

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMMENDIING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 1.5919 ACRES OF LAND SITUATED WITHIN THE DAVID ANDERSON SURVEY, ABSTRACT NO. 4, AND BEING A PORTION OF A CALLED 7.986 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO LANDMARK EQUITIES, L.L.C. RECORDED IN VOLUME 2296, PAGE 505 OF THE DEED RECORDS OF JOHNSON COUNTY; BEING LOCATED AT THE INTERSECTION OF VILLAGE CREEK PKWY AND EAST RENFRO ST, CITY OF BURLESON, JOHNSON COUNTY, TEXAS FROM “PD” PLANNED DEVELOPMENT DISTRICT (VILLAGE CREEK NORTH) TO “GR” GENERAL RETAIL WITH A SPECIFIC USE PERMIT ALLOWING “AUTOMOBILE FUEL SALES”, 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 Bryan Clark representing QuikTrip South LLC on July 25, 2022, under Case Number 22-105; 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, THAT:

Section 1

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, described by the metes and bounds attached as Exhibit A, by changing the zoning of said property from PD, Planned Development district to GR, General Retail with a specific use permit allowing "Automobile fuel sales".

Section 2.

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.

The specific use permit, as defined by Exhibit B, shall be subject to the following conditions:

1. The use of "Automobile fuel sales" is permitted and shall conform to Exhibit "B" unless otherwise approved by City Council.

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.

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

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY

E. Allen Taylor, Jr., City Attorney

EXHIBIT A
Metes and Bounds

BEING a 1.5919 acre tract of land situated within the David Anderson Survey, Abstract No. 4, City of Burleson, Johnson County, Texas and being a portion of a called 7.986 acre tract of land as described in the deed to Landmark Equities, L.L.C. recorded in Volume 2296, Page 505 of the Deed Records of Johnson County, Texas. Said 1.5919 acre tract of land surveyed on the ground in 2022 under the direction and supervision of Robert A. Hansen, LSLS & Registered Professional Land Surveyor No. 6439 (the Basis of Bearings for this survey is GRID North as established by GPS observation utilizing the Texas Coordinate System of 1983, North Central Zone) and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set at the intersection of the west right of way line of Village Creek Parkway, a variable width right of way, as described in the deed to the City of Burleson recorded under Document No. 2015-10956 of the Official Public Records of Johnson County, Texas with the north right of way line of East Renfro Street, a 120-foot right of way, as evidenced by the plat titled "Burleson Crossing" recorded in Volume 9, Page 524 of the Plat Records of Johnson County, Texas, being the beginning of a curve;

THENCE westerly, coincident with the north curving right of way line of said East Renfro Street and said curve, concave to the south, having a radius of 1014.93 feet and a chord bearing and distance of NORTH 70 degrees 03 minutes 29 seconds WEST, 150.86 feet, an arc length of 151.00 feet to a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set at the southeast corner of Lot 1, Block 2 of said Burleson Crossing;

THENCE NORTH 09 degrees 24 minutes 26 seconds EAST, 272.65 feet with the east line of said Lot 1 to a 1/2-inch capped iron rod stamped "RPLS 5647" found at the northeast corner of said Lot 1, from which a 1/2-inch capped iron rod stamped "CBA" found at the northwest corner of said Lot 1 bears NORTH 80 degrees 37 minutes 16 seconds WEST, 141.56 feet;

THENCE SOUTH 80 degrees 37 minutes 16 seconds EAST, 291.79 feet with the easterly prolongation of the north line of said Lot 1 through the interior of said called 7.986 acre tract of land to a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set on the west right of way line of said Village Creek Parkway, from which a 1/2-inch capped iron rod stamped "Walker Partners" found at the west common corner of Lots 1 and 2 of the plat titled "Village Creek Addition" recorded in Volume 11, Page 855 of said Plat Records bears SOUTH 71 degrees 29 minutes 39 seconds EAST, 73.75 feet, and being the beginning of a non-tangent curve;

THENCE the following four (4) calls coincident with the west right of way line of said Village Creek Parkway:

1. southerly, with said non-tangent curve, concave to the west, having a radius of 287.00 feet and a chord bearing and distance of SOUTH 27 degrees 17 minutes 00 seconds WEST, 73.60 feet, an arc length of 73.80

feet to a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set at the beginning of a reverse curve;

2. southerly, with said reverse curve, concave to the east, having a radius of 513.00 feet and a chord bearing and distance of SOUTH 31 degrees 17 minutes 11 seconds WEST, 60.20 feet, an arc length of 60.23 feet to a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set;
3. SOUTH 27 degrees 55 minutes 20 seconds WEST, 162.72 feet to a 1/2-inch capped iron rod stamped "BOWMAN PROP COR" set;
4. SOUTH 76 degrees 04 minutes 51 seconds WEST, 50.94 feet to the POINT OF BEGINNING, containing 1.5919 acres (69,344± square feet).

EXHIBIT B
Automobile Fuel Sales

