


LUP-21-0004

**ARTICLE NINE  
Unified Development Code**

Adopted: July 7, 2015 


**FUTURE LAND USE PLAN AMENDMENT APPLICATION**


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

Applicant/Developer: JIM MAKENS  
Street Address: 3231 Harwood Rd.  
City: Beauford State: TX Zip: 76021  
Telephone: 214-957-8284 Fax: \_\_\_\_\_ E-mail: jim@makens.com  
Applicant's Status: (Check One) Owner  Tenant  Prospective Buyer

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

Owner: Grapevine / Wall J.V.  
Street Address: 3231 Harwood Rd.  
City: Beauford State: TX Zip: 76021  
Telephone: 214-957-8284 Fax: \_\_\_\_\_ E-mail: jim@makens.com

  
Signature of Applicant  
Date: 6-1-2021

 Jim Makens  
Signature of Owner Printed Name of Owner  
Date: 6-1-21

Engineering Firm: Mc Adams Contact Name: Doug Powell  
Street Address: 201 Country View Drive  
City: Ronovoke State: TX Zip: 76262  
Telephone: 469-312-0623 Fax: \_\_\_\_\_ E-mail: dpowell@McAdamsco.com

**SECTION 2. FUTURE LAND USE AMENDMENT REQUEST INFORMATION**

Property Location: 920 + 940 Keller Hwy Keller Texas 76248

Legal Description:  
Lot(s): 4 + 5B Block(s): 7 Subdivision Name: Town Center East

Unplatted Property Description:  
Abstract Name & Number: Pamela Allen, A-28 Tract Number(s): \_\_\_\_\_  
*If property is not platted, please attach a metes and bounds description.*

Current Land Use Designation: MU Proposed Land Use Designation: RTC

Current Use of Property: Shopping Center

Proposed Use of Property: Shopping Center

Justification for Requested Future Land Use Plan Amendment:  
**A detailed letter of justification and/or exhibits shall accompany this application.**



**FUTURE LAND USE PLAN AMENDMENT APPLICATION**

**SECTION 3. CHECKLIST**

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

The application fee

$\$400 + 10 \text{ ac} = \$470$

~~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.~~

A letter justifying the request and why the chosen category better suites the needs of the area. Include information on:

- Compatibility with adjacent developments or Future Land Use Plan designations
- Availability of city services including water, sewer, and roads,
- Anticipated impacts on city services.

A legal description or meets and bounds description of the property.

Exhibit showing to scale the area proposed to be amended on the suture land use plan with adjacent Future Land Use Plan and Zoning Designations labeled.

Evidence of communicating the proposal with the adjacent neighborhood or property owners.

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.

June 2, 2021

Julie Smith  
Community Development Director  
City of Keller  
1100 Bear Creek Parkway  
Keller TX 76248

Dear Ms. Smith

Please find the attached application for an amendment to the Future Land Use Plan (FLUP) of approximately 6.2 acres known as Lot 4 and Lot 5R, Block 1 in the Town Center East Addition, Keller, Tarrant County, Texas. This property is plated and also known as 940 and 920 Keller Parkway, Keller Texas, 76248.

The current use of the property is a retail strip center that is anchored by a Kroger grocery store. The entire shopping center is owned by five separate owners (this does not include the owner of the warehouse on the west side of the shopping center). I own the two existing retail strip buildings and a vacant 2.5 acre parcel of land which is designated for a third retail building. The three pad sites fronting on Keller Parkway are each independently owned by three unrelated owners and those current uses include Wells Fargo Bank, Chase Bank and Starbucks, which are all under long term leases. Kroger makes up the fifth owner. All five owners are governed by a Reciprocal Easement Agreement (REA) which was agreed prior to February 26, 1992 prior to the construction of the shopping center. This document is recorded and outlines restrictions placed against each parcel owner with in the shopping center. The REA outlines very specific areas where buildings can be built. All the areas outside of these permissible building areas are common areas and cannot be altered or used for anything other than parking, fire lanes, sidewalks and landscaping without unanimous consent from all five owners. None of the structures can exceed 28 feet in height or one story. The property can only be used as a shopping center and for shopping center uses (except those uses restricted by Kroger). Residential is not an allowed use under the REA. Millions of dollars have been invested in this shopping center by several different parties long before the MU District came into being. The center is successful with the exception of some vacancies in my portion of the center. I do not see this center becoming a mixed use development for a very long time if ever.

The Future Land Use Plan shows this property to be Mixed Use. "The Mixed-Use Zoning Districts (MU) provide unique opportunities to develop community destinations with a mix of retail/commercial, office, entertainment, open space, civic, institutional and residential uses within a pedestrian-oriented, vertical and horizontal mixed use environments." ... "all MU zoning districts must include at least three of the other uses in addition to some type of residential component"... the REA I

am party to has been in existence for over 29 years my property does not and cannot meet the requirements outlined in the MU district.

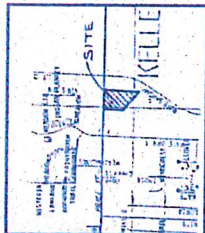
“The Retail Zoning district is established to provide locations for various types of general retail trade, business and service uses. The district allows shopping areas with a gross leasable floor area which exceeds six thousand feet (those not permitted in the NS District)”. I meet the General Purpose and Description statement of Retail. Retail also allows for medical and dental uses, dog grooming (under an SUP) and does not discourage against drive thru’s. I mention these uses because Hollywood Feed is a current tenant and they are expanding nationwide by adding dog grooming. If I can’t accommodate them under the City’s regulations they will leave. I also have a non-conforming dentist; can she sell her business when she retires? I have signed an LOI with new concept “Salads to Go”, which is a 780 sf drive thru national salad bar chain. The Retail Zoning District and the REA are in alignment.

I respectfully request that the FLUP be amended for the above mentioned property from Mixed-Use (MU) to Retail/Commercial (RTC).

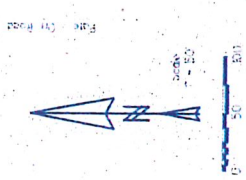
Jim Makens  
3231 Harwood Rd  
Bedford TX 76021



Boundary Boundary



**Vicinity Map**  
Scale: 1" = 100'



**General Notes:**

- A. All corners are 1/2" iron pins with caps.
- B. Lot Areas
- C. These lots are zoned T-C at the following address:

**Surveyor:**

Area Surveying, Inc.  
1400 Ogdenway, Suite 305  
Ft. Worth, TX 76104  
(817) 495-1077

**Engineer:**

James E. Johnson  
1400 Ogdenway, Suite 305  
Ft. Worth, TX 76104  
(817) 495-1077

**SEVERE WEATHER CERTIFICATE**

I, the undersigned, being duly sworn, depose and say that the above described plat was prepared by the undersigned or under the direct supervision of the undersigned, and that the same is a true and correct copy of the original as the same appears in the office of the undersigned.

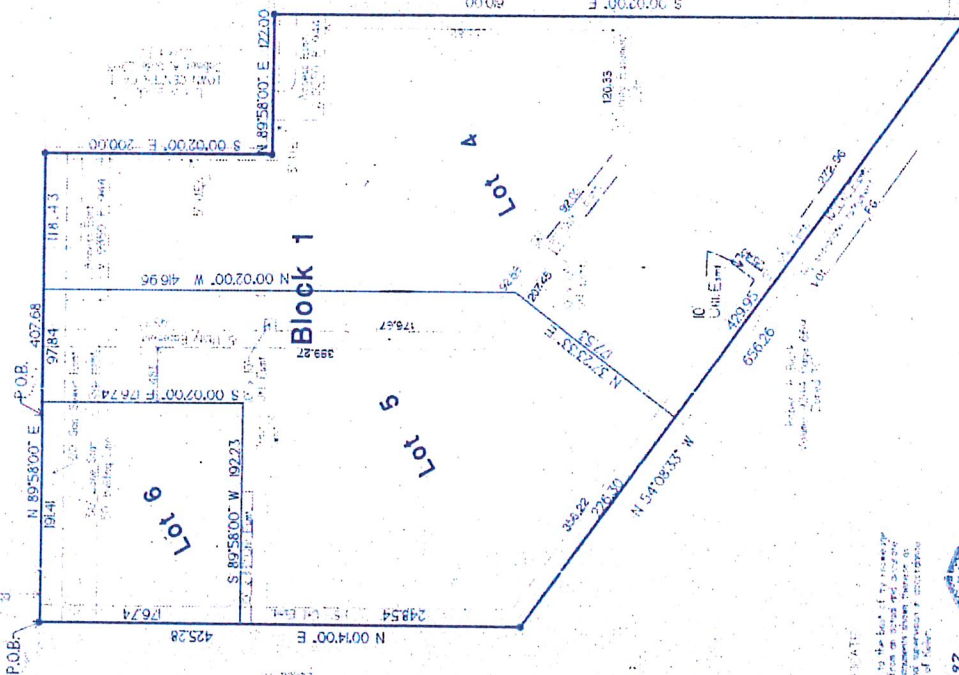
James E. Johnson, Surveyor

Case No. 1400, Sub. 1, No. 200

1-9-97

(By separate notations)

**F.M. Highway No. 1709**



**OWNER'S CERTIFICATE**

I, the undersigned, being duly sworn, depose and say that the above described plat was prepared by the undersigned or under the direct supervision of the undersigned, and that the same is a true and correct copy of the original as the same appears in the office of the undersigned.

James E. Johnson, Surveyor

Case No. 1400, Sub. 1, No. 200

1-9-97

(By separate notations)

Approved:  
**Planning & Zoning Commission**  
City of Keller

**APPROVED**  
CITY OF KELLER

Let's 4 & 5 and 6, **Town Center East**,  
An Addition to the City of Keller,  
Tarrant County, Texas.

**AREA SURVEYING, INC.**  
Registered Professional Land Surveyor  
One Six Thousand Six Hundred Twenty-Ninth Street, Suite 100  
Ft. Worth, Texas 76104  
(817) 495-1077