

ORDINANCE

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 ON APPROXIMATELY 73.72 ACRE TRACT OF LAND ADDRESSED AS 3936 SOUTH BURLESON BLVD, AND BEING SITUATED IN THE ISSAC SAUNDERS SURVEY, ABSTRACT NO. 800, CONVEYED BY DEED, AS RECORDED IN VOLUME 1390, PAGE 397, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY TEXAS, FROM A, AGRICULTURAL DISTRICT 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, 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, an application for a zoning change was filed by Charles Ezell on March 21, 2022 under Case Number 22-043; 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.

WHEREAS, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

WHEREAS, the City Council 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 to the Code of Ordinances of the City of Burleson.

NOW, THEREFORE, 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 described as approximately 73.72 acre tract or parcel of land situated in the Isaac Saunders survey, Abstract No. 800, conveyed by deed, as recorded in Volume 1390, Page 397, official public records, Johnson County Texas, shown on Exhibit A, attached hereto and incorporated herein by reference for all purposes, from A, Agricultural District to PD, Planned Development District, the use and development of which shall be subject to the development standards, conditions, and restrictions set forth in Section 2 and the Conceptual Site Plan set forth in Exhibit B, attached hereto and incorporated herein by reference for all purposes.

Section 2.

The Planned Development district, as defined by Exhibit A, shall be subject to the following conditions:

1. GENERAL

- a. This property is subject to all the 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 and are limited to Industrial district (I) and uses permitted within the IH35 overlay district as defined by the City of Burleson Zoning Ordinance. Additionally, a contractor's office with screened outside storage is permitted within the PD district shown on Exhibit A. Except as otherwise provided herein, use and development of the property shall be in accordance with the Industrial district and IH35 design standards.

3. PROHIBIT LAND USES

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

- (i) Sexually Oriented Businesses; and
- (ii) Auto Salvage Yards.

4. COCEPTUAL SITE PLAN

No building permits for any additional structures or uses within this PD 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. A conceptual site plan is included as Exhibit B within this ordinance.

5. GENERAL DEVELOPMENT CRITERIA

No building permits for any additional structures or parking 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. A conceptual site plan is included as Exhibit B within this ordinance.

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 & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A

FIRST TRACT:

A PART OF THE ISAAC SAUNDERS SURVEY IN JOHNSON COUNTY, TEXAS:

AND BEGINNING AT A STAKE, THE SOUTHEAST CORNER OF THE 200 ACRE TRACT HERETOFORE CONVEYED BY J. A. EASTERWOOD TO J. T. CARTER, SEPT. 10, 1892;

THENCE S. 6 W, WITH THE NORTH BOUNDARY LINE THEREOF, 1344 VRS. TO A STAKE, THE SOUTHWEST CORNER OF THE HEREBY CONVEYED;

THENCE N. 30 W., 420.1 VRS. TO A STAKE FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE N. 60 E., 1344 VRS. TO A STAKE IN THE EAST BOUNDARY LINE OF SAID 200 ACRE TRACT, FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE S. 30 E. WITH SAID LINE, 420.1 VRS. TO THE PLACE OF BEGINNING AND CONTAINING 100 ACRES OF LAND, AND BEING THE SAME TRACT CONVEYED BY JAS. E. HOLMES, ET AL, TO JOHN EZELL, DATED OCT., BY DEED OF RECORD IN VOL. 129, PAGE 213, DEED RECORDS OF JOHNSON COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE.

SECOND TRACT:

A PART OF THE ISAAC SAUNDERS SURVEY, JOHNSON COUNTY;

AND BEGINNING AT A STONE MOUND IN THE CENTER OF THE NORTH LINE OF SAID SURVEY, AT THE NORTHWEST CORNER OF 210 ACRES FORMERLY OWNED BY JAS. EASTERWOOD;

THENCE S. 30 E., PASSING THE SOUTHWEST CORNER OF SAID EASTERWOOD'S 210 ACRE TRACT AT 883 VRS. IN ALL 923 VRS. TO A STONE MOUND, THE NORTHEAST CORNER OF A 100 ACRE TRACT CONVEYED TO SAID EASTERWOOD BY J. W. MYERS;

THENCE 2. 60 W., 734 VRS. TO A STONE MOUND IN THE NORTH LINE OF SAID 100 ACRE TRACT;

THENCE N. 30 W., 923 VRS. TO STONE MOUND IN THE NORTH LINE OF THE ORIGINAL SURVEY;

THENCE N. 60 E., 734 VRS. TO THE BEGINNING; CONTAINING 120 ACRES OF LAND, AND BEING THE SAME TRACT CONVEYED BY JOHN W. MYERS, ET AL TO J. J. MCGEE, NOV. 2, 1886, BY DEED OF RECORD IN VOL. 34, PAGE 426, DEED RECORDS OF JOHNSON COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE.

THIRD TRACT:

A PART OF THE ISAAC SAUNDERS SURVEY IN JOHNSON COUNTY, TEXAS;

AND BEGINNING AT A STAKE IN THE WEST BOUNDARY LINE OF THE SURVEY, THE NORTHWEST CORNER OF 320 ACRES SET OFF BY COURT ORDER TO J. A. EASTERWOOD;

THENCE N. 60 E., WITH THE NORTH BOUNDARY LINE THEREOF, 1344 VRS. TO THE NORTHEAST CORNER OF THE SAME;

THENCE N. 30 W., 420.1 VRS. TO A STAKE;

THENCE S. 60 W., 1344 VRS. TO A STAKE IN THE WEST BOUNDARY LINE OF THE SANDERS SURVEY;

THENCE S. 30 E., 420.1 VRS. WITH SAID WEST BOUNDARY LINE TO THE PLACE OF BEGINNING;

AND CONTAINING 100 ACRES OF LAND, AND BEING THE SAME TRACT CONVEYED BY C. A. ANDERSON ET AL TO JOHN EZELL NOV. 14, 1924, BY DEED OF RECORD IN VOL. 246, PAGE 305, DEED RECORDS OF JOHNSON COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE FOR FURTHER DESCRIPTION THEREOF.

