



**City of Keller**  
**Planning & Zoning Commission**  
**Meeting Minutes**

Keller Town Hall  
1100 Bear Creek Parkway  
Keller, TX 76248  
817-743-4000  
www.cityofkeller.com

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**Wednesday, October 7, 2020**

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**SPECIAL MEETING 6:00 P.M.**

**A. CALL TO ORDER – Chairperson Gary Ponder**

Chairperson Gary Ponder called the meeting to order at 6:00 P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Ralph Osgood, Vice Chairperson

Leslie Sagar

Tom Thompson

Paul Alvarado

James Dawson

The following Commissioners were absent:

Bob Apke

Phillip Maxwell

Staff present included Matt Cyr, Planner I; Julie Smith, Director of Community Development; Matt Butler, City Attorney; Sean Vreeland, Director of Information Technology; Chad Barte, City Engineer and Amy Botcher, Planning Technician.

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**

Brian Campbell called in to ask that since there was a plat filed with Tarrant County, was the Commission going to vacate that plat before filing the new one?

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Chairperson Ponder responded that while he could not address the question in “Persons to be Heard,” there would be time to address it in the “New Business” section.

### **C. NEW BUSINESS**

[1. Consider approval for a final plat of The Birch Addition, being Tract 3D and 3D01 out of the Daniel Bancroft Survey, Abstract No. 141, containing approximately 26.71-acres, located in the west side of Keller Smithfield Road, approximately 440-feet northwest from the Keller Smithfield Road and Johnson Road intersection, addressed as 660 Keller Smithfield Road and zoned Planned Development – Single Family 36,000 square-foot minimum lot size \(PD-SF-36\). Ken Harrison, The Birch Racquet and Lawn Club, applicant/developer/owner. Spry Surveyors, surveyor. \(P-20-0040\).](#)

CDC Smith stated on May 16, 2017, the City Council approved the Planned Development for The Birch Racquet and Lawn Club per Ordinance No. 1845. On November 13, 2017, the final plat was approved by the Planning and Zoning Commission. Chairman Gary Ponder and Director Trina Zais signed and executed the plat in February 2018. CDC Smith stated the applicant then had the responsibility to file the plat with Tarrant County and record it within two years from the Planning and Zoning Commission approval. However, the pending lawsuit between The Birch and Tarrant County Appraisal District prohibited The Birch from filing the plat.

Director Smith explained in January 2019, a scrivener’s error related to the right-of-way easement was discovered, remedied and the plat resubmitted. It was signed and executed by Chairman Ponder and Trina Zais in February 2019 (remediating scrivener errors did not require the Commission’s approval), but still not recorded because of the ongoing lawsuit.

She stated the lawsuit was resolved and the plat finally filed and recorded in February 2020. Tarrant County assumed the 2019 signatures on the corrected plat reflected the approval date. Consequently, the County recorded an expired plat. Today, the Applicant is resubmitting the same, corrected plat to the Planning and Zoning Commission for approval.

Commissioner Alvarado commented that although there was a scrivener’s error, he acknowledged Staff had done a great job handling this issue and thanked them for their work.

Commissioner Sagar had no questions and concurred with Commissioner Alvarado.

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Commissioner Osgood asked if Staff would reply to the earlier question from Brian Campbell that had been posed in “Persons to be Heard.”

Matt Butler, City Attorney, stated the plat was expired when it had been recorded in Tarrant County. He said there would not be a need to vacate the previous plat as it was not valid due to being expired.

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

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

CDC Smith stated that Staff would be moving the work session for carports from the Planning and Zoning meeting of October 13<sup>th</sup> to the October 27, 2020, work session and agenda.

**D. ADJOURN**

**Chairperson Gary Ponder adjourned the meeting at 6:18 P.M.**

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Chairperson

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Amy Botcher, Planning Technician