

ORDINANCE NO. 2069

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR FREEDOM FREEZE, A SEASONAL SNOW CONE STAND ON APPROXIMATELY 0.36-ACRE TRACT OF LAND ON THE SOUTH SIDE OF KELLER PARKWAY (FM 1709), APPROXIMATELY 650 FEET SOUTHWEST FROM THE INTERSECTION OF PATE ORR ROAD AND KELLER PARKWAY, LEGALLY DESCRIBED AS LOT 1R1, BLOCK 1 OF BURKE SIMONAK ADDITION, ZONED RETAIL (R) AND ADDRESSED AS 804 KELLER PARKWAY IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, 22Thirty Properties, Owner, and Emily Bulkley, Applicant, has submitted an SUP application to operate a seasonal snow cone stand at 804 Keller Parkway (SUP-22-0012); and

WHEREAS an SUP is required to operate a seasonal business; 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 May 24, 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 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 Freedom Freeze, a seasonal snow cone stand on approximately 0.36-acre tract of land on the south side of Keller Parkway (FM 1709), approximately 650 feet southwest from the intersection of Pate Orr Road and Keller Parkway, legally described as

Lot 1R1, Block 1 of Burke Simonak Addition, zoned Retail (R) and addressed as 804 Keller Parkway, as if fully set forth with the following condition:

1. An SUP to operate a seasonal snow cone stand from April to September in the parking lot of Embrace Balance Family Chiropractic for three years 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 4 to 2 on this the 21st day of June, 2022.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
Armin R. Mizani, Mayor

ATTEST:

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Kelly Ballard, City Secretary

Approved as to Form and Legality:

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L. Stanton Lowry, City Attorney