



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, April 13, 2021

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

Paul Alvarado

James Dawson

Bob Apke

Leslie Sagar

Thomas Thompson

Phillip Maxwell- Alternate

Logan McWhorter- Alternate

Staff present included Matthew Cyr, Planner I; Katasha Smithers, Planner I; Julie Smith, Director of Community Development; Mary Meier Culver, Acting Economic Development Director; Sean Vreeland, Director of Information Technology; Chad Bartee, City Engineer and Amy Botcher, Planning Technician.

B. DISCUSS AND REVIEW AGENDA ITEMS

C (1) - PSE for 1085 Keller Smithfield Road. and 1109 Keller Smithfield Road.

No questions or comments.

C (2) - Final Plat for 1085 Keller Smithfield Road. and 1109 Keller Smithfield Road.

No questions or comments.

C (3) - Final Plat for 1342 Johnson Road.

No questions or comments.

D (1) - Approval of Minutes for the March 23, 2021 P&Z Meeting.

No questions or comments.

D (2) - PUBLIC HEARING: SUP for Bliss Spa & Nails at 2041 Rufe Snow Drive, Suite 315.

Planner Smithers gave a brief description of Item D (2).

Commissioner Thompson asked if there had been any infractions at this location up to this point.

Planner Smithers said there was not.

D (3) - PUBLIC HEARING: SUP for the Tiki Hut at 1570 Keller Parkway.

Planner Smithers gave a brief description of Item D (3).

Chairperson Ponder asked whether the SUP would be extended for four seasons.

Planner Smithers confirmed it was.

D (4) - PUBLIC HEARING: SUP for Liberty Senior Residential at 2000 Meadowview Drive.

Planner Smithers gave a brief description of Item D (4).

Commissioner Sagar asked Staff to confirm ownership was the only change.

Planner Smithers confirmed it was.

D (5)- PUBLIC HEARING: Two SUPs for a detached garage at 1000 Hillside Drive.

Planner Cyr gave a brief description of Item D (5).

Commissioner Sagar asked what the intention for the space on the second floor was.

Planner Cyr explained the intention was to use it as a personal office.

Commissioner Thompson asked what utilities were being extended to the structure. He was concerned the use may change in the future to an accessory dwelling unit. He inquired as to how the City would know if the use changed.

CDD Smith stated we determine ADUs more so by the presence of a kitchen. She added if the use changed in the future, usually only a complaint would notify Staff.

D (6) - PUBLIC HEARING: SUP for Goody Goody Liquor at 730 South Main Street.

Planner Cyr gave a brief description of Item D (6).

No questions or comments.

D (7) - Three variance requests to 21 lots in the Highland Terrace Mobile Home Park.

Planner Cyr gave a brief description of Item D (7).

Commissioner Apke asked how the request would not constitute spot zoning.

CDD Smith explained she deferred the question to the City Attorney, and he indicated the uniqueness.

Commissioner Thompson asked if the zoning for this area (SF-36) was intended to move away from Manufactured Homes.

CDD Smith responded historically, when parcels are annexed in by cities, the cities tend to give their lowest density residential zoning district. She added there were federal protections for manufactured homes that allowed for residents to keep or replace their home with a newer model as long as they maintain residency at the location. She also stated the Applicant has asked for variances to the setbacks at ZBA, and they were all denied.

She further explained the Applicant had obtained an approved building permit for a two-story home. This approved permit would allow a home to be constructed that meets the square-footage and setback requirements for the SF-36 zoning district.

Commissioner Apke asked if there had been any opposition or support with this request.

CDD Smith responded Mike Garabidean, a homebuilder who also owns a lot in the subdivision, had provided a letter of support.

Commissioner McWhorter asked if there would be additional issues with drainage.

Chad Bartee, City Engineer, stated each building permit, would be required to include an engineered grading plan.

Commissioner McWhorter asked if there were any current drainage issues.

Chad Bartee responded none to his knowledge.

Commissioner Dawson asked what the implications were to reduce the home size from 2,400 square-feet to 2,000 square-feet. He questioned if it could be price point.

CDD Smith responded the SF-36 requirements could be met as supported by the approved building permit. She did not know the motivation but the Applicant would be in attendance and could answer the price point question. She also added there were no other zoning districts exceeding 50% coverage, so this variance of 55% would exceed that.

Commissioner Dawson asked what the average lot size was.

Planner Cyr stated 6-7000 square-foot lots.

Commissioner Thompson asked Staff if the vacant lots could have manufactured homes put back on them.

CDD Smith responded no because they lost their grandfathered status. Only replacement of an existing manufactured home with a newer manufactured home would be permitted.

Commissioner Osgood asked what the adjacent property zoning districts were.

Planner Cyr responded the west side was SF-20; east, south and north sides were SF-36.

Chairperson Ponder asked if brick and mortar homes would be built next to manufactured homes.

CDD Smith responded they would.

Chairperson Ponder asked if Staff had recommended variances instead of a zoning change.

CDD Smith stated a zoning change would not be an option for the Applicant because he did not currently own all of the lots. Without 5 acres of contiguous parcels, it would be spot zoning.

Chairperson Ponder asked for confirmation the Applicant could build two-story homes on these properties without any variances.

CDD Smith confirmed he could.

Chairperson Ponder broke down the three variance requests and asked for comments or questions from Commissioners.

The first variance was for special conditions.

Commissioners Sagar, Apke and Thompson stated they did not find any special conditions.

Commissioner Apke stated that for instance, the lot did not seem to have a strange shape other than being in the elbow of the road. Commissioner Sagar explained the Applicant could build on the lots with the current SF-36 requirements or combine two lots per one home. Chairperson Ponder also agreed.

Commissioner Osgood stated the property owner claimed he was faced with hardships due to the SF-36 zoning districts. He asked what the differences were between SF-36 and the SF-25 zoning he would prefer.

Planner Smithers gave the setbacks for both SF-36 and SF-25.

Planner Cyr confirmed 1748 Highland Drive, Lot 13, was the property that had an approved building permit.

Commissioner Thompson stated he would like to change something he had said in the previous meeting. He explained his comment that “There were 37 people that came to the meetings, and 37 people should not decide for the 45,000 residents. Those residents may have not had anything better to do.” He offered an apology for his choice of words and for anyone he offended with his statement.

C. ADJOURN

Chairperson Gary Ponder adjourned the Pre-Meeting at 6:58 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

David Tashman, 1705 Everest Road, thanked Commissioner Alvarado for speaking to Commissioner Thompson about the apology he felt necessary for a statement made in the previous Planning and Zoning Meeting. He added he appreciated Commissioner Thompson’s apology but would like to see it in writing.

Steve Anthony, 407 Mineral Springs Court, stated initially he was pleased with the proposed plat for 1342 Johnson Road. He said he had four environmental questions including what the storm event was used in the drainage design plan; use of the Russell equation; had there been a phase 1 environmental site assessment; and are there regulated wetlands.

There were no additional questions or comments.

C. CONSENT

1. [C \(1\) Consider approval of a Preliminary Site Evaluation for Lots 1R, 2, 3 and 4, Block A, on a 5.17 acre tract of land, on the north side of Village Trail, approximately 250' northeast from the Keller Smithfield Road and Village Trail intersection, legally described as Lot 1, Block 1, Gary Addition and WEATHERFORD, HARDIN SURVEY Abstract 1651 Tract 1B01, addressed as 1085 Keller Smithfield Road and 1109 Keller Smithfield Road, and zoned SF-36. Brian Adams, owner/applicant. \(PSE-21-0001\)](#)
2. [C \(2\) Consider approval of a Final Plat for Lots 1R, 2, 3 and 4, Block A, on a 5.17 acre tract of land, on the north side of Village Trail, approximately 250' northeast from the Keller Smithfield Road and Village Trail intersection, addressed as 1085 Keller Smithfield Road and 1109 Keller Smithfield Road, and zoned SF-36. Brian Adams, owner/applicant. \(P-21-0010\)](#)
3. [C \(3\) Consider approval of a Final Plat for Lots 1-R and 2-R, Block A of the Edge Rock Legacy Subdivision, located on a 2.348-acre tract of land, on the south side of Johnson Road, approximately 200 feet west from the Johnson Road and Keller Smithfield Road intersection, addressed as 1342 Johnson Road, and zoned Single-Family 8,400 square-foot minimum lots \(SF-8.4\). Alexis Dodge, 1342 Johnson Road, LLC owner/applicant. \(P-21-0012\)](#)

Commissioner Alvarado made a motion to approve Items C(1), C(2) and C (3), seconded by Commissioner Thompson. The motion carried unanimously.

D. NEW BUSINESS

1. [D \(1\) Consider the minutes for the March 23, 2021, Planning and Zoning Meeting.](#)

There were no additional questions or comments.

Commissioner Sagar made a motion to approve Item D (1), seconded by Commissioner Apke. The motion carried unanimously.

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2. [D \(2\) PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to allow the use of a Spa, for Bliss Nails and Spa, in an existing 2,450 square-foot suite, within a multi-tenant building of 11,900 square-feet, on 0.273-acres, located on the east side of Rufe Snow Drive, approximately 450 feet southwest of North Tarrant Parkway and Rufe Snow Drive, located at 2041 Rufe Snow Drive, Suite 315, legally described as Lot 4, Block A, Keller Place Addition and zoned R \(Retail\). Whitestone Reit Operating Partnership, LLC owner. Kien Nguyen, Bliss Nail Salon, applicant. \(SUP-21-0006\)](#)

Planner Cyr stated the Applicant applied for and received an SUP on June 5, 2018 to expand their business. Council unanimously granted this SUP. The Applicant, the owner of the spa, purchased the business and must obtain a new SUP (since ownership is tied to existing SUPs). He added the proposed operation would remain the same as would the services.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant, Kien Nguyen, did not.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

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

There were no questions from any of the Commissioners, and all wished the Applicant luck.

Commissioner Alvarado made a motion to approve Item D (2), seconded by Commissioner Sagar. The motion carried unanimously.

3. [D \(3\) PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for The Tiki Hut of Keller to operate a temporary vendor business \(snow cones\), located on an approximately 0.64-acre lot, on the south side of Keller Parkway, approximately 600 feet east of Keller Smthfield Road South, being Lot 9R2, Block A, Keller Crossing Addition, at](#)

[1570 Keller Parkway, and zoned Planned-Development- Retail \(PD-R\). JOHCO Keller Kiosk LLC, owner. Cathy Smith, applicant. \(SUP-21-0005\)](#)

Planner Smithers stated the Tiki Hut had been operating at this location since 2009 and at Mr. Jim's Pizza location since 2003. In regards to this subject property, the Applicant received approval by Council for multiple SUPs including one in May 2009 for two seasons, October 2010 for four seasons, March 2015 for one season and the fourth SUP was approved in April 2016 for four seasons. The Applicant was requesting a renewal period to run for four consecutive seasons, beginning May 2021 and expiring September 1, 2024.

Planner Smithers said the Applicant proposed to place a 100 square-foot temporary building with attached string lights, picnic tables, and a three-foot picket-style fence designed to fit neatly within four parking spaces. The hours of operation would be 7 days a week from 3pm to 9pm with a total of 10-15 employees (high school/college students) and no more than two at any given time inside the snow cone stand.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant did not.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

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

Commissioner Dawson asked if the business was subject to health inspections.

The Applicant responded Tarrant County Public Health does an inspection at least once per year, but could visit more if they saw fit.

There were no additional questions or comments.

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

4. [C \(4\) PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to allow Liberty Senior Residential, an existing living facility, to continue with two \(2\) additional residents up to a total of eight \(8\) residents within a 3,500 square-foot building, located on a 1.0-acre lot on the southeast corner of the N. Pearson Road and Meadowview Drive intersection, at 2000 Meadowview Drive, being Tract 1B01Q out of the Josiah Walker Survey, Abstract No. 1604, and zoned Single Family Residential- 36,000 square-foot minimum \(SF-36\). Liberty Senior Residential Care Homes, LLC, owner/applicant. SUP-21-0008\)](#)

Planner Smithers shared that according to the County, the 3,500 square-foot house was originally constructed in 1987 and annexed into the City of Keller in 1989. She said in 2016, Thomas and Mary Pittman applied and received an approval for an SUP for an assisted-living facility to occupy up to eight residents. (The house began its conversion into an assisted living facility in 2011 and later was licensed by the State in 2013.)

Ms. Smithers added the new Property Owner, Rusinder Bains, who purchased the property in February 2021, was required to apply for an SUP since the ownership changed. Ms. Bains was not seeking a new use, but rather a continuation to operate in the same manner as before. She added the 3,500 square-foot home had five bedrooms, each with its own full bathroom. The property was able to accommodate 10 vehicles and parking is limited to employees and guests.

Chairperson Ponder asked if the Ms. Bains had anything to add.

Ms. Bains, responded that the use of the property was remaining the same as under the previous owners.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

Commissioner Sagar made a motion to close the Public Hearing for Item C (4), seconded by Commissioner Alvarado. The motion carried unanimously.

Commissioner Dawson asked the Applicant how she had managed the property during the pandemic with the required safety protocols.

The Applicant stated they were following all CDC guidelines and social distancing.

Commissioner Sagar noted the business had been operating in North Keller since 2014. She added there was not any opposition by neighbors. Commissioner Osgood agreed.

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

5. [C \(5\) PUBLIC HEARING: Consider two Specific Use Permits \(SUP\) to allow the use of an approximately 1,794 square-foot detached garage, on an approximately 1.22-acres, located on the east side of Hillside Drive, approximately 100 feet northwest of the Hillside Drive and Bancroft Road intersection, located on 1000 Hillside Drive, legally described as BARCROFT, DANIEL SURVEY Abstract 141 Tract 12015 AKA TR 27 and zoned Single-Family 36,000 square-foot lots or greater \(SF-36\). Michael Short owner/applicant. \(SUP-21-0007\)](#)

Planner Cyr stated the Applicant was proposing to construct a 1,794 square-foot detached garage behind the existing residence. The Applicant applied for a building permit on September 11th, 2020, but, it was denied for several reasons including the need to obtain two SUPs for the size and height of the structure. The structure exceeded the maximum size of 1,200 square-feet (1,794 square feet proposed) and the average height of 15' (15' 10" inches average height proposed). The property was not platted so would be required to plat before a building permit may be issued.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant did not.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

Commissioner Sagar made a motion to close the Public Hearing for Item C (5), seconded by Commissioner Alvarado. The motion carried unanimously.

Commissioner Apke asked what the purpose of the building was.

The Applicant stated it would be used as a garage/craft room with a personal office on the second floor.

Commissioner Apke asked if the Applicant had done anything to try to lower the height to the 15-foot requirement.

The Applicant responded he could make the adjustments.

Planner Cyr stated an application had been applied for in September 2020 with straight zoning. He added that comments were required before approval would be given. He added the height was 16-17-foot in the original request.

Commissioner Alvarado asked the Applicant what had been completed of the requirements.

The Applicant responded they had completed the requirements.

There were no additional questions or comments.

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

6. [C \(6\) PUBLIC HEARING: Consider a Specific Use Permit \(SUP\) to allow the use of a Liquor Store \(10,000 square-feet or greater\), for Goody Goody Liquor Store, in an approximately 15,742 square-foot building, on 1.41-acres, located on the west side of South Main Street.](#)

approximately 750 feet south of the Bear Creek Parkway and South Main Street intersection, located at 730 South Main Street, legally described as Lot 6R, Block A, Bear Creek Plaza and zoned C (Commercial). Garland All Storage Associates, owner. R.L. Johnson Construction INC., applicant. (SUP-21-0009)

Planner Cyr stated in November 2019, the citizens of Keller voted to approve the sale of liquor and alcoholic beverages within City limits. In December 2019, City Council unanimously approved the Unified Development Code (UDC) text amendment to allow “liquor” and “distillery” uses over 10,000 square feet in Retail (R), Town Center (TC), Old Town Keller (OTK), Katy Road (KR), and Commercial (C) zoning districts (Ordinance #1959) with an SUP.

