

NOTICE OF PLANNING COMMISSION MEETING

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION OF THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, WILL MEET IN REGULAR SESSION OPEN TO THE PUBLIC AS FOLLOWS:

DATE: Wednesday, August 19, 2015
TIME: 4:00 p.m.
PLACE: Rosenberg City Hall
City Hall Council Chamber
2110 4th Street
Rosenberg, Texas 77471
PURPOSE: Rosenberg Planning Commission Meeting

Call to order:

Administration of Statement of Appointed Officer and Oath of Office to newly appointed/reappointed Commissioners of the Rosenberg Planning Commission. (Linda Cernosek, City Secretary)

AGENDA

1. Consideration of and action on the election of a Chairperson, Vice Chairperson, and Secretary for the Rosenberg Planning Commission. (Janet Eder, Secretary II)

MINUTES

2. Consideration of and action on minutes of the Regular Planning Commission Meeting for July 15, 2015. (Janet Eder, Secretary II)

PUBLIC HEARINGS

3. Hold public hearing on a Preliminary Plat of Tran Plaza, a subdivision of 9.9985 acres (435,538 sq. ft.) tract of land situated in the S.A. and M.G.R.R. Company Survey, Abstract 330, City of Rosenberg, Fort Bend County, Texas, said 9.9985 acre tract being out of and part of Lot 60 and a portion of Lot 69 of the Slavin and George Subdivision, recorded in Volume 64, Page 252 of the Deed Records of Fort Bend County, Texas; 1 block, 1 reserve. (Travis Tanner, Executive Director of Community Development)

VARIANCE REQUESTS

4. Consideration of and action a Variance Request for a carport addition located at 1509 George Street. (Travis Tanner, Executive Director of Community Development)

SUBDIVISION LAND PLANS AND PRELIMINARY PLATS

5. Consideration of and action on a Preliminary Plat of CVS Store #10637, a subdivision of 2.091 acres of land being a portion of a called 173.34 acre tract recorded in the name of CL Waterford, LLC C.F. No. 2010054252, F.B.C.O.P.R. located in the Robert E. Handy Survey, Abstract No. 187, City of Rosenberg, Fort Bend County, Texas; 1 block, 0 lots, 1 reserve. (Travis Tanner, Executive Director of Community Development)
6. Consideration of and action on a Preliminary Plat of Tran Plaza, a subdivision of 9.9985 acres (435,538 sq. ft.) tract of land situated in the S.A. and M.G.R.R. Company Survey, Abstract 330, City of Rosenberg, Fort Bend County, Texas, said 9.9985 acre tract being out of and part of Lot 60 and a portion of Lot 69 of the Slavin and George Subdivision, recorded in Volume 64, Page 252 of the Deed Records of Fort Bend County, Texas; 1 block, 1 reserve. (Travis Tanner, Executive Director of Community Development)

FINAL PLATS

None

DISCUSSION ITEMS

7. Consideration of and action on requests for future Agenda items. (Travis Tanner, Executive Director of Community Development)

8. Announcements.
9. Adjournment.

The Planning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code, Section 551.071 (Consultation with Attorney).

[EXECUTION PAGE TO FOLLOW]

DATED AND POSTED this the 13th day of August 2015, at 12:40 p. m. by Linda Cemosek



Linda Cemosek
Attest:
Linda Cemosek, TRMC, City Secretary

Robert Gracia
Approved for Posting:
Robert Gracia, City Manager

Reasonable accommodation for the disabled attending this meeting will be available; persons with disabilities in need of special assistance at the meeting should contact the City Secretary at (832) 595-3340.



PLANNING COMMISSION COMMUNICATION

August 19, 2015

ITEM #	ITEM TITLE
1	Election of Planning Commission Officers

MOTION

Consideration of and action on the election of a Chairperson, Vice Chairperson, and Secretary for the Planning Commission.

RECOMMENDATION

Staff recommends that the Commission members make nominations and vote.

MUD #	City/ETJ	ELECTION DISTRICT
N/A	N/A	N/A

SUPPORTING DOCUMENTS:

1. None

APPROVAL

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of Community Development

Reviewed by:

___ City Engineer

EXECUTIVE SUMMARY

This item has been included to allow the Planning Commissioners to select a Chairperson, Vice Chairperson, and Secretary.

Duties of Each Position:

Chairperson. The Chairperson will conduct the meetings, maintain order during the meetings, call for motions, seconds, and votes. The Chairperson will review the Planning Commission Agenda the week before the meeting and inform staff of any modifications. The Planning Commission Chairperson also signs final plats prior to the plat being recorded at the County Clerk's office.

Vice-Chairperson. The Vice-Chairperson will perform the duties listed above for the Chairperson in his or her absence.

Secretary. The Secretary does not have any official duties during the meeting. The Secretary signs final plats along with the Chairperson prior to the plat being recorded at the County Clerk's office.

Staff recommends that the Commissioners nominate and vote to select these officers for the Planning Commission.

ITEM 2

Minutes:

- 1. Regular Planning Commission Meeting Minutes for July 15, 2015**

PLANNING COMMISSION MEETING MINUTES

DRAFT

On this the 15th day of July 2015, the Planning Commission of the City of Rosenberg, Fort Bend County, Texas, met in a regular meeting at the Rosenberg City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471.

COMMISSIONERS PRESENT

Pete Pavlovsky	Planning Commission Chairperson
Lester Phipps, Jr.	Planning Commission Vice Chairperson
Wayne Poldrack	Planning Commission Secretary
Alicia Casias	Planning Commissioner
Mike Parsons	Planning Commissioner
James Urbish	Planning Commissioner

STAFF PRESENT

Susan Euton	Councilor, District No. 2
Charles A. Kalkomey	Jones & Carter, Inc.
Janet Eder	Secretary II

OTHERS PRESENT

Thomas Juarez	Owner/Developer, Richwest Investors, LLC (Reading Road Office Park)
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CALL TO ORDER

Chairperson Pavlovsky called the meeting to order at 4:00 p.m.

AGENDA

1. CONSIDERATION OF AND ACTION ON MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF JUNE 17, 2015.

Action Taken: Commissioner Casias moved, seconded by Vice Chairperson Phipps, to approve the minutes of the Regular Planning Commission Meeting of June 17, 2015, as written. The motion carried by a vote of five "ayes" and one abstention. **AYES:** (Chairperson Pavlovsky, Vice Chairperson Phipps, and Commissioners Poldrack, Casias and Urbish). **ABSTENTION:** (Commissioner Parsons).

2. HOLD PUBLIC HEARING ON A SHORT FORM FINAL PLAT OF READING ROAD OFFICE PARK REPLAT NO. ONE, A TOTAL OF 0.3756 ACRES BEING A REPLAT OF LOT 13, READING ROAD OFFICE PARK IN THE JAMES LOWERY 1/3 LEAGUE, A-275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS RECORDED UNDER FORT BEND COUNTY PLAT NO. 20110006; 2 LOTS, 1 BLOCK, 0 RESERVES.

Executive Summary: The Short Form Final Plat of Reading Road Office Park Replat No. One is a replat of Lot 13, Reading Road Office Park in the James Lowery 1/3 League, A-275, City of Rosenberg, Fort Bend County, Texas recorded under Fort Bend County Plat No. 20110006. The Plat consists of 0.3756 acres.

Because this is a replat of a previous subdivision, a public hearing is required per State law and the City's "Subdivision" Ordinance. That being said, staff recommends holding the hearing prior to the Planning Commission taking action on the Plat in a subsequent Agenda item.

Chairperson Pavlovsky opened the public hearing at 4:03 pm. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 4:04 pm.

3. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF FORT BEND COUNTY MUD NO. 184 LIFT STATION SITE, A SUBDIVISION OF 0.15 ACRES OF LAND OUT OF THE WILEY MARTIN SURVEY, A-56, FORT BEND COUNTY, TEXAS; 1 BLOCK, 1 RESERVE.

Executive Summary: The Final Plat of Fort Bend County MUD No. 184 Lift Station Site is a proposed lift station site for Fort Bend County MUD No. 184, or Stonecreek Estates. The site consists of 0.15 acres and is centrally located

within the development.

The Planning Commission approved the Preliminary Plat of the Fort Bend County MUD No. 184 Lift Station Site on May 20, 2015. The proposed Final Plat is consistent with the approved Preliminary Plat and is in conformance with City ordinances. Off-site easements will be recorded and instrument numbers added before Final Plat approval by City Council. It is recommended that the Planning Commission recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Lift Station Site.

Key Discussion:

- Mr. Kalkomey presented the item and reviewed the Executive Summary.

Action taken: Commissioner Parsons moved, seconded by Commissioner Casias to recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Lift Station Site, a subdivision of 0.15 acres of land out of the Wiley Martin Survey, A-56, Fort Bend County, Texas; 1 block, 1 reserve. The motion carried unanimously.

4. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF FORT BEND COUNTY MUD NO. 184 WASTEWATER TREATMENT PLANT SITE, A SUBDIVISION OF 4.13 ACRES OF LAND OUT OF THE WILEY MARTIN SURVEY, A-56 FORT BEND COUNTY, TEXAS; 1 BLOCK, 1 RESERVE.

Executive Summary: The Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site is a proposed wastewater treatment site for Fort Bend County MUD No. 184, or Stonecreek Estates. The site consists of 4.13 acres and is located on the south side of the development.

The Planning Commission approved the Preliminary Plat of the Fort Bend County MUD No. 184 Wastewater Treatment Plant Site on May 20, 2015. The proposed Final Plat is consistent with the approved Preliminary Plat and is in conformance with City ordinances. Off-site easements will be recorded and instrument numbers added before Final Plat approval by City Council. It is recommended that the Planning Commission recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site.

Key Discussion:

- Mr. Kalkomey presented the item and reviewed the Executive Summary.

Action taken: Commissioner Parsons moved, seconded by Commissioner Casias to recommend approval to City Council of the Final Plat of Fort Bend County MUD No. 184 Wastewater Treatment Plant Site, a subdivision of 4.13 acres of land out of the Wiley Martin Survey, A-56 Fort Bend County, Texas; 1 block, 1 reserve. The motion carried unanimously.

5. CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF READING ROAD OFFICE PARK REPLAT NO. ONE, A TOTAL OF 0.3756 ACRES BEING A REPLAT OF LOT 13, READING ROAD OFFICE PARK IN THE JAMES LOWERY 1/3 LEAGUE, A-275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS RECORDED UNDER FORT BEND COUNTY PLAT NO. 20110006; 2 LOTS, 1 BLOCK, 0 RESERVES.

Executive Summary: The Short Form Final Plat of Reading Road Office Park Replat No. One is a replat of Lot 13, Reading Road Office Park in the James Lowery 1/3 League, A-275, City of Rosenberg Fort Bend County, Texas recorded under Fort Bend County Plat No. 20110006. The Plat consists of only 0.3756 acres.

The original plat was recorded in 2011 and the developer now proposes to subdivide one of the existing lots into two (2). There is not an issue with the lot size (with it being commercial, not residential) or anything else in conflict with City ordinances. It should be noted that to have a three-foot (3') interior building line, a firewall will be required. However, this is not uncommon in the development; there are other lots with 3' building lines. A minimum ten-foot (10') building line is generally required (for commercial buildings) to not have a firewall per the International Building Code (IBC).

Also of note is that the development, per an agreement established in 2010, requires the installation of a traffic signal at Reading Road and Town Center Boulevard, which is partially funded by the City. The developer has submitted a request to City Council to delay the signal installation until Phase II of the development. This is tentatively scheduled to go before Council on July 21, 2015 and should be settled before Final Plat approval by Council at a subsequent meeting. The signal is tied to certificates of occupancy, not platting.

Staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of Reading Road Office Park Replat No. One.

Key Discussion:

- Mr. Kalkomey presented the item and reviewed the Executive Summary.
- Mr. Kalkomey stated that the original plat was recorded in 2011 and that the developer proposed to subdivide one of the existing lots in to two. The Reading Road Office Park is located across from the Rosenberg Fire Station. Access points to the Reading Road Office Park are common and maintained. Mr. Kalkomey stated that per a development agreement, a traffic signal was required at Reading Road and Town Center Boulevard, which is scheduled to go before City Council on July 21, 2015. Installation of the traffic signal will be delayed until Phase II of the development per the developer's request.
- Mr. Kalkomey stated that the Rosenberg Development Corporation (RDC) has funded one-half of the traffic signal expense and the developer has funded the remaining half. The traffic signal is tied to a Certificate of Occupancy, not platting, and it conforms to regulations.
- Chairperson Pavlovsky inquired about the traffic signal location.
- Mr. Kalkomey replied that the traffic signal would be located at Reading Road and Town Center Boulevard.
- Chairperson Pavlovsky introduced Mr. Thomas Juarez and asked that he state his name and address.
- Mr. Thomas Juarez, 5702 Fourth Street, Katy, Texas 77493.
- Commissioner Poldrack stated that he has reservations concerning parking space at Reading Road Office Park and inquired if parking would be an issue as a result of this development.
- Mr. Kalkomey stated that parking was based on the facility.
- Commissioner Poldrack stated that parking space was based on the building size.
- Mr. Kalkomey stated that parking space at Reading Road Office Park does not appear to be an issue. Mr. Kalkomey stated that no changes have been made to the traffic study, however, the City may need to reconsider traffic later.
- Commissioner Poldrack stated that parking does not seem to be an issue in the future.
- Commissioner Parsons inquired about parking issues.
- Mr. Juarez replied that Reading Road Office Park does not include any retail space.
- Commissioner Poldrack inquired if adequate parking would be available at Reading Road Office Park since the development included two phases.
- Mr. Kalkomey replied that the overall parking space looked good. A similar concept was developed in Katy and parking was adequate.
- Commissioner Urbish stated that based on the mix of occupants, parking space should be sufficient.
- Commissioner Parsons replied that mixed parking is possible.
- Chairperson Pavlovsky stated that a local business, (La Casona) recently experienced a big problem with parking issues and possibly other factors as well. La Casona has since relocated to another location to better accommodate these needs.
- Chairperson Pavlovsky inquired if the traffic signal would be phased back to Section Two.
- Mr. Juarez stated that Section One includes 17 retail office spaces and Section Two includes 20 retail offices spaces.

