



# 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, February 23, 2021**

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PRE-MEETING BRIEFING 5:30 P.M.

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

Chairperson Gary Ponder called the virtual Pre-Meeting Briefing to order at 5:30P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Ralph Osgood, Vice Chairperson

Paul Alvarado

James Dawson

Leslie Sagar

Thomas Thompson

Phillip Maxwell- Alternate

Commissioner Bob Apke was absent.

Mayor Armin Mizani attended.

Staff present included Matthew Cyr, Planner I; Katasha Smithers, Planner I; Julie Smith, Director of Community Development; Sean Vreeland, Director of Information Technology; Amy Botcher, Planning Technician; Alonzo Linan, Public Works Director; Mary Culver, Acting Economic Development Director; Siale Lange, Economic Development Coordinator; Cody Mayberry, Community Services.

Chairperson Ponder stated City Council had met on February 2, 2021, when Staff was asked about several different land use categories in the proposed FLUP. He said it was his understanding that the role of P&Z was to offer input to Staff and Council about the proposed FLUP.

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CDD Smith stated this meeting was also being attended by additional Staff members that have worked diligently on the FLUP as well as Mayor Mizani.

Mayor Mizani thanked Chairman Ponder and CDD Smith as well as numerous Staff for their diligence during the winter storm the previous week. He stated the FLUP had been in progress for three years and it was time to take action on it. He noted he would like politics to not be a factor and for the process to proceed to conclusion. The Mayor said this was a recommending document and not a zoning or regulatory document. He wanted the Commission to keep in mind why people move to Keller- family friendly, small-town community- as they were considering the FLUP.

The Mayor agreed with Chairperson Ponder that a 7-0 vote was not necessary and also not necessarily expected. He instructed that any comments or recommendations by Planning & Zoning were to be brought to Staff right away rather than awaiting for the Commission's formal meeting on March 23<sup>rd</sup>. He added his door was open to the Commissioners and Staff.

## **B. WORK SESSION**

### **1. Future Land Use Plan Discussion**

CDD Smith gave her presentation on the Future Land Use Plan. She stated the FLUP was a view of the 30-year horizon of growth for the City. She added it was based on the goals and aspirations of the community and was an overall comprehensive plan. She said the current 1998 FLUP was outdated and did not reflect the current vision for the community. CDD Smith added the FLUP formed the basis for all subsequent City Master Plans, from the Thoroughfare Plan to the Parks Master Plan.

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She explained the differences between the FLUP and Zoning. The Future Land Use Plan provided recommendations on land use development (residential, retail, commercial, tech/flex space, open space, etc.) for the future. These recommendations in turn provide the foundation for the other master plans (infrastructure, parks and trails, etc.) She explained the Zoning Ordinance (UDC) regulated the present use of land. It managed growth and residential, business and development expectations about what they and their neighbors could do with their property. The zoning regulations put the FLUP into action. Consequently, zoning decisions that have no basis in the FLUP may be more successfully challenged in court. The FLUP helped provide a rational basis for zoning decisions.

CDD Smith stated the edits for the proposed 2021 FLUP included updating the Residential Land-Use categories, Mixed-Use definition, creating a Tech/Flex definition and delineating Parks and Open Space definitions. She gave brief descriptions of the 1998 FLUP versus the proposed 2021 FLUP definitions for those categories and gave the schedule of dates for FLUP public meetings.

Commissioner Thompson asked if the push was not to have more apartments or multi-use areas.

CDD Smith explained the “high density” definition did not cover apartments. Apartments were only permitted if part of a mixed-use development.

Chairperson Ponder asked if there would be a percentage noted for commercial and residential in the mixed-use definition.

CDD Smith responded it was not proposed in the Master Plan, though Council may consider it as part of the mixed-use zoning requirements in the UDC.

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Commissioner Thompson asked if there had been consideration of adding more medical zoning due to the aging population.

CDD Smith responded there was currently a fair amount of medical areas including Everest and Cook hospitals. The residents had not expressed a need for it, but Council could consider it.

Commissioner Thompson suggested prohibiting “noxious smells” in the Tech/Flex Space definition.

CDD Smith said “noxious smells” could be added by City Council, and, she would bring it to their attention.

Commissioner Maxwell asked if parking ratios could be addressed in the proposed FLUP as it seemed that some commercial uses were over parked.

CDD Smith clarified parking should be addressed through zoning updates.

Chairperson Ponder stated P&Z would follow up with Staff on information received before March 9, 2021.

Commissioner Sagar asked how certain areas would be classified as mixed-use.

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Chairperson Ponder responded her question could be emailed to CDD Smith to receive a response.

CDD Smith stated the emailed questions would be read by Staff and responded to as they were able.

Chairperson Ponder said he appreciated returning the document to a guide (rather than a pseudo zoning document) and for the hard work of Staff.

No additional questions or comments.

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

C (1) Minutes of the January 26, 2021 meeting.

No questions or comments.

C (2) PUBLIC HEARING: SUP for Tindahan ni Kuya at 801 S. Main Street.

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

Commissioner Osgood asked Staff why a SUP was required for a grocery store in Commercial zoning district.

Planner Smithers stated the SUP requirement was added as part of the 2015 UDC update for unknown reasons.

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Commissioner Thompson asked what other restaurant/grocery stores Keller had.

The Mayor responded, "Braums."

There were no additional questions or comments.

C (3) PUBLIC HEARING: SUP for Glam Bam Paws at 2041 Rufe Snow Drive, Suite 317.

Planner Smithers gave a brief presentation on Item C (3).

There were no additional questions or comments.

C (4) PUBLIC HEARING: SUP for Accessory Dwelling Unit at 921 Bourland.

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

There were no additional questions or comments.

C (5) PUBLIC HEARING: SUP to allow the property owner to reside in a modular home while constructing permanent residence and accessory dwelling unit at 404 South Pearson.

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

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Commissioner Osgood stated his desire for a time limit to be placed on the removal of the modular home.

Planner Smithers stated the Applicant had requested 18 months.

Commissioner Thompson asked if there was a performance bond of some kind to ensure the removal of the temporary structure.

CDD Smith responded the \$2,000 per day penalty for UDC violations would hopefully deter such actions.

Commissioner Alvarado stated it was necessary to look at the time frame the Applicant requested and agree upon a timeline.

Commissioner Dawson asked if P&Z could require a timeline for the build.

CDD Smith responded that building permits expire after 180 days. She added the incentive to complete the project was better managed through the SUP.

Commissioner Dawson stated due to building supply shortages, he felt this could be an issue for the Applicant to finish on time.

Commissioner Thompson responded building a house with 18-24 month timeline was ample.

C (6) PUBLIC HEARING: amending UDC to require a SUP for hotel/motel uses in the Commercial and Industrial Park zoning districts.

Planner Smithers gave a brief presentation on Item C (6).

There were no additional questions or comments.

C (7) PUBLIC HEARING: amend the FLUP from Industrial Commercial to Mixed Use at the northwest corner of Wall-Price Keller Road and Whitley Road.

Planner Cyr gave a brief presentation on Item C (7).

Chairperson Ponder said he would like to hear items C7, C8 and C9 individually, with one public meeting. He added each one would be voted on separately.

There were no additional questions or comments.

C (8) PUBLIC HEARING: amending UDC to add a Single-Family Mixed Use.

Planner Cyr gave a brief presentation on Item C (8).

There were no additional questions or comments.



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C (9) PUBLIC HEARING: zoning change from Commercial to Planned Development Single-Family Mixed-Use at northwest corner of Wall-Price Keller Road and Whitley Road.

Planner Cyr gave a brief presentation on Item C (9).

There were no additional questions or comments.

## **D.ADJOURN**

Chairperson Gary Ponder adjourned the Pre-Meeting at 6:48 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 the minutes for the January 26, 2021, Planning and Zoning Commission Meeting.](#)

There were no questions or comments.

