

**YOLANDA FORD**  
Mayor

**VASHAUNDR A EDWARDS**  
Councilmember at Large Position No. 1

**CHRIS PRESTON**  
Mayor Pro Tem  
Councilmember at Large Position No. 2



**CHERYL STERLING**  
Councilmember District A

**JEFFREY L. BONEY**  
Councilmember District B

**ANTHONY G. MAROULIS**  
Councilmember District C

**FLOYD EMERY**  
Councilmember District D

## **CITY COUNCIL MEETING AGENDA**

### **AGENDA DE LA REUNIÓN DEL CONCEJO DE LA CIUDAD**

Notice is hereby given of a meeting of the City Council of Missouri City to be held on **Monday, April 6, 2020**, at **7:00 p.m.** at: **City Hall, Council Chamber, 2<sup>nd</sup> 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.

Por medio de la presente, se notifica sobre la reunión del Concejo de la Ciudad de Missouri City que se realizará **el lunes 6 de abril de 2020**, a las **7:00 p.m.** en: **City Hall, Council Chamber, 2.º piso**, 1522 Texas Parkway, Missouri City, Texas, 77489, con el propósito de considerar los siguientes puntos de la agenda. Todos los temas de la agenda están sujetos a la toma de medidas. El Concejo de la Ciudad se reserva el derecho de reunirse en una sesión cerrada para hablar sobre cualquier tema de la agenda en caso de ser necesario y si procediera de conformidad con el Título 5, Capítulo 551 del Código de Gobierno de Texas.

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#### **NOTICE REGARDING PUBLIC PARTICIPATION**

Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the public will not be allowed to be physically present at this meeting.

The meeting will be available to members of the public and allow for two-way communications for those desiring to participate. Any person interested in speaking on any item on the agenda must notify the City by one of the following methods **before 4:00 p.m. on the day of the City Council meeting**:

1. Email or call the City Secretary at [CSO@missouricitytx.gov](mailto:CSO@missouricitytx.gov) or 281-403-8686; or,
2. Submit a "Public Comment Form" to the City Secretary from the following webpage: <https://bit.ly/39pw73Q>.

**The request must include the speaker's name, address, email address, phone number and the agenda item number.**

To livestream the meeting, the public may access the following link:  
<https://www.missouricitytx.gov/780/MCTV>.

To access the meeting agenda packet in PDF format, the public may access the following link:  
<https://www.missouricitytx.gov/407/City-Council>.

**1. ROLL CALL**

**2. PLEDGE OF ALLEGIANCE**

**3. PRESENTATIONS AND RECOGNITIONS**

- (a) Proclaim April as "National Fair Housing Month" in the City of Missouri City.

**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 including City's response to Coronavirus Disease 2019 (COVID-19).

**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 and regular City Council meetings of March 16, 2020, and the special City Council meeting of March 30, 2020.
- (b) Consider an ordinance disannexing a 5.36-acre tract of land located north of the Sienna Sports Complex, south of the Sienna Village of Bees Creek residential subdivision, east of the Brazos River, and west of the Brazos Canal Access Road; and consider the ordinance on the second and final reading.

**7. PUBLIC HEARINGS AND RELATED ACTIONS**

**(a) Zoning Public Hearings and Ordinances**

- (1) Public hearing to receive comments for or against a request for a specific use permit authorizing a place of assembly use within an approximate 2,488 square foot lease space in the Missouri City Central shopping center (Omid Center); providing limitations, restrictions, and conditions on such specific use; amending the zoning district map of the City of Missouri City; providing a penalty; containing other provisions relating to the subject; and consider the related ordinance on the first of two readings. The subject site is located within a lease space at 2416 Texas Parkway.
- (2) Public hearing to receive comments for or against a request to amend PD, Planned Development District No. 96 (Ordinance O-15-54), revise the site plan and amend the regulations and restrictions 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 and south of Lake Olympia Parkway, north of Dry Creek Village, east of Parks Edge and west of the Fort Bend Parkway.
- (3) Public hearing to receive comments for or against a request to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; 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 Excel Urgent Care, south of a Murphy Express gas station and Cube Smart self-storage, east of Quail Valley Thunderbird and a Public Storage, and west of Colony Lakes residential subdivision.

- (b) **Public Hearings and related actions** – *There are no Public Hearings and related actions on this agenda.*

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

**9. AUTHORIZATIONS**

- (a) Consider awarding a professional service agreement for the provision of materials testing, geotechnical and environmental services for Public Works\Capital Improvement projects.
- (b) Consider authorizing the negotiation and execution of a contract with Gulf Coast Water Authority (GCWA) to purchase an additional 10 MGD of raw water supplies.

**10. ORDINANCES**

**10. ORDENANZAS**

- (a) Consider an ordinance amending Chapter 38, Fire Protection and Prevention, of the Missouri City Code; authorizing the Fire and Rescue Services Department to enforce laws and establish a fire prevention and community risk reduction division; providing for repeal; providing a penalty; and providing for severability and to consider the ordinance on the first of two readings.
- (b) Consider an ordinance of the City of Missouri City, Texas, as authorized by the Governor of the State of Texas postponing the Special Election scheduled on May 2, 2020, to November 3, 2020, for the purpose of submitting to the qualified voters of the City of Missouri City a proposition providing for or against the adoption of the fire fighters' and police officers' civil service law; providing for severability; and containing other provisions relating to the subject; and to consider the ordinance on the first and final reading.
- (b) Considerar una ordenanza de la Ciudad de Missouri City, Texas, según fue autorizado por el Gobernador del Estado de Texas, que pospone la Elección Especial programada para el 2 de mayo de 2020, para el 3 de noviembre de 2020, con el propósito de presentar a los votantes calificados de la Ciudad de Missouri City, una propuesta a favor o en contra de la adopción de la ley de servicio civil de bomberos y policías; prevé la separabilidad; y que contiene otras disposiciones relacionadas con el tema; y considerar la ordenanza en la primera y última lectura.

**11. RESOLUTIONS**

- (a) Consider a resolution suspending the May 4, 2020 effective date of the proposal by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – Houston division to implement interim gas reliability infrastructure program rate adjustments for gas utility investment in 2019; and containing certain provisions relating to the subject.

**12. CITY COUNCIL ANNOUNCEMENTS**

*Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.*

**13. CLOSED EXECUTIVE SESSION**

*The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, Chapter 551 of the Texas Government Code.*

**14. RECONVENE**

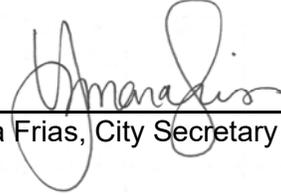
*Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.*

**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 April 6, 2020, agenda of items to be considered by City Council was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on April 2, 2020, at 4:00 p.m.



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Yomara Frias, City Secretary Department



**Council Agenda Item  
April 6, 2020**

**1. ROLL CALL**

**2. PLEDGE OF ALLEGIANCE**

**3. PRESENTATIONS AND RECOGNITIONS**

- (a) Proclaim April as "National Fair Housing Month" in the City of Missouri City.

**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 including City's response to Coronavirus Disease 2019 (COVID-19).
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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, March 16, 2020**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following:

### **1. CALL TO ORDER**

Mayor Ford called the meeting to order at 5:30 p.m.

Those also present: Councilmembers Edwards, Sterling, Boney, Maroulis, and Emery; City Attorney Iyamu, City Secretary Jackson, Interim City Manager Atkinson, Assistant City Manager Martel, Director of Financial Services Portis, Director of Human Resources and Organizational Development Russell, Director of Development Services Spriggs, Director of Communications Walker, Planning Manager Gomez, Media Specialist II Sanders, and Media Specialist II Kalimkootil. Mayor Pro Tem Preston arrived at 5:45 p.m.

### **2. DISCUSSION/POSSIBLE ACTION**

- (a) Discuss Sienna 325, L.P.'s request to disannex approximately 34.16 acres of land for a residential development. The proposed area of disannexation is currently zoned SD suburban district with Specific Use Permit No. 193, providing for a temporary construction yard, and is located north of the Sienna Steep Bank Village residential subdivision, south of McKeever Road, east of Sienna Parkway, and west of Westpoint Estates residential subdivision. The proposed area of disannexation is designated for suburban commercial uses on the Future Land Use map of the Comprehensive Plan.

City Attorney Iyamu stated on an item which pertained to a request the City received from Sienna 325, L.P. for the disannexation of 34.16 acres of land for a residential development. Iyamu noted the land was zoned for commercial purposes and the landowner would like to sell it for residential purposes. The proposed timeline was noted and the City would move forward as presented, unless directed otherwise. Alvin San Miguel of Johnson Development provided an overview on the proposal of the anticipated 185 lots. He stated he would hope to start construction between July and August.

- (b) Discussion regarding user fee recommendation.

Director of Financial Services Portis spoke about the user fee recommendations. Dennis Goral of Willdan presented an overview of the user fee study. Mayor Ford requested when the last time fees were increased. Goral stated fees had been increased minimally over the years but for some fees, it had been about nine years. Ford asked the amount of developers that attended the meeting pertaining to the fee study. Director Portis stated a total of fifteen had been invited and six had attended. Councilmember Emery asked if any additional revenue would be brought with the increase. Director Portis noted if the volume was to stay the same then there would be \$100K revenue for commercial and fire permits. Councilmember Boney asked when the last user fee study was performed and when was this one requested. Director Portis stated it had not been done before and they started working on the current request in 2018. Interim City Manager Atkinson noted fees had been reviewed in the past but not with a cost analysis.

- (c) Discuss the procurement of executive search firm services for the position of the city manager.

Director of Human Resources and Organizational Development Russell presented an overview of City Council's discussion regarding the procurement of executive search firm services for the position of the city manager. Russell noted once review of executive search firms was completed, Council would select top three firms to present their proposal to City Council. Council would then vote on the firm to conduct the city executive search; and, such firm would provide Council with timelines of the process to select city manager. Staff recommended City Council take action to utilize an executive search firm for the city manager's position through a request for proposal and interview process.

Councilmember Sterling asked if they could do the search process in house before going through an RFP process. Russell stated City Council would have to provide him with the requirements for that position. He noted the department did not specialize in that key of a position for the work that was involved and the process in selecting the individual. Councilmember Sterling believes this falls within the purview of the Human Resources and Organizational Development department.

Councilmember Boney stated that based on budget conversations, other things on the horizon, limited resources, and the director stating he does not have the bandwidth to do this process, what was the Interim City Manager's recommendation to use a firm. Atkinson noted firms know of candidates that may be looking or that would match the community's personality. Atkinson also outlined the responsibilities of the department along with the timeframe and stated it would be difficult for them to carry out the search in addition to everything they were working on. Councilmember Boney asked if an online notice had been posted. Russell stated it was briefly online as an advertisement but because City Council had not made a motion, it was removed. Interim City Manager Atkinson requested a motion by City Council.

Councilmember Maroulis moved to hire a search firm for the position of the city manager. Councilmember Boney seconded.

Councilmember Edwards asked if staff did not have the results or documentation from the 2015 City Manager search. Atkinson stated the firm would have that documentation. Russell stated they did not have all the information available but they did have the brochure.

Mayor Pro Tem Preston requested a closed executive session. City Attorney Iyamu stated there was a motion on the table.

Councilmember Maroulis and Councilmember Boney moved to withdraw their motions.

At 6:31 p.m., Mayor Pro Tem Preston requested an executive session under section 551.07. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

At 6:38 p.m., City Council reconvened into open session.

Councilmember Maroulis moved to hire an executive search firm for the city manager's position through a request for proposal and interview process. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Mayor Pro Tem Preston asked for City Council to receive applications submitted while a search firm was hired. Interim City Manager Atkinson stated they provide information based on what they see out in the market and bring that back at the next City Council meeting in the interim of getting RFP.

- (d) Consider and discuss the City's board, committee, and commission member appointments and reappointments.

City Secretary Jackson presented on the City's board, committee, and commission member appointments and reappointments. City Council requested that City Staff members reach out to the members whose terms were up for reappointment to determine who would like to continue to serve. Council also requested that names be provided to the City Secretary of residents interested in serving on the Charter Review Commission. Jackson stated she would provide Council with an updated during the second meeting in April.

**3. CLOSED EXECUTIVE SESSION**

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 6:52 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: (i) Mitchell Carter v. City of Missouri City, et al.(Fort Bend County Cause No. 19-DCV-265905 in the 458th District Court of Fort Bend County, Texas and Cause No. 19-DCV-265895 in the 268th District Court of Fort Bend County, Texas; (ii) Ivy Kenneth Joy L. Miraflor and Josefina P. Serrano v. the City of Missouri City, Texas, and Yolanda Ford, in her official capacity as Mayor of the City of Missouri City, Texas (Harris County Cause Number 201975796 in the 234th District Court of Harris County); and (iii) Jerry Flowers & Linda Flowers vs. Trent Williams, Missouri City, Texas, & the Manors Property Owners Association, Inc. (Cause No. 20-DCV-270180 in the 400th District Court of Fort Bend County).

**Texas Government Code, Section 551.074** – Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: the city manager, city attorney, and city secretary.

City Council recessed the special City Council meeting at 6:59 p.m. for the regular City Council meeting.

At 8:10 p.m., City Council reconvened the special City Council meeting closed executive session to consider Texas Government Code, Section 551.074.

**4. RECONVENE**

At 9:16 p.m., City Council reconvened into open session.

Councilmember Maroulis moved to adjust interim City Manager salary by 30-percent. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

**5. ADJOURN**

The special City Council meeting adjourned at 9:17 p.m.

Minutes PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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Maria Jackson, City Secretary

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Councilmember District D

## CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, March 16, 2020**, at the City Hall, Council Chamber, 2<sup>nd</sup> Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 p.m.** to consider the following:

### 1. ROLL CALL

Mayor Ford called the meeting to order at 7:01 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Sterling, Boney, Maroulis, and Emery; Interim City Manager Atkinson, City Attorney Iyamu, and City Secretary Jackson. Councilmember Edwards arrived at 7:03 p.m.

2. The **PLEDGE OF ALLEGIANCE** was led by Director of Development Services Spriggs.

### 3. PRESENTATIONS AND RECOGNITIONS

The item pertaining to the presentation of the Clean Restaurant Awards was removed from the agenda due to COVID-19.

Councilmember Maroulis proclaimed March 25, 2020, as "Greek Independence Day" in the City of Missouri City. Mayor Ford proclaimed March as "Women's History Month" in the City of Missouri City. Emergency Medical Services medical director Dr. Joe Anzaldua presented a COVID-19 update. Councilmember Boney asked if there would be a COVID-19 testing site in Missouri City. Dr. Anzaldua stated the county would determine the locations of the sites. Councilmember Emery requested that the Mayor send a letter to Fort Bend County so that Missouri City would be considered as a testing site. Mayor Ford asked that staff prepare the letter and she would call the county. Mayor Ford asked if they should hold meetings remotely. Dr. Anzaldua advised to move forward as is; however, he may make an alternate suggestion on a later date as with COVID-19, situations change by the hour and he could make a different recommendation then. Councilmember Emery asked about impact on staff. Interim City Manager Atkinson stated each department was working on their continuity of operations plans (COOP) which provides guidance, by department, in carrying out its responsibilities and ensuring that mission essential functions were continued during an emergency, or threat of an emergency, that would affect normal operations. He noted the City was working to minimize impact. Dr. Anzaldua asked City Council to pay attention to the elderly, as they were the most affected.

### 4. PUBLIC COMMENTS

**Bill Cronin**, 902 Pine Meadow Drive, spoke about his retirement and thanked the City for the opportunity to work for Missouri City.

There were no **STAFF REPORTS**.

### 6. CONSENT AGENDA

- (a) Consider approving the minutes of the special and regular City Council meetings of March 2, 2020.
- (b) Consider an ordinance amending Section 18, Board of Adjustment, of Appendix A of the Missouri City Code, entitled, "The City of Missouri City Zoning Ordinance;" amending rules and regulations for powers and the hearing of appeals; providing a penalty; and consider the ordinance on the second and final reading.
- (c) Consider an ordinance amending Chapter 34, Finance and Taxation, of the Missouri City Code; authorizing form of payment; providing for return check fees; providing for credit card service fees; providing for a repeal and providing for severability; and consider the ordinance on the second and final reading.
- (d) Consider authorizing the purchase of Fire and Rescue Services firefighter protective clothing.
- (e) Consider authorizing the Comcast internet service renewal contract.

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

There were no **Zoning Public Hearings and Ordinances, Public Hearings and related actions or Appointments** on this agenda.

## 9. AUTHORIZATIONS

- (a) Consider authorizing the request by the Exchange Club of Fort Bend to post child abuse awareness signs along Highway 90-A and Present Street.

Councilmember Emery moved to authorize the request by the Exchange Club of Fort Bend to post child abuse awareness signs along Highway 90-A and Present Street. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider authorizing the execution of a contract for Fire Station No. 1 renovations.

Councilmember Boney requested a list of the renovations. Fire Chief Campbell provided an overview of the renovation to be performed.

Councilmember Emery moved authorize to the execution of a contract for Fire Station No. 1 renovations. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

- (c) Consider authorizing the negotiation and execution of certain cost sharing agreements between the City of Missouri City and Fort Bend County Municipal Utility District Number 47 and Fort Bend County Municipal Utility District Number 48 for the rehabilitation of the Mustang Bayou Wastewater Treatment Plant.

Councilmember Boney moved to authorize the negotiation and execution of certain cost sharing agreements between the City of Missouri City and Fort Bend County Municipal Utility District Number 47 and Fort Bend County Municipal Utility District Number 48 for the rehabilitation of the Mustang Bayou Wastewater Treatment Plant. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

## 10. ORDINANCES

- (a) Consider an ordinance disannexing a 5.36-acre tract of land located north of the Sienna Sports Complex, south of the Sienna Village of Bees Creek residential subdivision, east of the Brazos River, and west of the Brazos Canal Access Road; and consider the ordinance on the first of two readings.

Councilmember Boney moved to adopt the ordinance. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider an ordinance authorizing the issuance and sale of City of Missouri City, Texas, combination tax and revenue certificates of obligation, series 2020 in the aggregate principal amount not to exceed \$11,000,000 for the construction of public works and the purchase of a fire truck; levying a tax in payment thereof; making other provisions regarding such certificates of obligation, including authorizing the preparation and distribution of one or more preliminary official statements, one or more official statements and matters incident thereto; awarding the sale of the certificates; authorizing the execution and delivery of one or more purchase agreements; authorizing the execution and delivery of a paying agent/registrars agreement; authorizing and confirming the engagement of certain professionals in connection with the issuance of the certificates of obligation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and enacting other provisions relating thereto; and consider the ordinance on the first and final reading.

Director of Financial Services Portis, Joe Morrow, Hilltop Securities, and Derek Mitchell, Holland & Knight, presented an overview.

Councilmember Boney moved to adopt the ordinance. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

- (c) Consider authorizing the issuance and sale of City of Missouri City, Texas, general obligation and refunding bonds, series 2020, in the aggregate principal amount not to exceed \$6,340,000 for the refunding of certain bonds and for the construction of public works; levying a tax in payment thereof; making other provisions regarding such certificates of obligation, including authorizing the preparation and distribution of one or more preliminary official statements, one or more official statements and matters incident thereto; awarding the sale of the certificates; authorizing the execution and delivery of one or more purchase agreements; authorizing the execution and delivery of a paying agent/registrars agreement; authorizing and confirming the engagement of certain professionals in connection with the issuance of the certificates of obligation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and enacting other provisions relating thereto; and consider the ordinance on the first and final reading.

Councilmember Boney moved to adopt the ordinance with recommended amendment in the caption. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

- (d) Consider an ordinance ratifying and consenting to the declaration of a local state of disaster resulting from the Coronavirus Disease 2019 pandemic; and declaring an emergency; and consider the ordinance on the first and final reading.

Mayor Pro Tem Preston moved to adopt the ordinance. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

## 11. RESOLUTIONS

- (a) Consider a resolution approving and adopting the development and planning schedule of fees; providing for severability; providing an effective date; and making certain findings relating thereto.

Councilmember Emery moved to approve the resolution with an amendment to the effective date. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider a resolution adopting a schedule of fees pertaining to the regulation, registration, impoundment and handling of animals by the City of Missouri city, Texas.

Councilmember Maroulis moved to approve the resolution with an amendment to the effective date. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

- (c) Consider a resolution supporting Project Brazos; providing for severability; and making certain findings relating thereto.

Director of Public Works Kumar presented an overview on Project Brazos.

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

## **12. CITY COUNCIL ANNOUNCEMENTS**

Councilmember Sterling stated met with several constituents to discuss issues and met with Councilmember Emery to discuss projects with H-GAC. Councilmember Maroulis thanked Dr. Anzaldua for a great presentation; reminded everyone to support local business; and, thanked HEB for helping seniors get their supplies. Councilmember Boney sent out his thought and prayers to everyone affected by COVID-19; he stated he was appointed by the National League of Cities to the Community and Economic Committee and to the subcommittee of Entrepreneurship and New Business in which he hopes to help the City businesses with; and, he wished his wife a happy 23<sup>rd</sup> anniversary. Councilmember Emery sent prayers to those affected by COVID-19 and asked everyone to support local businesses. Councilmember Edwards encouraged everyone to follow the protocols for COVID-19; and, he thanked women for their service to the City during Women's History Month. Mayor Ford ditto everything and advised citizens to visit MissouriCityReady.com for official updates.

## **13. ADJOURN**

The regular City Council meeting adjourned at 8:10 p.m.

Minutes PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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Maria Jackson, City Secretary

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## **CITY COUNCIL SPECIAL MEETING MINUTES**

The City Council of the City of Missouri City, Texas, met in special session on **Monday, March 30, 2020**, at the City Hall, Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **6:00 p.m.** to consider the following.

*Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the Mayor, City Council, City Staff members, and members of the public were not physically present during this meeting. The meeting was made possible through the cloud-based video conferencing platform Zoom.*

### **1. CALL TO ORDER**

Mayor Ford called the meeting to order at 6:01 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Edwards, Sterling, Maroulis, and Emery; Interim City Manager Atkinson, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Martel, Director of Financial Services Portis, Director of Human Resources and Organizational Development Russell, Director of Information Technology Cole, Director of Communications Walker, Media Specialist II Sanders, MCTV Producer Penalba, and Purchasing/Risk Manager Pleasant. Also present: Shelby Lackey, Weaver and Tidwell. Absent: Councilmember Boney.

### **2. DISCUSSION/POSSIBLE ACTION**

(a) Discuss the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR).

Shelby Lackey, Weaver and Tidwell, presented and addressed questions regarding the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR).

(b) Discuss the proposed Fiscal Year 2021 budget calendar.

Director of Financial Services Portis presented the budget calendar with proposed special City Council meeting dates. City Council requested that the proposed dates be sent out to City Council to determine availability.

(c) Discuss the procurement of executive search firm services for the position of the city manager.

Director of Human Resources and Organizational Development Russell and Purchasing/Risk Manager Pleasant presented the procurement of executive search firm services for the position of the city manager. Councilmember Edwards requested the status of the City Manager job descriptions.

Pleasant stated she was working with the HR director to determine a schedule with City Council for the evaluation of the proposals and requested when Council would like to reconvene to address. Mayor Ford stated to place it on the next City Council meeting agenda on April 6<sup>th</sup>. Pleasant stated the Mayor, City Council and the Director of Human Resources and Organizational Development would serve on the evaluation committee and of the nine that were submitted, three would be selected to present their proposals.

Mayor Ford then requested to poll City Council's position on moving forward with the complete evaluation of the nine proposals for further discussion during the April 6<sup>th</sup> City Council meeting.

- Mayor Pro Tem Preston stated yes.
- Councilmember Edwards stated yes.
- Councilmember Emery stated no.
- Councilmember Maroulis stated yes.
- Councilmember Sterling stated yes.

Mayor Ford then stated to move forward with April 6<sup>th</sup> for further discussion of the evaluation of the proposals. Pleasant stated questions could be directed to her. Councilmember Emery stated he would work on completing the evaluation of the proposal and would make an extra effort to be ready by April 6.

Mayor Ford asked that City Council let her know by Wednesday, April 1, 2020 if they have any issues and, if the majority states they have concerns or need more time, then the agenda item could be postponed. City Attorney Iyamu recommended that only two City Councilmembers contact Mayor Ford to determine if more time was needed.

Councilmember Edwards asked if the Interim City Manager Atkinson would work with the Human Resources Department on obtaining the City Manager job descriptions and findings from the last search. Director of Human Resources and Organizational Development Russell stated he was working to locate the information and would forward to City Council once he was in receipt of it. At this time, he was in receipt of the brochure. Councilmember Sterling asked if the information would not be available by tomorrow, could the Director of Human Resources and Organizational Development reach out to other benchmark cities for similar information. Councilmember Edwards asked if Councilmember Sterling's request could be a last resort and then requested that City Staff members continue to search City files from the last search.

- (d) Consider and discuss the postponement of the May 2, 2020 election date to the November 3, 2020 uniform election date, as provided for by a Proclamation issued by the Governor of Texas suspending certain provisions of the Texas Election Code as a result of the Coronavirus Disease 2019 (COVID-19) Pandemic.

City Secretary Jackson stated that due to concerns regarding COVID-19, Texas Governor Gregg Abbott issued an advisory on March 18, 2020 suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to consider an alternate uniform date for the election.

She added that at this time, the City Council of Missouri City has not considered or approved the joint election contract with Fort Bend County for election services. Should City Council recommend that an ordinance be placed on a future regular City Council meeting agenda to move the City's special election from May to November, the City Council need not consider approval of the joint election contract for the May 2020 election as the Fort Bend County Elections Administrator confirmed that costs for the November 2020 election would incorporate the City's special election.

City Secretary Jackson stated at as of 5:00 p.m. on this date, the Fort Bend County Elections Administrator confirmed that every district that has historically contracted with them for May elections has notified his office that they were postponing or cancelling their May 2, 2020 elections.

Mayor Ford requested City Council position to postpone the May 2, 2020 election date to the November 3, 2020 uniform election date.

- Mayor Pro Tem Preston stated yes to postpone.

- Councilmember Edwards stated yes to postpone.
- Councilmember Emery stated yes to postpone.
- Councilmember Maroulis stated yes to postpone.
- Councilmember Sterling stated yes to postpone.
- Mayor Ford stated yes to postpone.

City Attorney Iyamu stated the ordinance postponing the election would be placed on the April 6, 2020, regular City Council meeting agenda for official action by the City.

**3. ADJOURN**

The special City Council meeting adjourned at 7:29 p.m.

Minutes PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

---

Maria Jackson, City Secretary



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 6, 2020

**To:** Mayor and City Council  
**Agenda Item:** 6(b) Disannexation of a 5.36-acre tract of land  
**Submitted by:** E. Joyce Iyamu, City Attorney

### SYNOPSIS

The owner of a 5.36-acre tract of land has petitioned for the disannexation of the property. This is the second and final reading of the ordinance disannexing the property.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Have quality development through buildout.

### BACKGROUND

Pursuant to Sections 43.142 and 43.145 of the Texas Local Government Code and Section 2.02 of the City's Home Rule Charter, the Gulf Coast Water Authority (GCWA) has requested that the City of Missouri City disannex an approximate 5.36-acre tract of land owned by GCWA. The Property is currently zoned SD suburban district and is to be developed for estate uses according to the Future Land Use and Character map of the City Comprehensive Plan. The land will be used to maintain a water pumping station.

The land is located within the corporate limits of Missouri City, Texas, north of the Sienna Sports Complex, south of the Sienna Village of Bees Creek subdivision, east of the Brazos River, and west of the Brazos Canal Access. If the land is disannexed, it will be surrounded by Missouri City on all sides. Pursuant to Section 43.057 of the Texas Local Government Code, the City Council of the City of Missouri City will have to find that surrounding the land is in the public interest prior to disannexation.

Notice of the first public hearing was published in the *Fort Bend Independent* on Wednesday, January 29, 2020, and the first public hearing was held on February 10, 2020. Notice of this second public hearing was published on Wednesday, February 5, 2020 in the *Fort Bend Independent*, and the second public hearing was held on February 17, 2020. No individuals spoke for or against the proposed disannexation.

### BUDGET ANALYSIS

The property is currently owned by the GCWA. As such, the City is not currently receiving taxes on the property.

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

### SUPPORTING MATERIALS

1. Ordinance
2. Petition
3. Depiction

**STAFF'S RECOMMENDATION**

**Action required:** Consider adopting the ordinance on the second and final reading.

**Assistant City Manager/  
City Manager Approval:**

**GLEN A. MARTEL, ACM**

**ORDINANCE NO. O-20-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, DISANNEXING AN APPROXIMATE 5.36-ACRE TRACT OF LAND LOCATED NORTH OF THE SIENNA SPORTS COMPLEX, SOUTH OF THE SIENNA VILLAGE OF BEES CREEK SUBDIVISION, EAST OF THE BRAZOS RIVER, AND WEST OF THE BRAZOS CANAL ACCESS ROAD; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE.**

\* \* \* \* \*

WHEREAS, the Gulf Coast Water Authority (the "Owner"), the owner of an approximate 5.36-acre tract of land, more particularly described on Exhibit "A" attached hereto and located within the corporate limits of Missouri City, Texas, north of the Sienna Sports Complex, south of the Sienna Village of Bees Creek subdivision, east of the Brazos River, and west of the Brazos Canal Access Road (the "Property") has petitioned the City of Missouri City (the "City") to disannex and detach such land from the City in accordance with Sections 43.142 and 43.145 of the Texas Local Government Code and Section 2.02 of the City's Home Rule Charter; and

WHEREAS, at the time of the adoption of this Ordinance, the City of Missouri City has a population more than 4,000; and

WHEREAS, at the time of the adoption of this Ordinance, Fort Bend County and Harris County have populations of more than 205,000; and

WHEREAS, the Property includes at least three contiguous acres that are unimproved and adjoining the municipality; and

WHEREAS, the Owner, on behalf of its agents, heirs, executors, successors, assigns, and administrators, has determined that the amount of property taxes and fees collected by the City during the time the Property has been located within the City is less than or equal to the amount of money that the City has spent for the direct benefit of the Property during that same period, and in so determining has released and forever discharged the City from any and all remedies or rights as set forth in law or equity pertaining to such taxes and fees; and

WHEREAS, the City timely published notice and held two public hearings at which persons interested in such disannexation were afforded the opportunity to be heard; and

WHEREAS, the City has determined that the Property is unimproved and is within the vicinity of the City's boundaries; and

WHEREAS, disannexing the Property may cause the Property to be entirely surrounded by the City; and

WHEREAS, pursuant to Section 43.057 of the Texas Local Government Code, the City Council of the City finds that surrounding the Property is in the public interest; and

WHEREAS, the City Council of the City finds that it is in the best interest of the City to grant the petition, disannex the Property as part of the City, and surround the Property; now therefore,

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

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

Section 2. The Property described on Exhibit "A" is hereby disannexed from the municipal boundaries of the City. The Mayor of the City is authorized to enter an order into the records of the City confirming the disannexation of the Property, and City staff members are hereby authorized to do all things reasonably required to implement this Ordinance.

Section 3. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meeting Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions hereof. Such remaining portion or portions shall be and remain in full force and effect. Should this Ordinance for any reason be ineffective as to any part of the area hereby disannexed from the City of Missouri City, such ineffectiveness of this Ordinance as to any such part or parts of any such area shall not affect the effectiveness of the Ordinance as to all of the remainder of such area. The City Council hereby declares its purpose to disannex from the City of Missouri City every part of the area described in Section 2 of this Ordinance. Provided, further, that if there is included in the general description of territory set out in Section 2 of this Ordinance any land or area which is already not a part of and excluded from the general limits of the City of Missouri City or for which the City of Missouri City does not have legal authority to disannex, the same is hereby excluded and excepted from the territory to be disannexed as fully as if such excluded and excepted area was specifically described herein.

PASSED AND APPROVED on first reading this 16<sup>th</sup> day of March, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this 6<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maria Jackson, City Secretary

\_\_\_\_\_  
E. Joyce Iyamu, City Attorney

Exhibit "A"

1-28-2020

HENRY STEINKAMP, INC.  
Texas Licensed Surveying Firm No. 10005000  
Land Boundary & Topographic Surveying  
909 Fifth Street  
Rosenberg, Texas 77471  
Telephone/Fax 281.342.2241  
email: schodek@yahoo.com

Franklin R. Schodek  
Registered Professional Land Surveyor

James L. Syptak, Sr.  
Registered Professional Land Surveyor

January 16, 2020

A Field Note Description of 5.355 Acres of Land for De-Annexation from the City of Missouri City City Limits being all of the Original Gulf Coast Water Authority's R242991 Call 3.3.584 Acre Tract and 1.771 Acres off of the Westerly end of the Gulf Coast Water Authority's R217726 Call 27.5461 Acre Tract (Volume 194, PAGE 91; Deed Records and Volume 2301, Page 674; Official Records); in the Thomas Barnett League, Abstract No. 7, Fort Bend County, Texas.

Beginning at a capped iron rod stamped "LJA" found marking the Southwest corner of the GCWA to Sienna/Johnson North; LP Part II, 5.317 Acre Tract (FBC 2000009779);

THENCE, North 87deg.21'36" East, along the North line of the Gulf Coast Water Authority's call original 5.0 Acre Tract (Volume 194, Page 91; DRFBCT), 56.0 feet to a point on the centerline of a Levee and marking the Northeast corner of this tract;

THENCE, South, along the centerline of the Levee, 170.58 feet to an angle point;

THENCE, South 53deg.15'07" East, at 29.3 feet begins corner on the Northeast face of a Concrete Headwall, leaving said Headwall at 142.4 feet, in all 249.39 feet to a point in the Northwest line of the Centerpoint Energy Houston Electric, LLC R30718 0.5344 Acre Tract (FBC 2002094441) and marking the East corner of this tract;

THENCE, South 51deg.14'14" West, along said Northwest line of said Centerpoint Energy Houston Electric, LLC Tract, 157.25 feet to a point for corner on the North Bank of the Brazos River and marking the South corner of this tract;

THENCE, Northwesterly along the North Bank of the Brazos River with the following courses and distances:

- North 39deg.09'36" West, 110.0 feet to an angle point;
- North 42deg.40'01" West, 46.95 feet to an angle point;
- North 57deg.53'07" West, 43.53 feet to an angle point;
- North 82deg.46'07" West, 55.99 feet to an angle point;
- North 89deg.38'39" West, 62.46 feet to an angle point;
- North 54deg.29'52" West, 50.0 feet to an angle point;
- North 80deg.30'33" West, 54.89 feet to an angle point;
- South 88deg.21'40" West, 43.53 feet to an angle point;
- North 66deg.30'52" West, 44.75 feet to an angle point;
- North 81deg.11'24" West, 25.69 feet to an angle point;
- North 14deg.18'50" West, 7.01 feet to an angle point;

Exhibit "A"

Page 2.

5.355 Acres

Thomas Barnett League, Ab. 7

Fort Bend County, Texas.

THENCE, Northerly along the Top East Bank of the Steepbank Creek with the following courses and distances:

North 24deg.38'09" East, 25.89 feet to an angle point;  
North 46deg.50'34" West, 19.79 feet to an angle point;  
North 67deg.14'40" West, 46.0 feet to an angle point;  
North 22deg.01'16" East, 41.49 feet to an angle point;  
North 70deg.04'41" East, 24.09 feet to an angle point;  
North 04deg.11'37" West, 16.57 feet to an angle point;  
North 46deg.51'20" West, 43.63 feet to an angle point;  
North 00deg.57'22" East, 48.25 feet to an angle point;  
North 28deg.05'14" East, 47.49 feet to an angle point;  
North 10deg.00'53" West, 52.76 feet to an angle point;  
North 09deg.23'12" East, 48.84 feet to an angle point;  
North 26deg.30'35" East, 66.36 feet to an angle point;  
North 03deg.45' East, 233.0 feet to an angle point;  
North 39deg. East, 171.0 feet to an angle point;  
North 49deg.20' East, 172.75 feet to a point marking the Northerly Northwest corner of this tract:

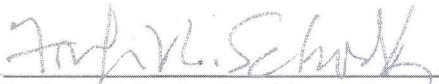
THENCE, North 68deg.43'32" East, 157.88 feet to a point marking the Northerly Northeast corner of this tract:

THENCE, South 45deg.48'37" West, along the Westerly line of the GCWA to Sienna/Johnson North, LP Part II-5.317 Acre Tract (FBC 2000009779), 212.17 feet to an angle point;

THENCE, South 21deg.25'36" West, 463.58 feet along said Westerly line of said 5.317 Acre Tract to a point marking a re-entrant corner of this tract:

THENCE, South 60deg.57'04" East, along a South line of said 5.317 Acre Tract 272.41 feet to a point for corner:

THENCE, South 02deg.38'24" East, 21.26 feet along a West line of said call 5.317 Acre Tract to the place of beginning and containing 5.355 Acres of Land.

Signed:   
Registered Professional Land Surveyor No. 1535

NOTE: Not a field survey this date, based on field surveys by our Firm dated August 23, 2018 and March 18, 2109.



Gulf Coast Water Authority

3630 FM 1765

Texas City, Texas 77591

409.935.2438

fax 409.935.4156

January 23, 2020

MAYOR AND COUNCIL  
CITY OF MISSOURI CITY  
CITY HALL  
1522 Texas Parkway  
Missouri City, Texas 77489

RE: GULF COAST WATER AUTHORITY

Mayor and City Council,

Gulf Coast Water Authority is a conservation and reclamation district created by the Texas Legislature. The Authority respectfully requests that the City disannex the property described in Exhibit A, which is used by the Authority as part of its water transport facilities. Attached hereto is the action that the Authority requests.

Gulf Coast Water Authority, on behalf of its agents, heirs, executors, successors, assigns, and administrators, has determined that the amount of property taxes and fees collected by the City during the time the property has been located within the City is less than or equal to the amount of money that the City has spent for the direct benefit of the property during that same period, and in so determining has released and forever discharged the City from any and all remedies or rights as set forth in law or equity pertaining to such taxes and fees.

Respectfully,

A handwritten signature in blue ink that reads "Russell C. Jones". The signature is written in a cursive style and is positioned over the typed name and title.

Russell C. Jones  
President, Gulf Coast Water Authority Board of Directors

Exhibit A, attached.



**ORDINANCE NO. O-20-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, DISANNEXING AN APPROXIMATE 5.36-ACRE TRACT OF LAND LOCATED NORTH OF THE SIENNA SPORTS COMPLEX, SOUTH OF THE SIENNA VILLAGE OF BEES CREEK SUBDIVISION, EAST OF THE BRAZOS RIVER, AND WEST OF THE BRAZOS CANAL ACCESS ROAD; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE.**

\* \* \* \* \*

WHEREAS, the Gulf Coast Water Authority (the "Owner"), the owner of an approximate 5.36-acre tract of land, more particularly described on Exhibit "A" attached hereto and located within the corporate limits of Missouri City, Texas, north of the Sienna Sports Complex, south of the Sienna Village of Bees Creek subdivision, east of the Brazos River, and west of the Brazos Canal Access Road (the "Property") has petitioned the City of Missouri City (the "City") to disannex and detach such land from the City in accordance with Sections 43.142 and 43.145 of the Texas Local Government Code and Section 2.02 of the City's Home Rule Charter; and

WHEREAS, at the time of the adoption of this Ordinance, the City of Missouri City has a population more than 4,000; and

WHEREAS, at the time of the adoption of this Ordinance, Fort Bend County and Harris County have populations of more than 205,000; and

WHEREAS, the Property includes at least three contiguous acres that are unimproved and adjoining the municipality; and

WHEREAS, the Owner, on behalf of its agents, heirs, executors, successors, assigns, and administrators, has determined that the amount of property taxes and fees collected by the City during the time the Property has been located within the City is less than or equal to the amount of money that the City has spent for the direct benefit of the Property during that same period, and in so determining has released and forever discharged the City from any and all remedies or rights as set forth in law or equity pertaining to such taxes and fees; and

WHEREAS, the City timely published notice and held two public hearings at which persons interested in such disannexation were afforded the opportunity to be heard; and

WHEREAS, the City has determined that the Property is unimproved and is within the vicinity of the City's boundaries; and

WHEREAS, disannexing the Property may cause the Property to be entirely surrounded by the City; and

WHEREAS, pursuant to Section 43.057 of the Texas Local Government Code, the City Council of the City finds that surrounding the Property is in the public interest; and

WHEREAS, the City Council of the City finds that it is in the best interest of the City to grant the petition, disannex the Property as part of the City, and surround the Property; now therefore,

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

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

Section 2. The Property described on Exhibit "A" is hereby disannexed from the municipal boundaries of the City. The Mayor of the City is authorized to enter an order into the records of the City confirming the disannexation of the Property, and City staff members are hereby authorized to do all things reasonably required to implement this Ordinance.

Section 3. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meeting Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions hereof. Such remaining portion or portions shall be and remain in full force and effect. Should this Ordinance for any reason be ineffective as to any part of the area hereby disannexed from the City of Missouri City, such ineffectiveness of this Ordinance as to any such part or parts of any such area shall not affect the effectiveness of the Ordinance as to all of the remainder of such area. The City Council hereby declares its purpose to disannex from the City of Missouri City every part of the area described in Section 2 of this Ordinance. Provided, further, that if there is included in the general description of territory set out in Section 2 of this Ordinance any land or area which is already not a part of and excluded from the general limits of the City of Missouri City or for which the City of Missouri City does not have legal authority to disannex, the same is hereby excluded and excepted from the territory to be disannexed as fully as if such excluded and excepted area was specifically described herein.

PASSED AND APPROVED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maria Jackson, City Secretary

\_\_\_\_\_  
E. Joyce Iyamu, City Attorney



**CITY COUNCIL  
AGENDA ITEM COVER MEMO**

**April 6, 2020**

**To:** Mayor and City Council  
**Agenda Item:** 7(a)(1) - SUP, Specific Use Permit – Places of Assembly (OMID shopping center) – IQRA Foundation  
**Submitted by:** Jennifer Thomas Gomez, AICP, Planning Manager

**SYNOPSIS**

This is the first of two readings of an ordinance for a SUP, Specific Use Permit to allow for the location of a place of assembly in an approximate 2,488 square foot lease space in the Missouri City Central shopping center (Omid Center); and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

The Missouri City Central shopping center (Omid Center) is located north of the Wells Fargo office building, south of the intersection of Independence Boulevard and Texas Parkway, east of Quail Green West, and west of an American Storage and Fort Bend Independent School District's Progressive School. The proposed place of assembly would be located within a lease space at 2416 Texas Parkway.

**STRATEGIC PLAN 2019 GOALS ADDRESSED**

- Have quality development through buildout

**BACKGROUND**

Khan Ghufuran, IQRA Foundation, submitted a commercial change of occupancy application in October 2019 to locate a mosque in a lease space at 2416 Texas Parkway. At the time, it was thought that a church had previously occupied the space and that the proposed use was nonconforming. The application was approved and a certificate of occupancy was issued on or around December 5, 2019. The certificate of occupancy maintained the lease space as building code occupancy Group B providing for a maximum occupant load of 49 persons.

On December 9, 2019, Mr. Ghufuran requested that the building code occupancy Group B be changed to Group A, Assembly, to allow for an increase in persons permitted in the space. Mr. Ghufuran provided that the lease space would be used for afternoon prayers and anticipated a congregation of approximately 100 persons. When this request was made, it was discovered that the zoning district for the shopping center requires a SUP, Specific Use Permit for the location of places of assembly including religious activities. Mr. Ghufuran and his development team, Purser Architectural, met with city staff and discussed these issues and have subsequently made this application for approval of a SUP to allow for the location of a places of assembly in the subject lease space.

Staff recommended approval and the Planning and Zoning Commission forwards a positive recommendation for a SUP allowing for a place of assembly for a period not to exceed five years.

**BUDGET ANALYSIS**

Funding	Account	Project	FY__	FY__	Amount
---------	---------	---------	------	------	--------

Source	Number	Code/Name	Funds Budgeted	Funds Available	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. Draft Planning and Zoning Commission meeting minutes (March 11, 2019)
3. Planning and Zoning Commission final report
4. Application
5. Letter of owner authorization
6. Ortho map
7. Zoning map excerpt
8. Notice of public hearing
9. Notice of public hearing to adjoining property owners
10. Protest, support letter
11. Mailing labels for adjoining property owners
12. Rezoning application protest letters analysis
13. Protest Letters

**STAFF'S RECOMMENDATION**

Staff recommends approval of the ordinance on the first reading.

**Director Approval:** Otis T. Spriggs, AICP, Development Services Director  
**Assistant City Manager/  
City Manager Approval:** Glen A. Martel, Assistant City Manager

**ORDINANCE NO. O-20-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AUTHORIZING THE USE OF A 2,488 SQUARE FOOT LEASE SPACE LOCATED ON A 7.69-ACRE TRACT OF LAND IN THE CITY OF MISSOURI CITY AS SPECIFIC USE PERMIT NO. 207-PLACES OF ASSEMBLY; DESCRIBING SAID 7.69 ACRE TRACT OF LAND; PROVIDING LIMITATIONS, RESTRICTIONS, AND CONDITIONS ON SUCH SPECIFIC USE; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \*

WHEREAS, Omid Center, Inc. is the owner of 7.69-acre tract of land within the corporate limits of the City of Missouri City, Texas; and

WHEREAS, said 7.69-acre tract of land presently has a zoning classification of LC-3 retail district, pursuant to Ordinance No. O-81-1, adopted on January 19, 1981; and

WHEREAS, the owner's agent, Guillermo Sahagun of Purser Architectural, has made an application to the City of Missouri City to authorize a specific use permit for a place of assembly use; 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 request for a specific use permit; and

WHEREAS, the Planning and Zoning Commission has issued its final report and the City Council now deems it appropriate to grant such request for Specific Use Permit No. 207-places of assembly; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities, contribute to, enhance, or promote the welfare of the area of request and adjacent properties, not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; 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, City Council conducted the public hearing on the request for Specific Use Permit No. 207- places of assembly and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The property is more fully described in Exhibit “A,” attached hereto and made a part hereof for all purposes (the “Property”), and is depicted in Exhibit “A” for reference purposes only. In the event the depiction conflicts with the property description, the property description shall prevail.

Section 4. The specific use of the Property authorized and permitted by this Ordinance is Specific Use Permit No. 207 places of assembly.

Section 5. Presently, the Property has a zoning classification of LC-3 retail district. The specific use authorized and permitted by this Ordinance shall be developed in accordance with the Missouri City Code, the City of Missouri City Zoning Ordinance, and shall be developed subject to the following limitations, restrictions, and conditions:

- A. **Use Permitted.** Only the following use shall be permitted: Places of assembly.
- B. **Site Plan.** Use of the Property must comply with the attached site plan Exhibit “B,” incorporated herein and made a part hereof for all purposes.
- C. **Floor Area.** The maximum floor area for which the places of assembly use is allowed is 2,448 square feet in the location shown on Exhibit “B.”
- D. **Time Limit.** This specific use permit expires five-years from the effective date of this Ordinance.

Section 6. The Zoning District Map of the City of Missouri City shall be revised and amended to show the specific use permitted on 2,448 square feet located on a 7.69-acre tract of land, as granted by this Ordinance, 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 7. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, Texas, save and except the change in the specific use of the 2,448 square feet located on the 7.69-acre tract of land described in Section 4 hereof authorizing the specific use-places of assembly use, and the imposition of the limitations, restrictions, and conditions contained herein.

Section 8. The building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full compliance with this Ordinance, the Missouri City Code, and all other ordinances, rules and regulations of the City of Missouri City.

Section 9. *Repeal.* Any other ordinance or any part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 10. *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 11. *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 April, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this \_\_ day of \_\_, 2020.

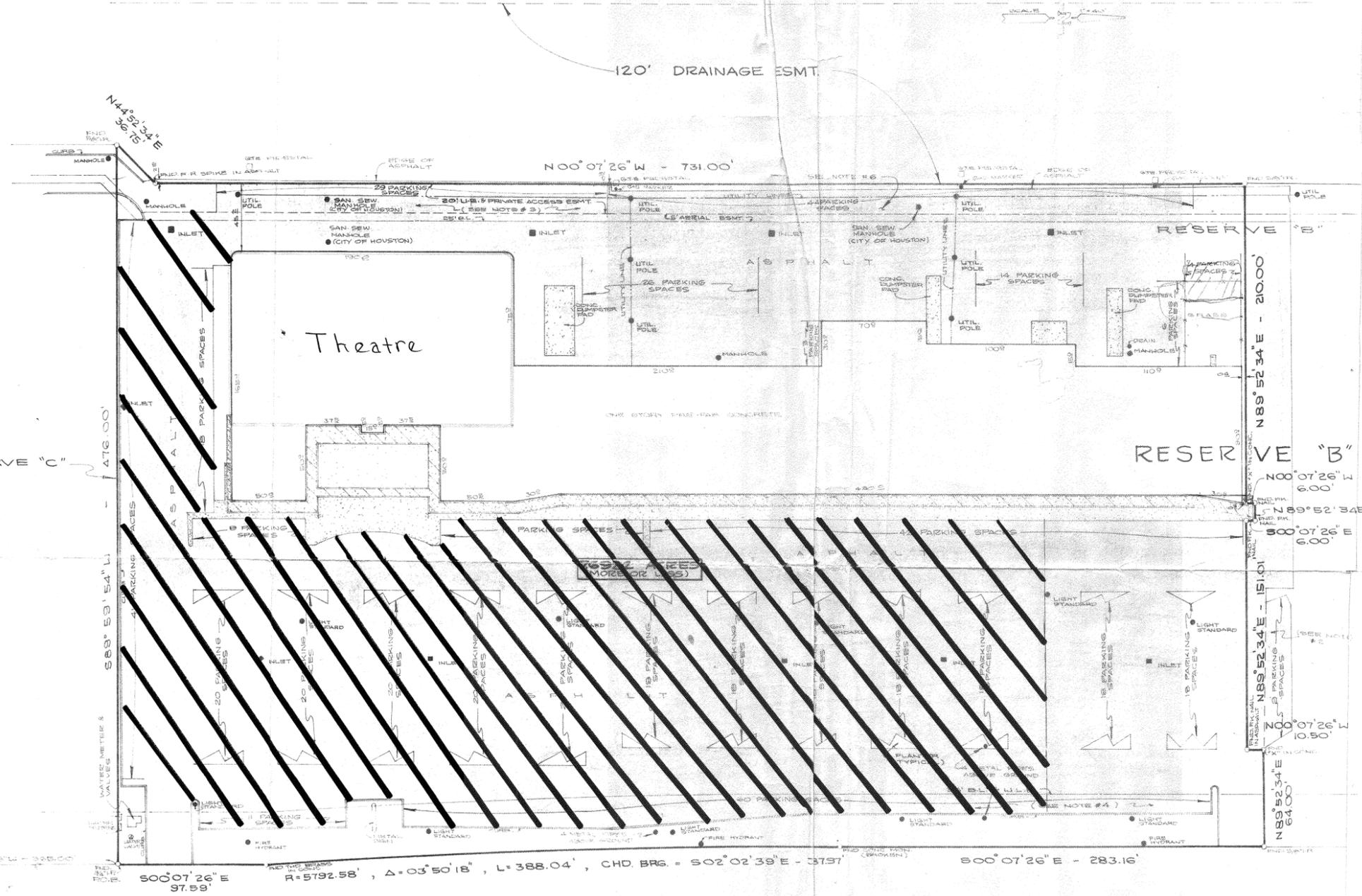
\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maria Jackson, City Secretary

\_\_\_\_\_  
E. Joyce Iyamu, City Attorney



PROPERTY DESCRIPTION

A 7.6922 acre tract of land out of and part of the I. & G.N.R.R. Survey No. 3, Abstract No. 264 in Fort Bend County, Texas, and being a portion of Blue Ridge Square Subdivision as per replat recorded in Volume 30, Page 9 of the Fort Bend County Plat Records and being more particularly described by metes and bounds as follows with all bearings based on said recorded plat:

COMMENCING at the Southeast corner of Blue Ridge Square Subdivision; said point marking the intersection of the West right-of-way line of Farm-to-Market Road No. 2234, variable width, with the North right-of-way line of Court Road, 70.00 feet wide;

THENCE, along the West right-of-way line of said Farm-to-Market Road No. 2234, North 00° 07' 26" West, 365.00 feet to a 3/4 inch iron pipe found for the Southeast corner and Point of Beginning of the herein described tract and the East common corner of Reserve "B" and "C" of said Blue Ridge Square Subdivision;

THENCE, along the common line of said Reserve "B" and "C", South 89° 59' 54" west, 476.00 feet to a 5/8 inch iron rod found for the West common corner of said Reserve "B" and "C", the Southwest corner of the herein described tract, and a point in the West line of said Blue Ridge Square Subdivision;

THENCE, along the West line of said Blue Ridge Square Subdivision as follows:

North 44° 52' 34" East, 36.75 feet to a rail road spike found for an angle point;

North 00° 07' 26" West, 731.00 feet to a 5/8 inch iron rod found for the Northwest corner of the herein described tract;

THENCE, North 89° 52' 34" East, 210.00 feet to an "X" found in concrete for corner;

THENCE, North 00° 07' 26" West, 6.00 feet to a P.K. nail found for corner;

THENCE, North 89° 52' 34" East, 12.00 feet to a P.K. nail found for corner;

THENCE, South 00° 07' 26" East, 6.00 feet to a P.K. nail found for corner;

THENCE, North 89° 52' 34" East, 151.01 feet to a P.K. nail found for corner;

THENCE, North 00° 07' 26" West, 10.50 feet to an "X" found in concrete for corner;

THENCE, North 89° 52' 34" East, 64.00 feet to a 5/8 inch iron rod found for the Northeast corner of the herein described tract and a point in the West right-of-way line of said Farm-to-Market Road No. 2234;

THENCE, along the West right-of-way line of said Farm-to-Market Road No. 2234 as follows:

South 00° 07' 26" East, 293.16 feet to a concrete monument (Broken) found for the beginning of a curve to the left;

Southerly 388.04 feet along the arc of said curve to the left, having a radius of 5792.58 feet a central angle of 03° 50' 18" and whose chord bears South 02° 02' 39" East, 387.97 feet to a T.H.D. brass disc found for the end of said curve to the left;

South 00° 07' 26" East, 97.59 feet to the Point of Beginning and containing 7.6922 acres of land, more or less.

TO: BANK ONE, TEXAS, N.A., STEWART TITLE COMPANY AND MEHDI SHARIFIAN, TRUSTEE.

I hereby certify that this survey was made on the ground, that this plat correctly represents the facts found at the time of the survey and that this professional service conforms to the current Texas Surveyors Association Standards and Specifications for a Category 1A, Condition II Survey.

*John A. Miller*  
John A. Miller  
Registered Professional Land Surveyor

2094  
Texas Registration Number



F. M. 2234 (Mc HARD ROAD) (RIGHT OF WAY TAKES)

- NOTES
- 1) SUBJECT TO CITY OF MISSOURI ZONING ORDINANCES
  - 2) ASPHALT PAVEMENT UNDER EXISTING DRIVE SHALL BE REPAIRED
  - 3) ASPHALT INTO USE AS DRIVE
  - 4) ASPHALT PAVEMENT SHALL BE 4" MIN. THICK
  - 5) PARKING SPACES WITHIN THE PROPERTY = 647
  - 6) PARKING SPACES OUTSIDE THE PROPERTY = 556
  - 7) TOTAL NUMBER OF PARKING SPACES = 1203
  - 8) CONSENT TO ENCROACHMENT FOR PARKING AND THE 20 FT ACCESS & UTILITY ESMT. PER VOL. 161, PG. 273 REC'D R

Subject property is NOT located in a federal insurance administration designated flood hazard area as per map 48034 Panel 005C, Dated 12-17-87, Zone "C"

**American Surveying Company**  
of Houston Inc.  
Houston, Texas 77027 • 2200 W. Loop South, Suite 410 • (713) 871-0004

DESCRIPTION:  
A 7.6922 ACRE TRACT OUT OF RESERVE "B" OF BLUE RIDGE SQUARE, REPLAT RECORDED IN VOLUME 30, PAGE 9, PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

DATE 12-5-90 (UPD) 4-1-90	PURCHASER MEHDI SHARIFIAN TRUSTEE
JOB# 90300723	ADDRESS
JOB# 10025390	KEY MAP E7C-14
BOOK 192/30	DRAWN BY BAU/HT
	APPROVED E-474





**MINUTES  
PLANNING AND ZONING COMMISSION  
CITY OF MISSOURI CITY, TEXAS  
March 11, 2020**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

**Commissioners Present:**

Sonya Brown-Marshall  
Tim Haney  
John O'Malley  
Gloria Lucas  
Monica L. Rasmus  
Courtney Johnson Rose  
James G. Norcom III

**Commissioners Absent:**

Hugh Brightwell  
James R. Bailey

**Councilmembers Present:** None

**Staff Present:**

Otis T. Spriggs, Director of Development Services  
Jennifer Gomez, Planning Manager  
Thomas White, Planner II  
Gretchen Pyle, Interim Planning Specialist  
Jeremy Davis, Assistant City Engineer, Public Works  
Egima Edwards, Planning Technician  
Jamilah Way, First Assistant City Attorney  
Glen Martel, Assistant City Manager  
Randy Troxell, Assistant Director of Parks and Recreations

**Others Present:** Cynthia Ramirez; STOA Architects, Mario Bolullo; STOA Architects, Leronia Boughton, Flamingo Stringfellow, Laurie Chapa; LJA Engineering, Joe Douglas Webb; Webb Architects, Kevin Zhang, Joel Scott.

