

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING TWO SPECIFIC USE PERMITS (SUPS) TO ALLOW A STRUCTURE TO BE LESS THAN THE 6,000 SQUARE-FOOT REQUIREMENT IN THE TOWN CENTER ZONING DISTRICT, AND TO ALLOW THE STRUCTURE TO HAVE A DRIVE-THRU, FOR DUTCH BROS, A PROPOSED 1,270 SQUARE-FOOT RESTAURANT WITH DRIVE-THRU (INCLUDING A 320 SQUARE-FOOT PATIO WITH NOT PATIO SEATING AND NO INTERIOR SEATING), ON AN APPROXIMATELY 1-ACRE TRACT OF LAND, LOCATED ON THE NORTH SIDE OF KELLER PARKWAY (F.M. 1709), APPROXIMATELY 150 FEET NORTHWEST OF COUNTRY BROOK DRIVE AND KELLER PARKWAY (F.M. 1709) INTERSECTION, AT 1241 KELLER PARKWAY, BEING A PORTION OF TRACT 22 OUT OF THE PAMELA ALLEN SURVEY, ABSTRACT NO. 28, ZONED TOWN CENTER (TC) IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, BB Holdings TX LLP, Applicant, and Greenway-Keller, Owner, have submitted an SUP application for Dutch Bros to operate a restaurant in a structure less than the 6,000 square-foot requirement in the Town Center zoning district, and to allow the structure to have a drive-thru (SUP-22-0001); 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 conducted a public hearing on February 22, 2022, and unanimously recommended denial on March 8, 2022; 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 SUPs 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 two Specific Use Permits (SUPs) to allow a structure to be less than the 6,000 square-foot requirement in the Town Center zoning district, and to allow the structure to have a drive-thru, for Dutch Bros, a proposed 1,270 square-foot restaurant with drive-thru (including a 320 square-foot patio with not patio seating and no interior seating), on an approximately 1-acre tract of land, located on the north side of Keller Parkway (F.M. 1709). approximately 150 feet northwest of Country Brook Drive and Keller Parkway (F.M. 1709) intersection, at 1241 Keller Parkway, being a portion of tract 22 out of the Pamela Allen Survey, abstract no. 28, zoned Town Center (TC) in the City of Keller, Tarrant County, Texas, and incorporated herein, as if fully set forth with the following conditions:

1. An SUP to allow Dutch Bros to construct a 1,270 square-foot structure, inclusive of a 320-square-foot patio without seating, in the Town Center (TC) zoning district shall be allowed.
2. An SUP to allow Dutch Bros to have a drive-thru 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 and approved by a vote of ___ to ___ on this the 5th day of April, 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