

**NOTICE OF MEETING
THE CITY COMMISSION OF BROCK, TEXAS**

MAYOR JAY HAMILTON
COMMISSIONER BEN DAVIS
COMMISSIONER DEBBIE SCRIMSHIRE

ATTORNEY WHITT L. WYATT
TOWN CLERK ALYSSA VANESLER

MEETING DATE AND TIME:

Monday, February 05, 2024, 6:30 PM

MEETING LOCATION:

Brock Community Center
2115 FM 1189 Brock TX 76087

REGULAR AGENDA

Begins at 6:30pm

Unless specifically noted otherwise, action may be taken on any item listed below

1. CALL TO ORDER AND ANNOUNCE QUORUM

2. INVOCATION AND PLEDGE

3. REGULAR AGENDA: Discussion and Possible action on the following

3.1 Public hearing to consider approval of AN APPLICATION REQUESTING AN AMENDMENT TO THE BROCK ZONING ORDINANCE TO APPROVE A CHANGE OF ZONING DESIGNATION OF AN APPROXIMATELY 11.51 ACRES OF LAND SITUATED IN THE JAMES H. WARFIELD SURVEY, ABSTRACT 1648, PARKER COUNTY, TEXAS FROM “LR” TO “PD” PLANNED DEVELOPMENT AND TO AMEND THE CITY’S ZONING MAP TO REFLECT SAID ZONING CHANGE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); PROVIDING FOR SAVINGS, NO SEVERABILITY AND AN EFFECTIVE DATE.

4. REPORTS:

- 5. CITIZEN COMMENTS:** The public may address the Commission regarding any item. Persons desiring to address the Commission must register on the sign-in sheet prior to the start of the meeting. Comments are limited to three (3) minutes.

Limited reply by the Commission is allowed under The Texas Open Meetings Act as follows: (a) If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to: (1) A statement of specific factual information given in response; or (2) A recitation of existing policy in response; (b) Any deliberation of or decision

about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting

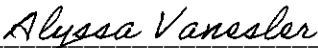
6. **EXECUTIVE SESSION:** The Commission reserves the right to adjourn into executive session at any time during the meeting to discuss any of the matters listed on the agenda, as authorized by Texas Government Code Section 551.071, CONSULTATION WITH ATTORNEY.

Discuss and consider action following executive session.

8. ADJOURN

CERTIFICATION

I hereby certify that the above notice of meeting was posted on or before Friday, February 2, 2024, prior to 6:30 p.m. at the Brock Community Center, 2115 FM 1189 Brock Texas 76087 and at Brock Town Hall, 2451 FM 1189, Brock, Texas 76087.



Alyssa Vanesler
Town Clerk

ACCESSIBILITY STATEMENT

In compliance with the Americans with Disabilities Act, reasonable accommodations for persons attending meetings will be provided. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Alyssa Vanesler at townclerk@brocktx.net or via phone 817-396-5333.

**TOWN OF BROCK
COMMISSION AGENDA BRIEFING
FEBRUARY 05, 2024**

Agenda Item 3.1

Title

Grindstone Creek Development

Item Summary

Consider approval of an updated concept plan and amending the Comprehensive Zoning Ordinance by rezoning land located at 1700 FM 1189 from Local Retail (LR) to a new Planned Development (PD) Zoning District, in conformance with attached ordinance and development plans.

