

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 32.297 ACRES OF LAND, SITUATED IN A PORTION OF THE DENNIS DYKES SURVEY, ABSTRACT NO.229, MARTHA A. HUFF SURVEY, ABSTRACT NO. 353, AND FRANCIS A. CLARIDGE SURVEY, ABSTRACT NO. 142, AND FURTHER DESCRIBED IN THE ATTACHED LEGAL DESCRIPTION, FROM “PD” PLANNED DEVELOPMENT AND “A” AGRICUTURAL TO “MF2” MULTIPLE-FAMILY DWELLING 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 **Justin Bond** on behalf of **MCP18 LLC., Burleson Development Inc., and Burleson 4A Economic Development Corporation,** on **April 13, 2026**, under **Case Number ZC26-005**, 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 approval to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classifications of **Planned Development (PD) and Agricultural (A)** to **Multi-Family (MF2)**; 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 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 located in Burleson, Texas, described on the legal description attached as **Exhibit A**, by changing the zoning of said property from PD, Planned Development district and A, Agricultural to the MF2, Multiple-family dwelling district.

Section 2

The property shall be developed and used in accordance with the applicable provisions of the City of Burleson, Code of Ordinances.

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:



EXHIBIT "A"
LEGAL DESCRIPTION FOR
TRACT 1
PROPOSED ZONING – "MF-2"

All that certain lot, tract, or parcel of land, situated in a portion of the Martha A. Huff Survey, Abstract No. 353, Johnson County, Texas, being part of that certain called 127.399 acre tract described in a deed to MCP18 LLC recorded in Instrument No. 2025-28910 of the Deed Records of Johnson County, Texas (DRJCT), and being more completely described as follows, to-wit:

BEGINNING at a steel fence post found in the Southwest line of said 127.399 acre tract, the North corner of a called 62.131 acre tract described in a deed to Burleson Development, Inc. recorded in Instrument No. 2017-24891 (DRJCT), and the East corner of a called 92.304 acre tract described in a deed to Burleson 4A Economic Development Corporation recorded in Instrument No. 2021-21498 (DRJCT);

THENCE North 41 deg. 46 min. 33 sec. West departing said deed lines, continue along said Southwest line, a distance of 1,125.59 feet;

THENCE North 48 deg. 13 min. 27 sec. East departing said Southwest line, a distance of 579.65 feet;

THENCE South 51 deg. 59 min. 17 sec. East, a distance of 139.36 feet;

THENCE South 71 deg. 14 min. 31 sec. East, a distance of 236.28 feet;

THENCE North 81 deg. 42 min. 47 sec. East, a distance of 213.17 feet;

THENCE North 62 deg. 02 min. 51 sec. East, a distance of 134.23 feet;

THENCE South 43 deg. 44 min. 07 sec. East, a distance of 821.95 feet to a point in the Southeast line of said 127.399 acre tract and the Northwest line of a called 133.323 acre tract described in a deed to ALTA BURL LP recorded in Instrument No. 2017-24915 (DRJCT);

THENCE South 46 deg. 15 min. 53 sec. West along said Southeast and Northwest lines, a distance of 281.57 feet to a 1/2" rebar found;

THENCE South 46 deg. 00 min. 45 sec. West along said Southeast and Northwest lines, a distance of 399.86 feet to a 1/2" rebar found;

THENCE South 45 deg. 58 min. 47 sec. West along said Southeast and Northwest lines, a distance of 361.63 feet to a steel fence corner found for the South corner of said 127.399 acre tract, the West corner of said 133.323 acre tract, and being in the Northeast line of said 62.131 acre tract;



THENCE North 45 deg. 25 min. 05 sec. West along said Northeast line and the Southwest line of said 127.399 acre tract, a distance of 228.12 feet to the **POINT OF BEGINNING**, containing 1,219,006 square feet or 27.985 acres of land, more or less.

Bearings are referenced to Texas State Plane Coordinates, North Central Zone, NAD83(2011), U.S. Survey Feet, as derived from GPS/OPUS observations.

Exhibit map attached and made a part hereof.



EXHIBIT "A"
LEGAL DESCRIPTION FOR
TRACT 2
PROPOSED ZONING – "MF-2"

All that certain lot, tract, or parcel of land, situated in a portion of the Francis A. Claridge Survey, Abstract No. 142, City of Burleson, Johnson County, Texas, being part of that certain called 62.131 acre tract described in a deed to Burleson Development, Inc. recorded in Instrument No. 2017-24891 of the Deed Records of Johnson County, Texas (DRJCT), and being more completely described as follows, to-wit:

BEGINNING at a steel fence post found for the North corner of said 62.131 acre tract, the East corner of a called 92.304 acre tract described in a deed to Burleson 4A Economic Development Corporation recorded in Instrument No. 2021-21498 (DRJCT), and being in the Southwest line of a called 127.399 acre tract described in a deed to MCP18 LLC recorded in Instrument No. 2025-28910 (DRJCT);

THENCE South 45 deg. 25 min. 05 sec. East along said Southwest line and the Northeast line of said 62.131 acre tract, a distance of 228.12 feet to a steel fence post found for the South corner of said 127.399 acre tract and the West corner of a called 133.323 acre tract described in a deed to ALTA BURL LP recorded in Instrument No. 2017-24915 (DRJCT);

THENCE South 45 deg. 58 min. 47 sec. West departing said deed lines, a distance of 38.97 feet;

THENCE North 45 deg. 32 min. 35 sec. West, a distance of 228.74 feet to a point in the Northwest line of said 62.131 acre tract and the Southeast line of said 92.304 acre tract;

THENCE North 46 deg. 51 min. 45 sec. East along said Northwest and Southeast lines, a distance of 39.48 feet to the **POINT OF BEGINNING**, containing 8,955 square feet or 0.206 acres of land, more or less.

Bearings are referenced to Texas State Plane Coordinates, North Central Zone, NAD83(2011), U.S. Survey Feet, as derived from GPS/OPUS observations.

Exhibit map attached and made a part hereof.



EXHIBIT "A"
LEGAL DESCRIPTION FOR
TRACT 3
PROPOSED ZONING – "MF-2"

All that certain lot, tract, or parcel of land, situated in a portion of the Dennis Dykes Survey, Abstract No. 229 and the Martha A. Huff Survey, Abstract No. 353, City of Burleson, Johnson County, Texas, being part of that certain called 92.304 acre tract described in a deed to Burleson 4A Economic Development Corporation recorded in Instrument No. 2021-21498 of the Deed Records of Johnson County, Texas (DRJCT), and being more completely described as follows, to-wit:

BEGINNING at a steel fence post found for the East corner of said 92.304 acre tract, the North corner of a called 62.131 acre tract described in a deed to Burleson Development, Inc. recorded in Instrument No. 2017-24891 (DRJCT), and being the the Southwest line of a called 127.399 acre tract described in a deed to MCP18 LLC recorded in Instrument No. 2025-28910 (DRJCT);

THENCE South 46 deg. 51 min. 45 sec. West departing said deed lines, continue along the Southeast line of said 92.304 acre tract and the Northwest line of said 62.131 acre tract, a distance of 39.48 feet;

THENCE North 45 deg. 32 min. 35 sec. West departing said Southeast and Northwest lines, a distance of 82.19 feet to a Point of Curvature of a tangent circular curve to the left, having a radius of 2,060.00 feet, a central angle of 28 deg. 32 min. 13 sec., and being subtended by a chord which bears North 59 deg. 48 min. 41 sec. West - 1,015.44 feet;

THENCE in a northwesterly direction along said curve to the left, an arc distance of 1,026.01 feet;

THENCE North 15 deg. 51 min. 29 sec. East non-tangent to said curve, a distance of 147.52 feet;

THENCE North 48 deg. 13 min. 27 sec. East, a distance of 234.67 feet to a point on the Northeast line of said 92.304 acre tract and the Southwest line of said 127.399 acre tract;

THENCE South 41 deg. 46 min. 33 sec. East along said Northeast and Southwest lines, a distance of 1,125.59 feet to the **POINT OF BEGINNING**, containing 178,844 square feet or 4.106 acres of land, more or less.

*Bearings are referenced to Texas State Plane Coordinates,
North Central Zone, NAD83(2011), U.S. Survey Feet,
as derived from GPS/OPUS observations.*



