



# 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, January 28th, 2020**

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PRE-MEETING BRIEFING 6:30 P.M.

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

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 6:30 P.M.

The following Commissioners were present:

Ralph Osgood, Vice Chairperson

Leslie Sagar

Tom Thompson

Paul Alvarado

Bob Stevens

James Dawson

Phillip Maxwell, Alternate (Non-voting)

Staff present included Katasha Smithers, Planner I; JP Ducay, Planner I; Matthew Cyr, Planner I; Julie Smith, Community Development Director (CDD); and Tracy Talkington, Police Captain.

#### **B. WORK SESSION**

##### [1. Briefing regarding City Council action on Tuesday, January 21, 2020.](#)

Planner Smithers stated there were two items that went forward to City Council on January 21, 2020. The first item was the Collins rezone, which was tabled so that the applicant could redesign the drainage and address the neighbors concerns about the landscape screening wall.

CDD Smith stated the applicant would have to come back to Planning and Zoning due to this. She stated that one of the statements made by some of the citizens was that a landscape screening wall along Keller Smithfield would destroy the rural feel.

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CDD Smith stated that the UDC required a landscape screening wall if adjacent to a thoroughfare. She also stated that if they were to change something in regards to the landscape screening wall, they would have to apply for a Planned Development according to the UDC.

Chairperson Ponder asked if the brick wall was a requirement.

CDD Smith responded this was correct and Alonzo Linan (Public Works Director) would have to be involved in any changes that might be preferred given the safety implications.

Chairperson Ponder asked if it would come back to Planning and Zoning.

CDD Smith responded this seemed to be likely given the design changes.

Planner Smithers stated that Realty Capital was the second item that went forward to City Council and was approved by a vote of 4-3 with a list of conditions.

CDD Smith stated that Commissioner Maxwell asked for analytics regarding Center Stage and the applicant added those analytics to their presentation.

Commissioner Thompson asked how many single-family homes were presented originally.

CDD Smith responded that 70 were proposed in their Concept Plan, but this was an error and the plan actually proposed 57.

Commissioner Sagar asked if the noise study would be submitted to the City.

CDD Smith responded this would be included as a requirement in the ordinance as well. She also stated that all of the recommendations from the P&Z Commission were adopted.

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CDD Smith also stated that the applicant did commit to the 80% masonry requirement and was a requested by several Council members

## [2. Briefing on building materials per UDC.](#)

CDD Smith stated due to the recent changes in State Law regarding building materials, this would be a good topic to discuss.

CDD Smith explained that the new State Law does not allow Cities to govern building materials and Keller cannot legally enforce its UDC standards related to building materials.

CDD Smith stated that City Council left the regulations for building materials on the books to indicate the City's preferences regarding materials. She also mentioned that City Council had concerns regarding using Hardie Board.

CDD Smith asked if anyone had any questions.

Commissioner Maxwell asked if Hardie Board is not acceptable.

CDD Smith stated that this seemed to be the way that Council was going and also stated there to date there had never been a structure that was 100% hardie board.

Chairperson Ponder asked what the underlying reason for the new State Law was.

CDD Smith responded that this was largely the result of the builder association lobby.

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

### D (1) Approval of the Minutes

CDD Smith stated that the minutes from January 14<sup>th</sup> were still in progress given the unusual length of the meeting. She said that the minutes relating to Center Stage would not go into detail as usual with expressing support or opposition.

### D (2) 1520 Hawthorne Lane Garage Variance

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Planner Cyr stated that the property was located at 1520 Hawthorne Lane and the applicant was requesting two variances. One variance was for a front-facing garage and the second request was for 144 square-foot garage doors that (exceed the 72 square-foot maximum).

Commissioner Osgood asked what the size of the garage doors would be.

Planner Cyr responded that they would be 144 square-feet combined.

Commissioner Thompson asked what had been done in the past on these applications.

CDD Smith stated that the shape of the lot provided basis for a variance request.

Commissioner Sagar stated that they had not had many variance requests with a basis like this application.

CDD Smith responded that Staff always tries to tell applicants that they must have a basis to apply, and this certainly did.

Chairperson Ponder stated that they usually have a good reason.

Commissioner Maxwell asked if there was a better material that could conceal the garage doors better.

CDD Smith responded that doors and windows were actually subtracted when calculating building materials per the UDC.

D (3) Panera Bread SUP

Planner Smithers stated the applicant would be located adjacent to Braums and was requesting two SUPs. The first request was to allow a 3,500 square-foot building in lieu of the minimum 6,000 square-foot building in Town Center required by the UDC. The second request was for the drive-thru component.

Commissioner Sagar asked what other buildings had been approved that were less than 6,000 square-feet.

Planner Smithers stated that AT&T was denied initially before coming back and creating a multi-tenant building. She also stated that Braums was exactly 6,000 square-feet.

Planner Ducay stated that he also brought forward Pecan Park which was a 5,000 square-foot office building.

Commissioner Osgood asked about potentially removing everything north of Keller Parkway from the Town Center zoning district.

CDD Smith responded that there was a big election in the next few months for City Council and was hesitant to bring it forward until after the election so that any new members could be part of the discussion.

Commissioner Alvarado asked about the other location on Bursey in Watauga.

Planner Smithers stated that the Watauga location was approximately 4,000 square-feet and the one in Alliance Town Center was about 4,500 square-feet.

Commissioner Sagar asked if the Paneras in Watauga and Southlake had drive-thrus.

Planner Smithers responded that these locations do not have a drive-thru.

Commissioner Thompson asked if there was any feel for the footage and asked if the outdoor dining was covered or not.

Planner Smithers responded that the outdoor dining was not covered and was approximately 450 square-feet.

Chairperson Ponder asked if there was discussion about the drive-thru going to the back of the lot then circling around to the window.

Planner Smithers responded that there have been no discussions, but the applicant would have to come forward again to P&Z during the Site Plan process.

CDD Smith stated that if there was concern about this particular issue, it might be best to address this tonight.

Commissioner Sagar stated the only concern she had was that the parking was segregated by the drive-thru and there was not adequate access to the building from the back parking area. She stated that people would have to walk through the driveway which was not safe.

Commissioner Alvarado asked if this was a similar set-up to Dairy Queen, where people had to walk through the drive-thru to get to the store.

Chairperson Ponder stated that Dairy Queen was from the side and that was correct.

Commissioner Sagar stated that the intent of requiring an SUP for a drive-thru restaurant was because the residents did not want any more fast-food, chain restaurants. She also stated that as time went on and Council changed over, this intent had not continued.

Commissioner Sagar stated she did not think the Commission could turn down Panera, but they could ask for a bigger building instead or better layout.

Commissioner Alvarado stated that when citizens say no apartments or no more drive-thrus, he could look at the situation differently then if the City was approving nothing but drive-thrus. He also stated that if they were getting to a point in balance between restaurants and drive-thrus, then they would have to look at each case by its own merit.

Commissioner Thompson stated that the lot size was approximately 47,000 square-feet, and if the building size increases then something is going to have to give such as parking.

Planner Smithers stated that they exceed parking.

CDD Smith stated that Braum's had a similar size parcel and still met parking. She also stated that what Panera would most likely say was that these smaller stores were the sizes that Panera now uses.

Commissioner Alvarado stated that Braum's also had the grocery store component.

Commissioner Thompson responded that Braum's was basically a mixed-use facility.

Commissioner Sagar stated that the amount of emissions that fast food restaurants create are a massive problem because of the idling cars in the drive-thrus.

Commissioner Thompson stated that he agreed with Commissioner Sagar and discussed an article that he had read about the issue.

CDD Smith stated that she had served on the Air Quality Advisory Committee and stated that car emissions were the metroplex's number-one battle. She also stated that Commissioner Sagar was correct in that car emissions contribute significantly to DFW's ozone challenges..

CDD Smith added that the nightmare for the metroplex in regards to emissions, was the older cars. The newer cars turn off while idling and are much more efficient than older cars.

Planner Smithers stated that the other drive-thru that was denied in Town Center was Starbucks, which was replaced by Pie-Five.

Commissioner Sagar asked if the City had any policy in that (environmental sustainability) regard.

Chairperson Ponder stated that this since this was outside what could be considered on tonight's items, it would be better to explore these concerns during a work session at seven o' clock.

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CDD Smith stated that if the Commission would like, they could ask to staff to move forward on this topic and see if there was any interest from Council on this issue. Chairman Ponder confirmed they would like staff to do that.

#### **D. ADJOURN**

Chairperson Gary Ponder adjourned the Pre-Meeting at 7:02 P.M.

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

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

Chairperson Gary Ponder called the meeting to order at 7:03 P.M.

#### **B. PLEDGE OF ALLEGIANCE**

Vice Chairperson Osgood led the Pledge of Allegiance to the United States Flag and the Pledge to the Texas Flag.

#### **C. PERSONS TO BE HEARD**

No one came forward.

#### **D. NEW BUSINESS**

- [1. Consider approval of the minutes of the Planning and Zoning Commission Meeting on November 25, 2019.](#)

**Chairperson Ponder stated that they would not take action on D-1 since the minutes were still in progress.**

- [2. 1520 Hawthorne Lane Garage Variances](#)

Planner Cyr gave a brief presentation on item D (2) which was discussed in the pre-meeting.

Commissioner Sagar stated that the request was reasonable given the geometry of the lot and what the applicant was proposing was a reasonable request.

Commissioner Osgood concurred with Commissioner Sagar.

Commissioner Thompson also concurred with Commissioner Sagar.

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

3. [Panera Bread SUP](#)

Planner Smithers gave a brief presentation on Item D-3 she noted that Staff mailed out 25 letters to property owners within 300 feet. No letters or e-mails in support or opposition had been received.

**Chairperson Ponder opened the Public Hearing.**

No one came forward.

**Commissioner Sagar made a motion to close the Public Hearing for Item D-3, seconded by Commissioner Stevens. The motion carried unanimously.**

Commissioner Thompson stated that there were a few things he liked and a few didn't like. He expressed concern about stacking lanes for the drive-thru.

Commissioner Thompson stated that he was not in favor of the parking lot with the drive-thru in the middle of it and mentioned the building size was much smaller than the anticipated footprint of the building. He also stated that he would like to hear more about the drive-thru request.

Ron Salami, the Applicant, stepped forward and introduced himself.

Commissioner Osgood asked if there was any potential of expanding the building.

Ron Salami stated that Panera no longer had a 6,000 square-foot prototype and elaborated that they do not have the need for that size. He also stated that the patio was planned for 450 square-feet and could be expanded upon if necessary.

Commissioner Osgood stated that another issue that was brought up was the drive-thru window and stated that there were other Panera Bread establishments that do not have drive-thru windows.

Commissioner Osgood asked what would happen if a drive-thru was not part of the approval process.

Kevin Blackburn, the Construction Manager for Panera Bread, stated that the drive-thru was an increased revenue source and more convenient for their customers. He also stated that they are opting out of locations that do not have drive-thrus for locations that do have drive-thrus.

Commissioner Osgood stated that he struggled with drive-thru windows and just did not use them very often.

Kevin Blackburn responded that he had a three-year old and found it convenient for himself and customers in his position.

Commissioner Sagar thanked the applicant for considering Keller and stated her concerns regarding parking. She stated that she was concerned that people would have to walk through the drive lane and asked if they would consider changing this.

Kevin Blackburn stated that they could look at that option and maybe move it to wrap around the back (to the north).

Commissioner Sagar stated that would certainly be an option. She also stated that there was landscaping between the rear parking and the entrance, and asked if they would install a sidewalk instead of the landscaping.

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Kevin Blackburn responded that there was currently a sidewalk on the plan that was ADA-compliant.

Commissioner Sagar also stated that she had concerns over the size of the building and asked if they would consider increasing the size.

Kevin Blackburn responded that they had looked at 4,500 square-foot models, but the sales projections would not sustain this large of a building.

Commissioner Sagar asked if they were not willing to look at increasing the size.

Kevin Blackburn responded that it was his understanding that they would like to stay with the current size.

Commissioner Sagar asked where the applicant lived.

Kevin Blackburn responded he currently lived in Denver.

Commissioner Sagar stated that he might not be aware of the air quality issue in the DFW area, especially in the summer months. She also stated that some of the biggest contributors were vehicles.

Commissioner Sagar stated that air quality is an issue because it impacts the health of people in this area, and some people are not allowed to go outside due to the poor air quality. She also stated that she is more sensitive towards drive-thru lanes because of this issue.

Commissioner Sagar asked if the Applicant was willing to reconsider the layout of the site, facilities, and parking; make it more amenable for people to park. She also stated that it seemed the current plan was encouraging people to go through the drive-thru rather than park.

Commissioner Stevens stated that he shared the concerns of Commissioner Sagar about the landscaping separating the parking and the location of the walkway. He also stated that there were 53 parking spaces and asked how many seats the restaurant had.

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Kevin Blackburn responded that they had 80 on the inside and 30 on the patio.

Commissioner Stevens asked if the Applicant mentioned the possibility of enclosing the patio to add that to the building.

Kevin Blackburn responded no.

Commissioner Stevens asked what the Applicant's experience was with outdoor eating in the hotter days of the summer.

Kevin Blackburn responded that the good thing about Texas is that these areas are used year round, and stated that in Denver nobody would eat outside.

Commissioner Stevens stated that his concern about outdoor eating was disposal of litter and keeping the area clean.

Commissioner Alvarado stated that he understood the concerns about the drive-thru and its placement, especially how it dissected the parking lot. He also stated that it had not yet been discussed to address emissions throughout the City as a whole, and was not comfortable with placing any restrictions on that before that discussion could occur.

Commissioner Alvarado also stated that he knew of outdoor seating, especially to nearby Panera Bread, which had been very successful. He also asked if they were going to push traffic out thru Braum's driveway.

Kevin Blackburn responded that it was a shared driveway.

Commissioner Alvarado asked if this was just an entry/exit and was not a space where people could walk through it.

Kevin Blackburn responded that was correct, and stated that the current inlet is in front of Panera's space.

Commissioner Alvarado stated that the building size was questioned, but if Panera understood the market and your needs, he would support the current size. He also stated

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that the entry to the backside of the drive-thru, was a really awkward position and created more headaches than solutions.

Commissioner Alvarado stated that it might be better to move that drive-thru back a little bit, and also stated that this was his only issue.

Kevin Blackburn responded that they were proposing a water retention area in the back. He stated that he understood the request to move the drive-thru in front of the water retention area and move the parking field back.

Commissioner Alvarado asked if the water retention area was space "37" on Exhibit, A page 2.

Planner Smithers stated that it was space "36."

Commissioner Dawson echoed the Commission's comments about the issue of walking through the drive-thru lane. He also asked if there was any delineation between Braums' site and Panera's.

Kevin Blackburn responded there was landscaping separating the two sites.

Commissioner Dawson asked if there was a fence or if there was greenery.

Kevin Blackburn stated that there would be trees, shrubs, and other landscaping.

Commissioner Dawson stated that the front of the building was extremely dark, and asked if there were any plans to illuminate the entry-way of off Keller Parkway to make it safer.

Kevin Blackburn stated that they have done a photometric plan, and will illuminate the site accordingly and also stated that lighting is important to them for safety reasons.

Planner Smithers stated that there would be cross-access to the east.

Chairperson Ponder stated that Panera Bread would be a good thing for Keller and echoed the same comments about the drive-thru as the rest of the Commission.

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Commissioner Maxwell asked if Paradise Bakery was a subsidiary of Panera.

Kevin Blackburn responded it was.

Commissioner Maxwell asked if they would consider doing another Paradise Bakery at 3,000 square-feet in addition to bring the building into compliance with the Town Center zoning district.

Kevin Blackburn responded that this could potentially takeaway from their existing customers.

**Commissioner Stevens made a motion to approve Item D-3 with an amendment to relocate the drive-thru lane to the northern most boundary and move the walkway to a more central location, seconded by Commissioner Osgood. The motion carried unanimously.**

**F. ADJOURN**

**Chairperson Gary Ponder adjourned the meeting at 8:18 P.M.**

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Chairperson

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Staff Liaison

