



**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, March 23, 2021**

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PRE-MEETING BRIEFING 6:31 P.M.

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

Chairperson Gary Ponder called the virtual Pre-Meeting Briefing to order at 6:31 P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Ralph Osgood, Vice Chairperson

Paul Alvarado

James Dawson

Bob Apke

Leslie Sagar

Thomas Thompson

Phillip Maxwell- Alternate

Logan McWhorter- Alternate

Staff present included Matthew Cyr, Planner I; Katasha Smithers, Planner I; Julie Smith, Director of Community Development; Mary Meier Culver, Acting Economic Development Director; Sean Vreeland, Director of Information Technology; Chad Bartee, City Engineer and Amy Botcher, Planning Technician.

**B. ADMINISTRATIVE COMMENTS**

1. Briefing regarding City Council action on Tuesday, March 16, 2021

Planner Smithers gave a briefing from the March 16, 2021, City Council Meeting. She stated that the SUP for Glam Bam Paws, the SUP for Tindahan ni Kuya, the two SUPs for 921 Bourland Road (for size and a dwelling unit), and the UDC text amendment related to requiring SUPs for hotel/motel uses

were approved unanimously. The SUP for 404 South Pearson Road was approved unanimously with a condition to add skirting around the temporary modular home. She also stated that the Wimberley development requiring the UDC text amendment, a FLUP amendment and a PD application were withdrawn by the Applicant prior to the City Council meeting.

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No additional questions or comments.

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

1. Minutes for February 23, 2021.

Commissioner Sagar requested changing “retail” to “mixed-use” in the description of percentages on page 3.

No additional questions or comments.

2. Minutes for March 9, 2021.

Commissioner Alvarado expressed that his words in the minutes came across critical of what Staff had done in regards for the Commission to meet in-person. He apologized and clarified that it was not meant that way. He expressed that Staff had done an amazing job with all aspects of what COVID had created and thanked Staff for their hard work.

No questions or comments.

3. Final Plat for 7240 Shady Grove Road.

No questions or comments.

4. PUBLIC HEARING for amendments to UDC Article 5- Subdivision Design

CDD Smith stated the UDC currently required people to dedicate the floodplain as a lot to the City rather than placing it in an easement as is the common practice. Because the floodplain becomes a dedicated lot, maintenance for it then falls to the City – an unusual arrangement. CDD Smith stated that PWD Liñán requested the UDC be amended to reflect current public policy and practice – floodplains should be identified and placed in easements that the property owner is responsible for maintaining. These changes would accomplish that goal.

No additional questions or comments.

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5. PUBLIC HEARING to replace FLUP.

CDD Smith gave a brief description of the presentation that would be presented during the meeting which included the five primary areas up for amendment. After the meeting with Council on March 16<sup>th</sup>, the Council clarified the PGT land category so that patio/garden homes would be required to have a minimum of 5,000 square-foot lot minimum and up to 7,999 square-foot maximum. The townhome/duplexes/fourplexes would be on less than 5,000 square-foot maximum lots. She also stated that there are also updates to the map based on landowner requests.

Commissioner Thompson referred to the east side of South Main Street where Wimberley was intended to go. He asked what the proposed land use category was there.

CDD Smith stated Retail along Main Street and PGT along Whitley Road.

Commissioner Thompson stated that he thought this area was truly unique and would make a great mixed-use development that draws people in with a positive visual.

CDD Smith expressed this is the type of comments/suggestions Council would want to hear from the Commission. There were concerns from the subdivision to the east related to any proposed high density, so Mixed Use had been removed for fear of apartments. However, Mixed Use does not require apartments, just some type of residential component including single-family.

Commissioner Thompson stated he didn't want to see another average strip mall with a donut shop, dry cleaning and a subway. He believed there was a higher and better use for the property.

CDD Smith stated it is worthwhile for Commissioner Thompson to state his opinion for the record, because these types of comments would be important to the FLUP team to get to the Council.

Chairman Ponder said he wanted to make sure everyone was on the same page as far as what the protocol would be. He asked CDD Smith if the Commission needed to send these concerns to Staff after the meeting.

CDD Smith stated if it is something specific, then it could be added to the Commission's motion. If not, Commissioners could send comments for the Council via email to staff.

Chairman Ponder asked the Commission if they would like to send information individually or speak about it during the meeting.

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Commissioner Sagar stated that she would like the Commissioners to have formal dialogue regarding the FLUP.

Chairman Ponder expressed his support of the FLUP. He also stated he was in support of suggestions made by other Commissioners. He called on Commissioner Osgood for any questions he may have of Staff.

Commissioner Osgood stated he does not necessarily agree with everything presented. However, he understood why certain land use categories were indicated on specific areas of the map. He believed the proposed modifications to lot sizes in the PGT category was beneficial. He also stated that he would rather have a clean motion. He wanted to keep it simple and provide other direction or suggestion to Council separately.

Commissioner Alvarado expressed his agreement with Commissioner Thompson regarding the Mixed Use on South Main Street. He stated that he was concerned with having the last large parcel on South Main Street as a residential development with little or no commercial development and though the Mixed Use designation would ensure a high quality development with appropriate commercial uses. He would like a motion to approve with a modification to this particular area.

Commissioner Apke stated he aligns closer to Commissioner Osgood. There are a couple of things he didn't agree with. However, he agreed with how Staff had put the FLUP together as a whole. He didn't think the Commissioners' individual concerns should be added to the motion and wanted the motion to be clean.

Commissioner Dawson expressed his agreement with Commissioner Thompson to change the South Main Street property south of Everest to Mixed Use.

Commissioner Sagar stated that the 2018 map had 'office' listed in that area and wondered why that was left out.

CDD Smith stated that it wasn't overlooked. The thought was PGT would be a better buffer than office. She agreed with Commissioner Sagar that office was another great buffer. She stated that

Staff was being responsive to the neighborhood to the east. Also, PGT addressed the desire for life-cycle housing. She suggested Commissioner Sagar could suggest Office to Council.

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Commissioner Sagar commended Staff on a much needed improved document from the 2018 FLUP. She expressed that overall she approved of the map.

CDD Smith invited Commissioners to send their comments.

Commissioner Sagar stated she understands Commissioner Thompson's thoughts, but is concerned with the definition of Mixed Use. She was also interested in adding required percentages for commercial and retail space.

CDD Smith expressed that City Council did discussed adding such criteria during the zoning process and potential UDC amendments rather than in the visioning document (FLUP).

Commissioner Sagar said she thought it would provide comfort to the citizens who think "mixed-use" included apartments. She asked what types of comments were made on the Mixed Use north of Mount Gilead.

CDD Smith responded the area was mixed-use already as Center Stage was there. North of that was also designated Mixed Use along North Main Street in front of Marshall Ridge. She confirmed there had been no comments so far related to that area.

Commissioner Maxwell stated Staff had done a wonderful job and made vast improvements from the prior submission. He asked if the TIRZ boundary along 377 would be updated.

EDC Mary Meier responded the TIRZ boundaries had been accepted by City Council on March 16th. She said those boundaries could change in the future if needed, but would not at this time.

Commissioner McWhorter said he agreed with all sides but asked if there was an opportunity to review zoning on a case by case basis so that each parcel could determine its use as the City grew organically.

CDD Smith responded that though the "Tech-Flex" over lay could be layered on a single land use category, land use categories could not be layered over one another. Also, the idea behind the visioning document was to set parameters for future growth. Growing without designated land use categories (in other words allowing all categories to apply) would nullify the need for the FLUP (and ultimately zoning).

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Chairperson Gary Ponder adjourned the Pre-Meeting at 7:16 P.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.

Chairperson Ponder expressed his gratitude to Staff, Sean Vreeland, Brent Rankin, Mark Hafner, the Mayor and City Council for granting the request of the Planning and Zoning Commission to have meetings virtually.

**B. PERSONS TO BE HEARD**

No one came forward.

**C. NEW BUSINESS**

1. [C \(1\) Consider the minutes for the February 23, 2021, Planning and Zoning Commission meeting.](#)

There were no additional questions or comments.

