

ORDINANCE NO. 1845

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING AMENDMENTS TO ORDINANCE NO. 1822, APPROVED ON NOVEMBER 1, 2016, AMENDING THE PREVIOUSLY APPROVED PLANNED DEVELOPMENT FOR THE BIRCH TENNIS CLUB AND TRAINING FACILITY, TO ALLOW PERMANENT TENNIS COURT BUILDINGS, 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, AND ZONED PD-SF-36 (PLANNED DEVELOPMENT-SINGLE FAMILY RESIDENTIAL-36,000 SQUARE-FOOT MINIMUM, 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 Zoning Change Amendment (Z-17-0007), 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 approve 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

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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 amendments to Ordinance No. 1822, approved on November 1, 2016, amending the previously approved Planned Development for the Birch tennis club and training facility, to allow permanent tennis court buildings, 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, and zoned PD-SF-36 (Planned Development-Single Family Residential-36,000 square-foot minimum). in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, with the following original 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. Activities during the business hours

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between 6:00 a.m. to 7:00 a.m. shall be restricted to indoor activities only.

- 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 permanent court buildings.
- 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.

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- 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

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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 permanent court building.

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 use of metal panel exterior with "batten board" appearance for the permanent court buildings 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.

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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 6 to 1 on this the 16th day of May, 2017.



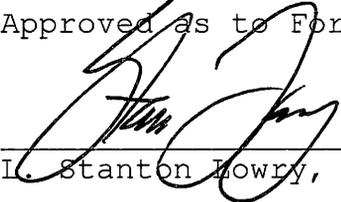
CITY OF KELLER, TEXAS

BY:   
Mark Mathews, Mayor

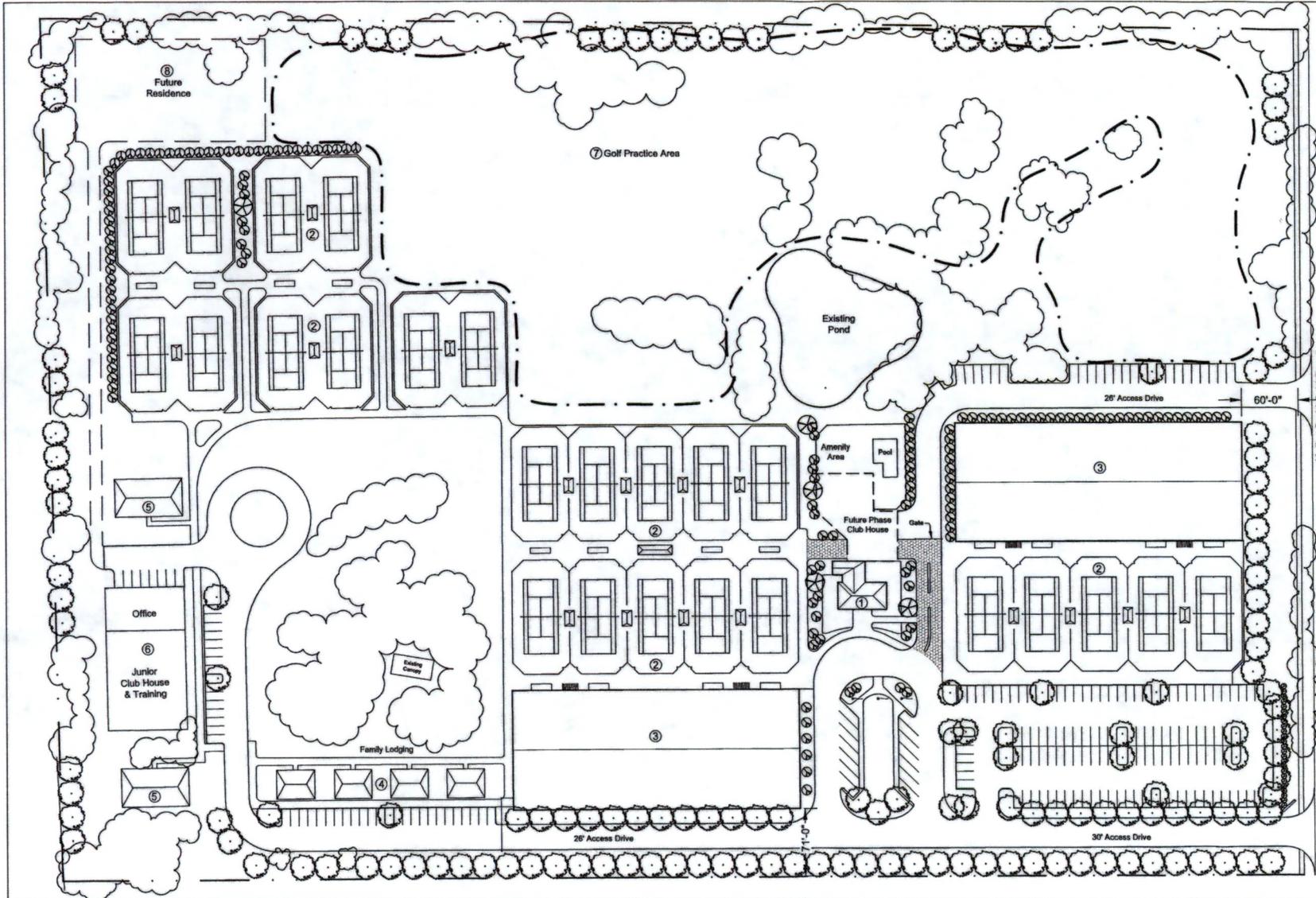
ATTEST:

  
Kelly Ballard, City Secretary

Approved as to Form and Legality:

  
L. Stanton Lowry, City Attorney





**SITE SUMMARY:**

- ① Phase 1 Club House 2,288sf
  - a. Future expansion to 2 story 12,000sf
  - b. Outdoor patio and amenities including pool, seating, deck, fire pit & service
  - c. Uses: Gym, Locker Rooms, Physical Therapy, Bar Lounge, Restaurant, Spa Room, Daycare, Reception & Pro-Shop
- ② Tennis Courts (25)
- ③ Enclosed Tennis Courts (10)
- ④ Family Lodging – 4 @ 1500sf
- ⑤ Dormitories – Boys and Girls separate buildings/ 2 story with 2800sf first floor to total 5600sf
- ⑥ Existing Building – Renovated to be used as Junior Clubhouse, Training and Office. Will also include Dining Hall, Small Kitchen, Pro-shop, Vending, Locker Room and Fitness Center.
- ⑦ Golf Practice Area
- ⑧ Future residence for owners

TOTAL PARKING: 200 SPACES

**GRAPHIC SCALE**



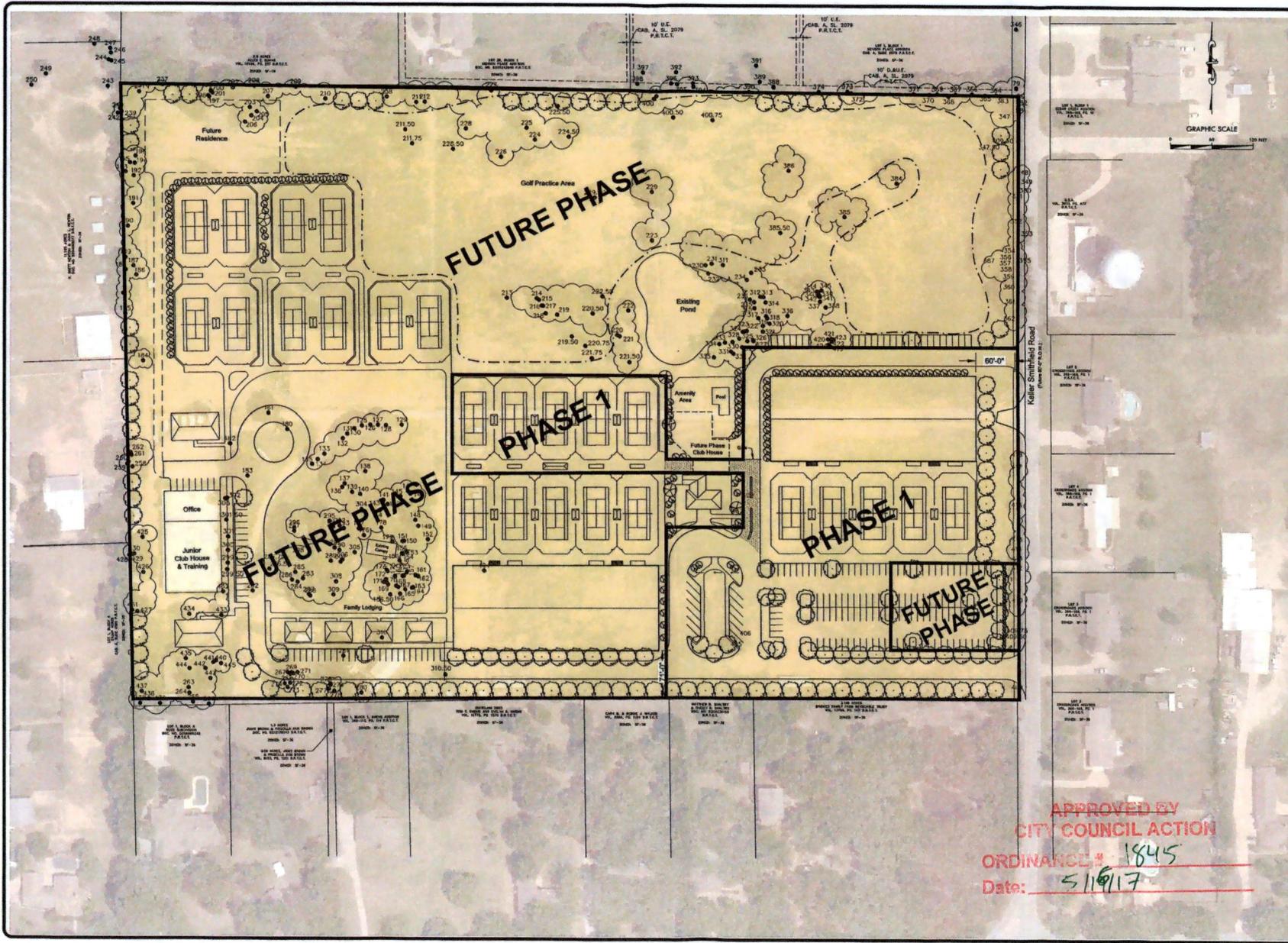
1"=100'-0"  
MAY 1, 2017

Prepared By:



**THE BIRCH  
CONCEPT PLAN**  
Keller, TX

APPROVED BY  
CITY COUNCIL ACTION  
ORDINANCE # 1845  
Date: 5/11/17



DATE	BY
08-12-2017	JK
08-12-2017	JK
08-12-2017	JK



THE BIRCH  
PHASING EXHIBIT



APPROVED BY  
CITY COUNCIL ACTION  
ORDINANCE # 1845  
Date: 5/16/17

JOB NUMBER:	2016.004
DESIGNED BY:	JK
DRAWN BY:	JK
CHECKED BY:	JLP
DATE:	08/08/2017
SCALE:	
PH1.0	

The Birch Tennis Club

Planned Development Zoning Standards

May 1, 2017

The standards set out below will guide development of all phases of The Birch. Where these standards conflict with the City of Keller Unified Development Code, these standards shall apply. Where these standards are silent, the City of Keller Unified Development Code shall apply.

