

ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position 1

CHRIS PRESTON
Councilmember at Large Position 2



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

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a meeting of the City Council of Missouri City to be held on **Tuesday, September 4, 2018, at 7:00 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS AND RECOGNITIONS

- (a) Recognize Police K-9, Hektor, on his retirement and for his years of service with the City of Missouri City.
- (b) Recognize Boy Scout Luke Parker and the Scouts in Troop 828 for creating outdoor recreational equipment for the pets at the Missouri City Animal Services shelter.
- (c) Present the Clean Restaurant Award to local establishments.
- (d) Presentation of National Night Out events.

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.

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 August 20, 2018, and the special meeting minutes of August 27, 2018, and August 29, 2018.
- (b) Consider an ordinance changing the name of Lakeshore Harbour Boulevard, a public street located in the City of Missouri City, Texas, to Trammel Fresno 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 to amend the standards and regulations contained in the specific use permit for River Pointe Church to allow for the development of a fellowship pavilion and exterior sign; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider a related ordinance on the first of two readings. The subject site is located north of Knights Court, south of Colony Lakes, east of Elkins High School and west of the center at Knights Court Shopping Center.
- (2) Public hearing to receive comments for or against a request to amend the regulations and restrictions of PD Planned Development District No. 88 pertaining to fence regulations for the Dry Creek Village residential subdivision; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider a related ordinance on the first of two readings. The subject site is located within PD No. 88, south of Lake Olympia Parkway, east of the Olympia Estates and Vicksburg residential subdivision, and west of the Fort Bend Parkway.

(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 – *There are no Authorizations on this agenda.*

10. ORDINANCES

- (a) Consider an ordinance amending Chapter 18, Businesses, of the Missouri City Code; amending regulations relating to mobile food units; providing a penalty; and consider the ordinance on the first of two readings.

11. RESOLUTIONS – *There are no Resolutions on this agenda.*

12. CITY COUNCIL ANNOUNCEMENTS

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

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

13. CLOSED EXECUTIVE SESSION

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

14. RECONVENE

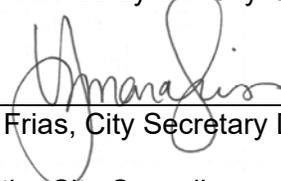
Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

15. ADJOURN

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

CERTIFICATION

I certify that a copy of the September 4, 2018, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on August 31, 2018, at 4:00 p.m.



Yomara Frias, City Secretary Department

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

Signed: _____

Title: _____



**Council Agenda Item
September 4, 2018**

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS AND RECOGNITIONS

- (a) Recognize Police K-9, Hektor, on his retirement and for his years of service with the City of Missouri City.
- (b) Recognize Boy Scout Luke Parker and the Scouts in Troop 828 for creating outdoor recreational equipment for the pets at Missouri City Animal Services shelter.
- (c) Present the Clean Restaurant Award to local establishments.
- (d) Presentation of National Night Out events.

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5. STAFF REPORTS

- (a) City Manager announcements.
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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, August 20, 2018**, at the City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Owen called the meeting to order at 5:42 p.m.

Those also present: Councilmembers Preston, Boney, Maroulis, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Elmer, Director of Communications Walker, First Assistant City Attorney Way, Assistant City Attorney Santangelo, Budget and Financial Reporting Manager Alexander, Code Enforcement Supervisor Rex, Police Captain Williams, HOA Liaison Matte, Senior Budget Analyst Aaron, and Media Relations Specialist III Stottlemeyer. Also present: Houston Community College President Neeta Sane, Vice Chancellor Dr. Kurt Ewen, and Faisal Amin. Councilmember Wyatt arrived 5:48 p.m. Mayor Pro Tem Ford arrived at 6:00 p.m.

2. DISCUSSION/POSSIBLE ACTION

(a) Discuss the Houston Community College System's 2019 comprehensive strategic plan.

Dr. Kurt Ewen presented on the Houston Community College System's 2019 comprehensive strategic plan.

(b) Discuss the development of a state legislative agenda for the 2019 regular session of the Texas Legislature.

City Attorney Iyamu discussed Council's main objectives for the upcoming state legislative agenda for the 2019 regular session of the Texas Legislature.

(c) Presentation on the Code Enforcement sweep for the 5th Street area.

Assistant City Manager Atkinson presented an overview on the Code Enforcement sweep for the 5th Street area. Code Enforcement Supervisor Rex also addressed initiatives and photo representations of sweeps.

(d) Presentation of the proposed Fiscal Year 2019 budget.

Budget and Financial Reporting Manager Alexander presented projected revenue overview. Mayor Pro Tem Ford requested a copy of the budget presentation. Alexander also addressed the proposed budget estimated expenditures, taxable values, and certified rolls. City Manager Snipes presented the City's Fiscal Year 2019 budget priorities.

3. CLOSED EXECUTIVE SESSION

After proper notice given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 6:45 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: proposed massage establishment ordinance.

4. RECONVENE

At 6:55 p.m., Council reconvened into open session. No action was taken.

5. ADJOURN

The special City Council meeting adjourned at 6:55 p.m.

ATTEST:

Allen Owen, Mayor

Maria Jackson, City Secretary

ALLEN OWEN
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CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, August 20, 2018**, at the City Hall, Council Chamber, 2nd Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 p.m.** to consider the following:

1. ROLL CALL

Mayor Owen called the meeting to order at 7:04 p.m.

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

2. The PLEDGE OF ALLEGIANCE was led by Assistant City Manager Elmer.

There were no **PRESENTATIONS AND RECOGNITIONS**.

4. PUBLIC COMMENTS

Leronia Boughton, 2331 Quail Place Drive, stated she expressed her concerns with unleashed dogs in Mosley Park a few meetings back. Boughton thanked the police officers for their presence and expressed her gratitude for signs placed in the park.

5. STAFF REPORTS

City Manager Snipes spoke about the active shooter situation that took place at Ben E. Keith. He stated that Staff would work with METRO to prepare for the Community Center Ribbon Cutting Ceremony on August 27. Snipes announced the following upcoming events: the Missouri City Police Department Car Seat Inspection Event on August 23 at Target; and, the Animal Shelter Open House on August 25. He stated it has been a year since Hurricane Harvey and reminded everyone to stay prepared for any storm that may come our way. He noted non-emergency offices would be closed on Monday, September 3 in celebration of Labor Day.

6. CONSENT AGENDA

- (a) Consider approving the minutes of the special City Council meeting of July 23, 2018, and the special and regular City Council meetings of August 6, 2018.
- (b) Consider an ordinance granting a specific use permit for the location of a telecommunications tower and associated equipment; providing for an amendment to the comprehensive plan; providing a penalty; and consider the ordinance on the second and final reading. The telecommunications site is proposed to be located within the Quail Valley Thunderbird North subdivision, within a neighborhood park, north of the intersection of Turtle Creek Drive and Southern Hills Drive and west of Roane Park.

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

Councilmember Wyatt moved to suspend the rules and take agenda items 11c and 11d out of order. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

See agenda item 11c and 11d for action taken.

7. PUBLIC HEARINGS AND RELATED ACTIONS

(a) Zoning Public Hearings and Ordinances

- (1) Consider an ordinance rezoning an approximate 24.45-acre tract of land from LC-3 retail district to PD planned development district to allow for a mixed-use commercial and residential development; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the ordinance on the second and final reading. 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.

The public hearing opened at 7:13 p.m. Director of Development Services Spriggs presented updates made to the ordinance. The following changes would be proposed:

Condominium residential units:

- Phase 1: Allow a 50/50 mix of age restricted and nonage restricted units;
- Phase 2: Allow for either continued age restricted or nonage restricted units based upon the market performance and demand from Phase 1.

Performance Standards:

- Require that all nonresidential buildings incorporate interior acoustical treatments to minimize sound to the outside of such buildings;
- Prohibit the amplification of sound outside of buildings and structures to no later than 10:00 pm on Sundays through Thursdays and no later than 11:00 pm on Fridays and Saturdays. Sound emanating from restaurant drive-through speakers would be permitted.

Development schedule:

- Phase 1: Allow a minimum of 103,200 square feet of one or more nonresidential buildings to be constructed. A maximum of 122 residential units would be permitted. The multipurpose clubhouse would be required to be constructed with the residential units;
- Phase 2: If the occupancy level for the nonresidential buildings and dwelling units constructed in Phase 1 are each at or higher than 70%, then a minimum 103,200 square feet more of nonresidential buildings may be constructed in addition to the remaining residential units.

Councilmember Wyatt asked if the applicant agreed with the proposed standards. Gregg Stephens, architect with STOA Architects, confirmed. Councilmember Emery inquired about the plans for the retention pond. Stephens stated, with permission of the MUD district, they would like to add it as an amenity that would service the development. Mayor Owen asked when the start date was. Stephens stated they were ready to proceed.

Councilmember Wyatt moved to close the public hearing at 7:22 p.m. and approve the ordinance on the second reading. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

(b) Public Hearings and related actions

- (1) Public hearing to receive comments for or against city residential and commercial solid waste and recyclable material collection rates; consider a resolution adopting a schedule of fees for city residential and commercial solid waste and recycling collection services; and providing an effective date.

Councilmember Wyatt moved to open the public hearing at 7:23 p.m. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

City Manager Atkinson presented the proposed schedule of fees for residential and commercial customers to begin on January 1, 2019.

Councilmember Boney moved to close the public hearing at 7:24 p.m. and approve the resolution. Councilmember Preston seconded. **MOTION PASSED UNANIMOUSLY.**

- (2) Public hearing for or against a request to change the name of Lakeshore Harbour Boulevard, a public street located in the City of Missouri City, Texas, to Trammel Fresno Road; and consider a related ordinance on the first of two readings.

Councilmember Emery asked if earlier platting had been done for Lakeshore Harbour. Assistant City Manager Elmer confirmed and noted it was done for north of Lakeshore Harbour, but has not been built.

Councilmember Emery moved to open the public hearing at 7:28 p.m. Councilmember Wyatt seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Emery moved to close the public hearing at 7:29 p.m. and approve the resolution. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

There were no **APPOINTMENTS.**

9. **AUTHORIZATIONS**

- (a) Consider authorizing the execution of an amendment to the interlocal agreement between the City of Missouri City and Fort Bend County for improvements to Independence Boulevard (Segment 1).

Mayor Pro Tem Ford moved to authorize the execution of an amendment to the interlocal agreement between the City of Missouri City and Fort Bend County for improvements to Independence Boulevard (Segment 1). Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

10. **ORDINANCES**

- (a) Consider an ordinance changing the name of Lakeshore Harbour Boulevard, a public street located in the City of Missouri City, Texas, to Trammel Fresno Road; and consider the ordinance on the first of two readings.

Agenda item 10a was moved to 7b2; therefore, 10a was removed from the agenda.

- (b) Consider an ordinance amending Chapter 18, Businesses, of the Missouri City Code; establishing regulations for massage establishments; providing a penalty; and consider the ordinance on the second and final reading.

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

11. **RESOLUTIONS**

- (a) Consider a resolution amending the schedule of fees for development services.

Director of Development Services Spriggs stated the resolution considered development fees related to third party reviews. Councilmember Emery asked if there was a need for additional revenue. Assistant City Manager Elmer noted there would not be a significant increase in revenue but would cover the costs of third party plan reviewers and offset out of pocket costs.

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

- (b) Consider a resolution amending the authorized representatives to the Texas Local Government Investment Pool.

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

- (c) Consider a resolution authorizing the publication of the notice of intention to issue City of Missouri City, Texas Certificates of Obligation in a principal amount not to exceed \$2,100,000 for the construction of public works and any related items thereto and for the payment of contractual obligations for professional services; authorizing the distribution of a preliminary official statement relating to such certificates; and containing other provisions relating thereto.

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

- (d) Consider a resolution authorizing the publication of the notice of intention to issue City of Missouri City, Texas Certificates of Obligation in a principal amount not to exceed \$21,000,000 for the construction of public works and any related items thereto and for the payment of contractual obligations for professional services; authorizing the distribution of a preliminary official statement relating to such certificates; and containing other provisions relating thereto.

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

- (e) Consider a resolution approving the submission of a grant application to the Firehouse Subs Public Safety Foundation to fund the purchase of a Simulated Impaired Driving Experience package.

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

- (f) Consider a resolution approving the submission of a grant application to the Criminal Justice Division of the Office of the Governor through the Houston-Galveston Area Council to fund the purchase of a mobile video surveillance trailer.

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

12. CITY COUNCIL ANNOUNCEMENTS

Councilmember Preston requested a moment of silence for the lives lost during the Ben E. Keith incident. He also congratulated Travis Scott on his third album. Councilmember Boney thanked the Police Department for keeping the City safe. Mayor Owen reminded residents to keep their vehicles locked and not leave personal belongings in them. He also addressed workplace violence.

13. ADJOURN

The regular City Council meeting adjourned at 7:44 p.m.

ATTEST:

Allen Owen, Mayor

Maria Jackson, City Secretary

ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position 1

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Councilmember at Large Position 2



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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, August 27, 2018**, at the City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following:

1. CALL TO ORDER

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

Those also present: Councilmembers Preston, Boney, Maroulis, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Elmer, Director of Public Works/City Engineer Kumar, Director of Financial Services Atmore, Director of Communications Walker, Director of Economic Development Esch, Interim Director of Financial Services Clarkson, Assistant Director of Public Works Brouhard, and Senior Budget Analyst Aaron. Also present: Renee Yan, Community Impact Newspaper, and Monica Riley. Councilmember Wyatt arrived 5:41 p.m. Mayor Pro Tem Ford arrived at 5:48 p.m.

2. DISCUSSION/POSSIBLE ACTION

- (a) Presentation of the certified Harris County and Fort Bend County tax rolls.
- (b) Receive proposed tax rates and rolls.
- (c) Present the proposed fiscal year 2019 budget.

City Manager Snipes presented an overview of City Council's strategic goals; the FY 2018 strategic focus, priorities, and funding requirements; and, his budget considerations for FY 2019. Director of Financial Services Atmore presented an update on the certified tax rolls for Fort Bend and Harris Counties noting the effective calculation as .581873 and rollback calculation as .636933. She stated Staff's proposed rate was .63, less than the rollback rate, which provided for an estimated \$2,403,203 more revenue in the General Fund and generated an estimated \$1,072,408 more revenue in Debt Service. Director of Financial Services Atmore continued to discuss the certified values from FY 2016 to FY 2019, certified values and ARB reviews, taxable values, and tax increment reinvestment zones. City Manager Snipes discussed the City's community engagement for the proposed FY 2019 budget and upcoming budget work sessions. He continued to address the funding investment of priority needs with a .60 tax rate when compared to the proposed .63 tax rate. Director of Financial Services Atmore provided a historical analysis of the City's tax rate from FY 2009 to present; tax rate comparison; and, the average home values and proposed rates. Assistant City Manager Elmer presented highlights of the Capital Improvement Program. City Manager Snipes provided an update of the Animal Services Shelter operations. Director of Economic Development Esch presented an Economic Development update. City Manager Snipes informed City Council of the next steps for the FY 2019 budget to include additional work sessions, public hearings with the community, the setting of the maximum tax rate, and final tax adoption.

Councilmember Preston left the City Council meeting at 6:55 p.m.

3. CLOSED EXECUTIVE SESSION

After proper notice given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 6:55 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: Creekmont Community Association, Inc. and Rena Marshall v. Allen Owen, in his official capacity as Mayor of the City of Missouri City, Texas, and Maria Jackson, in her official capacity as City Secretary (Harris County Cause No. 2017-05988 in the 125th Judicial District Court of Harris County, Texas).

4. RECONVENE

At 7:00 p.m., Council reconvened into open session. Mayor Pro Tem Ford left the City Council meeting at 7:00 p.m.

Councilmember Emery moved to accept a settlement offer of up to \$95,000 in reimbursement as consideration for not pursuing additional attorney's fees. Councilmember Wyatt seconded. **MOTION PASSED UNANIMOUSLY.**

5. ADJOURN

The special City Council meeting adjourned at 7:01 p.m.

ATTEST:

Allen Owen, Mayor

Maria Jackson, City Secretary

ALLEN OWEN
Mayor

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Councilmember at Large Position 1

CHRIS PRESTON
Councilmember at Large Position 2



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Councilmember District B

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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 **Wednesday, August 29, 2018**, at the City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:30 p.m.** to consider the following:

1. CALL TO ORDER

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

Those also present: Councilmembers Wyatt, Preston, Boney, Maroulis, and Emery; City Manager Snipes, City Attorney Iyamu, City Secretary Jackson, Assistant City Manager Atkinson, Assistant City Manager Elmer, Budget & Financial Reporting Manager Alexander, and Senior Budget Analyst Aaron. Also present: Renee Yan, Community Impact Newspaper. Absent: Mayor Pro Tem Ford.

2. DISCUSSION/POSSIBLE ACTION

(a) Discuss the proposed fiscal year 2019 budget.

City Manager Snipes discussed the certified tax roll effective calculation of .581873, rollback calculation of .636933, and Staff's proposed rate of .63. He also provided City Council with copies of the BlueCross BlueShield History carve out and COBRA rates; and, the UnitedHealthcare Insurance Company illustrative summary for the City of Missouri City. City Manager Snipes proceeded to discuss market cities population and full time employees.

(b) Consider authorizing a proposal on a maximum property tax rate and consider setting the dates for public hearings and the adoption of such proposal on a future meeting agenda.

Councilmember Maroulis moved to approve that Council (by record vote) place a proposed tax rate of not more than \$0.63 on the October 1, 2018 regular meeting agenda at 7:00 p.m. and set public hearings on Thursday, September 13, 2018, at 5:30 p.m. and Monday, September 17, 2018, at 7:00 p.m. to receive public comments on such proposal. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Owen, Councilmembers Wyatt, Preston, Boney, Maroulis and Emery
Nays: None

3. ADJOURN

The special City Council meeting adjourned at 5:46 p.m.

ATTEST:

Allen Owen, Mayor

Maria Jackson, City Secretary



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

September 4, 2018

To: Mayor and City Council
Agenda Item: 6(b) Consider an ordinance for Changing Name of Lake Shore Harbour Blvd., to Trammel Fresno Rd.
Submitted by: Shashi K. Kumar, Director of Public Works/City Engineer
 Otis T. Spriggs, AICP, Director of Development Services

SYNOPSIS

This is the final reading of an ordinance changing the name of Lake Shore Harbour Blvd., a public street located in the City, to Trammel Fresno Rd, for the roadway segment shown in the attached Exhibit A.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

Trammel Fresno Rd., located between the limits of Vicksburg Blvd. to the west and Fort Bend Toll Road to the east was recently widened and opened to the public. Widening of Trammel Fresno Rd., located between the limits of Fort Bend Toll Road and extending further east to FM 521 is currently underway. There is also a section of Trammel Fresno Rd., extending west from State Highway 6 (SH 6) to Sienna Pkwy. Currently, there is a small roadway segment located between the limits of SH 6 and Vicksburg Blvd., which is named as Lake Shore Harbour Blvd (See Exhibit A). This change in name (as it currently exists) for a small segment of a roadway that serves as a major thoroughfare in the City can be confusing to the drivers.

The proposed name change is intended to address this issue. With the expansion and opening of Trammel Fresno Rd., connecting to Fort Bend Tollway, increased growth and traffic is projected in the general area. Currently, there are not many properties fronting Lake Shore Harbour Blvd., and hence an opportunistic time to change the street name to reflect Trammel Fresno Rd., so as to be contiguous. Further, staff have received positive feedback from both the Developer and the Lake Shore Harbour HOA Board for the proposed name change.

If this Ordinance to rename the existing street is approved by the City Council, staff will notify any affected city departments, utilities, properties, and governmental entities of the new street name.

BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	FY2018 Funds Budgeted	FY2018 Funds Available	Amount Requested
\$0 Budget Impact. This project will be performed with existing city signage stock as well as by City Streets personnel.					

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. Exhibit A: Map of subject street location
3. Utilities & Other Agency Notifications
4. Notification to County for Review of Street Duplication
5. Lake Shore Harbour Blvd., Name Change Labels & Abutting Properties Notices

STAFF'S RECOMMENDATION

Staff recommends adoption of the proposed Ordinance to rename Lake Shore Harbour Blvd., to Trammel Fresno Rd.

Director Approval: Shashi K. Kumar, P.E.

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

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

ORDINANCE NO. O-18-__

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS,
CHANGING THE NAME OF LAKESHORE HARBOUR BOULEVARD, A
PUBLIC STREET LOCATED IN THE CITY OF MISSOURI CITY, TEXAS,
TO TRAMMEL FRESNO ROAD.**

* * * * *

WHEREAS, Chapter 16 of the Missouri City Code provides for the naming of city streets; now therefore,

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

Section 1. The name of that roadway located within the City of Missouri City and known as Lakeshore Harbour Boulevard, as depicted on Exhibit "A," attached hereto and made a part hereof, is hereby changed to Trammel Fresno Road.

PASSED and APPROVED on first reading this 20th day of August, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this 4th day of September, 2018.

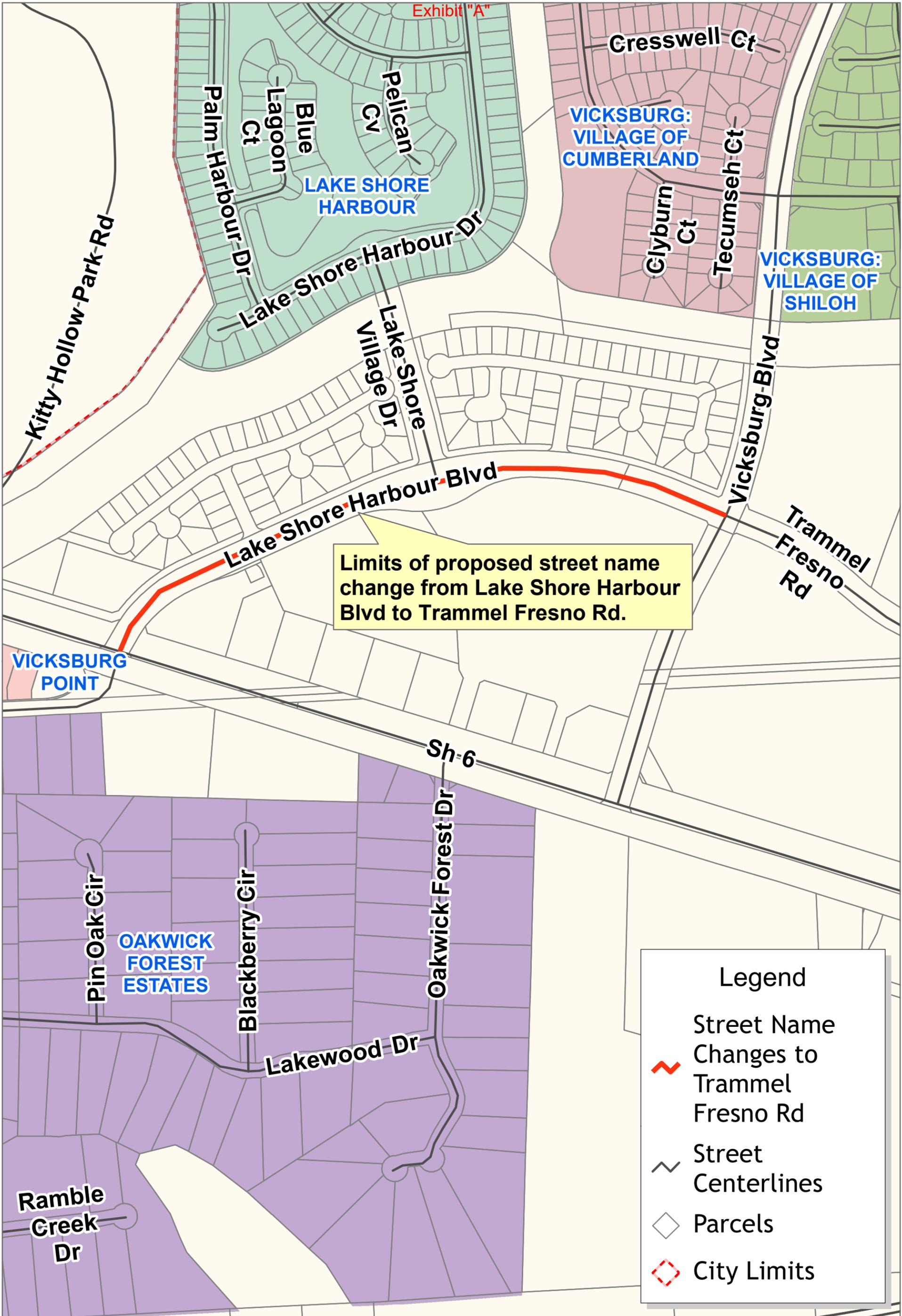
Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney



Limits of proposed street name change from Lake Shore Harbour Blvd to Trammel Fresno Rd.

Legend

-  Street Name Changes to Trammel Fresno Rd
-  Street Centerlines
-  Parcels
-  City Limits



Otis Spriggs

From: Otis Spriggs
Sent: Friday, August 17, 2018 8:59 AM
To: 'Marquita.Williams@centerpointenergy.com'
Cc: 'mike.smallwood@centerpointenergy.com'; Shashi Kumar
Subject: Request for Review: Street renaming Ordinance adoption through the City Council, from Lake Shore Harbour Blvd., a public street segment located in the City, to Trammel Fresno Rd.
Attachments: Exhibit A Trammel Fresno Rd.pdf

Dear Mike/Marquita,

The City of Missouri City is considering a street renaming Ordinance adoption through the City Council, from Lake Shore Harbour Blvd., a public street segment located in the City, to Trammel Fresno Rd. and request a review by the CenterPoint Energy Maps & Records Division (See attached Exhibit A). A public hearing has been set for August 20, 2018 at 7:00 PM in the regular session of the City Council, at 1522 Texas Parkway, Missouri City, Texas 77489, City Hall, Council Chambers.

Trammel Fresno Rd., located between the limits of Vicksburg Blvd. to the west and Fort Bend Toll Road to the east was recently widened and opened to the public. Widening of Trammel Fresno Rd., located between the limits of Fort Bend Toll Road and extending further east to FM 521 is currently underway. There is also a section of Trammel Fresno Rd., extending west from State Highway 6 (SH 6) to Sienna Pkwy. Currently, there is a small roadway segment located between the limits of SH 6 and Vicksburg Blvd., which is named as Lake Shore Harbour Blvd (See Exhibit A). This change in name (as it currently exists) for a small segment of a roadway that serves as a major thoroughfare in the City can be confusing to the drivers.

The proposed name change is intended to address this issue. With the expansion and opening of Trammel Fresno Rd., connecting to Fort Bend Tollway, increased growth and traffic is projected in the general area. Currently, there are not many properties fronting Lake Shore Harbour Blvd., and hence an opportunistic time to change the street name to reflect Trammel Fresno Rd., so as to be contiguous. Further, staff has received positive feedback from both the Developer and the Lake Shore Harbour HOA Board for the proposed name change.

Please review and provide any comments from your division at your convenience.

Thank you.



Otis T. Spriggs, AICP | Director of Development Services

1522 Texas Parkway | Missouri City, TX 77489

t. 281.403.8661 | f. 281.403.5551

website | map | email    

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Otis Spriggs

From: Otis Spriggs
Sent: Friday, August 17, 2018 9:16 AM
To: 'rmarcucci@municipaldistrictservices.com'; 'sburch@jonescarter.com'
Cc: Shashi Kumar
Subject: Request for Review: Street renaming Ordinance adoption through the City Council, from Lake Shore Harbour Blvd., a public street segment located in the City, to Trammel Fresno Rd.
Attachments: Exhibit A Trammel Fresno Rd.pdf

Dear Sean Burch/Rebecca Marcucci,

The City of Missouri City is considering a street renaming Ordinance adoption through the City Council, from Lake Shore Harbour Blvd., a public street segment located in the City, to Trammel Fresno Rd. and request a review by MUD 48 (See attached Exhibit A). A public hearing has been set for the first of two readings for August 20, 2018 at 7:00 PM in the regular session of the City Council, at 1522 Texas Parkway, Missouri City, Texas 77489, City Hall, Council Chambers.

Trammel Fresno Rd., located between the limits of Vicksburg Blvd. to the west and Fort Bend Toll Road to the east was recently widened and opened to the public. Widening of Trammel Fresno Rd., located between the limits of Fort Bend Toll Road and extending further east to FM 521 is currently underway. There is also a section of Trammel Fresno Rd., extending west from State Highway 6 (SH 6) to Sienna Pkwy. Currently, there is a small roadway segment located between the limits of SH 6 and Vicksburg Blvd., which is named as Lake Shore Harbour Blvd (See Exhibit A). This change in name (as it currently exists) for a small segment of a roadway that serves as a major thoroughfare in the City can be confusing to the drivers.

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Please review and provide any comments from your division at your convenience.

Thank you.



Otis T. Spriggs, AICP | Director of Development Services

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Egima Brown

From: Egima Brown
Sent: Friday, August 17, 2018 9:40 AM
To: 'mandymandirubalcaba@fbcad.org'; 'Craig.A.Biagioli@usps.gov'; 'Baker, Rosita - Houston, TX'; 'Johnson, Susanne K - Houston, TX'; 'aortega@wcamerica.com'; 'mwest@wcamerica.com'; 'HoustonGrowthManagement@usps.gov'
Cc: Otis Spriggs; Shashi Kumar; Sharon Heisler
Subject: FW: Courtesy Notice of Public Hearing: Street renaming Ordinance adoption through the City Council, from Lake Shore Harbour Blvd., a public street segment located in the City, to Trammel Fresno Rd.
Attachments: Exhibit A Trammel Fresno Rd.pdf

Good morning Team,

Please see the forwarded Public Notice.

Be well today

From: Otis Spriggs
Sent: Friday, August 17, 2018 9:23 AM
To: Egima Brown <egima.brown@missouricitytx.gov>
Subject: Courtesy Notice of Public Hearing: Street renaming Ordinance adoption through the City Council, from Lake Shore Harbour Blvd., a public street segment located in the City, to Trammel Fresno Rd.

Dear Sir or Madam,

The City of Missouri City is considering a street renaming Ordinance adoption through the City Council, from Lake Shore Harbour Blvd., a public street segment located in the City, to Trammel Fresno Rd. and request a review by Service Providing Agencies or Companies (See attached Exhibit A). A public hearing has been set for the first of two readings for August 20, 2018 at 7:00 PM in the regular session of the City Council, at 1522 Texas Parkway, Missouri City, Texas 77489, City Hall, Council Chambers.

Trammel Fresno Rd., located between the limits of Vicksburg Blvd. to the west and Fort Bend Toll Road to the east was recently widened and opened to the public. Widening of Trammel Fresno Rd., located between the limits of Fort Bend Toll Road and extending further east to FM 521 is currently underway. There is also a section of Trammel Fresno Rd., extending west from State Highway 6 (SH 6) to Sienna Pkwy. Currently, there is a small roadway segment located between the limits of SH 6 and Vicksburg Blvd., which is named as Lake Shore Harbour Blvd (See Exhibit A). This change in name (as it currently exists) for a small segment of a roadway that serves as a major thoroughfare in the City can be confusing to the drivers.

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Please review and provide any comments from your division or company at your convenience.

Thank you.



Otis T. Spriggs, AICP | Director of Development Services

1522 Texas Parkway | Missouri City, TX 77489

t. 281.403.8661 | f. 281.403.5551

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Otis Spriggs

From: Dalton, Maggie <Maggie.Dalton@fortbendcountytexas.gov>
Sent: Wednesday, August 22, 2018 9:58 AM
To: Otis Spriggs
Cc: Development; GISENGINEER; Shashi Kumar
Subject: RE: Request for Review: Street Renaming (Duplication Check): From Lake Shore Harbour Blvd. to Trammel Fresno Rd

Otis,

Renaming Lake Shore Harbour Blvd to Trammel Fresno will be in accordance with the FBC street naming policy, as direct extensions of existing thoroughfares should remain the same name. Has the ordinance been passed for the proposed name change? If so, may we have a copy for reference and we will update our maps accordingly.

Thank you!

Plat submittal deadline for the September 11th Commissioners Court agenda is Thursday, August 30th by 5pm.

Maggie Dalton | Development Services Manager

Fort Bend County Engineering
301 Jackson Street, Suite 401 | Richmond, TX 77469
www.fortbendcountytexas.gov | 281-633-7515

From: Otis Spriggs [<mailto:otis.spriggs@missouricitytexas.gov>]
Sent: Friday, August 17, 2018 8:00 AM
To: Velasquez, Courtney
Cc: Sowa, Mary Jane; Shashi Kumar
Subject: Request for Review: Street Renaming (Duplication Check): From Lake Shore Harbour Blvd. to Trammel Fresno Rd

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Courtney Velasquez/ Mary Jane Sowa,

The City of Missouri City is considering a street renaming Ordinance adoption through the City Council, from Lake Shore Harbor Blvd., a public street segment located in the City, to Trammel Fresno Rd. and request a review by the Fort Bend County Engineering Department (See attached Exhibit A). A public hearing has been set for **August 20, 2018 at 7:00 PM** in the regular session of the City Council, at 1522 Texas Parkway, Missouri City, Texas 77489, City Hall, Council Chambers.

Trammel Fresno Rd., located between the limits of Vicksburg Blvd. to the west and Fort Bend Toll Road to the east was recently widened and opened to the public. Widening of Trammel Fresno Rd., located between the limits of Fort Bend Toll Road and extending further east to FM 521 is currently underway. There is also a section of Trammel Fresno Rd., extending west from State Highway 6 (SH 6) to Sienna Pkwy. Currently, there is a small roadway segment located between the limits of SH 6 and Vicksburg Blvd., which is named as Lake Shore Harbour Blvd (See Exhibit A). This change in name (as it currently exists) for a small segment of a roadway that serves as a major thoroughfare in the City can be confusing to the drivers.

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Please review and provide any comments from your division at your convenience.

Thank you.



Otis T. Spriggs, AICP | Director of Development Services

1522 Texas Parkway | Missouri City, TX 77489

t. 281.403.8661 | f. 281.403.5551

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Otis Spriggs

From: Smallwood, Mike <mike.smallwood@centerpointenergy.com>
Sent: Tuesday, August 21, 2018 9:07 AM
To: Otis Spriggs; Williams, Marquita L
Cc: Shashi Kumar
Subject: RE: [External Email] Request for Review: Street renaming Ordinance adoption through the City Council, from Lake Shore Harbour Blvd., a public street segment located in the City, to Trammel Fresno Rd.

Good Morning Otis,

CenterPoint Energy Maps and Records has no objection to this proposed street name change. Also I just verified the hundred block/addressing on Lake Shore Harbour Blvd is consistent with Trammel Fresno Rd so no address changes will be necessary if this change happens. Let me know if you have any other questions.

Thanks,

Mike Smallwood

Addressing & Routing Technician III
CenterPoint Energy Maps & Records
<https://cnptoday.com/MapsRecords/Pages/HomeNew.aspx#>
713-207-4460



From: Otis Spriggs [mailto:otis.spriggs@missouricityx.gov]
Sent: Friday, August 17, 2018 8:59 AM
To: Williams, Marquita L <Marquita.Williams@centerpointenergy.com>
Cc: Smallwood, Mike <mike.smallwood@centerpointenergy.com>; Shashi Kumar <shashi.kumar@missouricityx.gov>
Subject: [External Email] Request for Review: Street renaming Ordinance adoption through the City Council, from Lake Shore Harbour Blvd., a public street segment located in the City, to Trammel Fresno Rd.

EXTERNAL EMAIL

Dear Mike/Marquita,

The City of Missouri City is considering a street renaming Ordinance adoption through the City Council, from Lake Shore Harbour Blvd., a public street segment located in the City, to Trammel Fresno Rd. and request a review by the CenterPoint Energy Maps & Records Division (See attached Exhibit A). A public hearing has been set for August 20, 2018 at 7:00 PM in the regular session of the City Council, at 1522 Texas Parkway, Missouri City, Texas 77489, City Hall, Council Chambers.

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Please review and provide any comments from your division at your convenience.

Thank you.



Otis T. Spriggs, AICP | Director of Development Services

1522 Texas Parkway | Missouri City, TX 77489

t. 281.403.8661 | f. 281.403.5551

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Fort Bend County
301 Jackson St, Rm 101
Richmond, TX 77469-3108

Global New Millennium Partners Ltd
4415 Highway 6
Sugar Land, TX 77478-4476

Gehan Homes LTD
15725 Dallas Parkway STE #300
Addison, TX 75001-3850

Wal-Mart Stores Texas LLC
C/o Wal-mart Property Tax Dept.
PO Box 8050, MS 0555
Bentonville, AR 72712-8050

Vicksburg Estates Ltd
1616 S Voss RD STE #618
Houston, TX 77057-2620

O'Reilly Auto Enterprises LLC
PO Box 9167
Springfield, MO 65801-9167

Missouri City Parkwood LLC
c/o Walgreen Co. Judy Broughman -
MS # 1435, 104 Wilmot RD
Deerfield, IL 60015-5121

Vicksburg Center LP
802 Main Street, Suite 101
Canmore Alberta, Canada T1W2B7

Vicksburg Estates Ltd
1616 S. Voss RD STE 618
Houston, TX 77057-2620

Sbb Enterprises LLC
3551 N Sam Houston PKWY W
Houston, TX 77086-1422

Aim Investments Two Inc
c/o Time Wise # 4601
11111 Wilcrest Green, Ste. 100
Houston, TX 77242-4739

Lake Shore Harbour HOA
11000 Corporate Centre DR, STE 150
Houston, TX 77041

Texas Transportation Commission
PO Box 1386
Houston, TX 77251-1386

Hammer Real Estate Holdings LLC
1430 Sandra ST
Morgan City, LA 70380-2136

CFT NV Development LLC
1683 Walnut Grove AVE
Rosemead, CA 91770-3711

Murphy Oil USA Inc
PO Box 7300
El Dorado, AR 71731-7300



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

CITY OF MISSOURI CITY, TEXAS
City Council

The City Council of the City of Missouri City will hold a public hearing:
Monday, August 20, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a Street Name Change request and Public hearing to receive comments concerning an ordinance changing the name of Lake Shore Harbour Blvd., a public street located in the City, to Trammel Fresno Rd, for the roadway segment shown in the attached Exhibit A.; and consider the ordinance on the first of two readings, in compliance with Ordinance O-17-19, rules and regulations related to the naming of City property and City programs, to provide for an amendment therefrom.

This letter is being sent to land owners of property fronting and abutting Lake Shore Harbour Blvd. right-of-way, for the described segment only. It is also sent to others on request.

Dear City Representatives:

I/We protest this proposed street renaming because

I/We support this proposed street renaming because

Sincerely,

Signature Print Name

Street Address Subdivision

Phone Number Return to: Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

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

Print Name Signature

OWNERSHIP LIST (Properties fronting on Subject Street): 10(a) Ordinance Changing Name of Lake Shore Harbour Blvd., to Trammel Fresno Rd.

OWNERNAME	OADDR2	OWNERCITY	OWNERSTATE	OWNERZIP	LEGAL
Fort Bend County	301 Jackson ST, Rm. 101	Richmond	TX	77469-3108	0077 E ROARK, TRACT 11 (PT), ACRES 5.84, VICKSBURG DR ROW NOT IN MUD 60
Gehan Homes LTD	15725 Dallas Parkway STE #300	Addison	TX	75001-3850	VENETIAN VILLAGE SEC 1, BLOCK 1, LOT 23
Vicksburg Estates Ltd	1616 S Voss RD STE 618	Houston	TX	77057-2620	VENETIAN VILLAGE SEC 1, ACRES 0.6818, RESTRICTED RESERVE "D" (LANDSCAPE)
Missouri City Parkwood LLC	c/o Walgreen Co. Judy Broughman MS #1435, 104 Wilmot RD	Deerfield	IL	60015-5121	VENETIAN VILLAGE SEC 1, ACRES 1.683, RESTRICTED RESERVE "E2", REPLAT
Vicksburg Estates Ltd	1616 S Voss RD STE 618	Houston	TX	77057-2620	VENETIAN VILLAGE SEC 1, ACRES 0.6827, RESTRICTED RESERVE "A" (LANDSCAPE)
Aim Investments Two Inc	c/o Time Wise #4601 11111 Wilcrest Green, Ste. 100	Houston	TX	77242-4739	0086 M SHIPMAN, ACRES 1.278, RESTRICTED RESERVE "A", COUNTRY STORE VICKSBURG
Texas Transportation Commission	PO Box 1386	Houston	TX	77251-1386	0077 E ROARK, ACRES 1.815, (PT) PARCEL 34 HWY 6 ROW NOT IN MUD 60
Hamer Real Estate Holdings LLC	1430 Sandra ST	Morgan City	LA	70380-2136	Missouri City Walmart, ACRES 0.652, Partial Replat No 1, Block 1, Reserve "I-B" (Commercial)
CFT NV Developments LLC	1683 Walnut Grove AVE	Rosemead	CA	91770-3711	Missouri City Walmart, ACRES 1.188, Reserve "D" (Commercial)
Murphy Oil USA Inc	PO Box 7300	El Dorado	AR	71731-7300	Missouri City Walmart, ACRES 1.022, Reserve "E" (Commercial)
Global New Millennium Partners Ltd	4415 Highway 6	Sugar Land	TX	77478-4476	Missouri City Walmart, ACRES 1.182, Reserve "F" (Commercial)
Wal- Mart Stores Texas LLC	C/o Wal-mart Property Tax Dept PO Box 8050, MS 0555	Bentonville	AR	72712-8050	Missouri City Walmart, ACRES 18.14, Reserve "A" (Commercial)
O'Reilly Auto Enterprises LLC	PO Box 9167	Springfield	MO	65801-9167	Missouri City Walmart, ACRES 1.125, Reserve "G" (Commercial)
Vicksburg Center LP	802 Main Street, Suite 101	Canmore Alberta	Canada	T1W2B7	Missouri City Walmart, ACRES 1.101, Reserve "H" (Commercial)
Sbb Enterprises LLC	3551 N Sam Houston PKWY W	Houston	TX	77086-1422	Missouri City Walmart, ACRES 0.9645, Partial Replat No 1, Block 1, Reserve "I-A" (Commercial)



CITY COUNCIL AGENDA ITEM COVER MEMO

September 4, 2018

To: Mayor and City Council
Agenda Item: 7(a)(1) River Pointe Church Missouri City – SUP #197 Amendment
Submitted by: Thomas K. White Jr., Planning II

SYNOPSIS

This is the first of two readings of an ordinance to amend SUP #197 a request by Dean King, Executive Pastor, River Pointe Community Church, to amend the standards and regulations contained in ordinance O-15-62, pertaining to SUP, to allow for the development of a fellowship pavilion an approximate and to the extent such rezoning does not deviate 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 Knights Court, south of Colony Lakes, east of Elkins High School and west of the center at Knights Court Shopping Center.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND & SYNOPSIS

River Pointe Church was founded in December 1996 with five families and has since grown with over 4,000 members and worship services conducted at three locations – Richmond, Houston and Missouri City. After operating from school auditoriums in its early years, River Pointe Church moved into a permanent campus in Richmond in 1995. Worship services have been held at the Missouri City location at Elkins High School.

In 2015, Ordinance O-15-62 pertaining to SUP, Specific Use Permit #197 was approved to allow for the church to construct its permanent campus just adjacent to the Elkins High School campus. Ordinance O-15-62 allowed for the place of assembly as well as certain architectural, landscaping and sign regulations that took into consideration the significant portion of the site that would be encumbered for drainage and detention purposes.

Construction on the Missouri City campus is now underway, beginning in April 2018.

The applicant has submitted this request to allow for certain deviations from the city's architectural design standards in the future construction of a fellowship pavilion to be located on the campus.

As part of this application, a 41-foot tall climber visual structure piece is proposed, similar to the one displayed at the original campus in Richmond TX; it would considered as signage and meets the building height requirement allowance for SD. Presently the city does not have a code pertaining to art.

SUPPORTING MATERIALS

1. Ordinance
2. Ordinance O-15-62
3. Draft Planning and Zoning Commission meeting minutes (August 8, 2018)
4. Planning and Zoning Commission final report
5. Application
6. Pavilion example images
7. Ortho map
8. Site Pictures
9. Notice of public hearing
10. Notice of public hearing to adjoining property owners
11. Mailing labels for adjoining property owners
12. Rezoning application protest letters analysis

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

ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING A SPECIFIC USE PERMIT AUTHORIZING THE USE OF AN 18.90-ACRE TRACT OF LAND IN THE CITY OF MISSOURI CITY AS A SPECIFIC USE-PLACES OF ASSEMBLY; DESCRIBING SAID 18.90-ACRE TRACT OF LAND; PROVIDING LIMITATIONS, RESTRICTIONS, AND CONDITIONS ON SUCH SPECIFIC USE; REFERENCING A SITE PLAN; PROVIDING FOR CERTAIN CONSTRUCTION ACCORDING TO SAID PLAN; 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, River Pointe Community Church, is the owner of an 18.90-acre tract 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 SD suburban district under Ordinance No. O-81-1, adopted on January 19, 1981, and is subject to Specific Use Permit No. 197 under Ordinance No. O-15-62, adopted on November 16, 2015; and

WHEREAS, the owner's agent, Dean King of River Pointe Church, has made application to the City of Missouri City for an amendment to the specific use permit authorizing the use of said Property as a Specific Use-Places of Assembly; 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 specific use permit; and

WHEREAS, the Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested specific use permit; 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 to amend the specific use permit and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Property is more fully described in the legal description in Exhibit “A,” attached hereto and made a part hereof for all purposes, and is depicted in Exhibit “A-1,” attached hereto and made a part hereof for all purposes. Exhibit “A-1” shall be for reference purposes only. In the event that Exhibit “A-1” conflicts with Exhibit “A,” Exhibit “A” shall prevail.

Section 4. The specific use of the Property authorized and permitted by this Ordinance is Places of Assembly.

Section 5. The specific use authorized and permitted by this Ordinance shall be developed in accordance with the Missouri City Code and 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 as specifically set forth herein and subject to the following limitations, restrictions, and conditions:

I. Use Permitted. The following specific use shall be permitted:

Places of Assembly

II. Standards and Regulations.

A. Architectural Design Standards. Except as provided herein, the requirements of Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance shall apply.

1. The use of visible pitched roofs or architectural elements with visible pitched roofs is not required for the accessory structure consisting of a pavilion.
2. Except as provided herein, buildings may be constructed as depicted and described on Exhibit “C,” Elevations. Concrete masonry block materials may be used for the building to be located beneath the pavilion as described and depicted in the River Pointe Church Missouri City Campus Elevations, Drawing Number SUP 1.00, set forth in Exhibit “D”. Such building may be visible from a street or driveway used by the general public and is not required to have a pitched roof element.

B. Landscaping regulations. Except as provided herein, the requirements of Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.

1. The number and location of planting islands and diamonds may be provided as depicted on Exhibit “B”, Site Plan, provided that the requirements of subsection 11.5.A of the City of Missouri City Zoning Ordinance are met.

- C. Sign regulations.** Except as provided herein, the sign regulations for nonresidential districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply.
1. The requirements of subsection 13.12.G.5 of the City of Missouri City Zoning Ordinance do not apply provided that a monument sign shall be constructed as provided and depicted on Exhibit “E,” Monument Sign.
 2. The sign depicted in Exhibit “F” is allowed.
- D. 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. The trash disposal regulations for nonresidential zones, specifically LC-3 retail districts, shall apply.
- E. Outside placement, storage, sales and services regulations.** Outside placement, storage, sales, and services are prohibited, except during the place of assembly’s festivals and permitted special events.
- F. Development Schedule.** This Ordinance shall expire on the fifth anniversary of the date the first specific use permit application was filed, provided no progress has been made toward the completion of this project.

Section 6. The Zoning District Map of the City of Missouri City shall be revised and amended to show the specific use permitted on said 18.90 acres of land as provided in Section 3 hereof, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the changes.

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 land described in Section 3 hereof authorizing the Specific Use-Places of Assembly and the imposition of the limitations, 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.* Ordinance No. O-15-62, adopted on November 16, 2015, is hereby repealed. Any 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 _____, 2018.

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

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

***18.9002 acres of land in the Elijah Roark League Survey, Abstract No. 77,
Fort Bend County, Texas***

A FIELD NOTE DESCRIPTION of a 18.9002 acre (823,295 square feet) tract of land in the Elijah Roark League Survey, Abstract No. 77, Fort Bend County, Texas; said 18.9002 acre tract being a tract of land conveyed to Amanda H. Wood, as recorded in Fort Bend County Clerk's File No. 2010099143 and also being out of Reserve "C", Herman Hospital Estate Large Acreage Tract Plat, according to the map or plat recorded in Slide No. 1092A of the Fort Bend County Plat Records; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

BEGINNING at a 5/8-inch rod found in the south right-of-way line of a 80 foot wide Levee for a northeast corner of Reserve B of said Herman Hospital Estate Large Acreage Tract Plat and for a northwest corner of this tract;

THENCE, North 87° 15' 11" East - 707.10 feet with the south of said Levee to a 5/8-inch iron rod found for a northwest corner of a remainder of 13.729 acre tract of land conveyed to Kwan Family Living Trust, as recorded in Fort Bend County Clerk's File No. 2009004785 and for a northeast corner of this tract;

THENCE, South 02° 57' 55" East - 599.14 feet with west line of said 13.729 acre tract to a 5/8-inch iron rod with cap stamped "RPLS 3438" found for the northwest corner of a called 0.1849 acre tract of land conveyed to Fort Bend County Municipal Utility District No. 46, as recorded in Fort Bend County Clerk's File No. 20090017799 and for an angle point of this tract;

THENCE, South 35° 17' 11" East - 152.38 feet with the west line of said 0.1849 acre tract to a 5/8-inch iron rod with cap found in the northeast right-of-way line of Knights Court (60 feet wide) for a southeast corner of this tract;

THENCE, in a southwesterly direction with the southwest right-of-way line of said Knights Court and with a curve to the left having a radius of 830.00 feet, a central angle of 14° 40' 11", a length of 212.51 feet, and a chord bearing South 47° 27' 13" West - 211.93 feet to a 5/8-inch iron rod found for the end of said curve;

THENCE, South 40° 00' 40" West - 968.60 feet with the southwest right-of-way line of said Knights Court to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for an interior corner of said Reserve "B" and for a southwest corner of this tract;

THENCE, North 05° 46' 37" West - 229.34 feet to a 5/8-inch iron rod found for an angle point of this tract;

THENCE, the next 5 calls with the centerline of a 120 foot drainage easement, as recorded in Volume 2381, Page 1613 and in Volume 2398, Page 2063 of the Fort Bend County Deed Records:

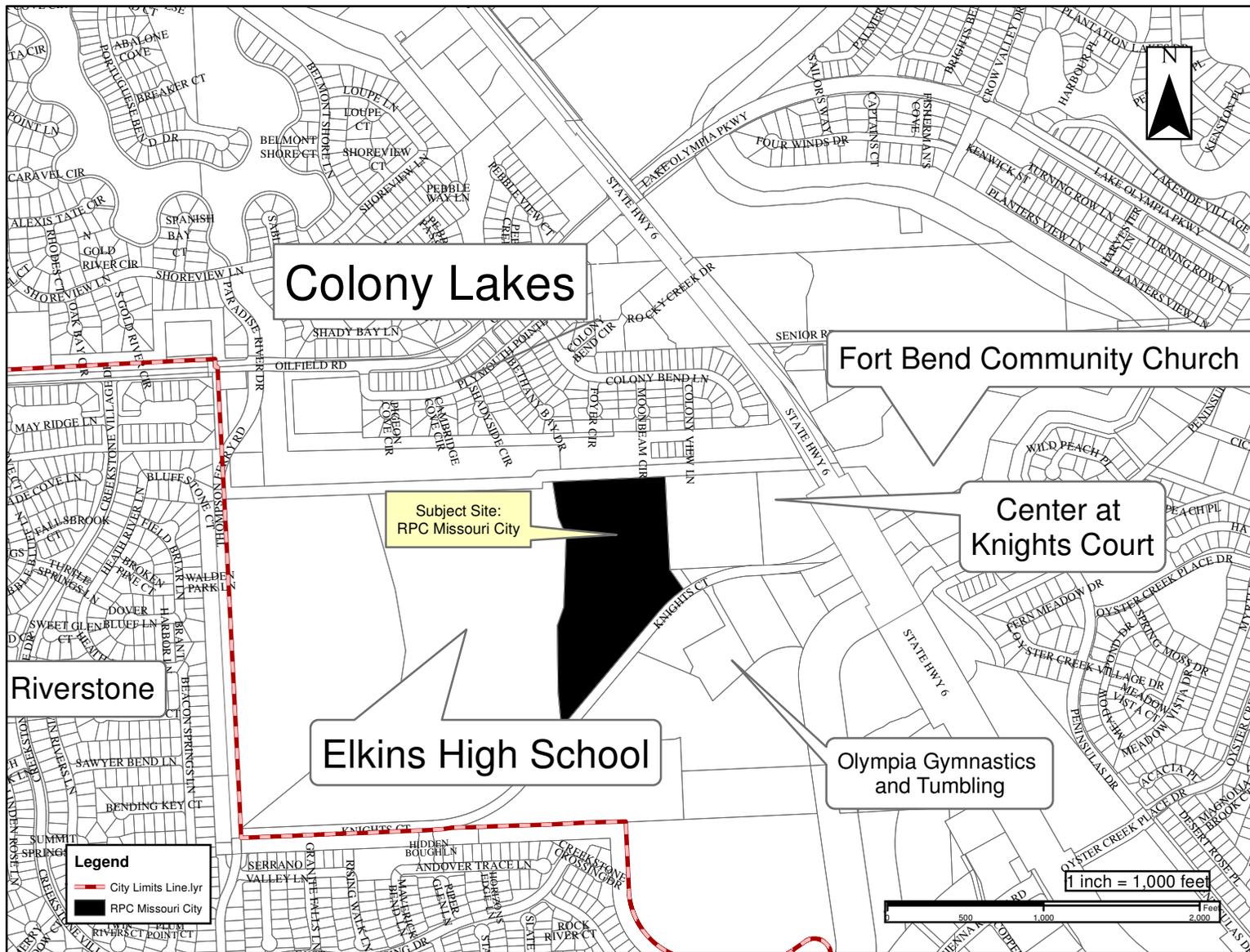
- 1.) North 00° 29' 26" West - 425.43 feet;
- 2.) North 19° 25' 59" East - 123.60 feet;
- 3.) North 02° 49' 14" East - 457.14 feet;
- 4.) North 23° 05' 22" West - 128.55 feet; and
- 5.) North 08° 10' 31" West - 231.36 feet to the POINT OF BEGINNING and containing 18.9002 acres (823,295 square feet) of land.

COMPILED BY:
TEXAS ENGINEERING AND MAPPING Co.
Civil Engineers - Land Surveyors
Stafford, Texas
Firm Registration No. 10119000
Job No. 1176-1
W:\1176-1_18.9002-Acres.docx



Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776





JUL 16 2018

Planning Division

Issue No.	Date	Description
07/16/18		SUP Application



PROJECT TEAM

Owner:	River Pointe Church
Architect:	Studio Red Architects
CAD Engineer:	T.E.A.M.
Structural Engineer:	Mark
Timber Designer:	RM Redgers
Landscape Architect:	Red Oak Design Group

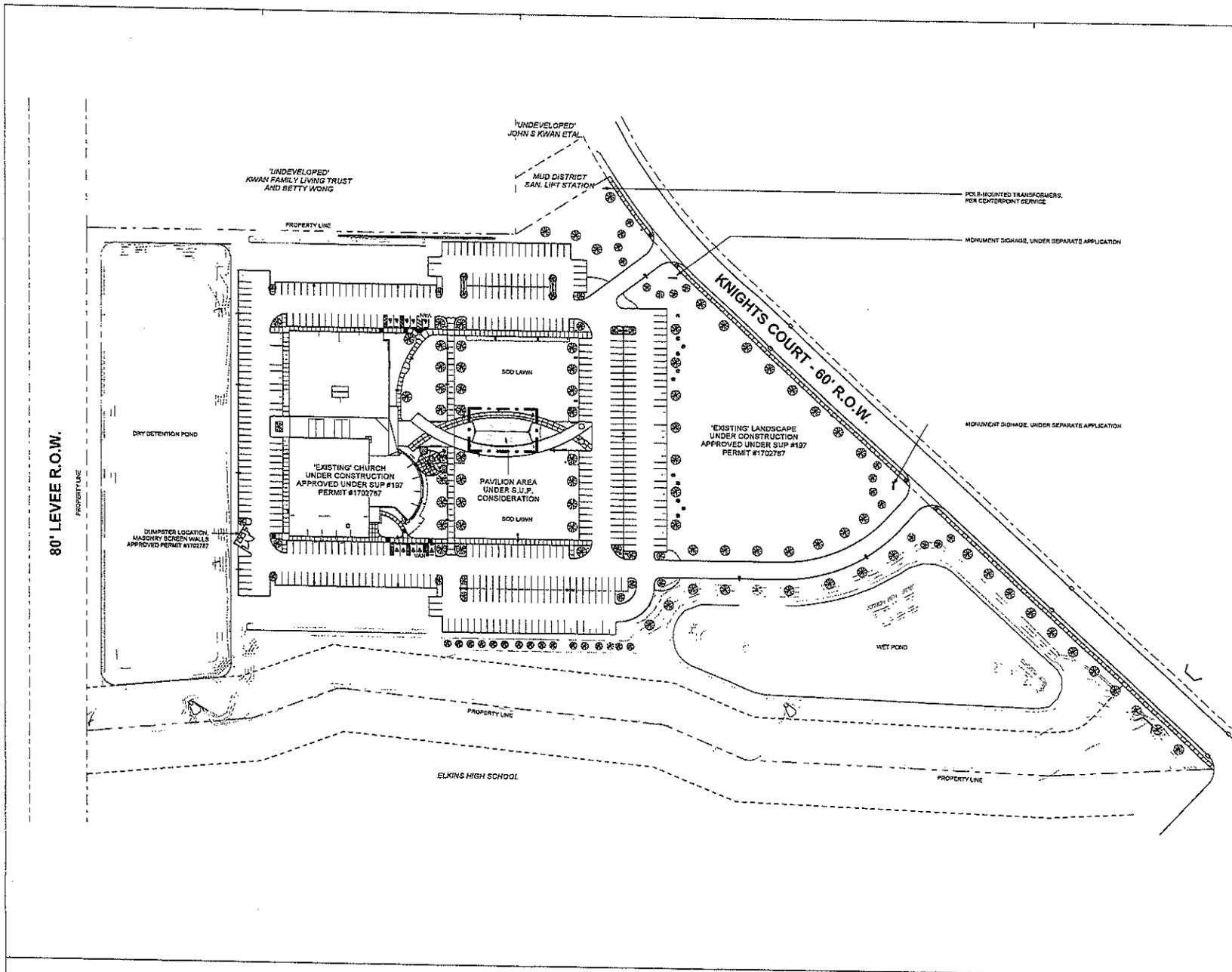
KEY PLAN

Project Name
**River Pointe Church
Missouri City Campus**
Drawing Name
Site Plan

SRA Project Number
1555

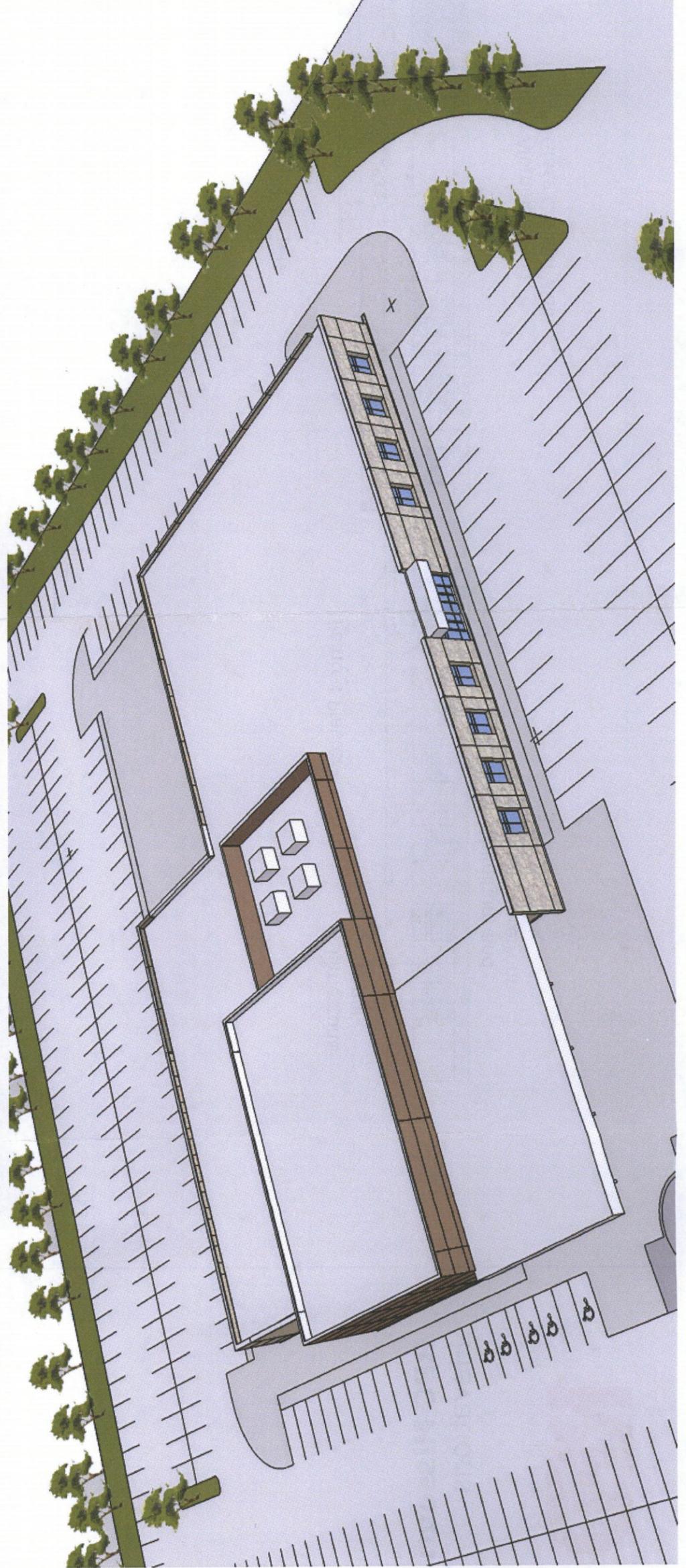
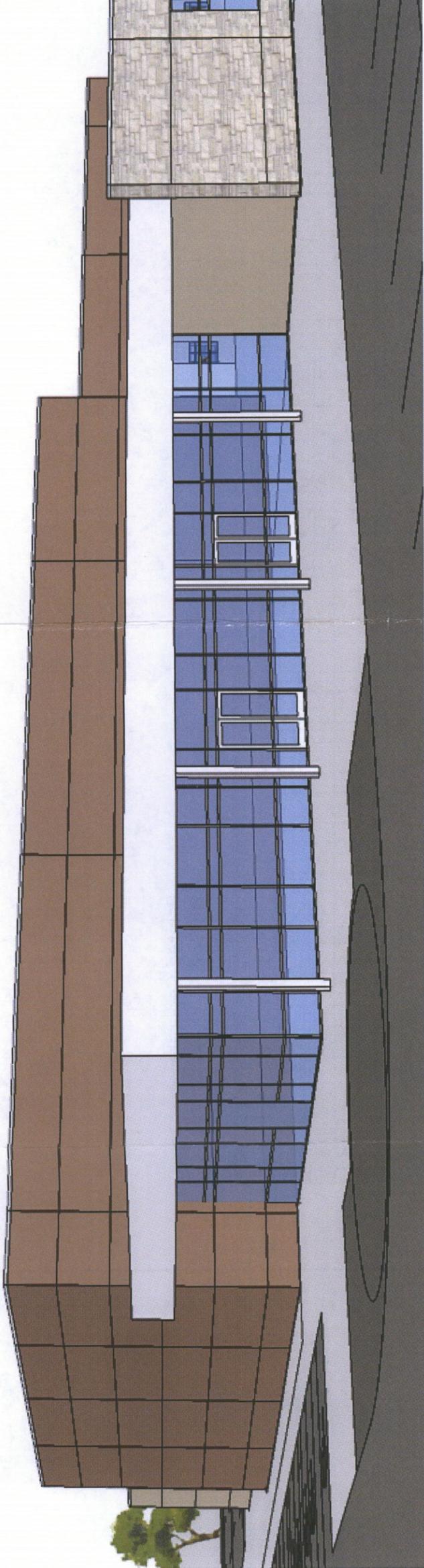
Scale
1" = 60'-0"

Drawing Number
SUP 0.00



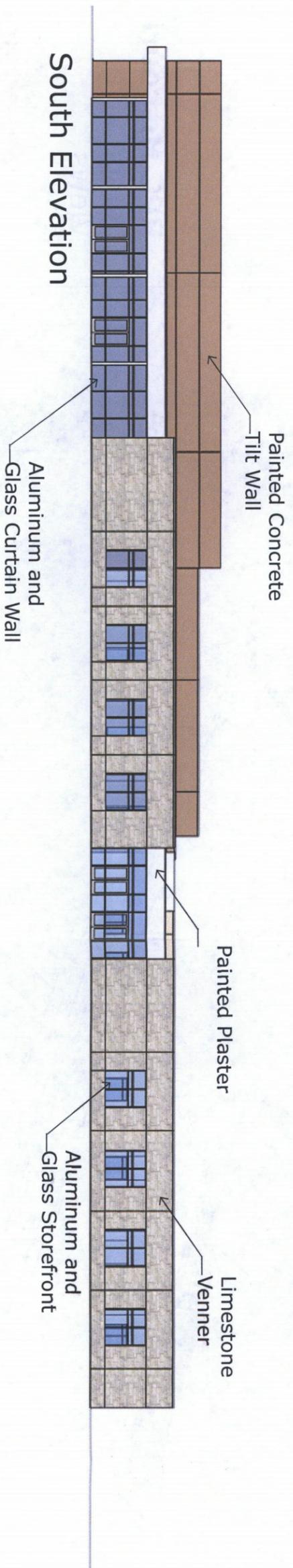
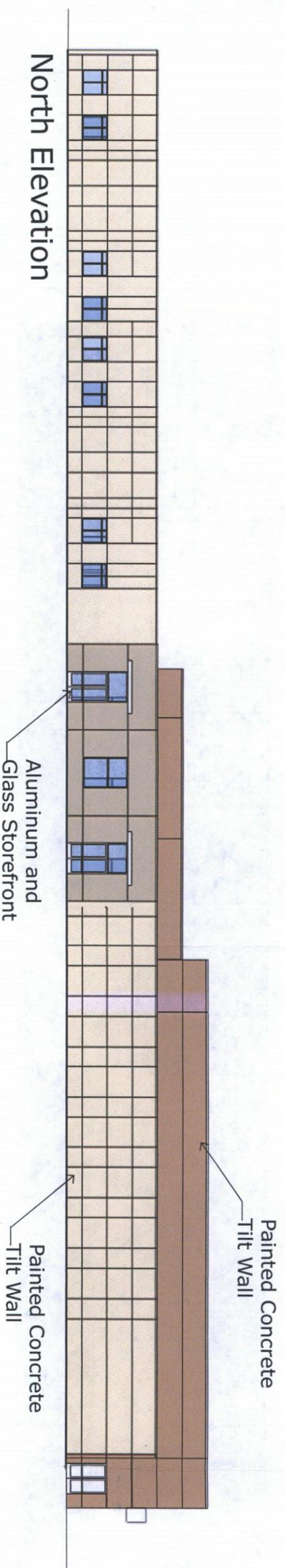
SITE PLAN 1" = 60'-0" 1

1320 mcgraw houston, texas 77004
www.studioredarchitects.com 713.622.5333

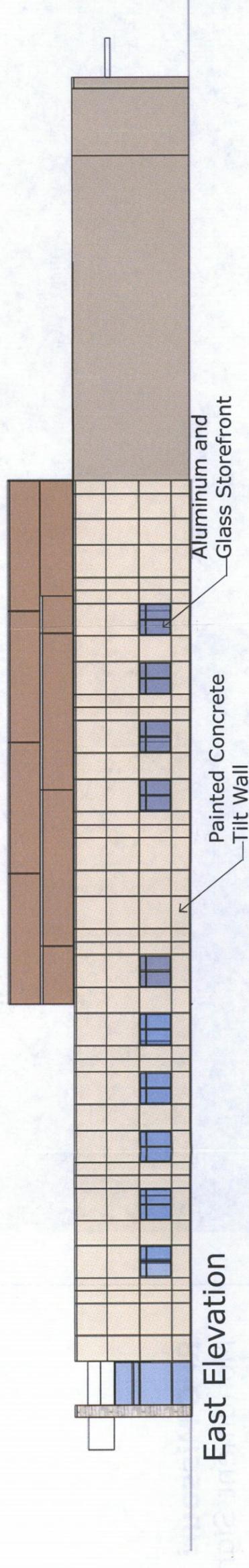
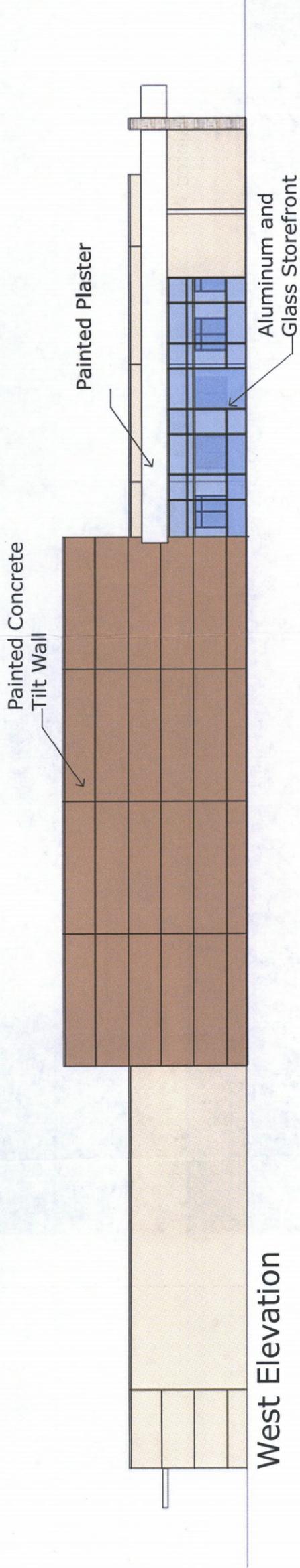


