CITY OF Incorporated 1977
FULSHEAR
281-346-1796 (ph) 281-346-2556 (fax)
30603 FM 1093
P.O. Box 279
Fulshear, Texas 77441

PLANNING AND ZONING COMMISSION MINUTES
JANUARY 5, 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 8:35 a.m. on Friday, January 5, 2018 in the Fulshear City Hall located at 30603 FM 1093, Fulshear, Texas.

2. Quorum

A quorum was present.

Members Present:
Amy Pearce-Chairman
Dar Hakimzadeh
Jason Cherubini
Harold Collins
Austin Weant-Co-Chairman

Members Absent:
Bijay Aryal
Dawn McRea

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
Michelle Killebrew, Chief Building Official
Jeremy Sheffield, Code Inspector

Others Present:
K.C. Arnold
Gerald Grissom
Trey Devillier
Kaye Kahlich
April Swan Rosney

And 2 others 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 5, 2017 at 8:30 a.m., the hearing will be held at city hall located at 30603 FM 1093. The second hearing will be held by the City Council on January 16, 2017 at 7:00 p.m. the hearing will be held at the Irene Stern Center located at 6920 Katy Fulshear Road. Both hearings 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.**~~

Posted: 12/22/2017

Per Amy Pearce, we are striking items 4 and 5.

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:**~~

~~**Date: January 5, 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)**~~

Posted: 12-26-2017

Per Amy Pearce, we are striking items 4 and 5.

6. Consideration and possible action to approve Minutes from Planning and Zoning Commission meeting held on December 8, 2017

A motion was made by Planning and Zoning member Collins to approve Minutes from the Planning and Zoning Commission meeting held on December 8, 2017. It was seconded by Planning and Zoning member Hakimzadeh. The motion was carried by the following vote:

Ayes: Planning and Zoning members Cherubini, Collins, Hakimzadeh, Pearce, and Weant
Nays: none
Absent: Bijay Aryal
Dawn McRea

Motion Passes

7. <u>Consideration and possible action to approve a Variance Request for 15 Floral Hills Lane, Fulshear, Texas 77441</u>

Michelle Killebrew explains she understands the board would like to hear from the Fire Marshall regarding building setbacks. As far as residential goes, building setbacks and building requirements are held under the building department (Chief building official's authority). The minimum residential setback to a property line is 5 ft. where they do not have to have any firewalls. Per Michelle Killebrew they do meet the minimum requirements for this request. If, in chance, you were to get a variance request for 3 ft. or 2 ft. or even a 0 lot line, what we need to be looking at is the zoning. Once that is approved, the building department looks at fire codes. With the 5 ft. setback, they are still in compliance. Amy Pearce asks, according to their drawing it looks like they didn't have the 5 feet? Per Michelle Killebrew, they are going right to the 5 foot. Typically, you have 5 foot from the property line of the house and you have 5 foot from the other property. This one does not. They have 5 foot. The 5 foot is still access for both property owners to be able to work on their side properties. The neighbor has submitted a letter saying that they have no problem with this. Amy Pearce states the drawings submitted shows that they are using up 7 feet of the 10 feet. K.C. Arnold states that there is actually 12 feet between the homes. Michelle asks: All of the 12 feet is on this property (15 Floral Hills). Mr. Arnold states that is correct. Michelle states there is a 0 lot line on the other side. Michelle Killebrew states they still have 5 foot. Amy Pearce asks Michelle if this gets approved, if she will take care of this if they have to add a firewall. Michelle says "yes". Jason Cherubini asks for the notes reflect that PnZ was relying on the subject matter expert. Michelle says this doesn't have to go through council. Per Michelle they still have to go through the permitting process and verify building codes. Diana Offord states we do not have a letter from the neighbor. The Commission members state there is a paper included in the packet signed by the neighbor.

A motion was made by Planning and Zoning member Hakimzadeh to approve a Variance Request for 15 Floral Hills Lane, Fulshear, Texas 77441. It was seconded by Planning and Zoning member Collins. The motion was carried by the following vote:

Ayes: Planning and Zoning members Cherubini, Collins, Hakimzadeh, and Weant
Nays: Amy Pearce
Absent: Bijay Aryal
Dawn McRea

Motion Passes

8. <u>Consideration and possible action to approve Fulbrook Section 5C – Replat No. 1/Final Plat</u> <u>(Previously named: Riverbluff Court (Replat)/Final Plat</u>

Per David Leyendecker, he got an electronic email addressing the 2 minor issues. He recommends approval. A motion was made by Planning and Zoning member Hakimzadeh to approve Fulbrook Section 5C – Replat No. 1/Final Plat. It was seconded by Planning and Zoning member Weant. The motion was carried by the following vote:

Ayes: Planning and Zoning members Cherubini, Collins, Hakimzadeh, Pearce, and Weant
Nays: none
Absent: Bijay Aryal
Dawn McRea

Motion Passes

9. Consideration and possible action to approve Bonterra at Cross Creek Ranch Section 2- Partial Replat No. 1/Final Plat

Per David Leyendecker, he recommends approval. A motion was made by Planning and Zoning member Hakimzadeh to approve Bonterra at Cross Creek Ranch Section 2- Partial Replat No. 1/Final Plat. It was seconded by Planning and Zoning member Collins. The motion was carried by the following vote:

Ayes: Planning and Zoning members Cherubini, Collins, Hakimzadeh, Pearce, and Weant
Nays: none
Absent: Bijay Aryal
Dawn McRea

Motion Passes

Per David Leyendecker, one thing to note is that these streets and storm sewer will remain private. It is gated.

10. Consideration and possible action to approve Bonterra at Cross Creek Ranch Section 5/Final Plat (2nd Review)

Per David Leyendecker, he recommends approval. A motion was made by Planning and Zoning member Weant to approve Bonterra at Cross Creek Ranch Section 5/Final Plat (2nd Review). It was seconded by Planning and Zoning member Hakimzadeh. The motion was carried by the following vote:

Ayes: Planning and Zoning members Cherubini, Collins, Hakimzadeh, Pearce, and Weant
Nays: none
Absent: Bijay Aryal
Dawn McRea

Motion Passes

11. ~~Consideration and possible action to approve Polo Ranch Boulevard – Street Dedication Section 1/Preliminary Plat~~

Pulled by applicant

12. ~~Consideration and possible action to approve Polo Ranch Section 1/Preliminary Plat~~
Pulled by applicant

13. ~~Consideration and possible action to approve Polo Ranch Section 2/Preliminary Plat~~
Pulled by applicant

14. ~~Consideration and possible action to approve Polo Ranch Section 3/Preliminary Plat~~
Pulled by applicant

15. ~~Consideration and possible action to approve a Special Use Request for 8050 FM 359 South, Fulshear, Texas 77441~~

16. ~~Consideration and possible action to approve a Zoning Change composed of three parcels located on the west side of Wallis Street south of its intersection with FM 359~~

***17.* Adjournment**
A motion was made by Planning and Zoning member Hakimzadeh to adjourn. It was seconded by Planning and Zoning member Collins.

Sharon Valiante made comments for the record. Items 11-14, the applicant requested they be pulled from the agenda so they can come to the next meeting on the 19th to present the Conceptual Plan for the Polo Ranch development.

The motion was carried by the following vote:

Ayes: Planning and Zoning members Cherubini, Collins, Hakimzadeh, Pearce, and Weant
Nays: none
Absent: Bijay Aryal
Dawn McRea

The meeting adjourned at 8:45 a.m.