

RESOLUTION

A RESOLUTION OF THE CITY OF BURLESON, TEXAS ADOPTING GUIDELINES AND CRITERIA FOR CITY PARTICIPATION OR INCENTIVES FOR MASTER PLANNED COMMUNITIES.

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, the City of Burleson has large tracts of undeveloped land, particularly on the western side of the City; and

WHEREAS, the construction of Chisholm Trail Parkway on the western boundary of the City has made development of this area more feasible with respect to access than it has been in the past; and

WHEREAS, master planned communities are desirable to the City Council; and

WHEREAS, City Council recognizes that successful master planned communities will likely be a partnership between the City and developers, and that City funding participation or incentives may be required; and

WHEREAS, on April 28, 2020, City Council held a special session in which staff presented elements of Master Planned Communities and participation and incentive strategies and Council directed staff to create a policy.

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

Section 1

That the City Council hereby adopts *City of Burleson Guidelines and Criteria for City Participation or Incentives for Master Planned Communities* (Exhibit A) for the purpose of establishing desirable elements within Master Planned Communities and strategies for achieving the elements through City participation in construction of public infrastructure or other incentive methods. The recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

Section 2

This Resolution shall become effective from and after its date of passage in accordance with law.

PASSED AND SO RESOLVED by the City Council of the City of Burleson, Texas, this _____ day of _____, 2020:

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

**CITY OF BURLESON
GUIDELINES AND CRITERIA FOR
CITY PARTICIPATION OR INCENTIVES FOR
MASTER PLANNED COMMUNITIES**

**SECTION 1
OVERVIEW**

The City of Burleson has many high-quality subdivisions throughout the City. While these subdivisions are attractive, many are lacking a sense of community that could be provided if they were designed to integrate amenities into a cohesive package. Master planned communities (MPCs) throughout the region and state have a sense of vitality and community that can attract residents as well as businesses to the City. The City Council desires to create a policy that will incentivize developers to take their developments to the next level.

**SECTION 2
PURPOSE AND OBJECTIVES**

The purpose of this document is to develop guidelines and criteria for City participation in the creation of master planned communities. Following is a list of general objectives related to the development of master planned communities.

- A mix of uses – residential of varied sizes/types, appropriate commercial uses, community uses, parks/open space and recreation uses
- A theme that integrates the various amenities throughout the development
- Robust community amenities, such as an amenity center, generous landscaping and buffers, enhanced trails and open space
- A plan for community activities to promote social interaction and a sense of community among residents

**SECTION 3
MASTER PLAN ELEMENTS**

Most master planned communities are quite large. However, it is possible to incorporate master plan elements in developments that are less than 200 acres. It is the intent of these guidelines and criteria to provide desirable elements, but build in flexibility for the provision of City participation and incentives. Following are elements that are encouraged by the City when participation or incentives are requested:

For All Developments:

1. Enhanced Landscaping. Landscaping is critical for the appearance of a cohesive development. It involves more than basic landscaping at entry features and a single tree per lot in accordance with the City's requirements. A formal landscape plan will be required for all parks, open spaces and entry features. If street trees

are proposed, then a plan for which streets shall include them must be provided and criteria for tree types and locations with respect to infrastructure must be included. Landscaping of buffer areas adjacent to major roadways must also be considered.

2. Architectural Standards. Specific standards must be developed for building materials, front plane variety, and aesthetic features. Developers are encouraged and in some instances may be required to place these standards in covenants, conditions, and restrictions (CCRs) filed with the County.
3. Enhanced Walls and Fencing. The City requires screening walls adjacent to major arterials. However, it is often desirable to provide screening along other roadways. The City also requires that fencing adjacent to parks, trails and open space be decorative metal. Fencing and screening must be considered with respect to landscaping, themes, and privacy for the residents. Thoughtful layout of the subdivision and selection of fencing placement and materials is necessary.
4. Open Space in Excess of the City's Minimum Requirements. Currently, the City requires one acre of land dedicated for parkland for every 100 lots developed (2 acres per 100 lots when in the floodway). The minimum size for parkland dedication is three acres. All master planned communities must have a park/open space component. There must be thoughtful siting of parkland, trails and open space such that it is convenient – within a 10-minute walk -- to all residents in the subdivision. It is understood that floodplain and major easements are convenient and sometimes desirable locations for parks and open space, but these should not be the only areas considered for parkland dedication.

Developments from 200 - 400 acres:

In addition to the above, the following elements are expected for developments up to 400 acres in size:

5. Trails that facilitate connectivity. A system of trails needs to be established to connect parks within the development as well as any City trails (existing or proposed) within proximity to the development. A trail hierarchy needs to be established with respect to trail width. Minimum trail width for primary trails is 12 feet, but narrower trail widths may be proposed as a part of a full connectivity plan for the development. Sidepaths along significant roadways may be used as well, but a preference is given to trails within designated parks and open space.
6. Variety of lot sizes that are integrated and disbursed (not concentrated). Most developments will have a mix of 2 to 3 lot sizes, but larger developments may have several different lot sizes and housing types – from large lot single-family to townhome. The City's preference is that lot sizes be mixed throughout the subdivision to provide a diversity of housing stock throughout the development. Certain housing types, such as townhomes or very large homes, may function better in small pockets; however, the intent is to avoid large areas designated for very specific lot types or home sizes. This is important so that the development functions as an interconnected community and not a series of isolated enclaves.

7. Buffers. Additional width outside of the required right-of-way is necessary to provide buffers between major roadways and homes. This area must be incorporated into the landscape plan and may be used for trails or sidepaths as appropriate.
8. Amenity Centers. It has been shown that amenity centers are popular in developments as small as 200 acres. Amenity centers are important not only to provide swimming or other amenities for residents on smaller lots without the ability or desire to construct them, but also as a gathering place for the community. An amenity center is not necessarily required for developments between 200 and 400 acres in size if other community enhancements are proposed to offset it, but it must be considered. Justification for not including an amenity center must be provided for developments between 200 and 400 acres.

Developments over 400 acres:

In addition to the above, the following elements are expected for developments greater than 400 acres in size:

9. Themes, uniqueness, and sense of place. The theme of a development is more than just its name and a logo on an entry feature. A theme needs to be “felt” throughout the development through its park improvements, landscaping, fencing, and architecture of common buildings/spaces. A dramatic entry feature is one way the theme can be introduced and smaller entry features to neighborhoods or along secondary entrances can reinforce the theme. The theme of the development should be a unifying element and/or value for the residents.
10. Commercial elements. For large developments, there should be at least pockets of commercial areas to serve the neighborhood. This will vary depending on the size and location of the development. Uses may be neighborhood services, such as dry cleaners, salons or small restaurants, or more regional commercial services, such as grocery stores.
11. Neighborhood activities. Providing not just physical, but social amenities will develop a community’s sense of place and identity. Moving beyond annual homeowner’s association meetings is necessary to engage the community and allow neighbors to get to know one another. This fosters a sense of belonging as well as safety within the community. Periodic, community-wide events, such as pool parties, organized walks, nature hikes, parades, or holiday events are encouraged. A specific plan for this programming needs to be included. This could be through the HOA board as required by HOA bylaws, through the HOA management company, or through a specific staff member hired by the community.
12. Other. The above list provides a baseline for elements to be included in MPCs. However, it is strongly encouraged that the developer be creative and include others either in addition or as an alternate to one or more of the above. Some others to consider may be:
 - Life-cycle housing
 - Specialized park amenities – splash pads, skate parks, circuit training along trails

- Technology enhancements – high speed internet
- Maker spaces
- Stables for large animals to serve as ag barns for students or others
- Nature preserves with educational component
- Health Center

SECTION 4 POTENTIAL INCENTIVES

The use of City funds must be tied to a public benefit. The creation of an MPC alone does not necessarily meet the standards for achieving a public benefit. The development of an MPC needs to show that it is a regional draw for new businesses or that construction of infrastructure associated with it will meet a regional need.

If City Council determines that elements provided above meet the standards for a MPC and serve a public purpose, participation and/or incentives may be offered. Following is a general overview of the type of incentives that may be considered. In all cases, a development agreement will be created outlining the responsibilities of the developer with respect to elements of the MPC and the responsibilities of the City with respect to participation or incentives. The use of participation and incentives will be customized through discussions with the developer related to elements provided within the development. The City's offer of participation or incentives will tend to increase as the size of the development and scope of the amenities increases, but in all cases will be related to a public benefit. For developments under 200 acres in size, it is likely that only City Participation as described below will be considered.

1. City Participation. The City may participate with the developer to pay for a certain portion of public infrastructure required for the development. The infrastructure must serve a general public purpose, such as construction of a roadway included on the City's Master Thoroughfare Plan or extension of a waterline or sewer line that serves the area. City participation must meet the requirements of the Texas Local Government Code. Generally, the City may not participate in more than 30% of the contract price without a public bid.
2. City Infrastructure Extension. In more remote areas, there may be a need for extension of roads or utilities to support the development. The City may agree to extend the facility as part of its Capital Improvement Program. In such a case, the development agreement will specify what portion of the extension is attributable to the development and the development agreement will reflect it accordingly.
3. Establishment of a PID. The developer may request creation of a Public Improvement District (PID). A PID allows the City to levy and collect special assessments on property within the PID to fund public infrastructure and other enhancements. The City would manage the PID and will work with the developer through the creation of the district and the development of the Service and Assessment Plan. The PID may be established for construction of public improvements and/or ongoing maintenance of public facilities, or parks. See the City's PID policy for additional information.

4. 380 Agreement. When significant commercial development is proposed, the City may participate through sales tax reimbursements, or other grants of public funds, under the authority of Chapter 380 of the Texas Local Government Code, which allows grants of public funds for economic development purposes. In order for commercial development to qualify for incentives, it must serve a need broader than just the development. See the City's Economic Development Incentive Policy for additional information.
5. Tax Abatements. The City may consider abating a portion of ad valorem taxes for a period of up to ten (10) years to attract new industry or business. See the City's Guidelines and Criteria for the Economic Development Incentives Program.
6. Type A Incentives. In some instances, a commercial or industrial development may qualify for funding from the Burleson 4A Economic Development Corporation.
7. Other. Other participation or incentive plans may be considered by the City upon request by the developer.
8. Impact Fees. Impact fees are not a specific incentive because they are established by ordinances and developers are guaranteed credits if certain criteria are met. However, discussions of impact fee credits should occur when discussing City participation and benefits so that there is a clear understanding of how impact fees credits will be used throughout the development.

SECTION 5 PROCESS

Following is an overview of the general steps of the process of developing an MPC and requesting participation or incentives from the City:

1. Introductory meeting with staff to discuss the development and what elements are proposed. The attached Master Planned Community City Participation/Incentives Application Form (Application Form) may be used as the outline for the meeting. Staff will assist the developer in completion of the form.
2. Completion of the Application Form. The form is in Microsoft Word format to allow developers the ability to include as much information as they would like, including pictures. The format may be customized at the developer's discretion as long as all of the information is included.
3. Staff review of Application. A meeting will occur and comments will be provided to the developer.
4. Ongoing discussions between staff and the developer until MPC plan is ready for conceptual review by Council.
5. Planning and Zoning Commission and City Council work sessions. Staff and developer will present the conceptual plan and incentive request to the Planning and Zoning Commission, City Council and any other relevant boards or committees. Feedback from all boards will be provided for use in refining the plan and development agreement.

6. Developer addresses Council feedback and staff will draft a development agreement.
7. Development agreement is forwarded to City consultant for preparation of a fiscal impact analysis.
8. Upon receipt of fiscal impact analysis, development agreement will be adjusted and refined as needed.
9. Planning and Zoning Commission and City Council consideration of Conceptual MPC and development agreement.
10. Upon Council approval of conceptual MPC and development agreement, development process proceeds as usual. The development agreement will be used as the base for the Planned Development (PD) Ordinance.

Depending on the size and complexity of the MPC, this process could take in excess of one year.

SECTION 6 GENERAL

1. Council Consideration. All plans and agreements associated with this policy are subject to Council consideration and approval. This policy is intended to be a guideline and flexibility in its application is intended. All discussions with staff are intended to assist the developer in the development of the MPC, but should not be taken as approval. Staff's role is to provide guidance to the developer based on professional expertise and experience, but all approvals will be through the Planning and Zoning Commission and City Council.
2. Amendments. The development agreement may be amended as detailed plans for the MPC are developed or changes in trends occur. Amendments will be processed similarly to the process above, but the process may be abbreviated depending on the complexity.
3. Development Agreement Expiration. The development agreement will include language that, upon approval, a PD Ordinance must be submitted for consideration within one year of the approval date.
4. Severability. If any section, subsection, sentence, clause, phrase or word of this policy is declared unconstitutional or invalid for any purpose, the remainder of this Policy shall not be affected.

**MASTER PLANNED COMMUNITY
CITY PARTICIPATION/INCENTIVES
APPLICATION FORM**

Development Name:

Developer:

Developer Contact:

Email:

Phone:

Size of Development: acres

Estimated Number of Lots:

Anticipated start of construction:

Anticipated build out date:

Provide a description of each element listed below as applicable. Pictures or diagrams are encouraged. This document is provided in Word format for the developer's convenience. Other presentation forms will be accepted as long as all relevant information is provided.

A. Master Planned Community Summary

All Developments

1. Enhanced Landscaping.
2. Architectural Standards.
3. Enhanced Walls and Fencing.
4. Open Space in Excess of the City's Minimum Requirements:

Developments up to 400 acres

In addition to the above elements, the following elements are expected for developments up to 400 acres in size:

5. Trails that facilitate connectivity.
6. Variety of lot sizes that are integrated and disbursed (not concentrated).
7. Buffers.
8. Amenity Centers.

Developments over 400 acres

In addition to the above elements, the following elements are expected for developments greater than 400 acres in size:

9. Themes, uniqueness, and sense of place.

10. Commercial elements.

11. Neighborhood activities.

12. Other.

B. Infrastructure Requirements:

Provide a description of major public infrastructure that will be required to support the development.

C. Participation/Incentives Requested:

Please check each incentive that is intended to be requested. Provide a description of the approximate amount and what it is intended to be used for.

1. City Participation

2. City Extension/Construction of Facilities

3. PID

4. 380 Agreement

5. Other

6. Impact Fees: Describe if/how credits are proposed to be used.

D. Additional Information:

Provide a list of significant questions for staff or anticipated major obstacles to the development: