

RESOLUTION NO. 2005- 8 R

A resolution granting variances to Sections 21-55(k) and 21-83(a)(2) of the Victoria City Code, which require minimum lot frontage for a general commercial lot of at least 100 feet on a public street, for the TCP Victoria Subdivision, Resubdivision No. 1, located at 4908 and 5006 N. Navarro Street, which is owned by Karnes Commercial Real Estate; and declaring an effective date

Section 21-55(k) of the Victoria City Code requires a lot to have frontage on a public street in accordance with the lot width requirements of Article III, Division 1, Development Guidelines, and Section 21-83(a)(2) of said Guidelines requires a commercial lot to have at least 100 feet of width where it fronts a commercial street;

The TCP Victoria Subdivision is a planned commercial center with two restaurant sites fronting on Navarro (Lots 1 & 2) and a larger lot at the rear (Lot 3). The owners are proposing to subdivide Lot 3 into 2 commercial lots with each lot having only 30' of frontage onto North Navarro. Lots will have shared driveway access across the planned commercial center through a private access agreement, negating traffic problems potentially created by a narrow lot; therefore, they are requesting variances to the City's 100-foot lot frontage requirement;

This request for variances was considered at a public hearing before the Planning Commission, which recommended approval of the variances described above and entered into its minutes the reasons which justified such recommendation; and

The City Council finds based upon the evidence presented in this case that:

- (1) The granting of the variances will not be detrimental to the public safety, health, or welfare, be injurious to surrounding property, or violate the intent and purpose of the regulation;
- (2) The granting of the variances is not based on a hardship which is self-imposed;
- (3) The hardship is not based solely on the cost of complying with the regulation; and
- (4) The hardship is based on circumstances which are unique to the property for which the variances are sought, and not circumstances common to other properties

THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Variances to Sections 21-55(k) and 21-83(a)(2) of the Victoria City Code are granted for the TCP Victoria Subdivision, Resubdivision No. 1, located at 4908 and 5006 N. Navarro Street, which is owned by Karnes Commercial Real Estate, as described above in accordance with the recommendation of the Planning Commission, conditioned upon (1) a prohibition of driveway access onto Morning Glory Drive and (2) the execution, by all necessary parties, of an agreement for shared driveway and lot access, in a form approved by the City Attorney and filed with the County Clerk prior to the recording of the final plat.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 4th of January, 2005.

AYES: 6

NAYS: 0

APPROVED, this the 4th of January, 2005.



ATTEST

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Will Armstrong
WILL ARMSTRONG, Mayor of the City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

David Atmar Smith
DAVID ATMAR SMITH, City Attorney

Distribution: Legal Department
Planning Department

Copies Sent: JANUARY 5, 2005