

ORDINANCE NO. 2056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) TO OPERATE A RETAIL STORE WITH USED GOODS AND MERCHANDISE SALES FOR KID TO KID IN AN EXISTING 4,416 SQUARE-FOOT LEASE SPACE, WITHIN A 33,955 SQUARE-FOOT MULTI-TENANT BUILDING, SITUATED ON A 4.0-ACRE LOT ON THE WEST SIDE OF SOUTH MAIN STREET, APPROXIMATELY 1,000 FEET SOUTHWEST FROM THE INTERSECTION OF BEAR CREEK PARKWAY AND SOUTH MAIN STREET, AT 750 SOUTH MAIN STREET, SUITE 135, BEING LOT 5, BLOCK A, BEAR CREEK PLAZA ADDITION, AND ZONED COMMERCIAL (C), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, BC III Shopping Center, LLC, Owner, and Darren Aper, Applicant, have submitted an SUP application for a retail store with used goods and merchandise sales with outdoor display for Kid to Kid (SUP-21-0042); and

WHEREAS, notice of a public hearing before the Planning and Zoning Commission (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, the Planning and Zoning Commission held a public hearing on January 11, 2022, and recommended approval the item with the condition that if the business changes ownership or business name or the business model expands, then a new SUP will be required; and

WHEREAS, notice of a public hearing before the City Council was published in the Fort Worth Star Telegram, a newspaper of general circulation in Keller, at least fifteen (15) days before such hearing; and

WHEREAS, the City Council is of the opinion that the SUP herein effectuated furthers the purpose of zoning as set forth in the Unified Development Code;

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) to operate a retail store with used goods and merchandise sales for Kid to Kid in an existing 4,416 square-foot lease space, within a 33,955 square-foot multi-tenant building, situated on a

4.0-acre lot on the west side of South Main Street, approximately 1,000 feet southwest from the intersection of Bear Creek Parkway and South Main Street, at 750 South Main Street, Suite 135, being Lot 5, Block A, Bear Creek Plaza Addition, and zoned Commercial (C) in the City of Keller, Tarrant County, Texas, and incorporated herein, as if fully set forth with the following conditions:

1. An SUP for Kid to Kid to operate a retail store with used goods and merchandise sales with outdoor display (during business hours) shall be allowed.
2. The outdoor display area shall be limited to 112.5 square feet.
3. The SUP shall expire after one (1) year, and then a new SUP will be required.
4. If the business changes ownership or changes name or the business model expands, a new SUP will be required.

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 and approved by a vote of ___ to ___ on this the 15th day of February, 2022.

CITY OF KELLER, TEXAS

BY: _____
Armin R. Mizani, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney