

ORDINANCE NO. 868

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF KELLER, TEXAS, BY AMENDING THE ZONING MAP AND CHANGING THE ZONING FROM NS (NEIGHBORHOOD SERVICE) AND SF-8.4 (SINGLE FAMILY-8,400 SQUARE FOOT LOTS) TO PD-NS (PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE) ON A 16.3659 ACRE TRACT OF LAND OUT OF THE J. EDMONDS SURVEY, ABSTRACT NO. 457, FOR HIGHLAND OAKS PLAZA, A NEW RETAIL SHOPPING CENTER, LOCATED AT THE NORTHEAST CORNER OF RUFÉ SNOW DRIVE AND WILSON LANE, IN THE CITY OF KELLER; PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.

WHEREAS, Mike Sandlin (owner) and Bernard McGarry and Lincoln Property Company (applicants) have submitted a zoning change request (Z-97-3) 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 deny the zoning change request; and

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

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

6 Section 1: THAT, the Comprehensive Zoning Ordinance of
8 the City of Keller, Texas, and the
10 accompanying Zoning Map are hereby amended
12 insofar as they relate to certain land
14 located at the northeast corner of Rufe Snow
16 Drive and Wilson Lane, by changing the zoning
18 thereon from NS (Neighborhood Service) and
SF-8.4 (Single Family-8,400 square foot lots)
to PD-NS (Planned Development-Neighborhood
Service) on a 16.3659 acre tract of land out
of the J. Edmonds Survey, Abstract No. 457,
for Highland Oaks Plaza, a new retail
shopping center, in the City of Keller,
Texas, with the following stipulations:

20 1. The maximum allowable area of a leasable
22 space shall be 8,500 square feet. Free
24 standing buildings for one primary use
shall not exceed 8,500 square feet.

26 2. All uses allowed in NS zoning district
28 and other compatible retail uses as
30 determined by the Director of Community
32 Development and as outlined in the Zoning
34 Ordinance Section 35.5 Retail and Related
36 Uses, professional office uses and
financial institutions that are wholly
enclosed within the building and meeting
the 8,500 square feet requirement shall
be allowed, with the exception of the
following uses:

- 38 • grocery store
- 40 • drive in restaurant
- 42 • drive thru restaurant
- 44 • meat market
- 46 • laundromat
- check cashing service
- pawn shop
- bingo parlor

- radio sales and installation,
automobile related
 - driving school
 - medical laboratory
 - used clothing store
 - convenience store with gas pumps
 - sale of fire arms
 - convenience store without gas pumps
3. The project must include a central focal point such as a fountain or a gazebo.
 4. Veterinary clinics, pet grooming establishments and pet stores shall be permitted with no outside uses or runs and adequate soundproofing for noise mitigation.
 5. All uses not allowed in the NS district under Section 35.6 Automobile, Transportation, Utility, Communication and Related Uses shall be strictly prohibited.
 6. All uses not allowed in the NS district under Section 35.7, Amusement and Commercial, except for bank teller machines, clothing store, interior decorator and insurance office and photo studio shall be strictly prohibited.
 7. A complete site plan application shall be submitted prior to development of each parcel.
 8. A traffic study to be conducted prior to development addressing all access and traffic issues. The traffic study must assure that driveway locations for the shopping center will not adversely impact the residential subdivisions' entrances.

- 2
- 4 9. A complete floodplain study with all
- 6 drainage improvements to be addressed
- 8 prior to any development on the property.
- 10 10. The property shall adhere to
- 12 architectural controls that maintain
- 14 compatibility of buildings with the
- 16 residential character of the
- 18 neighborhood, including height, roof
- 20 pitch and material requirements, as
- 22 stated in the attachments by the
- 24 developer.
- 26 11. Any use with open/outside storage is
- 28 strictly prohibited.
- 30 12. Lot 7 shall be restricted to only the
- 32 following uses:
- 34
- 36
 - professional offices
 - bank or financial institution
 - child care center
- 38 13. Brick/concrete pavers or stamped concrete
- 40 shall be provided at all driveway
- 42 entrances.
- 44 14. A 6 foot brick screening wall adjacent to
- 46 the drainage easement and an 8 foot brick
- screening wall adjacent to Lot 7, as
- shown on the site plan, shall be
- constructed. The wall must be compatible
- in material and finish with the existing
- screening walls in the area.
15. A 4 foot wrought iron fence, brick fence,
- landscaped berm or a combination thereof,
- to be located adjacent to the drainage
- channel on Lot 7.
16. A 30 foot linear park/trail right-of-way
- to be dedicated to the city with a 10
- foot wide concrete trail to be
- constructed by the city at a later date.

Trees shall be planted on either side of the trail at a ratio of 1 tree per 40 feet. Trees shall be offset every 20 feet on either side of the trail to give the appearance of 1 tree per 20 feet along the trail. The Director of Parks and Recreation may elect to have the trees planted at the time of development of the shopping center or at the time the trail is constructed.

17. Total landscaping for the site shall be a minimum of 15% and the street yard landscaping shall be 25%.

18. Lot 7 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.

19. The hours of operation for the center shall be restricted to be between 7:00 A.M. to 11:00 P.M.

20. The hours of delivery for the center shall be restricted to be between 7:00 A.M. to 7:00 P.M.

21. The hours of garbage pick up for the center shall be restricted to be between 7:00 A.M. to 7:00 P.M.

22. All other requirements of the City's Zoning and Subdivision Ordinances must be met at the time of development.

Section 2: THAT, any person, firm or corporation violating any of the provisions of this Ordinance, as read together with the Comprehensive Zoning Ordinance 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

2 shall constitute a separate offense and shall
4 be punishable as such hereunder.

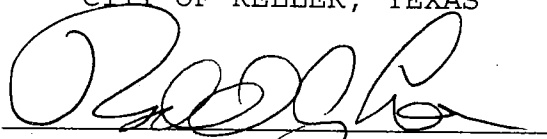
6 Section 3: THAT, the City Secretary is hereby authorized
8 and directed to cause publication of the
10 descriptive caption and penalty clause hereof
12 as an alternative method of publication
14 provided by law.

16 AND IT IS SO ORDAINED.

18 Passed and approved by a vote of 4 to 1 on this the 5th
20 day of August, 1997.

CITY OF KELLER, TEXAS

22 BY:

24 
26 Ronald W. Lee, Mayor

28 ATTEST:

30 
32 Sheila Stephens, City Secretary

34 Approved as to Form and Legality:

36 
38 L. Stanton Lowry, City Attorney