



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**CITY OF MISSOURI CITY, TEXAS**  
June 14, 2017

**1. CALL TO ORDER**

The Notice of Meeting and Agenda having been duly posted in accordance with legal requirements and a quorum being present, the meeting was called to order by Vice Chairman Haney, at 7:00 PM.

**2. ROLL CALL**

**Commissioners Present:**

Sonya Brown-Marshall (arrived at 7:30)  
John O'Malley  
Reginald Pearson  
Courtney Johnson Rose  
Doug Parker  
Ramesh Anand  
Hugh Brightwell  
Timothy Haney

**Commissioners Absent:** Commissioner Goff

**Councilmembers Present:** Councilmember Emery

**Staff Present:**

Bill Atkinson, Assistant City Manager  
Otis T. Spriggs, Director of Development Services  
Shashi Kumar, City Engineer/Director of Public Works  
Jennifer Thomas Gomez, Interim Assistant Director of Development Services  
Evelyn Kimeu, Assistant City Attorney  
Jennifer Hobbs, Assistant City Engineer  
Cynthia Rex, Code Enforcement Supervisor  
Thomas White, Planner II  
Nancy Desobry, Office Manager

**Others Present:**

Lisa Miller	Llarance Turner	Frank Hilson, III
Gernot Gaulke	Eboni Fleming	

**3. READING OF MINUTES:**

- (1) Vice Chairman Haneyl called for any corrections or additions to the May 10, 2017, regular Planning and Zoning Commission meeting minutes.

**Motion:** Approval of the May 10, meeting minutes

**Made By:** Commissioner O'Malley

**Second:** Commissioner Anand

**AYES:** Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand

**NAYS:** None

**ABSTENTIONS:** Commissioner Haney, Commissioner Brightwell

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 introduced Thomas White, Planner II
- (2) City Engineer  
a. Assistant City Engineer  
None

**5. PUBLIC COMMENT**

None

**6. PLATS**

None.

**7. ZONING MAP AMENDMENTS**

**A. PUBLIC HEARING FOR A ZONING MAP AMENDMENT**

- (1) Public hearing to receive comments for or against a request by Frank Hilson, III, to zone an approximate 7.53 acre tract of land from SD, suburban district to R. rural single family residential district to allow for the development of a residential dwelling unit, and to the extent such zoning is consistent with the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom. The subject site is located on the unimproved extension of Knight Road (on the west side) and east of the Estates of Silver Ridge Subdivision.

Mr. Thomas White, Planner II, presented this item stating the property owner seeks to make this dual-zoned property one overall district (R, Rural Residential District) to allow for the location of one single family dwelling unit. The property is located within the City's utility service area and is not within a municipal utility district. The Future Land Use Map identifies the subject tract as Estates, providing for Single Family Residential uses. The Estate character designation is provided for large lot development generally on the fringes, but should also be available within the City, so this character and lifestyle setting is not limited only to the ETJ. The minimum lot size is typically one acre or larger (i.e., large enough to allow for on-site versus centralized water and wastewater service, consistent with applicable regulations, although some Estate areas may have public services).

Staff recommends to zone the subject site to R, rural single family residential district.

**Motion:** To close the public hearing

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

**AYES:** Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell, Commissioner Haney

**NAYS:** None

The motion passed.

(2) Consideration of the approval of a final report to City Council on item 7A(1) above.

**Motion:** The Planning Commission adopt this as a final report and forward to City Council with a positive recommendation.

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

**AYES:** Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell, Commissioner Haney

**NAYS:** None

The motion passed.

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

(1) Public hearing to receive comments for or against a request by Daniella Waecher of ECO-SITE for a Specific Use Permit to construct a 120' monopole telecommunications tower, to replace an existing stadium light pole, on a leased area, or an approximately 2,400 sq. ft. area tract of land within an SD district (Size of parent tract is 57.1179 acres), in compliance with the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom. The subject site is located on the Elkins High School

campus at 6735 2/3 Knights Ct., north of Knights Ct., south of Oilfield Rd., east of Thompson Ferry Rd., and on the west side of State Highway 6.

Mr. White presented this item stating Section 15.B of the City's zoning ordinance provides the standards and regulations for the location of telecommunications towers within the City. The applicant hopes to provide for the location of a new 120 foot tall telecommunications tower to cover T-Mobile's service area within the Riverstone area. The applicant proposes to locate the tower on the Elkins high school campus near the school's softball fields by replacing an existing light standard pole with a tower to accommodate the telecommunications equipment. The design would include placing the lights at a height of eighty feet with accommodations made above the lights for up to three wireless carriers. Equipment cabinets are proposed to be located at the base of the tower and screened from public view by eight high concrete masonry fenced area. The masonry fencing is proposed to match the material and color of the primary school building.

Staff's recommendation is to approve the location of a monopole telecommunications tower, not to exceed a height of 120 feet and to allow for the relocation of light standards on the tower to provide lighting for the softball fields and school campus. Such lighting should comply with the Code of Ordinances for the LC-2, local retail district.

**Motion:** To close the public hearing.

**Made By:** Commissioner Pearson  
**Second:** Commissioner Anand

**AYES:** Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell, Commissioner Haney

**NAYS:** None

The motion passed.

(2) Consideration of the approval of a final report to City Council on item 7B(1) above.

**Motion:** The Planning Commission adopt this as a final report and forward to City Council with a positive recommendation.

**Made By:** Commissioner Brightwell  
**Second:** Commissioner Rose

**AYES:** Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell, Commissioner Haney

**NAYS:** None

The motion passed.

**C. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT**

(1) Public hearing to receive comments for or against a request by Gernot Gaulke, Sienna Silver Ridge LLC, to zone an approximate 1.2392 acre tract of land from LC-1, local retail restricted district to PD, Planned Development District to allow for additional permitted uses and to increase the maximum single tenant size in the existing building, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom. The subject site is located north of the intersection of Silver Ridge Boulevard and Sienna Parkway, south of the Primrose School of Sienna, east of a Pepperoni's restaurant, and west of the Silver Ridge residential subdivision. Ms. Jennifer Gomez, Interim Assistant Director, presented this item stating in 2015 the subject site was zoned LC-1, local retail restricted district from SD, suburban district. At the time, the developer sought to construct a multitenant shopping center allowing for a tenant mix consistent with uses permitted in the LC-2, local retail district. At the time of the zoning to allow for commercial uses, residents objected to the intensity of uses proposed and expressed concerns regarding the impact of the development on traffic as well as the effect on the vegetation that existed on the property. The developer is now seeking to zone the subject site as a PD to expand the permitted uses as requested from residents in the adjacent Silver Ridge neighborhood.

It is staff's recommendation to approve the creation of a PD and allow for the use regulations and all other regulations permitted within the LC-1 district and to include the developer's request to allow for the uses provided above in addition to increasing the maximum square footage floor area to 3,000 square feet per tenant. As provided, the shopping center has now been constructed and the site improvements have been made. The proposed change would allow for additional neighborhood serving commercial uses to locate in this area while preserving the protections in place to ensure that the development and uses remain compatible with the surrounding neighborhoods.

Mr. Gaulke stated that some of the uses currently in the shopping center include: medical facility, catering kitchen, and small businesses. Nothing would be on a large scale.

<b>Motion:</b>	To close the public hearing.
<b>Made By:</b>	Commissioner Anand
<b>Second:</b>	Commissioner Rose
<b>AYES:</b>	Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell, Commissioner Haney
<b>NAYS:</b>	None

The motion passed.

(2) Consideration of the approval of a final report to City Council on item 7C(1) above.

**Motion:** The Planning Commission adopt this as a final report and forward to City Council with a positive recommendation.

**Made By:** Commissioner Pearson  
**Second:** Commissioner Rose

**AYES:** Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell, Commissioner Haney

**NAYS:** None

The motion passed.

Vice-Chairman Haney announced that the ZTA items would be heard after the Parkland Dedication items.

**9. OTHER MATTERS WITHIN THE JURISDICTION OF THE COMMISSION OR THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE**  
**A. PARKLAND DEDICATIONS**

(1) Consider adoption of a recommendation to City Council regarding a Parkland Dedication proposal for The Grove at Riverstone.

Ms. Gomez presented this item stating The Grove at Riverstone is a proposed single family residential subdivision to consist of 67 lots on an approximate 26.44 acre tract of land. The subdivision is being developed by Newmark Homes Houston, LLC as part of the Riverstone master planned community. The developer is proposing to pay cash in lieu of the provision of parkland within the boundaries of the subdivision.

The Parks Board considered the proposal on June 1, 2017, and recommended unanimously to forward a positive recommendation to accept the applicant's proposal. It is staff's recommendation the Planning & Zoning Commission should accept the action of the Parks and Recreation Board and recommend acceptance of cash payment in lieu of the dedication of property.

**Motion:** To forward this report to City Council with a positive recommendation for The Grove at Riverstone.

**Made By:** Commissioner Rose  
**Second:** Commissioner Anand

**AYES:** Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell, Commissioner Haney

**NAYS:** None

The motion passed.

- (2) Consider adoption of a recommendation to City Council regarding a Parkland Dedication proposal for Parks Edge.

Ms. Gomez presented this item stating Parks Edge is a proposed single family residential subdivision to consist of 1,040 lots on an approximately 352.6 acres of land. The subdivision is being developed by DRH Land Opportunities I, Inc. The proposed subdivision is located within PD, planned development district #95 and is governed by a development agreement and utility agreement with the city. The subdivision is also located within a municipal management district.

The developer provided a proposal to provide 50 percent private parkland and 50 percent cash in lieu of the provision of parkland within the boundaries of the subdivision. The Parks Board considered the proposal on June 1, 2017, and recommended unanimously to forward a positive recommendation to accept the applicant's proposal. Staff recommends the Planning & Zoning Commission accept the action of the Parks and Recreation Board and recommend acceptance of 50 percent private parkland and 50 percent cash payment in lieu of the dedication of land.

**Motion:** To forward this report to City Council with a positive recommendation for Parks Edge.

**Made By:** Commissioner Pearson  
**Second:** Commissioner Parker

**AYES:** Commissioner O'Malley, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell, Commissioner Haney

**NAYS:** None

The motion passed.

**8. ZONING TEXT AMENDMENTS**  
**A. PUBLIC HEARING FOR AMENDMENTS REGARDING MOBILE FOOD ESTABLISHMENTS**

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

Mr. Spriggs presenting this item stating this is the preliminary review meeting and public input will be considered and evaluated by planning and legal staff to finalize the draft text amendments to serve as future regulations for Mobile Food Establishment uses within the City of Missouri City Zoning jurisdiction. Preliminary and/or conditional approval is recommended by staff.

In 2016 a conceptual meeting and workshops were held to get feedback on the research done. Mr. Spriggs stated food trucks has been discussed at the Council level as well as some of the general public who feel there needs to be organized general regulations that would assist with the permit process and also the accountability issues.

In the current ordinances as far as food trucks, we do allow them under certain conditions: Special events, on construction sites, and also they are not permitted as stationary units or permanent locations. There are certain requirements to obtain approval which definitely include

health (a major concern). Some of the challenges with the food truck industry discovered with our code, because of the architectural standards of the code, there is a limitation or prohibition on temporary buildings and also construction trailers falling under that category. Also, there are different types of food trucks, some are mobile, some are actually trailers, some are actually carts. A few cities that actually have food truck courts and food truck yards were looked at.

The most recent study was in 2015 by mobilecuisine.com foundation. In terms of food truck revenues, they bring in about \$1.2 billion annually and then also there is an increase over the last 5 years that they are seeing of 12.4%. An inventory reported 4,130 at that time. In our research in the local cities, there were areas with over 1,000 units. The average cost of having a food truck is \$85,000 and a startup cost would run as high as \$90,000 including all of the incidentals. There are some cheaper options, but those cheaper options are not attractive and those are not the ones that we would welcome in our community. In terms of location, typically most of them are located on street corners and along street right-of-ways, then the 15% on construction sites. Also, there is a certain percentage at shopping malls of 12%, with special events falling above that. Mr. Spriggs presented a breakdown of some of the expenses, including insurance, wages, and inventory costs. In terms of brick and mortar restaurants, \$709B reported, with a total number of restaurants in the US 616,000. In comparison the \$1.2B for food trucks is very small. However, the statistics are showing that this trend is growing around the United States in a lot of population centers.

Mr. Spriggs stated in working with Legal, provided is a sample ordinance to consider. Definitions establish some basic foundation if the ordinance were to be adopted. In terms of compliance, the permit is required, including all of the provided details including a health district checklist. The Health Division would inspect the food trucks as they come in one by one. Requirements include compliance with State laws and obtain necessary permits, non-food items are prohibited. The uses must be readily moveable at all times. They can be semi-stationary, but they have to be able to be detached to be serviced on a regular basis. In terms of inspections, the sample text basically provides with provisions for the mobile food units in terms of permits being sought, and they must be inspected prior to occupancy. There are also some provisions in terms of restrictions, in terms of transference from one individual to another, there is a process for that that has to be vetted by the director or the assignee. There is a completeness check in terms of that attachment which is on the agenda that would show some of the requirements by the State which must be verified for the permits. In terms of inspections of the units, we are considering the building inspections, health division, as well as Fire Marshal, who would also be involved in that process. In terms of definition in the zoning text, there are some things that would have to be considered modifying because currently they are not on the list of committed uses in the zoning text. It is suggested that the unit could be allowed within the Industrial and Business Park districts which would serve those populations where there are no convenient restaurants for the employees that are there. Also, our general commercial districts, LC-1 through LC-4 which could also permit the units with certain restrictions. In the attachments there is a recommendation that we would consider this pilot study in which attached are map exhibit C, area 1 and area 2. With this pilot study we are hoping that we can start with places like Texas Parkway where we see the HCC campus opening in the Fall with an opportunity for the students to have some venue to have some convenient access to the food trucks as well as other area residents, and other employees such as City government, County level, and other employers in the area. The other opportunity on exhibit C would be to allow it in the Business Park areas such as Lakeview which would allow those employees to enjoy that convenience. Area 1 is suggested on Texas Parkway after consulting with the owner. This is an opportunity to use a vacant parking lot that is not being utilized and try to create some organized mobile food truck yard. This is basically a general location where we would coordinate with the



companies along the Lakeview Business Park area to also have that opportunity for food trucks to congregate in that area. Another consideration is proximity to other restaurants, brick and mortar restaurants. Within the text that suggested, we are looking at 100' from the nearest primary entrance of an open and operating food establishment, brick and mortar type restaurant. This could be reduced or increased at the recommendation of the Planning Commission. However, if whatever that number is, if they can get permission from the restaurant then certain waivers could be granted.

Under hours of operation, the opportunities where we would allow the food trucks to congregate in certain areas during the lunch period from 11:00 to 2:00 as suggested in certain districts, and also 7:00 to 6:00 would be allowed under certain restrictions as well. There are also provisions here under subsections 1 and 2 where between the hours of 6:00 and 2:00 certain districts would not be permissible, such as residential districts. However, there are certain special events where there would be festivals where it would be amenable to have extended hours. 6:00 to 2:00 there would be no provision for the food trucks to be in those areas. Multi-family districts is another opportunity where between the hours of 7:00 AM to 10:00 PM that could be an option.

Signage for the units, there are some restrictions provided where the signage would satisfy certain letter height of 6" and also there is a provision where it is suggested a projection from the surface of the mobile food unit would be 6". Also, the maintenance of the unit is very important in terms of appearance and also upkeep, which provisions are also included in the text. In terms of mobility, they must demonstrate that it could be moved and serviced on a regular basis. Noise is an issue, therefore, it would prohibit them from amplifying any noise nuisances around the city. There is also provision for keeping the trash from the patrons for the food trucks clean of all debris. No permanent water connections are allowed. Generators are permissible. Exemptions, we had to list those sponsored by the co-sponsored by the City in terms of activities. There are penalties and also the effective date of the pilot study, we are recommending 12 months. If the Council agrees they could continue that at their pleasure.

In summary, Mr. Spriggs stated "Appendix A" in the supplemental attachments provides minimum regulations guidelines for consideration by the Commission and Council. This amendment seeks to continue the allowance of special event permits which have allowed temporary mobile food vendors to gain permit approval on a case-by-case basis. Checklist and application details are also attached for consideration and will be further refined after public input. The ordinance also seeks to provide some level of standard for mobile food vendors to operate at major residential subdivision construction sites during the lunch period time frame. Mr. Spriggs gave an overview of the two "pilot study" areas.

Other use types that need to be considered would include farmers' markets, and small itinerant stands, such as ice cream and hotdog food cart businesses that may want to participate in the pilot study.

In terms of the timeline, as provided in the staff report, we hope for final adoption by Council August 21.

Commissioner Pearson referenced the time from 11:00 to 2:00, his recommendation is to increase the time because literally, they are able to sell from the hours of 11:00 to 2:00, which does not give them an opportunity to pull up and kind of get set up, and get ready. That time needs to be increased.

Mr. Spriggs stated along those lines a question was raised concerning the shifts that are second and third shifts. Meaning breakfast for us might be lunch for someone else. If you desire that level of flexibility, Legal and Planning could come up with some creative language to address that. If it were a multi-shift type company that we would accommodate those other shifts.

Commissioner Haney asked if we had modeled this after anyone else, or are these suggestions from various sources, our own list of restrictions or requirements?

Mr. Spriggs stated in the original presentations, there was a case study and looked at places like Austin and Houston. However, much of the crafted text was done on the advisement of the Legal Department and a collection of what they have been directed to by Administrative staff, Council, special meetings and previous Planning & Zoning Commission meetings; therefore, a collection of all of the above. There is not one given city that does it right. There are some good examples out there; Houston is successful from certain aspects, as well as Austin. Sugar Land has recently adopted some controls. Everyone does it differently, it just depends on the population center and events that occur in the city that are creatively Missouri City.

Commissioner Haney stated the challenge is kind of balancing public safety, public health, against free enterprise, for lack of a better term. He likes the concept of having some pilots. After a certain amount of time we can go back and say, "Is this working, what adjustments would we make?" He is disappointed that there aren't the businesses or even the public represented at the meeting. Stating, we want more of this, or we are being too restrictive. It is hard to gauge what the demand is.

Mr. Spriggs stated we are basically testing the market. There is the opportunity to continue or discontinue stated in the clause at the very end of the document. It is listed to expire; however, it could be continued if Council takes action to do so. The recommendation would come back to the Commission because it is a text amendment.

Commissioner Brightwell stated his question is are we dealing with food trucks with regards to mobile preparation type restaurant trucks or are we dealing with construction site or manufacturing site snack trucks?

Mr. Spriggs stated there are some pre-packaged opportunities there where a company could pre-cook and they are basically just heating on the unit. There are some provisions for that. There is a health permit for that which includes the same vetting in terms of the cleanliness. All of those options are there. It is just there cannot be any non-food items as listed in the ordinance. It could be frozen goods.

Commissioner Brightwell stated one of the pilots is in one of the business parks, so that is not necessarily not going to be a higher end food truck if there is such a thing.

Commissioner Haney stated looking at the prices they certainly are.

Commissioner Brightwell stated we are already regulating the ones that are more mobile. Is that going to be put in here or is that part of it? He is still trying to grasp what we are doing. Do we want the lower end mobile units in the area?

Mr. Spriggs asked if by lower end he means a certain type or just quality?

Commissioner Brightwell, being in the construction industry, won't use the usual term. So the pre-packaged, the pirate ones that run in and out and hit the jobsites and are gone, to him that is a different thing than what a food truck is. That's what he is trying to differentiate is, what are we doing?

Mr. Spriggs stated all of them have to go through the same health coverage in terms of permitting. So, the level of sanitary and cleanliness and also servicing, they would still have to satisfy those same requirements.

Commissioner O'Malley stated a lot of the requirements are redundant because the State regulates them now.

Mr. Spriggs stated they fall under the new TEFA standards as well.

Commissioner Haney stated it is his interpretation they are all covered. As if it would encompass those existing ones.

Commissioner Brightwell stated from a Planning & Zoning position, are we trying to raise the bar of what we will accept or are we just trying to get a point that we can enforce where they are?

Mr. Spriggs stated you would have to creatively come up with a way to weed the undesirables ones out. Unless you can describe what is not good for Missouri City, because we can work on some language. The market will do that, yes. People will not patronize.

Commissioner Brightwell stated it won't in these development projects. There are guys whose labor rate is very low.

Mr. Spriggs stated, however, what we can do is for example, at the movie theater pilot site, the property owner could set some standards in terms of what he is willing to allow to set up there. That could be left up to the property owner in that example.

Commissioner Brightwell stated ultimately are we still looking at a public/private partnership for developing a food court?

Mr. Spriggs stated we would set the general parameters and guidelines. As a private owner, for example, the movie theater, they may have a restaurant style, it could be a barbecue restaurant. So, they might want to discourage barbecue trucks from showing up at that proximity on that particular site. So those are restrictions the property owner has liberty. We would reserve the right to set the general regulations and guidelines. We cannot adjudicate quality.

Commissioner Pearson stated if people don't like a particular product, then they won't go back to the truck and that truck will probably move on.

Commissioner O'Malley stated in the future when you go to Austin and people are lined up, 50 deep. The people on the truck are chefs and they don't want to work in brick and mortar. That is the market that we need to address before it happens to us.

Commissioner Brightwell stated that is what he wants to make sure is, he doesn't want it to be a free for all, that anybody with a food truck that can meet the health and safety clause can't beat out the fact that we want a higher end establishment that is willing to come in.

Mr. Spriggs stated one way we can do that is by fees, because if you have a certain fee structure that is one way to do it. And also there can be other requirements such as educational and training requirements that they have to go through in addition to the State requirements. So there can be some level of accountability.

Commissioner Brightwell stated there is already a fee established.

Mr. Spriggs concurred stating the Health Department put out some suggestions and also examples of fees as well.

Commissioner Brown-Marshall had two questions. Under description it is described as a mobile food unit, vehicle mounted, motorized and self-contained, to that degree that would mean no trailers?

Mr. Spriggs answered that he had seen some elaborate trailers. We should just let the health standards dictate that they have the necessary components of that mini-kitchen; therefore, he would not restrict it, unless someone else has other comments.

Commissioner Haney stated that motorized to him would eliminate trailers. And he is not sure that we want to just unilaterally do that.

Commissioner Brightwell stated they are out there for a shift and then leave and come back. They are not going to be out there for 4 or 5 days at a time? Special event maybe?

Mr. Spriggs stated in the pilot area they could be there Monday through Friday, at a certain shift. They would have to be serviced 24 hours before showing up. They would still have that requirement.

Commissioner Anand asked if they conduct their business and take the truck away?

Mr. Spriggs stated mobility is one of the standards that they have to comply with because of the servicing, they have to take it to get the waste and all of that.

Commissioner Anand asked if they were permitted to leave it there in the evening? They have to move it out. They could or they should?

Mr. Spriggs stated you could probably see one that would end up staying overnight, but they still have to take it and service it. They have to take the food out and store it properly.

Commissioner Anand asked about the waste and water and drinks?

Mr. Spriggs stated that they had to take it to the required facility.

Commissioner Anand stated his understanding in Houston the way it works, they cannot leave it there by law, they are expected to take it away.

Commissioner Parker stated to have it serviced they almost have to move it everyday.

Mr. Spriggs stated unless they are not planning to use it the next day, they will clean it and let it sit there for two days.

Commissioner Brown-Marshall stated as long as trailers are not excluded she is satisfied.

Ms. Gomez stated Legal is saying no overnight.

Commissioner Anand inquired if we had anything on the exterior, the façade? For example, for retail there was a subsequent discussion about what they need to cover for security or otherwise. Do we have anything in place for the trucks? Signage for the retail.

Mr. Spriggs stated the signage is a requirement. There is a size requirement.

Commissioner Haney stated the signage requirements were included, fairly minimal but probably adequate.

Mr. Spriggs stated the projection item is included in case someone wants objects, inflatables as signage. There are other ways of advertising that are restricted to that certain signage level.

Commissioner Pearson stated he did not want the requirements to be so restrictive that it discourages some of those businesses, food trucks, to come to us. The trend is there and we need to get onboard, but we need to look at what some of the other cities are doing. They are doing good and they are doing bad. But we do not want to make it so restrictive that they will say that they do not want to come to Missouri City, we would like to come, but they are so restrictive that we are going to stay over here. We will still want to be consistent with, for the most part, what everybody else is doing as long as it protects us.

Commissioner Brown-Marshall cited the text stating letters must be in bold black letters. She's thinking on the trucks, because she has seen some trucks that are extremely elaborate, they are beautiful. Maybe their logo doesn't have black letters, it is all white letters or it is red.

Mr. Spriggs stated we are open to that suggestion. He stated this is a model text so any suggestions will be considered. But if you want to create also some level of standard, we are open to that as well.

Commissioner Brown-Marshall stated maybe we could say letters must be a minimal of 6" black letters. If we do this and I have a beautiful truck that has been designed and it is wrapped, what do I do?

Commissioner Pearson stated that is too restrictive. He stated he visits the food court all of the time when he is in Austin and one of the things that sells them, the food is unique from each individual food truck, and also the look. So we don't want to make it, once again, so restrictive that it discourages them from coming.

Commissioner Haney stated the question is what are we intending to do with that particular clause? What kind of behavior are we trying to drive with that clause?

Mr. Spriggs stated there has to be consistency in the requirements for the identification. That is the main thrust there. How it looks, just as long as it fits within that size limitation I think we are fine.

Commissioner Brightwell stated there are some trucks that go around and have no identification. Set it as a minimum.

Commissioner Haney stated if it is set as having to be identifiable, but he doesn't know if he would say how it is identifiable.

Commissioner O'Malley stated the State has requirements that there is a particular lettering that has to be on the truck, to meet State Health Department standards. He is picturing, in the big picture, they have all been at the parade, imagine that parking lot if we organized it with three, four food trucks. The residents would really dig that. How awesome would that be to have trucks that want to have the community all share a meal together. These people are really creative. He's been in Austin, if these people are going to invest their life in their vehicle, it is going to be creative, unique, and we want those folks lined up because those folks aren't scared of competition. They want to be around other food trucks.

Commissioner Haney stated they think they can compete. They think they are going to win.

Commissioner Pearson stated if we make it too restrictive, that market will be gone.

Commissioner Brown-Marshall asked what in the text is too restrictive other than the one she just pointed out, because we need to let them know exactly what we want them to remove.

Commissioner Anand stated are they restricted to starting at only 6:00 AM? Can a food truck open before 6:00 AM?

Mr. Spriggs stated we were trying to create a time, a quiet time.

Commissioner Anand stated where he is coming from is there are a lot of people who work in the Medical Center, Missouri City has a huge number of residents who work in the Medical Center. They normally leave very early and go to work, and that is a market which some food trucks may want to capture. He is aware of a similar thing happening in other parts of Houston where people have set up something and they open at 5:00 and close at 10:00.

Mr. Spriggs stated that is why they provided the provision or the question of providing for breakfast, breakfast burritos are very popular, that you might get that demand in certain areas.

Commissioner O'Malley asked, looking at the timeline, can they have until next meeting to digest this? He doesn't think everyone can all read through it and then make suggestions tonight.

Mr. Spriggs stated if we stay on the schedule at the end of the report he thinks they are fine. If there are some suggestions after leaving the meeting, get that back to staff as quickly as possible to be submitted to Legal and work on the final language prior to the July meeting.

Ms. Eboni Fleming stated she used to work in Houston at the Houston Chronicle and every Friday they would have food trucks come to the bay and it was various food trucks, different types of food every week. But it wasn't just for Chronicle employees, sometimes other businesses nearby that were frequented by employees of the area. It was a great turnout. Seeing something like this in Missouri City would be good, as far as community is concerned it is a way to bring everyone out in different areas and gives opportunities for local businesses as well. There is interest from the public from her point of view. She does see the success in the food truck trend right now.

Commissioner O'Malley asked, in her experience there, in terms of her overall impression, did it look organized? Did it look like the city was squared away?

Ms. Fleming stated it was always organized. That was just at the Chronicle, she was speaking specifically to that. On the weekends, if you go to mid-town, there are food trucks outside late at night servicing the clubs and people walking around outside, and it is always organized, always clean. It just seems like a great idea. The vibes are always good.

Commissioner O'Malley asked if there was a contact, a quarterback involved in trying to logistically get these people to those certain spots?

Ms. Fleming stated there should be, she's sure there is, making sure that it is organized on their part. For instance, a couple of weeks ago she went to Little Woodrow's, they don't serve food, so right outside there were several food trucks. She is assuming there is a partnership between that business and the food trucks, and the city as well, just making sure everything is organized. It would take collaboration on everyone's part to make sure it goes smoothly. But it is worth it.

Commissioner Brown-Marshall stated there are websites and applications where the city could possibly place the links to say we are interested in these types of food trucks.

Commissioner Pearson stated when you do that, the food trucks on their websites gives schedules. Let's not be restrictive. We are missing out on some opportunities. We are a bedroom community, most people leave, so we have to find a way to bring people here to spend money in our community. Through social meeting we get a lot of free advertising. That allows you to bring diversity.

Commissioner Parker asked how much of it is word of mouth.

Ms. Fleming stated, word of mouth she assumes includes social media, and that is the biggest driver that she has seen as far as traffic is concerned because she follows food trucks on Twitter, on Instagram, and she looks at their pictures. When she was at the Chronicle they would also tweet from the Chronicle twitter page. There are different ways to promote.

Mr. Spriggs stated another local example is Sienna Plantation food truck Friday. It might be an opportunity to see a local example that is working. He has heard that it is real successful.

Commissioner Haney stated there was a brewery off of Gessner that had a food truck on Saturdays. All of the breweries around Houston, that is pretty much what they do. Some of them are very exclusive, like they will have the same food truck every week. But even some of the bars down in mid-town, they will have different food trucks. They typically limit only to one. That day when you go that is your only choice. I think it is more the only place, it is a space limitation. To him it is a huge draw. They always advertise, come drink their beers and oh by the way, this is the food truck there. So people already know that they can go and drink and enjoy the outside, but also they get something to eat.

**Motion:** To close the public hearing.

**Made By:** Commissioner Brown-Marshall  
**Second:** Commissioner Parker

**AYES:** Commissioner O'Malley, Commissioner Brown-Marshall, Commissioner Haney, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell

**NAYS:** None

The motion passed.

(2) Consideration of the approval of a preliminary report to City Council on item 8A above.

Ms. Evelyn Kimeu, Assistant City Attorney, recommended this item be brought back to the Commission as a preliminary report and public hearing at the August 9, 2017, meeting. It would just push this back one meeting before Council.

Commissioner Haney recommended going through the proposed ordinance in detail and point out where it might be too restrictive or if there are specific things that might be missing. Staff can put that together for next time.

The Commissioner recommended inviting food truck and restaurant people to participate in the next public hearing. They recommended postponing the preliminary report until the next meeting.

**B. PUBLIC HEARING FOR AMENDMENTS REGARDING REQUIREMENTS FOR A PD DISTRICT AMENDMENT APPLICATION**

(1) Public hearing to receive comments for or against possible amendments to Section 8.3.A.1 – Requirements for a PD district amendment application; applicability; protest and waiver. Ownership documentation.

Ms. Gomez presented an overview of this item stating Section 8.3.A.1 requires that a property owner seeking to amend a PD district must submit “proof of unified ownership or control of all of the property within the PD district ...at the time of application or...proof of notice to all of the other property owners within the PD district”. Further, the regulations provide that “if proof of notice is to be submitted with an application, such notice shall be sent to all of the other property owners within the PD district not earlier than ten calendar days before the date such application is submitted and not later than the date such application is submitted to the city.”

The above standard, adopted in 2013, allowed for applications to move forward for consideration by the Commission and City Council while protecting the ability of other property owners within the PD district to provide protest or support for amendments which may or may not directly affect their interests. The time constraints involved with the standard have now been found to impose an unnecessary burden on staff to verify information on the date that an application is submitted. If it is determined after the application date that insufficient notice has



been provided, the application is then rejected and delayed until compliant with the standard. This has resulted in delays for a couple of applications seeking consideration of amendments.

Ms. Gomez stated staff now seeks to allow additional time for an applicant to provide notice to other property owners. The proposed amendment would allow time for staff to review notification related to an application, inform the applicant, and allow for the applicant to correct the issue. It is staff's recommendation to approve the amendment to Section 8.3.A.1. as attached as the Commission's preliminary report and call a public hearing for consideration of a final report on the matter.

**Motion:** To close the public hearing.

**Made By:** Commissioner Brown-Marshall  
**Second:** Commissioner Pearson

**AYES:** Commissioner O'Malley, Commissioner Brown-Marshall, Commissioner Haney, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell

**NAYS:** None

The motion passed.

(2) Consideration of the approval of a preliminary report.

**Motion:** The Planning Commission adopt this as a preliminary report.

**Made By:** Commissioner Brightwell  
**Second:** Commissioner Brown-Marshall

**AYES:** Commissioner O'Malley, Commissioner Brown-Marshall, Commissioner Haney, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell

**NAYS:** None

The motion passed.

**C. CONSIDERATION FOR AMENDMENTS REGARDING WINDOW COVERINGS**

(1) Discuss possible amendments to the Zoning Ordinance regarding window coverings.

Mr. Spriggs presented this item stating staff proposes to present basic guidelines and case study information regarding the regulation of window signs and storefront cover policies. This item was first introduced during the joint planning workshop/special meeting with City Council on January 23, 2017. At that meeting a desire was expressed to have standards established for limiting the amount of a single window which could be covered for a business establishment. Concern was expressed with the safety of businesses that completely cover windows, as well

as the impact of such coverings on the character of overall shopping centers or commercial corridors.

