



# City of Keller

## Planning & Zoning Commission

### Meeting Minutes

Keller Town Hall  
1100 Bear Creek Parkway  
Keller, TX 76248  
817-743-4000  
[www.cityofkeller.com](http://www.cityofkeller.com)

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**Tuesday, October 12, 2021**

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PRE-MEETING BRIEFING 6:30P.M.

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

Chairperson Gary Ponder called the Pre-Meeting Briefing to order at 6:30P.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

The following Commissioners were absent:

Phillip Maxwell

Staff present included: Katasha Smithers, Planner II; 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**

D1. Public Hearing to consider three Specific Use Permits (SUP) for 901 Barbara Lane.

Planner Smithers gave a brief presentation.

Commissioner Osgood asked what the timeline was for this item.

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Planner Smithers responded there was not an exact timeline set yet. She also explained the reason behind the second SUP was to help guard against the original house not being demolished. She also noted the Applicant would like six months for the demo.

Commissioner Thompson asked if the barn was going to be replaced first. He also asked if the Applicant was going to reside in the existing home while the new home was being built. He expressed his desire to have the demolition completed faster than six months. He also shared concern for a home based business to be located in the existing home, which would not be his residence once the new home was constructed.

Planner Smithers stated the barn would be replaced first. The Applicant would reside in the existing home while the new home was being constructed. The existing home would then be demolished.

Commissioner McWhorter asked if there would be water and sewer brought to the barn. He also asked if there were any concerns with the floodplain.

Planner Smithers responded the applicant would be available to answer the questions on utilities.

Chad Bartee, City Engineer, stated due to the barn being replaced with the same size structure, like for like, there was not a concern about the floodplain. He added the Public Works Director was the official floodplain administrator and had been in extensive talks with the applicant. He noted a third party was also consulted and they did not have a concern.

Commissioner Apke asked for clarity that the barn would be used for agricultural use.

Planner Smithers stated the applicant always had stated it was for agricultural use. CDD Smith added Staff had started to add language tied to the ordinances that a building would be used for agricultural purposes only.

Commissioner Sagar asked what the timeline between moving into the new home and the demolition of the existing home. She stated there should be a limit put into the motion.

Commissioner Alvarado asked why there was a six month period requested before the demolition.

Commissioner Dawson stated a definitive timeline would be beneficial.

Chairperson Ponder asked Staff why it is necessary for residents to live on a property to oversee the building of the new residence.

CDD Smith explained the Applicant was currently residing in the existing home and it made more sense to stay on the property.

D2. Request for Site Plan amendment for Chick-Fil-A at 1002 Keller Parkway.

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Planner Smithers gave a brief presentation.

Commissioner Sagar asked if there would be additional landscaping to replace what was taken out.

Planner Smithers stated there was no mention of adding landscaping.

Commissioner Thompson asked how many parking spaces were being lost due to the expansion.

Planner Smithers stated there were nine. There were 22 spaces required, and they exceeded that requirement.

### D3. Public Hearing for recommendation for amendment to UDC on fences.

CDD Smith gave a brief presentation.

Commissioner Sagar asked for clarification on the language for open style fencing and bar ditches.

CDD Smith explained there were not sidewalks on the properties that had bar ditches. Therefore, there was not a need to push fences further back.

Commissioner Osgood asked how the fence ordinance would affect properties that were zoned SF-36 but did not meet the minimum lot size requirements.

CDD Smith stated there were multiple layers of criteria in the language that should address any of those questions should they arise.

Commissioner Alvarado asked about potential limitations on a property that was agricultural in nature, but did not have adjacent neighbors with white vinyl fencing.

CDD Smith stated it was her understanding from Council and Commission that white vinyl fencing was not desired in areas that did not already have white vinyl fencing.

Commissioner Alvarado asked if language should be added to specify locations for fences relative to bar ditches.

CDD Smith responded the Commission could determine what language was necessary. Although, she said, it would have to be a specific distance set.

Commissioner Thompson said there were enough controls in the language to deal with situations on a case-by-case basis.

CDD Smith stated in terms of public policy, fences could not be placed in the Right-of-Way (bar ditch). She said the main concern was drainage, but the language seemed to afford enough room for Public Works to make adjustments.

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Commissioner McWhorter asked if there were any zoning districts with less than a 25' building line.

CDD Smith stated the 25' was recommended by Public Works. If the home was sitting closer to the street, there could be an exception to the 25-foot rule.

## **C. ADJOURN**

Chairperson Ponder adjourned the Pre-Meeting at 7:07P.M.

## **REGULAR MEETING 7:00 P.M.**

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

Chairperson Gary Ponder called the meeting to order at 7:15 P.M.

### **B. PLEDGE OF ALLEGIANCE**

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

### **C. PERSONS TO BE HEARD**

There were no persons to be heard.

### **D. NEW BUSINESS**

1. [D \(1\) PUBLIC HEARING: Consider a request for three 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. \(SUP-21-0033\)](#)

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Planner Smithers stated the Applicant requested three Specific Use Permits (SUPs) to allow the use of a 2,000 square-foot accessory structure, accessory structure to exceed 50% of the existing 2,466 square-foot main structure, and to reside in the existing main structure while a main structure is being constructed in the SF-36 zoning district. She said the Applicant was proposed the structure to be utilized for agricultural purposes such as supplies and shelter for animals (llamas, goats, and chickens), tractor, and tractor attachments. The Applicant also proposed to reside in the existing 2,466 square-foot main structure while a new main structure (approximately 6,000 square-feet) was being constructed. The Applicant also requested six months to demolish the existing main structure after building final approval for the new main structure.

Planner Smithers said the Accessory Building Size was 2,000 SF and an SUP was required for accessory structures greater than 1,200 square-feet. She explained they met the requirements for the building exterior. (The UDC permits the use of exposed metal exterior walls and finishes for barns and agricultural structures in the SF-36 zoning district. The applicant proposed the building to be 100% metal (steel). She added the building height (average of 15 feet in height) and the setback requirements were both met.

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

The Applicant did not.

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

Commissioner Thompson asked the Applicant what the anticipated timeline was.

Sean Alibrando, Applicant, stated he would first tear down and rebuild the barn to have shelter for his livestock. He added the construction plans for the new home were not completed yet, but would anticipate 12-15 months for the build.

Commissioner Thompson asked if it was realistic to start construction on the main house in 36-60 days. He asked the Applicant to confirm he would not be expanding the current footprint of the barn.

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The Applicant responded construction could start in 30-60 days and the footprint of the barn would not be expanded.

Commissioner Thompson stated he did not feel comfortable with allowing a six month timeframe for the demolition. He would like to see it shortened to less than 180 days.

Mr. Alibrando asked if the Commission would agree to let him have six months to have the demolition completed.

CDD Smith stated once the final is given, the demo is required within 90 days.

Commissioner Alvarado said he understood the reasonable nature of the request and had no issue with it.

Commissioner Sagar shared her concern for the time frame for the demolition. She said she would like to give an SUP for 18 month to allow for wiggle room. She added she would like to demo timeframe to be less than 120 days.

Commissioner Dawson suggested 90 days for the demolition.

Commissioner Apke asked the Applicant if there would be water and sewer run to the barn.

The Applicant responded there would be, however, there would not be a kitchen or bathroom.

Commissioner Apke stated he agreed with the SUP for 18 months and 90 days for the demo.

Commissioner Osgood said he would be in favor of a 24 month build and 120 days for the demo.

Chairperson Ponder asked about the Applicant's business and working from home.

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The Applicant stated he did real estate development and was currently renting an executive suite in Keller to office from. He would have a home office, but would probably continue to office out of a leased space.

**Commissioner Thompson made a motion to approve Item D (1) with the demolition of existing residence to be completed in 90 days of final inspection of new residence, the new barn be for agriculture use only with no kitchen, and a total SUP time of 18 months, seconded by Commissioner Apke.**

Commissioner Alvarado asked Commissioner Thompson to amend his motion to increase the demo to 120 days and the SUP to 24 months.

Commissioner Thompson said he preferred not to, as the Applicant could come back and ask for more time.

**The motion carried unanimously.**

2. [D \(2\) Consider a request for a Site Plan Amendment for Chick-Fil-A, a 4,779 square-foot restaurant with drive-thru on approximately 11.960-acre tract of land, located on the south side of Keller Parkway \(F.M. 1709\), situated at the intersection of Rufe Snow Drive and Keller Parkway \(F.M. 1709\), being Lot 1R, Block A, Keller Town Center, at 1002 Keller Parkway, and zoned Town Center \(TC\). Regency Centers, LP, owner. Interplan LLC, applicant/developer. \(SP-21-0019\)](#)

Planner Smithers stated on June 24, 2019, Chick-Fil-A received approval from City Council to add an additional 1,411 square-feet of canopy improvements that extend over the drive-thru lanes. In September 2021, Chick-Fil-A applied for a site plan amendment to expand the drive-thru lane into two pick-up lanes on the south side of the property. She said the Applicant requested to modify the drive-thru lane by removing 9 parking spaces and adding a second pick-up lane on the south side of the lot. The drive-thru would begin with two order lanes, transition into one lane and then reopen into two lanes for food pick-up.

She explained site plans within the Town Center (TC) Zoning District shall be considered for approval by City Council after a recommendation from the Planning and Zoning Commission.

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

The Applicant was not present.

Commissioner Sagar expressed her disappointment that the Applicant was not available to talk about landscape.

Commissioner Dawson asked Planner Smithers to explain the traffic flow. He also asked if additional traffic signs would be added for safety.

Planner Smithers described two lanes, narrowing to one lane, and opening back to two lanes. She added the second pick up lane would be more of a waiting line. She was unaware of additional signs but there could be a possibility.

Commissioner McWhorter said he had concerns on the traffic management returning to the two pick up lanes.

Commissioner Osgood stated the dual drive-thru could be more of a safety feature than the curbside was.

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

3. [D \(3\) PUBLIC HEARING: Consider a recommendation for a amendment to the City of Keller Unified Development Code \(UDC\), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 8- Zoning Districts, Development Standards, Tree Preservation, related to fence requirements; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, Applicant. \(UDC-21-0008](#)

CDD Smith stated white rail fencing (post and rail) was typically used for ranches to contain horses and similar livestock. The open nature of the fencing allows the view of pasture land to be unobstructed. These fences were typically made with wood (painted white) or white vinyl rails (two to four) horizontally mounted between two posts.



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She explained the proposed amendment to only permit white vinyl fencing in the SF-36 zoning district if all of the following requirements are met: designed as post and 2-, 3-, or 4-rail ranch fencing; and applicant's property is used for agricultural purposes or is immediately adjacent to agricultural uses; and property in the immediate vicinity also utilizes white vinyl or white wood post and rail fencing; and the fencing material is professional grade (e.g. made from virgin vinyl, contains UV inhibitors (such as titanium dioxide) and impact modifiers); and the fence is warrantied for a minimum of 20 years (versus "lifetime" warranty).

CDD Smith also explained that the definition of open style fencing required that 50% of each panel be open. Examples of open fence styles include pipe, pipe and cable, wrought iron, picket, and rail fencing.

She stated the concerns regarding the UDC for fences on corner lots. She proposed a UDC amendment adding, "If the corner lot is on an entry to a cul-de-sac, the fence may extend to the build line on both street-facing sides even if closer than 25' and extends in front of the adjacent home." This latter scenario assumed the corner home was built behind the build line.

CDD Smith said in all zoning districts, fences adjacent to a street must be inset a minimum of four feet (4') from the property line except when the front property line is adjacent to a bar ditch. The location of fences adjacent to a street on corner lots shall be as follows: Open-style fences (including front and side yards when adjacent to a street) shall be located four feet (4') inside of the property line except when front property line is adjacent to a bar ditch.

She added if a side or rear fence for a property was located in front of the main structure of an adjacent property: a solid fence may be located no closer than 25 feet from the side property line facing the street; an open-style fence may be located no closer than 4 feet from the side property line facing the street; landscaping may not be added that inhibits traffic visibility of the corner.

Chairperson Ponder opened the public hearing.

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

Commissioner Thompson had some concern with the 25-foot setback when a house on a corner lot could sit closer to the street.

Commissioner McWhorter added his concern on the setbacks. He asked what the minimum setback was for the smallest zoning district.

CDD Smith stated the setback of the building was not driving the amendment. She continued that the minimum setback was 25-feet.

Commissioner McWhorter asked about the ability to have a 4-foot open style fence.

CDD Smith responded the open style allowed a clear vision clip. Allowing closed fencing less than the 25-foot could pose vision clip issues.

Commissioner Sagar said this amendment was a sane approach. This gave the option of open, privacy or both styles of fences. She thanked Staff for the time put in on this ordinance.

Commissioner Dawson asked if virgin vinyl precluded recycled vinyl.

CDD Smith responded it did.

Commissioner Apke thanked Staff for coming up with a common sense approach.

Commissioner Alvarado and Commissioner Osgood also thanked Staff.

Chairperson Ponder stated the ordinance will never be perfect but appreciated the proactive work of Staff.

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

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Commissioner Sagar stated in the past, items were tabled when applicants were not present for the meetings.

Commissioner Thompson added if an applicant had the desire for a decision to be made, they should be present to discuss.

Chairperson Ponder said he encouraged Commissioners to continue with that process.

## **E. ADJOURN**

**Chairperson Ponder adjourned the meeting at 8:25P.M.**

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Chairperson

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Amy Botcher, Planning Technician