

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR THE NOSTALGIC NERD TO OPERATE A USED GOODS AND MERCHANDISE RETAIL BUSINESS (RETRO VIDEO GAME STORE) LOCATED IN AN APPROXIMATELY 2,413 SQUARE-FOOT BUILDING ON AN APPROXIMATELY .25 ACRE-TRACT, ON THE NORTH SIDE OF EAST OLIVE STREET, APPROXIMATELY 250 FEET NORTHEAST OF THE INTERSECTION OF SOUTH MAIN STREET AND WEST OLIVE STREET, BEING KELLER CITY ADDITION BLOCK 8 LOT 9 & 2 A AT 121 OLIVE STREET AND ZONED OTK (OLD TOWN KELLER). IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Kopiu Bay Properties, owner; and Patrick Gonzales, applicant; submitted an application to the City of Keller to request a Specific Use Permit to sell refurbished electronics and games (SUP-20-0011), in the Old Town Keller zoning district; and

WHEREAS, The Nostalgic Nerd is proposing to utilize approximately 350 square-feet inside a 2,413 square-foot building and 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 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 City received a support petition that included thirty existing businesses and public hearings to issue a Specific Use Permit 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 Specific Use Permit with conditions; 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 Specific Use Permits for The Nostalgic Nerd to operate a Used Goods and Merchandise retail business, located in an approximately 350 square-foot room in an approximately 2,413 square-foot building, located on an approximately .25 -acre property, on the north side of East Olive Street, approximately 250 feet northeast of the intersection of South Main Street and West Olive Street being Keller City Addition Block 8, Lot 9 and 2A at 121 Olive Street, and zoned OTK (Old Town Keller), in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, as if fully set forth with the following conditions:

1. The Specific Use Permit request to allow The Nostalgic Nerd to operate a Used Goods and Merchandise retail business.

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 2nd day of June, 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