Mr. Spriggs stated the Commission has been provided with a report from the Code Enforcement Department. They are looking at the current dilemma. We had to evaluate the current standards. Mr. Spriggs stated staff looked at the sign ordinance and we compared other sign ordinances from other cities, and actually some of them are very similar. Our code basically allows 25% of the aggregate window coverage area. The question came about window covering, meaning that some businesses do cover the windows with paper, vinyl, window treatment and other means of not allowing visibility into the space. Mr. Spriggs made a presentation comparing other cities and other standards. Milwaukee uses a visual zone that you have to keep open for view between 3' starting at the floor extending 7' high above that point, above finished floor. A lot of the cities, they were doing this for safety reasons. California has established some major standards where related to what is called the Lee law, meaning that there are certain uses, such as alcoholic beverage serving entities, bars and liquor stores, where they require open visibility. Also, there is crime prevention through environmental design in which our police department allows for training that will help individuals who are trying to create campus style environments, which is a safety design feature where you look at the lighting and visibility into the retail space to make sure that there are eyes on the general public areas. Crime prevention through environmental design actually is a method that suggests that you do not cover the windows completely in certain types of businesses. Should we regulate this in certain types of businesses or retail type establishments where you want that visibility from a safety perspective to make sure that robberies or whatever criminal activity that is going on inside that space can be viewed from the outside by law enforcement. There are a number of cities, some of which do look at the coverage on the windows and in the report there is a table, they have certain limitations. Atlanta, Georgia, has certain limitations on window coverage. Most of the cities in California did apply a standard of visual surveillance. Also, in this presentation, Code Enforcement has done a good job going along Texas Parkway as well as Cartwright Road in looking at the existing businesses to see if they comply with the current sign ordinances. In the document they have done a great job in terms of telling us whether or not the establishment is in compliance with the ordinances. If you look through it, there are a number of businesses that are not compliant because they have so much signage in the window and they are basically in violation of the sign ordinance. They are already in the process of dealing with those violations. The sign ordinance is intact. However, we need to look at window covering from an aesthetics standpoint to see how we can enhance perhaps our architectural design standards sections and allow for some level of accountability, because we have color pallets in which we require the businesses to adhere to from an aesthetics standard, so there are certain colors on the pallet, such as yellow, that are not allowed. That might be one avenue that we can look at.

Mr. Spriggs stated we have also received a number of suggestions from Administration, general public, and Council in terms of looking at certain things such as our property maintenance code, coming up with some minimum window coverage, maximum window coverages for the businesses such as 60% or if they were to use a solid material that you are visibly able to look into the business. There are certain window treatments and also tinting that would allow you to still look into the businesses. Those are just some general comments.

Mr. Spriggs stated these are comments to open discussion and that we can bring back in a preliminary format next time. The Commission would provide direction on which way to move from a public safety standpoint, from an aesthetics standpoint, and then we will work with Legal

to make sure that whatever we do is enforceable by Code Enforcement as well as staff, that is not a burden on the general commercial entities from an economic development standpoint.

Commissioner O'Malley stated he saw the presentation and the businesses got a copy of the Code, if he is selling a particular product when was the last time they saw an ordinance or even if they knew it existed, and how are we helping them promote their business while still trying to meet a certain standard. There are these people that provide that kind of service, sign service, have we asked them for help? Is there a video that they can go to and encourage them to promote their business in a cosmetically pleasing way? Ending violations does not help businesses in Missouri City. That doesn't answer any questions. They are trying to promote their business, they are doing the best they can, no one told them they couldn't use a particular yellow, until the Code Enforcement officer comes and hands them a citation. What is the city doing for them besides telling them what they cannot do?

Mr. Spriggs stated what we are finding is along the older corridors where the level of standards is not up to par as our newer districts, we do have the sign ordinance out there. Most of the sign companies are aware of the rules and regulations, but your small businesses that have been there for a while, having lower rents, and accountability is not there from a landlord perspective in terms of appearance, so those general guidelines are not followed. So most people are unaware. Code Enforcement does a good job. They basically work with individuals in terms of understanding the code. Mr. Spriggs introduced Cynthia Rex, the Code Enforcement Supervisor. They are doing an excellent job. It is not just slapping them on the hands. They are educating them in the process and giving them an opportunity to comply. They have just made initial contact with these individuals to let them know what the violation is. We do have provisions for special events or grand openings or promotions. We do have banner permits and other opportunities for people to advertise. The real issue here has to do with folks that go beyond the norm and we see the unusual, entirely covering the front glazing of the window and changing the whole dynamic of the space. Does it really attract individuals to the store? Maybe they don't realize that it might detract people because they don't feel safe approaching that particular space.

Commissioner Haney stated, in theory, at least one point they were made aware, at some permitting phase, of the restrictions. Unless they were enacted after the business was already there. There is a grandfathering situation.

Mr. Bill Atkinson, Assistant City Manager, stated there is a Code Enforcement Task Force. This is something that was put together this past year based on City Council recognizing Code Enforcement as a critical component of the city, maintaining values, maintaining aesthetics, safety and all of the other things that come along with it. With that, Council asked Code Enforcement to put together a task force which includes the City Attorney's office, Code Enforcement, Cynthia Rex, Development Services, looking at it from a Planning perspective and the task force also includes the Building Official looking at it from a construction issue or when we have dilapidated buildings and the like. We get the different perspectives and this is one of the key items that has come up. We want to make sure that we are business friendly, and also we have taken on as a group, saying that we want to educate first and enforce second, and give people the opportunity to come in compliance. Cynthia's group is doing that with notices. As with garbage can warnings and fines there are levels, 1, 2, and 3. That is the current track. When this issue came up, they looked at it strictly from an aesthetics standpoint, but in researching this they did find out there are other benefits that come along with it. The Task Force is working on this and many other ideas that have come forth. In order to be more business friendly, more citizen friendly, they do have the warnings first and then tiered fines that

go out if people continue to violate. They started on the Texas Parkway corridor because that is where some complaints first came from. However, they are going to be going through the entire city to take a look at this, educate people on the issues they have, and hopefully getting compliance that way before the fines start.

Commissioner Brown-Marshall asked if we had an ordinance on window covering and was told that we do not.

Mr. Atkinson stated there are practical reasons, you may be facing western sky. We want to make sure we think these things through, and asked for feedback and input.

Commissioner Pearson stated to his observation, where we see most of the ugly window signage or window covering is in the older areas. If you go out on Highway 6, he doesn't see it being a problem there. We have gotten everyone to be pretty consistent in the newer areas of town, we need to work with them, but we need to tell them this is how it needs to be throughout the community because it is unfair for the people that live in the area that have the older shopping centers to not have those landlords live up to the same expectations that we have for other places in other areas of town. So we cannot keep using that, we will work with you, we will work with you; at some point we have to make a decision and say, it is time. It is unfair to that community that lives there.

Mr. Atkinson stated when they say they are giving them opportunity, we give them notices they are in violation and here is what you need to correct. If you don't and you ignore us, then you will face the consequences until you do get it corrected.

Commissioner Anand asked if there is a way we can also involve the strip owners?

Mr. Atkinson said we do. Code Enforcement educates and makes sure that people know, that it is an enforcement effort, but it is an effort to make things better and why it is not a good thing to be doing this and how it can be better.

Commissioner Brown-Marshall asked if we have leasehold improvement applications where it is looked at and offer approval and let them know before we do anything else, you must come back.

Ms. Spriggs stated the only process we could monitor would be through the certificate of occupancy changes. When the businesses do change hands, there may be some educational opportunity there for us to put a level of checks and balances there to make sure that they realize we do have a signage and aesthetics, architectural code out there, just to make them aware of that. That would be the only stop that he could think of.

Mr. Atkinson stated that is one of the things they found when doing research. Milwaukee had a great paper on it about what it is, why we require this, and what the benefit is to you, the shop owner. We are going to get to doing more of that as we move forward.

Commissioner Pearson stated that would help and he is not anti-business, but he is talking about the older areas. They are grandfathered and they are going to continue to ride that until we find ways to get them to get with the program. This would be one way. But we need to look at it when if someone moves out and we have to give another business an occupancy permit that is when we go to the person with the application. But also, that is an opportunity to go back to the landlord and say we are not going to let anybody else in here until you do certain things.

If they start having to address that then you will see the whole piece. It is about money. As long as they can get someone in there to pay them some rent, they don't care what it looks like.

Mr. Atkinson stated people who have worked in other cities, this city with all of the MUDs, and the city with not having a direct connection to the businesses as far as turning utilities on and off, and having them come to the city, it makes it very difficult to try to regulate this. We have been talking about possibly a business license at some minimal price or something, just to get people in the door. We have looked at the solid waste contracts that people have to change hands. We are trying to find a way where we can touch businesses when they come and make them aware, give that opportunity to give them this information.

Commissioner Brown-Marshall suggested increasing the cost of fines. That might not sound business friendly, but we have to do something.

Mr. Atkinson stated we are regulated by statute in some cases. But we did, again, for more educational purposes, we have started looking at stepped up fines. One of the items that is a warning, first, second, and third fine that graduates is for leaving your trash can out at the wrong time. Interestingly, this year we have had 67 violations of first time violators and then we have only had 3 second time violators. Mr. Atkinson stated part of the group is Communication. Kelly Matte, the HOA liaison, is part of this time. When she hears something there she can convey it, or she hears something out in the HOA meetings she can bring it back to us.

Commissioner Brown-Marshall asked if there was an opportunity that all of the signage could be just in one area. That would provide for better uniformity. All at the bottom, all at the top instead of just all over the window.

Commissioner Haney stated that opens up the whole topic of window signage.

Mr. Atkinson stated we are also looking at it through architectural standards and color pallets and so forth. If a business is vacant for two years the outside sign must be removed that is affixed to the building.

Commissioner Haney stated it sounded like there are some gaps. We don't have a window coverage ordinance.

Mr. Spriggs asked if it was consensus to move in that direction? Mr. Spriggs stated there is a caveat for one year and a caveat for two years depending on if they own it or lease it. Monitoring when they leave is a challenge because we do not have a business license process. We will work towards the 25% coverage and we will work towards the color pallet. Are there certain exemption type uses? Are they open to the exemption list such as day cares and whether it is privacy issues?

The Commission agreed and stated the public safety piece is important.

Mr. Spriggs stated the other challenge would be glazing such as Wells Fargo.

Commissioner Brown-Marshall stated even after this is determined, the businesses that already have everything, they are grandfathered, correct? Because they went through all of this with bars on windows and all of the bars are still there. That's the big thing on Highway 6 are the burglar bars.

Ms. Gomez stated window signage and temporary signage are a little bit different than permanent signage.

Commissioner Brown-Marshall stated she is more concerned with window coverings because bottom line they are ugly. She cannot stop people from shopping in them, but she hates to see that the city is going to look like that. One person put it up and then it just started becoming a trend. She wishes there were some kind of way we could get ahead of the trend and make our stake, state this is what we believe in, because we want to keep it nice. There are older places throughout the city of Houston and surrounding areas that still look good. They are just as old as our strip centers. But she wishes we could get ahead of the curve.

Commissioner Pearson stated that what is new now will eventually become old.

Mr. Atkinson stated that is where Code Enforcement comes in, so that there is incrementalism with maintenance.

Commissioner Brown-Marshall stated Code is good, but it is setting the rules now so that Code will know what to do when it gets old.

Commissioner Anand recommended a handout.

Mr. Spriggs stated we are working towards a development guide as an educational tool.

It is staff's recommendation that the P & Z Commission offer general parameters and guideline suggestions and limitations on the pending regulations, and call a public hearing for consideration of a preliminary report.

(2) Consider authorizing staff to call a public hearing.

**Motion:** To authorize staff to call a public hearing.

**Made By:** Commissioner Brown-Marshall  
**Second:** Commissioner Anand

**AYES:** Commissioner O'Malley, Commissioner Brown-Marshall, Commissioner Haney, Commissioner Pearson, Commissioner Rose, Commissioner Parker, Commissioner Anand, Commissioner Brightwell

**NAYS:** 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**

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Nancy Desobry