



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, August 10, 2021

PRE-MEETING BRIEFING 6:00P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 6:00P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Paul Alvarado

James Dawson

Bob Apke

Leslie Sagar

Thomas Thompson

Phillip Maxwell

Logan McWhorter- Alternate

The following Commissioners were absent:

Ralph Osgood, Vice Chairperson

Staff present included Matthew Cyr, Planner I; Katasha Smithers, Planner I; Patricia Sinel, Planner III, Julie Smith, Director of Community Development; Sean Vreeland, Director of Information Technology; Chad Bartee, City Engineer; and Amy Botcher, Planning Technician

B. ADMINISTRATIVE COMMENTS

Planner Smithers stated the ownership change for Las Palapas, ownership change for 1220 Keller Parkway and Urgent Care Zeal to Heal were all approved unanimously at City Council. She said the carport at 2009 Lazy Lane was tabled until August 27, 2021 at the request of the owner. The SUP for 633 Valle Vista was approved with the recommended modifications except the front façade masonry.

Planner Smithers said the UDC on garage conversions was tabled until August 17, 2021 due to two Councilmembers being absent at the previous meeting. She explained that City Council did discuss Highland Terrace and would like a joint work session with Planning and Zoning on August 24, 2021. This will also be on the agenda for Planning and Zoning on August 24, 2021.

CDD Smith added it was not the Council as a whole who made the request for Highland Terrace to be an agenda item for Planning and Zoning as SF-10 and high density. She said 3 of the 5 Councilmembers present requested it.

There were no questions or comments.

C. DISCUSS AND REVIEW AGENDA ITEMS

D1. Final Plat for Center Stage at 1440 North Main Street.

There were no questions or comments.

E1. Final Plat for 8705 Davis Blvd.

There were no questions or comments.

E2. SUP for 1012 Hideaway Drive

There were no questions or comments.

E3. SUP for 1404 Jackson Road.

Commissioner Apke asked Staff about the coverage of impervious surfaces and lot coverage.

Planner Cyr responded the lot coverage was at 18.8%.

There were no additional questions or comments.

E4. Site Plan with variances for Goody Goody Liquor at 730 S. Main.

Commissioner Thompson asked Staff to clarify there was not going to be a fire lane behind the space and would that impede egress for fire or emergency workers.

CDD Smith stated it was the only building without a fire lane behind it, however, it did meet code and the Fire Marshal signed off on it.

There were no additional questions or comments.

E5. Appeal of the UDC to pay into the Tree Reforestation Fund for Oakbrook Hills.

Commissioner Sagar explained the history of the project. She said in late 2014, the developer had the grading plan, tree protection plan and grading permit approved. She said this included clearing trees for future streets, utility and drainage easements only. She said a citizen called the City to report clear cutting of trees on the property. She added extensive citations were issued after an investigation and finding 192 trees had been cut down at around 1890 caliper inches.

In June 2015, the Developer came to Planning and Zoning with a mitigation plan. The Developer asked for an advanced grading and mitigation. Commissioner Sagar stated she was against it at that time. She added at this time, there have not been streets or easements accepted by the City for this development. If the fines were paid at the time, they would have been around \$380,000.00.

Planner Smithers stated the Developer was cited; however, it was settled for \$30,000.00.

CDD Smith added from a tree standpoint, she thought this would be the solution.

Commissioner Thompson asked if there was an ownership change.

Planner Smithers responded Staff was unaware of an ownership change. She added the next steps would be a landscape screening wall and public acceptance.

Commissioner Dawson asked if this was a negotiated settlement.

CDD Smith responded it was not a settlement, it was required in the UDC.

There were no additional questions or comments.

D. WORK SESSION

CDD Smith presented a power point for Zoning 101, Part 2.

E. ADJOURN

Chairperson Ponder adjourned the Pre-Meeting at 7:00P.M.

REGULAR MEETING 7:00 P.M.**A. CALL TO ORDER –Chairperson Gary Ponder**

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

B. PLEDGE OF ALLEGIANCE

1. Commissioner Alvarado led the Pledge to the United States Flag.
2. Commissioner Alvarado led the Pledge to the Texas Flag.

C. PERSONS TO BE HEARD

There were no persons to be heard.

D. CONSENT

1. [D \(1\) Consider a Final Plat for Lots 1-10, Block A, Center Stage Addition, being 37.62-acres located on the east side of North Main Street, zoned Planned Development-Commercial \(PD-C\), currently addressed as 1440 North Main. Greystar Development Central, LLC, applicant; RCM Keller Center Stage, LLC. \(P-21-0014\)](#)

Commissioner Thompson made a motion to approve Item D (1), seconded by Commissioner Apke. The motion carried unanimously.

E. NEW BUSINESS

1. [PUBLIC HEARING: Consider a recommendation for a Final Plat with variances for Lot 1R and Lot 2, Block A, Mills Crossing, being 1.62-acres located on the west side of Davis Blvd, zoned Retail \(R\), currently addressed as 8705 Davis Blvd. Charles Stark, Applicant; R2G Investments, LTD, Owner. \(P-21-0024\)](#)

Planner Cyr stated the three variance requests were: a request to utilize a 15' front setback in lieu of the required 30' front setback, a request for a proposed 5,741 square-foot lot in lieu of the required 33,000 square-foot lot area and a request for a lot width of 94.22' in lieu of the 150' lot width requirement.

Chairperson Ponder asked if the Applicant had anything to add.

Charles Stark, Applicant, stated the reason for the variance request was due to the owner wanting to retain the cell tower property while selling the business on the property.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

Commissioner Alvarado made a motion to close the Public Hearing for Item E (1), seconded by Commissioner Sagar. The motion carried unanimously.

Commissioner Thompson asked for clarification that the owner of the entire tract is selling part of the property and wanted to retain the cell tower. He also asked if the setbacks were being met and if a precedent had been set.

The Applicant responded the setbacks were met other structures. The east side is 20-feet from the adjacent structure.

CDD Smith stated a precedent was not set to Staff's knowledge.

Commissioner Thompson asked the Applicant about potential verbiage stating the site will remain a cell tower.

The Applicant stated they added a note to the plat that the property owner's intent was for this property to remain a cell tower.

CDD Smith added the note on the plat would trump the land use. She said if another use were requested in the future, the plat would have to be amended.

Commissioner Alvarado asked Staff to confirm the lot width.

Planner Cyr confirmed it was 66-feet.

Commissioner Sagar stated it was a practical solution.

Commissioner Apke asked the height of the cell tower as well as any restrictions. His concern was a fail radius if the tower came down.

Senior Planner Sinel stated per FCC regulations, a city can only control the location, not the height. She added the tower was over 220-feet. A cell tower adjacent to residential districts would require a fail zone when permitted. The cell tower was built prior to 2000.

Commissioner McWhorter asked if the property to the west was residential. He also questioned if there were utilities to supply the cell tower.

Planner Cyr responded the zoning on the property to the west was Retail and was home to a nursing home. Planner Sinel added the utilities were there currently to supply the cell tower. If usage changed in the future, utility extensions would come in at the time of an amendment.

Commissioner McWhorter asked Staff if it was a requirement to provide services when platting.

CDD Smith responded it would not be required as a variance, however, he could add it as part of the motion.

Commissioner Alvarado made a motion to approve Item E (1), seconded by Commissioner Thompson. The motion carried unanimously.

2. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for an approximately 1,404 square-foot detached garage legally described as Lot 14, Block B, Harmonson Farms, being 0.86-acres located on the west side of Hideaway Drive, zoned Planned Development Single-Family Mixed Density \(PD-SF-MD\), addressed as 1012 Hideaway Drive, John Frye, applicant/owner. \(SUP-21-0027\)](#)

Planner Smithers stated the Applicant requested a Specific Use Permit (SUP) for an 18'3" accessory structure exceeding the maximum height requirement. She added per UDC Section 8.10(A)(9), the maximum height of an accessory building shall not exceed 15-feet unless approved with a Specific Use Permit (SUP). The Owner applied for an SUP for a 1,404 square-foot structure (1st floor garage: 936 SF and garage attic: 468 SF) with an average height of 18'3" on July 23, 2021. The Owner proposed this structure to be utilized for personal storage and as a workshop with a car-lift.

Chairperson Ponder asked if the Applicant had anything to add.

John Fry, Applicant, stated his desire to add additional garage space. After working with a contractor, it was determined having a second floor would be beneficial for his storage needs.

Chairperson Ponder opened the public meeting.

Theresa Ellsberry, 404 Majestic Court, stated her opposition the structure. She said the close proximity to her property would create an eyesore and diminish her property value. She also stated she would not oppose if the location were change to further back on the property.

Commissioner Thompson made a motion to close the Public Hearing for Item E (2), seconded by Commissioner Alvarado. The motion carried unanimously.

Commissioner Alvarado stated he had concern with the height of the building

Commissioner Sagar asked the applicant if he would consider making the building a single story with a larger footprint to accommodate his needs.

The Applicant stated he had not considered that option and noticed similar structures in the neighborhood that were as large if not larger than his proposed structure. He added he also wanted the roof pitch to match the surrounding homes instead of being flat and more intrusive to the neighbors.

Commissioner Dawson asked the applicant why he chose the proposed location and if he considered moving it to the rear of the property.

The Applicant responded the opposing neighbor had a large tree in her yard that would block the view of the building. He was amenable to looking into changing the location.

Commissioner Apke asked Staff to explain how height was determined. He asked the applicant if it was possible to lower the roof to the 15-foot requirement.

Planner Smithers stated the average was taken from the top of the pitch and the lower eaves. She also confirmed if the applicant were to lower the height to 15-feet, it would meet requirements.

Commissioner McWhorter said if the neighbors could agree on the structure, he did not see an issue.

Chairperson Ponder commended the neighbors for working together to find a solution. He said additional time for the applicant to modify and work with his neighbors might be beneficial.

The Applicant said it would be beneficial and would like to come back with a better solution.

CDD Smith explained to the applicant that the height could be lowered to come into compliance, or he may ask to table the item to allow him to modify his plans.

The Applicant requested the item be tabled until September 14, 2021.

Commissioner Alvarado made a motion to table Item E (2) until September 14, 2021, seconded by Commissioner Thompson. The motion carried unanimously.

- [PUBLIC HEARING: Consider a request for two Specific Use Permits \(SUP's\) for a 1,600 square-foot accessory structure legally described as Lot 1R1, Block A, Jackson Road Addition, being 0.82-acres located on the east side of Jackson Road, zoned Single-Family 36,000 square-foot lots \(SF-36\), addressed as 1404 Jackson Road. Dale Williamson, applicant/owner. \(SUP-21-0010\)](#)

Planner Cyr stated the Applicant applied for an SUP for a 1,600 square-foot accessory structure on July 9, 2021. The applicant was proposing this structure to be utilized for personal storage and also as a workshop. He added there were two SUP requests including an accessory structure to exceed 1,200 square-feet, and for all accessory buildings combined to exceed 50% of the main structure. The main structure was 2,933 square-feet. There were no other accessory structures, so the proposed accessory structure would exceed the main structure by 54.5%.

Chairperson Ponder asked if the Applicant had anything to add.

Dale Williamson, Applicant, stated he wanted a shop at his home for hobby use. He added it would be a nice structure with electricity but no plumbing. Mr. Williamson said it would include a stone façade to match the home and included a self-supporting awning.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

Commissioner Apke made a motion to close the Public Hearing for Item E (3), seconded by Commissioner Thompson. The motion carried unanimously.

Commissioner Sagar asked the applicant if he would be removing any additional trees. She noted the structure was in line with the home and the neighborhood.

The Applicant stated there would not be any trees removed. He also said they were not including a slab under the awning due to the close proximity of the septic system.

Commissioner Thompson asked Staff to clarify if the square-footage of the structure was calculated by the footprint or under roof.

Planner Cyr responded it was calculated under roof. This structure was a 40x40 and included the awning.

Commissioner Alvarado said the position and neighborhood work great for the structure. He noted this was the importance of the SUP process in determining each structure's ability to flow with the neighborhood.

Commissioner Sagar made a motion to approve Item E (3), seconded by Commissioner Dawson. The motion carried unanimously.

4. [Consider a Site Plan with three variances for Goody Goody Liquor Store, in an approximately 15,742 square-foot building, on 1.41-acres, located on the west side of South Main Street, approximately 750 feet south of the Bear Creek Parkway and South Main Street intersection, located at 730 South Main Street, legally described as Lot 6R, Block A, Bear Creek Plaza and zoned C \(Commercial\). Garland All Storage Associates, owner. R.L. Johnson Construction INC., applicant. \(SP-21-0010\)](#)

Planner Cyr stated the SUP for Goody Goody was approved with conditions on May 4, 2021, by City Council to permit the use of a Liquor Store (over 10,000 square-feet) at 730 South Main Street. The SUP was approved with the following conditions: 1. The Western Elevation of the structure shall be 100% masonry (no CMU). 2. The “Beer Wine Liquor” sign is to be removed from the structure. 3. The “Goody Goody” sign is the only sign to be permitted on the structure and must be located above the doors of the structure. There was a suggestion from Council to incorporate a green sign in lieu of a red “Goody Goody” sign. The Applicant has incorporated the suggestions into their proposed Site Plan.

The Applicant applied for a Site Plan application on June 25, 2021 with the following variance requests: 1. A Variance to Section 8.07 of the Unified Development Code to provide 72 parking spaces (plus three handicapped parking spaces) in lieu of the required 79 parking spaces. 2. A Variance to Section 8.08 of the Unified Development Code for five (5) landscape islands not meeting the standard 9 foot x 20 foot landscape island size and to waive one (1) landscape island altogether. 3. A Variance to Section 8.13 of the Unified Development Code to waive the requirement to screen the loading area.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant was available but had nothing to add.

Commissioner Dawson asked why there was not a screening wall required for the loading area.

Dave Johnson, applicant, stated it was not an area visible from the street and would be difficult to place. He added the deliveries were in an 18-foot box truck between 7-10AM on Tuesdays and Thursdays.

Commissioner Thompson stated his concern for the lack of a contiguous fire lane across the back of the property. He asked Staff to confirm the Fire Marshal had signed off on the plan.

Planner Sinel confirmed the Fire Marshal approved the plan. She added there was a 10-foot sidewalk at the rear of the property that would allow emergency personal to hose drag if necessary.

Commissioner Thompson asked if there was enough parking to accommodate the loss of seven spaces.

Commissioner Alvarado asked Staff if the existing spaces along Hwy. 377 counted toward parking for Goody Goody or the other businesses.

Planner Cyr responded Staff was of the opinion parking was not an issue with 72 spaces and 3 handicapped spaces. He said existing spaces were on the site plan for Goody Goody and counted towards their parking.

Commissioner Sagar asked how the parking spaces near the loading area would be used during deliveries.

The Applicant explained those would generally be employee parking as they were less desirable. He added the deliveries were in the morning hours before any of the businesses open, therefore not creating an issue.

Commissioner McWhorter stated the UDC required a 12x30 loading space. He noted the hatching on the plans needed to be revised to show the correct fire lane location. He also questioned if all landscaping met requirements.

The Applicant responded all landscaping requirements were being met and the corrections on the fire lane has already been changed on the updated civil plans.

Commissioner Alvarado made a motion to approve Item E (4), seconded by Commissioner Apke. The motion carried unanimously.

5. [Consider a recommendation of an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation to allow payment into the Tree Reforestation Fund for the Oakbrook Hills Subdivision, a single-family residential subdivision consisting of twenty \(20\) residential lots, six \(6\) open space lots, and two \(2\) hike and bike trail lots, located on approximately 13.346-acres of land, on the southeast corner of the Knox Road and Roanoke Road intersection, and zoned PD-SF-20 \(Planned Development-Single Family Residential- 20,000 square-foot minimum lot\). Silveroak Land Development Co., Owner/Developer. Curtis Young, Sage Group, Inc., Applicant. \(TB-21-0001\)](#)

Planner Smithers stated the Developer was proposing to pay \$153,300 into the Tree Reforestation Fund. She added per the UDC section 8.19 (I)(3), the applicant may request to make a payment into the Tree Reforestation Fund in lieu of planting the replacement trees if planting is not feasible. Curtis Young from Sage Group (Applicant) came forward in 2015 with a tree appeal case to the Tree Board (Planning and Zoning Commission) and was approved to mitigate for 1,370 caliper inches. One hundred and fifty (150) caliper inches remained on-site. However, the Applicant stated that they have reached the maximum planting (198 caliper inches) without causing an over-crowded condition within the open space lots. Silveroak Real Estate Group (Developer) was required to pay the balance into the reforestation fund for \$153,300 for the remaining 1,022 caliper inches

Chairperson Ponder asked if the applicant had anything to add.

Chris Young, applicant, stated as many trees as possible were planted in the open spaces. In order not to overcrowd, they are asking to pay into the Tree Reforestation Fund for the balance.

Commissioner Sagar gave a brief history of the tree issues and concerns with the property and developers.

Commissioner Alvarado asked Staff to confirm if they agreed there was no additional room for more plantings.

Planner Smithers stated Staff agreed.

The Applicant stated he was not involved when the project started, however, he was working with Public Works at this time and Planning to move the project in the right direction.

Commissioner McWhorter asked Staff how many trees would be required for each lot when the houses are built.

Planner Smithers stated there would be two trees for every front. She added if a corner lot, two trees would be required for the front, and two trees for the side yard.

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

F. ADJOURN

Chairperson Ponder adjourned the meeting at 9:20P.M.

Chairperson

Amy Botcher, Planning Technician