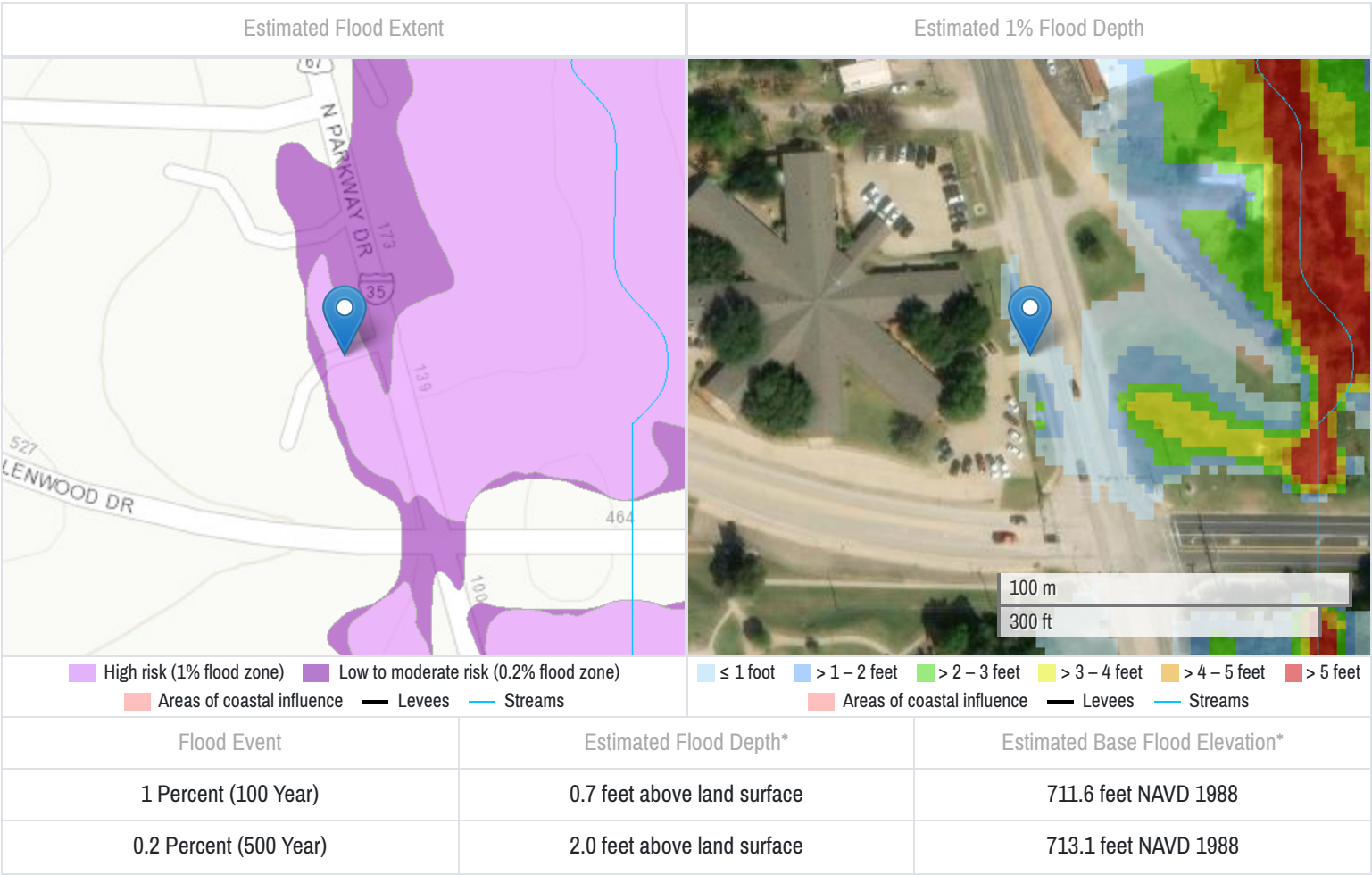
(Ord. No. 2015-005, § 1, 4-20-2015)

Estimated Base Flood Elevation (estBFE)

