



**BOARD OF ADJUSTMENT
MEETING AGENDA**

Notice is hereby given of a meeting of the Board of Adjustment of the City of Missouri City to be held on **September 27, 2017, at 6:00 p.m. at: City Hall, Council Chambers, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas for the purpose of considering the following agenda items.

1. CALL TO ORDER

2. ROLL CALL

3. READING OF MINUTES

Consider approval of the minutes of the April 29, 2015, Zoning Board of Adjustment meeting.

4. REPORTS

Reports: Chairman, Commissioners, Director of Development Services

5. PUBLIC COMMENT

6. AGENDA ITEM FOR CONSIDERATION

A. A hearing to consider a request by Art Brannen on behalf of Texas AA Development, LLC for a variance of Section 13.12 G. (4) of the Missouri City Zoning Ordinance. The subject site is located at 3711 FM 1092, Missouri City, Texas (Advance Auto Parts), north of Hampton Drive, east of Lowe's Home Improvement Store, west of FM 1092, and south of Express Oil Change and Tire Engineers.

7. CLOSED EXECUTIVE SESSION

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

8. RECONVENE

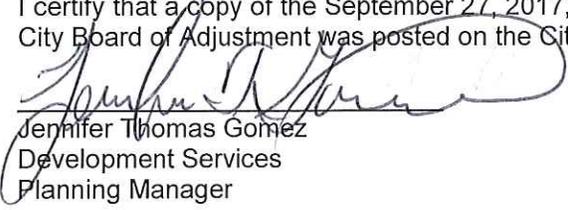
Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

9. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide reasonable accommodations for persons attending Board of Adjustment Meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Nancy Desobry, Development Services Department at 281-403-8541.

CERTIFICATION

I certify that a copy of the September 27, 2017, agenda of items to be considered by the Missouri City Board of Adjustment was posted on the City Hall bulletin board on September 22, 2017.


Jennifer Thomas Gomez
Development Services
Planning Manager

MINUTES
BOARD OF ADJUSTMENT
CITY OF MISSOURI CITY, TEXAS

April 29, 2015

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 Morris approximately 6:00 p.m.

ATTENDEES:

Board Members Present:

Roger Morris, Chairman
Joe Workman
John Jobe
David Hamner
Sharon Jurica (alternate)
Angela Chan (alternate)

Board Member Absent:

Scott Moseley

STAFF PRESENT:

Scott Elmer, Assistant Manager
Gary Smith, Director of Development Services
Sharon Valiante, Assistant Director of Public Works
Jennifer Thomas, Senior Planner
Jose Abraham, Planner I
E. Joyce Iyamu Assistant City Attorney
Nancy Desobry, Office Manager

Others Present:

Joe Hardage	Samay Gamal	Kareem Gamal
Lawrence Bell	Marie Moore	David Rodriguez
Mark Schuller	Scott Moseley	Lester Jones

READING OF MINUTES:

Chairman Morris called for any corrections or additions to the April 23, 2014, meeting minutes.

Motion:	Approval of the April 23, 2014, meeting minutes.
Made By:	Board Member Workman
Second:	Board Member Hamner
AYES:	Board Member Workman, Board Member Hamner, Board Member Jobe, Chairman Morris, Alternate Board Member Jurica
NAYS:	None

The motion passed.

REPORTS:

There were none.

PUBLIC COMMENTS

There were none.

AGENDA ITEM FOR CONSIDERATION

1. To receive comments for or against a request by Lester Jones on behalf of SDI Missouri City Holdings LLC to reduce the rear yard required by Section 7.12.C.3 of the City's Zoning Ordinance for the construction of an Advance Auto Parts store to be located at 3801 FM 1092 Rd.

Mr. Jose Abraham, Planner I, presented this item stating a preapplication conference was held with the applicant and City staff on March 5, 2015, to discuss the location and construction of an Advance Auto Parts store on the subject site. A site plan was submitted and discussed at this preapplication conference showing the proposed rear yard would be ten feet. Section 7.12.C.3 of the City of Missouri City Zoning Ordinance requires that "there shall be a rear yard of not less than 25 feet". An Exxon pipeline easement, 20 feet in width, located within the subject site runs parallel to both the FM 1092 and Hampton Drive rights-of-way. Per the recorded plan, "Buildings are required to be setback a minimum distance of 30 feet from any pipeline or 15 feet from any pipeline easement, whichever distance is greater". The applicant provided four alternative building layouts for review to resolve the placement of the proposed building within the rear setback. Due to the existence of the Exxon pipeline easement within the subject site, the applicant is seeking to maximize the amount of buildable area within the required building setbacks and adhering to setbacks required from the pipeline easement or pipelines existing within such easement. This application represents a request for a variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the property.

Chairman Morris stated his objection to the variance request due to the spirit of the Zoning Ordinance stating the applicant needs to find a property where the footprint fits.

The Board discussed visibility, shared parking, and the purpose of setbacks.

Motion: To close the public hearing

Made by: Board Member Workman

Seconded: Board Member Hamner

AYES: Board Member Workman, Board Member Hamner, Board Member Jobe, Chairman Morris, Alternate Board Member Jurica

NAYS: None

The Motion passed.

Motion: To grant a variance to allow for a variance to the requirements required by Section 7.12.C.3 of the City's Zoning Ordinance for the construction of an Advance Auto Parts store to be located at 3801 FM 1092 Rd.

Made by: Board Member Hamner
Seconded: Board Member Workman

AYES: Board Member Hamner, Board Member Workman,
Alternate Board Member Jurica

NAYS: Chairman Morris, Board Member Jobe

The motion failed.

2. To receive comments for or against a request by SKB Business Investments LLC to reduce a side yard required by Section 7.12.C.3 of the City's Zoning Ordinance for the construction of a retail building to be located at 202 Texas Parkway.

Mr. Abraham presented this item stating the request is for a variance pertaining to side yard setbacks. During a preapplication conference City staff and the applicant discussed the required setback along the Second Street right-of-way. By e-mail the applicant was informed that Second Street was closed during the Highway 90A widening; however, the right-of-way has not been abandoned. Therefore, setback requirements would still apply where adjacent to this right-of-way. The site plan included in the submitted and disapproved building plans set provides a side yard setback of 20 feet along the Second Street side of the subject site. Section 7.12.C.4 requires that, "there shall be a side yard of not less than 30 feet when abutting a street or a residential district, otherwise, the side yard will be determined by the building and fire codes."

Mr. Abraham stated this application represents a request for a variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the property. The application does not demonstrate any special conditions which have resulted in unnecessary hardships. The applicant was made aware that the Second Street right-of-way had not been abandoned prior to the development of construction plans for review. As defined by the City's Public Infrastructure Manual, a right-of-way is property that is publicly owned and held for a public purpose which includes but is not limited to the construction of a street. Unless and until the Second Street right-of-way is abandoned the side yard setback should be imposed in the event that such right-of-way is ever developed for the purpose of a public street. Staff recommends disapproval of the variance request to reduce the side yard setback to 20 feet.

