



**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 14, 2022**

**PRE-MEETING BRIEFING 5:30 P.M.**

**A. CALL TO ORDER - Chairperson Gary Ponder**

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 5:32 P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Leslie Sagar

Ross Brensinger

Ralph Osgood

Bob Apke

Greg Will

Paul Alvarado

The following Commissioners were absent:

Thomas Thompson

Thomas Brymer

Staff present included: Community Development Director, Julie Smith; Assistant Community Development Director, Sarah Hensley; Planner II, Katasha Smithers, 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 7, 2022.

ACDD Hensley gave a brief recap of the June 7, 2022 City Council meeting:

- Work Session noise ordinance amendment discussion: Staff directed to bring forth an amendment that would cap the hours for outdoor noise in commercial zoning districts with residential components
- Routzon Law Firm SUP for office use in OTK (Unanimous approval)
- Hollywood's Pour Shack SUP for a bar and indoor entertainment in OTK (Unanimous approval)

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

D-1 Minutes: Comments from Commissioner Brensinger on the minutes have been incorporated.

D-2 CJ's Salon Suites and Spa SUP: Planner Smithers summarized the SUP request from CJ's Salon Suites and Spa. Commissioner Sagar asked about a map showing where all the spas are located in Keller. She also asked if the business would have adequate parking. Planner Smithers and CDD Smith confirmed the business met the city's parking requirements.

Commissioner Alvarado commented that he felt the business would be well served in their selected location.

Commissioner Brensinger asked if the existing salons/spas were successful. CDD Smith said that Economic Development tracks when businesses leave but are not always aware when they come in. She also shared new direction from the city attorneys that SUPs will no longer be required for name or ownership changes.

D-3 Missing Peace Autism Therapy SUP: Planner Smithers summarized the SUP request from Missing Peace Autism therapy. She mentioned the business' proposed location was in the area staff is proposing to rezone from OTK to Retail.

D-4 Goody Goody SUP Amendment: Planner Smithers provided a brief history on the SUP approved in 2021 for Goody Goody Liquor Store.

Commissioner Brensinger asked for clarification. CDD Smith explained that the company needed to change their logo, and to add the words "Wine - Beer - Liquor" to the signs.

Chairman Ponder asked if staff felt like what was now proposed would satisfy what City Council had originally expressed concerns on when the original SUP was approved; staff confirmed they believed the proposed SUP amendment would align with City Council's view on the signage.

D-5 Goody Goody Site Plan Amendment: Planner Smithers said that the sign conditions for the original SUP were included in the Site Plan resolution, thus the need for an amendment.

## **D. WORK SESSION**

### 1. Discuss proposed rezone for Old Town Keller properties south of Bear Creek.

ACDD Hensley gave a presentation on the proposed rezone of properties currently in the Old Town Keller zoning district that are north of Bear Creek Parkway and south of the actual Bear Creek to Retail. She stated the area already functions as a medical district with the hospital, medical offices, and restaurants. Medical offices and restaurant uses would be allowed by right (and a hospital with an SUP) in the Retail Zoning District. Staff is bringing the proposal forward to the Planning and Zoning Commission on June 28, along with the related Future Land Use Plan (FLUP) amendment. The area is designated Mixed-Use (MU) in the 2021 FLUP, which is characterized as a more pedestrian-oriented area focused on a mix of retail/commercial, office, entertainment and open space with civic, institutional and residential uses. The proposed Retail/Commercial FLUP designation is characterized by establishments that provide goods and services to the public.

No comments from the Commissioners, all in attendance supported next steps proposed by staff.

### 2. Review draft Short Term Rentals (STRs) ordinance.

The Commission reviewed the draft Short Term Rentals ordinance prepared by CDD Smith.

Commissioner Brensinger and CDD Smith developed language for emergency contacts as follows:

CDD Smith clarified that Keller does not propose to implement a 24-hour complaint line as was inadvertently mentioned in the draft ordinance.

Commissioner Sagar expressed that she was very pleased with the draft ordinance. She commented on the revocation appeal regarding the number of violations allowed and recommended it be changed to 3 violations. The rest of the Commission agreed with the recommendation.

Commissioner Sagar commented that she was concerned with the 6-month time frame under Section C; CDD Smith said she would be sending the draft ordinance to the city attorney, and that the 6-month time frame is used to revoke a contractor registration under current city guidelines.

Commissioner Alvarado said he was concerned with extending past 6 months and being too punitive.

Commissioner Will said he thought the 6-months was harsh enough but liked the suggestion by Commissioner Osgood for repeat offenders.

Commissioner Osgood asked about the definition of a party. CDD explained that the purpose of the language was to prevent people from renting a STR solely for a party.

Commissioner Osgood asked about bed-and-breakfasts.

Commissioner Will asked if STRs were subject to Hotel Occupancy Tax. CDD confirmed they were.

Chairman Ponder summarized the Commission's discussion.

## **E. ADJOURN**

Chairman Ponder adjourned the Pre-Meeting at 6:24 P.M.

## **REGULAR MEETING 7:00 P.M.**

### **A. CALL TO ORDER – Chairperson Gary Ponder**

Chairman Ponder called the meeting to order at 7:05 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.

There were no public comments received.

### **D. NEW BUSINESS**

1. Consider the minutes for the May 24, 2022 Planning and Zoning Commission Meeting.

**A motion was made by Commissioner Leslie Sagar, seconded by Alternate Gregory Will, to approve the minutes for the May 24, 2022 Planning and Zoning Commission Meeting. The motion carried unanimously.**

2. PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for CJ's Salon Suites and Spas, 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, Suites 114-120. Retail Opportunity Keller LLC, Owner. Fredrecio Washington, Applicant. (SUP-22-0008)

Planner Smithers presented the Applicant's request for an SUP for a spa in the Retail Zoning District, including interior photos and a floor plan. She stated no support or opposition had been received by staff prior to the meeting.

The Applicant, Fredrecio Washington, addressed the Commission. He stated that Vapor Maven and Martial Arts would be relocating as a result of the proposed spa.

Chairman Ponder opened the Public Hearing.

Dan Avnery, owner of the subject property, expressed his support for the SUP application. He stated the shell space had been vacant since it was built in 2005. He commented that Vapor Maven would need to be relocated and required to go through the SUP process.

Commissioner Alvarado stated he was fully in support of the business.

**A motion was made by Commissioner Paul Alvarado, seconded by Alternate Gregory Will, to close the public hearing. The motion carried unanimously.**

**A motion was made by Vice Chairperson Ralph Osgood, seconded by Alternate Ross Brensinger, to recommend approval of item D-2. The motion carried unanimously.**

3. PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for The Missing Peace Autism Therapy Center to occupy a 5,300 square-foot lease space, within a 11,600 square-foot multi-tenant building, located on the east side of South Main Street, approximately 300 feet north of the Bear Creek Parkway and South Main Street intersection, on 1.02 acres, legally described as Lot 1, Block A of the Bear Creek 97 Addition, zoned Old Town Keller (OTK), and situated at 651 South Main Street, Suite 102. Manu Group, L.P., Owner. The Missing Peace Autism Therapy Center, Applicant. (SUP-22-0016)

Planner Smithers gave a presentation on the SUP request, and reviewed the zoning history of the area the applicant hopes to move into. She explained that this will be the second location for Missing Peace Autism Therapy Center.

Chairman Ponder opened the Public Hearing.

The Applicant, Beth Moreman, co-owner of the business, addressed the Commission and said they have grown and in need of a second location to serve their clients, many

of whom are on a waiting list. Ms. Moreman said the new location is twice the size of their existing location on Keller Parkway and that they were very excited to be in Keller.

No other comments from the public were made.

**A motion was made by Commissioner Paul Alvarado, seconded by Commissioner Leslie Sagar, to close the Public Hearing. The motion carried unanimously.**

**A motion was made by Vice-Chairperson Ralph Osgood, seconded by Commissioner Paul Alvarado, to recommend approval of Item D-3. The motion carried unanimously.**

4. PUBLIC HEARING: Consider a request to amend an existing Specific Use Permit (SUP) pertaining to signage for Goody Goody Liquor Store, located on the west side of South Main Street, approximately 750 feet south of the Bear Creek Parkway and South Main Street intersection, on 1.41 acres, legally described as Lot 6R, Block A of the Bear Creek Plaza Addition, zoned Commercial (C), and situated at 730 South Main Street. 730 South Main Street Partners Ltd., Owner. Goody Goody Liquor, Inc., Applicant. (SUP-22-0018)

Planner Smithers gave a presentation on the SUP amendment requested by the Applicant to correct the logo and add "wine-beer-liquor" to the signs above the north and east entrances.

Chairman Ponder opened the Public Hearing.

No public comments were received.

**A motion was made by Alternate Gregory Will, seconded by Commissioner Leslie Sagar, to close the public hearing. The motion carried unanimously.**

Commissioner Sagar asked if the main difference are the circular portions of the logo and the "wine-beer-liquor" language. Planner Smithers confirmed that was correct. Commissioner Sagar stated she felt the request was reasonable.

Commissioner Brensinger stated he also thought the request was reasonable, and stated that a referendum had been held in Keller regarding this type of business, and that he felt it was incumbent on the Commission to support these businesses.

Commissioner Alvarado echoed Commissioner Brensinger's comments.

**A motion was made by Commissioner Paul Alvarado, seconded by Alternate Gregory Will, to recommend approval of Item D-4. The motion carried**

**unanimously.**

5.Consider a request to amend an existing Site Plan pertaining to signage for Goody Goody Liquor Store, located on the west side of South Main Street, approximately 750 feet south of the Bear Creek Parkway and South Main Street intersection, on 1.41 acres, legally described as Lot 6R, Block A of the Bear Creek Plaza Addition, zoned Commercial (C), and situated at 730 South Main Street. 730 South Main Street Partners Ltd., Owner. Goody Goody Liquor, Inc., Applicant. (SP-22-0021)

Planner Smithers presented the applicant's request to amend the Site Plan for Goody Goody, and explained that the amendment was necessary because the conditions related to the SUP were included in the original Site Plan resolution.

**A motion was made by Commissioner Paul Alvarado, seconded by Commissioner Robert Apke, to recommend approval of Item D-5. The motion carried unanimously.**

## **E. ADJOURN**

Chairman Ponder adjourned the meeting at 7:37 p.m.

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Chairperson

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Staff Liaison