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

2. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for Tindahan ni Kuya, a proposed restaurant/grocery store to occupy a 1,400 square-foot lease space within a 13,140 square-foot multi-tenant building, situated on a 1.97-acre tract of land, located on the east side of South Main Street, approximately 1700 feet north from the intersection of Wall-Price Keller Road and South Main Street, legally described as Lot 2, Block A, Whitley Place Addition, zoned Commercial \(C\), located at 801 South Main Street Suite 101. Denton Highway Center, owner. Randy German, applicant. \(SUP-21-0001\)](#)

Planner Cyr stated on December 7, 2017, the City issued a remodeling permit and Certificate of Occupancy for Sno Dash Frozen Treats at this location. Sno Dash Frozen Treats vacated the property in late October of 2020, and the space has remained vacated.

He said the Applicant proposed to operate a restaurant/grocery store at this location, primarily offering Philippine food for both the restaurant and the grocery store. Because the applicant was providing items that were primarily for off-premise consumption (fish, meat, and other items), this grocery use required an SUP in this zoning district (Commercial) per the Unified Development Code.

Chairperson Ponder asked if the Applicant had anything to add to the presentation. Randy German, Applicant, said no.

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Chairperson Ponder opened the public hearing.

There were no persons to speak.

**Commissioner Sagar made a motion to close the Public Hearing, seconded by Commissioner Dawson. The motion carried unanimously.**

Commissioner Thompson asked the Applicant what types of goods he would be selling on the grocery side.

The Applicant responded he would sell snacks, canned foods and frozen meats.

Commissioner Thompson asked if he would be selling fresh meat, and the Applicant confirmed he would be.

Commissioner Thompson asked if this was the only location. The Applicant confirmed it was.

Commissioner Alvarado thanked the Applicant and wished him luck.

Commissioner Sagar stated this was a great addition to Keller and she looked forward to it.

Commissioner Thompson asked if the Board would amend the vote to preclude the sale of fresh meat or fish.

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Commissioner Alvarado asked if the same had been requested of Braum's when it was approved.

Planner Smithers responded it had not.

**Commissioner Alvarado made a motion to approve Item C (2), seconded by Commissioner Sagar. The motion carried by a vote of 6-1. Aye: Commissioner Dawson, Commissioner Ponder, Commissioner Sagar and Commissioner Apke Commissioner Alvarado and Commissioner Osgood; Nay: Commissioner Thompson.**

3. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for Glam Bam Paws, a proposed 'pet grooming' facility to occupy a 1,050 square-foot lease space within a 31,630 square-foot multi-tenant building, situated on a 3.477-acre tract of land, located on the east side of Rufe Snow Drive, approximately 400 feet southeast from the intersection of North Tarrant Parkway and Rufe Snow Drive, being Lot 5, Block A, Keller Place Addition, zoned Retail \(R\), located at 2041 Rufe Snow Drive Suite 317. Whitestone Keller Place, owner. Vanessa Lockett, applicant. \(SUP-21-0002\)](#)

Planner Smithers stated Glam Bam Paws proposed to occupy the 1,050 square-foot lease space as a pet grooming facility. The business planned to remodel the interior including new flooring and paint. She added in July 2015, the Unified Development Code (UDC) was amended to require a Specific Use Permit (SUP) for pet grooming uses in the Retail Zoning District.

She said the proposed hours of operation were Tuesday through Saturday, 8am to 4pm (by appointment only). The Applicant would initially have one employee, but hoped to hire another employee within four to six months of opening.

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Chairperson Ponder asked if the Applicant had any comments to add to the presentation. Vanessa Lockett, Applicant, started she had no questions but wanted to thank the Commission for their consideration.

Chairperson Ponder opened the public hearing.

There were no persons to speak.

**Commissioner Osgood made a motion to close the Public Hearing, seconded by Commissioner Sagar. The motion carried unanimously.**

Commissioner Alvarado wished the Applicant luck.

Commissioner Sagar stated she really liked the name and wished the Applicant well.

Commissioner Dawson asked the Applicant if there would be services for animals other than dogs.

The Applicant stated it would be service for dogs off all sizes but no other species.

