



**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
January 9, 2019**

1. CALL TO ORDER

The Notice of the Meeting and Agenda having been duly posted in accordance with the legal requirements and a quorum being present, the meeting was called to order by Chairman Brown-Marshall, at 7:15 PM.

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Tim Haney
Hugh Brightwell
James G. Norcom III
John O'Malley
Courtney Johnson Rose

Commissioners Absent: Ramesh Anand, Douglas Parker

Councilmembers Present:

Staff Present:

Otis T. Spriggs, Director of Development Services
Jennifer Gomez, Planning Manager
Jennifer Hobbs, Assistant City Engineer
Jamilah Way, First Assistant City Attorney
Thomas White, Planner II
Mason Garcia, Planner I
Egima Brown, Planning Technician

Others Present:

Tim Barnes
Marie Escue, LJA Engineers
Alvin San Miguel
Jake Burgus, TBG Partners
Derek Goff
Cindy Forney

3. READING OF THE MINUTES

Chairman Brown-Marshall called for a motion to accept the December 12, 2018 Planning and Zoning Commission meeting minutes.

- Motion:** Approval of the December 12, 2018 meeting minutes.
- Made By:** Commissioner Norcom III
Second: Commissioner Courtney Johnson Rose
- AYES:** Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III
- NAYES:** None
ABSTENTIONS: Commissioner Brightwell

The motion passed.

4. REPORTS

A. COMMISSION REPORTS

- (1) Chairman of the Planning and Zoning Commission Wished everyone a Happy New Year.
- (2) Planning and Zoning Commissioners Wished everyone a Happy New Year.

B. STAFF REPORTS

- (1) Development Services
 - a. Director – Otis T. Spriggs Wished everyone a Happy New Year. Mr. Spriggs informed of the Christmas gift to each Commissioner from the Planning Division (Group photograph framed). Mr. Spriggs reported that in the next Planning and Zoning meeting there would be a newly appointed Commissioner, Gloria Lucas. Ms. Lucas should be sworn in prior to the next meeting, which would be February 13, 2019.
- (2) Engineering
 - a. Assistant City Engineer – Jennifer Hobbs Wished everyone a Happy New Year and informed that there were not any reports.

5. PUBLIC COMMENT

None.

6. PLATS

A. CONSENT AGENDA

- (1) Consider approval of a preliminary plat for Sienna Plantation Section 15B
- (2) Consider approval of a final plat for Sienna Plantation Section 33A
- (3) Consider approval of a final plat for Olympia Estates Northeast Reserves

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

Made By: Commissioner Haney
Second: Commissioner Johnson Rose

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner Norcom III

NAYES: None

ABSTENTIONS: None

The motion passed

B. AVALON AT SIENNA

- (1) Consider approval of a concept plan for Avalon at Sienna Section 4

Thomas White presented this item. Mr. White informed that Avalon at Sienna Section 4 was located west of the intersection of Sienna Parkway and Watts Plantation Road in the ETJ, Extra Territorial Jurisdiction. In regards to the concept plan, the developers were proposing 58 lots, 3 blocks and 1 reserve totaling 25.8 acres. Mr. White informed that in regards to the staff comments, the developer submitted the development agreement, which is in review. The Legal Department was reviewing the development agreement as well. The applicant was present if the Commissioners have questions.

Motion: The Planning and Zoning Commission grants conditional approval of the concept plan.

Made By: Commissioner Haney
Second: Commissioner O'Malley

Commissioner Brightwell asked Engineering, Jennifer Hobbs, about the Atlas 14 update.

Jennifer Hobbs informed that the Atlas 14 update is the new rainfall update throughout Fort Bend County. Atlas 14 would be applicable to all plats moving forward.

Commissioner Brightwell asked if it would affectively potentially raise the elevation.

Ms. Hobbs informed that Atlas 14 could raise the slab elevation and could require more detention volume, depending on the area.

AYES: Commissioner Brown-Marshall, Commissioner Haney,
Commissioner O'Malley, Commissioner Brightwell,
Commissioner Johnson Rose, Commissioner Norcom III

NAYES: None

ABSTENTIONS: None

The motion passed

C. SHIPMANS COVE

(1) Consider approval of a concept plan for Shipmans Cove

Mason Garcia informed that if there were any public comments, they should be received prior to the presenting of the concept plan.

Chair Brown-Marshall informed that there was a deviation in consideration that agenda item "C" was not a public hearing. There were a couple of people in the audience that had asked to speak in regards to the project. Chair Brown-Marshall informed that the first person to speak was Cindy Forney.

Chair Brown-Marshall informed that the Commissioners would do their best and Cindy Forney was referred to staff for any technical questions.

Cindy Forney, 1919 Moss Back Circle, informed that she is on the HOA, Home Owners Association board for Newpoint Estates, and is speaking for Creekmont as well. Ms. Forney informed that they had asked several times of the developers for a drainage plan, which the board had not received and it was a concern. There was a letter to be presented. Ms. Forney informed that she did not want to talk about what was in the letter, because there was not anything to address due to them not having the drainage plan, especially for what had been going on with the drainage and flooding issues and in the past.

Ms. Forney informed that she had a letter to be placed on public record, of their concerns.

The letter was passed to the Planning Technician, Egima Brown.

Tim Barnes was called to speak.

Tim Barnes, 2518 Winding Creek, informed that he is a board member of the Creekmont Home Owners Association (HOA). Mr. Barnes informed that as a member of Newpoint Estates/as Cindy Forney stated, Creekmont Subdivision was a part of the letter that was just submitted and had the same concerns regarding information made on numerous occasions to receive from the developer about drainage. The conceptual plan had not been received. Mr. Barnes informed that their, HOA board's rejection was being noted and they

would like to receive the information to respond accordingly. The HOA would like to receive the information for reviewing.

Chair Brown-Marshall thanked the Cindy Forney and Tim Barnes for speaking in regards to the drainage.

Chair Brown-Marshall informed that a City Engineer was present to address some of the concerns to the best of her knowledge. If Ms. Forney and Mr. Barnes still felt as if their concerns had not been answered, a conversation did take place with staff previously in agreeing to have a meeting with the HOA to answer any additional questions in regards to the technical aspects.

Mr. Barnes asked if the meeting would take place before or after the approval.

Chair Brown-Marshall informed that the meeting would be after the current Planning and Zoning meeting. Anything that is conducted during the current meeting would be final.

Vice Chair Haney informed that due to the agenda item being a plat, if it was not approved, it may automatically be approved within 30 days. It was the first time that the Commissioners had discussed the conceptual plan, which was just a concept. Vice Chair Haney informed that he was sure that the Engineer Department could speak on the timing of when the information is made available to the City. The preliminary plat is not the final stage. It would have to go through several platting steps and would return to P & Z, Planning and Zoning, as a final plat at some point and time. Vice Chair Haney informed that he did not know the time frame. However, at that point, staff comments are included. Even though the Commissioners may approve the plat, it is always conditioned on the completion of all the requirements and addressing all the comments by staff. Only then is the plat actually recorded. Vice Chair Haney informed that it could be a lengthy process and the current plat was very preliminary at the current time. Vice Chair Haney stated that he could not speak for the City Engineer regarding to the process.

Ms. Hobbs thanked Mr. Barnes for his question. Ms. Hobbs informed that as far as the drainage analysis, it had been reviewed by the Engineer Department since March of 2018. A final report was available by submitting an "Open Records Request" to the City Secretary's Office. Staff would be able to provide the report quickly.

Ms. Hobbs informed that as she was briefly reviewing the HOA's questions, answers could be provided in the upcoming meeting, the detention easements that were seen along the arrows was a swell ditch that would run to the detention area on the west side of the property. The main detention would be on the west side of the property. Ms. Hobbs informed that it would be fully detained. It would also have pump detention as to not overflow the southern part. The pump detention would go towards the west then back towards the south, through an easement through the western property owner and would out fall into Oyster Creek. Ms. Hobbs informed that the detention would not go towards the existing neighborhood.

Ms. Hobbs informed that the mentioned information is available along with the full report that could be provided once an "Open Records Request" was provided from the HOAs.

Ms. Hobbs informed that the Engineer staff had reviewed the drainage along with the Fort Bend County Drainage District. All of the requirements had been satisfied. The drainage would be fully detained within the site and would be out falling west of the site.

Chair Brown-Marshall asked a question in regards to a comment, which was the first bullet point of the submitted letter by Ms. Forney, "The concept plan shows the drainage..." it looks like it will be directed straight towards their subdivision. Chair Brown-Marshall asked Ms. Hobbs if that is what she understood.

Vice Chair Haney informed that it was the arrows that were in the swell ditch that showed flows both ways.

Ms. Hobbs informed the reason why the Engineer Department had the developers provide the swell ditch on the back because even though the way that everything was going to be graded, with the lots being graded towards the street, is a typical City requirement. Grading cannot take place towards the back nor the sides to flood the neighbor's property. The swell ditch would collect a very minimal amount of water, which is the purpose of a swell ditch. Ms. Hobbs informed that anything that could fall off the back would ultimately go back around to the detention pond or to the streets, which also flows to the detention pond. Ms. Hobbs explained that it would be the streets within Shipmans Cove, as an overflow.

Vice Chair Haney informed that realistically, the two arrows that were pointing on the bottom should be pointed in the other direction.

Ms. Hobbs informed that was correct. The arrows should not have been pointing in the current direction. Ms. Hobbs was not sure if there was a swell ditch showing. It was only a concept plan that was submitted and it did not really show true overflow drainage. The developers would have to do a separate cut sheet on the final plans, which had not been seen at the current time.

Commissioner Johnson Rose asked Ms. Hobbs about slab elevations of the third bullet point in the second section of the letter provided by Ms. Forney. The bullet point addressed slab elevations and the new community having higher elevations than the Creekmont and Newpoint Estates subdivisions. Commissioner Johnson Rose asked if that was part of the developer's plan, and was it for a particular reason in terms of flooding.

Ms. Hobbs informed that the developers would have to put in fill to mitigate and to be above the FEMA floodplain standards. The standards are that the development would have to be 12" above the base floodplain. That is where the elevation came from. Ms. Hobbs informed that in the case that of the standards changing, it could be seen many times that the newer subdivisions could be

raised higher. The drainage would have to go back into the new subdivision and out to the detention pond. It could not flow onto any existing subdivisions.

Commission Johnson Rose asked if the developer or owner of the property had met with the HOA, Home Owners Association in detail to discuss the drainage to try ease concerns.

From the audience, Ms. Forney replied, "He has not".

Vice Chair Haney informed that it had been a long discussion many times. What had been presented currently was a concept plan, which was just a concept. When the preliminary plat is presented, which only covers a portion, there would be a little more detail. Vice Chair Haney reminded that it would only be a preliminary plat. The letter that was being discussed covered items that were in the plat. Vice Chair Haney suggested that the process would be followed by staying on the agenda. If the concept plan had been on the consent agenda, then there would not had been any opportunity for any comments.

Mason Garcia present this item. Mr. Garcia informed that the concept plan of Shipmans Cove consisted of 95.31 acres, 139 lots in Section 1 and 135 lots in Section 2. The development was located north of Newpoint Estates residential subdivision, south of Highway 6, south and east of Creekmont residential subdivision and in the zoning district of PD 101, Planned Development, Ordinance O-18-06. Mr. Garcia informed that staff recommended approval of the concept plan in condition of addressing the deficiencies.

Motion: The Planning and Zoning Commission grants conditional approval of the concept plan.

