



**MINUTES  
PLANNING AND ZONING COMMISSION  
CITY OF MISSOURI CITY, TEXAS**

November 14, 2018

**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 call to order by Chair Brown-Marshall, at 7:00 PM.

**2. ROLL CALL**

**Commissioners Present:**

Sonya Brown-Marshall  
Tim Haney  
Hugh Brightwell  
John O'Malley  
Reginald Pearson  
Douglas Parker  
James G. Norcom III  
Courtney Johnson Rose  
Ramesh Anand

**Commissioners Absent:**

**Councilmembers Present:** None

**Staff Present:**

Otis T. Spriggs, Director of Development Services  
Jennifer Gomez, Planning Manager  
Jamilah Way, First Assistant City Attorney  
Cliff Brouhard, Assistant Director of Public Works  
Thomas White, Planner II  
Mason Garcia, Planner I  
Egima Brown, Planning Technician  
Gretchen Pyle, Development Review Coordinator of Planning

**Others Present:**

J. Della Rosa / Costello, Inc, AGS, Marie Escue / LJA, David White / Tetra

**3. READING OF MINUTES:**

Chair Brown-Marshall called for a motion to accept the October 10, 2018 Planning and Zoning Commission meeting minutes.

**Motion:** Approval of the October 10, 2018 meeting minutes

**Made By:** Commissioner Haney

**Second:** Commissioner Brightwell

**AYES:** Commissioner Brown-Marshall, Commissioner Parker, Commissioner Brightwell, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Johnson Rose, Commissioner Haney

**NAYES:** None

**ABSTENTIONS:** Ramesh Anand

The motion passed.

**4. 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- Otis T. Spriggs

Reported on the General Land Office for Texas will receive applications the last week of November 2018, for individuals that are still experiencing issues with their homes pertaining to Hurricane Harvey and need additional repairs. The information will be forthcoming to Missouri City at the end of November. Individuals that are interested can contact the Planning and Zoning Department at the City of Missouri City. The department will facilitate in applying for the funds that will be handed down from the Federal Government.

Director-Spriggs introduced, standing in for Public Works as representation, Cliff Brouhard, the Assistant Public Works Director.

(2) City Engineer

a. Assistant Director of Public Works – Cliff Brouhard  
None

**5. PUBLIC COMMENTS:**

None

6. PLATS

A. CONSENT AGENDA

- (1) Consider approval of a preliminary plat for Sienna Plantation Section 33A
- (2) Consider approval of a preliminary plat for Olympia Estates Northeast Reserves
- (3) Consider approval of a preliminary plat for Dry Creek Section Two
- (4) Consider approval of a preliminary plat for Mustang Trails Section 3
- (5) Consider approval of a final plat for Hagerson Road Street Dedication Phase Two
- (6) Consider approval of a final plat for Oyster Creek Commerce Reserves D & E
- (7) Consider approval of a final plat for Fort Bend County WC&ID No. 2 Water Plant No. 6
- (8) Consider approval of a final plat for Jaffar Enterprises Missouri City

Chair Brown-Marshall moved to pull items (3) and (4) of the consent agenda for further discussion.

**Motion:** The Planning and Zoning Commission grants conditional approval of items (1), (2), (5), (6), (7) and (8) of the Consent Agenda minus items (3) and (4).

**Made By:** Commissioner Haney  
**Second:** Commissioner Pearson

**AYES:** Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Parker, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Anand

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed.

- (3) Consider approval of a preliminary plat for Dry Creek Section Two

Chair Brown-Marshall asked where Dry Creek Section Two will be developed and if it will be developed off of Dry Creek.

Chair Brown-Marshall understood the placement of the development.

Commissioner Brightwell informed that Chair Brown-Marshall was needing to clarify that the entrance in the section would come off of the Dry Creek Dr. to the north.

- (4) Consider approval of a preliminary plat for Mustang Trails Section 3

Chair Brown-Marshall asked how many lot would be developed.

Mason Garcia presented this item. Mr. Garcia informed that there would be 115 lots developed for section three.

Commissioner Johnson Rose asked if the lots would 45 ft lots.

It was confirmed as "yes".

Chair Brown-Marshall asked for a discussion on item 1(a) of the staff report, "*Section 212.014 of the Texas Local Government Code requires a public hearing prior to the approval of a replat. The applicant should note that prior to approval of a final plat pertaining to the subject location, a public hearing is required and applicable notice must be provided. The applicant may discuss with staff on timing for notification ahead of a final plat application being submitted.*"

Vice Chair Haney asked for item 1(a) to be explained.

