

MINUTES OF THE REGULAR MEETING
PLANNING AND ZONING COMMISSION

October 9, 2017

REGULAR MEETING 7:04 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:

Cary Page
Vernon Stansell
Leslie Sagar
Dave Reid
Amanda Bigbee
Bill McCrea
Robert Apke - Alternate
Ralph Osgood - Alternate

Staff present included, Michele Berry, Senior Planner, Katasha Smithers, Planning Technician; Trina Zais, Director of Public Services & Economic Development; Chad Barteel, City Engineer; and Tracey Talkington, Police Captain.

B. PLEDGE OF ALLEGIANCE

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

C. PERSONS TO BE HEARD

No public comments were received.

D. CONSENT

1. Consider approval of the minutes for the meeting of September 25, 2017.
2. Consider approval of a Preliminary Site Evaluation for The Enclave at Sky Creek, a proposed residential development consisting of two (2) open space lots, one (1) private street lot, and ten (10) residential lots on 9.331 acres of land 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. Miller Surveying, surveyor. (PSE-17-0006)

Commissioner Page made a motion to approve the Consent Agenda. Commissioner Stansell seconded and the motion carried unanimously (7-0)

E. OLD BUSINESS

1. Consider a recommendation for a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 – Attached Wall Signs, for Morris Auto Service, located on approximately 1-acre of land on the west side of North Main Street, approximately 300 feet north of Keller Hicks Road, being Tracts 1E out of the Samuel Needham Survey, Abstract No. 1171, at 421 North Main Street, zoned OTK (Old Town Keller). Donald Morris, Morris Auto Service, owner/applicant. (UDC-17-0018)

Commissioner McCrea recused himself, Commissioner Osgood joined as a voting member.

Michele Berry, Senior Planner, gave staff's presentation and professional opinion. Amy and Pete Pond, applicant, were present for questions.

Additional discussion was held regarding the reason behind the large sign and obtaining a sign permit.

Commissioner Page made a motion to approve Item E-1 as presented, with the following conditions:

1. A special exception is requested to allow the sign to be taller than the roof, as shown in the staff attachment pictures.
2. A special exception is requested to allow the sign to be more than eighteen inches (18") from the wall, as shown in the staff attachment pictures.
3. A special exception is requested to allow the sign to be a maximum of ninety-six (96) square-feet, as shown in the staff attachment pictures.

Commissioner Reid seconded and the motion carried (5-2) with the following vote:

Aye: Page, Reid, Ponder, Sagar, Bigbee
Nay: Osgood, Stansell

2. [Consider a recommendation of an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.18, Tree and Natural Feature Preservation, amending Resolution No. 3769, to allow advanced tree removal and lot grading for residential, Lots 1-4 and Lots 8-18, Block D, Lots 1-3 and Lots 20-18, Block E, and Lots 11-13 and Lots 18-20, Block F, Marshall Ridge Phase 3D, a portion of residential development consisting of forty-eight \(48\) residential lots, and one \(1\) open space lot, located on approximately 19.636-acres of land, located on the west side of Marshall Ridge Parkway and, approximately 1,000 feet north of Mount Gilead Road, and zoned as PD-SF-12 \(Planned Development-Single Family Residential-12,000 square foot minimum\) and PD-SF-15 \(Planned Development-Single Family Residential-15,000 square foot minimum\). Meritage Homes of Texas, LLC, owner/applicant. \(TB-17-0002\)](#)

Michele Berry, Senior Planner, gave staff's presentation and professional opinion. Ryan Joyce, representative for Meritage Homes, was present for questions.

Additional discussion was held regarding erosion control and the reason for including Lots 14-18. .

Commissioner Stansell made a motion to approve Item E-2 as presented, with the following conditions:

1. Approve the tree preservation plan as presented with additional planting, upsizing of required trees in the residential lots, escrowing \$56, 800 with the City to be refunded at the final approval of •the 45th lot/ home or when the final caliper inches are planted. Beginning at two (2) years from the effective date of final acceptance of public improvements, five (5) building permits must be pulled within the previous six (6) months and five (5) building permits must be pulled every subsequent six (6) months, or the obligation of the developer will be considered unmet, the escrowed funds would be forfeited to the City's Tree Reforestation Fund, less the mitigated amount (installation of the additional trees) to date in Marshall Ridge Phase 3D. The CC&Rs for Marshall Ridge Phase 3D shall include this recommendation for tree mitigation as approved by the City.
2. The developer shall have a ninety (90) day period from date of approval by City Council to determine how many caliper inches may be planted within the Marshall Ridge subdivision open spaces. An escrow of \$196, 750 shall be made to the City, a portion of which may be refunded to the applicant in the amount of mitigation

trees planted in the open space areas. The remaining amount after completion of installation of mitigation trees in the Marshall Ridge open space areas shall be forfeited to the City's Tree Reforestation Fund.

3. Grading shall be permitted to develop streets, utilities and easement areas, but limited to residential lot prep (including tree removal, earthwork, and retaining walls) up to twenty—one (21) of the forty-eight (48) lots in Sub—Phase 1 as shown on the attached Exhibit "A".
4. Additional erosion control measures as shown in the attached Exhibit "A" shall be installed for those lots prepped in Sub—Phase 1 . Staff shall establish a recurring on—site meeting with the developer on a monthly basis to evaluate the effectiveness of the additional erosion control measures installed.
5. Lots 14—18, Block D shall be excluded from Sub—Phase 2 grading and shall only be graded at time of release of building permits for these lots.
6. Sub—Phase 2 (remaining twenty-two (22) lots) , will commence development upon the completion of a final inspection on fifty percent (50%) of those lots developed in Sub—Phase 1 (11 residential lots) and the effectiveness of the additional erosion control measures has met the requirements of City staff. City staff shall submit a final report on the effectiveness of the erosion control measures to City Council prior to Sub-Phase 2 grading. If City staff does not approve of the effectiveness of the additional erosion control measures for Sub—Phase 1, then City Council shall consider the release of Sub—phase 2 grading.

Commissioner Reid seconded and the motion carried unanimously (7-0)

3. Consider a recommendation to City Council regarding performance, payment, and maintenance bonds.

Commissioner Page made a motion to dispense with the discussion Item E-3. Commissioner Bigbee seconded and the motion carried unanimously (7-0).

F. NEW BUSINESS

1. PUBLIC HEARING: Consider a recommendation for a Specific Use Permit (SUP) for an approximately 4,272 square foot detached accessory dwelling unit before constructing a new home, located on approximately 3.57-acres, on the north side of Simmons Drive, approximately one thousand four hundred feet (1,400') east of the Simmons Drive and Rufe Snow Drive intersection, at 1021 Simmons Drive, being Lot 13R, Block 1, Rolling Oaks Estates, and zoned SF-36 (Single Family Residential – 36,000 square foot minimum). Trent and Mary Petty, owners. Greg Wright, Providential Land Development, LP, applicant. (SUP-17-0020)

Michele Berry, Senior Planner, gave staff's presentation and professional opinion. Greg Wright, Developer, was present for questions.

Chairperson Ponder opened the public hearing.

No public comments were received.

Commissioner Page made a motion to close the public hearing. Commissioner Reid seconded and the motion carried unanimously (7-0)

Additional discussion was held regarding the applicants ability to begin construction on the home within one (1) year.

Commissioner Reid made a motion to approve Item F-1 as presented, with the following conditions:

1. A variance is requested to allow the accessory dwelling unit to exceed fifteen feet (15') in height.
2. A variance is requested to waive the eight percent (80%) masonry requirement on the exterior of the accessory dwelling unit as shown in "Exhibit A."
3. A variance is requested to allow a metal roof.
4. A variance is requested to allow the front-facing garage door exposure to exceed one hundred forty-four (144) square feet, up to two hundred sixteen (216) square feet.
5. The building permit for the main structure and the accessory structure shall be submitted at the same time

6. The construction on the main structure shall begin within one (1) year of issuing the building permit, or the SUP will be expired.

Commissioner Stansell seconded and the motion carried unanimously (7-0)

2. PUBLIC HEARING: Consider a recommendation of a Specific Use Permit (SUP) for an approximately 814 square-foot accessory structure, as the square footage of all accessory buildings would exceed fifty percent (50%) of the total square footage of the primary structure, located on approximately 6.94-acres, on the south side of Johnson Road, approximately 1,000 feet west of North Pearson Lane, at 1876 Johnson Road, being Lot 1R1, Block A, Clark Estates Addition, and zoned SF-36 (Single Family Residential – 36,000 square foot minimum). John Barry Clark, owner/applicant. (SUP-17-0021)

Michele Berry, Senior Planner, gave staff's presentation and professional opinion. John Barry Clark, owner/applicant, was present for questions.

Chairperson Ponder opened the public hearing.

No public comments were received.

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

No additional discussion was held.

Commissioner Bigbee made a motion to approve Item F-2 as presented, with the following conditions:

1. The SUP for an 814 square-foot accessory structure with the combined square footage of all accessory buildings exceeding fifty percent (50%) of the total square footage of the primary structure, shall be considered.

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

3. PUBLIC HEARING: Consider a recommendation of a Specific Use Permit (SUP) Amendment for an approximately 2,100 square foot detached garage, with a variance for front facing garage door exposure to the street to exceed one hundred forty-four (144) square feet, located on approximately 2.15-acres, on the west side of Randol Mill Avenue, approximately seventy-five feet (75') north of Wildwood Way, at 1150 Randol Mill Avenue, being Lot 1R1,

Block A, Aspen Oaks Addition, and zoned SF-36 (Single Family Residential – 36,000 square foot minimum). (SUP-17-0022)

Michele Berry, Senior Planner, gave staff's presentation and professional opinion. Marshall and Lynette Kovalik, owner/applicant, were present for questions.

Chairperson Ponder opened the public hearing.

No public comments were received.

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

No additional discussion was held.

Commissioner Stansell made a motion to approve Item F-3 with the following condition:

1. A variance for the detached accessory building garage door exposure to the street to exceed one hundred forty-four (144) square feet, up to three hundred twelve (312) square feet, to be considered.

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

The meeting adjourned at 8:24 p.m.

Gary Ponder – Chairperson