Made By: Commissioner Haney
Second: Commissioner Brightwell

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

NAYES: Commissioner Johnson Rose

ABSTENTIONS: None

The motion passes

(2) Consider approval of a preliminary plat for Shipmans Cove Section 1

Mason Garcia presented this item. Mr. Garcia informed that the development is north of Newpoint Estates, south Highway 6, south and east of Creekmont, located within PD 101, Planned Development, and Ordinance O-18-06. The development would consist of 139 lots with 9 reserves, 7 blocks, and a subdivision of 63.34 acres. Mr. Garcia informed that on the first page of the plat, the subdivision was not provided. **Note: 10** of the plat stated that the development would be under the Lake Olympia HOA, Home Owners Association. The stated information was a typo.

Shipmans Cove HOA would be correct. Staff recommends approval of the preliminary plat conditioned on addressing the deficiencies stated.

Vice Chair Haney asked about the 64 ft. lots. In order to meet the requirements of the PD, Planned Development, the developers would have to make changes to the plat to fulfill the requirement.

Jennifer Gomez informed that the developer would not necessarily have to change the plat. The dimensions would have to be labeled. Ms. Gomez informed that the land plan generally looks the same and the lots look the same, however, the dimensions would need to be labeled for each lot.

Vice Chair Haney asked if it was the fact that dimensions were not labeled to be 60 ft.

Staff replied, "Yes".

Motion: The Planning and Zoning Commission grants conditional approval of the preliminary plat.

Made By: Commissioner Haney
Second: Commissioner Brightwell

Chair Brown-Marshall informed that she understood the concerns about the flooding. Staff would need to ensure that the requirements were fulfilled.

Commissioner Brightwell informed that the motion needed to involve the **Note: 10** on the plat.

Vice Chair Haney asked if **Note: 10** on the plat was in the comments.

Mr. Mason informed that it was not in the comments.

Vice Chair Haney informed that he amended his motion to include adding the **Note: 10** comment.

Motion: The Planning and Zoning Commission grants conditional approval of the preliminary plat with the addition of **Note: 10**.

Made By: Commissioner Haney
Second: Commissioner Brightwell

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

NAYES: Commissioner Johnson Rose
ABSTENTIONS: None

The motion passed

- (3) Consider approval of a preliminary plat for Shipmans Cove Boulevard Street Dedication

Mason Garcia presented this item. Mr. Garcia informed that the development was located north of Newpoint Estates, south and east of Creekmont, zoning district PD 101, Planned Development, and Ordinance O-18-06. The development consist of 0 lots, 4 reserves, 4 blocks and a subdivision of 4.61 acres. The Boulevard was for access to the parcel of land that is Shipmans Cove in the concept plan. Staff recommends approval of the preliminary plat, conditioned on addressing the stated deficiencies.

Commissioner Brightwell asked about the typical cross section for the road and if it was going to be curbed or open ditched.

Ms. Hobbs informed that the cross section would be curbed. Ms. Hobbs noted that the City had received the Traffic Impact Analysis at the end of 2018. The analysis was not fully approved. On January 10, 2019, staff had sent out their first round of comments. Ms. Hobbs informed that it would be possible that some minor things could change and was still in the works.

Commissioner Brightwell asked if there was plenty of right of way.

Ms. Hobbs informed that there was plenty of right of way and did not think that it would be an issue. One of staff's comments would be that TXDOT, Texas Department of Transportation would also provide feedback.

Commissioner Brightwell informed that the proposed boulevard was also entering Watts Plantation, which the right of way was larger.

Ms. Hobbs informed that Watts Plantation and the City's Master Throughway Plan would ultimately be widened, which was the reason for the requirement.

Commissioner Johnson Rose informed that one of the community's concerns last year was about a traffic light. There was a lot of concern about the street cutting in and if the Traffic Analysis addressed that concern.

Ms. Hobbs asked if Commissioner Johnson Rose was speaking about the intersection at the bottom of the plat.

Commissioner Johnson Rose replied, "Yes".

Ms. Hobbs informed that was one of the main comments. It would probably not ever be warranted to have a traffic signal. One of staff's comments was for the developer to look into providing a round-a-bout, which would help calm traffic. Ms. Hobbs informed that a round-a-bout could be seen in Parks Edge and some areas in Sienna Plantation. It was one of the questions that staff posed to the Engineers for the developer to look into the future as it may be warranted.

Commissioner Johnson Rose asked if at the current time, the approval would not force the developer to provide the round-a-bout and if it was just a recommendation at the current time.

Ms. Hobbs informed that the comment was informing the developer that they would need to analyze for the round-a-bout. Staff and the developer would be having those discussions. Before staff would allow the development to move on to final plat, the Traffic Impact Analysis would have to be fully approved both by the City and TXDOT, Texas Department of Transportation in order to move forward with the proposed design/layout.

Chair Brown-Marshall asked that in the event that the development did not go hand in hand, then it would be changed and would return back to the Commissioners during the final stage.

Ms. Hobbs informed that that was correct and changes would have to be made.

Commissioner Brightwell asked that if the development was a round-a-bout, though corner clips were provided on the preliminary plat, the right of way for the intersection would probably expand.

Ms. Hobbs informed that if it would be deemed that a round-a-about was warranted, then that would need to be fixed.

Commissioner Brightwell informed that he did not think there was enough space for two lanes and a round-a-about.

Ms. Hobbs replied, "No, probably not".

Vice Chair Haney informed the audience that this was a part of the process. From the report, two significant items were checks and controls. One check and control was that the Fort Bend County Drainage District would have to sign off prior to approval. An additional check and control was that the TIA, Traffic Impact Analysis had not been currently approved and would be a requirement for the plat to move forward. Vice Chair Haney informed that the process has the checks and that are consistent with all projects. The developers are counted on to do their part.

Motion: The Planning and Zoning Commission grants conditional approval of the preliminary plat.

Made By: Commissioner Haney
Second: Commissioner Norcom III

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner Norcom III

NAYES: None

ABSTENTIONS: None

The motion passed

7. ZONING MAP AMENDMENTS

None.

8. ZONING TEXT AMENDMENTS

None.

9. OTHER MATTERS WITHIN THE JURISDICTION OF THE COMMISSION OR THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE.

A. PARKLAND DEDICATION

(1) Consider approval of a parkland dedication for Newpoint Estates Section 3

Thomas White presented this item. Mr. White informed that in regards to the parkland dedication for Newpoint Estates Section 3 partial replat, the parkland dedication was presented to the Commissioners during the December 12, 2018 agenda. The tract of land was 7.130 acres, two lots, located south of the Creekmont residential subdivision, east of the Oyster Creek Country / Estates of Silver Ridge residential subdivisions. The park zone is Park Zone 12. Mr. White informed that the Parks Board unanimously voted in favor of receiving \$1,400.00 cash lieu of parkland.

Otis Spriggs informed that it was per lot (1- lot added).

Mr. White confirmed, "Per lot".

Mr. White informed that staff recommended the Planning and Zoning Commission should adopt the following as the final report and to move forward to City Council with a positive recommendation for consideration and the adoption thereof.

Vice Chair Haney informed that the Parks Board minutes stated only \$1,400.00 and asked if it was due to the dividing into two lots, was it \$1,400.00 for both lots.

Mr. Spriggs replied, "Yes, \$1,400 for the one lot added".

Vice Chair Haney informed that it was confusing in the original letter and the explanation was in the Parks Board minutes.

Motion: The Planning and Zoning Commission grants conditional approval of the adoption by the Parks Board recommendation of the Parkland Dedication for Newpoint Estates Section 3 to Council.

Made By: Commissioner Haney
Second: Commissioner Johnson Rose

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

Brightwell, Commissioner Johnson Rose,
Commissioner Norcom III

NAYES: None.
ABSTENTIONS: None.

The motion passed

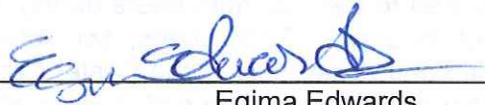
10. CLOSED EXECUTIVE SESSION

The Planning and Zoning Commission may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code.

11. RECONVENE

Reconvene into Regular Session and Consider Action, if any, on items discussed in executive session.

12. ADJOURN



Egima Edwards
Planning Technician