



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, March 14, 2023

PRE-MEETING BRIEFING 6:00 P.M.

A. CALL TO ORDER - Chairperson Paul Alvarado

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

The following Commission Members were present:

Paul Alvarado, Chairperson
John Baker, Vice-Chairperson
Greg Will
Erin Pfarner (Via Zoom)
Leslie Sagar
Erik Leist
Vern Stansell
Ross Brensinger (Non-voting)
GiGi Gupta (Non-voting)

Staff present included Community Development Director (CDD) Julie Smith; Assistant Community Development Director (ACDD) Sarah Hensley; City Engineer Chad Barteel; Economic Development Specialist, Siale Langi; and Planning Technician Carlos Gutierrez.

B. ADMINISTRATIVE COMMENTS

1. Briefing regarding City Council Action on March 7, 2023.

ACDD Hensley gave a recap of the March 7, 2023 City Council meeting. A Specific Use Permit (SUP) for the counseling office of Allison Cornelius located at 123 Keller Parkway, Suite 200 was approved 4-1. Both SUP requests for Kid to Kid located at 750 South

Main, Suite 135 were unanimously approved. An SUP request for a 1,300 square-foot accessory building for 1244 Trail Ridge Drive was unanimously approved.

C. DISCUSS AND REVIEW AGENDA ITEMS

D-1: Applicant requested, the item be tabled to the March 28, 2023 Planning and Zoning Meeting.

E-1: Planning and Zoning Commission meeting minutes required edits. No additional comments.

E2: CDD Smith gave background on item related to 901 Barbara Lane, a request for two amendments to an existing SUP. Commissioner Will asked if the calculations made to determine whether the structure was greater than 50% of the home's square-footage of the house were made off the current house or the house being constructed. CDD Smith stated the house being constructed.

E3: ACDD Hensley gave background on an SUP request for SWIG drive-thru to operate at 2021 Rufe Snow. Commissioner Brensinger asked if Staff looked at the traffic patterns for the proposed site due to the small location. ACDD Hensley said that Public Works and Staff shared with the Applicant in DRC meetings what would be required for the location. Commissioner Sagar stated that this question may be for the Applicant, but what is the Applicant going to do when there is bad weather. CDD Smith stated that the model that they are using is similar to other restaurants.

E4: ACDD Hensley gave background on the request to approve amendments to the City of Keller Unified Development Code (UDC). The Commission discussed the current language in the UDC about fuel pumps versus fuel dispensers. CDD Smith agreed that the language needs to be adjusted and the Commissioners could make a motion that would change the language.

E5: ACDD Hensley gave background for an SUP request for Kroger at 2061 Rufe Snow. Chairperson Alvarado asked if there were any Commissioners absent the previous time Kroger presented the SUP. All Commissioners had been present for the SUP request last year.

E6: Discussed during work session.

D. WORK SESSION

1. Consideration of car wash locations in the City of Keller.

CDD Smith gave a presentation on consideration of car wash locations in the City of Keller. Commissioner Stansell asked in reference to the Market Trend: Car Wash and Auto Detailing Industry slide, how many out of the 20 car washes that opened up in Tarrant County last year were in Keller. CDD Smith stated none. Commissioner Stansell asked how many proposals have you had to review in the last 12 months. CDD Smith stated 5 have reached the DRC process. Commissioners had a brief conversation on car washes.

E. ADJOURN

Chairperson Alvarado adjourned pre-meeting at 6:48 p.m.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Chairperson Paul Alvarado

Chairperson Alvarado called the meeting to order at 7:00 p.m.

C. PERSONS TO BE HEARD

This is a time for the public to address the Commission on any subject. However, the Texas Open Meetings Act prohibits the 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. Each speaker will be allowed three (3) minutes to speak.

Tommy Beck, 1234 Valley Ridge, stated that he came down to Town Hall and wanted information on City projects, but was told that staff couldn't talk at the moment because they were in a pre-scheduled meeting. He suggested that maybe the City should go back to 5 day work week if time can not be made for citizens.

Commented [CG1]: To be added: Tommy Beck, 1234 Valley Ridge, stated that he came down to Town Hall and wanted information on City projects, but was told that staff couldn't talk at the moment because they were in a staff meeting. He suggested that maybe the City should go back to 5 day work week if time cannot be made for citizens. (Replaced Pre-scheduled meeting for staff meeting) My memory is that he said staff meeting. Of course, I have no idea of what was actually said at the time. -Commissioner Brensinger

D. CONSENT

1. Consider approving a Preliminary Site Evaluation for Cornelius Addition consisting of three residential lots and one open space lot being approximately 4.51 acres, located approximately 775 feet southeast of the intersection of Mount Gilead Road and North Main Street (HWY 377), situated on the south side of Mount Gilead Road, zoned Single-Family

36,000 square-foot lot sizes or greater (SF-36) and addressed as 156 Mount Gilead Road. Brent Cornelius, Owner/Applicant/Developer. Eagle Surveying, Surveyor. (PSE-23-0001)

A motion was made by Commissioner Erik Leist, seconded by Commissioner Vernon Stansell, to table item D-1 at the request of the Applicant. The motion carried unanimously.

E. NEW BUSINESS

1. Consider the minutes of the February 28, 2023 Planning and Zoning Commission Meeting.

A motion was made by Commissioner Gregory Will, seconded by Commissioner Vernon Stansell, to approve the minutes of the February 28, 2023 Planning and Zoning Commission Meeting. The motion carried unanimously.

2. PUBLIC HEARING: Consider a request for two amendments to an existing Specific Use Permit (SUP) by allowing a 1,250 square-foot addition onto an existing 2,000 square-foot

accessory structure (totaling 3,250 square-feet) and exceeding the square-footage of the existing home (under construction) by more than 50% , legally described as Lot 2, Block A of the VRA Addition, being 5.69-acres, located at the intersection of Barbara Lane and Rufe Snow Drive, zoned Single-Family 36,000 square-foot lots or greater (SF-36) and addressed as 901 Barbara Lane. 3:16 Roofing and Construction, Applicant. Sean Alibrando, Owner. (SUP-23-0006)

CDD Smith gave presentation on item E-2, a request for two amendments to an existing SUP.

Chairperson Alvarado opened the public hearing.

William Melder, 606 Rufe Snow Drive, stated that all improvements that have been done on the property have been nothing but spectacular.

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

Commissioner Sagar thanked the Applicant for coming forth and requesting the SUP.

A motion was made by Commissioner Vernon Stansell, seconded by Commissioner Gregory Will, to approve as presented Item E-2. The motion carried unanimously.

3. PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) to allow a drive-thru in an approximately 665 square-foot building for SWIG, a proposed quick-service restaurant on the east side of Rufe Snow Drive situated approximately

240

feet southeast of the North Tarrant Parkway and Rufe Snow Drive intersection, on approximately .758 acre, legally described as Lot 4R1, Block A, Keller Place Addition, zoned Retail (R), and addressed 2021 Rufe Snow Drive. Whitestone Keller Place LLC, Owner, Kofi Addo on behalf of Savory Development, Applicant. (SUP-23-0005)

ACDD Hensley gave background on a SUP request for a drive-thru at 2021 Rufe Snow on behalf of SWIG.

The Applicant stated that he was available for any questions.

Chairperson Alvarado opened the Public Hearing.

Holly Dillon, 1701 Rolling Bend Court, asked about notification process on this item.

Sean Alabrando, 901 Barbara Lane, spoke in favor of item E-3.

A motion was made by Commissioner Erik Leist, seconded by Commissioner Vernon Stansell, to close the public hearing. The motion carried unanimously.

Chairperson Alvarado asked ACDD Hensley to clarify on the City's notification process.

ACDD Hensley explained the notification process.

Commissioner Stansell asked the Applicant how SWIG staff would handle bad weather.

The Applicant stated staff would be inside the building during bad weather.

Commissioner Stansell asked how would vehicles enter the drive-thru from N Tarrant Pkwy.

The Applicant stated they would drive through the parking lot.

Commissioner Leist asked the Applicant if he knew of any SWIG franchise that had recently closed for business.

The Applicant stated he wasn't aware of any closures.

Commissioner Baker asked Staff if there could be another drive for the site.

City Engineer Bartee stated it may be possible, and that he could speak to the Applicant about that during the site plan process.

Commissioner Brensinger asked Staff if we could delay what's being presented until the

traffic analysis is complete.

that CDD Smith stated she wasn't sure if an SUP could be held up because of a site plan the Commission may not have any authority over, and that she doesn't have a legal answer. She stated that Commissioner Brensinger's question would be better answered by City Attorney.

Commissioner Stansell asked if the mouth of the entrance could be widened.

City Engineer Bartee stated yes.

Commissioner Leist stated he was inclined to move forward with a recommendation of approval and to share Commission's concerns with City Council.

Commissioner Sagar stated the site was intended for a drive-thru and what is before the commission today is the SUP request. She stated that the Applicant's request is reasonable and that the item should move forward.

A motion was made by Commissioner Gregory Will, seconded by Commissioner Erik Leist, to approve as presented Item E-3. The motion carried unanimously.

