

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.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
2 CITY OF KELLER, TEXAS:

3 Section 1: THAT, the above findings are hereby found to
4 be true and correct and are incorporated
herein in their entirety.

5 Section 2: THAT, the Comprehensive Zoning Ordinance of
6 the City of Keller, Texas, the accompanying
7 Zoning Map, and the concept plan for PD-868
8 (Planned Development-Highland Oaks Plaza) are
9 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-
10 Neighborhood Service) with the following
11 stipulations:

- 12 1. Foundation plantings in the form of beds
13 or planter boxes shall be provided on
the west and south sides of the CVS
14 Pharmacy building as required by the
City of Keller Corridor Guidelines.
- 15 2. Decorative pilasters shall be added to
16 the north elevation of the CVS Pharmacy
building.
- 17 3. The trash compactor gate on the north
18 side of the CVS Pharmacy building shall
face towards the east.
- 19 4. All driveways leading from Rufe Snow
20 Drive and North Tarrant Parkway to the
public art roundabout shall be lined
21 with trees in solid islands spaced at
twenty-five feet (25'). Specific areas
22 include the north and east sides of the
CVS Pharmacy building, the north side of
23 the retail building on Lot 2, and the
west side of the office building on
24 Lot 7.
- 25 5. Special entryway features shall be added
26 to the entrances on both Rufe Snow Drive
and North Tarrant Parkway. For water
27 conservation purposes, ponds or
foundations shall not be used as
28

1 elements in the design of these
2 features.

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

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

18 Section 3: THAT, any person, firm, or corporation
19 violating any of the provisions of this
20 Ordinance, as read together with the
21 Comprehensive Zoning Ordinance and
22 accompanying map thereto, shall be guilty of
23 a misdemeanor and upon final conviction
24 therefore shall be fined in a sum not to
25 exceed Two Thousand Dollars (\$2,000.00).
26 Each and every day such violation continues
27 shall constitute a separate offense and shall
28 be punishable as such hereunder.

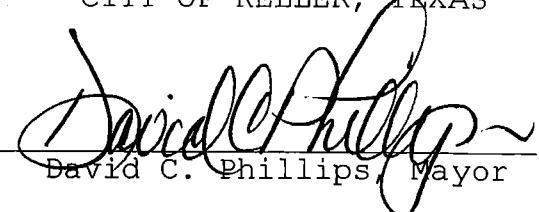
Section 4: THAT, the City Secretary is hereby authorized
and directed to cause publication of the
descriptive caption and penalty clause hereof
as an alternative method of publication
provided by law.

1 AND IT IS SO ORDAINED.


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

4 CITY OF KELLER, TEXAS

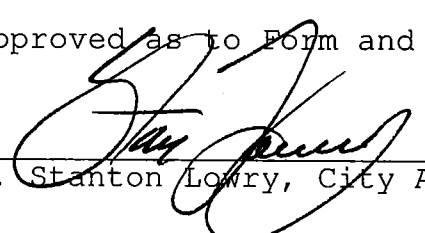
6 BY:

7 
David C. Phillips, Mayor

8 ATTEST:

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10 Sheila Stephens, City Secretary

