

## 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 3.255 ACRES OF LAND DESCRIBED AS LOT 3R, BLOCK 1, BROWN MANOR; ADDRESSED AS 755 EAST RENFRO STREET, SITUATED IN THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, FROM COMMERCIAL (C) TO COMERCIAL (C) WITH A SPECIFIC USE PERMIT (SUP) FOR MINI-WAREHOUSE; 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 **specific use permit** was filed by **Chad Wallace** on **January 23, 2023**, under **Case Number 23-010**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to **allow for the use of Mini-warehouse in its current zoning classification of Commercial (C)**; 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 **SUP** 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 X** to recommend to the City Council of Burleson, Texas, that the hereinafter described property is **authorized to operate a Mini-warehouse use in its current zoning classification of 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 **Commercial (C)**; 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**

The Zoning Ordinance and Map is hereby amended insofar as it relates to certain land described as **3.255 acres of land described as Lot 3R, Block 1, Brown Manor; addressed as 755 East Renfro Street, situated in the City Of Burleson, Johnson County, Texas**, as described in **Exhibit A**, by approving a Specific Use Permit (SUP) for the use of Mini-warehouse in its current zoning classification of Commercial (C) being attached hereto and incorporated herein by reference for all purposes, herein with an associated commercial site plan attached herein as **Exhibit B** with the following waivers to the commercial site plan;

City Council hereby grants a waiver to Appendix C Urban Design Standards, Article V section 5-51(d): requiring all parking areas adjacent to a major or minor arterial street, as shown in the master thoroughfare plan, shall be located a minimum of 25 feet from the right-of-way line.

City Council hereby grants a waiver to Appendix C Urban Design Standards, Article V Section 5-51(d) (1, 2): requiring that one large tree, three-inch in caliper minimum shall be planted on 30-foot centers within the required landscaped area and a minimum of 15 five-gallon shrubs shall be planted in the landscaped area for every 30 linear feet of frontage. The shrubs shall be planted in such a way to screen the parking lot from the roadway.

City Council hereby grants a waiver to Appendix C Urban Design Standards, Article V section 5-51(e): requiring foundation plantings for buildings or groups of buildings that have 40,000 square feet of gross building area or larger. One three-inch caliper tree shall be required for each 7,500 square feet of gross building area. The trees shall be located no farther than 30 feet from the face of the building. The plantings are intended to break up the face of the building as well as minimize the visual impact of large areas of impervious cover.

City Council hereby grants a waiver to Appendix C Urban Design Standards, Article V section 5-51(c, 4): requiring landscaped islands shall be located at the terminus of all rows of parking. The islands shall be a minimum five feet in width and extend the entire length of the parking stall. The islands shall contain at least one three-inch caliper tree consistent with the recommended tree list.

City Council hereby grants a waiver to Appendix C Urban Design Standards, Article V section 5-51(c, 2): requiring any portion of each parking space shall be located within 60 feet of the trunk of a tree. Pavement shall not be allowed within three feet of the trunk of a tree.

City Council hereby grants a waiver to Appendix C Urban Design Standards, Article V section 5-50(d): requiring on all other publicly visible façades, at least 20 percent of the wall area between two and ten feet above grade shall consist of windows or similar glazing.

City Council hereby grants a waiver to Appendix C Urban Design Standards, Article V section 5-50(j): requiring columns and piers shall be spaced no farther apart than they are tall.

City Council hereby grants a waiver to Article II section 36-12(e, 3): requiring trash and recycling receptacles shall not encroach into any required setbacks.

City Council hereby grants a waiver to Article II section 36-14(a): requiring when a nonresidential use abuts a residential use, transitional screening shall be required for separating these districts or uses along the entire property line of the higher intensity district. Shall be incumbent upon the developer of the more intensively zoned property to screen his property from a less intensive zoning district

City Council hereby grants a waiver to Appendix C Urban Design Standards, Article V section 5-53(b): requiring loading docks, truck parking, outdoor storage, waste cans, waste dumpsters, trash compactors and other service functions shall be incorporated into the overall design of the building and landscape so that the visual impacts are contained and out of view from adjacent properties and public streets.

