

ORDINANCE D-065-06

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 OF APPROXIMATELY 373 ACRES OUT OF THE H.G. CATLETT SURVEY, ABSTRACTS NO. 180, 186 AND 177, AND THE S.M. BLAIR SURVEY, ABSTRACT 65, CITY OF BURLESON, JOHNSON COUNTY, TEXAS, FROM THE A AGRICULTURAL DISTRICT TO THE PD PLANNED DEVELOPMENT DISTRICT; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a zoning change was initiated by the City of Burleson under Case Number 06-030; 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 joint 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.

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

SECTION 1

The Comprehensive Plan, the Zoning Ordinance, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Burleson, Texas, as shown on the Zoning Map attached as Exhibit "A", and described by metes and bounds description attached as Exhibit "B", by changing the zoning of said property from the A Agricultural district to the PD Planned Development district, including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

SECTION 2

The Planned Development, commonly known as the Burleson West Transit Oriented Development, shall be subject to the following conditions:

A. COMMUNITY INTENT

The West Transit-Oriented Development (TOD) District establishes a mixed use community anchored by a planned commuter rail station linking Johnson and Tarrant Counties, surrounded by authentic neighborhoods with roots in the enduring qualities of Burleson—its small town ambience, its traditional downtown and its strong heritage.

The West TOD District provides the design and development standards for the subject area delineated within the West portion of the Burleson TOD, attached as Exhibit 1 and incorporated by reference. The TOD Street Type Matrix, Table A attached hereto and incorporated by reference, the TOD Building Type Matrix, Table B attached hereto and incorporated by reference, and the respective explanatory regulations accompanying those matrices constitute binding regulations and standards for the West TOD District and are incorporated herein by reference. In order to develop and sustain this community, the following standards are hereby established.

1. Walkability. In order to facilitate walkability and livability, all streets shall provide accessible sidewalks with street trees or adjacent trails. Block lengths shall be as short as possible to accommodate a walking environment. Street types and cross-sections are established herein to facilitate an integrated set of transportation choices—driving, walking, cycling and transit, as well as to form a place bounded by building facades creating “street walls.” Carefully designed civic spaces such as greens, squares, plazas and trails shall be integrated into the neighborhoods.
2. Home Occupations. In order to accommodate a community that reflects the modern economy and demographic trends, home occupations shall be allowed in all residential units as follows:
 - a. The occupation function shall be incidental to the primary function of the building as a residence.
 - b. No person outside the residence may be employed unless the residence is a Live-Work unit.
 - c. There shall be no exterior display, no exterior storage of materials and no other variation from the residential character of the principal building, unless the residential unit is a Live-Work Unit or the building has been converted to a non-residential function consistent with applicable building codes.
 - d. A Live-Work Unit shall have separate entry doors and spaces for the respective residential and non-residential functions.
3. Architecture. Architectural standards herein (e.g., “windows shall be oriented vertically”) are functional in nature. Conversely, architectural style (e.g., Victorian, Prairie, Arts & Crafts, etc.) shall be determined through privately enforced conditions, covenants & restrictions (CC&Rs) so that the neighborhoods over time are responsive to evolving market preferences and styles.
4. Applicability of Subdivision Standards
 - a. The standards herein shall establish the street cross-section criteria and lot standards for subdivision within the area depicted in Exhibit 1. Any approved Preliminary and/or Final Subdivision Plat must substantially conform to the adopted site plan and concept plan for zoning.
 - b. Lots utilized for uses within the West TOD District shall conform to the requirements of the Subdivision and Development Ordinance. To the extent any standards therein conflict with standards herein, the standards herein shall control.
5. Applicability of other Requirements the Zoning Ordinance. All other requirements of the Zoning Ordinance shall apply unless they conflict with standards established in the West TOD District.

B. LAND USES, BUILDING HEIGHTS, AND OTHER ACTIVITIES

1. This section shall apply to areas designated “mixed use,” “destination retail/mixed use” or the area within Hulen Street, Alsbury Street and the Railroad delineated in Exhibit 1.
 - a. A premises on a legal lot shall be used for the following:
 - (1) retail services
 - (2) retail goods sales

- (3) art, furniture or electronics studio (retail, repair or fabrication)
 - (4) restaurant, café, bakery, deli or coffee shop
 - (5) coffee roasting
 - (6) beer, wine or other alcoholic beverage on premises sales in conjunction with a restaurant
 - (7) movie and/or performance theater
 - (8) museum or philanthropic institutions
 - (9) fraternal or other private social club
 - (10) structured parking garage provided that the frontage on the ground floor addressing the primary street is another use delineated herein
 - (11) hotel
 - (12) bed & breakfast professional offices
 - (13) health services office, clinic or laboratory
 - (14) government/civic offices
 - (15) transit
 - (16) farmer's market, parade, cultural events (requires special use permit)
 - (17) gas station (subject to specific use permit based on design and location accommodating an urban environment)
 - (18) Residential uses per the Building Type Matrix (Table B) and per the applicable street established in the Street Type Matrix (Table A), except for Estate, Large, Medium and Small House
 - b. Buildings may not exceed three (3) stories in height. Up to an additional five (5) stories may be constructed if structured parking is utilized and at least five (5) of the eight (8) of the following elements are utilized at the primary address of the building.
 - (1) patio/café seating
 - (2) plaza or courtyard
 - (3) water feature/fountain
 - (4) bicycle racks
 - (5) overhangs providing shade/colonnade
 - (6) recessed front entryway of at least forty (40) square feet
 - (7) sculpturing of the ground floor, utilizing cornices, corbelling, molding, string coursing, change in materials, and/or change in color
 - (8) recessed windows, or arches, pediments or mullions to distinguish windows
 - c. Buildings shall be sited according to the build-to-line established by street type in the Street Type Matrix (Table A)
2. This section applies to areas not designated "mixed use," or "destination retail/mixed use"; and the area west of Hulen Street or the area west of Alsbury Street delineated in Exhibit 1.
- a. Premises on a legal lot shall be used for residential or live-work (if applicable) uses per any of the housing types allowed in the Building Type Matrix (Table B) and per the applicable street established in the Street Type Matrix (Table A).
 - b. Building heights are established by the applicable building in the Building Type Matrix (Table B).
 - c. Buildings shall be sited according to the build-to-line established by street type in the Street Type Matrix (Table A)
3. Outdoor Displays. Outdoor displays for retail uses shall be limited to no more than fifty percent (50%) of the building's private frontage for lots fifty (50) feet or less in width and no more than twenty-five percent (25%) for lots greater than fifty (50) feet in width. Displays shall be allowed with functional restrictions within the building's public frontage (i.e., the public right-of-way) upon the approval of the City Manager or designee, subject to appeal to the City Council.
4. Café Seating. Outdoor café seating for restaurant, café, deli or coffee shop uses shall be limited to the building's private frontage unless café seating is licensed with functional restrictions with the

building's public frontage (i.e., the public right-of-way) upon the approval of the City Manager or designee, subject to appeal to the City Council.

5. Accessory Building Uses. The massing and use of accessory buildings shall comply with those standards contained in the Burleson Zoning Ordinance.
6. Prohibited Uses. Uses not specifically enumerated in the West TOD District, but are substantially similar, may be permitted upon the approval of the City Manager or designee, subject to appeal to the City Council. All other uses shall be prohibited, including but not limited to vehicle sales/services/repair, industrial, heavy manufacturing, and warehousing.

C. STREET CONNECTIVITY AND VISTAS

1. All streets shall be located so that all streets terminate at other streets except where not feasible due to natural site conditions. Cul-de-sacs shall be permitted only when warranted by natural site conditions.
2. Alleys should be utilized where feasible.
3. At every termination point of a street, or where it makes a ninety-degree turn (plus or minus fifteen degrees), the street shall terminate on a building or vertical element to establish a terminated vista, unless the street terminates into a park, a monumented trail entrance or natural area.

D. OFF-STREET PARKING

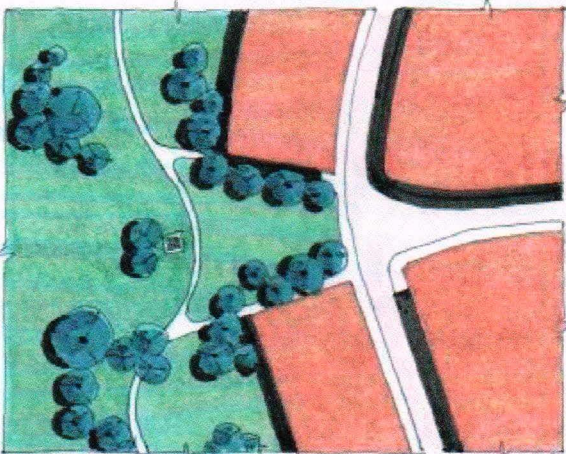
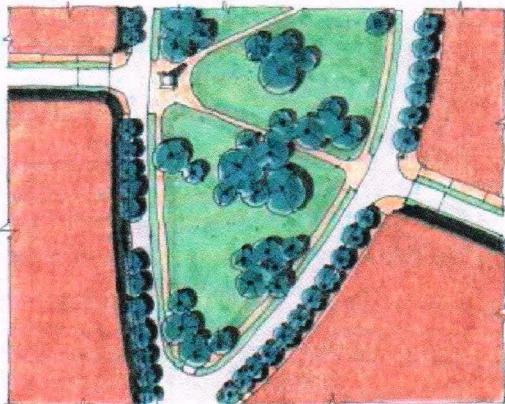
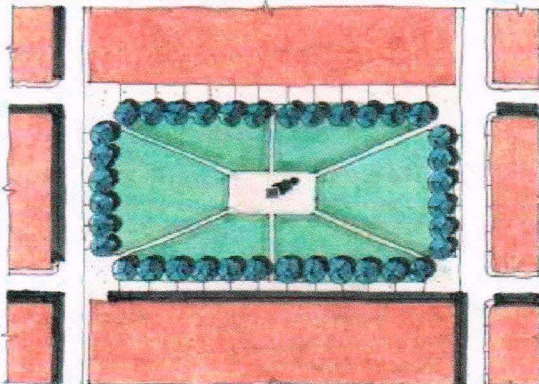
1. Location Generally. Off-street parking shall not be located between the primary address of the building and the public right-of-way.
2. Area within Hulen Street, Alsbury Street and the Railroad delineated in Exhibit 1. An off-street parking lot on the side of a building shall not be wider than sixty-five (65) feet, and a street-screen shall be provided such that the side of the parking bays closest to the street shall be screened by a wall or landscaped wrought iron fence three (3) feet in height.
 1. Spaces Required
 - (a) Residential Uses—As required by the applicable housing type in the Building Type Matrix (Table B)
 - (b) Non-residential Uses—As required by the Burleson Zoning Ordinance
 - (c) Neighborhood Commercial Incentive—The number of off-street parking spaces required for retail services, retail goods sales; pharmacies; dry cleaners; art, antique, furniture or electronics studios (retail, repair or fabrication); restaurants, cafés, delis or coffee shops; and retail bakeries shall be waived for the first 1,500 square feet of retail floor space (excluding kitchen, administrative and storage space) for a particular use as long as the total square footage of the use is no greater than 5,000 square feet.
3. Shared Parking. Off-street parking requirements for any and all uses permitted in the West TOD District may be waived subject to a shared parking agreement or a coordinated parking plan approved by the City Manager or designee, subject to appeal to the City Council.

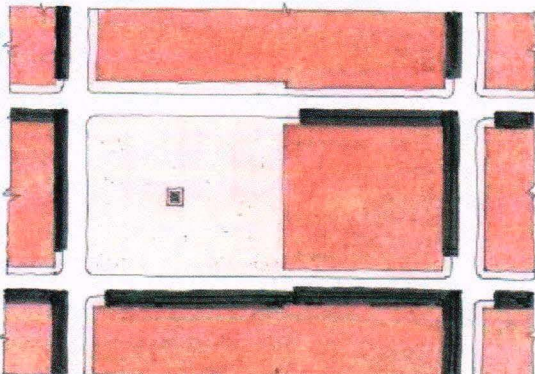
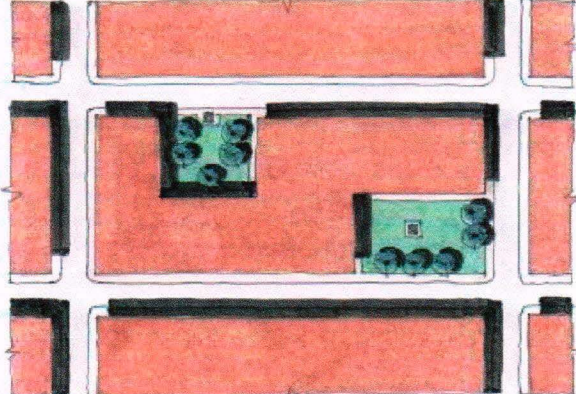
E. CIVIC SPACE

1. Each platted project shall assign at least five (5) percent of the acreage (not including public right of way or flood plain) to civic space as graphically depicted below. This standard shall not be satisfied through the option of payment into a parkland dedication fund.
2. Seventy (70) percent of all residential or mixed-use lots shall be located within 800 feet of green or

civic space for any given platted project.

3. Backing buildings onto trails or natural areas is strongly discouraged. If a building backs onto trails or natural areas, it shall utilize a rear fence that is metal and not opaque in order to enhance visual security of the Public Space, trails or natural areas. If a rear-loaded garage or pull through garage is utilized, the garage shall be located within three (3) feet of the side property line or utilize a common wall with an adjacent garage to enhance the visual security.
4. The civic space shall be designed in accordance with the following illustrative standards.

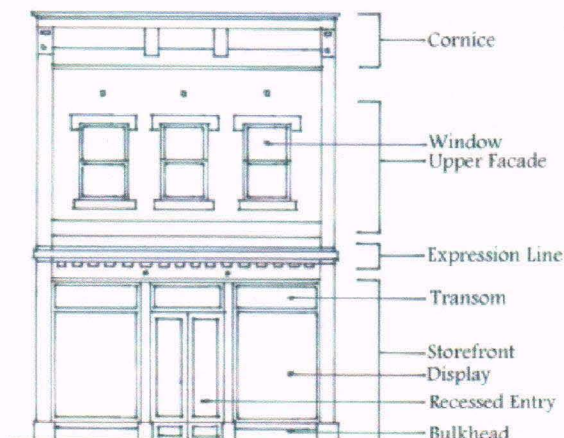
<p>a. Park</p> <p>A natural area available for unstructured recreation. A park may not be framed by building frontages. Parks shall be composed of trails, paths, meadows, tree stands and open shelters. Parks may be linear, following natural corridors and waterways. The minimum size shall be fifteen (15) acres.</p>	
<p>b. Green</p> <p>An open space, available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees laid out naturally. The minimum size shall be two (2) acres and the maximum size shall be fifteen (15) acres.</p>	
<p>c. Square</p> <p>An open space available for unstructured recreation and civic purposes. A square is spatially defined by buildings. Its landscape shall consist of paths, lawns, and trees laid out formally. Squares shall be located at the intersection of important streets. The minimum size shall be one (1) acre and the maximum size shall be five (5) acres.</p>	

<p>d. Plaza</p> <p>A primarily hardscaped open space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings. Plazas should be dimensioned at an approximate 3:1 ratio in terms of its width relative to the building heights. It shall not be dimensioned at more than a 6:1 ratio</p>	
<p>e. Playground</p> <p>An open space designed and equipped for children's recreation. A playground shall be fenced and may include an open shelter. Playgrounds shall be located within residential areas and may be placed within a block as illustrated. They may included in parks and greens. There shall be no minimum or maximum size.</p>	

F. ARCHITECTURAL, LANDSCAPE, SIGNAGE AND MISCELLANEOUS STANDARDS

1. Architectural Standards

- a. An expression line shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of facades that do not utilize a pitched roof. For retail storefronts, a transom, display window area and bulkhead at the base shall be utilized.



- b. To screen rooftop mechanical equipment, other appurtenances, and flat or built-up roofs, all structures having a footprint of 5,000 square feet or less shall be constructed with a pitched roof. Those structures having a footprint greater than 5,000 square feet shall be constructed with either a pitched or parapet roof system enclosed on all sides.

- c. Mansard roofs and flat membrane-type roofs that are visible are prohibited. Roofs shall be constructed of a process and of materials that shall have a minimum installation and manufacturer's warranty of at least 20 years.
- d. Ground floor retail building plate heights shall be at least fifteen (15) feet in height.
- e. Windows shall be oriented vertically. Windows on single family or town house residential buildings shall also utilize significant surrounds or shutters, as well as mullions between grouped windows.
- f. Columns and piers shall be spaced no farther apart than the height of the column or pier.
- g. Transparency: Each floor of any building façade facing a park, plaza or street shall contain transparent windows covering from 15 to 75 percent of the façade area. In order to provide clear views of merchandise and to provide natural surveillance of exterior street spaces, the street-level floor along the retail storefront facade shall have transparent storefront windows covering no less than fifty (50) percent of the façade area.
- h. Permitted finishes for commercial or mixed use buildings – 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:
 - (1) Brick, stone, cast stone, rock, marble, granite, glass block and/or tile
 - (2) Exterior Insulating Finishing System (EIFS) as an accent (abuse resistant EIFS above 8 feet above grade)
 - (3) Cementitious-fiber clapboard with at least a 50-year warranty
 - (4) Split face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the façade on at least twenty-five (25) percent of each façade.
- i. The following permitted finishes for residential buildings and live/work units shall be allowed: Cementitious-fiber clapboard (not sheets) with at least a 50-year warranty; brick; stone; man-made stone and stucco utilizing a three-step process. The following shall be allowed up to thirty percent (30%) as an accent material: wood, Exterior Insulating Finishing System (EIFS) (abuse resistant EIFS above 8 feet above grade) or similar material over a cementitious base, rock, glass block and tile.
- j. 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 faces an alley or is not viewable from a public street or right-of-way.
- k. On single-family residences, at least one of the following shall be utilized: porches, stoops, bay windows, balconies, masonry clad chimneys, attached pergolas or colonnades. Those architectural elements may encroach into the build-to-line.
- l. Plate Heights for single-family residential homes shall be no less than ten (10) feet for the first floor and nine (9) feet for the second or higher floors.
- m. Garages for residential buildings generally shall be located at the rear on alleys, except in order to preserve trees at the rear of the lots. Pull-through garages are allowed if the garage door is set back behind the rear façade of the main structure. If front-loaded garages are utilized on single-family residential lots, the garages shall be no greater than twenty-four (24) feet wide, and set back at least ten (10) feet measured from the face of the main structure closest to the garage, or rotated ninety (90) degrees with windows on the wall facing the street. All garage doors shall be divided into single bays separated by at least an 18-inch column. Front-loaded garages on

residential lots less than sixty (60) feet wide shall not be allowed. Town homes and courtyard apartments shall utilize rear-loaded garages.

- n. An enclosed garage or carport shall be designed and constructed of the same material as the primary building.
 - o. The exterior walls of buildings may be lit with wall washer type lights, natural gas lamps, or low wattage decorative electric lamps.
2. Landscaping. Requirements for landscaping shall be in accordance with Chapter 10 of the Burleson Code of Ordinances.
 3. Signage. Requirements for signs shall be in accordance with the provisions of the Zoning Ordinance.
 4. Dumpster Screening. All freestanding dumpsters shall be screened on all four sides with an opaque closure measuring to a height at least six (6) inches above the top of the dumpster. A dumpster located in an alley on the perimeter of the project shall be screened from view on all sides with an opaque enclosure or building niche measuring at least six (6) inches above the top of the dumpster. The building niche shall be constructed of material that matches the building.

