



**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
October 14, 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
Karen Overton
James R. Bailey
Monica L. Rasmus

Commissioners Absent: Daniel Silva, Hugh Brightwell

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
Shashi Kumar, City Engineer, Public Works
Egima Edwards, Planning Technician
Jamilah Way, First Assistant City Attorney
Glen Martel, Assistant City Manager

Others Present:

Andrew Alvis; NewQuest Properties
Robert Herrera; Fort Bend ISD
Ernest Ramos; Dimarchs
Mary Villareal; The Interfield Group
Michael Hicks; Fort Bend ISD
Geoff Freeman; LJA
Jennifer Quigley; PBK

Austan Lupher; Pape-Dawson
Dan Valdez; META Planning & Design, LLC
Jacob Minter; LJA
Laurie Chapa; LJA
Sonal Shah
Bill Petticrew; Pawn Shop Business Owner
Robert Walters; Robert Walters Architect

3. READING OF THE MINUTES

- A. Consider approval of the minutes of the September 9, 2020 Planning and Zoning Commission Meeting.

Motion: Approval of the September 9, 2020 minutes.

Made By: Commissioner Haney

Second: Commissioner Lucas

AYES: Commissioners Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Lucas, Commissioner Overton

NAYES: None.

ABSTENTIONS: None.

The motion passed

4. REPORTS

A. COMMISSION REPORTS

- (1) Chairman of the Planning and Zoning Commission
None.
- (2) Planning and Zoning Commissioners
None.

B. STAFF REPORTS

- (1) Development Services
 - a. Director –

Otis Spriggs announced that October was National Community Planning Month, as designated by the American Planning Association and the American Institute of Certified Planners. It is an opportunity to highlight both planning and professional planners that lead communities like Missouri City to be equitable and resilient.

Mr. Spriggs stated that recently the city has dealt with the long lasting recovery from effects of the COVID-19 pandemic. This has allowed the city to move beyond the norm and look at planning in a different way. The City has been able to bridge the gap between the digital age, and we are closer

to being a paperless society.

Mr. Spriggs stated that Planning and Zoning Commission meetings held virtually has allowed continual public engagement as Missouri City advances as a great place to live and work. City Council recognized October as National Community Planning Month by bringing forth a proclamation, read on October 5, 2020.

Mr. Spriggs thanked the Commission for showcasing the City and contributions as leaders, and for and promoting orderly development.

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

5. PUBLIC COMMENT
None.

6. PLATS
A. CONSENT AGENDA

- (1) Consider an application for a preliminary plat for Sienna Section 26
- (2) Consider an application for a preliminary plat for Sienna Section 34B
- (3) Consider an application for a preliminary plat for Sienna Section 38
- (4) Consider an application for a preliminary plat for Sienna Section 42
- (5) Consider an application for a final plat for Alpha Center
- (6) Consider an application for a final plat for Fort Bend Business Park Phase 2
- (7) Consider an application for a final plat for Village of Sawmill Lake
- (8) Consider an application for a final plat for Fort Bend ISD Elementary School #54

Motion: To pull items 6.A.(6) and (7) from the consent agenda

Made By: Commissioner Lucas
Second: Commissioner Rasmus

AYES: Commissioners Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Lucas, Commissioner Overton

NAYES: None.
ABSTENTIONS: None.

The motion passed

Motion: To conditionally approve consent agenda items 6.A.(1), (3), (4) and (8), and to approve items 6.A.(2) and (5).

Made By: Commissioner Haney

- Second:** Commissioner Lucas
- AYES:** Commissioners Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Lucas, Commissioner Overton
- NAYES:** None.
- ABSTENTIONS:** None.

The motion passed

- (6) Consider an application for a final plat for Fort Bend Business Park Phase 2

Jennifer Gomez, Planning Manager presented the item. Ms. Gomez stated that the purpose of pulling the agenda item was for staff to add a comment to the report. On the current report, the confirmation of impact fee payments was stated. Staff clarified the statement to read that impact fees for the final plat were just for the first development within Reserve B. Any future developments were required to pay impact fees when requesting a utility connection.

Staff's recommendation was to approve the plat.

Chair Brown-Marshall stated that the current rate of the impact fees would have to be paid.

Ms. Gomez replied, "Correct".

- Motion:** To approve the final plat for Fort Bend Business Park Phase 2, including staff's comment regarding future impact fees.
- Made By:** Commissioner Haney
- Second:** Commissioner Bailey
- AYES:** Commissioners Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Lucas, Commissioner Overton
- NAYES:** None.
- ABSTENTIONS:** None.

The motion passed

- (7) Consider an application for a final plat for Village of Sawmill Lake

Thomas White, Planner II, presented the item. Mr. White stated that the project site was located in the ETJ, Extra Territorial Jurisdiction, south of Sienna Parkway,

east of Waters Lake Boulevard, and behind Vanguard Montessori School. The applicant submitted an updated statement to the plat.

Staff's recommendation was to approve the plat.

Vice Chair Haney inquired about the condition being addressed.

Mr. White stated that the condition of adding the owner's acknowledgement was addressed by the applicant.

Motion: To approve consent agenda item 6.A.(7)

Made By: Commissioner Haney

Second: Commissioner Lucas

AYES: Commissioners Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Lucas, Commissioner Overton

NAYES: None.

ABSTENTIONS: None.

The motion passed

B. PARKS EDGE

(1) Consider an application for an updated concept plan for Parks Edge

Gretchen Pyle, Interim Planning Specialist, presented the item. Ms. Pyle stated the purpose of the update was to clarify section boundaries for Parks Edge Section 17, previously shown as SF-8 and to label the remaining future Sections 18 and 19 on the concept plan.

Staff's recommendation was to approve the updated concept plan.

Motion: To approve the updated concept plan of item 6.B.(1)

Made By: Commissioner Haney

Second: Commissioner Overton

AYES: Commissioners Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Lucas, Commissioner Overton

NAYES: None.

ABSTENTIONS: None.

The motion passed

(2) Consider an application for a preliminary plat for Parks Edge Section 17

Motion: To approve the preliminary plat of item 6.B.(2)

Made By: Commissioner Haney
Second: Commissioner Overton

AYES: Commissioners Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Lucas, Commissioner Overton

NAYES: None.
ABSTENTIONS: None.

The motion passed

C. HERITAGE PARK DRIVE BRIDGE STREET DEDICATION

- (1) Reconsider an application for a final plat for Heritage Park Drive Bridge Street Dedication

Thomas White, Planner II, presented the item. Mr. White stated that the site was a southern extension of Heritage Park Drive, north of Sienna Section 32 A/B, south of Sienna River Parkway, east of the Brazos River, and located in the ETJ, Extra Territorial Jurisdiction.

Mr. White stated that the plat was previously approved on February 12, 2020. Three minor revisions were submitted to include the widening of the north and south sub-streets of Rustling Creek Drive from 70 feet to 80 feet, adjust the southerly street alignment by adding an arch to the center line, and to increase the plat acreage from 1.15 acres to 1.227 acres.

Staff's recommendation was to approve the reconsideration of the plat.

Motion: To approve a final plat for Heritage Park Drive Bridge Street Dedication.

Made By: Commissioner Haney
Second: Commissioner Lucas

AYES: Commissioners Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Lucas, Commissioner Overton

NAYES: None.
ABSTENTIONS: None.

The motion passed

D. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 46

- (1) Consider a request for a variance to deviate from Section 82-91 of the City Subdivision Ordinance, allowing applicant to submit a final plat application to the commission for consideration without submitting a preliminary plat application.

Jennifer Gomez, Planning Manager, presented the item. Ms. Gomez stated that the variance approval would allow consideration for the final plat that was on the current agenda. The abbreviated procedure allows staff to be able to waive a preliminary plat if the development or proposed subdivision meets certain conditions, as discussed in the Specific Use Permit presentation in agenda item 7.A.(1). The plat contained two reserves, one for the pump station site and the remainder would be the balance of the 34.66 acres. Ms. Gomez stated that the pump station did not front a dedicated street; therefore, staff was not able to waive the requirement for a preliminary plat.

Vice Chair Haney inquired about both variances not meeting the requirements for staff's approval; therefore, the Commission would have to approve it.

Ms. Gomez replied, "Correct".

Jamilah Way, First Assistant Attorney, stated that the Commission could approve the variance with a standard of consideration when making a decision.

- (2) Consider a request for a variance to deviate from Section 82-7.(b) of the City Subdivision Ordinance, allowing the issuance of a building, plumbing, electrical or mechanical permit prior to the approval of the final plat.

Motion: To approve variance items 6.D.(1) and (2)

Made By: Commissioner Haney

Second: Commissioner O'Malley

Commissioner O'Malley inquired about the criteria being reasonable, and how much flexibility should be given to staff to make and override [decisions as stated].

Chair Brown-Marshall inquired if staff had the authority based on the ordinance.

AYES: Commissioners Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus

NAYES: Commissioner Lucas
ABSTENTIONS: Commissioner Overton

The motion passed

- (3) Consider an application for a final plat for Fort Bend County Municipal Utility District No. 46 Storm Water Pump Station

Vice Chair Haney inquired about the only outstanding condition being the SUP.

Ms. Gomez stated other items were labeling of streets, updating of notes and clarification of easements, all identified in the title report provided. A few other items needed to be added or revised on the plat in addition to the SUP.

Motion: To approve with conditions item 6.D.(3) final plat for Fort Bend County Municipal Utility District No. 46 Storm Water Pump Station.

Made By: Commissioner Haney
Second: Commissioner O'Malley

AYES: Commissioners Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus

NAYES: None.

ABSTENTIONS: Commissioner Lucas, Commissioner Overton

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 Geoff Freeman, LJA Engineering, Inc. for a SUP, Specific Use Permit on an approximate 34.66 acre tract of land to allow for the location of an aboveground storm water pump station for Fort Bend County Municipal Utility District No. 46; 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.

Jennifer Gomez, Planning Manager, presented the agenda item. Ms. Gomez stated that the property was previously considered in the Colony Lakes concept plan, approved, platted and constructed in the mid 1990's to 2000's. It had been identified as a drainage facility that supported the development of the subdivision. On the south end of the property is an existing levee. The concept plan included the drainage facility, recreational trails and a future section of the subdivision.

Ms. Gomez stated that the developer deeded the property to MUD No. 46 in the early 2000's, roughly between 2003 and 2007. The MUD will use the system to help mitigate extreme rain events. The proposed project will include a pump station, control building, generator, and related equipment enclosed in the area of the drainage facility.

Ms. Gomez stated that when the plans were submitted for review, the plans were disapproved in part due to a platting requirement. As the City worked with the MUD engineers on the type of plat submittal, it was determined that Specific Use Permit approval was also required. The property would have been platted with the future section of the subdivision if the developer had moved forward with that portion of the development.

Ms. Gomez stated that the MUD engineers anticipated submitting construction

plans to the city in June/July 2020, with bidding of the work to occur in September, and construction to begin in October. The MUD engineers sought to use the city's abbreviated platting procedure that allows staff to waive the preliminary plat requirements under certain conditions. The subject plat, however did not meet the abbreviated platting procedure requirements that each reserve front a dedicated street and that all utility, drainage and other easements necessary to serve have been previously granted.

Ms. Gomez stated that SUP approval for above ground facilities is not required if certain conditions are met. The subject site did not meet these conditions because the site is located within 200 feet of a residential lot in a residential district; considerations for buffer yard requirements may be needed; and fencing consisting of wood, meeting community fencing requirements was not being provided.

Staff recommended to approve the SUP. The SUP would include the entire acreage the MUD owns and maintains in the area. The development utility would be located within the specific area called out on the site plan.

Ms. Gomez stated requirements for parking, fencing and lighting.

Vice Chair Haney inquired about the wood fencing requirement.

Ms. Gomez stated that the Commission had flexibility to consider chain link fencing and adding vinyl slacks or protective covering for greater screening.

Commissioner Bailey asked for clarification on the creek shown on the site plan and the outfall.

Jacob Minter, LJA Engineering, stated that Flat Bank Creek is approximately 1,500 feet southeast of the subject property.

Commissioner Bailey inquired about the possibility of properties being affected by the volume and rate of water flow in and around Elkins High School.

Mr. Minter stated that it would be a possibility. Mr. Minter added that a drainage analysis was conducted of the pump station. In the event the pump station is activated, it showed that it would not negatively impact any of the downstream facilities.

Commissioner Bailey inquired about a Hurricane Harvey scenario being added into the analysis.

Mr. Minter stated that Hurricane Harvey and more extreme scenarios were included in the analysis.

Commissioner Bailey inquired about staff's review of the report.

Jeremy Davis, Assistant City Engineer, stated that the plans were reviewed in July. A comment was made that a recorded plat was required in the plan set. A drainage report had not been reviewed. Mr. Davis asked Mr. Minter about the timing of the drainage report submittal.

Mr. Minter stated that it was around the end 2019 before they began to design the pump station.

Shashi Kumar, City Engineer, stated that the drainage criteria changed in Fort Bend County. MUDs and levee improvement districts are retrofitting their drainage systems to handle additional rainfall. It will provide additional protection to residents.

Mr. Kumar addressed the question of Elkins High School and surrounding areas. Mitigation is being made by providing detention and filling the property to elevate above the floodplain.

Mr. Kumar addressed the question regarding the review of the drainage analysis. Staff will confirm. It is required to be reviewed by the City and the Fort Bend County Drainage District.

Commissioner Overton inquired about other MUDs who may outflow into Flat Bank Creek.

Mr. Minter stated that there were other facilities up and down stream that flow into the creek. All were taken into account during the analysis.

Brandon Johnson, 7307 Foyer Circle, stated that he was against the proposed project and the project site is directly next to his home. Mr. Johnson expressed concern about the impact on adjacent property value. Mr. Johnson was not against the development being located in another area.

Chair Brown-Marshall directed staff to provide City Council's contact information to Mr. Johnson per his request.

Motion: To close the public hearing

Made By: Commissioner Lucas

Second: Commissioner Rasmus

AYES: Commissioner Brown-Marshall, Commissioner Haney,
Commissioner O'Malley, Commissioner Bailey,
Commissioner Rasmus, Commissioner Lucas,
Commissioner Overton

NAYES: None.

ABSTENTIONS: None.

The motion passed

(2) Consider approving a final report on item 7.A.(1)

Motion: To approve a final report and forward a positive recommendation to City Council

Made By: Commissioner Bailey
Second: Commissioner O'Malley

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

NAYES: Commissioner Lucas.
RECUSE: Commissioner Overton.

The motion passed

B. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

- (1) To receive comments for or against a request by William (Bill) H. Petticrew, to amend PD, Planned Development District No. 23, Ordinance O-08-28, to allow for the location of a pawn shop; 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.

Jennifer Gomez, Planning Manager, presented the agenda item. Ms. Gomez stated that the applicant was seeking to purchase the proposed site to relocate his pawn shop.

Ms. Gomez stated that PD 23 (Planned Development District) uses permitted are LC-2, retail uses, and neighborhood type services. The PD has an exception that allows for gas sales / gas station. Typically gas stations, medical uses and pawn shops are uses by right in the LC-3, retail district. The applicant was seeking to amend the uses permitted to add a pawn shop.

Staff's recommendation was to allow for the pawn shop, limiting it to lot 2.

Ms. Gomez stated that the applicant indicated his proposed amendment to the PD was just pertaining to the uses, no changes to any of the other development regulations within the PD.

Chair Brown-Marshall asked William (Bill) H. Petticrew, pawn shop owner, if the current location of the pawn shop would close.

Mr. Petticrew replied, "Yes..."

Commissioner Overton inquired about the size of the proposed building.

Mr. Petticrew stated that the building would roughly be between 4,000 square feet to 5,000 square feet. The existing pawn shop business operates in a 4,000 square foot building.

Commissioner Lucas inquired about the location of the current business.

Mr. Petticrew stated the current address was 6840 Highway 6.

Motion: To close the public hearing

Made By: Commissioner Lucas
Second: Commissioner Haney

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Lucas, Commissioner Overton

NAYES: None.
ABSTENTIONS: None.

