

RESOLUTION NO. 4014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A VARIANCE TO THE UNIFIED DEVELOPMENT CODE, ARTICLE 8, ZONING/DEVELOPMENT STANDARDS, SECTION 8.12, FENCING REQUIREMENTS IN MULTI-FAMILY AND NON-RESIDENTIAL DISTRICTS, FOR BLAGG TIRE PROS, AN AUTOMOTIVE CARE CENTER, LOCATED ON A 0.47-ACRE LOT, ON THE WEST SIDE OF PAGE STREET, APPROXIMATELY 68 FEET SOUTHWEST OF THE INTERSECTION AT KELLER PARKWAY (F.M. 1709) AND PAGE STREET, AT 248 KELLER PARKWAY (F.M. 1709), BEING LOT 1, BLOCK A, PATTON ADDITION, AND ZONED R (RETAIL), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS.

WHEREAS, Kevin Harris, SCI Funeral Services, applicant; Ricky Stephenson, PF Capital Vill LLC, owner; has submitted a Unified Development Code application (UDC-18-0009), which has been reviewed by City Staff and recommended for approval by the Planning and Zoning Commission by a vote of 4-0.

WHEREAS, The Council finds that the request meets the criteria to grant a variance per Section 2.07 of the Unified Development Code, listed below:

- 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 variance 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 variance 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 variance 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.

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, the a variance to the Unified Development Code, Article 8, Zoning/Development Standards, Section 8.12, Fencing Requirements in Multi-Family and Non-Residential Districts, for Blagg Tire Pros, an automotive care center, located on a 0.47-acre lot, on the west side of Page Street, approximately 68 feet southwest of the intersection at Keller Parkway (F.M. 1709) and Page Street, at 248 Keller Parkway (F.M. 1709), being Lot 1, Block A, Patton Addition, and zoned R (Retail), is hereby approved, attached hereto as Exhibit "A", and incorporated herein as if fully set forth, with the following condition:

1. The variance request is to allow a six-foot (6') high wooden fence with steel posts along the south and a portion of the west property line in lieu of the six-foot (6') high tubular fence as shown on the attached Exhibit "A" to be considered.

Section 3: THAT, any person, firm, or corporation violating any of the provisions of this Ordinance, as read together with the Unified Development Code and accompanying map thereto, shall be guilty of a misdemeanor and upon final conviction therefore shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such hereunder.

Section 4: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

AND IT IS SO RESOLVED.

Passed by a vote of 6 to 1 on this the 19th day of June, 2018.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
P.H. McGrail, Mayor

ATTEST:

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Kelly Ballard, City Secretary

Approved as to Form and Legality:

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L. Stanton Lowry, City Attorney