He said the Applicant proposed to construct an approximately 15,742 square-foot retail liquor store in the Commercial zoning district on south Main. The proposed hours of operation were Monday - Saturday: 10am to 9pm and closed on Sunday. Planner Cyr stated Goody Goody would initially employ 12 full-time employees and 5 part-time employees if granted the SUP. The business expected to hire 30 full-time employees and 10 part-time employees upon establishing a foothold in the market. He added, per the UDC, a trip generation form was provided by the Applicant. The Applicant anticipated a total of 1,598 trips per 24 hours; consequently, the proposed use does not warrant a Traffic Impact Analysis.

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant did not.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

Commissioner Sagar made a motion to close the Public Hearing for Item C (6), seconded by Commissioner Alvarado. The motion carried unanimously.

Commissioner Thompson asked what the surrounding businesses were to the North and South of the proposed location.

CDD Smith responded that Care Now was to the north and the Devino Brothers Italian Restaurant was to the south.

Commissioners Thompson, Alvarado, Sagar and Dawson thought it was a good location.

Commissioner Apke asked the Applicant what the projected sales and tax revenue was.

The Applicant said they has not yet done an analysis and given the Pandemic, it might hard to develop. But, they anticipated the store generating revenues similar to their store in Garland.

Commissioner Apke stated it would be a fine addition to Keller.

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

7. [C \(7\) Consider three variance requests to 21 lots in the Highland Terrace Mobile Home Park to decrease the Minimum Dwelling Size to 2000 square-feet in lieu of the 2400 square-foot requirement, increase the main building lot coverage to 35 percent in lieu of the 30 percent requirement, increase the maximum lot coverage to 55 percent in lieu of the 50 percent requirement, located at 1700 Highland Drive West, 1704 Highland Drive West, 1748 Highland Drive West, 1752 Highland Drive West, 1832 Highland Drive East, 1844 Highland Drive East, 1852 Highland Drive East, 1847 Highland Drive East, 1843 Highland Drive East, 1839 Highland Drive East, 1835 Highland Drive East, 1733 Hilltop Lane, 1729 Hilltop Lane, 1725 Hilltop Lane, 1733 Highland Drive West \(legally two lots\), 1717 Highland Drive West, 1713 Highland Drive West, legally described as Lot 1, 2, 10, 11, 12, 13, 14, 25, 28, 30, 36, 37, 38, 39, 42, 43, 44, 60, 61, 64, 65, Highland Terrace Mobile Home Park and zoned Single-Family 36,000 square-foot lots or greater \(SF-36\). Double B Texas Ventures, LLC and Patricia McCoy owners. Jeff Avery, applicant. \(UDC-21-0003\)](#)

Planner Cyr stated the Highland Terrace Mobile Home Park was originally platted in 1970. This portion of the City was annexed into Keller in the late 1980s and zoned Single-Family 36,000 square-foot lots (SF-36). The Applicant purchased 21 of the 68 lots in the subdivision and applied for a variance request to setbacks for three lots before the Zoning Board of Adjustment. These variances would have allowed smaller, one-story homes than permitted in the SF-36 zoning district. The applicant was denied the requests on December 7, 2020, due to the lack of a legal basis (hardship).

He said the Applicant requested a variance to 21 out of 68 lots in the subdivision to increase lot coverage requirements and decrease home size in order to build smaller, one-story structures. The variance requests would decrease the minimum dwelling size to 2000 square-feet in lieu of the 2400 square-foot requirement. He noted the minimum dwelling size of 2,000 square-feet equaled to SF-15 zoning district. The requests to increase the main building lot coverage to 35 percent (in lieu of the 30 percent requirement in the SF-36 zoning district; and increase the maximum lot coverage to 55 percent in lieu of the 50 percent requirement for all UDC residential zoning districts. The 50% lot coverage (including accessory buildings, driveways, and parking areas) is uniform throughout the UDC).

