



# **City of Keller**

## **Planning & Zoning Commission**

### **Meeting Minutes**

Keller Town Hall  
1100 Bear Creek Parkway  
Keller, TX 76248  
817-743-4000  
[www.cityofkeller.com](http://www.cityofkeller.com)

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**Tuesday, July 14, 2020**

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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 6:31 P.M.

The following Commissioners were present:

Ralph Osgood, Vice Chairperson

Leslie Sagar

Tom Thompson

Paul Alvarado

Bob Apke

James Dawson

Phillip Maxwell, Alternate (Non-voting)

Staff present included Katasha Smithers, Planner I; Matt Cyr, Planner I; Julie Smith, Community Development Director (CDD); Chad Bartee, City Engineer; Sean Vreeland, Director of Information Technology and Amy Botcher, Planning Technician.

#### **B. DISCUSS AND REVIEW AGENDA ITEMS**

C (1) Approval of the June 23, 2020 Minutes.

There were no comments or questions from the Commission.

C (2) Just for Grins SUP

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

Commissioner Ponder asked if the proposed dentist office would be a brand new structure.

Planner Cyr responded it would be.

Commissioner Ponder then asked what the square-footage was of the building the Applicant was currently occupied.

Planner Cyr responded that he did not know, but the Applicant would be available to answer his question.

CDD Smith stated that the business was currently in a suite on Bear Creek. She added that she believed the design and location of this structure would create an impactful entrance to Old Town Keller.

Commissioner Ponder agreed with her assessment.

Commissioner Maxwell asked if this would be a single-occupancy building.

Planner Cyr acknowledged that it would be.

Commissioner Thompson questioned if the Applicant's current space is leased.

Planner Cyr replied it was.

C (3) Rabbit Hole SUP

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

Commissioner Thompson asked what specific type of used goods would be sold.

Planner Cyr stated there would be a variety, and the Applicant should be available to describe her merchandise in the regular meeting.

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Chairman Ponder added that it was his understanding that there would be new inventory as well.

CDD Smith suggested that the Commission may eventually want to look into possibly changing the “used goods” definition to clarify how much used versus new merchandise might be desirable for the Old Town Keller zoning district. Reducing the amount of used goods that may be sold by percentage may help address concerns about Old Town Keller becoming a district of “junk” stores or too many re-sell shops.

Commissioner Thompson stated that he was concerned about the type of used goods and would prefer that it be more upscale in nature.

CDD Smith explained that the Commission might think about how they would like to regulate used goods as the current standards do not limit used goods very much.

Commissioner Thompson noted that he did not want the feel of an “uppity community” but would not like the opposite either.

Commissioner Sagar stated that the Applicant’s letter mentioned that there would be vendors, therefore making it similar to an antique mall. Commissioner Sagar asked if anyone was aware of City Council’s vision for Old Town Keller. She stated that Old Town Keller had evolved into an eclectic mix of uses and it would be better suited to have a vision for Old Town Keller going forward.

CDD Smith explained that Phase I of Old Town Keller started the process of dressing up the public areas especially on the west side. Phase II, which is now being designed and is focused on the east side, has been limited somewhat due to the economic impacts of COVID-19. However, the vision to create an area for events, shopping and pedestrians will continue to be the goal.

Commissioner Alvarado stated that he was looking forward to hearing from the Applicant. He commented that this could be a “boon” for that area given that two of the three suites in the building were vacant.

Commissioner Maxwell concurred with Commissioners Sagar and Thompson, and said having a vision for that area would be beneficial. He also agreed that having a “percentage” of goods could

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lead to a better definition of “Used Goods.” Commissioner Maxwell would prefer this area be a creative space and more of an Arts District than a flea market.

Commissioner Apke stated this was not a prime piece of property, since it was located on a side street. He also agreed that the Planning and Zoning Commission would benefit from a better understanding of what City Council and residents envision for the area. Commissioner Apke noted this would be a good fit for the community.

CDD Smith offered to provide a presentation at a work session to provide clarity to the Planning and Zoning Commission on the City Council’s vision for Old Town Keller.

Chairman Ponder asked Staff to provide such a presentation.

#### C (4) Specs Plat

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

No questions or comments from Commissioners.

#### C (5) Site Plan Final- Elkin

Planner Cyr gave a brief presentation on Item C (5).

Chairperson Ponder inquired if the drainage issues had been resolved.

Planner Cyr responded that he had been working with Public Works and Chad Bartee, City Engineer, was present for questions.

Commissioner Sagar asked if the typos on the plat had been corrected.

Planner Cyr confirmed that they had.

Commissioner Alvarado asked if the Planning and Zoning Commission had a major project update.

CDD Smith explained that City Council received an update once a month. She asked if the Planning and Zoning Commission would like to receive this monthly as well.

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Commissioner Alvarado requested to receive the major project update monthly; all Commissioners agreed.

## **D. ADJOURN**

Chairperson Gary Ponder adjourned the Pre-Meeting at 6:56 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. Chairman Ponder expressed his gratitude to Bob Stevens for his service as a Board member for the Planning and Zoning Commission. He explained that Mr. Stevens was moving out of the city and would no longer be able to serve. He also welcomed Commissioner Maxwell and Commissioner Dawson to their new positions within the Board.

### **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 June 23, 2020.](#)

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**Commissioner Sagar moved 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 Dental Office use, for Just for Grins, proposed in an approximately 10,750 square-foot building, on an approximately 2.21-acre property, located on the east side of North Main Street, approximately 150 feet southeast of the intersection of North Main Street and Johnson Road, zoned Old Town Keller (OTK), located at 466-468 North Main Street. Dr. Jonathan Angwin, Owner/Applicant. (SUP-20-0014)

Planner Cyr explained the Applicant was proposing to move within Old Town Keller (OTK) to 466-468 North Main Street, to expand his current business. He mentioned that in the Old Town Keller zoning district, all Medical/Dental Offices were required to go through the SUP process.

Planner Cyr stated that the City mailed out 34 letters of Notifications for this Public Hearing to all property owners within three-hundred feet (300') of the subject site. He also explained that Staff had not received any written support or opposition regarding this SUP application. However, staff had received two phone calls from adjacent residents related to drainage.

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

Mike Wright, Architect and Dr. Angwin, Applicant, stated that they were excited to start this project as they realized there was a need to expand and looked forward to serving the residents of Keller.

**Chairperson Ponder opened the Public Hearing.**

John and Lisa Mead, 505 Charles St., stated that they had concerns concerning the drainage, fencing and Hackberry trees that were overgrown along the eastern property line. Provided that these concerns are addressed, they were in support of the business and welcomed Dr. Angwin.

Eric James, 501 Charles St., expressed his concerns as well for the drainage, fencing and Hackberry trees.

Larry Runyon, 516 Charles St., stated his support of the new dentist office. He noted that Dr. Angwin was his dentist, and it was his opinion that he would make sure to address all of the concerns his neighbors brought forward.

Justin Robinson, 513 Charles St., echoed the previous neighbors' concerns of drainage and tree removal.

**Commissioner Sagar made a motion to close the Public Hearing for Item C (2), seconded by Commissioner Osgood. The motion carried unanimously.**

Chad Bartee, City of Keller Engineer, addressed the drainage concerns put forth by the residents. He said we would not know until the site plan and civils were presented about the impact for drainage. But, he also **noted that the drainage issues would not be any worse than they were currently and possibly improved.**

Commissioner Sagar thanked Dr. Angwin for bringing this project forward. She asked Staff to address the fence and tree concerns presented.

Planner Cyr responded that Staff was still in the review phase of the construction and site plan documents and will address drainage as part of that review.

Commissioner Sagar inquired about landscape buffers and screening walls.

CDD Smith responded that this was a similar circumstance to Specs. She stated if the Hackberry trees were too close and would be damaged by construction of the wall, that yes, they would have to be removed. CDD Smith also noted that if new trees were to be planted, they would be a type of tree that would keep leaves throughout the year, such as Live Oaks.

Commissioner Osgood asked Staff to explain where the entrance to this project would be located.

Planner Cyr responded that the entrance would be on Hwy. 377.

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Commissioner Osgood inquired about whether a turn lane would be necessary.

Planner Cyr stated that there already was.

Commissioner Ponder thanked the residents for calling and hoped that their questions and concerns had been answered.

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

3. PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for a retail store to include sales of used goods, for The Rabbit Hole, proposed in an approximately 1,600 square-foot building, on an approximately .11- acre property, located on the east side of South Main Street, approximately 425 feet southeast of the intersection of South Main Street and E. Vine Street, being Block 9, Lot 14, KELLER CITY ADDITION, zoned Old Town Keller (OTK), located at 130 E. Vine Street Suite B. Geneva Cox, Owner. Maria Halley, Applicant. (SUP-20-0013)

Planner Cyr stated that Divine Junque had previously occupied the site as a used goods store. He mentioned they left the property in late 2018, and the property had since remained vacant. Planner Cyr stated The Rabbit Hole applied for a Certificate of Occupancy in May 2020; they were proposing to sell used goods at this location, and that triggered the SUP requirement.

Planner Cyr stated that the City mailed out 29 letters of Notifications for this Public Hearing to all property owners within three-hundred feet (300') of the subject site. He also mentioned that Staff had not received any written support or opposition regarding this SUP application. However, Staff did receive a letter from The Montessori School asking several questions but not taking a position either for or against the proposed business.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant was not available.

**Chairperson Ponder opened the Public Hearing.**

No one came forward.



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

Commissioner Alvarado stated he was disappointed the Applicant was not available.

Commissioner Sagar asked Planner Cyr if the Applicant had been notified of the meeting.

Planner Cyr stated that the Applicant was notified by email, and he had spoken to her on the phone. She had indicated she would attend.

Commissioner Sagar suggested that the Commission table this request until the July 28, 2020, Planning & Zoning Meeting, so the Applicant could be present to answer questions.

Commissioner Dawson concurred with Commissioner Sagar and was interested in what would be sold at this business.

Commissioner Apke agreed and would like to know what the percentage of used goods of the business would be.

Commissioner Thompson echoed the sentiments of the previous Commissioners.

Commissioner Osgood stated that he applauded the owner and supported this project moving forward.

Chairperson Ponder expressed his disappointment at the Applicant not being available.

**Commissioner Thompson made a motion to table Public Item C (3), seconded by Commissioner Sagar. The motion carried by a vote of 5-2. Aye: Commissioner Dawson, Commissioner Sagar, Commissioner Ponder, Commissioner Thompson and Commissioner Apke**  
**Nay: Commissioner Alvarado and Commissioner Osgood**

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4. Consider approval of a Final Plat for Lot 1, Block A, Spec's Keller Addition, being 1.676-acre portion of 100 Chandler Road, located on the east side of Keller Smithfield Road, approximately 425 feet northeast of the intersection at Keller Smithfield Road and Keller Parkway (FM 1709), zoned Town Center (TC). John McClure, McClure Partners, Applicant; Greenway-Keller, L.P., Owner. (P-20-0025)

Commissioner Ponder asked the Commissioners if they had any questions or comments.

Commissioner Sagar expressed thanks to the Applicant.

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

5. Consider approval of a Final Plat for Lots 4R, Block 2 and 5R, Block 3, Arabian Horse Addition being 3.412-acres located approximately 700 feet south of the Elkin Lane Drive and Florence Drive intersection, zoned Single-Family 36,000 square-foot lots (SF-36). Mike Davis and Malcolm Platt, Owners/Applicants. (P-20-0023)

Planner Cyr stated these two lots were initially platted and approved by City Council on August 17, 1985. The Applicant was requesting to replat both lots and further subdivide to create an additional, third lot. He also explained that Staff expressed concern over the ability to develop the lot and also protect the drainage easement on Lot 4R2. Public Works asked the Applicant to add language to the plat specifically prohibiting development that impacted the flow capacity upstream. The Applicant had done this.

Commissioner Ponder asked the Commissioners if they had any questions or comments.

No questions or comments from Commissioners.

**Commissioner Thompson made a motion to recommend City Council approve Item C (5), seconded by Commissioner Alvarado. The motion carried unanimously.**

Commissioner Ponder thanked Planner Cyr, Planner Smithers, CDD Smith, Chad Bartee, and Sean Vreeland for their hard work and asked CDD Smith if she had anything to add.

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CDD Smith stated that Amy Botcher was present and had been taking the minutes for the Planning & Zoning virtual meetings.

## **D. ADJOURN**

**Chairperson Gary Ponder adjourned the meeting at 7:51 P.M.**

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Chairperson

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Staff Liaison