## 7. ZONING MAP AMENDMENTS

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

- (1) To receive comments for or against a request by Guillermo Sahagun, Purser Architectural, seeking a SUP, Specific Use Permit to allow for the location of a place of assembly in an approximate 2,488 square foot lease space in the Missouri City Central shopping center; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

Jennifer Gomez, Planning Manager, presented the item. Ms. Gomez informed that the applicant had already entered into a lease for the subject site. The applicant had been permitted as a business occupancy group with a maximum occupancy of 49 persons. Shortly after receiving a Certificate of Occupancy, the applicant requested to increase their occupancy from 49 persons to 100. The applicant's proposes to provide a place of assembly for individuals to have daily prayer at the subject site.

Ms. Gomez informed that if the use is approved, all building and fire code requirements would still be required.

Ms. Gomez informed that the subject site is located in a high priority area for the community and the City Council as reflected in the Comprehensive Plan. Staff's recommendation is to allow a temporary location for the Specific Use Permit, not to exceed a five year time frame. This timeframe should allow the applicant time to find a suitable location for the particular use, expand in accordance with their needs and the continued City redevelopment efforts in the area.

Ms. Gomez informed that the use was completely indoors.

Commissioner Johnson Rose asked if the tenant had a five or three year lease.

Ms. Gomez stated that she was not sure.

Commissioner Johnson Rose stated that her recommendation would be if the applicant had a three year lease, to reduce the permitted use from a five years to three years.

Chair Brown-Marshall asked if the applicant decided to abandon the lease before the five year period of time, if someone else enters that lease with the same type of assembly, would they be able to occupy with the same term.

Vice Chair Haney asked if the ending of the use could be tied to the termination of the use for the applicant.

Jamilah Way, First Assistant City Attorney, provided that land use always runs with the land so the consideration wouldn't be about who is using the property.

Leronia Boughton, 2331 Quail Place Dr, stated she lives behind the old movie theater. Ms. Boughton was not clear on why a previous applicant was not allowed to move into the shopping center and the current applicant was being considered. Ms. Boughton informed that she was against the application for a Specific Use Permit and questioned the noticing process.

Chair Brown-Marshall stated that there are mailing requirements to notice property owners within 200 feet of the subject property. Homeowner's associations (HOAs) within proximity are also

notified. The City relies on the HOAs to assist in pushing the information to property owners. The purpose of why the building sold or did not sell to a previous applicant is not considered by the Commission.

Ms. Boughton asked how would other votes be provided if neighbors did not receive notice.

Ms. Gomez clarified that it was not a vote but a comments that the public can provide for or against a request. The public can use protest/support form that was mailed out to adjacent property or download a copy from the agenda packet on the City's website.

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

**Made By:** Commissioner Johnson Rose

**Second:** Commissioner Lucas

**AYES:** Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

**NAYES:** None

**ABSTENTIONS:** None

The motion passed

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

**Motion:** The Planning and Zoning Commission forwards a positive recommendation and final report to City Council.

**Made By:** Commissioner Lucas

**Second:** Commissioner Haney

**AYES:** Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Lucas

**NAYES:** None

**ABSTENTIONS:** Commissioner Rasmus

The motion passed



**PLANNING AND ZONING COMMISSION  
FINAL REPORT**

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**AGENDA DATE:** April 6, 2020

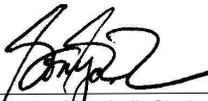
**AGENDA ITEM SUBJECT:** IQRA Foundation of Greater Houston –  
SUP, Specific Use Permit

**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



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Sonya Brown Marshall, Chair

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**PERMIT NUMBER:** SUP2000009

**PROPERTY ID:** 1800-00-000-0015-907

**LOCATION:** The Missouri City Central shopping center (Omid Center) is located at 2304-2428 Texas Parkway, north of the Wells Fargo office building, south of the intersection of Independence Boulevard and Texas Parkway, east of Quail Green West, and west of an American Storage and Fort Bend Independent School District's Progressive School. The proposed place of assembly would be located within a lease space at 2416 Texas Parkway.

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**RECOMMENDED ACTION:**

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.

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**SUMMARY:**

Khan Ghufran, IQRA Foundation, submitted a commercial change of occupancy application in October 2019 to locate a mosque in a lease space at 2416 Texas Parkway. At the time, it was thought that a church had previously occupied the space and that the proposed use was nonconforming. The application was approved and a certificate of occupancy was issued on or around December 5, 2019. The certificate of occupancy maintained the lease space as building code occupancy Group B providing for a maximum occupant load of 49 persons.

On December 9, 2019, Mr. Ghufran requested that the building code occupancy Group B be changed to Group A, Assembly, to allow for an increase in persons permitted in the space. Mr. Ghufran provided that the lease space would be used for afternoon prayers and anticipated a congregation of approximately 100 persons. When this request was made, it was discovered that the zoning district for the shopping center requires a SUP, Specific Use Permit for the location of places of assembly including religious activities. Mr. Ghufran and his development team, Purser Architectural, met with city staff and discussed these issues and have subsequently made this application for approval of a SUP to allow for the location of a places of assembly in the subject lease space.

---

**GENERAL SITE INFORMATION:**

**A. Legal Description:**

The Missouri City Central Shopping Center site is described as being a 7.6922 acre tract of land, situated in the I. & G.N.R.R. Survey No. 3, A-264, Fort Bend County, Texas, and being a portion of Blue Ridge Square Subdivision as per replat recorded in Volume 30, Page 9 of the Fort Bend County Plat Records.

**B. Size:** 7.69 acres; subject lease space: 2,448 square feet

**C. Existing Land Use and Zoning Designation:** Retail/commercial uses / LC-3, retail district

**D. Surrounding Land Uses and Zoning Designations:**

North: Pizza Hut (2292 Texas Pkwy) / LC-3, retail district

South: Wells Fargo (2440 Texas Pkwy) / LC-3, retail district

East: FBISD Progressive School (1555 Independence Blvd); American Storage (2427 Texas Pkwy) / SUP No. 129 (Ordinance O-96-27); PD, Planned Development District No. 4 (Ordinance O-94-10)

West: Quail Green West residential subdivision / R-2, single family residential

## **E. Zoning History:**

- 08-01-1959: Portion of subject shopping center site annexed by the City of Missouri City (Ordinance No. 37)
- 08-03-1959: Portion of subject shopping center site annexed by the City of Missouri City (Ordinance No. 38)
- 01-19-1981: Subject shopping center site zoned LC-3, retail district (Ordinance O-81-01)
- 

## **ANALYSIS OF SUBJECT SITE:**

### **A. Development Potential**

Khan Ghufran, IQRA Foundation seeks to locate an assembly use with an occupancy of up to 100 persons in a lease space located at 2416 Texas Parkway in the Missouri City Central shopping center. Mr. Ghufran provides that the lease space will be used for afternoon prayers and anticipates a congregation of approximately 100 persons.

Section 15.2, of the zoning ordinance requires a SUP, Specific Use Permit for the location of places of assembly including for religious activities.

The Missouri City Central shopping center contains commercial and retail uses including but not limited to a restaurant, pet supply business, specialty grocery store, and at least one place of assembly. The existing place of assembly, located at 2340 Texas Parkway, is classified as a nonconforming use.

**Conformance with the Comprehensive Plan:** The proposed amendment is in conformance with the following portions of the Comprehensive Plan Overall Goal Statement:

- 3.. ***An ongoing and increasing focus on neighborhood integrity and commercial redevelopment as the community continues to mature.***

**Conformance with the Land Use Plan:** The Future Land Use Map identifies the subject tract as being Auto-Oriented Character, Commercial within the Texas Parkway Mixed Character District Corridor. The intent of the Texas Parkway Corridor is summarized below:

- Allow future land uses to be more responsive to market realities
- Encourage infill with select residential products and primary employment facilities
- Utilize the HCC campus as an anchor to build upon.

The Auto-Oriented Commercial character district designation as well as senior housing alternatives, high density residential such as duplexes, patio/cluster, townhomes, and/or condominium should receive positive consideration.

**Staff recommended:** Approve the SUP to allow for the temporary location of a place of assembly within the lease space. The SUP could allow for the place of assembly for a period not to exceed five years. The Texas Parkway corridor continues to be a priority of the community and City Council goals. As provided by the Comprehensive Plan, redevelopment opportunities should be encouraged along the corridor. However, the number of assembly uses should be monitored and strategically located so that such uses do not restrict overall growth within these areas. The property owner should provide an inventory of existing businesses/uses located and operating within the shopping center in addition to the date such business began operating within the center.

**Planning and Zoning Commission:** Approve the SUP to allow for a place of assembly within the lease space for a period not to exceed five years.

**B. Ingress and egress.** All driveways are required to comply with the Public Infrastructure Design Manual.

The Missouri City Central shopping center currently has two driveways from Texas Parkway and shared access with the commercial development to the north.

There are no changes proposed to the existing driveways at this time.

**C. Parking regulations.** Section 12, Parking regulations apply to the subject site.

Section 12.2 requires 0.2 parking space spaces per person multiplied by the maximum permitted occupancy. If the proposed place of assembly occupancy is increased to 100 persons, a minimum of 20 parking spaces would be required. The lease space for the proposed place of assembly shares parking with other businesses located within the shopping center.

There is sufficient parking available to meet this requirement.

**D. Trash disposal regulations.** Section 9.14, trash disposal regulations apply to the subject site.

Section 9.14 requires trash disposal areas are required to be located to the side or the rear of a property and to be screened by masonry enclosures at a minimum height that is one foot taller than the receptacle.

The proposed place of assembly has not indicated a proposed trash disposal area.

**E. Utilities.** All utilities are required to comply with the Public Infrastructure Design Manual.

**F. Landscaping requirements.** Section 11, Landscaping regulations apply to the subject site.

The proposed place of assembly would be located within the lease space with no stated services outdoors.

There are no planned or required changes to the existing landscaping on site.

**G. General compatibility with adjacent properties and other property in the district.**

The proposed place of assembly would be located within the lease space with no stated services outdoors. The proposed is not anticipated to impact adjacent properties. The proposed use could impact certain alcohol sales within the shopping center.

Chapter 6, Article II of the City's Code of Ordinance prohibits the sale of alcoholic beverages from a place of business within 300 feet of a church.

**H. Development schedule.** The IQRA Foundation currently leases and occupies the lease space at 2416 Texas Parkway. If approved, the applicant has indicated that the business would commence within the five-year period required by Section 15.4. of the City's zoning ordinance.

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



**DEVELOPMENT SERVICES DEPARTMENT  
Planning & Development Division**

1522 Texas Parkway  
Missouri City, Texas 77489  
281-403-8600 (Office) ■ 281-403-8962 (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**

1. Project Name:	IQRA FOUNDATION OF GREATER HOUSTON		
2. Address/Location of Property:	2416 TEXAS PKWY MISSOURI, TX 77489		
3. Applicant's Name:	PURSER ARCHITECTURAL - GUILLERMO SAHAGUN		
Mailing Address:	5702 4TH STREET KATY, TX 77493		
Phone No.:	( 281 ) 293 - 9291		
Email:	GUILLERMO@PURSERARCHITECTURAL.COM		
4. Status of Applicant:	Owner	<input checked="" type="radio"/> Agent	Attorney Trustee Corporation Relative
(If other than Owner, submit written authorization from Owner with application.)			
5. Property Owner:	OMID CENTER, INC.		
Mailing Address:	ALMEDA ROAD, SUITE E		
Phone No.:	( 713 ) 205 - 4234		
Email:	OSHARIF@LILACO.COM		
6. Existing Zoning District:	LC3		
7. Total Acreage:	7.6922 ACRE TRACT		
8. Proposed Development and Reasons for Application:	LEASE SPACE BUILDOUT FOR A 2,448 SQ. FT. MOSQUE		
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.):	A 7.6922 ACRE TRACT OF LAND OUT OF AND PART OF THE I. & G.N.R.R. SURVEY NO.3 ABSTRACT NO.264 IN FORT BEND COUNTY TEXAS AND BEING A PORTION OF BLUE RIDGE SQUARE SUBDIVISION AS PER REPLAT RECORDED IN VOLUME 30 PAGE 9 OF THE FORT BEND COUNTY PLAT RECORDS.		
10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts):	1800000000015907		
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):	<input checked="" type="radio"/> YES	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.*

PURSER ARCHITECTURAL - GUILLERMO SAHAGUN

Print Name of Applicant

Signature of Applicant

OMID CENTER, INC.

Print Name of Property Owner

Signature of Property Owner, Agent or Attorney

# OMID CENTER, INC.

---

March 3, 2020

VIA EMAIL

[guillermo@purserarchitectural.com](mailto:guillermo@purserarchitectural.com)

Guillermo Sahagun  
Purser Architectural  
5702 4th Street  
Katy, TX 77493

**RE: AUTHORIZATION FOR PURSER ARCHITECTURAL; 2416 Texas Parkway, Missouri City, TX 77489**

Dear Guillermo,

Omid Center, Inc. is the owner of the Missouri City Central Shopping Center located at 2304-2428 Texas Parkway, Missouri City, TX 77489. As you know, we need to submit architectural plans and a SUP application for a Mosque conversion at the above-referenced location. Please consider this letter Omid Center, Inc.'s authorization to allow Purser Architectural to seek to zone the property to allow for specific use, places of assembly on behalf of Omid Center, Inc.

Thanks,

*Omid Sharifian*

Omid Sharifian  
Omid Center, Inc.



Fiesta

Walgreens

Burger King

FBISD  
Progressive  
School

Missouri City Central  
Shopping Center

Proposed  
Place of Assembly

American Storage

Wells Fargo

QUAIL GREEN WEST

ANCE BLVD

DE PLACE DR

DE PLACE DR

GROVE COURT DR

LISHA LN

SPRING GREEN CT

GREENWEST DR

BRA  
VILL

DR -  
QUAIL PLACE DR -

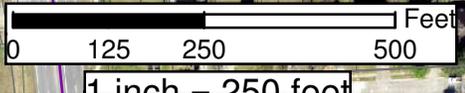
TEXAS PKWY - FM 2234 RD

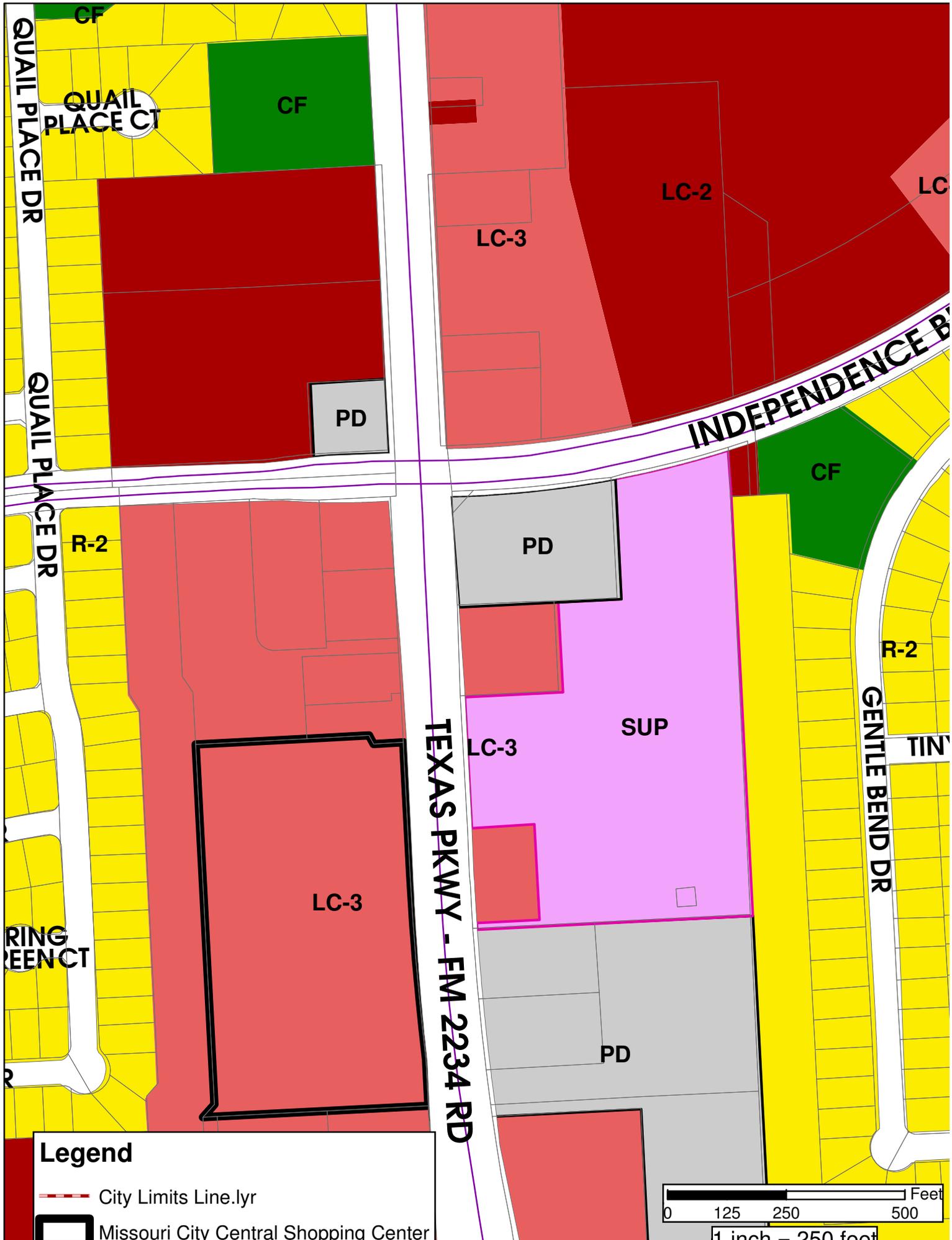
INDE

### Legend

 City Limits Line.lyr

 Missouri City Central Shopping Center





QUAIL PLACE DR

QUAIL PLACE DR

RING GREEN CT

R

CF

QUAIL PLACE CT

CF

PD

R-2

LC-3

TEXAS PKWY - FM 2234 RD

LC-3

LC-2

LC

INDEPENDENCE BL

CF

PD

SUP

LC-3

R-2

GENTLE BEND DR

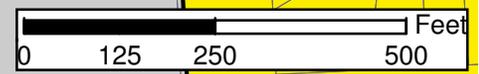
TINY

PD

**Legend**

 City Limits Line.lyr

 Missouri City Central Shopping Center



1 inch = 250 feet

Published March 18, 2020 - Fort Bend Independent



**MISSOURI CITY**  
TEXAS

**City of Missouri City**

**NOTICE OF MEETING**

**LOCATION/DATE:** The City Council of the City of Missouri City will hold a public hearing on Monday, April 6, 2020, 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 Guillermo Sahagun, Purser Architectural, seeking a SUP, Specific Use Permit to allow for the location of a place of assembly in an approximate 2,488 square foot lease space in the Missouri City Central shopping center (Omid Center); and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

**SITE LOCATION:** The Missouri City Central shopping center (Omid Center) is located north of the Wells Fargo office building, south of the intersection of Independence Boulevard and Texas Parkway, east of Quail Green West, and west of an American Storage and Fort Bend Independent School District's Progressive School. The proposed place of assembly would be located within a lease space at 2416 Texas Parkway.

**SITE LEGAL DESCRIPTION:** The Missouri City Central Shopping Center site is described as being a 7.6922 acre tract of land, situated in the I. & G.N.R.R. Survey No. 3, A-264, Fort Bend County, Texas, and being a portion of Blue Ridge Square Subdivision as per replat recorded in Volume 30, Page 9 of the Fort Bend County Plat Records.

**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](mailto:planning@missouricitytx.gov) for further information.





**DEVELOPMENT SERVICES - PLANNING DIVISION**

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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 28, 2020**

**LOCATION/DATE:** The Planning and Zoning Commission of the City of Missouri City will hold a public hearing on Wednesday, March 11, 2020, at the City Council Chambers – 2<sup>nd</sup> 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 Guillermo Sahagun, Purser Architectural, seeking a SUP, Specific Use Permit to allow for the location of a place of assembly in an approximate 2,488 square foot lease space in the Missouri City Central shopping center (Omid Center); and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

**SITE LOCATION:** The Missouri City Central shopping center (Omid Center) is located north of the Wells Fargo office building, south of the intersection of Independence Boulevard and Texas Parkway, east of Quail Green West, and west of an American Storage and Fort Bend Independent School District's Progressive School. The proposed place of assembly would be located within a lease space at 2416 Texas Parkway.

**SITE LEGAL DESCRIPTION:** The Missouri City Central Shopping Center site is described as being a 7.6922 acre tract of land, situated in the I. & G.N.R.R. Survey No. 3, A-264, Fort Bend County, Texas, and being a portion of Blue Ridge Square Subdivision as per replat recorded in Volume 30, Page 9 of the Fort Bend County Plat Records.

**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](mailto:planning@missouricitytx.gov) for further information.



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

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, March 11, 2020
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 Guillermo Sahagun, Purser Architectural, seeking a SUP, Specific Use Permit to allow for the location of a place of assembly in an approximate 2,488 square foot lease space in the Missouri City Central shopping center (Omid Center); and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\_\_\_ I/We support this proposed rezoning because

Sincerely,

Signature

Print Name

Street Address

Subdivision

Phone Number

Return to: Development Services
Department – Planning Division
1522 Texas Parkway
Missouri City, TX 77489
FAX: (281)403-8962
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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.

Print Name

Signature

Fort Bend County  
301 Jackson ST RM 101  
Richmond, TX 77469-3108

Texas Independence Plaza LLC  
4902 Riverstone Crossing DR  
Sugar Land, TX 77479-4812

OMID Center Group Ltd Prtshp  
8403 Almeda RD STE E  
Houston, TX 77054-7118

Missouri City Storage LLC  
C/O United Properties Group 7926 S  
Broadway AVE STE 220  
Tyler, TX 75703-5242

JV Capital Partners LLC  
4210 Driftwood Bend CT  
Fresno, TX 77545-6114

Reddy Partnership/Parkway Ct  
Shopping Center  
2398 Baycrest DR  
Houston, TX 77058-3702

Almendariz Odilon  
2123 Quail Place DR  
Missouri City, TX 77489-4068

Adam & Sherrill Levy Living Trust  
Attn: Adam Levy Jr & Sherrill R Levy  
Trustees 2211 Quail Place DR  
Missouri City, TX 77489-4068

LAMON TIMOTHY E & JANET R  
2303 QUAIL PLACE DR  
MISSOURI CITY, TX 77489-4030

Enriquez Gabriel & Wendy Carolina  
Sanchez  
2315 Quail Place DR  
Missouri City, TX 77489-4031

NASA4 Enterprise Inc  
1613 Independence BLVD  
Missouri City, TX 77489

KFC US Properties INC  
C/O KBP Foods 10950 Gra ndview DR  
STE 300  
Overland Park, KS 66210-1586

Gillett Properties LTD  
7011 HARWIN DR STE 222  
HOUSTON, TX 77036-2133

Resturant Units Corp  
c/o Burger King #3540 PO Box 020783  
Miami, FL 33102-0783

LAS Inc  
2119 Masters LN  
Missouri City, TX 77459-4426

Imperial Investors LLC  
615 Overdell DR  
Sugar Land, TX 77479-2158

Morrison Mark E & Kimberly Patterson  
2203 Quail Place DR  
Missouri City, TX 77489-4068

Martinez Nancy & Elvis Ruiz  
2215 Quail Place DR  
Missouri City, TX 77489-4068

Mathai John & Susan  
1630 Parkview LN  
Missouri City, TX 77459-4510

Rodriguez Antonio & Melba Mairena  
2319 QUAIL PLACE DR  
MISSOURI CITY, TX 77489-4031

PHIG Houston LLC  
17890 Blanco RD STE 444  
San Antonio, TX 78232-1031

2202 Texas Investments LLC  
3907 Windmill Creek DR  
Richmond, TX 77407-3237

Eromosele Benjamin  
PO Box 1582  
Alief, TX 77411-1582

Ft Bend ISD  
16431 Lexington BLVD  
Sugar Land, TX 77479-2308

Okbi Ayad Al & Mohammed AL Kaabi  
9109 Fondren RD  
Houston, TX 77074

MOORE RICKY L & DONNA B  
2207 QUAIL PLACE DR  
MISSOURI CITY, TX 77489-4068

JACK BARBARA  
2219 QUAIL PLACE DR  
MISSOURI CITY, TX 77489-4068

Ifadojutmi Sylvester  
2311 Quail Place DR  
Missouri City, TX 77489-4031

ZZ Real Estate LLC  
5403 Meadow RD  
Sugar Land, TX 77479-9611

ROSALES GLENDA  
2327 QUAIL PLACE DR  
MISSOURI CITY, TX 77489-4031

Austin Joyce  
2339 Quail Place DR  
Missouri City, TX 77489-4031

Quail Green West

Leronia Boughton Life Estate  
c/o Leronia Boughton Revocable Living  
Trust 2331 Quail Place DR  
Missouri City, TX 77489-4031

MCMILLAN DEBRA  
1803 GREENWEST DR  
MISSOURI CITY, TX 77489-4050

Palma Norberto  
2335 QUAIL PLACE DR  
MISSOURI CITY, TX 77489-4031

FBISD  
Max Cleland  
16431 Lexington Blvd  
Sugar Land, TX 77479

**City of Missouri City, Texas**  
**Development Services Department – Planning Division**  
**Rezoning Application Protest Letters Analysis**

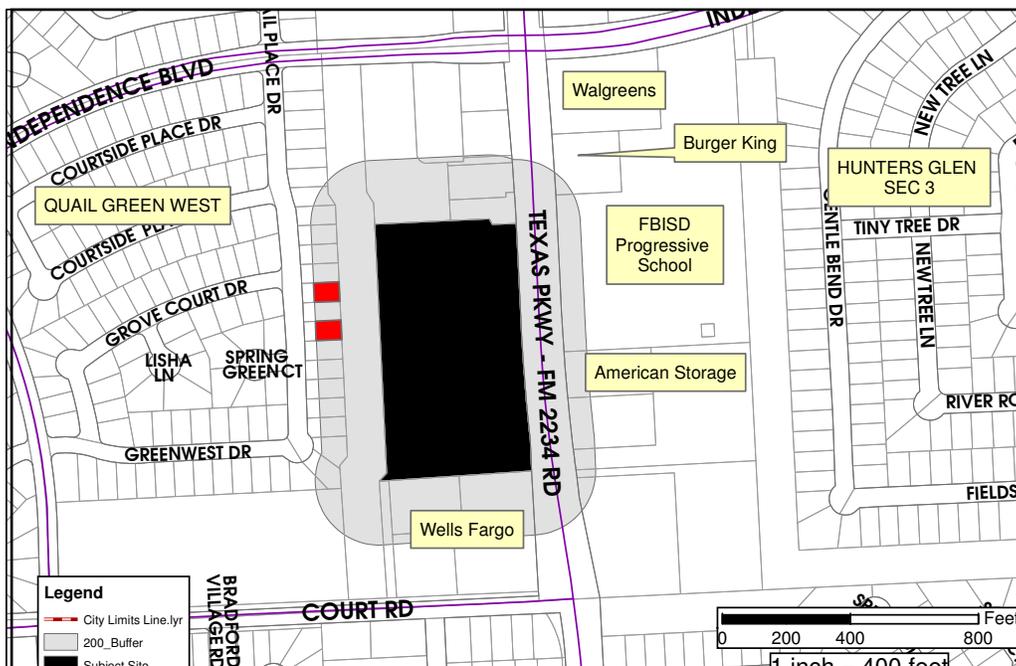
**Application:** IQRA - SUP, Specific Use Permit

**City Council First Reading:** April 6, 2020

**Protest Letters Received**

Name	Property Address OR Fort Bend County Account Number	Land Area (Square Feet) Within 200 Feet
Sylvester Ifadojutimi	2311 Quail Place Drive	4,903.70
Timothy Lamon	2303 Quail Place Drive	4,896.75
<b>Total Area Represented by Protest(s):</b>		<b>9,800.45</b>
Total Land Area <i>Including</i> Subject Site:		961,658.47
Subject Site <i>Only</i> Land Area:		335,072.23
Total Land Area <i>Only Within 200 Feet</i> of Subject Site:		626,586.24
<b>Protest(s) Percentage of Land Area Within 200 Feet:</b>		<b>2%</b>

**Note:** A total of 0 letters of support and 2 letters of protest has been received for the application request as of April 1, 2020.





DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services - Planning  
03/16/2020

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, March 11, 2020  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
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\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because *such SUP granted in the past was not conducive to properties within and occupants of the properties due to amounts of noise generated from such gathering and assembly. Lack of full rest due to noise will be detrimental to our health.*  
 I/We support this proposed rezoning because

Sincerely,

Signature

*[Signature]*  
2311 QUAIL PLACE DR.

Street Address

Phone Number

*[Signature]*  
SYLVESTER IFADOJUTIMI

Print Name

QUAIL GREEN WEST

Subdivision

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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*[Signature]*  
SYLVESTER IFADOJUTIMI

Print Name

*[Signature]*  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services - Planning  
03/11/2020

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Wednesday, March 11, 2020  
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Dear City Representatives:

I/We protest this proposed rezoning because

I/We support this proposed rezoning because

Sincerely,

Signature

2303 QUAIL PLACE DR

Street Address

Phone Number

Print Name

Subdivision

Return to: Development Services  
Department – Planning Division  
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Missouri City, TX 77489  
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Print Name

Signature



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 6, 2020

**To:** Mayor and City Council  
**Agenda Item:** 7(a)(2) - PD, Planned Development District No. 96 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. 96 (Ordinance O-15-54), to revise the site plan and to amend the regulations and restrictions; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

PD No. 96 is located north and south of Lake Olympia Parkway, north of Dry Creek Village, east of Parks Edge and west of the Fort Bend Parkway.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Have quality development through buildout

### BACKGROUND

PD No. 96 was approved in November 2014 to allow for the development of a mixed use project. The proposed development is to include a mix of single family residential, multifamily, office and other commercial and civic uses. All development within the PD is proposed to be in accordance with a site plan, general development plan and residential builder guidelines. The development is proposed to be completed in two phases. **Phase 1** to consist of a minimum of 15,000 square feet of retail/commercial uses and up to 350 multifamily dwelling units; **Phase 2** to begin upon the completion of all Phase 1 multifamily dwelling units and the certification that a minimum of 75 percent of the commercial square footage was occupied.

The developer for the property has been working with the city as well as other entities including the Fort Bend Toll Road Authority on the coordination and timing for public improvements, infrastructure and access to the development. The city's Fire Station No. 6, a proposed 16,000 square foot building, is planned to be constructed within PD No. 96, on a property donated by the developer.

The applicant proposes to amend the regulations and restrictions contained in PD No. 96, to modify and refine the mix of uses permitted; to modify the development schedule; to provide for major and minor modifications; and to amend the site plan as development of the area becomes more certain.

Staff recommended approval and 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-15-54
3. Draft Planning and Zoning Commission meeting minutes (March 11, 2019)
4. Planning and Zoning Commission final report
5. Application
6. Ortho map
7. Existing Exhibit B - site plan adopted by PD No. 96
8. Notice of public hearing
9. Notice of public hearing to adjoining property owners
10. Protest, support letter
11. Mailing labels for adjoining property owners
12. Rezoning application protest letters analysis

### STAFF'S RECOMMENDATION

Staff recommends approval of the ordinance on the first reading.

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

**Assistant City Manager/  
City Manager Approval:** Glen A. Martel, Assistant City Manager

**ORDINANCE NO. O-20-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING REGULATIONS IN PD PLANNED DEVELOPMENT DISTRICT NO. 96; 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, Palmetto/WIHA FB107, LP, is the owner of approximately 115.84 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. 96, pursuant to Ordinance Number O-14-45, adopted on November 17, 2014, and amended by Ordinance Number O-15-54, adopted on September 21, 2015; and

WHEREAS, the Property owner's agent, Joe Douglas Webb of Webb Architects, has made application to the City of Missouri City to revise the land use plan for the Property and provide for minor and major modifications to such plan; 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 of the property within PD No. 96; 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 amendments to PD Planned Development District No. 96; 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 proposed 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 proposed amendments to PD Planned Development District No. 96 and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The zoning classification of the Property is PD Planned Development District No. 96 (“PD No. 96”). 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 reference purposes only. In the event that Exhibit “A-1” conflicts with Exhibit “A,” Exhibit “A” shall prevail.

Section 4. The designation of PD No. 96 shall be and is conditioned upon compliance with the following regulations and restrictions:

**A. Purpose.** The zoning regulations of PD Planned Development District No. 96 herein are established in accordance with the Comprehensive Plan for the purpose of promoting the health, safety and general welfare of the City of Missouri City, Texas and its inhabitants. Each regulation is designated to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions for transportation; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; or to facilitate adequate provisions of water. PD Planned Development District No. 96 is designed to promote multiple uses through unique subdistricts, including residential, commercial mixed use, traditional neighborhood development, and community subdistricts as a unified development. District development shall enhance the overall urban design and nature of the surrounding area.

**B. Exhibits.**

1. *Plans.*

- a. Site Plan. PD No. 96 shall be developed in accordance with the revised site plan, Exhibit “B,” attached hereto and made a part hereof for all purposes. The subdistricts shall be located in the locations indicated on Exhibit B.
- b. General Development Plan. PD No. 96 shall be developed in accordance with the Property owner’s General Development Plan, Exhibit “C,” attached hereto and made a part hereof for all purposes.
- c. Residential Builder Guidelines. Residential uses within PD. No. 96 shall be developed in accordance with the Residential Builder Guidelines, Exhibit “D,” attached hereto and made a part hereof for all purposes.

2. *Minor Modifications.* The administrative official, as established by the Missouri City Zoning Ordinance (“administrative official”), may review and approve requests for minor modifications to Exhibits B, C, and D. The Property owner shall submit proposed modifications with precise descriptions and details with each request. For PD No. 96, minor modifications means an insignificant deviation from details or provisions in Exhibit B, Exhibit C, or Exhibit D if the administrative official determines that the modification is a refinement, clarification of, or the addition of more

precise specificity in a plan and does not attempt to change a use subdistrict or materially impact the theme, character, or continuity of development. Minor modifications include, but are not limited to:

- a. Excluding community subdistricts, a change that does not result in a net increase or decrease of more than 30 percent of the acreage allocated to a use subdistrict, or a series of modifications that would collectively result in a net increase or decrease of more than 40 percent of the acreage allocated to each use subdistrict; and
- b. A change that does not have a major traffic impact or would eliminate a major thoroughfare or major collector street, an adjustment in alignment of a roadway of over 1,000 linear feet in any direction and said change lowers the level of service despite the implementation of mitigating improvements.

3. *Major Modifications.* If the administrative official determines that a proposed modification does not meet the specifications of a minor modification, then the modification is a major modification. A major modification must be reviewed and approved as an amendment to PD No. 96.

**C. Conflicts.** The City of Missouri City Zoning Ordinance and this Ordinance are intended to be read together. In the event that there is a conflict between the text of this Ordinance and the City of Missouri City Zoning Ordinance, the text of this Ordinance shall prevail. Except as set forth in Section 3 and Subsections 4.B, 4.D, 4.F, 4.H, 4.J, 4.K, 4.L and 4.M of this Ordinance, if any exhibit to this Ordinance conflicts with the Missouri City Code, the Missouri City Code shall prevail.

**D. District regulations.** Except as provided herein, in addition to the regulations contained in this Ordinance, the Missouri City Code, including Appendix A of the Missouri City Code (“Missouri City Zoning Ordinance”), shall apply to PD No. 96. In PD 96, 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 subdistricts, classifications and regulations are created and located in the specific areas designated on Exhibit B:

1. *Residential Subdistrict.* The Residential Subdistrict classification includes areas designated as “Mid Density Residential” Subdistrict and “Multifamily Residential” Subdistrict.
  - a. Mid Density Residential Subdistrict. Except as otherwise provided for in this Ordinance, Mid Density Residential Subdistricts shall be developed in an accordance with Subsection 7.6, R-5 townhouse residential district, of the Missouri City Zoning Ordinance.
  - b. Multifamily Residential Subdistrict. Except as otherwise provided for

in this Ordinance, Multifamily Residential Subdistricts shall be developed in an accordance with Subsection 7.9, MF-2 multifamily residential district, of the Missouri City Zoning Ordinance.

2. *Commercial Subdistrict.* The Commercial Subdistrict classification includes Commercial Subdistrict 1 and Commercial Subdistrict 2.
  - a. Commercial Subdistrict 1. Except as otherwise provided for in this Ordinance, Commercial Subdistrict 1 shall be developed in accordance with Subsection 7.11, LC-2 local retail district, of the Missouri City Zoning Ordinance.
  - b. Commercial Subdistrict 2. Except as otherwise provided for in this Ordinance, Commercial Subdistrict 2 shall be developed in accordance with Subsection 7.11, LC-2 local retail district, of the Missouri City Zoning Ordinance.
3. *Mixed Use Subdistrict.* The Mixed Use Subdistrict classification includes the MU-1, MU-2A, and MU-2B subdistricts. Each mixed use subdistrict shall develop and maintain a minimum combination of at least: (i) one multifamily or condominium use; and (ii) one office or retail use.
  - a. MU-1 Subdistrict. Except as otherwise provided for in this Ordinance, MU-1 Subdistricts shall be developed in accordance with Subsection 7.9, MF-2 multifamily residential district, of the Missouri City Zoning Ordinance,
  - b. MU-2A Subdistrict. Except as otherwise provided for in this Ordinance, MU-2A Subdistricts shall be developed in accordance with Subsection 7.12, LC-3 retail district, of the Missouri City Zoning Ordinance.
  - c. MU-2B Subdistrict. Except as otherwise provided for in this Ordinance, MU-2B shall be developed in accordance with Subsection 7.12, LC-3 retail district, of the Missouri City Zoning Ordinance.
4. *Traditional Neighborhood Development Subdistrict (“TND”).*

TND is a neighborhood characterized by an overall compact form of buildings and streetscapes designed on a human scale, consisting of all of the following: a mixed-use center consisting of office, retail, high density residential and public spaces, as allowed in subsection 4.E.4.; interconnected streets with on street parking and single travel lanes for cars; wide sidewalks shaded by trees, and paths in a grid pattern that provide multiple routes within the neighborhood; small blocks; a minimum of 90 percent of housing that is located no further than 2,000 feet of the neighborhood’s center and buildings with minimal setbacks. Except as otherwise provided for in this subsection and Ordinance, TND shall be developed in an accordance with Subsection 7.9, MF-2 multifamily residential district, of the Missouri City Zoning Ordinance.

5. *Community Subdistrict.* The Community Subdistrict classification is

comprised of CF community facilities district uses. Except as otherwise provided for in this Ordinance, Community Subdistricts shall be developed in accordance with Subsection 7.15, CF community facilities district, of the Missouri City Zoning Ordinance.

**E. Uses.** Only the following uses are allowed within each subdistrict:

1. *Residential Subdistricts.*

- a. Mid Density Residential Subdistrict. Any use allowed in R-5 townhouse residential districts is allowed within Mid Density Residential Subdistricts.
- b. Multifamily Residential Subdistrict. Any use allowed in MF-2 multifamily residential districts is allowed within Multifamily Residential Subdistricts.

2. *Commercial Subdistricts.* Any use allowed in LC-3 retail districts is allowed in commercial subdistricts.

3. *Mixed Use Subdistricts.*

- a. MU-1 Subdistricts. Only the following uses are allowed in MU-1 Subdistricts:
  - i. any use or combination of uses allowed in:
    1. MF-2 multifamily residential districts,
    2. R-6 condominium residential districts, and
    3. LC-3 retail districts;
  - ii. assisted living residential;
  - iii. educational institution uses; and
  - iv. uses on the first floor of any building with a multifamily or condominium use shall maintain a nonresidential principal use or uses allowed under this subsection.
- b. MU-2A Subdistricts. Only the following uses are allowed in MU-2A Subdistricts:
  - i. any use or combination of uses allowed in:
    1. LC-O local commercial office districts, and
    2. LC-3 retail districts;
  - ii. assisted living residential; and
  - iii. educational institution uses.
- c. MU-2B Subdistricts. Only the following uses are allowed in MU-2B Subdistricts:
  - i. any use or combination of uses allowed in:
    1. LC-O local commercial office districts, and
    2. LC-3 retail districts;
  - ii. assisted living residential; and
  - iii. educational institution uses.

4. *Traditional Neighborhood Development Subdistricts ("TND")*. Only the following uses are allowed in TND:
  - a. any use or combination of uses permitted in the Mixed Use Subdistricts,
  - b. concert and performance halls,
  - c. outdoor commercial amusement enterprises to include outdoor amphitheatres; and
  - d. medical care facilities with helicopter pads.
5. *Community Subdistricts*. Any use allowed in a CF community facilities district is allowed in Community Subdistricts.

**F. Height and area regulations.**

1. *Area regulations*. The following regulations are allowed only if the requirements set forth in the Property Owner's General Development Plan, Exhibit C, are met:
  - a. a maximum density of 35 condominium and multifamily dwelling units per gross platted acre is allowed and a maximum of 700 condominium and multifamily dwelling units are allowed; and
  - b. a maximum development of 20 acres for single family use may be developed in addition to single family use development in Residential Subdistricts.
2. Height regulations.
  - a. The maximum height for buildings and structures in Commercial Subdistrict 1 is two stories or 35 feet, whichever is less.
  - b. The maximum height for buildings and structures in Commercial Subdistrict 2, Multifamily Residential Subdistricts, Mixed Use Subdistricts, and TND is four stories or 5 feet, whichever is less.

**H. Architectural standards.** The architectural standards within the planned development district shall be as follows:

1. Any part of Exhibits C, D, and the architectural design standards of the Missouri City Zoning Ordinance, which violates Title 10, of Subtitle Z, of Chapter 3000, of the Texas Government Code shall not be enforced.
2. Nonresidential uses: Except as specifically set forth in Exhibit C or excepted by Subsection H.1 of this Ordinance, all nonresidential buildings and structures shall be constructed in accordance with Section

7A, Architectural Design Standards, of the Missouri City Zoning Ordinance.

3. Residential uses: All residential buildings and structures shall be constructed in accordance with the Exhibit C and Exhibit D.

**I. Outside placement, storage, sales and services regulations.** The outside placement, storage, sales, and services regulations within the planned development district shall be as follows:

1. Outside placement, storage, sales, and services are prohibited for Residential Subdistrict uses, MF-2, multifamily residential district uses, R-6, condominium residential district uses, and assisted living residential uses.
2. Outside placement, storage, sales, and services of materials for LC-O local commercial office district uses, LC-3 retail district uses, educational institution uses, and outdoor commercial amusement enterprise uses shall comply with the provisions of outside placement, storage, sales, and services of materials, merchandise, or equipment provisions contained in subsection 9.17 of the City of Missouri City Zoning Ordinance for LC-2 local retail districts.

**J. Landscaping regulations.** The landscaping, screening, and buffer yard regulations within the planned development district shall be as follows:

1. Except as specifically set forth in Exhibit C for multifamily residential developments and in Exhibit D for residential uses, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply to Residential Subdistricts uses, MF-2 multifamily residential district uses, and R-6 condominium residential district uses:
2. Except as specifically set forth in Exhibit C, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance for LC-2 local retail districts shall apply to LC-O, local commercial office district uses, LC-3 retail district uses, assisted living residential uses, educational institution uses, and outdoor commercial amusement enterprises uses.

**K. Sign regulations.** The sign regulations within the planned development district shall be as follows:

1. Except as specifically set forth in Exhibit D, the sign regulations for residential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to residential subdistricts, MF-2 multifamily residential district uses, and R-6 condominium residential district uses.

2. The sign regulations for nonresidential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to LC-O local commercial office district uses, LC-3 retail district uses, assisted living residential uses, education institution uses, and outdoor commercial amusement enterprises uses.

**L. Fence regulations.** The fence regulations within the planned development district shall be as follows:

1. Except, as specifically set forth in Exhibit D, the fence regulations for each applicable residential use contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance shall apply to Residential Subdistrict uses, MF-2 multifamily residential district uses, and R-6 condominium residential district uses.
2. The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for LC-2 local retail districts shall apply to LC-O local commercial office district uses, LC-3 retail district uses, assisted living residential uses, educational institutional uses, and outdoor commercial amusement enterprises uses.

**M. Development schedule.** If an application for a permit for development within Phase II is not filed by the fifth anniversary of the filing date of the application to this planned development district, Exhibit B shall expire. If Exhibit B expires, the applicant shall make an application for an amendment to this planned development district for a new site plan. Before the expiration date of Exhibit B, the property owner may request an extension to this development schedule or a new development schedule. Upon the recommendation of the planning and zoning commission and for good cause shown by the owner and developer, the city council may extend the development schedule or adopt such new development schedule as may be supported by facts and circumstances of the case. PD No. 96 shall develop in two phases as follows:

1. Phase I. Phase I shall commence on the date on which this Ordinance becomes effective. A minimum of 15,000 square feet of one or more buildings designated for LC-3 retail district uses shall be constructed in Phase I, and a maximum of 350 multifamily residential and condominium dwelling units within PD No. 96 may be constructed in Phase I.
2. Phase II. After the construction of the multifamily residential, condominium dwelling units, or both in Phase I are completed; the property owner certifies that the occupancy level for said units are at least 75 percent; and the property owner certifies that at least 75 percent of the total square footage of commercial development constructed in Phase I is occupied, Phase II may commence. The construction of a minimum of 60,000 additional square feet of one or more buildings designated for LC-3 retail district shall be completed before 351 or more multifamily residential, condominium dwelling units, or both are constructed. All or a portion of the 60,000 square feet of one or more buildings designated for LC-3 retail

district may be constructed contemporaneously with the construction of multifamily residential or condominium dwelling units if such units are a part of the same structure.

3. Except for as otherwise provided for in this subsection and any other law, PD No. 96 may develop at the owner's or owners' discretion.

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. The building official shall not issue a building permit or a certificate of occupancy for a development on the Property until there has been full compliance with this Ordinance, the Missouri City Code of Ordinances, and all other ordinances, rules and regulations of the City of Missouri City.

Section 7. 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 8. *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 9. *Repeal.* Section 4 of Ordinance Number O-15-54, adopted by the City Council of the City of Missouri City on September 21, 2015 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 10. *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 11. 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 \_\_\_\_\_, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this \_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maria Jackson, City Secretary

\_\_\_\_\_  
E. Joyce Iyamu, City Attorney

Town Center  
107.36 Acres  
Zoning Exhibit

D. Brighton League Survey  
Abstract Number 13

STATE OF TEXAS §

City of Missouri City

COUNTY OF FORT BEND §

AUG 22 2014

A **METES & BOUNDS** description of a certain 107.36 acre tract of land situated in the D. Brighton League Survey, Abstract No. 13 in Fort Bend County, Texas, being a portion of a called 110.884 acre tract of land conveyed to M.V. McCarthy by Substitute Trustee's Deed recorded in Clerk's File No. 2011054594 and the remainder of a called 156.5236 acre tract of land conveyed to Olympia Estates II Associates Limited by Warranty Deed with Vendor's Lien as recorded in Clerk's File No. 2003019906 both of the Fort Bend County Official Public Records of Real Property; said 107.36 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/-inch iron rod at the north corner of the said 110.884 acre tract, from said found rod a found 5/8-inch iron bears North 62°51'07" West, 412.38 feet;

THENCE, South 62°52'32" East, 2225.65 feet to a point for corner;

THENCE, South 02°48'42" East, 121.16 feet to a point at the beginning of a curve to the left;

THENCE, along the arc of said curve to the left having a radius of 5879.60 feet, a central angle of 11°29'08", an arc length of 1178.64 feet, and a long chord bearing South 08°33'16" East, 1176.67 feet, to a point for corner;

THENCE, South 02°50'24" East, 43.93 feet to a point at the beginning of a curve to the left;

THENCE, along the arc of said curve to the left having a radius of 1453.39 feet, a central angle of 15°42'27", an arc length of 398.45 feet, and a long chord bearing South 10°41'38" East, 397.20 feet, to a point at the beginning of a compound curve to the left;

THENCE, along the arc of said compound curve to the left having a radius of 5929.60 feet, a central angle of 03°38'22", an arc length of 376.65 feet, and a long chord bearing South 20°22'03" East, 376.59 feet, to a point for corner;

THENCE, South 32°26'32" West, 63.40 feet to a point at the beginning of a non-tangent arc to the right;

THENCE, along the arc of said non-tangent curve to the right having a radius of 1950.00 feet, a central angle of 03°14'44", an arc length of 110.46 feet, and a long chord bearing South 88°47'06" West, 110.44 feet, to a point for corner;

THENCE, North 89°35'32" West, 120.00 feet to a point at the beginning of a curve to the right;

THENCE, along the arc of said curve to the right having a radius of 1150.00 feet, a central angle of 52°58'40", an arc length of 1063.33 feet, and a long chord bearing North 63°06'12" West, 1025.86 feet, to a point for corner;

Town Center  
107.36 Acres  
Zoning Exhibit

THENCE, North  $36^{\circ}36'57''$  West, 120.01 feet to a point at the beginning of a curve to the left;

THENCE, along the arc of said curve to the left having a radius of 2050.00 feet, a central angle of  $40^{\circ}50'54''$ , an arc length of 1461.53 feet, and a long chord bearing North  $57^{\circ}02'19''$  West, 1430.77 feet, to a point for corner;

THENCE, along the arc of said reverse curve to the right having a radius of 25.00 feet, a central angle of  $85^{\circ}21'21''$ , an arc length of 37.24 feet, and a long chord bearing North  $34^{\circ}45'58''$  West, 33.89 feet, to a point for corner;

THENCE, North  $78^{\circ}34'37''$  West, 55.10 feet to a point at the beginning of a curve to the left;

THENCE, along the arc of said non-tangent curve to the left having a radius of 3777.74 feet, a central angle of  $03^{\circ}56'24''$ , an arc length of 259.78 feet, and a long chord bearing North  $08^{\circ}40'12''$  East, 259.73 feet, to a point at the beginning of a compound curve to the left;

THENCE, along the arc of said compound curve to the left having a radius of 999.52 feet, a central angle of  $34^{\circ}03'48''$ , an arc length of 594.23 feet, and a long chord bearing North  $12^{\circ}55'43''$  West, 585.52 feet, to a point for corner;

THENCE, North  $25^{\circ}11'04''$  West, 725.97 feet to a point for corner;

THENCE, North  $63^{\circ}20'14''$  East, 622.92 feet to the **POINT OF BEGINNING, CONTAINING** 107.36 acres of land in Fort Bend County, Texas, as shown on Drawing No. 8857 in the office of Cotton Surveying Company in Houston, Texas.

**This metes and bounds description shall not be used for transfer of title to the property herein described.**

METES AND BOUNDS DESCRIPTION

Of 8.481 Acres or 369,440 Square Feet of land being the remainder of that certain 8.622 Acre tract of land conveyed from F.P. Cribbs, Jr., Substitute Trustee to TRUSTMARK NATIONAL BANK by a deed recorded under Clerk's File No. 2011066469, of the Deed Records of Fort Bend County, Texas (F.B.C.D.R.), save and except that certain 0.1114 and 0.0293 Acre tract of land conveyed from TRUSTMARK NATIONAL BANK to CITY OF MISSOURI CITY by a deed recorded under Clerk's File No. 2014035765, F.B.C.D.R., lying in the H. SHROPSHIRE Survey, Abstract 313, near Missouri City, in Fort Bend County, Texas, said 8.481 Acre tract is more particularly described by metes and bounds as follows:

BEGINNING at the Northwest corner of that certain 35.971 Acre tract of land conveyed from GRAHAM MORTGAGE CORPORATION to GATEWAY LAND DEVELOPMENT/OLYMPIA, LP by a deed recorded under Clerk's File No. 2013157918, F.B.C.D.R., same being on the South Right-of-Way of Lake Olympia Parkway (a 100 foot Right-of-Way F.B.C.C.F. No.'s 2004110053, 2004110055, & 2004110056, F.B.C.D.R.), from which a 5/8 inch iron rod with cap stamped "Cotton Surveying" was found East, 0.09 feet;

THENCE South 36 deg. 28 min. 10 sec. West, along the most Northerly West line of said 35.971 Acre tract of land, a distance of 446.46 feet to a point for corner, from which a 5/8 inch iron rod with cap stamped "V.T.S.M." was found North, 0.15 feet;

THENCE North 78 deg. 20 min. 44 sec. West, along the most Westerly North line of said 35.971 Acre tract of land, a distance of 570.28 feet to a point for corner, from which a 5/8 inch iron rod with cap stamped "V.T.S.M." was found North, 0.24 feet;

THENCE North 10 deg. 47 min. 55 sec. East, along the East line of said 0.1114 Acre tract of land, and being the East Right-of-Way of VICKSBURG BOULEVARD (a 110 foot Right-of-Way), a distance of 311.61 feet to a 5/8 inch iron rod with cap stamped "Terra Surveying" found at a point for corner;

THENCE North 12 deg. 42 min. 28 sec. East, along the East line of said 0.0293 Acre tract of land, and being the East Right-of-Way of said VICKSBURG BOULEVARD, a distance of 150.08 feet to a 5/8 inch iron rod with cap stamped "Terra Surveying" found at a point for corner;

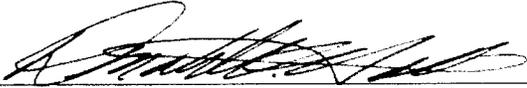
THENCE North 10 deg. 47 min. 55 sec. East, along the East line of said 0.0293 Acre tract of land, and being the East Right-of-Way of said VICKSBURG BOULEVARD, a distance of 125.00 feet to a point for corner, from which a 5/8 inch iron rod with cap stamped "Terra Surveying" was found South, 0.10 feet and West, 0.21 feet;

THENCE North 58 deg. 03 min. 17 sec. East, along the Northeast cutback line of said 0.0293 Acre tract of land, a distance of 33.79 feet to a 5/8 inch iron rod with cap stamped "Terra Surveying" was found at a point for corner;

THENCE, Southeasterly, a distance of 769.83 feet along the arc of a curve to the right on the South Right-of-Way of said Lake Olympia Parkway, said curve having a central angle of 22 deg. 37 min. 10 sec., a radius of 1950.00 feet, a chord which bears South 62 deg. 49 min. 23 sec. East, and a chord

distance 764.84 feet to the POINT OF BEGINNING, containing within these calls 8.481 Acres or 369,440 Square Feet of land as depicted on a plat prepared by Donald K. Hall, R.P.L.S. No. 4070, dated June 23, 2015 and revised July 20, 2015.

WITNESS MY HAND AND SEAL THIS THE 20<sup>th</sup> DAY OF July, 2015.



