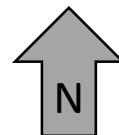
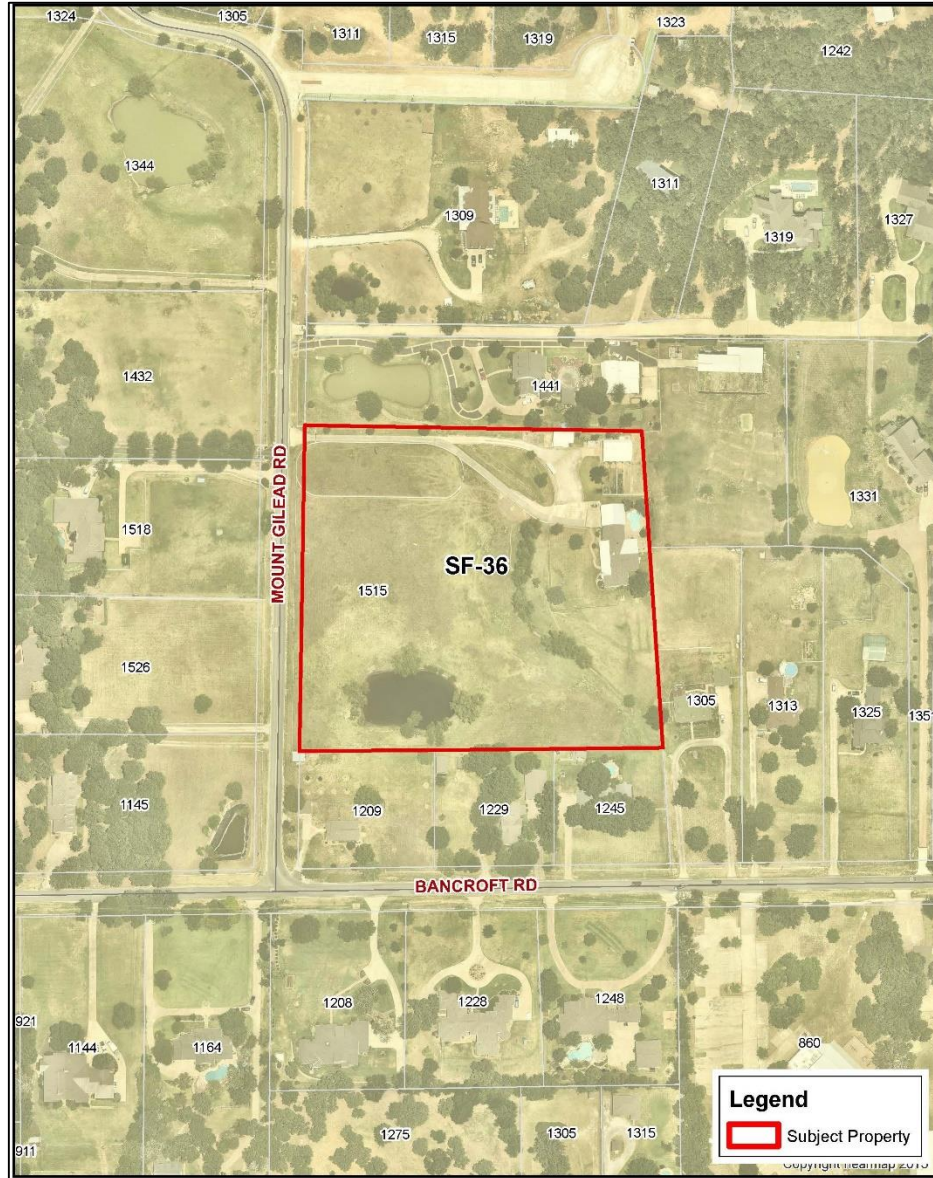


