

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, APPROVING A SITE PLAN WITH VARIANCES FOR A NEW 4,315 SQUARE-FOOT SHELL BUILDING, ON .20-ACRE, LOCATED ON THE EAST SIDE OF SOUTH ELM STREET, APPROXIMATELY 100 FEET NORTHWEST OF THE OLIVE STREET AND SOUTH ELM STREET INTERSECTION, LOCATED AT 207 SOUTH ELM STREET, LEGALLY DESCRIBED AS ABSTRACT 1171 TRACT 10A AND 12 C OF SAMUEL NEEDHAM SURVEY AND ZONED OLD TOWN KELLER (OTK), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS.

WHEREAS, Brian Palfrey, Owner/Applicant, submitted a Site Plan application with 9 variances (SP-23-0007); and

WHEREAS, the Applicant proposes to construct an approximately 4,315 square-foot shell building to be used as restaurant space on the first floor and office space on the second floor; and

WHEREAS, nine variances are requested related to parking, facing of the dumpster enclosure, landscaping and buffer requirements; and

WHEREAS, the Site Plan, even with variances, does not require public hearings per the Unified Development Code (UDC); and

WHEREAS, the Planning and Zoning Commission considered the proposed Site Plan with variances on May 23, 2023 and recommended denial by a vote of 5-2; and

WHEREAS, the City Council does find that the request, with the added condition, meets the intent of the Unified Development Code (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 Site Plan with variances for a new 4,315 square-foot shell building, on .20-acre, located on the east side of South Elm Street, approximately 100 feet northwest of the Olive Street and South Elm Street intersection, located at 207 South Elm Street, legally described as Abstract 1171 Tract 10A and 12 C of Samuel Needham Survey and zoned Old Town Keller (OTK), is approved with the following variances:

1. A Variance to Section 9.02(G) of the Unified Development Code (UDC) to provide 7 parking spaces (plus 2 accessible spaces) in lieu of the required 35 parking spaces shall be allowed.
2. A Variance to UDC Section 9.01(D)(2) to allow the dumpster enclosure doors to face South Elm Street shall be allowed.
3. A Variance to UDC Section 8.19(7)(b)(1) to not plant the two required two canopy trees in order to avoid the existing power lines along South Elm Street shall be allowed.
4. A Variance to UDC Section 9.03(F)(1)(b) to allow a 10' landscape buffer in lieu of the required 15' along South Elm Street shall be allowed.
5. A Variance to UDC Section 9.03(F)(1)(d) to have no side yard buffer on the north property line and a 5' buffer on the east property line in lieu of the required 10' buffer for each shall be allowed.
6. A Variance to UDC Section 9.03(F)(c) to allow a 5' buffer in lieu of the required 30' on the south property line shall be allowed.
7. A Variance to UDC Section 9.03(F)(2) to plant no trees in the side yard buffer on the north property line shall be allowed.
8. A Variance to UDC Section 9.03(F)(2) to plant 2 trees in lieu of the required 7 trees required in the rear yard buffer on the east property line shall be allowed.
9. A Variance to UDC Section 9.03(F)(3) to plant no trees in lieu of the 2 required in the parking lot shall be allowed.

AND IT IS SO RESOLVED.

Passed by a vote of _ to _ on this the 20th day of June, 2023.

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