

ORDINANCE NO. 1752

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 CHANGING THE ZONING FROM C (COMMERCIAL) TO PD-C (PLANNED DEVELOPMENT-COMMERCIAL) FOR SAM'S CLUB, A PROPOSED 137,494 SQUARE-FOOT RETAIL BUILDING WITH ASSOCIATED FUEL PUMPS AND TIRE AND BATTERY CENTER, LOCATED ON AN APPROXIMATELY 12.4-ACRE PROPERTY, ON THE SOUTHEAST CORNER OF THE SPORTS PARKWAY AND GOLDEN TRIANGLE BOULEVARD (FM 1709) INTERSECTION, AT 201, 203 AND 213 GOLDEN TRIANGLE BOULEVARD, BEING LOT 1, BLOCK A, ATHLETIC VILLAGE ADDITION, TRACTS 7F, 7G, AND 9A OUT OF THE JESSE BILLINGSLEY SURVEY, ABSTRACT NO. 70 AND PORTIONS OF TRACTS 7 AND 7F2 OUT OF THE JESSE BILLINGSLEY SURVEY, ABSTRACT NO. 70, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Shawn Robert Kelly, Amy Dawn Kelly, Ed Keith and Athletic Village of Keller, LTD., owners, and Sams' Club Real Estate Business Trust, applicant/developer, and Kimley-Horn and Associates, Inc., engineer, have submitted a planned development zoning change request (Z-15-0015) to the City of Keller, 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 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 issue a zoning change 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 zoning change request; and

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

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, the Unified Development Code of the City of Keller, Texas and the accompanying Zoning Map, are hereby amended by changing the zoning from C (Commercial) to PD-C (Planned Development-Commercial) for Sam's Club, a proposed 137,494 square-foot retail building with associated fuel pumps and tire and battery center, located on an approximately 12.4-acre property, on the southeast corner of the Sports Parkway and Golden Triangle Boulevard (FM 1709) intersection, at 201, 203 and 213 Golden Triangle Boulevard, being Lot 1, Block A, Athletic Village Addition, Tracts 7F, 7G, and 9A out of the Jesse Billingsley Survey, Abstract No. 70 and portions of Tracts 7 and 7F2 out of the Jesse Billingsley Survey, Abstract No. 70, in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, as if fully set forth is hereby approved, with the following conditions:

1. The variance request to allow four (4) garage doors to face Golden Triangle Boulevard with the condition that the doors be screened with a parallel landscape island, awnings, and that the service area be defined by pilasters and colored split-face masonry units as shown in Exhibit "A" shall be allowed.

2. The variance request to waive the required windows per Sections 9.01 (C.7), (C.10) and (C.15) of the UDC shall be allowed.
3. The variance request to allow the use of integrally colored split-face concrete masonry units as the primary façade material shall be allowed.
4. The variance request to the fifty-foot (50') articulation standard for the rear, south facing, of the building shall be allowed.
5. A flat roof shall be allowed.
6. The variance request to allow one (1) attached sign to be one-hundred (100) square feet in area and to allow two (2) additional wall signs up to sixty-four (64) square feet in area shall be allowed.
7. The variance request to allow two (2) monument signs to be one hundred seven and one-third (107.33) square feet in area shall be allowed.
8. The variance request to allow signs, (24") in height, to be placed on all four sides of the gas station canopy shall be allowed.
9. The variance request to allow the temporary or seasonal outdoor storage, display and sales for up to one-hundred twenty (120) days per calendar year, the area not to exceed five hundred (500) square feet by right and not to exceed five thousand (5,000) square feet, as shown on the concept plan, by approval of the Community Development Department, shall be allowed.
10. The variance request to allow parking at a ratio of one (1) space per two hundred fifty (250) square feet of floor area, including handicapped parking space and

potential shared parking shall be allowed.

11. The variance request to allow parking lot spaces to be nine and one-half feet (9.5') wide and eighteen feet (18') long with drive aisles between rows of parking to be twenty-five feet (25') wide shall be allowed.
12. The variance request to allow metal pipe cart corrals shall be allowed.
13. The variance request to allow the loading and unloading hours of 6:00 A.M. to 10:00 P.M. to be increased to 5:00 A.M. to 12:00 A.M. shall be allowed.
14. The variance request to not provide the required screening wall along the southern property line shall be allowed.
15. The variance request to not enclose the trash compactor with metal doors and use the twelve foot (12') tall screening wall to screen the trash compactor and service area as soon in Exhibit "A" shall be allowed.
16. The variance request to reduce the size of landscape islands from nine feet (9') by twenty feet (20') to nine feet (9') by eighteen feet (18') shall be allowed.
17. The variance request to not provide a continuous ten-foot (10') wide landscape island for a large parking lot with several rows of spaces shall be allowed.
18. The variance request to reduce the width of the buffer from thirty feet (30') to twenty feet (20') along Golden Triangle Boulevard shall be allowed.
19. The variance request to reduce the width of the buffer from thirty feet (30') to ten feet (10') along the southern boundary adjacent to Keller Sport Park shall be allowed.

20. The variance request to not plant the five-foot (5') foundation planting around the front and sides of the building but to provide four (4) tree wells along the west side of the building shall be allowed.

21. The variance request to increase the maximum height of light poles from twenty feet (20') to forty feet (40') and increase the maximum base height from thirty inches (30") to thirty-six inches (36") shall be allowed.

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.

AND IT IS SO ORDAINED.

Passed by a vote of 6 to 0 on this the 21st day of July,  
2015.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
Mark Mathews, Mayor

ATTEST:

\_\_\_\_\_  
Sheila Stephens, City Secretary

Approved as to Form and Legality:

\_\_\_\_\_  
L. Stanton Lowry, City Attorney