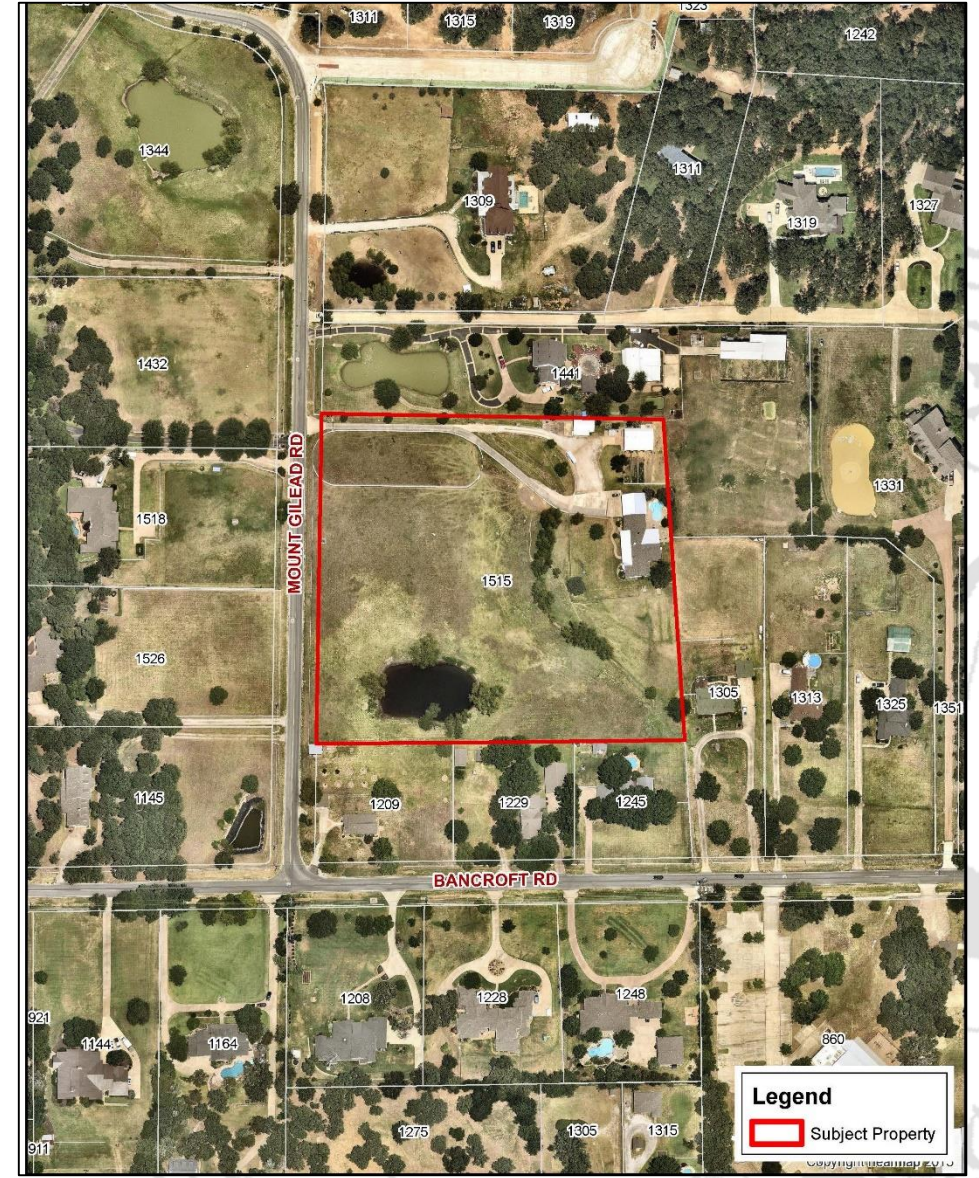
Item H-3

Consider a resolution to approve a variance to the City of Keller Unified Development Code, Article 5, Subdivision Design and Improvement Requirements, Section 5.13, Lots, to allow a fifty foot (50') street width frontage to be tapered and reduced to a twenty-four feet and six inches (24.6') width into the lot for approximately 213 feet, located on a 7.158-acre tract of land, being Abstract 141, Tract 2 of the Daniel Barcroft Survey, located on the east side of Mount Gilead Road, approximately 250 feet north of the intersection of Bancroft Road and Mount Gilead Road, at 1515 Mount Gilead Road, and zoned SF-36 (Single Family Residential – 36,000 square-foot lot size minimum). Jilray Launay, owner/applicant. (UDC-18-0015)

Item H-3
Zoning Map



Item H-3
Aerial View



H-3 Background

- In September 2016, the applicant met with the Development Review Committee (DRC) regarding the platting process
 - *No formal submittal was brought forward.*
- In January 2018, the applicant applied for a plat to subdivide the property from 1 lot into 3 lots; staff had denied based on failure to meet the Unified Development Code (UDC) standards.
 - *By law, staff has 30 days to approve, deny or the plat will need to be withdrawn.*
- On May 1, 2018, City Council approved amendment to the UDC effecting changes regarding flag type lots and the subsequent requirements to either conform to a fifty foot (50') right of way or a sixty foot (60') access easement.