Chairperson Ponder asked if the Applicant had anything to add.

The Applicant, Jeff Avery, stated the property had been annexed in 1989 and zoned SF-36. He added the requirement is for a 2,400 square-foot home. He explained he was requesting to build 2,000 square-foot homes, obtain a 35% lot coverage and a 55% total lot coverage in lieu of the 50%.

Commissioner Apke asked the Applicant what was unique to the lots causing the hardship. He noted most of the lots seemed regular sized and shaped.

The Applicant stated the hardship was the SF-36 zoning requirements. He added the lot width and length requirements made unreasonable restrictions on his land.

Commissioner Apke asked if a building permit had been approved.

The Applicant stated there was an approved building permit, but he did not want to have to build the same house on all of his lots.

Commissioner Apke asked why the Applicant did not pursue a zoning change.

Mr. Avery stated there were approximately 40 property owners and he could not speak for all of them. All would have to want the same zoning.

Commissioner Alvarado asked the Applicant if he had considered combining lots to make the SF-36 sized lot.

The Applicant stated it would not be economically viable for him to combine the lots and build larger houses.

Commissioner Sagar asked how long the Applicant had owned the properties. She also questioned if he was aware of the zoning when he made the purchases.

Mr. Avery stated he had bought the lots in pieces over the last four years. He said his original intent was to make the community a mobile home park offering rentals. He did know what the zoning was.

Commissioner Sagar asked if the properties Mr. Avery owned currently had manufactured homes on them.

He responded he had approximately seven manufactured homes that he had demolished because they were in serious disrepair.

Commissioner Sagar stated what the Applicant considered a hardship and the what the Commission considered a hardship appear to be different. She noted the previous statement to Commissioner Apke that there was not a topographic issue. She added there had in fact been an approved building permit obtained on Lot 13, eliminating the need for the three variances requested. She said styling limitations were not a basis for a variance. Because there was no identifiable basis for the variance requests, she would not be able to support it.

Commissioner Dawson asked the Applicant to expound on the economic viability of the proposal.

The Applicant responded that combining the lots would make them worthless. He further explained he did not own all of the lots in the subdivision.

Commissioner Thompson asked what the relationship between the Applicant and Mike Garabidean was.

The Applicant stated Mr. Garabidean was a single lot owner and they were not in business together in any way.

Commissioner Thompson stated he understood where Mr. Avery was coming from, however, it was the job of the Commission to do what was best for the community. He said a small footprint, upscale product may be something to consider.

Commissioner McWhorter stated even the smallest lots seemed to have enough room to meet SF-36 requirements.

The Applicant responded that was correct. However, he felt he was still hindered due to the lot coverage percentages.

Commissioner Osgood added he loved the concept of a smaller home and noted the need for such housing in Keller.

Chairperson Ponder explained while he appreciated the efforts of Mr. Avery, he did not see the fit.

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

Commissioner Thompson asked Staff if there were any additional steps that could be taken.

CDD Smith responded the challenge was that the Applicant did not own all of the lots, and there were a fair number of owners who preferred not to be rezoned. She added Mr. Avery could not request a zoning change due to not owning all of the property. She

said the Commission could request City Council look more in depth for additional options.

Commissioner Sagar stated this should go to Council for their instruction as this was not on the agenda. Commissioners Ponder and Thompson agreed.

Commissioner Alvarado thanked all Commissioners for the jobs they do.

Chairperson Ponder stated he was honored to be the Chairperson for the Commission. He said in the meeting he was disappointed with Commissioners talking over one another and asked that it not happen again.

E. ADJOURN

Chairperson Gary Ponder adjourned the meeting at 9:16P.M.

Chairperson

Amy Botcher, Planning Technician