

## **Item H-3**

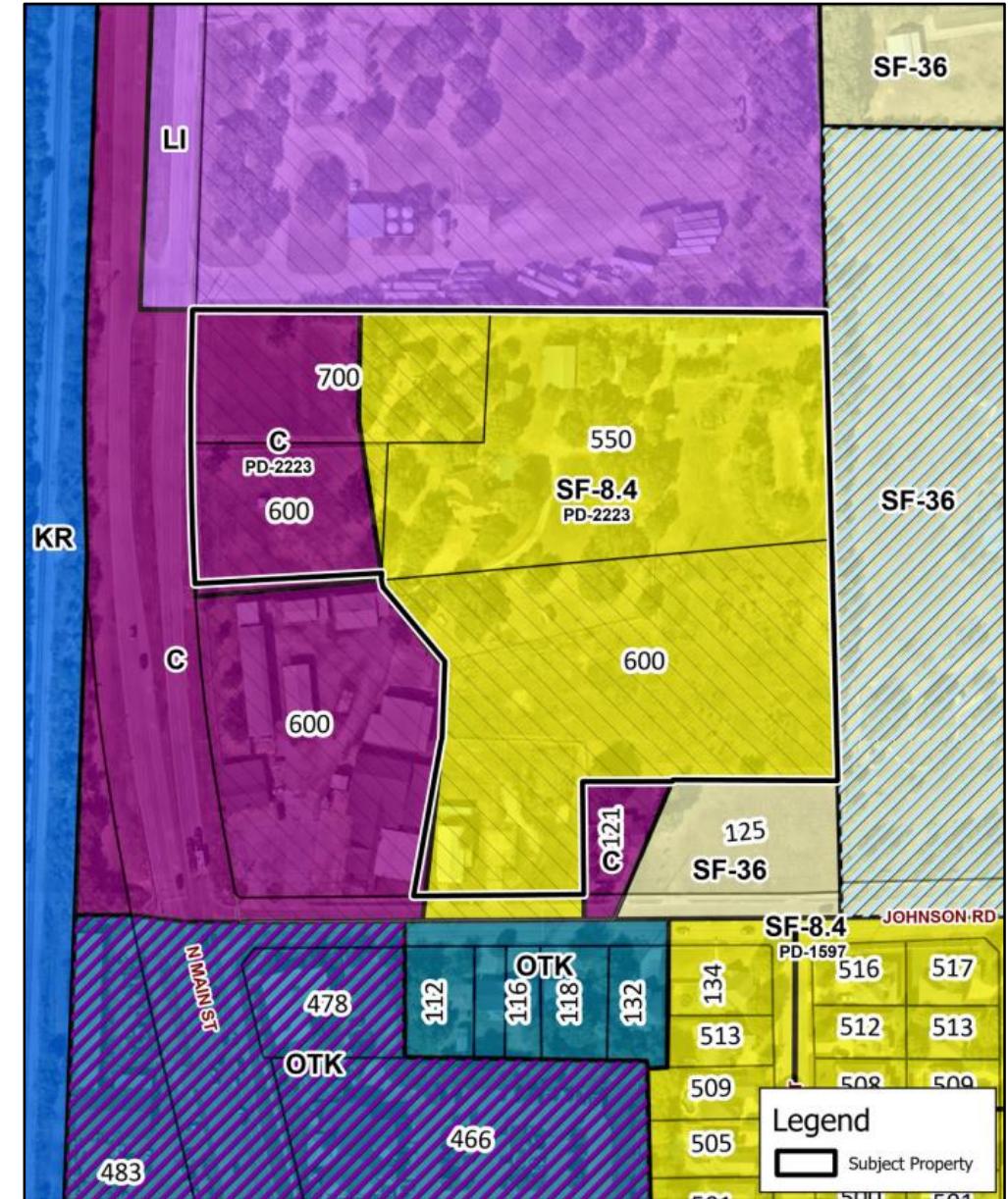
Consider a resolution approving an appeal to the City of Keller Unified Development Code, Article 10, Tree Preservation, Section 10.01, Tree and Natural Feature Preservation for the Rosebury Planned Development, on approximately 9.2 acres of land, legally described as Lot 2 LESS HS, Block 1 of the L. L. Mc Donnell subdivision, and a portion of Lot 1R1, Block 1 of the L. L. Mc Donnell subdivision, and Abstract 29 Tract 5B04 & 27523 of the Richard F. Allen Survey, located approximately 240 feet east of the Johnson Road and N. Main Street intersection, and addressed as 550, 600, and 700 N. Main Street. DW Commercial, LLC., Applicant. Mark and Chryste Keel, Owner. (ATP-2601-0001)

