



**MINUTES  
PLANNING AND ZONING COMMISSION  
CITY OF MISSOURI CITY, TEXAS  
August 14, 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 Chair Brown-Marshall, at 9:06 PM.

**2. ROLL CALL**

**Commissioners Present:**

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

**Commissioners Absent:** None

**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  
James Santangelo, Assistant City Attorney  
Thomas White, Planner II  
Gretchen Pyle, Interim Planning Specialist  
Egima Edwards, Planning Technician  
Glen Martel, Assistant City Manager  
Jeremy Davis, Assistant City Engineer

**Others Present: None**

**3. PRESENTATION**

**86<sup>TH</sup> Texas Legislative Session Update**

Planning Manager, Jennifer Gomez, presented this item. Ms. Gomez informed that the recently passed legislative bills impacted the development plan review; building products; materials; methods; land development applications, as well as replats. The building products, materials and methods bill, as it relates to construction; renovation; maintenance, and other alteration of a residential or commercial building, a municipality may not prohibit or limit directly or indirectly, the use or installation of a building product or material. A municipality may not establish a standard for a building product, material or aesthetic method that is more stringent than a national code. If the material product method is permitted by that code, the City cannot establish regulations that are more stringent.

Commissioner Brightwell asked if it meant that architectural overlays went away.

Ms. Gomez informed that it was applicable to commercial and residential buildings. There have been discussions of whether the implications extend to fencing requirements and signage encasements.

Commissioner Bailey asked if the City's code were adopted by the local jurisdiction.

Ms. Gomez informed that the code is adopted; however, the State Enabling Act was for the City to be able to adopt the codes. The bill would now preempt the codes that the City previously adopted.

Commissioner Bailey asked if that meant the codes could not be amended.

Ms. Gomez informed that the City could not enforce, require, indirectly or directly tell, and regulate a development from a municipality standpoint building products, materials and aesthetic methods. If a developer elected to build out of brick, they would be able to in accordance with the IBC, International Building Codes. If a developer elected to use a different cladding, and it is permitted by the IBC, the City cannot establish a regulation that is more stringent than what that code would allow. Ms. Gomez informed that the City would not be allowed to require 100% masonry on exterior walls.

Ms. Gomez informed that the current focus was on buildings. The City adopted architectural standards 20 years ago, in 1999. The City was not the only city going through the changes. Some of the arguments for the Legislative Bill had to do with cities that were adopting the codes are essentially changing the market, and pushing developers to buy certain products from certain vendors; which was reducing the market completion. Ms. Gomez informed that it also raised costs. When cities have architectural standards on residential buildings, it raised the cost of property values and products. It made some areas unaffordable to live. Those were some of the arguments that were pushed through that built the support for passing the bill.

Commissioner Brightwell stated that it was basically a developer lead change.

Chair Brown-Marshall informed that APA, American Planning Association did attend the Legislative Session.

Ms. Gomez informed that APA submitted in opposition, as well as TML, Texas Municipal League submitted in opposition. The City of Missouri City submitted a letter of opposition to the bill. The bill passed and was signed by the Governor on June 14, 2019.

Commissioner Brightwell asked if the bill was retroactive once it went into effect. (September 1, 2019)

Assistant City Attorney, Jamilah Way, stated that City is not allowed to enforce what is already established.

Director of Development Services, Otis Spriggs informed that it would be new development.

Commissioner Lucas asked about residential.

Ms. Gomez informed that the City largely does not have residential design standards. The bill applies to municipalities, not HOAs, Home Owner Association. The City does not enforce HOA deed restrictions. For POA, Property Owners Association, the master plan communities that have regulations, the bill does not apply to those regulations and standards.

Mr. Spriggs informed that the bill would not apply to historical districts and FEMA, Federal Emergency Flood Management Agency.

Commissioner Brightwell asked about TIRZ, Tax Increment Reinvestment Zones.

Ms. Gomez informed that the City does not have architectural design standards in the TIRZs. However, there are development agreements and contracts.

Commissioner Norcom III asked if there was a timeframe for which the Commission would be informed of the criteria.

Mr. Spriggs informed that it would be September 3, 2019 for Council. The architectural standards would not be changed at this time. The current standards would not be enforced. There are other bills that would affect the Commission. Staff would provide the information.

