

## PLANNED DEVELOPMENT (PD) AMENDMENT APPLICATION

### SECTION 1. APPLICANT/OWNER INFORMATION Please Print or Type

Applicant/Developer: ACRES Development Corporation  
Street Address: P.O. Box 826  
City: Addison State: TX Zip: 75001  
Telephone: 469-241-1222 Fax: NA E-mail: Christopher.Anderson@AcresDevelopment.com  
Applicant's Status: (Check One) Owner  Tenant  Prospective Buyer

**Property Owner must sign the application or submit a notarized letter of authorization.**

Owner: ACLC Ventures, LLC  
Street Address: 2828 Hood Street, Unit 1207  
City: Dallas State: TX Zip: 75219  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

  
Signature of Applicant \_\_\_\_\_ (Please reference the attached authorization letter)  
Date: October 9, 2020 Signature of Owner \_\_\_\_\_ Printed Name of Owner \_\_\_\_\_  
Date: \_\_\_\_\_

Engineer/Surveyor: Weaver Consultants Group (Civil Engineer) Contact Name(s): Jared Bratz or Troy Thomas  
Street Address: 350 East Virginia Street, Suite 301  
City: McKinney State: TX Zip: 75069  
Telephone: 817-735-9770 Fax: 817-735-9775 E-mail: Jbratz@wcgrp.com or Tthomas@wcgrp.com

### SECTION 2. PLANNED DEVELOPMENT REQUEST INFORMATION

Property Location: 501 Rufe Snow Drive, Keller, Texas 76248  
Legal Description:  
Lot(s): 36 Block(s): A Subdivision Name: Trails at Bear Creek  
Unplatted Property Description:  
Abstract Name & Number: \_\_\_\_\_ Tract Number(s): \_\_\_\_\_  
*If property is not platted, please attach a metes and bounds description.*  
Current Zoning: PD-C (Per Ordinance #1736) Proposed Zoning: PD-C (applying to amend the ordinance to include variances for landscape buffer & screen wall requirement.)  
Current Use of Property: Vacant Commercial Land  
Proposed Use of Property: Sit Down Restaurants, as required per Ordinance #1736

**PLANNED DEVELOPMENT (PD) AMENDMENT  
APPLICATION**

**SECTION 3. CHECKLIST**

**(Please provide each of the items below & initial next to each item)**

<input checked="" type="checkbox"/>	The application fee <i>To be Provided</i>
<input type="checkbox"/>	Seven (7) 22" x 34" or 24" x 36" copies are needed, collated and folded to 9" x 12" paper size; electronic copy is recommended upon submittal date.
<input checked="" type="checkbox"/>	A narrative statement that includes: <ul style="list-style-type: none"><li>• Current and proposed base zoning district</li><li>• Description of concept plan</li><li>• A statement of the need for the proposed zoning change</li><li>• Compatibility of proposed zoning with surrounding zoning and land uses.</li><li>• Descriptions that show in what ways the proposal is consistent with the City's Master Plan.</li><li>• You may also choose to address the decision criteria on with the Planning and Zoning Commission and City Council will base their decision.<ol style="list-style-type: none"><li>1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole, and in compliance with the Future Land Use Plan.</li><li>2) Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.</li><li>3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.</li><li>4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.</li><li>5) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.</li><li>6) Any other factors which will substantially affect the health, safety, morals, or general welfare</li></ol></li></ul>
<input checked="" type="checkbox"/>	List of proposed development standards including, but not be limited to: <ul style="list-style-type: none"><li>• Permitted uses,</li><li>• density, lot area, lot width, lot depth, yard depths and widths,</li><li>• building elevations, building material coverage, and building height,</li><li>• floor area ratio,</li><li>• parking ratios and parking locations,</li><li>• access points,</li><li>• screening and landscaping,</li><li>• accessory buildings,</li><li>• signs,</li><li>• lighting,</li><li>• hours of operation,</li><li>• project phasing or scheduling,</li><li>• management associations, and</li><li>• any other requirements.</li></ul>
<input checked="" type="checkbox"/>	A metes and bounds description of the property to be rezoned sealed by a surveyor.
<input checked="" type="checkbox"/>	An 24" by 36" aerial exhibit of the subject property showing the locations of trees in accordance with Section 8.19

**ARTICLE NINE**  
**Unified Development Code**

Adopted: July 7, 2015



Existing Conditions Exhibit. This 24" by 36" exhibit shall show the boundary of PD area with metes and bounds labels and important physical features such as existing structures, topography, existing streets, alleys and easements general use, thoroughfares.



Concept Plan. The plan shall be to scale, 24" by 36" in size, and show the following:

- the boundary of PD area with metes and bounds labels
- preliminary lot arrangements,
- access, proposed streets and thoroughfares,
- size, type and location of buildings with building density, building height,
- fire lanes,
- screening, landscaped areas/plans,
- other pertinent development data.



Evidence of communicating the proposal with the adjacent neighborhood



Trip Generation Form and, if required per Section 5.03, a Traffic Impact Analysis



Additional information or drawings, operations data, or expert evaluation when considering the application, including traffic studies and drainage studies as required by the Development Review Committee

October 8, 2020

Katasha Smithers, Planner I  
City of Keller  
Keller Town Hall  
100 Bear Creek Pkwy  
Keller, Texas 76244

RE: 501 Rufe Snow Drive, Keller, Texas - Authorization Letter

To Whom It May Concern:

ACLIC Ventures, LLC, owner of the commercial property containing +/- 2.38 acres and located at 501 Rufe Snow Drive, Keller Texas, hereby authorizes ACRES Development Corporation, as Project Manager, to act on ownership's behalf regarding zoning and other official related matters with the City of Keller.

