

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, APPROVING A PLANNED DEVELOPMENT (PD) AMENDMENT AND REZONING A PORTION TO SINGLE FAMILY RESIDENTIAL-36,000 SQUARE-FOOT LOTS, FOR THE BIRCH RACQUET AND LAWN CLUB, ON THE PROPERTY LEGALLY DESCRIBED AS BLOCK A, LOT 1 AG OF THE BIRCH ADDITION, BEING 26.99 ACRES, APPROXIMATELY 340 FEET NORTHWEST FROM THE INTERSECTION OF KELLER SMITHFIELD ROAD AND JOHNSON ROAD, ZONED PLANNED DEVELOPMENT 1822-SINGLE FAMILY RESIDENTIAL-36,000 SQUARE-FOOT MINIMUM LOTS (PD 1822-SF-36), AND ADDRESSED AS 660 KELLER SMITHFIELD ROAD IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Taylor Dent, The Birch Racquet and Lawn Club, Applicant/Owner, submitted a request to amend an existing 26.99-acre Planned Development (PD) and rezone a portion to Single-Family Residential-36,000 square-foot lots (Z-23-0005); and

WHEREAS, the Applicant proposes to reduce the size of PD-1822 from 26.99 acres to approximately 14.24 acres, with the remaining acres rezoned to SF-36; and

WHEREAS, the City's Planning and Zoning Commission and the City Council, in accordance with the Charter of the City of Keller, State Law, and the ordinances of the City of Keller, have given the required notices and have held the required public hearings regarding the UDC amendments described in this ordinance; and

WHEREAS, the Planning and Zoning Commission held a public hearing on September 12, 2023 and recommended approval of the PD Amendment and zoning change request by a vote of 6-1; and

WHEREAS, the City Council is of the opinion the PD Amendment and 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 approves and incorporates

herein as fully submitted an ordinance approving a Planned Development (PD) amendment and rezoning a portion to Single Family Residential-36,000 square-foot lots, for The Birch Raquet and Lawn Club, on the property legally described as Block A, Lot 1 AG of The Birch Addition, being 26.99 acres, approximately 340 feet northwest from the intersection of Keller Smithfield Road and Johnson Road, zoned Planned Development 1822-Single Family Residential-36,000 square-foot minimum lots (PD 1822-SF-36), and addressed as 660 Keller Smithfield Road, in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, including original variances and conditions adopted by Ordinance 1845 on May 16, 2017:

1. The variance request to allow the additional uses of Clubhouse, Restaurant and Bar, Office, Spa Room, and Family Lodgings shall be allowed.
2. The condition proposed to limit the hours of operation to 6:00 a.m. to 12:00 a.m. daily shall be required. Activities during the business hours between 6:00 a.m. to 7:00 a.m. shall be restricted to indoor activities only.
3. The condition proposed to limit the hours of tennis court lights to 8:00 a.m. to 10:00 p.m. daily shall be required. Regulated hours will not apply to permanent court buildings.
4. The condition proposed to limit delivery hours are limited to 7:30 a.m. to 7:30 p.m. daily shall be required.
5. The variance request to allow the use of batten board siding made from hardwood, fiber cement board, or PVC shall be allowed.
6. The variance request to allow a flat roof on the Clubhouse only shall be allowed.
7. 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.
8. The condition proposed to require a minimum thirty-five percent (35%) percent of elevations shall be stone or stone veneer for the Clubhouse shall be required.
9. The variance request to allow the height of accessory structures to not exceed thirty feet (30') in average height shall be allowed.

10. The condition proposed to limit the number and square footage of accessory structures to not more than twenty-seven (27) total accessory structures, not to exceed 5,000 square feet combined shall be required.
11. The condition proposed to require that accessory structures must be setback a minimum of sixty feet (60') from all property lines shall be required.
12. 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.
13. The condition proposed to require that roofs of pavilions or shade structures shall be standing seem metal or canvas shall be required.
14. 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.
15. The condition proposed to limit light pole heights for tennis courts to twenty-five feet (25') in height shall be required.
16. 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 permanent court building.
17. Tennis Court Lights shall be dark sky rated and full cutoff lights.
18. The variance to Section 8.06 (A.2) to allow the use of metal panel exterior with "batten board" appearance for the permanent court buildings shall be allowed.

19. 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 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 _ to _ on this the 19th day of September 2023.

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