MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
July 10, 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 Chair Brown-Marshall, at 7:00 PM.

2. ROLL CALL

Commissioners Present:
Sonya Brown-Marshall
Tim Haney
John O'Malley
James R. Bailey
Monica L. Rasmus
James G. Norcom III
Gloria Lucas

Commissioners Absent: Courtney Johnson Rose, Hugh Brightwell

Councilmembers Present: Anthony G. Maroulis.

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
Gretchen Pyle, Development Review Coordinator
Egima Edwards, Planning Technician
Bill Atkinson, Assist. City Manager

Others Present: Howard Hochman, Kurt Bernlohr, Aurelio Rodriguez, Talent Academy, Tanya Terry, Lisa Christon, Marie Escue; LJA Engineering, Laurie Chapa; LJA Engineering, Allan Soffar, Bing Bing Guo, Fangming Zhu, Andrew D. Jones, Jacob Oomrn, Anthony Green, Janice Green, James Gao, Neil Burks, Penelope Hazelwood, Sheryl Orloff, Samuel Renaud, Mary Jo Wright, Sallye Thompson, Jeanette Quinby, Mike Huang; Cre8 Architects, Gloria Dima-Ala,

Karen Sanders, Karen Siriwa, Jeremiah Asomugha, Danny Reevy, Edward Trusclair, Zhorpei Wang, Kevin Pever, Laura Parks, Dong Chen, Angela Dowdy, Peng Chen

3. READING OF THE MINUTES

Chair Brown-Marshall called for a motion to accept the June 18, 2019 Planning and Zoning Commission Special Meeting minutes.

Motion:	Approval of the June 18, 2019 Special Meeting minutes with corrections.
Made By:	Commissioner O'Malley
Second:	Commissioner Lucas
AYES:	Commissioner O'Malley, Commissioner Bailey, Commissioner Norcom III, Commissioner Lucas,
NAYES:	None
ABSTENTIONS:	Commissioner Brown-Marshall, Commissioner Haney, Commissioner Rasmus

The motion passed.

Chair Brown-Marshall called for a motion to accept the May 8, 2019 Planning and Zoning Commission meeting minutes.

Motion:	Approval of the May 8, 2019 meeting minutes with corrections.
Made By:	Commissioner Haney
Second:	Commissioner Lucas
AYES:	Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Lucas,
NAYES:	None
ABSTENTIONS:	Commissioner Norcom III, Commissioner Rasmus

The motion passed.

4. REPORTS

A. COMMISSION REPORTS

(1) Chairperson 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 that CDBG, Community Development Block Grant program is in the process of developing the four year Consolidated Plan, as well as the 2019 Action Plan. The plans provide funding for the CDBG program; which provides opportunities for the youth to participate in the scholarship program, funding of the housing rehabilitation program, funding to agencies that provide services to the low to moderate income areas, and funding to Code Enforcement that serves the CDBG target areas. Mr. Spriggs informed that the document has been forwarded to City Council for two public hearings; which the first would be July 15, 2019 and the second would be August 5, 2019. The plan is open to public comments for the next 30 days. The deadline to submit to HUD, Housing and Urban Development is August 16, 2019.

Mr. Spriggs informed that there is also a needs assessment survey. Chalisa Dixon, Community Development Coordinator, was present for the public to participate in the survey by way of an available iPad.

(2) Engineering
a. Assistant Public Works Director – Clifford Brouhard

Reported that he has been filling in for the Assistant City Engineer. An offer has been extended to a new Assistant City Engineer. Over the next few months, the new Assistant City Engineer will begin to attend the Planning and Zoning meetings.

5. PUBLIC COMMENT
None.

6. PLATS

A. CONSENT AGENDA
(1) Consider approval of a preliminary plat for Three Corner Crossing Business Park
(2) Consider approval of a preliminary plat for Heritage Park Drive Phase 1 Street Dedication
(3) Consider approval of a preliminary plat for Sienna Section 18
(4) Consider approval of a preliminary plat for Sunandas Performing Arts
(5) Consider approval of a final plat for Sienna Village of Destrehan 6B
(6) Consider approval of a final plat for Sienna Plantation Section 28
(7) Consider approval of a final plat for Sienna Plantation Section 31

Motion: The Planning and Zoning Commission grants conditional approval of the Consent Agenda.

Made By: Commissioner Haney

Second: Commissioner Lucas

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

NAYES: None
ABSTENTIONS: None

The motion passed

7. ZONING MAP AMENDMENTS

A. PUBLIC HEARING FOR A SPECIFIC USE PERMIT

(1) To receive comments for or against a request by Jeremiah Asomugha seeking a SUP, Specific Use Permit for an approximate 14.984 acre tract of land zoned as LC-1 local retail restricted district and R-3 two-family residential district to allow for the development of a worship center, 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.

Planner II, Thomas White presented this item. Mr. White informed that the subject property is located at Fondren, East Hampton Circle, South Kathy Avenue, and abuts the Fondren Park subdivision. The applicant was requesting to erect a media/multi-purpose building, with an occupancy of 500 people; to be completed in 18 months. Phase II would consist of a worship center, with an occupancy of 1000 people; which would begin 5 years after Phase I is complete. Mr. White informed that the size of the property is 14.984 acres; existing zoning for each parcel is LC-1, Local Retail located on Fondren, and R-3, Two Family Dwelling located on South Kathy Avenue at E. Hampton Circle. Staff's recommendation is to allow a SUP, Specific Use Permit for a place of assembly; to apply the development standards; to comply with the LC-1 restrictive district; to approve the square footage as shown on the conceptual plan and as the maximum square footage for the place of assembly, and to adopt the final report to forward to City Council with a positive recommendation in consideration and adoption thereof.

Commissioner Lucas asked Mr. White for confirmation that staff had not reviewed the layout to date. Mr. White informed that the present design was conceptual. In terms of the landscaping, staff had not conducted a complete review. Due to the applicant needing to gain approval of the SUP, a review of the conceptual layout would not be feasible at the current time.

Director of Development Services, Otis Spriggs informed that the applicant presented a conceptual plan with a particular layout. If there were to be a motion of approval, the Commission could accept the plan as presented. During the permit process, additional details in terms of quantity, species, and spacing requirements would be needed. By conceptual, the Commission has the discretion to modify or accept the plan as presented.

Owner of a Place of Assembly, Jeremiah Asomughs informed that the media center will be a youth center. There will be a worship center as well. The youth center was called the media center probably due to the recording of the church taking place in that building. The youth center will be Phase I.

Chair Brown-Marshall informed that she was concerned about the buffering between the place of assembly and the abutting residents. Mr. Asomughs informed that he did not have the specifics of the buffer, and that his engineer would be able to provide the information (attendance delayed by traffic).

Commissioner Lucas informed that there has been flooding in the subdivision of Fondren Park and she did not believe that the detention pond would be enough to prevent additional flooding due to the proposed development.

Chair Brown-Marshall informed that more would be determined once the drainage analysis is received.

Vice Chair Haney asked the development's Engineer, Nkemdi I. Ohalete about the detention pond due to the existing flooding in Fondren Park, and the buffering between the residential and the proposed development. Mr. Ohalete informed that due diligence was being conducted with the assurance of mitigations. A large detention pond would be designed to hold any run-off. Part of the property is in the floodplain; therefore, flood mitigations will be conducted as per code. Landscaping will be around the detention pond. Mr. Ohalete informed that for the buffer concern, they will comply with the current codes at the time of development.

Sheryl Orloff, Fondren Park Board of Directors, 11802 S. Perry Ave, stated that the property has been up for rezoning before. Eight hundred and ninety-five homes filled out a petition to keep the back portion of the property as residential zoning. The church will cause flooding. Mrs. Orloff asked about the flow of the drainage from the detention pond. Businesses or residential that are taxable, not non-taxable are needed. Green space is needed and the residents want to keep the existing green space. The lighting will be shined into backyards. Mrs. Orloff asked where the additional people were going to park once the congregation grew to a thousand people. There is enough traffic from seven entrances into Fondren Park. No more traffic is needed entering the subdivision, unless North Kathy and East Hampton are closed.

Jeanette Quinby, 11814 S. Willowdale Cir., stated that she has lived in Fondren Park for over thirty years. She has no problem with development in the green space, if it is developed has homes. The concrete that will be built would have no drainage. Homes would have at least green space and concrete to allow for drainage. Ms. Quinby restated the concern about traffic. She believes in God, Jesus and churches are needed in the world; but sometimes there are spaces that are not designed for churches. They are designed for homes and families to grow on. Ms. Quinby informed that every time it rains, and with the warehouses that were built, the flooding has increased. Keeping the residential portion was restated. A business could be placed in the commercial area. The concern about traffic was restated.

