

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
10 allow a 12,000-square foot CVS Pharmacy and
11 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-
Neighborhood Service) with the following
stipulations:

- 12 1. Foundation plantings in the form of beds
13 or planter boxes shall be provided on
14 the west and south sides of the CVS
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
21 public art roundabout shall be lined
22 with trees in solid islands spaced at
23 twenty-five feet (25'). Specific areas
24 include the north and east sides of the
CVS Pharmacy building, the north side of
the retail building on Lot 2, and the
west side of the office building on
Lot 7.
- 25 5. Special entryway features shall be added
26 to the entrances on both Rufe Snow Drive
27 and North Tarrant Parkway. For water
28 conservation purposes, ponds or
foundations shall not be used as

elements in the design of these features.

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

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

Section 3: 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 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.

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AND IT IS SO ORDAINED.

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

CITY OF KELLER, TEXAS

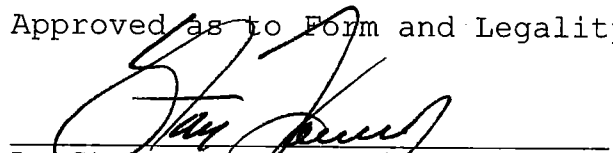
BY:


David C. Phillips, Mayor

ATTEST:


Sheila Stephens, City Secretary

Approved as to Form and Legality:


L. Stanton Lowry, City Attorney