

Item H-9

PUBLIC HEARING: Consider a resolution approving an amendment to the Future Land Use Map from Industrial Commercial (IC) to Mixed-Use (MU) for approximately 21.98 -acres of land, legally described as Tract 9C02K, Tract 9C02, Tract 9C02J, Tract 9C02H, Tract 9C02E, Tract 9C02F, Tract 9C02B, Tract 9C02C, Tract 9C02D out of the Holland, WJ Survey, Abstract No. 692, located on the northwest corner of the Wall-Price Keller Road and Whitley Road intersection. Garland All Storage Associates, Owner. Contour Real Estate and Development; Applicant. (LUP-21-0001)

Item H-10

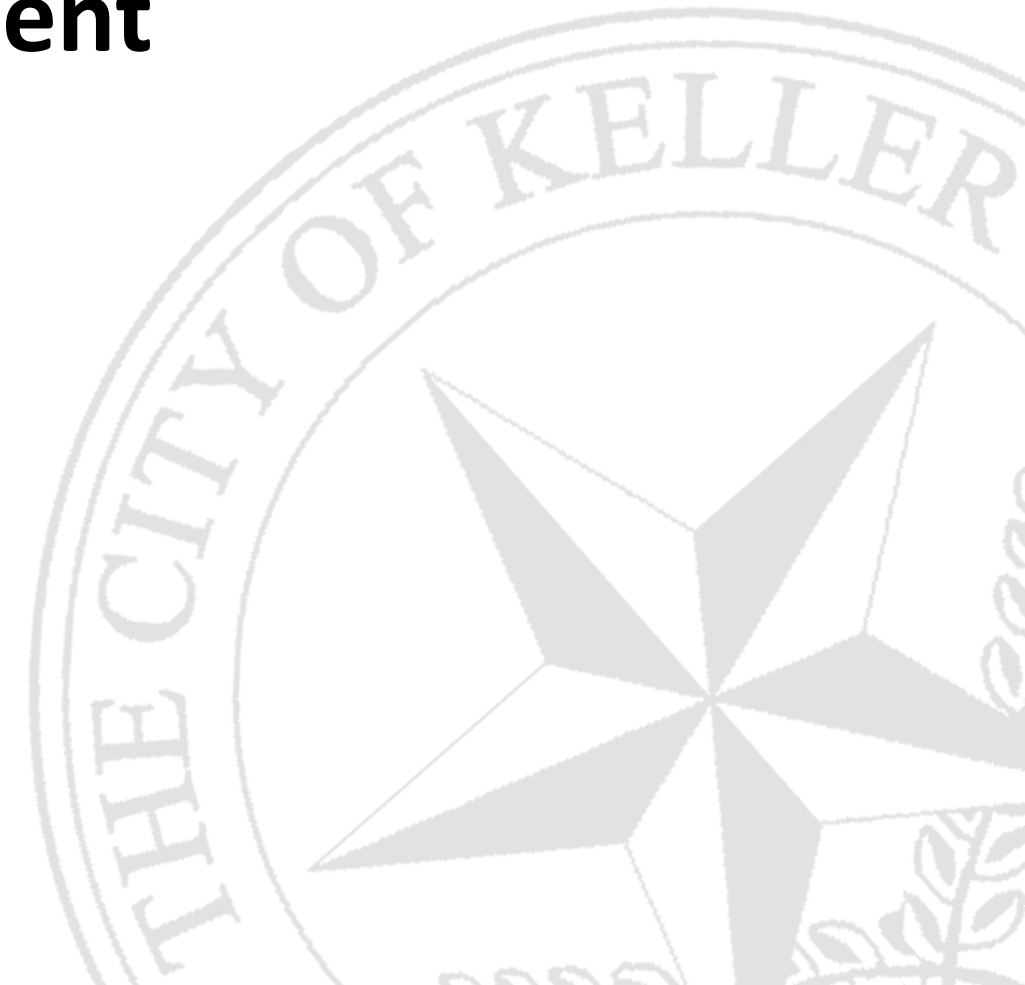
PUBLIC HEARING: Consider an ordinance approving an amendment to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending provisions to add a Single-Family Mixed-Use zoning district, located in Article Eight -Zoning Districts, Development Standards, Tree Preservation, and; providing penalties; authorizing publication; and establishing an effective date. (UDC-21-0002)