Mr. Garcia asked if the explanation was regarding the public hearing prior to the approval of the replat.

Vice Chair Haney asked which replat the statement was regarding.

Mr. Garcia informed that it was a subdivision about ten years ago that was originally platted as Park Gate. Currently it would be a new subdivision as Mustang Trails.

Vice Chair Haney asked if the Commission had previously discussed the subdivision.

Mr. Garcia informed that Mustang Trails Section 1A and 1B was discussed.

Vice Chair Haney asked if Mustang Trails Section 3 had to be platted as well.

Mr. Garcia confirmed, "Yes".

Vice Chair Haney asked for clarification of item 1(d) of the staff report, "*The legal description of the property, including the name of the county and the survey abstract number, shall be indicated in accordance with Section 2.D (2). **Mustang Trails Section 1B must be recorded and the applicable recorded information inserted into the title block of this plat prior to final plat approval.***"

Chair Brown-Marshall asked if the plat had been recorded.

Mr. Garcia informed that the plat had not been recorded as of yet. The development needed the access to section 3.

Commissioner Brightwell asked if the plat needed to be recorded to have legal access to the right of way.

Mr. Garcia confirmed, "Yes".

**Motion:** The Planning and Zoning Commission grants conditional approval of items (3) and (4) of the Consent Agenda.

**Made By:** Commissioner Haney  
**Second:** Commissioner Brightwell

**AYES:** Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Parker, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Anand

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed.

**B. PUBLIC HEARING AND CONSIDERATION OF A REPLAT THUNDERBIRD NORTH RESERVE C**

- (1) Consider approval of Replat of Reserve "C" Thunderbird North

Mason Garcia presented this item. Mr. Garcia informed that the development is located at the northwest intersection of Cherry Hills Dr. and Texas Parkway, zoning district SUP 204, Specific Use Permit. The subdivision is of 2.8 acres, 2 reserves and 1 block. The extra reserve was being created for a cell tower.

David White, Texas Surveys, informed that he was present to answer any questions of the Zoning Commission and public.

**Motion:** To close the public hearing.

**Made By:** Commissioner Haney  
**Second:** Commissioner Johnson Rose

**AYES:** Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Parker, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Anand

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed.

**Motion:** The Planning and Zoning Commission grants conditional approval of the Replat of Reserve "C" Thunderbird North.

**Made By:** Commissioner Haney  
**Second:** Commissioner Anand

**AYES:** Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Parker, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Anand

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed.

**C. PUBLIC HEARING AND CONSIDERATION OF A REPLAT OF HIGHWAY 6 / MURPHY RESERVE A**

- (1) Consider approval of Replat Reserve "A" Highway 6 / Murphy

Mason Garcia presented this item. Mr. Garcia informed that the property is located at the southwest intersection of Highway 6 and University Boulevard, zoning district LC-3 Retail District, subdivision of 13.86 acres, 2 reserves and 1 block. Staff recommends approval of the replat, conditioned on addressing the deficiencies.

**Motion:** To close the public hearing.

**Made By:** Commissioner Pearson  
**Second:** Commissioner Parker

**AYES:** Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Parker, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Anand

**NAYES:** None

**ABSTENTIONS:** None

The motion passed.

**Motion:** The Planning and Zoning Commission grants conditional approval of a Replat of Highway 6 / Murphy Reserve A.

**Made By:** Commissioner Haney  
**Second:** Commissioner Norcom

**AYES:** Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Parker, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Anand

**NAYES:** None

**ABSTENTIONS:** None

The motion passed.

## 7. ZONING MAP AMENDMENTS

### A. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMEDEMMENT

(1) To receive comments for or against a request by Clinton Wong, President, Hannover Estates, Ltd and Sunlake Ltd to amend the regulations and restrictions of PD, Planned Development District No. 81 to allow for a mixed use development to include commercial, retail, townhomes and multifamily residential developments, 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.

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

Jennifer Gomez presented this item. Ms. Gomez informed that the property site is PD 81, Planned Development, located off of FM 1092, south of Independence Boulevard, Lexington Boulevard is located on the west side of FM 1092. The PD, Planned Development, was approved in 2012 to allow for a combination of townhouses on a minimum of 6 acres within the PD, Planned Development, and office warehouses, as well as commercial frontage, off of FM 1092. Ms. Gomez informed that the desire at the time was to tap into some of the office warehouse development that was observed. The PD, Planned Development, was designed to provide for that type of development, but to blend with the scale to the area due to not being right off of the Beltway 8 or Highway 90A.

Ms. Gomez informed that the applicant had been seeking to develop the tract and in response to the Comprehensive Plan that was adopted in 2017, the applicant was seeking to expand the residential uses on the tract and to provide additional density. Within PD 81,

Planned Development, there was a stipulation on the townhouses, in addition to the minimum acreage, that a minimum of 85% of the units consist of four units in one building. Ms. Gomez informed that there was some concern expressed by Council on the quality and design of duplexes within the City or the general area. The applicant made the application to amend those regulations.

Ms. Gomez presented the site plan and informed that FM 1092 was located on the bottom of the site plan, which was the west side of the property. Based on the site plan, the applicant proposed a combination of patio homes, multifamily as well as preserving FM 1092 frontage for commercial and retail uses. Due to the Comprehensive Plan, staff discussed the missing pieces to balance the land uses and to create a more robust opportunity for non-residential growth, employment generating uses and density. Staff's recommendation is to allow the mix of uses that the applicant proposed, with the caveat of applying the density regulations for the patio home districts which would cap the number of patio home units on the development, as well as capping the number of multifamily units.

Ms. Gomez informed that due to the conversation with the applicant since the report had been provided, the addendum was presented in the staff report. The proposal is to remove the references of the patio homes and to return to townhomes for the density to be achieved. Staff's recommendation is to support the proposal, provided that design standards are placed on the townhomes. Standards are already provided for multi-family. The standards would tie the townhome development into the multifamily design standards.

Ms. Gomez informed that under the "Clarified Revised Recommendations", the first change is to remove the patio homes and allow for townhomes to be consistent with the R-5 District regulations that would allow 10 dwelling units per platted acre and allow for attached / detached townhomes within the development. Based on the acreage shown dedicated to patio homes, patio homes would change into townhomes to achieve the 173 dwelling units that are proposed on the site plan. Ms. Gomez informed that the second part of the recommendation is to provide uniform and complimentary architectural design standards, applying Section 7(A) and the multifamily standards to all residential uses. The staff report states non-residential. Ms. Gomez clarified that it was residential uses. Any commercial use and non-residential use would already be tied the architectural standards. What would be new would be townhomes. The developer offered to provide some percentage; percentage needed to be confirmed, of masonry on the first floors of all townhomes, masonry stone would be placed on all facades of the townhomes facing any public right of ways, as Independence Boulevard and FM 1092. The balance of the sides and the rear are proposed to use siding. Siding is not permitted for multifamily, therefore, it would be a deviation to the architectural standards. The applicant is proposing 30 year asphalt shingle roofs, with standing seam metal for architectural details on the townhomes and multifamily developments. The standing seam metal roof would be used on the architectural details. The 30 year asphalt shingles on the buildings with architectural details for the buildings, and accent roofing consisting of standing seam metal is proposed.

Ms. Gomez informed that the applicant proposed a clubhouse facility for the townhouse development and one for the multifamily development. The clubhouse would have standing seam metal roof, 100% brick, stone or stucco which is consistent with the multifamily standards, with materials that are consistent with the construction of the townhomes. Both developments, townhomes and multifamily, would complement each other materials and color as well as with the monument for signage, amenities features and other details. Staff's recommendation is to adopt the architectural standards in allowing the mixed use development of townhouses consistent with the R-5 standards, multifamily consistent with the MF-2 standards and commercial / retail uses along the frontage of FM 1092.

Vice Chair Haney asked if there were 173 townhomes instead of patio homes.

Ms. Gomez informed that the density would be a maximum of 10 units per gross platted acre, which is the maximum that could be yield. It would depend on how much right of way that the developer would have to provide. Parkland dedication would need to be completed. Whether or not green space is added for private parkland within the facility, the density would be capped at no more than 10 units per gross platted acre. Ms. Gomez informed that based on the shown acreage, it would be more units than what was provided, give or take.

Commissioner O'Malley asked if it was before the two proposed clubhouses.

Ms. Gomez informed that the clubhouses were not shown on the site plan.

Commissioner O'Malley asked if there were about 400 units and that currently there were 200 units proposed for the total density of the project.

Ms. Gomez informed that if the R-5 were to be applied, it would be a maximum of 10 units for the townhomes. Based on the acreage, it would be about 181 dwellings and a maximum of 20 units for the apartments. The apartments could have up to three stories. Based on the acreage, it would be about 300 dwellings of units.

