



City of Keller
Planning & Zoning Commission
Meeting Minutes

Keller Town Hall
1100 Bear Creek Parkway
Keller, TX 76248
817-743-4000
www.cityofkeller.com

Tuesday, October 11, 2022

PRE-MEETING BRIEFING 6:30 P.M.

A. CALL TO ORDER - Chairperson Gary Ponder

Chairperson Ponder called the meeting to order at 6:30 p.m.

The following Commission Members were present:

Gary Ponder, Chairperson
Ralph Osgood, Vice-Chairperson
Leslie Sagar
Paul Alvarado
Bob Apke
Tom Thompson
Tom Brymer
Ross Brensinger (Non-voting)
Greg Will (Non-voting)

Staff present included Community Development Director (CDD) Julie Smith; Assistant Community Development Director (ACDD) Sarah Hensley; Public Works Director (PWD) Alonzo Linan; Planner II Katasha Smithers; Planner I Amber Washington; City Engineer Chad Bartee; Planning Technician Carlos Gutierrez

B. ADMINISTRATIVE COMMENTS

1. [Briefing regarding City Council Action on October 4, 2022.](#)

ACDD Hensley gave a brief recap of the October 4, 2022 City Council meeting. A Special Use Permit (SUP) for Sit Means Sit was approved unanimously with the Commission's recommendation to extend the hours to 8:00 p.m. The Unified Development Code (UDC) amendment regarding replat process was approved unanimously.

C. DISCUSS AND REVIEW AGENDA ITEMS

Commissioner Sagar stated minor errors for the September 13, 2022 Planning and Zoning minutes.

Planner Katasha Smithers gave a brief background of Item D-2.

Commissioner Thompson asked about the minimum requirement for lot size for an

aerobic septic system if the newly platted lots don't have access to the city's sewer system.

CDD Smith stated the county regulates the minimum requirements.

Commissioner Sagar asked on what date was the plat submitted.

Planner II Smithers stated that it was submitted on September 15, 2022.

Commissioner Osgood asked for a background on Hallelujah Trail.

CDD Smith stated Staff has found no records or information on the development of Hallelujah Trail.

Commissioner Sagar shared the background and research of her findings involving annexation map of the City of Keller and the area being discussed.

PWD Linan gave a review over Item D-2 as it related to the Public Works department.

Commissioner Sagar stated that on September 6, 2022 at City Council she recommended that a clear policy regarding dead-end streets be implemented. She also requested that the commission recommend a work session to City Council on the issue.

Commissioner Will asked if the improvements on the road are such a necessity could the city assume responsibility of the road and make it a public road.

CDD Smith stated that if the right-of-way could be obtained the Council could consider that recommendation.

Commissioner Brymer asked if there would be any issues with the proposed lots using a septic system.

Commissioner Thompson said there would be multiple options available if the proposed lots did not tie into the city sewer system.

Commissioner Thompson stated his concern with the safety aspect of what's being proposed and the effect it will have on future residents and city, both short term and long term.

Commissioner Alvarado stated he was concerned with requiring the homeowner to build the road when the road had been existing as-is for many years.

D. ADJOURN

Chairperson Ponder adjourned the pre-meeting at 6:56 p.m.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Ponder called the meeting to order at 7:00 p.m.

B. PLEDGES TO THE FLAGS**C. PERSONS TO BE HEARD**

This is a time for the public to address the Board/Commission on any subject. However, the Texas Open Meetings Act prohibits the Board/Commission from discussing issues which the public has not been given seventy-two (72) hours' notice. Issues raised may be referred to City Staff for research and possible future action.

Debbie Bryan, 760 Mount Gilead Road, stated her support for Consent Item D-2, and would like to see the City of Keller work with the Applicant.

David Lanier, 749 Hallelujah Trail, stated his support for Consent Item D-2 and shared his personal history in Keller.

Kelly Jackson, 1205 Johnson Road, stated her support for Consent Item D-2 and requested Hallelujah Trail to remain private.

Michael Gronberg, 13040 Monte Alto Fort Worth, TX, stated his support with Consent Item D-2.

Joan Boyle, 1262 Oak Hill Road, stated her support for Consent Item D-2, and asked the Commission to support their citizens by approving the Item.

John Scott, 736 Hallelujah Trail, stated his support for Consent Item D-2, and asked to help keep the road the same. He also requested the names of City staff that was involved with the platting process.

Cecily Verloop, 1250 Oak Hill Road, stated her support for Consent Item D-2, and asked the Commission to help the Applicant.

Pam Lewis, Hallelujah Trail, stated her support for Consent Item D-2 and asked to leave the Hallelujah Trail as-is.

D. NEW BUSINESS

1. [Consider the Minutes of the September 13, 2022 Planning & Zoning Commission meeting.](#)

A motion was made by Commissioner Paul Alvarado, seconded by Commissioner Leslie Sagar, to approve as amended the Minutes of the September 13, 2022 Planning & Zoning Commission meeting. The motion carried unanimously.

2. [Consider a recommendation of a Final Plat with variances for Lots 1-3, Block A of Hallelujah Farms, located on 6.99 acres of land, north of Hallelujah Trail, approximately](#)

1,000 feet northeast of the intersection of Hallelujah Trail and Johnson Road, currently addressed as 657 Hallelujah Trail, and zoned Single-Family 36,000 square-foot minimum lots (SF-36). Brittainy Fink, Owner/Applicant. (P-22-0022)

Planner II Katasha Smithers and PWD Linan presented Staff's presentation.

