

MINUTES OF THE REGULAR MEETING
PLANNING AND ZONING COMMISSION

July 10, 2017

REGULAR MEETING 7:12 P.M.

A. CALL TO ORDER – Chairperson

A regular meeting of the City of Keller Planning and Zoning Commission was called to order by Chairperson Gary Ponder with the following members present:

Leslie Sagar
Vernon Stansell
Dave Reid
Cary Page
Bill McCrea
Robert Apke
Ralph Osgood

Commissioner Amanda Bigbee was absent. Staff present included, Michele Berry, Senior Planner, Daniel Turner, Planner I; David Hawkins, Planning Manager, Alonzo Liñán, Director of Public Works, Chad Barte, City Engineer; and Tommy Simmons, Police Captain.

B. PLEDGE OF ALLEGIANCE

1. Pledge to the United States Flag.
2. Pledge to the Texas Flag.

C. PERSONS TO BE HEARD

Marie Howard, 1620 Whitley Road, Keller TX, 76248 spoke in opposition to Item D-2.

Ashley Hein, 1301 Mount Gilead Road, Keller TX, 76262 spoke in opposition to Item F-4.

Kelly Hein, 1301 Mount Gilead Road, Keller TX, 76262 spoke in opposition to Item F-4.

D. CONSENT

1. Consider approval of the minutes for the meeting of June 26, 2017.

2. Consider the approval of a Preliminary Site Evaluation for Westbury Estates, a proposed residential subdivision consisting of twenty (20) residential lots and one (1) open space lot, located on an approximately 9.57-acre tract of land, being Lots 1-R-1, 1-R-2, and 2-R, Block A, Delamora Addition, on the southeast corner of Rapp Road and Whitley Road, at 1319 and 1325 Whitley Road and 210 Rapp Road, and zoned SF-8.4 (Single Family Residential – 8,400 square foot minimum) and SF-36 (Single Family Residential – 36,000 square foot minimum). Sylvia De Lamora, owner. John Shehata, Elite Development and Construction, applicant. Jim Dewey, JDJR Engineers and Consultants, surveyor/engineer.

Additional discussion was held for item D-2 regarding the relocation of the existing drainage easement.

Commissioner Reid made a motion to approve the consent agenda. Commissioner Page seconded and the motion carried unanimously (7-0).

E OLD BUSINESS

None.

F. NEW BUSINESS

1. Consider a recommendation for a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a six-foot (6') wrought iron fence to encroach into the side yard building setback of a single-family residential property, located on 0.268-acres, on the northwest corner of Sagebrush Trail and Rawhide Path, being Lot 9, Block E, Newton Ranch Phase 2A, at 1529 Sagebrush Trail, and zoned PD-SF-8.4 (Planned Development - Single Family Residential – 8,400 square-foot lot size minimum). Peggy and Charles Rouh, owners/applicants. (UDC-17-0013)

Daniel Tuner, Planner I, gave staff's presentation and professional opinion. Peggy Rouh, owner/applicant, was also present.

Additional discussion was held regarding the location of the sprinkler heads, fence inspections, status of the contractor and home builder.

Commissioner Reid made a motion to approve Item F-1 with the following condition:

1. The variance request for a six foot (6') height wrought iron fence to be located on the east property line shall be allowed.

Commissioner Sagar seconded and the motion carried (5-1).

A recount and additional motion was initiated due to the number of votes not equaling the number of Commissioner's voting.

Commissioner Reid made a motion to approve Item F-1 with the following condition:

1. The variance request for a six foot (6') height wrought iron fence to be located on the east property line shall be allowed.

Commissioner Sagar seconded and the motion carried (5-2).

Ayes: Reid, Ponder, Sagar, Apke, McCrea

Nays: Stansell, Page

2. [PUBLIC HEARING: Consider a recommendation of a Specific Use Permit \(SUP\) to allow the use of a Spa to include Cosmetologists \(Hair, Nails, Face\) & Massage Therapists Licensed in TX, for Evergreen Massage, a proposed massage therapy business in an existing multi-tenant building of approximately 16,380 square feet, on an approximately 2.01-acres, located on the west side of South Main Street \(US HWY 377\), approximately 500 feet north of Wall-Price Keller Road, at 900 South Main Street, being Lot 2, Block A, Bear Creek Plaza Addition and zoned C \(Commercial\). BC/Tibex L.P., owner. Quine & Associates, Agent. Michael Postlethwait, applicant. \(SUP-17-0012\)](#)

Michele Berry, Senior Planner, gave staff's presentation and professional opinion. Michael Postlethwait, applicant, was present.

Chairperson Ponder opened the public hearing.

No public comments were received.

Commissioner Sagar motioned to close the public hearing. Commissioner Page seconded and the motion carried unanimously (7-0).

No additional discussion was held.

Commissioner Page motioned to approve Item F-2 as presented. Commissioner Apke seconded and the motion carried unanimously (7-0).

3. PUBLIC HEARING: Consider a recommendation of a Specific Use Permit (SUP) to allow the use of 'School, Private', for Best Brains Learning Center, a proposed business in an existing 1,084 lease space, on approximately 0.5-acres, located on the northeast corner of the North Main Street (US HWY 377) and Lorine Street intersection, at 310 North Main Street, being Lot 1, Block 1, Hudson Station Addition and zoned OTK (Old Town Keller). Hudson Station Property LP, owner. Alice Ward-Johnson, applicant. (SUP-17-0013)

Michele Berry, Senior Planner, gave staff's presentation and professional opinion. Alice Ward-Johnson, applicant, was present to answer questions.

Chairperson Ponder opened the public hearing.

No public comments were received.

Commissioner Page motioned to close the public hearing. Commissioner Stansell seconded and the motion carried unanimously (7-0).

No additional discussion was held.

Commissioner Reid motioned to approve Item F-2 as presented. Commissioner Stansell seconded and the motion carried unanimously (7-0).

4. Consider a recommendation of a Preliminary Site Evaluation, with variances, for Liberty Hills Farms Estates, a proposed residential subdivision consisting of seven (7) residential lots, located on a 7.06-acre tract of land, being Lots 1, 2R, and 3, Block 1, Hungry Heights Addition and Tract 2AE and 2E of the Daniel Barcroft Survey, Abstract No. 141, located on the north and northeast side of Mount Gilead Road, approximately 1,270 feet north of the Mount Gilead Road and Bancroft Road intersection, at 1301, 1305, and 1307 Mount Gilead Road, and zoned SF-36 (Single Family Residential-36,000 square foot minimum). Ross Brensinger, Deborah Wolfe, and Briar Pointe LP, owners/applicants. Thomas Hoover Engineering, LLC engineer. (PSE-17-0003)

Daniel Tuner, Planner I, gave staff's presentation and professional opinion. Jeff Avery, Briar Point LP, Applicant and Thomas Hoover, engineer, were also present.

Additional discussion was held regarding proposed drainage design, the City requirements for detention, increased runoff to neighboring properties to the east, the function of curbs and gutters pertaining to the rural road design, and location of the driveway entrance for Lot 1.

Commissioner Reid made a motion to approve Item F-4 with the following conditions:

1. The variance request to waive the requirement of a divided entry with a raised landscaped island/median shall be allowed.
2. The variance request to waive the screening wall and landscaping requirements for residential subdivisions shall be allowed.
3. The variance request to waive the sidewalk requirement for residential streets shall be allowed.
4. The variance to waive the detention requirements for residential subdivisions for Lots 1-4 only shall be allowed.

Commissioner Page seconded and the motion carried (7-0).

5. [PUBLIC HEARING: Consider a recommendation of a Planned Development Zoning Change from SF-36 \(Single Family Residential-36,000 square-foot minimum\) to PD-SF-30 \(Planned Development-Single Family Residential-30,000 square-foot minimum\) and PD-SF-20 \(Planned Development-Single Family Residential-20,000 square foot minimum\) for Enclave at Sky Creek, a proposed private and gated residential subdivision consisting of eleven \(11\) residential lots and two \(2\) open space lots, on a portion of an approximately 9.4-acre property, being Tracts 4D, 4E, 4G, 4H and 4J, out of the Lewis A. Clay Survey, Abstract No. 346, located on the south side of the Union Church Road and Pearson Lane intersection, addressed as 2012, 2022, and 2030 Union Church Road. Larry and Gwen Pipes, Ronny and Jeanette Pipes, owners. DR Trinity Land, applicant/developer. Thomas Hoover Engineering, engineer. \(Z-17-0009\)](#)

Michele Berry, Senior Planner, gave staff's presentation and professional opinion. Rich DeOtte, applicant, gave a presentation and Thomas Hoover, engineer, was present to answer questions.

Chairperson Ponder opened the public hearing.

Monty Pipes, 4121 Sagemont Lane, Tyler, TX 75707, spoke on behalf of the property owners in support of the request.

Steven Fuqua, 2034 Union Church Drive, Keller TX, 76248, spoke in opposition to the request.

Tonya Fuqua, 2034 Union Church Drive, Keller TX, 76248, spoke in opposition to the request.

Commissioner Sagar motioned to close the public hearing. Commissioner Reid seconded and the motion carried unanimously (7-0).

Additional discussion was held regarding variances, land remaining zoned SF-36, past projects on the site, maintenance of the wood fence on the east side of the property, entry features and walls, drainage, and fire access.

Commissioner page motioned to approve Item F-5 with the following conditions and variances:

1. The condition that on the east side of the property a six foot (6') wood fence shall be constructed and then maintained by the Home Owner's Association with a consistent appearance shall be required.
2. A variance to allow a minimum lot width of one hundred feet (100') in the SF-20 base zoning district shall be allowed.
3. A variance to allow a minimum lot width of one hundred ten feet (110') in the SF-30 base zoning district shall be allowed.
4. A variance to the minimum side yard setback to be ten feet (10') in the SF-20 base zoning district shall be allowed.
5. A variance to the minimum side yard setback to be twelve feet (12') in the SF-30 base zoning district shall be allowed.
6. A variance to allow a screening wall of less than six feet (6') in height shall be allowed.

Commissioner Stansell seconded and the motion carried (6-1).

Ayes: Ponder, Page, Apke, Reid, Stansell McCrea

Nays: Sagar

The meeting adjourned at 9:34 p.m.

Gary Ponder – Chairperson