Commissioner Johnson Rose asked about the traffic analysis.

Ms. Gomez informed that a traffic analysis had not been conducted at that time and that it would be required with the type of development.

Commissioner Johnson Rose asked about the townhomes with the two car garages.

Ms. Gomez informed that the townhomes would be required to have two car garages for each unit.

Commissioner Johnson Rose asked if the dwellings were actually duplexes with one slab, two units and one roof.

Ms. Gomez informed that the applicant had not defined the development at that time and would allow the applicant to clarify. The regulations would allow attach / detached to develop duplexes, three units in one.

Commissioner Johnson Rose stated duplexes.

Ms. Gomez confirmed, "Yes".

Mr. Eric Ungar informed that what they proposed to develop is an "unattached townhome", individual slabs, and two car garages with the facades.

Vice Chair Haney asked the applicant if they were going to change the name from patio homes to townhomes.

Mr. Eric Ungar informed that the development was not attached.

Commissioner Norcom III asked for clarification if the development was not attached.

It was confirmed, "No".

Mr. Eric Ungar informed that there were gaps between the developments and that they were 30 ft. lots.

Vice Chair Haney explained that the lots were 24 ft. width with 30 ft. lot.

Mr. Eric Ungar informed that there was a standard 6 ft. gap between each unit. When it was looked at appearance wise, each lot will have 6ft between the units, however, it would only be 5 ft. It will allow Centerpoint access easements on the side of the houses.

Chair Brown-Marshall asked the applicant if the restrictions would cover both commercial and residential property.

Mr. Eric Ungar informed that the plan was to do the HOA, Homeowners Association, and the restrictions. There would be an HOA, Homeowners Association, on the townhomes. The apartments would have their own guidelines. Mr. Eric Ungar informed that he was unsure if they would incorporate commercial restrictions. The developers would try to have the HOA, Homeowners Association, maintain the median going in from FM 1092.

Ms. Gomez informed that there are already two commercial developments that have already been developed. Starbucks and Take 5 Oil Change already exists. Architectural standards were applied and any other commercial development would have the same standards.

Ms. Gomez informed that Mr. Eric, the applicant, had not introduced himself.

Mr. Eric Ungar, Skymark Development, introduced himself.

Commissioner O'Malley asked Mr. Ungar about the water drainage.

Mr. Ungar informed that the drainage would flow to Independence Boulevard. Years ago the City built the drainage on Independence Boulevard. At the current time, no detention is required on site. The plans will be reviewed by the City.

Chair Brown-Marshall asked Mr. Ungar if he was opposed to adding masonry towards other areas where it was stated that there would only be siding.

Mr. Ungar informed that the developers would like to hold the masonry to the front and sides and not the rear and rear sidings. The internal right of ways could have the first floor full masonry. From the side street internally, a full masonry unit would be seen.

Chair Brown-Marshall informed that in the future years, siding tends to look bad.

Mr. Ungar informed that the HOA, Homeowners Association, would enforce and oversee the siding.

Commissioner Brightwell asked Mr. Ungar about the roofing of 30 year shingles.

Mr. Ungar informed that there would be a 30 ft. asphalt shingle for the base part of the roof, the main structure of the roof. The standing seam would be an accent over any dormers and entry ways. It will elevate and tie into the apartment appearance.

Commissioner Brightwell asked if there would be a separate system for the accent.

Mr. Ungar informed that it would be a standing seam, with the option of slate or tile.

Commissioner Brightwell asked staff if there would be a timeline for the development.

Ms. Gomez informed that there could be phasing of the development.

Mr. Ungar informed that there was a clearing plan that had been approved by the City and they are ready to clear the site.

Ms. Gomez informed that the approach would be in the performance standards. The phasing in of the totality of the development, the percentage of the townhomes and the percentage of the multifamily, based on performance, the full build-out could occur after. That would be a better option due to it being zoning that runs with land, it would not necessarily be an expiration of the zoning. Ms. Gomez informed that the market could not be controlled, therefore it would be based on performance standards on their full build-out.

Commissioner Brightwell informed that he was ok with the phasing and wanted the development to move forward due to the area being empty for a long time.

Ms. Gomez asked Mr. Ungar to talk about their current phasing schedule.