ACLIC Ventures, LLC  
2828 Hood Street, Unit 1207  
Dallas, Texas 75219

By: Andrew M Chooljian  
Andrew Chooljian, Managing Member

Date: 10/8/2020

This certificate is attached to a 1 page document dealing with/entitled AUTHORIZATION LETTER and dated 10/8/2020  
# of pages

**ACKNOWLEDGEMENT CERTIFICATE**

STATE OF Texas

COUNTY OF Dallas

On this 8 day of October, 2020,

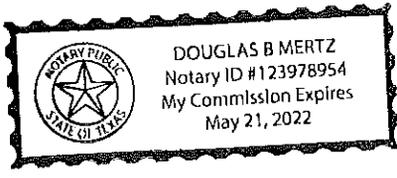
before me, the undersigned notary public, personally appeared Andrew M. Chooljian  
(Name of Person Acknowledging)

proved to me through satisfactory evidence of identification, which was TX Dk  
(Type of Identification)

to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she executed it voluntarily for its stated purpose.

Given under my hand and seal this 8 day of October, 2020.

(seal)



[Handwritten Signature]  
Signature of Notary Public

May 21, 2022  
Commission Expiration Date of Notary Public



ACRES Development Corporation  
P.O Box 826  
Addison, Texas 75001  
469-241-1222 Office

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October 9, 2020

Planning & Zoning Department  
Keller Town Hall  
1100 Bear Creek Trail Parkway  
Keller, Texas 76244

RE: PD Amendment Application for Ordinance No. 1736  
Trailhead at Bear Creek  
501 Rufe Snow Drive (NEC at Driscoll Place)  
Keller, Texas 76248

Dear Planning & Zoning Department,

The UDC for the City of Keller suggests six criteria to be considered in any rezoning case. The Trailhead at Bear Creek is requesting the existing zoning be amended for the 2.35 acre property. The current zoning was approved March 17, 2015 via Ordinance #1736, which established the zoning as PD-C for the subject property with a use limitation for only sit-down restaurants. The concept plans for the Trailhead at Bear Creek encompass our vision for the project, which will blend into the natural topography of the site, and contain two restaurants, each of which will provide the community with different dining options and experiences. The upper level restaurant, containing approximately 7,000 SF and accessible from Driscoll Place, will provide a finer dining experience while the lower level restaurant, containing approximately 3,000 SF and accessible on the northwest side of the building, will provide a more casual dining experience. We believe this dual concept fits the site extremely well. Patrons will be able to dine upstairs either inside or on a covered balcony overlooking the trees, Bear Creek Trail, and the lower level area while those out for a jog or bicycle ride can visit the lower level restaurant for a slightly more casual (dog friendly) dining experience (or perhaps to watch a sporting event).

**Our PD Amendment Application request, which is limited in scope to two items, derives from our desire to preserve as much natural beauty and as many mature trees as possible on the site. First, we are seeking a variance to reduce the required Minimum thirty-foot (30') landscape buffer located in the area south of Driscoll Place to a Minimum ten-foot (10') landscape buffer. Second, we are seeking a variance to eliminate the requirement of a screening wall along the entire eastern boundary of the property.**

A reduction in the required minimum landscape buffer setback will help us preserve the natural beauty of the site by allowing the building to be located closer to Driscoll Place and farther from

the Bear Creek Trail, which will preserve more mature trees than the alternate site plan without the requested variance. Moreover, the requested landscape buffer variance provides for a greater distance between the building and Bear Creek Trail, which provides for better flow across the site and more area behind the building to provide the tiered landscape features. The second variance relates to the eastern boundary of the site and, particularly the area north of Driscoll Place. A large stand of trees would be damaged if a masonry screen wall is required to be constructed in this area. Our plan for providing screening along the eastern property boundary is to work with immediately adjacent property owners and City Staff to design a screen walls appropriate to the immediately adjacent terrain/use. An example would be the installation of a masonry screen wall south of Driscoll Place where a neighbor is immediately adjacent and a wrought iron fence north of Driscoll Place where a sidewalk connector exists between the Bear Creek Trail and the cul-de-sac.

Below is a summary as to how we are addressing the six criteria to be considered:

1. *Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole, and in compliance with the Future Land Use Plan.*

The project will conform with the use as established within Ordinance No. 1736: "The permitted uses shall be sit-down restaurants, and shall not include drive-thru restaurants or other uses permitted by the C (Commercial) zoning district."

2. *Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.*

The proposed change will not put any undue burden on city services, because site is fully served with adequately sized water, sewer and roadway infrastructure.

3. *The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.*

We are not aware of other land in the immediate area classified solely for the development of sit-down only restaurants. Moreover, no special circumstances are known that would prohibit the development of other restaurants.

4. *The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.*

Given the specific development restrictions of Ordinance No. 1736, no other land, to our knowledge, has the same zoning classification.

5. *How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.*

The referenced development will provide additional dining options for the community, but should not impact the development of other commercial properties.

6. *Any other factors which will substantially affect the health, safety, morals, or general welfare*

The variances requested by this submission will allow for the preservation of as many trees as possible and for the natural beauty of the site to be showcased without putting any appreciable burden on City infrastructure or systems. A Site Plan for the Trailhead at Bear Creek will formally be submitted to the City of Keller for approval, which will provide the City with the opportunity to review detailed construction plans for the project.

Trip Generation Data included within PD #1736 is provided below for reference. Because the Trailhead at Bear Creek Site Plan has yet to be finalized and because tenants have yet to be secured, we recognize a new Trip Generation Analysis Report will be required for the project at a future date, as referenced in the email shown:

RE: 501 Rufe Snow Dr - PD Amendment Application Trip Generation   

 **Katasha Smithers**  
to me, Alonzo, Rick, Julie ▾

Wed, Oct 7, 4:04 PM (2 days ago) ☆  

Christopher,

I spoke to Alonzo Linan, Public Works Director regarding the Trip Generation Form. He stated that he is okay utilizing the past Trip Generation information for this Planned Development Amendment application, however this information will be required when the Site/Civil plans move forward. I have copied Alonzo and Rick from Public Works on this email in case they are wanting to add any other information or there are follow-up questions.

If you have any further questions, please do not hesitate to ask. Have a great day!