Item H-11

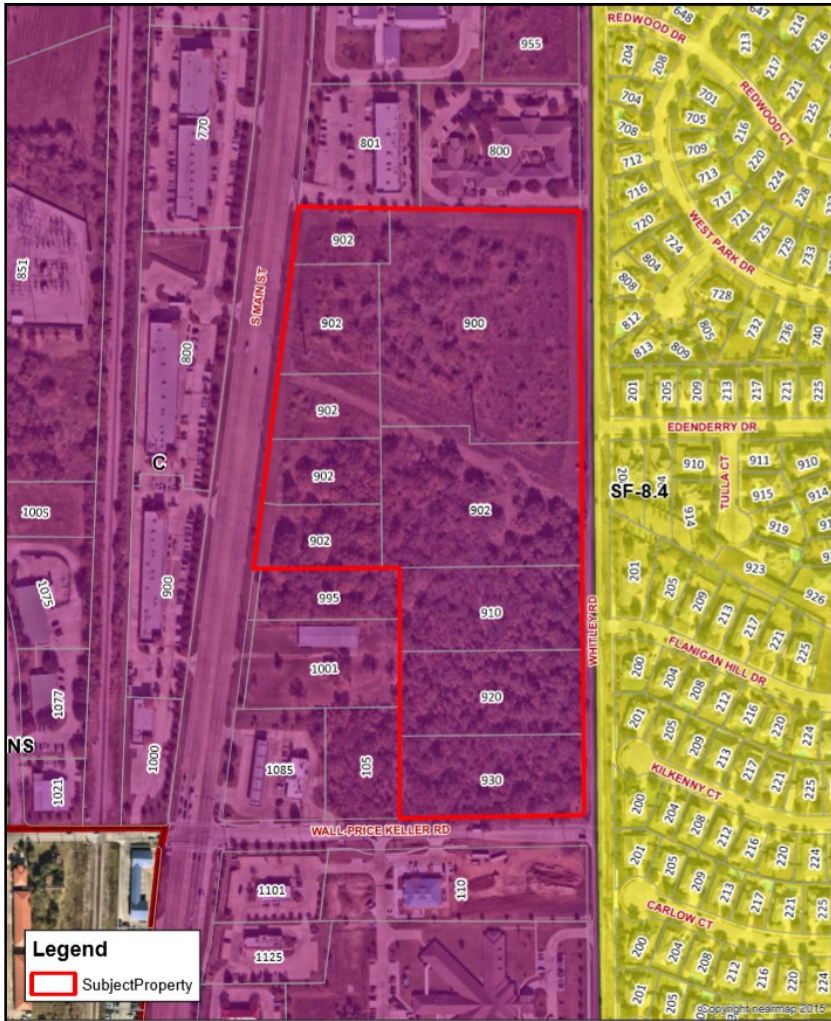
PUBLIC HEARING: Consider an ordinance approving a zoning change from Commercial to Planned Development Single-Family Mixed-Use for an approximately 21.98 -acres of land, legally described as Tract 9C02K, Tract 9C02, Tract 9C02J, Tract 9C02H, Tract 9C02E, Tract 9C02F, Tract 9C02B, Tract 9C02C, Tract 9C02D out of the Holland, WJ Survey, Abstract No. 692, located on the northwest corner of the Wall-Price Keller Road and Whitley Road intersection. Garland All Storage Associates, owner. Contour Real Estate and Development; applicant. (Z-21-0001)

FLUP Amendment

(Item H-9)



Item H-9 Zoning Map



Zoned: Commercial

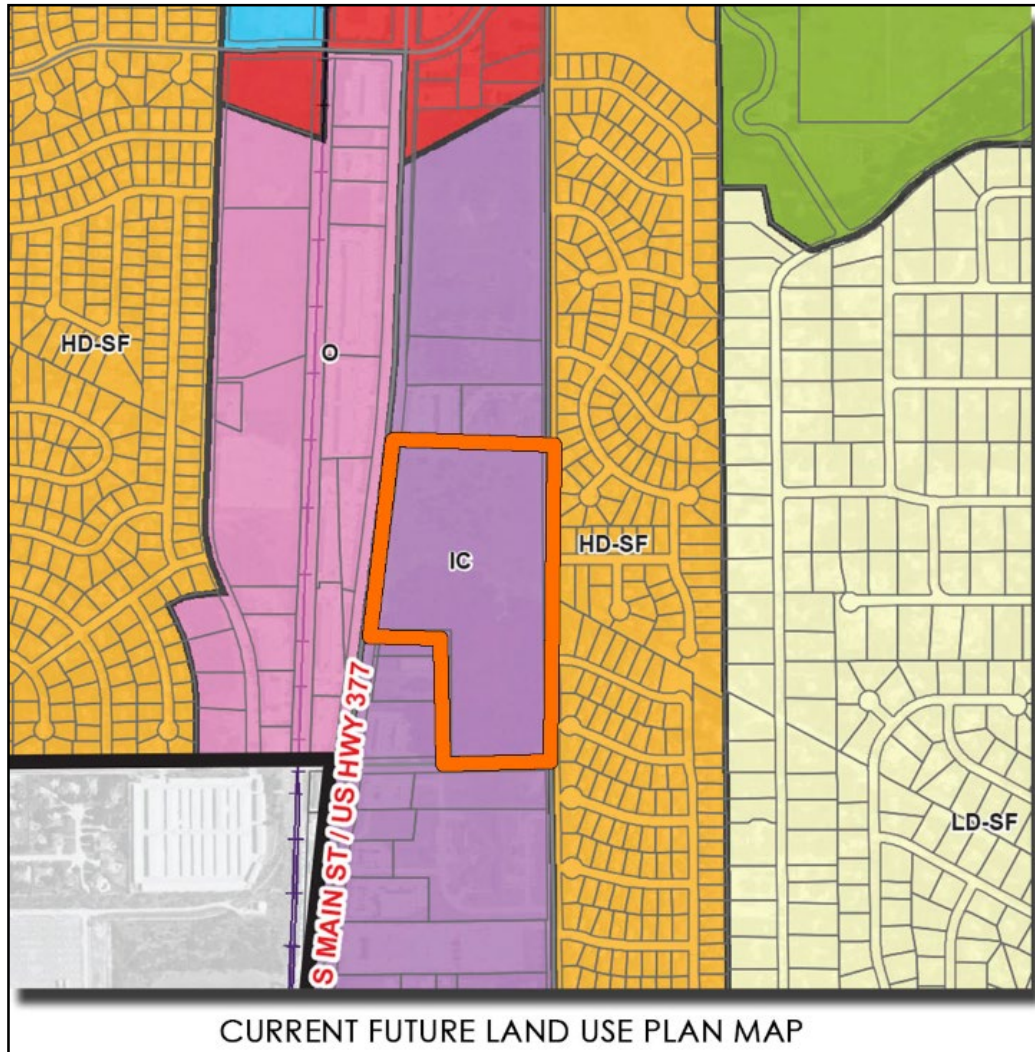
Item H-9 Aerial View



Item H-9

- On Aug. 31, 1998, City Council adopted the Land Use Element of the City of Keller Master Plan (Resolution No. 1051). The 1998 FLUP designates the almost 22 acres of land as “Industrial Commercial.” However, the Applicant is proposing to develop Wimberley Estates, a residential Planned Development.
- The proposed Planned Development includes a single-family residential development with an average lot size of 4,725 square feet. Consequently, the Applicant first must amend the FLUP to accommodate such a development. The Applicant is requesting amending the FLUP from Industrial Commercial to “Mixed-Use” as defined by the 1998 FLUP.

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Current Land Use Designation:

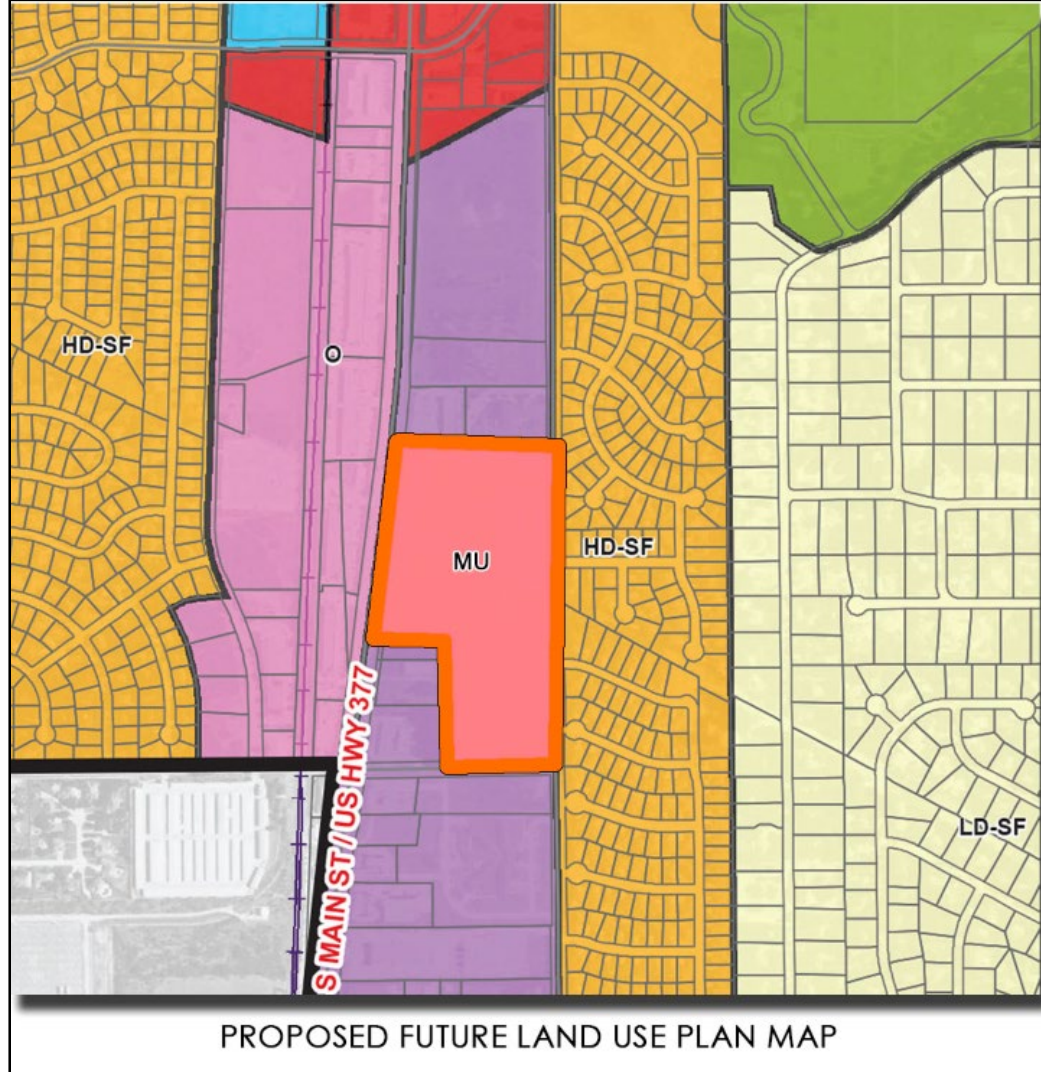
Industrial Commercial (IC) as defined by the 1998 FLUP: “This land use category includes manufacturing, processing, packaging, assembly, storage, warehousing and distribution of products. It is important that industrial development be of high quality and attractive, and be free of noise, odor, glare, unsightliness, etc., and is compatible with adjacent residential and non-residential uses.”

