

## **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 35.20 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE H.G. CATLETT SURVEY, ABSTRACT NO. 177, JOHNSON COUNTY, TEXAS, AND BEING PART OF THAT CERTAIN CALLED 40.172 ACRE TRACT OF LAND CONVEYED FROM MATT POWELL TO HULEN COMMONS, LP, BY SPECIAL WARRANTY DEED, AS RECORDED IN VOLUME 3924, PAGE 66, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT TO PD, PLANNED DEVELOPMENT 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, 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 Nicholas Balsamo on September 19, 2022 under Case Number 22-131; 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 and will promote the health, safety, and welfare of the community; and

**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:**

**Section 1**

The Official Zoning Map is hereby amended insofar as it relates to certain land described as approximately 35.20 acre tract or parcel of land situated in the H.G. Catlett survey, Abstract No. 177, Johnson County, Texas, and being part of that certain called 40.172 acre tract of land conveyed from Matt Powell to Hulen Commons, LP, by special warranty deed, as recorded in Volume 3924, Page 66, official public records, Johnson County Texas, included on Exhibit A, from PD, Planned Development District to PD, Planned Development District which are incorporated herein as Exhibit B, being attached hereto and incorporated herein by reference for all purposes.

**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 35.20 acre tract or parcel of land situated in the H.G. Catlett Survey, Abstract No. 177, Johnson County, Texas, and being part of that certain called 40.172 acre tract of land conveyed from Matt Powell to Hulen Commons, LP, by Special Warranty Deed, as recorded in Volume 3924, Page 66, Official Public Records, Johnson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point at or near the centerline of S.W. Hulen Street, also known as County Road 920, at the South corner of a called 11.498 acre tract of land conveyed to Lynda Ann Knight, by Warranty Deed, as recorded in Volume 1650, Page 275, Official Public Records, Johnson County, Texas, and at the West corner of said 40.172 acre tract;

THENCE North 44 degrees 50 minutes 54 seconds East, with the Southeast line of said 11.498 acre tract and with the Northwest line of said 40.172 acre tract, passing at 25.26 feet a 1/2" iron rod found, continuing for a total distance of 1,653.96 feet to a 3/4" iron pipe found in the Southwest line of the remainder of a called 1,021.925 acre tract of land conveyed to HMP Ranch LTD., by Limited General Warranty Deed, as recorded in Volume 3803, Page 887, Official Public Records, Johnson County, Texas, at the East corner of said 11.498 acre tract, and at the North corner of said 40.172 acre tract;

THENCE South 45 degrees 02 minutes 06 seconds East, with the Southwest line of said 1,021.925 acre tract and with the Northeast line of said 40.172 acre tract, a distance of 901.20 feet to a 5/8" iron rod found at the North corner of a called 4.920 acre tract of land conveyed to the City of Burleson, by Judgement in Absence of Objections, as recorded in File No. 2017-4195, Official Public Records, Johnson County, Texas and at the beginning of a curve to the right, with a radius of 34.00 feet, a delta angle of 29 degrees 02 minutes 24 seconds, the chord of which bears South 11 degrees 52 minutes 44 seconds West, for a chord distance of 17.05 feet;

THENCE with the Northwest and Northeast line of said 4.920 acre tract, the following courses and distances:

Along the arc of said curve, for an arc length of 17.23 feet to a 5/8" iron rod found in a compound curve to the right, with a radius of 489.00 feet, a delta angle of 18 degrees 10 minutes 31 seconds, the chord of which bears South 35 degrees 28 minutes 58 seconds West, for a chord distance of 154.47 feet;

Along the arc of said curve, for an arc length of 155.12 feet to a 1/2" iron rod set capped (By-Line);

South 44 degrees 34 minutes 13 seconds West, a distance of 1,081.63 feet to a 1/2" iron rod set capped (By-Line) at the beginning of a curve to the left, with a radius of 1,551.00 feet, a delta angle of 08 degrees 05 minutes 36 seconds, the chord of which bears South 44 degrees 03 minutes 03 seconds West, for a chord distance of 218.90 feet;

Along the arc of said curve, for an arc length of 219.09 feet to a point;

South 38 degrees 00 minutes 03 seconds West, a distance of 66.84 feet to a 1/2" iron rod set capped (By-Line);

