



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, May 24, 2022

PRE-MEETING BRIEFING 6:30P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 6:40P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Leslie Sagar

Ross Brensinger

Thomas Brymer

Ralph Osgood

Bob Apke

Thomas Thompson

Greg Will

Paul Alvarado (virtual)

Staff present included: Community Development Director, Julie Smith; Assistant Community Development Director, Sarah Hensley; Planner I, Amber Washington; Planning Technician, Amy Botcher; Chad Bartee, City Engineer; Siale Langi, Economic Development Specialist and Director of Information Technology, Sean Vreeland.

B. ADMINISTRATIVE COMMENTS

ACDD Hensley stated at the City Council meeting on Tuesday, May 17, 2022, the SUP for Alpha and Omega Chiropractic, and SUP for Equipment Share were unanimously approved. She also said the 2-story accessory structure on Elkin and the Tropical Smoothie patio fencing were approved unanimously.

C. DISCUSS AND REVIEW AGENDA ITEMS

D1. SUP for a carport at 1205 Garden Lane.

No comments or questions.

E1. Minutes for the May 10, 2022 Planning and Zoning Meeting.

No comments or questions.

E2. SUP for Freedom Freeze at 804 Keller Parkway.

Commissioner Will asked what the difference was for a snow cone stand and a food truck.

CDD Smith responded a snow cone stand was seasonal and food trucks were continuous.

Commissioner Apke asked what the Letter of Opposition to the SUP said.

Planner Washington said the letter only said that the property owner opposed the SUP.

E3. UDC Amendment on Kennels.

ACDD Hensley stated a domestic animal definition was suggested by Commissioner Sagar prior to the meeting.

No comments or questions.

E4. Three SUP's for accessory structure at 1909 Willis Lane.

Commissioner Apke asked for the total square footage of impervious surfaces.

CDD Smith responded it was less than 50%.

Commissioner Thompson stated the structure was going to be 2940 square feet, and could lend itself to an ADU.

CDD Smith stated that Staff told the Applicant to anticipate that question from the Commission.

Commissioner Brymer asked what the accessory building was going to be used for.

CDD Smith noted that the Applicant drew his plans to scale and accounted for all of the space.

Commissioner Will stated his concerns with the fact that it looked as though the alleyway behind the home belonged to the HOA.

ACDD Hensley said the HOA did not have concerns, and that the alleyway was dedicated to the City.

Commissioner Thompson asked if there was City concern about a flow through traffic pattern on a property.

CDD Smith said that would mean people would be driving through private property, and it wasn't a City concern.

Commissioner Brymer stated he was concerned with the home being smaller than the accessory structure.

CDD Smith stated that the allowed square footage was 50% of the main structure.

E5. SUP for Aloha Nails and Spa at 8825 Davis Blvd., Suite 125.

No comments or questions.

E. ADJOURN

Chairperson Ponder adjourned the Pre-Meeting at 7:01P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER –Chairperson Gary Ponder

Chairperson Ponder called the meeting to order at 7:11P.M.

B. PLEDGE OF ALLEGIANCE

1. Chairperson Osgood led the Pledge to the United States Flag.
2. Chairperson Osgood led the Pledge to the Texas Flag.

C. PERSONS TO BE HEARD

There were no persons to be heard.

D. OLD BUSINESS

1. [D \(1\) Consider a request for a Specific Use Permit \(SUP\) for a carport, located on approximately 0.72 acres on the north side of Garden Lane, approximately 950 feet northeast from the intersections of Roanoke Road and Garden Lane, legally described as Lot 1, Block 8 of Eden Oaks Addition, zoned Single-Family 36,000 square-foot lot size or greater \(SF-36\) and addressed 1205 Garden Lane. Brent Ryals, Owner/Applicant. \(SUP-22-0006\)](#)

Commissioner Thompson made a motion to take D1 off the table for possible proposed action, seconded by Commissioner Apke. The motion carried unanimously.

E. NEW BUSINESS

1. [E \(1\) Consider the minutes for the May 10, 2022 Planning and Zoning Commission Meeting.](#)

No questions or comments.

Commissioner Apke made a motion to approve Item E (1), seconded by Commissioner Osgood. Motion approved 6-1, Commissioner Alvarado abstained.

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2. [E \(2\) Consider a request for a Specific Use Permit \(SUP\) for Freedom Freeze, a seasonal snow cone stand on approximately 0.36-acre tract of land on the south side of Keller Parkway \(FM 1709\), approximately 650 feet southwest from the intersection of Pate Orr Road and Keller Parkway, legally described as Lot 1R1, Block 1 of Burke Simonak Addition, zoned Retail® and addressed 804 Keller Parkway. 22Thirty Properties, LLC, Owner. Emily Bulkley, Applicant. \(SUP-22-0012\)](#)

Planner Washington gave a presentation on the Applicant's proposed seasonal snow cone stand, and where it would be located in the parking lot of Embrace Balance Family Chiropractic. She noted that the snow cone stand would not encroach the existing fire lane, and there would be safety fencing set up in the queue area. She shared pictures of the trailer and the Applicant's wishes to have the SUP run for three years.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant's husband, Mr. Bulkley, stated this business would provide summer jobs for children of their church.

Chairperson Ponder opened the Public Hearing.

Commissioner Sagar made a motion to close the Public Hearing, seconded by Commissioner Thompson. The motion carried unanimously.

Commissioner Alvarado stated he had concerns regarding the parking.

Commissioner Sagar asked the Applicant to clarify the location of the fencing. She also asked if there were tables and chairs that would be set out.

The Applicant responded there would not be tables and chairs.

Commissioner Brymer said he had concerns with the parking due to the other business located at the back of the parking lot. He noted the open times were during regular operating hours of the chiropractic office.

The Applicant stated the chiropractic office had one chiropractor at a time, with a maximum of five cars.

Commissioner Apke asked what the opposition from the neighbor was.

Planner Washington responded the letter only stated they opposed.

Commissioner Thompson asked about the fencing requirements.

CDD Smith said the fence was temporary and would be allowed.

Commissioner Brensinger asked the Applicant what the business hours were for the business that shared the drive.

The Applicant stated he was not aware of their hours.

Commissioner Will said he would be more comfortable if the snow cone stand was located on the opposite side of the building for safety.

Commissioner Thompson made a motion to approve Item E (2), seconded by Commissioner Osgood. The motion carried unanimously.

3. [E \(3\) PUBLIC HEARING: Consider a recommendation for an amendment to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 3 – Definitions and Article 8- Zoning Districts, Development Standards, Tree Preservation, related to kennels, veterinarian clinics and grooming facilities; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. \(UDC-22-0003\)](#)

ACDD Hensley gave a presentation on the proposed amendments. She said the amendments were prompted by inquiries from businesses interested in offering services related to the care, grooming and boarding of animals.

Chairperson Ponder opened the Public Hearing.

Commissioner Sagar made a motion to close the Public Hearing, seconded by Commissioner Thompson. The motion carried unanimously.

Commissioner Apke stated he did not have any questions but said it was great that staff was looking at the code to clean it up to make it easier for businesses and residents to understand.

Commissioner Thompson asked if a new definition for “domestic animal” would become a definition also used by Animal Services.

ADCD Hensley said that there would be continuing discussion between the Planning and Zoning meeting and City Council meeting with both Police and Animal Services to determine if the proposed definition was appropriate for all city services.

Commissioner Thompson asked how the definition might be interpreted by other departments.

CDD Smith said that there is always room for interpretation when it comes to domesticated animals and there would be ongoing discussion.

Commissioner Sagar said she had concerns about “other animals kept as pets” being too subjective, and potentially including hazardous animals.

CDD Smith stated that exotic animals are regulated by Animal Control and that certain animals were off-limits in the City, so there would be no changes to those

Commissioners Sagar and Brymer thanked Staff for being proactive.

Commissioner Brensinger said when he thinks of kennels, he thinks of dogs, so why would the City not allow kennels in industrial areas where smells and sounds wouldn't bother people.

CDD Smith said that Staff had concern with allowing kennels in Industrial and Light Industrial zoning because there were risks involved for pets in those areas.

Commissioner Brensinger asked what was the difference between indoor and outdoor pens.

CDD Smith replied that indoor pens are only indoor pens. Outdoor pens are indoor and outdoor pens.

Commissioner Will thanked Staff for putting together the proposed amendment and said he recommended removing kennels from being allowed on Katy Road.

CDD Smith stated Staff needed to clarify “domesticated,” take Katy Road out of the use chart for kennels, and more clearly identify indoor versus outdoor pens.

Commissioner Thompson made a motion to approve Item E (3), seconded by Commissioner Sagar, with the following changes noted: that Staff clarify the word “domesticated,” that Staff remove kennels from the use chart on Katy Road, and that Staff more clearly define the difference between indoor and outdoor kennels. The motion carried unanimously.

4. [E \(4\) PUBLIC HEARING: Consider a request for three Specific Use Permits \(SUPs\) for a 2,948 square-foot detached accessory structure with an average height of 17 ½ feet, located on 1.07 acre, situated on the east side of Willis Lane, approximately 1,318 feet northeast of the intersection of Willis Lane and North Tarrant Parkway, legally described as Lot 17, Block 1 of Ashley-Alden addition, zoned Single-Family 36,000 square-foot lot size or greater \(SF-36\) and addressed 1909 Willis Lane. Steven Townsend, Owner/Applicant. \(SUP-22-0013\)](#)

ACDD Hensley stated that the applicant hopes to utilize the structure for storage and recreation, and that the SUPs were for the height of the structure to exceed the 15-foot maximum, for the size of the structure to exceed the 1,200 square-foot maximum, and for the size of the structure to exceed 50% of the existing home.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant, Steve Townsend, stated he spoke with the neighbors behind his property and they were in support.

Chairperson Ponder opened the Public Hearing.

Commissioner Osgood made a motion to close the Public Hearing, seconded by Commissioner Sagar. The motion carried unanimously.

Commissioner Sagar asked the Applicant if there was a proposed lift station for sewer from the accessory structure. She also asked why there was a need for the building to be so large.

The Applicant responded there was. He said the building would be used as a wood shop, game room, bathroom and storage.

Commissioner Brymer stated his concerns about an accessory structure being larger than the main structure.

Commissioner Apke said he appreciated the Applicant putting the structure closer to the church instead of the residential area.

Commissioner Thompson stated his concern was the accessory structure could be used as an accessory dwelling unit in the future.

CDD Smith responded the property was less than 1.5-acres, and an accessory dwelling unit would not be permitted.

Commissioner Alvarado agreed the size of the structure was concerning, however, he supported.

Commissioner Brensinger agreed with Commissioner Alvarado and thought it was a reasonable request for the area.

Chairperson Ponder shared concerns on the size of the structure, however he supported.

Commissioner Osgood made a motion to approve Item E (4), seconded by Commissioner Alvarado. The motion was approved 4-3. Nay: Commissioner Sagar, Commissioner Brymer and Commissioner Thompson.

5. [E \(5\) PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for Aloha Nails and Spa, on an approximately 0.77-acre tract of land on the west side of Davis Boulevard, approximately 325 feet southwest from the intersection of Davis Boulevard and Bear reek Parkway, legally described at Lot 6, Block A of Hidden Lakes Center – Keller Addition, zoned Commercial \(C\) and addressed 8825 Davis Boulevard, Suite 125. Fraz LLC, Owner. Mai Thi Phuong Nguyen, Applicant. \(SUP-22-0014\)](#)

Planner Washington gave a presentation on the SUP request for Aloha Nails, an existing nail salon that is only changing name and ownership. She stated there were no major changes to the salon or business model.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant, Mai Thi Phuong Nguyen, stated there were no changes to the existing building or business being made.

Chairperson Ponder opened the Public Hearing.

Commissioner Sagar made a motion to close the Public Hearing, seconded by Commissioner Apke. The motion carried unanimously.

Commissioner Apke asked how long D&T Nails and Spa operated in this location.

Applicant Nguyen stated since about 2017.

Commissioner Apke asked if the hours of operation were the same or similar as the current named business.

Applicant Nguyen said the hours would be similar.

Commissioner Thompson asked if the SUP was only required due to the change in business name.

Planner Washington stated that was the reason for the SUP.

Commissioner Thompson asked if the Letter of Opposition came from a business or resident.

Planner Washington stated the Letter of Opposition came from a resident.

Commissioners Alvarado, Sagar, Brensinger, Will, and Osgood each stated they did not have any questions or concerns with the Applicant's request.

Commissioner Apke made a motion to approve Item E (5), seconded by Commissioner Thompson. The motion carried unanimously.

F. ADJOURN

Chairperson Ponder adjourned the meeting at 8:42P.M.

Chairperson

Amy Botcher, Planning Technician