



MINUTES
PLANNING AND ZONING COMMISSION
City of Missouri City
 August 11, 2010

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 Chairman Ron Lee at approximately 7:00 p.m.

2. ROLL CALL

COMMISSIONERS IN ATTENDANCE:

STAFF:

Ron Lee, Chairman	Ornita Green, Director of Planning
Sonya Brown-Marshall, Vice Chairperson	Jennifer Thomas, AICP, Planner II
Chris Connolly	Travis Huff, Planner I
Jeff Gaspar	Scott Elmer, Director of Public Works/City Engineer
Bill McCrea	Jing Chen, Assistant City Engineer
Len Goff, Jr.	Millie Holifield, Utilities Coordinator
Timothy Haney	E. Joyce Iyamu, Assistant City Attorney
John O'Malley	Betty Collins, Administrative Assistant

Commissioners Absent:

Hugh Brightwell
 (Commissioner Sonya Brown-Marshall arrived at 7:26 p.m.)

Council Members in attendance:

Danny Nguyen

Others Present:

Andrew Brochthrup, Kenji Chong, Mabel Chong, Zuxing Chen, Changri Gong, Brian Lam, Christy Smidt, Ginyan Wang, Michelle Yang, Juliana Yau, Peter Yau, Tracy Youngblood, and Stephen Yu

3. READING OF MINUTES

Motion:

To approve the minutes as written

Made by:

Commissioner Haney

Seconded:

Commissioner Goff

Vote:

7-0

Note:

Commissioner Brown-Marshall was not present for this vote.

4. REPORTS

No reports

5. STAFF REPORTS

- a) Ms. Ornita Green, Director of Planning, had no report.
- b) Mrs. Jing Chen, Assistant City Engineer, had no report.

6. PUBLIC COMMENTS

No comments from the audience.

7. CONSENT AGENDA

- a. Consideration of the approval of a plat for Sweetbriar @ Riverstone Section Two.
- b. Consideration of the approval of a final plat for Sienna Village of Anderson Springs Section 13B.
- c. Consideration of the approval of a partial replat of Meadow Creek Subdivision Reserve 'C'.

Chairman Ron Lee motioned to pull Consent Agenda Item 7C.

Motion:	To approve Consent Agenda Items 7A & 7B
Made by:	Commissioner Haney
Seconded:	Commissioner Connolly
Vote:	7-0
Note:	Commissioner Brown-Marshall was not present for this vote.

Mr. Travis Huff, Planner I, stepped to the podium to present Agenda Item 7C to the Commission: This is a request to replat Sections 1 & 4, Reserve C which is approximately 2.72 acres of land. It is currently zoned for residential use and the owners are now wishing to place a lot on that reserve, a residential dwelling. They have shown us some preliminary site plans of where the house and driveway would go. They would be able to meet the building lines as long as the Drainage District does not change any of their current boundaries based on the study they are now going through. Neither of the applicants are in the audience tonight.

Chairman Lee: I am not an engineer, but my problem with this is that it is real low through there. It looks like you'll never be able to build anything on that property because it just won't support it. That concerned me. Scott, would you give us your comments about Lots A&B?

Mr. Scott Elmer, Director of Public Works/City Engineer: There are a couple of significant issues on this property. The Drainage District is asking that the 60-ft. easement be dedicated as a right-of-way (ROW) and not as an easement. This is going to have an impact on the property. More significantly, and we reference it in the staff comments, there is currently an ongoing drainage analysis – a restudy – of the Stafford Run Creek. This goes all the way from FM 1092 all the way down to where it hits Oyster Creek through the golf course. That restudy is showing that the water surface elevation in Stafford Creek may be higher than shown on the FEMA flood plain map and also what was originally assumed in the 1988 study. As a result there could be a higher water surface elevation. That would have an impact on the house slab elevations out there and due to the size, particularly Lot 2, it could make it unusable for a house lot. The City's requirement, which is required by FEMA and required by membership in the Community Rating System Program under FEMA says you have to have finished floor elevation a minimum of one foot above the 100-year base flood elevation and that could have an impact on the feasibility of a house being built on those lots. Lot 2 is definitely the greater concern but it is possible there could be an impact on Lot 1.

Chairman Lee: Is there any way that Lot 2 could be included into Lot 1?

Mr. Huff: One of staff's recommendations is that it be one lot so that it is maintained under one owner. They could not sell it off any time in the future and they would have to maintain it as well.

Mr. Elmer: At a minimum, and it's one of staff's recommendations, that one of the items on the plat requirements would be that they have to put a note that the house slab has to be built at "x" elevation. That's not a soft elevation of one foot above the BFE, but one foot above 70.4 ft. MSL. That number will be unknown until the restudy is complete. At a minimum, staff's recommendation is that this not be allowed to be recorded until such time we have that information.

Commissioner Haney: So, even if we approve it conditionally, if they don't meet that requirement then it won't get recorded as a final plat?

Mr. Elmer: That's correct. It will be subject to getting that conditional approval on that comment resolved.

Commissioner McCrea: But if we combine Lots 1 & 2, we might have a better chance for the possibilities?

Mr. Elmer: That would be correct. Lot 2 is very, very tight, particularly when you look at that 60 ft. easement. And where that 60 ft. easement runs, especially if the Drainage District wants that as a 60 ft. ROW rather than an easement, that may make it infeasible as a lot just from the amount of space and what's required in this zoning district for a lot size.

Mr. Huff: Based on what's required in our zoning requirements, they could not put a house there even if they had two lots. That would still be a non-developable lot and based on the zoning they couldn't meet the requirements for the front and side build lines. Potentially, they could only place a residence on a larger lot based upon the study and the other factors being taken care of ahead of time.

Commissioner Haney: What is the timing on the study?

Commissioner McCrea: Is the owner aware of all of this?

Mr. Huff: We have discussed this with them at the pre-application meeting. Apparently when they purchased the property they were not aware of all this, but they would like to do something with the property.

Ms. Ornita Green, Director of Planning: They have been aware of the challenges facing that property since they bought it. Staff has met with them on several different occasions prior to the last pre-development meeting that preceded this application.

Mr. Elmer: To answer the question on the timing of the study, this restudy came about due to the City of Sugar Land looking at making some improvements on Dulles Blvd. which drains in the northern section to this watershed. Some issues were identified that justified the restudy. Yesterday we received an unofficial preliminary copy of the first set of results. It doesn't have any mitigating improvements yet. It is very, very preliminary. We are probably looking at 6 months before we would have a course of action and a finalized number.

Commissioner Haney: So turning this down, they would have to wait that time frame any way?

Mr. Elmer: That's correct. There are really two parts to this study. What's the new water surface elevation? That's not been said yet. We have preliminary numbers. But then, what can we do to mitigate that? Where can we dig additional detention? Once you know what you can do, then you realize how far you can bring that down. Do we bring it back down to where it's at today's level? Do we bring it lower than today's level? Do we bring it down halfway? There's two parts to this study we have to get worked out. Just to let everybody know, Missouri City is not in the driving seat for this study. Fort Bend Drainage District Channel - they commissioned the study, and they contracted with the engineers. We are coordinating, we are cooperating, we're helping out, and we're lending our expertise but it is set by their time frame, not the City.

Jing Chen, Asst. City Engineer: Chances are we're looking at some significant increase in the water surface. There will be improvements planned by the County and the time frame for that might take a while.

Chairman Lee: The main thing is they will still have to wait that time to get everything together?

Mr. Elmer: Yes, sir. You could end up with two different time periods. It could say the new water surface elevation is accurate. If we do these improvements it goes down to 'y' but the time frame of doing those improvements might be 18 months; it might be 2 years. The Drainage District and the County are committed to solving the issue.

Commissioner McCrea: If we turn this down, it seems like it's agony to the owner of the property.

Mr. Elmer: There are a couple of things to consider. By having this as a one house lot, it still does not relieve them of the requirement of building in accordance to all the other City codes and ordinances – the flood plane requirements and everything else. That could be an issue if they combined as one lot - if they record with the new base flood elevation. They still have to meet all the rules and regulations.

Motion:	To deny this application.
Made by:	Commissioner Haney
Seconded:	Commissioner McCrea

Commissioner McCrea: I think that we do want it noted in the record that we are not denying it because of anything other than the uncertainties that are before it and it's a shame that is what it is. I don't want anybody to get the impression that we just turned it down. We turned it down to get a breath of fresh air on this thing.

Commissioner Goff: What if we considered approving it with the condition that they meet the requirements?

Commissioner McCrea: In my opinion you're saying we approve it if they get the requirements and that word "if", do you know how big that is?

Chairman Lee: I think that it would be wise to go ahead and decline it so that when they do get it together we'll get the opportunity to look at the whole deal.

Mr. Elmer: May I offer one point for consideration to the Commission? By approving this, and one of the conditions of the approval be the dedication and conversion of the 60 ft. drainage easement which is actually a maintenance easement, to a 60 ft. drainage ROW to the Drainage District would allow the Drainage District to have a little more leeway on what they can do to bring this water surface elevation down. If it's a maintenance easement, all they can do is maintain it in the condition they have it in now. But if it's a ROW then they can do channel excavation or anything less that might be necessary in that easement. That could do something that could possibly put another tool in the Drainage District's toolbox to help resolve the issue. Again, if it would be approved subject to all these conditions and approved subject to one lot and meeting all the other city ordinances then the Drainage District would have that ability to do that on this section.

Commissioner Gaspar: Is this a yes or no vote? Should we postpone this so that we can actually look into some of these items?

Commissioner Haney: I think by turning it down, that's what we're doing. They can re-file. The timing is beyond the window that they can re-file.

Chairman Lee: As Bill has said, we're not trying to turn this thing down because we're trying to throw it aside. That's not the case. We just don't have it all together yet.

Commissioner McCrea: I don't know about you, but I'll stay with my "second".

Commissioner O'Malley: I think that staff has already presented a lot of the objectives that they will have to have. By turning it down or approving it, those don't change. I like what Scott said, by adding some more structure to what is going to be required and having another body who are truly experts at the drainage have the tools in place. But to table it for 30 days, I am not sure if it does them any good or does us any good. We already know what staff and the engineer wants. Put that on it and then have it move forward. We're not eliminating any of the requirements staff is asking for. Delaying it for 30 days, I'm not sure it helps the City to do that.

Commissioner Haney: Scott, the only way that turns into a ROW is if this thing gets recorded?

Mr. Elmer: That's correct.

Commissioner Haney: The likelihood of this getting recorded any time soon is very low.

Mr. Elmer: What it would take to get recorded would be to have a base flood elevation number on Stafford Run for the 100-year event that we could set a minimum slab elevation. The plat has a conditional approval for a year, correct?

Ms. Green: Two years.

Mr. Elmer: It's going to happen well within 2 years. I think that we would have a workable base flood elevation probably inside of 6 months. It could possibly be recorded.

Commissioner Haney: Is that in the current report – is it saying that on the plat? The other thing in the report is asking them to consider combining into one lot. If they wanted to do that they would have to re-file again anyway?

Mr. Huff: They would just be required to resubmit to staff and we would verify they met all outstanding comments that you all have conditionally approved.

Commissioner Haney: If they chose to go ahead and make that change, they wouldn't have to come back?

Mr. Huff: They wouldn't come back before you all but we would require they make those changes before it is recorded. That means the study would have to be done, they would have met the base floor elevation, and everything would fall into place by then. Essentially, they'd have 2 years to get it taken care of.

Mr. Elmer: Then you'd have the advantage of whenever it all gets taken care of and it gets recorded, then the Drainage District can count on that ROW instead of having a maintenance easement.

Commissioner Gaspar: Let me make sure I understand what is to be approved: We give the flood district another resource to possibly look at changing the ROW. If we do not approve it that option would be off the table for them?

Mr. Elmer: If we do not approve it, all the Drainage District could do is basically maintain the existing slopes and existing conditions. They couldn't do any additional channel widening or any channel excavation or anything like that without going and acquiring in all probability a cost in converting that easement to a ROW. Not that it couldn't be done, it just adds more complexity and money to getting that done.

Mr. Huff: Whatever the Drainage Districts requests for ROW or maintenance easements is what will be required to be shown on the plat.

Commissioner Haney: I withdraw my motion.

Commissioner McCrea: I withdraw my second.

Motion: To conditionally approve item 7C above and to adopt the staff report and also add a specific requirement that prior to plat recordation a hard base flood elevation number be included on the plat that meets the City's adopted flood ordinance of one foot above the base flood elevation.

Made by: Commissioner Haney

Seconded: Commissioner Gaspar

Vote: 7-0

Note: Commissioner Brown-Marshall was not present for this vote.

8. CONSIDERATION OF THE APPROVAL OF A PLAT EXTENSION FOR MISSOURI CITY WALMART

Ms. Jennifer Thomas, AICP, Planner II stepped to the podium to present this project: This is the second request by the applicant to extend the conditional approval for the preliminary plat for the Missouri City Walmart that was approved by the Commission in 2007. The first request was submitted in 2009, last year and is set to expire tomorrow. We have no further information as to

why they're asking to extend the conditional plat approval but staff recommends that we do extend it for one year.

Motion:	To approve the request for plat extension.
Made by:	Commissioner Haney
Seconded:	Commissioner Brown-Marshall
Vote:	8-0

9. PUBLIC HEARING AND CONSIDERATION FOR A SPECIFIC USE PERMIT

- (a) Public hearing to receive comments for or against a request by Deacon Peter Yau, on behalf of the Fort Bend Community Church to amend Ordinance O-99-24, pertaining to a Specific Use Permit to revise the ingress/egress language which requires vehicular access through a driveway within the subject site at Senior Rd. and to review and consider architectural design and site development plans for the construction of a new educational building and associated parking and landscaped area which may not adhere to the requirements of the existing ordinance and to add additional acreage.

Ms. Jennifer Thomas, AICP, Planner II: This is a request by Fort Bend Community Church which is located at 7707 Hwy. 6. Before we get into the requested amendments to Ordinance O-99-24, I do have some revisions and clarifications for the staff report. On page 2, in terms of the acreage in the legal description, the legal description and the acreage will include what previously existed in the existing ordinance and that would include a 35.3511 acre tract and a 2.8315 acre tract. The additional acreage that we are asking to add to the ordinance includes the Senior Road ROW that the Church was deeded in 2005 and that is a 0.7527 acre tract. Another minor change is on Page 3, the Phase II Development. The chapel is actually a two-story building and not a one-story building as stated. The Church bought this acreage (illustration) in the mid 1990's with plans to construct their church campus. They included at that time plans to construct in four phases which would include four buildings. To date the Church has constructed two buildings and the current application is to construct the third building which would be an education building to house their nursery school. It is planned to be a two-story 48,810 sq. ft. building. The amendments that they are requesting to the ordinance include the architecture for the education building. The current ordinance requires that all buildings match in style, in material, and in color as the existing buildings. This design deviates from the current buildings in the sense that it reduces the amount of split face block that's used for the exterior of the building. It also deviates with the roof pitches. Because it's a children's building they are proposing to use primary, multi-color CMU blocks, sporadically throughout the brick to give it some color. That would deviate from the ordinance. Staff is requesting that due to the location of the building - behind the existing buildings and the limited visibility that it would have to the general public and the fact that this will be a children's

use as an educational building - that the applicant's proposal is approved. That would include the use of the primary colors and metal roof panels. Those roof panels would blend into the existing buildings' green roofs.

Commissioner McCrea: I saw in some of the comments that some people say there will be an increase in traffic. I'm trying to see where that's at.

Ms. Thomas: We will talk about that because the other amendment that is being requested with this ordinance is a change to the language of the ingress/egress and requires that there are two access points for the Church. One would be the Senior Road. The language would be revised (Page 6 of the Staff Report). Staff is proposing the language be revised to read: The existing esplanade

driveway aligned with the Knight's Court signal should remain if the Church's capacity increases to greater than 2000 seats. Then a secondary access point to Senior Road would then be required. At that time Senior Road would be required to be improved to public standards. If there is not a traffic signal at Senior Road and State Highway 6 at the time of the Church's connection to Senior Road, then the Church would be required to provide a prorated contribution towards the construction cost of that signal.

Commissioner Connolly: Can you show me on the map where Senior Road is?

Ms. Thomas: Sure. This is State Highway 6 (illustration) and this is the Colony Creek Community Church Development. The Houston Garden Center is over here and Senior Road is a dirt road that runs along this side of the church site (further illustration).

Commissioner Connolly: What this says is that if at some point that road becomes a road they'd have to have an access to it?

Ms. Thomas: In Phase IV the Church is planning to build a larger sanctuary to accommodate growth at that time. The sanctuary would go in this area and they would then expand their parking area to the rear. At that time they would be required to tie in to the Senior Road ROW. With this change that staff is recommending they would be required to bring it up to public roadway standards. This would be for this church as well as Colony Creek Church that also abuts Senior Road.

Commissioner Connolly: Where does it go?

Ms. Thomas: It dead ends at Oysters Creek – Flat Bank Creek. There is undeveloped property on the other side of Senior Road. That is basically the end of the amendments being proposed by staff for this ordinance. The Church representatives are present if you all have any questions about the overall development.

Commissioner Haney: This is not a PD?

Ms. Thomas: This is a SUP for the Church.

Commissioner Haney: This is a specific use for the property. In the specific use all of these languages and requirements are included in it – similar to a PD, right?

Ms. Thomas: The underlying zoning for this area is still residential zoning designation. On top of that is the specific use permit which allows the church's campus to be built pursuant to the uses that are outlined in the ordinance.

Commissioner Haney: Is the applicant comfortable with the changes-particularly the roadway changes?

Ms. Thomas: Staff has worked with them over the last few months to come to a consensus on that language and to become comfortable on both sides. The applicant can speak on how they feel about it.

Commissioner O'Malley: Any additional parking that's required for this building. In terms of the ordinance, that's already been built?

Deacon Peter Yau stepped to the podium: We're adding 150 parking spaces.

Commissioner O'Malley: Are they going to be added on the back where you have to add on the sanctuary?

Ms. Thomas: Right now the site stops right here (illustration) and the parking area is here and the building will be added here and all of this would be new parking as a part of this construction.

Commissioner O'Malley: The consistent complaints are coming from residents on Wild Peach Place which is the horse shoe that basically connects on this side. In their view you won't have any parking spaces or lights on their side. The parking spaces will be on the other side. The building is going to be the same height as the current building that is there so it will blend in with what's already there. In terms of their view, what was empty will now have a building. It won't increase any height. They won't be overwhelmed by the building because the parking spaces won't be on their side. The majority of the concerns came from that section.

Chairman Lee: That's a beautiful piece of property back there and I can understand why you'd want to put a new education building there.

Ms. Thomas: I would add that the education building was originally part of this plan so that hasn't changed. They have just provided more detail as to the design.

Commissioner Haney: You have a comment in here about changing the number of seats in the gym.

Ms. Thomas: We will change the wording to clear up the ordinance.

Commissioner McCrea: In looking at this aerial photograph, I am trying to see if there is a buffer of sort between the residences and there. I see a lot of trees. Is that a true statement?

Ms. Thomas: This is Flat Bank Creek – Oyster Creek – on this side and the church owns a portion of that ROW. It's roughly around 240 ft. from edge to edge. Within that you do have vegetation and trees.

Commissioner McCrea: When you say trees. Are you talking about brush trees?

Deacon Yau: It's actually trees.

Commissioner Haney: The place where the new building is going. What's there today? One of the concerns was cutting down trees and obviously you won't be cutting down trees there.

Ms. Thomas: This area is low-lying grass (illustration). They won't be cutting down trees in that area, however in the parking areas there might be some trees to go. I want to clarify because I didn't read off the last ingress/egress statement and that was on shared access in lieu of the Senior Road connection that the Church would share access through Colony Creek Community Church and that is a current requirement for non-residential uses that they would make that they would make that connection with Colony Creek before January 1, 2012.

Motion: Motion to close the Public Hearing

Made by: Commissioner Haney

Seconded: Commissioner Gaspar

Vote: **8-0**

(b) Consideration of the approval of a Final Report to City Council on item 9a above.

Motion: Motion to forward to CC with a positive recommendation item 9a above.

Made by: Commissioner Haney

Seconded: Commissioner McCrea

Vote: **8-0**

Commissioner Brown-Marshall: Do the applicants have any concerns with any of the suggestions?

Ms. Thomas: Not any concerns that were voiced to us. We were working with them before they made the application and we were able to iron out a lot of the issues prior to them submitting their application to the City. Since they've submitted the application I don't think that we've had any conflicts with what staff has requested.

10. ADJOURNED