

## Item H-1

Consider a resolution approving a Final Plat with variances for Lots 1-3, Block A of Hallelujah Farms, located on 6.99 acres of land, north of Hallelujah Trail, approximately 1,000 feet northeast of the intersection of Hallelujah Trail and Johnson Road, currently addressed as 657 Hallelujah Trail, and zoned Single-Family 36,000 square-foot minimum lots (SF-36). Brittainy Fink, Owner/Applicant. (P-22-0022)







# Item H-1

## Background:

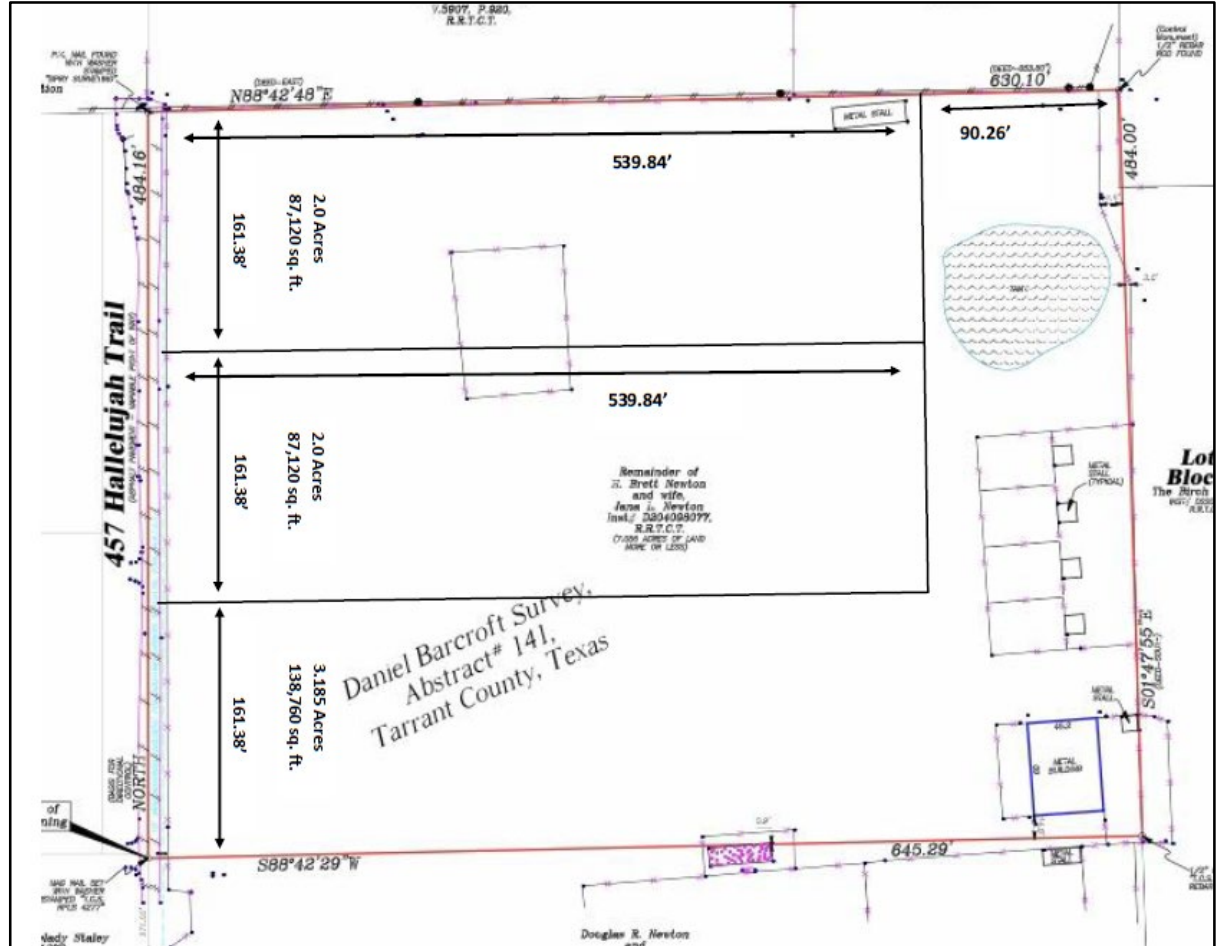
The Applicant proposes creating a three-lot subdivision from a 6.99-acre portion of an 11-acre tract of land addressed as 657 Hallelujah Trail. Creating a subdivision triggers development requirements such as the extension of public infrastructure (road, water, and sanitary sewer). Because the Applicant proposes to build a home on one of the lots, the property must be platted prior to releasing a building permit. The other two lots will be sold to prospective homeowners/builders.

On Oct. 13, 2021, the Development Review Committee met with Mr. and Mrs. Fink (Owner), and Cecily Verloop (Real Estate Agent) regarding the proposed subdivision into three lots. At the meeting, staff indicated:

- All tracts had to be platted and, if variances were necessary, City Council would have to approve them after a recommendation from the Planning and Zoning Commission.

The UDC required:

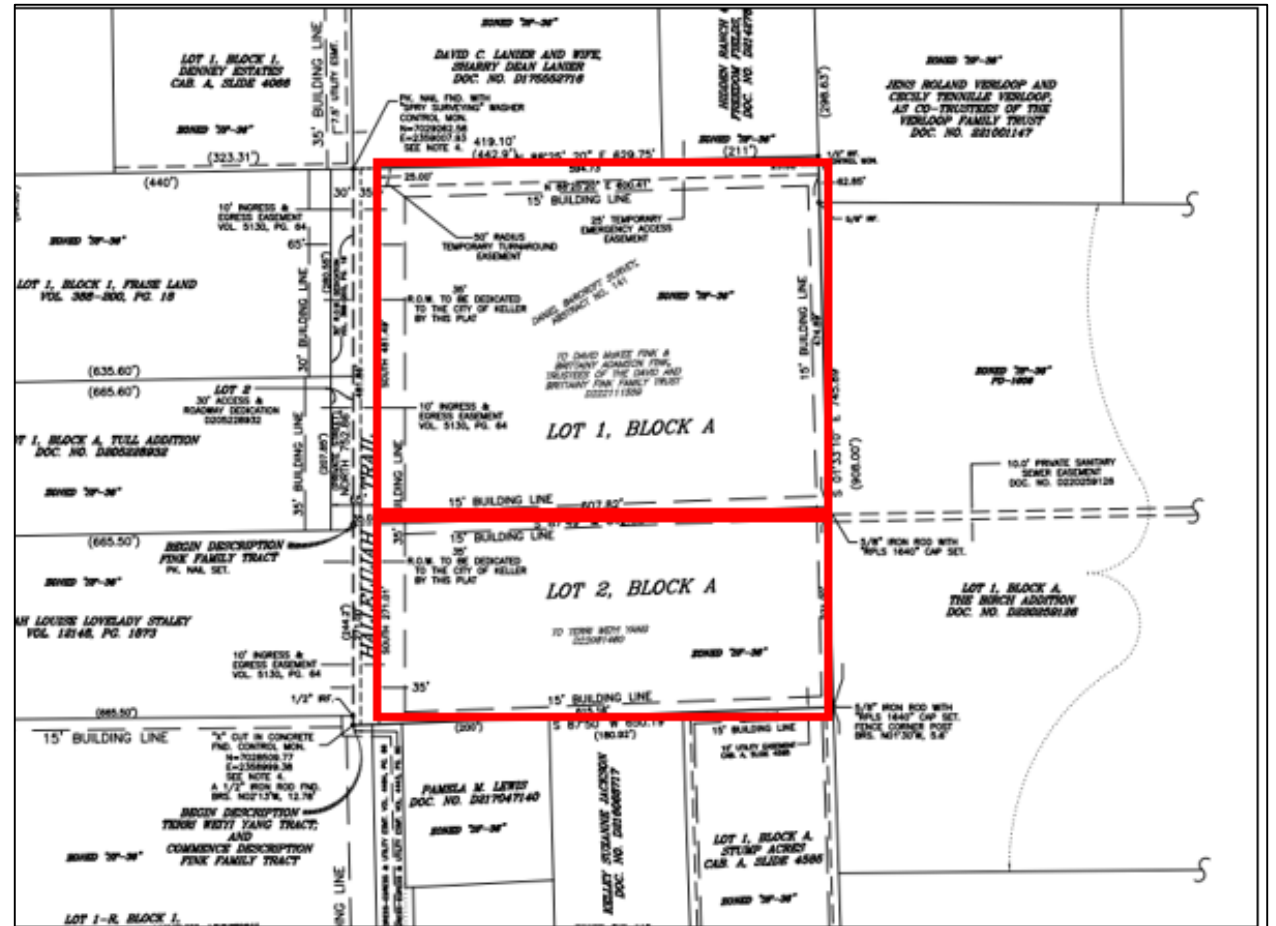
- Extension of sanitary sewer.
- Construction of the road and cul-de-sac.
- Right-of-way (ROW) dedication.



# Item H-1

## Background Cont'd:

- Between October 2021 and May 2022, staff had numerous emails, meetings, and phone call exchanges related to multiple versions of different platting options and proposals with Mr. and Mrs. Fink, Real Estate Agent Verloop, and their consultants. Staff also discussed the platting and development requirements with the property owners to the south (Terry Yang).
- In May 2022, the Applicant submitted a Plat indicating two lots in lieu of the four lots that were originally proposed in October 2021, because Mrs. Fink indicated she would replat lot 1 into three lots later to avoid triggering public infrastructure requirements. Because state law does not permit piecemeal platting, this proposal was abandoned.



