



**MINUTES  
PLANNING AND ZONING COMMISSION  
CITY OF MISSOURI CITY, TEXAS  
June 9, 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  
Monica Rasmus  
James Bailey  
Hugh Brightwell

**Commissioners Absent:** None.

**Councilmembers Present:** None.

**Staff Present:**

Jennifer Gomez, Director of Development Services  
Mason Garcia, Planner II  
Stori Nuri, Planner I  
Gretchen Pyle, Development Review Coordinator  
Egima Edwards, Planning Technician  
Joseph Quintal, Assistant City Attorney  
Jeremy Davis, Assistant City Engineer  
Glen Martel, Assistant City Manager

**Others Present:**

Allen Owen  
Mayra Rivas  
Scott Howell  
Eileen L. Howell

Bradley Mcfurland, Wilbow  
Lynton Smith  
Brad Dinerstein, Dinerstein  
Steve Procter

### 3. READING OF MINUTES

Chairman Brown-Marshall called for a motion to accept the May 12, 2021 Planning and Zoning Commission meeting minutes.

**Motion:** Approval of the May 12, 2021 meeting minutes.

**Made By:** Commissioner Lucas  
**Second:** Commissioner Silva

**AYES:** Commissioner Brown-Marshall, Commissioner Haney, Commissioner Lucas, Commissioner Silva, Commissioner Overton, Commissioner Rasmus, Commissioner Brightwell

**NAYES:** None.  
**ABSTENTIONS:** Commissioner O'Malley, Commissioner Bailey

The motion passed.

### 4. REPORTS

#### A. COMMISSION REPORTS

- (1) Chairman of the Planning and Zoning Commission

Chair Brown-Marshall reminded Commissioners of an upcoming Planning and Zoning workshop to be scheduled in July and to provide sizes for new shirts.

- (2) Planning and Zoning Commissioners  
None.

#### B. STAFF REPORTS

- (1) Development Services  
a. Director

Jennifer Thomas Gomez introduced two new Planners, Mason Garcia, Planner II, who is rejoining the department; and Stori Nuri, Planner I. Additional staff members were recognized for their essential roles in moving the City forward during the Covid-19 pandemic; Douglas Penalba, Missouri City TV Producer / Communications Division; Egima Edwards, Planning Technician; and Gretchen Pyle, Development Review Coordinator. Commissioner Lucas congratulated Jennifer Thomas Gomez for her well-deserved promotion to Director of Development Services.

- (2) Engineering
    - A. Assistant City Engineer
- None.

**5. PUBLIC COMMENT**

None.

**6. PLATS**

**A. CONSENT AGENDA**

- (1) Consider an application for a concept plan for Sienna 3F
- (2) Consider an application for a preliminary plat for 1255 FM 1092
- (3) Consider an application for a preliminary plat for Hagerson Road Tract Section Four
- (4) Consider an application for a preliminary plat for Parkway Crossing
- (5) Consider an application for a final plat for Greens Landing
- (6) Consider an application for a final plat for Murphy Village Commercial
- (7) Consider an application for Waterbrook West Replat No. 1

**Motion:** To approve consent agenda

**Made By:** Commissioner Haney

**Second:** Commissioner Brightwell

Chair Brown-Marshall inquired if agenda item 6.A.(2) was a carwash.

Jennifer Thomas Gomez, Director, Development Services replied yes.

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

**NAYES:** None.

**ABSTENTIONS:** None.

The motion passed.

**7. ZONING MAP AMENDMENTS**

**A. PLANNED DEVELOPMENT DISTRICT**

- (1) To receive comments for or against a request by Dan Elkins, Kimley-Horn, to zone an approximate 35.2942 acre tract of land to PD, Planned Development District to allow for a mixed use development to include single-family residential rental units with commercial development along the Highway 6 frontage; 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.

Mason Garcia, Planner II, presented the agenda item. Mr. Garcia stated that the site location is south of Highway 6, north of the Fort Bend Tollway, east of Oakwick Estates residential subdivision, and west of Firestone Complete Auto Care. The current zoning is SD, suburban district, undeveloped land.

Mr. Garcia summarized that the Dinerstein Companies was seeking approval for a PD, Planned Development, as shown to allow for LC-3, retail district uses along Highway 6 and R-4, patio-cluster residential district uses to the rear. The LC-3 region will allow for walkable amenities for residents within the area. R-4 patio-cluster residential will consist of approximately 176 detached dwelling units of 2, 3 and 4 bedrooms with attached garages. The development will look and operate like a multi-family development on a single reserve, owned by a single entity and managed by a management company. Lease and recreational centers, as well as multiple park pockets will be on site.

