



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, October 13, 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
Tom Thompson
Paul Alvarado
Bob Apke
James Dawson
Phillip Maxwell

The following Commissioners were absent:

Leslie Sagar

Staff present included JP Ducay, Planner I; Julie Smith, Director of Community Development; Chad Bartee, City Engineer; Sean Vreeland, Director of Information Technology and Amy Botcher, Planning Technician.

B. ADMINISTRATIVE COMMENTS

Planner Ducay stated there was not a briefing from the October 6, 2020, City Council Meeting.

C. DISCUSS AND REVIEW AGENDA ITEMS

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

No changes or updates needed.

C (2) Site Plan Amendment with four Variances for Keller Play and Stay at 1401 S. Main Street.

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

Commissioner Apke asked Staff if the parking totals were 16 plus a handicap space making a total of 17 parking spaces.

Planner Ducay responded that, yes, it would have been 17 total spaces. He added their proposal asked for 15 spaces and were now requesting a reduction to ten spaces.

CDD Smith stated parking ordinances could be tough to craft for all potential commercial uses; they sometimes required either too much or too little. She explained the applicant only would have a couple of clients at a time and a small staff. She added that if the applicant were allowed to proceed with the variance, the extra space created by the reduced parking area would be turned into a dog walking area for client's dogs.

Chairperson Ponder inquired about the size of the business's staff.

Planner Ducay stated he was not sure of the exact number but the applicant would be at the meeting and could answer the question.

Commissioner Osgood stated his concern regarding the first variance request for the encroachment on the side-yard landscape buffer.

Planner Ducay explained that this was an existing building that had been there since 1980, and the landscape buffer requirement had since been implemented after development.

Commissioner Osgood asked if the staff versus customer ratio would be sufficient to support the parking variance request.

Planner Ducay stated the City did not have a specific parking ratio for this particular use. Therefore, the most intensive parking requirement would be applied. However, staff believed understood that this type of business would not require such a high number of spaces.

Commissioner Osgood stated he also had a concern with the possible noise that having a dumpster closer to the residential area may cause. He questioned Staff if another location would be possible.

Planner Ducay stated the location of the fire lane had provided limited options for the dumpster. The other sites would allow visibility from the street or make truck access difficult, if not impossible.

CDD Smith added the residential home was not especially close. The neighboring business, Power Sports, had worked out an agreement with one of the property owners close to their location for customers to test the equipment. Noise in the closest neighborhood was not thought to have been an issue.

Commissioner Osgood stated the fourth variance request was also concerning to him due to the City requiring screening walls of others. He asked is Staff was aware of the cost for a screening wall.

CDD Smith responded that she did not know the cost of a screening wall, however, a whole screening wall would not be required at this location. She added Staff did not have an answer as to how effective half of a screening wall would be.

Commissioner Dawson asked Staff what precedent this could set for other businesses in the area.

CDD Smith commented that in the future, the dog walk area could always be paved over for additional parking if needed.

Commissioner Dawson inquired how the dog walk would be constructed.

Planner Ducay explained that these had only been preliminary conversations with the applicant. He also noted the dog park area option was thought to be a better use of space than parking by the applicant. There would be a fence as well as grass in this area for dogs to “do their business.”

CDD Smith stated the applicant would be available to answer these questions in the meeting.

Commissioner Alvarado questioned if Motor Sports owned the property behind them.

Planner Ducay stated there was an agreement between the two properties for its use.

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

There were no questions or comments.

C (3) PUBLIC HEARING- Request SUP for an Administrative Office use, for Rahe and Associates at 108 Hill Street.

Community Development Director Smith 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) Mural request for Two Brothers Winery at 110 Lamar Street.

CDD Smith gave a brief presentation on item C (4).

Commissioner Maxwell inquired about what the intentions for the property were. He stated part of the property appeared to have some industrial components.

CDD Smith stated the applicant would be at the meeting and it would be a great question. She said this may be the appropriate time to suggest they update the building to more of an "Old Town Keller" feel.

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

There were no questions or comments.

C (5) PUBLIC HEARING- Site Plan Amendment with 4 Variances for Keller Senior Activities Center at 640 Johnson Road.

Planner Ducay gave a brief presentation on item C (5).

Commissioner Dawson asked Staff why ornamental versus shade trees were indicated on the site plan.

Planner Ducay stated there were overhead electric lines that ran along Johnson Road. He said an arborist had stated there would be less interference if ornamental trees were used.

Commissioner Dawson inquired what types of trees they would be.

Planner Ducay stated he wasn't sure of the exact types, but they had all been chosen from the City's approved list.

Commissioner Osgood stated his concern about the City asking for a variance to encroach into the setbacks. He asked Staff if it would make sense to approve this variance in terms of similar requests from private developers.

CDD Smith responded that there were other areas on Johnson that also encroach. She said in terms of cross traffic, it would become a problem if you were to offset the existing flow of the drive isles. She noted Alonzo Linan, PWD and Chad Bartee, City Engineer, were involved with those conversations. She noted from a traffic flow standpoint, it was thought there would be high traffic in this area. She said it would have been better to yield to the traffic pattern than to maintain the buffer.

Commissioner Osgood stated his concern for the City asking for variances on a City property.

CDD Smith responded the City would not ask for variances for which there were not grounds. This process should be treated the same as if the request was coming from the private sector.

Chairperson Ponder offered his opinion that variances could be a good thing. He added having too many variances on an application made him wonder if we were straying away from the general idea of expectations for Keller.

CDD Smith stated variances such as these would become more frequent as Keller moved into a redevelopment phase versus new construction. She added this was a new building but an existing site with some constraints.

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.

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 September 22, 2020.](#)

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

[2. Consider a recommendation for a site plan amendment with four \(4\) variances for Keller Play and Stay to operate a Pet Grooming Facility in an existing 3,050 square-foot building, located on a 090-acre tract of land, on the east side of South Main Street \(US 377\), approximately 700' south-east of the South Main Street \(US 377\) and Kroger Drive intersection, being Lot 2A, Block 1, Higgens Fred & Birk Hend Addition, at 1401 S Main, and zoned \(C\) Commercial. Majid Nejati, owner. Distinguished Custom Homes, developer/applicant. \(SP-20-0027\)](#)

Planner Ducay stated the final plat for this property was approved by City Council in 1979, and the building was built in 1980. It was originally occupied by Plumbing Operations and then was unoccupied for several years.

In 2010, Pet Hollywood received approval by City Council for a site plan containing six variances related to development standards: alternative building materials, waived landscaping, retaining an existing chain link fence, waiving the masonry screening wall, allowing the existing gravel parking surface, and delaying construction of a five-foot sidewalk. Pet Hollywood occupied the building in 2011. Pet Hollywood vacated the property in 2018, and it had remained unoccupied.

Planner Ducay stated Keller Play and Stay had agreed to address two deficiencies:

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- The gravel drive and existing concrete would be replaced by a new concrete drive that meets current design and fire lane standards.
 - The five-foot sidewalk that was initially supposed to be constructed by the previous tenant would be constructed as part of this redevelopment.

Mr. Ducay explained Keller Play and Stay was requesting four variances:

- Allow the existing 3,050 square-foot building to encroach approximately seven feet and six inches into the ten-foot north side-yard landscape buffer.
- Allow the dumpster to be located in the rear-yard setback.
- Allow for 10 parking spaces in lieu of the 16 required parking spaces. (or 17 including handicap parking)
- Waive the required masonry screening wall along the southern portion of the east property line.

Chairperson Ponder opened the Public Hearing.

Jay Kenderly, Distinguished Custom Homes applicant, was available for questions.

Commissioner Dawson asked the applicant what the dog park area materials would consist of.

Jody McCallum, owner, stated it would be a grassy area with a Hurricane fence.

Commissioner Dawson inquired if there would be dogs left in this area unattended or for prolonged time.

