



Legislation Details (With Text)

File #: 18-213 Version: 1
Type: Old Business Status: Failed
File created: 8/8/2018 In control: City Council
On agenda: 8/21/2018 Final action: 8/21/2018

Title: Consider a resolution for a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 - Old Town Keller Zoning District signage requirements, for Turquoise Gypsy, located on approximately 0.04-acres of land on the west side of South Main Street (377), approximately 150 feet southwest of South Main Street (377) and West Hill Street intersection, being Lot 12, Block 3, Keller City Addition, at 156 South Main Street (377), zoned OTK (Old Town Keller). Kasey Jackson, Turquoise Gypsy, applicant; Norma Steward, Steward Realty LLC, owner. (UDC-18-0010)

Attachments: 1. 082118\_TurquoiseGypsy\_Resolution, 2. 082118\_TurquoiseGypsy\_ExhibitA\_Application, 3. 082118\_TurquoiseGypsy\_ExhibitA\_Site\_photos, 4. 082118\_TurquoiseGypsy\_ExhibitA\_UpdatedPicture, 5. 082118\_TurquoiseGypsy\_ExhibitA\_Petition, 6. 082118\_TurquoiseGypsy\_Photos, 7. 082118\_TurquoiseGypsy\_StaffAttachment, 8. 082118\_TurquoiseGypsy\_Maps, 9. Presentation

Table with 5 columns: Date, Ver., Action By, Action, Result. Row 1: 8/21/2018, 1, City Council

To: Mark R. Hafner, City Manager
From: Trina Zais, Director of Public Services and Economic Development

Subject: Consider a resolution for a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 - Old Town Keller Zoning District signage requirements, for Turquoise Gypsy, located on approximately 0.04-acres of land on the west side of South Main Street (377), approximately 150 feet southwest of South Main Street (377) and West Hill Street intersection, being Lot 12, Block 3, Keller City Addition, at 156 South Main Street (377), zoned OTK (Old Town Keller). Kasey Jackson, Turquoise Gypsy, applicant; Norma Steward, Steward Realty LLC, owner. (UDC-18-0010)

Action Requested: Consider a resolution approving of a Special Exception to Section 8.03 (Q.7.c.2. c & d), for one (1) post and bracket sign to be twenty-two and a half (22.5) square feet, abutting against the existing four foot (4') high wrought iron fence at Turquoise Gypsy, located at the rear of the property.

Property Description: Located on approximately 0.04-acres of land, on the west side of South Main Street (377), approximately 150 feet southwest of South Main Street (377) and West Hill Street intersection, being Lot 12, Block 3, Keller City Addition, at 156 South Main Street.

Background: According to Tarrant County Appraisal District, the building was built in 1980.

In June 2014, Turquoise Gypsy received their Certificate of Occupancy.

In March 2016, a fence permit for a four foot (4') high wrought iron fence was approved by staff.

In August 2016, staff approved a 29 square foot attached sign to face South Main Street (377) for Turquoise Gypsy.

In March 2018, Code Enforcement sent a letter regarding an unpermitted sign.

In May 2018, Turquoise Gypsy applied for a variance request for the existing sign located on the fence to remain.

**Sign Location:**

The detached sign is abutting on the four foot (4') high wrought iron fence, adjacent to a parking area in Old Town Keller (OTK) and facing Lamar Street.

Section 8.03 (Q.7.c.2.c & d) of the UDC states that Only one detached sign shall be allowed per business per public street frontage and For single-occupant buildings, detached signage shall not exceed fifteen (15) square feet in total surface area and six feet (6') in height.

Special Exception Requests:

1. A special exception is requested to allow one (1) post and bracket sign to be twenty-two and a half (22.5) square feet in size. UDC allows up to 15 square feet for a single tenant sign.
2. A special exception is requested to allow a post and bracket sign at the rear of the property located in the Main Street subdistrict of Old Town Keller, adjacent to a parking lot area as shown in "Exhibit A".

**Sign Size:**

The sign total measurement is twenty-two and a half (22.5) square feet.

The height of the sign is approximately four and three-fourths feet (4.75') tall from grade level. The length of the sign is approximately eight feet (8').

**Surrounding Zoning & Land Uses:**

North, South, East, West: Various retail uses zoned OTK (Old Town Center)

**Summary:**

The applicant is requesting two (2) special exception to be considered. If the request were to be approved by the City Council, then the applicant would be allowed to apply for a sign permit.

Section 8.09 (B.4.a) of the UDC, lists criteria for approval of a special exception.

1. Whether the requested exception will not adversely affect public safety,
2. Whether the requested exception will not adversely affect surrounding properties,
3. Whether the requested exception will be in harmony with the spirit and purpose of this sign code,
4. Whether special conditions exist which are unique to the applicant or property,

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

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

**Citizen Input:**

A UDC variance application does not require a public hearing, so no public hearing notifications were sent out to the surrounding property owners for this request. There has been no response from the public to this application. The public will have an opportunity to speak on this agenda item at the "Persons To Be Heard".

**Board Opinion:**

On June 11, 2018, the Planning and Zoning Commission voted to recommend approval of this request by a vote of (3-1).

Ayes: Stansell, Apke, McCrea

Nays: Ponder

**Professional Opinion:**

It is in the professional opinion of staff to **not** support the two Special Exception requests. The requested sign will not be harmonious with the spirit and purpose of OTK (Old Town Keller). Old Town Keller has unique design standards for signage requirements and the location and size of the sign would set precedence for other businesses.

Staff is forwarding this UDC special exception application for City Council consideration with the following conditions:

1. A special exception is requested to allow one (1) post and bracket sign to be twenty-two and a half (22.5) square feet in size. UDC allows up to 15 square feet for a single tenant sign.
2. A special exception is requested to allow a post and bracket sign at the rear of the property located in the Main Street subdistrict of Old Town Keller, adjacent to a parking lot area as shown in "Exhibit A".

**Alternatives:**

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

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