Mr. Garcia summarized staff recommendations to approve the PD, with LC-3 along Highway 6, R-4 residential for southern portion of the site and variances noted in the staff report.

Mr. Garcia stated for the Future Land Use Plan, staff requested revision of the map to reflect a Suburban residential area for the portion of the site designated for residential use.

Mr. Garcia summarized staff recommendation to apply R-4 standards to residential except for Section 7.5.C.5 and Section 7.5.C.6, and LC-3 to commercial areas, except where noted on site plan.

Mr. Garcia summarized Section 7.5.C.5 dictates minimum lot sizes of at least 40 feet for 80 percent of lots, and no less than 35 feet. Section 7.5.C.6 dictates minimum square footage should be over 2,800 square feet.

Staff is requesting that the applicant clarify the intent of the 35 foot yard setback along the private street.

For buffer yards, staff recommends applying buffer yards as proposed on conceptual site plan and along the Oakwick Estates boundary and between the R-4 residential. The applicant has agreed to install a Type A screen to include a masonry fence and one canopy tree per fenced in backyard.

Mr. Garcia summarized staff recommendation for parking to apply Section 12 standards as applicable.

Staff requested clarification on the dimensions for proposed garages to ensure they are sized to contain two cars.

For trash regulations, staff requests clarification on private streets and the ability to support the weight of trash pick-up trucks.

Staff recommends approval for the Planned Development.

Vice Chair Haney inquired about Section 7.5 being discussed; however, Section 7.12 was provided on presentation slides.

Mr. Garcia replied that the Section 7.12 reference was an error.

Chair Brown-Marshall inquired if changing the setbacks would interfere with the quantity of properties/homes for the project.

Mr. Garcia replied it may allow for a couple more homes. The 80 percent of the minimum 40 feet would not be met. A couple more pad sites can be allowed due to site being a single reserve.

Commissioner Lucas inquired about quantity of units.

Mr. Garcia replied approximately 176.

Vice Chair Haney inquired if setbacks were allowed to differ from requirements and if the layout would be impacted.

Mr. Garcia replied Section 7.5.C.5 refers to minimum lot width. Setbacks from right-of-way, due to being a private street, would be 30 feet from private street to front of habitable area.

Vice Chair Haney inquired if normally that would be required on a private street.

Mr. Garcia replied requirement would be on a public street. Due to the nature of development, streets will be private and owned by the entity. It will not be a public street in the sense that public streets would be named. The design and construction will have to conform to the Public Instructure Manual.

Commissioner Brightwell inquired if the development would be gated.

Mr. Garcia replied yes.

Commissioner Brightwell inquired if fire apparatus would be required due to private streets.

Mr. Garcia replied he did not have the answer and assumed that those requirements would have to be met.

Jennifer Thomas Gomez, Director, Development Services, replied minimum standards still apply. The difference is single family subdivisions have individual properties with minimum lot width, and right-of-way meets minimum street standards. The proposed development is a multi-family product with internal driveways. The layout will be similar to a single-family subdivision.

Commissioner Lucas inquired if homes would be rental properties.

Mr. Garcia replied correct, owned by single entity.

Vice Chair Haney inquired if applicant was on board with staff recommendations.

Allen Owen, representative for the applicant, stated that housing should be provided for people to live and do business within Missouri City. Mr. Owen described the development as providing backyards for small families with artificial turf. Mr. Owen went on to provide that the developer has been in business for over 65 years and that the property will have onsite management and meeting facility which will be offered to the adjacent homeowners association for meetings. Mr. Owen stated that housing and amenities needs to be available to citizens who can afford them for the future of the city. Mr. Owen provided that starter homes are ideal for families who are currently not able to purchase a house.

Brad Dinerstein, The Dinerstein Companies, provided a history of the company.

Mr. Dinerstein stated the property will be owned by a single entity and will have an onsite staff member to maintain the property, including landscaping. An additional staff member will care for residential units from leasing to other necessities. The Dinerstein Companies take pride in their developments.

Lynton Smith, The Dinerstein Companies, stated that the company takes pride in being good neighbors. The development will have a mixture of 2, 3, and 4-bedroom options ranging from 1,100 – 2,200 square feet with two car garages that will meet city standards. The garages will have a setback of 30 feet from the street, which will allow additional parking for two cars for each unit's driveway.

Mr. Smith summarized that the property will be self-managed by The Dinerstein Companies. The site will be one lot, one parcel, one tax bill. Two retail pad sites will be marketed to retail developers.

Chair Brown-Marshall inquired if the developers had time to read staff's comments and if they agreed to their suggestions.

