



Planning & Zoning Commission Meeting Minutes

Zoom Teleconferencing Meeting Room

Monday, January 4, 2021, at 5:00 P.M.

The Planning and Zoning Commission for the City of Richmond, Texas met in a regular meeting on Monday, January 4, 2021, at 5:01 p.m. In compliance with recommendations from the Centers for Disease Control (CDC) and local governmental agencies to avoid the spread of COVID-19, the Planning and Zoning Commission meeting was teleconferenced via the Zoom Virtual meeting platform. A quorum was present, with the following members in attendance:

Katherine M. Graeber-Kubelka (Vice-Chair)
Ernest Hogue
Noell Myska
Aimee Frederick
Melissa Schultz

Staff in attendance: Jose Abraham, Planning Director; Mason Garcia, Associate Planner; Howard Christian, Assistant City Manager; Christine Cappel, Public Works Administrative Manager; Lori Bownds, Building Official; Laura Scarlato, City Secretary and Gary Smith, City Attorney.

Vice-Chair Kubelka introduced agenda A2, public comments, and if there were any public comments. Hearing no public comment, the agenda item was closed.

Vice-Chair Kubelka introduced agenda item B1., Review and approve minutes from the November 9, 2020, meeting. Commissioner Myska moved to approve the minutes. The motion was seconded by Commissioner Hogue. The vote for the motion was unanimous with a motion to change the attendance for Commissioner Hogue.

Vice-Chair Kubelka introduced agenda item B2., Review and approve minutes from the December 7, 2020, meeting. Commissioner Hogue moved to approve the minutes. The motion was seconded by Commissioner Myska. The vote for the motion was unanimous.

Vice-Chair Kubelka introduced agenda item B3., stating that the next Planning and Zoning Commission meeting would be on Monday, February 1, 2020, at 5:00 p.m.

Vice-Chair Kubelka introduced agenda item C1., Elect Planning and Zoning Commission Chair and Vice-Chair. Commissioner Hogue nominated Commissioner Kubelka as Chair, and Commissioner Myska seconded the motion. Commissioner Hogue nominated Commissioner Myska as Vice-Chair and Commissioner Schultz seconded the motion. The vote for the motion was unanimous.

Chair Kubelka introduced agenda item C2., Swearing in newly appointed Planning and Zoning Commissioners Aimee Frederick (Position 2) and Melissa Schultz (Position 4). Laura Scarlato, City Secretary swore in Commissioner Frederick and Commissioner Schultz. Chair Kubelka thanked Commissioners Frederick and Schultz for agreeing to serve the committee.

Chair Kubelka introduced agenda item C3a., Public hearing to receive comments for or against a request by Randy McClendon on behalf of Shakil Lakhani and Anita Kermally, to replat approximately 1.016 acre tract of land in the Joseph Kuykendahl League Survey, Abstract No. 49; also being a replat of Lots 19 & 20 of Block 2, Estates at Lakes of Williams Ranch Sec. 1 as recorded in Plat No. 20180168 of the Fort Bend County Plat Records to create one lot. The proposed replat is called Estates at Lakes of Williams Ranch Sec. 1, Partial Replat No. 4. Hearing no public comment, the agenda item was closed.

Chair Kubelka introduced agenda item C3b., Review and recommendation of a final report to City Commission for a replat of Lots 19 & 20 of Block 2, Estates at Lakes of Williams Ranch Sec. 1 as recorded in Plat No. 20180168 of the Fort Bend County Plat Records as Estates at Lakes of Williams Ranch Sec. 1, Partial Replat No. 4 – 1.016 acres of land – 1 Block – 1 lot – 0 Reserves. Mr. Abraham explained that the applicant is proposing to combine two lots, Lot 19 and Lot 20 of Estates at Lakes of Williams Ranch Section 1 into one large lot. He indicated that Staff recommends approval of the replat conditioned upon addressing the comments listed in the report. Commissioner Myska moved to forward Staff's recommendation of conditional approval to the City Commission. The motion was seconded by Commissioner Hogue. The vote for the motion was unanimous.

Chair Kubelka introduced agenda item C4., Review and recommendation of a final report to City Commission for a Preliminary Plat – Lamar CISD Maxine Phelan Elementary School – 15.835 acres of land – 0 Lots – 1 Block – 1 Reserve. The subject site is a proposed school site within Veranda Master Planned Development. Mr. Abraham explained the subject site is owned by Lamar Consolidated Independent School District and is the site for a proposed elementary school. He added that the proposed use of the subject site for a school was approved by the City Commission through a General Plan amendment in March 2018 and recommended approval of this preliminary plat. To avoid a conflict of interest, Commissioner Hogue abstained from any discussion and voting. Commissioner Frederick moved to forward Staff's recommendation of approval to the City Commission. The motion was seconded by Commissioner Myska. The vote for the motion was unanimous.

Chair Kubelka introduced agenda item C5., Review and recommendation of a final report to City Commission for a Preliminary Plat – Mandola Farms Section Two – 25.0 acres of land – 109 Lots – 3 Blocks – 3 Reserves. The subject site is a section within Mandola Farms Residential Development located on the south side of U.S. Highway 90A, demarcated by Hennessey Road, Edgewood Drive, and Damon Street. Mr. Abraham explained that the proposed subdivision is located within Mandola Farms Residential Development which is governed by a Service and Development Agreement between the City of Richmond and Meritage Homes. He added that the proposed preliminary plat is in conformance with the approved General Plan for Mandola Farms Master Planned Community and presented staff's recommendation of approval of the replat conditioned upon addressing the comments listed in the report. Chair Kubelka asked if there was a school planned for this subdivision, and Mr. Abraham confirmed that no school is planned. Commissioner Myska expressed her concerns about not seeing any green space. Mr. Abraham explained that entryway landscaping, splash pad, park area including a gazebo are planned for Section One. He further explained that the section includes regular 50' and 55' wide single-family residential lots. Commissioner Frederick asked if the development was located within Richmond's City limits. Mr. Abraham confirmed it being within the City limits and mentioned that the property is zoned General Residential which allows the proposed development. Chair Kubelka inquired

about the access to the overall development and any potential traffic issues in the area. Mr. Abraham explained a Traffic Impact Analysis was reviewed and approved by the City Engineer as part of the approval of the General Plan. He added that the development is not anticipated to cause any traffic-related issues. Mr. Abraham explained that there are two access points; first on the North side from US90A which was recently annexed into the City limits, and the second access would be on the West side from Damon Street. Mr. Abraham showed the approved General Plan for Mandela Farms to provide better clarity. Commissioner Myska moved to forward Staff's recommendation of approval to the City Commission. The motion was seconded by Commissioner Hogue. The vote for the motion was unanimous.

Chair Kubelka introduced agenda item C6a., Public hearing to receive comments for or against a request by Vincent Ramos (owner of the subject site) for a Conditional Use Permit to allow the operation of a convenience store with the sale of limited fresh produce and grocery at the subject site located at 1117 Powell Street and to the extent the Conditional Use Permit deviates from the Future Land Use Plan of the Comprehensive Master Plan, to provide for an amendment thereto. Chair Kubelka, Commissioner Hogue, and Commissioner Myska generally discussed the proposed CUP. Hearing no public comment, the agenda item was closed.

Chair Kubelka introduced agenda item C6b., Consideration of the approval of a final report to City Commission on Agenda Item C6a., above. Mr. Abraham explained this is a Conditional Use Permit request to allow the operation of a convenience store with the sale of fresh produce and limited grocery at the subject site located at 1117 Powell Street. He explained that the subject site is located on the north side of Richmond and that the site includes an existing commercial building that was built prior to the adoption of the UDC in 1978. He added that the building was previously used to sell freshly made Tamales, however, the building has been vacant since the adoption of the UDC. According to him since the subject site is currently zoned GR, General Residential the subject site cannot be used for a commercial use. Additionally, he explained that the UDC requires that if a non-conforming use is discontinued for a period of six months, for any reason, it shall not be resumed unless an application for conversion to conforming use is made before the end of the six-month period. Mr. Abraham also explained that the property owner was under the impression that the status of the property as commercial could be maintained if the utility connections were maintained. He added that even though utility connections have no bearing on legal non-conformance, staff has confirmed that the utility connection were maintained since June 4, 2015.

Mr. Abraham summarized the analysis of the requested CUP as follows:

- The subject site is faced with a unique situation of an existing commercial building in fair condition on residentially zoned property, with non-residential uses in close proximity.
- The Unified Development Code (UDC) acknowledges that in many instances minor nonconforming uses are integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy objective of protecting its neighborhoods.
- If the property owner had applied for a CUP within 6 months of the adoption of the UDC, the proposed use could be approved.
- Due to the location, the proposed convenience store is not anticipated to attract a large volume of customers and patronage would potentially be limited to residents from close proximity.
- One of the Comprehensive Master Plan update survey input was to consider providing more Grocery related options within north side of Richmond. Due to the unique location of the property, if the requested CUP is approved, staff can consider possibilities of an incentive/ grant

program through Development Corporation of Richmond to facilitate sale of fresh produce and necessary grocery within the proposed convenience store.

- Comprehensive Plan Goal “D.4,” which focuses on setting aside a balance mix of residential, civic, and commercial land uses to meet the lifestyle needs of all residents and business owners guides staff’s recommendation for the requested Conditional Use Permit.

Mr. Abraham presented staff’s recommendation of approval of the proposed Conditional Use Permit (CUP) for a portion of the subject site located at 1117 Powell Street, which includes an existing non-residential building and associated parking area with the conditions listed below.

- This CUP allows no landuse other than a convenience store within the existing building on the subject site.
- The operation of the convenience store shall include sale of fresh produce and essential grocery products. Fresh produce shall include a stock of seasonal fruits and vegetables and essential grocery shall include bread, dairy products like milk, yogurt, cheese and eggs. The minimum area dedicated for fresh produce and essential grocery stock shall be:
 1. A total volume of 6’ X 3’ X 2’ as vertical shelf or floor display dedicated for fresh produce; and
 2. A total volume of 4’ X 2’ X 2’ refrigerated area for dairy related essential grocery.
 3. A total volume of 3’ X 2’ X 2’ for bread or freshly baked products.
- Minimum parking spaces required for the allowed use shall be provided on-site.
- Any significant changes, alterations, or repairs to the building or site shall conform to the current development standards for non-conforming site and buildings and OT, Olde Town district provided by the City of Richmond Unified Development Code, as applicable.
- Prior to establishing the use allowed by this CUP, a certificate of occupancy must be acquired by demonstrating conformance to all applicable Building and Fire Codes.
- Failure to offer for sale the required minimum of fresh produce and essential grocery products, described above, is cause for revocation of the CUP at the discretion of the City Commission.

Commissioner Myska mentioned that the proposed use appears to be beneficial to the neighborhood and indicated that considering the designation of the site in terms of its use in coordination with the appraisal district is important. Commissioner Hogue expressed his concerns about locating a convenient store next to a residence, especially considering sale of alcohol. He added that sale of fresh produce at convenient stores are very minimal. Commissioner Frederick and Commissioner Myska asked if the condition pertaining to sale of fresh produce can be based on a percentage of total sale instead of shelf size and volume. Mr. Abraham explained that it would be difficult to determine a minimum threshold in terms of percentage of sale. He added that since fresh produce is perishable, if the sale fluctuates, there may be profitability issues leading to failure of the business. Commissioner Myska emphasized that a business at the subject site would be better than the property being vacant. Ms. Cobbins, who lives in proximity to the subject site expressed her concerns about the proposed CUP and indicated that there are other stores in the neighborhood from where resident can buy produce. Chair Kubelka asked if sale of alcohol would be allowed due to the proximity to the Church. Mr. Lucas, Pastor of Mount Carmel Missionary Baptist Church spoke in favor of the proposed CUP and mentioned that the area is a food desert and that sale of alcohol may not be possible due to the subject site’s proximity to the church. He further expressed his understanding about the proposed project and general support of the project. Commissioner Frederick asked if the CUP would allow for prepared food and Mr. Abraham confirmed that allowance. Commissioner Frederick also asked if any proposed changes to the building will be reviewed by the Commission, to which, Mr. Abraham explained that proposed changes to the building will be reviewed and approved administratively upon ensuring conformance to the Unified Development

Code. Commissioner Myska asked Ms. Cobbins if she could cite a store near the subject site that sold fresh produce. Ms. Cobbins responded that there are none and explained that there is another store which sold groceries. Commissioner Myska and Mr. Lucas generally discussed the nature of the proposed store. Mr. Abraham clarified that the property owner intends to lease the building to a business and is not planning to operate the proposed convenience store himself. Mr. Vincent Ramos, the property owner provided some background on the proposed CUP and the unique situation of the property.

Commissioners generally discussed the proposal and staff's recommendation and asked why the proposed CUP is limiting the landuse. Mr. Abraham generally explained that given the residential nature of the neighborhood and provisions of the UDC, only a specific use can be considered as part of the CUP. Commissioner Myska moved to forward Staff's recommendation of approval to the City Commission. The motion was seconded by Commissioner Frederick. Commissioner Hogue explained he opposes because the City is limiting the use of the building as a grocery store. A poll was conducted. Commissioners Myska, Commissioner Frederick, and Commissioner Schultz voted Aye and Commissioner Hogue voted Nay.

Chair Kubelka introduced agenda item C7., Discuss Comprehensive Master Plan Update. Mr. Abraham briefly discussed Richmond's Comprehensive Master Plan and the progress made in the Plan update process. In explaining the update process, Mr. Abraham indicated that staff was to present recommendations for updates to City Commission in June 2020 and complete the update process in December 2020. He added that staff conducted visioning exercises with the Planning and Zoning Commission and the City Commission in February 2020 to gather their input and a community survey was also conducted. He further explained that due to the restrictions imposed by the ongoing pandemic, staff was unable to conduct the necessary listening sessions scheduled in March 2020 and subsequent discussions regarding inputs from the listening session with the Planning and Zoning Commission and City Commission.

According to Mr. Abraham's presentation, the extent of the update to the comprehensive master plan depends on how successful a community has been in implementing the Action steps recommended by the plan; experiences and insights gained from the implementation process over the years; and relevance of the plan goals and recommendations determined through public engagement and changing socio-economic conditions of the Community. At the December 2020, regular city Commission meeting, Staff indicated that a review of the socio-economic trends, implementation of the Comprehensive Master Plan, and inputs received from the community survey suggests the continued relevance of the goals and direction provided by the current Comprehensive master plan. Mr. Abraham indicated that staff recommends that prior to finalizing an update to the Comprehensive Master Plan, it would be beneficial to focus on completing a few top action steps prescribed by the plan, reviewing current census data to be available in 2021, making necessary amendments to the Unified Development code, research options to conduct public engagement exercises effectively using virtual platforms to ensure successful listening sessions and maximize community engagement. Staff recommended focusing on the aforementioned activity in 2021 to make the Comprehensive Master Plan update process more meaningful and effective for the community. Commissioner Schultz asked about census data availability. Mr. Abraham explained that some data might available in March, and by the end of 2021, there might be some usable data available. Commissioner Schultz suggested that it is important to factor in census data in the Comprehensive Plan update process to be able to progress as a community. Commissioner Schultz also inquired about the Community survey and Mr. Abraham explained that the survey is available on the website and it included questions seeking inputs that would help us understand the community's preference for the comprehensive planning process. Commissioner Schultz emphasized the

need to market the survey to maximize public engagement in order to know the pulse of our community.

Chair Kubelka introduced agenda item C8., Consider agenda item requests by Commissioners for February 1, 2021 regular meeting. Hearing none, the agenda item was closed.

Chair Kubelka introduced agenda item C9., Development related Staff updates. Mr. Garcia provided an overview of development projects discussed at pre-application conferences and currently undergoing Site Development Plan review since the last regular meeting. Following projects were discussed:

- A pre-application conference to discuss 401 Austin Street. The applicant discussed a 4-dwelling unit apartment for this site. Staff informed the applicant a multi-family use was not permitted under the current Olde Town Zoning Designation. Staff provided permitted commercial and residential uses for the site. The applicant was made aware the site would need to be replatted for any proposed residential use at this location.
- Development of an ATM Machine at 1860 FM 359. The site includes a Bank of America ATM Machine and structure to provide protection from the elements and a drive-thru lane.
- Development of the Castro Tire Shop at 311 South 11th Street. The site was previously a Sonic Drive-in and most recently in 2019 a Nursery and Landscaping business. The applicant is proposing to use the site as a tire shop. Staff is reviewing the application for conformance to the parking, landscaping, and other applicable standards within the Unified Development Code.
- Development of the River Rich Strip Center at 445 FM 359. The development will include two separate strip centers which are 21,000 sq. ft. and 16,800 sq. ft, with associated parking and landscaping. The Site Development Plan has been reviewed in the past.
- Development of the ESG Facility at 11011 East Highway 90A. The applicant is proposing a 14,000 square foot office/warehouse building. The warehouse will store equipment for offsite use. The site development has previously gone through the review process.

There being no further business to be brought before the Planning and Zoning Commission, Chair Kubelka adjourned the meeting at 6:47 p.m.

Approved:


Katherine M. Graeber-Kubelka, Planning and Zoning Commission Chair