

ORDINANCE NO. 1858

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A PLANNED DEVELOPMENT ZONING CHANGE FROM SF-36 (SINGLE FAMILY RESIDENTIAL-36,000 SQUARE-FOOT MINIMUM) TO PD-SF-30 (PLANNED DEVELOPMENT-SINGLE FAMILY RESIDENTIAL-30,000 SQUARE-FOOT MINIMUM) FOR ENCLAVE AT SKY CREEK, A PROPOSED PRIVATE AND GATED RESIDENTIAL SUBDIVISION CONSISTING OF ELEVEN (11) RESIDENTIAL LOTS AND TWO (2) OPEN SPACE LOTS, ON A PORTION OF AN APPROXIMATELY 9.4-ACRE PROPERTY, BEING TRACTS 4D, 4E, 4G, 4H AND 4J, OUT OF THE LEWIS A. CLAY SURVEY, ABSTRACT NO. 346, LOCATED ON THE SOUTH SIDE OF THE UNION CHURCH ROAD AND PEARSON LANE INTERSECTION, ADDRESSED AS 2012, 2022, AND 2030 UNION CHURCH ROAD, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Larry and Gwen Pipes, Ronny and Jeanette Pipes, owners; DR Trinity Land, applicant/developer; and Thomas Hoover Engineering, engineer; have submitted an application to the City of Keller to request a Planned Development Zoning Change (Z-17-0009), 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 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-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-30 (Planned Development-Single Family Residential-30,000 square-foot minimum) for Enclave at Sky Creek, a proposed private and gated residential subdivision consisting of eleven (11) residential lots and two (2) open space lots, on a portion of an approximately 9.4-acre property, being Tracts 4D, 4E, 4G, 4H and 4J, out of the Lewis A. Clay Survey, Abstract No. 346, located on the south side of the Union Church Road and Pearson Lane intersection, addressed as 2012, 2022, and 2030 Union Church 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 condition that on the east side of the property an open cross board style fence reflecting the existing fence on the property to the east shall be constructed and maintained by the Homeowners Association, except that no masonry columns are required and the fence may be built of two inch by six inch (2"x6") boards instead of one inch

by six inch (1"x6") boards, shall be required.

2. The variance to allow a minimum lot width of one hundred ten feet (110') in the SF-30 base zoning district shall be allowed.
3. The variance to the minimum side yard setback to be twelve feet (12') in the SF-30 base zoning district shall be allowed.
4. The variance to allow a shared access easement to be a minimum forty-four feet (44') in width shall be allowed.
5. The variance to allow a low wall with iron fence and living screening in-lieu of a six-foot (6') screening wall 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 7 to 0 on this the 5th day of September, 2017.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
P.H. McGrail, Mayor

ATTEST:

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Kelly Ballard, City Secretary

Approved as to Form and Legality:

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L. Stanton Lowry, City Attorney