

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 5.153 ACRES OF LAND SITUATED IN THE H. LEWIS SURVEY, A-517, JOHNSON COUNTY, TEXAS, AND BEING COMPRISED OF THREE TRACTS OF LAND, THE FIRST BEING ALL OF LOT 1, BLOCK 1, ALLEN ADDITION, AN ADDITION TO THE CITY OF BURLESON, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 10, PAGE 65, PLAT RECORDS, JOHNSON COUNTY, TEXAS, THE SECOND TRACT BEING ALL OF A CALLED 0.8506 ACRE TRACT OF LAND DESCRIBED IN A DEED TO AMERICAN COMPLETION TOOLS, INC., RECORDED IN INSTRUMENT NO. 2023-4019, DEED RECORDS, JOHNSON COUNTY, TEXAS, THE THIRD TRACT BEING THAT CALLED 2.136 ACRE TRACT DESCRIBED IN A DEED TO MARK CRUTCHFIELD AND TIA LOUANN CRUTCHFIELD, RECORDED IN INSTRUMENT NO. 2021-9700, DEED RECORDS, JOHNSON COUNTY, TEXAS, FROM "PD" PLANNED DEVELOPMENT 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 **Nathan Olson** (**Applicant**) on behalf of **Deepak Somarajan** (**Owner**) on **April 15, 2024**, under **Case Number 24-146**, 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 **8 to 0** to recommend approval to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **Planned Development (PD) 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 **Planned Development (PD) 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 metes and bounds description attached as **Exhibit A**, by changing the zoning of said property from PD, Planned Development district and A, Agriculture district to the PD, Planned Development district industrial development.

Section 2

The Planned Development district, as described by Exhibit A and depicted on Exhibit B, shall be subject to the following conditions:

1. GENERAL

This property is subject to all regulations contained in the City of Burleson Development codes, except where amended by this ordinance.

2. PERMITTED LAND USES:

Except as otherwise provided herein, land uses shall be permitted within this PD district shown on Exhibit A are limited to the Industrial district (I) and uses permitted within the IH35 overlay district as defined by the City of Burleson Zoning Ordinance.

3. PROHIBITED LAND USES:

The following land uses are prohibited within the PD district shown on Exhibit A:

- a) Auto salvage yards
- b) Asphalt/concrete batching
- c) Petroleum or gas well
- d) Petroleum storage/collection
- e) Railroad freight terminal
- f) Railroad passenger terminal
- g) Railroad team track
- h) Railroad track or right-of-way
- i) Sand/gravel/topsoil extraction/storage
- j) Sexually oriented business (SOB's)

4. DEVELOPMENT STANDARDS:

Except as otherwise provided herein, the acting development standards applied to this PD district shown on Exhibit A shall include all the regulations contained in the City of Burleson development codes, except where amended by this Ordinance:

- a) The following development regulations of the Burleson Code of Ordinances shall not apply within this PD district:
 - i. Article V. IH-35 Design Standards

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:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT "A"

Metes and Bounds:

BEING 5.153 acres of land in the H. Lewis Survey, A-517, Johnson County, Texas, and being comprised of three tracts of land, the first being all of Lot 1, Block 1, Allen Addition, an addition to the City of Burleson, Texas, according to the plat thereof recorded in Volume 10, Page 65, Plat Records, Johnson County, Texas, the second tract being all of a called 0.8506 acre tract of land described in a deed to American Completion Tools, Inc., recorded in Instrument No. 2023-4019, Deed Records, Johnson County, Texas, the third tract being that called 2.136 acre tract described in a deed to Mark Crutchfield and Tia Louann Crutchfield, recorded in Instrument No. 2021-9700, Deed Records, Johnson County, Texas, and the three tracts together comprising the total 5.153 acre of land, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found in the West right-of-way line of South Burleson Boulevard (Interstate Highway No. 35W) a 350 foot wide public right-of-way for the Southeast corner of said Lot 1, Block 1, Allen Addition, the same being the Northeast corner of a called 2.30 acre tract of land described in a deed to Golden State Foods Corp., recorded in Instrument No. 2023-4324, Deed Records, Johnson County, Texas;

THENCE South 59°08'01" West departing said West right-of-way line and with the South line of said Lot 1, Block 1, Allen Addition, a distance of 503.69 feet to a 1/2-inch capped iron rod found for the Southwest corner of said Lot 1, Block 1, Allen Addition;

THENCE North 30°41'16" West with the West line of said Lot 1, Block 1, Allen Addition and along a barbed wire fence, a distance of 120.62 feet to a 1/2-inch iron rod set for an angle point;

THENCE North 30°50'28" West continuing with said West line and barbed wire fence a distance of 143.20 feet to a 1/2-inch capped iron rod found for the most westerly Northwest corner of said Lot 1, Block 1, Allen Addition, said capped iron rod also being the Southwest corner of said 2.136 acre Crutchfield tract;

THENCE North 31°20'49" West with the West line of said Crutchfield tract and along a barbed wire fence a distance of 183.44 feet to a 2-inch iron pipe found for the Northwest corner of said Crutchfield tract;

THENCE North 58°59'15" East with the North line of said Crutchfield tract and along a metal panel fence a distance of 500.22 feet to a mag nail at the base of a metal fence corner post in said West right-of-way line of South Burleson Boulevard (Interstate Highway No. 35W) for the North corner of said Crutchfield tract;

THENCE South 31°25'03" East with said West right-of-way line and the East line of said Crutchfield tract a distance of 179.90 feet to a 3/8-inch iron rod found for the North corner of said 0.8506 acre tract and the East corner of said Crutchfield tract;

THENCE South 31°22'46" East with said West right-of-way line a distance of 188.66 feet to a 5/8-inch iron rod found for the Southeast corner of said 0.8506 acre tract and the north most Southeast corner of said Lot 1, Block 1, Allen Addition;

THENCE South $31^{\circ}41'29''$ East continuing with said West right-of-way line and the East line of said Lot 1, Block 1, Allen Addition, a distance of 80.00 feet to the POINT OF BEGINNING and CONTAINING 5.153 acres of land, more or less.

EXHIBIT “B”

