

ORDINANCE NO. 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING AN ORDINANCE FOR A PLANNED DEVELOPMENT ZONING CHANGE FROM SINGLE-FAMILY 36,000 SQUARE-FOOT MINIMUM LOTS (SF-36) AND COMMERCIAL (C) TO PLANNED DEVELOPMENT - SINGLE-FAMILY 20,000 SQUARE-FOOT MINIMUM LOTS FOR GREENWAY PARK THAT CONSISTS OF 37 RESIDENTIAL LOTS AND AN APPROXIMATELY 4.43-ACRES OF OPEN SPACE ON AN APPROXIMATELY 28.502-ACRES OF LAND, LEGALLY DESCRIBED AS A PORTION OF TRACT 4 (ACCOUNT #: 05685591), THE ENTIRE TRACT 7 (ACCOUNT #: 05685540), AND A PORTION OF TRACT 7A, 8B, 8B2 AND 9C (ACCOUNT #: 5226317), ABSTRACT 29 OUT OF ALLEN, RICHARD F SURVEY AND ADDRESSED AS 1108, 1100, AND 1130 NORTH MAIN STREET, AND LOCATED ON THE EAST SIDE OF NORTH MAIN STREET (HWY 377) IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, PBS Family Limited Partnership, Owner; Richard Gibson, Owner; and Mark Weatherford, Applicant/Developer, have submitted an application to the City of Keller to request a zoning change from SF-36,000 and Commercial to Planned Development – Single-Family 20,000 square-foot minimum lots (PD-SF-20)(Z-21-0003); and

WHEREAS, the Greenway Park Planned Development – Single-Family 20,000 square-foot minimum lots - meets the 2021 Future Land Use Plan (FLUP); and

WHEREAS, the Planned Development is approximately 28 acres consisting of 37 residential lots ranging from 20,125 to 32,956 square feet and an approximately 4.43-acres of open space with an amenity area that includes a playground, large pond, fishing pier, connection to the City trail system, and other natural amenities; and

WHEREAS, upon entrance into the subdivision, a six-foot tubular fence with evergreen shrubs located in front of a 50-foot deep naturally treed area will screen the subdivision from the commercial component of the development; and

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

WHEREAS, at the April 27, 2021, Planning and Zoning Commission virtual meeting, the Commission recommended approval by a vote of 7 - 0; and

WHEREAS, notice of a public hearing before the City Council was published on May 2, 2021, in the Fort Worth Star-Telegram newspaper of general circulation in Keller at least fifteen (15) days before such hearing; and

WHEREAS, a public hearing was held before the City Council on May 18, 2021, to receive public input; and

WHEREAS, the City Council finds that the Planned Development furthers the purpose of zoning as set forth in the Unified Development Code.

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, in accordance with the Unified Development Code, the City Council of the City of Keller, Texas hereby authorizes approving an ordinance for a Planned Development zoning change from Single-Family 36,000 square-foot minimum lots (SF-36) and Commercial (C) to Planned Development - Single-Family 20,000 square-foot minimum lots for Greenway Park that consists of 37 residential lots and an approximately 4.43-acres of open space on an approximately 28.502-acres of land, legally described as a portion of Tract 4 (account #: 05685591), the entire Tract 7 (account #: 05685540), and a portion of Tract 7A, 8B, 8B2 and 9C (account #: 5226317), Abstract 29 out of Allen, Richard F Survey and addressed as 1108, 1100, and 1130 North Main Street, and located on the east side of North Main Street (HWY 377) in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, as if fully set forth.

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 and approved by a vote of 7 to 0 on this the 18th day of May 2020.

CITY OF KELLER, TEXAS



BY:   
Armin R. Mizani, Mayor

ATTEST:

  
Kelly Ballard, City Secretary

Approved as to Form and Legality:

  
L. Stanton Lowry, City Attorney

**Exhibit B**  
**Greenway Park – Development Standards**

**I. Project Location**

The Keller project consists of 28.502 acres of land on east side of N. Main Street and north of Harmonson Drive.

**II. Purpose and Intent**

- A. **Purpose:** The purpose of the Planned Development is to create a residential development comprised of residential and open space lots.
- B. **Applicability:** These standards shall apply to all development within the attached boundaries as defined in Exhibit A. This Planned Development shall comply with the Single Family-20 Districts of the Unified Development Code for the City of Keller, unless stated herein.
- C. **Permitted Uses:** The permitted uses shall comply with permitted uses set forth in the SF-20-Single Family Residential Zoning District as defined in Section 8.03 – Zoning Districts within the Unified Development Code.

**III. Development Regulations**

This development should generally comply with the proposed layout as shown on the attached Zoning Concept Plan as well as the listed standards below: The base zoning for this Planned Development shall be SF-20: Single Family Residential Zoning District.

Residential Development Regulations

- 1. **Height Regulations:** No building shall exceed two and one-half stories, not to exceed thirty-five (35) feet for the main building.
- 2. **Area Regulations:** The following minimum standards shall be required as measured from property lines:

|                        |  |
|------------------------|--|
| Minimum Dwelling Unit: | 3,000 square feet  |
| Lot Coverage:          | Thirty percent (30%) by main buildings; fifty percent (50%) including accessory buildings, driveways, and parking areas. |
| Front Yard:            | Thirty-five feet (35').  |
| Rear Yard:             | Fifteen feet (15') if no alley.  |
| Side Yard:             | Ten percent (10%) of the lot width but no more than fifteen feet (15'); fifteen feet (15') from street right-of-way.     |
| Minimum Lot Area:      | Twenty thousand (20,000) square feet.  |
| Minimum Lot Width:     | One-hundred feet (100').   |

Minimum Lot Depth: One-hundred fifty feet (150').

3. Facades: The elevations of the homes shall be of a craftsman style. 80% of the facades of homes, exclusive of doors and windows, shall be constructed with masonry products such as brick, stone, and stucco. Secondary materials shall be quality materials such as wood, metal, and hardiboard.
4. Garage Requirements: All residential lots shall provide a minimum of two (2) car garages that are either a j-swing or side entry garage.
5. Screening Requirements: Where applicable, trees shall be preserved along the perimeter of the property in lieu of a masonry screening wall. In instances where trees shall be preserved a 6' tubular metal fencing may be provided.
6. Landscape Requirements: Landscaping within the development shall generally comply with the Zoning Concept Plan and Section 8.08 of the Unified Development Standards.
7. Ownership: A Homeowners Association (HOA) shall be established for the maintenance and ownership of common areas and open space areas.

#### IV. Development and Design Standards

- A. Streets: The development shall be served by two different street types that have been signed to best serve the development.
  1. Street Types: The following street types shall guide the street design for the proposed development. The Zoning Concept Plan shall be the conceptual guide of street alignment and configuration of the proposed street network.
    - a. Residential Street Type: This street type shall be a two way drive that has a Right of Way width of fifty feet (50'). The pavement width for this street type shall be thirty feet (30').
    - b. Divided Entrance Type: This street type shall be a two way drive that has a median and Right of Way width of one-hundred feet (100'). The pavement width for this street type shall be twenty-four feet (24') in each direction.
  2. Street Ownership: All public street proposed within this development shall be public streets and owned and maintained by the City of Keller.
  3. The City Engineer shall have the discretionary authority to consider and approve exceptions to the Street Design Standards, limited to grade and centerline curvature, based on compelling evidence of hardship on a case-by-case basis.
- B. Trail: The development shall plat a 20' easement or x-lot for the purposes of a trail on the northern boundary. This trail will connect to the existing trail located to the east of the development.



| Keller Site Overview |                |                           |                    |                  |             |                 |                      |
|----------------------|----------------|---------------------------|--------------------|------------------|-------------|-----------------|----------------------|
|                      | Number of Lots | Total Acreage             | Lot Density        | Average Lot Size | Lot Area    | Open Space Area | Residential ROW Area |
| Residential          | 37             | 28.50 Acres               | 0.77 Lots Per Acre | 0.62 Acre        | 22.95 Acres | 4.43 Acres      | 1.12 Acres           |
| Commercial           | TBD            | 7.07 Acres (not included) |                    |                  | TBD         |                 |                      |

**OPEN SPACE**

- 4.43 acres Open Space
- 1.12 Acres (not included in total) Tree Preservation Easement

Total = 4.43 acres (15.5% of the site)

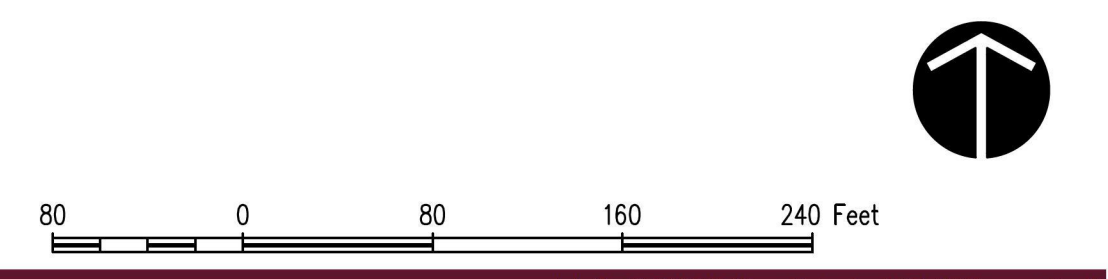
**MCADAMS**

The John R. McAdams Company, Inc.  
 111 Hillside Drive  
 Lewisville, Texas 75057  
 972.436.9712

201 Country View Drive  
 Roanoke, Texas 76262  
 940.240.1012

TBPE: 19762 TBPLS: 10194440  
 www.gacon.com  
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Zoning Concept Plan  
 Keller - 28.50 Acres  
 City of Keller  
 Tarrant County, Texas



Job No: 2020310149 Date: April 27, 2021 By: JN  
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 Keller\04-Production\Planning and LA\Exhibits\Planning\CAD Working  
 Files\2021.03.29 Zoning Concept.dwg

This concept plan is intended for conceptual developmental use and shall not be interpreted as an official or submitted document. All aerial and map images were attained from best available information. This plan is subject to change.



| Keller Site Overview |                |                           |                    |                  |             |                 |                      |
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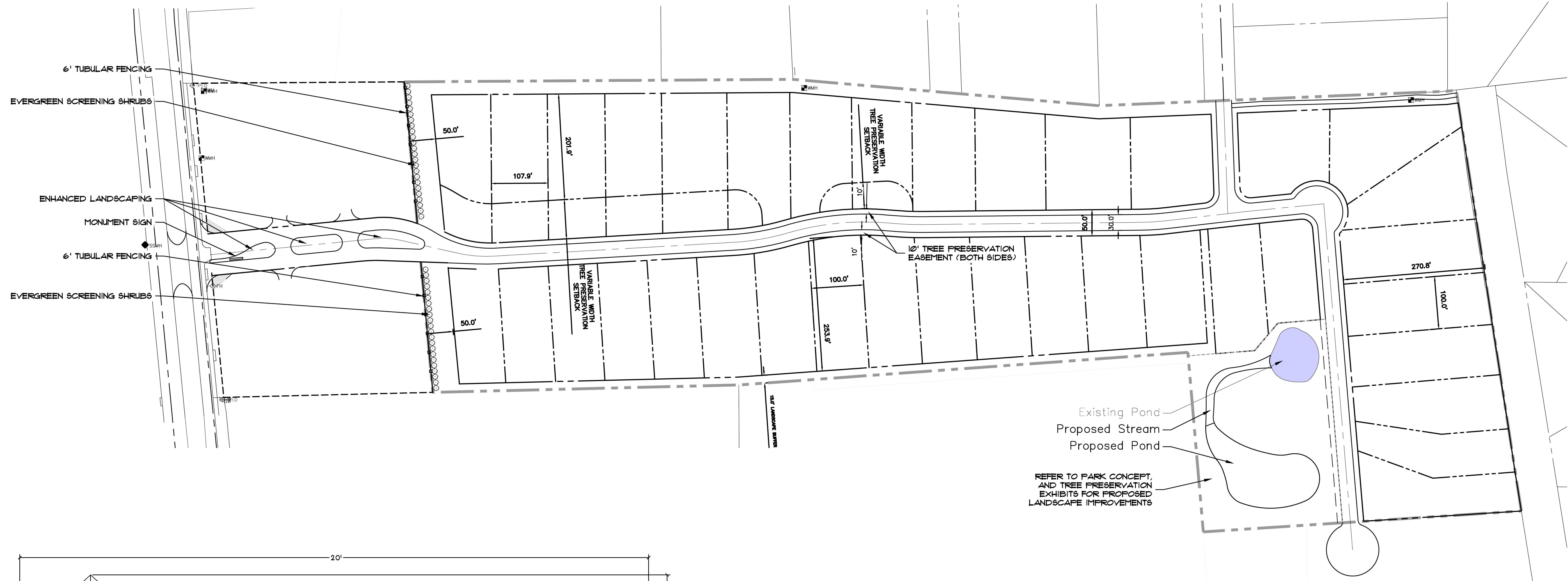
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**Zoning Concept Plan  
 Keller - 28.50 Acres  
 City of Keller  
 Tarrant County, Texas**

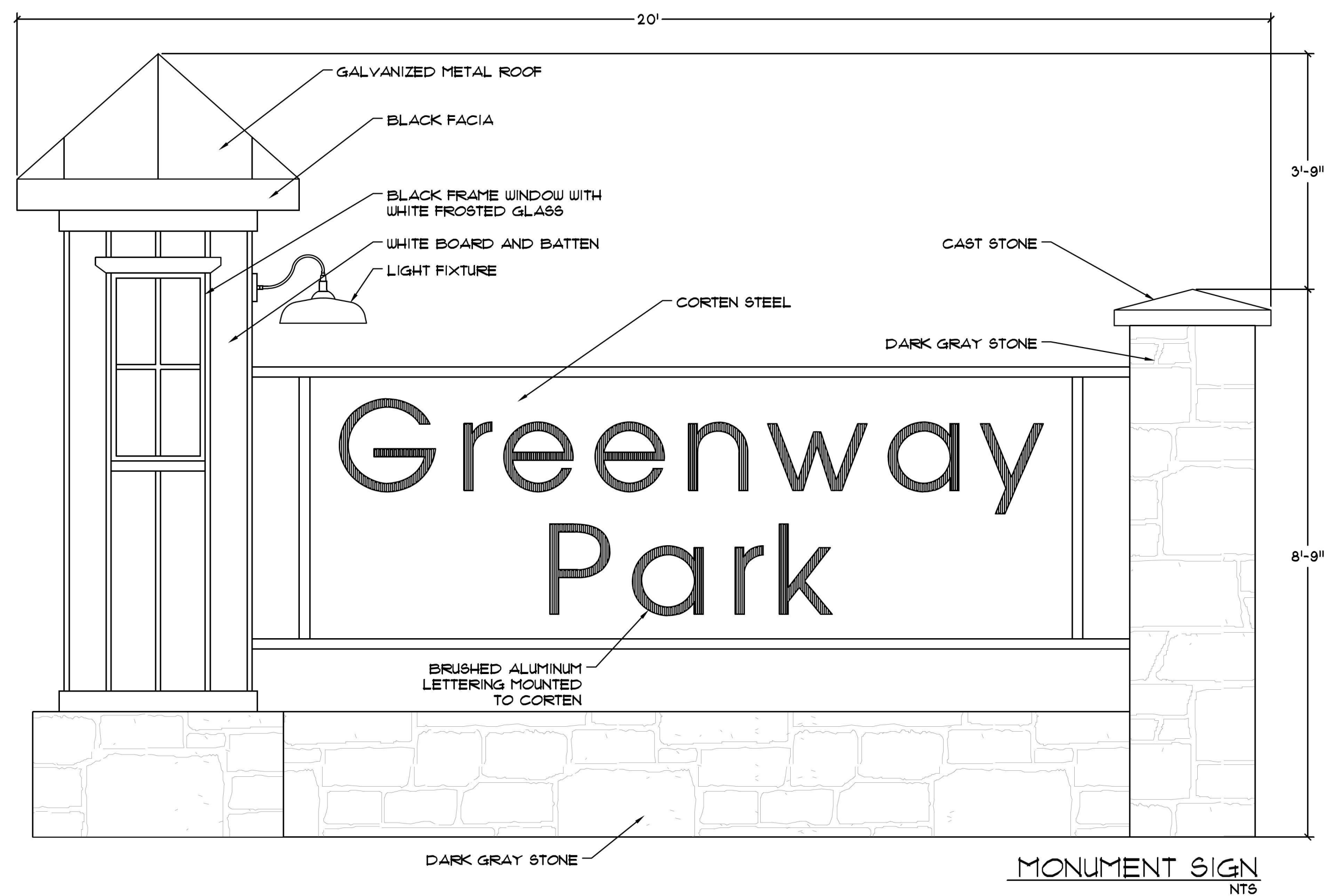
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 Files\2021.03.29 Zoning Concept.dwg

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REFER TO PARK CONCEPT,  
AND TREE PRESERVATION  
EXHIBITS FOR PROPOSED  
LANDSCAPE IMPROVEMENTS



**PRELIMINARY PLANS**  
THIS DOCUMENT IS FOR INTERIM REVIEW  
AND IS NOT INTENDED FOR CONSTRUCTION,  
BIDDING, OR PERMIT PURPOSES.  
RON STEWART LANDSCAPE ARCHITECTURE  
DATED 5/11/2021



The John R. McAdams  
Company, Inc.  
111 Hillside Drive  
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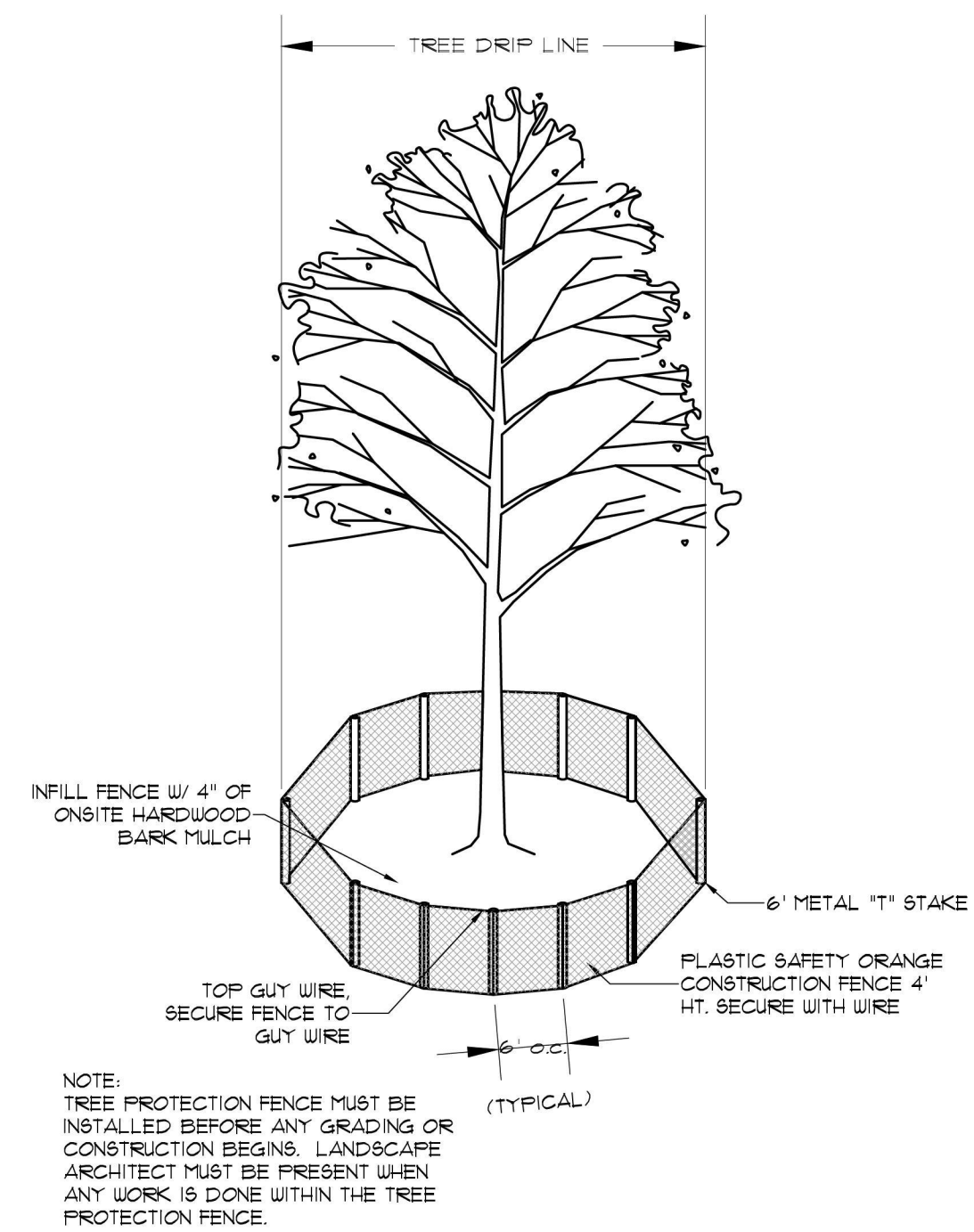
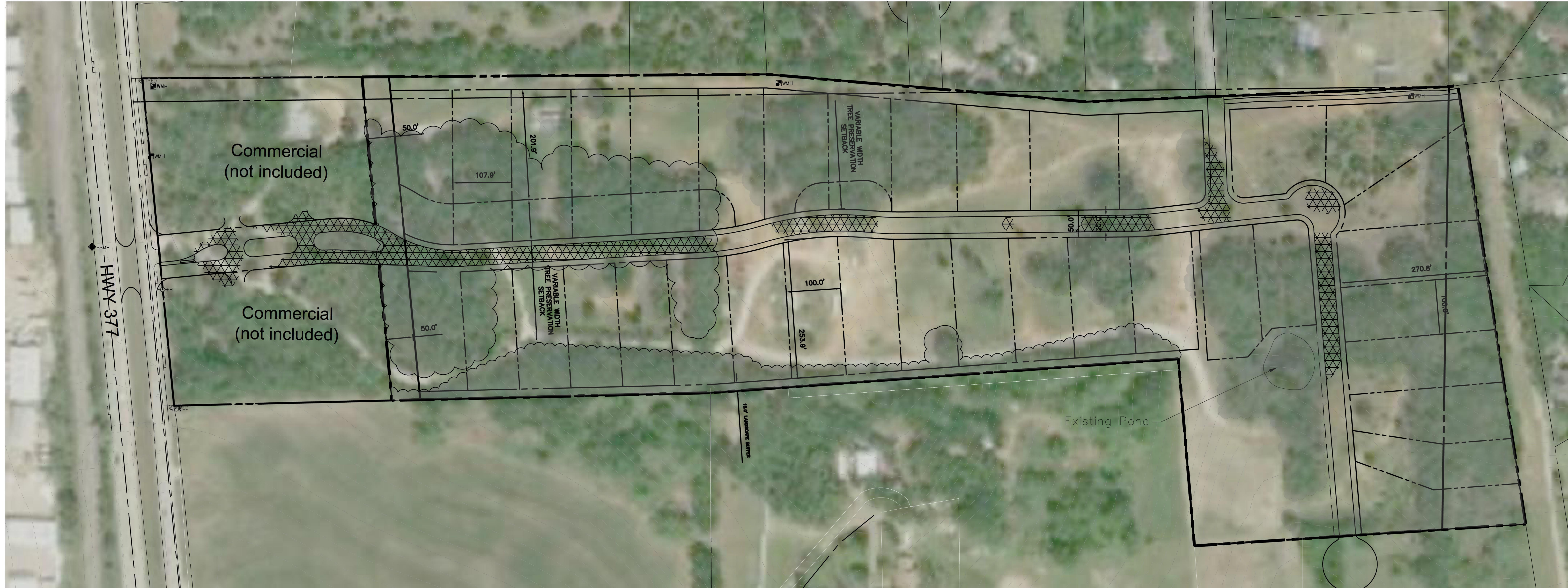
Zoning Landscape Exhibit  
Keller - 28.50 Acre  
City of Keller  
Tarrant County, Texas

100 0 100 200 300 Feet

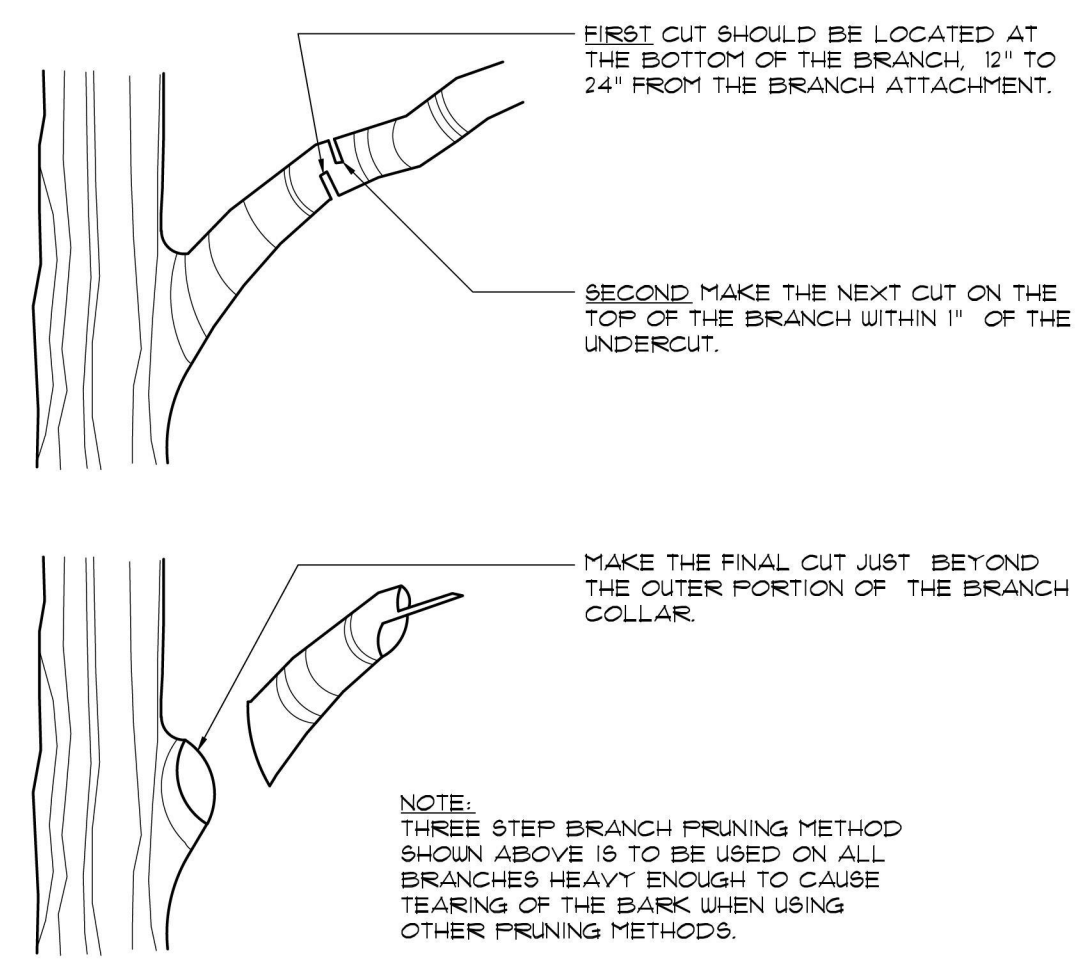
Job No: 2020310149 Date: May 11, 2021 By: JN  
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LA\Exhibits\Landscape Architecture\2020310149\_33 Acres Keller Zoning Tree Plan.dwg

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TREE PROTECTION



TREE PRUNING

**LEGEND**

- CANOPY TO REMAIN
- CANOPY TO REMOVE

|                         |            |      |
|-------------------------|------------|------|
| EXISTING TREE CANOPY    | 109,686 SF | 100% |
| • TREE CANOPY TO REMAIN | 641,091 SF | 912% |
| • TREE CANOPY TO REMOVE | 62,589 SF  | 8.8% |

**NOTES:**

1. A protected tree shall be considered to be preserved only if a minimum of seventy-five percent (75%) of the critical root zone is maintained at undisturbed natural grade and no more than twenty-five percent (25%) of the canopy is removed due to building encroachment.
2. The following procedures shall be followed on all types on construction projects (i.e. residential subdivisions, commercial, multi-family, industrial developments, residential builders and municipal/public):
  - a. Tree Flagging or Marking: Trees that are shown on an approved plan by the City for preservation/protection shall be flagged with bright fluorescent orange vinyl tape or ribbon wrapped around the main trunk at a height of four and one-half feet (4.5') or more such that it is very visible to workers operating construction equipment. Trees that are marked for preservation/protection shall have protective fencing in accordance with the requirements of this Code.
  - b. Protective Fencing: In those situations where a protected tree is so close to the construction area that construction equipment might infringe on the root system or is within twenty feet (20') of the construction area, a protective fencing shall be required between the outer limits of the critical root zone of the tree and the construction activity area. Four feet (4') high protective fencing shall be supported at a maximum of ten feet (10') intervals by approved methods. At regular intervals, signs shall be required that states in English and in Spanish, "Tree Protection Area. No grading, parking vehicles, or storing equipment permitted. Violators may be fined." All protective fencing shall be in place prior to commencement of any major site work involving heavy equipment for construction of utilities and roadways and shall remain in place until all site work has been completed. This provision does not apply to clearing the right-of-way for the purpose of access to the site for site preparation. (Amended by Ord. No. 1818 on October 18, 2016)
  - c. Protective fencing shall not be required for clearing the rights-of-way for the purpose of access to the site. Once the site is accessible by heavy equipment, protective fencing shall be placed in accordance with this Code.

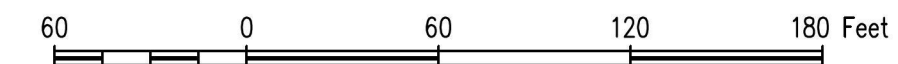
**Tree Pruning Restrictions.** No protected tree shall be pruned in a manner that significantly disfigures the tree or in a manner that would reasonably lead to the death of the tree.

1. **Allowed Pruning:** Protected trees may be strategically pruned to allow construction or demolition of a structure. All pruning shall take place in accordance with approved arboricultural techniques and the recommendations of Exhibit G. Reasonable pruning of trees also may be performed or contracted to be performed by the owner of the trees when unrelated to construction activity.
2. **Required Pruning:** The owners of all large trees (as defined in Section 820) adjacent to a public right-of-way shall be required to maintain a minimum clearance of fifteen feet (15') above the traveled pavement or curb of a public street. Said owners shall also remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The City shall also have the right to prune trees overhanging within public a right-of-way that interferes with the proper spread of light along the street from a street light or interfere with visibility of any traffic control device or sign or as necessary to preserve the public safety.
3. **Tree Topping:** It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Code at the determination of the City.



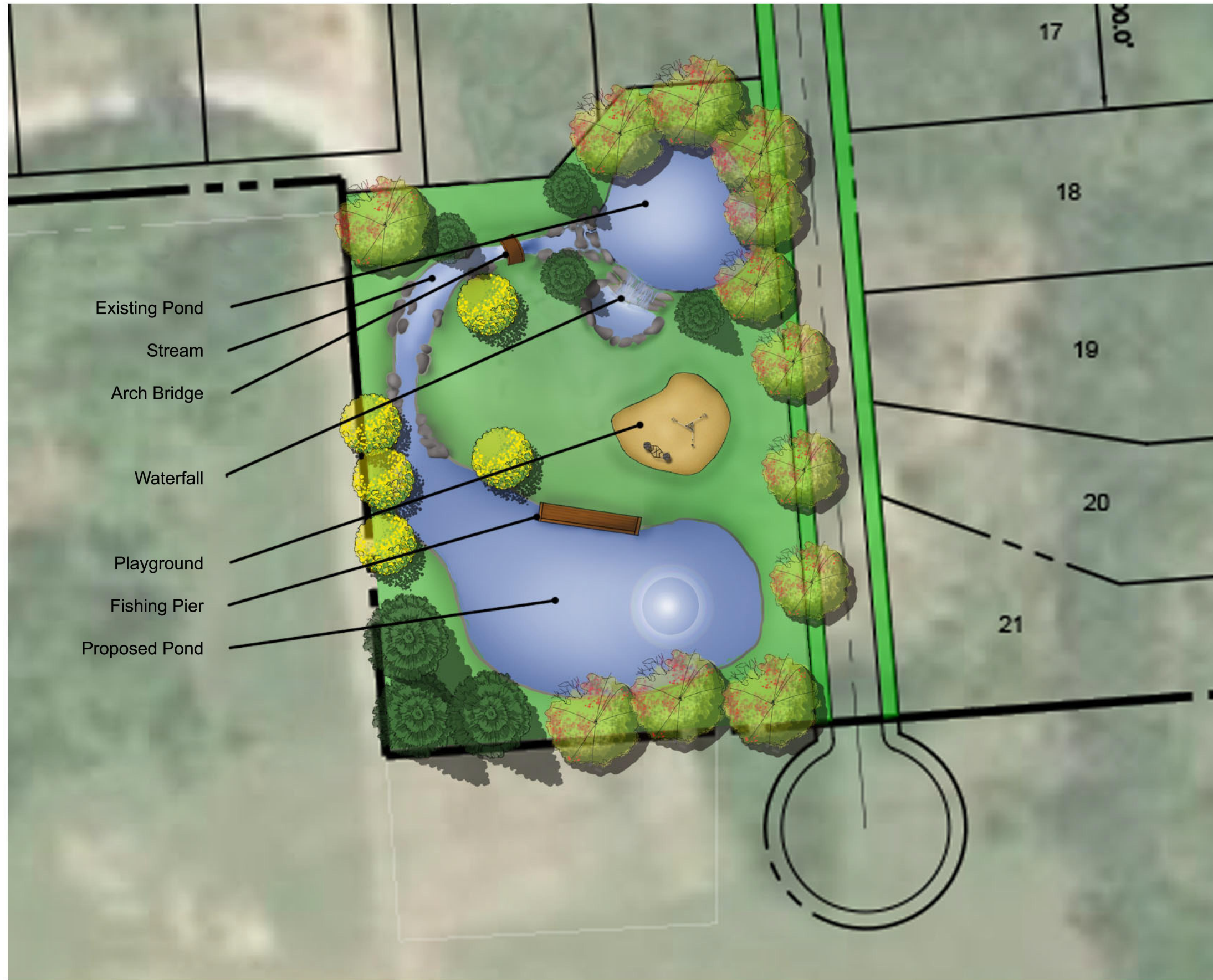
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Zoning Tree Preservation Exhibit  
 Keller - 28.50 Acre  
 City of Keller  
 Tarrant County, Texas



Job No: 2020310149 Date: May 11, 2021 By: JN  
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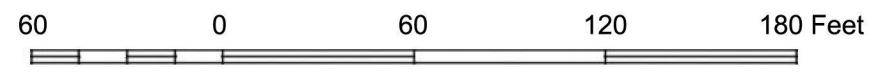
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- Existing Pond
- Stream
- Arch Bridge
- Waterfall
- Playground
- Fishing Pier
- Proposed Pond

Park Concept Plan  
Keller - 33.01 Acres

City of Keller  
Tarrant County, Texas



The John R. McAdams  
Company, Inc.  
111 Hillside Drive  
Lewisville, Texas 75067  
972.438.9712  
201 Country View Drive  
Roanoke, Texas 76282  
940.240.1012  
TBPE: 19762 TBPLS: 10194440  
www.gisort.com  
www.mcadamsco.com

Job No. 2020310149 Date: March 11, 2021 By: JN  
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Keller\04-Production\Planning and LA\Exhibits\Planning\CAD Working  
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Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
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## AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification              | Order PO | Amount  | Cols | Depth |
|-----------|--------------|-----------------------------|----------|---------|------|-------|
| 10931     | 56926        | Print Legal Ad - IPL0021789 |          | \$73.55 | 1    | 4.01  |

Attention: Kelly Ballard

CITY OF KELLER  
 PO BOX 770  
 KELLER, TX 762440770

### CITY OF KELLER PUBLIC HEARING

A public hearing will be held by the City Council at 7:00 PM. on Tuesday, May 18, 2021, to consider approving an ordinance for a Planned Development zoning change from Single-Family 36,000 square-foot minimum lots (SF-36) and Commercial (C) to Planned Development - Single-Family 20,000 square-foot minimum lots for Greenway Park that consists of 37 residential lots and an approximately 4.43-acres of open space on an approximately 28.502-acres of land, legally described as a portion of Tract 4 (account #: 05685591), the entire Tract 7 (account #: 05685540), and a portion of Tract 7A, 8B, 8B2 and 9C (account #: 5226317), Abstract 29 out of Allen, Richard F Survey and addressed as 1108, 1100, and 1130 North Main Street, and located on the east side of North Main Street (HWY 377). Mark Weatherford, Applicant/Developer. PBS Family Limited Partnership, Owner. Richard Gibson, Owner. (Z-21-0003)

Persons with disabilities who plan to attend this hearing and who may need auxiliary aid or services, such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact the ADA Coordinator 48 hours in advance, at (817) 743-4041, and reasonable accommodation will be made for assistance.  
 IPL0021789  
 May 2 2021



### THE STATE OF TEXAS COUNTY OF TARRANT

Before me, a Notary Public in and for said County and State, this day personally appeared Amanda Grisham, Bid and Legal Coordinator for the Star-Telegram, published by the Star-Telegram, Inc. at Fort Worth, in Tarrant County, Texas; and who, after being duly sworn, did depose and say that the attached clipping of an advertisement was published in the above named paper on the listed dates:

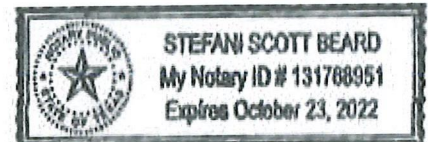
No. of Insertions: 1  
 Beginning Issue of: 04/18/2021  
 Ending Issue of: 05/16/2021

*Amanda Grisham*

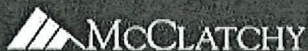
Sworn to and subscribed before me this 4th day of May in the year of 2021

*Stefani Beard*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!



Baaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

## AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification              | Order PO | Amount  | Cols | Depth |
|-----------|--------------|-----------------------------|----------|---------|------|-------|
| 10931     | 68808        | Print Legal Ad - IPL0024879 |          | \$84.96 | 1    | 51L   |

Attention: Kelly Ballard

CITY OF KELLER  
 PO BOX 770  
 KELLER, TX 762440770

**ORDINANCE NO. 2016**

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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.

Passed and approved by a vote of 7 to 0 on this the 18th day of May 2021.

SIGNED BY:  
 Armin R. Mizani, Mayor  
 Kelly Ballard, City Secretary  
 IPL0024879  
 May 21 2021

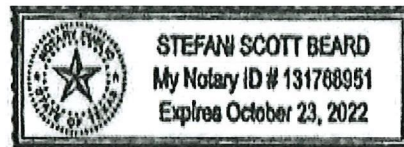
### THE STATE OF TEXAS COUNTY OF TARRANT

Before me, a Notary Public in and for said County and State, this day personally appeared Amanda Grisham, Bid and Legal Coordinator for the Star-Telegram, published by the Star-Telegram, Inc. at Fort Worth, in Tarrant County, Texas; and who, after being duly sworn, did depose and say that the attached clipping of an advertisement was published in the above named paper on the listed dates:

No. of Insertions: 1  
 Beginning Issue of: 05/21/2021  
 Ending Issue of: 05/21/2021

Sworn to and subscribed before me this 2nd day of September in the year of 2021

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!