



City of Keller

City Council

Meeting Minutes

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

Tuesday, April 14, 2020

JOINT MEETING 7:00 P.M.

CITY COUNCIL / PLANNING & ZONING COMMISSION

In accordance with Order of the Office of the Governor issued March 16, 2020 and March 19, 2020, the Keller City Council and Planning and Zoning Commission will conduct the joint meeting scheduled at 7:00 P.M. on Tuesday, April 14, 2020 by telephone and video conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). There will be no public access to the location described above. A recording of the audio and presentations will be made, and will be available to the public.

The live streaming video of the meeting will be available by the City Website and cable channels.

The public toll-free dial-in number to participate in the telephonic meeting is: (800) 309-2350; Conference ID: 8175629354

Callers may also dial the local number (817) 562-9354 to participate.

A. CALL THE JOINT MEETING TO ORDER

CITY COUNCIL – Mayor Pat McGrail

PLANNING AND ZONING COMMISSION - Chairman Gary Ponder

Mayor Pat McGrail called the City Council meeting to order at 7:05 P.M.

The following City Council Members were present:

Mayor Pat McGrail

Council Member Mitch Holmes

Mayor Pro Tem Sean Hicks

Council Member Sheri Almond

Council Member Beckie Paquin

Council Member Tag Green

Council Member Chris Whatley

Chairman Gary Ponder called the Planning and Zoning Commission meeting to order at 7:05

P.M.

The following Commissioners were present:

Chairman Gary Ponder
Commissioner Bob Apke
Commissioner Tom Thompson
Commissioner Paul Alvarado
Commissioner Leslie Sagar
Vice Chairman Ralph Osgood
Commissioner Robert Stevens
Alternate James Dawson
Alternate Phillip Maxwell

The following City staff members were present: City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Public Services and Economic Development Trina Zais, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Public Works Alonzo Liñán, Community Development Director Julie Smith, Director of Information Technology Sean Vreeland, Police Chief Brad Fortune, and Fire Chief David Jones.

B. INVOCATION

Pastor John Salvesen, Bear Creek Bible Church gave the invocation.

C. PERSONS TO BE HEARD

This is a time for the public to address the City Council and/or the Planning and Zoning Commission on any subject. However, the Texas Open Meetings Act prohibits the City Council and the Planning and Zoning Commission from discussing issues which the public has not been given seventy-two (72) hours' notice. Issues raised may be referred to City Staff for research and possible future action. Each speaker will be allowed three (3) minutes to speak.

Mr. Brian Campbell, 1201 Johnson Road, expressed his concerns with the usage of liquor stores being included in the Unified Development Code.

D. CITY COUNCIL BUSINESS

The following two items were only considered by the City Council.

1. [Consider approval of the minutes of the Regular City Council Meeting on April 7, 2020.](#)
A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Tag Green, to approve the minutes of the Regular City Council Meeting on April 7, 2020. The motion carried unanimously.
2. [Consider a resolution canceling Contract No. 19-15-02 and approving an Agreement for Professional Services with Criado and Associates, Inc. of Dallas, Texas; for the purpose of providing construction inspection services for the Public Works Department; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas.](#)

Director of Public Works Alonzo Liñán gave a presentation relating to an Agreement for Professional Services with Criado and Associates; for the purpose of providing construction inspection services for the Public Works Department. Discussion was held by

the City Council.

A motion was made by Mayor Pat McGrail, seconded by Mayor Pro Tem Sean Hicks, to approve Resolution No. 4231 canceling Contract No. 19-15-02 and approving an Agreement for Professional Services with Criado and Associates, Inc. of Dallas, Texas; for the purpose of providing construction inspection services for the Public Works Department; and authorizing the City Manager to execute all documents relating thereto on behalf of the City of Keller, Texas. The motion carried by the following vote:

AYE: 6 - Mayor Pat McGrail, Council Member Mitch Holmes, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, Council Member Beckie Paquin, and Council Member Chris Whatley.

NAY: 1 - Council Member Tag Green.

E. PLANNING & ZONING COMMISSION BUSINESS

The following three items were only considered by the Planning and Zoning Commission.

1. [Consider approval of the minutes of the Planning and Zoning Commission Meeting on March 10, 2020.](#)

A motion was made by Vice Chairman Ralph Osgood, seconded by Commissioner Leslie Sagar, to approve the minutes of the Regular Planning and Zoning Commission Meeting on March 10, 2020. The motion carried unanimously.

2. [Consider approval of a Replat for Lot 2R1 and 2R2, Block A, Bowden Event Center Addition, being approximately 1.97-acres located north of Keller Parkway, approximately 400-feet northwest of the intersection of Bloomfield Drive and Keller Parkway, addressed as 1745 Keller Parkway and zoned Retail. KP Bowden LLC, Owner/Applicant. Baird, Hampton and Brown, Engineer. \(P-20-0010\)](#)

Community Development Director Julie Smith gave a presentation relating to a request for a Replat for Lot 2R1 and 2R2, Block A, Bowden Event Center Addition.

A motion was made by Vice Chairman Ralph Osgood, seconded by Commissioner Robert Stevens, to approve the Replat for Lot 2R1 and 2R2, Block A, Bowden Event Center Addition, being approximately 1.97 acres located north of Keller Parkway, approximately 400 feet northwest of the intersection of Bloomfield Drive and Keller Parkway, addressed as 1745 Keller Parkway and zoned Retail. The motion carried unanimously.

3. [Consider approval of a Replat for Lot 3R1 and 3R2, Block A, Bowden Event Center Addition, being approximately 2.43-acres located north of Keller Parkway, approximately 125-feet northwest of the intersection of Bloomfield Drive and Keller Parkway, addressed as 1807 Keller Parkway and zoned Retail. KP Bowden LLC, Applicant/Owner. Baird, Hampton and Brown, Engineer. \(P-20-0014\)](#)

Community Development Director Julie Smith gave a presentation relating to a request for a Replat for Lot 3R1 and 3R2, Block A, Bowden Event Center Addition.

A motion was made by Vice Chairman Ralph Osgood, seconded by Commissioner Tom Thompson, to approve the Replat for Lot 3R1 and 3R2, Block A, Bowden Event Center Addition, being approximately 2.43 acres located north of Keller Parkway, approximately 125 feet northwest of the intersection of Bloomfield Drive and Keller Parkway, addressed as 1807 Keller Parkway and zoned Retail. The motion carried unanimously.

F. JOINT CITY COUNCIL/PLANNING & ZONING COMMISSION BUSINESS

1. PUBLIC HEARING: Consider a recommendation by the Planning and Zoning Commission, and approval of an ordinance by the City Council, to authorize Specific Use Permits (SUP) for a single-story liquor store (10,000 SF or greater), located on approximately 1.712-acre property, located on the east side of Keller Smithfield Rd, approximately 425-feet northeast of the intersection of Keller Parkway and Keller Smithfield Road, being a portion of Tract 3A12, Abstract 424, Dunham, J A Survey, zoned Town Center (TC), and addressed as 100 Chandler Road (Account#:03853381). John McClure, McClure Partners, Applicant; Greenway-Keller, L.P., Owner. (SUP-20-0010)

Community Development Director Julie Smith gave a presentation relating to a request for a Specific Use Permit (SUP) for a single-story liquor store (10,000 SF or greater), located on approximately 1.712-acre property, on the east side of Keller Smithfield Rd, approximately 425-feet northeast of the intersection of Keller Parkway and Keller Smithfield Road.

Mayor Pat McGrail opened the Public Hearing for both the City Council and the Planning and Zoning Commission. The following individuals expressed opposition to the proposal citing concerns with location, traffic, safety, and noise: Ms. Loretta Paris, 201 Mineral Springs Drive; Mr. Andrew Sternke, 505 Rawhide Pass; Mr. Mark Schiewe, 1500 Longhorn Trail; and Mr. Brian Campbell, 1201 Johnson Road.

Mr. Brian Campbell, 1201 Johnson Road., also suggested the following alternative locations for the proposal: 501 Rufe Snow Drive, 1711 Keller Parkway, 2105 Rufe Snow Drive.

A motion was made by Chairman Gary Ponder, seconded by Commissioner Tom Thompson, to close the Public Hearing. The motion carried unanimously.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Mitch Holmes, to close the Public Hearing. The motion carried unanimously.

Mr. John McClure, McClure Properties, addressed the Planning and Zoning Commission and the City Council on behalf of the project.

Discussion was held by the Planning and Zoning Commission, primarily focused on the location and placement of a screening wall.

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Bob Apke to recommend approval of the Specific Use Permit (SUP) for a single story liquor store (10,000 SF or greater), located at 100 Chandler

Road, with a request for additional screening to be considered.

City Council discussion was held with the Applicant to locate the screening wall and additional live-screening adjacent to the residence.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Sheri Almond to approve Ordinance No. 1968 to allow the Specific Use Permit (SUP) for a single story liquor store (10,000 SF or greater), located on approximately 1.712 acre property, located on the east side of Keller Smithfield Rd, approximately 425 feet northeast of the intersection of Keller Parkway and Keller Smithfield Road, being a portion of Tract 3A12, Abstract 424, Dunham, J A Survey, zoned Town Center (TC), and addressed as 100 Chandler Road (Account#:03853381), with an addition to locate the screening wall and additional live screening adjacent to the residence. The motion carried by the following vote:

AYE: 6 - Mayor Pat McGrail, Council Member Mitch Holmes, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, Council Member Beckie Paquin, and Council Member Chris Whatley.

NAY: 1 - Council Member Tag Green.

2. [PUBLIC HEARING: Consider a recommendation by the Planning and Zoning Commission, and approval of an ordinance by City Council, for a Specific Use Permit \(SUP\) for Keller Town Center Addition, to construct a single story 9,755 square-foot multi-tenant building \(rather than two-story structure\), located on a 1.49-acre tract of land, on the north side of Keller Parkway, approximately 1000' west of the Keller Smithfield Road and Keller Parkway \(F.M. 1709\) intersection, being Lot 6, Block G, Greenway Keller Addition, at 1301 Keller Parkway, and zoned TC \(Town Center\). Chapps Investments Keller, owner/applicant. \(SUP-20-0003\)](#)

Community Development Director Julie Smith gave a presentation relating to both Items F-2: a Specific Use Permit, and F-3: a Site Plan, with six variances, for Keller Town Center Addition, to construct a single story 9,755 square-foot multi-tenant building (rather than two-story structure), at 1301 Keller Parkway.

Mayor Pat McGrail opened the Public Hearing for both the City Council and the Planning and Zoning Commission. No public comments were received.

A motion was made by Chairman Gary Ponder, seconded by Commissioner Tom Thompson, to close the Public Hearing. The motion carried unanimously.

A motion was made by Council Member Tag Green, seconded by Council Member Mitch Holmes, to close the Public Hearing. The motion carried unanimously.

Discussion was held by the Planning and Zoning Commission finding that a one-story building (rather than two-story) will architecturally match the recently developed buildings in the vicinity.

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Robert Apke, to recommend approval of a Specific Use Permit

(SUP) for Keller Town Center Addition, to construct a single story 9,755 square-foot multi-tenant building (rather than two-story structure), at 1301 Keller Parkway, and zoned TC (Town Center) based on the proposed conformance with developments in the surrounding area. The motion carried unanimously.

Discussion was held by the City Council finding that the proposal for a one-story building matches the recently developed buildings in the vicinity.

A motion was made by Council Member Beckie Paquin, seconded by Council Member Mitch Holmes, to approve Ordinance No. 1969, authorizing a Specific Use Permit (SUP) for Keller Town Center Addition, to construct a single story 9,755 square-foot multi-tenant building (rather than two-story structure), located on a 1.49-acre tract of land, on the north side of Keller Parkway, approximately 1000' west of the Keller Smithfield Road and Keller Parkway (F.M. 1709) intersection, being Lot 6, Block G, Greenway Keller Addition, at 1301 Keller Parkway, and zoned TC (Town Center). The motion carried unanimously.

3. [Consider a recommendation by the Planning and Zoning Commission, and approval of a Resolution by the City Council, for a site plan with six \(6\) variances for Keller Town Center Addition, a one story, 9,755 square-foot multi-tenant building, located on a 1.49-acre tract of land, on the north side of Keller Parkway, approximately 1000' west of the Keller Smithfield Road and Keller Parkway \(F.M. 1709\) intersection, being Lot 6, Block G, Greenway Keller Addition, at 1301 Keller Parkway, and zoned TC \(Town Center\). Chapps Investments Keller, owner/applicant. \(SP-20-0001\)](#)

Community Development Director Julie Smith presented Item F-3: a Site Plan, with six variances, for Keller Town Center Addition, to construct a single story 9,755 square-foot multi-tenant building (rather than two-story structure), at 1301 Keller Parkway, along with Item F-2.

Mr. Don Rankin, P.E., DR Rankin, addressed the Planning and Zoning Commission and the City Council on behalf of the project.

Discussion was held by the Planning and Zoning Commission finding that, the requested variances permit the development to mirror the adjacent and nearby developments in terms of architecture and site design.

A motion was made by Commissioner Paul Alvarado, seconded by Commissioner Tom Thompson, to recommend approval of a site plan with six (6) variances for Keller Town Center Addition, a one story, 9,755 square-foot multi-tenant building, located on a 1.49-acre tract of land, on the north side of Keller Parkway, approximately 1000' west of the Keller Smithfield Road and Keller Parkway (F.M. 1709) intersection, being Lot 6, Block G, Greenway Keller Addition, at 1301 Keller Parkway, and zoned TC (Town Center). The motion carried unanimously.

Discussion was held by the City Council agreeing with the Planning and Zoning Commission that the requested variances permit the development to mirror the adjacent and nearby developments in terms of architecture and site design, with the exception of

the parking request.

A motion was made by Council Member Tag Green, seconded by Council Member Chris Whatley, to approve Resolution No. 4232 for a site plan with variances for Keller Town Center Addition, a one story, 9,755 square-foot multi-tenant building, at 1301 Keller Parkway, and zoned TC (Town Center), excluding the variance requesting 62 parking spaces in lieu of the 64 required parking spaces, and approving the following five (5) variances:

1. No windows on the north (rear façade).
2. Allow a flat roof in lieu of a pitched roof.
3. Eliminate the foundation planting requirement on the front and sides of building. Developer will provide a minimum of five planter pots along the front façade.
4. Allow end-cap tenants to have a second wall sign on the side of the building in addition to the front building sign.
5. Reduce the landscape buffer along Keller Parkway from thirty feet (30') to twenty four feet (24') to match the variable width right-of-way and adjacent developments.

The motion carried unanimously.

4. [Consider a recommendation by the Planning and Zoning Commission and approval of a resolution by City Council, for an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation, located on Lot 3, Block A of Bowden Event Center Addition, on approximately 2.42-acres of land, addressed at 1807 Keller Parkway. Terry Wilkinson, Applicant. Baird Hampton, Engineer. \(TB-20-0002\)](#)

Community Development Director Julie Smith gave a presentation relating to Item F-4: an appeal to the City of Keller Unified Development Code, Article 8, Section 8.19, Tree and Natural Feature Preservation and Item F-5: a site plan with one variance to the Keller Parkway landscape buffer requirement related to the Altus development of two buildings at 1807 Keller Parkway.

Mr. Terry Wilkinson, applicant, addressed the Planning and Zoning Commission and the City Council regarding the request.

Discussion was held by the Planning and Zoning Commission finding that the request meets the intent of the Unified Development Code.

A motion was made by Vice Chairman Ralph Osgood, seconded by Commissioner Bob Apke, to recommend approval of an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development

Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation, located on Lot 3, Block A of Bowden Event Center Addition, on approximately 2.42-acres of land, addressed at 1807 Keller Parkway. The motion carried unanimously.

Discussion was held by the City Council finding that, given the size of the lots and lack of space to plant more trees onsite, the request meets the intent of the tree mitigation requirements in the Unified Development Code.

A motion was made by Council Member Chris Whatley, seconded by Council Member Sheri Almond, to approve Resolution No. 4233 to grant the appeal to the City of Keller Unified Development Code (UDC), Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.19, Tree and Natural Feature Preservation, located on Lot 3, Block A of Bowden Event Center Addition, on approximately 2.42-acres of land, addressed at 1807 Keller Parkway to include:

- 1. The Applicant shall plant 74 caliper-inches of trees per the UDC on the proposed site, and**
- 2. The Applicant shall pay \$14,550 into the Tree Preservation Fund.**

The motion carried unanimously.

