



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**CITY OF MISSOURI CITY, TEXAS**  
July 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 7:10 PM.

**2. ROLL CALL**

**Commissioners Present:**

Sonya Brown-Marshall  
Tim Haney  
Hugh Brightwell  
Courtney Rose  
John O'Malley

**Commissioners Absent:** Commissioners Goff, Gaspar, Anand, and Parker

**Councilmembers Present:** Councilmember Emery and Councilmember Preston

**Staff Present:**

Scott Elmer, Assistant City Manager  
Jennifer Thomas Gomez, Interim Assistant Director  
Evelyn Kimeu, Assistant City Attorney  
Jose Abraham, Planner I  
Lorenzo Wingate, Engineer  
Nancy Desobry, Office Manager

**Others Present:**

Ronald Johnson  
Tim Barnes  
Adrian Matteucci  
Margaret Quall  
Esther Dunn  
Roy Ross  
Eddie Murphy  
G. Peter Jacob  
Jeffrey Glass  
Brian Jones  
Llarance Turner

Emic Cancas  
Evon Barnes  
Deborah Ewing  
Ronnie Quall  
Oliver Menard, Jr.  
Robert Wheless  
Joan Murphy  
Mark Dremely  
Sonya Cobbin  
Sheila Jones  
Gary Ferguson

Marc Edwards, Sr.  
Joe DeLeon  
Thomas Winn  
Rose Ann Summers  
Mary Ross  
Rani Mudaliar  
Cynthia Duhart  
Shayne Beavan  
Stacey Chapman Brown  
Rena Marshall

**3. READING OF MINUTES:**

Chairman Brown-Marshall called for any corrections or additions to the June 8, 2016, regular Planning and Zoning Commission meeting minutes.

- Motion:** Approval of the June 8, 2016, meeting minutes
- Made By:** Commissioner Haney  
**Second:** Commissioner Brightwell
- AYES:** Commissioner Brightwell, Commissioner Rose  
Commissioner Haney, Chairman Brown-Marshall
- NAYS:** None
- ABSTENTIONS:** Commissioner O'Malley

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 Assistant Director  
None
- (2) City Engineer  
None

**5. PUBLIC COMMENT**

None.

**6. PLATS**

**A. CONSENT AGENDA**

- (1) Consider approval of a preliminary plat for Sienna Plantation Section 21
- (2) Consider approval of a preliminary plat for Sienna Parkway Section 3
- (3) Consider approval of a preliminary plat for Southwest Corner of Scanlan Reserves
- (4) Consider approval of a final plat for The Huntington at Sienna Ranch
- (5) Consider approval of a final plat for Scanlan Trace Retail Pad Subdivision

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

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

**AYES:** Chairman Brown-Marshall, Commissioner Brightwell,  
Commissioner O'Malley, Commissioner Rose, Commissioner  
Haney

**NAYS:** None

The motion passed.

**B. THE GROVE AT RIVERSTONE**

(1) Consider approval of a concept plan for The Grove at Riverstone

**Motion:** The Planning and Zoning Commission grant conditional approval  
of a concept plan for The Grove at Riverstone.

**Made By:** Commissioner Haney

**Second:** Commissioner Rose

**AYES:** Chairman Brown-Marshall, Commissioner Brightwell,  
Commissioner Rose, Commissioner Haney, Commissioner  
O'Malley

**NAYS:**

The motion passed.

(2) Consider approval of a preliminary plat for The Grove at Riverstone  
Section 1

**Motion:** The Planning and Zoning Commission grant conditional approval  
of a preliminary plat for The Grove at Riverstone Section 1.

**Made By:** Commissioner Haney

**Second:** Commissioner Rose

**AYES:** Chairman Brown-Marshall, Commissioner Brightwell,  
Commissioner Rose, Commissioner Haney, Commissioner  
O'Malley

**NAYS:**

The motion passed.

**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. Pursuant to the Texas Open Meetings Act, the Planning and Zoning Commission went into Executive Session at 7:14 p.m.*

**Texas Government Code, Section 551.071** – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: Agenda item 7B – Shipman’s Cove.

**RECONVENE**

The Planning and Zoning Commission reconvened into Regular Session and Consider Action, if any, on items discussed, at 7:22 p.m.

**7. ZONING MAP AMENDMENTS**

**A. PUBLIC HEARING FOR A ZONING MAP AMENDMENT**

(1) Public hearing to receive comments for or against a request by Gary Ferguson – GKF Holdings, LLC, to rezone an approximate 2.67 acre tract of land from LC-2, Local retail district to LC-3, Retail district; 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. The subject site is located along Williamsburg Lane; north of AAMCO Transmissions & Total Car Care, Switch-it Inc., and LaQuinta Inn & Suites; south of Walmart Supercenter and west of Metropolitan Seventh Day Adventist Church.

Mr. Jose Abraham, Planner I, presented this item stating that the applicant is seeking to rezone the subject site to LC-3, Retail district to be able to develop it for a proposed Caliber Collision service center. The subject site is approximately 2.677 acres and is presently vacant. The subject site is located along Williamsburg Lane and the surrounding area is predominantly commercial and no residential subdivisions exist in close proximity. The LC-3, retail district would allow for commercial and retail uses typically found along major highways that provide for a citywide or regional service area. These uses include but are not limited to medical care facilities, retail stores, fuel stations, furniture stores, and auto repairs. The applicant has provided conceptual plans and an exterior design for the proposed facility. The applicant is not seeking any deviations from City standards. Staff recommends approval.

Mr. Gary Ferguson, Caliber Collision expressed his agreement with the report.

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

**Made By:** Commissioner Haney

**Second:** Commissioner Rose

**AYES:** Chairman Brown-Marshall, Commissioner O’Malley,  
Commissioner Rose, Commissioner Haney, Commissioner  
Brightwell

**NAYS:** 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 adopt this as a 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 Rose, Commissioner Haney, Commissioner Brightwell

The motion passed.

Chairman Brown-Marshall requested a motion to suspend normal procedure rules and consider item 7C(1) before item 7B(1).

- Motion:** The Planning and Zoning Commission suspend normal procedure rules and consider item 7C(1) before item 7B(1).
- Made By:** Commissioner Haney  
**Second:** Commissioner Rose
- AYES:** Chairman Brown-Marshall, Commissioner O'Malley, Commissioner Rose, Commissioner Haney, Commissioner Brightwell
- NAYS:** None

The motion passed.

**C. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT**

- (1) To receive comments for or against a request by Robert F. Wheless to amend the regulations and restrictions of PD, Planned Development District #53 to allow for the development of a self-storage facility within an approximate 2.53 acre tract of land 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. PD#53 is located along the north side of Highway 6 at the intersection of Highway 6 and Sienna Parkway, south of Kitty Hollow Park, north of Sienna Market HEB. The subject site is located at the west end of PD #53, east of Rustlers Crossing residential subdivision, and west of Auto Fix Unlimited auto repair shop.

Ms. Jennifer Thomas Gomez, Interim Assistant Director, presented this item stating that PD #53 was approved in 2004 to allow for the location of retail/commercial uses. Due to the unique shape of the property situated on a narrow strip of land between State Highway 6 and Kitty Hollow Park, deviations were permitted to allow for flexibility from the City's building setback and transitional buffer yard requirements. Additionally, the Sienna Plantation Nonresidential Design Standards were applied to the tracts within the PD to allow for uniform and enhanced development along the entryway into the Sienna master planned community. PD #53 presently permits LC-3, retail district uses except for lounges and motorcycle sales and service shops. Cleaning, pressing and laundry plants are also permitted. The applicant proposes to locate a single three-story self-storage facility containing approximately 103,500 square feet. The facility

would be climate controlled and would be similar to another facility the developer has under construction in the area. The developer has provided the attached statement of their perceived property tax value, density and demand for self-storage in the City.

Ms. Gomez stated the applicant proposes to locate a black coated chain link fence to the rear of the property, along the common line adjacent to Kitty Hollow Park. A black painted decorative steel fence is proposed along the eastern and western sides and a gate would connect both sides to the self-storage building. Staff recommends the use of chain link fencing in this area should not be permitted. Adjacent properties have installed wood fencing along the rear property lines in this area. The applicant should install wood fencing at a minimum. Staff recommends approval to allow the development of a ministorage facility within the area described. Further recommendations have been included concerning parking and fencing requirements for a proposed ministorage use.

Mr. Joe Wheless and Mr. Joe DeSpain presented a new site plan to include 26 parking spaces, wrought iron fence to fully enclose the tract, and discussed the shared driveway.

Mr. Peter Jacob, 3281 Rocky Creek Drive, stated his objection to the use for that tract of land stating it is not compatible with the rest of the PD and the Sienna Village Shopping Center located across Highway 6. There already are three Public Storage complexes on this major retail corridor. When pressed he stated he previously owned the self-storage facility at Rocky Creek which maintained a 97% occupancy rate.

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

**Made By:** Commissioner O'Malley

**Second:** Commissioner Haney

**AYES:** Chairman Brown-Marshall, Commissioner O'Malley,  
Commissioner Rose, Commissioner Haney, Commissioner  
Brightwell

**NAYS:** None

The motion passed.

The Commission discussed the location of the tract with no direct access or visibility.

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

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

**Made By:** Commissioner O'Malley

**Second:** Commissioner Haney

**AYES:** Chairman Brown-Marshall, Commissioner O'Malley,  
Commissioner Rose, Commissioner Haney, Commissioner  
Brightwell

**NAYS:** None

The motion passed.

**B. PUBLIC HEARING FOR A ZONING MAP AMENDMENT**

(1) Public hearing to receive comments for or against a request by Stan Winter, Jones | Carter, to rezone an approximate 95.31 acre tract of land from SD, Suburban district to R-2, Single family residential district; 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. The subject site is located north of the Newpoint Estates residential subdivision, south and west of the Creekmont residential subdivision.

Ms. Gomez presented this item stating the applicant seeks to rezone the subject property from SD, suburban district to R-2, single family residential district to allow for the construction of a single family residential subdivision. The proposed amendment is in conformance with Goal 2.2 of the City's Comprehensive Plan. This goal addresses the need to provide "life cycle housing . . . by offering a range of housing types and price ranges that residents can make lifestyle transitions as they age." The proposed rezoning is not in conformance with the Future Land Use and Character map. The Future Land Use and Character map identifies the subject property as Estates character. The Estate character is described to allow for ". . . large lot development generally on the fringes but should also be available within the City so this character lifestyle setting is not limited only to the ETJ. The minimum lot size is typically one acre or larger (i.e., large enough to allow for on-site versus centralized water and wastewater service, consistent with applicable regulations, although some Estate areas may have public services).

Staff recommends approval of the rezoning from SD, suburban district to R-2, single family residential district. The development of the area for the purpose of single family residential has long been anticipated through the goals of the Comprehensive Plan as well as the concepts of the Future Land Use and Character map. However, site constraints, such as lack of utilities and floodplain issues have influenced the anticipated scale of development within this area.

The Future Land Use and Character map should be amended to identify the subject area as suburban residential. The Commission should note that all land, after being annexed into the City limits, is classified as SD until a permanent zoning designation can be established.

The City's Land Use and Character map identifies the area containing the subject property as Estate character largely due to the lack of public utilities within this area and floodplain issues. Most of the single family homes in this area, developed in what would be considered large acreage estate communities, are serviced by private utilities. The subject site is located within the Mustang Bayou Service Area as well as Public Improvement District (PID) #1. In May 2015 the City instituted a Mustang Bayou Water and Wastewater Service Area Business Plan. The Business Plan reflects Goal 3.1 of the City's Comprehensive Plan to provide for the "coordinated and efficient provision of basic utility service . . . {by} exploring potential mechanisms for long-term utility system consolidation." Specifically, the Business Plan recognizes the City's expressed goal to "encourage regionalization of water and wastewater facilities.

Ashton Woods has proposed enclosed parking spaces, 3" caliper trees, restricting model types and facades. They are proposing a Parkway entry taking advantage of open space. The largest lots would be located adjacent to Creekmont. The project would have 25% open space. The intent is to extend Watts Plantation directly to Highway 6 via a new street with a traffic signal at Watts Plantation. The drainage will be a divert and capture type system.

Mr. Philip Taylor, Sr, 2342 Shadow Oak, commented on the increase in traffic and the extensive subdivision flooding. The areas at Knight Road and Highway 6 and Kitty Hollow Park were underwater. There is only one traffic signal to get in and out of the subdivision which is backed up.

Roy Ross, 2507 Shadow Oaks Drive, emphatically opposes the rezoning, stating the schools are at peak and 278 lots would make this worse, as it would for fire and police. He commented on protection, drainage, and concrete and requesting an explicit study of the drainage.

Dwayne Picou, 2010 Darby Lane, President of the Newpoint Estates HOA, stated his opposition to the high density subdivision. This is beautiful land with 100 year old oaks, to be replaced by 3" caliper trees. If this area were marketed correctly as estate sized the taxes generated would be greater, using Riverstone as an example.

Mr. Joe DeLeon, 1710 Mossback, expressed his concern during emergencies, no traffic plan, wetlands.

Mr. Scott Elmer, Assistant City Manager, stated the City is working on the drainage in the Newpoint Estates area.

Ms. Sonya Cobbin, 4718 Maple Creek, Creekmont HOA Vice-President, stated they support growth. They had met with Ashton Woods and were not satisfied with what they heard. She discussed the flooding of Longpoint Creek, adjacent wetlands, floodplain, on 24" pipe cannot drain 95 acres of land. Why are the proposed houses being built at higher elevation? Their subdivision has 250 homes and this project would more than double the single family homes. She stated their streets are not thoroughfares or collector streets and urged the Commission to vote no for the rezoning.

Ms. Mary Ross, 2507 Shadow Oaks , commented on flooding and the floodplain maps had changed. With the new FEMA floodplain map their area is now in the floodplain. Harpers Creek Court cannot be widened. Ms. Ross stated their health, safety, and lives are in danger with the new development.

Tim Barnes, 2518 Winding Creek Drive, stated the developers are avoiding the estate character and are replacing wetlands with concrete. He stated water cannot run uphill and would require a large pumping station.

Mark Dremely, 2042 Darby Lane, stated this is a matter of trust and stated he did not believe the drainage numbers. During the last storm he had 1" of water in his garage. He does not believe the developer and protests this proposed rezoning.

Jeff Glass, 2611 Everhart Terrace, commented on the flooding and backflow. He stated this is a family location and mentioned the Comprehensive Plan.



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

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

**AYES:** Chairman Brown-Marshall, Commissioner O'Malley,  
Commissioner Rose, Commissioner Haney, Commissioner  
Brightwell

**NAYS:** None

The motion passed.

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

Commissioner Haney stated the Commission is charged with two tasks: (1) Determine if it is appropriate to have residential on this tract; and (2) the density. The drainage is pre-existing and along with traffic will be determined by regulations and requirements in the platting process.

Mr. Elmer in response to Commissioner Rose stated there are no detailed studies. The plan would divert the water from the Long Point Creek watershed to the Lake Olympia watershed. A TIA would be required. The stubout at Harper Creek Court has been proposed for extension from the beginning. This development would require a second entrance.

Chairman Brown-Marshall was told the property owner would retain the 30 acres along the new proposed road.

Mr. Elmer stated prior to the current FEMA revision, the data used was 25 years old.

Sean Burch of Jones & Carter, stated this development would not make the drainage worse. The undeveloped 25 acres will handle the saturation.

Commissioner O'Malley asked about the trees and open space in the area of the 25 acres.

Brian Williams, Ashton Woods, stated this is an area for single families and they wanted to be good neighbors. He stated the traffic signal would be installed before the first home is built and would be willing to put it in writing.

Chairman Brown-Marshall asked about emergency access and was told there would be a Knox gate.

Commissioner Brightwell stated issues would be addressed during platting.

Commissioner O'Malley stated this area is a developer's dream and this would develop homes just like the ones in Creekmont.

Mr. Elmer stated this property was zoned SD as a placeholder. This area could only be developed as estate homes previously because there was no ability to provide utilities. This has been resolved.

Commissioner Rose expressed concern that there was no confidence in the developer by the HOAs.

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

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

**AYES:** Commissioner O'Malley, Commissioner Haney, Commissioner Brightwell

**NAYS:** Chairman Brown-Marshall, Commissioner Rose

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**

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Nancy K. Desobry  
Department Office Manager