RPC Missouri
Perspective
Views

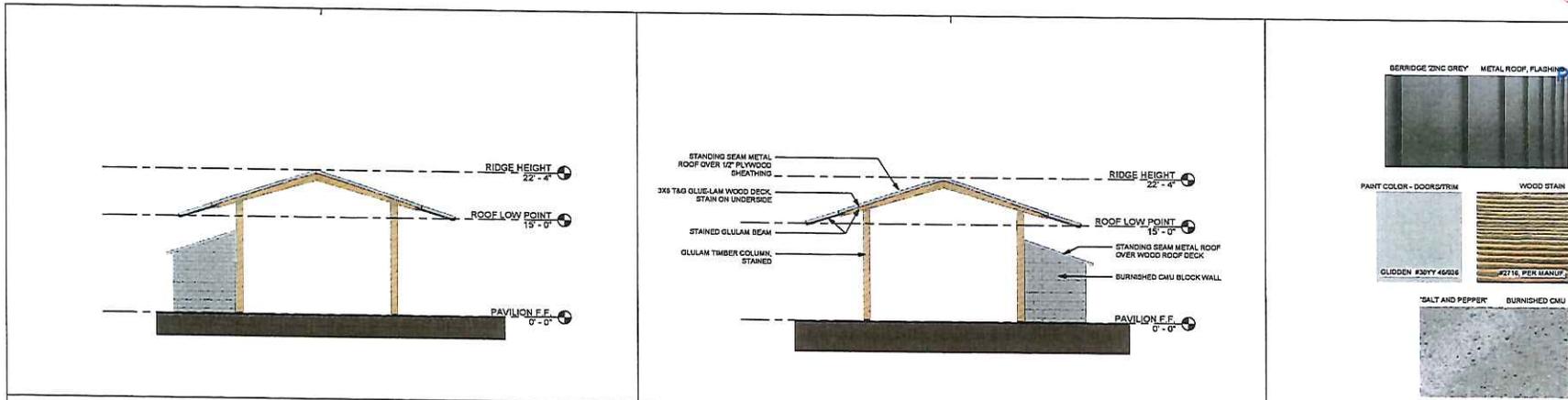




RPC Missouri
Elevations



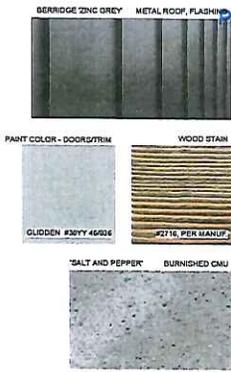
JUL 18 2018



SOUTH ELEVATION 1/8" = 1'-0" 18

NORTH ELEVATION 1/8" = 1'-0" 08

MATERIAL SAMPLES 1/4" = 1'-0" 04



Planning Division
Iss.08

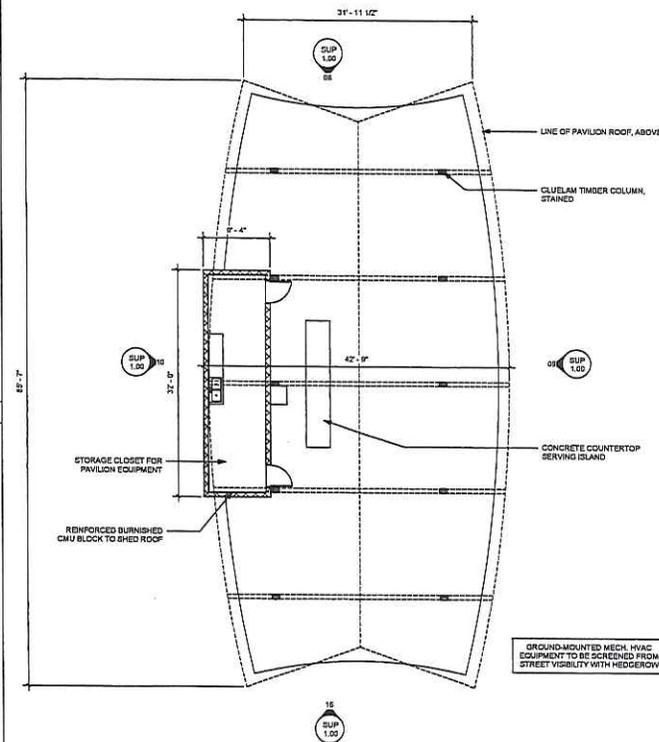
No.	Date	Description
1	07/18/18	SUP Application



PROJECT TEAM

Owner	River Points Church
Architect	Studio Red Architects
Civil Engineer	T.E.A.M.
Structural Engineer	Matrix
Timber Designer	RM Rodgers
Landscape Architect	Red Oak Design Group

KEY PLAN



GROUND-MOUNTED MECH. HVAC EQUIPMENT TO BE SCREENED FROM STREET VISIBILITY WITH HEDGEROW

WEST ELEVATION 1/8" = 1'-0" 10

EAST ELEVATION 1/8" = 1'-0" 09

PAVILION PLAN 1/8" = 1'-0" 1

Project Name
**River Points Church
Missouri City Campus**
Drawing Name
Elevations

SRA Project Number

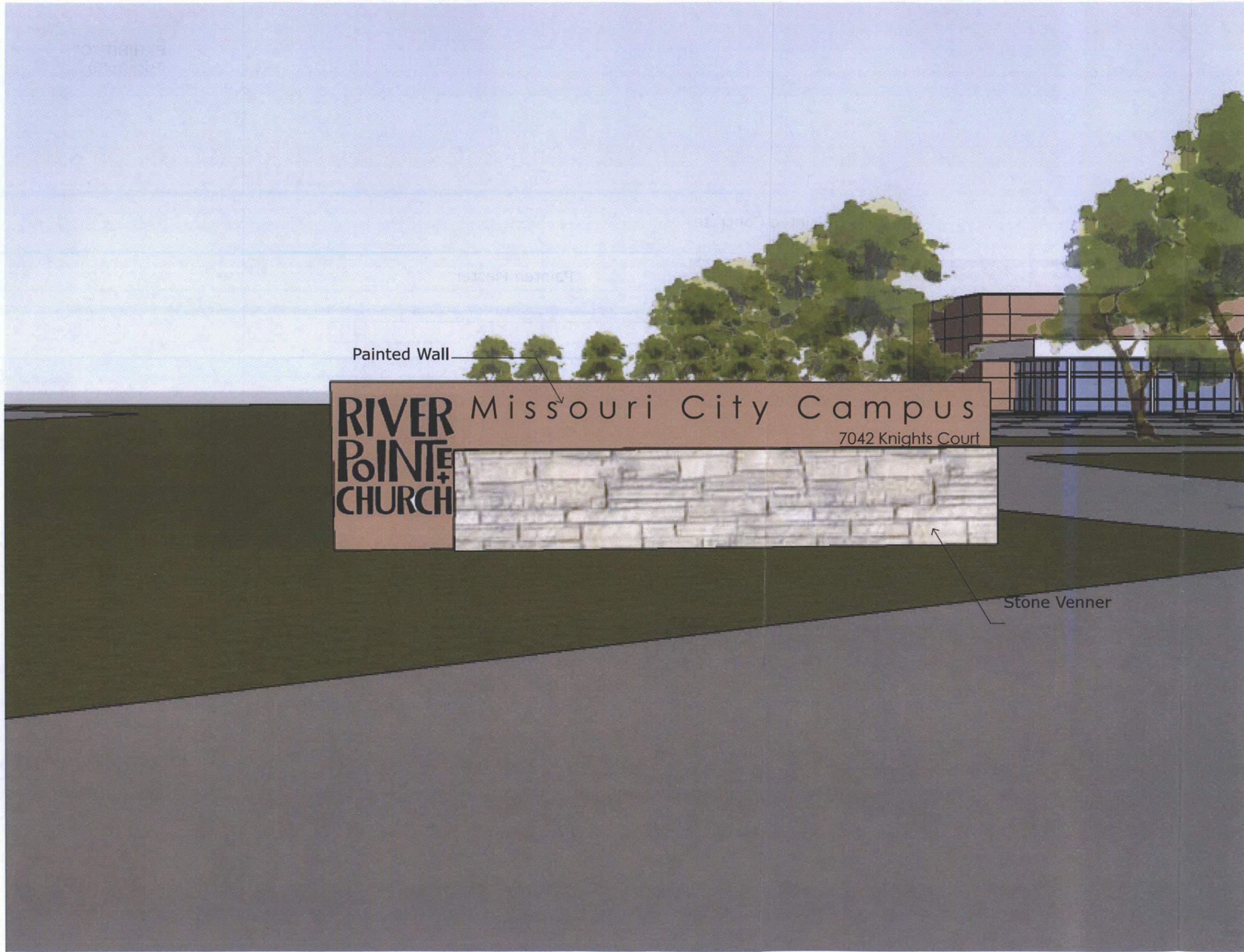
1555

Scale

As indicated

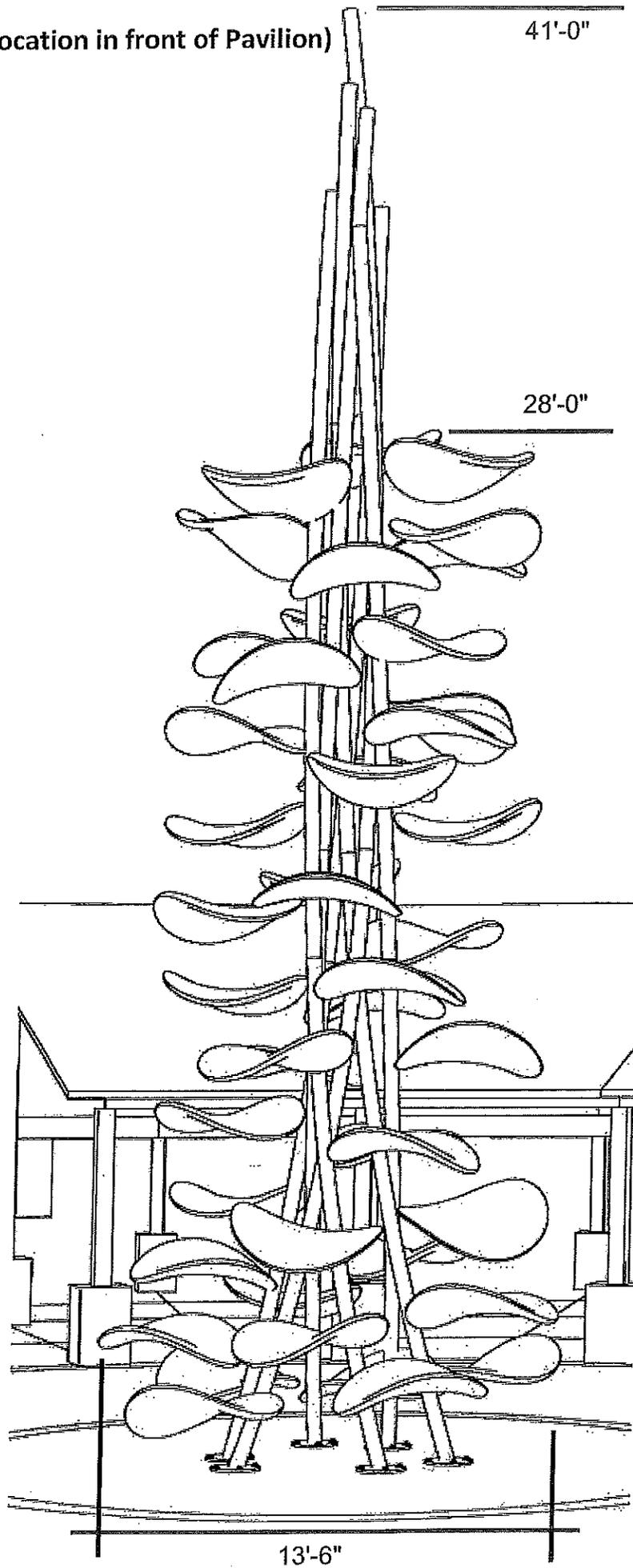
Drawing Number

SUP 1.00



**RPC Missouri
Monument Sign**

Proposed Art Feature (location in front of Pavilion)



ORDINANCE NO. O-15-62

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, GRANTING A SPECIFIC USE PERMIT AUTHORIZING THE USE OF AN 18.90-ACRE TRACT OF LAND IN THE CITY OF MISSOURI CITY AS A SPECIFIC USE-PLACES OF ASSEMBLY; DESCRIBING SAID 18.90-ACRE TRACT OF LAND; PROVIDING LIMITATIONS, RESTRICTIONS, AND CONDITIONS ON SUCH SPECIFIC USE; REFERENCING A SITE PLAN; PROVIDING FOR CERTAIN CONSTRUCTION ACCORDING TO SAID PLAN; 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, Amanda Wood is the owner of an 18.90-acre tract 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 SD suburban district under Ordinance No. O-81-1, adopted on January 19, 1981; and

WHEREAS, the owner's agent, Dean King of River Pointe Church, has made application to the City of Missouri City for a specific use permit authorizing the use of said Property as a Specific Use-Places of Assembly; 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 specific use permit; and

WHEREAS, the Planning and Zoning Commission has issued its final report and the City Council of the City of Missouri City now deems it appropriate to grant such requested specific use permit; 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 to grant a specific use permit and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Property is more fully described in the legal description in Exhibit "A," attached hereto and made a part hereof for all purposes, and is depicted in Exhibit "A-

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

Section 4. The specific use of the Property authorized and permitted by this Ordinance is Places of Assembly.

Section 5. The specific use authorized and permitted by this Ordinance shall be developed in accordance with the Missouri City Code and 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 as specifically set forth herein and subject to the following limitations, restrictions, and conditions:

I. **Use Permitted.** The following specific use shall be permitted:

Places of Assembly

II. **Standards and Regulations.**

A. **Architectural Design Standards.** Except as provided herein, the requirements of Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance shall apply.

1. Buildings may be constructed as depicted and described on Exhibit "C," Elevations.

B. **Landscaping regulations.** Except as provided herein, the requirements of Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.

1. The number and location of planting islands and diamonds may be provided as depicted on Exhibit "B", Site Plan, provided that the requirements of subsection 11.5.A of the City of Missouri City Zoning Ordinance are met.

C. **Sign regulations.** Except as provided herein, the sign regulations for nonresidential districts contained in Section 13, Sign Regulations, of the City of Missouri City Zoning Ordinance shall apply.

1. The requirements of subsection 13.12.G.5 of the City of Missouri City Zoning Ordinance do not apply provided that a monument sign shall be constructed as provided and depicted on Exhibit "D," Monument Sign.

- D. 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. The trash disposal regulations for nonresidential zones, specifically LC-3 retail districts, shall apply.
- E. Outside placement, storage, sales and services regulations.** Outside placement, storage, sales, and services are prohibited, except during the place of assembly's festivals and permitted special events.
- F. Development Schedule.** This Ordinance shall expire on the fifth anniversary of the date the first specific use permit application was filed, provided no progress has been made toward the completion of this project.

Section 6. The Zoning District Map of the City of Missouri City shall be revised and amended to show the specific use permitted on said 18.90 acres of land as provided in Section 3 hereof, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the changes.

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 land described in Section 3 hereof authorizing the Specific Use-Places of Assembly and the imposition of the limitations, 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.* Any ordinance or any part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

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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 2nd day of November, 2015.

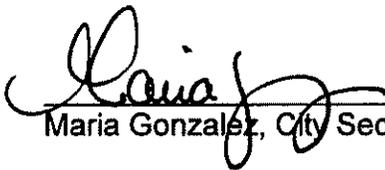
PASSED, APPROVED and ADOPTED on second and final reading this 16th day of November, 2015.



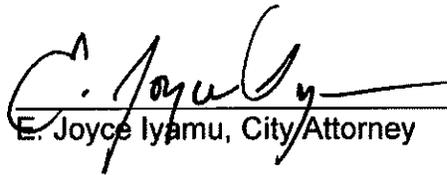
Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:



Maria Gonzalez, City Secretary



E. Joyce Iyamu, City Attorney



**18.9002 acres of land in the Elijah Roark League Survey, Abstract No. 77,
Fort Bend County, Texas**

A FIELD NOTE DESCRIPTION of a 18.9002 acre (823,295 square feet) tract of land in the Elijah Roark League Survey, Abstract No. 77, Fort Bend County, Texas; said 18.9002 acre tract being a tract of land conveyed to Amanda H. Wood, as recorded in Fort Bend County Clerk's File No. 2010099143 and also being out of Reserve "C", Herman Hospital Estate Large Acreage Tract Plat, according to the map or plat recorded in Slide No. 1092A of the Fort Bend County Plat Records; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

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- 1.) North 00° 29' 26" West - 425.43 feet;
- 2.) North 19° 25' 59" East - 123.60 feet;
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- 5.) North 08° 10' 31" West - 231.36 feet to the POINT OF BEGINNING and containing 18.9002 acres (823,295 square feet) of land.

COMPILED BY:
TEXAS ENGINEERING AND MAPPING CO.
Civil Engineers - Land Surveyors
Stafford, Texas
Firm Registration No. 10119000
Job No. 1176-1
W:\1176-1_18.9002-Acres.docx



Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776





DRAFT MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
August 8, 2018

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Hugh Brightwell
John O'Malley
Reginald Pearson
Ramesh Anand
James G. Norcom III

Commissioners Absent: Tim Haney, Courtney Johnson Rose, Douglas Parker

Councilmembers Present:

Staff Present:

Otis T. Spriggs, Director of Development Services
Jennifer Gomez, Planning Manager
E. Joyce Iyamu, City Attorney
Jennifer Hobbs, Assistant City Engineer
Thomas White, Planner II
Mason Garcia, Planner I
Egima Brown, Planning Technician

Others Present:

Marie Escue / Geoff Freeman; LJA, David Glunt; Dry Creek Village

3. ZONING MAP AMENDMENTS

A. PUBLIC HEARING FOR A SPECIFIC USE PERMIT AMENDMENT

- (1) To receive comments for or against a request by Dean King, Executive Pastor, River Pointe Community Church, to amend the standards and regulations contained in ordinance O-15-62, pertaining to SUP, Specific Use Permit #197, to allow for the development of a fellowship pavilion and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.
- (2) Consideration of the approval of a final report to City Council on item 7A(1) above.

Thomas White presented this item. The subject site remains as SUP #197, place of assembly. The property consist of 18.9002 acres. It is located north of Knights Court, south of Colony Lakes, east of Elkins High School, and west of the Knights Court Shopping Center. The pavilion the applicant is seeking to build is located between the current constructions of the sanctuary. The pavilion will be utilized for special events. Construction material consist of wood that is not permitted within the SUP #197(Specific Use Permit). The permitted material is masonry. The roof will have a pitched elevation constructed of wood. Mr. White presented images of the construction site of River Pointe Community Church, the surrounding locations of existing establishments, the proposed structure, renderings, and the same pavilion on another campus of River Pointe Church. Mr. White informed that there is an art feature that the applicant is seeking to have constructed. Staff does not regulate art work. The structure will be reviewed by staff under the sign regulations. Mr. White informed that the height regulation is met at 41ft for the structure. The height restriction is as 45ft. Staff recommends a positive approval to forward to City Council.

Chair Brown-Marshall asked about the building that was shown under the pavilion.

Mr. White informed that the building under the pavilion would be storage.

E. Joyce Iyamu, City Attorney, clarified that the structure will not be considered art per say under the ordinance. In order for regulation, it will be considered a sign. Ms. Iyamu informed that signs are included within the definition of "signs are attention getting devices". It is under those guidelines that the City would regulate the height of the structure of the property.

Motion: To close the public hearing.

Made By: Commissioner Anand

Second: Commissioner Pearson

AYES: Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Anand, Commissioner Brightwell

NAYES: None

ABSTENTIONS: None

The motion passed.

Motion: The Planning and Zoning Commission grant conditional approval of a final report to City Council on item 7A(1) above.

Made By: Commissioner Brightwell
Second: Commissioner Norcom III

AYES: Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Anand, Commissioner Brightwell

NAYES: None
ABSTENTIONS: None

The motion passed.

4. **ADJOURN**

Egima Brown
Planning Technician



**PLANNING AND ZONING COMMISSION
FINAL REPORT**

AGENDA DATE: September 4, 2018

AGENDA ITEM SUBJECT: River Pointe Church Missouri City – SUP #197
Amendment

AGENDA ITEM NUMBER: 7(a)(1)

PROJECT PLANNER: **Thomas K. White Jr.**, Planner II

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

Sonya Brown Marshall, Chair, Planning and
Zoning Commission

A handwritten signature in black ink, appearing to read "Sonya", is positioned below the printed name of the chair of the Planning and Zoning Commission.

PERMIT NUMBER: SUP1800002

PROPERTY ID: 0077-00-000-1425-907

LOCATION: The subject site is located north of Knights Court,
south of Colony Lakes, east of Elkins High School
and west of the center at Knights Court Shopping
Center.

RECOMMENDED ACTION:

The proposal complies with the provisions of the Comprehensive Plan and does not affect the policies of the Future Land Use Map.

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

SUMMARY:

River Pointe Church was founded in December 1996 with five families and has since grown with over 4,000 members and worship services conducted at three locations – Richmond, Houston and Missouri City. After operating from school auditoriums in its early years, River Pointe Church moved into a permanent campus in Richmond in 1995. Worship services have been held at the Missouri City location at Elkins High School.

In 2015, Ordinance O-15-62 pertaining to SUP, Specific Use Permit #197 was approved to allow for the church to construct its permanent campus just adjacent to the Elkins High School campus. Ordinance O-15-62 allowed for the place of assembly as well as certain architectural, landscaping and sign regulations that took into consideration the significant portion of the site that would be encumbered for drainage and detention purposes.

Construction on the Missouri City campus is now underway, beginning in April 2018.

The applicant has submitted this request to allow for certain deviations from the city's architectural design standards in the future construction of a fellowship pavilion to be located on the campus.

GENERAL SITE INFORMATION:

A. Legal Description:

The subject site is described as being all of Reserve A, River Pointe Community Church Missouri City, filed and recorded as instrument number 20180010, official Public Records of Fort Bend County.

B. Size: 18.9002 acres

C. Existing Land Use and Zoning Designation: Church campus
under construction / SD, suburban district; SUP #197

D. Surrounding Land Uses and Zoning Designations:

North: Colony Lakes Subdivision / R-2, single family district

South: Olympia Gymnastics and Tumbling (under construction) / LC-3, retail district; PD #99

East: Knights Court Shopping Center / LC-3, retail district

West: Elkins High School /SD, Suburban; SUP #112

E. Zoning History:

11-17-1980:	Subject site annexed by the City of Missouri City (Ord.O-80-28).
01-19-1981:	Subject site zoned SD, Suburban District (Ord. O-81-01).
11-16-2015	SUP, Specific Use Permit #197 approved to allow for a place of assembly (Ordinance O-15-62)

ANALYSIS OF SUBJECT SITE:

Except as set forth herein, there are no proposed changes to Ordinance O-15-62, pertaining to SUP #197.

Section 5.II.

A. Architectural design standards. Except as provided herein, no changes are proposed to Ordinance O-15-62.

The applicant has submitted this request to allow for certain deviations from the city's architectural design standards in the future construction of a fellowship pavilion to be located on the campus.

The fellowship pavilion is proposed to be similar to an area designated as such at the church's main campus in Richmond. The pavilion would be located to the front of the main building and consist of a canopy, standing seam metal covering atop an open seating area. A CMU clad building would be located underneath the canopy to provide for storage and meal cooking and preparation area.

The CMU block is proposed to be salt and pepper in color with the canopy and doors painted a grayish color. Wood stained trim would be used on the canopy columns and deck.

Section 5.II.A.1. of Ordinance O-15-62 allowed for buildings to be constructed as depicted and described on Exhibit C otherwise, buildings would be subject to the architectural design standards contained in Section 7A.

Exhibit C provides that buildings may be primarily constructed of painted concrete tilt wall, painted plaster, and limestone veneer.

Section 7A.2.C.2 requires: "One hundred percent of exterior walls, excluding windows and doors, shall consist of masonry."

Section 7A.2.C.3 requires: "In addition to the masonry requirements of exterior walls set forth in subsection 7A.2.C.2 above, exterior walls in nonresidential developments shall meet one of the following:

A minimum of 33 percent of each exterior wall located within view of a roadway or driveway used by the general public shall consist of approved primary materials; or

A minimum of 50 percent of all exterior walls, not including windows and doors and not including the rear of buildings not located within view of a roadway or driveway used by the general public, shall consist of the approved primary materials for building and structure exteriors;

Primary materials include brick, stone or architectural masonry units.

Comprehensive Plan: Goal 5 and 5.1 underscore the city's commitment to quality design and community appearance.

Future Land Use Plan: This amendment does not affect the policy recommendations of the Future Land Use Plan.

Staff recommended: Approved the applicant's proposal for the fellowship pavilion and decorative art piece. The design and materials are consistent with the overall campus architectural style.

Planning and Zoning Commission has approved and sends a positive recommendation based on staff recommendations.

B. Sign regulations. Except as provided herein, no changes are proposed to Ordinance O-15-62.

Signage is defined as per our Zoning Ordinance:

Sign: Any structure, part thereof, device or inscription located upon, attached to, or painted or represented on any land, or on any building, structure, awning, canopy, marquee, other similar structure, or vehicle or trailer, displayed or shown so as to be visible from the outside of the structure or vehicle or trailer and which displays or includes any numeral, letter, model, banner, emblem, insignia, symbol, device, monogram, heraldry, light, or other representation used as or in the nature of an announcement, advertisement, attention-getting device, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, profession, enterprise, industry, activity, or any combination thereof.

The applicant is proposing a 41 foot tall climber decorative art piece like one that they have displayed at their original campus in Richmond TX. Based upon the Zoning Ordinance, this decorative piece would be classified as signage as the city has not yet adopted regulations pertaining to art.

Staff recommended: Approve the location of this decorative art piece as a sign.

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

C. Development schedule. Development of the campus is currently underway.

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



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

APPLICATION FOR:

Check One:

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

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

Date of Application:

1. Project Name:	RPC Missouri City Fellowship Pavilion	
2. Address/Location of Property:	7057 Knights Court	Missouri City, TX 77459
3. Applicant's Name:	Dean King, Executive Pastor - River Pointe Community Church	
Mailing Address:	5000 Ransom Road	Richmond, TX 77469
Phone No. :(281) 277 - 6767		
Email:	deank@riverpointe.org	
4. Status of Applicant:	<input checked="" type="radio"/> Owner	Agent Attorney Trustee Corporation Relative
(If other than Owner, submit written authorization from Owner with application.)		
5. Property Owner:	River Pointe Community Church	
Mailing Address:	5000 Ransom Road	Richmond, TX 77469
Phone No.:(281) 277 - 6767		
Email:	deank@riverpointe.org	
6. Existing Zoning District:	Suburban District	
7. Total Acreage:	18.9002 acres	
8. Proposed Development and Reasons for Application:	Proposed development to include a fellowship pavilion for church events. SUP sought for event use and material standards variance.	
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.):	0077 E ROARK, ACRES 18.9002, River Pointe Church Missouri City, Restricted Reserve "A" (Non-Residential Use)	
10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts):	0077-00-000-1425-907	
11. Do deed restrictions or restrictive covenants exist for the property? (Circle One):	YES	<input checked="" type="radio"/> NO
(If yes, submit with application.)		
12. Does this application include an Architectural Design Review: (Circle One):	<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.

Dean King

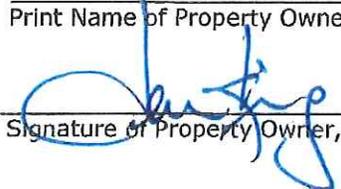
 Print Name of Applicant



 Signature of Applicant

River Pointe Church

 Print Name of Property Owner



 Signature of Property Owner, Agent or Attorney

City of Missouri City, TX
 Received
 JUL 18 2018
 Planning Division

JUL 18 2018

Planning Division

Issue		
No.	Date	Description
1	07/18/18	SUP Application



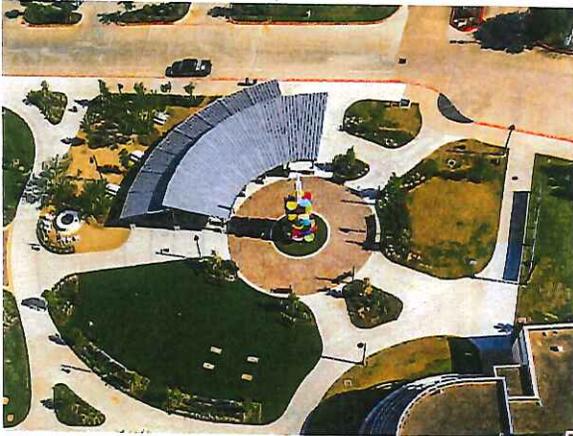
PROJECT TEAM

Owner	River Pointe Church
Architect	Studio Red Architects
Civil Engineer	T.E.A.M.
Structural Engineer	Matta
Timber Designer	RM Rodgers
Landscape Architect	Red Oak Design Group

KEY PLAN

Project Name
**River Pointe Church
 Missouri City**
 Drawing Name
Example Images

SRA Project Number	1555
Scale	12" = 1'-0"
Drawing Number	SUP 2.00



RICHMOND CAMPUS - PAVILION, SAME MATERIALS



RICHMOND CAMPUS - PAVILION, SAME MATERIALS



RICHMOND CAMPUS - PAVILION, SAME MATERIALS



MISSOURI CITY CAMPUS - RENDERING



MISSOURI CITY CAMPUS - RENDERING



Colony Lakes

Fort Bend Community Church

Subject Site:
RPC Missouri City

Center at
Knights Court

Riverstone

Elkins High School

Olympia Gymnastics
and Tumbling

Legend
City Limits Line.lyr
RPC Missouri City

1 inch = 1,000 feet



Specific Use Permit Amendment Current Conditions – Site Pictures

SUP #197 – River Pointe Church
(Knights Court)

Along Knights Court Rd



Looking north



Looking northwest



Looking east



Looking west

930 Legal Notices

NOTICE OF PUBLIC HEARING

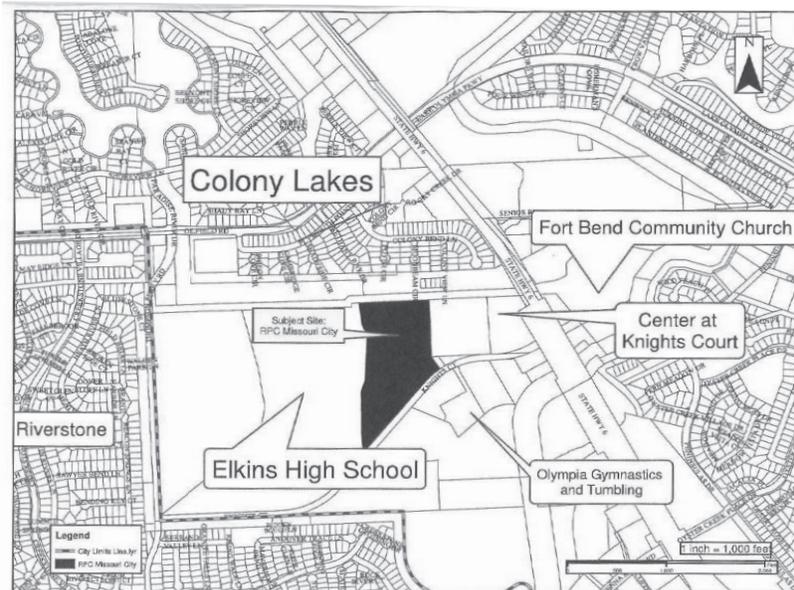
LOCATION/DATE: The City Council of the City of Missouri City will hold a public hearing on Tuesday, September 4, 2018, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

PURPOSE: To receive comments for or against a request by Dean King, Executive Pastor, River Pointe Community Church, to amend the standards and regulations contained in ordinance O-15-62, pertaining to SUP, Specific Use Permit #197, to allow for the development of a fellowship pavilion and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

SITE LOCATION: The subject site is located north of Knights Court, south of Colony Lakes, east of Elkins High School and west of the center at Knights Court Shopping Center.

SITE LEGAL DESCRIPTION: The subject site is described as being all of Reserve A, River Pointe Community Church Missouri City, filed and recorded as instrument number 20180010, official Public Records of Fort Bend County.

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





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

DATE OF NOTICE: July 27, 2018

LOCATION/DATE: The Planning and Zoning Commission of the City of Missouri City will hold a public hearing on Wednesday, August 8, 2018, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

PURPOSE: To receive comments for or against a request by Dean King, Executive Pastor, River Pointe Community Church, to amend the standards and regulations contained in ordinance O-15-62, pertaining to SUP, Specific Use Permit #197, to allow for the development of a fellowship pavilion and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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**John S. Kwan, etal
858 Merrick DR
Sugar Land, TX 77459**

**FT Bend ISD
c/o Tax Office
PO Box 1004
Sugar Land, TX 77487-1004**

**BLE Dodd Investments LLC
2622 Morganfair LN
Katy, TX 77450-7513**

**Artani Investments LLC
d/b/a Aysha Garden
4210 Monarch DR
Sugar Land, TX 77479-4275**

**Ft Bend MUD #46
3 E GREENWAY PLZ STE 2000
HOUSTON, TX 77046-0307**

**Fort Bend County MUD No 46
9 Greenway PLZ STE 1100
HOUSTON, TX 77046-3653**

**Kwan Family Living Trust & Betty Wong
858 Merrick DR
Sugar Land, TX 77459**

**Fort Bend County Municipal Utility
District No 46
c/o Coats, Rose, Yale, Ryman & Lee PC
9 Greenway PLZ STE 1100
HOUSTON, TX 77046-3653**

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

Application: River Pointe Church-SUP Amendment
City Council First Reading: Sept. 4, 2018

Protest Letters Received

Name	Property Address OR Fort Bend County Account Number	Land Area (Square Feet) Within 200 Feet
N/A		-
Total Area Represented by Protest(s):		-
Total Land Area <i>including</i> Subject Site:		1,795,070.64
Subject Site <i>Only</i> Land Area:		823,193.00
Total Land Area <i>Only Within 200 Feet</i> of Subject Site:		971,877.64
Protest(s) Percentage of Land Area Within 200 Feet:		0%

Note: A total of 0 letters of support and 0 letters of protest have been received for the application request as of August 30, 2018.



CITY COUNCIL AGENDA ITEM COVER MEMO

September 4, 2018

To: Mayor and City Council
Agenda Item: 7(a)(2) Dry Creek Village - PD, Planned Development District No. 88 Amendment
Submitted by: Jennifer Thomas Gomez, AICP, Planning Manager

SYNOPSIS

This is the first of two readings of an ordinance to amend the regulations and restrictions of PD, Planned Development District No. 88 pertaining to fence regulations for the Dry Creek Village residential subdivision, and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

The subject site is located within PD No. 88, south of Lake Olympia Parkway, east of the Olympia Estates and Vicksburg residential subdivision, west of the Fort Bend Parkway.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Have quality development through buildout

BACKGROUND

PD, Planned Development District #88 is proposed to be a mixed use development consisting of single family residential and commercial uses to the west of the Fort Bend Parkway (Tollroad) and business park uses to the west.

PD #88 was originally created in 2013 and has been amended once since then in 2016.

The single family residential component of the PD is being developed as a subdivision named Dry Creek Village. To date, a conceptual plan has been approved for the subdivision to contain approximately 133.6 acres of land. The subdivision is being platted in 3 sections; Section 1 containing 148 residential lots; Section 2 containing 136 residential lots; and Section 3 containing 126 residential lots.

Section 1, being the northern most part of the subdivision located at its entrance along Lake Olympia Parkway and Dry Creek Drive is now under construction. As part of the construction underway for Dry Creek Village Section 1, the developer began to install a community fence along Lake Olympia Parkway with plans to extend it a distance down Dry Creek Drive. The fence to be installed does not meet the city's requirement for community fencing and thus the developer is seeking an amendment to this PD to allow for flexibility in the material to be used for such required fencing.

Staff recommended approval to allow for the construction of the fence with two conditions.

- (1) Fence should meet the color requirements for primary material permitted colors;
- (2) Masonry pilasters meeting the requirements of Section 14.3 should be required.

The Planning and Zoning Commission forwards a negative recommendation.

SUPPORTING MATERIALS

1. Ordinance
2. Draft Planning and Zoning Commission meeting minutes (August 8, 2018)
3. Planning and Zoning Commission final report
4. Application
5. Letter of owner authorization
6. Dry Creek Village conceptual plan
7. Ortho map
8. Site pictures
9. Notice of public
10. Notice of public hearing to adjoining property owners
11. Mailing labels for adjoining property owners
12. Rezoning application protest letters analysis
13. Letters of protest

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

ORDINANCE NO. O-18-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING REGULATIONS IN PD PLANNED DEVELOPMENT DISTRICT NO. 88; 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, DC Development Partners LP, FLC Parkway LP, Fort Bend County Municipal Utility District No. 48, Ft Bend Parkway-34 LP, K. Hovnanian Houston Dry Creek Village, and Meritage Homes of Texas LLC are the owners of approximately 432.87 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. 88 under Ordinance No. O-16-13, adopted on April 18, 2016; and

WHEREAS, the owners' agent, Stan Winter of Jones Carter, has made application to the City of Missouri City to amend PD Planned Development District No. 88 to allow vinyl fencing; and

WHEREAS, pursuant to Section 8.3 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of notice to all of the other property owners within PD Planned Development District No. 88; and

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

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

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

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

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request for zoning amendments 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, and is depicted in Exhibit "B," the concept plan, attached hereto and made a part hereof for all purposes.

Section 4. PD Planned Development District No. 88 shall be developed in accordance with the Missouri City Code, including the City of Missouri City Zoning Ordinance, and shall be developed generally in accordance with Exhibit "B," and is subject to the following regulations and restrictions:

- A. Purpose.** PD Planned Development District No. 88 may include a combination of uses consisting of LC-3 retail district uses, BP business park district uses, and R-2 single-family residential 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 PD Planned Development District No. 88, 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.
 - 1. The following uses shall be located within the subdistricts designated on Exhibit "B" as set forth below:
 - a. Except as provided in Subsection 4.B.1.b of this Ordinance, LC-3 retail district uses may be located only within the Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts.
 - b. BP business park district uses may be located only within the Business Park East Subdistrict.
 - c. R-2 single-family residential district uses may be located only within the Single-family Residential Subdistrict.
 - 2. The following uses shall be prohibited:
 - a. sexually oriented businesses;
 - b. quarry, mine, sand and mineral extraction uses; and
 - c. sanitary landfills.

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

1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: LC-3 retail district regulations contained in Subsection 7.12 of the City of Missouri City Zoning Ordinance shall apply.
2. Business Park East Subdistrict: BP business park district regulations contained in Subsection 7.1255 of the City of Missouri City Zoning Ordinance shall apply.
3. Single-family Residential Subdistrict: R-2 single-family residential district regulations contained in Subsection 7.3 of the City of Missouri City Zoning Ordinance shall apply.

D. Height and area regulations. The height and area regulations for the subdistricts set forth below shall be as follows:

1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: Except as set forth herein, the height and area regulations for LC-3 retail districts contained in Subsection 7.12 of the City of Missouri City Zoning Ordinance shall apply.
 - a. The maximum building height shall be based on the ratio of one foot of height for each 1.75 feet of distance from the exterior portion of a building nearest to the nearest property line within a residential zoning district to the nearest property line in the nearest residential zoning district.
 - b. Buildings shall be set back at least 25 feet from the right-of-way line of the Fort Bend Parkway.
2. Business Park East Subdistrict: Except as set forth herein, the height and area regulations for BP business park district contained in Subsection 7.1255 of the City of Missouri City Zoning Ordinance shall apply.
 - a. The maximum building height shall be based on the ratio of one foot of height for each 1.75 feet of distance from the exterior portion of a building nearest to the nearest property line within a residential zoning district to the nearest property line in the nearest residential zoning district.
 - b. Buildings shall be set back at least 25 feet from the right-of-way line of the Fort Bend Parkway.

E. Building regulations. The building regulations within the planned development district shall be as follows:

1. Horizontal and vertical building planes shall be interrupted by offsets, changes in building materials, colors, textures, or other methods allowed in Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
2. Architectural details that create shade and cast shadows shall be incorporated to provide visual relief.
3. Any uninterrupted street-facing facade may not exceed 100 feet in length. A building facade of more than 100 feet in length that faces a public street shall have offsets with a minimum depth of at least five feet and a minimum length extending at least 20 percent of the length of such building facade.
4. Exterior lighting shall be shielded to prohibit illumination in excess of 0.25 footcandles of average general light overflow or 0.50 footcandles at any point on the boundary of an adjacent residential zoning district.

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

1. Commercial Northeast, Commercial Northwest, Commercial Southeast, and Business Park East Subdistricts: Except as set forth herein, all buildings and structures constructed in PD Planned Development District No. 88 to which Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance applies, shall be constructed in accordance with Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
 - a. The following materials may not be installed on the exterior of a building:
 - i. Vinyl siding, wood-fiber hardboard siding, oriented strand board siding, plastic, and fiberglass panels;
 - ii. Unfired or underfired clay, sand, or shale brick;
 - iii. Smooth or untextured concrete surfaces; and
 - iv. Exterior insulation and finish system (EIFS).
 - b. A single building material may not cover more than 80 percent of the front exterior of any building.

- c. The architectural design, color, and materials of all facades facing or siding a public street, internal access drive, or pedestrian walkway shall match for the following:
 - i. an independent business establishment; and
 - ii. multiple buildings within an integrated business development or a shopping center.
 - d. The architectural design, color, and materials of screening walls, wing walls, columns, and similar building extensions and supports shall match the building to which they are attached.
2. Single-family Residential Subdistrict: All residential buildings and structures located within the Single-family Residential Subdistrict shall be constructed in accordance with the architectural guidelines contained in Exhibit "C," the Residential Builder Guidelines, attached hereto and made a part hereof for all purposes.

G. Landscaping regulations. The landscaping regulations within the planned development district shall be as follows:

- 1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: Except as set forth herein, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.
 - a. The minimum depth for buffer yards abutting the areas specified below shall be as follows:
 - i. Fort Bend Parkway: 20 feet
 - ii. Other public streets: 20 feet
 - iii. Internal access drives: 10 feet
 - iv. All other property lines: 5 feet
 - b. At the time of planting, canopy trees shall have a minimum four-inch caliper and be a minimum of 10 feet in height as measured at ground level. Canopy trees may be clustered or spaced linearly and are not required to be spaced evenly.
- 2. Single-family Residential Subdistrict: The landscaping, screening, and buffer yard regulations shall be as follows:
 - a. A landscape or open space buffer a minimum of 25 feet in depth shall be provided between Fort Bend Parkway and the

rear property line of single-family residential lots. A masonry wall a minimum of eight feet in height shall be provided along the property line of single-family residential lots adjacent to the landscape or open space buffer. Landscaping within the landscape or open space buffer shall consist of a combination of trees, shrubs and berms. At the time of planting, canopy trees and understory trees within the landscape or open space buffer shall have a minimum three-inch caliper. Berms with a slope of a minimum ratio of four to one and a minimum of two feet in height shall be provided within the landscape and open space buffer.

- b. A landscape or open space buffer a minimum of 20 feet in depth shall be provided between nonresidential uses adjoining single-family residential uses. No parking, paving, or buildings shall be installed within the landscape or open space buffer. A masonry wall a minimum of eight feet in height and one canopy tree per 30 linear feet of buffer area shall be provided within the landscape or open space buffer. At the time of planting, canopy trees within the landscape or open space buffer shall have a minimum three-inch caliper.

H. Ingress and Egress. Ingress and egress within the planned development district shall be as follows:

- 1. A pedestrian walkway shall be provided to connect the primary entrance of a nonresidential building to a sidewalk abutting a public street. For a nonresidential use with a parking area located between a public street and the nonresidential building, at least one pedestrian walkway shall be provided to and through the associated parking area to connect any nonresidential building entrance of such building to a sidewalk abutting the public street.

I. Parking regulations. Except as set forth herein, the parking regulations contained in Section 12, Parking Regulations, of the City of Missouri City Zoning Ordinance shall apply.

- 1. The minimum setback for nonresidential parking facilities abutting the areas specified below shall be as follows:
 - a. Fort Bend Parkway: 20 feet
 - b. Other public streets: 20 feet
 - c. Internal access drives: 10 feet
 - d. All other property lines: 5 feet

2. Bicycle parking: An off-street parking area for bicycles shall be provided within 50 feet of a primary employee or visitor entrance of each building. Such parking area shall include racks and other structures intended for parking bicycles.
- J. Garages.** Except as set forth in Exhibit “C,” construction of garages within the Single-family Residential Subdistrict shall comply with Section 9.8, Garages, of the City of Missouri City Zoning Ordinance.
- K. Fence Regulations.** Except as set forth herein and in Exhibit “C,” fences installed within the Single-family Residential Subdistrict shall comply with Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance. A homeowners association or property owner association shall be responsible for maintaining community fencing within the Single-family Residential Subdistrict.
1. Fences that are adjacent to collector streets or major thoroughfares and installed within the Single-family Residential Subdistrict shall be fenced with community fencing, which may consist of vinyl fencing, provided that:
 - (a) such fencing, not including the pilasters, shall be beige, brown, burgundy, cream, gray, orange, red, rose, sage, or tan in color; and
 - (b) such fencing shall include architectural masonry unit, brick, or stone pilasters, as required by Subsection 14.3 of the Missouri City Zoning Ordinance.
- L. Conflicts.** Except as set forth in Subsections 4.D, 4.E, 4.F, 4.G, 4.H, 4.I, 4.J, and 4.K, in the event that any exhibit to this Ordinance conflicts with the Missouri City Code, the Missouri City Code shall prevail.
- M. Development schedule.** Pursuant to Section 8, PD Planned Development District, of the City of Missouri City Zoning Ordinance the property shall be developed in accordance with the development schedule attached hereto as Exhibit “D” and made a part hereof for all purposes. This Ordinance shall expire on the fifth anniversary of the date the first permit application was filed for this project, provided no progress has been made toward the completion of this project.

Section 5. The Zoning District Map of the City of Missouri City shall be revised and amended to show the zoning classification of said 432.87-acre tract of land 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-16-13, adopted by the City Council of the City of Missouri City on April 18, 2016, is hereby repealed. Any ordinance or any other part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

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

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

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

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

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

Exhibit A (Metes and bounds description of subject 432.87-acre tract of land)

Page 1 of 6

Tract 1 appearing to contain a portion of the Commercial Northeast and the Business Park East subdistricts and containing all of the Multifamily subdistrict as shown on Exhibit "B," the concept plan.

**METES AND BOUNDS
OLYMPIA ESTATES COMMERCIAL TRACT I**

BEING a 152.586 acre tract situated in the Elijah Roark League Survey, Abstract 77, Fort Bend County, Texas same being Tract 11A of Olympia Estates. Said 152.586 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (nad83):

BEGINNING at a 5/8-inch iron rod with cap stamped "COTTON" found for the intersection of the northwest line of a 80-foot wide H L & P Fee Strip recorded in Volume 495, Page 659, Fort Bend County Deed Records (FBCDR) and the east boundary line of Olympia Estates;

THENCE, South 19°38'12" West, 2339.12 feet along said northwest line of the 80-foot wide H L & P Fee Strip to the centerline of a Proposed 80-foot wide Collector Road;

THENCE, along the centerline of said Collector Road, **THE FOLLOWING**:

273.94 feet along the arc of a curve to the left, having a radius of 800.00 feet, a central angle of 19°37'11" and chord which bears North 23°17'47" West, 272.61 feet to a point of tangency;

North 33°06'22" West, 519.69 feet to a point of curvature;

1008.22 feet along the arc of a curve to the right, having a radius of 2010.00 feet, a central angle of 28°44'23" and a chord which bears North 18°44'11" West, 997.68 feet to a point of tangency;

North 04°21'59" West, 330.66 feet to a point of curvature;

708.67 feet along the arc of a curve to the right, having a radius of 2010.00 feet, a central angle of 20°12'03" and a chord which bears North 05°44'02" East, 705.00 feet to a point of tangency;

North 15°50'03" East, 178.95 feet to a point of curvature;

687.32 feet along the arc of a curve to left, having a radius of 1190.00 feet, a central angle of 33°05'34", and a chord which bears North 00°42'43" West, 677.80 feet to a point of tangency;

North 17°15'30" West, 130.28 feet to a point of curvature;

890.16 feet along the arc of a curve to the right, having a radius of 3010.00 feet, a central angle of 16°56'39" and a chord which bears North 08°47'10" West, 886.92 feet to a point of tangency;

North 00°18'51" West, 793.93 feet to a point for corner in the north line of Senior Road (variable width Roadway Easement) as recorded in Volume 446, Page 42 and Volume 446, Page 49 FBCDR;

THENCE, South 89°54'41" East, 1606.62 feet to the east boundary line of Olympia Estates;

THENCE, South 00°17'18" West, 3100.93 feet to the **POINT OF BEGINNING** and containing a computed area of 152.586 acres (6,646,629 square feet) of land.

Tract 2 appearing to contain a portion of the Commercial Northeast subdistrict and the Business Park East subdistrict as shown on Exhibit "B," the concept plan.

**METES AND BOUNDS
OLYMPIA ESTATES COMMERCIAL TRACT 2**

BEING a 116.302 acre tract situated in the Cochran and McCluer Survey, Abstract 191, Fort Bend County, Texas. Said 116.302 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South-Central Zone (NAD83):

BEGINNING at a 1/2-inch iron rod set for the southwest corner of said 116.302 acre tract, same also being east R.O.W. corner of a Proposed Fort Bend County Toll Road with a variable R.O.W. width;

THENCE, Northwestarily, along west property line, same also being the east R.O.W. line of said Proposed Fort Bend County Toll Road, with a curve to the left, having a radius of 5,879.60 feet, an arc length of 4,992.03' a chord bearing of N00°20'03"W, and a chord length of 4752.91' to a point of tangency;

THENCE, N 24°10'28" W, continuing along west property line, a distance of 807.08 feet to an angle point;

THENCE, N 11°34'52" W, continuing along west property line, a distance of 68.96 feet to a point of curvature;

THENCE, Northwestarily, continuing along west property line, with a curve to the left, having a radius of 1,453.39 feet, an arc length of 319.45', a chord bearing of N 17°52'40"W, a chord length of 318.81 feet to a point of tangency;

THENCE, N 24°10'28" W, continuing along west property line, a distance of 289.05 feet to an angle point;

THENCE, N 23°37'13" W, continuing along west property line, a distance of 106.91 feet to an angle point;

THENCE, N 38°55'39" E, continuing along west property line, a distance of 61.27 feet to an angle point;

THENCE, N 00°04'56" E, continuing along west property line, a distance of 98.12 feet to an angle point;

THENCE, N 89°55'04" W, continuing along west property line, a distance of 15.22 feet to an angle point;

THENCE, N 53°23'49" W, continuing along west property line, a distance of 9.98 feet to an angle point marking the northwest corner and north property line of said 116.302 acre tract;

THENCE, S 89°54'41" E, along north property line, a distance of 1,300.91 feet to an angle point marking the northeast corner of said 116.302 acre tract;

Tract 2 (Continued)

THENCE, S 00°18'51" E, along east property line, a distance of 793.93 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the left, having a radius of 3,010.00 feet, an arc length of 890.16', a chord bearing of S 08°47'10" E and a chord length of 886.92 feet to a point of tangency;

THENCE, S 17°15'30" E, continuing along east property line, a distance of 130.28 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 1,190.00 feet, an arc length of 687.32', a chord bearing of S 00°42'43" E, and a chord length of 677.80 feet to a point of tangency;

THENCE, S 15°50'03" W, continuing along east property line, a distance of 178.96 feet to a point of curvature;

THENCE, Southwesterly, continuing along east property line, with a curve to the right, having a radius of 2010.00 feet, and an arc length of 708.66 feet, a chord bearing of S 05°44'02" W, a chord length of 705.00 feet to a point of tangency;

THENCE, S 04°21'59" E, continuing along east property line, a distance of 330.66 feet to a point of curvature;

THENCE, Southeasterly, continuing along the east property line, with a curve to the left, having a radius of 2010.00 feet, and an arc length of 1008.22 feet, a chord bearing of S 18°44'11" E, a chord length of 997.68 feet to a point of tangency;

THENCE, S 33°06'22" E, continuing along east property line, a distance of 519.69 feet to a point of curvature;

THENCE, Southeasterly, continuing along the east property line, with a curve to the right, having a radius of 800.00 feet, and an arc length of 273.94 feet, a chord bearing of S 23°17'47" E, a chord length of 272.71 feet to an angle point;

THENCE, S 19°38'12" W, along the east property line, a distance of 1188.58 feet to an angle point marking the southeast corner of said 116.302 acre tract;

THENCE, S 89°06'43" W, along the south property line, a distance of 257.43 feet to a point of curvature;

THENCE, Westerly, continuing along the south property line, with a curve to the left, having a radius of 17130.73 feet, and an arc length of 118.10 feet, a chord bearing of S 89°18'33" W, a chord length of 118.10 feet to a point of tangency;

THENCE, S 89°30'22" W, continuing along south property line, a distance of 40.75 feet to an angle point;

THENCE, N 86°20'48" W, continuing along south property line, a distance of 401.05 feet to an angle point;

THENCE, N 82°48'17" W, continuing along south property line, a distance of 276.38 feet to the POINT OF BEGINNING and containing 116.302 acres and 5,066,122.07 square feet;

Tract 3 appearing to contain a portion of the Single-family Residential subdistrict as shown on Exhibit "B," the concept plan.

**METES AND BOUNDS
OLYMPIA ESTATES COMMERCIAL TRACT 3**

BEING a 88.1380 acre tract situated in the Cochran and McCluer Survey, Abstract 191, Fort Bend County, Texas. Said 88.1380 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (NAD83):

BEGINNING at a 1/2-inch iron rod set for the southwest corner of said 88.1380 acre tract;

THENCE, North, along west property line, a distance of 747.53 feet to an angle point;

THENCE, N 00°00'04" W, continuing along west property line, a distance of 398.98 feet to an angle point;

THENCE, N 00°00'01" E, continuing along west property line, a distance of 3,095.34 feet to an angle point;

THENCE, N 00°00'01" E, continuing along west property line, a distance of 1,389.79 feet to a point of curvature set for corner, same also being east property line of said 88.1380 acre tract;

THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 1,453.39 feet, an arc length of 87.07', and a chord bearing of S 33°53'10" E, and a chord length of 87.06 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 1,453.39 feet, an arc length of 99.64', a chord bearing of S 35°36'09" E and a chord length of 99.44 feet to an angle point;

THENCE, S 23°57'22" E, continuing along east property line, a distance of 871.96 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 5,579.60 feet, an arc length of 4,878.69', a chord bearing of S 00°45'16" W and a chord length of 4664.89 feet to an angle point for the southeast corner of said 88.1380 acre tract

THENCE, S 62°06'03" W, along the south property line, a distance of 69.12 feet to an angle point;

THENCE, S 81°15'24" W, continuing along the south property line, a distance of 321.85 feet to an angle point;

THENCE, S 85°22'13" W, continuing along south property line, a distance of 19.91 feet to the POINT OF BEGINNING and containing 88.1380 acres and 383,9290.95 square feet;

Exhibit A (Metes and bounds description of subject 432.87-acre tract of land)

Page 5 of 6

Tract 4 appearing to contain a portion of the Single-family Residential subdistrict and all of the Commercial Northwest subdistrict as shown on Exhibit "B," the concept plan.

FIELD NOTES FOR 37.429 ACRES

Being a tract of land containing 37.429 acres located in the Elijah Roark League, Abstract Number 77, in Fort Bend County, Texas; Said 37.429 acre tract being a called 37.429 acre tract of land recorded in the name of Point Center Financial, Inc., in Fort Bend County Clerk's File (F.B.C.C.F.) Number 2009050702; Said 37.429 acre tract being more particularly described by metes and bounds as follows (bearings are referenced to said 37.429 acre tract as described in F.B.C.C.F. Number 2009050702):

BEGINNING at a 5/8-inch iron rod found at the most northerly corner of said 37.429 acre tract, the northeast corner of a called 35.971 acre tract of land recorded in the name of Graham Mortgage Corporation in F.B.C.C.F. Number 2011022711 and being on the southerly right-of-way (R.O.W.) line of Lake Olympia Parkway (100-foot wide) as described in F.B.C.C.F. Number 2004110055;

Thence, with said southerly R.O.W. line, the following two (2) courses:

1. 962.26 feet along the arc of a curve to the left, said curve having a central angle of 44 degrees 06 minutes 25 seconds, a radius of 1,250.00 feet and a chord bearing: South 64 degrees 38 minutes 47 seconds East, a distance of 938.68 feet to a 5/8-inch iron rod found;
2. South 86 degrees 41 minutes 59 seconds East, a distance of 222.99 feet to 5/8-inch iron rod found at the transition from said southerly R.O.W. line to the R.O.W. line of Fort Bend Parkway (width varies) as described in F.B.C.C.F. Number 2003114427;

Thence, with said R.O.W. line, the following four (4) courses:

1. South 89 degrees 35 minutes 18 seconds East, a distance of 68.39 feet to a 5/8-inch iron rod found;
2. South 64 degrees 36 minutes 16 seconds East, a distance of 51.01 feet to a 5/8-inch iron rod found;
3. 315.88 feet along the arc of a curve to the left, said curve having a central angle of 03 degrees 03 minutes 08 seconds, a radius of 5,929.60 feet and a chord bearing: South 22 degrees 38 minutes 54 seconds East, a distance of 315.84 feet to a 5/8-inch iron rod found;
4. South 24 degrees 10 minutes 28 seconds East, a distance of 84.53 feet to a 5/8-inch iron rod found on the west line of a called 19.6971 acre tract of land recorded in the name of Fort Bend County Municipal Utility District No. 48 in F.B.C.C.F. Number 9869821;

Thence, with said west line, South 00 degrees 00 minutes 00 seconds East, a distance of 1,312.88 feet to a 5/8-inch iron rod found at the most southerly corner of said 37.429 acre tract, the northeast corner of Olympia Estates Phase 1 Section 3, a subdivision recorded in Slide Number 20040238 of the Fort Bend County Plat Records (F.B.C.P.R.), and being the most easterly corner of a called 16.996 acre tract of land recorded in the name of Graham Mortgage Corporation in F.B.C.C.F. Number 2011022711;

Thence, with lines common to said 37.429 acre tract and said 16.996 acre tract, the following three (3) courses:

1. 862.06 feet along the arc of a curve to the left, said curve having a central angle of 25 degrees 12 minutes 40 seconds, a radius of 1,959.15 feet and a chord bearing of North 34 degrees 50 minutes 48 seconds West, a distance of 855.12 feet to a 5/8-inch iron rod found;
2. North 47 degrees 24 minutes 00 seconds West, a distance of 263.29 feet to a 5/8-inch iron rod found;
3. North 90 degrees 00 minutes 00 seconds West, at a distance of 542.59 feet pass the northwest corner of said 16.996 acre tract and the most northerly northeast corner of Olympia Estate Section 2, a subdivision recorded in Slide Numbers 2331 A&B of the F.B.C.P.R., in all, a distance of 717.60 feet to the southeast corner of Restricted Reserve "A", Olympia Estates Phase 1 Section 4, a subdivision recorded in Slide Number 20040240 of the F.B.C.P.R.;

Thence, with said Restricted Reserve "A", the following three (3) courses:

1. North 00 degrees 00 minutes 00 seconds East, a distance of 336.02 feet to a 5/8-inch iron rod found;
2. North 23 degrees 18 minutes 16 seconds West, a distance of 384.41 feet to a 5/8-inch iron rod found;
3. South 66 degrees 41 minutes 44 seconds West, a distance of 110.00 feet to a 5/8-inch iron rod found on the east line of Lot 17, Block 1, of said Olympia Estates Phase 1 Section 4;

Thence, with said east line, North 23 degrees 18 minutes 16 seconds West, a distance of 23.62 feet to the northeast corner of said Lot 17 and being a southeasterly corner of aforesaid 35.971 acre tract;

Thence, with the easterly lines of said 35.971 acre tract, the following two (2) courses:

1. North 00 degrees 56 minutes 10 seconds East, a distance of 196.32 feet to a 5/8-inch iron rod found;
2. North 40 degrees 15 minutes 31 seconds East, a distance of 491.52 feet to the POINT OF BEGINNING and containing 37.429 acres of land.

Exhibit A (Metes and bounds description of subject 432.87-acre tract of land)

Page 6 of 6

Tract 5 appearing to contain the entire Commercial Southeast subdistrict as well as an area noted as Open Space/Utility as shown on Exhibit "B," the concept plan and described below as Tract 7 containing 38.4163 acres.

TRACT 3:

Of 38.4163 Acres or 1,673,415 Square Feet of land being part of the remainder of that certain 80 Acre tract of land, conveyed to HERMANN HEALTH CARE SYSTEM, Inc. by a deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records (F.B.C.D.R.), lying in the ELIJAH ROARK LEAGUE Survey, Abstract No. 77, in Fort Bend County, Texas, said 38.4163 Acre tract is more particularly described by metes and bounds as follows:

BEGINNING at the North Right-of-Way of Trammel - Fresno Road, (A Variable Width Right-of-Way as monument and occupied), at the Southwest corner of that certain 961.03 Acre tract of land conveyed to TEAL RUN, LTD & TEAL RUN No. 2, LTD by a deed recorded under Volume 1923, Page 368, F.B.C.D.R, from which a 5/8 inch Iron rod with a Cotton Cap found North, 1.95 feet, and West, 0.39 feet;

THENCE South 84 deg. 17 min. 58 sec. West, along the North Right-of-Way of said Trammel - Fresno Road, a distance of 300.11 feet to a point for corner, from which a 5/8 inch iron rod was found North, 8.15 feet, and East, 0.14 feet;

THENCE South 89 deg. 08 min. 32 sec. West, along the North Right-of-Way of said Trammel Fresno Road, a distance of 711.97 feet to a 5/8 inch Iron rod found at a point for corner at the Southeast corner of that certain 6.269 Acre tract of land conveyed to HOUSTON LIGHTING AND POWER Co. by a deed recorded under Volume 495, Page 659, F.B.C.D.R.;

THENCE North 19 deg. 38 min. 12 sec. East, along the Southeast line of said 6.269 Acre tract of land, a distance of 3289.59 feet to a point for corner, from which a 5/8 inch iron rod with a Cotton Cap was found North, 0.08 feet;

THENCE South 00 deg. 17 min. 18 sec. West, along the West line of said 961.03 Acre tract of land, a distance of 3049.90 feet to the POINT OF BEGINNING, containing within these calls 38.4163 Acres or 1,673,415 Square Feet of land as depicted on sheet 4 of 4 of a plat prepared by Donald K. Hall, R.P.L.S. No. 4070, dated November 20, 2000, revised February 13, 2001, and June 28, 2001.

The above description as found in Exhibit A of a deed recorded under Clerk's file number 2011012748 of the Fort Bend County Deed Records.



Exhibit B
Concept Plan
 Page 1 of 1

an exhibit for
FT. BEND PARKWAY TRACT
PD 88



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

7000 North Mopac, Suite 330 2595 Dallas Parkway, Suite 204
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RESIDENTIAL BUILDER GUIDELINES

Prepared By:



Table of Contents

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- II. Architectural Guidelines**
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I. Site Plan Guidelines

Prior to constructing on a lot, the builder must submit the required information for review and approval by all applicable entities. All regulations listed within this document, the Planned Development District and any other applicable ordinances shall be adhered to. In the event of a conflict with City adopted codes and regulations, including the International Building Code, Fire Code and Public Infrastructure Design Manual, the most restrictive requirement shall prevail.

1) Lot types/ Building Setbacks

- a) The following lot types are permitted within the development.
 - i) Interior Lot - Front, rear and side yards are adjacent to neighboring lots
 - ii) Corner Lot – A lot that adjoins another lot on the side and rear and is adjacent to the street on the other side.
 - iii) Greenbelt lot - A lot that backs to a greenspace, park, detention area and/or any similar landscape/open space.
 - iv) Patio Lot – A lot that is positioned to one side of the property. The side yard setback is only required on one side of the property.

All building setbacks will be in compliance with those set forth within the R-2 Zoning District

2) Garages

- a) All lots must have a garage that will accommodate a minimum of 2 vehicles side by side.
- b) On a corner lot, the garage must be located on the opposite side of the lot of the street.
- c) Three car garages
 - i) 3 car tandem garages are allowed
 - ii) side by side three (3) car garages are not allowed.

3) Driveways

- a) Width
 - i) On attached garages, the driveway must be a minimum of eighteen (18) feet in width
 - ii) For detached garages, the minimum width must be ten (10) feet at the property line.
 - iii) No driveway shall be greater than twenty (20) feet at the property line
- b) Location
 - i) Driveways must be located on one side of the lot. Driveways should not be centered on the lot.
- c) Materials
 - i) Driveways must be constructed of concrete and/or pavers
 - ii) Asphalt paving, stone, timber borders, and loose gravel are prohibited.
- d) Radius
 - i) All driveways shall have a minimum radius of five (5) feet at the curb
- e) Setback
 - i) No driveway shall be located closer than two (2) feet from the side property line.

4) Sidewalks

- a) All sidewalks must meet the rules and regulations set forth within the City's Public Infrastructure Design Manual

- b) Sidewalks must be a minimum of five (5) feet in width
- c) Sidewalks must be constructed of concrete
- d) With the exception of cul de sacs, sidewalks should be located not closer than two (2) feet from the right of way

5) Walkways

- a) A walkway a minimum of three (3) feet must be provided on all homes.
- b) The walkway may lead from the front of the home to the street or from the front of the home to the driveway.
- c) All walkways that connect to the front sidewalk must be perpendicular where they intersect.
- d) Walkways may be composed of concrete and/or decorative pavers

6) Fencing

- a) Fences must be installed on all lots.
- b) The front fence must begin a minimum of ten (10) feet and a maximum of fifteen (15) feet from the front elevation.
- c) On corner lots, the fence must be located a minimum of five (5) feet from the side property line.
- d) Unless specified elsewhere in this section, all fences shall be a minimum of six (6) feet in height
- e) All fencing visible from the public must be installed good side facing out.
- f) All interior fencing must be composed of a good neighbor fence. A good neighbor fence is composed of alternating panels.
- g) Greenbelt lots
 - i) A four (4) foot tall tubular steel fence is required on all fences adjacent greenspace, detention and/or lakes.
 - ii) Where a four (4) foot tubular steel fence is required, a 4' to 6' wood transition panel must be used at the transition for the tubular steel fence to the typical wood fence.
- h) Gates
 - i) A six (6) foot tall by three (3) foot wide wood gate may be placed on one side of the front fence facing the street.
 - ii) All gates must be self-closing and self-latching.

7) Grading, Drainage, Berms

- a) Each lot shall be graded so that storm water will drain from the rear property line through the side yard and front yard to the abutting street and not across adjacent lots or reserves. Minimum grade shall be 1.0 percent (1%). Exceptions will be made in those instances where existing topography dictates an alternate lot grading plan.

II. Architectural Guidelines

The following Architectural guidelines are intended to establish minimum criteria for the construction of homes within the development. All construction must be high quality and incorporate a mixture of roofline and elevation articulation.

1) Square Footage Requirements

a) All homes must meet the applicable square footage requirements:

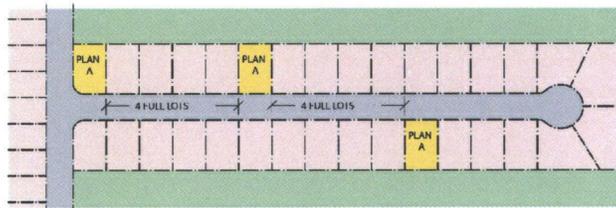
Lot Size	Minimum
50'	1,500
55'	1,800
60'	2,100

2) Housing Plan and Elevation Repetition

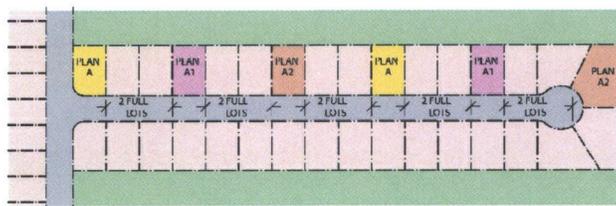
a) The following three scenarios represent the guidelines for determining when a plan and elevation can be repeated within the subdivision:

- i) When building the same plan, same elevation, on the same side of the street or on both sides of the street, four (4) full lots must be skipped.
- ii) When building the same plan, different elevation, on the same side of the street, two (2) lots must be skipped.
- iii) When building the same plan, different elevation, on opposite sides of the street, one (1) full lot must be skipped.
- iv) An elevation that closely resembles that of a nearby home or in any way detracts from the overall street scene can be rejected.

