



# City of Keller

## Planning & Zoning Commission

### Meeting Minutes

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

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**Tuesday, May 11, 2021**

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PRE-MEETING BRIEFING 6:32 P.M.

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

Chairperson Gary Ponder called the virtual Pre-Meeting Briefing to order at 6:32 P.M.

The following Commissioners were present:

Gary Ponder, Chairperson

Ralph Osgood, Vice Chairperson

Paul Alvarado

James Dawson

Bob Apke

Leslie Sagar

Thomas Thompson

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. DISCUSS AND REVIEW AGENDA ITEMS**

1. Briefing regarding City Council action on Tuesday, May 4, 2021.

Planner Smithers stated the SUPs for Tiki Hut, Bliss Nails, 1000 Hillside and Liberty Senior Residential were all approved unanimously. She said the SUP for Goody Goody Liquor had brought about additional discussion but was approved 5-1.

There were no questions or comments from Commissioners.

C1. Minutes for April 27, 2021

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There were no questions or comments from Commissioners.

C2. Site Plan Amendment for The Hills Church at 2525 Florence Road.

Planner Smithers gave a brief description.

Chairperson Ponder asked Staff if there had been recent discussions regarding trees in parking islands.

CDD Smith responded that over time, the size ratio for parking islands needed change to make them larger or require fewer trees. She added this discussion would be coming to Planning and Zoning Commission in the near future for consideration.

C3. Public Hearing for SUP for 28x68 modular home as temporary residence at 404 South Pearson.

Planner Smithers gave a brief description.

Chairperson Ponder asked if the SUP previously approved included the determination that the temporary home could not be placed on the property until the building permit was approved. Commissioner Thompson asked about the wording.

CDD Smith responded it was not clarified in the prior motion, although it was the intent. She added the motion reflected the 24-month cap. She suggested if the Commission approved this item, they be specific on any requirements in their motion.

Commissioner Thompson asked if there was a specific approved selected structure when the original SUP was approved.

Planner Smithers explained the Applicant provided pictures of the structure that had been previously approved.

Commissioner Osgood questioned the difference between modular and mobile homes.

CDD Smith answered in 1976, mobile homes became referred to as manufactured homes. She added modular homes were built offsite room by room.

Commissioner Osgood asked if a manufactured home would be permitted on the property as the main structure. He also asked what ability the City had to demand the manufactured home be removed after two years. He wondered if it could possibly be used as an ADU in the future.

CDD Smith responded it would not be allowed. She added there were not any zoning districts in Keller that permitted manufactured homes. She said the City would have the same recourse under an SUP as a temporary structure. CDD Smith stated the manufactured home could not be turned into an ADU.

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Chairperson Ponder asked if the plans were to scale.

CDD Smith stated they were not exact, but they were close. She explained the main structure would be approximately 3,000 square-feet, and the proposed manufactured home was approximately 2,000 square-feet.

Commissioner Apke asked if the main structure would sit 200-foot from the Right-of-Way. He asked if the manufactured home would be located behind the main structure.

Planner Smithers responded it would be.

Commissioner Thompson asked if the language could be updated since the SUP was being re-opened.

CDD Smith explained it could be under the modification section of how the commission may approve things.

Planner Smithers stated there had been two calls from neighbors. The first call was from a resident on Union Church. The resident was concerned about the timing of releasing the permit for the manufactured home to the issuance of the building permit. The second call was from 228 South Pearson. The resident shared the previous concerns and opposed the SUP.

Commissioner Dawson asked if 24-months was the average time span to build a new home.

CDD Smith responded that it was taking longer given material shortages and the commission changed the length from 18 to 24 months had been made.

Commissioner McWhorter asked if there was any concern on removing the manufactured home.

CDD Smith explained it was approximately 2/3 the size of the main structure and would come out in sections.

Commissioner Sagar asked what would happen if a building permit was obtained, but never acted upon.

CDD Smith stated building permits were valid for 180 days. The SUP would be valid for one year. She added that if there was no progress within the year, the SUP would expire and they would be required to remove the modular home.

#### C4. Public Hearing on two SUPs for 2,733 square-foot accessory structure at 921 Bourland.

Planner Cyr gave a brief description.

Commissioner Thompson asked if the square-footage included the second floor storage area.

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Planner Cyr responded it did not. He added the total calculated was the footprint including the patio.

CDD Smith agreed with Commissioner Thompson on calculating square-footage. She noted in 2016 the Applicant had been given approval for a 3,000 square-foot building that was never built. Later, the Applicant was granted an SUP for an ADU.

#### C5. Public Hearing on amendments to UDC regulating breezeways.

Planner Cyr gave a brief description.

CDD Smith explained Staff added language to address and allow porte-cocheres.

There were no questions or comments from Commissioners.

Commissioner Sagar stated had concerns on building materials on item C (4). She asked CDD Smith if requirements could be required to match the home.

CDD Smith responded yes, it could be with a SUP.

Commissioner Sagar asked if the previously approved ADU had been approved with matching materials to the house.

CDD Smith responded it was.

### C. ADJOURN

Chairperson Gary Ponder adjourned the Pre-Meeting at 7:05P.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.

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## B. PERSONS TO BE HEARD

There were no persons to speak.

## C. NEW BUSINESS

1. [C \(1\) Consider the minutes for the April 27, 2021, Planning and Zoning Meeting.](#)

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

2. [C \(2\) Consider a recommendation of a site plan amendment with one variance for the Hills Church, situated on 5.4 acres, located on the north side of Florence Road, approximately 350-feet west of Randol Mill Avenue \(Davis Blvd\) and Florence Road, being Lot 1R, Block A, Anchor Church Addition, at 2525 Florence Road, and zoned Single-Family 36,000 square-foot minimum lots \(SF-36\). The Hills Church, Owner/Applicant. \(SP-21-0007\)](#)

Planner Smithers stated the site was developed as a church in 1999 and had remained in operation as a church. The Hills Church purchased the property in late 2020 and would like to update the site for their expanding church. One of the updates included landscaping the entire property. The Church provided all the proper landscaping inside the landscape buffers and would update the dead landscaping with fresh vegetation. She added there were two islands that should have trees but they were too narrow and had existing light poles in the middle of the islands. The Church requested to plant two trees at the entrances of the church parking lot instead.

Chairperson Ponder asked if the Applicant had anything to add.

Clay Christie, Applicant, was available for questions.

There were no questions or comments other than support from Commissioners.

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

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3. [C \(3\) PUBLIC HEARING: Consider a request to amend an existing Specific Use Permit \(SUP\) to allow the property owner to temporarily reside in a 28-foot by 68-foot \(or 1,904 square-feet\) modular home for the purpose of living and overseeing construction of a permanent residence, 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, Christopher Cloy, Owner/Applicant. \(SUP-21-0013\)](#)

Planner Smithers stated on March 16, 2021, the Applicant requested and was granted a Specific Use Permit (SUP): reside in a temporary modular home for a period of no more than 24 months, convert a 980 square-foot accessory structure into an accessory dwelling unit, remove the manufactured home within 90-days of the final inspection of the residential home, and install mobile skirting around the manufactured home.

The Applicant proposed to amend the SUP to increase the size of the temporary manufactured home from approximately 1,000 square-feet to approximately 2,000 square-feet and change the location to directly behind the proposed 3,000 to 3,500 square-foot future residence. She added the proposed temporary manufactured home would comply with all setbacks.

Planner Smithers stated on April 30, 2021, the City mailed out seven Letters of Notification for this Public Hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was posted on the site. She said as of May 11, 2021, Staff had received: one phone call from a resident that resided southeast of the property (not within the 300' buffer). The resident had several questions related to the structure and timing from when the temporary building would be on-site versus when the building permit will be submitted. Staff also received an email in opposition from the owners at 228 South Pearson Lane for size, timing, and type of temporary structure.

Chairperson Ponder asked if the Applicant had anything to add.

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Reid Cloy, Applicant, explained when the original application was submitted, he had not found a manufactured home for the site. He said after the approval, they found the current home being discussed and purchased it.

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 (3), seconded by Commissioner Osgood. The motion carried unanimously.**

Commissioner Sagar asked the Applicant how the home would be removed once the main structure was built since it had doubled in size.

The Applicant responded it would come out in two sections.

Commissioner Sagar asked the Applicant if the structure was a manufactured or modular home. She asked him to clarify if it was on wheels. She would like the Applicant to confirm that the 24-month time frame would not start until the building permit was approved.

The Applicant responded it was a manufactured home and the wheels would be covered by skirting. He stated he would like the Commission to consider approving the manufactured homes placement before the approved building permit, which he expected to complete in June 2021.

Commissioner Sagar stated her preference was to wait for building permit approval, before allowing placement of the manufactured home.

Commissioner Dawson agreed.

Commissioner Apke asked how far from the road the manufactured home would be.

The Applicant stated it would be approximately 100-200 feet back.

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Commissioner Thompson agreed with Commissioner Sagar. He questioned the Applicant on his current living arrangements and expressed concern over the size of the proposed structure. He asked how the septic and water would be handled and how long they were out of use.

The Applicant stated there was a home previously on the property, so water, electric and sewer were already established.

Planner Smithers added septic concerns were directly handled with Tarrant County.

Commissioner Alvarado asked the Applicant if the manufactured home was currently on site. He also agreed with Commissioner Sagar in terms of the building permit, and said the request was reasonable.

Commissioner Osgood agreed with Commissioner Alvarado.

Chairperson Ponder asked when the previous SUP started.

Planner Smithers responded March 16, 2021.

Chairperson Ponder stated his appreciation that the Applicant desired a larger structure. However, he thought the structure should go in at the time of building permit approval, with the 24-month time frame having started March 16, 2021, when the initial SUP was approved.

Commissioner Sagar asked if a Certificate of Occupancy would be given and if Tarrant County would inspect the septic.

CDD Smith responded a CO would not be given for a SFR, though there would be inspections, and Tarrant County would inspect septic.

Commissioner Thompson asked who would notify Tarrant County of the need for an inspection.



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CDD Smith said the City of Keller would require a letter of approval from Tarrant County before the final inspection.

Commissioner Alvarado made a motion to approve Item C (3), contingent upon issuance of the building permit, seconded by Commissioner Osgood.

Commissioner Apke asked Commissioner Alvarado to amend the motion to include the starting date to March 16, 2021.

Commissioner Alvarado made a motion to approve Item C (3), with Staff's recommendation that it coincide with the issuance of the building permit and maintain the 24-month period going back to the original date of March 16, 2021.

Commissioner Thompson asked Commissioner Alvarado to amend the motion to include language stating the temporary structure should be removed if the permit expired or construction ceased.

CDD Smith asked Commissioner Thompson to clarify "cease".

Commissioner Thompson asked if 90 days would be reasonable.

CDD Smith responded due to the delay in material availability, she recommended 180 days.

Commissioner Thompson asked Commissioner Alvarado to amend the motion to include language stating the temporary structure should be removed if the permit expired or construction ceased for 180 days or greater.

**Commissioner Alvarado made a motion to approve Item C (3), with Staff's recommendation that the SUP coincide with the issuance of the building permit, the 24-month period starts at the original date of March 16, 2021, and the structure must be removed if the building permit is pulled, expired or with 180 days of no activity on construction. Commissioner Osgood seconds. The motion carried unanimously.**

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4. C (4) PUBLIC HEARING: Consider a request for two Specific Use Permits (SUP) to allow the applicant to construct an approximately 2,733 square-foot accessory structure (shop use) 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, Block 1, 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-21-0014)

Planner Cyr stated the City Council unanimously approved the Applicant for an SUP on September 20, 2016, an SUP for a 3,000 square-foot accessory structure that was never built. The Applicant was now proposing a 2,733 square-foot structure to serve as a workshop and to store the Applicant's fifth-wheel travel trailer.

Chairperson Ponder asked if the Applicant had anything to add.

Jeff Ground, Applicant, and Jeff Aldredge, Owner, were both available for questions.

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 Dawson. The motion carried unanimously.**

Commissioner Dawson asked the Owner to provide an explanation for the usage of the building.

The Owner responded he would like a shop for his personal use and storage of a RV.

