



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 FEBRUARY 9, 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, February 9, 2018 in the Fulshear City Hall located at 30603 FM 1093, Fulshear, Texas.*

### **2. Quorum**

*A quorum was present.*

#### *Members Present:*

*Amy Pearce-Chairman*

*Austin Weant-Co-Chairman*

*Dar Hakimzadeh*

*Jason Cherubini*

#### *Members Absent:*

*Bijay Aryal*

*Harold Collins*

*Dawn McRea*

#### *City Staff:*

*Diana Gordon Offord, City Secretary*

*Kimberly Kopecky, Deputy City Secretary*

*Brant Gary, Executive Director of Planning and Development*

*Apryl Jensen, Plans Examiner*

*David Leyendecker, City Engineer*

*John Brown, Interim Building Official*

#### *Others Present:*

*Kayleen Nelson*

*John Lebourhis*

*Jim Eiteman*

*John D. McCann*

*Scott Paul*

**FULSHEAR PLANNING AND ZONING MINUTES**  
**February 9, 2018**

*T. McCusker  
Lori Magyar/ Richard Bost  
Gerald Grissom  
Trey Devillier  
Ismael Herrera  
And about 8 others that did not sign in.*

**3. Citizen's Comments**

**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.**

*Kayleen Nelson spoke on the impact of development on drainage. She wants to see a study on this done by Fort Bend County. She is concerned about 45 foot lots in Polo Ranch. All the drainage goes into Brookshire Creek or Bessie's Creek. She asks if it is possible to get an independent study. Her concern about the 45 foot lots was addressed by Amy Pearce. (For full commentary, request audio)*

*John Lebourhis is concerned about Bessie's Creek (flooding). He asks who the flood administrator is. Brant Gary answers by ordinance it is the Director of Public Works (Sharon Valiante). Brant Gary explains we have adopted Fort Bend County drainage standards. Per Brant, Fort Bend County is in the process of a drainage review. (For full commentary, request audio)*

*Jim Eiteman spoke about flooding. He spoke about drainage that goes into Bessie's Creek. Mr. Eitemon spoke about Fulshear Lakes drainage. Developments need to be slowed down. (For full commentary, request audio)*

*Scott Paul wants to voice his opinion and go on record that he shares an echo of sentiment of all his neighbors. This is a big issue and not to be just let go. He wants a consideration of all the studies. (For full commentary, request audio)*

*John Douglas McCann spoke about concerns of flooding. He would like to see some further studies done as far as the drainage into Bessie's Creek. He is concerned about the development. (For full commentary, request audio)*

*Amy Pearce addresses the audience and recommends they speak at the City Council meeting.*

**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 February 9, 2018 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 February 20, 2018 at 7:00 p.m. the hearing will**

**FULSHEAR PLANNING AND ZONING MINUTES**  
**February 9, 2018**

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, 0029 C Fulshear. Acres 4.7409, specifically the address is 7926 FM 359 Rd, 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 Theatre and Art Education.

Specific relief is requested from Section 1-193 (c) (2) (g) which states that the use of office 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.

*Amy Pearce opened the Public Hearing at 8:52 a.m.*

*Lori Magyar with I2M Associates speaks. They are only using the building for offices and rehearsal space. Jason Cherubini asks about parking, flow and hours. She answers that they want to make the driveways into a U-shape with gravel. The classes are structured so there is not large groups of children being dropped off at the same time or picked up. Most classes occur in evenings. The children will start coming in around 3 p.m. The productions will be at the elementary school and some churches. This is a temporary situation and they ask to not have to do concrete for parking. David Leyendecker recommends asphalt or other non dusting surface. The permit office has determined they need 10 parking spaces, one ADA accessible to meet building code. Brant Gary reads all recommendations to the Commission members (For full commentary, request audio)*

*Amy Pearce closes the Public Hearing at 9:04 a.m.*

*Amy Pearce announces per staff request we will move the agenda around and go to Items 14 and 15. (Please move to item 14 on these minutes)*

**5. Consideration and possible action to approve Minutes from Planning and Zoning Commission meeting held on January 5, 2018 and January 19, 2018**

*A motion was made by Planning and Zoning member Weant to approve Minutes from the Planning and Zoning Commission meeting held on January 5, 2018 and January 19, 2018. It was seconded by Planning and Zoning member Hakimzadeh. The motion was carried by the following vote:*

## FULSHEAR PLANNING AND ZONING MINUTES

February 9, 2018

*Ayes: Planning and Zoning members Cherubini, Hakimzadeh, Pearce, and Weant*

*Nays: None*

*Absent: Bijay Aryal*

*Harold Collins*

*Dawn McRea*

*Motion Passes*

### **6. Consideration and possible action to approve Polo Ranch Boulevard- Street Dedication Section 1/Preliminary Plat**

*Per David Leyendecker, he and the cities' Flood Plain administrator met with Fort Bend County drainage district along with the engineers from Polo Ranch. FBC understands that this is a sensitive issue so they hired an independent 3<sup>rd</sup> party engineer (Freese and Nichols) to do an independent review of this. We will make sure anybody can have a copy of the report if they want.*

*Per David Leyendecker all 4 Polo Ranch Plats have made the corrections. He recommends approval of these preliminary plats. Diana Offord asked David Leyendecker if there is a timeline on when the study will be completed? He responded with "no" but it will have to be before the final plat gets done. Polo Ranch Boulevard is dedicating 100 foot additional right-of-way along the north side of the railroad tracks for the widening of F.M. 1093. That will make that right-of-way 300 feet. Polo Ranch Boulevard is not the major thoroughfare that shows up on the thoroughfare plan. There were several minutes of further discussion regarding flooding and construction. (For full commentary, request audio)*

*A motion was made by Planning and Zoning member Hakimzadeh to approve Polo Ranch Boulevard-Street Dedication Section 1/Preliminary Plat. It was seconded by Planning and Zoning member Weant. The motion was carried by the following vote:*

*Ayes: Planning and Zoning member Cherubini, Hakimzadeh, Pearce, and Weant*

*Nays: None*

*Absent: Bijay Aryal*

*Harold Collins*

*Dawn McRea*

*Motion Passes*

### **7. Consideration and possible action to approve Polo Ranch Section 1/Preliminary Plat**

### **8. Consideration and possible action to approve Polo Ranch Section 2/Preliminary Plat**

### **9. Consideration and possible action to approve Polo Ranch Section 3/Preliminary Plat**

*Amy Pearce asks to take item 7 through item 9 together. There were no objections.*

*There was discussion of the review of drainage studies by Fort Bend County. (For full commentary, request audio)*

*Per David Leyendecker, all corrections have been made to these plats.*

**FULSHEAR PLANNING AND ZONING MINUTES**  
**February 9, 2018**

*A motion was made by Planning and Zoning member Hakimzadeh to approve Polo Ranch Section 1/Preliminary Plat, Polo Ranch Section 2/Preliminary Plat, and Polo Ranch Section 3/Preliminary Plat with a request of 3<sup>rd</sup> party drainage review and a presentation at the 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, Hakimzadeh, Pearce, and Weant*  
*Nays: None*  
*Absent: Bijay Aryal*  
*Harold Collins*  
*Dawn McRea*

*Motion Passes*

**10. Consideration and possible action to approve R1 Rodgers Road/Preliminary Plat**

*Per David Leyendecker, they have made all corrections and additions on this plat as requested. They are dedicating extra right-of-way because Rodgers Road is in the major thoroughfare.*

*A motion was made by Planning and Zoning member Weant to approve R1 Rodgers Road/Preliminary Plat. It was seconded by Planning and Zoning member Hakimzadeh. The motion was carried by the following vote:*

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

*Motion Passes*

**11. Consideration and possible action to approve Williams Center Fulshear/Preliminary Plat**

*David Leyendecker recommends approval on this plat.*

*A motion was made by Planning and Zoning member Hakimzadeh to approve Williams Center Fulshear/Preliminary Plat. It was seconded by Planning and Zoning member Cherubini.*

*Amy Pearce wanted to verify the metes and bounds. Per David Leyendecker, they will have to come back and address this at time of final plat.*

*An amended motion was made by Planning and Zoning member Hakimzadeh to approve Williams Center Fulshear/Preliminary Plat the the Engineer's recommendations. The motion was carried by the following vote:*

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

**FULSHEAR PLANNING AND ZONING MINUTES**  
**February 9, 2018**

*Dawn McRea*

*Motion Passes*

**12. Consideration and possible action to approve Cross Creek Ranch Water Plant No. 3/Preliminary Plat**

*Per David Leyendecker they have identified the easement and made corrections.*

*A motion was made by Planning and Zoning member Weant to approve Cross Creek Ranch Water Plant No. 3/Preliminary Plat. It was seconded by Planning and Zoning member Hakimzadeh. The motion was carried by the following vote:*

*Ayes: Planning and Zoning members Cherubini, Hakimzadeh, Pearce, and Weant*

*Nays: None*

*Absent: Bijay Aryal*

*Harold Collins*

*Dawn McRea*

*Motion Passes*

**13. Consideration and possible action to approve CC F.M. 1093 Tract 3/Preliminary Plat**

*Amy Pearce asks if the pipeline easement has been corrected. Trey Devillier answers that this is preliminary and they don't really fill in the blanks until they get a title report. It will be ready by final.*

*A motion was made by Planning and Zoning member Hakimzadeh to approve CC F.M. 1093 Tract 3/Preliminary Plat. It was seconded by Planning and Zoning member Cherubini. The motion was carried by the following vote:*

*Ayes: Planning and Zoning members Cherubini, Hakimzadeh, Pearce, and Weant*

*Nays: None*

*Absent: Bijay Aryal*

*Harold Collins*

*Dawn McRea*

*Motion Passes*

**14. Consideration and possible action to approve a Special Use Request at 7926 FM 359 Rd, Fulshear, Texas 77441**

*Dar asks if this permit expires in 18 months. Brant Gary explains this is allowed until the ownership changes.*

*A motion was made by Planning and Zoning member Hakimzadeh to approve a Special Use Request at 7926 FM 359 Rd, Fulshear, Texas 77441 adding a minimum of 10 parking spaces with at least one ADA accessible space, marked and located on an all-weather non-dusting surface. It was seconded by Planning and Zoning member Weant. The motion was carried by the following vote:*

*Ayes: Planning and Zoning members Cherubini, Hakimzadeh, Pearce and Weant*

*Nays: None*

*Absent: Bijay Aryal*

**FULSHEAR PLANNING AND ZONING MINUTES**  
**February 9, 2018**

*Harold Collins*  
*Dawn McRea*

*Motion Passes*

**15. Consideration and possible action regarding a policy recommendation to the City Council concerning possible changes to the City's Sign Ordinance**

*Amy Pearce explains the original ordinance prohibits signs to **HAVE** any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination. The proposed change would prohibit signs to **OPERATE** using any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination. Signs could have the capability, but they would be prohibited from operating in such way.*

*This item was discussed between Brant Gary and Planning Commission members. He added that from a staff perspective, staff has no opinion on this issue but will bring this recommendation to Council. (For full commentary, request audio)*

*A motion was made by Planning and Zoning member Hakimzadeh to approve with a restriction that the message can change only once in 24 hours. It was seconded by Planning and Zoning member Weant. The motion was carried by the following vote:*

*Ayes: Planning and Zoning members Cherubini, Hakimzadeh, Pearce, and Weant*

*Nays: None*

*Absent: Bijay Aryal*

*Harold Collins*

*Dawn McRea*

*Motion Passes*

*(Per Amy Pearce, we will move back up to item 5)*

**16. Adjournment**

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

*Ayes: Planning and Zoning members Cherubini, Hakimzadeh, Pearce, and Weant*

*Nays: None*

*Absent: Bijay Aryal*

*Harold Collins*

*Dawn McRea*

*Amy Pearce adjourned the meeting at 9:45 a.m.*