Item H-3 Analysis

Section 2.07(A.2) of the UDC, lists criteria for approval of a variance:

- 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.

Item H-3 Professional Analysis and Opinion

Staff's professional analysis and opinion is **not supportive** of the variances requested, as it meets neither the code criteria nor spirit.

Staff forwards this UDC variance request for Planning and Zoning Commission consideration with the following conditions:

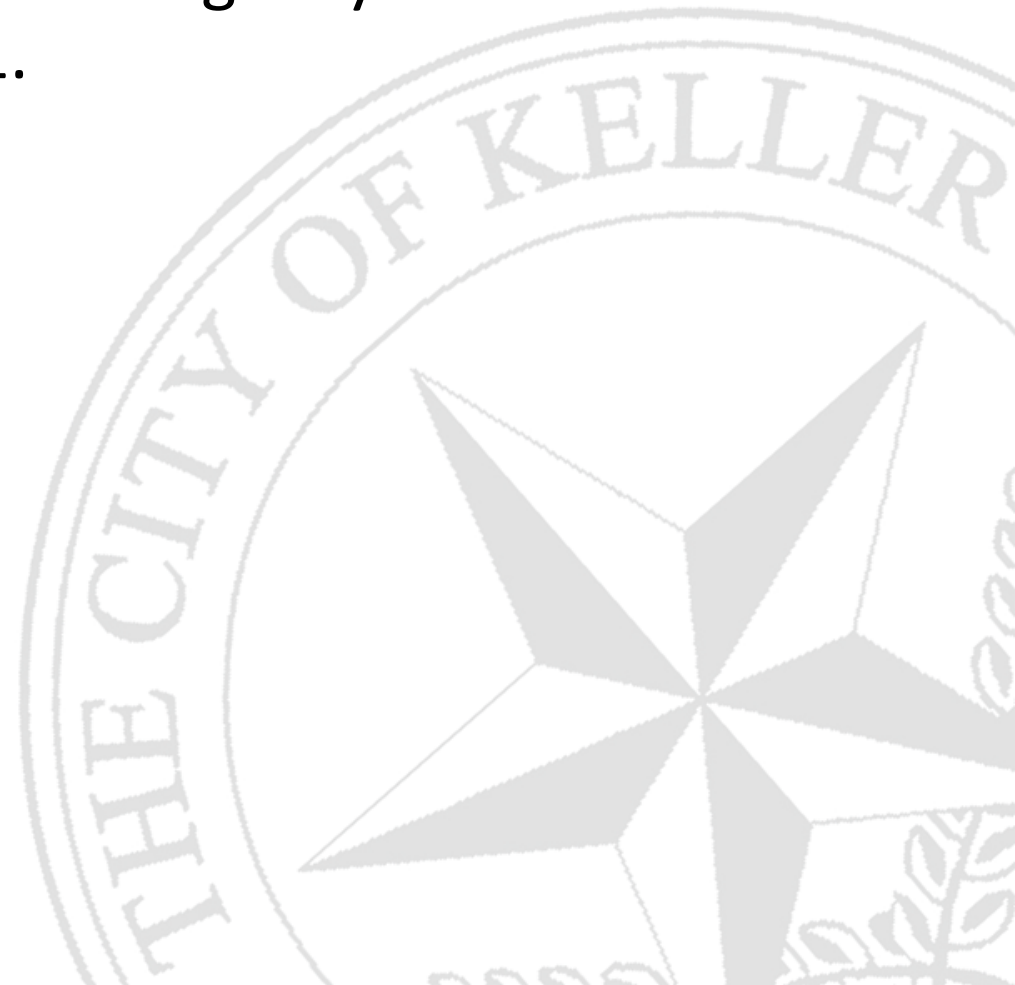
1. To allow a fifty foot (50') access easement in lieu of the required sixty foot (60') access easement.
2. To allow a fifty foot (50') street width frontage to be tapered and reduced to a twenty-four feet and six inches (24.6') width into the lot for approximately 213 feet.

If approved, staff is recommending the following condition:

3. The condition to have the encroachment agreement executed before a final plat is recorded.

Item H-3 Planning and Zoning Action

On October 8, 2018, Planning and Zoning Commission moved to recommend approval of the item with a contingency that the staff approves the drainage study with a vote of 6-1.



Item H-3 City Council Action

The City Council has the following options when considering a UDC variance request application:

- 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?
Katasha Smithers
817-743-4128

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