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## Aerial Map



## Zoning Map



N  
Zoned:  
PD-2223

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### Background:

On May 6, 2025, City Council approved the PD for Rosebury, a Mixed-Use development consisting of 21 single-family residential 8,400-square-foot minimum lots, 2 commercial lots and 3 open space lots.

The Applicant has submitted an appeal to allow for early grading of the development; to remove the trees within the building pads of the individual residential lots at the same time as the ones within the street rights-of-way and easements.

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## Exempt Trees:

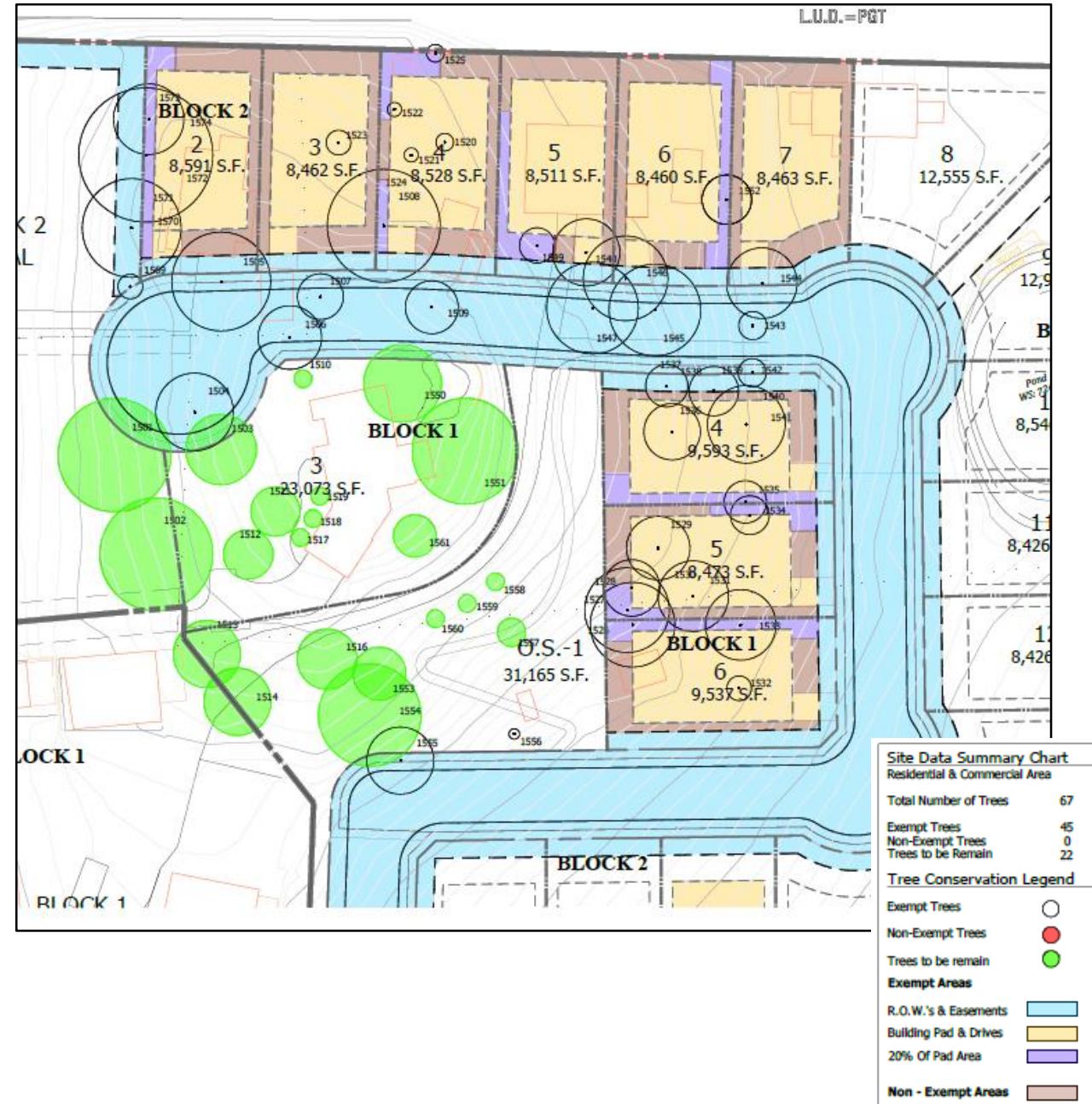
### UDC Section 10.01 (I)(1):

All trees within street rights-of-way, utility or drainage easements as shown on an approved final plat/construction plan...shall be exempt from the tree protection and replacement requirements specified herein.

“All other tree removal activity shall be in conjunction with a building permit for individual lots and shall conform to the requirements of this Code.”

### UDC Section 10.01 (C)(2)(c):

Upon submission of a building permit, the trees within the proposed building pad, as defined in this Code, including driveway and public sidewalk as shown on a site plan approved by the City, are exempt, along with 20% of the remaining quality trees per the UDC.



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## Erosion Control:

UDC Section 10.01 (C)(1)(e) states that for the Commission to consider the request for pad site grading in advance of issuance of a building permit, a tree survey, an erosion control plan including erosion control seeded mat placement, and a tree removal plan shall be submitted.



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### **Citizen Input:**

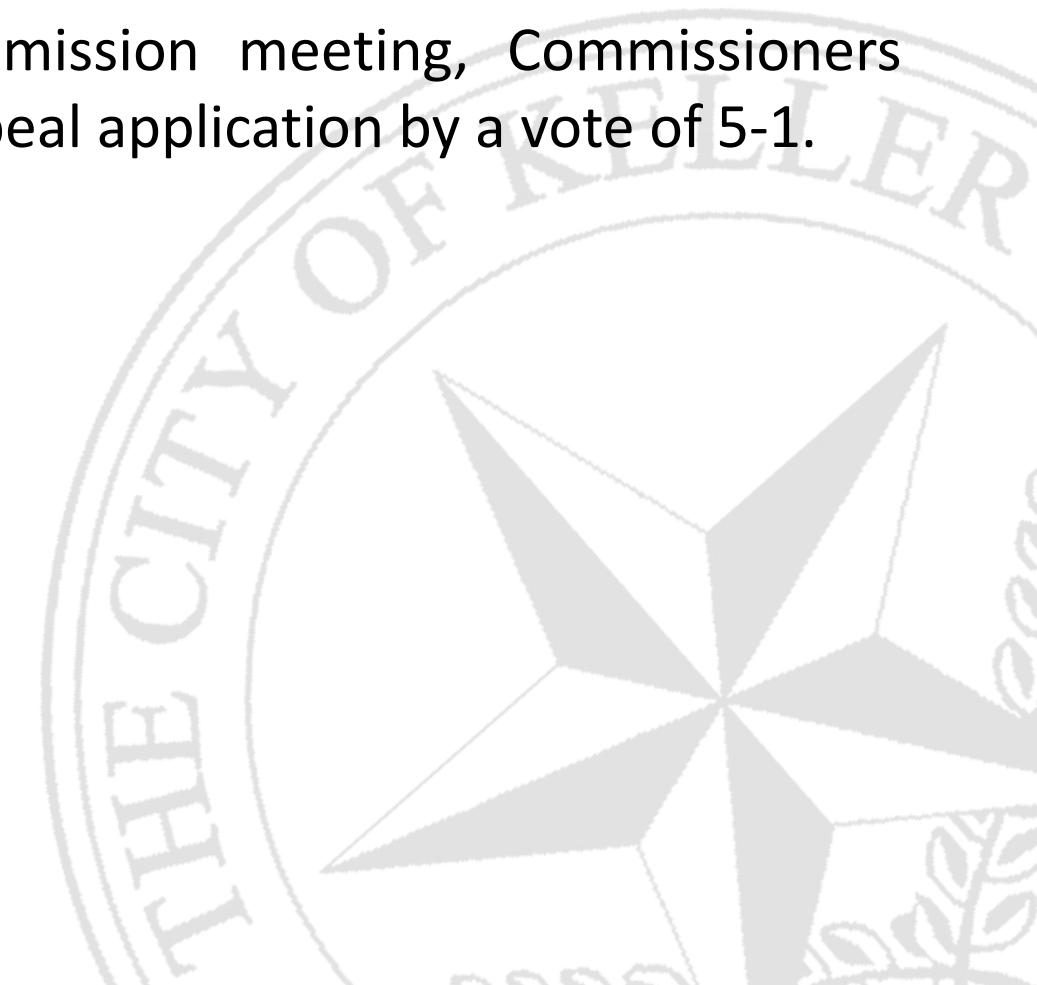
An appeal to the Tree Ordinance does not require a public hearing, so no public hearing notifications were sent out to the surrounding property owners for this request.

The public had an opportunity to speak on this agenda item at the “Persons To Be Heard.”

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### **Planning and Zoning Commission Recommendation:**

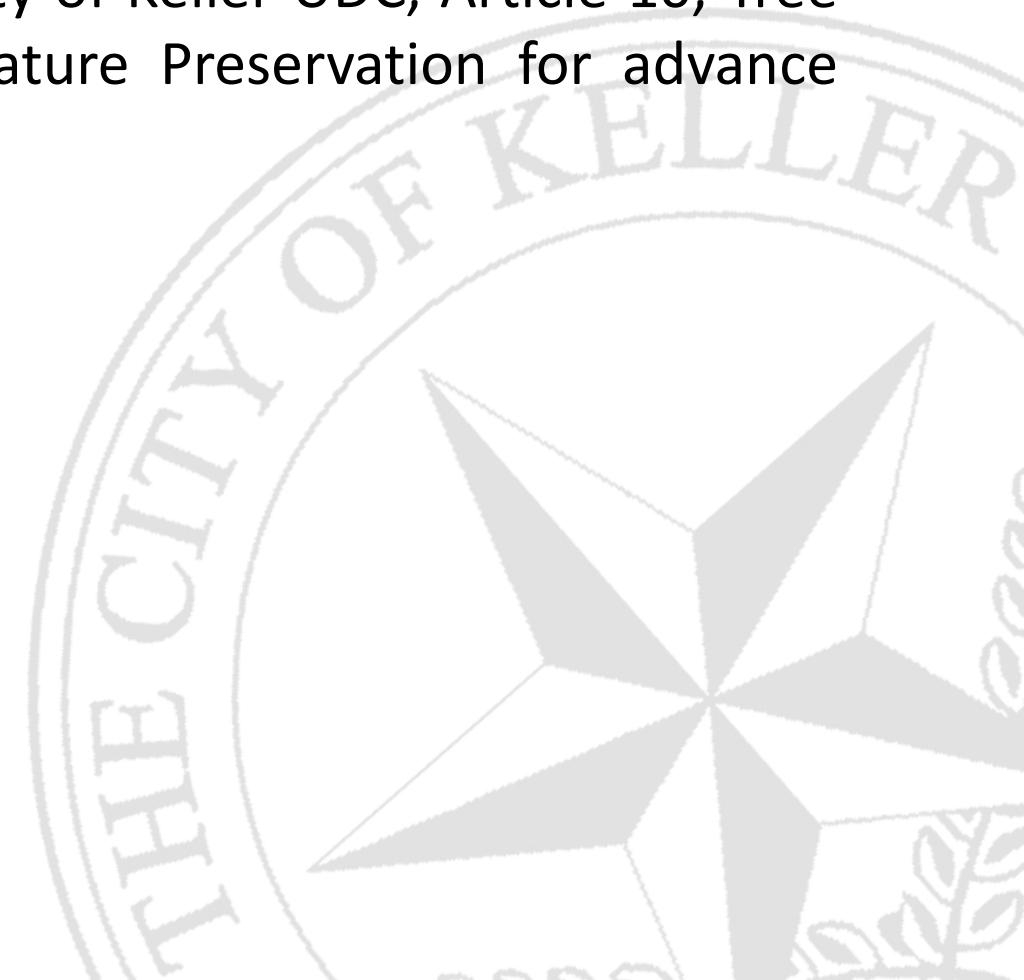
At the Jan. 27, 2026, Planning and Zoning Commission meeting, Commissioners recommended approval of the Tree Preservation Appeal application by a vote of 5-1.



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### **Request:**

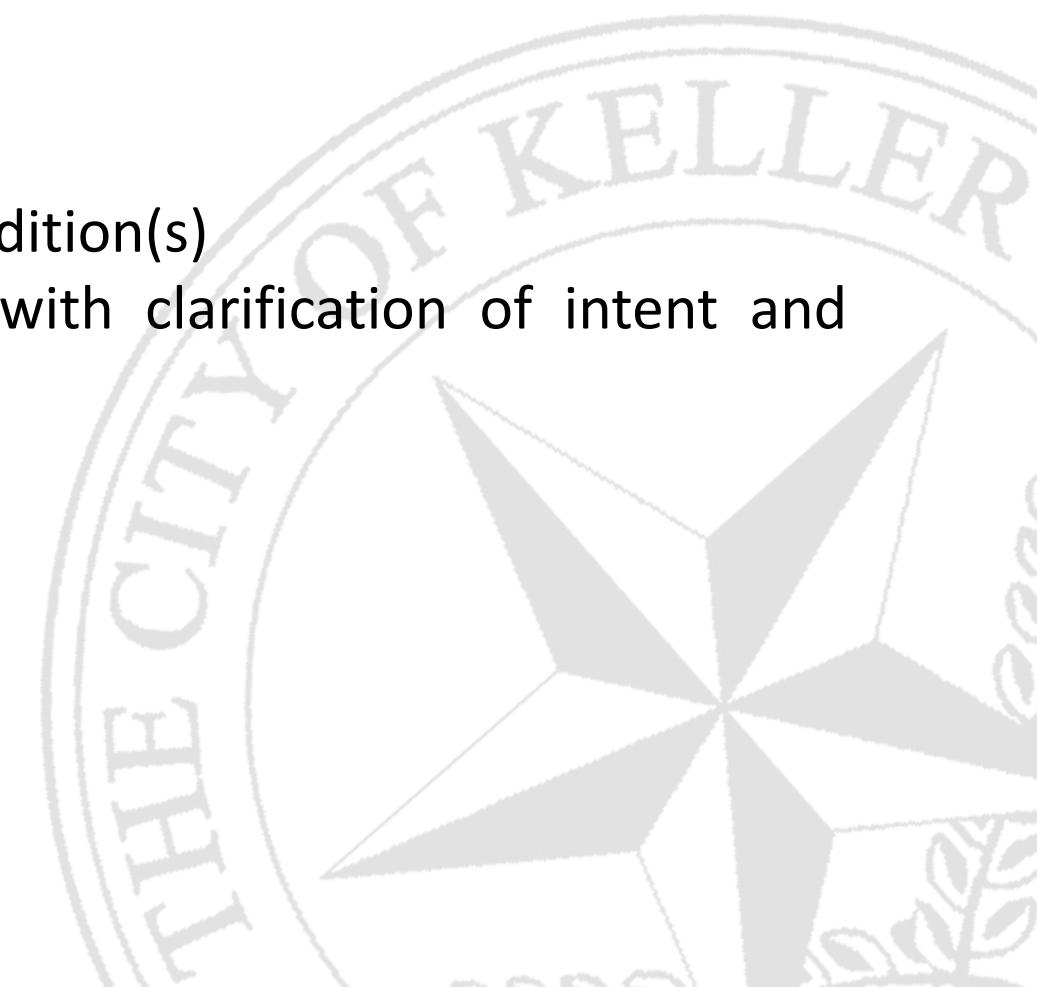
Consider a recommendation of an appeal to the City of Keller UDC, Article 10, Tree Preservation, Section 10.01, Tree and Natural Feature Preservation for advance grading of the Rosebury Planned Development.



