



MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
August 9, 2017

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
John O'Malley
Reginald Pearson
Courtney Johnson Rose (Left at 9:30)
Douglas Parker
Len Goff, Jr.

Commissioners Absent: Commissioner Haney, Commissioner Anand, Commissioner Brightwell

Councilmembers Present: None

Staff Present:

Scott Elmer, Assistant City Manager
Otis T. Spriggs, Director of Development Services
Evelyn Kimeu, Assistant City Attorney
Jennifer Thomas Gomez, Planning Manager
Jennifer Hobbs, Assistant City Engineer
Thomas White, Planner II
Nancy Desobry, Office Manager

Others Present:

Tracy Spencer
David Bragg
Jeff Gaspar
Ramona Kipfer
Greg Schmidt
Rev. G. Rivers
John Moore

Apolina Melchor
Patricia Armstrong
Carol Andrews
Stephanie Anderson
Kristin Thornborrow
Derrick Spencer

Mary Villareal
Larry Ainsley
Lamont Waits
Richard Mason
Lola Davis
Renise Petrie

- 3. ELECTION OF OFFICERS** – Consider electing Chairman, Vice Chairman and Secretary of the Planning and Zoning Commission.

Chairman Sonya Brown-Marshall, Vice Chairman Timothy Haney, and Secretary John O'Malley were re-elected to their respective offices by acclamation.

4. READING OF MINUTES:

- (1) Chairman Brown-Marshall called for any corrections or additions to the July 12, 2017, regular Planning and Zoning Commission meeting minutes.

Motion: Approval of the July 12, 2017. meeting minutes

Made By: Commissioner Pearson

Second: Commissioner Goff

AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff

NAYS: None

ABSTENTIONS: Chairman Brown-Marshall, Commissioner Parker

The motion passed.

5. REPORTS

A. COMMISSION REPORTS

- (1) Chairman of the Planning and Zoning Commission
None
- (2) Planning and Zoning Commissioners
None

B. STAFF REPORTS

- (1) Development Services
a. Director
None
- (2) City Engineer
a. Assistant City Engineer
None

6. PUBLIC COMMENT

None

7. PLATS

A. CONSENT AGENDA

- (1) Consider ratifying the approval of the final plat for Plantation River Parkway
- (2) Consider approval of a preliminary report for BN Triple Net Plat
- (3) Consider approval of a preliminary report for Sienna Parkway Section 4 Street Dedication
- (4) Consider approval of a final plat for Zeringue Humidor
- (5) Consider approval of a final plat for Parks Edge Recreation Center

(6) Consider approval of a final plat for Parks Edge Boulevard

Chairman Brown-Marshall requested that items 5 and 6 be removed from the consent agenda for discussion.

Motion: The Planning Commission grant conditional approval of the consent agenda items 1, 2, 3, and 4

Made By: Commissioner Rose
Second: Commissioner O'Malley

AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker

NAYS: None

The motion passed.

Ms. Jennifer Thomas Gomez, Planning Manager, reported that revised staff reports had been provided to the Commissioners changing the recommendation from disapproval to approval. The applicant had made clarifications and received a variance to answer some of the comments. This allowed for the recommendation to approve the final plat for Parks Edge Boulevard, and the final plat for Parks Edge Recreation Center.

Motion: The Planning Commission grant conditional approval of the consent agenda items 5 and 6

Made By: Commissioner Pearson
Second: Commissioner Goff

AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker

NAYS: None

The motion passed.

B. PUBLIC HEARING AND CONSIDERATION OF A REPLAT OF MUNDIAL DEVELOPMENT PARK

Mr. Thomas White, Planner II, presented this item stating this is a replat of the old Stock Lumber Yard and the applicant agreed to all of the comments.

- (1) Consider approval of a replat of Mundial Development Park.

Motion: To close the public hearing
Made By: Commissioner Goff
Second: Commissioner Pearson
AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker
NAYS: None

The motion passed.

Motion: The Planning Commission grant conditional approval of the replat of Mundial Development Park
Made By: Commissioner O'Malley
Second: Commissioner Parker
AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker
NAYS: None

The motion passed.

C. FT BEND PARKWAY BUSINESS PARK

- (1) Consider approval of a concept plan for Ft. Bend Parkway Business Park

Mr. White presented this item stating this is a portion of PD #88. John Moore, LJA, stated there were no issues with the comments.

Motion: The Planning Commission grant conditional approval of a concept plan for Ft. Bend Parkway Business Park
Made By: Commissioner O'Malley
Second: Commissioner Pearson
AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker

NAYS: None

The motion passed.

- (2) Consider approval of a preliminary plat for Ft. Bend Parkway Business Park

Mr. Otis Spriggs stated the Development Agreement and Strategic Partnership agreement line item was clarified.

Ms. Jennifer Gomez stated for background, this is PD #88, on the east side of the Ft. Bend Parkway. The developer and applicant are setting up this property to be able to market and sell for future development. The extension of Hurricane Lane north of Trammel Fresno to Lake Olympia has been completed, reflected in the boundaries of the concept plan. The concept plan also connects detention areas and a future lift station to help support future development in that area. The comments on the report are customary and not out of the ordinary in terms of the conditions for the report.

Motion: The Planning Commission grant conditional approval of a preliminary plat for Ft. Bend Parkway Business Park

Made By: Commissioner O'Malley
Second: Commissioner Pearson

AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker

NAYS: None

The motion passed.

8. ZONING MAP AMENDMENTS

A. PUBLIC HEARING FOR A ZONING MAP AMENDMENT

- (1) Public hearing to receive comments for or against a request by Ryan Moeckel, Texas Engineering and Mapping Company to rezone an approximate 9.725 acre tract of land from LC-3 retail district to R-5 townhouse residential district, to construct a residential subdivision; and to the extent such rezoning deviates from the Future Land Use Plan of the Comprehensive Plan, to provide for an amendment therefrom. The site is located south of The Storage Place (1924 FM 1092), east of the Lakes at Brightwater residential subdivision, west of the intersection of FM 1092, and 5th Street and the Casa Vaqueros Mexican Grill (2140 FM 1092).

Mr. White presented this item stating the developer is seeking to rezone approximately 8.7248 acres from LC-3, retail district to R-5 townhouse residential district to provide for a mixed-use development along FM 1092 at 5th Street. A portion of the original parent tract will remain LC-3 retail district which will allow for the property frontage to be developer with 3 proposed commercial retail buildings totaling approximately 32,600 sq. ft. of leasable space. The proposed rezoning provides for residential townhomes in the rear to be served by a 100 ft. wide

public street entry, leading into 50 ft. private streets for the residential access. It is staff's recommendation to approve the zoning of the subject property to R-5, townhouse residential district. The market analysis completed as part of the 2017 Comprehensive Plan update indicated that the FM 1092 corridor had the best opportunity for office and/or commercial development of the four corridors considered. However, development potential for both markets is linked to household growth including the growth of higher density residential development within the area. The zoning of this property to allow for the location of a higher density residential development, while maintaining the allowance for nonresidential development along the frontage of FM 1092 should provide additional support for growth as described through the Comprehensive Plan.

Mr. Derrick Spencer, 2210 Waterford Village Boulevard, showed photos of the view from his back yard to the proposed development and requested consideration. The construction of the townhomes and strip center is a gross intrusion of his privacy in his backyard, noise, lighting, etc. He is not a fan of the strip center because he is a Missouri City policeman and knows what comes with that.

Ms. Gomez reminded the Commission that the item presented is a straight rezoning. All of the standards of the R-5 district would apply.

Mr. Spriggs commented on the screening for R-5 townhouse district. In terms of the standard setbacks, the requirement is a front yard setback of 25', rear yard of 20', side yards are typically 10'. In terms of density, they cannot do more than ten units per gross acre, and they are well under that particular threshold. In terms of the landscaping requirements, any parking lot would have to be screened appropriately residence to residence. There is no requirement in the rear. The aerial view shows the separation with the natural drainage area in the rear.

Chairman Brown-Marshall asked the width of the rear drainage area and fencing.

Ms. Gomez stated it was wide, between 70' and possibly 100'; in width.

Mr. Spriggs stated the fencing could be wrought iron or privacy fencing would be allowed. That is a private drive to access the units, feeding off of a public right-of-way. The main drive would serve the commercial and that right-of-way would extend to this particular acreage on the plat and from that point it becomes private with a gated entrance.

Ms. Gomez stated this is just the land use, and what is presented is just a concept of what it could look like.

Motion:	To close the public hearing
Made By:	Commissioner Goff
Second:	Commissioner Rose
AYES:	Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker
NAYS:	None

The motion passed.

- (2) Consideration of the approval of a final report to City Council on item 8A(1) above.

Motion: The Planning Commission adopt this as a final report and forward to City Council with a positive recommendation.

Made By: Commissioner Rose
Second: Commissioner O'Malley

AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker

NAYS: None

The motion passed.

B. PUBLIC HEARING FOR A SPECIFIC USE PERMIT

- (1) Public hearing to receive comments for or against a request by Pastor Ollie Lamar Ard of Cornerstone Baptist Church for an SUP, Specific Use Permit, to allow for the continued location of a church and to allow for the construction of an additional building to be used for classroom and office space; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom. The subject site is located at 2719 Kingsbrook Lane, north and west of the Asian American Baptist Church, south of Cartwright Road, east of the Quail Valley Townhomes, and west of Bahia Faith of Missouri City.

Mr. White presented this item stating Cornerstone Baptist Church is located on 2.675 acres and has been operating under the original LC-2 local retail district. Religious worship uses under the current code require a specific use permit approval. The church has been utilizing a temporary portable building for its Sunday school and midweek teen classes for the past 13 years. The church desires to replace the accessory building with a permanent 4,026 sq. ft. expansion that will connect to the main edifice building. In addition to the classroom spaces, the proposal includes an office, restrooms, and storage space. The proposed expansion is not allowed under the current non-conformance code standards; therefore, this request will bring the use and its expansion into compliance. Staff recommends approval of the proposed SUP to allow for the continued use of the subject site as a church.

Motion: To close the public hearing

Made By: Commissioner Goff
Second: Commissioner Parker

AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker

NAYS: None

The motion passed.

- (2) Consideration of the approval of a final report to City Council on item 8B(1) above.

Motion: The Planning Commission adopt this as a final report and forward to City Council with a positive recommendation.

Made By: Commissioner Pearson
Second: Commissioner Goff

AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker

NAYS: None

The motion passed.

C. PUBLIC HEARING FOR A SPECIFIC USE PERMIT

- (1) Public hearing to receive comments for or against a request by Pastor Gerald Rivers, St. John Missionary Baptist Church for an SUP, Specific Use Permit, to allow for the continued location of a church and to allow for the restoration of an existing building and other site improvements, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom. The subject site is located at 6731 Oilfield Road, north of the Creekstone Village at Riverstone Residential subdivision, south and east of the Colony Lakes residential subdivision.

Ms. Gomez presented this item stating Saint John Missionary Baptist Church was founded as St. John Colored Baptist Church in 1869. The church was organized by a group of freed slaves. The church has operated at its current location for more than 100 years. As the church has stood in this location, development of several residential subdivisions have occurred in areas surrounding the church site. The Riverstone master planned community includes subdivisions just south of the church site and the Colony Lakes residential subdivision wraps around the property to the north, east and west. While visible from Oilfield Road, a levee system buffers and largely screens the church site from view of the Colony Lakes residential subdivision.

In 2006 an arsonist set fire to the one building on the church's property. Since that time this 1,500 square foot church building has been without utility service. The church remains in operation as a condition of several of the original property deeds. The condition provides that the property must remain in use as a church or revert back to the original owner(s) or their successors.

Since word of the arson and the history of the church has become known within the community, the remaining church congregants have been assisted by many groups and entities in an effort to help restore and preserve this piece of the area's history.

Ms. Gomez stated the applicant has provided a proposed site plan and color elevations for the restoration of the church building and associated site work. The plan includes improvements to the overall site to address drainage and detention issues, providing for a parking area. In

February 2017 a historical marker was placed at the church site by the Texas Historical Commission.

The effort to restore the church includes the desire to provide “historically-appropriate design and materials for the project.” These historically-appropriate materials include the use of wood siding, wood frames with a brick skirt around the building and a metal mesh frame cover to enclose a porch. Section 7A.4 of the City’s Zoning Ordinance provides modified architectural standards for buildings or structures existing prior to September 20, 1999. These modified standards include an exemption from the percent use of a primary material, the requirement to provide an architecturally pitched roof or element, and for the use of corrugated metal. The site would be subject to these modified standards; however, the proposed use of materials would not meet the requirements of these modified standards. Staff recommends approval of the use of the proposed materials and colors as presented. The Commission should consider the historical significance of the subject church site and provide flexibility from the City’s architectural standards to allow for the preservation and continued use of this building. As provided, this church has been located on this property for more than 100 years. The development of the City has taken shape surrounding the church. However, the history of the church in this location has been shown to be integrally connected to the overall communication. Staff also recommends approving the proposed site plan as the landscape plan in concept and allow for the relaxation of landscaping requirements which would require, in part, transitional buffer yards, parking lot screening and landscaping within the parking lot, the provision of interior landscaping and subsurface irrigation. Due to the historic significance of the subject site, the applicant is seeking to adhere to the purpose of the City’s landscaping requirements while being considerate of the sensitive nature surrounding redevelopment of the property. The applicant has provided that the redevelopment of the existing church would maintain a maximum occupancy of 50 persons. The proposed building addition is anticipated to add another 40 persons. A total of 21 parking spaces are proposed initially for the subject site. An additional 23 spaces are proposed at a future time. Staff recommends allowing the use of the proposed sign design provided that such sign encasement consists of a masonry product. The colors for such sign should be muted to match, blend and/or compliment the church site or the surrounding neighborhoods.

Ms. Gomez stated the applicant has provided a site plan of the proposed restoration of the church building and associated site work. While the church intends to make improvements as quickly as possible, the timeframe to complete such may exceed five years. Staff recommends the extension of the timeframe to make an application towards the completion of this project 10 years instead of 5.

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| Motion: | To close the public hearing |
| Made By: | Commissioner O’Malley |
| Second: | Commissioner Parker |
| AYES: | Commissioner O’Malley, Commissioner Pearson,
Commissioner Rose, Commissioner Goff, Chairman
Brown-Marshall, Commissioner Parker |
| NAYS: | None |

The motion passed.

- (2) Consideration of the approval of a final report to City Council on item 8C(1) above.

Motion: The Planning Commission adopt this as a final report and forward to City Council with a positive recommendation.

Made By: Commissioner Goff
Second: Commissioner Rose

AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker

NAYS: None

The motion passed.

D. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT

- (1) Public hearing to receive comments for or against a request by Ben Newell, Ridge Development Company, to rezone an approximate 29.176 acre tract of land from R-5 townhouse residential district and LC-3, retail district to PD, Planned Development District to allow for the development of a light industrial business park, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom. The subject site is located south and west of the intersection of South Cravens Road and US 90A, south of the Pine Meadow residential subdivision, east of Bolton Estates and west of the Park 8Ninety business park.

Ms. Gomez presented this item stating Ridge Development Company seeks to construct a "Class A" tilt-wall industrial business park on the subject property. Ridge Development is part of the Houston-based Transwestern Development Company which has constructed similar business parks throughout the Houston area including the Mason Creek Business Center in the Katy area and the Park 288, located at Highway 288 and Reed Road.

Ms. Gomez stated the current zoning is a mix of R-5 townhouse residential designation and LC-3, retail commercial. The area south of that, also R-5, contains a Centerpoint electrical easement. The property to the south of the site would be limited in terms of what could be developed.

The request is to allow the same uses as in PD #94 (Park 8Ninety). The Commission has been provided with the PD #94 regulations which formed the basis for the recommendations. PD #94 allows for industrial district uses which is a "catch all". Any use can be permitted in the industrial district provided it meets certain performance standards. PD #94 prohibited certain uses so that those would not be able to be located within the boundaries of that district. These uses include sexually oriented businesses (SOBs) and automotive repair shops.

Ms. Gomez stated staff recommends approval of the uses proposed; however, the Commission should consider development standards to provide for appropriate protections for the existing residential areas adjacent to the property. Ms. Gomez presented these development standards and included some revised requests from the applicant and options for the Commission to consider these requests.

Building height: Staff recommends applying the standards of the industrial district within the subject site. The industrial district does not have a height limit except for when a development is adjacent to a residential district, including multi-family districts. In that event, the maximum height limit is 40 feet. The developer is asking that the height limit be increased to a maximum of 50 feet citing that the Park 8Ninety does not have a height restriction. Mrs. Gomez discussed that the Park 8Ninety regulations apply the industrial district standards however the difference is that the business park does not have residential development immediately adjacent to it, so in essence there is no height limit in the Park 8Ninety development. Staff discussed the issue with the developer and explained the building height request may not be an issue due to how building height is defined and measured. The building height is not measured from ground level to the utmost top of the building. It is really the active areas of the building. It is the ground level to where the roof line would be. Ms. Gomez provided for the Commission an alternative to consider for their recommendation if the Commission desired to provide an increased height limit for this development. The height requirements for the LC-3 district was explained. There is no height limit in the LC-3 district; however, there is a formula to use that if a building is within a certain distance of that property line, then the height can be scaled, eliminating massive structures right up against a residential district. For flexibility the Commission can consider putting some parameters similar to the LC-3 district. The further back the taller they can get. The closer they get it would be capped. The site plan the developer provided, building 3, would be the largest building and is shown in the back of the property, approximately about 200 feet away from the property line. Based on the LC-3 formula, that building would not have a height limit. Building 2 is the one that may be capped based on what is currently presented. Ms. Gomez reminded the Commission that parapet walls are not included in the height measurement as long as parapet walls do not extend beyond 10 feet. The traditional industrial building, if there is a parapet on top, the height measurement will stop at where the roofline is.

Ms. Gomez provided for the Commission, possible recommendations: (1) stay with staff's recommendation which is to apply the industrial district standards with a maximum height of 40 feet; or (2) look at a combination of the ratio used for the LC-3 standard, keep the maximum at 40 feet and then provide the ratio within that 150 foot distance.

Residentially zoned areas: After discussion with the applicant concerning staff's recommendation, we refer to residentially zoned use district. The complication is there is a small area on the southern side going towards the CenterPoint easement. It is shown as the area currently zoned R-5. The intent of the staff recommendation is to provide as much protection as we can for the residential areas that are developing. That would be the Pine Meadows area, the Bolton Estates, and Echo Creek. Going towards Bolton Estates, the west side and the north side, ensuring that there are transitional buffer yards, including the masonry walls, including the landscaping, that there is screening on those sides that are visible or at least facing those residential areas. In the recommendation, when references are made to residentially zoned areas, we are referring to those areas. The revised recommendation is to either define residentially zoned areas as only being the areas to the west and to the north of the subject site. Or the requirement can be applied to all zones and require a transitional buffer yard on the southern side where there is no development in addition to the other sides.

Transitional buffer yards: Ms. Gomez stated in the landscaping regulations, transitional buffer yards are required where the subject property adjoins a residentially zoned area. The staff recommendation is the same as what is applied in PD #94, which is to increase the buffer yard to 30 feet. Ms. Gomez presented a fence graphic. Along both street sides, Cravens Road and Echo Creek, landscaping is required within that width. This landscaping would include a combination

of shrubs, trees, berms, different types of landscaping. Along the sides where the development is adjacent to the residentially zoned areas, the Pine Meadows side, would be the requirement for the masonry wall as well as associated landscaping. The homes along Echo Creek face the subject property and thus the residents in that area would be looking at landscaping. Photos were presented looking from the residential area along Echo Creek towards the proposed development.

After reviewing the staff recommendations, the applicant has made a few revised proposals including:

- Providing a partial masonry wall where the property abuts the Pine Meadows residential area. Due to the pipeline easement and detention, the applicant proposes doing a partial fence that would start on the edge of the detention area and extend out to the Echo Creek side.
- Providing a transitional buffer yard in accordance with Section 11.4, which would include a 20 foot landscaped buffer with the 8 foot masonry wall where the property abuts the Pine Meadows residential area.
- Only require a masonry wall along to be placed only if the dock doors of a building face the residential area or when a building is located within 150 feet of the property line, or when a driveway or parking spot is located within 50 feet of the property line.

Ms. Gomez provided that staff could not support the applicant's modified proposals that went below the City's minimum requirements for these types of uses. Ms. Gomez reminded the Commission that such a development would be required to do a masonry wall and the buffer yard along the full length of where they are adjacent to a residential area. Staff's recommendation remains what is presented within the staff report.

In response to Commissioner O'Malley, Ms. Gomez stated she was not sure about the limitations of planting trees on the pipeline. For Park 8Ninety and what is reflected in this report, canopy trees are usually required around the perimeter parking areas and then islands and diamonds with the large trees within the parking areas. Those requirements have been removed similar to the Park 8Ninety development in consideration of the pipeline easement. Park 8Ninety had the pipeline and a drainage easement and some other restrictions. However, in the case of Park 8Ninety, the landscaping was offset in other places, so the focus was on enhancing the perimeter of the development, so what the public would see driving down Highway 90A or what the public would see driving down the Beltway or Cravens Road was enhanced. Commissioner O'Malley stated that what the applicant is requesting is complicated when it comes to the residential, Pine Meadow, and the fact that the pipeline separates some of that residential area and the frontage of those two buildings. There are not going to be trees in the detention pond, and then the pipeline, then you are flush right up to the parking lot and building. What is going to block the view? If you can't put any trees there, and then you have a detention pond, then you don't want the masonry fence to cover the whole property line, what is going to block the view from the residential, Pine Meadow, to the commercial property? If they can plant trees great, if they cannot how is the view going to be blocked?

Chairman Brown-Marshall expressed her concern, even along Echo Creek, we are asking the homeowners to look at the side of a building. What is the buffer?

Ms. Gomez stated the staff recommendation is similar to Park 8Ninety, 30 foot landscape buffer. Within that buffer, the Pine Meadow side, would have an 8 foot tall masonry wall with the associated landscaping which in that case would be the canopy trees.

Commissioner Pearson asked about Echo Creek. Ms. Gomez stated there could be a combination. It is still a recommendation on the 30 foot wide transitional buffer yard, green space, but with that there can be an assortment of trees, canopy trees, smaller ornamental trees, could be a combination of shrubs and trees.

Off-street parking and loading areas: Ms. Gomez stated the applicant has asked to mirror PD #94 in terms of the standards for off street parking and loading areas. The complication with that is that PD #94 standards apply to the internal public roads. With PD #94 we tried to enhance the perimeter of the park and gave them deviations interior to the park and offset some of the screening and landscaping requirements. In this case PD #94 has two public streets running through, Buffalo Lakes and Simpson Drive. This is not applicable to this site, we do not have a public street that drives through. Staff's recommendation is that that particular condition of PD #94 does not apply, but the applicant wants the same parameters that were applied in PD #94. The adjacent properties are different, in PD #94 they are all contained within the business park. In this particular property the adjacent properties are the Pine Meadows area and the residential areas and the area to the south as well as PD #94. This site is a different configuration than PD #94.

Parking islands and diamonds: Regarding parking islands and diamonds, staff recommends mirroring PD #94 with the exception of the areas still needing to be screened from adjacent properties. With Park 8Ninety, if one business within the business park has off street parking they are not required to screen it from another business within the business park between the reserves. However, in this case what is outside of this property would not be contained within the business park, so that regulation should not apply to this particular development.

Minimum parking spaces required: Ms. Gomez stated that PD #94 spelled out the parking ratios per building, it is standard any way, a percentage based on the use within that building. If there is a large warehouse building, a portion of the building used as an office, office space parking requirements would be applied to the office space, and the warehouse parking requirements to the warehouse space. PD #94 specified that within the ordinance. The applicant is asking to carry that over, which is a change from the report because we stated to apply the standard. But staff does not have a problem putting the language into an ordinance.

Outside placement, sales and services: PD #94 defaulted to current standards which essentially requires if it is visible from, in this case Echo Creek or Cravens Road it would need to be screened by masonry. If there is an outside storage yard, a laydown yard, any kind of space that a business might use to store materials or equipment, those spaces need to be screened from the public streets or public driveway. They have to be screened by masonry. The condition that PD #94 received that if they anticipate an area that is going to be larger than 2 acres, that they would not have to use masonry walls to screen it, they could use landscaping to screen it. It was a little different condition with PD #94 because, again, we were talking about a larger space and they showed us the general areas of where those 2 acre outdoor storage areas could be located. In this case we do not know. The recommendation is to apply the standards for the industrial district. There are ways it can be done with a masonry wall, with screening by a building wall, screening by a wing wall. It may not necessitate the creation of a new structure to do it, it is just kind of positioning it so that it is adequately screened from view.

All other PD #94 regulations are recommended. This includes the performance standards, light standards, noise standards, vibration standards, odor standards as part of the performance standards, and architectural design. Park 8Ninety and the Lakeview business parks are attractive and these standards will be applied to this project. Sign regulations are the same as well as fence

regulations. The recommendation is not to use chain link fencing around the perimeter; therefore, the homes on Echo Creek area not just looking at a chain link fence; they are looking at landscaping or the softer elements. This would allow them to do internal chain link fencing.

Mr. Ben Newell, Ridge Development, the industrial arm of Transwestern Development spoke. This will be a class A tilt-wall park similar to what Trammel Crow has done with Park 8Ninety and Lakeview Business Park. They are fine with building the masonry fence on the north side. Does it really make sense to run a masonry fence 1,662 feet, the whole way, if there is a detention pond? They do not know if it is going to be a dry pond or a wet pond. It does not make sense to build a fence when it is right against a detention or retention pond. That is already a pretty significant buffer. If there are truck courts facing immediately adjacent residential property they will screen it. Building 2 is within 150 feet and they will construct a wall. If the site plan is changed and a road is run all of the way along the north, he is going to build a wall. In response to Commissioner O'Malley, Mr. Newell stated they would have to get approval from the pipeline company to plant trees. Currently there are trees on the pipeline; however, they are not maintaining that pipeline. The trees on the pipeline that are within 5 to 10 feet of the actual pipe, he is not going to disturb. Commissioner O'Malley asked where they would plant any buffer. They are talking about not having a masonry wall along that residential line. Mr. Newell stated with the detention pond that is an open area. Commissioner O'Malley stated trees are usually part of the buffer. If there is a required buffer and there isn't a place to put a required buffer, meaning trees, there still needs to be an attractive buffer between the project and the residential area on that side. Mr. Newell agreed.

Chairman Brown-Marshall stated in regards to the detention pond or retention pond, there are homes that are right on the other side. You don't know what your detention or retention pond is going to look like, they might not want to look at that. It's tough to say, we'll let you stop it there, but then we would have to try to figure out some kind of way to put standards on the detention or retention pond to make it look nice so that the people would be happy. Commissioner O'Malley stated or to meeting the basic requirement of a tree buffer in between residential and the development.

Mr. Newell stated there is a 16 foot wide easement on the north side of the property line and so the residential fences do not start until the north side of the easement. There is a 16 foot buffer in there from where they will even begin their detention pond. One of the applicant's request was that when they build the masonry wall along the north side of the property, that they revert to the standard setback (20 feet), the landscape setback because the masonry wall is going to be along the property line, so it is a landscape setback and nobody looks at it except the tenants.

Commissioner O'Malley stated while referring to the development along McLain, there are trees approximately every 20 feet along the residential boundary and long term the buildings will be obscured. By giving them flexibility with not having to have landscaped buffer on the wall, long-term there won't be any trees to block the view of the building from the residential.

Mr. Newell stated they were not asking to eliminate the landscape buffer, they are just asking to go to the standard 20 foot buffer where they have the wall.

Ms. Gomez stated the difference would be, Park 8Ninety there is a 30 foot buffer around the perimeter and then offset that by taking away the requirements for islands and diamonds in the interior. When we tried to mirror the PD standards and still apply the 30 foot buffer along the perimeter, that would be the Pine Meadow side, the Echo Creek side, the Cravens Road side. That is where the 30 feet comes from. Mr. Newell is requesting to revert back to the industrial

district standards which would be a 20 foot landscape buffer, still with associated trees and still with the masonry wall.

Mr. Newell stated only in cases where there is a masonry wall. Where there is not the masonry wall, they would stay with the Park 8Ninety, which is 30 feet.

Chairman Brown-Marshall stated this is a very unique situation. Why did they choose this land? Why this piece of land?

Mr. Newell stated they chose it because they are seeing a lot of demand for industrial space in the sub-market. This is a site in Missouri City that has very little impact to the neighboring residential properties. Although there are neighboring residential properties, their streets are not being accessed. They are not asking to access Echo Creek Drive or Pine Meadow.

Chairman Brown-Marshall states the residents are just being asked to look at it. It becomes a hard balance to say okay, how can we make your project happen and also let the residents look at something that they can be satisfied with. That is the balance. To say they want to reduce some standards and go down to 20 feet over here or 30 feet over there, it would almost be a little bit easier for her to consider it if everything was at least even keel because this is a very special situation. There are homes that are around this. Did they take this into consideration?

Mr. Newell replied that they did and they thought this is an open area, this might be something that could be a wet detention pond, having a pond in your backyard as an amenity.

Chairman Brown-Marshall brought up Mr. Newell comment that he did not know if it was going to be wet or dry. It will more than likely be dry and they are unattractive.

Mr. Newell stated that on the request for the building height at 50 feet. They would request that it be 50 feet and they are fine doing a setback from the property line, as proposed 150 feet. They ask that along Echo Creek, it was mentioned that Trammel Crow does not have residential properties and has no height restriction. They are happy agreeing to a height restriction however they felt that the Park 8Ninety development is in a similar situation as the residential properties are across the street from the park, across Cravens Road. They are willing to give a setback if they could bring that down from a little bit under 150 feet, 125, plus there is a 60 foot right-of-way, 60 plus 125, which is a pretty big setback.

Commissioner Rose asked if the detention was supposed to hold all of the water, potential runoff? They do not want these homes to flood because of all of the concrete that will be directly across the street from their house.

Mr. Newell said, yes, and they are working with the City Engineer. It will be well within code.

Ms. Jennifer Hobbs, Assistant City Engineer, stated staff has not received any drainage impact analysis reports yet. That has not yet been analyzed.

Mr. Newell stated on the future land use plan for Missouri City, this site and the site to the south are identified as business parks. They are not zoned this, but the future land use plan has it.

Ms. Tracy Spencer, Bolton Estates, stated the residents are all upset. They do have protest forms filled out. Some of the basic concerns include whether there is a promise that there won't be drives that will come from Echo Creek, like driveways into the property. They don't know, they

aren't promising that. They feel like with the shrubs, those are nice, but if there isn't a wall or a fence, if there is a crime that happens at this property at these businesses, where are the thieves going to run? To them. They have already had a home invasion, a child got killed. They do not want this in their neighborhood. There are families who have been here over 30+ years. She has only be here for 17 years. They walk in the mornings, they walk at night. Some have dogs, some have leashes. They are all cool with one another. There are people from all different ethnicities that have tried to acquire this property because she is one of them. She discovered this area and drove through there at different times, no flooding issues, homes for sale, she snagged one. They liked the property on Echo Creek which used to be a corn crop. The owner that used to own the property, when the crops got to the point where they weren't taken care of any longer and it was just land, there were a lot of people who tried to buy this property and the owner was telling all of these people, we would like to sell it to people who might like to put a crop on it and keep the family tradition going. She isn't sure why they decided to sell to a business, when she knows for a fact people wanted to build homes in this neighborhood. They are basically upset. They feel it will destroy the small subdivision charm. It is a ugly site to look at. They don't want to look at a big old building. It's a family oriented neighborhood and they feel it will decrease their property values and is dangerous for traffic and crime.

Jeffrey Gaspar, 1002 Echo Creek Drive. His home is actually right in the middle of the property and he would be facing it as opposed to the Pine Meadows group, the back of their homes. He did see staff's recommendation with a focus of being appropriate and providing protection for the residents and some of the issues were addressed by the Commissioners, validating the protections he is looking for in that area. The drainage, has to be done correctly because that is a lot of concrete and metal. That corn field has absorbed a lot of flooding in that area. There is only a ditch. Has to be more than an exercise if this project is to move forward, needs to be validated. Connect all of the pipes, because if you look at the drawing, all of it is towards the rear and the detention pond is in the front. How is all of that water going to get to the opposite end? It needs to be done right if it is move forward, checks and balances need to be in place. In addition, security was briefly mentioned. Because there is no masonry wall because there is a street separating his home from this property, there is still an increase of risk to the residents there because there is a parking lot with over 74 cars that could be parked there and that was not addressed. He will have an eyesore of vehicles that now have access to walk across 150 feet to all of the homes across the street. That is not going to be addressed. A masonry wall would be fine, that would help. Somebody comes in, they have to go the same way to go out which is going to be on Cravens Road. Now they can come in and leave Echo Creek and nobody can chase them because there is a ditch. There could be a getaway car there, they can do their thing, run across the 150 feet of beautiful shrubs or whatnot. That increases risk or opportunity for something bad to happen. In addition to that, if they are out of parking spaces, there is nothing to prohibit people from parking on his street and walking across the ditch and go to that facility if they run out of parking. Again, a physical barrier like a masonry wall would prevent that from happening. Finally, the third item, he will be living in the shadow of this 40 foot structure, now they want a 50 foot structure, it might help with his electric bill, but that is going to be an eyesore. They could mask it by, as the city suggests, pushing it back to get the height requirement, that is fine. But trees on the Park 8Ninety that they are always referring to, they slashed and burned all of the trees. There are only two trees left from his view of that property. There are only two trees left after a forest that was there, and it hurt Missouri City's view from Buffalo Run Park. Now you can see Highway 90A, you can see the Beltway. You turn and the view is gone. For the scenic city we are, this does not do justice for that. Shrubs or the 30 foot easement do not matter. Trees would be nice, big trees would be nice over time to cover up the 40 foot or 50 foot building. Shrubs aren't going to do it. He is still going to see cars. I would rather have a masonry wall so he does not have to see any cars, prevent people from coming on, and then big trees to hide the view.

Sure, he may see some gray buildings, that is fine, but there wasn't any mention of trees on the Echo Creek Drive side it was just shrubs, 3 or 4 shrubs isn't going to do it. From the elevation he will probably still see bumpers of cars parked there. 180 feet is from the property line. That's like five car lengths, ten car lengths away. It is an illusion when you look at the distances involved.

Chairman Brown-Marshall indicated to Mr. Gaspar that she doesn't hear that he is opposing this building. What she hears him saying is that he opposes the fact that we do not have the drainage impact study. The second thing she heard him say is that it might almost be okay if there was a wall up all of the way around the place.

Mr. Gaspar stated when he signed his form he stated yes and no because he is torn. He did his research when he bought the property, he didn't do enough research. The property was residential, but he didn't notice it was R-5, townhomes. The minimum distance of 26 feet is the width, minimum, so that means along Echo Creek, if it is a 750 feet width, that could be 28 townhomes. That could be a minimum of 28 cars now going down that street. Keep your friends close, keep your enemies closer. What are his choices to look at. A building, if they can correct some of the problems to try and preserve what the neighbors like, walking down Echo Creek, seeing all of that, but actually they would probably feel scared. If they are walking down the street and there is a parking lot full of cars, the people can come across and watch you, can do any number of things. There is no physical barrier there to prevent that from happening. He is torn. He likes the way it was, loved seeing the corn field, love walking down that dead end street. That's exactly why he purchased there. There are more steps to be taken to, if you can bring the residents security it won't be an eyesore, move it back, that type of consideration, but what he is hearing is this is all cost saving measures. If I can just save 10 feet of wall that could be \$10,000, he doesn't know. That's what he is hearing. If this is done right, no cutting corners, and we are the Scenic City, we need to do that. I should have paid more attention to the street, because he thought there would be a barrier, a physical barrier and because it is a street that is the out. That is 700 feet of masonry wall they don't have. They are going to go along the north side, no nothing on the west side, and some on the south side, really?

Carol Andrews, 310 Pine Meadow, her husband built the house in 1981 and she has lived on Pine Meadow for 11 years. She felt that they did a good job on the Park 8Ninety project however there are things about this project which concern her. She bought up another neighbor's comments on how they slashed and burned just about all of the existing woods that were already there. She lives on the pipeline that is being referred to. Up until last year that pipeline has been maintained by one of the companies. They would actually do an aerial survey and then they would keep that area mowed. Between the pipeline and the back of her house are woods as are all of their neighbors. There were five houses on Pine Meadow until last year when they had three new ones constructed. But they all have woods existing now. What can they do to save the woods and then help satisfy these other issues, the noise, the traffic as well. If she can assist anyone as a volunteer, she would love to welcome them to see what is going on back there and assist in any way that she can. She would actually prefer the industrial park development versus the retail and the residential. She indicated concerns with the traffic impact on Cravens Road. She has lived there since it was a dirt road, now there are two lanes and a concrete turn lane. The traffic on Highway 90A in the morning is really dangerous for them. They have to exit the neighborhood out onto Highway 90A, quite dangerous there. Has there been any consideration for a traffic light there if they have these heavy industrial 18-wheelers that are coming in and out and total access is from Cravens Road. A lot of the trucks actually get lost onto tiny little Pine Meadows Drive. There is a sign on Cravens Road near Pine Meadow Drive that says, no outlet. However, they can't figure out that means dead end. So they get down there and then they jackknife into their street and then they cannot get out. A lot of times at midnight they will hear these trucks stuck

out on Pine Meadows Drive. She just wanted them to be aware that there are already situations that they have had for years with trucks getting lost down there. She does support the 40 foot height instead of the 50 foot. Do something that is new and more environmentally friendly to benefit the Pine Meadows long established residents that are already there to help the environment there. There are coyotes, bobcats, all kinds of wildlife back there. Mr. Mule's farm, was a really good neighbor for the environment. Birds, raccoons, armadillos, everybody is back there.

Lamont Waits, Pine Meadow, his property that he just purchased over the last year sits where the detention pond, two lots equaling about one-half acre of land, hasn't started building there yet, and all he is thinking about is drainage. When they built the business park that is on Cravens Road, between Cravens Road and the Beltway, his neighbor who is finishing his house now noticed the drainage was horrible, it was falling back onto his property. There were a lot of drainage issues right there on the corner. This detention pond sits directly behind his property as well as his neighbor's property. He is a businessman, he understands, but you need to go above and beyond for the residents that are in there. There aren't a lot of people, but you need to go above and beyond. The detention pond – he has a four-year old child and is concerned about his child falling into it, bugs, all of those things are playing in his mind on top of drainage. If his house is not far off the road does he need to take this into consideration when he is building his house, even though he has the plans already. There is one detention pond, but the lot is 29 acres big. It's almost like it should have more than one. That is his main concern. He does not necessarily dislike the project, but the walls need to go up. He started to try to buy property here four years ago because it was quaint, it was quiet, it was six houses. Just recently three have been put up, and he is putting one up now. He's not opposed to it, it is growth, that's almost like the inevitable. But he does believe as a builder, he has built businesses in this city, and you can't just say we're a big company, I am going to come put in this money, but you have to take care of the residents that are already there. That's why the Commission is there saying that this company or whoever is heading this project needs to meet if not exceed the standards for them as residents. He hopes that is definitely taken into consideration.

Ms. Lola Davis, 1035 Mesa Verde, her property is right next door to where the development would be. She is probably affected the most because she lives on two acres and she feels that it is really a shame that we have to try to pick between the lesser of two evils. Their homes are their largest investment and they look at where they live as a community and it is full of friends, neighbors, and they have all been there for a long time. They are all progressive and they are not opposed to change or positive growth, but the business park is not going to be of benefit to their neighborhood, nor their home values. They are all open to any compelling arguments that would tell them something different and tell us that it would be good for our neighborhood, and so far she has not heard that. The business park affects the look of the entire neighborhood, it will be two to three stories high on a street where there are only one-story homesteads. It is going to be visible throughout the whole neighborhood. Their home investments will likely drop. How does this business plan really benefit the residents of Bolton Estates? They are going to be forced to share their neighborhood with them, but they have not told them anything about how they are going to truly benefit. Personally, her home, she enjoys it the way it is and the way she has enjoyed it before could possibly be gone. Looking at the diagram, even though the building is going to be 200 feet away from her property line, there is space up to the fence where there are going to be spots for 51 trailers to park that is right next to her property. Her intentions were to invest in a residence that allowed her to have horses on a nice quiet residential street. Now she will be a neighbor to a 30 acre business park. She understands business and she understands the business park and what it wants to do, but she does not want to become collateral damage in the process of their business.

Motion: To close the public hearing

Made By: Commissioner O'Malley
Second: Commissioner Goff

AYES: Commissioner O'Malley, Commissioner Pearson,
Commissioner Rose, Commissioner Goff, Chairman
Brown-Marshall, Commissioner Parker

NAYS: None

The motion passed.

- (2) Consideration of the approval of a final report to City Council on item 8D(1) above.

Shashi Kumar, City Engineer, wanted to clarify a couple of statements that Jennifer Hobbs made pertaining to the traffic impact and the drainage impact. They have not seen a drainage impact analysis. What the drainage impact analysis would do essentially is consider what existing drainage is out there and with the new impervious area they are proposing, what the new drainage impact would be. Everything would have to be mitigated in this detention pond or a retention pond, either a wet pond or a dry pond. The footprint says a little bit about it, but what they look for is the volume, what is the storage that they are going to provide and that is dependent on the depth of the pond as well. They have not seen that and will be looking at it as part of the development to make sure that the detention is accommodated and the site is graded towards the detention part. As far as traffic is concerned, they have received a traffic impact analysis. They have reviewed it, not approved it, have commented on it. The good part is they are not proposing any access on Echo Creek Drive. If they need access in the future they will have to come back to the city and justify it for them to get the access. Currently they are proposing access from Cravens Road and they meet the driveway separation distance. Their driveway is a proposed far from the Pine Meadow Drive and they do meet the distance. Their main concern is they are trying to estimate what the amount of traffic is going to be, the nature of the truck traffic and the turning template, how they will make the turn and how the circulation is without impeding traffic on Cravens Road. Those are the comments that staff has made and they are awaiting those comments to be addressed.

Ms. Evelyn Kimeu, Assistant City Attorney, reminded the Commission about the drainage process and that is a subdivision process and not part of the zoning process. The drainage issue happens during the subdivision process.

Commissioner Rose asked about staff's recommendation for the height of the building. Ms. Gomez stated the recommendation in the report is to mirror industrial district standards which would limit it to a maximum height of 40 feet. Commissioner Rose asked if the recommendation is for the fence all of the way around at the same height. Ms. Gomez stated the recommendation on the masonry wall is a transitional buffer, it would only be triggered on the Pine Meadow portion of the property, the northern portion of the property, so the discussion in terms of Echo Creek, the Commission would have to make an additional recommendation for that because transitional buffer yards do not trigger that.

Commissioner Pearson asked that Mr. Newell return to the podium and provide comments on the expressed community concerns and whether it is feasible or is that something they would consider now that he has heard that/

Mr. Newell stated he appreciated the concerns about this and they want to be a good neighbor, that is their goal with this project. We did everything they felt like they could to be a good neighbor, setting the buildings far from the existing residences, especially the truck courts and where the truck is pulling up to the building where they purposely designed this where none of those are facing a street. The ones that are, they have no issue with putting up a masonry wall. He appreciates everyone's concerns with the detention and they are fine with drawing that request for the masonry wall along the entire northern property line.

Chairman Brown-Marshall asked if he would consider running a masonry wall all of the way down Echo Creek.

Mr. Newell stated they prefer not to. That is something they would have to talk to the owners of the property as well. The Mules are in attendance. Mr. Mule has been farming this lane since he was 16 because that impacts everything like that. One of his concerns with the masonry wall like that along an open thoroughfare is graffiti. It becomes a mural for graffiti. He has seen that in the past. He does not know if this street will have enough traffic where that will occur, but he has had issues with that at other projects he has done.

Commissioner Rose asked if it would landscaping also? Chairman Brown-Marshall stated it would be required to have beautiful landscaping.

Mr. Newell stated he actually wants to plant oleanders. They are very thick and they grow tall quickly so it creates a nice vegetation buffer for everyone to look at versus a concrete wall.

Chairman Brown-Marshall stated one question that was asked was what value or benefit is that you think that your business would bring to those homeowners that are there?

Mr. Newell stated one is that right now this is zoned commercial and it is zoned townhomes. The impact of those two uses is a lot more than you are going to see with an industrial project. They are pretty low impact from a stance of traffic and also the townhomes are built based on lot lines so there is very little open space. The impact to the public services. The water and sewer systems will be much greater. One of the things he would be concerned about regarding crime, is an off duty police officer stated earlier this evening that he knows what comes with retail centers and the crime that is associated with that. People loitering about and things like that. In a business park setting you are not going to have people just loitering here in the park looking for trouble. They are there to conduct business and then go on their way. In terms of additional income for the city, a lot of benefit in terms of property taxes and inventory taxes. There is a lot of e-commerce users in this area. There is one that has narrowed down Missouri City for two to three locations they are looking at right now. With that also becomes the ability to collect sales taxes. They are targeting those types of users for that, that are low impact. Just because this project will generate rough estimate in terms of property taxes \$130,000 a year to the City of Missouri City and then inventory taxes could easily be double that. Just because they have this, if you were to build townhomes, you have to hire more police officers, more fire fighters, get more trucks. Something like this, just because there is this business park right here, you are not having to staff up more, so it creates a benefit to the city where the city can go beautify the public spaces that do exist that were talked about, the trails and all of that. Adds more to the slush fund for that.

Chairman Brown-Marshall asked if Mr. Mule would maintain ownership of the facility once it is built or are the plans to sell that?

Mr. Newell stated he would not be an owner.

Chairman Brown-Marshall stated it would be her preference to get a wall all around the development even on Echo Creek. That has to be softened.

The Commissioners agreed that they would not like to walk out of their houses and see that.

Commissioner O'Malley stated the wall, if they make the motion and have City Council at least have to acknowledge it and discuss it, have it part of the dialogue. The goal when he first came to the Commission 20 years ago was to be a city that attracts the state's best developers. With a great staff and a great vision they have done that. Transwestern is a good developer. They are not going to build something that is going to flood the neighborhood. Just from 20 years' experience, there were some developers they didn't have any confidence in, and he has a lot of confidence in Transwestern. Tearing down trees and having buildings come up where you are used to looking at nature, yes, it makes his heart stop, he loves trees, but it is part of growth. He is glad to listen to the neighbors' voices, this is a good development. It needs to keep the standards high.

Motion:	The Planning Commission adopt this as a final report and forward to City Council with a positive recommendation including a masonry wall along the north and west boundaries, a 40 foot building height maximum, along with staff's recommendations.
Made By:	Commissioner O'Malley
Second:	Commissioner Pearson
AYES:	Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker
NAYS:	None

The motion passed.

9. ZONING TEXT AMENDMENTS

A. CONSIDERATION FOR AMENDMENTS REGARDING MOBILE FOOD ESTABLISHMENTS

(1) Consideration of the approval of a preliminary report on item 9A above.

Mr. Spriggs presented this item stating this amendment seeks to continue the allowance of special event permits which have allowed temporary mobile food vendors to gain permit approval on a case-by-case basis. Checklists and application details are also attached for consideration and will be further refined after public input. The ordinance also seeks to provide some level of standard for mobile food vendors to operate at major residential subdivision construction sites during the lunch period time frame. City Council has voiced support in allowing for food trucks in the zoning district that permit industrial uses only. As noted previously, the demand exists in areas where business owners have in the past shown an

interest in providing mobile food opportunities for their employees, who often lack the conveniences that occur along major commercial corridors. The Planning and Zoning Commission has held a number of public sessions on the topic and are recommending that Council consider providing for more flexibility in the locations and hours of operation limitations. The Commission had considered going beyond just industrial districts because the demand was in other areas, pilot study and demand. The Commission discussed entertainment and investment opportunities within the city. Since the previous meeting findings have been presented to the Fire Marshal and gained some very important public safety regulations as related to the liquefied petroleum gas or the customary tanks present on these units. It was suggested that we limit the size of the units, in terms of capacity, and also provide for 15 foot setback between the units if we were to go to the pilot study, and also there were other things within that particular section on the markup related to fire extinguishers, hood and suppression systems where grease was utilized in terms of cooking, no smoking signage, and also the use of electrical extension cords.

Commissioner O'Malley stated all of this is within the licensing. The regulations they follow now in order to be licensed by the Health Department of the State of Texas, all of that is included.

Mr. Spriggs stated these are things we did not have in our regulations. Not 100% including the tank in terms of installation and maintenance safety, they were some issues the Fire Department was concerned about. Many cities are adopting those additional standards.

Commissioner O'Malley asked if the State required those additional safety standards.

Mr. Spriggs stated the State health issues were addressed later in the document. These were some gaps we felt needed to be covered due to some concerns in terms of fire safety.