Thank you,  
Katasha

**From:** Christopher Anderson <[christopher.anderson@acresdevelopment.com](mailto:christopher.anderson@acresdevelopment.com)>  
**Sent:** Wednesday, October 7, 2020 3:52 PM  
**To:** Katasha Smithers <[ksmithers@cityofkeller.com](mailto:ksmithers@cityofkeller.com)>  
**Subject:** 501 Rufe Snow Dr - PD Amendment Application Trip Generation

Katasha,

Per our conversation moments ago, the PD Amendment Application requires the submission of a trip Generation Form, which is attached for reference. Given that we are only at the conceptual phase of the project and that final plans & specs will be submitted at a later date, subject to the results of whether the PD Amendment variances are approved (the site design will change dramatically if a reduction of the Landscape Buffer is not granted), can we not utilize the existing Trip Generator Data from the current ordinance for the site with the understanding we will have to redo this information when we submit for review of the actual construction plans (which will also require the approval of City Staff, P & Z, and/or City Council? PD Ordinance #1736 references 10,000 SF of restaurant space. Our conceptual plans show a slightly larger facility (12,200 SF), but the size will likely change as the design is refined. Moreover, if we are required to update the Trip Generator Data, can we not use the narrative format shown below (a table inserted in a letter from the engineer) in lieu of completing the entire Form, which will contain significant blank spaces, zeros, or NA at this time? As a reminder, the project does not yet have leases signed by tenants and the conceptual plans will likely be refined prior to the submission of construction plans.

### Commercial Tract Trip Generation

The same analysis was performed for the Commercial tract. It is assumed that there could be 2 fine dining (ITE LUC 931) restaurants located on this commercial property. Therefore, we assumed that the restaurants would be 5,000 SF in size (which will change when a tenant is chosen).

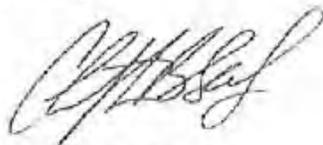
The box below shows the various rates and trips generated by the 2 fine dining restaurants.

Trip Generator	Rate*	Total SF	Total Trips
Weekday Average Daily Trips	89.95	10,000 SF	900
Weekday AM Peak Hour of Generator	5.57	10,000 SF	56
Weekday PM Peak Hour of Generator	9.02	10,000 SF	90
Saturday Peak Hour of Generator	10.82	10,000 SF	108
Sunday Peak Hour of Generator	8.38	10,000 SF	84

\* Rate is per 1,000 gross square footage. For total trips, multiply the rate by the total gross square footage divided by 1,000.

We are excited about this opportunity to develop such a quality development in the City of Keller. We believe the City of Keller will be proud of the improvements that will be constructed on this property. If you have any additional comments or questions, feel free to contact me at (972) 941-8410 or at [chris@ecdip.com](mailto:chris@ecdip.com).

Thank you,

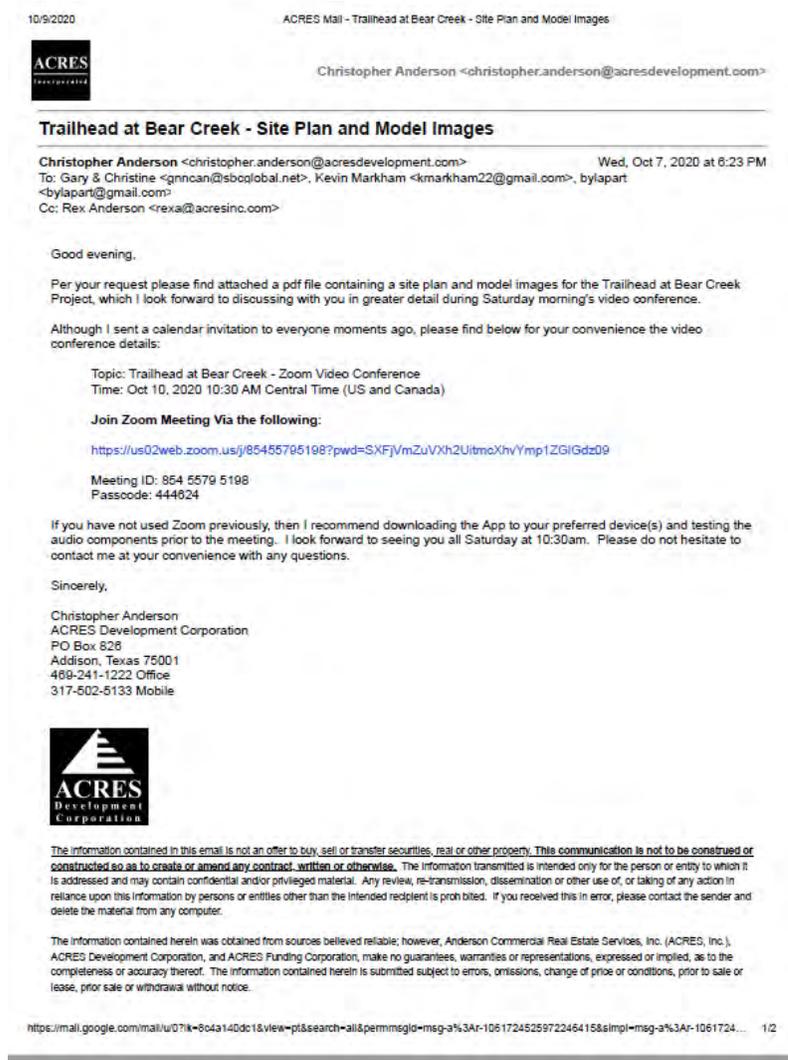


Chris Seely, P.E.  
Project Manager

APPROVED BY  
CITY COUNCIL ACTION  
ORDINANCE # 1736  
Date: 03/17/2015

FEB 26 2015

With regard to communicating about the project with the adjacent neighborhood, we have scheduled multiple times for neighbors to view a Zoom Presentation on the project. Moreover, we have a video conference schooled for tomorrow morning, October 10, 2020, with the Board Members of the Trails at Bear Creek. Please see below:



We are overly excited about the opportunity to develop the Trailhead at Bear Creek! Upon your review, please do not hesitate to contact me at your convenience with any questions or to discuss this in greater detail.

Sincerely,



Christopher Anderson  
President

## **Katasha Smithers**

---

**From:** Christopher Anderson  
**Sent:** Tuesday, November 3, 2020 6:28 PM  
**To:** Katasha Smithers  
**Subject:** PD Amendment Application (Z-20--0007) - Summary of Community Discussions; Landscape Buffer Plantings; and, Eastern Boundary Screen Wall  
**Attachments:** Trails at Bear Creek - Email Correspondence Timeline Binder (RFS).pdf

**Katasha,**

Per our discussion this afternoon, the following summarizes project activities over the last thirty days as well as reiterates the preliminary nature of the conceptual plan contained in the PD Amendment Application.

### **Summary:**

As you are aware, the two variances we have requested relate to a reduction in the Landscape buffer yard along the south property boundary and the elimination of the screen wall requirement along the eastern property line. Both requests derive from an effort to save as many mature trees as possible on the site with the latter initiated by City Staff.

Over the last +30 days, we have engaged the Trails at Bear Creek community to introduce the homeowners to the Trailhead at Bear Creek restaurant development and detail the two requested variances. As a reminder, the referenced residential community contains approximately 35 homes and was platted simultaneously with the subject commercial site (containing 2.35 acres). Therefore, a few select homes share common property boundaries with the Trailhead at Bear Creek site.

We arranged three separate Zoom Video Conferences with the neighborhood on the dates referenced below: The first was with the three member HOA Board; the second was with homeowners in the immediate area of the project (those within 300' likely to receive notification); and, the final meeting was open to all property owners.

1. October 10, 2020 (Saturday) at 10:30am - Zoom with HOA Board
2. October 20, 2020 (Tuesday) at 6:30pm - Zoom with Immediate Neighbors
3. October 28, 2020 (Wednesday) at 6:30 pm - Zoom open to Entire Neighborhood

The duration of each of the meetings was approximately 1.5 hours and covered a multitude of issues beyond the scope of the requested variances. However, we listened to the neighbors' concerns and provided feedback regarding all matters based upon information currently available, including referencing existing City Code, as applicable. We also discussed at length the number of mature trees likely to be saved if our requested variances are approved, screening along the eastern property boundary, and neighbors concerns regarding light, noise, odors, etc. We prepared an online petition for community members to express their view on the variances/project (support, oppose, or neutrality), but have yet to receive much feedback. If we receive such input prior to the 10th, then we can present the petition at that time, if possible. Finally, please find attached a compilation of my email correspondence (most recent on top) with the HOA Board and adjacent homeowners.

### **Landscape Buffer Variance**

If approved, the project's southern boundary will have approximately 10' of landscape buffer between the existing +/- 6' tall screen wall (note a portion of the western section of the wall also has a retaining wall beneath). Within this area we propose planting Nellie R Stevens (or similar style species) to provide, at maturity, a natural screen extending significantly above the height of the existing masonry screen wall. We would anticipate spacing of between 5-10'. Moreover, we anticipate planting evergreen trees per the City's approved species list at approximately 35-50' on center. The exact number and spacing of the bushes/trees will be subject to approval by City Staff, Planning and Zoning, and City Council once a site plan package is submitted. Our intent is to provide neighboring residences with additional natural screening from light, noise, etc. as is typical with a restaurant operation.

## **Screen Wall - Eastern Boundary**

The request to waive the requirement for a screen wall should not be misconstrued as though the commercial development does not want to build the wall per existing code. However, along the north portion of the property line a large stand of trees exists and City Staff asked us not to include a screen wall with a continuous concrete footer through this area, which could damage the root system of several trees. We have discussed this at length with the neighbors and have a general plan for providing a partial screen wall and wrought iron fence. The masonry wall will be built from the south east corner of the site to Driscoll Place AND from the north side of Driscoll Place to the southern edge of the stand of trees. From that point north, a wrought iron (or similar style) fence will be utilized with the ultimate goal of causing the least amount of damage to the trees. Finally, the existing gate across Driscoll Place, which encroaches upon the commercial tract, is transparent in nature (wrought iron style). We discussed with the neighbors the potential for installing, when the new screen wall is constructed, a solid gate(s) across the Fire Access Drive to block headlights from restaurant patrons from spilling down the street. Because this Access Drive (Driscoll Place) is for Fire Department use only (not for vehicular ingress/egress), we will need to coordinate and seek approval of the Fire Marshall and City Staff regarding the proposed design/operation.

## **Conclusion:**

Ownership is submitting the PD Amendment Application with the explicit understanding the Conceptual Site Plan therein contained is preliminary in nature. If the requested variances are approved, then a complete Site Plan Package based upon the Concept Plan will be prepared and, subsequently, submitted for review and approval by: City Staff, Planning & Zoning, and City Council.

Upon your review, please do not hesitate to contact me at your convenience with any questions or to discuss this matter in greater detail.

Sincerely,

Christopher Anderson  
ACRES Development Corporation  
PO Box 826  
Addison, Texas 75001  
469-241-1222 Office



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**TRAILHEAD at BEAR CREEK RESTAURANT \_ CONCEPT MODEL IMAGES**

THIS DRAWING IS FOR PRELIMINARY REFERENCE PURPOSES ONLY \_ NOT TO BE USED FOR PERMITTING OR CONSTRUCTION

**KILLIAN**

STUDIO OF ARCHITECTURE

WWW.KENKILLIAN.COM

TEL 214.457.3652 | EMAIL KRK@KENKILLIAN.COM

830 CENTRAL PKWY. EAST | STUDIO 300

PLANO, TX 75074



**TRAILHEAD at BEAR CREEK RESTAURANT \_ CONCEPT MODEL IMAGES**

THIS DRAWING IS FOR PRELIMINARY REFERENCE PURPOSES ONLY \_ NOT TO BE USED FOR PERMITTING OR CONSTRUCTION

**KILLIAN**

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TEL 214.457.3652 | EMAIL KRK@KENKILLIAN.COM

