

ORDINANCE NO. 1710

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 THE NORTH SIDE OF NORTH TARRANT PARKWAY, APPROXIMATELY 375 FEET EAST OF RUFÉ SNOW DRIVE, AT 841 NORTH TARRANT PARKWAY, BEING LOT 2, BLOCK A, HIGHLAND OAKS CROSSING ADDITION, AND ZONED PD-R (PLANNED DEVELOPMENT-RETAIL), IN THE CITY OF KELLER, TEXAS; PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.

WHEREAS, Keller Retail Partners JV, property owner; Joseph and Melody Cokel, applicants/developers, have submitted a planned development amendment request (Z-14-0011) 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 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 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 conditions; 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 the north side of North Tarrant
11 Parkway, approximately 375 feet east of Rufe
12 Snow Drive, at 841 North Tarrant Parkway,
13 being Lot 2, Block A, Highland Oaks Crossing
14 Addition, and zoned PD-R (Planned
15 Development-Retail), in the City of Keller,
16 Tarrant County, Texas, with the proposal
17 attached hereto as Exhibit "A", and
18 incorporated herein, as if fully set forth
19 with the following conditions:

1. The request to remove the condition that prohibits uses allowed by Specific Use Permit (SUP) for Lot 2 only shall be allowed.
2. One (1) "retail sales of used goods and merchandise" use shall be permitted by right for Lot 2 only of this planned development district. Additional "retail sales of used goods and merchandise" uses may be considered by SUP.

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

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

6 AND IT IS SO ORDAINED.

7 Passed and approved by a vote of 7 to 0 on this the 16th
8 day of September, 2014.

9 CITY OF KELLER, TEXAS

10 BY: 
11 Mark Mathews, Mayor

12 ATTEST:

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14 Sheila Stephens, City Secretary

15 Approved as to Form and Legality:

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17 L. Stanton Lowry, City Attorney
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ELLIS & TINSLEY, INC.
COMMERCIAL & INVESTMENT REAL ESTATE

Exhibit "A"

SCR SOCIETY OF
COMMERCIAL
REALTORS®

Planning & Zoning Commission
City of Keller

VIA email : dhawkins@cityofkeller.com

RE: Case No. Z-14-0011

Dear Commission Members:

My name is William T. (Bill) Ellis and I am the manager of Keller Retail Partners J.V., LLC which owns the retail center at 841 N Tarrant Parkway in Keller. Keller Retail Partners has entered into a lease agreement with Joseph and Melody Cokel for approx. 1,095 sq. ft. of retail space for sale of new and gently used clothing for children. There will be no collection boxes on site, inside or outside the store, for the receiving of used clothing. This store will look like any other high end retail clothing store and therefore I request the following to accommodate this use, which is twofold.

First, that specific use permits (SUP) be allowed for this property as they are currently restricted by the original concept plan. This development is now 95% developed and our proposed use is consistent with the character of the other uses in this area.

Second, that a special use permit be granted for the retail sale of used goods and merchandise for this property only.

The Cokels have another successful business in Keller and we both look forward to your favorable consideration of these requests.

Best Regards,



William T. (Bill) Ellis
Manager
Keller Retail Partners J.V, LLC

APPROVED BY
CITY COUNCIL ACTION
ORDINANCE # 1710
Date: 9/16/2015