Action taken: Commissioner Parsons moved, seconded by Commissioner Casias to recommend approval to City Council of the Short Form Final Plat of Reading Road Office Park Replat No. One, a total of 0.3756 acres being a replat of Lot 13, Reading Road Office Park in the James Lowery 1/3 League, A-275, City of Rosenberg, Fort Bend County, Texas recorded under Fort Bend County Plat No. 20110006; 2 lots, 1 block, 0 reserves. The motion carried unanimously.

6. CONSIDERATION OF AND ACTION ON REQUESTS FOR FUTURE AGENDA ITEMS.

Executive Summary: This item allows the Planning Commission the opportunity to request that items be placed on future items.

Key Discussion:

- Commissioner Poldrack inquired about the comparison of housing standards.
- Mr. Kalkomey replied that setbacks and landscaping may vary, but building standards do not.
- Commissioner Parsons stated that the object of establishing building standards was to attract more businesses to the area.
- Commissioner Poldrack inquired if the City could enforce building standards.
- Commissioner Parsons stated that the City has not properly enforced building standards.
- Chairperson Pavlovsky stated that City building standards have not been in effect long enough to signify

- a change.
- Commissioner Casias stated that Avenue I, past Stripes convenience store had been well maintained, however, the area where Stripes is had not. There is not any landscaping.
 - Commissioner Parsons inquired about thoroughfares.
 - Mr. Kalkomey discussed the area located along FM 2218.
 - Commissioner Urbish stated that building standards were not established for the FM 2218 area.
 - Mr. Kalkomey stated that signage was consistent in the area.
 - Commissioner Poldrack stated that unelected individuals are making decisions for the City, rather than elected officials.
 - Chairperson Pavlovsky requested that a future Agenda item include an ordinance for residential redevelopment along Avenue H, whereby individuals would have the opportunity to address proposed changes.
 - Councilor Euton mentioned the business incentives and receipt of points for making improvements. The City does not have any more funds allocated at this time.

No action taken.

7. ANNOUNCEMENTS.

There were no announcements.

8. ADJOURNMENT.

There being no further business, Chairperson Pavlovsky adjourned the Rosenberg Planning Commission meeting at 4:27 p.m.

Janet Eder
Secretary II



PLANNING COMMISSION COMMUNICATION

August 19, 2015

ITEM #	ITEM TITLE
3	Public Hearing on Preliminary Plat of Tran Plaza

MOTION

Hold public hearing on a Preliminary Plat of Tran Plaza, a subdivision of 9.9985 acres (435,538 sq. ft.) tract of land situated in the S.A. and M.G.R.R. Company Survey, Abstract 330, Fort Bend County, Texas, said 9.9985 acre tract being out of and part of Lot 60 and a portion of Lot 69 of the Slavin and George Subdivision, recorded in Volume 64, Page 252 of the Deed Records of Fort Bend County, Texas; 1 block, 1 reserve.

RECOMMENDATION

Staff recommends the public hearing be held.

MUD #	City/ETJ	ELECTION DISTRICT
N/A	City/ETJ	2

SUPPORTING DOCUMENTS:

1. Preliminary Plat of Tran Plaza

APPROVAL

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of Community
Development

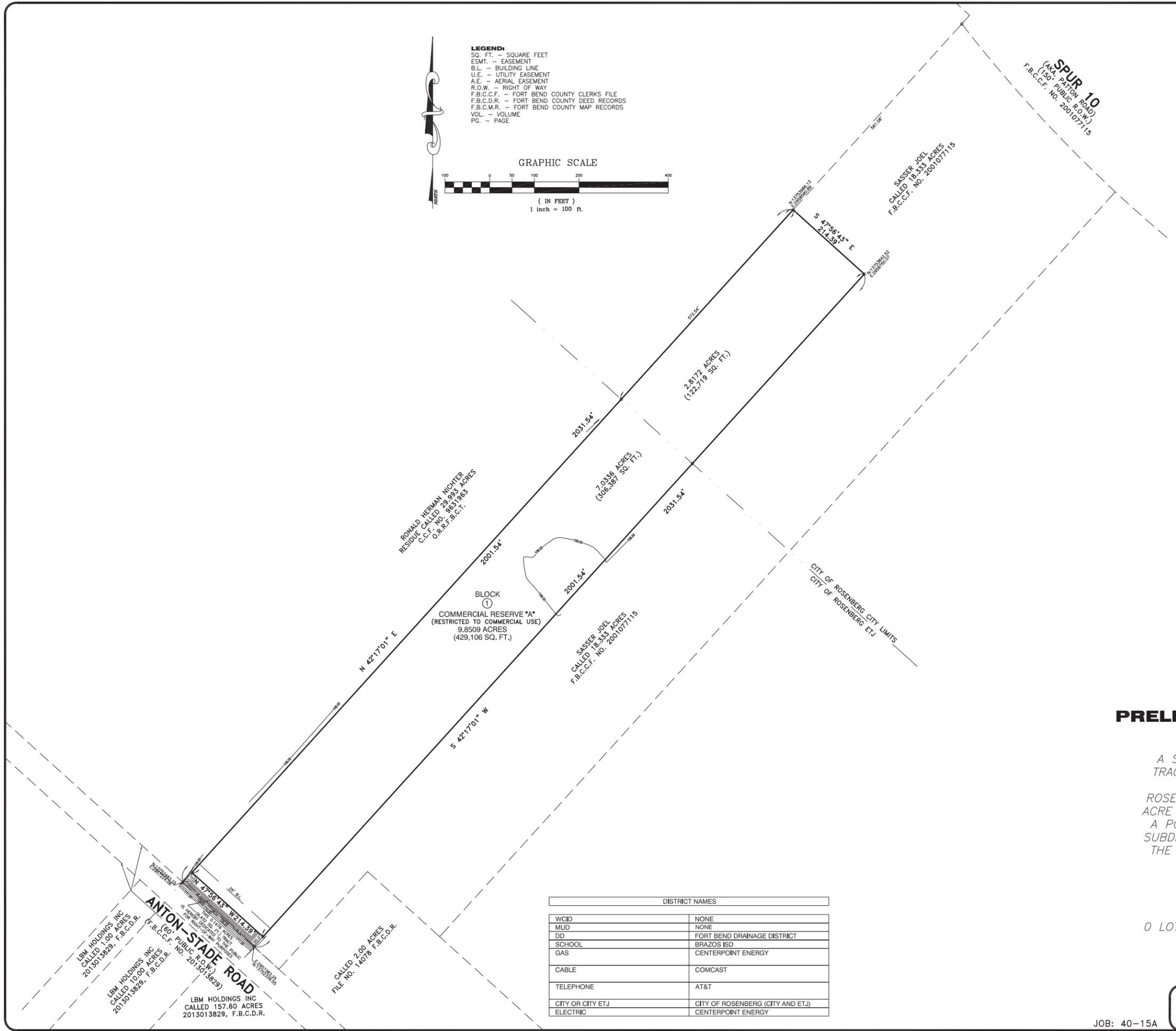
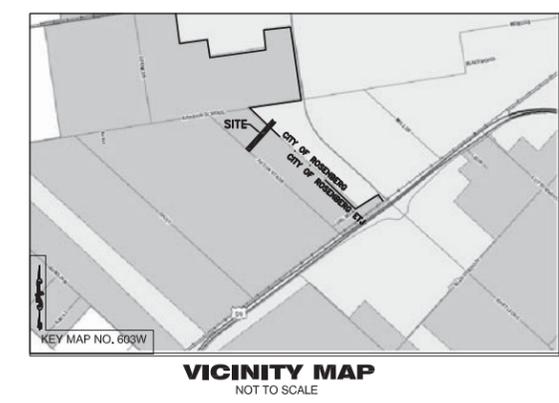
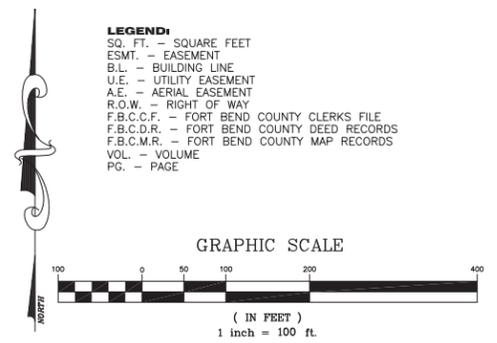
Reviewed by:

- Executive Director of Community Development
 City Engineer *OK*

EXECUTIVE SUMMARY

The Preliminary Plat of Tran Plaza is a proposed replat consisting of 9.9985 acres located off of Anton Stade Road, south of Randon School Road. As a general point of reference, this is located not far from the intersection of I-69/US 59 and Spur 10.

Because this is a partial replat of a previous subdivision (Slavin and George Subdivision), a public hearing is required per state law and per the City's "Subdivision" Ordinance. That said, staff recommends holding the hearing prior to the Planning Commission taking action on the Plat in a subsequent Agenda item in accordance with State law and City ordinance.



PRELIMINARY PLAT OF TRAN PLAZA
 1 BLOCK, 1 RESERVE

A SUBDIVISION OF 9.9985 ACRES (435,538 SQ.FT)
 TRACT OF LAND SITUATED IN THE S.A. AND M.G.R.R.
 COMPANY SURVEY, ABSTRACT 330, CITY OF
 ROSENBERG FORT BEND COUNTY, TEXAS, SAID 9.9985
 ACRE TRACT BEING OUT OF AND PART OF LOT 60 AND
 A PORTION OF LOT 69 OF THE SLAVIN AND GEORGE
 SUBDIVISION, RECORDED IN VOLUME 64, PAGE 252 OF
 THE DEED RECORDS OF FORT BEND COUNTY, TEXAS.

SCALE: 1" = 100' DATE: 8/2015
 0 LOTS 1 RESERVE (9.9985 ACRES) 1 BLOCK
 OWNER: HUE TRAN AND HAI TRAN
 ADDRESS: 11222 CARVEL LN.
 HOUSTON, TEXAS 77072

DISTRICT NAMES	
WCID	NONE
MUD	NONE
DD	FORT BEND DRAINAGE DISTRICT
SCHOOL	BRAZOS ISD
GAS	CENTERPOINT ENERGY
CABLE	COMCAST
TELEPHONE	AT&T
CITY OR CITY ETJ	CITY OF ROSENBERG (CITY AND ETJ)
ELECTRIC	CENTERPOINT ENERGY

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 11281 Richmond Ave. Bldg J, Suite 101, Houston, Texas 77082
 281-556-6918 FAX 281-556-9331
 Firm Number: 10045400
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PLANNING COMMISSION COMMUNICATION

August 19, 2015

ITEM #	ITEM TITLE
4	Variance Request - 1509 George Street

MOTION

Consideration of and action on a Variance Request for a proposed carport addition located at 1509 George Street.

RECOMMENDATION

Staff has no objection to the proposed variance with the condition of a minimum five (5) foot setback from the right-of-way.

MUD #	City/ETJ	ELECTION DISTRICT
N/A	City	2

SUPPORTING DOCUMENTS:

1. Variance Request Application
2. Vicinity Map
3. Surrounding Area Photos
4. Code of Ordinances (Ch. 25) Excerpts

APPROVAL

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of Community
Development

Reviewed by:

___ Executive Director of Community Development

X City Engineer *AK*

EXECUTIVE SUMMARY

A Variance Request has been submitted for a proposed carport addition at 1509 George Street. A vicinity map of the property, application materials, and photos are attached for review. The property is located on the east side of George Street between Avenue M and Dyer, and across the street from Holy Rosary Church.

The subdivision, Allendale Manor, was originally platted in 1949. Due to the age of the subdivision, an image of the plat is not available on the County website. However, based on adjoining plats and other subdivisions platted around the same time and for which images are available, it is unlikely that there are platted building lines (or setbacks). The current "Subdivision" Ordinance (Code of Ordinances, Ch. 25, Sec. 25-68) requires a 25' front building line on single-family residential lots. This requirement appears to have been in place since 2005 and, to staff's knowledge, has been enforced consistently since that time

The property itself appears to have an approximately 23' front setback and the owner wishes to construct a carport approximately 5' from the right-of-way line. Upon further investigation of the area, staff found the following:

- There are ten (10) nonconforming carports within approximately three (3) blocks, or within approximately 1,000, on George Street.
- There are eighteen (18) nonconforming carports within approximately five (5) blocks, or within approximately 1,500', on George Street.

The above is likely because many of the homes either have no garage, have a relatively small garage (i.e., one-car), or have a garage that has been enclosed. *Setbacks and building lines are generally applied to maintain a*

EXECUTIVE SUMMARY

consistent residential character. However, in this case, the residential character to date includes a relatively high number of carports.

Variations must be evaluated by the Planning Commission based on the four (4) criteria outlined in the Code (Sec. 25-8). Following is staff's analysis of each of the criteria.

(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;

The applicant has claimed in their application a lack of protection from rain and extreme temperatures. It could also be claimed that the neighborhood being highlighted by many existing/nonconforming carports is unique. Further, it could be argued that it is unreasonable to not allow the property owner to use their land consistently with surrounding properties, unless the Commission believes the proposed and existing carports are in any way detrimental to the area (and thus their existence should not be promoted in the future).

(2) The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;

Staff cannot identify any safety concerns or specific negative impacts associated with this request (based in part on many of the nearby properties also having carports without any apparent issues). The applicant claims it will be structurally sound; additionally, it will be required to comply with applicable international codes and would be inspected by the City.

(3) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter; and

The granting of the variance should not prevent orderly subdivisions in the area. New subdivisions are required to have building lines in accordance with City codes and in that way are not the same as older subdivisions with lesser or nonexistent building lines. Applicant claims no existing carports in the neighborhood are close to meeting the required setback, which is an accurate statement. They (carports) appear to range from zero (0) to five (5) feet from the street right-of-way.

(4) A more appropriate design solution exists which is not currently allowed in this chapter.

The proposed design solution does not appear to be inappropriate for the particular area. It has apparently not been deemed inappropriate for the area in the past (pre-2005).

Staff has no objection to the proposed variance with the condition of a minimum five (5) foot setback from the right-of-way. Lack of objection is based on the surrounding residential character and not being inconsistent with the four (4) criteria as outlined in the Code. The condition of having a five (5) foot setback is recommended to comply with international code requirements. With the latter condition in place, staff sees no further issues.



Planning Department
Variance Request Application

Submit this application and the appropriate (completed) documents to the Planning Department at the City Hall Annex, located at 2220 Fourth Street. See the attached schedule for submittal deadlines. Contact 832-595-3500 for assistance.

Project Name: Victor MACHA - Carport
Date: _____

Applicant / Project Manager's Information (Primary Contact for the Project):

Contact & Company: Victor Macha
Street Address: 1509 George City: Rosenberg
State: Tx. Zip Code: 77471 E-Mail Address: _____
Phone Number: 281-743-9850 Fax Number: _____

Property Location:

City Extraterritorial Jurisdiction

Geographic Location (List major streets, bayous, creeks, and adjacent subdivisions):

Requesting Variance from (i.e. Subdivision Regulations; Section 25-65(b)(1)):

Victor Macha

Submittal Fees:

Variance \$200.00

Pursuant to Sec. 25-8 of the Rosenberg Code of Ordinances, the applicant has the responsibility of proving that compliance with the Ordinance will create undue hardship*, and the following conditions must be present for consideration:

1. There are special circumstances affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of this land.
2. The granting of the variance will not be detrimental to the public safety or welfare or injurious to other property in the area.
3. The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance.
4. A more appropriate design solution exists which is not currently allowed in this ordinance.

* Economic hardship (financial impact) to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

No variance will be granted unless an undue hardship exists. No application will be deemed complete unless the applicant has explained in detail and demonstrated that ALL FOUR conditions have been met. On a separate sheet, please clearly label by number the condition, and then proceed to demonstrate in writing how this application meets each condition.

This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application.

Victor Macha 12 Jul 15
Signature of Applicant Date

City of Rosenberg

Planning Department

This application for Variance is being presented for a simple yet strong means of protection for an eighty four year old citizen who has to use a walking device to go to and from his vehicle. We all know extreme temperatures and heavy rains can hinder even the best of us.

- 1. This person is seeking protection for himself and vehicle from elements of weather. Heavy rains and extreme temperatures make dangerous situations.**

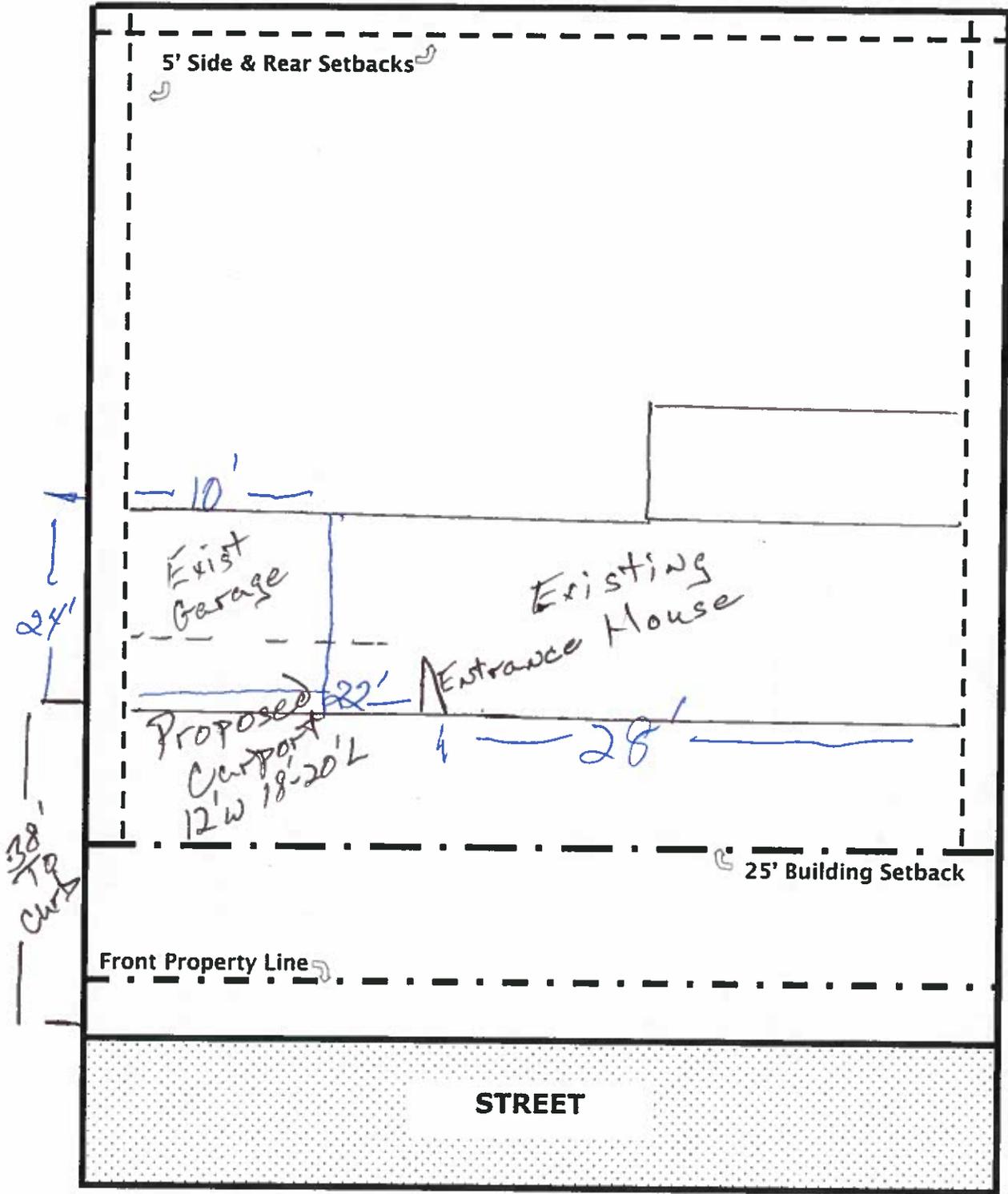
- 2. This structure is sound and strong enough not to offer damage or danger to surrounding properties.**

- 3. No other carport grandfathered or otherwise meets or is even close to the twenty five foot ordinance.**

