

ORDINANCE NO. 1736

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KELLER, TEXAS, BY AMENDING THE ZONING MAP AND CHANGING THE ZONING FOR A 2.35-ACRE PORTION OF A TRACT OF LAND FROM PD-SF-25 (PLANNED DEVELOPMENT - SINGLE FAMILY RESIDENTIAL - 25,000 SQUARE FOOT MINIMUM) TO PD-C (PLANNED DEVELOPMENT - COMMERCIAL) AND REVISING RESIDENTIAL LOTS ON A PORTION OF THE ADJACENT 35.09-ACRE TRACT OF LAND, ZONED PD-SF-25 (PLANNED DEVELOPMENT - SINGLE FAMILY RESIDENTIAL - 25,000 SQUARE FOOT MINIMUM), LOCATED ON THE EAST SIDE OF RUFE SNOW DRIVE ACROSS FROM BARBARA LANE AT 545 RUFE SNOW DRIVE, BEING TRACTS OF LAND OUT OF THE WILLIAM H. SLAUGHTER SURVEY, ABSTRACT NO. 1431 AND THE PAMELA ALLEN SURVEY, ABSTRACT NO. 28, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, M/I Homes of Dallas, owner/developer; has submitted a planned development zoning change request (Z-15-0005) to the City of Keller, which has been reviewed by the City Staff; and

WHEREAS, notice of a public hearing before the Planning and Zoning Commission was sent to real property owners within three-hundred feet (300') of the property herein described at least ten (10) days before such hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Keller at least fifteen (15) days before such hearing; and

WHEREAS, public hearings to issue a zoning change on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation to approve the zoning change request; and

WHEREAS, the City Council is of the opinion that the zoning change herein effectuated furthers the purpose of zoning as set forth in the Unified Development Code and is in the best interest of the citizens of the City of Keller.

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

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, the Unified Development Code of the City of Keller, Texas and the accompanying Zoning Map, are hereby amended by changing the zoning for a 2.35-acre portion of a tract of land from PD-SF-25 (Planned Development - Single Family Residential - 25,000 square foot minimum) to PD-C (Planned Development - Commercial) and revising residential lots on a portion of the adjacent 35.09-acre tract of land, zoned PD-SF-25 (Planned Development - Single Family Residential - 25,000 square foot minimum), located on the east side of Rufe Snow Drive across from Barbara Lane at 545 Rufe Snow Drive, being tracts of land out of the William H. Slaughter Survey, Abstract No. 1431 and the Pamela Allen Survey, Abstract No. 28, in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, as if fully set forth is hereby approved, with the following conditions:

1. The permitted uses shall be sit-down restaurants, and shall not include drive-thru restaurants or other uses permitted by the C (Commercial) zoning district.
2. The site plan for the proposed 2.35 acre area proposed to be zoned PD-C (Planned Development-Commercial) shall go before the Planning and Zoning Commission for recommendation and to City Council for final consideration and decision.

3. The variance request to allow only one (1) point of access for a subdivision consisting of thirty-five (35) lots shall be allowed.
4. The minimum rear setback shall be twenty feet (20') except that the minimum rear setbacks of houses on the south side of Barbara Lane (those backing to Williamsburg) shall be forty feet (40'). The minimum rear setbacks for detached accessory structures on Barbara Lane shall be twenty feet (20').
5. The minimum dwelling unit size shall be three-thousand (3,000) square feet of air-conditioned space.
6. Masonry shall be required for one-hundred percent (100%) of first floor exteriors and for eighty-five percent (85%) of the overall exterior, excluding windows and doors, for all residences.
7. Fencing materials along open space areas shall be tubular steel.
8. The southern drive entry on Rufe Snow Drive, across from Barbara Lane, shall be divided with a median.
9. Right-of-Way dedication for Windemere Way shall be required at time of platting to allow access to the property to the east of the Trails at Bear Creek and for options for potential future development. This Right-of-Way will not be constructed with The Trails of Bear Creek.

Section 3: THAT, any person, firm, or corporation violating any of the provisions of this Ordinance, as read together with the Unified Development Code and accompanying map thereto, shall be guilty of a misdemeanor and upon final conviction therefore shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a

separate offense and shall be punishable as such hereunder.

Section 4: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

AND IT IS SO ORDAINED.

Passed by a vote of 5 to 1 on this the 17th day of March, 2015.

CITY OF KELLER, TEXAS

BY: _____
Mark Mathews, Mayor

ATTEST:

Sheila Stephens, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney