

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 154.871 ACRES OF LAND KNOWN AS LOT 1, BLOCK 1, BURLESON HIGH SCHOOL EAST, BY RECORDED PLAT, JOHNSON COUNTY PLAT RECORDS (J.C.P.R.T.), JOHNSON COUNTY, TEXAS, FROM ‘SF10’ SINGLE-FAMILY DWELLING DISTRICT 10 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 **Steve Logan** on **July 8, 2024**, under **Case Number 24-207**, 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 **Single-family dwelling district 10 (SF-10) 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 **Single-family dwelling district-10 (SF-10) 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 SF10, Single-family dwelling district 10 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:

STATE OF TEXAS §

COUNTY OF JOHNSON §

WHEREAS, BURLESON INDEPENDENT SCHOOL DISTRICT is the owner of all that tract of land in the City of Burleson, Johnson County, Texas, a part of the D. ANDERSON SURVEY, ABSTRACT No. 4, a part of the J. M. ZOMBRANO SURVEY, ABSTRACT No. 934, and being all of that 5.00 acre tract of land conveyed to Monty Montgomery as recorded in Book 3462, Page 538, Johnson County Deed Records, all of that called 147.140 acre tract of land conveyed to Burleson Independent School District as recorded in Volume 4188, Book 337, Johnson County Deed Records, all of that 2.723 acre tract of land conveyed to Burleson Independent School District as recorded in Volume 4372, Book 107, Johnson County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod found at the most southerly southwest corner of said 147.140 acre tract, said point being in the east line of that tract of land conveyed to J.A. Shetter as recorded in Volume 502, Page 83, Johnson County Deed Records, said point being in the north line of E. Renfro Street (variable width right-of-way);

THENCE North 00 degrees 12 minutes 24 seconds West, 405.31 feet to a fence corner post found for corner in the south line of said 147.140 acre tract, said point being the northeast corner of said Shetter tract;

THENCE South 89 degrees 40 minutes 21 seconds West, 1460.14 feet with a south line of said 147.140 acre tract to a fence corner post found for corner, said point being the northwest corner of that tract of land conveyed to Deborah B. Johnstone as recorded in Volume 1632, Page 849, Johnson County Deed Records;

THENCE North 00 degrees 23 minutes 10 seconds West, 499.61 feet with a west line of said 147.140 acre tract to a three-fourths inch iron rod found for corner;

THENCE with a south line of said 147.140 acre tract as follows:

North 89 degrees 33 minutes 17 seconds West, 206.67 feet to a three-fourths inch iron pipe found for corner;

North 89 degrees 56 minutes 19 seconds West, 338.34 feet to a point for corner from which a railroad spike found bears South 76 degrees 12 minutes 51 seconds West, 1.75 feet, said point being in the east line of Hurst Road (variable width right-of-way);

THENCE with a west line of said 147.140 acre tract and with the east line of Hurst Road as follows:

North 01 degrees 50 minutes 52 seconds East, 935.01 feet to a five-eighths inch capped iron rod found for corner;

North 04 degrees 07 minutes 21 seconds East, 214.55 feet to a 60d nail found for corner, said point being the southwest corner of that tract of land conveyed to Richard G. Nugent and Jennifer L. Nugent as recorded Book 1960, Page 706, Johnson County Deed Records;

THENCE South 86 degrees 41 minutes 19 seconds East, 896.03 feet with a north line of said 147.140 acre tract to a one-half inch iron rod found for corner, said point being the southeast corner of said Nugent tract;

THENCE with a west line of said 147.140 acre tract as follows:

North 03 degrees 41 minutes 26 seconds East, 209.33 feet to a fence corner post found for corner;

North 12 degrees 24 minutes 44 seconds East, 520.36 feet to a five-eighths inch iron rod found for corner;

North 00 degrees 15 minutes 06 seconds West, 417.60 feet to a one-half inch iron rod found for corner at an inner ell of said 147.140 acre tract;

THENCE South 89 degrees 39 minutes 22 seconds West, 1060.70 feet with a south line of said 147.140 acre tract to a T-post found for corner, said point being in the east line of Hurst Road;

THENCE North 10 degrees 43 minutes 22 seconds West, 40.08 feet with the east line of Hurst Road to a five-eighths inch iron rod found at the most northerly northwest corner of said 147.140 acre tract, said point being in the south line of that tract of land conveyed to Roy B. Robertson, et al as recorded in Volume 925, Page 121, Johnson County Deed Records;

THENCE with the north line of said 147.140 acre tract as follows:

North 89 degrees 15 minutes 10 seconds East, 1068.83 feet to a point for corner;

South 89 degrees 56 minutes 56 seconds East, at 1824.22 feet passing a 60d nail found for witness, in all a total of 1863.18 feet to a point at the northeast corner of said 147.140 acre tract, said point being in the approximate center of Quil Miller Creek;

THENCE with the east line of said 147.140 acre tract and with the meanders of Quil Miller Creek as follows:

South 03 degrees 55 minutes 55 seconds East, 35.76 feet to a point for corner;

South 09 degrees 47 minutes 36 seconds East, 271.70 feet to a point for corner;

South 33 degrees 04 minutes 16 seconds East, 187.70 feet to a point for corner;

South 11 degrees 36 minutes 44 seconds West, 147.25 feet to a point for corner;

South 30 degrees 13 minutes 16 seconds East, 196.20 feet to a point for corner;

North 61 degrees 45 minutes 04 seconds East, 194.00 feet to a point for corner;

South 23 degrees 33 minutes 56 seconds East, 295.10 feet to a point for corner;

South 12 degrees 40 minutes 56 seconds East, 133.10 feet to a point for corner;

South 29 degrees 54 minutes 04 seconds West, 91.28 feet to a point for corner;

South 80 degrees 06 minutes 34 seconds West, 73.25 feet to a point for corner;

South 56 degrees 20 minutes 34 seconds West, 163.00 feet to a point for corner;

South 03 degrees 10 minutes 33 seconds East, 45.14 feet to a point for corner, said point being in the north line of Fox Lane (variable width right-of-way);

THENCE with a south line of said 147.140 acre tract and with the north line of Fox Lane as follows:
South 89 degrees 36 minutes 42 seconds West, 39.39 feet to a one-half inch iron rod found for corner;
South 73 degrees 27 minutes 48 seconds West, 34.24 feet to a point for corner;
South 00 degrees 23 minutes 40 seconds East, 8.46 feet to a five-eighths inch capped iron rod found for corner;
South 88 degrees 33 minutes 30 seconds West, 476.77 feet to a five-eighths inch iron rod found for corner, said point being in the west line of Fox Lane at this point;

THENCE with the east line of said 147.140 acre tract and with the west line of Fox Lane as follows:
South 00 degrees 43 minutes 58 seconds East, 569.22 feet to a point for corner;
South 00 degrees 08 minutes 09 seconds East, 293.07 feet to a point for corner;
South 00 degrees 19 minutes 04 seconds East, 111.36 feet to a five-eighths inch capped iron rod found for corner, said point being the northeast corner of said Montgomery tract;

THENCE South 00 degrees 12 minutes 56 seconds East, 362.43 feet with the west line of Fox Lane to a five-eighths inch iron rod found at the southeast corner of said Montgomery tract;

THENCE South 89 degrees 36 minutes 45 seconds West, 363.26 feet with the south line of said Montgomery tract to a one-half inch iron rod found for corner, said point being the northeast corner of said 2.723 acre tract, said point being the northwest corner of the C.A. Peterson Addition, an addition to the City of Burleson as recorded in Volume 8, Page 509, Drawer C, Johnson County Plat Records;

THENCE South 00 degrees 03 minutes 37 seconds East, 493.45 feet to a one-half inch iron rod with "LONE OAK" red cap set at the southeast corner of said 2.723 acre tract, said point being the southwest corner of said C.A. Peterson Addition, said point being in the north line of E. Renfro Street;

THENCE with the north line of E. Renfro Street as follows:
South 89 degrees 28 minutes 01 seconds West, 240.81 feet to a one-half inch iron rod found for corner;
South 89 degrees 32 minutes 05 seconds West, 62.55 feet to the POINT OF BEGINNING and containing 6,746,202 square feet or 154.871 acres of land.

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 Site Exhibit and 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 “NS, Neighborhood Service district” with additional development regulations as stated below for a telecommunication tower.

1. This Planned Development District allows for the colocation of 1 cell tower with a stadium light pole. Telecommunications tower use is allowed as shown in accordance with Exhibit C, referred to hereafter as the “site exhibit”, as well as any associated ground uses that support the telecommunications tower operations. These ground uses shall be limited to the associated compound and easements which are allowed to connect power and telephone to the existing network.

D. Development Regulations

1. The telecommunication tower shall not exceed the heights as shown on the attached site exhibit (100 feet), the number of telecommunication towers shall be limited in number to the amount shown on the attached site exhibit (1). Telecommunication towers shall be generally located as shown on the attached site exhibit, but in no instance be located within 200 feet of existing residential uses.
2. Stadium lighting on the telecommunication tower will remain at the currently existing height (approximately 81 feet).
3. Permitted setbacks shall be similar to those shown in the attached site exhibit.
4. Revisions to the uses and conditions allowed in this PD shall only be allowed by submitting a revised PD to the staff for administrative approval to school related uses. Telecommunication uses revisions shall be required to be approved by a formal revision to the PD through public hearing process.

