

## ORDINANCE NO. 2023-16

**AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS, BY CHANGING THE ZONING CLASSIFICATION APPROXIMATE 12.8458 ACRES OUT OF THE BURSEY, JOHN SURVEY ABSTRACT 122 TRACT 2A1 & 6A1 & PART CL STREET ALSO KNOWN AS 2301 TERMINAL ROAD FROM COMMUNITY COMMERCIAL (CC) TO HEAVY INDUSTRIAL (HI); AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE BY AMENDING THE COMPREHENSIVE LAND USE PLAN RELATING TO SAID PROPERTY PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Saginaw is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council of the City of Saginaw heretofore adopted Ordinance No. 2002-04, as amended, the Zoning Ordinance of the City of Saginaw, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

**WHEREAS**, the City Council has previously passed an ordinance adopting a Comprehensive Land Use Plan, as the primary document on which to base all zoning, platting, and other land use decisions; and

**WHEREAS**, the Comprehensive Land Use Plan provides guidance for future development in conformance with the adopted Future Land Use Map; and

**WHEREAS**, in accordance with Section 1-3 of the Zoning Regulations of the City, the Planning and Zoning Commission at the request of the City Council, has initiated consideration of a change in zoning classification for the following property described as: the Bursey, John Survey Abstract 122 Tract 2a1 & 6a1 & Part CI street also known as 2301 Terminal Road (Exhibit "A") Tarrant County, Texas, located in the City of Saginaw, Texas, Community Commercial (CC) To Heavy Industrial (HI).

**WHEREAS**, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on May 9, 2023 and the City Council of the City of Saginaw, Texas held a public hearing on May 16, 2023 with respect to the zoning changes and amended land use designation described herein; and

**WHEREAS**, the City Council has further determined that the requested rezoning of the below described property is in the best interest of the citizens of Saginaw and is necessary to correct a manifest error in the regulations or map, to recognize changed conditions or circumstances in a particular locality, or to recognize changes in technology, the style of living, or manner of doing business; and

**WHEREAS**, the City has complied with all requirements of Chapters 211 and 213 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property and the amendment of the Comprehensive Land Use Plan.

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

**SECTION 1)**

The Saginaw, Texas, Zoning Ordinance No. 2002-04, as amended, is hereby

amended by changing the Zoning Map to redesignate the hereinafter described property and area as follows:

Burse, John Survey Abstract 122 Tract 2a1 & 6a1 & Part Cl Street, also known as 2301 Terminal Road as depicted on Exhibit "A" attached hereto and incorporated herein from Community Commercial (CC) To Heavy Industrial (HI).

#### **SECTION 2)**

The zoning districts as herein established have been made in accordance with a Comprehensive Land Use Plan for the purpose of promoting the health, safety, morals and general welfare of the community.

#### **SECTION 3)**

The zoning districts as herein established have been made in accordance with a Comprehensive Land Use Plan for the purpose of promoting the health, safety, morals, and general welfare of the community.

#### **SECTION 4)**

The official zoning map of the City of Saginaw is hereby amended and the City Secretary is hereafter directed to revise the zoning map to reflect zoning classifications as set forth above.

#### **SECTION 5)**

The City Secretary is directed to revise the Future Land Use Map to reflect the revised land use designations as set forth above

#### **SECTION 6)**

The use of the property described above shall be subject to all the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent

ordinances of the City of Saginaw.

#### **SECTION 7)**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Saginaw, Texas, as amended, except when 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 8)**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

#### **SECTION 9)**

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of Ordinance No. 2002-04, as amended, or any ordinances governing zoning 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, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 8.**

The City Secretary of the City of Saginaw is hereby directed to publish in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Texas Local Government Code.

**SECTION 9.**

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED ON THIS \_\_\_\_<sup>TH</sup> DAY OF MAY, 2023**

\_\_\_\_\_  
TODD FLIPPO,  
MAYOR

ATTEST:

\_\_\_\_\_  
JANICE ENGLAND, CITY SECRETARY

EFFECTIVE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
BRYN MEREDITH, CITY ATTORNEY

**(5) PZ 0523-01**

**Consideration and Action Regarding Approval to Consider an Ordinance Amending the Zoning Ordinance of the City of Saginaw, Texas, Regarding Applicant a Change in Zoning from Community-Commercial (CC) to Heavy Industrial (HI) on the approximate 12.85 acres out of the Bursey, John Survey Abstract 122 Tract 2A1 & 6A1 & Part Cl Street More Commonly Known As 2301 Terminal Road Saginaw, Texas 76106 (Per TAD).**

Salvador Gonzalez Jr., Interim Planning Manager, briefed the Commission on the background of the initiated zoning change and the parcel subject of the proposed zoning change. Mr. New was then introduced to the Commission to brief the Commission on the existing land uses of the current zoning district and address any questions or concerns. Chairman Barngrover read off a reply letter from Suzanne Boyce, President of Attebury Grain, LLC., who is in favor of the proposed zoning change.

A motion was made by Member Wooten with a second by Vice Chairman LaBruyere to recommend that the City Council approve an Ordinance Amending the Zoning Ordinance of the City of Saginaw, Texas, Regarding Applicant a Change in Zoning from Community-Commercial (CC) to Heavy Industrial (HI) on the approximate 12.85 acres out of the Bursey, John Survey Abstract 122 Tract 2A1 & 6A1 & Part Cl Street more commonly known as 2301 Terminal Road Saginaw, Texas 76106 (Per TAD).

For: Chairman Barngrover, Vice Chairman LaBruyere  
Members Wooten, Allen, and Larson.

Against: None

Absent *Alternate Members Kraus, and Wood.*

**(6) PZ 0523-02**

**Consideration and Action Regarding Recommendation of Approval Of an Ordinance of the City Of Saginaw, Texas, Amending Appendix A, "Zoning," Article 8, "Supplemental District Regulations," Section 8-9, "Off- Street Parking and Loading Requirements," of the Saginaw City Code by Updating On Premise Parking Requirements and Residential and Nonresidential Parking Standards.**

Interim Planning Manager Gonzalez introduced Chief Building Official Larry Little to the Commission. CBO Little presented the background, intent, and details of the proposed ordinance to the Commission. The Commission then asked questions related to multifamily parking in the city, disabled vehicles, terms of enforcement, large lots with disabled vehicles, and large truck parking on the road.

A motion was made by Member Larson with a second by Member Wooten to a recommend approval of an ordinance of the City of Saginaw, Texas, amending Appendix A, "Zoning," Article 8, "Supplemental District Regulations," Section 8-9, "Off- Street Parking and Loading Requirements," of the Saginaw City code by updating on premise parking requirements and residential and nonresidential parking standards.

For: Chairman Barngrover, Vice Chairman LaBruyere  
Members Wooten, Allen, and Larson.

Against: None

Absent *Alternate Members Kraus, and Wood.*

## REPLY FORM

In order to be on record, this form may be filled out and mailed to the Planning Manager, at City of Saginaw, Texas, P. O. Drawer 79070, Saginaw, Texas 76179. If you have questions concerning this request, please call the acting Planning Manager, Salvador Gonzalez Jr. at 817-230-0440.

The Planning & Zoning Commission Meeting will meet on 05/09/23 at 6:00 p.m. and the City Council Meeting on 05/16/23 at 6:00 p.m. is in regards to a request for a rezoning from Community Commercial (CC) to Heavy Industrial (HI) for the property located at 2301 Terminal Road in Saginaw, Texas 76106.

Name: SUZANNE BOYCE, President of Attebury Grain, LLC

Address: PO Box 7768, Amarillo, TEXAS 79114

Phone Number: 806-353-6671

☒ In Favor

☐ Opposed

Reasons and/or Comments

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## Applicant Initiated Rezoning for 2301 Terminal Rd. (CC to HI)

**Date:** May 04, 2023

**To:** Chairman and Members of the Planning and Zoning Commission

**From:** Salvador Gonzalez Jr., Interim-Planning Manager

**Subject:** Consideration and Action Regarding Approval to Consider an Ordinance Amending the Zoning Ordinance of the City of Saginaw, Texas, Regarding a Change in Zoning from Community-Commercial (CC) to Heavy Industrial (HI) on the approximate 12.85 acres out of the Bursey, John Survey Abstract 122 Tract 2A1 & 6A1 & Part C1 Street More Commonly Known As 2301 Terminal Road Saginaw, Texas 76179 (Per TAD).

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### **Background/Discussion:**

The City of Saginaw, Texas Planning Office recently received a rezoning application for the property located at 2301 Terminal Road, Saginaw, Texas 76179. The applicant, Briton New, intends to have the property rezoned from Community-Commercial (CC) to Heavy Industrial (HI), with the purchase of the property in question pending the result of the rezoning. The intended use of the property will be a truck storage facility, with the potential to establish a rail to truck materials business in the future.

Staff have noted that the Community-Commercial zoning on the subject property is out of line with the existing surrounding land uses and zoning. The subject property is surrounded by industrial uses, including a grain elevator on the subject property. The proposed rezoning would align with the surrounding area and the comprehensive plan, with the only distinction being a City of Fort Worth neighborhood to the South of the property. In consideration of said neighborhood, the applicant has agreed to implement screening and shrubbery along the South Side of the property line to mitigate any potential nuisances.

Thus, the proposed item is requesting consideration and action regarding approval to consider an ordinance amending the zoning ordinance of the city of Saginaw, Texas, regarding a change in zoning from community-commercial (CC) to heavy industrial (HI) on the approximate 12.85 acres out of the Bursey, John survey Abstract 122 tract 2A1 & 6A1 & Part C1 Street more commonly known as 2301 Terminal Road Saginaw, Texas 76179 (per tad).

### **Staff Recommendation:**

Staff recommends that the request for an approval consider an ordinance amending the zoning ordinance of the city of Saginaw, Texas, regarding a change in zoning from community-commercial (CC) to heavy industrial (HI) on the approximate 12.85 acres out of the Bursey, John survey Abstract 122 tract 2A1 & 6A1 & Part C1 Street more commonly known as 2301 Terminal Road Saginaw, Texas 76179 (per tad) be forwarded for recommendation of approval.

### **Attachments:**

*Zoning Application, Zoning Exhibit, Newspaper and 200 ft. Notices*



Beaufort Gazette  
Belleville News-Democrat  
Bellingham Herald  
Bradenton Herald  
Centre Daily Times  
Charlotte Observer  
Columbus Ledger-Enquirer  
Fresno Bee

The Herald - Rock Hill  
Herald Sun - Durham  
Idaho Statesman  
Island Packet  
Kansas City Star  
Lexington Herald-Leader  
Merced Sun-Star  
Miami Herald

el Nuevo Herald - Miami  
Modesto Bee  
Raleigh News & Observer  
The Olympian  
Sacramento Bee  
Fort Worth Star-Telegram  
The State - Columbia  
Sun Herald - Biloxi

Sun News - Myrtle Beach  
The News Tribune Tacoma  
The Telegraph - Macon  
San Luis Obispo Tribune  
Tri-City Herald  
Wichita Eagle

## AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification                          | Order PO | Amount   | Cols | Depth |
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Attention: Rick Trice

CITY OF SAGINAW  
PO BOX 79070

jengland@ci.saginaw.tx.us

### CITY OF SAGINAW PUBLIC NOTICE

The City of Saginaw Planning and Zoning Commission will conduct a Public Hearing at 6:00 p.m. on May 09, 2023 to consider a change in zoning on 16.430 Acres out of Tract 2A1 & 6A1 & Part CL Street, Abstract 122, John Bursey Survey from Community Commercial (CC) to Heavy Industrial (HI). The Saginaw City Council will conduct a Public Hearing at 6:00 p.m. on May 16, 2023 to consider the above-mentioned request for a zoning change, contingent upon the receipt of a report regarding the zoning change from the Planning and Zoning Commission. Both meetings will be at the City of Saginaw City Hall located at 333 W. McLeroy Boulevard, Saginaw, Texas, 76179.

FINAL ACTION IS TAKEN BY CITY  
COUNCIL ON PUBLIC HEARING  
CASES.

Please direct any question regarding this matter to Salvador Gonzalez Jr., Planning Manager, 817-230-0440.  
IPL0120309  
Apr 27 2023

### THE STATE OF TEXAS COUNTY OF TARRANT

Before me, a Notary Public in and for said County and State, this day personally appeared Stefani Beard, Bid and Legal Coordinator for the Star-Telegram, published by the Star-Telegram, Inc. at Fort Worth, in Tarrant County, Texas; and who, after being duly sworn, did depose and say that the attached clipping of an advertisement was published in the above named paper on the listed dates:

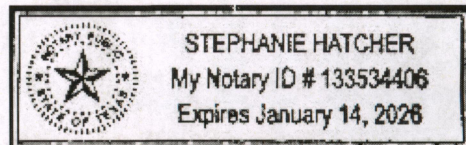
1 insertion(s) published on:  
04/27/23

*Stefani Beard*

Sworn to and subscribed before me this 27th day of  
April in the year of 2023

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in  
Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!