

## ORDINANCE

AN ORDINANCE AMENDING ORDINANCES D-082-07, PD PLANNED DEVELOPMENT ZONING DISTRICT, CSO#254-06-2015, CSO#290-08-2015, AND CSO#947-12-2018 AND AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 55.7 ACRES OUT OF THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 98, CITY OF BURLESON, JOHNSON COUNTY, TEXAS; INCORPORATING THE RECITALS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, SAVINGS CLAUSE, PENALTY CLAUSE, AND 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**, on September 27, 2007, the City Council approved Ordinance D-082-07, which changed the zoning of approximately 55.7 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 98, City of Burleson, Johnson County, Texas, shown on the Zoning Map attached as Exhibit “A”, and described by metes and bounds description attached as Exhibit “B” to a PD Planned Development District; and

**WHEREAS**, on June 1, 2015, the City Council amended the PD Planned Development District in Ordinance CSO#254-06-2015; and

**WHEREAS**, on August 17, 2015, the City Council amended the PD Planned Development District in Ordinance CSO#290-08-2015; and

**WHEREAS**, on December 10, 2018, the City Council amended the PD Planned Development District in Ordinance CSO#947-12-2018; and

**WHEREAS**, an application to amend the Planned Development was filed by Ryan Lang with Sovereign Properties on behalf of RA Development, LLC, Property Owner, on April 29, 2020, under Case Number 20-038; 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;

**WHEREAS**, the Planning and Zoning Commission made a recommendation on the proposed 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

**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 of 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.**

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 amending the (PD) Planned Development district, including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

The Reed Parke Planned Development District establishes a mixed-use community located along SH 174, the central corridor through the City of Burleson, and surrounded by residential multi-family, retail and commercial uses.

The Planned Development commonly known as Reed Parke shall be subject to the following conditions:

## **REED PARKE PD DEVELOPMENT STANDARDS**

### **Section 2.**

#### **1.0 Planned Development District - Multi-Family Residential Tracts**

1.01 **General Description:** Multi-Family units are attached units. Access shall be allowed from access drives or parking areas connecting to adjacent public or private streets. Requirements for multi-family development shall be governed by standards as described below. The provisions of this section apply to Tract 2 and the Common Area/Green Space as designated on the Zoning Exhibit Concept Plan.

1.02 **Permitted Uses:** Land uses permitted with multi-family tracts are as follows:

Permitted uses as referenced below shall be permitted within Tract 2, and the Common Area/Green Space in the Planned Development District. No Single Family, Duplexes or Townhome uses will be allowed within this district.

**Permitted uses shall be as follows:**

Community Center: Private

Multiple - family

Private recreation facilities

Parks, playgrounds and neighborhood recreation facilities including but not limited to swimming pools, clubhouse facilities and tennis courts.

**Accessory uses allowed:**

Accessory building, residential

Home occupation

Off-street parking

Swimming pool - private

- 1.03 **Density:** The maximum allowed density for the entire tract will be 20 units per acre for a total of 232 units. For purposes of this section, net acreage is the total area of a tract defined and described on the Zoning Exhibit Concept Plan.
- 1.04 **Required Parking:** Parking requirements for multi-family tracts developed for multi-family use shall be as follows:
- a. One (1) off-street parking space shall be provided for each one bedroom multi-family dwelling unit.
  - b. Two (2) off-street parking spaces shall be provided for each two and three bedroom multi-family dwelling unit.
  - c. Parking shall be permitted within all required front, side and rear yard areas.
  - d. Parking and driveways shall be paved of asphalt or concrete, in accordance with paving standards established by the City of Burleson's Zoning and Subdivision Ordinances.
- 1.05 **Building Materials:** A minimum of ninety (90%) percent of the total exterior wall surfaces (with the exclusion of portals and fenestrations) of all multi-family structures shall have an exterior finish of glass, stone, man-made stone, brick, stucco utilizing a three-step process or similar materials or any combination thereof. The use of wood, cementitious fiberboard, tile or EFIS as an exterior building material shall be limited to a maximum of ten (10%) percent, excluding door and window openings of the total wall surfacing. All stairwells will be located interior to the building structures and not allowed along the exterior facade.
- 1.06 **Architectural Standards:**
- a. Windows shall be provided with trim. Windows shall not be flush with exterior wall treatment and shall be provided with an architectural surround at the jamb.

- b. Building frontages greater than one hundred (100) feet in length shall have recesses, projections, windows, arcades or other architectural features to interrupt the length of the building facade.
- c. Fronts and sides of buildings visible from the public right-of-way shall include changes in relief such as columns, cornices, bases, fenestration and fluted masonry for at least fifteen (15%) percent of the exterior wall area.

1.07 **Minimum Dwelling Size:** The minimum floor area for multi-family units as outlined in Section 21-120, Area Regulations, of the City of Burleson Zoning Ordinance, No. B-582, shall govern area requirements within Tract 2. Dwelling unit minimums shall be as follows:

- Efficiency unit, 375 square feet
- One bedroom unit, 500 square feet
- Two bedroom unit, 650 square feet
- Three bedroom unit, 800 square feet

Minimum floor area shall exclude common corridors, basements, open and screened porches or decks and garage.

1.08 **Lot Coverage:** In no case shall more than fifty percent (50%) of the total area covered by the combined area of the main buildings and accessory buildings. And buildings shall comply with those standards contained in the Burleson Zoning Ordinance.

1.09 **Front Yard:** The minimum depth of the front yard shall be fifty (50) feet.

1.10 **Side Yard:** The minimum side yard on each side of the lot shall be five (5) feet. A side yard adjacent to a street shall be a minimum of fifteen (15) feet. A building separation of ten (10) feet shall be provided between multi-family structures. Roof or eaves may overhang by four (4) feet into the side yard fronting street on corner lots only. 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.

1.11 **Rear Yard:** The minimum depth of the rear yard shall be ten (10) feet. 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.

