

ORDINANCE NO. 1875

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A PLANNED DEVELOPMENT ZONING CHANGE FOR AN UNDEVELOPED PORTION OF HIGHLAND OAKS CROSSING, A NON-RESIDENTIAL DEVELOPMENT, LOCATED ON A 1.48-ACRE TRACT OF LAND OUT OF THE JOHN EDMONDS SURVEY, ABSTRACT NO. 457, TRACT 3H1B, ON THE NORTH SIDE OF NORTH TARRANT PARKWAY, APPROXIMATELY 675 FEET EAST OF RUFÉ SNOW DRIVE. THE PURPOSE OF THIS PLANNED DEVELOPMENT AMENDMENT IS TO ALLOW SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS, ZONED PD-R (PLANNED DEVELOPMENT-RETAIL), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Richard L. Cohen, owner and William T. Ellis, applicant; have submitted an application to the City of Keller to request a Planned Development Zoning Change Amendment (Z-17-0008), which has been reviewed by the City Staff; and

WHEREAS, notice of a public hearing before the Planning and Zoning Commission was sent to real property owners within three hundred feet (300') 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 issue a zoning change on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation to approve the zoning change request; and

WHEREAS, the City Council is of the opinion that the zoning change 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.

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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, in accordance with the Unified Development Code, the City Council of the City of Keller, Texas hereby authorizes approval of a Planned Development Zoning Change for an undeveloped portion of Highland Oaks Crossing, a non-residential development, located on a 1.48-acre tract of land out of the John Edmonds Survey, Abstract No. 457, Tract 3H1B, on the north side of North Tarrant Parkway, approximately 675 feet east of Rufe Snow Drive. The purpose of this planned development amendment is to allow subdivision of one (1) lot into two (2) lots, zoned PD-R (Planned Development-Retail), in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, with the following amended conditions:

1. Dumpsters and detention/drainage facilities will be shared between the two (2) lots. This shall be clearly defined on the plat and established through a property owners association filed with Tarrant County.
2. Parking will be shared between the two (2) lots. A shared parking agreement shall be required and filed with Tarrant County prior to approval of the plat.
3. The proposed 6,600 square-foot retail building shall have a design that is substantially similar to and consistent with the retail building immediately adjacent to the west.
4. The proposed 4,000 square-foot medical office building shall have a residential character with masonry exterior and pitched roof with composition shingles.

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5. A variance is requested for one lot to be less than the minimum 33,000 square-feet, not to be smaller than 26,515 square-feet.

6. A variance is requested to omit foundation plantings along the 6,600 square-foot proposed retail building. Planter boxes with permanent irrigation systems shall be installed along the front of the building.

7. Large evergreen shrubs shall be planted to screen the parking and service areas from view of The Lakes of Highland Oaks.

8. The driveway should remain in the original location, aligned with the median break on North Tarrant Parkway.

Section 3: THAT, any person, firm, or corporation violating any of the provisions of this Ordinance, as read together with the Unified Development Code 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.

AND IT IS SO ORDAINED.

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Passed and approved by a vote of 7 to 0 on this the 16th day of January, 2018.

CITY OF KELLER, TEXAS



BY: *P. H. McGrail*
P.H. McGrail, Mayor

ATTEST:

Kelly Ballard

Kelly Ballard, City Secretary

Approved as to Form and Legality:

Cathy Cunningham
for L. Stanton Lowry, City Attorney