

RESOLUTION NO. 4023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SITE PLAN WITH VARIANCES FOR A JASON'S DELI, A 4,939 SQUARE-FOOT RESTAURANT WITH DRIVE-THRU, TO ANCHOR A SINGLE STORY 9,000 SQUARE-FOOT STRIP RETAIL BUILDING, LOCATED ON A 1.58-ACRE LOT, ON THE SOUTH SIDE OF KELLER PARKWAY (FM1709), APPROXIMATELY FOUR HUNDRED SEVENTY FEET (470') WEST OF THE KELLER SMITHFIELD SOUTH AND KELLER PARKWAY (FM1709) INTERSECTION, BEING LOT 3, BLOCK E, KELLER TOWN CENTER ADDITION, AT 1400 KELLER PARKWAY (FM1709), AND ZONED TC (TOWN CENTER). PINPOINT BEAR CREEK LAND HOLDINGS, LLC, OWNER. BOMAC PARTNERS, LTD OR ASSIGNS (TRINITY PARTNERS), APPLICANT. THOMAS SITE DEVELOPMENT ENGINEERING INC., ENGINEER. (SP-18-0010).

WHEREAS, Pinpoint Bear Creek Land Holdings, LLC, owner; Bomac Partners, Ltd or assigns (Trinity Partners), applicant; Thomas Site Development Engineering Inc., engineer; have submitted a site plan application (SP-18-0010) with variances, which has been reviewed by City Staff and recommended for approval on items (1), (3), and (4) by the Planning and Zoning Commission by a vote of 5-2.

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, variances to the City of Keller Unified Development Code on a Site Plan for a proposed Jason's Deli, a 4,939 square-foot restaurant with drive-thru, to anchor a single story 9,000 square-foot strip retail building, located on a 1.58-acre lot, on the south side of Keller Parkway (FM1709), approximately four hundred seventy feet (470') west of the Keller Smithfield South and Keller Parkway (FM1709) intersection, being Lot 3, Block E, Keller Town Center Addition, at 1400 Keller Parkway (FM1709), and zoned TC (Town Center), is hereby approved, attached hereto as Exhibit "A", and incorporated herein as if fully set forth, with the following conditions:

1. A variance to allow a flat roof design in lieu of the pitched roof shall be allowed.
2. A variance to allow the building exterior to be less than 75% brick, stone, or cast stone shall be allowed.
3. A variance to allow a three foot (3') foundation planting on a portion of the west elevation shall be allowed.
4. A variance to allow a ten foot (10') landscape buffer on the west property line in

place of the thirty foot (30') landscape buffer shall be allowed.

5. A variance to allow the parking spaces to be eighteen feet (18') in length, in lieu of the required twenty feet (20') shall be allowed.

6. Allow a special exception to the sign code requesting to use up to 80% of the allowed (200) square feet in total on the north building elevation sign and/or the east building elevation sign for Jason's Deli.

7. Allow a special exception to the sign code requesting an illuminated movement control sign to be 7.68 square feet and lettering to be fourteen inches (14") in height for Jason's Deli.

AND IT IS SO RESOLVED.

Passed by a vote of 7 to 0 on this the 7th day of August, 2018.

CITY OF KELLER, TEXAS

BY: _____
P.H. McGrail, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney