



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, July 27, 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

The following Commissioners were absent:

Phillip Maxwell

Logan McWhorter- Alternate

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; Mary Culver, Economic Development Director and Kelly Ballard, City Secretary

B. ADMINISTRATIVE COMMENTS

Planner Smithers stated four items went to City Council on July 20, 2021. 1613 Westminster, and The Knot Salon were approved unanimously. She said the FLUP and zoning for Highland Terrace Mobile Home Community were withdrawn by the City.

CDD Smith stated a work session would be scheduled on August 3, 2021 with City Council to discuss medium density land use.

There were no questions or comments.

C. DISCUSS AND REVIEW AGENDA ITEMS

D1. Minutes for July 13, 2021

Commissioner Sagar noted one change of wording on page two from “work” to “word”.

There were no additional questions or comments.

D2. Final Plat for 1490 Randol Mill to be addressed as 1483 Woodlawn.

Planner Cyr gave a brief description.

Commissioner Apke asked why the plat said Precinct Line Road instead of Randol Mill.

Planner Cyr responded he would examine it further before the item went to City Council.

Commissioner Osgood asked Staff if there was discussion on subdividing the property in the future.

Planner Cyr stated the Applicant proposed to plat the two separate lots into one. Therefore, no plans to subdivide.

No additional questions or comments from Commissioners.

D3. Public Hearing for zoning change from Retail to Single-Family at 765 Bandit Trail.

Planner Cyr gave a brief description.

Commissioner Thompson asked about the total lot coverage concerns if the owner kept the parking lot. He also asked Staff if the structure included a garage.

Planner Cyr stated it would be 24% total lot coverage. He added he would have the information on the garage for the regular meeting.

Commissioner Apke asked what if there would be a purpose of the parking lot on a residential lot.

Planner Cyr stated the applicant would be available for questions in the regular meeting.

No additional questions or comments from Commissioners

D4. Public Hearing for amend Planned Development at 861 N. Tarrant Parkway.

Planner Smithers gave a brief description.

Commissioner Thompson expressed his concern over the influx of urgent cares in Keller. He questioned what type of use would be available after an urgent care closed and what the medical use offered the community.

Commissioner Sagar shared Commissioner Thompson's concern about saturation.

Planner Smithers confirmed there were currently four urgent care facilities in Keller.

EDD Mary Culver stated responded it was likely to be replaced by a medical facility in the future due to the expense of the build outs. She added medical use did not produce a sales tax for the City as a different type of use would. EDD Culver said there was an influx of medical uses due to the pandemic.

Commissioner Thompson asked Staff how the impact fees were assessed.

Senior Planner Sinel stated that due to the unknown uses at the time, impact fees were assessed at the highest (medical).

Commissioner Thompson asked how an "urgent care" differed from a general practice.

CDD Smith responded basis services were the same, however, hours maybe longer.

D5. Public Hearing for two SUP's for Breeze Urgent Care t 861 North Tarrant Parkway.

Planner Smithers gave a brief description.

No questions or comments from Commissioners.

D6. Public Hearing to request Future Land Use Plan (FLUP) amendment for 920 and 940 Keller Parkway.

Planner Smithers gave a brief description.

Commissioner Apke asked what the differences in definitions were between Retail and Mixed Use.

CDD Smith stated the definitions were located in the 2021 Future Land Use Plan. She said Mixed Use had some residential, office, commercial components. She added there would be open spaces and a pedestrian oriented retail experience.

Commissioner Thompson stated pedestrian friendly retail was thriving and could provide a connection between Town Center and Old Town Keller.

CDD Smith said there would be a work-session at the next City Council meeting to consider the uses to be put in Town Center and Old Town Keller. They would also consider those uses and if they helped or hinder the goal of a pedestrian friendly retail experience.

EDD Culver stated there was a re-emphasis on experiential retail.

D7. Public Hearing to consider zoning change at 920 and 940 Keller Parkway.

Planner Smithers gave a brief description.

Chairperson Ponder explained the outcome of D-6 would impact the outcome of D-7.

No questions or comments from Commissioners.

D. WORK SESSION

CDD Smith gave a PowerPoint presentation on Zoning 101, part 1.

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 Osgood led the Pledge to the United States Flag.
2. Commissioner Osgood 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 July 13, 2021, Planning and Zoning Meeting.](#)

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

2. [D \(2\) PUBLIC HEARING: Consider a recommendation for a Final Plat for Lot 1, Block A, Rise Realty Addition, being 0.79-acres located on the east side of Woodlawn Court, zoned Single-Family 20,000 square-foot lots \(SF-20\) currently addressed as 1490 Randol Mill Avenue, to be addressed as 1483 Woodlawn Court if approved. Bryson Connally, applicant; Rise Realty DFW, LLC, owner. \(P-21-0023\)](#)

Planner Cyr stated the Applicant was requesting the lot width to be 107 feet in lieu of the required 120 feet for SF-20.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant was available for questions.

Chairperson Ponder opened the public meeting.

Andrew Burton, 1480 Woodlawn Ct., asked the Commission to delay a few days so his wife could attend.

Bruce Beltramini, 1477 Woodlawn Ct., stated his concern for drainage mitigation for the lots.

Veronica Sustaita, 1468 Woodlawn Ct., stated she also had concerns on the drainage and would like to see plans for the house being built.

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

Commissioner Alvarado asked if other properties in the area met the 140-foot width requirement.

Planner Cyr stated there were several around the neighborhood, including 1480 Woodlawn Ct., that did not.

Rise Realty, Applicant, stated there were not any plans to build a home at this time.

Commissioner Sagar asked Chad Bartee, City Engineer, about the water flow. She noted the property was zoned single-family and would be unlikely to subdivide in the future.

Chad Bartee responded the flow was to the north, however, it was too early to determine drainage without a building plan.

Commissioner Apke stated the 13-foot shortage on the frontage would be the unique or special circumstance for the request.

Planner Cyr explained the special circumstance was the Applicant trying to meet SF-20 requirements, but not being able to. CDD Smith added the utility easement on the property did also pose a disadvantage. She said platting the two properties into one would bring the property closer to the requirements of the zoning.

Commissioner Osgood agreed the owner could not expand the area any further.

Chairperson Ponder asked Staff what the requirements would be when a house were built on the property.

Planner Cyr responded it would be a maximum 2 story, 2200 square-foot home with a 30% main building coverage and 50% total lot coverage.

Commissioner Alvarado stated Planning and Zoning was a recommending body to City Council, and residents can also voice any concerns at the City Council meeting.

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 zoning change application from Retail to Single-Family 36,000 square-foot lots or larger, for a 6,363 square-foot building, on 1.41-acres, located on the south side of Bandit Trail, situated approximately 300-feet from the intersection of Davis Boulevard and Bandit Trail, located at 765 Bandit Trail, legally described as Lot 1, Block A, Bandit Addition and zoned Retail \(R\). Xuwei Jiang, owner/applicant. \(Z-21-0007\)](#)

Planner Cyr stated the Applicant requested a zoning change from Retail (R) zoning district to Single-Family 36,000 square-foot lots or greater (SF-36) zoning district to return the structure to a single-family residential use. The zoning change request complied with the current 2021 FLUP, which designated the property as LD-SF.

Chairperson Ponder asked if the Applicant had anything to add.

Planner stated the Applicant was present.

Chairperson Ponder opened the public meeting.

Craig Carson, 756 Bandit Trail, stated his support for the rezone to SF-36. He added it would benefit the area and was in line with the 2021 FLUP.

Commissioner Osgood made a motion to close the Public Hearing for Item D (3), seconded by Commissioner Sagar. The motion carried unanimously.

Commissioner Thompson asked Staff if the garage would be converted back if the zoning changed.

Planner Cyr explained the garage was enclosed before the zoning was changed to commercial. Therefore, the garage conversion could stay.

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

4. [D \(4\) PUBLIC HEARING: Consider a recommendation to amend the previously approved Planned Development zoning by adding medical and office uses and minor medical emergency clinic \(with and approved SUP\) to the use table, situated on 0.827-acre tract of land, located on the north side of North Tarrant Parkway, approximately 600-feet northeast from the intersection of Rufe Snow Drive and North Tarrant Parkway, legally described as Lot 3, Block A Highland Oaks Crossing, zoned Planned Development- Retail \(PD-R\), and addressed as 861 North Tarrant Parkway \(Account #:42550121\). Dunaway Associates, Applicant; TAK Enterprises, Owner. \(Z-21-0008\)](#)

Planner Smithers stated in 2018, the Planned Development (PD) was approved by City Council with the condition Lot 3 was to be a “retail building” however, at the time of the PD, the Applicant did not know what specific uses or businesses would be occupying the space. The Applicant did know at the time that Lot 4, indicated in the PD to be a medical office, would be a dentist office for Dr. Chad Perry. She said in 2019, the Site Plan was approved with retail uses such as medical, restaurant, and retail. Today, Dunaway (Applicant) proposed modification of the language proposed in Ordinance 1875 to add medical and offices uses by right and minor medical emergency clinic with an SUP. This application was submitted concurrently with an application for a Specific Use Permit (SUP-21-0026) for a minor medical emergency clinic.

Chairperson Ponder asked if the Applicant had anything to add.

Barry Hudson, Dunaway Associates, was available for any questions. He also noted this use would reduce traffic by approximately 39%.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

Commissioner Alvarado made a motion to close the Public Hearing for Item D (4), seconded by Commissioner Apke. The motion carried unanimously.

Commissioner Alvarado asked Staff to confirm medical was allowed under the retail zoning.

Planner Smithers responded medical offices were uses, emergency services were not. Senior Planner Sinel added this building was specified as retail in the PD.

Commissioner Alvarado said he had concerns, however, he understood the need.

Commissioner Sagar stated she would like to see as much retail as possible.

Commissioner Osgood agreed with Commissioner Sagar, but did understand the need.

Planner Smithers clarified there would still be a retail component, this item was to add medical use.

Commissioner Alvarado asked what percentage a future clinic would occupy and what percentage retail would occupy.

The Applicant stated it was a brand new building and approximately 55% would be used for medical use.

Commissioner Thompson asked EDD Culver if she had any numbers on the amount of medical offices that have been empty or changed hands. He noted his concern if a medical use was not successful, what the space could become was unknown.

EDD Culver responded she did not have specific numbers, however, she added the medical/office vacancies were higher than retail. She said filling a medical office would be expensive, leading her to believe it would probably be another medical use.

Senior Planner Sinel said if medical use was added, the building could be medical, retail or a mixture of both.

Commissioner Osgood made a motion to approve Item D (4), seconded by Commissioner Apke. The motion carried 4-3 with Commissioners Sagar, Alvarado and Thompson- nay; Commissioners Osgood, Apke, Dawson and Ponder- yay.

5. [PUBLIC HEARING: Consider a recommendation for a Specific Use Permit \(SUP\) for Breeze Urgent Care \(Texas Health Resources\) to occupy a 3,420 square-foot lease space, within a 5,958 square-foot multi-tenant building, on a 0.827-acre tract of land, located on the north side of North Tarrant Parkway, approximately 600 feet northeast from the intersection of Rufe Snow Drive and North Tarrant Parkway, legally described as Lot 3, Block A Highland Oaks Crossing, zoned Planned Development – Retail \(PD-R\), and addressed as 861 North Tarrant Parkway Suite 100 \(Account #:42550121\). DLR Group, Applicant; TAK Enterprises, Owner. \(SUP-21-0026\)](#)

Planner Smithers stated Breeze Urgent Care (Texas Health Resources) was proposing to occupy a 3,420 square-foot lease space, within a 5,958 square-foot multi-tenant building. Proposed services included treatment for allergies, cold or flu symptoms, earaches, headaches, minor burns, minor lacerations & abscesses, rash or poison oak, sprains or breaks, upper respiratory infection, and other illnesses or injuries. Hours of Operation would be seven days a week from 8AM to 8PM and will employ ten people.

Chairperson Ponder asked if the Applicant had anything to add.

John Sullivan, Texas Health Resources representative, explained the medical use for this space would be open 365 days per year and operate from 8AM-8PM. He added it was a concierge medical service.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

Commissioner Alvarado made a motion to close the Public Hearing for Item D (5), seconded by Commissioner Sagar. The motion carried unanimously.

Commissioner Thompson stated there are other areas in town for medical use and very few places left for retail. He did not support.

Commissioner Alvarado although he had concerns, he felt Texas Health Systems would do great things if they were approved.

Commissioner Sagar agreed with Commissioner Alvarado, however, did not see this as the best use for the location.

Commissioner Osgood stated having a medical facility for the city was more important than tax revenue.

Commissioner Osgood made a motion to approve Item D (5), seconded by Commissioner Apke. The motion carried 4-3 with Commissioners Sagar,

Alvarado and Thompson- nay; Commissioners Osgood, Apke, Dawson and Ponder- yay.

6. [PUBLIC HEARING: Consider a request for a Future Land Use Plan \(FLUP\) Amendment proposing to change from Mixed-Use \(MU\) to Retail/Commercial \(RTC\), located on approximately 6.2-acres, legally described as Lot 4 and 5R, Block 1 in the Town Center East Addition, located near the southwest corner of the Rufe Snow Drive and Keller Parkway intersection and addressed as 920 and 940 Keller Parkway \(FM 1709\). Jim Makens, Grapevine/Wall JV, Applicant/Owner. \(LUP-21-0004\)](#)

Planner Smithers stated the properties in the Town Center East Addition were first platted in 1997 and the Site Plan was approved by Council in 1997. The Applicant constructed and owned the two retail buildings adjacent to the Kroger grocery store and three vacant parcels in the center. She said both the 1998 FLUP and the recently adopted 2021 FLUP identified the property as mixed-use; the property was located in the Town Center zoning district. The Applicant believed the Mixed-Use land use category (and Town Center zoning district) make it difficult to lease the space, because there are fewer uses permitted in Town Center than in straight Retail. Specifically, he would like to lease space for medical uses.

She said as part of the 2021 FLUP adoption process, this property retained its mixed-use land use classification to coincide with the rest of Town Center. If this request (and the related rezoning request) were granted, the ability for Town Center's continuity west across Rufe Snow Drive would be impacted.

Planner Smithers stated the Mixed-Use land use category provided unique opportunities to develop community destination with a mix of retail/commercial, office, entertainment, and open space, civic, institutional, and residential uses within pedestrian-oriented, vertical and horizontal mixed-use environments. The physical development pattern shall include connectivity within as well as to adjacent developments; and interconnected public spaces, parks, open space, and water features.

She added Medical uses, though important services for residents, are not usually encouraged in retail experiential developments such as Town Center and Old Town. Typically, people visiting doctors were coming only for appointments and not to explore shops or parks as part of their visit. They bring vehicular traffic that can conflict with pedestrian-oriented components of mixed

use districts. Keller does encourage medical uses on South Main Street (Baylor and Texas Rehabilitation hospitals and surrounding medical offices), in the medical overlay of Town Center, and in retail zoning districts

Chairperson Ponder opened the public meeting.

There were no persons to speak.

Commissioner Alvarado made a motion to close the Public Hearing for Item D (6), seconded by Commissioner Thompson. The motion carried unanimously.

Commissioner Thompson stated the FLUP was just approved recently and thought it may be too early to make changes. He said he was not in support.

Commissioner Alvarado disagreed with Commissioner Thompson. However, he did agree with the current FLUP for this particular area, therefore did not support making changes at this time.

Commissioner Sagar supported the City helping to retain current tenants, but did not support the medical use. She added she was not comfortable changing the FLUP.

Commissioner Dawson stated he was not in favor of changing the FLUP, but agreed with Commissioner Sagar on working to retain existing tenants. He said it would be beneficial to find a common ground that provided short and long term solutions for the residents of Keller.

Commissioner Osgood said the City should partner on the re-development of the property. He added he did not support.

Chairperson Ponder thanked the Applicant but did not think medical was the best use of the property.

Commissioner Apke stated although he agreed with some of the proposal, he did not agree with changing the FLUP.

CDD Smith said the City needed to take an active role for Mr. Makens to be successful and the City to realize its goals. She added there was a much bigger picture involving the surrounding properties to Mr. Makens.

Commissioner Alvarado made a motion to deny Item D (6) with recommendation to City Council to formulate a plan to work with the applicant and neighboring business owners, but, with a timeline as to not delay the meeting itself because of no response, to formulate solutions for existing businesses and new development; seconded by Commissioner Dawson. The motion carried unanimously.

7. [PUBLIC HEARING: Consider a request for Zoning Change from Town Center \(TC\) to Retail \(R\) for two parcels approximately 6.2-acres, legally described as Lot 4 and 5R, Block 1 in the Town Center East Addition, located near the southwest corner of the Rufe Snow Drive and Keller Parkway \(FM 1709\) intersection and addressed as 920 and 940 Keller Parkway \(FM 1709\). Jim Makens, Grapevine Wall J/V, Applicant/Owner. \(Z-21-0004\)](#)

Planner Smithers stated in 2020, City Council approved seven lots within Town Center for a medical overlay district. The properties included 1135, 1139, 1141, 1149, 1151, 1200 and 1220 Keller Parkway and were pre-existing medical offices. At that time, Council made it clear that they did not want to expand the medical overlay district to any other properties in the Town Center zoning district. The Applicant believed the Town Center zoning district made it difficult to lease the space. The Applicant proposed to add more medical uses within the strip centers. The Applicant partially developed this site; however, there were three parcels vacant and could be developed in the future.

Vice Chairperson Osgood asked if the Applicant had anything to add.

Doug Powell, applicant representative, gave a brief presentation. He said the City would need to work with all of the owners of the property to find a solution. He suggested medical use be a SUP or have limitations.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

Commissioner Alvarado made a motion to close the Public Hearing for Item D (7), seconded by Commissioner Thompson. The motion carried unanimously.

Chairperson Ponder stated he hoped the Applicant understood the Commission wanted to see this resolved.

Commissioner Osgood made a motion to deny Item D (7) due to the denial of the FLUP change, seconded by Commissioner Alvarado. The motion carried unanimously.

B. ADJOURN

Chairperson Ponder adjourned the meeting at 9:21P.M.

Chairperson

Amy Botcher, Planning Technician