

ORDINANCE NO. 2048

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR CHICK-FIL-A, AN EXISTING 4,779 SQUARE-FOOT RESTAURANT ON AN APPROXIMATELY 1.46-ACRE TRACT OF LAND, LOCATED ON THE SOUTH SIDE OF KELLER PARKWAY (F.M. 1709), SITUATED AT THE INTERSECTION OF RUFÉ SNOW DRIVE AND KELLER PARKWAY, BEING A PORTION OF LOT 1R, BLOCK A, KELLER TOWN CENTER, AT 1002 KELLER PARKWAY, AND ZONED TOWN CENTER (TC), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Regency Centers, LP, Owner, Interplan, LLC, Applicant, have submitted an SUP application for an existing drive-thru restaurant (SUP-21-0036); and

WHEREAS, Chick-fil-a was constructed in 2014 and became legal non-conforming when the City amended the Code in 2015 to require drive-thru restaurants in Town Center to first obtain an SUP; and

WHEREAS, the SUP process will make the use 'legal conforming' by obtaining a SUP for the site; 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 Commission held a public hearing on November 9, 2021 where no one spoke in favor or opposition, and the Commission recommended approval by a vote of 7-0; 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, a public hearing to consider the request for a Specific Use Permit was held at the City Council on December 7, 2021 and no one spoke in favor or opposition; 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) for Chick-Fil-A to operate a drive-thru, an existing 4,779 square-foot restaurant on an approximately 1.46-acre tract of land, located on the south side of Keller Parkway (F.M. 1709), situated at the intersection of Rufe Snow Drive and Keller Parkway, being a portion of Lot 1R, Block A, Keller Town Center, at 1002 Keller Parkway, and zoned Town Center (TC), in the City of Keller, Tarrant County, Texas, and incorporated herein, 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 7th day of December, 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