South 80 degrees 35 minutes 53 seconds West, a distance of 23.45 feet to a 1/2" iron rod set capped (By-Line) at the beginning of a curve to the right, with a radius of 49.00 feet, a delta angle of 40 degrees 58 minutes 20 seconds, the chord of which bears North 78 degrees 54 minutes 57 seconds West, for a chord distance of 34.30 feet;

Along the arc of said curve, for an arc length of 35.04 feet to a 1/2" iron rod set capped (By-Line);

North 58 degrees 25 minutes 47 seconds West, a distance of 237.30 feet to a 1/2" iron rod set capped (By-Line);

North 45 degrees 13 minutes 20 seconds West, a distance of 65.24 feet to a 1/2" iron rod set capped (By-Line);

South 44 degrees 46 minutes 40 seconds West, a distance of 24.86 feet to a PK nail found at or near the centerline of S.W. Hulen Street, at a West corner of said 4.920 acre tract, and in a Southwest line of said 40.172 acre tract;

THENCE North 45 degrees 14 minutes 44 seconds West, generally along the centerline of S.W. Hulen Street and with a Southwest line of said 40.172 acre tract, a distance of 613.50 feet to the POINT OF BEGINNING and CONTAINING 35.20 acres of land.

## **Exhibit B – Development Standards**

### **Section 1. Purpose and Intent**

The purpose and intent of this zoning ordinance is to establish appropriate restrictions and development controls necessary to ensure that the future horizontal mixed-use development of the subject property maintains compatibility with the surrounding development and zoning.

### **Section 2. Development Standards**

#### **A. Applicability**

All development located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this zoning ordinance.

#### **B. Base Zoning**

Any zoning, land use requirement or restriction shall conform to those requirements and/or standards of the base zoning detailed in the Site Plan Exhibit.

#### **C. Concept Plans.**

Development of any property within the boundaries of this Planned Development District shall generally conform with the Site Plan Exhibit. If there is any conflict between the text of this ordinance and the concept plan, the text of this article controls.

#### **D. Detailed Zone Standards**

##### **1. Zone A – General Retail District**

- a. **Base Zoning.** Zone A base zoning is General Retail District.
- b. **Special Use Permit (SUP).** The following uses require a Special Use Permit within Zone A:
  - i. Convenience Store with Fuel Sales
  - ii. Drive-Thru

##### **2. Zone B – SFR-AT Single-Family Attached Townhomes**

- a. Units shall conform to the attached concept elevations. Single story – Style A.1 and A.2; 2-story townhomes – Style B (front and rear-loaded); 3-story buildings – Style C.
- b. **Base Zoning.** Zone B base zoning is SFR-AT Single-Family Attached Townhomes
- c. **General Description.** The SFR-AT single family attached dwelling district is established to provide adequate space for medium-density, single-family attached type residential development.

d. **Underlying Standards.** This district will adhere to the SFA zoning district as established by the City of Burleson Zoning Ordinance, Section 58, unless specifically altered in this section.

e. **Lot Dimension Calculation.**

- i. The average width of a lot may be calculated as the total width of all platted lots of the one-family attached dwelling complex contained within that block divided by the number of dwellings in the complex.
- ii. The area of a lot may be calculated as the total square footage of all platted lots of the one-family attached dwelling complex divided by the number of dwellings in the complex for each block.
- iii. The maximum width of a one-family attached dwelling complex utilizing this calculation shall be limited to 125 feet. The maximum number of dwellings shall be limited to six (6).

f. **SFR-AT Single-Family Attached Townhomes Standards.** Development complying with SFR-AT Single-Family Attached Townhomes standards shall comply with the following standards:

- i. **Density.** The maximum residential density is 12 dwelling units per acre.
- ii. **Living Area.** The minimum living area per unit is 600 square feet and the maximum living area per unit is 2,400 square feet.
- iii. **Lot Size.** The minimum lot size is 2,000 square feet.
- iv. **Lot Coverage.** The maximum coverage per lot is 70 percent.
- v. **Lot Width.** The minimum lot width is 20 feet.
- vi. **Lot Depth.** The minimum depth allowed per lot is 70 feet (minimum lot size will be 2,000 SF).
- vii. **Units per Building.** Maximum number of units per building is 6 units.
- viii. **Height.** The maximum building height is 40 feet; maximum 3 stories.
- ix. **Single story.** No more than 35% of total units shall be single story.

g. **Yard Area Requirements**

- i. Front yard setback – 5 feet.
- ii. Side yard setback (attached units) – 0 feet.
- iii. Side yard setback (between structures) – 5 feet minimum between structures
- iv. Side yard (exterior lot street or alley corners) – 5 feet.
- v. Rear yard setback – 5 feet.

- vi. Garage door setback – 5 feet.
  - vii. Front yard projections into setback – 2 feet.
  - viii. Rear yard projections into setback – 2 feet.
  - ix. Side yard projections into setback – 2 feet.
  - x. Courtyard within front yard setback will be permitted to within 0 feet or front property line.
  - xi. Fencing within front yard setback will be permitted to within 5 feet of property line. Front yard fencing on interior lots will be 50 opaque not to exceed 48" in height (i.e., wrought iron or picket fences).
  - xii. Privacy fencing of lots along the perimeter of the development may not exceed 6 feet in height.
  - xiii. Accessory trellis within front yard setback permitted to within 2 feet of property line.
  - xiv. Minimum sidewalk width will be 3 feet.
- h. Roof Pitch.** A minimum roof pitch of 4:12 will be allowed. No minimum pitch is required for accent or dormer roofs.
- i. Garage Standards.** No garage shall exceed 50 percent of the front façade and shall not be the forward most element of the structure. (i.e., front door or covered porch must extend forward of the garage opening)
- j.** No less than 50 percent of the homes as generally shown on Exhibit A shall be rear entry.
- k. Landscaping.** An ornamental tree (30 gallon) will be provided at a minimum of one (1) per cluster of units (2 attached dwelling units) and 1 canopy tree per six (6) dwelling units. 10 shrubs or bushes with a minimum size of 5 gallons, will be provided per dwelling unit.
- l. Lighting:** Pedestrian poles on major drives inside the property – every 200 feet; bollard lights – min. 2 per every interior sidewalk.
- i. Street and pedestrian lighting shall be of a decorative nature and have a black powder coat finish and must be raised at least nine-inches above finished grade on a concrete pedestal.
- m. Dog cleanup stations** – min. 2 along the trail; Benches – min. 2 along the trail.
- n. Open Space.** Open space and parks requirements for the City will be satisfied by the Master Developer as described in this Ordinance. 20% open space; minimum 1,000 SF cabanas and 2 BBQ pits will be provided. Dog park – minimum of 3,000 SF.
- o. Separate pool** – minimum 2,000 SF.



- p. **Connected walkways.** Minimum 1.0 acre will be provided.
- q. **Clubhouse** – minimum 5,000 SF and will include Business Center – minimum 300 SF; community room – minimum 800 SF.
- r. **Off-street parking:** 1 garage and 1 parking space per dwelling unit will be provided.
- s. **Anti-Monotony Standards**
  - i. **Interior lots:** No two of the same elevation shall exist on the same side of any street. This does not include the attached structure(s) sharing the same elevation.
  - ii. **Perimeter lots:** No structure shall have the same elevation within 4 structures of any unit. This does not include the attached structure(s) sharing the same elevation.
  - iii. Anti-monotony can be accomplished by having adjacent structures of different stories and/or utilizing different elevations / architectural styles or by utilizing different primary façade materials that comprise no less than 50 percent for each adjacent structure (i.e., brick or stone)
- t. **Phasing – (Shown below)**
  - i. Phase I will consist of zones A1 and B1. Phase II will consist of zones A2 and B2. Phase II residential shall not begin construction until Zone A1 or Zone A2 has received Certificate of Occupancy for no less than 6,000 SF of retail.
  - ii. Maximum number of units for Phase I is 200 units.
  - iii. Maximum number of units for Phase II is 70 units.
  - iv. All street trees along Hulen St and Alsbury Dr will be planted prior to commencement of Phase II.

# Site Plan Exhibit



**Style A.1**



**Style A.2**





**Style B (Front loaded)**



**Style B (Rear Loaded)**



Style C

