

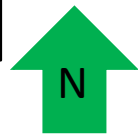
## Item H-3

Consider a resolution approving a special exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 – Zoning Districts and Section 8.09 – Sign Regulations, for one attached wall sign for Shotzee’s Bar and Grill (Tarrant Appraisal District account #: 14842004) in an existing 5,000 square-foot lease space, within a 6,200 square-foot multi-tenant building, at the intersection of South Main Street and West Hill Street, legally described as Lots 3A and 3B, Block 2 of City of Keller Addition, zoned Old Town Keller (OTK) and addressed as 134 South Main Street. Gypsy Rose Lee LLC, Applicant. Keller Main 136 LLC, Owner. (UDC-22-0006)

### Item H-3 Aerial Map



### Item H-3 Zoning Map



Zoned:  
OTK



## Item H-3

### Background:

Shotzee's Bar and Grill has been operating since January 2022.



## Item H-3



Shotzee's  
view  
from the  
south

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## Item H-3

On April 6 during the inspection of newly permitted signs, staff discovered an unpermitted, 50-square-foot sign on the north exterior wall.





## Item H-3

On April 11, 2022, staff explained to the business owner the sign needed to be permitted or removed by April 18, 2022. A sign permit application was submitted on May 19, 2022, that showed the sign had been altered in the interim.



## Item H-3

Staff called the sign company and confirmed they had actually removed the entire former Roscoe's sign.

That sign was grandfathered as a legal nonconforming sign. By removing and replacing it with the new aluminum sign, the Roscoe's sign location lost its legal nonconforming status.



## Item H-3

The location (on a wall that doesn't face a street or drive aisle with no public access to the building) is prohibited for signs by the UDC.

Staff denied the sign application June 1, 2022, noting that the sign did not meet the UDC requirements for wall signs.





## Item H-3

Even if the wall-mounted sign's location met the sign ordinance, the OTK zoning district also requires:

- signs be historic in context with the eclectic character of the Main Street Subdistrict
- sign materials and styles reflect the character of OTK
- signs must be located in an area designed for that function (e.g. a recessed or framed area or parapet panel between shop-front and roofline)
- colors, materials, shapes and sizes of signs must be compatible with the architecture of the building and character of the surrounding area.

In addition to sign ordinance location requirements, staff did not find that the new aluminum composite and vinyl graphics sign met any of the four requirements above.

On July 13, 2022, Shotzee's applied for a special exception to allow the existing sign located on the north side of the building to remain as installed.

## Item H-3



Other signs in OTK Main Street Subdistrict

### Item H-3



Though a sign is not permitted in this location, a mural could be.



## Item H-3

### Citizen Input:

A UDC special exception application does not require a public hearing. The public had an opportunity to speak on this agenda item during “Persons to Be Heard.”



## Item H-3

Section 8.09 (B)(4)(a) of the UDC, lists criteria for approval of a special exception:

1. Whether the requested exception will not adversely affect public safety,
2. Whether the requested exception will not adversely affect surrounding properties,
3. Whether the requested exception will be in harmony with the spirit and purpose of this sign code,
4. Whether special conditions exist which are unique to the applicant or property,
5. Whether the requested exception demonstrates increased quality and standards, and
6. Whether the requested exception will be aesthetically appropriate in the area.

## Special Exceptions Requested:

## Item H-3

The applicant is requesting a special exception to the Wall Sign Table in Section 8.09 and Section 8.03 (R)(5)(e)(5)(a) & (R)(5)(e)(6-8), which state:

- (Wall Sign Table): Prohibition to wall signs on walls not facing streets or drive aisle or with a public entrance.
- (R)(5)(e)(5)(a): Wall mounted signs on Main Street must be historic in context with the eclectic character of the Main Street Subdistrict.
- (R)(5)(e)(6): Sign materials and styles shall reflect the character of Old Town Keller. Post and bracket styles; wood, metal, or masonry materials with painted, engraved, or mounted letters are encouraged.
- (R)(5)(e)(7): Signs must be located on the facade in areas designated for this function; for example, a recessed or framed area or a parapet panel between shop-front and roofline.
- (R)(5)(e)(8): Color, materials, sizes, shapes, and lighting of signs must be compatible with the architecture of the building, the business it identifies and the character of the surrounding area.



## Item H-3

### **Planning & Zoning Commission Recommendation:**

On July 26, 2022, the Planning and Zoning Commission unanimously recommended denial of the special exception, citing the sign did not meet all six of the criteria required for approval.

Commissioners overall noted the importance of adhering to both the sign regulations as well as OTK design standards, and said approving the special exception would set a precedent of not following city ordinances.

## Item H-3

### Alternatives:

The City Council has the following options when considering a UDC special exception request:

- Approve as submitted (with requested special exception)
- Approve with modified or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny



Questions?  
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