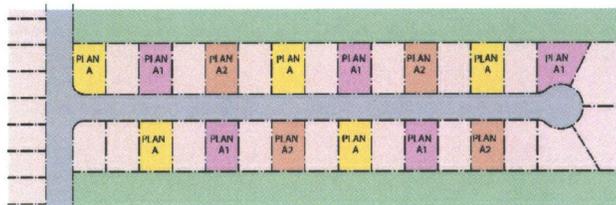
1. SAME PLAN, SAME ELEVATION, SAME OR OPPOSITE SIDE



2. SAME PLAN, DIFFERENT ELEVATION, SAME SIDE



3. SAME PLAN, DIFFERENT ELEVATION, OPPOSITE SIDE



3) Masonry Requirements

- a) All homes must be 100% masonry on the first floor (front, side and rear elevations)
- b) On two story homes, the masonry material must wrap a minimum of five (5) feet around the side of the home on the second story.

4) Materials

- a) Masonry Materials
 - i) Brick
 - (1) All brick must meet the standard specification established by the Brick Institute of America
 - ii) Stone
 - iii) Stucco
 - iv) Stucco Board
- b) Non Masonry materials
 - i) Hardie Siding
 - ii) Wood
 - (1) All wood must be painted, stained or treated.
 - iii) Metal
 - (1) Exposed metals must be anodized aluminum, bronze, copper or painted galvanized steel
 - iv) Prohibited Materials
 - (1) Shaker Shingles
 - (2) Reflective aluminum
 - (3) Vinyl siding
- c) Masonry Repetition
 - i) Same color brick, stone or stucco may not be used on homes immediately adjacent to or directly across the street from one another.
- d) Exterior Colors
 - i) No more than three (3) colors may be used per residence
 - ii) Pastel and Primary colors are prohibited unless used as accent colors on doors, shutters, etc.

5) Chimneys

- a) Chimneys must be constructed of materials in keeping with those used on the home.
- b) Chimneys may be wrapped in hardie plank and/or masonry
- c) Metal caps are required on all chimneys
- d) Direct vents are permitted if not visible from the street and/or a public area.

6) Roofs

- a) Materials
 - i) Shingles
 - (1) All shingles must be thirty (30) year composition shingles
 - (2) Garages and/or breezeway roofs must be the same roofing material as the home
 - ii) Metal
 - (1) Cooper roofing and standing seam metal are permitted for accent areas (bay windows, porches, etc)
- b) Pitches
 - i) Roof pitch must be a minimum of 6:12
 - ii) Porches and/or dormers may have a roof pitch of 3:12 or greater
 - iii) Flat roofs are PROHIBITED

- c) Roof top Accessories
 - i) Antennas, towers, satellite dishes or similar devices for receiving and/or sending signals are permitted.
 - ii) 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.

7) Garages

- a) Attached Garages
 - i) Front loaded garages
 - (1) Storage extensions may not exceed ten (10) feet in width beyond the side of the garage
 - ii) Three Car garages
 - (1) Three car tandem garages are permitted
 - (2) Three side by side garages are not permitted
- b) Detached garages
 - i) Detached garages are not permitted on greenbelt or lake lots
 - ii) On corner lots, detached garages must be located on the interior side of the lot, away from the street.
- c) Porte Cocheres
 - i) Must be the same architectural style of the home
- d) Garage doors
 - i) One (1) double door is permitted or two (2) single wide doors separated by a column

8) Signage

- a) Model Identification Sign
 - i) Each builder may have one (1) lighted sign per model home
- b) Lot identification sign
 - i) One sale sign is permitted for each lot

**FORT BEND PARKWAY PLANNED DEVELOPMENT
DEVELOPMENT SCHEDULE**

- A.** If Hurricane Lane is extended as projected, within 2-4 years, site development is expected to commence within the following districts and/or tracts:
- Commercial Northwest, Tract 2 (Lake Olympia Parkway at Fort Bend Parkway)
 - Single-family residential
- B.** Within 4-6 years, site development will continue within the three districts above and is expected to commence within the following additional districts and/or tracts:
- Commercial Northeast, Tracts 2 and 3 (Lake Olympia Parkway at Hurricane Lane)
 - Commercial Southeast (Hurricane Lane at Trammel-Fresno Road)
 - Business Park East (Hurricane Lane corridor)
- C.** Within 6 years, the single-family district should be built out.
- D.** Within 6-8 years, site development will continue within the districts above.
- E.** Within 8 years, the commercial districts should be mostly built-out.
- F.** Within 8-12 years, in-fill development will continue within the business park district.
- G.** The PD should be substantially developed within 12 years.

ORDINANCE NO. O-16-13

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING REGULATIONS IN PD PLANNED DEVELOPMENT DISTRICT NO. 88; 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, FLC Parkway LP is the owner of approximately 395.44 acres of land and Ft Bend Parkway-34 LP is the owner of approximately 37.43 acres of land for a total of approximately 432.87 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. 88 under Ordinance No. O-13-05, adopted on January 22, 2013; and

WHEREAS, the owners' agent, Kathryn Edwards of KRG/RBB, Inc., also known as BGE Kerry R. Gilbert, has made application to the City of Missouri City to amend PD Planned Development District No. 88 to incorporate single-family residential uses on land that was previously designated for business park uses and to incorporate commercial uses on land that was previously designated for multifamily residential uses; and

WHEREAS, pursuant to Section 8.3 of the City of Missouri City Zoning Ordinance, said application was submitted to the City of Missouri City with proof of notice to all of the other property owners within PD Planned Development District No. 88; and

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

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

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

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

Section 2. As required by law, the City Council of the City of Missouri City conducted the public hearing on the request for zoning amendments 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, and is depicted in Exhibit "B," the concept plan, attached hereto and made a part hereof for all purposes.

Section 4. PD Planned Development District No. 88 shall be developed in accordance with the Missouri City Code, including the City of Missouri City Zoning Ordinance, and shall be developed generally in accordance with Exhibit "B," and is subject to the following regulations and restrictions:

A. Purpose. PD Planned Development District No. 88 may include a combination of uses consisting of LC-3 retail district uses, BP business park district uses, and R-2 single-family residential 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 PD Planned Development District No. 88, 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.

1. The following uses shall be located within the subdistricts designated on Exhibit "B" as set forth below:

- a. Except as provided in Subsection 4.B.1.b of this Ordinance, LC-3 retail district uses may be located only within the Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts.
- b. BP business park district uses may be located only within the Business Park East Subdistrict.
- c. R-2 single-family residential district uses may be located only within the Single-family Residential Subdistrict.

2. The following uses shall be prohibited:

- a. sexually oriented businesses;
- b. quarry, mine, sand and mineral extraction uses; and

c. sanitary landfills.

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

1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: LC-3 retail district regulations contained in Subsection 7.12 of the City of Missouri City Zoning Ordinance shall apply.
2. Business Park East Subdistrict: BP business park district regulations contained in Subsection 7.1255 of the City of Missouri City Zoning Ordinance shall apply.
3. Single-family Residential Subdistrict: R-2 single-family residential district regulations contained in Subsection 7.3 of the City of Missouri City Zoning Ordinance shall apply.

D. Height and area regulations. The height and area regulations for the subdistricts set forth below shall be as follows:

1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: Except as set forth herein, the height and area regulations for LC-3 retail districts contained in Subsection 7.12 of the City of Missouri City Zoning Ordinance shall apply.
 - a. The maximum building height shall be based on the ratio of one foot of height for each 1.75 feet of distance from the exterior portion of a building nearest to the nearest property line within a residential zoning district to the nearest property line in the nearest residential zoning district.
 - b. Buildings shall be set back at least 25 feet from the right-of-way line of the Fort Bend Parkway.
2. Business Park East Subdistrict: Except as set forth herein, the height and area regulations for BP business park district contained in Subsection 7.1255 of the City of Missouri City Zoning Ordinance shall apply.
 - a. The maximum building height shall be based on the ratio of one foot of height for each 1.75 feet of distance from the exterior portion of a building nearest to the nearest property line within a residential zoning district to the nearest property line in the nearest residential zoning district.

- b. Buildings shall be set back at least 25 feet from the right-of-way line of the Fort Bend Parkway.

E. Building regulations. The building regulations within the planned development district shall be as follows:

- 1. Horizontal and vertical building planes shall be interrupted by offsets, changes in building materials, colors, textures, or other methods allowed in Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
- 2. Architectural details that create shade and cast shadows shall be incorporated to provide visual relief.
- 3. Any uninterrupted street-facing facade may not exceed 100 feet in length. A building facade of more than 100 feet in length that faces a public street shall have offsets with a minimum depth of at least five feet and a minimum length extending at least 20 percent of the length of such building facade.
- 4. Exterior lighting shall be shielded to prohibit illumination in excess of 0.25 footcandles of average general light overflow or 0.50 footcandles at any point on the boundary of an adjacent residential zoning district.

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

- 1. Commercial Northeast, Commercial Northwest, Commercial Southeast, and Business Park East Subdistricts: Except as set forth herein, all buildings and structures constructed in PD Planned Development District No. 88 to which Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance applies, shall be constructed in accordance with Section 7A, Architectural Design Standards, of the City of Missouri City Zoning Ordinance.
 - a. The following materials may not be installed on the exterior of a building:
 - i. Vinyl siding, wood-fiber hardboard siding, oriented strand board siding, plastic, and fiberglass panels;
 - ii. Unfired or underfired clay, sand, or shale brick;
 - iii. Smooth or untextured concrete surfaces; and
 - iv. Exterior insulation and finish system (EIFS).

- b. A single building material may not cover more than 80 percent of the front exterior of any building.
 - c. The architectural design, color, and materials of all facades facing or siding a public street, internal access drive, or pedestrian walkway shall match for the following:
 - i. an independent business establishment; and
 - ii. multiple buildings within an integrated business development or a shopping center.
 - d. The architectural design, color, and materials of screening walls, wing walls, columns, and similar building extensions and supports shall match the building to which they are attached.
2. Single-family Residential Subdistrict: All residential buildings and structures located within the Single-family Residential Subdistrict shall be constructed in accordance with the architectural guidelines contained in Exhibit "C," the Residential Builder Guidelines, attached hereto and made a part hereof for all purposes.

G. Landscaping regulations. The landscaping regulations within the planned development district shall be as follows:

- 1. Commercial Northeast, Commercial Northwest, and Commercial Southeast Subdistricts: Except as set forth herein, the landscaping, screening, and buffer yard regulations contained in Section 11, Landscaping, of the City of Missouri City Zoning Ordinance shall apply.
 - a. The minimum depth for buffer yards abutting the areas specified below shall be as follows:
 - i. Fort Bend Parkway: 20 feet
 - ii. Other public streets: 20 feet
 - iii. Internal access drives: 10 feet
 - iv. All other property lines: 5 feet
 - b. At the time of planting, canopy trees shall have a minimum four-inch caliper and be a minimum of 10 feet in height as measured at ground level. Canopy trees may be clustered or spaced linearly and are not required to be spaced evenly.
- 2. Single-family Residential Subdistrict: The landscaping, screening, and buffer yard regulations shall be as follows:

- a. A landscape or open space buffer a minimum of 25 feet in depth shall be provided between Fort Bend Parkway and the rear property line of single-family residential lots. A masonry wall a minimum of eight feet in height shall be provided along the property line of single-family residential lots adjacent to the landscape or open space buffer. Landscaping within the landscape or open space buffer shall consist of a combination of trees, shrubs and berms. At the time of planting, canopy trees and understory trees within the landscape or open space buffer shall have a minimum three-inch caliper. Berms with a slope of a minimum ratio of four to one and a minimum of two feet in height shall be provided within the landscape and open space buffer.
- b. A landscape or open space buffer a minimum of 20 feet in depth shall be provided between nonresidential uses adjoining single-family residential uses. No parking, paving, or buildings shall be installed within the landscape or open space buffer. A masonry wall a minimum of eight feet in height and one canopy tree per 30 linear feet of buffer area shall be provided within the landscape or open space buffer. At the time of planting, canopy trees within the landscape or open space buffer shall have a minimum three-inch caliper.

H. Ingress and Egress. Ingress and egress within the planned development district shall be as follows:

- 1. A pedestrian walkway shall be provided to connect the primary entrance of a nonresidential building to a sidewalk abutting a public street. For a nonresidential use with a parking area located between a public street and the nonresidential building, at least one pedestrian walkway shall be provided to and through the associated parking area to connect any nonresidential building entrance of such building to a sidewalk abutting the public street.

I. Parking regulations. Except as set forth herein, the parking regulations contained in Section 12, Parking Regulations, of the City of Missouri City Zoning Ordinance shall apply.

- 1. The minimum setback for nonresidential parking facilities abutting the areas specified below shall be as follows:
 - a. Fort Bend Parkway: 20 feet
 - b. Other public streets: 20 feet

- c. Internal access drives: 10 feet
 - d. All other property lines: 5 feet
- 2. Bicycle parking: An off-street parking area for bicycles shall be provided within 50 feet of a primary employee or visitor entrance of each building. Such parking area shall include racks and other structures intended for parking bicycles.
- J. Garages.** Except as set forth in Exhibit “C,” construction of garages within the Single-family Residential Subdistrict shall comply with Section 9.8, Garages, of the City of Missouri City Zoning Ordinance.
- K. Fence Regulations.** Except as set forth herein and in Exhibit “C,” fences installed within the Single-family Residential Subdistrict shall comply with Section 14, Fence Regulations, of the City of Missouri City Zoning Ordinance. A homeowners association or property owner association shall be responsible for maintaining community fencing within the Single-family Residential Subdistrict.
- L. Conflicts.** Except as set forth in Subsections 4.D, 4.E, 4.F, 4.G, 4.H, 4.I, 4.J, and 4.K, in the event that any exhibit to this Ordinance conflicts with the Missouri City Code, the Missouri City Code shall prevail.
- M. Development schedule.** Pursuant to Section 8, PD Planned Development District, of the City of Missouri City Zoning Ordinance the property shall be developed in accordance with the development schedule attached hereto as Exhibit “D” and made a part hereof for all purposes. This Ordinance shall expire on the fifth anniversary of the date the first permit application was filed for this project, provided no progress has been made toward the completion of this project.

Section 5. The Zoning District Map of the City of Missouri City shall be revised and amended to show the zoning classification of said 432.87-acre tract of land 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-13-05, adopted by the City Council of the City of Missouri City on January 22, 2013, 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.

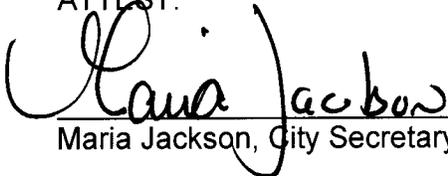
PASSED and APPROVED on first reading this 4th day of April, 2016.

PASSED, APPROVED and ADOPTED on second and final reading this 18th day of April, 2016.

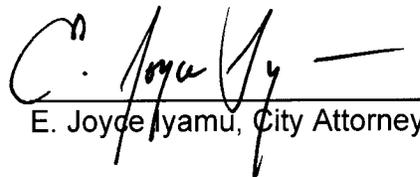


Allen Owen, Mayor

ATTEST:


Maria Jackson, City Secretary

APPROVED AS TO FORM:


E. Joyce Lyamu, City Attorney



**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
August 8, 2018**

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Hugh Brightwell
John O'Malley
Reginald Pearson
Ramesh Anand
James G. Norcom III

Commissioners Absent: Tim Haney, Courtney Johnson Rose, Douglas Parker

Councilmembers Present:

Staff Present:

Otis T. Spriggs, Director of Development Services
Jennifer Gomez, Planning Manager
E. Joyce Iyamu, City Attorney
Jennifer Hobbs, Assistant City Engineer
Thomas White, Planner II
Mason Garcia, Planner I
Egima Brown, Planning Technician

Others Present:

Marie Escue / Geoff Freeman; LJA, David Glunt; Dry Creek Village

7. ZONING MAP AMENDMENTS

B. PUBLIC HEARING FOR A PLANNED DEVELOPMENT DISTRICT

- (1) To receive comments for or against a request by Stan Winter, Jones | Carter, to amend the regulations and restrictions of PD, Planned Development District No. 88

pertaining to fence regulations for the Dry Creek Village residential subdivision; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

Jennifer Gomez presented this item. Ms. Gomez informed that PD 88 has been presented before the Commission many times. PD, Planned Development District 88, is along both sides of the Fort Bend Tollway. It contains all the land to the east towards the City limits and the portion shown in color on the presented site map. Ms. Gomez informed the portion consists of the single family residential, Dry Creek Village subdivision. The concept plan had been approved. The area shown in red on the site plan is the intersection of the Fort Bend Parkway and Lake Olympia. It is designated for commercial use. Ms. Gomez informed that the colored area presented shows the residential homes that are presently under development and the perimeter fence. Plans were submitted for a perimeter fence. The type of material proposed is an aluminum fence with a vinyl cladding that is not a permitted perimeter fence approved material. Ms. Gomez informed that in Sec. 14 (fence regulations), community fencing must consist of a minimum of wood with brick pilaster / brick columns. The fence can also be a masonry fence of brick, stone, stucco, and concrete. Coloring of the fence will be associated with the architectural standards of the beiges and earth tone colors. Ms. Gomez informed that the developer is seeking approval of an amendment of the PD to allow for the alternative material to be used for the fencing. A plan was provided showing the outline of the fence as proposed. An eight foot tall vinyl fence along the Lake Olympia Parkway and Dry Creek Village Drive is proposed. The fence will continue at eight feet tall, then transition into a six foot tall fence. Ms. Gomez informed that staff's recommendation is for the Commission to consider the fence material throughout the remainder of the subdivision in addition to the portion shown on the diagram.

Ms. Gomez informed that the developer could provide background information with some details on vinyl fencing. Different companies have conducted a side by side comparison of wood fencing and vinyl fencing. The consensus from the research showed that vinyl fencing can be an easier product to maintain over time. The upfront cost is more expensive as they describe. However, it is an easier product to maintain. The fence is present on the property today. Ms. Gomez informed that the fence is currently in the permitting process. It will require inspections. Perimeter fencing must be leveled and grounded. Staff's recommendation is for the Commission to allow the alternative material under two conditions. One condition is that the fence color meets the color requirements for the primary material that is typically seen on buildings of beige muted earth tone colors. The other condition is as required with wood fencing, masonry pilasters meet the requirement for perimeter fencing.

David Glunt, project manager for Dry Creek Village, informed that the main reason for using the new type of fencing is due to the maintenance and long term viability. Traditionally a wood fence will last seven to ten years. It can be a maintenance headache. Mr. Glunt informed that the humidity and weather in the area makes the wood fence bend. Wood fencing deteriorates, stains very easily from irrigation and is not graffiti proof. Replacement of fences tend to not look like the previous fence and cost a lot of money to maintain. Mr. Glunt informed that there has been a fencing replacement along Vicksburg Blvd and Trammel Fresno and it was expensive. Masonry fencing is more expensive and susceptible to problems due the ground movement. The type of installation can determine if the walls will move up and down. Replacing those panels can be very expensive, over time degrade and are not graffiti

proof. Mr. Glunt informed that neither a wood fence nor a masonry fence are fire rated or wood rated. Wood fences burn and can have termites and insects in them that cause problems.

Mr. Glunt informed that the aluminum structural fence has a lifetime warranty. There is a thirty year warranty guaranteed by the manufacture. The aluminum fence is graffiti resistant. If it is spray painted, paint thinner and a brush will wash it off. Mr. Glunt informed that if a permanent marker is used, it can be removed with hair spray. The fence is easy to clean and does not stain with irrigation. From a maintenance stand point, to keep it clean and looking good, only soap and water has to be used. Mr. Glunt informed that the aluminum fence is a structural fence. The aluminum is thick with a vinyl covering. When the system is put together the columns, depending on the height of the fence, are three to four feet in the ground and are anchored in concrete. The horizontal units and the vertical units are tied, grooved and snap together. Once all in place and the post are anchored, concrete is poured into the columns. It develops a rigid frame. Mr. Glunt informed that the fence is fire rated and does not burn. The fence has also been wind rated. A six foot fence has been rated to take up to 130 mph wind. The eight foot is almost 100 mph. Mr. Glunt informed that the aluminum fence can be made to look like wood. Different kinds of concrete or stone can be put into the fence. Landscaping can diminish the fence causing it to look like a traditional wood fence. Mr. Glunt informed that both the builders of the subdivision agree with the aluminum fencing because it looks clean and simple.

Mr. Glunt informed that the fence will be extended to sections two and three. Mr. Glunt informed that he did not currently own sections two and three. The amendment is being requested for the use of the proposed material. Mr. Glunt informed that he agrees with the requirements of the pilasters / brick columns so that there is a fence that resembles a wood fence.

Chair Brown-Marshall asked if the color of the fence would be bright white.

Mr. Glunt replied, no.

Ms. Gomez informed that once the fence is completed, it will not be bright white.

Chair Brown-Marshall informed that the statement of Mr. Glunt sounds good in terms of maintenance. The concern is in the uniformity and the consistency with the other subdivisions that are currently developed. The bright white sign, black letters and white fencing all around is a concern. Chair Brown-Marshall asked if the color will be taken to a different tone.

Mr. Glunt informed that the color is a muted gray. Once the landscaping is placed, the bright color will begin to diminish. Currently shrubs have been planted on the corners, where the fence is behind the landscaping.

Chair Brown-Marshall informed that the look is still not harmonious. The vinyl fencing will work, however, the fence being harmonious is still an issue.

Commissioner Brightwell informed that he understands the alternative materials for a wood look, however, from the street and public view, it currently does not have the look of wood. The current installation of part of the fence does not look presentable.

Mr. Glunt informed that it is not the permanent installation that has been currently placed. The post have only been placed in the hole without concrete.

Commissioner Brightwell informed that the fence looks as if it is more than eight feet.

Mr. Glunt informed that it looks more than eight feet due to the site being higher than the site that is next to the property.

Commissioner Brightwell asked if Mr. Glunt would accommodate the masonry pilasters.

Mr. Glunt replied, yes.

Commissioner Brightwell asked if the look will be like masonry pilasters.

Mr. Glunt informed that it will be based on specifications.

Ms. Gomez informed that the requirements are for every three hundred feet a column is required.

Mr. Glunt informed that the columns will be placed as required.

Commissioner Brightwell informed that he agreed with the color being a problem. The bright color white is not seen throughout the City. The monument sign is a concern with the allowance of being it being constructed the way it currently is with the large lettering.

Ms. Gomez informed that the monument sign had been approved.

Commissioner Brightwell informed that the sign monument along with the fence, looks as if it is a system.

Ms. Gomez informed that based on the size of the subdivision, the developers are allowed 280 sq. ft. of signage. What is typically seen is that the signage is separated on either side of the intersection. The Dry Creek Village sign is combined in one sign.

Chair Brown-Marshall informed that color is still a concern and asked the Commissioners if they had any other comments.

The Commission agreed that the color is still an issue.

Commissioner Brightwell informed that the color needs to have more of a grain effect to the color.

Commissioner O'Malley informed that he agreed to the maintenance of the fence. Commissioner O'Malley asked Mr. Glunt if the fence will have brick columns every three hundred feet.

Mr. Glunt informed that it will be every three hundred feet or every time the fence turns.

Commissioner O'Malley informed that the construction of the fence will be different due to the moving of the brick columns. Mr. Glunt was asked if the columns were going to be cosmetic and not part of the structure of the fence.

Mr. Glunt informed that the fences that he has built in Missouri City do not connect to the columns.

Commissioner O'Malley asked how the fence will be attached to the columns.

Mr. Glunt informed that the aluminum post will rest against the column. It will look as if the fence and the column are connected. The column will not provide any support.

Commissioner O'Malley informed that the bell nature of the foundation for the column to keep it stable cannot have anything flushed against it due to the widening of the terrain.

Mr. Glunt informed that the columns are constructed all at once. When the footing for the column is placed, the posts are placed with it to fit in between.

Commissioner O'Malley asked the age of the technology and if it had been used for other subdivisions.

Mr. Glunt informed that he currently has a project where the same fence is being installed to replace an old fence. The fence is popular in Florida and California. Mr. Glunt informed that similar materials have been seen with horse fencing. The material is becoming more common due to the maintenance. When the HOA takes over the maintenance, it typically will cost \$40 to \$50 per linear foot. It is a lot of money for a HOA, Homeowners Association, to spend to replace the fencing.

Commissioner O'Malley asked if the solid color of gray or white, when the pigment is added, be wood grain.

Mr. Glunt replied, no. It comes from the factory resembling wood slats.

Commissioner O'Malley asked if the color palette is more of the earth tone color, would Mr. Glunt still be confident with the lifetime guarantee of the color staying permanent in Houston on vinyl.

Mr. Glunt replied that he can only inform of what the manufacture is warranting. Mr. Glunt informed that he has seen it being used in Florida and California where there is a lot of sun and it worked fine. He has not seen the material over a thirty year period and cannot answer the question.

Chair Brown-Marshall informed that the material is available in other shades.

Mr. Glunt informed that the material is available in four to five different colors. It is ordered from the manufacture by requesting the type of fence and color needed. The manufacture then customizes the fence and ships it to the customer.

Commissioner Norcom III asked if the material of the fence can be in the same shade of brown as the podium of where Mr. Glunt was standing or if the City is stuck with gray.

Mr. Glunt replied that at this point the City is stuck with gray due to it already being ordered from the manufacture. Gray is one of the colors on the approved list in the City regulations.

Commissioner Norcom III asked if the material can be the same color of the podium wood.

Mr. Glunt replied that he would have to ask the manufacture if it would be possible.

Chair Brown-Marshall asked if the Commissioners had any other questions of the applicant.

Commissioners replied, no.

Chair Brown-Marshall asked if there was any one from the public that would like to speak.

There was no response.

Motion: To close the public hearing

Made By: Commissioner Brightwell

Second: Commissioner Anand

AYES: Commissioner Brown-Marshall, Commissioner O'Malley, Commissioner Pearson, Commissioner Norcom III, Commissioner Anand, Commissioner Brightwell

NAYES: None

ABSTENTIONS: None

The motion passed

Commissioner Anand asked Ms. Gomez if there are any other subdivisions that have alternative fencing.

Ms. Gomez replied that the closest fence would be the Fenccrete and Woodcrete material such as what was used at the Parkway Trails subdivision behind City Hall. The material is concrete made to resemble wood. These fences were allowed via PDs, Planned Development and SUPs, Specific Use Permits.

Commissioner Anand asked if it was a common practice.

Ms. Gomez replied, no. It would be seen more throughout the City. Ms. Gomez informed that the fencing appeared to be introduced in the mid 80's. For the life of the material, the thirty year mark is just being seen, however, not in the City of Missouri City. The material is still being tested. Ms. Gomez informed that the City's fence regulations have not been updated since they were adopted. A new material is being introduced. The City and/or the Commissioner would have to consider allowing the material on a case by case and watching the performance of the material.

Chair Brown-Marshall asked about the color "gray" being mentioned by Mr. Glunt.

Ms. Gomez informed that Mr. Glunt mentioned the color gray that is listed in the architectural standards. The recommendation is that it matches a primary color for materials made of brick, stone or architectural masonry units. There are colors that are defined for each material. Gray is one the colors listed. Ms. Gomez informed that the developers can have gray brick. There are no specifications of the shades of gray that are allowed. Gray is a permitted color. White is not a permitted color, however, it is an accent color.

Commissioner Brightwell asked if the color gray that the developer is currently presenting was muted, would it fall under the allowed palate.

Ms. Gomez informed that staff will work with Mr. Glunt with the color specification to insure that the color will not be white. Going into the project, the fence looked white, along with the sign. The sign was approved as a grayish color. It is the same situation. Ms. Gomez informed that it could be a very light version of gray. With architectural standards, the requirement is for the developer to provide color samples. Staff will work with the developer and the manufacturer that was used.

Commissioner Brightwell informed that the fence should not stay in the current installment.

Ms. Gomez informed that the current installment is not a completed fence. Additional steps would be taken until completed. The current installment is not the finished version.

Commissioner Brightwell informed that he understands that the current fence installment is temporary. However, the color and material did not fit the requirements. Between staff's recommendation and Mr. Glunt's statement of, "you're stuck with that" (the material and color) is a struggle. Commissioner Brightwell informed that it was obvious that the fence was installed and tagged prior to the delivery of the site.

Commissioner Norcom III informed that he recalled Mr. Glunt stating that the material and color was ordered.

Chair Brown-Marshall informed that the Commission would be comfortable if the condition focused on the color resembling a fence. A weather colored fence would be acceptable. As time passes, the color will transition into a darker gray.

Ms. Gomez asked if the Commission is seeking a color other than gray or a standard wood color.

The Commission replied a darker gray, weathered cedar, patented gray.

Commissioner O'Malley informed that when a new fence is installed and has the look of fresh lumber, in six months it is gray.

Chair Brown-Marshall informed that that is what meant by "weathered gray".

Commissioner O'Malley informed that no matter the color of gray or white, the color at first can be shocking. Tree and plant placements with contrast will assist in softening the color. Commissioner O'Malley informed that old fences are crooked, falling down and discolored. In five years the proposed fence will be prettier than a wooden fence. A conversation with the manufacturer about having the options of earth tone colors would be a benefit.

Chair Brown-Marshall informed that the product is good, however, the color is still an issue.

Commissioner Pearson asked from a manufacturer's point of view, what are the range of colors that are offered.

Mr. Glunt replied that the options are light beige, gray and white. White is the most popular because it looks clean. The gray was chosen to offset the white once landscaping was placed. Mr. Glunt informed that the fence looks taller than the neighboring fences due to the requirements of having to raise the property.

Chair Brown-Marshall asked if the vinyl on the fence could be painted.

Mr. Glunt replied, no.

Commissioner Brightwell informed that D & D's website showed a light brownish type color fence with an ornamental screening and a cap on the posts. There is an option to have a more reasonable color for the area.

Ms. Gomez suggested to read the colors that are permitted for the primary material and within the color families.

Commissioner O'Malley informed that Fencecrete has been installed within the City and is mortar color.

Commissioner Brightwell informed that the fence system is a great idea.

Commissioner O'Malley informed that a builder would look at the ordinance and see gray as an allowed color.

Commissioner Brightwell informed that the project site is located within a PD.

Commissioner Norcom III asked Mr. Glunt if the fencing was part of the permitting process.

Mr. Glunt replied that the fence is currently in the permitting process.

Ms. Gomez confirmed, yes.

Mr. Glunt informed that the material has already been delivered and is currently in a warehouse. The gray was chosen due to the color gray being listed in the ordinance. Vinyl cannot be painted.

Mr. Otis Spriggs read the primary colors listed in Section 7A, Architectural Design Standards, of the ordinance. The colors for architectural masonry units / brick are

beige, brown, burgundy, gray, orange, red, rose, and sage. For the stone family, the colors of beige, brown, cream, and tan.

Chair Brown-Marshall informed that the targeted color is the color that a fence has once it is old.

Ms. Gomez informed that it would be a weathered color.

Chair Brown-Marshall informed that the white or light gray color that has been currently purchased is not acceptable. It is not harmonious.

Ms. Gomez informed that if the motion stands, staff would pull samples of the color and would work with the developer and manufacturer to seek a color closer to a darker weathered gray.

Mr. Glunt informed that the manufacturer only makes certain colors. The manufacturer would not make a special color.

Ms. Gomez asked Mr. Glunt if the manufacturer had anything closer to a darker weathered gray.

Mr. Glunt informed that they have gray, tan and white.

Commissioner Norcom III asked Mr. Glunt if the manufacturer's "gray" the gray that was delivered.

Mr. Glunt replied, correct.

Commissioner O'Malley informed that everything in Houston weathers. The current color will not be a glossy gray in two years.

Chair Brown-Marshall informed that the Commission had spent a lot of time planning and shaping how Missouri City should look. The fence that has been temporarily installed did not flow with the other subdivision fencing currently in place. Chair Brown-Marshall informed that it is important that the Commission stays committed to the plan to shape the City in the way that it was designed.

Commissioner O'Malley informed that if brick columns were around the curb appeal when first entering the site and framing the fence sections, the fence will look more attractive.

Chair Brown-Marshall informed that consistency is needed.

Commissioner Pearson asked staff if Mr. Glunt needed to go through the approval process prior to ordering the fence or was it due to the current standards the reason for the case being brought before the P & Z Commission.

Ms. Gomez provided background. Fences in general under seven feet are not required to pull permits. The understanding from the history is that a phone call was made asking if a permit was required. The response was "no". Ms. Gomez informed that the fence was purchased and ordered to be installed. At that point, due to the fence being a perimeter fence, staff stopped the construction. Staff then

required plans from the developer for review. Ms. Gomez informed that under review, the fence was disapproved for the stated reasons and brought before the Commission. Whether the fence was purchased prior to approval could still be an issue.

E. Joyce Iyamu clarified that the fence was disapproved due to the material and not disapproved due to the color.

Ms. Gomez informed that the purpose of the case is due to the disapproval of the material as stated in the staff report.

Motion: The Planning and Zoning Commission grant conditional approval of a darker gray, muted, earth tone.

Made By: Commissioner Brightwell

Chair Brown-Marshall asked the Commissioners if there was a second vote for the motion made by Commissioner Brightwell.

There was not a second.

Second: None

The motion failed.

Motion: The Planning and Zoning Commission grant conditional approval of brick columns per three hundred feet.

Made By: Commissioner O'Malley

There was not a second.

Second: None

The motion failed.

Chair Brown-Marshall asked if there was another motion.

Motion: The Planning and Zoning Commission provide a negative recommendation to Council.

Made By: Commissioner Brightwell

Second: Commissioner Pearson

AYES: Commissioner Brown-Marshall, Commissioner Anand, Commissioner Norcom III, Commissioner Pearson, Commissioner Brightwell

NAYS: Commissioner O'Malley

ABSTENTIONS: None

The motion passed.



**PLANNING AND ZONING COMMISSION
FINAL REPORT**

AGENDA DATE: September 4, 2018

AGENDA ITEM SUBJECT: Dry Creek Village – PD, Planned Development District #88 Amendment

AGENDA ITEM NUMBER: 7a2

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

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

Sonya Brown-Marshall, Planning and Zoning Commission Chair



Sonya Brown Marshall, Chair

PERMIT NUMBER: PD1800003

PROPERTY ID: Various – Application tied to 2820-01-000-0070-907 / 2820-01-000-0090-907

LOCATION: PD No. 88 is located east and west of the Fort Bend Parkway, north of FBISD Hightower High School and Trammel Fresno Road; east of the Olympia Estates and Vicksburg residential subdivisions. The Dry Creek Village residential subdivision is located within PD No. 88, south of Lake Olympia Parkway, east of the Olympia Estates and Vicksburg residential subdivision, west of the Fort Bend Parkway.

RECOMMENDED ACTION:

The proposal complies with the provisions of the Comprehensive Plan and makes no changes to the policy of the Future Land Use Plan.

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

BACKGROUND:

PD, Planned Development District #88 is proposed to be a mixed use development consisting of single family residential and commercial uses to the west of the Fort Bend Parkway (Tollroad) and business park uses to the west.

PD #88 was originally created in 2013 and has been amended once since then in 2016.

The single family residential component of the PD is being developed as a subdivision named Dry Creek Village. To date, a conceptual plan has been approved for the subdivision to contain approximately 133.6 acres of land. The subdivision is being platted in 3 sections; Section 1 containing 148 residential lots; Section 2 containing 136 residential lots; and Section 3 containing 126 residential lots.

Section 1, being the northern most part of the subdivision located at its entrance along Lake Olympia Parkway and Dry Creek Drive is now under construction.

As part of the construction underway for Dry Creek Village Section 1, the developer began to install a community fence along Lake Olympia Parkway with plans to extend it a distance down Dry Creek Drive.

The fence to be installed does not meet the city's requirement for community fencing and thus the developer is seeking an amendment to this PD to allow for flexibility in the material to be used for such required fencing.

REQUIREMENTS FOR A PD DISTRICT AMENDMENT APPLICATION (SECTION 8.3)

A. Ownership documentation:

The applicant has submitted a statement of ownership listing each owner and proof of notice being submitted to all the other property owners within the PD district.

B. Legal description:

PD No. 88 is described to include the following tracts:

Tract 1 being described as a 152.586 acre tract of land situated in the Elijah Roark League Survey, A-77, Fort Bend County, Texas same being Tract 11A of Olympia Estates as recorded in Slide Number 2331 A & B of the Fort Bend County Plat Records.

Tract 2 being described as a 116.302 acre tract of land being out of the remainder of that certain 263.13 acre tract of land and out of the remainder of that certain 80 acre tract of land, conveyed to Hermann Health Care System, Inc. by deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records.

Tract 3 being described as being a 88.1380 acre tract being out of the remainder of that certain 100 acre tract of land, conveyed to Hermann Health Care System, Inc. by a deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records.

Tract 4 being described as being a 37.429 acre tract located in the Elijah Roark League, A-77, in Fort Bend County and recorded in the name of Point Center Financial, Inc. in F.B.C.C.F. No. 2009050702.

Tract 5 being described as being a 38.4163 acre tract of land being part of the remainder of an 80 acre tract, conveyed to Hermann Health Care System, Inc. by a deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records lying in the Elijah Roark League Survey, A-77 in Fort Bend County, Texas.

The **Dry Creek Village residential subdivision** is contained within the above described tracts and is further described as being 46.60 acres of land filed and recorded as Dry Creek Village Section One under instrument number 20180086 in the Official Public Records of Fort Bend County Texas.

C. Site Plan:

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

D. Total acreage:

432.87 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.

GENERAL SITE INFORMATION:

A. Existing Land Use and Zoning Designation:

Dry Creek Village

subdivision; vacant / PD #88

B. Surrounding Land Uses and Zoning Designations:

North: Lake Olympia; Fort Bend Parkway / PD #96 (Ordinance O-15-54)

South: Trammel Fresno Road / LC-3, retail district; MF-2, multifamily district; SUP #132

East: City of Houston

West: Olympia Estates residential subdivision; Vicksburg residential subdivision / R-2, single family residential district / PD #13

C. Existing Zoning:

PD #88

D. Zoning History:

09-02-1997:	Subject site annexed by the City of Missouri City and classified SD, suburban district (Ordinance O-97-32).
09-17-2001:	A portion of the subject site zoned R-2, single family residential district, LC-2, local retail district and LC-3, retail district (Ordinance O-01-47)
06-17-2002:	A portion of the subject site zoned LC-3, retail district (Ordinance O-02-21)
01-22-2013:	Subject site zoned PD #88 (Ordinance O-13-05)
04-18-2016:	PD #88 amended (Ordinance O-16-13)

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.

Except as provided herein, there are no changes proposed to PD #88.

G. Landscaping regulations. No changes are proposed to PD #88.

As this PD amendment pertains to the use of alternative fence materials, the applicant should be aware of the requirements contained within PD #88 pertaining to other fence/wall requirements.

Section 4.G.2. requires:

- a. A landscape or open space buffer a minimum of 25 feet in depth...provided between Fort Bend Parkway and the...single-family residential lots. A masonry wall a minimum of eight feet in height shall be provided along the property line of the single-family residential lots adjacent to the landscape or open space buffer...
- b. A landscape or open space buffer a minimum of 20 feet in depth...provided between nonresidential uses adjoining single-family residential uses. A masonry wall a minimum of eight feet in height...shall be provided within the landscape or open space buffer.

K. Fence regulations

Section 4.K. of Ordinance O-16-13 pertaining to PD #88 provides that the fence regulations from Section 14 of the city's zoning ordinance apply except for certain standards provided for by Exhibit C, residential builder guidelines. These standards include the requirement for fencing on all lots and provides for certain

standards on the location of such fencing; the visible side of such fencing, gates, and fencing required along greenspaces, detention and/or lakes.

Section 14.3 of the city's zoning ordinance requires community fencing to be located around the perimeter of residential subdivisions where adjacent to collector streets or major thoroughfares. Community fencing must consist of a minimum of wood fencing and brick pilasters. When wood fencing is used, masonry pilasters and columns consisting of architectural masonry unit, brick and/or stone are required every 300 feet.

Masonry fencing consisting architectural masonry units; brick, stone, split-face concrete masonry units, pre-cast concrete; and/or stucco may also be used. Brick veneer is prohibited.

All community fencing masonry pilasters and all masonry fencing must comply with the requirements primary materials and colors for exterior buildings, structures and fencing. In this instance, primary materials would be limited to brick, stone and architectural masonry units. Permitted colors would include:

Architectural masonry unit, brick: Beige, brown, burgundy, gray, orange, red, rose, sage.

Stone: Beige, brown, cream, tan.

As part of the construction underway for Dry Creek Village Section 1, the developer had begun to install and proposes to continue to install and maintain an aluminum and vinyl fence. The applicant has provided a mark-up of the Section 1 plat, showing the extent of the placement of the fence; an eight foot (8') segment would extend along Lake Olympia Parkway and a 6 foot (6') segment along the remainder of Dry Creek Drive. The applicant has not provided a color for the fence however the portions that have been installed are white.

Comprehensive Plan: Goal 5 and 5.1 underscore the city's commitment to quality design and community appearance.

Future Land Use Plan: This amendment does not affect the policy recommendations of the Future Land Use Plan.

Staff recommended: To approve the use of vinyl fencing as a perimeter fencing material with the following conditions:

- (1) Fence should meet the color requirements for primary material permitted colors;
- (2) Masonry pilasters meeting the requirements of Section 14.3 should be required.

Additionally, the applicant/developer should clarify the proposed material for the remainder of the Dry Creek subdivision, continuing around the perimeter of Sections 2 and 3.

Vinyl fencing is described as being introduced in the 1980's (<https://mmcfencingandrailing.com/wood-vs-vinyl-fencing/>) and is described by some services and the developer as being a product that outlasts wood. Vinyl fencing is said to be more expensive than wood upfront but less to maintain over time.

Vinyl fencing by most accounts is stronger, easier to maintain than traditional wood fencing. However, it is yet to be determined how such fencing would fare in this area. The portion of the fence that has been installed has generated some concern from nearby residents and property owners as the fence does not appear level or fully connected resulting in gaps. Section 14.3 provides for general design and construction standards that may address these issues as the fence that has been installed was placed without the issuance of a permit and subsequent inspection. The developer has since submitted plans for review and such fencing must be level, finished and adequately secured in accordance with the zoning ordinance and building codes.

Information found on vinyl fencing indicates that such fencing can be manufactured in a range of colors and textures; some of which can simulate stucco or woodgrain.

Planning and Zoning Commission recommends: To disapprove the request to locate a gray, vinyl fence as perimeter fencing. The Commission extensively discussed the proposed and made several motions to allow for the use of the alternative material. However, the appropriate color for the fence was a major issue that the Commission could not get consensus on.

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



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

APPLICATION FOR:

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

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

Date of Application:

1. Project Name:	DRY CREEK VILLAGE
2. Address/Location of Property:	SOUTH OF LAKE OLYMPIA PKWY, WEST OF DRY CREEK DR.
3. Applicant's Name:	JONES CARTER
Mailing Address:	1575 SANDUST RD. S. 400 THE WOODLANDS, TX. 77380
Phone No.:	(281) 363 - 4039
Email:	SWINTER@JONESCARTER.COM
4. Status of Applicant:	Owner <input checked="" type="checkbox"/> (Agent) Attorney Trustee Corporation Relative <small>(If other than Owner, submit written authorization from Owner with application.)</small>
5. Property Owner:	DC DEVELOPMENT PARTNERS, LP
Mailing Address:	4101 GREENBRIAR, S. 316 HOUSTON, TX. 77098
Phone No.:	(713) 627-1015
Email:	GLUNTDR@EARTHLINK.NET
6. Existing Zoning District:	PD DIST. 88; ORD. NO. 0-16-13
7. Total Acreage:	4.5359 ACRES
8. Proposed Development and Reasons for Application:	AMEND PD REQUIREMENTS TO ALLOW ALTERNATIVE PERIMETER FENCE
9. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bound description of the tract must be submitted with application.):	SEE ATTACHED; DRY CREEK VILLAGE, SECTION 1, BUK 1, LOTS 9, LOT 60, LOTS 90 THRU 103, LOTS 106, 107 AND LOT 108, RESERVES G AND I
10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts):	SEE ATTACHED LIST.
11. Do deed restrictions or restrictive covenants exist for the property? (Circle One):	<input checked="" type="checkbox"/> YES NO
<small>(If yes, submit with application.)</small>	
12. Does this application include an Architectural Design Review: (Circle One):	YES NO
<small>(If yes, see page 8, Exhibit C for materials required to be submitted.)</small>	
FILING FEE: \$1,200.00	

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

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

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

STAN WINTER, AICP
 Print Name of Applicant

Stan Winter
 Signature of Applicant

DAMOR GLUNT
 Print Name of Property Owner

Damor Glunt
 Signature of Property Owner, Agent or Attorney

DC DEVELOPMENT PARTNERS, LP

4101 Greenbriar
Suite 316
Houston, Texas 77098
713-824-2386

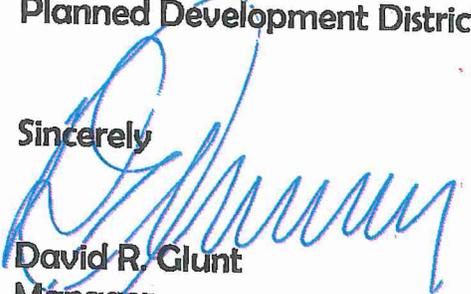
19 July 2019

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

RE: DRY CREEK VILLAGE: a proposed amendment to PD District 88 on 4.5359 acres of land situated in the H Shropshire Survey, A-313 and the Elijah Roark League, A-77, Fort Bend County, Texas

This letter authorizes your firm to prepare and submit application to the City of Missouri City regarding the referenced property. The purpose of the application is to amend the perimeter fence requirements regarding Planned Development District 88. (Ordinance O-16-13).

Sincerely

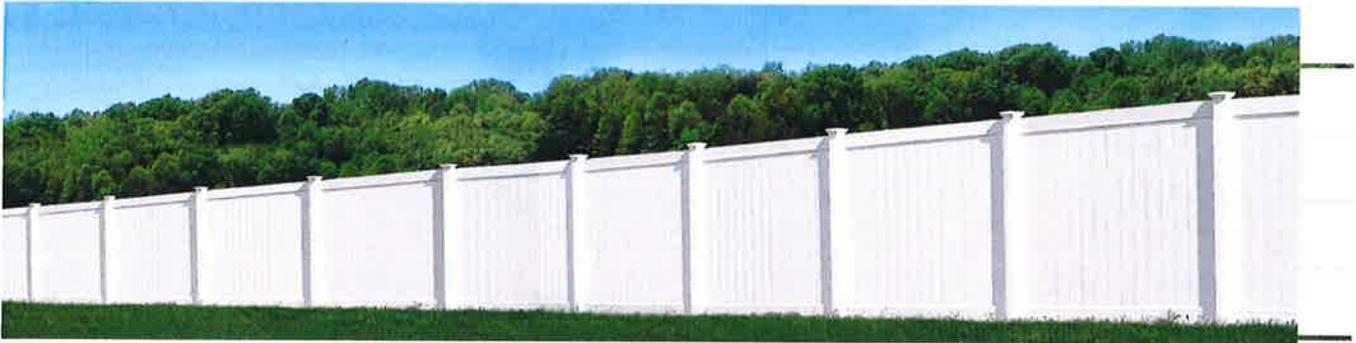


David R. Glunt
Manager
DC Development Partners, LP



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If your family is considering adding value, unique style, safety, and privacy to the home choosing vinyl or wood fencing would be the best option. Ensuring the fence is properly built, fitting to the yard, valued at a fair price, with a great look call D&D Fence for a complimentary quote today at (936) 271-4333.

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April 12, 2016 By [MMC Fencing & Railing](#)

Wood is a tough competitor. With its long history, its many virtues, and its popularity, wood once dominated the fencing market. However, these days it must compete with technologically advanced materials, many of which offer exceptional benefits at a great value. So who could possibly compete with wood? Vinyl, that's who! First introduced in the 1980s, vinyl fencing lasts much longer than wood, requires virtually no maintenance, and won't be destroyed by wood's archenemies (*termites, fungus, dry rot, and fire*). However, vinyl is somewhat more expensive than wood. So which should you choose if you're planning to build a new fence: wood or vinyl? We're going to make your decision a little easier by pitting wood vs. vinyl fencing in a head-to-head match. Who will the victor be? Stick around to find out!



Wood vs. Vinyl Fencing

DURABILITY

Which product is stronger? Which can withstand turbulent weather? Which will live the longer life? Vinyl wins this first match hands-down. Vinyl can stand up to harsh weather, pests, decay, and fungus. In fact, without any help from you, it can easily last decades. Although wood can last around 20 years, it will break down over time and you will have to repair and replace the fence's lumber. The type of wood will affect the product's durability as well, as some species of wood are more structurally strong and resistant to rot and decay (cedar and redwood are best). If you want your wood fence to last awhile, you will need to invest in a pressure-treated and chemically-treated product, and you may need to apply a preservative sealant. What a hassle! Stick with vinyl if you want a strong, long-lasting fence.

Winner: Vinyl is the clear victor when it comes to wood vs. vinyl fencing durability.

SELECTED FOR YOU: [What to Look for in a Vinyl Fence](#)

MAINTENANCE

Vinyl fencing requires no maintenance whatsoever. Although you may want to hose it off from time to time to remove built up dirt, that chore will often be performed by the rain! Wood, on the other hand, requires an abundance of work if you want it to look clean and presentable and last for many years to come. It will need to be cleaned periodically, treated, stained every year for the first three years, and stained every other year after that (and unfortunately, staining can be

SHOP NOW!



LARGE SELECTION OF ALUMINUM RAILING,
VINYL RAILING AND METAL RAILING
AVAILABLE

REQUEST A QUOTE



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REQUEST A FREE QUOTE
ON YOUR NEXT PROJECT.

expensive and time-consuming). Plus, wood rots as the years go by. As it warps and begins to fall apart, you will need to replace the damaged lumber.

Winner: Vinyl wins by a landslide, because it requires virtually no maintenance at all.

COST

Vinyl is more expensive than wood at the outset. After your initial investment, however, you won't have to pay anything. Except in cases of extreme weather, your vinyl fencing should stay secure and beautiful for years and years to come without costly maintenance or repairs. Wood, while cheaper upfront, does require frequent treatments and stains. And because it doesn't last as long as vinyl, you will probably need to replace the fence at some point if you live in your home for longer than 10-15 years. When considering wood vs vinyl fencing, also consider the size of your project. If your budget is small but your yard is large, you may want to go with wood (unless you plan to live in this home 15 years down the line). But if the area you will be fencing in is small and you can afford the upfront cost, choose vinyl.

SELECTED FOR YOU: [PolyVinyl Fence Systems](#)

Winner: Wood costs less upfront, but vinyl is a better value in the long run.

AESTHETICS

Many people prefer the look of a real wood fence. It is traditional, offers an all-American appeal, and has a lot of character. However, wood also breaks down more quickly. Although it will arrive in mint condition, over time it may become discolored, decayed, rotten, and perhaps even consumed by termites or other pests. All this to say: if you want your fence to remain pristine and beautiful, choose vinyl. You won't have to worry about chipping paint, fading stain treatments, termites, or weathering. Plus, vinyl is now available in a variety of colors and styles, some of which even mimic real wood. Whichever material you choose, be sure to select a high-quality fence and have it installed correctly, as these factors will influence the fence's aesthetic appeal as well.

Winner: This depends on your style, but vinyl remains beautiful for longer.

Wood vs. Vinyl Fencing

THE WINNER IS . . .

Wood vs. vinyl fencing: which is best? With its lengthy life, lack of maintenance, formidable strength, and beautifully versatile appearance, vinyl should be your preferred choice for fencing. Although it is more expensive upfront, it provides a better return on investment and won't require regular (and costly) maintenance like wood fencing. Unless you're looking to fence a very large area and you also don't plan to live in your current home very long, we promise that you will be happier with a vinyl fence in the long run.

When you're ready to purchase a new vinyl fence, check out the [MMC Fencing & Railing](#) online store. We ship our products nationwide and provide installation in the southwest Missouri area. You might be interested in our *PolyVinyl*, *PolyRail*, and *Designer* fencing systems:

- **PolyVinyl Fence Systems:** The PolyVinyl system includes a variety of fence styles: privacy, semi-privacy, picket, and ornamental. Many of the sections are aluminum reinforced and include aluminum post stiffeners, and you can choose from a variety of post caps and classic colors. The gate systems feature corrosion-resistant screws for long-term strength, and adjustable hinge hardware provides accurate alignment. Plus, they are all made in the USA!
- **PolyRail Vinyl Fence Systems:** The PolyRail system is a green series that provides inexpensive and lifelong beauty. The series includes privacy fences (tongue-and-groove), yard fences, picket fences, and post-and-rail fences, which are all available in white and tan. Interlocking fasteners ensure that the privacy fences are stable and secure, and matching gates are available for many of the product lines. Plus, heavy-duty frames are available for some of the post-and-rail fences, allowing for equine applications.
- **Designer Fencing:** The Designer Fencing system is available in three heights, 48", 60", and 72", and aluminum frames can be purchased separately. There are nine standard in-fill colors (white and various shades of tan and light brown), and eleven colors for the aluminum

components and gate frames (black, white, tan, gray, brown, and green). Plus, the product is wrapped in secure, three-step packaging to ensure that it arrives free of damage.

SELECTED FOR YOU: [The Impact of Weather on Fencing](#)

All of these options are affordable, beautiful, and virtually maintenance-free. Plus, our vinyl fencing systems all come with a transferable lifetime limited warranty! To get started, please visit our [online store](#), [request a quote](#), or give us a call at 1-866-362-2842.

Filed Under: [Fencing](#)



1024 E. Kearney St. Springfield, MO 65803
info@mmcva.com
1-866-362-2842

INFORMATION

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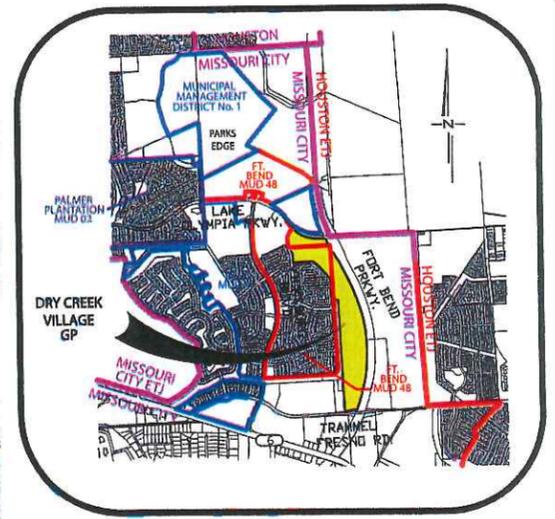
IMPORTANT LINKS

- [Aluminum Deck Railing](#)
- [Aluminum Handrails](#)
- [Aluminum Porch Railing](#)
- [Metal Handrail](#)
- [Metal Railing](#)
- [Porch Railing](#)

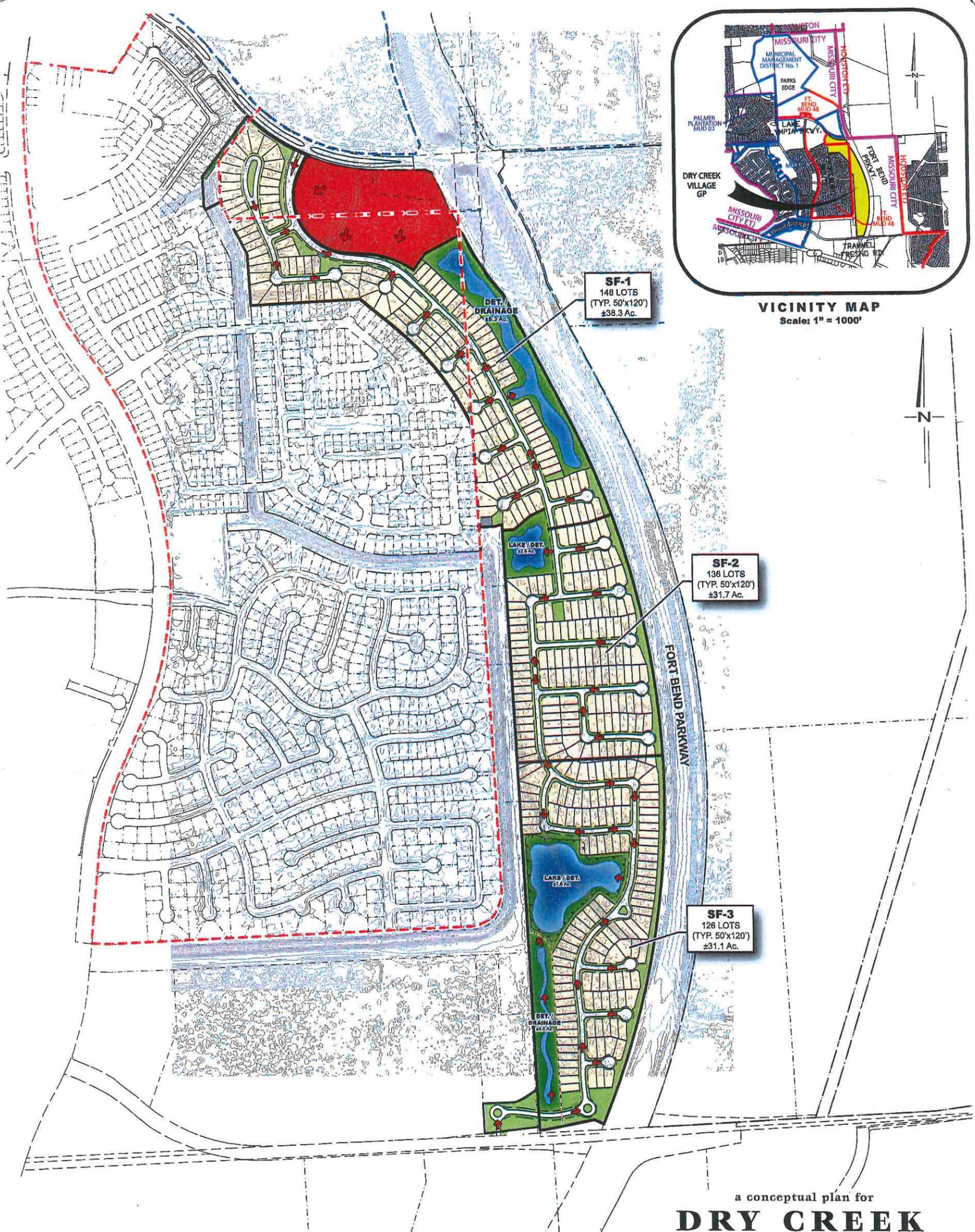
MY ACCOUNT

- [#0 \(no title\)](#)
- [#0 \(no title\)](#)
- [Logout](#)
- [#0 \(no title\)](#)





VICINITY MAP
Scale: 1" = 1000'



SF-1
148 LOTS
(TYP. 50'x120')
±38.3 Ac.

SF-2
136 LOTS
(TYP. 50'x120')
±31.7 Ac.

SF-3
126 LOTS
(TYP. 50'x120')
±31.1 Ac.

LAND USE ANALYSIS

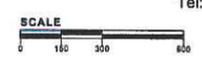
RESIDENTIAL	65.2 Ac.
50'x120' /	412 LOTS
COMMERCIAL	12.5 Ac.
COMMERCIAL	12.5 Ac.
OPEN SPACE	31.7 Ac.
LAKES/DETENTION	22.5 Ac.
OPEN SPACE & L/S BUFFERS	9.2 Ac.
CIRCULATION	24.0 Ac.
UTILITIES	0.2 Ac.
LIFT STATION	0.2 Ac.
PROJECT TOTALS	133.6 Ac.



a conceptual plan for
DRY CREEK VILLAGE
± 133.6 ACRES of LAND
OUT OF THE ELIJAH ROARK LEAGUE, ABSTRACT NO. 77
FORT BEND COUNTY, TEXAS
ENGINEER/SURVEYOR:
JONES | CARTER
6330 West Loop South, Suite 150
Bellaire, Texas 77401
713-777-5337
Attn: Mr. Sean Burch
OWNERS:
FT. BEND PARKWAY - LP
FLC PARKWAY, LLP
CITY OF MISSOURI CITY
PLANNER:



— Land Planning Consultants —
23501 Cinco Ranch Blvd., Suite A-250
Katy, Texas 77494
Tel: 281-579-0340



MARCH 7, 2017
KGA #17002C

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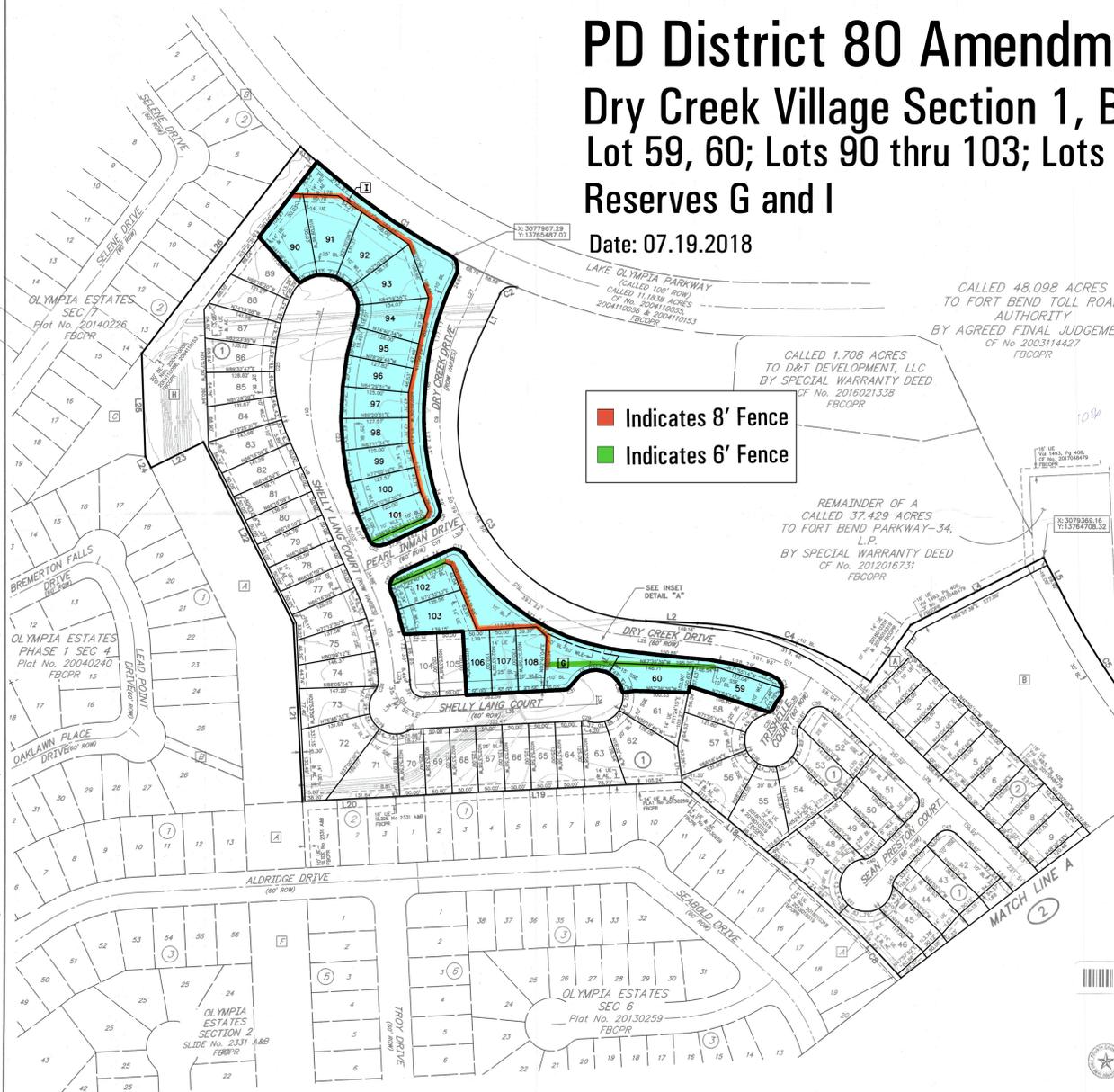
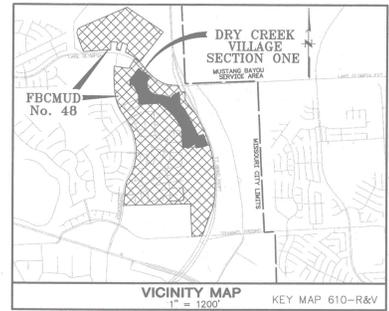
PD District 80 Amendment

Dry Creek Village Section 1, Block 1

Lot 59, 60; Lots 90 thru 103; Lots 106, 107 & 108

Reserves G and I

Date: 07.19.2018



- General Notes
- 1) A one-foot reserve (1' reserve) has been dedicated to the public in fee as a buffer separation between the side or end of streets in subdivision plots where such streets abut adjacent streets. The condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the title thereto shall revert in the dedicator, his heirs, assigns or successors.
 - 2) All cul-de-sac road or tilly type (50'), unless otherwise noted.
 - 3) All block corner and cul-de-sac return to tangent radii are twenty-five feet (25').
 - 4) BL "Building Line"
 - CL "Clear Line"
 - DE "Drainage Easement"
 - ES "Easement"
 - FBCMUD "Fort Bend County Municipal Utility District"
 - FBCPD "Fort Bend County Official Public Records"
 - FBCPR "Fort Bend County Plat Records"
 - FO "Found"
 - No "Number"
 - NW "North-West"
 - SF "Square Feet"
 - SS "Storm Sewer Easement"
 - SSM "Storm Sewer Easement"
 - UL "Utility Easement"
 - V "Volume and Page"
 - W "Waterline Easement"
 - " "Block Number"
 - " "Set 3/4-inch Iron With Cap Stamped 'Jones&Part' as Per Certification"
 - " "Found 3/4-inch Iron With Cap Stamped 'Cotton Surveying'"
 - 5) All easements are centered on lot lines unless shown otherwise.
 - 6) All building lines along street right-of-way as shown on the plat.
 - 7) Elevations shown herein are based on Missouri City Survey Control Monument Marker No. FCM-003 located at the northwest corner of Stella Parkway and Tremont-Frasno Road with a published elevation of 65.07 feet, NAVD 83, 2001 Adjustment.
 - 8) Stormseals shall be constructed as required by section 82-164 of the Code of Ordinances of the City of Missouri City, Texas.
 - 9) Required fire flow shall be provided based on the size and construction of all buildings as required by the International Fire Code as adopted by the City.
 - 10) All drainage and floodway easements shall be kept clear of fences, buildings, plantings and other obstructions to the operations and maintenance of the drainage facility as required by Section 82-168(c) of the Code of Ordinances of the City of Missouri City, Texas.
 - 11) All slab elevations shall be one foot above the 100-year flood elevation as established by FEMA on per Section 3.0 (1) of the Administrative Planning Manual of the City of Missouri City (June 2014).
 - 12) Restricted Reserve "A" is restricted to landscape/grading purposes only. Restricted Reserve "A" is 0.3294 acres, 14,305 square feet. Restricted Reserve "A" is restricted to use purposes only and trails as required by the parkland dedication. Restricted Reserve "B" is 0.87 acres, 34,933 square feet. Restricted Reserve "B" is restricted to landscape/utility purposes only. Restricted Reserve "C" is 0.1095 acres, 4,729 square feet. Restricted Reserve "D" is restricted to landscape/utility purposes only and trails as required by parkland dedication. Restricted Reserve "E" is 0.1129 acres, 4,915 square feet. Restricted Reserve "E" is restricted to landscape/open space purposes only. Restricted Reserve "F" is 0.1399 acres, 5,751 square feet. Restricted Reserve "F" is restricted to landscape/open space purposes only. Restricted Reserve "G" is 0.1343 acres, 5,729 square feet. Restricted Reserve "G" is restricted to landscape/open space purposes only. Restricted Reserve "H" is 1.1424 acres, 49,788 square feet. Restricted Reserve "H" is restricted to landscape/open space purposes only. Restricted Reserve "I" is 0.6503 acres, 28,208 square feet.

