



City of Keller
Planning & Zoning Commission
Meeting Minutes

Keller Town Hall
1100 Bear Creek Parkway
Keller, TX 76248
817-743-4000
www.cityofkeller.com

Monday, May 13, 2019

PRE-MEETING BRIEFING 6:00 P.M.

A. CALL TO ORDER - Chairperson Gary Ponder

Chairperson Gary Ponder called the Pre-Meeting briefing at 6:13 P.M.

The following Commissioners were present:

Leslie Sagar
Carey Page
Ralph Osgood
Bob Stevens
Vernon Stansell
Paul Alvarado, Alternate (voting)
Bob Apke, Alternate

Commissioner Dave Reid was absent. Staff present included Katasha Smithers, Planner I; Jerald Ducay, Planner I, Scott Bradburn, Planner I; Julie Smith, Community Development Director; Jerard Lemoine, Police Lieutenant; Melinda Hernandez, Code Compliance Coordinator; Matt Cyr, Planning Intern.

B. ADMINISTRATIVE COMMENTS

1. [Briefing regarding City Council action on Tuesday, May 7, 2019.](#)

Planner Ducay discussed the outcome from the May 7, 2019, City Council meeting.

2. [Briefing regarding current DRC projects and long-term projects.](#)

Planner Smithers discussed the DRC projects and long-term projects.

C. WORK SESSION

1. Discussion regarding the fence review process

CDD Smith gave the Planning and Zoning Commission a brief presentation regarding the current fence review process and requested direction moving forward. CDD Smith explained that staff's goal is to eventually transition fence variance reviews from the Planning and Zoning Commission and City Council back to the Zoning Board of Adjustment.

Commissioner Page suggested to staff that fence variances should continue to go to the Planning and Zoning Commission while updates to the fence standards are being made. Once the fence standards within UDC have been officially amended to create a code that necessitates fewer variances, the fence review process can be transitioned to the Zoning Board of Adjustment.

Commissioner Alvarado commented that the Planning and Zoning Commission may have been doing themselves a disservice by setting certain precedents during fence review decisions in the past.

Chairperson Ponder reaffirmed the suggestion made by Commissioner Page that staff should continue making necessary updates to clean up the fence standards and eventually transition the review to the Zoning Board of Adjustment once the amendments are deemed practical and user-friendly.

CDD Smith explained that fences pose a challenge for staff in terms of crafting an ordinance that meets all of the Commissioners' concerns. CDD Smith informed the Commission that Staff will bring forward the requested proposed amendments to the next Planning and Zoning Commission meeting.

2. Discussion Regarding the Tree Ordinance

CDD Smith gave a brief presentation to the Planning and Zoning Commission regarding the tree ordinance. CDD Smith began by asking the Commission to identify the primary tree ordinance. It appears the overall consensus by both the Planning and Zoning Commission and City Council is to maintain the current tree canopy by preserving as many trees as possible during development and construction.

CDD Smith proposes a possible solution to some of the existing issues the current tree ordinance presents. The first proposal suggests that with any development the City will assume a 30% tree loss per lot for pools, accessory structures, etc. These trees would not be eligible for credit in a tree preservation plan. To encourage on-site mitigation rather than payment into the tree fund, trees could be planted in common open space across phases of the same development rather than limiting mitigation within only one phase of a development. Furthermore, CDD Smith suggests that the upsizing of trees (planting larger-than-required trees) should be eliminated to avoid a reduction in the overall number of trees.

Commissioner Sagar suggested the inferred that the City look at cumulative impact. Commissioner Page reaffirmed his suggestion that developers should be required to present the impacts of the entire development rather than in separate phases.

Commissioner Page inquired about the City charging more per caliper inch for fees in lieu of mitigation and utilizing it for establishing trees (mulch, irrigation). CDD Smith said the City could certainly charge more; however, state law limits the purposes in which these funds could be used. Tree funds may only be used to purchase actual trees (not mulch, etc.).

Commissioner Stansell brought attention to the potential utilization of conservation developments for future subdivisions. CDD Smith discussed some successful conservation developments she has seen in the past.

CDD Smith requested that the Commissioners send her any emails with any questions or comments regarding the direction of the tree ordinance. Staff will prepare a proposal to present at the next Planning and Zoning meeting.

D. DISCUSS AND REVIEW AGENDA ITEMS

Discussion was held regarding C-1 (Minutes):

The Commissioners stated that there were no issues with 4/22/2019 minutes.

No discussion was held regarding C-2 (Cobblestone Plat).

Discussion held regarding C-3 (Braum's Sign Variance):

CDD Smith informed the Commission that if they find Braum's request reasonable the Commission may want to consider recommending amending our sign regulations accordingly.

Discussion held regarding C-4 (Bear Creek Restrooms Variance):

Commissioner Page suggested that the color of the red and tan bricks should be switched so the lighter colored bricks don't stain like they do now on the bottom of the existing structures.

No discussion was held regarding C-5 (Fence Variance)

E. ADJOURN

Chairperson Gary Ponder adjourned the Pre-Meeting at 7:06 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Gary Ponder called the meeting to order at 7:14 P.M.

Commissioner Page led the Pledge of Allegiance to the United States Flag and the Pledge to the Texas Flag.

B. PERSONS TO BE HEARD

No public comments were received.

C. PLEDGE OF ALLEGIANCE

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

D. NEW BUSINESS

1. [Consider approval of the minutes for the meeting from April 22, 2019.](#)

A motion was made by Commissioner Page, seconded by Commissioner Stevens, to approve the Minutes for the meeting from April 22, 2019. The motion carried unanimously with Commissioner Stansell abstaining.

2. [PUBLIC HEARING: Consider approval of a Final Plat for Lot 5R, Block C, Cobblestone Parks, being a replat of Lot 5, Block C, Cobblestone Parks, located on a 0.345-acre lot, at 918 Cobblestone Parks Drive and, on the south side of Cobblestone Parks Drive, Approximately five hundred and fifty feet \(550'\) southeast from the intersection of Rufe Snow Drive and Cobblestone Parks Drive, and Zoned \(PD-SF-15\) Planned Development – Single Family – 15,000 square foot minimum. Eric Hill owner/applicant. Rodney Martinez, Survey Group, Surveyor. \(P-19-0006\)](#)

Planning Intern Cyr gave staff's presentation for the Final Plat at 918 Cobblestone Parks Drive. The applicant, Eric Hill, was available to answer any questions.

Chairperson Gary Ponder opened the public hearing.

No public comments were received.

A motion was made by Commissioner Sagar, seconded by Commissioner Page, to close the public hearing. The motion carried unanimously.

Commissioner Page inquired whether this abandonment was reviewed and approved by Public Works. Planner Smithers confirmed that it was reviewed and approved by the Public Works Department.

No further discussion was held.

A motion was made by Commissioner Sagar, seconded by Commissioner Stansell, to approve the Final Plat. The motion carried unanimously.

3. [Consider a request for a variance to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 – Sign Regulations, specifically for seven additional attached wall signs for Braum's Restaurant located on the south, east and west elevations, situated on approximately 1.458-acres of land on the north side of Keller Parkway, approximately 1000-feet northeast of Town Center Lane and Keller Parkway intersection, being Lot 1, Block A, Braum's Addition, at 1221 Keller Parkway, and zoned Town Center \(TC\). Lora Martinson, Springfield Sign, applicant; Greenway – Keller LP, owner. \(UDC-19-0007\)](#)

Planner Smithers gave staff's presentation regarding seven additional attached wall signs being requested by Braum's. Lora Martinson was present for questions.

Commissioner Alvarado asked why the signs currently being requested were not brought forward during the initial round of site and sign review. Lora

Martinson explained that she was unsure as she has joined the Braum's team recently.

Commissioner Alvarado inquired whether Braum's signage typically emulates what was being requested. Lora Martinson indicated that this was a common Braum's sign package with the exception of the murals.

Commissioner Osgood stated that what was being requested is unacceptable signage in terms of number and aesthetics (particularly the mural signs).

Commissioner Stevens inquired about when the original signs were approved and when staff received the current variance requests. Planner Smithers informed him that the original signs were approved in March 2019, and the most recent ones were received in April.

Commissioner Sagar stated that she supports what was originally approved and does not feel that the seven additional requested signs are necessary in terms of Braum's identification and that approving them sets an undesired precedent for signage by the Commission.

Commissioner Stansell asked staff if the City has ever approved as many sign variance requests for a single building located in Town Center in the past. Planner Smithers said she did not remember any variance requests that exceeded two or three signs for one building.

Commissioner Apke stated that he was in support of four of the seven requested signs. However, the murals and the sign reading "supermarket" he was not in support of.

A motion was made by Commissioner Osgood, seconded by Commissioner Sagar, to deny the variance request regarding signage. The motion carried (6-1).

Nays: Bob Stevens

4. [Consider a recommendation for variances to the City of Keller Unified Development Code, Article 8, Zoning Districts, Non-Residential Construction Standards, Section 8.06 – requesting the use of CMU Concrete Blocks and Course Concrete Blocks and a steel roof for Bear Creek Park Restroom](#)

improvements, situated on approximately 21.46-acres of land on the south side of Bear Creek Parkway, approximately 525-feet south of Bear Creek Parkway, being Abstract 692, Tract 1B, JW Holland Survey, at 400 Bear Creek Parkway, and zoned Single Family-Residential 36,000 Square-Foot lot minimum (SF-36). City of Keller, applicant; Tarrant County, owner. (UDC-19-0008).

Planner Bradburn gave staff's presentation. The City of Keller's Director of Community Services, Cody Maberry, was present for questions.

Commissioner Page suggested that the color of the red and tan bricks be switched so the red brick be on bottom and the lighter brick be on top so it doesn't show staining so easily.

Mr. Maberry agreed that this was a great suggestion, and that they can could certainly make this change.

No further discussion was held.

A motion was made by Commissioner Stevens, seconded by Commissioner Page, to approve the material variance regarding CMU concrete blocks. The motion carried unanimously.

5. Consider a request for a variance to the City of Keller Unified Development Code (UDC), Article 8, Zoning Districts, Fencing Requirements in Residential Zoning Districts, Section 8.11 – requesting a special exception to use black, vinyl -coated chain link fencing, situated on approximately 6.36-acres of land on the south side of Shady Grove Road, approximately 480-feet southwest of Shady Grove Road and Keller Smithfield Road South intersection, being Lots 8R1 and 8R2, Block A, Shady Grove Estates, at 7220 Shady Grove Road, and zoned Single Family-Residential - 36,000 Square-Foot lot minimum (SF-36). Frank Dale, Owner. (UDC-19-0008).

Planner Bradburn gave staff's presentation. Planner Bradburn shared that the neighbor's supported the request. The property owner was present for questions.

Commissioner Alvarado inquired about the gauge of the proposed fence. CDD Smith informed Commissioner Alvarado that the City does not regulate gauge. The property

owner, who is in the construction business, explained that he planned on using the heaviest gauge available for black, vinyl-clad chain link fencing.

Commissioner Sagar stated that she felt the request was reasonable and appreciated his reaching out to his neighbors.

No further discussion was held.

A motion was made by Commissioner Sagar, seconded by Commissioner Page, to approve the fence variance. The motion carried unanimously.

E. ADJOURN

Chairperson Gary Ponder adjourned the meeting at 7:50 P.M.

Chairperson

Staff Liaison