



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, February 28, 2023

PRE-MEETING BRIEFING 6:00 P.M.

A. CALL TO ORDER - Vice-Chairperson John Baker

Vice-Chairperson Baker called the meeting to order at 6:00 p.m.

The following Commission Members were present:

John Baker, Vice-Chairperson
Greg Will
Leslie Sagar
Erin Pfarner
Erik Leist
Vern Stansell
Ross Brensinger
GiGi Gupta (Non-voting)

The following Commission Members were absent:

Paul Alvarado, Chairperson

Staff present included Community Development Director (CDD) Julie Smith; Assistant Community Development Director (ACDD) Sarah Hensley; Public Works Director (PWD) Alonzo Linan; Economic Development Specialist Siale Langi; Planner II Katasha Smithers; and Planner I Amber Washington.

B. ADMINISTRATIVE COMMENTS

1. [Briefing regarding City Council Action on February 21, 2023.](#)

ACDD Hensley shared with the Commission that there were no Community Development items on the February 21, 2023 City Council agenda.

ACDD Hensley updated the Commission on two staffing changes. Planner II Katasha Smithers has accepted a job with the City of Southlake. She also informed the Commission that Planning Technician Carlos Gutierrez has accepted the role as Plans Examiner.

Vice-Chairperson Baker asked how long would it take to fill both positions.

CDD Smith stated that there are a couple of applications for the Planning Technician

position, but the right person for position for Senior Planner might take some time to find.

C. DISCUSS AND REVIEW AGENDA ITEMS

D-1 & D-2: Planner Washington gave background on the Zoning change request from Commercial to Light Industrial at 1661 S. Main Street. Vice-Chairperson Baker asked if the rezone is permanent. CDD Smith explained that no zoning district is forever as they could be changed by the City Council. CDD Smith showed on the city map the different locations where Light Industrial zoning currently exists. Commissioner Brensinger stated that the building on site has automotive lifts that would suit the Applicant's needs, so mentioning to the Applicant that there is another piece of land already zoned Light Industrial would be irrelevant. Commissioner Stansell asked if the Applicant is currently operating. CDD Smith stated the Applicant isn't operating. Commissioner Will stated his concern for rezoning and what business could come in by right if the repair shop closed. Commissioner Sagar asked why a FLUP amendment wasn't required with this application. CDD Smith said the Applicant wouldn't need one due to the FLUP being a guidance document and not a regulatory document. Commissioner Gupta asked if there had been any other applications on this property. Planner Washington stated that there has been a couple of calls of inquiry.

E-1 No comments given.

E-2 ACDD Hensley gave background on a Specific Use Permit (SUP) request for Stepping Stones Foundation. Vice-Chairperson Baker asked if the SUP is with a five-year extension. ACDD Hensley stated there wasn't a request by the Applicant with a specified length of time on the SUP.

E-3 ACDD Hensley gave background on an SUP with variances for an attached carport located on 1013 Hillview Drive. Commissioner Leist asked if there had been a previous situation where someone was allowed to build in the setbacks. CDD Smith stated the Zoning Board of Adjustment (ZBA) would be where an application would be considered. Commissioner Will asked why this application didn't go through the ZBA. CDD Smith stated that because there is an existing zoning violation, the ZBA could not hear the case until the violation was cleared.

E-4 ACDD Hensley gave background on a request to approve amendments to the Unified Development Code (UDC), related to the SUP Regulations.

D. ADJOURN

Vice-Chairperson Baker adjourned pre-meeting at 6:56 p.m.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Vice-Chairperson John Baker

Vice-Chairperson Baker called the meeting to order at 7:05 p.m.

B. PLEDGES TO THE FLAGS

C. PERSONS TO BE HEARD

This is a time for the public to address the Commission on any subject. However, the Texas Open Meetings Act prohibits the 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. Each speaker will be allowed three (3) minutes to speak.

No public comments received.

D. OLD BUSINESS

1. [PUBLIC HEARING: Consider a request for a zoning change from Commercial to Light Industrial on approximately 1.37 acres located on the east side of South Main Street, at the intersection of Calverley Place and South Main Street, legally described as Lot 5R of the South Meadow Industrial Park Addition, zoned Commercial and addressed 1661 S. Main Street. Magic Petroleum, LLC. Owner; Peyco Southwest Realty on behalf of Bruce Moore, Applicant. \(Z-22-0005\)](#)

Planner Washington gave a presentation on item D-1, a request for a zoning change from Commercial to Light Industrial.

The Applicant stated they invited neighboring properties to a meeting to answer any questions; however, no one showed up.

Vice-Chairperson Baker opened the Public Hearing.

No comments received.

A motion was made by Commissioner Vernon Stansell, seconded by Commissioner Ross Brensinger, to close the public hearing. The motion carried unanimously.

Commissioner Leist asked Staff if there are any implications to rezoning this property to Light Industrial.

Planner Washington stated that this property backs up to Light Industrial Zoning so this wouldn't be considered spot zoning.

Commissioner Leist stated he would be opposed to the rezoning due to the fact that others on Calverley Place could ask for a rezone and that could change the vision of the FLUP in the area if granted.

Commissioner Pfarner asked the Applicant how they would use the property.

The Applicant stated they would use the property in a manner that would be less noisy than the previous occupant.

Commissioner Pfarner asked how many vehicles would be serviced in a given week.

The Applicant shared history on his former business location, noting that he typically had all vehicle bays full.

Commissioner Pfarner asked what kind of noise or vapors would be expected in the area.

The Applicant stated there would be no smells.

Commissioner Pfarner asked the Applicant why the building interested him.

The Applicant stated he would give the best service in the area.

Commissioner Gupta asked if the Applicant considered any other location in Keller.

The Applicant stated there aren't any buildings available that meet his needs.

Commissioner Gupta stated due to understanding the FLUP she agrees with Commissioner Leist in not supporting the rezone request.

Commissioner Will asked Staff if the current businesses on Calverley have been grandfathered in under the current zoning.

Planner Washington stated yes.

Commissioner Stansell stated there may not be existing buildings in Light Industrial, but there is land available to build.

Commissioner Sagar thanked the Applicant for his interest in Keller, but said unfortunately his request doesn't match up with the FLUP. She stated that she hoped the Applicant would consider a location where his business is permitted.

Commissioner Pfarner thanked the Applicant for answering the Commission's questions.

Commissioner Baker encouraged the Applicant to look at other Keller locations for his business.

A motion was made by Commissioner Erik Leist, seconded by Commissioner Vernon Stansell, to deny Item D-1. The motion carried by the following vote:

AYE: Commissioner Will, Commissioner Stansell, Commissioner Leist, Commissioner Brensinger, Commissioner Sagar, Commissioner Baker.

NAY: Commissioner Pfarner.

- [2. PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for F5 Auto](#)

Center, a major automobile repair facility (excluding paint and body work), on approximately 1.37 acres located on the east side of South Main Street, at the intersection of Calverley Place and South Main Street, legally described as Lot 5R of the South Meadow Industrial Park Addition, zoned Commercial and addressed 1661 S. Main Street. Magic Petroleum, LLC, Owner; Peyco Southwest Realty on behalf of Bruce Moore, Applicant. (SUP-22-0039)

The Commission took no action on this item because approval of the SUP is contingent on the approval of the zoning change request on item D-1.

E. NEW BUSINESS

1. Consider the minutes of the January 24, 2023 Planning and Zoning Commission Meeting.

A motion was made by Commissioner Ross Brensinger, seconded by Commissioner Gregory Will, to approve as presented, the minutes of the January 24, 2023 Planning and Zoning Commission Meeting. The motion carried unanimously.

2. PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) to operate a retail store with used goods and merchandise sales, for Stepping Stones Foundation in a 1,910 square-foot building, situated on a .23-acre lot on the north side of Taylor Street, approximately 170 feet northwest from the intersection of Taylor Street and South Elm Street, being Lot 7, Block 12, Keller City Addition, zoned Old Town Keller (OTK), and addressed as 131 Taylor Street. Stepping Stones Foundation, Owner/Applicant (SUP-23-0007)

ACDD Hensley gave a presentation on item E-2, a request for an SUP to operate a retail store with used goods and merchandise sales in Old Town Keller (OTK) zoning district.

The Applicant shared the background of Stepping Stones Foundation.

Vice-Chairperson Baker opened the Public Hearing.

No comments received.

A motion was made by Commissioner Vernon Stansell, seconded by Commissioner Erik Leist, to close the public hearing. The motion carried unanimously.

Commissioner Leist thanked the Applicant for their positive impact on local children and the community.

Commissioner Sagar echoed Commissioner Leist.

Commissioner Baker asked the Applicant if they have any storage space.

The Applicant stated that there is not storage space, but it is not required.

A motion was made by Commissioner Vernon Stansell, seconded by Commissioner Erin Pfarner, to approve as presented Item E-2. The motion carried

unanimously.

3. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) with variances for an attached carport on 0.93 acres located on the west side of Hillview Drive, approximately 440 feet northwest from the intersection of Hillview Drive and Bancroft Road, legally described as Lot 4, Block 2 of Rolling Oaks North Addition, zoned Single-Family 36,000 square-foot lot size or greater \(SF-36\) and addressed 1013 Hillview Drive. Daniel Evans, Owner/Applicant. \(SUP-22-0033\)](#)

ACDD Hensley gave a presentation on item E-3, a request for an SUP with variances for an attached carport.

The Applicant shared the history of his property.

Vice-Chairperson Baker opened the Public Hearing.

No Comments received.

A motion was made by Commissioner Erik Leist, seconded by Commissioner Vernon Stansell, to close the public hearing. The motion carried unanimously.

Commissioner Stansell asked Staff if there was any counsel given to the Applicant on how to get him out of his zoning violations.

ACDD Hensley explained there were several options shared with the Applicant.

The Applicant stated that he wanted to do what was necessary to bring his property into compliance with the City.

CDD Smith also highlighted what was discussed in the work session on options for the Applicant.

Commissioner Brensinger stated the problem that he has with what's being presented was the precedent it would set, which would be for Applicant's to ask for forgiveness, not permission.

Commissioner Leist stated that he was not inclined to support what's being presented due to the number of variances.

Commissioner Sagar asked Staff if there is a way to help the Applicant in granting time to come into compliance.

CDD Smith stated that Staff would work alongside the Applicant to see the desired goal of coming into compliance be met.

Commissioner Sagar asked CDD Smith what's the size of the Applicant's lot.

CDD Smith stated .93 acres.

Commissioner Sagar suggested the applicant could have the option to acquire a strip of land from his neighbor that would eliminate the side setback violation of the carport, and that converting the building in the rear to a two car garage would solve the remainder of the violations.

CDD Smith stated it would solve the side yard setback but it wouldn't solve the zoning violation.

Commissioner Gupta asked if Staff had taken action on several other local carports that were believed to be in setbacks.

CDD Smith explained that Code Enforcement reacts to complaints and that some carports may be too old to take action on.

A motion was made by Commissioner Vernon Stansell, seconded by Commissioner Erik Leist, to deny as presented Item E-3. The motion carried unanimously.

4. [PUBLIC HEARING: Consider a request to approve amendments to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Eight - Zoning Districts, Development Standards, Tree Preservation, Section 8.02 - Administration, relating to Specific Use Permit regulations; providing penalties; authorizing publication; and establishing an effective date. \(UDC-23-0002\)](#)

ACDD Hensley gave a presentation on item E-4, a request to approve amendments to the City of Keller Unified Development Code (UDC) related to SUP regulations.

Vice-Chairperson Baker opened the Public Hearing.

No Comments received.

A motion was made by Commissioner Vernon Stansell, seconded by Commissioner Gregory Will, to close the public hearing. The motion carried unanimously.

Commissioner Stansell stated he noticed a provision that change in business ownership wouldn't negate the SUP. He asked if that was true.

ACDD Hensley stated yes, business ownership or name change alone would not require business owners to go through the SUP process. They would just be required to apply for a Certificate of Occupancy.

Commissioner Leist thanked staff for the cleaning up of the UDC.

A motion was made by Commissioner Gregory Will, seconded by Commissioner Erin Pfarner, to approve as presented Item E-4. The motion carried unanimously.

F. ADJOURN

Vice-Chairperson Baker adjourned meeting at 8:45 p.m.

Chairperson

Staff Liaison