



**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
May 13, 2020**

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 7:00 PM.

2. ROLL CALL

Commissioners Present:

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

Commissioners Absent: None.

Councilmembers Present: None

Staff Present:

Otis T. Spriggs, Director of Development Services
Jennifer Gomez, Planning Manager
Thomas White, Planner II
Gretchen Pyle, Interim Planning Specialist
Jeremy Davis, Assistant City Engineer, Public Works
Egima Edwards, Planning Technician
Jamilah Way, First Assistant City Attorney
Randy Troxell, Assistant Director, Parks and Recreation
?Glen Martel, Assistant City Manager

Others Present: Daniel Valdez; META Planning, Joseph Manakalathil; President/Vrindavan Resorts LLC, Sowmya Balasubramani; Trimcos Engineering and Construction, Jared Williams; Jones|Carter, Tom Dueker; Jones|Carter, Mary Thomas; Vrindavan Resorts, LLC

READING OF THE MINUTES

- A. Consider approval of the minutes of the April 8, 2020 Planning and Zoning Commission Meeting.

Motion: Approval of the April 8, 2020 minutes.

Made By: Commissioner Lucas
Second: Commissioner Norcom III

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

NAYES: None
ABSTENTIONS: None

The motion passed.

3. REPORTS

A. COMMISSION REPORTS

- (1) Chairperson of the Planning and Zoning Commission
Chair Brown-Marshall thanked everyone for being patient while working through the new way of technology. Last month was great and hopefully this month will be as well.

Chair Brown-Marshall encouraged commissioners who were coming up for renewal of their positions to reapply.

- (2) Planning and Zoning Commissioners
None.

B. STAFF REPORTS

- (1) Development Services
a. Director –
Otis Spriggs stated commissioners having expired terms on June 30th, should send to the City Secretary their interest in continuing their work on the commission. Mr. Spriggs shared that the commission is the most thorough and committed commission that he had ever worked with; staff was pleased as well. The Commissioners' interest will be forwarded to Council on May 31st. Council will make note of appointments hopefully by June 1st.

Mr. Spriggs stated that Chair Sonya Brown-Marshall was going on her 16th year on the commission and should be commended for her of service.

- (2) Engineering
a. City Engineer –
None.

4. PUBLIC COMMENT

5. PLATS

A. CONSENT AGENDA

- (1) Consider an application for a preliminary plat for Parks Edge Section Fourteen
- (2) Consider an application for a preliminary plat for Parkway Crossing Phase 1
- (3) Consider an application for a final plat for Parks Edge Section 9
- (4) Consider an application for a final plat for Sienna Section 33B
- (5) Consider an application for a final plat for Sienna Section 33D
- (6) Consider an application for a final plat for Sienna Sections 32A and 32B
- (7) Consider an application for Olympia Estates Northeast Reserves Partial Replat No. 1

Motion: To approve the Consent Agenda.

Made By: Commissioner Haney

Second: Commissioner Brightwell

Chair Brown-Marshall inquired if the 11.54 acres dedicated as parkland for agenda item (2) was to be public or private.

Tom Duecker, Planner/Jones and Carter, responded, "Public."

Vice Chair Haney inquired if the reserves for agenda item (7) would be divided into three reserves.

Mr. Duecker responded, "That is correct."

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

NAYES: None

ABSTENTIONS: None

The motion passed

B. PARKLAND DEDICATION

- (1) Consider an application for a parkland dedication for Vrindavan Resort

Randy Troxell, Assistant Director/Parks and Recreation, presented the agenda item. Mr. Troxell stated the Parks Board unanimously voted to accept money in lieu of the parkland dedication.

Chair Brown-Marshall inquired about the applicant's mentioning of a possible redesign in the Parks Board minutes and if they resubmitted another design.

Mr. Troxell stated that he had not seen one. If submitted, a design would not change any of the parkland issues at that point.

Sowmya Balasubramani, Architect/Trimcos Engineering and Construction, stated to clarify, the redesign was not to reconsider the parkland position. Ms. Balasubramani requested clarification of what basis was it stated that the area would not be classified as private parkland. It was not heard when they spoke to the City in a preliminary

meeting. Ms. Balasubramani stated that she was confused by the minutes of the meeting and needed clarification of the rejection.

Chair Brown-Marshall stated first she would need to hear from Commissioners on the matters presented to vote on, which were the Parks Boards recommendation.

Vice Chair Haney stated the way he interpreted the meeting minutes was that for the original proposal, they were going to do 50% and 50%. The Parks Board raised concerns given the small amount of land. As far as he could tell, the resolution was the applicant agreed to do all money in lieu of; therefore, they do not have any parkland requirements within their facility/development.

Chair Brown-Marshall stated that she agreed. However, she was under the impression that it was not what the applicant wanted to do; it was what the Parks Board decided.

Chair Brown-Marshall asked Mr. Troxell to clarify.

Mr. Troxell stated that Chair was on the right track. Typically with public land there are very few cases they look at in a small subdivision benefitting a larger area. Historically the City has preferred to take larger parcels of land, sometimes minimum of five acres. It came out to somewhere around less than an acre. Mr. Troxell stated typically those types of parcels are set aside for the subdivision to do something on the private side, small immediate subdivision area. That is considered only on the private side. On the public side, they would meet the money in lieu of to be spent on larger parts of parkland in that particular park zone.

Mr. Troxell stated that when looking at that park zone, not too far from there is Quail Green West Park, right adjacent across the water canal boundary is Sta-Mo Park. Across the street from that is the 75 plus acres of Independence Park that is public park land that can serve residence in that area as well. Mr. Troxell stated the Parks Board looked at that and thought it was the best solution... Nice amenities were proposed; however, people would visit the immediate neighborhood because of the bigger parks in the area.

Chair Brown-Marshall inquired about the decision of the Parks Board regarding money in lieu of and the parameters of it within the City's ordinance, land restrictions and how much land...

Mr. Troxell responded, "Correct".

Chair Brown-Marshall advised the applicant to speak with Mr. Troxell for understanding as to why the Parks Board made the recommendation.

Ms. Balasubramani stated that she had a fair understanding.

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

Made By: Commissioner Haney
Second: Commissioner Lucas

Vice Chair Haney withdrew motion due to a request to speak submitted by Joseph Manakalathil, President/ Vrindavan Resorts LLC.

Joseph Manakalathil, President/ Vrindavan Resorts LLC, stated the plan was to build for senior living in the area. Residents would like to enjoy the facilities without having to go outside the community; it is important to have private parkland inside the community. Mr. Manakalathil stated they were ready to pay 50 percent of the payment in a resident and City win/win situation.

Mr. Manakalathil stated if 100 percent of the money goes to the City for a public park, senior citizens would not be able to take use of the public park facility because of the age factor. The request is to pay 50 percent of the payment and 50 percent of private parkland.

Vice Chair Haney stated that it seemed the agenda item would have to return to the Parks Board. It appeared in the minutes the representative of the property agreed to the outcome of the meeting.

Jennifer Gomez, Planning Manager, stated the parkland dedication was subject to the new process. The Parks Board had to make a recommendation to either approve with conditions or disapprove. The Commission also has to make a recommendation in the same manner and forward it to City Council. City Council would make final determination. Ms. Gomez stated further discussion as to the nature of the dedication... if Council decides the Parks Board need to reconsider then that would restart the whole process.

Ms. Gomez stated the application would have to move forward to Council with a recommendation. Timing of the plat being finalized would be affected.

Vice Chair inquired since a motion was made, would the more appropriate choice be to "approve with conditions".

Amended Motion: The Planning and Zoning Commission forwards an "approve with conditions" report to Council.

Jamilah Way, First Assistant City Attorney, stated that the rule to what was being conditioned had to be added.

Commissioner O'Malley inquired if the applicant did not want to pay the 100 percent and they were asking the Commission to not approve Parks Board's recommendation. It was debated at the Parks Board and discussion took place, it was voted on and a solid recommendation was made. It is not the role of Commission to decide on cash payment in lieu of parkland.

Commissioner Brightwell stated he agreed with Commissioner O'Malley that it is not the Commission's responsibility to change the ordinance in regards to cash in lieu of parkland. Commission Brightwell added that the Commission needed to move forward with a motion.

Commissioner Norcom III stated he agreed and that the applicant needed to revisit with City Council.

Chair Brown-Marshall stated staff was requesting the commission to forward a recommendation. The only recommendation would be an approval or disapproval. If disapproval, "why" would have to be stated.

Amended Motion: The Planning and Zoning Commission forwards a recommendation to approve to Council.

Made By: Commissioner Haney
Second: Commissioner O'Malley

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

NAYES: None

ABSTENTIONS: None

The motion passed.

- (2) Consider an application for a parkland dedication for Parkway Crossing Phase 1

Randy Troxell, Assistant Director/Parks and Receptions, presented the agenda item. Mr. Troxell stated a motion was made for the developer to work with staff on the location and potential development of the land. A reason was that the park zone does not have any parkland. Parks Board looked at it as an opportunity to possibly attain five plus acres of parkland in the public setting. A recommendation was made with a condition that staff work with the developer to work out details of how the land could be used as parkland.

Mr. Troxell stated as part of the land plan for the subdivision, four areas in green shown on the submitted site plan that totaled about 21 acres. That was the area referenced.

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

Made By: Commissioner Haney
Second: Commissioner Lucas

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

NAYES: None

ABSTENTIONS: None

The motion passed.

7. ZONING MAP AMENDMENTS

None.

8. ZONING TEXT AMENDMENTS

A. ARCHITECTURAL DESIGN STANDARDS

- (1) Discuss possible amendments to the City of Missouri City Zoning Ordinance to comply with Chapter 3000 of the Texas Local Government Code.

Jennifer Gomez, Planning Manager, presented the agenda item. Ms. Gomez stated the item was presented to the Commission last year. Regulations formally became affective September 1st. Staff had been in discussion on the item since that time to see what the impact would be on the City's design standards.

Ms. Gomez summarized the new regulations.

Ms. Gomez stated the focus of the item was to look at the effect of the law on the design standards. Certain standards, such as in the requirement for 100 percent masonry on exterior walls; percent use of certain masonry materials; and architecturally pitched roofs or design elements, are understood to no longer be enforceable.

Ms. Gomez stated certain regulations survived the new law. Those regulations include the City's ability to require screening of mechanical equipment; screen walls attached or detached from a building; fences, and signs. Staff believes these regulations were still enforceable.

Ms. Gomez stated staff was still discussing standards pertaining to canopies/awnings and window coverings. Certain standards were in place to such features do not overwhelm the design of a building. Staff was still working through these aspects with the Legal Division to see if the new law preempts those standards.

Ms. Gomez stated articulation and limitation on doors on exterior of buildings was another issue staff needed to determine if the new law preempted.

Ms. Gomez stated while looking at the impact of the new law on design standards, one item to be mindful of was redevelopment standards. Discussion should also be mindful of opportunities for redevelopment areas, with other options to emphasize different standards that would promote better products for better outcomes.

Staff's recommendation was to call a public hearing with a preliminary report.

Vice Chair Haney inquired about PD, Planned Developments and deed restrictions.

Ms. Gomez stated that deed restrictions are uninfected because only municipalities were limited. As far as PDs, the City would be the enforcer and would be subject to the Zoning Ordinance. The City would not be able to enforce elements that conflict with the new law.

Vice Chair Haney inquired if an approach that could be taken was to leave the standards in place, inform of the standards, but in reality the City could not enforce them.

Ms. Gomez stated that there would be a discussion of the legal aspects. Clear guidance to developers/ people building in the city what the City's regulations are would need to be provided. If it cannot be kept in the ordinance, conveying expectations for quality development without obligations would be discussed.

Chair Brown-Marshall inquired about looking at what other municipalities have put in place.

Ms. Gomez responded, "Yes ma'am".

- Motion:** To call a public hearing for a consideration of a preliminary report.
- Made By:** Commissioner Haney
Second: Commissioner Norcom III
- AYES:** Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas, Commissioner Brightwell
- NAYES:** None
ABSTENTIONS: None

The motion passed

B. MURALS AND WALL ART

- (1) Discuss possible amendments to the City of Missouri City Zoning Ordinance to allow for the placement of murals and wall art.

Jamilah Way, First Assistant City Attorney presented the first section of the agenda item. Ms. Way stated during a previous meeting with the Commission, a discussion of regulating art on public property vs. private property was conducted. The City is considering a new policy that would address a procurement selection process, establish an Art Fund, local Art Committee, and percent for art ordinance.

The law that governs public art is not subject to First Amendment protection. The City can say what it wants to say; it does not have to be held to a First Amendment test. The theory is that the City is the "person" giving the speech. In the City, there is art in public places that would be taken to Council, which will officially establish a program, naming of public property ordinance, Chapter 16.

Ms. Way stated for private art, any type of expression is governed by the First Amendment; art is governed by that amendment.

Jennifer Gomez, Planning Manager, presented second section of the agenda item. Ms. Gomez stated pre September 1st architectural standards and sign regulations were the primary regulations that impacted and limited, to a certain extent, the ability to place murals and wall art.

Staff recommended the Commission call a public hearing for possible consideration of regulations to allow for the placement of murals and wall art on private property.

Motion: To call a public hearing for consideration of possible regulations to allow for the placement of murals and wall art on private property.

Made By: Commissioner Lucas
Second: Commissioner Haney

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

Commissioner Lucas

NAYES: None
ABSTENTIONS: None

The motion passed

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

A. SUBDIVISION AND STREET NAMES

- (1) Discuss possible amendment to the City Subdivision Ordinance regarding the naming of subdivisions and streets.

Jennifer Gomez, Planning Manager presented the agenda item. Ms. Gomez stated Council discussed the item mid to late last year, requesting city staff return proposed regulations to guide the naming of subdivisions and street names, to avoid names that could potentially be historically offensive to various groups.

Ms. Gomez stated the Vicksburg Subdivision was referenced in a New York Times article (provided in packet), mentioning certain street names relating to the Civil War and the Confederate Army.

Ms. Gomez stated subdivision and street names are presented to the Commission at the time of platting. The City has no regulations on how a subdivision is named. At the time of platting, developers have to provide a list of street names. The infrastructure design manual regulates the number of characters of a street name. Additionally, street names are reviewed to avoid conflict and emergency services.

Ms. Gomez stated themes of street/subdivision naming are created to sell subdivisions and promote certain aspects. In 2017, the City adopted regulations on the naming/renaming of city property and programs. City property includes city streets. Regulations included existing streets and the process the City would undertake to rename them. Discussion was for possible regulations for the initial naming of those streets.

Ms. Gomez stated Chapter 16 of the city's code of ordinances provides criteria Council could consider for renaming of streets.

Jamilah Way, First Assistant City Attorney, stated it was easier to regulate public roads, but private subdivision and road names standards would be harder to overcome.

Motion: To call a public hearing for a consideration of a preliminary report

Made By: Commissioner Haney
Second: Commissioner Norcom III

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

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

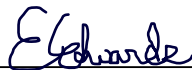
Motion: To adjourn

Made By: Commissioner Haney
Second: Commissioner Norcom III

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

NAYES: None
ABSTENTIONS: None

The motion passed



Egima Edwards
Planning Technician