



**MINUTES  
PLANNING AND ZONING COMMISSION  
CITY OF MISSOURI CITY, TEXAS  
December 11, 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 Vice Chair Haney, at 7:05 PM.

**2. ROLL CALL**

**Commissioners Present:**

Tim Haney  
John O'Malley  
James R. Bailey  
Monica L. Rasmus  
Gloria Lucas  
Hugh Brightwell

**Commissioners Absent:**

Sonya Brown-Marshall  
James G. Norcom III  
Courtney Johnson Rose

**Councilmembers Present:** None

**Staff Present:**

Otis T. Spriggs, Director of Development Services  
Jennifer Gomez, Planning Manager  
James Santangelo, Assistant City Attorney  
Jamilah Way, First Assistant City Attorney  
Thomas White, Planner II  
Gretchen Pyle, Interim Planning Specialist  
Jeremy Davis, Assistant City Engineer  
Egima Edwards, Planning Technician  
Glen Martel, Assistant City Manager

**Others Present:** Henry Santos/ASI; Josh W. Gaffin/ASI, Ronnie and Diane Davis

### 3. READING OF THE MINUTES

- A. Consider approval of the minutes of the October 9, 2019 Planning and Zoning Commission Meeting.
- B. Consider approval of the minutes of the November 13, 2019 Planning and Zoning Commission Special Meeting.

October 9, 2019 Planning and Zoning Commission Meeting minutes were deferred.

**Motion:** Approval of the October 9, 2019 Meeting.

**Made By:** Commissioner Lucas  
**Second:** Commissioner Brightwell

**AYES:** Commissioner O'Malley, Commissioner Bailey,  
Commissioner Rasmus, Commissioner Lucas,  
Commissioner Brightwell

**NAYES:** None  
**ABSTENTIONS:** Commissioner Haney

The motion passed.

**Motion:** Approval of the November 13, 2019 Meeting minutes.

**Made By:** Commissioner Brightwell  
**Second:** Commissioner Lucas

**AYES:** Commissioner Haney, Commissioner O'Malley,  
Commissioner Bailey, Commissioner Lucas, Commissioner  
Brightwell, Commissioner Rasmus

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed.

### 4. REPORTS

#### A. COMMISSION REPORTS

- (1) Chairperson of the Planning and Zoning Commission  
None
- (2) Planning and Zoning Commissioners—  
Commissioner Lucas reported on her participation in the Missouri City  
Snowfest as a very nice and wonderful experience.

**B. STAFF REPORTS**

- (1) Development Services
  - a. Director – Otis T. Spriggs  
None
  
- (2) Engineering
  - a. Assistant City Engineer – Jeremy Davis  
None

**5. PUBLIC COMMENT**

None

**6. PLATS**

**A. CONSENT AGENDA**

- (1) Consider approval of a preliminary plat for Parks Edge Section Thirteen
- (2) Consider approval of a preliminary plat for Hagerson Road Tract Section Three
- (3) Consider approval of a preliminary plat for Waffle House of Missouri City
- (4) Recommend disapproval of a preliminary plat for Vrindavan Resorts
- (5) Consider approval of a final plat for Sienna Plantation Section 34A
- (6) Consider approval of a final plat for Lifetime Plaza
- (7) Consider approval of a final plat for Sunandas Performing Arts

Items (1), (2) and (4) were pulled for discussion.

**Motion:** To approve the Consent Agenda items (3), (5), (6) and (7).

**Made By:** Commissioner Brightwell

**Second:** Commissioner Lucas

**AYES:** Commissioner Haney, Commissioner O'Malley,  
Commissioner Bailey, Commissioner Rasmus,  
Commissioner Lucas, Commissioner Brightwell

**NAYES:** None

**ABSTENTIONS:** None

The motion passed

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

Gretchen Pyle, Interim Planning Specialist, presented the item. Ms. Pyle informed that the applicant was able to address several comments that were made in the staff report. Staff was able to revise the staff report and received a new plat and concept plan.

**Motion:** The Planning and Zoning Commission grants approval of item 6A.1 of the Consent Agenda.

**Made By:** Commissioner Brightwell

**Second:** Commissioner O'Malley

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

Commissioner Bailey, Commissioner Rasmus,  
Commissioner Lucas, Commissioner Brightwell

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed

(2) Consider approval of a preliminary plat for Hagerson Road Tract Section Three

Thomas White, Planner II, presented the item. Mr. White informed that there were ten outstanding items; however, the applicant revised and updated the plat to address the issues. Staff recommended approval.

**Motion:** The Planning and Zoning Commission grants approval of item 6A.2 of the Consent Agenda.

**Made By:** Commissioner Brightwell  
**Second:** Commissioner O'Malley

**AYES:** Commissioner Haney, Commissioner O'Malley,  
Commissioner Bailey, Commissioner Rasmus,  
Commissioner Lucas, Commissioner Brightwell

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed

(4) Recommend disapproval of a preliminary plat for Vrindavan Resorts

Gretchen Pyle, Interim Planning Specialist, presented the item. Ms. Pyle informed that the applicant was able to address one comment. Contour lines were added to the plat and cleared by Engineering. The staff report was updated to reflect the parkland dedication. The applicant will submit a proposal, before submitting the final plat.

