

Ordinance

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 26.917 ACRES OF LAND DESCRIBED AS LOT 1R, BLOCK 1, RIVER PLACE ADDITION IN THE PLAT FILED IN VOLUME 10, PAGE 268, SLIDE E, PLAT RECORDS JOHNSON COUNTY, TEXAS (P.R.J.C.T) FROM "C" COMMERCIAL TO "C" COMMERCIAL WITH A SPECIFIC USE PERMIT FOR LIQUOR STORE SALES AT THE LOCATION ADDRESSED AS 185 NW JOHN JONES DR, SUITE 150, 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 **A. Ron Thrower** on behalf of H-E-B, LP on **March 31, 2025**, under **Case Number 25-095**, 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 **4 to 2** to recommend XX to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **Commercial (C)** to **Commercial (C) with a Specific Use Permit (SUP) for a Liquor Store at the unit addressed as 185 NW John Jones DR, Suite 150**; 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 Commercial (C) 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

MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land described as LOT 1R, BLOCK 1, RIVER PLACE ADDITION, in the plat filed in VOLUME 10, PAGE 268, SLIDE E, Plat Records, Johnson County, Texas, included on Exhibit A, from C, Commercial to C, Commercial with a Specific Use Permit (SUP) for a Liquor Store at the unit addressed as 185 NW John Jones DR, Suite 150, which are incorporated herein as Exhibit B, being attached hereto and incorporated herein by reference for all purposes.

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 & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A Property Description

WHEREAS, HEB GROCERY COMPANY, L.P. is the owner of a parcel of land located in the City of Burleson, Johnson County, Texas, and being a part of Seth M. Blair Survey, Abstract Number 66, a part of the Joshua Minett Survey, Abstract Number 548, and being all of Lot 1, Block 1, River Place Addition, an addition to the City of Burleson as recorded in Volume 9, Page 906, Johnson County Plat Records, and being further described as follows:

BEGINNING at a concrete monument found at the north corner of said Lot 1, said point being in the southwest right-of-way line of Farm-to-Market Highway 731 (N.W. John Jones Drive, a 140 foot wide right-of-way);

THENCE along the northeast line of said Lot 1 and along the southwest right-of-way line of Farm-to-Market Highway 731 as follows:

Southeasterly, 649.19 feet along a curve to the left which has a central angle of 16 degrees 53 minutes 16 seconds, a radius of 2202.55 feet, a tangent of 326.97 feet, and whose chord bears South 42 degrees 17 minutes 24 seconds East, 646.85 feet to a concrete monument found for corner;

South 50 degrees 44 minutes 02 seconds East, 563.29 feet to concrete monument found for corner;

South 16 degrees 47 minutes 30 seconds East, 48.15 feet to a concrete monument found for corner in the northwest right-of-way line of State Highway 174 (S.W. Wilshire Boulevard, a 160 foot wide right-of-way);

THENCE along the northwest right-of-way line of State Highway 174 as follows:

South 36 degrees 39 minutes 53 seconds West, 154.09 feet to a concrete monument found for corner;

Southwesterly, 237.07 feet along a curve to the left which has a central angle of 01 degrees 10 minutes 38 seconds, a radius of 11,539.57 feet, a tangent of 118.54 feet, and whose chord bears South 35 degrees 26 minutes 56 seconds West, 237.07 feet to a concrete monument found for corner;

South 34 degrees 41 minutes 43 seconds West, 116.83 feet to a one-half inch iron rod found at the east corner of Lot 4R, Block 1, Kirkpatrick's Commercial Addition, an addition to the City of Burleson as recorded in Volume 8, Page 805, Johnson County Plat Records;

THENCE North 63 degrees 44 minutes 39 seconds West, 328.52 feet to a one-half inch iron rod found at the north corner of said Lot 4R;

THENCE South 44 degrees 48 minutes 37 seconds West, 121.08 feet to a five-eighths inch iron rod found for corner in the northwest line of Lot 5R, Block 1, Kirkpatrick's Commercial Addition, an addition to the City of Burleson as recorded in Volume 8, Page 807, Johnson County Plat Records;

THENCE North 45 degrees 37 minutes 30 seconds West, 14.75 feet to a five-eighths inch iron rod found for corner;

THENCE South 44 degrees 50 minutes 31 seconds West, 300.01 feet to a three-eighths inch iron rod found at the south corner of said Lot 1;

THENCE North 45 degrees 37 minutes 30 seconds West, 999.30 feet to a one-half inch iron rod found at the west corner of said Lot 1;

THENCE North 44 degrees 34 minutes 19 seconds East, 1036.00 feet along the northwest line of said Lot 1 to the POINT OF BEGINNING and containing 1,172,500 square feet or 26.917 acres of land.

Specific Use Permit only applies to the unit addressed as 185 NW John Jones DR, Suite 150 (shown below)