830 CENTRAL PKWY. EAST | STUDIO 300

PLANO, TX 75074



**TRAILHEAD at BEAR CREEK RESTAURANT \_ INSPIRATION IMAGES**

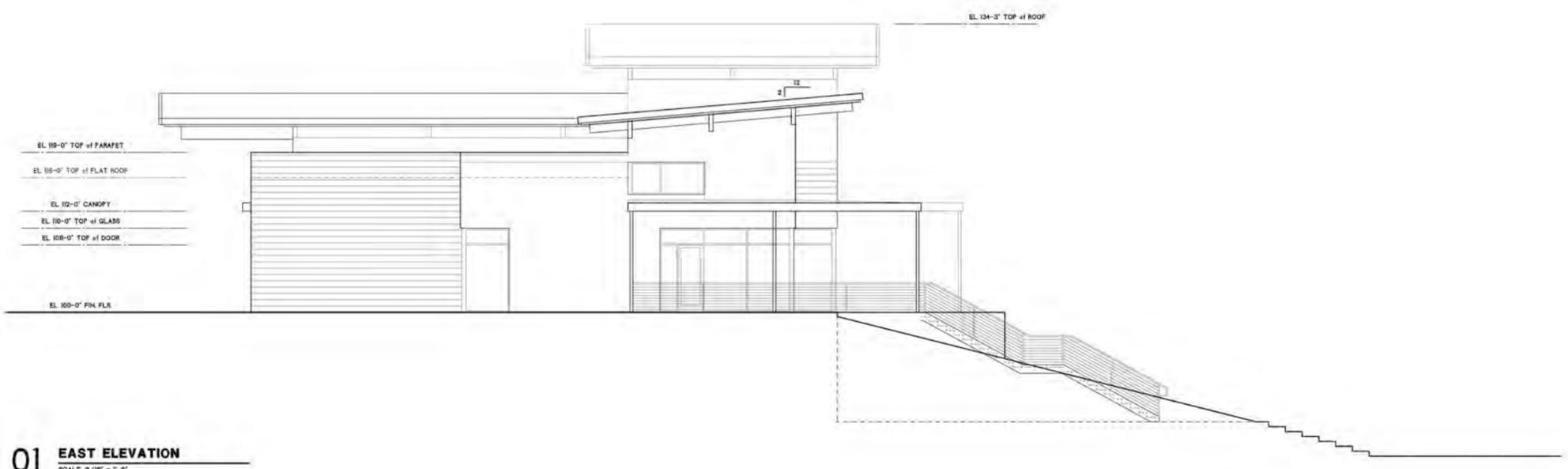
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**KILLIAN**  
STUDIO OF ARCHITECTURE

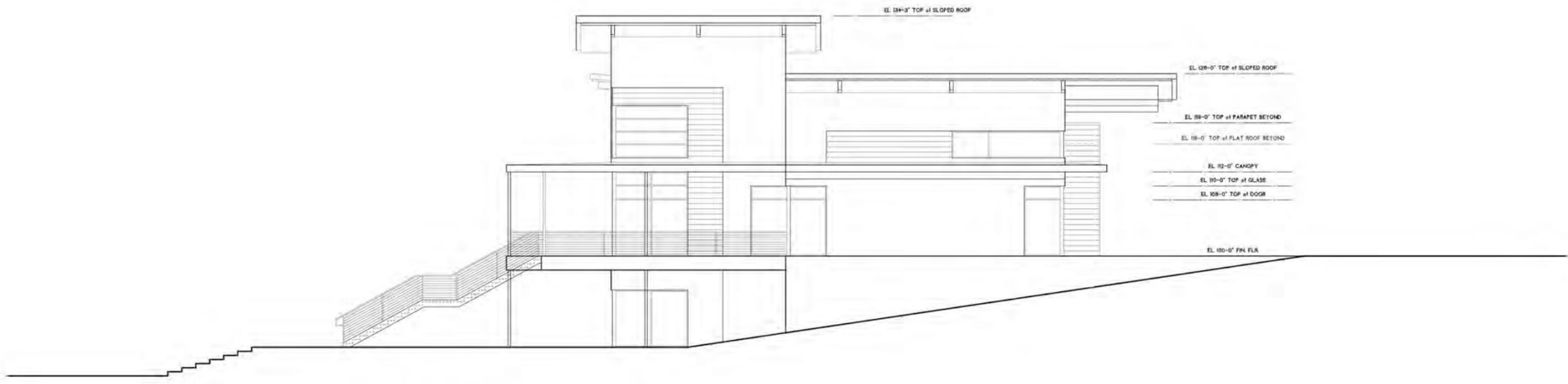
WWW.KENKILLIAN.COM  
TEL 214.457.3652 | EMAIL KRK@KENKILLIAN.COM  
830 CENTRAL PKWY. EAST | STUDIO 300  
PLANO, TX 75074



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KENNETH S. KILLIAN AIA - TX REG. NO. 19488



