



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

July 11, 2018

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 call to order by Chairman Brown-Marshall, at 7:00 PM.

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Tim Haney
Hugh Brightwell
John O'Malley
Reginald Pearson
Courtney Rose
Ramesh Anand

Commissioners Absent: James G. Norcom III, Douglas Parker

Councilmembers Present:

Staff Present:

Otis T. Spriggs, Director of Development Services
Jennifer Gomez, Planning Manager
E. Joyce Iyamu, City Attorney
Shashi Kumar, Director of Public Works
Jennifer Hobbs, Assistant City Engineer
Thomas White, Planner II
Mason Garcia, Planner I
Egima Brown, Planning Technician

Others Present:

Pernell Washington, Sally Joseph, Joseph John, John Tsai, Robert Mazzo, Greg Black, Brandie Nickerson, Pam Senegal, Kim Riser, Melvin Lin, Tarsha Greenwood, Ronny Hecht, Jennifer Lopez, Brenda L. Daniels, Caitlin Garcia, Clarence Gray, Taryn Burnett, Ramona Williams, Orlando and Mariela Parra, Calvin Coleman, Walter and Sherry Sarah, Justin Schrader, Eddie Powell, Angela Stegman, Maria D.S. Martinez, Duraimony Dickson, Michael Joyce, Ingrid M. Lee, Bebb Francis, Paul Williams, Susan Soto, Scott Behuniak, Debra James, William and Mary Vandervoort, Eric Lewis, Cynthia Ramirez, Mario Bollulo, Annie Session, Marie Escue, Takeisha Plowden, Bill and Milly Smith, Pamela Zackory

3. READING OF MINUTES:

Chairman Brown-Marshall called for a motion to accept the June 13, 2018 Planning and Zoning Commission meeting minutes.

Motion: Approval of the June 13, 2018 meeting minutes

Made By: Commissioner Brightwell

Second: Commissioner Haney

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

NAYES: None

ABSTENTIONS: Commissioner Anand

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. Director- Otis T. Spriggs

Reported on behalf of Communications, Development Services, Financial Services, and Administration that on August 16, 2018 from 11:30 – 1:30, the City will host a small business policy workshop for individuals who are interested in pursuing business with the City. The title of the workshop is "Doing Business with Missouri City". Mr. Spriggs reported that it will be an opportunity for those moving to Missouri City to learn about startup businesses

within the City as well as working through the development process.
Registrations are due by August 2, 2018.

- (2) City Engineer
 - a. Assistant City Engineer – Jennifer Hobbs
None

5. PUBLIC COMMENTS:
None

6. PLATS

A. CONSENT AGENDA

- (1) Consider approval of a preliminary plat for Beltway Crossing West
- (2) Consider approval of a preliminary plat for Olympia Estates Section 11
- (3) Consider approval of a preliminary plat for Oyster Creek Commerce Reserve A, B, & C
- (4) Consider approval of a preliminary plat for Parks Edge Section Six
- (5) Consider approval of a preliminary plat for Parks Edge Section Seven
- (6) Consider approval of a final plat for All Seasons Plaza
- (7) Consider approval of a final plat for Avalon at Sienna Plantation Section 3
- (8) Consider approval of a final plat for Liberty Ridge Section 2
- (9) Consider approval of a final plat for Luka Sienna Plaza
- (10) Consider approval of a final plat for Parks Edge Section 4
- (11) Consider approval of a final plat for Parks Edge Section 5

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

Made By: Commissioner Haney

Second: Commissioner Brightwell

AYES: Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Anand, Commissioner Brightwell, Commissioner Haney

NAYES: None

ABSTENTIONS: None

The motion passed.

B. PUBLIC HEARING AND CONSIDERATION OF PARKS EDGE SECTION 2 PARTIAL REPLAT NO. 1

- (1) Consider approval of Parks Edge Section 2 Partial Replat No. 1

Mason Garcia presented this item. Mr. Garcia informed that the property is located north of Lake Olympia Parkway and Vicksburg Boulevard, Planned Development (PD) 95. Mr. Garcia informed the property is two reserves, one block and .85 acres.

The applicant is switching from one reserve "C" into two reserves. Reserve "C" will be for landscape, open space and trail purposes. Reserve "F" will be for drainage and utility purposes. Staff's recommendation for the approval of the replat, conditioned on addressing the following deficiencies that are stated.

Motion: To close the public hearing.

Made By: Commissioner Haney

Second: Commissioner Anand

AYES: Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Anand, Commissioner Brightwell, Commissioner Haney

NAYES: None

ABSTENTIONS: None

The motion passed.

Motion: The Planning and Zoning Commission grant conditional approval of a partial plat of Parks Edge Section 2 depending on the deficiencies.

Made By: Commissioner Haney

Second: Commissioner Pearson

AYES: Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Anand, Commissioner Brightwell, Commissioner Haney

NAYES: None

ABSTENTIONS: None

The motion passed.

C. PUBLIC HEARING AND CONSIDERATION FOR THE CROSSING AT SIENNA RANCH RESERVE A

- (1) Consider approval of a final plat for The Crossing at Sienna Ranch Reserve A, being a replat of The Crossing at Sienna Ranch, Unit Two, Reserve A-7

Thomas White presented this item. Mr. White informed that the property is located south of Sienna Ranch Road and west of Sienna Circle, Planned Development (PD) 35. The total acreage is 1.7728. Staff's recommendation is for the conditional approval of the final plat depending on the deficiencies.

Motion: To close the public hearing.

Made By: Commissioner Haney

Second: Commissioner Rose

AYES: Commissioner Brown-Marshall, Commissioner O'Malley,
Commissioner Pearson, Commissioner Rose, Commissioner
Anand, Commissioner Brightwell, Commissioner Haney

NAYES: None

ABSTENTIONS: None

The motion passed.

Motion: The Planning and Zoning Commission grant conditional approval of a final plat of for The Crossing at Sienna Ranch Reserve A, being a replat of The Crossing at Sienna Ranch, Unit Two, Reserve A-7 conditioned on addressing the deficiencies.

Made By: Commissioner Haney

Second: Commissioner Pearson

AYES: Commissioner Brown-Marshall, Commissioner O'Malley,
Commissioner Pearson, Commissioner Rose, Commissioner
Anand, Commissioner Brightwell, Commissioner Haney

NAYES: None

ABSTENTIONS: None

The motion passed.

D. SUBDIVISION ORDINANCE VARIANCE – PIKE CHAMPIONS SUBDIVISION

- (1) Consider a variance request from Section 82-159 of the City's Subdivision Ordinance pertaining to shared access and parking facilities for non-residential tracts.

Jennifer Gomez presented this item. Ms. Gomez informed that the request is for a variance from the Subdivision Ordinance requirement for cross access and shared parking between commercial and industrial tracts. The owner is petitioning the Planning and Zoning Commission (P&Z) to vary in this instance. Ms. Gomez informed that these are industrial tracts that are off of Pike Road that the owner is seeking to create two reserves via final plat. A condition of the final plat is for the owner to establish cross access between the reserves and the easements to show on the plats. Ms. Gomez informed that the owner is petitioning for that requirement to be removed.

Ronney Hecht, landowner, informed that the property is on Pike Road off of Gessner, north of the railroad tract. The property is an eighteen acre tract. Mr. Hecht informed that they are trying to split the tract into a ten acre and an eight acre parcel. Currently the ten acre parcel contains an approximately 86,000 sqft industrial building that is about thirty to forty years old. Mr. Hecht informed that they

believe there are special circumstances or conditions that are affecting the property in question. The enforcement will deprive the applicant of a substantial property right. Mr. Hecht informed that if the variance is granted, it will not materially be detrimental to the public welfare or injurious to the property of property rights in the vicinity. Mr. Hecht informed that the building will need renovations. In order to receive a permit, the property will need to be platted. The eight acre tract is to the north of the ten acre tract. Mr. Hecht informed that they will try to sell the eight acre tract and is vacant land. An exemption could have been obtained for both tracts. Mr. Hecht shared Section 82-33 (Subdivision Ordinance), allows an exemption to the platting requirement if one can satisfy five requirements; 1) if the tract of land is no more than two tracts, the smallest of which is five acres, 2) no new public or private street is proposed, 3) no new water or sewer lines or drainage is proposed, 4) no immediate dedication or public improvements are required to comply with the Comprehensive Plan, 5) the proposed subdivision is for the limited purpose of division or sell of a tract at least ten acres. Mr. Hecht informed that they satisfy the mentioned requirements. The ten acre tract was designed to be a self-contained, self-sufficient tract. Mr. Hecht informed that if cross parking and access onto the property will be required, it will definitely add restrictions that the ownership and future owners would never have felt to be fair and will be very burdensome. There was not any anticipation of new restrictions to a fully developed forty year old building and the property.

Mr. Hecht informed that the eight acre tract has almost 500ft of frontage. Part of the purpose of the code is to have sufficient spacing for driveways. Mr. Hecht informed that when the new buyer of the property wants to develop, they will have to submit plans. With 500ft of frontage, at that point and time spacing requirements can be imposed. Mr. Hecht informed that there is sufficient frontage on Pike Road for the other vacant piece of property. The ten acre tract that has been improved already has curb cuts. The eight acre tract will not need curb cuts. Mr. Hecht felt that the ordinance is more applicable to an industrial park that has one ownership group at a time with multiple buildings and with cross parking and cross access. It does not apply to this situation due to the unique nature of the eighteen acres.

Sonya Brown-Marshall, Chair, asked Mr. Ronny Hecht if they are the original owners.

Mr. Hecht informed that they are not the original owners. They brought the property two to four years ago. Mr. Hecht informed that Emerson used to be in the facility.

John O'Malley, Commissioner, asked Mr. Hecht which code Mr. Hecht referred to in his presentation.

Mr. Hecht informed that the ordinance was Section 82-33.

Commissioner Brown-Marshall asked Mr. Hecht why he did not choose to use Section 82-33.

Ms. Gomez clarified that it is not an exemption from platting in this situation. The last clause is for the purpose of the selling of the property. Ms. Gomez informed that it will only gain them the advantage of selling off the additional acreage. At the

time of permitting, both tracts will need to be platted. Ms. Gomez informed that those tracts will come in at another time to be platted and the cross access easements would have been applied at that time. It does not differ them from platting. It just defaults it to a later date.

Mr. Hecht stated that he is not sure that this is true. If he is not subdividing and allowed to sell off the eight acres, with this exemption and not further subdividing, it is no longer a subdivision, it is a plat.

Ms. Gomez informed that the subdivision ordinance requires, prior to obtaining a building, plumbing and mechanical permit, the property must be platted.

Mr. Hecht stated that the cross access is applying to subdivisions and not the plats.

Ms. Gomez informed that it is a subdivision plat.

Mr. Hecht informed that he is not subdividing. The plat of the ten acres, is needed for the building permit.

Tim Haney, Vice Chair, asked staff if the recommendation is for the ordinance or are the concerns that the applicant had valid.

Jennifer Hobbs, Assistant City Engineer, informed that from the commercial and industrial side, commercial would be retail, shared parking and cross access. The amount of driveways are reduced for industrial. Ms. Hobbs informed that when eighteen wheelers or large vehicles are on a road as Pike or Gessner, multiple driveways and multiple points of conflict becomes a traffic issue, safety issue and sight distance issue. There are engineering standards for driveway separation. While the applicant was noting that potentially the future tenant has 500ft of frontage, the only way to have a driveway on that road, a 40 mph road, will be to have a minimum of 300ft away from any existing driveway from curb face to curb face. Ms. Hobbs stated that it will be tight to meet, not saying that it cannot be met. The point of cross access is for a similar type of industrial and commercial to be able to share cross access for turning. Ms. Hobbs informed that if a driveway is centered between two industrial developments, they can then turn in the front to whichever development / business.

Vice Chair Haney asked if the requirement of an easement is for some time in the future a driveway may be required. If placed in the right place, it could significantly reduce the size of the easement.

Ms. Hobbs informed that typically the driveway is located on the lot frontage. It is believed that the ordinance states that staff recommends the driveway to be placed at the front of the lot for shared parking purposes and typically that is where the driveway is placed. Ms. Hobbs informed that in addition, the requirement can be found in the Infrastructure Design Manual.

Hugh Brightwell, Commissioner, asked if the curb cuts close to the line between the two acreages effectively means that about 300ft is cut down and there is 150ft to the north to try to have a driveway placed. Mr. Brightwell asked if it will affect the

building layouts and detention ponds, as well as the parking. The Traffic Impact Analysis (T.I.A) may not be met. Potentially, "...the other property may not be affected if it is sold" may not be a true statement.

Ms. Hobbs informed that engineering would recommend that the Commissioners would require cross access. The project site fits the model of all the industrial developments that have the same requirements continuously.

Commissioner Brown-Marshall asked if there is a way for an overlay to be created for the future if once the other portion is developed then it will have to come into play at that time to meet the cross access, or does it need to happen now.

Ms. Gomez informed that a shared access plat note can be modified to extend to the additional reserve. The actual boundaries of the easement will not be shown on the plat, however, will require that at the time of development it will be established.

Ms. Hobbs informed that she does not see a problem with Ms. Gomez's statement.

Commissioner Haney asked if it addresses the applicants concern and if the plat note will be on the ten acre tract.

Ms. Gomez informed that the plat note will be on both acreages. The current plat contains both reserves.

Commissioner Haney asked if it is the whole eighteen acres being platted.

Ms. Gomez informed that both acres will be platted and subdivided into two.

Commissioner Brightwell asked if the variance is removed and the eight acres is sold, will it have the encumbrance of shared access parking.

Ms. Gomez informed that it would not show the boundaries of the easement, however, it will be required at a future date of development.

Commissioner Haney asked if the applicant's concern is for the ten acre tract the to obtain permits. Placing the easement into the tract will limit the applicant. The eight acre tract will be sold. Commissioner Haney asked if the applicant does not want the burden of having the easement on the ten acre tract.

Ms. Gomez confirmed.

Shashi Kumar, Director of Public Works, informed that the reason for cross access is to minimize the amount of driveways due to more conflicts. The ten acre property has a driveway at the edge of the property with a 500ft frontage. Mr. Kumar informed it is not known where the new purchaser will place their driveway. The cross access easements must be placed to have access to the property. If the cross access is not given through the plat, and the new owner wants the driveway in the middle and does not meet the design standards, it will have to be denied with access to their property. Mr. Kumar informed that the current aerial photos

shows an existing cross access between the eight and ten acre tract and being used to some extent. The Engineer Department strongly recommends cross access and deny driveways that do not meet the separation distance.

Commissioner O'Malley informed that the particular road being shown as a cross access was used by the original owners of the property.

Commissioner Haney asked if there were a plat note modifying the plat around the cross access to indicate in the future it may be required, would that be a correct remedy at this point or should it not be considered.

Mr. Kumar informed that it is recommended for the cross access be provided at this time. When the next sight is developed and the placement of the driveway is known, if it meets the separation distance then the note of providing a cross access can potentially be removed. Mr. Kumar informed that if it is not in the plat, the potential new owner might be denied cross access. If the new owner cannot meet the driveway separation distance, then the ingress and egress will be limited.

Commissioner Brown-Marshall asked if it is known why the applicant is trying to have the variance resolved now.

Ms. Gomez informed that the applicant is positioning the property. Staff first touched bases with the applicant at a Pre-Development Meeting to discuss future improvements to the site and the possible sale of the additional acreage. Platting was discussed as part of the steps. Ms. Gomez informed that the applicant is working on the final plat. A part of the final plat is a condition of a cross access.

Motion: To accept staff's recommendation to not accept the variance request.

Made By: Commissioner Brightwell

Second: Commissioner Pearson

AYES: Commissioner Brown-Marshall, Commissioner Anand, Commissioner O'Malley, Commissioner Rose, Commissioner Pearson, Commissioner Brightwell

NAYES: Commissioner Haney

ABSTENTIONS: None

The motion passed.

7. ZONING MAP AMENDMENTS

A. PUBLIC HEARING FOR A SPECIFIC USE PERMIT

- (1) Public hearing to receive comments for or against a request by Justin Jones, Skyway Towers LLC, for a Specific Use Permit to allow for the location of a telecommunications tower and associated equipment, 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 telecommunications site is proposed to be located within the quail Valley Thunderbird North subdivision, within a neighborhood park, north of the intersection of Turtle Creek Drive and Southern Hills Drive and west of Roane Park.

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

Jennifer Gomez presented this item. Ms. Gomez informed that the HOA maintains a park located on Turtle Creek Drive, shown in black on the site plan. The park is located west/southwest of Roane Park, Texas Parkway and Turtle Creek Drive. Ms. Gomez informed that T-Mobile has partnered with Skyway Towers LLC for a location of a tower. A complete application was submitted to try to meet the requirements of Section 15B for towers. The applicant has recommended to mask the tower. Ms. Gomez informed that the standards for towers will apply. The tower is at proposed 120ft with antennas mounted on the exterior. T-Mobile would be at the 100ft level of the tower. Three options for co-locaters to locate below or above of T-Mobile's equipment will be provided. The base will be screened by a 6ft wood fence. The applicant mentioned a chain link fence, however, the fence would be wood at minimum 6ft. Staff's recommendation is to approve with the conditions of the qualifications in the report.

Commissioner Haney asked if the clarification of the first requirement in Section 15A is to identify alternative places for towers to co-locate as opposed in the letter that there are not any other poles by the operator in the area.

Ms. Gomez replied that the clarification is correct. Ms. Gomez informed that within the presentation, there is a map showing other locations that were considered. Other towers are not located within the presented search area.

Bebb Francis, Francis Law Firm – attorney for Skyway Towers LLC, informed that there is a significant gap in T-Mobile's wireless service the specific area of the City due to growth. Mr. Francis presented a Community Impact Newspaper article from early July. A quote from Mayor Allen Owen was read: "Population continues to grow as more people move to the City, and business development is thriving." Mr. Francis informed that with growth comes the need for additional wireless service. A quote from The Washington Times was read: "There are 359.9 million wireless devices, or 1.2 wireless devices for every U.S. resident." Mr. Francis shared many examples of the importance of having sufficient wireless service by providing a cell tower onto the presented site. The location was chosen to be on the HOA's property to not interfere with the tennis courts and the swimming facilities. Mr. Francis informed that the 50 x 50 compound will accommodate not only T-Mobile's equipment, but also the equipment for three additional companies such as Verizon, AT&T and Sprint. The tower is a mono-pine. Skyway Towers LLC will add mock-bark that will resemble brown bark. Mr. Francis informed that the major portion of the tower will be painted a color that will match the mock-bark. The site location is zoned CF – Community Facilities District. Around the zone CF area is R-2 zoning. Further southwest is Lantern Lane Elementary. Mr. Francis informed that further to the south and east are community parks, to the west is zone R-1, and the golf course. The alternative site analysis showed a search ring, which is the optimum

ring T-Mobile will need to have a facility in order to solve the wireless gap. Within the ring, available lots do not exist. The alternative for the tower location is the proposed site. Located in the north east of the search ring is not the optimum placement, however, it will accomplish the resolving of the significant gap. Mr. Francis presented images of the proposed tower and site from various locations. The Federal Telecommunications Act, Former Health Communications Specialist, World Health Organization, Former Health Communications Specialist – John Hopkins University in the Daily News & Analysis, and the American Cancer Society and USDA were articles shared by Mr. Francis.

Paul Williams, T-Mobile – Senior Manager of RF Engineering, informed that wireless coverage is a purpose of the proposed cell tower site. Mr. Williams presented slides showing the coverage, volume of E911 calls in a thirty day timeframe and a drive test map. The amount of data being carried on cell towers are increasing by about 25 to 30% a year. Mr. Williams informed that there are engineering guidelines within T-Mobile that are used to determine when the capacity in an area needs to be upgraded. If the tower is not approved, T-Mobile will exceed the guidelines by the following year. Mr. Williams informed that the quality of service will begin to degrade by slower internet speeds, no internet access during busy hours, possible poor voice quality, and dropped and failed calls.

Commissioner O'Malley asked Mr. Williams if the tower will be capable of handling other carriers.

Mr. Williams informed that T-Mobile will not own the tower, however, they will be the primary carrier.

Mr. Francis informed that the tower has the capacity to accommodate four carriers. T-Mobile will occupy the 100ft rad. Co-location opportunity will be above T-Mobile with two additional carriers below.

Commissioner O'Malley asked the cell tower owner about the masking resembling branches.

Scott Buhuniak, Skyway Towers LLC, informed that there are two levels of stealth that will be performed on the tower. The branches are a composite of faux pine needle branches. The bottom portion that is not branched has composite plastic texture adhesive to the side to resemble natural bark.

Commissioner O'Malley asked if in five years when all the color has faded, Skyway Towers LLC will replace the material.

Mr. Buhuniak informed that fifty to seventy towers are built a year throughout the south by Skyway Towers LLC.

Commissioner O'Malley asked if the towers have been in service for about eighteen months.

Mr. Buhuniak informed that Skyway Tower LLC has been building the towers for about twelve years. Maintenance of the tower is the responsibility of Skyway Tower LLC.

Commissioner Brightwell asked if the HOA was present.

Susan Soto, 3207 Southern Hills Drive – HOA president, informed that her street enters Turtle Creek Drive where the site for the tower is located. Several years ago Skyway Towers LLC approached the HOA, which Ms. Soto was not the current president. Ms. Soto informed that the original paper ballots for the cell tower were provided to Ms. Soto from the previous president. All five hundred property owners were mailed the paper ballots. In March of 2015, the HOA met with Skyway Towers LLC about the proposal. Ms. Soto informed that enough ballots were received to meet the deed restriction requirements and the By-Law requirements to pass the proposal of the tower with a seventy-seven percent passage rate. Ms. Soto informed that the current HOA board supports the cell tower.

