



**City of Keller**  
**Planning & Zoning Commission**  
**Meeting Minutes**

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

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**Tuesday, July 28, 2020**

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PRE-MEETING BRIEFING 6:30 P.M.

**A. CALL TO ORDER – Chairperson Gary Ponder**

Chairperson Gary Ponder called the virtual Pre-Meeting Briefing to order at 6:30 P.M.

The following Commissioners were present:

Ralph Osgood, Vice Chairperson

Leslie Sagar

Tom Thompson

Paul Alvarado

Bob Apke

James Dawson

Phillip Maxwell, Alternate (Non-voting)

Staff present included Katasha Smithers, Planner I; Jerald Ducay, Planner I; Julie Smith, Community Development Director (CDD); Sean Vreeland, Director of Information Technology and Amy Botcher, Planning Technician.

**B. ADMINISTRATIVE COMMENTS**

Planner Smithers stated that there were three items presented to City Council on July 21, 2020. The first item was Elements Salon Suites SUP request for a name change. Planner Smithers reported that City Council had waived the requirement for the SUP due to business hardships caused by COVID-19.

CDC Smith stated that City Council did not feel that having this business come up to code for their fire alarm during this time was necessary. This will not be something that will become common practice; rather, Council had been advised by the City Attorney that they could waive the requirements due to the COVID-19 context.

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Chairperson Ponder asked if there were any questions or comments from Commissioners.

There were no questions or comments.

Planner Smithers referred to the second item as a Site Plan Amendment in the Town Center Addition also known as Chaps. City Council unanimously approved this item with the condition the words "tow away" would be added to the red stripe language on the site plan.

Planner Smithers stated the third item was an ordinance approving the amendments to the UDC in response to the civil documents submittal process. This item was unanimously approved as presented.

Chairperson Ponder asked if there were any questions or comments from Commissioners.

There were no questions or comments.

## **C. DISCUSS AND REVIEW AGENDA ITEMS**

### **C (1) Rabbit Hole SUP**

Planner Smithers stated that this item had been tabled at the July 14, 2020 Planning and Zoning Meeting due to the Applicant not being available for questions by the Commission. Planner Smithers acknowledged that communication had been made with the Applicant and she should be available in the regular meeting.

CDC Smith added that the Applicant planned to mainly sell home goods according to previous conversations with Staff.

Chairperson Ponder asked if there were any questions or comments from Commissioners.

Commissioner Thompson stated for the record that the decision to table this item on July 14, 2020, was not a unanimous one. His intent behind voting nay was due to the absence of the Applicant.

Commissioner Sagar indicated the UDC stated that Planning and Zoning had the ability to table an item when an Applicant was unavailable.

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#### D (1) Kwik Kar Wash Mural

Planner Smithers stated that murals are a growing trend around the DFW area and several had been allowed before in Keller. However, there was not previously a consistent process in place to approve them. She said this mural was one that had not received a permit prior to installation. The item was being brought forward to Planning and Zoning and City Council for approval so it could meet code.

Chairperson Ponder asked if there were any questions or comments from Commissioners.

There were no questions or comments.

#### D (2) PUBLIC HEARING:UDC Update for J Swing Garages

Planner Ducay stated a J-swing garage was a design where the drive “swings” 90 degrees in order to enter a garage that was in front of the house but faced to the side rather than the front and the street.

Currently, J-swing garages are only allowed in SF-8.4 residential zoning districts and smaller zoning classifications when permitted by a Planned Development. Staff had received an increasing number of requests to utilize the J-swing design in other residential districts, because the style reflects a trend in modern architecture. Even larger homes on larger lots often were designed with a second garage or storage area in addition to the traditional two- or three-car garages located on the side of the home.

In addition to architectural styles, this design also provided more flexibility when developing irregular-shaped lots (such as cul-de-sac lots) or when a homeowner wished to maximize tree protection by minimizing the size of the structure’s footprint. Staff suggested modifying UDC Section 8.07 (C) (1) to permit J-Swing garages in all residential zoning districts.

Commissioner Dawson asked what a “J-Swing” was.

Planner Ducay responded that J-Swing garages were “garages upon which the entry point from the street is located in front of the house and the garage door is perpendicular to the front of the house.”

CDC Smith explained further that it refers to the positioning of the garage, citing Marshall Ridge as an example. She further noted it refers to the shape of the flatwork, not the actual garage door.

Commissioner Sagar asked what zoning district the demand for J-Swing garages was coming from.

Planner Ducay stated that the requests had come from all different zoning districts.

CDC Smith added this was an architectural style that people were interested in incorporating in residential designs.

Commissioner Sagar asked what the quantity of requests had been recently.

CDC Smith responded that 2-3 on larger lots in the last couple of months.

Commissioner Thompson stated that as a custom home builder for 30 years, being able to have a J-Swing garage would offer design flexibility for builders if done correctly. He explained that using these types of garages would help with preserving trees, preserving backyard space and help keep streetscapes from looking so “cookie cutter.”

CDC Smith added that the J-Swing garages initially were for smaller zoning districts to help with the restrictive size of the lots. She stated that Planning had seen requests in all zones regardless of the size of home or lot. CDC Smith also noted that it was especially helpful on cul-de-sacs where setbacks can be challenging on irregular shaped lots.

Commissioner Sagar stated she remembered when J-Swing garages were added to the UDC. At that time, there were two custom homebuilders on the Board and they felt strongly that J-Swing garages were not appropriate for larger lots. She conceded there would be some design

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Advantages. However, she stated her concern was “cookie cutter” developments and would like to see variety in architectural design.

Commissioner Thompson added that a J-Swing garage gives a design element to larger homes that they currently did not have. Allowing this would give builders and home owners an additional option. He said that in addition to cutting down the amount of concrete on a lot, it would also save trees.

Commissioner Sagar explained that she was still on the fence although she does see where there may be a need in SF-12 and SF-15, but not necessarily in SF-20 or SF-36.

Commissioner Osgood stated that he was searching for a downside to the J-Swing garages in all residential districts. He asked Commissioner and Staff what the downside would be.

CDC Smith stated that from Staff’s prospective, there would not be one. The J-Swing garage was more to achieve a certain aesthetic and architectural design on the larger homes.

Commissioner Thompson also stated that another advantage of allowing these garages would be the ability to open backyard areas for use versus having the driveway come all the way down the side of the house.

Commissioner Apke agreed that allowing J-Swing garages would minimize the impervious surfaces and flatwork.

Commissioner Dawson stated as someone who worked with a HOA, J-Swing garages were predominant in the community and were appealing. They made sense to add for builder and homeowner choices.

Chairperson Ponder asked if a J-Swing also included the garage in the rear of a house.

CDC Smith responded that a J-Swing is located in front of the house by definition.

Chairperson Ponder asked if the Commission had any additional questions or comments.

There were no additional comments or questions from Commissioners.

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CDC Smith informed the Planning and Zoning Commission that Trina Zais, Economic Development Director, had tendered her resignation and would be leaving September 18, 2020. Various Commissioners expressed their appreciation for her service and wished her luck in her new endeavors.

**D. ADJOURN**

Chairperson Gary Ponder adjourned the Pre-Meeting at 6:53 P.M.

**REGULAR MEETING 7:00 P.M.**

**A. CALL TO ORDER – Chairperson Gary Ponder**

Chairperson Gary Ponder called the meeting to order at 7:00 P.M.

Chairman Ponder expressed his gratitude to Staff, Sean Vreeland, Brent Rankin, Mark Hafner, the Mayor and City Council for granting the request of the Planning and Zoning Commission to have meetings virtually.

**B. PERSONS TO BE HEARD**

No one came forward.

**C. OLD BUSINESS**

1. Consider a request for a Specific Use Permit (SUP) for a retail store to include sales of used goods, for The Rabbit Hole, proposed in an approximately 1,600 square-foot building, on approximately 11- acre property, located on the east side of South Main Street, approximately 425 feet southeast of the intersection of South Main Street and E. Vine Street, being Block 9, Lot 14, KELLER CITY ADDITION, zoned Old Town Keller (OTK), located at 130 E. Vine Street Suite B, Geneva Cox, Owner. Maria Halley, Applicant. (SUP-20-0013)

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**Commissioner Thompson remove the tabled Item C (1), seconded by Commissioner Sagar. The motion carried unanimously.**

Planner Smithers gave a brief presentation on Item C (1).

CDC Smith stated that though the Applicant had assured Staff she would be joining the meetings, she seemed to be having difficulties.

Chairperson Ponder asked if IT could see her calling in.

CDC Smith responded no.

Commissioner Alvarado asked if it seemed to be a technological issue with the applicant.

CDC Smith stated that did not seem to be the issue.

Commissioner Thompson asked if the Applicant was to be calling in by phone.

CDC Smith answered yes.

Commissioner Sagar stated she would like to know what the Applicant would be selling. She also would like to know what plans the Applicant had for the outside of the building.

CDC Smith responded that the Applicant had told Staff she wanted to paint the building, and if business did well, expand to the tenant space to the east.

Commissioner Alvarado inquired if there were any additional tenants in this building. He stated that there did not seem to be a lot of store front for the Applicant to dress up. Commissioner Alvarado was comfortable at the last Planning and Zoning meeting discussion regarding this business, but he still had questions. He also stated he wished he could contact the Applicant; however, he would like to see some initiative from the Applicant on the process.

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Commissioner Sagar added that she believed the one side was Cox's Barbershop and was owned by the building owner.

This was confirmed by Amy Botcher, Planning Technician.

Commissioner Thompson also responded that he was disappointed the Applicant was not available for a second time. He would not like to continue without speaking to the Applicant, as he would like to have had clarity on the usage.

Chairperson Ponder inquired if the Commission needed to give any consideration for a possible medical condition of the Applicant.

CDC Smith responded that Planner Cyr had spoken to the Applicant earlier in the day and she had assured him that she would be present.

Chairperson Ponder explained that the questions of the Commission have effectively not been answered. He reminded the Commission it had the option to table an item when the Applicant was not available.

Commissioner Thompson added that it was their fiduciary responsibility to do what was best for the community.

CDC Smith stated that Staff could reach out to the Applicant and ask her to come to Town Hall for the next meeting to hopefully eliminate the problem.

Commissioner Thompson noted he would rather the Applicant come to Town Hall as CDC Smith offered instead of drafting questions to be answered through Staff.

Chairperson Ponder agreed.

Planner Smithers proposed August 11, 2020, for the next meeting date for this item.

**Commissioner Thompson made a motion to table Public Item C (1), seconded by Commissioner Sagar. The motion carried by a vote of 5-2. Aye: Commissioner**



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**Dawson, Commissioner Sagar, Commissioner Ponder, Commissioner Thompson and Commissioner Maxwell**

**Nay: Commissioner Alvarado and Commissioner Osgood**

## **D. NEW BUSINESS**

1. Consider a request for a mural at Kwik Kar Wash, located on Lot 1R, Block 1 of Mendez Addition, being 2.835-acre of 1655 Keller Parkway (FM 1709), located on the north side of Keller Parkway (FM 1709), and zoned Planned Development – Retail (PD-R). Dale Forbes, Owner/Applicant. Chris Gonzalez, Artist. (MUR-20-0001)

Planner Smithers gave a presentation on Item D (1).

Chairperson Ponder asked if the Applicant had any questions or comments.

Dale Forbes, Owner/Applicant stated that back in March/April he had an artist approach him about doing a mural and he thought this could be something positive and uplifting for the community. He apologized to the Planning and Zoning Commission because he did not realize he needed a permit and would gladly bring it up to code.

Commissioner Thompson apologized to the Applicant for all of the steps he had to go through. He also asked if the Applicant would be painting over the letters.

Mr. Forbes responded yes.

Commissioner Alvarado asked Staff if the Applicant had been previously requested to cover the mural.

CDC Smith acknowledged that this happened within a strange time between the Planning and Zoning Commission meeting and City Council's approval of the amendments allowing murals in the City of Keller. She noted that yes, the mural was covered at our request until it could be approved under the new ordinance.

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Commissioner Alvarado thanked the Applicant.

Commissioner Sagar thanked the Applicant and stated she thought it was wonderful.

Commissioner Dawson stated it was a terrific-looking mural and an asset to the business and Keller.

Commissioners Apke and Osgood concurred and thanked the Applicant.

Chairperson Ponder asked if the Applicant had known the artist prior to the mural.

The Applicant responded that the artist had been around Keller for a long time and known as a very talented artist.

**Commissioner Alvarado made a motion to recommend City Council approve Item C (1), seconded by Commissioner Sagar. The motion carried unanimously.**

[2. PUBLIC HEARING: Consider amendments to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, Article Eight –Zoning Districts, Development Standards, Tree Preservation, by providing provisions to permit J-Swing garages in all zoning districts; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. \(UDC-20-0004\)](#)

Planner Ducay gave a brief presentation on Item D (2).

**Chairperson Ponder opened the Public Hearing.**

No one came forward

**Commissioner Sagar made a motion to close the Public Hearing for Item D (2), seconded by Commissioner Apke. The motion carried unanimously.**

Chairperson Ponder asked if the Commission had any additional questions or comments.

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Commissioner Alvarado stated he could not find a negative point to this item.

Commissioner Sagar stated she previously had reservations, but now had been convinced, and therefore supported this item.

Commissioner Dawson said it was a welcomed option for builders and homeowners.

Commissioner Apke stated this item provided a good option to impervious surface issues Keller experienced in the past.

Commissioner Thompson shared his previous comments that it would decrease the amount of concrete, increase the amount of recreation space, and provide more architectural options and design flexibility.

Commissioner Osgood liked the flexibility and positive feedback of J-Swing garages.

**Commissioner Osgood made a motion to approve Item D (2) with verbiage changes to include “for areas of residential zoning”, seconded by Commissioner Thompson. The motion carried unanimously.**

Chairperson Ponder asked if there was any further discussion. He also thanked all Staff for their hard work and dedication.

## **D. ADJOURN**

**Chairperson Gary Ponder adjourned the meeting at 7:42 P.M.**

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Chairperson

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Staff Liaison