**01 EAST ELEVATION**  
SCALE 3/16" = 1'-0"



**02 WEST ELEVATION**  
SCALE 3/16" = 1'-0"

**TRAILHEAD at BEAR CREEK RESTAURANT**  
 SCHEMATIC DESIGN DOCUMENT - NOT FOR CONSTRUCTION

REV.	DATE	ISSUE
1	03.08.20	SCHEMATIC DESIGN

**BEAR CREEK  
KELLER TX**

501 RUFÉ SNOW DRIVE  
KELLER, TX 76248

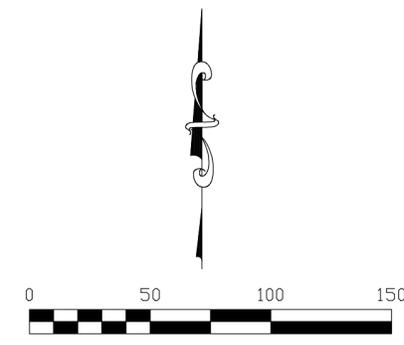
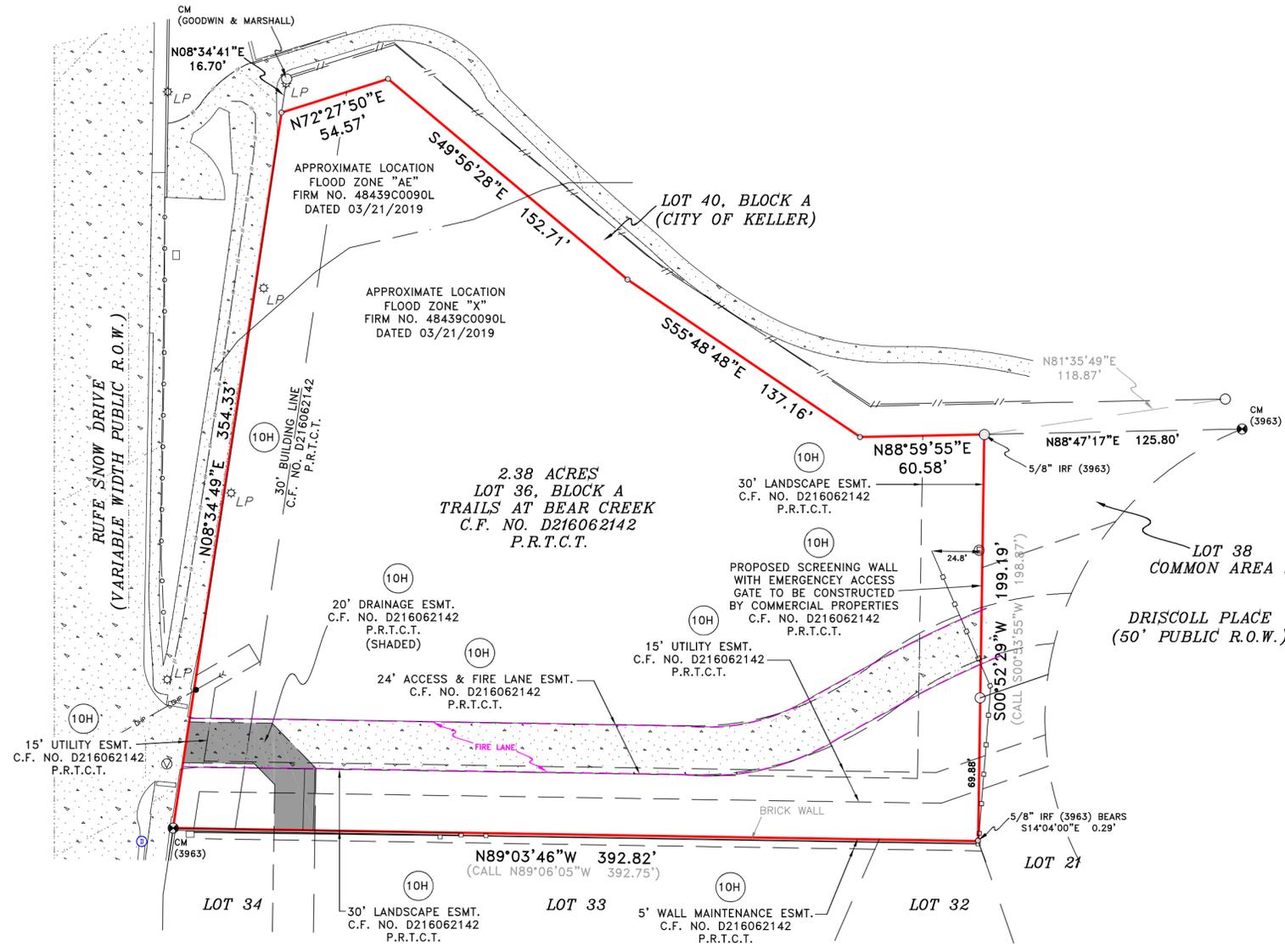
2020.104  
PROJECT NUMBER

ELEVATIONS

**A1.0**  
SHEET NUMBER

**LEGEND**

CM	CONTROLLING MONUMENT	CONCRETE	WOOD
○	1/2" IRON ROD FOUND	COVERED CARPORT, PORCH, DECK, ETC	
○	1/2" IRON ROD SET (BY-LINE)	OHT - OVERHEAD TELEPHONE	
○	POINT FOR CORNER	OHP - OVERHEAD ELECTRIC	
○	1/2" IRON PIPE FOUND	PIPE FENCE	
●	POWER POLE	METAL FENCE	
⊙	A/C AIR CONDITIONING	WOOD FENCE	
⊙	WATER METER	BARBED WIRE FENCE	
⊙	5/8" IRON ROD FOUND	GUARD RAIL	
⊙	600 NAIL FOUND	OVERHEAD ELECTRIC	
⊙	"X" FOUND IN CONCRETE	GUY WIRE	
⊙	UNDERGROUND ELECTRIC	ELECTRIC PEDESTAL	
⊙	FH FIRE HYDRANT	TELEPHONE PEDESTAL	
⊙	GAS METER	CLEANOUT (S) SEPTIC TANK	
⊙	WATER VALVE	ASPHALT PAVING	
		GRAVEL/ROCK	
		ROAD OR DRIVE	



**LEGAL DESCRIPTION**

Lot 36, Block A, Trails at Bear Creek, an Addition to the City of Keller, Tarrant County, Texas, according to the Final Plat thereof, recorded in Clerk's File No. D216062142, Plat Records, Tarrant County, Texas.

**SURVEYOR'S NOTES**

- 1) Bearings are based on NAD83, Texas North Central Zone No. 4202, obtained by GPS observations.
- 2) The property described and depicted hereon is the same property as described in Fidelity National Title Insurance Company Commitment No. FTDAL-34-9000341900207-KB, with an Effective date of July 17, 2019, and that all easements, covenants and restrictions referenced in said title commitment or apparent from a physical inspection of the site or otherwise known to me have been plotted hereon or otherwise noted as to their effect on the subject property.
- 3) The legal description, shown hereon, creates a mathematically closed figure.
- 4) There is no observed evidence of current earth moving work, building construction or building additions and is listed as follows and shown hereon, at the conclusion of field work.
- 5) There are no proposed changes in street right of way lines, according to the City of Keller or Tarrant County, Texas, to this surveyor's knowledge.
- 7) There is no observed evidence of recent street or sidewalk construction or repairs, at the conclusion of field work.
- 8) There is no observed evidence of site use as a solid waste dump, sump or sanitary landfill except as noted below and shown hereon, at the conclusion of field work.
- 9) There is no observed evidence of the property being, or having been, used for cemetery, burial ground or grave site purposes, at the conclusion of field work.
- 10) All above ground evidence of utilities, drainage structures, structural support and ingress and egress for or from adjoining properties is shown hereon.