Applicant Britney Fink gave a presentation.

Commissioner Apke asked if what was being proposed was considered a minor subdivision, would there be the same amount of variances.

Planner II Smithers stated the variances would be the same.

Commissioner Apke asked if there have been any recent calls for first responders to the general area.

CDD Smith stated that there had been at least one call in the past five years to a structure fire. She stated in that situation the fire truck got stuck trying to get out.

Commissioner Apke stated his thanks to those who came to speak on the item. He shared his concerns with the item that is being proposed.

Commissioner Thompson thanked those who came out to voice their support for the item and asked Planner II Smithers why the Applicant was required to pursue a major subdivision plat instead of a minor.

Planner II Smithers stated that the determination was made by the City's Attorney due to lack of access to the road.

Commissioner Thompson asked who owned the property south of Hallelujah Trail (South of Fink's property).

Planner II Katasha stated the Yangs own the property.

Commissioner Thompson stated his concerns for public safety.

Commissioner Thompson asked the Applicant if they have looked into what it would cost to present a plat with no variances.

The Applicant stated they have tried to purchase the land needed for the right-of-way, but were unsuccessful. The Applicant asked Commissioners for any suggestions on how to make the plat work. Applicant stated that Staff has tried to come up with solutions that would work and that she is open to any suggestions.

Commissioner Alvarado asked Staff if the plat application was in the Commissioner's packet.

Planner Katasha stated as Staff hasn't added the plat documentation in the past, it wouldn't be in the Commissioner's packet.

Commissioner Alvarado asked to be shown the Fire Department comments, and stated he has a severe issue with how the comments were worded. He said that existing hazards are not the fault of the Applicant. He stated that with what's been asked in the requested variances, these items should be approved by the Commission.

Commissioner Sagar stated she was sorry for what the Finks had gone through for over a year and that she supports the staff. She shared with the Commission and Applicant Local Government Code information regarding plat approval. She asked the Applicant if she had been told that her minor subdivision plat submitted May 9, 2022 was incomplete.

The Applicant said no, but Staff had requested revisions at that time.

Commissioner Sagar asked the Applicant if they were told that their plat was denied.

The Applicant said no.

Commissioner Sagar stated that the City of Keller, under state law, has 30 days to approve or deny a plat and shared the platting process with the applicant. She also asked the Applicant if it was suggested to them that they could apply for a variance on the setback requirements due to the location of an existing barn.

The Applicant stated that it was suggested, but they wanted to ask for the fewest number of variances possible.

Commissioner Sagar stated she recommends City Council come up with a clear policy for dead-end roads, and that the City should be responsible for paving the road, and acquiring land for the right-a-way from the property owner to the south if they're unwilling to cooperate. She stated her support for all five variances.

Commissioner Brymer shared he has been in city government for 43 years, and thanked the Applicant and those who came to speak. He stated that the plat approval process should be reviewed moving forward. He went on to say that it is great to have sprinklers in the houses along Hallelujah Trail, but recommends that a fire hydrant be installed.

Commissioner Brensinger thanked the Applicants for their hard work, and agreed that the process for platting should be reviewed again. He reviewed and stated, the UDC Criteria for evaluating variances and that the granting of variances will not be detrimental to public health, safety, or welfare. He stated that the proposed variances are detrimental to the citizens of Keller, and gave his recommendation for denial.

Commissioner Will thanked the Applicants and the neighbors who came to speak in support. He stated that the property owner should not have to bear the full burden of

bringing the street up to code as it has been existing in a nonconforming state. He said he supports the five variances requested by the applicant.

Commissioner Osgood stated that he supports all the variances except for the one that affects public safety. He stated because of the public safety issue, he would be voting to recommend denial.

Chairperson Ponder shared that with the exception of the one variance affecting public safety, he can stand in support of the request. He stated that the safety variance needs further discussion.

Commissioner Thompson asked Staff if there were any extenuating circumstances that led to the lengthy process for the Applicant's plat.

CDD Smith stated that there had been many iterations of the plat as Staff and the Applicant worked together through the process.

Commissioner Thompson asked if there was a formal submittal of the application.

CDD Smith explained the process and reason the 30-day Shot Clock wasn't applied.

Commissioner Sagar stated that she believes there was an issue with the 30-day shot clock that got overlooked regarding the presented item.

Commissioner Brymer made a Special Recommendation to request that City Council consider a policy to clarify how developers would deal with off-site access and existing nonconforming dead end streets.

Chairperson Ponder stated that the recommendation would have to be discussed after the vote on the item.

A motion was made by Commissioner Paul Alvarado, seconded by Commissioner Leslie Sagar, to approve Item D-2 with a motion for City Council to have a discussion on the safety issue as presented. The motion carried by the following vote:

AYE: 4 - Chairperson Gary Ponder, Commissioner Paul Alvarado, Commissioner Thomas Brymer, Commissioner Leslie Sagar.

NAY: 3- Vice-Chairperson Ralph Osgood, Commissioner Tom Thompson, Commissioner Robert Apke.

Special Recommendation to City Council to consider a policy to clarify how the front developer would deal with access existing nonconforming dead end streets for infill development.

A motion was made by Commissioner Thomas Brymer, seconded by Commissioner Leslie Sagar, to approve a Special Recommendation to City Council to consider a policy to clarify how developers would handle road access and existing nonconforming dead-end streets for infill development.. The motion carried unanimously.

E. ADJOURN

Chairperson Ponder adjourned the meeting at 9:26 p.m.

Chairperson

Staff Liaison