



# City of Keller

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## Legislation Text

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**File #:** 18-275, **Version:** 1

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

**From:** Katasha Smithers, Planner I

**Subject:**

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)

**Background:**

According to the Tarrant Appraisal District, the house was built in 1969.

In September 2016, the applicant met with the Development Review Committee (DRC) regarding the platting process but 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. Staff did not receive sufficient information from Ms. Launay's engineer to determine appropriate drainage easements and verification of no adverse impacts to this property or surrounding properties (see description below):

Based on the drainage information already provided, the existing house is within the spread of the 100 year event. This would require mediation by way of drainage improvements.

With regards to the type of plat, Article 4, Section 4.07, Paragraph A.1.a requires no more than 4 lots on an Improved Street for a Minor Plat. By definition, Mt. Gilead Road is a Substandard Street (no curb & gutter) and therefore not improved. Even if this plat proceeds as a Minor Plat, Article 4, Section 4.07, Paragraph C.3 requires a drainage study. Similarly, if this plat proceeds as a Major Plat, a Preliminary Plat will then be required and Article 4, Section 4.06, Paragraph C.1.y requires a drainage study. So either way, a drainage study is required by ordinance prior to platting.

An existing conditions drainage study would use a two acre homestead (C=0.50) for the existing house and the remaining property would be undeveloped (C=0.30) since it is currently unplatted and vacant. Once three lots are created by plat, the future condition would be 0.50 for all three lots. In addition, a drainage easement will be required for the area of inundation. Since the existing home is

currently included within that area, some modifications will be required to remove the existing home from the proposed drainage easement. In addition, the increased surface flow (from the two proposed home sites) and the potential increase in velocities (due to channelization required to protect the existing home) will need to be mitigated so as not to create an adverse impact on the adjacent property owners.

On May 1, 2018, City Council approved an 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.

**Lot Standards:**

Section 5.13 (B) of the UDC states:

*"B. Each residential lot shall front on a dedicated public/private street right-of-way or an approved recorded paved public/private access easement (see Section 5.04 Private Street Developments). Each lot shall meet the minimum required lot width at the front building setback line and for the entire depth of the property from the front property line to the rear property line. The minimum width of access easements for all platted/replatted lots, from the date of the adoption of this Code shall be sixty feet (60'). All access easements shall be listed as a public/private access/public drainage/utility easement. The paving standards for the access easements shall be in accordance with the Design Standards and Technical Construction Standards of this UDC (Section 5.23). Fire Department access shall be provided to all lots as required per the adopted Fire Code. The minimum width of pavement for an access easement shall be twenty-four feet (24'). Access easements that serve more than three (3) lots shall comply with the requirements established in Section 5.04 - Private Street Developments. Access easements shall be owned and maintained by the homeowners, PID or Home Owners Association (HOA) when applicable."*

**Variance Request:**

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.

**Summary:**

UDC variances require consideration by the P & Z Commission and City Council. If this UDC variance request was to be approved by the City, then the applicant would be allowed to move forward with the platting process.

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.

**Professional Analysis and Opinion:**

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

Staff forwards this UDC variance request for City Council 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.

**Board Opinion:**

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.

**Alternatives:**

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

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