



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, June 22, 2021

PRE-MEETING BRIEFING 6:03 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 6:03P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Ralph Osgood, Vice Chairperson

Paul Alvarado

James Dawson

Bob Apke

Leslie Sagar

Thomas Thompson

Phillip Maxwell

The following Commissioners were absent:

Logan McWhorter- Alternate

Staff present included Matthew Cyr, Planner I; Katasha Smithers, Planner I; Julie Smith, Director of Community Development; Sean Vreeland, Director of Information Technology; Chad Bartee, City Engineer, Kelly Ballard, City Secretary and Amy Botcher, Planning Technician.

B. ADMINISTRATIVE COMMENTS

1. Briefing regarding City Council action on Tuesday, June 1 and June 15, 2021.

Planner Smithers stated on June 1, 2021, there were four items: The Hills Church site plan variance for landscape; Two SUPs for 921 Bourland; and a UDC text amendment for breezeways

as recommended by Planning and Zoning were all approved unanimously. She said on June 15, 2021, City Council unanimously approved SUPs for White Bridle and Waterwerkz.

There were no questions or comments from Commissioners.

C. WORK SESSION

C1. Garage conversions in SF-36 zoning district

CDD Smith gave a presentation and explanation of the request. She stated the request started with Council member McMullen to allow garage conversions in SF-36 zoning districts. The original request was to convert a garage at 1205 Hillside. If allowed the house would have to come up to code, which included a fire suppression system.

She stated research had been done by Staff, and most cities did not allow garage conversions with the exception of Bedford and Colleyville.

Commissioner Dawson asked what is the average size of a parking space was.

CDD Smith responded it was an improved surface and generally 9x20 feet.

Commissioner Maxwell asked how this would apply to residential converting to commercial in Old Town Keller (OTK).

CDD Smith stated it would not apply because OTK has its own district. In OTK, residential will be changing to commercial in the future and garage conversions would not affect commercial.

Commissioner Alvarado asked Staff to confirm if two car garages were required to keep street parking to a minimum. He also asked if there were few requests for garage conversions, if it should be left to the resident's discretion.

CDD Smith responded there was a property value concern for surrounding properties if garages were converted, but not replaced. She added that most requests had come from SF 8.4 zoning districts.

Commissioner Thompson asked what garage setbacks were in SF-36 as versus smaller zones.

CDD Smith responded 100-foot for front facing and the front build line for side garages. She said in the smaller zoning districts there was generally not enough room for expansion or building another garage. She added Council member Almond had expressed concern over the smaller zoning districts.

Commissioner Thompson asked if parameters were made in the zoning, could it change in the future.

CDD Smith responded yes.

Chairperson Ponder asked if Staff received a lot of these requests or if this was brought due to a single resident. He wondered if changing one zoning district alone would create confusion for the residents.

CDD Smith stated there were not a lot of requests. She added most issues arise through Code Compliance with conversions in the smaller districts. She said the gentleman that made this request lived in a smaller home on a very large lot.

Commissioner Sagar asked for confirmation the item in work session was the request of one resident. She stated it seemed as if we were looking for a solution to a problem that did not exist.

Commissioner Thompson said he did not think going by a zoning district classification would be sufficient.

Commissioner Alvarado stated he did not think a garage conversion was detrimental enough to restrict property rights. He said language could be put in to specify lot sizes able to have garage conversions.

Commissioner Osgood said there were alternatives available to residents. Therefore, a City change would not be necessary.

Commissioner Sagar explained language had been adapted in the past to accommodate RV's, boats and trailers.

D. DISCUSS AND REVIEW AGENDA ITEMS

D1. Minutes for May 25, 2021

CDD Smith stated Commissioner Dawson had sent in a few grammatical errors and those changes had already been made.

There were no additional questions or comments.

D2. Public Hearing for SUP, The Knot Hair Studio at 761 Keller Parkway, Suite 105.

Planner Smithers gave a brief description.

No questions or comments from Commissioners.

D3. Public Hearing for 2 SUPs to expand detached garage to 1,765 total square-feet at 1613 Westminster Trail

Planner Cyr gave a brief description.

Commissioner Thompson asked what was the purpose of the expansion.

Planner Cyr stated the homeowner wanted to store and work on his vintage car collection.

Commissioner Sagar asked why there was also an overhead door located on the back of the building. She stated she had some reservations.

CDD Smith responded this was a brick structure and the rear overhead door would likely be for lawn equipment. She added there was no indication of any type of ADU.

Commissioner Thompson asked Staff if the applicant was going to be doing work for other people.

CDD Smith responded that although home occupations were possible, this resident was not operating one. Additional rules would be applied if he were to operate a home occupation.