**Commissioner Sagar made a motion to approve Item C (1) with the minor revision discussed in the pre-meeting briefing, seconded by Commissioner Osgood. The motion carried 6-0 with Commissioner Apke abstaining.**

2. [C \(2\) Consider the minutes for the March 9, 2021, Planning and Zoning Commission meeting.](#)

There were no additional questions or comments.

Commissioner Osgood made a motion to approve Item C (2), seconded by

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Commissioner Sagar. The motion carried 7-0 with Commissioner Apke abstaining.

3. [C \(3\) Consider approval of a Final Plat for Lots 1R1 and 1R2, Block C Silverleaf Addition located on an approximately 2.28-acre property, located on the west side of Keller Smithfield Road, approximately 150 feet east of the intersection of Cherry Bark Drive and Keller Smithfield, zoned Planned Development – Single Family 15,000 square-foot lots \(PD-SF-15\), located at 7240 Shady Grove Road. Khaled Obaid, owner/applicant. \(P-21-0006\)](#)

**Commissioner Apke made a motion to approve Item C (3), seconded by Commissioner Sagar. The motion carried unanimously.**

4. [C \(4\) PUBLIC HEARING: Consider amendments to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 5 – Subdivision Design, related to drainage; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, Applicant. \(UDC-21-0002\)](#)

Planner Smithers stated Staff was proposing to modify Section 5.17 of the Unified Development Code (UDC) which addressed drainage easements. The Staff proposed to eliminate the requirement to dedicate floodplain to the City in a separate lot. In addition, Staff was proposing to clarify drainage easement requirements and maintenance responsibilities.

Planner Smithers said the modifications included floodplain dedication to be wholly contained in a public drainage easement. Maintenance of drainage easements would be the property owner's responsibility including keeping the floodplain and floodway area free of debris, silt, or other substances. Any site graded and not actively worked on for seven consecutive days or less than 50% of the time over a 30-day period would be required to have erosion and sedimentation control best management practices in place.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

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**Commissioner Sagar made a motion to close the Public Hearing for Item C (4), seconded by Commissioner Osgood. The motion carried unanimously.**

Commissioner Sagar asked how many floodplain lots there were currently in Keller and who owned them.

Chad Bartee, City Engineer, responded he was not aware of any existing at this time, but Planner Smithers added there was one lot of 11 acres in the Chase Oaks Subdivision that had been dedicated to and maintained by the City. There were possibly others the Staff did not know about.

Commissioner Thompson asked if it was used as a park.

CDD Smith stated it acted as a passive park.

Commissioner Thompson said he saw the benefit in a use type for this property.

CDD Smith responded there was a green infrastructure map created with the proposed 2021 FLUP in part to identify where floodplains were in conjunction with the Parks Department's trail plan. The idea was to tie the two together to provide potential trail connections.

Commissioner Osgood stated he fully supported Commissioner Thompson's thoughts of getting a use out of the floodplains.

**Commissioner Thompson made a motion to approve Item C (4), seconded by Commissioner Sagar. The motion carried unanimously.**

5. [C \(5\) PUBLIC HEARING: Consider replacing the City of Keller Land Use Element of the Keller Master Plan, adopted by Resolution No. 1051, dated August 31, 1998; bringing into conformance with State and Federal laws and professional best practices; providing a conflicting ordinance clause; authorizing publication; and establishing an effective date.](#)



CDD Smith introduced the goals of the proposed 2021 Future Land Use Plan (FLUP). She

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identified proposed edits to update the Residential Land Use Categories. She explained the proposed (2021) FLUP Residential Categories were:

- Patio and Garden Home: 5,000 square-feet- 7,999 square-feet
- Townhomes, Duplexes, Fourplexes:< 5,000 square-feet
- High Density Single-Family: (8,000 square-feet to 14,999 square-feet)
- Medium Density Single-Family: (15,000 square-feet to 35,999 square-feet)
- Low Density Single-Family: (36,000 square-feet and above).

