

ORDINANCE NO. 1066

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF KELLER, TEXAS, BY AMENDING THE ZONING MAP AND AMENDING THE CONCEPT PLAN FOR PD-868 (PLANNED DEVELOPMENT-HIGHLAND OAKS PLAZA) FOR HIGHLAND OAKS CROSSING, TO ALLOW A 12,000-SQUARE FOOT CVS PHARMACY AND OTHER SITE MODIFICATIONS, LOCATED ON A 16.36-ACRE TRACT OF LAND AT THE NORTHEAST CORNER OF RUFÉ SNOW DRIVE AND NORTH TARRANT PARKWAY, AND ZONED PD-NS (PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE) IN THE CITY OF KELLER, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Bernard G. McGarry, owner; Gustine Properties, Inc., applicant; and Carter & Burgess, Inc., engineer; have submitted a request for an amended concept plan (Z-01-09) for PD-868 (Planned Development-Highland Oaks Plaza), which has been reviewed by the City Staff with stipulations; and

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within two hundred feet (200') of the property herein described at least ten (10) days before such hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Keller at least fifteen (15) days before such hearing; and

WHEREAS, public hearings to change the zoning on the property herein described were held before the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation to approve the request for an amended concept plan for PD-868 (Planned Development-Highland Oaks Plaza) with stipulations; and

WHEREAS, the City Council is of the opinion that the amended concept plan for PD-868 (Planned Development-Highland Oaks Plaza) herein effectuated furthers the purpose of zoning as set forth in the Comprehensive Zoning Ordinance and is in the best interest of the citizens of the City of Keller.

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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, the Comprehensive Zoning Ordinance of the City of Keller, Texas, the accompanying Zoning Map, and the concept plan for PD-868 (Planned Development-Highland Oaks Plaza) are hereby amended for Highland Oaks Crossing, to allow a 12,000-square foot CVS Pharmacy and other site modifications, located on a 16.36-acre tract of land at the northeast corner of Rufe Snow Drive and North Tarrant Parkway, and zoned PD-NS (Planned Development-Neighborhood Service) with the following stipulations:

1. Foundation plantings in the form of beds or planter boxes shall be provided on the west and south sides of the CVS Pharmacy building as required by the City of Keller Corridor Guidelines.
2. Decorative pilasters shall be added to the north elevation of the CVS Pharmacy building.
3. The trash compactor gate on the north side of the CVS Pharmacy building shall face towards the east.
4. All driveways leading from Rufe Snow Drive and North Tarrant Parkway to the public art roundabout shall be lined with trees in solid islands spaced at twenty-five feet (25'). Specific areas include the north and east sides of the CVS Pharmacy building, the north side of the retail building on Lot 2, and the west side of the office building on Lot 7.
5. Special entryway features shall be added to the entrances on both Rufe Snow Drive and North Tarrant Parkway. For water conservation purposes, ponds or foundations shall not be used as

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elements in the design of these features.

6. The CVS Pharmacy shall be allowed to operate twenty-four (24) hours a day provided there is a licensed pharmacist on duty, otherwise the business shall revert to the hours of operation as allowed for other businesses in the planned development. The operating hours for all other businesses in the planned development shall be limited from 6:00 a.m. to 10:00 p.m.

7. A certificate of occupancy shall not be issued for the buildings on Lots 2 and 4 until such time that the first row of trees on the west side of the creek, as shown on the concept plan, are planted.

Section 3: THAT, any person, firm, or corporation violating any of the provisions of this Ordinance, as read together with the Comprehensive Zoning Ordinance and accompanying map thereto, shall be guilty of a misdemeanor and upon final conviction therefore shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day 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 and penalty clause hereof as an alternative method of publication provided by law.

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AND IT IS SO ORDAINED.

Passed and approved by a vote of 5 to 0 on this the 2nd day of October, 2001.