1.12 **Building Height:** The permitted height of all multi-family structures shall not exceed three (3) stories.

1.13 **Garbage and Trash Collection:** The garbage and trash collection will be provided by a private collection service. All freestanding dumpsters shall be screened on all four sides with an opaque masonry enclosure measuring to 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 a 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.

- 1.14 **Amenity Center/Clubhouse:** The Developer for the Multi-Family Residential Tracts shall provide for an amenity center which shall include, but not be limited to, a clubhouse, a swimming pool, cabana, and landscaping to be owned, operated and maintained by the developer.
- a. The location of the amenity center shall be located on Tract 2 of the Planned Development.
  - b. The minimum square footage of the clubhouse shall be fifteen hundred (1,500) square feet providing for two (2) restrooms, two (2) offices, a kitchen, common area, storage, and a hallway.
  - c. The multi-family residents shall have access to the amenity center upon signing a rental lease and paying a deposit.
  - d. Parking for the amenity center will be provided at one (1) space for each two hundred (200) square feet of floor area. One (1) parking space will be designated as handicap.
- 1.15 **Trail Access:** Pedestrian access will be provided from this tract to the greenbelt area, walking trail, and open space.
- 1.16 **Landscaping:** Requirements for landscaping shall be in accordance with the Burleson Code of Ordinance B-726.
- 1.17 **Signage:** Requirement for signs shall be in accordance with the provisions of the Burleson Zoning Ordinance B-582.

## **2.0 Planned Development District - Townhome Residential Tracts**

- 2.01 **General Description:** Townhome units are attached units. Access shall be allowed from access drives or parking areas connecting to adjacent public or private streets. Requirements for townhome development shall be governed by standards as described below. The provisions of this section apply to Tract 6 and the Common Area/Green Space as designated on the Zoning Exhibit Concept Plan.
- 2.02 **Permitted Uses:** Land uses permitted with townhome tracts are as follows:

Permitted uses as referenced below shall be permitted within Tract 6 and the Common Area/Green Space in the Planned Development District.

**Permitted uses shall be as follows:**

Community Center: PRIVATE

Single Family Attached

Private recreation facilities

Parks, playgrounds and neighborhood recreation facilities including but not limited to swimming pools, clubhouse facilities and tennis courts.

**Accessory uses allowed:**

Accessory building, residential

Home occupation

Off-street parking

- 2.03 **Density:** The maximum allowed density for the entire tract will be 12.0 units per acre for a total of 109 units. For purposes of this section, net acreage is the total area of a tract defined and described on the Zoning Exhibit Concept Plan.
- 2.04 **Required Parking:** Parking requirements for townhome tracts developed for townhome use shall be in accordance with Article IV, Section 37-105, Vehicle Parking Regulations of the City of Burleson Ordinance, B-582. In addition, the following requirements shall be adhered to:
- a. A parking space will be defined as any 9' x 18' paved surface within a driveway or any garage space. Driveway access shall be from streets and/or alleys.
  - b. One (1) off-street parking space shall be provided for each one bedroom townhome dwelling unit.
  - c. Two (2) off-street parking spaces shall be provided for each two and three bedroom townhome dwelling unit.
  - d. Parking shall be permitted within all required front, side and rear yard areas.
  - e. Boat and RV parking are prohibited.
  - f. Single car garages are required.
  - g. Parking and driveways shall be paved of asphalt or concrete, in accordance with paving standards established by the City of Burleson's Zoning and Subdivision Ordinances.
- 2.05 **Alleys:** A fourteen (14) foot paved alley within a twenty (20) foot alley access easement or right-of-way shall be established along the rear of townhome lots if required for access. Any lots adjacent to the floodplain will have access from an internal street and their front yards will face the floodplain and therefore not be entitled to a rear alley. Any lots having double frontage will not require an alley but have access from the rear street.
- 2.06 **Building Materials:** A minimum of ninety (90%) percent (with the exclusion of portals and fenestrations) of the total exterior wall surfaces of all townhome structures shall have an exterior finish of glass, stone, man-made stone, brick, stucco utilizing a three-step process or similar materials or any combination thereof. The use of wood, cementitious fiberboard, tile or EFIS as an exterior building

material shall be limited to a maximum of ten (10%) percent, excluding door and window openings of the total wall surfacing. At least one of the following architectural elements shall be utilized and may be built into the building line:

- a. Porch
- b. Stoop
- c. Bay Window
- d. Balcony
- e. Masonry Clad Chimney
- f. Attached pergola or colonnade

An enclosed garage or carport shall be designed and constructed of the same type material as the primary building.

- 2.07 **Minimum Dwelling Size:** The minimum floor area for townhome units, shall govern area requirements within Tract 6. Dwelling unit minimums shall be as follows:

One bedroom unit, 500 square feet  
Two bedroom unit, 650 square feet  
Three bedroom unit, 800 square feet

Minimum floor area shall exclude common corridors, basements, open and screened porches or decks and garage.

- 2.08 **Contiguous Dwelling Units:** There shall be no fewer than four (4) and no more than six (6) townhome units attached in a single building.

- 2.09 **Lot Area:** The minimum area of any lot shall be two thousand (2,000) square feet.

- 2.10 **Lot Coverage:** In no case shall more than fifty (50%) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. And buildings shall comply with those standards contained in the Burlson Zoning Ordinance.

- 2.11 **Lot Width:** The width of any lot shall not be less than twenty (20) feet.

- 2.12 **Lot Depth:** The minimum depth of any lot shall not be less than one hundred (100) feet.

- 2.13 **Front Yard:** The minimum depth of the front yard shall be twenty (20) feet.

- 2.14 **Side Yard:** A side yard adjacent to a street shall be a minimum of fifteen (15) feet. A building separation of ten (10) feet shall be provided between townhome structures. Roof or eaves may overhang by four (4) feet into the side yard fronting street on corner lots only. 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.

