



**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
April 10, 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 7:07 PM.

2. ROLL CALL

Commissioners Present:

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

Commissioners Absent: Ramesh Anand, Douglas Parker

Councilmembers Present: None.

Staff Present:

Otis T. Spriggs, Director of Development Services
Jennifer Gomez, Planning Manager
Cliff Brouhard, Assistant Public Works Director
Jamilah Way, First Assistant City Attorney
Thomas White, Planner II
Egima Edwards, Planning Technician
Bill Atkins, Assistant City Manager

Others Present:

3. READING OF THE MINUTES

Chairman Brown-Marshall called for a motion to accept the March 13, 2019 Planning and Zoning Commission meeting minutes.

Motion: Approval of the March 13, 2019 meeting minutes with corrections.

Made By: Commissioner Norcom
Second: Commissioner Lucas

AYES: Commissioner Brown-Marshall, Commissioner Lucas, Commissioner Norcom III, Commissioner Brightwell

NAYES: None
ABSTENTIONS: Vice Chair Haney, Commissioner O'Malley

The motion passed.

4. REPORTS

A. COMMISSION REPORTS

- (1) Chairman of the Planning and Zoning Commission – No report
- (2) Planning and Zoning Commissioners –
Commissioner Lucas reported on the new Missouri City Library, scheduled to open June 1, 2019. A walled plaque will be implemented. As a fundraiser, plates would be sold for \$100 / \$125, and could be personalized. As a resident, Commissioner Lucas has purchased a plate.

B. STAFF REPORTS

- (1) Development Services
 - a. Director – Otis T. Spriggs
Reported that Chalisa Dixon, Community Development Coordinator, would present the Fair Housing Presentation. It is one of the activities of the Community Development Block Grant program. The City is responsible through HUD, Housing and Urban Development, to uphold the Act of Fair Housing. Each year there is a presentation before the Planning Commission and the general public for the awareness of the Act, and the City's commitment in terms of compliance.

Community Development Coordinator – Chalisa Dixon

Ms. Dixon informed that last year in April, the City celebrated the 50th anniversary of the passing of the Fair Housing Act of 1968. This year the City recommitted to the goal of eliminating housing discrimination, providing equal opportunity in the City of Missouri City, and throughout the nation as a whole. This includes access to neighborhoods of opportunity where children can attend quality schools, healthy environments for all, and economic opportunities for growth.

Ms. Dixon informed that the Fair Housing Act refers to Title VIII of the Civil Rights Act of 1968. The purpose of Title VIII and the Texas Fair Housing Act is to ensure

that no person is discriminated based upon race, gender, ethnicity, religion, or familial status.

Ms. Dixon informed that according to HUD, Housing and Urban Development approximately two million instances of housing discrimination takes place every year. The National Fair Housing Alliance reported over twenty-eight thousand for 2017 alone. Therefore, education for fair housing for renters and landlords is vital.

Ms. Dixon informed that examples of discrimination under the Fair Housing Act include refusal to rent, sell and negotiate for housing, persuading owners to sell or rent their home for profit, denying access to or membership to facilities, community houses, pool areas, etc. This also applies to advertising of realtors, owners and renters as far as when they are placing information online or throughout the city.

Ms. Dixon informed that each April the City takes the time to recognize the equal housing opportunities and access, not only in apartments and home rentals or mortgage lending, but also in local governments, utility districts, and insurance companies. The Fair Housing Act should be taken into count when also setting deed restrictions, land use ordinances, development of building codes, and enforcement of policies for renters or landlords.

Ms. Dixon informed that how the City intends to affirmatively further fair housing is by maintaining and implementing a fair housing plan, establishing fair housing ordinances, investigating and forwarding any complaints that are received to HUD, ensuring that the program is fair to all, outreaching to the community, and presentations before the Commissioners and Boards.

Ms. Dixon informed that the City as a recipient of federal funds is also required to comply with the Fair Housing Act. Therefore, the City takes certain steps in the Comprehensive Plan, Consolidated Plan, Fair Housing Impediment Study, housing study, presentations, public hearings, and information that is sent out to the community.

Ms. Dixon informed that there are different resources for the Fair Housing Act, discrimination complaints to HUD, The Texas Department of Housing and Community Affairs, National Fair Housing Alliance, and the Texas Workforce Commission.

Ms. Dixon informed that on April 1, 2019, Mayor Yolanda Ford proclaimed April as National Fair Housing Month in the City of Missouri City.

- (2) Engineering
 - a. Assistant Public Works Director – Clifford Brouhard
 - None

5. **PUBLIC COMMENT**
None.

6. **PLATS**

A. CONSENT AGENDA

- (1) Consider approval of a preliminary plat for Parks Edge Section Twelve
- (2) Consider approval of a preliminary plat for Sienna Plantation Section 34A

Commissioner Brightwell moved to pull item (1) from the consent agenda for further discussion.

Motion: The Planning and Zoning Commission grant conditional approval of item (2) of the Consent Agenda.

Made By: Commissioner Haney
Second: Commissioner Johnson Rose

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

NAYES: None
ABSTENTIONS: None

The motion passed

- (1) Consider approval of a preliminary plat for Parks Edge Section Twelve

Commissioner Brightwell asked about the note of a LOMAR, Letter of Map Revision or floodplain zone AE that was not provided. There was a concern that the Commission would be committing to something that may or may not be done. Commissioner Brightwell informed that he did not recall seeing it in any of the plat notifications.

Cliff Brouhard, Assistant Public Works Director, informed that Shashi Kumar, City Engineer, is the floodplain manager. Mr. Kumar included the note on the item. Mr. Brouhard informed that he could clarify with Mr. Kumar. The assumption would be that the plat would not be allowed to move forward past the final platting stage without a LOMAR.

Commissioner Brightwell asked if the LOMAR was in review. Usually they have a certain time period. If it is not responded to, it goes into effect.

Mr. Brouhard informed that he would have to ask Mr. Kumar.

Jennifer Gomez, Planning Manager, informed that the sections of Parks Edge that are north of Mustang Bayou had a comment on all of the plats. They have gone through the LOMAR process for those other sections. It would be the same process for this one. Ms. Gomez informed that Sections 5, 6 and 7 were all pending full approval at the current time. The LOMAR was a part of those reviews.

Commissioner Brightwell informed that he did not remember seeing the comment when they reviewed the other ones.

Ms. Gomez informed that it was there.

Otis Spriggs, Development Services Director, informed that he presumed that it was something that could get cleared up prior to the final plat. Definitely prior to any development could occur, staff would not allow that to be approved. By this being a preliminary, it will not be an issue. Mr. Spriggs informed that prior to the final, staff would clarify it through Mr. Kumar.

Motion: The Planning and Zoning Commission grant conditional approval of item (1) of the Consent Agenda.

Made By: Commissioner Haney
Second: Commissioner Brightwell

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

NAYES: None
ABSTENTIONS: None

The motion passed

B. PUBLIC HEARING AND CONSIDERATION OF A REPLAT

- (1) Consider approval of a final plat of Sienna Surepoint being a replat of Reserve "B-3", Sienna Bees Creek Commercial Park Phase Two Partial Replat No. 3 and a replat of Reserve "C", Sienna Bees Creek Commercial Park Phase Two.

Thomas White presented this item. Mr. White informed that the site was located south of Bees Creek Circle, west of Sienna Parkway and in PD #36, Planned Development District. It totals 7.32 acres, 3 reserves of A, B and C serving commercial usage.

The proposed replat and the previous recorded plat was presented before the Commission.

Mr. White informed that the acreage increased due to the frontage along Sienna Parkway. It was included in the reporting, however, the replat demonstrated the frontage.

Ms. Gomez informed that it was two plats that were being replatted. The frontage was on a different plat.

Vice Chair Haney asked if the hashed section was being changed.

Mr. White replied, "Correct". The reserves were also being replatted.

Vice Chair Haney asked if they were dividing it further.

Mr. White replied, "Correct."

Commissioner Johnson Rose asked if the original plat could be shown for clarification, and if it was additional land.

Motion: To close the public hearing

Made By: Commissioner Johnson Rose

Second: Commissioner Norcom

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

NAYES: None

ABSTENTIONS: None

The motion passed

Motion: The Planning and Zoning Commission grant conditional approval of a final plat.

Made By: Commissioner Haney

Second: Commissioner Johnson Rose

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

NAYES: None

ABSTENTIONS: None

The motion passed

7. ZONING MAP AMENDMENTS

A. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

- (1) To receive comments for or against a request by Eric Kot, KIPP Texas Public Schools to amend the regulations and restrictions of PD, Planned Development District #58 to allow for an educational place of assembly, to remove regulations and restrictions pertaining to a residential structure, and to extend the boundaries of the PD by rezoning an approximate 1.105 acre tract of land from I, Industrial district; and to the extent such rezoning

deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Jennifer Thomas Gomez presented this item. Ms. Gomez informed that the site was the former Global Geophysical campus, northeast of the intersection of Highway 90A and South Gessner. The application was submitted as a SUP, Specific Use Permit due to meeting with the applicant for a proposed school campus, which require a Specific Use Permit. However, staff determined to amend the existing PD #58, Planned Development District instead, due to a cell tower at the location that is included within the PD #58 regulation. Ms. Gomez informed that what was presented was for a consideration to amend the existing PD and to take their application into consideration. The cell tower regulations would be unchanged.

Ms. Gomez informed that the PD boundaries were shown within the black outlines of the aerial map. The area in red was purchased by Global Geophysical after approval of the PD. It is currently zoned Industrial District. The application would add the acreage into the boundaries of the PD. The school was seeking to purchase all of the land that Global Geophysical owned.

Ms. Gomez informed that ultimately it was a request to locate a school campus in an area that allowed for industrial, which commercial and industrial uses would be permitted. Staff's recommendation was not to approve the school use. The reasoning was due to the Comprehensive Plan process of trying to shift from a bedroom community character to try to encourage businesses to locate within the area. These were some of the prime sites, being near Highway 90A, close to Beltway 8, an industrial campus that had already been developed, and an opportunity for the City to encourage non-residential tax base generating types of uses.

Ms. Gomez informed that the report also went into if the Commission determined to forward a positive recommendation for the use, staff outlined some additional recommendations that could be considered. Staff's recommendation was to send a negative recommendation, however, if the Commission determined otherwise, then additional provisions were provided.

Ms. Gomez informed that staff discussed with the applicant the City's architectural standards. There is a difference between architectural standards for industrial uses, how the campus was designed and the future development that the school site may incorporate. Applying Section 7.A, architectural standards, to any future development would include primary materials, brick, stone, and architecturally pitched roof elements.

Ms. Gomez informed that an additional regulation would be landscaping standards. Requiring transitional buffer yards along the public roads, does not apply traditionally to public schools. The site was designed with a transitional buffer line along South Gessner with a minimum of 20 ft. of green space, including landscape. It would also be along Industrial Drive as well. Staff's recommendation was that

the site be maintained as it had already been designed. In addition, all of the other industrial landscaping regulations could apply; not requiring additional islands and diamonds to be placed within the parking lot based on the location of the parking lot; screening based on what is existing on the site, and some of their additions for fencing around the perimeter.

Vice Chair Haney asked about the intent of staff's recommendation.

Ms. Gomez informed that the statement on the front of the report should have read, "This proposal does not comply with the Comprehensive Plan."

Vice Chair Haney informed that the wording was not clear. If the final report is recommended as stated, wouldn't it be to disapprove it.

Ms. Gomez informed that it would be based on the Commission's motion. If staff's recommendation was approved to forward a negative recommendation, that would move forward to Council. The caution would be to always think of it a recommendation: In the event that Council decided to go in a different direction, what parameters would the Commission want to apply.

Commissioner Brightwell asked about the placement of a school. Everyone that he had been a part of had been a Specific Use Permit. It may or may not have an underlying zoning.

Ms. Gomez informed that if it was a Specific Use Permit, it would have an underlying zoning. If the school site alone was coming and it was an industrially zoned property, and there was not an existing PD, then they would seek a SUP, Specific Use Permit for consideration to locate. There are school sites that are located within Planned Development Districts. Baines Middle School is part of a Planned Development District. This one is different due to a PD that was designed for the Global Geophysical site because of the residential facility that they incorporated. It was amended to allow for the cell tower location. Now it was no longer being used in the manner of which the PD was designed, other than the cell tower. The school use was trying to come in as well.

Ms. Gomez informed the option of taking the cell tower regulations; turning that into a SUP; taking the school and turning that into a SUP; otherwise, it is an amendment to the Planned Development District regulations.

Vice Chair Haney informed that it really should not require a SUP. The Commission could specify the uses within the PD.

Commissioner Brightwell informed that when dealing with a public school, our ability to enforce the architectural overlays and other things, is more of a request as opposed to a directive.

Jamilah Way, Assistant City Attorney, informed that the City could not regulate the State or Federal government. The City can place certain regulations on other entities within limitations.

Commissioner Norcom III asked if a charter school was a public entity or private.

Ms. Way replied, "No". It is not a sovereign. Those are the only people that the City cannot regulate. Zoning regulations can be placed on schools.

Commissioner Brightwell informed that his issue was that the school was being placed into a PD with specific requirements, which the Commission may or may not be able to enforce.

Ms. Way informed that the land use would be regulated with the PD, which would become the underlying zoning.

Vice Chair Haney informed that the real question was if it was a valid use for the particular piece of land. If the Commission thought that it should be a valid use for the land, then what would be the other stipulations?

Ms. Way informed that it was not necessarily saying a school had to be this, it was saying what the district had to be. The Building Official would have to see about the qualifications.

Commissioner O'Malley asked about the statement that it was not the final report. Commissioner O'Malley believed that it was not the final report. Direction would be needed from Council if they were to move to go against the Commission's recommendation.

Ms. Way informed that the report would state the Commission's recommendation and staff's recommendation.

Chair Brown-Marshall asked why that would be the process, and what was the rush.

Ms. Gomez informed that Council could not take action on the item until the Commission delivered the final report. The Commission would make a recommendation to Council. As the defining body, they would decide based on that recommendation.

Eric Kot, Deputy Chief of Operations, informed that KIPP's mission is to educate students with the academic and character skills necessary to thrive in college and lead choice filled lives. Of the students, 90-% qualify for free and reduced lunch; 95% are children of color; over 90% graduate with a high school diploma, and 80% of those enroll into college, which aligns with their mission. Currently KIPP operates 29 schools in the Greater Houston area. KIPP services 16,000 students and employs 1,800 faculty. From an operational lens, 1.7 million square feet is managed space, 100 buses or more running each day, and serve over 23,000 meals to students. The growth plan is to open schools every year for the next several years to help meet the demand for strong public education. There are 12,000 students currently waiting to attend KIPP next year for about 4,000 slots.

Mr. Kot presented three examples of campuses that are located in a business park or industrial business area. There are campuses in Fort Bend County at Highway 6, just north of Bissonett; Ferndale and Interstate 45 in the southeast area, and in the Sharpstown area at Westpark Tollway and West Glen.

Mr. Kot informed that KIPP offers pre-k 3 through 12th grade, longer school days, parents are required to be involved, and typically partner with other organizations in the community to offer services to the families.

Mr. Kot informed that the company that owned the site filed for bankruptcy and went out of business three years ago. The site had been vacant. Mr. Kot argued that waiting for another buyer to purchase the site, when there was a high performance college prep public school ready to buy currently, was advantageous to Missouri City. It is a cash transaction, with an executed letter of intent with the seller and we are in the last of contract negotiations. In terms of timing and process, they needed to be able to dual-track.

Mr. Kot informed that he did not have an economic impact that KIPP school provides. KIPP would bring new families and 150 employees; increase the number of bus drivers employed by KIPP's bus company, which is located in Missouri City; increase the number of food staff and custodial workers, which tend to work in close proximity to the schools; possibility of attracting families that did not live in the community, which strong schools tend to draw families into areas where their children attend school. For the loss of taxes on the property, Mr. Kot asked that the tax revenue loss be weighed to the benefits that KIPP would bring to the community tangibly.

Mr. Kot informed that currently KIPP has more than 50 families in zip code 77459 and asked why not keep the families in the community.

Chair Brown-Marshall informed that within the particular area that KIPP was seeking, and with Fort Bend ISD in the area, there were already under-performing schools. Chair Brown-Marshall asked Mr. Kot what sets KIPP apart and why should it be granted the land when nearby schools are underutilized.

Mr. Kot informed that from the KIPP side, their culture is what sets them apart. There is an expectation that on day one, students are aware of the year that they would attend college. It is not perfect and they do not have 100% attending college and graduating. Due to the wait list and track record, it shows and proves the demand, it is not acceptable for KIPP to not be fully enrolled. The enrollment for the proposed site would be 1,085 students, with probably a waiting list.

Chair Brown-Marshall informed that Mr. Kot stated that families tend to move where KIPP schools are located. In the current area, on this side of Texas Parkway, the homes tend to be older with more retirees. Mr. Kot was asked to expound on why KIPP would bring a certain rush of more families.

Mr. Kot informed that he stated that it "may". The economic impact was the hardest part of the pitch to the Commissioners. There are parents that move into the community where school is located. As a parent, he moved to Fort Bend due to the schools, from the north side of Houston. When he stated "may", that is what he meant.

Commissioner Johnson Rose asked Mr. Kot if they had considered any other sites within the city, and if staff recommended any other sites that would work better with the overall master plan.

Mr. Kot informed that staff had not recommended a different site. KIPP needed 18 to 22 acres, green space and other criteria when looking for a site. There was a plan "B" that is not in the City of Missouri City. The proposed site was option "A".

Commissioner Norcom III asked Mr. Kot what would happen if the population of students were to drop. Other school populations were going down due to people not moving into the area.

Mr. Kot informed that there were not any KIPP schools that were not fully enrolled. There are schools that have thousands on the wait list.

Commissioner Lucas asked Mr. Kot if they were only targeting children in Fort Bend County.

Mr. Kot replied, "No, we are not".

Commissioner Lucas asked how far out of the boundaries KIPP was seeking to bring children in from, and if they would be bused into the location.

Mr. Kot informed that KIPP had four priority zip codes, not all in Fort Bend County. Families that live within those priority zip codes would be provided with buses. If they do not, students are transported to the school. There are 32% of 16,000 students today are on buses. The rest are dropped off by their parents. Mr. Kot informed that if there are families that did not live in the priority zip codes, and need busing, if the student is able to get to one of the bus stops that is located within a priority zip code, then they would be bused from there.

Commissioner O'Malley asked about the length of the school day.

Mr. Kot informed that the State now counts the school day in minutes, not days. There are 90,000 minutes for a school year. TEA requires 75,000 of school minutes. School begins at 7:25 am to 4:15 pm Monday thru Thursday, and 7:25 am to 3:15 pm on Fridays.

Commissioner O'Malley asked if started off with 500 children.

Mr. Kot replied, "Yes". KIPP starts with kindergarten first, then 5th and 6th.

Commissioner O'Malley asked how many years before it added 1,835 children.

Mr. Kot replied, "I believe it is 7".

Christopher Browne, EHRA Engineering, introduced himself as a consultant for KIPP Texas Public Schools.

Chair Brown-Marshall informed that the existing company was built for training and education for that particular company.

Mr. Browne informed that the existing buildings on the site worked to KIPP's advantage. They are well-built, attractive and the rooms inside could be easily adapted to the school's use. It made sense why they chose is as a possible location.

Ms. Gomez informed that on the recommendations, Mr. Kot was asked if they would be willing to make the recommendations as their offer for the development, if a positive or negative recommendation moved forward.

Mr. Kot informed that he had their program team review the recommendations. They would be able to work with the budget, and they would work within the requirements.

Motion: To close the public hearing

Made By: Commissioner Haney

Second: Commissioner Norcom III

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

NAYES: None

ABSTENTIONS: None

The motion passed

Vice Chair Haney asked about the traffic possibly shutting down the project.

Cliff Brouhard, Assistant Public Works Director, informed that it could if the recommendations were unattainable. If it causes traffic congestion beyond the acceptable level, and there was no mitigation possibilities available, then of course... If the mitigations could not improve the traffic enough, then it could be a cause for concern.

Ms. Gomez informed that they were speaking about KIPP currently; however, an ordinance moving forward is not specific to KIPP. It is a school use, whether it was KIPP, or another public or private school, it was about whether the educational use was appropriate in the location. Ms. Gomez also informed that thinking about the industrial area, some of the challenges had been with incompatible uses. There is a residential area that is in proximity to industrial. The industrial had developed within the last ten to fifteen years. It was rezoned from industrial and some more intense uses, to single family residential prior to the growth of industrial. When looking at the school campus, KIPP is a solid program. If it was a school site with industrial all around, what type of issues, in terms of compatibility, might occur. Commissioner Johnson Rose informed that the tax loss would be about \$65,000 a year.

Chair Brown-Marshall asked if it was City tax dollars.

Commissioner Johnson Rose confirmed yes.

Motion: The Planning and Zoning Commission forwards a negative recommendation to Council

Made By: Commissioner Haney
Second: Commissioner Brightwell

AYES: Commissioner Brown-Marshall, Commissioner Lucas, Commissioner Brightwell, Commissioner Norcom III

NAYES: Commissioner Johnson Rose, Commissioner Haney, Commissioner O'Malley

ABSTENTIONS: None

The motion passed

Motion: To adjourn

Made By: Commissioner Haney
Second: Commissioner Norcom III

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

NAYES: 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 Edwards
Planning Technician

