



**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
January 13, 2021**

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 7:00 PM.

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Tim Haney
Gloria Lucas
Karen Overton
Daniel Silva
John O'Malley – Joined post roll call and approval of minutes.

Commissioners Absent: Hugh Brightwell, James R. Bailey, Monica Rasmus

Councilmembers Present: Robin Elackatt, Mayor, City Council

Staff Present:

Jennifer Gomez, Interim Director of Development Services
Thomas White, Planner II
Gretchen Pyle, Interim Planning Specialist
Egima Edwards, Planning Technician
Jamilah Way, First Assistant City Attorney
Glen Martel, Assistant City Manager
Therron W. Dieckmann, Assistant Director of Parks and Recreations

Others Present:

Pastor Scott Nichols, Destiny Church
Garrett Delano, Arc Three Studio
Geoff Freeman, LJA Engineering
Laurie Chapa, LJA Engineering
Carmen Pearson, Lovett Industrial
Charlie Meyer, Lovett Industrial
Thomas George, Property Owner, Waterbrook West
Cathy Fontenot, Survey1, Inc.

3. READING OF MINUTES

Chairman Brown-Marshall called for a motion to accept the December 9, 2020 Planning and Zoning Commission meeting minutes.

Motion: Approval of the December 9, 2020 meeting minutes.
Made By: Commissioner Haney
Second: Commissioner Lucas

AYES: Commissioner Commissioners Brown-Marshall,
Commissioner Haney, Commissioner Lucas,
Commissioner Silva, Commissioner Overton

NAYES: None.
ABSTENTIONS: None.

The motion passed.

4. REPORTS

A. COMMISSION REPORTS

- (1) Chairman of the Planning and Zoning Commission
Chair Brown-Marshall acknowledged the new Mayor of Missouri City, Robin J. Elackatt, thanked him for joining the meeting and asked if he had any comments.

Mayor Robin J. Elackatt introduced himself. As a resident of Missouri City for fifteen years, Mayor Elackatt served on City Council for about six years. He wanted to say “hello”, heard great things [of the Commission] and will join meetings once in a while to hear issues. Mayor Elackatt invited the Commission to contact him with any concerns or questions.

- (2) Planning and Zoning Commissioners
[Click here to insert remarks.](#)

B. STAFF REPORTS

- (1) Development Services
 - a. Interim Director – Jennifer Thomas Gomez
Jennifer Thomas Gomez wished the Commission a happy new year, looking forward to an exciting and hopefully healthier 2021 for everyone.
- (2) Engineering
 - a. Assistant City Engineer
None.

5. PUBLIC COMMENT

None.

6. PLATS

A. CONSENT AGENDA

- (1) Consider an application for a preliminary plat for Sienna Section 19
- (2) Consider an application for a preliminary plat for Sienna Section 36
- (3) Consider an application for a final plat for Sienna Section 33C
- (4) Consider an application for a final plat for Parks Edge Section 18
- (5) Consider an application for a final plat for Parks Edge Section 19
- (6) Consider an application for Waterbrook West Partial Replat No. 1

Motion: To approve the consent agenda

Made By: Commissioner Haney

Second: Commissioner Lucas

Vice Chair Haney inquired about staff's recommendation of "approve with conditions" on agenda items (4) and (5).

Jennifer Thomas Gomez, Interim Director of Development Services, stated that the Fort Bend Count Drainage District was working with the City and the developer on a drainage capacity issue in the Kitty Hollow area, proactively since the summer. The plat would be approved in form; however, the applicant would have to resubmit the plats for clearance once the drainage district provided "no objection" letters.

Vice Chair Haney inquired about the approval as final plats.

Ms. Gomez stated substantively the form of the plats meet all conditions, nothing is expected to change on the layout and what was being presented. The drainage facility was larger than the two section. Any new development in the area would be affected. The form of the two sections would stay intact and consistent with the City's Subdivision Ordinance. There may be a funding/finance issue on who would be part of the funding to make improvements.

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

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 Scott Nichols, Destiny Church for a SUP, Specific Use Permit to allow for the location of a place

of assembly, new church location; 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.

Thomas White, Planner II, presented the agenda item. Mr. White stated that in November 2020, the SUP (Specific Use Permit) application was submitted for a location at Cartwright Road and FM 1092. The church was trying to proceed in being a good neighbor and growing their church in the community.

Mr. White stated the location of the proposed site was north of Lexington Boulevard, south of Lexington Grove residential subdivision, east of Lexington Settlement residential subdivision, and west of First United Methodist Church.

Mr. White stated that the proposal was for an 18,000 square foot building, 400 seat auditorium, associated parking, landscaping, screening, signage, and trash disposal. A TIA (Traffic Impact Analysis) worksheet was submitted; city Engineering informed that results of the worksheet did not warrant a TIA submittal. The applicant was willing to work with staff in complying with city regulations mentioned above. Platting was a requirement.

Staff requested the Commission not adopt the development schedule provided in the staff report, as well as the site plan. This would allow time for the applicant to construct and complete the project.

Mr. White stated that the applicant was scheduled to begin construction at year four, and was seeking to follow all city regulations and LC-3 (retail district) standards. No deviations were requested. On December 21, 2020, City Council approved the SUP that was presented to the Commission on November 11, 2020.

Vice Chair Haney questioned if the SUP application was for a five year term.

Mr. White replied, "Yes, for five years."

Chair Brown-Marshall inquired about flooding due to drainage issues at Bluestone Drive and Lexington Boulevard.

Mr. White stated that the existing drainage pattern, including the requirement of the development retaining water, was discussed with city Engineering. Chair Brown-Marshall's concern was noted and would be forwarded to Engineering. Staff would ensure all drainage requirements were fulfilled.

Vice Chair Haney stated he read that due to the pandemic (COVID) and budget constraints, the planned reconstruction of Lexington Boulevard to address drainage issues had been deferred at the present time.

Glen Martel, Assistant City Manager, stated that Lexington Boulevard, as well as Cartwright Road, improvements were a part of a program with Fort Bend from FM 1092 further back to the west. Recently readjustments were made and the project was back on tract, in design and money had been recommitted to the projects.

Commissioner Overton questioned staff's mentioning of "they would be responsible for flooding in the area", asking whom were "they".

Mr. White replied that he was directly speaking of the property, as with other projects presented. To protect citizens, city Engineering review drainage calculations.

Commissioner Overton questioned if "they" referred to the property owner.

Mr. White replied, "Yes, they would submit civil plans and would have to account for water on the site".

Commissioner Overton questioned what if the property owner did not take responsibility for drainage.

Mr. White stated that they (applicant) would have to ensure regulations set forth by the Engineering department were met. If not, additional options may be available. The proposed development would not add to the current drainage issue.

Jamilah Way, Assistant City Attorney, stated a certificate of occupancy would not be issued until all regulations were met, which included drainage.

Vice Chair Haney stated that a plat approval would not be provided unless requirements were met.

Commissioner Lucas requested clarity of staff's recommendation not to adopt the development plan.

Mr. White clarified that the staff report stated a five year period limitation. Revisions to the report were not made prior to the meeting.

Jennifer Thomas Gomez, Interim Director of Development Services, stated Specific Use Permit regulations in the Zoning Ordinance provides that City Council could adopt a development schedule, essentially laying out project completion within a five year period. Recommendation included in the report was based on that provision. As described, presented currently was the permanent location to begin construction in a minimum of four years from current date.

Ms. Gomez stated the project would not be completed within a five year period. Speaking mainly of the use, development would be in line with the existing zoning of LC-3 standards. Staff recommendation would be not to adopt the site plan nor development schedule that would tie the applicant into being required to completion within the five year period. Mentioned was the revised recommendation.

Vice Chair Haney inquired if only the "use" was being approved and if there would be a deadline or would it be permanent.

Ms. Way stated the use would be permanent; the zoning district was being amended to allow the use.

Commissioner Overton inquired if the use would be open ended after five years, and if there would be an obligation of construction completion.

Ms. Way stated the SUP would allow the use; most SUP's have not expired. The development schedule is more like a permit. The condition would not be placed on the use stating completion would have to be within five years or a request would have to return to the Commission for permission. Once permits are pulled, local government codes would be enacted and permits could expire. If no construction has begun, the City could not take action.

Garrett Delano, Arc Three Studio / Lead Architect, stated they were incentivized to be in the building by the end of year five. The church is in a five year lease; the plan was to grow the congregation into the next building. Construction could change from 12 months to 24 months, which would begin the project sooner. Mr. Delano's client (applicant) would not want to begin the project at year five; it would be an eye soar to the community as well as expensive.

Mr. Delano stated that he spoke with city Engineering. Engineering informed that they are in the Quail Valley Utility District; according to calculations, capacity is plenty. A full civil engineer team will be on the project. If required, a detention system would be on site.

Motion: To close the public hearing

Made By: Commissioner Haney

Second: Commissioner Lucas

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

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 without site plan and development schedule

Made By: Commissioner Haney

Second: Commissioner O'Malley

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

NAYES: None.

ABSTENTIONS: Commissioner Overton, Commissioner Lucas

The motion passed

B. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

- (1) To receive comments for or against a request by Carmen Pearson, Lovett Industrial to amend Exhibit D and the regulations and restrictions contained in PD, Planned Development District No. 88 (Ordinance O-18-24) to allow BP business park districts uses in addition to LC-3 retail district uses within the area designated as the Commercial Northeast subdistrict on Exhibit B; 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 Thomas Gomez, Interim Director of Development Services, presented the agenda item. Ms. Gomez stated that all of the proposed amendment area was to the east of the Fort Bend Parkway and north of Trammel Fresno Road. West of the Fort Bend Parkway, the proposed area was bordered by Olympia Estates and Vicksburg, and extending from Lake Olympia Parkway to Trammel Fresno Road. The west side included Dry Creek Village residential subdivision presently under construction. The east side included the newly announced Amazon Fulfillment Center under construction, called out on the presented map.

Ms. Gomez stated that the existing ordinance is divided into different subdistricts that provides uses permitted within the boundaries of the PD, Planned Development District, as well as the development regulations associated with those uses. The PD is over 400 acres, generally designed to be a mixed use Planned Development District. The area is identified in the City's Comprehensive Plan as a prime location employment generated uses due to the proximity along Fort Bend Parkway and connections into other parts of the region.

Ms. Gomez stated Lovett Industrial was representing the owner to most of the area to the east of the Fort Bend Parkway and had been the primary contacts with the City on the Amazon Fulfillment Center. The owner was seeking continual growth opportunities similar to the fulfillment center to be able to provide business type uses. The purpose of the amendment was basically for the area shown in red and dash lines on the presented map. In the PD, the area is described as "Commercial Northeast" subdistrict. Its regulations under the current PD call it out for just commercial retail use. The application was to expand the uses permitted within that area to allow for business uses.

Ms. Gomez stated the proposed amendment to use regulations contained within PD 88 was to expand uses permitted in the "Commercial Northeast" subdistrict and allow for BP, business park district uses; amend the Future Land Use Plan designation to reflect the Business Park character, and to amend the development regulations to reflect the BP, business park district regulations. Lovett Industrial owns the property.

Staff recommended approval.

Vice Chair Haney inquired if the site plan included an extension of the Amazon facility.

Ms. Gomez stated that it was a conceptual layout of what could be developed in the northeast tract.

Carmen Pearson, Lovett Industrial, stated the site plan included two separate areas. The area to the north of the existing ditch was about 67 acres. What was included on the site plan would fit.

Vice Chair Haney inquired about the actual footage and possible development.

Ms. Pearson stated the site plan probably received had a parcel "D" as 83.5 acres, which was the million square foot Amazon building. They contemplated an additional larger building on the north side, and possibly two smaller buildings could be accommodated on the 67 acres.

Commissioner O'Malley inquired about tracking of previous locations that had fulfillment centers, what happens to the commercial property or around the general facility, if the supply chain followed, and if the proposal was for those reasons.

Ms. Pearson stated that she did not have an answer. The facility attracted "like for like" and the property would lend itself well for a continuous field to allow uses like the Amazon facility.

Commissioner Overton inquired about restrictions of the type of business allowed.

Ms. Gomez stated that the business park district allows generally any commercial uses with performance standards. It is a pretty broad district.

Motion: To close the public hearing

Made By: Commissioner Lucas

Second: Commissioner Overton

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

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 recommendation to City Council

Made By: Commissioner Lucas
Second: Commissioner Overton

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

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

Motion: To adjourn

Made By: Commissioner Haney
Second: Commissioner O'Malley

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

NAYES: None.

ABSTENTIONS: None.

The motion passed

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide reasonable accommodations for persons attending Planning and Zoning Commission meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact the Development Services Department at 281-403-8541.

CERTIFICATION

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I certify that a copy of the January 13, 2021 agenda of items to be considered by the Missouri City Planning and Zoning Commission was posted on the City Hall bulletin board on January 8, 2021.

Egima Edwards
Planning Technician