



MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
October 10, 2018

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 call to order by Vice Chairman Haney, at 7:00 PM.

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Tim Haney
Hugh Brightwell
John O'Malley
Reginald Pearson
Douglas Parker
James G. Norcom III
Courtney Johnson Rose

Commissioners Absent: Ramesh Anand

Councilmembers Present: None

Staff Present:

Otis T. Spriggs, Director of Development Services
Jamilah Way, First Assistant City Attorney
James Santangelo, Assistant City Attorney
Jennifer Hobbs, Assistant City Engineer
Thomas White, Planner II
Mason Garcia, Planner I
Egima Brown, Planning Technician

Others Present:

Debra James, Addie Johnson, Jacob Burgus /TBG, Roco Anters, Jonathan Martinez, Saeed Gaddi, Gemma Almuete, Ludivina Campos, Ivy Mirafior, Joseph Micalor, Ashleigh Jefferson, Sorawit Benz Srilamsingha, Hillary L. McAdams, James Harris, Dan Elkins / Kimley Horn, Donna Barnes, Jesus Gomez, Taylor Palmer, Janncenn Serrano, John Davis, Courtney Penry, Pamela Zackory, Rebecca Lievano, Miriah Crusca, Greg Black, Cally Serrano, Michael Gholston, Pernell

Washington, Ramona C. Williams, Sherry & Sarah Walker, Vandervoort, Kathleen Jacobs, William L. Jacobs Jr., Jim Klimek, Carissa Serrano, Calirose Serrano, Steve & Kathy Hawkins, Kharla Sowell, Kim Gies, Keith Derington, Osagie John Okpamen, Mary Ann Cadiente, Hal Moyer / Landpoint, Chad Laughlin, Jennifer Shick, David Beck

3. READING OF MINUTES:

Vice Chairman Haney called for a motion to accept the September 12, 2018 Planning and Zoning Commission meeting minutes.

Motion: Approval of the September 12, 2018 meeting minutes

Made By: Commissioner Brightwell

Second: Commissioner Johnson Rose

AYES: Commissioner Parker, Commissioner Brightwell, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Johnson Rose, Commissioner Haney

NAYES: None

ABSTENTIONS: None

The motion passed.

4. REPORTS

A. COMMISSION REPORTS

(1) Chairman of the Planning and Zoning Commission
None

(2) Planning and Zoning Commissioners
None

B. STAFF REPORTS

(1) Development Services

a. Director- Otis T. Spriggs

Reported on the "Public Art Community Input Session". Staff is entertaining the changing of the City ordinance to adopt the policy that will approach public art. At the request of the Commission, staff had the opportunity to set up a community input session that will involve the community stakeholders in a public art form to request input from the public to join staff in sharing ideas on how public art is proceeded and how it can be implemented into and through-out the community. The input session will be held October 30, 2018 at 6:30pm in The Bluebonnet Room at Quail Valley City Center, located at 2880 La Quinta Dr. Staff hoped to have participation from the general public.

Director- Spriggs invited the Commissioners to the 2018 Snowfest, which many of the Commissioners had previously participated in the float, "The Mission of the Planning Commission". Staff asked the Commissioners for consent for the staff to apply on the Commissioners behalf and to show by hands the Commissioners that would like to volunteer to prepare a float. It was fun the previous year to be out in the community and well participated

by the community and appreciated by the community to see the Commissioners and staff.

Commissioners agreed.

Director-Spriggs informed that staff will contact the Commissioners for the planning meetings that will be approaching.

Director- Spriggs informed of the special Proclamation that the Planning Department received from the City Council recognizing the National Community Planning Month, which is announced by the APA, American Planning Association. It was an opportunity to showcase Planning as a community, the Planning Department has strong planning principles as would be seen at the Planning and Zoning meetings, with cases for quality development to be continuous. This year's theme was "Housing as Community Infrastructure". The focus of the past on housing opportunities for all different sectors, customs, cultures as well as age groups within the community. Recent approvals in terms of the assistant living facilities that will be developed in the near future along some of the major corridors as well as what has been promoted in the Comprehensive Plan. Director-Spriggs thanked the Commissioners for their support to the Planning profession as the Planning Department tries to serve the Commissioners accordingly.

Director-Spriggs informed that the Commissioners received new Commissioner shirts. Staff would like to have a new group picture that will be taken at the next Planning and Zoning meeting in November. Commissioners that will be present are asked to wear their new shirts.

Commissioner Pearson asked if this year the Commissioners could have input on the float.

Director-Spriggs answered, "yes". The float represents the Commissioners and not staff. It will be as creative as the Commissioners direct staff.

(2) City Engineer

- a. Assistant City Engineer – Jennifer Hobbs
Informed the public that elevators are provided for use and for the public not to struggle up the stairs.

5. **PUBLIC COMMENTS:**
None

6. **PLATS**

A. **CONSENT AGENDA**

- (1) Consider approval of a preliminary plat for Parks Edge Street Dedication & Lift Station
- (2) Consider approval of a preliminary plat for CityPark Logistics Center
- (3) Consider approval of a final plat for Vanguard Montessori
- (4) Consider approval of a final plat for 5th Street at Independence

Commissioner Brightwell moved to pull item (2) of the consent agenda for further discussion.

Motion: The Planning and Zoning Commission grant conditional approval of items (1), (3) and (4) of the Consent Agenda minus item (2).

Made By: Commissioner Haney
Second: Commissioner Norcom III

AYES: Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Parker, Commissioner Brightwell, Commissioner Johnson Rose, Commissioner

NAYES: None

ABSTENTIONS: None

The motion passed.

(3) Consider approval of a preliminary plat for CityPark Logistics Center

Mason Garcia presented this item. Mr. Garcia informed that the CityPark Logistics Center is located north of Highway 90A, south of Beltway 8 and south of Gessner Road. The zoning district is "I"-Industrial. The tract is 97.719 acres of land, with five reserves in one block.

Commissioner Brightwell asked about comments in regard to cross access, neighboring lots, shared access and parking facilities. The concern is about the listed areas not shown clearly on the plats.

Jennifer Hobbs informed that there had been discussions with the applicant about the items. There will be a connector road. Some of the conceptual plans that had been seen showed shared cross access in the front. It is a unified facility. Ms. Hobbs informed that she had seen the traffic impact analysis with the proposed driveways and how it will flow throughout on the new Cravens extender to Beltway 8. Shared access will be provided throughout the east and west sides of the property.

Commissioner Brightwell informed that the comments state that the easements for cross access need to be seen.

Ms. Hobbs informed that the comment is stating that the cross access needs to be shown on the plat.

Commissioner Brightwell asked if the easement would be shown within the plat property going up to the property boundary as a future potential cross access easement.

Ms. Hobbs informed that line work will be shown indicating where the cross traffic can flow throughout the property.

Commissioner Brightwell asked if there were issues for the applicant to address the comments.

Ms. Hobbs answered, "Do not think so".

Commissioner Brightwell asked if in section (2) under Public Works and Engineering 2.e. comments, "No building or other permit will be issued until such time as all public improvements of the subdivision have been constructed by the developer and accepted by the City..." Commissioner Brightwell asked Ms. Hobbs to explain the comment.

Ms. Hobbs informed that part of the project is the Cravens connector, which is part of the City's infrastructure plan and the corridor plans. Staff wanted to ensure that the road would be built and complete and accessible to the public prior to issuing permits. There would be a leverage for the road to be complete. Ms. Hobbs informed that staff wanted the access to be available for the applicant as well.

Commissioner Brightwell asked if "fully in place..." meant for the road to be fully connected both generally east to west all the way through the property.

Ms. Hobbs informed the road will technically run north to south.

Commissioner Brightwell asked if the developer was in agreement with staff.

Ms. Hobbs answered, "That is correct".

Dan Elkins, Civil Engineer, Kimley Horn Associates and Bob Wheless, Ownership Group introduced themselves. Mr. Elkins informed that the comments, concept, was discussed with the City previously. The understanding was that they would be able to build the improvements concurrently, the private improvements concurrently with the public road and that the City would hold the Certificate of Occupancy until the public improvements were completed for the benefits simultaneously with the construction.

Ms. Hobbs informed that that is correct. Maybe the comment was misleading. There would not be a Certificate of Occupancy issued. The building could begin, however, nothing will be finalized until the road was finalized.

Commissioner Brightwell informed that in his opinion, the comments needed to be amended. The comments states that "no permit will be issued."

Otis Spriggs informed that no final Certificate of Occupancy.

Commissioner Brightwell informed that staff needed to clarify the comments to state, "no Certificate of Occupancy will be issued".

Mr. Spriggs informed that staff is fine with the amendment.

Motion: The Planning and Zoning Commission request that item 2(e) of the staff report be amended to state that "no Certificate of Occupancy will be issued as a clarification to that item and to grant conditional approval of a final report to City Council on item (2) of the consent agenda with the clarification.

Made By: Commissioner Brightwell

Second: Commissioner Haney

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

NAYES: None

ABSTENTIONS: None

The motion passed.

B. CONCEPT PLAN

- (1) Consider approval of a concept plan for Sienna Plantation Sections 24, 25, 26, 33A, 34A, 40A, 40B, and 41
- (2) Consider approval of a preliminary plat for Sienna Plantation Section 24
- (3) Consider approval of a preliminary plat for Sienna Plantation Section 40A

Thomas White presented these items. Mr. White informed that the development consist of 141.6 acres, consist of 295 proposed lots, minimum lot size proposed is 55 x 130, maximum lot size proposed is 100 x 140. The site is located in the ETJ, Extra Territorial Jurisdiction. Various areas within the concept plan, with some lots located in the south of Sienna Parkway as well as located along Waters Lake Boulevard. Staff recommends approval of the concept plan, conditioned that the following deficiencies. are addressed. Mr. White informed that there were no significant comments. The applicants did not have any questions regarding what staff stated on the report.

Vice Chair Haney asked if the applicant responded to the discrepancy of lots, or if it was a typo.

Mr. White informed that the applicant could respond.

Jacob Burgus, Land Planner, TBG Partners, informed the number of lots provided by TBG Partners is a typo and that they had miscounted. One of the sections was left off and a resubmittal was made.

Vice Chair Haney asked for the correct number of lots.

Mr. Burgus informed that it was 335 lots he believed.

Chair Brown-Marshall informed that the correct number of lots is 353.

Mr. Burgus confirmed, "Yes".

Vice Chair Haney asked if it was the 353 lots versus the 295 on the plat.

Mr. Burgus confirmed, "Yes".

Commissioner Brightwell asked Mr. Burgus about the right of way.

Mr. Burgus informed that on the resubmittal, a right of way will be provided that connects Sienna Parkway to Sienna River Parkway for access to 33A.

Chair Brown-Marshall asked staff if a copy of the resubmittal was present.

Mr. Spriggs informed that the plat was in the flow of review and that it was on file.

Motion: The Planning and Zoning Commission grant conditional approval of the concept plan.

Made By: Commissioner Haney
Second: Commissioner Pearson

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

NAYES: None
ABSTENTIONS: None

The motion passed

(2) Consider approval of a preliminary plat for Sienna Plantation Section 24

Thomas White presented this item. Section 24 consist of 25.613 acers, proposed lots are 50 and one reserve block. The project site is located west of Waters Lakes Boulevard and in the ETJ, Extra Territorial Jurisdiction. Staff recommends approval conditioned on addressing the following deficiencies listed in the staff report.

Motion: The Planning and Zoning Commission grant conditional approval of the preliminary plat.

Made By: Commissioner Haney
Second: Commissioner Parker

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

NAYES: None
ABSTENTIONS: None

The motion passed

(3) Consider approval of a preliminary plat for Sienna Plantation Section 40A

Thomas White presented this item. The project site is located in the ETJ, Extra Territorial Jurisdiction, south of Sienna Parkway and east of Waters Lake Boulevard. The site consist of 15.479 acres with proposed lots of 48, 6 reserves and 3 blocks. Staff recommends conditional approval based on addressing the following deficiencies.

Vice Chair Haney asked staff if Section 40A was part of the resubmittal addressed in the discrepancy in the notes.

Commissioner Brightwell informed that it was a different section.

Vice Chair Haney informed that item 1B states, "53 lots with 5 lots located south of the proposed Morning Star Drive." The proposed lots on the plat showed 48.

Mr. White confirmed, "Yes, that is correct"

Ms. Hobbs informed that for the Public Works comments, the electronic copies were not received by staff at the time of the notes. The file has since been received.

Motion: The Planning and Zoning Commission grant conditional approval of the preliminary plat.

Made By: Commissioner Haney
Second: Commissioner O'Malley

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

NAYES: None

ABSTENTIONS: None

The motion passed

C. PUBLIC HEARING AND CONISERATION OF A REPLAT

(1) Consider approval of a Clinard Properties 5 Plat being a replat of Shoppes at Plantation Crossing

Mason Garcia presented this item. The site is 2.062 acres, 1 block and 2 reserves. It is located northwest of Oakwick Estates, south of Highway 6 and Kitty Hollow Park. The zoning district is LC-3, Retail. Staff recommends approval of the replat conditioned on addressing the deficiencies stated.

Vice Chair Haney asked if the tract was being subdivided.

Mr. Garcia confirmed, "Yes." It was one reserve to divide into two.

Motion: To close the public hearing.

Made By: Commissioner Pearson

Second: Commissioner Johnson Rose

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner Haney, Commissioner O'Malley, Commissioner Norcom, Commissioner Johnson Rose, Commissioner Parker, Commissioner Pearson, Commissioner Brightwell

NAYES: None.

ABSTENTIONS: None.

The motion passed.

Motion: The Planning and Zoning Commission grant conditional approval of the replat.

Made By: Commissioner Haney

Second: Commissioner Johnson Rose

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

NAYES: None

ABSTENTIONS: None

The motion passed

7. **ZONING MAP AMENDMENTS**

A. **PUBLIC HEARING FOR A SPECIFIC USE PERMIT AMENDMENT**

- (1) To receive comments for or against a request by Osagie John Okpamen for a SUP, Specific Use Permit to allow for the location to a place of assembly on an approximate 2 acre tract of land, 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.
- (2) Consideration of the approval of a final report to City Council on item 7A(1) above.

Otis Spriggs presented this item. The property is located at Independence Boulevard and Fifth Street on the north side of Independence at the intersection. The request is for a *Place of Assembly* for the purpose of a worship center. The building is proposed to be 14,780 square foot. The site will also include a child play area. The property was annexed into the City in 1959. In 1981 the property was zoned R-4, patio-cluster residential district. As a correction in the staff report, in November of 1995, the property was zoned LC-3 with a portion zoned as LC-2, splitting the property on the track. The applicant is requesting a SUP, Specific Use Permit, which is standard per the City's zoning code.

Mr. Spriggs informed that staff had an opportunity to weigh the proposal against the Future Land Use Plan for the area being Auto-Oriented Character District. Staff recommends approval of the Place of Assembly based on the area being in accordance of the requirements of the LC-2 standards, which are the retail district. The staff report consist of minor deviations that will be discussed.

Mr. Spriggs informed that for the architectural standards, the applicant submitted graphics and materials it relates to the architectural design standards. The architectural design standards recommends one hundred percent masonry materials. Clarification from the applicant would be received on all of the deviations. In the proposal is an emblem of a cross, as customary on a lot of churches. The cross will be reviewed per the signage code. The details are provided in the graphics submitted. The cross is a prefinished metal type material.

Mr. Spriggs presented the graphics of the church elevations.

Mr. Spriggs informed that there are material recommendations under the architectural design section. Additional clarification will be needed for the material referred to as "wood formed concrete". The applicant had architectural descriptions of the material. Some level of stucco and EIFS. As an alternative, stucco and EIFS would be the material of choice after the consideration of the new material being introduced to bring about the character that is being promoted.

Mr. Spriggs informed that the terms of the standards for the site plan, parking lot arrangement and landscape, they would fall under the requirements of the LC-2 district. It will be incorporated into any recommended approval that will go before Council as an ordinance. There is a plaster being proposed to be white and is a wood formed concrete. A pitched roof element. The design will be complimented with the brick material. Staff recommends that the applicant clarifies if the plaster refers to stucco and EIFS on the façade materials, which is a standard material. The additional reference to the wood formed concrete needs to be clarified. The applicant would need to prove that the materials are superior and the warranty of the material would stand the test of time.

Mr. Spriggs informed that for the signage requirements, the actual element cannot project above the roof line.

Mr. Spriggs informed that the other recommendation would have to be adhered to, which are the approval recommendations by staff.

Chair Sonya Brown-Marshall asked if the applicant had discussed the recommendations with staff.

Mr. Spriggs informed that there was a brief meeting with the applicant after the staff report was drafted. Mr. Spriggs informed the applicant that the cross element per the sign ordinance would have to be clarified.

Chair Brown-Marshall asked if the applicant was present.

Mr. Osagie John Okpamen, informed that in reference to the board formed concrete, it is a consistent material that would be durable in comparison with stucco. The material is concrete that is formed with plywood panel. After the plywood panel is removed, it leaves a wood form along the bottom. Mr. Okpamen informed that the intent is to try to bridge the traditional with a modern touch. The intent for the board formed concrete is to have the same consistent ability as stucco and EIFS.

Chair Brown-Marshall asked if there were any written materials that states what was provided by the applicant.

Mr. Okpamen informed that there was written material.

Chair Brown-Marshall asked if that information could be provided to staff to have on file.

Mr. Okpamen answered, "Yes".

Chair Brown-Marshall asked the applicant to share information about the cross.

Mr. Okpamen informed that the idea of the cross is replacing the steeple. The gable is to be used over the educational space area to be tied together with the cross. It will allow the cross to be used as a beacon to be visible from Independence Boulevard to locate the place of worship.

Chair Brown-Marshall asked if the cross could be moved down.

Mr. Okpamen informed that they would be able to look at moving the cross down.

Chair Brown-Marshall informed that the land is zoned commercial. Typically, Planning and Zoning tries to hold on to the commercial tracts. However, staff has stated that the current proposed project does fall in line with the current land use maps and plans. Chair Brown-Marshall asked Mr. Okpamen if they were under contract with the land or if it had been purchased.

Mr. Okpamen informed that they are under contract.

Commissioner O'Malley asked if the cross is illuminated.

Mr. Okpamen informed that the cross is not illuminated.

Mr. Okpamen asked if it would pose an issue if the cross was illuminated.

Mr. O'Malley informed that he was only curious.

Vice Chair Haney asked if for the suitability of the material being recommended, staff and the engineering departments will make the decision, as long as the Planning Commission recommended that staff will have the responsibility.

Mr. Spriggs informed that it would be acceptable per Council's consideration and approval that the applicant provides the materials and construction details will be reviewed by staff. Based on industry standards, history can be found on the material.

Vice Chair Haney asked if that was the only material that was in question.

Mr. Spriggs informed that the only other area of wood is underneath the soffit area. There is a call-out in the documents. It is not visible from the exterior walls.

Chair Brown-Marshall asked Mr. Okpamen where the place of worship is relocating from.

Mr. Okpamen informed that the place of worship was relocating from another location on Murphy Road.

Chair Brown-Marshall asked if there was anyone from the audience wishing to speak due to the SUP, Specific Use Permit being a Public Hearing.

Motion: To close the public hearing.

Made By: Commissioner Norcom III
Second: Vice Chair Haney

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner Haney, Commissioner O'Malley, Commissioner Norcom, Commissioner Johnson Rose, Commissioner Parker, Commissioner Pearson, Commissioner Brightwell

NAYES: None.

ABSTENTIONS: None.

The motion passed.

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

Commissioner O'Malley asked if it had always been, the cross, part of the sign ordinance.

Mr. Spriggs answered, yes.

Commissioner O'Malley asked if it was on a steeple, would that be measured.

Mr. Spriggs informed that it would be attached to the steeple. If projected above the roof of the steeple, it could be viewed as a projection above the roof line. The steeple is an approved structure. As described, the steeple affect could be justified, being that it is a church.

Chair Brown-Marshall asked if there were any other questions from staff.

Motion: The Planning and Zoning Commission grants conditional approval, per staff's approval of building materials prior to forwarding to Council, and the applicant and staff agree come to

an agreed solution of the cross being flushed-mounted and not projected above the roof line.

Made By: Vice Chair Haney
Second: Commissioner Parker

Chair Brown-Marshall informed that the purpose of understanding the material is to ensure that the material is windstorm protected and meets architectural standards.

Commissioner O'Malley informed that the material is a concrete product that is stamped.

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Norcom, Commissioner Johnson Rose, Commissioner Parker, Commissioner Pearson, Commissioner Brightwell

NAYES: None.

ABSTENTIONS: None.

The motion passed.

B. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

- (1) To receive comments for or against a request by John Tsai to rezone an approximate 5.19 acre tract of land from R-1-A single family residential district to PD, Planned Development District to allow for the development of a child care facility and certain commercial uses including but not limited to educational and professional offices, neighborhood and specialized retail uses; to consider a revised conceptual site plan; 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.

Otis Spriggs presented this item. The original consideration by the Planning Commission was in July of 2018. The site location is at the intersection of Truesdale Drive and Vicksburg Boulevard. Mr. Spriggs presented the previous concept plan that showed seven structures. The applicant is proposing a mixed development to include a tutoring facility, café and multi-purpose room and a child-care facility. There were previous uses that were considered as part of the LC-1 district, however, since that time the developer was able to meet with the HOA, Home Owners Association. The applicant will provide additional information. The previous plat had concerns the Commission had over the site plan design, as well as the number and location of certain buildings, and the uses that would be near the residential. The applicant, since that time has revised the proposed plan. A graphic indication of the revision consist of single story buildings. Three buildings are proposed. Two of the buildings will be 3,000 sq. ft. One building is to locate a tutoring center and the other building will locate a café / multi-purpose community room. The third building proposed at 7,000 sqft. would locate the child-care facility. Mr. Spriggs informed that the site is 5.19 acres, as recalled from the previous case considered.

Mr. Spriggs informed that other graphics of the architectural treatment had been received. The previous meeting discussed flat, more commercialized roof type architectural treatment. The current submittal proposed shows the pitched roof and more of a residential character for the structures. An overlay was presented that showed the current proposal and the impact of what was provided by the applicant previously. Since that time the proposal had been narrowed down with more consideration of buffers and setbacks. The building setback would satisfy the 30 ft. setback from Vicksburg Boulevard. The applicant

adhered to an increased setback of approximately 280 ft. from the western boundary, as well as on the northern boundary of 300 ft. Staff has reviewed the increased setbacks that would include the fencing, prescribed as the masonry requirement, as well as landscape enhancement in those particular areas. Staff's recommendation is to approve with the minimum setbacks and with the general concept to provide the residential scale character.

Mr. Spriggs informed that the building site regulations of LC-2 would be adhered in terms of articulating the building fronts in accordance with the architectural standards. Other regulations of LC-2 will be required. The actual uses would be what had been described and nothing else. The revised elevations the Commissioners had seen with the proposed materials of masonry with the roof satisfying the standing seam requirements. Staff recommended that the submitted elevation details be approved as the proposed architectural standards that would be included with any ordinance that would be considered by Council.

Mr. Spriggs informed that there was an area for the trash dumpster that will compromise the describe setback from the western boundary line. Staff considered the dumpster as a vertical structure that the applicant would have to resituate to satisfy the proposed setbacks that had been described. Staff recommended approval of the compliance with the LC-2 district under the trash disposal requirement to meet the setback.

Mr. Spriggs informed that under the landscape requirements, the applicant proposed a 7-ft. tall wood fence. However, in the landscape standards, a masonry wall would be required 8 ft. in height, with one canopy tree per 30 linear feet. Spacing along the upper line would be required. Staff recommended that the Type A screening, including the masonry wall, would be included in the proposal as well as the buffer yard minimums would be adhered to as discussed.

Mr. Spriggs informed that he will defer comments to the applicant, who will discuss the call-outs in greater detail.

Commissioner Johnson Rose informed that she saw four buildings but only saw buildings A, B & C. Commissioner Johnson Rose asked staff if the front buildings were connected as one 7,000 sq. ft. day-care center.

Greg Black, Imperial Builders, informed that the applicant is a resident of Missouri City and was keeping her business, of a day-care, in her home. The owner is a small business owner. The project is the owner's dream and to build a legacy for her family. Mr. Black confirmed that the buildings in question was a connecting building. The square footage is 7,000 sq. ft.

Commissioner Johnson Rose asked if the owner was present.

Josephina Serrano, Cally Serrano and Ivy Mirafior, owners of the business, introduced themselves.

Commissioner Johnson Rose asked the owners if they had conversations with the Homeowners Association and how did it go.

Cally Serrano informed that they had attended two HOA, Homeowner's Association meetings. A coffee shop that will be provided per the conversation with the HOA. The HOA and the community informed that they wanted a place for meetings instead of going to

Sienna Plantation or the church next door, which is why the owners provided the coffee shop on the plans. Mr. Serrano informed that they would work with the community.

Commissioner Johnson Rose asked the owners if they had purchased the property.

The owners answered, "Yes".

Commissioner Johnson Rose asked the owners how long they had owned the property.

The owners informed that they had owned the property since April.

Chair Brown-Marshall asked staff if the two driveways were required and if the driveway on Truesdale would be required or could the driveway on Vicksburg only be required.

Mr. Spriggs informed that at the time, a traffic analysis had not been submitted. It would be a part of the development review plan. From a Fire safety prospective and alternative access control, it may be recommended. There may be some way to control the traffic that would flow on the residential street. Those types of constraints could be considered.

Ms. Hobbs informed that conversation with the Fire Marshall Department had not been conducted. The traffic analysis is typically not required until the proposal had passed and moved forward to preliminary platting. The reason for the two driveways would be due to the school and the Fire Marshall requiring a secondary access.

Mr. Spriggs informed that it would help with the drop-off for a daycare facility. A secondary driveway could help with the traffic control to maintain safety for the children.

Chair Brown-Marshall informed that she understood.

Chair Brown-Marshall open the floor to the Public and informed that each person will have three minutes to speak. Vice Chair Haney would keep time.

Addie Jackson, 3322 Fountain Hills, informed that the property is not located at a major thoroughfare with a lot of traffic. It will have to be supported by the residence of Vicksburg. Ms. Jackson's concern was future blight. There may be a daycare, which is ok. However, if the daycare moved, who will move in and maintain the building. If Ms. Jackson sells her home, the building may not be maintained. The property is zoned for residential because it is successful as residential. There are houses that are built in the area. There are not any commercial buildings currently. Ms. Jackson informed that the neighborhood is not Sienna, there is not any foot traffic, it is not on Highway 6, and the property be sustainable in the area.

Pamela Zackory, 2727 Prichard Ct, thanked the Commissioners for their service. Ms. Zackory informed that during the previous meeting, the residence were informed that everyone that submitted a form and that protested or supported would receive a letter for the rezoning announcing the next meeting, even if the residents lived outside of 250 ft. The action did not occur. Ms. Zackory informed that due to trusting what was stated about the notice, she did not walk the neighborhood to try to get the word out. There would have been more people present. Ms. Zackory understood of the landowners fighting for their property, however, the homeowners should not be addressed as selfish and bullies as it was said. The residents are fighting for what is best for their properties. Someone said it best when said, "I believe in change, progress and development, but it must be rational

and feasible to more than the people who want to make the change." Ms. Zackory informed that she had not seen any subdivision that had commercial properties inside. The major thoroughfares, FM 1092, Highway 6, Cartwright, FM 2234, and Sienna Ranch Road, did have "for lease" signs and empty shells of where businesses used to occupy. Vicksburg is 1.5 miles long and not close to a major thoroughfare. If those businesses did not make it with that much exposure, how can the proposed project. The 1.5 mile is not enough to showcase empty buildings. Ms. Zackory informed that if the commercial does work, will the land be sold to someone that does not want a daycare or to be anchored by a daycare center, what will the residents be subject to. Mayor Allen Owen was quoted, "That we really do not have much say of what goes on with commercial properties." After reading political articles, Missouri City may consider taxes received on the land over the opinions of the actual homeowners that live every day in the community, that have paid taxes for the last ten / twenty-five plus years and that have invested heavily in their personal properties. Ms. Zackory informed that if the Commissioners allow the vote to move forward to the next step, they told the homeowners on the "Next Door" app that they would provide a building that will be used free of charge for community events. The residents were also informed previously that the buildings would be built by phases. What phase would the community building be built and when would it be accessible. How long will the building be free of charge for use. If ownership changed, what are the chances that the community would still have access. Would only Vicksburg have access or would it include Olympia Estates. What if the owners decide to never go into the next phase.

Three minutes had been reached.

Vice Chair Haney informed that the Commission had asked for the Public to not repeat concerns. If Ms. Zackory had additional items, the people after Ms. Zackory would also be asked to not repeat the concerns that was already stated.

Ms. Zackory informed that there were additional concerns that had not been mentioned. There is a building that would be 8 ft. When looking from the backyard, the residence would see uneven fencing. A space would be in between. Ms. Zackory asked who would be responsible for the mentioned space and if the owners would be responsible, would they be required to place a barrier for keeping foliage from growing in between the fences or that would stop animals from making it a habitat. What about drainage and run-off due to extra concrete. Parking is behind the building. Would there be a locked gate to prevent unwanted cars from parking at night. Ms. Zackory was unsure about the measurements shown on the pictures, but Truesdale and Vicksburg is a two way stop. Political signs were in the way that almost caused an accident. Would the residents be looking at the back of the owner's buildings and would there be bushes. If so, it would be a problem for traffic.

Chair Brown-Marshall informed Ms. Zackory that she provided valid points. The Planning and Zoning meeting was for the reason of the rezoning portion of the property and if it was a good fit for the area. Ms. Zackory's concerns were on point. However, the concerns would not be addressed due to the purpose of the meeting for rezoning.

Ms. Zackory asked when will her concerns be appropriate due to asking a question last time and was stopped.

Chair Brown-Marshall informed that she would speak with staff. If the rezoning case moved forward, to say that the rezoning would fit the land, there would be additional steps. The residence would want to attend the meeting that would discuss the additional steps.

Vice Chair Haney informed that the land is a PD, Planned Development District and all items would fall in line with the PD.

Ms. Hobbs informed that at the current point of the rezoning process, staff had not received details of the drainage, nor any of the traffic analysis. Staff would not receive the details unless the property would be rezoned. If the property is rezoned, at that point, there would be a preliminary plat. At the time of the preliminary plat, the applicant would be required to prove that the new concrete with mitigating the drainage, the site issues, setbacks, sight distance, traffic, and the Fire Marshall's Office would review the plat for emergencies. If the report was read at the current time, there would not be any comments from Public Works due to not having the items for comments.

Ms. Zackory informed that a lot of people could not attend the meeting. Residents were trying to send forms, however, they could not get through. Different City offices were called for the correct fax number. However, did not receive an answer.

Chair Brown-Marshall asked Legal if residents could continue to send their protest / support forms after the meeting.

Jamilah Way answered, "Yes". The forms would be provided to City Council.

Ms. Zackory asked if the rezoning case was going to Council.

Ms. Way informed that whether the Commission voted up or down, the case would still move forward to Council.

Vice Chair Haney informed that the case would move forward to Council either way.

Mr. Spriggs informed that the decision of the case would not be completed at the Planning and Zoning meeting.

Vice Chair Haney informed that at the current time, it would depend on the Commission's vote as a "positive" or "negative".

Ms. Zackory asked how far in advance are the residents supposed to receive letters of an upcoming meeting.

Mr. Spriggs informed that if the residents are within the 200 ft. boundary of the site, letters would be received within 14 days prior to the meeting.

Ms. Zackory informed that they were informed that people who submitted the form who were outside of the 200 ft., would receive a letter and they did not.

Chair Brown-Marshall informed that the Commission would address the point with staff. Staff did meet the law requirements and that it would be addressed with staff.

Vice Chair Haney informed that the Council meeting that the case would move forward to, would be at that time scheduled for Monday, November 19th, 2018 at 7:00 pm.

Mr. Spriggs informed that the Council meeting would be the second meeting in November.

Chair Brown-Marshall informed that the residents could get the information out.

Mary Lee Vandervoort, 2718 Prichard Ct, informed that she would like to speak after her neighbors, being the President.

Kathleen Jacobs, 3230 Woods Canyon Ct, informed that she was a 15 year resident of the community as a homeowner of the Sedona Creek subdivision near the development. One of the early pictures that was presented showed that the property sits in the middle of homes and the community. Ms. Jacobs is against changing the zoning to a commercial property with the concerns of the property in the future of 10 / 20 years. Ms. Jacobs thanked the Commission and staff for being present and listening to the residents. The Commissioners asked if there was a presentation to the HOA, Home Owners Association committee from the owners (landowners). The owners did attend HOA meetings. Ms. Jacobs's opinion was that the owners were not well received. During the last HOA meetings, the owners made a comment that they were not aware of the property being zoned as residential. Ms. Jacobs informed that her concern about the owners' due diligence and decision making skills. The concern is for the future of the community. It is not just Ms. Jacobs' house, but her home. Ms. Jacobs asked the Commission to make the right decision for the community.

Courtney Penry, 2223 McKeever Rd, informed that Cally Serrano (landowner) and the family have been best friends, The Serrano family are gentle souls. Ms. Penry informed that she was an active Missouri City member, grew up in the City, graduated from Elkins High School, and Cally Serrano went to Hightower High School. If the land was to be owned by anyone else, there should be a concern. The owners are the type of owners that the community would want to have. Ms. Penry had witnessed the character of the family. Ms. Serrano's family had a daycare in the home for over 10 years and is active in the community. The family were active volunteers. They would listen to the community, their concerns, and would try their best to be on the community's side due to also being Missouri City residents.

Jim Klimek, 2739 Prichard Ct, informed that the project site is behind his backyard. Mr. Klimek is opposed to the rezoning. The land owners did attend some of the HOA meetings. They were not well received. A proposal of phases for the property was presented. The total of the property was about 33,000 sq. ft of commercial space. The landowners would utilize 7,000, 20%. The other 80% of the property's use is unknown. Business practice is business practice. The owners may inform that a coffee shop would be provided and that the residents would be able to use part of the coffee shop as a community center. However, when the mortgage is due, the kind words would not pay the mortgage. The spaces would need to be rented out. Mr. Klimek read, "Child care facility and certain commercial uses, including but not limited to educational and professional offices". The "not limited to" is the concern. A year from now the owners could sell the property. There is no guarantee that the future owners would have the same vision as the current owners. The availability of using the coffee shop as a community center is not guaranteed. The property was purchased in April, 6 months ago. Business people know what they are getting into. The owners speculated the residential property could be turned into a commercial property, therefore the property value increases and they would be able to operate. It is not good business practice and model. The owners may be wonderful people as previously stated by a speaker. However, not solid good business owners.

Jesus Gomez, 117 Lane Dr., University of Houston Small Business Development Center, informed that he had been working in Missouri City for close to 14 years. Mr. Gomez informed that his job is to assist a lot of small business owners to grow in the community

and to expand. Mr. Gomez communicates with Mayor Owens and City Council for what they would want to see in the City. Kids, 1st Academy, Texas Leaguer Brewing Company and Texas Biergarten are projects in the area that Mr. Gomez had been involved. Mr. Gomez assist business owners by walking them through the process. The businesses also create jobs.

Donna Barnes, 3223 Confederate Dr., informed that she is a new resident of Vicksburg in on the Shiloh side and had been a Missouri City resident for more than 10 years. Ms. Barnes' dream was to move into a community that did not have commercial property. The concern is the traffic and tranquility of the neighborhood. Ms. Barnes is against the rezoning.

Steve Hawkins, 11050 S. Auden Cir., informed that change is hard. Mr. Hawkins informed that he does not live in Vicksburg and lives in Sienna Plantation. The Hawkins have lived in Missouri City for almost 12 years. Mr. Hawkins and his wife knew that they would need child care. Sienna has a variety of daycares that are within the neighborhood / City perimeter. If the child care was not there, they would not had moved to the area. He understood that Vicksburg was not Sienna. The Hawkins live 30 minutes from their jobs. If they would have to drive an extra 10 to 15 minutes to take a child to child care, it would be hard due to traffic. As far as Children's Talent, Mr. Hawkins would trust the Serrano Family with their only child. Ms. Serrano wants to be an asset to the community.

Stephanie Harris 3930 Chestnut Bend, informed that she had been a teacher for 20 years and 10 of the years have been in Fort Bend County. When Ms. Harris moved to the City 10 years ago, she became pregnant. Upon looking, there were two teachers that had children at Children's Talent Academy with Ms. Serrano. Ms. Harris observed the child care facility that was in Ms. Serrano's home. Ms. Serrano was a warm welcoming person. Ms. Harris stated that she was providing a character plea and not necessarily about the building. Ms. Harris' child was enrolled in Children's Talent Academy until Kindergarten. Her child had been a straight "A" student due to the foundation that was laid down. Ms. Harris also enrolled her second child.

Ashleigh Jefferson, 4907 Cotter Lake Dr., informed that she was an advocate for Ms. Serrano. There is not a doubt that whatever Ms. Serrano touches would flourish. Ms. Jefferson trust no one else but Ms. Serrano with her children. With the recommendation of a co-worker, Ms. Jefferson tried Children's Talent Academy for her daughter. When Ms. Jefferson returns to work, due to having a baby, her son will be enrolled as well.

Dr. Rocio Antone, 19 Cloud Brook Dr., informed that she is in favor for Children's Talent Academy and is present to point to why the business would be a great asset to the community. Ms. Antone moved to the City since 2009 and believes in Missouri City being a united City. A personal experience with taking her middle child to a neighborhood community in Riverstone for child care was negative. This is how Ms. Antone learned about Josie, what the parents call Ms. Serrano, and the care that she provided children. Ms. Antone is the daughter of a small business owner, whose dad did not have a lot of business knowledge, but had a lot of drive and perseverance. A lot of those qualities had been found in Ms. Serrano and her family. Due to the character of the family, Ms. Antone would not assume to have the judgement to bring a liquor store anywhere near a place of worship across the street nor a child care center.

Ludivina Campos, 13616 Stone Branch, informed that she is a teacher of Fort Bend ISD. They (landowners) are present because they want a good thing for the community. The daycare would be good to have a child care center in the neighborhood where it is safe.

Rebecca Lievano, 9918 Foggy River, informed that she was in support of Ms. Josie, (Serrano). Both of Ms. Lievano's children are enrolled in Children's Talent Academy. The child care will be a good asset to the community.

Mrs. Vandervoort, 2718 Prichard Ct, informed that she is the President of the Vicksburg HOA, Home Owners Association for more than 10 years. Most of her neighbors are against the rezoning. Mrs. Vandervoort did not realize that they were attending a character meeting and thought they were attending a zoning meeting. Vicksburg is an older neighborhood without a lot of little children. A child care business is not needed in the neighborhood. Mrs. Vandervoort informed that they were told that they would be able to use part of the building for their HOA meetings. It was Mrs. Vandervoort first experience of hearing that information. A topic that was brought up in the HOA meeting is that the landowners were not keeping up with the property. The landowners were asked to mow the lawn and keep up the appearance. Mrs. Vandervoort informed that the landowners halfway fulfilled the request maybe once or twice. The clippings were left on the side of the area. The landowners are not good neighbors. The residents are not interested in having building built and leased or not be leased in that area. A lot of good buildings are empty and if the owners would like to place a business in the current empty buildings, they could. Mrs. Vandervoort informed that they would like to remain as a home area without any commercial business.

Motion: To close the public hearing

Made By: Commissioner Haney

Second: Commissioner Johnson Rose

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

NAYES: None

ABSTENTIONS: None

The motion passed

Chair Brown-Marshall informed that they heard "thoroughfare" on different occasions and asked Ms. Hobbs to clarify what type of road was Vicksburg.

Ms. Hobbs informed that Vicksburg is a minor arterial, which means that it connects to one major arterial, being Highway 6. Lake Olympia will end up becoming a minor arterial with the extension of the Fort Bend Parkway up and coming. With the last section of Olympia Estates section 11, there would be the southbound bridge with four lanes connected and would be reclassified as an arterial.

Chair Brown-Marshall asked about the barrier in between the fences being discussed previously.

Vice Chair Haney informed that the existing wood fence had been replaced. They are details that will be addressed after the decision is made. If the case moved forward, all the details would have to be identified. It was clear that there was a huge decent with rezoning the property. If the Commission could not agree on the decision, then all the details could not be discussed.

Chair Brown-Marshall informed that she was trying to have some questions answered to help alleviate some of the contention if possible.

Commissioner Johnson Rose informed that the previous concept plan had several buildings and asked if the owner had decreased the building to what was currently being presented at the meeting.

Mr. Spriggs answered, "Yes". As mentioned, the LC list of available uses, which are typically adjacent to residential. The applicant had taken a step back and deleted the plan. With the Planned District development, the applicant would limit the uses to what was stated, the daycare, community use and the café.

Commissioner Johnson Rose asked if what the Commission approved would be limited to those softer uses.

Mr. Spriggs answered, "Yes". Along with the tutoring facility.

Commissioner Johnson Rose asked about the church which is located across the street.

Mr. Spriggs informed that the church across the street is zoned SUP, Specific Use Permit appropriately.

Vice Chair Haney asked what the underline zoning was for the church.

Mr. Spriggs informed that it was zoned commercial, LC-2.

Vice Chair Haney asked that if the PD, Planned Development was approved, would it change the underline zoning or not.

Mr. Spriggs informed that the underline zoning on the site district is R-1-A.

Vice Chair Haney informed that there was a previous discussion about whether or not anyone would develop the property as residential.

Commissioner Johnson Rose informed that the original developer might had been Perry Homes and why the property was left as is currently and not developed residential. Commissioner Johnson Rose asked staff if there were any background information as to why the decision was made by the developers.

Mr. Spriggs informed that the developer probably had the impression to have some type of residential / commercial due to the way the lot was configured. Whether or not the land could be used as residential would have to be determined. From the staff's view point, the quality of development having to cut up cul-de-sacs into that area for residential, with large lots of residential may not be efficient planning. A determination would have to be made.

Vice Chair Haney asked if it is a PD, Planned Development, would the underlining zoning be changed.

Mr. Spriggs informed that it would be changing into a Planned Development District. The underlining zoning would go away.

Vice Chair Haney asked would the property go away from R-1-A to PD, Planned Development?

Mr. Spriggs informed that it would change to PD, Planned Development District for the particular uses that had been described.

Vice Chair Haney asked if the property was sold in 10 years, it would still be a PD, Planned Development District, could not be commercial, other than the three uses that are listed.

Mr. Spriggs answered, "Yes".

Vice Chair Haney informed that anyone who purchased the property would have to amend the PD, Planned Development District.

Mr. Spriggs confirmed, "Yes". The same process.

Vice Chair Haney informed that the concerns around what type of business would be on site may be less. However, there is still concern that there could be vacant property. If anyone purchased the property, they would still have to go through the process to receive approval to have a different type of business.

Mr. Spriggs informed that the parking and landscaping would follow the LC-2 standards.

Vice Chair Haney informed that if there is not a PD, Planned Development standard, the LC-2 standards would be required.

Mr. Spriggs informed that the applicant had proposed increased setbacks to address proximity issues to the remaining residential in the rear of the property.

Commissioner Pearson informed that due to the proximity of the church, a liquor permit would not be allowed and there would be no need to be concerned.

Motion: The Planning and Zoning Commission move forward to Council with a negative recommendation

Made By: Commissioner Haney
Second: Commissioner Pearson

AYES: Commissioner Haney, Commissioner Pearson

NAYS: Commissioner Brown-Marshall, Commissioner O'Malley,
Commissioner Johnson Rose, Commissioner Parker,
Commissioner Brightwell

ABSTENTIONS: None

The motion failed.

Mr. Spriggs informed that the Commissioners' votes was an example of though the vote was not in the affirmative, it did not make it clear and asked if the motion failed.

Ms. Way informed that the Commission would need to restate a motion.

Vice Chair Haney informed that the motion failed.

Chair Brown-Marshall informed that the motion failed.

Motion: The Planning and Zoning Commission move forward to Council with a positive recommendation.

Made By: Commissioner Brightwell
Second: Johnson Rose

AYES: Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Parker, Commissioner Brightwell, Commissioner Johnson Rose

NAYS: Commissioner Haney, Commissioner Pearson,

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.

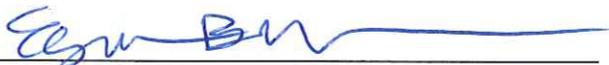
10. CLOSED EXECUTIVE SESSION

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



Egima Brown
Planning Technician