



CITY OF Incorporated 1977

# FULSHEAR

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30603 FM 1093

P.O. Box 279  
Fulshear, Texas 77441

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## PLANNING AND ZONING COMMISSION MINUTES JANUARY 19, 2018

### **1. Call to Order**

*A Regular Meeting of the Fulshear Planning and Zoning Commission was called to order by Planning and Zoning Chairman Amy Pearce at 8:30 a.m. on Friday, January 19, 2018 in the Fulshear City Hall located at 30603 FM 1093, Fulshear, Texas.*

### **2. Quorum**

*A quorum was present.*

#### *Members Present:*

*Amy Pearce-Chairman*

*Dawn McRea*

*Dar Hakimzadeh*

*Harold Collins*

*Bijay Aryal*

*Austin Weant-Co-Chairman*

#### *Members Absent:*

*Jason Cherubini*

#### *City Staff:*

*Diana Gordon Offord, City Secretary*

*Kimberly Kopecky, Deputy City Secretary*

*Sharon Valiante, Public Works Director*

*Brant Gary, Executive Director of Planning and Development*

*David Leyendecker, City Engineer*

*Drew Shirley, City Attorney*

*Apryl Jenson, Plans Examiner*

*John Brown, Interim Building Official*

#### *Others Present:*

*Ismael Herrera*

*Jim Gallagher*

*Blake Hayes*

*Linda Wooten*

*James Maberry*

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*And about 24 other people that did not sign in.*

**3. Public Comment**

**Citizens who desire to address the Planning And Zoning Commission with regard to matters on the agenda will be received at this time. The number of speakers will be limited to the first ten (10) speakers and each speaker is limited to three (3) minutes. Comments or discussion by planning and zoning members will only be made at the time the subject is scheduled for Consideration.**

*There were no Citizen Comments.*

**4. PUBLIC HEARING – SPECIAL USE REQUEST**

**In compliance with the City of Fulshear Zoning Ordinance Number 2010-1028, the City will hold two Public Hearings; the first Public Hearing will be held by the Planning and Zoning Commission on January 19, 2018 at 8:30 a.m., the hearing will be held at city hall located at 30603 FM 1093. The hearing will allow all interested persons an opportunity to be heard.**

**The location of the premises in question is in the Downtown District, Block 26 (PT) of the Town of Fulshear, specifically the address is 8050 FM 359 South, Fulshear, Texas 77441.**

**The applicant is seeking a Special Use Request pursuant to the Zoning Ordinance to permit the use of a structure to be Commercial Use for Restaurant/Bar.**

**Specific relief is requested from Section 1-193 (c) (2) (e) which states that the use of eating and drinking places; within the Downtown District is permitted if they are approved in the process outlined in section 1-283.**

**The applicant reserves the right to supplement this application and/or seek at the time of the hearing, such other approvals, interpretations, and/or waivers as may be requested or required by the applicant or the Board/Council.**

**A copy of said application and documents is on file at the City of Fulshear City Hall located at 30603 FM 1093 Fulshear, Texas 77441 on Monday through Thursdays from 8:00 a.m. to 5 p.m. and Fridays from 8:00 a.m. to 3 p.m. in the City Secretary's office for all interested parties prior to said hearing.**

**If you have any questions regarding this request please call the City Secretary's office at 281-346-1796.**

*The public hearing was opened by Amy Pearce at 8:31 a.m.*

*There were no questions or comments.*

*The public hearing was closed by Amy Pearce at 8:34 a.m.*

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**5. PUBLIC HEARING – ZONING CHANGE**

**The Planning and Zoning Commission of the City of Fulshear hereby gives notice that a Public Hearing shall be held regarding a request from Texana Center, Thrive Church and the City of Fulshear (for property commonly known as the Fulshear Cemetery (a.k.a. Union Chapel Cemetery)) for support of the Proposed Wallis Street PUD (Planned Unit Development).**

**The land is composed of three parcels located on the west side of Wallis Street south of its intersection with FM 359:**

- 1. Texana Center – 14.44 acres tract of land in the Churchill Fulshear League, Abstract No. 29, City of Fulshear, Fort Bend County, Texas, being that certain called 14.456 acres tract recorded under County Clerk’s File Number 2005099822, Official Public Records, Fort Bend County, Texas; Fort Bend County, Texas.**
- 2. Thrive Church – A 6.00 acres tract of land being out of a called 44.512 acres tract of land conveyed to Grandes Ricos, L.L.C., as recorded under Fort Bend County clerk’s file Number 2015091411, situated in the Churchill Fulshear League, Abstract no.29, Fort Bend County, Texas.**
- 3. Fulshear Cemetery – 9.78 acres of land including six plus acres of the Mexican Land Grant acquired in 1824 the “Old 300” colonist Churchill Fulshear, Sr. and donated to the Methodist Episcopal Church in 1851.**

**Proposed land uses at this time include:**

- 1. Texana Center - a new regional center, to include:**
  - a. Administrative and office space.**
  - b. Facilities to support autism programs and services.**
  - c. “Center for Learning” education facility**
  - d. Retail and café facility for jobs skill training.**
  - e. Outdoor recreation areas to support above.**
  - f. Parking and site landscape development.**
- 2. Thrive Church - a new church campus, to include:**
  - a. Worship Center, Education, Youth, Children and Fellowship areas with ancillary support facilities.**
  - b. Outdoor recreation facilities.**
  - c. Parking and site landscape development.**
  - d. Child care/day care services**
- 3. Fulshear Cemetery - continued use for a cemetery and accessory uses.**

**Due to the community-service oriented uses desired, existing zoning requirements/allowances, geographic proximity of the three properties, and the common theme of non-profit ownership, a PUD zoning classification is being requested to consider the proposed projects and uses.**

**The Planning and Zoning Commission will hold a public hearing on this item as follows:**

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**Date: January 19, 2018  
Time: 8:30 a.m.  
Place: Fulshear City Hall**

**Interested Parties may appear at the Public Hearing and be heard with respect to the application.**

**The application may be inspected by the public at Fulshear City Hall Monday through Thursday from 8:00 a.m. -5:00 p.m. and Fridays 8:00 a.m. -3:00 p.m. For more details, contact the City Secretary, D. Gordon Offord at Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441 (Phone number: 281-346- 1796 x204)**

*The public hearing was opened by Amy Pearce at 8:34 a.m.*

*Brant Gary introduces the concept of the PUD. The main use of this PUD is to provide a mechanism for developments to be considered. Texana and Thrive has asked for several items to be considered for this PUD. The City will not receive property tax revenue on this PUD. In doing this PUD, we are avoiding "spot zoning." The cemetery divides the property of Thrive and Texana. There is nothing in our Zoning Ordinance that mentions cemetery use. So, they can continue how they are forever. However, if they ever want to expand outside the property they are on, the cemetery may have a problem expanding. This will set a precedence for current and future cemeteries.*

*Concept plan for the Cemetery is to continue to be a cemetery.*

*Concept for Texana- a regional center (non-profit), not seeking variances from ordinances.*

*Concept for Thrive-have Phase 1 and Phase 2, requesting variances so they can grow and expand in phases. They are requesting metal panels so they can remove for expansion. They anticipate 30% of material to be non compliant with current zoning (for expansion purposes). The parking lot, they would like asphalt. The rear parking they are requesting limestone with asphalt. The parking will be done in phases. They will comply with landscaping ordinances. They want to utilize a maximum of 3 portable buildings for a time of no more than 2 years (for expansion purposes).*

*The entire area of property contained in this PUD is just over 30 acres. No private streets are proposed. Texana and Thrive has set aside right-of-way areas for eventual acquisition (per Brant Gary). (for full commentary, request audio)*

*Texana plans for construction of Phase 1 in the first quarter of this year. Other phases will depend on fundraising.*

*Thrive anticipates starting construction in February of Phase 1.*

*Amy Pearce asks if the intent is once everything is complete that all will be in compliance with City ordinances. The representative from Thrive (Tom Elmore) answers "yes"*

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*Connie Seger from the cemetery board wants to state that the cemetery did not request this. The city has contacted them and they are strictly neutral on this PUD. They are protected by state. Brant Gary clarifies this is a city initiated zoning change in regards to the cemetery.*

*Bijay Aryal asks about a Traffic study in the area. Brant Gary states it is not required at this point. (for full commentary, request audio)*

*Amy Pearce closed the public hearing at 9:09 a.m.*

**6. Consideration and possible action to approve Special Use Permit at 8050 FM 359 South, Fulshear, Texas**

*Brant Gary explains that this site was previously a restaurant. The proposed request is to re-establish this use. Per Brant Gary the owner is allowing the applicant to present on their behalf. The parking spaces will be striped as a condition of the C/O. No alterations to the property are being considered. They will continue with existing lighting. They will use existing signage. Staff interpretation is to recommend approval to council. The ratio of alcohol sales to be set to 30% with is consistent with previous actions.*

*Harold Collins asks about hours of operation. (for full commentary, request audio)*

*Dar Hakimzadeh asks if the applicant wants to change his times/hours of operation, will he have to come back and request this? Brant recommends allowing 6-9 as hours of operation. Drew Shirley answers "yes" if there is a change.*

*A motion was made by Planning and Zoning member Hakimzadeh to approve the Special Use Permit at 8050 FM 359 South, Fulshear, Texas with changes to the operating hours as 6 a.m. to 11 p.m., 7 days a week. Also, including staff recommendations that the ratio of alcohol sales be set at 30% and the parking lot be striped. It was seconded by Planning and Zoning member Collins. The motion was carried by the following vote:*

*Ayes: Planning and Zoning members Aryal, Collins, Hakimzadeh, McRea, Pearce, and Weant*

*Nays: None*

*Absent: Jason Cherubini*

*Motion Passes*

**7. Consideration and possible action to approve PUD (Planned Unit Development) for Texana, Thrive Church, and Fulshear Cemetery**

*Dar asks how this would affect the cemetery. Brant explains that they will continue everyday operation. If they want to expand, this will help that expansion outside their current boundaries. Taxing is not a part of this. This is strictly zoning. Both entities in this PUD are non-profit. Discussion continues on variance requests and parking for Thrive. Pastor Elmore explains about the goals of Thrive. Brant suggests adding a timeline onto the variance approvals. The conversation continues for approximately 32 more minutes. (for full commentary, request audio)*

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*A motion was made by Planning and Zoning member Hakimzadeh to approve a PUD for Texana, Thrive Church, and Fulshear Cemetary with the conditions that Thrive Church comply with all city ordinances or comply with all architectural design standards within 5 years of C/O, and all parking lot materials within 10 years of C/O – with an option to use crushed granite or limestone in rear of building, temporarily. It was seconded by Planning and Zoning member Aryal. The motion was carried by the following vote:*

*Ayes: Planning and Zoning members Aryal, Collins, Hakimzadeh, McRea, Pearce, and Weant  
Nays: None  
Absent: Jason Cherubini*

*Motion Passes*

*Amy Pearce asks to take a 5 minute recess at 10:04 a.m.*

*Amy Pearce reconvenes the meeting at 10:10 a.m.*

*Bijay Aryal left the meeting during the recess and did not return. A quorum still exists.*

**8. Consideration and possible action to approve HEB Sign Variance Request**

*Brant Gary explains this action is final. The applicant has the option to appeal. This is not a recommendation it is a policy decision. There are 3 locations in question. 4940 FM 1463 Fuel station and 4940 FM 1463 Car Wash Sign are requesting to exceed the 10% maximum for canopy. 4950 FM 1463 Pharmacy sign not parallel to street. These are lighted signs. Directional signage was reviewed and approved administratively per Brant Gary.*

*A motion was made by Planning and Zoning member Hakimzadeh to approve the HEB Sign Variance Request as presented. The motion was seconded by Planning and Zoning member Collins. The motion was carried by the following vote:*

*Ayes: Planning and Zoning members Collins, Hakimzadeh, McRea, Pearce, and Weant  
Nays: None  
Absent: Bijay Aryal  
Jason Cherubini*

*Motion Passes*

**9. Consideration and possible action to approve Polo Ranch Conceptual Plan**

*Sharon Valiante briefly explains the history of this development. James Ross from LJA Engineering starts the presentation. The preliminary plats are prepared for the first Phase of this project and they are in line with this conceptual plan. This plan is in line with the development agreement. He is not asking for variances for the preliminary plat submittals. Chris Cheu with Century Communities (homebuilder) spoke regarding the plan. They incorporated a roundabout. There are 3 different products: 45, 50, and 60 foot lots. They are still working on theming, interior features and an amenity plans. Drainage channels will collect water and drain into*

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*Bessie's Creek. They prepared a drainage analysis and submitted to Fort Bend County and the City. The analysis shows no impact upstream or downstream. The first phase, the tree preservation will be very significant on the south side of the property. They plan to preserve mature vegetation or supplement along collective roads. They do not anticipate Grand Opening for about a year. They would like to be underway this Spring.*

*A motion was made by Planning and Zoning member Collins to approve the Polo Ranch Conceptual Plan. It was seconded by Planning and Zoning member Hakimzadeh. The motion was carried by the following vote:*

*Ayes: Planning and Zoning members Collins, Hakimzadeh, McRea, Pearce, and Weant*

*Nays: None*

*Absent: Bijay Aryal*

*Jason Cherubini*

*Motion Passes*

**10. Adjournment**

*A motion was made by Planning and Zoning member Weant to adjourn. It was seconded by Planning and Zoning member Hakimzadeh. The motion was carried by the following vote:*

*Ayes: Planning and Zoning members*

*Nays: None*

*Absent: Bijay Aryal*

*Jason Cherubini*

*Motion Passes*

*The meeting was adjourned at 10:43 a.m.*