



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 27, 2021

PRE-MEETING BRIEFING 6:05 P.M.

A. CALL TO ORDER – Chairperson Gary Ponder

Chairperson Gary Ponder called the virtual Pre-Meeting Briefing to order at 6:05P.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; Sean Vreeland, Director of Information Technology; Chad Bartee, City Engineer and Amy Botcher, Planning Technician.

B. ADMINISTRATIVE COMMENTS

1. Briefing regarding City Council action on Tuesday, April 20, 2021.

Planner Smithers stated City Council had two items to take action on. The first was the UDC text Amendment for Flood Plains. This was passed 7-0. She stated the second item was the Future Land Use Plan and it passed 6-1.

C. WORK SESSION

1. Procedure for requesting an item be placed on the Agenda for Discussion
2. Roberts Rules of Order
3. Planning & Zoning Commissioner Procedural Documents
4. Decorum Policy
5. Zoom Meetings

Chairperson Ponder stated there was a need for objectivity. City Council had tasked the Planning and Zoning Commission to provide an untainted opinion on the cases presented. He asked Staff to provide the Commission with a copy of Roberts Rules, Role Responsibility Packet as well as the Planning and Zoning Regulations Packet that had been drawn up by City Attorneys.

Chairperson Ponder explained there were two avenues to place items on the agenda. The first was two Commissioners making a request in writing to the Chairperson. The second was allowing the Chairperson to request. Chairperson Ponder informed the Commissioners that he would be the required second Commissioner if they so felt a topic needed to be brought.

Commissioner Sagar stated the Commission must abide by the Texas Open Meetings and Public Meetings Acts.

Chairperson Ponder explained there was a difference between polling and voting. He added voting could not be done on an item unless it was on the agenda. He asked Commissioner Alvarado to discuss the Decorum Policy.

Commissioner Alvarado apologized for not following Roberts Rules in the previous meeting when he disagreed. He stated he understood the concern of interrupting for a point of order, even as called for in the procedures. He added that was not the intent of the procedures to be disruptive.

Chairperson Ponder responded to Commissioner Alvarado by stating he had not found anything in Roberts Rules that would support the interruptions of the previous meetings. He added a definition of "point of order" and that it included the order itself of a meeting. He said it was originated and designed to keep a meeting in the direction it was intended. Chairperson Ponder stated he had spoken with the City Attorney on the questions that were asked on item D-4 of the previous meeting. The Attorney did state there was not a legal liabilities to the questions, however, were they germane to the Planning and Zoning Commission.

Commissioner Alvarado stated his desire to return to in-person meetings as to not be a disservice to the community. He added five of the seven bodies were meeting in-person.

Commissioner Sagar disagreed with Commissioner Alvarado. She stated there were new cases every day and did not think that in-person meetings were a viable option at this time. She added there were some minor glitches, but business had been able to be conducted. Commissioner Sagar did ask to discuss in-person meetings at a near-future date.

Commissioner Thompson asked if other Boards were meeting in-person or virtually. He added he thought it was time to get back to normal business.

Chairperson Ponder responded most were in person.

Commissioner Osgood stated if one person did not feel comfortable meeting in-person, the Commission should continue to meet virtually. He said it was both responsible and respectful to each other.

Commissioner Dawson said he would like to revisit the discussion of in-person meetings in the coming weeks.

Commissioner Apke asked Staff if there had been any negative feedback from the public regarding the virtual meetings.

CDD Smith responded there had not been any complaints from residents.

Chairperson Ponder agreed that there should be support for any Commissioner that felt uncomfortable meeting in-person. He asked for a poll to continue virtually.

Commissioner Dawson, Commissioner Apke, Commissioner Sagar, Commissioner Osgood and Chairperson Ponder supported to continue meeting virtually. Commissioners Thompson and Alvarado did not support.

Chairperson Ponder stated he would like for the discussion to continue on the first meeting in June.

D. DISCUSS AND REVIEW AGENDA ITEMS

C (1) - Consider approval of a Final Plat for 201 and 301 Mount Gilead Road.

No questions or comments.

D (1) – Minutes for April 13, 2021.

Commissioner Dawson stated he had emailed CDD Smith with three corrections.

D (2) – Consider amendments to UDC for Article 5 – Subdivision Design.

No questions or comments.

D (3) - SUP request for private school at 225 Keller Parkway (First Baptist Church).

Planner Cyr stated the Applicant had sent in a traffic study that would be presented in the regular meeting.

No questions or comments.

D (4) – Consider FLUP amendment request from MU, RT and LD-SF to RT and MD-SF at 1108, 1100 and 1130 North Main Street.

There will be no action taken on this.

D (5) – Consider a PD zoning change at 1108, 1100 and 1130 North Main Street.

Planner Smithers stated she had received some letters of support/opposition that she would discuss in the regular meeting.

No questions or comments.

D (6) – SUP for 151 Coffee at 1510 Keller Parkway.

No questions or comments.

E. ADJOURN

Chairperson Gary Ponder adjourned the Pre-Meeting at 7:03 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

There were no persons to speak.

C. CONSENT

1. [C \(1\) Consider approval of a Final Plat for Lots 1R, 1X, 2X, 3X, 4X and 5X, Block A, of the Milestone Church Addition, located on 51.21-acres, on the north side of Mount Gilead Road, approximately 1,200 feet east from the Mount Gilead Road and North Main Street \(HWY 377\) intersection, addressed as 201 and 301 Mount Gilead Road, and zoned PD-SF-15 and PD-PH-6.5. Milestone Church, Owner. Halff Associates, Applicant. \(P-21-0013\)](#)

There were no questions or comments by Commissioners.

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

D. NEW BUSINESS

1. [D \(1\) Consider the minutes for the April 13, 2021, Planning and Zoning Meeting.](#)

Commissioner Dawson stated there were three spelling errors which he had discussed in the pre-meeting.

Commissioner Osgood made a motion to approve Item D (1) with the three edits, seconded by Commissioner Sagar. The motion carried unanimously.

2. [D \(2\) PUBLIC HEARING: Consider amendments to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 5 – Subdivision Design; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. \(UDC-21-0004\)](#)

Planner Cyr stated Staff proposed to amend Article 5 of the Unified Development Code (UDC) to change standards regarding existing Fire Lane pavement regulations. This would allow applicants to have the option to core sample existing fire lane pavement and if the

results met the current standards set forth by the UDC, the existing fire lane could be used rather than installing a new fire lane.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

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

Commissioner Sagar asked Chad Bartee, City Engineer, why it was necessary to have the fire line thickness greater than a residential street.

Chad Bartee responded it was the weight of the apparatus. CDD Smith added the stabilizing arms of the apparatus also required the additional thickness.

Commissioner Thompson asked if the coring was to determine solely the thickness or the strength also. He also asked if the core sample was for complete area or just the sample location.

CDD Smith explained the language proposed required an engineered seal on the report that the concrete would be able to support the apparatus. She added the engineering company would be looking at the entire fire lane to meet the standards.

Commissioner McWhorter asked if the intent was for the existing fire lane.

CDD Smith responded that it would allow an existing fire lane to stay in use instead of replacing it.

Commissioner Osgood 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 First Baptist Church to allow a private school \(Harvest Christian Academy\) to occupy an approximately 101,186 square-foot existing building, situated on a 4.78-acre tract of land.](#)

located on the north side of Pearl Street, approximately 100 feet northeast of the intersection of Pearl Street and Jessie Street, legally described as Lot 1, Block 1 and 2, First Baptist Church Addition Keller, zoned SF-8.4, located at 225 Keller Parkway, First Baptist Church, owner/applicant. (SUP-21-0010)

Planner Cyr stated the Applicant requested an SUP to allow a Private School (Harvest Christian Academy) to utilize the existing building located at 225 Keller Parkway. He said the school would have approximately 200 students and 35 faculty members. The Church installed a drop-off lane not shown on the aerial. It was located off of Pearl Street at the south entrance of the building. The Church proposed using the lane approximately 45 minutes in the morning for elementary and middle school drop-off (approximately 180 students). He added in the afternoons, elementary and middle school pick-up would be staggered. The Church proposed elementary pick-up would run from 3:00 P.M. to 3:15 P.M. and middle school pick-up would begin at 3:15 P.M. High school students (approximately 20) would park in the lot at the corner of Pearl and North Elm with a representative from Harvest Christian Academy to direct traffic for cars crossing Pearl Street from the parking lots to the drop-off lane at the south entrance of the building.

Chairperson Ponder asked if the Applicant had anything to add.

Terry Tate, Harvest Christian Academy, stated that updating the traffic analysis could be done if the Commission deemed necessary.

Chairperson Ponder opened the public meeting.

Debbie Wolfe, 1285 Mount Gilead, opposed the SUP request. She stated the church leasing space to a private school did not directly serve the residents in Keller. Her concerns ranged from traffic flow to the ARLUPA status of the church.

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

Commissioner Dawson asked if a private school was a permitted use in this zoning district.

CDD Smith responded that ARLUPA is what Ms. Wolfe was asking about. If the private school were operating under the church, ARLUPA would apply. She further explained if the church leased space to a private entity, they would lose that classification. She said the zoning was SF-8.4 and a school would be permitted.

Commissioner Apke stated this was prime real estate in Keller and the tax revenue would be a benefit. He added it met the requirements for SUP approval.

Commissioner Thompson concurred with support.

Commissioner Alvarado asked if there was a representative from First Baptist Church present. He added he was not sure how he felt about it being a school, however, he was in favor.

Pastor Sanders was available and added the church had been in existence since 1887.

Commissioner Sagar stated she had concerns with traffic flow and was not comfortable with the conceptual plan. She expressed her desire for there to be a harmonious plan including the school next door.

Commissioner McWhorter agreed with Commissioner Sagar and asked if a study had been done.

Pastor Sanders responded he would modify the plan if requested, however, he did not know what the Keller school had to do with the church's plans, as the school does not consider the church.

Chad Bartee stated coordinating with KISD or using College Street would be options. He added the possibility of making College Street one-way during drop-off and pick-up times.

Commissioner McWhorter asked what the thresholds were on a traffic study.

Mr. Bartee responded two thousand trips per day.

Commissioner Osgood asked what the future vision for the property was.

Pastor Sanders responded the current location only sat 800 people, and they currently had 2,500 members. In the future, they would like a larger sanctuary, and more educational buildings. He added the church had purchased all of the property it had intended, and were ready to get the Master Plan ready.

Commissioner Osgood asked the representative for the school why they were changing locations.

Terry Tate responded that most of their students lived in Keller. He also said the owner of 7200 Denton Highway was not going to renew their lease.

Commissioner Osgood asked what the long term vision was. He added he was concerned with the traffic plan and would like to see a master plan.

Pastor Sanders responded the lease was for two years with a third year option.

Chairperson Ponder asked if the school had an agreement with KISD to lease their athletic fields.

Mr. Tate responded they had approval for football/volleyball in the future. He said there would not be enough room for football or baseball fields at the new location, however, they would have recreational fields.

Chairperson Ponder stated he supported the concept, but expressed concern regarding traffic. He asked if they would be willing to include KISD on the updated traffic flow.

Pastor Sanders said KISD and FBC had a good working relationship because their hours of operation are opposite of each other. He stated the church daycare had been in existence for many years and there had not been a conflict with drop-off and pick-ups. He added they were willing to work with KISD.

Chairperson Ponder asked if any discussion had been had with KISD.

Pastor Sanders responded the only discussion to date was regarding the leasing of the athletic fields.

Commissioner Thompson asked what the attendance was at the KISD School. He also asked if the traffic plan could be adjusted.

Pastor Sanders said school started in August and they were running out of time to do a traffic study.

CDD Smith stated the KISD School had approximately 1000 people.

Commissioner Thompson stated he was in favor.

Chairperson Ponder asked CDD Smith if the third-year option was by the church or the school.

Pastor Sanders stated after speaking with their attorney, it was determined the third year would mostly be up to the school.

Chairperson Ponder suggested possibly doing a two-year SUP.

Commissioner Sagar stated the church and KISD needed to work together on traffic and come up with a solution. She asked if they would be willing to come back the first meeting in May with their traffic study.

Pastor Sanders replied the church had been working with Staff for months.

CDD Smith stated the submittals received from the church had varied greatly over the last several months.

Pastor Sanders responded by saying the plans had to be changed due to the demands of Staff.

Commissioner Sagar asked if the church would be amenable to table until May 11, 2021.

Pastor Sander said he did not want to, but would. Mr. Tate added they were willing to do whatever was necessary for the traffic study, and table if needed.

Commissioner Thompson asked if the residential streets were able to handle the traffic increase.

Chad Bartee responded there were ways to work it out.

Commissioner Dawson asked if 200 was the exact number of students enrolled.

Mr. Tate said there would be 180-222 students for the first year.

Commissioner Alvarado asked when the Harvest School would have to be out of their other location.

Mr. Tate responded June 30, 2021.

Commissioner Apke asked what the church would like to see as an outcome. He asked if the church preferred a two year trial or an SUP with no restrictions.

Pastor Sanders responded they would prefer no restrictions.

Commissioner Osgood made a motion to approve with a one-year SUP, Commissioner Apke seconded.

Commissioner Thompson discussed the possibility of a two-year SUP with the traffic study completed at one-year. He added the SUP could be revoked if the traffic study was not completed within the time frame.

CDD Smith stated this provision would not be enforceable.

Chairperson Ponder said he did not feel comfortable with anything presented thus far on traffic flow. He added the two year option would buy some time.

