



**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 8, 2022**

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PRE-MEETING BRIEFING 5:45 P.M.

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

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 5:45P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Ralph Osgood (Virtual)

Paul Alvarado

Bob Apke

Leslie Sagar (Virtual)

Thomas Thompson

Thomas Brymer

Ross Brensinger (Non-Voting Commissioner)

Greg Will (Non-Voting Commissioner)

Staff present included: CDD Julie Smith, PWD Alonzo Linan; EDD Mary Culver; Katasha Smithers, Planner II; Amber Washington, Planner I; Sean Vreeland, Director of Information Technology; and Amy Botcher, Planning Technician

**B. WORK SESSION**

1. Planning and Zoning Commission Orientation by Matt Butler.

City Attorney Matt Butler gave a Power Point presentation on the duties and the responsibilities of Planning and Zoning Commission.

2. Food Truck Discussion

Chairperson Ponder stated Staff requested to move this item to the work session to the February 22, 2022, Planning and Zoning meeting. He added the P & Z meeting of March 22, 2022 will be moved to March 29, 2022.

**C. ADMINISTRATIVE COMMENTS**

Planner Smithers stated at the February 1, 2022 City Council meeting, there was one item that was presented regarding the variances for Jeff Avery’s 17 lots.

CDD Smith added there was an extensive conversation and suggested P&Z watch the video to see some of the struggles City Council is also having with this item, including drainage.

Chairperson Ponder stated the Planning and Zoning meeting scheduled for March 22, 2022 has been rescheduled to March 29, 2022.

CDD Smith shared that the requirements of Commissioners being able to zoom into meetings, was to have at least four voting members in person per State Law. She added the alternates would be considered voting members if a voting member Commissioner was absent.

**D. DISCUSS AND REVIEW AGENDA ITEMS**

D1. Minutes for December 14, 2021.

No questions or comments.

D2. Minutes for January 11, 2022.

No questions or comments.

D3. Public Hearing to consider 2 SUP’s for Vital Care Pharmacy at 601 S. Main Street, Suite 110.

Planner Smithers gave a brief presentation.

No questions or comments.

D4. Request for Site Plan Amendment for Spec’s at 101 Keller Smithfield Road.

CDD Smith gave a brief presentation.

Commissioner Thompson stated taking the brick off of the building could cause structural and aesthetic damage.

Commissioner Alvarado asked if Staff had any concerns with the request.

CDD Smith responded they did not.

Commissioner Will asked if there was not a step in the process where Staff could have caught the error.

CDD Smith explained there was not, however, the UDC allowed the ability to look at what was happening in the area and adjust. She added if the goal was to have a certain aesthetic for the area, and that criteria was met, it could be allowed.

Commissioner Thompson asked if the inspectors should have caught the error since the requirement was in the PD.

CDD Smith stated it would have been caught at the site final, however, Planner Smithers saw it prior to that.

Commissioner Alvarado said it was not the City's responsibility to check every step of development to confirm complying with the ordinances.

## **E. ADJOURN**

Chairperson Ponder adjourned the Pre-Meeting at 7:00P.M.

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

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

Chairperson Gary Ponder called the meeting to order at 7:05 P.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. NEW BUSINESS

1. [D \(1\) Consider the Minutes for the December 14, 2021, Planning and Zoning Commission meeting.](#)

There were no questions or comments.

**Commissioner Apke made a motion to approve Item D (1), seconded by Commissioner Alvarado. The motion carried unanimously.**

2. [D \(2\) Consider the Minutes for the January 11, 2022, Planning and Zoning Commission meeting.](#)

There were no questions or comments.

**Commissioner Thompson made a motion to approve Item D (2), seconded by Commissioner Alvarado. The motion carried unanimously.**

3. [D \(3\) PUBLIC HEARING: Consider a request for two Specific Use Permits \(SUPs\) to allow the use of a pharmacy and light manufacturing, wholly enclosed in a building, for Vital Care Pharmacy in an existing 3,237 square-foot lease space, within a 38,975 square-foot, multi-tenant building on the property legally described as Lot 1, Block A of the Baylor Medical Plaza Addition, being 3.595-acres, approximately 500 feet northeast from the intersection of Bear Creek Parkway and South Main Street \(US HWY 377\), zoned Old Town Keller \(OTK\), and addressed as 601 S. Main Street, Suite 110. David Alvarez, Precise Elite Services, Applicant. PMAK Keller 601, LLC., Owner. \(SUP-22-0002\)](#)

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Planner Smithers stated the building located at 601 South Main Street was utilized for medical office uses since the building was first occupied in 2006. The Applicant proposed to operate a pharmacy with light manufacturing (wholly enclosed in a building) to mix and ship infusions as well as occasionally administer infusions to doctor-referred patients. The work would be performed by pharmacists. She added the proposed business hours would be Monday through Friday from 8am to 4pm.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant did not.

Chairperson Ponder opened the Public Hearing.

**Commissioner Alvarado made a motion to close the Public Hearing for Item D (3), seconded by Commissioner Thompson. The motion carried unanimously.**

Commissioner Sagar said it would be a benefit to Keller and was in support.

Commissioner Brymer asked if Light Manufacturing needed to be specified.

Planner Smithers responded the term was defined and ownership change would require a new SUP.

Commissioner Thompson asked if there were security provisions that needed to be considered for the medicines. He also asked the Applicant to confirm there was not a retail component.

The Applicant responded that when the security was part of their Board of Pharmacy license. He added there was not a retail aspect.

Commissioner Alvarado, Commissioner Apke, Commissioner Will, and Commissioner Osgood stated their support.

Commissioner Brensinger asked if this business was a franchise.

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The Applicant responded that it was.

**Commissioner Alvarado made a motion to approve Item D (3), seconded by Commissioner Thompson. The motion carried unanimously.**

4. [D \(4\) Consider a request for a Site Plan Amendment for Spec's, located on a 1.676-acre property, located on the east side of Keller Smithfield Road, approximately 425-feet northeast of the intersection of Keller Parkway and Keller Smithfield Road, being Lot 1, Block A of Spec's Keller Addition, and addressed as 101 Keller Smithfield Road. John McClure, McClure Partners, Applicant; 1 Emerald Point LLC., Owner. \(SP-22-0005\)](#)

CDD Smith stated the City Council approved the Specific Use Permit (SUP) for Spec's to construct a liquor store exceeding 10,000 square-feet in April 2020. She added in June 2020, the City Council approved the Spec's site plan with two variances. (Neither variance involved the building design.) The approved design met the Town Center (TC) Zoning District guidelines regarding color and masonry requirements.

Upon near completion, Staff noticed the building had been constructed with cream brick (the typical color used by the franchise) rather than the red brick identified on the approved site plan. Staff contacted John McClure, the General Contractor for the project, who immediately called the architecture firm. The firm found they had made a mistake when ordering the brick and missed the unusual brick color requirement. As a result, the wrong brick was installed. The Applicant offered to stain the bricks, though this would pose a long-term maintenance issue.

Staff had received requests to use lighter, more modern-colored materials for recent developments. Recent building design in this area minimized the red brick and maximizes lighter brick and stone. (Examples included: Qdoba/Tropical Smoothie Café - 1521 Keller Parkway and Chapps - 1411 Keller Parkway). The Site Plan amendment requested was to allow the building's current "French vanilla" (cream) brick to remain as is.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant did not.

Commissioner Thompson stated his understanding of the red brick requirement and does not like the condition being met, the building looked great.

Commissioner Alvarado said he liked the building and was in support.

Commissioner Sagar stated mistakes can happen, and she was in support.

Commissioner Brensinger and Commissioner Osgood stated his support.

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Commissioner Will stated he thought it would be prohibitively difficult to replace the brick, and supported leaving it the way it was.

Chairperson Ponder said he thought it was a nice building and he supported.

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

**E. ADJOURN**

**Chairperson Ponder adjourned to the work session at 7:35P.M.**

**3. North Main Street Overlay Discussion (continued after the regular meeting at 7:39PM)**

CDD Smith gave a Power Point presentation on the North Main Street Overlay including the purpose of amending existing U.S. Hwy. 377 N Overlay District. She also discussed the purpose and description for North Main Street Overlay District, proposed subdistricts, Main Street cross sections and speed limit as well as signage, light standards and street furniture.

**Chairperson Ponder adjourned to the work session at 8:05P.M.**

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Chairperson

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Amy Botcher, Planning Technician