

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 105 ACRES OF LAND SITUATED IN THE A.J. PATTON SURVEY, ABSTRACT NO. 685, CITY OF BURLESON, JOHNSON COUNTY, TEXAS, FROM AGRICULTURAL ZONING DISTRICT (A) TO PLANNED DEVELOPMENT ZONING DISTRICT (PD), 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, an application for a zoning change was filed by R.A. Development (property owner) on March 20, 2017, under Case Number 17-037, for a development commonly known as HighPoint East Business Park; and

WHEREAS, the City of Burleson has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission have held a public hearing and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Burleson.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS:

## SECTION 1

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, described by the metes and bounds attached as Exhibit A, changing the zoning of said property from the (A) Agricultural district to the (PD) Planned Development district.

## SECTION 2

The property shall be developed and used in accordance with the applicable provisions of the City of Burleson, Code of Ordinances, as amended, except to the extent modified by the Development Regulations set forth below:

**A. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit B and incorporated herein by reference. Minor modifications to driveways and lot configurations that do not alter the general alignment and development pattern as shown on the Concept Plan, may be made at the time of plat approval.

**B. BASE ZONING DISTRICT:** The property shall be developed and used in accordance with the base zoning district Industrial (I) and incorporating the following inclusions and exceptions:

1. The purpose and uses in the PD area will be held to the requirements of the "I, Industrial District" standards as given in City of Burleson Code of Ordinances, Appendix B, Article III, Section 79-100, 79-105 and 79-110.

a. Additional **prohibited** uses on the property shall include:

- Animal pound, private
- Asphalt batching (permanent)
- Auto laundry/carwash
- Brick kiln or tile plant
- Dump or sanitary landfill
- Go-cart track
- Hatchery
- Heliport
- Helistop
- Kennel
- Massage Parlor
- Miniwarehouse
- Open Storage of commercial goods (when no primary building is located on site)
- Parking lot, trucks/trailers
- Petroleum storage
- Restaurant or cafeteria (not of drive-in type)

Restaurant or cafeteria (drive in type)  
Sexually oriented business  
Veterinarian with outside animal pens  
Taxidermy shop  
Tire retreading, recapping and storage

2. Development will be held to the requirements of the "Business Park Design Standards" as given in City of Burleson Code of Ordinances, Appendix C, Article VII, save and except any conflicting requirements with Section 2.B.3 below.
3. Requirements as outlined in the "Business Park Design Standards", City of Burleson Code of Ordinances, Appendix C, Article VII, Section 7-50 shall be substituted with the following:
  - a. Metal building construction shall be allowed with the consideration of the following: consistent with other applicable design standards; avoids continuous vertical seams; avoids stark and uninterrupted panels; painted to compliment the brick or stone colors included in building design; seeks to hide or disguise wall fastening systems and seams; and features elements such as curved metal corners, deep reveals at construction joints or other details to add interest to the architectural design.
  - b. Any building wall that faces a public right-of-way or is determined to be the primary entryway of the building shall have a minimum of eighty (80) percent of the surface area of the exterior walls from the grade to the eave area, excluding doors and windows, constructed from one or more of the following permanent building materials: glass or natural stone; face brick or face tile; concrete; split face concrete masonry units that are colored integrally during manufacturing.
  - c. All building facades shall include the use of one or more of the following: massing of building by varying maximum building depth and/or width; variation in heights of the external wall surfaces; variation in color or materials to emphasize openings and create a pattern in the main body of the building; provide landscaping along the building façade.
  - d. Building design shall be generally consistent with the representations attached hereto as Exhibit C.
  - e. The use of flex base and/or similar hard surface is an acceptable surface material for outside storage areas or employee parking areas located behind screening devices.
  - f. Exceptions may be granted to any of the above design requirements during the Commercial Site Plan review process by a majority vote of the City Council.

**SECTION 3  
CUMULATIVE CLAUSE**

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 4  
SEVERABILITY CLAUSE**

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 5  
PENALTY CLAUSE**

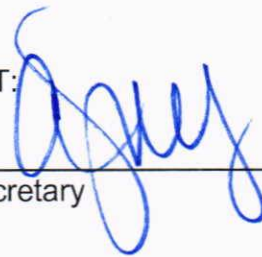
Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each 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 6**  
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this the 17<sup>th</sup> day of July, 2017.

  
\_\_\_\_\_  
MAYOR

ATTEST:   
\_\_\_\_\_  
City Secretary



**EXHIBIT A**  
**Metes and Bounds**

**LEGAL DESCRIPTION:**

A TRACT OF LAND SITUATED IN THE A.J. PATTON SURVEY ABSTRACT NO. 685, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT TRACT OF LAND CONVEYED TO RA DEVELOPMENT IN THAT DEED RECORDED IN VOLUME 3489, PAGE 418, DEED RECORDS, JOHNSON COUNTY, TEXAS, TOGETHER WITH THAT TRACT OF LAND CONVEYED TO RA DEVELOPMENT IN THAT DEED RECORDED IN INSTRUMENT NO. 2016-27365, DEED RECORDS, JOHNSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING AT A 1/2 INCH IRON ROD FOUND AT THE MOST WESTERLY CORNER OF FIRST SAID RA DEVELOPMENT TRACT;

THENCE NORTH 60°00'00" EAST, 2145.97 FEET TO A FOUND POST AT CORNER;

THENCE SOUTH 30°00'00" EAST, 2097.88 FEET TO A 1/2 INCH IRON ROD FOUND "RPLS 5544";

THENCE SOUTH 59°56'39" WEST, 2143.93 FEET TO A 5/8 INCH IRON ROD FOUND;

THENCE NORTH 30°03'21" WEST, 372.09 FEET TO A 5/8 INCH IRON ROD FOUND;

THENCE NORTH 87°25'51" WEST, 181.17 FEET TO A 1/2 INCH IRON ROD FOUND;

THENCE NORTH 30°20'21" WEST, 20.29 FEET TO A 1/2 INCH IRON ROD FOUND THE BEGINNING OF A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 5940.58 FEET, WHOSE LONG CHORD BEARS N 31°16'33" E, 191.62 FEET;

THENCE WITH SAID TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 01°50'54", AN ARC LENGTH OF 191.63 FEET TO A TXDOT MONUMENT FOUND;

THENCE NORTH 32°32'05" WEST, 395.62 FEET TO A 1/2 INCH IRON ROD FOUND;

THENCE NORTH 59°12'25" EAST, 173.89 FEET TO A 2 INCH PIPE FOUND;

THENCE NORTH 30°03'21" WEST, 765.05 FEET TO A 1/2 INCH IRON ROD FOUND;

THENCE SOUTH 60°00'00" WEST, 191.81 FEET TO A 1/2 INCH IRON ROD FOUND;

THENCE NORTH 31°22'58" WEST, 255.86 FEET TO A TXDOT MONUMENT FOUND;

THENCE NORTH 60°00'00" EAST, 197.74 FEET TO THE POINT OF BEGINNING AND CONTAINING 106.922 ACRES OF LAND, MORE OR LESS.



**Exhibit C**  
**Construction Design Standards**

The following is a representation of industrial building designs that should be considered generally acceptable or unacceptable within the Highpoint East Business Park. Design standards and the inclusion of photos similar to these shall be a part of the zoning application referenced in Section 5.01(B) of this Agreement. Images shown here do not constitute the acceptance of any specific building design.

**ACCEPTABLE**







**NOT ACCEPTABLE**