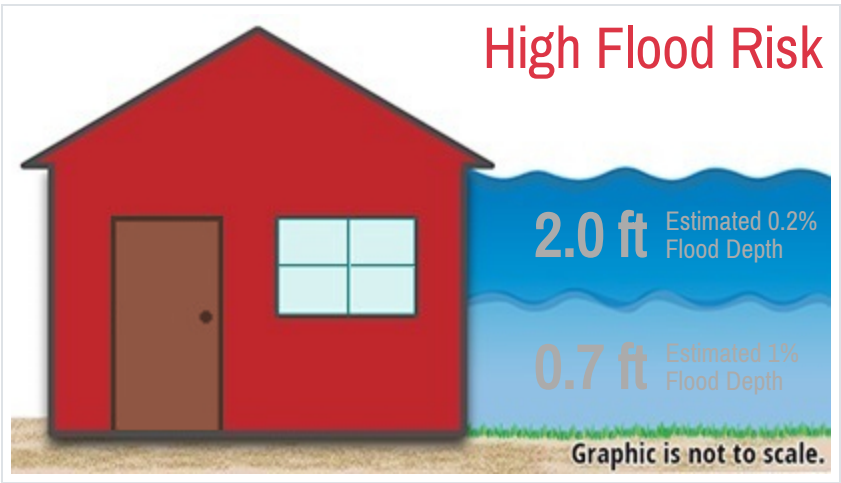
Flood Risk Information Report

Latitude 32.4075, Longitude -97.2182 (Johnson County, TX)

FEMA is providing a look at flood data availability and relative Base Level Engineering analysis through the Estimated Base Flood Elevation Viewer (Estimated BFE Viewer). Base Level Engineering uses high resolution ground elevation data, flood flow calculations, and fundamental engineering modeling techniques to define flood extents for streams. The viewer is an effective tool for property owners, community officials, and land developers to identify flood risk, estimated flood elevations, and flood depths for watersheds where Base Level Engineering has been prepared.



* The information included in this report is based on the location marker shown in the map. Results are not considered an official determination.



Knowing Your Risk

Information made available from the Estimated BFE Viewer provides hazard and risk awareness. Please consult your local Floodplain Administrator to better understand the estimated base flood elevation and how to take action.

Base Level Engineering data availability and analysis information is important because it can be used to:

- Inform floodplain management decisions and ordinance administration;
- Identify significant floodplain changes;
- Serve as base modeling for map revisions; and
- Support the Zone A BFE information for a Letter of Map Amendment (LOMA) request.

Using This Data

Consult the local floodplain manager and building department in your community before making any building or land modifications. Local officials may use this information to regulate development near flooding sources to create more flood-resilient communities. Local building and permitting requirements vary by community and are based on local decisions and ordinances.

Everyone is at risk. The chances of experiencing a flood can vary due to unevaluated conditions, such as the unstudied effects of community growth and development or intense storms uncharacteristic to historical trends. Maintaining or obtaining a flood insurance policy is essential to ensure a property owner is covered if a flood occurs. Visit <http://FloodSmart.gov> for more information on the costs of flooding and to locate an insurance agent in your area.

Base Level Engineering and the Estimated BFE Viewer tool help identify the BFE in effective Zone As. If a property owner believes that a structure is above or outside of the base flood extent in an effective Zone A, a LOMA request may be submitted and the flood risk report from the Estimated BFE Viewer should be included. To complete an application, use the online web-based tool or download the paper forms (<https://www.fema.gov/letter-map-changes>). Items needed to apply include the following:

- Copy of a **plat map** that identifies the property and includes the locality's recording information
- OR –
- Copy of the **property** deed with both locality's recording information and

the property's written legal description and a **parcel or tax map** identifying the location.

- **Elevation information** indicating the lowest adjacent grade to the building certified by a licensed land surveyor or registered professional engineer, except for buildings **clearly** shown outside the SFHA. If built recently, building permit files may contain this information. Note the professional may use the estimated BFE (estBFE) results for the BFE value on the elevation form or certificate.
- The **Estimated BFE flood risk information report** relative to the property indicating the estimated flood level and model.
- A **letter of acceptance and support from your local floodplain administrator** for the Estimated BFE information included in your report.

