



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 25, 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, and City Engineer Chad Bartee.

B. ADMINISTRATIVE COMMENTS

1. [Briefing regarding City Council Action on October 18, 2022.](#)

ACDD Hensley gave a brief recap of the October 18, 2022 City Council meeting . The Site Plan Amendment for first Baptist Church was approved unanimously. The Preliminary Site Evaluation (PSE) Winding Creek was approved unanimously. The UDC amendment relating to sidewalk requirements was approved unanimously.

C. WORK SESSION

1. [Discuss Commission holiday meeting schedule.](#)

CDD Smith gave an update to the Planning & Zoning (P&Z) schedule for November 22, 2022 and asked if the Commission would want to convene.

Chairperson Ponder asked if everyone would be in favor of canceling the meeting for

November 22, 2022.

The Commission was in favor of canceling.

Commissioner Osgood stated if any business items need to be addressed that the Commission would be available for that date.

CDD Smith asked how many Commissioners would be available if needed.

The Commission responded with everyone being available if needed.

CDD Smith asked the Commission if they would like to convene for P&Z December 27, 2022.

Chairperson Ponder asked the Commission if they would be in favor of canceling.

The Commission agreed to cancel the P&Z meeting for December 27, 2022.

D. DISCUSS AND REVIEW AGENDA ITEMS

CDD Smith stated that Landscape Systems will be re-tabled to November 8, 2022.

Commissioner Brensinger asked if the Applicant and the neighbors came to an agreement on previously discussed issues.

CDD Smith stated that the Applicant is still working on addressing the continued issues.

Chairperson Ponder asked if there were any comments for the P&Z minutes.

CDD Smith stated that Commissioner Brensinger found some errors that have been corrected.

Planner Washington gave a brief background of item E-2, a Specific use Permit for Keller Prenatal Massage.

Commissioner Thompson asked what the Applicant's experience was and if she was licensed.

Planner Washington stated the Applicant does have her license and has 19 years of experience.

Commissioner Brensinger asked if there was a market for the service the Applicant is providing.

Planner Washington stated the service the Applicant is providing is specialized and isn't common in the market.

CDD Smith gave a brief background of Item E-3, Consider a request for a Zoning Change from Old Town Keller (OTK) to Retail (R).

Commissioner Thomson asked what was the reason for proposed rezoning change, and if it was because of the Duff's monument sign.

CDD Smith stated yes.

Commissioner Thompson asked if there could be a provision for the NMOD for having a monument sign.

CDD Smith stated that Staff had this discussion with the Commission in the past, but that City Council didn't want the businesses to be affected by the time it would take to put the NMOD in place.

Commissioner Alvarado stated there is a responsibility to help the local businesses and that he is in favor of the rezone to help them.

Commissioner Sagar stated that it might be beneficial to have a special session with City Council to discuss the NMOD.

CDD Smith stated one of the possible issues with monument signs throughout OTK was that there might be few options for some businesses.

Commissioner Will stated that it seemed excessive to rezone 96 acres of OTK for one business to have a monument sign.

Commissioner Apke asked if there had been any response from citizens regarding item.

ACDD Hensley stated she spoke to eight business/ property owners and none where opposed to the item, but wanted clarification on what was happening to the zoning district.

Commissioner Sagar asked if a work session was possible with City Council.

Chairperson Ponder asked if a work session could be scheduled.

CDD Smith stated yes.

E. ADJOURN

Chairperson Ponder adjourned the pre-meeting at 7:02 p.m.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Ponder called the meeting to order at 7:09 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.

No one came to speak during this item.

D. OLD BUSINESS

1. [Consider a request to rezone from Single Family - 36,000 square-foot minimum lot size \(SF-36\) to Retail \(R\), for approximately 16.62 acres, legally described as Tract 1D01B and Tract 1D01A1 of the John Martin Survey, Abstract 1153 \(account # 42818999 and 42819014\), a portion of Lot 7, Block 1, Pearson Crossing, and Tract 1F, Abstract 1153 \(account #: 04069838\) of the John Martin Survey, and addressed as 1816 Johnson Road, 1850 Pearson Crossing, 1908 Pearson Crossing, and 1863 Keller Parkway. Ed Ruibal, Landscape Systems, Applicant/Owner; Don Dinger, Owner. James Neill, Owner \(Z-22-0001\)](#)

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Paul Alvarado, to table Item D-1 to the November 8, 2022 P&Z meeting. The motion carried unanimously.

E. NEW BUSINESS

1. [Consider the minutes of the September 27, 2022 Planning & Zoning Commission meeting.](#)

A motion was made by Commissioner Robert Apke, seconded by Vice Chairperson Ralph Osgood, to approve the minutes of the September 27, 2022 Planning & Zoning Commission meeting. The motion carried unanimously.

2. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for Keller Prenatal Massage to operate in an existing 150-square-foot lease space, within a 1,744-square-foot multi-tenant building, approximately 100 feet southwest of the intersection of Pecan Street and South Elm Street, legally described as Tract 19, Abstract 1171 of the Samuel Needham Survey, zoned Old Town Keller \(OTK\) and addressed as 140 Pecan Street, Ste. B. Jennifer Land Wellness LLC, DBA Keller Prenatal Massage, Applicant. Ronald Lee, Owner. \(SUP-22-0034\)](#)

Planner Washington gave a presentation related to the SUP request for Keller Prenatal Massage.

Jennifer Land, Applicant, addressed the Commission and said she was very excited to be in Keller and has received very positive feedback from the local chiropractic and medical community.

Chairperson Ponder opened the Public Hearing.

No public comments were received.

A motion was made by Commissioner Leslie Sagar, seconded by Commissioner Paul Alvarado, to close the public hearing. The motion carried unanimously.

Commissioner Alvarado thanked Staff for their personal experiences regarding how important prenatal massage can be.

Commissioner Sagar stated the business will be a great addition to Keller.

Commissioner Thompson asked the Applicant if they are currently practicing.

The Applicant stated she was already practicing because she was under the impression she did not need an SUP, but that she had submitted her application as soon as she found out about the requirement.

Commissioner Thompson stated he appreciated her coming forward with the SUP.

A motion was made by Vice Chairperson Ralph Osgood, seconded by Commissioner Paul Alvarado, to approve item E-2 as presented. The motion carried unanimously.

3. [PUBLIC HEARING: Consider a request for a Zoning Change from Old Town Keller \(OTK\) to Retail \(R\), approximately 96.067 acres, generally located north of Keller Parkway, south of Johnson Road, east of the railroad, and west of Elm and Charles Streets; including the properties on the attached list. City of Keller, Applicant. \(Z-22-0003\)](#)

ACDD Hensley gave a presentation related to the request to rezone a portion of Old Town Keller to Retail.

Chairperson Ponder opened the Public Hearing

Dennis Houghton & Kacie Wright, 121 Lorine St., stated their opposition to the proposed change.

Larry Runyon, 516 Charles St., stated his concern over noise pollution and future impacts of the zoning change.

A motion was made by Commissioner Paul Alvarado, seconded by Commissioner Tom Thompson, to close the public hearing. The motion carried unanimously.

Commissioner Sagar asked Staff for a comparison between the setback requirements in Retail and OTK and expressed concern for how the legal non-conforming residential properties would be impacted. She also described the process that happened earlier in the year to begin developing an overlay district for the area that might have been a more holistic approach to reviewing the guidelines for the area.

ACDD Hensley indicated there were 5' setbacks on the side yards in OTK.

Planner Smithers indicated a 30' landscape buffer and 60' setback requirement "was in the code for commercial structures in OTK".

Commissioner Sagar asked if a property owner sold their house, would the property lose its residential status.

CDD Smith said if a residential property is vacant for 6 months then it would change from a residential use to a retail use.

Commissioner Sagar stated this is a conundrum; Staff had previously discussed an overlay district north of 1709. She said Commissioners were excited for this proposed overlay with specific standards. She understood Council's objective in looking at a rezone, but had concerns regarding setbacks and residential properties.

