

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) TO ALLOW THE ADDITION OF A DRIVE-THRU FOR JEREMIAH'S ITALIAN ICE, ON AN APPROXIMATELY 4.5 ACRE TRACT OF LAND ON THE WEST SIDE OF RUFÉ SNOW DRIVE, APPROXIMATELY 780 FEET NORTHWEST FROM THE INTERSECTION OF BURSEY ROAD AND RUFÉ SNOW DRIVE, LEGALLY DESCRIBED AS LOT 1, BLOCK A OF KELLER COMMONS ADDITION, ZONED RETAIL (R) AND ADDRESSED 2122 RUFÉ SNOW DRIVE, SUITE 102, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Retail Opportunity Keller, LLC., Owner/Applicant, has submitted an SUP application to construct a drive-thru at 2122 Rufe Snow Drive, Suite 102, for Jeremiah's Italian Ice (SUP-22-0019); and

WHEREAS, an SUP is required to have a drive-thru in the Retail zoning district; and

WHEREAS, the City's Planning and Zoning Commission and the City Council, in accordance with the Charter of the City of Keller, State Law, and the ordinances of the City of Keller, have given the required notices and have held the required public hearings regarding the SUP applications described in this ordinance; and

WHEREAS, the Planning and Zoning Commission held a public hearing on June 28, 2022, and unanimously recommended approval of the item; and

WHEREAS, the City Council finds and determines that the passage of this ordinance is deemed necessary in order to protect the public, health, safety, and welfare; and

WHEREAS, the City Council is of the opinion that the SUP herein effectuated 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 the use a drive-thru for Jeremiah's Italian Ice, on an approximately 4.5 acre tract of land on the west side of Rufe Snow Drive, approximately 780 feet northwest from the intersection of Bursey Road and Rufe Snow Drive, legally described as Lot 1, Block A of Keller Commons Addition, zoned Retail

(R) and addressed 2122 Rufe Snow Drive, Suite 102, as if fully set forth with the following condition:

1. A Specific Use Permit to allow the use of a drive-thru on the south side of a multi-tenant building at 2122 Rufe Snow Drive, Suite 102, for Jeremiah's Italian Ice with the hours of operation being 12 PM to 10 PM on Sunday through Thursday and 12 PM to 11 PM on Friday and Saturday, 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 19th day of July, 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