

ORDINANCE NO. 1968

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR A SINGLE-STORY LIQUOR STORE (10,000 SF OR GREATER), ON APPROXIMATELY 1.712-ACRE PROPERTY, LOCATED ON THE EAST SIDE OF KELLER SMITHFIELD RD, APPROXIMATELY 425- FEET NORTHEAST OF THE INTERSECTION OF KELLER PARKWAY AND KELLER SMITHFIELD ROAD, BEING A PORTION OF TRACT 3A12, ABSTRACT 424, DUNHAM, J A SURVEY, ZONED TOWN CENTER (TC), AND ADDRESSED AS 100 CHANDLER ROAD (ACCOUNT#:03853381) IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Greenway Keller, LP, Owner and McClure Partners, Applicant/Developer, have submitted an application to the City of Keller to construct a 12,180 square-foot, single-story Spec's retail liquor store; and

WHEREAS, a Specific Use Permit is required to construct only a single-story (rather than a two-story) retail store in the Town Center Zoning District; and

WHEREAS, a Specific Use Permit is required for any liquor store in the Town Center Zoning District (liquor stores less than 10,000 square-feet are not permitted in Town Center); 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, Staff received two Keller citizen's emails in support and one Keller citizen's email in opposition; and

WHEREAS, Staff received opposition from 21.27% within the 200-foot buffer regarding the SUP request; and

WHEREAS, a super-majority vote is required per State Law when 20% or greater is within the 200-foot buffer; and

WHEREAS, at the April 14, 2020, Planning and Zoning Commission meeting, the Commission held a public hearing and recommended unanimously to City Council to approve the two SUP requests; 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, City Council discussion was held with the Applicant to locate the screening wall and additional live-screening adjacent to the residence; and

WHEREAS, a public hearing to issue Specific Use Permits was held at the City Council meeting on April 14, 2020, and approved by a vote of 6-1; and

WHEREAS, the City Council finds that the Specific Use Permits 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 approval of Specific Use Permits (SUPs) for a single-story liquor store (10,000 SF or greater), located on approximately 1.712-acre property, located on the east side of Keller Smithfield Rd, approximately 425-feet northeast of the intersection of Keller Parkway and Keller Smithfield Road, being a portion of Tract 3A12, Abstract 424, Dunham, J A Survey, zoned Town Center (TC), and addressed as 100 Chandler Road (Account#:03853381) 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 6 to 1 on this the 14th day of April, 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