Ms. Gomez informed that a meeting was held with the Planners of Richmond, Rosenberg, Sugar Land, Mandeville, and Stafford to discuss the different approaches that each community was taking. No one was currently moving forward in repealing any of their standards; rather taking the approach of not enforcing their standards.

Ms. Gomez informed the Commission that staff would be participating in the APA, American Planning Association webinar on August 16, 2019, at 11:00 am. The Commissioners were welcomed to join staff or to call into the webinar during their time. The webinar was being held to address some of the communities concerns of the bills.

Ms. Gomez informed that HB 3167, House Bill, deals with Land Development Applications. It amends the Texas Local Government Code as it relates to subdivision regulations and property development. The bill defines a "Plan", which is not currently in those standards, and expands the definition of a "Plat".

The bill adds "Plans" into the regulations, which include subdivision construction plans. The "Plat" definition includes, what is now a concept plan, preliminary plat and final plat.

Ms. Gomez informed that the "Shot Clock" bill is to move projects quicker through City development processes. The first part of the bill is for a plan or plat, as previously defined, the City has 30 days after the dated that it is "filed" to either approve, approve it with conditions or disapprove it.

Ms. Gomez informed that currently the plats that are presented to the Planning and Zoning Commission would be on the 30 day clock. There is a submittal week every month, a submittal deadline, a plat would be filed, then set on the agenda. The Commission would have 30 days to act on it.

Ms. Gomez informed that the new part not currently in place are revisions. Typically the Commission would see plats that were recommended for approval with conditions. Right now, the applicants would address the conditions in the report, provide a copy to staff, staff would review and inform the applicant if all of the conditions were met. The process would continue until each comment was cleared. Once cleared, the plat would be approved.

Ms. Gomez informed that the bill would now place a time clock of the review. They would then be presented to the Commission. When the revisions are submitted, they would come back to the body. The Commission would have 15 days to approve or disapprove the revisions.

Commissioner Lucas asked if Special Meetings would have to be called.

Staff responded, "Possibly. That is the question."

Ms. Gomez informed that the construction plans that typically come in after a preliminary plat has been approved or conditionally approved, a step between preliminary and final plats, are submitted to the City Engineering Department and would be under a time clock of 30 days for review.

Ms. Gomez informed that staff was confirming what the bill means by "site plans".

Ms. Gomez informed that on the submittal calendar and the filing date, currently the City defines a filing date as applications are submitted and there is a 72 hour completeness check. If the application was complete, then it is "filed" and moved forward to P & Z, Planning and Zoning. An incomplete application was rejected, and the applicant would have to submit a new application by the next submittal time frame, or within their schedule.

Ms. Gomez informed that the question was if the bill changed how the City "filed" plats, which would impact the regularity of P & Z meetings.

Commissioner Norcom III asked about how the Commission would be able to meet, as in, would it have to meet face-to-face if additional meetings were required.

Ms. Way informed that according to the Texas Open Meeting Act, the Commission would have to meet face-to-face.

Ms. Gomez informed that public hearings are no longer required for a replat, unless requesting a variance. Public Notices would not be required if the replat was not approved. If the replat was approved, then the City would be required to send notification to property owners within 200 ft. within the subdivision. Staff's discussion was if the City should continue to provide notices to property owners prior to the consideration of the replat.

Chair Brown-Marshall asked if replats would move under the consent agenda.

Ms. Gomez informed that the bill would allow them to. The only reason why they currently were not under the consent agenda was due to the public hearing.

Commissioner Johnson Rose asked about the quorum requirement, and if the City had a Lobbyist.

Chair Brown-Marshall replied, "Five."

Mr. Spriggs informed that there were some Lobbyist for the current issues.

**Motion:** To adjourn

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

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

**NAYES:** None

**ABSTENTIONS:** None

The motion passed

**4. ZONING TEXT AMENDMENTS**

None.

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

None.

**6. 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.*

**7. RECONVENE**

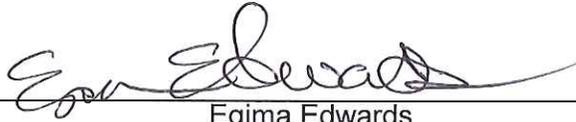
Reconvene into Regular Session and Consider Action, if any, on items discussed in executive session.

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**8. ADJOURN**

A handwritten signature in black ink, appearing to read "Egima Edwards", written over a horizontal line.

Egima Edwards  
Planning Technician