Jody McCallum, owner, responded that the animals would only utilize the area for short amounts of time and always under supervision.

Commissioner Apke asked Staff if the prior business, Pet Hollywood, had received approval for the reduced parking of 10 spaces plus a handicap space.

Planner Ducay stated the site plan with parking had been previously approved by City Council.

Commissioner Apke noted the variance was simply requesting one less parking space than had been approved with the prior business.

Planner Ducay confirmed that was true.

Commissioner Maxwell offered congratulations and praise for the enhancements on the building.

Commissioner Osgood stated that as had been discussed in the pre-meeting, redevelopment would continue to spur variance issues. He said after the pre-meeting discussion, he was in support.

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

[3. PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for an Administrative Office use, for Rahe and Associates LLC, proposed in an approximately 3,258 square-foot building, on an approximately .23- acre property, located on the south side of Hill Street, approximately 150 feet southeast from the intersection of Hill Street and South Main Street, being Lot 16, Block 10 Keller City Addition, zoned Old Town Keller \(OTK\), located at 108 Hill Street. Ronnie and Kiley Rahe, owner/applicant. \(SUP-20-0018\)](#)

CDD Smith stated that Adoring Designs occupied the property at 108 Hill until October 2019; the property had since remained vacant. Rahe and Associates is proposing to utilize the space as an insurance agency. They would like to be located in the Old Town Keller zoning district because of the restaurants and shops available for their workers.

According to Section 8.03 of the UDC, administrative, professional or corporate offices are allowed by right when on the second floor or higher of a building or when the use occupies 1,200 square feet or less in an existing building. Since the building was approximately 3,258 square-feet and would be fully occupied by a business use, an SUP application was required.

Chairperson Ponder asked the applicant if they had anything to add.

The applicant had nothing to add.

Chairperson Ponder opened the Public Hearing.

No persons spoke.

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

Commissioner Dawson asked about the amount of parking and the number of employees.

CDC Smith responded stated she would like for the applicant to answer, but would like to remind the Commission that Old Town Keller was a shared parking area.

Donna Kirkwood, applicant, stated there were 12 employees currently. She said there was a three car garage bay for parking, the available parking spaces in front of the building and street parking options.

Commissioner Thompson noted that the square footage divided by the amount of employees would mean 240 square-feet per employee. He felt that was adequate to accommodate the requisite parking.

Commissioner Osgood stated that he would like to see the applicant update the façade of the building to look like the other buildings in Old Town Keller.

The applicant stated he would be happy to oblige and would take suggestions.

Commissioner Osgood made a motion to approve Item C (3), seconded by Commissioner Alvarado. The motion carried unanimously.

[4. Consider a request for a mural at Two Brothers Winery, located on Lot 3, Block A of Keller City Addition, being .14-acres of 110 Lamar Street, located on the west side of Lamar Street and zoned Old Town Keller \(OTK\). Donna Kirkwood, owner/applicant. Sandra Gonzalez, Artist. \(MUR-20-0002\)](#)

CDD Smith stated the Planning and Zoning Commission recommended, and the City Council approved, a UDC amendment to permit murals on June 16, 2020. The Applicant was proposing to locate a mural on the exterior of the south wall facing the parking area of Two Brothers Winery.

Chairperson Ponder asked if the applicant had anything to add.

Donna Kirkwood, applicant, added that the artist said this was a rendering and there would be minor changes such as additional landscape and size adjustments. She said the train would perhaps carry grapes and the two men in the drawing would be larger.

Commissioner Dawson stated he looked forward to seeing the mural complete.

Commissioner Apke noted he thought this to be a great addition.

Commissioner Thompson stated if you wanted to make something more “Old Town Keller”, there was nothing more fitting than a train. He noted it kept with the intent of murals with not having wording or advertisements.

Commissioner Alvarado stated he appreciated Two Brothers Winery and wished them luck.

Commissioner Maxwell stated he appreciated the Kirkwoods and their dedication to invigorate Old Town Keller. He then asked who the two men in the rendering were.

The Applicant described that, on some of their wine bottles, there are two men and they thought this was a great way to tie the mural to the business ran by two brothers.

Commissioner Osgood stated he appreciated the cascading effect of the mural.

Commissioner Osgood made a motion to approve Item C (4), seconded by Commissioner Thompson. The motion carried unanimously.

[5. Consider a recommendation for a site plan with four variances for the Keller Senior Activities Center, a 21,210 square-foot Activities Center, located on a 14.88-acre tract of land, on the south side of Johnson Road, approximately 750' south-east of the Bourland Road and Johnson Road intersection, being Lot 1, Block 1, Johnson Road Park, at 640 Johnson, and zoned SF-8.4 with a City-Owned Property Overlay. City of Keller, owner/applicant. \(SP-19-0017\)](#)

Planner Ducay stated in September 2015, the citizens of Keller petitioned the City Council to improve the Senior Activity Center. In response to this, the City Council approved a needs study that was conducted by Brinkley Sargent Wiginton (BSW) between September 2017 and January 2018. He explained there was a request being made for four variances.

- Allow 14 parking spaces along the northernmost part of the site to encroach approximately seventeen feet into the thirty-foot required Landscape Buffer along Johnson Road.
- Allow the Senior Activities Center to encroach approximately five feet into the thirty-foot Landscape Buffer along Johnson Road.
- Allow ornamental trees in lieu of canopy trees within the thirty-foot Landscape Buffer along Johnson Road.
- Provide alternative softscape landscaping in lieu of five-foot foundation planting along the front and sides of the building.

Commissioner Dawson inquired if the City had been looking to moving away from building plantings due to water conservation.

Planner Ducay stated for this case, it was more of a foundation concern.

Commissioner Dawson asked if this would set a precedent and cause others to refer to this to get variances for the same issues.

CDD Smith stated there had been several requests over the last six months similar to this. She suggested possibly looking at the UDC and changing the requirement on foundation planting.

Commissioner Dawson stated that he understood that foundations move. He then explained that he also understood that water around the foundations would help with cracking.

CDD Smith explained that with modern improvements to foundation construction, there was no longer any need to have 2 feet of foundation above grade that would require screening. Also, it was actually better not to have the foundation damp.

Steven Spring, Architect for the project, agreed with Staff and stated the proposed softscape was a common practice in engineering for planting designs. By doing this, they were able to mitigate risks by eliminating the variables. Softscape and landscape barriers are part of the additional mitigation applications along with root barriers. By moving plantings away from the buildings, you still had the advantage of landscaping without the dampness and root invasion.

Commissioner Dawson asked what type of irrigation would be used.

Mr. Spring responded that most often beds would have a drip system and the lawn would have heads.

Commissioner Apke stated that the first request was his only concern. He then noted after seeing the presentation and parking drive isle flow, he was in support.

Commissioner Thompson followed that leadership happens at the front of the line. He would prefer that the City propose cases with fewer variances. He also stated all of the square footage in the building must be necessary as well as the plantings, causing the need for the variances.

Commissioner Thompson suggested Staff look at the UDC and provide possible updates on foundation plantings. He finally stated that this was a needed service, and he was in support.

Commissioner Alvarado agreed with the sentiments of Commissioner Thompson regarding the many variances. He also stated that Staff had done a great job to address all of the concerns.

Commissioner Osgood stated he stood by his remarks in the pre-meeting. He also noted his respect for Planners being able to mitigate issues with this site.

Commissioner Alvarado made a motion to approve Item C (5), seconded by Commissioner Dawson. The motion carried unanimously.

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

CDD Smith announced to the Commission there would be six items and a work session for the upcoming Planning and Zoning meeting. She asked if the Commission would object to meeting at 6:00PM for the pre-meeting.

Gary Ponder confirmed with the Commission that they would meet for a pre-meeting on October 27th at 6:00pm.

D. ADJOURN

Chairperson Gary Ponder adjourned the meeting at 8:09 P.M.

Chairperson

Amy Botcher, Planning Technician