Please note other types of development may require additional documentation and possibly an application fee. A LOMA may result in removal of the SFHA designation and the Federal requirement for flood insurance. However, maintaining a flood policy may still be required by the lender. Flood insurance coverage to repair damage caused by flooding is available for areas outside the SFHA.

Taking Action

Floods can happen anywhere at any time, which is why it is important to be prepared and to take steps before a flood event to protect your property from costly damage. Mitigation measures to consider include the following:

- **Elevating.** Elevating the lowest floor of new or existing buildings above the BFE reduces risk and may lower flood insurance premiums.
- **Interior Modification.** Raising the equipment servicing the building or infilling basements susceptible to flooding.
- **Dry Floodproofing.** Sealing your structure to prevent floodwaters from entering. Residential property insurance is not reduced if dry floodproofing is used. Only commercial properties receive reduced flood insurance when dry floodproofing is used.
- **Wet Floodproofing and Flood Vents.** Making portion of a building more resistant to flood damage or, in some cases, allowing water to enter during a flood to prevent damages by equalizing pressure on walls and foundations.

Deciding on the right method to mitigate future damage and loss requires an assessment of various factors: the hazards to your home, permit requirements, the technical limitations of the methods, and cost.

Discuss the potential mitigation options with your local floodplain administrator and building department to determine the next appropriate steps.

ORDINANCE NO. 2023-0021

AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS, REZONING FROM MULTI-FAMILY (MF) DISTRICT WITH A PORTION HAVING THE FLOODPLAIN (FP) OVERLAY DISTRICT TO THE GENERAL COMMERCIAL (C-2) DISTRICT, LOT 2 OF THE GREAT DIVIDE ADDITION, BEING 2.15 ACRES ADDRESSED AT 101 N. PARKWAY DRIVE, IN THE CITY OF ALVARADO, JOHNSON COUNTY, TEXAS: PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet of the property herein described at least 11 days before such hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Alvarado, Texas at least 16 days before such hearing; and

WHEREAS, public hearings to change the zoning on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the zoning change; and

WHEREAS, The City's Future Land Use map in the Alvarado Comprehensive Plan designates the subject site to the Interstate Business land use category and the proposed zoning is consistent with this land use category; and

WHEREAS, The City Council is of the opinion that the zoning change herein effectuated furthers the purpose of zoning as set forth in the Comprehensive Zoning Ordinance and is in the best interest of the citizens of the City of Alvarado;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and the Zoning Map of the City of Alvarado are hereby amended to change the zoning designation on the hereinafter described property and area as shown below:

Approximately 2.15 acres known as Lot 2 of the Great Divide Addition addressed at 101 N. Parkway Drive from a Multi-Family (MF) District with a portion having the Floodplain (FP) Overlay District to General Commercial (C-2) District, in the City of Alvarado, Johnson County, Texas.

SECTION 2. This ordinance shall be cumulative of all provisions and ordinances of the Code of Ordinances of the City of Alvarado, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance involving zoning, fire safety, or public health and sanitation shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5. The City Secretary of the City of Alvarado is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance one time for two days in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

AND SO IT IS ORDAINED.

Passed on this the 11th day of September, 2023 by a vote of ____ to ____.

ATTEST:

CITY OF ALVARADO

Beth A. Walls, City Secretary

By: _____
Jacob Wheat, Mayor

PUBLIC NOTICE

Notice is hereby given that the Alvarado Planning and Zoning Commission will conduct a public hearing at their regularly scheduled meeting in the Council Chambers at Alvarado City Hall on Tuesday, September 5, 2023 at 6:30 P.M. to consider and act on the items below.

Application of Auburn-Cal Associates, LP for approval of a zoning change from Multi-family (MF) District with a portion having the Floodplain (FP) Overlay District to General Commercial (C-2) District on 2.15 acres known as Lot 2 of the Great Divide Addition, addressed at 101 N. Parkway Drive.

The Alvarado City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission regarding the above matters on Monday, September 11, 2023 at 6:30 p.m. in the Council Chambers at Alvarado City Hall, 104 W. College Avenue.