

Ordinance

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 34.49 ACRES LOCATED IN DAVID CLARK SURVEY, ABSTRACT NO. 138 (THE ZONING AREA), CITY OF BURLESON, JOHNSON COUNTY, TEXAS, FROM “PD”, PLANNED DEVELOPMENT ZONING DISTRICT TO “PD”, PLANNED DEVELOPMENT ZONING DISTRICT (PECAN GROVE); MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; 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 **Tim Windmiller representing Burleson Pecan Grove, LLC. & Graham Hart/GHHB, LLC.** on **November 10, 2025**, under **Case Number 25-324**, 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 approval to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **Planned Development (PD)** to **Planned Development (PD)**; 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 **Planned Development (PD)** 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

A. That the Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, as shown by the Legal Description attached as Exhibit A and Exhibit B (the Zoning Area), incorporated herein by reference, by changing the zoning of said property from an existing Planned Development Zoning, to a Planned Development district for Single Family Detached residential use, with the area and location for such uses being depicted on the Concept Plan as shown on the attached Exhibit B incorporated herein by reference.

B. All development occurring within the boundaries of the Zoning Area shall conform to all applicable land use and development requirements prescribed in the City of Burleson, Texas, Code of Ordinances, with additional restrictions and regulations provided herein.

SECTION 2

DEVELOPMENT STANDARDS

A. The design and location of residential lots, drainage areas, open space, common areas and park land shall substantially conform to the Concept Plan as shown on the attached Exhibit C incorporated herein by reference.

1. A six foot (6') high wrought iron type fence with stone columns 2 foot by 2 foot with a 30-inch cap constructed along rear and side lot lines that share a common property line with any designated open space, common areas or corner lots. Stone columns are to be staged equally between fence sections +/-every 35 feet. Such fences shall not encroach into the required front yard setback of any lot, and shall only be (and remain) painted black in a powder coated finish or equivalent type of finish. No structural or decorative attachments, other than vegetative landscaping, shall be constructed or applied to any surface of such fences.

2. A minimum 6-foot-high masonry wall shall be constructed adjacent to CR 714.

B. Development shall include landscaping and open spaces that are planned and coordinated throughout the development. Any common area or open space dedicated and used for private purposes shall be maintained by a mandatory home owner's association.

C. Height Requirements; No building shall exceed 2 1/2 stories except as permitted by section 133, general height requirements.

D. Development Area Standards. The following regulations apply to all uses.

1. Density: 4.25 residential dwelling units per acre.
2. Lot size: 7,000 square feet minimum.
3. Floor area: 1,600 square feet minimum.
4. Front setback: Twenty-five feet (25'-0") minimum from lot line.
5. Rear setback: Ten feet (10'-0") minimum from lot line.
6. Side Setback: Five feet (5'-0") minimum from lot line.
7. Width of side setback adjacent to side street: Fifteen feet (15'-0") minimum.
8. Width of lot: 60 feet minimum.
9. Depth of lot: 100 feet minimum.

E. Off-street loading.

None.

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.

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 6.

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 7.

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 8.

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 9.

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"

Legal Description

Being all that certain tract of land lying in the David Clark Survey, Abstract Number 138, Johnson County, Texas, and being a part of a tract of land described in a deed to L.W. Investments, LLC, recorded in Instrument Number 2018-13880, Deed Records, Johnson County, Texas, and being a part of a tract of land described in a deed to Lawrence A. Whaley and Marsha J. Whaley, recorded in Instrument Number 2010-17495, of said Deed Records, and being more particularly described by metes and bounds as follows;

BEGINNING at a ½ inch iron rod found, being the Northwest corner of Lot 14, Block 1, Russell Farms Estates, recorded in Volume 8, Page 458, Slide B, Plat Records, Johnson County, Texas, and being in the East line of Lot 15 of said Block 1, same being the Southwest corner of said L.W. Investments, LLC tract;

THENCE North 00 Degrees 01 Minutes 11 Seconds East, 865.87 feet to a ¾ inch iron rod found for the Northeast corner of a tract of land described in a deed to John B. Voegelé and Renee B. Voegelé, recorded in Instrument Number 11912, Official Public Records, Johnson County, Texas, same being the Southeast corner of a tract of land described in a deed to Francis J. Beck and Lois E. Beck, recorded in Volume 1219, Page 657, Real Records, Johnson County, Texas;

THENCE North 00 Degrees 03 Minutes 52 Seconds West with the common line between the herein described tract and said Beck tract, 808.47 feet to a ½ inch iron rod found, being the Southeast corner of a tract of land described in a deed to Dustin R. Moore and Briney N. Moore, recorded in Instrument Number 2015-16405, of said Public Records;

THENCE North 00 Degrees 05 Minutes 38 Seconds West with the East line of said Moore tract, 290.97 feet to a point for corner, being the Northwest corner of the herein described tract;

THENCE North 89 Degrees 52 Minutes 20 Seconds East, 644.09 feet to a point for corner on the West line of said Whaley tract, being the most Northerly Northeast corner of the herein described tract;

THENCE South 00 Degrees 03 Minutes 29 Seconds East, 215.35 feet to a point for corner, being a reentrant for the herein described tract;

THENCE North 89 Degrees 47 Minutes 47 Seconds East, 193.81 feet to a point for corner on the East line of said Whaley tract and on the West line of a tract of land described in a deed to Frances C. Wheat, recorded in Instrument Number 2012-19321, of said Deed Records, being the most Easterly Northeast corner of the herein described tract;

THENCE South 00 degrees 22 Minutes 18 Seconds West with the West line of said Wheat tract and the East line of said Whaley tract, 1252.18 feet to a 5/8 inch iron rod found, being the Northwest corner of a tract of land described in a deed to Audel C. Jernigan, recorded in Volume 1827, Page 288, of said Deed Records, same being the Northeast corner of a tract of land described in a deed to Elizabeth Collins, recorded in Instrument Number 2017-23147, of said Public Records;

THENCE North 89 Degrees 23 Minutes 33 Seconds West with the North line of said Collins tract and the South line of said Whaley tract, 184.43 feet to a ½ inch iron rod found, being the Northwest corner of said Collins tract and being the Southwest corner of said Whaley tract and being a reentrant for the herein described tract;

THENCE South 00 Degrees 03 Minutes 29 Seconds East with the West line of said Collins tract, 500.44 feet to a ½ inch iron rod found for the Southeast corner of said L.W. Investments, LLC tract, and being the Northeast corner of Lot 11 of said Block 1, same being the most Southerly Southeast corner of the herein described tract;

THENCE South 89 Degrees 52 Minutes 20 Seconds West with the South line of said L.W. Investments, LLC tract, at 452.39 feet passing a ¾ inch iron rod found, and continuing for a total distance of 644.89 feet to the PLACE OF BEGINNING, containing 34.49 acres of land more or less.

EXHIBIT "B"



