

ORDINANCE NO. 1884

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) TO ALLOW BODY SPEAK TO PROVIDE MASSAGE THERAPY SERVICES WITHIN CROSSFIT PAF, A 2,400 SQUARE-FOOT LEASE SPACE WITHIN A 4,941 SQUARE-FOOT BUILDING, LOCATED ON A 0.41-ACRE TRACT OF LAND, APPROXIMATELY 340 FEET SOUTH OF THE INTERSECTION OF PECAN STREET AND SOUTH ELM STREET, BEING LOT 1-R, BLOCK I, BEAR CREEK COMMERCIAL ADDITION, AT 322 SOUTH ELM STREET, AND ZONED OTK (OLD TOWN KELLER), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Linda Deaton-Gilbert, applicant. James Dyer, owner; have submitted an application to the City of Keller to request a Specific Use Permit (SUP-18-0009), 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) to allow Body Speak to provide massage therapy services within Crossfit PAF, a 2,400 square-foot lease space within a 4,941 square-foot building, located on a 0.41-acre tract of land, approximately 340 feet south of the intersection of Pecan Street and South Elm Street, being Lot 1-R, Block I, Bear Creek Commercial Addition, at 322 South Elm Street, and zoned OTK (Old Town Keller), 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 condition:

1. The Specific Use Permit for Body Speak to occupy approximately two hundred and forty (240) square feet for the use of massage therapy services shall be allowed.

This condition for this SUP is specific to this business. Any new similar type business (spa to include cosmetologists (hair, nails, face) and massage therapists licensed in TX) would require a new SUP application.

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 1st day of May, 2018.

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