

ORDINANCE NO. 1580

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KELLER, TEXAS, BY AMENDING THE ZONING MAP AND AMENDING A PLANNED DEVELOPMENT FOR A PORTION OF HIGHLAND OAKS CROSSING, A NON-RESIDENTIAL DEVELOPMENT, LOCATED ON 5.22-ACRE TRACTS OF LAND OUT OF THE JOHN EDMONDS SURVEY, ABSTRACT NO. 457, TRACTS 3H1 AND 3H1B, AND A 1.87-ACRE LOT, BEING LOT 2, BLOCK A, HIGHLAND OAKS CROSSING, TOTALING 7.09 ACRES, ON THE NORTHEAST CORNER OF NORTH TARRANT PARKWAY AND RUFÉ SNOW DRIVE, AT 841 NORTH TARRANT PARKWAY, AND ZONED PD-NS (PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE), IN THE CITY OF KELLER, TEXAS; PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.

WHEREAS, Keller Retail Partners Joint Venture and Richard L. Cohen, owners, and Keller Mansfield Debbie Lane, LTD., owner/applicant/developer, have submitted a planned development amendment request (Z-11-0011) which has been reviewed by the City Staff; and

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet 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 planned development amendment with a condition; and

WHEREAS, the City Council is of the opinion that the planned development amendment 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.

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 Unified Development Code of the
6 City of Keller, Texas, and the accompanying
7 Zoning Map are hereby amended by amending a
8 planned development for a portion of Highland
9 Oaks Crossing, a non-residential development,
10 located on 5.22-acre tracts of land out of
11 the John Edmonds Survey, Abstract No. 457,
12 Tracts 3H1 and 3H1B, and a 1.87-acre lot,
13 being lot 2, Block A, Highland Oaks Crossing,
14 totaling 7.09 acres, on the northeast corner
of North Tarrant Parkway and Rufe Snow Drive,
at 841 North Tarrant Parkway, and zoned PD-NS
(Planned Development-Neighborhood Service),
in the City of Keller, Tarrant County, Texas,
with the proposal attached hereto as Exhibit
"A", and incorporated herein, as if fully set
forth with the following condition:

- 15 1. The variance request to allow thirteen
16 (13) consecutive parking spaces without
interruption of a landscaped island for
Lot 5 shall be allowed.

17 Section 3: THAT, any person, firm or corporation
18 violating any of the provisions of this
19 Ordinance, as read together with the
20 Comprehensive Zoning Ordinance and
21 accompanying map thereto, shall be guilty of
22 a misdemeanor and upon final conviction
therefore shall be fined in a sum not to
23 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.

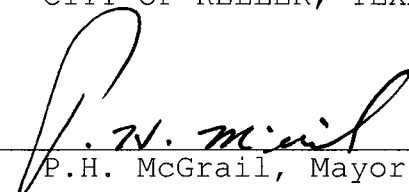
24 Section 4: THAT, the City Secretary is hereby authorized
25 and directed to cause publication of the
26 descriptive caption and penalty clause hereof
as an alternative method of publication
provided by law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AND IT IS SO ORDAINED.

Passed and approved by a vote of 7 to 0 on this the 3rd day of January, 2012.

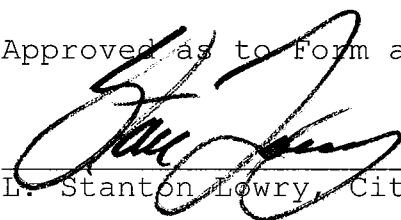
CITY OF KELLER, TEXAS

BY: 
P.H. McGrail, Mayor

ATTEST:


Sheila Stephens, City Secretary

Approved as to Form and Legality:


L. Stanton Lowry, City Attorney

December 14, 2011

David Hawkins, AICP
Senior Planner
City of Keller
1100 Bear Creek Parkway
Keller, TX76244

RE: Zoning Application, Planned Development Amendment - **REVISED**
Keller Highland Oaks Crossing
NEC N Tarrant Pkwy & Rufe Snow
Keller, Texas

Dear Mr. Hawkins:

Our purpose for requesting the Planned Development Amendment ("PDA") of the subject property is to get this property in use. As you know, the existing PD is very restrictive and outdated. When this property was first developed by the CVS developer, we were operating in a completely different commercial real estate climate, thus the PD showing a bank on Lot 4 and a total of over 17,000 s/f of office on Lots 5 & 7. Since then, banks have quit expanding and the office market is very depressed, even in Keller. There are excess bank pads on the market, especially with the failures of so many institutions and the consolidation of others. Further, other than limited medical use, the office market is stagnant. Our entity acquired the property from the original CVS developer.

In order to achieve more flexibility in marketing the property (without compromising the integrity of the use) we are requesting a PDA to change the base zoning from "NS-Neighborhood Service" to "R-Retail". It is my understanding that this zoning is consistent with the city's overlay.

Since we acquired the property, we donated the creek area to the City of Keller. That property is no longer in our ownership and is not a part of our request. The creek area will retain the existing zoning of "PD-NS" approved by Ordinance NO 1066.

I have contacted the adjoining commercial owners. While all of the other four owners support my efforts, the owner of the CVS building has not been able to get CVS to focus on the effort. Thus, the CVS owner is not asking that the pharmacy property be included in the application.

Please note that we are amending our application to ask that Lot 6 not be a part of this request. Further, we accept P&Z's request that we stipulate to keeping the overall exterior compatible in character and finish with the original ordinance and comparable in finish and quality with the existing building on Lot 2.

Thank you for your assistance in getting this request submitted. Please let me know if you need anything further.

Sincerely,
William E Stonaker

WILSON & STONAKER, LLC
PO BOX 93898, SOUTHLAKE, TEXAS 76092
817-329-2929
WES@Wilson-Stonaker.com



William E Stonaker
Manager

WILSON & STONAKER, LLC
PO BOX 93898, SOUTHLAKE, TEXAS 76092
817-329-2929

WES@Wilson-Stonaker.com



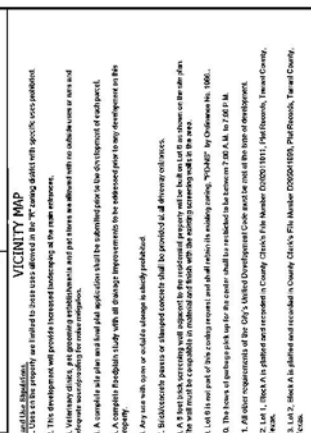


Diagram of a roundabout layout. The central area is a square labeled "60' DIAMETER CIRCLE W/ RAISED CENTER AREA". This is surrounded by a ring of shrubbery and ground cover, labeled "SHRUBBERY & GROUND COVER". The entire structure is labeled "PUBIC ART" and "ROUNDABOUT".



Highland Oaks Crossing

ENGINEER:
WET
ON ENGINEERING, INC.
1308 NORWOOD DRIVE, SUITE 200
NORTH DALLAS, TEXAS 75202
(817) 558-2600
FAX: (817) 558-2600
CONTACT: TIM WELCH

SURVEYOR:
MARSHALL LANCASTER AND ASSOCIATES
1804 NORTH NORWOOD DRIVE, SUITE 100
HARIS, TEXAS 76054
(817) 258-8000
FAX: (817) 258-8000
CONTACT: MARSHALL LANCASTER

(817) 329-7200
CONTACT: MELVIN STOKEMER
