



*“FIND YOUR FUTURE IN FULSHEAR”*

6611 W. CROSS CREEK BEND LANE ~ FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 ~ FAX: 281-346-2556

[WWW.FULSHEARTEXAS.GOV](http://WWW.FULSHEARTEXAS.GOV)

MEMBER- BRYAN THOMAS  
MEMBER- GREG SHAW

**ZONING BOARD OF ADJUSTMENT:**

MEMBER- ABHIJEET UTTURKAR  
MEMBER- PAT MOLLERE

MEMBER- ANGELA PETERS

**STAFF:**

CITY MANAGER: Jack Harper

CITY SECRETARY: Mariela Rodriguez

CITY ATTORNEY: Byron Brown

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## **ZONING BOARD OF ADJUSTMENT MEETING AGENDA DECEMBER 1, 2022**

**NOTICE IS HEREBY GIVEN OF A MEETING OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF FULSHEAR ON THURSDAY, DECEMBER 1, 2022, AT 10:00 A.M. AT THE CITY OF FULSHEAR MUNICIPAL COMPLEX, 6611 WEST CROSS CREEK BEND LANE, FULSHEAR, TEXAS, FOR THE PURPOSE OF CONSIDERING THE FOLLOWING ITEMS.**

*“Incidental Meeting Notice: A quorum of the City of Fulshear City Council, Planning & Zoning Commission, City of Fulshear Development Corporation (Type A), Fulshear Development Corporation (Type B), Parks & Recreation Commission, Historic Preservation & Museum Commission, Zoning Board of Adjustment, Charter Review Commission, or any or all of these, may be in attendance at the meeting specified in the foregoing notice, which attendance may constitute a meeting of such governmental body or bodies as defined by the Texas Open Meetings Act, Chapter 551, Texas Government Code. Therefore, in addition to the foregoing notice, notice is hereby given of a meeting of each of the above-named governmental bodies, the date, hour, place, and subject of which is the same as specified in the foregoing notice.”*

- 1. CALL TO ORDER**
- 2. QUORUM**
- 3. CITIZEN COMMENTS**

**4. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MINUTES FROM MEETING HELD ON AUGUST 5, 2022**

**5. VARIANCE REQUEST BY QSR REAL ESTATE HOLDINGS LLC/8502 SYMS STREET**

A. Call Hearing to Order

B. The City of Fulshear Zoning Board of Adjustment will hold a public hearing on December 1, 2022; The public hearing will take place at 10 a.m. at Fulshear City Hall, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of QSR Real Estate Holdings LLC, requesting a variance to Chapter 28, Article III: Site Development, Division III-2: Parking, Loading and Access, Sec 28-3-17 Surface and Maintenance of the Fulshear Code of Ordinances. The 0.20-acre tract is located within the Fulshear Block 1 Lot 9-12 and more precisely located at 8502 Syms Street, Fulshear, Texas 77441. The application may be inspected at the Planning Department during regular business hours. Interested parties may appear at the public hearing and be heard with respect to the application. For more information regarding this request contact Rodrigo Rodriguez, City of Fulshear, 281-346-8860.

C. Applicant Presentation

D. Staff Report

E. Persons wishing to speak for or against the proposed request

F. Staff / Board / Applicant discussion

G. Adjournment of Hearing

**6. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY QSR REAL ESTATE HOLDINGS LLC/8502 SYMS STREET**

**7. VARIANCE REQUEST BY AHV ENTERPRISES LLC/7355 FARM-TO-MARKET 359 ROAD S.**

A. Call Hearing to Order

B. The City of Fulshear Zoning Board of Adjustment will hold a public hearing on December 1, 2022; The public hearing will take place at 10 a.m. at Fulshear City Hall, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of AHV Enterprises LLC, requesting a variance to Chapter 28, Article II: Zoning Districts and Land Uses, Division II-2: Zoning Districts, Sec 28-2-15 Industrial District, Table 28-2-15-2 of the Fulshear Code of Ordinances. The 6.136-acre tract is located within the 0029 C Fulshear Tract 3, 4, 5, & 6 Acres 6.136 and more precisely located at 7355 Farm-to-Market 359 Road S., Fulshear, Texas 77441. The application may be inspected at the Planning Department during regular business hours. Interested parties may appear at the public hearing and be heard with respect to the application. For more information regarding this request contact Rodrigo Rodriguez, City of Fulshear, 281-346-8860.

C. Applicant Presentation

D. Staff Report

E. Persons wishing to speak for or against the proposed request

F. Staff / Board / Applicant discussion

G. Adjournment of Hearing

**8. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY AHV ENTERPRISES LLC/7355 FARM-TO-MARKET 359 ROAD S.**

**9. ADJOURNMENT**

*Note: In compliance with the American Disabilities Act, this facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made at least 48 business hours prior to this meeting. Please contact the City Secretary's office at 281-346-1796 for further information.*

*I, Mariela Rodriguez, City Secretary of the City, do hereby certify that the above Notice of Meeting and Agenda for the Zoning Board of Adjustment of the City of Fulshear, Texas was posted on Wednesday, November 23, 2022 by 5:00 p.m., in a place convenient and readily accessible at all times to the general public, in compliance with Chapter 551, TEXAS GOVERNMENT CODE.*

*Mariela Rodriguez*\_\_\_\_\_

Mariela Rodriguez – Acting City Secretary



# CITY OF FULSHEAR

*"FIND YOUR FUTURE IN FULSHEAR"*

29255 FM 1093 ROAD #12B/ PO Box 279 ~ FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 ~ FAX: 281-346-2556

[WWW.FULSHEARTEXAS.GOV](http://WWW.FULSHEARTEXAS.GOV)

MEMBER- BRYAN THOMAS  
MEMBER- GREG SHAW

ZONING BOARD OF ADJUSTMENT:

MEMBER- ABHIJEET UTTURKAR  
MEMBER- PAT MOLLERE

MEMBER- ANGELA PETERS

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly Kopecky

CITY ATTORNEY: J. Grady Randle

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## **ZONING BOARD OF ADJUSTMENT MEETING MINUTES AUGUST 5, 2022**

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### **1. CALL TO ORDER**

*This meeting of the Zoning Board of Adjustment was called to order by Chairman Bryan Thomas at 10:08 a.m. on Friday, August 05, 2022, at the Irene stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441.*

### **2. QUORUM**

*A quorum was present.*

Members Present:

*Bryan Thomas*

*Greg Shaw*

*Pat Mollere*

*Angela Peters*

Members Absent:

*Abhijeet Utturkar*

City Staff:

*Kimberly Kopecky  
Rodrigo Rodriguez  
Byron Brown  
Zach Goodlander  
Jesus Escobar  
Kerry Sigler  
Sharon Valiante*

*Others Present:*

*There were approximately 6 people in attendance.*

**3. CITIZEN COMMENTS**

*There were no citizen comments.*

**4. DISCUSSION WITH CITY ATTORNEY REGARDING ROLES AND RESPONSIBILITIES OF THE ZONING BOARD OF ADJUSTMENT**

*Byron Brown explained to the ZBA members the roles and responsibilities of this board. He explained what they would need to consider granting variances, including the explanation of a “hardship”.*

*There was no action on this item.*

**5. CONSIDERATION AND POSSIBLE ACTION TO SELECT A CHAIR AND CO-CHAIR OF THE ZONING BOARD OF ADJUSTMENT**

*A motion was made by ZBA member Shaw to appoint Bryan Thomas as Chair of the Zoning Board of Adjustment Commission. It was seconded by ZBA member Mollere. The motion was carried by the following vote:*

*Ayes: Bryan Thomas  
Greg Shaw  
Pat Mollere  
Angela Peters*

*Nays:*

*Abstain:*

*Absent: Abhijeet Utturkar*

*A motion was made by ZBA member Shaw to appoint Pat Mollere as Co-Chair of the Zoning Board of Adjustment Commission. It was seconded by ZBA member Peters. The motion was carried by the following vote:*

*Ayes: Bryan Thomas  
Greg Shaw  
Pat Mollere  
Angela Peters*

*Nays:*

*Abstain:*

*Absent: Abhijeet Utturkar*

**6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MINUTES FROM MEETING HELD ON FEBRUARY 17, 2022**

*A motion was made by ZBA member Shaw to approve minutes from the meeting held on February 17, 2022. It was seconded by ZBA member Mollere. The motion was carried by the following vote:*

*Ayes: Bryan Thomas  
Greg Shaw  
Pat Mollere  
Angela Peters*

*Nays:*

*Abstain:*

*Absent: Abhijeet Utturkar*

**7. VARIANCE REQUEST BY MARY NESMITH/6918 OAK LANE**

**A. Call Hearing to Order**

*Chairman Thomas called the meeting to order at 10:22 a.m.*

**B. The City of Fulshear Zoning Board of Adjustment will hold a public hearing on August 5, 2022; The public hearing will take place at 10 a.m. at the Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441 to hear the application of Mary Nesmith, requesting a variance to Article III: Site Development, Division III-2: Parking, Loading and Access, Sec 28-3-17 Surface and Maintenance of the Fulshear Coordinated Development Ordinance. The 3.53-acre tract is located within the Frances H Meier 114.3-acre tract, being in the David Randon & I. Pennington League, Abstract 75, Fort Bend County, Texas and more precisely located at 6918 Oak Lane, Richmond, Texas, 77406. The application may be inspected at the Development Services Department during regular business hours. Interested parties may appear at the public hearing and be heard with respect to the application. For more information regarding this request contact Rodrigo Rodriguez, City of Fulshear, 281-346-8860.**

**C. Applicant Presentation**

*The applicant was not present to give presentation.*

**D. Staff Report**

*Zach Goodlander explained the location and that there is not currently a structure on the property. The applicant wants to build a home with a gravel driveway. Staff has no objection if the board finds that a hardship exists.*

**E. Persons wishing to speak for or against the proposed request**

*No one wished to speak for or against the proposed request.*

**F. Staff / Board / Applicant discussion**

*Byron Brown explained the role the CDO plays in this decision. Zach Goodlander answered questions and explained that there was not a hardship listed on the application.*

**G. Adjournment of Hearing**

*Chairman Thomas closed the hearing at 10:29 a.m.*

**8. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY MARY NESMITH/6918 OAK LANE**

*A motion was made by ZBA member Mollere to deny the variance request. It was seconded by ZBA member Shaw. The motion was carried by the following vote:*

*Ayes: Bryan Thomas  
Greg Shaw  
Pat Mollere  
Angela Peters*

*Nays:*

*Abstain:*

*Absent: Abhijeet Utturkar*

**9. VARIANCE REQUEST BY ANDREW CHAPIN**

**A. Call Hearing to Order**

*Chairman Thomas called the meeting to order at 10:30 a.m.*

**B.** The City of Fulshear Zoning Board of Adjustment will hold a public hearing on August 5, 2022; The public hearing will take place at 10 a.m. at the Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441 to hear the application of Andrew Chapin, requesting variances to Article II: Zoning Districts and Land Uses, Division II-2: Zoning Districts, Sec. 28-2-8:

Semi-Urban Residential, Table 28-2-8-2 of the Fulshear Coordinated Development Ordinance, regarding minimum building setbacks and the number of allowed stories for apartments. The subject 21.092-acre tract is comprised of 13.834 Acres of Land out of the L.A. Water call 24 Acre Tract of Land (FBC 2003016102) and 7.258 Acres of Land out of the 10.001 Acre Clover Investments, LLC Tract (20211172825); all being out of the original call Resolution Trust Corporation call 87.02 Acre Tract (FBC 9360400); all being in the Churchill Fulshear League, Abstract No. 29, Fort Bend County, Texas, and being generally located just Northeast of the intersection of FM 359 Road and Lifestyle Boulevard. The street address has not yet been designated. The application may be inspected at the Development Services Department during regular business hours. Interested parties may appear at the public hearing and be heard with respect to the application. For more information regarding this request contact Rodrigo Rodriguez, City of Fulshear, 281-346-8860.

**B. Applicant Presentation**

*Andrew Chapin presented a slideshow with an explanation of the variances/hardships per the request. He explained:*

*Setback request from 35 feet to 25 feet and allowing 4 stories instead of 3, but keeping the height at 45 feet*

*He also explained his proposed units/site plan, green space requirements and having product diversity.*

**C. Staff Report**

*Zach explained this property has been annexed and is zoned for semi-urban residential. He explained the CDO requirements.*

*Staff recommends approving the requests with the condition attached to have townhomes on the perimeter of the property.*

**D. Persons wishing to speak for or against the proposed request**

*There was no person wishing to speak for or against the proposed request.*

**E. Staff / Board / Applicant discussion**

*ZBA members asked questions that were answered by the applicant and Zach Goodlander.*

**F. Adjournment of Hearing**

*Chairman Thomas closed the hearing at 10:51 a.m.*

**10. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY ANDREW CHAPIN**



*A motion was made by ZBA member Mollere to grant the variance request for the 25 foot building setback. It was seconded by ZBA member Peters. The motion was carried by the following vote:*

*Ayes: Bryan Thomas  
Greg Shaw  
Pat Mollere  
Angela Peters*

*Nays:*

*Abstain:*

*Absent: Abhijeet Utturkar*

*A motion was made by ZBA member Shaw to grant the variance request to allow the building to be 4 stories subject to the condition that a minimum of 16 townhomes are constructed on the periphery of the property. It was seconded by ZBA member Peters. The motion was carried by the following vote:*

*Ayes: Bryan Thomas  
Greg Shaw  
Pat Mollere  
Angela Peters*

*Nays:*

*Abstain:*

*Absent: Abhijeet Utturkar*

## **11. VARIANCE REQUEST BY D’AGOSTINO MULTIFAMILY LLC/7331 FM 359 RD S**

### **A. Call Hearing to Order**

*Chairman Thomas called the meeting to order at 10:55 a.m.*

**B. The City of Fulshear Zoning Board of Adjustment will hold a public hearing on August 5, 2022; The public hearing will take place at 10 a.m. at the Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441 to hear the application of D’Agostino Multifamily LLC, requesting a variance to Article II: Zoning Districts and Land Uses, Division II-2: Zoning Districts, Sec. 28-2-8: Semi-Urban Residential, Table 28-2-8-2 of the Fulshear Coordinated Development Ordinance. The subject 13.121-acre tract is out of the Call L.A. Waters call 12.936 Acre Tract of Land recorded in FBC 2000029066 and being a portion of the call L.A. Waters Call 13.99 Acre Tract recorded in 2003016102 and being out of a 87.203 acre tract conveyed to the Resolution Trust Corporation in FBC 9360400 and being in the Churchill Fulshear League, Ab. 29, Fort Bend County, Texas, and more precisely located at 7331 FM 359 Rd S, Fulshear, Texas 77441. The application may be inspected at the Development Services Department during regular business hours. Interested parties may appear at the public**

hearing and be heard with respect to the application. For more information regarding this request contact Rodrigo Rodriguez, City of Fulshear, 281-346-8860.

**C. Applicant Presentation**

*Greg with D'Agostino gave a brief presentation. He is requesting a variance for a 25 foot setback (instead of 35 feet). He explained he will have to dedicate 10 feet of Right of Way to TxDot.*

**D. Staff Report**

*Zach Goodlander explained the variance request. Staff has no objection to this request.*

**E. Persons wishing to speak for or against the proposed request**

*Kaye Kahlich asked for details on this development. Greg with D'Agostino answered her question.*

**G. Staff / Board / Applicant discussion**

*Pat Mollere spoke regarding this item.*

**H. Adjournment of Hearing**

*Chairman Thomas closed the hearing at 11:03 a.m.*

**12. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY D'AGOSTINO MULTIFAMILY LLC/7331 FM 359 RD S**

*A motion was made by ZBA member Peters to approve the variance request. It was seconded by ZBA member Mollere. The motion was carried by the following vote:*

*Ayes: Bryan Thomas  
Greg Shaw  
Pat Mollere  
Angela Peters*

*Nays:*

*Abstain:*

*Absent: Abhijeet Utturkar*

**13. VARIANCE REQUEST BY GINEVRA FONT/28830 FM 1093 ROAD**

**A. Call Hearing to Order**

*Chairman Thomas called the meeting to order at 11:04 a.m.*

**B. The City of Fulshear Zoning Board of Adjustment will hold a public hearing on August 5, 2022; The public hearing will take place at 10 a.m. at the Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441 to hear the application of Ginevra Font, requesting a variance to Article III: Site Development, Division III-3: Buffering, Landscaping, and Screening, Sec 28-3-25(C)(3) Parking Lot Screening of the Fulshear Coordinated Development Ordinance. The subject 1.6-acre tract is located within the 1.6 Acre/69.696 SQ. FT. Tract of Land Enoch Latham Jr. Survey, A-50 City of Fulshear Fort Bend County, Texas and more precisely located at 28830 FM 1093 Road, Fulshear, Texas 77441. The application may be inspected at the Development Services Department during regular business hours. Interested parties may appear at the public hearing and be heard with respect to the application. For more information regarding this request contact Rodrigo Rodriguez, City of Fulshear, 281-346-8860.**

**C. Applicant Presentation**

*Ginerva Font explained her new retail center and her request for variance due to easements on FM 1093.*

**D. Staff Report**

*Zach Goodlander explained the location of the property and the various easements on the frontage of the property (property fronts FM 1093). Staff supports the request for variance with the condition that the applicant have similar landscaping as Brazos Valley Credit Union.*

**E. Persons wishing to speak for or against the proposed request**

*There was no one wishing to speak for or against the proposed request.*

**F. Staff / Board / Applicant discussion**

*Zach and the applicant answered questions.*

**G. Adjournment of Hearing**

*Chairman Thomas closed the hearing at 11:12 a.m.*

**14. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY GINEVRA FONT/28830 FM 1093 ROAD**

*A motion was made by ZBA member Mollere to approve the variance request with the condition that the vehicle headlight screen required by such section be constructed with both shrubs and earth berming. It was seconded by ZBA member Shaw. The motion was carried by the following vote:*

*Ayes: Bryan Thomas  
Greg Shaw  
Pat Mollere  
Angela Peters*

*Nays:*

*Abstain:*

*Absent: Abhijeet Utturkar*

## **15. ADJOURNMENT**

*A motion was made by ZBA member Shaw to adjourn. It was seconded by ZBA member Peters. The motion was carried by the following vote:*

*Ayes: Bryan Thomas  
Greg Shaw  
Pat Mollere  
Angela Peters*

*Nays:*

*Abstain:*

*Absent: Abhijeet Utturkar*

*Chairman Thomas adjourned the meeting at 11:14 a.m.*

**AGENDA MEMO**  
**BUSINESS OF THE ZONING BOARD OF**  
**ADJUSTMENTS**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 1, 2022		
<b>DATE SUBMITTED:</b>	October 22, 2022	<b>DEPARTMENT:</b>	Planning and Development
<b>PREPARED BY:</b>	Rodrigo Rodriguez, Plans Examiner	<b>PRESENTER:</b>	Zach Goodlander, Assistant City Manager
<b>SUBJECT:</b>	<b>CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY QSR REAL ESTATE HOLDINGS LLC/8502 SYMS STREET</b>		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. <b>Public Hearing Notice</b></li><li>2. <b>Zoning Variance Application</b></li><li>3. <b>Photos provided by City Staff</b></li></ol>		

**EXECUTIVE SUMMARY**

QSR Real Estate Holdings LLC is seeking a variance to Chapter 28, Article III: Site Development, Division III-2: Parking, Loading and Access, Sec 28-3-17 Surface and Maintenance of the Fulshear Code of Ordinances. The purpose of the proposed variance is to allow a gravel approach and parking lot to serve the recently built Saltgrass Steak House. Said gravel approach and parking lot has already been constructed.

**STAFF RECOMMENDATION**

Staff recommends denial to the proposed variance.

## **PUBLIC HEARING**

The City of Fulshear Zoning Board of Adjustment will hold a public hearing on December 1, 2022; The public hearing will take place at 10 a.m. at Fulshear City Hall, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of QSR Real Estate Holdings LLC, requesting a variance to Chapter 28, Article III: Site Development, Division III-2: Parking, Loading and Access, Sec 28-3-17 Surface and Maintenance of the Fulshear Code of Ordinances. The 0.20-acre tract is located within the Fulshear Block 1 Lot 9-12 and more precisely located at 8502 Syms Street, Fulshear, Texas 77441. The application may be inspected at the Planning Department during regular business hours. Interested parties may appear at the public hearing and be heard with respect to the application. For more information regarding this request contact Rodrigo Rodriguez, City of Fulshear, 281-346-8860.

22-3774



# CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093  
Fulshear, Texas 77441  
Phone: 281-346-1796 ~ Fax: 281-346-2556  
www.fulsheartx.com

RECEIVED  
DEVELOPMENT SERVICES DEPT

OCT 22 2022

CITY OF FULSHEAR  
FULSHEAR, TX 77441

## VARIANCE/APPEAL APPLICATION

APPLICATION DATE: 9/15/22

ADDRESS OF PREMISES AFFECTED: 8502 Syms St, Fulshear TX 77441

LEGAL DESCRIPTION: Fulshear, Block 1, Lot 9-12 (PT)

OWNERS INFORMATION: NAME OSR Real Estate Holdings, LLC  
ADDRESS 5015 FM 723 CITY Richmond STATE TX  
ZIP CODE 77406 EMAIL mknohalock@mekcompanies.com PHONE NUMBER 713-817-5649

APPLICANTS NAME (if different than owner) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_  
ZIP CODE \_\_\_\_\_ EMAIL \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

EXPLAIN REQUEST: (fully explain the existing conditions that make this request necessary) Gravel Area:  
We would like approval to keep the gravel  
parking lot and approach "as is."

Status of the Project:  Existing  Under Construction  Proposed

Have there been previous variance requests for this property? No

Are there similar situations in the area? unknown  
Addresses: \_\_\_\_\_

Have you informed your Home Owners Association? No or Neighbors? No

**Request Proposal and Description:** Provide a description of the existing and or proposed physical property improvements relative to this case (ie: materials, structure type and height, dimensions, etc.) Please also supply and identify photos where applicable, to support your case:

Gravel Area: We would like approval to keep  
the gravel parking lot and approach "as is."

(Continued... Request Proposal)

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**Acknowledgement:** I certify that the information herein provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will cause this case to be presented in public hearing before the Planning Commission, unless I withdraw same prior to the City's posting of public notice. Should I initiate withdrawal after public notice is posted, I understand that the Board action shall constitute denial of the case, and the filing fee will be non-refundable. I understand that if I receive approval, I must still obtain approval from all other required departments within the City and that I must obtain required permits within 180 days from the date of the Board approval.

Signed by the Applicant/Owner Agent: Michael S. Keelock Date: 9-15-2022









**AGENDA MEMO**  
**BUSINESS OF THE ZONING BOARD OF**  
**ADJUSTMENTS**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 1, 2022		
<b>DATE SUBMITTED:</b>	October 20, 2022	<b>DEPARTMENT:</b>	Planning and Development
<b>PREPARED BY:</b>	Rodrigo Rodriguez, Plans Examiner	<b>PRESENTER:</b>	Zach Goodlander, Assistant City Manager
<b>SUBJECT:</b>	<b>CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY AHV ENTERPRISES LLC/7355 FM 359 ROAD</b>		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. <b>Public Hearing Notice</b></li><li>2. <b>Zoning Variance Application</b></li><li>3. <b>Traffic and Parking Generation Estimates Letter</b></li><li>4. <b>Site Location Map</b></li></ol>		

**EXECUTIVE SUMMARY**

AHV Enterprises LLC is requesting a variance to Chapter 28, Article II: Zoning Districts and Land Uses, Division II-2: Zoning Districts, Sec 28-2-15 Industrial District, Table 28-2-15-2 of the Fulshear Code of Ordinances. The purpose of the proposed variance is to reduce the amount of parking required for storage facilities within the Industrial District. The applicant is proposing 31 total parking spaces for the storage facilities instead of the requirement of over 100 spaces.

**STAFF RECOMMENDATION**

Staff recommends approval of the proposed variance.

## **PUBLIC HEARING**

The City of Fulshear Zoning Board of Adjustment will hold a public hearing on December 1, 2022; The public hearing will take place at 10 a.m. at Fulshear City Hall, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of AHV Enterprises LLC, requesting a variance to Chapter 28, Article II: Zoning Districts and Land Uses, Division II-2: Zoning Districts, Sec 28-2-15 Industrial District, Table 28-2-15-2 of the Fulshear Code of Ordinances. The 6.136-acre tract is located within the 0029 C Fulshear Tract 3, 4, 5, & 6 Acres 6.136 and more precisely located at 7355 Farm-to-Market 359 Road S., Fulshear, Texas 77441. The application may be inspected at the Planning Department during regular business hours. Interested parties may appear at the public hearing and be heard with respect to the application. For more information regarding this request contact Rodrigo Rodriguez, City of Fulshear, 281-346-8860.



# CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093  
Fulshear, Texas 77441  
Phone: 281-346-1796 ~ Fax: 281-346-2556  
www.fulsheartx.com

## VARIANCE APPLICATION FOR PARKING

APPLICATION DATE: 10/20/2022

ADDRESS OF PREMISES AFFECTED: 7355 FM 359 Road South, Fulshear, TX 77441

LEGAL DESCRIPTION: 0029 C FULSHEAR TRACTS 3, 4, 5, & 6, ACRES 6.138<sup>6</sup>

### OWNERS INFORMATION:

NAME AHV Enterprises, LLC dba Fulshear Storage

ADDRESS 94 Heathrow Lane

CITY Sugar Land STATE Texas ZIP CODE 77479

EMAIL hpkolluru@yahoo.com

PHONE NUMBER (281) 543-8818

APPLICANTS NAME (if different than owner) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_  
ZIP CODE \_\_\_\_\_ EMAIL \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

EXPLAIN REQUEST: (fully explain the existing conditions that make this request necessary) \_\_\_\_\_

As evidenced by the attached letter to the City of Fulshear dated 09-05-2022, the Owner's Traffic Engineering Consultant, Anthony Voigt PE, PTOE, completed an assessment of the Traffic Generation and the Parking Demand for a 165,000 square foot, self-storage facility the Owner has proposed on a 3.716-acres portion near the rear of its 6.138-acre property.

Mr. Voigt used the ITE Parking Generation Manual, 5th Edition, to determine the average maximum parking demand during the typical weekday and weekend peak hour for a ITE Land Use #151-Mini-Warehouse. Mr. Voigt estimated that the maximum weekday peak parking demand would be 0.10 vehicles/1000 SF of space. The peak parking demand on the weekend is 0.09 vehicles/1000 SF. Providing 20% in excess of the ITE Parking Generation maximum parking demand estimate would be prudent.

(125,000/1000 x 0.10) x 120% = 15 total parking spaces.

To accommodate higher traffic volumes at the adjoining retail uses in the evening after the storage facility is closed for business, we propose 31 parking spaces for the self-storage facility. With the convenient access to and close proximity of the retail areas, we believe that this is a viable and positive opportunity to share parking between the two

adjoining uses, Industrial and Downtown District. Our proposed site design will provide more greenspace, less impervious groundcover (hence more absorption of rainfall), and will reduce the heat sink potential for both sites, and for the local community

Status of the Project: Proposed

Have there been previous variance requests for this property? No, but re-zoning from General Commercial to Industrial was approved by the Planning & Zoning Commission (Friday 10/07/2022), and by the City Council (Tuesday 10/18/2022).

Are there similar situations in the area? There are existing Self-Storage facilities inside the ETJ of the City of Fulshear Texas, but we do not know if they pre-dated the Parking Ordinance that currently is in effect.

Addresses: \_\_\_\_\_

Have you informed your Home Owners Association? Not Applicable. or Neighbors? No

**REQUEST PROPOSAL AND DESCRIPTION:** Provide a description of the proposed physical property improvements relative to this case (i.e.: materials, structure type and height, dimensions, etc.) Please also supply and identify photos where applicable, to support your case:

The Owner proposes a Mixed-Use Development on its 6.138-acre property on FM 395 just west of the Wallis Street and Main Street split.

The front of the property is zoned "Downtown District" and the owner proposes an inviting, upscale mix of retail, sit-down dining, and medical/professional offices enriched with covered walkways and lush landscaping.

On the rear 3.716-acres of the site, the Owner will build a 3-story, 125,000 square foot, Class A self-storage facility to compliment the retail center and to establish a polished and eye-catching marquis for the entire development.

The lively commercial businesses will compliment the stoic Self-Storage facility and each use will enhance and support the other.

This proposed project will provide much needed services to the area and will become a vibrant social and business center at the proposed, and much needed, gateway to the City.

**Acknowledgement:** I certify that the information herein provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will cause this case to be presented in public hearing before the Planning Commission, unless I withdraw same prior to the City's posting of public notice. Should I initiate withdrawal after public notice is posted, I understand that the Board action shall constitute denial of the case, and the filing fee will be non-refundable. I understand that if I receive approval, I must still obtain approval from all other required departments within the City and that I must obtain required permits within 180 days from the date of the Board approval.

Signed by the Applicant/Owner Agent: H. Prasad Kolluru Date: 10-21-2022  
(H. PRASAD KOLLURU)

# Voigt Associates, Inc.

Professional Traffic Engineers  
Texas Registered Firm F-5333

2631 Lakecrest Drive  
Pearland, Texas 77584  
832.264.0429  
tony@voigtassociates.com

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October 22, 2022

Mr. Zach Goodlander  
Director of Planning  
City of Fulshear  
29255 FM 1093, Suite 12  
Fulshear, Texas 77441

*Through*

Mr. Robert W. Burnham  
Managing Director  
SOCOTEC Advisory, LLC  
11750 Katy Freeway, Suite 1000  
Houston, Texas 77079

**RE: Traffic and Parking Generation Estimates  
AHV Enterprises - Fulshear Self-Storage Development  
East Side of FM 359 at Wallis Street, Fulshear Texas**

Dear Mr. Goodlander,

Per your request, we have completed a brief assessment of traffic generation and parking demand operations at the proposed Fulshear Self-Storage development on the east side of FM 359 at Wallis Street in Fulshear. The initial phase of development will be a 125,000 square foot self-storage facility located on the far north side of the tract. If industry averages are used in the division of the facility, about 900 storage units would be provided.

This memorandum addresses the self-storage portion of development on the subject tract. An additional 30,000 square feet of retail development is anticipated to be completed along the FM 359 frontage constructed roughly at the same time as the self-storage facility. The retail portion of development is not considered in this letter report – additional traffic study may be required for that portion of development. The site location is shown on Exhibit A1. The site plan is still being developed as of the date of this report.

*Trip Generation*

The Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11<sup>th</sup> Edition* was used to quantify how many weekday, weekday AM peak hour and weekday PM peak hour trips may be generated by the self-storage development. Using ITE Land Use #151-Mini-Warehouse, the site is expected to generate the following number of trips using square footage as independent variable:

- Weekday, 24-hour (1.45 trips/1000 SF): 182 trips (91 in and 91 out)
- Weekday AM Peak Hour (0.09 trips/1000 SF): 11 trips (6 in and 5 out)
- Weekday PM Peak Hour (0.15 trips/1000 SF): 19 trips (9 in and 10 out).

Trip numbers of this magnitude will not have significant impacts on delay or level of service at site driveways and nearby intersections and would not trigger left-turn or right-turn deceleration lanes at site driveways for the self-storage development.



# Voigt Associates, Inc.

Professional Traffic Engineers

Mr. Zach Goodlander

October 22, 2022

Page 2 of 2

## Parking Generation

The ITE *Parking Generation Manual, 5<sup>th</sup> Edition*, was used to determine the average maximum parking demand during the typical weekday and weekend peak hour. Again, using ITE Land Use #151-Mini-Warehouse, the maximum weekday peak parking demand is 0.10 vehicles/1000 SF of space, or 13 vehicles. The weekday peak period for parking demand is between 4:00 and 6:00 PM. The peak parking demand on the weekend is 0.09 vehicles/1000 SF, or 11 vehicles. Providing 20% in excess of the ITE Parking Generation maximum parking demand estimate would be prudent, or about 13 to 14 total spaces.

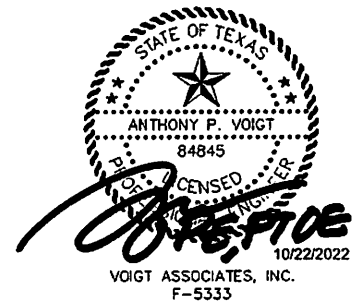
We appreciate the opportunity to assist you on this project. If you need additional information or have any questions about the analysis or the results of this report, please feel free to contact me at 832-264-0429.

Sincerely,



Anthony Voigt, P.E., PTOE  
Principal

Attachments: Site Location Map.





**Exhibit A1. Site Location Map.**

North to top of page. Not to scale.