



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 8, 2022

PRE-MEETING BRIEFING 6:30 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 6:33 P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Ralph Osgood

Bob Apke

Leslie Sagar

Thomas Thompson

Ross Brensinger

Greg Will

The following Commissioners were absent:

Thomas Brymer

Paul Alvarado

Staff present included: Community Development Assistant Director, Sarah Hensley, City Engineer, Chad Bartee; Economic Development Specialist, Siale Langi; Planner II, Katasha Smithers; Planner I, Amber Washington; Director of Information Technology, Sean Vreeland; and Planning Technician, Amy Botcher.

B. ADMINISTRATIVE COMMENTS

Planner Smithers stated at the March 1, 2022, City Council meeting, the SUP's for Vital Pharmacy and Site Plan for Specs were approved unanimously.

Chairperson Ponder reminded the Commissioners that the P&Z meeting on March 22, 2022 would be moved to March 29, 2022.

C. DISCUSS AND REVIEW AGENDA ITEMS

D1. Two Specific Use Permits (SUP) for Dutch Bros. at 1241 Keller Parkway.

Planner Smithers gave a brief presentation.

No questions or comments.

E1. Minutes for the February 8, 2022, Planning & Zoning meeting.

Commissioner Brensinger stated there were changes needed in item D3 and D4. He would also like for the acronyms to be spelled out the first time they are used in every set of minutes.

E2. Minutes for the February 22, 2022, Planning & Zoning meeting.

No questions or comments.

E3. Amendment to the UDC related to food trucks, food truck courts and mobile vendors.

ACDD Sarah Hensley gave a brief presentation.

Commissioner Sagar asked if food trucks could sell alcohol.

ACDD Sarah Hensley responded they could with permitting from the TABC.

Commissioner Sagar stated there should be a better definition for “overnight”. She added she would like to identify and avoid unintended consequences. She added the possibility of specifying open and closing times.

Commissioner Thompson asked if the hours could be in conjunction with the “host” business hours. He also asked about possible extension of hours due to festivals.

ACDD Hensley responded that language could be added noting certain hours allowed unless accompanied by a SPERT.

Commissioner Brensinger stated he did not see a problem or the need to specify a definition for “overnight”. He assed other businesses were open 24 hours. He said if it is producing tax revenue for the City, he did not see where there was a problem.

Commissioner Thompson stated it opened the gate for a food truck to open on March 1st and still be there on August 27th.

Chairperson Ponder explained the need was to define the term “overnight” if we were saying they could not stay overnight.

Commissioner Sagar asked how you could enforce “no overnights” without specifying times.

ACDD Hensley stated the real intent of the overnight stipulation was to have the food trucks go offsite to dump their gray water, etc. She asked if it may be more in line to change the language to add the dumping of gray water cannot be done in the City of Keller.

Planner Smithers stated the deliveries for grocery stores have set hours for loading/unloading.

Chairperson Ponder asked if the food trucks would be required to get a permit for each day they are set up somewhere, or if it would be for a time period. He asked if the permit was to be anywhere in the City or in a specific place.

ACDD Hensley responded that they would get a general permit to operate when they showed they had the pertinent food handlers, insurance, fire inspections, etc. She added the commercial properties would be required to provide a site plan.

Commissioner Osgood offered verbiage for food trucks, not in a food truck court, could be that “overnight” be defined as to vacate the premises no later than one hour after the closing of the commercial business, or by 1AM unless approved by Staff.

Commissioner Thompson stated food trucks, in a food truck court, should vacate within one hour of the venue closing. He added all others would have stipulated times.

Commissioner Sagar also spoke about temporary vendors including snow-cone vendors. She said the hours were all a part of the SUP process. She stated if the snow-cone stand has certain hours, the food trucks should also.

Commissioner Will liked the 1am to 5am language. It gave a defined time frame for the food trucks.

D. ADJOURN

Chairperson Ponder adjourned the Pre-Meeting at 7:05P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER –Chairperson Gary Ponder

Chairperson Gary Ponder called the meeting to order at 7:13P.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. OLD BUSINESS

1. [D \(1\) Consider a request for two Specific Use Permits \(SUPs\) for Dutch Bros, a proposed 1,270 square-foot restaurant with drive-thru \(including a 320 square-foot covered patio with no patio seating and no interior seating\), on an approximately 1-acre tract of land, located on the north side of Keller Parkway \(FM 1709\) intersection, at 1241 Keller Parkway, being a portion of Tract 2E out of the Pamela Allen Survey, Abstract No. 28, and zoned Town Center \(TC\). Greenway-Keller, L.P., Owner. BB Holdings TX LLP., Applicant. \(SUP-22-0001\)](#)

Planner Smithers stated the Applicant was proposing to construct a 1,270 square-foot building with drive-thru. The total square footage included a 950 square-foot enclosed building with a 320 square-foot covered patio. The facility would not offer any seating inside or outside the building. Sales would be strictly drive-thru.

She said on February 11, 2022, the City mailed out 25 Letters of Notification for this public hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was also posted on the site. As of today, Staff has received one opposition email.

Planner Smithers stated the SUPs were to allow the structure to be 1,270 square-feet (less than the required 6,000 square-foot requirement for the Town Center zoning district) and to allow the structure to have a drive-thru in the Town Center zoning district.

Economic Development Specialist, Siale Langi, added 1241 Keller Pkwy currently generated approximately \$5,130 in ad valorem taxes. The addition of a 950 square foot drive-thru building was expected to increase that annual revenue by approximately \$450. The addition of another drive-thru coffee shop could be expected to generate an additional \$15K- \$25K in annual sales tax revenue for the city, based on the current sales for all coffee shops in Keller being about \$6.7M annually.

Planner Smithers stated the recruitment strategies in the ED Strategic Business Plan highlighted the community's desire to limit the amount of fast-food restaurants, while providing more casual and upscale dining locations and family entertainment options. Economic Development staff has worked with Dutch Bros since they began looking at sites in Keller, advocating for the addition of amenities such as covered patio seating and interactive games available to patrons to help them better align with those goals.

Chairperson Ponder asked is the Applicant had anything to add.

Anthony Scardino, representative for Dutch Bros, stated he was available for questions.

Commissioner Apke asked the Applicant why this location was chosen. He asked if any additional locations were looked at.

Mr. Scardino responded the main Thorofare, Town Center area and high traffic were all factors. He added there were not additional areas considered.

Planner Smithers explained there was a previous DRC for a location at Center Stage, however the drive-thru would not be ideal due to the pedestrian friendly area.

Apke asked the Applicant how many people would be employed by this location.

Mr. Scardino stated there could be 40 employees with 8 possible per shift change.

Commissioner Apke stated his concern is with oversaturation due to the 6 coffee shops being located within a half mile radius.

Commissioner Thompson stated his concerns of tax generation, noise generation and oversaturation. He said he did not know if it was the highest and best use for the property.

Commissioner Brensinger stated most of his concerns were addressed by Commissioner Thompson. He added this concept varied from the vision of this zoning district, and he did not think it was the best use for this area.

Commissioner Sagar thanked the Applicant for considering Keller. She also shared some of the concerns that other Commissioners had. She said Starbucks had interest in this property years ago and was denied. She said this use was counter productive to the guidelines of Town Center, and wished the Applicant would consider other locations in Keller.

Commissioner Will agreed with Commissioner Sagar. He was concerned on repurposing such a small building, if the business failed.

Commissioner Osgood stated he did not think there was enough data to suggest saturation and loved the idea of 40 employees. He added he could fully support this item if it was not located in Town Center. He said he could not support due to the size of the building (900sf vs. 6000sf) and the drive-thru component.

Chairperson Ponder said this property was not the right location for this business. He added he was not concerned with saturation, but he was concerned with the building size and drive-thru.

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

E. NEW BUSINESS

1. [E \(1\) Consider the minutes for the February 8, 2022, Planning and Zoning Commission Meeting.](#)

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

2. [E \(2\) Consider the minutes for the February 22, 2022, Planning and Zoning Commission Meeting.](#)

Commissioner Apke made a motion to approve Item E (2), as amended, seconded by Commissioner Will. The motion carried unanimously.

3. [E \(3\) PUBLIC HEARING: Consider a recommendation for an amendment to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 3- Definitions and Article 8- Zoning Districts, Development Standards, Tree Preservation, related to food trucks, food courts and mobile vendors; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, Applicant. \(UDC-22-0001\)](#)

Chairperson Ponder opened the Public Hearing.

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

Commissioner Sagar stated would like to SPERT to be added to definitions. She also said she would like offer a change under the draft ordinance A7 to have the first sentence amended to add “unless approved by a SPERT permit, food sales shall be limited to hours between 6AM to Midnight. The food truck may set up one hour prior to 6AM and must depart by no later than one hour after Midnight.”

Planner Smithers asked Commissioner Sagar to confirm she is only referring to food sales or other types as well.

Commissioner Sagar responded she would like it changed to include “sales” in general.

Commissioner Apke asked Commissioner Sagar if under C2, should the overnight definition be included there as well.

ACDD Hensley offered the solution of the statement being included in the general operating definitions.

Commissioner Osgood asked between the Planning and Zoning meeting and City Council, if Staff would reach out for additional feedback from local restaurants and food trucks to see how their businesses could be impacted.

Commissioner Sagar made a motion to approve Item E (3), with the addition to the draft ordinance, of the definition of “overnight”, the definition for “SPERT” permit, and the addition to the first sentence in section A7 to include “unless approved by a SPERT permit, sales and/or distribution of goods shall be limited to the hours between 6AM to Midnight. The food truck or mobile vendor unit may set up one hour prior to 6AM, and must depart no later than one hour after Midnight.” Seconded by Commissioner Thompson. The motion carried unanimously.

F. ADJOURN

Chairperson Ponder adjourned the meeting to continue work session at 8:09P.M.

Chairperson

Amy Botcher, Planning Technician