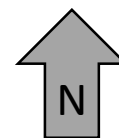


## Item H-1

Consider a resolution approving a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 – Attached Wall Signs, for Morris Auto Service, located on approximately 1-acre of land on the west side of North Main Street, approximately 300 feet north of Keller Hicks Road, being Tracts 1E out of the Samuel Needham Survey, Abstract No. 1171, at 421 North Main Street, zoned OTK (Old Town Keller). Donald Morris, Morris Auto Service, owner/applicant. (UDC-17-0018)

Item H-1  
Zoning Map



Item H-1  
Aerial View





# Item H-1 Background



- The sign has been in place since at least 2003. Unclear if it received a permit when built.
- The sign was removed for a time to make roofing repairs.
- The sign was then updated and re-installed without a permit.

## Item H-1



October 2007 – Sign *is* present.  
June 2013 – Sign *is not* present.  
August 2013 – Sign *is not* present.  
April 2014– Sign *is not* present.  
November 2014 – Sign *is not* present.  
April 2015– Sign *is not* present.  
December 2016– View is blocked by passing train.



## Item H-1



### Special Exception Request

1. A special exception is requested to allow the sign to be taller than the roof.
2. A special exception is requested to allow the sign to be more than eighteen inches (18") from the wall.
3. A special exception is requested to allow the sign to be a maximum of ninety-six (96) square-feet.

## Item H-1

Per Section 8.09 (B.3.b.4)

*When a nonconforming sign, or a substantial part of the sign is damaged, destroyed, taken down, or removed, it may not be re-erected, reconstructed, or rebuilt except in full compliance and conformance with this Code. For purposes of this section, substantial shall mean if the cost of repair exceeds fifty percent (50%) of the cost of a new sign of the same construction and size. A nonconforming, on-premise, detached sign which is required to be relocated due to expansion of public right-of-way may be relocated on the same lot or tract, provided there is no more than one (1) detached sign per lot or tract. The relocation shall occur within six (6) months following completion of the road.*

## Item H-1 Summary

Section 8.09 (B.4.a) of the UDC, lists criteria for approval of a special exception. Staff's comments are added in bold italics.

1. Whether the requested exception will not adversely affect public safety,

***The requested exception should have no impact on public safety.***

2. Whether the requested exception will not adversely affect surrounding properties,

***Surrounding properties to the north and south have similar circumstances where the rear of the building is currently visible from Katy Road. The properties along Katy Road is undeveloped. These properties may be impacted by the aesthetics of the sign.***

## Item H-1 Summary

3. Whether the requested exception will be in harmony with the spirit and purpose of this sign code,

***Sign ordinances are designed to allow businesses and others to communicate a message while reducing clutter that may contribute to reduced property values. The proposed sign does not meet the design standards of the code or the intent of these standards.***

4. Whether special conditions exist which are unique to the applicant or property,

***Having a rear elevation visible from a public street is not unique. Staff could permit a sign attached to the wall that met UDC standards for sign size and location.***



## Item H-1 Summary

5. Whether the requested exception demonstrates increased quality and standards, and

***The design of the sign does not demonstrate increase quality and standards from the code minimum requirements.***

6. Whether the requested exception will be aesthetically appropriate in the area.

***The sign is located in Old Town Keller and visible from Katy Road. Katy Road is industrial in nature. However, there are no similar signs permitted like this in Keller City limits. The existing transmission shop to the south does have a roof-mounted sign facing Main Street. Staff is currently trying to determine if that sign is legally non-conforming.***

## Item H-1 Professional Opinion

Based on the criteria above, staff does **NOT** support this Special Exception request application.



## Item H-1 Board review

At their October 9, 2017 regular meeting the Planning and Zoning voted 5-2 to recommend approval of this Special Exception to the Sign Code with the following conditions:

1. A special exception is requested to allow the sign to be taller than the roof, as shown in the staff attachment pictures.
2. A special exception is requested to allow the sign to be more than eighteen inches (18") from the wall, as shown in the staff attachment pictures.
3. A special exception is requested to allow the sign to be a maximum of ninety-six (96) square-feet, as shown in the staff attachment pictures.



## Item H-1 Alternatives

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

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



**Questions?**  
**Michele Berry**  
**817-743-4125**

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