Proposed Land Use Designation:

Mixed-Use (MU) as defined by the 1998 FLUP: “The new category, Mixed-Use, has been introduced to allow Keller to maintain its low density residential character by meeting the demand for higher density residential and non-residential in an efficient and creative manner. It is also intended to allow for land development of superior quality through the encouragement of flexibility and creativity in design options that:

- Permit creative approaches to the development of land reflecting changes in the technology of land development;
- Allow for the efficient use of land, which can result in smaller networks of utilities and streets and thereby lower development costs;
- Encourage a broad range of services (shopping, employment, recreation, etc.) in close proximity to their need;
- Allow for juxtaposition of land uses both horizontally and vertically, not otherwise allowed;
- Allow design options that encourage an environment of stable character, compatible with surrounding land uses; and
- Permit the enhancement of neighborhoods through the preservation of natural features, the provision of underground utilities, and the provision of recreation areas and open space.”

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The 1998 FLUP designates the property surrounding the proposed development as follows:

North: Industrial Commercial (IC)

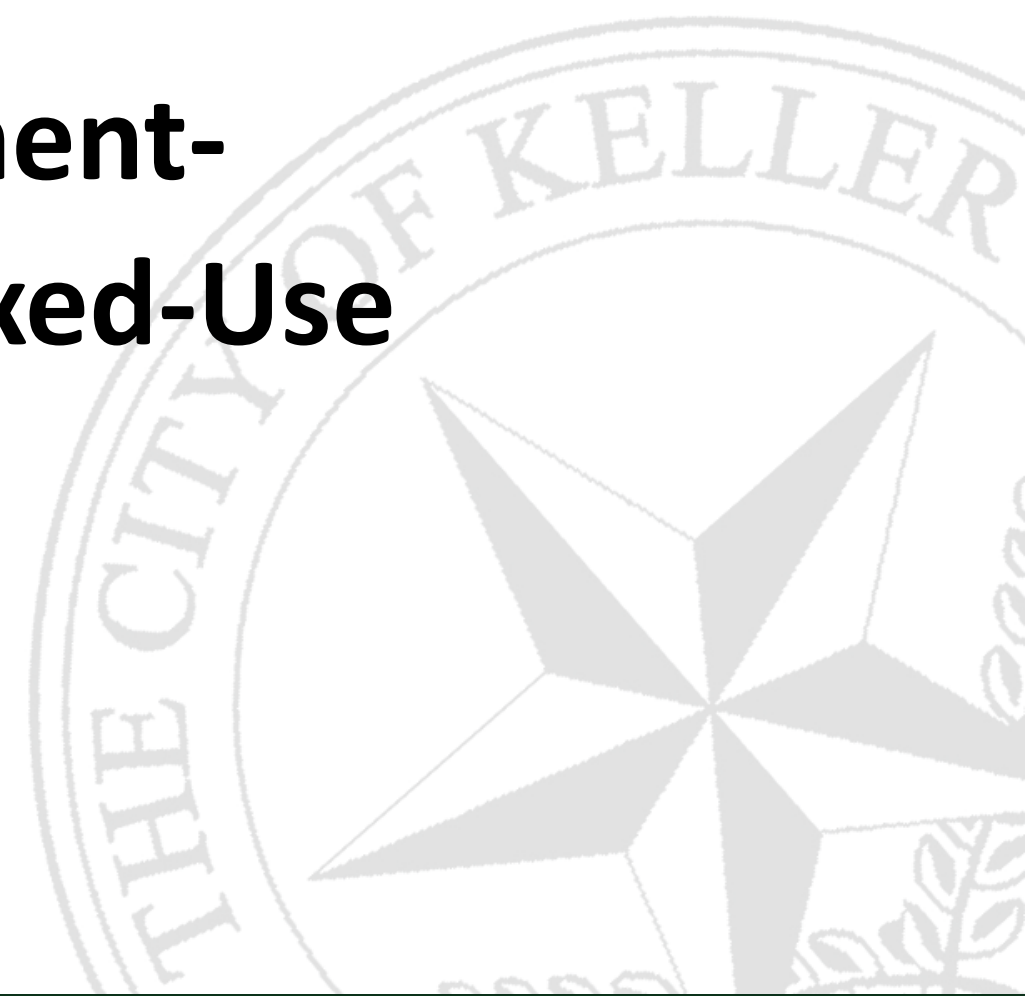
South: Industrial Commercial (IC)

East: HD-SF - High Density - Single Family
(12,000 S.F. to 14,999 S.F.)

