



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, December 14, 2021

PRE-MEETING BRIEFING 6:00P.M.

A. CALL TO ORDER – Chairperson Ralph Osgood

Chairperson Ralph Osgood called the Pre-Meeting Briefing to order at 6:00P.M.

The following Commissioners were present:

Ralph Osgood, Chairperson

Paul Alvarado

Bob Apke

Leslie Sagar

Thomas Thompson

Thomas Brymer

Ross Brensinger

Greg Will

The following Commissioners were absent:

Gary Ponder, Chairperson

Staff present included: Katasha Smithers, Planner II; Julie Smith, Community Development Director; Sean Vreeland, Director of Information Technology; Chad Bartee, City Engineer; and Amy Botcher, Planning Technician

B. ADMINISTRATIVE COMMENTS

Planner Smithers stated there were two items that went forward to City Council on November 16, 2021. The first was the un-tabling of the item (800 square-foot addition to barn) for 833 Rufe Snow Drive. It was approved to un-table and to be heard on December 7, 2021. The second item was the SUP for 1525 Mount Gilead that was unanimously approved.

Planner Smithers stated City Council met on December 7, 2021. The first item was 833 Rufe Snow. She said eight trees were planted on the north side of the barn, four trees on the side of the barn and numerous additional trees on the lot. It was approved unanimously.

She said the SUP's for Nail Bar One and Chick-Fil-A were both approved unanimously. Planner Smithers added the four variances for Mike Garabedian were all approved by a vote of 5-2.

Chairperson Osgood stated he wished to change the order of the pre-meeting and review items prior to the work session. There was no disagreement from the Board.

D. DISCUSS AND REVIEW AGENDA ITEMS

D1. Minutes for November 9, 2021

Chairperson Osgood stated he had some corrections that were emailed to Staff.

Planner Smithers stated those were corrected.

Commissioner Sagar stated she emailed in a change to page eight.

Planner Smithers responded those changes would be made.

No additional questions or comments.

D2. Public Hearing for two SUP's for 800 Barbara Lane.

Planner Smithers gave a brief description.

Commissioner Osgood asked Staff if there was any concern with the exterior of the building being metal.

CDD Smith responded there was a lot of unknown information as the actual building had not been selected.

Commissioner Thompson asked if the structure would back to the existing garage. He also asked what the building materials were on the existing building.

Planner Smithers responded it would back up to the existing garage and it was brick.

Commissioner Brymer asked if the proposal was keeping with the aesthetics of the neighborhood. He also shared his concern for the structure being turned into an accessory dwelling unit in the future.

Planner Smithers stated there were other large metal structures on Barbara Lane. CDD Smith explained a half bath and no kitchen is what we use to make sure it was not an ADU.

Commissioner Sagar explained the City used to have a lot more restrictions on accessory buildings.

Commissioner Alvarado stated the responsibility of P&Z is not to limit what they might do down the road, but to allow or limit within reason.

Planner Smithers noted the majority of the SUP requests did come from SF-36 zoning districts. CDD Smith added an accessory dwelling unit did require a minimum of 1.5-acres.

D3. Public Hearing for an SUP at 102 Keller Hicks Road, Suite 111.

Planner Smithers gave a brief description.

Commissioner Apke asked if the hours were being kept the same.

Planner Smithers suggested the Commission ask the Applicant in the regular meeting.

D4. Public Hearing for an SUP at 1540 Keller Parkway, Suite 108.

Planner Smithers gave a brief description.

Commissioner Thompson asked if other businesses have had similar containers.

CDD Smith stated it was typical in seasonal times. She added this specific location did not cause a concern for setting a precedent.

C. WORK SESSION

CDD Smith gave a Power Point presentation on Food Trucks. She discussed the options for requiring permits and additional City requirements.

CDD Smith stated Food Truck meant any vehicle from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public. However, food trucks may sell food and beverages that have been prepared or assembled elsewhere.

She added a Mobile Vendor meant any person, firm, corporation or other entity engaged in the selling or offering for sale any and all goods, services, wears, beverages or merchandise from a mobile vending unit.

CDD Smith stated a Food Truck Court meant a property used or developed to accommodate one or more food trucks and/or mobile vendor units as the primary use for the property while accommodating areas on the property for entertainment or recreational opportunities. Food Truck Courts must have a valid certificate of occupancy in addition to all other applicable permits and dedicated bathrooms.

She provided sample operating regulations including:

- Not less than 10 feet from another food truck, mobile vendor unit, or structure
- Not blocking commercial driveways or fire lanes.
- Not within 25 feet of any intersection or crosswalk
- Not within 25 feet of any stop sign, flashing beacon, yield sign, or other traffic control signal located on the side of a roadway
- Not within 5 feet of any public or private driveway, wheelchair ramp or bicycle ramp
- Not in any manner that impedes an exit or entrance of a building

E. ADJOURN

Chairperson Osgood adjourned the Pre-Meeting at 7:05P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER –Chairperson Ralph Osgood

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

B. PLEDGE OF ALLEGIANCE

1. Commissioner Alvarado led the Pledge to the United States Flag.

2. Commissioner Alvarado led the Pledge to the Texas Flag.

C. PERSONS TO BE HEARD

There were no persons to speak.

D. NEW BUSINESS

1. [D \(1\) Consider the Minutes for the November 9, 2021, Planning and Zoning Commission Meeting.](#)

There were no comments or questions.

Commissioner Thompson made a motion to approve Item D (1), seconded by Commissioner Apke. The motion carried 7-0.

2. [D \(2\) PUBLIC HEARING: Consider a request for two Specific Use Permits \(SUPs\) to construct an 1,800 square-foot accessory structure on the property legally described as Lot 10 of Black Addition, being approximately 1.89-acres, located on the south side of Barbara Lane, approximately 1,200 feet southwest from the intersection of Barbara Lane and Rufe Snow Drive, zoned Single-Family 36,000 square-foot lots or greater \(SF-36\) and addressed as 800 Barbara Lane, Thomas and Julie McCullam, Applicants/Owners. \(SUP-21-0038\)](#)

Planner Smithers stated the Applicant applied for an SUP for a 1,800 square-foot accessory structure in the SF-36 zoning district on November 5, 2021 which would exceed 50% of the existing 2,897 square-foot main dwelling unit. The applicant was proposing to use the structure for personal use including cars, mowers, bicycles, hobbies (automotive and woodworking), and house future goats/chickens and related supplies.

She added the proposed building would be 1,500 square-feet (enclosed) and 300 square-feet for overhangs above doors and a porch area on the east side of structure. A SUP was required for accessory structures greater than 1,200 square-feet. The applicant was proposing the average height to be approximately 14 feet 5 inches. The UDC stated accessory structures shall be complimentary to the main structure. The applicant proposed 100% metal (steel) which would not match the existing brick structure. The Applicant has not chosen a color for the structure.

Planner Smithers stated the accessory structure would meet all the setback requirements. She added the lot size was 82,493 square-feet. The total lot coverage would be 10,168 square-feet or 12.2% (all accessory buildings, driveways, and the main building) which would comply with the current zoning district's 50% lot coverage maximum. and the zoning districts 50% maximum lot coverage.

Chairperson Osgood asked if the Applicant had anything to add.

The Applicant did not.

Chairperson Osgood opened Public Hearing.

There were no persons to speak.

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

Commissioner Sagar asked the Applicant what color he selected for the building. She asked him to confirm he was going to have goats in the future.

The Applicant responded it would be an off white or gray color. He added he would like to have goats in the future for his children.

Commissioner Thompson stated he had some concerns on the total lot coverage with an 1,800 square-foot building. He asked the Applicant to confirm this was just for hobby use.

The Applicant responded the enclosed space would be 1,500 square-feet, and confirmed the hobby use only.

Commissioner Apke asked if the Applicant ever spoke with the neighbor on Sequoia.

The Applicant stated they never heard from them but did speak with other neighbors, including the most impacted, and they were in support.

Commissioner Apke asked if any of the neighbors had any concern on a metal building.

The Applicant stated they were only in support.

Commissioner Alvarado stated his concern on a metal structure, however, with other similar structures in the area, he was inclined to support.