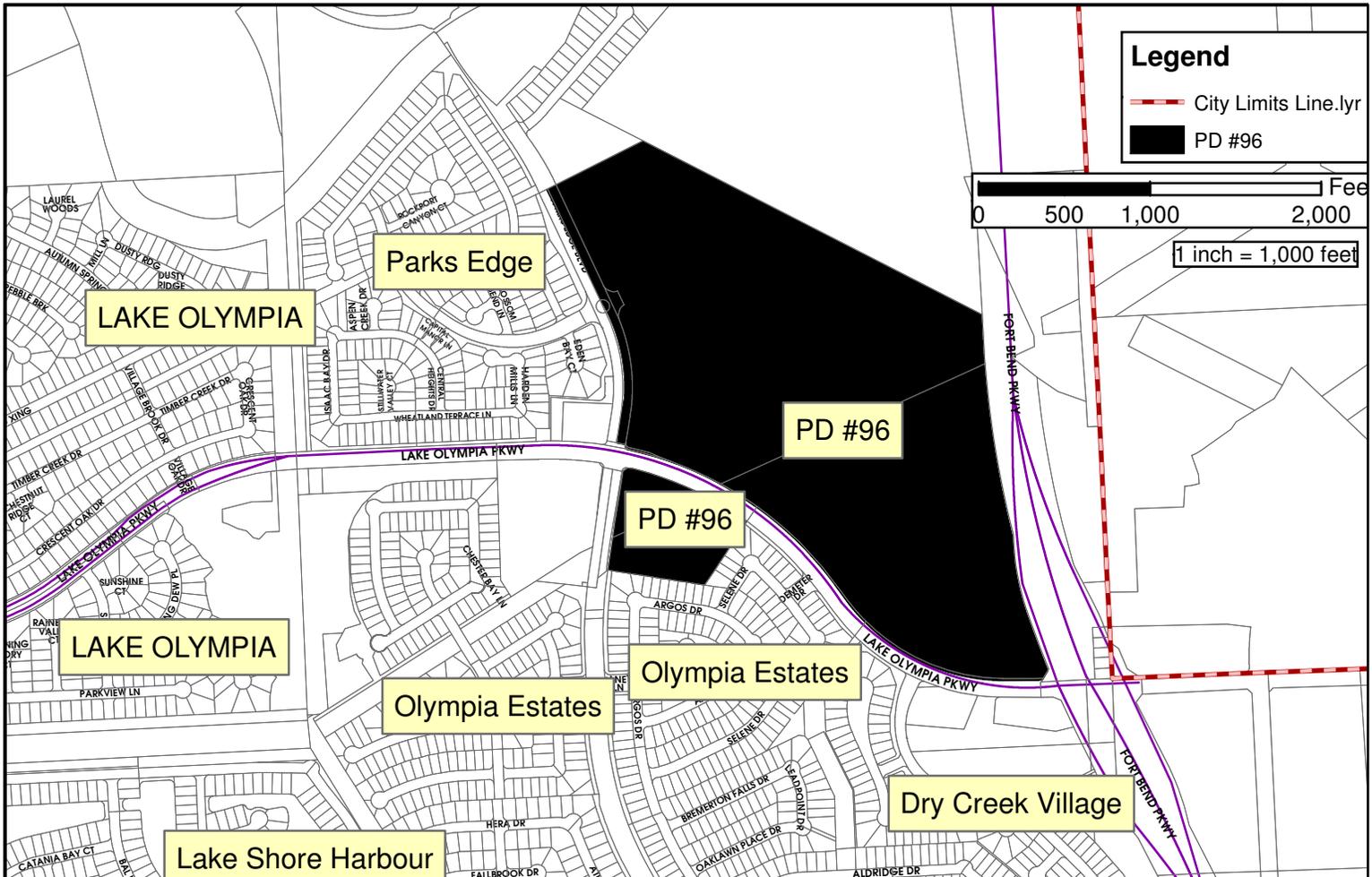
Donald K. Hall Registered Professional Land Surveyor No. 4070

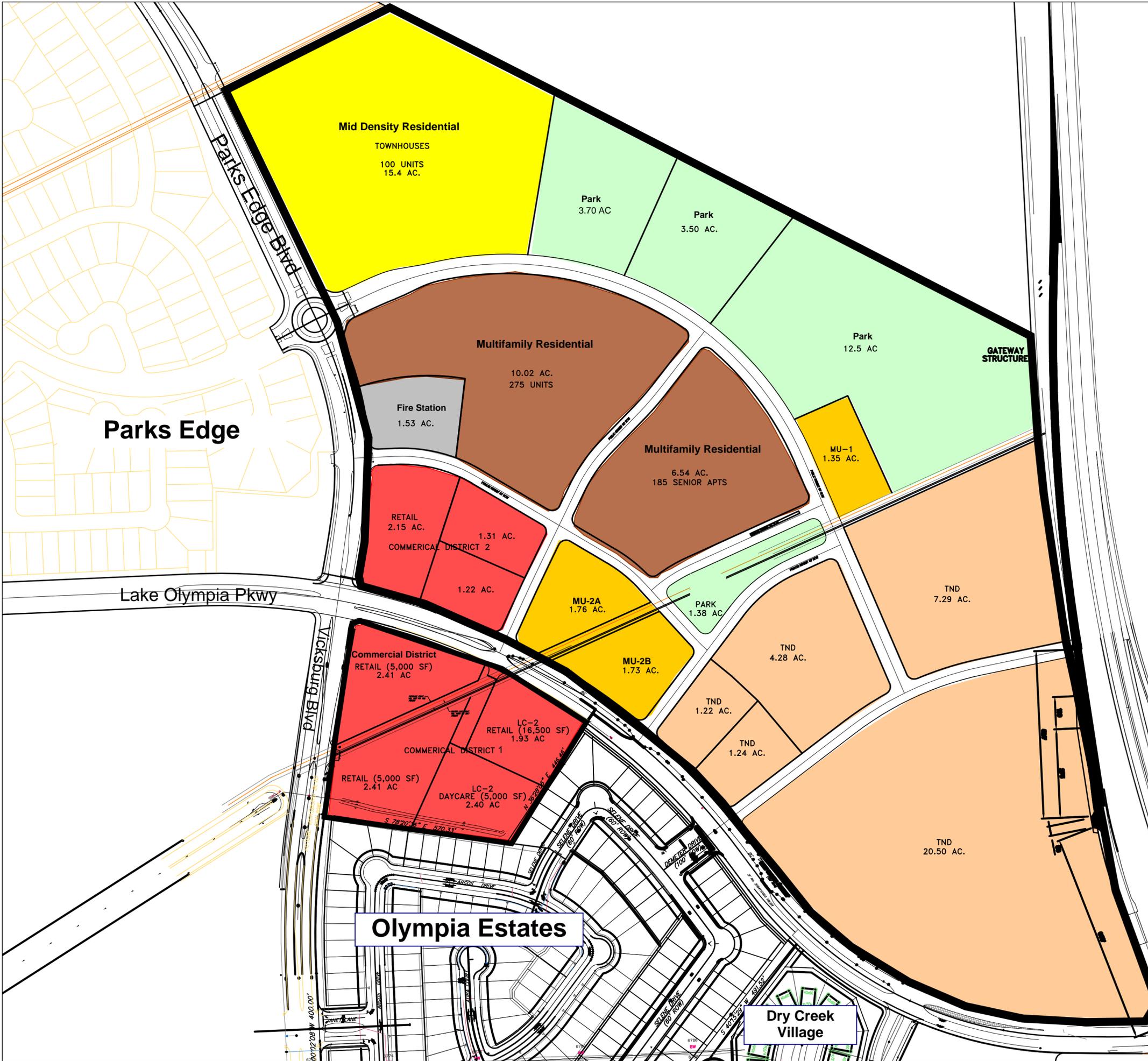


14306 Summerwood Lakes Drive  
Houston, Texas 77044-5078



Phone: (281) 225:8876  
Fax : (281) 225:8877  
JOB No.: 615#1012





### LEGEND

**Residential Subdistrict:**

- Mid Density Residential
- Multifamily Residential

**Commercial Subdistrict:**

- Commercial District 1;  
Commercial District 2

**Mixed Use Subdistrict:**

- MU-1;  
MU-2A; MU-2B

**Traditional Neighborhood Development Subdistrict:**

- TND

**Community Subdistrict:**

- Park
- Fire Station

**Exhibit B**  
**Page 1 of 1**  
**Revised Site Plan**

**PARKWAY CROSSING**  
Lake Olympia Parkway at Fort Bend Toll Road  
March 2020



Webb Architects  
Architecture  
Planning  
Urban Design

3701 Kirby Drive Suite 916 Houston Texas 77098 713.400.0230  
copyright Webb Architects 2020

NORTH

SCALE: 1"=200'

## GENERAL DEVELOPMENT PLAN

### A. Multi-Family Performance Standards

1. Multi-family shall incorporate:
  - a. Bicycle accommodations
    - i. Bicycle parking spaces shall be provided within 50 feet of the leasing and management office.
    - ii. Bicycle parking spaces shall include racks, lockers, or other structures intended for parking bicycles with a minimum of 4 spaces in any one parking area.
    - iii. Racks shall be designed to support the bicycle upright in two places on the bicycle frame.
    - iv. Interior bicycle parking shall be provided under stairwells in building corridors.
    - v. Bicycle parking spaces shall not encroach into any sidewalk or other pedestrian walkway as required herein.
  - b. Pedestrian friendly elements beyond Missouri City basic code requirements.
    - i. A publicly-accessible outdoor plaza shall be located on the site.
    - ii. Plazas shall have a minimum size of 500 square feet.
    - iii. Plazas shall include a decorative paving pattern.
    - iv. Plazas shall include at least 2 benches and 2 shade trees.
    - v. Plazas shall accommodate bicycle use per paragraph a.
  - c. Provisions for pedestrian connectivity amongst land uses.
    - i. Pedestrian walkways required by this section shall meet the following criteria:
      - (a) Minimum 6-foot width;
      - (b) Readily visible and free of encroachment by parked vehicles;
      - (c) Paved with concrete or other masonry products differentiated from the driveway and parking areas through the use of color, texture, or materials;
      - (d) Predominantly shaded with shade trees at one per 30 linear feet of walkway or building canopies;
      - (e) Lighted with pedestrian-scaled fixtures; and
      - (f) Marked with “way-finding” signage.
    - ii. Pedestrian walkways shall connect building entrances to the adjacent public sidewalk and to the adjacent shared-use trails.
    - iii. A pedestrian walkway shall connect a building entrance to the nearest parking area.

- iv. A pedestrian walkway/access corridor, placed perpendicular to the parking rows, shall bisect the entire parking area and extend to the adjacent tract.
- v. Multi-family development shall be adjacent to or within 1,200 feet of non-residential uses connected by pedestrian walkways.
- vi. All sites for multi-family development shall reserve spaces for future bus stops or other transit nodes and interfaces.
- vii. Allowance for shared common space between different users (no front fences or walls).
- viii. Additional landscape requirements to include the following:
  - (a) All required Canopy trees related to minimum buffers shall be a minimum 4" caliper, 10 feet high, at the time of planting.
  - (b) Buffer trees may be clustered or spaced linearly; they need not be placed evenly.
  - (c) Required buffers may include pedestrian walkways, plazas and shared-use trails.
  - (d) Required buffer along public streets may be used for a future transit stop.

**B. Vehicular, Bicycle and Pedestrian Circulation Regulations** – All non-residential sites within in the Planned Development District Ordinance shall be developed in accordance with the following regulations:

- 1. Vehicular paving:
  - a. All parking lots, driveways, and vehicle use areas outside of individual building parcels must be constructed of concrete.
  - b. Driveway and access easements may be paved with a concrete surface or interlocking pavers supported by a 6 inch reinforced tray and a sub-grade per City design standards.
- 2. Bicycle parking: Off-street parking for bicycles shall be provided within 50 feet of primary employee and/or visitor building entrances and shall include racks or other structures intended for parking bicycles.
- 3. A pedestrian walkway shall be provided to connect the primary building entrance to the public street sidewalk.
  - a. When parking is located between the street and the building, at least one walkway shall be provided to and through its associated parking area to connect a building entrance to a public street sidewalk.

**C. Landscape Regulations** – All non-residential sites within the Planned Development District Ordinance shall be developed in accordance with the following additional regulations:

- 1. Minimum widths for buffer yards, continuous along:
  - a. Public streets: 20 feet
  - b. Internal access easements: 10 feet

- c. All other property lines: 5 feet
- 2. Buffer yards may include vehicular driveways and internal access easements, perpendicular to the length of the buffer, and pedestrian walkways.
- 3. Canopy trees
  - a. Trees shall have a minimum 3-inch caliper and minimum 10-foot height as measured at ground level when planted.
  - b. Required trees may be clustered or spaced linearly; they need not be placed evenly.

**D. Building Regulations** – All non-residential buildings within the Planned Development District Ordinance shall be developed in accordance with the following additional regulations:

- 1. Buildings shall be designed in accordance with the following criteria:
  - a. Break up the horizontal and vertical building planes through offsets, changes in building materials, colors and textures, or other methods; and
  - b. Incorporate architectural details that create shade and cast shadows to provide visual relief.
  - c. Facades greater than 100 feet in length that face public streets shall incorporate offsets having a minimum depth of at least 5 feet, and extending at least 20% of the length of the façade.
  - d. No uninterrupted length of a street-facing façade shall exceed 100 feet.
- 2. The following materials are prohibited on building exterior finishes:
  - a. Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic, or fiberglass panels
  - b. Unfired or underfired clay, sand, or shale brick
  - c. Smooth or untextured concrete surfaces
  - d. Exterior Insulated Finish Systems (E.I.F.S.)
- 3. No single building finish material shall cover more than 80% of the front of any building.
- 4. All facades of an individual building and the facades of multiple buildings within an integrated business development or shopping center shall be of complementary architectural design, color and materials where facing or siding to a public street, internal access easement or pedestrian walkway.
- 5. Screening walls, wing walls, columns, and similar building extensions and supports shall be of complementary architectural design, color and materials as the building or structure to which they are attached.
- 6. Exterior lighting should be shielded to prohibit illumination in excess of 0.25 footcandle of average general light overflow or 0.50 footcandle at any point on the boundary of a property located within a residential zoning district.

## **Residential Builder Guidelines**

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**I. Site Plan Guidelines**

**A. General**

Prior to commencing any construction on any Lot, the Builder must review the regulations required in this document and all corresponding development guidelines of the City of Missouri City including but not limited to the Planned Development District for the subject site, the City's Zoning Ordinance, and the Public Infrastructure Design Manual.

**Building Setbacks**

*Building setbacks* are established by the Planned Development District ordinance and indicated on the recorded plat. However, it shall be the responsibility of the Builder to become familiar with the corresponding standards relating to building setback requirements in effect at the time issuance of a building permit.

<b>Front Setbacks</b>	
<b>All Lots</b>	<b>Per Planned Development District</b>
<b>Side Setbacks</b>	
Interior Lot	5'
Corner Lot (Corner Side)	Per Planned Development District
Greenspace Lot (Greenspace side)	5'
Zero Lot (Patio): Interior Lot	9.5' Non-Zero Side
	.05' Zero Side
Zero Lot (Patio): Corner Lot	Per Planned Development District
	.05' Zero Side
Swing Lot (Patio): Interior Lot	9.5'
Swing Lot (Patio): Corner Lot	Per Planned Development District
<b>Rear Setbacks</b>	
Interior Lot	8'
Greenspace Lot	15'
Zero Lot (Patio): Interior Lot	8'
Zero Lot (Patio): Greenspace Lot	15'
Swing Lot (Patio): Interior Lot	8'
Swing Lot (Patio): Greenspace Lot	15'
<b>Detached Garage Setbacks</b>	
Front	60'
Side	3'
Typical Lot Rear	8'
Perimeter Lot Rear	8'
Prohibited on Greenspace Lots, Zero Lots and Swing Lots	

**C. Lot Types**

1. **Interior Lot:** A Lot with adjoining Lots on each side and behind
2. **Corner Lot:** A Lot with an adjoining Lot on one side and a side street on the other
3. **Greenspace Lot:** A Lot backing or siding a Greenspace
4. **Zero Lot:** A Lot with a Zero Build Line
5. **Swing Lot:** A Lot between Left Side Zero Lot and a Right Side Zero Lot, must be centered within the Lot

**D. Garages**

1. All Lots are required to have a garage that will accommodate two mid-size vehicles, side by side.
2. Three car tandem garages are allowed.
3. Side by side Three Car Bays are allowed on 70' Lots only.

**E. Garage Placement**

1. **Corner Lot Garages**
  - a. Garages must be located on the interior side of the Lot.
  - b. Note: A Lot is still considered a corner Lot if there is a common space between the Lot and the side street.
2. **Zero and Swing Lots**
  - a. Garages must be located on the Zero side of the Lot
  - b. Garages may be located on either side of a Swing Lot.

**F. Driveways**

1. **Widths**
  - a. Two Car Garage:
    - Maximum eighteen feet (18') at property line
    - Minimum ten feet (10') at property line
  - b. Three Car Garage:
    - Maximum twenty feet (20') at property line
    - Minimum ten feet (10') at property line
2. **Location**
  - a. Driveways on the Right side of the Lot are preferred
  - b. Driveways must not be on the corner side of a Lot
3. **Materials**
  - a. Concrete
  - b. Refer to City Ordinances for Construction Guidelines
4. **Materials Prohibited**
  - a. Asphalt paving, loose gravel, stone, timber borders.
5. **Driveway Radius**
  - a. Five foot (5') radii
6. **Driveway Setbacks**
  - a. Driveways shall be located no closer than two and one half feet (2.5') from side property line and no closer than five feet (5') at front property line to allow for a five foot (5') driveway radii.

**G. Sidewalks:** All sidewalks must be constructed in accordance with the City's Public Infrastructure Design Manual.

1. **Width**
  - a. All Lots must have a five foot (5') wide concrete sidewalk.
2. **Location**
  - a. Sidewalks are to be located no closer than two feet (2') from the R.O.W. line.
3. **Materials**
  - a. Concrete
  - b. According to ADA requirements

**H. Walkways**

1. **Width**
  - a. Three feet (3') minimum
2. **Location**
  - a. May lead to the Driveway
  - b. May lead to the Sidewalk
    - Must be curvilinear
3. **Materials**
  - a. Concrete required for all Walkways.

**I. Walkway Landing**

1. Walkways leading to the Sidewalk must have a Landing
2. A three foot (3') by six foot (6') wide walkway landing between the sidewalk and the curb

**J. Fencing**

1. Fencing must be installed behind the front elevation, along the rear and side property lines of each Lot.
  - a. Fencing must exceed the height of adjoining fences.
3. **Good Side Out Wood: Required for all Visible Fencing**
  - a. Six foot (6') Good Side Out Wood
4. **Good Neighbor Wood: Required for all Non-Visible Fencing**
  - a. Good Neighbor Wood Fence with *alternating* good side out panels.
5. **Steel Fencing: Required fencing along Greenspace side of a Lot**
  - a. Three rail tubular steel
  - b. Galvanized black semi-gloss
6. **Fencing Placement:**
  - a. **Front Fencing: Fencing facing the Front R.O.W.**
    - Must be setback a minimum of ten feet (10') to a maximum of fifteen feet (15') from Front corners of the home
  - b. **Corner Lot Fencing**
    - Must be set back five feet (5') from the back of the sidewalk to allow for corner Lot landscaping.
  - c. **Greenspace Fencing**
    - Steel fencing between the Greenspace and the Lot

**K. Gates**

**1. Wood Gate for Wood Fencing**

- a. A six foot (6') tall by three foot (3') wide wood pedestrian gate may be placed on the front fence facing the street.

**2. Steel Gate for Steel Fencing**

- a. Steel gates must match steel fence.
- b. All gates must be self-closing and self-latching.

**L. Grading, Drainage, Berms**

**1. General**

Positive drainage away from the housing structure shall be provided for rainfall, gutter downspouts, irrigation, air conditioner condensate and all other types of water runoff.

Caution should be used in establishing the foundation elevation so that driveways, slabs or insufficient fall does not impair adequate drainage of the Lot. It is the responsibility of the Builder to provide positive drainage for each Lot.

- a. **FHA TYPE "A" LOT GRADING** The Lot has a ridge along Common rear Lot lines and each Lot is graded to drain storm water directly to the street independent of other properties.
- b. **FHA TYPE "B" LOT GRADING**  
The Lot has a ridge at rear twenty foot (20') Build Line from which the Lot is graded to drain storm water to the front portion of the Lot directly to the street independent of other properties and drain the storm water in the rear of the Lot from the twenty foot (20') Rear Build Line to the Lake.

**II. Architectural Guidelines**

Architectural Guidelines are to establish basic criteria for the construction of residences, garages and other structures. All construction must be of the highest quality in order to insure well-crafted residences. These Guidelines allow for diversity while enforcing the architectural integrity of the whole community. Articulation in design of elevations including roofs is required. Designs lacking articulation are strongly discouraged and may not be Approved by the ARC. Equal priority is given to the rear and sides of a residence that may be within public view, Lakes and common areas.

**A. Square Footage Minimum and Maximum:**

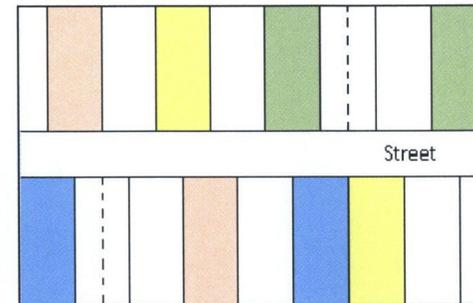
Lot Size	Minimum
45'	1,800
50'	1,800
55'	1,900
60'	2,100
70'	2,500

**B. Plan Width Minimum**

1. Overall product width may be no less than fifteen feet (15') of the Lot Size.
2. Overall width for products with Detached Garages may be no less than twenty feet (20') of the Lot size for all Lots.

**C. Plan Spacing and Repetition**

Elevation	Street Side	Number of Lots between
Same	Same	4
Different	Same	2
Same	Opposite	2 1/2
Different	Opposite	1 1/2



**D. Masonry Requirements**

Lot Size	# of Stories	1st Floor Masonry	2nd Floor Masonry
All Lots	1	100%	
	2	100%	30%

**E. Exterior Materials – Glass is a permitted exterior material.**

**1. Masonry**

**a. Brick**

- Must meet the standard specifications established by the Brick Institute of America.

**b. Stucco**

- Cementitious-based or acrylic-based stucco is permitted.

- Quality and installation must meet cement and Plaster Institute minimum standards.
- EFIS and Drivet are PROHIBITED.
- c. **Stone and Cultured Stone**
  - Stone is encouraged
- d. **Hardie Siding**
  - Is not considered Masonry

**2. Wood**

- a. All wood must be painted, stained or treated. Stained wood must be sealed.
- b. Natural weathered wood is PROHIBITED.
- c. Hardi-plank is not considered wood. Must receive ARC approval.

**a. Trim**

All wood trim must be smooth, high quality finish-grade stock, stained or painted. Must receive ARC approval. The use of MDO (Medium Density Overlay) will be allowed.

**3. Siding**

- a. Concrete Hardi-plank and Hardi Stucco Board are permitted on rear elevations.
- b. Shaker shingles are PROHIBITED.
- c. Metal, reflective aluminum or vinyl siding are PROHIBITED.

**4. Metal**

- a. Exposed metals must be anodized aluminum, bronze, copper or painted galvanized steel.

**F. Masonry Repetition**

- 1. Same color brick, stone, or stucco may not be immediately adjacent to or directly across the street from one another.
- 2. Using the *same* brick or stucco color more than twice within a four (4) house block is PROHIBITED.

**G. Exterior Colors**

- 1. Maximum of three (3) colors per residence.
  - a. Wood stain is considered a color.
- 2. Pastel and primary colors are PROHIBITED unless used on doors or shutters. Must receive ARC approval.

**H. Windows**

**1. Materials**

- a. Wood, metal, vinyl-clad windows
- b. Metal window finishes must complement the architectural style and color of the house.
- c. Clear anodized aluminum is PROHIBITED.

**2. Tinting**

- a. Encouraged for energy conservation purposes. Must receive ARC approval.

**3. Prohibited**

- a. Bronze, reflective glass, mirrored glazing or tinting, wrought iron ornamentation, burglar or security bars on windows or doors, sunscreens and awnings are PROHIBITED.

**I. Chimneys**

**1. Materials**

- a. Chimneys must be constructed of materials that match and complement the architectural style of the home. May be masonry or Hardi-plank unless on Lake. Lake Lots must be one-hundred percent (100%) masonry.

**2. Chimney caps**

- a. Sheet metal chimney caps are required on all chimneys
- b. Must be painted to match the chimney material.

**J. Gas Fireplaces**

- 1. Direct vent permitted if not visible from the street.

**K. Roofs**

**1. Materials**

- a. Shingles:
  - Thirty (30) year composition shingles. Garage and breezeway roofs must be same material as the house.
- b. **Metal**
  - Copper roofing and standing seam metal for Bay windows and porches are permitted with ARC approval.
  - All other exposed roof metal must be located to the rear or side slopes, away from public view and painted the same color as roof shingles.

**2. Pitches**

- A. Roof pitches must be 6:12 or greater.
- B. Roof pitches over porches must be 4:12 or greater.
- C. Dormers must be no less than 3:12.
- D. Flat roofs, mansard roofs are PROHIBITED.

**3. Roof Top Accessories**

- a. Antennas, towers, satellite dishes or similar devices for receiving and/or sending signals are permitted.
- b. Placement must be in the least obtrusive location of the rear yard, no higher than the highest point of the rear roof line of the residence and must not be visible from the street. Must receive ARC approval for placement.

**4. Skylights**

- a. Must be integrated with the roof design, parallel to the roof pitch. Framing must match the roof color. Must receive ARC approval for placement.

**5. Solar Collectors**

- a. Solar collectors are PROHIBITED on the Front elevation.
- b. All other locations must receive ARC approval for type and placement..
- c. All roof vents or pipes must be painted to match the roof color.

**L. Garages**

**1. Front Loaded Attached Garages**

- a. **Front Loaded Two Car Garages**
  - Maximum ten foot (10') storage extensions permitted with ARC approval.
- b. **Front Loaded Three Car Garages**
  - Maximum ten foot (10') storage extension permitted with ARC approval.

**2. Detached Garages**

- a. The front of a detached garage must be masonry.
  - At a minimum, the remaining three (3) sides may have siding with three foot (3') masonry wrap from front elevation.
- b. All elevations within public view must be masonry.
- c. Detached garages are not permitted on Lake Lots.

**3. Porte Cocheres**

- a. Must be the same architectural style of the home.

**M. Garage Doors**

**1. General**

- a. Wood panel look construction, garage doors are encouraged. Maximum height of eight feet (8'). Unless otherwise approved by ARC.

**2. Two Car Garages**

- a. May have one (1) double door or two (2) single doors separated by a column

**3. Three Car Garages**

- a. May have one (1) double door and one (1) single door separated by a column or three (3) single doors separated by columns

**N. Plate Height**

1. Nine foot (9') first floor Plate Height is preferred.
2. Continuous eight foot (8') Plate height across front elevation is PROHIBITED.

**O. Lighting**

1. Cast aluminum or brass fixtures are permitted.
2. Colored lighting, exposed transformers and wiring, "spill over" lighting onto neighboring yards or properties, streets or public spaces are PROHIBITED.
3. All exterior lighting must receive prior ARC approval.

**P. Screening**

1. All mechanical equipment, meters, pedestals must be screened with landscaping or fencing from public view.

**Q. Address Marker**

1. Precast concrete standard for all residence. Vertical or horizontal.

**R. Signage**

**1. Builder**

**a. Model Identification sign:**

- Builders are permitted one (1) lighted sign per model home.
- Sign size, shape, material and color must have prior ARC approval.

**b. Lot Identification sign:**

- For advertising and sale of a Lot, one sign per Lot, no more than six (6) square feet in size.

**c. Model Home Flag Poles**

- Builders may have Flag Poles with a maximum height of twenty feet (20').
- Limited to two (2) flags
- Must have ARC approval

**S. Mail Clusters**

1. U.S. Post Office standard mail clusters will be installed at appropriate locations.
2. No individual mail boxes are permitted

**ORDINANCE NO. O-15-54**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING REGULATIONS IN PD PLANNED DEVELOPMENT DISTRICT NO. 96; ADDING 8.48 ACRES OF LAND TO PD NO. 96; DESCRIBING SAID 8.48 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, Palmetto/WIHA FB107, LP, is the owner of approximately 107.36 acres of land within the corporate limits of the City of Missouri City, Texas (the "Original Property"); and

WHEREAS, said Original Property presently has a zoning classification of PD Planned Development District No. 96 under Ordinance Number O-14-45, adopted on November 17, 2014; and

WHEREAS, Trustmark National Bank is the owner of approximately 8.48 acres of land within the corporate limits of the City of Missouri City, Texas (the "Additional Property"); and

WHEREAS, said Additional Property presently has a zoning classification of LC-2 local retail district under Ordinance Number O-01-47, adopted on September 17, 2001; and

WHEREAS, the Original Property owner's agent, Kathryn Edwards of KRG/RBB, Inc., also known as BGE Kerry R. Gilbert, has made application to the City of Missouri City to add the Additional Property to PD Planned Development District No. 96; 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 of the property within PD No. 96; 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 amendments to PD Planned Development District No. 96; 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 change in 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 reclassification and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The zoning classification of the Additional Property is hereby changed from LC-2 local retail district to PD Planned Development District No. 96. The Additional Property can be described as being the 8.48-acre tract of land described 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. The Original Property can be described as being the 107.36-acre tract of land described in Exhibit "A" and depicted in Exhibit "A-1." Exhibit "A-1" shall be for reference purposes only. In the event that Exhibit "A" conflicts with Exhibit "A-1," 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, and shall be developed in accordance with the site plan, Exhibit "B," attached hereto and made a part hereof for all purposes, and is subject to the following regulations and restrictions:

- A. Purpose.** The planned development district may include R-5 townhouse residential district uses, MF-2 multifamily residential district uses, and LC-3 retail district uses. 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 uses shall be located within the subdistricts and at the locations designated on Exhibit "B," as set forth below:

1. Residential Subdistrict (designated as "MID DENSITY RESIDENTIAL" on Exhibit "B"):
  - a. Any use allowed in an R-5 townhouse residential district.
2. Commercial Subdistrict (designated as "COMMERCIAL DISTRICT," "COMMERCIAL DISTRICT 2," or "MU 1," "MU 2," "MU 3," "MU 4," and "MU 5" on Exhibit "B"):
  - a. Areas designated as "COMMERCIAL DISTRICT," on Exhibit B: Any use allowed in an LC-3 retail district.
  - b. Areas designated as "MU 1," "MU 2," "MU 3," "MU 4," and "MU 5" on Exhibit "B":
    - i. Any use allowed in an MF-2 multifamily residential district.

ii. Any use allowed in an LC-3 retail district.

c. Areas designated as "COMMERCIAL DISTRICT 2" on Exhibit "B:"

i. Any use allowed in an LC-3 retail district.

**C. Use district regulations.** Except as set forth in Subsections 4.D to 4.I of this Ordinance, the following use district regulations shall apply within the designated subdistricts:

1. Residential Subdistrict: R-5 townhouse residential district regulations contained in Subsection 7.6 of the City of Missouri City Zoning Ordinance shall apply in the Residential Subdistrict.
2. Commercial Subdistrict: The use district regulations for the Commercial Subdistrict shall be as follows:
  - a. LC-2 local retail district regulations contained in Subsection 7.11 of the City of Missouri City Zoning Ordinance shall apply to nonresidential uses in the Commercial Subdistrict.
  - b. MF-2 multifamily residential district regulations contained in Subsection 7.9 of the City of Missouri City Zoning Ordinance shall apply to MF-2 multifamily residential district uses in the Commercial Subdistrict.

**D. Height and area regulations.**

1. Area regulations. There shall be no more than 20 acres of multifamily development within the Commercial Subdistrict of the planned development district. A density of 35 units per gross platted acre is allowed for a multifamily development within the Commercial Subdistrict, provided that the performance standards for multifamily developments set forth in the General Development Plan, Exhibit "C," shall be met. There shall be no more than 20 acres of single-family residential development within the Commercial Subdistrict of the planned development district.
2. Height regulations. Except as set forth herein, no building or structure within the Commercial Subdistrict shall exceed four stories of, or 55 feet, in height. A building or structure in an area designated as "COMMERCIAL DISTRICT 2" on Exhibit "B" shall not exceed two stories of, or 35 feet, in height.

**E. Architectural standards.** The architectural standards within the planned development district shall be as follows:

1. Residential uses: All residential buildings and structures shall be constructed in accordance with Exhibit "C," and the Residential Builder Guidelines, Exhibit "D."

2. Nonresidential uses: Except as specifically set forth in Exhibit "C," all nonresidential buildings and structures shall be constructed in accordance with Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.

**F. Outside placement, storage, sales and services regulations.** The outside placement, storage, sales, and services regulations within the planned development district shall be as follows:

1. Residential uses: Outside placement, storage, sales, and services are prohibited for residential uses.
2. Nonresidential uses: Outside placement, storage, sales, and services are allowed for LC-3 retail district uses, provided that the outside placement, storage, sales, and services of materials, merchandise, or equipment shall comply with the provisions contained in Subsection 9.17 of the City of Missouri City Zoning Ordinance for LC-2 local retail districts.

**G. Landscaping regulations.** The landscaping, screening, and buffer yard regulations within the planned development district shall be as follows:

1. Residential uses: Except as specifically set forth in Exhibit "C" for multifamily residential developments, as made applicable pursuant to Section 4.D of this Ordinance, and except as specifically set forth in Exhibit "D," the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance for each applicable residential use shall apply.
2. Nonresidential uses: Except as specifically set forth in Exhibit "C," the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance for LC-2 local retail districts shall apply to nonresidential uses.
3. Residential and nonresidential uses: The owner or the owner's successors and assigns shall establish or shall cause to be established one or more property owners' associations or similar entities pursuant to restrictions that are applicable to PD Planned Development District No. 96. Such restrictions shall:
  - a. be filed in the real property records of Fort Bend County, Texas; and
  - b. in common areas, including, but not limited to, medians and open spaces, require the property owners' associations, or similar entities, to be responsible for the placement and maintenance of all landscaping, including irrigation systems, and improvements, including, but not limited to, water features and pedestrian bridges.

**H. Sign regulations.** The sign regulations within the planned development district shall be as follows:

1. Residential uses: Except as specifically set forth in Exhibit "D," the sign regulations for residential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to residential uses.
2. Nonresidential uses: The sign regulations for nonresidential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to nonresidential uses.

**I. Fence regulations.** The fence regulations within the planned development district shall be as follows:

1. Residential uses: Except as specifically set forth in Exhibit "D," the fence regulations for each applicable residential use contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance shall apply.
2. Nonresidential uses: The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for LC-2 local retail districts shall apply to nonresidential uses.

**J. Conflicts.** Except as set forth in Subsections 4.B, 4.D, 4.E, 4.G, 4.H, and 4.I of this Ordinance, in the event that any exhibit to this Ordinance conflicts with the Missouri City Code, the Missouri City Code shall prevail.

**K. Development schedule.** Pursuant to Section 8, PD Planned Development District, this ordinance shall expire on the fifth anniversary of the date the first planned development application was filed if no progress has been made towards completion of this project. The Commercial Subdistrict of the planned development shall be developed in two phases as follows:

1. Phase 1: Phase 1 shall commence on the date on which this Ordinance becomes effective. Construction of a minimum of 15,000 square feet of one or more buildings designated for LC-3 retail district uses in compliance with this Ordinance shall be completed before or contemporaneously with the submission of an application for a certificate of zoning compliance for any MF-2 multifamily residential dwelling unit. A maximum of 350 multifamily residential dwelling units may be constructed in Phase 1.
2. Phase 2: Phase 2 shall commence after the date on which: (a) the construction of all Phase 1 MF-2 multifamily residential units are completed; (b) the developer certifies that the occupancy level for the residential dwelling units constructed in Phase 1 is 75 percent; and (c) the developer certifies that 75 percent of the total square footage of commercial development constructed in Phase 1 is occupied.

Construction of a minimum of 60,000 square feet of one or more new buildings designated for LC-3 retail district uses, which shall be in addition to the existing buildings designated for LC-3 retail district uses constructed in Phase 1, shall be completed before or contemporaneously with the submission of an application for zoning compliance for any additional MF-2 multifamily residential dwelling units to be constructed in Phase 2.

Section 5. The Zoning District Map of the City of Missouri City shall be revised and amended to show the zoning classification of the Original Property and the Additional 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 Number O-14-45, adopted by the City Council of the City of Missouri City on November 17, 2014 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 8<sup>th</sup> day of September, 2015.

PASSED, APPROVED and ADOPTED on second and final reading this 21<sup>st</sup> day of September, 2015.



Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:



Maria Gonzalez, City Secretary



E. Joyce Ilyamu, City Attorney





**MINUTES  
PLANNING AND ZONING COMMISSION  
CITY OF MISSOURI CITY, TEXAS  
March 11, 2020**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

**Commissioners Present:**

Sonya Brown-Marshall  
Tim Haney  
John O'Malley  
Gloria Lucas  
Monica L. Rasmus  
Courtney Johnson Rose  
James G. Norcom III

**Commissioners Absent:**

Hugh Brightwell  
James R. Bailey

**Councilmembers Present:** None

**Staff Present:**

Otis T. Spriggs, Director of Development Services  
Jennifer Gomez, Planning Manager  
Thomas White, Planner II  
Gretchen Pyle, Interim Planning Specialist  
Jeremy Davis, Assistant City Engineer, Public Works  
Egima Edwards, Planning Technician  
Jamilah Way, First Assistant City Attorney  
Glen Martel, Assistant City Manager  
Randy Troxell, Assistant Director of Parks and Recreations

**Others Present:** Cynthia Ramirez; STOA Architects, Mario Bolullo; STOA Architects, Leronia Boughton, Flamingo Stringfellow, Laurie Chapa; LJA Engineering, Joe Douglas Webb; Webb Architects, Kevin Zhang, Joel Scott.

## 7. ZONING MAP AMENDMENTS

### B. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

- (1) To receive comments for or against a request by Joe Douglas Webb, AIA. Webb Architects, to amend PD, Planned Development District No. 96 (Ordinance O-15-54) to revise the size plan and amend the regulations and restrictions; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

Jennifer Gomez, Planning Manager, presented the item. Ms. Gomez informed PD 96 was originally approved in 2014, amended in 2015. The developer and design team has been working since that time on the infrastructure, road network, mix of uses, and utilities within the PD.

Ms. Gomez informed that the location is to the west of the Fort Bend Parkway, east of where Parks Edge is under construction, north and south of Lake Olympia.

Ms. Gomez informed that PD 96 provides for a mix of uses to include residential, office, retail, and community facility uses. The focus of the amendments are in the use regulations, use district regulations, height and area regulations, and development schedule. The applicant would also like consideration to add a process for minor and major modifications moving forward. The proposed amendments to the architectural design regulations are to align the PD language to what the City can and cannot enforce per the last legislative session.

Ms. Gomez informed that staff's recommendation is to approve the amendments with conditions contained in the report.

Ms. Gomez summarized the amendments as follows:

**Use regulations:** PD 96 currently provides for two sub-districts; a residential sub-district for the location of townhomes (mid-density residential), and a commercial district which includes several areas for mixed uses, general commercial retail and multifamily uses. The PD provides for a maximum of 20 acres for multifamily uses with a density of 35 units per platted acre or approximately 700 total multifamily dwelling units.

The proposed amendments include adding condominium uses, designating the specific areas for multifamily uses and mixed uses and to add a traditional neighborhood and community facilities district.

Ms. Gomez informed for multi-family districts, staff's recommendation was to move it out of the commercial subdistrict since the specific areas have been defined and place within the residential subdistrict.

Commissioner Norcom III asked about the daycare shown on the site plan and the distance requirements to the 7-Eleven gas station currently under construction.

Ms. Gomez stated that the City adopted the State's requirement on the sale of

alcohol and the distance requirements from uses including hospitals, churches, school, and daycares. For daycares, there are certain types of alcohol permits and licenses that are exempt.

Ms. Gomez provided that staff had that the applicant provide clarification on a proposed educational institution within the PD. The applicant has provided for a possible Montessori school / educational facility. The staff recommendation would include an educational institution use to be permitted within the mixed use areas shown on the revised site plan.

Ms. Gomez informed the staff recommendation is to restrict multifamily and condominium along the Lake Olympia Parkway frontage and require that the mixed use areas combine two or more uses that are permitted in the district so that it is truly a mixed use component.

Ms. Gomez informed that the Traditional Neighborhood subdistrict would allow for all of the uses permitted within mixed use subdistricts and provide for the addition of concert and performance halls, outdoor amphitheaters.

Staff also requested that the applicant provide clarification on a proposed helipad. The applicant has provided that it would allow an opportunity for a medical use to locate a helipad landing site in the location. The staff recommendation would include allowing for the location of a helipad site but restricted to the traditional neighborhood subdistrict.

Ms. Gomez informed that the community subdistrict includes parks, green space, courtyards, and amenities would provide an opportunity to connect into the Parks Edge trail system. This subdistrict would also include the future location for city's Fire Station #6.

**Use district regulations:** The proposed amendment to the use district regulations are to make them consistent with the subdistricts as proposed and to allow for the Mixed Use 1 (MU-1) and the Traditional Neighborhood District to follow the MF-2, multifamily residential regulations. The community subdistrict would follow the CF, community facility district regulations.

**Height and area regulations:** The proposed amendment to the height and area regulations include removing the acreage limitation on multifamily development since the areas are defined and to maintain the maximum 700 multifamily dwelling units and a maximum of 35 dwelling units per platted acre but include condominium uses. Any multifamily use proposed in the mixed use subdistrict should be limited to being placed on a second or higher floor in a building.

**Modifications:** The proposed amendment would provide for some flexibility to future amendments or modifications to the site plan. A proposed process for major and minor modifications was discussed. A minor modification could be approved by staff. A major modification would be considered an amendment to the PD.

**Development Schedule:** The proposed amendment would revise the development schedule to allow for construction of the condominium and multifamily uses to run concurrently with the momentum the developer was making on nonresidential uses.

Vice Chair Haney asked if the developer was agreeable to staff's recommendations.

Ms. Gomez informed that they were.

Chair Brown-Marshall asked if each time an amendment was presented, would it change the timeline from the date of initial approval.

Ms. Gomez stated the applicant's proposal was to have a 15-year timeline for the PD. Currently the PD has a five year timeline. Unless Council approves a different timeline, development activity would need to happen within the five year period, or the site plan and proposed uses would expire.

Joe Webb, AIA / Webb Architects, informed that due to the growth of the area, the developer was sparked to move forward with the next level of development. The City's Comprehensive Plan mentions concepts of village centers, which allows the developer an opportunity to move in that direction.

Chair Brown-Marshall asked Mr. Webb if it was possible to shift the multi-family as recommended by staff.

Mr. Webb indicated that they believed it to be a good consideration, especially on Lake Olympia. The proposed changes would provide a buffer by putting retail, office, those kinds of commercial uses along the major thoroughfare and residential would be behind that.

Joel Scott, developer, informed that the infrastructure had taken a long time due to cost sharing delays.

Jerry Cogan, 3506 Crestwood, president of Municipal Utility District #47, informed that he was concerned about drainage.

Jeremy Davis, Assistant City Engineer, informed that the City's Engineering division is currently in the process of updating watershed maps. The scoping process had begun and the proposed application is a part of this process.

Vice Chair Haney informed that wet detention is within the development.

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

**Made By:** Commissioner Haney

**Second:** Commissioner Johnson Rose

**AYES:** Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

**NAYES:** None

**ABSTENTIONS:** None

The motion passed

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

Ms. Gomez asked if the motion included the educational and helipad uses.

Commission replied that it included all comments.

**Motion:** The Planning and Zoning Commission forwards a positive recommendation and final report to Council.

**Made By:** Commissioner Haney  
**Second:** Commissioner Johnson Rose

**AYES:** Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

**NAYES:** None

**ABSTENTIONS:** None

The motion passed



**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

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**AGENDA DATE:** April 6, 2020

**AGENDA ITEM SUBJECT:** Parkway Crossing – PD, Planned Development District No. 96 Amendment

**AGENDA ITEM NUMBER:** 7.(a)(2)

**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

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**PERMIT NUMBER:** PD1900011

**PROPERTY ID:** 0313-00-000-0143-907 / 0313-00-000-0162-907 / 0313-00-000-0134-907 / 0313-00-000-0161-907

**LOCATION:** PD No. 96 is located north and south of Lake Olympia Parkway, north of Dry Creek Village, east of Parks Edge and west of the Fort Bend Parkway.

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**RECOMMENDED ACTION:**

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.

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## **SUMMARY:**

PD, Planned Development District No. 96 was approved in November 2014 to allow for the development of a mixed use project. The proposed development is to include a mix of single family residential, multifamily, office and other commercial and civic uses. All development within the PD is proposed to be in accordance with a site plan, general development plan and residential builder guidelines. The development is proposed to be completed in two phases. **Phase 1** to consist of a minimum of 15,000 square feet of retail/commercial uses and up to 350 multifamily dwelling units; **Phase 2** to begin upon the completion of all Phase 1 multifamily dwelling units and the certification that a minimum of 75 percent of the commercial square footage was occupied.

The developer for the property has been working with the city as well as other entities including the Fort Bend Toll Road Authority on the coordination and timing for public improvements, infrastructure and access to the development. The city's Fire Station No. 6, a proposed 16,000 square foot building, is planned to be constructed within PD No. 96, on a property donated by the developer.

The applicant proposes to amend the regulations and restrictions contained in PD No. 96, to modify and refine the mix of uses permitted; to modify the development schedule; to provide for major and minor modifications; and to amend the site plan as development of the area becomes more certain. The amended site plan provides the approximate acreage for each proposed subdistrict within the PD. The applicant has submitted a draft ordinance outlining proposed amendments to PD No. 96. This report summarizes the applicant's proposal.

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## **SUBSECTION 8.3 – Requirements for a PD District Amendment Application**

### **A. Ownership documentation:**

The applicant has submitted proof of unified control of the entire area within the proposed PD district.

### **B. Legal description of site:**

PD No. 96 can be described as being a **107.36 acre tract of land** situated in the D Bright League Survey, A-13 and the H. Shropshire Survey, A-313, in Fort Bend County, Texas being a portion of a called 110.884 acre tract of land conveyed to M.V. McCarthy by Substitute Trustee's Deed recorded in Clerk's File No. 2011054594 and the remainder of a called 156.5236 acre tract of land conveyed to Olympia Estates II Associates Limited by Warranty Deed with Vendor's Lien as recorded in Clerk's file No. 2003019906 both of the Fort Bend County Official Public Records of Real Property; and being all of Olympia Estates Northeast Reserves, a subdivision of **8.481 acres** out of the H. Shropshire Survey, A-313, instrument number 20190130 filed and recorded into the Fort Bend County, Texas Official Public Records.

### **C. Site Plan:**

A proposed site plan has been submitted which constitutes the required site plan.

In the Analysis of the Subject Site below, the existing site plan adopted by PD No. 96, is referred to as Exhibit B; the amended site plan is referred to as site plan.

**D. Development Schedule.** Refer to Analysis of Subject Site provided below.

**E. Minimum design standards:**

The applicant has complied with City standards, except as requested below in the Analysis of the Subject Site.

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**GENERAL SITE INFORMATION:**

**A. Total acreage:** 115.84 acres

**B. Existing Land Use and Zoning Designation:** Convenience store with gas station under construction (1111 Lake Olympia Parkway); Unimproved / PD No. 96 (Ordinance O-15-54)

**C. Surrounding Land Uses and Zoning Designations:**

North: Parks Edge residential subdivision; Telecommunications site – Tall Tower / PD No. 95 (Ordinance O-15-52); SUP, Specific Use Permit No. 139 (Ordinance O-98-37)

South: Olympia Estates residential subdivision / R-2, single family residential district

East: Fort Bend Parkway

West: Parks Edge residential subdivision / PD No. 95 (Ordinance O-15-52)

**D. Zoning History:**

09-02-1997: Subject site annexed by the City of Missouri City (Ordinance No. O-97-32)

09-17-2001: Portion of subject site zoned LC-2, local retail district (Ordinance O-01-47)

06-17-2002: A portion of the subject site zoned R-2, single family residential district; portion zoned LC-2, local retail district; and a portion zoned LC-3, retail district (Ordinance O-02-21)

08-18-2003: Portion of subject site rezoned to LC-2, local retail district (Ordinance O-03-25)

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11-17-2014:	Portion of subject site zoned PD No. 96 (Ordinance O-14-45) to allow for the development of a mixed use development.
09-21-2015:	PD No. 96 amended to add an approximate 8.48 acre tract of land.

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**Subsection 8.2.C. and 8.5. – Site plan and Use regulations:** Subsection 8.2.C., Site plan and 8.5, Use regulations requires that the applicant propose minimum development guidelines for the site.

Development within PD No. 96 is proposed to be in accordance with a site plan, general development plan and residential builder guidelines.

There are no proposed amendments to PD No. 96 except as provided below.

### **Analysis of subject site:**

#### **A. Purpose**

The planned development district may include residential district uses, retail/commercial/office uses, educational institution and community facilities. Improvements to the site shall be designed to enhance the overall urban design and nature of the surrounding area.

#### **B. Use regulations.** Except as set forth herein, no changes are proposed to PD No. 96.

PD, Planned Development District No. 96 was approved in November 2014 to allow for the development of a mixed use project. At the time, the mix of uses were categorized to include:

**Residential Subdistrict** (designated as “Mid Density Residential” on Exhibit B):

§ *Mid density residential – allowing for R-5, townhouse residential district uses;*

**Commercial Subdistrict** (designated as “Commercial District,” “Commercial District 2,” or “MU 1,” “MU 2,” “MU 3,” “MU 4,” and “MU 5” on Exhibit B):

§ *MF-2, multifamily residential district uses (only in the MU areas);*  
*and*

§ *LC-3, retail district uses.*

The applicant proposes to modify and refine this mix of uses permitted and to revise Exhibit B as development of the area becomes more certain. The applicant’s proposal to amend PD No. 96 includes the following. **New uses and districts are provided in red font.**

**Residential Subdistrict** (designated as “Mid Density Residential” on the site plan):

- § *Mid density residential – allowing for R-5, townhouse residential district uses;*

**Commercial Subdistrict** (designated as “Commercial District,” “Commercial District 2,” “MU-1,” “MU-2,” “MU-3,” “MU-4,” and “MU-5” on the site plan):

- § *MF-2, multifamily residential district uses (MU areas); and*
- § *LC-3, retail district uses (Commercial District, Commercial District 2, MU areas)*

**General Retail/Commercial Area** (designated as “GRC” on the site plan):

- § *LC-3, retail district uses;*
- § *Assisted Living Residential*
- § *Parking garage*
- § *Helipad landing facilities for rotary wing aircraft associated with medical facilities.*

**Mixed Use Area** (designated as “MUA” on site plan) – defined as a mix of uses comprised of multi-family, condominium, mixed residential/office, and retail uses as follows:

- § All uses permitted in the General Retail/Commercial Area;
- § MF-2, multifamily residential district uses;
- § **R-6, condominium residential district uses;**
- § LC-O, local commercial office district; and
- § Concert and performance halls, movie theaters, and outdoor amphitheaters.

**Traditional Neighborhood Development** (designated as “TND” on the site plan) – defined as an overall compact form consisting of buildings and streetscapes designed on a human scale and consisting of all of the following: (1) a distinct mixed-use center consisting of office, retail, high density residential and/or public spaces; (2) interconnected streets including on-street parking and single travel lanes for cars; (3) wide sidewalks shaded by trees, (4) paths in a grid pattern that provide multiple routes within the neighborhood; (5) small blocks; (6) a minimum of 90 percent of housing that is located no further than 2,000 feet of the center and (6) buildings with minimal or no setbacks:

- § *All uses permitted in the Mixed Use Area*
- § *Assisted Living Residential*
- § *Parking garage*
- § *Helipad landing facilities for rotary wing aircraft associated with medical facilities.*

**Community Subdistrict** (designated as “Fire Station,” or “Park” on the site plan):

- § Parks;
- § Fire station; and

§ **CF, community facilities district uses.**

**Conformance with the Comprehensive Plan:** The proposed amendment is in conformance with the following portions of the Comprehensive Plan Overall Goal Statement:

1. ***A more cohesive city.***
  - 1.1 Establish “centers” and focal points, whether in the form of a high-profile Town Center for the entire community or a series of nodes and neighborhood centers.
2. ***More varied development to move beyond a “bedroom community” perception of Missouri City.***
  - 2.3. Encourage multiple housing types and floor plans to offer a variety of housing choices to residents, particularly in the areas surrounding and along the Texas Parkway, Cartwright Road, FM 1092 and Fort Bend Parkway corridors.

**Conformance with the Land Use Plan:** The Future Land Use Map identifies the PD No. 96 area as being of Urban Character. Urban Character is summarized as follows:

*This designation is for areas where the most intensive site development within the community should be permitted. This may include small lot single family neighborhoods and development with attached dwellings. Due to the density, mixed use is often warranted, which could include commercial and office uses either as a stand-alone building or vertically integrated (i.e., first floor retail with residential units above), as well as live-work units. To create an Urban character, buildings must be of a minimum rather than maximum height and must be situated close to the street to create enclosure. Parking garages also contribute to an Urban character by removing surface parking, creating additional building height and bulk, and offering further opportunities for ground-level storefronts and office space. An Urban designation is appropriate adjacent to main thoroughfares and transit corridors if adequate buffering and separation from adjacent, less intensive character areas is provided.*

**Staff recommended:** Approve the applicant’s proposal with the following modifications. Modifications are provided in blue font, underlined for items to add and stricken for items to remove.

**Planning and Zoning Commission recommends:** Approve as staff recommended.

**Residential Subdistrict** (designated as “Mid Density Residential” and “Multifamily Residential” on the site plan):

- § *Mid density residential – allowing for R-5, townhouse residential district uses;*
- § Multifamily residential – allowing for MF-2 multifamily residential district uses.

**Commercial Subdistrict** (designated as “Commercial District,” “Commercial District 2,” ~~“MU-1,” “MU-2,” “MU-3,” “MU-4,” and “MU-5”~~ on the site plan):

- ~~§ MF-2, multifamily residential district uses (MU areas); and~~
- § LC-3, retail district uses (Commercial District, Commercial District 2, MU areas)

**General Retail/Commercial Area** (designated as GRC on site plan):

- ~~§ LC-3, retail district uses;~~
- ~~§ Assisted Living Residential~~
- ~~§ Parking garage~~
- ~~§ Helipad landing facilities for rotary wing aircraft associated with medical facilities.~~

**Mixed Use Area Subdistrict** (designated as “MUA” “MU-1,” “MU-2A,” and “MU-2B” on site plan) – defined as a mix of two or more uses comprised of multi-family, condominium, mixed residential/office, and retail uses as follows:

- ~~§ All uses permitted in the General Retail/Commercial Area;~~
- § Areas designated as “MU-1”:
  - MF-2, multifamily residential district uses;
  - R-6, condominium residential district uses;
  - LC-O, local commercial office district uses;
  - LC-3, retail district uses;
  - Educational institution; and
  - Institution for elderly persons or physically-impaired persons (assisted living residential)
- § Areas designated as “MU-2A,” and “MU-2B”:
  - LC-O, local commercial office district uses;
  - LC-3, retail district uses;
  - Educational institution;
  - Institution for elderly persons or physically-impaired persons (assisted living residential); and
  - Medical care facility with helicopter pad use.
- ~~§ Concert and performance halls, movie theaters, and outdoor amphitheaters.~~

**Traditional Neighborhood Development Subdistrict** (designated as “TND” on site plan) – defined as an overall compact form consisting of buildings and streetscapes designed on a human scale and consisting of all of the following: (1) a distinct mixed-use center consisting of office, retail, high density residential and/or public spaces; (2) interconnected streets including on-street parking and single travel lanes for cars; (3) wide sidewalks shaded by trees, (4) paths in a grid pattern that provide multiple routes within the neighborhood; (5) small blocks; (6) a minimum

of 90 percent of housing that is located no further than 2,000 feet of the center and (6) buildings with minimal ~~or no~~ setbacks:

- ~~§ All uses permitted in the Mixed Use Area~~
  - ~~§ Assisted Living Residential~~
  - ~~§ Parking garage~~
  - ~~§ Helipad landing facilities for rotary wing aircraft associated with medical facilities.~~
- § Any uses or combination of uses permitted in the Mixed Use Area; concert and performance halls; Outdoor commercial amusement enterprises to include outdoor amphitheatres.

**Community Subdistrict** (designated as “Fire Station,” or “Park” on site plan):

- ~~§ Parks;~~
- ~~§ Fire station; and~~
- § Any use allowed in a CF, community facilities district uses.

The applicant’s proposal for both of the existing subdistricts (Residential and Commercial) tracks with what is currently permitted for PD No. 96. However, at the time of approval, the multifamily areas were not yet designated and the PD allowed for this use to be located within the Mixed Use (MU) areas generally, as shown on Exhibit “B”. Since these areas were not defined at the time, PD No. 96 provided a maximum of 20 acres within these MU areas that could be developed for multifamily residential uses. The applicant’s amended site plan provides for two designated multifamily areas; an approximate 10.02 acre tract and a 6.54 acre tract. These areas can now be added to the residential subdistrict as defined and removed from the commercial subdistrict so that it is clear that the commercial areas at the intersection of Parks Edge Boulevard and Lake Olympia Parkway as well as at Vicksburg Boulevard and Lake Olympia Parkway would not be developed to include multifamily uses.

The applicant’s written proposal included a reference to a “General Retail/Commercial Area” however the site plan provided did not depict any areas shown as GRC. If the Commercial Subdistrict is maintained and a Mixed Use and Traditional Neighborhood Development subdistricts created, there would be no need for a separate “General Retail/Commercial Area”.

