

ORDINANCE NO. 1998

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR LAS PALAPAS TO OCCUPY A 4,065 SQUARE-FOOT RESTAURANT WITH DRIVE-THRU, SITUATED ON A 1.16-ACRE TRACT OF LAND, LOCATED ON THE NORTH SIDE OF KELLER PARKWAY (FM 1709), APPROXIMATELY 250 FEET NORTHWEST OF THE INTERSECTION OF CINDY STREET AND KELLER PARKWAY, BEING LOT 1, BLOCK A, SOUTHWEST LTC ADDITION, ZONED RETAIL (R), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Crista Hubbard, owner, and Michael Twitchell, L.P., applicant have submitted an application to the City of Keller to occupy a 4,065 square-foot drive-thru restaurant; and

WHEREAS, a Specific Use Permit is required to utilize the drive-thru component associated with the 4,065 square-foot building in the Retail 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 December 8, 2020 public hearing before the Planning and Zoning Commission, no one spoke in favor or opposition, and the Commission recommended approval by a vote of 6-1 with the condition that the times be modified as offered by the business owner to Sunday through Thursday 6am to 10pm and Friday, Saturday 6am to 12am; 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 the Specific Use Permit was held at the City Council meeting on January 5, 2021; and

WHEREAS, the City Council finds that the Specific Use Permit 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) for Las Palapas to utilize the drive-thru component of the 4,065 square-foot restaurant, situated on a 1.16-acre tract of land, located on the north side of Keller Parkway (FM 1709), approximately 250 feet northwest of the intersection of Cindy Street and Keller Parkway, being Lot 1, Block A, Southwest LTC Addition, zoned Retail (R), in the City of Keller, Tarrant County, Texas, and incorporated herein as Exhibit "A", as if fully set forth.

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 5th day of January, 2021.

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