

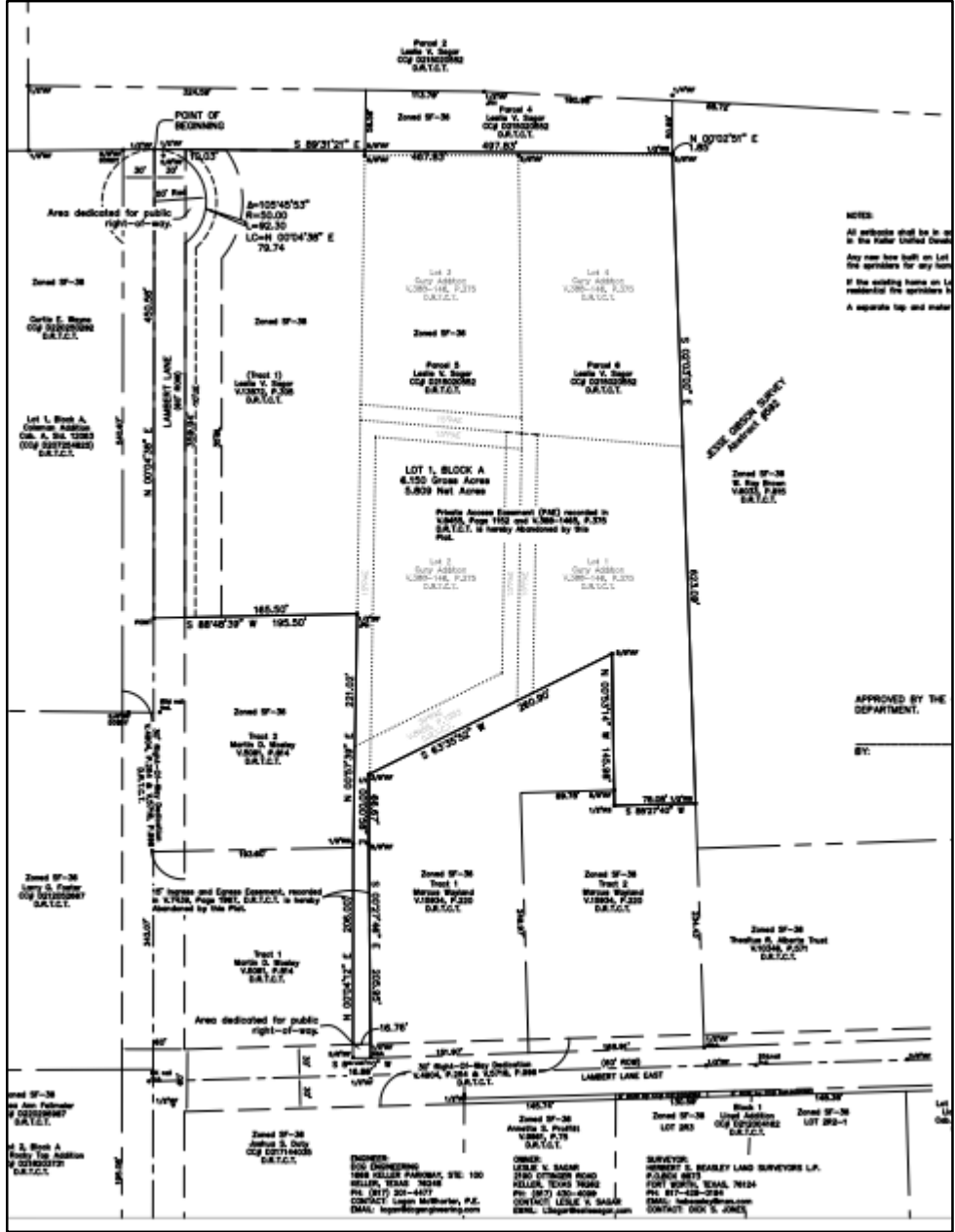
Item H-6

Consider a resolution approving a Final Plat with a variance for the Mountain Blue Addition, a proposed one lot, single-family residential subdivision on 6.15 acres of land generally located on the northeast corner of Lambert Lane and Lambert Lane East, being Lots 1-4, Block 1, Cuny Addition, and Tracts 8B01A, 8B01A1 and 8C02A, located in the Jesse Gibson Survey, abstract number 592, zoned Single-Family Residential 36,000 square-foot minimum lot size or greater (SF-36), and addressed as 5951, 5953, 5957 and 5955 Lambert Lane East and 13492 Lambert Lane in the City of Keller, Tarrant County, Texas. (P-22-0015)

Item H-6

Background:

The Applicant, Leslie Sagar, submitted a Minor Subdivision Plat application on July 11, 2022, which combined several parcels of land into one, Single-Family (SF-36) lot, of approximately 6.15 acres, generally located on the northeast corner of Lambert Lane and Lambert Lane East.



Item H-6



Item H-6

The Applicant was informed of staff's determination that they could not approve the plat for lack of the requisite ROW in a letter dated August 4, 2022.

In a series of communications through her legal counsel with staff and the City Attorney, the Applicant made a claim that the plat should be deemed approved because it was neither approved nor disapproved in a timely manner (within 30 days).

