

## 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 4.091 ACRES OF LAND OUT OF THE T.W. BUNDWICK SURVEY, ABSTRACT NO. 77, DESCRIBED IN THE DEED RECORDED UNDER VOLUME 513, PAGE 654, DEED RECORDS JOHNSON COUNTY, TEXAS (D.R.J.C.T) FROM DEFAULTED "A" AGRICUTURAL TO "C" COMMERCIAL, ADDRESSED AS 3225 S BURLESON BLVD, 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 **Steven Everitt** on **January 21, 2025**, under **Case Number 25-016**, 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 **X to 0** to recommend XX to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **Agricultural (A)** to **Commercial (C)**; 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 **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 described as approximately 4.091 ACRES OF LAND OUT OF THE T.W. BUNDWICK SURVEY, ABSTRACT NO. 77, DESCRIBED IN THE DEED RECORDED UNDER VOLUME 513, PAGE 654, Deed Records, Johnson County, Texas, included on Exhibit A, from defaulted A, Agricultural to C, Commercial for the property addressed as 3225 S Burleson BLVD, which are incorporated herein as Exhibit B, being attached hereto and incorporated herein by reference for all purposes.

### **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\_\_\_\_\_.

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Chris Fletcher, Mayor

City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

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Amanda Campos, City Secretary

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E. Allen Taylor, Jr., City Attorney

## Exhibit A Property Description

### PROPERTY DESCRIPTION

**BEING** a tract of land out of the T.W. Bundwick Survey, Abstract Number 77, in the City of Burleson, Johnson County, Texas, and being that same tract of land described by deed to Joe D. Everitt and Martha N. Everitt as recorded under Volume 513, Page 654, Deed Records, Johnson County, Texas, (D.R.J.C.T.), the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83)):

**BEGINNING** at a 1/2 inch rebar found for the east corner of said Everitt tract and the herein described tract;

**THENCE** South 63 degrees 38 minutes 01 seconds West, with the southeast line of said Everitt tract, a distance of 283.75 feet to a 1/2 inch rebar with pink cap stamped, "BARTON CHAPA" set (hereinafter called "capped rebar set") for the south corner thereof;

**THENCE** North 29 degrees 37 minutes 12 seconds West, with the southwest line of said Everitt tract, a distance of 622.59 feet to a capped rebar set for the westernmost corner thereof, same being the south corner of the "Second Tract" of land described by deed to Bethesda Water Supply Corporation as recorded under Volume 499, Page 398, (D.R.J.C.T.);

**THENCE** North 61 degrees 42 minutes 23 seconds East, with the southeast line of said "Second Tract", a distance of 223.00 feet to a point for the east corner thereof, same being in the southwest line of the "First Tract" as described by said deed to Bethesda Water Supply Corporation;

**THENCE** South 28 degrees 17 minutes 37 seconds East, with the southwest line of said "First Tract", a distance of 55.00 feet to a 4 inch metal fence corner post found for the south corner thereof;

**THENCE** North 61 degrees 42 minutes 33 seconds East, with the southeast line of said "First Tract", a distance of 75.00 feet to a 4 inch metal fence corner post found for the east corner thereof, from which a 1 inch iron pipe found for the north corner of said "First Tract" bears North 28 degrees 17 minutes 37 seconds West, a distance of 75.00 feet;

**THENCE** South 28 degrees 17 minutes 37 seconds East, with the northeast line of said Everitt tract, a distance of 576.96 feet, returning to the **POINT OF BEGINNING** and enclosing 4.091 acres (178,224 square feet) of land, more or less.