The proposed Mixed Use areas (Subdistrict) as shown on the site plan, would have frontage along Lake Olympia Parkway (“MU-2A” and “MU-2B”) and also situated on either side of the multifamily residential area (“MU-1”). These areas could provide a transition from the commercial/retail areas into the Traditional Neighborhood Development (Subdistrict). This area should be distinguished from the Commercial Subdistrict in terms of the uses permitted. ***This recommendation is to not allow the mixed use areas along Lake Olympia Parkway to contain higher density development (i.e. – multifamily residential and condominium residential district uses). Additionally, uses in this district should combine two or more uses permitted to provide a distinction between this area and the Commercial subdistricts.*** More intense uses such as concert, performance halls and outdoor amphitheatres should be

positioned within the areas designated as TND and provided closer to the Fort Bend Parkway (tollroad).

- C. Use district regulations.** Except as set forth herein, no changes are proposed to PD No. 96.

PD No. 96 provides for use district regulations that coincide with the permitted uses as follows:

**Residential Subdistrict;** *R-5, townhouse residential district regulations.*

**Commercial Subdistrict:**

- § *Nonresidential uses: LC-2, local retail district regulations;*
- § *Residential uses: MF-2 multifamily residential district regulations.*

Use district regulations apply standards that are not specified in PD No. 96 so that the development is consistent with similar uses if situated elsewhere in the city. For PD No. 96, these regulations include but may not be limited to: density within a building; greenbelt requirements, as applicable; garage regulations; trash disposal regulations; portable storage unit regulations; parking regulations; and amenities, as applicable.

**Staff recommended: Amend the use district regulations as follows.** Proposed amendments to the use district regulations contained in PD No. 96 should coincide with the mix of uses proposed and reflect the characteristics of the new subdistricts (i.e. – TND). [New use district regulations are provided in blue font, underlined.](#)

**Planning and Zoning Commission recommends:** Approve as staff recommended.

**Residential Subdistrict:**

- a. Areas designated as “Mid Density Residential”: R-5 townhouse residential district regulations contained in Subsection 7.6 of the City of Missouri City Zoning Ordinance should apply.
- b. Areas designated as “Multifamily Residential”: MF-2 multifamily residential district regulations contained in Subsection 7.9. of the City of Missouri City Zoning Ordinance should apply.

**Commercial Subdistrict:**

- a. Areas designated as “Commercial District” and “Commercial District 2”: LC-2 local retail district contained in Subsection 7.11 of the City of Missouri City Zoning Ordinance should apply

**Mixed Use Subdistrict:**

- a. Areas designated as “MU-1”: MF-2 residential district regulations contained in Subsection 7.9. of the City of Missouri City Zoning Ordinance should apply.

- b. Areas designated as “MU-2A,” and “MU-2B”: LC-3 retail district regulations contained in Subsection 7.12. of the City of Missouri City Zoning Ordinance shall apply.

***Traditional Neighborhood Development Subdistrict:***

- a. [MF-2 residential district regulations contained in Subsection 7.9 of the City of Missouri City Zoning Ordinance should apply.](#)

***Community Subdistrict:***

- a. [CF community facilities contained in subsection 7.15 of the City of Missouri City Zoning Ordinance should apply.](#)

The application of the MF-2 multifamily residential district regulations within the area designated as MU-1 and the TND Subdistrict would provide for building setbacks that could be reduced from what would be required within a commercial district (i.e. – LC-2 or LC-3). This reduction would provide for development consistent with the TND purpose as well as work to achieve the purpose of the Urban Character defined by the Future Land Use plan.

- D. Height and area regulations.** Except as set forth herein, no changes are proposed to PD No. 96.

As provided above, PD No. 96 allows for a maximum of 20 acres within the areas designated as MU on Exhibit B to be developed for multifamily residential uses. A density of 35 units per gross platted acre (approximately 700 dwelling units) is permitted for multifamily development conditioned on performance standards provided within the development schedule.

Additionally for multifamily uses and nonresidential uses, PD No. 96 allows for a maximum building height of 55 feet or four stories except for the development within the area adjacent to the Olympia Estates residential subdivision (Commercial District 2, Exhibit B), where the maximum height is 35 feet or two stories.

PD No. 96 provides for a maximum of 20 acres of single family residential development.

The applicant’s amended site plan provides for two designated multifamily areas; an approximate 10.02 acre tract and a 6.54 acre tract. The applicant has provided that these areas could add a total of 460 apartment units, of which 185 could be age restricted. The applicant further requests to add multifamily as well as condominium uses, recommended to be permitted within the TND Subdistrict.

**Staff recommended:** Amend the height and area regulations as follows:

- § **Remove the maximum of 20 acres for multifamily residential uses.** The site plan would replace Exhibit B and establish the specific areas and acreage where multifamily uses would be permitted outside of the TND Subdistrict. Conditions can be placed on condominium and multifamily development within the area designated as MU-1 and

the TND Subdistrict to ensure that a mix of development as presented and desired is obtained. These conditions can include the following:

- Provide that a maximum of 700 condominium or multifamily dwelling units are permitted within PD No. 96. A maximum of 35 units per gross platted acre. Any condominium or multifamily development is contingent upon the performance standards provided within the development schedule.
- Within the area designated as MU-1:

Condominium and/or multifamily uses may only be located on the 2<sup>nd</sup> or higher stories of a building. The first floors of any building containing condominium and/or multifamily uses must consist of nonresidential uses not accessory to the condominium and/or multifamily use;

The above recommendations with the stated conditions, would maintain the maximum number of multifamily dwelling units previously approved within PD No. 96 while providing flexibility to achieve the mixed use development components as proposed.

**Planning and Zoning Commission recommends:** Approve as staff recommended.

- E. Architectural standards.** Except as set forth herein, no changes are proposed to PD No. 96.

**Staff recommended:** There are no changes proposed to the regulations except that the City will not enforce any regulations within PD No. 96 that “prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building;” or an regulation that “establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.”

- F. Outside placement, storage, sales and services regulations.** Except as set forth herein, no changes are proposed to PD No. 96.

PD No. 96 provides for outside placement, storage, sales and services regulations that coincide with the permitted uses.

**Staff recommended:** Amend the outside placement, storage, sales and services regulations to coincide with the proposed uses as follows:

***Residential Subdistrict, MF-2, multifamily residential district uses, R-6, condominium residential district uses, and institution for elderly and/or physically impaired persons residential uses:*** Outside placement, storage, sales, and services should be prohibited.

***LC-O, local commercial office district uses, LC-3 retail district uses, educational institution, concert and performance halls and outdoor amphitheaters:*** Outside placement, storage, sales and services should be allowed subject to Subsection 9.17 of the City of Missouri City Zoning Ordinance for LC-2 local retail districts.

**Planning and Zoning Commission recommends:** Approve as staff recommended.

**G. Landscaping regulations.** Except as set forth herein, no changes are proposed to PD No. 96.

PD No. 96 provides for landscaping regulations that coincide with the permitted uses.

**Staff recommended:** Amend the landscaping regulations to coincide with the proposed uses as follows:

***Residential Subdistrict, MF-2, multifamily residential district uses, and R-6, condominium residential district uses,:*** Except as specifically set forth in the general development plan for multifamily residential developments and in the residential builder guidelines, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance for each applicable residential use should apply.

***LC-O, local commercial office district uses, LC-3 retail district uses, educational institution, concert and performance halls and outdoor amphitheaters:*** Except as specifically set forth in the general development plan, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance for LC-2 local retail districts should apply to nonresidential uses.

**Planning and Zoning Commission recommends:** Approve as staff recommended.

**H. Sign regulations.** Except as set forth herein, no changes are proposed to PD No. 96.

PD No. 96 provides for sign regulations that coincide with the permitted uses.

**Staff recommended:** Amend the sign regulations to coincide with the proposed uses as follows:

**Residential Subdistrict, MF-2, multifamily residential district uses, and R-6, condominium residential district uses:** Except as specifically set forth in residential builder guidelines, the sign regulations contained in Section 12, Sign Regulations, of the City of Missouri City Zoning Ordinance should apply to residential uses.

**LC-O, local commercial office district uses, LC-3 retail district uses, educational institution, concert and performance halls and outdoor amphitheaters:** The sign regulations for nonresidential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance should apply to nonresidential uses.

**Planning and Zoning Commission recommends:** Approve as staff recommended.

- I. **Fence regulations.** Except as set forth herein, no changes are proposed to PD No. 96.

PD No. 96 provides for fence regulations that coincide with the permitted uses.

**Staff recommended:** Amend the fence regulations to coincide with the proposed uses as follows:

**Residential Subdistrict, MF-2, multifamily residential district uses, and R-6, condominium residential district uses:** Except as specifically set forth in the residential builder guidelines, the fence regulations for each applicable residential use contained in Section 14, Fence Regulations, of the City of Missouri City Zoning should apply.

**LC-O, local commercial office district uses, LC-3 retail district uses, educational institution, concert and performance halls and outdoor amphitheaters:** The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance should apply to nonresidential uses.

**Planning and Zoning Commission recommends:** Approve as staff recommended.

- J. **Modifications.**

The applicant proposes to provide a mechanism through which modifications to PD No. 96 can be made to allow for some adjustment within the plan and to the regulations and restrictions as development continues to occur. Major modifications would be considered as an amendment to PD No. 96 after public hearings and consideration by the Commission and City Council.

The applicant proposes the following, as edited by staff due to the size of the development.

**“Major modifications”** means a significant modification or amendment to the regulations and restrictions, the site plan, general development plan or residential builder guidelines that materially impacts the theme, character, or continuity of the planned development. A Major Modification must be reviewed and approved as an amendment to PD No. 96. A Major Modification would include, but is not limited to:

1. A change that results in a net increase or decrease of more than 30 percent of the acreage allocated to a use subdistrict (other than to the Community Subdistrict), or a series of modifications that would collectively result in a net increase or decrease of more than 60 percent of the acreage allocated to each use subdistrict; or
2. A major traffic impact, which would include the elimination of a major thoroughfare or major collector street, an adjustment in alignment of a roadway of over 1,000 linear feet in any direction, or a change in land use that lowers the level of service despite the implementation of mitigating improvements.

**“Minor modifications”** means a minor modification or amendment to the regulations and restrictions, the site plan, the general development plan, or the residential builder guidelines that is an elaboration, refinement, or clarification of, or the addition of more precise specificity and does not materially impact the them, character, or continuity of development. Minor modifications are authorized under this Ordinance upon review and approval by the City Manager or Designee. An approved Minor Modification will be evidenced by a filed memorandum filed by the City Manager, designee, with the City Secretary with notice provided to all property owners within the PD district. A Minor Modification would include, but is not limited to:

1. A change that results in a net increase or decrease of less than 30 percent of the acreage allocated to a use subdistrict, or a series of modifications that would collectively result in a net increase or decrease of less than 60 percent of the acreage allocated to each use subdistrict; or
2. An adjustment in the alignment of a roadway of less than 1,000 linear feet in any direction; or
3. An adjustment to MF-2 multifamily residential district uses or R-6, condominium residential district uses that decreases the acreage dedicated to such uses; or
4. Any modification that is an elaboration, refinement, or clarification of the to the regulations and restrictions, the site plan, the general development plan, or the residential builder guidelines and deemed to be a minor modification by the City Manager.

**Staff recommended: Approve** the process for minor and major modifications as provided above.

**Planning and Zoning Commission recommends:** Approve as staff recommended.

## **K. Development Schedule.**

PD No. 96 required that progress be made towards completion of the development, within 5 years of the date the PD was originally approved (November 17, 2014). The development is proposed to be completed in two phases.

**Phase 1** to consist of a minimum of 15,000 square feet of retail/commercial uses and up to 350 multifamily dwelling units. This phase requires the completion of a minimum of 15,000 square feet of nonresidential uses before or along with the submission of an application for a multifamily residential dwelling unit.

**Phase 2** is to begin upon the completion of all Phase 1 multifamily dwelling units and the certification that a minimum of 75 percent of the commercial square footage was occupied.

The applicant proposes amendments to the development schedule to include a timeline of 15 years and to allow for the development of multifamily residential dwelling units in Phase 1 to be constructed concurrently with the nonresidential development presently under construction or coming soon.

The applicant has noted that a 5,000 square foot nonresidential building is presently under construction within the area designated as Commercial District on the site plan. This development is a future convenience store with a gas station (7-Eleven at 1111 Lake Olympia Parkway). An additional site within the Commercial Subdistrict has been sold and is expected to contain a minimum 16,000 square foot retail center.

The city's Fire Station No. 6, a proposed 16,000 square foot building, is planned to be constructed on a property donated by the developer.

**Staff recommendation: Approve the amendments to the development schedule as requested.** The developer for the property has been working with the city as well as other entities including the Fort Bend Toll Road Authority on the coordination and timing for public improvements, infrastructure and access to the development. The existing and proposed regulations and restrictions provide standards for the development of nonresidential uses as desired and should work to protect the overall development from transitioning into a majority residential area instead of the mixed use development as proposed.

**Planning and Zoning Commission recommends:** Approve as staff recommended.

-----**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**

<b>1. Project Name:</b> Parkway Crossing	
<b>2. Address/Location of Property:</b> NW corner Lake Olympia Boulevard at Fort Bend Tollway	
<b>3. Applicant's Name:</b> Joe Douglas Webb, AIA. Webb Architects	
Mailing Address: 3701 Kirby Drive Suite 916 Houston Texas 77098	
Phone No. : (713 )400 -0235	
Email: jwebb@webbarchitects.com	
<b>4. Status of Applicant:</b> Owner <b>Agent</b> Attorney Trustee Corporation Relative (If other than Owner, submit written authorization from Owner with application.)	
<b>5. Property Owner:</b> Palmetto/WIHA FB 107, LP	
Mailing Address: 675 Bering Drive Suite 500 Houston Texas 77057	
Phone No.: (713 )400 -7901	
Email: joel@terramarkventures.com	
<b>6. Existing Zoning District:</b> PD96	
<b>7. Total Acreage:</b> Approximately 107	
<b>8. Proposed Development and Reasons for Application:</b> Revision to existing PD 96 to revise land use map for the property and provide for minor and major modifications to such plan.	
<b>9. Legal Description of the Property</b> (If the legal description is a portion of a lot, then a metes and bound description of the tract must be submitted with application.): Copy attached.	
<b>10. Central Appraisal District tax identification numbers of property</b> (Attach Paid Tax Receipts):	
<b>11. Do deed restrictions or restrictive covenants exist for the property?</b> (Circle One):	YES NO
(If yes, submit with application.)	
<b>12. Does this application include an Architectural Design Review:</b> (Circle One):	YES NO
(If yes, see page 8, Exhibit C for materials required to be submitted.)	
<b>FILING FEE: \$1,200.00</b>	

**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.*

Joe Douglas Webb  
\_\_\_\_\_  
Print Name of Applicant

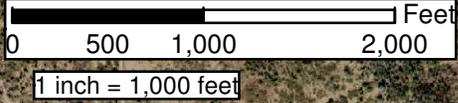
Joel R. Scott, *Manager*  
\_\_\_\_\_  
Print Name of Property Owner

\_\_\_\_\_  
Signature of Applicant *14 Feb 20*

\_\_\_\_\_  
Signature of Property Owner, Agent or Attorney

**Legend**

-  City Limits Line.lyr
-  PD #96



Parks Edge

PD #96

Lake Olympia

PD #96

Lake Olympia

Olympia Estates

Dry Creek Village

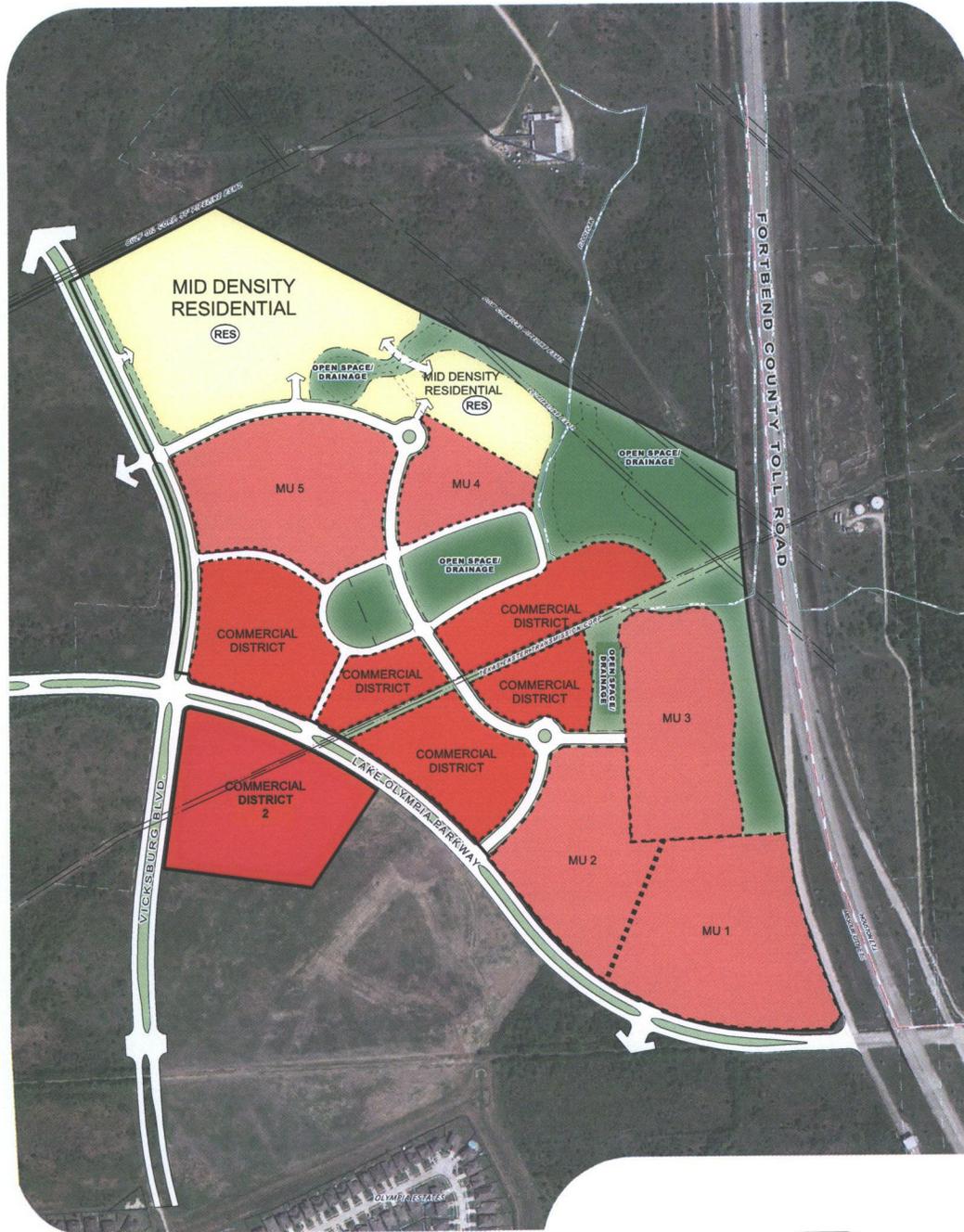
Olympia Estates

Lake Shore Harbour

MCKINLEY SPRING BLVD

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LEGEND	
<b>RESIDENTIAL</b>	
<span style="display:inline-block; width:15px; height:10px; background-color:yellow; border:1px solid black;"></span>	MID DENSITY RESIDENTIAL (MIN 25' WIDE/ 2,500 SF FT/ MAXIMUM 20 ACRES)
<b>COMMERCIAL</b>	
<span style="display:inline-block; width:15px; height:10px; background-color:red; border:1px solid black;"></span>	COMMERCIAL DISTRICT
<span style="display:inline-block; width:15px; height:10px; background-color:orange; border:1px solid black;"></span>	COMMERCIAL DISTRICT 2
<span style="display:inline-block; width:15px; height:10px; background-color:brown; border:1px solid black;"></span>	MU - NO MORE THAN 20 ACRES MULTI-FAMILY
<b>OPEN SPACE</b>	
<span style="display:inline-block; width:15px; height:10px; background-color:green; border:1px solid black;"></span>	OPEN SPACE/DETENTION

**EXHIBIT B**  
a concept plan for  
**TOWN CENTER**

**BGE** KERRY R. GILBERT & ASSOCIATES

— Land Planning Consultants —  
23501 Cinco Ranch Blvd., Suite A-250  
Katy, Texas 77494

7000 North Mopec, Suite 330 Austin, TX 78731      2595 Dallas Parkway, Suite 204 Frisco, TX 75034

Tel: 281-579-0340



JUNE 9, 2015  
KGA #17002B

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR CONSTRUCTION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO BOE | KERRY R. GILBERT & ASSOCIATES BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

BOE | KERRY R. GILBERT & ASSOCIATES

Published in the March 18, 2020 Fort Bend Independent



**MISSOURI CITY**  
TEXAS

### City of Missouri City

#### NOTICE OF MEETING

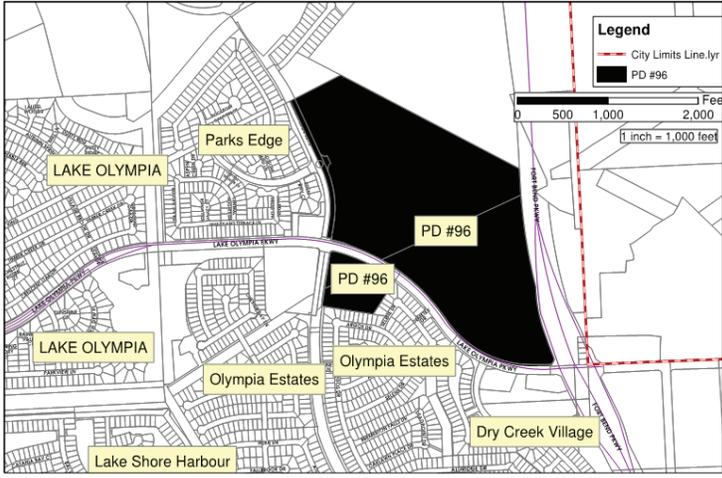
**LOCATION/DATE:** The City Council of the City of Missouri City will hold a public hearing on Monday, April 6, 2020, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

**PURPOSE:** To receive comments for or against a request by Joe Douglas Webb, AIA, Webb Architects, to amend PD, Planned Development District No. 96 (Ordinance O-15-54), revise the site plan and amend the regulations and restrictions; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

**SITE LOCATION:** PD No. 96 is located north and south of Lake Olympia Parkway, north of Dry Creek Village, east of Parks Edge and west of the Fort Bend Parkway.

**SITE LEGAL DESCRIPTION:** PD No. 96 can be described as being a 107.36 acre tract of land situated in the D Bright League Survey, A-13 and the H. Shropshire Survey, A-313, in Fort Bend County, Texas being a portion of a called 110.884 acre tract of land conveyed to M.V. McCarthy by Substitute Trustee's Deed recorded in Clerk's File No. 2011054594 and the remainder of a called 156.5236 acre tract of land conveyed to Olympia Estates II Associates Limited by Warranty Deed with Vendor's Lien as recorded in Clerk's file No. 2003019906 both of the Fort Bend County Official Public Records of Real Property; and being all of Olympia Estates Northeast Reserves, a subdivision of 8.481 acres out of the H. Shropshire Survey, A-313, instrument number 20190130 filed and recorded into the Fort Bend County, Texas Official Public Records.

**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](mailto:planning@missouricitytx.gov) for further information.





**DEVELOPMENT SERVICES - PLANNING DIVISION**

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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 28, 2020**

**LOCATION/DATE:** The Planning and Zoning Commission of the City of Missouri City will hold a public hearing on Wednesday, March 11, 2020, at the City Council Chambers – 2<sup>nd</sup> 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 Joe Douglas Webb, AIA. Webb Architects, to amend PD, Planned Development District No. 96 (Ordinance O-15-54), revise the site plan and amend the regulations and restrictions; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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**DEVELOPMENT SERVICES – PLANNING DIVISION**

**1522 TEXAS PARKWAY**

**MISSOURI CITY, TEXAS 77489**

February 28, 2020

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, March 11, 2020  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Joe Douglas Webb, AIA. Webb Architects, to amend PD, Planned Development District No. 96 (Ordinance O-15-54), revise the site plan and amend the regulations and restrictions; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\_\_\_ I/We support this proposed rezoning because

Sincerely,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Subdivision

\_\_\_\_\_  
Phone Number

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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*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.*

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Fort Olympia LLC 5800 Ranchester DR #STE 200 Houston, TX 77036-2473	LP Lucky Creek 10.6 LLC 3217 Montrose BLVD STE 222 5800 Ranchester DR #STE 200 Houston, TX 77006-3944 77036-2473	Ft Bend County Toll Road Authority C/o The Muller Law Group PLLC 16555 Southwest FWY STE 200 Sugar Land, TX 77479-2670
D & T Development LLC 15035 Grant RD Cypress, TX 77429-1351	FBC TOLL ROAD AUTHORITY c/o Vinson & Elkins Attn Yvonne A Onak 1001 Fannin Street Suite 2300 Houston, TX 77002-6760	American Tower LP c/o American Tower Corporation PO Box 723597 Atlanta, GA 31139-3597
Olympia Estates I Association Ltd c/o Raymond G Tiedje 7373 E DOUBLETREE RANCH RD STE 225 SCOTTSDALE, AZ 85258-2145	Equity Trust Company FBO John N Vatistas & Francis Madia 225 Burns RD Elyria, OH 44035-1512	Lake Olympia Crossing LP 10755 Sandhill RD Dallas, TX 75238-1294
Palmetto/WIHA FB107 LP C/O Terra Mark Ventures, LP 675 Bering DR STE 500 Houston, TX 77057-6805	Ft Bend County Toll Road Authority C/o The Muller Law Group PLLC 16555 Southwest FWY STE 200 Sugar Land, TX 77479-2670	Fort Bend County Municipal Utility District No. 47 C/o Radcliffe Bobbitt Adams Polley PLLC 2929 Allen PKWY STE 3450 Houston, TX 77019-7120
LOP 8.5 LP C/O Terra Mark Ventures, LP 675 Bering DR STE 500 Houston, TX 77057-2269	Parks Edge Residential Community Inc c/o Planned Community Management Inc (PCMI) Attn: Kelly Reznicek 2002 W Grand PKWY N STE 100 Katy, TX 77449-1964	DR Horton -Texas LTD 14100 Southwest FWY STE 500 Sugar Land, TX 77478-3483
Ludy Dwaine C & Rhonda Y 2403 Shelly Lang CT Missouri City, TX 77459-2092	Dry Creek Village Community Association Inc 4101 Greenbriar DR STE 316 Houston, TX 77098-5244	Bhaskaran Gopakumar & Soudamini Nair 2402 Shelly Lang CT Missouri City, TX 77459-2089
Olympia Estates Homeowner Association Inc C/o Transerve Management 7312 Louetta RD STE B-118101 Spring, TX 77379-6176	K. Hovnanian Houston Dry Creek Village, LLC 13111 N.W. Freeway STE 200 Houston, TX 77040	Williamson Andre 2415 Shelly Lang CT Missouri City, TX 77459-2092
Thomas Moni & Dreamy Jose 3115 Selene DR Missouri City, TX 77459-0050	Thomas Mathew & Minu 3123 Selene DR Missouri City, TX 77459-0050	Lasris Lisa 3119 Selene DR Missouri City, TX 77459-0050
Chakkalackal Christopher 3103 Selene DR Missouri City, TX 77459-0050	Punakkattu Roy 3111 Selene DR Missouri City, TX 77459-0050	Joseph Kenetta D & Larry D Crowe 2754 Lakeside Village DR Missouri City, TX 77459-4339
	Baker Daniel 3027 Selene DR Missouri City, TX 77459-0048	Chaney Terry D & Gloria M 3023 Selene DR Missouri City, TX 77459-0048

Garcia Victor & Tina Marie 3019 Selene DR Missouri City, TX 77459-0048	Martin Rita 3015 Selene DR Missouri City, TX 77459-0048	John Rachelamma 3011 Selene DR Missouri City, TX 77459-0048
Nobles Renard J Sr & Aimee Alexander 3131 Selene DR Missouri City, TX 77459-0050	Marottikudy Davies V & Lija D 3135 Selene DR Missouri City, TX 77459-0050	Joseph Jude & Gigi 3139 Selene DR Missouri City, TX 77459-0050
Soni Vaishali 5111 Field Briar LN Sugar Land, TX 77479-3373	Farris John 3147 Selene DR Missouri City, TX 77459-0050	Azam, Anh P 3203 Selene DR Missouri City, TX 77459-0060
Fostad, Knut Ragnar 4 Palm BLVD Missouri City, TX 77459-4551	Pham, Diep Thi Ngoc 4 Palm BLVD Missouri City, TX 77459-4551	Oommen Tony Johny V & Rita Mathews 3207 Selene DR Missouri City, TX 77459-0060
Pullumparambil Jose K & Jhansi Jose 3110 Selene DR Missouri City, TX 77459-0049	Darab Roksana 3114 Selene DR Missouri City, TX 77459-0049	
Sasidharan Indirabai & Sasidharan V Achuthan-Nair 2314 Argos DR Missouri City, TX 77459-3597	Ullattil Deepak & Susan Joy 2310 Argos DR Missouri City, TX 77459-3597	Gregg Sherri 2306 Argos DR Missouri City, TX 77459-3597
Mathai Valsa T etal 2302 Argos DR Missouri City, TX 77459-3597	Paily George Karumathy & Sophy Thomas 2230 Argos DR Missouri City, TX 77459-3595	Corona Raul & Maria Cristina 2226 Argos DR Missouri City, TX 77459-3595
Dozier Alphonso A & Iva C 2222 Argos DR Missouri City, TX 77459-3595	Thomas Abraham etal 2218 Argos DR Missouri City, TX 77459-3595	Thomas Sugu John & Sheenamol 2214 Argos DR Missouri City, TX 77459-3595
Buckins David Sr & Lilly 2210 Argos DR Missouri City, TX 77459-3595	Koikkal Varghese & Leelamma 7015 Fall Creek LN Missouri City, TX 77459-3578	Jose Joseph 2134 Argos DR Missouri City, TX 77459-3593
Samanta Santi Ram & Kalyani 2130 Argos DR Missouri City, TX 77459-3593	Komkulanjiyil Arun & Jiya Arun Thomas 2122 Argos DR Missouri City, TX 77459-3593	Mathew Varghese & Elsamma 2118 Argos DR Missouri City, TX 77459-3593

Skariah Thomas V & Cincy Thomas  
2319 Argos DR  
Missouri City, TX 77459-3598

Kurian Nidhin  
2211 Argos DR  
Missouri City, TX 77459-3596

Abraham Molly & Abraham K Mathew  
2131 Argos DR  
Missouri City, TX 77459-3594

Olympia Estates Homeowner  
Association Inc  
14550 Torrey Chase BLVD STE 255  
Houston, TX 77014-1038  
Ft Bend Parkway-34  
3217 Montrose Blvd STE 222  
Houston, TX 77006-3944

Saunders Francis W & Beverly A  
4119 Chester Bay LN  
Missouri City, TX 77459-1989

Okereafor Ogechi & Benjamin  
1218 Bellingham Park DR  
Missouri City, TX 77459-1983

Olympia Estates Homeowner's  
Association

Lake Olympia Homeowner's  
Association

Kandathil Bobby  
2315 Argos DR  
Missouri City, TX 77459

Chen Jason H & Loren F Shen  
2207 Argos DR  
Missouri City, TX 77459-3596

John Suja & John C Varkey  
2127 Argos DR  
Missouri City, TX 77459-3594

Abraham, Lukose  
3502 Christopher DR  
Missouri City, TX 77459-1929

Nguyen Marilyn  
4103 Chester Bay LN  
Missouri City, TX 77459-1989

Miller Christian H & Visudhi R Perera  
4127 Chester Bay LN  
Missouri City, TX 77459-1989

Korah Stephen & Lillykutty  
1214 Bellingham Park DR  
Missouri City, TX 77459-1983

Dry Creek Village Homeowner's  
Association

Karikkumtharayil Thomas Mathew &  
Philo Thomas Karikkumtharayil  
2215 Argos DR  
Missouri City, TX 77459-3596

Thomas Asha & Jaimon Thankachan  
2203 Argos DR  
Missouri City, TX 77459-3596

Punnoose Abin & Anumol Tomy  
2123 Argos DR  
Missouri City, TX 77459-3594

Chandy Abraham Kunnathu & Elamma  
Abraham  
3502 Christopher DR  
Missouri City, TX 77459-1929

Ledesma Carl V & Maria Nikki Q  
4107 Chester Bay LN  
Missouri City, TX 77459-1989

Thomas Bibin A & Meffy A  
4131 Chester Bay LN  
Missouri City, TX 77459-1989

FBISD Max Cleland  
16431 Lexington Blvd  
Sugar Land, TX 77479

Parks Edge Homeowner's Association

**City of Missouri City, Texas**  
**Development Services Department – Planning Division**  
**Rezoning Application Protest Letters Analysis**

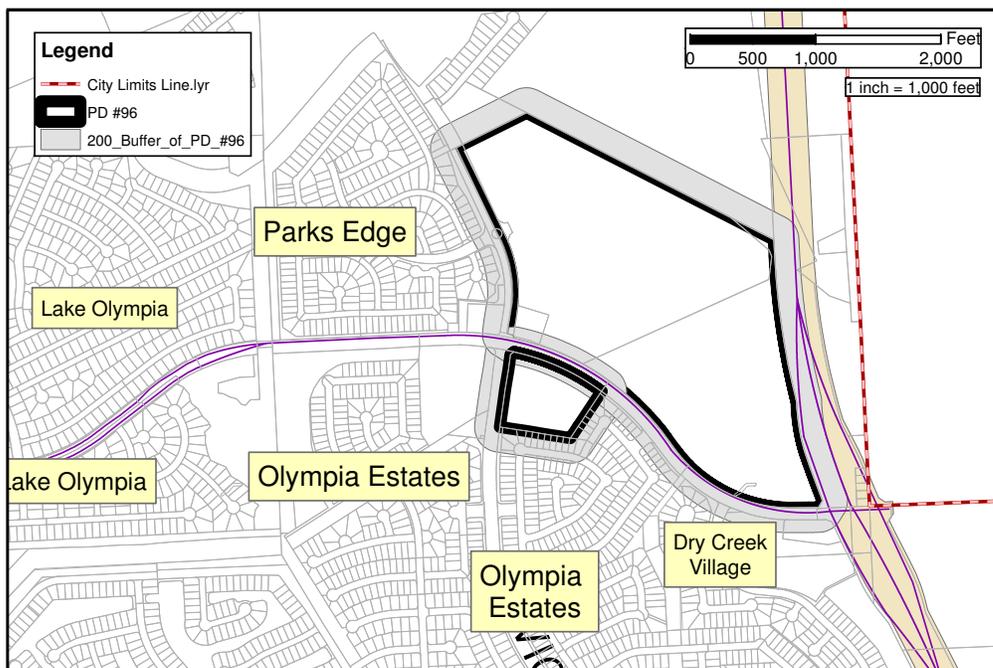
**Application:** Parkway Crossing - PD No. 96 Amendment

**City Council First Reading:** April 6, 2020

**Protest Letters Received**

Name	Property Address OR Fort Bend County Account Number	Land Area (Square Feet) Within 200 Feet
None		
<b>Total Area Represented by Protest(s):</b>		-
Total Land Area <b><i>Including</i></b> Subject Site:		7,694,929.77
Subject Site <b><i>Only</i></b> Land Area:		5,046,033.96
Total Land Area <b><i>Only Within 200 Feet</i></b> of Subject Site:		2,648,895.81
<b>Protest(s) Percentage of Land Area Within 200 Feet:</b>		<b>0%</b>

**Note:** A total of 0 letters of support and 0 letters of protest has been received for the application request as of April 1, 2020.





## CITY COUNCIL AGENDA ITEM COVER MEMO

April 6, 2020

**To:** Mayor and City Council  
**Agenda Item:** 7(a)(3) - PD, Planned Development District No. 106 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. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

The subject site is located north of Excel Urgent Care, south of a Murphy Express gas station and Cube Smart self-storage, east of Quail Valley Thunderbird and a Public Storage, and west of Colony Lakes residential subdivision.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Have quality development through buildout

### BACKGROUND

PD, Planned Development District No. 106 was approved in August 2018 to allow for the Brazos Lakes, mixed use residential and commercial development.

The development is proposed to be comprised of two, 5-story condominium buildings and 3-story single family attached townhomes. The condominium buildings would have a 50/50 age restriction on dwelling units. A commercial, office and retail plaza would be located towards the rear of the development and approximately 5 acres would remain along the Highway 6 frontage for nonresidential uses.

The applicant seeks the following changes as reflected in the revised master plan

- i. Increase the number of condominium dwelling units from 168 to 296 (Building A – 148 units and Building B – 148 units);
- ii. Generally revise the layout for the single-family attached townhome development;
- iii. Provide multiple 3-story buildings (2-story previously proposed) for commercial, office and restaurant uses along the backside of the property and increase the square footage from approximately 219,000 to 320,880 square feet.

Future nonresidential development along the Highway 6 frontage has been further defined to reflect approximately 5 acres conceptually laid out as site pads.

The developer has also submitted a revised project schedule and has indicated the intention to develop all of the residential uses in a single phase.

Staff recommended approval with certain conditions including amending the development schedule to allow up to 148 condominium dwelling units (i.e. – a single building) to be constructed in Phase I. The Planning and Zoning Commission forwards a positive recommendation.

*As a result of the P&Z Commission recommendation, the applicant has clarified the acreage associated within the integrated development. The proposed increase in the number of condominium dwelling units would result in a density of about 15 condominium dwelling units per gross platted acre; an increase from 9 condominium dwelling units per gross platted acre. This request would exceed the density permitted by Ordinance O-18-20. Staff recommends approval of this change due to the nature of the integrated development.*

Prior to the March 11<sup>th</sup> P&Z Commission public hearing, the project was scheduled on the Commission’s November 13, 2019 and December 11, 2019 agenda as a public hearing. The application was postponed both times prior to the public hearing.

**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-18-20
3. Draft Planning and Zoning Commission meeting minutes (March 11, 2019)
4. Planning and Zoning Commission final report
5. Application
6. Letters of owner authorization
7. Ortho map
8. Additional materials submitted with the application
  - a. Brazos Lakes Mixed-Use Market Study (provided by request)
9. Notice of public hearing
10. Notice of public hearing to adjoining property owners
11. Protest, support letter
12. Mailing labels for adjoining property owners
13. Rezoning application protest letters analysis
14. Protest Letters
  - a. Sent February 22, 2020 for the March 11<sup>th</sup> P&Z meeting
  - b. Sent November 22, 2019 for the December 11<sup>th</sup> P&Z meeting – project postponed
  - c. Sent November 1, 2019 for the November 13<sup>th</sup> P&Z meeting – project postponed

**STAFF’S RECOMMENDATION**

Staff recommends approval of the ordinance on the first reading.

**Director Approval:** Otis T. Spriggs, AICP, Development Services Director  
**Assistant City Manager:** Glen A. Martel, Assistant City Manager

**ORDINANCE NO. O-20 \_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING PD PLANNED DEVELOPMENT DISTRICT NO. 106; DESCRIBING SAID 24.45 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, Golden Power Capital, LLC, is the owner of approximately 22.45 acres of land and Ming & Shu Development, LLC, is the owner of approximately 2.0 acres of land for a total of approximately 24.45 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.106 under Ordinance No. O-18-20, adopted on August 20, 2018; and

WHEREAS, the owner's agent, Cynthia Ramirez, has made application to the City of Missouri City to amend PD Planned Development District 106; 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 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 change in 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 amendment to PD Planed Development District No. 106; 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 reclassification and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The zoning classification of the Property is PD Planned Development District No. 106. The Property can be described as being the property described in Exhibit “A”, 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” conflicts with Exhibit “A-1”, 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, and is subject to the following regulations and restrictions:

- A. Purpose.** The zoning regulations of PD Planned Development District No. 106 herein are established in accordance with the Comprehensive Plan for promoting the health, safety and general welfare of the City of Missouri City, Texas and its inhabitants. Each regulation is designated to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions for transportation; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; or to facilitate adequate provisions of water. The planned development district may include residential and commercial uses. Improvements to the site shall be designed to enhance the overall urban design and nature of the surrounding area.
- B. Site Plan.** The planned development district shall be generally developed in accordance with the revised site plan, Exhibit “B,” attached hereto and made a part hereof for all purposes.
- C. 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 uses are allowed:

1. LC-3 retail district uses.
2. Townhouse residential unit uses.
3. Condominium residential unit uses as described below:
  - a. **Phase 1:** At least 50 percent of the condominium residential unit uses constructed in Phase 1 shall be restricted to residents at least 55 years of age (hereinafter referred to as “age restricted”), provided that the owner, manager, operator, or agent of such uses shall provide the Missouri City director of development services with verification of the age of residents at least annually in a manner acceptable under the Housing for Older Persons Act, as such act may be amended from time to time. The remaining 50 percent of the condominium residential unit uses constructed in Phase 1 are not required to be restricted to residents at least 55 years of age (hereinafter referred to as “non-age restricted”).

- b. **Phase 2:** Except as provided herein, in Phase 2, condominium residential unit uses shall be restricted to age restricted units. Condominium residential unit uses may be non-age restricted if the market demand, as determined by an independent market study of condominium residential unit uses constructed on the Property in Phase 1, for non-age restricted units on the Property is greater than the market demand for age-restricted units.

**D. Height and area regulations.** The following height and area regulations shall apply.

1. *LC-3 retail district uses:* The height and area regulations set forth in set forth in Subsection 7.12, LC-3 retail district, of the City of Missouri City Zoning Ordinance shall apply to LC-3 retail district uses.
2. *Townhouse residential unit uses:* Except as provided herein, the height and area regulations contained in Subsection 7.6, R-5 townhouse residential district, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit uses. The front, rear, and side yard; lot width; and lot area standards set forth in the site plan, Exhibit "B," are allowed.
3. *Condominium residential unit uses:* Except as provided herein, the height and area regulations contained in Subsection 7.7, R-6 condominium residential district, of the City of Missouri City Zoning Ordinance shall apply to condominium residential unit uses. The height of a building or structure for a condominium residential unit use shall not exceed the height restrictions for a building or structure located in an LC-3 retail district as set forth in Subsection 7.12, LC-3 retail district, of the City of Missouri City Zoning Ordinance, and a maximum of 296 condominium dwelling units are allowed.

**E. Building regulations.** The building regulations contained in Subsection 7.12, LC-3 retail district, of the City of Missouri City Zoning Ordinance shall apply to all buildings and structures constructed in PD Planned Development District No. 106.

**F. Architectural standards.** Except as provided 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. Any provision that violates Title 10, of Subtitle Z, of Chapter 3000, of the Texas Government Code shall not be enforced.
2. All townhouse residential unit use buildings and structures shall be constructed in compliance with the architectural standards of Section 7A,

Architectural Design Standards, of the City of Missouri City Zoning Ordinance.

2. The primary material for the exterior of all buildings and structures shall consist of brick. The same brick material shall be used throughout the planned development district.
3. Accent materials for the exterior of all buildings and structures may include the following:
  - a. Calcium silicate smooth masonry unit;
  - b. Modular face brick, blend sunset or similar;
  - c. Senerflex classic PB Wall System by "Senergy" with Perma-Lath reinforcing mesh and weatherproof base and finish coats;
  - d. Exterior storefront and glass wall systems (aluminum, clear, anodized frames with one-fourth ( $\frac{1}{4}$ ) of an inch thick tinted vision glass; one-fourth ( $\frac{1}{4}$ ) of an inch thick tinted spandrel glass, and aluminum doors and sidelites); and
  - e. Clear, anodized extruded aluminum and one-fourth ( $\frac{1}{4}$ ) of an inch thick tinted vision glass.
4. Rainwater systems and equipment are not required to meet the architectural design standards set forth in Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance, provided that such systems and equipment shall be constructed as depicted in Exhibit "C".
5. At least one garage with square footage sufficient to house a minimum of two seven-foot by 18-foot automobiles in addition to normal yard maintenance equipment is not required for each condominium unit.

**G. Garage.** Except as provided herein, the garage regulations set forth in Section 9.8 of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.

1. The parking depicted and described in the site plan, Exhibit "B", is allowed as depicted and described.

**H. Trash disposal regulations.** Except as provided herein, the trash disposal regulations contained in Subsection 9.14, Trash disposal regulations, of the City of Missouri City Zoning Ordinance shall apply.

1. *LC-3 retail district uses:* The trash disposal regulations for nonresidential zones, specifically, LC-3 retail districts, shall apply to LC-3 retail district uses.
2. *Townhouse residential unit and condominium residential unit uses:* The trash disposal regulations for residential zones, specifically, R-5 townhouse residential and R-6 condominium residential districts, shall

apply to townhouse residential unit and condominium residential unit uses, respectively.

- I. **Portable storage unit regulations.** The portable storage unit regulations contained in Section 9.15, Portable storage unit regulations in suburban and residential districts, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.
- J. **Outside placement, storage, sales and services regulations.** Outside placement, storage, sales and services of materials, merchandise, and equipment are prohibited.
- K. **Landscaping regulations.** Except as provided herein, the landscaping, screening, and buffer yard regulations for R-5 townhouse residential districts, R-6 condominium residential districts, and LC-3 retail district uses, as applicable, contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit uses, condominium residential unit uses, and LC-3 retail district uses, respectively.
  - 1. The landscaping, screening, and buffer yards depicted and described in the landscaping plan, Exhibit "D", are allowed as depicted and described.
  - 2. There shall be a greenbelt of 30 feet adjacent to all property lines. Buildings, streets and parking may be built immediately adjacent to the greenbelt. There shall be a yard of 15 feet between buildings and private streets, driveways and parking areas. Steps, unenclosed porches, fences, patios or courts are allowed in yards. The developer shall have the option to provide the greenbelt or an equivalent green area within the development in addition to all required yards.
- L. **Parking regulations.** Except as provided herein, the parking regulations contained in Section 12, Parking Regulations, of the City of Missouri City Zoning Ordinance shall apply.
  - 1. The parking depicted and described in the site plan, Exhibit "B", is allowed as depicted and described.
- M. **Sign regulations.**
  - 1. *LC-3 retail district uses.* The sign regulations for nonresidential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to LC-3 retail district uses.
  - 2. *Townhouse and condominium residential unit uses.* The sign regulations for residential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.
- N. **Fence regulations.**

1. *LC-3 retail district uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for LC-3 retail districts shall apply to LC-3 retail district uses.
2. *Townhouse residential unit uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for R-5 townhouse residential districts shall apply to townhouse residential unit uses.
3. *Condominium residential unit uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for R-6 condominium residential districts shall apply to condominium residential unit uses.

**O. Amenities.** A multipurpose clubhouse and large meeting room shall be constructed in accordance with the development schedule provided for by Section 4.Q of this Ordinance.

**P. Performance Standards.**

1. *Noise.*
  - a. Buildings occupied by LC-3 retail district uses shall incorporate interior acoustical treatments that minimize sound outside of such buildings.
  - b. Except as provided herein, the amplification of sound outside of buildings and structures after 10:00 pm on Sundays through Thursdays and after 11:00 pm on Fridays and Saturdays is prohibited. Sound emanating from restaurant drive-through speakers is allowed.

**Q. Minor Modifications.** The following minor modifications are allowed provided that such modifications shall be reviewed for compliance with the Missouri City Code and this Ordinance and approved by the administrative official as evidenced by a memorandum filed by the administrative official or his designee with the city secretary:

1. Modifications to internal street patterns are allowed.
2. Modifications to the total acreage provided for each use district set forth in Exhibit "B" are allowed, provided that such modifications, or a series of such modifications, shall not result in a net increase of 10 percent or more or in a net decrease of 10 percent or more in the acreage for such use.

**R. Development schedule.** If a plat application for Phase II is not filed by the fifth anniversary of the filing date of the original application to this this planned

development district, Exhibit B shall expire. If Exhibit B expires, the applicant shall make an application for an amendment to this PD for a new Exhibit B before any additional building permit or certificate of occupancy is issued. The planned development shall be developed in two phases as follows:

1. Phase 1. Phase 1 shall commence on the date on which this Ordinance becomes effective. Construction of a minimum of 103,200 square feet of one or more buildings designated for LC-3 retail district uses in compliance with this Ordinance shall be completed before or contemporaneously with the submission of an application for a certificate of zoning compliance for any townhouse residential unit or condominium residential unit uses. A maximum of 148 residential units may be constructed in Phase 1. Construction of the multipurpose clubhouse required by Subsection 4.N shall be completed in compliance with this Ordinance before or contemporaneously with the submission of an application for a building permit for residential units in Phase 2.
2. Phase 2: Phase 2 shall commence after the date on which: (a) the construction of all of Phase 1 residential units are completed; and (b) for residential units, all certificate of occupancies are issued, and, for the commercial development, 70 percent of the total square footage of the commercial development constructed in Phase II is complete and certificates of occupancy have been issued. Construction of a minimum of 103,200 square feet of one or more new buildings designated for LC-3 retail district uses, which shall be in addition to the existing buildings designated for LC-3 retail district uses constructed in Phase 2, shall be completed before or contemporaneously with the submission of an application for zoning compliance for any additional residential units to be constructed in Phase 2.

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 Number Ordinance No. O-18-20, adopted by the City Council of the City of Missouri City on August 20, 2018, is hereby repealed only to the extent of conflict with this Ordinance. 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 \_\_\_\_, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this \_\_\_ day of \_\_\_\_, 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maria Jackson, City Secretary

\_\_\_\_\_  
E. Joyce Iyamu, City Attorney

EXHIBIT A, PAGE 1 OF 2 PAGES

County: Fort Bend  
Project: Brazos Lakes  
M&B No: 18-042  
CS Job No: 18049

**METES AND BOUNDS DESCRIPTION OF 24.448 ACRES**

Being a tract of land containing 24.506 acres, located in the David Bright League, Abstract 13, in Fort Bend County, Texas; Said 24.506 acre tract being all of a called 22.507 acre tract of land recorded in the name of Golden Power Capital, LLC, in Fort Bend County Clerk's File Number (F.B.C.C.F. No.) 2016086714 and all of a called 2.0 acre tract of land recorded in the name of Ming & Shu Development, LLC, in F.B.C.C.F. No. 201006905; Said 24.506 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983, South Central Zone):

**BEGINNING**, at a 3/4-inch iron pipe found at the easterly corner of said 2.0 acre tract and the northerly corner of Unrestricted Reserve "D" of Brazos Crossing, Sec 1, a subdivision of record in Plat No. 20090012 of the Fort Bend County Plat Records (F.B.C.P.R.), on the southwest Right-of-Way (R.O.W.) line of State Highway 6 (one hundred eighty feet wide);

**THENCE**, with the southeast lines of said 2.0 acre and said 22.507 acre tract and with the northwest lines of said Unrestricted Reserve "D" and Unrestricted Reserve "A" of said Brazos Crossing, Sec 1, the following three (3) courses:

1. South 50° 49' 03" West, a distance of 416.85 feet to a 3/4-inch iron pipe found at the southerly corner of said 2.0 acre tract;
2. North 39° 22' 27" West, a distance of 104.30 feet to a 5/8-inch capped iron rod found at an angle point;
3. South 50° 49' 03" West, a distance of 47.54 feet to a 5/8-inch capped iron rod found at the southerly corner of said 22.507 acre tract, the northwesterly corner of said Unrestricted Reserve "A", the northerly corner of a called 1.8279 acre tract of land recorded in the name of Fort Bend County Municipal Utility District (F.B.C.M.U.D.) No. 46 and the most easterly south corner of a called 4.0259 acre tract of land recorded in the name of F.B.C.M.U.D. No. 46 in F.B.C.C.F. No. 2005084276;

**THENCE**, with the southwest lines of said 22.507 acre tract and the northeast lines of said 4.0259 acre tract, the following five (5) courses:

1. North 39° 10' 57" West, a distance of 217.68 feet to a 5/8-inch iron rod found at an angle point;

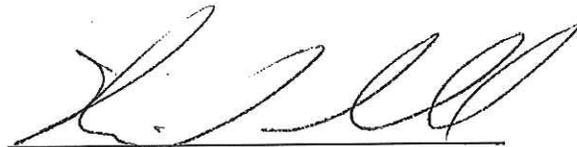
EXHIBIT A, PAGE 2 OF 2 PAGES

2. North 70° 12' 02" West, a distance of 581.65 feet to a 5/8-inch capped iron rod found at an angle point;
3. North 52° 18' 10" West, a distance of 272.83 feet to a 5/8-inch iron rod found at an angle point;
4. North 45° 47' 37" West, a distance of 467.83 feet to a 5/8-inch iron rod found at an angle point;
5. North 35° 40' 26" West, a distance of 24.56 feet to a 5/8-inch capped iron rod set for the westerly northwest corner of said 22.507 acre tract and the northerly northeast corner of said 4.0259 acre tract, on the southeast line of a called 11.5583 acre tract of land recorded in the name of F.B.C.M.U.D. No. 46 in F.B.C.C.F. No. 2005099347;

**THENCE**, North 52° 45' 01" East, with the northwest line of said 22.507 acre tracts and the southeast lines of said 11.5583 acre tract and Unrestricted Reserves "C1" and "E" of Midtown Market Reserves "C1", "D" and "E", a subdivision of record in Plat No. 20100124 of the F.B.C.P.R., at a distance of 639.64 feet pass a 5/8-inch iron rod found at the easterly corner of said Unrestricted Reserve "C1" and the southerly corner of said Unrestricted Reserve "E", continuing in all a distance of 879.26 feet to a 5/8-inch iron rod found at the northerly corner of said 22.507 acre tract and the easterly corner of said Unrestricted Reserve "E", on the southwest R.O.W. line of said State Highway 6;

**THENCE**, South 39° 10' 57" East, with the northeast lines of said 22.507 acre tract and said 2.0 acre tract, at a distance of 1,337.04 feet pass a 3/4-inch iron pipe found at the northerly corner of said 2.0 acre tract, continuing in all a distance of 1,545.74 feet to the **POINT OF BEGINNING** and containing 24.506 acres of land, **SAVE AND EXCEPT** a called 0.0574 acre tract of land recorded in the name of F.B.C.M.U.D. No. 46 in F.B.C.C.F. No. 2005084273, leaving a net acreage of 24.448 acres of land.

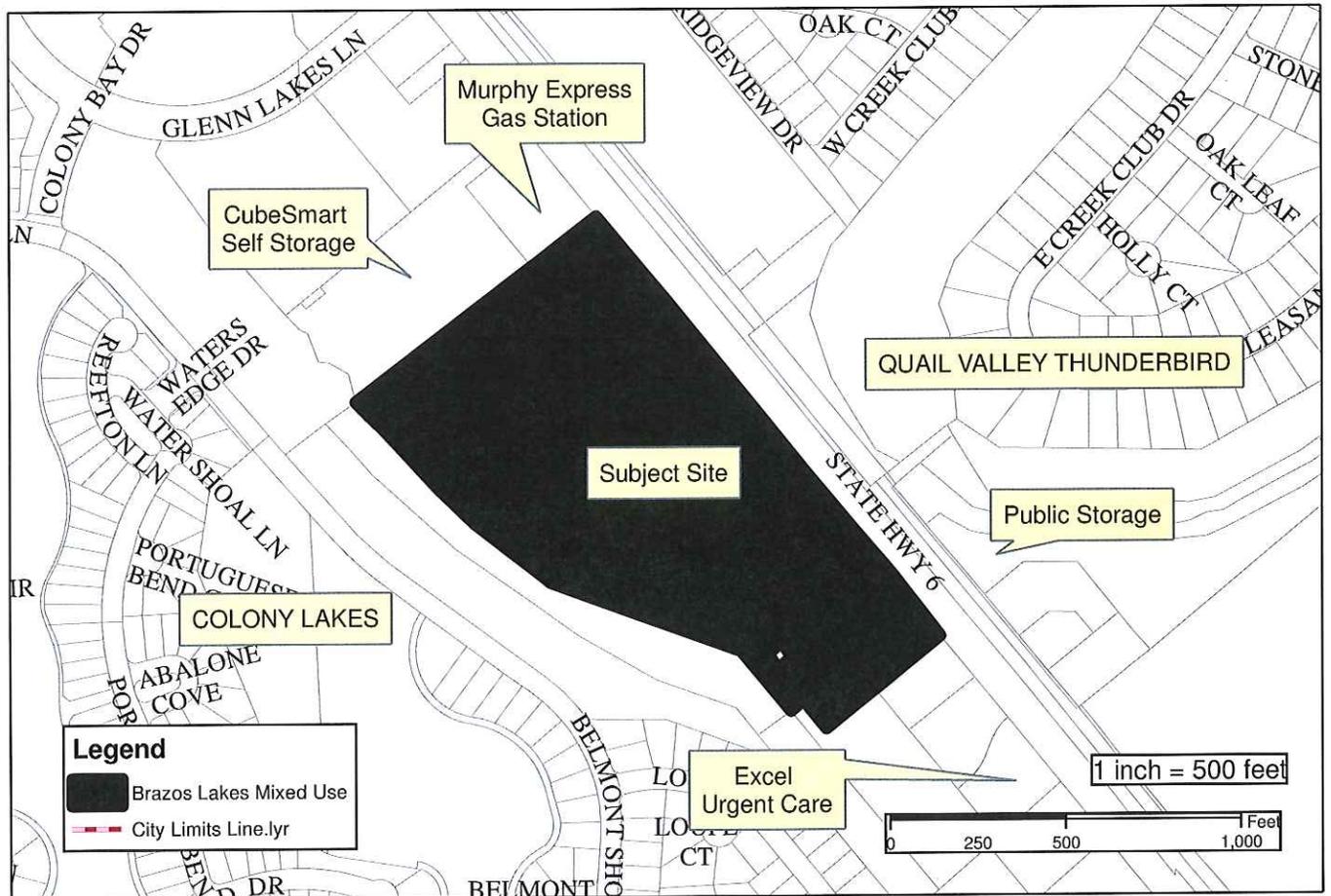
A Standard Land Survey of the herein described tract was prepared in conjunction with and accompanies this description.