No additional questions or comments from Commissioners.

D4. Public Hearing for FLUP Amendment at Highland Terrace Mobile Home Park

Planner Cyr gave a brief description.

CDD Smith added Staff brought forward the FLUP amendment and Zoning change at City Council direction.

Commissioner Thompson asked how many lots were in this subdivision and how many were owned by Jeff Avery.

Planner Cyr responded there were 68 total and 21 owned by Jeff Avery.

CDD Smith explained variances had been given for lot coverage and home size. She stated those variances were currently in place.

Commissioner Sagar asked when the request had been made.

CDD Smith said requests came to Staff from City Council all the time. She added only two Council members were needed to request an item to move it forward.

Commissioner Thompson stated this subdivision was a problem and asked for an amicable solution for the property.

Commissioner Alvarado asked if a disservice was done by annexing the property with a SF-36 zoning district.

CDD Smith responded Keller had done what was a general policy as with most other cities. She added when a City didn't know what the future of a property would be, they would apply the largest zoning district.

Chairperson Ponder stated the Planning and Zoning Commission did not seek approval, however three variances were given by City Council. He asked Staff what the difference between approval and denial would mean for the developers.

CDD Smith stated if the zoning change were to be approved, the developer would be allowed to build a much smaller house and a smaller front set back.

Commissioner Sagar said she thought the area was in transition and supported the mobile home community there. She added she did not support a FLUP amendment or zoning change.

Commissioner Thompson added it was not the purview of P&Z.

D5. Public Hearing for zoning change at Highland Terrace Mobile Home Park

Planner Cyr gave a brief description.

No questions or comments from Commissioners.

D6. Public Hearing for FLUP Amendment for 920 and 940 Keller Parkway

Planner Smithers gave a brief description.

CDD Smith added the zoning would be impacted by this item. She said in Town Center, there would be an overlay to protect existing medical uses. She explained it had been conveyed that additional medical was not desired in that area.

D7. Public Hearing for Zoning Change at 920 and 940 Keller Parkway

No questions or comments from Commissioners.

E. ADJOURN

Chairperson Gary 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 7:00 P.M.

Chairperson Ponder expressed his gratitude to Staff, Sean Vreeland, Brent Rankin, Mark Hafner, the Mayor and City Council and welcomed everyone back to in-person meetings.

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 May 25, 2021, Planning and Zoning Meeting.](#)

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

Commissioner Ponder asked for items D (6) & D (7) to be moved up in the agenda.

Commissioner Osgood made a motion to move items D (6) & D (7) to the front of the agenda, seconded by Commissioner Alvarado. The motion carried unanimously.

2. [D \(6\) PUBLIC HEARING: Consider a request for a Future Land Use Plan \(FLUP\)](#)

[Amendment proposing to change from Mixed-Use \(MU\) to Retail/Commercial \(RTC\), located on approximately 6.2-acres, legally described as Lot 4 and 5R, Block 1 in the Town Center East Addition, located near the southwest corner of the Rufe Snow Drive and Keller Parkway intersection and addressed as 920 and 940 Keller Parkway \(FM1709\). Jim Makens, Grapevine/Wall JV, Applicant/Owner. \(LUP-21-0004\)](#)

Chairperson Ponder asked Mr. Makens, Applicant, to address the Board.

Mr. Makens, Applicant, respectfully asked the Commission to table his items until the July 27, 2021 meeting.

Commissioner Osgood made a motion to table item D (6) until July 27, 2021, seconded by Commissioner Thompson. The motion carried unanimously.

3. [D \(7\) PUBLIC HEARING: Consider a request for a Zoning Change from Town Center](#)

Commissioner Osgood made a motion to table item D (7) until July 27, 2021, seconded by Commissioner Alvarado. The motion carried unanimously.

4. [D \(2\) PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to allow the use of spa services for The Knot Hair Studio, in an existing 2,520 square-foot lease space, within a 12,775 square-foot multi-tenant building, on 1.431-acres, approximately 550-feet northwest from Keller Parkway and Meadowlands Boulevard intersection, and situated on the north side of Keller Parkway, located at 761 Keller Parkway Suite 105, legally described as Lot 4RA, Block A, Shemwell Addition and zoned Retail \(R\). M & D Associates, owner. Kylie Phillippi, The Knot Salon, applicant. \(SUP-21-0021\)](#)

Planner Smithers stated Kylie Phillippi (Applicant) proposed to add spa-type uses within the existing 2,520 square-foot hair studio, located at 761 Keller Parkway Suite 105. The added use (spa) required a Specific Use Permit (SUP) in the Retail (R) zoning district. She said the Spa services included EmSculpt, laser hair removal, Botox filler, photo-facials, non-invasive peels, etc.

She added the hours of operation were Monday through Friday 9:00am to 9:00pm, Saturday

9:00am to 6:00pm and Sunday 12:00pm to 6:00pm. Planner Smithers said there were 22 existing stylists and approximately 10 more to be added.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant was not available.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

Commissioner Alvarado made a motion to close the Public Hearing for Item D (2), seconded by Commissioner Thompson. The motion carried unanimously.

Commissioner Sagar asked if additional parking would be needed due to the increased employees.

Planner Smithers stated the Applicant was required to have 63 spaces, but did have 75. She added the stylists would work staggering shifts.

Commissioner Sagar asked if a medical license would be necessary for some of the procedures.

Planner Smithers stated a medical director would be on staff. CDD Smith added certifications were done through the State, not the City.

There were no questions or comments from Commissioners.

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

- [5. D \(3\) PUBLIC HEARING: Consider a request for two Specific Use Permits \(SUPs\) to allow the Applicant to expand the existing 578 square-foot detached garage by approximately 1,187 square-feet \(1,765 total square-feet\) situated on a .84-acre tract of land, located on](#)

[the west side of Westminster, approximately 465 feet northwest from the intersection of Westminster Trail and Wimpole Court, legally described as Lot 18, Block 2 Windsor Forest Estates, zoned Single Family – 36,000 square-foot lot \(SF-36\), located at 1613 Westminster Trail. Dan Thompson, Owner; Lane Darracq, Applicant. \(SUP-21-0020\)](#)

Planner Cyr stated the Applicant proposed to expand the existing 578 square-foot detached garage by an approximately 1,187 square-feet (1,765 sf total). The main use for the expansion would be for storage and working on the Owner's antique cars. He explained the request included two SUPs including an SUP to exceed 1,200 square-feet in the SF-36 zoning district and an SUP for all accessory buildings combined to exceed 50% of the main structure. (Main Structure is 2,642 square-feet.)

Chairperson Ponder asked if the Applicant had anything to add. He did not.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

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

Commissioner Sagar asked how many cars the applicant had. She also asked if he would be working on other people's cars as well.

The Applicant stated currently, he had four vintage cars, a truck, and a motorcycle. He also explained the need for extra height in the addition was due to a car lift. Mr. Thompson said he was not working on any cars other than his own.

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

6. [D \(4\) PUBLIC HEARING: Consider a request by the City for a Future Land Use Plan \(FLUP\) Amendment to change the Highland Terrace Mobile Home Park from Low Density-Single Family \(LD-SF\) to High Density Single-Family \(HD-SF\) located approximately on 14.90-acres, legally described as Lot 1-Lot 68 in the Highland Terrace Mobile Home Park,](#)

[located near the intersection of Knox Road and Hilltop Lane and legally addressed as 1700, 1701, 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1721, 1724, 1728, 1732, 1733, 1736, 1740, 1744, 1748, 1752, 1756, 1760 Highland Drive West, and 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1724, 1725, 1728, 1729, 1732, 1733 Hilltop Lane and 1800, 1808, 1812, 1816, 1820, 1824, 1827, 1828, 1831, 1832, 1835, 1836, 1839, 1840, 1843, 1844, 1847, 1848, 1851, 1852, 1855, 1856, 1860 Highland Drive East and 1200, 1228, and 1238 Knox Road. City of Keller, Applicant. \(LUP-21-0005\)](#)

Planner Cyr stated Highland Terrace Mobile Home Park was originally platted in 1970. This portion of the City was annexed into Keller in 1989 and zoned Single-Family 36,000 square-foot lots (SF-36).

An application for three variance requests were approved by City Council on June 1, 2021, for 21 out of the 68 lots in this subdivision: increase minimum total lot coverage from 50% to 55%, increase the main structure lot coverage from 30% to 35%, and decrease the main dwelling size from 2,400 square-feet to 2,000 square-feet.

City Council directed Staff to bring forward an agenda item to consider whether to amend the FLUP and Zoning for this subdivision. On June 11, 2021, the city mailed out 78 Letters of Notification for this public hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was also posted on the site.

As of today, Staff has received a support petition containing 11 signatures in support representing 23 lots. Staff has also received 18 letters in opposition representing 17 lots. This will trigger a super-majority at City Council (22.74%).

CDD Smith stated there was confusion with the City being the Applicant. She explained it was not atypical for Council to ask for an item to be presented in order to get public opinion.

Chairperson Ponder opened the public meeting.

Jeff Avery, Owner and Developer, stated Council had approved three variances previously. He added the front set back relief would be through a zoning change. He clarified he would not add more lots to the area.