# Item H-1

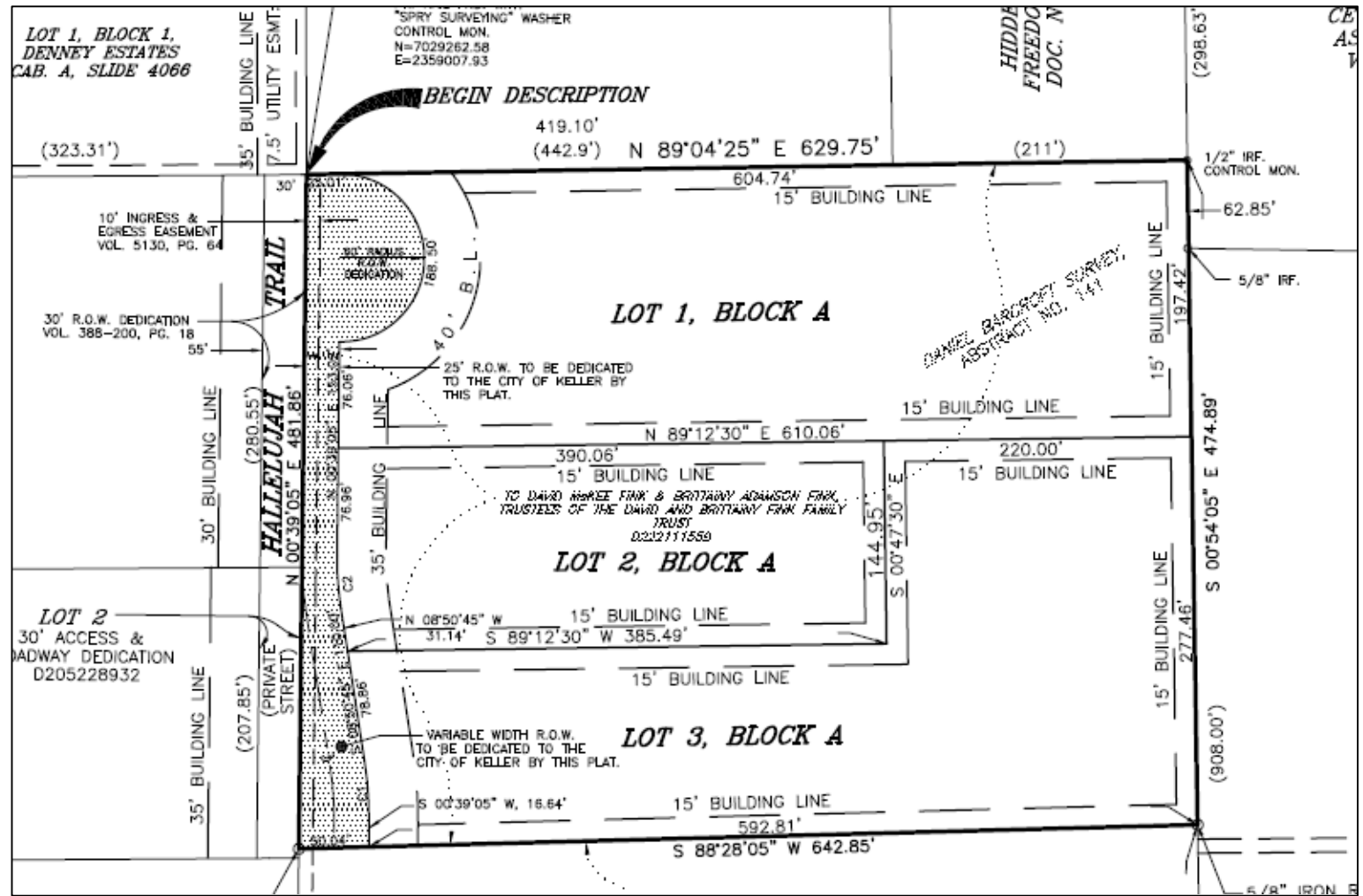
## Background Cont'd:

- On July 21, 2022, the Finks met with staff, two members of City Council, and the City Manager regarding a proposed plat for three lots abutting an unplatted parcel to the south (Yang property). Topics of conversation also included right-of-way, construction of the road, number of lots accessing a private drive, and differences between the major and minor plat applications.
- In August 2022, the City Attorney confirmed the plat (as proposed at this time) would be a Major Subdivision Plat for lack of access to a public road.