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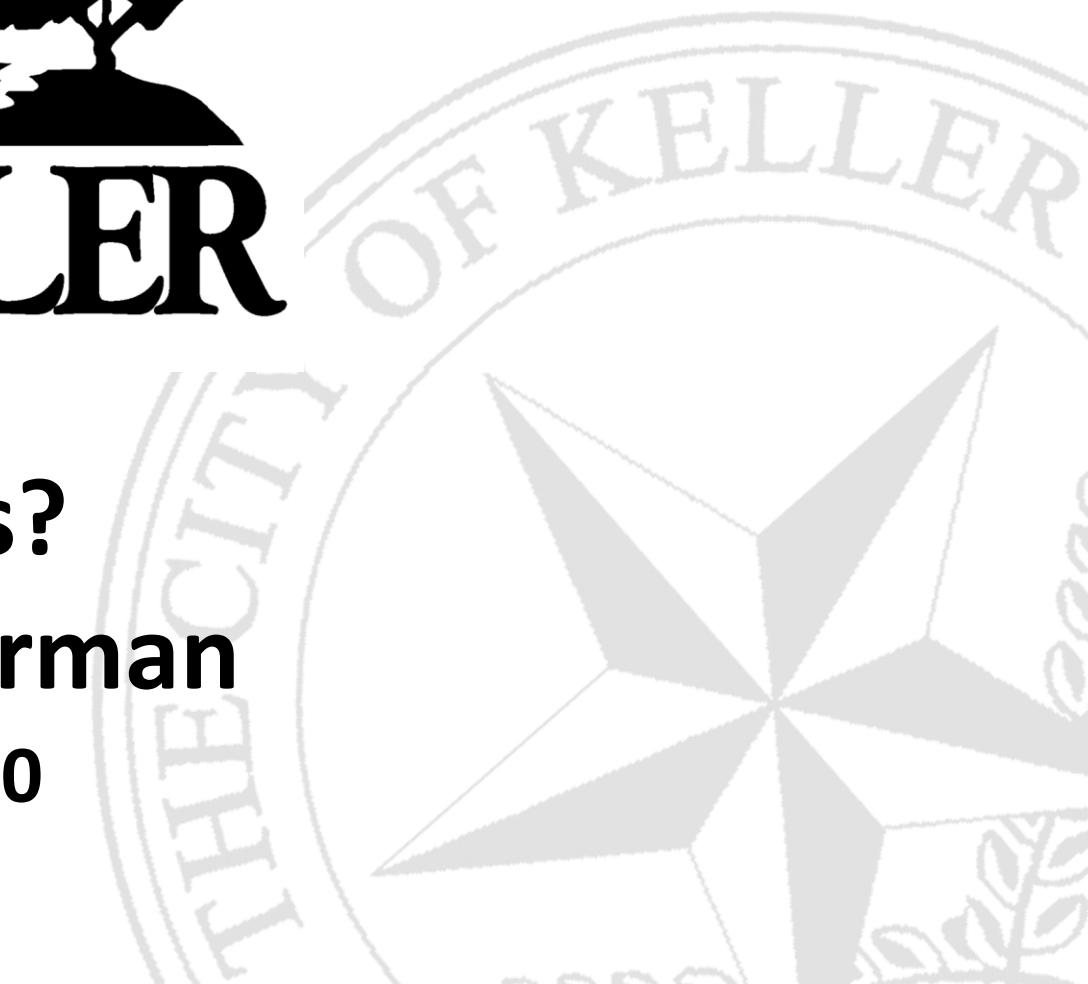
The City Council has the following options when considering a recommendation for an appeal to the Tree Ordinance:

- Approve as submitted
- Approve with modifications or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny





**Questions?**  
**Alexis Zimmerman**  
**817-743-4130**



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