Darla Hawkins, 1705 Highland Drive West, 1704 Hilltop Lane, and 1216 Knox Road. She

stated her concern was the impact on taxes for the current residents as well the creation of a possible HOA.

Mike Garabidian, 1717 Buckingham, stated he owned a lot in the Highland Terrace Mobile Home Community as well. He said property taxes should be mitigated as long as a mobile home stayed on the property. He also explained an HOA could not be formed without 100% agreement from all owners in the community.

Pamela Kendall, 1129 Garden Lane, said her property backed up to the community. She explained she had a flooding event at her home in the past, and was concerned the proposed subdivision would case that again.

James Beachell, 1712 & 1709 Highland Drive West, had concern on the reasoning behind the zoning change request.

Keith McGee, 1705 Hilltop Lane, stated his support for the FLUP amendment and rezoning. He said making the zoning smaller and more appropriate would be to the residents benefit.

Commissioner Thompson made a motion to close the Public Hearing for Item D (4), seconded by Commissioner Osgood. The motion carried unanimously.

Commissioner Osgood asked Staff to explain the difference between SF-36 and SF-8.4.

CDD Smith showed a chart in the PowerPoint that included the currently approved variances and what would be permitted if the FLUP amendment and zoning change were approved.

Commissioner Dawson asked to clarify if the proposed items were approved, the minimum home size would be 1400 square-foot.

CDD Smith stated it would only be for Mr. Avery's 21 lots. She added if the zoning was approved, all 68 lots could build 1400 square-foot homes.

Commissioner Thompson said this subdivision was a problem, and the small lots were

conducive to mobile homes. His concern was the surrounding property owners would have their property values affected by a 1400 square-foot subdivision. He asked Mr. Avery what was his future vision for the community was.

Mr. Avery stated he would like the zoning change in order to get all of the changes he wants, including the front set back. His intention was to build a 2000 square-foot or larger home on each lot.

Commissioner Thompson asked Staff if Mr. Avery could ask for a variance for the front yard setback for his remaining lots.

CDD Smith explained ZBA has denied the request for three of his lots due to no hardship. However, he could request for the remaining lots.

Chairperson Ponder asked why the variance did not come through P&Z.

Planner Cyr stated some variances were about design standards and some that are specifically required by code to go to ZBA. He added setbacks were in the purview of the ZBA.

CDD Smith further explained this process had been confirmed with the City Attorney. She also said it must be kept separate due to zoning laws.

Commissioner Alvarado stated he thought the requests were reasonable and the FLUP amendment and zoning change would offer more options for the residents in the future.

Commissioner Sagar appreciated the community, however, she did not support amending the FLUP or a zoning change. She added residents of Keller had made it clear in the process for 2021 FLUP they did not want higher-density.

Commissioner Osgood asked how this was not considered spot zoning. He said the property is a conundrum the City will have to deal with for a long time. He added he did not support the changes.

CDD Smith explained that an area over five acres avoided spot zoning.

Chairperson Ponder explained he did not think it would be good for the City to amend the new FLUP. He noted the developer still had an avenue to move forward.

Commissioner Alvarado made a motion to approve Item D (4), no second. The motion failed.

Commissioner Sagar made a motion to deny Item D (4), seconded by Commissioner Thompson. The motion carried 6-1. Commissioner Ponder, Commissioner Thompson, Commissioner Maxwell, Commissioner Osgood, Commissioner Apke, Commissioner Sagar, Commissioner Dawson and- yay. Commissioner Alvarado- nay.

7. [D \(5\) PUBLIC HEARING: Consider a request by the City for a Zoning Change from Single-Family 36,000 square-foot lots or greater \(SF-36\) to Single-Family 8,400 square-foot lots or greater \(SF 8.4\) located approximately on 14.90-acres, legally described as Lot 1-Lot 68 in the Highland Terrace Mobile Home Park, located near the intersection of Knox Road and Hilltop Lane and legally addressed as 1736, 1740, 1744, 1748, 1752, 1756, 1760 Highland Drive West, and 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1724, 1725, 1728, 1729, 1732, 1733 Hilltop Lane and 1800, 1808, 1812, 1816, 1820, 1824, 1827, 1828, 1831, 1832, 1835, 1836, 1839, 1840, 1843, 1844, 1847, 1848, 1851, 1852, 1855, 1856, 1860 Highland Drive East and 1200, 1228, and 1238 Knox Road. City of Keller, Applicant. \(Z-21-0005\)](#)

The item was removed due to the UDC requiring the FLUP to be in place before Zoning.

B. ADJOURN

Chairperson Gary Ponder adjourned the meeting at 9:15P.M.

Chairperson

Amy Botcher, Planning Technician