Item H-6

In 2019, the Texas Legislature amended Local Government Code § 212.009, which placed strict limitations on the deadline for a city to approve a plat once submitted.

Section 212.009 provides that the City “shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed.” That section further states, “A plan or plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.”

Item H-6

Because the application for the minor plat failed to include a list of variances related to the ROW dedication, there is an argument that the applicant did not submit a complete application for a minor plat.

However, as a means to move forward with the Applicant's claim that the plat is deemed approved and to protect the City's interest in the approval of plats, staff's legal counsel recommends noting that the Commission's inaction on the plat was deemed an approval of the Commission as of August 10, 2022.

This protects the City's interest, because the UDC provides that the final decision on a plat requesting variances still must come from the City Council. (See UDC Sec. 4.07.)

Item H-6

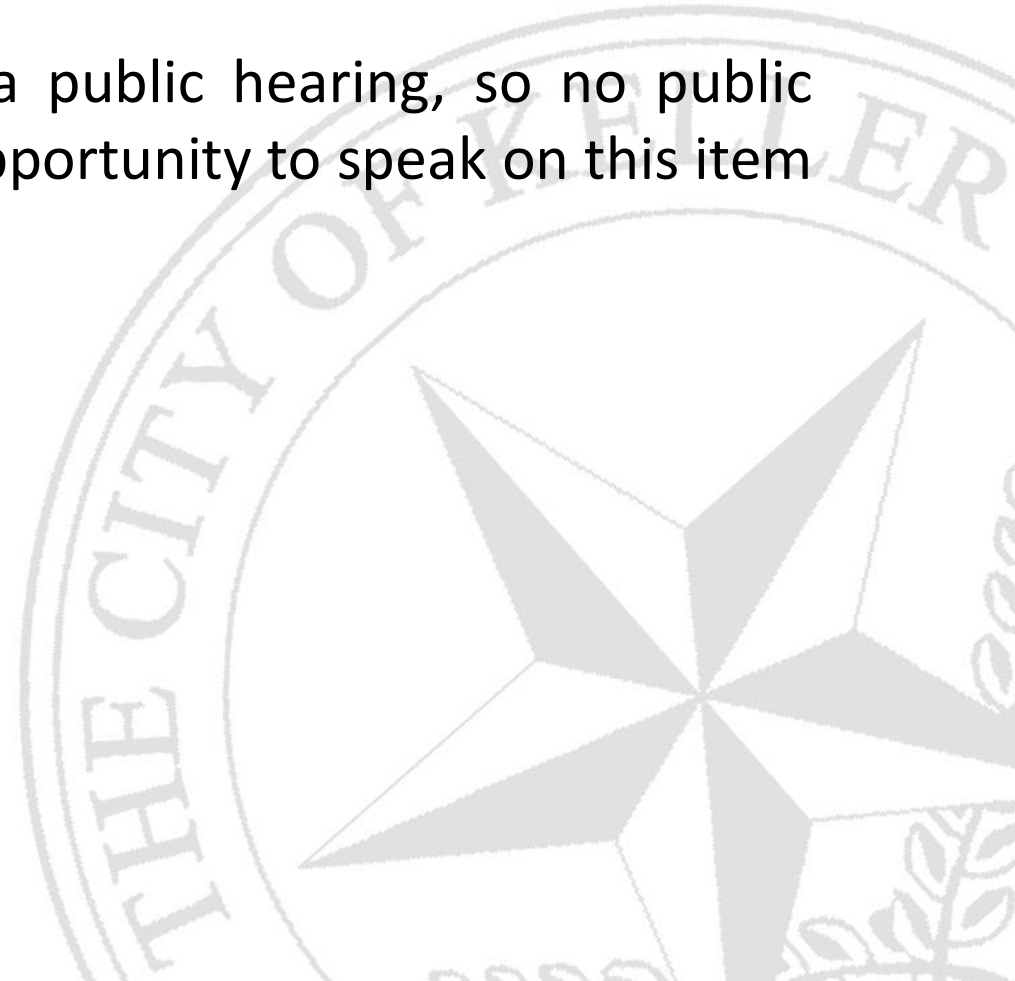
This plat is being submitted directly to the City Council without review from the Planning and Zoning Commission in an abundance of caution in response to the claim that the plat is deemed automatically approved, and in order to ensure compliance with the State's recently adopted "shot clock" rules regarding the approval of plats.

According to the City Attorney, City Council's review of the plat is timely and legitimate.

Item H-6

Citizen Input:

Final Plats, even with variances, do not require a public hearing, so no public hearing notices were sent out. The public had an opportunity to speak on this item during “Persons to be Heard.”



Item H-6

Variance requested:

1. A variance to UDC Sections 5.01(B)(6) & 5.03(L)(1) to allow a dead end or stub street (without a cul-de-sac) without the provision of future access to adjacent vacant land areas.

Item H-6

The City Council has the following options when considering a Final Plat with a variance:

- Approve as submitted
- Approve with conditions
- Disapprove





Questions?
Julie Smith
817-743-4130