

ORDINANCE NO. 1832

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR BRAUM'S, A PROPOSED 5,990 SQUARE-FOOT RESTAURANT WITH DRIVE-THRU, ON A 1.45-ACRE TRACT OF LAND, LOCATED ON THE NORTH SIDE OF KELLER PARKWAY (F.M. 1709), APPROXIMATELY 1,000 EAST OF TOWN CENTER LANE, AT 1221 KELLER PARKWAY, BEING A PORTION OF TRACT 2E OUT OF THE PAMELA ALLEN SURVEY, ABSTRACT NO. 28, AND ZONED TC (TOWN CENTER), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Greenway-Keller, L.P., owner; Braum's Ice Cream, applicant/developer; have submitted an application to the City of Keller to request a Specific Use Permit (SUP-17-0001), which has been reviewed by the City Staff; 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, 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, public hearings to issue a Specific Use Permit on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation to deny the Specific Use Permit; and

WHEREAS, the City Council is of the opinion that the Specific Use Permit herein effectuated furthers the purpose of zoning as set forth in the Unified Development Code and is in the best interest of the citizens of the City of Keller.

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 Braum's, a proposed 5,990 square-foot restaurant with drive-thru, on a 1.45-acre tract of land, located on the north side of Keller Parkway (F.M. 1709), approximately 1,000 east of Town Center Lane, at 1221 Keller Parkway, being a portion of Tract 2E out of the Pamela Allen Survey, Abstract No. 28, and zoned TC (Town Center), in the City of Keller, Tarrant County, Texas, with the proposal attached hereto as Exhibit "A", and incorporated herein, as if fully set forth with the following conditions:

1. A Specific Use Permit for Braums, a proposed 5,990 square-foot restaurant with drive-thru, within the TC (Town Center) zoning district shall be allowed.
2. The variance request to Section 8.02 (P.4.c.8) of the UDC to allow a flat roof 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 7 to 0 on this the 7th
day of March, 2017.

CITY OF KELLER, TEXAS

BY: _____
Mark Mathews, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney