

## ORDINANCE D-091-08

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 OF 2.164 ACRES COMPRISED OF TWO TRACTS, A 1.164 ACRE TRACT RECORDED IN VOLUME 4110, PAGE 606, AND A 1.00 ACRE TRACT RECORDED IN VOLUME 4326, PAGE 527, IN THE HIRAM LEWIS SURVEY, ABSTRACT 517, JOHNSON COUNTY, TEXAS FROM THE A AGRICULTURAL DISTRICT TO THE SP SITE PLAN DISTRICT; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a zoning change was filed by American Completion Tools on February 15, 2007, under Case Number 07-026; and

WHEREAS, the City of Burleson has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission have held a public hearing and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Burleson.

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

### SECTION 1

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, as shown on the Conceptual Site Plan attached as Exhibit A and described by a 1.164 acre tract recorded in volume 4110, page 606, and a 1.00 acre tract recorded in volume 4326, page 527, in the Hiram Lewis Survey, Abstract 517, Johnson County, Texas, by changing the zoning of said property from the (A) Agricultural district to the (SP) Site Plan district.

### SECTION 2

The site plan district, as defined by Exhibit A, and more particularly described in metes and bounds in Exhibit C shall be subject to the following conditions:

#### 1. GENERAL

- a. The purpose of this SP district is for a manufacturing and assembly business as specifically stated in this ordinance.

- b. This property is subject to all the regulations contain in the City of Burleson development codes, except where amended by this Ordinance.

## 2. PERMITTED LAND USES

The following land uses shall be permitted within this SP district provided the layout of the building and uses are consistent with the conceptual site plan as shown on Exhibit A.

- a. An office and sales building
- b. Customer parking
- c. Paved surface for ingress and egress
- d. Storage of materials on paved surfaces
- e. Manufacturing and assembly processes
- f. Gas well as permitted through the City of Burleson under the Gas Well Drilling Ordinance B-775-07 or as amended.

## 3. CONCEPTUAL SITE PLANS, PLATTING, and PHASING OF DEVELOPMENT

- a. The arrangement, location, and foot print of buildings within this SP district shall be generally as shown on the attached Exhibit A.
- b. The building elevations of the offices and manufacturing buildings shall be generally as shown on the attached Exhibit B.
- c. No development permits for any additional structures or uses within this SP district shall be approved except by a subsequent amendment to this ordinance approved by the City Council in accordance with the procedures and requirements of the City of Burleson Zoning Ordinance.

## 4. LANDSCAPING AND FENCING

- a. The developer shall construct a landscaped, living screen with a mature height of at least six (6) feet adjacent to and along a portion of the south property line as shown in the conceptual site plan. The screen shall contain evergreen plant material, of five (5) gallons in size, planted on thirty-six (36) inch centers in accordance with Exhibit A.
- b. The developer shall be able to construct chain link fence up to a six (6) foot tall on the perimeter of the property. The new fence shall match the existing fence.

- c. Landscape development on the site shall be in accordance with the Conceptual Site Plan attached as Exhibit "A".

#### **5. GENERAL DEVELOPMENT CRITERIA**

- a. One monument sign constructed in accordance with the sign regulations contained in the zoning ordinance may be constructed in the front yard along the highway frontage.
- b. All new buildings and the addition to the office building shall be faced with masonry material in compliance with the City of Burleson Masonry Construction Standards Ordinance B-743-06.
- c. The location and width of all fire lanes shall be approved by the Fire Marshal with the approval of a commercial site plan.
- d. The building setbacks of the existing buildings shall be the required setbacks for those buildings and all new buildings will have a minimum side yard setback of ten (10) feet and all other setbacks will conform to the requirements of the Industrial District requirements.

#### **SECTION 3 CUMULATIVE CLAUSE**

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 4 SEVERABILITY CLAUSE**

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 5  
PENALTY CLAUSE

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 V.T.C.A. 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 6  
EFFECTIVE DATE

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

PASSED AND APPROVED this the 11<sup>th</sup> day of September 2008.

  
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Mayor

ATTEST:

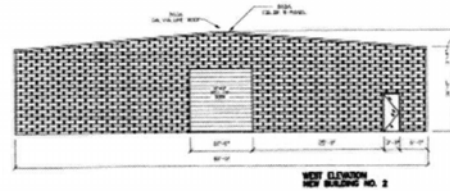
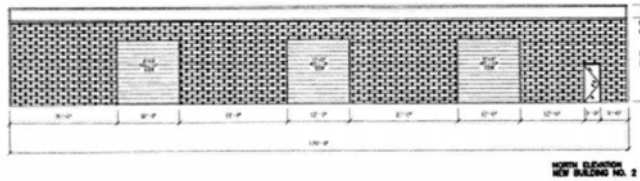
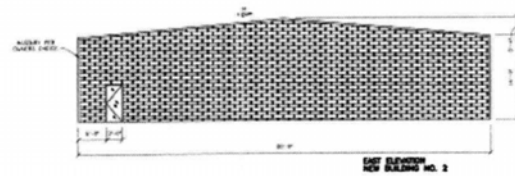
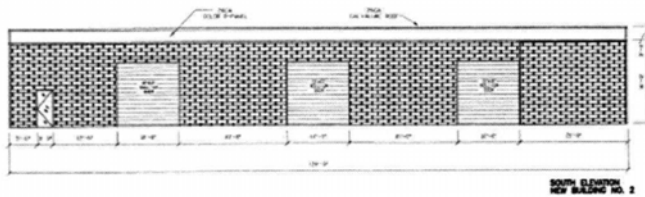
  
\_\_\_\_\_  
City Secretary

First Reading: 8-28-08

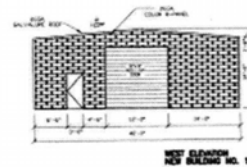
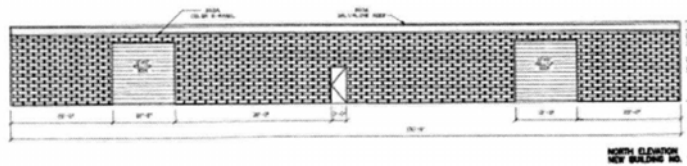
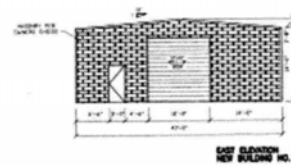
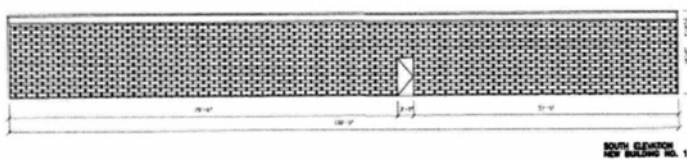
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## EXHIBIT B BUILDING ELEVATIONS

### NEW BUILDING NO. 2



### NEW BUILDING NO. 1



ZONING CASE 07-028  
BUILDING ELEVATIONS  
PROPOSED FUTURE BUILDINGS  
REQUIRE BY MINNETT BUILDINGS  
BURLISON, TEXAS  
AMERICAN COMPLETION TOOLS  
BURLISON, TEXAS  
NOVEMBER 9, 2007

**EXHIBIT C**  
**Metes and Bounds Description**

A survey of a tract of land out of the Hiram Lewis Survey, Abstract No. 517, Johnson County, Texas, being a 1.16 acre tract conveyed to American Completion Tools, Inc. as recorded in Volume 4110, Page 606, and a 1.0 acre tract conveyed to American Completion Tools as recorded in Volume 4326, Page 527, Deed Records, Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a Found 3/8" iron rod in the west right-of-way line of Interstate Highway No. 35W and northeast corner of a tract conveyed to Helen Doris Jones as recorded in Volume 3545, Page 795, being the southeast corner of the 1.16 acre tract;

THENCE S 59°43'00" W 503.98 feet along the northwest side of Jones' tract recorded in Volume 3545, Page 795 and a tract of land conveyed to George Lawrance as recorded in Volume 1555, Page 861, being the southeast line of the 1.16 acre tract, to a 1" found pipe for a corner.

THENCE N 30°00'54" W 120.55 feet along the northeast line of Lawrance tract, recorded in Volume 1555, Page 861, being the southwest line of the 1.16 acre tract, to a 3/8" found iron rod.

THENCE N 30°13'43" W 143.30 feet along the northeast line of Lawrance tract, recorded in Volume 1555, page 861, being the southwest line of the 2.0 acre tract, to a 1/2" set iron rod capped "JDZ".

THENCE N 64°06'12" E 304/57 feet along the south line of the remainder of the 2.0 acre lot, being the northwest line of a 1.000 acre portion of Allen tract, recorded in Volume 1756, Page 599, to a 1/2" set iron rod capped "JDZ" for corner.

THENCE S 30° 26'43" E 143.34 feet along the southwest line of a tract of land conveyed to William W. Warren recorded in Volume 3684, Page 289, being the northeast line of a portion of the 1.000 acre tract, to a 3/8" found iron rod, being the southwest corner of the Warren tract.

THENCE N 64°55'17" E 199.13 feet along the southeast line of Warren tract, recorded in Volume 3684, Page 289, being the northwest line of the 1.16 acre tract, to a 1/2" found iron rod, being the southeast corner of the Warren tract.

THENCE S 30°55'38" E 79.16 feet along the west right-of-way line of Interstate Highway No. 35W, being the northeast line of the 1.16 acre tract to the POINT OF BEGINNING containing 2.164 acres (94,239.85 sq. ft) of land more or less.

## AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS  
COUNTY OF JOHNSON  
CITY OF BURLESON

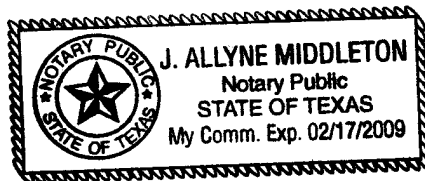
BEFORE ME, a notary public in and for the above named County, on this day personally appeared the person whose name is subscribed below, who having been duly sworn, says upon oath that he or she is a duly authorized officer or employee of the *Burleson Star*, which is a newspaper of general circulation in the above named County, devoting not less than 25% of its total column lineage to the carrying of items of general interest, published not less frequently than once each week, entered as periodical permit postal matter in the county where published, and having been published regularly and continuously for not less than 12 months prior to the making of any publication. The clipping attached to this Affidavit was published in said newspaper on the following date(s):

SEPTEMBER 21, 2008 AND SEPTEMBER 24, 2008

C. C. K.  
Authorized Officer or Employee

SUBSCRIBED AND SWORN TO BEFORE ME on this 16 day of October, 20 08

J. Allyne Middleton  
J. Allyne Middleton  
Notary Public





ORDINANCE

D-091-08

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 OF 2.164 ACRES COMPRISED OF TWO TRACTS, A 1.164 ACRE TRACT RECORDED IN VOLUME 4110, PAGE 606, AND A 1.00 ACRE TRACT RECORDED IN VOLUME 4326, PAGE 527, IN THE HIRAM LEWIS SURVEY, ABSTRACT 517, JOHNSON COUNTY, TEXAS FROM THE A AGRICULTURAL DISTRICT TO THE SP SITE PLAN DISTRICT; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a zoning change was filed by American Completion Tools on February 15, 2007, under Case Number 07-026; and

SECTION 5

P E N A L T Y  
CLAUSE

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 V.T.C.A. 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.

PASSED AND APPROVED this the 11th day of September 2008.

/s/Mayor, Ken Shetter

Attest: City Secretary, Amanda McCrory

B - sept 21, 24 - Ord D-091-08