

RESOLUTION NO. 3953

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 8.18, TREE AND NATURAL FEATURE PRESERVATION AND AMEND RESOLUTION NO. 3769 TO ALLOW ADVANCED TREE REMOVAL AND LOT GRADING FOR RESIDENTIAL, LOTS 1-4 AND LOTS 8-18, BLOCK D, LOTS 1-3 AND LOTS 20-18, BLOCK E, AND LOTS 11-13 AND LOTS 18-20, BLOCK F, MARSHALL RIDGE PHASE 3D, A PORTION OF RESIDENTIAL DEVELOPMENT CONSISTING OF FORTY-EIGHT (48) RESIDENTIAL LOTS, AND ONE (1) OPEN SPACE LOT, LOCATED ON APPROXIMATELY 19.636-ACRES OF LAND, LOCATED ON THE WEST SIDE OF MARSHALL RIDGE PARKWAY AND, 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; has submitted an Appeal to the Tree Preservation Requirements application (TB-17-0002), 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 8.18, Tree and Natural Feature Preservation and Amend Resolution No. 3769 to allow advanced tree removal and lot grading for residential, Lots 1-4 and Lots 8-18, Block D, Lots 1-3 and Lots 20-18, Block E, and Lots 11-13 and Lots 18-20, Block F, Marshall Ridge Phase 3D, a portion of residential development consisting of forty-eight (48) residential lots, and one (1) open space lot, located on approximately 19.636-acres of land, located on

the west side of Marshall Ridge Parkway and, 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), is hereby approved, attached hereto as Exhibit "A", and incorporated herein as if fully set forth, is hereby approved with the following condition:

1. Approve the tree preservation plan as presented with additional planting, upsizing of required trees in the residential lots, escrowing \$56,800.00 with the City to be refunded at the final approval of the 45th lot/ home or when the final caliper inches are planted. Beginning at two (2) years from the effective date of final acceptance of public improvements, five (5) building permits must be pulled within the previous six (6) months and five (5) building permits must be pulled every subsequent six (6) months, or the obligation of the developer will be considered unmet, the escrowed funds 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 \$196,750.00 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 amount after completion of installation of mitigation trees in the Marshall Ridge open space areas shall be forfeited to the City's Tree Reforestation Fund.

3. Grading shall be permitted to develop streets, utilities and easement areas, but limited to residential lot prep (including tree removal, earthwork, and retaining walls) up to twenty-one (21) of the forty-eight (48) lots in Sub-Phase 1 as shown on the attached Exhibit "A".
4. Additional erosion control measures as shown in the attached Exhibit "A" shall be installed for those lots prepped in Sub-Phase 1. Staff shall establish a recurring on-site meeting with the developer on a monthly basis to evaluate the effectiveness of the additional erosion control measures installed.
5. Eliminate this condition in its entirety: Lots 14-18, Block D shall be excluded from Sub-Phase 2 grading and shall only be graded at time of release of building permits for these lots.
6. Allow Sub-Phase II to begin advanced tree removal and lot grading per the approved mitigation and tree protection plans once the additional erosion control measures for Sub-Phase I met City staff.

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

AND IT IS SO RESOLVED.

Passed by a vote of 4 to 3 on this the 7th day of November,  
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