



## Legislation Details (With Text)

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**File #:** 21-563      **Version:** 1

**Type:** New Business      **Status:** Approved

**File created:** 8/25/2021      **In control:** City Council

**On agenda:** 9/7/2021      **Final action:** 9/7/2021

**Title:** PUBLIC HEARING: Consider a resolution approving a Final Plat with variances to Section 8.03 of the Unified Development Code for Lot 1R and Lot 2, Block A, Mills Crossing, being 1.62-acres located on the west side of Davis Blvd, zoned Retail (R), currently addressed as 8705 Davis Blvd. Charles Stark, Applicant; R2G Investments, LTD, Owner. (P-21-0024)

**Attachments:** 1. 090721\_8705 Davis Replat\_Resolution, 2. 090721\_8705 Davis Replat\_Maps, 3. 090721\_8705 Davis Replat\_Staff Attachment A- Application, 4. 090721\_8705 Davis Replat\_Staff Attachment B- Proposed Plat, 5. H-3 8705 Davis Blvd

Date	Ver.	Action By	Action	Result
9/7/2021	1	City Council	close the public hearing	Pass
9/7/2021	1	City Council	approve with conditions	Pass

**To:** Mark Hafner, City Manager

**From:** Trish Sinel, Senior Planner

**Subject:**

PUBLIC HEARING: Consider a resolution approving a Final Plat with variances to Section 8.03 of the Unified Development Code for Lot 1R and Lot 2, Block A, Mills Crossing, being 1.62-acres located on the west side of Davis Blvd, zoned Retail (R), currently addressed as 8705 Davis Blvd. Charles Stark, Applicant; R2G Investments, LTD, Owner. (P-21-0024)

**Request:**

The Applicant is requesting three (3) variances to the lot size regulations of the Retail (R) Zoning district, specified in Section 8.03 of the Unified Development Code (UDC), for a Final Plat.

**Why Action is Required:**

Section 2.07 of the UDC states a variance or deviation may be granted when special conditions exist that prevent the strict compliance of the Code.

**Background:**

The Applicant submitted a request for a minor subdivision plat on July 2, 2021 to split the existing cell tower structure (dating before 2007), related accessory structure, and adjacent land from the lot.

**Variance Requests:**

The Applicant is requesting the following variances to the lot size regulation of the R zoning district:

1. A Variance request to utilize a 15' front setback in lieu of the required 30' front setback.
2. A Variance request for a proposed 5,741 square-foot lot in lieu of the required 33,000 square-

foot lot area.

3. A Variance request for a lot width of 94.22' in lieu of the 150' lot width requirement.

### **Retail (R) Zoning District Standards:**

- **Size of Lots**
  - 1) Minimum Lot Area - Thirty-three thousand (33,000) square-feet. Variance needed for 5,741 square-feet.
  - 2) Minimum Lot Width - One hundred fifty feet (150'). Variance needed for 94.22 feet.
  - 3) Minimum Lot Depth - None
- **Setbacks**
  - 1) Minimum Front Yard - Thirty feet (30'). Variance needed for fifteen feet (15').
  - 2) Minimum Side Yard - Exterior, fifteen feet (15'); interior, none; thoroughfare, thirty feet (30').
  - 3) Minimum Rear Yard - Twenty feet (20').

### **Proposed Plat Development Standards:**

- Lot Area - 5,741 square-feet
- Lot Width - 94.22 feet
- Lot Depth - 321.12 feet
- Front Setback (east)- 15 feet
- Side Yard Setback (south) - 15 feet
- Side Yard Setback (north) - 0 feet
- Rear Setback (west)- 20 feet

### **Citizen Input:**

On July 30, 2021, the City mailed out 25 Letters of Notification for this Public Hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was posted on the site on July 30, 2021.

As of today, Staff has not received any comments either in support or opposition from the public.

### **Planning and Zoning Recommendation:**

On August 10, 2021, the Planning and Zoning Commission unanimously recommended approval of the plat and variances with one condition:

1. Include a use chart with a restriction limiting Lot 2 to a telecommunications use only.

The Commission noted the plat with the variances indicated did provide the best course of action for the situation. The applicant was present. No person spoke in favor or opposition.

**Summary:**

Section 2.07 (A)(2) of the UDC states the Planning and Zoning Commission and City Council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Planning and Zoning Commission and City Council finds:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.
- 5) 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.

**Alternatives:**

The City Council has the following options when considering a plat with variances:

- Approve as recommended by the Planning and Zoning Commission.
- Approve with conditions
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny