



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, June 28, 2022

PRE-MEETING BRIEFING 6:00 P.M.

A. CALL TO ORDER - Chairperson Gary Ponder

Chairman Ponder called the meeting to order at 6:01 p.m.

The following Commissioners were present:

Gary Ponder, Chairperson
Leslie Sagar
Ross Brensinger
Ralph Osgood
Bob Apke
Paul Alvarado
Thomas Thompson
Greg Will

The following Commissioners were absent:

Thomas Brymer

Staff present included: Community Development Director (CDD), Julie Smith; Assistant Community Development Director (ACDD), Sarah Hensley; Planner I, Amber Washington, Chad Bartee, City Engineer; Siale Langi, Economic Development Specialist and Director of Information Technology, Sean Vreeland.

B. ADMINISTRATIVE COMMENTS

1. [Briefing regarding City Council action on Tuesday, June 21, 2022.](#)

ACDD Hensley gave a brief recap of the June 21, 2022 City Council meeting:

- Work Session discussion on Fence and Food Truck Ordinances: City Council directed staff to research options for grandfathering fences and revisit the issue in the fall; the Fire Department was directed to explore the possibility of reciprocal agreements with neighboring cities for the purpose of food truck inspections and bring their findings back on August 2.
- Freedom Freeze SUP for seasonal snow cone stand: Approved 4-2 for one-year trial
- 1909 Willis Lane accessory structure SUP for height, size, and size in excess of 50% of the existing home: Approved 5-1
- Aloha Nails and Spa SUP for name change: Approved unanimously

- UDC Amendments related to veterinarian clinics and grooming facilities: Approved unanimously

C. DISCUSS AND REVIEW AGENDA ITEMS

D-1 145 Travis Carport SUP: The Commissioners confirmed that the carport would be in compliance with the lot coverage requirements, and that it was attached.

D-2 745 Bandit Trail SUP: The Commissioners discussed the three-month time frame for demolishing the existing structure, and asked if it was possible to tie the demolition to the building final. Commissioner Osgood asked about extending past 18 months. The Commissioners discussed extending to 24 months, and what would happen if the construction on the new home began but was never completed. CDD Smith explained that the incomplete structure would then become substandard.

D-3 Jeremiah's Italian Ice SUP: Commissioner Osgood asked about egress in the back; Planner Washington said Fire Marshal Crafton had reviewed the concept plan and was comfortable with it, and that the design would be reviewed in further detail when the plans were submitted. Commissioner Brensinger expressed concern about other businesses in the building receiving deliveries in the same area as the drive-thru stacking lane.

D-4 Hatchet House BBQ SUP: Commissioner Thompson asked if this was the same location as the previous No Frills Grill, which staff confirmed, and he asked if there had been previous issues at this location. Staff said they were unaware of any problems.

D-5/D-6 Landscape Systems FLUP Amendment/Zoning Change: Commissioner Thompson asked if the applicant will possibly be doing epoxy work; CDD Smith stated that staff was not aware of any expansion of that type of work, but said that staff did have concerns regarding adjacency. Commissioner Thompson asked what would be allowed in the proposed Retail zoning; CDD Smith said the applicant would need an SUP for the retail landscaping business/nursery operation, and any manufacturing (if that was to be proposed). Commissioner Will expressed concern about future use of the property under the new FLUP/Zoning designations. The Commissioners asked about work already taking place on the property prior to the FLUP amendment and rezone approval. CDD Smith confirmed that was accurate, and that the city had opened code cases on the property. She also told the Commission that P&Z and City Council would have the opportunity to review the Site Plan at a future meeting.

D-7 The Learning Experience Site Plan Amendment: CDD Smith shared that this project had been under construction for over three years with a messy history, but that staff, the owner and new contractor had managed to solve almost all issues. Commissioner Brensinger asked how long the business had been open; CDD staff said they were not yet open, and that the parking requirements were determined by the UDC. Commissioner Brensinger asked if the student population could be limited instead of approving the parking variance. Commissioner Thompson asked how many total parking spaces were required, and how many they actually have; CDD Smith said 48 spaces were required and 44 were provided. The Commission further discussed parking options; Commissioner Sagar said for four parking spots she would rather let the market determine if the parking was a problem for patrons. CDD Smith suggested the Commission could ask the business to have employees in the parking during drop off and pick up to direct parents.

D-8/D-9 Old Town Keller (OTK) FLUP Amendment/Zoning Change: No questions or discussion.

D. ADJOURN

Chairman Ponder adjourned the pre-meeting at 6:56 p.m.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairman Ponder called the meeting to order at 7:10 p.m.

B. PLEDGES TO THE FLAGS

1. Pledge to the United States Flag
2. Pledge to the Texas Flag - "Honor the Texas Flag: I pledge allegiance to Thee, Texas, one State under God, one and indivisible."

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.

No public comments were received.

D. NEW BUSINESS

1. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to construct an attached carport, on approximately 0.18 acre of land, approximately 300 feet northeast of the intersection of East Vine Street and Travis Street, legally described as Lot 7 and a portion of Lot 8, Block 3 of the Mays and Sweet Addition, Zoned Single-Family 8,400 square-feet or greater \(SF-8.4\), and addressed 145 Travis Street. Roger Locke, Owner/Applicant. \(SUP-22-0023\)](#)

CDD Smith gave a presentation on the proposed attached carport, and summarized the work the applicant had done to acquire a portion of formerly owned Keller ISD property to bring his lot in compliance with UDC lot coverage requirements. She stated the accessory structure on the back of the property would be taken down.

The applicant had no comments.

Chairperson Ponder opened the Public Hearing.

No public comments were received.

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

No further questions or discussion by the Commission.

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Paul Alvarado, to approve Item D-1 as presented. The motion carried unanimously.

2. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to allow the property owner to reside in the existing 2,172 square-foot home for the purpose of living in and overseeing the construction of a 6,343 square-foot permanent residence, on approximately 1.44 acre of land, approximately 1,100 feet southeast of the intersection of Bandit Trail and Davis Boulevard, legally described as Lot 1, Block A of Mick Estates, zoned Single-Family 36,000 square-feet or greater \(SF-36\), and addressed 745 Bandit Trail. Michelle Hasbun, Owner/Applicant. \(SUP-22-0017\)](#)

Planner Washington presented the SUP request to live in and utilize the existing home at 745 Bandit Trail while a new home is being built.

The applicant's representative had no comments.

Chairman Ponder opened the Public Hearing.

No public comments were received.

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

Commissioner Alvarado asked about the three-month demolition time frame. CDD Smith said that she suggested the Commission add that the structure must be removed prior to final inspection. Commissioner Alvarado said he thought a 24-month period would be a good time frame.

Commissioner Sagar concurred with Commissioner Alvarado, and asked staff to confirm the applicant had a builder for the project, which staff said was accurate.

Commissioner Thompson asked the applicant's representative, builder Craig King, to explain the nature of the planned landscape and hardscape. Mr. King said that the applicant planned an extensive front courtyard.

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Paul Alvarado, to approve Item D-2 with the modification that the SUP be granted for a 24-month period and with the condition that the existing home be demolished and removed prior to final inspection of the new structure.

The motion carried unanimously.

3. PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) to allow the addition of a drive-thru for Jeremiah's Italian Ice, on an approximately 4.5 acre tract of land on the west side of Rufe Snow Drive, approximately 780 feet northwest from the intersection of Bursey Road and Rufe Snow Drive, legally described as Lot 1, Block A of Keller Commons Addition, zoned Retail (R) and addressed 2122 Rufe Snow Drive, Suite 102. Retail Opportunity Keller, LLC., Owner/Applicant. (SUP-22-0019)

Planner Washington gave a presentation on the SUP requested to add a drive-thru on the south side of the multi-tenant building at 2122 Rufe Snow Drive for Jeremiah's Italian Ice.

The applicant, Steven Dubberly, gave a summary of the business and emphasized its interest in joining and working with the community.

Chairman Ponder opened the Public Hearing.

Dan Avnery, property owner, stated that construction on the property started in 2005 and he purchased it last year. He said if Jeremiah's Italian Ice was approved, the site would be at 96% occupancy, which is the highest the site has ever been at.

No other public comments were received.

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

Commissioner Sagar asked where the landscaping would be replaced; Planner Washington said staff would review that at the time of Site Plan review.

Commissioner Apke asked the applicant what percent of the business would be done through the drive-thru and if he had any projections; Mr. Dubberly said at least 30% and that they hope to reach at least the average of \$617,000 but might be able to increase that with the drive-thru.

Commissioner Thompson asked about any conflicts with deliveries in the back. Daniel Stewart, project engineer for the applicant, addressed the Commission and said there is a designated loading area and that the extension of the sidewalk area in the back would help mitigate any conflicts.

Commissioner Alvarado asked staff if the Fire Marshal was comfortable with the concept; Planner Washington said the Fire Marshal was comfortable with the SUP and would provide more detailed comments during the Site Plan review process.

Commissioner Brensinger asked Mr. Stewart and Mr. Avnery further questions about conflicts with deliveries for the other businesses in the building with the drive-thru stacking lane. The landlord said he had no concerns about any conflicts.

A motion was made by Commissioner Robert Apke, seconded by Commissioner

Paul Alvarado, to approve Item D-3 as presented. The motion carried unanimously.

4. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to operate an indoor entertainment facility for Hatchet House BBQ to occupy a 6,500 square-foot lease space, within a 13,200 square-foot multi-tenant building, located on the east side of South Main Street, approximately 1,700 feet south of the Bear Creek Parkway and South Main Street intersection, on 1.97 acres, legally described as Lot 2, Block A of the Whitley Place Addition, zoned Commercial \(C\), and situated at 801 South Main Street, Suite 109. Mohammed Ebrahimi, Denton Hwy Center Inc., Owner. Hatchet House BBQ, Applicant. \(SUP-22-0021\)](#)

CDD Smith presented the SUP request from Hatchet House BBQ to operate an indoor entertainment facility at 801 S. Main St. Suite 109.

The applicant had no comments.

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 Apke asked the applicant, Gary Cox, if they were utilizing any noise abatement measures. The Applicant indicated he did not believe noise would be a problem for any neighbors.

Commissioner Thompson asked how many axe-throwing stalls would be in the facility; the applicant responded there would be 16. Commissioner Thompson asked about the number of employees; the applicant said they were probably low on their original estimate and that at their other similar locations a "dedicated coach" would be on the floor. The applicant also said that their axes are typically dull.

Commissioner Alvarado asked about the partitions behind the targets; the applicant stated all targets were on floor-to-ceiling walls. Commissioner Alvarado asked if there was any injury history at the axe-throwing business the applicant was associated with across the street; the applicant said there had been none. Commissioner Alvarado asked about the applicant's recent challenges bringing their food truck to Keller; the applicant stated the process for the actual Hatchet House SUP had been very difficult.

Commissioner Brensinger asked about use of the stage and any adjacency concerns with noise; the applicant said the music would be more acoustic-style.

A motion was made by Commissioner Tom Thompson, seconded by Vice Chairperson Ralph Osgood, to approve Item D-4 as presented. The motion carried unanimously.

5. [PUBLIC HEARING: Consider a request to amend the Future Land Use Plan from](#)

Low-Density Single Family (LD-SF) to Retail/Commercial (RTC), for approximately 3.52 acres, legally described as Tract 1D01B of the John Martin Survey, Abstract 1153 (account # 42818999), and a portion of Lot 7, Block 1, Pearson Crossing, and addressed as 1816 Johnson Road and 1908 Pearson Crossing. Ed Ruibal, Landscape Systems, Applicant/Owner; Don Dinger, Owner. (LUP-22-0001)

CDD Smith presented the Future Land Use Plan (FLUP) Amendment from Low-density Single Family to Retail/Commercial requested by Landscape Systems to expand their business.

The applicant's representative, Clayton Redinger, engineer for the project, presented a few slides showing additional details on the history of the business and size of the floodplain that he believes provides buffering for adjacent residents.

Chairman Ponder opened the Public Hearing.

Margaret and Husam Arafat, 1738 Blevins Lane, Keller TX 76248, spoke to the Commission about the importance of privacy and security of their home, and that the removal of trees near their eastern property line has reduced that feeling. Mrs. Arafat also expressed concerns about noise from heavy equipment and other activities, and the increase in dust on their property. She stated an 8-foot wall would be appreciated as would paving the areas where trucks would be driving. She also said they would like for nighttime security lights to be carefully placed and that any furniture-making activities be placed as far away from their home as possible.

Eric Letz, 1912 Pearson Crossing, Keller, TX 76248, expressed concern about sound and other impacts from the property.

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

Commissioner Thompson asked if the questions should be kept to the FLUP consideration. CDD Smith spoke about the difference between FLUP (guidance document) and zoning (law). Commissioner Thompson stated the property was naturally separated.

Commissioner Alvarado asked how many trees were cut down in order to accommodate the applicant's current use of the property; Ed Ruibal, owner/applicant said the previous owner had trees tagged and none had been removed except untagged mesquite trees. The Commissioner said he had concerns about future uses of the property.

Commissioner Sagar spoke to the applicant about working with the neighbors, and stated that she believed the request was reasonable.

Commissioner Will expressed concerns about the future use of the property if Landscape Systems was to sell at some point, and asked about heavy equipment. Mr. Ruibal stated he planned on passing the business to his son and grandson when he retires and

anticipates it will be a long time before anything changes. He also stated their largest piece of equipment was a loader, and said he was working on watering the roads to mitigate the dust.

Commissioner Osgood stated he appreciated the applicant's willingness to reduce the impact to neighbors, but was concerned with the recent activity on the site.

Chairperson Ponder gave a recap of the relationship between FLUP and zoning, and invited CDD Smith to review the uses that would be allowed under the Retail zoning district that is requested in item D-6. Planner Washington read through the uses that would be allowed by right in the Retail zoning district.

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Paul Alvarado, to approve item D-5 as presented. The motion carried unanimously.

6. [PUBLIC HEARING: 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 \(Z-22-0001\)](#)

CDD Smith gave a presentation related to the request to rezone from SF-36 to Retail for Landscape Systems in order to expand their business.

Chairman Ponder opened the Public Hearing.

No public comments were received.

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

Chairman Ponder stated he is comfortable with what was voted on with the FLUP item, but had concerns with the communication between the applicant and his neighbors about the proposed project. He suggested a tabling of the item to give the applicant time to talk more with his neighbors.

Commissioner Thompson commented on the process and the importance of the Site Plan review, and expressed concern with the activity that has been going on on the site over the past few months.

Commissioner Sagar said that with past zoning requests, the Commission would

sometimes have a more developed site plan at the time of consideration, which gave them more detail on what was going to happen on the site. She stated she was in agreement with other Commissioners that have expressed interest in tabling the item.

Commissioner Alvarado said he was torn on the decision to table because it might extend the time before the surrounding neighbors see some relief from the disruptions they have experienced. CDD Smith suggested the applicant's timeline was likely to shrink if they were to bring forward the site plan at the same time as the rezone request.

CDD Smith explained that they could coordinate the rezone request to come back to P&Z at same time as Site Plan and SUP.

Mr. Ruibal said he has been in conversation with The Bowden Event Center and that he believed they are comfortable with Landscape Systems' plans, and that he believes they are addressing the other concerns brought up by neighbors.

Commissioner Thompson asked Mr. Ruibal if he has been using the property for his business, despite the current residential zoning; Mr. Ruibal replied that he had.

Commissioner Osgood stated he thought it did make sense to table so the applicant had time to put the whole package together.

CDD Smith explained the Commission would need to table to date certain and place the item on Old Business; if staff or the applicant could not make the date, the Commission could vote to remove the item from the table and re-table the item.

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Paul Alvarado, to table Item D-6, and requested the Applicant cease all activity on the property not zoned for retail uses. The motion carried unanimously.

7. Consider a request for a Site Plan Amendment with a variance for The Learning Experience, in an existing 10,209 square-foot building, situated on 1.54-acre property, located on the south side of Ridge Point Parkway, approximately 350 feet east of the Ridge Point Parkway and North Main Street (HWY 377) intersection, being Lot 1, Block A of the TLE Keller Addition, zoned Commercial (C), and addressed as 150 Ridge Point Parkway. Ramesh Tinnanooru, Applicant; Keller Entrepreneurs Group, LLC., Owner. (SP-22-0019)

CDD Smith gave a presentation on the Site Plan Amendment with a variance related to parking requested by The Learning Experience at 150 Ridge Point Parkway.

Chairman Ponder asked if the applicant had anything to add; the applicant, Ramesh Tinnanooru, stated he had none.

Commissioner Alvarado asked the applicant if they would be willing to put together a plan for drop-off and pick-up; Mr. Tinnanooru said they have a plan based on data from other facilities on peak hours. CDD Smith suggested the plan be included in the City Council packet.

Commissioner Sagar expressed appreciation for the applicant working so long and hard with the city.

Commissioner Apke asked the applicant how many staff they would have; Mr. Tinnanooru said 19 that would work in shifts, some full and some part time, and that they would typically have 14-15 on-site. Commissioner Apke asked if the applicant would be willing to limit the enrollment/occupancy to be able to comply with the parking requirements; the applicant replied that the proposed enrollment is critical to their business plan. Commissioner Apke asked if the applicant had explored any shared parking agreements; the applicant said he had not but would consider it.

Commissioner Brensinger asked if the site had been constructed correctly, would the applicant have been able to fit in all required parking spaces; CDD Smith confirmed that the originally-approved site plan included all required spaces.

Chairman Ponder asked the applicant if they would have personnel at parent drop-off and pick-up; the applicant said the parents would actually enter the building.

A motion was made by Commissioner Leslie Sagar, seconded by Commissioner Paul Alvarado, to approve Item D-7 as presented. The motion carried unanimously.

8. [PUBLIC HEARING: Consider a request to amend the Future Land Use Plan \(FLUP\) from Mixed Use \(MU\) to Retail/Commercial \(RTC\) for the following properties located north of the intersection at Bear Creek Parkway and South Main Street: 680 South Main Street, Block A Lot 1 of Spring Creek Keller Addition; 660 South Main Street, Block A Lot 2 of Spring Creek Keller Addition; 620 South Main Street, Block A Lot 1 of Emerus Hospital Addition; 601 South Main Street, Block A Lot 1 of Baylor Medical Plaza Addition; 651 South Main Street, Block A Lot 1 of Bear Creek 97 Subdivision; 681 South Main Street, Block A Lot 3 of Bear Creek 97 Subdivision; and 180 Bear Creek Parkway - approximately 12.66 acres total, Block A Lot 2 of Bear Creek 97 Subdivision. City of Keller, Applicant. \(LUP-22-0002\)](#)

CDD Smith presented the FLUP amendment request from MU to RTC for certain properties between the actual Bear Creek and Bear Creek Parkway.

Chairman Ponder opened the Public Hearing.

No public comments were received.

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

unanimously.

No questions or concerns were expressed by the Commission.

A motion was made by Commissioner Robert Apke, seconded by Commissioner Paul Alvarado, to approve Item D-8 as presented. The motion carried unanimously.

- 9. [PUBLIC HEARING: Consider a request to rezone from Old Town Keller \(OTK\) to Retail \(R\), for the following properties located north of the intersection at Bear Creek Parkway and South Main Street: 680 South Main Street, Block A Lot 1 of Spring Creek Keller Addition; 660 South Main Street, Block A Lot 2 of Spring Creek Keller Addition; 620 South Main Street, Block A Lot 1 of Emerus Hospital Addition; 601 South Main Street, Block A Lot 1 of Baylor Medical Plaza Addition; 651 South Main Street, Block A Lot 1 of Bear Creek 97 Subdivision; 681 South Main Street., Block A Lot 3 of Bear Creek 97 Subdivision; and 180 Bear Creek Parkway - approximately 12.66 acres total, Block A Lot 2 of Bear Creek 97 Subdivision. City of Keller, Applicant. \(Z-22-0002\)](#)

CDD Smith presented the request to rezone from OTK to Retail for certain properties located between the actual Bear Creek and Bear Creek Parkway.

Chairman Ponder opened the Public Hearing.

No public comments were received.

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

The Commission had no comments or questions.

A motion was made by Commissioner Paul Alvarado, seconded by Commissioner Tom Thompson, to approve Item D-9 as presented. The motion carried unanimously.

E. ADJOURN

Chairman Ponder adjourned the meeting at 10:02 p.m.

Chairperson

Staff Liaison