CITY OF KELLER, TEXAS

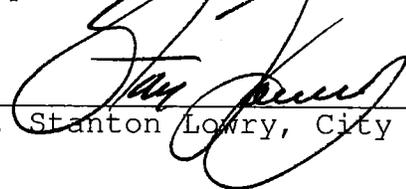
BY:


David C. Phillips, Mayor

ATTEST:


Sheila Stephens, City Secretary

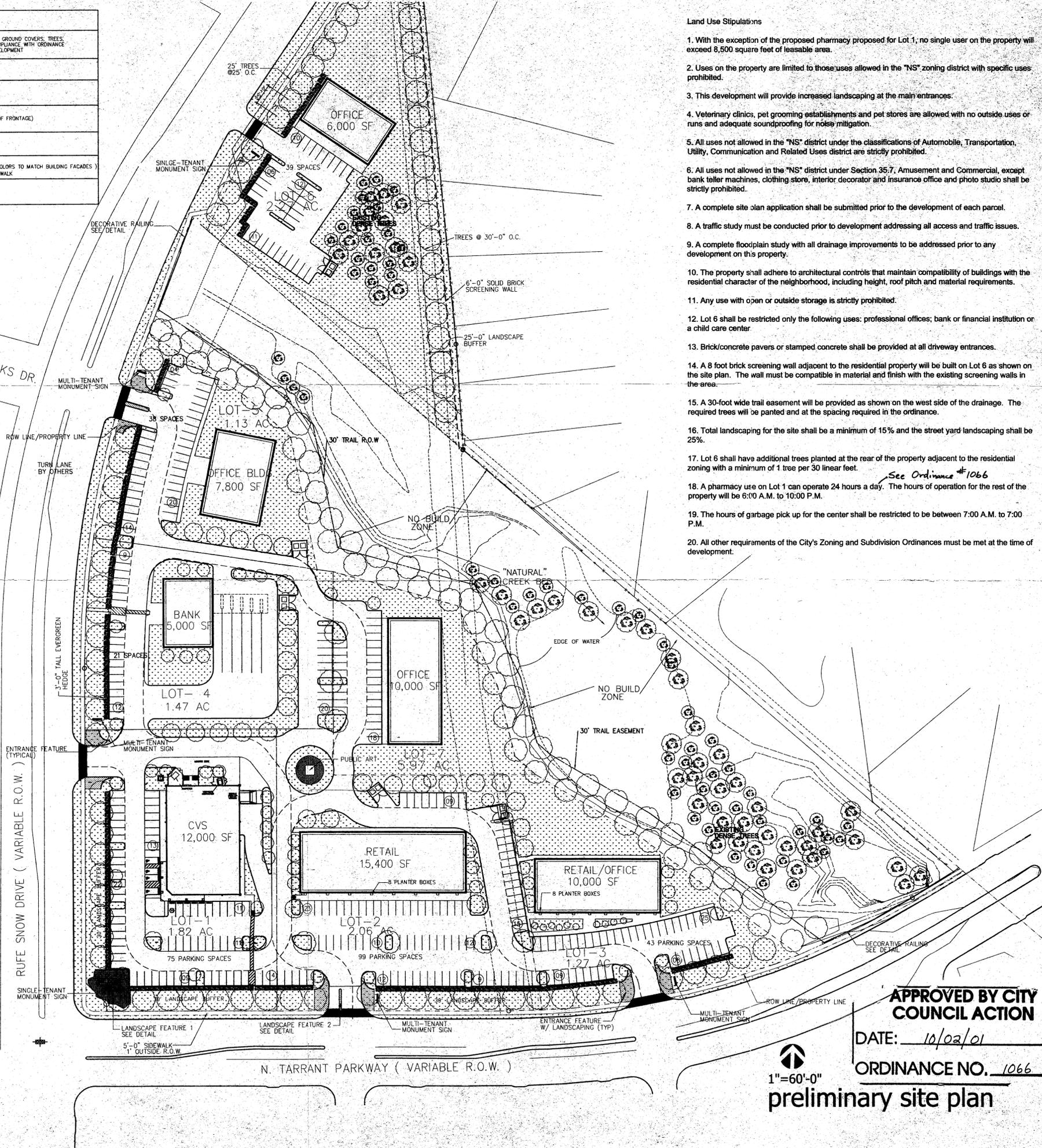
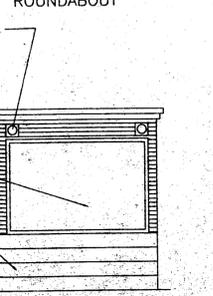
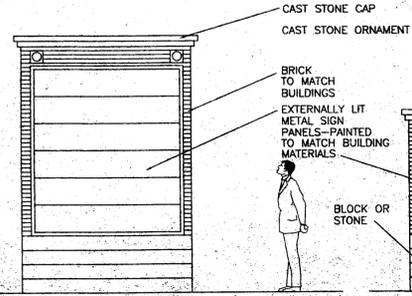
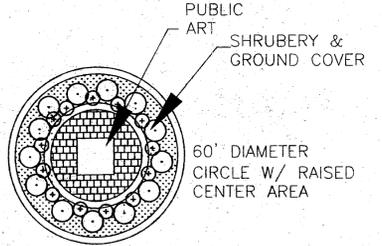
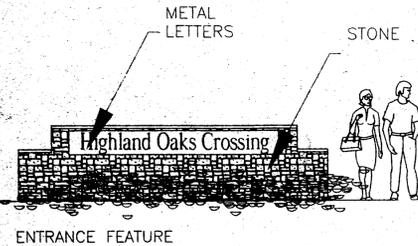
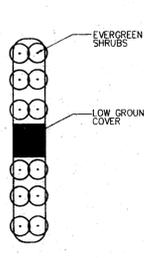
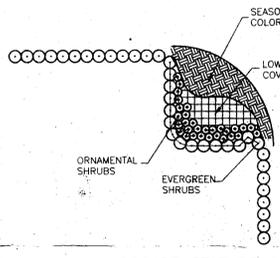
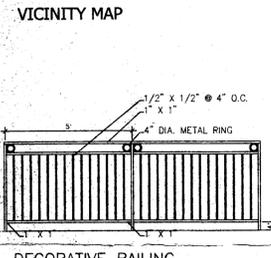
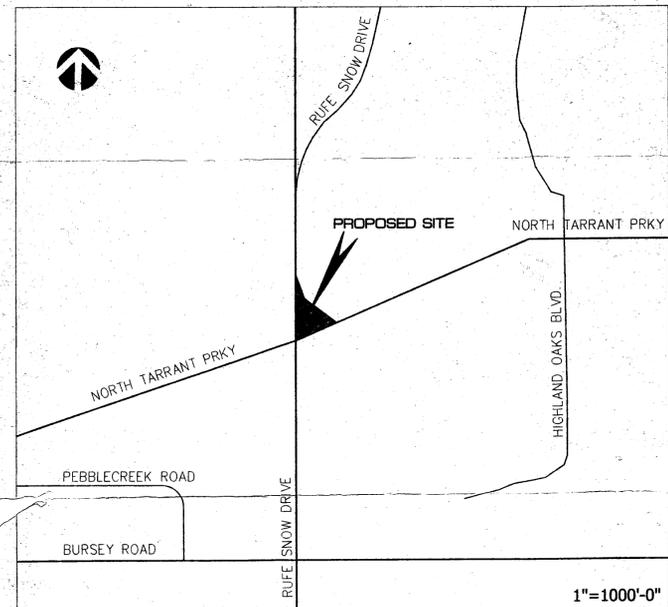
Approved as to Form and Legality:


L. Stanton Lowry, City Attorney

AREA CALCULATIONS						
LOT	S.F.	ACRE	BUILDING S.F.	BUILDING COVERAGE	LANDSCAPE AREA	LANDSCAPE COVERAGE
1	79,229	1.82	12,000	15.14%	19,865	25%
2	90,112	2.07	15,400	17.08%	20,623	22.9%
3	55,516	1.27	10,000	18.01%	27,400	49.3%
4	64,132	1.47	5,000	7.7%	20,970	32.7%
5	49,215	1.13	7,800	15.69%	22,780	46.3%
6	98,935	2.27	6,000	6.06%	77,977	78.8%
7	260,205	5.97	10,000	3.84%	250,205	96.16%
TOTAL	697,344	16.00	66,200	9.49%	439,820	90.51%

LEGEND	
	LANDSCAPE AREA - CONSISTS OF GROUND COVERS, TREES, AND SHRUBBERY DESIGNED IN COMPLIANCE WITH ORDINANCE #11-01-01-01
	EXISTING TREE TO REMAIN
	NEW 3" CALIPER TREE
	ORNAMENTAL TREE (2 PER 50' OF FRONTAGE)
	3' TALL PARKING SCREENING
	BRICK OR CONCRETE PAVERS (COLORS TO MATCH BUILDING FACADES) 10'-0" WIDE CENTERED WITH SIDEWALK
	PLANTER BOX - BUILDING WALL

VARIANCE BETWEEN EXISTING AND PROPOSED PLANNED DEVELOPMENT					
LAND USE	EXISTING P.D.	PROPOSED P.D.	VARIANCE SF.	VARIANCE %	
TOTAL BUILDING AREA (SF)	73,245	66,200	<7,045>	<9.6%>	PROPOSED P.D. HAS 21% LESS BUILDING AREA THAN EXISTING P.D.
TOTAL LANDSCAPE AREA (SF)	254,885	439,820	184,935	72.5%	PROPOSED P.D. HAS 75% MORE LANDSCAPE AREA THAN EXISTING P.D.
TOTAL PARKING PROVIDED	552	345	<206>	<37%>	PROPOSED P.D. HAS 44% LESS PARKING AREA THAN EXISTING P.D.



- Land Use Stipulations
- With the exception of the proposed pharmacy proposed for Lot 1, no single user on the property will exceed 8,500 square feet of leasable area.
 - Uses on the property are limited to those uses allowed in the "NS" zoning district with specific uses prohibited.
 - This development will provide increased landscaping at the main entrances.
 - Veterinary clinics, pet grooming establishments and pet stores are allowed with no outside uses or runs and adequate soundproofing for noise mitigation.
 - All uses not allowed in the "NS" district under the classifications of Automobile, Transportation, Utility, Communication and Related Uses district are strictly prohibited.
 - All uses not allowed in the "NS" district under Section 35.7, Amusement and Commercial, except bank teller machines, clothing store, interior decorator and insurance office and photo studio shall be strictly prohibited.
 - A complete site plan application shall be submitted prior to the development of each parcel.
 - A traffic study must be conducted prior to development addressing all access and traffic issues.
 - A complete floodplain study with all drainage improvements to be addressed prior to any development on this property.
 - The property shall adhere to architectural controls that maintain compatibility of buildings with the residential character of the neighborhood, including height, roof pitch and material requirements.
 - Any use with open or outside storage is strictly prohibited.
 - Lot 6 shall be restricted only the following uses: professional offices; bank or financial institution or a child care center.
 - Brick/concrete pavers or stamped concrete shall be provided at all driveway entrances.
 - A 8 foot brick screening wall adjacent to the residential property will be built on Lot 6 as shown on the site plan. The wall must be compatible in material and finish with the existing screening walls in the area.
 - A 30-foot wide trail easement will be provided as shown on the west side of the drainage. The required trees will be planted and at the spacing required in the ordinance.
 - Total landscaping for the site shall be a minimum of 15% and the street yard landscaping shall be 25%.
 - Lot 6 shall have additional trees planted at the rear of the property adjacent to the residential zoning with a minimum of 1 tree per 30 linear feet.
 - A pharmacy use on Lot 1 can operate 24 hours a day. The hours of operation for the rest of the property will be 6:00 A.M. to 10:00 P.M. *See Ordinance #1066*
 - The hours of garbage pick up for the center shall be restricted to be between 7:00 A.M. to 7:00 P.M.
 - All other requirements of the City's Zoning and Subdivision Ordinances must be met at the time of development.

APPROVED BY CITY COUNCIL ACTION

DATE: 10/02/01

ORDINANCE NO. 1066

1"=60'-0"

preliminary site plan

DATE: 6-21-01

REVISIONS:

- 7-31-01 per city comments
- 8-27-01 per city comments
- 9-17-01 per city comments
- 10-26-01 per city comments

Highland Oaks Crossing
Keller, Texas
The Gustine Company

Robert W. Kelly
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