1. Permitted Uses. The proposed use is a Private Tennis Club and Training Facility with:
  - a. Tennis Courts, not to exceed thirty-five (35) total courts. Courts are programmed to have shade structures in court areas and between courts. The five (5) courts on the northeast and the five courts on the southwest are to be fully enclosed within buildings.
  - b. A primary clubhouse is programmed to be 12,000 square feet and two (2) stories. At full build-out the clubhouse size can increase up to twenty percent (20%) above the programmed size if needed. Uses within the clubhouse will include pro-shop, locker rooms, gym, physical therapy room, lounge/bar, restaurant, spa room, reception, office, daycare and other uses consistent with a private club. Outside patio area will provide a connection from the clubhouse to the existing pond. Uses will include covered seating, pool, deck, fire pit and restaurant/ bar service.
  - c. Dormitories not to exceed two (2) buildings. One (1) female dorm and one (1) male dorm. First floor footprint of each dormitory is programmed to be 2,800sf for a total of 5,600sf for each dormitory including second story. Structures can increase up to twenty percent (20%) in square footage to accommodate architectural revisions. Dormitories are to be two (2) per room with twenty (20) rooms programmed for each dormitory. Each dormitory will have a common area living room and small kitchen. Length of stay will vary from short camps to full school year. Maximum height not to exceed thirty feet (30'). Dormitories shall only be used in conjunction with the Tennis Club facility.
  - d. Family Lodging, four (4) single story buildings that are each programmed to be 1,500 square feet. Structures can increase up to twenty percent (20%) in square footage to accommodate architectural revisions. Lodging allows for families to stay with their student during academy training. Length of stay will vary from short camps to full school year. Lodging will include multiple bedrooms, living room and kitchen.
  - e. Golf practice area, on the north side of the property to be located within the area shown on the Concept Plan. Operations for the golf will be run out of the main clubhouse.
  - f. One (1) private residence with guest quarters.
2. Density, Lot Dimensions, and Setbacks.
  - a. The property shall be developed as one (1) lot.

APPROVED BY  
CITY COUNCIL ACTION  
ORDINANCE # 1845  
Date: 5/16/17

- b. The maximum number of enclosed permanent buildings shall be twelve (12) with a combined square footage not to exceed 130,000 square feet.
  - c. All new permanent building construction shall be setback a minimum of sixty feet (60') from all boundary lines.
  - d. The existing barn may be converted for other uses at its current location, approximately fifty feet (50') from residential properties to the rear.
3. Architectural Standards. The desired aesthetic for The Birch is rustic but refined. This will be reflected with quality materials, similar colors, and compatibility in architectural design and features between all structures.
- a. Materials. Exteriors of new construction shall be a combination of stone, stone veneer, and batten board siding (made from hardwood or fiber-cement board). A minimum of twenty-five (25%) of each elevation shall be stone or stone veneer with the Court Buildings being the exception. Cedar wood may be used as an accent material. Roofs shall be either grey standing-seam metal roofs or grey dimensional asphalt shingles. Flat roofs shall also be allowed for the Clubhouse, Junior Clubhouse and the Court Buildings. The existing barn being repurposed may maintain its current metal exterior or may be clad in materials to match new buildings as described above.
  - b. Colors. All building materials shall be earth tones, natural colors of stone and wood, or variations of grey.
  - c. Clubhouse. Masonry percentage shall be a minimum of thirty-five percent (35%).
  - d. Junior Clubhouse (renovate existing building). See 3a above
  - e. Private residence. Masonry percentage shall be a minimum of thirty-five percent (35%).
  - f. Dormitories. Masonry percentage shall be a minimum of thirty-five percent (35%).
  - g. Family Lodging. Masonry percentage shall be a minimum of thirty-five percent (35%).
  - h. Court Buildings will have exterior finishes similar to the Phase 1 Clubhouse either with batten board or metal panel "batten board" look and stone veneer. Maximum peak height for the court buildings shall not exceed forty-five feet (45').
  - f. All other architectural standards of the Keller Unified Development Code for Non-Residential Construction shall apply to the Clubhouse, Junior Clubhouse, Dormitories and Family Lodging. All other architectural standards for the Keller Unified Development Code for Residential Construction shall apply to the private residence.
4. Screening.
- a. Adjacent Residential Properties. Screening to all immediately adjacent residential properties shall be achieved through a thirty-foot (30') landscape buffer with living screen. This buffer shall have four-inch (4") caliper large canopy trees planted thirty feet (30') on center. In addition, large evergreen shrubs shall be placed at the property line every six feet (6') on-center and shall be 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. Existing pipe rail fences to remain. No

masonry wall required. Additional mature landscape coverage along the south property line for screening of automobile traffic coming from the club exit shall be required. Screening will be installed as each phase develops.

- b. Keller Smithfield Road – Screening of parking lot per the UDC and accent planting along the frontage to break-up and enhance views to the property
- c. Dumpsters. During Phase 1, a temporary dumpster will be located on the main drive and shall be screened in accordance with the UDC, with full build-out dumpster will be accessed and screened north of the clubhouse.
- d. All other screening standards in the Unified Development Code shall apply.

