

Scott Shelburne, Chairman  
Anne Sundquist, Vice Chairman  
Josh Jakubik, Secretary  
Trevor Brown  
Robert Franklin  
Holly Knee  
Tom Mayhew



City Administrator, Don Doering  
City Secretary, Kandice Garrett  
City Attorney, Leonard Schneider  
City Engineer, AEI, Mike Kurzy  
Planning Consultant, Tana Ross

## **MINUTES OF THE PLANNING & ZONING COMMISSION PUBLIC HEARING AND REGULAR MEETING MARCH 24, 2022**

A meeting of the Planning & Zoning Commission was held on March 24, 2022, beginning at 6:00 p.m. in the Sewall Smith City Council Chambers located at 18111 Buddy Riley Blvd., Magnolia, Texas 77354.

### **1. CALL TO ORDER**

Chairman Scott Shelburne called the regular meeting to order at 6:00 pm.

#### **a. INVOCATION**

Tom Mayhew delivered the invocation.

#### **b. PLEDGE OF ALLEGIANCE**

Chairman Scott Shelburne led the Pledge of Allegiance.

#### **c. ROLL CALL AND CERTIFICATION OF QUORUM**

Chairman Scott Shelburne called roll and certified a quorum present with the following Planning & Zoning Commission members in attendance: Scott Shelburne, Anne Sundquist, Josh Jakubik, Trevor Brown, Holly Knee and Tom Mayhew.

Absent: Robert Franklin

Staff present: City Administrator Don Doering, City Secretary Kandice Garrett, Planning Consultant Tana Ross, and City Engineer Mike Kurzy.

### **2. OPEN PUBLIC HEARING**

Chairman Shelburne opened the Public Hearing at 6:01 p.m., read the Notice of Public hearing aloud and asked for any public comments.

### **NOTICE OF PUBLIC HEARING**

On March 24, 2022 at 4:30 pm City of Magnolia Planning and Zoning Commission will hold a public hearing in the Council Chambers of Magnolia City Hall, 18111 Buddy Riley, Blvd., Magnolia, Texas 77354, giving all interested persons the right to appear and be heard, and to discuss:

- Text amendment to the Unified Development Code, Chapter 6, Sec. 6-1-4.01 Freestanding Temporary Signs.
- Conditional Use Permit for 302 Acker St.

There were no comments.

### 3. **CLOSE PUBLIC HEARING AND CONVENE REGULAR MEETING**

Chairman Shelburne closed the Public Hearing and convened the Regular Meeting at 6:02 p.m.

### 4. **CONSENT AGENDA**

*This portion of the agenda consists of items considered to be routine and will be enacted by one motion unless separate discussion is requested by a Commission member or a citizen.*

#### a. **CONSIDERATION – APPROVAL OF MINUTES**

Consideration and possible action to approve the minutes of the meeting held February 17, 2022.

**MOTION:** Upon a motion to approve Consent Agenda made by Josh Jakubik and seconded by Anne Sundquist, the Commission members present voted and the motion carried unanimously, 5-0.

### 5. **REQUESTS/ PETITIONS FROM THE PUBLIC**

None

### 6. **PUBLIC COMMENTS**

*(For matters not on the agenda. Comments shall be limited to **three (3) minutes per person**. Comments by the Commission members shall be limited to:*

- Statements of specific factual information given in response to an inquiry;*
- A recitation of existing policy in response to an inquiry;*
- A proposal to place the subject on a future agenda.*

Richard L. Nunley, 735 Little Twig Ln., Magnolia, TX 77354, spoke to the Board regarding a request to move a mobile home on his property and believes he should be grandfathered in considering the new zoning laws which prohibit mobile homes on his property.

