

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A PLANNED DEVELOPMENT ZONING CHANGE FROM SF-8.4 (SINGLE FAMILY RESIDENTIAL-8,400 SQUARE-FOOT MINIMUM) AND SF-36 (SINGLE FAMILY RESIDENTIAL-36,000 SQUARE-FOOT MINIMUM) TO PD-SF-8.4 (PLANNED DEVELOPMENT-SINGLE FAMILY RESIDENTIAL-8,400 SQUARE-FOOT MINIMUM) AND PD-SF-15 (PLANNED DEVELOPMENT-SINGLE FAMILY RESIDENTIAL-15,000 SQUARE FOOT MINIMUM) FOR WESTBURY ESTATES, A PROPOSED RESIDENTIAL SUBDIVISION CONSISTING OF TWENTY-FOUR (24) RESIDENTIAL LOTS AND TWO (2) OPEN SPACE LOTS, LOCATED ON AN APPROXIMATELY 9.57-ACRE TRACT OF LAND, BEING LOTS 1-R-1, 1-R-2, AND 2-R, BLOCK A, DELAMORA ADDITION, LOCATED ON THE SOUTHEAST CORNER OF RAPP ROAD AND WHITLEY ROAD, AT 1319 AND 1325 WHITLEY ROAD AND 210 RAPP ROAD, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Sylvia De Lamora, owner; John Shehata, Elite Development and Construction, applicant; Jim Dewey, JDJR Engineers and Consultants, surveyor/engineer; have submitted an application to the City of Keller to request a zoning change (Z-17-0003), 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 Zoning Change from SF-8.4 (Single Family Residential-8,400 square-foot minimum) and SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-8.4 (Planned Development-Single Family Residential-8,400 square-foot minimum) and PD-SF-15 (Planned Development-Single Family Residential-15,000 square foot minimum) for Westbury Estates, a proposed residential subdivision consisting of twenty-four (24) residential lots and two (2) open space lots, located on an approximately 9.57-acre tract of land, being Lots 1-R-1, 1-R-2, and 2-R, Block A, Delamora Addition, located on the southeast corner of Rapp Road and Whitley Road, at 1319 and 1325 Whitley Road and 210 Rapp Road, in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, as if fully set forth with the conditions below:

1. The variance for the side yard setback along Whitley Road for Lots 5 and 6, Block A to be seventeen feet (17') in lieu of the required twenty-foot (20') setback when adjacent to thoroughfares 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 6th day of June, 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