

Ordinance

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY A 4.429 ACRE TRACT OF LAND SITUATED IN THE STEPHEN KINSEY SURVEY, ABSTRACT No. 475 AND BEING A PORTION OF THAT 6.00 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 AND THAT 6.75 ACRE TRACT OF LAND DESCRIBED AS TRACT 2, CONVEYED TO FRANKIE WHEELER AND PERRY A. WHEELER, AS RECORDED IN VOLUME 3433, PAGE 205, DEED RECORDS JOHNSON COUNTY, TEXAS (D.R.J.C.T.), CITY OF BURLESON, JOHNSON COUNTY, TEXAS FROM THE DEFAULTED "A" AGRICULTURE TO "C" COMMERCIAL DISTRICT, 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 Felix Wong on October 30, 2024, under Case Number 24-329, 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 XXX to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of Agricultural (A) to 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 **Agricultural (A)** 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
MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land described as 4.429 of said acres being a tract of land situated in the Stephen Kinsey survey, Abstract No. 475, Johnson County, Texas, included on Exhibit A, from Agriculture to C, Commercial District.

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 & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A
Property Description

BEING A 4.429 ACRE TRACT OF LAND SITUATED IN THE STEPHEN KINSEY SURVEY, ABSTRACT No. 475 AND BEING A PORTION OF THAT 6.00 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 AND THAT 6.75 ACRE TRACT OF LAND DESCRIBED AS TRACT 2, CONVEYED TO FRANKIE WHEELER AND PERRY A. WHEELER, AS RECORDED IN VOLUME 3433, PAGE 205, DEED RECORDS JOHNSON COUNTY, TEXAS (D.R.J.C.T.), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ½" IRON ROD FOUND AT THE NORTHWEST CORNER OF THE 6.75 ACRE WHEELER TRACT;

THENCE N 60°55'49" E ALONG THE NORTH LINE OF THE 6.75 ACRE TRACT, A DISTANCE OF 246.16', TO A FOUND 600 NAIL, SAID NAIL BEING THE NORTHWEST CORNER OF A 3.898 ACRE TRACT OF LAND CONVEYED BY DEED TO XTO ENERGY INC. AS RECORDED IN VOLUME 4467, PAGE 123, D.R.J.C.T.;

THENCE S 30°41'46" E ALONG THE WEST LINE OF THE 3.898 ACRE TRACT, A DISTANCE OF 368.83', TO A FOUND 600 NAIL;

THENCE N 59°20'05" E, A DISTANCE OF 305.29', TO A ½" IRON ROD SET WITH YELLOW CAP MARKED FORT WORTH SURVEYING, LLC.;

THENCE S 11 °59'31" W, A DISTANCE OF 74.20', TO A ½" IRON ROD SET WITH YELLOW CAP MARKED FORT WORTH SURVEYING, LLC., SAID IRON ROD BEING THE BEGINNING OF A CURVE TO THE LEFT

THENCE WITH SAID CURVE WITH A RADIUS OF 92.68', AN ARC LENGTH OF 161.16', AND WHOSE CHORD BEARS S 22°30'50" E, WITH A CHORD LENGTH OF 141.61' TO ½" IRON ROD SET WITH YELLOW CAP MARKED FORT WORTH SURVEYING, LLC., SAID IRON ROD BEING THE BEGINNING OF A REVERSE CURVE TO THE RIGHT;

THENCE WITH SAID CURVE WITH A RADIUS OF 120.34', AN ARC LENGTH OF 175.96', AND WHOSE CHORD BEARS S 38°38'08" E, WITH A CHORD LENGTH OF 160.70' TO ½" IRON ROD SET WITH YELLOW CAP MARKED FORT WORTH SURVEYING, LLC., SAID IRON ROD BEING IN THE NORTH LINE OF COUNTY ROAD 810 AND THE SOUTH LINE OF THE 6.00 ACRE WHEELER TRACT;

THENCE S 60°58'47" W, ALONG THE NORTH LINE OF COUNTY ROAD 810 A DISTANCE OF 262.23', TO A ½" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF THE 6.00 ACRE WHEELER TRACT;

THENCE S 60°26'44" W, ALONG THE NORTH LINE OF COUNTY ROAD 810 A DISTANCE OF 69.92', TO A ½" IRON ROD SET WITH YELLOW CAP MARKED FORT WORTH SURVEYING, LLC.;

THENCE N 30°41'46" W, A DISTANCE OF 487.80', TO A ½" IRON ROD SET WITH YELLOW CAP MARKED FORT WORTH SURVEYING, LLC.;

THENCE S 60°55'49" W, A DISTANCE OF 278.54'. TO A ½" IRON ROD SET WITH YELLOW CAP MARKED FORT WORTH SURVEYING, LLC. IN THE WEST LINE OF THE 6.75 ACRE WHEELER TRACT;

THENCE N 05°11'38" W ALONG THE WEST LINE OF THE 6.75 ACRE WHEELER TRACT, A DISTANCE OF 249.38', TO THE POINT OF BEGINNING AND BEING 4.429 ACRES OF LAND, MORE OR LESS.