

ORDINANCE NO. 1966

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR PANERA BREAD, A PROPOSED 3,500 SQUARE-FOOT RESTAURANT WITH DRIVE-THRU, ON AN APPROXIMATELY 1.291-ACRE TRACT OF LAND, LOCATED ON THE NORTH SIDE OF KELLER PARKWAY (F.M. 1709), APPROXIMATELY 150 FEET NORTHWEST OF COUNTRY BROOK DRIVE, AT 1241 KELLER PARKWAY, BEING A PORTION OF TRACT 2E OUT OF THE PAMELA ALLEN SURVEY, ABSTRACT NO. 28, AND ZONED TOWN CENTER (TC)), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Greenway Keller, LP, Owner and Panera Bread, Applicant/Developer, have submitted an application to the City of Keller to construct a 3,500 square-foot drive-thru restaurant; and

WHEREAS, a Specific Use Permit is required to construct a 3,500 square-foot building in the Town Center Zoning District; and

WHEREAS, a Specific Use Permit is required for a drive-thru restaurant in the Town Center Zoning District; 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 at the January 28, 2020 Planning and Zoning Commission meeting the Commission recommended unanimously to approve the two SUPs with modifications regarding the realignment of the drive-thru further north so the parking will not be bisected with drive-thru traffic and relocate the walkway to a centralized location for pedestrian traffic; 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, a public hearing to issue Specific Use Permits was held at the City Council meeting on February 18, 2020; and

WHEREAS, the City Council finds that the Specific Use Permits further 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) for Panera Bread, a proposed 3,500 square-foot restaurant with drive-thru, on an approximately 1.291-acre tract of land, located on the north side of Keller Parkway (F.M. 1709), approximately 150 feet northwest of Country Brook Drive, at 1241 Keller Parkway, being a portion of Tract 2E out of the Pamela Allen Survey, Abstract No. 28, and zoned Town Center (TC), in the City of Keller, Tarrant County, Texas, as if fully set forth with the following condition:

1. The Applicant shall cover the exterior patio area with a solid roof.

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 7 to 0 on this the 18th day of February, 2020.

CITY OF KELLER, TEXAS

BY: _____
P.H. McGrail, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney