

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 1.00 ACRE OF LAND SITUATED WITHIN SAMUEL MYERS SURVEY, ABSTRACT NO. 627, AND THE J.W. RAWLS SURVEY, ABSTRACT NO. 728; ADDRESSED AS 2635 S BURLESON BOULEVARD, CITY OF BURLESON, JOHNSON COUNTY, TEXAS FROM AGRICULTURAL (A) DISTRICT TO GENERAL RETAIL (GR) WITH A SPECIFIC USE PERMIT ALLOWING “FOOD TRUCK PARK”,** 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** and **specific use permit** was filed by **Suleman Sultan (property owner)** on **March 6, 2023**, under **Case Number 23-028**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to allow for the changing in zoning of said property from **Agricultural (A) district to General Retail (GR) with a specific use permit allowing for the operation of a “Food Truck Park”**; 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 Zone Change 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 to the City Council of Burleson, Texas,

that the hereinafter described property be rezoned from its classification of **Agricultural (A) district to General Retail (GR) with a specific use permit allowing for the operation of a “Food Truck Park”** ; 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 certain land described as **1.0 acres of land situated within Samuel Myers Survey, Abstract NO.627, and the J.W. Rawls Survey, Abstract NO 728, addressed as 2635 S Burleson Blvd, City of Burleson, Johnson County, Texas** as shown on the attached Exhibit A incorporated herein by reference, by allowing for the change in zoning from **Agricultural (A) to General Retail (GR) with a specific use permit allowing for the operation of a “Food Truck Park”** with the following condition:

- 1. The Food truck park shall be limited to no more than two (2) food trucks at any given time.**

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

Metes and Bounds

Being a 1.00 acre tract or parcel of land situated in the Samuel Myers Survey, Abstract No. 627 and the J.W. Rawls Survey, Abstract No. 728, Johnson County, Texas, and being all of that certain called 0.990 acre tract of land conveyed from SBJ Investments, Inc. to RSS-97, Inc., by Special Warranty Deed with Vendor's Lien, as recorded in File No. 2016-16571, Official Public Records, Johnson County, Texas, (Bearings are based on NAD 83 (2011), Texas North Central 4202, as observed by GPS. Area and distances shown hereon are at grid), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found at the Northwest corner of said 0.990 acre tract, at the most Westerly Southwest corner of Lot 1, Block 1, UCS Burleson Addition, an Addition to the City of Burleson, according to the plat thereof as recorded in Volume 10, Page 293, Slide E, Plat Records, Johnson County, Texas, and in the East line of S. Burleson Boulevard, also known as Interstate 35 W., a variable width right-of-way, from which a concrete right-of-way monument found bears North 23 degrees 41 minutes 20 seconds West, a distance of 164.49 feet;

THENCE North 77 degrees 01 minutes 12 seconds East, with the North line of said 0.990 acre tract and with a South line of said UCS Burleson Addition, a distance of 188.05 feet to a point at the Northeast corner of said 0.990 acre tract and at the most Northerly Northwest corner of a called 7.42 acre tract of land, described as Tract I, conveyed to Pragati Partners DBA Five Star Inn, by deed as recorded in Volume 2803, Page 811, Official Public Records, Johnson County, Texas, from which a 1/2" iron rod found capped (Barney Ballard) bears North 23 degrees 19 minutes 35 seconds West, a distance of 0.19 feet and a 3/8" iron rod found at an ell corner of said UCS Burleson Addition and at the most Northerly Northeast corner of said 7.42 acre tract bears North 77 degrees 01 minutes 12 seconds East, a distance of 415.70 feet;

THENCE with the common line of said 0.990 acre tract and said 7.42 acre tract, the following courses and distances:
South 23 degrees 19 minutes 35 seconds East, a distance of 219.07 feet to a PK nail found stamped (Ballard) at the Southeast corner of said 0.990 acre tract and at an ell corner of said 7.42 acre tract;
South 66 degrees 26 minutes 58 seconds West, a distance of 183.39 feet to a punch hole found at the Southwest corner of said 0.990 acre tract, at the most Westerly Northwest corner of said 7.42 acre tract, and in the East line of said S. Burleson Boulevard, from which a 3/8" iron rod found bears South 23 degrees 41 minutes 20 seconds East, a distance of 438.10 feet;

THENCE North 23 degrees 41 minutes 20 seconds West, with the West line of said 0.990 acre tract and with the East line of said S. Burleson Boulevard, a distance of 253.57 feet to the POINT OF BEGINNING and CONTAINING 1.00 acre of land.