- 2.15 **Rear Yard**: The minimum depth of the rear yard shall be ten (10) feet. 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.
- 2.16 **Building Height**: The permitted height of all townhome structures shall not exceed two (2) stories.
- 2.17 **Garbage and Trash Collection**: The units will be individually addressed and will therefore have residential pickup of household trash.
- 2.18 **Trail Access**: Pedestrian access will be provided from this tract to the greenbelt area, walking trail and open space.
- 2.19 **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 and private rights-of-way. Lots with double frontage will have trees on both frontages.
- 2.20 **Landscaping**: Requirements for landscaping shall be in accordance with the Burleson Code of Ordinance B-726.
- 2.21 **Signage**: Requirement for signs shall be in accordance with the provisions of the Burleson Zoning Ordinance B-528.
- 2.22 **Maintenance of Facilities**: The developer shall establish, with the final plat submittal, a Home Owners Association, that will be responsible for the improvement and maintenance of all common areas and/or common facilities contained within the area of the development plan that is being platted. The developer shall submit for review and consideration by the Burleson City Council subdivision covenants relating to the fee collection for the maintenance of the open spaces. In the event the owners association does not maintain the grounds, the City has the right, but not the obligation, to assume maintenance responsibilities and collect the cost of maintenance from the homeowners. Said owner's association will be established on or before a final plat is recorded.

### **3.0 Planned Development District - Retail Tracts**

- 3.01 **General Description**: The purpose of this district is for Retail uses as specifically stated in this Ordinance. Access shall be allowed from access drives or parking areas connecting to adjacent public or private streets. Requirements for retail development shall be governed by standards as described below. The provisions



of this section apply to Tract 1 and 4 and the Common Area/Green Space as designated on the Zoning Exhibit Concept Plan.

3.02 **Permitted Uses:** Land uses permitted with Retail tracts are as follows:

1. **Permitted uses shall be as follows:**

- a. All uses allowed in Commercial zoning district
- b. Automobile oil change and lubrication shop
- c. Automobile truck rental service
- d. Automobile sales or leasing
- e. Batting cages
- f. Retail services
- g. Retail good sales
- h. Art, furniture or electronics studio (retail, repair or fabrication)
- i. Restaurant, café, bakery, deli or coffee shop. Beer, wine or other alcoholic beverage on premises sales in conjunction with a restaurant
- j. Coffee roasting
- k. Movie and/or performance theater
- l. Museum or philanthropic theater
- m. Fraternal or other private social club
- n. Structured parking garage provided that the frontage on the ground floor addressing the primary street is another use delineated herein
- o. Hotel
- p. Bed and breakfast
- q. Professional offices
- o. Health services office, clinic or medical/dental laboratory
- p. Governmental/civic offices
- q. Farmer's market, parade, cultural events (requires special use permit)
- r. Convenience store (with or without automotive fuel sales) with beer and wine sales

2. Buildings within the Commercial district shall comply with those standards contained in the Burleson Zoning Ordinance.

3. Prohibited Uses - Uses not specifically enumerated in the Planned Development 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 industrial, heavy manufacturing, and warehousing.

**Non-Permitted uses shall be as follows:**

- a. Electrical substation or transmission
- b. Natural gas regulating station
- c. Truck/trailer parking lot
- d. Sewage pumping station
- e. Telephone exchange, switching, relay or transmission station

- f. Water pumping station
- g. Water storage station

- 3.03 **Lot Area**: The minimum area of any lot shall be thirty thousand (30,000) square feet.
- 3.04 **Lot Coverage**: In no case shall more than sixty-five (65%) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- 3.05 **Lot Width**: The width of any lot shall not be less than one hundred (100) feet.
- 3.06 **Lot Depth**: The minimum depth of any lot shall not be less than one hundred fifty (150) feet.
- 3.07 **Front Yard**: The minimum depth of the front yard shall be twenty-five (25') feet. Fuel Multiple Pump Dispensers (MPD) may not be located closer than eighteen (18) feet to the front property line nor shall a canopy be located closer than ten (10) feet to the front property line.
- 3.08 **Side Yard**: A side yard adjacent to a street shall be a minimum of fifteen (15) feet. A building separation of ten (10) feet shall be provided between building structures. 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.
- 3.09 **Rear Yard**: The minimum depth of the rear yard shall be zero (0) feet. 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.
- 3.10 **Building Height**: The permitted height of all building structures shall not exceed two (2) stories.
- 3.11 **Café Seating**. Outdoor Café seating for restaurant, café, deli or coffee shop uses shall be limited to the buildings 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 by the City Council.
- 3.12 **Required Parking**: Parking requirements for retail shall be as required by the Burleson Zoning Ordinance B-582.
- 3.13 **Building Materials**:

1. Permitted Finishes - At least seventy-five (75%) percent of each facade 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, glass, block and/or tile.
  - b. Exterior Insulating Finishing System (EFIS) as an accent (abuse resistant EIFS above eight (8) feet above ground).
  - c. Split faced 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 have reveals, punch-outs or other similar surface characteristics to enhance the facade on at least twenty five (25%) percent of each facade.
  - 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 facade faces an alley or is not viewable from a public street or right-of-way.
2. Unless a specific exception is granted by the City Council at the time of concept plan approval, materials for institutional buildings shall have the same as those for office and retail development. One exception centers on the use of stucco for Romanesque and Spanish Colonial styles. Since churches and schools are permitted within residential zoning districts, the City may, at the time of site plan approval, allow stucco by special use permit. Therefore, when stucco is permitted in these styles, terra cotta and burnt terra cotta tile roofs would be architecturally consistent. Reflective material may be appropriate for the spires and domes of landmark institutional buildings, if approved by the Burleson City Council at the time of concept plan approval.
- 3.14 **Signs.** Signs attached to walls shall consist of individually mounted channel letters. There shall be no restriction on the form they take, or on their typestyle, but colors should be restrained and, in unified developments, the same. Back-lit plastic in white, black or neutral colors is appropriate, as well as back-lit metal in natural finishes or painted in white, black or neutral colors.
- 3.15 **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. For example, if the majority is a deep solid, the trim shall be a neutral solid. If the majority is a neutral solid, the trim shall be a deep solid. Awnings shall not be back-lit. Lettering and logos shall be limited to a monogram.

