

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 3.016 ACRES OF LAND SITUATED IN THE H. LEWIS SURVEY, ABSTRACT NUMBER 517, JOHNSON COUNTY, TEXAS, AND BEING ALL OF LOT 1, BLOCK 1, ALLEN ADDITION, AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS FROM (SP) SITE PLAN ZONING AND (A) AGRICULTURAL TO (PD) PLANNED DEVELOPMENT, 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 **Nathan Olsen (Applicant)** on behalf of **Deepak Somarajan (Owner)** on **September 5, 2023**, under **Case Number 23-254**, 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 **(SP) Site Plan Zoning** and **(A) Agricultural** to **(PD) Planned Development**; 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 **(SP) Site Plan Zoning** and **(A) Agricultural** to **(PD) Planned Development**; 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 **(SP) Site Plan Zoning** and **(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 **3.016 acres of land situated in the H. Lewis Survey, Abstract number 517, Johnson County, Texas, and being all of Lot 1, Block 1, Allen 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 **(SP) Site Plan Zoning** and **(A) Agricultural** to **(PD) Planned Development**.

Section 2.

The Planned Development district, as described by Exhibit A and depicted on Exhibit B, shall be subject to the following conditions:

1. GENERAL

This property is subject to all 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 are limited to the Industrial district (I) and uses permitted within the IH35 overlay district as defined by the City of Burleson Zoning Ordinance.

3. PROHIBITED LAND USES:

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

- a) Auto salvage yards
- b) Asphalt/concrete batching
- c) Petroleum or gas well
- d) Petroleum storage/collection
- e) Railroad freight terminal
- f) Railroad passenger terminal
- g) Railroad team track
- h) Railroad track or right-of-way
- i) Sand/gravel/topsoil extraction/storage
- j) Sexually oriented business (SOB's)

4. DEVELOPMENT STANDARDS:

Except as otherwise provided herein, the acting development standards applied to this PD district shown on Exhibit A shall include all the regulations contained in the City of Burleson development codes, except where amended by this Ordinance:

- a) The following development regulations of the Burleson Code of Ordinances shall not apply within this PD district:
 - i. Article V. IH-35 Design Standards

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

WHEREAS AMERICAN COMPLETION TOOLS, INC., IS THE SOLE OWNER OF A 3.016 ACRE TRACT OF LAND SITUATED IN THE H. LEWIS SURVEY, ABSTRACT NUMBER 517, JOHNSON COUNTY, TEXAS, AND BEING ALL OF LOT 1, BLOCK 1, ALLEN ADDITION, AN ADDITION TO THE CITY OF BURLESON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 10, PAGE 65, PLAT RECORDS, JOHNSON COUNTY, TEXAS, AND BEING ALL OF A CALLED 0.8506 ACRE TRACT OF LAND DESCRIBED BY DEED TO AMERICAN COMPLETION TOOLS, INC., RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2023-4019, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/8" IRON ROD FOUND AT THE NORTHERNMOST CORNER OF SAID CALLED 0.8506 ACRE TRACT, SAME BEING THE EASTERNMOST CORNER OF A CALLED 0.988 ACRE TRACT OF LAND DESCRIBED BY DEED TO MARK SCOTT CRUTCHFIELD AND TIA LOUANN CRUTCHFIELD, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2021-9700, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND BEING ON THE SOUTHWEST RIGHT-OF-WAY LINE OF SOUTH BURLESON BOULEVARD (INTERSTATE HIGHWAY NO. 35), A 350' RIGHT-OF-WAY;

THENCE SOUTH 31 DEGREES 22 MINUTES 46 SECONDS EAST, ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 188.66 FEET, TO A 5/8" IRON ROD FOUND AT THE EASTERNMOST CORNER OF SAID CALLED 0.8506 ACRE TRACT, SAME BEING THE LOWER NORTH CORNER OF SAID LOT 1;

THENCE SOUTH 31 DEGREES 38 MINUTES 07 SECONDS EAST, CONTINUING ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 79.87 FEET, TO A 1/2" IRON ROD FOUND AT THE EASTERNMOST CORNER OF SAID LOT 1, SAME BEING THE NORTHERNMOST CORNER OF A CALLED 2.30 ACRE TRACT OF LAND DESCRIBED BY DEED TO BURLESON HIGHPOINT INVESTMENTS, LLC., RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2016-28234, DEED RECORDS, JOHNSON COUNTY, TEXAS, FROM WHICH A 1/2" CAPPED IRON ROD FOUND STAMPED "JDZ" AT THE EASTERNMOST CORNER OF SAID CALLED 2.30 ACRE TRACT BEARS SOUTH 31 DEGREES 24 MINUTES 56 SECONDS EAST, A DISTANCE OF 199.87 FEET;

THENCE SOUTH 59 DEGREES 08 MINUTES 01 SECONDS WEST, DEPARTING SAID SOUTHWEST RIGHT-OF-WAY LINE AND ALONG THE SOUTHEAST LINE OF SAID LOT 1, BEING COMMON WITH THE NORTHWEST LINE OF SAID CALLED 2.30 ACRE TRACT, A DISTANCE OF 503.69 FEET, TO A 1/2" CAPPED IRON ROD FOUND STAMPED "JDZ" AT THE SOUTHERNMOST CORNER OF SAID LOT 1, SAME BEING THE WESTERNMOST CORNER OF SAID CALLED 2.30 ACRE TRACT, AND BEING ON THE NORTHEAST LINE OF A CALLED 68.368 ACRE TRACT OF LAND DESCRIBED BY DEED TO BURLESON HIGHPOINT INVESTMENTS, LLC, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2014-9867, DEED RECORDS, JOHNSON COUNTY, TEXAS, FROM WHICH A 1/2" CAPPED IRON ROD FOUND STAMPED "JDZ" AT THE SOUTHERNMOST CORNER OF SAID CALLED 2.30 ACRE TRACT BEARS SOUTH 30 DEGREES 35 MINUTES 22 SECONDS EAST, A DISTANCE OF 196.14 FEET;

THENCE NORTH 30 DEGREES 37 MINUTES 39 SECONDS WEST, DEPARTING SAID COMMON LINE AND ALONG THE SOUTHWEST LINE OF SAID LOT 1, BEING COMMON WITH THE NORTHEAST LINE OF SAID CALLED 68.368 ACRE TRACT, A DISTANCE OF 120.55 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882";

THENCE NORTH 30 DEGREES 50 MINUTES 28 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 143.20 FEET, TO A 1/2" CAPPED IRON ROD FOUND STAMPED "JDZ" AT THE WESTERNMOST CORNER OF SAID LOT 1, SAME BEING THE SOUTHERNMOST CORNER OF SAID CALLED 0.988 ACRE TRACT;

THENCE NORTH 63 DEGREES 26 MINUTES 09 SECONDS EAST, DEPARTING SAID COMMON LINE AND ALONG THE NORTHWEST LINE OF SAID LOT 1, BEING COMMON WITH THE SOUTHEAST LINE OF SAID CALLED 0.988 ACRE TRACT, A DISTANCE OF 304.23 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882" AT THE NORTHERNMOST CORNER OF SAID LOT 1, SAME BEING AN ANGLE POINT IN THE SOUTHEAST LINE OF SAID CALLED 0.988 ACRE TRACT, AND BEING ON THE SOUTHWEST LINE OF SAID CALLED 0.8506 ACRE TRACT;

THENCE NORTH 31 DEGREES 05 MINUTES 03 SECONDS WEST, DEPARTING SAID COMMON LINE AND ALONG THE SOUTHWEST LINE OF SAID CALLED 0.8506 ACRE TRACT, BEING COMMON WITH THE SOUTHEAST LINE OF SAID CALLED 0.988 ACRE TRACT, A DISTANCE OF 43.30 FEET, TO A 1/2" IRON ROD FOUND AT THE WESTERNMOST CORNER OF SAID CALLED 0.8506 ACRE TRACT, SAME BEING AN ELL CORNER IN SAID SOUTHEAST LINE;

THENCE NORTH 63 DEGREES 41 MINUTES 30 SECONDS EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 197.78 FEET, TO THE **POINT OF BEGINNING**, AND CONTAINING 3.016 ACRES OR 131,377 SQUARE FEET OF LAND, MORE OR LESS.

EXHIBIT B Plat Exhibit

