MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
May 8, 2019

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present:
Sonya Brown-Marshall
Tim Haney
John O'Malley
Gloria Lucas
Douglas Parker
Hugh Brightwell

Commissioners Absent: James G. Norcom III, Courtney Johnson Rose

Councilmembers Present: None.

Staff Present:
Otis T. Spriggs, Director of Development Services
Jennifer Gomez, Planning Manager
Cliff Brouhard, Assistant Public Works Director
Jamilah Way, First Assistant City Attorney
Thomas White, Planner II
Egima Edwards, Planning Technician

Others Present: Marie Escue; LJA Engineering, Sherri Gregg, Joel Scott, Katy Goodrich; LJA Engineering, Daniel Valdez; Jones|Carter, William Sagastizado; Jones|Carter

3. READING OF THE MINUTES

Chairperson Brown-Marshall called for a motion to accept the April 10, 2019 Planning and Zoning Commission meeting minutes.

Motion:	Approval of the April 10, 2019 meeting minutes with corrections.
Made By:	Commissioner Brightwell
Second:	Commissioner Haney
AYES:	Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Lucas, Commissioner Brightwell
NAYES:	None
ABSTENTIONS:	Commissioner Parker

The motion passed.

4. REPORTS

A. COMMISSION REPORTS

(1) Chairperson of the Planning and Zoning Commission –

Chairperson Brown-Marshall thanked Ramesh Anand (recently resigned) for serving as a Planning and Zoning Commissioner for a few years. Mr. Anand will be invited back to say good-bye. Chairperson Brown-Marshall shared that she enjoyed working with the Commissioners. They have done great things for the city. As time moved forward and things begin to change, she hoped to see them return soon. Several of the seats were up, and those that did reapply, it was appreciated. The Commissioners take the job seriously, are dedicated and understand the material. It takes a strong person, because not all of the time decisions are made that makes everyone involved happy. Decisions are made consciously for the city as a whole.

(2) Planning and Zoning Commissioners –
None.

B. STAFF REPORTS

(1) Development Services
a. Director – Otis T. Spriggs

Shared that the Planning and Zoning Commission have been a great team to work with. Mr. Spriggs informed that he worked under several Planning and Zoning Commissioners and he really respected the work that they put in. There is such a great dynamic and consensus as a Commission in terms of their activities.

(2) Engineering
a. Assistant Public Works Director – Clifford Brouhard
None

5. PUBLIC COMMENT

None.

6. PLATS

A. CONSENT AGENDA

(1) Consider approval of a preliminary plat for Sienna Plantation Section 40B
(2) Consider approval of a preliminary plat for Sienna Plantation Section 41

Motion:	The Planning and Zoning Commission grant conditional approval of the Consent Agenda.
Made By:	Commissioner Haney
Second:	Commissioner Parker
AYES:	Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Lucas, Commissioner Parker, Commissioner Brightwell
NAYES:	None
ABSTENTIONS:	None

The motion passed

B. PUBLIC HEARING AND CONSIDERATION OF A REPLAT

(1) Consider approval of Fort Bend County WC&ID No. 2 Wastewater Treatment Plant No. 2 Replat No. 1

Thomas White presented this item. Mr. White informed that the site was located north of Thurgood Marshall High School and Buffalo Run Park, east of Echo Creek Drive, west of South Cravens Road, and South of Highway 90A. The zoning district destination is SUP #65, Specific Use Permit and R-6 Condominium Residential District. In regards to staff, there were eight outstanding comments. There were not any objections from the applicant. Staff recommends approval of the replat, conditioned on the deficiencies.

Vice Chairperson Haney asked why the applicant was replatting.

Mr. White informed that more acreage was being added in order to build the wastewater facility.

Motion:	To close the public hearing
Made By:	Commissioner Brightwell
Second:	Commissioner Haney
AYES:	Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Lucas, Commissioner Parker, Commissioner Brightwell
NAYES:	None

ABSTENTIONS: None

The motion passed

Motion: The Planning and Zoning Commission grant conditional approval of a replat.

Made By: Commissioner Haney
Second: Commissioner O'Malley

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Lucas, Commissioner Parker, Commissioner Brightwell

NAYES: None
ABSTENTIONS: None

The motion passed

7. ZONING MAP AMENDMENTS

A. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

(1) To receive comments for or against a request by Katy Goodrich, LJA Engineering to rezone an approximate 8.68 acre tract of land from LC-2, local retail district to PD, Planned Development District to allow for the development of commercial uses to include a convenience store with gasoline sales and to provide a general development plan; 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.