Commissioner Dawson asked to confirm this structure was not meant to be utilized as an Accessory Dwelling Unit.

The Owner confirmed it would not be an ADU.

Commissioner Apke asked if there would be electricity and plumbing to the building. He also asked what the loft area would be used for.

The Owner stated there would be electricity and plumbing to the structure. He added there would be a half-bath built inside. The intent of the loft would be for personal storage. He also confirmed the building would be metal.

Commissioner Thompson asked if the Owner would park the RV inside or outside of the structure. He also questioned the use of windows in a shop.

The Owner responded it would be parked inside. He added the windows would provide natural light.

Commissioner Thompson asked if the 600 square-foot loft area was calculated in the 2,733 square-foot total. He asked for confirmation that the actual usable floor space would be 3333 square-foot.

Planner Cyr responded the 2,733 square-foot total included the footprint of the building, including the lean-to. Usable floor space would be 3,333 square-foot.

Commissioner Thompson asked what the gross square-footage of the structures were compared to the main structure.

Planner Cyr stated the main structure, existing accessory dwelling unit and the proposed structure would be 96% of the existing main structure. However, adding in the additional 600 square-feet from the second-floor, it would be over 100%.

The Owner stated in 2016, the second floor square-footage was not a factor with the SUP. The Owner said the original accessory building that wasn't built had a second story and the square-footage was not considered.

Commissioner Thompson stated he was a strong proponent in individual rights to use their property, however they have to keep it harmonious with the area. He had some concern with the large size and also the metal materials.

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Commissioner Alvarado said he understood the intentions, however, he had concerns with the size and exterior materials. He stated he would like a motion that included that the exterior finish match the main home.

Commissioner Sagar stated material was not a concern for her due to the distance from the road and the density of the trees. She said the request was reasonable and she was in support.

Commissioner Ponder and Commissioner Osgood agreed with Commissioner Sagar. Commissioner Ponder asked who the building would be visible to.

The Owner said it would most likely be visible to the neighbors to the north.

**Commissioner Thompson made a motion to approve Item C (4), a 2,733 square-foot shop, seconded by Commissioner Sagar. The motion carried unanimously.**

5. [C \(5\) 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 8 – Zoning Districts – to add provisions regulating breezeways; authorizing publication; provide for penalties; and establishing an effective date, City of Keller, Applicant. \(UDC-21-0005\)](#)

Planner Cyr stated over the last several years, applicants had attached accessory structures to main structures by breezeways. By claiming the accessory structures were an expansion of the main structure, they tried to avoid the UDC limitation of permitting only two accessory structures per residential property. Although there was a connected fire path, the structures were built and used separately. This proposed amendment clarified what could be considered an expansion of the main structure and what could be considered an accessory structure.

Chairperson Ponder opened the public meeting.

There were no persons to speak.

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

Commissioner Thompson asked if a covered patio would be the same.

CDD Smith stated it would have to function as a porte-cochere, being able to drive at least one car through.

Commissioner Thompson asked to clarify it would have to have a contiguous roof. And would a walkway fit in the definition.

CDD Smith stated a walkway would be a covered walkway. The language would be a porte-cochere or share a wall with the main structure.

**Commissioner Thompson made a motion to approve Item C (5) as written with addition of language following the word “porte-cochere” to be a minimum of 10-feet in width, perpendicular to the primary building, seconded by Commissioner Alvarado. The motion carried unanimously.**

CDD Smith stated the Commission and City Council had approved all accessory structures in the past two years. Staff recognized there was a need to reconsider the UDC requirements because they may no longer match the desire of the community.

Commissioner Thompson said if the rules were made tight, you could always give a variance.

Chairperson Ponder asked CDD Smith, the City Council would be looking at this in the future.

CDD Smith responded it had been mentioned in the last City Council work session. She added there were concerns from the Commission and City Council regarding Accessory Dwelling Units (ADU) and larger accessory buildings turning into ADUs in the future.

Chairperson Ponder thanked CDD Smith for the insight and welcomed discussion to start anytime.

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## **D. ADJOURN**

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

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Chairperson

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Amy Botcher, Planning Technician