### 7. **ANNOUNCEMENTS**

*(Hear announcements concerning items of community interest from the Board Members of the Planning Commission and City Staff for which no action will be taken or discussed.)*

None



**8. UPDATE ON CITY OF MAGNOLIA DEVELOPMENTS**

Planning Consultant Tana Ross presented this item which was also provided in the Monthly Project Report in the Board's Packet and briefly shared along with City Administrator Don Doering and Permitting Tech Christian Gable the following: HEB is being held up due to refrigeration parts getting to the company so a delay in opening possibly in July or further out in October, approximately 100 homes are being connected to water each month, a new well site is in the works with two additional following, the sewer plant is nearly complete, CVS is planning to open in July, a new burger restaurant coming in Brookshire Brothers shopping center, a carwash under construction, Pristine OBGYN is opening a business, duplexes in Magnolia Village South just came in before the meeting, Chase Bank will be breaking ground soon at Spur 149 and FM 1488 and Parkside Capital developers are developing the area as intended and have also purchased land at FM 1774 and FM 1486 by the high school in a City MUD which is part retail and part multi-family where some may be annexed by the City.

**9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MUSTANG RIDGE SECTION 3, PRELIMINARY PLAT, +/-25.5 ACRES**

Planning Consultant Tana Ross presented this item and recommended approval.

**MOTION:** Upon a motion to approve Mustang Ridge Section 3, Preliminary Plat, +/-25.5 acres made by Anne Sundquist and seconded by Josh Jakubik, the Commission members present voted and the motion carried unanimously, 5-0.

**10. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MAGNOLIA RIDGE SECTION 20, PRELIMINARY PLAT, +/-41.3 ACRES**

Planning Consultant Tana Ross presented this item and recommended approval.

**MOTION:** Upon a motion to approve Magnolia Ridge Section 20, Preliminary Plat, +/-41.3 acres made by Josh Jakubik and seconded by Holly Knee, the Commission members present voted and the motion carried unanimously, 5-0.

**11. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ESCONDIDO SECTION 7, PRELIMINARY PLAT, +/-32.2 ACRES**

Planning Consultant Tana Ross stated the plat has been reviewed by City Engineer and recommended approval.

**MOTION:** Upon a motion to approve Escondido Section 7, Preliminary Plat, +/-32.2 acres made by Holly Knee and seconded by Josh Jakubik, the Commission members present voted and the motion carried unanimously, 5-0.

**12. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ESCONDIDO SECTION 9, PRELIMINARY PLAT, +/-13.1 ACRES**

Planning Consultant Tana Ross stated the plat has been reviewed by City Engineer and and recommended approval.

**MOTION:** Upon a motion to approve Escondido Section 9, Preliminary Plat, +/-13.1 acres made by Anne Sundquist and seconded by Josh Jakubik, the Commission members present voted and the motion carried unanimously, 5-0.

**13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MAGNOLIA VILLAGE SOUTH, PRELIMINARY PLAT, +/-76.993 ACRES**

Planning Consultant Tana Ross stated the plat has been reviewed by City Engineer, a letter of no objection provided, and recommends approval.

**MOTION:** Upon a motion to approve Magnolia Village South, Preliminary Plat, +/-76.993 acres made by Trevor Brown and seconded by Anne Sundquist, the Commission members present voted and the motion carried unanimously, 5-0.

**14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE JIFFY LUBE, FINAL PLAT, +/-0.7100 ACRES**

Planning Consultant Tana Ross stated the plat has been reviewed by City Engineer, a letter of no objection provided, and recommends approval.

**MOTION:** Upon a motion to approve Jiffy Lube, Final Plat, +/-0.7100 acres made by Josh Jakubik and seconded by Holly Knee, the Commission members present voted and the motion carried unanimously, 5-0.

**15. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MILL CREEK ESTATES, SECTION 6A, FINAL PLAT, +/-21.885 ACRES**

Planning Consultant Tana Ross stated the next three items will be postponed to another meeting.

**16. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MILL CREEK ESTATES, SECTION 6B, FINAL PLAT, +/-8.706 ACRES**

Item postponed to another meeting.



**17. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MILL CREEK ESTATES, SECTION 6C, FINAL PLAT, +/-13.110 ACRES**

Item postponed to another meeting.

**18. CONSIDERATION – TEXT AMENDMENT TO THE UNIFIED DEVELOPMENT CODE, CHAPTER 6, SEC. 6-1-4.01 FREESTANDING TEMPORARY SIGNS**

Consideration and possible action to approve text amendment to the City of Magnolia Unified Development Code, Chapter 6 Signs and Lighting, Sec. 6-1-4.01 adding Banners to Freestanding Temporary Sign standards.

Planning Consultant Tana Ross presented this item and brought before the Board due to the requests that continue to come in to the City. Tom Mayhew raised a question regarding processes for clarification and there was further discussion.

**MOTION:** Upon a motion to approve text amendment to the City of Magnolia Unified Development Code, Chapter 6 Signs and Lighting, Sec. 6-1-4.01 adding Banners to Freestanding Temporary Sign standards made by Anne Sundquist and seconded by Holly Knee, the Commission members present voted and the motion carried unanimously, 5-0.

**19. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONDITIONAL USE PERMIT FOR 302 ACKER STREET ALLOWING MIXED-USE, INCLUDING A WAREHOUSE/OFFICE BUILDING**

Planning Consultant Tana Ross presented this item and explained that under the UDC there is a table that lists what is allowed and if not listed then a conditional use process must occur including a public hearing and decided upon by City Council. The responsibility to the Board is to closely review what would become a site plan according to the use and recommends denial due to the fact that the applicant has stated there will be wholesale usage in the mixed-use.

Noe Almaguer, 18922 Greater Oaks Ct., Houston, TX 77084 who is the architect representing the applicant explained the plan for two buildings; one with retail and residential and another with a warehouse (like a storage facility) with a small office and an apartment for residential in the back. The Board reviewed the plans in the back of the room. There was further discussion and the Board decided to amend their motion.

**MOTION:** Upon a motion to approve a Conditional Use Permit for 302 Acker Street as allowed mixed-use in the Unified Development Code made by Anne Sundquist and seconded by Josh Jakubik, the Commission members present voted and the motion carried unanimously, 5-0.

**20. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SITE PLAN/PERMIT FOR JIFFY LUBE AT 218 SMITH STREET**

Planning Consultant Tana Ross noted that the City Engineer has reviewed the site plan and Pat Carrigan, with ALJ Lindsey for Jiffy Lube gave a presentation on how they have maximized the space including the landscaping plan. There was further discussion.

**MOTION:** Upon a motion to approve a site plan/permit for Jiffy Lube at 218 Smith Street made by Tom Mayhew and seconded by Anne Sundquist, the Commission members present voted and the motion carried unanimously, 5-0.

**21. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SITE PLAN/PERMIT FOR MAGNOLIA HARDWARE AT 19025 FM 1488**

Planning Consultant Tana Ross presented this item and explained the request is to pour a 4,000 square foot slab for a non conforming building and how that relates to the Unified Development Code which states non conforming buildings shall not be extended or enlarged. The question before the Board is does placing an existing building on a new slab extend the non conforming use? The work has already begun prior to approval. The existing non conforming building has been taken down and the applicant wants to put it back together on the new slab.

The applicant, Keith Rusk, manager with Magnolia Hardware, addressed the Board and stated the building was deconstructed and it did sit on a 4,000 square foot slab and the prior use was for retail storage for the store's inventory. They want to pour the new slab opposite of where it was, move some buildings around and eventually build a new store and tear down the old store. There was discussion regarding the UDC guidelines pertaining to a building that was in place prior to the adoption of the UDC as it stands and the allowance to reduce but not enlarge or extend it and many other code issues identifying the concerns with the site plan/permit in an auto-urban commercial zone. Tana Ross recommended the Board answer the question she presented at the beginning approving or disapproving based on that or deny and recommend to the applicant that they come back with a conditional use permit (because they have a non conforming structure) with a phase site plan including the building in question. Staff informed the Board they were not in favor of setting a precedent and that it was not a good idea to also approve 3 foot setbacks where 25 foot is required also considering the property is surrounded by public roads and negating policy. Further discussion occurred and the Board decided to take a roll call vote.

**MOTION:** Upon a motion to approve a site plan/permit for Magnolia Hardware at 19025 FM 1488 made by Josh Jakubik and seconded by Tom Mayhew, the Commission members present voted as follows Holly Knee – Aye, Trevor Brown – Nay, Anne Sundquist – Nay, Tom Mayhew – Aye, Josh Jakubik – Aye, and the motion passed, 3-2.

**22. DISCUSSION – UNIFIED DEVELOPMENT CODE CHAPTER 2 LAND USE TABLE**  
(Chair Scott Shelburne)  
Discussion concerning Light Industrial as a Conditional Use in Business Park districts and possible text amendment.



Planning Consultant Tana Ross presented this item recommending Conditional Use be considered on a case by case basis.

**23. CONSIDERATION AND POSSIBLE ACTION TO SET PUBLIC HEARING DATE FOR TEXT AMENDMENT TO CITY OF MAGNOLIA UNIFIED DEVELOPMENT CODE – CHAPTER 2, TABLE 2-2-1.02 LAND USES ADDING CONDITIONAL USE FOR LIGHT INDUSTRIAL IN A BUSINESS PARK DISTRICT**

Planning Consultant Tana Ross presented this item and noticed a correction to move “C” to Business Park District and not SV.

Anne Sundquist left the meeting at 8:00 p.m.

**MOTION:** Upon a motion to set a public hearing for the next meeting date for text amendment to City of Magnolia Unified Development Code, Chapter 2, Table 2-2-1.02 Land Uses adding Conditional Use for light industrial in a business park district made by Tom Mayhew and seconded by Holly Knee, the Commission members present voted and the motion carried unanimously, 4-0.

**24. PRESENTATION BY CITY ENGINEER REGARDING AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEES (City Administrator Don Doering)**

City Engineer Mike Kurzy presented this item and informed the Board that in October 2021 AEI prepared a report based on the current Capital Improvement Plan that was prepared by Strand Engineering and made some changes (last report was done in 2019) and because costs have increased the City needs an update. The report indicated that there are two ways to calculate impact fees by the City; one is to look at revenue credit and the other way is to look at 50% credit, meaning you can't charge impact fees in access of what you might already be getting through revenue and the revenue would be through taxation typically. Based on Strand's record AEI calculated the maximum fee for revenue credit for water was \$2,552 and the maximum fee for revenue for sewer was \$5,969. Using the 50% method for calculations the water impact fee would be \$2,126 and the sewer fee would be \$5,027. The current water impact fee is \$1,600 and the sewer impact fee is \$3,200. At those levels the City is losing money on impact fees and does not allow the City to build to support all this development. Mr. Kurzy recommends the impact fees be raised to something more comeasurate that would pay for those facilities. It is recommended that the impact fee be raised to \$7,400 with water at \$2,200 and the sewer \$5,200 which is a 25% increase and his recommendation is for the Board to forward these findings on to City Council for consideration. Impact fees for several surrounding cities range anywhere from \$2,500 up to over \$10,000. Those surrounding cities who are going through their expansion are much higher and those who have already gone through their growth are lower. This is a calculation based on 10 years and not any further than that. If you raise the impact fees you can also lower them when another assessment is required.

**MOTION:** Upon a motion to approve the written report of recommendations by AEI Engineering to go to City Council regarding amendments to land use assumptions, capital improvements plan, or impact fees as presented made by Tom Mayhew and seconded by Holly Knee, the Commission members present voted and the motion carried unanimously, 4-0.

**25. FUTURE AGENDA ITEMS**

None

**26. ADJOURN**

**MOTION:** Upon a motion to adjourn made by Josh Jakubik and seconded by Tom Mayhew, the Commission members present voted, the motion carried unanimously, 4-0 and Chairman Shelburne adjourned the meeting at 8:11 pm.

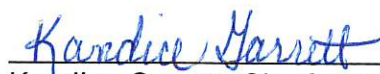
Planning & Zoning Commission

  
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Scott Shelburne, Chairman

**CERTIFICATION**

I certify this to be a true and correct copy of the minutes of the meeting of the City of Magnolia Planning and Zoning Commission held on March 24, 2022.

**ATTEST:**

  
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Kandice Garrett, City Secretary