



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, September 22, 2020

PRE-MEETING BRIEFING 6:00 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Gary Ponder called the virtual Pre-Meeting Briefing to order at 6:00 P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Ralph Osgood, Vice Chairperson

Leslie Sagar

Tom Thompson

Paul Alvarado

Bob Apke

James Dawson

Phillip Maxwell

Staff present included Katasha Smithers, Planner I; Julie Smith, Director of Community Development; Sarah Hensley, Administrative Services Manager; Chad Bartee, City Engineer; Sean Vreeland, Director of Information Technology and Amy Botcher, Planning Technician.

B. ADMINISTRATIVE COMMENTS

Planner Smithers stated there was one item that went to City Council on September 15, 2020. This was a UDC amendment to allow front-facing garages in all residential zoning districts. This was approved by City Council with a 7-0 vote.

Chairperson Ponder asked if there were any questions or comments from Commissioners.

There were no questions or comments.

C. WORK SESSION

CDC Smith introduced Sarah Hensley, Administrative Services Manager for the City of Keller. She noted the Commission had requested Staff seek direction from City Council regarding their vision for Old Town Keller. CDC Smith stated Sarah's presentation was a great place to start as it lays out the plans for getting pedestrians across 377 to take advantage of the East and West sides of Old Town Keller.

Sarah Hensley started the presentation by reviewing the Phase 1 objectives:

- Update infrastructure.
- Reduce visual clutter.
- Provide safe space for pedestrians.
- Trail connectivity.
- Encourage economic development.
- Establish OTK as entertainment destination for residents and visitors.

Ms. Hensley further explained the land area size differences between the east and west sides of Old Town Keller. She stated the west side was 12.26 acres with 32 commercial and 3 residential parcels. She compared this to the east side with 28.63 acres, 62 commercial and 23 residential parcels.

Sarah produced the Old Town Keller II Timeline.

- o January-November 2018: City of Keller/Kimley-Horn project team oversees:
 - Public engagement activities, including a survey and two community workshops
 - Data collection and analysis
 - Opportunity evaluation/layout and plan development
 - Two City Council work session discussions
- o Dec. 2018: City Council accepts conceptual layout and implementation plan, with next steps to be taken pending conclusion of the Future Land Use Plan update

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- o March 3, 2020: City Council revives project planning
 - o June 16, 2020: City Council awards contract with a reduced scope for “Step I” to Kimley-Horn
 - o Sept. 1, 2020: Project team provides update during City Council work session

Ms. Hensley spoke of the Old Town Keller Phase II Major Project components as listed below:

1. Capital Improvements
 - Main St. pedestrian crossing at Bates St.
 - Development of a Festival Street (Bates St.)
2. Elm St. Roadway Improvements
 - Side street reconstruction
 - Franchise utility relocations
3. Bates Park Development
4. Art & Pedestrian Enhancements
 - Public art
 - Pedestrian walkway
 - Wayfinding
5. Public Private Partnership
 - Overhead pedestrian crossing (Main St.)
 - Parking solutions (parking lot or garage)

Sarah Hensley stated the next steps the City would be taking would be the following:

- October/November 2020: Neighborhood Meeting
- November/December 2020: City Council review of 90% plans for the Pedestrian Hybrid Beacon and Bates Street
- TBD: 100% plans, bidding and construction

CDC Smith asked Ms. Hensley to explain further about the food truck area that would eventually be located on Bates Street.

Ms. Hensley stated it would not be exclusive to food trucks: however, they would be encouraged. This area would be a type of festival area and would be similar to what other cities have done with food trucks.

Commissioner Osgood stated his appreciation for Ms. Hensley's presentation and said this was a wonderful start.

Commissioner Sagar expressed her excitement for this project and thanked Sarah for her presentation. She wanted to know if any thought had been given to the possible future widening by at some point.

Sarah Hensley said Alonzo Linan, Public Works Director, had done research on this possibility and that FM1709 would be the most likely to expand in the future. He did not anticipate widening up to the planning horizon of 2045. CDC Smith mentioned that the City was about to embark on an update to the Thoroughfare Plan that would play into the design of Old Town Keller. She reminded the Board, that as CIAC members, they would be intensely involved with this process.

Commissioner Sagar asked what the cost of the first step of Phase II was.

Sarah Hensley stated that the original step one was approximately 5.5 million dollars. There was currently 4 million set back for a park trail tunnel that never was built that would go towards this project. She said that all of the "Bates Park" area would be funded by the Keller Development Corporation.

Commissioner Dawson inquired what the long term vision for Old Town Keller was.

Sarah Hensley stated the grand plan had not been revisited since Phase I. She would prefer not to expand on this at this time as discussions would resume with City Council in the fall.

Commissioner Thompson asked whether the City had not considered splitting traffic around Highway 377, allowing the east and west sides to come together.

Chad Bartee, City Engineer, stated it had been on the master plan until 2012 when it had been taken off. He said the master thoroughfare plan update would be a good time to look at that option.

Commissioner Thompson explained that it would be a large undertaking but could be great depending on the long term vision.

Chairperson Ponder thanked Ms. Hensley for her presentation.

D. DISCUSS AND REVIEW AGENDA ITEMS

C (1) Discuss and Approve Planning and Zoning Commission Meeting Minutes for August 22, 2020.

No changes or updates needed.

C (2) PUBLIC HEARING- Request SUP for a Medical Office use for Renewed Strength Chiropractic at 130 Hill Street.

Planner Smithers gave a brief presentation on item C (2).

Chairperson Ponder asked if there were any questions or comments from Commissioners.

There were no questions or comments.

C (3) PUBLIC HEARING- Request SUP for a Surgical Out-patient Facility, for Advanced Care Medical at 1220 Keller Parkway.

Planner Smithers gave a brief presentation on item C (3).

Chairperson Ponder asked if there were any questions or comments from Commissioners.

There were no questions or comments.

C (4) Variance Request to the Right-of-Way for a Final Plat at 82 Wilson Lane.

Planner Smithers gave a brief presentation on item C (4).

Commissioner Osgood asked Staff if the owner sold this property and the new owner were to build a home, and the rule of proportionality did not apply, would the City still be able to pursue the dedication of the Right-of-Way.

Planner Smithers stated that Staff recommended to add a note to the plat. The note would state no other structure or infrastructure development may be built without the requisite Right-of-Way dedication.

Commissioner Thompson asked Staff to confirm what the owners yield would be if a Right-of-Way was to be dedicated.

Planner Smithers stated that they would have been required to dedicate a little over an acre.

Commissioner Thompson asked Staff how long the applicant had lived there.

Planner Smithers explained that the applicant was leasing the property from the owner and the owner had the property for many years.

Commissioner Thompson stated he understood the intent of the law. He said he believed when you had someone with a property and usage for a very long time, and they were asking for a reasonable variance, he would support the variance.

Chairperson Ponder asked Staff to confirm that the property was not platted.

Planner Smithers stated the property was not platted and that would be required prior to issuing a building permit.

CDC Smith added that we cannot ask residents to dedicate right-of-way that was more valuable than the proposed addition. She noted this was why Staff recommended the verbiage added to the plat.

Commissioner Sagar asked Staff if the Commission should state the verbiage if the Commission should approve.

CDC Smith stated the Commission could use whichever verbiage they saw fit. The proposed verbiage from Staff was a suggestion.

CDC Smith spoke to the Commission briefly regarding the Mayors request for Staff to look at ordinances in surrounding cities about carports. Planner Smithers had worked on that request and had presented her findings to City Council. CDC Smith proposed the Commission consider it at the next Planning & Zoning meeting and then bring it to the City Council.

Gary Ponder confirmed with the Commission that if they were going to have a work session about carports, they would meet for a pre-meeting on October 13th at 6:00pm.

D. ADJOURN

Chairperson Gary Ponder adjourned the Pre-Meeting at 6:58 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.

Chairperson 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 Planning and Zoning Commission Meeting Minutes on August 22, 2020.](#)

Commissioner Sagar made a motion to approve Item C (1), seconded by Commissioner Apke. The motion carried unanimously.

[2. PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for a Medical Office use, for Renewed Strength Chiropractic, proposed in an approximately 4,032 square-foot building, on an approximately .22 –acre property, located on the south side of Hill Street, approximately 450 feet southeast from the intersection of Hill Street and South Main Street, zoned Old Town Keller \(OTK\), located at 130 Hill Street. Donna Kirkwood, owner. Renewed Strength Chiropractic, applicant. \(SUP-20-0017\)](#)

Planner Smithers stated on October 17, 2017, City Council had unanimously approved a Specific Use Permit for Tangle Salon located at 130 Hill Street. The Salon moved out in July of 2020, and the building had remained vacant. Planner Smithers stated the applicant's business, Renewed Strength Chiropractic, had grown and needed the extra space this building would offer. She noted the business was currently located in Old Town Keller, and the applicant felt it was important to continue her expansion in the same area. Services would include: chiropractic adjustments, full body health assessments, reflexology, and herbal supplements.

Chairperson Ponder opened the Public Hearing.

Natalie Moore, Applicant, stated her business is currently located at 130 W. Olive Street in Old Town Keller. Her practice had outgrown her current space, and she was looking forward to expanding in Old Town Keller.

No other participants provided comments in favor or opposition.

Commissioner Thompson made a motion to close the Public Hearing, seconded by Commissioner Sagar. The motion carried unanimously.

Commissioners Alvarado, Sagar and Dawson expressed their support and pleasure on the expansion of the Applicant's business.

Commissioner Osgood made a motion to approve Item C (2), seconded by Commissioner Thompson. The motion carried unanimously.

[3. PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for a Surgical Out-patient Facility, for Advanced Care Medical, proposed in an approximately 10,389 square-foot building, on an approximately 1.72 –acre property, located on the south side of Keller Parkway, approximately 450 feet southwest from the intersection of Keller Parkway and Country Brook Drive, zoned Town Center Medical \(TCM\), located at 1220 Keller Parkway. Advanced Medical Care, Applicant. \(SUP-20-0016\)](#)

Planner Smithers stated in 2014, a SUP and Site Plan were approved for “E-Care Emergency” to open in Keller Town Center. The previous tenant (Legacy) operated out of this building less than a year before they moved out around 2015. Since then, the space had remained vacant. The Applicant, Advance Care Medical, was requesting an SUP for the same site as a Surgical Out-patient Facility. Planner Smithers noted the list of services would include: orthopedic, cardiology, vascular, general surgery, urology, ENT, and spinal surgery.

Chairperson Ponder opened the Public Hearing.

Manny Gutierrez, representative, called on behalf of the applicant to help answer any questions anyone may have had.

Matt Flory, representative, called on behalf of the developer to help answer any questions anyone may have had.

No other persons provided comments either in favor or opposition.

Commissioner Sager made a motion to close the Public Hearing, seconded by Commissioner Alvarado. The motion carried unanimously.

Commissioner Alvarado asked if there were any changes to what had been discussed different than discussed previously.

CDC Smith responded that there was not.

Commissioner Thompson made a motion to approve Item C (3), seconded by Commissioner Apke. The motion was approved by a vote of 5-2.

AYE: Commissioner Sagar, Commissioner Alvarado, Commissioner Dawson, Commissioner Apke, Commissioner Thompson.

NAY: Vice-Chairperson Osgood, Chairperson Ponder.

4. Consider approval of a variance request to the Right-of-Way for a Final Plat, Lot 1, Block B, Warren Addition, on a 5.97 acre tract located north of North Tarrant Parkway, approximately 150 feet northwest of the Keller Smithfield Road and North Tarrant Parkway intersection, addressed as 82 Wilson Lane, zoned Single-Family 36,000 square-foot lots (SF-36). William Warren, owner. Cody Baker, Applicant.

Planner Smithers stated the property owner wanted to add an approximately 13 x 25-foot utility room/ guest room to the existing house. Normally, this expansion would simply require a building permit and could be done by right in this zoning district. However, because this property was never platted, it must be platted before a building permit can be issued. Planner Smithers explained that in order to plat, any requisite right-of-way must be indicated on the plat. The applicant and owner were made aware that they would be required to dedicate approximately 1.16 acres for the ROW along Keller-Smithfield Road. (Keller-Smithfield is a designated thoroughfare on the Comprehensive Thoroughfare Plan.)

Planner Smithers further stated that the variance request was to waive the 100' ROW dedication required by the Comprehensive Thoroughfare Plan. She said because the value of the ROW dedication exceeded the value of the proposed expansion for the utility room/ guest room, the rule of proportionality would come into play: the value of the dedication to the City should not exceed the cost (value) of the proposed development.

Planner Smithers added the approximate value of the addition was \$36,608 (based on building code values of \$112.64 per square-foot). The total value of all 5.97 acres was \$785,000; divided straight across, the ROW acreage of 1.16 acres would be worth \$152,529.

She noted after consulting with the City Attorney regarding proportionality, Staff supported this request for a variance to the ROW dedication. Staff recommended adding the following note to the plat: "No other structure or infrastructure development may be built without the requisite right-of-way dedication."

Cody Baker, Applicant, stated the Commission's consideration would be appreciated.

Commissioner Thompson stated he supported the request fully and believed the dedication would be extremely unreasonable at this time.

Chairperson Ponder asked CDC Smith to provide him with an example of what "no other structure" might be if the current owner were to keep the property.

CDC Smith stated the property was currently leased to Cody Baker who was the Applicant. She said Mr. Baker had worked to help the current owner to clean up the property, including numerous outbuildings. CDC Smith stated one potential next step for this property would be a single homeowner demolishing the existing structure and building a new single-family residence. Another possibility was for a developer to develop this property with residential or commercial uses.

She explained the proposed note to the plat would do was to not allow smaller projects to chip away and impact the proportionality of the value of the Right-of-Way dedication. She said by documenting this on the plat, nothing additional could go through without dedicating the Right-of-Way.

Commissioner Thompson made a motion to approve Item C (3) as written with the proposed note and submitted, seconded by Commissioner Alvarado. The motion carried unanimously.

Chairperson Ponder asked if there were any additional questions or comments.

D. ADJOURN

Chairperson Gary Ponder adjourned the meeting at 7:37 P.M.

Chairperson

Amy Botcher, Planning Technician