

# **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, April 20, 2016  
**TIME:** 5:00 p.m.  
**PLACE:** Rosenberg City Hall  
City Hall Council Chamber  
2110 4<sup>th</sup> Street  
Rosenberg, Texas 77471  
**PURPOSE:** Rosenberg Planning Commission Meeting

Call to order: Council Chamber

## **AGENDA**

### **MINUTES**

1. Consideration of and action on minutes of the Regular Planning Commission Meeting for March 16, 2016. (Janet Eder, Senior Administrative Specialist)
2. Consideration of and action on revised minutes of the Regular Planning Commission Meeting for February 17, 2016. (Janet Eder, Senior Administrative Specialist)

### **PUBLIC HEARINGS**

3. Hold public hearing on a Preliminary Plat of Mons Plaza Partial Replat No. 1, a subdivision of 6.4700 acres or 281,835 square feet of land, being a replat of Restricted Reserves "A" and "C", Mons Plaza, recorded under Plat No. 20060289, Fort Bend County Plat Records, situated in the Henry Scott League, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 1 block and 1 reserve. (Travis Tanner, Executive Director of Community Development)

### **VARIANCE REQUESTS**

None

### **SUBDIVISION LAND PLANS AND PRELIMINARY PLATS**

4. Consideration of and action on a Land Plan of Paragon Outlets Rosenberg, being a 63.521 acre tract of land lying in the R. E. Handy Survey, Abstract 187 in Fort Bend County, Texas, being all of unrestricted Reserve "B" and part of Reserve "C" of the Reading Center, as recorded in Slide Numbers 1680A and 1680B of the Plat Records of Fort Bend County, Texas, and also being all of unrestricted Reserve "A" and all of unrestricted Reserve "C" of Reading Center Phase Two, as recorded in Slide Numbers 1955B and 1956A the Plat Records of Fort Bend County, Texas. (Travis Tanner, Executive Director of Community Development)
5. Consideration of and action on a Preliminary Plat of Mons Plaza Partial Replat No. 1, a subdivision of 6.4700 acres or 281,835 square feet of land, being a replat of Restricted Reserves "A" and "C", Mons Plaza, recorded under Plat No. 20060289, Fort Bend County Plat Records, situated in the Henry Scott League, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 1 block and 1 reserve. (Travis Tanner, Executive Director of Community Development)
6. Consideration of and action on a Preliminary Plat of the Trails at Seabourne Parke Section Four, a subdivision of 21.641 acres located in the G.M. Stone 1/3 League Survey, Abstract 312, City of Rosenberg, Fort Bend County, Texas, (Fort Bend County Municipal District No. 147); 103 lots, 3 reserves and 4 blocks. (Ian Knox, Planning Administrator)
7. 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. (Ian Knox, Planning Administrator)

**FINAL PLATS**

- 8. Consideration of and action on a Final Plat of Community Focus Foundation, a subdivision of 43.8605 acres of land out of William Lusk Survey, Abstract Number 276, City of Rosenberg, Fort Bend County, Texas; 1 reserve and 1 block. (Ian Knox, Planning Administrator)
- 9. Consideration of and action on a Final Plat of The Trails at Seabourne Parke Section Four, a subdivision of 21.641 acres located in the G.M. Stone 1/3 League Survey, Abstract 312, City of Rosenberg, Fort Bend County Texas (Fort Bend County Municipal Utility District No. 147); 103 lots, 3 reserves and 4 blocks. (Ian Knox, Planning Administrator)
- 10. Consideration of and action on a Final 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 68 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; 0 lots, 1 reserve (9.9985 acres) and 1 block. (Ian Knox, Planning Administrator)

**DISCUSSION ITEMS**

- 11. Review and discuss proposed revisions to Code of Ordinances, Chapter 25, Article III, Section 25-68, Building lines – Single-family lots, and Chapter 6, Article XV. – Building and Setback Lines, and take action as necessary to direct staff. (Travis Tanner, Executive Director of Community Development)
- 12. Review and discuss potential transition from paper distribution of the Planning Commission Agenda and related documentation to an electronic distribution, and take action as necessary to direct staff. (Travis Tanner, Executive Director of Community Development)
- 13. Consideration of and action on requests for future Agenda items. (Travis Tanner, Executive Director of Community Development)
- 14. Announcements.
- 15. 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 TO FOLLOW]

DATED AND POSTED this the \_\_\_\_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ m. by

\_\_\_\_\_.

\_\_\_\_\_  
Attest:  
Linda Cernosek, TRMC, City Secretary

\_\_\_\_\_  
Approved for Posting:  
John Maresh, Interim 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. There may be a quorum of City Council Members attending this meeting.**

# **ITEM 1**

## **Minutes:**

- 1. Regular Planning Commission Meeting Minutes for March 16, 2016**

## PLANNING COMMISSION MEETING MINUTES

\*\*\*DRAFT\*\*\*

On this the 16th day of March 2016, 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 4<sup>th</sup> Street, Rosenberg, Texas 77471.