City Council hereby grants a waiver to Article III Section 86-103(h): requiring grass and/or groundcovers shall not be allowed to comprise over 90 percent of any required landscape area.

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

\_\_\_\_\_  
Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney

## EXHIBIT "A"

### DESCRIPTION OF PROPERTY

A TRACT OF LAND SITUATED IN THE D. ANDERSON SURVEY, ABSTRACT NO. 4, JOHNSON COUNTY, TEXAS, BEING A PORTION OF BEARD DRIVE, AN ABANDONED 25' RIGHT-OF-WAY BY CITY ORDINANCE C-533, AND TOGETHER WITH ALL OF LOT 3-11, BLOCK 1, BROWN MANOR, AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 376, PLAT RECORDS, JOHNSON COUNTY, TEXAS; SAVE AND EXCEPT A PORTION OF LOT 9, BLOCK 1, DEEDED TO THE CITY OF BURLESON BY DEED DATED MARCH 24, 1980, AND RECORDED IN VOLUME 831, PAGE 372, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.); AND SAVE AND EXCEPT A PORTION OF LOTS 6-9, BLOCK 1, DEEDED TO THE CITY OF BURLESON BY DEED DATED MAY 4, 2009, AND RECORDED IN VOLUME 4592, PAGE 1, (D.R.J.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND WITH CAP STAMPED "RPLS 5544" AT THE NORTHWEST CORNER OF SAID LOT 3, BLOCK 1, IN THE SOUTHERLY LINE OF FORMERLY BEARD DRIVE ABANDONED 25' RIGHT-OF-WAY VACATED BY CITY ORDINANCE C-533;

THENCE N 00°04'58" W LEAVING SAID NORTHWEST CORNER AND SAID SOUTHERLY LINE, A DISTANCE OF 25.00 FEET TO A 1/2" IRON ROD SET WITH CAP STAMPED "RPLS 5544" IN THE NORTHERLY LINE OF SAID BEAR DRIVE;

THENCE N 89°27'50" E ALONG THE NORTH LINE OF SAID BEARD DRIVE, A DISTANCE OF 353.06 FEET TO A 1/2" IRON ROD SET WITH CAP STAMPED "RPLS 5544" IN THE WESTERLY RIGHT-OF-WAY LINE OF HURST ROAD (VARIABLE R-O-W);

THENCE S 00°02'50" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 153.06 FEET TO A 1/2" IRON ROD FOUND WITH CAP STAMPED "RPLS 5544" FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 1560.00 FEET, WHOSE LONG CHORD BEARS S 04°10'06" W, 232.04 FEET;

THENCE WITH SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE 08°31'48", AN ARC LENGTH OF 232.25 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544" IN SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE S 00°05'57" E, A DISTANCE OF 55.79 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544" IN SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE S 43°29'02" W, A DISTANCE OF 23.89 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544" IN SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE S 71°34'26" W, A DISTANCE OF 44.36 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544" IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF RENFRO STREET (VARIABLE R-O-W);