- 13) The placement of fire hydrants shall be provided based on the minimum distance requirements as established in the International Fire Code as adopted by the City (500 ft. for residential development and 300 ft. for commercial development). All fire hydrants shall be installed according to the International Fire Code adopted by the City.
- 14) The City of Missouri City shall not be responsible for maintenance of driveways, sidewalks, emergency access easements, recreational areas and open spaces; and the Fort Bend County MUD No. 48 shall be responsible for such maintenance of driveways, emergency access easements, recreational areas and open spaces as required by Subsection 3.0(1) of the Code of Ordinances of the City of Missouri City, Texas. The City of Missouri City is not responsible for the maintenance of trails as required by the parkland dedication. This would include trails/sidewalks constructed along Lake Olympia Parkway, Dry Creek Drive and within Reserves B and D and as depicted on the trail exhibit approved by the parkland dedication.
- 15) All required utility companies have been contacted and all public utility easements as shown on the above and foregoing plat constitute all of the easements required by the utility companies contacted.
- 16) There are no existing or proposed pipeline easements within the limits of the subdivision.
- 17) All of the property subdivided in the above and foregoing plat is within the incorporated boundaries of the City of Missouri City, Texas.
- 18) Spot elevation shall be elevated to at one above a height which is the higher of eighteen inches above highest adjacent grade, or twelve inches above the maximum one percent annual flood risk floodplain ponding elevation in the nearest drainage system as per Section 42-54 of the Missouri City Code of Ordinances. The minimum slab elevation for Dry Creek Village Section One is 73.56' for Block 1, Lots 42-108 and Block 2, Lots 1-8 and 72.57' for Block 1, Lots 1-41 and Block 2, Lots 9-42.
- 19) No building or other permit, except permits for construction of public improvements, will be issued by the City of Missouri City, Texas, for construction within this subdivision until such time as all public improvements of the subdivision have been constructed by the developer and accepted by the City or the guarantee of construction of public improvements required by Section 82-208 of the Code of Ordinances of the City of Missouri City, Texas, is submitted to and approved by the City.
- 20) In accordance with Center Point Energy Electric Service Manual, Article 42.2, electric meters shall be in a position that is accessible at all times without customer assistance. Access to the meter shall not be blocked by pipes, walls or fences.
- 21) Driveway approaches shall be provided in accordance with the Missouri City Driveway Approach Policy as required under the provisions of Section 82-160 of the Code of Ordinances of the City of Missouri City, Texas.
- 22) All drainage and floodway easements shall be kept clear of fences, buildings, plantings and other obstructions to the operations and maintenance of the drainage facility as required by Section 82-168(c) of the Code of Ordinances of the City of Missouri City, Texas.
- 23) There shall be a rear building line of not less than 15 feet. Detached garages shall have a rear yard setback of not less than eight feet.
- 24) There shall be a side yard setback of not less than five feet for interior lots and not less than ten feet for the street side of corner lots; the combined side yards between a building on the lot in question and a building on an adjacent lot shall be not less than ten feet. There shall be a side yard of not less than three feet for accessory buildings or garages on interior lots.
- 25) Garages facing a side street must have a setback of not less than 20 feet.
- 26) Coordinates shown herein are Texas Coordinate System, South Central Zone (Grid) NAD 83. Combined scale factor = 0.99999373.
- 27) Driveway Location - for the lot on the inside of a knuckle or 90 degree turn, driveway must be placed on the lot frontage along the inside approach line to the right turn, to avoid slight obstruction safety hazards.
- 28) Borings shown herein are based on Texas Coordinate System, South Central Zone NAD 83.
- 29) All drainage and floodway easements shall be kept clear of fences, buildings, plantings and other obstructions to the operations and maintenance of the drainage facility as required by Subsection 82-168(c) of the Code of Ordinances of the City of Missouri City, Texas.
- 30) All slab elevations shall be one foot above the 100-year flood elevation as established by FEMA as per Section 3.0 (1) of the Administrative Planning Manual of the City of Missouri City (June 2014).
- 31) A parkland dedication was approved by the Missouri City Council on March 6, 2017 for the provisions of trails as noted on the plat and for a cash payment for 50% of the total number of residential lots.
- 32) The subject plat is located within the boundaries of PD, Planned Development District #88 (Ordinance 20-113) and is subject to the regulations and restrictions of the PD #88 including Exhibit C, Residential Builder Guidelines.
- 33) The easement recorded in Clerk's File No. 2017020006 and referenced on the City Planning Letter dated November 21, 2017 is a 30-foot wide Easement for certain utility lines. The plat includes a detailed description or exhibit showing a route. The tract to be platted shown herein is affected by this easement.

DRY CREEK VILLAGE SECTION ONE
 A SUBDIVISION OF 46.80 ACRES OF LAND
 OUT OF THE
 H. SHROPSHIRE SURVEY, A-313
 ELIJAH ROARK LEAGUE, A-77
 CITY OF MISSOURI CITY,
 FORT BEND COUNTY, TEXAS

150 LOTS 9 RESERVES 2 BLOCKS

FEBRUARY 2018

23 pgs 2018032734

FILED AND RECORDED
 OFFICIAL PUBLIC RECORDS

Anna Michael
 Anna Michael, County Clerk
 Fort Bend County Texas
 March 23, 2018 02:21:19 PM
 FEE: \$438.00 CR1

OWNER:
 DC DEVELOPMENT PARTNERS, L.P.
 4101 GREENBRIAR, SUITE 316
 HOUSTON, TEXAS 77098
 713-627-1015

ENGINEER/PLANNER/SURVEYOR:
 J.C. JONES & CARTER
 1000 West 19th Street, Suite 1000
 Houston, Texas 77002

Dry Creek Village - Developer Fence Color Proposal

Submitted: 08-16-2018 through 08-29-2018



✓ FEATURE IN SCENE SW 7032 Warm Stone*	1 4
SW 7507 Stone Lion*	2 5
SW 9100 Umber Rust	3

*Builder preference (In order of preference):

1. Colonial Revival Stone
2. Stone Lion
3. Warm Stone

Dry Creek Village - Developer Fence Color Proposal
Submitted: 08-16-2018 through 08-29-2018

Page 2 of 4

Baked Cookie

6



Cardboard

7



Dry Creek Village - Developer Fence Color Proposal
Submitted: 08-16-2018 through 08-29-2018

Page 3 of 4

El Carmelo

8



Antiquarian Brown

9



Dry Creek Village - Developer Fence Color Proposal
Submitted: 08-16-2018 through 08-29-2018

Page 4 of 4

Uber Umber 1

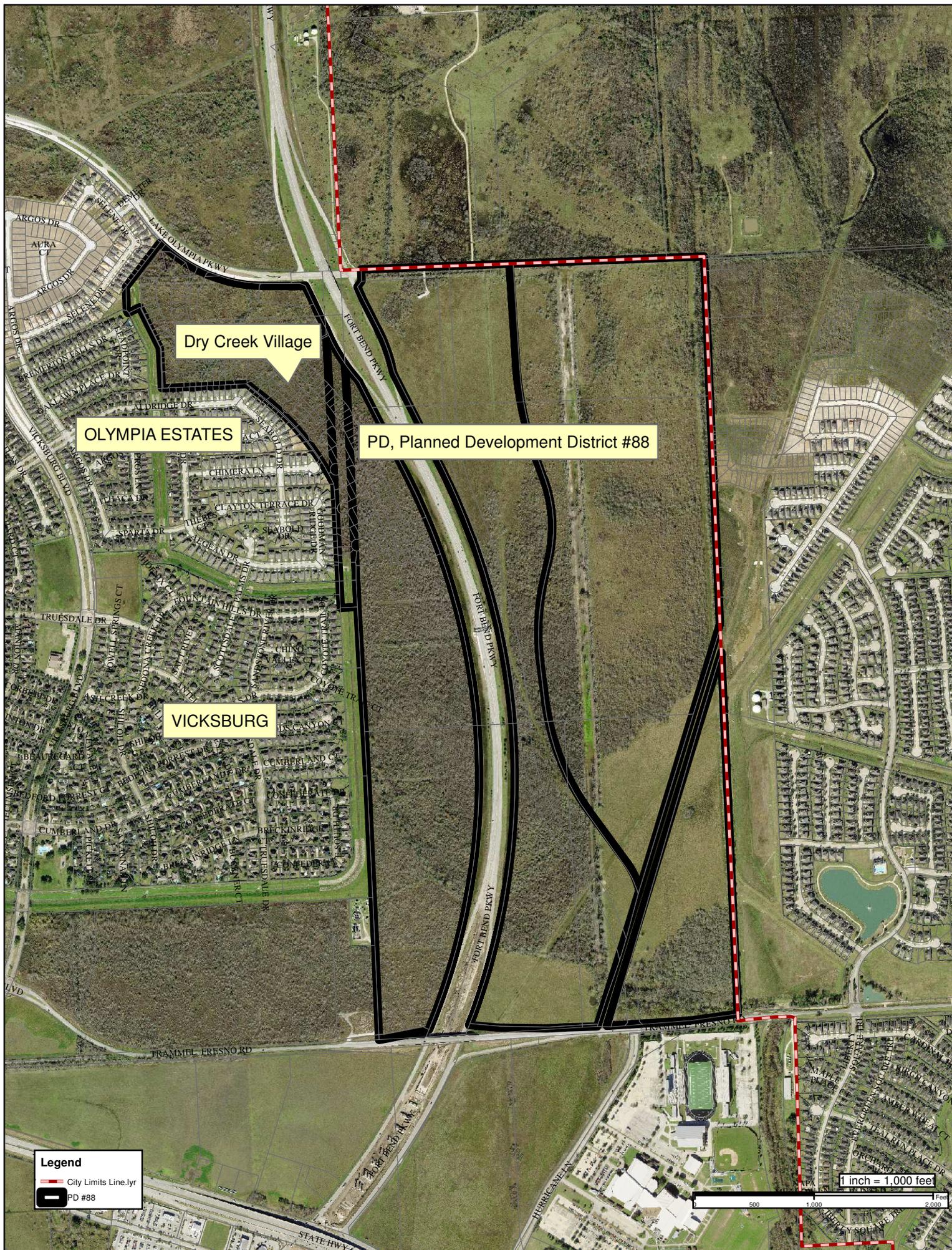
10



Antiquarian Brown

11





Dry Creek Village

OLYMPIA ESTATES

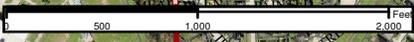
PD, Planned Development District #88

VICKSBURG

Legend

- City Limits Line.lyr
- PD #88

1 inch = 1,000 feet



Planned Development District Amendment Current Conditions – Site Pictures

PD #88 – Dry Creek Village (Lake Olympia Parkway & Dry Creek Drive)



View looking east, from Vicksburg Blvd



View looking southwest, towards Dry
Creek Village with Olympia Estates in
background



View looking southwest, toward Dry Creek Village
with Olympia Estates in the background

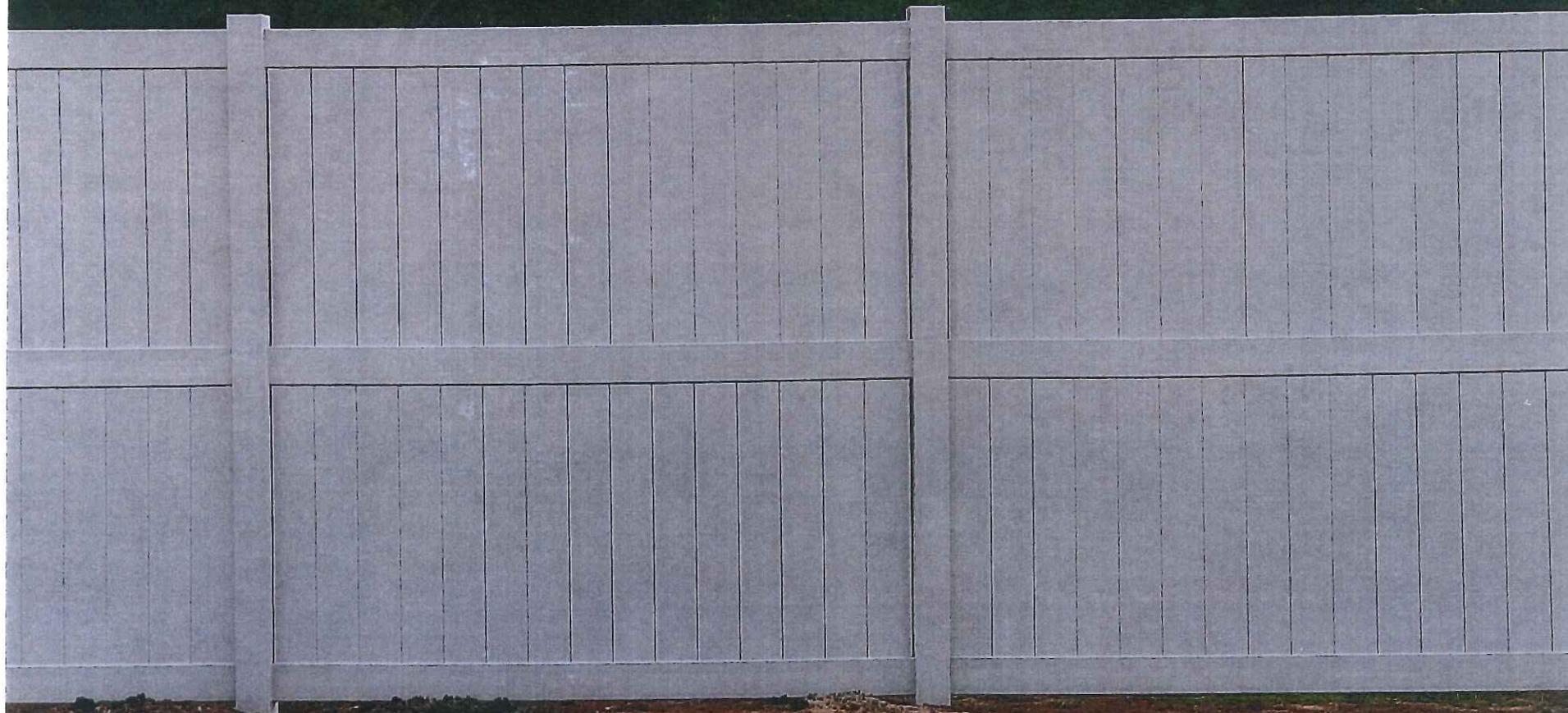


City of Missouri City, TX

Received

JUL 20 2018

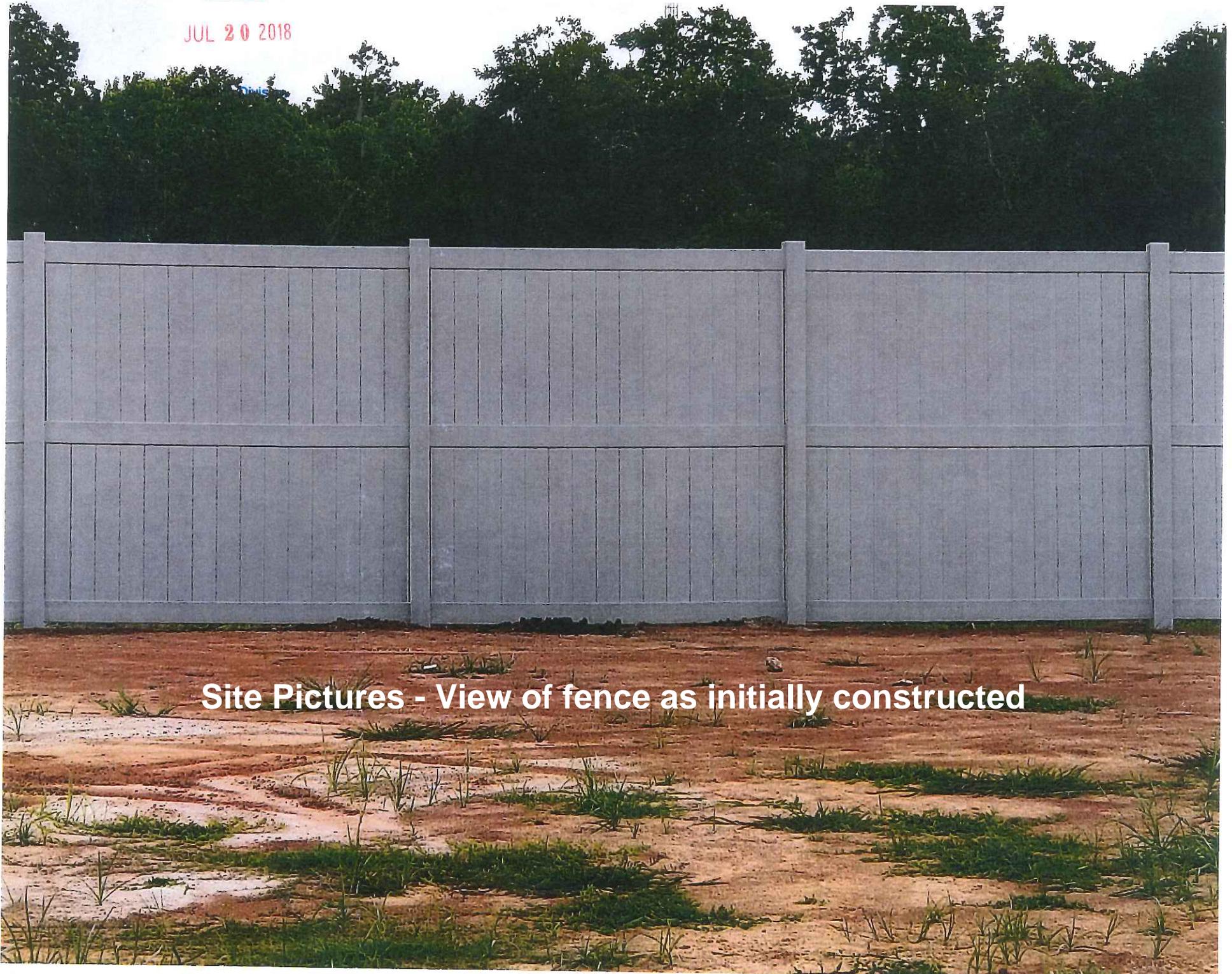
Planning Division



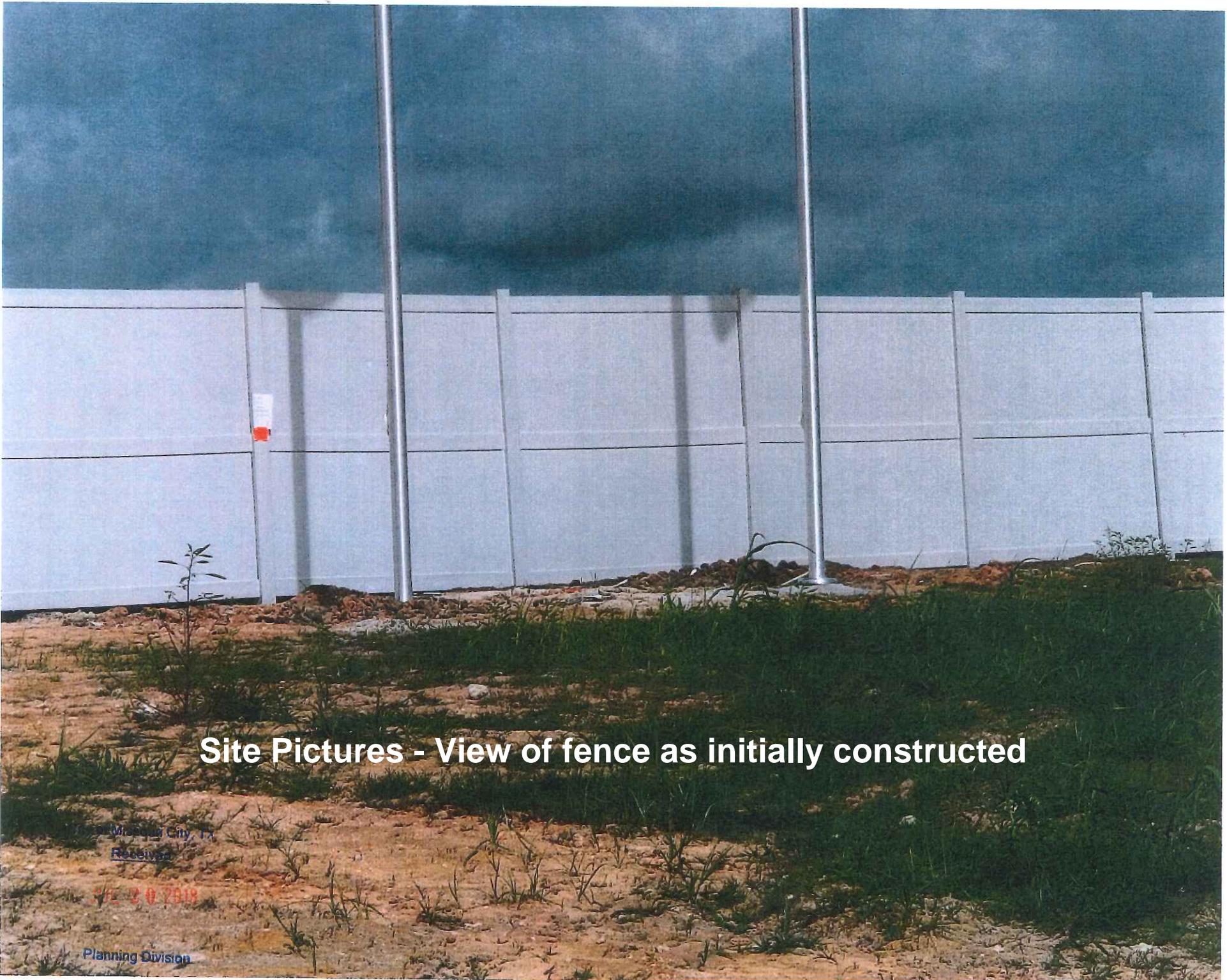
Site Pictures - View of fence as initially constructed

Received

JUL 20 2018



Site Pictures - View of fence as initially constructed



Site Pictures - View of fence as initially constructed

City of Houston
Receiver

972-207-2918

Planning Division

930 Legal Notices

NOTICE OF PUBLIC HEARING

LOCATION/DATE: The City Council of the City of Missouri City will hold a public hearing on Tuesday, September 4, 2018, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

PURPOSE: To receive comments for or against a request by Stan Winter, Jones | Carter, to amend the regulations and restrictions of PD, Planned Development District No. 88 pertaining to fence regulations for the Dry Creek Village residential subdivision; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

SITE LOCATION: PD No. 88 is located east and west of the Fort Bend Parkway, north of FBISD Hightower High School and Trammel Fresno Road; east of the Olympia Estates and Vicksburg residential subdivisions. The Dry Creek Village residential subdivision is located within PD No. 88, south of Lake Olympia Parkway, east of the Olympia Estates and Vicksburg residential subdivision, west of the Fort Bend Parkway.

SITE LEGAL DESCRIPTION: PD No. 88 is described to include the following tracts:

Tract 1 being described as a 152.586 acre tract of land situated in the Elijah Roark League Survey, A-77, Fort Bend County, Texas same being Tract 11A of Olympia Estates as recorded in Slide Number 2331 A & B of the Fort Bend County Plat Records.

Tract 2 being described as a 116.302 acre tract of land being out of the remainder of that certain 263.13 acre tract of land and out of the remainder of that certain 80 acre tract of land, conveyed to Hermann Health Care System, Inc. by deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records.

Tract 3 being described as being a 88.1380 acre tract being out of the remainder of that certain 100 acre tract of land, conveyed to Hermann Health Care System, Inc. by a deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records.

Tract 4 being described as being a 37.429 acre tract located in the Elijah Roark League, A-77, in Fort Bend County and recorded in the name of Point Center Financial, Inc. in F.B.C.C.F. No. 2009050702.

Tract 5 being described as being a 38.4163 acre tract of land being part of the remainder of an 80 acre tract, conveyed to Hermann Health Care System, Inc. by a deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records lying in the Elijah Roark League Survey, A-77 in Fort Bend County, Texas.

The **Dry Creek Village residential subdivision** is contained within the above described tracts and is further described as being 46.60 acres of land filed and recorded as Dry Creek Village Section One under instrument number 20180086 in the Official Public Records of Fort Bend County Texas.

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





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

DATE OF NOTICE: July 27, 2018

LOCATION/DATE: The Planning and Zoning Commission of the City of Missouri City will hold a public hearing on Wednesday, August 8, 2018, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

PURPOSE: To receive comments for or against a request by Stan Winter, Jones | Carter, to amend the regulations and restrictions of PD, Planned Development District No. 88 pertaining to fence regulations for the Dry Creek Village residential subdivision; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

The **Dry Creek Village residential subdivision** is contained within the above described tracts and is further described as being 46.60 acres of land filed and recorded as Dry Creek Village Section One under instrument number 20180086 in the Official Public Records of Fort Bend County Texas.

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Mailing labels for adjoining property owners

Adackakulathilitty Shibu 3210 Selene DR Missouri City, TX 77459-0070	Adkins Pamela 2815 Goodman Ridge DR Missouri City, TX 77459-4881	Alex Seline & Alexander Chunkathara 3202 Aldridge DR Missouri City, TX 77459-4870
Alex Susan 3307 Selene DR Missouri City, TX 77459-0079	Allen Gilbert & Tonica 3111 Confederate South DR Missouri City, TX 77459-4917	Alvarez, Erick N Villalta 3307 Oaklawn Place DR Missouri City, TX 77459-3495
Angelle Tanya 2814 Goodman Ridge DR Missouri City, TX 77459-4880	Ardie, Anetria 3310 Bremerton Falls DR Missouri City, TX 77459-3490	Ardie, Robert L 3310 Bremerton Falls DR Missouri City, TX 77459-3490
Azam Anh P etal 3203 Selene DR Missouri City, TX 77459-0060	Babu Neethu 3223 Chimera LN Missouri City, TX 77459-4892	Babykutty Shibu & Anu Shibu 3219 Chimera LN Missouri City, TX 77459-4892
Barnes Glenn Earl III & Tiffany Michael Blount 3202 Clayton Terrace DR Missouri City, TX 77459-7134	Battle Jerry 3203 Aldridge DR Missouri City, TX 77459-4871	Baxter Jasmine & Austin Jr 2715 Coyote Trail DR Missouri City, TX 77459-4964
Berrun Oscar 2727 Coyote Trail DR Missouri City, TX 77459-4964	Bhagat Ravi L & Arun 2902 Coyote Trail CT Missouri City, TX 77459-4955	Bouldin Byron & Cristy 2843 Goodman Ridge DR Missouri City, TX 77459-4881
Brown Dana 2819 Goodman Ridge DR Missouri City, TX 77459-4881	Brown Darrin & Cassandra 2907 COYOTE TRAIL DR Missouri City, TX 77459-4956	Brown Trinda 3314 Aldridge DR Missouri City, TX 77459-4861
Cabrera Santos D & Karen M 2606 Lead Point DR Missouri City, TX 77459-3498	Caldwell Vicky 2723 Coyote Trail DR Missouri City, TX 77459-4964	Carroll Jason 3207 Woods Canyon CT Missouri City, TX 77459-4958
Centerpoint Energy Houston Electric LLC Attn Property Tax Dept PO Box 1475 Houston, TX 77251-1475	Chacko Rajan P & Aaron J Rajan 3211 Selene DR Missouri City, TX 77459-0060	Chambers Eli 3210 Clayton Terrace DR Missouri City, TX 77459-7134
Chen Jason H & Loren F Shen 3227 Selene DR Missouri City, TX 77459-0060	Chen Minnie 8318 Golden HBR Missouri City, TX 77459-6906	Crocker Mitchell 3210 Fountain Hills DR Missouri City, TX 77459-6775

Mailing labels for adjoining property owners

Cumpian Elizabeth Weiss & Allen R 2623 Seabold DR Missouri City, TX 77459-4896	D & T Development LLC 5800 Ranchester DR STE 200 Houston, TX 77036-2473	Daniel Babu C & Aleyamma B 3319 Selene DR Missouri City, TX 77459-0079
Daniel Josemon Moluvila Estate 3206 Chimera LN Missouri City, TX 77459-4891	Davis Patience 3214 Selene DR Missouri City, TX 77459-0070	Day Billie 2619 Lead Point DR Missouri City, TX 77459-3499
DC Development Partners LP 4101 Greenbriar DR STE 316 Houston, TX 77098-5244	Develly Ringo 3314 Bremerton Falls DR Missouri City, TX 77459-3490	Dursunov Iskandar Etal 6005 S Gessner RD # 1297 Houston, TX 77036-2609
Dursunov Israfil A etal 2906 Coyote Trail DR Missouri City, TX 77459-4955	Edwards Maria 2830 Goodman Ridge DR Missouri City, TX 77459-4880	Ezeamil Chinwe 3231 Selene DR Missouri City, TX 77459-0060
Farris John 3147 Selene DR Missouri City, TX 77459-0050	FLC Parkway LP 3217 Montrose BLVD STE 222 Houston, TX 77006-3944	Fort Bend County MUD No 48 c/o Allen Boone Humphries Robinson LLP 3200 Southwest FWY 0
Fountain Keith T & Lisa 2703 Seabold DR Missouri City, TX 77459-4898	Ft Bend County Toll Road Authority C/o The Muller Law Group PLLC 16555 Southwest FWY STE 200 Sugar Land, TX 77479-2670	FT Bend ISD c/o Tax Office PO Box 1004 Sugar Land, TX 77487-1004
Ft Bend Parkway-34 LP 3217 Montrose BLVD STE 222 Houston, TX 77006-3944	Gonzalez Marisel & Darren Williams 3123 Confederate South DR Missouri City, TX 77459-4919	Goodman James 2818 Goodman Ridge DR Missouri City, TX 77459-4880
Guillory Michael J & Love- Guillory Andrea J 2702 Troy DR Missouri City, TX 77459-6763	Ha Thuy T & Dung V Dang 3110 Aldridge DR Missouri City, TX 77459-4887	Hannover Estates Ltd 7500 San Felipe ST STE 600-PMB 80 Houston, TX 77063-1790
Harris Leonard C Sr & Porchia A 3306 Aldridge DR Missouri City, TX 77459-4861	Harris Maravelyn A & George 3310 Aldridge DR Missouri City, TX 77459-4861	Harris Shawn & Kaphne 2623 Lead Point DR Missouri City, TX 77459-3499
Hector Jeffrey & Chavonne Richmond 2631 Lead Point DR Missouri City, TX 77459-3499	Holder Gene & Judy 2803 Goodman Ridge DR Missouri City, TX 77459-4881	Holley Rachel 3214 Chimera LN Missouri City, TX 77459-4891

Mailing labels for adjoining property owners

Hood Laura & Kathleen Hall 3215 Chimera LN Missouri City, TX 77459-4892	Hossain Tafique 202 Paddle Fish PL Richmond, TX 77469-1457	Howard Lezonette & Roderick Stokes 3207 Cumberland CT Missouri City, TX 77459-4860
Huang Anthony 3218 Chimera LN Missouri City, TX 77459-4891	Hunt-Jones Sharon 2703 Troy DR Missouri City, TX 77459-6764	Hyde Clentis R & Kim M 3119 Confederate South DR Missouri City, TX 77459-4919
Ibay Aldominique & Erlinda 2603 Seabold DR Missouri City, TX 77459-4896	Jackson Rufus 3202 Woods Canyon CT Missouri City, TX 77459-4957	Jackson, Anthony 2715 Seabold DR Missouri City, TX 77459-4898
Jaliawala Abdul & Zohaib Aziz Jaliawala 3214 Aldridge DR Missouri City, TX 77459-4870	Jama, Sam & Sunu Sam Kochu Malayil 3115 Aldridge Missouri City, TX 77459-4888	Jiles Adeaner L 3239 Selene DR Missouri City, TX 77459-0060
John Biju & Milcy 2707 Seabold DR Missouri City, TX 77459-4898	John Howard Tait Trust 3203 Aegean DR Missouri City, TX 77459-1737	Jones Colwyn 3106 Aldridge DR Missouri City, TX 77459-4887
Jones Kiesha 3206 Clayton Terrace DR Missouri City, TX 77459-7134	Jones Lea 2615 Lead Point DR Missouri City, TX 77459-3499	Joseph Jude & Gigi 3139 Selene DR Missouri City, TX 77459-0050
Joseph Shinoj 3211 Aldridge DR Missouri City, TX 77459-4871	Jurica James & Lucinda K 2707 Coyote Trail DR Missouri City, TX 77459-4964	K. Hovnanian Houston Dry Creek Village, LLC 13111 N.W. Freeway Ste 200 Houston, TX 77040
Kaissi Reema 3215 Selene DR Missouri City, TX 77459-0060	Karattayil-Soman, Shamjith 3118 Aldridge DR Missouri City, TX 77459-4887	King Gregory & Keeshaw Bryant 3119 Aldridge DR Missouri City, TX 77459-4888
Koosha Sirvan 2710 Coyote Trail DR Missouri City, TX 77459-4963	Krasta Prashanth Kumar & Susmy Prashanth 2607 Seabold DR Missouri City, TX 77459-4896	Krishnakutty Sabu P Veede & Anitha 3226 Selene DR Missouri City, TX 77459-0070
Kumaran Somasundaran 3218 Aldridge DR Missouri City, TX 77459-4870	Kuriakose Mary 3311 Selene DR Missouri City, TX 77459-0079	Kurian Kadavil Tigi & Chinnamma Joseph 3218 Selene DR Missouri City, TX 77459-0070

Mailing labels for adjoining property owners

Kurian Midhun Issac & Simi Cherian 3235 Selene DR Missouri City, TX 77459-0060	Kurian Varughese 3219 Selene DR Missouri City, TX 77459-0060	Laughlin Chad 2835 Goodman Ridge DR Missouri City, TX 77459-4881
Le Dung 3222 Aldridge DR Missouri City, TX 77459-4870	Le Vu Quang & Hoa Quynh Mai 12510 Mesquite Hollow LN Sugar Land, TX 77478-6111	Lister Monica & Latrevion 3207 Aldridge DR Missouri City, TX 77459-4871
Lloyd Robert & Leah 3303 Oaklawn Place DR Missouri City, TX 77459-3495	Lockridge Daryl & Paulette 2719 Coyote Trail DR Missouri City, TX 77459-4964	Lopez, Juanita 3127 Confederate South DR Missouri City, TX 77459-4919
Lopez, Samuel 3127 Confederate South DR Missouri City, TX 77459-4919	Makil Paul 3306 Selene DR Missouri City, TX 77459-0078	MARKBOROUGH DVMT CO LTD 650 NAAMANS RD #STE 307 CLAYMONT, DE 19703-2300
Martha Vincent Jr & Belia R 3115 Confederate South DR Missouri City, TX 77459-4919	Martinez Estela M & Lucia Esmeralda Fuentes Cruz 4706 Woodmont DR Houston, TX 77045-3127	Mathew Beena 3810 Orchard Springs CT Sugar Land, TX 77479-7114
Mathews Philip & Thresiamma 3114 Aldridge DR Missouri City, TX 77459-4887	MAYES KENNETH K & ELIZABETH 3203 WOODS CANYON CT MISSOURI CITY, TX 77459-4958	Mercado Hector 2807 Goodman Ridge DR Missouri City, TX 77459-4881
Meritage Homes of Texas 2901 W Sam Houston Pkwy N Ste C250 Houston, TX 77043-1624	Miranda Francisco Javier & Arismel Chavez 3202 Chimera LN Missouri City, TX 77459-4891	Moon Pamela 3222 Selene DR Missouri City, TX 77459-0070
Mukhtarova Gulbaton & Mirza etal 3202 Fountain Hills DR Missouri City, TX 77459-6775	Nadolski John Andrew & Marcia Jean 2839 Goodman Ridge DR Missouri City, TX 77459-4881	Nair Mallika & Shibu 3303 Athena CT Missouri City, TX 77459-4890
Navarro Joel Del Rio & Ruth Garcia 3107 Confederate South DR Missouri City, TX 77459-4917	Ngo, Chau M 3323 Selene DR Missouri City, TX 77459-0079	Ogilvie Natalie 2822 Goodman Ridge DR Missouri City, TX 77459-4880
Oliver Oscar M & Arnesha L Guilbeaux 3207 Agean DR Missouri City, TX 77459-1737	Olympia Estates Community Association Inc c/o Crest Management Company 17171 Park ROW 0	Oommen Tony Johny V & Rita Mathews 3207 Selene DR Missouri City, TX 77459-0060

Mailing labels for adjoining property owners

Owens Torey & Eboni 3103 Confederate South DR Missouri City, TX 77459-4917	Pace Stacey 2826 Goodman Ridge DR Missouri City, TX 77459-4880	Palmetto/WIHA FB107 LP 10333 Harwin DR STE 530 Houston, TX 77036-1550
Parker Donnie L & Leezonie Hollis 3203 Cumberland CT Missouri City, TX 77459-4860	Parkway Plaza Shopping Center LLC 2415 W Alabama ST STE 205 Houston, TX 77098-2263	Patel Ghanshyam J & Rekha 3234 Selene DR Missouri City, TX 77459-0070
Patel Simran 2711 Seabold DR Missouri City, TX 77459-4898	Peraza Alexander & Rosa 3307 Aldridge DR Missouri City, TX 77459-4862	Phillip, Johnson Nellippallil 3118 Aldridge DR Missouri City, TX 77459-4887
Portales Jose 2627 Seabold DR Missouri City, TX 77459-4896	Raj Prijil & Jyothi Varghese 3315 Selene DR Missouri City, TX 77459-0079	Ramos Edwin & Tuongvi 2707 Troy DR Missouri City, TX 77459-6764
Rich William Raymond & Susan J 2703 Coyote Trail DR Missouri City, TX 77459-4964	Ruiz Rick & Michelle 2810 Goodman Ridge DR Missouri City, TX 77459-4880	Saffold Ivan Alexix & Kevin Christopher Bianchi 3210 Aldridge DR Missouri City, TX 77459-4870
Sakthivel Sissy 3226 Aldridge DR Missouri City, TX 77459-4870	Samuel James & Elizabeth J 3223 Selene DR Missouri City, TX 77459-0060	Samuel Reji 3207 Chimera LN Missouri City, TX 77459-4892
Satheesh Adersh & Susan 3310 Athena CT Missouri City, TX 77459-4889	Schaper Jessica 2611 Lead Point DR Missouri City, TX 77459-3499	Scott Ivery 2615 Seabold DR Missouri City, TX 77459-4896
Sebastian Simson K & Swapna Simson 3302 Selene DR Missouri City, TX 77459-0078	Senegal Pamela 3202 Cumberland CT Missouri City, TX 77459-4859	Shakir Khalimah 3210 Chimera LN Missouri City, TX 77459-4891
Smith Aaron & Ella R 3206 Fountain Hills DR Missouri City, TX 77459-6775	Smith Jerrold 3230 Aldridge DR Missouri City, TX 77459-4870	Soni Vaishali 5111 Field Briar LN Sugar Land, TX 77479-3373
Springs Betty 3111 Aldridge DR Missouri City, TX 77459-4888	Steele Dexter 2731 COYOTE TRAIL DR Missouri City, TX 77459-4964	Stegman Angela 2603 Lead Point DR Missouri City, TX 77459-3499

Mailing labels for adjoining property owners

Stephen Thomas & Jejoy
2627 Lead Point DR
Missouri City, TX 77459-3499

Stevens Terron & Tanya
3211 Aegean DR
Missouri City, TX 77459-1737

Tapoc Marjorie
2831 Goodman Ridge DR
Missouri City, TX 77459-4881

Taylor Angel
2823 Goodman Ridge DR
Missouri City, TX 77459-4881

Tharayil Thomas C & Shini T
2050 Colorado ST
Redlands, CA 92374-1649

Thazhathu Thampy Ipe & Daisy
2619 Seabold DR
Missouri City, TX 77459-4896

Thekkekkara Philly Jose & Jose Matthew
3203 Chimera LN
Missouri City, TX 77459-4892

Thomas Alph & Alby A
3238 Selene DR
Missouri City, TX 77459-0070

Thomas Bigi P & Annie
2607 Lead Point DR
Missouri City, TX 77459-3499

Thomas Juby & Jules Juby
2611 Seabold DR
Missouri City, TX 77459-4896

Thomas Saly
3102 Aldridge DR
Missouri City, TX 77459-4887

Valiyaveetil Martin Varghese & Lincy
Martin
2719 Seabold DR
Missouri City, TX 77459-4898

Varghese Thadathil K & Chinnamma
3230 Selene DR
Missouri City, TX 77459-0070

Varghese, Joyson P
2715 Seabold DR
Missouri City, TX 77459-4898

Vergheese Ray & Sony
2610 Seabold DR
Missouri City, TX 77459-4895

Vicksburg Community Association Inc
c/o Principal Management Group
11000 Corporate Centre DR
0
FBISD
C/o Max Cleland
16431 Lexington Blvd
Sugar Land, TX 77479

Villacorta Edwar Mauricio & Monica
Alejandro
3306 Bremerton Falls DR
Missouri City, TX 77459-3490

Voegtline, Michael Scott
3323 Selene DR
Missouri City, TX 77459-0079

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

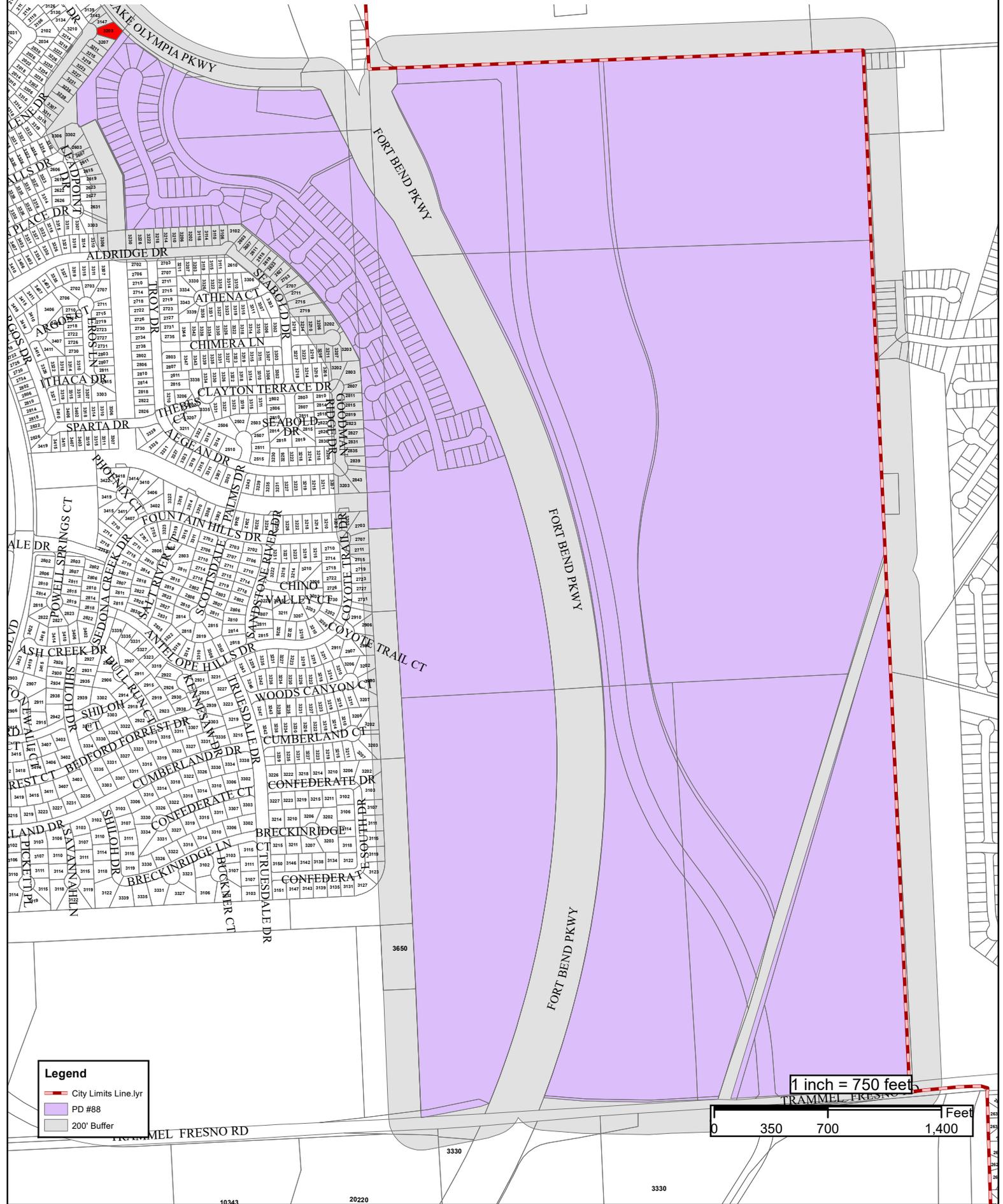
Application: Dry Creek Village - PD #88 Amendment
City Council First Reading: September 4, 2018

Protest Letters Received

Name	Property Address OR Fort Bend County Account Number	Land Area (Square Feet) Within 200 Feet
Pamela Moon	3222 Selene Dr.	476.96
Anh Pham Azam	3203 Selene Dr.	10,954.89
Total Area Represented by Protest(s):		11,431.84
Total Land Area <i>Including</i> Subject Site:		29,566,091.17
Subject Site <i>Only</i> Land Area:		18,855,817.20
Total Land Area <i>Only Within 200 Feet</i> of Subject Site:		10,710,273.97
Protest(s) Percentage of Land Area Within 200 Feet:		0.11%

Note: A total of 0 letters of support and 2 letters of protest have been received for the application request as of August 30, 2018.

200 Foot Analysis Map of Protest Received



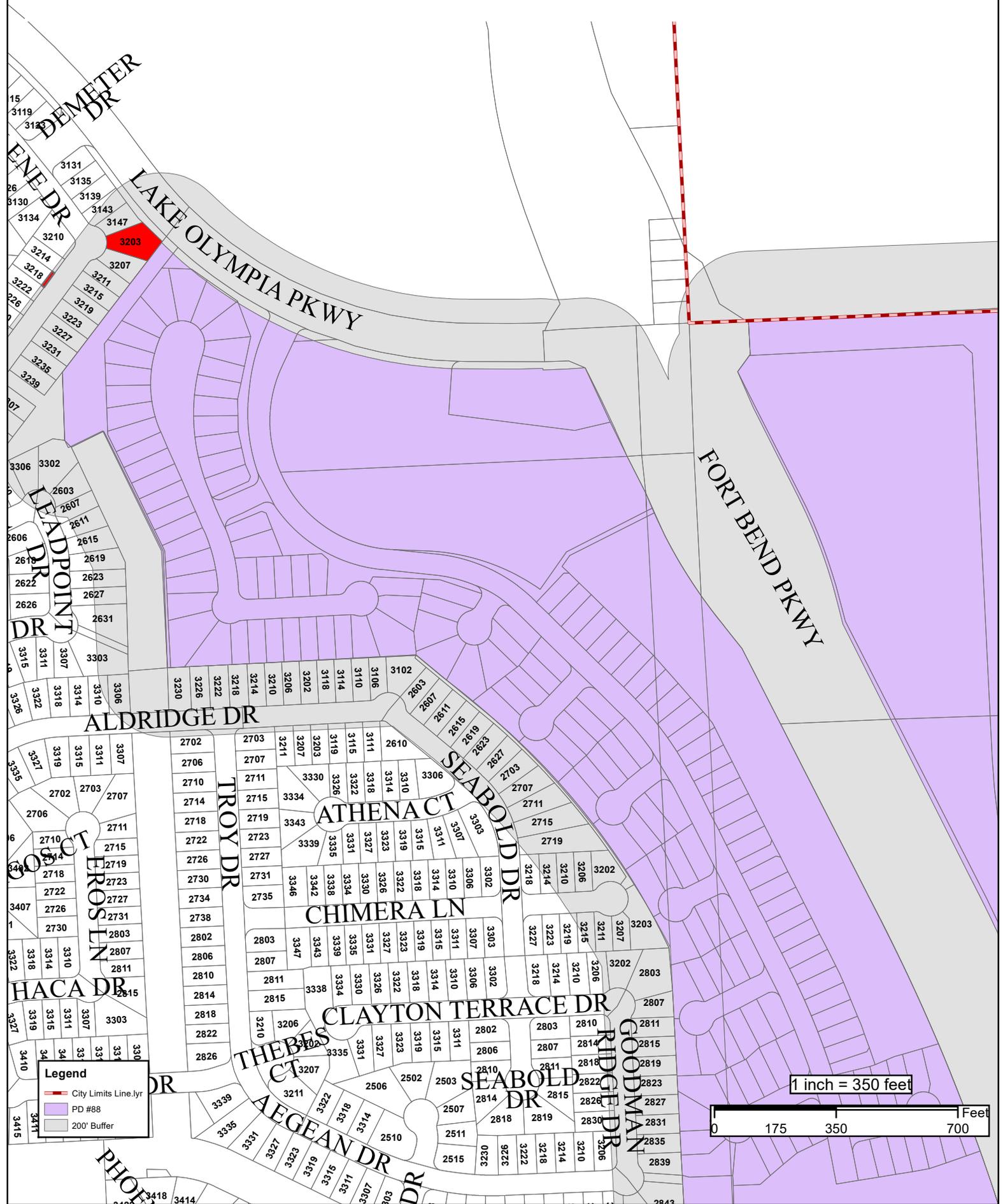
Legend

- City Limits Line
- PD #88
- 200' Buffer

1 inch = 750 feet

0 350 700 1,400 Feet

200 Foot Analysis Map of Protest Received





DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

July 27, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:
Wednesday, August 8, 2018
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Stan Winter, Jones | Carter, to amend the regulations and restrictions of PD, Planned Development District No. 88 pertaining to fence regulations for the Dry Creek Village residential subdivision; and to the extent such rezoning deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

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

Dear City Representatives:

I/We protest this proposed rezoning because

Not sure about this, but if this is about the new fence for Dry Creek it is horrible.

I/We support this proposed rezoning because

Sincerely,
Pamela M. Moon
Signature
3222 Selene Dr.

Street Address
Return to:
Phone Number

Pamela M. Moon
Print Name
Olympia Estates
Subdivision
Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551

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

Pamela M. Moon
Print Name

Pamela Moon
Signature

City of Missouri City, TX
Received

AUG 07 2018

Planning Division



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

July 27, 2018

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

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

Dear City Representatives:

[check] I/We protest this proposed rezoning because

It will cause unnecessary traffic and cause many people to hang around the area at night time and they can congregates around the neighborhood. This could lead to crime and other unwanted outcomes

I/We support this proposed rezoning because

[Empty box for supporting reasons]

Sincerely, Anh Pham Azam

Anh Pham Azam

Signature

Print Name

3203 Selen Dr

Olympia Estates

Street Address

Subdivision

[Redacted]

Return to:

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

Phone Number

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.

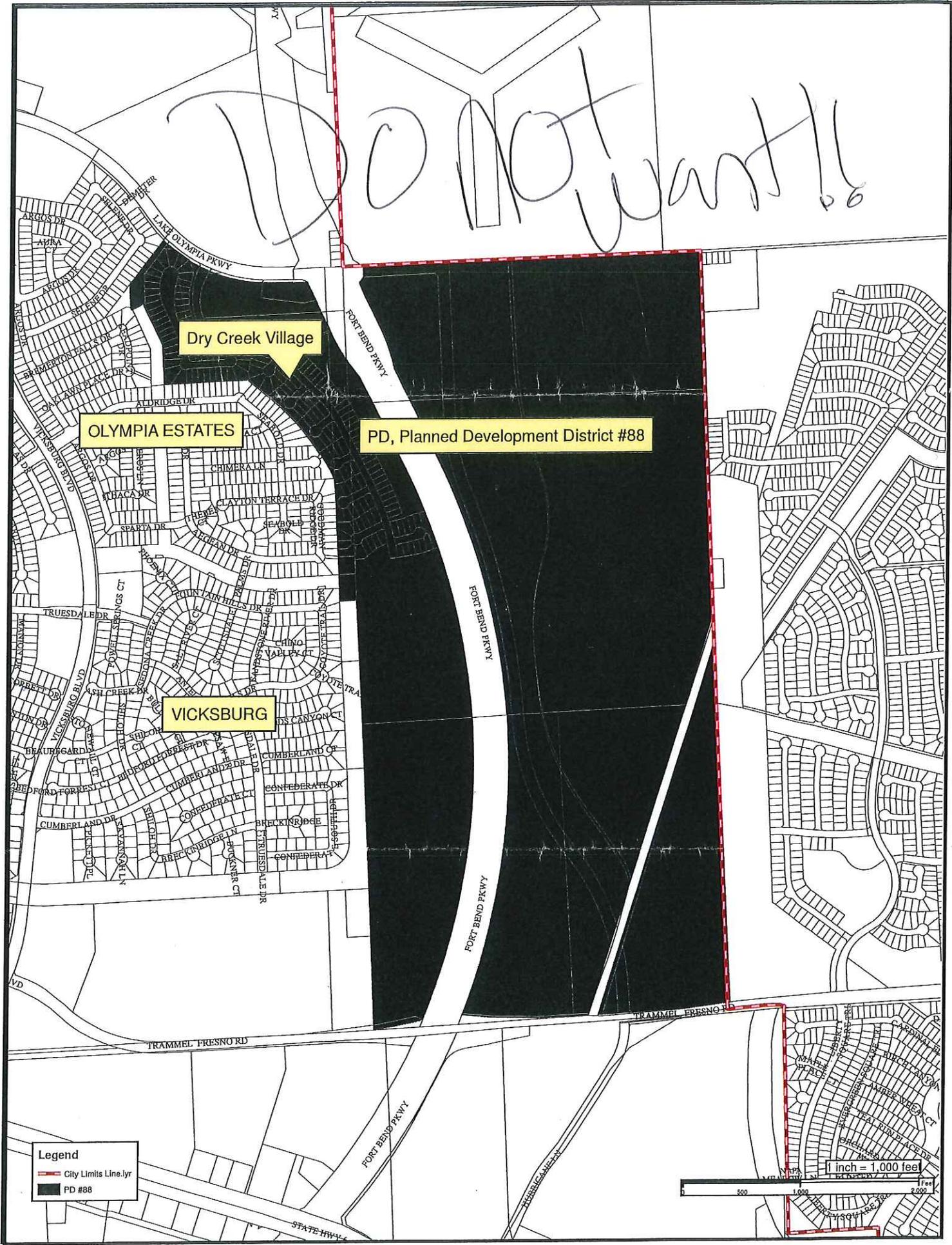
Anh Azam

Anh Pham Azam City of Missouri City, TX
Signature Received

AUG 14 2018

Planning Division

0 Not want!!



Dry Creek Village

OLYMPIA ESTATES

PD, Planned Development District #88

VICKSBURG

Legend
City Limits Line.lyr
PD #88

1 inch = 1,000 feet
500 1,000 2,000 Feet



**Council Agenda Item
September 4, 2018**

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.*
 9. **AUTHORIZATIONS** – *There are no Authorizations on this agenda.*
-



CITY COUNCIL AGENDA ITEM COVER MEMO

September 4, 2018

To: Mayor and City Council
Agenda Item: 10(a) Consider an ordinance amending Division 5, Article II, of Chapter 18, Businesses, of the Missouri City Code; amending regulations relating to mobile food units (MFU's); providing a penalty; and consider the ordinance on the first of two readings.
Submitted by: Otis T. Spriggs, Director of Development Services

SYNOPSIS

The proposed ordinance amendments to Division 5, Article II, of Chapter 18, Businesses, of the Missouri City Code, are to provide regulations pertaining to mobile food units is proposed to allow the director to review and consider applications that satisfy reasonable distance requirements regarding hand washing facilities, and operational requirements of mobile food units (MFU's) that do not constitute a substantial hazard to public health or public safety.

The proposed text amendment changes provide flexibility in the regulations regarding location(s) where the MFU's can be in operation in proximity to other units and facilities; and, provides for deviations of deficiencies that will not constitute substantial hazard to public health or public safety.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

Last year Council established some base guidelines and regulations regarding the operation of mobile food trucks with in the Missouri City, with the adoption occurring as follows:

October 16, 2017 Council Final Reading of Mobile Food Truck Ordinance
June 25, 2018 Council approved an appeal of permit denials for the July 4th Celebration
(*due to existing units not meeting particular code requirements*).

Under the June 25, 2018 action, Council authorized the Fire Marshal, the ability to consider future approvals of mobile food truck permits for the July 4th Celebration, with particular substitutions.

The proposed text amendments will afford the Director of Development Services the ability to approve permits submitted by mobile food unit owners/operators for approximately one year to give those owners and operators time to bring their units in compliance with the adopted codes. In the interim, certain unique circumstances will be reviewed by the plan reviewing departments, assuring that no public, life safety, or health risks are caused by any deviations.

Also this change could prevent an influx of variance requests that could be potentially reviewed by Council, such as the June 25th instance, where community and City sponsored events could be affected by certain hardship situations that occur, due to location and proximity to required code restricted facilities and areas.

BUDGET/FISCAL ANALYSIS

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. Changes marked

STAFF'S RECOMMENDATION

Staff recommends that City Council considers adoption of the proposed Ordinance of proposed amendments to Chapter 18- Businesses, of the Missouri City Code to provide flexibility in the regulations pertaining to mobile food units.

Director Approval: Otis T. Spriggs, AICP, Director of Planning

**Assistant City Manager/
City Manager Approval:** Scott Elmer, Assistant City Manager

ORDINANCE NO. O-18-__

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS,
AMENDING CHAPTER 18, BUSINESSES, OF THE MISSOURI CITY
CODE; AMENDING REGULATIONS REGARDING MOBILE FOOD
UNITS; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND
PROVIDING FOR SEVERABILITY.**

* * * * *

WHEREAS, on October 16, 2017, the City Council of the City of Missouri City adopted regulations to facilitate the provision of food to members of the public by mobile food vendors for the benefit of public health and safety; and

WHEREAS, to provide mobile food vendors with additional time to comply with the City's regulations, the City Council has determined that greater flexibility is required for the complete implementation of the mobile food unit regulations for a time certain; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to amend regulations regarding mobile food units; 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. The Missouri City Code is hereby amended by deleting Sections 18-134 and 18-135 of Division 5 of Article II of Chapter 18 thereof and substituting therefor new Sections 18-134 and 18-135 of Division 5 of Article II of Chapter 18, respectively, to provide as follows:

“Chapter 18 - BUSINESSES

. . . .

ARTICLE II. - FOOD SERVICE

. . . .

DIVISION 5. - MOBILE FOOD UNITS.

. . . .

Sec. 18-134. - Applications for mobile food unit permits.

A person seeking to operate a mobile food unit in the city shall submit an application for a mobile food unit permit to the director in an application form provided by the director accompanied by the payment of a fee in the amount specified in a resolution adopted by the city council establishing a schedule of fees. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant, provided that if the applicant is an entity, the following information shall also be provided:
 - (a) The legal name of the entity;
 - (b) If the entity is a corporation, the full name and address of each director, officer, and each shareholder, or if the corporation has more than five shareholders, the full name and address of at least five shareholders with the most shares;
 - (c) If the entity is a partnership, the full name and address of each partner and the type of partnership;
 - (d) If the entity is an unincorporated association, the full name and address of each associate and officer of such association;
 - (e) Proof of the entity's form and current status, including, but not limited to:
 - i. A current and valid certificate of existence or certificate of authority from the state office of the secretary of state;
 - ii. A current and valid certificate of good standing from the state comptroller of accounts;
 - iii. All assumed names used and copies of all filings related to such names from the county clerk's office;
 - iv. A certificate of incorporation; and
 - v. If applicable, a determination letter issued by the Internal Revenue Service;
 - (f) The entity's federal tax identification number; and
 - (g) Documentation that the entity is not delinquent in state, local, and federal taxes;
- (2) A copy of the applicant's valid and current driver's license;
- (3) If the applicant will designate an operator to supervise the operation of the MFU, the name, address, telephone number, and email address of the operator, and a copy of the operator's valid and current driver's license;
- (4) The applicant's sales tax number and a copy of the applicant's sales tax permit;
- (5) A certificate of title showing the current true ownership of the mobile food unit, provided that if the applicant is not the owner of the mobile food unit, a copy of a written and notarized statement from the owner authorizing the applicant to operate the mobile food unit;
- (6) The vehicle identification number, license plate number, and proof of vehicle registration;

- (7) A copy of the applicant's liability insurance policy, insurance endorsement or evidence of self-insurance on the MFU;
- (8) A copy of a current and valid food protection manager certification;
- (9) A written standard operation procedure of how the applicant plans to operate the mobile food unit, that includes, but is not limited to, whether food will be prepackaged, hours of operation, methods of serving food to customers, the MFU's waste water disposal site and process, and other servicing operations details;
- (10) Plans drawn to reasonable scale that clearly specify and address the proposed layout of the MFU, the identity, number, and capacity of food equipment, the location and sizes of plumbing fixtures and connections, food preparation, storage and service window areas, construction material of the inside of the MFU, and location of the LP-gas appliances, LP-gas container storage, and fire extinguishers;
- (11) A description or menu of the types of food that the applicant proposes to sell or offer for sale from the mobile food unit;
- (12) The location(s) where the mobile food unit will be in operation and a site plan drawn to reasonable scale showing the location of the mobile food unit on the parcel on which it will be placed and the distance from any building, vehicle, or structure from each edge of the MFU when parked;
- (13) Proof of ownership of a central preparation facility, other fixed food establishment or service area, as applicable, or if the applicant is not the owner of the central preparation facility, other fixed food establishment or service area, a signed and notarized statement on the letterhead of the central preparation facility, other fixed food establishment or service area, as applicable, authorizing the applicant to use the central preparation facility, other fixed food establishment or service area as its base of operation;
- (14) If the central preparation facility, other fixed food establishment or service area that the applicant proposes to use as its base of operation is located outside the jurisdiction of the city, a copy of the most current health inspection report obtained from the regulatory authority having jurisdiction over such central preparation facility, other fixed food establishment or service area;
- (15) For a mobile food unit that will be operated on private property, proof of ownership of the property or, if the applicant is not the owner of the property, a signed and notarized written statement from the property owner or the property owner's authorized agent granting the applicant permission to operate a mobile food unit on the property;
- (16) For a mobile food unit that will operate at one location for more than two hours, a signed and notarized statement from the owner or the authorized agent of the owner of a business establishment with a restroom with a flushable toilet, a hand wash sink with hot and cold running water, and

soap and hand-drying provisions, located within a reasonable distance from the location where the mobile food unit will be in operation, granting employees of the mobile food unit permission to use such restroom during the business establishment's hours of operation or documentation providing an alternative proposal to satisfy the requirements of this subdivision;

- (17) A description of the signage that will be affixed on the mobile food unit; and
- (18) Any other information that may be requested by the director to fully evaluate and review the application.

Sec. 18-135. - Review and approval of applications.

- (a) Upon receipt of a complete application for a permit, the director will review the application and grant a mobile food unit permit unless one or more of the following conditions is met:
 - (1) The application contains false or misleading information, or required information is omitted;
 - (2) The application or the mobile food unit does not comply with all applicable laws, including the requirements of this chapter; or
 - (3) Operation of the mobile food unit constitutes a substantial hazard to public health or public safety.
- (b) Notwithstanding any provision contained in this division, the director may grant a permit for a MFU that generally complies with the requirements of this division, provided that:
 - (1) The director notifies the applicant, in writing, of the deficiencies in the applicant's application for a permit before the permit is issued;
 - (2) The application does not contain false or misleading information, or omit required information; and
 - (3) Operation of the mobile food unit will not constitute a substantial hazard to public health or public safety.
- (c) Subsections (b) and (c) of this section 18-135 shall remain in effect until September 30, 2019."

Section 3. *Repeal.* All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

Section 4. Penalty. 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. 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 ____ day of _____, 2018.

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

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney

Chapter 18 - BUSINESSES

. . . .

ARTICLE II. - FOOD SERVICE

. . . .

DIVISION 5. - MOBILE FOOD UNITS.

. . . .

Sec. 18-134. - Applications for mobile food unit permits.

A person seeking to operate a mobile food unit in the city shall submit an application for a mobile food unit permit to the director in an application form provided by the director accompanied by the payment of a fee in the amount specified in a resolution adopted by the city council establishing a schedule of fees. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant, provided that if the applicant is an entity, the following information shall also be provided:
 - (a) The legal name of the entity;
 - (b) If the entity is a corporation, the full name and address of each director, officer, and each shareholder, or if the corporation has more than five shareholders, the full name and address of at least five shareholders with the most shares;
 - (c) If the entity is a partnership, the full name and address of each partner and the type of partnership;
 - (d) If the entity is an unincorporated association, the full name and address of each associate and officer of such association;
 - (e) Proof of the entity's form and current status, including, but not limited to:
 - i.- A current and valid certificate of existence or certificate of authority from the state office of the secretary of state;
 - ii.- A current and valid certificate of good standing from the state comptroller of accounts;
 - iii.- All assumed names used and copies of all filings related to such names from the county clerk's office;
 - iv.- A certificate of incorporation; and
 - v.- If applicable, a determination letter issued by the Internal Revenue Service;

- (f) The entity's federal tax identification number; and
- (g)– Documentation that the entity is not delinquent in state, local, and federal taxes;
- (2)– A copy of the applicant's valid and current driver's license;
- (3)– If the applicant will designate an operator to supervise the operation of the MFU, the name, address, telephone number, and email address of the operator, and a copy of the operator's valid and current driver's license;
- (4)– The applicant's sales tax number and a copy of the applicant's sales tax permit;
- (5)– A certificate of title showing the current true ownership of the mobile food unit, provided that if the applicant is not the owner of the mobile food unit, a copy of a written and notarized statement from the owner authorizing the applicant to operate the mobile food unit;
- (6)– The vehicle identification number, license plate number, and proof of vehicle registration;
- (7)– A copy of the applicant's liability insurance policy, insurance endorsement or evidence of self-insurance on the MFU;
- (8)– A copy of a current and valid food protection manager certification;
- (9)– A written standard operation procedure of how the applicant plans to operate the mobile food unit, that includes, but is not limited to, whether food will be prepackaged, hours of operation, methods of serving food to customers, the MFU's waste water disposal site and process, and other servicing operations details;
- (10)– Plans drawn to reasonable scale that clearly specify and address the proposed layout of the MFU, the identity, number, and capacity of food equipment, the location and sizes of plumbing fixtures and connections, food preparation, storage and service window areas, construction material of the inside of the MFU, and location of the LP-gas appliances, LP-gas container storage, and fire extinguishers;
- (11)– A description or menu of the types of food that the applicant proposes to sell or offer for sale from the mobile food unit;
- (12)– The location(s) where the mobile food unit will be in operation and a site plan drawn to reasonable scale showing the location of the mobile food unit on the parcel on which it will be placed and the distance from any building, vehicle, or structure from each edge of the MFU when parked;
- (13)– Proof of ownership of a central preparation facility, other fixed food establishment or service area, as applicable, or if the applicant is not the owner of the central preparation facility, other fixed food establishment or service area, a signed and notarized statement on the letterhead of the central preparation facility, other fixed food establishment or service area, as applicable, authorizing the applicant to use the central preparation

facility, other fixed food establishment or service area as its base of operation;

- (14)– If the central preparation facility, other fixed food establishment or service area that the applicant proposes to use as its base of operation is located outside the jurisdiction of the city, a copy of the most current health inspection report obtained from the regulatory authority having jurisdiction over such central preparation facility, other fixed food establishment or service area;
- (15)– For a mobile food unit that will be operated on private property, proof of ownership of the property or, if the applicant is not the owner of the property, a signed and notarized written statement from the property owner or the property owner's authorized agent granting the applicant permission to operate a mobile food unit on the property;
- (16)– For a mobile food unit that will operate at one location for more than two hours, a signed and notarized statement from the owner or the authorized agent of the owner of a business establishment with a restroom with a flushable toilet, a hand wash sink with hot and cold running water, and soap and hand-drying provisions, located within ~~300 feet of a~~ reasonable distance from the location where the mobile food unit will be in operation, granting employees of the mobile food unit permission to use such restroom during the business establishment's hours of operation; ~~except that restrooms in private residences and portable restrooms shall not be used to meet this requirement~~ or documentation providing an alternative proposal to satisfy the requirements of this subdivision;
- (17)– A description of the signage that will be affixed on the mobile food unit; and
- (18)– Any other information that may be requested by the director to fully evaluate and review the application.

Sec. 18-135. - Review and approval of applications.

(a) Upon receipt of a complete application for a permit, the director will review the application and grant a mobile food unit permit unless one or more of the following conditions is met:

- (1)– The application contains false or misleading information, or required information is omitted;
- (2) The application or the mobile food unit does not comply with all applicable laws, including the requirements of this chapter; or
- (3) Operation of the mobile food unit constitutes a substantial hazard to public health or public safety.

(b) Notwithstanding any provision contained in this division, the director may grant a permit for a MFU that generally complies with the requirements of this division.

provided that:

- (1) The director notifies the applicant, in writing, of the deficiencies in the applicant's application for a permit before the permit is issued;
 - (2) The application does not contain false or misleading information, or omit required information; and
 - (3) Operation of the mobile food unit will not constitute a substantial hazard to public health or public safety.
- (c) Subsections (b) and (c) of this section 18-135 shall remain in effect until September 30, 2019.

Document comparison by Workshare 9.5 on Wednesday, August 29, 2018
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Input:	
Document 1 ID	file:///W:\Legal Department\Ordinance\Chapters\Mobile Food Unit Ordinance O.doc
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Document 2 ID	W:\Legal Department\Ordinance\Chapters\Mobile Food Unit Ordinance 2018.08.27.doc
Description	W:\Legal Department\Ordinance\Chapters\Mobile Food Unit Ordinance 2018.08.27.doc
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	20
Deletions	34
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	54



**Council Agenda Item
September 4, 2018**

11. RESOLUTIONS – *There are no Resolutions on this agenda.*

12. CITY COUNCIL ANNOUNCEMENTS

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

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

13. CLOSED EXECUTIVE SESSION

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

14. RECONVENE

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

15. ADJOURN
