



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

April 13, 2016

**1. CALL TO ORDER**

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

**2. ROLL CALL**

**Commissioners Present:**

Sonya Brown-Marshall  
Tim Haney  
Ramesh Anand  
Douglas Parker  
Hugh Brightwell  
John O'Malley  
Len Goff, Jr.  
Courtney Rose (arrived at 7:02)  
Jeff Gaspar

**Commissioners Absent:** None

**Councilmembers Present:** None

**Staff Present:**

Scott Elmer, Assistant City Manager  
Kelly Carpenter, Contract Executive  
Jennifer Thomas Gomez, Interim Assistant Director  
E. Joyce Iyamu, City Attorney  
Jose Abraham, Planner I  
Samin Bazargan, Planning Intern  
Nancy Desobry, Office Manager

**Others Present:**

Troy Nixon

Vas Vellore

Angie Lutz

**3. READING OF MINUTES:**

Chairman Brown-Marshall called for any corrections or additions to the March 9, 2016, regular Planning and Zoning Commission meeting minutes.

- Motion:** Approval of the March 9, 2016, meeting minutes
- Made By:** Commissioner O'Malley  
**Second:** Commissioner Gaspar
- AYES:** Chairman Brown-Marshall, Commissioner O'Malley, Commissioner Brightwell, Commissioner Parker, Commissioner Haney
- NAYS:** None
- ABSTENTIONS:** Commissioner Anand, Commissioner Gaspar, Commissioner Goff

The motion passed

Commissioner Rose arrives.

**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. Contract Executive

Ms. Kelly Carpenter commented on the survey as part of the comprehensive planning process. The survey is found at [www.showmecity.com](http://www.showmecity.com).

- b. Interim Assistant Director

Ms. Jennifer Thomas stated the survey would be open for approximately two or three more weeks and encouraged everyone to go to the website and take the survey.

- (2) City Engineer  
None

**5. PUBLIC COMMENT**

None.

**6. PLATS**

**A. CONSENT AGENDA**

- (1) Consider approval of a preliminary plat for Lake Shore Harbour Section 7
- (2) Consider approval of a final plat for Sienna Plantation Section 20
- (3) Consider approval of a final plat for St. Mary's Malankara Orthodox Church

**Motion:** The Planning and Zoning Commission grant conditional approval of the consent agenda.

**Made By:** Commissioner Haney  
**Second:** Commissioner Gaspar

**AYES:** Chairman Brown-Marshall, Commissioner O'Malley, Commissioner Brightwell, Commissioner Anand, Commissioner Parker, Commissioner Goff, Commissioner Rose, Commissioner Haney, Commissioner Gaspar

**NAYS:** None

The motion passed.

**B. PUBLIC HEARING AND CONSIDERATION OF A FINAL REPLAT OF GATEWAY SOUTHWEST INDUSTRIAL PARK**

Consider approval of a replat of Gateway Southwest Industrial Park

Mr. Jose Abraham, Planner I, stated the reason for the replat is to add certain reserves to match the building and site being developed and also to establish some access easements within the property. A major comment is to capture some of the restrictions on the previously recorded plat.

**Motion:** To close the public hearing

**Made By:** Commissioner Haney  
**Second:** Commissioner Gaspar

**AYES:** Chairman Brown-Marshall, Commissioner O'Malley, Commissioner Brightwell, Commissioner Anand, Commissioner Parker, Commissioner Goff, Commissioner Haney, Commissioner Rose, Commissioner Gaspar

**NAYS:** None

The motion passed.

**Motion:** The Planning and Zoning Commission grant conditional approval of a replat of Gateway Southwest Industrial Park

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

**AYES:** Chairman Brown-Marshall, Commissioner O'Malley, Commissioner Brightwell, Commissioner Anand, Commissioner Parker, Commissioner Goff, Commissioner Haney, Commissioner Gaspar, Commissioner Rose

**NAYS:** None

The motion passed.

**7. ZONING MAP AMENDMENTS**

None

**8. ZONING TEXT AMENDMENTS**

None.

**9. OTHER MATTERS WITHIN THE JURISDICTION OF THE COMMISSION OR THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE.  
SIENNA PLANTATION MASTER PLAN LAND USAGE**

- A. Consider adopting a recommendation on the concept plan and development guidelines for the development of a 33.07-acre tract of land located north of Sienna Springs Boulevard, south of Oyster Creek Farms residential subdivision, west of the Houston Community College Sienna Plantation campus, and east of Section 3 of the Sienna Village of Anderson Springs residential subdivision.

Ms. Jennifer Thomas Gomez, Interim Assistant Director, presented this item stating the City Council is presently considering a request made by Sienna/Johnson North, L.P. in a joint petition with Fort Bend County to disannex an approximate 33.07-acre tract of land. This tract of land is out of a larger tract that was authorized to allow for a community college campus, public library and LC-2, local retail uses by SUP, Specific Use Permit #169. This proposed disannexation is part of the overall effort to relocate the Houston Community College (HCC) Sienna Campus to Texas Parkway. The City Council passed a resolution providing support for this relocation in February 2015. The first building to be used at the Texas Parkway location is currently under construction. As this is in the ETJ, this would fall under the development agreement with the Sienna master planned community.

Ms. Gomez stated City Council is considering entering into a development agreement with the developer to establish terms for the provision of services and the future annexation of the land. The land use plan included in the packet is for development as single family residential, for the entire acreage. Things to consider if this area is disannexed, the subdivision ordinance would still apply, including platting of the property as well as development guidelines including the public infrastructure manual, as well a parkland dedication, sign regulations Section 13 of the City Zoning Ordinance, regardless if this is inside or outside of the city limits. Staff is recommending to send Council a recommendation of approval for this land use change.

Commissioner Haney asked if the reason for the disannexation is because it cannot fall under the agreement if it is part of the city? Assistant City Manager Elmer said no. In general we are following the same philosophy that was followed during the 1995 Sienna Development Agreement and also during the Riverstone Strategic Partnership Agreement, where with the overlap in tax debt between city, levee district, MUD district, FBISD, and everything else, if it was not disannexed there would be something of a competitive disadvantage to the adjacent properties. Council has ruled positively to date, so far, there is still another reading.

Ms. Angie Lutz, attorney at Allen Boone Humphries Robinson, representing Johnson Development, stated Johnson Development approves this. She also represents internal Sienna Plantation MUDs 2, 3, 10, 12, 4. This property is planned to be annexed into Sienna Plantation Municipal Utility District if disannexed by the city.

- Motion:** The Planning and Zoning Commission adopt this as its Final Report and forward to City Council with a positive recommendation.
- Made By:** Commissioner Haney  
**Second:** Commissioner Gaspar
- AYES:** Chairman Brown-Marshall, Commissioner O'Malley, Commissioner Brightwell, Commissioner Anand, Commissioner Parker, Commissioner Goff, Commissioner Rose, Commissioner Gaspar, Commissioner Haney
- NAYS:** None

The motion passed.

- B. Consider adopting a recommendation on the concept plan and development guidelines for the development of a 33.23-acre tract of land and a 10.96-acre tract of land, both located north of Watts Plantation Road, south of Fort Bend Parkway, west of Oyster Creek, and east of Sienna Parkway.

Ms. Gomez presented this item stating this is north of a property recently considered for a rezoning. This is on Watts Plantation and Sienna Parkway, south of the Fort Bend Parkway. The City Council is presently considering a request made by Sienna 325, L.P. to disannex and approximate 33.23 acre tract of land and a 10.96-acre tract of land. In December 2013 the City Council approved the 9<sup>th</sup> amendment to the SPJDA which provided a land use plan depicting the subject tracts for mixed use and single family residential development. As the subject tracts are presently located within the City, the conditions of the SPJDA did not apply and the tracts are subject to the City's zoning regulations.

As a condition of the request to disannex, the City Council is considering entering into a Development Agreement with the developer and a Strategic Partnership is being considered for the 33.23-acre tract which is the mixed use tract. That SPA would allow the city to collect sales tax from any nonresidential development that is constructed within those boundaries.

Commissioner Brightwell requested clarification on what would be taxed and the definitions of residential and multi-family.

Ms. Gomez stated it could be the recommendation of the Commission to define what is included in mixed use. Mixed use in PD #8, Sienna Plantation mixed-use includes a combination of multi-family condominium development, mixed residential office retail uses in either a mix in a single building or mix within the development itself. The Council is still considering the development agreement. The land use plan presented to the Commission and forwarded to Council can become part of the Development Agreement. The definition of mixed use for the Sienna development resides in a couple of places. Sienna Development Agreement has land use regulations spelled out. PD #8 which is the regulations for the Sienna community that is inside of the city's limits and within the PD there is a mixed use area that is defined as a combination of those uses. Ms. Gomez stated the ETJ and inside the city limits have different restrictions, the PD has limitations in terms of the amount of multi-family that can be developed. There is a cap subject to the PD and there is also a cap subject within the DA which includes multiple tracts to the east and to the west of Sienna Parkway. This would be the equivalent of zoning outside of the city limits, it would be the agreement on the land use outside of the city

limits. This is part of the agreement; therefore, with the negotiations between the developer and the city and having an understanding on what the future growth and development would be on this property, it is an agreement that they will develop in accordance with these standards and regulations.

Commissioner Brightwell stated he is having a hard time understanding that the Commission is not involved in the Development Agreement.

Ms. E. Joyce Iyamu, City Attorney, stated the Development Agreement will include the land use plan and as this Commission has considered the land use plan that are incorporated in the Sienna Plantation Joint Development Agreement since 1995, we are also basically requesting the Commission's recommendation and consideration of the land use plan for this particular agreement as well. To clarify, the Sienna attorney just brought to her attention, that in the 9<sup>th</sup> Amendment to the Sienna Plantation Joint Development Agreement, we actually included a definition of mixed use. The proposed agreement would adopt essentially the guidelines that are currently in place for the Sienna Plantation Joint Development Agreement. Therefore, that definition or description would also apply to this tract as well.

Commissioner Brightwell stated if they are going to a city center or mixed use, would the city get all of the taxes, and what is not going to be incorporated. He asked about the cap for the multi-family on this tract.

Ms. Iyamu stated mixed use also includes multi-family residential, condominium residential, commercial, office, and retail use. In tract D, the cap is 870 units. Ms. Iyamu stated she did not know how many units have been developed to date.

Ms. Lutz stated she did not have that answer. What is being requested is nothing more or nothing less than the 9<sup>th</sup> Amendment. As was pointed out, that tract covers more than the property being looked at, but Johnson or anybody else would be capped to 870 multi-family units over their property plus the other property that was mentioned previously.

Commissioner Brightwell stated he did not see why, if it is not a commercial type property up to and including multi-family, he stated it should contain the same taxation as part of that Strategic Plan. So there will be a Development Plan already in place and then a Strategic Development Plan, partnership on top of it?

Ms. Gomez stated a development agreement with a strategic partnership.

Ms. Iyamu stated we are doing the strategic partnership agreement so that we can actually impose the sales tax.

Chairman Brown-Marshall asked if the multi-family would be taxed.

Ms. Lutz stated if there is commercial or retail below and then there are homes above or apartments above, yes, that would be. You tax anything that is going to apply a sales tax or if there is something that, if somebody is working out of an apartment or running a business, there is a sales tax consultant for the management district who goes and knocks on doors everywhere in the Sienna TIRZ boundaries to see if they have their sales tax forms and are paying their money to the Comptroller. The entire purple area would be covered. This land is not in the TIRZ.

Commissioner Brightwell stated that everything that has to do with the MU should fall within the strategic partnership to try to include as much taxable income off the site as possible up to and including multi-family.

Ms. Iyamu stated once land is disannexed the city does not have the authority to impose sales tax or property tax unless we have this type of agreement. Ms. Iyamu stated she believed the main agreement allowed the city to impose sales tax in certain areas. Multi-family is not subject to sales tax as it is residential.

Ms. Lutz stated they were in all of the districts in the north, but they have strategically kind of carved out the commercial and put it in the management district. So there is one from 1980 with MUDs 10, 12, 2, 3, but they do not really have any commercial.

**Motion:** The Planning and Zoning Commission adopt this as its Final Report and forward to City Council with a positive recommendation.

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

**AYES:** Chairman Brown-Marshall, Commissioner O'Malley, Commissioner Brightwell, Commissioner Anand, Commissioner Parker, Commissioner Rose, Commissioner Goff, Commissioner Gaspar, Commissioner Haney

**NAYS:** 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**

---

Nancy K. Desobry  
Department Office Manager