

RESOLUTION NO. 3769

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING AN APPEAL TO THE CITY OF KELLER UNIFIED DEVELOPMENT CODE, ARTICLE 8, ZONING DISTRICTS, DEVELOPMENT STANDARDS, AND TREE PRESERVATION, SECTION 8.19, TREE AND NATURAL FEATURE PRESERVATION TO ALLOW ADVANCED TREE REMOVAL AND LOT GRADING FOR RESIDENTIAL LOTS 1-18 AND LOT 25, BLOCK D, LOTS 1-20, BLOCK E, AND LOTS 11-20, BLOCK F, OF MARSHALL RIDGE PHASE 3D, A RESIDENTIAL DEVELOPMENT CONSISTING OF FORTY-EIGHT (48) RESIDENTIAL LOTS, AND ONE (1) OPEN SPACE LOT, LOCATED ON APPROXIMATELY 19.636-ACRES OF LAND, ON THE WEST SIDE OF MARSHALL RIDGE PARKWAY, APPROXIMATELY 1,000 FEET NORTH OF MOUNT GILEAD ROAD, AND ZONED AS PD-SF-12 (PLANNED DEVELOPMENT - SINGLE FAMILY RESIDENTIAL-12,000 SQUARE FOOT MINIMUM) AND PD-SF-15 (PLANNED DEVELOPMENT - SINGLE FAMILY RESIDENTIAL-15,000 SQUARE FOOT MINIMUM), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS.

WHEREAS, Meritage Homes of Texas, LLC, owner/applicant/developer; Goodwin and Marshall Inc., engineer; have submitted a tree preservation appeal application (TB-16-0002), which has been reviewed by City Staff and recommended for approval by the Planning and Zoning Commission by a unanimous vote.

NOW, THEREFORE, BE IT RESOLVED 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 appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation to allow advanced tree removal and lot grading for residential Lots 1-18 and Lot 25, Block D, Lots 1-20, Block E, and Lots 11-20, Block F, of Marshall Ridge Phase 3D, a residential development consisting of forty-eight (48) residential lots, and one (1) open space lot, located on approximately 19.636-acres of land, on the

1 west side of Marshall Ridge Parkway,
2 approximately 1,000 feet north of Mount
3 Gilead Road, and zoned as PD-SF-12 (Planned
4 Development - Single Family Residential-
5 12,000 square foot minimum) and PD-SF-15
6 (Planned Development-Single Family
7 Residential-15,000 square foot minimum), is
8 hereby approved, attached hereto as Exhibit
9 "A", and incorporated herein as if fully set
10 forth, is hereby approved with the following
11 conditions:

12 1. Approve the tree preservation plan as
13 presented with additional planting,
14 upsizing of required trees in the
15 residential lots, escrowing \$56,800 with
16 the City to be refunded at the final
17 approval of the 45th lot/home or when the
18 final caliper inches are planted.
19 Beginning at two (2) years from the
20 effective date of final acceptance of
21 public improvements, five (5) building
22 permits must be pulled within the
23 previous six (6) months and five (5)
24 building permits must be pulled every
25 subsequent six (6) months, or the
26 obligation of the developer will be
27 considered unmet, the escrowed funds
28 would be forfeited to the City's Tree
Reforestation Fund, less the mitigated
amount (installation of the additional
trees) to date in Marshall Ridge Phase
3D. The CC&Rs for Marshall Ridge Phase 3D
shall include this recommendation for
tree mitigation as approved by the City.

2. The developer shall have a ninety (90)
day period from date of approval by City
Council to determine how many caliper
inches may be planted within the Marshall
Ridge subdivision open spaces. An escrow
of \$196,750 shall be made to the City, a
portion of which may be refunded to the
applicant in the amount of mitigation
trees planted in the open space areas.
The remaining escrow amount after
completion of installation of mitigation
trees in the Marshall Ridge open space

1 areas shall be forfeited to the City's
2 Tree Reforestation Fund.

3 3. Grading shall be permitted to develop
4 streets, utilities and easement areas,
5 but limited to residential lot prep
6 (including tree removal, earthwork, and
7 retaining walls) up to twenty-one (21) of
8 the forty-eight (48) lots in Sub-Phase 1
9 as shown on the attached Exhibit "A".

10 4. Additional erosion control measures as
11 shown in the attached Exhibit "A" shall
12 be installed for those lots prepped in
13 Sub-Phase 1. Staff shall establish a
14 recurring on-site meeting with the
15 developer on a monthly basis to evaluate
16 the effectiveness of the additional
17 erosion control measures installed.

18 5. Lots 14-18, Block D shall be excluded
19 from Sub-Phase 2 grading and shall only
20 be graded at time of release of building
21 permits for these lots.

22 6. Sub-Phase 2 (remaining twenty-two (22)
23 lots), will commence development upon the
24 completion of a final inspection on fifty
25 percent (50%) of those lots developed in
26 Sub-Phase 1 (11 residential lots) and the
27 effectiveness of the additional erosion
28 control measures has met the requirements
of City staff. City staff shall submit a
final report on the effectiveness of the
erosion control measures to City Council
prior to Sub-Phase 2 grading. If City
staff does not approve of the
effectiveness of the additional erosion
control measures for Sub-Phase 1, then
City Council shall consider the release
of Sub-Phase 2 grading.

25 Section 3: THAT, this resolution shall become and be
26 effective on and after its passage and
27 approval.

27 AND IT IS SO RESOLVED.
28


1 Passed by a vote of 4 to 2 on this the 21st day of June,
2 2016.

3 CITY OF KELLER, TEXAS

4
5 BY: 

6 Mark Mathews, Mayor

7
8 ATTEST:

9 
10 Sherla Stephens, City Secretary

11 Approved as to Form and Legality:

12 
13 L. Stanton Lowry, City Attorney