#### 5. Landscaping

- a. Landscaping shall be provided in accordance with the Keller Unified Development Code Landscaping Requirements for Non-Residential and Multi-Family.

#### 6. Accessory Buildings

- a. All buildings apart from the Clubhouse, Junior Clubhouse, Dormitories, Family Lodging, Residence and Court Buildings shall be considered accessory buildings. Accessory buildings will include the in-court shade structures (25), courtside pavilions (3) and clubhouse amenity pavilion.
- b. There shall be no more than 30 accessory buildings, not exceed 15,000 square feet combined.
- c. Accessory buildings shall not exceed thirty (30') in average height.
- d. Accessory buildings shall be setback a minimum of sixty feet (60') from residential property lines.
- e. Accessory buildings shall be the same materials and colors as primary buildings.
- f. Pavilions and Shade Structures are considered accessory buildings but have different standards as provided here. Pavilions and shade structures shall be constructed of wood or metal. If metal construction, then support posts shall be clad in a veneer to match the stone and batten board siding of new structures. Roofs of pavilions and shade structures shall be standing seam metal or canvas.

#### 7. Signs

- a. Signs shall follow the standards of the Keller Unified Development Code of Non-Residential Districts at the time of sign permit application.

## 8. Lighting

- a. The site shall meet the Lighting standards set forth in the Keller Unified Development Code except where specified herein.
- b. Tennis Court lights shall not exceed twenty-five feet (25') in height.
- c. Tennis Court lights shall not be used between the hours of 10:00 p.m. and 8:00 a.m. Courts within one-hundred fifty feet (150') of an adjacent residential property will not be in use or lighted past 9:00 p.m. Regulated hours will not apply to Court Buildings.
- d. Tennis court lights shall be Dark Sky rated and full cut-off lights.

## 9. Hours of Operation

- a. Club operation hours will be from 6:00am to 12:00am. Delivery hours are to be 7:30am to 7:30pm. Phase 1 deliveries to the clubhouse will occur at the front drop-off loop. Once the clubhouse has been expanded deliveries will come through a service drive on the north side of the clubhouse.

## 10. Tree Preservation.

- a. Trees shown in clouds on the concept plan shall be preserved, except those in the Right-of-Way may be removed if needed.
- b. All other tree preservation requirements set in the Keller Unified Development Code shall apply at time of Site Plan application for each phase.

## 11. Phasing. The site is intended to be developed in three (3) phases. Timing of the phases will be dependent on membership demand and funding.

- a. Phase one includes the first ten (10) tennis courts, court building over the five (5) northeastern courts, 2,288 square foot clubhouse, entry drive and drop-off loop and 56 parking spaces.
- b. Phase II will include 17 additional courts, court building over the five (5) southwestern courts, full drive extension, remaining parking up to 210 parking spaces, two (2) dormitories, expansion of the clubhouse to the full 12,000sf, renovation of the existing building for the junior clubhouse, two (2) family lodging buildings and demolition remaining existing structures.
- c. Phase III will include the two additional family lodging buildings, eight additional tennis courts, the private residence, and golf practice area.

## 12. Off-Street Parking

- a. A minimum of one-hundred eight (180) parking spaces will be required. With each phase, the minimum required amount of parking per the facilities being provided is required to be available:
  1. Tennis Courts – minimum two (2) spaces per court
  2. Clubhouse Space – minimum one (1) space per three-hundred (300) square feet
  3. Additional Staff and Chaperones – minimum ten (10) spaces
  4. Golf Practice Area – minimum ten (10) spaces
  4. Single-Family residence – minimum two (2) spaces
  5. Dormitories – No parking spaces. These house students below the driving age.
  6. Family Lodging – minimum two (2) spaces per structure
- b. All other parking standards from the Keller Unified Development Code shall apply.

## 13. Power lines:

- a. Existing power lines along boundaries are to be buried in phase 2 per this PD zoning.
- b. The single serve power line angling from Keller Smithfield to the property south of The Birch is to remain per this PD zoning.