

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMMENDIING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 106.582 ACRES TOTAL; 14.278 OF SAID ACRES BEING A TRACT OF LAND SITUATED IN THE J. GANT SURVEY, ABSTRACT NO. 316, AND 92.304 OF SAID ACRES BEING TRACTS OF LAND SITUATED IN THE D. DYKES SURVEY, ABSTRACT NO. 229; JG REAVIS SURVEY, ABSTRACT NO. 726; MARTHA A. HUFF SURVEY, ABSTRACT NO. 353; AND IN THE J. GANT SURVEY, ABSTRACT NO. 316, LOCATED AT THE INTERSECTION OF FM 1902 AND CR 1019, CITY OF BURLESON ETJ, JOHNSON COUNTY, TEXAS FROM THE DEFAULTED “A” AGRICULTURE TO “PD” PLANNED DEVELOPMENT DISTRICT (HOOPER BUSINESS PARK), 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, 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, an application for a zoning change was filed by the Burleson 4A Economic Development Corporation on September 20,2021, under Case Number 21-127; 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.

WHEREAS, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

WHEREAS, the City Council 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 to the Code of Ordinances of the City of Burleson

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

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 by the metes and bounds attached as Exhibit A, by changing the zoning of said property from the A Agricultural district to the PD Planned Development district.

SECTION 2 DEVELOPMENT STANDARDS

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. GENERAL DESCRIPTION: The purpose of this district is for Retail, Office, and Commercial Uses as specifically stated in this Ordinance. Access shall be allowed from access drives or parking areas connecting to adjacent public roadways. Requirements for development shall be governed by standards as described below.

B. PERMITTED USES: Land uses permitted are as follows:

Permitted Uses

Bus Station or terminal
College or university
Hospital, institution, acute care, or training
Laboratory, medical related
Office, medical or dental
Office, business and professional

Accessory Uses Allowed

Accessory building (Commercial, business)
Off-street parking
Parking lot or structure, commercial

Specific Use Permit Required

Food/beverage sales store
Restaurant or cafeteria

Prohibited Uses

Auto sales, used or new
Auto repair, paint, or body shop
Contractor office
Gas Wells
Outside sales or storage
Parking lot, heavy trucks and trailers
Wholesale sales/storage

C. Bulk Restrictions

- a. Minimum Lot Area – ten thousand (10,000) square feet)
- b. Maximum Lot Coverage – no more than sixty-five percent (65%) of the total lot area shall be covered by the combined area of the main buildings and accessory buildings.
- c. Minimum Lot Width – one hundred feet (100')
- d. Minimum Front Yard – twenty feet (20')
- e. Side Yard – a side yard adjacent to a public street shall be a minimum of fifteen feet (15'). A side yard adjacent to a residential or commercial lot shall be a minimum of ten feet (10'). A minimum building separation of ten feet (10') shall be provided between building structures on a single lot. Nothing in this section is intended to or shall eliminate or supersede any requirements of the City of Burleson's building or fire codes that establish regulations dealing with building separations or fire resistive construction.
- f. Minimum Rear Yard – minimum depth of the rear yard shall be ten feet (10') when adjacent to a residential use. Otherwise it is zero feet (0').

D. Café Seating: Outdoor café seating for restaurant, café, deli or coffee shop uses shall be permitted but the café seating must be contained within the building's private lot. Café seating may not extend into public right-of-way or privately owned common areas.

E. Required Parking: Parking requirements within the Planned Development Commercial Tracts shall be based on the City of Burleson Zoning Ordinance requirements for the types and sizes of proposed uses. Shared parking agreements are permissible between allowed commercial uses with the prior approval of the City of Burleson.

