

ORDINANCE NO. 2021-5

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING ORDINANCE NO. 2020-2, THE CITY OF CANTON ZONING ORDINANCE, AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM RURAL AGRICULTURAL DISTRICT (RA) TO PLANNED DEVELOPMENT DISTRICT (PD) ON THAT APPROXIMATELY 6.05-ACRE TRACT OF LAND LOCATED AT 312 BURNETT TRAIL (WITH ADJOINING ROADWAY), CANTON, TEXAS, OWNED BY CANTON ECONOMIC DEVELOPMENT CORPORATION, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission of the City of Canton and the City Council of the City of Canton, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council of the City of Canton is of the opinion and finds that a zoning change should be granted and that the Zoning Ordinance and Map should be amended;

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

SECTION 1. That the Zoning Ordinance and Map of the City of Canton, Texas, as heretofore amended, be and the same are hereby amended by changing the property owned by Canton Economic Development Corporation, located at 312 Burnett Trail (with adjoining roadway), in Canton, Texas, from General Business District (B-2) to Planned Development (PD) District zoning classification.

SECTION 2. That the property described may be used only for the purposes set out in the Zoning Ordinance of the City of Canton, subject to the following special conditions:

- a. the property shall be developed in accordance with the City of Canton Zoning Ordinance; and
- b. all other regulations of the "Planned Development District" as set out in Exhibit "A" attached hereto shall apply and development shall be consistent with the Exhibit "2" Conceptual Plan attached thereto.

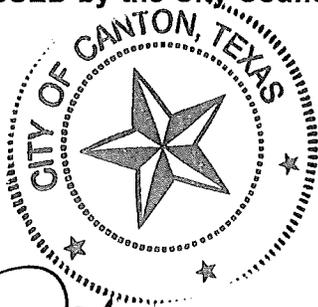
SECTION 3. That any provisions of the ordinances of the City of Canton in conflict with the provisions of this Ordinance or the Zoning Ordinance and Map, as amended hereby, be, and the same are hereby, repealed.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance or the Comprehensive Plan, as amended hereby be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance or the Comprehensive Plan as a whole, or any part or provision thereof, other than the part decided to be invalid, illegal or unconstitutional.

SECTION 5. Any violation of this Ordinance shall be a misdemeanor and each day that said violation occurs shall be a separate misdemeanor and the penalty for violating the provisions of this Ordinance shall be a fine not to exceed Two Thousand and No/100 (\$2,000.00) Dollars.

SECTION 6. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

DULY PASSED by the City Council of the City of Canton, Texas, on the 16th day of March, 2021.



APPROVED:

Lou Ann Everett

Lou Ann Everett, Mayor

ATTEST:

Debra Johnson

Debra Johnson, City Secretary

EXHIBIT "A"

BURNETT TRAIL APARTMENTS

PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS

CITY OF CANTON, TEXAS

DESCRIPTION: Approximately 5-acre tract of land within the Canton Economic Development Corporation's larger sixty-acre parcel of land at the end-end of Burnett Trail, off the west side of Highway 19, south of downtown Canton, and more particularly described in metes and bounds in Exhibit "1" attached hereto. The street address for the property is 312 Burnett Trail, Canton, Texas.

PURPOSE AND INTENT: The purpose of the Planned Development Zoning District is to provide a means for a quality, and an aesthetically-pleasing multi-family phased development. The Burnett Trail Apartments will be an asset to citizens of Canton, as well as a resource for future growth on the EDC's parcel, and the city as a whole. The goal of the project is to deliver a product to the City of Canton that is currently within an underserved sector of the local economy, while allowing for a wide range of residents to take advantage of the pricing, amenities, and quality within a shared community. This development may also help Canton retain youth within the community, offer an interim step for senior living on the ground floors, as well as potentially capture part of the largely transient nature of the monthly Trade Days. The Burnett Trail Apartments will be an upscale property, advancing the standard of living in Canton for all its residents.

PROCEDURE: The standard contained herein set forth the conceptual requirements for the development district. The developer, Kaufman Development & Construction, i.e. Mitchell Kaufman, has prepared an overall Conceptual Plan attached in this document as Exhibit 2.

GENERAL CONDITIONS

Conformance to all applicable articles of the Canton Ordinances, Rules and Regulations.

Except as amended herein, this Planned Development shall conform to any and all applicable articles and sections of the City of Canton Zoning Ordinance for Multi-Family 2, or as amended. The Conceptual Plan adopted concurrently with these Development Standards and incorporated herein by reference shows the location and approximate dimensions of the structures and their uses.

DEVELOPMENT CONDITIONS

1. Development Plan

The first phase of the Burnett Trail Apartments is to develop identical two and three-story multi-family buildings and a small leasing/amenity building. Additionally, Kaufman Development & Construction will partner with the CEDC to extend the Burnett Trail Road, water and sewer utilities the length of the northern property boundary. This measure will

not only be an important feature to the Burnett Trail Apartments, but will also encourage future development on the CEDC's remaining 55 acres.

The units will be 60% 2 bed/2 bathroom and 40% 1 bedroom/1 bathroom for a total of sixty units (thirty units per building). The one-bedroom units will be over 750 square feet, while the two-bedroom units will be over 1,000 square feet. Each unit will offer quality building products like granite countertops, wood cabinetry, large walk-in closets, full kitchen appliances, and more.

The property will provide ample parking with optional carports and open space within the courtyard. This space will include a grill and pavilion area, lawn, and dog park. The property will be landscaped with pine and oak trees, as well as with bushes and sprinklered sod. Residents will have efficient access to the residential buildings, as well as the centrally-located club/amenity building for mail and leasing services.

Phase 2 of the Burnett Trail Apartments will potentially encompass one or two more identical three-story multi-family buildings and a swimming pool or fitness center. This conceptual drawing can be seen in the attached Exhibit 2. The Planned Development Zoning District allows for the buildings to be an aesthetically-pleasing height while also making optimal use of the five-acre space adjacent to the Texas Power & Light electrical transmission easement.

2. Development Concept

A. Overall

Offer a superior quality product in Canton at a price that is reasonable for working class incomes. Each apartment unit will be of "Class A" quality, built in a way that is efficient from both development and construction aspects.

B. Hire Local

The intent is to hire as many quality & efficient Canton/Van Zandt County/East Texas contractors as possible. Ideally, we will take the majority of the project cost and disperse those funds throughout the local economy in a way that spurs growth for Canton. The majority of the project's financing is set to be sourced from Van Zandt county as well.

C. Encourage Future Development

The infusion of quality, yet relatively inexpensive living in town will provide a backbone for commerce to continue to move to Canton, and specifically the CEDC's remaining 55-acre parcel.

3. Development Standards

A. Building Height

Special Conditions can be described as:

- (i) maximum building height of 45 feet;

- (ii) sprinkler/fire suppression system throughout the structures on the property;
- (iii) Knox box outside all riser rooms;
- (iv) All riser rooms will have external entrances;
- (v) Setback requirements on side/rear of property along Texas Power and Light Company easement and right-of-way will not be applicable. Minimum 20' building setbacks will be required on all other property boundaries.
- (vi) draft breaks;
- (vii) remote FDC

B. Density

Maximum density for the five-acre tract will be twenty-four (24) units per acre or 120 units total. Expected Occupancy is to be a maximum of 96 persons per building, or 192 persons for Phase 1. A potential Phase 2 construction will add an additional 96 persons per building, or 192 total. A cumulative expected maximum occupancy is 384 persons living within four identical residential buildings.

C. Streets

The fire lane within the development will be 26 feet wide with all required turns and radiuses being safe and uniform. The fire lane will be striped and labeled for clear and recognizable direction. The private driveway will be composed of asphalt paving and will not at any time be dedicated to the City for repair or replacement.