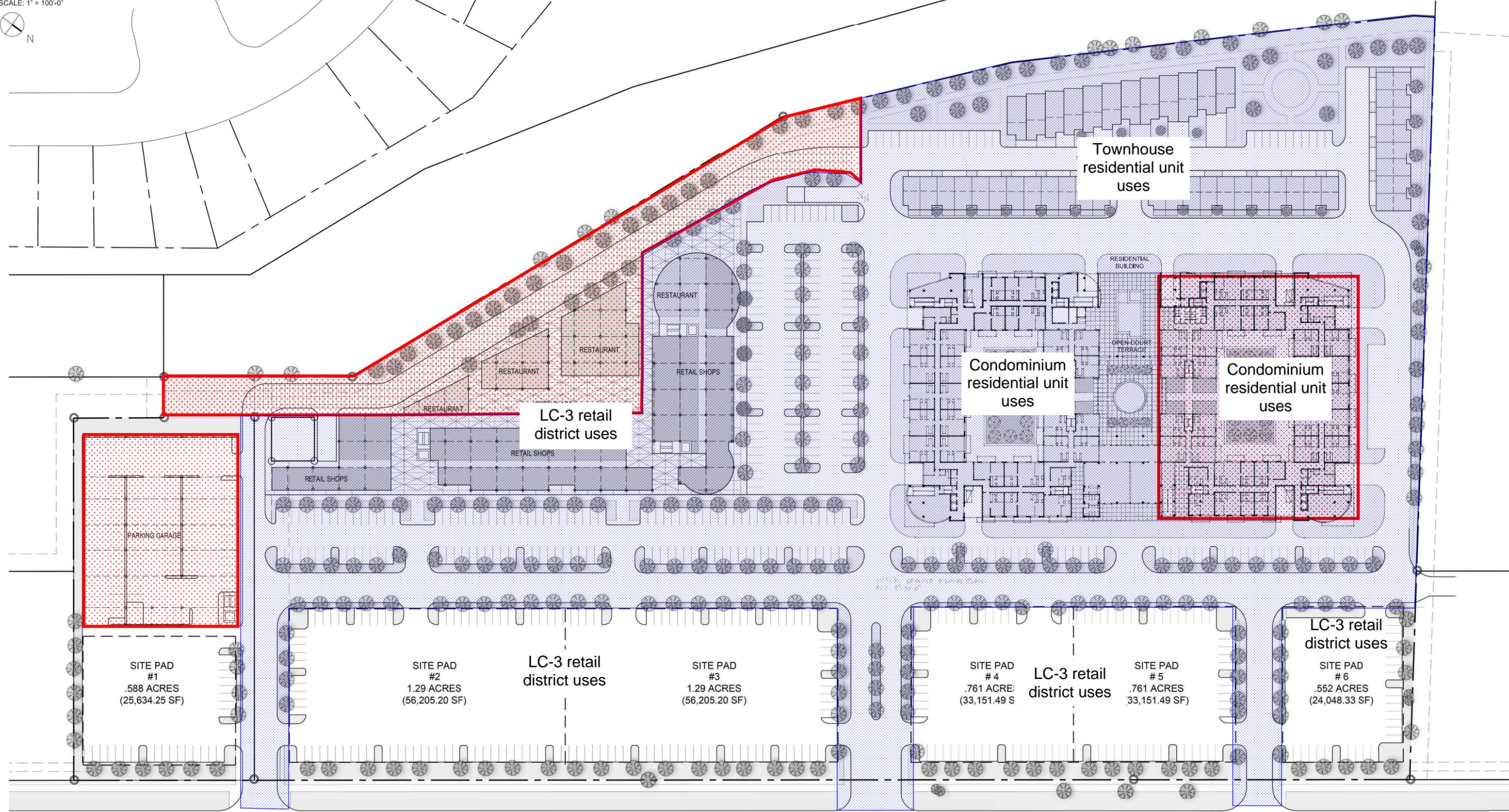
Michael Hall, R.P.L.S.  
Texas Registration Number 5765



CIVIL-SURV LAND SURVEYING, LC  
PH: (713) 839-9181  
April 19, 2018



MASTER PLAN - UPPER LEVEL  
 SCALE: 1" = 100'-0"



Phase 1 - Development  
 Phase 2 - Development

PARKING GARAGE

SITE PAD #1  
 .588 ACRES  
 (25,634.25 SF)

SITE PAD #2  
 1.29 ACRES  
 (56,205.20 SF)

LC-3 retail district uses

SITE PAD #3  
 1.29 ACRES  
 (56,205.20 SF)

SITE PAD #4  
 .761 ACRES  
 (33,151.49 SF)

LC-3 retail district uses

SITE PAD #5  
 .761 ACRES  
 (33,151.49 SF)

LC-3 retail district uses

SITE PAD #6  
 .552 ACRES  
 (24,048.33 SF)

Townhouse residential unit uses

Condominium residential unit uses

Condominium residential unit uses

LC-3 retail district uses

RESTAURANT  
 RETAIL SHOPS

RESTAURANT  
 RETAIL SHOPS

RESTAURANT  
 RETAIL SHOPS

RESTAURANT  
 RETAIL SHOPS

RESIDENTIAL BUILDING

OPEN COURT TERRACE

SITE 2 - GROUND FLOOR PLAN  
 50' Pad 2



Exhibit D  
3 pages  
Landscape and Tree Preservation Plans

These plans do not reflect additional green space (green belt) and open space added as recommended by the P&Z Commission on July 11, 2018 and as shown in Exhibit B, Site Plan, The greenbelt and open space as required by the city's zoning ordinance for Townhome residential and Condominium uses are required.

MASTER PLAN - GROUND FLOOR  
 SCALE: 1" = 100'-0"



HWY 6

- KEYNOTE LEGEND:**
- ① - LOADING & SERVICES LOCATION
  - ② - DUMPSTER LOCATION
  - ③ - SIGN LOCATION
  - ④ - MONUMENT SIGN LOCATION

MASTER PLAN - UPPER LEVEL  
 SCALE: 1" = 100'-0"



SITE PAD  
 #1  
 .588 ACRES  
 (25,634.25 SF)

SITE PAD  
 #2  
 1.29 ACRES  
 (56,205.20 SF)

SITE PAD  
 #3  
 1.29 ACRES  
 (56,205.20 SF)

SITE PAD  
 #4  
 .761 ACRES  
 (33,151.49 SF)

SITE PAD  
 #5  
 .761 ACRES  
 (33,151.49 SF)

SITE PAD  
 #6  
 .552 ACRES  
 (24,048.33 SF)

SINGLE FAMILY TOWN HOMES

RESIDENTIAL BUILDING

OPEN COURT TERRACE

RESTAURANT

RESTAURANT

RESTAURANT

RESTAURANT

RESTAURANT

RETAIL SHOPS

RETAIL SHOPS

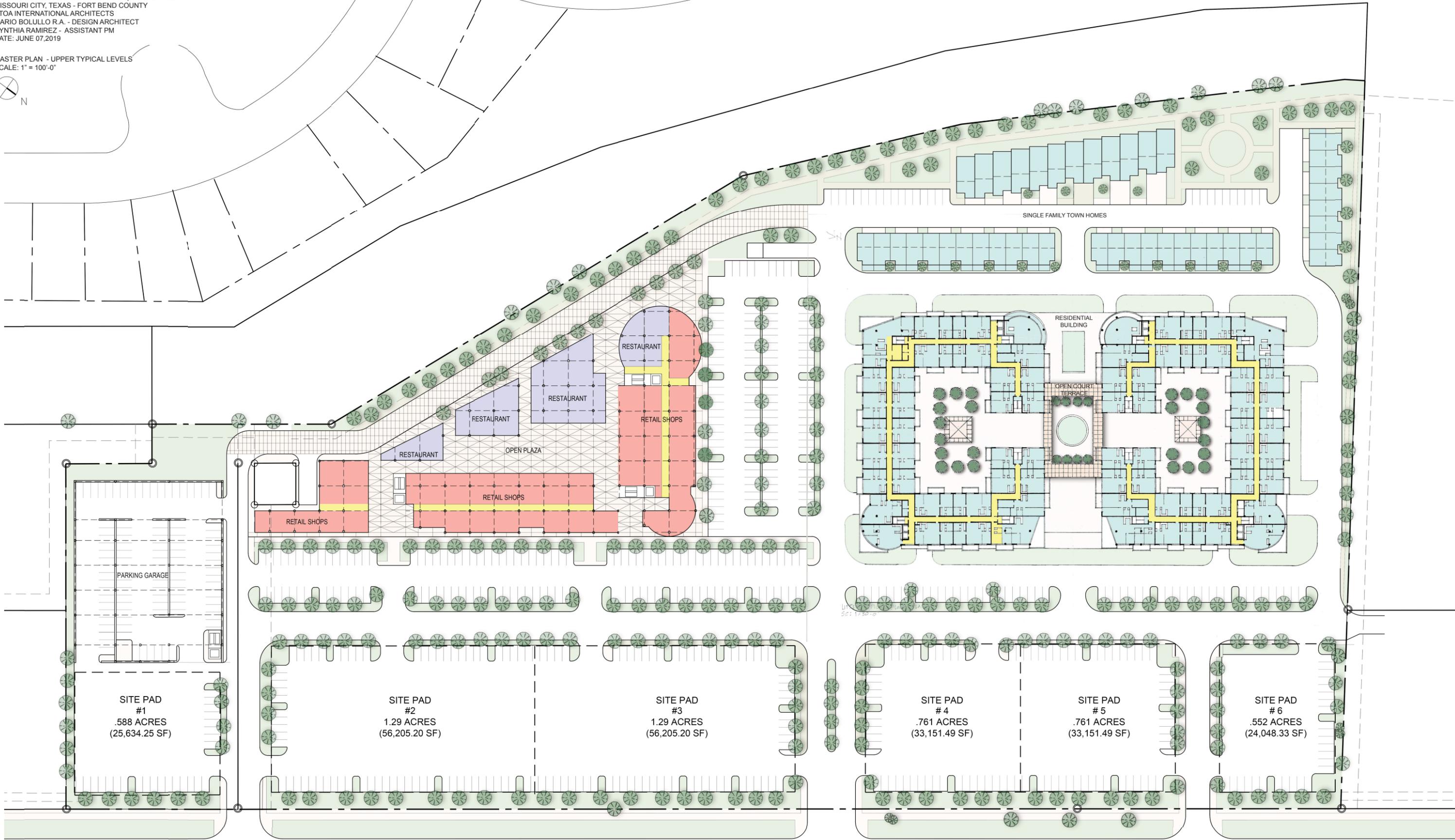
RETAIL SHOPS

RETAIL SHOPS

PARKING GARAGE

SITE #4 GROUND FLOOR PLAN  
 SC: 1" = 30'-0"

MASTER PLAN - UPPER TYPICAL LEVELS  
 SCALE: 1" = 100'-0"



**ORDINANCE NO. O-18-20**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 24.45 ACRES OF LAND FROM LC-3 RETAIL DISTRICT TO PD PLANNED DEVELOPMENT DISTRICT NO. 106; DESCRIBING SAID 24.45 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, Golden Power Capital, LLC, is the owner of approximately 22.45 acres of land and Ming & Shu Development, LLC, is the owner of approximately 2.0 acres of land for a total of approximately 24.45 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 LC-3 retail district under Ordinance No. O-84-45, adopted on June 18, 1984; and

WHEREAS, the owner's agent, Justin A. Schrader of LJA, has made application to the City of Missouri City to change the zoning classification of the Property from LC-3 retail district to PD Planned Development District 106; 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 change in 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 change in 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 reclassification and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The zoning classification of the Property is hereby changed from LC-3 retail district to PD Planned Development District No. 106. The Property can be described as being the property described in Exhibit "A", 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" conflicts with Exhibit "A-1", 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, and shall be developed in accordance with the site plan, Exhibit "B," attached hereto and made a part hereof for all purposes, and is subject to the following regulations and restrictions:

- A. Purpose.** The planned development district may include residential and commercial uses. 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 uses are allowed:

1. LC-3 retail district uses.
2. Townhouse residential unit uses.
3. Condominium residential unit uses as described below:
  - a. **Phase 1:** At least 50 percent of the condominium residential unit uses constructed in Phase 1 shall be restricted to residents at least 55 years of age (hereinafter referred to as "age restricted"), provided that the owner, manager, operator, or agent of such uses shall provide the Missouri City director of development services with verification of the age of residents at least annually in a manner acceptable under the Housing for Older Persons Act, as such act may be amended from time to time. The remaining 50 percent of the condominium residential unit uses constructed in Phase 1 are not required to be restricted to residents at least 55 years of age (hereinafter referred to as "non-age restricted").
  - b. **Phase 2:** Except as provided herein, in Phase 2, condominium residential unit uses shall be restricted to age restricted units. Condominium residential unit uses may be non-age restricted if the market demand, as determined by an independent market study of condominium residential unit uses constructed on the Property in Phase 1, for non-age restricted units on the Property is greater than the market demand for age-restricted units.

**C. Height and area regulations.** The following height and area regulations shall apply.

1. *LC-3 retail district uses:* The height and area regulations set forth in set forth in Subsection 7.12, LC-3 retail district, of the City of Missouri City Zoning Ordinance shall apply to LC-3 retail district uses.
2. *Townhouse residential unit uses:* Except as provided herein, the height and area regulations contained in Subsection 7.6, R-5 townhouse residential district, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit uses. The front, rear, and side yard; lot width; and lot area standards set forth in the site plan, Exhibit "B," are allowed.
3. *Condominium residential unit uses:* Except as provided herein, the height and area regulations contained in Subsection 7.7, R-6 condominium residential district, of the City of Missouri City Zoning Ordinance shall apply to condominium residential unit uses. The height of a building or structure for a condominium residential unit use shall not exceed the height restrictions for a building or structure located in an LC-3 retail district as set forth in Subsection 7.12, LC-3 retail district, of the City of Missouri City Zoning Ordinance.

**D. Building regulations.** The building regulations contained in Subsection 7.12, LC-3 retail district, of the City of Missouri City Zoning Ordinance shall apply to all buildings and structures constructed in PD Planned Development District No. 106.

**E. Architectural standards.** Except as provided 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 townhouse residential unit use buildings and structures shall be constructed in compliance with the architectural standards of Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
2. The primary material for the exterior of all buildings and structures shall consist of brick. The same brick material shall be used throughout the planned development district.
3. Accent materials for the exterior of all buildings and structures may include the following:
  - a. Calcium silicate smooth masonry unit;
  - b. Modular face brick, blend sunset or similar;
  - c. Senerflex classic PB Wall System by "Senergy" with Perma-Lath reinforcing mesh and weatherproof base and finish coats;

- d. Exterior storefront and glass wall systems (aluminum, clear, anodized frames with one-fourth (1/4) of an inch thick tinted vision glass; one-fourth (1/4) of an inch thick tinted spandrel glass, and aluminum doors and sidelites); and
  - e. Clear, anodized extruded aluminum and one-fourth (1/4) of an inch thick tinted vision glass.
4. Rainwater systems and equipment are not required to meet the architectural design standards set forth in Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance, provided that such systems and equipment shall be constructed as depicted in Exhibit "C".
5. At least one garage with square footage sufficient to house a minimum of two seven-foot by 18-foot automobiles in addition to normal yard maintenance equipment is not required for each condominium unit.
- F. Garage.** Except as provided herein, the garage regulations set forth in Section 9.8 of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.
- 1. The parking depicted and described in the site plan, Exhibit "B", is allowed as depicted and described.
- G. Trash disposal regulations.** Except as provided herein, the trash disposal regulations contained in Subsection 9.14, Trash disposal regulations, of the City of Missouri City Zoning Ordinance shall apply.
- 1. *LC-3 retail district uses:* The trash disposal regulations for nonresidential zones, specifically, LC-3 retail districts, shall apply to LC-3 retail district uses.
  - 2. *Townhouse residential unit and condominium residential unit uses:* The trash disposal regulations for residential zones, specifically, R-5 townhouse residential and R-6 condominium residential districts, shall apply to townhouse residential unit and condominium residential unit uses, respectively.
- H. Portable storage unit regulations.** The portable storage unit regulations contained in Section 9.15, Portable storage unit regulations in suburban and residential districts, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.
- I. Outside placement, storage, sales and services regulations.** Outside placement, storage, sales and services of materials, merchandise, and equipment are prohibited.
- J. Landscaping regulations.** Except as provided herein, the landscaping, screening, and buffer yard regulations for R-5 townhouse residential districts, R-

6 condominium residential districts, and LC-3 retail district uses, as applicable, contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit uses, condominium residential unit uses, and LC-3 retail district uses, respectively.

1. The landscaping, screening, and buffer yards depicted and described in the landscaping plan, Exhibit "D", are allowed as depicted and described.
2. There shall be a greenbelt of 30 feet adjacent to all property lines. Buildings, streets and parking may be built immediately adjacent to the greenbelt. There shall be a yard of 15 feet between buildings and private streets, driveways and parking areas. Steps, unenclosed porches, fences, patios or courts are allowed in yards. The developer shall have the option to provide the greenbelt or an equivalent green area within the development in addition to all required yards.

**K. Parking regulations.** Except as provided herein, the parking regulations contained in Section 12, Parking Regulations, of the City of Missouri City Zoning Ordinance shall apply.

1. The parking depicted and described in the site plan, Exhibit "B", is allowed as depicted and described.

**L. Sign regulations.**

1. *LC-3 retail district uses.* The sign regulations for nonresidential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to LC-3 retail district uses.
2. *Townhouse and condominium residential unit uses.* The sign regulations for residential zoning districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply to townhouse residential unit and condominium residential unit uses.

**M. Fence regulations.**

1. *LC-3 retail district uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for LC-3 retail districts shall apply to LC-3 retail district uses.
2. *Townhouse residential unit uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for R-5 townhouse residential districts shall apply to townhouse residential unit uses.
3. *Condominium residential unit uses.* The fence regulations contained in Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance for R-6 condominium residential districts shall apply to condominium residential unit uses.

**N. Amenities.** A multipurpose clubhouse and large meeting room shall be constructed in accordance with the development schedule provided for by Section 4.Q of this Ordinance.

**O. Performance Standards.**

1. *Noise.*

a. Buildings occupied by LC-3 retail district uses shall incorporate interior acoustical treatments that minimize sound outside of such buildings.

b. Except as provided herein, the amplification of sound outside of buildings and structures after 10:00 pm on Sundays through Thursdays and after 11:00 pm on Fridays and Saturdays is prohibited. Sound emanating from restaurant drive-through speakers is allowed.

**P. Minor Modifications.** The following minor modifications are allowed provided that such modifications shall be reviewed for compliance with the Missouri City Code and this Ordinance and approved by the city manager or his designee as evidenced by a memorandum filed by the city manager or his designee with the city secretary:

1. Modifications to internal street patterns are allowed.

2. Modifications to the total acreage provided for each use district set forth in Exhibit "B" are allowed, provided that such modifications, or a series of such modifications, shall not result in a net increase of 10 percent or more or in a net decrease of 10 percent or more in the acreage for such use.

**Q. Development schedule.** Pursuant to Section 8, PD Planned Development District, this Ordinance shall expire on the fifth anniversary of the date the first planned development application was filed if no progress has been made towards completion of this project. The planned development shall be developed in two phases as follows:

1. *Phase 1:* Phase 1 shall commence on the date on which this Ordinance becomes effective. Construction of a minimum of 103,200 square feet of one or more buildings designated for LC-3 retail district uses in compliance with this Ordinance shall be completed before or contemporaneously with the submission of an application for a certificate of zoning compliance for any townhouse residential unit or condominium residential unit uses. A maximum of 122 residential units may be constructed in Phase 1. Construction of the multipurpose clubhouse required by Subsection 4.N shall be completed in compliance with this Ordinance before or contemporaneously with the submission of an application for a building permit for residential units in Phase 2.

2. *Phase 2:* Phase 2 shall commence after the date on which: (a) the construction of all of Phase 1 residential units are completed; (b) the developer certifies that the occupancy level for the dwelling units constructed in Phase 1 is 70 percent; and (c) the developer certifies that 70 percent of the total square footage of commercial development constructed in Phase 1 is occupied. Construction of a minimum of 103,200 square feet of one or more new buildings designated for LC-3 retail district uses, which shall be in addition to the existing buildings designated for LC-3 retail district uses constructed in Phase 1, shall be completed before or contemporaneously with the submission of an application for zoning compliance for any additional residential units to be constructed in Phase 2.

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 Number Ordinance No. O-84-45, adopted by the City Council of the City of Missouri City on June 18, 1984, is hereby repealed only to the extent of conflict with this Ordinance. 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 6<sup>th</sup> day of August, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this 20<sup>th</sup> day of August, 2018.



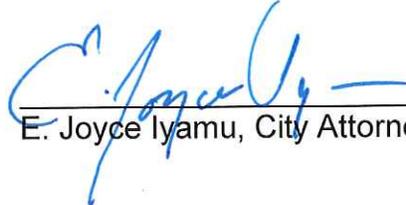
Allen Owen, Mayor

ATTEST:



Maria Jackson, City Secretary

APPROVED AS TO FORM:



E. Joyce Iyamu, City Attorney





**MINUTES  
PLANNING AND ZONING COMMISSION  
CITY OF MISSOURI CITY, TEXAS  
March 11, 2020**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

**Commissioners Present:**

Sonya Brown-Marshall  
Tim Haney  
John O'Malley  
Gloria Lucas  
Monica L. Rasmus  
Courtney Johnson Rose  
James G. Norcom III

**Commissioners Absent:**

Hugh Brightwell  
James R. Bailey

**Councilmembers Present:** None

**Staff Present:**

Otis T. Spriggs, Director of Development Services  
Jennifer Gomez, Planning Manager  
Thomas White, Planner II  
Gretchen Pyle, Interim Planning Specialist  
Jeremy Davis, Assistant City Engineer, Public Works  
Egima Edwards, Planning Technician  
Jamilah Way, First Assistant City Attorney  
Glen Martel, Assistant City Manager  
Randy Troxell, Assistant Director of Parks and Recreations

**Others Present:** Cynthia Ramirez; STOA Architects, Mario Bolullo; STOA Architects, Leronia Boughton, Flamingo Stringfellow, Laurie Chapa; LJA Engineering, Joe Douglas Webb; Webb Architects, Kevin Zhang, Joel Scott.

## 7. ZONING MAP AMENDMENTS

### C. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT AMENDMENT

- (1) To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive plan, to provide for an amendment therefrom.
- (2) Consideration of the approval of a final report to City Council on item 7C(1) above.

Jennifer Gomez, Planning Manager, presented the item. Ms. Gomez informed that the PD was created in 2018 as a mixed use development. The location is along Highway 6, south of Glenn Lakes and north of Lake Olympia.

Ms. Gomez informed that the proposal would make changes to the height and area regulations. Architectural standards would be in conformance with current law. The applicant requested changes to the development schedule.

Ms. Gomez informed that the amendment includes a reorientation of the nonresidential buildings to minimize as much potential noises and odors. A slight change was made to the layout of the townhomes however the total number of proposed units remained at 42. For the condominiums however, the applicant proposed an increase to 296 condominium units from 168 units currently permitted by PD 106. The condominiums would be constructed within 2 buildings; each containing 148 units.

Ms. Gomez informed that proposed amendments to the building heights do not subsequently change the PD 106 regulations. However, the proposed increase in the number of condominium units was likely an amendment to the maximum density regulations. The applicant was asked to provide the acreage associated with the condominium area.

Vice Chair Haney asked what the density allowance is in the existing ordinance.

Ms. Gomez stated PD 106 allows for a maximum of 15 units per gross platted acre.

Ms. Gomez informed that amendment includes a request to construct all of the residential uses in phase 1. Staff's recommendation is to amend the development schedule, however only to allow for the construction of one condominium building or 148 condominium units and all of the townhomes units concurrent with the non-residential development. Based on the occupancy of those uses, the developer would be able to proceed to phase 2.

Mario Bolullo, STOA Architect, informed that upon the approval of the application, they would be ready to move forward. Mr. Bolullo requested that they be permitted to build 70 percent of the residential and 70 percent of non-residential uses more or less at the same time.

Kevin Chen, 6819 Lupe Ln., asked about the existing concrete wall, height of the

proposed buildings, lot size, Highway 6 traffic and noise.

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

**Made By:** Commissioner Haney  
**Second:** Commissioner Norcom III

**AYES:** Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

**NAYES:** None  
**ABSTENTIONS:** None

The motion passed

Vice Chair Haney asked about the distance of Colony Lakes residential homes to the proposed commercial portion of the development.

Mr. Bollullo stated that the distance is 250 feet.

Vice Chair Haney stated any commercial uses abutting residential would not have any additional screening requirements, given the fact that they are that far away.

Ms. Gomez stated it would be based on the location of the common property line between the nonresidential and residential uses. There is an exception when they align along a drainage facility or street with a minimum width of 40 feet that would change screening requirements.

Commissioner Lucas asked for clarity of the proposed 3-story or 5-story buildings.

Ms. Gomez stated the proposed 3-story buildings are for commercial uses and the 5-story buildings are proposed for condominium uses.

Vice Chair Haney asked if the townhomes changed.

Ms. Gomez stated that the townhomes did not change.

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

**Motion:** The Planning and Zoning Commission forwards a positive recommendation and final report to Council.

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

**AYES:** Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus,

**NAYES:** Commissioner Lucas  
**ABSTENTIONS:** None

The motion passed

**8. ZONING TEXT AMENDMENTS**

None

**9. 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.*

**10. RECONVENE**

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

**11. ADJOURN**

**Motion:** To adjourn

**Made By:** Commissioner Haney

**Second:** Commissioner Lucas

**AYES:** Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Johnson Rose, Commissioner Norcom III, Commissioner Rasmus, Commissioner Lucas

**NAYES:** None

**ABSTENTIONS:** None

The motion passed

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Egima Edwards  
Planning Technician



**PLANNING AND ZONING COMMISSION  
FINAL REPORT**

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**AGENDA DATE:** April 6, 2020

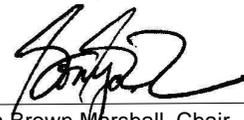
**AGENDA ITEM SUBJECT:** Brazos Lakes Mixed Use Project – Planned Development District Amendment

**AGENDA ITEM NUMBER:** 7.(a)(3)

**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

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**PERMIT NUMBER:** PD1900010

**PROPERTY ID:** 0013-00-000-0124-907 / 0013-00-000-0122-907 /  
0013-00-000-0105-907 / 0013-00-000-0123-907 /  
0013-00-000-0110-907 / 0013-00-000-0106-907

**LOCATION:** The subject site is located north of Excel Urgent Care, south of a Murphy Express gas station and Cube Smart self-storage, east of Quail Valley Thunderbird and a Public Storage, and west of Colony Lakes residential subdivision.

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**RECOMMENDED ACTION:**

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.

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## **BACKGROUND INFORMATION:**

PD, Planned Development District #106 was approved in August 2018 to allow for the Brazos Lakes, mixed use residential and commercial development.

The development is proposed to be comprised of two, 5-story condominium buildings and 3-story single family attached townhomes. The condominium buildings would have a 50/50 age restriction on dwelling units. A commercial, office and retail plaza would be located towards the rear of the development and approximately 5 acres would remain along the Highway 6 frontage for nonresidential uses.

The applicant seeks the following changes as reflected in the revised master plan

- i. Increase the number of condominium dwelling units from 168 to 296 (Building A – 148 units and Building B – 148 units);
- ii. Generally revise the layout for the single-family attached townhome development;
- iii. Provide multiple 3-story buildings (2-story previously proposed) for commercial, office and restaurant uses along the backside of the property and increase the square footage from approximately 219,000 to 320,880 square feet.
- iv. Future nonresidential development along the Highway 6 frontage has been further defined to reflect approximately 5 acres conceptually laid out as site pads.

A revised project schedule has also been submitted indicating the intention to develop all of the residential uses in a single phase. The applicant has submitted market research to support this request.

The project was initially scheduled on the P&Z Commission's November 13, 2019 and December 11, 2019 agenda for a public hearing. The application was postponed both times prior to the public hearing. A public hearing was held on March 11<sup>th</sup> by the P&Z Commission.

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## **REQUIREMENTS FOR A PD DISTRICT AMENDMENT APPLICATION (SECTION 8.3)**

**A. Ownership documentation:** The applicant has submitted proof of unified ownership or control of all of the property within the PD district.

**B. Legal Description:**

The subject site can be described as being a tract of land containing 24.506 acres, located in the David Bright League, A-13, in Fort Bend County, Texas, said 24.506 acre tract being all of a called 22.507 acre tract of land recorded in the name of Golden Power Capital, LLC, in Fort Bend County Clerk's File (F.B.C.C.F.) No. 2016086714 and all of a called 2.0 acre tract of land recorded in the name of Ming & Shu Development, LLC, in F.B.C.C.F. No. 2010106905, save and except a called 0.0574 acre tract of land recorded in the name of Fort Bend

Count Municipal Utility District No. 46 in F.B.C.C.F. No. 2005084273, leaving a net acreage of 24.448 acres of land.

**C. Site Plan:**

A proposed site plan has been submitted which constitutes the required site plan.

**D. Total acreage:**

24.45 acres

**E. Minimum design standards:**

The applicant has complied with City standards, except as requested below in the Analysis of the Subject Site.

**F. Development Schedule.** The applicant has advised the development shall be completed within the required five-year timeframe pursuant to Section 8.2.D.

The applicant has submitted an updated project schedule which provides for the submission permit plans and a construction timeline for completion of the project in 2023.

The timeline provided does not appear to include the platting process within the schedule. The applicant should be aware that platting is required prior to the issuance of permits. A parkland dedication would also be required as a component of the platting process.

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**GENERAL SITE INFORMATION:**

**A. Existing Land Use and Zoning Designation:**

Vacant / PD, Planned Development District #106 (Ordinance O-18-20)

**B. Surrounding Land Uses and Zoning Designations:**

North: Cube Smart storage facility; Murphy Express gas station / PD #90 (Ordinance O-13-32)

South: Excel Urgent Care / LC-3, retail district

East: Public Storage facility; Quail Valley Thunderbird; Ridgeview Park / PD #11 (Ordinance O-18-03); R-2, single family residential district; CF, community facilities

West: Colony Lakes residential subdivision / CF, community facilities; R-2, single family residential district

**C. Zoning History:**

02-22-1966: Majority of subject site annexed by the City of Missouri City (Ordinance 74)

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11-17-1980:	Remainder of subject site annexed by the City of Missouri City (Ordinance 91)
01-19-1981:	Subject site zoned SD, suburban district (Ordinance O-81-1)
06-18-1984:	Subject site zoned LC-3, retail district (Ordinance O-84-45)
08-20-2018:	Subject site zoned PD, Planned Development District No. 106 (Ordinance O-18-20)

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**Subsection 8.2.C and 8.5 – Site plan and Use regulations:** As stated above, per Zoning Ordinance Section 8.2.C, Site Plan, and 8.5, Use regulations, the applicant is required to propose minimum development guidelines for the site.

There are no proposed changes to PD No. 106, except as provided below.

**A. Height and area regulations.** Except as set forth herein, no changes are proposed to PD No. 106.

The applicant seeks the following changes as reflected in the revised master plan

- i. Increase the number of condominium dwelling units from 168 to 296 (Building A – 148 units and Building B – 148 units);
- ii. Generally revise the layout for the single-family attached townhome development;
- iii. Provide multiple 3-story buildings (2-story previously proposed) for commercial, office and restaurant uses along the backside of the property in an open outdoor plaza and increase the square footage in this area from approximately 219,000 to 320,880 square feet.
- iv. Future nonresidential development along the Highway 6 frontage has been further defined to reflect approximately 5 acres conceptually laid out as site pads.

The applicant has indicated that the open outdoor plaza area was redesigned to buffer noise from the development to nearby residential areas outside of the PD's boundaries.

The initial master plan provided for approximately 6+/- acres designated for the two condominium buildings and associated site work. The proposed increase in the number of condominium dwelling units would not comply with PD No. 106 in the following areas:

- **Density (units-acre):** *There shall be no more than 15 condominium dwelling units per net platted acre;*

**Staff recommended: Approve the changes as proposed.** As provided with the initial zoning application, the master plan describes an integrated development

designed to create centralized focus points and providing for buildings and structures that support each other. Thus, the singular standards for each zoning district may not be applicable for the intended development outcome. Certain standards could be relaxed in exchange for combined or enhanced standards in other parts of the development.

As a result of the P&Z Commission recommendation, the applicant has provided that of the total development, five acres would be reserved for the commercial frontage along State Highway 6. This would leave approximately 19.45 gross acres for the unified development to include the townhomes, condominiums and other nonresidential uses proposed along the backside of the property. The proposed increase in the number of condominium dwelling units would result in a density of about 15 condominium dwelling units per gross platted acre; an increase from 9 condominium dwelling units per gross platted acre. This proposal is higher than what would be permitted if the condominium development were considered as a single project. However, as the proposed development is a portion of an integrated development, this increase in the density of condominium units should be considered.

The front, rear, and side yard; lot width, lot area standards for the townhome development were relaxed to the layout as shown on the initial master plan. The revised layout does not substantially change what was previously approved, however the master plan should be adopted as part of a new ordinance to reflect the changed building footprints.

The proposed changes for the commercial, office and restaurant uses and future nonresidential development along Highway 6 are consistent with PD No. 106 which allows for LC-3, retail district regulations.

**Planning and Zoning Commission recommended:** The Commission did not provide a recommendation on the increase in density due to the information being provided following the Commission's recommendation.

- B. Architectural standards.** Except as set forth herein, no changes are proposed to PD No. 106.

**Staff recommended:** There are no changes proposed to the regulations except that the City will not enforce any regulations within PD No. 106 that "prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building;" or an regulation that "establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building."

**C. Development Schedule.**

The applicant has submitted a revised project schedule and has indicated the intention to develop all of the residential uses in a single phase.

PD No.106 requires a minimum of 103,200 square feet of LC-3, retail district uses to be completed with the occupancy of any residential units in Phase I. A maximum of 122 residential units could be constructed within this phase.

Phase II would start (1) upon the completion of all Phase I residential units; (2) the occupancy of at least 70 percent of the residential units; and (3) the occupancy of at least 70 percent of nonresidential uses constructed. An additional 103,200 square feet of nonresidential uses are required to be constructed in addition to the Phase I nonresidential development before any additional residential units could be constructed.

**Staff recommended: Approve modifications to the development schedule.**

The applicant has submitted market research to support the request to construct all residential uses within a single phase. As provided in the research and evident by the continued growth within the city and the area, residential activity has been consistent over the last several years. However, the recruitment of more nonresidential uses has also been a priority for the community and the City Council. Adjustments can be provided to the overall schedule to accommodate the developer's intent to construct as much residential as possible while also ensuring that the nonresidential components are located as presented. The development schedule can be modified to allow for a maximum of 148 condominium units (i.e. – a single condominium building) and all of the townhouse residential units to be constructed within Phase I contingent upon the construction and occupancy of nonresidential uses. The balance of the residential units constructed in Phase 2 with the remainder of the development.

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

-----**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

1. Project Name:	Brazos Lakes Mixed-Use Development		
2. Address/Location of Property:	South of U.S. Hwy 6 near Oilfield Rd.		
3. Applicant's Name:	Cynthia Ramirez		
Mailing Address:	6001 Savoy Drive, Suite 100 Houston, TX 77036		
Phone No.:	(713) 995 - 8784		
Email:	cramirez@stoaintl.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:	T.M Chen c/o Kah Tan		
Mailing Address:	1650 Hwy 6 Sugarland TX, 77478		
Phone No.:	(281) 340 - 4116		
Email:	kaht@kw.com		
6. Existing Zoning District:	LC-3		
7. Total Acreage:	24.448 AC		
8. Proposed Development and Reasons for Application:	Mixed Use (Commercial , Residential, ect.) PD Amendment/modification to Ordinance 0-18-20.		
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 metes and bounds attached.		
10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts):	See Tax statements attached.		
11. Do deed restrictions or restrictive covenants exist for the property? (Circle One):	YES	<input checked="" type="checkbox"/> NO	
(If yes, submit with application.)			
12. Does this application include an Architectural Design Review: (Circle One):	<input checked="" type="checkbox"/> YES	NO	
(If yes, see page 8, Exhibit C for materials required to be submitted.)			
<b>FILING FEE:</b>	<b>\$1,200.00</b>		

**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.*

Cynthia Ramirez, STOA Architects  
Print Name of Applicant

*Cynthia Ramirez*  
Signature of Applicant

*Kah K. Tan*  
Print Name of Property Owner

*T.M. Chen (Agent)*  
Signature of Property Owner, Agent or Attorney

**Owner Authorization Letter**

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October 08, 2019

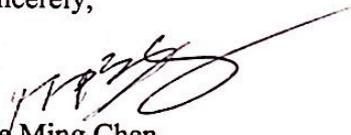
Jennifer Tomas Gomez  
Planning Manager  
City of Missouri City, Texas  
1522 Texas Parkway

**RE: Letter of Owner Authorization; Brazos Lakes Mixed-Use  
Planned Development Amendment Submittal Package**

Ms. Gomez,

This is to certify that I, Tie Ming Chen, under signed authorize Mr. Kah Tan and STOA Architects to represent my companies; the Ming and Su Development LLC and Golden Power Holding, Inc., to apply for the Planned Development Amendment for Brazos Lakes Mixed-Use development. We are requesting to amend the existing Planned Development based upon the City's Comprehensive Plan and market conditions. Please consider this as my formal statement of Owner Authorization.

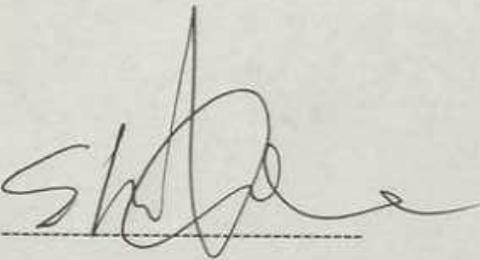
Sincerely,

  
Tie Ming Chen  
1715 Shoreline Drive,  
Missouri City, Texas 77458



**TO WHOM IT MAY CONCERN.**

This is to certify that I under signed ,Xie Shu, authorizes Mr. Kah K. Tan to represent my companies, Ming & Shu Development LLC and the Golden Power Capital Holding, to apply the PD Zoning of Brazos lakes Development from Missouri City

A handwritten signature in black ink, appearing to read 'Xie Shu', is written over a horizontal dashed line. The signature is fluid and cursive.

Ms. Xie Shu

1715 Shoreline Drive,

Missourri city, Tx. 77458.



Murphy Express Gas Station

CubeSmart Self Storage

QUAIL VALLEY THUNDERBIRD

Subject Site

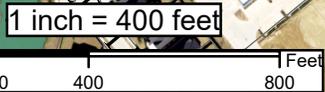
Public Storage

COLONY LAKES

Excel Urgent Care

**Legend**

- City Limits Line.lyr
- Brazos Lakes Mixed Use

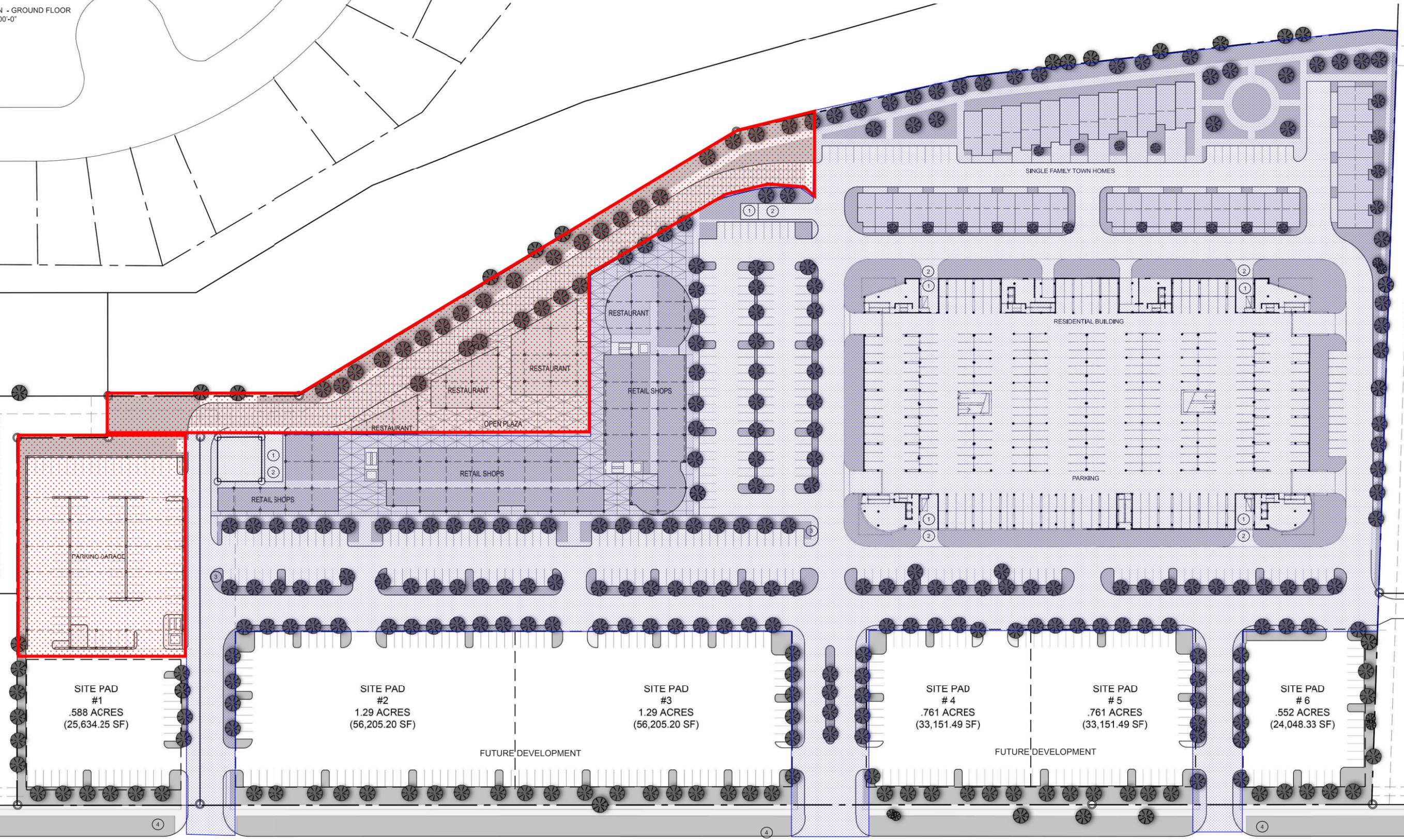


8. Additional materials submitted  
with the application

a. Brazos Lakes Mixed-Use Market  
Study (provided by request)

# Applicant's proposed phasing plan

MASTER PLAN - GROUND FLOOR  
 SCALE: 1" = 100'-0"



- KEYNOTE LEGEND:**
- ① - LOADING & SERVICES LOCATION
  - ② - DUMPSTER LOCATION
  - ③ - SIGN LOCATION
  - ④ - MONUMENT SIGN LOCATION
- Phase 1 - Development (blue hatched)
- Phase 2 - Development (red hatched)

HWY 6



RESIDENTIAL BUILDING  
SIDE ELEVATION  
SCALE: 1" = 20'-0"  
CYNTHIA RAMIREZ - ASSISTANT PM



RESIDENTIAL TOWNHOMES  
SIDE ELEVATION  
SCALE: 1" = 20'-0"



RESIDENTIAL BUILDING  
SIDE ELEVATION  
SCALE: 1" = 20'-0"  
CYNTHIA RAMIREZ - ASSISTANT PROJECT MANAGER

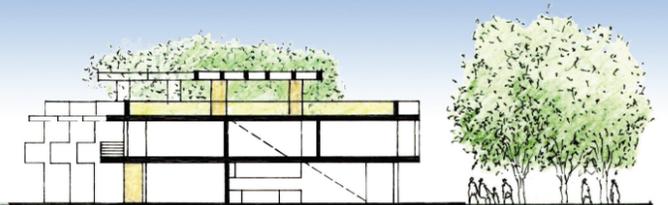
*M. Bolullo*

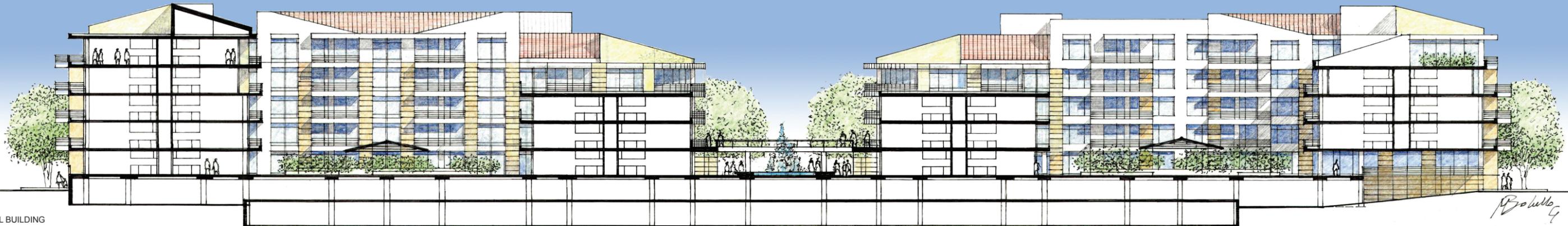


RESIDENTIAL BUILDING  
LONGITUDINAL SECTION  
SCALE: 1" = 20'-0"

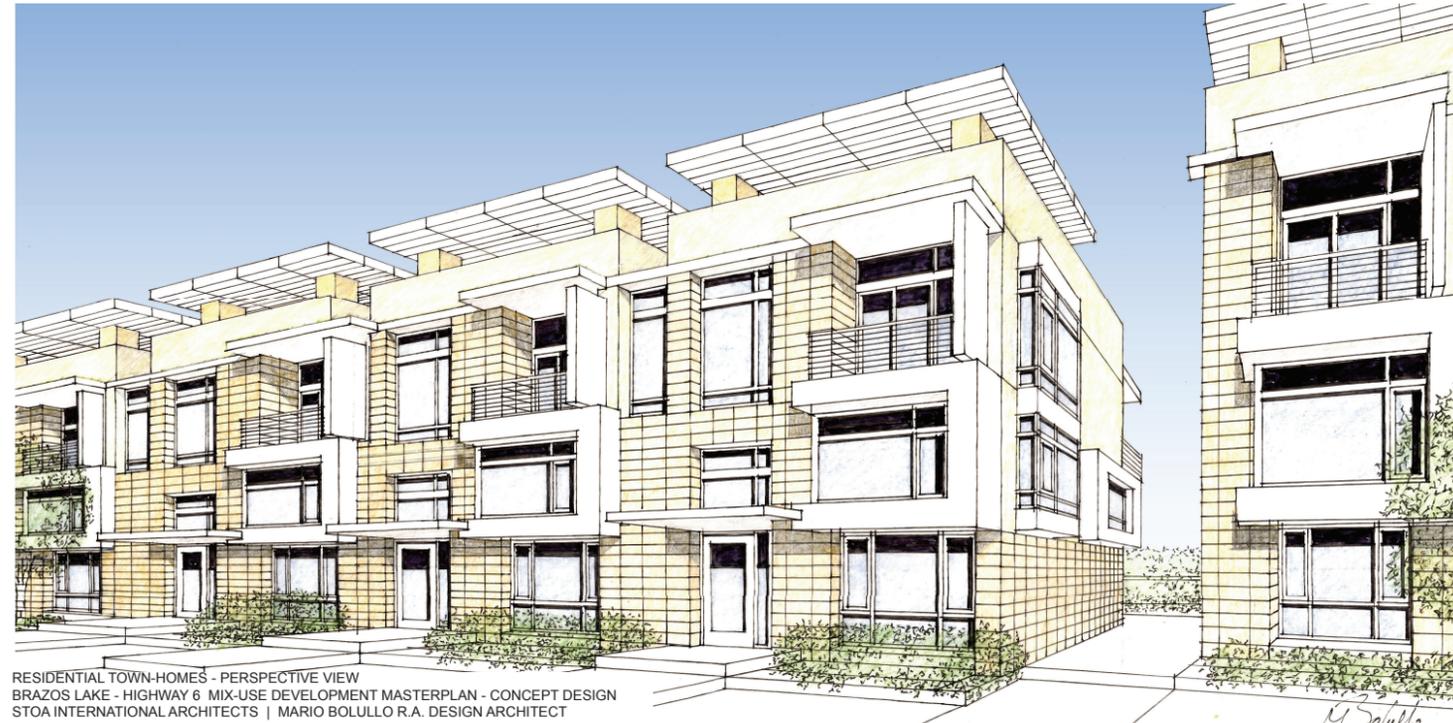


RESIDENTIAL TOWNHOMES  
CROSS SECTION  
SCALE: 1" = 20'-0"





RESIDENTIAL BUILDING  
 CROSS SECTION  
 SCALE: 1" = 20'-0"



RESIDENTIAL TOWN-HOMES - PERSPECTIVE VIEW  
 BRAZOS LAKE - HIGHWAY 6 MIX-USE DEVELOPMENT MASTERPLAN - CONCEPT DESIGN  
 STOA INTERNATIONAL ARCHITECTS | MARIO BOLULLO R.A. DESIGN ARCHITECT

**DEVELOPMENT DESCRIPTION:**

IN THE LAST DECADE, THE CONCEPT OF MIXED-USE HAS BEEN THE MAIN FOCUS OF DEVELOPMENTS IN MANY COMMUNITIES THROUGHOUT THE HOUSTON AREA. THE NEW DEMAND FOR STRONG IDENTITY AND LOCAL PARTICIPATION IN THE ECONOMIC DEVELOPMENT IN THE MARKET PLACE, REQUIRES, ALSO, A DESTINATION POINT.

THIS DEVELOPMENT PROPOSES A COMBINATION OF FUNCTIONS AND USERS THAT SUPPORTS EACH OTHER AND ESTABLISHES THAT FOCAL POINT AND IS THE COMBINATION OF THE RESIDENTIAL BUILDINGS AND TOWNHOMES, AND THE COMMERCIAL PLAZA.

ALSO THE CREATION OF SPACES WITH ATTENTION TO DETAILS AND QUALITY MATERIALS TO OFFER AN INTIMATE AND BALANCE ENVIRONMENT. RETAIL SHOPS, RESTAURANTS, CAFES, LOUNGES, RECREATION AND OPEN TERRACES WILL COMPLEMENT THE INDIVIDUAL IDENTITIES REQUIRED BY THE DEVELOPMENT, AND INTEGRATING FUNCTIONS WITH THE ENVIRONMENT. VISITORS WILL BE PROVIDED WITH A RELAXED AND OPEN VIEWS ATMOSPHERE, EXTENDED THROUGH A LANDSCAPED COMBINATION OF COURTYARDS AND TERRACES.

AT THE GROUND FLOOR LANDSCAPED OPEN MALL THE INDIVIDUAL SHOP STOREFRONTS COLLECTIVELY AND AS PART OF THE DESIGN INTENT WILL OFFER CONTIGUOUS CANOPY, LARGE TRANSPARENT EXTERIOR WALLS ALLOWING STRONG INDOOR AND OUTDOOR PARTICIPATION.

VERTICAL AND HORIZONTAL POINTS OF ACCESS TO MULTI ACTIVITIES, ALSO DIRECTED TO THE UPPER LEVELS.

DUE TO THE REQUIREMENTS OF THE SITE IN ORDER TO WATER-RETENTION CONTROL MANAGEMENT AND SITE SUSTAINABILITY, THE DESIGN PROPOSES A SERIES OF RAINWATER RECOVERY SYSTEMS. GREEN ROOF TERRACES AND THE GROUND FLOOR OPEN MALL, PLAZAS AND COURTYARDS, WILL ALLOW THE WATER TO BE COLLECTED AND RE-ROUTED ACCORDING TO THE PARTICULAR AND CIRCUMSTANTIAL DEMANDS.

THIS GREEN DESIGN WILL BE IMPLEMENTED AS THE DEVELOPMENT PROGRESSES WITH THE RESIDENTIAL AND COMMERCIAL BUILDINGS.

MARIO BOLULLO, R.A.  
 DESIGN ARCHITECT



RESIDENTIAL BUILDING - PERSPECTIVE VIEW  
 BRAZOS LAKE - HIGHWAY 6 MIX-USE DEVELOPMENT MASTERPLAN - CONCEPT DESIGN  
 STOA INTERNATIONAL ARCHITECTS | MARIO BOLULLO R.A. DESIGN ARCHITECT

**ARCHITECTURAL PROGRAMMING:**

**PHASE I - RESIDENTIAL:**

A TOTAL OF 296 SUITES WILL BE PROVIDED IN TWO BUILDINGS: "A" AND "B" WITH 148 AND 148 50/50 SENIOR CONDOMINIUM UNITS, DISTRIBUTED IN FIVE LEVELS; AND ON TOP OF A ONE AND A HALF LEVEL PARKING STRUCTURE PARTIALLY UNDERGROUND AND COVERED WITH A LANDSCAPED PARKING ROOF TERRACE.

**BUILDING "A" SUITE TYPES:**

TYPE ST - A1 - 1 BEDROOM - 76 U.	@ 980 SF./EA.	= 74,480 SF. NET.
TYPE ST - A2 - 2 BEDROOM - 24 U.	@ 1,260 SF./EA.	= 30,240 SF. NET.
TYPE ST - A3 - 2 BEDROOM - 24 U.	@ 1,320 SF./EA.	= 31,680 SF. NET.
TYPE ST - A4 - 2 BED. + DEN - 12 U.	@ 1,420 SF./EA.	= 17,040 SF. NET.
TYPE ST - A5 - 3 BEDROOM - 12 U.	@ 1,480 SF./EA.	= 17,760 SF. NET.
TOTAL BUILDING NET LIVING AREA	= 148 UNITS	= 171,200 SF. NET.

**BUILDING SUPPORT AREAS:**

CORRIDORS	= 4 LEVELS @ 3,800 SF. (1 <sup>ST</sup> TO 4 <sup>TH</sup> )	= 15,200 SF.
	= 1 LEVEL @ 2,800 SF. (5 <sup>TH</sup> )	= 2,800 SF.
STAIRS @ 195 SF./EA.	= 1 LEVEL @ 800 SF. (6 <sup>TH</sup> )	= 800 SF.
	= 1 LEVEL @ 4 = (1 <sup>ST</sup> TO 5 <sup>TH</sup> )	= 3,900 SF.
ELEVATOR LOBBY	= 2 @ 600 SF/EA.	= 1,200 SF.
UTILITY ROOMS	= 6 @ 120 SF/EA.	= 720 SF.
TOTAL SUPPORT AREAS		= 24,210 SF.

**TOTAL BUILDING GROSS FLOOR AREA:**

= 195,410 SF.

**SUITE TYPE DISTRIBUTION:**

LEVEL:	TYPE	ST-1	ST-2	ST-3	ST-4	ST-5	
FIRST	TYPE	20	5	5	3	3	= 36 U.
SECOND	TYPE	20	5	5	3	3	= 36 U.
THIRD	TYPE	20	5	5	2	2	= 34 U.
FOURTH	TYPE	16	5	5	2	2	= 30 U.
FIFTH	TYPE	-	4	4	2	2	= 12 U.
TOTAL:	TYPE	76	24	24	12	12	= 148 U.

**BUILDING "B" SUITE TYPES:**

TYPE ST - A1 - 1 BEDROOM - 76 U.	@ 980 SF./EA.	= 74,480 SF. NET.
TYPE ST - A2 - 2 BEDROOM - 24 U.	@ 1,260 SF./EA.	= 30,240 SF. NET.
TYPE ST - A3 - 2 BEDROOM - 24 U.	@ 1,320 SF./EA.	= 31,680 SF. NET.
TYPE ST - A4 - 2 BED. + DEN - 12 U.	@ 1,420 SF./EA.	= 17,040 SF. NET.
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	= 1 LEVEL @ 2,800 SF. (5 <sup>TH</sup> )	= 2,800 SF.
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	= 1 LEVEL @ 4 = (1 <sup>ST</sup> TO 5 <sup>TH</sup> )	= 3,900 SF.
ELEVATOR LOBBY	= 2 @ 600 SF/EA.	= 1,200 SF.
UTILITY ROOMS	= 6 @ 120 SF/EA.	= 720 SF.
TOTAL SUPPORT AREAS		= 24,210 SF.

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FOURTH	TYPE	16	5	5	2	2	= 30 U.
FIFTH	TYPE	-	4	4	2	2	= 12 U.
TOTAL:	TYPE	76	24	24	12	12	= 148 U.

**RESIDENTIAL ADMINISTRATION OFFICES AND MULTI-PURPOSE CLUB HOUSE:**

GROUND FLOOR = 5,400 SF. TO INCLUDE: ENTRY HALL; RESTROOMS, KITCHEN-SERVERY; MULTI-PURPOSE HALL; LARGE MEETING ROOM.

SECOND FLOOR = 2,000 SF. TO INCLUDE THE MANAGEMENT OFFICE.

SURFACE PARKING PROVIDE FOR 30 CARS @ 380 SF./C. = 11,400 SF.

**PARKING SPACES REQUIRED:**

**BUILDING "A" REQUIRED:**  
 1 BEDROOM UNIT = 76 @ 1.3 CARS/U. = 99  
 2 BEDROOM UNIT = 48 @ 2.0 CARS/U. = 96  
 3 BEDROOM UNIT = 24 @ 2.5 CARS/U. = 60  
 TOTAL: 255 CARS

**PROVIDED:**  
 PARKING STRUCTURE PARTIALLY UNDERGROUND:  
 170 CARS @ 340 SF./CAR = 57,800 SF.  
 48 CARS AT GRADE @ 380 SF./CAR = 18,240 SF.  
 TOTAL PROVIDED: 218 CARS

**BUILDING "B" REQUIRED:**  
 1 BEDROOM UNIT = 76 @ 1.3 CARS/U. = 99  
 2 BEDROOM UNIT = 48 @ 2.0 CARS/U. = 96  
 3 BEDROOM UNIT = 24 @ 2.5 CARS/U. = 60  
 TOTAL: 255 CARS

**PROVIDED:**  
 PARKING STRUCTURE PARTIALLY UNDERGROUND:  
 352 CARS @ 340 SF./CAR = 119,680 SF.  
 158 CARS AT GRADE @ 380 SF./CAR = 60,240 SF.  
 TOTAL PROVIDED: 510 CARS = 179,920 SF

**SINGLE FAMILY UNIT TOWNHOMES:**

42 UNITS @ 720 SF./FLOOR AT 3 FLOORS = 2,400 SF. PER UNIT  
 TOTAL: 42 U. @ 2,400 SF./EA. = 100,800 SF.

**UNIT DESCRIPTION:**  
 FIRST FLOOR: ENTRY HALL / BEDROOM / TOILET LAUNDRY / TWO CAR GARAGE  
 SECOND FLOOR: LIVING ROOM / DINING ROOM / KITCHEN-FAMILY ROOM  
 THIRD FLOOR: MASTER BEDROOM + CLOSET & BATHROOM  
 TWO BEDROOMS + CLOSETS & BATHROOM  
 ROOF TERRACE

ADDITIONAL 21 CARS AT GRADE FOR VISITORS AND EXTRA SPACES  
 TOTAL DEVELOPMENT RESIDENTIAL UNITS = 336 SUITES AND HOUSES



PHASE II - COMMERCIAL / OFFICES / RESTURANTS  
NORTH - EAST ELEVATION  
SCALE: 1" = 20'-0"



PHASE II - COMMERCIAL / OFFICES / RESTURANTS  
SOUTH - WEST ELEVATION  
SCALE: 1" = 20'-0"

GENERAL NOTE:

OUTLINE DESCRIPTION OF CONSTRUCTION

"EXTERIOR MATERIALS" TO BE USED FOR THE RESIDENTIAL AND COMMERCIAL BUILDINGS.

THOUGHT THE PROPOSED MIX-USE DEVELOPMENT THE PROPORTIONS AND DIRECT APPLICATIONS TO ADDRESS THE DESIGN INTENT.

TYPE "A" EXTERIOR APPLICATION:

3 5/8" X 12" X 24" CALCIUM SILICATE SMOOTH MASONRY UNIT.

TYPE "B":

3 5/8" X 8" MODULAR FACE BRICK, BLEND SUNSET OR SIMILAR.

TYPE "C":

SENERFLEX CLASSIC PB WALL SYSTEM BY "SENERGY" WITH PERMA-LATH REINFORCING MESH AND WEATHERPROOF BASE AND FINISH COATS

TYPE "D":

2" X 7 1/2" EXTERIOR STOREFRONT AND GLASS WALL SYSTEMS. FRAMES TO BE EXTRUDED ALUMINUM, CLEAR ANODIZED, AND 1/4" THICK TINTED VISION GLASS. HEAT STRENGTH.

ALSO 1/4" THICK TINTED SPANDREL GLASS, HEAT STRENGTH.

ALUMINUM DOORS AND SIDELITES TO BE CLEAR ANODIZED WITH 3/8" THICK STRENGTH SAFETY GLASS.

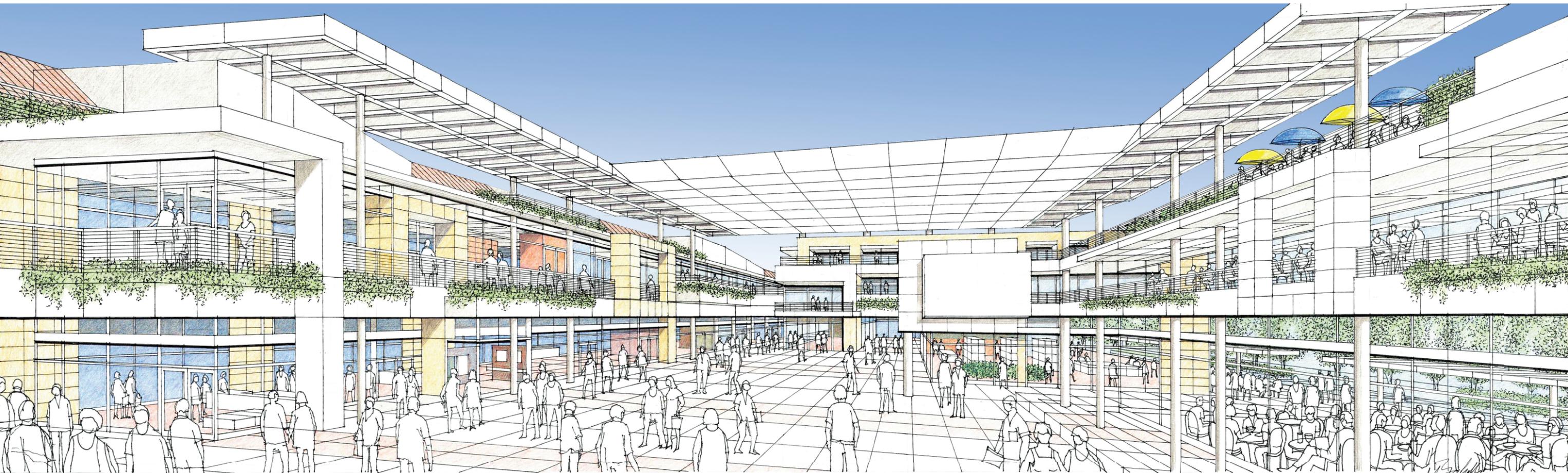
TYPE "E":

RESIDENTIAL WINDOW FRAMES TO BE 2"X4 1/2" CLEAR ANODIZED EXTRUDED ALUMINUM, AND 1/4" THICK TINTED VISION GLASS, HEAT STRENGTH.

M. BOLULLO

DATE: JUNE 07, 2019





PHASE II COMMERCIAL / OFFICES / RESTURANTS  
PLAZA PERSPECTIVE VIEW

**PHASE II – COMMERCIAL / OFFICES / RESTAURANTS:**

THREE LEVEL BUILDING STRUCTURES WITH A CENTRAL OPEN PEDESTRIAN – MULTI-PURPOSE ENTRY PLAZA PROVIDING VERTICAL AND HORIZONTAL ACCESS TO UNDERCOVER GALLERIES AND SECOND LEVEL PEDESTRIAN MALL AND CORRIDORS.

A THREE LEVEL BUILDING COMPLEX FRONTS THE LAKE. ALSO PROVIDING RESTAURANTS / SPECIALTY GARDEN CAFES AND OUTDOOR SEATING TERRACES AND INDOOR/OUTDOOR LOUNGES. ALSO A FOURTH LEVEL ROOF TERRACE, PARTIALLY ENCLOSED, WILL PROVIDE ADDITIONAL FOOD SERVICE

**BUILDING AREAS DISTRIBUTION:**

GROUND FLOOR RETAIL SHOPS	57,800 SF.
PEDESTRIAN GALLERY AND ACCESS CORRIDORS	10,500 SF.
MULTI-PURPOSE OPEN PLAZA	22,500 SF.
FOOD AND BEVERAGE RETAIL AREAS	12,100 SF.
TOTAL GROUND FLOOR GROSS FLOOR AREA	102,900 SF.

SECOND FLOOR COMMERCIAL RETAIL	25,200 SF.
COMMERCIAL OFFICES	32,400 SF.
PEDESTRIAN MALL AND CORRIDORS	18,900 SF.
TOTAL SECOND FLOOR GROSS FLOOR AREA	76,500 SF.

THIRD FLOOR COMMERCIAL RETAIL	57,600 SF.
PEDESTRIAN MALL AND CORRIDORS	12,800 SF.
ROOF TERRACE (FOURTH LEVEL)	14,680 SF.
TOTAL THIRD FLOOR AND FOURTH FLOOR AREA	85,080 SF.

**TOTAL BUILDING GROSS FLOOR AREA:** = 264,480 SF.

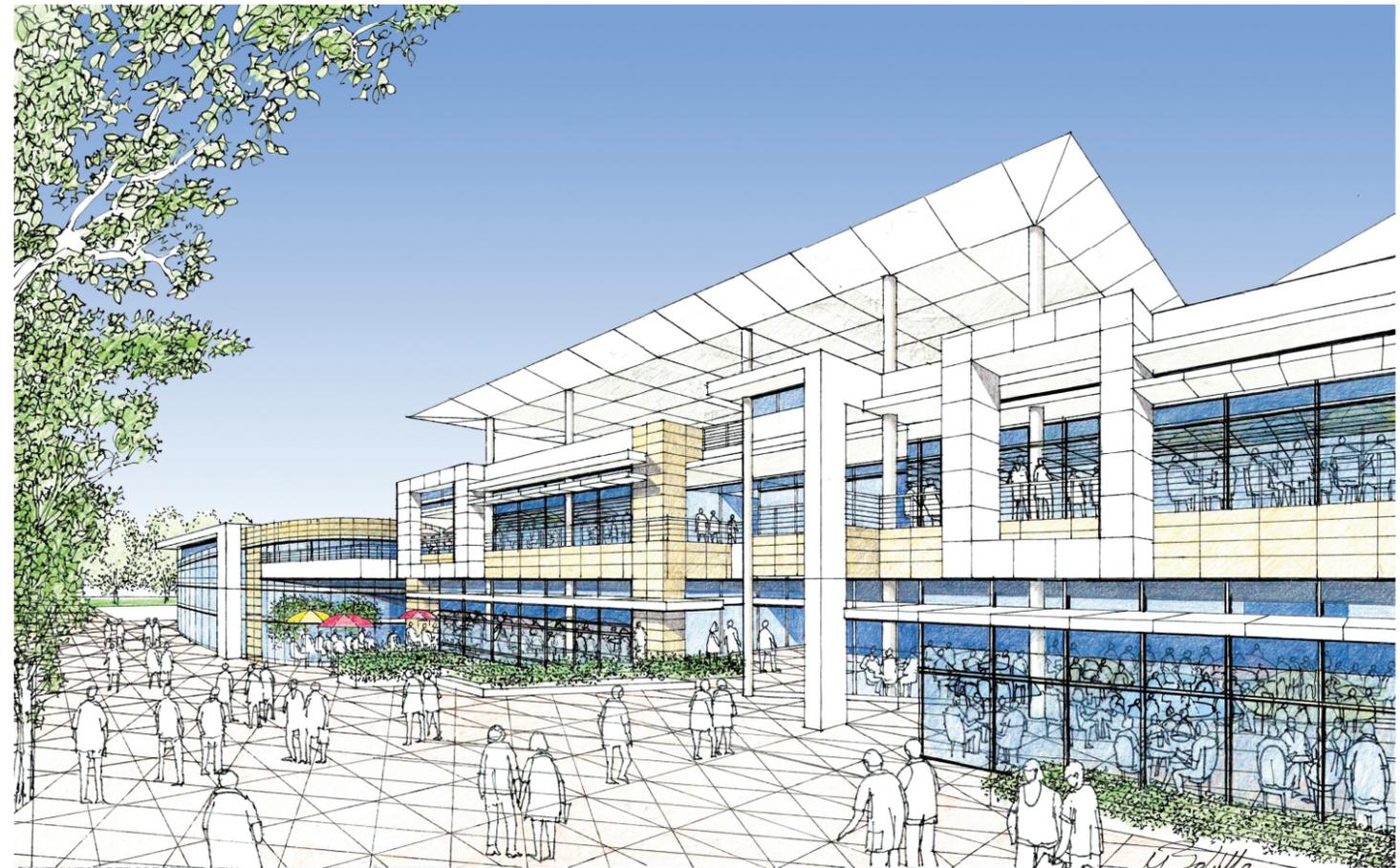
<b>PARKING SPACES REQUIRED:</b>	
RETAIL COMMERCIAL AREAS = 232,080 SF.	@ 4/1,000 CARS = 928
COMMERCIAL OFFICES = 32,400 SF.	@ 2.5 / 1,000 = 81
TOTAL CARS =	1,009

<b>PROVIDED:</b>	
TWO LEVEL PARKING STRUCTURE = 774 CARS @ 340 SF. / C =	263,160 SF.
AT GRADE PARKING =	236 CARS @ 380 SF. / C = 89,680 SF.
TOTAL PROVIDED =	1,010 CARS

<b>COMMERCIAL OFFICE BUILDING:</b>	
LOCATED AT THE NORTH-EAST CORNER OF THE SITE AND FRONTING HIGHWAY 6 (SITE 1)	
BUILDING AREAS DISTRIBUTION:	
GROUND FLOOR RETAIL SHOPS	= 14,400 SF. GROSS
5 OFFICE FLOOR LEVELS @ 8,400 SF. / EA.	= 42,000 SF. GROSS
TOTAL BUILDING GROSS FLOOR AREA	= 56,400 SF.

PARKING: 56,400 SF. @ 2.5 / 1,000 =	100 CARS
AT GRADE PARKING = 141 CARS @ 380 SF. / C =	53,580 SF.

STOA International Architects, Inc.  
Mario Bolullo, R.A.  
Design Architect  
July 3, 2019



SOUTHWEST PERSPECTIVE VIEW  
RESTAURANTS COMPLEX AND OPEN TERRACES



**City of Missouri City**  
**NOTICE OF MEETING**

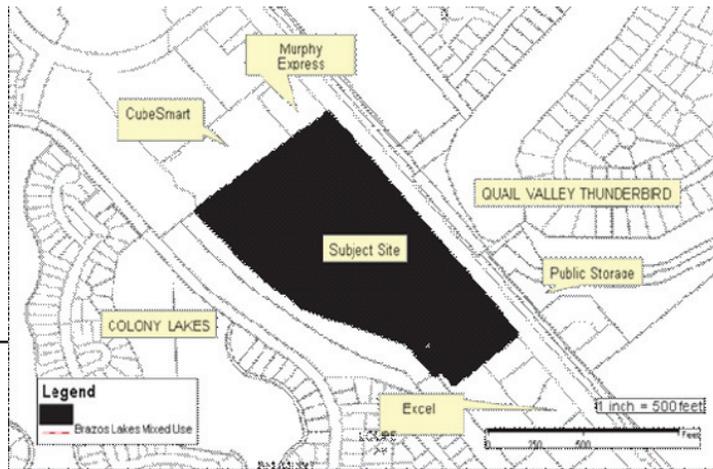
**LOCATION/DATE:** The City Council of the City of Missouri City will hold a public hearing on Monday, April 6, 2020, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

**PURPOSE:** To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

**SITE LOCATION:** The subject site is located north of Excel Urgent Care, south of a Murphy Express gas station and Cube Smart self-storage, east of Quail Valley Thunderbird and a Public Storage, and west of Colony Lakes residential subdivision.

**SITE LEGAL DESCRIPTION:** The subject site can be described as being a tract of land containing 24.506 acres, located in the David Bright League, A-13, in Fort Bend County, Texas, said 24.506 acre tract being all of a called 22.507 acre tract of land recorded in the name of Golden Power Capital, LLC, in Fort Bend County Clerk's File (F.B.C.C.F.) No. 2016086714 and all of a called 2.0 acre tract of land recorded in the name of Ming & Shu Development, LLC, in F.B.C.C.F. No. 201006905, save and except a called 0.0574 acre tract of land recorded in the name of Fort Bend County Municipal Utility District No. 46 in F.B.C.C.F. No 2005084273, leaving a net acreage of 24.448 acres of land.

**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](mailto:planning@missouricitytx.gov) for further information.





**DEVELOPMENT SERVICES - PLANNING DIVISION**

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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 28, 2020**

**LOCATION/DATE:** The Planning and Zoning Commission of the City of Missouri City will hold a public hearing on Wednesday, March 11, 2020, at the City Council Chambers – 2<sup>nd</sup> 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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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**DEVELOPMENT SERVICES – PLANNING DIVISION**

**1522 TEXAS PARKWAY**

**MISSOURI CITY, TEXAS 77489**

February 28, 2020

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, March 11, 2020  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\_\_\_\_\_ I/We support this proposed rezoning because

Sincerely,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Subdivision

\_\_\_\_\_  
Phone Number

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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*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.*

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Texas Department Of Transportation  
PO Box 1386  
Houston, TX 77251-1386

Ft Bend MUD #46  
3 E GREENWAY PLZ STE 2000  
HOUSTON, TX 77046-0307

CCP/Shurgard Venture LLC  
c/o Public Storage Dept PT-TX  
083830  
Glendale, CA 91201-5025

United Max BL LLC  
9889 Bellaire BLVD STE 118  
Houston, TX 77036-3467

Zhang Qun Kevin & Lin Yin  
6819 Loupe LN  
Missouri City, TX 77459-4713

Anderson Cecile W & Roland B  
6831 Loupe LN  
Missouri City, TX 77459-4713

Colony Storage LP  
675 Bering DR STE 500  
Houston, TX 77057-6805

Gijo Mary & Gijo Chacko  
3539 Belmont Shore Ln  
Missouri City, TX 77459-4701

Texas Transportation Commission  
PO Box 1386  
Houston, TX 77251-1386

Ming & Shu Development LLC  
1715 Shoreline DR  
Missouri City, TX 77459-1681

Fort Bend County  
301 Jackson ST  
Richmond, TX 77469-3108

SHAFFER ROBERT F & SUSAN R  
6705 HIGHWAY 6  
MISSOURI CITY, TX 77459-4119

Xu Wendong & Mei Liu  
6811 Loupe LN  
Missouri City, TX 77459-4713

Chen Annie  
6823 Loupe LN  
Missouri City, TX 77459-4713

John Joseph & Sally Joseph  
6835 Loupe LN  
Missouri City, TX 77459-4713

Murphy Oil USA Inc  
PO Box 7300  
El Dorado, AR 71731-7300

6615 Highway 6 Ltd  
6440 Oilfield RD  
Sugar Land, TX 77479-9658

Chow Johnny Y & Anna C Chow  
3606 Belmont Shore Ln  
Missouri City, TX 77459-4702

Golden Power Capital LLC  
1715 Shoreline DR  
Missouri City, TX 77459-1681

Happy Hoa Chuong LLC  
7426 Dresden AVE  
Sugar Land, TX 77479-2785

Schneider Alan J & Ann J  
6815 Loupe LN  
Missouri City, TX 77459-4713

Thomas Anice V & Babu P  
6827 Loupe LN  
Missouri City, TX 77459-4713

Dickson Sugitha & Duraimony  
6839 Loupe LN  
Missouri City, TX 77459-4713

Thunderbird Utility District  
PO BOX 515  
MISSOURI CITY, TX 77459-0515

FBISD  
Max Cleland  
16431 Lexington Blvd  
Sugar Land, TX 77479

Chacko Giji & Thathinkulam P Jose  
6814 Shoreview Ct  
Missouri City, TX 77459-4707

Sanchez Joe Gil & Remedios Estepa  
Sanchez  
3534 Belmont Shore  
Missouri City, TX 77459-4700

Woodard Carl E & Patsy  
3538 Belmont Shore Ln  
Missouri City, TX 77459-4700

Uang, Shie-Jang  
6803 Sable River CT  
Missouri City, TX 77459-5058

Yung Wing Tim & Chee Chew  
3526 Belmont Shore Ln  
Missouri City, TX 77459-4700

Chen Leon & Xinye Zheng  
3606 Belmont Shore Ct  
Missouri City, TX 77459-4704

Davis Ronnie & Diane  
3506 Belmont Shore Ln  
Missouri City, TX 77459-4700

Wang Zhiming & Sunny  
6815 Shoreview Ct  
Missouri City, TX 77459-4707

Chen Yong & Angela C Wang  
4008 Caravel CIR  
Missouri City, TX 77459-5041

Chang Lien Yiu & Betty Chang  
3603 Belmont Shore Ln  
Missouri City, TX 77459-4703

Daniel, Sosamma T  
3602 Belmont Shore Ln  
Missouri City, TX 77459-4702

Yu Xiaohong S & Jun Zheng  
6807 Loupe Ln  
Missouri City, TX 77459-4713

Colony Lakes

**City of Missouri City, Texas**  
**Development Services Department – Planning Division**  
**Rezoning Application Protest Letters Analysis**

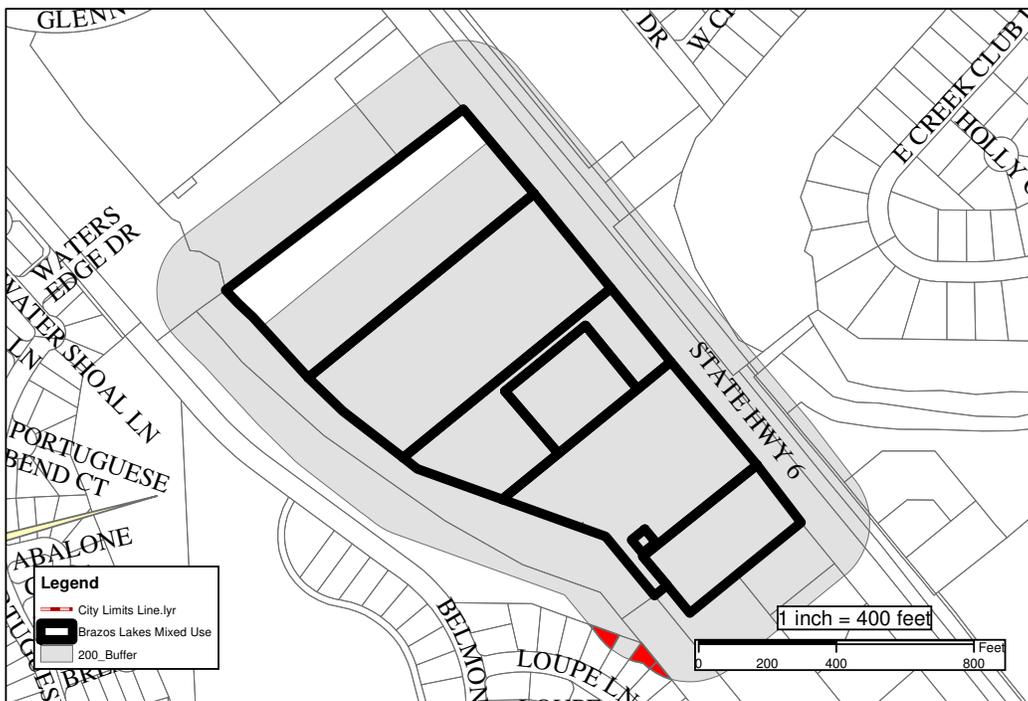
**Application:** Brazos Lakes - PD 106 Amendment

**City Council First Reading:** April 6, 2020

**Protest Letters Received**

Name	Property Address OR Fort Bend County Account Number	Land Area (Square Feet) Within 200 Feet
Ann Schneider	6815 Loupe Ln	43.53
Anderson Cecile W & Roland B	6831 Loupe Ln	1,091.52
Kevin Zhang	6819 Loupe Ln	2,290.76
Babu Thomas	6827 Loupe Ln	2,745.25
<b>Total Area Represented by Protest(s):</b>		<b>6,171.06</b>
Total Land Area <b>Including</b> Subject Site:		3,052,008.40
Subject Site <b>Only</b> Land Area:		1,067,481.36
Total Land Area <b>Only Within 200 Feet</b> of Subject Site:		1,984,527.04
<b>Protest(s) Percentage of Land Area Within 200 Feet:</b>		<b>0%</b>

**Note:** A total of 0 letters of support and 22 letters of protest has been received for the application request as of April 1, 2020.



## 13. Protest Letters

- a. Sent February 28, 2020 for the  
March 11th P&Z meeting



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489

Received Development Services - Planning 03/11/2020

February 28, 2020

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, March 11, 2020  
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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development, and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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 We protest this proposed rezoning because of the negative effect to our Property values and our privacy. We're concerned about the expansion from 3 stories to 5 because of its visual impact on our community as well as additional traffic in the area, odor from restaurants and noise from restaurants and outdoor music. All of the homeowners chose to live here because of the natural setting & wildlife behind our homes. You are now asking us to look at 2-story buildings instead. This is not acceptable.

Ann J. Schneider  
Signature

Ann J. Schneider  
Print Name

6815 Louisa Lane  
Street Address

Colony Lakes  
Subdivision

Phone Number

Return to: Development Services  
Department - Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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Ann J. Schneider  
Print Name

Ann J. Schneider  
Signature

Protest this proposed rezoning because of the negative effect to our property values and our privacy. We're concerned about the expansion from 3 stories to 5 because of its visual impact on our community as well as additional traffic in the area, odor from restaurants and noise from restaurants and outdoor music. All of the homeowners chose to live here because of the natural setting & wildlife behind our homes. You are now asking us to look at 2-story buildings instead. This is not acceptable.

**From:** Ann Schneider [REDACTED]  
**Sent:** Wednesday, March 11, 2020 1:01 PM  
**To:** Jennifer Thomas Gomez  
**Subject:** Re: Objection to Brazos Lakes Proposal

**CAUTION:** This email originated from outside of the City of Missouri City organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jennifer— thank you for adding my form to the others. Another thing I thought of— is the economic effects that the Coronaviru might have on our economy here and elsewhere—but it’s a bit early to know what will happen in the future.

Thank you again,  
Ann Schneider

Sent from my iPhone

On Mar 11, 2020, at 10:22 AM, Jennifer Thomas Gomez <Jennifer.ThomasGomez@missouricitytx.gov> wrote:

Thank you. We’ve received this protest pertaining to the requested amendments to PD No. 106.

We will forward your letter to the Planning and Zoning Commission (P&Z Commission) for their consideration tonight, Wednesday, March 11<sup>th</sup> at 7:00 pm. The P&Z Commission will vote on a recommendation to send to the City Council after holding a public hearing. The P&Z Commission meeting will be held at City Hall (1522 Texas Pkwy) in the City Council Chambers on the 2<sup>nd</sup> floor.

Background materials for the P&Z Commission are available on the city’s website at:  
<http://www.missouricitytx.gov/DocumentCenter/View/11909/03-11-2020-PZ-Agenda-Pckt>.

At this time, the project is scheduled for the April 6<sup>th</sup> City Council regular agenda for a public hearing and consideration of the amendment.

Let us know if you have any questions.

Thanks.



**Jennifer Thomas Gomez, AICP** | Planning Manager

1522 Texas Parkway | Missouri City, TX 77489

t. 281.403.8547 | f. 281-403-8962

website | map | email    

~ A Safe, Scenic City rated one of America’s “Best” Places to Live ~

The Mission of the City Government of Missouri City is to provide municipal services in a financially responsible and customer friendly manner, while engaging our residents. How can we better serve you? Take our [customer satisfaction survey](#).

---

**From:** Ann Schneider [REDACTED]  
**Sent:** Tuesday, March 10, 2020 9:32 PM  
**To:** Jennifer Thomas Gomez <Jennifer.ThomasGomez@Missouricitytx.gov>  
**Subject:** Objection to Brazos Lakes Proposal

CAUTION: This email originated from outside of the City of Missouri City organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please present this for me at the Planning and Zoning meeting tomorrow.  
Thank you,  
Ann Schneider  
<image001.jpg>

Sent from my iPhone



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services Planning -  
03/10/2020

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, March 11, 2020  
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 Cynthia Ramirez, STCA Architects to amend PD, Planned Development District No. 100 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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 *HIGH POPULATION DENSITY  
DECREASE OF PROPERTY VALUES*

We support this proposed rezoning because

Sincerely,

*Johany Chow*

*JOHANY CHOW*

Signature *316 BEAUMONT SUITE 111  
MISSOURI CITY TX 77489*

Print Name

*JOHANY CHOW*

Street Address

Subdivision

Phone Number

Return to Development Services  
Department - Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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*JOHANY CHOW*

Print Name

*Johany Chow*  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

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, March 11, 2020
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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

\_\_\_ I/We support this proposed rezoning because

[Signature]
Sincerely,

Signature
6831 Loupe Lane

Street Address
2816396113
Phone Number

Roland Anders on
Cecile Wynter Anderson

Print Name
Colony Lakes

Subdivision
Return to: Development Services
Department – Planning Division
1522 Texas Parkway
Missouri City, TX 77489
FAX: (281)403-8962
EMAIL: planning@missouricitytx.gov

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Cecile Wynter Anderson
Print Name

[Signature]
Signature

Received

MAR 16 2020

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489

February 28, 2020

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, March 11, 2020
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

Received Development
Services - Planning
03/10/2020

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend
PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use,
commercial and residential development; and to the extent such zoning deviates from the Future
Land Use and Character map of the Comprehensive Plan, to provide for an amendment
therefrom.

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
1 High populations Density
I We support this proposed rezoning because

2 Decrease of property values

My comments against a request by Cynthia Ramirez is attached. Basically,
the proposed zoning is increasing already high populations density in our
area, also decreasing of our property values.

Sincerely,

Signature
3503 SHOREVIEW LN
Street Address
Phone Number

SHIRLEY LIU
Print Name
COLONY LAKE
Subdivision
Return to: Development Services
Department – Planning Division
1522 Texas Parkway
Missouri City, TX 77489
FAX: (281)403-8962
EMAIL: planning@missouricitytx.gov

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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.

Print Name Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

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, March 11, 2020  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

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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:

IWe protest this proposed rezoning because

IWe support this proposed rezoning because

Sincerely,

Shie-Jang Wang

Signature

Print Name

6803 Sable River Ct. Missouri City, TX 77489

Colony Lakes

Street Address

Subdivision

Phone Number

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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Shie-Jang Wang

Print Name

Signature

City of Missouri City, TX  
Received

MAR 08 2020

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

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, March 11, 2020

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

Received Development  
Services - Planning  
03/10/2020

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

I/We support this proposed rezoning because

Sincerely,

Signature

6807 Shoreview Ct, Missouri City

Street Address

Phone Number

Xiao Yang He

Print Name

Colony Lakes

Subdivision

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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Xiao Yang He  
Print Name

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77459

Received Development Services - Planning 03/10/2020

February 28, 2020

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, March 11, 2020  
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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 105 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

HIGH POPULATION DENSITY  
DECREASE OF PROPERTY VALUES

We support this proposed rezoning because

Sincerely, Wing Tim Yung WING TIM YUNG

Signature 3526 BELMONT SUPER LN Print Name

MISSOURI CITY TX 77459 COLONY LAKES

Street Address Subdivision

Phone Number Return to Development Services

Department – Planning Division

1522 Texas Parkway

Missouri City, TX 77489

FAX: (281)403-8962

EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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WING TIM YUNG Wing Tim Yung  
Print Name Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services - Planning  
03/10/2020

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, March 11, 2020  
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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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
  - 1> high population density
  - 2> decrease property values
- I/We support this proposed rezoning because

*address effect on  
cause education quality*

Sincerely,

*[Handwritten signature]*

*Zhiming Wang  
Sunny Wang*

Signature

Print Name

Street Address

*6815 shoreview Ct  
Missouri city, TX 77489*

Subdivision

*Colony Lakes*

Phone Number

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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Print Name

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services - Planning  
03/10/2020

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, March 11, 2020  
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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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  
1. high population density  
2. decrease of property values.  
3. environment concern  
 I We support this proposed rezoning because

Sincerely,

*[Handwritten Signature]*

Wei Chen

Signature

Print Name

6807 Spanish Bay CT

colony lakes

Street Address

Subdivision

Phone Number

Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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Wei Chen

*[Handwritten Signature]*

Print Name

Signature

February 28, 2020

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Received Development  
Services - Planning  
03/10/2020

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, March 11, 2020  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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.

\*\*\*\*\*

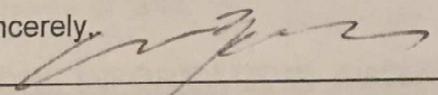
Dear City Representatives:

I/We protest this proposed rezoning because

I/We support this proposed rezoning because

Sincerely,

Signature

  
4008 Caravel Cir, Missouri City  
TX 77459

Street Address

Phone Number

Print Name

Yong Chen

Subdivision

Colony Lakes

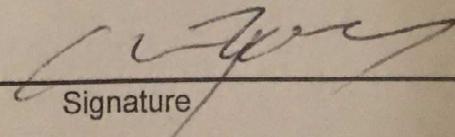
Return to: Development Services  
Department – Planning Division  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX: (281)403-8962  
EMAIL: [planning@missouricitytx.gov](mailto:planning@missouricitytx.gov)

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Print Name

Yong Chen

Signature



## 13. Protest Letters

- b. Sent November 22, 2019 for the December 11th P&Z meeting - project postponed



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 22, 2019

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, December 11, 2019
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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

need a report on the expected impact the project will have such as noise, air quality, public safety and health, vegetation.

I/We support this proposed rezoning because

population density, the school enrollment, the need for sewer and water facilities

Sincerely,

Signature Sunny Wang

Signature

Street Address 6815 Shoreview Ct

Street Address

Phone Number

Return to:

Print Name Sunny Wang

Print Name

Subdivision Colony et al Lakes

Subdivision

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281)403-8962

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Print Name Sunny Wang

Signature [Signature]

City of Missouri City, TX

Received

DEC 12 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 22, 2019

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

Received Development Services - Planning 12/27/2019

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, December 11, 2019
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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Concern about Privacy

I/We support this proposed rezoning because

[Empty box for support reason]

Sincerely,

Sally Joseph (Signature)

Signature

6835 Loupe Lane (Street Address)

Street Address

[Redacted] (Phone Number)

Phone Number

Return to:

Sally Joseph (Print Name)

Print Name

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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Sally Joseph (Print Name)

Print Name

Sally Joseph (Signature)

Signature

## 13. Protest Letters

- c. Sent November 1, 2019 for the  
November 13th P&Z meeting -  
project postponed



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

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, November 13, 2019
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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

too high / too dense / Property values in jeopardy

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

Ann J. Schneider (handwritten signature)

Signature

6815 Hoopahn (handwritten address)

Street Address

[Redacted phone number]

Phone Number

Return to:

Ann J. Schneider (handwritten name)

Print Name

Colony Lakes (handwritten subdivision)

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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Ann Schneider (handwritten name)

Print Name

Ann J. Schneider (handwritten signature)

Signature

Received

NOV 13 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

City of Missouri City, TX

Received

NOV 13 2019

Planning Division

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

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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  
① SECURITY AND PRIVACY CONCERNS WITHOUT WALL.  
② NOISE FROM OVERCROWDED (140+ MORE FAMILIES)  
③ DECREASED PROPERTY VALUE  
 I/We support this proposed rezoning because

Sincerely,  
  
Signature  
3606 BELMONT SHORE LN.  
Street Address  
[Redacted]  
Phone Number

JOHNNY CHOW  
Print Name  
COLONY LAKES  
Subdivision  
Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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.

JOHNNY CHOW  
Print Name  
  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

City of Missouri City, TX

Received

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019

NOV 13 2019

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

Planning Division

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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:

\*\*\*\*\*

*No town homes  
it will exploit the area  
+ bring down property values*

We protest this proposed rezoning because

We support this proposed rezoning because

Sincerely,

Signature

Street Address

Phone Number

Return to:

Print Name

Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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Print Name

Signature

*Cecile Wynter Anderson* *Cecile Wynter Anderson*



DEVELOPMENT SERVICES -- PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77469

November 1, 2019

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, November 13, 2019
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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

- > Removing wall will cause security & privacy concerns of Colony Lakes residents
-> School district zoning policy is NOT aligned w/ this change.
I/We support this proposed rezoning because -> Environmental concerns, wild animals habitat in the nearby pond.

Sincerely,

Shire Jang Wang

Signature

6803 Sableriver Ct, Missouri City, TX 77459

Street Address

Phone Number

Return to:

Shire Jang Wang

Print Name

Colony Lakes

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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Shire Jang Wang

Print Name

Shire Jang Wang

Signature

City of Missouri City, TX
Received

NOV 13 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

NOV 13 2019

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

Planning Division

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019  
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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Property value -  
Security issue. overcrowded. without wall

I/We support this proposed rezoning because

[Empty box for support reasons]

Sincerely,

Signature

Street Address

Phone Number

Sunny Wang

Print Name

Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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Sunny Wang  
Print Name

Signature



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

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, November 13, 2019  
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 Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 105 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

- 1. Security & Privacy - without a wall/fence, reduces neighborhood security
- 2. School district analysis - Any impact to existing FBISD zoning and future school capacity analysis?
- 3. Environmental concerns - wild animals habitat in the pond

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

*[Handwritten Signature]*

Signature

4008 Caramel Cir, Missouri City, TX 77459

Street Address

Phone Number

Return to:

Yong Chen

Print Name

Colony Lakes

Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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Yong Chen  
Print Name

*[Handwritten Signature]*  
Signature

City of Missouri City, TX

Received

NOV 13 2019

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

NOV 13 2019

Planning Division

November 1, 2019

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, November 13, 2019

City Council Chambers

2nd Floor, City Hall Building

1522 Texas Parkway (FM 2234); 7:00 PM

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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

Property Value

Security Issue, over crowded without wall

I/We support this proposed rezoning because

[Empty box for support reasons]

Sincerely,

*Whules*

GIZO CHACKO POLACKAL

Signature

Print Name

3539 Belmont Shore Ln

COLONY LAKES

Street Address

Subdivision

Phone Number

Return to:

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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GIZO CHACKO POLACKAL  
Print Name

*Whules*  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

NOV 13 2019

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019

City Council Chambers

2<sup>nd</sup> Floor, City Hall Building

1522 Texas Parkway (FM 2234); 7:00 PM

Planning Division

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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

Security Issues, overcrowded.

I/We support this proposed rezoning because

Sincerely,

Jose Philip  
Signature  
6814 Shoreview Court

JOSE PHILIP  
Print Name  
Colony LAKES

Street Address  
[Redacted]  
Phone Number

Subdivision  
Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

Return to:

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JOSE PHILIP  
Print Name

Jose Philip  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

City of Missouri City, TX  
Received

NOV 13 2019

Planning Division

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing.

Wednesday, November 13, 2019

City Council Chambers

2<sup>nd</sup> Floor, City Hall Building

1522 Texas Parkway (FM 2234); 7:00 PM

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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

*It affect eco system/wild life, creates noise, and bring security/privacy concerns. The result will bring down property values.*

I/We support this proposed rezoning because

Sincerely,

Signature

*6819 Loupe LN, 77459*

Street Address

Phone Number

Return to:

Print Name

*Kevin Zhang*

Subdivision

*Colony Lakes*

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281)403-8962

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Print Name

Signature

*Kevin Zhang*



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX  
Received

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

NOV 13 2019

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

Planning Division

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

Security, overcrowding  
will lower property value

I/We support this proposed rezoning because

Sincerely,

*Joe Sancher*  
Joe Sancher

Joe Sancher

Signature

3534 Belmont Shore

Print Name

Colony Lakes

Street Address

Phone Number

Return to:

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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Print Name

Joe Sancher

Signature

*Joe Sancher*



DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

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, November 13, 2019  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2294) 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD Planned Development District No. 108 (Ordinance O-10-20) to allow for a mixed use, commercial and residential development, and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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:

[Empty box for protest reasons]

I/We support this proposed rezoning because:

[Empty box for support reasons]

Sincerely,

*Babu Thomas*

BABU THOMAS

Signature

Print Name

6827 LOUPE LN

COLONY LAKES

Street Address:

Subdivision

Phone Number:

Return to:

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281) 409-0002

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BABU THOMAS

*Babu Thomas*

Print Name

Signature

Stamp: Received

NOV 15 2019

Planning Division



DEVELOPMENT SERVICES -- PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX  
Received

NOV 13 2019

Planning Division

November 1, 2019

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, November 13, 2019  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

1. to not cause safety concern 2. to not impact the plants or animal in this area. 3. will disrupt residents in colony lake.

I/We support this proposed rezoning because

Sincerely,

Leon Chen  
Signature

LEON CHEN  
Print Name

3606 BELMONT SHORE CT  
Street Address

Subdivision  
Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

[Redacted] Return to:  
Phone Number 9

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.

LEON CHEN  
Print Name

[Signature]  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

NOV 13 2019

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, November 13, 2019  
City Council Chambers  
2nd Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

Planning Division

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\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

Security, overcrowding  
will lower property value

I/We support this proposed rezoning because

Sincerely,  
*Patsy Woodard*  
Signature

*Patsy Woodard*  
Print Name

3538 Belmont Shore Ln  
Street Address

Colony Lakes  
Subdivision

[Redacted]  
Phone Number

Return to:

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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*Patsy Woodard*  
Print Name

*Patsy Woodard*  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX

Received

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

NOV 13 2019

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, November 13, 2019

City Council Chambers

2nd Floor, City Hall Building

1522 Texas Parkway (FM 2234); 7:00 PM

Planning Division

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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 VALUE WILL DECREASE.

I/We support this proposed rezoning because

Sincerely,

*Sosamma Daniel*

Signature

SOSAMMA DANIEL

Print Name

3602 BELMONT SHORELN.

Street Address

COLONY LAKES

Subdivision

Phone Number

Return to:

Development Services Department

1522 Texas Parkway

Missouri City, TX 77489

FAX (281)403-8962

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SOSAMMA DANIEL

Print Name

*Sosamma Daniel*

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

City of Missouri City, TX

Received

NOV 13 2019

Planning Division

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:  
Wednesday, November 13, 2019  
City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
1522 Texas Parkway (FM 2234); 7:00 PM

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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

Property Value  
Security issue overcrowded without wall.

We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

*[Handwritten Signature]*

Signature

3603 Belmont Shore Ln,

Street Address

Phone Number

Return to:

Lien Yin Chang

Print Name

Colony Lakes

Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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Lien Yin Chang

Print Name

*[Handwritten Signature]*

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX  
Received

NOV 13 2019

November 1, 2019

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, November 13, 2019

Planning Division

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

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\*\*\*\*\*

Dear City Representatives:

I/We protest this proposed rezoning because

*dn*  
Security - without a wall or fence  
dropped - declining ~~and~~ property values

I/We support this proposed rezoning because

Sincerely,

Signature

Street Address

Phone Number

*Ronnie Davis*  
3506 Belmont Shore Lane  
[Redacted]

Return to:

Print Name

Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

*Ronnie Davis*  
Colony Lakes

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.

Print Name

Signature

*Ronnie Davis*

*Ronnie Davis*



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

City of Missouri City, TX

Received

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

NOV 13 2019

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City Council Chambers  
2<sup>nd</sup> Floor, City Hall Building  
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Planning Division

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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

[Empty box for protest reason]

I/We support this proposed rezoning because

[Empty box for support reason]

Sincerely, 

Signature  
6835 Loupeltane

Street Address  
[Redacted]  
Phone Number

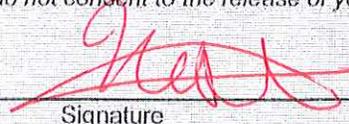
Return to:

Sally Joseph  
Print Name  
Colony Lakes  
Subdivision

Development Services Department  
1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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Sally Joseph  
Print Name

  
Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

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:
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City of Missouri City, TX

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.

Received

NOV 13 2019

\*\*\*\*\*

Dear City Representatives:

Planning Division

X I/We protest this proposed rezoning because

Concern about impact to ~~get~~ Colony Lakes properties near school sources and other information not available

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely,

[Handwritten signature]

Signature

6811 Loupe LN, Missouri City

Street Address

Phone Number

Return to:

Wendong Xu

Print Name

Colony Lakes

Subdivision

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

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.

Wendong Xu

Print Name

[Handwritten signature]

Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

City of Missouri City, TX  
Received

NOV 13 2019

Planning Division

November 1, 2019

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, November 13, 2019

City Council Chambers

2<sup>nd</sup> Floor, City Hall Building

1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Cynthia Ramirez, STOA Architects to amend PD, Planned Development District No. 106 (Ordinance O-18-20) to allow for a mixed use, commercial and residential development; and to the extent such zoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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  
*Security without wall. Decreased Property Value.*  
*Noise from overbowed*

I/We support this proposed rezoning because

Sincerely,  
*Wing Yang*  
 Signature WING YUNG  
 Print Name  
3526 BELMONT SHORE LN. COLONY LAKES  
 Street Address Subdivision  
 [Redacted] Return to: Development Services Department  
 Phone Number 1522 Texas Parkway  
 Missouri City, TX 77489  
 FAX (281)403-8962

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WING YUNG Wing Yang  
 Print Name Signature



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

November 1, 2019

CITY OF MISSOURI CITY, TEXAS  
Planning and Zoning Commission

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City of Missouri City, TX  
Received

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.

NOV 13 2019

\*\*\*\*\*

Dear City Representatives:

Planning Division

I/We protest this proposed rezoning because  
The apartment should not be over 2 fl.  
Negative impact to Colony Lake Community.

I/We support this proposed rezoning because  
[ ]

Sincerely, [Signature]

Stella Yu

Signature  
6807 Loupe Ln.

Print Name  
Colony Lakes.

Street Address  
[Redacted]

Subdivision  
Development Services Department

Phone Number

1522 Texas Parkway  
Missouri City, TX 77489  
FAX (281)403-8962

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.

Stella Yu

[Signature]

Print Name

Signature



**Council Agenda Item  
April 6, 2020**

7. **PUBLIC HEARINGS AND RELATED ACTIONS**
    - (b) **Public Hearings and related actions** – *There are no Public Hearings and related actions on this agenda.*
  
  8. **APPOINTMENTS** – *There are no Appointments on this agenda.*
-



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 6, 2020

**To:** Mayor and City Council  
**Agenda Item:** 9(a) Award of Professional Service Agreements for the provision of Materials Testing, Geotechnical and Environmental Services for Public Works\Capital Improvement projects.  
**Submitted by:** Shashi K. Kumar, P.E., Director of Public Works and City Engineer

### SYNOPSIS

Authorize the City Manager to execute Professional Service Agreements for the provision of Materials Testing, Geotechnical and Environmental Services for Public Works\Capital Improvement projects on as needed basis.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

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

### BACKGROUND

Throughout the year, the Public Works Department and the Capital Improvement Program (CIP) Division will require professional services of engineering firms to provide Materials Testing, Geotechnical and Environmental Services support services for multiple projects.

The City solicited RFQ's for the aforementioned services and procurement staff publically advertised Request for Proposal # 20-326 on December 30, 2019. The advertisement was placed in the local newspaper for two consecutive weeks, posted on the City website, a link sent via email to many potential providers, and posted on the State of Texas Electronic State Business Daily site. Responses were due February 11, 2019 at 2:00 PM. The City received thirteen (13) responses (see attached list) to this solicitation.

As projects come forward to Public Works, the Director of Public Works will work with the CIP Division the project team to determine which of the thirteen (13) firms is best suited for a particular project. Once selected, staff will negotiate with that firm, providing all relevant information regarding the project and request a formal quotation. Once received and approved, a Professional Services Agreement for that particular project will be issued. Staff anticipates rotating and using appropriate firms for the project in need within this pool of thirteen (13) firms listed below:

HVJ Associates  
Alpha Testing  
Tolunay-Wong Engineers  
Intertect-PSA  
Ninyo and Moore

Earth Engineering  
Braun Intertect  
Terracon  
Raba Kistner

Associated Testing Laboratories, Inc.  
Fugro  
Alliance Geotechnical Group  
Geotech Engineering and Testing

With this authorization from City Council, this award will remain approved for three (3) years from this date. Staff presented this recommendation to the Planning Development and Infrastructure (PDI) Council subcommittee on March 18, 2020. The PDI committee unanimously recommended to City Council to go with the staff recommendation presented here.

#### BUDGET/FISCAL ANALYSIS

None.

**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. List of respondents
2. PDI Committee Packet

#### STAFF'S RECOMMENDATION

Staff recommends City Council to authorize the City Manager to execute Professional Service Agreements for the provision of Materials Testing, Geotechnical and Environmental Services for Public Works\Capital Improvement projects on as needed basis within the pool thirteen (13) firms presented here.

**Director Approval:**

**Shashi K. Kumar, P.E.**

**Assistant City Manager/  
City Manager Approval:**

**Glen A. Martel, ACM**



**Solicitation Responses to RFQ 20-326**  
**Materials Testing, Geotechnical and Environmental Services**  
**February 11, 2020 at 2:00 PM**

Company Name			
HVJ Associates			
Earth Engineering			
Alpha Testing			
Braun Intertect			
Associated Testing Laboratories, Inc.			
Fugro			
Tolunay-Wong Engineers			
Terracon			
Alliance Geotechnical Group			
DAE & Associates, LTD, dba Geotech Engineering and Testing			
Interteck-PSI			
Raba Kistner			
Ninyo and Moore			



## CITY OF MISSOURI CITY, TEXAS

### PLANNING, DEVELOPMENT AND INFRASTRUCTURE COMMITTEE

**Vashaundra Edwards**  
**Chair**  
Council At Large Position #1

**CHERYL STERLING**  
Councilmember District A

**FLOYD EMERY**  
Councilmember District D

A meeting of the Planning, Development and Infrastructure Committee will be held on **Wednesday, March 18, 2020 at 7:00 p.m.** in the City Hall, Council Conference Room, 2<sup>nd</sup> Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, to consider the following:

1. **CALL TO ORDER**
  2. **DISCUSSION/POSSIBLE ACTION**
    - (a) Discuss a professional service agreements for the provision of Materials Testing, Geotechnical and Environmental Services for Public Works\Capital Improvement projects
  3. **ADJOURN**
-



## Public Works

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1522 Texas Parkway  
Missouri City, Texas 77489

Phone: 281.403.8500  
www.missouricitytx.gov

To: The Planning, Development & Infrastructure (PDI) Committee

From: Glen A. Martel, Assistant City Manager  
Shashi K. Kumar, P.E., Director of Public Works and City Engineer

Date: March 18, 2020

Project: Professional Services for the provision of Materials Testing, Geotechnical and Environmental Services for Public Works\Capital Improvement projects - selection process (RFQ No 20-326)

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### Summary

Throughout the year, the Public Works Department and the Capital Improvement Program (CIP) Division will require professional services for Materials Testing, Geotechnical and Environmental Services support services for multiple projects.

The City solicited RFQ's for the aforementioned services and procurement staff publically advertised Request for Proposal # 20-326 on December 30, 2019. The advertisement was placed in the local newspaper for two consecutive weeks, posted on the City website, a link sent via email to many potential providers, and posted on the State of Texas Electronic State Business Daily site. Responses were due February 11, 2019 at 2:00 PM. The City received thirteen (13) responses (see-attached list) to this solicitation, as listed below:

### Firms

HVJ Associates	Earth Engineering	Associated Testing Laboratories, Inc.
Alpha Testing	Braun Intertect	Fugro
Tolunay-Wong Engineers	Terracon	Alliance Geotechnical Group
Intertect-PSA	Raba Kistner	Geotech Engineering and Testing
Ninyo and Moore		

Per the 2013 Consultant Selection Policy (attached), the City's staff selection committee from the Public Works Department evaluated these firms. Staff recommendation is to retain all the thirteen (13) firms that submitted RFQ's for this solicitation and to use them on an "as needed basis". Public Works administers a number of capital projects every year and need support services for Materials Testing, Geotechnical and Environmental Services. Staff has determined that all the above thirteen (13) submitted firms are capable and qualified for providing such services. However, assignment of a particular firm to a project will be determined by staff based on the size and complexity of the project, as well as the qualifications of the selected firm for that particular project.

### Next Steps

Following authorization by the PDI Committee, staff will present this recommendation to City Council for authorization. Upon authorization, as projects come forward to Public Works, the Director of Public Works



## Public Works

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1522 Texas Parkway  
Missouri City, Texas 77489

Phone: 281.403.8500  
[www.missouricitytx.gov](http://www.missouricitytx.gov)

will work with the CIP Division and the project team to determine which of the thirteen (13) firms is best suited for a particular project. Once selected, staff will negotiate with that firm, providing all relevant information regarding the project and request a formal quotation. Upon review and approval, a Professional Services Agreement (PSA) for that particular project will be issued. Staff anticipates rotating and using appropriate firms for the project in need within this pool of thirteen (13) firms for up to 3-years from the date of authorization.

### Attachments

- 1) RFQ No. 20-326
- 2) List of firms that responded and were selected
- 3) Council Authorized Consultant Selection and Use Policy



**POSTING DATE-DECEMBER 30, 2020**

**REQUEST FOR QUALIFICATIONS (RFQ) NO. 20-326  
ENGINEERING SERVICES-MATERIALS TESTING**

**COMMODITY CODE(S): 961-26**

**ISSUED BY THE PURCHASING OFFICE OF THE CITY OF MISSOURI CITY, TEXAS**

Sealed responses, subject to the terms and conditions of this RFQ, for the above referenced professional service must be received by the Purchasing Division of the Missouri City, at City Hall, 1522 Texas Parkway, Missouri City, Texas 77489 by **2:00 PM, February 11, 2020**. Responses received after the specified time will be returned unopened. All necessary information and addendums may be obtained from the following website: <http://www.txsmartbuy.com/sp>.

---

LEGAL NAME OF CONTRACTING COMPANY

---

CONTACT PERSON

---

TITLE

---

TELEPHONE NUMBER

---

FACSIMILE NUMBER

---

E-MAIL ADDRESS

---

COMPLETE MAILING ADDRESS

---

CITY/STATE

---

ZIP

---

COMPLETE STREET ADDRESS (if different)

---

CITY/STATE

---

ZIP

---

AUTHORIZED SIGNATURE

## **SECTION I – GENERAL INFORMATION**

### **GENERAL PROJECT SCOPE**

#### **PROJECT DESCRIPTION**

The City of Missouri City is accepting statements of qualifications from qualified firms to provide Construction Materials Testing for future City wide construction projects. Examples of these various types of potential projects are listed in the “Existing Conditions” section of this RFQ.

The City is seeking statements of qualifications from interested Engineering Materials Testing firms. It is the intent of the City to negotiate an agreement with one firm for each of these future individual projects for the period March 1, 2020 through September 30, 2024.

The City intends to provide a short list of four (4) to five (5) firms to City Council for consideration. That list of providers will be rotated through our upcoming projects over the next years. As required, a Professional Services Contract will be issued to firm prior to the commencement of individual projects.

The responses received will be evaluated and ranked by the staff selection committee. The City will then enter negotiations with the highest ranked respondents with the objective of entering into contract for services at a mutually agreeable cost. All costs involved with preparing a submittal, including any interview travel expenses, are the responsibility of the respondent.

#### **Project Location:**

City of Missouri City Jurisdictional Area

#### **EXISTING CONDITIONS**

Future construction projects varying in size and complexity including but not limited to building structures, bridge replacements, roadway asphalt and concrete paving, site earth work, subgrade stabilization, underground utility installation, and water and waste water facility improvements will require materials testing services to be performed.

#### **EXPECTED SERVICES**

- Provide the required engineers and technicians to perform the construction materials testing.
- Provide all necessary testing equipment and materials required to perform the above tests.
- Provide reports as necessary. These reports shall be signed by a Professional Engineer licensed in the State of Texas.

It is the intention of the City to employ Construction Materials Testing firms for upcoming construction projects. Construction Materials Testing firms may be selected for a single project or multiple projects over the next calendar years of 2020 through 2024. The City will make selections based on qualifications and experience.

If contract(s) are awarded, the city will award professional services contract for each individual project in the following manner:

- A separate firm may be awarded for each individual project

- Multiple firms may be awarded for any combination of the proposed projects
- One firm may be awarded for all projects
- Any and all award combinations are possible through this solicitation and based on the best interest of the City.

The responses received will be evaluated and ranked. The City will then enter negotiations with the highest ranked respondent on each project with the objective of entering into contract for services at a mutually agreeable cost. All costs involved with preparing a submittal, including any interview travel expenses, are the responsibility of the respondent.

**DESIGN STANDARDS**

Project design will be performed in accordance with the following design standards:

- a) The City of Missouri City Infrastructure Ordinance
- b) Any applicable City of Missouri City Code of Ordinances
- c) International Building Code as adopted by COMC
- d) TxDOT Bridge Inspection Manual
- e) Any other applicable regional, state and federal guidelines

**ESTIMATED PROJECT SCHEDULE**

Due date for RFQ:	2:00 PM, February 11, 2020
Staff Recommendation to Subcommittee/Council:	March, 2020

The schedule for negotiations and contract awards may be dependent on the schedule of each available project.  
 No pre-statement of qualification meeting is scheduled.

Note: With the exception of the time and date to open RFQs, the above schedule is an estimate. The estimated schedule may be modified as schedules and conditions warrant.

All inquiries prior to the due date of the RFQ shall be emailed to Alan A. Phillips.  
 Alan.phillips@missouricitytx.gov  
 The deadline for submitting questions is 5:00 PM. February 4, 2020.

**SECTION II - SUBMITTAL INSTRUCTIONS**

Submit five (5) copies, one marked as “Original” in a sealed package, along with one (1) electronic thumb drives to:

City of Missouri City  
 Attn: Purchasing Office  
 1522 Texas Parkway  
 Missouri City, Texas 77489.

Submittal package must be sealed and marked with the following:  
“RFQ No. 20-326, Engineering Services, Materials Testing”

Submittals received after the due date will not be accepted. The City of Missouri City is not responsible for submittals that are not properly marked or are delivered to the incorrect address.

### **SECTION III- EVALUATION PROCESS**

#### **1. GENERAL PROCEDURE**

The general procedure for soliciting and evaluating Request for Qualifications consists of:

- (a) City staff selection committee will evaluate the qualifications received from respondents in accordance with the Council Authorized consultant selection policy and prepare a short list of three to five submissions.
- (b) City staff may present proposed short-listed firms to the Planning Development and Infrastructure (PDI) Committee for review.
- (c) Firms on the resultant short list may be invited to appear for separate presentations to the staff selection committee. This staff selection committee will include project manager and other appropriate staff as designated by the department director. The presentation should define the respondents understanding of the project, set forth the approach to the project and establish the experience of the personnel assigned to the project.
- (d) Following the staff selection committee review of the presentations, a final ranking of the short listed firms will be prepared and authorization to utilize the top ranking firm (s) on upcoming projects is obtained from the PDI committee. Upon that, all short listed firms will be notified.
- (e) Negotiations will be initiated with the top-ranked/selected firms on an as needed basis. The firm will be contacted and requested to meet with the City’s project manager to develop a detailed proposed scope of work and a schedule of fees for that work. Depending on the scope and associated fees (contract amount), the contract may be placed before City Council for authorization.

#### **2. EVALUATION CRITERIA**

As a basis for evaluating the qualifications, the following elements merit consideration:

- (a) The firm’s qualifications, capability and credentials.

- (b) The specific services offered by the firm as related to the City's needs, including location of the entire staff working on the project with respect to the general geographic area of the projects.
- (c) The firm's past and present performance and experience with similar assignments and quality of projects undertaken for other government entities, and the overall reputation of the firm.
- (d) The depth of proven qualifications and experience of the firm's personnel; specifically the project manager and onsite technician. Knowledge of local conditions
- (e) Responses of references.

#### **SECTION IV - RESPONDENT SUBMISSION REQUIREMENTS**

##### **1. SUGGESTED FORMAT OF RESPONSE**

The suggested general format should be as follows:

- (a) Page 1 of this RSQ document shall be used as the cover sheet for the response statement.
- (b) A letter of interest, signed by a principle of the professional firm, with a statement as to the availability of the firm to perform the services. (Limited to one page.)
- (c) A demonstration of the firm's understanding of the specific projects outlined herein through an outline of their suggested approach to the projects. (Limited to five pages.)
- (d) Evidence of the firm's ability to perform the required services.
- (e) Experience of the staff who *would be assigned* to the City's team including any sub-consultants. Provide name, location, role, percentage of time devoted to the City's task, related experience, and team experience for each team member. Include who will be the main point of contact working with the City (limit to two pages per team member).
- (f) References, including names and telephone numbers of previous clients with similar projects.
- (g) Firms are reminded that the City is looking for substance, not style, in the submittal document and therefore discourages extensive artwork, symbolism, and stylish presentation. The Statement's content should emphasize work experience, staff capability, and firm's value and ethic. Basically, what makes the firm the most compelling choice for performing services for the City.

## **SECTION V - GENERAL TERMS AND CONDITIONS**

### **1. NO CONTACT PERIOD**

All inquiries regarding this solicitation are to be directed to the designated City Representative identified on the first page of the solicitation. Upon issuance of the solicitation through the pre-award phase and up to the date the City Secretary publicly posts notice of any City Council agenda containing the applicable award, aside from respondent's formal response to the solicitation, through the pre-award phase, written requests for clarification during the period officially designated for such purpose by the City Representative, neither Respondent(s) nor persons acting on their behalf shall communicate with any appointed or elected official or employee of the City of Missouri City, their families or staff through written or oral means in an attempt to persuade or influence the outcome of the award or to obtain or deliver information intended to or which could reasonably result in an advantage to any respondent. However, nothing in this paragraph shall prevent a respondent from making public statements to the City Council convened for a regularly scheduled session after the official selection has been made and placed on the City Council agenda for action, or to a City Council committee convened to discuss a recommendation regarding the solicitation.

### **2. SPECIFICATION CHANGES**

NO PERSON has the authority to verbally alter these specifications. Any changes to specifications will be made in writing and posted to the following sites:

<http://www.txsmartbuy.com/sp>

### **3. IMPLEMENTATION OF HOUSE BILL 1295**

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency.

The law applies (with a few exceptions) only to a contract between a business entity and a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

Any and all resultant contracts of this RFQ will require the contractor to complete the Texas Ethics Commission requirements under the State of Texas House Bill 1295 Certificate of Interested Parties. Login Information, Forms, and Certification download may be obtained at:

<https://www.ethics.state.tx.us/filinginfo/1295/>

The City strongly encourages respondents to view the instructional video for Business Entities and review the FAQ's prior to proceeding with the filling. A certification will require the respondent to enter a contract/solicitation number in Box 3. That number for this solicitation is **RFQ No. 20-326**

### **4. VALIDITY OF RESPONSE**

The response submitted shall be valid for a period for up to ninety (90) days after the date of opening for negotiation, acceptance and award by the City.

### **5. CONTRACT**

When required, the City will enter agreement with the successful firm using the City's own contract document only. A sample copy of the contract to be used is attached.

## **SAMPLE AGREEMENT**

This AGREEMENT ("Agreement") is entered into by and between the undersigned, **CONTRACTOR Name**, ("CONTRACTOR"), located at **Address** and the City of Missouri City ("CITY"), Texas, a municipal corporation of the State of Texas, located at 1522 Texas Parkway, Missouri City, Texas 77489.

**Section 1. Services:** CONTRACTOR will perform the designated services and/or provide the designated products as set forth in **Exhibit A** ("Services), which is attached hereto and incorporated for all purposes. The work under this Agreement shall be completed as detailed in **Exhibit A**. The terms and conditions of this Agreement take precedence over all exhibits and attachments.

**Section 2. Term and Termination:** This Agreement shall begin **start date** and shall terminate **end date**.

This Agreement may be terminated, upon thirty (30) days written notice, by the CITY without cause or by the CONTRACTOR for cause. This Agreement may be terminated immediately by the CITY for cause. . Upon termination, CITY shall pay CONTRACTOR, at the rate set out in **Exhibit B**, attached hereto and incorporated herein for all purposes, for Services satisfactorily performed up through the date of termination. Notwithstanding any provision in this Agreement to the contrary, CITY will not be required to pay or reimburse CONTRACTOR for any services performed or for expenses incurred by CONTRACTOR after the date of the termination notice that could have been avoided or mitigated by CONTRACTOR.

**Section 3. Compensation:** CONTRACTOR shall be paid for the services and reimbursable travel expenses, if any, as set forth in **Exhibit B**. CITY shall pay CONTRACTOR in accordance with the Texas Government Code, Chapter 2251. CONTRACTOR must submit invoices for all Services, which invoices must include dates and hours of service and details of services provided. Invoices shall be submitted, not later than the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Friday of each month, to the City Project Manager or designee. Payment for delivery of Services rendered shall not be unreasonably withheld or delayed. The CITY shall be under no obligation to pay for Services rendered without prior authorization. Upon resolution of any disputed charges, CONTRACTOR shall submit an amended invoice covering any remaining charges to CITY.

**Section 4. Travel:** CONTRACTOR **shall/shall not** be reimbursed for travel conducted in the pursuit of this Agreement and appropriate per diem as outlined in **Exhibit B**. Documentation, which shall consist of original receipts, of travel costs, including, but not limited to, hotel and transportation costs, shall be provided by the CONTRACTOR for all travel-related expenses, except mileage from the CONTRACTOR's personal automobile.

**Section 5. Limit of Appropriation and Fiscal Funding.** The CONTRACTOR clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the CITY shall have available the amount budgeted by the CITY for to discharge any and all liabilities which may be incurred by the CITY pursuant to this Agreement and that the total maximum compensation that the CONTRACTOR may become entitled to hereunder and the total maximum sum that the CITY shall become liable to pay to the CONTRACTOR hereunder shall not under any conditions, circumstances, or interpretations, hereof, exceed the said total maximum sum provided for in this section without prior written permission from the CITY. The CITY'S fiscal year is October 1 through September 30. If this

Agreement extends beyond September 30<sup>th</sup>, there shall be a fiscal funding out. If, for any reason, funds are not appropriated to continue the contract in the new fiscal year, this Agreement shall become null and void on the last day of the current appropriation of funds without penalty of any kind or form to the CITY.

**Section 6. Relationship of the Parties:** CONTRACTOR is an independent CONTRACTOR and is not an employee, partner, joint venture, or agent of CITY. CONTRACTOR understands and agrees that he/she will not be entitled to any benefits generally available to City of Missouri City employees. CONTRACTOR shall be responsible for all expenses necessary to carry out the services under this agreement, and shall not be reimbursed by CITY for such expenses except as otherwise provided in this Agreement.

**Section 7. Authority of City Project Manager:** All Services to be performed by the CONTRACTOR hereunder shall be performed to the satisfaction of the CITY'S project manager, namely City Manager or designee. The CITY'S project manager shall decide any and all questions, which may arise as to the quality or acceptability of the Services performed by the CONTRACTOR and the decisions of the CITY'S project manager in such cases shall be final and binding on both parties. However, nothing contained herein shall be construed to authorize the CITY'S project manager to alter, vary or amend this Agreement.

**Section 8. Intellectual Property:** This Agreement shall be an agreement for services and the parties intend and consider any work created as a result of this Agreement, including any and all documentation, images, products or results, to be a work for hire under federal copyright law. Ownership of the work shall belong to and remain the exclusive property of CITY. The work may be edited at any time within the CITY's discretion. If the work would not be considered a work-for-hire under applicable law, CONTRACTOR hereby assigns, transfers, and conveys any and all rights, title and interest to CITY, including without limitation all copyrights, patents, rights of reproduction, rights to ownership, and right to secure registrations, renewals, reissues and extensions thereof. As the sole copyright holder of the work, CITY maintains and asserts the rights to use, reproduce, make derivative works from, and/or edit the work in any form of medium, expression or technology now known or hereafter developed, at any time within the City's discretion. CONTRACTOR shall not sell, disclose or obtain any other compensation for the Services provided herein. If the work is one to which the provisions of 17 U.S.C. § 106A apply, the CONTRACTOR hereby waives and appoints CITY to assert on the CONTRACTOR's behalf the CONTRACTOR's moral rights or any equivalent rights regarding the form or extent of any alteration to the work (including, without limitation, removal or destruction) or the making of any derivative works based on the work, including, without limitation, photographs, drawings or other visual reproductions of the work, in any medium, for CITY purposes.

**Section 9. Confidentiality:** During the term of this Agreement, CONTRACTOR may come in contact with confidential information of CITY. CONTRACTOR agrees to treat as confidential the information or knowledge that becomes known to CONTRACTOR during performance of this Agreement and not to use, copy, or disclose such information to any third party unless authorized in writing by CITY. This provision does not restrict the disclosure of any information that is required to be disclosed under applicable law. CONTRACTOR shall promptly notify CITY of any misuse or unauthorized disclosure of its confidential information and upon expiration of this Agreement shall return to CITY all confidential information in CONTRACTOR's possession or control. CONTRACTOR shall further comply with all City information security policies that may apply and shall not make any press releases, public statements or advertisement referring to the Services provided under this agreement or the engagement of CONTRACTOR without the prior written approval of CITY.

**Section 10. Warranties and Representations:** CONTRACTOR warrants and agrees that CONTRACTOR shall perform the Services and conduct all operations in conformity with all applicable federal, state, and local laws, rules, regulations, and ordinances. For any Service performed on premises owned or controlled by CITY, CONTRACTOR warrants and agrees that CONTRACTOR will perform the Services in compliance with all CITY rules, including but not limited to, prohibitions related to tobacco use, alcohol, and other drugs.

**Section 11. Licenses/Certifications:** CONTRACTOR agrees to obtain, at its own cost, any and all approvals, licenses, filings, registrations and permits required by federal, state or local laws, regulations or ordinances, required for the performance of the Services.

**Section 12. Performance/Qualifications and Assignment:** CONTRACTOR agrees and represents that CONTRACTOR has the personnel, experience, and knowledge necessary to qualify CONTRACTOR for the particular duties to be performed under this Agreement. CONTRACTOR warrants that all services performed under this Agreement shall be performed consistent with generally prevailing professional or industry standards. The CITY and the CONTRACTOR bind themselves and their successors, executors, administrators, and assigns to this Agreement and to the successors, executors, administrators and assigns of the other party, in respect to all covenants of this Agreement. Neither the CITY nor the CONTRACTOR shall assign, sublet or transfer its or his interest in this Agreement without the written consent of the other, which consent will not be unreasonably withheld. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a party hereto.

**Section 13. Conflict of Interest:** CONTRACTOR warrants, represents, and agrees that CONTRACTOR presently has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with CONTRACTOR's performance of the services hereunder. CONTRACTOR further warrants and affirms that no relationship or affiliation exists between CONTRACTOR and CITY that could be construed as a conflict of interest with regard to this Agreement. Pursuant to Section 2252.908, Texas Government Code, if this Agreement requires an action or vote by the CITY Council or has a value of at least \$1 million, CONTRACTOR further warrants that CONTRACTOR has submitted a disclosure of interested parties to the CITY.

**Section 14. Insurance:** For the entire term of the Agreement ("Term"), CONTRACTOR shall maintain Comprehensive General Liability insurance coverage of \$1,000,000 per occurrence, \$2,000,000 in the aggregate or medical malpractice insurance (whichever applies), CONTRACTOR shall also maintain the following insurance: (i) Worker's Compensation coverage with statutory limits for the State of Texas, including Employers Liability coverage of \$500,000 per accident; (ii) Commercial Automobile Liability coverage of \$1,000,000 Combined Single Limit; (iii) for engineers and architects only: Professional Liability coverage of \$5,000,000 per occurrence; and (iv) for builders only: Builder's Risk coverage in the amount of the construction cost, including protection against named windstorm and flood. All policies must contain a waiver of subrogation against City. Comprehensive General Liability and Commercial Automobile Liability policies must name CITY as Additional Insured. CONTRACTOR shall pay all insurance deductibles and deductibles must not exceed \$10,000 unless approved in advance by City. CONTRACTOR shall provide City Certificates of Insurance evidencing these insurance requirements prior to the start of work. The CONTRACTOR shall notify the CITY in the event of any change in the required coverage or cancellation, and shall give such notices not less than 30 days prior to the change or cancellation. The CONTRACTOR shall provide a replacement Certificate of Insurance prior to such change or cancellation. The CONTRACTOR agrees to waive all the CONTRACTOR's, its

officers, employees, agents, assigns, and successors' rights of subrogation, except under the Professional Liability, against the CITY, its officers, employees, and elected representatives for injuries, including death, property damage, or other loss covered by insurance and the CONTRACTOR will provide a waiver of subrogation endorsement against the CITY. The CITY must be named or listed on the endorsement. **COVERAGES SHALL BE WITH A COMPANY (WITH AT LEAST AN A- BEST RATING) ACCEPTABLE TO THE CITY PURCHASING AND RISK MANAGEMENT DIVISION AND A COPY OF THE CERTIFICATE OF COVERAGE SHALL BE DELIVERED TO THE CITY ON OR BEFORE THE DATE OF THIS AGREEMENT.**

**Section 15. Indemnification:** Except as provided herein, CONTRACTOR shall indemnify and hold harmless City , and each of its directors, officers, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages and liabilities, including without limitation attorneys' fees and reasonable litigation costs, arising out of, connected with, or resulting from any acts or omissions of CONTRACTOR or any agent, employee, subCONTRACTOR, or supplier of CONTRACTOR in the execution or performance of this contract. If any action or proceeding shall be brought by or against the CITY in connection with any such claim, action, suit, demand, proceeding, cost, damage, or liability, the CONTRACTOR, on notice from the CITY, shall defend the CITY against such action or proceedings at CONTRACTOR's expense, by or through attorneys reasonably satisfactory to the CITY. The CONTRACTOR's obligations under this section shall not be limited to the limits of coverage of insurance maintained or required to be maintained by the CONTRACTOR under this Agreement. CONTRACTOR agrees to provide engineering or architectural services, as applicable, hereunder as expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect, as applicable, and in accordance with the generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the CONTRACTOR's trade or profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the services provided hereunder and the CONTRACTOR's performance. CONTRACTOR shall and does hereby agree to indemnify and hold harmless the CITY, its officers, agents, and employees from any and all damages, loss, or liability of any kind, whatsoever, including, but not limited to, death, injury, or property damages, to the extent caused by the intentional, knowing, reckless, or negligent act or omission (hereinafter referred to as "fault") of the CONTRACTOR, its officers, agents, employees, invitees or other persons for whom it is legally liable, with regard to the performance of engineering and architectural services, as applicable, pursuant to this Agreement, and the CONTRACTOR will reimburse the CITY's reasonable legal costs, including reasonable attorney's fees, in proportion to CONTRACTOR's liability for such engineering and architectural services, as applicable.

**Section 16. Force Majeure:** Neither CITY nor CONTRACTOR will be liable for any failure, breach, loss, damage or delay in the performance of this Agreement due to any cause beyond its reasonable control, including, an act of war, an act of God, earthquake, flood, embargo, riot, sabotage, labor shortage or dispute, governmental act or failure of the Internet (not resulting from the negligence or willful misconduct of CONTRACTOR), provided that the delayed party: (a) gives the other party prompt notice of such cause, and (b) uses its reasonable commercial efforts to promptly correct such failure or delay in performance.

**Section 17. Notices:** Any notice given under this contract by either party to the other may be given by personal delivery in writing or by mail, registered or certified postage prepaid with return receipt requested. Mailed notices shall be addressed to the addresses of the parties as they appear in the contract. Notices delivered personally shall be deemed communicated at the time of actual receipt. Mailed notice shall be deemed communicated three (3) days after mailing.

**Section 18. Texas Family Code Child Support Certification:** Pursuant to Section 231.006, Texas Family Code, CONTRACTOR certifies that it is not ineligible to receive the award of or payments under the Agreement and acknowledges that the Agreement may be terminated and payment may be withheld if this certification is inaccurate.

**Section 19. Jurisdiction:** CITY and CONTRACTOR agree that any dispute under this Agreement shall be brought in a court of competent jurisdiction in Fort Bend County, Texas, and that this Agreement shall be governed by Texas law, except for the conflict of law provisions.

**Section 20. Prohibition on Boycotting Israel.** Pursuant to Section 2270.002, Texas Government Code, CITY may not enter into a contract for goods or services unless the contract contains a written verification that the CONTRACTOR: (1) does not boycott Israel; and (2) will not boycott Israel during the term of this Agreement. By executing the House Bill 89 Verification Form, **Exhibit C**, attached hereto and incorporated herein for all purposes, CONTRACTOR verifies that CONTRACTOR does not boycott Israel or will not boycott Israel during the term of this Agreement.

**Section 21. Engaging in Business with Sudan, Iran or Foreign Terrorist Organizations Prohibited.** Pursuant to Section 2252.152, Texas Government Code, CONTRACTOR warrants, represents, and agrees that CONTRACTOR is not identified on a list prepared and maintained by the Texas Comptroller of Public Accounts as a company that engages in business with Sudan, Iran or a foreign terrorist organization.

**Section 22. Entire Agreement:** This Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements, and understanding, oral or written between the parties relating to this Agreement. This Agreement may not be modified except by mutual written agreement of the parties executed subsequent to this agreement.

**Section 23. Severability:** In the event that any provision(s) of this Agreement shall for any reason be held invalid, illegal, or unenforceable, the invalidity, illegality or unenforceability of that provision(s) shall not affect any other provision(s) of this Agreement, and it shall further be construed as if the invalid, illegal, or unenforceable provision(s) had never been a part of this Agreement.

**Section 24. Address and Notices and Communication:** The parties contemplate that they will engage in informal communications with respect to the subject matter of this Agreement. However, any formal notices or other communications (“Notice”) required to be given by one party to the other party under this Agreement shall be given in writing addressed to the party to be notified at the address set forth below for such party, (i) by delivering the same in person, (ii) by depositing the same in the United States mail, certified or registered, return receipt requested, postage prepaid, addressed to the party to be notified, or (iii) by depositing the same with a nationally recognized courier service guaranteeing “next day delivery,” addressed to the party to be notified, (iv) by sending the same by telefax with confirming copy sent by mail, or (v) by sending the same by electronic mail with confirming copy sent by mail. Notice deposited in the United States mail in the manner hereinabove described shall be deemed effective from and after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties, until changed by providing written notice in accordance hereunder, shall be as follows:

All notices and communications under this Agreement shall be mailed to the CONTRACTOR at the following address:

NAME OF CONTRACTOR  
ADDRESS  
PHONE  
EMAIL

All notices and communications under this Agreement shall be sent to the CITY at the following address:

City of Missouri City  
Attn: Procurement and Risk Management  
1522 Texas Parkway  
Missouri City, Texas 77489  
[purchasing@missouricitytx.gov](mailto:purchasing@missouricitytx.gov)

**Section 25. Authority:** CONTRACTOR warrants and represents that CONTRACTOR has full power and authority to enter into and perform this agreement and to make the grant of rights contained herein. The person signing on behalf of CITY represents that he/she has authority to sign this agreement on behalf of CITY.

Reviewed by: \_\_\_\_\_  
Shannon Pleasant, CTPM - Procurement & Risk Manager

Department Director: \_\_\_\_\_ Date: \_\_\_\_\_

**CONTRACTOR**

**CITY OF MISSOURI CITY**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Bill Atkinson – Assistant City Manager

\_\_\_\_\_  
Title

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**\*\*\*\*If more than \$25K\*\*\*\***

\_\_\_\_\_  
Anthony Snipes – City Manager

Date: \_\_\_\_\_

**EXHIBIT "A"**  
**SERVICES**

**Scope of Services**

**EXHIBIT "B"**  
**COMPENSATION**





**Solicitation Responses to RFQ 20-326  
Materials Testing, Geotechnical and Environmental Services  
February 11, 2020 at 2:00 PM**

Company Name			
HVJ Associates			
Earth Engineering			
Alpha Testing			
Braun Intertect			
Associated Testing Laboratories, Inc.			
Fugro			
Tolunay-Wong Engineers			
Terracon			
Alliance Geotechnical Group			
DAE & Associates, LTD, dba Geotech Engineering and Testing			
Interteck-PSI			
Raba Kistner			
Ninyo and Moore			



**Council Agenda Item Cover Memo  
May 6, 2013**

**To:** Mayor and City Council  
**Agenda Item:** 6(i) Consider authorizing a Consultant Selection Policy  
**Submitted by:** Scott Elmer, Assistant City Manager

**SYNOPSIS**

Staff proposes the use of a consultant selection policy to assure the selection of consultants for specialized services, such as: engineering, environmental planning, management, training, and scientific consultant services, will occur in an effective, legal, timely, and impartial manner.

**BACKGROUND**

The purpose of utilizing a consultant selection policy is to locate the most qualified firm to perform required work and negotiate a fair and equitable agreement. Law prohibits the selection of specific consultants by the competitive bidding process although estimated costs may be a factor considered in overall proposal evaluation.

The consultant selection policy applies only to contracts for professional services, the selection of which should be primarily based on the qualifications of a selected consulting firm. Professional services include (but are not limited to): registered architects, registered engineers, land surveyors, and certified real estate appraisers.

The policy requires a qualifications based selection (QBS) process be used to ensure the following: projects are designed in a manner that is safe, innovative, environmentally sound, and cost effective over the project's life cycle. The QBS process also makes it more likely to obtain a qualified service provider than through competitive bidding, and also allows small firms to compete for contracts.

The attached consultant selection policy is intended to be used as internal policies and procedures; an outline of the policy is as follows:

- Assessment of Need: The project manager will generate a description of the consultant need or draft a Request for Qualifications (RFQ), a general scope of services and budget estimate for the Department Director or City Manager for consideration.
- Develop Scope of Services: A written scope of services will assure potential respondents address the project properly and effectively by articulating all known parameters of the project.
- RFQ Evaluation & Consultant Selection: Evaluation criteria will be established in accordance with the firm's principals' and employees' education, experience, and expertise

with particular attention to their qualifications, competence and past performance on similar projects.

- The policy also lists other criteria that may be used in the selection process, such as: firm's project approach, availability of equipment and facilities, present workload, financial stability, proximity of the firm to the project site or city offices, and firm's history working with the city.
- A staff selection committee, including the Department Director, will be created to perform various tasks in the selection process, such as: evaluation of need, solution approach, and review of consulting firm qualifications.
- Negotiating Agreements: The project manager will begin negotiations with the number one ranked firm by working on refining the fee schedule and project scope to reach a mutual understanding.
- Bypassing the consultant selection process: Although the general practice will be to solicit requests for qualifications, the policy allows for staff to negotiate directly with a firm that has previously established a satisfactory working relationship with a qualified professional services firm.
  - Contracts less than \$25,000: are less cost effective to follow the formal selection process, therefore the project manager will obtain approval of the City Manager before proceeding with negotiating directly with a qualified firm;
  - Contracts above \$50,000: will require consideration by the Consultant Selection Committee and then the City Council.

<b>FISCAL ANALYSIS</b>
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No direct impact.

<b>SUPPORTING MATERIALS</b>
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1. Consultant Selection Policy.

<b>STAFF'S RECOMMENDATION</b>
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Staff recommends authorizing the attached consultant selection policy.

# CONSULTANT SELECTION AND USE POLICY

## A. PHILOSOPHY STATEMENT

Due to the availability of resources, the City of Missouri City has traditionally operated city government under the “generalist” philosophy. A generalist is a person without deep expertise in any one area but with a broad understanding of multiple areas. For example, some doctors are general practitioners, capable of dealing with a wide range of medical issues but not specialists in one type of medicine. The most important aspect of being a generalist is the ability to see the intersection between different aspects of the business. For instance, it's not helpful to know a little about design and a little about marketing if you don't have any insight into how design issues affect marketing considerations, and vice versa. Most cities don't have the budget or the dedicated workload to hire specialists, so they employ generalists with a wider range of skills. According to experts, it takes 10,000 hours of practice to master a specific discipline. Specialists are professionals who take the time and effort needed to become experts at one aspect of a particular business. For instance, some doctors specialize in a specific area of medicine, such as hand and wrist surgery. The advantage of hiring a specialist is that the person is a true expert in the field, with a deep understanding of the nuances of a particular problem. When a city needs a professional with a much higher than average skill at some aspect of a project, it will hire a specialist to fill that role. This has the advantage of reducing costs by not maintaining staff and equipment that is only needed in specific situations. This philosophy also avoids the “opportunity costs” of city staff being dedicated to a specific area of expertise at the expense of spending resources on other necessary activities. The disadvantage of hiring a staff specialist is that the expert may be less knowledgeable about other aspects of the business and may become less valuable to the city if the situation changes.

The City of Missouri City has had and will continue to have the need for engineering, environmental planning, management, training and scientific consultant services. To assure the consultant selection occurs in an effective, legal, timely and impartial manner the following procedures will be used.

The following consultant selection policies and procedures are intended as internal policies and procedures. The policies and procedures grant no contractual rights, either substantive or procedural, in the consultant selection process.

## B. PROFESSIONAL SERVICES vs. TRADITIONAL PROCUREMENT

Contracts for professional services are exempt from complying with the provisions of Texas Government Code, Chapter 2254, Subchapter B. As outlined by the federal Brooks Act, professional services should be based primarily upon the qualifications of the selected firm. The philosophy behind qualifications based selection (QBS) is:

- QBS ensures that projects are designed in a manner that is safe, innovative, environmentally sound, and cost-effective over the project's life cycle;
- QBS allows life-cycle costs such as construction, operations, and maintenance to be factored into project design;

- The procuring agency is more likely to obtain a qualified service provider through QBS than through competitive bidding because the QBS procedure requires respondents to submit information that outlines the applicability of their qualifications to the particular project at hand;
- It allows small firms to compete for contracts based on quality of services provided on equal footing with larger firms. Larger firms would have a distinct advantage if competitive bidding were based solely on price

The following services are considered “professional” by Texas statute.

- Registered architects;
- Registered engineers;
- Optometrists;
- Land surveyors;
- Physicians and surgeons;
- Certified public accountants;
- Registered nurses;
- Certified real estate appraisers.

Contracted services by the above professionals that fall outside their scope of practice may be governed by other procurement requirements. For example, management consulting services by a certified public accountant would not be exempt as a professional service. Services outside of the contracted services listed above follow the appropriate Texas statutes on procurement.

### **C. ASSESSMENT OF NEED**

The project manager shall generate a brief description of the consultant need or draft Request for Proposal/Qualifications, a general scope of services and budget estimate to the Department Director or City Manager, as appropriate, for consideration. Consultant services are generally used to obtain the following:

1. Expertise of a specialized nature which is not available within the department or from another department;
2. Outside expertise to provide a new, impartial or broader perspective on a specific project or process;
3. The skill of experts whose established prestige can contribute to important projects;
4. Performance of one-time projects of limited duration that do not warrant additional, permanent staff;
5. On time delivery of projects due to deadlines, compressed project schedules and/or existing staff workload;

6. Innovative solutions and/or processes due to a new viewpoint, a broader base of experience or a larger team of disciplines and experience;
7. Better risk management through shifting the risk to a consultant with total control of the project and/or design;
8. Cost effectiveness due to an integrated project team and economies of scale; and
9. Legal compliance with state and/or federal regulations that require specific design professionals or licensed disciplines.

Consultant services should not be used to:

1. Make policy or managerial decisions that are the direct responsibility of department management;
2. Circumvent personnel ceilings, pay limitations or competitive employment procedures;
3. Supervise permanent employees,
4. Perform routine, long-term tasks that are normally the responsibility of permanent employees. The exception to this would be the use of operation specific companies (i.e utility operators) or term contracts for maintenance operations (i.e, on-call plumbing specialists).

#### **D. DEFINING THE PROJECT AND DEVELOPING A SCOPE OF SERVICES**

A staff selection committee made up of the appropriate Department Director or his or designee, project manager and other appropriate staff shall be created to perform various tasks in the selection process. The Director may also invite other individuals with specific expertise to sit on the selection committee when appropriate. There is no minimum size established for the selection committee and there may be occasions when the selection committee is a single person. A comprehensive evaluation of the problem or need which resulted in the project is essential to the consultant selection process. The solution, approach, and eventually the approach for the project will evolve out of the expertise offered by the firm responding to the request for proposals/qualifications. A specific scope of services will develop out of contract negotiations with the firm ranked most appropriate for the project. But in order to assure the respondents address the project properly and effectively, it is important to clearly articulate all known parameters of the project.

A written scope of service can be one or more pages, depending on the project size, to clearly define the scope of the service desired. This information should involve the following processes:

1. Describe in general terms the need, purpose and objective of the project.
2. Identify the various project components.
3. Set the desired timetable for the effort.

4. Identify expected problems.
5. Determine the approximate project cost range or budget if applicable.
6. Determine if hourly rates and/or project component costs are appropriate to review as part of the Request for Proposals
7. Identify information, data or services that will be provided by SMC, if any.

#### **E. REQUESTS FOR PROPOSALS/QUALIFICATIONS (RFP/RFQ)**

When a need for consulting services has been determined, and a scope of services has been prepared, the selection committee will review and approve the RFP/RFQ. The City Purchasing Manager will oversee the RFP/RFQ process. The RFP/RFQ process will be conducted in accordance with the process outlined under state law and in accordance with generally accepted purchasing guidelines.

#### **F. RFP/RFQ EVALUATION AND CONSULTANT SELECTION**

Typical criteria for both evaluating and ranking firms may include but not be limited to the following:

1. The education, experience and expertise of the firm's principals and employees who will be assigned key project responsibilities, with particular attention to their qualifications, competence and past performance.
2. The firm's general experience and history of performance on projects similar to the one under consideration with references. Recommendations and opinions of each firm's previous clients as to the ability to meet deadlines and remain within budget. Prior clients may also be able to advise as to each firm's sense of responsibility; attitudes of key personnel; concern for economy, efficiency and environment; and quality of service.
3. Availability of equipment and facilities to do the needed work expeditiously. If necessary, perform an on-site examination to observe each firm's facilities and the sites of current and/or completed projects, including computer capability, reproduction and communication equipment, laboratory and testing equipment, or other specialized equipment applicable to the project under consideration.
4. The firm's approach to plan development, organization and management of a project effort, including communication procedures, approach to problem solving, data gathering methods, evaluation techniques and similar factors.
5. Present workload with attention to current and future commitments of available personnel - particularly those key persons expected to be assigned to the project.
6. Financial stability, with particular attention to avoiding a situation in which the firm is solely dependent upon income from the project at hand for its existence.
7. Proximity of the firm to the proposed project site and/or city offices.

8. Awards received by the firm and technical papers authored by employees that are relevant to the project under consideration.

9. If the City has worked successfully with a specific firm and can cite any or all of the following advantages:

- The firm's personnel are acquainted with the agency's organization and local conditions.
- Information from the files of past assignments is of great importance.
- Compatibility with agency organization is assured.
- A smooth start-up and satisfactory progress will result since both parties will be dealing with known factors.

10. Hourly rates and other applicable fees and breakdowns of requested project costs at the stage appropriate under state law.

The selection committee shall arrive at a consensus of which criteria should be evaluated and a per criteria weighting value. The weight given each evaluation criterion in the ranking process may vary from project to project. In all projects where estimated project costs are received, cost information shall not be used as sole criteria nor shall it have the greatest weight for ranking purposes. Using the agreed criteria, the project manager shall establish a maximum of 5 short listed firms. Individual firm scoring shall be withheld until the selection committee rankings are completed. The selection committee, upon agreement of the short listed firms, shall rank the firms, in order of preference, to establish an ordinal ranking. A summary of the selection shall be prepared noting the criteria, weightings, and ranking of the top firms. The final product shall be a recommended firm and a short list of the top firms.

#### **G. NEGOTIATING AN AGREEMENT WITH THE SELECTED FIRM**

The Project Manager or his or her designee will meet with the number one ranked firm to clarify the scope of the project in more detail. At this time, it is appropriate to ask for a fee schedule and refinements.

a. Scope of Project. An important objective of the negotiation process is to reach a complete and mutual understanding of the scope of professional services to be provided and the degree of performance desired. The general scope of professional services developed during the selection process, may be too broad to serve as the contract scope of service. The negotiation process offers the opportunity for refinement, amendment and complete definition of the services to be rendered, as well as the areas of responsibility and liability for those services. Mutual understanding on these points, at the negotiation stage, can minimize the possibility of misunderstanding as the project progresses.

Special elements of the project to be established during negotiation include:

1. Project schedule
2. Project Approach
3. Manpower requirement & timing

4. Level of effort
5. Avenues of research
6. Areas of responsibility/liability
7. Detailed Definition of "Deliverable"
8. All identifiable project costs and contract "not to exceed" amount
9. Add Alternates - scope and cost estimates

b. Negotiate Agreement Terms. Contracts between the City and consulting firms must be set forth in fully executed agreements. All subcontractors or sub consultants shall be approved by the city prior to execution of the final contract. If the city is able to reach an agreement with the firm and if the fee is within range of the budget, the city will proceed to finalize an agreement. If problems arise with the scope of the project or the fee, further discussion and clarification may be required.

c. If the City cannot agree on the scope and fee, the City will drop negotiations with the top ranked firm and continue the process with the second ranked firm. If the top ranked firm has been approved by the Council Consultant Selection Committee, staff will request permission from the committee to move to the second ranked firm. This process will continue until a mutual accord has been reached. Generally, this accord is reached with the first or second firm.

## **H. BYPASSING THE CONSULTANT SELECTION PROCESS**

### **1. Previous Working Relationships**

It is allowable for a local government, who has a satisfactory working relationship with a qualified professional services firm, to negotiate directly with that firm for further services. It will be the City's general practice to solicit requests for proposals even though it may have developed a satisfactory working relationship with a specific firm. However, it is possible that the city may choose to bypass the selection process and enter directly into a contract with a firm with which the City has previously worked. In this case the city will outline the uniqueness of the situation (i.e. It is Phase II of a multi phase project in which the selected consultant had completed Phase I).

### **2. Sole Source Consultant Selection**

Occasionally, it may be desirable (or necessary) to directly select a specific consultant for a given project. Reasons for directly selecting a specific consultant are normally

- a. Specific and unusual expertise offered by the consultant that other consultants do not have and which is necessary to properly accomplish a project.
- b. The consultant is recognized as being that much more competent than competitors in a given area that the process of selection would become moot.
- c. The consultant has significant prior knowledge of the project or relevant proprietary information that the use of the consultant would generate significant cost savings for the city.

### 3. Contracts Less than \$25,000

It is not always cost effective to follow the formal selection process for smaller contracts. If a contract is estimated to be less than \$25,000 it may be subject to a reduced selection process as follows.

- The project manager shall obtain approval of the City Manager;
- The project manager shall define the project scope and services ;
- The project manager shall consider firms that have the desired qualifications ;
- The firm selection process will consider the appropriate selection criteria
- Negotiations shall proceed with the Selected Firm and upon successful completion a contract will be forwarded to the City Manager for execution.

While this process is intended to follow the same basic principles as the formal process for contracts above \$25,000, the extent of documentation is reduced in the interest of cost effectiveness.

### 4. Contracts above \$50,000

Contracts above \$50,000 will require consideration by the Consultant Selection Committee and then the City Council. When submitting the consultant contract to the Consultant Selection Committee for approval, the cover memo/staff recommendation should include the rationale for the consultant selection decision. When submitting to City Council the cover memo should include the Consultant Selection Committee recommendation.

## I. SUMMARY

Ranking and negotiations involve a considerable amount of subjective judgment. Since consultant projects can involve a large expenditure of public funds, accountability for decisions and value judgments is most important. To ensure adequate accountability:

- Involve more than one knowledgeable person in the evaluation process.
- Be consistent in reviewing each applicant.
- Keep accurate and complete records of all correspondence, memos, evaluations and decisions.

Again, the primary purpose of undertaking this process for selection is to locate the most qualified firm to do the work and negotiate a fair and equitable agreement. Law prohibits the selection of specific consultants by the competitive bidding process although estimated costs may be a factor considered in overall proposal evaluation. It is important to note that the most qualified firm is not necessarily the largest firm. A selection is made based upon experience and expertise in projects of the same type. Conceivably, a small firm could be more qualified than a larger firm, depending on the project size, specialties, and time schedule.



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 6, 2020

**To:** Mayor and City Council  
**Agenda Item:** 9(b) Authorize contract amendment with Gulf Coast Water Authority (GCWA) to purchase an additional 10 MGD of raw water supplies  
**Submitted by:** Shashi K. Kumar, P.E., Director of Public Works and City Engineer

### SYNOPSIS

This amendment and restated agreement with the Gulf Coast Water Authority (GCWA) is the option to purchase and secure an additional 10 Million Gallons per Day (MGD) of raw water supplies from the Brazos River. This to ensure adequate water supplies are available to meet the projected growth and water demand in the City and ETJ within the Joint Ground Water Reduction Plan (GRP) area. This purchase of additional 10 MGD of “option” raw water will supplement the current 15 MGD contract with GCWA, for a total of 25 MGD by 2025.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Have a quality development through buildout

### BACKGROUND

In July of 1997, the City of Missouri City planned ahead and secured 15 Million Gallons per Day (MGD) of raw water supplies from the Brazos River through the GCWA. The City started utilizing raw river water supplies for domestic use when the Surface Water Plant was brought on-line in 2012. This was necessary due to the mandate from the Fort Bend Subsidence District to reduce reliance on ground water. Since that time, no other raw river water supplies have been available for sale, until now.

In 2004, the Brazos River Authority applied for a “System Optimization Permit” or “Sys Ops Permit” to secure more water rights, so that it can sell additional raw water supplies to its domestic users. Fourteen years later, in 2018, the Texas Commission on Environmental Quality (TCEQ) approved the “Sys Opts Permit” and allocated to the Brazos River Authority an additional 100,000 acre-feet of raw water supplies to the GCWA.

The City of Missouri City was at the top of the list to purchase any additional raw water supplies from GCWA when more water was available to sell to cities, water districts, and industrial users. Since 2012 the City’s regional surface water plant has been on line and currently produces close to 10 MGD of treated water during peak demand. With the projected growth and expansion of plant capacity to 20 MGD, additional raw water supplies are needed to meet future demands. This additional purchase of 10 MGD “option water” will bring the City’s total raw surface water supplies to 25 MGD by 2025, which can meet future demands based on ultimate build-out.

Currently, the purchase price for 15 MGD of raw water from GCWA is \$1,372,384 per year. The current purchase price for this additional 10 MGD of “option” raw water from GCWA is \$492,750 per year and is subject to future rate increases per the terms of the agreement. Under the proposed terms, the purchaser’s (City’s) contract quantity under this agreement will increase from 15 MGD to 20 MGD on September 1, 2022, and from 20 MGD to 25 MGD on September 1, 2025.

Funds for the purchase of raw water supplies are derived from the GRP program user fees. On June 26, 2019, the GRP Oversight Committee also recommended to move forward with the purchase of the additional 10 MGD of raw water from the GCWA.

**BUDGET/FISCAL ANALYSIS**

Funding Source	Account Number	Project Code/Name	FY2020 Funds Budgeted	FY2020 Funds Available	Amount Requested
GRP Fees	540-52057-54-540	Raw Water Purchase	\$1,861,000	\$539,828	\$4,135

**Purchasing Review:**

**Financial/Budget Review:** Bertha P. Alexander, Budget & Financial Reporting Manager

*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. GCWA Amended and Restated Agreement (*Forthcoming*)

**STAFF'S RECOMMENDATION**

Staff recommends City council to authorize this amended agreement between the City and GCWA to purchase an additional 10 MGD of "option" raw water supplies for a current price of \$492,750/year, which may be amended in the future per the terms of this contract.

**Director Approval:**

**Shashi K. Kumar, P.E.**

**Assistant City Manager/  
City Manager Approval:**

**Glen A. Martel, ACM**



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 6, 2020

**To:** Mayor and City Council  
**Agenda Item:** 10(a) Consider an ordinance of the City of Missouri City, Texas, amending Division I, In General, of Article I, Administration and Authority, of Chapter 38, Fire Protection and Prevention, of the City Code of Missouri City, Texas.

**Submitted by:** Matthew Rios, Fire Marshal

### SYNOPSIS

This is a request to amend the City Code of Missouri City, Texas by repealing and replacing Division I, In General, of Article I, Administration and Authority, of Chapter 38, Fire Protection to establish general duties of the Missouri City Fire and Rescue Services Department (“the fire and rescue services department”), create a fire protection and prevention division, and consequently establish the fire and rescue services department as a law enforcement agency of the city.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City
- Develop a high performing City team

### BACKGROUND

#### Legal Authority

Article 2.12(7) of the Texas Code of Criminal Procedure designates arson investigators as peace officers if the city commissions an arson unit. Subchapter B of Chapter 419 the Texas Government Code provides rules for municipal fire departments, including the authority to employ law enforcement officers as fire protection personnel (arson investigators). If a fire department employs (commissions) peace officers, Section 1701.163 of the Texas Occupation Code provides certain rules upon the creation of a law enforcement agency that employs peace officers and authorizes further regulation by the Texas Commission on Law Enforcement. Under said rules, Section 211.16 of the Texas Administrative Code, Establishment of an Appointing Entity, provides that an entity authorized by statute to create a law enforcement agency and commission, appoint, or employ peace officers that first creates a law enforcement agency and first begins to commission, appoint, or employ peace officers shall make application to the commission.

#### Need For Action.

In addition to providing fire suppression and emergency management services, the Missouri City Fire and Rescue Services Department functions as a law enforcement agency of the City of Missouri City, Texas. The department is responsible for arson investigations, staffed by peace officers, and provides police orders at emergency scenes. To carry out some of these duties, the department receives certain information from the Federal Bureau of Investigation, using an originating agency number (ORI). With recent changes in personnel, the fire and rescue service department learned that they were using the police department’s ORI number, and needs to apply for their own ORI. As indicated above, upon the creation of an agency that employs peace officers, the agency must make an application to the Department of Public Safety (DPS) as a law enforcement agency, and then they can apply for an ORI number. The fire and rescue services department intends to make an application to DPS as a law enforcement agency and for an ORI number.

However, in order to do this, it needs explicit authorization from the governing body for its law enforcement functions. Therefore, city council should adopt the attached ordinance, which will establish general duties for the administration fire and rescue services department, create a fire protection and prevention division (arson unit) thereby clearly establishing the department as a law enforcement agency. This is the first of two readings for this ordinance. No additional, new, or future funds are being requested.

**SUPPORTING MATERIALS**

1. Ordinance

**STAFF'S RECOMMENDATION**

Staff recommends approval.

**Director Approval: Eugene Campbell, Fire Chief**

**Assistant City Manager/  
City Manager Approval: Bill Atkinson, Interm City Manager**

**ORDINANCE NO. O-20-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CHAPTER 38, FIRE PROTECTION AND PREVENTION, OF THE MISSOURI CITY CODE; AUTHORIZING THE FIRE AND RESCUE SERVICES DEPARTMENT TO ENFORCE LAWS AND ESTABLISH A FIRE PREVENTION AND COMMUNITY RISK REDUCTION DIVISION; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

WHEREAS, pursuant to Section 2-162 of the Missouri City Code, the City of Missouri City established a fire and rescue services department to prevent and extinguish fires and provide rescue and first responder emergency medical services (“the fire and rescue services department”); and

WHEREAS, Subchapter B of Chapter 419 of the Texas Government Code provides that municipal fire departments may employ law enforcement officers as fire protection personnel; and

WHEREAS, the City Council of the City of Missouri City, Texas (“City Council”) desires to establish the fire and rescue services department as a law enforcement agency; and

WHEREAS, the City Council finds it necessary to amend Chapter 38, Fire Protection and Prevention of the Missouri City Code to establish the fire and rescue services department as a law enforcement agency of the City of Missouri City, Texas; 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.

Section 2. That the Missouri City Code is hereby amended by adding new Sections 38-5 and 38-6 of Division 1 of Article I, of Chapter 38 thereof to provide as follows:

**“CHAPTER 38. FIRE PREVENTION AND PROTECTION**

**ARTICLE I. - IN GENERAL**

**DIVISION 1. - ADMINISTRATION AND AUTHORITY**

. . . .

**Sec. 38-5. - Fire prevention and community risk reduction division.**

- (a) The fire and rescue services department may establish a fire prevention and community risk reduction division of the fire and rescue services department and its personnel shall be charged with the primary duty of enforcing all laws of the state and ordinances of the city relating to the following:
- (1) The prevention of fires;
  - (2) The storage and use of explosives and inflammables;
  - (3) The installation and maintenance of automatic and other fire alarm systems and protection systems, fire extinguishers and equipment;
  - (4) The maintenance and regulation of fire escapes;
  - (5) The means and adequacy of exits from structures in the event of a fire;
  - (6) The investigation of causes, origin and circumstances of fire;
  - (7) The interrogation and arrest of suspects;
  - (8) The conducting of fire prevention campaigns and the circulation of fire prevention literature for the benefit of the general public in the interest of fire prevention and public safety; and
  - (9) Such other duties as may be imposed from time to time by the city manager, the laws of the state, ordinances of the city, and by the chief of the fire and rescue services department and the fire marshal.
- (b) The holder of the position of fire marshal shall be in charge of the fire prevention and community risk reduction division, if established, of the fire and rescue services department and, together with those employees holding the assisting positions within the fire prevention and community risk reduction division, shall perform or cause to be performed all of the duties required of such division.

**Sec. 38-6. - Police power at fires.**

The chief of the fire and rescue services department and each of his assistants and all officers thereof shall have the same police power at all fires as the police officers of the city. Any person refusing to comply with any reasonable orders given by the chief of fire and rescue services department, or any official in the fire and rescue services department, shall be deemed guilty of a Class C misdemeanor, and, upon conviction thereof, shall be punished by a fine as set forth in section 1-13.”

Section 3. *Repeal.* That any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 4. *Penalty.* That any person who violates, or any person who causes or allows another person to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any violation of this

Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

Section 5. Severability. That 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, or whether there be one or more parts.

PASSED and APPROVED on first reading this 6<sup>th</sup> day of April, 2020.

PASSED, APPROVED and ADOPTED on second and final reading this \_ day of April, 2020.

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Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

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Maria Jackson, City Secretary

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E. Joyce Iyamu, City Attorney



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 6, 2020

**To:** Mayor and City Council  
**Agenda Item:** 10(b) Consider an ordinance of the City of Missouri City, Texas, as authorized by the Governor of the State of Texas postponing the Special Election scheduled on May 2, 2020, to November 3, 2020, for the purpose of submitting to the qualified voters of the City of Missouri City a proposition providing for or against the adoption of the fire fighters' and police officers' civil service law.  
**Submitted by:** Maria Jackson, City Secretary

### SYNOPSIS

Consider and discuss an ordinance of the City of Missouri City, Texas, as authorized by the Governor of the State of Texas postponing the Special Election scheduled on May 2, 2020, to November 3, 2020, for the purpose of submitting to the qualified voters of the City of Missouri City a proposition providing for or against the adoption of the fire fighters' and police officers' civil service law on the first and final reading.

### BACKGROUND

During the February 3, 2020 regular City Council meeting, City Council called a Special Election to be conducted on May 2, 2020 for the purpose of submitting to the qualified voters a proposition providing for or against the adoption of the Fire Fighters' and Police Officers' Civil Service Law, providing for a joint election with other entities contracting with Fort Bend County for such joint election.

During the March 30, 2020, special City Council meeting, City Council discussed the postponement of the May 2, 2020 election date to the November 3, 2020 uniform election date, as provided for by a Proclamation issued by the Governor of Texas suspending certain provisions of the Texas Election Code as a result of the Coronavirus Disease 2019 (COVID-19) Pandemic.

The postponement of the City's election does not happen automatically; the governing body of the political subdivision **MUST** take an official action for such a change to be effective.

Furthermore, during the March 30, 2020, special City Council meeting, City Council requested to suspend certain provisions of the Texas Election Code which allows all local political subdivisions that are utilizing the May 2, 2020 uniform election date to consider an alternate uniform date for the election and agreed to postpone the election to November 3, 2020.

The Fort Bend County Elections Administrator has now confirmed that every district that has historically contracted with them for May elections has notified his office that they were postponing or cancelling their May 2, 2020 elections.

### BUDGET/FISCAL ANALYSIS

Not applicable as Fort Bend County Elections will provide the City with a new contract for the November 3, 2020 election which will incorporate the costs of the general and special elections.

## **SUPPORTING MATERIALS**

1. Ordinance
2. Ordinance No. O-20-03: Calling for A Special Election on May 2, 2020
3. March 18, 2020: MASS EMAIL ADVISORY - (CSO-3492) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)
  - Proclamation
  - Advisory 2020-12 – Actions for May 2, 2020 Uniform Election Date
4. March 19, 2020: MASS EMAIL ADVISORY - (CC/EA/VR -700) - Questions regarding Advisory 2020-12- Actions for May 2, 2020
5. March 24, 2020: Mass Email Advisory - Update to COVID-19 Election Procedures

## **STAFF'S RECOMMENDATION**

Consider and discuss an ordinance of the City of Missouri City, Texas, as authorized by the Governor of the State of Texas postponing the Special Election scheduled on May 2, 2020, to November 3, 2020, for the purpose of submitting to the qualified voters of the City of Missouri City a proposition providing for or against the adoption of the fire fighters' and police officers' civil service law on the first and final reading.

**ORDINANCE NO. O-20-\_\_**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AS AUTHORIZED BY THE GOVERNOR OF THE STATE OF TEXAS POSTPONING THE SPECIAL ELECTION SCHEDULED ON MAY 2, 2020, TO NOVEMBER 3, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MISSOURI CITY A PROPOSITION PROVIDING FOR OR AGAINST THE ADOPTION OF THE FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE LAW; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, Section 143.004 of the Texas Local Government Code requires the governing body of a municipality to order an election submitting to the voters the question of whether Chapter 143 of the Texas Local Government Code, the firefighter' and police officers' civil service law ("Chapter 143"), should be adopted if the governing body of the municipality receives a petition on said matter that is signed by at least 10 percent of the qualified voters who voted in the most recent municipal election; and

WHEREAS, on or about January 21, 2020, the City Secretary of the City of Missouri City ("City Secretary") received a petition requesting the adoption of Chapter 143 (the "Petition"); and

WHEREAS, on or about January 28, 2020, the City Secretary notified the petitioner as to the sufficiency of the Petition in accordance with Section 277.0023 of the Texas Election Code; and

WHEREAS, pursuant to Chapter 143, the Petition has been signed by at least 10 percent of the qualified voters who voted in the most recent municipal election; and

WHEREAS, pursuant to Chapter 143, the City Council of the City of Missouri City, Texas (the "City") is required to hold an election in the City on a uniform election date for the purpose of submitting to the qualified voters of the City a proposition providing for or against the adoption of Chapter 143; and

WHEREAS, on or about February 3, 2020, the City adopted Ordinance No. O-20-03 ordering a special election on the next uniform election date, May 2, 2020, as required by Chapter 143; and

WHEREAS, on or about March 13, 2020, the Governor of the State of Texas certified that the novel coronavirus disease 2019 (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the

Texas Government Code, declared a state of disaster in every county in the State of Texas; and

WHEREAS, on or about March 18, 2020, the Governor issued a proclamation suspending certain sections of the Texas Election Code and authorized political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections to the next uniform election date, November 3, 2020 (the "Proclamation"); and

WHEREAS, on or about March 18, 2020, pursuant to Texas Election Code Section 31.004, the Texas Secretary of State issued Election Advisory No. 2020-12, which contains guidelines for entities that choose to exercise the authority provided by the Proclamation; and

WHEREAS, the City of Missouri City, Texas, is a home-rule municipality and political subdivision of the State of Texas; and

WHEREAS, pursuant to the Governor's March 13, 2020 disaster declaration and the Proclamation, the City Council finds that it is in the best interest of public health and safety to postpone the City's special election from Saturday, May 2, 2020, to Tuesday, November 3, 2020; now, therefore,

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

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

Section 2. *Election postponed.* The special election scheduled for May 2, 2020, at which a proposition for or against the adoption of the fire fighters' and police officers' civil service law was to be submitted to the qualified voters of the City of Missouri City, Texas, for their action thereon, is hereby postponed until Tuesday, November 3, 2020, pursuant to the March 13, 2020 disaster declaration and the March 18, 2020 proclamation of the Governor of the State of Texas, attached hereto as Exhibit "A" and incorporated herein for reference purposes. Such November 3, 2020 election is hereby ordered. Said election shall be held in accordance with the Texas Election Code. Polling locations and precincts shall be set forth by ordinance by August 17, 2020.