Commissioner Thompson asked where the business was specifically located and that the adjacent businesses were.

Planner Smithers responded there were businesses such as Nicky's, a nail salon, Sherman Williams, a donut store, bike shop, grocery, etc., located in the same center.

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Commissioner Thompson stated his concern was about having a sufficient area for the animals to go “boom boom.”

Planner Smithers explained the dogs would be taken to a grassy area in the back of the business and all droppings would be collected. The Applicant added there was a grassy space close to the dumpsters in the back of the business that the center owner agreed to allow her to use.

Commissioner Thompson asked if there was a brick wall separating the residential area from the commercial center. The Applicant responded there was a brick wall.

Commissioner Thompson stated, as a person who lived in the nearby neighborhood, he was concerned about smells generated by the business.

**Commissioner Osgood made a motion to approve Item C (3), seconded by Commissioner Sagar. The motion carried by a vote of 6-1. Aye: Commissioner Dawson, Commissioner Ponder, Commissioner Sagar and Commissioner Apke Commissioner Alvarado and Commissioner Osgood; Nay: Commissioner Thompson.**

4. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to allow the applicant to construct a 1,408 square-foot Accessory Dwelling Unit situated on a 2.65-acre tract of land, located on the east side of Bourland Road, approximately 350 feet southeast from the intersection of Bancroft Road and Bourland Road, legally described as Lot 3, Block1, Village Mill Addition, zoned Single Family – 36,000 square-foot lot \(SF-36\), located at 921 Bourland Road. Jeff Aldredge, owner. Jeff Ground, applicant. SUP-21-0003\)](#)

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Planner Cyr stated the Applicant was proposing to construct an accessory dwelling unit (ADU) behind the existing main structure. He said the proposed one-story structure would have an enclosed area of 1,408 square-feet. He added there were two SUP requests related to this proposed structure: an SUP for an ADU on a property that is at least 1.5 acres (the property is 2.65-acres) and an SUP for exceeding 1,200 square-feet for any accessory building. He added the proposed location exceeded all setback requirements.

Chairperson Ponder asked if the Applicant had anything to add to the presentation. Jeff Ground, Applicant, had nothing to add.

Chairperson Ponder opened the public hearing.

There were no persons to speak.

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

Commissioner Sagar asked the Applicant if the use of the ADU was solely intended for family use and not as a rental property or Air BNB.

The Owners stated the only intention was for a mother-in law who had sold her house and had moved in with them.

Commissioner Thompson and Commissioner Maxwell applauded the owners for taking care of family.

Commissioner Osgood wished the owners luck.

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

5. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to allow the property owner to temporarily reside in a modular home for the purpose of living and overseeing construction of a permanent residence and to convert an existing 980 square-foot accessory structure into an accessory dwelling unit, situated on a 1.995-acre tract of land, located on the west side of South Pearson Lane, approximately 550 feet northwest from the intersection of South Pearson Lane and Union Church Road, being tract 6B01A1, 6B01B, and 6F01, Abstract 498 of the Elston, D E Survey, zoned Single-Family – 36,000 square-foot lot \(SF-36\), located at 404 South Pearson Lane. Randal Snow, owner. Christopher Cloy, applicant. \(SUP-21-0004\)](#)

Planner Smithers stated the Applicant (potential buyer; property owner did sign application as well) was requesting to reside in a modular home while living on site and overseeing construction of a permanent residence. She added no permanent use of temporary dwellings (such as a mobile home, travel trailer, or recreational vehicle) could be used for on-site dwelling purposes without a Specific Use Permit (SUP). During the construction of the permanent residence, the Applicant was also proposing to renovate an existing one-story framed structure (old accessory structure) as an ADU. She added the building was 980 square-feet. Subsequently, an SUP was required for an ADU on 1.5 acres or more. This property is approximately 2 acres.

She said the temporary home and proposed home would meet all requisite setbacks. The existing accessory structure to be remodeled was legal, non-conforming; it encroached the side-yard setback. The Applicant planned to bring the structure up to code as part of the remodel. Planner Smithers added the Applicant proposed to reside in an approximately 1,000 square-foot modular home for a period of 18 months starting upon approval and release of the new single-family residential permit.



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Chairperson Ponder asked if the Applicant had any comments to add to the presentation. Christopher Cloy, applicant, had no comments to add.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

**Commissioner Sagar made a motion to close the Public Hearing, seconded by Commissioner Dawson. The motion carried unanimously.**

Commissioner Dawson asked the Applicant what the use of the second dwelling would be for. The Applicant responded it would be for his mother-in-law.

Commissioner Dawson asked the Applicant to verify the use was only intended for family. The Applicant confirmed it was.

Commissioner Thompson asked how quickly the Applicant was going to be ready to apply for the building permit. The Applicant responded he was working with the architect currently and should be ready in May.

Commissioner Osgood stated he would like the timeline to be 24 months for the completion of the home as well as the removal of the modular home within 90 days after the final of the main structure.

Chairperson Ponder asked Staff what the length of time was to constitute a “temporary” building.

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CDD Smith responded it varied depending on the type of building and the amount of time required to build.

**Commissioner Osgood made a motion to approve Item C (5) with a modification to allow the Applicant to reside in the temporary modular home up to 24 months and the removal of the modular home shall occur no more than 90 days after the final inspection, seconded by Commissioner Alvarado. The motion carried unanimously.**

6. [PUBLIC HEARING: Consider amending the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending provisions related to hotel/motel to require a Specific Use Permit \(SUP\) in Commercial \(C\) and Industrial Park \(IP\) zoning districts, located in Article Eight- Zoning Districts, Development Standards, Tree Preservation, and modifying Article Three – Definitions; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. \(UDC-21-0001\)](#)

Planner Smithers stated the UDC required an SUP for hotels/motels in the Retail (R), Old Town Keller (OTK), and Town Center (TC) zoning districts. However, a Hotel/Motel use was permitted by right (no SUP required) in both the Commercial (C) and Industrial Park (IP) zoning districts. Concerns regarding the potential quality of hotels in C and IP zoning districts could be addressed by applying the same SUP requirements now applied for the R, OTK, and TC zoning districts. She added Staff proposed clarifying the definition of “Hotel/Motel” to include extended-stay hotels.

Chairperson Ponder opened the public hearing.

There were no persons to speak.

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**Commissioner Sagar made a motion to close the Public Hearing, seconded by Commissioner Dawson. The motion carried unanimously.**

Commissioner Thompson asked what concerns prompted the SUP requirement request.

CDD Smith responded there was an Applicant coming in on Main Street by right which meant the hotel could come in “bare bones.”

Commissioner Thompson stated requiring regulations across all zoning districts would help with the quality of hotel/motels and treat all similarly.

Commissioner Alvarado stated the definitions being suggested seemed to be more in line with other municipalities.

**Commissioner Thompson made a motion to approve Item C (6), seconded by Commissioner Alvarado. The motion carried unanimously.**

7. [PUBLIC HEARING: Consider a request to amend the Future Land Use Map from Industrial Commercial \(IP\) to Mixed-Use \(MU\) for an approximately 21.98 –acres of land, legally described as Tract 9C02K, Tract 9C02, Tract 9C02J, Tract 9C02H, Tract 9C02E, Tract 9C02F, Tract 9C02B, Tract 9C02C, Tract 9C02D out of the Holland, WJ Survey, Abstract No. 692, located on the northwest corner of the Wall-Price Keller Road and Whitley Road intersection. \(LUP-21-0001\)](#)

Planner Cyr stated on August 31, 1998, City Council adopted the Land Use Element of the City of Keller Master Plan (Resolution No. 1051). The 1998 FLUP designated the almost 22 acres of land as “Industrial Commercial” However, the Applicant proposed to develop Wimberley Estates, a residential Planned Development and was therefore requesting to amend the 1998 FLUP map.

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He said the proposed Planned Development included a single-family residential development with an average lot size of 4,725 square-feet. Because the current FLUP map indicated IC, the Applicant first must amend the FLUP to accommodate such a development. The Applicant was requesting to amend the FLUP to "Mixed-Use" as defined by the 1998 FLUP.

Planner Cyr stated IC was defined by the 1998 FLUP as: "This land use category includes manufacturing, processing, packaging, assembly, storage, warehousing and distribution of products. It is important that industrial development be of high quality and attractive, and be free of noise, odor, glare, unsightliness, etc., and is compatible with adjacent residential and non-residential uses."

He said Mixed-Use (MU) was defined by the 1998 FLUP as: "The new category, Mixed-Use, has been introduced to allow Keller to maintain its low density residential character by meeting the demand for higher density residential and non-residential in an efficient and creative manner. It is also intended to allow for land development of superior quality through the

encouragement of flexibility and creativity in design options that: Permit creative approaches to the development of land reflecting changes in the technology of land development; Allow for the efficient use of land, which can result in smaller networks of utilities and streets and thereby lower development costs; Encourage a broad range of services (shopping, employment, recreation, etc.) in close proximity to their need; Allow for juxtaposition of land uses both horizontally and vertically, not otherwise allowed; Allow design options that encourage an environment of stable character, compatible with surrounding land uses; and permit the enhancement of neighborhoods through the preservation of natural features, the provision of underground utilities, and the provision of recreation areas and open space."

8. [PUBLIC HEARING: Consider amending the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending provisions to a Single-Family Mixed-Use zoning district, located in Article Eight – Zoning Districts, Development Standards, Tree Preservation; and providing penalties; authorizing publication; and establishing an effective date. \(UDC-21-0002\)](#)

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Planner Cyr stated in conjunction with the Planned Development and Future Land Use Plan Amendment, the Applicant was requesting a base-zoning district be created to accommodate the Wimberley Estates Planned Development. Because PDs must be designed based on a UDC base zoning district that supports the primary use of the PD (in this case small-lot single-family development), the Applicant had to create a new zoning district to use as the base zoning district. (The highest density, single-family zoning district currently available was SF-8.4, and that would not meet the need for 4,725 square-foot lots.)

The Applicant proposed the following new zoning district: “The SF-Mixed-Use, Single Family Residential District is designed to provide for a suitable residential environment on smaller and more compact lots or parcels of land which are integrated into a horizontal and/or vertical mixed use development pattern. Such a mixed use development will incorporate both residential and nonresidential uses into a walkable community with uninterrupted pedestrian connections that layer compatible land uses and public amenities, to foster community design and development that serves the economy, community, public health, and the environment.”

9. [PUBLIC HEARING: Consider a zoning change from Commercial to Planned Development Single-Family Mixed-Use for an approximately 21.98 –acres of land, legally described as Tract 9C02K, Tract 9C02, Tract 9C02J, Tract 9C02H, Tract 9C02E, Tract Tract 9C02F, Tract 9C02B, Tract 9C02C, Tract 9C02D out of the Holland, WJ Survey, Abstract No. 692, located on the northwest corner of the Wall-Price Keller Road and Whitley Road intersection. \(Z-21-0001\)](#)

Planner Cyr stated Contour Real Estate and Development (Applicant) and JBI Partners (Engineer) submitted a detailed plan and requested rezoning approximately 22 acres on South Main. They proposed 80, single-family detached units on 4,725 square-foot lots. The nearly 22 acres is zoned entirely Commercial. In order to develop a small- lot residential subdivision, the Applicant is requesting to rezone the area to PD-SF-MU(Planned Development -Single Family Mixed Use). The Applicant also requested that the Commercial portion adjacent to the development be considered as part of the project even though they do not own it nor plan to develop it.

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Planner Cyr explained the Applicant had sent a cover letter with the description of the vision of the property. It stated, "Wimberley is proposed to be a mixed-use neighborhood located at the northwest corner of Whitley Road and Wall Price-Keller Springs Road. The residential portion of the neighborhood provided 80 homes sites on approximately 15 acres of land. The homes will be single-family detached homes with front entry garages. The homes will be for sale and each home will be located on its own lot. The nonresidential portion of the neighborhood will be adjacent to US 377. This will allow for it to benefit from activity within the corridor while balancing its impact on the adjacent single-family neighborhoods. Vehicular access will be focused on US 377, while pedestrian linkages will allow residents to have accessible connections between living, working, and entertainment uses."

The Applicant proposed the same permitted uses allowed by right in the (C) Commercial District, in accordance with Section 8.03 of the Keller Unified Development Code, as amended. The Applicant added Prohibited Uses, which are normally allowed by right in the (C) Commercial District, included: Dry cleaning plant or commercial laundry; Hotel/Motel; Light Manufacturing wholly enclosed within a building; Newspaper printing; Pet grooming, no outdoor kennels; and Printing company (commercial).

Planner Cyr stated the Applicant proposed 100% of the facades of the homes, exclusive of doors and windows, be constructed with brick, stone, or man-made stone. The Applicant also proposed landscaping and trees including the following: "Trees, a minimum 3" caliper in size at the time of planting, shall be provided at a ratio equal to 1 tree per 50 linear feet of frontage along Wall-Price-Keller Road and Whitley Road. The trees may be placed in an informal layout. The following trees shall be the only trees allowed to be used as street trees due to their tap root structure versus a horizontal root structure. Live Oak, Bur Oak, Red Oak, Cedar Elm, and Lace Bark Elm. Because of the vertical root structure, root barriers shall not be required for these street trees." A minimum 15' wide landscape buffer was also proposed along Wall Price-Keller Road and Whitley Road. This buffer would be owned and maintained by the Homeowners Association. Planner Cyr explained there were two proposed access points for the residential portion of the development: Wall-Price Keller Road and Whitley Road.

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Planner Cyr stated Staff was concerned about the lack of concurrent commercial development. The Applicant had explained there were no plans to develop this property. Mixed use developments and many PDs rely on a mix of residential and commercial uses. Here, the only proposed development was small-lot residential. He noted the Applicant's SF-MU proposed definition requires nonresidential uses. However, the Applicant's submittal only included residential uses with possible future commercial uses indicated as a concept only, and to be developed by someone else at an undetermined future date.

Chairperson Ponder asked if the Applicant had anything to add. Jack Murray, Applicant, thanked the Commissioners for their time. He added his company was 11 years old and had developed two communities in Keller thus far. Mr. Murray stated based on the feedback from Staff and Flanigan Hill (adjacent neighborhood), they pulled back from the original residential-only plan. Staff had strongly suggested including a commercial component to the property.

The Applicant stated the owner of the adjacent property along 377 would retain the commercial area. If the Commission agreed to the concept plan for the commercial area, the responsibility would be with the property owner to develop. He added they were cognizant of what the neighborhood wanted to accommodate what the neighbors wanted. He added he had interest in manufactured mixed-use such as Center Stage in Keller. The Applicant felt like he had taken Staff recommendations as well as the neighboring areas concerns and updated their plan to indicate a future commercial component.

Chairperson Ponder opened the public hearing for C(7), C(8) and C(9).

Amy Coy, 204 Evenberry Dr., stated the Contour team had met with their HOA and she appreciated that. She said she had issues with the FLUP and creating higher residential density. She noted the delay in letters due to the winter storm, and requested voting on this be delayed.

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Sue Harbert, 221 Longford Ct., said she agreed with the previous caller. She stated while she appreciated the Contour Group getting rid of townhomes, she did not agree with small houses and zero lot lines due to the possible negative impact on her property value.

There were no other comments.

**Commissioner Thompson made a motion to close the Public Hearing for item C(7), seconded by Commissioner Sagar. The motion carried unanimously.**

**Commissioner Dawson made a motion to close the Public Hearing for item C(8), seconded by Commissioner Sagar. The motion carried unanimously.**

**Commissioner Thompson made a motion to close the Public Hearing for item C(9), seconded by Commissioner Sagar. The motion carried unanimously.**

Commissioner Alvarado thanked the Applicant for the work they had put into this project. He said it looked like the proposal was a PD with the hopes that commercial would eventually come in. He noted that during Council consideration for Center Stage, the Council made it clear that it was important for the commercial components to come in at the same time as the residential. Given the lack of certainty for the commercial concept component, he would not be able to support it.

