



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 OCTOBER 13, 2017

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 8:31 a.m. on Friday, October 13, 2017 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
Bijay Aryal
Dawn McRea*

Members Absent:

*Jason Cherubini
Harold Collins
Austin Weant*

City Staff:

*Diana Gordon Offord, City Secretary
Kimberly Kopecky, Deputy City Secretary
CJ Snipes, City Manager (arrived at 8:55 a.m.)
Sharon Valiante, Public Works Director
Brant Gary, Executive Director of Planning and Development
Apryl Jensen, Plans Examiner
David Leyendecker, City Engineer*

Others Present:

*Gerald Grissom
Mike Roller
And 5 other people that did not sign in*

3. Public Comment

**FULSHEAR PLANNING AND ZONING MINUTES
OCTOBER 13, 2017**

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 Permit

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 October 6, 2017 at 8:30 a.m. in City Hall located at 30603 FM 1093. The second hearing will be held by the City Council on October 17, 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 to be given an opportunity to be heard.

The location of the premises in question is in the Downtown District, Lot 12 Block 7 of the Town of Fulshear, specifically the address is 8402 Wilson Street, 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 Mixed Use, specifically for the use of Residential and Flower Shop.

Specific relief is requested from Section 1-193 (c) (2) (f) which states that the use of Retail; 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 with the City Secretary located at the City of Fulshear- City Hall at 30603 FM 1093, Fulshear, Texas 77441 on Monday through Thursdays from 8:00 a.m. to 5:00 p.m. and Fridays from 8:00 a.m. to 3 p.m. for your convenience.

Chairman Pearce opened the public hearing at 8:32 a.m.

Brant Gary explains the applicant is running late and if there are any questions, they should be here at the time of consideration on the agenda. Apryl Jensen speaks briefly about the request. David Leyendecker states he recommends they convert the parking spaces on the road to parallel parking. He thinks there is enough room to get the parking spaces in. Bijay Aryal asks about a sign. Apryl Jensen states the Building Services Department does not have plans in yet, but the applicant will have to adhere to the ordinance.

Chairman Pearce closed the public hearing at 8:35 a.m.

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

**FULSHEAR PLANNING AND ZONING MINUTES
OCTOBER 13, 2017**

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

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

Absent: Jason Cherubini, Harold Collins, Austin Weant

Motion Passes

6. Consideration and possible action to approve Kiddos Ranch/Final Plat

David Leyendecker states there is an issue. The City Planning letter is 2 years old. They were unable to get a new City Planning letter, so we will have to reject this plat.

Brant Gary wants clarification on action and explains possible actions. Sharon Valiante explains this is a final and it must be acted on within 30 days. (For full commentary, request audio)

A motion was made by Planning and Zoning member Hakimzadeh to reject (deny approval) of Kiddos Ranch/Final Plat, unless plat gets pulled from the City Council Agenda by 3:00 p.m. It was seconded by Planning and Zoning member Aryal. The motion was carried by the following vote:

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

Absent: Jason Cherubini, Harold Collins, Austin Weant

Motion Passes (deny approval based on conditions)

7. Consideration and possible action to approve Tamarron Section 36/Final Plat

Per David Leyendecker, there were 2 minor issues that were corrected. He recommends approval. A motion was made by Planning and Zoning member Hakimzadeh to approve Tamarron Section 36/Final Plat. It was seconded by Planning and Zoning member Aryal. The motion was carried by the following vote:

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

Absent: Jason Cherubini, Harold Collins, Austin Weant

Motion Passes

8. Consideration and possible action to approve Tamarron Section 43/Final Plat

Per David Leyendecker, there were 2 minor items that have been corrected. He recommends approval. A motion was made by Planning and Zoning member Hakimzadeh to approve Tamarron Section 43/Final Plat. It was seconded by Planning and Zoning member Aryal. The motion was carried by the following vote:

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

**FULSHEAR PLANNING AND ZONING MINUTES
OCTOBER 13, 2017**

Absent: Jason Cherubini, Harold Collins, Austin Weant

Motion Passes

9. Consideration and possible action to approve Cross Creek Bend Lane Extension No. 11 – Street Dedication/Preliminary Plat

David Leyendecker recommends this preliminary plat be approved as submitted. A motion was made by Planning and Zoning member Hakimzadeh to approve Cross Creek Bend Lane Extension No. 11 – Street Dedication/Preliminary Plat. It was seconded by Planning and Zoning member Aryal. The motion was carried by the following vote:

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

Absent: Jason Cherubini, Harold Collins, Austin Weant

Motion Passes

10. Consideration and possible action to approve The Brooks at Cross Creek Ranch Section 3/Final Plat

Per David Leyendecker, all items have been corrected and he recommends approval. A motion was made by Planning and Zoning member Hakimzadeh to approve The Brooks at Cross Creek Ranch Section 3/Final Plat. It was seconded by Planning and Zoning member Aryal. The motion was carried by the following vote:

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

Absent: Jason Cherubini, Harold Collins, Austin Weant

Motion Passes

11. Consideration and possible action to approve Creek Falls at Cross Creek Ranch Section 10/Final Plat

Per David Leyendecker, the items have been corrected and he recommends approval. A motion was made by Planning and Zoning member Hakimzadeh to approve Creek Falls at Cross Creek Ranch Section 10/Final Plat. It was seconded by Planning and Zoning member Aryal. The motion was carried by the following vote:

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

Absent: Jason Cherubini, Harold Collins, Austin Weant

Motion Passes

12. Consideration and possible action to approve Creek Falls at Cross Creek Ranch Section 11/Final Plat

**FULSHEAR PLANNING AND ZONING MINUTES
OCTOBER 13, 2017**

David Leyendecker recommends approval. There will be one change he will check the mylar to make sure the change occurred (easement- affecting Centerpoint).

A motion was made by Planning and Zoning member Hakimzadeh to approve Creek Falls at Cross Creek Ranch Section 11/Final Plat. It was seconded by Planning and Zoning member Aryal. The motion was carried by the following vote:

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

Absent: Jason Cherubini, Harold Collins, Austin Weant

Motion Passes

13. Consideration and possible action to approve a Special Use for 8402 Wilson Street, Fulshear, Texas 77441

Brant Gary asks the Commission to move this item to the back of the agenda. The applicant called and went the wrong way. He would like more time for her to arrive. Chairman Pearce agreed with no opposition from the Commission.

This item was taken last. For audio purposes, this item was discussed at 1:32:05 on the audio recording. Brant Gary recommends that the required number of spaces be achieved on site via parallel parking. Amy Pearce asked if there is a building in the back or just a concrete slab. The applicant explains there is a little building.

A motion was made by Planning and Zoning member Aryal to approve a Special Use request for 8402 Wilson Street, Fulshear, Texas 77441. It was seconded by Planning and Zoning member Hakimzadeh. The motion was carried by the following vote:

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

Absent: Jason Cherubini, Harold Collins, Austin Weant

Motion Passes

14. Consideration and possible action to approve a Sign Variance for 4802 FM 1463, Fulshear, Texas 77441

This is in regards to the Sugar Creek Montessori sign. Per Apryl Jensen, the applicant was unaware they were in Fulshear ETJ. Their address states Katy. As soon as they were sent a violation letter, they came to Building Services to rectify it. The plan/request is to make the sign fixed and only change once a day.

Per Apryl Jensen, their contract started prior to the City adopting permits in the ETJ. This is an existing LED sign.

Amy Pearce asked the applicant if he looked into changing the panel of the sign. He stated "not really" but that the brightness could be adjusted. It can also be put on a timer/have schedules for at night (dark sky ordinance).

The applicant (Dru Trehan) explained his location and that his engineering company represented him and told him he was in Katy. The sign itself is 60 feet back and not close to the

**FULSHEAR PLANNING AND ZONING MINUTES
OCTOBER 13, 2017**

road. The sign meets all the requirements of sizing and is flush to the ground. (For full commentary, request audio)

Brant Gary gives the Commission options on motions.

C.J. Snipes discusses the Variance request with Planning Commission members. Several Planning Commission members discuss the variance with applicant.

A motion was made by Planning and Zoning member Hakimzadeh to reject a Sign Variance for 4802 FM 1463, Fulshear, Texas 77441 and allow applicant to appeal to the City Council. It was seconded by Planning and Zoning member Aryal. The motion was carried by the following vote:

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

Absent: Jason Cherubini, Harold Collins, Austin Weant

Motion Passes to deny/reject

15. Consideration and possible action to approve a Sign Variance for 8310 Wilson Street, Fulshear, Texas 77441

Amy Pearce asked about the new drawing/rendering. Are we just looking at a new building sign now? Mike Roller answered that was for another request. It is on the same building. Per Mr. Roller the drawing is of an existing sign that he will be moving to this location. Some discussion took place regarding having a wall sign and monument sign. Brant Gary recaps what was discussed at the previous meeting. CJ Snipes discussed only having a wall sign OR a monument sign (not both). Mr. Roller does not agree with his interpretation of the ordinance. Brant Gary recaps why the item was tabled from the last meeting. Discussion continues between Mr. Roller and Planning and Zoning members regarding options other than what was proposed. Dar Hakimzadeh asks if the sign deteriorates, what does the city do? CJ Snipes answers if the sign is not maintained, it is a violation of the ordinance and a citation. This item was discussed for approximately 37 minutes. (For full commentary, request audio.)

A motion was made by Planning and Zoning member Hakimzadeh to approve a Sign Variance for 8310 Wilson Street, Fulshear, Texas 77441 (approve with specs provided and maintain sign)(any lighting must be installed per ordinance). It was seconded by Planning and Zoning member McRea. The motion was carried by the following vote:

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

Absent: Jason Cherubini, Harold Collins, Austin Weant

Motion Passes

16. Adjournment

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

**FULSHEAR PLANNING AND ZONING MINUTES
OCTOBER 13, 2017**

Ayes: Planning and Zoning members Aryal, Hakimzadeh, McRea, and Pearce

Nays: none

Absent: Jason Cherubini, Harold Collins, Austin Weant

Chairman Pearce adjourned the meeting at 10:11 a.m.