

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 39.801 ACRES OF LAND SITUATED IN THE HIRAM LEWIS SURVEY ABSTRACT NO. 517 AND THE STEPHEN KINSEY SURVEY, ABSTRACT NO. 475, IN ADDITION TO LAND CONVEYED TO BURLESON HIGHPOINT INVESTMENTS, LLC BY DEED RECORDED UNDER INSTRUMENT NUMBERS 2018-23944; 2022-8142; 2017-19086; 2019-1675; 2018-3883; AND 2017-19087, JOHNSON COUNTY DEED RECORDS (J.C.D.R.T.), JOHNSON COUNTY, TEXAS, FROM ‘C’ COMMERCIAL AND “A” AGRICULTURAL TO “PD” PLANNED DEVELOPMENT DISTRICT; 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 **Rob Orr** on **April 1, 2024**, under **Case Number 24-129**, 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 **7 to 0** to recommend approval to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **Commercial (C) and Agricultural (A)** to **Planned Development (PD)**; 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 Agricultural (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 MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, described on the legal description attached as **Exhibit A**, by changing the zoning of said property from C, Commercial district and A, Agriculture district to the PD, Planned Development district industrial development.

Section 2

The property shall be developed and used in accordance with the applicable provisions of the City of Burleson, Code of Ordinances, as amended, except to the extent modified by the Development Standards attached as Exhibit B.

Section 3.

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 4.

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 5.

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 6.

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 7.

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 8.

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 9.

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:

Amanda Campos, City Secretary

APPROVED AS TO FORM:

E. Allen Taylor, Jr., City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION:

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE HIRAM LEWIS SURVEY ABSTRACT NO. 517 AND THE STEPHEN KINSEY SURVEY, ABSTRACT NO. 475, CITY OF BURLESON, JOHNSON COUNTY, TEXAS, AND BEING ALL OF 5.14 ACRE, 2.072 ACRE; 7.3401 ACRE, 4.007 ACRE, 2.898 ACRE, AND 18.2610 ACRE TRACTS OF LAND CONVEYED TO BURLESON HIGHPOINT INVESTMENTS, LLC BY DEED RECORDED UNDER INSTRUMENT NOS. 2018-23944; 2022-8142; 2017-19086; 2019-1675; 2018-3883; AND INSTRUMENT NUMBER 2017-19087 OF THE OFFICIAL RECORDS OF JOHN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 1/2" IRON ROD FOUND IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S. BURLESON BOULEVARD (VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE MOST WESTERLY SOUTHWEST CORNER OF SAID BURLESON HIGHPOINT INVESTMENTS, LLC - 5.14 ACRE TRACT AND THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO GOLDEN STATE FOODS CORP BY DEED RECORDED UNDER INSTRUMENT NO. 2023-4324 OF THE OFFICIAL RECORDS OF JOHNSON COUNTY, TEXAS;

THENCE NORTH 59° 10' 52" EAST DEPARTING THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S. BURLESON BOULEVARD AND ALONG THE NORTHWEST LINE OF SAID BURLESON HIGHPOINT INVESTMENTS, LLC - 5.14 ACRE TRACT AND THE SOUTHEAST LINE OF SAID GOLDEN STATE FOODS CORP TRACT FOR A DISTANCE OF 1180.61 FEET TO A 1/2" IRON ROD FOUND FOR CORNER, SAID POINT BEING THE WESTERLY CORNER OF AFORESAID BURLESON HIGHPOINT INVESTMENTS, LLC - 2.072 ACRE TRACT;

THENCE NORTH 60° 35' 19" EAST ALONG THE NORTHWEST LINE OF SAID BURLESON HIGHPOINT INVESTMENTS, LLC - 2.072 ACRE TRACT AND THE SOUTHEAST LINE OF SAID GOLDEN STATE FOODS CORP TRACT FOR A DISTANCE OF 507.00 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER, SAID POINT BEING THE MOST NORTHERLY NORTHEAST CORNER OF SAID BURLESON HIGHPOINT INVESTMENTS, LLC - 2.072 ACRE TRACT AND THE EASTERLY CORNER OF SAID GOLDEN STATE FOODS CORP TRACT;

THENCE SOUTH 30° 11' 30" EAST ALONG THE NORTHEAST LINE OF SAID BURLESON HIGHPOINT INVESTMENTS, LLC - 2.072 ACRE TRACT, FOR A DISTANCE OF 176.47 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER, SAID POINT BEING THE EASTERLY CORNER OF SAID BURLESON HIGHPOINT INVESTMENTS, LLC - 2.072 ACRE TRACT AND THE NORTHEAST CORNER OF LOT 1, BLOCK 1, BRAZOS ELECTRIC POWER COOPERATIVE INC., AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, ACCORDING THE PLAT THEREOF RECORDED IN VOLUME 11, PAGE 746 OF THE MAP RECORDS OF JOHN COUNTY, TEXAS;

THENCE SOUTH 59° 13' 42" WEST ALONG THE SOUTHEAST LINE OF SAID BURLESON HIGHPOINT INVESTMENTS, LLC - 2.072 ACRE AND 5.14 ACRE TRACTS AND THE NORTHWEST LINE OF SAID LOT 1, BLOCK 1, BRAZOS ELECTRIC HIGHPOINT SUBSTATION ADDITION, FOR A DISTANCE OF 597.88 FEET TO A POINT FOR CORNER, SAID POINT BEING THE WESTERLY CORNER OF SAID LOT 1, BLOCK 1, BRAZOS ELECTRIC HIGHPOINT SUBSTATION ADDITION AND THE NORTHERLY CORNER OF AFORESAID BURLESON HIGHPOINT INVESTMENTS, LLC - 4.0007 ACRE TRACT;

THENCE SOUTH 30° 01' 09" EAST ALONG THE WEST LINE OF SAID LOT 1, BLOCK 1, BRAZOS ELECTRIC HIGHPOINT SUBSTATION ADDITION AND THE EAST LINE OF SAID BURLESON HIGHPOINT INVESTMENTS, LLC - 4.0007 ACRE TRACT, FOR A DISTANCE OF 453.53 FEET TO A POINT (FLAGGED FENCE) FOR CORNER, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1, BRAZOS ELECTRIC HIGHPOINT SUBSTATION ADDITION AND THE SOUTHEAST CORNER OF AFORESAID BURLESON HIGHPOINT INVESTMENTS, LLC - 4.0007 ACRE TRACT, SAID POINT BEING IN THE NORTHWEST LINE OF A TRACT OF LAND CONVEYED TO MATHEW MESKER III, ROSE ELLEN MESKER, & WILLIAM CLAY MESKER BY DEED RECORDED IN VOLUME 2487, PAGE 857 OF THE DEED RECORDS OF JOHNSON COUNTY, TEXAS;

THENCE SOUTH 60° 27' 57" WEST ALONG THE SOUTH LINE OF AFORESAID BURLESON HIGHPOINT INVESTMENTS, LLC – 4.0007 ACRE TRACT AND THE NORTHWEST LINE OF SAID MATHEW MESKER III, ROSE ELLEN MESKER, & WILLIAM CLAY MESKER TRACT, FOR A DISTANCE OF 44.45 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER, SAID POINT BEING THE NORTHEAST CORNER OF AFORESAID BURLESON HIGHPOINT INVESTMENTS, LLC – 18.2610 ACRE TRACT AND THE MOST WESTERLY NORTHWEST CORNER OF SAID MATHEW MESKER III, ROSE ELLEN MESKER, & WILLIAM CLAY MESKER TRACT;

THENCE SOUTH 14° 35' 59" EAST ALONG THE EAST LINE OF AFORESAID BURLESON HIGHPOINT INVESTMENTS, LLC – 18.2610 ACRE TRACT AND THE WEST LINE OF SAID MATHEW MESKER III, ROSE ELLEN MESKER, & WILLIAM CLAY MESKER TRACT AND ALONG THE WEST LINE OF A TRACT OF LAND CONVEYED TO MATTHEW MESKER II & ROSE E. MESKER BY DEED RECORDED IN VOLUME 4136, PAGE 839 OF THE DEED RECORDS OF JOHNSON COUNTY, TEXAS, FOR A DISTANCE OF 1141.09 FEET TO A 1/2" IRON ROD FOUND FOR CORNER, SAID POINT BEING THE SOUTHEAST CORNER OF BURLESON HIGHPOINT INVESTMENTS, LLC – 18.2610 ACRE TRACT AND A COMMON CORNER OF SAID MATTHEW MESKER II & ROSE E. MESKER TRACT;

THENCE SOUTH 58° 33' 09" WEST ALONG THE COMMON LINE OF SAID BURLESON HIGHPOINT INVESTMENTS, LLC – 18.2610 ACRE TRACT AND MATTHEW MESKER II & ROSE E. MESKER TRACT, FOR A DISTANCE OF 157.06 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER, SAID POINT BEING IN THE EAST LINE OF A TRACT OF LAND CONVEYED TO HPA USI LLC BY DEED RECORDED IN INSTRUMENT NO. 2019-33347 OF THE OFFICIAL RECORDS OF JOHNSON COUNTY, TEXAS;

THENCE ALONG THE COMMON LINE OF SAID BURLESON HIGHPOINT INVESTMENTS LLC – 18.2610 ACRE TRACT AND HPA USI LLC TRACT, THE FOLLOWING COURSES AND DISTANCES NUMBERED 1, 2, AND 3;

1. NORTH 12° 39' 38" WEST FOR A DISTANCE OF 18.39 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER;
2. SOUTH 57° 25' 16" WEST FOR A DISTANCE OF 209.24 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND FOR CORNER;
3. SOUTH 11° 53' 53" EAST FOR A DISTANCE OF 15.67 FEET TO A 1/2" IRON ROD FOUND FOR CORNER, SAID POINT BEING THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO FERNADO & EUNICE GUTIERREZ BY DEED RECORDED IN INSTRUMENT NO. 2020-36369 OF THE OFFICIAL RECORDS OF JOHNSON COUNTY, TEXAS;

THENCE SOUTH 57° 59' 05" WEST ALONG THE SOUTH LINE OF SAID BURLESON HIGHPOINT INVESTMENTS LLC – 18.2610 ACRE TRACT AND FERNADO & EUNICE GUTIERREZ TRACT FOR A DISTANCE OF 368.45 FEET TO A POINT FOR CORNER IN THE AFORESAID NORTHEAST RIGHT-OF-WAY LINE OF S. BURLESON BOULEVARD, SAID POINT BEING THE SOUTHWEST CORNER OF SAID BURLESON HIGHPOINT INVESTMENTS LLC – 18.2610 ACRE TRACT AND BEING IN THE NORTH LINE OF TRACT OF LAND CONVEYED TO CITY OF BURLESON BY DEED RECORDED IN INSTRUMENT NO. 2015-18502 OF THE OFFICIAL RECORDS OF JOHNSON COUNTY, TEXAS, SAID POINT ALSO BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 496.00 FEET, A CENTRAL ANGLE OF 16° 33' 58" , A CHORD BEARING NORTH 15° 17' 46" WEST AT A DISTANCE OF 142.91 FEET;

THENCE ALONG THE AFORESAID NORTHEAST RIGHT-OF-WAY LINE OF S. BURLESON BOULEVARD AND THE WEST LINE OF SAID BURLESON HIGHPOINT INVESTMENTS LLC – 18.2610 ACRE TRACT, FOR AN ARC DISTANCE OF 143.41 FEET TO A POINT FOR CORNER;

THENCE NORTH 07° 00' 47" WEST CONTINUING ALONG THE AFORESAID NORTHEAST RIGHT-OF-WAY LINE OF S. BURLESON BOULEVARD AND THE WEST LINE OF SAID BURLESON HIGHPOINT INVESTMENTS LLC – 18.2610 ACRE TRACT, FOR A DISTANCE OF 49.76 FEET TO A 1/2" IRON ROD FOUND FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 564.00 FEET, A CENTRAL ANGLE OF 33° 45' 52", A CHORD BEARING NORTH 23° 53' 16" WEST AT A DISTANCE OF 327.58 FEET;

THENCE CONTINUING ALONG THE AFORESAID NORTHEAST RIGHT-OF-WAY LINE OF S. BURLESON BOULEVARD AND THE WEST LINE OF SAID BURLESON HIGHPOINT INVESTMENTS LLC – 18.2610 ACRE AND 2.898 ACRE TRACTS, FOR AN ARC DISTANCE OF 332.36 FEET TO A POINT FOR CORNER;

THENCE NORTH 27° 10' 46" WEST CONTINUING ALONG THE AFORESAID NORTHEAST
RIGHT-OF-WAY LINE OF S. BURLESON BOULEVARD AND THE WEST LINE OF SAID
BURLESON HIGHPOINT INVESTMENTS LLC - 7.3401 ACRE AND 5.14 ACRE TRACTS,
FOR A DISTANCE OF 497.00 FEET TO THE POINT OF BEGINNING AND CONTAINING
_____ ACRES OF LAND, MORE OR LESS.

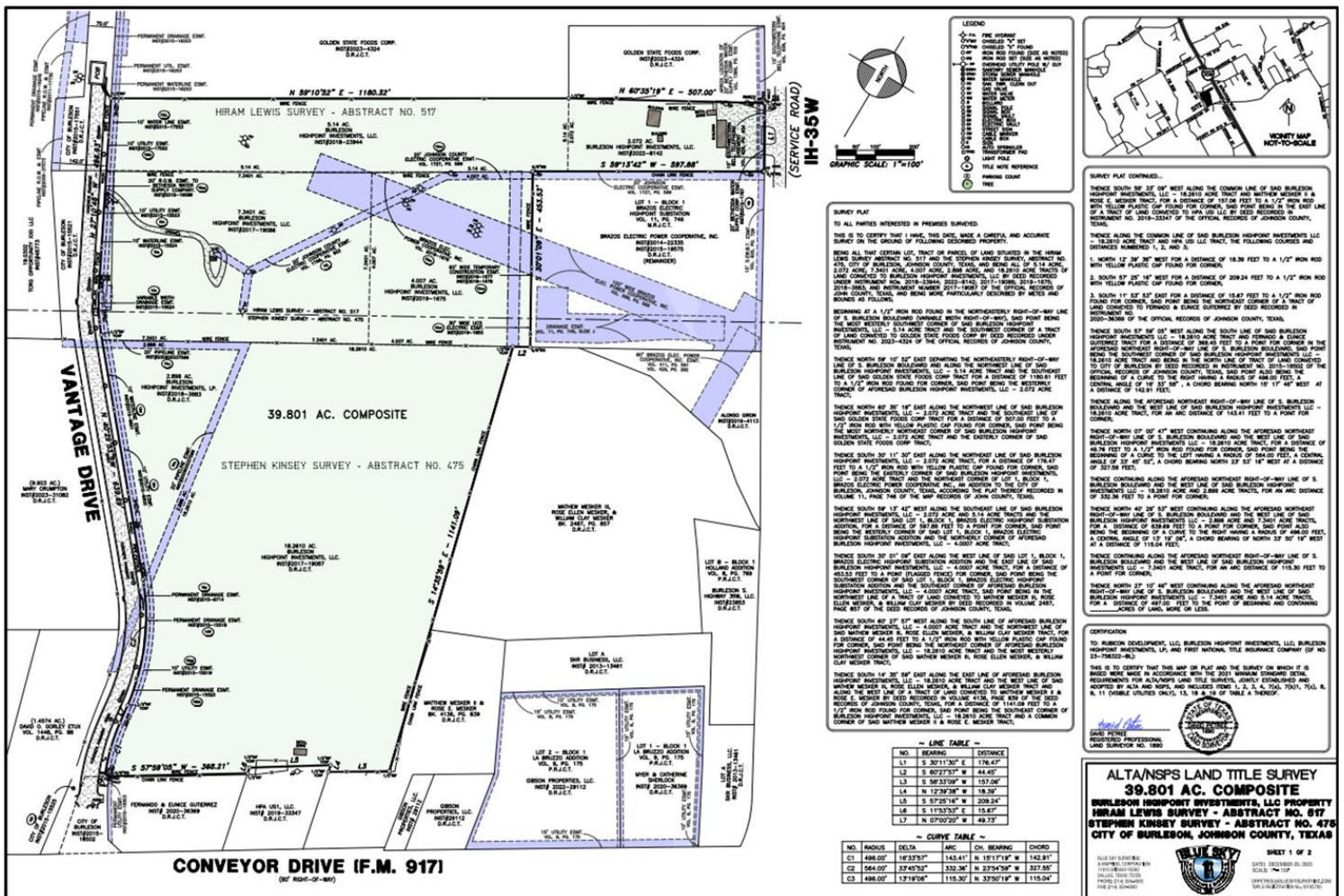


EXHIBIT “B”

DEVELOPMENT STANDARDS

A. Applicability

All development located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this zoning ordinance. All City of Burleson Engineering standards will be adhered to unless otherwise specified in this document or in the approval process of engineering plans.

B. Development area and Building Elevations.

Development of any property within the boundaries of this Planned Development District shall generally conform to the Elevation Examples (attached as Exhibit C). If there is any conflict between the text of this ordinance and the concept plan or elevation examples, the text of this article controls.

C. Base Zoning District

The property shall be developed and used in accordance with the base zoning district of the “I, Industrial District” with additional land use regulations as given in the Business Park Overlay District, Appendix B, Section(s) 103-4 and 103-5; and as stated below.

- a. Primary uses: In addition to permitted uses of the underlying districts, following uses are allowed:

- Corporate headquarters
- Data processing, hosting, and related services
- Logistics facilities
- Motel or hotel
- Office, business and professional
- Office, medical or dental
- Park or public playground
- Research and development facilities
- Retail shop
- Warehousing for storage and distribution

- b. Accessory uses:

- Auto laundry/carwash
- Automotive fuel sales
- Battery Charging Area
- Caretaker's or guard's residence
- Mechanical bay

- c. Uses allowed with specific use permit:

- Antenna facility—Subject to compliance with all the provisions of City of Burleson Code of Ordinances, Appendix B, Zoning Ordinance, Section 44 Antenna Facilities with the following additional conditions:
 - Shall be concealed from public right-of-way; or

Shall be screened from public view.

Medical care facilities

d. **Prohibited uses:** The following uses are prohibited:

Animal pound, private

Asphalt/concrete batching (permanent)

Auto glass, seat cover, muffler shop

Auto impoundment

Auto, new used auto sales (outdoors)

Auto painting or body shop

Auto parts and accessory sales (with outside storage)

Auto repair garage

Auto sales or auction

Automobile/truck rental service

Brick kiln or tile plant

Cement or hydrated lime

Cleaning plant, commercial

Contractors, electrical/mechanical/plumbing (with outside storage)

Contractor, storage equipment

Custom personal service shop

Dump or sanitary landfill

Dyeing/laundry plant, commercial

Go-cart track

Hatchery

Hauling or storage company

Heavy machinery sales/repair

Kennel

Livestock auction

Maintenance and repair services for buildings

Massage, therapeutic

Motorcycle sales and repair

Monopole antenna

Open salvage yard

Open storage of commercial goods

Paint shop

Parking lot or structure, commercial (auto)

Parking lot, trucks/trailers

Plumbing shop (with outside storage)

Sand/gravel extraction storage (outside)

Sewage pumping station

Sewage treatment plant

Sexually oriented business.

