

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, APPROVING A FINAL PLAT WITH A VARIANCE FOR MOUNTAIN BLUE ADDITION, A PROPOSED ONE SINGLE-FAMILY RESIDENTIAL LOT 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.

WHEREAS, Leslie Sagar, Owner/Applicant, has submitted a Minor Subdivision Plat application (P-22-0015); and

WHEREAS, the applicant proposes one single-family lot on approximately 6.15 acres; and

WHEREAS, because the plat proposes a dead-end street without a cul-de-sac, the plat is seeking variance from City of Keller Unified Development Code (“UDC”) Sections 5.01(B)(6) & 5.03(L)(1); and

WHEREAS, the complete plat application was filed as a Minor Subdivision Plat without variances on July 11, 2022 when the filing fee was submitted; and

WHEREAS, after review from City Staff, it was determined that Staff could not administratively approve the proposed plat because it is requesting a variance from the prohibition of dead-end streets without cul-de-sacs; and

WHEREAS, Local Government Code § 212.009(a) generally provides that “[t]he municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed;” and

WHEREAS, because the plat was submitted and reviewed as a minor plat without a variance, City staff was unable to present the plat to the Planning and Zoning Commission (“Commission”) within 30 days of the submission date; and

WHEREAS, the applicant has made a claim that the plat is deemed approved by the inaction of the Commission; and

WHEREAS, because the plat was submitted on July 11, 2022, the date of the Commission's alleged inaction is considered to be August 10, 2022; and

WHEREAS, Local Government Code § 212.009(b) provides that "the governing body shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat . . . is approved by the inaction of the commission;" and

WHEREAS, the Commission's inaction on August 10, 2022 is considered to be a recommendation of approval from the Commission, and therefore, the plat is now being presented to the City Council within 30 days of the date of the Commission's inaction;" and

WHEREAS, consideration of the plat, even with variances, does not require public hearings per the UDC; and

WHEREAS, the City Council does find that the variance request meets the intent of the UDC;

NOW, THEREFORE, BE IT RESOLVED 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, 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, is set forth with the following conditions:

1. A variance to allow a dead end or stub street (without a cul-de-sac) without the provision of future access to adjacent vacant land areas.

AND IT IS SO RESOLVED.

Passed by a vote of \_\_\_ to \_\_\_ on this the 6th day of September, 2022.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
Armin R. Mizani, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Ballard, City Secretary

Approved as to Form and Legality:

\_\_\_\_\_  
L. Stanton Lowry, City Attorney