# Item H-1

## Background Cont'd:

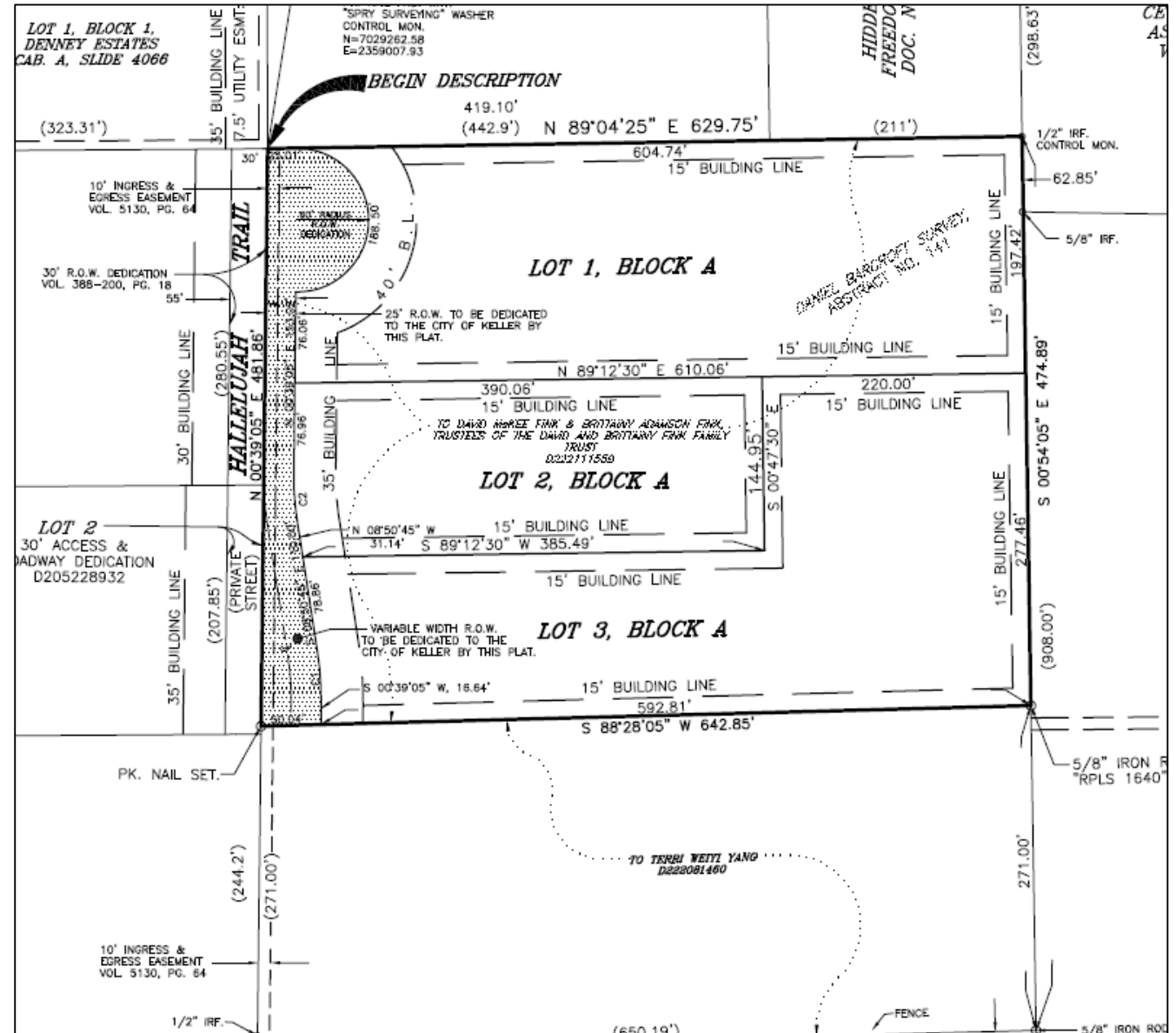
On Sept. 15, 2022, staff received another revised plat for three lots requiring five variance requests associated with connection to the public infrastructure (sewer and streets), flag lot access limitations, and the extension and construction of the street and cul-de-sac.



# Item H-1

**Lot Sizes and Dimensions: MEET**  
All lots will exceed the minimal lot dimensions and square-footage requirements of the SF-36 zoning district. (The smallest lot size is 56,593 square-feet)

**Setbacks: MEET**  
Excluding right-of way (ROW) dedication, all lots will meet the setback requirements of the SF-36 zoning district.





