



**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, January 14, 2020**

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PRE-MEETING BRIEFING 6:15 P.M.

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

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 5:30 P.M.

The following Commissioners were present:

Ralph Osgood, Vice Chairperson

Leslie Sagar

Tom Thompson

Paul Alvarado

Bob Apke

Bob Stevens

James Dawson, Alternate (Non-voting)

Phillip Maxwell, Alternate (Non-voting)

Staff present included Katasha Smithers, Planner I; Matthew Cyr, Planner I; Matt Butler, City Attorney; Julie Smith, Community Development Director (CDD); Trina Zais, Public Services Director (PSD); Alonzo Linan, Public Works Director (PWD), David Jones, Fire Chief and Chad Allen, Police Captain.

**B. ADMINISTRATIVE COMMENTS**

Chairperson Ponder welcomed everyone back from the holidays and noted the night's heavy agenda. He encouraged the Commission to focus questions they have on the topic at hand.

Chairperson Ponder stated that the Commission already does a good job of this, but just wanted to remind everyone.

CDD Smith reiterated that Alternates are encouraged to come to all the meetings, so the Alternate is aware of previous discussions when they do step in for an absent Commissioner.

[1. Briefing regarding City Council action on Tuesday, December 17, 2019.](#)

Planner Smithers stated that they had one item that went to City Council relating to the fence requirements. She continued that they voted unanimously to approve that item.

[2. Briefing regarding current DRC projects and Long-Term Projects.](#)

Commissioner Sagar asked if “Panera” was “Panera Bread”.

Planner Smithers responded that this was correct.

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

D (1) Approval of the Minutes

CDD Smith noted that Staff did receive the corrections from Commissioner Stevens.

D (2) Forest View Estates Replat

Planner Cyr explained that the applicant wished to replat 609 and 613 Forest View Court by combining the lots and abandoning the utility easement running north to south. The intent of the applicant was to build a home on this lot, and State Law required the Commission to approve the plat because it met all UDC regulations.

D (3) Harmonson Boutique

Planner Ducay described the applicant’s plan to convert the old Lucas Funeral Home at 137 Hill Street into a unique ten-room hotel. The building was already 6200 square-feet but the addition of a pool and covered patio would not be expanded. Only minor amendments to the outside of the building were proposed.

CDD Smith added that this was an exciting project because it would be a difficult building to repurpose.

Commissioner Thompson asked if the proposed awnings would cause any setback implications.

Planner Ducay responded that there should be no issues regarding setbacks.

D (4) Creekside SUP

Planner Smithers described the applicant's proposal to add a 26,000 square-foot veterinarian clinic. They're current location was at 8820 Davis Boulevard. The new clinic could be located on the block north of their existing building.

Commissioner Alvarado asked what the applicant would do with the existing building.

Planner Smithers responded that the applicant would be in attendance and could provide that answer.

Chairperson Ponder stated when considering this property before, there were concerns about access and asked if access was from the Bear Creek light.

Planner Smithers responded that the access would be from Davis, not Bear Creek.

Commissioner Alvarado asked if they would be have an additional access point.

Planner Smithers responded that was correct.

Commissioner Sagar asked if they were proposing to use all Hardie Board.

Planner Smithers responded that was correct.

CDD Smith stated this was a good question, since State Law does not allow the City to enforce its masonry requirement which was 80%. She continued that Hardie Board

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would not qualify under the UDC regulations. CDD Smith also stated that the buildings around this area did meet the masonry requirements.

D (5) Thai Yoga Massage SUP

Planner Cyr stated that the applicant was located at 255 South Main Street and will be occupying the easternmost building on the property. He continued that any massage establishment that is proposed in Old Town Keller (OTK), must go through the SUP process according to the UDC.

Commissioner Alvarado asked if the Commission had any concerns regarding the nature of the business and the feel of OTK as outlined in the OTK ordinance.

Commissioner Thompson asked what the business mix would be between Cosmetology and Massage services.

Planner Cyr responded that the business would only have massage services.

CDD Smith stated that the space was very small, and was not much bigger than the conference room table. When entering the space, there is a space for sitting, a bathroom, and a space with a table for massage services.

Commissioner Alvarado asked if repurposing that space would be impossible, unless they took over more space surrounding it.

PSD Zais responded that she did not think it was impossible, but would have to research what business could go there.

Commissioner Sagar stated that she had no concerns and thought it would be convenient to the Boutique Hotel.

D (6) 1440 North Main PD

CDD Smith passed out the State Law for posting public hearings related to zoning changes per Commissioner Sagar's request, and stated that a home-rule municipality had the ability to decide how signs are posted for public notice purposes. She continued that this was brought up because the sign posted on this

property fell down, possibly due to the wind and rain that happened the prior weekend. CDD Smith also stated that staff did re-stake the sign back up today.

CDD Smith stated that the paper-clipped copies contain two letters in support of this project, and the thick packet contains the opposition letters (in addition to the seven letters that was received after January 8, 2020). CDD Smith stated that there are only a couple of letters that comply with State Law, but wanted to make sure that the emails were considered. She believed people probably were not aware of the requirements and assumed the emails worked.

Commissioner Thompson asked if in the future staff could write the last name of the person who sent the letter at the top, so the Commission could refer back to their letter if they showed up to the public hearing.

CDD Smith stated that Staff would certainly do that.

Commissioner Alvarado asked if they could get the letters in time prior to the meeting as they come in.

CDD Smith responded that they have to establish a cut-off simply to incorporate letters into the buffer map for the PowerPoint presentation tonight indicating whether a supermajority vote would be required. The deadline was noon, on January 14, 2020. CDD Smith also stated that there was quite a bit to keep up with because people also switched from opposition to support.

Commissioner Alvarado stated that he would rather see them as they come in so they could see what was in each of the emails, and this could be tough to do right now due to the time constraint.

CDD Smith stated that from staff's perspective that can be tough to do.

CDD Smith offered to forward on Friday and Monday, and asked if that would work.

Commissioner Alvarado responded that it would most likely be a rare situation to receive so many emails, but it would give the Commission time to review the emails sent in.

Chairperson Ponder stated that parameters will need to be set so the citizens feel heard, but at the same time if letters were delivered at the last minute then there is only so much that we can do. He continued that he believed the way public hearings were advertised gives citizens an ample amount of time to respond well ahead of their meeting.

Commissioner Alvarado asked if it was their responsibility to read the content of the email, or if it is a responsibility to not read the email, because it was not a true written response according to State Law.

CDD Smith stated that from her perspective as a municipal employee, these people were making an effort to contact the Commission about this particular project. She added she was unaware of any legal requirement either way.

Commissioner Alvarado asked if they should send an email to the Commission like they do for City Council.

CDD Smith stated they had approximately sixty-four total responses, but City Council had a different amount. CDD Smith also stated that they need to encourage the community to send their concerns and opinions to a Council Member, but also include Staff so they would be properly accounted for.

Commissioner Sagar asked how many total responses were received.

CDD Smith responded 66 were received.

Commissioner Apke asked if this was in addition to the seven letters that were received on Wednesday, January 8, 2020.

Commissioner Sagar asked if the two in favor were within the two-hundred foot buffer.

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CDD Smith responded that the two letters in favor were outside the two-hundred feet, and there were two opposition letters inside the two-hundred-foot buffer.

Chairperson Ponder stated that this was a conceptual Planned Development (PD), and the point of tonight would be whether or not they would want that type of development on that particular property. He said that if this was passed by Council, they would still have to submit a Detail Plan to Council. Chairperson Ponder also stated that there might be more detail that is wanted by the Commission, but it was more about the zoning and whether this will be passed on to Council.

CDD Smith responded that when going forth with a PD, applicants have the option to go forward with a Concept Plan or a Detailed Plan. The Concept Plan is not as detailed; applicants usually went this route when they were unsure if they would be able to get the zoning change; applicants did not want to invest a huge amount into a Detail Plan if they could not get the zoning change. The Concept Plan was therefore a common approach.

CDD Smith stated that if the Concept Plan was approved, there were certain aspects of the plan that they could not change. If they change any of those aspects, then they would have to come back for approval and public hearings for P&Z and City Council.

Commissioner Thompson stated that from a developer's point of view it was a risk versus reward all the way through. The applicant comes with a project that they think might work and usually spent money to make it through each specific phase. Commissioner Thompson continued that no one wants to spend \$500,000 on a Detailed Plan that might not be approved.

Chairperson Ponder stated that he did not want to get bogged down in the details, but also did not want to discourage detailed questions that may need to be asked. Chairperson Ponder reiterated what Commissioner Thompson stated regarding whether or not this PD needs to be considered for the City of Keller.

CDD Smith recommended to Chairperson Ponder and the Commission that Planner Ducay first provide a rather complex presentation followed by the applicant. She continued that PSD Zais and PWD Linan will be in attendance to respond to any questions relating to economic development and traffic

Commissioner Thompson stated that he had just read through the packet of letters of opposition provided by staff and notated the common denominators. These denominators were no apartments due to overcrowding of schools, traffic, crime, and tax burden on the city: breaking current zoning laws, infrastructure stress, and decrease in property values.

Commissioner Sagar recited Section 8.04 subsection (C) (2) where it mentioned “all applications to the City shall list all requested deviations from the standard requirements set forth throughout this code.” She continued that she did find Table 3.3 in the documents provided by the applicant where it listed out some of those deviations but not all. Commissioner Sagar also stated that the parking deviations were not listed.

CDD Smith responded that the parking deviation was in the proposal, but not listed out in Table 3.3.

Commissioner Sagar stated that historically the applicant would provide a cover letter that laid out their proposal and the list of deviations from the code. She also asked what constitutes a deviation, because allowing multi-family in Commercial zoning would be a deviation.

CDD Smith responded that a PD typically did contain these kinds of deviations.

Commissioner Sagar asked if the applicant was required to provide a summary list of deviations.

PSD Zais responded that the applicant does not have to list them, but only has to provide them. She also stated that when Staff presents, the Commission would see that they have done a good job of highlighting those.

Commissioner Sagar recited Section 8.04 (D) where it stated that deviations be explained.

CDD Smith responded that the concept plan did when it came to the parking. The applicant anticipated shared parking with Milestone and noted the resident in the lofts would presumably be at work during the day when parking for commercial and retail would be needed.

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Commissioner Sagar stated that under Subsection D, the City may prepare application forms, and was confused by this. She also stated that the topographic map was included in the applicant's Table of Contents, but was nowhere to be found.

Commissioner Sagar requested that for future reference, the City should look at making the applicant to submit a clear summary list of all deviations requested.

CDD Smith responded that Staff would attempt to do this.

**D. ADJOURN**

Chairperson Gary Ponder adjourned the Pre-Meeting at 7:04 P.M.

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

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

Chairperson Gary Ponder called the meeting to order at 7:13 P.M.

**B. PLEDGE OF ALLEGIANCE**

Vice Chairperson Osgood led the Pledge of Allegiance to the United States Flag and the Pledge to the Texas Flag.

**C. PERSONS TO BE HEARD**

No one came forward.

**D. NEW BUSINESS**

- [1. Consider approval of the minutes of the Planning and Zoning Commission Meeting on December 10, 2019.](#)

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

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## 2. [Forest View Estates Replat](#)

Planner Cyr gave a brief presentation on item D (2), and stated that staff had not sent out Public Notice Letters due to the new State law change noted in the pre-meeting that required notifications be sent after plat approval.

**Chairperson Ponder opened the Public Hearing.**

No one came forward to speak.

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

There were no questions by the Commission.

**Commissioner Osgood made a motion to approve Item D (2) as presented, seconded by Commissioner Sagar. The motion carried unanimously.**

## 3. [Harmonson Boutique](#)

**Chairperson Ponder opened the Public Hearing.**

No one came forward to speak.

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

Discussion was held regarding the unique boutique hotel business in OTK and creative reuse of the building.

**Commissioner Stevens made a motion to approve Item D (3) as presented seconded by Commissioner Apke. The motion passed unanimously.**

## 4. [Creekside SUP](#)

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Planner Smithers gave a brief presentation on item D (4), and stated that staff sent out 47 letters on January 2, 2020. No letters were received in support or opposition.

**Chairperson Ponder opened the Public Hearing.**

Ram Sharma, a resident of 8844 Wandering Branch, expressed his opposition related to noise concerns and other issues.

Chaitanya Junghare, a resident of 8832 Wandering Branch, expressed his opposition related to noise concerns and other issues.

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

Zach Grimes, Engineer Consultant; Phil Craddick, Architect; and Holli Hall, Owner were present to answer questions.

Commissioner Thompson asked what the setback was from the rear future Phase 2 building to the rear of the residential property.

Zach Grimes stated that the setback was approximately 75-feet from the property line. The actual building setback was 60-feet.

Commissioner Thompson asked Staff what were the guidelines to delineate for sound mitigation in instances just as this.

Phil Craddick interjected and stated that this building was entirely enclosed for Phase 1. There would be additional noise. For Phase 2, the kennel would also be fully enclosed. If anything, this would remove any noise concerns.

Director Smith stated for clarification purposes whether Phase 2 would take care of the noise that these residents were experiencing in the neighborhood when the second building was built. Was that correct?

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Holli Hall stated that the original barn was there prior to the subdivision coming into Keller. The kennels were currently located inside and outside. The Barn itself was built prior to buying the property and it was not insulated. By constructing the new structures, everything would be contained inside and be quieter than what it was now.

Commissioner Thompson asked what construction practices would be used.

Phil Craddick stated that the intent from the International Building Code was to use steel columns and wood framing.

Commissioner Thompson asked if the exterior walls were to be 2 x 4.

Phil Craddick replied they would be 2 x 6 with one-inch spray foam insulation.

Commissioner Thompson commented to the applicant that they would have effective sound mitigation. He then noted, keeping with the neighborhood, was there any possibility to see stone/masonry accents?

Phil Craddick stated that the Hardi Board was what they were going for as far as look and design. This was the dream and also to be compatible with the area.

Commissioner Thompson asked if this would be a board and baton barn.

Phil Craddick confirmed it would be.

Holli Hall stated that the facility currently has boarding, daycare, grooming, and a veterinary clinic. The sound was not going to increase and would be better insulated which would help with the noise.

Commissioner Apke stated his questions were already answered from the prior Commissioner.

Commissioner Osgood did not have any questions at this time but reserved the right to ask questions after the other Commissioners asked theirs.

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Commissioner Sagar stated that the proposed place of the dumpster was on the back side of the property and was adjacent to the Creekview neighborhood. She asked if the applicant would consider moving the dumpster location to an alternate location so it was not immediately adjacent to the neighborhood. She observed we all knew what it sounded like when a dumpster was emptied.

Phil Craddick said that it was true that the dumpster was adjacent to the neighborhood. He offered to angle it so it was not directly facing them.

Zach Grimes interjected and stated that initially they had a different location but at the request of the HOA, they moved it to this location versus facing into the neighborhood. It was also outside of the building and landscape setback. He noted the 30-foot landscape buffer which will be highly vegetated.

Commissioner Sagar stated she realized that but still asked if the dumpster could be moved to an alternate location.

Zach Grimes stated he could potentially but part of the reason why it was located where it was now, was for proper access for the trash company to get to both the dumpsters at the same time without turning around.

Commissioner Sagar stated that you could place the dumpster where you proposed parking along Bear Creek and put the parking where the dumpster was.

Zach Grimes stated that this was a possibility but he could barely get any parking there due to the landscape buffer and the drive access that curves around and into the site.

Commissioner Sagar stated she wasn't here to design the project and again asked to move the dumpster to an alternate location where it wouldn't impact the neighborhood.

Holli Hall stated this was an issue with her because she has a medical facility and a lot of Staff as well as lay Staff that helped with the Kennels. She claimed Staff parking alone is 50 to 60, but if she could get rid of some of the buffer she could place the dumpster wherever you preferred.

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Commissioner Sagar called on Planner Smithers to see if there was any better area to place the dumpster?

Planner Smithers stated that because the applicant did not want to remove parking, there did not appear to be a location to place the dumpster.

Director Smith interposed and stated that the Commissioners already noted that neither Staff nor the Commissioners were responsible for designing the site. I believe Commissioner Sagar made her point as it related to the dumpster location and we would leave it to the designers to try and address this.

Commissioner Sagar asked the applicant if they would consider meeting the building code with 75% masonry so it was more compatible with all the buildings in the area. If approved as this would be the only Hardi Board building in the vicinity.

Holli Hall stated she would consider cladding the columns in the front with stone. She stated when she moved in to Keller, it was just Creekside and nothing else was there. There was a barn atmosphere. She actually sold the property to the Developer to build the community located behind the current building. She wanted to go back to that farmland look which was where the barn idea came from. If she place masonry on the façade, she said it would just change the intent.

Commissioner Sagar stated stone and brick was all around you and she politely reminded her that Keller was not what it was when she first moved here. She asked if she would please reconsider adding masonry to the building.

Holli Hall agreed to consider.

Commissioner Stevens asked the applicant what would happen to the existing driveway off Davis and what would be done with of the current facility?

Zach Grimes stated the driveway would stay as it was now and when the property was redeveloped, they would reach out to TXDOT to potentially widen the drive on Davis Boulevard.

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Phil Craddick stated the redeveloped site would be for retail use.

Commissioner Stevens asked whether the major driveway access would be off of the Bear Creek Parkway, opposite of the gas station.

Phil Craddick responded yes, to match the fire lane with QT which seemed to be a logical alignment.

Commissioner Stevens concurred with this conclusion. He stated as far as the dumpster location, it was backing up to homes now and if you move it north, it would still be backing up to the homes. He was not particularly concerned with the dumpster location.

Commissioner Alvarado echoed Commissioners Thompson and Sagar's comments regarding the masonry. He thought the design was beautiful, but as Commissioner Sagar had pointed out that the surrounding area did not match that aesthetic anymore. Perhaps it could come up to 50% masonry and the remaining top with what was proposed originally so it would blend in with the community. Otherwise, it would stand out more than we would like it to. He said this was their choice, but he was making a strong request. He noted that someone had mentioned a dirt road access. He asked if this was the access off Bear Creek Parkway and was it going away?

Phil Craddick responded yes.

Commissioner Dawson asked the Applicant to talk more in regards to the landscaping at the rear of the property and the light wash going to the resident's property. He asked what was the height of the building relevant to the height of the homes. He asked about a privacy fence and whether it would be tall enough to help with the light. He asked how high they envisioned the trees planned for the buffer both at initial planting and when matured. He asked if they would block the view of the building from the back of the houses. He observed that looking at the current building now, it was previously not the case.

Phil Craddick spoke in regards to the landscape plan that addresses the City requirements for the landscaping around the building, the enhanced landscaping on Bear Creek Parkway, and near the residents as previously discussed with the neighborhood. He was unsure of actual tree height at planting and maturity.

Commissioner Dawson asked how tall the fence would be between the new building and the abutting homes.

Zach Grimes stated that there already was a large masonry wall located between the neighborhood and the Clinic.

Commissioner Dawson asked how high was this wall was.

Planner Smithers stated the wall was six feet in height.

Commissioner Dawson asked how tall the new building was going to be.

Phil Craddick stated it was 40-feet with a pitched roof. So it was 35-feet at the roofline.

Commissioner Dawson stated that this was problematic for the homeowners as this was what they would be looking at from their backyards.

Phil Craddick provided pictures to the Commission of how the building would look from inside the Creekview HOA neighborhood. This image was also distributed to the homeowners so they can see what it would look like from the entry.

Commissioner Dawson stated he wanted to see from the homeowner's side, because he was concerned about home value.

Phil Craddick explained this was what the community would see from inside their neighborhood. The reason why it looked smaller was due to the wide landscape buffer.

Commissioner Dawson observed the existing building was one-story now. He wanted to know the height of the trees and had greater concern regarding the impact of the height of the building on the homeowners. He wanted to see what it looked like if he was seated in the kitchen and looking out. The last thing he would want to see as a homeowner was something that was 30-feet in height over a six-foot privacy fence.

Phil Craddick approached Commissioner Dawson to show where the picture was taken at on the homeowner's side.

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Commissioner Dawson responded that this was at the entry-way.

Phil Craddick reiterated that the picture was taken from the homeowner's side. He asked the HOA to take the picture from their side.

Commissioner Dawson also brought up concerns regarding security lights on the rear of the property.

Phil Craddick responded that there would be screens on the lights so the light will be restrained.

Commissioner Dawson wanted clarity on the lighting and how tall the trees would be with the density of the trees.

Planner Smithers stated they would be required to submit a photometric plan for the lighting and they could not have more than 0.2 lumens at the residential property line. This standard was in the City of Keller's Unified Development Code (UDC). They were also required to place 3"-large, canopy trees, spaced at maximum canopy width and this is usually about 50-feet on center.

Commissioner Dawson interjected and asked could this include evergreen trees.

Planner Smithers stated that the Developer could add more landscaping if they chose too.

Commissioner Dawson reiterated that he hoped it would be evergreen trees.

Planner Smithers restated that the developer could choose to do that.

Commissioner Dawson stated as a homeowner, he would recommend that these were evergreen trees.

Commissioner Maxwell stated that the building was beautiful. With respect to the masonry requests, he believed would be a great addition. He loved the metal roof façade and the natural components of the wood with the vertical Hardi Board.

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Chairperson Ponder asked the Applicant if they would be utilizing the Davis and Bear Creek Parkway traffic light.

Zach Grimes responded they would.

Chairperson Ponder stated that there was a previous Developer that had planned to connect to the site previously. The reason was that when anyone turned left on Bear Creek Parkway from Davis Boulevard, and anyone turning left into your facility from Davis Boulevard, you prayed. It was terrible, because half the people utilize it to come to your facility and the other half was trying to turn onto Bear Creek Parkway. He asked whether there had been any consideration to connect the proposed site to the present site.

Zach Grimes responded that they were both connected, because two points of access for one site were required. They could potentially come off Davis but most should come from the light as it would be a lot safer. The proposal would connect the existing fire lane on the south to the one on the proposed site.

Commissioner Alvarado asked Staff if the landscaping plans had been reviewed.

Planner Smithers responded that she had not fully reviewed this, but the plan indicated trees on the eastern property line.

Director Smith stated to the Commissioners that what was before them for consideration was the SUP for the use and the landscape plan and so forth would come during the Site Plan process.

Commissioner Sagar stated that since the traffic was another topic brought up by homeowner, the Trip Generation Form did not require a TIA and this needs to be stated.

Planner Smithers stated that the Trip Generation Form did not require a Traffic Impact Analysis so this requirement been met.

Planner Smithers informed the Commission that 12 letters in opposition had been submitted to her after the meeting started.

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Chairperson Ponder appreciated the Applicant meeting with the HOA to work out concerns related to the application. He said he understood that the HOA provided a letter of support.

**Commissioner Thompson made a motion to approve Item D (4) as presented. The motion was seconded by Commissioner Alvarado and passed unanimously.**

5. [Thai Massage SUP](#)

Planner Cyr gave a brief presentation on Item D-5 and stated that the City mailed out twenty-two letters of Notification for a Public Hearing. No letters were received in support or opposition.

**Chairperson Ponder opened the Public Hearing.**

No one came forward.

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

No discussion was held.

**Commissioner Osgood made a motion to approve Item D-3, seconded by Commissioner Sagar. The motion carried unanimously.**

6. [1440 North Main Street PD](#)

Planner Ducay gave a presentation on Item D-6 and stated that the applicant was proposing a mixed-use Planned Development at 1440 North Main Street comprising approximately thirty-eight acres. Planner Ducay read the cover letter of the proposal that stated the intent

of the Planned Development to enhance the US 377 corridor with a project that included a mixture of uses in an urban format, employed pedestrian oriented streets to connect living, working and entertainment uses within a walkable, tree-shaded environment.

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Planner Ducay then explained the 2003 Engler Settlement and stated that this settlement created “The Commercial District” as the ruling district. Planner Ducay then explained that, unlike other zoning districts uses cannot be added or subtracted unless the property owner requested a zoning change.

Planner Ducay stated that when proposing a PD, there were two options. These options were either a Detail Plan or a Concept Plan. He explained that a Detail Plan set forth the information necessary for construction plans for development of the PD. The Concept Plan simply shows the Applicants intent for the use of the land and the requisite zoning changes needed. If utilizing a Concept Plan, once approved, a Detailed Plan must be submitted to City Council to ensure it reflects the Concept plan with no substantive changes. If there are substantive changes the Detail Plan must go back to Planning and Zoning and City Council with public hearings.

Planner Ducay then stated substantive changes per the UDC included: altering the relationship of the proposed development to the adjacent property, changing the uses permitted, increasing the density, increasing the building height, increasing site coverage, changing off-street parking ratio, or significantly altering landscape plans.

Planner Ducay stated what was permitted by right in the Commercial District per the Engler Settlement. He explained the uses requested by the applicant, which were: Entertainment, Bars, Grocery Stores under 20,000 square-feet, Minor medical Emergency Clinic, Public Parking Garage, Restaurants, and Spas.

Planner Ducay then explained the proposed site design which showed a picture of the conceptual design and a land inventory table. Planner Ducay also stated that this PD proposed 550 Urban Lofts that are located on the northern two-thirds of the property and stated that proposal includes 5.2 acres dedicated to commercial uses.

Planner Ducay explained that the proposed Single-Family design standards included a minimum lot area of 2700 square-feet, minimum lot width of thirty-feet, minimum lot depth of ninety-feet, front setback of ten-feet, side setback of zero or five-feet, and a rear setback of eighteen-feet.

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Planner Ducay noted that the draft TIA would be finalized and approved before consideration of the Detail Plan process. He explained that access from US 377 shall require TXDOT approval and shared parking with Milestone is anticipated.

Planner Ducay pointed out the proposed pedestrian network and stated that the PD was proposing 5.7 acres of open space that included landscape buffers. He also stated that the applicant was proposing one parking space for each 250 square-feet compared to one space for every 200 square-feet.

Planner Ducay provided data regarding the potential economic impact of the proposal. He added that the Keller Fire Department noted all structures would need to be sprinklered per Keller code.

Planner Ducay stated that staff had sent out twenty letters and recieved sixty-four letters/emails in opposition and two in favor at the time of the report.

Richard Meyers and AJ Glass with Realty Capital gave their presentation.

**Chairperson Ponder opened the Public Hearing.**

Randall Moore, a resident of 144 Mount Gilead, expressed his opposition.

Ben Nelson, a resident of 148 Mount Gilead, expressed his opposition.

Chip Roop, a resident of Marshall Ridge, expressed his support.

Debbie Bryan, a resident of 760 Mount Gilead Road, expressed her opposition.

Rudy Janeka, a resident of 2711 Glen Court, expressed his support.

David Tashcman, a resident of 1705 Everest Road, expressed his opposition.

Joan Boyle, a resident of 1262 Oak Hill Road, expressed her opposition.

Chris Harrington expressed his opposition.

Myron Mills, a resident of 1349 woods drive, expressed his opposition.

Mark Matthews, spoke on behalf of Angela Matthews and Craig Hill, expressed support.

Bill McCray expressed his support.

Eric Schmidt, a resident of 1104 Manor Way, expressed his opposition.

Jerry Garanthula, a resident of Marshall Ridge, expressed his opposition.

Barry Johnson, a resident off of Oak Drive, expressed his opposition.

Clint Spradling, a resident of 402 Mount Gilead Road, expressed his opposition.

JR Buzell, a resident of 1551 Knox Road, expressed his opposition.

Robert Purcell, a resident of 1800 Lewis Crossing Drive, expressed his opposition.

Bryan Salveson, a resident of 606 St Clemente Drive, expressed his support.

David Bradley, a resident of 1045 Sunrise Drive, expressed his opposition.

Judy Satig, a resident of 132 Mount Gilead Road, expressed her opposition.

Patty Martin, a resident of 148 Mount Gilead Road, expressed her opposition.

Tim Stapula, a resident of Marshall Ridge, expressed his opposition.

Randy Miller, a resident of off of Mount Gilead Road, expressed his opposition.

Chairperson Ponder thanked everyone for their input and giving their comments in a timely manner.

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**Commissioner Sagar made a motion to close the Public Hearing for Item D-6, seconded by Commissioner Stevens. The motion carried unanimously.**

Commissioner Thompson thanked everyone for their decorum tonight, and stated that issues like this can be emotional. He stated that the Commission is responsible to serve the City in the best way possible and to seek the highest and best use within zoning law.

Commissioner Thompson mentioned a story about his father who was a builder and stated that he does understand the emotion of this issue. He also reminded everyone that the Commission is charged with making a recommendation to Council in the best interest of the City.

Commissioner Thompson also stated that luckily the Commissioners are not politicians and they are statesmen instead. He stated that the difference is a politician concerns themselves with the next election, while a statesmen concerns themselves with the next generation.

Commissioner Thompson stated that there seems to be a common denominator of factors for opposition which are: no apartments due to overcrowding of schools, traffic, crime, tax burden on the city, breaking current zoning laws, infrastructure stress, and decrease in property values. He asked what the crime statistics were for upscale multi-family developments in town.

Captain Chad Allen responded that the units are really mutual.

Commissioner Thompson asked if he had seen an increase in crime by the Arthouse.

Captain Chad Allen stated that whether it was an apartment complex or a house, they are roughly the same.

Commissioner Thompson asked if the phased construction schedule will go through 2025.

Richard Meyer stated that this was correct.

Commissioner Thompson asked how many units a year they will be constructing.

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Richard Meyers responded that this will depend on how the economy does, and they would like to get the restaurants done with Center Stage in the first phase with a portion of the

housing units as this is the important feature of the development. He also stated that they believe their single-family area will go quickly as well.

Commissioner Thompson asked about the TIA.

Richard Meyers responded that he would like to clarify a couple of things regarding that, and stated that they did the Trip Generation Form on November 20, 2019, which was when school was in session.

Commissioner Thompson asked if their traffic engineer was present, and asked about buildout in 2025.

Somish, an engineer for the Shazier Group and the person who did the traffic study for Center Stage, explained that the buildout was projected to 2025. He continued that they did do the traffic study on November 20, 2019, and the data that was collected showed more traffic than what was seen on that date.

Commissioner Thompson stated that the level of service went from A to F in the TIA and asked if the service level was to remain regardless of this development.

Somish stated that the growth was accounted at 2% for seven years and explained why that was.

Commissioner Thompson asked if ingress four and ten were eliminated, how that would impact traffic.

Somish responded that if ingress four was eliminated there would be a possibility to provide a right turn lane to the east. Somish also stated that ingress ten can be removed and would be better of the two choices.

Richard stated that the amount of traffic they would add on Mount Gilead would equate to around 5%.

Commissioner Thompson asked what the plans were for Mount Gilead in the future.

PWD Linan responded that Mount Gilead was just recently widened and there were currently no plans to widen Mount Gilead in the five-year plan.

Commissioner Apke asked what the size was for "The Village" at Colleyville and the Lakeside development.

Richard Meyers responded that The Village at Colleyville was about twenty-nine acres and the Lakeside development was approximately 110 acres.

Commissioner Apke asked how many multi-family and single-family dwellings units for each of those developments.

Richard Meyers responded that for Lakeside they have 1100 multi-family units at this point and about 260 single-family units. He continued that each site is unique and that there were a lot of things that are good about this site.

Commissioner Apke asked if there was any possible concession when it comes to multi-family units, given the comments tonight.

Richard Meyers responded that they try to create great projects and the housing units are essential to creating the amenities. He also stated that they were looking into reducing the number of multi-family units.

Commissioner Apke stated that people did comment on wanting a quality development and at least the applicant was hearing this.

Richard Meyers agreed with that statement.

Commissioner Apke asked about the zero lot line single-family units and if there was any thought about shifting the development to help save some of the Post Oaks.

Richard Meyers responded that this has been discussed with Staff.

Commissioner Apke asked about the detention basin area, where it discussed density of twenty trees per acre and stated that somewhere else in the submittal where it references it was ten trees per acre.

Richard Meyers responded that this was an error and it was twenty trees per acre.

Commissioner Apke asked about traffic backing up over the hill next to Mount Gilead.

Richard Meyers responded this was something that they looked at, and the street plan was deemed the safest and best option.

Commissioner Apke stated that when the traffic study was done, that Mount Gilead was closed and stated that traffic was a concern.

Commissioner Apke asked about the on-street parking.

Richard Meyers responded that the size of the streets are the same size in their other developments and work very well. He continued that this layout also makes the development walkable.

Commissioner Apke asked if PWD Linan had concerns about the parking calculations.

PWD Linan responded that those discussions are yet to conclude and were still in the process with the technical review.

Richard Meyers stated that they are still in discussion with staff on the 9x18 angled parking stalls and added that they have done this with previous development.

Commissioner Apke asked if any of the lofts were going to be owner occupied or rental.

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Richard Meyers responded that the plan is to have the lofts be rental.

Commissioner Apke asked about the rent schedule.

Richard Meyers responded that rent would be approximately from \$1500-\$1800 for one bedroom and a two bedroom would be from \$1900-\$2500.

Commissioner Osgood stated that he would like more detail, but that won't happen tonight because what is being considered was a concept plan.

Commissioner Osgood also stated that he would like to see the number of apartments reduced, the apartments be more affordable, and an increase in Commercial.

Commissioner Osgood stated that traffic would be a major issue, regardless of what would be developed. He also stated that he appreciated zero lot lines due to the low maintenance and the saving of land.

Commissioner Sagar thanked the Applicant for their presentation and interest in Keller. She also stated the renderings that were provided were very good, but this Public Hearing was about zoning and not renderings.

Commissioner Sagar asked about the topographic map and stated that it was not provided. She also stated that due to the topography, they might have to construct retaining walls and would not be in favor of that.

Commissioner Sagar stated that traffic did not flow the way the Applicant thought. Commissioner Sagar also discussed the amount of traffic that goes through Mount Gilead and flows northbound.

Commissioner Sagar asked if there was 15,000 square-feet designated for restaurant space.

Richard Meyers responded they had 60,000 square-feet designated for commercial use and did not know the amount of restaurant space yet. He clarified that 15,000 square-feet had restaurant space around center stage, because that was an integral part of the development.

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Commissioner Sagar stated that the train on the west side was a major concern regarding noise. She also discussed all Federal regulations regarding noise and compatible land use.

Commissioner Sagar asked the Applicant what steps they have taken to combat the noise from the train on the west side and the highway.

Commissioner Sagar also asked if they had developed any noise contours or addressed any compatible land use guidelines in this concept plan and would agree to complete a noise study.

Richard Meyers responded that they have addressed this concern, but it was not in the PD. He also stated that they had developed projects that had been closer to rail lines such as Carrollton and would do noise / acoustical studies like they did in Carrollton.

Commissioner Sagar asked if they were willing to develop noise contours.

Richard Meyers responded that they will submit a noise / acoustical study and will comply with the acoustical engineer's recommendations.

Commissioner Sagar stated that the American Planning Association (APA) reference guidelines relating to distance (300 feet) from residential to freight rail corridor. She stated this development would probably not meet those guidelines.

Richard Meyers responded they would not, but 400,000 other homes in DFW would also not meet that guideline.

Commissioner Sagar stated this was her biggest concern, and could not support something that would adversely impact the health and welfare of the public.

Commissioner Sagar stated driveways 2, 3, 4, 6, 7, and 11 did not meet TXDOT standards. She also asked if PWD Linan would be presenting on the TIA.

PWD Linan responded that he cannot give a presentation on a document that was not complete.

Commissioner Sagar asked if there was adequate room to maneuver a Fire truck.