The Board discussed the uses of the adjacent land, the widening of Highway 90A. and abandonment of Second Street.

Motion: To close the public hearing

Made by: Alternate Board Member Jurica
Seconded: Board Member Jobe

AYES: Board Member Workman, Board Member Hamner, Board Member Jobe, Chairman Morris, Alternate Board Member Jurica

NAYS: None

The Motion passed.

Motion: To grant a variance to allow for a variance to the requirements required by Section 7.12.C.3 of the City's Zoning Ordinance for the construction of a retail building to be located at 202 Texas Parkway

Made by: Board Member Hamner
Seconded: Alternate Board Member Jurica

AYES: Board Member Hamner, Board Member Workman, Alternate Board Member Jurica. Chairman Morris, Board Member Jobe

NAYS: None

The motion passed.

3. To receive comments for or against a request by David Rodriguez, B&B Industries on behalf of Costello Home Builders Inc to reduce the rear yard required by Section 7.3.C.3 of the City's Zoning Ordinance for the construction of a new single family residential development located at 66 Flamingo Landing Drive.

Ms. Jennifer Thomas, Senior Planner, presented this item stating this application represents a request for a variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the property. Granting a variance in this application would not be contrary to the public interest. The lot backs to a dedicated wetlands area that is approximately 130 feet across. The reduced rear yard setback does not place the home in immediate proximity of another dwelling. The space and light preservation intended by the rear yard setback is protected by the wetlands reserve. It would not diminish the general spirit and purpose of the Zoning Ordinance. Granting the variance would allow the construction of a home that is compatible to those in the neighborhood.

Ms. Marie Moore, 419 Jewel Landing, stated her objection to the variance commenting on wildlife and the wetlands area.

Mr. Lawrence Bell, 1723 Corona Del Mar, stated his objections to the variance request commenting on the size of the variance request (50%), that this is the wrong house for the wrong lot.

The Board discussed the size of the setback, effect on the wetlands area and the neighborhood, and the approval process.

Motion: To close the public hearing

Made by: Board Member Hamner
Seconded: Board Member Workman

AYES: Board Member Workman, Board Member Hamner, Board Member Jobe, Chairman Morris, Alternate Board Member Jurica
NAYS: None

The Motion passed.

Motion: To grant a variance to allow for a variance to the requirements required by Section 7.3.C.3 of the City's Zoning Ordinance to reduce a required rear yard at 66 Flamingo Landing Drive.

Made by: Board Member Hamner
Seconded: Alternate Board Member Jurica

AYES: Board Member Hamner, Board Member Workman, Alternate Board Member Jurica
NAYS: Chairman Morris, Board Member Jobe

The motion failed.

ADJOURNMENT

Nancy Desobry
Office Manager



BOARD OF ADJUSTMENT

AGENDA DATE: September 27, 2017

AGENDA ITEM SUBJECT: 3711 FM 1092 (Advance Auto Parts) – Request for a variance from Section 13.12 G.(4) of the City's Zoning Ordinance pertaining to the minimum distance for a monument sign

AGENDA ITEM NUMBER: 6.A.

PREPARED BY: **Thomas K. White, Jr.,** Planner II / **Jennifer Thomas Gomez, AICP,** Planning Manager

SUBMITTED BY:  **Otis T. Spriggs, AICP,** Director, Development Services

PERMIT NUMBER: Variance request: 1702295
Original sign permit application submittal: 1604449

PROPERTY ID: 5162-00-001-0020-907

LOCATION: 3711 FM 1092, Missouri City, Texas 77459

STATEMENT BY THE ENFORCING OFFICER

General Information:

Applicant: Art Brannen, Texas AA Development, LLC

Property Owners: Texas AA Development, LLC

Purpose of Application: A request for variance from requirements for minimum distance of a monument sign from other signs contained within Section 13.12.G.4. of the City of Missouri City Zoning Ordinance.

Legal Description: The subject site can be described as Reserve B-1 of the Replat of Reserve B of Replat of Lowes at Missouri City as recorded under Fort Bend County Clerk's File No. 20130218, in Fort Bend County, Texas.

**Existing Land Use
and Zoning District:**

Advanced Auto Parts store; PD, Planned Development No. 76 (Ordinance O-12-35)

**Surrounding Land Uses
and Zoning Districts:**

North: Hampton Drive

South: Express Oil Change and Tire Engineers; PD No. 76

East: Lowes Home Improvement; PD No. 70 (Ordinance O-09-48)

West: FM 1092

Background:

- Gulf Coast Signs & Graphics submitted to the City an application for a sign permit for a monument sign on or about December 1, 2016.
- A right-of-way consent agreement, from ExxonMobil, for the allowance of "utilities with conduit, signage, and landscaping across over and under the SAPL – TX-116" was provided as part of the sign application package in a letter dated November 29, 2016.
- On or about December 22, 2016, the City completed a review of the application and a sign permit was approved with conditions marked on the drawings and in a staff report.
- On or about December 29, 2016, a sign permit for the construction of a monument sign was issued by the City to Gulf Coast Signs & Graphics.
- On or about December 30, 2016, a sign site inspection was requested by Gulf Coast Signs & Graphics. Such inspection was requested to be performed in the morning to inspect the proposed monument sign location and an item noted as "PG".
- On or about December 30, 2016, a sign site inspection was completed by City staff. The inspection was disapproved by the Zoning Inspector and a re-inspection ticket generated. The Zoning Inspector indicated that the inspection was disapproved because the sign base and sign face of the monument sign had been constructed and was located within 50 feet of an existing sign. The existing sign is an entry sign for a residential subdivision.
- On or about May 8, 2017, the sign contractor and permit expeditor contacted the City to inquire about the status of the monument sign approval.
- On or about, June 20, 2017, Texas AA Development, LLC submitted a variance application, along with a statement from Ergon – Texas Pipeline, Inc. indicating

that that the company approves the current placement of the Advance Auto Parts sign at the corner of FM 1092 and Hampton Road.

Authority of Board of Adjustment:

Section 18.2 of the City of Missouri City Zoning Ordinance provides:

- A. The board of adjustment shall have the power to hear appeals by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of an administrative official in the enforcement of this ordinance. Such appeal shall be taken within 15 days by filing, with the officer from whom the appeal is taken and the board of adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- B. The board of adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In granting such variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use, expressly or impliedly, prohibited by the terms of this ordinance in said district.

- C. The board of adjustment shall have the power in appropriate cases and subject to appropriate conditions and safeguards to hear and decide special exceptions to the terms of this ordinance upon which such board is required to pass under this ordinance.

Staff Analysis of Variance Request:

This application represents a request for a variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the property. The City recommends that the variance application be denied for the following reasons:

- Section 13.12.G.4. of the Zoning Ordinance requires that "A monument sign shall be located a minimum distance of: (a) 25 feet from any side or rear property line; (b) 50 feet between all signs on the subject premises; and (c) 50 feet between all signs on any adjacent properties..."
- Section 13.6.A.3. of the Zoning Ordinance requires "a sign inspection shall be required before any sign for which a sign permit is required is located within the

city. The applicant shall be required to arrange for such inspection in advance of the date the sign is to be located by contacting the director of development services or his designee.”

The City requires the approval of a sign site inspection prior to the construction of a monument sign to ensure that the placement of such sign is in accordance with the rules and regulations of the Zoning Ordinance.

Recommendation: Disapprove the variance request.



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

BOARD OF ADJUSTMENT
VARIANCE APPLICATION

Owner's Name: TEXAS AA DEVELOPMENT, LLC

Mailing Address (Including City, State, Zip): 2341 DEFOORS FERRY ROAD ATLANTA GA
 Phone: (404) 355-9500 Email: bdc 9500 @ gmail.com 30318

Address of property: 3711 MURPHY ROAD Subdivision Name: LOWES AT MISSOURI CITY
MISSOURI CITY, TX Block Number: 1
77459 Lot Number: R-1

From which section(s) of the Zoning Ordinance is a variance being sought:
SIGN ORDINANCE

Why will your proposed use not diminish the value of surrounding properties?
The project sign does not interfere with adjacent
property site lines or visibility

Why would granting the variance be of benefit to the public interest?
It would help people know where Advance Auto
is located. Less work will be done near gas pipeline
since sign is already installed

Why would denial of the variance result in unnecessary hardship?
WE CANNOT MOVE SIGN WITHOUT MAKING IT SMALLER
BECAUSE OF CLOSE PROXIMITY OF GAS PIPELINE

Why would granting the variance do substantial justice?
THE SIGN IS INSTALLED WHERE IT IS SHOWN ON SITE
PLAN USED FOR SIGN PERMIT. WE DID NOT REALIZE
THE SUBDIVISION ENTRY WALL WAS CONSIDERED A MONUMENT
SIGN.

Why is the proposed use consistent with the spirit of the Zoning Ordinance?
THE LOCATION OF THE SIGN DOES NOT CAUSE ADJACENT
PROPERTY OWNERS ANY SITE LINE ISSUES OR OTHER
ISSUES. MOST PEOPLE WOULD NOT KNOW THE SUBDIVISION
WALL IS A MONUMENT SIGN

Applicant's Signature AW Brannan Date 6/20/2017
 MEMBER



**DEVELOPMENT SERVICES DEPARTMENT
Planning & Development Division**

1522 Texas Parkway
Missouri City, Texas 77489
281-403-8600 (Office) ■ 281-208-5551 (Fax)
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**BOARD OF ADJUSTMENT
General Information Form**

1. Date of Application: <i>JUNE 20, 2017</i>		
2. Address/Location of property: <i>3711 MURPHY ROAD MISSOURI CITY 77459</i>		
3. Applicant's Name: <i>TEXAS AA DEVELOPMENT, LLC</i>		
4. Mailing Address: <i>2341 DEFORS FERRY ROAD ATLANTA GA 30318</i>		
5. Phone No: <i>404-355-9500</i>		Email address: <i>bdc9500@gmail.com</i>
6. Status of Applicant (Please circle): Agent Corporation <u>Owner</u> Relative Trustee		
7. Property Owner's Name (If different from applicant): <i>SAME</i>		
8. Mailing Address: <i>SAME</i>		
9. Phone No: <i>SAME</i>		Email address: <i>SAME</i>
10. Type of Appeal Requested (Please circle): Interpretation Special Exception <u>Variance</u>		
11. Reason(s) for Appeal: <i>WE CANNOT MOVE SIGN BECAUSE OF CLOSE PROXIMITY OF GAS PIPELINE. WE DID NOT KNOW SUBDIVISION WALL WAS A SIGN</i>		
12. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bounds description of the tract must be attached):		
Subdivision Name:	Lot No.	Block No.
<i>LOWES AT MISSOURI CITY RESERVES "B-1" REPLAT</i>		<i>1</i>
Volume No.	and Page No.	of Recorded Plat.
13. Central Appraisal District Tax Identification Number(s) for property: <i>R377988</i>		
14. Existing Land Use: <i>ADVANCE AUTO PARTS STORE</i>		
15. Do deed restrictions or restrictive covenants exist for the property? (Please circle): YES <u>NO</u>		
FILING FEE: \$300.00		
NOTE: Filing fee must accompany completed application form.		
Signature of Applicant <i>AD Brannen MEMBER</i>		Signature of Property Owner, Agent, or Attorney (If different from the applicant)
Deliver application and filing fee to: Development Services Department 1522 Texas Parkway (FM-2234) Missouri City, Texas 77489		

Texas AA Development, LLC

2341 Defoors Ferry Road Atlanta, GA 30318 | Phone: 404-355-9500 | Fax: 404-351-2511

June 22, 2017

Board of Adjustments
c/o Thomas White
1522 Texas Parkway
Missouri City, TX 77489

Re: Variance for Monument Sign
3711 Murphy Road
Missouri City, TX 77459

We feel that we have two hardships in regards to the location of our monument sign. First we did not realize the entry wall for the Quail Valley subdivision was considered a monument sign. Second we cannot move our sign because of the proximity to the Exxon and Ergon gas pipelines. The area we can place the sign narrows as one heads south toward Highway 6. See attached sketch and letter from Ergon – Texas Pipeline, Inc.

Very Truly Yours,



Arthur O. Brannen
Member Texas AA Development, LLC

MURPHY ROAD (F.M. 1092)
R.O.W. WIDTH VARIES-YOL. 1071, PG. 831 F.B.C.P.R.

L=52.36
R=538.26
Z=65°34'26"
CHB=N00°05'35"W
CRD=52.34

0.734 ACRE

RESERVE B-1
BLOCK 1

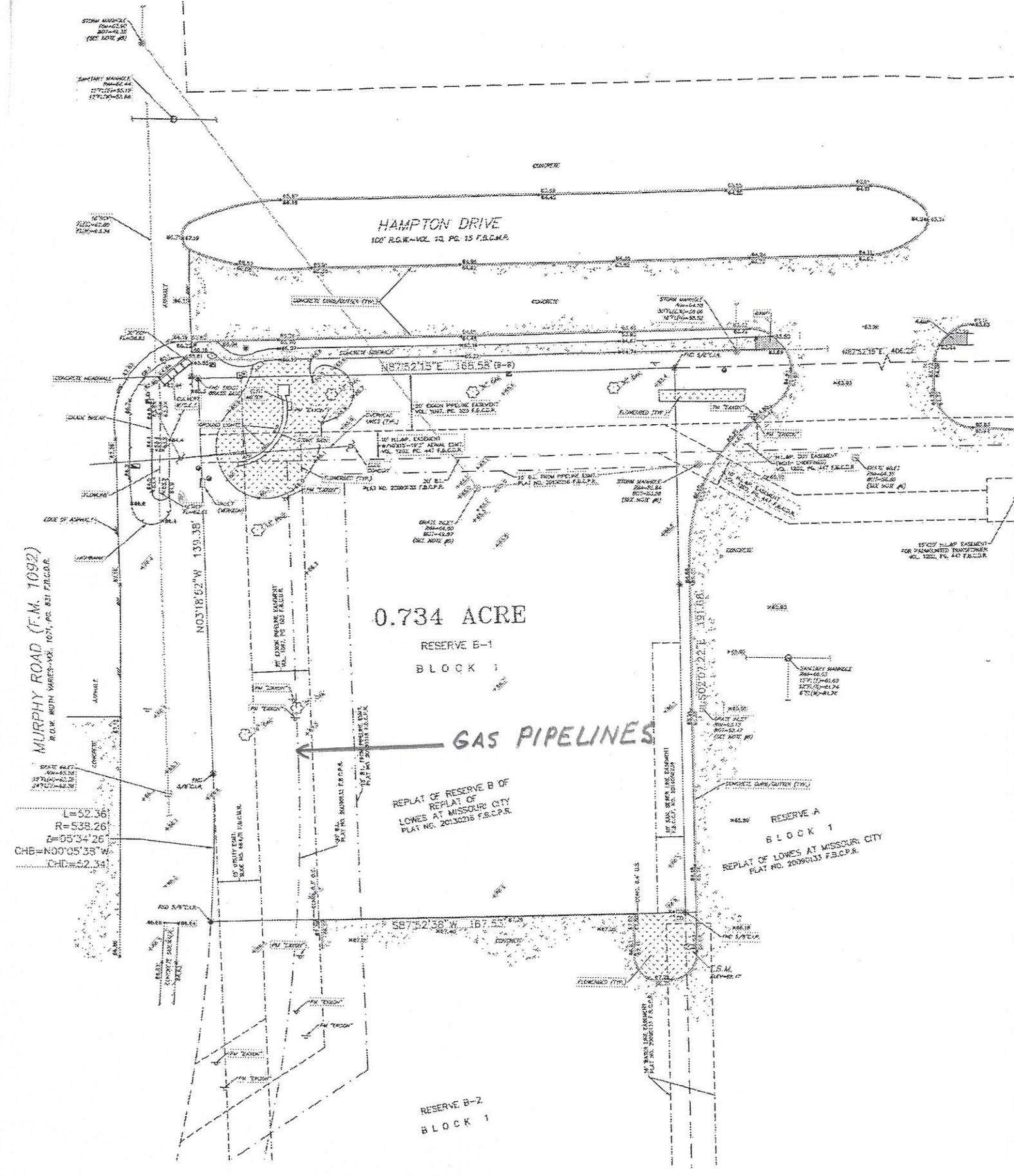
GAS PIPELINES

REPLAT OF RESERVE B OF
REPLAT OF
LOWES AT MISSOURI CITY
PLAT NO. 2013025 F.B.C.P.R.

RESERVE A
BLOCK 1
REPLAT OF LOWES AT MISSOURI CITY
PLAT NO. 2009033 F.B.C.P.R.

RESERVE B-2
BLOCK 1

HAMPTON DRIVE
100' R.O.W.-VOL. 10, PG. 15 F.B.C.M.P.



Ergon – Texas Pipeline, Inc.

To whomever it may concern,

I approve the current placement of the Advance Auto Parts sign at the corner of FM 1092 and Hampton Road in Missouri City Texas. If the sign is moved, it would be in conflict with Ergon Texas Pipeline's easement requirements.

Thanks!
Respectfully Submitted,



Brian Jordan
Pipeline Manager
Ergon Texas Pipeline, Inc.
brian.jordan@ergon.com
281-686-8598



Brian Jordan
Pipeline Manager

An Ergon Company
281-207-5486 office
888-909-6369 fax
281-686-8598 mobile
800-219-7108 toll-free
brian.jordan@ergon.com

19901 Southwest Freeway
Suite 230
Sugarland, TX
77478-0533 USA
ergonterminaling.com

160449

SIGN PERMIT APPLICATION

City of Missouri City
1522 Texas Pkwy
Missouri City, TX 77489
Phone: 281-403-8600
Fax: 281-261-4382

3711 Fm 1092

Date of Application: 6/8/2016

- 1) Sign Copy (Wording): Advance Auto Parts 2) Estimated Cost of Sign: \$ 15,000.00
- 3) Sign Address/Location: 3801 Murphy Road 4) Sign Type Wall Monument
- 5) Sign Location (Legal Description, Lot/Blk/Subd): NW corner of the lot (as shown on site plan)
- 6) Lot or Tract: Res B-1, Lowes at Missouri City (Dimensions or Area)
- 7) Sign Location: Please see site plan 8) Reader Panel: Yes No
(Business Center Name or number of feet from known point) (See Sec 13.5 L Zoning Ord)
- 9) Gross Leasable Area: 6912 sf 10) Width of Business Frontage: 96'
(For Monument signs in integrated business developments)
(See Section 4 #8 Zoning Ordinances)

11) NOTES: 1) Illuminated signs will require an Electrical Permit. 2) A site inspection MUST be requested and conducted prior to installation of monument signs. 3) Applications will not be approved until property owner has signed application and all information required here on is required. 4) Wall signs shall be uniform in color and style and shall consist of one color chosen by the owner plus white, or signs mounted directly on a wall may be white or a color that is chosen by the owner. 5) Monument sign frames shall be constructed with materials similar in style and a color as the primary material of the principal building.

12) Sign Dimensions:

- Wall Sign:
- 1) Length Horizontal: _____
 - Width Vertical: _____
 - Area (Total): _____
 - 2) Length Horizontal: _____
 - Width Vertical: _____
 - 3) Length Horizontal: _____
 - Width Vertical: _____

- Monument Sign:
- 1) Length Horizontal: 15'
 - Width Vertical: 5'
 - Area (Total): 75 sf
 - Sign Height: 8' OAH
 - Wall Sign Colors: _____
- See Report*

- 13) Property Owner's Name (Please Print): Texas AA Development, Joe Hardage
- 14) Property Owner's Signature: [Signature]
Address: PO Box 1559; New Smyrna Beach, FL 32170 Phone #: 678-296-8272
- 15) Sign Installer's Name (Please Print): Gulf Coast Signs & Graphics
Address: 2006 Rotary Drive, Humble, TX 77338 Phone #: 281-548-7777

For Office Use Only:

Time period during which application is valid: _____
Approval: [Signature] Application Reviewer Date

Applicable Section of Ordinance: _____
Approval: _____ City Inspector Date

Approval: JA for O.S Director of Development Services Date
Comments: _____

FILE COPY



Required graphic information must be attached to this form (including site plan and elevation as listed in 13A, B & C). Please select YES or NO in appropriate category. A positive response to all questions is required before approval may be given.

		YES	OR	NO
A. General	1) Drawing to scale?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	2) Scale(s) shown?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	3) Landscaping Plan?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	4) Sign Drawing?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	5) Site Plan?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
B. Wall Signs	1) Elevation of business frontage showing all existing signs and proposed signs provided?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	2) A Site Plan drawing of the proposed sign?	<input checked="" type="checkbox"/>		<input type="checkbox"/>

NOTE: All existing wall sign square footage must be supplied.

C. Monument Signs	1) Elevation of sign provided?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	2) Site Plan provided with:			
	a) North Arrow?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	b) All building and permanent structures shown?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	c) Street Right-Of-Way showing?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	d) Existing monument signs shown on this and adjacent tracts?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	e) Distances shown between existing and proposed monument signs (both on and off site)	<input checked="" type="checkbox"/>		<input type="checkbox"/>
	f) Distance shown between monument signs and Right-Of-Way including street intersections?	<input checked="" type="checkbox"/>		<input type="checkbox"/>

NOTE: 50% landscaping on all Monument Signs even Temporary Signs.

All Monument Signs should be framed with the same material style & color of that of the building for which the sign is constructed.

Signage Fee's:

Master Sign Plan Review.....	\$150.00
Plan Review & Site Inspection.....	\$50.00
First 96 sq. ft. of sign face.....	\$100.00
Each additional square foot or fraction Thereof of sign face.....	\$.50
Each Re-Inspection/Revision (for 2 nd re-submission to any Master Sign Plan Review, Plan review & Site Inspection).....	\$30.00

Double Fee's:

With respect to the Building, Plumbing, Electrical, Mechanical, M.C.I., Fence, Pool and Sign Permits enumerated above, where work is started or proceeded with prior to obtaining the applicable permit, fees specified shall be doubled. Such doubled fee shall not relieve any person from fully complying with the requirements in the execution of the work nor from any other penalties prescribed in the code.

I hereby certify that the information which I have provided is both accurate and complete and that I will comply with all regulations and ordinances of The City of Missouri City and will complete all work to the highest professional standards. I also agree to contact the Planning Department to schedule a sign erection inspection for the date and time the sign is to be erected. I also agree not to erect any sign or cause such construction to occur without first scheduling such inspection.

Heath Shigen
Contractor/Authorized Agent

11/30/16
Date

1604449
PERMIT #

\$50.00
Plan Review Fee
\$150.00
Permit Fee

Date paid

Date paid



November 30, 2016

City of Missouri City
Planning & Development Services
Attn: Jennifer Thomas
1522 Texas Parkway
Missouri City, TX 77489

RE: Advance Auto Parts—3801 Murphy Road

Jennifer:

Enclosed is the sign permit application package for the Advance Auto Parts at 3801 Murphy Road in Missouri City, TX. I have included the sign drawings, authorization letter, and permit application. Please process the applications at your earliest convenience. If everything meets with your approval, please let me know the balance of the sign permit fees. I will arrange payment and pick up.

If you have any questions or need any additional information please contact me at 855-525-6261 or jig@siteenhancementservices.com.

Thank You,



Jennifer Gregory
Senior Permit Specialist
Site Enhancement Services
6001 Nimitz Parkway
South Bend, IN 46628
P: 855-525-6261
F: 574-237-6166
jig@siteenhancementservices.com

RECEIVED

DEC 01 2016

City Of Missouri City, Tx

ExxonMobil Pipeline Company
22777 Springwoods Village Parkway
E3.5A.543
Spring, Texas 77389
(832) 625-3147 Telephone

John N Hines
Manager ROW & Claims



29 November 2016

Right-of-Way Consent Agreement

RE: Utilities with Conduit, Signage, and Landscaping across Over and Under the SAPL - TX-116

Advance Stores Company, Incorporated
C/o Aaron Shutts
5008 Airport Rd.
Roanoke, Virginia 24012

Mr. Shutts:

ExxonMobil Pipeline Company (EMPCo) has reviewed the proposed plans to cross over the SAPL with signage, electrical conduit, and landscaping; and to cross under the SAPL with electrical conduit, all with at least 2 feet of separation at 3711 Murphy Road (FM 1092), Missouri City, Texas; 29°34'2.03"N, 95°33'48.58"W. As you are aware, EMPCo owns and/or operates petroleum, petroleum products and chemicals pipelines that must be protected from external damage and maintained in accordance with EMPCo, State and Federal standards to protect the safety of the public and the environment. In order to do this, EMPCo has developed certain terms and conditions that must be agreed to by anyone intending to construct facilities on or within our rights of way. EMPCo consents to the plans to cross over the SAPL signage, electrical conduit, and landscaping; and to cross under the SAPL with electrical conduit (the "Improvements") across the referenced right of way, as shown on the attached drawing provided by ALJ Lindsay Civil Engineers dated the 7th of September 2016, provided Advance Stores Company, Incorporated, agrees to the following terms and conditions:

1. Advance Stores Company, Incorporated, and its contractors agree to conduct all activities and operations on, in, over, under, through or near EMPCo's easement in a manner that will not unreasonably interfere with EMPCo's operation or maintenance of its pipelines in the easement or pose a hazard to the pipelines. Advance Stores Company, Incorporated, recognizes its use of the easement area will always be subject to the prior rights of EMPCo to utilize any and all portions of its easement, in any manner that it deems necessary. Any change or deviation in the proposed design, layout or construction of the Improvements, which affects EMPCo's easement, excluding changes required by EMPCo, shall first be reviewed and consented to by EMPCo before any work or activity shall take place on, in, over, under or through the easement. Failure to do so voids this consent. No improvements, except for those shown on the plans, may be placed on, in, under, over, or through the easement, without express written consent from EMPCo.
2. Advance Stores Company, Incorporated, or its contractors will contact EMPCo's Tommy Luxton, at (o) 281-925-3746 or (c) 713-253-8006a minimum of 72 hours prior to performing any activity within the easement.
3. Excavating or digging within the easement is prohibited without prior consent and an EMPCo inspector on site.
4. In the event EMPCo shall excavate its pipelines for any reason, or should additional pipelines be installed within the easement, Advance Stores Company, Incorporated, and its successors and assigns will, at its sole expense be responsible for repairing damage to the Improvements resulting therefrom. Further, EMPCo shall not be held liable for any business interruption, business loss, loss of revenue or income, that may result due to the operation, maintenance, repair, replacement, installation, or any pipeline related work within EMPCo's pipeline easement.

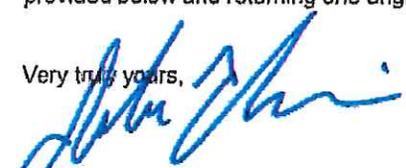
FormROWConsent2013Rev1



- 5 Advance Stores Company, Incorporated, shall be liable for damages to EMPCo's pipelines resulting from or occurring out of the construction, maintenance and repair of the Improvements.
- 6 ADVANCE STORES COMPANY, INCORPORATED, SHALL INDEMNIFY, DEFEND, RELEASE AND HOLD EMPCO (INCLUDING ITS AFFILIATES, CONTRACTORS, SUBCONTRACTORS, DIRECTORS, OFFICERS, EMPLOYEES, SUCCESSORS, AND ASSIGNS) HARMLESS FROM AND AGAINST ALL CLAIMS, LOSSES, DEMANDS, CAUSES OF ACTION, SUITS, AND LIABILITY OF EVERY KIND, TYPE, AND CHARACTER ARISING OUT OF OR ASSOCIATED WITH THE CONSTRUCTION, EXISTENCE, MAINTENANCE, REPAIR AND REMOVAL OF THE IMPROVEMENTS, WHICH ARE ASSERTED BY ANY PERSON OR ENTITY INCLUDING, WITHOUT LIMITATION, EMPCO'S AND ADVANCE STORES COMPANY, INCORPORATED'S EMPLOYEES FOR PERSONAL INJURY, DEATH, OR LOSS OF OR DAMAGE TO PROPERTY.
7. Because the improvement to be placed in EMPCo's easement by Advance Stores Company, Incorporated, will obstruct EMPCo's access to its pipelines and impede its use of the easement Advance Stores Company, Incorporated, agrees to reimburse EMPCo for maintenance/construction expenses which exceed normal/customary expenses directly incurred as a result of the improvement being placed in the easement. EMPCo agrees to review maintenance/construction plans with Advance Stores Company, Incorporated, and to subsequently provide invoices documenting the additional expenses incurred
8. Advance Stores Company, Incorporated, agrees that the terms, conditions and obligations of this letter agreement shall be made known to all successors, assigns or transferees of any interest in the property covered by this agreement. All successors, assigns or transferees of any interest in the subject property shall be bound by the terms, conditions and obligations contained herein.
9. Advance Stores Company, Incorporated, agrees to those pertinent terms and conditions outlined in the attached form, titled "ExxonMobil Pipeline Company Right-of-Way Restrictions", attached hereto and made a part hereof.

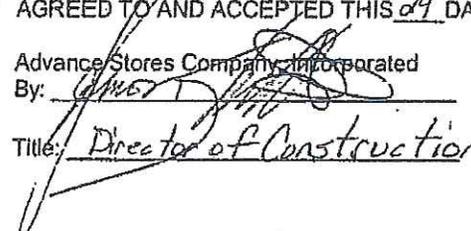
Advance Stores Company, Incorporated, agrees that EMPCo's consent is adequate consideration for Advance Stores Company, Incorporated's obligations hereunder. The consent provided by EMPCo in this letter shall not be deemed to be an approval of the manner in which Advance Stores Company, Incorporated, performs the work described herein. Please indicate Advance Stores Company, Incorporated's acceptance of the foregoing terms and conditions by signing this letter in the space provided below and returning one original to me at the above letterhead address.

Very truly yours,


John Hines
Manager, Right of Way and Claims

AGREED TO AND ACCEPTED THIS 29th DAY OF November, 2016

Advance Stores Company, Incorporated

By: 

Title: Director of Construction

RECEIVED

DEC 01 2016

City Of Missouri City, Tx



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

SIGN PERMIT REVIEW REPORT

DATE:	December 22, 2016		
REVIEWED BY:	Jose Abraham, Planner I		
PROPERTY ID:	5162-00-001-0020-907		
LOCATION:	3711 FM 1092 (Advance Auto Parts)		
PERMIT #:	1604449		
ZONING DISTRICT:	PD, Planned Development #76 (O-12-35)		
TYPE OF SIGN: (i.e. –Monument, Wall, etc.):	Monument	LINEAR WIDTH OF BUSINESS FRONTAGE:	NA
NUMBER OF SIGNS PROPOSED:	1	MAXIMUM SIGN AREA PERMITTED:	160 sq. ft.
TYPE OF REVIEW	1 st Submit		
STATUS:	Approved with conditions marked on the drawings		

The scope of this review pertains only to issues addressed in the City’s Zoning Ordinance.

MASTER SIGN PLAN:

No Master Sign Plan exists for subject site.

REGULATIONS FOR PERMITTED SIGNS:

- 1) Install landscaping adjacent to the proposed sign as required by Section 11.7 of the City’s zoning ordinance.
- 2) Proposed sign is to be set back a minimum of 5 feet from FM 1092 and a minimum of 25 feet from side property lines.
- 3) Proposed sign to be located with a minimum distance of 50 feet between existing monument signs within the subject site or adjacent properties.

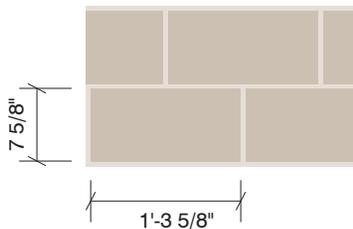
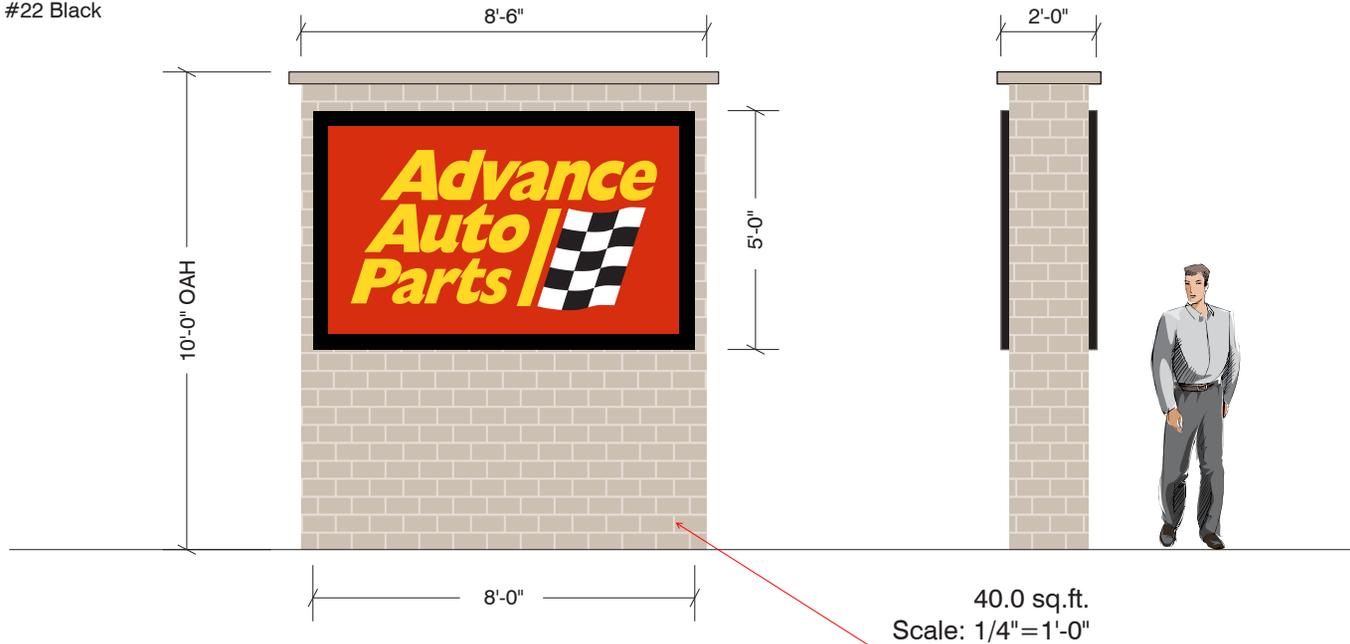
Proposed Monument Sign Summary
Classification: Medium
Height of the Monument Sign: 10’0”
Horizontal Length: 8’0”
Vertical Width: 5’0”
Changeable Message Sign Area: NA
Color and Material: <i>Monument sign with white, red, yellow, and red vinyl sign face and stone encasement matching the primary building; constructed on concrete pad and pier.</i>
Total Sign Area: 40 sq. ft.

