

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.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
2 CITY OF KELLER, TEXAS:

3 Section 1: THAT, the above findings are hereby found to
4 be true and correct and are incorporated
herein in their entirety.

5 Section 2: THAT, in accordance with the Unified
6 Development Code, the City Council of the
7 City of Keller, Texas hereby authorizes
8 approval of a Specific Use Permit (SUP) for
9 Andy's Frozen Custard, a single story 2,909
10 square-foot drive-thru restaurant, located
11 on a 1.14-acre lot, on the north side of
12 Keller Parkway (FM1709), approximately two
13 hundred sixty feet (260') east of the Pate-
14 Orr Road and Keller Parkway (FM1709)
15 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:

- 16 1. The condition for Andy's Frozen Custard
17 to operate a drive-thru restaurant shall
be allowed.
- 18 2. The variance for the building to be less
19 than six thousand (6,000) square feet
20 shall be allowed.

21 Section 3: THAT, any person, firm, or corporation
22 violating any of the provisions of this
23 Ordinance, as read together with the Unified
24 Development Code and accompanying map
25 thereto, shall be guilty of a misdemeanor
26 and upon final conviction therefore shall be
27 fined in a sum not to exceed Two Thousand
28 Dollars (\$2,000.00). Each and every day
such violation continues shall constitute a
separate offense and shall be punishable as
such hereunder.

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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
P.H. McGrail, Mayor

ATTEST:

Kelly Ballard
Kelly Ballard, City Secretary

Approved as to Form and Legality:

for Cathy Cunningham
L. Stanton Lowry, City Attorney