West: Office (O)

UDC Amendment- Single-Family Mixed-Use

(Item H-10)



Item H-10

- In conjunction with the Future Land Use Plan Amendment, the Applicant is requesting a base-zoning district be created to support the Wimberley Estates Planned Development. The highest density, single-family zoning district currently available in the UDC is SF-8.4 (8,400-square-foot lots), and that does not meet the proposed PD's plan for 4,725-square-foot lots.
- Section 8.04 of the UDC states how Planned Development Districts (PDs) may be designed and adopted. In this case, the Applicant opted to submit a Detailed Plan for the proposed residential Planned Development (PD). Because **PDs must be designed from a UDC base zoning district that supports the primary use of the proposed PD** (in this case small-lot single-family development), the Applicant had to create and propose a new zoning district that would accommodate 4,725-square-foot lots.

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The Applicant is proposing the following **new zoning district**:

Single-Family Mixed-Use (SF-MU) definition:

“The SF-Mixed-Use, Single Family Residential District is designed to provide for a suitable residential environment on smaller and more compact lots or parcels of land which are integrated into a horizontal and/or vertical mixed use development pattern. Such a mixed use development will incorporate both residential and nonresidential uses into a walkable community with uninterrupted pedestrian connections that layer compatible land uses and public amenities, to foster community design and development that serves the economy, community, public health, and the environment.”

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4. Area Regulations (see also Section 8.15 - Supplemental Regulations)

a. Size of Lots

- 1) **Minimum Lot Area** - Four thousand five hundred (4,500) square feet.
- 2) **Minimum Lot Width** -
 - a) Forty feet (40').
 - b) Lots with predominant frontage on a cul-de-sac or elbow - Thirty feet (30') at the front property line.
- 3) **Minimum Lot Depth** - One hundred feet (100').

b. Size of Yards

- 1) **Minimum Front Yard-Primary House Facade** -
 - a) Fifteen feet (15').
 - b) Lots with predominant frontage on a cul-de-sac or elbow - Twenty feet (20').
- 2) **Minimum Front Yard-Unenclosed Front Porch** - Ten feet (10').
- 3) **Minimum Side Yard** - Five feet (5'); ten feet (10') on corner lots adjacent to a street; twenty feet (20') adjacent to a thoroughfare.
- 4) **Minimum Rear Yard** - Twenty feet (20') if adjacent to an alley; ten feet (10') if no alley exists.

Special exceptions for building setbacks may be made for properties of exceptional topography or necessary finished floor elevations to aid in screening when standard setbacks create a looming effect over a neighboring property. This determination will be made by the DRC. Decisions of the DRC may be appealed to the City Council for a final decision.

c. **Maximum Lot Coverage** - Sixty-five percent (65%) for the home, exclusive of accessory buildings, driveways, and parking areas.

d. **Parking Regulations**

- 1) A garage with a minimum capacity of two (2) cars shall be constructed on the same lot as the primary dwelling unit. The garage shall be maintained for parking and shall not be converted to living space.
- 2) Automobiles, motorcycles, pickup trucks, and other self-propelled light load vehicles may be parked anywhere within a lot provided they are parked on paved surfaces in accordance with Section 8.07 (B.2) of this Code. If covered by tarps or covers, automobiles, motorcycles, pickup trucks, and other self-propelled light load vehicles shall only be parked within side or rear yards on paved surfaces. Towed light load vehicles (trailers) and recreational vehicles shall only be parked within side or rear

Proposed Zoning Regulations:

Min. Lot Area: 4,500 sf

Min. Lot Width: 40 feet

Min. Lot Depth: 100 feet

Min. Front-Yard: 15 feet

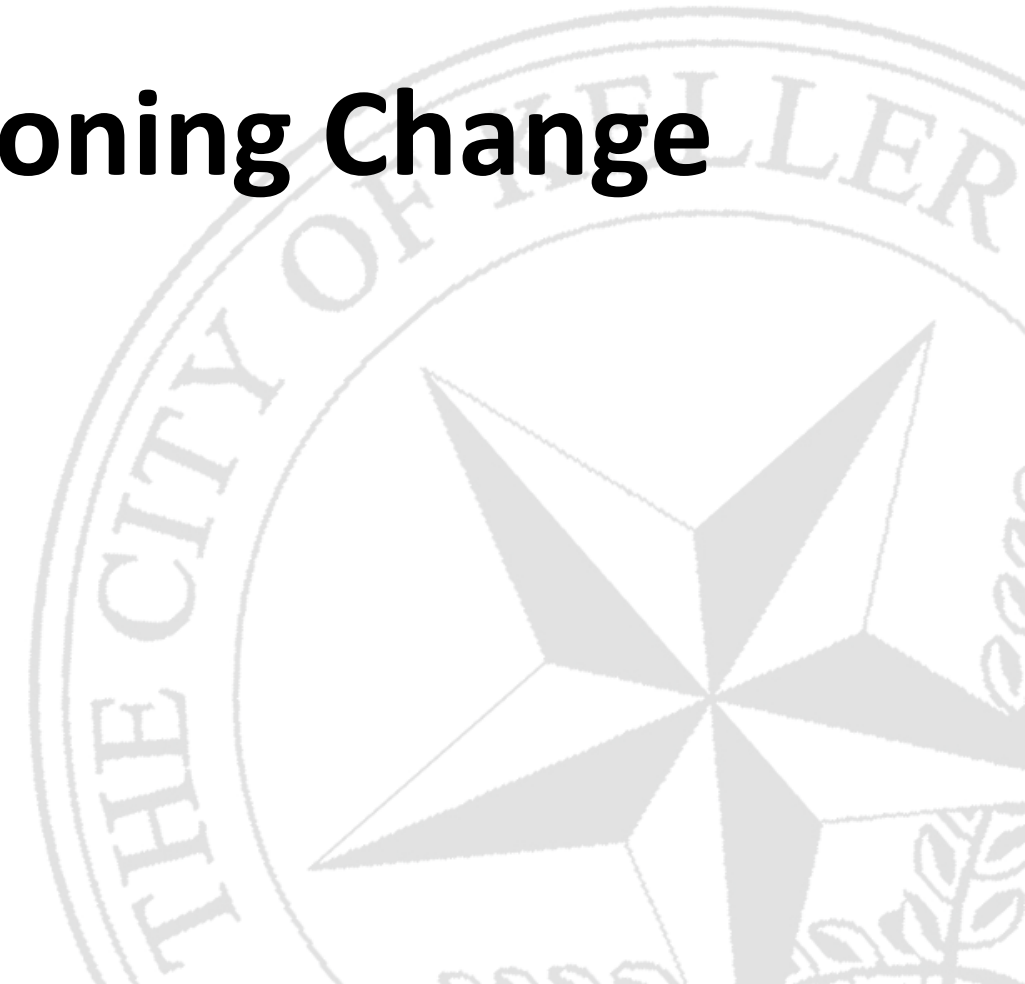
Min. Side Yard: 5 feet

Min. Dwelling Unit: 1,400 sf

Min. Rear Yard- 20 feet if no alley, 10 feet with alley

Planned Development Zoning Change

(Item H-11)



Item H-11

- Contour Real Estate and Development (Applicant) and JBI Partners (Engineer) submitted a detailed plan and request for rezoning approximately 22 acres on South Main from Commercial to Planned Development - Single-Family Mixed Use. They are proposing 80, single-family detached units on 4,725-square-foot lots.
- Currently, the nearly 22 acres is zoned entirely Commercial. In order to develop a small-lot residential subdivision, the Applicant is requesting to rezone the area to PD-SF-MU (Planned Development –Single-Family Mixed Use).
- The Applicant is also requesting that the Commercial portion adjacent to the development be considered as part of the project even though they do not own it nor plan to develop it.

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The Applicant's cover letter summed up the vision for the development as follows:

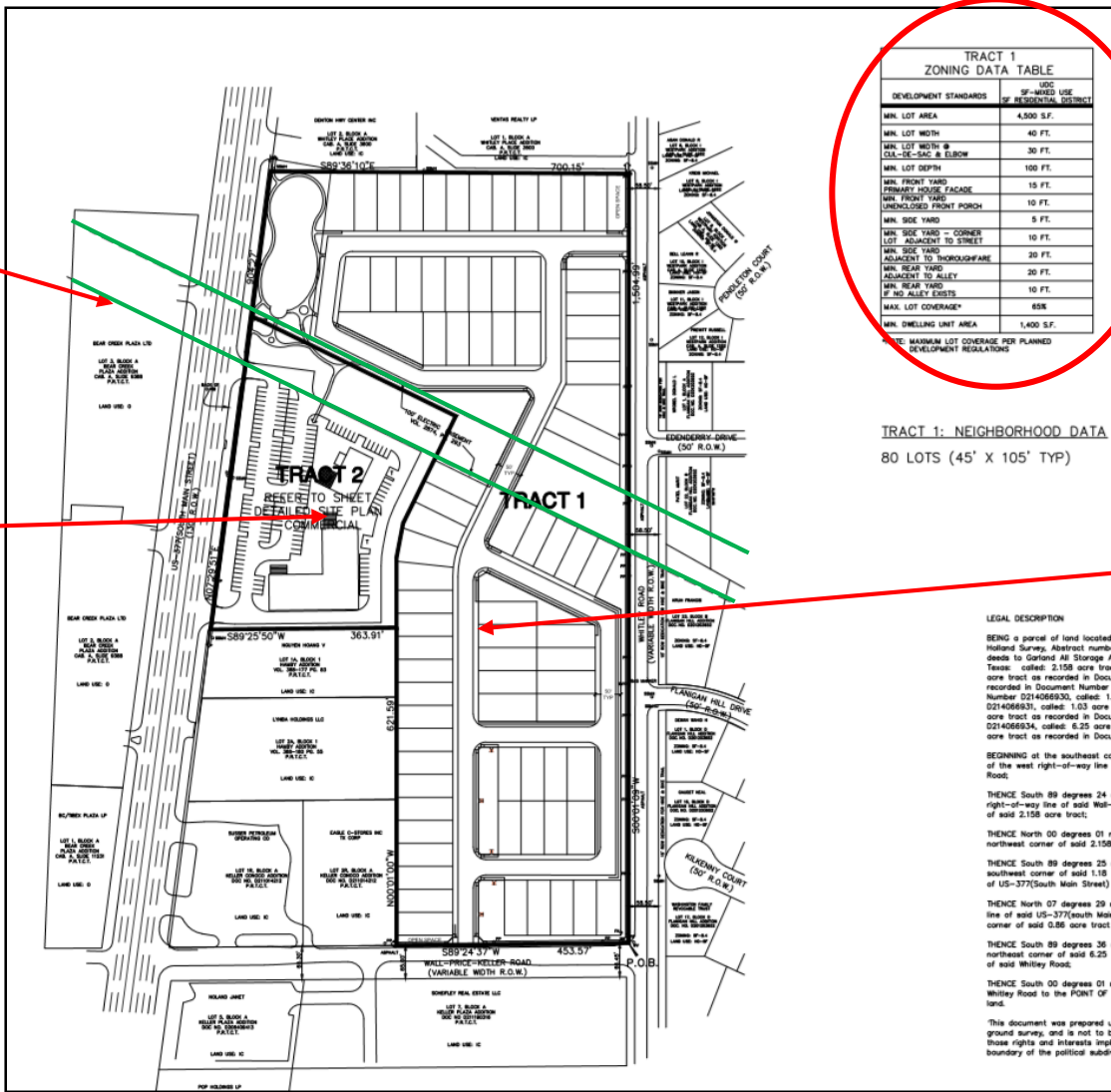
“Wimberley is proposed to be a mixed-use neighborhood located at the northwest corner of Whitley Road and Wall Price-Keller Springs Road. The residential portion of the neighborhood provides 80 homes sites on approximately 15 acres of land. The homes will be single family detached homes with front entry garages. The homes will be for sale and each home will be located on its own lot.