F. Building Materials

1. Permitted Finishes – At least eighty percent (80%) of the exterior of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials:
 - a. Brick, stone, cast stone, rock, marble, granite, split face concrete block, glass block and/or tile.
 - b. Exterior Insulating Finishing System (EFIS) as an accent. When used, EFIS must be installed a minimum of eight feet (8') above the adjacent finish grade.
 - c. Split faced concrete block, poured-in-place concrete and tilt wall panels. Any use of concrete products shall have an integrated color and be textured or patterned. Tilt wall concrete structures shall have reveals, punch outs, or other similar surface characteristics to enhance the façade on at least twenty-five percent (25%) of each façade.

d. Side facades and rear facades shall be of finished quality and of the same color and materials that blend with the front of the building. Rear facades may be painted tilt wall or painted block matching the same color of the rest of the building if the rear façade is not visible from a public street right-of-way.

2. Unless a specific exception is granted by the City Council at the time of site plan approval, materials for institutional buildings shall have the same as those for office and retail development.

- G. Attached Signs:** All exposed conduit, junction boxes, and electrical transformer boxes must be concealed from public view. Individual channel letters (with or without internal illumination) are preferred. Channel letters incorporated on a cloud background are also acceptable. Wireways are preferred over exposed raceways, and shall be as thin and narrow as possible so as to not extend in width or height beyond the area of the sign's lettering or graphics, finished to match the color and texture of the façade background, or be integrated into the overall design of the sign. Exposed raceways are discouraged and subject to administrative review. Freestanding signage will be in accordance with the City of Burleson's sign ordinance.
- H. Awnings:** Adding accent color through the use of awnings is appropriate within the commercial environment. Awnings shall be canvas, or a lusterless material which closely resembles canvas, at least 80% of which is a single deep or neutral solid color, the remaining up to 20%, if different, shall be contrasting. Awnings shall not be back lit.
- I. Lights:** Parking lot light standards shall not exceed 30 feet (30') in height and shall comply with City of Burleson shielding requirements.
- J. Landscaping:** Requirements for landscaping shall be in accordance with the City of Burleson Code of Ordinances for the size and type of use proposed.
- K. Dumpster Screening:** All free standing dumpsters shall be screened on all four sides with an opaque closure measuring to a height of at least six inches (6") above the top of the dumpster.
- L. Building Height:** Maximum Building Height within the Planned Development shall be six (6) stories. Additional height may be granted by City Council with the formal submittal of a site plan.
- N. Street Trees:** Street trees of three (3) inch caliper or more will be located on no more than thirty (30) foot spacing along both sides of all public right-of-ways. Lots with double frontage will have trees on both frontages. Street tree species shall be in accordance with Article 86-81 of the City Landscape Ordinance.
- P. Site Plan**
1. A formal site plan is required for each development tract within this PD Ordinance.

2. The site plan shall be submitted concurrently or in advance of the final plat and engineering plans for a particular development tract. Approval of the site plan is required prior to issuance of any Development Permit or Building Permit for a development parcel.
3. Detail site plan requirements are contained in the City of Burleson Code of Ordinances but at a minimum the site plan shall address:
 - a. Location and size of all parking lots and parking spaces, loading areas, vehicular circulation paths, and proposed access points to adjacent property and the public street system.
 - b. Building size and location within the property.
 - c. Building setback lines.
 - d. Location of creeks, ponds, detention facilities (if applicable) and all proposed major drainage facilities.
 - e. Location and route of major water and sewer facilities required to serve the property.
 - f. Location of tree masses to be preserved.
 - g. Location and type of proposed screening.
 - h. Type and location of proposed signage.
 - i. Sidewalks and trail connections that comply with this PD Ordinance.
 - k. Conceptual building elevations noting the composition and percentages of proposed building materials.

Q. Ambiguity in Regulations: If these standards do not regulate a particular aspect of development, or there is ambiguity between these regulations and the base zoning district requirements, then such aspect of development shall be rerated as follows:

If the type of land use affected by the ambiguity in regulation or lack of regulation is related to the development of commercial property, then the standards applied for resolving an issue shall be those that would be applicable if the property in question was zoned C.

D. STREETS: The location, configuration, spacing and construction of streets will be in conformance with all applicable sections of the City of Burleson Code of Ordinances

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 bylaw.

PASSED AND APPROVED

First and Final Reading: the__day of_____, 20_____.

Chris Fletcher, Mayor
City of Burleson

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY

E. Allen Taylor, Jr., City Attorney

EXHIBIT A
Metes and Bounds

A TRACT OF LAND SITUATED IN THE J. GANT SURVEY, ABSTRACT NO. 316, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT TRACT OF LAND CONVEYED TO RAYFORD M. SHELTON, JR. AND MARY SHEBA GRAVES IN THAT DEED RECORDED IN VOLUME 4588 , PAGE 977, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1 INCH IRON ROD FOUND IN THE EASTERLY RIGHT-OF-WAY LINE OF FARM TO MARKET HIGHWAY 1902 (80' R-0-W) AT THE MOST NORTHERLY CORNER OF SAID SHELTON AND GRAVES TRACT AND FOR A CORNER IN THE SOUTHWESTERLY LINE OF A TRACT OF LAND CONVEYED TO SEAN KIRBY IN THAT DEED RECORDED IN INSTRUMENT NO. 2014-23765, D.R.J.C.T.;

THENCE S 43°55'50" E ALONG THE NORTHEASTERLY LINE OF SAID SHELTON AND GRAVES TRACT AND THE SOUTHWESTERLY LINE OF SAID KIRBY TRACT, A DISTANCE OF 706.12 FEET TO A 1/2 INCH IRON ROD SET WITH A CAP STAMPED "RPLS 5544";

THENCE N 46° 04' 10 " E ALONG COUNTY ROAD 1019 (VARIABLE R-0-W), A DISTANCE OF 361.48 FEET TO A PK NAIL SET AT THE MOST NORTHEASTERLY CORNER OF SAID SHELTON AND GRAVES TRACT;

THENCE S 43°29 ' 42 " E LEAVING SAID COUNTY ROAD 1019 ALONG THE NORTHEASTERLY LINE SAID SHELTON AND GRAVES TRACT, A DISTANCE OF 370.65 FEET TO A 1/2 " IRON ROD FOUND AT THE MOST EASTERLY CORNER OF SAID SHELTON AND GRAVES TRACT;

THENCE S 45°34' 11" W ALONG THE SOUTHEASTERLY LINE OF SAID SHELTON AND GRAVES TRACT, A DISTANCE OF 1496.55 FEET TO A 1/2" IRON ROD FOUND AT THE MOST SOUTHERLY CORNER OF SAID SHELTON AND GRAVES TRACT;

THENCE N 43° 45 ' 49 " W ALONG THE SOUTHERLY LINE OF SAID SHELTON AND GRAVES TRACT , A DISTANCE OF 67.00 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" IN SAID EASTERLY RIGHT- OF-WAY LINE AT THE MOST SOUTHWESTERLY CORNER OF SAID SHELTON AND GRAVES TRACT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 1909.99 FEET, WHOSE LONG CHORD BEARS N 04. 06' 41" E, 15 29.82 FEET;

THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 47°12'59", AN ARC LENGTH OF 1573.98 FEET TO THE POINT OF BEGINNING, AND CONTAINING 14.278 ACRES OF LAND, MORE OR LESS.

A TRACT OF LAND SITUATED IN THE D. DYKES SURVEY, ABSTRACT NO. 229, JG REAVIS SURVEY, ABSTRACT NO. 726, MARTHA A. HUFF SURVEY, ABSTRACT NO. 353, AND IN THE J. GANT SURVEY, ABSTRACT NO. 316, JOHNSON COUNTY, TEXAS, BEING ALL OF THE SECOND TRACT AND A PORTION OF THE FIRST TRACT AS DESCRIBED AND CONVEYED TO HOOPER AND COMPANY, INC. IN THAT DEED RECORDED IN VOLUME 938, PAGE 435, DEED RECORDS, JOHNSON COUNTY, TEXAS (D. R. J.C.T.), AND BEING MORE PARTICULARL Y DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND IN THE WESTERLY CORNER OF SAID SECOND TRACT AND THE MOST SOUTHERLY CORNER OF A TRACT OF LAND CONVEYED TO RAYFORD M. SHELTON, JR. & MARY SHEBA GRAVES IN THAT DEED RECORDED IN VOLUME 4588, PAGE 977 D.R.J.C.T.;

THENCE N 45 ' 35 ' 11 " E ALONG THE NORTHWESTERLY LINE OF SAID SECOND TRACT AND THE SOUTHEASTERLY LINE OF SAID SHELTON AND GRAVES TRACT, A DISTANCE OF 1496.55 FEET TO A 1/2 INCH IRON ROD FOUND FOR A CORNER IN THE SOUTHWESTERLY LINE OF SAID FIRST TRACT AND THE MOST EASTERLY CORNER OF SAID SHELTON AND GRAVES TRACT;

THENCE LEAVING SAID NORTHWESTERLY LINE ALONG THE NORTHWESTERLY LINE OF SAID FIRST TRACT AND THE NORTHEASTERLY LINE OF SAID SHELTON AND GRAVES TRACT N 43 ' 29 ' 42 " W, A DISTANCE OF 391.36 FEET TO A 1/2" IRO N ROD SET WITH A CAP STAMPED AT THE MOST WEST ERL Y CORNER OF SAID FIRST TRACT IN COUNTY ROAD 1019 (VARIABLE R-0-W) AND IN THE SOUTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO JUANA VARGAS VALLADARES, A SINGLE WOMAN, IN THAT DEED RECORDED IN INSTRUMENT NO. 2020-16028, D.R.J.C.T.;

THENCE N 46°06'16" E ALONG THE NORTHWESTERLY LINE SAID FIRST TRACT. ALONG SAID SOUTHEASTERLY LINE AND THE SOUTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO DONALD DEWAYE MAULDIN AND SARAH ELIZABETH MAULDIN, HUSBAND AND WIFE, IN THAT DEED RECORDED IN INSTRUMENT NO. 2017-11914, D.R.J.C.T., A DISTANCE OF 460.69 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544";

THENCE LEAVING SAID NORTHWESTERLY LINE, SAID SOUTHEASTERLY LINE AND SAID COUNTY ROAD 1019 (VARIABLE R-0-W) S 41°46'33" E, A DISTANCE OF 2433.88 FEET TO A 1/2" IRON ROD SET IN THE SOUTHEASTERLY LINE OF SAID FIRST TRACT AND THE NORTHWESTERLY LINE OF A TRACT OF LAND CONVEYED TO BURLESON DEVELOPMENT IN THAT DEED RECORDED IN INSTRUMENT NO. 2017-24891, D.R.J.C.T.;

THENCE ALONG SAID SOUTHEASTERLY LINE. ALONG SAID NORTHWEST

TERLY LINE AND THE SOUTHEASTERLY LINE OF SAID SECOND TRACT,
THROUGH THE FOLLOWING THREE COURSES

S 46° 51' 45" W, A DISTANCE OF 558.77 FEET TO A 1/2" IRON ROD FOUND;
S 46° 05' 52" W, A DISTANCE OF 629.05 FEET TO A 1/2" IRON ROD
FOUND; S 45° 32' 41" W, A DISTANCE OF 651.94 FEET TO A 1/2" IRON ROD
FOUND AT THE SOUTHERLY CORNER OF SAID SECOND TRACT;

THENCE LEAVING SAID NORTHWESTERLY LINE N 44° 44' 59" W
ALONG THE SOUTHWESTERLY LINE OF SAID SECOND TRACT, A
DISTANCE OF 2026.17 FEET TO THE POINT OF BEGINNING, AND
CONTAINING 92.304 ACRES OF LAND, MORE OR LESS.