Vice Chair Haney asked staff, "And that changed this from a 'disapproved' to 'approve with conditions'?"

Ms. Gretchen replied, "Correct... Just to keep the preliminary plat moving forward."

Commissioner O'Malley asked staff, "...does that have anything to do with the time restraints we're under from the new law; once certain things are applied for, we only have a certain amount of time to make a decision? Is that why a consent agenda item is put forth with a negative recommendation?"

Mr. Spriggs replied, "...if all of the deficiencies have not been met, we're obligated to list those in accordance with what sections of the Platting Manual or Infrastructure Manual were not met. The reason why we do it this way is to prevent them (applicant) from having to come back to the Planning Commission because you approved it with conditions or disapproved it. That leads to a different ...submittal requirement. Every submittal has a cycle, we have to respond within that two week period."

Ms. Gomez replied, "...to clarify, this is a 'written response' to the previous 'approved

with conditions'. ...under that new process, you can only 'approve' or 'disapprove'. ...that's why the recommendation was originally 'disapproved'; ...those types of items you normally would not recommend 'disapproval' for, but you only had those two options because those conditions hadn't been met. You were limited in what you could do."

**Motion:** The Planning and Zoning Commission grants approval of item 6A.4 of the Consent Agenda.

**Made By:** Commissioner O'Malley  
**Second:** Commissioner Bailey

**AYES:** Commissioner Haney, Commissioner O'Malley,  
Commissioner Bailey, Commissioner Rasmus,  
Commissioner Lucas, Commissioner Brightwell

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed

## 7. ZONING MAP AMENDMENTS

### A. PUBLIC HEARING FOR A SPECIFIC USE PERMIT

- (1) To receive comments for or against a request by Farrah Sabouni, Auto Arch, for a SUP, specific use permit to allow for the location of an educational campus to include a Montessori school, a place of assembly; and to the extent such zoning 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 Gomez, Planning Manager, presented the item. Ms. Gomez informed that the subject location was off of Knights Court, near Elkins High School. River Pointe Church is to the west; a shopping center is near Highway 6, and a gymnastic center is located on the south side of Knights Court across from the proposed site. Current zoning of the site is suburban district since annexed into the city. The SUP would not remove the underlying zoning. It would allow an additional use to what is permitted in suburban use district.

Ms. Gomez informed that the proposal was to locate an educational campus, classified as a Place of Assembly, which requires the SUP. The educational campus was proposed to be developed in three phases, which would include a Montessori school, elementary school, middle school, and a student life building. Playing fields would also be added as shown on the conceptual plan. The Montessori school would be the first phase. Each school building would be developed consecutively in a two year period following the construction of the previous phase. The student life center was proposed to be the final building on the campus.

Ms. Gomez informed that staff's recommendation was to approve the SUP and to apply the suburban district regulations in terms of height and other areas. The middle school was the tallest building proposed being two-story. Other buildings would be one-story. In addition, staff recommended applying standards and regulations typical for school campuses, Section 7A, architectural design standards, outside placement storage sales and service regulations, and landscaping regulations.

Ms. Gomez informed that there were no deviations requested. The use and proposed development would follow the City's standards in terms of the regulations that would be applied.

Vice Chair Haney asked staff, "Since it's SD, staff is recommending the architectural standards because those wouldn't normally apply to SD?"

Ms. Gomez replied, "Right, correct."

Vice Chair Haney informed of the five year development requirement or request and that the applicant was outside of that period, and asked staff, "Is that a big deal?"

Ms. Gomez provided that the five year development schedule would mean that the applicant must make progress towards the completion of the project within that period. The commission can make recommendations on the overall schedule based on hearing from the applicant.

Farrah Sabouni, Architect/Planner, Auto Arch, informed that they completely agreed with everything that Ms. Gomez presented. The client would be phasing the project. The start would be the Montessori daycare campus. The unique shape made it a flagship Montessori for their brand, IF Montessori, by incorporating the traditional Montessori educational concept. It would bring in natural lighting and create community. Phase I would include the detention for the entire campus. Each building separately has enough parking. Ms. Sabouni informed to be a good neighbor, exterior material would be used to look cohesive with the neighborhood.

Commissioner Bailey asked Ms. Sabouni, "When do you think it would be completed as presented here, all phases?"

Ms. Sabouni replied, "... it would be a two year step period. When the Montessori would open, then within two years you would have the elementary school, and then another two years you'd have the middle school. The idea being that a kid would go from the daycare to the elementary. The student life center would be the last building, one of those auxiliary spaces."

Commissioner Bailey asked Ms. Sabouni, "When fully built, what is the number of students maximum?"

Ms. Sabouni replied, "The daycare amount of students would be 300. For the elementary and middle school, these are actually smaller schools ...you're looking about a 150 per school."

Commissioner Bailey asked, "Typically Monday through Friday?"