D. Parking

- (i) Ample parking will be provided within the development for a total of 121 spaces within the first phase. Spaces are to be nine-feet wide by 18 feet in length to comply with regular parking standards.
- (ii) Sixteen carport spaces will be covered and available to residents directly in front of each building for an additional monthly fee. Bollards will be placed in structurally "at risk" areas to ensure the aesthetic and longevity of the structures.
- (ii) All parking spaces will be composed of asphalt paving and are to be striped clearly and recognizably for residents' use.

E. Site Concrete and Paving

- (i) The perimeter of the parking area will include an installed 6" straight edge curb to ensure parking safety depths and maintain asphalt edge structural integrity.

- (ii) Five foot wide sidewalks will be installed on the exterior perimeter of the buildings to encourage comfortable egress as seen in Exhibit 2. Additional sidewalks will be installed, as necessary, within the interior courtyard in accordance with code and ADA requirements.

F. Amenities

- (i) A pavilion structure will be erected to serve the courtyard area and future pool and pool deck spaces. Total covered square footage will be approximately 250 square feet.
- (ii) Grills, benches, trash receptacles, and picnic tables will be installed and maintained throughout the development for resident use and enjoyment
- (iii) A dog park will be constructed on the south side of the development. The fencing is to be chain link or mesh to effectively keep animals inside.
- (iv) The Club/Leasing building will be single-story and will include a club room approximately 500 square feet in area. This space will be available for a variety of uses during business hours.
- (v) Central mail will be located on the east side of the club/leasing building, and will be available to all residents and ADA accessible.

G. Landscaping

- (i) All grass areas are to be mowed and edged weekly during the growing season, and reasonable steps will be taken to prevent weeds within grass and common areas.

Grass areas will be irrigated in a manner that is uniform, providing a cohesive and clean aesthetic to the development.

- (ii) Phase 2 acreage on the west and southern portions of the project will be undisturbed. If acreage is disturbed during construction, native grasses and Bermuda seed will be planted in order to establish ground cover and prevent erosion. Maintenance on the Phase 2 area will be as necessary within the growing season.
- (iii) Building surrounds will consist of lined mulch flower bedding planted and irrigated with bushes around air conditioning condensers. Bush species is to be determined but shall comply with the City of Canton landscaping ordinance.
- (iv) Irrigation will be provided to sod areas within the courtyard, common areas around residential buildings and the club/leasing building, and most trees serving the interior of the community.
- (v) Planted tree lines along the property line adjacent to the Texas Power & Light easement will be maintained and irrigated, as needed, to provide a growing screening wall to enclose the courtyard and enhance the product.

- (vi) Trees planted onsite to be 3" or greater, and species will be Pine, Oak, or other native trees found within Van Zandt County nurseries.
- (vii) Seasonal flowers will be planted around the club/leasing building in an effort to improve and maintain the aesthetic.
- (viii) All disturbed and developed areas within the first phase of construction will be seeded, sodded, or planted to prevent erosion or storm water runoff.

H. Utilities

- (i) Burnett Trail Apartments will utilize City of Canton water and sewer lines to be installed by Kaufman Development & Construction. Kaufman Development shall install and maintain all water and sewer lines within the five-acre tract.
- (ii) Electrical, cable, and fiber dry utilities are to be served by Trinity Valley Electric Cooperative and/or other available providers. Underground utilities will be required throughout the development for aesthetic purposes. Single-phase power will be wired to all units and throughout the site as needed.

I. Lighting

- (i) Lighting within the development will be provided by parking lot light poles and wall packs mounted on the exterior of the building, as needed. In addition to the courtyard, walkway, and common area lighting will be provided for safety and convenience.
- (ii) Light poles will be installed in the parking area described in the Conceptual Plan attached. This will provide safety and security measures to maintain a well-lit property for residents. This measure, paired with wall packs mounted on the building exteriors, will serve to equally illuminate the common areas of the development.
- (iii) Lighting is to be controlled in a manner that provides lighting during hours of operation. Lighting will be designed and installed to provide safety in parking areas and egress to and from the units.
- (iv) Site lighting will be designed in a manner not to disturb neighboring facilities or contribute to light pollution in a significant way.

J. Building Specifics and Unit Details

- (i) All unit sizes will be approximately 725 square feet for one bedroom/1 bathroom and 1,000 square feet for two bedroom/two bathroom.
- (ii) Buildings #1 and #2 will have a gross square footage of 34,308 square feet each. The clubhouse will be 1,084 gross square feet. The cumulative gross constructed square footage within Phase 1 will be 69,700.

- (iii) All units will be equipped with a refrigerator, electric range, microwave, dishwasher, and garbage disposal.
- (iv) All units will have vinyl flooring throughout
- (v) Each unit will have access to running water, working plumbing, power, and cable/internet. Water, power and cable will be added expenditures via third parties.

K. Exterior Façade

- (i) Exterior building facades shall be a minimum of 30% brick masonry on the first floor levels; 70% cement board siding or board and batten paneling above. Wood accents will be placed in strategic areas to maximize the rustic and "ranchette" themes. Wood accents shall be less than 1% of the exterior façade. Dark colors will be used for balcony railings, gutter systems, and trim materials.
- (ii) The building(s) roof system is to be comprised of dark-color shingles to match building exteriors and overall development themes.

L. Signage

- (i) Unit signage will be provided for clear unit number identification.
- (ii) Building signage will be installed for clear building number identification.
- (iii) Street signage will be installed as needed in order to provide safe passage to and from the community.

M. Property Access

- (i) The Development will offer property access at two points along the Burnett Trail extension as pictured in the attached Conceptual Plan.
- (ii) There will be no limited access gate.
- (iii) There will be an ornamental wood perimeter fence for aesthetic and security purposes with a minimum height of four feet.

N. Storm Water Management Plan

- (i) The storm water runoff will be gathered from the top down of the development through gutter systems on the residential buildings.
- (ii) Gutters will flow into splash blocks around the building where they will then sheet flow to sunlight.
- (iii) A three-foot wide valley gutter will be installed in the eastern and southern parts of the fire lane in conjunction with the appropriate to-be built grades. The valley gutters will flow downhill to two grouted rip-rap spillways, where

the water will be slowed and disseminated to "dead spaces" within the rear/side of the lot. Ample sun and grade paired with the existing natural drainage for the property will work in tandem to manage storm water.

- (iv) Building finished floor elevations are to be slightly raised to encourage positive drainage away from foundations.

O. Trash Screening

- (i) Trash enclosures will be eight-foot high and of ample dimensions to accommodate double trash dumpsters (to be emptied as needed).
- (ii) The screening material will be stained wood with bollards installed as necessary and metal doors that open out for access.

P. Additional items

- (i) Emergency Safety Plan

Resident and employee safety is paramount within the Burnett Trail Apartments. Access is readily available, and each unit will be sprinklered for fire protection. Ownership and management will both be through Mitchell Kaufman (or affiliated entities) for construction and throughout lease-up stabilization. Ownership will work with City officials to develop a comprehensive safety/evacuation plan in addition to building the structures to meet all code requirements.

- (ii) Reports

The owner of the property shall maintain records of all agreements, leases, proofs of certification, inspections, title, and insurance. The City may inspect these records at any time within normal business hours after providing owner with 72 hours advance notice of inspection. The owner of the development shall retain these records for two years.

Exhibit "1"

Description: Approximately 6.05-acre tract of land (5 acres to be developed as apartments and 1.05 acres of roadway running along front of 5-acre tract) within the Canton Economic Development Corporation's larger 60-acre parcel at 312 Burnett Trail, Canton, Texas, located at the dead-end of Burnett Trail, off the west side of Highway 19; south of Downtown Canton.

BEING a 6.05 acre tract of land situated in the J. Douthit Survey, Abstract No. 198, Van Zandt County, Texas, and being part of a called 60.00 acres to Canton Economic Development Corporation recorded in Volume 1976, 403 of the Real Records of Van Zandt County, Texas, said 6.05 acre tract of land being more particularly described as follows:

COMMENCING at a ½ inch iron rod (found) for the east corner of the above-referenced 60.00 acres;

THENCE North 45 deg. 23 min. 40 sec. west, along the northeast line of the 60.00 acres, a distance of 744.00 feet to a ½ inch iron rod (set) for the point of beginning, said corner being the northeast corner of these 6.05 acres, being the west corner of Mill reek Business Park as recorded in Glide 318B of the Plat Records of Van Zandt County, Texas, and being on the southeast right of way of Burnett Trail;

THENCE: South 44 deg. 28 min. 36 sec. west, over and across the 60.00 acres, a distance of 168.56 feet to a ½ inch iron rod (set) for an angle break in the east line of these 6.05 acres;

THENCE: South 45 deg. 31 min. 24 sec. east, continuing over and across the 60 acres, a distance of 118.11 feet to a ½ inch iron rod (set) for an angle break in the east line of these 6.05 acres;

THENCE: South 03 deg. 05 min. 35 sec. west, continuing over and across the 60.00 acres a distance of 621.91 feet to a ½ inch iron rod (set) for an angel break in the east line of these 60.00 acres;

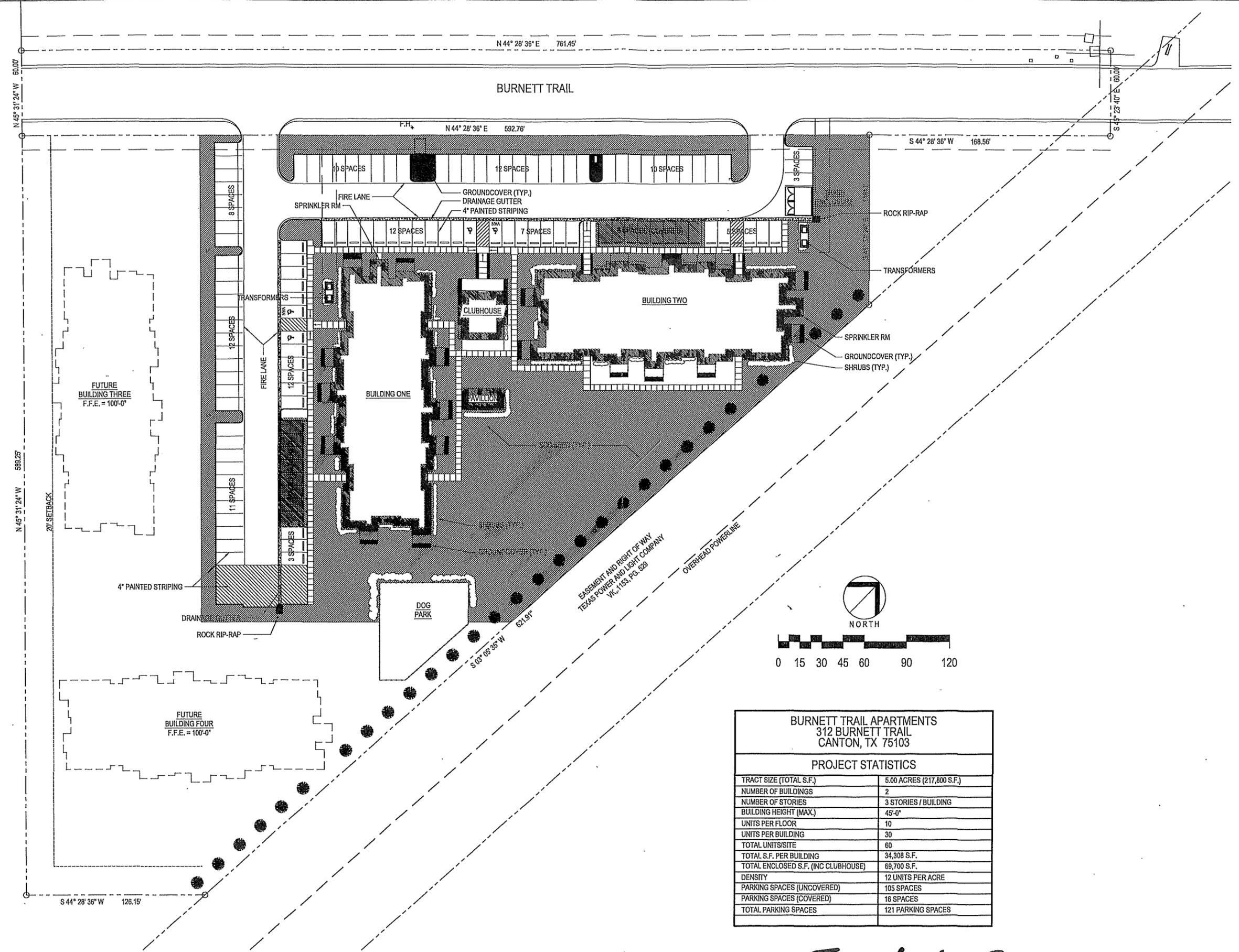
THENCE: South 44 deg. 28 min. 36 sec. west, continuing over and across the 60.00 acres, a distance of 126.15 feet to a ½ inch iron rod (set) for the south corner of these 6.05 acres;