- 3.16 **Lights.** Parking lot light standards shall not exceed 30 feet in height.
- 3.17 **Roofs.** Flat roofs and parapet walls around flat roofs shall have a cornice, cap or other detail with a vertical dimension equal to at least 3% of the height of the building. Pitched roofs shall have roofing material of a lusterless neutral color. Green colors shall be limited to dark forest greens, slate greens, pale bluish-gray greens and copper patinas. Metal roofs shall be standing seam either with a baked-on lusterless finish made of copper.
- 3.18 **Landscaping.** Requirements for landscaping shall be in accordance with the Burleson Code of Ordinance B-726.
- 3.19 **Dumpster Screening.** All freestanding dumpsters shall be screened on all four sides with an opaque masonry enclosure measuring to height at least six (6) inches above the top of the dumpster.
- 3.20 **Trail Access:** Pedestrian access will be provided from this tract to the greenbelt area, walking trail, open space and to the existing retail tracts at SH 174 and FM 731.

#### **4.0 Planned Development District - General Office Tracts**

- 4.01 **General Description:** The purpose of this district is for General Office uses as specifically stated in this Ordinance. Access shall be allowed from access drives or parking areas connecting to adjacent public or private streets. Requirements for retail development shall be governed by standards as described below. The provisions of this section apply to Tract 3 and 5 and the Common Area/Green Space as designated on the Zoning Exhibit Concept Plan.
- 4.02 **Permitted Uses:** Land uses permitted with Office tracts are as follows:
1. **Permitted uses shall be as follows:**
    - a. All uses allowed in Commercial zoning district
    - b. Automobile truck rental service
    - c. Restaurant, café, bakery, deli or coffee shop
    - d. Beer, wine or other alcoholic beverage on premises sales in conjunction with a restaurant
    - e. Movie and/or performance theater
    - f. Structured parking garage
    - g. Hotel
    - h. Health services office, clinic or laboratory
    - i. Vehicle automobile sales or leasing
  2. Buildings shall comply with those standards contained in the Burleson Zoning Ordinance.

3. Prohibited Uses - Uses not specifically enumerated in the Reed Parke 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 industrial, heavy manufacturing, and warehousing.

**Non-Permitted uses shall be as follows:**

- a. Airport or landing field
  - b. Bus station or terminal
  - c. Sewage pumping station
- 4.03 **Lot Area**: The minimum area of any lot shall be thirty thousand (30,000) square feet.
  - 4.04 **Lot Coverage**: In no case shall more than sixty-five (65%) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.
  - 4.05 **Lot Width**: The width of any lot shall not be less than one hundred (100) feet.
  - 4.06 **Lot Depth**: The minimum depth of any lot shall not be less than one hundred fifty (150) feet.
  - 4.07 **Front Yard**: The minimum depth of the front yard shall be twenty (20) feet.
  - 4.08 **Side Yard**: A side yard adjacent to a street shall be a minimum of fifteen (15) feet. A side yard when adjacent to a residential lot shall be ten (10) feet. A building separation of ten (10) feet shall be provided between building structures. 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.
  - 4.09 **Rear Yard**: The minimum depth of the rear yard shall be ten (10) feet when adjacent to residential otherwise, it is zero (0) feet. 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.
  - 4.10 **Café Seating**. Outdoor Café seating for restaurant, café, deli or coffee shop uses shall be limited to the building's private frontage.
  - 4.11 **Required Parking**: Parking requirements for retail shall be as required by the Burleson Zoning Ordinance.

4.12 **Building Materials:**

1. Permitted Finishes - At least eighty (80%) percent 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, glass, block and/or tile
  - b. Exterior Insulating Finishing System (EIFS) as an accent (abuse resistant EIFS above eight (8) feet above ground)
  - c. Split faced 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 have reveals, punch-outs or other similar surface characteristics to enhance the facade on at least twenty-five (25%) percent of each facade.
  - 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 facade faces an alley or is not viewable from a public street or 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. One exception centers on the use of stucco for Romanesque and Spanish Colonial styles. Since churches and schools are permitted within residential zoning districts, the City may, at the time of site plan approval, allow stucco by special use permit. Therefore, when stucco is permitted in these styles, terra cotta and burnt terra cotta tile roofs would be architecturally consistent. Also, reflective material may be appropriate for the spires and domes of landmark institutional buildings, if approved by the Burleson City Council at the time of site plan approval.

4.13 **Signs.** Signs attached to walls shall consist of individually mounted channel letters. There shall be no restriction on the form they take, or on their typestyle, but colors should be restrained and, in unified developments, the same. Back-lit plastic in white, black or neutral colors is appropriate, as well as back-lit metal in natural finishes or painted in white, black or neutral colors.

4.14 **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. For example, if the majority is a deep solid, the trim shall be a neutral solid. If the majority is a

neutral solid, the trim shall be a deep solid. Awnings shall not be back-lit. Lettering and logos shall be limited to a monogram.

