

ORDINANCE NO. 1859

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR ANDY'S FROZEN CUSTARD, A SINGLE STORY 2,909 SQUARE-FOOT DRIVE-THRU RESTAURANT, LOCATED ON A 1.14-ACRE LOT, ON THE NORTH SIDE OF KELLER PARKWAY (FM1709), APPROXIMATELY TWO HUNDRED SIXTY FEET (260') EAST OF THE PATE-ORR ROAD AND KELLER PARKWAY (FM1709) INTERSECTION, BEING LOT 3R-1R5, BLOCK 8, BLUEBONNET TRAILS ADDITION, AT 951 KELLER PARKWAY (FM1709), AND ZONED TC (TOWN CENTER), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Keller Square, LLC, owner; Aaron King, Andy's Frozen Custard, applicant; have submitted an application to the City of Keller to request a Specific Use Permit (SUP-17-0015), 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 approve 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 Andy's Frozen Custard, a single story 2,909 square-foot drive-thru restaurant, located on a 1.14-acre lot, on the north side of Keller Parkway (FM1709), approximately two hundred sixty feet (260') east of the Pate-Orr Road and Keller Parkway (FM1709) intersection, being Lot 3R-1R5, Block 8, Bluebonnet Trails Addition, at 951 Keller Parkway (FM1709), 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. The condition for Andy's Frozen Custard to operate a drive-thru restaurant shall be allowed.
2. The variance for the building to be less than six thousand (6,000) square feet 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 6 to 0 on this the 19th day of September, 2017.

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