

ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position 1

CHRIS PRESTON
Councilmember at Large Position 2



YOLANDA FORD
Mayor Pro Tem
Councilmember District A
JEFFREY L. BONEY
Councilmember District B
ANTHONY G. MAROULIS
Councilmember District C
FLOYD EMERY
Councilmember District D

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a meeting of the City Council of Missouri City to be held on **Monday, March 5, 2018, at 7:00 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. ROLL CALL

2. **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance will be led by Thurgood Marshall High School Air Force Junior Reserve Officer Training Corps.

3. **PRESENTATIONS AND RECOGNITIONS** – *There are no Presentations and Recognitions on this agenda.*

4. PUBLIC COMMENTS

An opportunity for the public to address City Council on agenda items or concerns not on the agenda-those wishing to speak must complete the orange comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit.

5. STAFF REPORTS

- (a) City Manager announcements.
- (b) Code Enforcement Task Force update.

6. CONSENT AGENDA

All consent agenda items listed are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a councilmember so requests; in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

- (a) Consider approving the minutes of the special City Council meetings of February 19, 2018.
- (b) Consider an ordinance to amend the regulations and restrictions of PD Planned Development District No. 36 pertaining to building regulations and architectural standards; providing for an amendment to the Comprehensive Plan; and consider the ordinance on the second and final reading. PD No. 36 is located on the southwest corner of the intersection of Bees Passage and Sienna Parkway and includes a shopping center containing a Timewise gas station (4225 Sienna Parkway, Suite 100), a Sienna Cleaners (4225 Sienna Parkway, Suite 300); and a child care center, the Learning Experience at 4112 Bees Loop.

7. PUBLIC HEARINGS AND RELATED ACTIONS

(a) Zoning Public Hearings and Ordinances

- (1) Public hearing to receive comments for or against a request by Stan Winter, Jones | Carter, to amend PD, Planned Development District No. 101 pertaining to the development of a single family residential subdivision; consider a related ordinance providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the related ordinance on the first of two readings. The subject site is located north of the Newpoint Estates residential subdivision, south and west of the Creekmont residential subdivision.

(b) Public Hearings and related actions

- (1) Public hearing to receive comments for or against a proposed ordinance creating Reinvestment Zone No. 19 for tax abatement purposes; encompassing an approximate 6.06-acre tract of land located within the Park 8Ninety commercial subdivision and north of Buffalo Run Park, south of U.S. Highway 90A, east of South Cravens Road, and west of Beltway 8 in Missouri City, Texas; and consider a related ordinance on the first of two readings.

8. APPOINTMENTS – *There are no Appointments on this agenda.*

9. AUTHORIZATIONS

- (a) Consider authorizing the purchase of playground equipment for Community Park.
- (b) Consider authorizing a contract for the remodel of the Community Center restroom facility.

10. ORDINANCES

- (a) Consider an ordinance creating Reinvestment Zone No. 17 for tax abatement purposes; encompassing an approximate 29.18-acre tract of land located north of a CenterPoint Energy Houston Electric LLC easement, south of Pine Meadow Drive, east of Echo Creek Drive, and west of South Cravens Road; and consider the ordinance on the second and final reading.

11. RESOLUTIONS

- (a) Consider a resolution authorizing the Mayor to execute and the City Secretary to attest the tax abatement agreement pertaining to certain improvements to be located on a 29.18-acre tract of land located north of a CenterPoint Energy Houston Electric LLC easement, south of Pine Meadow Drive, east of Echo Creek Drive, and west of South Cravens Road.

12. CITY COUNCIL ANNOUNCEMENTS

Discussion, review, and possible action regarding a meeting or activity of one or more of the following entities (each entity refers to a City of Missouri City entity unless otherwise indicated):

Charter Review Commission, Community Development Advisory Committee, Construction Board of Adjustments, Electrical Board, Parks Board, Planning and Zoning Commission, Tax Increment Reinvestment Zone Boards, Fort Bend Chamber of Commerce, Houston-Galveston Area Council, Fort Bend Regional Council, Texas Municipal League, Fort Bend County, Harris County, Gulf Coast Building and Construction Trades Council, Mayor's Youth Commission, Finances and Services Committee, Fort Bend Leadership Forum, Fort Bend County Drainage District, Economic Development Committee, Missouri City Parks Foundation, Missouri City Police and Fire Auxiliary, Livable Community Committee, Texas Parkway Alliance, High Performance Organization Committee, Missouri City Juneteenth Celebration Foundation, Fort Bend County Mayor and Council Association, METRO, Planning, Development and Infrastructure Committee, Fort Bend Independent School District, Greater Fort Bend Economic Development Coalition, Transportation Policy Council, Community Development Advisory Committee, Veterans Memorial Committee, Missouri City Recreation and Leisure Local Government Corporation, Missouri City Development Authority, and the Greater Houston Partnership and Emergency Management updates.

13. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code.

14. RECONVENE

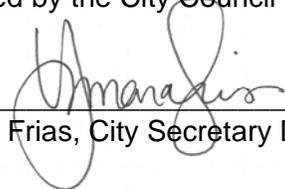
Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

15. ADJOURN

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Maria Jackson, City Secretary, at 281.403.8686.

CERTIFICATION

I certify that a copy of the March 5, 2018, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on March 2, 2018, at 4:00 p.m.



Yomara Frias, City Secretary Department

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2018.

Signed: _____ Title: _____



**Council Agenda Item
March 5, 2018**

1. **ROLL CALL**
 2. **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance will be led by Thurgood Marshall High School Air Force Junior Reserve Officer Training Corps.
 3. **PRESENTATIONS AND RECOGNITIONS** – *There are no Presentations and Recognitions on this agenda.*
 4. **PUBLIC COMMENTS**
An opportunity for the public to address City Council on agenda items or concerns not on the agenda- those wishing to speak must complete the orange comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit.
 5. **STAFF REPORTS**
 - (a) City Manager announcements.
 - (b) Code Enforcement Task Force update.
-

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FLOYD EMERY

Councilmember District D

CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Monday, February 19, 2018**, at the City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Owen called the meeting to order at 5:32 p.m.

Those also present: Councilmembers Wyatt, Boney, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Elmer, Fire Chief Campbell, Director of Development Services Spriggs, Director of Communications Walker, Director of Economic Development Esch, Director of Information Technology Cole, IT Manager Mathew, HOA Liaison Matte, Planning Manager Gomez, and Media Relations Specialist III Stottlemeyer. Also present: Jeff Marcell and John Karras, TIP Strategies; Renee Yan, Community Impact News; Chris Qualls; Frank Hester; and Roy Gilbert. Councilmember Maroulis arrived at 5:36 p.m. Councilmember Preston arrived at 6:06 p.m. Mayor Pro Tem Ford arrived at 6:24 p.m.

2. DISCUSSION/POSSIBLE ACTION

(a) Presentation on the recommendations of the City's Economic Development Plan.

Jeff Marcell provided an overview of the Economic Development Plan presentation. He added the project goal was to prepare a five-year plan for the City that sets realistic objectives through a collaborative process and reflects input from the community, leadership, and marketplace. John Karras proceeded with the vision of the plan as a leading center for investment, redevelopment, and business growth in greater Houston by leveraging the City's existing businesses, its real estate assets, and its skilled and diverse workforce. He defined Economic Development as the growth of Missouri City's commercial tax base and employment so that the City can provide the same, or a higher level of, services to residents while decreasing its reliance on residential property taxes. Mr. Karras proceeded to discuss the strategic goals of the plan as followed: encourage redevelopment of key corridors; create an identity for Missouri City within the greater Houston Metro area; enhance the City's business recruitment and expansion efforts; business retention, expansion, and support the needs of current employers and small businesses; and, invest in new tools and resources for economic development. Mr. Marcell stated the performance metrics were to expand opportunities for local residents, grow the local tax base, strengthen the local real estate market, and attract new business and help existing firms grow. He also presented the staffing and organization of the Economic Development Department and outlined the next steps for the City and plan. Discussion ensued regarding market place needs, retail developments, office developments, and multi-family developments.

(b) Discuss the City Council calendar.

Director of Information Technology Cole and City Secretary Jackson presented and discussed the centralized City Council calendar. HOA Liaison Matte explained how homeowner association meeting invitations would be added to the calendar.

3. ADJOURN

The special City Council meeting adjourned at 6:53 p.m.

ATTEST:

Allen Owen, Mayor

Maria Jackson, City Secretary

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CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, February 19, 2018**, at the City Hall, Council Chamber, 2nd Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 p.m.** to consider the following:

1. **ROLL CALL**

Mayor Owen called the meeting to order at 7:03 p.m.

Those also present: Mayor Pro Tem Ford, Councilmembers Wyatt, Preston, Boney, Maroulis, and Emery, City Manager Snipes, First Assistant City Attorney Kimeu, and City Secretary Jackson. Absent: City Attorney Iyamu.

2. The **PLEDGE OF ALLEGIANCE** was by Assistant City Manager Atkinson.

Councilmember Wyatt thanked everyone for their kind comments and condolences expressed at the last meeting.

There were no **PRESENTATIONS AND RECOGNITIONS**.

4. **PUBLIC COMMENTS**

Bruce Zaborowski, 7915 Chancel, spoke as a 35 year resident who has seen the City growth and requested changes to be made.

Bernice Jasper, 1310 Cowden Court, stated she was bullied by her neighbors and requested assistance from the City.

5. **STAFF REPORTS**

City Manager Snipes announced the following: Municipal Court continued to participate in state wide warrant round up and the Parks and Recreation Department hosted passport to recreation, group piano classes, and various children's events. Snipes gave special kudos to citizens who served on the Mayor's Advisory Committee, the Communications Department for coordinating with River Point Church for a day of service, Tennis Director Christa Escamos for hosting Post-Valentine's Day tournament, and the Public Works, Parks and Recreation and the Finance Departments for coordinating the design and construction for the Community Center Plaza. He also gave kudos to City Secretary Jackson and her team for coordinating the Annual Thank You Reception for board and committee members, Chief Performance Officer Weisenberger and Director of Information Technology Cole along with the Fort Bend Chamber of Commerce for managing the grand opening of the new Visitors Center. Kudos also went out to the City Manager's Office and the Communications Department, Police Department, the Parks and Recreation Department and all of the City's sponsors for a successful 4th Annual Black History Month celebration with the guest appearance of recording artist Travis Scott and Houston Rockets player James Harden. Snipes stated there were a number of discussions taking place regarding the animal shelter and thanked City Council for their commitment. He added plans were in the works to coordinate a meeting with the Missouri City Animal Shelter volunteers and City Staff. Snipes stated the next step for the City would be to create a policy and procedures

manual which would be finalized this month. He stated they also plan to update the Municipal Volunteer Program processes and procedures with outside counsel review. There was also a plan for a veterinarian to visit the animal shelter on a regular basis. Snipes stated there would also be an analysis of cost implications with next steps.

Councilmember Wyatt asked if the Friends of the Missouri City Animal Shelter provided the City with \$42,000 to care for animals. Snipes confirmed the City did not receive \$42,000 in donations from the Friends of the Missouri City Animal Shelter. Councilmember Wyatt noted the City would not be able to verify any inquiries from the Internal Revenue Service regarding such funds. Snipes confirmed as the City does not have access to the organization records.

6. CONSENT AGENDA

- (a) Consider approving the minutes of the special City Council meetings of January 29, 2018, February 2, 2018, and February 3, 2018; and the special and regular City Council meetings of February 5, 2018.
- (b) Consider an ordinance granting a request to amend the rules and regulations of PD Planned Development District No. 11 to allow for the location of an adult day care center; providing a penalty; and consider the ordinance on the second and final reading. PD No. 11 is located north and east of the intersection of Lake Olympia Parkway and State Highway 6 and includes a Public Storage facility (6725 Highway 6); a State Farm Insurance business (6705 Highway 6); a shopping center (6701 Highway 6); and a vacant fast food restaurant building (6855 Highway 6). The proposed adult day care center would be located within a lease space within the shopping center.

Councilmember Boney moved to approve Consent Agenda item 6a pursuant to recommendations by City Staff. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

Planning Manager Gomez proposed amendments to the ordinance for agenda item 6b to include an outdoor recreation area as an exhibit to the ordinance. She added the outdoor recreation language would be added to the ordinance in accordance with the location shown on the exhibit. Councilmember Wyatt agreed with her proposed amendments to the ordinance.

Councilmember Wyatt moved to approve the ordinance as amended for Consent Agenda item 6b. Mayor Pro Tem Ford seconded. **MOTION PASSED UNANIMOUSLY.**

7. PUBLIC HEARINGS AND RELATED ACTIONS

(a) Zoning Public Hearings and Ordinances

- (1) Public hearing to receive comments for or against a request to amend the regulations and restrictions of PD Planned Development District No. 36 pertaining to building regulations-architectural standards; providing for an amendment to the Comprehensive Plan, and consider a related ordinance on the first of two readings. PD No. 36 is located on the southwest corner of the intersection of Bees Passage and Sienna Parkway and includes a shopping center containing a Timewise gas station (4225 Sienna Parkway, Suite 100), a Sienna Cleaners (4225 Sienna Parkway, Suite 300); and a child care center, the Learning Experience at 4112 Bees Loop.

Mayor Pro Tem Ford moved to open the public hearing at 7:20 p.m. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Planning Manager Gomez stated PD No. 36 generally applies the City's architectural design standards as they existed in 2001. The applicant desires to update the regulations contained within PD No. 36 by removing the requirement that all roofs be fully pitched hip-and-gable in style. This update would be consistent with amendments the City has made to its architectural design standards over time and standards applied

throughout the Sienna master planned community. To date, PD No. 36 consists of a shopping center with a gas station and a child care center. The Planning and Zoning Commission forward a positive recommendation and staff recommends approval. Councilmember Wyatt asked if it was a stand-alone facility. Gomez confirmed it was. Councilmember Maroulis spoke about notifying neighboring residents of rezoning projects and inquired if the City could expand the 200 feet radius to 250 radius when doing so. Gomez clarified notices were distributed to residents within the 250 feet radius; however, state law only requires a 200 feet radius notification.

Councilmember Emery moved to close the public hearing at 7:22 p.m. approve the ordinance. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

(b) Public Hearings and related actions

- (1) Public hearing to receive comments on concerns, issues, and resolution options for residential zoned properties adjacent to industrial zoned properties.

Mayor Pro Tem Ford opened the public hearing at 7:24 p.m. Councilmember Wyatt seconded. **MOTION PASSED UNANIMOUSLY.**

City Manager Snipes presented an overview of the public hearing. Director of Development Services Spriggs provided reports from the Code Enforcement Division who tracked calls to the industrial zoned area. Mayor Pro Tem Ford inquired what an 80 decibel sound was. Spriggs stated 80 decibels would be compared to an airplane noise or an unbearable noise. Mayor Pro Tem Ford clarified that a sound wall was different from a masonry wall. Director of Public Works Kumar spoke on the sound wall evaluation and the costs of building a sound wall on both sides of South Gessner Road. Councilmember Wyatt inquired if the land owner could assist with the costs. Assistant City Manager Elmer stated they would meet with the owner to discuss. Councilmember Maroulis inquired about the decibel reduction a sound wall would cause. Kumar stated it could be a 5-20 decibel difference. Mayor Pro Ford stated she received requests for a masonry wall as many residents have had cars enter or crash into their backyard. Kumar stated the wall staff considered was a typical wall that TxDOT would build. Councilmember Wyatt inquired if the City was able to reroute truck traffic. Elmer stated the City has an agreement which included reconstructing Gessner Road to trucks standard for Ben E. Keith to make sure they could use that roadway for truck traffic. Councilmember Boney asked if the masonry wall has been discussed with the homeowners association (HOA). Ford stated it was discussed years ago. Boney asked if the HOA was open to paying for the wall. Mayor Pro Tem Ford stated the HOA was small and did not have the funds to cover expenses.

Sheryl Orloff and Gloria Lucas, board members of the Fondren Park HOA, stated their HOA would be building a sound wall with a cost \$183,000 for 1060 feet. They feel Colony Crossing should pay for the sound wall themselves and not use City funds.

Bruce Zaborowski, 7915 Chancel, discussed City funding for basic necessities such as a sound wall.

Jerry Gardner, 16107 Morgan Run, addressed concerns of increased truck traffic due to the industrial businesses in Colony Crossing. He was seeking assistance to beautify the entrance way, a concrete sound wall, and a firm commitment from Council to help with the project.

Councilmember Wyatt moved to close the public hearing at 7:54 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

There were no **APPOINTMENTS, AUTHORIZATIONS, or ORDINANCES.**

11. RESOLUTIONS

- (a) Consider a resolution adopting the Mustang Bayou/Palmer Plantation Area Wastewater Treatment Master Plan.

Councilmember Wyatt moved to approve the resolution. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

12. CITY COUNCIL ANNOUNCEMENTS

Councilmember Preston stated it was important to listen from the citizens regarding the noise and quality of life concerns and see what the City could do to assist. Councilmember Wyatt thanked the City and staff for a great job on the Black History month celebration events. Mayor Pro Tem Ford reiterated Councilmember Preston's comments. Ford added that Colony Crossing, Fondren Park, and Hunters Glen 1 and 2 concerns would be heard. Councilmember Boney stated it was a pleasure to attend recent City events and meet Ida B. Wells. Mayor Owen congratulated staff on great Black History Month events.

13. ADJOURN

The regular City Council meeting adjourned at 8:01 p.m.

ATTEST:

Allen Owen, Mayor

Maria Jackson, City Secretary



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

March 5, 2018

To: Mayor and City Council
Agenda Item: 6(b) PD, Planned Development District #36 Amendment
Submitted by: Jennifer Thomas Gomez, AICP, Planning Manager

SYNOPSIS

This is the second and final reading of an ordinance to amend the regulations and restrictions of PD, Planned Development District #36 pertaining to building regulations-architectural standards; 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.

PD #36 is located on the southwest corner of the intersection of Bees Passage and Sienna Parkway and includes a shopping center containing a Timewise gas station (4225 Sienna Parkway, Suite 100), a Sienna Cleaners (4225 Sienna Parkway, Suite 300); and a child care center, the Learning Experience at 4112 Bees Loop.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Grow business investments in Missouri City
- Have quality development through buildout

BACKGROUND

PD #36 generally applies the City’s architectural design standards as they existed in 2001. The applicant now desires to update the regulations contained within PD #36 by removing the requirement that all roofs be fully pitched hip-and-gable in style. This update would be consistent with amendments that the City has made to its architectural design standards over time as well standards applied throughout the Sienna master planned community. PD #36 has not yet been built out. To date, PD #36 consists of a shopping center with gas station and a child care center.

Staff recommended approval and the Planning and Zoning Commission forwards a positive recommendation.

City Council approved the item on first reading without changes.

BUDGET ANALYSIS

| Funding Source | Account Number | Project Code/Name | FY__ Funds Budgeted | FY__ Funds Available | Amount Requested |
|----------------|----------------|-------------------|---------------------|----------------------|------------------|
| Budget | N/A | | | | |

Purchasing Review: N/A

Financial/Budget Review: N/A

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. Ordinance
2. Ortho map
3. Notice of public hearing

STAFF'S RECOMMENDATION

Staff recommends approval of the second reading of the ordinance.

Director Approval: Otis Spriggs, AICP, Development Services

**Assistant City Manager/
City Manager Approval:** Scott Elmer, P.E., Assistant City Manager

ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING REGULATIONS IN PD PLANNED DEVELOPMENT DISTRICT NO. 36; REGULATING AND RESTRICTING THE DEVELOPMENT AND USE OF PROPERTY WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, Winland Realty Cypress LLC is the owner of approximately 1.37 acres of land; Trung Tin Investments LLC is the owner of approximately 3 acres of land; Sienna Plantation Levee Improvement District is the owner of approximately 1.27 acres of land; Sienna 101 LLC is the owner of approximately 0.90 acres of land; and Sienna/Johnson North, L.P. is the owner of approximately 14.27 acres of land for a total of approximately 20.81 acres of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, said Property presently has a zoning classification of PD Planned Development District No. 36 pursuant to Ordinance No. O-01-11, adopted on March 19, 2001; and

WHEREAS, Jacob Burgus of TBG Partners, agent of Sienna/Johnson North, L.P., has made application to the City of Missouri City to amend PD Planned Development District No. 36; and

WHEREAS, pursuant to Section 8.3 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of notice to all of the other property owners within PD Planned Development District No. 36; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, a public hearing on such requested amendment; and

WHEREAS, the Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested amendment; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request for a zoning amendment and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. Presently, the Property has a zoning classification of PD Planned Development District No. 36. The Property can be described as being all of the 1.65 acres of Reserve "A" of the Sienna Bees Creek Commercial Park Phase Two Partial Replat No. 1 subdivision recorded under Fort Bend County Clerk's Number 20080147 of the Plat Records of Fort Bend County, Texas; all of the 1.37 acres of Reserve "D-1" and 1.44 acres of Reserve "D-2" of the Sienna Bees Creek Commercial Park Phase Two Partial Replat No. 2 subdivision recorded under Fort Bend County Clerk's Number 20090072 of the Plat Records of Fort Bend County, Texas; all 1.5 acres of Reserve "B-1", 0.90 acres of Reserve "B-2," and 6.34 acres of Reserve "B-3" of the Sienna Bees Creek Commercial Park Phase Two Partial Replat No. 3 subdivision recorded under Fort Bend County Clerk's Number 20160105 of the Plat Records of Fort Bend County, Texas; all 0.3 acres of Reserve "A" and 3 acres of Reserve "B" of the Sienna Bees Creek Commercial Park Phase One subdivision recorded under Fort Bend County Clerk's Number 20010394, Slide 2388A of the Plat Records of Fort Bend County, Texas; and all 1.04 acres of Reserve "C," 2.41 acres of Reserve "E," and 0.86 acres of Reserve "F" of the Sienna Bees Creek Commercial Park Phase Two subdivision recorded under Fort Bend County Clerk's Number 20050056 of the Plat Records of Fort Bend County, Texas. Said Property is depicted in Exhibit "A," attached hereto and made a part hereof for all purposes. Exhibit "A" shall be for reference purposes only. In the event that Exhibit "A" conflicts with the recorded plats, the recorded plats shall prevail.

Section 4. PD Planned Development District No. 36 shall be developed in accordance with the Missouri City Code, including the City of Missouri City Zoning Ordinance, and is subject to the following regulations and restrictions:

- A. Purpose.** The planned development district may allow for an integrated development of mixed non-residential uses, including local retail or commercial uses. Improvements to the site will be designed to enhance the overall urban design and nature of the surrounding area.
- B. Use Regulations.** In the planned development district no building, structure or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged unless otherwise provided in this Ordinance.

The following uses are only allowed within the zones designated on Exhibit "B" as set forth below:

1. Zones A, B, C, and D: LC-2 local retail district uses.
2. Zones A, B, C, and D: Bakeries with no manufacturing; furniture showrooms with no warehousing; retail stores; and customary accessory uses to these permitted uses.
3. Zones B and C: Gasoline sales.
4. Zones C and D: Mini-warehouses.
5. Zone D: Outdoor boat and recreational vehicle storage uses, as long as boats and recreational vehicles are screened from public view from all roadways and residential properties by buildings, structures or brick walls.

C. Height and Area Regulations. The height and area regulations for LC-3 retail districts contained in Subsection 7.12.C, height and area regulations, of the City of Missouri City Zoning Ordinance shall apply.

D. Building Regulations.

1. **Gross Floor Area.** The gross floor area for buildings located within the planned development district shall be shown on all site plans submitted.
2. **Lighting.** Lighting shall be shielded to prevent illumination at the boundary of adjacent property in excess of 0.25 foot candle of average general light overflow or 0.50 foot candle at any point on such boundary.

E. Architectural Design Standards. Except as set forth herein, all buildings and structures constructed in the planned development district shall be constructed in accordance with Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.

1. All buildings and structures that have a commercial building permit application filed with the City of Missouri City on or before the effective date of this Ordinance shall be subject to the regulations of the former A-10 Architectural Overlay Zoning District, as amended, and shall be constructed in accordance with the architectural standards in existence on or before the effective date of this Ordinance.

2. All buildings and structures within the development shall be similar in design and style. Samples of all exterior color schemes and materials shall be submitted for approval prior to the issuance of any building permits.
 3. All downspouts, exterior utility receptacles, and service boxes on buildings shall be painted either to match the surrounding predominant color to blend or to match an accent color.
 4. The frames and mullions of all windows and doors containing storefront glass panels shall be anodized. Any service exterior doors consisting of a material other than storefront glass panels shall be painted the predominant surrounding color to blend.
 5. Any roof-top mechanical equipment shall be screened by roofing or parapet walls, and any ground-mounted mechanical equipment shall be screened by a combination of landscaping and masonry walls consisting of the material approved for the exteriors of all buildings and structures.
- F. Sound.** Sound emanating from the planned development district shall comply with the Missouri City Code, except that the amplification of sound outside of buildings shall be prohibited.
- G. Trash Disposal and Service Areas.** All trash disposal and service areas shall be located to the side or rear of buildings, and shall not be within view of residential properties or roadways. All trash disposal and service areas shall be screened by masonry enclosures, a minimum of eight (8) feet in height, constructed of the material approved for the exteriors of all buildings and structures. Gates for such enclosures shall consist of metal, the color to match roofing.
- H. Landscaping, Screening and Transitional Buffer Yards.** Except as set forth herein, the landscaping regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.
1. Canopy trees, spaced thirty (30) feet or less on center, and a solid hedge of shrubs or a combination of berms and shrubs, shall be planted along all property lines.
 2. All driveways and any driveway medians shall be landscaped in areas not within the right-of-way with a mixture of shrubs and perennial and annual flowering plants.
- I. Ingress and Egress.** All driveways and off-street parking areas shall comply with the City Infrastructure Code. The City's Major Thoroughfare

Plan shall govern locations and alignments of major thoroughfares within the planned development district.

- J. Parking Regulations.** The parking regulations contained in Section 12, Parking Regulations, of the City of Missouri City Zoning Ordinance shall apply.
- K. Sign Regulations.** The sign regulations for nonresidential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply.
- L. Fence Regulations.** Except as set forth herein, the fence regulations for LC-3 retail districts contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance shall apply.

 - 1. Any fencing shall consist of either a masonry wall consisting of the same material approved for the exteriors of the principal building and structures, wrought iron, or a combination of the two.
- M. Outdoor Display.** There shall be no outdoor display.
- N. Outdoor Storage.** Except as set forth in Section 4.B.5 herein related to outdoor storage of boats and recreational vehicles, there shall be no outdoor storage.
- O. Outside Sales.** There shall be no outside sales, except that associated with gasoline sales.
- P. Sidewalks.** Except as set forth herein, all sidewalks shall comply with the Missouri City Code.

 - 1. Sidewalks, a minimum of six (6) feet in width, shall be constructed either within or adjacent to the transitional buffer yard along all major thoroughfares, as designated on the City's Major Thoroughfare Plan.
 - 2. Sidewalks, a minimum of four (4) feet in width, shall be constructed either within or adjacent to the transitional buffer yards along all other roadways.
- Q. Trails.** The construction of hike-and-bike trails located within the planned development district, which is located on the City's Master Trail Plan, shall comply with the City Infrastructure Code.
- R. Development Schedule.** Pursuant to Section 8, PD Planned Development District, of the City of Missouri City Zoning Ordinance, this

Ordinance shall expire on the fifth anniversary of the date the first planned development district amendment application was filed if no progress has been made towards the completion of the project.

Section 5. The Zoning District Map of the City of Missouri City shall be revised and amended to show the zoning classification of said approximately 20.81-acre tract of land as provided in Section 3 hereof, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of this change.

Section 6. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, save and except the changes described in this Ordinance and the imposition of the findings, regulations, restrictions, and conditions contained herein.

Section 7. *Comprehensive plan deviation.* To the extent this Ordinance represents any deviation from the Future Land Use and Character map of the City of Missouri City Comprehensive Plan, such map is hereby amended to conform with this Ordinance.

Section 8. *Repeal.* Ordinance Number O-01-11, adopted by the City Council of the City of Missouri City on March 19, 2001, is hereby repealed. Any ordinance or any other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 9. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this Zoning Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this Zoning Ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 10. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this _____ day of _____, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this _____ day of _____, 2018.

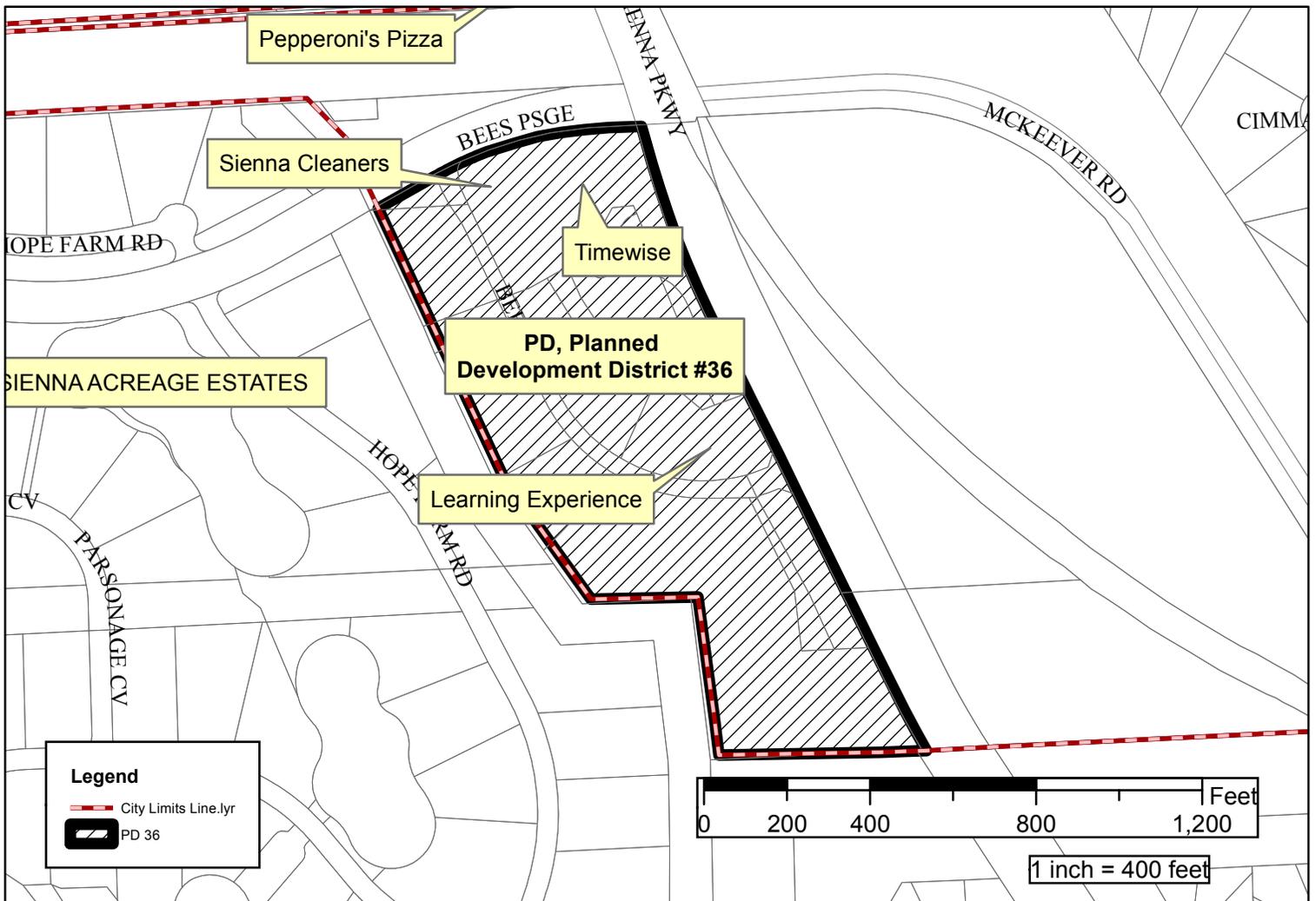
Allen Owen, Mayor

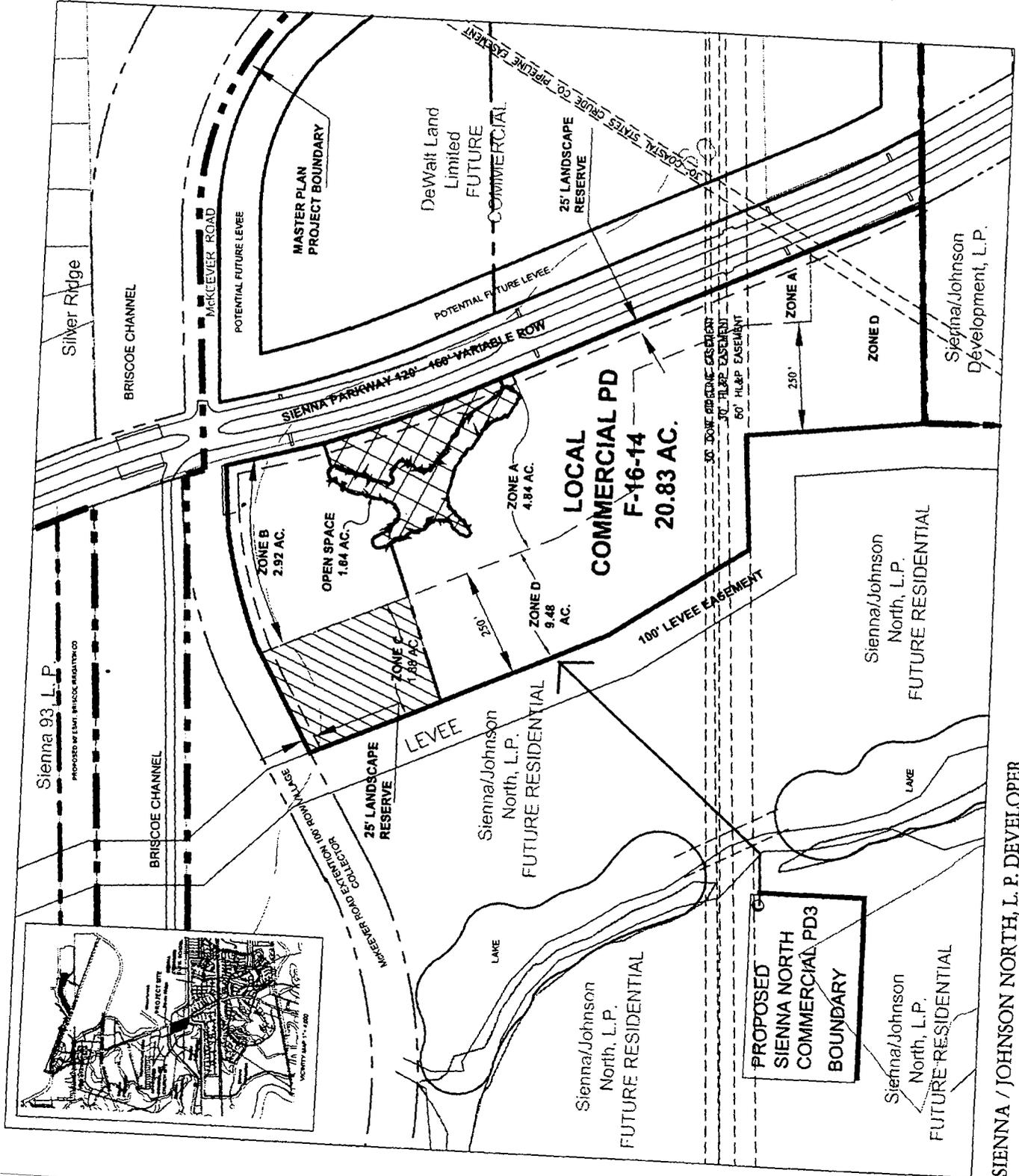
ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney





SUMMARY

| | |
|------------------|--------------------|
| Local Commercial | 19.19 Acres |
| Open Space | 1.64 Acres |
| PD TOTAL | 20.83 ACRES |

PARCELIZATION & LAND USE PLAN
 SIENNA NORTH COMMERCIAL P D 3
 SIENNA PLANTATION

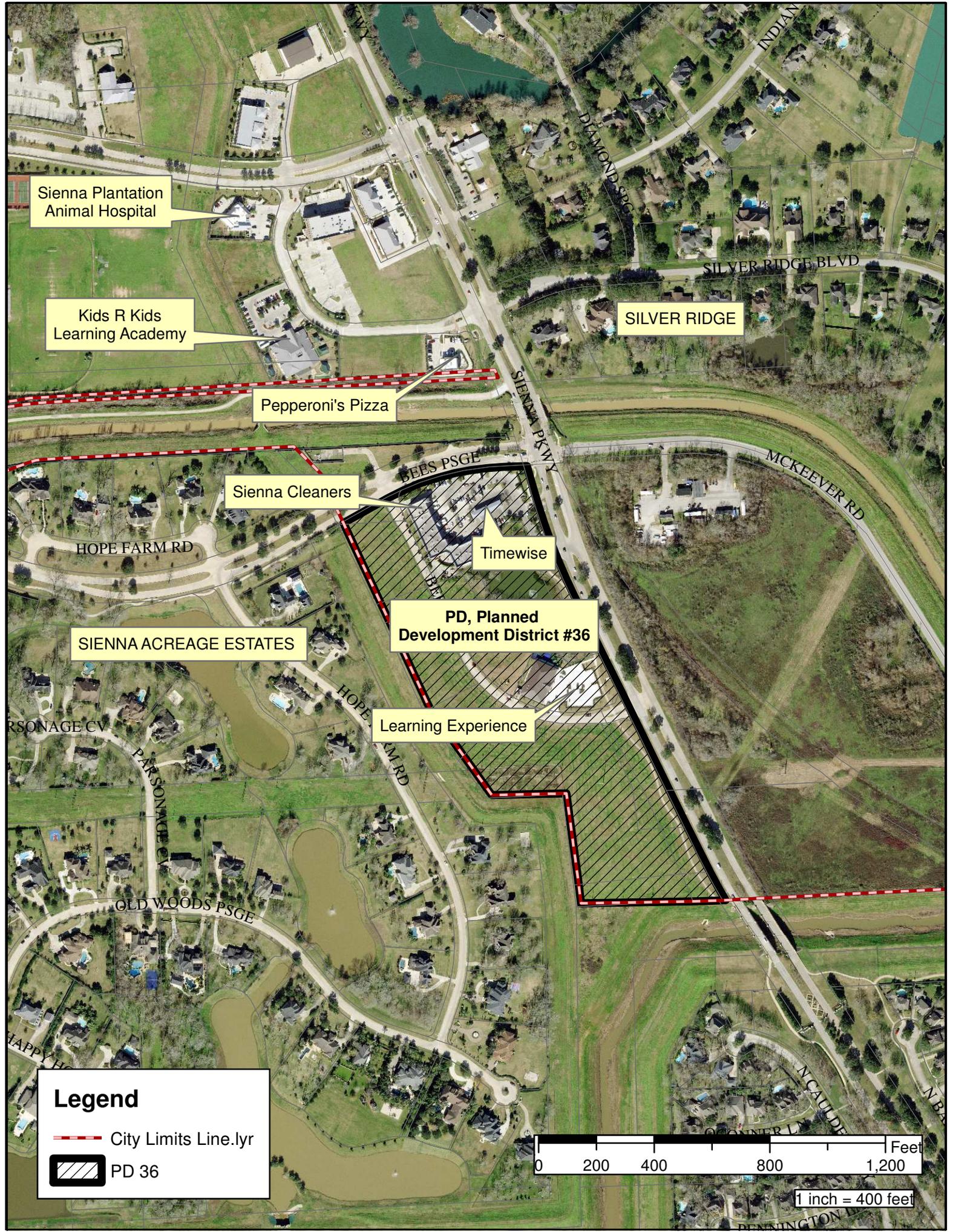
FEB 21 2001

COSTELLO, INC. ENGINEERS

SCALE: 1" = 50'

S L A STUDIO LAND INC. LAND PLANNERS

SIENNA / JOHNSON NORTH, L. P. DEVELOPER



Sienna Plantation
Animal Hospital

Kids R Kids
Learning Academy

Pepperoni's Pizza

Sienna Cleaners

Timewise

PD, Planned
Development District #36

SIENNA ACREAGE ESTATES

Learning Experience

SILVER RIDGE

Legend

 City Limits Line.lyr

 PD 36



1 inch = 400 feet

NOTICE OF PUBLIC HEARING

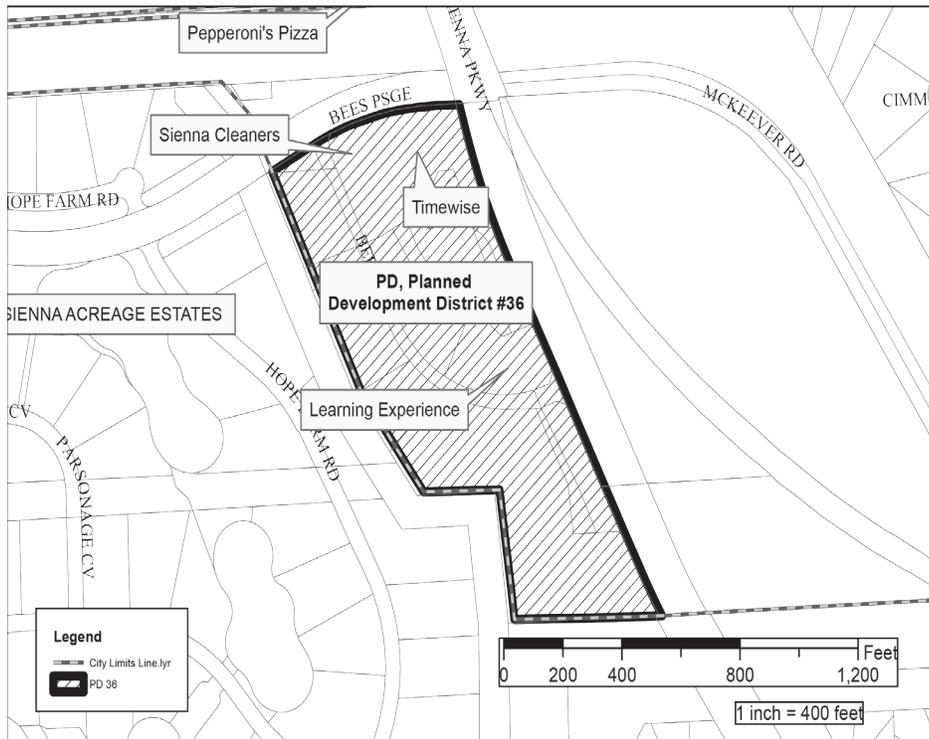
LOCATION/DATE: The City Council of the City of Missouri City will hold a public hearing on Monday, February 19, 2018, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

PURPOSE: To receive comments for or against a request by Jacob Burgus, TBG Partners to amend the regulations and restrictions of PD 36, Planned Development District #36 pertaining to Building Regulations-Architectural Standards; 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.

SITE LOCATION: PD #36 is located on the southwest corner of the intersection of Bees Passage and Sienna Parkway and includes a shopping center containing a Timewise gas station (4225 Sienna Parkway, Suite 100), a Sienna Cleaners (4225 Sienna Parkway, Suite 300); and a child care center, the Learning Experience at 4112 Bees Loop.

SITE LEGAL DESCRIPTION: PD #36 can be described as being a 20.83 acre tract of land located in the Thomas Barnett Survey, A-7, in Fort Bend County, Texas; said 20.83 acre tract being out of a call 228.815 acre tract of land recorded in the name of Sienna/Johnson North, L.P. in Clerk's File Number 2000003918 of the Official Records of Fort Bend County, Texas.

FOR MORE INFORMATION: Additional information and a map of the subject site are available for review at City Hall, Missouri City, Texas on Monday through Friday from 8:00 a.m. to 4:00 p.m. You may call 281-403-8600 or email the Development Services Department-Planning Division at planning@missouricitytx.gov for further information.





CITY COUNCIL AGENDA ITEM COVER MEMO

March 5, 2018

To: Mayor and City Council
Agenda Item: 7(a)(1) PD, Planned Development District No. 101 amendment
Submitted by: Jennifer Thomas Gomez, AICP, Planning Manager

SYNOPSIS

This is the first of two readings of an ordinance to amend PD, Planned Development District No. 101 pertaining to the development of a single family residential subdivision; 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.

PD No. 101 is located north of the Newpoint Estates residential subdivision, south and west of the Creekmont residential subdivision.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Have quality development through buildout

BACKGROUND

PD No. 101 was approved in January 2017 to allow for a single family residential development. PD No. 101 provides that the development, being called Shipmans Cove, may consist of no more than 280 lots. The PD adopted additional regulations and restrictions including the provision for minimum lot sizes, architectural, landscaping and requirements for certain gates or barricades.

Since PD No. 101 was approved, residents of both the Creekmont and Newpoint Estates subdivisions have been in discussion with the Shipmans Cove developer to seek options that might address concerns with the proposed development.

Based upon the input provided by residents, the developer now seeks to make amendments to PD No. 101 to include the following:

- Reducing the maximum number of lots permitted from 280 to 274;
- Provide minimum 60 foot width lots around the perimeter of the subdivision where adjacent to both the Creekmont and the Newpoint Estates residential subdivisions;
- Provide a minimum 20 foot wide buffer along the boundary of the proposed subdivision;
- Remove the street connections into the Creekmont and the Newpoint Estates residential subdivision;
- Revise the development schedule.

Staff recommended approval of the above with the condition from the Fire Marshal's office that a secondary point of access from the proposed subdivision could be eliminated if certain conditions are met. These conditions include the minimum paved roadway width of 36 feet at both the main entrance and the area located immediately to the east of the detention pond shown on the revised site plan.

The Planning and Zoning Commission forwards a positive recommendation.

BUDGET ANALYSIS

| Funding Source | Account Number | Project Code/Name | FY__ Funds Budgeted | FY__ Funds Available | Amount Requested |
|----------------|----------------|-------------------|---------------------|----------------------|------------------|
| N/A | | | | | |

Purchasing Review: N/A
Financial/Budget Review: N/A

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. Ordinance
2. Ordinance O-17-03
3. Draft Planning and Zoning Commission meeting minutes (February 14, 2018)
4. Planning and Zoning Commission final report
5. Application
6. Owner authorization
7. Ortho map
8. Site pictures
9. Notice of public hearing
10. Notice of public hearing to adjoining property owners
11. Mailing labels for adjoining property owners
12. Rezoning application protest letters analysis
13. Protest letters received from property owners within 200 feet (5 letters received)

STAFF'S RECOMMENDATION

Staff recommends approval of the first reading of the ordinance.

Director Approval: Otis Spriggs, AICP, Development Services

**Assistant City Manager/
City Manager Approval:** Scott Elmer, P.E., Assistant City Manager

ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING REGULATIONS IN PD PLANNED DEVELOPMENT DISTRICT NO. 101; REGULATING AND RESTRICTING THE DEVELOPMENT AND USE OF PROPERTY WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, Larry B. Briggs and Alfred L. Deaton are the owners of approximately 95.31 acres of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, the Property presently has a zoning classification of PD Planned Development District No. 101 under Ordinance No. O-17-03, adopted on January 3, 2017; and

WHEREAS, the owners' agent, Stan Winter of Jones & Carter, Inc., has made application to the City of Missouri City to amend PD Planned Development District No. 101; and

WHEREAS, pursuant to Section 8.3 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of unified ownership or control of all the property within Planned Development District No. 101; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, a public hearing on such requested amendment; and

WHEREAS, the City of Missouri City Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant certain amendments; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request for zoning amendments and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. Presently, the Property has a zoning classification of PD Planned Development District No. 101. The Property is more fully described in the legal description in Exhibit “A,” attached hereto and made a part hereof for all purposes, and is depicted in Exhibit “A-1,” attached hereto and made a part hereof for all purposes. Exhibit “A-1” shall be for reference purposes only. In the event that Exhibit “A-1” conflicts with Exhibit “A,” Exhibit “A” shall prevail.

Section 4. The planned development district shall be developed in accordance with the Missouri City Code, including the City of Missouri City Zoning Ordinance, specifically all regulations that apply to R-2 single-family residential districts, and is subject to the following regulations and restrictions:

- A. Purpose.** The planned development district may include single-family dwellings. Improvements to the site shall be designed to enhance the overall urban design and nature of the surrounding area.
- B. Use regulations.** In the planned development district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance.

The following use shall be allowed:

- 1. Any use permitted in an R-2 single-family residential district.
- C. Height and area regulations.** Except as set forth herein, the height and area regulations for R-2 single-family residential districts contained in Subsection 7.3 of the City of Missouri City Zoning Ordinance shall apply.
 - 1. Lots that are adjacent to the Creekmont subdivision and the Newpoint Estates subdivision shall be a minimum of 60 feet in width as provided in the site layout plan, Exhibit “B,” attached hereto and made a part hereof for all purposes.
 - 2. A maximum of 274 lots are allowed.
- D. Architectural design standards.** The following architectural design standards shall apply.
 - 1. For single-family residential dwellings, primary exterior finishes shall comprise a minimum of 70 percent of any exterior walls facing a residential street, collector or thoroughfare, excluding windows and doors. Primary exterior finishes shall only include brick, stone (natural, cast or cultured-textured), stucco, and glass.
 - 2. For single-family residential dwellings, secondary exterior finishes may comprise no more than 30 percent of any exterior walls facing a residential street, collector or thoroughfare, excluding windows and doors. Secondary exterior finishes shall include wood, architectural metals, and fiber cement siding.

3. The following construction materials are prohibited on exterior walls:
 - a. Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic or fiberglass panels;
 - b. Smooth or untextured concrete surfaces;
 - c. Exterior insulated finish systems; and
 - d. Unfired or underfired clay, sand or shale brick.
4. No single exterior finish material shall cover more than 80 percent of the front of any single-family residential dwelling.

E. Landscaping regulations. Except as set forth herein, the landscaping regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.

1. Except as provided herein, one canopy tree shall be planted and maintained within the front yard of each residential lot. Two canopy trees shall be planted and maintained within the front yard of each residential lot that is 60 feet wide or greater.
2. One tree shall be planted and maintained within 15 feet of a street-side lot line per 50 feet of lot frontage on the side streets or portion thereof.
3. At planting, each tree shall have a minimum 3-inch caliper and a minimum height of 10 feet measured from the ground level.
4. Trees shall be planted within street medians. One tree per 30 linear feet of the median or a portion thereof is required. A homeowners' association or property owner association shall own and be responsible for maintaining trees planted within such street medians.
5. Trees may be clustered or spaced linearly.
6. A minimum of 20 percent of open space, inclusive of any required detention, shall be provided as set forth in the landscape, recreation and open space plan, Exhibit "C," attached hereto and made a part hereof for all purposes. A homeowners' association or property owner association shall own and be responsible for maintaining such open space.
7. An active recreational area shall be developed in a minimum 1.5 acre site as set forth in Exhibit "C."
8. A buffer yard, a minimum of twenty (20) feet deep, shall be installed and maintained along the boundary of the development as depicted in Exhibit "B." Restrictive covenants or a similar document that requires a

homeowners' association or property owner association to be responsible for maintaining such buffer yard shall be filed in the real property records of the county in which the Property is located.

- F. Fire apparatus access roads.** Two unobstructed traffic lanes maintaining a minimum width of 36 feet to a point of intersection with the first through roadway into the development shall be provided at the location designated as "main entrance" and at the area located immediately to the east of the detention pond as depicted in Exhibit "B."
- G. Development schedule.** Pursuant to Section 8, PD Planned Development District, of the City of Missouri City Zoning Ordinance, the Property shall be developed in accordance with the development schedule, Exhibit "D," attached hereto and made a part hereof for all purposes. This Ordinance shall expire on the fifth anniversary of the date the first permit application was filed for this project, provided no progress has been made toward the completion of this project.

Section 5. The Zoning District Map of the City of Missouri City shall be revised and amended to show the zoning classification of the Property with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of these changes.

Section 6. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, save and except the changes in zoning classification described in Section 3 hereof and the imposition of the findings, regulations, restrictions and conditions contained herein.

Section 7. *Comprehensive plan deviation.* To the extent this Ordinance represents any deviation from the Future Land Use and Character map of the City of Missouri City Comprehensive Plan, such map is hereby amended to conform with this Ordinance.

Section 8. *Repeal.* Ordinance No. O-17-03, adopted by the City Council of the City of Missouri City on January 3, 2017, is hereby repealed. Any ordinance or any other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 9. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this Zoning Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this Zoning Ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 10. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this ___ day of _____, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this ___ day of _____, 2018.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

Briggs Tract
95.31 Acres

Moses Shipman League
Abstract No. 86

STATE OF TEXAS §

COUNTY OF FORT BEND §

A **METES & BOUNDS** description of a certain 95.31 acre tract of land situated in the Moses Shipman League, Abstract No. 86 in Fort Bend County, Texas, being out of a called 358.1824 acre tract of land conveyed to Larry B. Briggs (50%) and Alfred L. Deaton III (50%) by Special Warranty Deed recorded in Clerk's File No. 9409260 of the Fort Bend County Official Public Records; said 95.31 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

BEGINNING at a found 5/8-inch iron rod at the southeast corner of said 358.1824 acre tract, common with the southwest corner of Creekmont Sec. 2, plat of which is recorded in Plat No. 20060069 of the Fort Bend County Plat Records, being in the north line of Newpoint Estates Sec. 3, plat of which is recorded in Slide No. 1231B, 1232A&B and 1233A of the Fort Bend County Plat Records;

THENCE, South 87°19'12" West, along the south line of said 358.1824 acre tract, common with the north line of said Newpoint Estates Sec. 3, at 206.71 feet (0.33' left) passing a found 5/8-inch iron rod, at 455.26 feet (0.19' left) passing a found 5/8-inch iron rod, at 705.36 feet (on line) passing a found 5/8-inch iron rod, at 1066.21 feet (0.25' right) passing a found 5/8-inch iron rod, at 1126.29 feet (0.26' right) passing a found 5/8-inch iron rod, at 1970.15 feet (at 0.19' right) passing a found 5/8-inch iron rod, in all a total distance of 2633.42 feet to a point in the approximate centerline of a drainage ditch;

THENCE, along said approximate centerline, the following eleven (11) courses and distances:

1. North 23°17'54" East, 755.54 feet to a point for corner;
2. North 20°30'21" East, 221.85 feet to a point for corner;
3. North 11°15'15" East, 123.59 feet to a point for corner;
4. North 19°58'23" West, 59.92 feet to a point for corner;
5. North 03°34'07" West, 137.68 feet to a point for corner;
6. North 26°07'05" West, 128.82 feet to a point for corner;
7. North 32°43'46" West, 195.78 feet to a point for corner;
8. North 23°21'22" West, 115.11 feet to a point for corner;
9. North 20°00'27" West, 127.03 feet to a point for corner;
10. North 17°47'33" West, 200.03 feet to a point for corner;
11. North 34°48'49" West, 53.93 feet to a point for corner;

Briggs Tract
95.31 Acres

Moses Shipman League
Abstract No. 86

THENCE, North 21°32'17" East, 215.37 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") at the beginning of a non-tangent curve to the left;

THENCE, along the arc of said non-tangent curve to the left having a radius of 1100.00 feet, a central angle of 18°04'37", an arc length of 347.05 feet, and a long chord bearing South 77°34'37" East, 345.61 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, North 03°23'04" East, 100.00 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") in the south line of a proposed 3.390 acre tract at the beginning of a non-tangent curve to the left;

THENCE, partially along said south line and along the arc of said non-tangent curve to the left having a radius of 1000.00 feet, a central angle of 10°38'28", an arc length of 185.72 feet, and a long chord bearing North 88°03'50" East, 185.46 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, North 82°44'36" East, 157.09 feet to a found 3/4-inch iron rod (with cap stamped "Cotton Surveying") at the beginning of a curve to the left and the southwest corner of a called 0.500 acre tract to the City of Missouri City recorded in Clerk's File No. 2005029324 of the Fort Bend County Official Public Records;

THENCE, along the south line of said 0.500 acre tract and the arc of said curve to the left having a radius of 1096.00 feet, a central angle of 05°32'12", an arc length of 105.91 feet, and a long chord bearing North 79°58'30" East, 105.87 feet to a point at the southeast corner of said 0.500 acre tract, common with the southeast corner of a called 0.500 acre tract to the City of Missouri City by Special Warranty Deed recorded in Clerk's File No. 2005008353 of the Fort Bend County Official Public Records and the westernmost northwest corner of Creekmont Sec. 1, plat of which is recorded in Plat No. 20060058 of the Fort Bend County Plat Records, being in an east line of the aforementioned 358.1824 acre tract;

THENCE, South 03°09'13" East, along an east line of said 358.1824 acre tract, common with the west line of said Creekmont Sec. 1, at 101.01 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), in all a total distance of 611.26 feet to a found 5/8-inch iron rod (with cap stamped "Carter Burgess") at an interior corner of said 358.1824 acre tract, common with the southwest corner of said Creekmont Sec. 1;

THENCE, North 86°50'19" East, along an interior line of said 358.1824 acre tract, common with the south line of said Creekmont Sec. 1, at 160.88 feet (0.23' left) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 291.52 feet (0.17' left) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 659.71 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 809.88 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 1209.72 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 1409.64 feet (0.22' right) passing a found 5/8-inch iron rod (bent), at 1459.82 feet (0.49' right) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), in all a total distance of 1616.81 feet to a found 5/8-inch iron rod at northernmost southeast corner of said 358.1824 acre tract, common with the southeast corner of said Creekmont Sec. 1 and the westernmost northwest corner of the aforementioned Creekmont Sec. 2;

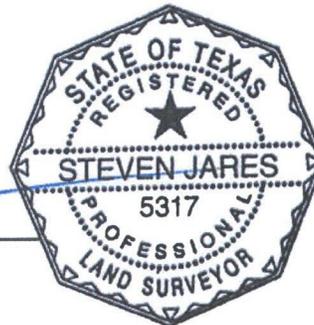
Briggs Tract
95.31 Acres

Moses Shipman League
Abstract No. 86

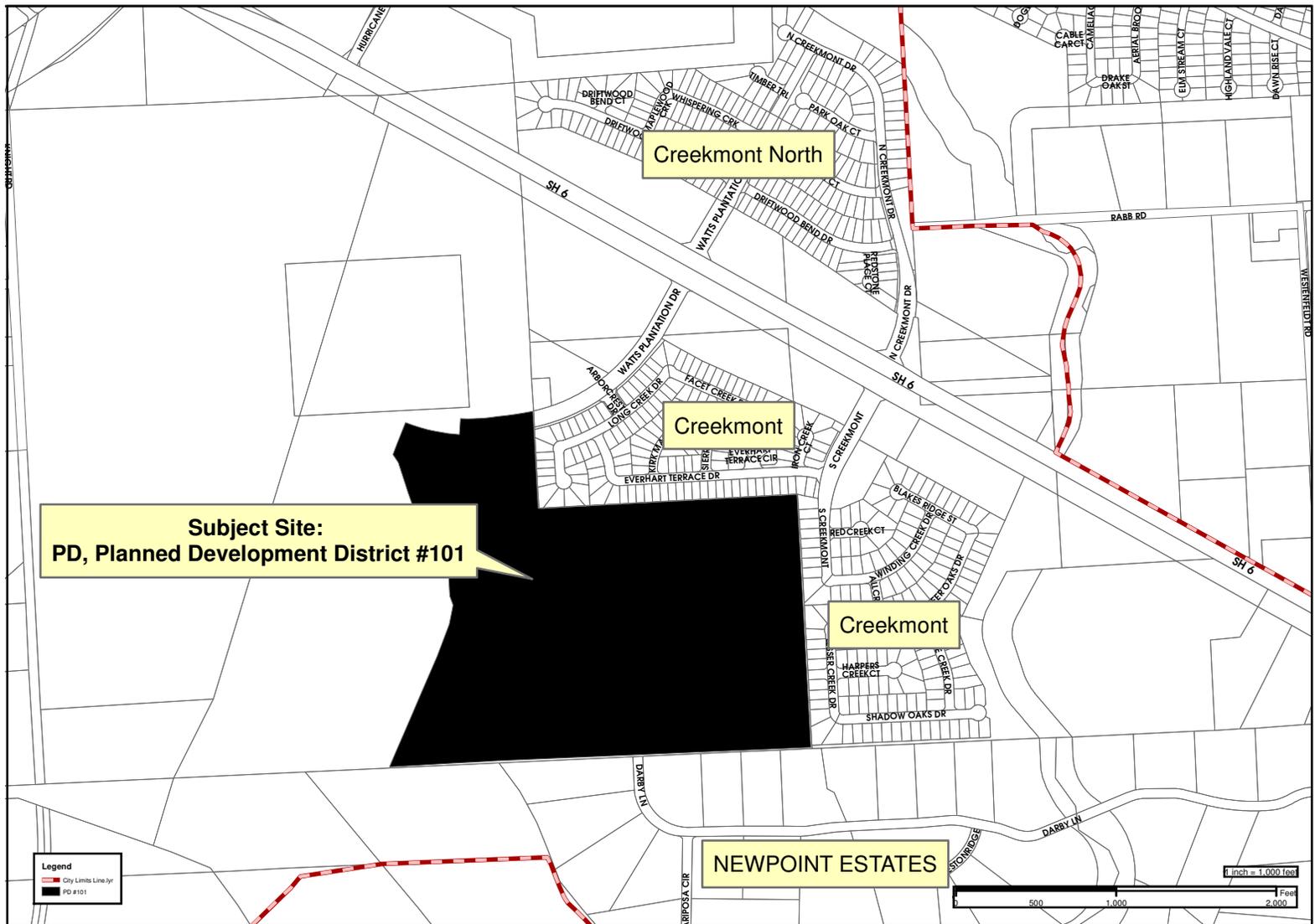
THENCE, South 03°07'52" East, along an east line of said 358.1824 acre tract, common with the west line of said Creekmont Sec. 2, at 89.26 feet (on line) passing a found 5/8-inch iron rod, at 273.01 feet (0.14' right) passing a found 5/8-inch iron rod, at 334.28 feet (on line) passing a found 5/8-inch iron rod, at 676.10 feet (0.26' right) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 833.24 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 904.42 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 1565.18 feet (0.19' left) passing a found 5/8-inch iron rod with cap, in all a total distance of 1585.22 feet to the **POINT OF BEGINNING, CONTAINING** 95.31 acres of land in Fort Bend County, Texas, as shown on Drawing No. 9683 in the office of Jones | Carter in Bellaire, Texas.

Revised: June 22, 2016

Jones | Carter
6330 West Loop South, Suite 150
Bellaire, Texas 77401
(713) 777-5337
Texas Board of Professional Land Surveying
Registration No. 10046100



Steven Jares
Acting By/Through Steven Jares
Registered Professional Land Surveyor
No. 5317
Slares@jonescarter.com



A Schematic Plan - 274 Total Lots

 149 Lots (50' x 125' Typ.)

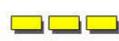
 125 Lots (60' x 125' Typ.)



0' 100' 200' 400'

SCALE: 1"=400'
1"=400' AT 11"x17"
DATE: 12.15.2017

THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE PENDING A DETAILED BOUNDARY SURVEY. THIS PLAN HAS NOT BEEN REVIEWED BY ANY GOVERNMENTAL AGENCY. ADDITIONAL STREETS AND/OR DRAINAGE PROVISIONS MAY BE REQUIRED. THIS PLAN IS AN ARTIST'S CONCEPTION AND IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY. ALL PLANS FOR FACILITIES OR LAND USES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

-  Pedestrian Trail/Sidewalk
-  Required Recreation Reserve



THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE PENDING A DETAILED BOUNDARY SURVEY. THIS PLAN HAS NOT BEEN REVIEWED BY ANY GOVERNMENTAL AGENCY. ADDITIONAL STREETS AND/OR DRAINAGE PROVISIONS MAY BE REQUIRED. THIS PLAN IS AN ARTIST'S CONCEPTION AND IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY. ALL PLANS FOR FACILITIES OR LAND USES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

SHIPMANS COVE PLANNED DEVELOPMENT PRELIMINARY DEVELOPMENT SCHEDULE

PHASE 1: Approximately 98 Lots

- A. 2nd Quarter 2018: Design and plan review and approval
- B. 1st Quarter 2019: Begin on site construction
- C. 3rd Quarter 2019: Construction complete
- D. 1st Quarter 2020: Begin occupancy.

PHASE 2: Approximately 102 Lots

The following is an estimate based on favorable market conditions and current sales pace of similar products in the area:

- A. 1st Quarter 2020: Design and plan review and approval
- B. 3rd Quarter 2020: Begin on site construction
- C. 2nd Quarter 2021: Construction complete
- D. 3rd Quarter 2021: Begin occupancy.

PHASE 3: Approximately 74 Lots

The following is an estimate based on favorable market conditions and current sales pace of similar products in the area:

- A. 3rd Quarter 2021: Design and plan review and approval
- B. 2nd Quarter 2022: Begin on site construction
- C. 4th Quarter 2022: Construction complete
- D. 1st Quarter 2023: Begin occupancy.

ORDINANCE NO. O-17-03

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, ZONING 95.31 ACRES OF LAND TO PD PLANNED DEVELOPMENT DISTRICT NO. 101; DESCRIBING SAID 95.31 ACRES OF LAND; REGULATING AND RESTRICTING THE DEVELOPMENT AND USE OF PROPERTY WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, Larry B. Briggs and Alfred L. Deaton are the owners of approximately 95.31 acres of land within the corporate limits of the City of Missouri City, Texas (the "Property"); and

WHEREAS, the Property presently has a designation of SD suburban district pursuant to Ordinance No. O-87-7, adopted on April 6, 1987; and

WHEREAS, the owners' agent, Stan Winter of Jones & Carter, Inc., has made application to the City of Missouri City to zone the Property to PD Planned Development District; and

WHEREAS, pursuant to Section 8.2 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of unified ownership or control of all of the Property; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, a public hearing on such proposed zoning classification; and

WHEREAS, the City of Missouri City Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested zoning classification; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request for zoning classification and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Property is hereby zoned to PD Planned Development District No. 101. The Property is more fully described in the legal description in Exhibit "A," attached

hereto and made a part hereof for all purposes, and is depicted in Exhibit "A-1," attached hereto and made a part hereof for all purposes. Exhibit "A-1" shall be for reference purposes only. In the event that Exhibit "A-1" conflicts with Exhibit "A," Exhibit "A" shall prevail.

Section 4. The planned development district shall be developed in accordance with the Missouri City Code, including the City of Missouri City Zoning Ordinance, specifically all regulations that apply to R-2 single-family residential districts, and is subject to the following regulations and restrictions:

- A. Purpose.** The planned development district may include single-family dwellings. Improvements to the site shall be designed to enhance the overall urban design and nature of the surrounding area.
- B. Use regulations.** In the planned development district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance.

The following use shall be allowed:

- 1. Any use permitted in an R-2 single-family residential district.
- C. Height and area regulations.** Except as set forth herein, the height and area regulations for R-2 single-family residential districts contained in Subsection 7.3 of the City of Missouri City Zoning Ordinance shall apply.
 - 1. Lots that are adjacent to the Creekmont subdivision shall be a minimum of 60 feet in width as set forth in the site layout plan, Exhibit "B," attached hereto and made a part hereof for all purposes.
 - 2. A maximum of 280 lots are allowed.
 - D. Architectural design standards.** The following architectural design standards shall apply.
 - 1. For single-family residential dwellings, primary exterior finishes shall comprise a minimum of 70 percent of any exterior walls facing a residential street, collector or thoroughfare, excluding windows and doors. Primary exterior finishes shall only include brick, stone (natural, cast or cultured-textured), stucco, and glass.
 - 2. For single-family residential dwellings, secondary exterior finishes may comprise no more than 30 percent of any exterior walls facing a residential street, collector or thoroughfare, excluding windows and doors. Secondary exterior finishes shall include wood, architectural metals, and fiber cement siding.
 - 3. The following construction materials are prohibited on exterior walls:

- a. Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic or fiberglass panels;
 - b. Smooth or untextured concrete surfaces;
 - c. Exterior insulated finish systems; and
 - d. Unfired or underfired clay, sand or shale brick.
4. No single exterior finish material shall cover more than 80 percent of the front of any single-family residential dwelling.

E. Landscaping regulations. Except as set forth herein, the landscaping regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.

1. Except as provided herein, one canopy tree shall be planted and maintained within the front yard of each residential lot. Two canopy trees shall be planted and maintained within the front yard of each residential lot that is 60 feet wide or greater.
2. One tree shall be planted and maintained within 15 feet of a street-side lot line per 50 feet of lot frontage on the side streets or portion thereof.
3. At planting, each tree shall have a minimum 3-inch caliper and a minimum height of 10 feet measured from the ground level.
4. Trees shall be planted within street medians. One tree per 30 linear feet of the median or a portion thereof is required. A homeowners' association or property owner association shall own and be responsible for maintaining trees planted within such street medians.
5. Trees may be clustered or spaced linearly.
6. A minimum of 20 percent of open space, inclusive of any required detention, shall be provided as set forth in the landscape, recreation and open space plan, Exhibit "C," attached hereto and made hereof for all purposes. A homeowners' association or property owner association shall own and be responsible for maintaining such open space.
7. An active recreational area shall be developed in a minimum 1.5 acre site as set forth in Exhibit "C."

F. Required gates or barricades.

1. A secured gate shall be installed and maintained at the eastern boundary of the planned development district and Harpers Creek Court as depicted in Exhibit "B." Such gate shall comply with the specifications required by

the Fire Code for the installation and maintenance of gates across fire apparatus access roads, trails or other accessways.

2. An open space for emergency access use shall be maintained at the southern boundary of the planned development district and Darby Lane as depicted in Exhibit "B". Such open space shall comply with the specifications required by the Fire Code for the design and maintenance of fire apparatus access roads. A fence shall be installed and maintained within such open space located at the southern boundary of the planned development district and Darby Lane. Such fence shall comply with the specifications required by the Fire Code for the installation and maintenance of barricades across fire apparatus access roads, trails or other accessways.

G. Development schedule. Pursuant to Section 8, PD Planned Development District, of the City of Missouri City Zoning Ordinance, the Property shall be developed in accordance with the development schedule, Exhibit "D," attached hereto and made a part hereof for all purposes. This Ordinance shall expire on the fifth anniversary of the date the first permit application was filed for this project, provided no progress has been made toward the completion of this project.

Section 5. The Zoning District Map of the City of Missouri City shall be revised and amended to show the zoning classification of the Property with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of these changes.

Section 6. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, save and except the changes in zoning classification described in Section 3 hereof and the imposition of the findings, regulations, restrictions and conditions contained herein.

Section 7. *Comprehensive plan deviation.* To the extent this Ordinance represents any deviation from the Future Land Use and Character map of the City of Missouri City Comprehensive Plan, such map is hereby amended to conform with this Ordinance.

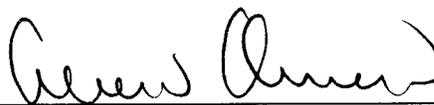
Section 8. *Repeal.* Any ordinance or any other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 9. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this Zoning Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this Zoning Ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 10. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

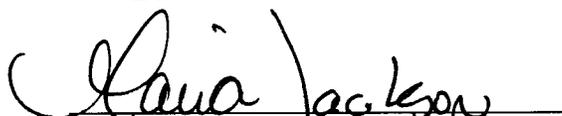
PASSED and APPROVED on first reading this 6th day of September, 2016.

PASSED, APPROVED and ADOPTED on second and final reading this 3rd day of January, 2017.



Allen Owen, Mayor

ATTEST:


Maria Jackson, City Secretary

APPROVED AS TO FORM:


E. Joyce Iyamu, City Attorney

Briggs Tract
95.31 Acres

Moses Shipman League
Abstract No. 86

STATE OF TEXAS §

COUNTY OF FORT BEND §

A **METES & BOUNDS** description of a certain 95.31 acre tract of land situated in the Moses Shipman League, Abstract No. 86 in Fort Bend County, Texas, being out of a called 358.1824 acre tract of land conveyed to Larry B. Briggs (50%) and Alfred L. Deaton III (50%) by Special Warranty Deed recorded in Clerk's File No. 9409260 of the Fort Bend County Official Public Records; said 95.31 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

BEGINNING at a found 5/8-inch iron rod at the southeast corner of said 358.1824 acre tract, common with the southwest corner of Creekmont Sec. 2, plat of which is recorded in Plat No. 20060069 of the Fort Bend County Plat Records, being in the north line of Newpoint Estates Sec. 3, plat of which is recorded in Slide No. 1231B, 1232A&B and 1233A of the Fort Bend County Plat Records;

THENCE, South 87°19'12" West, along the south line of said 358.1824 acre tract, common with the north line of said Newpoint Estates Sec. 3, at 206.71 feet (0.33' left) passing a found 5/8-inch iron rod, at 455.26 feet (0.19' left) passing a found 5/8-inch iron rod, at 705.36 feet (on line) passing a found 5/8-inch iron rod, at 1066.21 feet (0.25' right) passing a found 5/8-inch iron rod, at 1126.29 feet (0.26' right) passing a found 5/8-inch iron rod, at 1970.15 feet (at 0.19' right) passing a found 5/8-inch iron rod, in all a total distance of 2633.42 feet to a point in the approximate centerline of a drainage ditch;

THENCE, along said approximate centerline, the following eleven (11) courses and distances:

1. North 23°17'54" East, 755.54 feet to a point for corner;
2. North 20°30'21" East, 221.85 feet to a point for corner;
3. North 11°15'15" East, 123.59 feet to a point for corner;
4. North 19°58'23" West, 59.92 feet to a point for corner;
5. North 03°34'07" West, 137.68 feet to a point for corner;
6. North 26°07'05" West, 128.82 feet to a point for corner;
7. North 32°43'46" West, 195.78 feet to a point for corner;
8. North 23°21'22" West, 115.11 feet to a point for corner;
9. North 20°00'27" West, 127.03 feet to a point for corner;
10. North 17°47'33" West, 200.03 feet to a point for corner;
11. North 34°48'49" West, 53.93 feet to a point for corner;

Briggs Tract
95.31 Acres

Moses Shipman League
Abstract No. 86

THENCE, North 21°32'17" East, 215.37 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") at the beginning of a non-tangent curve to the left;

THENCE, along the arc of said non-tangent curve to the left having a radius of 1100.00 feet, a central angle of 18°04'37", an arc length of 347.05 feet, and a long chord bearing South 77°34'37" East, 345.61 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, North 03°23'04" East, 100.00 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") in the south line of a proposed 3.390 acre tract at the beginning of a non-tangent curve to the left;

THENCE, partially along said south line and along the arc of said non-tangent curve to the left having a radius of 1000.00 feet, a central angle of 10°38'28", an arc length of 185.72 feet, and a long chord bearing North 88°03'50" East, 185.46 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, North 82°44'36" East, 157.09 feet to a found 3/4-inch iron rod (with cap stamped "Cotton Surveying") at the beginning of a curve to the left and the southwest corner of a called 0.500 acre tract to the City of Missouri City recorded in Clerk's File No. 2005029324 of the Fort Bend County Official Public Records;

THENCE, along the south line of said 0.500 acre tract and the arc of said curve to the left having a radius of 1096.00 feet, a central angle of 05°32'12", an arc length of 105.91 feet, and a long chord bearing North 79°58'30" East, 105.87 feet to a point at the southeast corner of said 0.500 acre tract, common with the southeast corner of a called 0.500 acre tract to the City of Missouri City by Special Warranty Deed recorded in Clerk's File No. 2005008353 of the Fort Bend County Official Public Records and the westernmost northwest corner of Creekmont Sec. 1, plat of which is recorded in Plat No. 20060058 of the Fort Bend County Plat Records, being in an east line of the aforementioned 358.1824 acre tract;

THENCE, South 03°09'13" East, along an east line of said 358.1824 acre tract, common with the west line of said Creekmont Sec. 1, at 101.01 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), in all a total distance of 611.26 feet to a found 5/8-inch iron rod (with cap stamped "Carter Burgess") at an interior corner of said 358.1824 acre tract, common with the southwest corner of said Creekmont Sec. 1;

THENCE, North 86°50'19" East, along an interior line of said 358.1824 acre tract, common with the south line of said Creekmont Sec. 1, at 160.88 feet (0.23' left) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 291.52 feet (0.17' left) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 659.71 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 809.88 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 1209.72 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 1409.64 feet (0.22' right) passing a found 5/8-inch iron rod (bent), at 1459.82 feet (0.49' right) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), in all a total distance of 1616.81 feet to a found 5/8-inch iron rod at northernmost southeast corner of said 358.1824 acre tract, common with the southeast corner of said Creekmont Sec. 1 and the westernmost northwest corner of the aforementioned Creekmont Sec. 2;

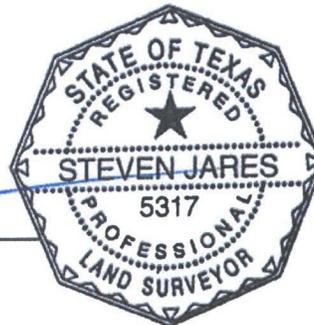
Briggs Tract
95.31 Acres

Moses Shipman League
Abstract No. 86

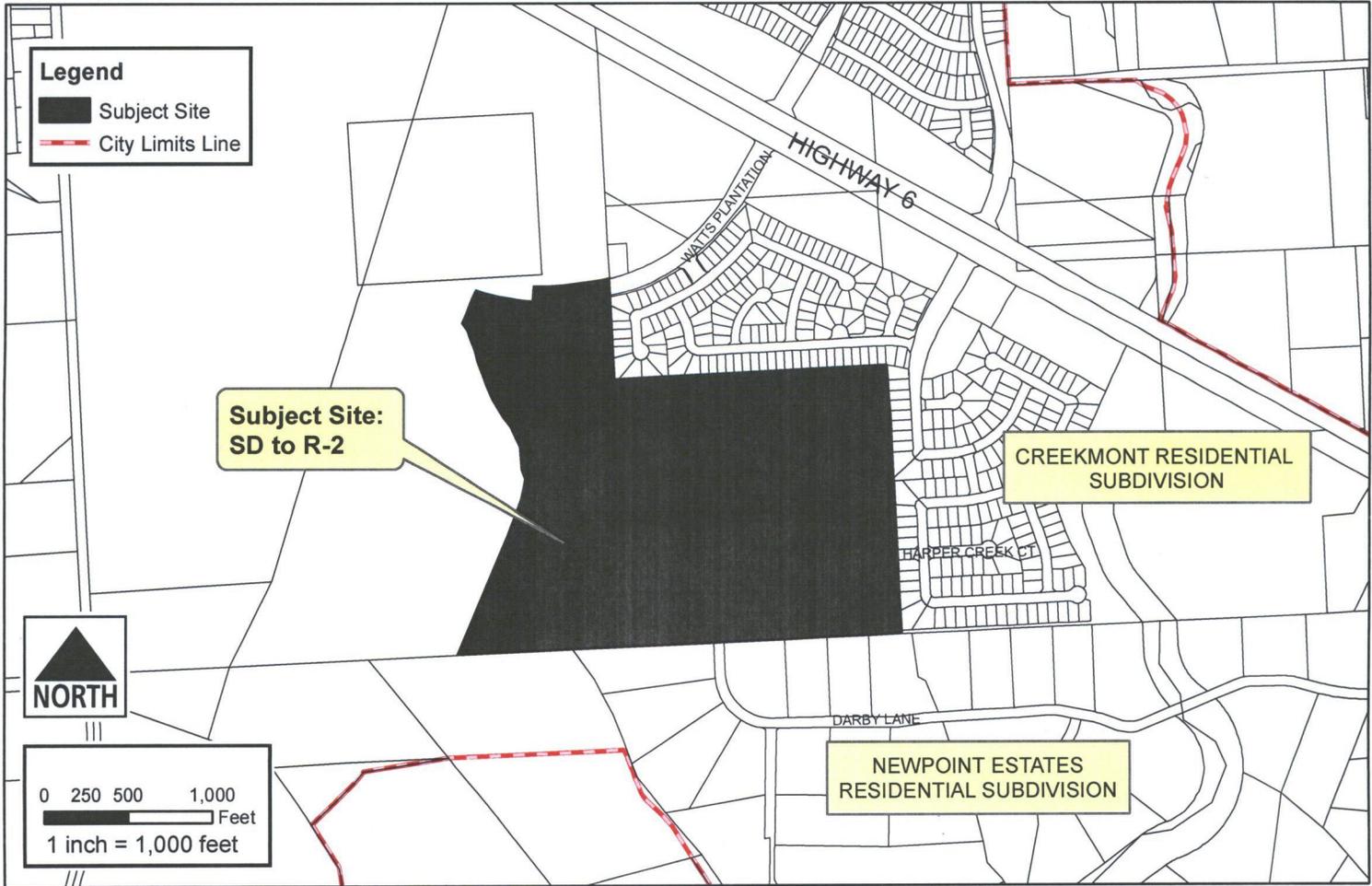
THENCE, South 03°07'52" East, along an east line of said 358.1824 acre tract, common with the west line of said Creekmont Sec. 2, at 89.26 feet (on line) passing a found 5/8-inch iron rod, at 273.01 feet (0.14' right) passing a found 5/8-inch iron rod, at 334.28 feet (on line) passing a found 5/8-inch iron rod, at 676.10 feet (0.26' right) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 833.24 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 904.42 feet (on line) passing a found 5/8-inch iron rod (with cap stamped "Carter Burgess"), at 1565.18 feet (0.19' left) passing a found 5/8-inch iron rod with cap, in all a total distance of 1585.22 feet to the **POINT OF BEGINNING, CONTAINING** 95.31 acres of land in Fort Bend County, Texas, as shown on Drawing No. 9683 in the office of Jones | Carter in Bellaire, Texas.

Revised: June 22, 2016

Jones | Carter
6330 West Loop South, Suite 150
Bellaire, Texas 77401
(713) 777-5337
Texas Board of Professional Land Surveying
Registration No. 10046100



Steven Jares
Acting By/Through Steven Jares
Registered Professional Land Surveyor
No. 5317
Slares@jonescarter.com



A Schematic Plan - 278 Total Lots

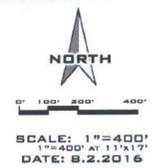
-  166 Lots (50' x 125' TYP.)
-  112 Lots (60' x 125' TYP.)



SCALE: 1"=400'
1"=400' AT 11"x17"
DATE: 8.3.2016

THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE PENDING A DETAILED BOUNDARY SURVEY. THIS PLAN HAS NOT BEEN REVIEWED BY ANY GOVERNMENTAL AGENCY. ADDITIONAL STREETS AND/OR DRAINAGE PROVISIONS MAY BE REQUIRED. THIS PLAN IS AN ARTIST'S CONCEPTION AND IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY. ALL PLANS FOR FACILITIES OR LAND USES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

-  Pedestrian Trail/Sidewalk
-  Required Recreation Reserve



THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE PENDING A DETAILED BOUNDARY SURVEY. THIS PLAN HAS NOT BEEN REVIEWED BY ANY GOVERNMENTAL AGENCY. ADDITIONAL STREETS AND/OR DRAINAGE PROVISIONS MAY BE REQUIRED. THIS PLAN IS AN ARTIST'S CONCEPTION AND IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY. ALL PLANS FOR FACILITIES OR LAND USES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

**SHIPMANS COVE PLANNED DEVELOPMENT
PRELIMINARY DEVELOPMENT SCHEDULE**

PHASE 1: Approximately 106 Lots

- A. Third Quarter 2016: Design and plan review and approval
- B. 2nd Quarter 2017: Begin on site construction
- C. Fourth Quarter 2017: Construction complete
- D. First Quarter 2018: Begin occupancy.

PHASE 2: Approximately 100 Lots

The following is an estimate based on favorable market conditions and current sales pace of similar products in the area:

- A. Third Quarter 2017: Design and plan review and approval
- B. Second Quarter 2018: Begin on site construction
- C. Fourth Quarter 2018: Construction complete
- D. First Quarter 2019: Begin occupancy.

PHASE 3: Approximately 72 Lots

The following is an estimate based on favorable market conditions and current sales pace of similar products in the area:

- A. Third Quarter 2018: Design and plan review and approval
- B. Second Quarter 2019: Begin on site construction
- C. Fourth Quarter 2019: Construction complete
- D. First Quarter 2020: Begin occupancy.



MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
February 14, 2018

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 Brown-Marshall, at 7:00 PM.

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Douglas Parker
Hugh Brightwell
Len Goff, Jr.
Tim Haney
John O'Malley
Ramesh Anand

Commissioners Absent: Commissioner Rose, Commissioner Pearson

Councilmembers Present:

Staff Present:

Otis T. Spriggs, Director of Development Services
Evelyn Kimeu, First Assistant City Attorney
Jennifer Hobbs, Assistant City Engineer
Jennifer Gomez, Planning Manager
Thomas White, Planner II
Jared DeFoore, Fire Marshal's office, Senior Investigator/Inspector
Egima Brown, Planning Technician

Others Present:

Brannon Boozer, Junius Williams, Greg McKenzie, Shaun Minooe, Cindy Forney, Adrian Matteucci, SEM Services, Mary Ross, V. Perkins, Geoff Freeman, Jeff Glass, Sheri Glass, Wanda Benton

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. Pursuant to the Texas Open Meetings Act, the Planning and Zoning Commission went into Executive Session at 7:04 p.m.

Texas Government Code, Section 551.071 – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: Agenda item 7.A. – PD, Planned Development District No. 101.

RECONVENE

The Planning and Zoning Commission reconvened into Regular Session and Consider Action, if any, on items discussed, at 7:14 p.m.

7. ZONING MAP AMENDMENTS

A. PUBLIC HEARING FOR A PLANNED DEVELOPMENT

- (1) Public hearing to receive comments for or against a request by Stan Winter, Jones | Carter, to amend PD, Planned Development District No. 101 pertaining to the development of a single family residential subdivision; 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 Newpoint Estates residential subdivision, south and west of the Creekmont residential subdivision

Mrs. Jennifer Gomez presented this item stating that PD No. 101 was approved in 2017 by City Council. The proposed amendments include (1) requiring minimum 60 foot width lots along the perimeter of the subdivision where adjacent to both the Creekmont and Newpoint Estates subdivisions; (2) reduce the maximum number of lots permitted to 274; (3) provide a minimum 20 foot buffer along the boundary of the proposed subdivision; (4) remove street connections into the Creekmont and Newpoint Estates subdivisions.

Staff recommends approval with the caveat that the homeowner's association or another entity is identified by deed restrictions to maintain the buffer area proposed. Additional open spaces, required by the ordinance, also requires the homeowner's association or another entity.

Mary Ross, 2507 Shadow Oaks, President of the Creekmont homeowner's association and Cindy Forney, 1919 Mossback Circle, president of the Newpoint Estates homeowner's association. Ms. Ross stated that she and Ms. Forney have partnered to come to a resolution on the amendments presented. The Creekmont and Newpoint Estates subdivisions are seeking a positive recommendation for the amendments presented. The Fire Marshal's input is valued and that both subdivisions are looking forward to the amendments being presented to the City Council to allow for a planned development that benefits all of the interested parties.

Jeff Glass, Everhart Terrace Drive, stated concerns about water and flooding.

Motion: To close the public hearing.

Made By: Chairman Brown-Marshall
Second: Commissioner Anand

AYES: Chairman Brown-Marshall, Commissioner Anand,
Commissioner Brightwell, Commissioner O'Malley,
Commissioner Goff, Commissioner Haney, Commissioner
Parker

NAYS: None
ABSTENTATIONS: None

The motion passed.

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

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

Made By: Commissioner Haney
Second: Commissioner Goff Jr

AYES: Chairman Brown-Marshall, Commissioner Anand,
Commissioner Brightwell, Commissioner O'Malley,
Commissioner Goff, Commissioner Haney, Commissioner
Parker

NAYS: None
ABSTENTIONS: None

The motion passed.



**PLANNING AND ZONING COMMISSION
FINAL REPORT**

AGENDA DATE: March 5, 2018

AGENDA ITEM SUBJECT: Shipmans Cove – PD, Planned Development
District #101 amendment

AGENDA ITEM NUMBER: 7.(a).(1)

PROJECT PLANNER: **Jennifer Thomas Gomez, AICP**, Planning
Manager

APPROVAL: **Otis T. Spriggs, AICP**, Director, Development
Services

Sonya Brown-Marshall, Planning and Zoning
Commission Chair



Sonya Brown Marshall, Chair

PERMIT NUMBER: 1800220

PROPERTY ID: 0086-86-005-0500-907

LOCATION: The subject site is located north of the Newpoint
Estates residential subdivision, south and west of
the Creekmont residential subdivision.

RECOMMENDED ACTION:

There are no proposed changes to the City's Comprehensive Plan or Future Land Use map.

The Planning and Zoning Commission adopts this as its Final Report and forwards it to City Council with a **positive recommendation** for consideration and adoption thereof.

SUMMARY:

PD #101 was approved in January 2017 to allow for a single family residential development. PD #101 provides that the development, being called Shipmans Cove, may consist of no more than 280 lots. The PD adopted additional regulations and restrictions including the provision for minimum lot sizes, architectural, landscaping and requirements for certain gates or barricades.

Since PD #101 was approved, residents of both the Creekmont and Newpoint Estates subdivisions have been in discussion with the Shipmans Cove developer to seek options that might address concerns with the proposed development.

Based upon the input provided by residents, the developer now seeks to make amendments to PD #101. A revised Site Layout Plan (Exhibit B-2), dated December 15, 2017, has been provided. This revised plan reconfigures the width of the primary access road connecting from Watts Plantation Drive and would create two potential roadways to access areas deeper in the subdivision. This design is being proposed to address Fire Code requirements for at least two points of access based upon the number of lots along a single roadway. Additional revisions were made including the provision of more 60 foot lots; a reduction in the overall total number of lots; and a 20 foot open space buffer around the perimeter of the proposed subdivision.

**REQUIREMENTS FOR A PD DISTRICT AMENDMENT APPLICATION
(Section 8.3)**

- A. Ownership documentation:** The applicant has submitted proof of ownership of the all of the property within the PD district in the manner proscribed by Section 8.3.A.
 - B. Legal description of site:**
The subject site can be described as being an approximate an 95.31 acre tract of land situated in the Moses Shipman League, A-86, Fort Bend County, Texas, being out of that certain called 358.1824 acre tract of land conveyed to Larry B. Briggs (50%) and Alfred L. Deaton III (50%) by Special Warranty Deed recorded in Clerk’s File Number 9409260 of the Fort Bend County Official Public Records.
 - C. Site Plan:**
A proposed site plan has been submitted which constitutes the required site plan. A site plan, if adopted and approved by the city council, shall become part of the PD district ordinance and shall be adhered to, as specified in the ordinance, by the owner, developer, and his successors in interest.
 - D. Total acreage:** 95.31 acres
 - E. Minimum design standards:**
The applicant has submitted a General Development Plan.
 - F. Development schedule.** See information in report below.
-

GENERAL SITE INFORMATION:

A. Existing land use and zoning designation: Unimproved / PD, Planned Development District #101

B. Surrounding land uses and zoning designations:

North: Creekmont residential subdivision / R-2, single family residential district

South: Newpoint Estates residential subdivision / R-1, single family residential district

East: Creekmont residential subdivision / R-2, single family residential district

West: Unimproved / SD, suburban district

C. Zoning history:

04-06-1987: Subject site annexed by the City of Missouri City and classified SD, suburban district (Ordinance O-87-7)

01-03-2017: Subject site zoned PD, Planned Development District #101 (Ordinance O-17-03)

SITE PLAN AND USE REGULATIONS (Subsection 8.2.C. and 8.5 of the City's Zoning Ordinance)

Except as set forth herein, there are no changes proposed to PD #101.

Since PD #101 was approved, residents of both the Creekmont and Newpoint Estates subdivisions have been in discussion with the Shipmans Cove developer to seek options that might address concerns with the proposed development.

The lettering sequence below is based upon Ordinance O-17-03.

C. Height and area regulations. Except as set forth herein, no changes are proposed to PD #101.

The Shipmans Cove developer has submitted revised site layout plans and proposed the following recommended amendments to PD #101.

- Lots adjacent to Creekmont and Newpoint Estates shall be a minimum of 60 feet in width;
- Maximum of 274 lots permitted.

Ordinance O-17-03 requires the following:

- Lots that are adjacent to the Creekmont subdivision shall be a minimum of 60 feet in width...
- A maximum of 280 lots are allowed.

Staff recommended: To approve the proposed amendments which remain consistent with the regulations of the R-2, single family residential district.

Planning and Zoning Commission recommends: To approve as staff recommended.

E. Landscaping regulations. Except as set forth herein, no changes are proposed to PD #101.

The Shipmans Cove developer has submitted revised site layout plans and proposed the following recommended amendments to PD #101:

- A minimum 20 foot wide buffer shall be provided along the boundary of the proposed subdivision as shown on the revised site layout plans.

Section 11.4, zoning ordinance requires the following:

| Adjoining Uses | Minimum Buffer Yard Depth | Required Screening |
|---|---|---|
| For a residential use adjoining a residential use OR adjoining undeveloped property located in a residential district of a different density: | Depth option (a): Ten feet; or (b): Twenty feet | Type A screening if Depth option (a) is installed; Type B screening if Depth option (b) is installed Exception: (1) Type B screening with a minimum depth of 20 feet shall be installed when the adjacent residential use in a residential district is separated from the proposed residential use by a public or private street |

Staff recommended: To approve the proposed amendments provided that an entity such as the homeowner’s association is identified as being responsible for the maintenance of this area.

Planning and Zoning Commission recommends: To approve as staff recommended.

F. Required gates or barricades.

The Shipmans Cove developer has submitted revised site layout plans and proposed the following recommended amendments to PD #101:

- Street connections between the proposed subdivision, Shipmans Cove and the Creekmont subdivision or the Newpoint Estates subdivision will not be constructed.

Ordinance O-17-03 requires the following:

1. A secured gate shall be installed and maintained at the eastern boundary of the planned development district and Harpers Creek Court as depicted in Exhibit “B”. Such gate shall comply with the specifications required by the Fire Code for the installation and maintenance of gates across fire apparatus access roads, trails or other accessways.
2. An open space for emergency access use shall be maintained at the southern boundary of the planned development district and Darby Lane as depicted in Exhibit “B”. Such open space shall comply with the specifications required by the Fire Code for the design and maintenance of fire apparatus access roads. A fence shall be installed and maintained within such open space located at the southern boundary of the planned development district and Darby Lane. Such fence shall comply with the specifications required by the Fire Code for the installation and maintenance of barricades across fire apparatus access roads, trails or other accessways.

Staff recommended: The Fire Marshal’s office has considered the revised site layout plan and has provided that the minimum roadway width would have to be increased to 36 feet at both the main entrance and the area located immediately to the east of the detention pond. If this design is incorporated then it may eliminate the requirement for a secondary point of access.

Planning and Zoning Commission recommends: To approve as staff recommended.

G. Development schedule.

A revised development schedule has been provided and should be used to update the current schedule that was approved as Exhibit “D” of Ordinance O-17-03.

-----**END OF REPORT**-----



DEVELOPMENT SERVICES DEPARTMENT
Planning & Development Division
 1522 Texas Parkway
 Missouri City, Texas 77489
 281-403-8600 (Office) ■ 281-208-5551 (Fax)
 www.missouricitytx.gov

APPLICATION FOR:

- Check One:
 SPECIFIC USE PERMIT
 SPECIFIC USE PERMIT AMENDMENT
 PLANNED DEVELOPMENT DISTRICT
 PLANNED DEVELOPMENT DISTRICT AMENDMENT

SEE EXHIBITS "A" (PAGE 7), "B", AND "C" (PAGE 8)
 FOR INFORMATION REQUIRED FOR COMPLETE APPLICATION SUBMITTAL

Date of Application:

| | | | |
|---|--|---|---------------------------------------|
| 1. Project Name: | SHIPMAN'S CAVE | | |
| 2. Address/Location of Property: | 9H 6 AT WATTS PLANTATION DRIVE | | |
| 3. Applicant's Name: | JONES CARTER | | |
| Mailing Address: | 1575 SANDUST ROAD | | |
| Phone No.:(281) 363-4039 | | | |
| Email: | SWINTER@JONES CARTER.COM | | |
| 4. Status of Applicant: | Owner | <input checked="" type="checkbox"/> Agent | Attorney Trustee Corporation Relative |
| (If other than Owner, submit written authorization from Owner with application.) | | | |
| 5. Property Owner: | LARRY B BRIGGS AND ALDEAN L. DEBTON, III | | |
| Mailing Address: | 1100 UPTOWN BOULEVARD, SUITE 42 | | |
| Phone No.:(713) 621-4820 | 713 229-7739 | | |
| Email: | lbriggs@msn.com | aldeaton@reyrey.com | |
| 6. Existing Zoning District: | S7 | | |
| 7. Total Acreage: | 95.31 | | |
| 8. Proposed Development and Reasons for Application: | PLANNED DEVELOPMENT | | |
| THE PURPOSE OF THE AMENDMENT IS TO PERMIT SINGLE FAMILY SUBDIVISION | | | |
| 9. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bound description of the tract must be submitted with application.): | SEE ATTACHED METES & BOUNDS DESCRIPTION. | | |
| 10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts): | 0086-86-005-0500-907 | | |
| 11. Do deed restrictions or restrictive covenants exist for the property? (Circle One): | YES | <input checked="" type="radio"/> NO | |
| (If yes, submit with application.) | | | |
| 12. Does this application include an Architectural Design Review: (Circle One): | YES | <input checked="" type="radio"/> NO | |
| (If yes, see page 8, Exhibit C for materials required to be submitted.) | | | |
| FILING FEE: | | \$1,200.00 | |

Hand deliver completed application form with the filing fee and required information to:

Development Services Department
1522 Texas Parkway (FM 2234)
Missouri City, TX 77489

By submitting this application you are permitting City staff to enter the site in order to post and remove public notice signs.

STAN WINTER, AICP.
 Print Name of Applicant
Stan Winter
 Signature of Applicant

Larry B. Briggs
 Print Name of Property Owner
Larry B. Briggs
 Signature of Property Owner, Agent or Attorney



DEVELOPMENT SERVICES DEPARTMENT
Planning & Development Division
 1522 Texas Parkway
 Missouri City, Texas 77489
 281-403-8600 (Office) ■ 281-208-5551 (Fax)
 www.missouricitytx.gov

APPLICATION FOR:

Check One:

- SPECIFIC USE PERMIT
- SPECIFIC USE PERMIT AMENDMENT
- PLANNED DEVELOPMENT DISTRICT
- PLANNED DEVELOPMENT DISTRICT AMENDMENT

SEE EXHIBITS "A" (PAGE 7), "B", AND "C" (PAGE 8)
FOR INFORMATION REQUIRED FOR COMPLETE APPLICATION SUBMITTAL

Date of Application:

| | | | |
|---|--|---|---------------------------------------|
| 1. Project Name: | SHIPMAN'S CAVE | | |
| 2. Address/Location of Property: | SH 6 AT WATTS PLANTATION DRIVE | | |
| 3. Applicant's Name: | JONES CARTER | | |
| Mailing Address: | 1575 SANDUST ROAD | | |
| Phone No.:(281) 363-4039 | | | |
| Email: | SWINTER@JONESCARTER.COM | | |
| 4. Status of Applicant: | Owner | <input checked="" type="checkbox"/> Agent | Attorney Trustee Corporation Relative |
| (If other than Owner, submit written authorization from Owner with application.) | | | |
| 5. Property Owner: | LARRY B BRIGGS AND ALFRED L. DEATON, III | | |
| Mailing Address: | 1100 UPTOWN BOULEVARD, SUITE 42 | | |
| Phone No.:(713) 621-4820 | 713 229-7739 | | |
| Email: | lbriggs@msn.com aldeaton@reyrey.com | | |
| 6. Existing Zoning District: | S1D | | |
| 7. Total Acreage: | 95.31 | | |
| 8. Proposed Development and Reasons for Application: | PLANNED DEVELOPMENT | | |
| 9. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bound description of the tract must be submitted with application.): | THE PURPOSE OF THE AMENDMENT IS TO PERMIT SINGLE FAMILY SUBDIVISION. SEE ATTACHED METES & BOUNDS DESCRIPTION. | | |
| 10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts): | 0086-86-005-0500-907 | | |
| 11. Do deed restrictions or restrictive covenants exist for the property? (Circle One): | YES | <input checked="" type="radio"/> NO | |
| (If yes, submit with application.) | | | |
| 12. Does this application include an Architectural Design Review: (Circle One): | YES | <input checked="" type="radio"/> NO | |
| (If yes, see page 8, Exhibit C for materials required to be submitted.) | | | |
| FILING FEE: | | \$1,200.00 | |

Hand deliver completed application form with the filing fee and required information to:

Development Services Department
1522 Texas Parkway (FM 2234)
Missouri City, TX 77489

By submitting this application you are permitting City staff to enter the site in order to post and remove public notice signs.

STAN WINTER, ACP.
 Print Name of Applicant

[Signature]
 Signature of Applicant

ALFRED L. DEATON III
 Print Name of Property Owner

[Signature]
 Signature of Property Owner, Agent or Attorney

February 13, 2018

Mr. Stan Winter, A.I.C.P.
Planning Division Manager
Jones | Carter
1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380

Re: **Shipmans Cove**: a proposed amendment to PD District 101 on 95.31 acres of land situated in the Moses Shipman League, Fort Bend County, Texas.

