

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 4.383 ACRES OF LAND TOTAL; BEING 1.3693 ACRES OF LAND SITUATED IN THE MEMUCAN HUNT SURVEY, ABSTRACT NO. 383 AND THE REAMINING ACRES BEING A PORTION OF LOT 1-7, BLOCK 1, CEDAR RIDGE ADDITION, AS DESCRIBED IN THE PLAT RECORDED IN VOLUME 3, PAGE 44, DEED RECORDS JOHNSON COUNTY, TEXAS (D.R.J.C.T) FROM "SF7" SINGLE-FAMILY DWELLING DISTRICT-7 AND "NS" NEIGHBORHOOD SERVICE TO "GR" GENERAL RETAIL, ADDRESSED AS 601 SW ALSBURY, 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 Clark Stricklin on August 19, 2024, under Case Number 24-243, 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 8 to 0 to recommend XX to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of Single-family dwelling district-7 (SF7) and Neighborhood Service (NS) to General Retail (GR); 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 **Single-family dwelling district -7 (SF7) and Neighborhood Service (NS)** 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 approximately 4.383 ACRES OF LAND TOTAL; BEING 1.3693 ACRES OF LAND SITUATED IN THE MEMUCAN HUNT SURVEY, ABSTRACT NO. 383 AND THE REAMINING ACRES BEING A PORTION OF LOT 1-7, BLOCK 1, CEDAR RIDGE ADDITION, AS DESCRIBED IN THE PLAT RECORDED IN VOLUME 3, PAGE 44, Deed Records, Johnson County, Texas, included on Exhibit A, from defaulted A, Agricultural to C, Commercial for the property addressed as 601 SW ALSBURY BLVD.

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

WHEREAS, IMPACT FAMILY CHURCH, OWNER OF A 4.383 ACRE TRACT OF LAND SITUATED IN THE MEMUCAN HUNT SURVEY, ABSTRACT NUMBER 383, CITY OF BURLESON, JOHNSON COUNTY, TEXAS, AND BEING A PORTION OF LOT 1-7, BLOCK 1, CEDAR RIDGE ADDITION, AN ADDITION TO THE CITY OF BURLESON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3, PAGE 44, PLAT RECORDS, JOHNSON COUNTY, TEXAS, AND BEING ALL OF A CALLED 1.3693 ACRE TRACT OF LAND (TRACT II) AS DESCRIBED IN THE DEED TO IMPACT FAMILY CHURCH, FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. 2017-28497, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" IN THE SOUTHEAST LINE OF SAID LOT 1-7, SAME BEING THE EASTERNMOST CORNER OF A CALLED 0.797 ACRE TRACT OF LAND (TRACT II) AS DESCRIBED IN THE DEED TO 1220 CINDY LLC, FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. 2017-17169, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND BEING IN THE NORTHWEST LINE OF LOT 6, BLOCK 1, CREEKSIDE ADDITION, PHASE IV, AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 8, PAGE 890, PLAT RECORDS, JOHNSON COUNTY, TEXAS, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHERNMOST CORNER OF LOT 7, OF SAID BLOCK 1, BEARS FOR REFERENCE SOUTH 11 DEGREES 46 MINUTES 38 SECONDS EAST, A DISTANCE OF 122.07 FEET, AND FROM WHICH A 1/2" CAPPED IRON ROD FOUND (ILLEGIBLE) FOR THE WESTERNMOST CORNER OF LOT 8, OF SAID BLOCK 1, BEARS FOR REFERENCE SOUTH 43 DEGREES 09 MINUTES 19 SECONDS WEST, A DISTANCE OF 181.93 FEET;

THENCE NORTH 45 DEGREES 35 MINUTES 13 SECONDS WEST, ALONG THE NORTHEAST LINE OF SAID CALLED 0.797 ACRE TRACT, A DISTANCE OF 250.09 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" FOR THE NORTH CORNER OF SAID CALLED 0.797 ACRE TRACT, AND BEING IN THE NORTHWEST LINE OF SAID LOT 1-7, BEING COMMON WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF ALSBURY BOULEVARD, AN 80' RIGHT-OF-WAY;