# Item H-1

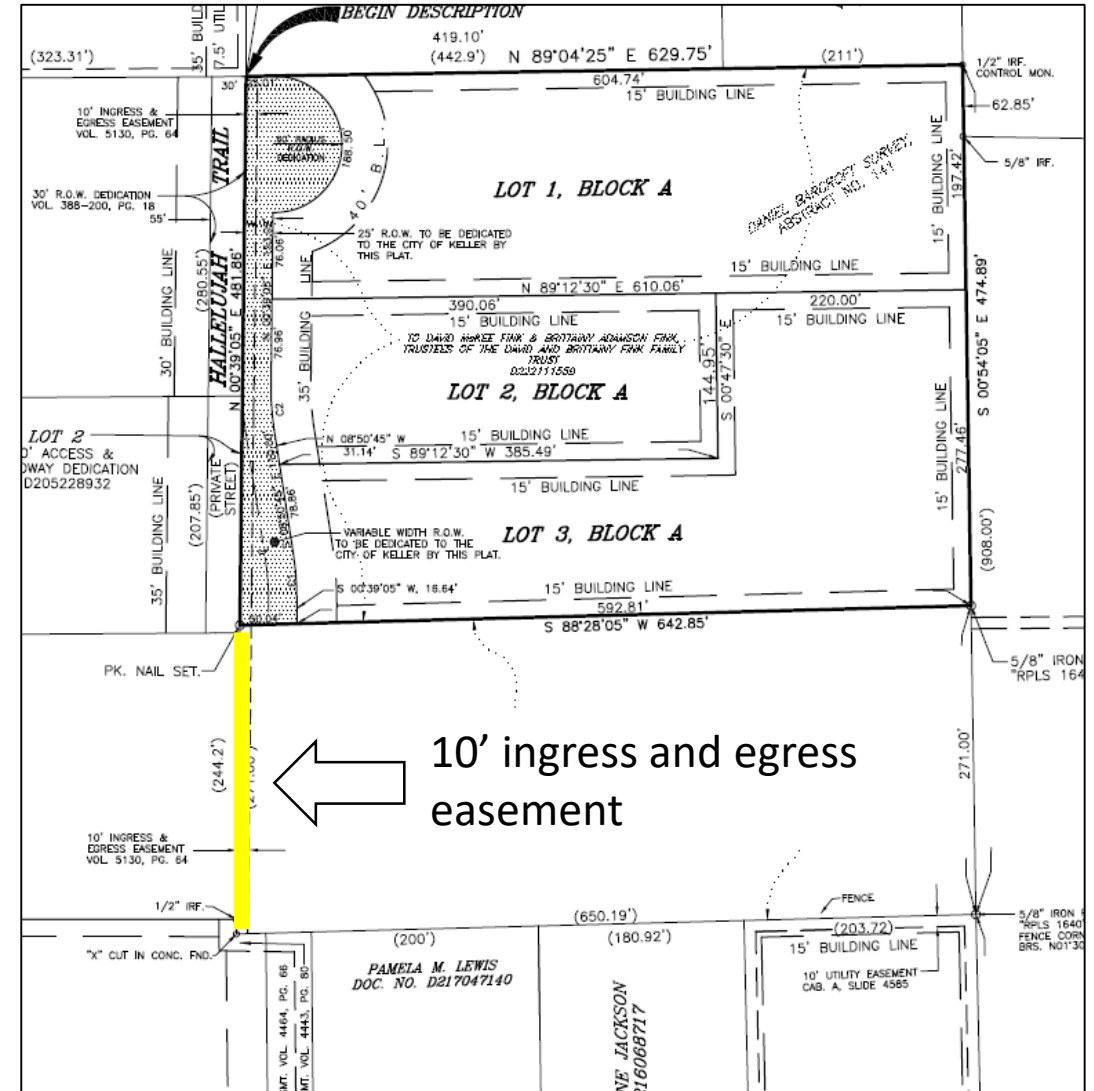
## Streets and Utilities: FIVE VARIANCES REQUESTED

### Flag Lot Access

UDC Section 5.13 (B) limits the number of residential lots that may be accessed by a private drive (60 feet wide) to no more than three lots. If more than three lots are on the same drive, a public street must be constructed.

The only access to this proposed development is from Hallelujah Trail, a 10-foot-wide private access easement. The Applicant's proposed three-lot subdivision increases the number of residential lots accessed via Hallelujah Trail from the existing non-conforming six residential lots to nine residential lots.

1. A request for a variance to permit nine properties accessing a private drive (rather than the Unified Development Code Section 5.13 limit of three).



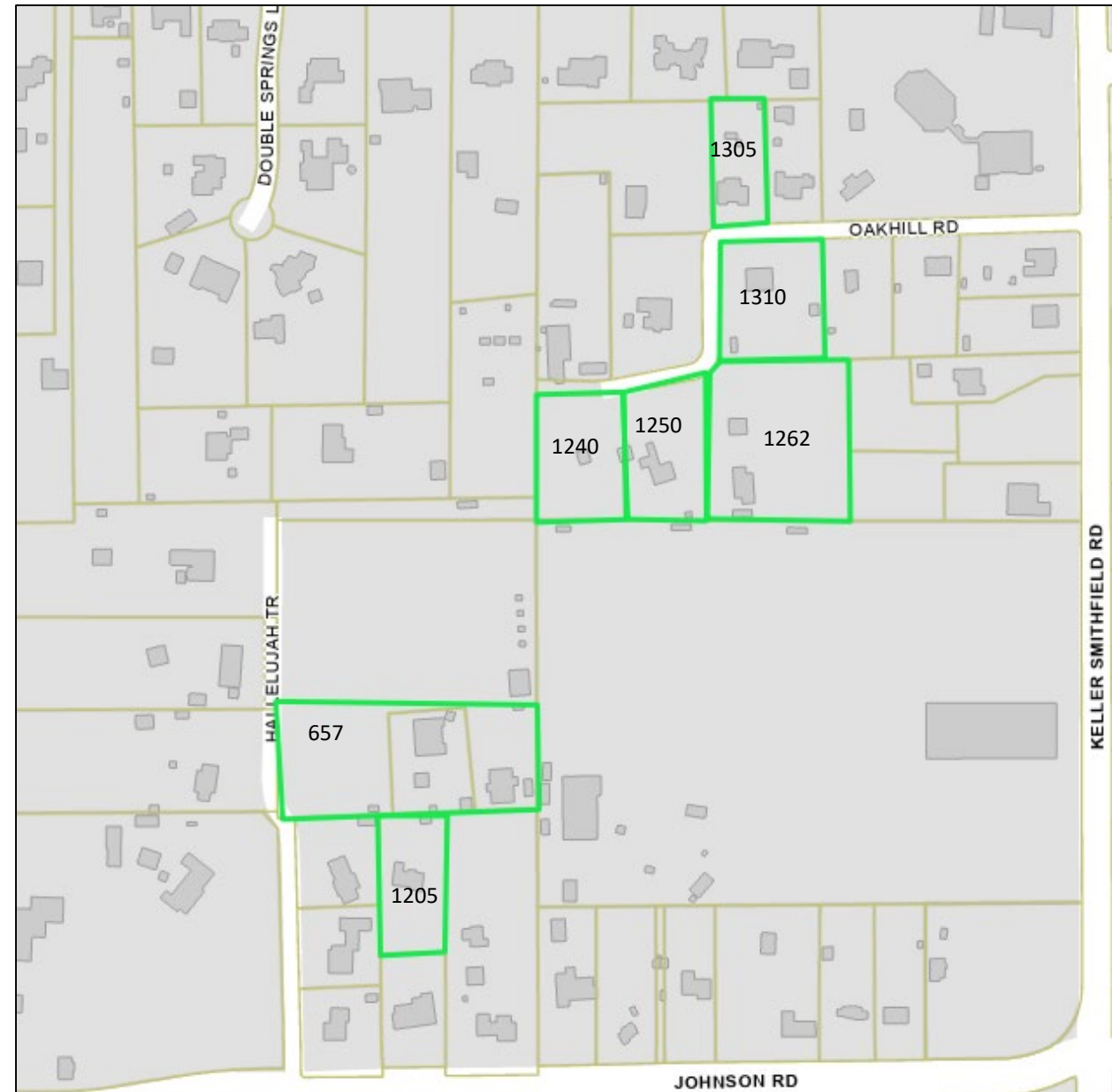




# Item H-1

## Citizen Input:

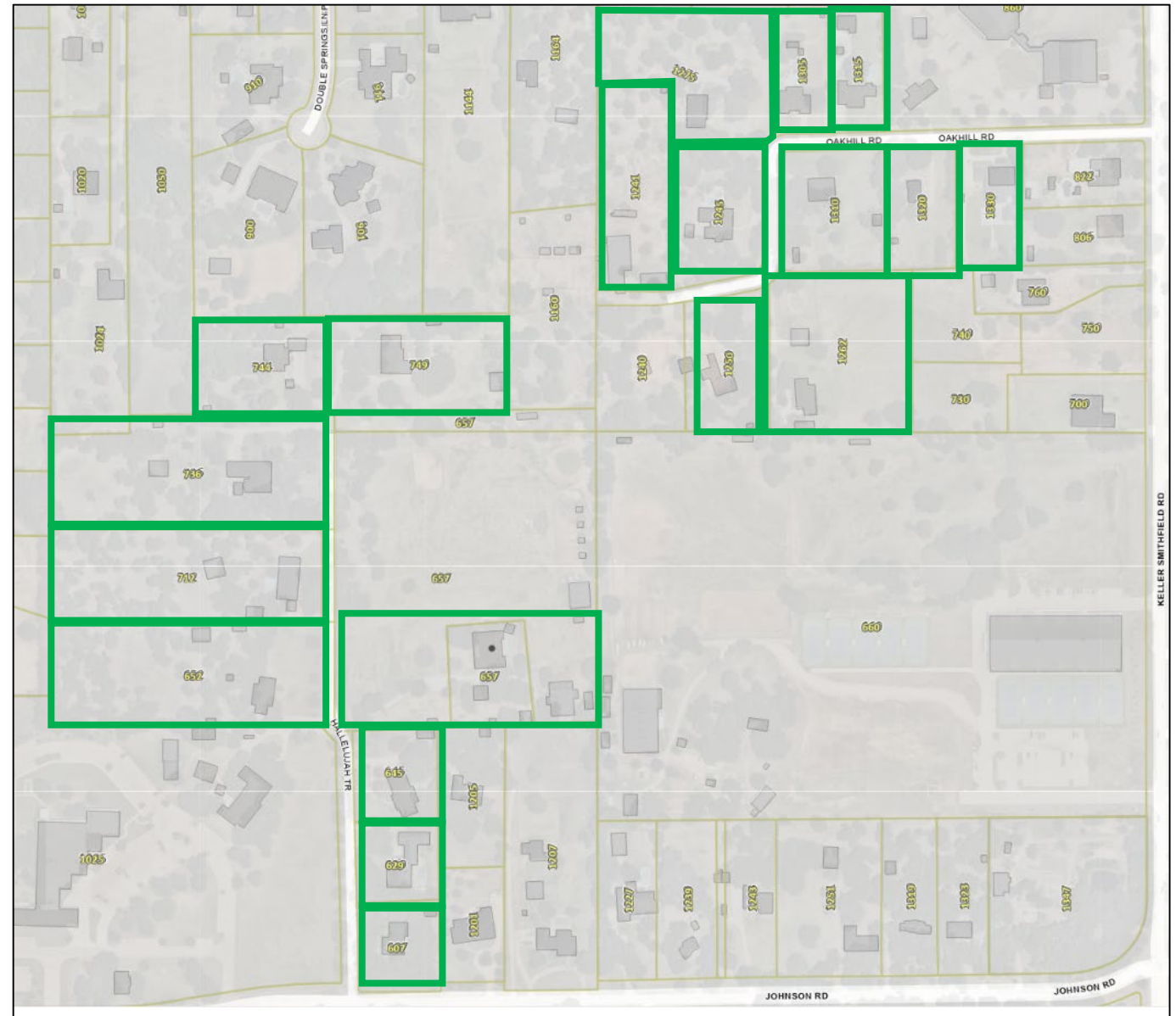
- A Final Plat application with variances does not require a public hearing, so no public hearing notifications were sent out to the surrounding property owners for this request.
- The public had an opportunity to speak on this agenda item during “Persons To Be Heard.”
- Staff received nine emails supporting the variance requests prior to the September 27, 2022 Planning and Zoning Commission meeting, though two of the emails did not include an address. Additionally, staff saw a support petition in the Applicant’s Planning and Zoning Commission September 27, 2022 meeting PowerPoint with 48 signatures.



