



RICHMOND

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Planning & Zoning Commission Meeting Minutes

City Commission Room | 600 Morton Street, Richmond, Texas 77469

Monday, October 7, 2019, at 5:00 P.M.

The Planning and Zoning Commission for the City of Richmond, Texas met in a regular meeting on Monday, October 7, 2019 at 5:00 p.m. Chairman Pittman, called the meeting to order at 5:00 p.m. A quorum was present, with the following members in attendance:

Larry Pittman (Chair)
Katherine M. Graeber-Kubelka (Vice Chair)
Ernest Hogue
Libby King

Staff in attendance: Jose Abraham, Planning Director; Mason Garcia, Associate Planner; Jordan Adams, GIS Specialist; Christine Cappel, Public Works Administrative Manager; Howard Christian, Assistant City Manager and Gary Smith, City Attorney.

Commissioner Pittman introduced agenda A2, public comments and asked if there were any public comments. Hearing no public comment, the agenda item was closed.

Commissioner Pittman introduced agenda item B1., and B2., Review and approval of the minutes from September 3, 2019 regular meeting and from September 17, 2019 workshop meeting. Commissioner Pittman noted that the minutes for the September 17, 2019 Workshop erroneously states that Commissioner Hogue was present at the workshop. He also identified a typographical error “equal than or greater in size” in the first bullet point included on Page 1 of 3. Commissioner Kubelka moved to approve the minutes with an amendment to rectify the errors on the September 17, 2019 Workshop minutes. The motion was seconded by Commissioner King. The vote for the motion was unanimous.

Commissioner Pittman introduced agenda item B3., stating that the next Planning and Zoning Commission meeting will be on Monday, November 4, 2019 at 5:00 p.m.

Commissioner Pittman introduced agenda item C1a., Review and recommendation of a final report to City Commission for Veranda Section Twenty-Four Amending Plat – 20.43 acres of land – 2 Blocks – 83 lots – 4 Reserves. Mr. Garcia, Associate Planner explained that the current plat was recorded on April 23, 2019 and that the proposed amending plat will revise the minimum slab elevation from 81.5 feet to 80.5 feet. He further added that the recorded plat’s original contours showed a localized high point in the center of the property which was then used to establish the initial minimum slab elevation. The

localized high point was not indicative of what the typical natural ground was and created an inaccurate calculation of what the true minimum slab elevation should be. The new slab elevation has been approved by the Fort Bend County Drainage District. Mr. Garcia stated staff's recommendation of approval of the proposed amending plat. Commissioner Hogue stated that he would abstain from participating on any agenda item related to Johnson Development activity. Commissioner Kubelka moved to forward a positive recommendation of approval to the City Commission. The motion was seconded by Commissioner King. The vote for the motion was unanimous.

Commissioner Pittman introduced agenda item C2., Review and recommendation of a final report to City Commission for a petition for inclusion in the City of Richmond extraterritorial jurisdiction (ETJ) of an approximate 15.9023 acre tract of land presently located wholly within Fort Bend County. The subject property can be described as an approximate 15.9023 acre tract of land in the Joseph Kuykendall Survey, Abstract No. 49, Fort Bend County, Texas; said 15.9023 acre tract being a portion of a 29.8494 acre tract of land conveyed to Mark W. Millis, as recorded in Fort Bend County Clerk's File No. 2003005188. Mr. Abraham, Planning Director explained that the subject site is located south of US 59, along the east side of Williams Way. He further explained that the applicant is requesting inclusion in the City of Richmond ETJ to be able to get utility services from Fort Bend County Municipal Utility District 116. Mr. Abraham stated staff's recommendation of approval of the petition for inclusion in the City of Richmond extraterritorial jurisdiction (ETJ) of an approximate 15.9023 acre subject site. Commissioner Hogue moved to forward a positive recommendation of approval to the City Commission. The motion was seconded by Commissioner King. The vote for the motion was unanimous.

Commissioner Pittman introduced agenda item C3., Review and recommendation of a final report to City Commission for text amendments to Section 6.1.107.B. *Manufactured Home Park Standards*, of the Unified Development Code (UDC), to conform to the provisions of Section 211.018, Texas Local Government Code relating to manufactured homes and manufactured home communities and the continuation of land use. Mr. Abraham explained that this was first presented at the September 3, 2019, regular meeting, at which, the commission tabled the agenda item until the next meeting to allow for an educational workshop to gain a better understanding of the topic. The Planning and Zoning Commission met for an educational workshop on September 17, 2019 where the proposed amendment and its implication were discussed in great detail. Mr. Abraham briefly explained the details of the proposed UDC text amendment and stated staff's recommendation of approval. Commissioner Kubelka moved to accept the recommendation for the proposed text amendment to Section 6.1.107 B. *Manufactured Home Standards* of the UDC. The motion was seconded by Commissioner Hogue. The vote for the motion was unanimous.

Commissioner Pittman introduced agenda item C4., Discuss implications of recently enacted House Bill 3167 and House Bill 2439 on development related regulations and provisions of the UDC and further discuss staff's proposal to achieve conformance to the aforementioned enacted bills. Mr. Abraham stated that staff is seeking discussion and inputs on a proposed course of action to bring the UDC and City's standard operating procedures to conformance with recently enacted House Bill 3167 and House Bill 2439, effective September 1, 2019. He explained that HB. 3167 provides specific timelines and procedural requirements for plat and plan approval; and HB 2439 restricts governmental entities from prohibiting or limiting the use of building product or material or aesthetic method of construction that is approved in a national building/ technical code. Following a brief presentation on the details of HB 2439, Mr. Abraham presented the discussion points in response to HB 2439:

- Several cities and agencies are considering amendment of their standards to remove regulations pertaining to design standards and requirements that limit or prohibit the use of certain building materials.
- Staff is recommending a different approach. With the City Attorney’s guidance, staff is considering amendment of the UDC to highlight the impacted sections and add a statement specifies that the affected standards and requirements are preferred and not mandatory, in the light of the legislative change. By taking this approach, we are able to keep track of city’s preferred development standards *(which were adopted through a public participation process)* in the UDC. Additionally, in case of future changes to this bill *(which is highly possible)*, it will easier to address those changes.
- Additional amendments to UDC may be required to include certain definitions. The details of these amendments are yet to be determined.
- In identifying regulations impacted by this bill:
 - It is clear that cities cannot limit or prohibit the use of building materials approved in national model codes.
 - Regarding *“aesthetic methods of construction,”* a conservative approach would be to consider all building design and exterior finish related standards to be impacted.
 - Another approach would be to distinguish between design features and methods of construction, based on standard understanding of the terms.
- A third approach would be to take a position that since IBC is silent on aesthetic methods of construction, the city may regulate aesthetic methods of construction.

Following a brief presentation on the details of HB 3167, Mr. Abraham presented the following measures that staff is considering in response to HB 3167:

- Review plan types and review types provided in the UDC and make necessary amendments (if needed) to ensure that no conflicting or confusing requirements exist that could potentially delay the approval process of plans. All departments involved in the review process are in the process of review and discussion.
- Review development standards to ensure that no conflicting or confusing requirements exist that could potentially make plat and plan review comments vague or complicated. All departments involved in the review process are in the process of review and discussion.
- Plat approval process:
 - Current monthly plat submittal dates conform to the 30 day requirement set by the Bill.
 - Set a specific application completion check period of about 3 days to be able to determine that the application is ready to be filed. The 30 day clock would start when the application is complete and filed.
 - Set monthly “Response Submittal Dates” for conditionally approved and disapproved plats. Based on the provisions of the Bill, response submittals must be considered by the approving authority. Presently, response submittals are reviewed and approved administratively (staff checks to ensure all conditions of approval are met).
- Plan approval process:
 - Set monthly submittal and resubmittal dates for plan reviews. This will allow staff to track review deadlines.

- Set a specific application completion check period of about 3 days to be able to determine that the application is ready to be filed. The 30 day clock would start when the application is complete and filed.
 - Create submittal checklists and other informational packets for applicants to avoid any confusion and encourage application completeness.
- UDC text amendments necessary for the plan and plat review processes to conform to the provision of HB. 3167 and include any definitions if needed.

The Commission generally discussed the details of the bills and questions with Mr. Adams, City Attorney and Mr. Abraham, Planning Director and expressed general support for the approach staff is considering to bring the UDC and administrative procedures to conformance with HB 3167 and HB 2439.

Commissioner Pittman introduced agenda item C5., Discuss a preliminary Comprehensive Master Plan Appraisal Report, highlighting City's implementation projects and recommendations to improve City's overall planning efforts and a possible update to the Comprehensive Plan. Inputs from this discussion would help staff in preparing and presenting a final Comprehensive Master Plan Appraisal Report to the City Commission. Mr. Abraham explained that staff is seeking discussion and inputs from the Planning and Zoning Commission, which would help staff in preparing a final appraisal report for the City Commission. Mr. Abraham briefly explained that the Comprehensive Master Plan (2014 Plan) was adopted to serve as a guidebook that specifies policy, program, and project priorities for the city. He detailed the objectives of adopting the 2014 Plan and explained the goals, recommendations, considerations, the implementation methods. He concluded by emphasizing the need for a Comprehensive Master Plan update and providing the following discussion points:

- The City has witnessed several significant and beneficial projects resulting from the goals and recommendations of the 2014 Plan. In the past five years, City has accomplished some of the top action items such as adoption of the UDC; Public Infrastructure Design Manual; adoption of International Building Codes; Water, Waste-Water Master Plan; and the Trail Master Plan.
- The City has not been able to accomplish or make sufficient progress on the following important top action items prescribed by the 2014 Plan:
 - Fiscal Impact Model for Annexation
 - Business Park Feasibility Study
 - Business Incubator and Accelerator Program
- Interdepartmental discussions suggest that the 2014 Plan goals and recommendations continue to be relevant in terms of guiding City of Richmond's future growth and planning efforts. Therefore, a new Comprehensive Plan or an extensive update that would result in significant changes in terms of planning goals and recommendations is not anticipated.
- A need for a major update, as specified in the 2014 Plan, to review the base conditions such as changing demographic and socio-economic trends is evident and staff recommends an update to the 2014 Plan within the next year. This update must also capture any changes to the plan goals and recommendations that may be triggered by changes in aforementioned base conditions and feedback received from public, boards, and the City Commission.

- Staff highly recommends public engagement and participation in the 2014 Plan update process. This could be achieved through social media input and Town Hall meeting type engagement. Public input is vital to any comprehensive planning process.
- The 2014 Plan update will need involvement from all City departments and shall be a coordinated effort across all departments. There will be multiple steps prior to the adoptions of the final plan update by the City Commission.
- Staff does not anticipate the need for an outside consultant to accomplish the aforementioned 2014 Plan update process.
- Based on enforcement of development regulations experiences, staff recommends a detailed review of the UDC and other development regulations to be able to make necessary amendments to ensure a streamlined development review process, which is a top action item of the 2014 Plan. Since these regulations and standards are applied on a day-to-day basis, it is important that this endeavor is accomplished sooner than later. A need for this arises from several different factors, some of which are:
 - Legislative changes since adoption of UDC and other regulations;
 - Court cases since adoption of the UDC and other regulations or cases that were not considered at the time of adoption;
 - Changes in development trends since adoption of the UDC and other regulations;
 - Alternate efficient and appropriate processes and standards identified during the past five years of application and enforcement of the UDC and other regulations.

In response to Commissioner Hogue's question regarding the update process, Mr. Abraham explained that the update process will involve multiple steps of research, gathering inputs from staff, citizens, Boards, and Commissions prior to the final updated plan adoption. He emphasized that the Planning and Zoning commission will receive inputs from staff at which stage the Commission can evaluate staff's input and also provide creative ideas to ensure that the updated plan captures the aspirations of the community. Commissioner Pittman asked if the City Commission is aware of the proposed update process. In response, Mr. Abraham said that the City Commission is aware of the need for the 2014 Plan update and that a final appraisal report will be presented to the City Commission at a workshop scheduled on October 28, 2019.

Commissioner King, Commissioner Pittman, and Mr. Abraham briefly discussed some details of the proposed update process in terms of the commission's involvement, public engagement, deliverables, and information that will be included in the updated Comprehensive Plan. Commissioner Kubelka asked if the Commissioners can provide inputs to staff during the process for staff to consider outside of the formal meetings and Mr. Abraham stated that they could. Mr. Smith, briefly explained the role that staff, citizens, Planning and Zoning Commission, and the City Commission would play in the plan update process. In conclusion, Commissioner King and Commissioner Kubelka emphasized the need and value of public engagement and urged staff to maximize it during the plan update process.

There being no further business to be brought before the Planning and Zoning Board, Commissioner Pittman adjourned the meeting at 6:13 p.m.

Approved:



Larry Pittman, Planning and Zoning Commission Chair