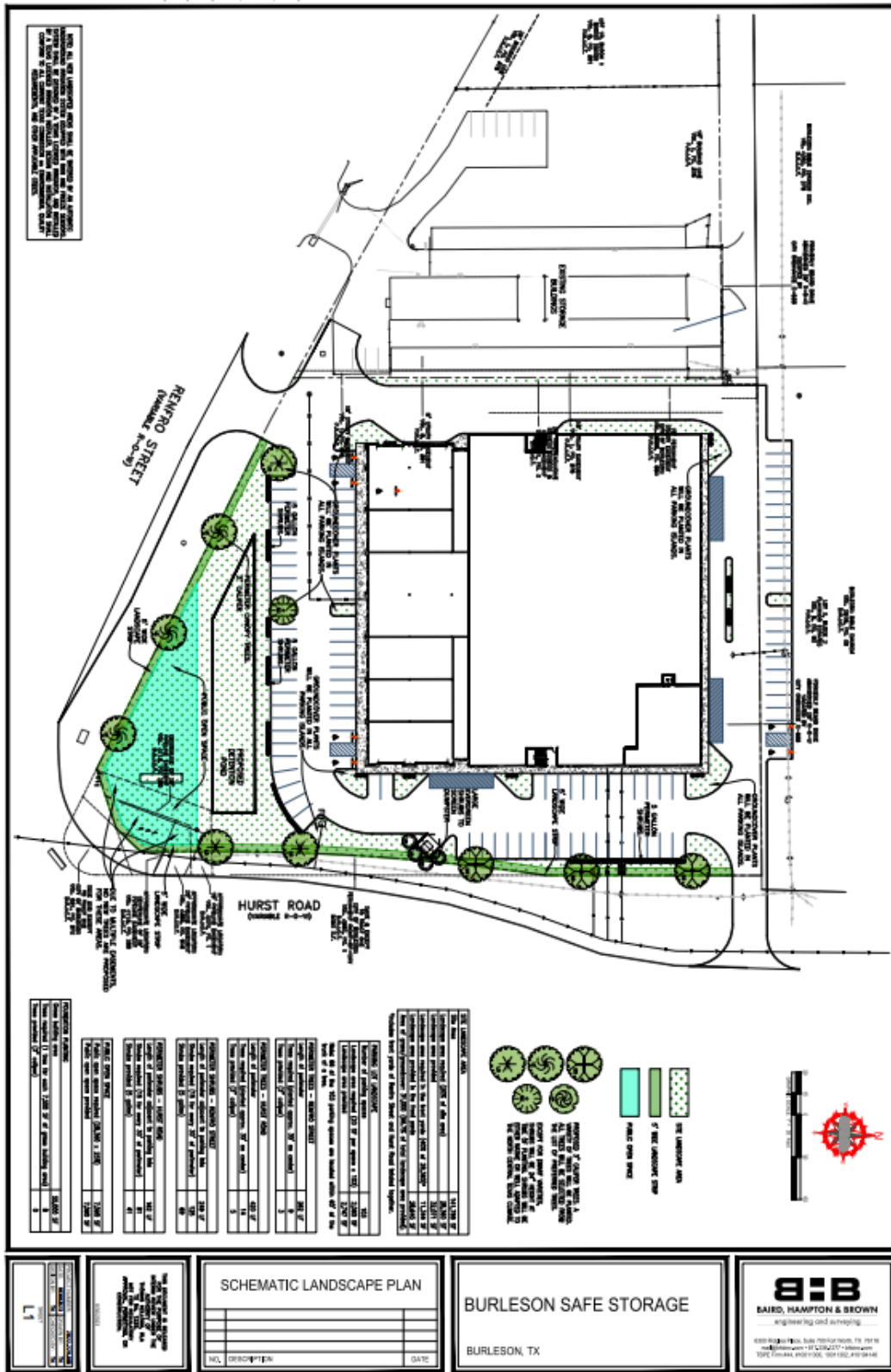
THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND THE SOUTHWESTERLY LINE OF SAID BLOCK 1, BROWN MANOR THE FOLLOWING TWO COURSES;

N 63°29'27" W, A DISTANCE OF 277.04 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544";

N 61°15'41" W, A DISTANCE OF 33.34 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544";