- 4.15 **Lights.** Parking lot light standards shall not exceed 30 feet in height.
- 4.16 **Roofs.** Flat roofs and parapet walls around flat roofs shall have a cornice, cap or other detail with a vertical dimension equal to at least 3% of the height of the building. Pitched roofs shall have roofing material of a lusterless neutral color. Green colors shall be limited to dark forest greens, slate greens, pale bluish-gray greens and copper patinas. Metal roofs shall be standing seam either with a baked-on lusterless finish made of copper.
- 4.17 **Landscaping.** Requirements for landscaping shall be in accordance with the Burleson Code of Ordinance B-726.
- 4.18 **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.
- 4.19 **Building Height.**
1. On tract 5 as referenced within Exhibit “A”, buildings may not exceed four (4) stories in height.
  2. On tract 3, buildings may not exceed four (4) storied in height. Up to an additional two (2) stories may be constructed if structured parking is utilized and at least five (5) of the eight (8) following elements are utilized.
    - a. patio/café seating to accommodate a minimum of twenty (20) persons
    - b. plaza or courtyard of six hundred (600 sf) square feet or more
    - c. one (1) water feature/fountain
    - d. two (2) bicycle racks
    - e. Overhangs providing shade/colonnade
    - f. Recessed front entryway of at least forty (40) square feet
    - g. Sculpturing of the ground floor, utilizing cornices, corbelling, molding, string coursing, change in materials and/or change in color
    - h. Recessed windows, arches, pediments or mullions to distinguish windows
- 4.20 **Trail Access:** Pedestrian access will be provided from this tract to the greenbelt area, walking trail, open space and to the existing retail tracts at SH 174 and FM 731.

## **5.0 Planned Development District - Greenbelt Tract**

- 5.01 **General Description:** The purpose of this district is for greenbelt and open space uses as specifically stated in this Ordinance. Access shall be allowed from access

drives or easements, parking areas, rights-of-way, adjacent properties, greenbelts, common areas, floodplains or floodways. Requirements for any improvements shall be governed by standards as described below or as later determined by the City of Burleson Parks Department. The provisions of this section apply to Tract 7 as designated on the Zoning Exhibit Concept Plan.

5.02 **Permitted Uses:** Land uses permitted within the Greenbelt tract is as follows:

1. **Permitted uses shall be as follows:**
  - a. All uses allowed by the City of Burleson Parks Department
  - b. Walking trail
  - c. Landscaping
  - d. Buildings for storage of maintenance equipment
  - e. Walk trail bridge
  - f. Flood control features such as ponds, structures, dams or aeration devices
  - g. Fencing such as ball park backstops
  - h. Underground utilities and above ground lighting
  - i. Appurtenances for the facilitation of playgrounds and play fields.
  - j. Tot lot play equipment
  - k. Retaining walls
  - l. Additional uses as periodically approved by City officials
  
2. **Prohibited Uses** - Uses not specifically enumerated in the Reed Parke 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 industrial, heavy manufacturing, and warehousing.

**Non-Permitted uses shall be as follows:**

- a. Permanent buildings other than those listed above
- b. Businesses
- c. Parking lot

5.03 **Required Parking:** Parking requirements shall be as required by the Burleson Zoning Ordinance B-528.

5.04 **Landscaping.** Requirements for landscaping shall be in accordance with the Burleson Code of Ordinance B-726.

5.05 **Signage.** Requirements for signs shall be in accordance with the provisions of the Burleson Zoning Ordinance B-528.

5.06 **Trail System:** A trail will be connected through the greenbelt tract from the north side of the tract to the south and connect the west side with the east. If necessary a walking bridge will be utilized to cross the floodway.



## 6.0 Planned Development District - Miscellaneous

- 6.01 **Cross Access:** All tracts within this Planned Development shall be designed to allow pedestrian, vehicular and utility cross access. In the case where multi-family is adjacent to retail or general office then pedestrian and utility access will be provided and vehicular cross access will be provided but vehicular access gates may be utilized.
- 6.02 **Protected Tree:** A tree that the City of Burleson has determined to be worthy of preserving and has a diameter of six (6) inches or greater. Protected trees shall include the following:

### *Canopy Trees*

Bald Cypress  
Bigtooth Maple  
Bur Oak  
Caddo Maple  
Chinese Pistache  
Lacebark Elm  
Osage Orange  
Pecan  
Shumard Oak  
Southern Live Oak  
Southern Magnolia  
Texas Red Oak

### *Ornamental Trees*

Afghan Pine  
Eastern Red Cedar  
Eve's Necklace  
Flowering Crabapple  
Forest Pansy Redbud  
Little Gem Magnolia  
Japanese Maple  
Mexican Plum  
Oklahoma Redbud  
Ornamental Pear  
Western Scrapberry

The above listed protected trees with a diameter of six (6) inches or greater may not be cut, cleared or removed for areas located within the floodway portions of the property as shown on Exhibit C of this ordinance, without prior approval from the City of Burleson.

No tree survey shall be required, however, any removal of a protected tree(s) with a diameter of six (6) inches or greater, located outside of the floodway, shall be documented by the developer and reported to the City of Burleson in order to determine any necessary replenishment. Replenishment of protected trees in this area shall be at a ratio of one (1) inch diameter of trunk (replenishment) to two (2) inches diameter of trunk (removed). All replenished trees shall be of the same species as those protected tree(s) which had been removed. All replenished trees will be credited toward those trees required by the landscape ordinance.

- 6.03 **Buffering and Screening Requirements:** A buffer is required based on the following uses being adjacent.

#### 1. **Types of Buffers**

- a. Non-residential uses adjacent to residential uses or zoning districts.

- b. Multi-family uses adjacent to single-family residential uses or zoning districts.
2. **Design Requirements:** Any of the following or combination may be used to create a minimum six (6) foot high screen;
- a. Fencing
    - 1. Walls shall be made of any combination of wrought iron, masonry, stone or decorative concrete panels with the exception as shown in 6.03 paragraph 3, Greenbelt Screening of this ordinance.
    - 2. Decorative stone, masonry or stucco pilasters are required at a minimum of fifty (50) feet on center.
    - 3. The use of a cap is strongly encouraged with other design elements to modulate the top of the wall.
    - 4. A minimum of ten (10) foot landscaped area with one (1) tree for every thirty (30) linear feet.
  - b. Vegetative buffer
    - 1. The buffer width is a minimum of thirty (30) foot wide.
    - 2. Existing and proposed vegetation is a minimum of fifty (50%) percent opaque.
  - c. Berms
    - 1. A maximum of 1 to 4 side slope facing the residential use of zoning district with a minimum of an eight (8) foot wide top.
    - 2. The minimum quantity of plant material shall be calculated as follows:
      - (ii) One (1) large tree per thirty (30) linear feet, plus
      - (iii) Two (2) small trees per thirty (30) linear feet, plus
      - (iv) Ten (10) shrubs per thirty (30) linear feet.
3. **Greenbelt Screening:** Where residential uses abut the greenbelt tract, the developer of such uses will orient the uses so that the frontage between the residential tracts and the greenbelt tract shall be open to pedestrian and recreational activity. In the event that the developer requests a fence adjacent to the greenbelt tract for a portion of the frontage, the fence shall be approved by the City Council as part of the Concept Plan approval process and shall be constructed of a combination of wrought iron appearance steel with masonry columns as approved by the City Council.



