



# City of Keller

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## Legislation Text

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**File #:** 18-166, **Version:** 1

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**To:** Mark R. Hafner, City Manager

**From:** Susan Kenney, Director of Community Development

**Subject:**

Consider a resolution approving a variance to the City of Keller 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). Ricky Stephenson, PF Capital Vill LLC, owner. Kevin Harris, SCI Texas Funeral Services Inc., applicant. (UDC-18-0009)

**Action Requested:**

Consider a variance to Section 8.12, Fencing Requirements in Multi-Family and Non-Residential Districts for Blagg Tire Pros to allow a six foot (6') high wood fence.

**Property Description:**

Located on a 0.47-acre lot, on the west side of Page Street, approximately 68 feet southwest of the intersection of Keller Parkway (1709) and Page Street, at 248 Keller Parkway, being Lot 1, Block A, Patton Addition.

**Property Owner:**

Ricky Stephenson, PF Capital Vill LLC

**Applicant/Developer:**

Kevin Harris, SCI Texas Funeral Services Inc.

**Current Zoning:**

R (Retail)

**Background:**

According to Tarrant County Appraisal District, the building was built in 1984. The Keller Tire and Service Center has been in operation for many years in Keller on the subject property, located at 248 Keller Parkway. The business acquired their Certificate of Occupancy in 2001 and no prior record has been located in our database on when the business had begun operating on the subject property.

Since 2001, the subject property has changed owners and/or name of business multiple times but kept the business type the same.

In April 2008, the subject property went to the Zoning Board of Adjustment (ZBA) to request a

variance for a 20,550 square foot lot size instead of the required 33,000 square foot lot size in order to submit for a final plat and allow for site improvements.

In April 2008, the Keller Tire and Service Center submitted a Site Plan for a parking lot expansion. The Site Plan was approved by the Community Development Department with the note including the proposed fencing around the parking lot to be used for security and to be constructed as a six foot (6') tubular steel fence.

In August 2008, Planning and Zoning Commission approved the final plat for Patton Addition, Lot 1, Block A.

In February 2018, Code Enforcement sent a letter regarding the wooden fence being constructed without the proper permit being obtained.

In May 2018, SCI Texas Funeral Services applied for the UDC variance.

**Analysis:**

Retail does not have its own specific fencing regulations in the UDC so all fencing requirements within this area must follow the standards outlined in Section 8.12 - Multi-Family and Non-Residential Districts of the UDC which applies to all non-residential properties in Keller. Section 8.12 (D) of the Unified Development Code (UDC) states that all fencing in multi-family and non-residential districts shall be constructed of wrought iron, tubular steel, masonry, live screening or a combination thereof.

**Variance Request:** The applicant is requesting a variance to allow a six-foot (6') wooden fence with steel posts to be constructed along the south property line which is adjacent to the access drive easement for SCI Texas Funeral Services. A letter and exhibit of the fencing and wood-type are included within Exhibit "A".

**Existing Roadway Access:**

Keller Parkway (FM 1709), a six-lane divided arterial  
Page Street, a two-lane residential street

**Surrounding Zoning & Land Uses:**

North: SCI Texas Funeral Services, zoned R (Retail)  
South: Multi-family building, zoned SF-8.4 (Single-Family 8,400 square foot minimum)  
East: Verizon, zoned R (Retail)  
West: Chandon Arbors Event Center, zoned R (Retail)

**Summary:**

The applicant has met the requirements of the UDC variance application. UDC Section 2.07 (A.2) states that 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.

**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".

**Professional Opinion:**

It is the opinion of the staff to support this variance request regarding the constructed material of a six foot (6') high wooden privacy fence with steel posts. The fence is aesthetically pleasing to the adjacent properties and provides additional privacy and security for the existing business.

Staff forwards this UDC variance request application for City Council consideration with the following variance:

1. The variance request 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" shall be allowed.

If this UDC variance request were to be approved by the City Council, then Blagg Tire Pros may retain the six foot (6') high wooden fence as shown in Exhibit "A" and apply for a fence permit for the wooden fence that deviates from the UDC requirement.

**Board Review:**

The Planning and Zoning Commission considered this UDC Variance application on June 11, 2018 and recommended approval as submitted by a vote of 4-0.

**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