

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR FUEL PUMPS/SALES AS AN ACCESSORY USE TO A GROCERY STORE ON 6.6 ACRES LOCATED ON THE EAST SIDE OF RUFÉ SNOW DRIVE, APPROXIMATELY 440 FEET SOUTHEAST FROM THE INTERSECTION OF NORTH TARRANT PARKWAY AND RUFÉ SNOW DRIVE, LEGALLY DESCRIBED AS LOT 2R1, BLOCK A OF KELLER PLACE ADDITION, ZONED RETAIL (R) AND ADDRESSED 2061 RUFÉ SNOW DRIVE, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Whitestone Keller Place, LLC, Owner, and Kroger Texas – Richard Binkley, Applicant, submitted a Specific Use Permit (SUP) application to add a fuel center with five fueling dispensers to the existing Kroger Grocery Store located at 2061 Rufe Snow Drive (SUP-23-0008); and

WHEREAS, an SUP is required to operate fuel pumps/sales as an accessory use to a grocery store 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 application described in this ordinance; 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) to allow Whitestone Keller Place, LLC, Owner, and Kroger Texas – Richard Binkley, Applicant, to construct a fuel center with five fueling dispensers as an accessory use to an existing Kroger Grocery Store, on 6.6 acres located on the east side of Rufe Snow Drive, approximately 440 feet southeast from the intersection of North Tarrant Parkway and Rufe Snow Drive, legally described as Lot 2R1, Block A of Keller Place Addition, zoned Retail (R) and addressed 2061 Rufe Snow with the following conditions:

1. The hours of operation for the fueling dispensers shall mirror the hours the fuel center is staffed.
2. The Certificate of Occupancy for the fuel center shall not be issued until the Applicant has received a final Fire Department inspection and approval of the Access Control Gates, as shown on Exhibit "A".

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 16th day of May, 2023.

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