



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, November 8, 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
Greg Will (Non-voting)

Staff present included Community Development Director (CDD) Julie Smith; Assistant Community Development Director (ACDD) Sarah Hensley; Public Works Director (PWD) Alonzo Linan; City Engineer Chad Barte; Planner II Katasha Smithers; Planner I Amber Washington; and Planning Technician Carlos Gutierrez

The following Commission Members were absent:

Tom Brymer

B. ADMINISTRATIVE COMMENTS

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

ACCD Hensley gave a brief recap of the November 1, 2022 City Council meeting. The Substandard Building Ordinance tabled at the October 18, 2022 City Council meeting, was passed. The plat for Hallelujah Trail with its five variances passed unanimously.

Commissioner Brensinger shared his position on the issue with Hallelujah Trail and requested that a notice be sent to City Council.

CDD Smith stated that a request could be made by the Commission.

Commissioner Osgood stated he would like to see general guidelines for both Staff and the Commission for situations similar to Hallelujah Trail. He said the land owner should

have an understanding or an expectation of what the City would require in these cases.

CDD Smith stated that this topic could be a work session.

The Commission agreed to place a work session Item regarding dead-end streets and infill developments, on a future Planning and Zoning Meeting (P&Z).

C. DISCUSS AND REVIEW AGENDA ITEMS

Chairperson Ponder stated Old Business Item D-1 will be placed in between agenda items E-2 and E-3 to connect related items.

Commission discussed the process of the three individual items for Landscape Systems on the agenda.

E-1: Chairperson Ponder asked if there was any additional comments to the minutes.

Staff stated all the comments sent prior to the meeting have been addressed and corrected.

E-2: Planner Washington gave a brief background of Item E-2, a Final Plat with variances.

CDD Smith stated that Staff received opposition today over the item and documentation has been updated to the Commissioners iPads.

Commissioner Thompson asked for clarification on one of the opposition letters about the using of current driveway for 1243 Village Trail.

CDD Smith gave background to the question and stated that there is no violation with the current driveway that is being used.

E-3: Planner Smithers gave a brief background of Item E-3, consider a request for three SUPs.

Commissioner Apke asked if anyone removed opposition towards Landscape Systems' proposed project.

CDD Smith stated The Bowden removed their opposition because of the Applicant's efforts to work with the parking issues.

Commissioner Apke asked if there was ever any intention to connect Blevins with Pearson Crossing.

CDD Smith stated the intention is to have the trail potentially provide access to Blevins from Pearson Crossing but no road connection.

E-4: Planner Smithers gave a brief background of Item E-4, a Site Plan Amendment with

variances.

Commissioner Brensinger asked if the applicant was given a stop work order.

CDD Smith stated yes they have.

E-5: ACDD Hensley gave a brief background of Item E-5 consider a request to approve amendments to the City of Keller Unified Development Code (UDC).

Commissioner Brensinger asked if what's being proposed changes any requirements in the UDC.

CDD Smith stated there are old calculations for signs currently in the UDC that didn't get updated when UDC changes were made and no longer apply, as well as fee charts and schedules.

D. ADJOURN

Chairperson Ponder adjourned the pre-meeting at 6:50 p.m.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Ponder called the meeting to order at 7:05 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.

Kathy May, 1846 Pearson Crossing, shared her concern with Landscape Systems, she commented the hardship of hearing noise due to the work being done and is in opposition of the rezone to retail.

K.C. Orren, 1838 Pearson Crossing, stated the noise of the wood chipper at Landscape Systems when in use is extremely loud, and is in opposition of the uses on site.

Tod Corren, 1850 Person Crossing, stated that he and his wife are opposed to the rezone to retail for Landscape Systems.

Roger Hutton, representative of the Bowden Events at 1775 Keller Pkwy, shared that earlier issues with the Applicant had been resolved and they withdrew their objection to

Landscape Systems and are in full support of what's being proposal.

Jun Kau, 1721 Blevins, stated he would like to see all his neighbors happy.

Hausen and Margret Arafat, 1738 Blevins withdrew their objections with Landscape Systems after working with the Applicant.

E. NEW BUSINESS

1. [Consider the minutes of the October 11, 2022 Planning & Zoning Commission meeting.](#)

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Leslie Sagar, to approve as amended the minutes of the October 11, 2022 Planning & Zoning Commission meeting. The motion carried unanimously.

2. [PUBLIC HEARING: Consider approval of a Final Plat with variances for Lots 1R and 2, Block A, Hinds Addition, being a replat of Lot 1, Block A, Hinds Addition, located on 5.62 acres, at the intersection of Village Trail and Sarah Brooks Drive, addressed as 1241 Village Trail and zoned Single Family Residential - 36,000-square-foot minimum \(SF-36\). Douglas Hinds, Owner/Applicant. \(P-22-0021\)](#)

Planner Washington gave a presentation on Item E-2, Final Plat with Variances.

The Applicant shared the history of the property and plans on building an additional house after platting.

Chairperson Ponder opened the public hearing.

Bailey Draper, 1505 Stanton, shared his concerns with drainage due to the possible new build.

Craig Corato, 945 Keller Smithfield Rd, shared his support for what is being proposed.

Jack Perryman, 1020 Westover Trail, shared his concern with drainage and ponding on his property.

Jack Butler, 1016 Westover Trail, shared his concern with drainage, but isn't opposed to the replat.

A motion was made by Vice Chairperson Ralph Osgood, seconded by Alternate Ross Brensinger, to close the public hearing. The motion carried unanimously.

Chairperson ponder asked City Engineer Bartee if he would like to respond to the water concerns by neighbors.

City Engineer Bartee stated with what has been submitted and the location of the lot being southwest of the mentioned properties, there would be no adverse effect to 1016 and 1020 Westover Trail, as the topography shows water will drain south of their properties.

Commissioner Osgood asked what kind of drainage study has been completed.

City Engineer Bartee gave the process of what is needed for all plats and how the drainage study is used.

Commissioner Thompson asked if he was aware of any drainage issues prior to today.

City Engineer Bartee stated drainage issues had been brought up in 2019 to Public Works Director Alonzo Linan.

Commissioner Alvarado stated his support of the proposed item.

Commissioner Sagar stated her support of the item.

Commissioner Brensinger asked the Applicant where the location of the proposed house would be.

Applicant showed the proposed location of the home to be the adjacent to Village Trail.

Commissioner Brensinger asked the Applicant if they are planning to use the current driveway to 1243 Village trail.

The Applicant stated yes.

Commissioner Apke stated the Applicant's request is reasonable and he said he is in full support of the request.

Commissioner Thompson echoed the other Commissioners' support.

Commissioner Will stated his support for the item.

Commissioner Ponder asked City Engineer Bartee to explain the process for next steps.

City Engineer Bartee stated the next step would be requesting a building permit which will require site-specific engineered grading plans.

A motion was made by Commissioner Leslie Sagar, seconded by Commissioner Robert Apke, to approve Item E-2 as presented. The motion carried unanimously.

D. OLD BUSINESS

1. [Consider a request to rezone from Single Family - 36,000 square-foot minimum lot size \(SF-36\) to Retail \(R\), for approximately 16.62 acres, legally described as Tract 1D01B and Tract 1D01A1 of the John Martin Survey, Abstract 1153 \(account # 42818999 and 42819014\), a portion of Lot 7, Block 1, Pearson Crossing, and Tract 1F, Abstract 1153 \(account #: 04069838\) of the John Martin Survey, and addressed as 1816 Johnson Road.](#)

1850 Pearson Crossing, 1908 Pearson Crossing, and 1863 Keller Parkway. Ed Ruibal, Landscape Systems, Applicant/Owner; Don Dinger, Owner. James Neill, Owner (Z-22-0001)

Planner Smithers gave a brief presentation on Item D-1, request to rezone Single Family -36,000 to Retail Zoning.

Commissioner Apke stated he appreciated the Applicant working on previous issues with the neighbors.

Commissioner Thompson asked if the Applicant had been operating when told not to.

The Applicant stated that yes, he has been operating.

Commissioner Thompson stated he applauded the Applicant for working with is neighbors, but doesn't like that he was working when told not to.

Commissioner Alvarado stated his concern with the Applicant operating after receiving a Stop Work Order from the City, and at the moment is not in support of the item.

Commissioner Sagar thanked the Applicant for working on issues and complaints and asked if he had been using a wood chipper.

The Applicant stated yes, because of a few dead trees on the property. He also apologized for working when he was asked not to.

Commissioner Sagar asked what the hours of operation would be.

The Applicant stated his hours of operation will be 7:00 a.m. - 6:00 p.m. during the summer time and 7:00 a.m. - 5:30p.m. during the winter season, and closed on Sundays year-round.

Commissioner Sagar stated rezoning to retail is a reasonable request.

Commissioner Brensinger stated he could support this item as there isn't any other possible use for the property.

Commissioner Will asked Staff if there was any way the Applicant could operate as requested if not rezoned.

CDD Smith stated no.

Commissioner Osgood stated his support with what's being requested.

Chairperson Ponder stated his support and asked that the applicant continue to have conversations with neighbors.

A motion was made by Commissioner Robert Apke, seconded by Commissioner Leslie Sagar, to approve Old Business Item D-1 aspre consider a request to rezone from Single Family - 36,000 square-foot minimum lot size (SF-36) to Retail (R), The motion carried by the following vote:

AYE: 7 - Chairperson Gary Ponder, Vice-Chairperson Ralph Osgood, Commissioner Robert Apke, Commissioner Tom Thompson, Commissioner Leslie Sagar, Commissioner Ross Brensinger.

Nay: 1 - Commissioner Paul Alvarado.

E. NEW BUSINESS

3. [PUBLIC HEARING: Consider a request for three Specific Use Permits \(SUPs\) for Landscape Systems and B & M Tree Service, for Light Manufacturing, Greenhouses and Nurseries, and outside storage for plant material and vehicles on approximately 17.52 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 \(SUP-22-0032\)](#)

Planner Smithers gave a brief presentation of Item E-3, three Specific Use Permits for Landscape Systems.

Chairperson Ponder opened the Public Hearing

Tod Corren, 1850 Pearson Crossing stated he was against the metal structure being built, and recommended the Commission ask the Applicant to manufacture furniture off-site.

K.C. Orren, 1838 Pearson Crossing stated his concern with the location of the metal structure.

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

Commissioner Sagar asked the Applicant if manufacturing will be enclosed with insulated walls.

The Applicant stated yes.

Commissioner Sagar stated her support for what is being requested.

Commissioner Brensinger stated that the buffer amount is acceptable.

Commissioner Apke asked the Applicant if the trail would be completed before the

Certificate of Occupancy (CO).

The Applicant stated yes.

Planner Smithers also stated that the CO would not be processed until the trail is complete.

Commissioner Thompson stated he found the request of the SUPs reasonable and asked that the motion would be made with operating hours being from 7:00 a.m. - 6:00 p.m.

Planner Smithers asked for a recommendation 95 evergreen trees being added as a condition.

Commissioner Alvarado stated his support with a request that noise-reducing material be used for manufacturing.

Commissioner Will asked for clarification on hours of operation and shared his concern of operating after hours.

The Applicant stated that the workshop would be closed an hour before close of business.

Commissioner Will asked The Applicant if would be willing to change the material used on the requested building.

Applicant stated that he already bought material to build the requested building.

Commissioner Osgood asked where the 95 evergreen trees would be planted.

Planner Smithers clarified the number of trees on site.

Commissioner Osgood stated his support for the item.

Chairperson Ponder asked if the Applicant already bought the materials for the building.

Applicant stated yes.

Chairperson Ponder stated that he has concern with the trees acting as a buffer for seeing the building.

The Applicant stated that the trees that will be planted will be almost as tall as the building and will provide foliage from the ground up, and would provide better insulation than the current building.

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Ross Brensinger, to approve Item E-3 with conditions. The motion carried unanimously.

4. [Consider a recommendation of a Site Plan Amendment with Variances for Landscape Systems on approximately 17.52 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. \(SP-22-0033\)](#)

Planner Smithers gave a brief presentation on Item E-4, consider a recommendation of a Site Plan Amendment with Variances.

The Applicants engineer addressed comments of lighting on the site.

Commissioner Brensinger stated his support.

Commissioner Apke thanked the Applicant for addressing the lighting and is in support of the item.

Commissioner Thompson stated his support of the requested item.

Commissioner Alvarado stated he is in support of the item.

Commissioner Sagar stated her support of the request but had a question about the type of trees being planted.

The Applicant stated they will have an updated plan that will include the evergreen trees.

Commissioner Will asked if there is separation between the trail and property.

The Applicant stated there will be a wrought iron fence.

Commissioner Osgood stated he supports the request.

A motion was made by Commissioner Leslie Sagar, seconded by Commissioner Robert Apke, to approve Item E-4, with conditions. The motion carried unanimously.

5. [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 replacing Article Eight - Zoning Districts, Development Standards, Tree Preservation, with a new Article Eight - Zoning Districts; by replacing Article Nine - Appendices, with a new Article Nine - Development Standards; and by adding a new Article Ten - Tree Preservation; and a new Article Eleven - Appendices; authorizing publication; providing a penalty; and establishing an effective date. \(UDC-22-0010\)](#)

ACDD Hensley gave a brief presentation of Item E-5, consider a request to approve amendments to the City of Keller UDC.

Chairperson Ponder opened the public hearing.

No Public comments were received.

A motion was made by Vice Chairperson Ralph Osgood, seconded by Commissioner Leslie Sagar, to close the public hearing. The motion carried unanimously.

Commissioners thanked Staff for working on the UDC.

A motion was made by Commissioner Robert Apke, seconded by Commissioner Tom Thompson, to approve Item E-5, as presented. The motion carried unanimously.

F. ADJOURN

Chairperson Ponder adjourned the meeting at 9:53 p.m.

Chairperson

Staff Liaison