THENCE: North 45 deg. 31 min. 24 sec. west, continuing over and across the 60.00 acres, a distance of 589.25 feet to a ½ inch iron rod (set) for the west corner of these 6.05 acres;

THENCE; North 44 deg. 28 min. 36 sec. east, continuing over and across the 60.00 acres, a distance of 761.45 feet to a ½ inch iron rod (set) for the north corner of these 6.05 acres, said corner also being on the northeast line of the 60.00 acres, being the south corner of South Bend Addition as recorded in Glide 287A of the Plat Records of Van Zandt County, Texas, and being on the northwest right of way line of Burnett Trail;

THENCE: South 45 deg. 23 min. 40 sec. east, along the northeast line of the 60.00 acres and the southwest right of way line of Burnett Trail, a distance of 60.00 feet back to the POINT OF BEGINNING and containing 6.05 acres of land.

BURNETT TRAIL APARTMENTS
312 BURNETT TRAIL
CANTON, TEXAS 75103



BURNETT TRAIL APARTMENTS
312 BURNETT TRAIL
CANTON, TX 75103

PROJECT STATISTICS	
TRACT SIZE (TOTAL S.F.)	5.00 ACRES (217,800 S.F.)
NUMBER OF BUILDINGS	2
NUMBER OF STORIES	3 STORIES / BUILDING
BUILDING HEIGHT (MAX)	45'-0"
UNITS PER FLOOR	10
UNITS PER BUILDING	30
TOTAL UNITS/SITE	60
TOTAL S.F. PER BUILDING	34,308 S.F.
TOTAL ENCLOSED S.F. (INC CLUBHOUSE)	69,700 S.F.
DENSITY	12 UNITS PER ACRE
PARKING SPACES (UNCOVERED)	105 SPACES
PARKING SPACES (COVERED)	16 SPACES
TOTAL PARKING SPACES	121 PARKING SPACES

Issue log:

no.	date	comments
1	02.11.21	P.D. SUBMISSION
2	02.19.21	P.D. SUBMISSION



RESIDENTIAL
CONCEPT
PLAN

sheet number:
A-090

Exhibit 2