



City of Richmond

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Planning and Zoning Commission Meeting Minutes

600 Morton Street
Richmond, Texas 77469
Monday, February 4, 2019 at 5:00 P.M.

The Planning and Zoning Commission for the City of Richmond, Texas met in a regular meeting on Monday, February 4, 2019 at 5:00 p.m. Chairman Pittman, called the meeting to order at 5:03 p.m. A quorum was present, with the following members in attendance:

Larry Pittman (*Vice Chair*)
Katherine M. Graeber – Kubelka (*Vice Chair*)
Libby King
Noell Myska

Staff in attendance: Jose Abraham, Planning Director; Jordan Adams, GIS Specialist; Lori Bownds, Building Official; Christine Cappel, Public Works Administrative Manager; Gary Smith, City Attorney, and Howard Christian, Assistant City Manager.

Commissioner Pittman introduced agenda A2., public comments. He asked if there were any public comments for the section that does not include items that are on the agenda. Hearing no public comments, the agenda item was closed.

Commissioner Pittman introduced agenda item B1., review and approval of the minutes from January 7, 2019. Commissioner Kubelka made a motion to approve the minutes. The motion was seconded by Commissioner King. The vote for approval was unanimous.

Commissioner Pittman introduced agenda item B2., stating that the next Planning and Zoning Commission meeting will be on Monday, March 4, 2019, at 5:00 p.m.

Commissioner Pittman introduced agenda item C1., Review and recommendation of a final report to the City Commission for a short form final plat for Indelicato Law Center, 0.9932 acres of land – 0 Lots – 1 Blocks – 1 Reserve. Mr. Abraham indicated this is a short form final plat, and that a preliminary platting process is not required since its fewer than 5 blocks and a new street is not being added or causing an extension to utilities. Mr. Abraham indicated that the existing house on the subject site is proposed to be demolished and a one-story residence and two-story office building are proposed to be constructed. He added that the majority of the site is zoned OT, Olde Town district and a small portion at the rear is zoned GR, General Residential. According to Mr. Abraham, even though it is not required, the applicant will rezone the subject site to allow for consistent OT designation. Staff recommended approval of the plat with a change in the report to indicate that errors in street names

shall be corrected. Commissioner King requested that the agenda item be considered after Agenda item C2. After agenda item C2., was considered, Commissioner King moved to forward a recommendation of approval to the City Commission based on the amended staff report. The motion was seconded by Commissioner Myska. The vote for approval was unanimous.

Commissioner Pittman introduced agenda item C2., Consideration of the approval of a final report to City Commission for a request by Ryan Moeckel to rezone 17.8821 acres (778,942 square feet) of land from General Residential (GR) to General Commercial (GC) and to the extent the rezoning deviates from the Future Land Use Plan, to provide for an amendment thereto. The subject site is located along the north side of Williams Way Boulevard and Golfview Drive intersection, with a levee and Brazos River to the North; recently constructed "Liberty Center" retail strip center and Fountains at Jane Long Farms residential neighborhood to the south; residential lots on Ayala Court to the east; and Fort Bend County Justice Center to the west. The floor was open to citizen comments.

Ms. Luisa Carasco, residing at 120 Long Canyon Ln, 77469 spoke against the proposed rezoning. Her concerns were about impact on property values at Jane Long Farms based on the type of development that would occur upon rezoning. She inquired if there was a way to know the proposed use for the subject site.

William Canalis, who owns a lot on Alaya Court, spoke against the proposed rezoning. He indicated that there aren't many properties along Richmond Parkway that are commercial and thought that the applicant could take what is behind the strip center and use that for commercial use. He generally discussed that the proposed rezoning is not appropriate given that there are several residential neighborhoods along Richmond Parkway and that the allowable commercial uses are extensive.

Clint Witten, residing at 1907 Ayala Ct, 77469, spoke against proposed rezoning. He indicated that he was upset because he received a letter stating that this meeting was cancelled. He said he does have a problem turning this property commercial versus residential, his main concern being that the existing Liberty Center is predominantly vacant. As he stated at the previous meeting, he has not received any type of information from the Planning Department from the City of Richmond as to what type of buffers are going to be put there. He stated his preference for a wall to be put between the subject site and the residential tracts along Ayala Court. According to him, if the Commission decided to go forward with the proposed rezoning, residents would need some protection on their property values. Mr. Witten concluded by generally discussing his concerns about the impact on his property value and potential nuisance that the proposed rezoning could cause.

Mr. Abraham, clarified that the letter mentioned by Mr. Witten was for the City Commission meeting scheduled for February 18, 2019, at which the City Commission would make a decision on the proposed rezoning. He also clarified that there was no notice sent out about this meeting, because it is not a public hearing. The public hearing for the Planning and Zoning Commission was accomplished at the January meeting. Commissioner King, suggested residents interested in this particular agenda item to attend the February 18, 2019, City Commission Meeting. Mr. Witten expressed his concerns about the meeting being held at 4:30 pm, because most people don't get off work until 5:00 and that he works downtown. Commissioner Pittman explained that the City Commission meets at 4:30 pm. Commissioner Pittman explained that the Planning and Zoning Commission reviews and makes recommendations to the Mayor and City Commissioners, who then make the final decision.

Victor Martinez, residing at 2007 Williams Way Blvd spoke against the proposed rezoning. He wanted to reiterate what other neighbors had stated, and hoped that the Commission does the right thing by not turning this into a commercial property without giving the residents specific information about the

proposed development. Mr. Martinez, explained that he received a call from staff, and asked if the City aimed to convince residents to change their mind. Mr. Martinez said that Mr. Abraham called him, and based on the conversation, it appeared that staff and the Commission have an agenda. Mr. Martinez said this is unprofessional, and doesn't know if it's normal, but that it rubbed him the wrong way. Mr. Martinez also asked about the Planning and Zoning Commission positions, to which Commissioner Pittman explained that they are appointed by the City Commission. Commissioner Pittman generally responded to Mr. Martinez's questions about the Planning and Zoning Commission and City Commission. Mr. Martinez, asked that if it does become a commercial property was there a process in place to where residents can have in writing regarding what buffer zone will be introduced. Commissioner Pittman explained that this is in the Unified Development Code (UDC), and includes the buffer zone requirements for different properties. Mr. Abraham generally explained how the development process works and that the zoning designation and the UDC together set the regulations for development. Answering additional questions by Mr. Martinez, he emphasized that the zoning designations are decided through a public hearing process and provide a range of land uses with associated development standards. All developments are then approved administratively through a review by staff for compliance to the standards provided in the UDC.

Larry Sillers, owner of the subject site stated that the subject site is vested for commercial use as the the City was aware of his intention to develop it commercially prior to the adoption of the UDC and assigning the residential zoning designation. He said that he understood the concerns of the neighbors, but said they have to understand that the subject site was always intended to be developed commercially. It was changed only because the City didn't realize what they were doing. Mr. Sillers explained that they are putting it back to what was agreed and platted 6 years ago. He also mentioned that residential use would bring apartments, and he was not sure if that was exactly what the residents wanted.

Ms. Luisa Carasco, asked if everything was approved by City Commissioners, would there be a way for citizens to appeal this. Mr. Smith, City Attorney, explained that they could, only if the development is not consistent with the terms of the UDC and if the buffering is not consistent with the minimal requirements of the UDC. The developer is allowed to put up a better buffer zone than we mandate if they so choose. As far as challenging the terms of the UDC, there is a chapter that prevents the City to change the rules in the middle of the game. When the developer makes the application, these are the rules that would apply to their development. He explained that this is not an easy challenge, and from the City's perspective there would be a limited chance of success of challenging the developer. Ms. Carasco asked if all of the City Commissioners approved this rezoning, would it be a done deal, letting the citizens have no recourse unless they are in for a very long battle. Mr. Smith explained yes it would be a long battle.

Mr. Whitten asked whether the entire property at one time was deemed commercial, or just sections of it. Commissioner Pittman explained that at this point, the Commission would like to proceed with the rezoning process and could only allow comment but not allow discussions. Mr. Abraham responded to Mr. Whitten's question on the location of the City limit line. Mr. Whitten concluded by asking if it was originally commercial, why this discussion hadn't happened 6 years ago? Commissioner Pittman indicated that there are many unknowns and that the question could not be answered by the commission.

Commissioner Pittman concluded the public comments on agenda item C2. In response to Mr. Martinez on why staff was calling the residents about this development, Mr. Abraham explained that this application was considered and discussed at the last meeting. There were certain neighbors who spoke in opposition to the proposed rezoning. The Planning and Zoning Commission decided to table

the item until the next meeting. Some of the speakers had specific questions about development regulations and the review process. At the meeting, staff had indicated that those questions could be answered if the speakers would stay until the meeting ended but none of the speakers stayed. Mr. Abraham, called the 3 speakers who specifically asked questions about the development regulations. He explained that he did speak with them about their concerns, and explained the reasoning behind a recommendation of approval.

Mr. Abraham made a presentation and discussed the plat and the reimbursement agreement mentioned at the January 7th meeting. He indicated that there was substantial evidence that the City was aware of the plan to develop the entire Williams Way Center for commercial purpose. The plat and the reimbursement agreement included the portion of the subject site which is north of the Williams Way Center (Liberty Center), thereby vesting that portion for commercial zoning designation. He recommended that since the property between William Way Center and Ayala Court tracts were not included in the reimbursement agreement or in the plat, its rezoning should be considered as a regular rezoning request. Mr. Abraham stated that one letter of protest was received, and was included in the report. Mr. Abraham spoke about the type of uses permitted within the GC district. Staff recommended that the Planning and Zoning Commission forward a positive recommendation of approval for the proposed rezoning and to amend the Future Land Use Plan to reflect the zoning change to the City Commission. Commissioner King made a motion to (1) approve the proposed rezoning for the portion of the subject site described as Reserve A of the Final plat Williams Way Center from GR, General Residential to GC, General Commercial; (2) to deny the request to rezone remaining acreage of the subject site located between the Liberty Center and Ayala Court Tracts from GR, General Residential to GC, General Commercial; and (3) to amend the Future Land Use Plan to be consistent with the zoning change. The motion was seconded by Commissioner Myska. The vote for the motion was unanimous.

Commissioner Pittman introduced agenda item C3., Discussion on a proposal by staff to reconsider certain provisions and regulations pertaining to Accessory dwelling unit, Land use allowance, Parking, and Landscaping within the OT, Olde Town district. Mr. Abraham indicated that based on plan review experience and development requests from the past, it appeared that certain provisions in the OT district needed reconsideration. The Planning and Zoning Commission discussed the following issues one by one:

- Presently, detached single family use is allowed only if the use existed on the effective date of the UDC. Conversion of a non-residential use to residential use within OT district is not permitted. Planning and Zoning Commission expressed general support to allow existing houses converted to commercial use to be able to return to single family residential use within the OT district.
- Live/work units (residential use combined with non-residential uses such as an office or a studio) are not permitted within the OT district. Planning and Zoning Commission discussed the issue and expressed general support provided that regulations are put in place to address issues such as short term rental and property maintenance. The commission also suggested limiting the type of businesses allowed as part of the live work unit.
- Accessory dwelling units (ADU) are not allowed within OT districts. (ADU is allowed within Suburban Residential and General Residential districts). Planning and Zoning Commission expressed concerns about short-term rentals and property maintenance issues that may arise due to allowance of ADU in the OT district and stated their preference for more specifics about the proposed allowance.

- On-street parking is not counted towards the required parking within OT district. (In Downtown district, certain amount of on-street parking is counted towards the required parking). Planning and Zoning Commission expressed general support to allow on-street parking to be counted towards parking requirements for commercial uses. Commissioner Pittman expressed his concerns about potential congestion and mobility issues given the narrow streets in OT district.
- The UDC is more focused on tree preservation and requirements for new development projects and appears to be lacking on provisions for redevelopment projects that include mature trees and existing landscaping. Planning and Zoning Commission expressed general support to consider a tree credit system for existing trees on a property proposed for development or redevelopment.
- Minimum lot size requirements in OT district (50 foot wide and 6,000 square feet lot area) are more appropriate for the suburban setting and in some cases could result in extremely large lots. Mr. Abraham indicated that the UDC requires combining non-conforming lots to minimize non-conformity and that depending on the sizes of the lots combining lots could result in very large lots in certain cases. He requested the commission's thoughts on considering reduced lot sizes for the OT district. Commissioner Pittman explained that development could be a challenge in OT district because there are lots that were developed over the last 150 years, and there may be few options but to buy more property. Planning and Zoning Commission expressed general support to consider reduced lot size requirements for OT district, provided desirable development could be ensured.

There being no further business to be brought before the Planning and Zoning Board, Commissioner Pittman adjourned the meeting at 6:41 p.m.

Approved:



Larry Pittman, Planning and Zoning Commission Chair