EXHIBIT 1 – BURLESON TOD

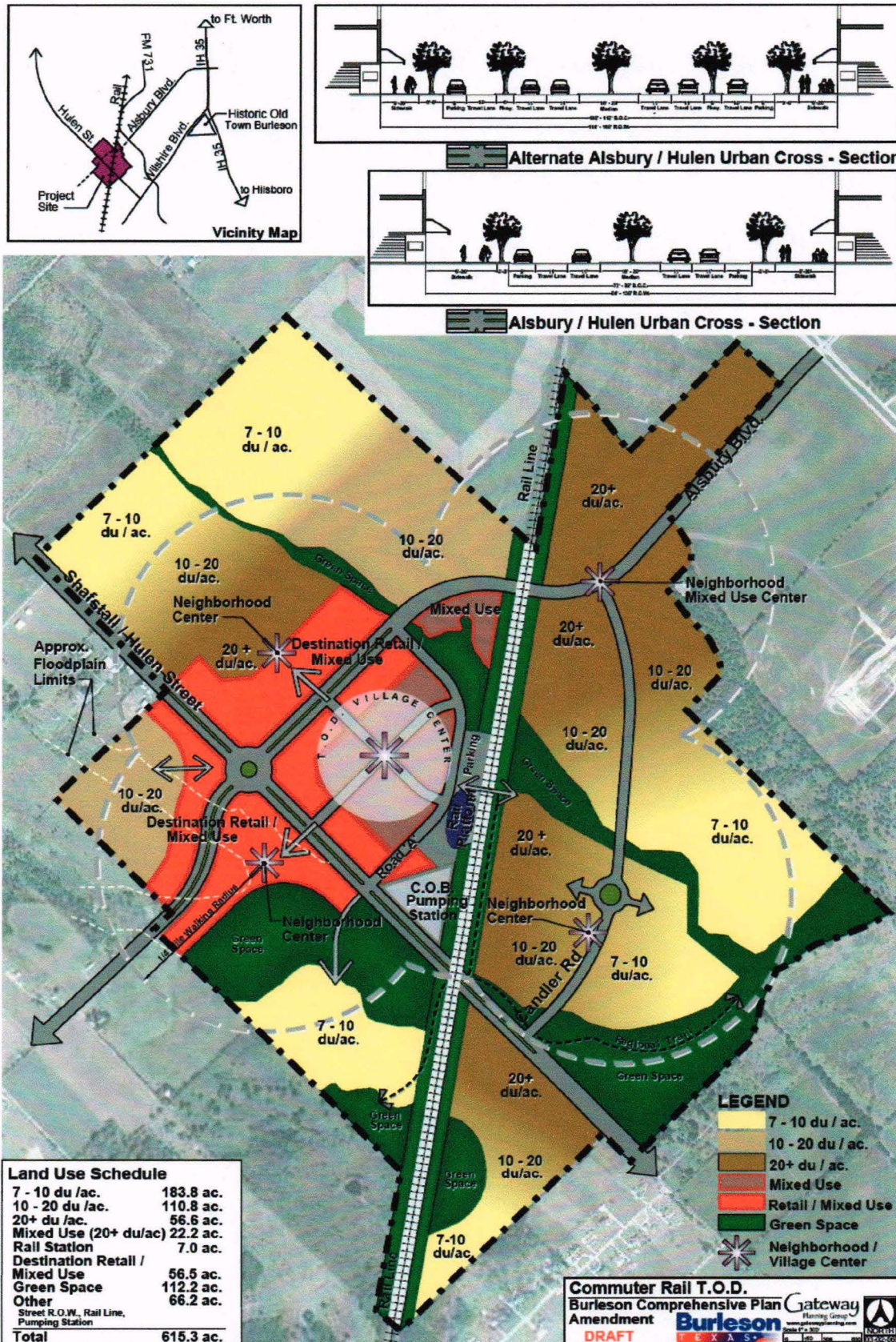


TABLE A – TOD STREET TYPE MATRIX

Street Types (1)		Curb Radii	Speed mph	Build-to-Line (2)	Street Cross Section (3)	Building Types (4)
A-68-34	Two-way Avenue with Parking	15'	30	20'-30'		All
S-56-30	Two-way Street with Parking	15'	25	20'-30'		All
S-50-26	Two-way Street with Parking	10'	20	15'-25'		All except non-residential, apartment, and Live-Work/Urban Loft
S1W-40-18	One-way Street with Parking	10'	15	15'-20'		All
C-34-23	Two-way Court with Parking	10'	15	10'-25'		All except non-residential and apartment
RA-20-14	Residential Alley (5)	15'	15	3'-7' or ? 16' (6)		All except non-residential and urban loft
CA-20-20	Commercial Alley - Temporary Parking	15'	15	0'-5'		All except House and Townhome/Stacked Condo
PA-138-62	Primary Arterial (Ailsbury--Hulen)	15'	35	varies		All except House
PA-168-80	Primary Arterial (Alternative Ailsbury--Hulen)	15'	35	varies		All except House

Gateway Planning Group

Explanatory Regulations:

- The first number in the type name establishes the right-of-way width; the second number establishes the paved section width.
The paved section width dimensions are set curb face to curb face except primary arterials, and the parkway includes the top of curb. Mountable curbs shall be allowed. Curbless streets shall be allowed adjacent to greenways, Public Space, and trails for storm water management purposes.
- A Build-to-Line (BTL) shall be established and platted for each street. No less than 80% of the buildings along a block shall conform to the BTL. For the Side Street side of buildings on corner lots, the minimum side yard dimension shall serve as the BTL.
- Trees denote required street trees.
- The West TOD Zoning District Building Types Matrix establishes the building types and core uses allowed.
- For houses fronting on greens, the RA-20-14 alleys may serve as sole street access for the lot if the BTL is established at 7 feet or greater than 16 feet, or on-street parking is located within 100 feet of the front door, or additional off-street parking is provided.

TABLE B – TOD BUILDING TYPE MATRIX

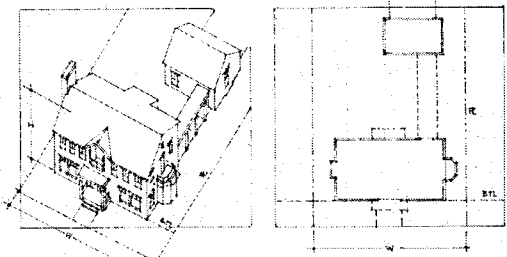
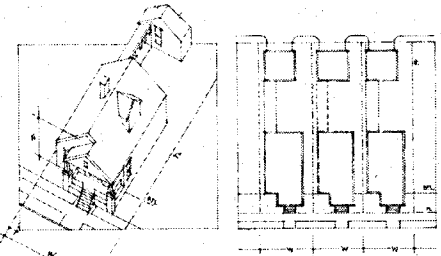
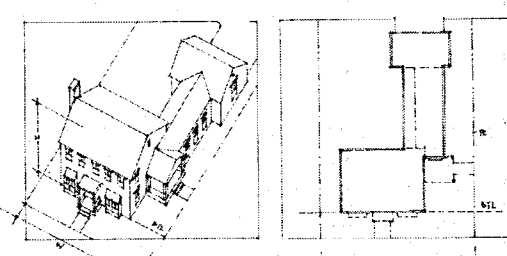
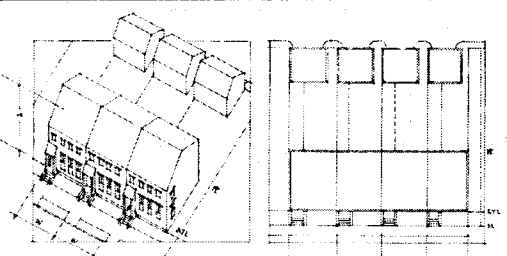
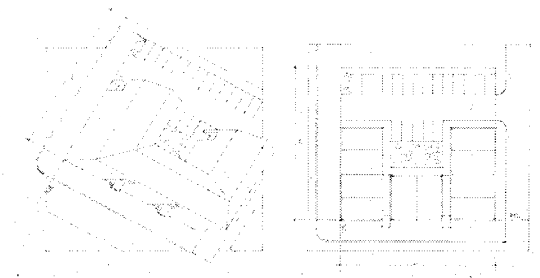
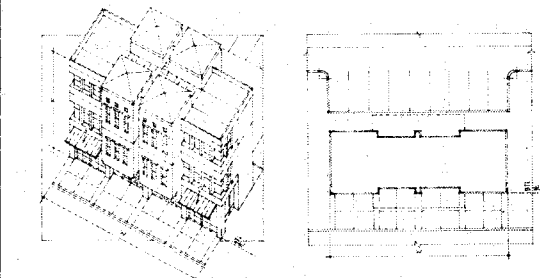
Development Standards												Prototypical Building Types	
Types	Lot Widths Minimum (W)	Lot Depth Minimum	Minimum Side Yard/Rear Yard	Rear-loaded Covered Parking	Off Street Parking Spaces Minimum Per Dwelling Unit ⁽¹⁾	Garage Set Back (front-loaded) ⁽²⁾	Maximum Height (H)	Square Foot Minimum-Maximum Per Dwelling Unit	Porch or Stoop / Depth Minimum	Accessory Unit/Max Square Footage	Maximum Lot Coverage		
Estate House	70'-80'	110'	5'	A	2	10'	2 story	3000 - No max	A/6'	A(5)/ 1000'	50%		
Large House	60'-69'	110'	5'	A	2	10'	2 story	2400-3600	A/6'	A(5)/ 800'	60%		
Medium House	50'-59'	100'	5'	R ⁽³⁾	2	n/a	2 story	1600-2600	R/6'	A(5)/ 800'	50%		
Small House	40'-49'	100'	4' ⁽⁶⁾	R	1	n/a	2 story	1400-2200	R/6'	A(5)/ 400'	60%		
Cottage House	25'-39'	90'	4' ⁽⁶⁾	R	1	n/a	2 story	900-1800	R/6'	A(5)/ 400'	70%		
Multi-Unit House ⁽⁷⁾⁽⁸⁾	60'-100'	110'	5'	R	1	10'	2 story	1700 - No max	R/6'	A(5)/ 400'	60%		
Townhome/ Stacked Condo	20'-30'	80'	0'/5'	R	1	n/a	3 story	1000 - No Max	R/0'	A(5)/ 400'	70%		

TABLE B – TOD BUILDING TYPE MATRIX

"End Cap" Apartment (9) (11)	120'	150'	10'	R	1	n/a	2 story	750 - No Max	A	N	80%	
Live-Work/ Urban Loft (12)	25'	100'	5' (13)	R	1	n/a	4 story (6)	750 - No Max	A	N	100%	

A - Allowed

N - Not Allowed

R - Required

 Gateway Planning Group

Explanatory Regulations:

- (1) An enclosed garage or a carport shall be constructed of the same material as the main residential structure. Rear-loaded garages may be attached at side property line.
- (2) Garage setback shall be measured from the face of the main structure closest to the garage. Carports shall not be allowed for front-loaded parking.
- (3) "Pull-through" garages shall be allowed if the front façade of the garage is set back behind the rear façade of the house. Covered breezeways connecting the garage and the house shall be allowed.
- (5) The accessory unit shall have cooking facilities and a bathroom; but shall not require a separate water meter.
- (6) Buildings may be sited at side property line so long as buildings on adjacent lots are not within 8'.
- (7) 2 to 6 units shall be allowed.
- (8) The design of the building shall make the multi-unit structure appear as a large single-family house.
- (9) Maximum 24 units shall be allowed per building.
- (10) Courtyard(s) shall face street and provide at least 100 square feet of space per unit.
- (11) Address of building shall face the street at the end of the block so that the building acts as a block "cap."
- (12) Residential Uses shall be allowed on ground floor of building on a commercial streets with a specific use permit and if the ground floor is constructed to meet requirements of the Americans with Disabilities Act and applicable commercial building code and fire code standards; or if the residential use does not front the main address of the building and a separate entrance from the commercial use is provided externally or into a common public hallway. All Live-work units require a separate entrance for the non-residential use.
Buildings 40 units or greater per acre housing shall utilize structured parking within the area bounded by Alsbury, Hulén and the Railroad ROW.
- (13) No side yard required for urban buildings within the area bounded by Alsbury, Hulén and the Railroad ROW.

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.

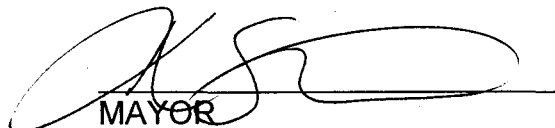
SECTION 5
PENALTY CLAUSE

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 V.T.C.A. 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.

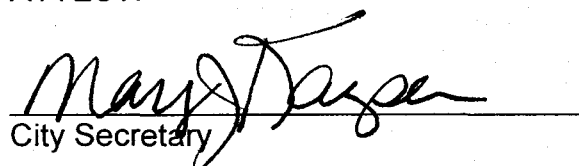
SECTION 6
EFFECTIVE DATE

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 23rd day of March 2006


MAYOR

ATTEST:


City Secretary

First Reading: 3/9/06

Exhibit A Zoning Map

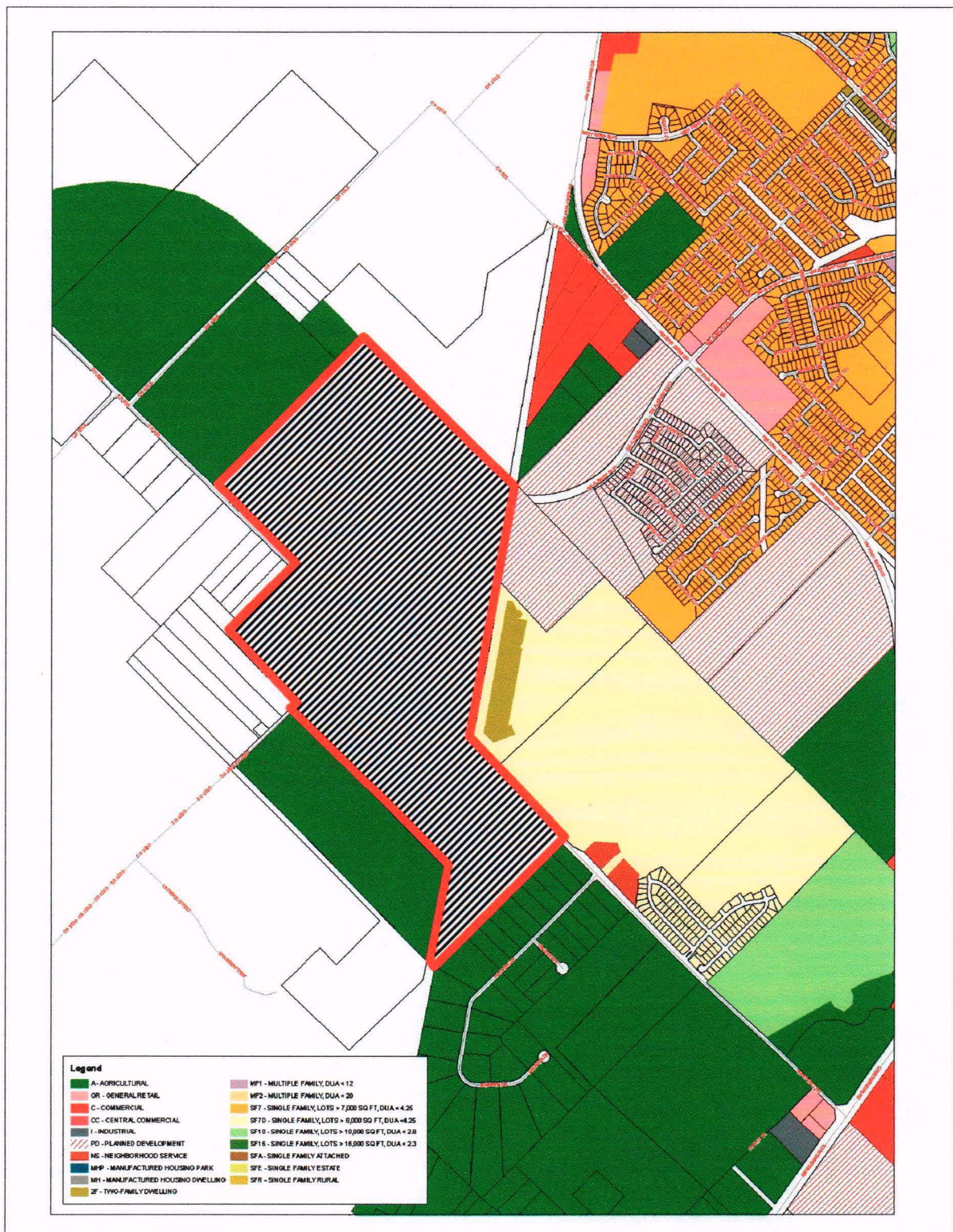


Exhibit B

Metes and Bounds Description

Being approximately 373 acres of land out of the H.G. Catlett Survey, Abstract 177; the H.G. Catlett Survey, Abstract 180; the H.G. Catlett Survey, Abstract 186; and the S.M. Blair Survey, Abstract 65, and being more particularly described as follows:

BEGINNING at the east corner of Tract 12C, HG Catlett Survey, Abstract 180, said point being in the south right-of-way line of County Road 920 (Shaffstall Road);

THENCE North 45 degrees West 1,700 feet along the south right-of-way line of County Road 920 (Shaffstall Road) to a point in the east right-of-way line of the BNSF railroad;

THENCE North 9 degrees East, following the east right-of-way line of the BNSF railroad, a distance of 3,390 feet to a point in the west line of Tract 2, SM Blair Survey, Abstract 65;

THENCE North 45 degrees West, leaving the east right-of-way line of the BNSF railroad and following the common extra-territorial jurisdiction line with the City of Fort Worth, as shown on the Official City Map dated February 13, 2003, a distance of 2,720 feet to a point, said point being on a line North 43 degrees East 370 feet from the east corner of Tract 9, HG Catlett Survey, Abstract 177;

THENCE, South 43 degrees West, leaving said point a distance of 2,670, following the south line of said Tract 9, to a point in the south right-of-way line of County Road 920 (Shaffstall Road), said point being in the north line of Tract 27A, HG Catlett Survey, Abstract 186;

THENCE South 45 degrees East 1,340 feet, following the south right-of-way line of County Road 920 (Shaffstall Road) to the northwest corner of Tract 33D, HG Catlett Survey, Abstract 186;

THENCE South 43 degrees West, leaving the south right-of-way line of County Road 920 (Shaffstall Road), a distance of 1,200 feet, following the northwest line of said Tract 33D, and passing the southwest line of said Tract 33D to a point in the southwest line of Tract 36, HG Catlett Survey, Abstract 186;

THENCE South 45 degrees East, following the southwest line of said Tract 36, a distance of 1,215 feet to a point in the northwest right-of-way line of County Road 1020;

THENCE South 45 degrees West, following the northwest right-of-way line of County Road 1020, a distance of 120 feet to a point in the southeast line of Tract 37B, HG Catlett Survey, Abstract 186;

THENCE South 45 degrees East, leaving the northwest right-of-way line of County Road 1020, and following the southwest line of Tracts 11A and 11, HG Catlett Survey, Abstract 180, a distance of 2,900 feet to the northwest right-of-way line of the BNSF railroad;

THENCE South 9 degrees West, following the northwest right-of-way of the BNSF railroad, a distance of 1,200 feet to a point, said point also being the most southerly east corner of Tract 10, HG Catlett Survey, Abstract 180;

THENCE South 68 degrees East, a distance of 100 feet to a point in the southeast right-of-way line of the BNSF railroad, said point also being the most westerly corner of Lot 11, Block 1, Tantarra Estates Addition, an addition to Johnson County, Texas, as shown on the plat recorded in Volume 8, Page 368, Plat Records, Johnson County, Texas;

THENCE North 45 degrees East, following the northwest line of said Block 1, Tantarra Estates Addition, a distance of 2,270 feet to the POINT OF BEGINNING, and containing 373 acres of land, more or less.

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF JOHNSON
CITY OF BURLESON

BEFORE ME, a notary public in and for the above named County, on this day personally appeared the person whose name is subscribed below, who having been duly sworn, says upon oath that he or she is a duly authorized officer or employee of the *Burleson Star*, which is a newspaper of general circulation in the above named County, devoting not less than 25% of its total column lineage to the carrying of items of general interest, published not less frequently than once each week, entered as periodical permit postal matter in the county where published, and having been published regularly and continuously for not less than 12 months prior to the making of any publication. The clipping attached to this Affidavit was published in said newspaper on the following date(s):

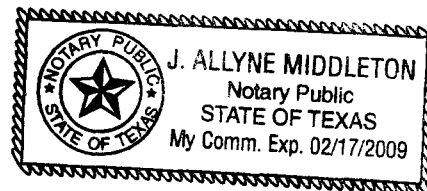
March 29 & April 2, 2006

The Mayor

Authorized Officer or Employee

SUBSCRIBED AND SWORN TO BEFORE ME on this 30 day of March, 2006

J. Allyn Middleton
J. Allyn Middleton
Notary Public



ORDINANCE

D-065-06

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 of approximately 373 acres out of the H.G. Catlett Survey, Abstracts No. 180, 186 and 177, and the S.M. Blair Survey, Abstract 65, City of Burleson, Johnson County, Texas, from the A Agricultural District to the PD Planned Development District; making this ordinance cumulative of prior ordinances; providing for the violation of this ordinance; providing a savings clause; authorizing publication; and providing for an effective date.

Be it ordained by the City Council of the City of Burleson, Texas:

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 non compliance 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 V.T.C.A. 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.

Passes and Approved on this 23rd day of March, 2006.

/s/Mayor, Ken Shetter
Attest: City Secretary,
Mary Kayser