## Citizen Input Cont'd:

Staff also received a petition to oppose the planned connection of Oakhill Road and Hallelujah Trail with 19 addresses. Lots are outlined in green on map.

## Item H-1

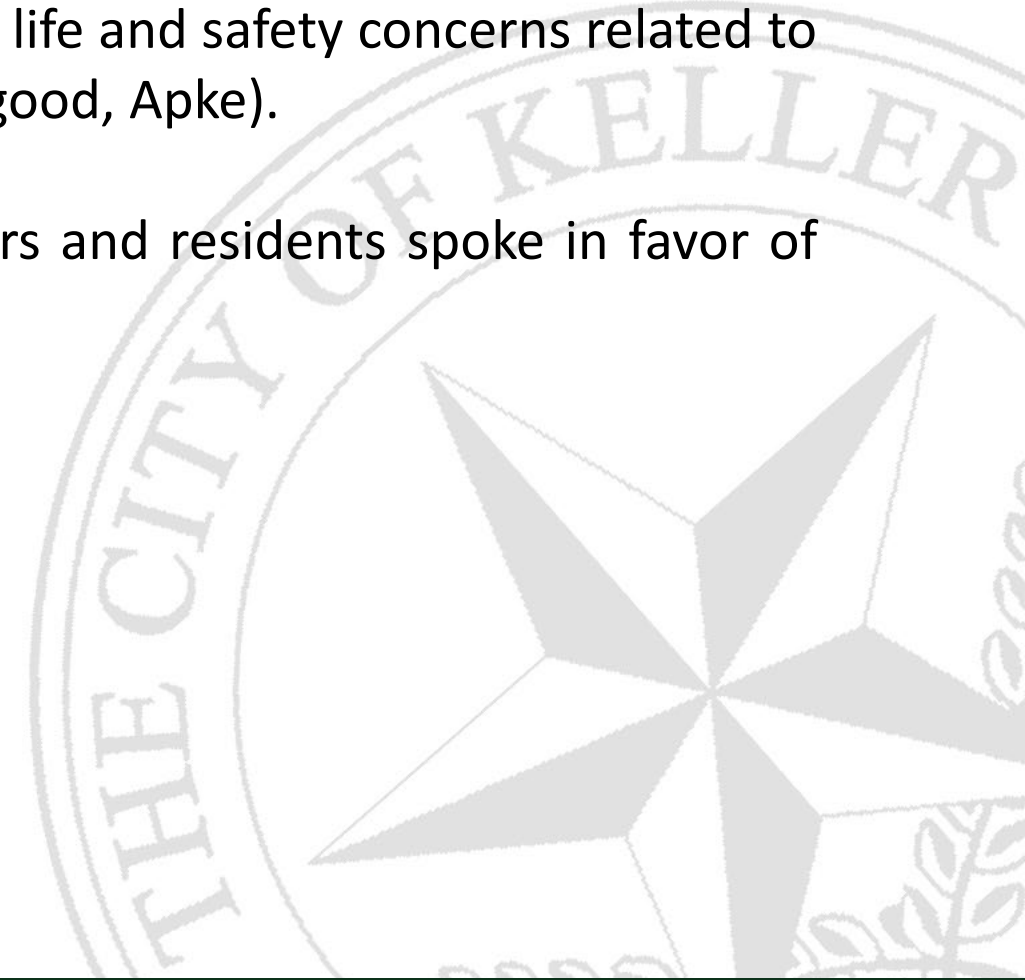




## **Planning and Zoning Commission Recommendation:**

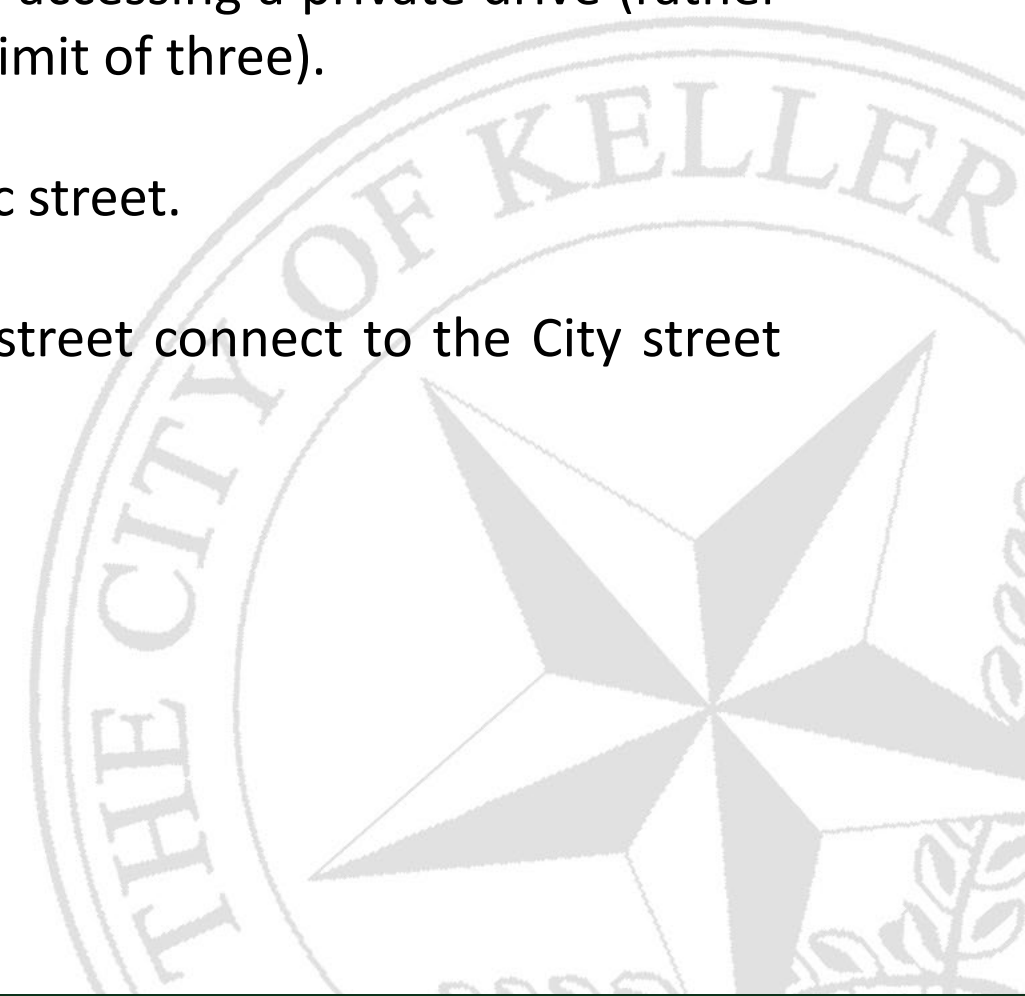
On Oct. 11, 2022, the Planning and Zoning Commission recommended, by a vote of 4-3, to approve with a condition requesting City Council review life and safety concerns related to lack of emergency vehicle access. (Nays: Thompson, Osgood, Apke).

During the “Persons To Be Heard” item, eight neighbors and residents spoke in favor of the variance requests at the October 11, 2022.



## Summary of Variances (5) Requested:

1. A request for a variance to permit nine properties accessing a private drive (rather than the Unified Development Code Section 5.13 limit of three).
2. A request for a variance not to construct the public street.
3. A request for a variance not to make the public street connect to the City street network.



## Summary of Variances (5) Requested:

4. A request for a variance to the requirement to build a cul-de-sac when a street terminates.

### Fire Department Comment:

“An additional variance request to the limitation of three drive connections on a private drive points out that this plat identifies an existing private access road. The expectation is that the fire department will travel on Hallelujah Trail, in excess of 2,000 feet, with limited ability to turn around. The proposed cul-de-sac fails to provide the necessary dimensions for fire apparatus maneuverability and creates a safety hazard for fire fighters.”

5. A request for a variance not to extend the public sanitary sewer line.



# Item H-1

## Summary:

Section 2.07(A)(2) of the UDC lists the following criteria for the City Council when considering a Final Plat with variances:

- a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Code would deprive the applicant of the reasonable use of his land.
- b. That the granting of the variances will not be detrimental to the public health, safety or welfare, or injurious to other properties in the area.
- c. That the granting of the variances will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Code.
- d. That the granting of the variances will not constitute a violation of any other valid ordinance of the City of Keller.
- e. That strict compliance with the regulations, and/or that the purpose of the regulations will be served to a greater extent by the alternative proposal.

## Item H-1

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

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



**Questions?**  
**Alonzo Linan and Julie Smith**  
**817-743-4130**