**SCHEDULE B ITEMS**

1. The following restrictive covenants of record itemized below:  
C.F. No. D216062142, Plat Records, Tarrant County, Texas. (PROPERTY IS SUBJECT TO) (NOT PLOTTABLE)  
10. h. Building setback lines, easements and all other matters shown on the plat thereof recorded under Clerk's File No. D216062142, Plat Records, Tarrant County, Texas:  
i). Twenty four foot access easement and firelane easement  
ii). Thirty foot landscape easement  
iii). Fifteen foot utility easement  
iv). Ten foot utility easement  
v). Thirty foot building line  
vi). Fifteen foot land dedication  
vii). Floodplain as shown  
viii). "Proposed screening wall with emergency access gate to be constructed by commercial properties" as shown.  
(AFFECTS PROPERTY) (SHOWN HEREON)
10. i. Easement to the City of Keller recorded in Volume 9339, Page 868, Real Property Records, Tarrant County, Texas.  
(DDES NOT AFFECT)

**SURVEYOR'S CERTIFICATE**

To M/I Homes of DFW, LLC, Andrew Chooljian, and Fidelity National Title Insurance Company:  
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS, and includes Items 1, 2, 3, 4, 6(b), 7(a), 7(b), 7(c), 8, 9, 11(a), 13, 14, 16, 17, 19, and 20 of Table A thereof. The field work was completed on August 6, 2019.  
Date of Plat or Map: August 14, 2019

BY: *Wayne Beets*  
WAYNE BEETS II  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 6039



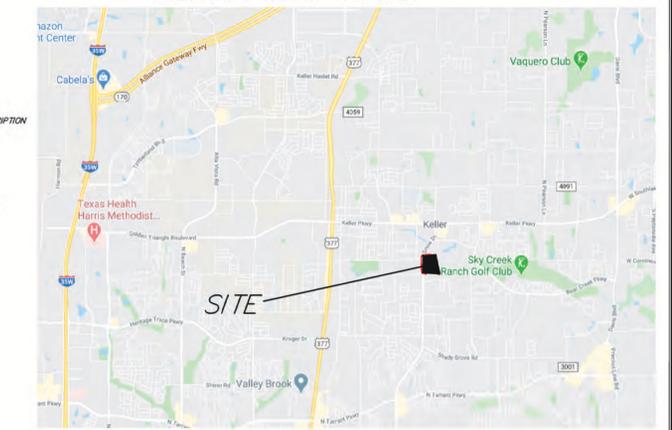
**FLOOD STATEMENT**

The property is shown as being located in Zone X and Zone AE, by Flood Insurance Rate Map No. 48439C0090L, dated 03/21/2019. A portion of the property is shown as being located in a special flood hazard area inundated by 100-Year flood, as shown hereon.

**ALTA/NSPS LAND TITLE SURVEY**

**LOT 36, BLOCK A  
TRAILS AT BEAR CREEK  
CITY OF FORNEY  
KAUFMAN COUNTY, TEXAS**

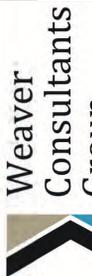
RUFÉ SNOW DRIVE KELLER, TEXAS			<b>BY-LINE SURVEYING LLC</b> P.O. BOX 834 Emory, Tx 75440 Ph: (903) 473-5150 Firm No: 10194233 www.bylinesurveying.com
DATE:	08/14/2019		
SCALE:	1" = 50'		
JOB NO.:	2019-986		
CLIENT:	FIDELITY NAT. TITLE		
TECHNICIAN:	JDJ	© Copyright By-Line Surveying LLC. All rights reserved.	



PREPARED FOR: CLIENT

TOPOGRAPHIC SURVEY  
KELLER RESTAURANT SITE  
CALLED 2.381 ACRES  
TRAILS AT BEAR CREEK, BLOCK A, LOT 36  
TARRANT COUNTY  
KELLER, TX