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Fire Chief Jones responded that the development did meet the requirements.

Commissioner Stevens thanked the Applicant for their presentation and asked about the change in topography on the south end.

Richard Meyers apologized for not including the topography, and mentioned they studied this change in great detail. He also stated that they were not a fan of retaining walls either and would minimize this.

Richard Meyers stated that he worked with their civil engineer to create the residential units, with the instruction to minimize retaining walls.

Commissioner Stevens stated they needed to review this as a concept plan because a detailed plan would be coming forward later.

Richard Meyers stated there would not be much change from the concept plan to the detailed plan.

CDD Smith stated that the Commission is referring to the Civil Plans.

Commissioner Stevens stated this was correct and asked if Mount Gilead was closed when they did the traffic study.

Richard Meyers stated that it probably was closed, but did not think the engineer used that to calculate traffic. He elaborated that he believed the engineer used previous years of traffic to complete this study.

Commissioner Stevens stated that many developments around the country that handle noise appropriately. He also stated that since the development was walkable, it would have less traffic compared to other developments that are not walkable.

Richard Meyers stated this was correct and that peak hour traffic was usually the main concern. He also stated that office buildings would generate far more traffic during peak hours.

Richard Meyers stated that around 20-25% of current residents go to their developments to downsize, and have seen this before in past projects.

Commissioner Stevens asked if the Applicant found similar opposition to the other developments that were proposed.

Richard Meyers responded they had faced similar opposition and had spent countless hours on developments such as Lakeside. He also stated that he wished he could bring in the comments from people that opposed it and see how they have changed.

Commissioner Stevens stated that he had done projects all over the world and stated that people sometimes do have a different feeling once a project is complete.

Commissioner Alvarado stated why he was on the P&Z Commission and also stated that these decisions are not easy.

Commissioner Alvarado stated that if warehouses or storage units were put here, then traffic would be close to the same if not worse. He also stated that the expected kids added to the school district sounds about right after discussing with Dr. Westfall.

Commissioner Alvarado stated that he was more concerned about safety for warehousing than this type of quality development. Commissioner Alvarado also stated that the traffic study was concerning, but this development cannot move forward if those concerns were not addressed.

Commissioner Alvarado also stated that he did not like the total number of units and there was still a lot to like here. He also stated this was the northern entrance of the City, and did not think that warehouses were a pleasant look.

Commissioner Dawson thanked the Applicant for their presentation and stated that there was a chasm in the community about this development. He stated that there needed to be a common vision between the elected and appointed members and the citizens.

Commissioner Dawson also stated that he believed the Applicant could find common ground among the most vociferous people, then they could have a great development.

Commissioner Maxwell stated this is an impassioned community and was why his family moved here. He also expressed his gratitude towards the Applicant for wanting to build a high quality development.

Commissioner Maxwell stated that he would like to find opportunities for young minds to live here and help this community grow. He also stated that as jobs are created here, there needs to be places that accommodate young folks.

Commissioner Maxwell stated that another thing that he had heard here, was there are no place for retirees. He also stated this development could potentially accommodate those who are looking to retire.

Commissioner Maxwell asked what the analytics of the demographics of other developments the Applicant had constructed, and also asked if this development was mainly for the residents or if others from the community will truly go to this development.

Commissioner Maxwell asked if there would be a medical component or just retail and office.

Richard Meyers responded some of the other space could be office, and some of the corner buildings could be medical.

Commissioner Maxwell stated that the Applicant would not get a consensus and retaining the charm and character of Keller is important to the community. He also stated that as these jobs start to come in, they should try and attract younger people to the City of Keller.

Chairperson Ponder stated there were different opinions on this proposal and mentioned that there seems to be a lot of fear and misunderstanding about apartments. He also stated that the renderings were beautiful, but wanted to make sure this development had that same outcome.

Chairperson Ponder stated this was the northern entrance to the City and this would be what our neighboring cities see. He also stated this discussion should be quantity versus quality, and would like to see these units at the luxury level.

Chairperson Ponder stated that there was a lot of detail left out, but this was based on whether this would go forward to City Council or not. He stated that he had tremendous faith in City Council to put a good product in place. Chairperson Ponder also stated that he would not support a poor quality product.

Chairperson Ponder stated that he did not see an issue with the zoning on this and also mentioned that quality and safety needed to be worked out with Staff, the community, and City Council if passed.

Commissioner Thompson asked the applicant if the amount of single-family units was proposed at seventy-seven or fifty-seven.

Richard Meyers responded that the plan was proposed for fifty-seven, and the code allowed up to seventy.

Commissioner Sagar asked about the parking for the lofts, and stated that they had underestimated the parking by assuming one parking space for each one-bedroom loft.

Commissioner Sagar stated that Commissioner Stevens did mention there were projects that were adjacent to rail lines. She also stated that she wanted to make the distinction that those were probably adjacent to transient lines which have a different profile when it comes to noise.

**Commissioner Osgood made a motion to approve Item D-6 with amendments to consider reduction in apartments, to focus on quality product, all structures be sprinklered, and a noise study, seconded by Commissioner Thompson. The motion carried 6-1.**

**F. ADJOURN**

**Chairperson Gary Ponder adjourned the meeting at 11:47 P.M.**

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Chairperson

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Staff Liaison