Motion: To close the public hearing

Made By: Commissioner O'Malley

Second: Commissioner Rose

AYES: Commissioner Haney, Commissioner Anand, Commissioner O'Malley, Commissioner Rose, Commissioner Pearson, Commissioner Brightwell

NAYS: None

ABSTENTIONS: None

The motion passed

Ms. Gomez asked the Commissioner to clarify the maintenance entity of the tower

Motion: The Planning and Zoning Commission grant conditional approval to allow for the location of a telecommunication tower and associated equipment with the condition that as the color fades it will be replenished to the original state after a certain amount of time.

Made By: Commissioner O'Malley

Second: Commissioner Brightwell

AYES: Commissioner Haney, Commissioner Anand, Commissioner O'Malley, Commissioner Rose, Commissioner Pearson, Commissioner Brightwell

NAYS: None

ABSTENTIONS: None

The motion passed.

B. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT

- (1) Public hearing to receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, specialized fitness, small food service, neighborhood and specialized 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. The subject site is located north of Life Pointe Church, south of Olympia Estates, east of Olympia Estates and Vicksburg, Village of Sedona Creek and west of Vicksburg, Village of Cumberland.
- (2) Consideration of the approval of a final report to City Council on item 7B(1) above.

Jennifer Gomez presented this item. Ms. Gomez informed that the subject site is at the intersection of Vicksburg Boulevard and Truesdale Drive. The request is to rezone the site to a PD to allow for a mixed use development. Ms. Gomez informed that the mixed use development is conceptually proposed in four phases. Conceptually the drawing shows about seven buildings ranging in square footage from 25,00 to 7,000 sqft. Ms. Gomez informed that the developer is proposing to cap the building height at 20ft, roughly one story structure. The development will be catered to specific uses, not open ended. Specific commercial uses to include a child care facility in building A, a 6,000 sqft building, a mixed educational, professional, specialized retail commercial uses such as fitness facilities, medical offices, tutoring and the like. Ms. Gomez informed the applicant has indicated no alcohol services and for small scale food services not to exceed 5,000 sqft. The phases will start with year one and will be continuous through a four year period of time. Ms. Gomez informed that the site is currently zoned for single family residential. The character district is a part of the auto oriented commercial and single family character as the first zoning case described during this meeting. The character district looks at large expanses, larger setbacks and pushed back away from other uses from the street frontage. Staff recommended based on the comprehensive goal to provide varied opportunities for development to move beyond the bedroom type perception and to disapprove the uses or disapprove the rezoning to allow for commercial, however, to look towards the scale and the intensity of development for this site. Staff's recommendation is to approve the mixed use development as recommended, paying much attention to architectural standards, landscaping, buffer yard between the subject site and the adjacent single family residential area to ensure as much compatibility as possible. In terms of uses, staff recommended applying the LC-1, local retail restricted, which is the most restrictive commercial use district. A list of the types of uses can be located on the Zoning Quick Reference Guide. Ms. Gomez informed that it is a smaller scale commercial type use, not regional commercial type uses that will draw in people from all over.

Ms. Gomez informed that the height and area regulations that the applicant has provided the on conceptual plan recommend to cap the maximum building height no taller than 20ft. The building setbacks appear to be consistent with the LC-1 district, which will be about 30ft from the Vicksburg Boulevard frontage and Truesdale Drive. Ms. Gomez informed that conceptually based on the plan, there is a significant amount of green space and the buildings are pushed closer to the road way as opposed to the single family homes. Building A is closer to what the building setbacks will allow due to residential homes on the other side of the property line. Staff's recommendation is to adopt the developer's proposal of capping the maximum height no taller than one story and 20ft and applying the setbacks along Vicksburg Boulevard and Truesdale Drive to be maintained as shown at a minimum of 30ft. Ms. Gomez informed that the Commission should look at applying a more substantial setback to be applied to the western property line. Approximatly based on the scale that was provided, there is roughly about 150ft of green space from the property line to the edge of the parking, give or take, due to it not being an even line. On the northern side where building A is, providing at least a minimum of building setback at least 50ft from the property line. Ms. Gomez informed that there is a building setback, which means no building or structure can be placed within that area, but paving and parking can be placed within the area. In order for what is being shown to be done, preserving the green space and any development or activity closer to residential backyards, a buffer yard setback should be applied in addition to the building setback. It will prevent parking from being within 20ft from a residential property.

Ms. Gomez informed that under building regulations, staff is recommended to apply the LC-1 standards. LC-1 limits the size of tenants within a building or the size of a single tenant within a building. It limits no more than 2,000 sqft. Ms. Gomez informed that though multiple buildings are being proposed with a mix of different retail commercial uses, the tenants could not use more than 2,000 sqft of space for their businesses or services. It reduces the intensity of the types of services and scale of services that can be located in the center. Ms. Gomez informed that one qualification the Commission should consider is that the applicant is proposing a child care facility. A child care facility may need a little more square footage than 2,000 sqft. The applicant is proposing the child care facility for building A at 6,000 sqft. Staff's recommendation is to require 2,000 to 6,000 sqft for a child care facility. Ms. Gomez provided Kiddie Academy, Raoul Wallenberg Lane, as a child care facility that is roughly a 10,000 sqft building on about two and half acres of land and The Learning Experience, FM 1092 that is under construction will be 10,000 sqft on roughly one acre of land as an example of a child care facility. Ms. Gomez informed that child care facilities are running with the range for the building footprint. If a child care facility is being considered for this area, staff's recommendation is to allow a larger footprint than 2,000 sqft. Ms. Gomez informed that the other building regulations would apply the lighting standards.

Ms. Gomez informed that for architectural standards, the applicant has generally applied the City's minimum standards showing one hundred percent masonry for walls, identified a brick color for the development and have identified accent colors

and materials. Ms. Gomez informed that the elevations are preliminary and do not meet the City's standards. Staff's recommendation is to adopt the standards that the developer has proposed in addition to the City's minimum standards. Ms. Gomez informed that the meaning is to adopt the brick color as their primary material and to require the same percent usage requirements for primary materials, accent materials and the materials that the City minimally requires. Additionally require pitched roofs or architectural pitched elements. The standards have been imposed in the architectural standards to create harmony between the residential and nonresidential areas. The particular tract should have articulation similar to the church that is across the street at Truesdale. Ms. Gomez informed that the orientation of the nonresidential development should be congruent to the single family residential community.

Ms. Gomez informed that trash disposal regulations should follow the LC-1 standards recommending prohibiting any outside placement of storage, any sales or services outside.

Ms. Gomez informed that for landscaping standards, LC-1 standards should apply. A 20ft buffer is required to be around the residential areas, masonry wall possible, and an associated landscaping. Based on the site plan that was presented, the building setback and possibly landscape setbacks may need to be increased to more than 20ft. Ms. Gomez informed that whether a landscape setback of 150ft or a landscape setback of 50ft or taking into consideration that parking and site work will need to be closer to reduce it by 20ft or 30ft, landscape setbacks of 120ft or 150ft can be applied to be able to have parking and associated site work.

Ms. Gomez informed that for parking regulations, the same typical standards will apply.

Ms. Gomez informed that the applicant noted that no monument signs will be proposed for the development. Staff's recommendation is to receive clarity from the applicant. Knowing that the development has nonresidential uses with some amount of visibility wanted, short of a sign plan, the applicant is being requested to clarify the approach for signage if monument signage will be prohibited from the site. Ms. Gomez informed that a uniform sign plan will need to be provided for one or two monument signs within reason along the street frontage.

Ms. Gomez informed that the fencing regulations will be LC-1 standards. Ingress / Egress, utilities and platting are to follow the typical standards.

Commissioner Haney asked about roof and screening standards.

Ms. Gomez informed that the applicant submitted a diagram showing a roof screen in the event of not screening by parapet. Staff rejects the diagram and to hold to the screening standards.

John Tsai, Arc Studio - architect, gave the background of the project. Mr. Tsai informed that the current landowner acquired the property recently. The

landowner's preoccupation is the child care facility. Mr. Tsai informed that the landowner is interested in creating businesses that are community based with a certain village and synergy for public spaces. The site plan is also focused on green space and outlets for the community. The programs being suggested are interrelated with education, after school education, tutorial centers, fitness and training facilities.

Commissioner Brown-Marshall asked with the regards of the buildings being in close proximity to the residents, was there consideration to soften the look of the buildings to flow evenly into what is currently existing.

Mr. Tsai informed that when looking at the intersection, Vicksburg directly feeds off of Highway 6. Currently there is a vacant lot, to the east there is a vacant lot and to the south there is a church. Mr. Tsai informed that the thought was to keep it as far away from the neighborhood edges. On the major road side, a series of trees will act as a screen and filter. The height restriction to maintain 20ft. Mr. Tsai informed that the flat roofs helped to minimize the roof height. The mechanical units on top of the commercial building will either be split or reduced from visibility. Mr. Tsai informed that on the nearby homes, there are two stories of 25 to 32ft high. The architect is trying to stay in the middle of the height of the homes while still providing tall enough interior spaces for the commercial programs to function. Mr. Tsai informed that in terms of the building elements, they will have to look at how to transition it better.

Commissioner Brown-Marshall asked in regards to building A, how much of a deviation will it be to adjust the setback.

Mr. Tsai informed that they will need to see what the recommendation will be for the exact dimension. The building will have a courtyard for the children to have a protected outdoor space. Mr. Tsai informed that the building could be elongated to bring it further away from the northern edge residential backyards. Another alternative would be to shift the northern entry further south to bring the building further away from the residential backyards.

Commissioner Haney asked if anyone met with the HOA and homeowners to present the project. The description given by Mr. Tsai of the concept was different from what was perceived after reading the report.

Mr. Tsai replied no.

Commissioner Rose informed that most daycares have to have ample outdoor space. Commissioner Rose asked if the areas, next to buildings B and C, are smaller daycares.

Mr. Tsai replied that the detention zone will be a natural grade detention that will serve as a green space while not serving as a detention. The courtyard will be the outdoor space required for the daycare. After completing the building, the western side could potentially be a play scape.

Commissioner Brown-Marshall asked about the proposal of not having a monument sign.

Mr. Tsai informed that the thought was to not have a pile up monument. An option would be to have a low monument sign at the entry point for marking the site, however, not to attract too much attention. The parking will be centered and not highly visible. Mr. Tsai informed that they are trying to create more green space than parking.

Ms. Gomez recommended for the Commission to look at the low profile monument sign. It will provide one sign on each street of 60 sqft. Directional signage will be applied under the sign ordinance within some conditions. Ms. Gomez informed that low profile monument signs are on roadway speeds lower than 40 mph. Vicksburg may be 40 mph. If in the median, the Commissioners can recommend the low profile monument sign to meet the description.

Pamela Zackory, 2727 Prichard Ct, opposed the development. Ms. Zackory read that the economic development department cannot enforce what people can or cannot have in a center per Mayor Allen Owens. Since moving to the Vicksburg subdivision in 2007, Ms. Zackory informed that she hardly heard sirens and have met neighbors. Having more people entering the neighborhood will bring more problems. Ms. Zackory expressed that since the Vicksburg Boulevard has been open to Lake Olympia Parkway and the new walking trail has been completed, there have been more break-ins to homes and cars in the area. Aldridge has been open into Lake Shore Harbour and the speeding traffic has increased. Ms. Zackory was not sure if those involved in the project have any connections to the community other than making a profit by leasing the property to anyone that can afford the asking price of the businesses that are included, however, not limited to the types of businesses that have been listed in the project proposal. Ms. Zackory informed that from her home, in the rear of Vicksburg, to Highway 6 is one mile. There are plenty of places nearby that provide the needed services without the need to have the subject area developed. There are idle commercial properties in view with established traffic. Ms. Zackory was concerned about not knowing if a survey or study was conducted to conclude if a daycare facility would be needed within the area. Ms. Zackory protested to not have the site location rezoned to commercial property.

Clarence Gray, 2807 Manion Drive, opposed the development. Mr. Gray informed that his home is less than a block from Truesdale Drive. Mr. Gray expressed concerns about the increased traffic due to the development and the environmental issue pertaining to flooding was not addressed.

Commissioner Brown-Marshall informed that a detention pond is shown on the concept plan.

Mr. Gray went on to inform that there is an increase in street flooding in the area due to construction. Safety and security was a concern. Currently there is not a traffic light nor stop signs to slow or stop traffic.

Ingrid M. Lee, 3231 Aegean Drive, opposed the development. Ms. Ingrid informed that her family has lived in Vicksburg for five years. The neighborhood is quiet. Unwanted traffic is not needed and there are not a lot of children in the area. Ms. Ingrid asked about the guarantee of not having an empty lot if businesses do not succeed. It could bring vandalism and devalue the residential properties. Ms. Ingrid informed that many homeowners were not aware of the development. Fourteen additional protest letters were received after sharing the information of the project.

Debra James, 3311 Fountain Hills, opposed the development. Ms. James informed that her home is in front of the planned development. Ms. James, HOA secretary, extended an invitation to the developers to attend a HOA meeting on July 16, 2018 and again on the fourth Monday in August.

MaryLee W. Vandervoort, 2718 Prichard Ct, opposed the development. Mrs. Vandervoort informed that she is the HOA president for Cumberland, Sedona and Shiloh. Mrs. Vandervoort asked the Commissioners if they had record of the previous proposed development that was opposed.

Commissioner Brown-Marshall informed that the Commissioners did have record of the previously opposed development.

Mrs. Vandervoort informed that James Norcom's, Planning and Zoning Commissioner – not present at the current meeting, home is located in the rear of building A. A child care facility will be in the back of Mr. Norcom's home that will be separated by a wooden fence. Mrs. Vandervoort informed that Mr. Norcom provided his protest letter. The development will not benefit the neighborhood. Representation of the project had been changed. Mrs. Vandervoort informed that there is a concern that if the development is approved, due to the change of representation, the project would return to the previously opposed development. Commissioners were asked not to rezone the site. Walmart is nearby with additional development on Olympia Lakes.

Commissioner Brown-Marshall opened the floor for public speaking.

William A. Vandervoort, 2718 Prichard Ct, opposed the development. Mr. Vandervoort asked what did "recently purchased" mean. Mr. Vandervoort asked if the landowner was the same landowner in New York, religious group, that previously wanted to bring development to the site. The proposal for the other six buildings were not provided. Mr. Vandervoort expressed that the zoning allows for a bakery, liquor store and a stop and rob. The Vandervoorts have occupied their home for twenty-five years.

Michael Joyce, 2751 Prichard Ct, opposed the development. Mr. Joyce expressed the concern of robbery to his property due to the development. An additional

concern is the changing of the conceptual plan. Mr. Joyce informed that a drive is not presented for the child care facility to allow the dropping off and picking up of the children. The noise from the center will interrupt the enjoyment in the backyard of Mr. Joyce's home.

Motion: To close the public hearing

Made by: Chair Brown-Marshall

Second: Commissioner Rose

AYES: Commissioner Haney, Commissioner Anand, Commissioner O'Malley, Commissioner Rose, Commissioner Pearson, Commissioner Brightwell

NAYS: None

ABSTENTIONS: None

The motion passed.

Commissioner Anand asked if the development follows the Future Land Use Plan.

Ms. Gomez replied that that was correct.

Commissioner Anand asked when deviation takes place.

Ms. Gomez informed that the Commissioners consider the applications. The Future Land Use Plan is not site specific. As additional information is provided, determining whether or not a development is an appropriate zone based on the purpose of the zoning districts, based on the intensity, and based on the scale, the Commissioners make a determination as to whether the Future Land Use Plan should be adjusted in that manner. Ms. Gomez informed that the zoning ordinance will follow the determination.

Commissioner Rose asked if the requirements would require more than a wood fence.

Ms. Gomez replied yes. Minimum requirements would be brick. Ms. Gomez informed that currently existing are privacy fences for the subdivision backyards. If the site develops into commercial or nonresidential, the transitional buffer yard requirements traditionally is a masonry wall, a foot in height, with the associated landscaping.

Commissioner Haney asked if the previous proposal for development was for the presented site or if it was for the site across the adjacent street.

Ms. Gomez informed that clarification would be needed to identify if the landowner/developers are related to the previous landowner. The current project is different from the previous proposed project a few years ago. Ms. Gomez

informed that the previous application was withdrawn and not disapproved. The previous project consisted of assistant living on the same property. Unless the applicant discloses that they are related to the previous owner, the presented project is separate from the previous project.

Commissioner Haney asked if the church, Lifepointe Community Church, was approved prior to the proposal of the assistant living development.

Ms. Gomez informed that the church's property is a SUP (Specific Use Permit). The church's property is zoned LC-2.

Commissioner Haney asked why the parcel zoned residential has not had residential home proposals.

Commissioner Brightwell informed that by the layout of the lots, the land is locked by the developer for the enforcement of commercial.

Commissioner Rose asked based upon the point of the cul-de-sacs, would it be realistic that residential could be developed. It would need to be a compact neighborhood.

Ms. Gomez informed that there would need to be the consideration of access, circulation, minimum lot size and width for the R-1 district. The lots would have to be 60ft lots with the associated lengths for the product size for market sell. Ms. Gomez informed that detention, drainage and utility requirements will have to be considered.

Ms. Hobbs informed that drainage for this use would require onsite detention and a traffic analysis. Signal warning analysis may not be justified. Ms. Hobbs informed that there will be strict requirements on driveways. Several phases for detention consisted of widening Mustang Bayou to the ultimate expansion for Olympia Estates, Lake Shore Harbour and Parks Edge development, as well as some portions of Dry Creek. The subject site was not accounted for in the widening of Mustang Bayou. If the development would be residential, possible onsite or underground detention would be required. Ms. Hobbs informed that the detention offset for residential is typically smaller than that of commercial.

Commissioner Pearson suggested that due to the community opposing the commercial development and the challenge of a residential development on the same site, there should be a conversation between the community and the developers for a consensus of what the community would support.

Commissioner Brown-Marshall highly recommended Commissioner Pearson's statement.

Motion: The Planning and Zoning Commission provide a negative recommendation to City Council to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD,

Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to education and professional offices, specialized fitness, small food service and neighborhood specialized retail uses.

Made by: Commissioner Haney

Second: Commissioner Rose

AYES: Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Brightwell, Commissioner Rose, Commissioner Anand, Commissioner Haney

NAYS: None

ABSTENTIONS: None

The motion passed.

C. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT

- (1) Public hearing to receive comments for or against a request by Justin Schrader, LJA, to rezone an approximate 24.45 acre tract of land from LC-3, retail district to PD, Planned Development District to allow for a mixed use commercial and residential development, 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 is located north of Excel Urgent Care, south of a Murphy Express gas station and Cube Smart self-storage, east of Quail Valley Thunderbird and a Public Storage, and west of Colony Lakes residential subdivision.
- (2) Consideration of the approval of a final report to City Council on item 7C(1) above

Jennifer Gomez presented this item. Ms. Gomez informed the acreage is at the intersection of Highway 6 and Glenn Lakes Lane, north of Lake Olympia / Oilfield Oilfield Road. It is about twenty-five acres undeveloped. The developer is seeking a different concept, a mixed use development that combines commercial and residential uses. Ms. Gomez informed that there is a MUD facility lift station that is not included within the boundaries of the PD, Planned Development. The developer describes the development as two phases. Phase one as proposed is a residential phase that will include multi-story age restricted senior housing to fifty-five years plus. The other residential component will be multi-story townhomes that will not be age restricted. Ms. Gomez informed that there will be commercial retail components that will combine various uses which are seen throughout the City of professional offices, retail, restaurants, and various retail commercial uses (Phase two). Ms. Gomez presented the conceptual site plan provided that shows how the uses will be laid out on the site. The dotted line outlines the general area where the residential will be planned, which is north of the property. The townhome development will be to the rear of the property. The two multi-story condominiums

will be situated showing in the middle. An amenity for the condominium buildings, will have an office space, meeting space and recreational area in a building that will be constructed closer to Highway 6 and still accessible to the condominiums. Ms. Gomez informed that the primary nonresidential commercial retail described in the proposal has a detention drainage system to the rear that separates the tract from the Colony Lakes residential subdivision. The idea is to use the area as an amenity and create a lake / water feature with indoor and outdoor seating balconies overlooking a scenic view. Ms. Gomez informed that along the Highway 6 frontage is identified as future commercial development and is consistent with uses that will be permitted in a LC-3 district.

Ms. Gomez informed that staff's recommendations is to allow for age restricted condominium buildings. Building A will comprise of eighty units. Building B will comprise of eighty-eight units for a total of one hundred and sixty eight condominium dwelling units. Ms. Gomez informed that the townhomes will be forty-two single family dwelling units with two car garages. Phase two of the development will comprise of approximately 219,000 sqft of commercial / office / restaurant space developed in two-story buildings with an open multi-purpose plaza as a feature of that development. Staff recommends based on the goals of the Comprehensive Plan and the Future Land Use Map that the Commission approves the mix of uses identified as LC-3, retail district uses, allow for the age restricted condominiums placed at fifty-five years plus and to allow for single family townhome development. Ms. Gomez informed that it is in conformance with the Future Land Use Map that calls the location as a commercial area, however, there is a unique opportunity for a Character District that is called an Urban Character District. In the staff recommendation the Commission can consider making a change to the Future Land Use Map and calling the area as an urban area.

Ms. Gomez informed that the commercial character is largely a suburban commercial layout, typical standard along the major corridors. The shopping center or commercial building, nonresidential building is pushed back from the right-of-way. Parking is laid out in front. Generally it is a design pattern that is built for the automobile for people to use their cars to go from place to place.

Ms. Gomez informed that the urban character is not a different concept, however, it is an old concept that brings the pedestrian feel. It allows for larger and taller buildings, closer setbacks where buildings are not set back far away from each other and street frontage. Parking is in a parking structure or on the site to access several of the amenities on the site combined. The qualification for the urban character flips the zoning ordinance. Urban looks at minimum building height, which is opposite of the zoning ordinance that looks at maximum building height. The urban character establishes maximum setbacks vs. minimum setbacks with the buildings being at certain distances in proximity of the property lines. Ms. Gomez informed that much of the application falls in line with the urban character. From the staff prospective it will be a great location for the use.

Ms. Gomez informed that on height and area regulations, the condominiums are being proposed as multi-story, two five-story buildings to contain one hundred sixty eight dwelling units. The proposed townhomes will be two-story buildings to contain forty two dwelling units. Ms. Gomez informed that the commercial buildings do not currently have height measurements. They are described as two-story buildings throughout the entire development. In the height and area regulations, the lot area and minimum lot width, the density regulations and green belt requirements are applied, staff's recommendation is to apply the LC-3 standards on the commercial, which is the current standard for the zoning property. LC-3 standards allows for no limit on the building height, unless the building is within 150ft of a residential district. A drainage facility separates the site from the nearest single family residential area. The residential uses allow deviations to the front yard, rear yard, site yard lot widths and lot areas based on the layout that is shown on the site plan. Ms. Gomez informed to base it on the perimeter of the entire development as oppose to the individual buildings or individual lots. For the condominiums, staff's recommendation building height could be the same as LC-3 district, no limit unless within 150ft of residential, or cap at five stories. The density, greenbelt requirements are critical in terms of the community character design. Ms. Gomez informed that based on what is shown, staff recommends that a greenbelt 30ft around the perimeter of the entire site and common space for the townhomes will be required. For density, the numbers provided are above what is allowed for the acres associated with the uses. The townhome uses are slightly above what is required. Townhome uses are capped at ten dwelling units per gross platted acre. About three and half acres will be associated with the townhouse use. Ms. Gomez informed that for the condominium uses, they will be capped at fifteen dwelling units per platted acre. The condominium uses shows the highest numbers. Staff recommends thirty-five townhomes and ninety aged restricted condominiums is what is allowed based on the current standards. With the density issue, in terms of moving away from a bedroom community and providing those pieces needed to support a nonresidential development has been a big conversation. The first phase is all residential. Staff recommends to allow the first phase, however, not at the density that is purposed. Ms. Gomez informed that the first phase of residential growth could be capped to only what is permitted based on the code today and tied to the phase two commercial nonresidential growth. Developing additional condominium units could be tied to the development of phase two. Guidance of the performance standards in PD 96, the PD near the Fort Bend Parkway and Lake Olympia Parkway, were given

Commissioner Brown-Marshall asked if tied to the growth, with two five-story buildings, where is the cap.

Commissioner Haney informed that it would be one building at a time.

Ms. Gomez informed that the Commission does not have to stay within the given numbers. It can be all the townhomes, and one condominium building and watch the performance of nonresidential growth. The Commission can recommend to have all the residential completed and nonresidential in the future.

Commissioner Brown-Marshall asked if the Commission could also recommend one building of the condominiums, maybe townhomes and the community center and then for the retail.

Ms. Gomez presented page 5 and 6 of PD 96 ordinance. Section K, under the development schedule, there is a phase one and phase two identified. Phase one speaks on the allowance for residential dwelling units in their phase one based on a construction of a minimum of 15,000 sqft of one or more buildings designated for LC-3 retail uses. Phase two allows to complete the residential development provided that the occupancy level for the commercial development that was constructed is at least seventy-five percent.

Commissioner Brightwell informed that the PD is a different approach to the presented PD.

Ms. Gomez informed that is the Commission's recommendation. The staff's prospective is if phase one all residential, and phase two never grows, what benefit or loss will it be for the City.

Commissioner Brightwell informed that if phase one does not encumber phase two, then the property can still be sold for a use.

Ms. Gomez agreed.

Commissioner Brown-Marshall informed that there will be more City services going towards residential with no tax base for it to be covered.

Commissioner Brightwell asked about the applicant's schedule.

Ms. Gomez informed that when the applicant presents, they can inform that as of now there is not a defiant schedule. Based on the creation of a PD, the applicant is required to the next step within five years of the PD approval. Ms. Gomez informed that the applicant agreed that their schedule will include the requirement. The start and finished dates had not been determined.

Ms. Gomez informed that the applicant is to meet the City's architectural standards. The perspectives of the architectural design were presented. The applicant's architectural design will provide uniform exterior material. There will be a project brick, a similar blend that will be used throughout all the buildings, similar colors and accent materials. Ms. Gomez informed that there are not architectural standards for townhomes. Townhomes will be added into the architectural mix and making the architectural design consistent throughout the development. Staff's recommendation is to include the architectural review mentioned. The basins on top of the structure is a conceptual idea to do a design that captures rain water and recycles it throughout the development. Ms. Gomez informed that the closest example would be Whole Foods in Sugar Land on Highway 6 has the leaf design

on top of the store. Staff's recommendation is to allow the utilization of their materials as the applicant has described, however, the primary material would be considered the brick shown in the details. Ms. Gomez informed that the City's minimum requirements will need to be met, which will include pitched roof or pitched element, one hundred percent masonry, with a percentage use of the primary materials. There is a two-story parking structure that is proposed as part of the project. The architectural standards should extend to the structure and should be required to construct with architecturally designed masonry panels. Ms. Gomez informed that the applicant indicated that they will be consistent with the exterior materials proposed.

Ms. Gomez informed that for the garage standards, the applicant is proposing underground parking, at grade parking and a two-story garage. Condominium uses require at least one garage per dwelling unit. Townhomes require a two car garage per dwelling unit. The applicant is proposing the two car garages per dwelling unit for the townhomes, however, the condominiums are not currently showing garages. Staff's recommendation is that at least a quarter of the required parking be consistent with garages. Ms. Gomez informed that the Commission can look at the consideration of proposing a parking structure and underground parking that would be similar to the covered parking regulations and not personal garages.

Commissioner Haney asked if there is a concern around the number of spaces.

Ms. Gomez informed that the question will be addressed in the parking portion of the staff report. Garages are a quarter of what will be required.

Ms. Gomez informed that under the trash disposal regulations are the standard requirements. Portable storage unit regulations are standard requirements. Outside placement storage sales due to the type of retail commercial uses that are proposed, the regulation is to prohibit. Ms. Gomez informed that the Commission can overturn and apply LC-3 standards which means that equipment and merchandise outside will need to be screened from public view. It will be the standard ordinance.

Ms. Gomez informed that the applicant has a complete fourteen page landscape plan. The applicant is designing to meet the City's standards. Staff's recommendation is to adopt the applicant's landscape plan as the landscape plan for the development with requiring parking islands and diamonds to be distributed throughout the parking lot. Ms. Gomez informed that the changes that should be made based on the recommendation for the common space and greenbelt should be reflected on the landscape plan as well as not to require a transitional buffer yard between the residential uses and the commercial uses. Ms. Gomez informed to consider instead of the evergreen hedge around the perimeter and not within the development.

Ms. Gomez informed that the parking shown is reduced from what is required due to the applicant applying a different standard to the condominium break down. The number reduced is not significant. Guidance from previous age restricted

communities as The Huntington's three developments and The Gala and Jubilee proposed to be developed along Texas Parkway analysis has been seen in terms of age restricted communities with the request to reduce the parking burden. Staff's recommendation is for the Commission to provide the same guidance or opt to reduce the amount of parking as shown on the site plan.

Ms. Gomez informed that sign regulations and fence regulations are to City's standards. Staff's recommendation on the amenities is to tie the multi-purpose building being proposed to the construction of the first condominium building. This is to not have two condominium buildings and the townhomes with the amenity to come in the future. Ingress, egress, utilities, platting and parkland dedications will be required for the nonresidential uses.

Justin Schrader, LJA, introduced the design architect – Mario Bolullo.

Mario Bolullo, STOA - design architect, informed that if the construction of fifty percent commercial and fifty percent residential then to the next phase will be a successful phase vs. waiting for units to be sold of condominiums and waiting for the retail. The residential buildings have indoor parking garages and should be two cars per unit. Mr. Bolullo informed that there are buildings that are overlooking a courtyard that is not indoors. For the retail, a creation of an indoor/outdoor area that is more conducive with fresh air with an environment atmosphere will be designed. The commercial area will have easy access all the way around without underground parking. Mr. Bolullo informed that there will be a two floor garage on one end by the lift station and another one surrounding the project. The unique feature is to create a boulevard that will be paved as an extension of a landscape on the back of the entire property by the existing lake. Mr. Bolullo informed that paving will be used and the area will be dedicated to delivery trucks, emergency and maintenance. It will be a boulevard for pedestrians.

Commissioner Brown-Marshall asked if there were any comments that Mr. Bolullo disagreed with.

Mr. Bolullo responded yes to one. Mr. Bolullo informed that it is not only a solid block of five-story residential. It terraces up as it progresses. The first start are the townhomes that have a particular design character where the roofs will allow you to come into the next block line of the residential condominiums that will be a three story. Mr. Bolullo informed that it then transfers into a four-story and later on into a fifth-story. The fifth-story is facing Highway 6. It buffers the noise of Highway 6 into the courtyard and transitions into the lakes. There will be gentle slope roofs that will allow a transition from the low type of townhouse to the higher pitch, without major transitions. Mr. Bolullo informed that they will use lots of brick.

Bill Vandervoort, Vicksburg resident / Highway 6 driver, asked if anyone has thought about a hundred and fifty homes, times two cars, times maybe three hundred and fifty total four hundred and fifty new vehicles in that small space. Mr.

Vandervoort asked if anyone has thought about the traffic flow. Will there be a request for another free traffic light on Highway 6 to slow down traffic even more.

Ms. Hobbs informed that the applicant has provided the Traffic Impact Analysis and that there will not be any free traffic lights. If a traffic light was warranted, which in this case it is not proposed, the developer will have to pay for it.

Mr. Vandervoort informed that it upsets him every time he turns around, there is a new traffic light on Highway 6.

Motion: To close the public hearing

Made by: Commissioner Haney

Second: Commissioner Rose

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner Anand, Commissioner O'Malley, Commissioner Rose, Commissioner Pearson, Commissioner Brightwell

NAYS: None

ABSTENTIONS: None

The motion passed

Commissioner Brown-Marshall informed that if the project needs to be tied to a performance standard, the applicant has stated that he does not have a problem with fifty percent and fifty percent.

Commissioner Brightwell asked if staff can negotiate that percentage on the Commissioners' behalf.

The Commissioners agreed.

Commissioner Haney informed that the wording should be that staff will negotiate something that is workable.

Commissioner Brightwell informed that the phasing includes a mixture of commercial and residential.

Ms. Gomez informed that staff can present the recommendation to Council.

Commissioner Pearson informed that it will be a selling point to get occupancy to the area.

Commissioner Brown-Marshall informed that with regards to the garages, due to the different style product with the underground parking, the need for garages is not seen for the condominiums as recommended by staff.

Commissioner Rose asked to return the discussion to the underground parking.

Commissioners confirm that there is underground parking under the condominiums.

Commissioner Haney informed that the underground parking is not a garage.

Commissioner Rose asked about the garages for the townhomes.

Commissioners confirm that the townhomes have garages.

Commissioner Brightwell asked if the residential parking shown is acceptable for the townhomes and condominiums.

Commissioner Brown-Marshall confirmed yes.

Commissioner Haney informed that the commercial parking is ample.

Commissioner Brown-Marshall informed that the commercial parking is ample and sufficient. No more concrete is needed.

Commissioner Haney informed that the density question was addressed with the phasing.

Commissioner O'Malley informed to remedy if the phasing is not fifty-fifty.

Ms. Gomez informed to add minor/major modification and adding that language to the ordinance. An example of the language from PD 95 allows some flexibility. Establish a threshold that anything above ten percent will have to go through Planning and Zoning. Ms. Gomez presented the Commissioners with PD 95 ordinance.

Commissioner Haney asked about the concepts of setbacks and green spaces and if staff is directing the Commissioners towards what the applicant is planning.

Ms. Gomez confirmed, yes.

Commissioner Brightwell asked about the buffering zones being applied in an urban fashion.

Ms. Gomez informed that the Commissioners can apply the buffering zones to the LC-3 standards for the condominiums with the no height restrictions and relax the lot area with staff's recommendations.

Commissioner Brown-Marshall asked if it will amend the plans.

Ms. Gomez informed that the applicant is working on revising the site plan to add the greenbelts in the common area components, which will change the green spaces.

Commissioner Brightwell asked if ultimately after the PD is built, the urban model then will be discussed.

Ms. Gomez informed that a workshop can be conducted for recommendations for changes to the zoning ordinance.

Commissioner Brightwell asked if it is an overlay.

Ms. Gomez informed that it is a character district. The Future Land Use Plan is broken down into character districts. The typical character district is the commercial and single family residential with the typical setbacks and layouts. Ms. Gomez informed that areas around the Fort Bend Parkway have the urban character district.

Commissioner Haney asked if the Commissioners agreed with staff's recommendation of the architectural standards.

Commissioners agreed.

Ms. Gomez asked the Commissioners to add the rain water collection systems. The specified details as to the material had not been received. The Commission wants to adopt a concept that is in the elevations with the roofing standards. Ms. Gomez informed that cnc metal, roofing requirements, colors matching the visible roofing requirements to make sure not to apply masonry standards to the component.

Commissioner Brightwell asked if the height standard will encompass the feature or is the height standard more of a livable floor.

Ms. Gomez informed that the height standard is more of a livable floor height and would not go to the top of the structure.

Commissioner Brightwell asked if the story is a livable space but if ultimately there is a height maximum.

Ms. Gomez informed that it excludes towers and chimneys. LC-3 does not have a height limit unless it is within close proximity of a residential area.

Ms. Gomez informed the Commission to also add the exclusion of having the rain water collection features screened and from being categorized as equipment to be screened.

Motion: The Planning and Zoning Commission grant conditional approval to rezone an approximate 24.45 acre tract of land from LC-3, retail district to PD, Planned Development District to allow for a mixed use commercial and residential development based on staff's recommendation following clarifications and exceptions; 1) to allow staff to negotiate a combined phasing of residential and commercial development that is reasonable with allowing for the minor/major modifications as presented from a previous PD 95; 2)

acceptance of the residential parking as proposed by the applicant for the condominiums and the townhomes; 3) acceptance of the commercial parking spaces as proposed by the applicant; 4) recommendation of the LC-3 buffering and height requirements; 5) not require masonry for the roof water collection feature and will fall under the roofing requirements without the roofing systems being categorized as equipment to be screened.

Made by: Commissioner Brightwell

Second: Commissioner Haney

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner Anand, Commissioner O'Malley, Commissioner Rose, Commissioner Pearson, Commissioner Brightwell

NAYS: 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 Brown
Planning Technician