Mr. Smith replied yes ma'am.

Commissioner Overton inquired if limits would be placed on how many persons can live in each unit.

Mr. Smith replied that had not been a thought; it was a good question.

Mr. Dinerstein replied they had not considered the question, however, they can. The company faced the concern in other cities. They look forward to guidance from the city.

Commissioner Overton inquired why The Dinerstein Companies chose Missouri City.

Mr. Dinerstein replied they like Missouri City, a lot of great growth opportunities, love the location being on Highway 6, metrics are in place, and they are excited about their product in the city. Missouri City has so far shown support for what the company wants to provide to the city.

Commissioner Lucas inquired if Missouri City has maximum occupancy regulations.

Ms. Gomez replied regulations are geared to occupancy based on square footage, not necessarily dwelling units.

Chair Brown-Marshall stated regulations mimic state requirements.

Commissioner Brightwell inquired if the PD would be affected if properties were sold in the future.

Mr. Garcia replied due to being a single reserve, each lot would have to be divided and platted as single lots, 176 lots. Platting standards would have to be met.

Commissioner Brightwell inquired if the Future Land Use Map needed revising.

Mr. Garcia replied yes, map shows suburban/commercial.

Scott Howell, 3903 Oakwick Forest Drive, stated that the presentation has provided answers to the questions he had.

Vice Chair Haney inquired if Mr. Howell was okay with the development.

Mr. Howell stated he was okay with it. He likes the nature area and 6 foot perimeter wall; what he sees is good.

Steve Procter, President, Oakwick Forest homeowners association (HOA), stated their subdivision is adjacent to the project site, an acreage community. Residents are interested in a quality product. The resident's questions to the developer have been addressed. The Dinerstein Companies agreed to resident's request to extend the masonry wall to the entire length of development, excluding detention area. Mr. Procter expressed concern about who will maintain the property. After receiving response that developer will maintain the property, Mr. Procter indicated that he was okay with the proposal.

**Motion:** To close public hearing

**Made By:** Commissioner O'Malley

**Second:** Commissioner Haney

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

**NAYES:** None.

**ABSTENTIONS:** None.

The motion passed.

- (2) Consider a final report and recommendation on item 7.A.(1)

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

**Made By:** Commissioner Haney

**Second:** Commissioner O'Malley

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

**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.**

- (1) Consider approving a semiannual report to the City Council on the land use assumptions and capital improvements plan for the Northeast Oyster Creek Subwatershed, Lake Olympia Parkway Extension and Mustang Bayou Service Area.

Jeremy Davis, Assistant City Engineer, present the agenda item. Mr. Davis stated the city has three city impact fees for service areas of Lake Olympia Parkway Extension, Mustang Bayou Service Area and Northeast Oyster Creek Subwatershed. Fees are committed to funding public infrastructure improvements in these particular areas.

Mr. Davis stated during pre-development meetings, developers are notified if impact fees will be assessed. Based on type and size of development, the city's Engineering division determines the amount of the impact fee. The adopted fee schedule was summarized; Lake Olympia Parkway Extension (roadway) - \$236.00/dwelling unit; Mustang Bayou Service Area (water) - \$1,009.84/ESFC (Equivalent Single Family Connection), (waste water) - \$2,276.29/ESFC;



Northeast Oyster Creek Subwatershed (drainage) - \$3,000/acre. Maps of areas were presented.

Mr. Davis stated that the city's Engineer's Division is not proposing any changes to the current impact fee ordinance. Currently, the Public Works Department is evaluating the Mustang Bayou Service Area for possible increases to impact fees due to new development.

Vice Chair Haney inquired if impact fees would apply only to new development.

Mr. Davis replied correct, it would only affect new development after a new ordinance has been adopted.

Commissioner O'Malley inquired if language exist in the ordinance that would protect the city in the event of inflation rates.

Mr. Davis replied yes, that is a reason for evaluating the Mustang Bayou Service Area impact fees.

Chair Brown-Marshall inquired if the Engineering division will present any fee increase to the Commission.

Mr. Davis replied yes, they will provide a presentation in the next impact fee report.

Chair Brown-Marshall inquired if that would be in six months.

Mr. Davis replied that there would be a presentation provided during the next Planning and Zoning Commission meeting.

**Motion:** To approve semi-annual report

**Made By:** Commissioner Haney

**Second:** Commissioner Rasmus

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

**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 Lucas  
**Second:** Commissioner Rasmus

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

**NAYES:** None.

**ABSTENTIONS:** None.

The motion passed.

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Egima Edwards  
Planning Technician