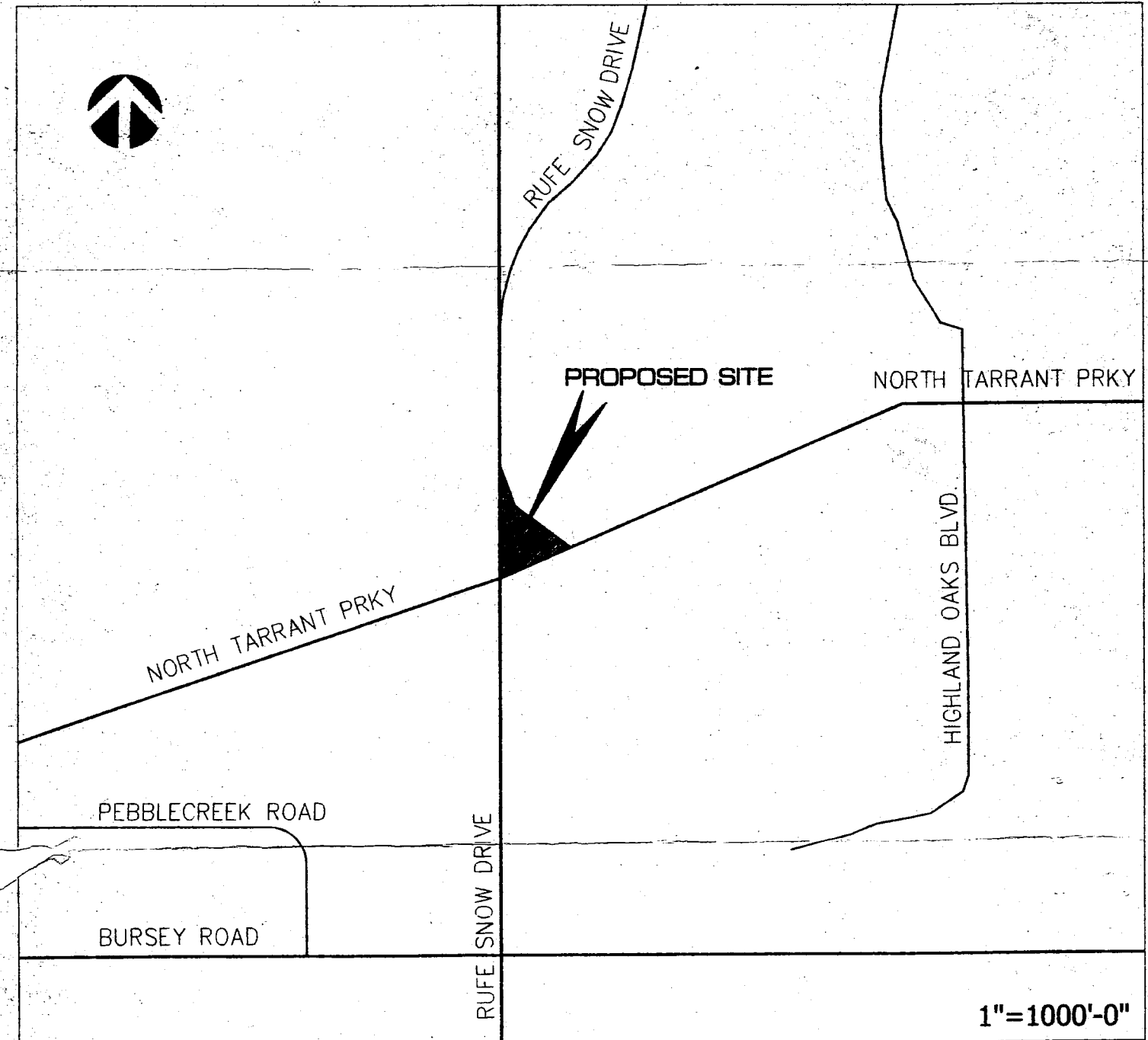
11 Approved as to Form and Legality:

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13 L. Stanton Lowry, City Attorney
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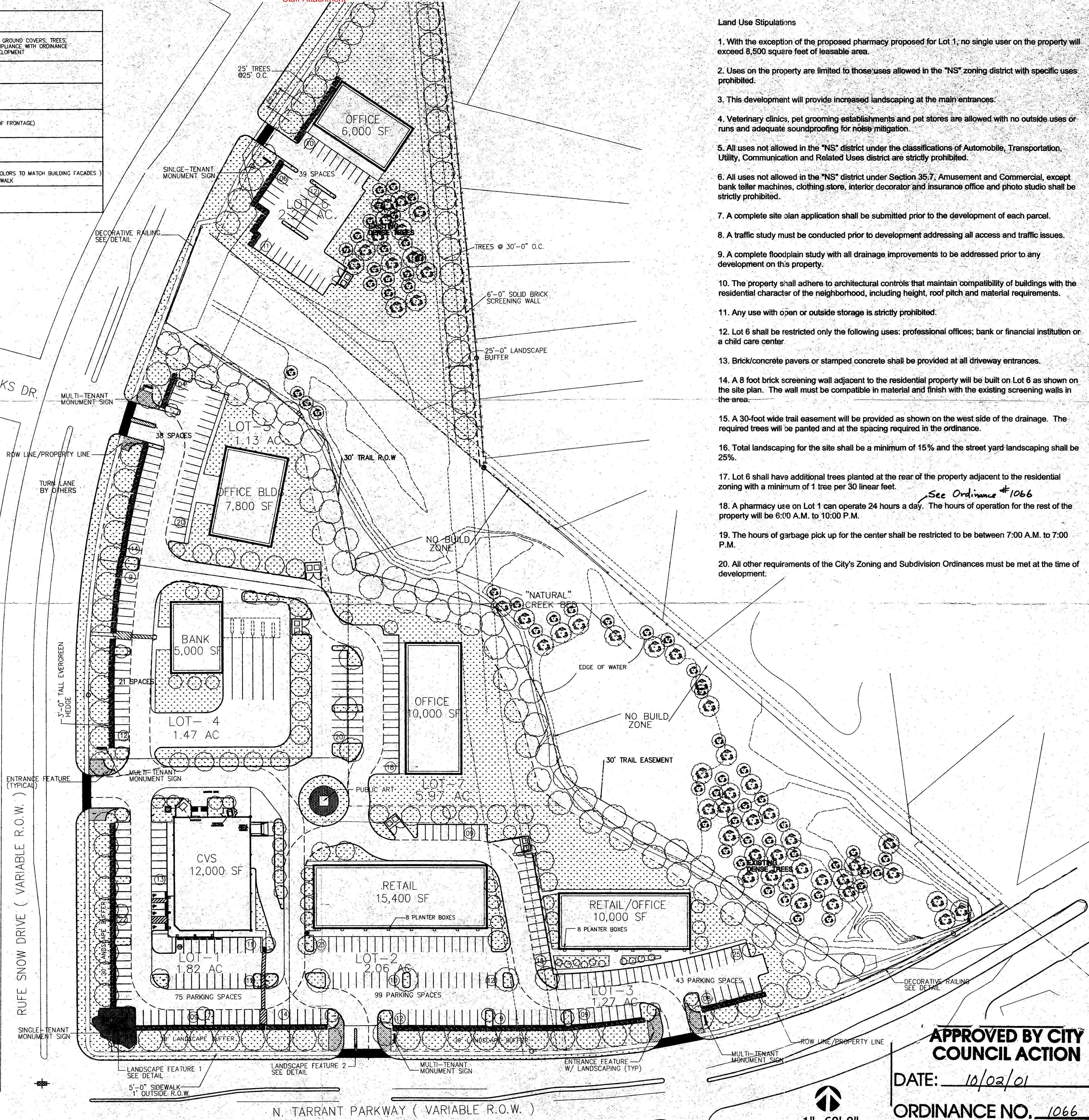
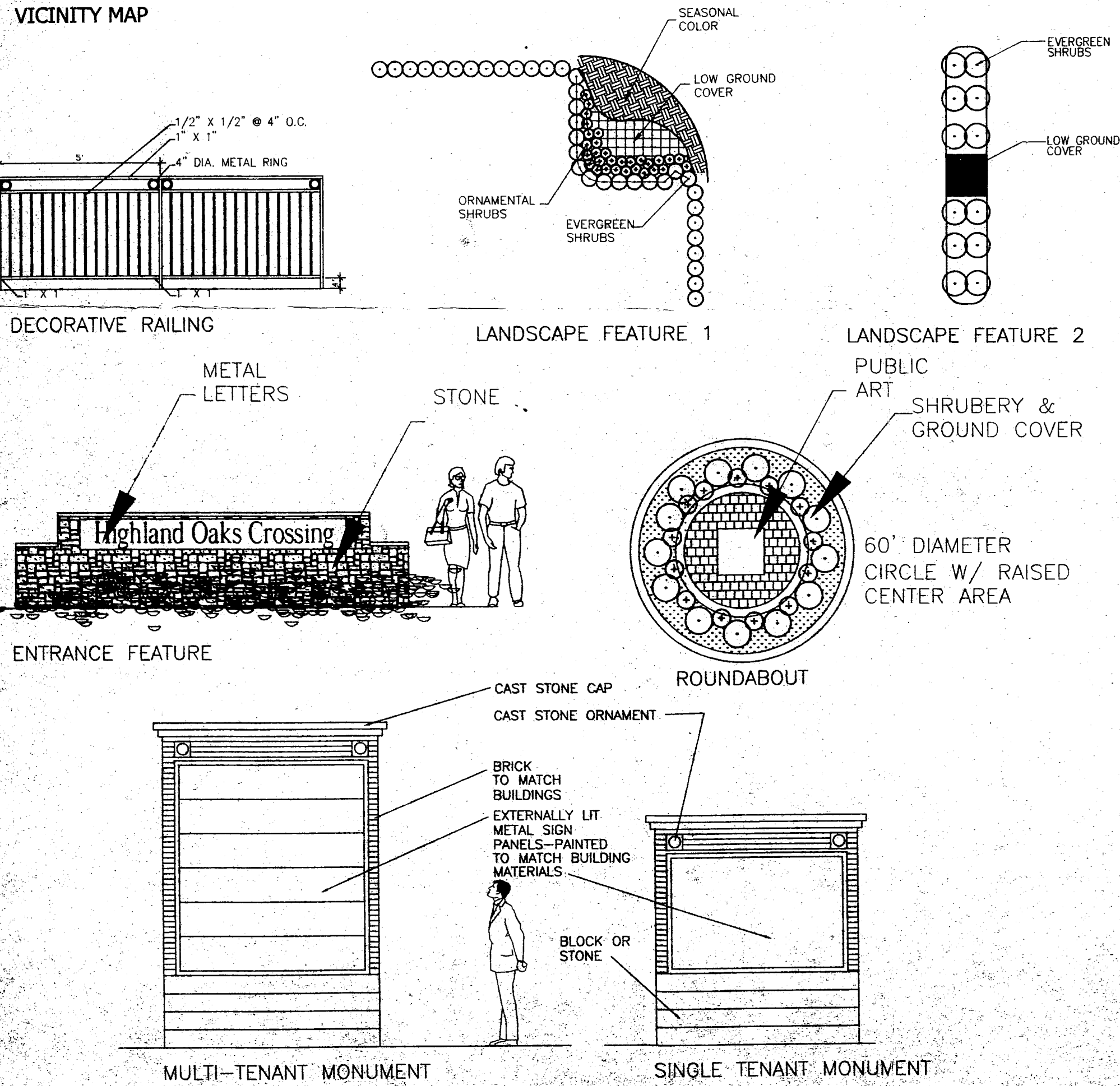
AREA CALCULATIONS						
LOT	S.F.	ACRE	BUILDING S.F.	BUILDING COVERAGE	LANDSCAPE AREA	LANDSCAPE COVERAGE
1	79,229	1.82	12,000	15.14%	19,865	25%
2	90,112	2.07	15,400	17.08%	20,623	22.9%
3	55,516	1.27	10,000	18.01%	27,490	49.3%
4	64,132	1.47	5,000	7.7%	20,970	32.7%
5	49,215	1.13	7,800	15.69%	22,780	46.3%
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
	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.	



VICINITY MAP



- 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.

1"=60'-0"
preliminary site plan

APPROVED BY CITY COUNCIL ACTION
DATE: 10/02/01
ORDINANCE NO. 1066

DATE: 6-21-01

REVISION:
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

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