She briefly went over the updated proposed land use category definitions including Mixed-Use, Tech/Flex Overlay, Proposed Parks and Open Space, Proposed Semi-Public and Government Space and Private Recreation Space:

- The Mixed-Use Zoning Districts (MU) provide unique opportunities to develop community destinations with a mix of retail/commercial, office, entertainment, open space, civic, institutional and residential uses within pedestrian-oriented, vertical and horizontal mixed-use environments. Such synergistic developments shall utilize the Planned Development (PD) zoning process outlined in the Unified Development Code. While not every use listed above must be integrated into a particular MU PD, all MU zoning districts must include at least three of the other uses in addition to some type of residential component (i.e. - retail/commercial, office, entertainment, civic, or institutional). The residential use may be a live/work unit that combines a work space accessible to the public with a private residential space in the same unit. Components of a mixed use development include specialized street standards, parks and plazas, and enhanced architectural standards. The physical development patterns of MUs shall include unifying landscape elements, integrated transportation networks shared by vehicles, bicyclists, and pedestrians, environmental stewardship, connectivity within as well as to adjacent developments, and interconnected public spaces such as parks, open space, and water features.
- The Tech/Flex Overlay land use category provides space for uses that support offices, showrooms, research and development, light manufacturing, small-scale assembly, e-commerce, micro-warehouses, scientific technology, data centers and modernized industrial activities that do not generate smoke, noise, noxious odors or other hazards traditionally caused by industrial uses. These developments should be located adjacent

to other retail/commercial uses. The physical development patterns shall include

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architectural standards that are reflective of Class A office space, unifying landscape elements, and environmental stewardship. It is intended that the building interiors within this category are designed for easy conversion to support multiple combinations of the uses listed above.

- The Public Parks and Open Space category denotes areas of land designated for both passive and active recreation including parks, recreational amenities, and open spaces. This category includes parks, recreational amenities, and open spaces that are currently in existence or planned for the future as determined by the City of Keller Parks, Recreation and Open Space Master Plan. These areas should be readily accessible to residents and appropriately dispersed throughout the city.
- The proposed Semi-Public and Government category includes all schools, government facilities, public utility facilities, and public facilities that require memberships. And the Private Recreation space category denoted areas of land designated for both passive and active privately owned recreation amenities. This category included privately owned golf courses, tennis facilities, recreational amenities, and open spaces.

CDD Smith briefly described the public meetings for the FLUP. Staff held an in-person Public Meeting on March 4th at The Keller Pointe. There were 17 residents that participated. Staff also held a virtual Public Meeting on March 6th. There were approximately 20 people that called-in to participate. City Council and Staff also received numerous emails from the community. Currently, the FLUP webpage had a link to an online survey that would be active through April 13th so that additional comments could be submitted for the April 20th City Council Public Hearing.

She added the comments received since February were specifically against high density, smaller lots, or reducing lot sizes (19); opposed to the Patio home/Garden home/Townhome category (6); and desired to narrow the square footage for the high density square footage range (4). She also said the general feedback was positive for the Parks and Open Space categories and the Tech/Flex category. The Mixed Use definition met with mixed feedback and requests to change map designations both to higher and lower densities.

CDD Smith stated there had been some changes made by Council not reflected on the current

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map. She explained on Keller Smithfield Road South, there was a low density area in the middle of a medium density district. She said those residents requested to be changed to low density. CDD Smith added there was also about a 55-acre area in the north part of town east of Marshall Ridge and just north Overton Ridge Park. It had been designated low density but the owners were requesting medium density. Given the higher densities around the property, Council was amenable to the suggestion. CDD Smith also stated the residents requested the area designated as PGT south of Bancroft and west of 377 be changed to medium density. This suggestion was also acceptable to City Council. The last change involved the Keller Harwell School area. Residents requested to go from medium back to high density. This was also agreed to by City Council.

Chairperson Ponder opened the public meeting.

Martin Holland, 1001 Alley Drive, stated his neighborhood was impacted by the FLUP changes. He said the change to high density for the area along Rapp Road would possibly create a potential for a high density development close to his neighborhood. He also said he hoped comments online would be forwarded to City Council.

McKenzie Hellman, 2025 Hickory Hollow Lane, stated there was a discrepancy on page 54 where the acreage differed from pervious FLUPs. She also said the amount of ROW acres was not described in the 2021 FLUP. On page 121, she had a concern that mixed-use was not a "use" but was noted as one of the the most popular. She stated she opposed mixed-use because it equated to apartments.

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

Chairperson Ponder instructed the Commission to address each section proposed for amendment in turn. The first section for consideration was the update of the residential land use categories and the sizes for each.

Commissioners Dawson, Thompson, Ponder and Alvarado stated they were in favor as designated.

Commissioners Apke, Maxwell and McWhorter had no questions.

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Commissioner Sagar stated she was in favor overall.

Commissioner Osgood said the Public and Council had been firm in what they wanted. He was in favor as designated.

The second section for consideration was the definition for Mixed Use.

Commissioner Thompson stated there should be a commercial requirement/percentage component for mixed-use developments to ensure an appropriate level of commercial development. He would also like it to be made clear that mixed-use does not mean apartments.

Commissioners Alvarado, Sagar and Maxwell agreed with Commissioner Thompson.

Commissioners Ponder, McWhorter, and Osgood agreed with the definition.

CDD Smith asked the Commission if they would prefer to address the percentages on the zoning side or add it as part of the FLUP document. She added at the zoning level, it could be scaled with the PD amendment and customized for the particular development. She suggested it could be difficult to identify a percentage given the potentially significant difference in different MU developments.

Commissioner Thompson agreed that the percentage should be added at the PD stage. Commissioner Ponder agreed as well.

Commissioner Sagar asked about adding percentages into the zoning regulation with general ranges. She felt this could be a reassurance for citizens.

Commissioner Thompson explained a Master Plan lifespan was usually 5-10 years. He said if City Council thought something needed to change in the future, it should not be hindered. He added guidelines were not a bad thing, but it was not necessary to overdue them.

The third section for consideration was the Tech/Flex Overlay definition.

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All Commissioners were in favor as presented.

The fourth section was approval of the Parks and Open Space definition.

All Commissioners were in favor as presented.

The fifth section was the approval of the update of the FLUP map.

Commissioner Thompson stated the property on South Main Street, south of Everest Hospital and recently submitted as Wimberley should be considered for a Mixed Use designation given the uniqueness of the property and its prime location. He stressed only the highest and best use should be considered. All the other Commissioners concurred with this recommendation.

Commissioner Sagar stated that Commissioner Thompson and Commissioner Alvarado had given compelling arguments for mixed-use. She added allowing this area to be mixed-use would also allow for more control, and she would support it.

Commissioner Sagar then asked if a consideration had been given to adding the Tech/Flex overlay to the property north of Ridge Point/Keller Haslet.

CDD Smith and EDC Meier agreed it would be a good addition for that area.

Commissioner Sagar said 0.7% of the land in Keller was zoned office. She asked if office should be added.

CDD Smith explained office could also fit into commercial and retail designations and felt there was adequate office area designated.

Commissioner Sagar stated there was also a need to work with surrounding communities for transportation goals, as well as working with TXDOT, to minimize cut through traffic especially through Keller neighborhoods.

Commissioner Maxwell expressed his full support of the map as submitted. He said Tech-

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Flex was not common in other areas around Keller and could offer a unique and positive economic boost.

**Commissioner Thompson made a motion to approve Item C (5) as submitted with Tech-Flex designation on the east side of 377, north of Keller Haslet and consider Mixed-Use designation south of Everest to Wall-Price on the east of Hwy. 377, seconded by Commissioner Sagar. The motion carried unanimously.**

**Chairperson Ponder stated Staff had done a great job with the FLUP. He said everyone would have their own preferences, so the ability for Staff to make a document where everyone can agree was commendable.**

**D. ADJOURN**

**Chairperson Gary Ponder adjourned the meeting at 9:04P.M.**

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Chairperson

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Amy Botcher, Planning Technician