THENCE NORTH 43 DEGREES 04 MINUTES 33 SECONDS EAST, ALONG SAID COMMON LINE, A DISTANCE OF 410.01 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882", BEING AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1460.00 FEET;

THENCE ALONG SAID CURVE TO THE RIGHT, AND IN A NORTHEASTERLY DIRECTION, THROUGH A CENTRAL ANGLE OF 04 DEGREES 00 MINUTES 22 SECONDS, AN ARC LENGTH OF 102.08 FEET, AND HAVING A LONG CHORD WHICH BEARS NORTH 45 DEGREES 04 MINUTES 45 SECONDS EAST, A CHORD LENGTH OF 102.06 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882";

THENCE NORTH 47 DEGREES 04 MINUTES 56 SECONDS EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 101.58 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882", BEING AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2240.00 FEET;

THENCE ALONG SAID CURVE TO THE LEFT, AND IN A NORTHEASTERLY DIRECTION, THROUGH A CENTRAL ANGLE OF 02 DEGREES 38 MINUTES 14 SECONDS, AN ARC LENGTH OF 103.10 FEET, AND HAVING A LONG CHORD WHICH BEARS NORTH 45 DEGREES 45 MINUTES 49 SECONDS EAST, A CHORD LENGTH OF 103.09 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882";

THENCE NORTH 44 DEGREES 26 MINUTES 42 SECONDS EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 59.86 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" FOR THE NORTH CORNER OF SAID CALLED 1.3693 ACRE TRACT;

THENCE SOUTH 45 DEGREES 22 MINUTES 11 SECONDS EAST, DEPARTING SAID COMMON LINE, AND ALONG THE NORTHEAST LINE OF SAID CALLED 1.3693 ACRE TRACT, A DISTANCE OF 211.33 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" FOR THE UPPER EAST CORNER OF SAID CALLED 1.3693 ACRE TRACT;

THENCE SOUTH 03 DEGREES 09 MINUTES 09 SECONDS WEST, ALONG THE EAST LINE OF SAID CALLED 1.3693 ACRE TRACT, A DISTANCE OF 35.17 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" FOR THE LOWER EAST CORNER OF SAID CALLED 1.3693 ACRE TRACT;

THENCE SOUTH 43 DEGREES 04 MINUTES 34 SECONDS WEST, ALONG THE SOUTHEAST LINE OF SAID CALLED 1.3693 ACRE TRACT, A DISTANCE OF 225.51 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS6882" FOR THE SOUTHERNMOST CORNER OF SAID CALLED 1.3693 ACRE TRACT, SAME BEING THE EAST CORNER OF SAID LOT 1-7;

THENCE SOUTH 43 DEGREES 09 MINUTES 19 SECONDS WEST, ALONG THE SOUTHEAST LINE OF SAID LOT 1-7, AT A DISTANCE OF 133.48 FEET, PASSING THE WESTERNMOST ADDITION CORNER OF SUMMERCREST ADDITION, PHASE V, AN ADDITION TO THE CITY OF BURLESON, ACCORDING TO THE PLAT RECORDED IN VOLUME 5, PAGE 93, PLAT RECORDS, JOHNSON COUNTY, TEXAS, SAME BEING THE NORTHERNMOST ADDITION CORNER OF SAID CREEKSIDE ADDITION, PHASE IV, AND CONTINUING ALONG SAID SOUTHEAST LINE, BEING COMMON WITH THE NORTHWEST LINE OF SAID CREEKSIDE ADDITION, PHASE IV, A TOTAL DISTANCE OF 523.79 FEET, TO THE **POINT OF BEGINNING** AND CONTAINING 4.383 ACRES (190,926 SQUARE FEET) OF LAND, MORE OR LESS.