



# City of Keller

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## Legislation Text

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**File #:** 20-019, **Version:** 1

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**To:** Mark Hafner, City Manager

**From:** Julie Smith, Community Development Director

**Subject:**

**PUBLIC HEARING:** Consider an ordinance approving a rezone from Single Family Residential - 36,000 square-foot minimum (SF-36) to Single Family Residential - 25,000 square-foot minimum (SF-25), on a 5.173-acre tract of land, being Tract 1B01, Abstract 1651 of Weatherford, Hardin Survey, and Block 1, Lot 1, of the Gary Addition-Keller, located on the east side of Keller Smithfield Road South, situated at the intersection of Village Trail and Keller Smithfield Road, addressed as 1085 Keller Smithfield Road and 1109 Village Trail, in the City of Keller, Tarrant County, Texas; providing a penalty; and authorizing publication. Brian and April Adams, Owner. Sage Group, Inc. for Burk Collins Company, Applicant/Developer. (Z-19-0003)

**Background:**

According to Tarrant County Appraisal District, the home that exists on a portion of the subject site was constructed in 1983. The property is currently for sale.

The Applicant is proposing to rezone the 5.173-acre property from SF-36 to SF-25 and develop a seven-lot subdivision. This project will offer to custom builders seven, minimum 25,000 square-foot, lots. Providing access to all the lots is a proposed internal drive and cul-de-sac with access off of Village Trail. (Exhibit A: Concept Plans.)

**Drainage & Utilities:**

The Applicant provided a preliminary drainage plan that was reviewed by the Public Works Department. The trail alignment they have proposed does not allow for any road width expansion since it is 10 feet from the edge of the existing 2 lane Keller Smithfield Road. An example of how it should look is further south on the east side of Keller Smithfield - Cherry Groves Linear Park (i.e. trail is adjacent to right-of-way and not 20 feet off like they have shown). Subsequently, the trail location will change with final plans as it needs to be shifted further east if approved.

**Citizen Input:**

On November 27, 2019, the City mailed out 20 letters of notifications for this public hearing and the associated zoning change to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was posted on the site.

As of January 6, 2020, Staff has received seven letters of opposition from the public regarding the zoning change. Of the seven letters of opposition, six were provided by property owners within 200' feet of the subject property. A petition of opposition was also provided containing 15 signatures in opposition of this proposal. In total there are eight properties within the 200' buffer in opposition and seven properties outside of the 200' buffer in opposition. The total land area of opposition makes up

59.53% of the total land. Opposition exceeding the threshold of 20% requires a supermajority vote. (Staff Attachment 2 & 3)

An additional letter was received that was not in opposition, but instead wanted to ensure that surface water runoff requirements would be adequately enforced.

**Analysis:**

This request is currently consistent with the City of Keller Future Land Use Plan, as all lots proposed will be at least 25,000 square-feet. Spot zoning does not apply because the tract exceeds five acres. The nine residential lots adjacent to the tract to the east are zoned SF-25. To the south, across Village Trail, are various developments Zoned SF-15 and SF-20. To the west and north are properties zoned SF-36. (See Zoning Map, attached.) The proposed concept plan would require variances to reduce the minimum lot width of four out of the seven lots due to the irregularity of the pie-shaped lots around the cul-de-sac and bump out.

**Summary:**

Section 8.02 (D.1.e) of the UDC states that when considering a zoning change request, the Planning and Zoning Commission and City Council shall consider the following factors:

- 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.
- 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.
- 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.
- 4) 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.
- 5) 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.
- 6) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- 7) Any other factors which will substantially affect the health, safety, morals, or general welfare.

**Planning and Zoning Recommendation:**

The Planning and Zoning Commission recommended approval by a vote of 5-2 on December 10, 2019. Commissioners opposed to the proposal (Commissioners Sagar and Alvarado) had concerns that this could set a precedent for permitting down-zoning in the future and also supported the neighbors in opposition. Commissioners supporting

the request (Commissioners Ponder, Ponder, Stevens, Thompson, and Apke) noted the similarity of surrounding zoning, the minimal difference between 6 (allowed by right) and 7 lots, and the advantage to having only one drive cut on Village Trail versus six drives along Village Trail and Keller Smithfield.

**Alternatives:**

The City Council has the following options when considering a Zoning Change application:

- Approve as submitted.
- Approve with modifications or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny.