



**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
March 10, 2021**

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
Gloria Lucas
Karen Overton
Daniel Silva
Hugh Brightwell
John O'Malley
Monica Rasmus
James R. Bailey

Commissioners Absent: None

Councilmembers Present: None.

Staff Present:

Jennifer Gomez, Interim Director, Development Services
Thomas White, Planner II
Gretchen Pyle, Development Review Coordinator
Egima Edwards, Planning Technician
Jeremy Davis, Assistant City Engineer
Joseph Quintal, Assistant City Attorney
James Santangelo, Assistant City Attorney
Glen Martel, Assistant City Manager
Therron W. Dieckmann, Assistant Director of Parks and Recreations
Paul Wierzbicki, Forester, Parks and Recreations

Others Present:

Geoff Freeman, LJA Engineering
Laurie Chapa, LJA Engineering

Tom Duecker, Jones | Carter
Katie Figueroa, Bowden Survey
Paul Dodd, NewQuest Properties
D.J. Blanchard, Sueba USA Companies
Raymond Gabriele, Sueba USA Companies
John Leonard, Sueba USA Companies

3. READING OF MINUTES

Chairwoman Brown-Marshall called for a motion to accept the February 10, 2021 Planning and Zoning Commission meeting minutes.

Motion: Approval of the February 10, 2021 meeting minutes.

Made By: Commissioner Lucas
Second: Commissioner Rasmus

AYES: Commissioner Haney, Commissioner Lucas, Commissioner Silva, Commissioner Overton, Commissioner Rasmus, Commissioner O'Malley, Commissioner Brightwell, Commissioner Bailey

NAYES: None.
ABSTENTIONS: Commissioner Brown-Marshall

The motion passed.

Chairwoman Brown-Marshall called for a motion to accept the February 10, 2021 Planning and Zoning Commission Special Meeting minutes.

Motion: Approval of the February 10, 2021 Special Meeting minutes.

Made By: Commissioner Haney
Second: Commissioner Lucas

AYES: Commissioner Haney, Commissioner Lucas, Commissioner Silva, Commissioner Overton, Commissioner Rasmus, Commissioner O'Malley, Commissioner Brightwell, Commissioner Bailey

NAYES: None.
ABSTENTIONS: Commissioner Brown-Marshall, Commissioner Brightwell

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. Interim Director – Jennifer Thomas Gomez
Jennifer Thomas Gomez shared that the City is recertified as a “Scenic City”. The City has held the exciting certification for about eleven years. The city was part of the inaugural “Scenic City” class, and has since been elevated to the highest recognition of Platinum. The program is a recognition of the City’s policies and regulations on streetscapes; sign controls; landscaping / open space; infrastructure design; screening and other programs provided to shape the community’s quality of life, as well as economic prospects.

Ms. Gomez thanked the Commission for their work in drafting and implementing the regulations as that played a role in the recognition.

Ms. Gomez shared that Thomas White, Planner II is leaving the city and moving forward to other career opportunities. This is Thomas’ last meeting with the Commission.

- (2) Engineering
 - a. Assistant City Engineer
Jeremy Davis, Assistant City Engineer, reported that TxDot, Texas Department of Transportation, has plans to add medians to FM 1092 from Highway 6 to US 69 Highway. On January 19th, the Engineering division presented the project to City Council and received a lot of feedback.

Mr. Davis reported that since then, communication with TxDot has continued to help address many public concerns. On March 17, 2021, a public meeting will be held concerning those projects. The meeting will be held at the City Hall Community Center. Signs are posted throughout the community. More information on the meeting can be found on the City’s website, missouricitytx.gov.

Commissioner Overton inquired about the meeting.

Mr. Davis restated that a public meeting will be conducted on March 17, 2021. The general public and business owners affected by the medians are welcome to attend virtually.

Commissioner Brightwell inquired if the request for medians came from the cities of Missouri City and Stafford or TxDot.

Mr. Davis replied that TxDot decided on the medians due to a safety project after a study was conducted revealing the amount of crashes at intersections along FM 1092.

Commissioner Brightwell inquired about the expansion of paving and right-of-ways toward Highway 6.

Mr. Davis replied that the project will only affect medians. Raised medians will be constructed along the roadway. Preparations for landscaping on the Missouri City side were added to the project at no cost to the City.

Commissioner Lucas inquired about the meeting time.

Mr. Davis replied that the meeting is from 2:00 pm to 4:00 pm. The public will have the opportunity to speak.

(3) Parks & Recreation

a. City Forester - Tree Ordinance

Paul Wierzbicki, Forester, shared information about the city's forestry program. The city's Forester is housed in the Parks and Recreations Department of Missouri City. The position's primary responsibility is to manage trees and landscaping areas on City owned parks and facilities. From time to time, Mr. Wierzbicki collaborates with the Planning, Code Enforcement and Public Works teams on other tree related issues throughout the city.

Mr. Wierzbicki reported on a proposed tree ordinance. Cities who seek to enhance their tree care management can qualify for Tree City USA, a nationally recognized program. Tree City USA has four city standards for qualification, an Arbor Day proclamation; Arbor Day celebration; two dollar per capita expenditure on public tree care, and a tree ordinance in place. The ordinance must consist of a public authority over trees, and an outline / mention of standard of maintenance for tree care. Achieving these steps will qualify the City for Tree City USA.

Mr. Wierzbicki reported that construction is one of the biggest killers of trees. For many property owners, damage of trees lies within the soil, resulting in a decline. All techniques can be required by ordinance, and usually specified in an Urban Forest Plan, currently in place with the City.

Mr. Wierzbicki reported that the City can determine to allow the developer to decide on tree preservation and outcome, or if it would require a conservation approach of remaining land.

Mr. Wierzbicki reported that a property owner and city experience frustration in the long-term in dealing with infrastructure conflicts. Currently, Section 30 of city codes covers environmental

nuisances. Unfortunately, anyone can be a professional arborist. There is no regulatory agency for tree care performance. However, the City can set their own standards through an ordinance and / or follow national / international standards for tree work on public property. Some communities require a permit and arborist training.

Mr. Wierzbicki reported that currently the city has a parkland dedication ordinance that gives developers options to dedicate parkland or cash in lieu of park development within the same zone. A tree ordinance could work in a similar manner. The ordinance can require developers to use city recommended techniques to preserve trees, or provide payment for the value of trees instead, then developers could remove them. Reimbursement is another option in case trees are damaged during construction.

Mr. Wierzbicki summarized the existing landscaping ordinance, Section 11, city zoning ordinance and the Planning and Zoning survey results with his response.

Commissioner Overton inquired about a requirement not to remove aged trees, if not damaged / diseased.

Mr. Wierzbicki replied that some communities may require preservation of heritage trees of certain size, condition and species worth saving. A list of trees meeting certain qualifications could require a permit.

Chair Brown-Marshall requested to have Commissioner Overton's inquiry / suggestion noted.

Commissioner Brightwell inquired about definitions for public / private trees, and /or definitive boundaries of street trees.

Mr. Wierzbicki replied that the current Urban Forest Plan outlines areas specifically under the Parks Department's management. There are only seven or eight right-of-ways maintained by the City.

Commissioner Brightwell stated that street trees should be defined. Eventually, along with sidewalks, issues of street trees would be added.

Commissioner Lucas inquired if trees presented on Cartwright Road and Texas Parkway were privately owned.

Mr. Wierzbicki replied that they are privately owned.

Commissioner Lucas inquired if an ordinance passed, would property owners be required to make corrections to take care of their trees.

Mr. Wierzbicki replied that the City could not turn back the clock on enforcement. Prevention of future damage could be addressed; The City Council would have to decide. They may decide not to provide enforcement on the private property.

Chair Brown-Marshall stated that for years the Commission has heard developers complain of the challenge to mark trees not to be removed. It would be good to have something in place to assist.

Commissioner Overton inquired about the encouragement of credit for preserving trees to developers.

Mr. Wierzbicki replied that credit is currently in place, unsure if developers have taken advantage of the credit.

Jennifer Thomas Gomez, Interim Director, Development Services, stated that very few take advantage of the credit. A tree survey is required. During pre-development conferences, if the project consists of a heavy forested / vegetated property, the tree credit is discussed. Through the permit review process, the option is also discussed based on what is proposed. The easier option is usually to clear and start new.

Commissioner Lucas inquired if codes currently in place could be changed or modified.

Ms. Gomez stated that development already started or in plan review must comply with current regulations at the time of application submittal. Any new regulations adopted by the City cannot retroactively require development to come into compliance.

Commissioner Overton inquired about the amount of the credit and if it was worth it to developers to take advantage of it.

Ms. Gomez stated that she would agree. As mentioned by Mr. Wierzbicki, two tree credits are given for each tree preserved of a certain size and species. The amount of trees required in certain areas could be reduced. Notation was made to look into the credit.

Vice Chair Haney stated that cash is not provided to developers. A credit is given to developers that waives the requirement to have additional landscaping.

Commissioner Overton inquired about the next steps.

Mr. Wierzbicki replied that next steps consisted of developing a working group of departments that the ordinance would effect. In addition, hopefully an elected official would be a part of the group. A draft ordinance would be developed.

Commissioner Overton inquired if a draft ordinance could be presented to the Planning and Zoning Commission.

Commissioner Brightwell inquired if draft ordinances are usually presented to the Commission.

Ms. Gomez replied any changes to the zoning or subdivision ordinances are presented to P&Z. Ordinances outside of those areas are not. Staff will keep the Commission updated on any draft ordinances in this regard.

Commissioners Overton, Lucas and O'Malley showed interest in being a part of the tree preservation / ordinance group.

b. Assistant Director - Parks & Recreation Master Plan

Therron W. Dieckmann, Assistant Director of Parks and Recreations, reported that Paul Wierzbicki does a great job as the City Forester. He is also the city's Horticulturist and is very active in various community events, such as partnering with Missouri City Green. Beyond caring for city trees, Mr. Dieckmann wanted to recognize Mr. Wierzbicki for all that he does for Missouri City.

Mr. Dieckmann provided a brief update on the Parks Master Plan. Parks and Recreations hired a consultant, MHS Planning and Design, to assist with a new master plan. It is about a 10 year study that gives a road map / guidelines to what will be designed over the next 10 years. After the 5 to 7 year mark, the plan is revisited. The City currently has a Parks and Recreation Master Plan, it includes all park facility recreation programs. Community input is encouraged.

Mr. Dieckmann reported that the last Master Plan was completed in 2015. Updating is in progress. To date, community focus groups provided feedback, a community survey was sent out and ended after four weeks (almost 1,000 responses were received), and a "Level of Surface Plan" was being constructed. The plan answers how frequently parks are mowed, number of facilities and parks per acre / 1,000 people. An existing Level of Surface Plan is located in the 2015 Master Plan. A draft of the final Master Plan is in progress with a target date of completion in June / July.

Chair Brown-Marshall inquired about adding into the matrix a value to the parks that would cover the care of overgrown trees and vegetation.

Mr. Dieckmann replied that staff is limited, attending to all areas needing attention is a challenge. Current staff is doing their best to provide maintenance. Input is encouraged; staff will continue to do their best and will look into those challenges. A positive point and due to COVID-19, the park system has played an important role in

exercise, mental health and reconnecting with nature. Missouri City has a great park system.

Commissioner Lucas inquired if the Parks department maintains parks and esplanades, or if private contractors are hired.