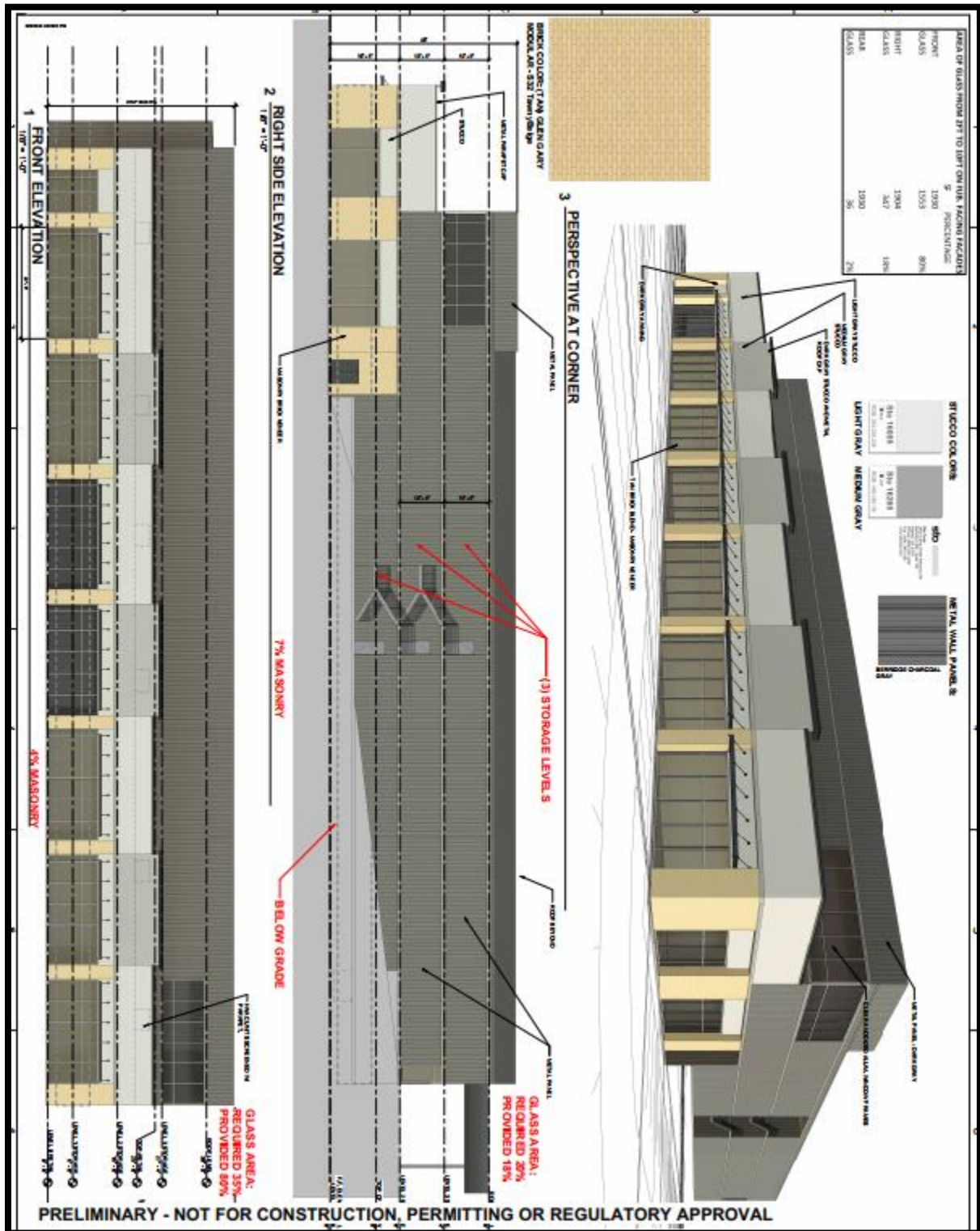
THENCE N 00°04'58" W LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND THE SOUTHWESTERLY LINE OF SAID BLOCK 1, A DISTANCE OF 303.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.255 ACRES OF LAND, MORE OR LESS.

# EXHIBIT "B"



[illegible]

**EXHIBIT "B" (continued)**



**EXHIBIT "B" (continued)**