“The nonresidential portion of the neighborhood will be adjacent to US 377. This will allow for it to benefit from activity within the corridor while balancing its impact on the adjacent single-family neighborhoods. Vehicular access will be focused on US 377, while pedestrian linkages will allow residents to have accessible connections between living, working, and entertainment uses.”

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100' Utility easement

Future Commercial on the adjacent property is approximately six acres.



Min. Lot Area: 4,500 sf
Min. Lot Width: 40 ft
Min. Lot Depth: 100 ft
Min. Front-Yard: 15 ft
Min. Side Yard: 5 ft
Min. Dwelling Unit:
1,400 sf

Residential Portion
containing 80
detached single-family
units with an average
lot size of
approximately 4,725
square feet (45 x 105)
on approximately 15
acres.

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Proposed PD Standards:

Permitted uses shall be all principal and accessory uses which are allowed by right in the (C) Commercial District, in accordance with Section 8.03 of the Keller Unified Development Code, as amended.

The following Uses, normally allowed by right in the (C) Commercial District, shall be prohibited in PD-SF-MU:

- A. Dry cleaning plant or commercial laundry
- B. Hotel/Motel
- C. Light Manufacturing wholly enclosed within a building
- D. Newspaper printing
- E. Pet grooming, no outdoor kennels
- F. Printing company (commercial)

SF-Mixed Use Zoning District Use Table	
P = Permitted Uses	
SUP = May Be Approved as Special Use Permit	
Additional uses permitted only by Planned Development Districts are listed in Section 8.04(I)	
- = Not Permitted	
Use	SUP or P
Accessory building (detached) 500 sq. ft. or less	P
Accessory building (detached) in excess of 500 sq. ft.	SUP
Accessory dwelling (detached) on lots 1.5 acres or larger	SUP
Amateur radio, TV, or CB antenna (50 ft. or less in height)	P
Antenna: radio, TV, relay, microwave, or telecommunications (over 50 ft.)	SUP
Assisted Living Facility (up to 6 residents) (Amended by Ord. No. 1809 on September 6, 2016)	P
Assisted Living Facility (7 or 8 residents) (Amended by Ord. No. 1809 on September 6, 2016)	SUP
Athletic stadium or field operated by the city or school district	P
Batching plant (temporary)	Permit
Cemetery or mausoleum (new or expansion)	SUP
Child Care (Center)	SUP
Child Care (Home-based)	SUP
Detached SF dwelling	P
Farm, ranch, livestock, garden, orchard	P
Group home	SUP
Home occupations	P
Kennel, indoor or outdoor pens	SUP
Mobile home on individual lot	SUP
Modular home	P
Offices, City, County, State, and Other Governmental	P
Private park	P
Private street residential development (gated subdivision)	PD
Public park or playground	P
Religious institution	P
School, Private	SUP
School, Public	P
Temporary field construction office	P
Tourist home (bed and breakfast)	SUP
Utility structures/sub-stations (Private or Franchised)	SUP
Utility structures/sub-stations (Public)	P
Wind Turbines	SUP

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The Applicant is proposing 100% of the facades of the homes, exclusive of doors and windows, be constructed with the following materials: brick, stone, or man-made stone.



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The Applicant is proposing the following regarding landscaping and trees:



- “Trees, a minimum 3” caliper in size at the time of planting, shall be provided at a ratio equal to 1 tree per 50 linear feet of frontage along Wall-Price-Keller Road and Whitley Road. The trees may be placed in an informal layout.”
- “The following trees shall be the only trees allowed to be used as street trees due to their tap root structure versus a horizontal root structure. Live Oak, Bur Oak, Red Oak, Cedar Elm, and Lace Bark Elm. Because of the vertical root structure, root barriers shall not be required for these street trees.”

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“A minimum 15’ wide landscape buffer is proposed along Wall Price-Keller Road and Whitley Road. This buffer will be owned and maintained by the Homeowners Association.”



15 foot- wide
Landscape Buffer

Item H-11

Traffic Access:

There are two proposed access points: one from Wall-Price Keller Road and one off of Whitley Road.



Wall-Price Keller

Whitley Road

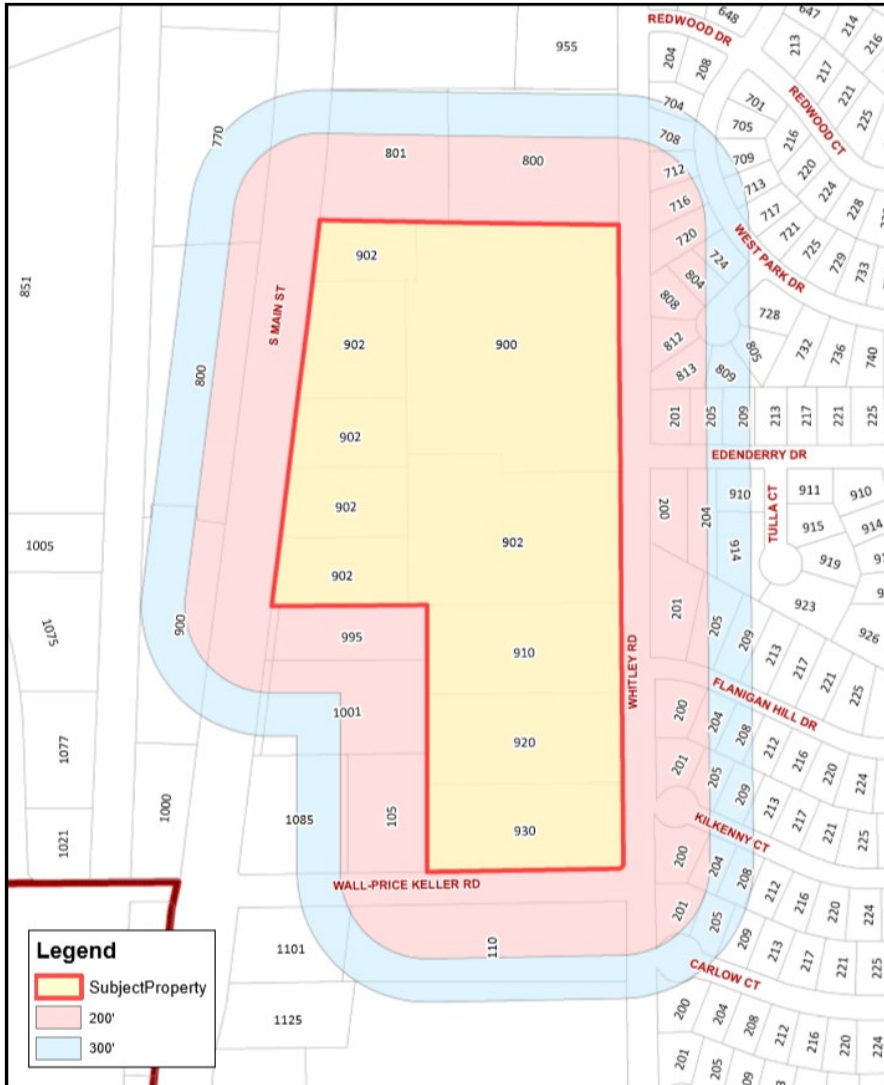
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Staff Analysis:

The Applicant's SF-MU proposed definition requires nonresidential uses. Staff is concerned about the lack of concurrent commercial development for the PD. The Applicant explained there is adjacent commercial property which they have included in their concept plan and is available for development, but there are no immediate plans to develop it. Furthermore, someone else (not the applicant) would have to do the commercial development component when it is developed at some future date.

Mixed-use developments not only require, but rely on a mix of residential and commercial uses to generate the synergy necessary for success. Here, the only proposed development is small-lot residential.

Item H-9, H-10, H-11



- On Feb. 11, 2021, the city mailed out 56 Letters of Notification for this public hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was also posted on the site.
- An amendment to the text of the UDC requires a public hearing notice to be published in the local newspaper ten (10) days prior to the scheduled Planning and Zoning Commission meeting date. The notice for the Planning and Zoning Commission public hearing was published in the Feb. 12, 2021, edition of the Fort Worth Star-Telegram.
- As of today, staff has received multiple responses from the Public in opposition to H-9, H-10, and H-11.

Item H-9, H-10, and H-11

Section 8.02 (D.1.e) of the UDC states that when considering amendment to the zoning ordinances, the Planning and Zoning Commission and City Council shall consider the following factors:

- 1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole, and in compliance with the Future Land Use Plan.
- 2) Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- 3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- 4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- 5) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- 6) Any other factors which will substantially affect the health, safety, morals, or general welfare.

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The Planning and Zoning Commission recommended denial by a vote of 7-0 at the Feb. 23, 2021 meeting. The Commission noted the lack of concurrent commercial development as well as the importance of one of the last undeveloped commercial parcels in Keller. The “friendly denial” underlined the potential for support had the PD proposed commercial along with residential.

Item H-9, H-10, and H-11

The City Council has the following options when considering these items:

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



**Questions?
Julie Smith
817-743-4128**