Table with 2 columns: REVISION DESCRIPTION, DATE

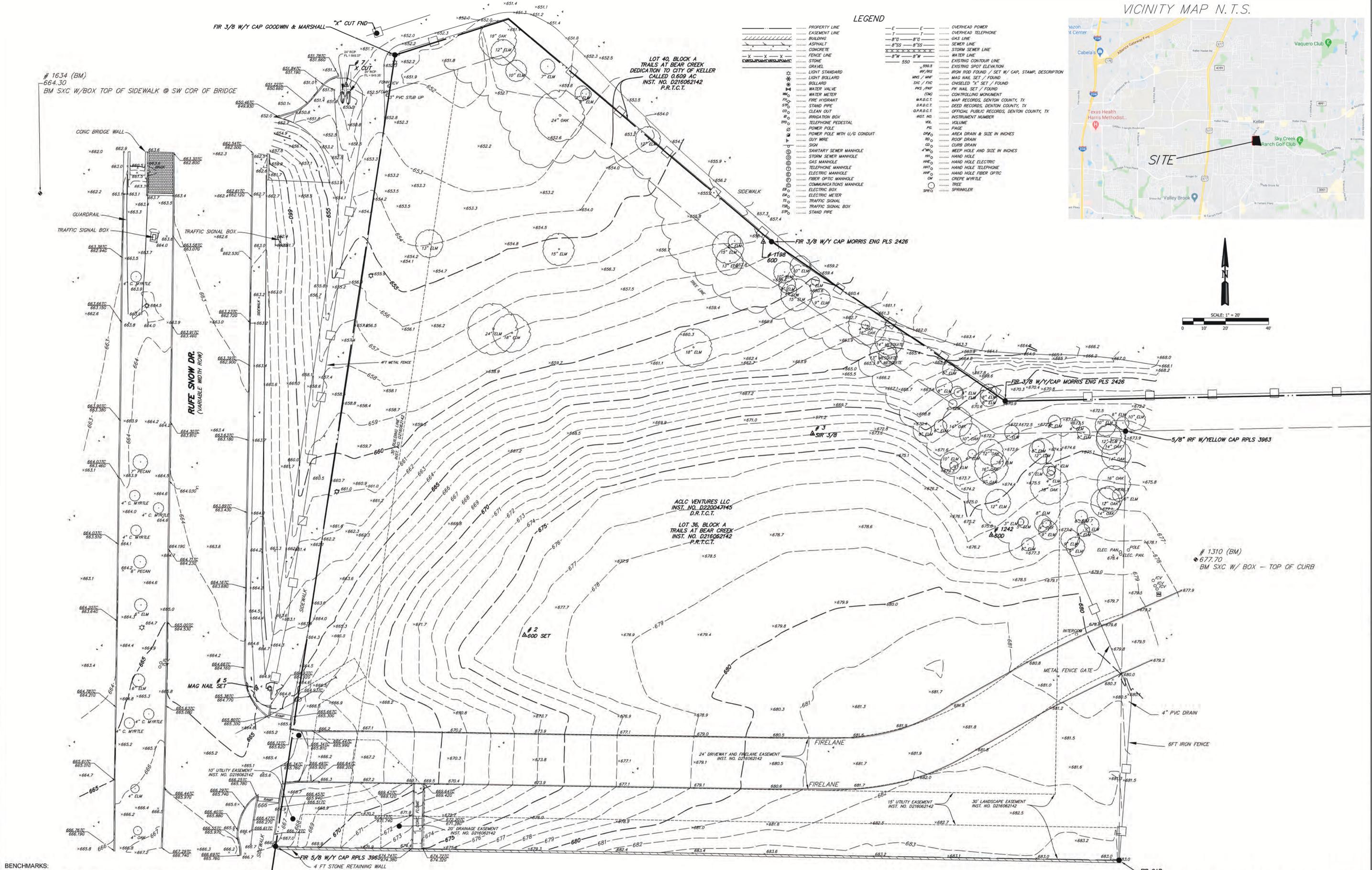
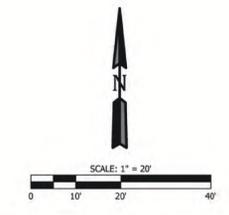


WEAVER CONSULTANTS GROUP  
6400 S.W. THIRIST BLDG. #206  
FORT WORTH, TX 76109  
817-735-9770  
www.wcgrp.com

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LEGEND

- PROPERTY LINE
EASEMENT LINE
BUILDING
ASPHALT
CONCRETE
FENCE LINE
STONE
GRAVEL
LIGHT STANDARD
LIGHT BOLLARD
BOLLARD
WATER VALVE
WATER METER
FIRE HYDRANT
STAND PIPE
CLEAN OUT
IRRIGATION BOX
TELEPHONE PEDESTAL
POWER POLE
POWER POLE WITH U/G CONDUIT
SIGN
SANITARY SEWER MANHOLE
GAS MANHOLE
TELEPHONE MANHOLE
ELECTRIC MANHOLE
FIBER OPTIC MANHOLE
COMMUNICATIONS MANHOLE
ELECTRIC BOX
ELECTRIC METER
TRAFFIC SIGNAL
TRAFFIC SIGNAL BOX
STAND PIPE
OVERHEAD POWER
OVERHEAD TELEPHONE
GAS LINE
SEWER LINE
STORM SEWER LINE
WATER LINE
EXISTING CONTOUR LINE
EXISTING SPOT ELEVATION
IRON ROD FOUND / SET W/ CAP, STAMP, DESCRIPTION
MAG NAIL SET / FOUND
SIC / FIC
CHISELED "X" SET / FOUND
PW NAIL SET / FOUND
CM
CONTROLLING MONUMENT
M.R.C.C.T.
D.E.E.R.C.C.T.
O.P.R.R.C.C.T.
M.S.T. NO.
VOLUME
PAGE
AREA DRAIN & SIZE IN INCHES
ROOF DRAIN
CURB DRAIN
PW MANHOLE AND SIZE IN INCHES
HAND HOLE
HAND HOLE ELECTRIC
HAND HOLE TELEPHONE
HAND HOLE FIBER OPTIC
CREPE MYRTLE
TREE
SPRINKLER



BENCHMARKS:
BM #1634 'X' CUT WITH BOX LOCATED IN TOP OF SIDEWALK ON THE SOUTHWEST CORNER OF THE BRIDGE APPROXIMATELY 60' NORTHWEST FROM A TRAFFIC SIGNAL BOX LOCATED IN THE MEDIAN OF RUFÉ SNOW DR. ELEVATION = 664.30'

BM #1310 'X' CUT WITH BOX LOCATED IN TOP OF CURB NORTHEAST OF AN ADA RAMP LOCATED ON THE NORTH SIDE OF DRISCOLL PL AND IS APPROXIMATELY 50' NORTHEAST FROM THE METAL FENCE GATE LOCATED ON DRISCOLL PL. ELEVATION = 677.70'

THIS TOPOGRAPHIC SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY. THE BOUNDARY SHOWN IS BASED ON RECORD INFORMATION AND MAY NOT BE SHOWN IN ITS TRUE LOCATION.

UNDERGROUND UTILITIES THAT ARE SHOWN ON THE SURVEY, IF ANY, ARE BASED ON AVAILABLE RECORDS AND PLAN DRAWINGS. UNDERGROUND UTILITIES MAY NOT BE SHOWN IN THEIR ENTIRETY OR IN THEIR EXACT LOCATION. CONTACT 'TEXAS 811' AT 1-800-344-8377 BEFORE EXCAVATION OR DIGGING.