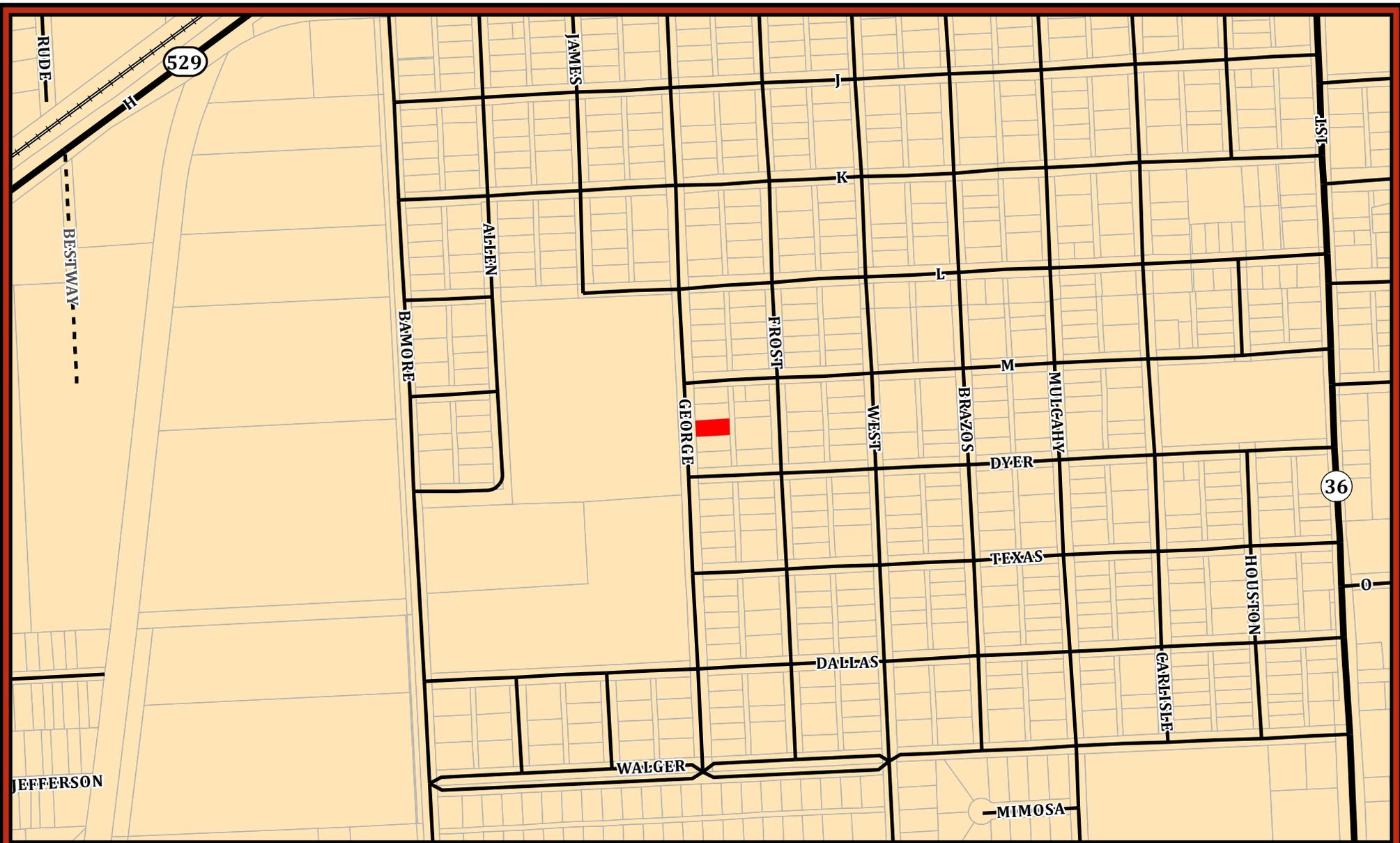
- 4. Not a single home on George St. in Rosenberg Tx was built to allow a carport to end twenty five feet from the property line. Eight or more examples exist on George St.**

SITE PLAN

Alley or Rear Property Line



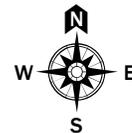
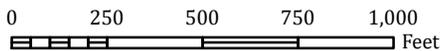
Address: 1509 George



**1509 George St
City of Rosenberg, Texas**

- State Highway
- Public Road
- Private Road
- Railroad
- 1509 George St
- FBCAD 2015 2nd Quarter Parcels
- Rosenberg City Limits

Scale:
1:6,000
or
1 inch = 500 feet



Created by: City of Rosenberg GIS - Paul M. Jones
Date Created: August 04, 2015
Original Size: 8.5" x 11"
K:\GIS\MAPS\Planning\2015\1509_GeorgeSt.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of geographic features.



Surrounding Area Photos

Subject Property – 1509 George St.



Nearby Carports 1 & 2



Carport 3



Carports 4 & 5



Carports 6 & 7



Carport 8



Carport 9



Carport 10



Sec. 25-8. - Variances.

- (a) The commission shall review the variance request and make a recommendation to the city council. The city council may then authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. The applicant shall have the responsibility of proving that compliance would create a hardship. In granting a variance, the city council may prescribe conditions that it deems necessary or desirable to the public interest. Any conditions that are prescribed shall be deemed continuing and shall be placed of record in the office of the county clerk either on the face of the subdivision plat or as an attachment thereto. The city council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon public health, safety, convenience, and welfare in the vicinity. No variance will be granted unless the city council finds that an undue hardship exists. The following conditions must be present for consideration:
- (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;
 - (2) The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;
 - (3) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter; and
 - (4) A more appropriate design solution exists which is not currently allowed in this chapter.
- (b) A variance may not be granted in such cases where the only evidence for the granting of the variance is the loss of a potential profit at the time of the lot development and build out. Economic hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.
- (c) Such recommendations of the commission and findings of the city council, together with the specific facts on which such findings are based, shall be incorporated in the official minutes of the commission and the city council meetings at which such variance is recommended or granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. The city council may reach a conclusion that a hardship exists if it finds that:
- (1) The applicant complies strictly with the provisions of this chapter, and no other reasonable use of the property may be made except for the use that is proposed and recommended;
 - (2) The hardship to which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
 - (3) The hardship relates to the applicant's land, rather than personal circumstances;
 - (4) The hardship is unique to the property, rather than one shared by many surrounding properties; and
 - (5) The hardship is not the result of the applicant's own actions or neglectful conduct.
- (d) In granting variances, the city may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. All conditions as are imposed shall be placed of record on the face of the subdivision plat or may, as an alternative thereof, be placed of record by separate instrument duly filed for record with the subdivision plat in the office of the county clerk.
- (e) A variance may, at the sole discretion of the city council, be issued for an indefinite duration or for a specified period of time.
- (f) All conditions imposed by the city council are enforceable in the same manner as any other applicable requirement of this Code.

(Ord. No. 2005-24, § 1, 10-18-05)

Sec. 25-68. - Building lines—Single-family lots.

