

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A PLANNED DEVELOPMENT ZONING CHANGE FROM COMMERCIAL (C) TO PLANNED DEVELOPMENT - PATIO HOMES (PD-PH) CONSISTING OF 22 RESIDENTIAL LOTS AND APPROXIMATELY 0.65 ACRE OF OPEN SPACE ON APPROXIMATELY 4.33 ACRES OF LAND, LEGALLY DESCRIBED AS A PORTION OF TRACT 7B, ABSTRACT 692 OF THE W J HOLLAND SURVEY, AND A PORTION OF THE MARTINS SUBDIVISION PUBLIC RIGHT-OF-WAY DEDICATED TO THE CITY OF KELLER SHOWN ON THE PLAT FILED WITH TARRANT COUNTY UNDER DOCUMENT NUMBER D205322770, LOCATED ON THE WEST SIDE OF THE RAPP ROAD AND WHITLEY ROAD INTERSECTION, AND ADDRESSED 1212 WHITLEY ROAD, AND UNADDRESSED PUBLIC RIGHT-OF-WAY, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Huynh and Viyapon, LLC (Owner) and Garabedian Properties (Applicant), submitted a request for a Planned Development zoning change (Z-24-0001) for approximately 4.33 acres from Commercial (C) to Planned Development – Patio Homes (PD-PH) for the proposed Whitley Springs subdivision; 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 zoning change application described in this ordinance; 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 Commercial (C) to Planned Development - Patio Homes (PD-PH) consisting of 22 residential lots and approximately 0.65 acre of open space on approximately 4.33 acres of land, legally described as a portion of Tract 7B, Abstract 692 of the W J Holland Survey, and a portion of the Martins Subdivision public right-of-way dedicated to the

City of Keller shown on the plat filed with Tarrant County under document number D205322770, located on the west side of the Rapp Road and Whitley Road intersection, and addressed 1212 Whitley Road, and unaddressed public right-of-way 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 ___ to ___ on this the 18th day of June, 2024.

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