

Staff Attachment

ORDINANCE NO. 1657

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR AN APPROXIMATELY 5,756 SQUARE-FOOT ACCESSORY BUILDING TO BE CONSTRUCTED, LOCATED ON AN APPROXIMATELY 7.49-ACRE TRACT OF LAND OUT OF THE J. MARTIN SURVEY, ABSTRACT NO. 1153, TRACT 1E3, ON THE SOUTH SIDE OF JOHNSON ROAD, APPROXIMATELY 950 FEET WEST OF NORTH PEARSON LANE, AT 1876 JOHNSON ROAD, AND ZONED SF-LD (SINGLE FAMILY RESIDENTIAL-LOW DENSITY-36,000 SQUARE-FOOT MINIMUM), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Zip Enterprises II, LTD., owner/applicant/developer has submitted an application to the City of Keller to request a Specific Use Permit (SUP-13-0005), which has been reviewed by the City Staff; and

WHEREAS, notice of a public 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 issue a Specific Use Permit on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation to approve the Specific Use Permit as submitted; and

WHEREAS, the City Council is of the opinion the Specific Use Permit 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.

Staff Attachment

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

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

Section 2: THAT, in accordance with the Unified Development Code, the City Council of the City of Keller, Texas hereby authorizes approval of a Specific Use Permit (SUP) for an approximately 5,756 square-foot accessory building to be constructed, located on an approximately 7.49-acre tract of land out of the J. Martin Survey, Abstract No. 1153, Tract 1E3, on the south side of Johnson Road, approximately 950 feet west of North Pearson Lane, at 1876 Johnson Road, and zoned SF-LD (Single Family Residential-Low Density-36,000 square-foot minimum), in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, as if fully set forth, as submitted.

Section 3: THAT, any person, firm, or corporation violating any of the provisions of this Ordinance, as read together with the Unified Development Code 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.

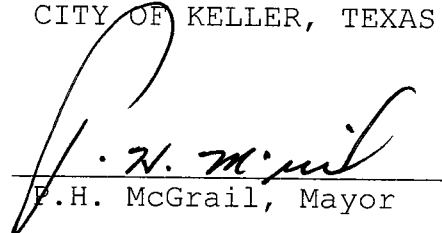
Staff Attachment

1 AND IT IS SO ORDAINED.

2 Passed and approved by a vote of 6 to 0 on this the 2nd
3 day of July, 2013.

4
5 CITY OF KELLER, TEXAS

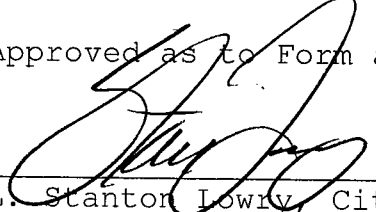
6
7 BY:

8 
P.H. McGrail, Mayor

9 ATTEST:

10
11 
Sheila Stephens, City Secretary

12 Approved as to Form and Legality:

13
14 
15 L. Stanton Lowry, City Attorney

SPECIAL USE PERMIT
REVISED APPLICATION
FOR:
1876 JOHNSON RD.

OWNED BY ZIP
ENTERPRISES, II, LTD.

MAY 31, 2013

APPROVED BY
CITY COUNCIL ACTION

ORDINANCE # 1657

Date: 7-2-2013



Staff Attachment

City of Keller
1100 Bear Creek Pkwy
Keller, TX 76244
Attn: Community Development

May 31, 2013

**APPROVED BY
CITY COUNCIL ACTION**
ORDINANCE # 1657
Date: 7-2-2013

To whom it may Concern:

My name is John Barry Clark. I am the owner of Zip Enterprises II, Ltd. I have applied for an SUP to build a barn on my AG property at 1876 Johnson Road. At the P&Z meeting on May 13 there was much discussion regarding location of the proposed building as well as the size of the structure. Of all the property owners who were notified of my intent only one property owner filed a statement with regards to my application. It was apparent that his concerns resonated through the members of the board.

The P&Z tabled my application until the meeting on June 10, 2013. I was given no clear direction other than to look at the size and location of the building. I have taken both items under considerable consideration as asked and respectfully provide the attached revisions which I trust will satisfy the P&Z and allow them to approve my application as modified.

With regards to size, the original application was for a building of approx. 59' x 100' for a total area under roof of 5,941 SF. It was my perception from comments made by various members that the length and shape of the building was as much of a concern as the actual size. Under that assumption, I have reviewed my needs and numerous redesigns of the building. The revised building is 5,756 SF. This is a reduction from the original application. In addition, the shape of the building has been reconfigured such that the total length has been reduced by 20%. This makes the building seem visibly smaller than the original proposal. The revised shape of the building will also make it look more residential and less commercial in appearance.

With regards to location, I took the initiative to contact Mr. Clarke whom is the owner of the property to the West and a portion of the South. Mr. Clarke was the sole property owner who had concerns over the original SUP application. He agreed to meet onsite and we discussed his concerns and my plans. Upon walking the site together it was determined that a more favorable location for the building would be the SW quadrant of my property. He agreed that with the large grouping of Pecan trees and the existing pond that the West side of the property was the obvious choice. At that meeting we discussed building offset. We agreed on a 30' offset on our shared property line to the South. It was my understanding at that meeting that he had requested a 50' offset to the West. In discussions by both phone and e-mail it was apparent that Mr. Clarke had suggested a 60' offset. Upon discussion by phone we have agreed to meet in the middle and have agreed to a 55' offset. He is also favorable to the redesign and orientation of the building. I believe that all of his concerns and those of the P&Z have been resolved at this time.

Per our original discussion at the P&Z meeting my wife and I are close to having final plans for our house. It is our intent to add masonry materials which balance with our home to this structure to make it even more attractive.

Staff Attachment

Attached are all necessary revisions. I have also attached a copy of the correspondence received from Mr. Clarke in favor of this new proposal. Since both issues have been addressed and the only property owner with a complaint has been satisfied I trust that this application will be approved and sent to Council for approval.

Thank you for your review of this matter. Please feel free to contact me with any concerns or if any additional information is needed.

Staff Attachment

Barry Clark

From: Cary Clarke <cary@caryclarkehomes.com>
Sent: Thursday, May 30, 2013 6:20 PM
To: Barry Clark
Subject: RE: Proposed barn

Barry, your email accurately portrays my understanding of our agreement. I wholeheartedly support your project under these agreed upon conditions and look forward to a mutually beneficial relationship as neighbors.

From: Barry Clark [mailto:jbclark@peachtreecon.com]
Sent: Thursday, May 30, 2013 4:49 PM
To: Cary Clarke
Subject: RE: Proposed barn

Cary, thanks for the input as well as the phone discussion earlier. Per my understanding we have agreed to relocate the building in the redesigned shape and size as sent to you under separate e-mail earlier today to the Southwest corner of my property. The edge of building will be offset 55' from our mutual property line on the West side of my property and 30' off our joint property line on the South side of my property. I think this is a fair compromise between our two interests. Since your comments of concern were the only ones received by the city and now that we have come to a mutual agreement I can see no reason why the P&Z will not approve these changes at the meeting on June 10. In addition I promise that the average height of the building will be within the restrictions of the city and will be the same as originally submitted.

Please review these comments and if you are in agreement that this is also your understanding of our agreement then please either respond directly to this e-mail of your affirmation or draft a letter stating your approval and that you no longer have any reservations with regard to my SUP request. If on the other hand there are any misunderstood facts on my part then please notify me of those so that we can get this matter resolved today. Per David Hawkins at the City of Keller I must have my revised narrative to him by tomorrow.

Thanks for your assistance in this matter and your willingness to meet me somewhere in the middle.

From: Cary Clarke [mailto:cary@caryclarkehomes.com]
Sent: Thursday, May 30, 2013 9:48 AM
To: Barry Clark
Subject: RE: Proposed barn

Barry,

When we met onsite we actually paced off 60 feet from the western border of the property. I am sure of this because when I remembered that my property jogged over 52 feet in that corner I remember thinking "well, at least the barn will be placed another 8 feet past the property line." I have already compromised by 40% from 100 feet to 60 feet in an attempt to be neighborly. Beyond this I can't support this project due to the adverse effect it could have on my sizeable investment. Also, could you please clarify the heights of both structures for me? It is really hard to read the small plans. It looks like the revised building actually got taller if I am reading the prints correctly. It looks like the original design was 17 feet high and the revised one is 20'10" (12' + 8'10"). Thanks for your help.