Stable or barn, private

Taxidermy

Tire retread, recapping and storage

Trailer, manufactured home sales, rental, assembly and manufacturing

Topsoil/sand extraction/storage

Veterinarian, office only

Veterinarian hospital

Veterinarian with outside animal pens

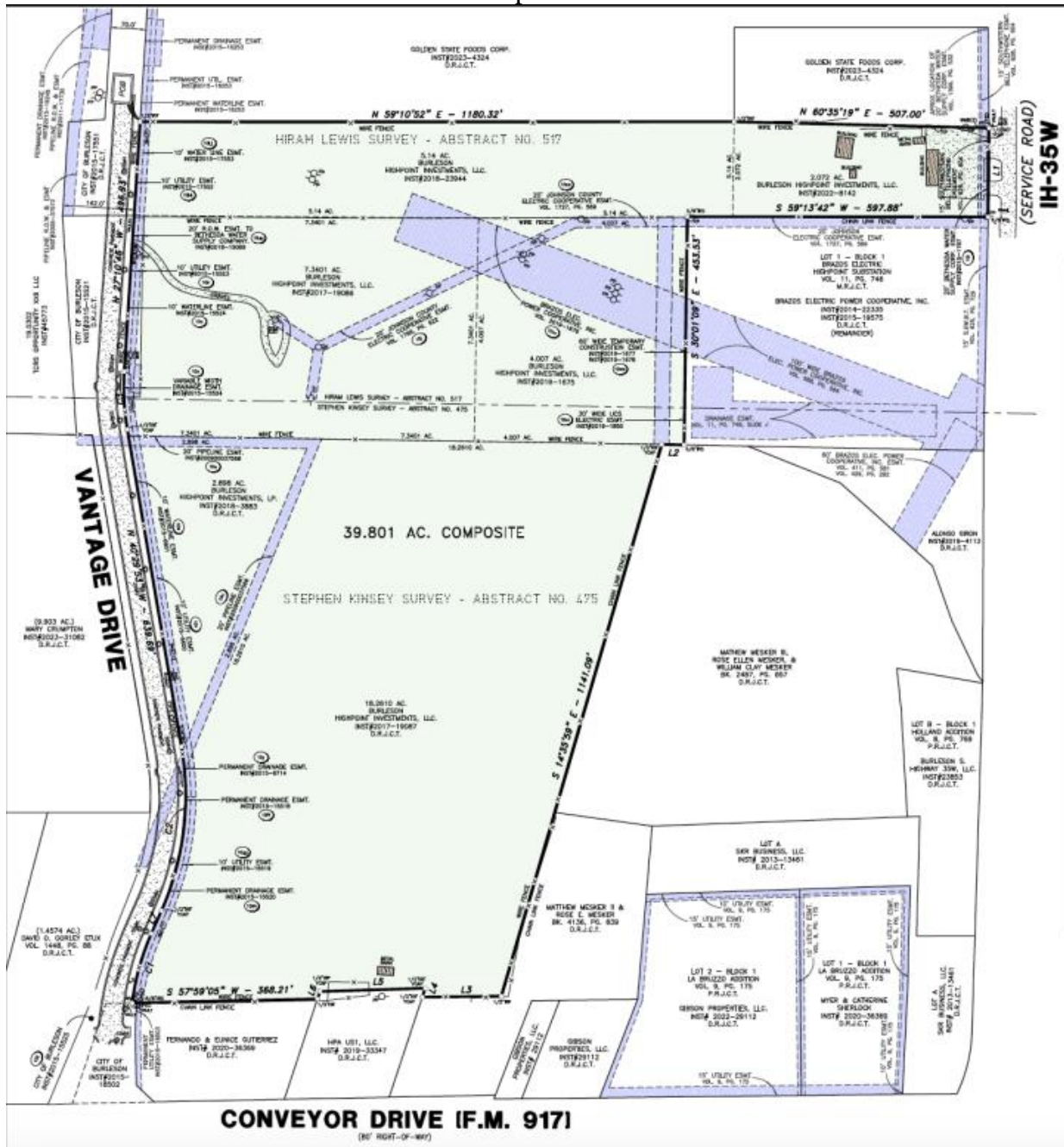
Welding or machine shop

Wrecking or auto salvage yard

D. Development Regulations

Development will be held to the requirements of the “Business Park Design Standards” as given in the City of Burleson Code of Ordinances, Appendix C, Article VII.

Development Area



Building Elevations (Page 1 of 4)

The following is a representation of industrial building designs that should be considered generally acceptable or unacceptable within the PD, Planned Development. Images shown here do not constitute the acceptance of any specific building design.

ACCEPTABLE





NOT ACCEPTABLE