5. [Consider a recommendation by the Planning and Zoning Commission, and approval of a resolution by the City Council, for a site plan with one variance to the Keller Parkway landscape buffer requirement related to the Altus development of two buildings \(4,000 square-foot medical building and 16,722 square-foot general office building\), located on approximately 2.42-acres of land on the north side of Keller Parkway, approximately 125 feet northwest of the intersection of Bloomfield Drive and Keller Parkway, being Lot 3, Block A of Bowden Event Center Addition and addressed as 1807 Keller Parkway. KP Bowden LLC, Owner/Applicant. Baird, Hampton and Brown, Engineer. \(SP-20-0008\)](#)

Community Development Director Julie Smith gave a presentation relating to Item F-5: a site plan with one variance to the Keller Parkway landscape buffer requirement related to the Altus development, along with Item F-4, at 1807 Keller Parkway.

Mr. Terry Wilkinson, applicant, addressed the Planning and Zoning Commission and the City Council regarding the request.

Discussion was held by the Planning and Zoning Commission regarding the parking requirements and the landscape buffer.

A motion was made by Commissioner Tom Thompson, seconded by Commissioner Bob Stevens, to recommend approval of the site plan with one variance to the Keller Parkway landscape buffer requirement related to the Altus development of two buildings, at 1807 Keller Parkway, with the variance to allow for parking to encroach the 30-foot, Keller Parkway Landscape Buffer up to 11 feet on the south side of the property, based on:

1. The Altus Headquarters was actively recruited by the City of Keller and received an Economic Development Incentive.
2. The site possesses challenges relating to Building Code and Fire Code requirements.
3. The business providing a regional headquarters in Keller and also providing a minimum of seventy-four jobs.

The motion carried by the following vote:

YEA: 6 - Commissioner Bob Apke, Commissioner Tom Thompson, Commissioner Paul Alvarado, Commissioner Leslie Sagar, Commissioner Ralph Osgood, and Commissioner Robert Stevens.

NAY: 1- Chairman Gary Ponder.

Discussion was held by the City Council regarding parking requirements and the landscape buffer.

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Mitch Holmes, to approve Resolution No. 4234 approving a site plan with one variance to the Keller Parkway landscape buffer requirement related to the Altus development of two buildings, at 1807 Keller Parkway, with the variance to allow for parking to encroach the 30-foot, Keller Parkway Landscape Buffer up to 11 feet on the south side of the property, based on the following findings:

1. The Altus Headquarters was actively recruited by the City of Keller and received an Economic Development Incentive.
2. The site possesses challenges relating to Building Code and Fire Code requirements.
3. The business providing a regional headquarters in Keller and also providing a minimum of seventy-four jobs.
4. The requisite encroachment into the landscape buffer for parking shall not exceed 3% of the total landscape buffer along Keller Parkway,

The motion carried by the following vote:

AYE: 6 - Mayor Pat McGrail, Council Member Mitch Holmes, Mayor Pro Tem Sean Hicks, Council Member Sheri Almond, Council Member Beckie Paquin, and Council Member Chris Whatley.

NAY: 1 - Council Member Tag Green.

6. [Consider a recommendation by the Planning and Zoning Commission, and approval of a resolution by the City Council, for a Site Plan with seven variances requested by the property owners related to Complete Trailers \(Tenant's\) use of the 1.73-acre tract of land including a 5,840 square-foot building, on the east side of South Main Street, approximately 400' northeast of the South Main Street and Calverly Place intersection, being Lots 1 and 2, A.W. Crisp Jr Subdivision, addressed as 1425 South Main Street, and zoned Commercial \(C\). Woodall Properties, owner/applicant. \(SP-20-0010\)](#)

A motion was made by Commissioner Paul Alvarado, seconded by Vice Chairman Ralph Osgood, to table the request for a Site Plan with seven variances requested by the property owners related to Complete Trailers (Tenant's) at 1425 South Main Street to the May 12, 2020 Regular Planning and Zoning Commission Meeting, with the understanding that the property owner and the tenant will work together to improve the amount of variance requests. The motion carried unanimously.

G. ADJOURN

Chairman Gary Ponder adjourned the Planning and Zoning Commission meeting at 11:34 P.M.

Mayor Pat McGrail adjourned the City Council Meeting at 11:34 P.M.

Mayor

City Secretary