Samuel Renaud, 11839 S. Evelyn Cir., stated that his residence is the second house from the corner; which is the back of where the church will be. The concern about traffic was restated. Mr. Renaud informed that they have power outages, due to hurricanes, for weeks. A wall would be needed between Fondren Park and the center. Noise would be a problem. The concern about lighting was restated.

Kevin Peever, 11839 S. Perry Ave., stated that his home is the third house over from S. Kathy and S. Perry. The detention pond would be placed behind his house; which would bring mosquitos and snakes. Mr. Keever informed that he had someone build an 8 ft. wooden fence around his property and two five foot sections that open called a wagon gate for the parking of an eighteen wheeler trailer. His gate would be useless. The concern about lighting and traffic was restated. Mr. Keever questioned what will keep the church from becoming a mega church due to the anticipated growth of a thousand members. The property is zoned as a two-family dwelling. Mr. Keever stated that his property value will drop.

Anthony and Janice Green, 11835 S. Perry Ave. Mrs. Green stated that they had the same concerns as their neighbors. The detention pond would be behind their backyard. The concern about flooding, lights, noise, snakes, mosquitos and traffic were restated. Mrs. Green informed that they have lived in Fondren Park for twenty-six years. A business strip, a mega church is not wanted in their backyard.

Vice Chair Haney informed the public to not restate concerns that had already been mentioned.

Dr. Allan Soffar, 11734 N. Nottingham Cir., stated that he has lived in Fondren Park for forty-one years and eight months. Entertainment centers, retail, theaters, and grocery stores are not within five miles. Dr. Soffar informed that if the property was rezoned for a church, all the other possibilities would be killed. Highway 90A has nothing but warehouses.

Angela Dowdy, 11847 S. Evelyn Cir., stated that her home is the fourth house from Samuel Renaud. The church is not wanted behind them. It is hard to get someone to mow the area. Ms. Dowdy's mother has had to try to contact the owner to mow the area. The concern about power outages and traffic was restated. Ms. Dowdy stated her concern about riffraff and crime.

Tanya Terry, 11827 S. Ridgewood Cir., stated that she was concerned about trash, the placement of the proposed dumpster and odor. If the odors were unprotected, they will go into the backyards of the homes where the dumpsters would be backed to. Future use of the property was another concern. Churches evolve and have other ministries. The concern about traffic was restated. Services of the church may be extended. Sundays and Wednesdays may not be the only days of operation.

Mr. Ohalete stated that a photometric lighting system would be provided. The lighting system would not be focused towards the neighborhood; however, focused towards the street with low intensity. Mr. Ohalete informed that the detention pond would be dry and would not hold water for 24/7. It would hold water when there is a high intensity of rainfall. After rainfall, the water would dissipate within 24/48 hours. Mr. Ohalete informed that the wall backing the subdivision would be insulated to mitigate noise. The fence would be built according to city requirements. Mr. Ohalete informed that they would not have a problem building a 6 ft., 7 ft., or 8 ft. masonry wall. Before they start digging and building, the plan would be submitted to the City for review; which the neighborhood would have the opportunity to look at and make comments. Mr. Ohalete informed that they would make changes to appease the concerns of Fondren Park.

Motion: To close the public hearing

Made By: Commissioner Norcom III
Second: Commissioner Haney

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

NAYES: None
ABSTENTIONS: None

The motion passed

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

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

Made By: Commissioner Haney
Second: None

The motion failed

Motion: The Planning and Zoning Commission forwards a negative recommendation to Council

Made By: Commissioner Lucas
Second: None

The motion failed

Motion: The Planning and Zoning Commission forwards a positive recommendation to Council to include staff's recommendations; to include the 2,000 sq. ft. deviation; to implement all underlined ordinances; to place the trash reciprocal to a more appropriate location not near the residences; to landscape the detention area, and to make buffering mitigations for noises and other concerns as expressed, with solid screening.

Made By: Commissioner Haney
Second: Commissioner O'Malley

AYES: Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Norcom III

NAYES: Commissioner Brown-Marshall, Commissioner Lucas, Commissioner Rasmus
ABSTENTIONS: None

The motion passed

B. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

(1) To receive comments for or against a request by Morgan Myers on behalf of the Tang City Community Village LLC, to amend the regulations and restrictions of PD, Planned Development District No. 34 pertaining to ordinance O-00-34 to allow for the development of office and warehouse and retail uses, 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.

Planning Manager, Jennifer Gomez presented this item. Ms. Gomez informed that the site location is the original Tang City that was developed in the early to mid-1980s. The property owner purchased the property with the intent to locate a community center on the site, in the early 2000s. The current PD, Planned Development District #34, was created at that time for the purpose of using the previous building foundations that built for Tang City but the community center was never built. Now, nineteen years later, the same property owner is preparing the site to locate office/warehouse and commercial/retail uses. The purpose of amending the regulations within the PD was due to the narrow allowance in terms of the permitted uses for the community center and the associated uses; the reuse of the old Tang City foundations, and paved areas.

Ms. Gomez informed that the staff report included a cleanup to PD #34 to bring it up to date with development codes; expand the uses to allow office/warehouse, retail/commercial uses; the community center use could be removed from the PD; adopt the current architectural standards; carry over the landscaping deviations. A traffic impact worksheet has been requested prior to the first City Council reading. Ms. Gomez informed that staff recommends a positive recommendation of the amendment to the PD.

Vice Chair Haney informed that the foundations probably were not engineered as they would be today.

Motion:	To close the public hearing
Made By:	Commissioner O'Malley
Second:	Commissioner Norcom III
AYES:	Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Norcom III, Commissioner Lucas
NAYES:	None
ABSTENTIONS:	None

The motion passed

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

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

Made By: Commissioner Haney
Second: Commissioner Norcom III

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

NAYES: None
ABSTENTIONS: None

The motion passed

C. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

(1) To receive comments for or against a request by Xiaochun Liu, to amend PD, Planned Development District #66 to allow for an integrated business development to include an existing child care center, 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.

Planning Manager, Jennifer Gomez presented this item. Ms. Gomez informed that the site is about 24 to 25 acres; borders Colonial Lakes Drive; Highway 6; a Kids R Kids; a Raceway gas station; and includes a Primeway and American National banks; Spring Creek Barbeque; the new Tang City, and a Hampton Inn. The purpose of the amendment to allow Talent Academy, a childcare facility to expand their existing building to allow for the location of a swimming school and a restaurant. The restaurant would be limited to non-alcoholic beverages, at the property owner's request.

Ms. Gomez informed that the City's regulations prohibits childcare facilities from being located in multi-tenant shopping centers. As long as the childcare center is not located within a development that includes other uses, it would be a permitted use in its current location within the PD.

Ms. Gomez informed that staff's recommendation is to approve the use with the conditions stated in the report. The restriction on alcohol sales would only apply to the Talent Academy property; it would not apply to the other areas within the PD.

Mike Huang, Cre8 Architects, informed that the proposed development was Phase II to incorporate additional programs, combined with the current academy. The owner's intent on the restaurant is to recruit an instructor to teach culinary art to children.

Chair Brown-Marshall asked Mr. Huang about the second floor of the development. Mr. Huang informed that the swimming pool is one story, and the front building would be two story; which would occupy classrooms upstairs and two restaurants downstairs. The building expansion would match what was done in Phase I. Chair Brown-Marshall asked Mr. Huang if they had previously anticipated this as a Phase II. Mr. Huang informed that it was part of the original plan; however, due to budget purposes, the project was phased.

Chair Brown-Marshall asked Mr. Huang about the decision to not have alcohol on the premises. Mr. Huang informed that after a pre-development meeting with staff, it was a concern pertaining to the distance and not meeting the proximity requirements.

Peng Chen, property owner of Plaza III, Colony Plaza located at 4831 Hwy 6, next to Talent Academy expressed concern with safety. Ms. Chen stated that tenants have reported to her that parents and kids from the child care center are crossing between the properties through the back and front parking areas. Ms. Chen installed fence to prevent access through the back but the front parking area is still a concern,

The Commission discussed the concerns with the cross traffic between the properties and indicated that the child care center has a responsibility for people to park in the correct areas. They went on to provide that the child care facility should highlight to their parents the danger of crossing over from the adjacent shopping center parking lots to get to the child care facility. The facility should have something to mitigate and prevent persons from being able to cross over between the properties.

A landscape hedge could make it more difficult for person to cross.

Motion: To close the public hearing

Made By: Commissioner O'Malley
Second: Commissioner Rasmus

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

NAYES: None
ABSTENTIONS: None

The motion passed

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

Motion: The Planning and Zoning Commission forwards a positive recommendation to Council; adding a requirement that a shrubbery buffer, planted at a minimum 30 inches in height

be planted between the child care facility site and the adjacent shopping center.

Made By: Commissioner Haney
Second: Commissioner O'Malley

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

NAYES: None
ABSTENTIONS: None

The motion passed.

Motion: To adjourn

Made By: Commissioner Norcom III
Second: Commissioner Haney

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

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.
None.

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