Planning Manager, Jennifer Thomas Gomez presented this item. Ms. Gomez informed that the site was located at the southwest corner of the intersection of Vicksburg Boulevard and Lake Olympia Parkway. It is currently zoned LC-2, Local Retail District. The applicant was seeking to rezone from LC-2 to Planned Development District (PD); to continue to allow for the LC-2 uses, but to expand other uses, and to allow gasoline sales within the PD.

Ms. Gomez informed that the application included a conceptual site plan. The applicant's desire for the location was to expand the uses and to allow for gasoline sales. The gasoline sales would be located at the hard corner of Vicksburg Boulevard and Lake Olympia Parkway. Other uses were identified; however, they were conceptual. At the current time, there were not any planned uses. All of the uses would be permitted in the LC-2, Local Retail District, which is the current zoning. The daycare shown would be permitted, as long as it was in a single tenant building.

Ms. Gomez informed that staff's recommendation was to approve the PD with the expanded use to allow for the gasoline sales, with the conditions that were included

in the report. Those conditions included applying all of LC-2 regulations for site development. The applicant also submitted a general development plan.

Ms. Gomez informed that staff's recommendation was to adopt the general development plan as part of the Planned Development District, with the exception of applying the City's minimum standards for landscaping out of Section 11; minimum standards for architectural design out of Section 7.a, and the City's lighting standards. Primarily there were a couple of references within the development plan that may not be consistent with the minimum standards. Staff needed to make clear that the development plan being proposed was an enhancement above what was typically required when a commercial area is adjacent to a residential area.

Chairperson Brown-Marshall asked Katy Goodrich how they determined that the location was a perfect site for the development.

LJA Engineering, Planner, Katy Goodrich informed that their client had owned the property for quite a while, and believed that a gas station would be appropriate at the corner site, along with the other uses that are allowed in LC-2. It had been presented previously. At the time, no gas stations were located along Lake Olympia Parkway. Google showed that all the gas stations were located on Highway 6. There was not a gas station for the residents in the area, and the homes that would be developed in the future to the north.

Chairperson Brown-Marshall asked if they had any concerns to staff's comments.

Ms. Goodrich replied, "No."

Chairperson Brown-Marshall asked about concerns with the fence requirements.

Ms. Goodrich replied, "No."

Chairperson Brown-Marshall asked, if possible to provide, for the information of the gas station company. In terms of the aesthetics in the particular area, color bands were not favorable.

Ms. Goodrich informed that she was not at liberty to discuss who the potential gas station would be. They would be happy to comply with all the City requirements, including color. Based on the location, they would like to have an enhance façade due to it being surrounded by residential homes and not directly on the tollway or any other major road.

Chairperson Brown-Marshall asked about the build-out schedule, if the proposal moved forward, of what would be built first.

Ms. Goodrich informed that it was undetermined. It would depend on demand and who was ready to go.

Commissioner Brightwell asked why the proposal was to a PD, Planned Development, but wanted to do what LC-2 allowed.

Ms. Gomez informed that the gas station was the trigger.

Commissioner Brightwell asked if the gas station was not part of LC-2.

Ms. Gomez informed that gas stations were permitted in LC-3, Retail District. Partly with LJA Engineering's client, they attempted to rezone straight from LC-2 to LC-3. Some of the concerns were on the aesthetics and making sure that the intensity of the development on the corner blended in with the residential area. The applicant returned to look at the regulations for a PD.

Commissioner Brightwell informed that there was a PD across the way, and asked if this blended in generally with what they were trying to do with the corridor.

Ms. Gomez informed that the PD across the way allowed for gasoline sales. They (applicant) went back to look at PD regulations and took the development standards that would be applied on that eastern side. That was proposed, with some tweaks.

Ms. Gomez informed that some of the architectural standards that the applicant provided were enhanced. Some requirements were that no one material would dominate a façade. All material had to meet the City's standards of brick, stone, and architectural masonry units. Colors had to be muted, and the use would be enhanced over the standard.

Chairperson Brown-Marshall asked Ms. Gomez if the PD across the way allowed for a gas station and if that was the anticipation.

Ms. Gomez informed that plans were currently in review.

Commissioner O'Malley asked Ms. Goodrich if there were plans for a sidewalk like the development across the way.

Ms. Goodrich informed that they would definitely provide sidewalks along Vicksburg Boulevard and Lake Olympia Parkway, and pedestrian connectivity throughout the site. While researching, one of the concerns was that there needed to be pedestrian connectivity similar to the PD across the street. It needed to be scaled down because the site was so much smaller. They would definitely look into it, with landscape.

Sherry Gregg, 2306 Argos Drive, informed that she was concerned about the lighting and how bright it would be from the development. Normally, gas stations are bright. If too bright, the lights would disturb her residents and potential others. The ground ozone level that could be created from the cars getting gas from the facility, was another concern. The CO_2 (Carbon Dioxide) and VOCs (Volatile Organic Compounds) create ground level ozone. In summer days it could spread up to 300 ft. Ms. Gregg informed that it was a concern because so many people walk in the neighborhood. It could trigger asthma and other elements due to ground level ozone.

Motion: To close the public hearing

Made By: Commissioner Haney

Motion: Retract to close the public hearing

Made By: Commissioner Haney
Second: Commissioner Parker

Joel Scott, Representative of property on the southeast corner, informed that they acquired about 462 acres and developed a residential (Parks Edge), and commercial PD, Planned Development. They originally contemplated some type of lifestyle/town center. The zoning of LC-3, Retail District is at the southeast corner, about 8.5 acres. Mr. Scott informed that they were under contract and about to close for a convenience store, adjacent from the proposed development. It was a proper corner for a convenient store.

Mr. Scott informed that they were not opposing the PD. However, they were opposing gasoline sales, due to only being room for one from a business standpoint. They were currently being reviewed for permits.

Commissioner O'Malley asked Mr. Scott that if a homeowner was coming from the tollway (Fort Bend Tollway), would take a left at the intersection, needed fuel and lived going away from Lake Olympia Parkway, did it make sense to have a filling station for those that would come from the tollway. If they made a left instead of going straight down Lake Olympia Parkway, they would have a hard time getting to Mr. Scott's corner, but would have an easier way to get to the proposed development.

Mr. Scott informed that they were installing a median with a left turn right into the site where the convenient store would be located. Likewise, west bound on Lake Olympia Parkway, right before the light there is an existing median cut that would have a deceleration lane that would turn into the site as well.

Commissioner O'Malley asked if there would be a median cut for Lake Olympia Parkway.

Mr. Scott informed that there would be a median cut that would allow a left turn to head south.

Motion: To close the public hearing

Made By: Commissioner Haney
Second: Commissioner Brightwell

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Lucas, Commissioner Parker, Commissioner Brightwell

NAYES: None
ABSTENTIONS: None

The motion passed

Chairperson Brown-Marshall asked about lighting.

Vice Chairperson Haney informed that based on the distance, he did not anticipate any light from the corner getting into the residential area. Regulations would address the lighting.

Ms. Gomez informed that there are lighting regulations. The flow of light, once it reached the residential boundaries, would have to be zero. The difference would have to be if there were no development, it would be lighter. However, the flow of light should not beam, be directed or bleed onto the residential areas. During the permitting stage, a photometric plan is submitted showing how the light would be distributed on the site. In operation once they are constructed, if the flow continued to leak out, mitigation would have to take place.

Chairperson Brown-Marshall informed that in regards to crime, Missouri City Police Department was available.

Chairperson Brown-Marshall informed that she would like to add that color bands not be allowed.

Ms. Gomez informed that the sign regulations allows up to 3 ft. of a color band on canopies.

Motion:	The Planning and Zoning Commission forwards a positive recommendation to Council
Made By:	Commissioner Haney
Second:	Commissioner Parker
AYES:	Commissioner Haney, Commissioner O'Malley, Commissioner Lucas, Commissioner Parker, Commissioner Brightwell
NAYES:	Commissioner Brown-Marshall
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.

A. PARKLAND DEDICATION

(1) Consider approval of a parkland dedication for Shipman's Cove

Planning Manager, Jennifer Gomez presented this item. Ms. Gomez informed that the site location was near Creekmont residential subdivision and Newpointe Estates. It would continue Watts Plantation from the west side to the east. The applicant was going through the platting process for Section 1 (Shipman's Cove) and the main boulevard that would

connect to Highway 6. Part of the platting for Section 1 had been presented before the Parks Board for a parkland dedication. The detail was included in the Commissioner's packet. From the concept plan, there was a recreation parcel being platted as a reserve. Part of the parkland dedication was to dedicate it as private parkland, 50% would cover the requirement for parkland dedication, and the other half would be "cash in lieu of". The number of lots combined for Section 1 and 2 would not exceed 274 residential lots, which would be a cash payment of $191,800 for the entire subdivision.

Ms. Gomez informed that the Parks Board provided a positive recommendation.

Motion:	The Planning and Zoning Commission forwards a positive recommendation to Council
Made By:	Commissioner Haney
Second:	Commissioner O'Malley
AYES:	Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Lucas, Commissioner Parker, Commissioner Brightwell
NAYES:	None
ABSTENTIONS:	None

The motion passed

Motion:	To adjourn
Made By:	Commissioner Haney
Second:	Commissioner Parker
AYES:	Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Lucas, Commissioner Parker, Commissioner Brightwell
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

Egima Edwards
Planning Technician