Mr. Dieckmann replied that it is a little of both. Private contractors are hired for “mow, blow and go” work. In addition, internal staff completes that same work as well. Citywide, 67 areas have been identified that are not overseen / operated by the Parks department, such as City Hall. However, Parks department maintains those areas.

Commissioner Lucas inquired if private contractors would be interested in providing maintenance at no cost to the City for the business the City provides to them.

Mr. Dieckmann replied that it could be looked into. It is not a general practice. Majority of properties are set as a 7 day rotation cycle, most a category 1 that receives frequent attention. Areas not as populated kind of move down to tier 2 and 3.

5. PUBLIC COMMENT

None

6. PLATS

A. CONSENT AGENDA

- (1) Consider an application for a preliminary plat for Sienna Section 45A
- (2) Consider an application for a final plat for Sienna Section 19
- (3) Consider an application for a final plat for Sienna Section 36
- (4) Consider an application for a final plat for Shipmans Cove Section 2
- (5) Consider an application for Sienna Development Center Replat No. 1

Motion: To approve consent agenda

Made By: Commissioner Haney
Second: Commissioner Brightwell

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner Lucas, Commissioner O'Malley, Commissioner Silva, Commissioner Overton, Commissioner Rasmus, Commissioner Brightwell, Commissioner Bailey

NAYES: None.
ABSTENTIONS: None.

The motion passed.

7. ZONING MAP AMENDMENTS

A. PLANNED DEVELOPMENT DISTRICT

- (1) Consider approving a final report for a request by H. Paul Dodd, NewQuest Properties to zone an approximate 75.58 acre tract of land to PD, Planned Development District to allow for a mixed use development to include retail, commercial and multi-family uses; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

Jennifer Gomez, Interim Director, Development Services presented this item. Ms. Gomez stated that the proposed property was located at the southeast corner of the Fort Bend Parkway and Highway 6. A public hearing was held in October 2020. Since then the developer, NewQuest Properties has worked with staff to develop proposed regulations for a mixed-use planned development.

Ms. Gomez stated that the Fort Bend Town Center III is proposed to be part of a Regional Essential Center. The development would provide a mixed use of commercial / retail that residents have stated is desired. The development is planned to contain entertainment and recreational opportunities based upon market conditions that could be a critical addition to the city. The development is a component of the overall Fort Bend Parkway area, connected to other development activity; infrastructure improvements; and locally desired amenities. The corridor is being developed to provide employment opportunities.

Ms. Gomez stated that the overall staff recommendation is to approve the Planned Development District to allow for a mixed-use development and to change the land use category to an Auto-oriented land use character. This would allow a commercial / higher density development within the area.

Ms. Gomez stated that the uses permitted is proposed to include MF-2, multifamily residential district uses; LC-3 retail district uses; retail pick-up and/or fulfillment centers; parking garages; and family entertainment and recreational facilities.

Ms. Gomez summarized the proposed height and area regulations as LC-3 retail district standards applied to nonresidential uses, MF-2 district standards applying to multifamily residential uses. This commercial corridor is not directly adjacent to any residential areas planned or proposed and provides an opportunity to maximize vertical construction.

Ms. Gomez provided clarification and summary for the multi-family residential use and included updates to the staff report. The PD is proposed to allow for a maximum density of 30 units per gross platted acre which is 10 units more than the standard regulations would allow. A maximum building height of 4 stories and a maximum of 750 dwelling units are proposed. Updated proposed standards would include a maximum of 300,000 square feet per structure; a maximum floor area of 75,000 square feet, and a maximum 230 dwelling units per building with a maximum building length of 420 feet.

Ms. Gomez further summarized architectural standards to include landscape

screening for certain mechanical equipment in lieu of masonry wall.

Ms. Gomez clarified the landscaping recommendation as an update to the staff report to include a proposed 20 foot landscape greenbelt around the perimeter of the entire PD. Commercial buffers would be provided internally to the site along property lines. Interior landscaping would be required based on the entire PD development to include the land set aside of detention and wetland conservation areas.

Ms. Gomez stated that a parking study had been requested however the developer clarified the intent of the proposed parking ratios and examples of similar developments and parking provisions. The minimum parking ratios proposed by the applicant and outlined in the presentation are included in staff's updated recommendations.

Ms. Gomez summarized the proposed master sign plan for the development to include the monument signs as presented and a proposal for the location of wall signs.

Chair Brown-Marshall inquired about the height of signs, and if the City had considered working with Fort Bend Tollway Authority and/or Fort Bend County to consider assistance with having signage on the toll road showing for example "shopping center 2 miles...".

Steve Alvis, NewQuest Properties, stated that they had an agreement with Fort Bend Tollway to add the signage. Mr. Alvis provided that since the travel lanes of the Fort Bend Tollway are 55 feet above ground, national retailers have stated that they would not develop without proper signage alerting traffic that they are in the area. Mr. Alvis described a true "town center" feel that was proposed and requested the city's support with working with the toll road authority on the signage package.

Commissioner Lucas inquired about the number and location of the proposed 70 foot tall signs.

Mr. Alvis provided that one is proposed on the southeast corner and one on the northwest corner.

Commissioner Overton inquired about a traffic study and the exit ramp and traffic flow from the Fort Bend Parkway to the Amazon Fulfillment Center site and if potential traffic from this proposed development would have an impact.

Mr. Alvis stated that the Amazon location has a different exit and the peak travel times would differ from the proposed development.

Ms. Gomez provided that the Amazon location would potentially be accessed using the Lake Olympia exit ramp from the Fort Bend Parkway. The Amazon facility is located off of Hurricane Lane that intersects with Lake Olympia and Trammel Fresno Road. The proposed development would be located to the south with travels more than likely using the State Highway 6 exit. The development would also be accessible from Knight Road, State Highway 6, and the anticipated expansion to Watts Plantation Road. Direct traffic to / from the Amazon facility should not have a

direct impact on this particular development.

Commission Overton inquired if traffic could exit at Lake Olympia Parkway.

Ms. Gomez confirmed that was correct.

Commission Overton inquired about the municipal utility district (MUD) that would service the development.

Jeremy Davis, Assistant City Engineer, stated that development would be in the city's Mustang Bayou Service Area and not located within a MUD.

Commissioner Lucas inquired about the position of the proposed dwelling units and if they would face out.

A representative of Sueba USA Companies indicated that they would not.

Commissioner Lucas inquired if the parking was reduced from the City's minimum requirements.

Chair Brown-Marshall stated that that was correct.

Commissioner Lucas inquired if covered parking would be reserved.

John Leonard, Sueba USA Companies, stated that they are amongst a few developers that provide covered parking. Parking would not be assigned.

Motion: To close public hearing

Made By: Commissioner Haney
Second: Commissioner Lucas

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner Lucas, Commissioner Silva, Commissioner Overton, Commissioner Rasmus, Commissioner O'Malley, Commissioner Brightwell, Commissioner Bailey

NAYES: None.

ABSTENTIONS: None.

The motion passed

Motion: To approve a final report and forward a positive recommendation to City Council with updates to the staff reports as presented.

Made By: Commissioner Haney
Second: Commissioner Brightwell

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner Lucas, Commissioner Silva, Commissioner

Rasmus, Commissioner O'Malley, Commissioner
Brightwell, Commissioner Bailey

NAYES: Commissioner Overton
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

Motion: To adjourn

Made By: Commissioner Lucas
Second: Commissioner Brightwell

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner Lucas, Commissioner Silva, Commissioner Overton, Commissioner Rasmus, Commissioner O'Malley, Commissioner Brightwell, Commissioner Bailey

NAYES: None
ABSTENTIONS: None

The motion passed

Egima Edwards
Planning Technician