Building lines or setback lines shall be established for all single-family residential lots and so indicated on all subdivision plats as stipulated below:

- (1) Corner lots. The setback lines for corner lots shall be as follows:
 - a. A minimum building setback of twenty-five (25) feet shall be provided on the front and fifteen (15) feet on the side of all corner lots where such lots side upon minor streets.
 - b. A minimum building setback of twenty-five (25) feet shall be provided on the front and twenty (20) feet on the side of all corner lots where such lots side upon collector streets.
 - c. A minimum building setback of twenty-five (25) feet shall be provided on the front and twenty-five (25) feet on the side of all corner lots where such lots side upon major thoroughfares.
- (2) Corner lots less than fifty (50) feet in width. The setback lines for corner lots less than fifty (50) in width shall be as follows:
 - a. A minimum building setback of twenty-five (25) feet shall be provided on the front and five (5) feet on the side of all corner lots where such lots sides upon a street containing the required right-of-way for its classification according to the City of Rosenberg's Thoroughfare Plan.
 - b. This provision shall not apply to a lot within a townhouse subdivision or patio home subdivision as defined by this chapter.
- (3) Interior lots. A minimum building setback of twenty-five (25) feet shall be provided on the front and five (5) feet on each side of all interior lots fronting on minor and collector streets and major thoroughfares.

(Ord. No. 2005-24, § 1, 10-18-05; Ord. No. 2010-12, § 2, 4-6-10)



PLANNING COMMISSION COMMUNICATION

August 19, 2015

ITEM #	ITEM TITLE
5	Preliminary Plat of CVS Store #10637

MOTION

Consideration of and action on a Preliminary Plat of CVS Store #10637, a subdivision of 2.091 acres of land being a portion of a called 173.34 acre tract recorded in the name of CL Waterford, LLC C.F. No. 2010054252, F.B.C.O.P.R. located in the Robert E. Handy Survey, Abstract No. 187, City of Rosenberg, Fort Bend County, Texas; 1 block, 0 lots, 1 reserve.

RECOMMENDATION

Staff recommends approval of the Preliminary Plat of CVS Store #10637.

MUD #	City/ETJ	ELECTION DISTRICT
144 (Summer Lakes/Waterford Park)	City	4

SUPPORTING DOCUMENTS:

1. Preliminary Plat of CVS Store #10637

APPROVAL

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of Community
Development

Reviewed by:

Executive Director of Community Development
 City Engineer *CK*

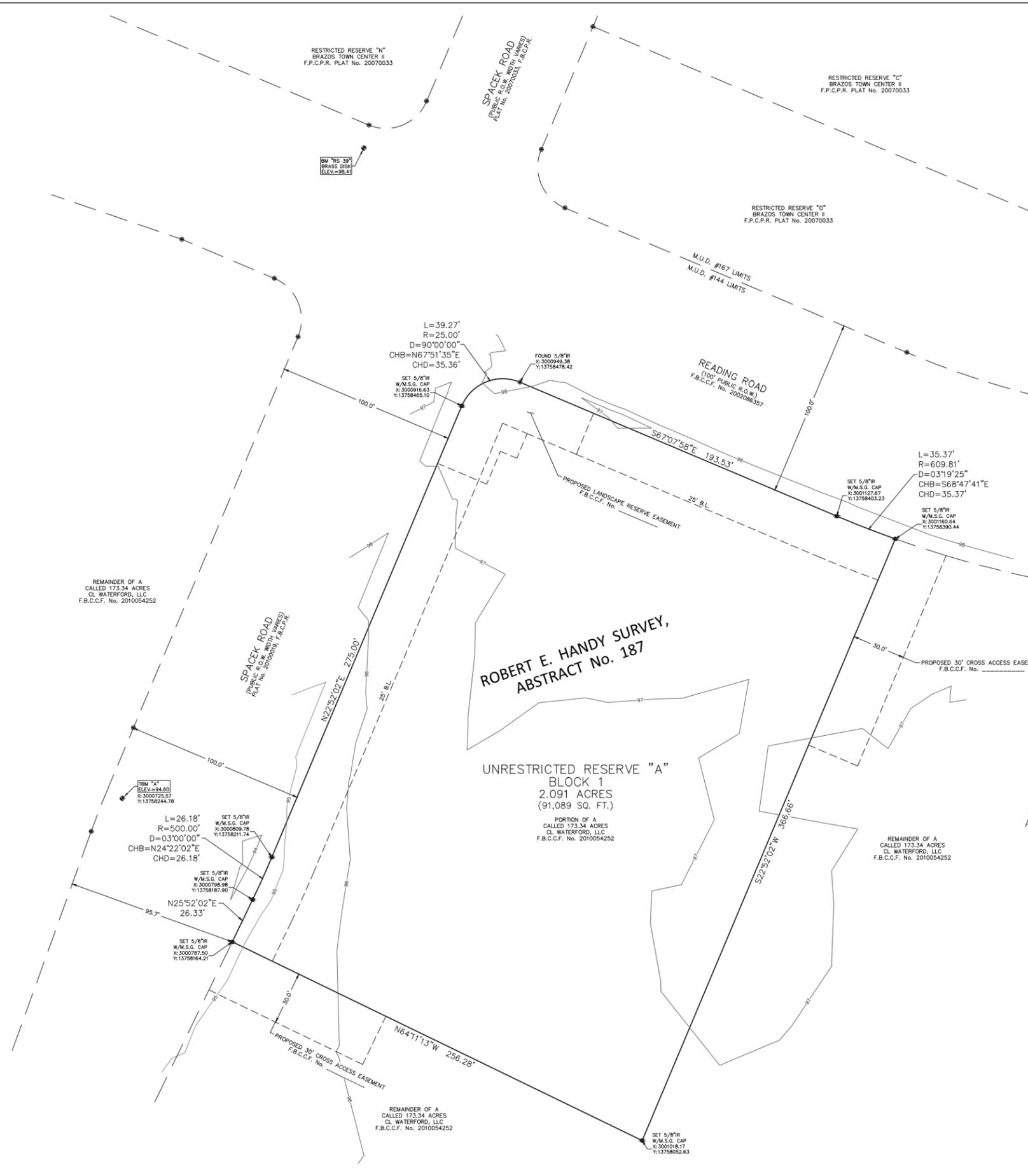
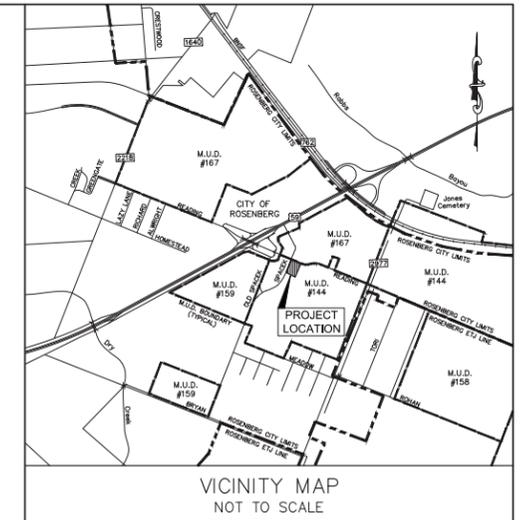
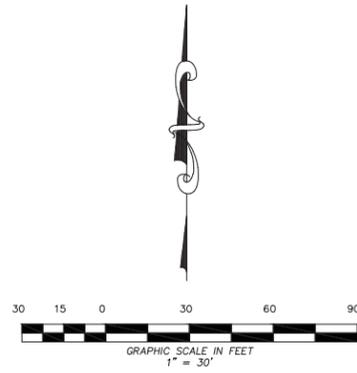
EXECUTIVE SUMMARY

The Preliminary Plat of CVS Store #10637 consists of 2.091 acres of land located at the southeast intersection of Reading and Spacek Roads. This location is generally across Reading Road from Kroger.

