



CITY OF Incorporated 1977

FULSHEAR

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30603 FM 1093

P.O. Box 279

Fulshear, Texas 77441

PLANNING COMMISSION MEETING MINUTES

December 10, 2010

PLANNING COMMISSION MEMBERS PRESENT

Derek Einkauf / Chairman
Robert Becker
Mike Lavengco
Doug Konopka/Advisory Member (Non- voting member)
Dave Worley
Steve Zwick
Steve Rhoads

PLANNING COMMISSION MEMBERS ABSENT

Harold Collins

CITY OFFICIALS

Mayor Tommy Kuykendall
Council Member Beustring
Council Member Gill
Council Member Roberts

CITY STAFF

D. Gordon Offord, City Secretary
David Leyendecker, City Engineer
C. J. Snipes, City Administrator

GUESTS

Tracy Youngblood
John Nemetit
Collin Pier
And 8-9 others who did not sign in

ITEM 1. CALL TO ORDER

A regular meeting of the Fulshear City Planning Commission was called to order by Chairman Derek Einkauf at 8:04 a.m. Friday, December 10, 2010 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas and a quorum was present.

ITEM 2. CITIZEN'S COMMENTS

There were no Citizen's comments.

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ITEM 3. APPROVAL OF MINUTES –NOVEMBER 5, 2010 REGULAR MEETING

A motion was made by Planning Commission Member Zwick to approve minutes of November 5, 2010 as presented. It was seconded by Planning Commission Member Worley. The minutes were approved by the following vote:

Ayes: Planning Commission Member Becker, Einkauf, Lavengco, Rhoads, Worley, and Zwick

Nays: None

Absent: Planning Commission Member Collins

ITEM 4. Consider and take action on Cross Creek Ranch/ Cross Creek Bend Lane Ext. No. 3/Final Plat

A motion was made by Planning Commission Member Zwick to approve Cross Creek Ranch/Cross Creek Bend Lane Ext. No. 3 Final Plat. It was seconded by Planning Commission Member Worley. The motion was carried by the following vote:

Ayes: Planning Commission Member Becker, Einkauf, Lavengco, Rhoads, Worley, and Zwick

Nays: None

Absent: Planning Commission Member Collins

ITEM 5. Consider and take action on Creek Bend @ Cross Creek Ranch Section 1/ Final Plat

A motion was made by Planning Commission Member Zwick to approve Creek Bend at Cross Creek Ranch Section 1 Final Plat. It was seconded by Planning Commission Member Lavengco. The motion was carried by the following vote:

Ayes: Planning Commission Member Becker, Einkauf, Lavengco, Rhoads, Worley, and Zwick

Nays: None

Absent: Planning Commission Member Collins

ITEM 6. Consider and take action on Revised Lamar C.I.S.D. High School No. 5 Complex / Final Plat

There was a lot of discussion regarding this plat.

Mayor Kuykendall offered the following comments: He stated that the City Council, C.J. Snipes (City Administrator, and himself have been working with the school district (Lamar Consolidated Independent School District) to help them get their project back in order. Mayor Kuykendall stated he thought the City was the only entity holding up the project but has spoken with the Fort Bend Drainage engineer this week and there are some issues on the County's end with approving this project. We had indication from the school district that the County had approved this project but according to the Fort Bend County Drainage District they are off a ways from doing that. A part of the City's requirement (according to our ordinances) is that all requirements from other entities be satisfied first. Mayor Kuykendall stated that the Fort Bend Drainage engineer and he agreed to keep each other informed regarding this project and as soon as both are satisfied, he will see to the project moving forward.

Mayor Kuykendall showed a map of the school district's (LCISD) project to the Planning Commission. He stated that the shaded green area shows the project under consideration that LCISD has submitted to the City but the plat that they want approval for is for the entire site. Mayor expressed his feelings in looking out for the City that the school district needs to show the drainage plan for the entire site. The school

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district has indicated that they are not willing to do the platting in phases so Mayor Kuykendall stated that we need to see the drainage plan for the entire site.

Planning Commission Chairman Einkauf requested the Commission to review letter sent to Dr. Randle from the Mayor and the response back from Mr. Kalkomey which came in late yesterday afternoon. Chairman Einkauf stated his initial concern regarding the final plat did not identify designated right of ways.

Planning Commission Member Zwick stated his concern regarding whether a pipeline exist or not as for the safety of the kids and potential LCISD employees. Mr. Kalkomey, surveyor for LCISD, stated that as of yesterday afternoon this issue had been investigated and that a pipeline existed at one point but has been abandoned sometime ago and released.

City Engineer, David Leyendecker, stated he was not aware that a drainage issue existed and at this time feel it is premature to continue as to whether the plat should be approved or disapproved. He recommends table until this issue is resolved.

Legal Counsel for the school district, Michelle Morris, stated that the school district is working with the County on this drainage issue and that she needs for the Commission to understand the difference between a school district and a private developer. Attorney Morris stated the school district is also a governmental entity just like the City. School districts do not have to dedicate land for right of ways.

The issue regarding the plat continued to go back and forth between the school district representatives and the Commission members.

Chairman Einkauf requested that comments be held to plat issue in the essence of time and not concept of the project. He stated two concerns exist: (1) drainage issue and (2) ride of way. He requested that we hear from the City Attorney.

City Attorney Grady Randle stated that consideration of plat and drainage issue should be dealt with on final plat in making recommendation to the City Council as in accordance with your City's ordinance. The City's ordinance require that for all to be here for the final plat and if not, it is incomplete.

City Engineer, David Leyendecker, reiterated that it is premature to consider final plat at this time due to drainage plan has not been approved by the County and this could present some real problems in the future.

Attorney Michelle Morris stated that the real big issue concerns with the right of way and that the school district operates under some different laws as it is also considered a governmental entity. The school district does not have the land to spare for public entity. Attorney Morris gave several reasons that the school district would not be able to comply with this request and comparisons regarding other school districts within the county. She states this thoroughfare plan does not fit in with the County's plan or State. The school district should not be required to dedicate or convey land for some future use.

This discussion regarding the school districts position went on for about another 30 minutes. Planning Commission Einkauf called for a vote.

A motion was made by Planning Commission Member Zwick to return the plat to LCISD for completion and inclusion all subdivision requirements included not limit to with utilities, easement, drainage plan and all other outstanding requirements be included in final plat. There was no second to this motion by Planning Commission Zwick.

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Planning Commission Chairman Einkauf made a motion to return the plat to LCISD for additional data. It was seconded by Planning Commission Member Worley.

Planning Commission Member Zwick withdrew his motion.

Mr. Kalkomey requested that he gets specific for the requested additional data needed. Attorney Morris asked if this will be in writing. It was stated yes.

The motion was carried by the following vote:

Ayes: Planning Commission Member Becker, Einkauf, Lavengco, Rhoads, Worley, and Zwick

Nays: None

Absent: Planning Commission Member Collins

ITEM 7. Consider and take action on Sign Permit Application for Crown Auto Detail/FM 359 and Fourth Street, Fulshear, Texas 77441

Planning Commission Chairman asked if there was anyone here to represent regarding the sign permit application. It was stated "No".

Planning Commission Chairman Einkauf stated that the application was checked incorrectly by the building official as this sign does not meet ordinance requirement (should be a monument sign).

A motion was made by Planning Commission Member Lavengco to deny application for sign permit for Crown Auto Detail/FM 359 and Fourth Street, Fulshear Texas 77441. It was seconded by Planning Commission Member Worley. The motion was carried by the following vote:

Ayes: Planning Commission Member Becker, Einkauf, Lavengco, Rhoads, Worley, and Zwick

Nays: None

Absent: Planning Commission Member Collins

ITEM 8. Discussion: City's Subdivision Ordinance No. 04-913

Planning Commission Zwick stated that he would like for everyone to review the Subdivision Ordinance and have an opportunity to look at some of the discrepancies. He provided the Commission with a list of items he thought the Commission would like to consider. He requested that the Commission review the sheet and they can come together later for discussion.

Planning Commission Chairman Einkauf commended Planning Commission Member Zwick for taking the lead on identifying revisions to the Subdivision Ordinance. Chairman Einkauf requested Planning Commission Member Zwick organize a four person committee so that everyone will not be spending time on the same item. He stated the same needs to be done with the Sign Ordinance.

Planning Commission Member Zwick stated when the original ordinance was completed it took eleven (11) months and he hopes that a revision will not take the same amount of time.

Planning Commission Chairman Einkauf recommends getting one member from the Planning Commission group and one from City Council.

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No action needed.

ITEM 9. Review and/ or update regarding Committee Action

Each active Committee will be responsible for reporting on what has been accomplished. Planning Commission Chairman Einkauf stated that a joint meeting will be planned with the City Council after the first of the year to identify goals and or ordinances that require revisions.

ITEM 10. Adjourn

A motion was made by Planning Commission Member Lavengco to adjourn. Planning Commission Chairman Einkauf announced that we are adjourned.