Commissioner Brymer echoed Commissioner Sagar's comments regarding the overlay district and stated he thought it might be reasonable to amend the OTK zoning district to allow monument signs instead of pursuing a zoning change, and that it would be beneficial to request a joint workshop with City Council to discuss the overlay district.

Commissioner Apke said that as he has reflected more on the proposed change, he has come to believe this is a major change and liked the vision set out in the overlay district discussions earlier in the year.

Commissioner Thompson emphasized the Commission's planning role and responsibility, and gave an overview of the overlay district discussions. He stated he believed there was great opportunity in the area and said he was very comfortable with tabling the item until a joint work session could be scheduled with City Council to discuss the overlay further.

Commissioner Alvarado said he empathized with those who had spoken, and asked staff if a narrow overlay could be implemented related to signage rather than pursuing a full zoning change. He said he would be more in favor of discussing the overlay district in a smaller group but was against tabling the item.

Commissioner Alvarado asked Staff if it was possible to do an overlay just for signage.

CDD Smith indicated it would be possible to recommend to Council an overlay regarding signage.

Commissioner Alvarado stated he would like to get Council's direction on the discussed item and that the rezone should not be tabled.

Commissioner Brensinger asked about the legal non-conforming residential properties, and how remodeling would impact the properties included in the rezone request; CDD Smith responded that remodeling would be fine, but that they could not expand the building footprint. Commissioner Brensinger stated this was a pretty significant change when you review the use charts for the zoning districts in question, and that he felt that more time was needed to review the full impact of the change.

CDD Smith stated that you cannot expand a non-conforming footprint and this would be the largest concern. If a home is destroyed by 50 percent, then the property owner would not be able to rebuild the residence.

Commissioner Brensinger stated there are a number of uses permitted by right and a number of other uses that were permitted by SUP in retail zoning, He stated this is a significant change, and that he is not comfortable with the rezone and would like more time to review the use chart before voting on it.

Commissioner Will said he believed this was a very overarching solution to a smaller problem, and that he would be more open to a more tailored approach like Commissioner Alvarado had mentioned (overlay for area north of Keller Parkway to address signage).

Commissioner Osgood commented on the transitional nature of the overlay district discussed earlier in the year and said he was not prepared to give up on that vision and could not support the proposed rezone.

Chairperson Ponder expressed discomfort with pursuing the change and not being able to see the vision, and that he saw it as a major change and impact in the area. He said he would support future joint meetings and further discussion on the overlay.

Commissioner Thompson re-emphasized the impact on the residential properties that would become legal non-conforming, and what might happen in a disaster situation where they might lose the right to live in their home.

Commissioner Alvarado made a motion to deny E-3 with recommendation that

Council consider a monument sign overlay for the exact same area under review for the zoning change.

Commission requests a work session with Council to revive the discussion on the overlay district.

Commissioner Thompson stated he would like to have a joint meeting with Council. All Commission expressed the same.

Commissioner Osgood asked if Staff could explain the impact of the overlay?

CDD Smith explained that an overlay lays on top of the existing zoning.

Commissioner Brymer asked for clarification on the motion and stated that the item should be tabled.

Commissioner Sagar stated as a Commission we can strongly recommend to Council and can be the stop-gap solution.

Commissioner Brymer stated that it might work best to have a work session with Council.

Commissioner Alvarado stated that the Commission did not have the right to table the item and that he was going to stand with the motion.

Commissioner Sagar requested a joint work session as another motion.

A motion was made by Commissioner Paul Alvarado, seconded by Commissioner Tom Thompson, to deny Item E-3 with recommendation that Council consider a monument sign overlay for the exact same area under review for the zoning change. The motion carried by the following vote:

AYE: Commissioner Robert Apke, Commissioner Thomas Brymer, Commissioner Tom Thompson, Commissioner Paul Alvarado, Commissioner Leslie Sagar, Vice-Chairperson Ralph Osgood.

NAY: Chairperson Ponder

Special Request

Commissioner Thompson asked for direction from City Council and requested a joint session.

F. ADJOURN

Chairperson Ponder adjourned the meeting at 8:53 p.m.

Chairperson

Staff Liaison