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, relating to supplemental regulations for fuel pumps in the Retail Zoning District; providing penalties; authorizing publication; and establishing an effective date. (UDC-23-0004)

ACDD Hensley gave background to item E-4, a request to approve amendments to the City of Keller UDC.

Chairperson Alvarado opened the public hearing.

Samantha Vargas, 1618 Meadow Park Drive, asked why she wasn't notified about the current public hearing.

Donna Mangle, 2009 Bradley Court, stated she was confused about the number pumps that would be allowed in town center compared with other zoning district.

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

Chairperson Alvarado asked Staff to explain the public hearing notification process.

ACDD Hensley explained the notification process for the City of Keller.

Commissioner Sagar shared that citizens could visit the City of Keller website to review items that are coming before the Commission and City Council.

Commissioner Leist recommended that the language for the UDC would read, no fewer than four and no more than six dispensers.

A motion was made by Commissioner Vernon Stansell, seconded by Commissioner Erik Leist, to approve Item E-4 as amended with the language, "no fewer than four and no more than six dispensers". The motion carried unanimously.

5. PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for fuel pumps/sales as an accessory use to a grocery store on 6.6 acres located on the east side of Rufe Snow Drive, approximately 440 feet southeast from the intersection of North Tarrant Parkway and Rufe Snow Drive, legally described as Lot 2R1, Block A of Keller Place Addition, zoned Retail (R) and addressed 2061 Rufe Snow Drive. Whitestone Keller Place, LLC, Owner; Kroger Texas - Richard Binkley, Applicant. (SUP-23-0008) ACDD Hensley gave background on an SUP request for fuel pumps as an accessory use to a grocery store.

Chairperson Alvarado opened the Public Hearing.

and Joe Lotterhos, 1603 Woody Creek Drive, stated his concern about runoff with water, the possibility of multiple types of pollution.

Marian Nolan, 1810 Meadow Ridge, stated they have lived in the community for years, shared their family story, and was opposed what's being requested.

Christine Dillon, 1701 rolling Bend Ct, stated adding a gas station next to a residential area is going against the City of Keller's beliefs and mission, and asked commission to vote no.

Christine Nelson-Dorsey, 1604 Meadow Park Drive, stated that fuel pumps bring dangerous people to the area.

before Philip Fike, 1815 Rolling Bend Drive, stated he agreed with everyone who spoke

him and stated the traffic of the multiple business would be dangerous for the community.

Samantha Vargas, 1618 Meadow Park Drive, stated she objected to the gas station and does no service to the community of Keller, but only other nearby cities.

Kathy Flynn, 1612 Meadow Park Drive, asked what guarantee can be made that Kroger

won't allow big trucks behind the store.

Dean Mengel, 2009 Bradley Court, shared his concern with Kroger adding a gas station into a community area and it being open 24 hours with no attendee overnight.

A motion was made by Commissioner Erik Leist, seconded by Commissioner Vernon Stansell, to close the public hearing. The motion carried unanimously.

Commissioner Stansell asked Staff if the hours of operation would be 24 hours.

ACDD Hensley stated hours of operation for the kiosk would be 6:00 a.m. -10:00 p.m., and 24 hours for pump use.

Commissioner Stansell asked Staff to address all the issues discussed during Persons to be Heard.

Commissioner Gupta asked the Applicant about the safety regulations of gas pumps.

ACDD Hensley stated that Staff included documentation that was provided by Kroger in the Commission's packet.

The Applicant went over the qualifications needed for the project manager. He also went over the processes for pump installation and safety regulations that are followed.

Commissioner Gupta asked if there are regulations on the distance from residential homes.

The Applicant stated that there is a regulation of 200' from residential water well.

Commissioner Sagar stated there were a lot of issues brought up by the residence but she wanted to circle back to leaks from the gas pumps and potential running off into the creek.

Commissioner Sagar asked what are Kroger's spill procedures.

The Applicant shared information on spill procedures.

Commissioner Sagar asked what happens if there is a spill when there isn't a kiosk attendant.

The Applicant stated the spill would evaporate.

Commissioner Sagar stated the Applicant's comments was not confidence inspiring.

Commissioner Sagar asked about light pollution.

The Applicant stated they will be providing a photometric plan, but if he need to add

Commented [CG2]: To be added: The Applicant stated he knew they had some spill procedures without the attendant but wasn't sure what they were at the moment. He also stated that the spill would evaporate. Commissioner Sagar stated the Applicant's comments was not confidence inspiring. The minutes missed some key things regarding Item E-5, the Kroger fuel pumps. Page 7, I asked the applicant to address all the comments by the public. I specifically asked him to address spill prevention measures and Mr. Binkley stated he knew they had some but not what they were. I commented that his response was not confidence inspiring. -Commissioner Sagar

measures to decrease light pollution, he could do that.