Section 3. *Authority.* Pursuant to Election Advisory No. 2020-12, issued by the Texas Secretary of State's Office on or about March 18, 2020, attached hereto as Exhibit "B" and incorporated herein for reference purposes, this Ordinance makes the following findings, and incorporates them by reference into this Ordinance: (1) the petition verified on or about January 28, 2020, remains valid and sufficient to require an election for or against the adoption of the fire fighters' and police officers' civil service

law; (2) all applications for a ballot by mail for voters who are voting by mail due to being over the age of 65 or due to disability will remain valid for the postponed election; (3) all applications for a ballot by mail based upon a voter's expected absence from the applicable county will not be valid for the postponed election; and (4) the major relevant dates for the November 3, 2020, general election are as follows: (a) October 5, 2020, the voter registration deadline; (b) October 23, 2020, the deadline to submit an application for a ballot by mail; and (c) October 19, 2020, through October 30, 2020, early voting period.

Section 4. *Open meeting.* It is further found and determined that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. *Severability.* That if any section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid or adjudged unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable; and the City Council of the City of Missouri City, Texas, declares 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, APPROVED, AND ADOPTED on first and final reading this 6th day of April, 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

Approved as to form:

\_\_\_\_\_  
Maria Jackson, City Secretary

\_\_\_\_\_  
E. Joyce Iyamu, City Attorney

**ORDINANCE NO. O-20-03**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MISSOURI CITY A PROPOSITION PROVIDING FOR OR AGAINST THE ADOPTION OF THE FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE LAW; PROVIDING FOR A JOINT ELECTION ON MAY 2, 2020, WITH OTHER ENTITIES CONTRACTING WITH FORT BEND COUNTY FOR SUCH JOINT ELECTION; PROVIDING FOR ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, Section 143.004 of the Texas Local Government Code requires the governing body of a municipality to order an election submitting to the voters the question of whether Chapter 143 of the Texas Local Government Code, the firefighter' and police officers' civil service law ("Chapter 143"), should be adopted if the governing body of the municipality receives a petition on said matter that is signed by at least 10 percent of the qualified voters who voted in the most recent municipal election; and

WHEREAS, on or about January 21, 2020, the City Secretary of the City of Missouri City ("City Secretary") received a petition requesting the adoption of Chapter 143 (the "Petition"); and

WHEREAS, on or about January 28, 2020, the City Secretary notified the petitioner as to the sufficiency of the Petition in accordance with Section 277.0023 of the Texas Election Code; and

WHEREAS, pursuant to Chapter 143, the Petition has been signed by at least 10 percent of the qualified voters who voted in the most recent municipal election; and

WHEREAS, pursuant to Chapter 143, the City Council of the City of Missouri City, Texas (the "City") is required to hold an election in the City for the purpose of submitting to the qualified voters of the City a proposition providing for or against the adoption of Chapter 143; now, therefore,

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

Section 1. *Election order.* A special municipal election is hereby called and ordered for the 2nd day of May, 2020 ("Election Day"), at which election shall be

submitted to the qualified voters of the City of Missouri City, Texas, for their action thereon, a proposition for or against the adoption of the fire fighters' and police officers' civil service law. Said election shall be held in accordance with the Texas Election Code.

Section 2. *Ballot language.* That the ballot of said election shall conform to the requirements of the Texas Local Government Code, as such code may be amended, and the Texas Election Code, as such code may be amended, with the provision on such ballot allowing voters to vote "FOR" or "AGAINST" the proposition. Such proposition, lettered, in accordance with Section 52.095 of the Texas Election Code, shall provide as follows:

**CITY OF MISSOURI CITY, TEXAS, PROPOSITION A**

Adoption of the fire fighters' and police officers' civil service law.

Section 3. *Election administrators.* For the special election called and ordered for the purpose of submitting to the qualified voters of the City of Missouri City, Texas, a proposition for or against the adoption of the fire fighters' and police officers' civil service law, the Fort Bend County Elections Administrator shall act as Contracting Officer. The election officials in Fort Bend County shall be designated by the Elections Administrator of Fort Bend County; and such election officials shall conduct the City's special election in accordance with the "Fort Bend County Joint Election Agreement and Contract." The Elections Administrator of Fort Bend County is hereby authorized and instructed to provide and furnish all necessary election supplies for all City of Missouri City precincts. The official mailing address of the Elections Administrator is 301 Jackson Street, Richmond, Texas 77469; and the physical address is 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471.

Section 4. *Election Day polling places and precincts.* The polling places for voting on Election Day for each City election precinct shall be at the locations designated by Fort Bend County as countywide polling places and as set forth in Exhibit A, attached hereto and made a part hereof. Exhibit A may be modified to include additional or different locations designated by the Fort Bend County Elections Administrator and to conform to the Fort Bend County Joint Election Agreement and Contract.

Section 5. *Election Day schedule.* Each polling place on Election Day shall be open from 7:00 a.m. to 7:00 p.m.

Section 6. *Early voting polling places and schedule.* Early voting by personal appearance for each City election precinct shall be at the locations, dates, and times as set forth in Exhibit B, attached hereto and made a part hereof. Exhibit B may be modified to include additional or different early voting locations, dates, and times designated by the Fort Bend County Elections Administrator and to conform to the Fort Bend County Joint Election Agreement and Contract.

Section 7. *Method of voting.* Voting at the election, including early voting by personal appearance, shall be by use of the electronic voting system designated by the contracting entity and approved by the Texas Secretary of State. Early voting by mail shall be by paper ballot processed by an Early Voting Ballot Board through an electronic voting system designated by the contracting entity and approved by the Texas Secretary of State.

Section 8. *Early voting.* The Fort Bend County Elections Administrator is hereby designated as the Early Voting Clerk. An application for a voting ballot to be voted by mail shall be mailed to: Fort Bend County Elections Administrator, 301 Jackson Street, Richmond, Texas 77469; personally delivered to: 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471; faxed to: 281-341-4418 or emailed to: vote@fortbendcountytexas.gov. If mailed, faxed, or sent by email or common carrier, an application for a voting ballot to be voted by mail must be received no later than Monday, April 20, 2020.

Section 9. *Notice of changes.* The City Secretary shall provide notice of the election in accordance with state law and shall provide notice of any modifications to Exhibits A and B on the City's internet website.

Section 10. *Canvassing.* The results of the election shall be canvassed and the returns shall be declared in accordance with state law.

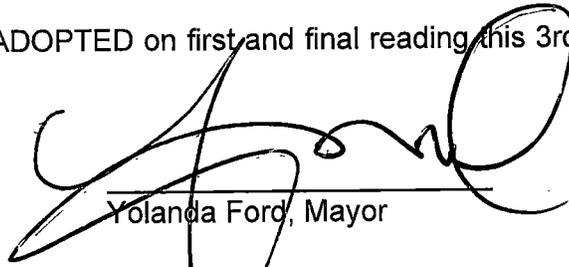
Section 11. *Open meeting.* It is further found and determined that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 12. *Repeal.* Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 13. *Severability.* That if any section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid or adjudged unconstitutional

by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable; and the City Council of the City of Missouri City, Texas, declares 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, APPROVED, AND ADOPTED on first and final reading this 3rd day of February, 2020.



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Yolanda Ford, Mayor

ATTEST:

Approved as to form:



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Maria Jackson, City Secretary



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E. Joyce Iyamu, City Attorney



## **Election Day Vote Centers May 2, 2020 Joint Election**

### **Eligible Missouri City voters residing in Fort Bend County:**

**Missouri City Precinct No. 1:** Those portions of Fort Bend County election Precinct Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, and 4127 located within the City.

Those portions of Fort Bend County Precincts Nos. 1097, 1118, 2088, and 4044 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

### **Eligible Missouri City voters residing in Harris County:**

**Missouri City Precinct No. 2:** That portion of Harris County election Precinct No. 506 located within the City.

The portion of Harris County Precinct No. 0337 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

Precinct 1 and Precinct 2 polling places shall be the polling places set forth in the agreement to be entered into between the City of Missouri City and Fort Bend County for election services.

## **Early Voting Schedule May 2, 2020 Joint Election**

### **Eligible Missouri City voters residing in Fort Bend County:**

**Missouri City Precinct No. 1:** Those portions of Fort Bend County election Precinct Nos. 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065, and 4127 located within the City.

Those portions of Fort Bend County Precincts Nos. 1097, 1118, 2088, and 4044 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

### **Eligible Missouri City voters residing in Harris County:**

**Missouri City Precinct No. 2:** That portion of Harris County election Precinct No. 506 located within the City.

The portion of Harris County Precinct No. 0337 falling within the boundaries of the City of Missouri City but having no Missouri City residents will have no Missouri City election day polling places.

Precinct 1 and Precinct 2 polling places shall be the polling places set forth in the agreement to be entered into between the City of Missouri City and Fort Bend County for election services.

**From:** [Elections Internet](#)  
**To:** [Elections Internet](#)  
**Subject:** MASS EMAIL ADVISORY - (CSO-3492) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)  
**Date:** Wednesday, March 18, 2020 11:13:23 AM  
**Attachments:** [image001.png](#)  
**Sensitivity:** Personal

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**CAUTION:** This email originated from outside of the City of Missouri City organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Election Officials:

Pursuant to a [proclamation](#) issued earlier today, Governor Greg Abbott has authorized all political subdivisions holding general or special elections on May 2, 2020 to postpone their election to the November 3, 2020 uniform election date. Please be advised that a postponement of your election does not happen automatically; the governing body of the political subdivision **MUST** take an official action for such a change to be effective.

Today, our office has issued [Advisory 2020-12 – Actions for May 2, 2020 Uniform Election Date](#), providing guidance to political subdivisions seeking to move their May 2, 2020 election date in accordance with the Governor’s proclamation.

We are in the middle of a public health crisis that is rapidly changing. Through this crisis, our primary concern is the health and safety of voters, election workers, and our local election officials. As the situation progresses, we stand ready to provide additional guidance regarding the upcoming elections. In the meantime, please continue to send us your questions so that we can revise and update our materials and guidance as necessary.

Please let us know if you have any additional questions or concerns. This advisory and other resources can be found on your [Conducting Elections](#) pages.

Thank you for all that you do for Texas elections.

**Christina Worrell Adkins**

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

1.800.252.VOTE (8683)

[elections@sos.texas.gov](mailto:elections@sos.texas.gov) | [www.sos.texas.gov](http://www.sos.texas.gov)

**For Voter Related Information, please visit:**



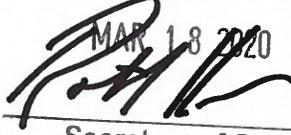
*The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.*



GOVERNOR GREG ABBOTT

March 18, 2020

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00 AM 'CLOCK  
MAR 18 2020  
  
Secretary of State

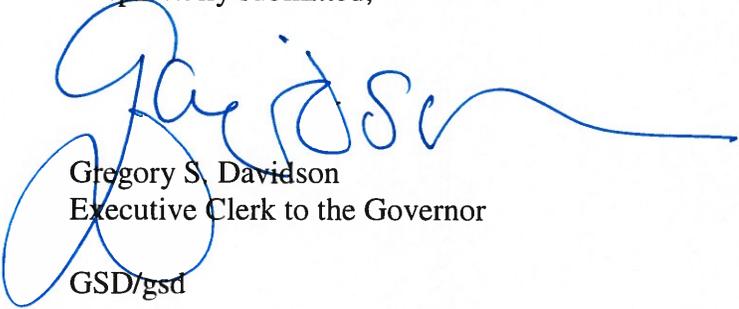
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# PROCLAMATION

BY THE

## Governor of the State of Texas

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**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on May 2, 2020; and

WHEREAS, Section 49.103 of the Texas Water Code provides that certain districts governed by this provision are required to hold director elections in May of each even-numbered year; and

WHEREAS, Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a general election date, but the time for making such a change has expired; and

WHEREAS, Section 31.093 of the Texas Election Code requires a county elections administrator to enter into a contract to furnish election services upon request of a political subdivision; and

WHEREAS, Section 42.0621(c) of the Texas Election Code does not require a political subdivision to enter into a contract with a county or hold a joint election with a county on the November uniform election date; and

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office. I further suspend Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The authority ordering the election under Section 3.004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with this proclamation.

Current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution.

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00AM O'CLOCK

MAR 18 2020



IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT  
Governor of Texas

ATTESTED BY:

A handwritten signature in black ink that reads "Ruth R. Hughs".

RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00AM O'CLOCK

MAR 18 2020

# The State of Texas

Elections Division  
P.O. Box 12060  
Austin, Texas 78711-2060  
www.sos.texas.gov



Phone: 512-463-5650  
Fax: 512-475-2811  
Dial 7-1-1 For Relay Services  
(800) 252-VOTE (8683)

Ruth R. Hughes  
Secretary of State

## ELECTION ADVISORY

### NO. 2020-12

TO: Election Officials

FROM: Keith Ingram, Director of Elections 

DATE: March 18, 2020

RE: Actions for May 2, 2020 Uniform Election Date

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The purpose of this advisory is to provide guidance to local political subdivisions regarding their options for any general or special elections that have been ordered for the May 2, 2020 uniform election date. Pursuant to Section 418.016 of the Texas Government Code, the Governor has issued a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their election to the November 3, 2020 uniform election date. Pursuant to Texas Election Code 31.003 and 31.004, our office has issued the following guidelines for entities that choose to exercise this authority and postpone their election to the November uniform election date.

### **Effect of Postponement of Election**

- **Candidate Filings:** By postponing their election date, the political subdivision is preserving all candidate filings and ballot order actions that have already been taken. The postponement does **not** have the effect of reopening candidate filings.
  - **Deadlines related to Candidate Filings, Declarations of Ineligibility, Withdrawals or Death:** The deadlines that apply to the November 3, 2020 election would apply to all candidates who are currently on the ballot for the May 2, 2020 election.
- **Ballot By Mail Requests:** All applications for a ballot by mail (ABBM) that were filed for the May 2, 2020 election that are marked annual would apply for the November 3, 2020 election. All single use ABBMs that were submitted for reasons of age or disability would still be valid for the November 3, 2020 election. If a single use ABBM was submitted and indicated the reason for voting by mail was due to absence from the county, this ABBM would not be valid as the applicable election date has changed. However, we would recommend that the political subdivision send a letter to these voters along with a new ABBM in case the circumstances

surrounding their absence from the county are still valid or the voter is otherwise eligible to vote by mail.

- **Ballots by Mail:** If a political subdivision has already sent out mail ballots, those mail ballots that are returned would still be valid for the November 3, 2020 postponed election date.
- **Election Records:** All records, including candidate filings, applications to vote by mail, ballot proofs, and printed ballots shall be retained and preserved.
  - **Printed Ballots:** If your ballots have already been printed up, you may be able to reuse them for November. However, if you must change your ballot to reflect any corrections or changes that occur between now and November, you would treat the original ballots as you would in a traditional ballot correction and those ballots should be destroyed in accordance with Section 52.0064 of the Texas Election Code.
- **Requirement to use County Election Precincts in November 2020:** Per Section 42.002 of the Texas Election Code, county election precincts are required for all elections occurring in November 2020. You will need to work with your county election officer to determine whether you need to make any modifications to your ballot in light of this requirement.
- **Requirement for County Election Officer to contract with Local Political Subdivisions:** All county election officers are required to contract with local political subdivisions that postponed their May 2, 2020 election and that request a contract for election services or a joint election agreement with their county election officer pursuant to the Governor's suspension of certain Texas Election Code provisions.
- **Office Hours:** The relevant dates for maintaining office hours for election purposes will be based on the November uniform election date rather than the May election date. Under Section 31.122 of the Texas Election Code, those office hours will need to be maintained for at least three hours each day, during regular office hours, on regular business days between September 14, 2020 and December 13, 2020. However, these entities should post contact information for individuals to contact their office about election-related issues during the timeframe that those offices may be closed over the coming months.
- **Holdovers in Public Office:** Under Art. XVI, Sec. 17 of the Texas Constitution, the individuals who currently hold public offices that are scheduled to be on the ballot on the May uniform election date will continue to exercise the duties of those offices until the new officers take their oaths of office, following the November uniform election date.
- **Campaign Finance Filings:** Please contact the Texas Ethics Commission for further guidance on how these modified timelines will affect any campaign finance reporting requirements. Their office can be reached at (512) 463-5800.
- **Candidates on the ballot in both May and November:** For candidates that may be running for two offices (one normally occurring in May and one normally occurring in November), these candidates will not be removed from the ballot as they are separate elections that are normally not occurring on the same date.

### **Required Action by Governing Body to Move Election Date**

In order to utilize this move, the governing body of the political subdivisions holding the elections must **order** the postponement of their election to the November 3, 2020 uniform election date. The order for this official action should contain the following items:

1. A reference to the proclamation that authorizes the entity to postpone their election date, and the fact that the political subdivision is exercising this authority.
2. Confirmation that the candidate filings for the election will remain valid for the election held on the November date and that the filing period will not be re-opened for the November election date.
3. Confirmation that all ABBMs for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed election, and that ABBMs for voters who submitted ABBMs based on expected absence from the county would not be valid for the postponed election.
4. The major relevant dates for the November election, including the voter registration deadline (October 5, 2020), the deadline to submit an ABBM (October 23, 2020), and the dates for early voting (October 19, 2020 – October 30, 2020).

### **Necessary Revisions to Order of Election**

In addition, the entity will need to meet by August 17, 2020 to make any necessary revisions to the entity's original order of election. Those revisions may include:

1. The change to the date of the election;
2. Any change in location of the main early voting location;
3. Any changes to early voting dates and hours, including weekend early voting;
4. Any changes to the identity of the early voting clerk and their contact information; or
5. Any changes to branch early voting locations.

If you are holding a bond election, you may need to make additional revisions to your order of election for that bond election. If this is the case, we recommend reaching out to your bond counsel for additional guidance.

### **Securing Election Records**

All election records should be stored and secured during the postponement period. This may require your entity to use preservation methods that are similar to the methods you would use during the preservation period after the election has occurred. This includes:

- Storing returned ballots by mail in locked, sealed ballot boxes.
- Securely storing any unused ballots.
- Securely retaining any relevant election records, including candidate applications and ABBMs.

### **Voting System Equipment**

If you are leasing voting system equipment from the county or directly from the vendor, then you may need to contact your vendor or your county regarding any necessary modifications to those lease agreements or to modify your procedures and timelines for receiving that equipment.

### **Open Meeting Requirements**

The Governor has suspended and modified certain open meeting requirements pursuant to his disaster declaration. These changes include allowing the entity to establish procedures for telephonic or videoconferenced meetings of governmental bodies that are accessible to the public.

These procedures must include a process for members of the public to participate and address the governmental body in those meetings, notice to the public on the means of participating remotely, and access to the public for recordings of those meetings.

For more information, please review the applicable [documentation](#) from the Governor's Office or contact the Office of the Attorney General.

### **Update Official Websites and Notify Media**

Any entities that are exercising this authority to postpone their election date must post notice on the entity's website and should alert any local media organizations regarding this change to their election date.

The entity must also provide notice to their county election officer regarding this change, as the county is required to post the entity's notice of election on the county's website no later than the 60th day before the date of the election under Election Code 4.008. If that election date will be changing due to the entity's decision to postpone the election then the entity must provide a revised notice to the county for posting on the county's website.

If you have any questions regarding this advisory, please contact the Elections Division at 1-800-252-2216.

KI:CA:CP

**From:** [Elections Internet](#)  
**To:** [Elections Internet](#)  
**Subject:** MASS EMAIL ADVISORY - (CC/EA/VR -700) - Questions regarding Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)  
**Date:** Thursday, March 19, 2020 4:03:38 PM  
**Attachments:** [image001.png](#)  
**Sensitivity:** Personal

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**CAUTION:** This email originated from outside of the City of Missouri City organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Election Officials:

We've received a number of questions related to the Governor's proclamation and Advisory 2020-12 (see email below). We appreciate the questions and would like to provide a few clarifications.

- 1. This is NOT a permanent move.** The Governor's proclamation has the effect of postponing an election, but it is not a permanent move. The result is that your current office holders will be holdovers until the next election occurs. Your newly elected office holders in November will have a shorter term. Their next election will return back to the May date.
- 2. Elections that have been properly cancelled:** If your entity cancelled their May 2, 2020 election, your new officers will still be able to take office after the May 2, 2020 election date. If you cancelled part of your election, you will still let the candidates that were declared elected be sworn in and the remainder of your election will occur in November if you choose to postpone your May election. For those officers that took the oath of office after the May 2, 2020 date, you would not have to place their names in the "unopposed candidates declared elected" box on your ballot in November as these candidates will have already taken office.
- 3. Multi-County Territories:** If your entity is in more than one county, you will be required to use each county's polling places for the November 2020 election. You will also be required to share at least one early voting location in accordance with Section 85.010 of the Texas Election Code.
- 4. Countywide Polling Places (Vote Centers):** If your county utilizes countywide polling places for November 2020, then you will be required to use all polling locations within each county that contains territory for your entity.
- 5. Contracting Issues:** If a contract hasn't been executed between the county elections officer and the local political subdivision, the county does NOT have an obligation to contract in May 2020. If a contract has been executed, then both parties would need to consult with their attorney regarding options for modifying the terms of the contract. Additionally, when you contract with your county in November, this allows you to use a joint ballot, shared election workers, and shared voting system equipment. Political subdivisions will most likely not be required to obtain their own separate voting system equipment or e-pollbooks.

Thank you all for the very thoughtful questions. We appreciate your patience in allowing us time to work through some of your questions. Please let us know if there's anything else you need from us.

Thank you,

**Christina Worrell Adkins**

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

1.800.252.VOTE (8683)

[elections@sos.texas.gov](mailto:elections@sos.texas.gov) | [www.sos.texas.gov](http://www.sos.texas.gov)

**For Voter Related Information, please visit:**



*The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.*

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**From:** Elections Internet

**Sent:** Wednesday, March 18, 2020 11:16 AM

**To:** Elections Internet <[Elections@sos.texas.gov](mailto:Elections@sos.texas.gov)>

**Subject:** MASS EMAIL ADVISORY - (CC/EA/VR -700) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)

**Sensitivity:** Personal

Dear Election Officials:

Pursuant to a [proclamation](#) issued earlier today, Governor Greg Abbott has authorized all political subdivisions holding general or special elections on May 2, 2020 to postpone their election to the November 3, 2020 uniform election date. Please be advised that a postponement of your election does not happen automatically; the governing body of the political subdivision **MUST** take an official action for such a change to be effective.

Today, our office has issued the attached [Advisory 2020-12 – Actions for May 2, 2020 Uniform Election Date](#), providing guidance to political subdivisions seeking to move their May 2, 2020 election date in accordance with the Governor’s proclamation.

We are in the middle of a public health crisis that is rapidly changing. Through this crisis, our primary concern is the health and safety of voters, election workers, and our local election officials. As the situation progresses, we stand ready to provide additional guidance regarding the upcoming

elections. In the meantime, please continue to send us your questions so that we can revise and update our materials and guidance as necessary.

Please let us know if you have any additional questions or concerns. When posted, the attached advisory will be available on your [Conducting Elections](#) pages.

Thank you for all that you do for Texas elections.

**Christina Worrell Adkins**

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

1.800.252.VOTE (8683)

[elections@sos.texas.gov](mailto:elections@sos.texas.gov) | [www.sos.texas.gov](http://www.sos.texas.gov)

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**From:** [Elections Internet](#)  
**To:** [Elections Internet](#)  
**Subject:** MASS EMAIL (CSO -3492 ) - March 24, 2020 Update to COVID-19 Election Procedures  
**Date:** Tuesday, March 24, 2020 2:01:03 PM  
**Attachments:** [image001.png](#)  
**Sensitivity:** Personal

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**CAUTION:** This email originated from outside of the City of Missouri City organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Election Officials:

We've continued to receive questions regarding the recent proclamations issued by the Governor related to both the May 2, 2020 uniform election date and the postponement of the primary runoff election to July 14, 2020. Below are some issues we'd like to address:

1. **Authorized Postponement of May 2, 2020 Election:** On March 18, 2020, the Governor issued a [proclamation](#) that authorized local political subdivisions to postpone their elections scheduled on May 2, 2020 to November 3, 2020. There are a few key issues that we wanted to address:
  - a. **Make the decision as quickly as possible while complying with open meetings laws:** While the Governor's proclamation doesn't prescribe a deadline for a local entity to make a decision on postponement, we STRONGLY advise that the decision be made this week. Election equipment must be programmed and tested and mail ballots must be sent immediately if the election will be taking place May 2, 2020. Delaying the decision could subject your election to a contest if mail ballots are sent out significantly later than the law requires.
  - b. **Shelter-in-Place Orders:** As many local political subdivisions are enacting shelter-in-place orders, this has a significant impact on elections. If your entity or your county has issued such an order, you need to move your election; otherwise you are putting your election at risk of an election contest due to voters not being able to exercise their right to vote. Additionally, some political subdivisions have enacted fines for violating their local ordinances; if your order does so and there is no specific exemption for voting or conducting elections, you put your voters at risk of criminal penalty for leaving their homes to vote.
  - c. **Article XI, Section 11, Texas Constitution:** If your city is holding a special election to fill a vacancy due to the requirements prescribed in Article XI, Section 11 of the Texas Constitution, the Governor's proclamation does NOT apply to your election. You must hold your election within 120 days of the vacancy occurring. The Governor's proclamation does not suspend this requirement in the Texas Constitution. However, given that many political subdivisions are enacting shelter-in-place orders, it is imperative that some action be taken to move your election dates. If you opt to move your election in response to this public health crisis, and to do so safely would result in ordering the election to occur outside of the constitutionally prescribed 120 day period, you should consult with your attorney regarding Attorney General Opinion No. [JC-0318](#), as you may be required to hold

your election on the November 2020 uniform election date.

- d. **Certain Types of Special Elections:** We have heard from a number of entities that have special elections resulting from the expiration of a sales tax and that the November 3, 2020 uniform election date occurs after their expiration date. For these elections, we recommend consulting with the Comptroller's office, as they may be able to provide certain assistance with expiring taxes. Additionally, if you need to have an election prior to November 3, 2020, you may have to seek permission from the Governor in accordance with Section 41.0011 of the Texas Election Code to hold your election on a nonuniform election date.
- e. **Options Other Than November 3, 2020:** The Governor's proclamation only authorized a move to November 3, 2020. There is no authority for a local political subdivision, on its own order, to move an election to any other date. If an entity would like to move to a date other than November 3, 2020, there are likely only two ways to do so:
  - i. **Emergency Election under Section 41.0011(b) of the Texas Election Code:** A local political subdivision can request permission from the Governor to allow the political subdivision to order a special election on a nonuniform election date. Please note that this only applies to special elections and not general elections
  - ii. **Court Order for Nonuniform Election Date:** As there are no other options outside of the Governor's authorization to postpone the election and the option under Section 41.0011 of the Texas Election Code, a political subdivision that wishes to hold its election on a date other than the November 3, 2020 could try to seek court order for an alternative date.

Thank you all for your continued questions and all of your hard work. Please let us know if you have any additional questions or concerns.

**Christina Worrell Adkins**

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

1.800.252.VOTE (8683)

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## CONCEJO MUNICIPAL MEMORANDO DEL ORDEN DEL DÍA

6 de abril de 2020

**Para:** Alcaldesa y el Concejo Municipal  
**Orden del día:** 10(b) Considerar una ordenanza de la Ciudad de Missouri City, Texas, según fue autorizado por el Gobernador del Estado de Texas, que pospone la Elección Especial programada para el 2 de mayo de 2020, para el 3 de noviembre de 2020, con el propósito de presentar a los votantes calificados de la Ciudad de Missouri City una propuesta a favor o en contra de la adopción de la ley de servicio civil de bomberos y policías.

Presentado por: Maria Jackson, Secretaria Municipal

### RESUMEN

Considerar y discutir una ordenanza de la Ciudad de Missouri City, Texas, según fue autorizado por el Gobernador del Estado de Texas, que pospone la Elección Especial programada para el 2 de mayo de 2020, para el 3 de noviembre de 2020, con el propósito de presentar a los votantes calificados de la Ciudad de Missouri City una propuesta a favor o en contra de la adopción de la ley de servicio civil de bomberos y policías, en la primera y última lectura.

### ANTECEDENTES

Durante la reunión ordinaria del Concejo Municipal del 3 de febrero de 2020, el Concejo Municipal convocó a una Elección Especial a llevarse a cabo el 2 de mayo de 2020 con el propósito de presentar a los votantes calificados una propuesta a favor o en contra de la adopción de la 'Ley de Servicio Civil de Bomberos y Oficiales de Policía, que prevé una elección conjunta con otras entidades que contratan con el Condado de Fort Bend para dicha elección conjunta.

Durante la reunión especial del Concejo Municipal del 30 de marzo de 2020, el Concejo Municipal discutió el aplazamiento de la fecha de elección del 2 de mayo de 2020 a la fecha de elección uniforme del 3 de noviembre de 2020, según lo dispuesto por una Proclamación emitida por el Gobernador de Texas que suspende ciertas disposiciones del Código Electoral de Texas como resultado de la pandemia de la enfermedad por coronavirus 2019 (COVID-19).

El aplazamiento de la elección de la ciudad no ocurre automáticamente; el cuerpo directivo de la subdivisión política **DEBE** tomar una acción oficial para que dicho cambio sea efectivo.

Adicionalmente, durante la reunión especial del Concejo Municipal del 30 de marzo de 2020, el Consejo Municipal solicitó suspender ciertas disposiciones del Código Electoral de Texas que permite que todas las subdivisiones políticas locales que utilizan la fecha de elección uniforme del 2 de mayo de 2020 consideren una fecha uniforme alternativa para la elección y acordó posponer la elección hasta el 3 de noviembre de 2020.

El Administrador de Elecciones del Condado de Fort Bend ahora ha confirmado que cada distrito que históricamente ha contratado con ellos para las elecciones de mayo ha notificado a su oficina que pospondrían o cancelaban sus elecciones del 2 de mayo de 2020.

## **ANÁLISIS DEL PRESUPUESTO/FISCAL**

No aplica, ya que las elecciones del condado de Fort Bend proporcionarán a la ciudad un nuevo contrato para las elecciones del 3 de noviembre de 2020 que incorporará los costos de las elecciones generales y especiales.

## **MATERIALES COMPLEMENTARIOS**

1. Ordenanza
2. Ordenanza No. O-20-03: Convocatoria a una Elección Especial el 2 de mayo de 2020
3. 18 de marzo de 2020: AVISO MASIVO POR CORREO ELECTRÓNICO - (CSO-3492) – Aviso 2020-12 – Acciones para [Fecha] Uniforme de Elección el 2 de mayo de 2020 (COVID-19)
  - Proclamación
  - Aviso 2020-12 – Acciones para Fecha Uniforme de Elección el 2 de mayo de 2020
4. 19 de marzo de 2020: AVISO MASIVO POR CORREO ELECTRÓNICO – (CC/EA/VR - 700) – Preguntas respecto al Aviso 2020-12 – Acciones para el 2 de mayo de 2020
5. 24 de marzo de 2020: Aviso Masivo por Correo Electrónico – Actualización a los Procedimientos de Elecciones por COVID-19

## **RECOMENDACIÓN DEL PERSONAL**

Considerar y discutir una ordenanza de la Ciudad de Missouri City, Texas según fue autorizado por el Gobernador del Estado de Texas, que pospone la Elección Especial programada para el 2 de mayo de 2020, para el 3 de noviembre de 2020, con el propósito de presentar a los votantes calificados de la Ciudad de Missouri City una propuesta a favor o en contra de la adopción de la ley de servicio civil de bomberos y policías, en la primera y última lectura.

**ORDENANZA N.º O-20-\_\_**

**UNA ORDENANZA DE LA CIUDAD DE MISSOURI CITY, TEXAS, SEGÚN FUE AUTORIZADO POR EL GOBERNADOR DEL ESTADO DE TEXAS, QUE POSPONE LA ELECCIÓN ESPECIAL PROGRAMADA PARA EL 2 DE MAYO DE 2020, PARA EL 3 DE NOVIEMBRE DE 2020, CON EL PROPÓSITO DE PRESENTAR A LOS VOTANTES CALIFICADOS DE LA CIUDAD DE MISSOURI CITY, UNA PROPUESTA A FAVOR O EN CONTRA DE LA ADOPCIÓN DE LA LEY DE SERVICIO CIVIL DE BOMBEROS Y POLICÍAS; PREVÉ LA SEPARABILIDAD; Y QUE CONTIENE OTRAS DISPOSICIONES RELACIONADAS CON EL TEMA.**

\* \* \* \* \*

CONSIDERANDO QUE, la Sección 143.004 del Código de Gobierno Local de Texas exige que el órgano de gobierno de una municipalidad ordene unas elecciones sometiendo a los votantes la cuestión de si el Capítulo 143 del Código de Gobierno Local de Texas, la ley de servicio civil para bomberos y oficiales de policía (“Capítulo 143”), debe adoptarse si el órgano de gobierno de la municipalidad recibe una petición sobre dicho asunto que sea firmada por al menos el 10 por ciento de los votantes calificados que votaron en las elecciones municipales más recientes; y

CONSIDERANDO QUE, en o alrededor del 21 de enero de 2020, la Secretaria Municipal de la Ciudad de Missouri City (“Secretaria Municipal”) recibió una petición solicitando la adopción del Capítulo 143 (la “Petición”); y

CONSIDERANDO QUE, en o alrededor del 28 de enero de 2020, la Secretaria Municipal notificó al peticionario sobre la suficiencia de la Petición de acuerdo con la Sección 277.0023 del Código Electoral de Texas; y

CONSIDERANDO QUE, de conformidad con el Capítulo 143, la Petición ha sido firmada por al menos el 10 por ciento de los votantes calificados que votaron en las elecciones municipales más recientes; y

CONSIDERANDO QUE, conforme al Capítulo 143, se exige al Concejo Municipal de la Ciudad de Missouri City, Texas (la “Ciudad”) celebrar unas elecciones en la Ciudad para el propósito de someter a los votantes calificados de la Ciudad una propuesta que dispone a favor o en contra la adopción del Capítulo 143; y

CONSIDERANDO QUE, en o alrededor del 3 de febrero de 2020, la Ciudad adoptó la Ordenanza No. O-20-03 que ordena una elección especial en la próxima fecha uniforme de elección, 2 de mayo de 2020, como lo requiere el Capítulo 143; y

CONSIDERANDO QUE, en o alrededor del 13 de marzo de 2020, el Gobernador del Estado de Texas certificó que la enfermedad por el nuevo coronavirus 2019 (COVID-19) representa una amenaza inminente de desastre y, bajo la autoridad otorgada al Gobernador por la Sección 418.014 del Código de Gobierno de Texas, declaró un estado de desastre en todos los condados del estado de Texas; y

CONSIDERANDO QUE, en o alrededor del 18 de marzo de 2020, el Gobernador emitió una proclamación suspendiendo ciertas secciones del Código Electoral de Texas y autorizó a las subdivisiones políticas que de otro modo celebrarían elecciones el 2 de mayo de 2020, para cambiar sus elecciones generales y especiales a la próxima fecha uniforme de elección, el 3 de noviembre de 2020 (la "Proclamación"); y

CONSIDERANDO QUE, en o alrededor del 18 de marzo de 2020, de conformidad con la Sección 31.004 del Código Electoral de Texas, el Secretario de Estado de Texas emitió el Aviso Electoral No. 2020-12, que contiene pautas para las entidades que eligen ejercer la autoridad provista por la Proclamación; y

CONSIDERANDO QUE, la ciudad de Missouri City, Texas, es un municipio autónomo y una subdivisión política del estado de Texas; y

CONSIDERANDO QUE, de conformidad con la declaración de desastre del Gobernador del 13 de marzo de 2020 y la Proclamación, el Concejo Municipal conviene que es en el mejor interés de la salud y la seguridad pública posponer las elecciones especiales de la Ciudad del sábado 2 de mayo de 2020 hasta el martes de 3 de noviembre de 2020; ahora, por lo tanto,

SEA ORDENADO POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE MISSOURI CITY, TEXAS:

Sección 1. Los hechos y recitaciones contenidos en el preámbulo de esta Ordenanza se encuentran y declaran verdaderos y correctos.

Sección 2: *Elección aplazada.* La elección especial programada para el 2 de mayo de 2020, en la cual una propuesta a favor o en contra de la adopción de la ley de servicio civil de los bomberos y policías se presentaría a los votantes calificados de la Ciudad de Missouri City, Texas, para su acción al respecto, se pospone hasta el martes 3 de noviembre de 2020, de conformidad con la declaración de desastre del 13 de marzo de 2020 y la proclamación del Gobernador del Estado de Texas del 18 de marzo de 2020, adjunto al presente como Anexo "A" e incorporado al presente para fines de referencia. Dichas elecciones del 3 de noviembre de 2020 quedan ordenadas por el presente. Dichas elecciones se celebrarán de acuerdo con el Código Electoral de Texas. Los lugares de votación y los recintos deberán establecerse por ordenanza a más tardar el 17 de agosto de 2020.

Sección 3. *Autoridad.* De conformidad con el Aviso electoral No. 2020-12, emitido por la Oficina del Secretario de Estado de Texas el 18 de marzo de 2020, adjunto al presente como Anexo "B" e incorporado al presente para fines de referencia, esta Ordenanza conviene los siguientes hechos, y los incorpora por referencia a esta Ordenanza: (1) la petición verificada en o alrededor del 28 de enero de 2020, sigue siendo válida y suficiente para requerir una elección a favor o en contra de la adopción de la ley de servicio civil de bomberos y policías; (2) todas las solicitudes de votación por correo para los votantes que voten por correo por ser mayores de 65 años o por discapacidad seguirán siendo válidas para la elección aplazada; (3) todas las solicitudes de boleta por correo basadas en la ausencia esperada de un votante del condado correspondiente no serán válidas para la elección pospuesta; y (4) las principales fechas relevantes para las elecciones generales del 3 de noviembre de 2020 son las siguientes: (a) 5 de octubre de 2020, la fecha límite de inscripción de votantes; (b) 23 de octubre de 2020, fecha límite para presentar una solicitud de boleta por correo; y (c) 19 de octubre de 2020, hasta el 30 de octubre de 2020, período de votación anticipada.

Sección 4. *Reunión abierta.* De manera adicional, se determina que se publicó una notificación adecuada por escrito con la fecha, hora, lugar y asunto de esta reunión del Concejo Municipal en una ubicación del Ayuntamiento accesible al público, en el plazo previo a esta reunión dispuesto por la Ley de Reuniones Abiertas, Capítulo 551, Código de Gobierno de Texas, y que esta reunión ha estado abierta al público según lo requerido por la ley en todo momento durante esta Ordenanza, y que el asunto de discusión al respecto se ha debatido, considerado, y que se ha actuado formalmente en consecuencia. El Concejo Municipal vuelve a ratificar, aprobar y confirmar esta notificación por escrito, sus contenidos y su publicación.

Sección 5. *Separabilidad.* Que si cualquier sección, subsección, oración, cláusula o frase de esta ordenanza, o su aplicación a un grupo determinado de personas o circunstancias, llegara a ser considerada inválida por cualquier motivo, o juzgada inconstitucional por un tribunal de jurisdicción competente, esta invalidez no afectará las porciones restantes de esta ordenanza, y a tal fin las distintas porciones y disposiciones de esta ordenanza se declaran separables; y el Concejo Municipal de la Ciudad de Missouri City, Texas, declara que hubiera aprobado todas y cada una de sus partes a pesar de la omisión de cualquiera de esas partes que pueda ser declarada inválida o inconstitucional, se trate bien sea de una o varias partes.

AUTORIZADO, APROBADO Y ADOPTADO en primera y última lecturas este día 6 de abril de 2020.

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Yolanda Ford, Alcaldesa

DOY FE:

Aprobado en cuanto a la forma:

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Maria Jackson, Secretaria Municipal

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E. Joyce Iyamu, Procurador Municipal

## ORDENANZA N.º O-20-03

**UNA ORDENANZA DE LA CIUDAD DE MISSOURI CITY, TEXAS, QUE DISPONE LA CELEBRACIÓN DE UNAS ELECCIONES ESPECIALES A REALIZARSE EL 2 DE MAYO DE 2020 CON EL PROPÓSITO DE SOMETER A LOS VOTANTES CALIFICADOS DE LA CIUDAD DE MISSOURI CITY UNA PROPUESTA QUE DISPONE A FAVOR O EN CONTRA LA ADOPCIÓN DE LA LEY DE SERVICIO CIVIL PARA BOMBEROS Y OFICIALES DE POLICÍA; QUE DISPONE UNAS ELECCIONES CONJUNTAS EL 2 DE MAYO DE 2020 CON OTRAS ENTIDADES QUE CELEBRAN CONTRATOS CON EL CONDADO DE FORT BEND PARA TALES ELECCIONES CONJUNTAS; QUE DISPONE PRECINTOS ELECTORALES Y LUGARES DE VOTACIÓN; QUE DISPONE DEROGACIÓN; QUE DISPONE SEPARABILIDAD; Y QUE CONTIENE OTRAS DISPOSICIONES RELATIVAS AL ASUNTO.**

\* \* \* \* \*

CONSIDERANDO QUE, la Sección 143.004 del Código de Gobierno Local de Texas exige que el órgano de gobierno de una municipalidad ordene unas elecciones sometiendo a los votantes la cuestión de si el Capítulo 143 del Código de Gobierno Local de Texas, la ley de servicio civil para bomberos y oficiales de policía (“Capítulo 143”), debe adoptarse si el órgano de gobierno de la municipalidad recibe una petición sobre dicho asunto que sea firmada por al menos el 10 por ciento de los votantes calificados que votaron en las elecciones municipales más recientes; y

CONSIDERANDO QUE, el o alrededor del 21 de enero de 2020, la Secretaria Municipal de la Ciudad de Missouri City (“Secretaria Municipal”) recibió una petición solicitando la adopción del Capítulo 143 (la “Petición”); y

CONSIDERANDO QUE, el o alrededor del 28 de enero 28 de 2020, la Secretaria Municipal notificó al peticionario en cuanto a la suficiencia de la Petición, de acuerdo con la Sección 277.0023 del Código Electoral de Texas; y

CONSIDERANDO QUE, de conformidad con el Capítulo 143, la Petición ha sido firmada por al menos el 10 por ciento de los votantes calificados que votaron en las elecciones municipales más recientes; y

CONSIDERANDO QUE, conforme al Capítulo 143, se exige al Concejo Municipal de la Ciudad de Missouri City, Texas (la “Ciudad”) celebrar unas elecciones en la Ciudad para el propósito de someter a los votantes calificados de la Ciudad una propuesta que dispone a favor o en contra la adopción del Capítulo 143; por consiguiente,

**SEA ORDENADO POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE MISSOURI CITY, TEXAS:**

Sección 1. *Orden electoral.* Por medio de la presente, se convocan y ordenan unas elecciones municipales especiales para el día 2 de mayo de 2020 (“Día de las Elecciones”), en las cuales será sometida a los votantes calificados de la Ciudad de Missouri City, Texas, por su actuación sobre el particular, una propuesta a favor o en contra de la adopción de la ley de servicio civil para bomberos y oficiales de policía. Dichas elecciones se celebrarán de acuerdo con el Código Electoral de Texas.

Sección 2. *Texto de la boleta.* Que la boleta de dichas elecciones se ajustará a los requisitos del Código de Gobierno Local de Texas, como dicho código pudiera ser enmendado, y del Código Electoral de Texas, como dicho código pudiera ser enmendado, con la disposición en dicha boleta que permite a los votantes votar “A FAVOR” o “EN CONTRA” de la propuesta. Dicha propuesta, escrita, de acuerdo con la Sección 52.095 del Código Electoral de Texas, deberá disponer lo siguiente:

### **CIUDAD DE MISSOURI CITY, TEXAS, PROPUESTA A**

Adopción de la ley de servicio civil para bomberos y oficiales de policía.

Sección 3. *Administradores electorales.* Para las elecciones especiales convocadas y ordenadas con el propósito de someter a los votantes calificados de la Ciudad de Missouri City, Texas, una propuesta a favor o en contra de la adopción de la ley de servicio civil para bomberos y oficiales de policía, el Administrador Electoral del Condado de Fort Bend actuará como Funcionario Contratante. Los funcionarios electorales del Condado de Fort Bend serán designados por el Administrador Electoral del Condado de Fort Bend; dichos funcionarios electorales dirigirán las elecciones especiales de la Ciudad de acuerdo con el "Acuerdo y Contrato de Elecciones Conjuntas del Condado de Fort Bend". Por la presente, se autoriza y encomienda al Administrador Electoral del Condado de Fort Bend dotar y facilitar todo el material electoral necesario a todos los precintos de la Ciudad de Missouri City en el Condado de Fort Bend. La dirección de correspondencia oficial del Administrador Electoral es 301 Jackson Street, Richmond, Texas 77469, y su dirección física es 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471.

Sección 4. *Lugares y precintos de votación del Día de las Elecciones.* Los lugares de votación para sufragar el Día de las Elecciones en cada uno de los precintos electorales de la Ciudad ubicados en el Condado de Fort Bend estarán en los sitios designados por el Condado de Fort Bend como lugares de votación en todo el condado y según lo establecido en el Anexo A, que se adjunta a la presente como parte de la misma. El Anexo A puede modificarse para incluir lugares adicionales o distintos designados por el Administrador Electoral del Condado de Fort Bend y de conformidad con el “Acuerdo y Contrato de Elecciones Conjuntas del Condado de Fort Bend”.

Sección 5. *Calendario del Día de las Elecciones.* Cada lugar de votación estará abierto de 7:00 a. m. a 7:00 p. m. durante el Día de las Elecciones.

Sección 6. *Lugares de votación anticipada y calendario.* La votación anticipada presencial para cada precinto electoral de la Ciudad debe realizarse en los sitios, fechas y horarios establecidos en el Anexo B, que se adjunta a la presente como parte de la misma. El Anexo B puede modificarse para incluir lugares de votación anticipada, fechas y horas adicionales o distintos designados por el Administrador Electoral del Condado de Fort Bend y de conformidad con el “Acuerdo y Contrato de Elecciones Conjuntas del Condado de Fort Bend”.

Sección 7. *Método de votación.* La votación en las elecciones, incluida la votación anticipada presencial, debe utilizar el sistema de votación electrónica designado por la entidad contratante y aprobado por la Secretaría del Estado de Texas. La votación anticipada por correspondencia deberá realizarse con una boleta de papel procesada por una Junta de Boletas de Votación Anticipada a través de un sistema de votación electrónica designado por la entidad contratante y aprobado por la Secretaría del Estado de Texas.

Sección 8. *Votación anticipada.* Por la presente, se designa al Administrador Electoral del Condado de Fort Bend como Secretario de Votación Anticipada. La solicitud para recibir una boleta de votación por correspondencia debe enviarse por correspondencia al Administrador Electoral del Condado de Fort Bend, 301 Jackson Street, Richmond, Texas 77469; entregarse personalmente en 4520 Reading Road, Suite A-400, Rosenberg, Texas 77471; enviarse por fax al 281-341-4418; o mediante correo electrónico a [vote@fortbendcountytexas.gov](mailto:vote@fortbendcountytexas.gov). Si se envía por correspondencia, fax, correo electrónico o por un transportista general, la solicitud para recibir una boleta de votación por correspondencia debe recibirse a más tardar el lunes 20 de abril de 2020.

Sección 9. *Notificación de cambios.* La Secretaria Municipal deberá notificar sobre las elecciones de conformidad con la ley estatal y avisar sobre cualquier modificación a los Anexos A, B, C y D en el sitio de web de la Ciudad.

Sección 10. *Escrutinio.* Los resultados de las elecciones se escrutarán y los resultados se declararán de conformidad con la ley estatal.

Sección 11. *Reunión abierta.* De manera adicional, se determina que se publicó una notificación adecuada por escrito con la fecha, hora, lugar y asunto de esta reunión del Concejo Municipal en una ubicación del Ayuntamiento accesible al público, en el plazo previo a esta reunión dispuesto por la Ley de Reuniones Abiertas, Capítulo 551, Código de Gobierno de Texas, y que esta reunión ha estado abierta al público según lo requerido por la ley en todo momento durante esta Ordenanza, y que el asunto de discusión al respecto se ha debatido, considerado, y que se ha actuado formalmente en consecuencia. El Concejo Municipal vuelve a ratificar, aprobar y confirmar esta notificación por escrito, sus contenidos y su publicación.

Sección 12. Derogación. Todas las ordenanzas o cualquier parte de ellas que entren en conflicto con lo siguiente serán derogadas por la presente solo en la medida de dicho conflicto.

Sección 13. Separabilidad. Que si alguna sección, subsección, oración, cláusula o frase de esta ordenanza, o su aplicación a un grupo determinado de personas o circunstancias, llegara a ser considerada inválida por cualquier motivo, o juzgada inconstitucional por un tribunal de jurisdicción competente, esta invalidez no afectará las porciones restantes de esta ordenanza, y a tal fin las distintas porciones y disposiciones de esta ordenanza se declaran separables; y el Ayuntamiento de la Ciudad de Missouri City, Texas, declara haber aprobado todas y cada una de sus partes a pesar de la omisión de cualquiera de esas partes que pueda ser declarada inválida o inconstitucional, se trate bien sea de una o varias partes.

AUTORIZADO, APROBADO Y ADOPTADO en primera y última lecturas este día 3 de febrero de 2020.

\_\_\_\_\_  
/s/Yolanda Ford, Alcaldesa

DOY FE:

Aprobado en cuanto a la forma:

\_\_\_\_\_  
/s/Maria Jackson, Secretaria Municipal

\_\_\_\_\_  
/s/Joyce Iyamu, Abogada Municipal

## **Centros de votación del día de las elecciones Elecciones conjuntas del 2 de mayo de 2020**

### **Votantes elegibles de la Ciudad de Missouri City que residen en el Condado de Fort Bend:**

**Precinto N.º 1 de Missouri City:** aquellas porciones de los precintos electorales N.º 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065 y 4127 del Condado de Fort Bend, ubicados dentro de la Ciudad.

Aquellas porciones de los precintos electorales N.º 1097, 1114, 1118, 2088, y 4044 que están dentro de los límites de la Ciudad de Missouri City pero que no tienen residentes de Missouri City no tendrán lugares de votación el Día de las Elecciones de Missouri City.

### **Votantes elegibles de la Ciudad de Missouri City que residen en el Condado de Harris:**

**Precinto N.º 2 de Missouri City:** aquella porción del precinto electoral N.º 506 del Condado de Harris ubicado dentro de la Ciudad.

La porción del Precinto N.º 0337 del Condado de Harris que está dentro de los límites de la Ciudad de Missouri City pero que no tiene residentes de Missouri City no tendrá lugares de votación el Día de las Elecciones de Missouri City.

Los lugares de votación del Precinto N.º 1 y del Precinto N.º 2 serán los lugares de votación establecidos en el acuerdo que se celebrará entre la Ciudad de Missouri City y el Condado de Fort Bend para servicios electorales.

## **Calendario de votación anticipada Elecciones conjuntas del 2 de mayo de 2020**

### **Votantes elegibles de la Ciudad de Missouri City que residen en el Condado de Fort Bend:**

**Precinto N.º 1 de Missouri City:** aquellas porciones de los precintos electorales N.º 1109, 2033, 2050, 2059, 2061, 2075, 2077, 2078, 2081, 2089, 2090, 2091, 2092, 2093, 2108, 2112, 2115, 2136, 2151, 2157, 4028, 4030, 4049, 4062, 4065 y 4127 del Condado de Fort Bend, ubicados dentro de la Ciudad.

Aquellas porciones de los precintos electorales N.º 1097, 1114, 1118, 2088, y 4044 que están dentro de los límites de la Ciudad de Missouri City pero que no tienen residentes de Missouri City no tendrán lugares de votación el Día de las Elecciones de Missouri City.

### **Votantes elegibles de la Ciudad de Missouri City que residen en el Condado de Harris:**

**Precinto N.º 2 de Missouri City:** aquella porción del precinto electoral N.º 506 del Condado de Harris ubicado dentro de la Ciudad.

La porción del Precinto N.º 0337 del Condado de Harris que está dentro de los límites de la Ciudad de Missouri City pero que no tiene residentes de Missouri City no tendrá lugares de votación el Día de las Elecciones de Missouri City.

Los lugares de votación del Precinto N.º 1 y del Precinto N.º 2 serán los lugares de votación establecidos en el acuerdo que se celebrará entre la Ciudad de Missouri City y el Condado de Fort Bend para servicios electorales.



## CITY COUNCIL AGENDA ITEM COVER MEMO

April 6, 2020

**To:** Mayor and City Council  
**Agenda Item:** 11(a) Consider a resolution suspending the May 4, 2020 effective date of CenterPoint Energy's request to increase gas rates  
**Submitted by:** E. Joyce Iyamu, City Attorney

### SYNOPSIS

This Resolution suspends CenterPoint's request to increase gas rates for a period of 45 days.

### STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Grow business investments in Missouri City

### BACKGROUND

On March 5, 2020, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas-Houston Division ("CenterPoint") filed a Gas Reliability Infrastructure Program interim rate adjustment ("GRIP") with the Railroad Commission of Texas. CenterPoint is seeking recovery of \$157,664,708 in invested capital. This will increase rates to residential customers by \$0.89 per month. The increases are currently scheduled to go into effect on May 4.

Pursuant to state law, cities may not challenge CenterPoint's request. However, cities are authorized to suspend the effective date of the rate increase by 45 days. The deadline for suspending the rate is May 4, 2020.

### BUDGET ANALYSIS

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

### SUPPORTING MATERIALS

1. Resolution

### STAFF'S RECOMMENDATION

Consider adopting the Resolution.

**Interim City Manager Approval:** Bill Atkinson

RESOLUTION NO. R-20- \_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, SUSPENDING THE MAY 4, 2020 EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – HOUSTON DIVISION TO IMPLEMENT INTERIM GAS RELIABILITY INFRASTRUCTURE PROGRAM RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2019; AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

WHEREAS, the City of Missouri City, Texas (the “City”) is a gas utility customer of CenterPoint Energy Resources Corp. (“CenterPoint”), d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas–Houston Division, and a regulatory authority with an interest in the rates and charges of CenterPoint; and

WHEREAS, the City retains its rights as a city with original jurisdiction, including the right to suspend a gas rate application; and

WHEREAS, CenterPoint made filings with the City and the Railroad Commission of Texas (“Railroad Commission”) in March of 2020, proposing to implement interim Gas Reliability Infrastructure Program rate adjustments (“GRIP Rate Increases”) pursuant to Texas Utilities Code §104.301 on all customers served by CenterPoint, effective May 4, 2020; and

WHEREAS, it is incumbent upon the City, as a regulatory authority, to examine the GRIP Rate Increases to determine its compliance with the Texas Utilities Code; and

WHEREAS, the City Council finds that it is in the best interest of the City to suspend the implementation of the rate adjustment for further review; now therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Resolution are hereby found to be true and correct and are in all things incorporated herein and made a part hereof.

Section 2. The May 4, 2020 effective date of the GRIP Rate Increases proposed by CenterPoint is hereby suspended for the maximum period allowed by Texas Utilities Code §104.301 to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.

Section 3. It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public, as required by law, and the public notice of the time, place, and purpose of said meeting was given as required.

Section 4. A copy of this Resolution shall be sent to CenterPoint, care of Keith L. Wall, at 1111 Louisiana Street, CNP Tower 19<sup>th</sup> Floor, Houston, Texas 77002 and to Thomas Brocato at Lloyd Gosselink Rochelle and Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED, APPROVED AND ADOPTED this 6<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Yolanda Ford, Mayor

ATTEST:

APPROVED:

\_\_\_\_\_  
Maria Jackson, City Secretary

\_\_\_\_\_  
E. Joyce Iyamu, City Attorney



**Council Agenda Item  
April 6, 2020**

**12. CITY COUNCIL ANNOUNCEMENTS**

*Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.*

**13. CLOSED EXECUTIVE SESSION**

*The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, 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**

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