Attachments

1. Proposed Ordinance
2. Development Plans

ORDINANCE NO. O-24-001
PD-2024-01

AN ORDINANCE OF THE TOWN OF BROCK, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY REZONING APPROXIMATELY 11.51± ACRES OF LAND GENERALLY LOCATED AT 1700 FM 1189, FROM LOCAL RETAIL (LR), TO A NEW PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW A MIXED USE DEVELOPMENT COMPRISED OF OFFICE, RESTAURANT AND RETAIL USES, AND ASSOCIATED PUBLIC AND PRIVATE OPEN SPACE AND COMMON AREAS; FURTHER PROVIDING FOR THE APPROVAL OF A CONCEPT PLAN AND BUILDING ELEVATIONS; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); PROVIDING FOR SAVINGS, NO SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, on February 5, 2024, the Town Commission considered a request to change the zoning for approximately 11.51 acres of land generally located at 1700 FM 1189, as more particularly described in Exhibit A (the “Subject Property”), from Local Retail (LR) to Planned Development (PD) (herein “PD-2024-01”) to allow for the construction and development of a mixed-use development consisting primarily of restaurant, retail and other commercial uses on the Subject Property (the “Application”); and

WHEREAS, after due deliberations and consideration of Application, including testimony from the public hearings held on January 15, 2024 and February 5, 2024, and other relevant information and materials, the Town Commission of the Town of Brock, Texas finds that approval of the Application is in conformance with the comprehensive plan for the Town of Brock and promotes the general welfare and safety of the community.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF BROCK, TEXAS:

SECTION 1. The Town Commission finds that the Application should be approved, and the Comprehensive Zoning Ordinance for the Town of Brock (Ordinance No. 2018-006) is hereby amended by changing the zoning for the Subject Property from Local Retail (LR) to Planned Development (PD-2024-01), in conformance with this ordinance.

SECTION 2. The Subject Property shall be developed and maintained in conformance with the Development Plan, which consists of this ordinance, including Exhibits A through C attached hereto, and subject to the special conditions set forth therein.

SECTION 3. Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine of two thousand dollars (\$2,000.00) per day per offense. The Town shall further have the right to seek injunctive relief for any and all violations of this ordinance where the law in such cases so provides.

SECTION 4. The provisions of this ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this ordinance, and the Town Commission hereby declares that it would have passed such remaining parts or portions of this ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. All ordinances of the Town in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the Town not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. This ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the Town Charter or ordinance.

PASSED AND APPROVED by the Town Commission of the Town of Brock, Texas, on February 5, 2024.

TOWN OF BROCK, TEXAS

Jay Hamilton, Mayor

ATTEST:

APPROVED AS TO FORM:

Alyssa Vanesler, Town Clerk

Whitt Wyatt, Town Attorney

EXHIBIT A

DESCRIPTION OF THE PROPERTY

Legal Description

11.51 acres situated in the James H. Warfield Survey, Abstract 1648, Parker County, Texas.

Property Description

The property is located generally west of FM 1189 and east of Granny B Road, with frontage on the West side of FM 1189. This property is currently comprised of one (1) tract of land consisting of approximately 11.51 gross acres of unimproved real property, which is further depicted and shall be developed as shown on **Exhibit C.**

[END OF EXHIBIT A]

EXHIBIT B DEVELOPMENT & USE REGULATIONS

Brock Town Square

a

PLANNED DEVELOPMENT
Town of Brock, Texas

1. PURPOSE AND DESIGN STATEMENT.

To create a Planned Development for approximately seventy-two thousand (72,000) square feet of mixed-use commercial space, to be developed in two phases in conformance with the Development Plan, including these Development Regulations (collectively, the “Project”). The Project will provide the Town of Brock with a unique, creative, progressive, and quality mixed-use commercial development. The Project will encourage innovative design while remaining true to the character of the Town. There will be approximately fifteen to eighteen (15-18) single-story buildings, totaling approximately seventy-two thousand (72,000) gross rentable square feet.

2. DEVELOPMENT PLAN.

The Development Plan for the Project consists of this planned development ordinance and all exhibits hereto, including these Development & Use Regulations (**Exhibit B**) and the plans, drawings and elevations shown on **Exhibit C**. The Project shall be constructed and operated in conformance with the Development Plan, which shall be binding upon the applicant thereof, its successors and assigns, and shall apply to and control all building permits for the Project.

3. DEVELOPMENT SCHEDULE.

The Project shall be developed in conformance with the following development schedule:

Project Action	Deadline
Completed Application for Building Permit Filed with Town	June 1, 2024
Commencement of Construction (Phase 1) <i>(means (i) all civil construction plans have been prepared and all necessary Government Approvals have been obtained; (ii) all necessary permits for have been issued by all applicable governmental authorities, and (iii) the developer/owner has issued a notice to its contractor to proceed with the construction of the applicable phase of the Project and the contractor has mobilized to commence such construction.)</i>	December 31, 2024
Completion of Construction (Phase 1) <i>(means (i) the applicable phase of the Project has been substantially completed in accordance with the approved construction plans; and (ii) the final inspection (as the term is generally used within the industry) has been perform by the developer/owner and Town’s representatives; (iii) a certificate of occupancy has been issued for all building(s) and structures therewith, and (iv) all public improvements (if any) to be dedicated to the Town have been dedicated and accepted by Town.</i>	January 1, 2027
NOTE: The construction schedule for Phase 2 will be as mutually agreed in writing between the Town and developer/owner.	

In addition to and without waiving any other remedies provided in this ordinance and applicable law, in the event the developer/owner does not timely comply with the foregoing development schedule, the Town Commission may, in its sole discretion, provide written notice to the developer/owner of such failure to timely comply and may hold a public hearing no sooner than thirty (30) days following said notice whereupon the Town Commission may take such further enforcement action as it deems appropriate, including, without limitation, amending or vacating this ordinance in its entirety.

4. COMMERCIAL OWNERS' ASSOCIATION.

All common open space, landscaping, and private roads will have a mandatory Commercial Owners' Association (COA) to maintain such improvements. A copy of the COA declarations, CC&Rs and all other associated documents (as applicable) will be filed with the Town on or before the effective date for each such document. The Town shall at all times have one (1) or more seats on the board of directors (or other governing body) of the COA and shall be entitled to vote and take action on all business before the board in the same manner as all other board members. The Town Commission may appoint a member from the Town Commission, Town staff, or a third-party representative to serve on the COA board and represent the Town's interest therein.

5. PERMITTED AND CONDITIONAL USES.

All uses shall comply with the Local Retail Zoning District ("LR District") regulations contained in the Brock Comprehensive Zoning Ordinance. Any use prohibited in the LR District but allowed in the General Retail Zoning District ("GR District") may be allowed upon approval of the Town Commission of a Conditional Use Permit (CUP). All procedural requirements and regulations governing the issuance of a CUP shall apply to such application.

6. VARIANCE PROCEDURES.

Any variance to the Development Plan (including any provision of these regulations) shall require application to the Town and approval of a CUP or amendment to this PD ordinance, as applicable. Notwithstanding the foregoing, Developer is allowed a variance up to ten (10%) of any building dimension, building area, open space area and/or total number of parking spaces set forth in the approved Development Plan without approval from the Town. For purposes of example only, if a building is shown on Exhibit C to be 4,000 square feet, the actual building area could range from 3,600 square feet to 4,400 square feet without a variance from the Town.

7. MINIMUM/MAXIMUM ALLOWED SQUARE FOOTAGE BY USE.

Phase 1 will consist of approximately 60,000 gross rentable square feet. Phase 2 will consist of approximately 12,000 – 15,000 gross rentable square feet. The permitted uses on the property for both phases shall at all times comply with the following minimum/maximum footage requirements:

TYPE OF USE	Percentage of Total Development*	Minimum Square Footage
Phase 1		
Retail/Mixed Use Space	40% or more	24,000
Restaurant	20% or more	12,000
Office/Government/Other Permitted Uses	Max 30%	18,000
Phase 2		
Mixed-Use (permitted uses)	100%	12,000 – 15,000

**Represents the minimum/maximum percentages allowed at any time*

[END OF EXHIBIT B]

Exhibit C-2: Master Development Plan Map

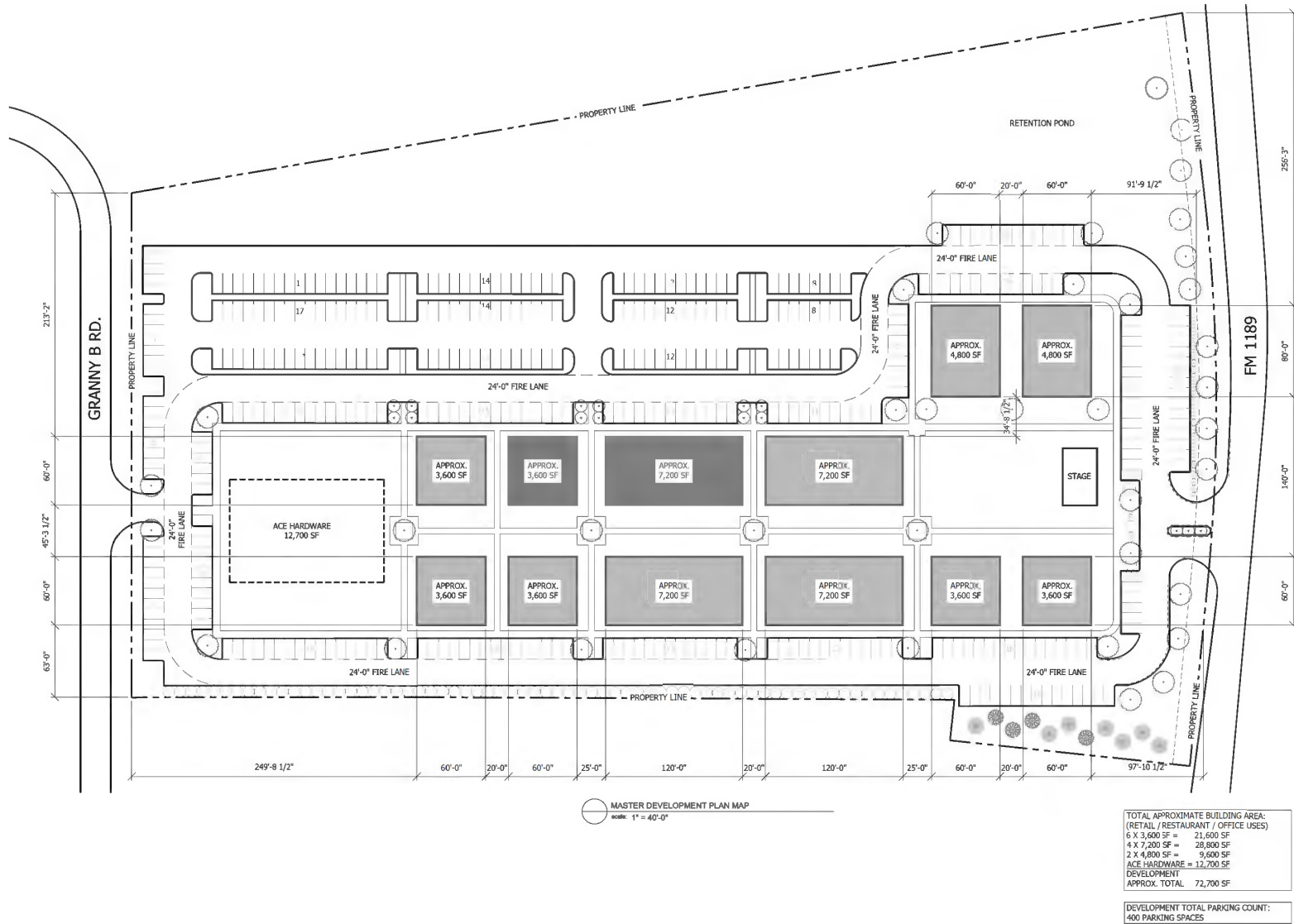


Exhibit C-3: Building Elevations

[TO BE ATTACHED]

Exhibit C-4: Landscape Plan

[TO BE ATTACHED]