Commissioner Brymer said he would be more comfortable in his decision if there was a color decided on for the building.

Commissioner Brensinger stated he understood the concern on the color and thought adding it to the motion would be beneficial.

Commissioner Will asked the Applicant if any trees would have to be removed for the placement of the building. He asked if the Applicant planned to replace any trees that maybe damaged or removed.

The Applicant responded the building would not affect any of the trees, but did have some concern with damage to them during the construction process. He added there was one tree of concern and would be adding landscaping.

Commissioner Sagar made a motion to approve Item D (2), with the use stipulated in the SUP, the color metal sides be a neutral color, and roof and trim materials are complimentary and compatible to the main dwelling, seconded by Commissioner Thompson. The motion carried unanimously.

3. [D \(3\) PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to allow the use of a Spa to include Cosmetologists \(Hair, Nails, Face\) & Massage Therapists Licensed in TX, for Villa Nails and Hair in an existing 1,500 square-foot lease space, within a 23,875 square-foot multi-tenant building, on the property legally described as Lot 1, Block 1, of Tommy Tackett Addition, being approximately 1.4-acres, located on the north side of Keller Hicks Road, situated at the intersection of Keller Hicks Road and North Main Street \(HWY 377\), zoned Old Town Keller \(OTK\) and addressed as 102 Keller Hicks Suite 111, Van Nguyen, Applicant; Budribrohers Real Estate, LLC, Owner. \(SUP-21-0039\)](#)

Planner Smithers stated the property located at 102 Keller Hicks Road, Suite 111, has been used as a spa since 2003 and became a legal non-conforming use when the City's Code was amended in 2015 to require Spa uses to obtain a Specific Use Permit (SUP). The new owner of the salon applied for a Certificate of Occupancy (CO) on October 13, 2021 before realizing a SUP was required. The new owner then submitted the SUP application November 15, 2021. She added the hours of operation open seven days a week from 10 am to 7:30 pm. The proposed services are nails, hair, facials and massage.

Chairperson Osgood asked if the Applicant had anything to add.

The Applicant was not present.

Chairperson Osgood opened Public Hearing.

There were no persons to speak.

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

Commissioner Thompson asked Staff to confirm nothing was changing other than ownership.

Planner Smithers stated they were not adding on or expanding their interior layout.

Commissioner Alvarado stated his support.

Commissioner Apke asked if there were any record of complaints for the business.

Planner Smithers responded no.

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 Specific Use Permit \(SUP\) to situate a temporary seasonal storage pod for three months \(November 1st to January 5th\) out of the year for a three year](#)

[period for the UPS Store on the property legally described as Lot 7R1, Block A of Keller-Crossing Addition, being approximately 2.18-acres, located on the south side of Keller Parkway, approximately 500-feet southeast from the intersection of Keller Parkway and Keller Smithfield Road, zoned Planned-Development – Retail \(PD-R\) and addressed as 1540 Keller Parkway Suite 108, UPS Store, Applicant: JAHCO Keller Crossing, LLC, Owner. \(SUP-21-0040\)](#)

Chairperson Osgood asked if the Applicant had anything to add.

The Applicant did not.

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

Commissioner Thompson asked Staff if it would be better to make the motion for a 90-day period in lieu of the requested timeline.

Commissioner Brensinger asked why the limit of three years was put on the SUP.

Planner Smithers explained a three to five-year timeline is standard.

Planner Osgood stated he would like to see language added on the reasons why the recommendation was made.

Commissioner Sagar stated each SUP was determined individually, and it would not necessarily set a precedence.

Commissioner Brymer added the more specificity that can be had, would be helpful.

Chairperson Osgood asked if the Applicant had anything to add.

The Applicant did not.

Commissioner Thompson made a motion to approve Item C (4) due to having no negative visual or pedestrian service impacts, compliant with the existing site, and a temporary use starting on November 1st and continuing for 90 days, seconded by Commissioner Alvarado. The motion carried unanimously.

E. ADJOURN

Chairperson Osgood adjourned the meeting at 8:09P.M.

Chairperson

Amy Botcher, Planning Technician