



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, April 26, 2022

PRE-MEETING BRIEFING 6:30P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 6:42P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Paul Alvarado

Leslie Sagar (virtual)

Thomas Thompson

Ross Brensinger

Greg Will

The following Commissioners were absent:

Thomas Brymer

Ralph Osgood

Bob Apke

Staff present included: Community Development Director, Julie Smith; Assistant Community Development Director, Sarah Hensley; Planner II, Katasha Smithers; Planner I, Amber Washington; and Director of Information Technology, Sean Vreeland.

B. ADMINISTRATIVE COMMENTS

ACDD Sarah Hensley stated at the City Council meeting held on April 19, 2022, the Council unanimously denied the SUP for Dutch Bros. She said they unanimously approved the two SUP's for Hive Riot. The Site Plan for Risen Nation church was approved 6-1, and the Junk Vehicle Ordinance was approved 6-1.

C. DISCUSS AND REVIEW AGENDA ITEMS

D1. Minutes for the April 12, 2022, Planning and Zoning Commission Meeting.

CDD Smith stated Commissioner Apke had emailed one change to Staff and that correction was made.

D2. Two SUPs for detached accessory structure at 990 Elkin Lane.

Planner Washington gave a brief description.

Commissioner Thompson asked Staff to confirm there was not plumbing or air conditioning.

CDD Smith confirmed there was not.

D3. SUP for “high-risk or hazardous industrial use” above-ground storage tanks at 1675 South Main Street.

Planner Smithers gave a brief description.

Commissioner Thompson asked Staff to confirm this item was approved previously.

CDD Smith responded that it was previously approved in 2019.

D4. SUP for a carport at 1205 Garden Lane.

Planner Washington gave a brief description.

CDD Smith stated Staff had concerns on the location of the carport and accessibility to the garage. She added the Applicant stated the carport adjacent to the garage would be open, however, Staff still had concerns.

D5. Site Plan Amendment for Tropical Smoothie at 1521 Keller Parkway, Suite 100.

Planner Smithers gave a brief description.

Commissioner Sagar asked Staff to clarify that the request was simply for a wrought iron fence around the outdoor seating area.

Planner Smithers responded confirmed.

E. ADJOURN

Chairperson Ponder adjourned the Pre-Meeting at 6:50P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER –Chairperson Gary Ponder

Chairperson Ponder called the meeting to order at 7:00P.M.

B. PLEDGE OF ALLEGIANCE

1. Chairperson Ponder led the Pledge to the United States Flag.
2. Chairperson Ponder led the Pledge to the Texas Flag.

C. PERSONS TO BE HEARD

There were no persons to be heard.

D. NEW BUSINESS

1. [D \(1\) Consider the Minutes for the April 12, 2022, Planning and Zoning Commission Meeting.](#)

Commissioner Sagar made a motion to approve Item D (1), seconded by Commissioner Brensinger. The motion carried unanimously with Commissioner Alvarado abstaining.

2. [D \(2\) PUBLIC HEARING: Consider a request for two Specific Use Permits \(SUPs\) for a 1,440 square-foot detached accessory structure with an average height of 21 feet, located on one acre, situated on the west side of Elkin Lane at the intersection of Florence Road and Elkin Lane, legally described as Lot 1, Block 2 of Arabian Horse Country addition, zoned Single-Family 36,000 square-foot lot size or greater \(SF-36\) and addressed 990 Elkin Lane. Valter Moreira, Owner/Applicant. \(SUP-22-0005\)](#)

Planner Washington stated on March 24, 2022, the Applicant submitted a request for two Specific Use Permits to construct a 1,440 square-foot detached garage with an average height of 21 feet, and peak of 23 feet, 9 inches. The Applicant proposed to use the structure as a garage for vehicles, a workshop, and storage. She added the proposed location of the garage would be the same as the existing detached garage, with a footprint of 720 square-feet and a total square footage of 1,440. The current garage did not have a foundation, so one would be poured.

She said The Applicant proposed to use 12” Hardie lap siding and trim on the building exterior, as well as soffit and fascia. Though the home was brick, the color of the proposed structure would be compatible with the existing home. The roof would consist of composition shingles similar to the home and there would be one door, eight windows and a steel garage door.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant, Valter Moreira, did not.

Chairperson Ponder opened the Public Hearing.

Commissioner Sagar made a motion to close the Public Hearing, seconded by Commissioner Alvarado. The motion carried unanimously.

Commissioner Alvarado asked if the home was a two-story. He had concerns of the height of the building in relation to the height of the main structure.

The Applicant responded the original home was single-story, and the addition was two-story.

CDD Smith added there were different levels and would not be at odds with a building of this height. She said the building was not being located near the neighbors, therefore, would not create a looming effect.

Commissioner Brensinger stated his concern was the visual from Florence Road.

The Applicant responded there was a green space and fence along Florence. CDD Smith added the Applicant was behind the build line and the building would have windows on the side facing Florence Road.

Commissioner Will asked CDD Smith if there were plans to widen Florence Road.

CDD Smith responded there were no immediate plans.

Commissioner Thompson asked the Applicant what the use would be for the accessory structure.

The Applicant stated it would be for vehicle storage, and hobbies such as gardening and woodworking.

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

3. [D \(3\) PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for Equipment Share to allow "high-risk or hazardous industrial use", specifically above-ground storage tanks, on an approximately 4.77-acre tract of land, situated on the east side of South Main Street \(HWY 377\), approximately 250 feet south from the intersection of South Main Street and Calverley Place, being Lot 1A, Block 1 of the Steelwright Addition, zoned Light Industrial \(LI\), and addressed as 1675 South Main Street. Storm Master Funding LLC., Owner. BB Holdings TX LLP., Applicant. \(SUP-22-0009\)](#)

Planner Smithers stated on July 16, 2019, Equipment Share was approved for a SUP to allow two outside storage tanks. However, the tanks were never added nor the site plan amended to indicate storage tanks. She said per the UDC, a SUP would after one year of approval date. The Applicant submitted a new SUP application for the proposed two outside storage tanks. She added if approved, the Applicant would then submit a site plan amendment and requisite permits.

Chairperson Ponder asked if the Applicant had anything to add.

Adam Heff with Agriland, stated the tanks were double wall tanks, tank monitoring and fuel monitoring for safety.

Chairperson Ponder opened the Public Hearing.

Commissioner Sagar made a motion to close the Public Hearing, seconded by Commissioner Thompson. The motion carried unanimously.

Commissioner Sagar asked Staff if the Fire Marshal reviewed this item. She asked the Applicant what the purpose of having these tanks would be.

Planner Smithers responded that the Fire Marshal had reviewed and the tanks were going to be the exact location and size they were previously approved for.

Mr. Heff stated they would be used to fuel equipment and delivery trucks. He added that having the fuel onsite would eliminate the heavy truck traffic of the trucks going to get fuel. He said it would also limit the Hazmat trucks delivering the fuel since they would not be required daily.

Commissioner Will asked the Applicant why the permit that was approved in 2019 was not followed through with. He asked if they would proceed this time if approved.

Mr. Heff responded that the original person who applied for the permit was no longer with the company. They were unable to follow up during that time. He said the company would move forward if approved.

Commissioner Thompson asked if there were any material changes since the 2019 application.

Mr. Heff responded there were not any changes that he was aware of.

Commissioner Thompson asked if there were inspections performed for the tanks. He also asked if there was a containment area.

Mr. Heff stated there were a number of different inspections that would be performed. He also said there was not a containment area due to the tanks being double-walled with concrete in the middle.

Commissioner Alvarado asked if there were remote leak detection monitors on the tanks.

Mr. Heff responded there was a visual gauge leak detection monitor.

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

4. [D \(4\) PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for a carport, located on approximately 0.72 acres on the north side of Garden Lane, approximately 950 feet northeast from the intersection of Roanoke Road and Garden Lane, legally described as Lot 1, Block 8 of Eden Oaks Addition, zoned Single-Family 36,000 square-foot lot size or greater \(SF-36\) and addressed 1205 Garden Lane. Brent Ryals, Owner/Applicant. \(SUP-22-0006\)](#)

Planner Washington stated the Applicant requested an SUP to construct a 400 square-foot carport next to an existing detached garage to provide shelter for the family's vehicles that do not fit in the garage. She said the building materials included 6x6 steel posts, tongue-and-groove pine boards for the ceiling, and shingles to match the home's roof.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant, Danny Ryals, had nothing to add.

Chairperson Ponder opened the Public Hearing.

Commissioner Sagar made a motion to close the Public Hearing, seconded by Commissioner Alvarado. The motion carried unanimously.

Commissioner Brensinger asked Staff to clarify if the carport would block the garage.

Planner Washington stated the Applicant said there would be an open space closest to the garage for access.

The Applicant, Danny Ryals, said they would still have access to their garage with their design. There would be four posts and open so you could drive through the carport to get into the garage.

Commissioner Brensinger asked if there were cars in the carport, would that block the garage.

The Applicant stated the carport was to protect their vehicles. They would use the garage and carport for all of their vehicles.

Chairperson Ponder asked if the carport was being built to block a car out of the garage.

The Applicant stated they were not.

Commissioner Thompson stated his concern for the spacing of the posts and being able to pull through the carport (turning radius). He also had concern with the roof material and it being a flat roof.

She also said the photo that they submitted was not actually what it was going to look like.

Commissioner Alvarado asked Staff if everything with this carport was in line with our Ordinance.

CDD Smith responded prior to her tenure, the main discussion was aesthetics and if they look right for the area.

Commissioner Alvarado stated better plans would have been helpful. He asked the Applicant if she would be willing to submit better plans if the Commission tabled the item. He suggested she bring back more solid plans including materials, roof pitch and pictures.

The Applicant stated they would.

Commissioner Sagar asked the Applicant why the carport was not being pushed further back and utilizing the concrete. She asked if they had considered moving it.

The Applicant responded they had a fence there. She said they had not considered moving the fence.

Commissioner Sagar said the Applicant will need to bring plans that include the dimensions of the carport in relation to the existing garage. She would like to see the vehicular access to the garage as well as the carport.

Chairperson Ponder asked Staff if the carport was following our UDC. He asked if the neighbors were in support.

CDD Smith responded the neighbors were shown a larger structure. When the size was reduced, Staff did not feel it was necessary to resend to the neighbors.

Commissioner Alvarado made a motion to table Item D (4) until May 24, 2022, seconded by Commissioner Will.

Commissioner Thompson asked Commissioner Alvarado to consider adding language to his motion with requirements.

Commissioner Thompson made a motion to table Item D (4) until May 24, 2022, with all necessary criteria including dimension plans, turning radius, elevations, and additional details, seconded by Commissioner Will. The motion carried unanimously.

- 5. [D \(5\) Consider a request for a Site Plan Amendment for Tropical Smoothie, in an existing 1,550 square-foot lease space, within a 12,094 square-foot, multi-tenant building, situated on 1.42-acre property, located on the north side of Keller Parkway \(F.M. 1709\), approximately 250 feet northwest from the intersection of Keller Parkway and Chandler Road, being Lot 2, Block A of Greenway Keller Addition, zoned Town Center \(TC\), and addressed as 1521 Keller Parkway, Suite 100. DYNE Operating, Applicant. Greenway-Keller LP., Owner. \(SP-22-0012\)](#)

Planner Smithers stated the Applicant submitted a Site Plan Amendment to modify the front elevations by creating a small patio area with a 3 ½' wrought iron fence. All Site Plans in the Town Center Zoning District must receive approval by City Council following a recommendation by the Planning and Zoning Commission.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant had nothing to add.

Commissioner Will stated he agreed with Staff recommendation and was in favor.

Commissioner Sagar stated the outdoor umbrellas may should be anchored down, but she was in support.

Commissioner Alvarado made a motion to approve Item D (5), seconded by Commissioner Thompson. The motion carried unanimously.

E. ADJOURN

Chairperson Ponder adjourned the meeting at 8:20P.M.

Chairperson

Amy Botcher, Planning Technician