Ms. Sabouni replied, "Yeah, it would be Monday through Friday."

Commissioner Bailey informed that Knights Road was getting congested.

Ms. Sabouni informed that they keep in account having all traffic off the road and onto the site with double stack cuing.

**Motion:** To close the public hearing

**Made By:** Commissioner O'Malley

**Second:** Commissioner Brightwell

**AYES:** Commissioner Haney, Commissioner O'Malley,  
Commissioner Bailey, Commissioner Rasmus,  
Commissioner Lucas, Commissioner Brightwell

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed

**Motion:** The Planning and Zoning Commission forwards a positive report to Council.

**Made By:** Commissioner O'Malley  
**Second:** Commissioner Lucas

**AYES:** Commissioner Haney, Commissioner O'Malley,  
Commissioner Bailey, Commissioner Rasmus,  
Commissioner Lucas, Commissioner Brightwell

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed

## 8. ZONING TEXT AMENDMENTS

### A. MOBILE FOOD ESTABLISHMENTS

- (1) Public hearing to receive comments for or against possible amendments to the Zoning Ordinance regarding mobile food establishments.

Otis Spriggs, Director of Development Services, presented the item. Mr. Spriggs informed that during the previous Commission meeting, the existing code requirements and allowances for mobile food trucks were reviewed. Staff was currently working with the City Attorney's office to address all of the concerns.

Mr. Spriggs informed that three local cities were looked at as examples, Sugar Land, Pearland and Stafford.

Mr. Spriggs informed definitions would need to be formed to remove confusion. There are certain types of food trucks and vending units, along with hours of operation to consider.

Mr. Spriggs informed that the zoning district section for mobile food units needed more attention and time to review. The use would be permanent, semi-permanent or temporary, as reviewed currently with special event provisions. A recommendation was provided to Council in 2017 to consider a pilot study that would allow a vacant area, such as major big box sites along Texas Parkway and other major corridors that might have vacancies/spaces of unused parking area to create a mobile food truck park.

Mr. Spriggs informed another approach to the zoning was to allow an accessory use to the principle use. Some brick and mortar restaurants have a food truck. Provisions for those entities would be made to conduct business on their site.

Mr. Spriggs informed that site improvements and parking requirements is important and would be reviewed for minimum requirements, with provision to prevent any type of congestion from a traffic standpoint.

Mr. Spriggs informed in terms of special event allowances, staff hoped to continue the provision in the code. The commission was asked to look at an option for more frequency per year to consider to Council.

**B. ZONING BOARD OF ADJUSTMENT**

(1) Discuss proposed amendments to the Zoning Ordinance regarding the powers and procedures of the Zoning Board of Adjustment.

James Santangelo, Assistant City Attorney, presented the item. Mr. Santangelo informed that the item was a proposed change to Section 18 of the Zoning Ordinance that deals with the Zoning Board of Adjustment and Appeals necessitated by new legislative that passed this year.

Mr. Santangelo informed Texas House Bill (HB) 2497 changed the rules governing the Zoning Board of Adjustments and Appeals in four major ways. First, the governing body, City Council, now has to approve any internal administrative rules that the Board passes to govern its processes.

Mr. Santangelo informed the second change is the new law defines a little more in detail who can appeal a decision by a City Officer or employee. Before it said any person aggrieved or any officer/department board/bureau of municipality can appeal a decision. It now only applies to decisions that do not relate to a specific application, address or project. Mr. Santangelo informed that a section for decisions that deals with a specific application, address or project the applicant, owner, owner's representative of the subject property, any aggrieve party within the 200 feet. of the subject property, and any officer, department board or bureau of the city can appeal.

Mr. Santangelo informed the third change of HB 2497 is the time frame for which a hearing needs to be set after an appeal is filed. Before it said that the board had to take an appeal within a reasonable time to be determined by them. It now says that the appeal has to be not more than 20 days out from the filing of the appeal.

Mr. Santangelo informed similarly the fourth change sets the time the Zoning Board of Adjustments and Appeals has to make a ruling. Decision needs to be made at the next meeting that can be legally noticed following the hearing at which the appeal is heard, but not later than the 60<sup>th</sup> day after the appeal was filed.

Mr. Santangelo informed that a draft was being prepared to present to the Commission in January 2020, to conduct the first of two public hearings. The draft codifies in Section 18 of the Zoning Ordinance what Mr. Santangelo had informed. As of the first change regarding the rule making of the board, since it is not addressed in the ordinance currently that could be an administrative function in their rules itself, which now has to be approved by Council. For the rest of the changes, they would be codified for the changes to the State Law.

**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**

**Motion:** To adjourn

**Made By:** Commissioner Lucas

**Second:** Commissioner Rasmus

**AYES:** Commissioner Haney, Commissioner O'Malley,  
Commissioner Bailey, Commissioner Rasmus,  
Commissioner Lucas, Commissioner Brightwell

**NAYES:** None

**ABSTENTIONS:** None

The motion passed



Egima Edwards  
Planning Technician

