



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, June 23, 2020

PRE-MEETING BRIEFING 6:30 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Gary Ponder called the virtual Pre-Meeting Briefing to order at 6:40 P.M.

The following Commissioners were present:

Ralph Osgood, Vice Chairperson

Leslie Sagar

Tom Thompson

Paul Alvarado

Bob Apke

Bob Stevens

Phillip Maxwell, Alternate (Non-voting)

James Dawson, Alternate (Non-voting)

Staff present included Katasha Smithers, Planner I; Matthew Cyr, Planner I; Jerald Ducay, Planner I; Julie Smith, Community Development Director (CDD), Sean Vreeland, Director of Information Technology; and Amy Botcher, Planning Technician.

B. DISCUSS AND REVIEW AGENDA ITEMS

C (1) Approval of the May 26, 2020 Minutes.

There were no comments or questions from the Commission.

C (2) Consider a recommendation for a Site Plan for Keller Town Center Addition with one variance.

Planner Ducay stated the original Site Plan for Keller Town Center Addition was approved by City Council on April 14, 2020. Six variances were requested on the original site plan, five of which were granted. The parking variance request was denied, and the applicant amended the site plan to meet the minimum parking requirement.

He stated the Applicants now wish to amend the site plan and incorporate one variance to reduce the fire lane from 24 feet to 22 feet for the following reasons:

- The fire lane in question will be a “No Load” drive aisle. (No parking on either side of the fire lane is allowed).
- The fire lane in question will never serve as a direct access connection to FM 1709. All driveway connections allowed by TXDOT have been constructed.
- The open drainage ditch along the western property boundary reduces the area available for the fire lane development condition.

CDD Smith stated the Fire Marshal has experienced retaining wall failure in the past at 8703 Davis. Due to the prior issues at that location, the Fire Marshal supported this request, because it provides additional structural support for the retaining wall.

There were no comments or questions from the Commission.

C (3) Modify UDC Language related to when Civil Plans must be included with certain applications and submittals.

Planner Smithers stated the Staff request to amend UDC Sections 4.13, 5.24, and 5.25 to remove the requirement a recorded plat must be submitted before construction/civil documents.

Planner Smithers stated that platting and the review of construction plans are often done at the same time. By requiring the plat to be completed prior to review of construction plans, it unnecessarily prolongs the development processes in many cases.

Planner Smithers also noted that because a building permit for construction may not be issued until the final plat is recorded, this proposed change would not create the danger of allowing work to proceed prior to platting. She stated it simply allowed for a parallel review process.

Planner Smithers stated her request was to modify Section 4.13, 5.24, and 5.25 by removing the requirement for a final plat as one of the documents required with civil/construction plan submittals. She stated that the intention of this modification was to be clear and accurate about what was required for review and prior to actual construction.

There were no comments or questions from the Commission.

C (4) Elements Salon Suites SUP

Planner Cyr stated the applicant was only proposing a name change from Venetian Salon to Elements Salon Suites; the services would be the same. However, in the Old Town Keller zoning district an SUP is required for any “new” salon or spa uses. After discussion with the City Attorney, a name change would be considered a new business even if the services stayed the same and triggered the requirement for a new SUP.

Planner Cyr stated Venetian Salon had occupied this address since 2007. Given that the business had been in place for more than ten years and the SUP was only being triggered by a name change request, staff supported the request.

Commissioner Ponder questioned if the City Attorney advised going through the SUP process for a name-change request.

CDD Smith responded that yes, it was advised, although Staff hoped that it would not be the case. She mentioned that staff did appreciate the Applicant going through this process. She also explained that the Salon had already utilized the new name in some marketing tools. CDD Smith reassured the Commission that if any of the Members were to notice the new name, prior to City Council approval, this was done prior to the owner knowing a simple name change triggered a new SUP.

Commissioner Thompson questioned if this would be a new filing with the Secretary of State or a change to the DBA.

Planner Cyr responded that this would be a change to the DBA and also mentioned that the services provided were not changing.

Commissioner Thompson also asked if the owner matrix had changed.

Planner Cyr responded that it had not.

D. ADJOURN

Chairperson Gary Ponder adjourned the Pre-Meeting at 6:48 P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Gary Ponder called the meeting to order at 7:00 P.M.

Chairman Ponder expressed his gratitude to Staff, Sean Vreeland, Brent Rankin, Mark Hafner, the Mayor and City Council for granting the request of the Planning and Zoning Commission to have meetings virtually.

B. PERSONS TO BE HEARD

No one came forward.

C. NEW BUSINESS

- [1. Consider approval of the Minutes of the Planning and Zoning Commission Meeting on May 26, 2020](#)

Commissioner Thompson moved to approve Item C (1), seconded by Commissioner Sagar. The motion carried unanimously.

- [2. Consider a recommendation of a Site Plan Amendment for a site plan with one \(1\) variance 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. \(SP-20-0020\)](#)

Planner Ducay gave a brief presentation on Item C (2).

Planner Ducay mentioned Article 5, Section 5.13B of the UDC which states a minimum width of pavement for a fire lane access easement shall be 24 feet.

He stated that Staff supported this request, however, it will help maintain the integrity of the retaining wall and avoid similar failures that were experienced at 8703 Davis. The Applicant was proposing to use two feet of the fire lane to protect the structural integrity of the retaining wall. He noted that the two-foot gap will help maintain the integrity of the wall over time.

Commissioner Ponder asked the Applicant if he had anything to add.

Don Rankin, the Applicant, stated that they had worked extensively with Fire Marshal Debra Crafton (Fire Marshal) and had the support of the Fire Department. He also stated that this variance would result in a 22-foot fire lane but also protect the longevity of the retaining wall.

Commissioner Thompson stated it was his understanding that the Fire Marshal was in support of this request given the site conditions, but had no additional comments.

There were no additional questions or comments by the Commission.

Commissioner Thompson made a motion to recommend City Council approve Item C (2), seconded by Commissioner Sagar. The motion carried unanimously.

[3. PUBLIC HEARING: Consider amendments to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by providing provisions to remove the requirement for final plats as part of the submittal packages for construction/ civil plans and modifying, Article Four- Processes and Article Five- Subdivision Design Improvement Requirement and Design & Technical Construction Standards; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing and effective date. \(UDC-20-0003\)](#)

Planner Smithers gave a presentation on Item C (3).

Chairperson Ponder opened the Public Hearing.

No one came forward.

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

Commissioner Alvarado stated he had no questions, but noted that he fully supported Staff in streamlining a process that makes it more efficient for Staff and applicants.

Commissioner Sagar concurred with Commissioner Alvarado's statement.

There were no additional questions or comments by the Commission.

Commissioner Sagar made a motion to recommend City Council approve Public Item C (3), seconded by Commissioner Thompson. The motion carried unanimously.

4. PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for a spa to include cosmetology, for Elements Salon Suites, located in an approximately 6,900 square-foot space, on approximately 1.1- acre property, located on the east side of South Main Street, approximately 150 feet northeast of the intersection of South Main Street and Bear Creek Parkway, being Lot 3, Block A, Bear Creek, zoned Old Town Keller (OTK), located at 381 South Main, Suite 100. Amir Morshed, owner. Pat and Vickie Huertel, applicant. (SUP-20-0012)

Planner Cyr gave a brief presentation on Item C (4). He explained that the owners were changing the name of the business, and a name change triggered the requirement for a new SUP. All the spa services would be the same.

Commissioner Ponder asked the Applicant if he had anything to add.

Vickie Huertel, the Owner, expressed her appreciation for the Commissioners' time and consideration. She also stated that the name change and upgrade will improve the look of the business.

Chairperson Ponder opened the Public Hearing.

No one to speak from the public.

Commissioner Thompson made a motion to close the Public Hearing for Item C (4), seconded by Commissioner Sagar. The motion carried unanimously.

Commissioner Thompson asked Vickie Huertel if this was only a DBA change.

Vickie Huertel, the Applicant, responded that yes, it was only a DBA change.

There were no additional questions or comments by the Commission.

Commissioner Stevens made a motion to recommend City Council approve Item C (4), seconded by Commissioner Apke. The motion carried unanimously.

Commissioner Ponder inquired about any updates on being allowed to continue to meeting virtually for the Planning and Zoning Commission.

CDD Smith stated the Governor of Texas had extended the order allowing virtual meetings for an additional 30 days. She would monitor the State orders and notify the Commission of any changes. As long as the order was in place, the virtual meetings could continue per City Council.

D. ADJOURN

Chairperson Gary Ponder adjourned the meeting at 7:27 P.M.

Chairperson

Staff Liaison