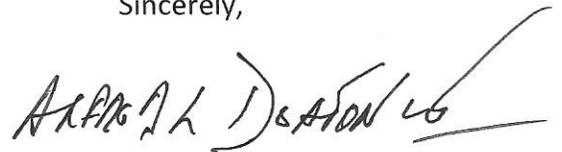
This letter authorizes your firm to prepare and submit an application to the City of Missouri City regarding the referenced property currently under contract by Ashton Woods Homes and M/I Homes of Houston LLC. The purpose of the application is to amend the Shipman's Cove PD – Planned Development District 101. (Ordinance O-17-03.)

Sincerely,

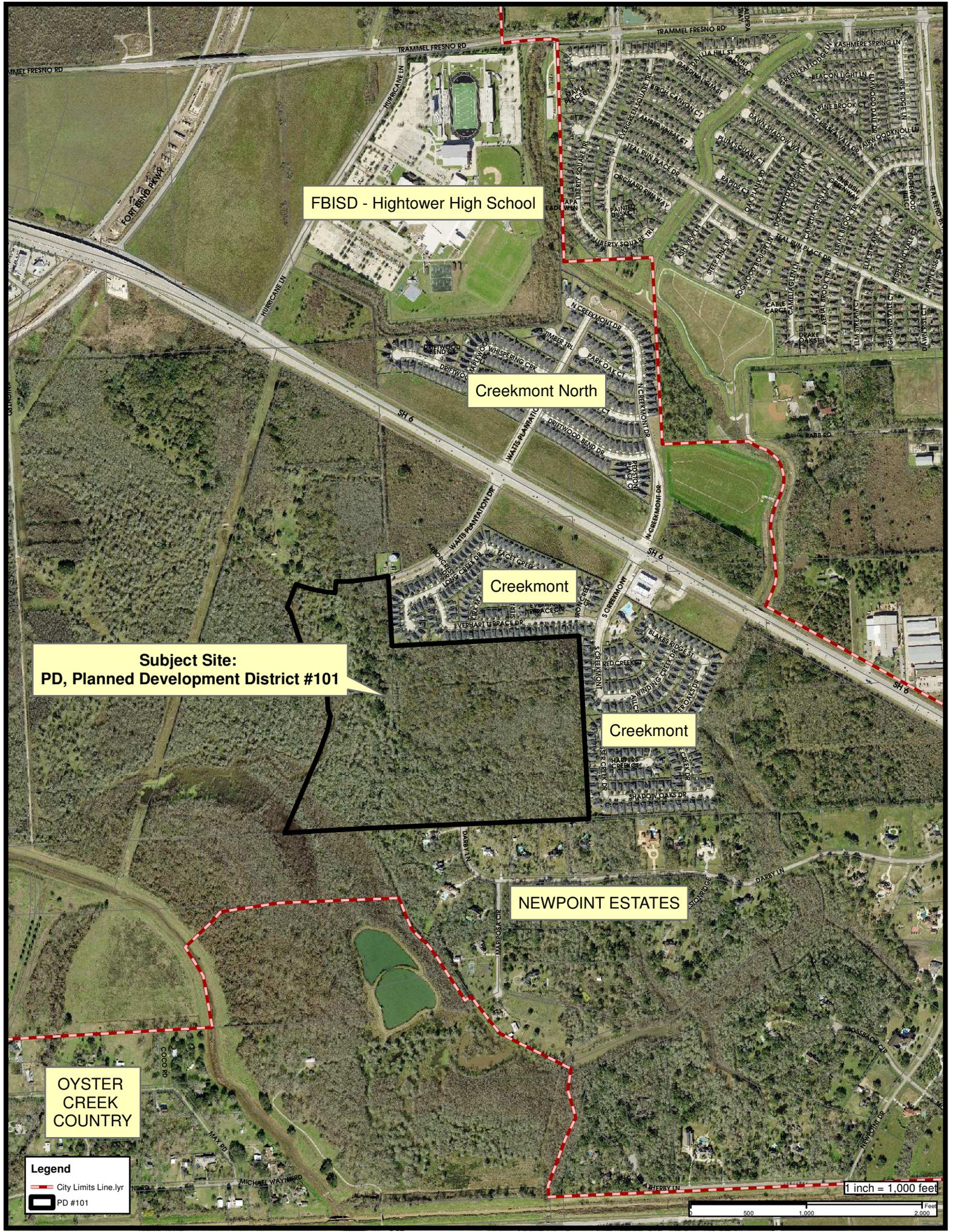


Larry B. Briggs

Sincerely,



Alfred L. Deaton III



FBISD - Hightower High School

Creekmont North

Creekmont

Creekmont

NEWPOINT ESTATES

OYSTER CREEK COUNTRY

Legend
City Limits Line.lyr
PD #101

1 inch = 1,000 feet

500 1,000 2,000 Feet

Zoning Map Amendment Site Pictures

Shipmans Cove PD #101 Amendment





City of Missouri City

NOTICE OF PUBLIC HEARING

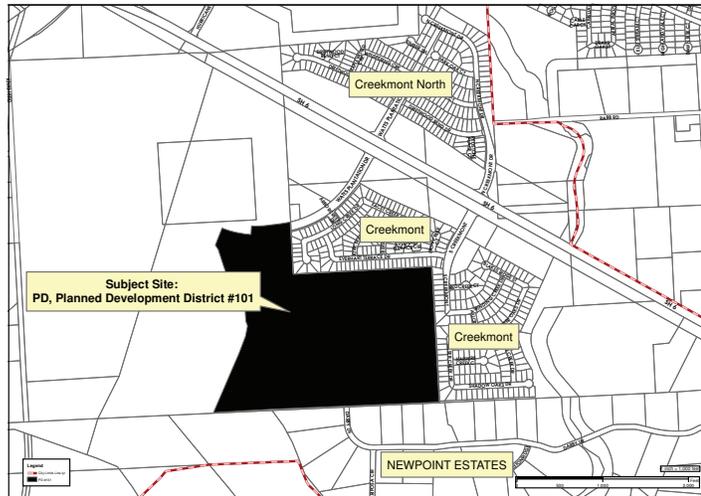
LOCATION/DATE: The City Council of the City of Missouri City will hold a public hearing on Monday, March 5, 2018, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

PURPOSE: To receive comments for or against a request by Stan Winter, Jones | Carter, to amend PD, Planned Development District No. 101 pertaining to the development of a single family residential subdivision; 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.

SITE LOCATION: The subject site is located north of the Newpoint Estates residential subdivision, south and west of the Creekmont residential subdivision.

SITE LEGAL DESCRIPTION: The subject site can be described as being an approximate 95.31 acre tract of land situated in the Moses Shipman League, A-86, Fort Bend County, Texas, being out of that certain called 358.1824 acre tract of land as described in deed and recorded in County Clerk's file number 9409260 of the Official Public Records of Real Property of Fort Bend County, Texas.

FOR MORE INFORMATION: Additional information and a map of the subject site are available for review at City Hall, Missouri City, Texas on Monday through Friday from 8:00 a.m. to 4:00 p.m. You may call 281-403-8600 or email the Development Services Department-Planning Division at planning@missouricitytx.gov for further information.





DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

**NOTICE OF PUBLIC HEARING
TO ADJOINING PROPERTY OWNERS
WITHIN 200 FEET OF PROPERTY SUBJECT TO ZONING**

DATE OF NOTICE: FEBRUARY 2, 2018

LOCATION/DATE: The Planning and Zoning Commission of the City of Missouri City will hold a public hearing on Wednesday, February 14, 2018, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

PURPOSE: To receive comments for or against a request by Stan Winter, Jones | Carter, to amend PD, Planned Development District No. 101 pertaining to the development of a single family residential subdivision; 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.

SITE LOCATION: The subject site is located north of the Newpoint Estates residential subdivision, south and west of the Creekmont residential subdivision.

SITE LEGAL DESCRIPTION: The subject site can be described as being an approximate 95.31 acre tract of land situated in the Moses Shipman League, A-86, Fort Bend County, Texas, being out of that certain called 358.1824 acre tract of land as described in deed and recorded in County Clerk's file number 9409260 of the Official Public Records of Real Property of Fort Bend County, Texas.

FOR MORE INFORMATION: Additional information and a map of the subject site are available for review at City Hall, Missouri City, Texas on Monday through Friday from 8:00 a.m. to 4:00 p.m. You may call 281-403-8600 or email the Development Services Department-Planning Division at planning@missouricitytx.gov for further information.

Mailing labels for adjoining property owners

| | | |
|---|--|--|
| Briggs, Larry B c/o Clarke & Company 13201 Northwest FWY #STE 503 Houston, TX 77040-6024 | Deaton, Alfred L, III c/o Clark & Company 13201 NORTHWEST FWY #STE 503 Houston, TX 77040-6024 | Unique Minds LLC & New Millenium Montessori Inc 6414 Misty CRK Missouri City, TX 77459-3076 |
| Creekmont Community Association Inc c/o Crest Management PO Box 219320 Houston, TX 77218-9230 | Nwaogu Anderline 4423 Sierra Point LN Fresno, TX 77545-6057 | Clark James 4427 Sierra Point DR Fresno, TX 77545-6057 |
| Gilmore Eddie 4410 Everhart Terrace CIR Fresno, TX 77545-6050 | Grande Frank & R D Parikh 3807 Emerald Lake DR Missouri City, TX 77459-6540 | Spiller Veronica & Lester P Jr 4403 Everhart Terrace CIR Fresno, TX 77545-6076 |
| Burton, Tarrance Braxton 4407 Everhart Terrace CIR Fresno, TX 77545-6076 | Wells Fargo Bank NA 3476 Stateview BLVD Fort Mill, SC 29715-7203 | Mullone, Donald 4422 Iron Creek CT Fresno, TX 77545-6044 |
| Boutte, Melissa 4422 Iron Creek CT Fresno, TX 77545-6044 | Jefferson Erwin W III & Celeste W 4419 Iron Creek CT Fresno, TX 77545-6045 | Dugat Gilbert 2603 Everhart Terrace DR Fresno, TX 77545-6047 |
| Harrell Cheronda 2607 Everhart Terrace DR Fresno, TX 77545-6047 | Unknown 2611 Everhart Terrace DR Fresno, TX 77545-6047 | Rodriguez Victor 2615 Everhart Terrace DR Fresno, TX 77545-6047 |
| Mitchell Tammy 2619 Everhart Terrace DR Fresno, TX 77545-6047 | Franklin Leonard 2623 Everhart Terrace DR Fresno, TX 77545 | Reed Nadara 2627 Everhart Terrace DR Fresno, TX 77545-6047 |
| Garcia, Pharris Storm 815 Nolan Ryan DR Midland, TX 79706-2919 | Chavez, Patricia 2635 Everhart Terrace DR Fresno, TX 77545-6047 | Britton Weldon & Tiffany 2703 Everhart Terrace DR Fresno, TX 77545-6049 |
| Handy Timothy Jon & Olivia Joy 2707 Everhart Terrace DR Fresno, TX 77545-6049 | Rothschild William J & Diane M Living Trust 4719 N Pine Brook WAY Houston, TX 77059-3159 | Franklin Angel 2715 Everhart Terrace DR Fresno, TX 77545-6049 |
| Espino Prisciliano P & Odilay E 2719 Everhart Terrace DR Fresno, TX 77545-6049 | Blackmon Jacquelyn 2723 Everhart Terrace DR Fresno, TX 77545-6049 | Taylor Herman 2727 Everhart Terrace DR Fresno, TX 77545-6049 |

Mailing labels for adjoining property owners

| | | |
|--|--|--|
| <p>Taggart Brian 2731 Everhart Terrace DR Fresno, TX 77545-6049</p> | <p>Jeanlewis Donald 2735 Everhart Terrace DR Fresno, TX 77545-6049</p> | <p>Christian Rochelle 2739 Everhart Terrace DR Fresno, TX 77545-6049</p> |
| <p>Nelson Patricia 2743 Everhart Terrace DR Fresno, TX 77545-6049</p> | <p>Lloyd Mark 2803 Everhart Terrace DR Fresno, TX 77545-6053</p> | <p>Progress Residential 2015-2 Borrower LLC PO Box 4090 Scottsdale, AZ 85261-4090</p> |
| <p>O'Neal Glenda 2811 Everhart Terrace DR Fresno, TX 77545-6053</p> | <p>Davis Jermaine 2815 Everhart Terrace DR Fresno, TX 77545-6053</p> | <p>Pringle Sophia 2819 Everhart Terrace DR Fresno, TX 77545-6053</p> |
| <p>Reich Thomas E & Jessica L 2823 Everhart Terrace DR Fresno, TX 77545-6053</p> | <p>Biederstedt Aud 2827 Everhart Terrace DR Fresno, TX 77545-6053</p> | <p>Wilkin Jill 2831 Everhart Terrace DR Fresno, TX 77545-6053</p> |
| <p>Hall Jacque 2835 Everhart Terrace DR Fresno, TX 77545-6053</p> | <p>Sims Willie 4527 Long Creek DR Fresno, TX 77545-6065</p> | <p>Garcia Jodie 4531 Long Creek DR Fresno, TX 77545-6065</p> |
| <p>Estrada Esteban 4551 Long Creek DR Fresno, TX 77545-6065</p> | <p>Byfield Kamala 4555 Long Creek DR Fresno, TX 77545-6065</p> | <p>Pineiro Hugo Richard & Mireya Teresa 4559 Long Creek DR Fresno, TX 77545-6065</p> |
| <p>Wu Fuqiang 4323 Pensacola Oaks LN Sugar Land, TX 77479</p> | <p>Escobar Trina L & Cory A King-Parish 4562 Long Creek DR Fresno, TX 77545-6064</p> | <p>Cathy Marcellina 4558 Long Creek DR Fresno, TX 77545-6064</p> |
| <p>Charles Letitia 4554 Long Creek DR Fresno, TX 77545-6064</p> | <p>Jones Vergie 4550 Long Creek DR Fresno, TX 77545-6064</p> | <p>Alanis, Ninet 4546 Long Creek DR Fresno, TX 77545-6064</p> |
| <p>Sobrevilla, Alfredo 4546 Long Creek DR Fresno, TX 77545-6064</p> | <p>Ukah Nduka 4542 Long Creek DR Fresno, TX 77545-6064</p> | <p>Robinson Tonda 4538 Long Creek DR Fresno, TX 77545-6064</p> |
| <p>Matthew Jeffery 4534 Long Creek DR Fresno, TX 77545-6064</p> | <p>Clopton Yolanda 4530 Long Creek DR Fresno, TX 77545-6064</p> | <p>Reid Wesley B & Marcia N 4526 Long Creek DR Fresno, TX 77545-6064</p> |

Mailing labels for adjoining property owners

| | | |
|--|---|--|
| <p>Dykes Billy 4522 Long Creek DR Fresno, TX 77545-6064</p> | <p>Garcia Elga 2722 Everhart Terrace DR Fresno, TX 77545-6048</p> | <p>Chapman, Bridgette Melina 2726 Everhart Terrace DR Fresno, TX 77545-6048</p> |
| <p>Unknown 2730 Everhart Terrace DR Fresno, TX 77545-6048</p> | <p>Hartle Diarra 2734 Everhart Terrace DR Fresno, TX 77545-6048</p> | <p>Sickler Ashley 2738 Everhart Terrace DR Fresno, TX 77545-6048</p> |
| <p>Benton Wanda 4434 Kirk Manor CT Fresno, TX 77545-6054</p> | <p>Woo Thomas & Dennice Chui 2314 Bent River DR Sugar Land, TX 77479-1388</p> | <p>Ceaser Sandra 2826 Everhart Terrace DR Fresno, TX 77545-6052</p> |
| <p>Matta Maher 2830 Everhart Terrace DR Fresno, TX 77545-6052</p> | <p>Marshall Rena 4510 S Creekmont Fresno, TX 77545-6042</p> | <p>Gonzalez Elias 4514 S Creekmont Fresno, TX 77545-6042</p> |
| <p>Pierre Genet 4518 S Creekmont Fresno, TX 77545-6042</p> | <p>Smith Johnnie Lee & Davetta A 4522 S Creekmont Fresno, TX 77545-6042</p> | <p>Bilton Ella 2543 Shadow Oaks DR Fresno, TX 77545-6071</p> |
| <p>Julien Veda 2547 Shadow Oaks DR Fresno, TX 77545-6071</p> | <p>Baird, Doris 4742 Lesser Creek DR Fresno, TX 77545-6072</p> | <p>Edwards, Tonya 2821 Muir Trail DR Fullerton, CA 92833</p> |
| <p>Dotter Robert & Kimberly 4738 Lesser Creek DR Fresno, TX 77545-6072</p> | <p>Kirven Corey 4734 Lesser Creek DR Fresno, TX 77545-6072</p> | <p>Varghese Geordie 4730 Lesser Creek DR Fresno, TX 77545-6072</p> |
| <p>Jones Sheila 4726 Lesser Creek DR Fresno, TX 77545-6072</p> | <p>Foreman Brian & Tammy 4714 Lesser Creek DR Fresno, TX 77545-6072</p> | <p>Walker Lenoria 4718 Lesser Creek DR Fresno, TX 77545-6072</p> |
| <p>Unknown 2530 Harpers Creek CT Fresno, TX 77545-6074</p> | <p>Bullock Ronnie 2531 Harpers Creek CT Fresno, TX 77545-6075</p> | <p>Taylor Diana 2542 Shadow Oaks DR Fresno, TX 77545-6070</p> |
| <p>Thompson Gregory 2518 Red Creek CT Fresno, TX 77545-2079</p> | <p>Nash Alicia 2519 Red Creek CT Fresno, TX 77545-2080</p> | <p>Barnes Timothy M & Toni Yevonne 2518 Winding Creek DR Fresno, TX 77545-2081</p> |

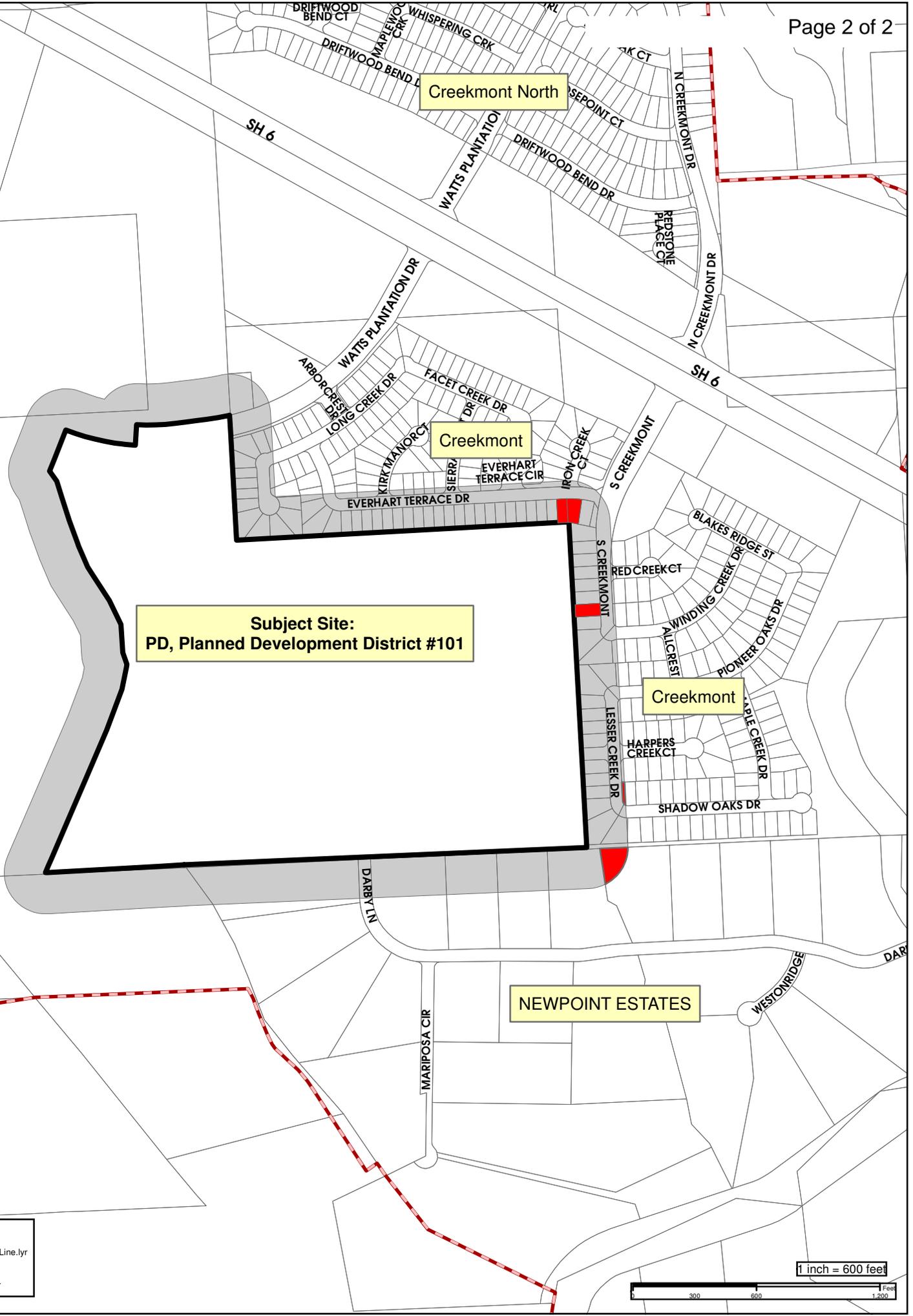
Mailing labels for adjoining property owners

| | | |
|--|---|---|
| Harrison Rashad 4602 S Creekmont Fresno, TX 77545-6092 | Unknown 4606 S Creekmont Fresno, TX 77545-6092 | Marbs Trent 4610 S Creekmont DR Fresno, TX 77545-6092 |
| Varghese Jyothis 4614 S Creekmont Fresno, TX 77545-6092 | Glover Sheena 4618 S Creekmont Fresno, TX 77545-6092 | Mudaliar Ravi G & Latha K 2523 Winding Creek Drive Fresno, TX 77545 |
| O'Neal LaTiqua & Willie 2519 Winding Creek DR Fresno, TX 77545-2082 | Paul, John 2515 Winding Creek DR Fresno, TX 77545-2082 | Perincheril, Rosamma 2515 Winding Creek DR Fresno, TX 77545-2082 |
| Perry Cynthia 2526 Pioneer Oaks DR Fresno, TX 77545-2070 | Tran Quang & Thanh Chau Truong 2530 Pioneer Oaks DR Fresno, TX 77545-2070 | Greer William & Wesleyne Whittaker 2534 Pioneer Oaks DR Fresno, TX 77545-2070 |
| Wright Arleda & Melvin 4702 Lesser Creek DR Fresno, TX 77545 | Deloach Denise & Michael Jr 4706 Lesser Creek DR Fresno, TX 77545-6072 | Adams Anthony 4710 Lesser Creek DR Fresno, TX 77545-6072 |
| Hall Stacy 2535 Pioneer Oaks DR Fresno, TX 77545-2071 | Texas Tater Tots Ltd 105 Big Trail CIR Missouri City, TX 77459-6187 | Washington Shelva 2811 Gray Moss CT Sugar Land, TX 77478-5449 |
| DREMELY MARK A & CYNTHIA K 2042 DARBY LN FRESNO, TX 77545-9237 | Thomas, Jennifer Michelle 2102 Darby LN Fresno, TX 77545-9239 | Beavan, Shayne 2102 Darby LN Fresno, TX 77545-9239 |
| Matteucci Adrian M & Kristen Adams 2110 Darby LN Fresno, TX 77545-9239 | Phu Danny & Vi Phu 2134 Darby LN Fresno, TX 77545-9239 | Butterfield L J & Ivan 2199 Darby LN Fresno, TX 77545-9240 |
| Childs Richard J & Sheila M 2135 Darby LN Fresno, TX 77545-9240 | Max Cleaver FBISD 16431 Lexington Blvd Sugar Land, TX 77479 | |
| | | |

| City of Missouri City, Texas Development Services Department – Planning Division <u>Rezoning Application Protest Letters Analysis</u> | | |
|--|--|--|
| Application: | Shipman's Cove – PD No. 101 Amendment | |
| City Council First Reading: | March 5, 2018 | |
| Protest Letters Received from Property Owners Within 200 Feet of Subject Site: | | |
| Property Owner Name | Property Address OR Fort Bend County Account Number | Land Area (Square Feet) Within 200 Feet |
| Shelva Washington Jr | 6010-03-001-0050-907 | 16,134.42 |
| Diane Taylor | 2542 Shadow Oaks Dr | 1,384.20 |
| Cheronda Harrell | 2607 Everhart Terrace Dr | 7,277.01 |
| Jeffrey Glass | 2611 Everhart Terrace Dr | 5,709.33 |
| Trent Marbs | 4610 S Creekmont | 7,287.90 |
| Total Area Represented by Protest(s): | | 37,792.86 |
| Total Land Area <i>Including</i> Subject Site: | | 6,195,461.09 |
| Subject Site <i>Only</i> Land Area: | | 4,153,010.40 |
| Total Land Area <i>Only Within 200 Feet</i> of Subject Site: | | 2,042,450.69 |
| Protest(s) Percentage of Land Area Within 200 Feet: | | 2% |

Note: A total of 0 letters of support and 5 letters of protest have been received for the application request as of February 28, 2018.

See attached map



Creekmont North

Creekmont

Creekmont

NEWPOINT ESTATES

Subject Site:
PD, Planned Development District #101

Legend

-  City Limits Line.lyr
-  PD #101
-  200'_Buffer

1 inch = 600 feet





DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 2, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, February 14, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Stan Winter, Jones | Carter, to amend PD,
Planned Development District No. 101 pertaining to the development of a single family residential
subdivision; 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.

This letter is being sent to property owners within 200' of the subject property as required by law.
It is also sent to others on request.

Dear City Representatives:

X

I/We protest this proposed rezoning because

OF CONSTRUCTION NOISE, INFLOW OF UNDESIRABLE RESIDENTS,
INCREASE IN CRIME, INCREASE IN TRAFFIC

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Shelva Washington

Signature

2811 Gray Moss Ct

Street Address

[Redacted]

Phone Number

Return to:

Shelva Washington

Print Name

New Point Estates

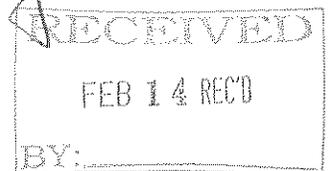
Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

The Texas Public Information Act provides the right of the public to access information that
governmental bodies produce and how governmental bodies should respond. By submitting this
letter to the City, the personal information included can be accessed by the public subject to this
Act. Please print and sign your name below if you do not consent to the release of your personal
information to the public.

Shelva Washington
Print Name

Shelva Washington
Signature



Within 200 feet



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 2, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, February 14, 2018

City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM



To receive comments for or against a request by Stan Winter, Jones | Carter, to amend PD, Planned Development District No. 101 pertaining to the development of a single family residential subdivision; 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.

This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

I/We protest this proposed rezoning because

We fear this will change the flooding status of our neighborhood. Water already stands under the top road. Also they are building and other developments which will impact us

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten Signature]
Signature

DIANA TAYLOR
Print Name

2542- Shadow Oaks Drive
Street Address *PRESNO, TEXAS*

CREEK MOUNT
Subdivision

Return to:
Phone Number

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

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DIANA TAYLOR
Print Name

[Handwritten Signature]
Signature

Within 200 feet



DEVELOPMENT SERVICES -- PLANNING DIVISION

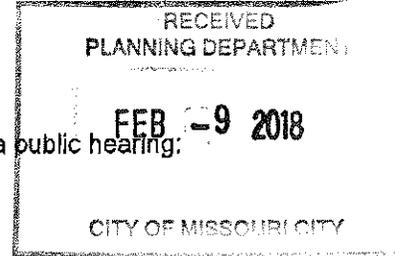
1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

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This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

I/We protest this proposed rezoning because

This new development would negatively affect our draining systems and lead to flooding the neighborhood, increase traffic and crime, and not positively influence the peaceful space we currently experience.

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Cheronda Harrell

Signature

2607 Clark, Kinross Drive

Street Address

[Redacted]

Phone Number

Return to:

Cheronda Harrell

Print Name

Creekmont (South)

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-6661

The Texas Public Information Act provides the right of the public to access information that governmental bodies produce and how governmental bodies should respond. By submitting this letter to the City, the personal information included can be accessed by the public subject to this Act. Please print and sign your name below if you do not consent to the release of your personal information to the public.

Cheronda Harrell

Print Name

Cheronda Harrell

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 2, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission



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This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

I/We protest this proposed rezoning because

house values, drainage/flooding, and traffic issues

I/We support this proposed rezoning because

Sincerely,

Signature

Jeffrey Glass
2611 Everhart Terrace Dr.

Street Address

Phone Number

Return to:

Print Name

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

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Print Name

Jeffrey Glass

Signature

Jeffrey Glass

Within 200 feet



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 2, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

We protest this proposed rezoning because

This will cause heavy traffic and do not want the value of our homes to go down. more crime and trash
Besides we love our small community

We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten Signature]

Signature

4610 S. Creekmont

Street Address

[Redacted]

Return to:

Phone Number

Trent Marks

Print Name

Creekmont

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281) 208-5551

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Trent Marks

Print Name

[Handwritten Signature]

Signature



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

March 5, 2018

To: Mayor and City Council
Agenda Item: 7(b)(1) Public hearing to receive comments for or against a proposed ordinance creating Reinvestment Zone No. 19 for tax abatement purposes.
Submitted by: Joseph Esch, Economic Development

SYNOPSIS

First of two readings for the creation of a tax abatement Reinvestment Zone No. 19

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City
- Grow business investments in Missouri City
- Have quality development through buildout

BACKGROUND

State statute requires that cities wishing to offer tax abatement to create a reinvestment zone to identify the specific geographic area in which a tax abatement agreement may be entered into. The creation of the reinvestment zone requires a public hearing and two readings in open session of the City Council. The appropriate notice has been published in the City's paper of record and this agenda item is to allow for a public hearing and the first of two readings of the ordinance.

The proposed tax abatement reinvestment zone is being created to allow the City to offer a tax abatement to a new business recruitment prospect. Should the City and the recruitment prospect reach agreement on the final terms of the tax abatement agreement that agreement will be brought forth at the second reading of the reinvestment zone.

SUPPORTING MATERIALS

1. Reinvestment Zone Ordinance

STAFF'S RECOMMENDATION

Staff recommends hold public hearing and first reading of the ordinance creating Reinvestment Zone No. 19.

Director Approval: Joseph Esch, Economic Development

**Assistant City Manager/
City Manager Approval:** Anthony J. Snipes, City Manager

ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, CREATING REINVESTMENT ZONE NO. 19 ENCOMPASSING AN APPROXIMATE 6.06-ACRE TRACT OF LAND LOCATED WITHIN THE PARK 8NINETY COMMERCIAL SUBDIVISION AND NORTH OF BUFFALO RUN PARK, SOUTH OF U.S. HIGHWAY 90A, EAST OF SOUTH CRAVENS ROAD, AND WEST OF BELTWAY 8 IN MISSOURI CITY, TEXAS; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council of the City of Missouri City has passed and approved Guidelines and Criteria for Granting Tax Abatement in Reinvestment Zones (“Guidelines”) created in the City of Missouri City, Texas (the “City”); and

WHEREAS, pursuant to the Guidelines, the City has received a request for the creation of a reinvestment zone and tax abatement; and

WHEREAS, after proper notice, the City held a public hearing where all interested persons were given an opportunity to speak and present evidence for and against the creation of Reinvestment Zone No. 19; and

WHEREAS, written notice of the hearing was given to all taxing entities where the proposed zone is to be located; and

WHEREAS, the City Council has determined, based on evidence presented, that the improvements sought to be located in proposed Reinvestment Zone No. 19 are feasible and practical and would be a benefit to the land to be included in the Zone and to the City after the expiration of the tax abatement agreement; and

WHEREAS, the creation of Reinvestment Zone No. 19 will be reasonably likely, as a result of its creation, to attract major investment into the Zone that would be a benefit to the property located therein and that will contribute to the economic development of the City; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. That the facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct, and are made a part of this Ordinance for all purposes.

Section 2. The City Council of the City of Missouri City conducted the public hearing on the creation of Reinvestment Zone No. 19 and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. That Reinvestment Zone No. 19 is hereby created for the purpose of encouraging economic development through tax abatement. Reinvestment Zone No. 19

can be described as being all 6.06 acres of the real property described in Exhibit "A" and depicted in Exhibit "A-1", both of which are attached hereto and made a part hereof. Exhibit "A-1" is for reference purposes only. In the event Exhibit "A-1" conflicts with Exhibit "A" shall prevail.

Section 4. This designation shall be effective for five (5) years from the date of final passage of this Ordinance and may be renewed for periods not to exceed five (5) years.

Section 5. *Repeal.* All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict only.

Section 6. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED and APPROVED on first reading this __ day of _____, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this __ day of _____, 2018.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

**DESCRIPTION OF 6.060 ACRES (263,976 SQ. FT.)
RESTRICTED RESERVES 14 & 15, BLOCK 3
OUT OF THE B.B.B & C.R.R. CO. SURVEY, A-116
FORT BEND COUNTY, TEXAS**

All that certain 6.060 acres (263,976 sq. ft.) of land situated in the B.B.B. & C.R.R. CO. SURVEY, A-116, Fort Bend County, Texas, being out of and part of that certain called 52.35 acre tract of land conveyed to AX COUNTY LINE LAND L.P. as recorded under Harris County Clerk's File (H.C.C.F.) Number 20140422624, and being all of Restricted Reserves 14 and 15 out of Block 3, of Park 8Ninety, a subdivision in Harris and Fort Bend Counties as recorded in Plat No. 20160020 of the Map Records of Fort Bend County, Texas, said 6.060 acre tract being more particularly described as follows.

(Bearings based on the Texas Coordinate System, Central Zone, NAD83, 2001 Adjustment)

COMMENCING at a 5/8-inch iron rod found with cap stamped "Cobb Fendley & Associates", marking the north corner of that certain called 2.129 acre tract ('Parcel 16BE' – Controlled Access Highway Facility) As filed for record under Harris County Clerk's File Number P117401, Harris County, Texas, and being an interior corner on the southwesterly boundary line of Restricted Reserve 18 of said Park 8Ninety;

THENCE South 47°51'33" East (Bearing Basis), along the southwesterly lines of said Restricted Reserve 18 and Restricted Reserves 16 and 17, a distance of 572.94 feet to a 5/8-inch iron rod set with cap stamped "Cobb Fendley & Associates" marking the south corner of said Restricted Reserve 16 and the west corner of Restricted Reserve 15, and being the **POINT OF BEGINNING** of the herein described tract;

THENCE North 42°08'26" East, along the common line between Restricted Reserves 15 and 16, a distance of 428.86 feet to a 5/8-inch iron rod set with cap stamped "Cobb Fendley & Associates" in the southwesterly right-of-way line of Simpson Drive (60 feet wide) as shown on said plat of Park 8Ninety, and marking the east corner of Restricted Reserve 16, and the north corner of Restricted Reserve 15 and of the herein described tract;

THENCE South 47°51'34" East, along said southwesterly right-of-way line and the northeasterly lines of said Restricted Reserves 14 and 15, a distance of 578.14 feet to a 5/8-inch iron rod set with cap stamped "Cobb Fendley & Associates" in the northeasterly line of said Restricted Reserve 14 and marking the beginning of a tangent curve to the right;

THENCE in a southerly direction along said curve to the right, having a radius of 40.00 feet, and a central angle of 90°00'00" (chord bears South 02°51'34" East, a distance of 56.57 feet), for a curve length of 62.83 feet to a 5/8-inch iron rod set with cap stamped "Cobb Fendley & Associates" marking a point of tangency in the northwesterly right-of-way line of Buffalo Lakes Drive (60 feet wide) as shown on said plat of Park 8Ninety, and in the southeasterly line of said Restricted Reserve 14;

THENCE South 42°08'26" West, along said southeasterly line of Restricted Reserve 14 and said northwesterly right-of-way line of said Buffalo Lakes Drive, a distance of 277.96 feet to a cut 'X' set in a concrete sidewalk marking the beginning of a tangent curve to the right;

THENCE in a southwesterly direction along said curve to the right, having a radius of 300.00 feet, a central angle of 21°41'39" (chord bears South 52°59'16" West, a distance of 112.91 feet), for a curve length of 113.59 feet to a 5/8-inch iron rod set with cap stamped "Cobb Fendley & Associates" marking the south corner and a point of tangency of said Restricted Reserve 14, and lying in the northeasterly line of said 2.129 acre tract;

THENCE North 47°51'33" West, along the northeasterly line of said 2.129 acre tract, the southwesterly line of said Restricted Reserves 14 and 15 and of the herein described tract, a distance of 596.89 feet to the **POINT OF BEGINNING** and containing 6.060 acres (263,976 square feet) of land.

Notes:

1. This metes and bounds description is referenced to a survey titled "ALTA/NSPS LAND TITLE SURVEY OF RESERVES 14 & 15, BLOCK 3 OUT OF 'PARK 8NINETY', A SUBDIVISION IN FORT BEND AND HARRIS COUNTIES, AND BEING SITUATED IN THE B.B.B. & C.R.R. CO. SURVEY, A-116, FORT BEND COUNTY, MISSOURI CITY, TEXAS" prepared by Cobb, Fendley & Associates, Inc. dated October 3, 2016.
2. Square footage area shown is for information only and surveyor does not certify accuracy of survey to nearest square foot.

Cobb, Fendley & Associates, Inc.

TBPLS Firm Registration No. 100467
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
Phone: (713) 462-3242

Job No. 1507-002-02-01
October 3, 2016
Revised October 20, 2016



**Council Agenda Item
March 5, 2018**

8. **APPOINTMENTS** – *There are no Appointments on this agenda.*
-



CITY COUNCIL AGENDA ITEM COVER MEMO

March 5, 2018

To: Mayor and City Council
Agenda Item: 9(a) Consider Purchase of Playground Equipment for Community Park
Submitted by: Jason S. Mangum, CPRP, Director of Parks & Recreation

SYNOPSIS

The Parks & Recreation Department requests authorization for the City Manager to enter into a contract with Lone Star Recreation to purchase playground equipment in the amount of \$56,458.90 for the enhancement of Community Park.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City

BACKGROUND

In 2017 Niagara Bottling donated \$75,000 through the National Recreation and Park Association to the City of Missouri City for the purpose of enhancing the playground at Community Park. Community Park is one of the busiest park in the park system and has one of the smallest playground units. We worked with three (3) different playground vendors to purchase new play equipment that is innovative and interesting.

This play structure is manufactured by Landscape Structures and provided by Lone Star Recreation. It will not replace any existing play equipment, as the purpose of this project is to supplement our existing playground equipment at the park.

BUDGET/FISCAL ANALYSIS

| Funding Source | Account Number | Account / Project Name | FY18 Funds Budgeted | FY18 Funds Available | Amount Requested |
|-----------------------------------|------------------------|------------------------------------|---------------------|----------------------|------------------|
| Donated Purchases (Niagara Grant) | 231-58200-16-999-30030 | Park Improvements (Community Park) | \$ 75,000 | \$ 75,000 | \$ 56,458.90 |

Purchasing Review: Sheila A. Smith, C.P.M., A.P.P.
Financial/Budget Review: Dennice Chui, MS

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. Playground Quote

STAFF'S RECOMMENDATION

Staff recommends approval of this purchase and to authorize the City Manager to execute a contract with Lone Star Recreation for the purchase and installation of playground equipment.

Director Approval: Jason S. Mangum, CPRP

**Assistant City Manager/
City Manager Approval:** Scott R. Elmer, P.E.



ALL PURCHASE ORDERS, CONTRACTS, AND
CHECKS TO BE MADE OUT TO:
Landscape Structures
SDS 12-0395 PO Box 86
Minneapolis, MN 55486-0395

Date of Proposal: 2/16/18

CONTACT: Jason Magnum
PHONE: 281-403-8631
EMAIL:

INSTALLATION SITE NAME AND ADDRESS:

LSI Payment Terms: Please pay \$39,958.90 due 30 days from date of invoice/ship date and \$16,500 upon acceptance of completion of installation.

SHIP TO: Adams Contractors
 9502 Fairbanks N. Houston
 Houston, Texas 77040

Estimated shipping time: 2-4 weeks

BILL TO: City of Missouri City (Purchasing)
 1522 Texas Parkway
 Missouri City, TX 77489

Proposal expires: 6/30/18

Proposal Prepared For: Community Park
We are please to submit this proposal for the following items:

| QTY | ITEM NO. | DESCRIPTION | UNIT PRICE | EXT AMT |
|-----------------------|----------|--|------------|--------------|
| 5-12 Age Group | | | | |
| 1 | 218915A | Global Motion DB Only | | \$ 24,180.00 |
| 1 | 193171C | Swiggle Knots Bridge w/o Deck Connections DB | | \$ 5,255.00 |
| 1 | 173592A | Oodle Swing DB | | \$ 4,700.00 |
| 1 | 184605A | O-Zone 3-Ring Climber Ground to Ground DB | | \$ 4,120.00 |
| 1 | 193176A | Boogie Board DB Only | | \$ 1,865.00 |
| 3 | 111404H | 92"Alum Post DB | | \$ 735.00 |
| 1 | 111404C | 132"Alum Post DB | | \$ 315.00 |
| 1 | 111404N | 140"Steel Post DB | | \$ 265.00 |
| 1 | 182503C | Welcome Sign (LSI Provided) Ages 5-12 years Direct Bury | | N/C |
| | | Installation of equipment above only | | \$ 16,500.00 |
| | | Landscape Structures PR 31 HGAC Discount (applied below) | | |

SUBTOTAL MATERIAL \$ 57,935.00
 FREIGHT 2,000.00
 DISCOUNT -3,476.10
 SALES TAX

ACCEPTED BY CUSTOMER

PRINT NAME

Bryan de la Rua

PROPOSED BY

TOTAL \$ 56,458.90

Pricing is for the above does not include, additional insured addendum, off loading of equipment, at time of delivery storage, security, or any applicable taxes, bonds, or permits. Orders cancelled after 5 days will be subject to a 20% restocking fee and return freight charges as applicable. Returns of new equipment accepted within 60 days of the original invoice date. All parts are subject to inspection upon return. Parts not included in this return policy are Custom parts(including PlayShaper posts), as well as used or damaged.



CITY COUNCIL AGENDA ITEM COVER MEMO

March 5, 2018

To: Mayor and City Council
Agenda Item: 9(b) Community Center Restroom Remodel
Submitted by: Shashi Kumar, P.E., Director of Public Works/City Engineer

SYNOPSIS

Authorize the City Manager to negotiate and execute a services contract with Construction Masters of Houston, Inc. for the remodeling of the Community Center restroom.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

The Community Center serves as the “center of the City” where major events are held. This community center and its next door building, the Visitor’s Center, have been remodeled or retrofitted over the last two years in order to serve the citizens and visitors with a state of the art venue to hold events. However, this remodeling did not include the first floor restrooms, which are now necessary to be remodeled, so that they are compatible with the rest of the facility.

City’ staff would like to negotiate and execute a contract with Construction Masters of Houston Inc., through their Harris County Department of Education (HCDE)/Choice Partners agreement # 15/041JN-04 and our inter-local agreement with same. This purchase meets all State and local Purchasing requirements.

BUDGET ANALYSIS

| Funding Source | Account Number | Project Code/Name | FY18 Funds Budgeted | FY18 Funds Available | Amount Requested |
|----------------------|-------------------|-------------------|---------------------|----------------------|------------------|
| General Fund Revenue | 101-54023-15-146- | Building Repairs | \$403,051 | \$256,361 | \$59,122.78 |

Purchasing Review: Sheila A. Smith, C.P.M., A.P.P.
Financial/Budget Review: Dennice Chui, MS

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. Construction Masters Quote, dated February 26, 2018.

STAFF'S RECOMMENDATION

Authorize the City Manager to negotiate and execute a services contract with Construction Masters of Houston, Inc. for the remodeling of the Community Center restroom.

Director Approval: Shashi Kumar, P.E.

**Assistant City Manager/
City Manager Approval:** Scott R. Elmer, P.E.



P.O. Box 1587 – Pearland, Texas 77588 – 281/997-2640 – Fax: 281 / 485-4702

02/26/18

City of Missouri City
1522 Texas Parkway
Missouri City, TX 77489
Attn: Mark Law

Re: Visitor Center Restroom Remodel
Choice Partners ID: 15/041JN-04

As requested, Construction Masters of Houston is pleased to submit this JOC Proposal, inclusive of attachments, for your consideration. All work associated with the Proposal is to be in accordance with HCDE/CP contract 15/041JN-04.

Our quote is based on the Houston city cost index from the RS Means Unit Price Bulletin. The amount shown in the Extended Total column already reflects the Houston labor rates.

| | | |
|--|-----------|------------------|
| Extended Total Including Overhead and Profit from RS Means | \$ | 67,184.98 |
| Total of Non Pre-priced Line Items | | |
| Construction Masters Standard Coefficient (88%) | \$ | (8,062.20) |
| Project Price Subtotal | \$ | 59,122.78 |
| Performance and Payment Bonds (Pass-thru cost) | \$ | - |
| Permitting (Pass-thru cost) | \$ | - |
| Total Job Order Contract Price | \$ | 59,122.78 |

Scope of Work: All applies to both Men’s and Women’s restroom unless noted.

- Demo
 - o Millwork, mirrors, partitions and screens and doors.
 - o Sinks, faucets and urinal flush valves.
 - o Existing light fixtures, switches and plugs.
 - o Sheetrock Ceiling
 - o AC and exhaust fans registers.
 - o Floor tile and wall tile.
 - o Remove and store for reinstallation toilets, urinals, and paper towel and soap dispensers.

- Build Back – Supply and Install all unless noted.
 - o Patch and replace sheetrock as needed.



- Plastic laminate door. New push plate with pull, closer and hinges. (Lock to be reused.
- P-lam partitions, and screens matching current layout.
- 1 sets of grab bars.
- Baby changing station only in women's.
- Full length 4' tall mirror.
- Reinstall exiting toilets, paper towel and soap dispensers.
- Granite countertops matching current layout with the exception of the women's purse shelf only to go back half the existing length. P-lam ADA screen under sinks.
- 12 x 12 Ceramic tile on floors with 6" of base. 4" Wall tile in areas with existing wall tile.
- New flush vales at urinals only. Reuse existing urinals.
- 3 – Under mount stainless steel sinks with manual ADA compliant paddle faucets.
- Reinstall existing toilets and flush valves.
- New lighting – 3 – 6" can lights – 2 – 2x4 lay in fixtures (1 2x4 per room will include an emergency ballast eliminating the need to replace the old frog eye style emergency fixture.)
- Switches and covers/ GFCI plug and cover.
- Paint exposed sheetrock and door frame.
- AC and Exhaust fan registers.

Alt # 1

- Install all new flush valves and toilets. Add to base bid. **\$3,275.57**

Exclusions'. Permit Fees, Bonds

- Normal Working Hours of M-F 8:00 – 5:00

Attached: Unit Detail Report, Unit Summary Report

Thank You for the Opportunity,
Dennis Busby



www.cmhou.com

Cost Estimate Report

Mark Law

Date: 02/26/2018

Missouri City Visitor Center Restrooms

Year 2017 Quarter 4

Unit Detail Report

Prepared By: Justin Davis

Construction Masters of Houston

| LineNumber | Description | Quantity | Unit | Total Incl. O&P | Ext. Total Incl. O&P |
|--|--|----------|--------|-----------------|----------------------|
| Division 01 General Requirements | | | | | |
| 017413200100 | Cleaning up, cleanup of floor area, final by GC at end of job | 8.00 | M.S.F. | \$78.20 | \$625.60 |
| Division 01 General Requirements Subtotal | | | | | \$625.60 |
| Division 02 Existing Conditions | | | | | |
| 024119190840 | Selective demolition, rubbish handling, dumpster, 40 C.Y., 10 ton capacity, weekly rental, includes one dump per week, cost to be added to demolition cost | 1.00 | Week | \$850.00 | \$850.00 |
| 024119192000 | Selective demolition, rubbish handling, 0 - 50' haul, load, haul, dump and return, hand carried, cost to be added to demolition cost | 40.00 | C.Y. | \$40.72 | \$1,628.80 |
| Division 02 Existing Conditions Subtotal | | | | | \$2,478.80 |
| Division 06 Wood, Plastics, and Composites | | | | | |
| 060505201220 | Selective demolition, millwork and trim, casework, selective area, remove | 40.00 | S.F. | \$3.09 | \$123.60 |
| Division 06 Wood, Plastics, and Composites Subtotal | | | | | \$123.60 |
| Division 08 Openings | | | | | |
| 080505100500 | Door demolition, interior door, single, 3' x 7' high, 1-3/8" thick, remove | 2.00 | Ea. | \$14.84 | \$29.68 |
| 081416093780 | Door, wood, architectural, flush, interior, H.P. plastic laminate, 1-3/8", 3'-0" x 7'-0" | 2.00 | Ea. | \$284.63 | \$569.26 |
| 081416093860 | Door, wood, architectural, flush, interior, H.P. plastic laminate, for solid wood core, add | 2.00 | Ea. | \$48.07 | \$96.14 |
| 087120300040 | Door hardware, door closer, rack and pinion, adjustable backcheck, 3 way mount, hold open arm | 2.00 | Ea. | \$288.65 | \$577.30 |
| 087120550090 | Door hardware, push plate, aluminum, 0.050" thick x 3" x 12" | 2.00 | Ea. | \$38.24 | \$76.48 |

| LineNumber | Description | Quantity | Unit | Total Incl. O&P | Ext. Total Incl. O&P |
|--------------------|--|----------|--------|-----------------|----------------------|
| 087120550980 | Door hardware, pull plate, aluminum, 0.050" thick x 3" x 12" | 2.00 | Ea. | \$60.98 | \$121.96 |
| 087120900012 | Door hardware, hinges, full mortise, average frequency, steel base, USP, 4-1/2" x 4-1/2" | 3.00 | Pr. | \$44.76 | \$134.28 |
| 087120950070 | Door hardware, kick plate, stainless steel, .05", 16 ga, 10" x 34" | 4.00 | Ea. | \$134.10 | \$536.40 |
| 088313102500 | Mirrors, stock sizes, one way transparent, bathroom, unframed, tempered, 1/4" thick | 64.00 | S.F. | \$25.26 | \$1,616.64 |
| Division 08 | Openings Subtotal | | | | \$3,758.14 |
| Division 09 | Finishes | | | | |
| 090170100510 | Gypsum wallboard, repairs, prepare, retape and refinish joints | 50.00 | L.F. | \$7.37 | \$368.50 |
| 090505100240 | Ceiling demolition, gypsum board, on suspension system, remove | 384.00 | S.F. | \$0.88 | \$337.92 |
| 090505202000 | Flooring demolition, tile, ceramic, thin set | 384.00 | S.F. | \$0.94 | \$360.96 |
| 090505301000 | Walls and partitions demolition, gypsum wallboard, nailed or screwed | 640.00 | S.F. | \$0.32 | \$204.80 |
| 090505303765 | Walls and partitions demolition, tile, ceramic, on walls, mud set | 600.00 | S.F. | \$1.27 | \$762.00 |
| 092910302250 | Gypsum wallboard, on walls, water resistant, taped & finished (level 4 finish), 5/8" thick | 640.00 | S.F. | \$1.30 | \$832.00 |
| 092910305350 | Gypsum wallboard, for finishing corners, inside, add | 80.00 | L.F. | \$0.90 | \$72.00 |
| 092910305355 | Gypsum wallboard, for finishing outer corners, add | 40.00 | L.F. | \$0.85 | \$34.00 |
| 092915100300 | Accessories, gypsum board, corner bead, galvanized steel, 1" x 1" | 1.00 | C.L.F. | \$112.25 | \$112.25 |
| 092915101170 | Accessories, gypsum board, screws, #6 x 1-5/8" A | 2.00 | M | \$15.60 | \$31.20 |
| 093013450100 | Spacers, 1/8" | 20.00 | C | \$2.23 | \$44.60 |
| 093113104610 | Ceramic tile, 1/8" joint, 8" x 8" x 3/8" tile or larger, add for epoxy grout | 484.00 | S.F. | \$2.18 | \$1,055.12 |
| 093133103100 | Ceramic tile, floors, natural clay, random or uniform, thin set, color group 2 | 425.00 | S.F. | \$9.54 | \$4,054.50 |
| 093133103285 | Ceramic tile, border tile, 6" x 12" tile | 100.00 | S.F. | \$15.63 | \$1,563.00 |
| 093213102400 | Ceramic tile, bullnose trim, mud set, 4-1/4" x 4-1/4" | 60.00 | L.F. | \$13.02 | \$781.20 |
| 093213106210 | Ceramic tile, for walls, mud set, better grade, 4-1/4" x 4-1/4" | 384.00 | S.F. | \$18.27 | \$7,015.68 |
| 093213107000 | Ceramic tile, for epoxy grout, 1/16" joints, 4-1/4" tile, add | 444.00 | S.F. | \$1.12 | \$497.28 |
| 095123101125 | Suspended acoustic ceiling tiles, mineral fiber tile, lay-in, fine texture, 2' x 2' or 2' x 4', 3/4" thick | 384.00 | S.F. | \$2.78 | \$1,067.52 |
| 095123101190 | Suspended acoustic ceiling tiles, for fire rating, add | 384.00 | S.F. | \$0.50 | \$192.00 |
| 095323300050 | Ceiling suspension system, class A, 15/16" T bar, 2' x 4' grid | 384.00 | S.F. | \$1.30 | \$499.20 |
| 096510103600 | Latex underlayment, cementitious for resilient flooring, 1/8" thick | 425.00 | S.F. | \$4.16 | \$1,768.00 |
| 099103400150 | Surface preparation, interior, doors, hand wash, metal, flush | 20.00 | S.F. | \$0.15 | \$3.00 |
| 099123350110 | Paints & coatings, interior latex, doors, flush, both sides, roll & brush, primer, incl. frame & trim | 2.00 | Ea. | \$37.46 | \$74.92 |

| LineNumber | Description | Quantity | Unit | Total Incl. O&P | Ext. Total Incl. O&P |
|--------------------|--|----------|------|-----------------|----------------------|
| 099123721670 | Painting walls, complete, on drywall or plaster, primer and 2 finish coats, with roller, including surface preparation | 900.00 | S.F. | \$1.24 | \$1,116.00 |
| Division 09 | Finishes Subtotal | | | | \$22,847.65 |
| Division 10 | Specialties | | | | |
| 100505101105 | Specialties demolition, demolition, mirror, wall mounted | 2.00 | Ea. | \$14.39 | \$28.78 |
| 100505101910 | Specialties demolition, toilet cubicles, remove | 6.00 | Ea. | \$108.03 | \$648.18 |
| 100505101930 | Urinal screen, remove | 2.00 | Ea. | \$35.87 | \$71.74 |
| 101423131200 | Signs, flexible door sign, adhesive back, w/Braille, 5/8" letters, 8" x 8" | 2.00 | Ea. | \$83.39 | \$166.78 |
| 102113162600 | Toilet cubicles, overhead braced plastic laminate partitions on particle board, install | 6.00 | Ea. | \$1,123.13 | \$6,738.78 |
| 102113165900 | Urinal screen, pilaster, flush, plastic laminate on particle board | 2.00 | Ea. | \$733.69 | \$1,467.38 |
| 102813130400 | Toilet accessories, diaper changing station, plastic, wall mounted, horizontal | 1.00 | Ea. | \$326.43 | \$326.43 |
| 102813131300 | Toilet accessories, grab bars, straight, satin finish, 2-1/2" diameter x 36" long | 2.00 | Ea. | \$66.72 | \$133.44 |
| 102813131310 | Toilet accessories, grab bars, straight, satin finish, 2-1/2" diameter x 42" long | 2.00 | Ea. | \$73.91 | \$147.82 |
| Division 10 | Specialties Subtotal | | | | \$9,729.33 |
| Division 12 | Furnishings | | | | |
| 123640102800 | Countertops, granite, average, 24" wide, 1-1/4" thick, excl. backsplash | 45.00 | L.F. | \$211.01 | \$9,495.45 |
| 123661164100 | Solid surface countertop, acrylic polymer, sinks, for cutouts, pricing for orders of 1 - 50 units | 6.00 | Ea. | \$103.81 | \$622.86 |
| Division 12 | Furnishings Subtotal | | | | \$10,118.31 |
| Division 22 | Plumbing | | | | |
| 220505100710 | Fountains, sinks or lavatories, selective demolition | 6.00 | Ea. | \$36.25 | \$217.50 |
| 220505100720 | Water closets, selective demolition | 6.00 | Ea. | \$42.18 | \$253.08 |
| 220505101300 | Fixture, sink, single compartment, selective demolition | 6.00 | Ea. | \$63.59 | \$381.54 |
| 220719100245 | Insulation, insulated protectors (ADA), for exposed piping under sinks or lavatories, vinyl coated foam, velcro tabs, p trap, 1-1/4" or 1-1/2" | 6.00 | Ea. | \$35.89 | \$215.34 |
| 224116132040 | Lavatory, vanity top, stainless steel, self-rimming, ledge, round, single bowl, 18-3/4", includes trim | 6.00 | Ea. | \$1,135.67 | \$6,814.02 |
| 224139102120 | Faucets/fittings, lavatory faucet, center set with pop-up drain | 6.00 | Ea. | \$179.48 | \$1,076.88 |
| 224213133362 | Water closet, bowl only, floor mounted, tankless, with floor outlet, ADA, 1.28 gpf, includes flush valve and seat | 6.00 | Ea. | \$844.89 | \$5,069.34 |
| 224213139000 | Water closet, minimum labor/equipment charge | 6.00 | Job | \$224.60 | \$1,347.60 |

| LineNumber | Description | Quantity | Unit | Total Incl. O&P | Ext. Total Incl. O&P |
|--------------------|---|----------|------|-----------------|----------------------|
| 224239100970 | Faucets/fittings, flush valve, urinal, concealed stall, wall, (washout) | 3.00 | Ea. | \$278.65 | \$835.95 |
| Division 22 | Plumbing Subtotal | | | | \$16,211.25 |
| Division 23 | Heating, Ventilating, and Air Conditioning (HVAC) | | | | |
| 230505101850 | Air conditioner, duct heater, electric strip, selective demolition, minimum labor/equipment charge | 1.00 | Job | \$112.03 | \$112.03 |
| 233313135994 | Duct accessories, multi-blade dampers, opposed blade, 8" x 8" | 2.00 | Ea. | \$46.34 | \$92.68 |
| 233713300380 | Grille, aluminum, air supply, adjustable, single deflection, 24" x 24" | 2.00 | Ea. | \$78.21 | \$156.42 |
| Division 23 | Heating, Ventilating, and Air Conditioning (HVAC) Subtotal | | | | \$361.13 |
| Division 26 | Electrical | | | | |
| 260505101790 | Receptacle & switches, 15 to 30 amp, electrical demolition, remove | 6.00 | Ea. | \$3.66 | \$21.96 |
| 260505102380 | Fluorescent fixtures, interior, strip fixture, 2 lamp, 8' long, electrical demolition, remove, surface mount, to 15' high, including supports & whips | 6.00 | Ea. | \$24.61 | \$147.66 |
| 26050505320 | Emergency battery pack lighting unit, electrical demolition, remove | 2.00 | Ea. | \$41.13 | \$82.26 |
| 26050505500 | Track lighting, 8' section, electrical demolition, remove | 3.00 | Ea. | \$24.61 | \$73.83 |
| 26050506010 | Fluorescent lamp, electrical demolition, remove | 12.00 | Ea. | \$2.46 | \$29.52 |
| 260590104330 | Receptacle devices, residential, decorator style, GFI, EMT & wire, 20', 15 amp, incl box & cover plate | 2.00 | Ea. | \$151.83 | \$303.66 |
| 262726201200 | Toggle switch, quiet type, double pole, 20 amp | 4.00 | Ea. | \$64.76 | \$259.04 |
| 262726202600 | Wall plates, stainless steel, 1 gang | 4.00 | Ea. | \$9.17 | \$36.68 |
| 265113503502 | Fluorescent fixture, interior, troffer, direct/indirect, 2-32 W T8, 2' W x 4' L, incl lamps, mounting hardware and connections | 4.00 | Ea. | \$424.50 | \$1,698.00 |
| 265113550100 | Interior LED fixtures, downlight, recess mounted, 25 watt, 7.5" diameter, incl lamps, mounting hardware and connections | 6.00 | Ea. | \$452.06 | \$2,712.36 |
| 265213100500 | Emergency lighting units, lead battery operated, twin sealed beam light, 25 W, 6 V each | 2.00 | Ea. | \$317.77 | \$635.54 |
| Division 26 | Electrical Subtotal | | | | \$6,000.51 |

| LineNumber | Description | Quantity | Unit | Total Incl. O&P | Ext. Total Incl. O&P |
|------------|---|----------|------|-----------------|----------------------|
| | Subtotal | | | | \$72,254.32 |
| | General Contractor's Markup on Subs | | | 0.00% | \$0.00 |
| | Subtotal | | | | \$72,254.32 |
| | General Conditions | | | 0.00% | \$0.00 |
| | Subtotal | | | | \$72,254.32 |
| | General Contractor's Overhead and Profit | | | 0.00% | \$0.00 |
| | Grand Total | | | | \$72,254.32 |



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

March 5, 2018

To: Mayor and City Council
Agenda Item: 10(a) Consider an ordinance creating Reinvestment Zone No. 17 for tax abatement purposes.
Submitted by: Joseph Esch, Economic Development

SYNOPSIS

Second and final reading for the creation of a tax abatement Reinvestment Zone #17

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City
- Grow business investments in Missouri City
- Have quality development through buildout

BACKGROUND

State statute requires that cities wishing to offer tax abatement to create a reinvestment zone to identify the specific geographic area in which a tax abatement agreement may be entered into. The creation of the reinvestment zone requires a public hearing and two readings in open session of the City Council. The appropriate notice has been published in the City's paper of record and this agenda item is to allow for a public hearing and the second of two readings of the ordinance.

The proposed tax abatement reinvestment zone is being created to allow the City to offer a tax abatement to a new business recruitment prospect. Should the City and the recruitment prospect reach agreement on the final terms of the tax abatement agreement that agreement will be brought forth at the second reading of the reinvestment zone.

SUPPORTING MATERIALS

1. Reinvestment Zone Ordinance

STAFF'S RECOMMENDATION

Staff recommends adoption of the ordinance creating reinvestment zone #17

Director Approval: Joseph Esch, Economic Development

**Assistant City Manager/
City Manager Approval:** Anthony J. Snipes, City Manager

ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, CREATING REINVESTMENT ZONE NO. 17 ENCOMPASSING AN APPROXIMATE 29.18-ACRE TRACT OF LAND LOCATED NORTH OF A CENTERPOINT ENERGY HOUSTON ELECTRIC LLC EASEMENT, SOUTH OF PINE MEADOW DRIVE, EAST OF ECHO CREEK DRIVE, AND WEST OF SOUTH CRAVENS IN THE CITY OF MISSOURI CITY, TEXAS; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council of the City of Missouri City has passed and approved Guidelines and Criteria for Granting Tax Abatement in Reinvestment Zones (“Guidelines”) created in the City of Missouri City, Texas (the “City”); and

WHEREAS, pursuant to the Guidelines, the City has received a request for the creation of a reinvestment zone and tax abatement; and

WHEREAS, after proper notice, the City held a public hearing where all interested persons were given an opportunity to speak and present evidence for and against the creation of Reinvestment Zone No. 17; and

WHEREAS, written notice of the hearing was given to all taxing entities where the proposed zone is to be located; and

WHEREAS, the City Council has determined, based on evidence presented, that the improvements sought to be located in proposed Reinvestment Zone No. 17 are feasible and practical and would be a benefit to the land to be included in the Zone and to the City after the expiration of the tax abatement agreement; and

WHEREAS, the creation of Reinvestment Zone No. 17 will be reasonably likely, as a result of its creation, to attract major investment into the Zone that would be a benefit to the property located therein and that will contribute to the economic development of the City; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. That the facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct, and are made a part of this Ordinance for all purposes.

Section 2. The City Council of the City of Missouri City conducted the public hearing on the creation of Reinvestment Zone No. 17 and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. That Reinvestment Zone No. 17 is hereby created for the purpose of encouraging economic development through tax abatement. Reinvestment Zone No. 17

can be described as being all 29.18 acres of the real property described in Exhibit "A" and depicted in Exhibit "A-1", both of which are attached hereto and made a part hereof. Exhibit "A-1" is for reference purposes only. In the event Exhibit "A-1" conflicts with Exhibit "A", Exhibit "A" shall prevail.

Section 4. This designation shall be effective for five (5) years from the date of final passage of this Ordinance and may be renewed for periods not to exceed five (5) years.

Section 5. *Repeal.* All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict only.

Section 6. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED and APPROVED on first reading this 5th day of February, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this 5th day of March, 2018.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

Exhibit "A"

A TRACT OR PARCEL CONTAINING 29.176 ACRES OR 1,270,904 SQUARE FEET OF LAND SITUATED IN THE B.B.B. & C. RR. CO. SURVEY, ABSTRACT NO. 116, CITY OF MISSOURI CITY, FORT BEND COUNTY, TEXAS, BEING OUT OF AND A PART OF A CALLED 64.8768 ACRE TRACT, CONVEYED TO GUS MULE, ET AL AS RECORDED UNDER VOLUME (VOL.) 2322 PAGE (PG.) 1748 FORT BEND COUNTY DEED RECORDS (F.B.C.D.R.), WITH SAID 29.176 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE NORTHWEST LINE OF THE SAID CALLED 64.8768 ACRE TRACT, AND ON THE SOUTHWEST RIGHT-OF-WAY (R.O.W.) LINE OF SOUTH CRAVENS ROAD (BASED ON A VARIABLE WIDTH) AS RECORDED UNDER VOL. 191, PG. 556A F.B.C.D.R., SET MARKING THE MOST EASTERLY CORNER OF PINE MEADOW (BEFORE R.O.W. DEDICATION) MAP OR PLAT THEREOF RECORDED UNDER VOL. 21 PG. 23 F.B.C.P.R. AND THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND (BENT) 5/8 INCH IRON ROD BEARS, NORTH 49 DEG. 56 MIN. EAST, 0.46 FEET;

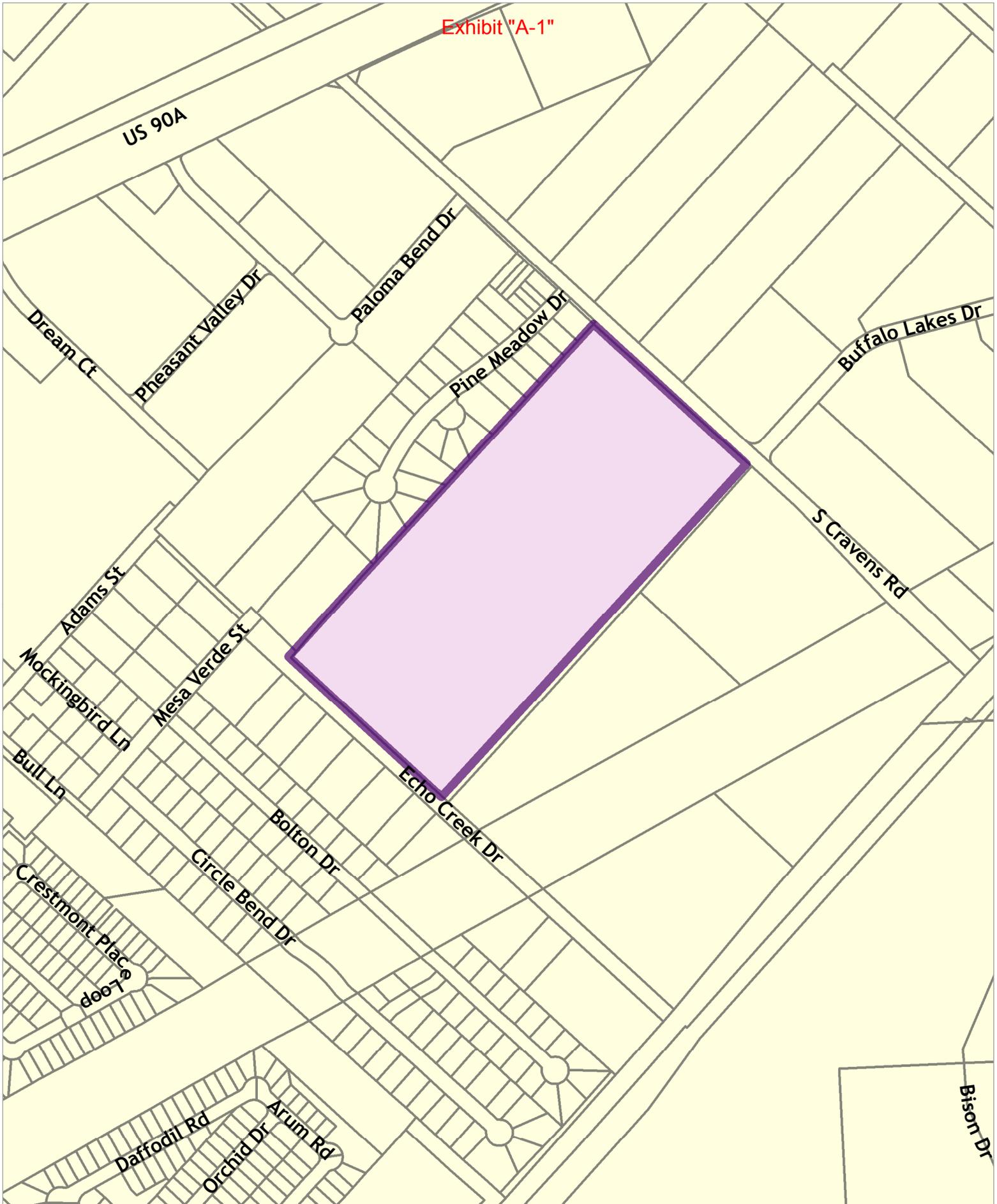
THENCE, SOUTH 47 DEG. 29 MIN. 39 SEC. EAST, ALONG SOUTHWEST R.O.W. LINE OF SAID SOUTH CRAVENS ROAD, A DISTANCE OF 764.51 FEET, TO THE MOST NORTHERLY CORNER OF A CALLED 26.2837 ACRE TRACT CONVEYED TO GIOK MOY TJIANG AS RECORDED UNDER FORT BEND COUNTY CLERK'S FILE NO. (F.B.C.C.F.) 2015034424 AND THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND (BENT) 3/4 INCH IRON ROD BEARS, SOUTH 83 DEG. 15 MIN. WEST, 0.28 FEET, AND A 1/2 INCH IRON PIPE BEARS SOUTH 47 DEG. 29 MIN. 39 SEC. EAST, 1049.43 FEET;

THENCE, SOUTH 42 DEG. 27 MIN. 53 SEC. WEST, DEPARTING THE SOUTHWEST R.O.W. LINE OF SAID SOUTH CRAVENS ROAD, ALONG THE NORTHWEST LINE OF SAID CALLED 26.2837 ACRE TRACT, DISTANCE OF 1662.51 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE NORTHEAST R.O.W. LINE OF ECHO CREEK DRIVE (BASED ON A WIDTH OF 60 FEET) AS RECORDED UNDER VOL. 434, PG. 173 AND PG. 177 F.B.C.D.R. MARKING THE MOST WESTERLY CORNER OF SAID CALLED 26.2837 ACRE TRACT AND THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 47 DEG. 28 MIN. 31 SEC. WEST, ALONG THE NORTHEAST R.O.W. LINE OF SAID ECHO CREEK DRIVE, A DISTANCE OF 764.51 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE MOST SOUTHERLY CORNER OF A CALLED 2.122 ACRE TRACT OF LAND CONVEYED TO LOLA MAE DAVIS AS RECORDED UNDER F.B.C.C.F. NO. 2005073807 AND THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 42 DEG. 27 MIN. 53 SEC. EAST, DEPARTING THE SOUTHWEST R.O.W. LINE OF SAID ECHO CREEK DRIVE AND ALONG THE NORTHWEST LINE OF THE HEREIN DESCRIBED TRACT, COMMON WITH THE SOUTHEAST LINE OF SAID CALLED 2.122 ACRE TRACT, PASSING AT A DISTANCE OF 446.19 FEET, A 1 INCH IRON PIPE FOUND MARKING THE MOST EASTERLY CORNER OF SAID CALLED 2.122 ACRE TRACT AND THE MOST SOUTHERLY CORNER OF LOT 14, BLOCK 1, OF AFORESAID PINE MEADOW SUBDIVISION, CONTINUING A TOTAL DISTANCE OF 1662.25 FEET TO THE **PLACE OF BEGINNING** AND CONTAINING 29.176 ACRES OR 1,270,904 SQUARE FEET OF LAND.

Exhibit "A-1"



Map By:
GIS Division
January 2018



29.176 ac Tract

Legend

-  Tract
-  Parcel
-  City Limits



0 200 400 800 1,200 Feet

Geographic Coordinate System North American Datum 1983 (NAD83)

The information on this map is provided and maintained by various agencies, including county departments, municipal governments, state and federal agencies. No guarantee is given as to the accuracy or currency of any of the data. The map is designed to serve as a secondary representation of real property found within this jurisdiction, and is compiled from the recorded deeds, plats, and other public records, which are primary sources for this public information. Users of this map are hereby notified that these primary sources should be consulted for verification of the information presented here. The data layers do not take the place of a legal survey or other primary source documentation. The city and its vendors assume no legal responsibility for the information on this map.



CITY COUNCIL AGENDA ITEM COVER MEMO

March 5, 2018

To: Mayor and City Council
Agenda Item: 11(a) Consider a resolution authorizing the Mayor to execute and the City Secretary to attest the tax abatement agreement pertaining to certain improvements to be located on a 29.18-acre tract of land situated within the Park 8Ninety commercial subdivision and north of Buffalo Run Park, south of U.S. Highway 90A, east of South Cravens Road, and west of Beltway 8 in Reinvestment zone No. 17.

Submitted by: Joseph Esch, Economic Development

SYNOPSIS

Consider a resolution for tax abatements for Reinvestment Zones No. 17.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City
- Grow business investments in Missouri City
- Have quality development through buildout

BACKGROUND

State statute requires that cities wishing to offer tax abatement to create a reinvestment zone to identify the specific geographic area in which a tax abatement agreement may be entered into. The creation of the reinvestment zone requires a public hearing and two readings in open session of the City Council. The appropriate notice has been published in the City's paper of record and this agenda item is to allow for a public hearing and the first of two readings of the ordinance.

The proposed tax abatement reinvestment zone is being created to allow the City to offer a tax abatement to a new business recruitment prospect. Should the City and the recruitment prospect reach agreement on the final terms of the tax abatement agreement that agreement will be brought forth at the second reading of the reinvestment zone.

The proposed project is the attraction of a fresh food services company to locate into 62,000 SF of leased space in an existing building in Park eight ninety. The company proposes to invest an additional \$6,000,000 into existing space. The company projects 115 new jobs to be created by the project. The company provides fresh foods to a variety of customers in the Houston market.

SUPPORTING MATERIALS

1. Resolution
2. Agreement

STAFF'S RECOMMENDATION

Staff recommends approval of tax abatements for Reinvestment Zones No. 17.

Director Approval: Joseph Esch, Economic Development

**Assistant City Manager/
City Manager Approval:** Anthony J. Snipes, City Manager

RESOLUTION NO. R-18-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST THE TAX ABATEMENT AGREEMENT BY AND BETWEEN THE CITY OF MISSOURI CITY, TEXAS, AND RIDGE SOUTHWEST CC PARTNERS I, LLC PERTAINING TO CERTAIN IMPROVEMENTS TO BE LOCATED ON A 29.18-ACRE TRACT OF LAND SITUATED WITHIN THE PARK 8NINETY COMMERCIAL SUBDIVISION AND NORTH OF BUFFALO RUN PARK, SOUTH OF U.S. HIGHWAY 90A, EAST OF SOUTH CRAVENS ROAD, AND WEST OF BELTWAY 8 IN REINVESTMENT ZONE NO. 17 IN THE CITY OF MISSOURI CITY, TEXAS.

* * * * *

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. That the Mayor of the City of Missouri City, Texas, is authorized to execute for and on behalf of the City of Missouri City, Texas, and the City Secretary is hereby authorized to attest the Tax Abatement Agreement by and between the City of Missouri City, Texas, and Ridge Southwest CC Partners I, LLC, pertaining to certain real property improvements to be located on a 29.18-acre tract of land situated within the Park 8Ninety commercial subdivision and north of Buffalo Run Park, south of U.S. Highway 90A, east of South Cravens Road, and west of Beltway 8 in Missouri City, Texas in Reinvestment Zone No. 17 in the City of Missouri City, Texas. A copy of such tax abatement agreement is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED and ADOPTED this 5th day of March, 2018.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

**TAX ABATEMENT AGREEMENT RELATING TO REAL PROPERTY by and between
THE CITY OF MISSOURI CITY, TEXAS, and RIDGE SOUTHWEST CC PARTNERS I,
LLC**

This Tax Abatement Agreement, hereinafter referred to as "Agreement," is executed by and between **THE CITY OF MISSOURI CITY, TEXAS**, hereinafter referred to as "City," acting by and through its City Council, and **RIDGE SOUTHWEST CC PARTNERS I, LLC**, a Delaware limited liability company, and the owner of the Real Property, hereinafter referred to as "Owner." Such property is located within City of Missouri City Reinvestment Zone No. 17, established by City of Missouri City Ordinance No. O-18-___, adopted _____ __, 2018, incorporated herein by reference for all purposes, and the location of the Improvements (hereinafter defined) to be constructed within the City of Missouri City Reinvestment Zone No. 17.

GENERAL PROVISIONS

1. **Authorization**

- a. This Agreement is authorized by the Property Redevelopment and Tax Abatement Act, Chapter 312 of the TEXAS TAX CODE as it exists on the effective date of this Agreement, and the Guidelines and Criteria for Granting Tax Abatement in Reinvestment Zones created in Missouri City, Texas (Guidelines for Tax Abatement), which were approved by the City Council of the City of Missouri City on September 5, 2017, by Resolution No. R-17-23. City has determined that the request for Tax Abatement presented by Owner conforms with the criteria established in the Guidelines for Tax Abatement.
- b. No official of the City has an interest in the property subject to this Agreement.

2. **Definitions**

As used in this Agreement, the following terms shall have the meanings set forth below:

- a. **"Abated Value"** means the value of the Improvements subject to taxation after the appraised value is reduced by the percentage of abatement each year during the term of the Abatement.
- b. **"Abatement"** means the exemption from ad valorem taxes of certain property in City of Missouri City Reinvestment Zone No. 17 as set forth in Section 5 hereof.

- c. **“Application for Abatement”** means the Application for Value Added Tax Abatement and the answers provided on the Economic Impact Statement Questionnaire, both of which are provided by Owner.
- d. **“Certified Appraised Value”** means the value, as certified by the District as of January 1 of each year of this Agreement, regarding Real Property, Improvements, or Ineligible Property, as applicable, located on the Real Property within City of Missouri City Reinvestment Zone No. 17.
- e. **“City”** means the City of Missouri City, Texas.
- f. **“District”** means Fort Bend Central Appraisal District.
- g. **“Improvements”** means the construction of a building to be located on the Real Property and containing at least 475,000 square feet of floor space to serve warehousing, distribution, service center, or other uses permitted by existing zoning and the Guidelines for Tax Abatement.
- h. **“Ineligible Property”** means the Real Property, excluding the Improvements, improvements on the Real Property existing on the date of this Agreement; the Real Property used primarily to provide retail sales or services to the public; the Real Property used for residential purposes or with a productive life of less than 10 years; tangible personal property, including, but not limited to, tangible personal property that the District classifies as inventory or supplies; real or tangible personal property located in City of Missouri City Reinvestment Zone No. 17 prior to the effective date of this Agreement and any other property for which abatement is not allowed by state law.
- i. **“Owner”** means Ridge Southwest CC Partners I, LLC, and any other person or entity to which the rights and obligations of Owner contained in this Agreement are assigned pursuant to the terms of this Agreement.
- j. **“Real Property”** means the land described on Exhibit A attached hereto and made a part hereof for all purposes.
- k. **“Tax Assessor-Collector”** means the Fort Bend County Tax Assessor-Collector.
- l. **“Tax Year”** has the meaning given in Section 1.04(13), TEXAS TAX CODE.

3. **Subject Real Property**

The Real Property subject to this Agreement is located within City of Missouri City Reinvestment Zone No. 17.

4. **Responsibilities and Representations of Owner**

In consideration of receiving the Abatement granted herein for the Improvements, Owner represents and agrees as follows:

(a) That construction of the Improvements shall be commenced on or before January 1, 2019, and shall be completed on or before June 30, 2019. Owner shall provide the Tax Assessor-Collector a certified statement evidencing a minimum of \$2,000,000 in project costs with respect to the design, construction, and acquisition of the Improvements within sixty (60) days after completion of the Improvements. Improvements shall be constructed by "separated contracts," as that term is defined by 34 TEX. ADMIN. CODE § 3.291, and Owner shall collect and pay City taxes in accordance with 34 TEX. ADMIN. CODE § 3.379(b). Failure to meet the requirements of this Section 4(a) will invalidate the Abatement for the year that this requirement is not satisfied. Owner may from time to time during the term of this Agreement and after the date set forth above in this Section 4(a), modify, remove or replace Improvements, as Owner may determine in its discretion, provided such shall not modify the minimum value requirements in Section 4(b) hereof.

(b) That, beginning on January 1, 2020, the combined Certified Appraised Value of the Improvements on January 1 of each year that taxes are abated under this Agreement's provisions must have a minimum value of \$2,000,000. Failure to meet the requirements of this Section 4(b) will invalidate the Abatement for the year that this requirement is not satisfied.

5. **Term and Abatement**

(a) This Agreement shall be effective on the date executed by City or the Owner, whichever is last. This Agreement shall terminate on December 31, 2026, unless terminated earlier as provided elsewhere herein. In no event shall this Agreement extend beyond December 31, 2026. Owner's obligations upon default to pay

to City any taxes abated or owed under this Agreement shall not terminate until the abated taxes are paid.

(b) In each year that this Agreement is in effect, the amount of Abatement shall be an amount equal to the percentage indicated below of the value assessed on the Improvements during each applicable Tax Year.

(c) Subject to the limitations imposed by law and conditioned upon the Owner's performance outlined in Section 4 above, there shall be granted and allowed hereunder an Abatement on the value of the Improvements as follows:

| Tax Year | Abatement percentage |
|----------|----------------------|
| 2020 | 50% |
| 2021 | 50% |
| 2022 | 50% |
| 2023 | 50% |
| 2024 | 50% |

(d) The Abatement granted for the Improvements shall not apply to the Certified Appraised Value of the Ineligible Property or the Real Property.

(e) All Improvements shall be constructed in substantial accordance with applicable laws, ordinances, rules, or regulations in effect at the time such Improvements are constructed.

(f) The District's determination of values shall be used to determine the Certified Appraised Value of the property subject to this Agreement. If Owner protests the District's valuation of the property, the valuation placed on the property after the protest is resolved under State law shall be used.

6. **Taxability**

During the period that this Abatement for the Improvements is effective, taxes shall be payable by Owner as follows:

- (1) the value, as established by the District for each Tax Year, of Real Property and Ineligible Property shall be fully taxable; and

- (2) the Abated Value, as established by the District, of the Improvements shall be fully taxable, provided that Owner comports with the obligations contained herein.

7. **Additional Responsibilities and Representations of Owner**

In consideration of receiving the Abatement granted herein, Owner represents and agrees:

(a) That Owner has, as of the effective date of this Agreement, the financial resources to implement the above responsibilities and representations.

(b) That Owner, as of the effective date of this Agreement, submitted an Application for Abatement.

(c) The Owner, as of the effective date of this Agreement, has acquired fee simple ownership of the Real Property.

(d) **THAT OWNER SHALL BE RESPONSIBLE FOR NOTIFYING THE DISTRICT OF THE ABATEMENT, INCLUDING FILING WITH THE DISTRICT ANY APPLICATION OR OTHER FORMS NECESSARY TO QUALIFY FOR OR RECEIVE THE ABATEMENT GRANTED.**

(e) **IN THE EVENT THE OWNER INTENDS TO SELL THE REAL PROPERTY, OWNER SHALL BE RESPONSIBLE FOR REQUESTING FROM THE CITY AN ASSIGNMENT OF THIS AGREEMENT. OWNER SHALL NOTIFY THE TAX ASSESSOR-COLLECTOR AND THE CITY OF THE SALE OF THE REAL PROPERTY WITHIN NINETY (90) DAYS AFTER A SALE OF THE PROPERTY. FAILURE OF OWNER TO COMPLY WITH ANY OF THIS NOTIFICATION REQUIREMENT SHALL RESULT IN DEFAULT OF THIS AGREEMENT, SUBJECT TO THE NOTICE AND OPPORTUNITY TO CURE PROVISIONS OF SECTION 8(B). OWNER SHALL BE RESPONSIBLE FOR FILING ALL FORMS AS MAY BE REQUIRED BY THE DISTRICT TO DOCUMENT SUCH CHANGE OF OWNERSHIP.**

(f) On or before April 30 of each year of this Agreement, Owner shall certify in writing, in a form prescribed by the City and the Tax Assessor Collector, respectively, to both the City and to the Tax Assessor-Collector whether Owner is in compliance with each term of this Agreement.

(g) Owner shall record a copy of the Agreement in the real property records of the county in which the Improvements are located and shall submit a file-stamped copy to the City immediately after such filing.

8. **Event of Default**

(a) Subject to the notice and opportunity to cure provisions in Section 8(b), City may declare a default of this Agreement if Owner:

- (1) fails to comply with any of its obligations under this Agreement;
- (2) allows City ad valorem taxes on the Real Property, on the Ineligible Property, or on the Abated Value of the Improvements to become delinquent; or
- (3) vacates the Real Property subject to the Agreement or ceases operations on the Real Property for a continuous period of ninety (90) days before the expiration of the term of the Abatement without the prior written consent of the City.

(b) City shall notify Owner of any default in writing specifying the default. The Owner shall have sixty (60) days from the date of the notice to cure any default, or if said default is not reasonably curable within such time, the Owner must commence within the aforementioned sixty (60)-day period and thereafter continue to diligently pursue the cure of said default. If the default is not thereafter cured in a reasonable time, City may terminate this Agreement by written notice.

(c) If this Agreement is terminated by City due to Owner's default, Owner agrees that Owner is liable for and will pay to City within thirty (30) days of the termination of this Agreement:

- (1) The amount of all ad valorem taxes abated under this Agreement to the date of termination;
- (2) Interest, which shall accrue beginning on the date that the Agreement is terminated, on the amount of all ad valorem taxes abated under this Agreement at the interest rate provided for in the Texas Tax Code for delinquent taxes; and

- (3) Penalties on the amount of all ad valorem taxes abated under this Agreement at the rate provided for in the Texas Tax Code for delinquent taxes.

(d) City shall have a lien against Owner, the Real Property, and the Improvements for the taxes, interest, and penalties owed because of the recapture of taxes under this Agreement during the time period beginning on the date such payment obligation accrues and continuing until the date paid.

9. **Administration and Inspection**

(a) This Agreement shall be administered on behalf of City by the City Manager or the City Manager's designee. Owner shall allow employees or other representatives of City, who have been designated by the City Manager for the specific purpose of ensuring compliance with this Agreement, to have access to and to inspect the Real Property and the Improvements, at City's sole cost, expense, and risk during the term of the Agreement. All inspections shall be made only after two (2) business days' prior notice and will be conducted in such a manner as not to unreasonably interfere with the construction and/or operation of the facility. A representative of Owner may accompany the inspector at Owner's sole discretion.

(b) Upon completion of the construction of the Improvements, the City shall annually evaluate the Real Property and the Improvements to ensure compliance with the terms and provisions of this Agreement and shall report defaults to Owner.

(c) The Chief Appraiser of the District shall annually determine (1) the Abated Value of the Improvements under the terms of this Agreement and (2) the Certified Appraised Value of the Improvements. The Chief Appraiser shall record both the Abated Value and the Certified Appraised Value in the appraisal records. The Certified Appraised Value figure for each applicable year listed in the appraisal records shall be used to compute the amount of abated taxes to be recaptured in the event that this Agreement is terminated in a manner that results in recapture of abated taxes.

(d) Owner shall furnish the Chief Appraiser annually such information required to be furnished to the Chief Appraiser under Chapter 22 of the TEXAS TAX CODE as may be necessary for the administration of the Abatement.

10. **Assignment**

(a) Owner shall obtain the City's prior written consent at least 30 days before this Agreement may be assigned, which consent by the City shall not be unreasonably withheld, conditioned or delayed. This Agreement may not be assigned and the refusal of the City shall be deemed reasonable if either the City has declared a default hereunder which has not been cured or the Owner or its assignee is delinquent in the payment of ad valorem taxes.

(b) Any and all assignments shall contain the same terms and conditions as set out in this Agreement and shall be granted for the remaining term of this Agreement.

11. **Indemnity**

It is understood and agreed between the parties that the Owner, in performing its obligations hereunder, is acting independently, and City assumes no responsibilities or liabilities in connection therewith to third parties. **OWNER AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS CITY AND THE DISTRICT FROM ANY AND ALL CLAIMS, SUITS, AND CAUSES OF ACTION OF ANY NATURE WHATSOEVER ARISING OUT OF OWNER'S BREACH OF ITS OBLIGATIONS HEREUNDER EXCEPT THAT THE INDEMNITY AND THE DUTY TO DEFEND SHALL NOT APPLY TO THAT PORTION OF LIABILITIES RESULTING FROM THE INTENTIONAL CONDUCT OR NEGLIGENCE OF CITY OR THE DISTRICT OR THEIR RESPECTIVE OFFICERS, AGENTS OR EMPLOYEES. OWNER'S INDEMNIFICATION OBLIGATIONS INCLUDE THE PAYMENT OF REASONABLE ATTORNEYS' FEES AND EXPENSES INCURRED IN THE DEFENSE OF ANY SUCH CLAIMS, SUITS, AND CAUSES OF ACTION WHICH ARE NOT DUE TO CITY'S, THE DISTRICT'S, OR**

THEIR REPRESENTATIVES' INTENTIONAL CONDUCT OR NEGLIGENCE. IN LIEU OF OWNER HIRING COUNSEL TO DEFEND THE CITY OR THE DISTRICT, NOTHING IN THIS AGREEMENT SHALL BE INTERPRETED TO PROHIBIT THE CITY OR THE DISTRICT FROM ENGAGING REPRESENTATION OF ANY SUCH CLAIM, SUIT OR CAUSE OF ACTION.

12. **Force Majeure**

If by reason of force majeure, Owner is unable to perform any obligation of this Agreement, including the completion of the construction of the Improvements by the date specified in this Agreement, it shall give notice of the force majeure to City in writing within fifteen (15) calendar days after Owner first becomes aware of the occurrence relied upon and the effect on the performance of the Owner's obligations. By doing so, the obligation of Owner to the extent and for the period of time affected by the force majeure, shall be suspended. Owner shall endeavor to remove or overcome the inability with all reasonable effort. For purposes of this provision, "force majeure" shall mean acts of God, landslides, lightning, earthquakes, hurricanes, storms, floods, tornados, fires, rain, inclement or adverse weather, or other natural occurrences; labor disputes, strikes, lockouts, insurrections, riots, wars or other civil or industrial disturbances; material shortages; orders of any kind of the federal or state government or of any civil or military authority; condemnation; explosions, fires, breakage or accidents to machinery, lines, or equipment; or any other similar causes.

13. **Agreement Approval**

This Agreement is conditioned upon the approval of the City Council of the City of Missouri City by the affirmative vote of a majority of the members present at a duly scheduled meeting of the City Council and upon execution of this Agreement by a representative of the Owner fully authorized to engage in such transaction.

14. **Compliance with State and Local Regulations**

(a) This Agreement shall not be construed to alter or affect the obligations of Owner to comply with any city ordinance or federal or state law or regulation.

(b) This paragraph is required by Chapter 2264, Texas Government Code, and supersedes any conflicting provision of this Agreement. Owner is prohibited from knowingly employing undocumented workers as that term is defined in Section 2264.001, Texas Government Code. If Owner is convicted of a violation under 8 U.S.C. Section 1324a(f), the conviction shall be considered default of this Agreement from which no cure provisions shall apply. In such event, City shall provide written notice to Owner of the default and this Agreement shall automatically terminate on the 30th day after the date of the notice of default from City to Owner. In the event of termination under this paragraph, Owner shall be responsible for repaying to City the amount of all property taxes abated under this Agreement, plus interest and penalties on the abated amount at the rate provided for in the Texas Tax Code for delinquent taxes from the date of termination until repaid in full.

15. **Changes in Tax Laws**

The Abatement provided in this Agreement is subject to any changes in the state tax laws during the term of this Agreement.

16. **Miscellaneous**

(a) This Agreement shall be construed under and in accordance with the laws of the State of Texas, except conflict of laws principles and provisions, and all obligations of the parties created hereunder are performable in Fort Bend County, Texas.

(b) In the event one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

(c) The waiver by either party of a breach of any provision of this Agreement shall not operate as or be construed as a waiver of any subsequent breach.

(d) Any amendments of this Agreement shall be of no effect unless in writing and signed by each party affected thereby.

(e) Any act required by this Agreement to be performed by Owner may be performed by the agent of Owner.

17. **Notices**

Any notice required or desired to be given under the provisions of this Agreement shall be in writing and shall be duly served when it shall have been deposited, enclosed in a wrapper with the proper postage prepaid thereon, and duly registered or certified, return receipt requested, in a United States Post Office, or delivered by nationally recognized overnight courier, postage prepaid, in each case addressed to Owner, City, District or the Tax Assessor-Collector, as appropriate, at the mailing address as hereinafter set out. If mailed, any notice of communication shall be deemed to be received three (3) business days after the date of deposit in the United States Mail and one (1) business day after being deposited by nationally recognized overnight courier. Unless otherwise provided in this Agreement, all notices shall be delivered to Owner, City, District, or Tax Assessor-Collector at the following addresses:

To Tax Assessor-Collector: Fort Bend County Tax Assessor-Collector
1317 Eugene Heimann Circle
Richmond, Texas 77469

To Owner: Ridge Southwest CC Partners I, LLC
200 W Madison St., Ste 1200
Chicago, IL 60606

Attention: _____

Copy **Owner:**

_____, TX _____
Attention: General Counsel

To **City:**

City of Missouri City
1522 Texas Parkway
Missouri City, Texas 77489
Attention: City Manager

Copy **City:**

City of Missouri City
1522 Texas Parkway
Missouri City, Texas 77489
Attention: Economic Development Director

To **District:**

Fort Bend Central Appraisal District
2801 B. F. Terry Blvd.
Rosenberg, Texas 77471
Attention: Chief Appraiser

Either party may designate a different address by giving the other party ten (10) days written notice thereof.

18. **Entire Agreement**

This Agreement contains the entire Agreement among the parties and supersedes all other negotiations and agreements, whether written or oral. This Agreement shall be binding on the parties hereto and their successors and assigns, and shall inure to their benefit as well.

(Execution Pages Follow)

19. **Execution**

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by City and Owner as of the dates below stated. Owner warrants and represents that the individual executing this agreement on behalf of Owner has full authority to execute this Agreement and bind Owner to the same.

CITY OF MISSOURI CITY, TEXAS

By: _____
Allen Owen, Mayor

Date: _____

ATTEST:

Maria Jackson, City Secretary

OWNER: RIDGE SOUTHWEST CC PARTNERS I, LLC

By: Ridge Southwest CC Partners
GP, LLC

By: _____

Date: _____

STATE OF TEXAS

§

§

COUNTY OF _____

§

This instrument was acknowledged before me on this ____ day of _____, 2018,
by _____, as _____, of
_____, a _____ of the State of Texas, on its behalf.

Notary Public, State of Texas

Attachment:Exhibit A—Real Property description

**EXHIBIT A
REAL PROPERTY DESCRIPTION**

A TRACT OR PARCEL CONTAINING 29.176 ACRES OR 1,270,904 SQUARE FEET OF LAND SITUATED IN THE B.B.B. & C. RR. CO. SURVEY, ABSTRACT NO. 116, CITY OF MISSOURI CITY, FORT BEND COUNTY, TEXAS, BEING OUT OF AND A PART OF A CALLED 64.8768 ACRE TRACT, CONVEYED TO GUS MULE, ET AL AS RECORDED UNDER VOLUME (VOL.) 2322 PAGE (PG.) 1748 FORT BEND COUNTY DEED RECORDS (F.B.C.D.R.), WITH SAID 29.176 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE NORTHWEST LINE OF THE SAID CALLED 64.8768 ACRE TRACT, AND ON THE SOUTHWEST RIGHT-OF-WAY (R.O.W.) LINE OF SOUTH CRAVENS ROAD (BASED ON A VARIABLE WIDTH) AS RECORDED UNDER VOL. 191, PG. 556A F.B.C.D.R., SET MARKING THE MOST EASTERLY CORNER OF PINE MEADOW (BEFORE R.O.W. DEDICATION) MAP OR PLAT THEREOF RECORDED UNDER VOL. 21 PG. 23 F.B.C.P.R. AND THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND (BENT) 5/8 INCH IRON ROD BEARS, NORTH 49 DEG. 56 MIN. EAST, 0.46 FEET;

THENCE, SOUTH 47 DEG. 29 MIN. 39 SEC. EAST, ALONG SOUTHWEST R.O.W. LINE OF SAID SOUTH CRAVENS ROAD, A DISTANCE OF 764.51 FEET, TO THE MOST NORTHERLY CORNER OF A CALLED 26.2837 ACRE TRACT CONVEYED TO GIOK MOY TJIANG AS RECORDED UNDER FORT BEND COUNTY CLERK'S FILE NO. (F.B.C.C.F.) 2015034424 AND THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND (BENT) 3/4 INCH IRON ROD BEARS, SOUTH 83 DEG. 15 MIN. WEST, 0.28 FEET, AND A 1/2 INCH IRON PIPE BEARS SOUTH 47 DEG. 29 MIN. 39 SEC. EAST, 1049.43 FEET;

THENCE, SOUTH 42 DEG. 27 MIN. 53 SEC. WEST, DEPARTING THE SOUTHWEST R.O.W. LINE OF SAID SOUTH CRAVENS ROAD, ALONG THE NORTHWEST LINE OF SAID CALLED 26.2837 ACRE TRACT, DISTANCE OF 1662.51 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE NORTHEAST R.O.W. LINE OF ECHO CREEK DRIVE (BASED ON A WIDTH OF 60 FEET) AS RECORDED UNDER VOL. 434, PG. 173 AND PG. 177 F.B.C.D.R. MARKING THE MOST WESTERLY CORNER OF SAID CALLED 26.2837 ACRE TRACT AND THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 47 DEG. 28 MIN. 31 SEC. WEST, ALONG THE NORTHEAST R.O.W. LINE OF SAID ECHO CREEK DRIVE, A DISTANCE OF 764.51 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE MOST SOUTHERLY CORNER OF A CALLED 2.122 ACRE TRACT OF LAND CONVEYED TO LOLA MAE DAVIS AS RECORDED UNDER F.B.C.C.F. NO. 2005073807 AND THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 42 DEG. 27 MIN. 53 SEC. EAST, DEPARTING THE SOUTHWEST R.O.W. LINE OF SAID ECHO CREEK DRIVE AND ALONG THE NORTHWEST LINE OF THE HEREIN DESCRIBED TRACT, COMMON WITH THE SOUTHEAST LINE OF SAID CALLED 2.122 ACRE TRACT, PASSING AT A DISTANCE OF 446.19 FEET, A 1 INCH IRON PIPE FOUND MARKING THE MOST EASTERLY CORNER OF SAID CALLED 2.122 ACRE TRACT AND THE MOST SOUTHERLY CORNER OF LOT 14, BLOCK 1, OF AFORESAID PINE MEADOW SUBDIVISION, CONTINUING A TOTAL DISTANCE OF 1662.25 FEET TO THE **PLACE OF BEGINNING** AND CONTAINING 29.176 ACRES OR 1,270,904 SQUARE FEET OF LAND.



**Council Agenda Item
March 5, 2018**

12. CITY COUNCIL ANNOUNCEMENTS

Discussion, review, and possible action regarding a meeting or activity of one or more of the following entities (each entity refers to a City of Missouri City entity unless otherwise indicated):

Charter Review Commission, Community Development Advisory Committee, Construction Board of Adjustments, Electrical Board, Parks Board, Planning and Zoning Commission, Tax Increment Reinvestment Zone Boards, Fort Bend Chamber of Commerce, Houston-Galveston Area Council, Fort Bend Regional Council, Texas Municipal League, Fort Bend County, Harris County, Gulf Coast Building and Construction Trades Council, Mayor's Youth Commission, Finances and Services Committee, Fort Bend Leadership Forum, Fort Bend County Drainage District, Economic Development Committee, Missouri City Parks Foundation, Missouri City Police and Fire Auxiliary, Livable Community Committee, Texas Parkway Alliance, High Performance Organization Committee, Missouri City Juneteenth Celebration Foundation, Fort Bend County Mayor and Council Association, METRO, Planning, Development and Infrastructure Committee, Fort Bend Independent School District, Greater Fort Bend Economic Development Coalition, Transportation Policy Council, Community Development Advisory Committee, Veterans Memorial Committee, Missouri City Recreation and Leisure Local Government Corporation, Missouri City Development Authority, and the Greater Houston Partnership and Emergency Management updates.

13. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code.

14. RECONVENE

Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

15. ADJOURN