Commissioner Sagar stated that she gives credit to Kroger for cleaning up and making improvements to the site.

Keller
Commissioner Sagar wanted to state for the record that there are multiple areas in
with gas stations adjacent to neighborhoods.

Commissioner Gupta stated she couldn't support the item as presented.

at
Commissioner Stansell stated he couldn't support the item without an attendant present
all times.

Commissioner Leist asked staff how many gas stations in Keller are open 24 hours.

ACDD Hensley stated Staff did not have that data.

gas
Commissioner Leist asked Staff if there had been any complaints about Tom Thumb's
station.

ACDD Hensley stated Staff was not aware of any.

Commissioner Leist asked Staff if there were any major spills that have caused
damage.

ACDD Hensley stated Staff was not aware of any..

supply
Commissioner Leist asked Staff if there have been any leaks or spills into the water
near the RaceTrac gas station.

CDD Smith said not to her knowledge.

up
Commissioner Leist stated the Applicant has shown good faith in their efforts to clean
the site and is in support of what's being proposed.

Commissioner Will thanked the Applicant for taking the measures needed to be good
neighbors. He stated that citizen concerns with the project also concerned him.

Commissioner Brensinger asked Staff if Kroger uses CWD for trash services.

ACDD Hensley stated yes.

Commented [CG3]: Comment was in the minutes. I also recall Commissioner Stansell clearly stating he was not in favor of the fuel pumps operating during hours when the kiosk was not manned. Please include this. -Commissioner Sagar

Commented [CG4]: To be added: Commissioner Will thanked the Applicant for taking the measures needed to be good neighbors. He stated that citizen concerns with the project also concerned him. He stated he believes that the trust between the Applicant and the citizens have been broken and may need some time to for the Applicant to earn back. He stated he hopes the Applicant would continue to keeping up the progress made so far. Commissioner Will's comments are not included. He stated that while he was glad Kroger had cleaned up their facility, that was something they should have been doing all along anyway. Please include this. -Commissioner Sagar

Commissioner Brensinger asked if Staff could contact the police department to provide crime statistics near gas stations.

ACDD Hensley stated that she would reach out to the police department to have information for City Council.

Commissioner Pfarner stated she asked if Kroger would change the requested hours of operation so the fuel station would be staffed with an attendant while open. She also requested that Kroger partner with the City of Keller and their Parks and Recreation department efforts to adopt a spot to clean.

H

A motion was made by Commissioner Erik Leist, seconded by Commissioner Vernon Stansell, to approve item E-5 with the conditions Kroger partner with Parks and Recreation on the Trash Bash & Adopt -a- Spot Programs and for the hours of operation for fuel pumps to match when facility is staffed. The motion carried by the following vote:

AYE: Chairperson Alvarado, Vice-Chairperson Baker, Commissioner Pfarner, Commissioner Stansell, Commissioner Leist, Commissioner Sagar.

NAY: Commissioner Will.

6. 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, relating to Car Wash regulations; providing penalties; authorizing publication; and establishing an effective date. (UDC-23-0003)

CDD Smith gave a presentation for a request to approve amendments to the City of

Keller

UDC.

Chairperson Alvarado opened the public hearing.

No comments received.

A motion was made by Commissioner Gregory Will, seconded by Commissioner Vernon Stansell, to close the public hearing. The motion carried unanimously.

Commissioner Sagar stated she was in support of the item presented.

A motion was made by Commissioner Gregory Will, seconded by Commissioner Vernon Stansell, to approve Item E-6 as amended to have the Commercial Zoning District to be included in the restriction. The motion carried unanimously.

Commented [CG5]: To be added: Commissioner Sagar made a motion for friendly amendment to include manned hours for fuel pumps. Commissioner Pfarner second the motion. The vote was 5-2 in favor to add the friendly amendment to commissioner Leist's motion. Page 9, Erik Leist made a motion to approve as submitted. I asked to make a friendly amendment that the kiosk be manned during the operating hours for the fuel pumps. We voted on the friendly amendment and I believe it was 5-2 in favor to add the friendly amendment to Commissioner Leist's motion. Erin Pfarner then spoke and stated she agreed with having the kiosk manned during fuel pump operating hours. She did not make this request. She did ask that Kroger participate in the Parks trash programs . -Commissioner Sagar

Commented [CG6]: I recommend the word 'friendly' be excluded from the legal record because it is incorrect terminology. If, as the current draft of the minute's states, this were a friendly amendment there would not have been a vote, nor would there be two nay votes cast. -Commissioner Leist

F. ADJOURN

Chairperson Alvarado adjourned the meeting at 9:15 p.m.

Chairperson

Staff Liaison

