



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, August 24, 2021

PRE-MEETING BRIEFING 6:30P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 7:00P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Ralph Osgood, Vice Chairperson

Paul Alvarado

James Dawson

Bob Apke

Leslie Sagar

Thomas Thompson

Logan McWhorter- Alternate

The following Commissioners were absent:

Phillip Maxwell

Staff present included Matthew Cyr, Planner I; Katasha Smithers, Planner I; Patricia Sinel, Senior Planner; Julie Smith, Director of Community Development; Sean Vreeland, Director of Information Technology; Chad Bartee, City Engineer; and Amy Botcher, Planning Technician

B. ADMINISTRATIVE COMMENTS

Planner Smithers stated the rezone for 765 Bandit Trail was approved by City Council as well as the 1490 Randol Mill plat with three variances. She said the carport at 2009 Lazy Lane, Garage conversion UDC text change and Breeze Urgent Care were all denied by City Council. Planner

Smithers added the work session for accessory structures concluded the City Councils desires to continue the SUP's approval process for accessory structures over 1,200 square-feet.

There were no questions or comments.

C. DISCUSS AND REVIEW AGENDA ITEMS

D1. Minutes for July 27, 2021 meeting.

There were no questions or comments.

D2. Minutes for August 10, 2021 meeting.

There were no questions or comments.

D3. Public Hearing for zoning change at 1301 Rufe Snow.

Commissioner McWhorter asked if a dedication was on Shady Grove and what the driveway separation was on Rufe Snow.

City Engineer, Chad Bartee, responded if it was on the current MTP, it was required. He added there were 250-foot separations from intersections.

Commissioner Thompson asked if the proposed item was the same as before.

CDD Smith stated the design was updated allowing more open space areas.

D4. Public Hearing for FLUP Amendment to go from Low Density to High Density at Highland Terrace Mobile Home Park.

There were no questions or comments.

D5. Public Hearing for zoning change from SF-36 to SF-10 at Highland Terrace Mobile Home Park.

There were no questions or comments.

D. ADJOURN

Chairperson Ponder adjourned the Pre-Meeting at 7:10P.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.

B. PLEDGE OF ALLEGIANCE

1. Commissioner Osgood led the Pledge to the United States Flag.
2. Commissioner Osgood led the Pledge to the Texas Flag.

C. PERSONS TO BE HEARD

There were no persons to be heard.

D. NEW BUSINESS

1. [D \(1\) Consider the Minutes for the July 27, 2021, Planning and Zoning Commission Meeting.](#)

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

2. [D \(2\) Consider the Minutes for the August 10, 2021, Planning and Zoning Commission Meeting.](#)

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

3. [D \(3\) PUBLIC HEARING: Consider a recommendation for a zoning change application from Retail \(R\) to Planned Development SF-8.4 \(PD-SF-8.4\) for Beverly Grove subdivision consisting of 33 residential lots and four \(4\) open spaces lots on approximately 11.38-acres, being legally described as Tract 3E, Abstract 457 out of the John Edmonds Survey, located at the intersections of Rapp Road, Shady Grove Road, and Rufe Snow Drive, and addressed as 1301 Rufe Snow Drive \(Account #: 05693802\). Sunrise Partners, LLC.,](#)

[Applicant/Developer; Bursey Commercial, Owner; Peloton Land Solutions, Engineering Firm. \(Z-21-0009\)](#)

Planner Smithers stated the proposed Beverly Grove subdivision was a single-family residential development on approximately 11.38-acres and would consist of 33 residential lots and four open space lots. A rezoning from Retail (R) to Planned Development - Single-Family 8,400 square-foot minimum lots (PD-SF-8.4) was requested.

She said the current zoning was Retail (R). She added the uses by right include fitness centers, public/private schools, wineries, and breweries, distilleries with 1,500 square-foot tasting rooms, medical offices, and restaurants with potential hours extending to midnight or possibly later. The proposed development was compliant with the 2021 Future Land Use Plan with High-Density Single-Family (8,000 square-feet to 14,999 square-feet) (HD-SF).

Planner Smithers stated the minimum dwelling size of 2,000 square-feet or greater (~~Meets~~ meets the requirement of SF-15 and exceeds SF-12, SF-10, and SF-8.4 zoning districts.) The size of lots would be minimum lot area of 8,450 square-feet (average lot area is 9,976 square feet); minimum lot width of 65-foot and minimum lot depth of 125-feet. She added the proposed width of 125-feet exceeds the SF-8.4 Zoning District minimum requirement of 100-feet. The minimum lot area of 8,450 square feet exceeded the SF-8.4 minimum of 8,400 square feet.

Planner Smithers said the setbacks were a minimum front yard of 25-feet, minimum side yard of 10% of the lot width but no more than ~~15-feet~~ and/or ~~15-feet~~ from ROW, and a minimum rear yard of 15-feet. The setbacks met the UDC regulations for the SF-8.4 Zoning District. She added the Applicant proposed 45% for the primary structure and 55% total including accessory buildings, driveways, and parking areas for maximum lot coverage.

The Applicant proposed all residential lots provide a minimum of two (2) car garages with half having J-swing garages and the other half front-facing garages. Additionally, any garage doors facing the street shall not exceed a total of 144 square-feet. The Applicant proposed 50% of garages to be constructed front-facing in lieu of the SF-8.4 requirement for all garages to be J-swing.

Planner Smithers stated the facades of homes, exclusive of doors and windows, shall be constructed 80% with masonry products such as brick, stone, and stucco. Secondary materials shall be quality material such as wood, metal, and/or hardiboard. The façade proposal met the

80% masonry requirement set forth in the UDC for all residential structures (brick, stone, and/or stucco).

She said the Applicant proposed to place 3" caliper large canopy trees (Live Oak, Shumard Red Oak, Cedar Elm, and/or Lacebark Elm) spaced 50-foot on-center within the 10-foot landscape easement on Rufe Snow Drive and a portion of Shady Grove Road. No new trees were proposed along Rapp Road due to the 15-foot sanitary sewer easement. The easement included a 12-inch sewer main which could be impacted by the roots. Bermuda sod with irrigation will be installed within all landscape easements including Rapp Road. Existing trees along Rapp Road are proposed to remain, dependent upon sidewalk placement.

Planner Smithers stated the Applicant proposed to preserve 2.21-acres of the existing post oak savannah as open space. The Applicant proposed a 15-foot natural tree buffer between the Estates of Oak Run Phase I and Beverly Grove to maintain a natural buffer in addition to the cedar fence between the existing residential development to the east and Beverly Grove. The natural habitat associated with the tree stand would be maintained.

She said the Applicant proposed to install a 6-foot masonry screening wall on Rufe Snow Drive and a portion on Shady Grove Road. A 6-foot cedar fence will be installed on Rapp Road. A cedar fence would provide privacy while at the same time minimize potential impact to the sewer line. An 8-foot cedar fence would be installed on the east side of the development between Estates of Oak Run Phase I and the 15-foot tree preservation area. The residential lots adjacent to the tree preservation areas shall install a 5-foot wrought iron fence.

Planner Smithers explained the Applicant proposed to construct a 10-foot hike and bike trail on Rufe Snow Drive as identified in the City's Trail Plan. It will connect to the existing trail to the north of the development. She said the Applicant proposed to construct a 5-foot sidewalk on the south side of Rapp Road and the sidewalk currently on Shady Grove Road will remain.

Chairperson Ponder asked if the Applicant had anything to add.

Travis Clegg, Peloton Land Solutions, stated gave a brief presentation on the desire to develop a luxury home community compatible with surrounding land uses.

Chairperson Ponder opened the public meeting.

Brett Lawrence, 1322 Austin Thomas Dr., asked the Commission for a delay in order to address some concerns. He said his concerns were traffic, lot plans, landscape buffers and construction issues. He added his specific issues regarding lots 10 and 11, and their close proximity to his property line causing noise and privacy concerns.

Martin Holland, 1001 Atlee Dr., stated his desire for letters of support/opposition to be clearer on due dates. He disagreed with the SF-8.4 zoning and rezoning from Retail to Residential.

Steve Zisler, 1314 Austin Thomas Dr., explained his concerns with drainage and traffic. He said the smaller lot size felt “off brand” for the City of Keller.

Austin Reilly, Sunrise Partners Representative, stated they developed a land plan consistent with the City’s vision to develop a quality neighborhood.

Commissioner Alvarado made a motion to close the Public Hearing for Item D (3), seconded by Commissioner Thompson. The motion carried unanimously.

Commissioner Sagar said a lot of retail was given up over the years. She had concern about rezoning from retail. She also stated her concerns over the maximum lot coverage.

CDD Smith responded it was her understanding Economic Development was in support of this item. She noted EDD Mary Culver was not available for a comment.

Commissioner Dawson asked if there was a variance request to have both J-Swing and front-facing garages.

Planner Smithers responded as a PD, they were able to provide both types of garages.

Commissioner Dawson asked if there was a drainage review for this property.

Chad Bartee, City Engineer, stated the development to the east took the property in consideration and further studies would be done during the design phase.

Commissioner Dawson asked Staff about the use of mixed buffers.

Planner Smithers said there was a sanitary sewer easement that prohibited the continuation of the masonry wall. Therefore, wrought iron or wood was also used.

Commissioner Apke asked what the required buffer was between Oak Run and the proposed subdivision. He also asked Chad Bartee if the 55% coverage caused any extra concerns with the drainage and run-off.

Planner Smithers responded there was not a buffer required as Beverly Grove would be a residential use.

City Engineer, Chad Bartee, stated the property to the east took on-in this property on the overall drainage and detention.

Commissioner Apke asked developers about the possibility of making larger buffers on lots 10 & 11.

The Developer stated the desire to work with the City and neighbors on adding taller landscaping on those lots.

Commissioner Thompson asked for clarification of the natural habitat of the tree preservation area.

Planner Smithers explained the goal was to leave underbrush, creating a more passive space. CDD Smith added the understory would cause tree death if removed.

Commissioner Thompson asked about the median breaks for the egress on Rufe Snow.

The Developer responded they estimated 250-feet to the intersection from the entrance; therefore a median break was not necessary.

Commissioner Thompson asked about the detention area affecting the 18% natural area.

The Developer responded the site was originally planned for Retail. With that use, the drains were sized for more drainage due to the amount of flatwork that would have

existed. He said he did not anticipate detention. He added with the road placement, drains

would be installed eliminating the concern about sheet flow drainage to the neighbors.

Commissioner Thompson explained his concern about the lot coverage allowance of 55%.

The Developer stated they were willing to work with the 50% total lot coverage instead of the requested 55%.

Commissioner Alvarado stated the traffic patterns would be less with residential than retail. He asked if any zone other than SF-8.4 was considered. He also asked about any possibility of relief for lots 9, 10, 11, and 12 as far as the setbacks on the east side.

The Developer responded a higher density was thought to give a natural transition between the adjacent neighborhood and the thoroughfare. He stated additional landscaping would be the best relief on the lots.

Commissioner McWhorter said his concern was the access on Rufe Snow between the two intersections. He asked if there was a consideration to move the second access to Rapp Road, possibly using Lot 10.

The Developer responded the original plan was to have egress to Rapp Road. He added after discussions with the neighbors, it was determined Rufe Snow would be the better option.

Commissioner McWhorter inquired about the masonry fence to the north. He asked if the fence was able to be put in the easement.

Planner Smithers responded there was a landscape screening wall in the area of the sanitary sewer easement, but a masonry wall could not be located there.

Commissioner Osgood stated he wanted to see each lot use maximized while saving trees. He agreed with an improved landscape buffer on lots 10 & 11.

Commissioner Apke asked the developers to confirm they would comply with the 50% total lot coverage.

The Developer confirmed to total lot coverage at 50% but wanted to have the main structure lot coverage at 45%.

Commissioner Thompson expressed his concern on the 45% main structure lot coverage.

The Developer agreed to lower the main structure lot coverage to 40%.

Commissioner Alvarado stated his issue giving a variance to a space that already had a plan in place with the vision of the City.

Commissioner Sagar asked Staff if there were other developments in Keller that allowed 45% main structure lot coverage.

CDD Smith responded there were some Planned Developments that had 45% such as Marshall Ridge.

Commissioner Thompson made a motion to approve Item D (3) including conditions of a 40% dwelling coverage, additional landscape buffer on lot 11, changing primary egress from Rufe Snow to Lot 10 on northeast corner, seconded by Commissioner Apke.

Commissioner Osgood asked where the Rapp Road entrance would have been.

The Developer responded between lots 6 and 7. He added that would diminish the ability to make the property a special place and would make it more of a pass-thru neighborhood.

Commissioner Thompson said his primary consideration was the lack of a median cut between the two ~~lots~~.

Planner Smithers stated if the egress were moved to Rapp Road, there would be a median break.

Commissioner Thompson made a motion to approve Item D (3) including

conditions of a 40% dwelling coverage, 50% total lot coverage, additional landscape buffer on lot 11, changing primary egress from Rufe Snow to Lot 10 on northeast corner, seconded by Commissioner Apke. The motion failed by a vote of 4-3. Aye: Commissioner Ponder, Commissioner Thompson and Commissioner Apke; Nay: Commissioner Sagar, Commissioner Alvarado, Commissioner Osgood and Commissioner Dawson.

Commissioner Sagar made a motion to deny Item D (3), seconded by Commissioner Alvarado. The motion failed by a vote of 4-3. Aye: Commissioner Sagar, Commissioner Alvarado, and Commissioner Dawson; Nay: Commissioner Ponder, Commissioner Thompson, Commissioner Osgood and Commissioner Apke

Commissioner Osgood stated he could have supported the motion with the exception of the egress change.

Commissioner Thompson explained the egress could be better served coming through a controlled intersection. He added by moving it to Lot 11, it gave some relief to the adjacent neighborhood. He said he would like to see a larger landscape buffer on lots 10 and 11 if the egress change were taken out of the motion.

Commissioner Thompson made a motion to approve Item D (3) including conditions of a 40% dwelling coverage, 50% total lot coverage, additional landscape buffers within lots 10 and 11 on the north and south sides, seconded by Commissioner Apke. The motion carried by a vote of 4-3. Aye: Commissioner Ponder, Commissioner Thompson, Commissioner Osgood and Commissioner Apke; Nay: Commissioner Sagar, Commissioner Alvarado and Commissioner Dawson.

Commissioner Alvarado stated he did not support due to the 40% main structure allowance.

4. [D \(4\) PUBLIC HEARING: Consider a recommendation of a Future Land Use Plan \(FLUP\) Amendment to change the Highland Terrace Mobile Home Park subdivision from Low Density - Single Family \(LD-SF\) to High-Density Single-Family \(HD-SF\) located](#)

approximately on 14.900-acres, legally described as Lot 1-Lot 68 in the Highland Terrace Mobile Home Park Subdivision, located near the intersection of Knox Road and Hilltop Lane and legally addressed as 1700, 1701, 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1721, 1724, 1728, 1732, 1733, 1736, 1740, 1744, 1748, 1752, 1756, 1760 Highland Drive West; 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1724, 1725, 1728, 1729, 1732, 1733 Hilltop Lane; 1800, 1808, 1812, 1816, 1820, 1824, 1827, 1828, 1831, 1832, 1835, 1836, 1839, 1840, 1843, 1844, 1847, 1848, 1851, 1852, 1855, 1856, 1860 Highland Drive East; and 1200, 1228 and 1238 Knox Road. City of Keller, Applicant. (LUP-21-0006)

Senior Planner Sinel stated Highland Terrace Mobile Home Park was originally platted in 1970. This portion of the City was annexed into Keller in the late 1980s and zoned Single-Family 36,000 square-foot lots (SF-36).

An application for three variance requests were approved by City Council on June 1, 2021, for 21 out of the 68 lots in this subdivision: increase minimum total lot coverage from 50% to 55%, increase the main structure lot coverage from 30% to 35%, and decrease the main dwelling size from 2,400 square-feet to 2,000 square-feet.

Senior Planner Sinel said at the August 3, 2021 City Council work session, the Keller City Council directed Staff to bring forward a future land use plan amendment to consider a change from Low Density-Single Family (LD-SF) to High Density-Single-Family (HD-SF).

Chairperson Ponder opened the public meeting.

Greg Mills, 1201 Knox Road, said he had questions that were not addressed yet. He stated the size of the lots being requested did not make sense because they were not as large as the zoning districts minimum square footage. He also asked for a better explanation if the item was approved or denied.

Mike Hodge, 1704 Broadmoor Drive, stated he opposed the item going to high density. He added the two-story homes with a 15-foot rear setback did not sound appealing to his neighborhood. He said he also had concerns on the drainage in the area.

Cindy Snyder, 1717 Hilltop Lane, said the impact of changing the zoning to SF-8.4 would impact the area as a whole.

Mike Garabedian, 1717 Hilltop Lane, asked for the Future Land Use Plan (FLUP) to be opened in order to explore remedies for the community. He added the item was simply addressing the ability to have larger or smaller front yards.

Jeff Avery, 1306 Worthington, stated the lots in Highland Terrace Mobile Home Park were 6,000-7K-7,000 square-foot lots which qualified as high density regardless of what was zoned. He clarified additional lots were not being made.

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

Commissioner Apke said based on the discussion in the pre-meeting, the closest zoning would be SF-15.

Commissioner Thompson explained there were 68 lots being discussed, and not adding additional lots.

Commissioner Alvarado stated the area being discussed had smaller lots but have the SF-36 zoning imposed on them. He explained regardless of the outcome, the builder would build. He added keeping the SF-36 zoning on the property would cause an undue hardship on the residents to build or sell in the future. He suggested SF-15 could be the best use and if the Commission would support.

Commissioner Sagar explained to the residents that they could replace an existing mobile home with a mobile home if they chose. They could also build a home if they chose. She added she did not support the high density.

Commissioner McWhorter stated his concern that the request was not coming from the property owners. He would support each owner coming forward individually.

Chairperson Ponder asked CDD Smith to explain the zoning lot size confusion.

CDD Smith explained FLUP (Comprehensive Plan) was for guidance and the zoning was

regulation. She said once a city adopts the FLUP (Comprehensive Plan), a FLUP change would have to happen first when requesting a zoning change. She responded regarding the zoning lot sizes; it was typical of most annexed properties in Texas to be brought in at the highest-lowest density residential zoning district which as-is SF-36. She further explained SF-8.4 was brought to City Council previously, however, it was thought a SF-10 would be a better fit.

Commissioner Sagar made a motion to deny Item D (4), seconded by Commissioner Dawson. The motion carried by a vote of 5-2. Aye: Commissioner Ponder, Commissioner Dawson, Commissioner Osgood and Commissioner Apke; Nay: Commissioner Thompson and Commissioner Alvarado.

5. [D \(5\) PUBLIC HEARING: Consider a recommendation for a Zoning Change from Single-Family 36,000 square-foot lots or greater \(SF-36\) to Single-Family 10,000 square-foot lots or greater \(SF-8.4\) located approximately on 14.900-acres, legally described as Lot 1-Lot 68 in the Highland Terrace Mobile Home Park Subdivision, located near the intersection of Knox Road and Hilltop Lane and legally addressed as 1700, 1701, 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1721, 1724, 1728, 1732, 1733, 1736, 1740, 1744, 1748, 1752, 1756, 1760 Highland Drive West; 1704, 1705, 1708, 1709, 1712, 1713, 1716, 1717, 1720, 1724, 1725, 1728, 1729, 1732, 1733 Hilltop Lane; 1800, 1808, 1812, 1816, 1820, 1824, 1827, 1828, 1831, 1832, 1835, 1836, 1839, 1840, 1843, 1844, 1847, 1848, 1851, 1852, 1855, 1856, 1860 Highland Drive East; and 1200, 1228 and 1238 Knox Road. City of Keller, Applicant. \(Z-21-0010\)](#)

Senior Planner Sinel stated Highland Terrace Mobile Home Park was originally platted in 1970. This portion of the City was annexed into Keller in the late 1980s and zoned Single-Family 36,000 square-foot lots (SF-36).

An application for three variance requests were approved by City Council on June 1, 2021, for 21 out of the 68 lots in this subdivision: increase minimum total lot coverage from 50% to 55%, increase the main structure lot coverage from 30% to 35%, and decrease the main dwelling size from 2,400 square-feet to 2,000 square-feet.

Senior Planner Sinel said at the August 3, 2021, City Council work session, the Keller City Council directed Staff to bring forward a potential zoning change for consideration from Single-Family 36,000 square-foot lots (SF-36) to Single-Family 10,000 square-foot minimum lots (SF-10).

Chairperson Ponder opened the public meeting.

Jeff Avery, 1306 Worthington, asked the Commission to consider giving high density zoning so that it would allow residents to have the same abilities as everyone else.

Michelle Hawkins, 1705 Highland Drive West, stated she had approached City Staff several times about putting a new mobile home on her property and was told they were not allowed.

Chairperson Ponder responded that was an issue that can be discussed further with Staff.

Mike Garabedian, 1717 Buckingham, stated there was an existing 60-foot right-of-way. He added the desire to give the best possible home on the lots.

Commissioner Alvarado made a motion to close the Public Hearing for Item D (5), seconded by Commissioner Thompson. The motion carried unanimously.

Commissioner Thompson stated he did not feel the decisions that were made were beneficial to the residents.

Commissioner Alvarado said not considering any other zoning district was disappointing. He added leaving the zoning at SF-36 without a solid reason was a failure.

Commissioner Alvarado made a motion to make a special zoning district, HT-15, with the same considerations of SF-15 with the exception of the front yard setback being set to 25-foot (medium density).

Commissioner Thompson asked if a special zoning district would need to be noticed for.

Chairperson Ponder confirmed the motion would need to reflect the item being presented.

Senior Planner Sinel added if new zoning district were to be considered, it would have to be noticed first.

Commissioner Thompson expressed his desire for there to be further discussion in the future.

Commissioner Thompson made a motion to deny Item D (5) due to the denial of D (4), seconded by Commissioner Apke. The motion carried by a vote of 6-1. Aye: Commissioner Ponder, Commissioner Dawson, Commissioner Osgood, Commissioner Apke, and Commissioner Thompson; Nay: Commissioner Alvarado.

Commissioner Alvarado asked Staff what the process would be to add a special zoning district.

CDD Smith explained there was a formal recommendation to Council for the denial. She added the suggestion was not in the purview of Planning and Zoning, but he could speak with a City Councilman to bring forward.

E. ADJOURN

Chairperson Ponder adjourned the meeting at 9:59P.M.

Chairperson

Amy Botcher, Planning Technician