The motion passed

(2) Consider approving a final report on item 7.B.(1)

Motion: To approve a final report and forward a positive report to City Council

Made By: Commissioner Haney
Second: Commissioner Bailey

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Lucas, Commissioner Overton

NAYES: None.
ABSTENTIONS: None.

The motion passed

C. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT

(1) To receive comments for or against a request by H. Paul Dodd, NewQuest Properties to zone an approximate 75.58 acre tract of land to PD, Planned Development District to allow for a mixed use development to include retail, commercial and multi-family uses; 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.

Jennifer Gomez, Planning Manager, presented the item. Ms. Gomez stated the location site was at the intersection of the Fort Bend Parkway and Highway 6. On the south side of the property, Watts Plantation Road would eventually be extended from the east and west sides.

Ms. Gomez stated that the applicant was seeking to develop commercial and multifamily uses. A preliminary schedule was provided. Once zoning was in place, financial and other improvements for the site would be secured to begin construction on the shopping center.

Staff's recommendation was to approve the PD, Planned Development District, and allow for a mixed use development; to apply the LC-3, retail district and MF-2, multifamily standards; minimum building heights; maximum setbacks of 30 feet for the front, 10-foot rear and 5-foot side, and multifamily density of MF-2 regulations. For building regulations, LC-3, retail district was recommended.

Ms. Gomez stated additional staff recommendations were the Section 7A architectural design standards; MF-2 garage regulations; trash disposal regulations of Section 9.14; MF-2 portable storage unit regulations; MF-2 outside placement, storage, sales and services regulations, and landscaping regulations (possible reductions if an Urban Character can be achieved).

Ms. Gomez stated city parking and fencing regulations were recommended, along with a master sign plan for the development.

Andrew Alvis, NewQuest Properties, provided a synopsis of the development.

Chair Brown-Marshall inquired about what product the developers would provide to the City.

Mr. Alvis stated that more restrictive covenants would be placed on the multifamily.

Chair Brown-Marshall inquired about an Urban Character nature where the development would not be set so far back.

Mr. Alvis stated that an Urban Center would not be developed. It is not what they have planned to build. Redlines presented by staff could be delivered. The project is regional with a lot of components.

Commissioner Lucas inquired about high-end restaurants within the development.

Mr. Alvis stated Olive Garden was slated for the west corner of the property.

Commissioner Overton inquired about a company committed to the multifamily development.

Mr. Alvis stated that a company out of Florida who built the Brazos Center had a commitment to the multifamily.

Commissioner Overton inquired about demographic studies conducted for the area.

Mr. Alvis stated that a demographic study was conducted, as well as the users would conduct one as well.

Commissioner Overton inquired about the results as far as marketing.

Mr. Alvis stated that Highway 288 would bring millennials from the medical center.

Motion: To close the public hearing

Made By: Commissioner Haney
Second: Commissioner Lucas

AYES: Commissioner Brown-Marshall, Commissioner Haney,
Commissioner O'Malley, Commissioner Bailey,
Commissioner Rasmus, Commissioner Lucas,
Commissioner Overton

NAYES: None.
ABSTENTIONS: None.

The motion passed

Chair Brown-Marshall stated that she was not able to clearly see what the end product would be; however, she agreed with the concept. The project would follow City requirements as far as Future Land Use and Character Maps, and the Comprehensive Plan.

(2) Consider approving a final report on item 7.C.(1)

Motion: To hold under advisement

Made By: Commissioner Lucas
Second: Commissioner Haney

AYES: Commissioner Brown-Marshall, Commissioner Haney,
Commissioner Bailey, Commissioner Rasmus,
Commissioner Lucas, Commissioner Overton

NAYES: O'Malley
ABSTENTIONS: None.

The motion passed

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

None.

9. 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.

10. RECONVENE

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

11. ADJOURN

Motion: To adjourn

Made By: Commissioner Lucas

Second: None.

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Rasmus, Commissioner Lucas, Commissioner Overton

NAYES: None.

ABSTENTIONS: None.

The motion passed

Egima Edwards
Planning Technician