Sincerely,

Cary

Staff Attachment

From: Barry Clark [<mailto:jbclark@peachtreecon.com>]
Sent: Thursday, May 30, 2013 9:01 AM
To: Cary Clarke
Subject: RE: Proposed barn

Here is the drawing from my builder. Please look at the revised shape of the building. I have reduced the size by about 250 SF but the reconfiguration will make interior storage space quite a bit less since I will now have to have more open space to allow access down the middle of the barn. I have also sloped the roof from all sides to help eliminate the vertical face of the end of the building. With regards to offset. I am confused. When we met onsite you were asking for 30' and 50' (per my understanding). Apparently you were thinking 60' per your current e-mail. I had offered 40' to compromise between the 30' and the 50' (my understanding) hoping that the reconfigure and sloped end walls would help aesthetically. Please look at this drawing and we will talk. As I stated I would like to go into the P&Z with your blessing if possible. Thanks.

From: Cary Clarke [<mailto:cary@caryclarkehomes.com>]
Sent: Wednesday, May 29, 2013 8:27 PM
To: Barry Clark
Subject: Proposed barn

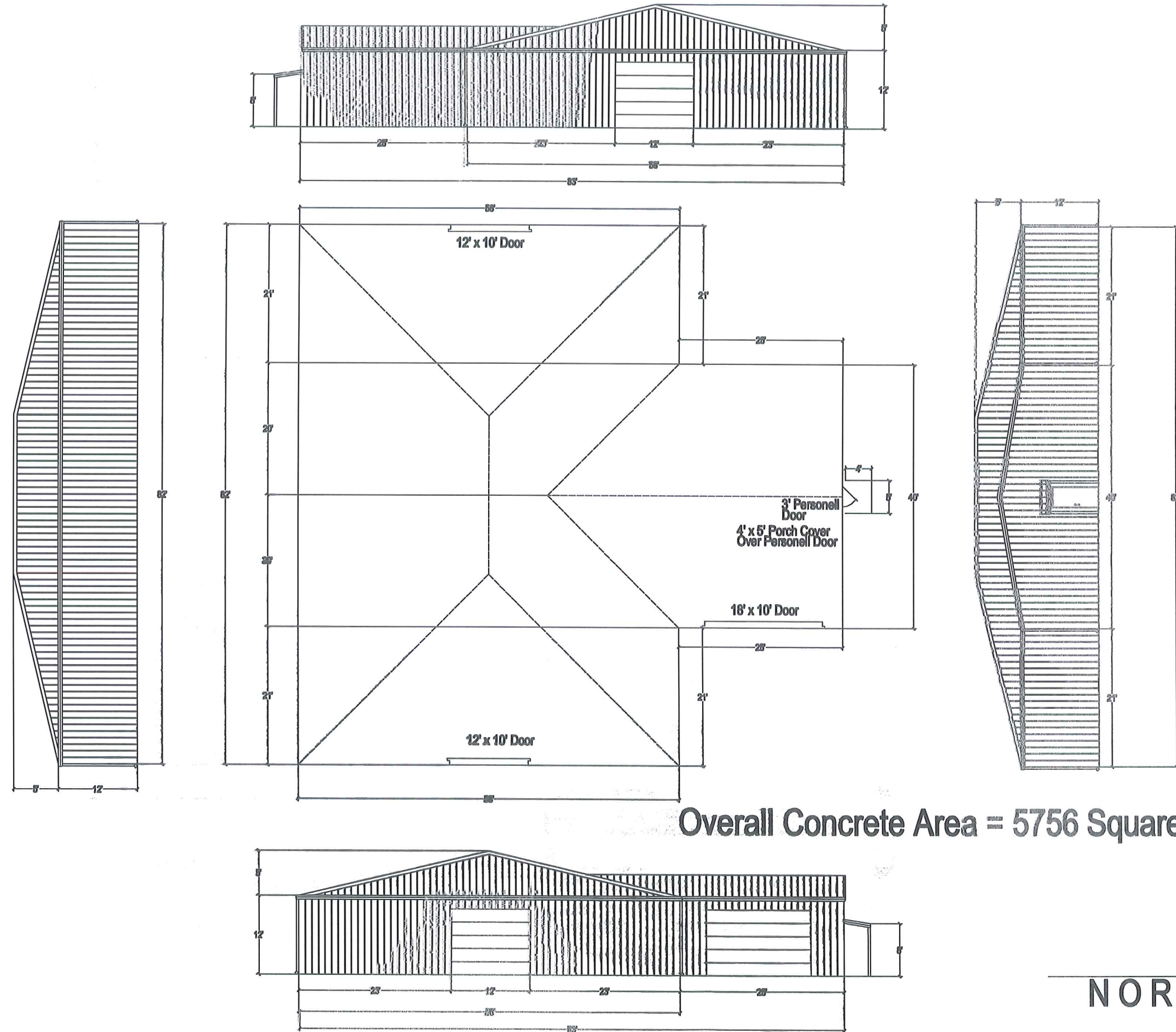
Hi Barry,

Sorry to just now be getting back to you. The last couple of days have been very busy. Please respond back to this email and include an attachment of the updated barn that you are proposing for your property. I will respond quickly so as not to hold you up with the city. I have thought about your voice mail message and would like to ask you to please stick to the 60 foot setback that we discussed off of the west property line. As you could probably tell, I had forgotten that my property jogged over 52 feet on the south side of your land in that corner. 60' and 30' actually puts the barn closer to my property than I originally felt comfortable with but I am willing to compromise since you seemed amenable as well. If you would mark that on your survey and attach it with the plans for the barn I will send you back a letter of support that you can present to David Hawkins. Please let me know if you need anything else.

Sincerely,

Cary

PLAT SHOWING REVISED BARN LOCATION



Overall Concrete Area = 5756 Square Feet

