



**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 13, 2021**

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PRE-MEETING BRIEFING 6:00P.M.

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

Vice Chairperson Ralph Osgood called the Pre-Meeting Briefing to order at 6:00P.M.

The following Commissioners were present:

Ralph Osgood, Vice Chairperson

Paul Alvarado

James Dawson

Bob Apke

Leslie Sagar

Thomas Thompson

Phillip Maxwell

Logan McWhorter- Alternate

The following Commissioners were absent:

Gary Ponder, Chairperson

Staff present included Matthew Cyr, Planner I; Katasha Smithers, Planner I; Patricia Sinel, Planner III, Julie Smith, Director of Community Development; Sean Vreeland, Director of Information Technology; Chad Bartee, City Engineer, Kelly Ballard, City Secretary and Amy Botcher, Planning Technician.

**B. ADMINISTRATIVE COMMENTS**

CDD Smith introduced Patricia Sinel as the new Senior Planner in Community Development.

There were no questions or comments from Commissioners.

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## C. WORK SESSION

### C1. Land Use Assumptions for CIAC

PWD Alonzo Linan have a brief overview, including Impact Fees were to be confirmed every five years. He introduced John Green and April Escomia of Kimley Horn.

April from Kimley Horn gave a PowerPoint presentation on the impact fee process and duties of the CIAC. She explained Land Use Assumptions and the future vision of the City.

## D. DISCUSS AND REVIEW AGENDA ITEMS

### D1. Minutes for June 22, 2021

CDD Smith stated Commissioner Dawson had sent in a few grammatical errors and those changes had already been made.

Commissioner Sagar stated the word “virtual” needed to be taken out.

There were no additional questions or comments.

### D2. Public Hearing for SUP, Consider a request to amend a Specific Use Permit (SUP) for an ownership change at 1220 Keller Parkway.

Planner Cyr gave a brief description.

No questions or comments from Commissioners

### D3. Public Hearing for SUP for Las Palapas at 455 Keller Parkway.

Planner Smithers gave a brief description.

No additional questions or comments from Commissioners

### D4. Public Hearing for two SUP's for Minor Medical Emergency Clinic and Spa uses at 769 Bandit Tr.

Planner Smithers gave a brief description.

Commissioner Thompson asked what the hours of operation would be for the urgent care.

Planner Smithers responded the hours were 9AM-9PM seven days a week.

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No additional questions or comments from Commissioners

D5. Public Hearing for two SUP's for 1,600 square-foot accessory structure at 633 Valle Vista Court.

Planner Cyr gave a brief description.

Commissioner Thompson asked what would be stored in the building. He was concerned the materials would not compliment the main structure.

Commissioner Alvarado questioned Staff if the 1,600 square-foot building included a patio. He also asked what the size of the accessory building was in relation to the main structure.

Planner Cyr stated it was a 1,200 square-foot structure with a lean-to that was approximately 62% of the main structure size.

No questions or comments from Commissioners

D6. Public Hearing to consider amendments to UDC on garage conversions.

CDD Smith gave a brief description.

Commissioner Alvarado asked for clarification on the language.

CDD Smith stated none of the sister cities permitted garage conversions with the exception of Colleyville and Bedford. She added a two-car garage was required on every residential home in Keller.

Commissioner Thompson said he liked the idea of tying the garage conversions to 1.5 acres or more instead of zoning district.

Commissioner Dawson asked if bringing this forward was applying a band aid to something that didn't need one.

CDD Smith responded City Council asked for Planning and Zoning to evaluate if further discussion was necessary.

No questions or comments from Commissioners

D7. Public Hearing for SUP for 600 square-foot carport at 2009 Lazy Lane.

Planner Cyr gave a brief description.

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No questions or comments from Commissioners.

## **E. ADJOURN**

Vice Chairperson Osgood adjourned the Pre-Meeting at 6:55P.M.

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

### **A. CALL TO ORDER – Vice Chairperson Ralph Osgood**

Vice Chairperson Ralph Osgood called the meeting to order at 7:00 P.M.

### **B. PLEDGE OF ALLEGIANCE**

1. Commissioner Thompson led the Pledge to the United States Flag.
2. Commissioner Thompson led the Pledge to the Texas Flag.

### **C. PERSONS TO BE HEARD**

There were no persons to be heard.

### **D. NEW BUSINESS**

1. [D \(1\) Consider the minutes for the June 22, 2021, Planning and Zoning Meeting.](#)

**Commissioner Apke made a motion to approve Item D (1) as amended, seconded by Commissioner Sagar. The motion carried unanimously.**

2. [D \(2\) PUBLIC HEARING: Consider a request to amend a Specific Use Permit \(SUP\) for an ownership change Surgical Out-Patient Facility, for SARC by HSH ASC Keller, LLC, proposed in an approximately 10,389 square-foot building, on an approximately 1.72-acre property, located on the south side of Keller Parkway, approximately 450 feet southwest from the intersection of Keller Parkway and Country Brook Drive, zoned Town Center](#)

[Medical \(TCM\), located at 1220 Keller Parkway. SARC by HSH ASC Keller, LLC, Applicant/Owner. \(SUP-21-0024\)](#)

Planner Cyr stated an SUP for an outpatient surgical facility was approved by City Council on October 6, 2020. The Applicant requested an SUP Amendment to reflect the ownership change. He said the services included orthopedic, cardiology, vascular, general surgery, urology, ENT, and spinal surgery. The proposed hours of operation were Monday- Friday: 8 a.m. - 6 p.m.

Vice Chairperson Osgood asked if the Applicant had anything to add.

Kelly Hyatt, Applicants Representative, stated this was only a name change.

Vice Chairperson Osgood opened the public meeting.

There were no persons to speak.

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

Commissioner Thompson asked the Applicant if there was also an ownership change also.

The Applicant responded it was just a name change.

There were no additional questions or comments.

**Commissioner Alvarado made a motion to approve Item D (2), seconded by Commissioner Apke. The motion carried unanimously.**

3. [D \(3\) PUBLIC HEARING: Consider a request for two Specific Use Permits \(SUPs\) for Las Palapas to occupy a 4,065 square-foot restaurant with drive-thru, situated on a 1.16-acre tract to allow the Applicant to expand the existing 578 square-foot detached garage by approximately 1,187 square-feet \(1,765 total square-feet\) situated on a .84-acre tract of land, located on the north side of Keller Parkway \(FM 1709\), approximately 250 feet northwest of the intersection of Cindy Street and Keller Parkway, being Lot 1, Block A,](#)

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[Southwest LTC Addition, zoned Retail \(R\), located at 455 Keller Parkway. Crista Hubbard, Owner. Michael Twitchell, L.P., Applicant. \(SUP-21-0022\)](#)

Planner Smithers stated Las Palapas was approved on January 5, 2021, to occupy the site. However, the Owner was requesting an SUP to reflect the new ownership change. She said the hours of operation were Sunday through Thursday 6AM to 10PM and Friday through Saturday 6AM to 12AM. The maximum number of employees per shift would average around 15.

Vice Chairperson Osgood asked if the Applicant had anything to add.

Planner Smithers stated the Applicant was unavailable.

Vice Chairperson Osgood opened the public meeting.

There were no persons to speak.

**Commissioner Sagar made a motion to close the Public Hearing for Item D (3), seconded by Commissioner Thompson. The motion carried unanimously.**

Commissioner Thompson asked Staff to confirm it was only an ownership change. He also inquired if the modifications would be any different than those previously approved in January 2021.

Planner Smithers responded it was an ownership change only, and no modifications were being made other than had previously been approved in January 2021.

Commissioner Sagar asked Planner Smithers when the restaurant would be open.

Planner Smithers stated she did not have a date.

Commissioner Alvarado questioned if the hours would be remaining the same as previously approved.

Planner Smithers stated they would remain the same.

There were no additional questions or comments.

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**Commissioner Alvarado made a motion to approve Item D (3), seconded by Commissioner Sagar. The motion carried unanimously.**

4. [D \(4\) PUBLIC HEARING: Consider two Specific Use Permits \(SUP's\) to allow the use of a Minor Medical Emergency Clinic and Spa uses for UrgentCare2Go and Zeal-to-Heal, both owned by Dr. Nilesh Nangrani, in a 4,493 square-foot building, on 0.7604-acres, located on the south side of Bandit Trail, located at 769 Bandit Trail, legally described as Lot 1, Block A, Davis Blvd Medical Center and zoned Retail \(R\), MANS 769 Bandit Trail LLC, Owner/Applicant. \(SUP-21-0023\)](#)

Planner Smithers stated the City issued a Building Permit and Certificate of Occupancy on June 25, 2012, for Keller Urgent Care. Keller Urgent Care vacated the property in April of 2019. The Owner requested two specific use permits to operate an urgent care and a spa business. The services offered at the urgent care included non-life-threatening medical illnesses, injuries, acupuncture, wellness and prevention. The hours of operation were seven days a week from 9AM to 9PM.

She said the spa use was for Zeal-to-Heal which provided Acupuncture, Cosmetic Treatment, General Wellness, Hormone Therapy, IV Therapy, Osteopathic Manipulation, Urgent Care, and Weight Loss. The hours of operation were seven days a week from 9AM to 9PM. Planner Smithers added the business would employ 2-3 people per shift. She noted there was third business (primary care clinic) that would also operate in the space that was permitted by right.

Vice Chairperson Osgood asked if the Applicant had anything to add.

Dr. Nilesh Nangrani, applicant, stated he acquired the property last month. He said the property operated as an urgent care previously. He added changes to the structure would not be made other than cosmetic.

Vice Chairperson Osgood opened the public meeting.

There were no persons to speak.

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**Commissioner Alvarado made a motion to close the Public Hearing for Item D (4), seconded by Commissioner Sagar. The motion carried unanimously.**

Commissioner Thompson asked the Doctor if the SUP's were for two different entities.

The Applicant stated they were the same entity, however different names and different services would be provided.

Commissioner Thompson stated the opposition letter was for noise disturbances on emergency vehicles.

The Applicant responded there would not be emergency vehicles operating out of the clinic.

Commissioner Alvarado asked Staff if the previous urgent care had ran continually from 2012-2019. He questioned if any of the uses would be changed on the urgent care side.

Planner Smithers said she spoke with Utility Billing and confirmed their water meter for that time. She added the previous urgent care was permitted by right.

Commissioner Sagar stated it was a reasonable request, as it was an urgent care in the past.

Vice Chairperson Osgood asked the Applicant about the small number of employees.

The Applicant responded all appointments were scheduled online and specific appointments would not require a large staff.

**Commissioner Thompson made a motion to approve Item D (4), seconded by Commissioner Alvarado. The motion carried unanimously.**

- [5. D \(5\) PUBLIC HEARING: Consider two Specific Use Permits \(SUP's\) for a 1,600 square-foot accessory structure situated on a .87-acre tract of land, located on the north side of Valle Vista Court, approximately 275 feet northwest from the intersection of Valle Vista](#)

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[Court and Valle Vista Lane, legally described as a lot 24, Block 1 Valle Vista Addition, zoned Single Family – 36,000 square-foot lot \(SF-36\), located at 633 Valle Vista Court. Marc Gerth, Owner; Jeremy Grant, Applicant. \(SUP-21-0017\)](#)

Planner Cyr stated the Applicant was proposing to build a 1,600 square-foot accessory structure. He said the primary use of the accessory building was for additional storage of equipment, such as the Owner's vintage tractor.

There were two SUP's being requested. The first was for accessory structure to exceed 1,200 square-feet in the SF-36 zoning district. The second request was for the combined accessory buildings to exceed 50% of the main structure's square footage. The main structure was 2,579 square-feet.

Vice Chairperson Osgood asked if the Applicant had anything to add.

Marc Gerth, Applicant, stated the building went over the 1,200 square-foot threshold due to the porch being added. The Applicant would like a porch attached to this building because he cannot have one attached to his home due to the septic field.

Vice Chairperson Osgood opened the public meeting.

There were no persons to speak.

**Commissioner Sagar made a motion to close the Public Hearing for Item D (5), seconded by Commissioner Thompson. The motion carried unanimously.**

Commissioner Apke asked the Applicant what the purpose of the patio would be. He also noted his concern for the accessory structure to be more complimentary to the main structure.

The Applicant responded it would be for enjoyment.

Commissioner Sagar asked the Applicant if he would consider changing the materials to match the main structure. She inquired if the neighbors had any objections to the building.

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She also asked if landscaping was part of the plan for the Applicant in order to hide some of the building. She also asked what the Applicant would be storing in the building.

The Applicant stated the neighbors he spoke to were in support and he would procure letters of support before City Council. He explained landscape was a part of his overall plan for the new building. He said an antique tractor, lawn equipment and exercise equipment would be stored.

Commissioner Alvarado expressed his concern on the finish of the building and not being complimentary to the home.

Commissioner Thompson asked if the new accessory structure would affect the septic leach lines.

Planner Cyr stated Tarrant County required a minimum five-foot setback for structures from leach fields.

Commissioner Thompson explained his concerns with the size and materials. He asked if the applicant considered adding materials to keep with the architectural standards of the main home.

The Applicant responded he would consider adding materials, however exact matching may be difficult.

Commissioner Osgood stated the size was not a concern, but he agreed the materials should be complimentary to the main structure.

**Commissioner Thompson made a motion to approve Item D (5) with provisions including 100% front façade brick, columns wrapped with brick or cedar, landscaping on street side and protection of the Bald Cypress tree, seconded by Commissioner Alvarado. The motion carried unanimously.**

CDD Smith asked the Applicant if he agreed to the suggested provisions.

The Applicant stated he agreed to provisions including general landscape.

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6. [D \(6\) PUBLIC HEARING: Consider amendments to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 8 – Zoning Districts- to add provisions regulating garage conversions; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, Applicant. \(UDC-21-0006\)](#)

Planner Smithers stated the UDC permitted conversions of garages to conditioned space in any zoning district was allowed as long as the replacement garage capable of parking two (2) vehicles was constructed at the same time. She said a resident recently requested converting his garage without building a replacement garage. The applicant indicated it may be years before he could build a replacement garage.

She explained City Council discussed the policy implications at a work session June 1, 2021, of amending the UDC. The Council asked if there had been many requests for such conversions. Staff noted there were few requests each year and they were usually for homes in the SF-8.4 zoning district. Staff did not recall any such requests in the SF-36 zoning district. For the particular resident inquiry, because the property was on a long cul-de-sac, such a conversion would trigger a fire sprinkler for the entire home. (A separate structure would not trigger a fire sprinkler.)

Planner Smithers said garage conversions were historically in smaller lot zoning districts where, vehicle parking was pushed onto the streets and could cause challenges for first responders, service vehicles, and traffic generally. Two councilmembers suggested it might be appropriate to allow such conversions without a replacement garage if the property was zoned SF-36. The assumption was that in SF-36 zoning, the lots would provide ample room for onsite parking. She said Council asked staff to take a proposal to the Planning and Zoning Commission to consider whether to allow garage conversions in the SF-36 zoning district.

Planner Smithers stated at the Commission's June 22, 2021, meeting, the Commission discussed the proposal during the work session. Some Commissioners questioned the need to amend the UDC given the lack of demand for garage conversions generally and particularly in the SF-36 zoning district.

She noted Commissioner Thompson pointed out that some grandfathered parcels zoned SF-36 were smaller than their zoning and may not be capable of parking on site if the garage was

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converted. If the commission were going to recommend garage conversions, he suggested using a minimum 1.5 acre lot size similar to triggering requirements for accessory dwelling units (ADUs) and agricultural accessory structures.

There was concern expressed regarding the potential property value impact of removing garages (given the recent hail storm) though support for more flexibility for individual homeowners was also expressed.

Vice Chairperson Osgood asked Staff if the original applicant had abandoned their plan for a garage conversion.

CDD Smith responded a formal submittal was never made, therefore, there was not an application to move forward with.

Vice Chairperson Osgood opened the public meeting.

There were no persons to speak.

**Commissioner Apke made a motion to close the Public Hearing for Item D (6), seconded by Commissioner Alvarado. The motion carried unanimously.**

Commissioner Sagar stated there had not been many requests in SF-36. Commissioner Sagar asked Staff to confirm the sister cities of Keller did not allow garage conversions with the exception of Colleyville and Bedford.

CDD Smith responded in her tenure with the City, there was only the one inquiry for SF-36. She added most garage conversions were done without a permit in the smaller zoning districts, and were not permitted in sister cities except Bedford and Colleyville.

Commissioner Sagar stated her concerns on the effect to adjacent property owners. She added that changing the standards of the entire City for something that was not an issue should not be done.

CDD Smith stated a garage conversion was permitted in any zoning district currently, but a replacement garage would be required to be built.

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Commissioners Apke, McWhorter and Dawson all agreed there was not a demand for this.

Commissioner Alvarado stated his concerns with the language as written and suggested using the square-footage of a lot to determine size to allow garage conversions. He added that applying language to cover garage conversions would not create a problem, but allow a solution in the future.

Vice Chairperson Osgood said he did not support the change.

**Commissioner Sagar made a motion to deny Item D (6), seconded by Commissioner Apke. The motion carried unanimously.**

7. [D \(7\) PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for a 600 square-foot carport situated on a .67-acre tract of land, located on the north side of Lazy Lane, approximately 425 feet northeast from the intersection of Lazy Lane and N Pearson Lane, legally described as Lot 22, Block 3 Hickory Hollow Estates, zoned Single Family – 20,000 square-foot lot \(SF-20\), located at 2009 Lazy Lane. Marc Clemons, Owner/Applicant. \(SUP-21-0015\)](#)

Planner Cyr stated Staff received a complaint on February 22, 2021, regarding a carport that was built on the property. Upon investigation, Staff found there was no Building Permit or SUP obtained for the carport.

He said that staff sent a courtesy notice to the property owner on February 25, 2021, informing the owner of the current violations. Staff informed the Owner of the correct procedure to permit his carport over the next month. Due to a lack of following through by the applicant with the requisite permits, Staff sent a warning letter on March 23, 2021.

The Owner submitted his SUP Application on April 19, 2021. The application lacked several items and required an inspection before moving forward to P&Z. Staff worked with the Owner over the next six weeks to gather the correct documentation. Once the correct documentation was gathered, the Owner scheduled an inspection with Staff on May 18, 2021. Staff confirmed the

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plans submitted for the SUP matched the structure that was built. The primary use of the 600 square-foot carport was to cover the Owner's boat.

Vice Chairperson Osgood asked if the Applicant had anything to add.

Marc Clemons, Owner, stated the Texas Statute said he did not have to have a permit to build his carport. He added he did not like the structure and would wrap the posts and sides with cedar to resemble a cedar pavilion.

Vice Chairperson Osgood opened the public meeting.

Alan Voss, 2004 Lazy Lane, stated his concern that all other outbuildings in the neighborhood matched their homes, yet this did not. He added a second concern for safety not being strong enough to withstand high winds.

Doug Langston, 2012 Coventry Place, stated he had a previous discussion with the owner and originally was in support of the cedar upgrades. He is now concerned it will not fit with the continuity of the neighborhood and concerned with the temporary look of the structure.

**Commissioner Alvarado made a motion to close the Public Hearing for Item D (7), seconded by Commissioner Sagar. The motion carried unanimously.**

Commissioner Alvarado asked Staff what the process would be if tabled.

Planner Cyr stated Staff would work with the property owner to get the updated changes and start the process.

Commissioner Apke asked the Applicant if he spoke to his neighbors prior to the build.

The Applicant responded he did not.

Commissioner Sagar stated the applicant did not get a building permit or SUP. She was not in support.

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Commissioner Dawson agreed with Commissioner Sagar and encouraged the Applicant to work with Staff on the requirements. He did not support.

Commissioner McWhorter said he supported a table or denial.

Commissioner Thompson asked Staff about the State of Texas Legislature the Applicant was referring to.

CDD Smith stated a municipality may adopt a code at least as restrictive as the State, but it may be more. Keller is a Home Rule Municipality.

Vice Chairperson Osgood stated he did not support.

**Commissioner Alvarado made a motion to deny Item D (7), seconded by Commissioner Sagar. The motion carried unanimously.**

**B. ADJOURN**

**Vice Chairperson Osgood adjourned the meeting at 9:15P.M.**

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Chairperson

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Amy Botcher, Planning Technician