Mr. Ungar informed that they had plans submitted for 18 acres of townhomes. It was the belief that Argie Miller was in the process of beginning the design for the utilities to serve the 18 acres. Within 12 months, the design on the apartments will begin.

Commissioner Brightwell wanted to confirm the designing in 12 months and the clearing to currently begin.

Mr. Ungar informed that the clearing for the townhomes was ready to begin development.

Commissioner Brightwell informed that there was not a TIA, Traffic Impact Analysis, and no drainage plan.

Mr. Ungar informed that that was correct and that they were the requirements for the submittal.

Chair Brown-Marshall asked Mr. Ungar about the examples of the townhomes and apartments that were presented.

Mr. Ungar informed that the townhomes were what the developers had originally planned. The plans would be revised to have the front of the development all masonry and stone. They would want to keep some of the slate shingle as an accent. For the most part, there would be a revision to show more masonry on the front.

Chair Brown-Marshall informed that the examples of the townhomes and the apartments were not the same.

Mr. Ungar informed that the developers were aware that they would have to show garages, pool, and recreation facility to meet the standards. They could meet that requirement for the color schemes.

Commissioner O'Malley asked Mr. Ungar since he had been with the company for 20 years, how confident their office was that the development would work.

Mr. Ungar informed that he worked with the company for 19 ½ years and was pretty confident. The 18 acres are were ready for clearing. Mr. Ungar informed that they wanted to have apartments in the beginning. At the time, it was not in the Comprehensive Plan.

**Motion:** To close the public hearing.

**Made By:** Commissioner Haney

**Second:** Commissioner O'Malley

Chair Brown-Marshall informed that there was one support letter for the development, reading, "The development of the property would be good for the community."

Ms. Gomez informed that there was another support letter that was received by staff that was not present at the meeting.

**AYES:** Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Parker, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Anand

**NAYES:** None.

**ABSTENTIONS:** None.

The motion passed.

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

Jamilah Way, First Assistant City Attorney, informed that the Courts were clear that a revisionary clause could not be created and that exact language could be used. A condition to the permit would be events that would have to happen prior to the zoning change. If the developer did not receive a permit by designated time, the zoning would not change. Ms. Way informed that if the developer was allowed to change the zoning and if the developer did not get a permit, then it reverts back, it would be illegal.

Chair Brown-Marshall asked Ms. Way if the Commission could set the time.

Ms. Way replied, "You can." It would be the recommendation to Council. Technically it is the Council's power.

Commissioner Brightwell asked Ms. Way if the timeline would be tied to the fact that by the time the developer received the permit, they would need to begin work within such time as the permit is issued.

Ms. Way replied, "Correct."

Chair Brown-Marshall informed that if the developer did not start the work, then it could revert.

Ms. Way informed that it would not revert. It would not trigger the zoning change.

Commissioner Brightwell informed that would be an incentive for the developers to proceed. The land is ready to be cleared, however the design is not completed and not approved by the Commission, it could be 9 months to a year, or 6 months to 9 months. Commissioner Brightwell informed that the platting and the changes will affect the infrastructure for the design, so there would be a timeline. The site would have to be maintained after the clearing and would be enforced.

Commissioner Brightwell informed that the developers would need to be building within 12 months from receiving the permit.

Ms. Way informed that the developers would need to seek the permit.

Ms. Gomez informed that the developers should be given a little more than a year due to platting. A permit could not be pulled until the plat had been recorded, which could take a few months.

**Motion:** The Planning and Zoning Commission grants the approval of the staff report and make a positive recommendation with the following change: The development permits must be sought within 18 months to complete the zoning change.

**Made By:** Commissioner Brightwell  
**Second:** Commissioner Haney

**AYES:** Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Parker, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Anand

**NAYES:** None.  
**ABSTENTIONS:** None.

The motion passed.

**8. ZONING TEXT AMENDMENTS**  
None.

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

(1) Consideration of the approval of a Semi-Annual Report to City council on the land use assumptions and capital improvements plan for the Northeast Oyster Creek Sub-watershed, Lake Olympia parkway Extension and Mustang Bayou Service Area.

Chair Brown-Marshall informed that there had not been any changes. Every 6 months there must be a review and that there were not any changes.

**Motion:** The Planning and Zoning Commission recommends no changes.

**Made By:** Commissioner Haney  
**Second:** Commissioner O'Malley

**AYES:** Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Parker, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Anand

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed

**10. 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.*

**11. RECONVENE**

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

**12. ADJOURN**



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Egima Brown  
Planning Technician

