

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE AND MAP OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 1.816 ACRES OF LAND LOCATED IN THE G. R. SHANNON SURVEY, ABSTRACT NO. 792, JOHNSON COUNTY, TEXAS, ALSO BEING A PORTION OF A TRACT OF LAND CONVEYED TO MICHAEL THOMAS HUTTON EST., RECORDED IN INST. NO. 15548, DEED RECORDS OF JOHNSON COUNTY, TEXAS, (DRJCT), FROM AGRICULTURE DISTRICT (A) TO SINGLE-FAMILY ESTATE (SFE); MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas ("City"), 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 passed, approved, and adopted Ordinance B-582, being the Zoning Ordinance and Map of the City of Burleson, Texas, showing the locations and boundaries of certain districts, as amended, and codified in Appendix B of the City of Burleson Code of Ordinances (2005) (the "Zoning Ordinance and Map"); and

WHEREAS, an application for a zoning change was filed by **Misty D. Krichick, Amanda Machelle Hutto, Rachael Galvin & Megan D. Hutto** (OwnerS) on **October 14, 2024**, under **Case Number 24-316**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to rezone and reclassify said property from its current zoning classification; and

WHEREAS, the Planning and Zoning Commission of Burleson, Texas, held a public hearing on said application after at least one sign was erected upon the property on which the change of classification is proposed in accordance with the Zoning Ordinance and Map, and after written notice of such public hearing before the Planning and Zoning Commission on the proposed rezoning had been sent to owners of real property lying within 300 feet of the property on which the change of classification is proposed, said notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such notice being served by depositing the same, properly addressed and postage paid, in the U.S. mail; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas voted **8 to 0** to recommend approval to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classification of **Agriculture (A)** to **Single-Family Estate (SFE)**; and

WHEREAS, notice was given of a further public hearing to be held by the City Council of the City of Burleson, Texas, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed rezoning and the City Council of the City of Burleson, Texas, being informed as to the location and nature of the use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Burleson, Texas, has changed in character since the enactment of its classification of **Agriculture (A)**; and, by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community; and

WHEREAS, the City Council of the City of Burleson, Texas, may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the City of Burleson Code of Ordinances (2005); and

WHEREAS, the City Council of the City of Burleson, Texas, finds that this Ordinance may be considered and approved in only one meeting because the provisions of this Ordinance concern an individual zoning case that does not propose a change to the language of the City of Burleson Code of Ordinances.

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

Section 1

The Zoning Ordinance and Map is hereby amended insofar as it relates to property being 1.816 acres of land located in the G. R. Shannon survey, abstract no. 792, Johnson County, Texas, also being a portion of a tract of land conveyed to Michael Thomas Hutton est., recorded in Inst. No. 15548, deed records of Johnson County, Texas, (D.R.J.C.T.) as **described in Exhibit A**, by changing the zoning of said property from **Agriculture (A)** to **Single-family Estate (SFE)** being further described and attached as **Exhibit A**.

Section 2.

The findings and recitals set forth above in the preamble of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

Section 3.

It is hereby officially found and determined that the meeting at which this ordinance is passed is

open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 4.

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

Section 5.

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 6.

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for that purpose.

Section 7.

Any person, firm, association of persons, company, corporation, or their agents, its servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 8.

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

PASSED AND APPROVED:

First and Final Reading: the _____ day of _____, 20_____.

Chris Fletcher, Mayor
City of Burleson, Texas


ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT “A”

SURVEY DESCRIPTION				Surveying Firm # 10091800																												
<p>BEING A TRACT OF LAND SITUATED IN G. R. SHANNON SURVEY, ABSTRACT NO. 792, JOHNSON COUNTY, TEXAS, ALSO BEING A PORTION OF A TRACT OF LAND CONVEYED TO MICHAEL THOMAS HUTTON EST., RECORDED IN INST. NO. 15548, DEED RECORDS OF JOHNSON COUNTY, TEXAS. SEE METES AND BOUNDS DESCRIPTION BELOW.</p>			<p>Notes: This lot is subject to the following: (10F)-Easement, Vol. 2159, Pg. 520, R.P.R.J.C.T. According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 4826(C0160 J, dated December 04, 2012, this property does not lie within a 100-Year Flood Hazard Area.</p>																													
Scale: 1" = 100'	Tech: JD Field: JA	Job No: 24002FF01	ADDITIONAL BUILDING LINES/EASEMENTS PER CITY ZONING ORDINANCES & SUBDIVISION RESTRICTIONS/COVENANTS MAY AFFECT SUBJECT PROPERTY																													
SHEET 2 OF 3																																
<p style="text-align: center;">TRACT I</p> <p>BEING A TRACT OF LAND SITUATED IN G. R. SHANNON SURVEY, ABSTRACT NO. 792, JOHNSON COUNTY, TEXAS, ALSO BEING A PORTION OF A TRACT OF LAND CONVEYED TO MICHAEL THOMAS HUTTON EST., RECORDED IN INST. NO. 15548, DEED RECORDS OF JOHNSON COUNTY, TEXAS, (DRJCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:</p> <p>BEGINNING 1/2 INCH IRON ROD SET STAMPED "FULLER" FOR THE NORTHEAST CORNER OF HEREIN DESCRIBED TRACT AND THE NORTHWEST CORNER OF THE REMAINDER OF SAID HUTTON TRACT, ALSO BEING IN THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO NICHOLAS WINNETT, RECORDED IN INST. NO. 37916, DRJCT;</p> <p>THENCE, S 00°00'18" W, 242.45 FEET WITH THE WEST LINE OF SAID REMAINDER OF HUTTON TRACT TO A PK NAIL SET FOR THE SOUTHEAST CORNER OF HEREIN DESCRIBED TRACT AND THE SOUTHWEST CORNER OF SAID REMAINDER OF HUTTON TRACT, ALSO BEING IN C.R. 913;</p> <p>THENCE, N 89°59'42" W, 285.96 FEET WITH C.R. 913 ROW TO A PK NAIL SET FOR THE SOUTHWESTERLY CORNER OF HEREIN DESCRIBED TRACT, ALSO BEING IN THE NORTHEAST INTERSECTION OF C.R. 913 AND F.M. 1902;</p> <p>THENCE, N 02°36'52" W, 50.77 FEET WITH C.R. 913 ROW TO A 1/2 INCH IRON ROD SET STAMPED "FULLER" FOR SOUTHWESTERLY CORNER OF HEREIN DESCRIBED TRACT, ALSO BEING IN THE NORTHEAST INTERSECTION OF C.R. 913 AND F.M. 1902144;</p> <p>THENCE, N 47°12'00" W, 70.71 FEET WITH C.R. 913 ROW TO A 1/2 INCH IRON ROD SET STAMPED "FULLER" FOR THE SOUTHWESTERLY CORNER OF HEREIN DESCRIBED TRACT, ALSO BEING IN THE EAST ROW LINE OF F.M. 1902 AND AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WHOSE RADIUS IS 2904.79 FEET AND A CHORD THAT BEARS N 03°32'50" W, 143.94 FEET;</p> <p>THENCE, IN A NORTHERLY DIRECTION WITH SAID EAST ROW LINE OF F.M. 1902 AND SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 143.95 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT AND THE SOUTHWEST CORNER OF SAID WINNETT TRACT;</p> <p>THENCE, EAST, 349.08 FEET WITH THE SOUTH LINE OF SAID WINNETT TRACT TO THE POINT OF BEGINNING AND CONTAINING 1.816 ACRES (79,085 SQUARE FEET) OF LAND.</p>																																
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;">  <p><i>Rodric R. Reese</i></p> </div> <div> <p>Address: 2420 C.R. 913 - TRACT I</p> <p>G.F. No.: FTDAL-06-9200062400208-JE</p> <p>Date: 03/02/2024</p> </div> </div>																																
<p>I, Rodric R. Reese, Registered Professional Land Surveyor No. 5883, do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision and correctly shows the boundary lines and dimensions of the property, as found on the date of the survey, indicated hereon. There are no visible conflicts, or protrusions, except as shown and sold property has access to a public roadway. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown or noted hereon. This survey is for the exclusive use of title company, the mortgage company and the purchaser.</p>																																
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>LEGEND</p> <table style="width: 100%; font-size: small;"> <tr> <td>B.L. = Building Line</td> <td>I.P.F. = Iron Pipe Found</td> <td>P.O.S.E. = Power Pole</td> <td>—//— = Wood Fence</td> </tr> <tr> <td>C.M. = Control Monument</td> <td>I.R.F. = Iron Rod Found</td> <td>P.O.S.E. = Public Open Space Easement</td> <td>—○— = Chain Link Fence</td> </tr> <tr> <td>D.E. = Drainage Easement</td> <td>I.R.S. = Iron Rod Set</td> <td>R.O.W. = Right of Way</td> <td>—□— = Iron Fence</td> </tr> <tr> <td>D.U.E. = Drainage & Utility Easement</td> <td>Capped "FULLER"</td> <td>⊗ = Water Meter</td> <td>—X— = Wire Fence</td> </tr> <tr> <td>M.E. = Maintenance Easement ()</td> <td>O.H.E. = Overhead Electric</td> <td>U.E. = Utility Easement</td> <td>—em = Electric Meter</td> </tr> <tr> <td>ET = Electric Transformer</td> <td>—) = Record Data</td> <td>⊕ = Gas Meter</td> <td></td> </tr> <tr> <td></td> <td>—) = Bearing Basis</td> <td></td> <td></td> </tr> </table> </div> <div style="width: 50%; text-align: center;"> <p>LAND SURVEYING, INC.</p> </div> </div>					B.L. = Building Line	I.P.F. = Iron Pipe Found	P.O.S.E. = Power Pole	—//— = Wood Fence	C.M. = Control Monument	I.R.F. = Iron Rod Found	P.O.S.E. = Public Open Space Easement	—○— = Chain Link Fence	D.E. = Drainage Easement	I.R.S. = Iron Rod Set	R.O.W. = Right of Way	—□— = Iron Fence	D.U.E. = Drainage & Utility Easement	Capped "FULLER"	⊗ = Water Meter	—X— = Wire Fence	M.E. = Maintenance Easement ()	O.H.E. = Overhead Electric	U.E. = Utility Easement	—em = Electric Meter	ET = Electric Transformer	—) = Record Data	⊕ = Gas Meter			—) = Bearing Basis		
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2411 GARDEN PARK COURT, ARLINGTON, TX. 76013 - PH# (817)556-2442, FAX# (817)451-5676																																