

ORDINANCE NO. 2039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A ZONING CHANGE APPLICATION FROM RETAIL (R) TO PLANNED DEVELOPMENT SF-8.4 (PD-SF-8.4) FOR BEVERLY GROVE, A SUBDIVISION CONSISTING OF 33 RESIDENTIAL LOTS AND FOUR (4) OPEN SPACE LOTS ON APPROXIMATELY 11.38-ACRES, BEING LEGALLY DESCRIBED AS TRACT 3E, ABSTRACT 457 OUT OF THE JOHN EDMONDS SURVEY, LOCATED AT THE INTERSECTIONS OF RAPP ROAD, SHADY GROVE ROAD, AND RUFÉ SNOW DRIVE, AND ADDRESSED AS 1301 RUFÉ SNOW DRIVE IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Sunrise Partners, LLC (Applicant/Developer); Bursey Commercial, (Owner); and Peloton Land Solutions (Engineering Firm), submitted a request for a Planned Development zoning change (Z-21-0009) for approximately 11.38-acres from Retail (R) to Planned Development - Single-Family 8,400 square-foot minimum lots (PD-SF-8.4) for the proposed Beverly Grove subdivision; and

WHEREAS, the Beverly Grove Planned Development – Single-Family 8,400 square-foot minimum lots meet the 2021 Future Land Use Plan (FLUP) land use category for High-Density Single-Family; and

WHEREAS, the approximately 11-acre Planned Development consists of 33 residential lots (with a 9,216 square feet average lot size) and four native open spaces; and

WHEREAS, the Planned Development contains approximately 2.21-acres of tree preservation with an added connection to the existing City trail along the west side of the proposed development and live screenings (including preservation of existing tree stands and natural understory) are to remain along the southeast corner, the interior, and the eastern edge of the proposed Planned Development; and

WHEREAS, notice of a public hearing before the Planning and Zoning Commission (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, the Commission held a public hearing on August 24, 2021, at which the Commission recommended approval of the zoning change amendment by a 4-3 vote; and

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

WHEREAS, the City Council held a public hearing on September 21, 2021, to consider the proposed zoning change at which the item was tabled until the Regular City Council Meeting on October 19, 2021; and

WHEREAS, the City Council is of the opinion 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 from Retail (R) to Planned Development SF-8.4 (PD-SF-8.4) for Beverly Grove subdivision consisting of 33 residential lots and four (4) open space lots on approximately 11.38-acres, being legally described as Tract 3E, Abstract 457 out of the John Edmonds Survey, located at the intersections of Rapp Road, Shady Grove Road, and Rufe Snow Drive, and addressed as 1301 Rufe Snow Drive, in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A" is hereby approved, and incorporated herein as if fully set forth as submitted.

Section 3: THAT, any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon final conviction therefor, shall be fined in a sum not to exceed two thousand dollars (\$2,000.00). Each and every day any 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 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 19th day of October, 2021.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
Armin R. Mizani, Mayor

ATTEST:

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Kelly Ballard, City Secretary

Approved as to Form and Legality:

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L. Stanton Lowry, City Attorney