Commissioner Sagar asked Staff how many emails from the public had been received. Planner Cyr responded 15 in opposition. None in support.

Commissioner Sagar stated she did not believe this type of mixed-use project was in the best interest of Keller. Given the high density, she did not see the benefit.



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Commissioner Dawson asked what the approximate price range was for the homes in the proposed area. The Applicant stated the median price would be \$465,000 for 1800-3100 square-foot homes. He added they also were proposing a 15% green space.

Commissioner Dawson asked if the green space was a place for families to congregate and not just the detention pond. The Applicant said the detention pond had been made into an amenity and so was part of the green space calculation. He added they also proposed walking trails, benches and a water feature in the detention pond. The Applicant stated there were homebuyers for this type of development including empty nesters, young professionals' and single parents with teenage kids.

Commissioner Dawson asked if there was a plan to mitigate the Hwy. 377 noise. The Applicant responded no.

Commissioner Dawson asked what type of security would be implemented around the power lines.

The Applicant responded that like every other power line easement throughout the City, the easement would be accessible as open space. He explained opening up to the power lines was thought to be a better option than backing homes up to them.

Commissioner Thompson asked if they had a builder. The Applicant stated American Legend would be the only builder in the community.

Commissioner Thompson stated he liked the plan. However, he did not believe this was the highest and best use for the property. He pointed out that the property was one of the last open space parcels in Keller and had interesting topography and a significant tree stand. Given its location on Main Street, it was important to get it right. It had the potential to be a crown jewel for Keller. He did not support this item.

Commissioner Maxwell agreed with other Commissioners.

Commissioner Osgood said he liked the development and saw this as a great transition area. He felt like this would be a challenging property to develop and thought the City should help get this development accomplished. Commissioner Thompson stated the City needed to say what could be the highest and best use for the property. Commissioner Osgood said he hoped this was not the last opportunity for this property. Chairperson Ponder asked Staff if there had been any additional interest on this property. CDD Smith responded there were several proposals over the last few years. She added one of those was a true commercial and residential mixed-use development with both elements proposed for simultaneous construction.

Chairperson Ponder asked to see what the proposed FLUP 2021 map showed for this area. CDD Smith responded it proposed retail along Main Street and townhomes, patio and garden homes along Whitley. However, the proposed FLUP 2021 had not yet been adopted and therefore could not be the basis for a recommendation to Council. CDD Smith stated the 1998 FLUP clearly required residential/commercial at the same time. She said C(8) and C(9) could not be approved if C(7) was denied.

Chairperson Ponder said if the FLUP was approved, he thought this proposal may be a lost opportunity.

Commissioner Thompson asked how many homes were planned. The Applicant responded 80.

Commissioner Maxwell stated there was no guarantee of the commercial aspect and that is what made it mixed-use. By way of example, Center Stage had their commercial in place from the beginning. Commissioner Alvarado stated it seemed as if the vote was on a residential community since there was no commercial proposed at this time..

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Chairperson Ponder asked if C(7) could be approved, while C(8) and C(9) were denied. CDD Smith confirmed it could be.

Commissioner Sagar said the application required a vote on three different issues. She added these items should be voted on based on the current FLUP.

Commissioner Osgood stated he appreciated the input and would support denial based on the current 1998 FLUP. He liked the development and hoped the Applicant understood his was a “friendly” denial.

**Commissioner Sagar made a motion to deny Item C (7), seconded by Commissioner Alvarado. The motion carried unanimously.**

**Commissioner Sagar made a motion to deny Item C (8), seconded by Commissioner Alvarado. The motion carried unanimously.**

**Commissioner Sagar made a motion to deny Item C (9), seconded by Commissioner Alvarado. The motion carried unanimously.**

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## D. ADJOURN

Chairperson Gary Ponder adjourned the meeting at 10:13P.M.

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Chairperson

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Amy Botcher, Planning Technician