As seen in the plat description, this is just over two (2) acres being platted for the purpose of developing a CVS store. The site will have its access from two (2) proposed thirty-foot (30') access easements which are in alignment with the existing median openings in Reading and Spacek Roads and in compliance with the City driveway separation standards. Notably, due to existing level of service at the intersection, development of the site will require the installation of a traffic signal. The applicant is aware of this and intends to submit plans for the signal to the City. Development would be contingent on the signal installation.

While the main purpose of the plat is simply to plat out raw acreage for this development (existing utilities are in place to serve the tract), the property is located Fort Bend County MUD No. 144 and will therefore be subject to its development standards, which are generally more stringent than City standards (e.g., landscaping and masonry requirements).

Seeing no issues in conflict with City ordinances, staff recommends approval of the Preliminary Plat of CVS Store #10637.



**PRELIMINARY PLAT
CVS STORE #10637**

A SUBDIVISION OF 2.091 ACRES OF LAND BEING
A PORTION OF A CALLED 173.34 ACRE TRACT
RECORDED IN THE NAME OF
CL WATERFORD, LLC
C.F. NO. 2010054252, F.B.C.O.P.R.
LOCATED IN THE
ROBERT E. HANDY SURVEY,
ABSTRACT NO. 187,
CITY OF ROSENBERG,
FORT BEND COUNTY, TEXAS

1 BLOCK 0 LOTS 1 RESERVE
DATE: AUGUST 6, 2015 SCALE: 1" = 30'

OWNER:
FIRST HARTFORD REALTY CORPORATION
149 COLONIAL ROAD
MANCHESTER, CONNECTICUT 06045
PHONE: (860) 646-8572

SURVEYOR:
MILLER
SURVEY GROUP
www.millersurvey.com

1760 WEST SAM HOUSTON PARKWAY NORTH * HOUSTON, TEXAS 77043
PHONE 713-413-1900 * FAX 713-413-1944
TEXAS FIRM REGISTRATION NO. 10047100

LEGEND

- = FOUND 5/8-INCH IRON ROD (UNLESS OTHERWISE NOTED)
- = SET 5/8-INCH IRON ROD WITH M.S.G. CAP (UNLESS OTHERWISE NOTED)
- AC. = ACRE
- A.E. = AERIAL EASEMENT
- B.L. = BUILDING LINE
- D.E. = DRAINAGE EASEMENT
- F.B.C.C.F. = FORT BEND COUNTY CLERK'S FILE
- F.B.C.D.R. = FORT BEND COUNTY DEED RECORDS
- F.B.C.P.R. = FORT BEND COUNTY PLAT RECORDS
- F.B.C.O.P.R. = FORT BEND COUNTY OFFICIAL PUBLIC RECORDS
- LTD. = LIMITED
- NO. = NUMBER
- PG. = PAGE
- R. = RADIUS
- R.O.W. = RIGHT-OF-WAY
- SQ. FT. = SQUARE FEET
- S.S.E. = SANITARY SEWER EASEMENT
- STM.S.E. = STORM SEWER EASEMENT
- U.E. = UTILITY EASEMENT
- VOL. = VOLUME
- W.L.E. = WATER LINE EASEMENT
- M.U.D. = MUNICIPAL UTILITY DISTRICT
- C.P.E. = CENTERPOINT ENERGY EASEMENT
- D.E. = DRAINAGE EASEMENT
- P.L. = PROPERTY LINE
- GPS = GLOBAL POSITIONING SYSTEM
- M.S.G. = MILLER SURVEY GROUP
- TBM = TEMPORARY BENCHMARK
- BM = BENCHMARK

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PLANNING COMMISSION COMMUNICATION

August 19, 2015

ITEM #	ITEM TITLE
6	Preliminary Plat of Tran Plaza

MOTION

Consideration of and action on a Preliminary Plat of Tran Plaza, a subdivision of 9.9985 acres (435,538 sq. ft.) tract of land situated in the S.A. and M.G.R.R. Company Survey, Abstract 330, City of Rosenberg, Fort Bend County, Texas, said 9.9985 acre tract being out of and part of Lot 60 and a portion of Lot 69 of the Slavin and George Subdivision, recorded in Volume 64, Page 252 of the Deed Records of Fort Bend County, Texas; 1 block, 1 reserve.

RECOMMENDATION

Staff recommends approval of the Preliminary Plat of Tran Plaza.

MUD #	City/ETJ	ELECTION DISTRICT
N/A	City/ETJ	2

SUPPORTING DOCUMENTS:

1. Preliminary Plat of Tran Plaza (please refer to Agenda Item No. 3)

APPROVAL

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of Community
Development

Reviewed by:

____ Executive Director of Community Development

X City Engineer *OK*

EXECUTIVE SUMMARY

This agenda item consists of a Preliminary Plat of Tran Plaza, which also happens to be a partial replat of Slavin and George Subdivision, hence the previous Public Hearing item on the Agenda. As discussed, the property (9.9985 acres total) is located off of Anton Stade Road, south of Randon School Road.

The Plat has its frontage (only 214') on Anton Stade Road. However, the site is over 2,000' in depth. The property is being restricted by way of this plat to commercial use. The proposed Plat also provides for dedication of a thirty-foot (30') strip of right-of-way for Anton Stade Road. The reason for this is that Fort Bend County's Thoroughfare Plan classifies this road as a 120' Major Thoroughfare. With the existing right-of-way width being 60', an additional 30' is required on each side.

The Plat is approximately one-third in the City limits, with the remaining approximately two thirds being in the Extraterritorial Jurisdiction (ETJ). Specifically, it is the rear part of the plat that is located in the City.

Seeing no issues in conflict with City ordinances, staff recommends approval of the Preliminary Replat of Tran Plaza.



PLANNING COMMISSION COMMUNICATION

August 19, 2015

ITEM #	ITEM TITLE
7	Requests for Future Agenda Items

MOTION

Consideration of and action on requests for future Agenda items.

RECOMMENDATION

N/A

MUD #	City/ETJ	ELECTION DISTRICT
N/A	N/A	N/A

SUPPORTING DOCUMENTS:

1. None

APPROVAL

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of Community
Development

Reviewed by:

___ Executive Director of Community Development

___ City Engineer

EXECUTIVE SUMMARY

This item allows the Planning Commission the opportunity to request that items be placed on future agendas.

ITEM 8

Announcements.

ITEM 9

Adjournment.