

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 2.808 ACRES OF LAND SITUATED IN WILLIAM G RAY A-731 AND BEING A PART OF LOTS 4 AND 5, BLOCK A, VICTRON BURLESON ADDITION, AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS FROM (A) AGRICULTURAL TO (C) COMMERCIAL**, 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 **Shawn Hill (Applicant)** on behalf of **Perry Phillips (Owner)** on **June 28, 2023**, under **Case Number 23-091**, 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 changing in zoning of said property from **(A) Agricultural to (C) Commercial**; 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 Zone Change 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 **0 to 0** to recommend to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classification of **(A) Agricultural to (C) Commercial**; 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 **(A) Agricultural**; 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 **2.808 acres of land situated in William G Ray A-731 and being a part of Lots 4 and 5, Block A, Victron Burleson Addition, an addition to the City of Burleson, Johnson County, Texas** as shown on the attached Exhibit A incorporated herein by reference, by allowing for the change in zoning from **Agricultural (A) to Commercial (C)**.

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
Metes and Bounds

Proposed Lot 6, Victron Burleson Addition
2.808 Acre Tract
City of Burleson, Johnson County, Texas

ALL THAT CERTAIN lot, tract, or parcel of land situated in the William G. Ray A-731, City of Burleson, Johnson County, Texas and being a part of Lots 4 & 5, Block A, Victron Burleson Addition, an addition to the City of Burleson, Texas according to the plat recorded in Document No. 2021-157 in the Official Public Records of Johnson County, Texas, and being part of a called 32.535 acre tract of land recorded in Document No. 2021-31682 in said Official Public Records, and being more completely described as follows:

BEGINNING a 1/2 inch iron rod with cap set for the northwest corner of proposed Lot 6 in the south right of way line of Enterprise Drive (100-foot right of way), from which an 'X' scribed in concrete set for the northernmost northwest corner of said Lot 4 bears South 88 degrees 17 minutes 50 seconds West, a distance of 48.79 feet;

THENCE North 88 degrees 17 minutes 50 seconds East along said north line of Lot 4, said south right of way line of Enterprise Drive, along the south line of Lot 24R, Sparks-Dale Addition, an addition to the City of Burleson according to the plat recorded in Volume 10, Page 621, in said Official Public Records, and being the north line of said proposed Lot 6, passing at a distance of 217.84 feet to an 1/2 inch iron rod with cap set, continuing along said north line of Lot 4 and said south line of Lot 24R, passing at a distance of 354.56 feet a 1/2 inch iron rod capped found for an ell corner of said Lot 4 and the southwest corner of said Lot 24R, continuing across said Lot 4, for a total distance of 404.46 feet a 1/2 inch iron rod with cap set for the northeast corner of proposed Lot 6;

THENCE across said Lots 4 and 5, the following:

South 29 degrees 38 minutes 08 seconds East along the proposed east line of said Lot 6, a distance of 198.37 feet to a 1/2 inch iron rod with cap set for the southeast corner of said proposed Lot 6;

South 60 degrees 21 minutes 52 seconds West along the proposed south line of said Lot 6, a distance of 409.83 feet to a 1/2 inch iron rod with cap set for the southwest corner of said proposed Lot 6;

North 29 degrees 38 minutes 08 seconds West along the proposed west line of said Lot 6, a distance of 270.68 feet to a 1/2 inch iron rod with cap set, said point being the beginning of a curve to the right in same;

Along said curve to the right along said proposed west line of Lot 6, having a Delta of 26 degrees 28 minutes 46 seconds, a Radius of 50.00 feet, an Arc distance of 23.11 feet and a Chord which bears North 16 degrees 23 minutes 45 seconds West, a distance of 22.90 feet to a 1/2 inch iron rod with cap set at the end of said curve in same; and

North 03 degrees 09 minutes 22 seconds West along said proposed west line of Lot 6, a distance of 105.97 feet to the PLACE OF BEGINNING containing 2.808 acres (122,317.46 square feet square feet) of land.

