



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, September 28, 2021

PRE-MEETING BRIEFING 6:00P.M.

A. CALL TO ORDER –Chairperson Leslie Sagar

Chairperson Leslie Sagar called the Pre-Meeting Briefing to order at 6:30P.M.

The following Commissioners were present:

Leslie Sagar- Chairperson

Paul Alvarado

James Dawson

Bob Apke

Thomas Thompson

The following Commissioners were absent:

Gary Ponder

Ralph Osgood

Phillip Maxwell

Logan McWhorter

Staff present included: Katasha Smithers, Planner II; Patricia Sinel, Senior Planner; Julie Smith, Director of Community Development; Sean Vreeland, Director of Information Technology; Chad Bartee, City Engineer; and Kelly Ballard, City Secretary

B. ADMINISTRATIVE COMMENTS

Planner Smithers stated on September 7, 2021, the City Council approved the Oakbrook Hills Subdivision appeal for tree preservation unanimously. She said the plat for 8705 Davis Boulevard and the two SUP's for 1404 Jackson Road were also approved unanimously, as well as the FLUP amendment and zoning change for 940 & 920 Keller Parkway. She added the site plan for Goody Goody Liquor was approved 5-1.

Planner Smithers stated on September 21, 2021, the City Council tabled the zoning change request for Beverly Grove until October 19, 2021. She said City Council also denied the FLUP and zoning change for the Highland Terrace Mobile Home Park.

Commissioner Alvarado asked if City Council added anything to the request for Goody Goody or if it was approved as presented.

Planner Smithers responded it was approved as submitted.

Commissioner Alvarado asked if there was any request to bring Highland Terrace Mobile Home Park back through the process.

Planner Smithers stated there was not at the time.

C. DISCUSS AND REVIEW AGENDA ITEMS

D1. PSE for Bar H Estates at 148 Frank Lane.

There were no questions or comments.

D2. Final plat for Bar H Addition at 148 Frank Lane.

There were no questions or comments.

E1. Minutes for August 24, 2021.

There were no questions or comments.

E2. Public Hearing for two SUP's for 901 Barbara Lane.

The application was withdrawn and will be re-noticed as SUP-21-0033.

E3. Three variances for 1420 Randol Mill Road.

Senior Planner Sinel gave a brief presentation.

Commissioner Apke asked what district the lot would be if it was straight zoning. He also asked what the setbacks differences would be.

Senior Planner Sinel responded it was Single-Family 36,000 (SF-36), however the lot size would closer to Single-Family 20,000 (SF-20).

There were no additional comments or questions.

E4. Public Hearing for an SUP at 7201 Shady Grove Road.

Planner Smithers gave a brief presentation.

Commissioner Thompson asked what the size of the RV was. He questioned the need for such a large building for two cars, a mower, boat and RV.

Planner Smithers responded the Applicant would be available to answer his questions.

There were no additional comments or questions.

E5. SUP for accessory building expansion at 833 Rufe Snow Dr.

Senior Planner Sinel gave a brief presentation.

Commissioner Thompson asked Staff to confirm the foundation was existing.

Senior Planner Sinel responded it was.

CDD Smith added there was concern by some neighbors that the owner was storing medical supplies for his business. She added the Owner had let Staff on property and they confirmed there was not any medical supply storage.

Commissioner Alvarado stated the Owner had done a better job of working with the City to achieve compliance. He read the opposition letters, and stated opposition letters needed to be based on facts or merits of the case.

Commissioner Thompson added the Commission was not there to handle civil matters between neighbors.

Commissioner Apke asked Staff to confirm the addition would face the interior of the lot.

Senior Planner Sinel responded the addition would face south. She added the neighbors to the north would not have a change in their view.

Commissioner Sagar stated it was unfortunate that neighbors do not always get along, but agreed the Commission would look at opposition letters that were based on merit.

Commissioner Thompson said he did not think the Owner should have to garner support from neighbors if the request fell within the realm of what was allowable.

CDD Smith responded that City Council liked to see people reach out to their neighbors. She added accessory structures larger than what was being requested have been approved by City Council.

There were no additional comments or questions.

E6. Public Hearing for UDC amendment for accessory structure height.

Planner Smithers gave a brief presentation.

Commissioner Thompson asked Staff to clarify the 15-foot average height.

Senior Planner Sinel stated it was the average between the lowest plate and the ridge.

Commissioner Alvarado suggested adding a diagram to reflect a clearer picture of determining the average.

D. WORKSESSION

CDD Smith gave a presentation on fences including white vinyl and corner fences.

E. ADJOURN

Chairperson Sagar adjourned the Pre-Meeting at 6:55P.M.

REGULAR MEETING 7:00 P.M.

A. CALL TO ORDER –Chairperson Leslie Sagar

Chairperson Leslie Sagar called the meeting to order at 7:00P.M.

B. PLEDGE OF ALLEGIANCE

1. Commissioner Apke led the Pledge to the United States Flag.
2. Commissioner Apke led the Pledge to the Texas Flag.

C. PERSONS TO BE HEARD

There were no persons to be heard.

D. CONSENT

1. [D \(1\) Consider a Preliminary Site Evaluation \(PSE\) for the Minor Subdivision consisting of Lots 1, 2, 2R-1, 2R-2, Block A, Bar H Addition, being 10-acres located on the east end of Frank Lane, zoned SF-15 and SF-36, currently addressed as 148 Frank Lane, Bar H Estates, LLC, Applicant/Owner. \(PSE-21-0003\)](#)

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

2. [D \(2\) Consider a Final Plat for Lots 1, 2, 2R-1, 2R-2, Block A, Bar H Addition, being 10-acres located on the east end of Frank Lane, zoned SF-15 and SF-36, currently addressed as 148 Frank Lane, Bar H Estates, LLC, Applicant/Owner. \(P-21-0026\)](#)

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

3. [D \(3\) Consider a Preliminary Site Evaluation \(PSE\) for the Minor Subdivision consisting of Lots 1-3, Block A, Pearson Woods, being 3.31-acres located on the west side of North Pearson Lane, due west of the intersection of Summer Lane and North Pearson Lane, zoned SF-36, currently addressed as 1450 North Pearson Lane, Metairie BG Partners, LLC, Applicant/Owner. \(PSE-21-0004\)](#)

The application has been withdrawn.

E. NEW BUSINESS

1. [Consider the Minutes for the August 24, 2021, Planning and Zoning Commission Meeting.](#)

There were no questions or comments.

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

2. [PUBLIC HEARING: Consider a request for two Specific Use Permits \(SUPs\) to allow the property owner to reside in the existing 2,466 square-foot home for the purpose of living and overseeing construction of a permanent residence and to construct a 2,000 square-foot accessory structure, lots legally described as a portion of Tract 1D01, 1C and 1C01 of the William H Slaughter Survey, being approximately 5.69-acres, located at the northwest corner of Barbara Lane and Rufe Snow Drive, zoned Single-Family 36,000 square-foot lots or greater \(SF-36\) and addressed as 901 Barbara Lane. Sean Alibrando, Applicant/Owner. \(SUP-21-0031](#)

The application has been withdrawn and will be re-noticed as SUP-21-0033.

3. [Consider a resolution approving three variances to Section 8.03 of the Unified Development Code for a Final Plat for Lot 1, Block A, Mitchell Estates, being 0.56-acres located on the west side of Randol Mill Avenue, zoned Single-Family 36,000 square-foot lots \(SF-36\) and currently addressed as 1420 Randol Mill Avenue. Distinguished Custom Homes, Applicant; Edward and Shearon Mitchell, Owners. \(P-21-0028\)](#)

Senior Planner Sinel stated prior to 2013, the Texas Department of Transportation (TxDOT) acquired almost half of this tract to the expansion of FM 1938 (Randol Mill Avenue). The existing house was demolished, leaving the tract of land undeveloped.

She said in 2013, an application for three variances was submitted to and approved by the Zoning Board of Adjustment by a previous land owner. Based on the proposed house plan, the three variances approved were: A 7' privacy fence in front of the main structure; To reduce the front yard setback to 20'; and Increase lot coverage to 57% from 50%. However, the building permit was not issued, so the variances expired.

Senior Planner Sinel stated the new Applicant (with a new house plan) was now requesting three UDC variances due to lot constraints. These variances would result in a lot and building envelope that more closely met the zoning requirements for SF-36 than the three 2013 variances did.

Chairperson Sagar asked the Applicant if he had anything to add.

The Applicant did not.

Commissioner Apke asked what the proposed lot coverage would be.

Senior Planner Sinel responded it would be under 45%.

Commissioner Thompson stated it was a solid solution for the property.

Commissioner Alvarado said he was in support. He noted there was a similar case recently that was denied by the Commission and also City Council.

Commissioner Dawson asked Staff if any precautions would be taken for safety on entering Randol Mill from the property.

Senior Planner Sinel responded it was an existing lot and existing driveway. She added Public Works and Fire saw no issues with the entrance to Randol Mill.

Commissioner Sagar stated the request was reasonable and she supported.

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

4. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) to construct a 2,000 square-foot accessory structure, legally described as a Lot 1, Block 1 of David Price Addition, being approximately 1.96-acres, located at the north side of Shady Grove Road, approximately 900 feet northwest from the intersection of Keller Smithfield Road and Shady Grove Road, zoned Single-Family 36,000 square-foot lots \(SF-36\) and addressed as 7201 Shady Grove Road. James Atherton, Applicant/Owner. \(SUP-21-0030\)](#)

Planner Smithers stated the Applicant was requesting a Specific Use Permit (SUP) to allow the use of a 2,000 square-foot accessory structure in the SF-36 zoning district. Section 4.03(D) of the UDC, SUPs may be approved by City Council after a recommendation by the Planning and

Zoning Commission (Commission) for specific uses with certain conditions and development restrictions in order to be considered compatible in a district in which they are not allowed by right. An SUP was required for accessory structures greater than 1,200 square-feet in the SF-36 zoning district. The applicant proposed to use the structure to store two classic cars, a recreational vehicle, lawn mower, and boat trailer.

Chairperson Sagar asked the Applicant if he had anything to add.

Jim Atherton, applicant, stated the building was only going to be used for storage. He added there would not be a kitchen or bathroom in the building.

Chairperson Sagar opened the public hearing.

Susan Whitfield, 1217 Estrellas Drive, stated she would like to building to be less than 12-feet tall as to not be a visual impact to her.

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

Commissioner Thompson asked the Applicant what the dimensions of the building were. He stated he had some concern with the size and asked what would be stored.

The Applicant responded the building was 40x50 and would be for storage of cars, a boat and lawnmowers.

Commissioner Alvarado stated the size of the building with the size of the lot was a reasonable request.

Commissioner Apke asked the Applicant what the height of his boat was. He stated it was a reasonable request given the size of the lot.

The Applicant responded his boat was approximately 11-12 feet tall with the bimini top up. He also said he planned on making the building visually appealing with some landscaping.

Commissioner Thompson asked what existing landscaping was where the proposed accessory structure would go.

The Applicant stated there were some trees and an 8-foot privacy fence. He added he was not opposed to planting additional trees.

Chairperson Sagar stated the request was reasonable and appreciated the applicant working with the neighbors.

Commissioner Alvarado made a motion to approve Item E (4).

Commissioner Apke asked Commissioner Alvarado about restating his motion to include adding landscaping.

Commissioner Alvarado made a motion to approve Item E (4) with a condition that the Applicant make an effort to landscape to help obstruct view from the neighbor on the west side, seconded by Commissioner Apke. The motion carried unanimously.

5. [PUBLIC HEARING: Consider a request for a Specific Use Permit \(SUP\) for the 800 square-foot expansion, including a 500 square-foot lean-to addition, of an existing 1,200 square-foot accessory structure on a property legally described as Lot 1A, Block 1, of the William Slaughter Addition, being 9.83-acres located approximately 200-feet southeast of the intersection of Rufe Snow Drive and Cobblestone Parks Drive, zoned Single-Family Residential – 36,000 square-foot lots \(SF-36\), addressed as 833 Rufe Snow Drive. Jeffrey and Loren Abate, Applicants/Owners. \(SUP-21-0028\)](#)

Senior Planner Sinel stated the Applicant was requesting a Specific Use Permit (SUP) to allow the use of a 2,000 square-foot accessory structure in the SF-36 zoning district by expanding the existing 1,200 square-foot barn by 800 square-feet (300 square-feet enclosed addition and a 500 square-foot lean-to).

Section 4.03(D) of the UDC, SUPs may be approved by City Council after a recommendation by the Planning and Zoning Commission (Commission) for specific uses with certain conditions

and development restrictions in order to be considered compatible in a district in which they are not allowed by right. An SUP is required for accessory structures greater than 1,200 square-feet in the SF-36 zoning district.

Senior Planner Sinel stated the Applicants brought forward a request to the Commission on October 27, 2020 for a 2,000 square-foot barn. Because the structure had already been built without a permit, the Commission recommended Council deny by a vote of 7-0. After the Commission's meeting, the Applicants withdrew the request and reduced the size of the structure to 1,200 square-feet enclosed. On December 9, 2020, the Applicants obtained the building permit for the structure bringing it into compliance. The Applicants would now like to expand the size of the structure (barn) for agricultural purposes – feed, supplies, and other things necessary to maintain the family's longhorns, horses, donkeys, and goats.

She said the existing 1,200 square-foot structure was 64.8' away from the north (side-yard setback) property line, the closest property line to the structure. The UDC requires a 15-foot side setback. The combined area of all accessory structures on the lot is 45% of the main structure's size, meeting the 50% requirement. The total lot coverage would be 7,388 square-feet or 1.73% (all accessory buildings, driveways, and the main building) which would comply with the current zoning district's 50% lot coverage maximum.

Senior Planner Sinel said on September 17, 2021, the City mailed out 63 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 also posted on the site on September 17, 2021. As of today, Staff has received 28 signatures in opposition representing 16 lots with 6.84 acres inside the 200' buffer area. With an opposition rate of 33.1%, super majority has been invoked.

Chairperson Sagar asked the Applicant if he had anything to add.

The Applicant did not.

Chairperson Sagar opened the public hearing.

Dianne Graff, 740 Richmond Lane, stated her opposition. She spoke about the Applicant's SUP request from the previous year.

Susan Gwynn, 1017 Simmons Drive, stated she opposed the item. She also discussed a previous SUP request and the issues between the Applicant and neighbors.

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

Commissioner Alvarado stated the building and its uses were reasonable. He added, while he understood frustrations, they would be making a decision on the item presented.

Commissioner Dawson stated the structure met all of the requirements. He added due to the caustic nature evolving, he urged the applicant and neighbors to work together.

Commissioner Thompson stated the Commission was not there to handle civil issues between neighbors. He said looking at the request itself, it met all of the requirements. He also stated he commended the applicant for working with the City to correct previous errors.

Commissioner Sagar asked if the Applicant would consider adding additional landscaping to soften the view by neighbors.

Loren Abate, owner, stated they already had done some plantings and trees were planted behind the barn. Jeff Abate added there were approximately 15-50 trees on the north side of the structure, and 8-12 trees on the back side.

Commissioner Dawson asked if the Commission should add language into the motion to include what could be stored in the building.

Commissioner Alvarado stated he would not feel comfortable adding that verbiage.

CDD Smith added she would be hesitant adding in specifics of what could be stored.

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

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6. [PUBLIC HEARING: Consider a recommendation for an amendment to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Section 8.10- Accessory Building and Use Regulations to modify the approving authority for accessory structure height; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, Applicant. \(UDC-21-0007\)](#)

Planer Smithers stated in a work session on August 17, 2021, City Council directed Staff to amend Section 8.10 - Accessory Building and Use Regulation to modify the approving authority for accessory structure height from ZBA to P&Z and City Council. The proposed change required an accessory structure exceeding fifteen feet (15') in height to first obtain a SUP.

She said the Proposed Amendment was that the maximum height of an accessory building shall not exceed fifteen feet (15') unless approved by the Zoning Board of Adjustment (ZBA) or by a Specific Use Permit (SUP), whichever is applicable, for additional height (see definition of Building Height). Accessory buildings of less than one-hundred twenty (120) square-feet shall not exceed ten feet (10') in height.

Commissioner Thompson made a motion to approve Item E (6) with the inclusion of average height language and/or diagram, seconded by Commissioner Apke. The motion carried unanimously.

F. ADJOURN

Chairperson Sagar adjourned the meeting at 9:15P.M.

Chairperson

Amy Botcher, Planning Technician

