

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, APPROVING THREE SPECIFIC USE PERMITS (SUPS) FOR LANDSCAPE SYSTEMS AND B & M TREE SERVICE, FOR LIGHT MANUFACTURING, GREENHOUSES AND NURSERIES, AND OUTSIDE STORAGE FOR PLANT MATERIAL AND VEHICLES ON APPROXIMATELY 17.52 ACRES, LEGALLY DESCRIBED AS TRACT 1D01B AND TRACT 1D01A1 OF THE JOHN MARTIN SURVEY, ABSTRACT 1153 (ACCOUNT # 42818999 AND 42819014), A PORTION OF LOT 7, BLOCK 1, PEARSON CROSSING, AND TRACT 1F, ABSTRACT 1153 (ACCOUNT #: 04069838) OF THE JOHN MARTIN SURVEY, AND ADDRESSED AS 1816 JOHNSON ROAD, 1850 PEARSON CROSSING, 1908 PEARSON CROSSING, AND 1863 KELLER PARKWAY IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Ed Ruibal, Landscape Systems, Applicant/Owner; Don Dinger, Owner; James Neill, Owner submitted a request for three Specific Use Permits (SUPs) for approximately 17.52-acres for light manufacturing, greenhouses and nurseries, and outside storage and display (SUP-22-0032); and

WHEREAS, the City's Planning and Zoning Commission and the City Council, in accordance with the Charter of the City of Keller, State Law, and the ordinances of the City of Keller, have given the required notices and have held the required public hearings regarding the SUP applications described in this ordinance; and

WHEREAS, the Planning and Zoning Commission held a public hearing on November 8, 2022 and unanimously recommend approval of the SUPs with the condition the Applicant must complete the construction of the trail prior to issuance of the Certificate of Occupancy for the proposed buildings and must provide additional evergreen trees adjacent to the residents to mitigate the aesthetics of the metal shop/carport and noise; and

WHEREAS, the City Council is of the opinion the three SUPs with the conditions recommended 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 three Specific Use Permits (SUPs) for Landscape Systems and B & M Tree Service, for Light Manufacturing, Greenhouses and Nurseries, and outside storage for plant material and vehicles on approximately 17.52 acres, legally described as Tract 1D01B and Tract 1D01A1 of the John Martin Survey, Abstract 1153 (account # 42818999 and 42819014), a portion of Lot 7, Block 1, Pearson Crossing, and Tract 1F, Abstract 1153 (account #: 04069838) of the John Martin Survey, and addressed as 1816 Johnson Road, 1850 Pearson Crossing, 1908 Pearson Crossing, and 1863 Keller Parkway in the City of Keller, Tarrant County, Texas, as if fully set forth with the following conditions:

1. Operation of a light manufacturing business in the Retail zoning district shall be allowed.
2. Operation of greenhouses and nurseries in the Retail zoning district shall be allowed.
3. Outside storage for plant material and vehicles shall be allowed.
4. Hours of operation being Monday - Saturday 7 a.m. to 6 p.m. shall be allowed.
5. Applicant must complete construction of the trail prior to issuance of the Certificate of Occupancy for the proposed buildings.
6. Applicant must provide five evergreen trees adjacent to the residents to the east to mitigate the aesthetics of the metal shop/carport and noise.

Section 3: THAT, any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon final conviction therefor, shall be fined in a sum not to exceed two thousand dollars (\$2,000.00). Each and every day any 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 hereof as an alternative method of publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of \_ to \_ on this the 6th day of December 2022.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
Armin R. Mizani, 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