



**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
March 11, 2020**

1. CALL TO ORDER

The Notice of the Meeting and Agenda having been duly posted in accordance with the legal requirements and a quorum being present, the meeting was called to order by Chair Brown-Marshall, at 7:00 PM.

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Tim Haney
John O'Malley
Gloria Lucas
Monica L. Rasmus
Courtney Johnson Rose
James G. Norcom III

Commissioners Absent:

Hugh Brightwell
James R. Bailey

Councilmembers Present: None

Staff Present:

Otis T. Spriggs, Director of Development Services
Jennifer Gomez, Planning Manager
Thomas White, Planner II
Gretchen Pyle, Interim Planning Specialist
Jeremy Davis, Assistant City Engineer, Public Works
Egima Edwards, Planning Technician
Jamilah Way, First Assistant City Attorney
Glen Martel, Assistant City Manager
Randy Troxell, Assistant Director of Parks and Recreations

Others Present: Cynthia Ramirez; STOA Architects, Mario Bolullo; STOA Architects, Leronia Boughton, Flamingo Stringfellow, Laurie Chapa; LJA Engineering, Joe Douglas Webb; Webb Architects, Kevin Zhang, Joel Scott.

3. READING OF THE MINUTES

- A. Consider approval of the minutes of the February 12, 2020 Planning and Zoning Commission Meeting.

Motion: Approval of the February 12, 2020 minutes.

Made By: Commissioner Lucas

Second: Commissioner Rasmus

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed.

4. REPORTS

A. COMMISSION REPORTS

- (1) Chairperson of the Planning and Zoning Commission
Chair Brown-Marshall thanked Egima Edwards for registration of Commissioners' to attend the National Planning Conference of 2020.
- (2) Planning and Zoning Commissioners
None.

B. STAFF REPORTS

- (1) Development Services
 - a. Director – Otis T. Spriggs
None
- (2) Engineering
 - a. Assistant City Engineer – Jeremy Davis
None

5. PUBLIC COMMENT

None

6. PLATS

A. CONSENT AGENDA

- (1) Consider an application for a preliminary plat for Shipman's Cove Section 2
- (2) Consider an application for a preliminary plat for Parks Edge Section Nine
- (3) Consider an application for a final plat for a final plat for Parks Edge Section 13

- (4) Consider an application for a final plat for Sienna Section 27
- (5) Consider an application for a final plat for Sienna Section 35A

Item (2) was pulled from the consent agenda for a separate discussion.

Commissioner Johnson Rose acknowledged that Shipmans Cove was an item that several citizens showed up concerning and asked if the applicant/developers had attended recent homeowner's association meetings of the adjacent subdivisions.

Otis Spriggs, Director of Development Services, stated that for preliminary plats, a meeting with homeowners associations is not a requirement. Staff was not aware of any additional meetings.

Motion: To approve items (1), (3), (4) and (5) on the Consent Agenda.

Made By: Commissioner Haney
Second: Commissioner Norcom III

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed

- (2) Consider an application for a preliminary plat for Parks Edge Section Nine

Chair Brown-Marshall asked if the parkland dedication was good and for clarity on the Commission's action of "approved with conditions".

Gretchen Pyle, Interim Planning Specialist, presented the item. Ms. Pyle informed that the applicant will need to provide a written response addressing the conditions.

Vice Chair Haney asked if the written response needs to be provided prior to submittal of the final plat.

Jennifer Gomez, Planning Manager, stated that a written response would be for the drainage plan. The other three items would be submitted with the final plat application.

Jeremy Davis, Assistant City Engineer, stated that the Parks Edge development was required to provide a master drainage plan for the last portion of the development. Two drainage plans have been submitted for the first sections to the south and a portion in the middle. The next phase of drainage plan needs to be submitted, which includes Parks Edge Section Nine.

Ms. Gomez informed that the section stating "required with final plat application" are not conditions of approval, rather will become part of the checklist for the final plat application. The items including providing a revised concept plan however the section conforms to was previously approved in terms of the location and minimum lot sizes. The only change needed is the layout of the road network and lots shown on the section. Ms. Gomez informed that this would not be a substantive change to what was

previously approved. This change can be made on the concept plan and submitted with the final plat.

Ms. Gomez informed that a parkland dedication for the Parks Edge subdivision was previously approved. Prior to the recordation of the subject plat, cash in lieu of land will need to be provided along with a notation on final plat.

Chair Brown-Marshall asked about the location of the notes.

Ms. Gomez informed that the parkland dedication should be referenced on the plat with the reserves. Notes for the restrictive covenants are also provided on the plat as well.

Motion: To approve with conditions Consent Agenda item 6.A.(2).

Made By: Commissioner Haney
Second: Commissioner Johnson Rose

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed

7. ZONING MAP AMENDMENTS

A. PUBLIC HEARING FOR A SPECIFIC USE PERMIT

- (1) To receive comments for or against a request by Guillermo Sahagun, Purser Architectural, seeking a SUP, Specific Use Permit to allow for the location of a place of assembly in an approximate 2,488 square foot lease space in the Missouri City Central shopping center; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

Jennifer Gomez, Planning Manager, presented the item. Ms. Gomez informed that the applicant had already entered into a lease for the subject site. The applicant had been permitted as a business occupancy group with a maximum occupancy of 49 persons. Shortly after receiving a Certificate of Occupancy, the applicant requested to increase their occupancy from 49 persons to 100. The applicant's proposes to provide a place of assembly for individuals to have daily prayer at the subject site.

Ms. Gomez informed that if the use is approved, all building and fire code requirements would still be required.

Ms. Gomez informed that the subject site is located in a high priority area for the community and the City Council, as reflected in the Comprehensive Plan. Staff's recommendation is to allow a temporary location for the Specific Use Permit, not to exceed a five year timeframe. This timeframe should allow the applicant time to find a suitable location for the particular use, expand in accordance with their needs and will allow continued City redevelopment efforts in the area.

Ms. Gomez informed that the use was completely indoors.

Commissioner Johnson Rose asked if the tenant had a five or three year lease.

Ms. Gomez stated that she was not sure.

Commissioner Johnson Rose stated that her recommendation would be if the applicant had a three year lease, to reduce the permitted use from a five years to three years.

Chair Brown-Marshall asked if the applicant decided to abandon the lease before the five year period of time, if someone else enters that lease with the same type of assembly, would they be able to occupy with the same term.

Vice Chair Haney asked if the ending of the use could be tied to the termination of the use for the applicant.

Jamilah Way, First Assistant City Attorney, provided that land use always runs with the land so the consideration wouldn't be about who is using the property.

Leronia Boughton, 2331 Quail Place Dr, stated she lives behind the old movie theater. Ms. Boughton was not clear on why a previous applicant was not allowed to move into the shopping center and the current applicant was being considered. Ms. Boughton informed that she was against the application for a Specific Use Permit and questioned the noticing process.

Chair Brown-Marshall stated that there are mailing requirements to notice property owners within 200 feet of the subject property. Homeowner's associations (HOAs) within proximity are also notified. The City relies on the HOAs to assist in pushing the information to property owners. The purpose of why the building sold or did not sell to a previous applicant is not considered by the Commission.

Ms. Boughton asked how would other votes be provided if neighbors did not receive notice.

Ms. Gomez clarified that it was not a vote but a comments that the public can provide for or against a request. The public can use the protest/support form that was mailed out to adjacent property or download a copy from the agenda packet on the City's website.

Motion: To close the public hearing.

Made By: Commissioner Johnson Rose

Second: Commissioner Lucas

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed

(2) Consideration of the approval of a final report City Council on item 7A(1) above.

Motion: The Planning and Zoning Commission forwards a positive recommendation and final report to City Council.

Made By: Commissioner Lucas

Second: Commissioner Haney

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Lucas

NAYES: None

ABSTENTIONS: Commissioner Rasmus

The motion passed

B. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

- (1) To receive comments for or against a request by Joe Douglas Webb, AIA. Webb Architects, to amend PD, Planned Development District No. 96 (Ordinance O-15-54) to revise the size plan and amend the regulations and restrictions; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

Jennifer Gomez, Planning Manager, presented the item. Ms. Gomez informed PD 96 was originally approved in 2014, amended in 2015. The developer and design team has been working since that time on the infrastructure, road network, mix of uses, and utilities within the PD.

Ms. Gomez informed that the location is to the west of the Fort Bend Parkway, east of where Parks Edge is under construction, north and south of Lake Olympia.

Ms. Gomez informed that PD 96 provides for a mix of uses to include residential, office, retail, and community facility uses. The focus of the amendments are in the use regulations, use district regulations, height and area regulations, and development schedule. The applicant would also like consideration to add a process for minor and major modifications moving forward. The proposed amendments to the architectural design regulations are to align the PD language to what the City can and cannot enforce per the last legislative session.

Ms. Gomez informed that staff's recommendation is to approve the amendments with conditions contained in the report.

Ms. Gomez summarized the amendments as follows:

- **Use regulations:** PD 96 currently provides for two sub-districts; a residential sub-district for the location of townhomes (mid-density residential), and a commercial district which includes several areas for mixed uses, general commercial retail and multifamily uses. The PD provides for a maximum of 20 acres for multifamily uses with a density of 35 units per platted acre or approximately 700 total multifamily dwelling units.

The proposed amendments include adding condominium uses, designating the specific areas for multifamily uses and mixed uses and to add a traditional neighborhood and community facilities district.

Ms. Gomez informed for multi-family districts, staff's recommendation was to move it out of the commercial subdistrict since the specific areas have been defined and place within the residential subdistrict.

Commissioner Norcom III asked about the daycare shown on the site plan and

the distance requirements to the 7-Eleven gas station currently under construction.

Ms. Gomez stated that the City adopted the State's requirement on the sale of alcohol and the distance requirements from uses including hospitals, churches, school, and daycares. For daycares, there are certain types of alcohol permits and licenses that are exempt.

Ms. Gomez provided that staff had asked that the applicant provide clarification on a proposed educational institution within the PD. The applicant has provided for a possible Montessori school / educational facility. The staff recommendation would include an educational institution use to be permitted within the mixed use areas shown on the revised site plan.

Ms. Gomez informed the staff recommendation is to restrict multifamily and condominium along the Lake Olympia Parkway frontage and require that the mixed use areas combine two or more uses that are permitted in the district so that it is truly a mixed use component.

Ms. Gomez informed that the Traditional Neighborhood subdistrict would allow for all of the uses permitted within mixed use subdistricts and provide for the addition of concert and performance halls, outdoor amphitheaters.

Staff also requested that the applicant provide clarification on a proposed helipad. The applicant has provided that it would allow an opportunity for a medical use to locate a helipad landing site in the location. The staff recommendation would include allowing for the location of a helipad site but restricting it to the traditional neighborhood subdistrict.

Ms. Gomez informed that the community subdistrict includes parks, green space, courtyards, and amenities would provide an opportunity to connect into the Parks Edge trail system. This subdistrict would also include the future location for city's Fire Station #6.

- **Use district regulations:** The proposed amendment to the use district regulations are to make them consistent with the subdistricts as proposed and to allow for the Mixed Use 1 (MU-1) and the Traditional Neighborhood District to follow the MF-2, multifamily residential regulations. The community subdistrict would follow the CF, community facility district regulations.
- **Height and area regulations:** The proposed amendment to the height and area regulations include removing the acreage limitation on multifamily development since the areas are defined and to maintain the maximum 700 multifamily dwelling units and a maximum of 35 dwelling units per platted acre but include condominium uses. Any multifamily use proposed in the mixed use subdistrict should be limited to being placed on a second or higher floor in a building.
- **Modifications:** The proposed amendment would provide for some flexibility to future amendments or modifications to the site plan. A proposed process for major and minor modifications was discussed. A minor modification could be approved by staff. A major modification would be considered an amendment to the PD.
- **Development Schedule:** The proposed amendment would revise the

development schedule to allow for construction of the condominium and multi-family uses to run concurrently with the momentum the developer was making on nonresidential uses.

Vice Chair Haney asked if the developer was agreeable to staff's recommendations.

Ms. Gomez informed that they were.

Chair Brown-Marshall asked if each time an amendment was presented, would it change the timeline from the date of initial approval.

Ms. Gomez stated the applicant's proposal was to have a 15-year timeline for the PD. Currently the PD has a five year timeline. Unless Council approves a different timeline, development activity would need to happen within the five year period, or the site plan and proposed uses would expire.

Joe Webb, AIA / Webb Architects, informed that due to the growth of the area, the developer was sparked to move forward with the next level of development. The City's Comprehensive Plan mentions concepts of village centers, which allows the developer an opportunity to move in that direction.

Chair Brown-Marshall asked Mr. Webb if it was possible to shift the multi-family as recommended by staff.

Mr. Webb indicated that they believed it to be a good consideration, especially on Lake Olympia. The proposed changes would provide a buffer by putting retail, office, those kinds of commercial uses along the major thoroughfare and residential would be behind that.

Joel Scott, developer, informed that the infrastructure had taken a long time due to cost sharing delays.

Jerry Cogan, 3506 Crestwood, president of Municipal Utility District #47, informed that he was concerned about drainage.

Jeremy Davis, Assistant City Engineer, informed that the City's Engineering division is currently in the process of updating watershed maps. The scoping process had begun and the proposed application is a part of this process.

Vice Chair Haney informed that wet retention is within the development.

Motion: To close the public hearing.

Made By: Commissioner Haney

Second: Commissioner Johnson Rose

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed

- (2) Consideration of the approval of a final report to City Council on item 7B(1) above.

Ms. Gomez asked if the motion included the educational and helipad uses.

Commission replied that it included all comments.

Motion: The Planning and Zoning Commission forwards a positive recommendation and final report to Council.

Made By: Commissioner Haney
Second: Commissioner Johnson Rose

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed

C. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

- (1) To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive plan, to provide for an amendment therefrom.
- (2) Consideration of the approval of a final report to City Council on item 7C(1) above.

Jennifer Gomez, Planning Manager, presented the item. Ms. Gomez informed that the PD was created in 2018 as a mixed use development. The location is along Highway 6, south of Glenn Lakes and north of Lake Olympia.

Ms. Gomez informed that the proposal would make changes to the height and area regulations. Architectural standards would be in conformance with current law. The applicant requested changes to the development schedule.

Ms. Gomez informed that the amendment includes a reorientation of the nonresidential buildings to minimize as much potential noises and odors. A slight change was made to the layout of the townhomes however the total number of proposed units remained at 42. For the condominiums however, the applicant proposed an increase to 296 condominium units from 168 units currently permitted by PD 106. The condominiums would be constructed within 2 buildings; each containing 148 units.

Ms. Gomez informed that proposed amendments to the building heights do not subsequently change the PD 106 regulations. However, the proposed increase in the number of condominium units was likely an amendment to the maximum density regulations. The applicant was asked to provide the acreage associated with the condominium area.

Vice Chair Haney asked what the density allowance is in the existing ordinance.

Ms. Gomez stated PD 106 allows for a maximum of 15 units per gross platted acre.

Ms. Gomez informed that amendment includes a request to construct all of the residential uses in phase 1. Staff's recommendation is to amend the development schedule, however only to allow for the construction of one condominium building or 148 condominium units and all of the townhomes units concurrent with the non-residential development. Based on the occupancy of those uses, the developer would be able to proceed to phase 2.

Mario Bolullo, STOA Architect, informed that upon the approval of the application, they would be ready to move forward. Mr. Bolullo requested that they be permitted to build 70 percent of the residential and 70 percent of non-residential uses more or less at the same time.

Kevin Chen, 6819 Lupe Ln., asked about the existing concrete wall, height of the proposed buildings, lot size, Highway 6 traffic and noise.

Motion: To close the public hearing.

Made By: Commissioner Haney
Second: Commissioner Norcom III

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed

Vice Chair Haney asked about the distance of Colony Lakes residential homes to the proposed commercial portion of the development.

Mr. Bolullo stated that the distance is 250 feet.

Vice Chair Haney stated any commercial uses abutting residential would not have any additional screening requirements, given the fact that they are that far away.

Ms. Gomez stated it would be based on the location of the common property line between the nonresidential and residential uses. There is an exception when they align along a drainage facility or street with a minimum width of 40 feet that would change screening requirements.

Commissioner Lucas asked for clarity of the proposed 3-story or 5-story buildings.

Ms. Gomez stated the proposed 3-story buildings are for commercial uses and the 5-story buildings are proposed for condominium uses.

Vice Chair Haney asked if the townhomes changed.

Ms. Gomez stated that the townhomes did not change.

- (2) Consideration of the approval of a final report to City Council on item 7B(1) above.

Motion: The Planning and Zoning Commission forwards a positive recommendation and final report to Council.

Made By: Commissioner Haney
Second: Commissioner O'Malley

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus,

NAYES: Commissioner Lucas
ABSTENTIONS: None

The motion passed

8. ZONING TEXT AMENDMENTS

None

9. CLOSED EXECUTIVE SESSION

The Planning and Zoning Commission may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code.

10. RECONVENE

Reconvene into Regular Session and Consider Action, if any, on items discussed in executive session.

11. ADJOURN

Motion: To adjourn

Made By: Commissioner Haney
Second: Commissioner Lucas

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

NAYES: None
ABSTENTIONS: None

The motion passed



Egima Edwards
Planning Technician