- NOTE:** (1) A separate electrical permit is required for the wall sign.
 (2) A concrete pad that is engineered to support the encasement should be considered.
 (3) Permit not required for sign reface.

A Custom 5'-0" x 8'-0" Monument at 10' OAH

Sign must be setback 5ft from ROW and 50ft from side and rear property lines.

- To match PMS 485C / Arlon series 2500 #33 Red
- To match PMS 108C / Arlon series 2500 #15 Yellow
- To match Arlon series 2500 #22 Black
- White Substrate



~~Monument base will be made of 8" x 8" x 16" split-face CMU-painted Beachcomer to match the building.~~

Base to be installed by general contractor.

Monument Sign base and encasement should match the building's primary masonry material indicated below

B2	AAP-B2, PROMENADE BLEND	EXTERIOR QUIK-BRIK WALLS
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REVIEW
COMMENTS (J.A.)
12/22/2016

STATE OF TEXAS
COUNTY OF FORT BEND

We, SDI Missouri City Holdings, LLC, acting by and through Charles W. Shears, Manager, and Kenneth J. Delery, Manager being officers of SDI Missouri City Holdings, LLC, Owner hereinafter referred to as owners of the 1.392 Acre tract described in the above and foregoing plat of REPLAT OF RESERVE B OF REPLAT OF LOWES AT MISSOURI CITY, do hereby make and establish said subdivision of said property according to all lines, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

WE further acknowledge that the dedications and/or easements made herein are proportional to the impact of the subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City.

WE, our successors and assigns, hereby waive any claim, damage, or cause of action that we may have as a result of the dedication or easements made herein.

FURTHER, the Owners have dedicated and by these presents do dedicate to the use of the public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten feet (10' 0") perimeter ground easements or seven feet, six inches (7' 6") for fourteen feet (14' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21' 6") in width.

FURTHER, the Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10' 0") for ten feet (10' 0") back-to-back ground easements or eight feet (8' 0") for fourteen feet (14' 0") back-to-back ground easements or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30' 0") in width. (This paragraph is applicable only to back-to-back easements within the same subdivision.)

IN TESTIMONY WHEREOF, the SDI Missouri City Holdings, LLC, has caused these presents to be signed by Charles W. Shears, its Manager, thereunto authorized, attested by Kenneth J. Delery, Manager and its common seal hereunto affixed this 5th day of September, 2013.

SDI Missouri City Holdings, LLC

ATTEST:

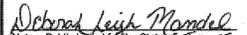
By: 
Name: Charles W. Shears
Title: Manager

By: 
Name: Kenneth J. Delery
Title: Manager

THE STATE OF TEXAS
COUNTY OF FORT BEND HARRIS D.M.

Before me, the undersigned authority, on this date, personally appeared Charles W. Shears, in his capacity as Manager, and Kenneth J. Delery, in his capacity as Manager, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and as the act and deed of said company.

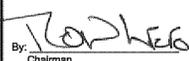
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 5th day of September, 2013.


Notary Public in and for the State of Texas
(Print name) Deborah Leah Mandel
My Commission expires: 01-18-15



STATE OF TEXAS
COUNTY OF FORT BEND:

This is to certify that the Planning and Zoning Commission of the City of Missouri City, Texas, has approved this plat and subdivision of REPLAT OF RESERVE B OF REPLAT OF LOWES AT MISSOURI CITY in conformance with the laws of the State of Texas and the ordinances of the City of Missouri City as shown hereon and authorized the recording of this plat this 5th day of September, 2013.

By: 
Chairmen

By: 
Vice Chairmen

I, Dianne Wilson, Clerk of the Commissioner's Court of Fort Bend County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on Sept 9, 2013 at 9:50 o'clock A.M., and duly recorded on 2013 02 13, 2011 at 2:45 o'clock P.M., in Volume _____ page _____ of the Plat Records of Fort Bend County for said County.

Witness my hand and seal of office, at Richmond, Texas, the day and date last above written.

By: 
Ex Officio Clerk of the Commissioners
Court of Fort Bend County, Texas

By: 
Deputy

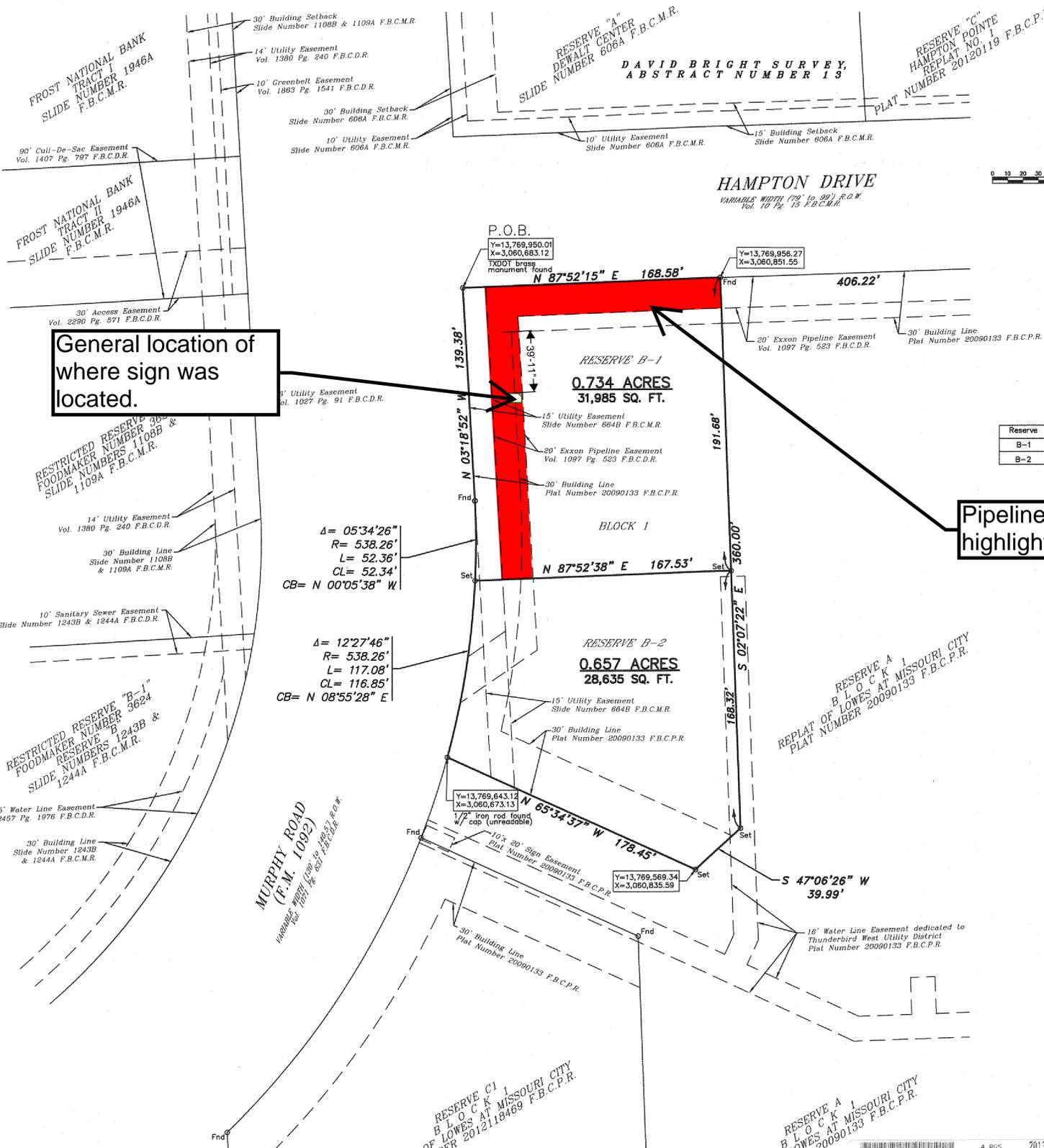


I, Jibrael K. Ahmad, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipe or rods having an outside diameter of not less than three-eighths inch and a length of not less than three feet; and that the plat boundary corners have been tied to the nearest subdivision corner.


Jibrael K. Ahmad
Registered Professional Land Surveyor
Texas Registration Number 8183



RECORDED DOCUMENT: H.C.C.F. NUMBER 2009017928



General location of where sign was located.

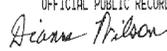
Pipeline easement - red highlight

Reserve	Use	Size (Ac.)
B-1	Commercial	0.734
B-2	Commercial	0.657

- Notes:
- 1) Shared access and parking facilities shall be provided as required under the provisions of Subsection 82-159 of the Code of Ordinances of the City of Missouri City.
 - 2) In accordance with Center Point Energy Service Standards, Article 406.52, electric meters shall be located in an area accessible without customer assistance, and not blocked by fences, wall or gates. For further information in the Sugar Land District area, call 281-561-2999.
 - 3) Driveway approaches shall be provided in accordance with the Missouri City Driveway Approach Policy as required under the provisions of Subsection 82-160 of the Code of Ordinances of the City of Missouri City, Texas.
 - 4) Sidewalks shall be constructed as required by section 82-164 of the Code of Ordinances of the City of Missouri City, Texas.
 - 5) The City of Missouri City shall not be responsible for maintenance of driveways, sidewalks, emergency access easements, recreational areas and open space.
 - 6) All required utility companies have been contacted and all public utility easements as shown on the above and foregoing plat constitute all of the easements required by the utility companies contacted.
 - 7) All of the property subdivided in the above and foregoing plat is within the incorporated boundaries of the City of Missouri City, Texas.
 - 8) No building or other permit, except permits for construction of public improvements will be issued by the City of Missouri City, Texas, for construction within this subdivision until such time as all public improvements of the subdivision have been constructed by the developer and accepted by the City or the guarantee of construction of public improvements required by Section 82-208 of the Code of Ordinances of the City of Missouri City, Texas, is submitted to and approved by the City.
 - 9) All slab elevations shall be one foot above the 100 year flood elevation as established by FEMA as per Section 82-97(11).
 - 10) Required fire flows shall be provided based on the size and construction of all buildings as required by the International Fire Code as adopted by the City.
 - 11) The placement of fire hydrants shall be provided based on the minimum distance requirements as established in the International Fire Code as adopted by the City (500ft. for residential development and 300ft. for commercial development). All fire hydrants shall be installed according to the International Fire Code as adopted by the City. Easements on this property dedicated from other plats, unless shown hereon, are hereby superseded by the recording of this plat.
 - 12) The bearings shown hereon are referenced to the Texas Coordinate System of 1983, South Central Zone. The coordinates shown hereon are grid and may be converted to surface by applying the following scale factor of 1.0001294403.
 - 13) Blanket easement granted to CenterPoint Energy Houston Electric as located and defined by instrument filed for record under Fort Bend County Clerk's File No. 2009104935.
 - 14) Buildings shall be set back a minimum distance of 30 feet from any pipeline or 15 feet from any pipeline easement, whichever distance is greater.

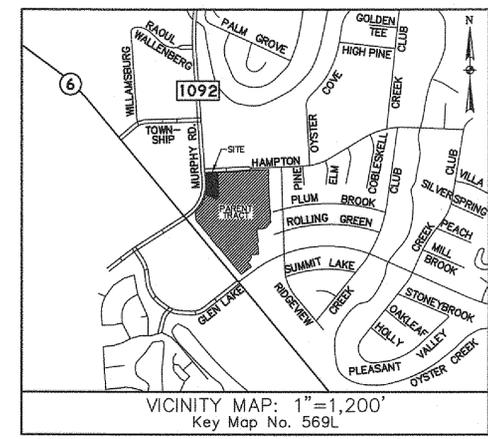
REPLAT OF RESERVE B OF
REPLAT OF
LOWES AT MISSOURI CITY
1 BLOCK 2 RESERVES
A SUBDIVISION OF 1.392 ACRES OF LAND
OUT OF
RESERVE B OF THE
REPLAT OF LOWES AT MISSOURI CITY
SITUATED IN THE
DAVID BRIGHT LEAGUE
ABSTRACT NO. 13
FORT BEND COUNTY, TEXAS
SEPTEMBER 2013

4 PGS 2013115806
PLAT ATTACH

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dianne Wilson, County Clerk
Fort Bend County, Texas
September 09, 2013 09:45:34 AM
FEE: \$150.00 TOL 20130218
PLAT

REASON FOR REPLAT: TO CREATE TWO RESERVES.

OWNERS: SDI MISSOURI CITY HOLDINGS, LLC
712 MAIN, 29TH FLOOR
HOUSTON, TX 77002
CONTACT: JON A. KANTALIS
713-892-5200



LEGEND
F.B.C.C.F. - Fort Bend County Clerk's File
F.B.C.D.R. - Fort Bend County Deed Records
F.B.C.M.R. - Fort Bend County Map Records
F.B.C.P.R. - Fort Bend County Plat Records
Fnd - Found 5/8" Iron Rod w/cap Stamped
HALFF ASSOC. INC.
Set - 3/4" Iron Rod with cap stamped *HALFF*