Commissioner Osgood reaffirmed his thought that a one-year SUP was sufficient.

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

4. [C \(4\) PUBLIC HEARING: Consider a request for a Future Land Use Plan \(FLUP\) Amendment proposing to change from Mixed-Use \(MU\), Retail \(RT\) and Low-Density Single-Family \(SF-LD\) to Retail \(RT\) and Medium-Density Single-Family \(MD-SF\), located on approximately 34.682-acres of land, legally described as Tract 4 and Tract 7 \(account #: 05685591 and 05685540\), and a portion of Tract 7A, 8B, 8B2 and 9C \(account #:5226317\), Abstract 29 out of Allen, Richard F Survey and addressed as 1108, 1100, and 11130 North Main Street, and located on the east side of North Main Street \(HWY 377\). Mark Weatherford, Applicant/Developer. PBS Family Limited Partnership, Owner. Richard Gibson, Owner. \(LUP-21-0001\)](#)

No action was needed as the 2021 Future Land Use Plan (FLUP) was approved by City Council on April 20, 2021, and the application matched the 2021 FLUP.

5. [C \(5\) PUBLIC HEARING: Consider a request for a Planned Development zoning change from Single-Family 36,000 square-foot minimum lots \(SF-36\) and Commercial \(C\) to Planned Development – Single-Family 20,000 square-foot minimum lots for Greenway Park that consists of 37 residential lots and an approximately 4.43-acres of open space on an approximately 28.502-acres of land, legally described as a portion of Tract 4 \(account #:05685591\), the entire Tract 7 \(account #:05685540\), and a portion of Tract 7A, 8B, 8B2 and 9C \(account #:5226317\), Abstract 29 out of Allen, Richard F Survey and addressed as 1108, 1100 and 1130 North Main Street, and located on the east side of North Main Street \(HWY 377\). Mark Weatherford, Applicant/Developer. PBS Family Limited Partnership, Owner. Richard Gibson, Owner. \(Z-21-0003\)](#)

Planner Smithers stated the development proposed 37 residential lots and approximately 4.43 acres of open space on approximately 28 acres. There was live-screening along the perimeter

of the proposed Planned Development. There would be an amenity area that included a playground, large pond, fishing pier and other natural elements.

She said the PD-SF-20 request proposed a minimum lot area of 20,000 square-feet, minimum lot width of 100', minimum lot depth of 150' and a minimum dwelling size of 3,000 square-feet. The setbacks would include a minimum front yard of thirty-five feet (35'), minimum side yard of ten percent (10%) of the lot width but no more than fifteen feet (15'); fifteen feet (15') from street right-of-way, and a minimum rear yard of fifteen feet (15'). Planner Smithers stated the maximum lot coverage would be thirty percent (30%) for the primary structure; fifty percent (50%) total including accessory buildings, driveways, and parking areas. She added the garage requirements for all residential lots shall provide a minimum of two (2) car garages that are either a j-swing or side-entry garage.

Planner Smithers stated the Applicant was proposing craftsman-style homes. The facades of homes, exclusive of doors and windows, shall be constructed 80% with masonry products such as brick, stone, and stucco. Secondary materials shall be quality materials such as wood, metal, and/or hardiboard. She said the Applicant's goal was to create a natural landscape moving through the subdivision from the entrance on North Main Street. The split drive access through the commercial portion will have three islands with enhanced landscaping and one proposed monument sign for the subdivision. The Applicant proposed to utilize the natural landscape between the commercial and residential portions to screen the development from Main Street.

She said a 6' wrought iron fence was proposed in front of the 50-foot naturally treed buffer. Evergreen screening shrubs would be added along the fence to ensure year-round screening. The Applicant was proposing to have 4.43-acres (or 15.5%) of open space that included a fishing pond with a pier, playground, trails, and other natural elements. Trees would be preserved in a 25-foot easement along the north perimeter of the property where the 10-foot City trail would be located as well as in a 15-foot easement along the south perimeter of the property. The Applicant proposed to grant a 25-foot easement for a 10-foot hike and bike trail that will connect to the existing trail to the east of the development. The Applicant would be installing the trail on the north side.

Chairperson Ponder asked if the Applicant had any additional comments.

Mark Weatherford, Applicant, thanked the Commission for their consideration.

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 (5), seconded by Commissioner Dawson. The motion carried unanimously.

Commissioner Sagar asked Staff which variances were being requested.

CDD Smith explained in a Planned Development (PD), there were not variances, but more of a customization.

Commissioner Sagar questioned if a landscape screening wall would be built when commercial businesses came in to the west.

Planner Smithers added there was a buffer between commercial and residential on the west side currently with trees.

Doug Powell, McAdams Consulting, responded there was a fifty foot buffer of trees that would offer integrity to the area and tree preservation.

Commissioner Sagar stated she did not like natural screening and thought it would be better to install a masonry screening wall. She also asked about where the gate would be located.

Planner Smithers responded it was a public road and there would not be a gate.

Commissioner Sagar asked if there would be two points of egress.

Planner Smithers answered there would be.

Commissioner Dawson asked if there were sidewalks and masonry walls around the subdivision. He also asked if there were homes on the north side of the greenbelt.

Planner Smithers stated there were sidewalks, however, there were not masonry walls around the subdivision. She said there were homes north of the greenbelt.

Commissioner Maxwell asked if the Applicant planned on developing the commercial sites, and what they envisioned.

Mr. Weatherford explained he envisioned office buildings. He would like to try to preserve trees around the commercial area. He did not envision a retail area.

Commissioner Sagar asked the nature of the opposition letters.

Planner Smithers stated there were four. The opposition from 404 Majestic was to keep the trees, wildlife and noted the schools were full; 400 Majestic Court stated their opposition going from low to medium density; Linda Taylor shared her concerns about traffic and desire to keep lots at SF-36 zoning; and 405 Majestic just stated their objection.

Commissioner Sagar asked for confirmation that all of the lots would be SF-20.

CDD Smith stated they were all SF-20 and would be requiring at least a 3,000 square-foot home on each lot.

Mr. Weatherford added this would be a high-end subdivision with houses starting at one million dollars.

Commissioner Thompson said he liked the concept and believed the housing development would drive the commercial aspect.

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

6. [C \(6\) PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for 151 Coffee to occupy a 2,866 square-foot building with drive-thru, situated on a 0.723-acre tract of land, located on the south side of Keller Parkway \(FM 1709\), approximately 250 feet west of the intersection of Keller Smithfield Road and Keller Parkway, being Lot 2, Block A, Keller](#)

[Crossing Addition, and zoned Planned Development – Retail \(PD-R\), located at 1510 Keller Parkway. The Rent Shop of Texas, Owner. 151 Coffee to Go, LLC, Applicant. \(SUP-21-0012\)](#)

Planner Smithers stated in December of 2018, Taco Bueno vacated the subject property and remained vacant. The Applicant, 151 Coffee, requested an SUP for a drive-thru coffee shop. The shop would be open seven days a week from 6am to 10pm. The Applicant proposed to employ four full-time and 20-25 part-time employees. No more than approximately ten employees would be working at any given time.

She said sales tax revenue for 151 Coffee ownership provided their anticipated sales for this site, based on the performance of their five other locations in DFW (North Richland Hills, Flower Mound, Roanoke, Plano, and Alliance/Presidio). If this site performed comparatively as 151 Coffee claimed, the anticipated sales tax revenue for the city would be \$50,000 annually. This was 78% of the total sales tax revenue of the six other coffee shops in the city. Staff would not anticipate sales tax revenue to be this high. The city's property tax revenues from 1510 Keller Parkway is anticipated to remain stable. The 2020 city property tax revenue was \$2,765.

Chairperson Ponder asked if the Applicant had anything to add.

Mark Waddles, owner of 151 Coffee, stated the concept had done well in other cities and he was excited to open in Keller. He said Keller has a higher population than Southlake, however, Keller was doing approximately 4 million dollars less in sales.

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 (6), seconded by Commissioner Apke. The motion carried unanimously.

Commissioner Alvarado stated he had concerns with the close proximity to Scooters. He asked Staff what was allowed at this location without a SUP.

Planner Smithers responded that the drive-thru component was driving the SUP.

Commissioner Sagar thanked the Applicant for considering Keller and was delighted to have a new business. While she did have similar concerns regarding the proximity to Scooters, she thought it was a great idea.

Commissioner Dawson stated he was concerned about the drive-thru and the impact on traffic on 1709.

Chad Bartee responded there would be less traffic than when Taco Bueno occupied the space.

Commissioner Apke said he thought Keller could support another coffee shop.

Commissioner Maxwell thanked the Applicant and was excited about the vision.

Commissioner Osgood asked what the conditioned space would be.

The Applicant responded the barista area would be conditioned, however the seating would be outdoors.

Commissioner Osgood made a motion to approve Item D (6), seconded by Commissioner Sagar. The motion carried unanimously.

E. ADJOURN

Chairperson Gary Ponder adjourned the meeting at 9:58P.M.

Chairperson

Amy Botcher, Planning Technician