Commissioner O'Malley asked if there was any data concerning risk, has there been an incident.

Mr. Spriggs stated there are extreme incidences where the fires did occur because of the lack of maintenance of these tanks and installation. There is ongoing inspections of these tanks that needs to occur.

Commissioner O'Malley asked if this proceeds will there be inspectors? Or eventually will the State have inspectors?

Mr. Spriggs stated inspections is a part of this program as we release permits and approve permits as part of that. There are things that need to be looked at by the Chief Building Code official as well as the Fire Marshal's office. In the document reference is made to licensing, permitting inspection, and insurance. Different zoning district options are also presented as well as hours of operation.

Commissioner O'Malley asked at what point does the State take the inspections, training, regulations on and there would be one standard to meet instead of the operators trying to figure out what city regulations apply. At what point do you go to the State?

Ms. Kimeu stated currently the Fire Code as is written does not apply to food trucks that use LP gas. The only regulations in place apply to use of LP gas in an enclosed building. There are currently no regulations that cover food trucks that use LP gas; however, they are working on

getting those regulations in the International Fire Code. Eventually that will come to fruition. The proposed regulations do mirror the City of Houston regulations.

Commissioner Pearson questioned the hours of operation especially summertime hours. The vendors during the trial period are going to talk to other people and will require longer hours. That will be the standard, not the idea that it will be tweaked. If there is leeway now, food trucks are very popular in the evenings and limiting the time for their greatest amount of revenue. Keep that in mind.

Mr. Lamont Waits, Boogie's Chicago Style Barbecue, stated he does have a food truck and are in the process of obtaining another one. Based on the paperwork that he has, says hours of operation are from 11 AM to 2 PM. It doesn't say anything about an evening. What he is trying to understand is are the food trucks going to be contained to only business parks? Because who is going to be in the business park until 11? He's not. Not one business park. He is going to go to three or four if he can. The codes, how it works they are permitted in three different counties. Ft. Bend County, kind of iffy. He has to get a permit from Missouri City when he wants something. But if he is on the Sienna site, he has to go to Ft. Bend County to get a permit. Those are issues to be looked at when someone wants to permit a mobile unit. It behooves him to only get one job here and then everything else is in Ft. Bend County and everything else is in Houston. Because Aramark or Rich Foods wants him to come out, now he has to get a permit in Missouri City, a one day permit. It cannot happen like snap. If they call him today to come out for 600 people, that's \$6000, but because it is at the last minute he does not have the time to go get a permit from Missouri City or any other County. Those are things that need to be looked at. As far as like a general code, City of Houston is the hardest one to get. Ft Bend is pretty ease. Harris County is a breeze. From his standpoint, you have to look at how much revenue is that person going to be able to generate from spending \$300, \$400, \$500, \$600 for a permit if you are only going to let him come to a business park. He is not going to invest \$1000 or \$500 if he is only going to be able to go to a business park and he is going to have to compete with a thousand other trucks to come to one business park or seven or eight business parks.

Commissioner O'Malley asked Mr. Waits, if he were to write this based upon his exposure to other food trucks. Mr. Waits stated from the health aspect, he understands. Commissioner O'Malley asked if they were to get three of the best food trucks and say they want to go to Missouri City, how does he want the code to read. What limitations should we have?

Mr. Waits stated he is not trying to deviate from the health standpoint.

Commissioner O'Malley stated we want to attract the best food trucks, we want to have a system that works because we are rookies. Mr. Waits stated, systematically if he can only come to a business park he's dead, he's not going to do it. He will do it because it is his backyard. But for someone that has a business that is The Woodlands and they have to come, like tomorrow he is going to Conroe with his truck. He is going to make \$4000 at a school event. He goes to Ft. Bend next week. All of the teachers are going back to school, so they are having all of the teachers in one location.

Commissioner O'Malley asked if there was a particular area where all of the food trucks go? Mr. Waits stated he thinks his case is probably a little different because he is not a hustler with the food trucks. He goes where, a company will call me and say they want me to come there or they have a business complex. He may go to Mitsubishi or Classic Chevrolet. He goes where there is guaranteed money.

Commissioner Brown-Marshall stated she was in the Heights, but literally food trucks pull up, park on the side of the street and just as people are coming out of the shops they just eat.

Mr. Waits states it depends, because based on a city code they are not supposed to do that. He is not supposed to be able to just drive his truck and stop and set up shop. He has to have permission from whichever, like the code here, you want a place where he can use a restroom. He needs somewhere he can wash his hands. He has to have a consent form from that business stating we allow you to use our restroom if you have to. Those are letters that you have to have in the City, Harris County, they want a restroom letter. Not the customers.

He doesn't want to stay on this side of the city. With the demographics it does not patronize as well as Sienna on Fridays at Food Truck Fest. There are 1500 people there. There will be 15 trucks there and nobody will have enough food. Everybody is going to sell out. He does not want to be restricted to certain areas. He stated he is a special case because he has a brick and mortar restaurant in the city and does not want to impede on someone else. He stated the new business parks do not have a lot of employees. The pilot program could possibly be started with a preferred vendor. Just try with people that are already in the city.

Ms. Gomez stated as a brick and mortar without a truck, what perspective would you have?

Chairman Brown-Marshall asked Mr. Spriggs if the process could be simpler.

Mr. Spriggs responded that is more futuristic for the city, where we would like to be once we become more of a population center. The attempt here is to allow for that more semi-permanent permit that would allow him to go to the pilot study area and you don't have to pull a permit every day, every week. That would be for an extended period of time. That is where we are trying to go. The industrial district might not have the standards that we are trying to craft. That is where we are trying to go, but we are trying to do it in incremental steps.

Commissioner Rose leaves at 9:30 PM.

Motion:	Planning & Zoning Commission adopt this report as a preliminary report.
Made By:	Commissioner O'Malley
Second:	Commissioner Pearson
AYES:	Commissioner O'Malley, Commissioner Pearson, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker
NAYS:	None

The motion passed.

B. CONSIDERATION FOR AMENDMENTS REGARDING WINDOW COVERINGS

(1) Public hearing to receive comments for or against possible amendments to the Zoning Ordinance regarding window coverings.

Mr. Spriggs stated staff analyzed the existing Signage Ordinance, and presented general guidelines to the Planning and Zoning Commission. It was concluded that the current sign ordinance needs no further modifications at this time, and is currently effectively being enforced.

Mr. Lamont Waits, commented on his logo sign.

Motion: To close the public hearing.
Made By: Commissioner Goff
Second: Commissioner Pearson
AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker
NAYS: None

The motion passed.

(2) Consideration of the approval of a final report to City Council on item 9B above.

Motion: The Planning Commission adopt this as a final report and forward to City Council with a positive recommendation.
Made By: Commissioner Goff
Second: Commissioner Pearson
AYES: Commissioner O'Malley, Commissioner Pearson, Commissioner Goff, Chairman Brown-Marshall, Commissioner Parker
NAYS: None

The motion passed.

10. OTHER MATTERS WITHIN THE JURISDICTION OF THE COMMISSION OR THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

None

11. 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.

12. **RECONVENE**
Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.
13. **ADJOURN**

Nancy Desobry