

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A PLANNED DEVELOPMENT AMENDMENT ZONING CHANGE FROM PD-SF-36 (PLANNED DEVELOPMENT-SINGLE FAMILY RESIDENTIAL-36,000 SQUARE FOOT MINIMUM) TO PD-SF-36 (PLANNED DEVELOPMENT-SINGLE FAMILY RESIDENTIAL-36,000 SQUARE FOOT MINIMUM) TO AMEND THE PREVIOUSLY APPROVED PLANNED DEVELOPMENT (ORDINANCE NO. 1822) FOR A TENNIS CLUB AND TRAINING FACILITY, LOCATED ON AN APPROXIMATELY 26.99-ACRES OF LAND, BEING TRACT 3D AND 3D01 OUT OF THE DANIEL BANCROFT SURVEY, ABSTRACT NO. 141, LOCATED ON THE WEST SIDE OF KELLER SMITHFIELD ROAD, APPROXIMATELY 400 FEET NORTH OF JOHNSON ROAD, AT 660 AND 680 KELLER SMITHFIELD ROAD, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, D.R. Newton, owner; Jennifer Dent, applicant; and Adams Engineering, engineer; have submitted an application to the City of Keller to request a Planned Development Amendment Zoning Change (Z-17-0001), 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 deny 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, in accordance with the Unified Development Code, the City Council of the City of Keller, Texas hereby authorizes approval of a planned development amendment zoning change from PD-SF-36 (Planned Development-Single Family Residential-36,000 square foot minimum) to PD-SF-36 (Planned Development-Single Family Residential-36,000 square foot minimum) to amend the previously approved Planned Development (Ordinance No. 1822) for a tennis club and training facility, located on an approximately 26.99-acres of land, being Tract 3D and 3D01 out of the Daniel Bancroft Survey, Abstract No. 141, located on the west side of Keller Smithfield Road, approximately 400 feet north of Johnson Road, at 660 and 680 Keller Smithfield Road, in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, with the following original and modified variances and conditions adopted November 1, 2016:

1. The variance request to allow the uses requiring an SUP of daycare, dormitories, and guest quarters shall be allowed.
2. The variance request to allow the additional uses of Clubhouse, Restaurant and Bar, Office, Spa Room, and Family Lodgings shall be allowed.
3. The condition proposed to limit the hours of operation are limited to 6:00 a.m. to 12:00 a.m. daily shall be required.

4. The condition proposed to limit the hours of tennis Court lights are limited to 8:00 a.m. to 10:00 p.m. daily shall be required. Regulated hours will not apply to a 'bubble' enclosure.
5. The condition proposed to limit delivery hours are limited to 7:30 a.m. to 7:30 p.m. daily shall be required.
6. The variance request to allow the existing barn to be repurposed at its current location, approximately fifty feet (50') from the west property line shall be allowed.
7. The variance request to allow the use of batten board siding made from hardwood, fiber cement board, or PVC shall be allowed.
8. The variance request to allow flat roofs on the Clubhouse and Junior Clubhouse only shall be allowed.
9. The variance request to allow the Junior Clubhouse to remain metal shall be allowed. Should it be clad, a minimum twenty-five percent (25%) percent of elevations shall be stone or stone veneer.
10. The condition proposed to limit the building colors to earth tones, meaning natural colors of stone and wood, or shades of grey shall be required.
11. The condition proposed to require a minimum thirty-five percent (35%) percent of elevations shall be stone or stone veneer for the Clubhouse, Private Residence, Dormitories and Family Lodgings shall be required.
12. The variance request to allow the height of accessory structures to not exceed thirty feet (30') in average height shall be allowed.

13. The condition proposed to limit the number and square footage of accessory structure to not more than thirty (30) total accessory structures, not to exceed 7,950 square feet combined shall be required.
14. The condition proposed to require that accessory structures must be setback a minimum of sixty feet (60') from all property lines shall be required.
15. The condition proposed to require that accessory structures shall be the same color and material as primary structures, however, pavilions and shade structures shall be constructed of wood or metal, if metal is used then support post shall be clad in a veneer to match the stone and batten board siding of new structures shall be required.
16. The condition proposed to require that roofs of pavilions or shade structures shall be standing seem metal or canvas shall be required.
17. The variance request to allow a living screen in lieu of a masonry wall on the south, west and north property lines adjacent to residential development shall be allowed. This living screen shall consist of pipe-rail fencing, large evergreen shrubs planted six feet (6') on center at four feet (4') in height along the north and west property lines and six feet (6') in height along the south property line at time of planting, the required thirty foot (30') landscape buffer, and the four-inch (4") caliper large canopy buffer trees planted every thirty feet (30') on center. Additional mature landscape coverage along the south property line for screening of automobile traffic shall be required.

18. The condition proposed to limit light pole heights for tennis courts to twenty-five feet (25') in height shall be required.

19. The condition proposed that no Tennis Court lights within one hundred fifty feet (150') of residential shall be on after 9:00 p.m. shall be required. Regulated hours will not apply to courts within a 'bubble' enclosure.

20. Tennis Court Lights shall be dark sky rated and full cutoff lights.

21. Use of dormitories shall be in conjunction with the Tennis Club and training facility only.

And the following new variances:

22. The variance to Section 8.06 (A.2) to allow the 'bubble' enclosures or air membrane structures to be a fabric material shall be allowed.

23. The variance to Section 5.22 to allow the power lines shown in Exhibit "A" to remain overhead during Phase 1 and be buried with Phase 2 shall be allowed.

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 _____ to _____ on this
the 7th day of March, 2017.

CITY OF KELLER, TEXAS

BY: _____
Mark Mathews, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney