



**City of Keller**  
**Planning & Zoning Commission**  
**Meeting Minutes**

Keller Town Hall  
1100 Bear Creek Parkway  
Keller, TX 76248  
817-743-4000  
www.cityofkeller.com

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**Tuesday, February 25, 2020**

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**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 6:30 P.M.

The following Commissioners were present:

Ralph Osgood, Vice Chairperson

Leslie Sagar

Tom Thompson

Paul Alvarado

Bob Stevens

Bob Apke

James Dawson, Alternate (Non-voting)

Phillip Maxwell, Alternate (Non-voting)

Staff present included Katasha Smithers, Planner I; JP Ducay, Planner I; Matthew Cyr, Planner I; Julie Smith, Community Development Director (CDD); and Chad Allen, Police Captain.

**PRESENT:** 8 - Leslie Sagar, Bob Stevens, Ralph Osgood, Paul Alvarado, Robert Apke, Tom Thompson, James Dawson and Phillip Maxwell

**B. ADMINISTRATIVE COMMENTS**

1. [Briefing regarding City Council action on Tuesday, February 4, 2020, and Tuesday, February 18, 2020.](#)

Planner Smithers stated there were four items that went forward to City Council on February 4, 2020: Creekside Veterinary Clinic Specific Use Permit (SUP) approved 4-2.

CDD Smith stated there were more neighbors that spoke at City Council than at the Planning and Zoning Meeting. These neighbors lived along the property line between the veterinary clinic and the residential subdivision to the east. She also stated that Council

Member Paquin asked if the Applicant would meet with those neighbors to work on minimizing the impact

of the development (dumpster noise, trees, and lights).

Commissioner Sagar asked about the dumpster location.

CDD Smith stated that the Applicant had agreed to move it away from the neighborhood.

Commissioner Dawson re-stated that the tree size and type would be important for screening purposes.

Commissioner Sagar stated that the homes in that area were built around the original veterinarian building, but now the applicant is wanting to move to this location where the homes were already built.

CDD Smith added that the Applicant did own all of that land to the north as well as what they sold to the subdivision developer, and the idea was always to expand the veterinarian facility to the north.

Thai Yoga Massage SUP, Harmonson Inn, and 1520 Hawthorne garage variances were all approved.

At the February 18, 2020, City Council meeting, Panera's SUP and related variances were approved by City Council.

CDD Smith stated that the applicant did move the drive-thru further north so it did not cut through the parking. She also stated that Panera moved the sidewalk as well. City Council was successful in their request for Panera to add a structure so that the outdoor eating area would be covered.

2. [Briefing regarding current DRC projects and Long-Term Projects.](#)

Commissioner Osgood asked about what shot clock meant on Item 6.

CDD Smith explained that “shot clock” refers to the thirty-day timeframe in which staff has to approve an application or submit the application to a governing body for consideration. If the shot-clock deadline is missed, the submittal is presumed approved.

CDD Smith stated that City Council approved Center Stage with thirteen amendments, and before the ordinance may be signed the applicant must update the Concept Plan to reflect those amendments. She stated Staff was working with the Applicant to update the Concept Plan.

CDD Smith stated that the developers may build the whole development at once rather than phase it in - a significant change from what was previously planned.

Commissioner Sagar asked about the status of the noise study.

CDD Smith responded that the applicant would include the noise study in the Detailed Plan.

Commissioner Alvarado confirmed that all the other requirements, including the TIA, would be part of the Detailed Plan.

CDD Smith responded that this was correct.

## **C. DISCUSS AND REVIEW AGENDA ITEMS**

D (1) Approval of the Minutes for January 14, 2020

Commissioner Sagar stated that on page 32 there was a statement that needed to be clarified about the parking and that the term “acoustical study” be swapped with “noise study.”

Several other Commissioner agreed.

Planner Ducay responded that the changes had already been made.

Commissioner Stevens stated there was a word that stated "tone" when it should have said "stone."

Planner Cyr responded that those changes had been made as well.

D (2) Approval of the Minutes for January 28, 2020

There were no comments or questions.

D (3) Majestic Nail Salon

Planner Cyr stated that the applicant was applying for an SUP in Town Center located at 101 Town Center Lane and would be performing all the usual nail salon services.

Commissioner Sagar stated that on the saturation map there were ten businesses provided; only three of those businesses were nail salons. The others were all massage therapy salons or hair salons.

CDD Smith responded that under the UDC nail salons, massage therapists, and cosmetology are all considered one "spa". She also stated that two years ago, City Council felt that spas and salons had reached a saturation point and denied an application for another salon to go in Town Center. The information was provided to the commission for historical purposes.

Commissioner Thompson asked where the Commission could draw the line for saturation versus letting the market decide. He stated he would hate to restrict a business and landowner based on "market saturation" that is difficult at best to determine.

Commissioner Sagar stated two of those businesses in the market saturation document were eye lash extension salons. She stated that she did not know there was a demand for this, and also mentioned that she did not know the market demand for these various services.

Commissioner Thompson stated that he was inclined to let the market decide.

CDD Smith stated that without doing an in-depth economic analysis, it would be difficult to determine the market demand for different businesses. She also stated that without a current Land Use Plan, it is a challenge for staff to provide any insight into the viability of developer's proposal. She raised the issue of identifying those businesses that could be allowed by right to go into Town Center.

Commissioner Thompson stated that twenty years ago every time a strip-center popped up there would be a subway, a donut shop, a dry cleaners and a nail salon. He raised the question whether that was good for the town and whether that was how you wanted to shape the town.

He elaborated by pointing out there needed to be a framework, such as a land use plan, because it should not be up to him for how the town needed to be shaped.

CDD Smith stated that there were many SUP uses included in Town Center. It may have been set up that way, because in the past City Council wanted more control over what developed in Town Center. She also stated that they may need to revisit the Land Use Plan sometime in the future to address some of these concerns. The City Council could break the effort into sections rather than the entire city. If so, she recommended addressing Town Center first and then Old Town Keller.

CDD Smith stated that these two zoning districts are unique and staff had trouble dealing with requests from applicants about City Council's perspective on particular issues.

Commissioner Thompson responded that it puts the town in a terrible spot not to have a current land use plan.

CDD Smith stated that the vision for these areas were probably both pedestrian-oriented. There was a recognition that these uses feed off of each other, like the hotel use and spa use in Old Town Keller. She also stated that she was

sympathetic toward the concerns related to determining market saturation, and believed it was time for Keller to decide what they would like to do in terms of encouraging certain types of development in special areas such as Old Town Keller and Town Center.

Commissioner Thompson stated that this would be a position that City Council would have to take.

CDD Smith agreed and responded that a different way to handle land use planning would be to gather the necessary data, let P&Z work through the details, then forward potential

options to Council for their consideration. She reiterated it might be better to approach the land use plan in smaller sections.

Commissioner Sagar stated that Planning is a continuous process.

Commissioner Alvarado asked if Staff knew the occupancy rate in the area that was discussed.

CDD Smith stated that she was not sure about that but did know that this space had been leased for over a year, but was empty due to the tenant leaving. She also stated that because the property owner was being paid, there may not have been much incentive to market the space.

Commissioner Alvarado stated that there were a couple of open tenant spaces; the market saturation issue might be more important if there was only one space available. He stated that the market should decide.

Commissioner Apke asked if there were any people in favor or against this SUP application.

CDD Smith responded that there were none.

Commissioner Osgood asked about what project was occurring at Keller-Hicks and Katy

Commissioner Osgood asked if there was any correspondence between the City of Fort Worth or Tarrant County and Keller. He stated that the traffic implications of that project would seem to be significant.

CDD Smith stated that they would try and find out.

## **D. ADJOURN**

### **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**

Vice Chairperson Osgood led the Pledge of Allegiance to the United States Flag and the Pledge to the Texas Flag.

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**

No one came forward.

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.

#### **D. NEW BUSINESS**

1. [Consider approval of the minutes of the Planning and Zoning Commission Meeting on January 14, 2020.](#)

**A motion was made by Commissioner Bob Stevens, seconded by Commissioner**

**Paul Alvarado, to approve as amended Consider approval of the minutes of the Planning and Zoning Commission Meeting on January 14, 2020. The motion carried by the following vote:**

**AYE:** 7 - Commissioner Sagar, Commissioner Stevens, Commissioner Osgood, Commissioner Alvarado, Commissioner Apke, Commissioner Thompson and Ponder

2. [Consider approval of the minutes of the Planning and Zoning Commission Meeting on January 28, 2020.](#)

**A motion was made by Commissioner Paul Alvarado, seconded by Commissioner Bob Stevens, to approve Consider approval of the minutes of the Planning and Zoning Commission Meeting on January 28, 2020. The motion carried by the following vote:**

**AYE:** 6 - Commissioner Sagar, Commissioner Stevens, Commissioner Osgood, Commissioner Alvarado, Commissioner Thompson and Ponder

**ABSTAI** 1 - Commissioner Apke

**N:**

3. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Cosmetology \(Nail Salon\), for Majestic Nail Salon, located in an approximately 4,340 square-foot space, on an approximately 1.63-acre property, located on the south side of Keller Parkway, approximately 800 feet southeast of the intersection of Keller Parkway and Rufe Snow, being Lot 1R, Block B, Keller, Keller Town Center, zoned Town Center \(TC\), located at 101 Town Center Lane, Suite 103 \(Account #07874057\). Danh Nguyen, owner/applicant. \(SUP-20-0004\)](#)

Planner Cyr gave a brief presentation on Item D-3. He noted that Staff mailed out 11 letters to property owners within 300 feet. No letters or e-mails in support or opposition had been received.

**Chairperson Ponder opened the Public Hearing.**

Jack Heffler from Regency Centers, the owner of the proposed salon location, stepped forward. He stated that Keller Nails was currently on Town Center Lane, but their lease would expire April 30, 2020, and have they stated that they would not renew. Based off of this information, he felt this type of use would be appropriate for this space.

Mr. Heffler also stated that this business was a luxury salon and would have chandeliers, waterfalls, and spacious seats. He also stated that Regency was not your typical landlord and looked for the best overall fit for the development and would

be beneficial for the community.

**Commissioner Sagar made a motion to close the Public Hearing for Item D-3, seconded by Commissioner Apke. The motion carried unanimously.**

Commissioner Thompson stated that he did personal canvassing about the market saturation issue and struggled with this. He also stated that he would lean towards letting the market decide, and believed if it was a good business it would do well. He also stated that if would not be his place to decide whether the market was saturated.

Commissioner Apke stated that he agreed with letting the market decide, and did not believe that the question of market saturation was an issue because the salon currently on Town Center Lane would be leaving.

Commissioner Osgood concurred with the previous comments. He also wished the business good luck and welcomed them to Keller.

Commissioner Sagar thanked the applicant for their interest in Keller, and did initially have a concern about market saturation. Upon looking into those salon businesses further, she found that only three of those ten businesses offered nail salon services. She also stated that in regards to nail salons, there was not any saturation concern in Town Center and believed that the use was reasonable.

Commissioner Sagar stated that with the current nail salon tenant leaving, the decision became easier to make and she would support the application.

Commissioner Alvarado thanked the applicant and the property owner for presenting the information needed to make this decision. He also stated that they should present this same information to City Council and wished the business success.

**A motion was made by Commissioner Tom Thompson, seconded by Commissioner Bob Stevens, to approve PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for Cosmetology (Nail Salon), for Majestic Nail**

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Salon, located in an approximately 4,340 square-foot space, on an approximately 1.63-acre property, located on the south side of Keller Parkway, approximately 800 feet southwest of the intersection of Keller Parkway and Rufe Snow, being Lot 1R, Block B, Keller, Keller Town center, zoned Town Center (TC), located at 101 Town Center Lane, Suite 103 (Account #07874057). Danh Nguyen, owner/applicant. (SUP-20-0004). The motion carried by the following vote:

**AYE:** 7 - Commissioner Sagar, Commissioner Stevens, Commissioner Osgood, Commissioner Alvarado, Commissioner Apke, Commissioner Thompson and Ponder

**E. ADJOURN**

Chairperson Gary Ponder adjourned the meeting at 7:24 P.M.

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Chairperson

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Staff Liaison