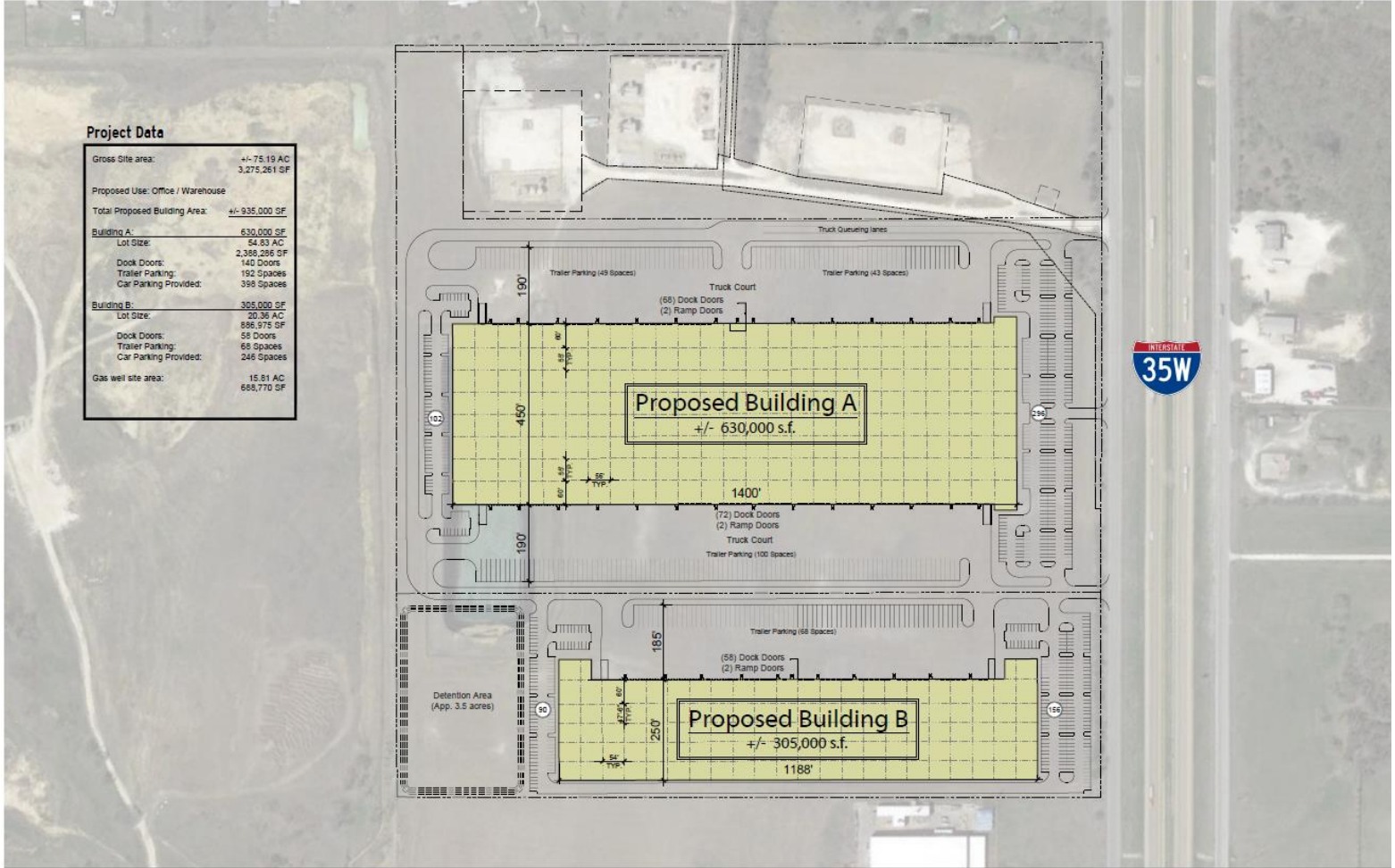
NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

SAVE AND EXCEPT that portion of land conveyed to Spring Valley, Inc. in Warranty Deed (with Vendor's Lien), dated May 30, 1979, filed June 1, 1979, and recorded in Volume 798, Page 495, Real Property Records, Johnson County, Texas

SAVE AND EXCEPT that portion of land conveyed to Edward L. Bourne and wife, Angela Bourne in Warranty Deed (with Vendor's Lien) dated May 25, 1979, filed June 1, 1979, and recorded in Volume 798, Page 500, Real Property Records, Johnson County, Texas.

SAVE AND EXCEPT that portion of land conveyed to John Patrick Culpepper, dated February 15, 1999, filed February 18, 1999, and recorded in Volume 2293, Page 605, Real Property Records, Johnson County, Texas.

Exhibit B “Conceptual Site Plan”



Hunt Southwest

Burleson site

Preliminary Site Plan
Burleson, TX | RBA PROJECT 22029 | 6/6/2022