The SITE PLAN shall NOT be modified
without the approval of
The Community Development Department

General Notes

Proposed Steel Building For Zip Enterprise II Ltd.

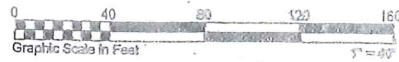
No.	Revision/Issue	Date

Firm Name and Address
Cozart Metal Bldg. Sys.
P.O. Box 1195
Azle, Texas
817-237-2282

Project Name and Address

Project
05/30/2013
Scale **1" = 8'**

PROPOSED BUILDING PLANS



Staff Attachment

FIELD NOTE DESCRIPTION

ALL that certain tract or parcel of land situated in the JOHN MARTIN SURVEY, ABSTRACT NO. 1153 in the City of Keller, Tarrant County, Texas being that same tract of land described in the deed to Larry C Development No. 1, Inc. as recorded in Document No. D204338703, Deed Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod found for the most northerly northwest corner of said Larry tract, said rod being the northeast corner of that same tract of land described in the deed to Tommy P. Russell and Trena D. Russell as recorded in Document No. D170071139, Deed Records, Tarrant County, Texas and also being in the southerly right-of-way line of Johnson Road (County Road No. 4091);

THENCE South 89 degrees 52 minutes 28 seconds East (Texas Coordinate System Grid - NC Zone) with the northerly boundary line of said Larry tract and with said right-of-way line a distance of 286.89 feet to a 5/8 inch steel rod found for the northeast corner thereof;

THENCE South 00 degrees 26 minutes 39 seconds East with the easterly boundary line of said Larry tract a distance of 624.52 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" set for the southeast corner thereof, said rod being the most northerly northeast corner of Lot 11, Block 3, Pearson Crossing, an Addition to the City of Keller, Tarrant County, Texas according to the plat recorded in Volume 388-202, Page 56, Plat Records, Tarrant County, Texas;

THENCE South 89 degrees 54 minutes 41 seconds West with the southerly boundary line of said Larry tract and with the northerly boundary line of said Block 3, passing at 128.18 feet a 1/2 inch steel rod found for the northwest corner of said Lot 11, and continuing a total distance of 643.37 feet to a 1/2 inch steel rod found for the northwest corner of said Block 3;

THENCE North 89 degrees 33 minutes 28 seconds West continuing with said southerly boundary line a distance of 52.49 feet to a 2 inch steel post found for the southwest corner of said Larry tract;

THENCE North 00 degrees 21 minutes 48 seconds West with the westerly boundary line of said Larry tract a distance of 408.13 feet to a 5/8 inch steel rod found for the most westerly northwest corner thereof;

THENCE South 89 degrees 53 minutes 20 seconds East with the northerly boundary line of said Larry tract a distance of 408.13 feet to a 1/2 inch capped steel rod stamped "AW" found for an inner corner thereof, said rod being the southeast corner of that same tract of land described in the deed to Trena Diann Russell and Tommy D. Russell as recorded in Document No. D202106725, Deed Records, Tarrant County, Texas;

THENCE North 00 degrees 22 minutes 06 seconds West with the westerly boundary line of said Larry tract, passing at 38.34 feet a 5/8 inch steel rod found for the easterly common corner between said Russell tracts and continuing a total distance of 218.39 feet to the PLACE OF BEGINNING and containing 7.9438 acres of land, more or less as surveyed by Moak Surveyors, Inc. in the month of March 2006.

NOTES:

1) IMPROVEMENTS SURVEYED ON THE GROUND MAY 16, 2006.

1) THE BASIS OF THE BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM GRID (NORTH CENTRAL ZONE) BASED ON GPS OBSERVATIONS RELATIVE TO VARIOUS GOVERNMENT MONUMENTS AND PUBLICATIONS.

A Boundary Survey of
7.9438 ACRES OF LAND
OUT OF THE
JOHN MARTIN SURVEY, ABSTRACT NO 1153
SITUATED IN THE CITY OF
KELLER, TARRANT COUNTY, TEXAS
(SEE FIELD NOTE DESCRIPTION)

TO: ZLP ENTERPRISES II, LTD.; FROST NATIONAL BANK; LAWYERS TITLE INSURANCE CORPORATION; AND LANDAMERICA AMERICAN TITLE COMPANY

GF NO. 2016001575 ISSUED JUNE 4, 2007

This is to certify that I have, on this date, made a careful and accurate survey on the ground of the tract located on Johnson Road in the City of Keller, Texas and described by metes and bounds hereon and that this plat is an accurate representation of an actual survey made on the ground under my supervision and the boundary lines, corners and dimensions shown are as indicated; the size, type and location of buildings and improvements shown are as indicated; said improvements are within the boundaries of said tract, except as shown, and set back from the boundary lines the distances indicated; there is apparent and visible access to Johnson Road; there are no apparent encroachments, protrusions, boundary line conflicts, visible easements or easements of record as furnished to me, except as shown or noted otherwise.

J-B.R.S.
Jason B. Rawlings, R.P.L.S. No. 5665

Scale 1" = 40'

LEGEND
● FOUND STEEL ROD
○ SET CAPPED STEEL ROD

Revised 6-8-07 address comm

Moak Surveyors, Inc.

JOHNSON ROAD (CO. RD. NO. 4091)

THE ARCHIE SMITH LIVING TRUST (REMAINDER)
DOC. NO. D194140294, D.R.T.C.T.

TOMMY P. and TRENDIA D. RUSSELL
DOC. NO. D170071139, D.R.T.C.T.

TRENDIA DIANN and TOMMY D. RUSSELL
DOC. NO. D202106725, D.R.T.C.T.

JOHN
MARTIN SURVEY, A - 1153

7.9438 ACRES

The SITE PLAN shall NOT be modified
without the approval of
The Community Development Department

REVISED BUILDING LOCATION

Pond
W.S. 850.3

LOT 1, BLOCK A
CABINET A, SLIDE 3031, P.R.T.C.T.

LOT 11

FLOOD NOTE

According to the Federal Emergency Management Agency's Flood Insurance Rate Map Number

PHOTOS OF
ADJOINING
PROPERTY OWNED
BY:
KELLER WINDING
CREEK, LLC.

Staff Attachment

