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Planning & Zoning Commission Meeting Minutes

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

Monday, August 7, 2023, at 5:00 P.M.

The Planning and Zoning Commission and the Richmond Historical Commission for the City of Richmond, Texas met in a regular meeting on Monday, August 7, 2023, at 5:06 p.m. A quorum was present, with the following members in attendance:

Planning and Zoning Commission

Katherine M. Graeber-Kubelka (Chair)
Juan Martinez
Aimee Frederick (Vice Chair)
David Randolph
Noell Myska

Richmond Historical Commission

Carol Edwards - Chair
Jackie Atkinson – Vice-Chair
Lonnie Meadows
Payton McGee
Gary Gillen
David Smith
Madeleine Calcote-Garcia
Jess Stuart

Staff in attendance: Mason Garcia, Planning Director; Helen Landaverde, Planner II; Christine Cappel, Administrative Manager; Gary Smith, City Attorney; Terri Vela, City Manager, Rebecca Haas, Mayor, Barry Beard, City Commissioner, and Scott Fajkus, Building Official.

Commissioner Kubelka introduced agenda A2., Recite the Pledge of Allegiance to the U. S. Flag and the Texas Flag. Pledge of Allegiance to the U.S. Flag and Texas Flag was recited.

Commissioner Kubelka introduced agenda A3., Public comments, and asked if there were any public comments. Hearing no public comments, the agenda item was closed.

Commissioner Kubelka introduced agenda item B1., Review and approve minutes from the July 3, 2023, regular meeting. Commissioner Myska moved to approve the minutes. The motion was seconded by Commissioner Martinez. The vote for the motion was unanimous.

Commissioner Kubelka introduced agenda item B2., stating that the next Planning and Zoning Commission meeting would be on Monday, September 5, 2023, at 5:00 p.m.

Commissioner Kubelka introduced agenda item B3., stating that the next Richmond Historical Commission meeting would be on Tuesday, August 15, 2023, at 5:00 p.m.

Commissioner Kubelka introduced agenda item C1., Public hearing to receive comments for or against a request by Naomi Strauss, Core Land Surveying, to replat an approximate 2.3135 acres of land and right-of-way abandonment — SCI DGV Richmond Commercial — 1 Block – 0 Lot – 1 Reserve, being a replat of Lots 1-10, Block 85, City of Richmond, recorded under Volume 8, Page 2, Deed of Records of Fort Bend County and adjoining acreage as recorded by deed under County Clerk’s File No. 2018017279, all of lots 11-14 of said Block 85 as recorded by deed under County Clerk’s File No. 2020061769, all of Tract 3: 0.158 acres, part of Front Street and Houston Road as recorded by deed under County Clerk’s File No.2018017279, all of Tract 4: Block 84 (S PT) as recorded by deed under County Clerk’s File No.201817279, said 2.1448 acre tract lying in the W. Morton Survey, Abstract 63 and J.H. Long Survey, Abstract 55 as recorded in the Fort Bend County Deed Records. The proposed subdivision is located at 405-407 Richmond Parkway and 109 Liberty Street, on the east side of Richmond Parkway and south of Liberty Street/US 90A. Ms. Landaverde gave a presentation regarding the replat and right-of-way abandonment. Ms. Landaverde explained that this would consolidate the existing lots to create one reserve in one block and that the applicant is proposing a right-of-way abandonment. Staff recommends conditional approval of the replat, and approval of the right-of-way abandonment conditioned upon the property owner to pay the City the fair market value of the property. Hearing no public comments, the agenda item was closed.

Commissioner Kubelka introduced agenda item C1b., Consideration of the approval of a final report to City Commission on agenda item C1a., above. Commissioner Myska moved to forward Staff’s recommendation conditional approval to the City Commission. The motion was seconded by Commissioner Martinez. The vote for the motion was unanimous.

Commissioner Kubelka introduced agenda item C2a., Public hearing to receive comments for or against a request by Seth L. Samuelson, Odyssey Engineering Group on behalf of DGV Group 1 Richmond LLC, for a Conditional Use Permit to allow for a drive-through facility associate with a restaurant for property located at 405-407 Richmond Parkway and 109 Liberty Street/US 90A.

City staff received two letters of opposition from Kristina and Jonathan Castillo, owner for property located at 515 South 2nd Street and Lloyd Adams, owner for property located at 503 Richmond Parkway.

Mr. Garcia read Candance Smith’s letter, her opposition to the drive-through facility citing a CBS article of June 26, 2023, traffic congestion and environmental issues.

Lloyd Adams, owner for property located at 503 Richmond Parkway, spoke against the development and explained that his family has owned land in Richmond for the past 100 years. He explained that this development is located just south of his property. In addition, he states that this will have a detrimental effect on the historical nature of Richmond. Values of properties are likely to be impacted due to the project, and no privacy barriers have been identified. According to him, if the City does not implement a barrier, he will file a lawsuit in court. Furthermore, he explained that this project will not provide any benefits to the residents; and that this project is only intended to put money in the pockets of the City. To conclude, he stated that removing 10 trees is a travesty, which illustrates that efforts should be made to conserve the environment.

Sara Jackson of Pecan Grove, 2511 Cooling Breeze Drive, Richmond, Texas 77406, spoke in opposition to the development, noting that the development destroys the small-town atmosphere of Richmond and that she is also opposed to the drive-through. She concluded by saying that this is a grave mistake to the

City to have this development go through. In her explanation, she stated that there will be protests from the residents if the proposal is approved. According to her, allowing this development to proceed would be a grave mistake for the City.

Joyce Trigger, 1718 Hearthiside Court, Richmond, Texas 77406, spoke against the drive through plans for that property. She explained that she is requesting the Commission to be wise in planning for the future of Richmond and to look beyond the current generation of residents, workers, and visitors. Her final request was for the Commission to make plans to provide beautiful and appropriate space for future generations to spend their time and money.

Commissioner Fredrick, Blockhouse coffee and kitchen at 611 Jackson Street, explained she is aware of her perceived conflict of interest from the public and wishes to be transparent in her discussions and votes on the proposed development. She explained that although this project has been presented as another coffee shop, her comments pertain to the type of building and not to the business use of the property. She wished to emphasize that the board is not voting on the final use of the building; rather, they are voting on whether to approve a specific type of building, in this case a drive-through. As she explained, a Conditional Use Permit is required by the UDC for certain building types within a district for a variety of reasons. She explains that drive throughs do not fit the description of Old Town District as indicated in the UDC, which is "To preserve the traditional and sometimes historic older areas of the City" and continues by stating, "Development within the Old Town District allows the mix of uses while preserving the traditional old town character of the City." According to her, although the City cannot specify what businesses will occupy a space, it can decide to prevent the construction of building types that do not fit into the character or historical pattern of the charming historic district. In conclusion, she requested that the developers proceed with the construction of the coffee shop, which she and her neighbors will enjoy frequenting, but they should avoid constructing a drive-through.

Ms. Landaverde gave a presentation regarding the Conditional Use Permit (CUP) to allow for a drive-through facility associate with a restaurant for property located at 405-407 Richmond Parkway and 109 Liberty Street/US 90A. She explained that the property owner is proposing to develop a commercial retail center at the subject property. The proposed drive-through facility will be for a coffee shop. The property owner is proposing to follow a similar operational format corresponding to typical coffee shops. Hours of operation will be from 5:30 a.m. to 9:00 p.m., seven-days a week and will have five staff members operating the restaurant at any given shift. She continued to explain that the developer is proposing a drive-through lane that will provide 16 queuing spaces (8' x 20'), four additional queuing spaces before the Richmond Parkway entrance, and another potential 10 queuing spaces from Highway 90A/Liberty Street entrance. The total proposed queuing spaces for the drive-through is 30. She stated that drive through and drive through facilities are permitted with and approved CUP in the Old Town District and notes that the subject property is within the Historic Overlay District as well as the West Fort Bend Management District and explains that the developer would need to meet those design development standards as well. Staff recommends approval of CUP application citing the development is contingent on meeting all of the UDC requirements and the approved CUP shall be only for a drive-through associated with a restaurant (Coffee Shop) and/or as presented on the Site Plan and/or as modified, subject to final review and approval by the Planning Director and citing Additional Conditions as seen in UDC Sec. 6.3.401E. She concluded by addressing the requested CUP for a drive-through associate with a restaurant furthers the Comprehensive Master Plan's Priority H, "to secure and diversify the City's local economy" and supports the City's goal "of keeping residents of Richmond and surrounding communities shopping in Richmond to not only maintain but also increase sales tax revenue" and supports the Plan's Vision Statement "Encourage, promote, and welcome ... business growth and development" and "Provide a

healthy business and economic atmosphere. Commissioner Martinez inquired about the buffering. Ms. Landaverde explained that the developer would need to provide a 15-foot buffer due to the residential section and the developer would need to meet landscaping requirements. Discussions about landscaping, buffers, and detention continued.

Commissioner Kubelka introduced agenda item C2b., Consideration of the approval of a final report to City Commission for Agenda Item C2a., above. It was stated by Commissioner Myska that she was concerned about traffic issues and parking issues, and that a drive-through is not consistent with the historic district's character. Commissioner Martinez moved to deny Staff's recommendation to the City Commission. The motion was seconded by Commissioner Myska. The vote to deny the motion was unanimous.

Commissioner Kubelka introduced agenda item C3, Review and consider taking action on a Tree Removal Permit request by Seth L. Samuelson, Odyssey Engineering Group on behalf of DGV Group 1 Richmond LLC, for a Tree Removal Permit to allow for a drive-through facility associate with a restaurant for property located at 405-407 Richmond Parkway and 109 Liberty Street/US 90A. Mr. Garcia gave a presentation regarding the Tree Removal Permits. He explained that the proposed tree removal permit seeks approval for the removal of six protected trees, and that the applicant has undergone several iterations of the proposed site plan. Additionally, the applicant has adjusted the sidewalk to ensure that two protected trees can remain on the property, and the proposed site plan preserves as many trees as possible while complying with all of the regulations contained within the Unified Development Code. Discussions continued regarding the permit. Based on the denial of the CUP, the Commission explained that tree removal was not necessary. Commissioner Myska moved to deny Staff's recommendation to the City Commission. The motion was seconded by Commissioner Martinez. The vote to deny the motion was unanimous.

Richmond Historical Commission

Commissioner Edwards introduced agenda item C4a., Public hearing to receive comments for or against a request by Seth L. Samuelson, Odyssey Engineering Group on behalf of DGV Group 1 Richmond LLC, for a Certificate of Appropriateness to allow for the demolition or relocation of 12 structures, 10 buildings, one shed, and one shade structure to allow for the construction of a drive-through facility associate with a restaurant for property located at 405-407 Richmond Parkway and 109 Liberty Street/US 90A. Mr. Garcia gave a presentation regarding the Certificate of Appropriateness

Jerry Tipps, Heights Venture (project architect), explained that they took the utmost care to preserve as many trees as possible. He explained due to the location of those two trees, regardless of whether a drive-through is approved or denied, the trees must be removed; therefore, it was short-cited to deny the tree removal request. According to him, the developer has done everything possible to put together a development that is consistent with the historic district, achieves its business objectives for generating revenue to pay for the redevelopment of the site, and explained to the Commission that the trees cannot be preserved in all cases. Furthermore, he explained that in his profession, tree preservation must be very selective. He explained he is very disconcerted that the Commission denied a tree removal permit because of an action or recommendation that still has to be approved and that can be modified later. As a result of these denials, the developer cannot proceed without the required permits. Continuing on the CUP issues, he explained that the City's ordinance is very specific regarding the approval or denial of the CUP permit regarding buffers. He explained regarding the overall development, the developer conducted an

inventory of all the designs within the historic district and based the design on the letter of the ordinance and with a representative building that they deemed appropriate. The time limit for the speaker expired.

Commissioner Edwards introduced agenda item C4b. Consideration of the approval of a Certificate of Appropriateness for Item C4a., above. Commissioner Gillen moved to forward Staff's recommendation approval to the City Commission. The motion was seconded by Commissioner Meadows. Commissioner Atkinson opposed.

There being no further business to be brought before the Richmond Historical Commission, Commissioner Edwards adjourned the meeting at 6:08 p.m.

Planning and Zoning Commission

Commissioner Kubelka introduced agenda item C5a. Public hearing to receive comments for or against a request by Ryan Moeckel on behalf of Mohammad and Aleyda Dosani and Car Wash System, LLC, to replat an approximate 5.881 acres of land being a replat of Lots 1 and 2, Block 4, Sovereign Shores Estates and Lot 3-A, Sovereign Shores Estates Partial Replat No. 2 and also being a 0.9781 acre tract conveyed to Car Wash System, LLC, in F.B.C.C.F. No. 2023009815, in the Jane Long Survey, Abstract No. 55, Fort Bend County, Texas. Hearing no public comments, the agenda item was closed.

Commissioner Kubelka introduced agenda item C5b. Consideration of the approval of a final report to City Commission on agenda item C5a., above. Ms. Landaverde gave a presentation regarding Sovereign Shores Estates Partial Replat No. 3 and Extension citing the proposed replat enlarges/expands three lots in the Sovereign Shores Estates subdivision. Staff recommends approval of the replat. Commissioner Myska moved to forward Staff's recommendation of approval to the City Commission. The motion was seconded by Commissioner Martinez. The vote for the motion was unanimous.

Commissioner Kubelka introduced agenda item C6. Review and recommendation of a final report to City Commission for a Short Form Final Plat – Quick N Clean FM 762 – 2.018 acres of land – 1 Block – 0 Lots – 1 Reserves. The site is located along the eastern portion of FM 762 and just south of the George Memorial Library. Ms. Landaverde gave a presentation regarding Quick N Clean FM 762. She explained that the subject site is part of the Veranda Development, and the development agreement dictates that this site falls under the interim development regulations. The applicant is proposing to construct a carwash. Staff recommends conditional approval of the replat. Commissioner Randolph moved to forward Staff's recommendation of conditional approval to the City Commission. The motion was seconded by Commissioner Frederick. Martinez voted against the motion.

Commissioner Kubelka introduced agenda item C7a. Public hearing to receive comments for or against a request by Adam Clent, Beacon Land Services, to replat an approximate 9.3074 acres of land — La Vista — 1 Block – 1 Lot – 1 Reserves, being a replat of Lot 1, Block 1, of Farmer Road Estate, recorded in Slide No. 1648A, F.B.C.M.R., situated in the William Morton League, Abstract No. 62, Fort Bend County, Texas. The subject site is located east of Mason Road and west of Farmer Road and north of Pecan Grove MUD Water Plant #1. Hearing no public comments, the agenda item was closed.

Commissioner Kubelka introduced agenda item C7b. Consideration of the approval of a final report to City Commission on agenda item C7a., above. Ms. Landaverde gave a presentation regarding the La Vista Replat and explained the applicant is proposing residential uses for this subdivision. Staff recommends conditional approval of the replat. Commissioner Frederick moved to forward Staff's recommendation of

conditional approval to the City Commission. The motion was seconded by Commissioner Myska. Commissioner Martinez and Commissioner Randolph voted against the motion. Commissioner Kubelka broke the tie and voted for recommendation of conditional approval for the replat.

Commissioner Kubelka introduced agenda item C8a. Public hearing to receive comments for or against a request by Zainul Momin with Makmo Design LLC to rezone an approximate 21.274-acre tract of land from General Residential (GR) to Mixed-Use (MU) to the extent the rezoning deviates from the Future Land Use Plan of the Comprehensive Plan, to provide for an amendment thereto. The subject site is located at 924 FM 359, east of the Rio Vista Drive and FM 359 intersection. Hearing no public comments, the agenda item was closed.

Commissioner Kubelka introduced agenda item C8b. Consideration of the approval of a final report to City Commission for Agenda Item C8a., above. Ms. Landaverde gave a presentation regarding the rezoning and explained the applicant is proposing to redevelop the property, retail center with gas station along FM 359 and multifamily apartments towards the east side of the property. Staff recommends conditional approval of the replat. A lengthy discussion was held regarding the rezone. Commissioner Frederick moved to forward Staff's recommendation of conditional approval to the City Commission. There was no motion for a second. Motion died.

Commissioner Kubelka introduced agenda item C9. Staff update on a proposed annexation request of: (a) A parcel of land containing 21.274 acres, located at 924 FM 359 in the William Morton League, Abstract No. 62, in Fort Bend County, Texas and being that certain tract of land (called "21.275 acres") described in that certain instrument to Clark Family Properties, LP, recorded in under Clerk's File No. 2005016526 in the Official Public Records of Fort Bend County, Texas. (b) A parcel of land containing 1.216 acres, located at 1221 FM 359, in the Randall Jones 1/2 League, Abstract 42, Fort Bend County, Texas, being all of a tract of land conveyed unto Rekcute Holdings Inc by deed as recorded under County Clerk File No. 2004027997 of the Official Public Records of Fort Bend County, Texas, being out of a 7.00 acre tract out of a 42.14 acre tract of land as recorded in Volume 963, Page 812 of the deed of records of Fort Bend County, Texas. Mr. Garcia gave a presentation on the annexations.

Commissioner Kubelka introduced agenda item C10. Comprehensive Master Plan Update – Kick-off meeting – Summary. Mr. Garcia gave a presentation regarding the Comprehensive Master Plan Update. In his explanation, he stated that the conversation focused on the timeline and the process of completing the project. He explained that the consultant gained early input and direction, as well as highlighting the unique characteristics and circumstances of Richmond. Further, he explained that the consultant provided an interactive presentation that allowed the commissioners to reflect on the past ten years, the opportunities and challenges they perceive for Richmond's future development. To conclude, he stated that members of the City Commission, as well as members of the Planning and Zoning Commission, shared their opinions regarding what should be incorporated into the Comprehensive Master Plan Update.

Commissioner Kubelka introduced agenda item C11., Development related staff update.

The pre-application projects discussed included the following proposed projects:

- 20400 SW Fwy – Hookah Lounge and Bar
- 1500 Main Street – Daycare
- 1500 Jackson Suite 100 & 250 – 5 Star Learning Academy Child Daycare
- City Limits & ETJ – Cemetery

Projects under review discussed included the following proposed projects:

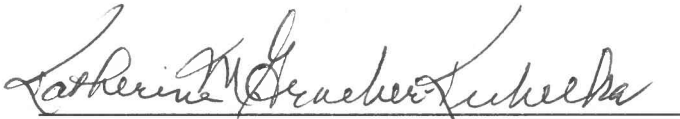
- Escambia Way Dr | R351653 – Improvement of Gabion Mattress at Jones Creek
- 735 Plantation & 2015 Harlem Rd – Plantation Retail Center
- 22235 SW Fwy – Pit Stop Express
- 4400 FM 723 – Foster High School Additions
- 1006 FM 359 – IL Richmond K-8 School
- Indigo Section 1 Roads – Sidewalks and Landscaping
- 23337 SW Fwy – Kelsey Seybold Clinic
- 1221 FM 359 – Snap Fitness and Annexation
- Indigo Section 1 – Parks

Commissioner Kubelka introduced agenda item C12., Excuse from attendance at regular Planning and Zoning Commission Meeting. All Commissioners were in attendance.

Commissioner Kubelka introduced agenda item C13., Consider agenda item requests by Commissioners for September 5, 2023, regular meeting. No topics were mentioned.

Commissioner Kubelka introduced agenda item C14., Adjournment. There being no further business to be brought before the Planning and Zoning Commission, Commissioner Kubelka adjourned the meeting at 6:45 p.m.

Approved:



Katherine M. Graeber-Kubelka (Chair)