



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, September 27, 2022

PRE-MEETING BRIEFING 6:00 P.M.

A. CALL TO ORDER - Chairperson Gary Ponder

Chairperson Ponder called the meeting to order at 6:00 p.m.

The following Commission Members were present:

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

Staff present included Community Development Director (CDD) Julie Smith; Assistant Community Development Director (ACDD) Sarah Hensley; Planner II Katasha Smithers; Public Works Director (PWD) Alonzo Linan; City Engineer Chad Bartee; Economic Development Specialist Siale Langi, and Planning Technician Carlos Gutierrez

The Following Commission Members were absent:
Thomas Brymer

B. WORK SESSION

1. [Discuss proposed zoning change for Old Town Keller north of Keller Parkway.](#)

ACDD Hensley gave a brief presentation on the background and proposed zoning changes for the area north of Keller Pkwy and South of Johnson rd from OTK to Retail District. ACDD Hensley stated that Council had directed staff to start pursuing the zoning change.

ACDD Hensley reviewed the affected properties under the proposed Retail Zoning District and how the properties would become legal non-conforming.

ACDD Hensley reviewed the affected properties under the current OTK Zoning District and how properties are operating as legal non-conforming.

Commissioner Thompson asked if what's being requested by Council contradicts what has been discussed in the past regarding the overlay between Keller Pkwy and Johnson Rd

ACCD Hensley stated the rezone of the properties north of 1709 was part of the overall plan for the overlay district.

Commissioner Thompson asked what is the benefit of changing to the Retail Zoning District.

CDD Smith stated the current businesses in the overlay area, once rezoned to the Retail Zoning District, would be able to address parking issues as well as construct monument signs.

Commissioner Thompson shared that he was concerned that rezoning could negatively impact current and future businesses.

CDD Smith stated City Council had asked Staff to provide a framework for moving forward with the overlay district.

Commissioner Alvarado stated that he supports the rezone, as it would help businesses with allowing monument signage.

Chairperson Ponder shared his concern that the rezoning was only to allow for monument signs.

Commissioner Apke requested Staff to provide a report of the differences of each zoning district.

ACDD Hensley stated that Staff could have the report ready and included in the packet.

C. ADMINISTRATIVE COMMENTS

1. [Briefing regarding City Council action on September 20, 2022.](#)

ACDD Hensley gave a recap of the September 20, 2022 City Council meeting which included a unanimous vote to approve the noise ordinance for OTK, approval of an SUP for Black Rock Coffee, and denial of an SUP for Maui Health Spa.

Commissioner Will asked if the noise ordinance was approved as-is or with any amendments.

ACDD Hensley said the hours had been amended and shared what had been approved.

D. DISCUSS AND REVIEW AGENDA ITEMS

D-1 Consent Item Commissioner Brensinger asked Staff about the logistics of the road and if it encroaches on private property.

City Engineer Bartee stated everything as presented meets the UDC guidelines.

E-1 Landscape Systems: Item is being tabled to October 25, 2022.

E-2 First Baptist Church Site Plan Amendment with variances:

Commissioner Thompson asked pertaining to the driveway how much of the 70' width is for the approach and what are the uses for the garage.

Planner II Smithers stated the project engineer would be best to answer the question about the approach. The garage would be used as a field house and storage.

F-1 Minutes: Commissioner Sagar mentioned that a date need to be added to the minutes for a tabled item.

Commissioner Brensinger gave his recommended changes via email and Staff made adjustments.

F-2 Consider a request for a Preliminary Site Evaluation (PSE) for Winding Creek Addition. Planner II Smithers gave a brief summary of the request from City Council to the Applicant.

Commissioner Brensinger asked about the setbacks for lot 6 and lot 7 involving the flood plain. Planner II Smithers said that would be a good question to ask the Applicant.

Commissioner Thompson stated his concern for the potential impact it could have on first responders from call to call and how the cul-de-sac could impact response times for the city as a whole.

F-3 Consider a request to approve amendments to the City of Keller Unified Development Code pertaining to sidewalk width. PWD Linan gave a brief presentation. Commissioner Sagar asked PWD Linan about an earlier-requested table that would break down the information presented. PWD Linan stated the table was in the presentation being given.

Commissioner Sagar stated that she would have liked to review the requested information prior to the meeting, and expressed her concern about lack of time to do so.

Commissioner Sagar asked how the proposed amendments would be implemented.

Commissioner Sagar stated her concern on the process of platting and having to pay into the sidewalk fund. Chairperson Ponder brought the discussion to a conclusion due to time restraints.

E. ADJOURN

Chairperson Ponder Adjourned the pre-meeting at 7:03 p.m.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Ponder called the regular 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.

Paul Hensy, 1342 Jackson Road, stated his concern with Consent Item D-1, pertaining to drainage, sewage, and water.

Rusty Mayeux, 1416 Jackson Road, stated his concern with Consent Item D-1 pertaining to upkeep, unpaid city fines.

Dave Zobrist, 1413 Jackson Road, stated his concern with Consent Item D-1 pertaining to infrastructure, and land use plan.

Christy Murray, 1413 Jackson Road, stated her concern with Consent Item D-1 pertaining to drainage issues, eyesore with homes, and unpaid fines.

Aaron Mckinney, 1405 Jackson Road, stated his concern with Consent Item D-1 pertaining to the boarded up house and drainage issues causing runoff into his garage.

Dale Williamson, 1404 Jackson Road, stated his concern with Consent Item D-1 pertaining to overgrown vegetation and undesired wild life.

Valerie Williamson, 1404 Jackson Road, stated her concern with Consent Item D-1 pertaining to safety issues, property value, wildlife including coyotes, and unpaid city fines.

Jane Mayeux, 1416 Jackson Road, stated her concern with Consent Item D-1 pertaining to overgrown vegetation, eyesore of a boarded up house, property neglect, unpaid city fines, and requested the item to be tabled.

D. CONSENT

1. [Consider approving a Preliminary Site Evaluation \(PSE\) for the Jackson Subdivision consisting of Lots 1-3, Block A, being 4.12 acres located on the west side of Jackson Road, approximately 730 feet northwest from the Mount Gilead Road and Jackson Road intersection, zoned Single-Family 36,000 square-foot minimum lot size \(SF-36\) and currently addressed as 1390 Jackson Road. Tony Ko, Applicant/Developer; Mackay Investments, LLC., Owner. \(PSE-22-0006\)](#)

Commissioner Thompson stated because there are no variances with this plat that the only option is to approve the plat. however he wanted to make the Applicant aware of concerns brought forth by residents.

Commissioner Sagar asked Staff if there were fines and liens on the property.

Planner II Smithers stated she was aware of the fines; however, she was not aware of liens on the property.

Commissioner Sagar asked after a building permit has been issued, how long does the Applicant have to finish the project, and what is the timeline for the Applicant.

Planner II Smithers gave an example of how permits can be extended and how every inspection extends the life of the permit by six months.

Commissioner Sagar echoed Commissioner Thompson's statement on having no choice but to approve the plat.

Chairperson Ponder explained the process of approving a plat without variances, and how by law it must be approved; however, he stated that citizen concerns have not fallen on deaf ears and have laid ground work for the future.

Commissioner Osgood stated his concern with the developer and the lack of standards being upheld. He stated that if he had a choice he would vote against the plat's approval.

Commissioner Thompson asked if Staff could provide the history of the subject property when the final plat comes back to the Commission.

ACDD Hensley assured the Commission staff could provide the requested information with agenda packet when the final plat is considered by the Commission.

A motion was made by Vice Chairperson Ralph Osgood, seconded by Commissioner Leslie Sagar, to approve Item D-1 as presented. The motion carried unanimously.

E. 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 \(Z-22-0001\)](#)

Planner II Katasha Smithers informed the Commission that Item E-1 was originally tabled to today's date, September 27, 2022; however, the Applicant has requested for this item to be tabled to October 25, 2022.

A motion was made by Commissioner Robert Apke, seconded by Commissioner Tom Thompson, to Table Item E-1 until October 25, 2022: The motion carried unanimously.

2. [Consider a request for a Site Plan Amendment with variances for First Baptist Church, situated on approximately 7.97 acres, being legally described as Lot 1R1A, Block 3 of the Johnson Addition; Lots 5-11, Block 2 of Johnson Addition-Keller; Lot 1, Block 1 or Cagle Addition; Tracts 1C01B, 1C01A, 1J, 1L, 1F, 1G, 1C02, 1H1, 1H2, 1H, 1I, 1K, 1I1A, 1K1A, Abstract 1171 of the Samuel Needham Survey and zoned Single-Family 8,400 square-foot minimum lot sizes or greater \(SF-8.4\) and Old Town Keller \(OTK\), and addressed as 218, 220, 224 and 245 Lorine St; 237, 231, 221, 217, and 213 Jessie](#)

[Street; 222 and 238 Ruby Street; and 145, 205 and 211 Pearl Street. First Baptist Church, Owner/Applicant \(SP-22-0027\)](#)

Planner II Katasha Smithers provided Staff's presentation to the Commission related to three Site Plan variances requested by First Baptist Church.

Commissioner Alvarado said he appreciated the Applicant getting the requested variances down to three, and supports what's being presented.

Commissioner Sagar asked what's driving the depth of the fire lane.

Project Engineer Tom Hoover explained that it was requested by the Fire Marshal and would meet the minimum width requirements.

Commissioner Sagar, Will, and Apke noted their appreciation to the applicant for requesting fewer variances than originally proposed.

Commissioner Apke asked if it would be possible to move the garage doors to the south of the building.

The Applicant stated the turning radius of the golf carts would not make it possible to relocate the doors.

Commissioner Thompson asked the width of the sidewalks along the property.

Mr. Hoover gave the dimensions of the sidewalks.

Commissioner Thompson asked if the applicant would be willing to make the garage doors decorative.

The Applicant stated they were amenable to the request.

Commissioner Brensinger thanked the Applicant for taking what was said previously by the Commission and presenting something workable. Commissioner Brensinger asked why the church chose wrought-iron fencing instead of masonry.

The Applicant stated the appearance of the fence, had it been masonry, would look like a compound and have a negative effect on the neighbors, as well as appear unwelcoming. The Applicant stated that the proposed design would also have some safety factors to it as well as match existing fencing.

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Greg Will, to approve Item E-2 as amended with use of decorative garage doors. The motion carried unanimously.

F. NEW BUSINESS

1. [Consider the minutes of the August 23, 2022 Planning & Zoning Commission meeting](#)
A motion was made by Vice Chairperson Ralph Osgood, seconded by Commissioner Tom Thompson, to approve Item F-1 amended as discussed in the meeting. The motion carried unanimously.
2. [Consider a request for a Preliminary Site Evaluation \(PSE\) with six variances for Winding Creek Addition, a proposed ten single-family residential lots and one open space lot subdivision on 12.21 acres of land on the south side of Johnson Road, approximately 1,800 feet southwest from the intersection of Johnson Road and North Pearson Road, being tracts 1D and a portion of 1D01, Abstract 1153 out of the John Martin Survey, zoned Single-Family Residential 36,000 square-foot minimum lot sizes or greater \(SF-36\), and addressed 1808 Johnson Road and a portion of 1816 Johnson Road. Cary Clarke, Devane Clarke Partnership, Ltd., Owner/Applicant. \(PSE-22-0008\)](#)

Planner II Katasha Smithers gave a presentation related to the Preliminary Site Evaluation (PSE) for Winding Creek Addition.

The Applicant, Cary Clarke, gave a brief background to the requested variances for Winding Creek Addition.

Commissioner Will stated his concern with not having a road connection to Pearson Crossing, considering the public safety issues that could be involved, but was overall in favor of the proposed PSE.

Commissioner Apke stated he could support the proposal.

Commissioner Thompson commended the Applicant on the PSE and shared his support. He stated his concerns of not having a connecting road to Pearson Crossing for the reasons of, safety, health and welfare for both neighborhoods.

Commissioner Alvarado stated his thanks to the Applicant for working with the community, Staff, and Council, and is fully in support of the PSE.

Commissioner Sagar thanked the Applicant and stated that although she would've liked to see the connection to Pearson Crossing, she understood the requested variances and is in full support of the PSE.

Commissioner Brensinger asked for the reasoning of the variances for Lots 6 and 7. He asked why the Applicant couldn't move the building plot for Lots 6 and 7 further to the rear of the lot and if it was because of the floodplain.

The Applicant's Engineer, stated the variances are being requested due to the floodplain and the effect it would have on the building plot.

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Robert Apke, to approve Item F-2 as presented. The motion carried unanimously.

3. [PUBLIC HEARING: Consider a request to approve amendments to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Five - Subdivision Design and Improvement Requirements, Section 5.06 - Sidewalks and Trails, relating to sidewalk width requirements, Section 5.12 - Blocks, relating to sidewalk width requirements and removal of the maximum, Section 5.24 - Design Standards, relating to sidewalk construction requirements, and Appendix C - Subdivision Design and Improvement Requirements, Section 1 - Building Services, relating to sidewalk fee assessment; providing penalties; authorizing publication; and establishing an effective date. \(UDC-22-0008\)](#)

PWD Alonzo Linan presented the proposed Unified Development Code changes related to 5-foot sidewalk requirements.

Commissioner Thompson asked if the 4-inch thickness of sidewalks would be thick enough as some cities require 6-inches of concrete.

PWD Linan stated, yes, 4-inches would be thick enough for the sidewalks.

Commissioner Alvarado thanked PWD Linan for the impressive work on the Staff presentation.

Commissioner Sagar thanked PWD Linan for providing the cost index tables as they were very helpful, but again shared her concern about not having the details available for the public before the meeting.

Chairperson Ponder opened the public hearing.

No public comments were received.

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

Commissioner Sagar stated because her earlier request for information on concrete costs was not fulfilled prior to the meeting, the item should be tabled to give Commissioners and the public more review time.

Commissioner Sagar inquired about the city's policy on paying into the sidewalk fund.

PWD Linan explained what was traditionally done pertaining to the fund, and the direction given by City Council.

PWD Linan went into further explanation on sidewalk funds for both extending sidewalks and areas with non-existing sidewalks.

Commissioner Brensinger asked if the impact fee is assessed based on lot size.

PWD Linan stated that the sidewalk fee would be assessed of the actual frontage of the lot.

Commissioner Brensinger stated his concern regarding the wording on the proposed item. He asked if a repair was needed on an existing sidewalk, would the sidewalk be required to undergo expansion.

PWD Linan stated the intent of the wording of repair is to bring the sidewalk up to ADA (Americans with Disabilities Act) standards.

Commissioner Osgood stated his support of the proposed item and the new vision for sidewalks across the city.

Chairperson Ponder asked if property owners have an option or an avenue for relief from the impact fee.

PWD Linan stated City Staff and Council would be willing to entertain any request for the right reasons.

Commissioner Sagar asked the other Commission if they were concerned about not having the concrete cost information before the meeting.

Chairperson Ponder stated that the cost information would have been provided to anyone at the meeting.

Commissioner Alvarado stated that this item will again be open when presented before City Council on October 18, 2022

A motion was made by Commissioner Greg Will, seconded by Commissioner Tom Thompson, to approve Item F-3 as presented. The motion carried by the following vote:

AYE: 6 - Chairperson Gary Ponder, Commissioner Robert Apke, Commissioner Tom Thompson, Commissioner Paul Alvarado, Vice-Chairperson Ralph Osgood, Commissioner Greg Will.

NAY: 1 - Commissioner Leslie Sagar

4. [PUBLIC HEARING: Consider a request to approve amendments to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Eight - Zoning Districts, Development Standards, Tree Preservation, Section 8.03 - Zoning Districts, relating to supplemental regulations for fuel pumps; providing penalties; authorizing publication; and establishing an effective date. \(UDC-22-0009\)](#)

ACDD Hensley gave a presentation on Item F-4, to consider a request to approve amendments to the UDC related to supplemental regulations for fuel pumps.

Chairperson Ponder opened the public hearing.

No public comments were received.

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

Commissioner Alvarado stated he would like for applicants to have the ability to go above the proposed allowance of eight pumps with a variance request.

A motion was made by Commissioner Robert Apke, seconded by Vice Chairperson Ralph Osgood, to approve Item F-4 as presented. The motion carried unanimously.

G. ADJOURN

Chairperson

Staff Liaison