



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, July 26, 2022

PRE-MEETING BRIEFING 6:30 P.M.

A. CALL TO ORDER - Vice-Chairperson Ralph Osgood

Vice-Chairperson Osgood called the meeting to order at 6:30pm.

The following Commission Members were present:

Ralph Osgood, Vice-Chairperson
Leslie Sagar
Paul Alvarado
Bob Apke
Tom Thompson
Greg Will
Ross Brensinger

The following Commission Members were absent:

Gary Ponder, Chairperson
Thomas Brymer

Staff present included Community Development Director (CDD) Julie Smith; Assistant Community Development Director (ACDD) Sarah Hensley; Planner 2, Katasha Smithers; Planner I, Amber Washington; City Engineer, Chad Bartee; and Siale Langi, Economic Development Specialist.

B. ADMINISTRATIVE COMMENTS

1. [Briefing regarding City Council action on Tuesday, July 19, 2022.](#)

ACCD Hensley gave a brief recap on City Council July 19, 2022.

Presentation of Capital improvements Advisory Committee recommendation was given by Alonzo Linan. City Council directed staff to open a 30 day public comment period on August 2, 2022 as well as set September 6, 2022 as the date for the public hearing at City Council.

Specific Use Permit (SUP) for attached carport for 145 Travis Street.
The motion carried unanimously.

(SUP) to allow the property owner (745 Bandit Trail) to reside in existing home while

construction of new permanent residence is completed.
The motion carried unanimously.

(SUP) to allow the addition of a drive-thru for Jeremiah's Italian Ice.
The motion carried unanimously.

(SUP) to operate an indoor entertainment facility for Hatchet House BBQe.
The motion carried unanimously.

Future Land Use Plan (FLUP) Amendment for Landscape Systems.
Tabled.

Site Plan Amendment with a variance for the Learning Experience.
The motion carried unanimously.

FLUP Amendment for Old Town Keller (OTK) south properties.
The motion carried unanimously.

Zoning change for OTK south properties to Retail.
The motion carried unanimously.

C. DISCUSS AND REVIEW AGENDA ITEMS

D-1 Minutes: Commissioner Sagar commented that on the Landscape Systems zoning change request, the date the Commission tabled the item to (August 9, 2022) needs to be included.

D-2 Shotzee's SUP Indoor Entertainment: Commissioner Thompson asked if any complaints had been received for the business; staff confirmed there had been no complaints.

D-3 Shotzee's Sign Special Exception: Commissioner Thompson asked where the building entrances were; staff said there were doors on the south and west sides of the business. He also asked about what legally constitutes as a reface, and what would happen if the sign was removed. CDD Smith said they would have to repair the wall.

Commissioner Sagar asked if there was an alternate location for the sign; Planner Washington said that all the locations they could have signs, already have permitted signs.

CDD Smith mentioned that a mural would be an option on the north wall.

Commissioner Thompson asked if it would have been a reface if the applicant had just repainted the corrugated metal from the Roscoe's sign; CDD Smith confirmed it would have.

The Commission discussed other sign exceptions that have been proposed recently, and the concern that approval can set a precedent.

D-4 UDC Amendment OTK Boundary: Commissioner Brensinger asked if it might be worth reviewing the UDC for things that should be referenced instead of repeated.

D. ADJOURN

Vice-Chairperson Osgood adjourned the pre-meeting at 6:58 p.m.

REGULAR MEETING

A. CALL TO ORDER – Chairperson Gary Ponder

Vice-Chairperson called the meeting to order at 7:04 p.m.

B. PLEDGES TO THE FLAGS

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.

No public comments were received.

D. NEW BUSINESS

1. [Consider the minutes of the June 28, 2022 Planning & Zoning Commission meeting.](#)
A motion was made by Commissioner Gregory Will, seconded by Commissioner Robert Apke, to approve the minutes of the June 28, 2022 Planning & Zoning Commission meeting. The Motion carried unanimously.
2. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for indoor entertainment at Shotzee's Bar and Grill \(Tarrant Appraisal District account #: 14842004\) in an existing 5,000 square-foot lease space, within a 6,200 square-foot multi-tenant building, at the intersection of South Main Street and West Hill Street, legally described as Lots 3A and 3B, Block 2 of City of Keller Addition, zoned Old Town Keller \(OTK\) and addressed as 134 S. Main St. Gypsy Rose Lee LLC, Applicant. Keller Main 136 LLC, Owner. \(SUP-22-0025\)](#)

Planner Washington gave a presentation related to the SUP requested by Shotzee's Bar and Grill for indoor entertainment in the Old Town Keller zoning district.

Ned Brown, owner/applicant addressed the Commission and said they were trying to continue what had already been happening in previous businesses at the same location; he said they had a few pool tables, dart boards and a small corner for entertainment with no cover charge. Heather Brown (wife) also mentioned they are trying to be a long term business and part of the Keller community.

Vice-Chairperson Osgood opened the public hearing.

No public comments were received.

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

Commissioner Thompson asked the applicant how many pool tables were in the business; Mr. Brown said there were two, and that they had added the pool tables and dart boards. The applicant also mentioned they are focused on supporting local musicians and other businesses. Commissioner Thompson asked if the business was familiar with the city's noise ordinance; the applicant said they were and that all of their entertainment was indoors.

Commissioner Apke asked if staff had received any noise complaints about Shotzee's; CDD Smith said they had not to the best of her knowledge. Commissioner Apke also asked what hours the business had entertainment

A motion was made by commissioner Tom Thompson, seconded by Commissioner Ross Brensinger, to approve item D-2 as presented. The motion carried unanimously.

3. [Consider a request for a special exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.03 - Old Town Keller Zoning District signage requirements for one attached wall sign for Shotzee's Bar and Grill \(Tarrant Appraisal District account #: 14842004\) in an existing 5,000 square-foot lease space, within a 6,200 square-foot multi-tenant building, at the intersection of South Main Street and West Hill Street, legally described as Lots 3A and 3B, Block 2 of City of Keller Addition, zoned Old Town Keller \(OTK\) and addressed as 134 S. Main St. Gypsy Rose Lee LLC, Applicant. Keller Main 136 LLC, Owner. \(UDC-22-0006\)](#)

Planner Washington gave a presentation on the special exception requested by Shotzee's Bar and Grill for one attached wall sign.

The applicant said that if the sign was taken down, just a bracket with lighting would be left on the wall, and said they tried to emulate what some of the neighboring restaurants have installed. He also said he relied on the sign company that was assisting them through the process.

Commissioner Sagar said that she thought the sign at this location for the previous occupant was a legal non-conforming sign, and said she understood how the applicant might have proceeded without knowing the sign they were installing did not meet the city's regulations. The applicant asked about the approval process for the signage on Old Town Icehouse.

Commissioner Apke said he felt the sign looked good, but felt it didn't fit with Old Town Keller sign criteria, and that he sympathized with the applicant.

The applicant asked if there was a recommendation on how to change the sign so that it matches the OTK character. Planner Washington explained there was also an issue with the sign location.

Commissioner Sagar asked if the applicant would have the option to put up a wall painting or mural; Planner Washington replied that staff believed the wall would be a good location for a mural, and that it would not have to take up the entire wall.

Commissioner Thompson asked if the mural could advertise the business; CDD Smith said a mural could not have text but the image could promote the business, similar to the mural installed by Two Brothers Winery.

Commissioner Alvarado said he always wants to find options that prevent businesses from incurring additional expenses, but felt the existing sign did not meet the city guidelines, and that he encouraged the applicant to work with staff to explore other sign options.

Commissioner Thompson commented on the danger of setting a precedent by not following city ordinances, and that he understood it can be challenging to navigate the regulations. He also talked about the importance of adhering to the OTK district guidelines, and that his understanding was that the bracket and lighting on the wall would need to come down with the sign if it was not approved. CDD Smith said the city would not have an objection to leaving the bracket and lighting up if the applicant was going to pursue another option, such as a mural, for that wall.

Commissioner Will said he was glad the business was in Keller, but that he did not feel the sign met OTK requirements.

Commissioner Brensinger echoed what other Commissioners had said, that he felt bad about the applicant's situation but could not support the proposed sign.

The applicant said he was hearing about revisions and changes, and that he felt the area was "new town" rather than Old Town Keller, and that he was hoping to get some direction. Vice-Chairperson Osgood advised the applicant to work with staff.

Commissioner Alvarado asked if it was a possibility for a different sign to be approved for that location; CDD Smith said that staff interpretation of the UDC cannot find an option for a sign other than a mural.

A motion was made by Commissioner Paul Alvarado, seconded by Commissioner Gregory Will, to deny item D-3 as presented. 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 8.03 Zoning Districts, by defining the boundaries of the OTK - Old Town Keller District, and by replacing Figure 1 of this section with a new Old Town Keller Boundary](#)

[Map, and; providing penalties; authorizing publication; and establishing an effective date. \(UDC-22-0005\)](#)

CDD Smith gave a presentation on the proposed UDC amendment that would address references to the OTK boundaries impacted by the recent zoning change for properties south of the actual Bear Creek and north of Bear Creek Parkway.

Vice-Chairperson Osgood opened the public hearing.

No public comments were received.

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

Commissioner Thompson asked if the UDC needed more technical language than "actual Bear Creek;" CDD Smith responded they chose lay language so that the general public reading the UDC could easily interpret the section.

A motion was made by Commissioner Paul Alvarado, seconded by Commissioner Gregory Will, to approve item D-4 as presented. The motion carried unanimously.

E. ADJOURN

Vice-Chairperson Osgood adjourned the meeting at 8:14 p.m.

Note

Chairperson

Staff Liaison