



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, June 24, 2019

PRE-MEETING BRIEFING 6:00 P.M.

A. CALL TO ORDER - Chairperson Gary Ponder

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 6:03 P.M.

The following Commissioners were present:

Leslie Sagar

Dave Reid (Co-Chair)

Carey Page

Ralph Osgood

Bob Stevens

Paul Alvarado, Alternate (voting)

Bob Apke, Alternate

Commissioner Vernon Stansell was absent. Staff present included Katasha Smithers, Planner I; Jerald Ducay, Planner I; Scott Bradburn, Planner I; Julie Smith, Community Development Director; Chad Allen, Police Captain; Melinda Hernandez, Code Compliance Coordinator; Matt Cyr, Planning Intern.

B. ADMINISTRATIVE COMMENTS

Prior to Staff giving the briefing regarding City Council action, Chairperson Gary Ponder announced Commissioner and Co-Chairperson Dave Reid was serving in his last Planning and Zoning Commission meeting. Mr. Reid was moving out of the City of Keller and would be sorely missed. Chairperson Ponder extended his gratitude for Mr. Reid's service and invaluable contributions over the years to the Commission.

1. [Briefing regarding City Council action on Tuesday, June 18, 2019.](#)

Planner Smithers informed the Planning and Zoning Commission that Braums reduced the amount of signs requested their special exception variance, from seven to two signs. The two "B" Logo signs above the drive-thru were approved by City Council.

C. WORK SESSION

1. [Discussion regarding Tree Ordinance.](#)

Chairperson Gary Ponder thanked Staff for allowing the Commissioners time to thoroughly examine this Ordinance. CDD Smith gave the Planning and Zoning Commission a presentation regarding the proposed Tree Ordinance. CDD Smith explained to the

Planning and Zoning Commission that Staff would divide the information over three presentations. The issues raised by Commissioners concerning penalties and enforcement would be presented in a different presentation. Comments received from the Commissioners during the last two weeks were included in the slide show. CDD Smith told Commissioners Staff would send the presentation to them the following day and continue to work through the Ordinance, to fine-tune it. After the fine-tuning is complete, Staff will provide a red-line version of the proposed changes to the Commission for consideration.

Commissioner Page commented that if trees have to be removed in order to route water into storm drains then maybe consideration needs to be given for open ditches (bar ditches) where the trees do not seem to impact the drainage and could remain in place.

In terms of the \$150 per caliper-inch fee, Planner Bradburn said it was based on the International Arboriculture Society and is a cost estimate for a good quality tree. CDD Smith added that the Tree Restoration Fund could only be used for the purchase of trees. The funding did not allow for irrigation, mulch, gator bags or anything additional to get the trees established. Additional information was provided to the Commissioners in regards to the amount per caliperinch other surrounding cities were charging. CDD Smith told the Commissioners that the City of Denton offered to schedule a conference call in reference to their tree ordinance, because it is comprehensive and would take time to cover.

CDD Smith explained to the Commissioners that an existing stand of Post Oak trees existed just east of the hike and bike trail by Milestone Church and would make for a very nice stand. The Restoration Fund could be used to purchase this type of property.

Commissioners Sagar and Page supported the majority of the slides. Both stated on a whole, it was a very good slide presentation. Commissioner Page commented that the bullet points in the slide show for numbers one and two, pertaining to proposed amendments, should be flipped in order to preferentially allow mitigation elsewhere on the property rather than pay into the tree fund. Commissioner Alvarado told Staff he had gained an education related to trees since being on the Commission and expressed his thought about the advantage of educating the citizens as well.

CDD Smith explained older and larger trees have more value than newly planted young trees when it comes to wildlife and infrastructure services. Commissioner Reid asked if the ordinance specified where trees are measured. CDD Smith said the Tree Ordinance had conflicting provisions, but agreed with Planner Bradburn that it should be stated showing six-caliper-inches at 48-inches, diameter at breast height (DBH). CDD Smith also said it is important for the Code to indicate what trees actually have to be surveyed, given the cost of tree surveys. Hackberry trees are not protected trees and therefore should not have to be surveyed. Commissioner Sagar wanted to know how trees were identified in the winter. CDD Smith explained certified tree arborists look at the bark and can identify the tree. CDD Smith commented on relationship between topography of land and grading, adding retaining walls, in relation to saving protected trees. Staff research found that some cities require specific criteria for specific slope and if the slopes are too

steep, building does not take place. Some cities also encourage a nonEuclidean street cutout that follows ridge lines. With respect to the ridge lines, cities consider whatever is coming off the ridge line and if so, how much? Also, the Commission could look at split-level construction and/or walk-out basements. CDD Smith went on to add that Commissioner Page recommended not permitting grading until the building permit had been approved. That way, any changes to building plans that impact grading can be considered.

Many challenges arise from initial grading followed by a lack of building for many months or years. Chairperson Gary Ponder mentioned that in regards to slope, this needs to be addressed to preserve trees and prevent unnecessary grading. Commissioner Page added the challenge was the steep topography and this is what exists for a lot of the land that is not builtout in the City. The Commissioners should take a look at cities like Austin and consider their language related to slopes and tree protection.

CDD Smith described clear-cutting of large parcels of land in order to plant for farming. Commissioner Page added no harvesting or planting should occur around the critical root zones of trees or tree stands.

Planner Bradburn offered an expansion of the Protected Tree Preservation list. These lists do change overtime. CDD Smith agreed with Commissioners to consider adding a conservation development opportunity into the zoning especially for protected trees such as Post Oaks. CDD Smith gave the example of Chimney Rock in Flower Mound, explaining how the 100-acre, 2-acre lot development was converted to a conservation development by allowing 100, 1-acre lots and one large, 50-acre, natural open space to be preserved in perpetuity. 100-acres were divided with a large amount of open space required to be left alone for the protection of trees. The fix is not simple because a management component is needed.

Commissioner Page commented that cluster areas of Post Oaks should be preserved. Because Post Oak trees typically do not like to remain wet, it's difficult to incorporate into drainage areas. CDD Smith told the Commissioners that penalties and enforcement for clearing trees is a difficult item to prevail on in Municipal Court. Most Municipal judges deal with criminal law and do not have a firm grasp on the value of trees, so the penalties and enforcement can be minimized or forgiven. CDD Smith let Commissioners know further discussion will need to be held for "triggers for the penalty," and what type of penalties might be considered (fines, mitigation, stop-work orders, etc.). Education was brought up again by Commissioner Page as a component to be included. CDD Smith concurred and stated a reach-out for this is necessary to achieve the ultimate goal of protecting the trees.

CDD Smith asked the Commissioners what kind of tree report would be expected when Staff moves forward. Commissioner Sagar brought up a past file that Staff had with a list of tree violations for Tree Ordinances. She commented that some of the potential fines in the file were colossal. Commissioner Sagar commented that some of the cases in that file were handled differently. She added that the enforcement language needed to be clear

and remain consistent. Further, historically some fines were never assessed. Chairperson Ponder stated that ultimately the outcome is to have more of a natural look in Keller.

D. DISCUSS AND REVIEW AGENDA ITEMS

CDD Smith discussed definitions pertaining to the Fence Ordinance. Specifically mentioned was the addition of "Composite Decking." The actual definition cannot state "Trex" but it can be listed as an example. Trex is not masonry and it should not be construed that it can be used in place of Masonry.

Commissioner Sagar brought up the issue with eight-feet of fencing triggering a permit and the challenge that presents for agricultural fencing because it might be overrestrictive. CDD Smith stated a better trigger for fence replacement in agricultural area is a percentage of the linear footage. CDD Smith recommended the permit trigger amount be 50%. Expanding further, 60% is the trigger that requires replacing a non-conforming fence in its entirety.

CDD Smith stated no bright or unnatural colors are allowed but, iron fencing is almost always painted and should be allowed. In addition, whatever the material is on a fence it has to stay consistent with regards to material. Included in the material section of fencing is the prohibited use of vinyl fencing. Composite decking is now on the materials allowed for fencing. Commissioner Page suggested allowing galvanized chain-link fencing for interior fencing on Single Family-20,000 square-foot lot minimum (SF-20) and greater that are not visible from the street. CDD Smith informed Commissioner Page he could make a motion to amend the proposed amendments to include such a provision.

Chairperson Gary Ponder asked the Commissioners if they were okay to move forward with the recommendations that Staff will be presenting in the Planning and Zoning Meeting tonight.

CDD Smith stated she would try and remember what changes they wanted to amend during the presentation, but please remind her in case she inadvertently left something out. The ordinance will be amended to show agricultural fencing that replaced 50% or more of the linear fencing of a parcel required a permit. Commissioner Stevens noted that on item G-1- "the interior galvanized chain-link fencing must not be seen", might be better stated as, "must not be visible."

The Commissioners stated that there were no issues with item E-1, the minutes from the 6/10/2019 Planning and Zoning Commission Meeting.

Planner Ducay gave a brief presentation on Item E-2. This was the same SUP concerning the building of an accessory dwelling unit at 1660 Willis Lane. The Applicants realized the square-footage given in the original case did not depict an accurate description of the square-footage of the accessory dwelling unit (ADU). The new wording will include the ADU to show "up to 2,400 square-feet." The main difference is the covered patio is going to show the amount of square-foot used to cover it.

Commissioner Sagar expressed her concerns with Staff that this second home is being built on the property without platting and if the home is no longer needed for a family member, it could be rented out or used as an Air B and B. Commissioners have concern over this and want Staff to consider how it can best be addressed.

Item E-3, the Applicant has withdrawn their request for a Specific Use Permit to allow a Chiropractic office- a proposed "medical use" in Old Town Keller.

Item E-4, Staff is asking to table the SUP request for the rental of tools and machinery and the use of outside storage for the business at 1675 South Main Street. Planner Bradburn explains that the original public hearing notice put out to the citizens did not mention the use of an above ground fuel storage tank. This item requires a separate SUP. The item will be ready for the July 8th Planning and Zoning Meeting.

Item E-5 was discussed by Planner Smithers. This was in regards to the installation of awnings at Chick-fil-A. Because this addition of a canopy is being done in Town Center Zoning, it is required to go before Planning and Zoning and City Council. There are no variances being requested. Commissioners had no questions.

Item E-6 is the Tree Mitigation Appeal to allow advanced grading of 41 lots and two open-space lots on Gean Estates Phase 3. CDD Smith discussed this item with the Commissioners. She explained that City Council denied the request by a vote of 3 to 3. The City Council asked the Applicant to redesign to accommodate more on site planting and less money paid into the Restoration Fund.

CDD Smith explained that the Applicants sat down with Staff and discussed this case at length. Two options were proposed to plant more trees. One option was to have zero money put into the Restoration Fund. This option posed concerns about overcrowded planted trees. The second option calls for half the proposed trees from the one option to be planted and the other half to be mitigated by paying into the Restoration Fund. Commissioner Page asked Staff if this is the same plan brought forward before but with a different mitigation strategy. Staff stated it was, but the planting is going to be done in Phase One of Gean Estates where more open space is available. Commissioners had no questions for Staff.

Item E-7. Planner Ducay gave a brief overview of the case to the Commissioners. The Keller Police Department was requesting a shade structure for the outside open area of the animal adoption building at the North Texas Pet Adoption Center located at the City of Keller Animal Shelter. The Commissioners had no questions of Staff.

E. ADJOURN

Chairperson Gary Ponder adjourned the Pre-Meeting at 7:05 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

B. PLEDGE OF ALLEGIANCE

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

1. Pledge to the United States Flag
2. Pledge to the Texas Flag - "Honor the Texas Flag: I pledge allegiance to Thee, Texas, one State under God, one and indivisible."

C. PERSONS TO BE HEARD

This is a time for the public to address the Board/Commission on any subject. However, the Texas Open Meetings Act prohibits the Board/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.

No public comments were received.

D. OLD BUSINESS

1. [PUBLIC HEARING: Consider a recommendation of amendments to the City of Keller Unified Development Code, adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 3 - Definitions; Article 8 - Zoning Districts, Development Standards, Tree Preservation, to amend fence requirements; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. \(UDC-19-0004\)](#)

Attachments: [061019 UDC Proposal-Art. 3-Definitions](#)
[061019 UDC Proposal-Art. 8, Sec. 8.09-Sign Regs](#)
[061019 UDC Proposal-Art. 8, Sec. 8.11-Fence Requirements](#)

CDD Smith gave Staff's presentation. She explained Staff wants to make the Ordinance simpler for the citizens and straight-forward when it comes to permit review of fence applications. When speaking about residential fencing, an eight-foot span is something most people understand when it comes to material and therefore made sense to use as the permit trigger. In regards to agricultural uses, CDD Smith stated a fence permit would be required if 50% or more of the linear footage of an agricultural tract of land around the perimeter was being built. This was not referring to interior and paddock fencing. of that interior pastures. Commissioner Sagar asks this to be clarified to restrict to parcels of two acres or more.

The proposed amendments required consistency. However, agricultural fencing may have wood and barbed wire along the side or for interior fencing.

Chain link fencing would be allowed for sports courts or dog runs, but it must be vinyl-clad with colors to be brown, green, or black. However, chain link fencing may be allowed on

SF-20 or greater as long as the fencing is not visible from the street.

Chairperson Gary Ponder opened the public hearing. No public comments were received.

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

Chairperson Gary Ponder asked the Commissioners if there were any questions. Commissioner Page asked the Code Compliance Coordinator Hernandez if she thought the changing of the Ordinance would go a long way in helping to improve her life. She commented that, yes, she believed it would eliminate a lot of the variance requests.

No further discussion was held.

A motion was made by Commissioner Page, seconded by Commissioner Sagar, to approve the amendments to the ordinance as discussed in the work session. The motion carried unanimously.

E. NEW BUSINESS

1. [Consider approval of the minutes of the Planning and Zoning Commission Meeting on June 10, 2019.](#)

Attachments: [061019 Meeting Minutes](#)

Commissioner Osgood made a motion to approve the minutes, seconded by Commissioner Page. The motion carried unanimously.

2. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to construct an Accessory Dwelling Unit up to 2,400 square-feet, with variances for size and location on an approximately 2.2-acre tract of land located on the west side of Willis Lane and approximately 2,800 feet northwest of the intersection of North Tarrant Parkway and Willis Lane, being Lot 1, Block A, Sandra Smith Addition, at 1660 Willis Lane \(Account# 41563832\), and zoned Single-Family Residential-36,000 square-foot lot minimum \(SF-36\). Janine and Nicholas Stevens, Owner/Applicant. \(SUP-19-0014\)](#)

Attachments: [062419 StevensDwellingUnitSUP-19-0009 Maps](#)
[062419 StevensDwellingUnitSUP-19-0009 StaffAttachment\(1of1\)](#)
[062419 StevensDwellingUnitSUP-19-0009 ExhibitA\(1of3\)](#)
[062419 StevensDwellingUnitSUP-19-0009 ExhibitA\(2of3\)](#)
[062419 StevensDwellingUnitSUP-19-0009 ExhibitA\(3of3\)](#)

Planner Ducay gave Staff presentation for item E-2. This is the same case for 1660 Willis Lane that was approved at an earlier Planning and Zoning meeting. Essentially, the Applicants realized the square-footage given in the original case going forward did not depict an accurate description of

the square-footage of the accessory dwelling unit (ADU). The new wording for this case will include

the ADU to show, "up to 2,400 square-feet." The main difference is the covered patio is going to show the amount of square-foot used to cover it. The actual footprint of the building itself dropped by a small amount. Variances were requested because the percentage of the ADU is greater than 50% of the main structure and the proposed location of the ADU is in front of the main structure.

Chairperson Gary Ponder asked if anyone present would like to come forward and speak on behalf of Item E-2. No one came forward.

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

Chairperson Gary Ponder asked the Commissioners if they had any questions. Commissioner Osgood made a comment about the future impact of these large ADUs on land use. He understood the good intentions of people, but was concerned about the future landowner and what their intentions for the second home might be. He added that Staff might want to look at adding language to the Ordinance to prevent this growing issue in Keller of adding ADUs on larger lots. Commissioner Sagar concurred.

Commissioner Stevens made a motion to approve Item E-2, seconded by Commissioner Reid. The motion carried 6-1. Nay- Commissioner Sagar.

3. [PUBLIC HEARING: Consider a request of a Specific Use Permit \(SUP\) for Wholistic Healing Chiropractor, a proposed 'Medical Offices' use to occupy a 700-square-foot lease space within a 3,550-square-foot multi-tenant building, located on a 0.2295-acre tract of land, located on the east side of North Main Street \(U.S. HWY 377\), at the intersection of West Hill St and North Main Street \(US HWY 377\), being Lot 4, Block 10, Keller City Addition, at 149 North Main Street \(US HWY 377\), Suite C \(Account #: 01484354\), and zoned Old Town Keller \(OTK\). \(SUP-19-0012\) Michael Gallagher, applicant. Vina Property LLC is the owner of the property.](#)

Attachments: [062419 Maps](#)

[062419 ExhibitA Application&Letter](#)

Planner Smithers gave Staff's presentation. Planner Smithers advised the Commission that the Applicant had withdrawn their application. Chairperson Gary Ponder dismissed the case.

4. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to allow the "rental of tools and machinery" and for the use of "outside storage" on a 4.77-acre-lot on the east side of South Main Street, approximately 400 feet south from the intersection of South Main Street and Calverley Place, being Steelwright Addition, Lot 1A, Block 1, at 1675 South Main Street \(Account # 06427324\) zoned \(LI\) Light Industrial, Roy Holdeman, applicant; Johnson-Keller 377, LLC, owner \(SUP-19-0015\).](#)

Attachments: [06242019_SUPEquipmentsshare.com_AerialMap](#)
[06242019_SUPEquipmentsshare.com_AboveGroundFuelTank](#)
[06242019_SUPEquipmentsshare.com_SignaturesofSupport](#)

Planner Bradburn gave Staff's presentation. Planner Bradburn asked the Commissioners if this item could be tabled until the next Planning and Zoning meeting scheduled for July 8, 2019. Planner Bradburn explained to the Commissioners that the SUP the applicant was proposing was for the use of outside storage and for the rental of tools and machinery. Public hearing notices were sent out as planned and a sign was placed on the applicant's property. However, Staff overlooked that the use of an above ground fuel tank in the Light Industrial zoning district also requires a separate SUP. The public hearing notices did not reflect this, so Staff asked to table the item and would renotify and would place the public hearing announcement in the newspaper in order to have their case heard by Planning and Zoning on July 8th and was scheduled with City Council for July 16, 2019.

A motion was made by Commissioner Page to table the item, seconded by Commissioner Reid. The motion carried unanimously.

5. [Consider a request of a Site Plan Amendment for Chick-Fil-A, a 4,779 square-foot restaurant with drive-thru on an approximately 11.960-acre tract of land, located on the south side of Keller Parkway \(F.M. 1709\), situated at the intersection of Rufe Snow Drive and Keller Parkway \(F.M. 1709\), being Lot 1R, Block A, Keller Town Center, at 1002 Keller Parkway, and zoned Town Center \(TC\). Regency Centers, LP, owner. Esencia Architecture and Urban Design, LLC, applicant/developer. \(SP-19-0007\)](#)

Attachments: [062419_ChickFilA_Maps](#)
[062419_ChickFilA_ExhibitA_Application](#)
[062419_ChickFilA_ExhibitB_Site Plan](#)
[062419_ChickFilA_StaffAttachment_ApprovedPlat](#)

Planner Smithers gave Staff presentation. The Applicant proposed to add 1,411 square-feet of canopy to extend over the drive-thru lanes at 1002 Keller Parkway. Planner Smithers informed the Commissioners that a site plan amendment in Town Center Zoning was required to be heard by the Planning and Zoning Commission and City Council. However, if no variances were requested, approval must be given.

The Applicant was available to answer questions. Chairperson Gary Ponder asked the Applicant if she had anything to add. The Applicant, identified as Elizabeth Fritz, told the Commissioners that her Staff had been waiting a long time for this canopy (it would make it easier to serve guests in inclement weather) and was glad to see it going before the Commissioners.

Chairperson Gary Ponder asked if the Commissioners had any questions. Commissioner Sagar asked the applicant if Chick-Fil-A would consider building the columns for the canopy in brick rather than just leaving them in metal. Ms. Fritz said she would be happy to do so.

Ms. Fritz said she liked it better in brick and had no objection with constructing it using brick.

Commissioner Stevens made a motion to approve the site plan amendment with the added condition of brick for the columns, with a second motion by Commissioner Osgood.

Commissioner Alvarado commented that he had a problem adding this condition to the amendment as the use of the metal was not in violation of the Code. He added he would not vote to approve with that specific language, but would vote to approve with a recommendation to consider brick for the columns.

Further information was provided by CDD Smith in regards to brick columns and what other zoning districts required it. She added in Town Center it is not a requirement and this is why a recommendation did not come forward to have brick.

Commissioner Sagar commented she would have no problem moving forward with a recommendation instead of a condition.

Commissioner Reid said he was a bit confused as it appeared the Commission would have to approve it as submitted, so is the Commission even allowed to make changes. CDD Smith said this was a grey area because of the definitions in the Code related to the materials. Staff is working through these Code anomalies.

Commissioner Sagar reminded the Commissioners that ultimately City Council has the final approval on this item, and the Commission only makes a recommendation for approval.

Commissioner Page stated he would be in agreement to move forward as submitted in order to avoid making a large issue out of this. He added, however that when it goes to City Council, let it be known that Chick-Fil-A was amenable of brick columns. Ms. Fritz stated they were perfectly fine with that idea.

Commissioner Stevens changed his motion to approve as submitted, seconded by Commissioner Osgood. The vote carried unanimously.

6. [Consider a resolution approving an amendment 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 to allow advanced tree removal and lot grading for residential Lots 13-32, Block B; Lots 8-14, Block F; Lots 1-14, Block G, and one open space lot of Gean Estates Phase 3, a residential development consisting of forty-one \(41\) residential lots and two \(2\) open space lots, located on approximately 40.73 acres of land, on the south side of Bancroft Road, approximately 2,550 feet east of the Bancroft and Bourland Road Intersection, at 740 Bancroft Road, and zoned Single Family Residential-36,000 square foot minimum \(SF-36\). Kyle Dickerson, Lennar Homes of Texas Land and Construction, owner/applicant. LJA Engineering, Inc., Engineer. \(TB-18-0001\).](#)

Attachments: [070219_GeanEstatesPh3_Gean Estates Resolution](#)
[070219_GeanEstatesPh3_1stGeanEstatesMemoPh3](#)
[070219_GeanEstatesPh3_TableforAlternative2](#)
[070219_GeanEstatesPh3_TableforAlternative1](#)
[070219_GeanEstatesPh3_TreeTableforAlternative1](#)
[070219_GeanEstatesPh3_TreeTableforAlternative1.A](#)
[070219_GeanEstatesPh3_TreeTableforAlternative2](#)
[070219_GeanEstatesPh3_TreeTableforAlternative2.A](#)
[H-4 Presentation Gean Estates Ph.3](#)

Planner Bradburn gave Staff's presentation. The Applicant proposed a new mitigation plan for Gean Estates Phase 3 with two different options. The proposal would still keep the upsizing and additional trees for the 41 lots and 2 open-space lots from the first plan brought before the Planning and Zoning Commission and City Council. The new proposal had two alternatives: one would add 424 new trees in open-space lots in Gean Estates Phase 1 and eliminate paying money into the Tree Restoration Fund. The second option would add 242 new trees in openspace lots in Gean Estates Phase 1 and put \$108,600 into the Tree Restoration Fund. The main difference between the options was the distance between the planted trees: 25' versus 50' on center plantings.

Commissioner Apke did not have any questions, but commented that his original opinion as a non-voting member was favoring the 424 trees being planted. After hearing Staff's presentation he is convinced the option to plant 242 trees and place the money into the Tree Restoration Fund is a better option for the long term health of the mature canopy.

Commissioner Sagar added she preferred option two to option one. She added that there needed to be similar language written into the conditions of the tree mitigation as was presented the first time Gean Estates came forward with the Phase 3 plan (escrow, time-frame, CCRs) that there be the upsizing of trees on the residential lots and for the additional trees to be planted on the residential lots in Phase 3.

Eric Hanson-from LJA Engineering asked Commissioner Sagar if she was suggesting the same type of conditions as to what was brought before them in March 2019. Commissioner Sagar confirmed and thanked Gean Estates for working with the Staff and coming back with planting alternatives for the tree mitigation.

Commissioner Osgood asked about the watering and upkeep of the proposed trees to be planted. Erik Hanson described for the Commissioners a plan being put together by the landscape architect that would involve irrigation, gator bags, and other means of keeping up the maintenance and helping to sustain the trees. He added that trees would be planted prior to final acceptance and during this time irrigation would be installed and maintained. The cost for the maintenance of the trees will shift to the homeowner's association after development is complete.

Commissioner Alvarado noted that the tree mitigation amount of money should be \$108,900 and not \$108,600. Planner Bradburn explained there were two-inches of overage and this two-inches brought the price down by \$300. The Commissioner also added that he would like to see if the Tree Ordinance could be amended to allow the money to be bonded as opposed to put into the Tree Restoration Fund, so it could be used for punitive purposes if the trees were not planted.

Commissioner Sagar asked what type of trees were going to be planted since it was not specified. Erik Hanson responded that the Owner would be working with the landscape architect and the homeowners for tree selection using the City Tree List.

He added it would include Oak trees, but also smaller trees that are approved in the UDC providing a mix with larger canopy trees. CDD Smith stated it would be healthier to use more understory trees if the Commission chose option one with a spacing of 25-feet.

Erik Hanson had one final question of the Commissioners. He had asked if the Owner could get credit for 20 trees planted in Gean Estates Phase 1. Commissioner Page responded and suggested tabling the case tonight if the Owner wanted to have the Commissioners look over this added proposal as it was not outlined in the original presentation. The Applicant withdrew the request and said they would proceed with what the Commissioners had before them.

Commissioner Page made a motion to approve Gean Estates Phase 3 mitigation option two, with the escrowed fund to be for 1,426 caliper-inches (\$213,900), and the other conditions brought forward by Commissioner Sagar, with \$108,600 being put into the Tree Restoration Fund. Commissioner Reid seconded and the vote carried unanimously to approve Item E-6.

7. [Consider a request of a Site Plan Amendment for the Keller Regional Adoption Center, a 36,019 square-foot animal shelter on an approximately 6.731-acre tract of land, located on the west side of Rufe Snow Drive, situated 650 feet north of the Rufe Snow Drive and Bear Creek Parkway Intersection, being Lot 1R, Block 1, Public Safety Addition, at 330 Rufe Snow Drive, and zoned City Owned Property \(COP\). City of Keller, owner/applicant. \(SP-19-0009\)](#)

Attachments: [062419_ShadeStructureSP-19-0009_ExhibitA\(1of4\)](#)
[062419_ShadeStructureSP-19-0009_ExhibitA\(2of4\)](#)
[062419_ShadeStructureSP-19-0009_ExhibitA\(3of4\)](#)
[062419_ShadeStructureSP-19-0009_ExhibitA\(4of4\)](#)
[062419_ShadeStructureSP-19-0009_Maps](#)

Planner Ducay gave Staff's presentation. The Keller Police Department proposed a canopy structure to be constructed in the open space dog run area of the animal adoption center to provide shade for the dogs. The structure would cover 1,075 square-feet and be approximately 13-feet in height. The colors of the structure would be compatible with the structures already in place. Two variances are being requested with this structure: One,

allow the support columns of the shade structure to be made of steel, and two, allow the canopy of the shade structure to be made of polyethylene and polyester fabric.

Commissioner Reid, also Co-Chairman, filled in for Chairperson Gary Ponder while he took a short break. Commissioner Reid asked the Commission if they had any questions.

Commissioner Osgood commented that he is a firm believer that the City needs to follow its own Code when it comes to requests. Because these variances are appropriate, he supported granting the request.

Commissioner Page asked if the metal legs could be pulled out in the winter so the dogs could enjoy the sunshine. Captain Chad Allen responded to the question and stated the structure had to meet engineering standards with wind and other standards, so the posts would be in 8' concrete piers. But, he added the top could be taken off to accommodate the dogs in the winter.

Commissioner Osgood made a motion to approve Item E-7, Commissioner Stevens seconded the motion. Item E-7 was approved unanimously.

F. ADJOURN

Chairperson Gary Ponder adjourned the meeting at 8:21 P.M.

Chairperson

Staff Liaison