(Example) Wrought iron appearance fencing with masonry columns

6.04 **Lighting**: Requirements for lighting will be in accordance with the City of Burleson Codes.

6.05 **Conveyance Plat**: A Conveyance Plat is a boundary survey drawn as a plat. Easements, dedications and reservations may be recorded on a conveyance plat. Engineering plans are not required to process a conveyance plat, unless the developer plans to construct limited improvements on the property. Development fees are not collected at the time of conveyance plat approval.

1. **Purpose**: A conveyance plat may be used solely for the purpose of subdividing land and the recording of same, or recording a single existing lot or parcel created by other means. A conveyance plat may be used to convey the property or interests therein; however, a conveyance plat does not constitute approval for development of the property. A conveyance plat is an interim step in the subdivision of land and shall contain a notation that indicates that no development is intended.
2. **Applicability**: A conveyance plat may be used in lieu of a final plat to record the subdivision of property, provided that no portion of the development is intended for immediate development.
3. **Fees**: The conveyance plat application fees will be based on the fee for the final plat approval process as approved in the fee schedule for the City of Burleson.
4. **Filing**: No final plat processed and approved in association with a conveyance plat shall be filed without the concurrent filing of the associated approved conveyance plat.
5. **Effect of Approval**:
  - a. Conveyance plat approval and acceptance by the City does not relieve the owner from obligations, including fees, required by other sections of this PD Ordinance or any other Chapter of the City Code pertaining to the improvement of the property or extension of services as required to make the property suitable for development.

- b. Neither reservation nor dedication of right-of-way shall relieve the property owner from any obligation for street construction or assessments associated with public street improvement programs. Easements for access, utilities and drainage may be recorded on conveyance plats.
- c. No building permits shall be issued nor development begin, nor permanent utility service provided for land which has only received approval as a conveyance plat. This information shall be set forth in bold type on the plat.
- d. A conveyance plat may be vacated, replatted or superseded in total or in part by thorough compliance with the procedures and requirements of the City of Burleson Subdivision Regulations under Ordinance B-622.

## 5. Conveyance Plat Requirements

- a. Application. The property owner shall submit an application for a conveyance plat, together with other supporting documents and fees, to the planning director. A conveyance plat shall contain such information that may be required by the Development Review Committee which is reasonably necessary to review and determine whether the proposed development and required facilities meet the requirements of this subsection.
- b. The conveyance plat shall show the following:
  - 1. A written legal description of the entire property by metes and bound on the face of the plat, with bearings and distances referenced to survey lines and established subdivisions. The primary control points or monuments with descriptions and “ties” to such controls which all dimensions, angles, bearing and similar data on the plat shall be referred.
  - 2. Tract boundary line(s) sufficient to locate the exact area proposed for subdivision and property lines of all lots and other sites; with accurate dimensions, bearing or deflection angles and radii, arcs and central angles of all curves, the location of the city limits line, the limits of extraterritorial jurisdiction and the county line, if applicable.
  - 3. A number to identify each lot or site and each block.
  - 4. Purposes for which sites, other than residential lots, are dedicated or reserved.

5. Reference to recorded subdivision plats or adjoining land by record name, i.e. tract number, volume and page.
6. The original survey title and abstract number.
7. The title, graphic and written scale and north arrow.
8. The location of the point to intersection and points of tangency of street intersections, other than right angle intersections.
9. A title, positive reference and identification of the plat and general location sketch map and date of plat.
10. Reservation of rights-of-way. Conveyance plats must identify any future rights-of-way for public thoroughfares and streets specified on the City's thoroughfare plan. The identification of the right-of-way does not grant any right or interest in the property to the City or other entity. The final alignment may be adjusted upon final platting in order to meet engineering design standards.
11. Dedication of rights-of-way. Dedication of right-of-way shall be required where a conveyance plat is used to record the remainder of a tract created by the final platting of a portion of the property. The required right-of-way dedication shall be limited to that which is necessary to provide access to the property proposed for final plat approval and to complete turn lanes, intersections and transitions in road pavement width resulting from development of property proposed for final plat approval.
12. Note of non-development. A note stating that the conveyance plat may not be utilized for the development of property and the issuance of building permits will be required to be placed on the face of the plat.
13. Owner's certificate or deed of dedication (to be placed on the plat. The dedication deed or certificate of dedication shall be executed by all persons, firms, or corporations owning an interest in the property subdivided or platted and shall be acknowledged in the manner prescribed by the laws for the State of Texas for the conveyance of real property. The dedication deed or certificate of dedication shall, in addition to the above requirements contain the following:
  - a. An accurate description of the tract of land subdivided.

- b. A statement and express representation that the parties joining in such dedication are the sole owners of the such tract o land.
- c. An express dedication without reservation to the dedication to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone.

14. The surveyor's certificate and seal with signature, shall be placed on the transparent copies of the final plat.

15. A certificate of approval by the city council and planning and zoning commission (to be placed on the plat along with the date of approval.

## **6. Approval Procedure.**

- 1. Conveyance plats shall be approved by the Planning and Zoning Commission and the City Council provided they comply with all requirements of this ordinance and the City of Burleson Subdivision Regulations under Ordinance B-622.
- 2. Signing and filing. After the approval of the conveyance plat by the City Council, the property owner or his engineer shall submit the required number of copies for filing to the City for filing with the county. Having submitted all copies and fees, the owner may request a delay of filing for up to one hundred eighty (180) days from the date of approval. Any conveyance plat which has not been filed with the county within one hundred eighty one (181) days of the date of approval shall be void. Prior to filing with the county the property owner may withdraw and void a conveyance plat. Any conveyance plat withdrawn or voided must be resubmitted under current regulations and procedures and reapproved by the Planning and Zoning Commission and the City Council and filed with the county. Prior to filing, the Mayor and City Secretary shall be authorized to execute the conveyance plat. The City engineer shall

forward one (1) copy of the recorded conveyance plat to the property owner.

6.06 **Concept Plan:** A Concept Plan will be submitted before or at the same time as the preliminary plat for each individual lot and will consist of the following elements:

1. *Acreage.* The acreage in the plan as shown by a surveyor, certified by a registered surveyor.
2. *Land Uses.* Permitted uses, specified in detail as determined by this ordinance.
3. *Off-site information.* Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses and facilities.
4. *Traffic and transportation.* The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.
5. *Buildings.* The location, maximum height, and minimum setbacks for all buildings, including typical elevations showing architectural features.
6. *Residential development.* The number, location, and dimensions of the lots, the minimum setbacks. The number of dwelling units, and number of units per acre (density).
7. *Water and drainage.* The location of all creeks, ponds, lakes, detention facilities, floodplains or other water retention or major drainage facilities and improvements.
8. *Utilities.* The location and route of all major sewer, water, and facilities necessary to serve the lot.
9. *Tree Retention.* The location of tree masses that will be retained upon completion of the development.
10. *Open space.* The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be used for public or private use.
11. *Screening.* The location, type, and size of all fences, berms, or screening featuring features proposed between different land uses or adjacent properties.
12. *Signs.* The location and typical design of any monument, pole, or other signage.
13. *Sidewalks and bike paths.* Sidewalks or other improved ways for pedestrian or bicycle use.
14. *Conceptual building elevations.* Example building elevations demonstrating the architectural features and character and exterior materials typical of each proposed land use.

The concept plan shall be reviewed by the City of Burleson Development Assistance Committee and approved by the Planning and Zoning Commission and City Council. Approval of the Concept Plan shall not constitute approval of the Commercial Site Plan as required by the zoning ordinance. The City Council may require additional information as necessary to clarify the proposed development.

### **Section 3.**

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.**

The recitals set forth above are incorporated into the body of this ordinance as if fully set forth herein.

### **Section 5.**

That 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 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.**

Any complaint, notice, notice of violation, action, cause of action, hearing request, appeal, or claim which prior to the effective date of this ordinance that has been initiated or arisen under or pursuant to any other ordinance(s) shall continue to be governed by the provision of that ordinance or ordinances, and for that purpose that ordinance or ordinances shall be deemed to remain and shall continue in full force and effect.

### **Section 8.**



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 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\_\_\_\_\_.

\_\_\_\_\_  
Ken Shetter, Mayor  
City of Burleson, Texas

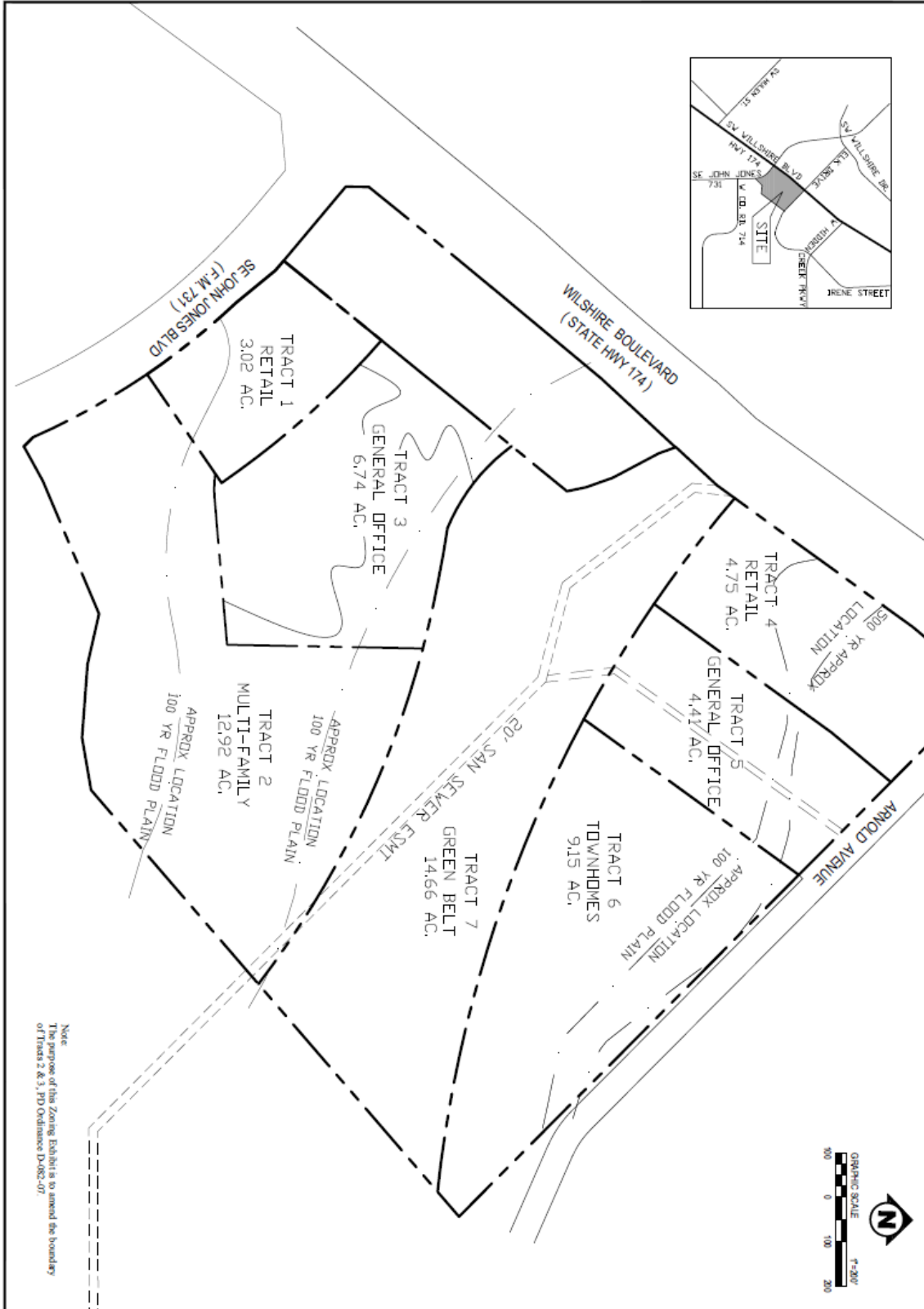
ATTEST:

APPROVED AS TO FORM & LEGALITY:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney

# EXHIBIT A Zoning Exhibit Development Plan



Note  
The purpose of this Zoning Exhibit is to amend the boundary  
of Tracts 2 & 3, PD Ordinance D-082-07

**EXHIBIT B**  
**Metes and Bounds**

DESCRIPTION OF PROPERTY

EXHIBIT B – Metes and Bounds Description

BEING a tract of land situated in the B.B.B.& C.R.R. SURVEY, ABSTRACT No. 98, City of Burleson, Johnson County, Texas and being a portion of that certain tract of land described in deed to Darlyn Jimenez, recorded in Volume 2810, Page 785, Deed Records, Johnson County Texas, and a portion of that certain tract of land described in deed to A. David Jimenez, and Edgar J. Jimenez, recorded in Volume 1845, Page 221, Deed Records, Johnson County, Texas and all of that certain tract of land described in deed to A. David Jimenez, and Edgar J. Jimenez, recorded in Volume 1923, Page 880, 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 Northerly corner of said Jimenez Tract, lying in the Southeast right-of-way line of State Highway 174, and lying in the Southwest right-of-way line of Arnold Avenue as shown on plat recorded in Volume 8, Page 163, Plat Records, Johnson County, Texas;

THENCE along the Northeast boundary line of said Jimenez Tract as follows:

S 44° 56' 35" E, at 596.61 feet passing a 5/8-inch iron rod found and continuing in all a total distance of 748.22 feet to 1/2-inch iron rod set;

THENCE S 44° 47' 51" E, 936.69 feet to a 1/2-inch iron rod set;

THENCE S 49° 39' 54" W, 1271.69 feet departing aforesaid boundary line to a 1/2-inch iron rod found at the Northeast corner of Lot 1, Block 1, Westside Baptist Church Addition to the City Burleson, Texas, according to the plat recorded in Volume 4, Page 76, Plat Records, Johnson County, Texas;

THENCE along the common boundary line between said Jimenez Tract and said Westside Baptist Church Addition as follows:

S 81° 22' 37" W, 120.21 feet to a 1/2-inch iron rod found;

N 85° 31' 19" W, 165.60 feet to a 1/2-inch iron rod set;

N 76° 57' 32" W, 116.19 feet to a 5/8"-iron rod found;

S 67° 30' 20" W, 325.20 feet to a 1/2-inch iron rod set;

S 61° 27' 20" W, 88.39 feet to a 1/2-inch iron rod set in the Easterly right-of-way line of F.M. Highway 731 and from which a 5/8-inch iron rod found bears S 45° 21' 05" E, 45.30 feet;

THENCE along the said Easterly right-of-way line of F.M Highway 731 as follows:

N 45° 21' 05" W, 26.03 feet to a point lying on a Curve to the Left;

NORTHWESTERLY, 555.24 feet along said Curve to the Left, having a radius of 1618.40 feet, a central angle of 19°39' 25" and a chord bearing N 33° 08' 11" W, 552.52 feet to a Texas Department of Transportation monument found at the End of said Curve;

N 38° 58' 57" W, 113.44 feet to a Texas Department of Transportation monument found;

N 47° 34' 07" W, 29.52 feet to a 1/2-inch iron rod set at the most Southerly corner of aforesaid Four Corners Addition Phase 1;

THENCE N 39° 33' 08" E, 401.75 feet along the Southeast boundary line of said Four Corners Addition Phase 1 to a 1/2-inch iron rod found at the most Easterly corner thereof, being the most Southerly corner of Four Corners Addition Phase 2, an addition to the City of Burleson, Texas according to the plat recorded in Volume 9, Page 472, Plat Records, Johnson County, Texas;

THENCE N 39° 34' 35" E, 420.77 feet along the Southeast boundary line of said Four Corners Addition Phase 2, to a point in a creek at the most Easterly corner thereof;

THENCE along the East boundary line of said Four Corners Addition Phase 2 with said creek as follows:

N 11° 07' 06" W, 43.94 feet to a point;

N 19° 05' 13" W, 63.60 feet to a point;

N 27° 29' 37" W, 117.23 feet to a point;

N 19° 23' 13" W, 41.08' to a point in the aforesaid Southeast right-of-way line of State Highway 174;

THENCE along said the said Southeast right-of-way line of State Highway 174 as follows:

N 43° 16' 11" E, 126.31 feet to a 1/2-inch iron rod set;

N 36° 05' 54" E, at 117.75 feet passing a 3/8-inch iron rod found and continuing in all a total distance of 545.40 feet to a 1/2-inch iron rod found;

N 39° 57' 03" E, 210.22 feet to the PLACE OF BEGINNING, containing 55.700 acres of land.

# EXHIBIT C Tree Protection Area Map