### COMMISSIONERS PRESENT

James Urbish	Planning Commission Chairperson
Lester Phipps, Jr.	Planning Commission Vice Chairperson
Wayne Poldrack	Planning Commission Secretary
Sergio Villagomez	Planning Commissioner
Steven Monk	Planning Commissioner

### NOT PRESENT

Charlotte Davis	Planning Commissioner
Susan Euton	Councilor, District No. 2

### STAFF PRESENT

Charles Kalkomey	City Engineer
Travis Tanner	Executive Director of Community Development
Ian Knox	Planning Administrator
Janet Eder	Senior Administrative Specialist

### OTHERS PRESENT

Rene Rodriguez	LJA Engineering (Bonbrook Plantation South Section Six and Nine)
Keith Schoonover	BEAZER HOMES TEXAS, L.P. (Bonbrook Plantation/MUD No. 155)

### CALL TO ORDER

Chairperson Urbish called the meeting to order at 5:00 p.m.

### AGENDA

#### 1. CONSIDERATION OF AND ACTION ON MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF FEBRUARY 17, 2016.

**Action Taken:** Vice Chairperson Phipps moved, seconded by Commissioner Poldrack to approve the minutes of the Regular Planning Commission Meeting of February 17, 2016 as presented. The motion carried unanimously by those present.

#### 2. PUBLIC HEARING ON A PRELIMINARY PLAT OF GILLMAN ROSENBERG, 9.406 ACRES BEING A REPLAT OF TRACT NOS. 1 AND 2, GILLMAN HONDA/MAZDA/NISSAN DIVISION, A SUBDIVISION RECORDED IN SLIDE NOS. 1047A AND B, FORT BEND COUNTY PLAT RECORDS, AND RESTRICTED RESERVE "A", GILLMAN NISSAN ROSENBERG, A SUBDIVISION RECORDED IN PLAT NO. 2007037, FORT BEND COUNTY PLAT RECORDS IN THE ROBERT E. HANDY SURVEY ABSTRACT NO. 187.

**Key Discussion:**

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

**Chairperson Urbish opened the public hearing at 5:01 p.m. After three calls for speakers, no one came forward. Chairperson Urbish closed the public hearing at 5:02 p.m.**

#### 3. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF BONBROOK PLANTATION SOUTH

**SECTION NINE, A SUBDIVISION OF 35.335 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 96 LOTS, 2 RESERVES (6.553 ACRES) AND 5 BLOCKS.**

**Executive Summary:** The Preliminary Plat of Bonbrook Plantation South Section Nine is a proposed subdivision consisting of ninety-six (96) residential lots and two (2) reserves in five (5) blocks located off of Benton Road in the southwest part of the Bonbrook Plantation development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ), MUD 155, and is south of Bonbrook Plantation South Section Six.

The subdivision consists of sixty-five-foot (65') and sixty-foot (60') lots in accordance with the approved Land Plan for Bonbrook Plantation South and with the current "Subdivision" Ordinance. The Land Plan for this subdivision was approved by the Planning Commission in October of 2015 and is attached for review as well.

Seeing no conflicts with applicable regulations, staff recommends approval of the Preliminary Plat of Bonbrook Plantation South Section Nine.

**Key Discussion:**

- Mr. Knox presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired about the number of remaining sections to be developed in Bonbrook Plantation South.
- Mr. Knox replied that approximately six to seven sections remain to be developed.

**Action taken:** Commissioner Poldrack moved, seconded by Commissioner Villagomez to approve the Preliminary Plat of Bonbrook Plantation South Section Nine, a subdivision of 35.335 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 96 lots, 2 reserves (6.553 acres) and 5 blocks. The motion carried unanimously by those present.

**4. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF GILLMAN ROSENBERG, 9.406 ACRES BEING A REPLAT OF TRACT NOS. 1 AND 2, GILLMAN HONDA/MAZDA/NISSAN DIVISION, A SUBDIVISION RECORDED IN SLIDE NOS. 1047A AND B, FORT BEND COUNTY PLAT RECORDS, AND RESTRICTED RESERVE "A", GILLMAN NISSAN ROSENBERG, A SUBDIVISION RECORDED IN PLAT NO. 2007037, FORT BEND COUNTY PLAT RECORDS IN THE ROBERT E. HANDY SURVEY ABSTRACT NO. 187, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.**

**Executive Summary:** The Preliminary Plat of Gillman Rosenberg consists of 9.406 acres located at the southeast corner of the Hwy 59 and Bryan Road intersection, within the City Limits. The subject property was originally platted as two tracts and one reserve.

The replat request is to combine previously platted "Tracts 1 and 2" (7.5754 acres) with previously platted "Restricted Reserve A" (1.8311 acres) to create a single unrestricted reserve.

Seeing no conflicts with applicable regulations, staff recommends approval of the Preliminary Plat of Gillman Rosenberg.

**Key Discussion:**

- Mr. Knox presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired about the purpose for having only one tract.
- Mr. Knox replied that combining the property may have been for marketing purposes to sell it all as one tract and not have to subsequently replat.
- Commissioner Poldrack inquired if Gillman Rosenberg could prevent a drive-thru from Bryan Road to the SW Feeder.
- Mr. Knox replied that he did not think Gillman Rosenberg could not prevent a drive thru from happening.

**Action taken:** Commissioner Poldrack moved, seconded by Vice Chairperson Phipps to approve the Preliminary Plat of Gillman Rosenberg, 9.406 acres being a replat of Tract Nos. 1 and 2, Gillman Honda/Mazda/Nissan Division, a subdivision recorded in Slide Nos. 1047A and B, Fort Bend County Plat Records, and Restricted Reserve "A", Gillman Nissan Rosenberg, a subdivision recorded in Plat No. 2007037, Fort Bend County Plat Records in the Robert E. Handy Survey Abstract No. 187, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously by those present.

**5. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF ROSENBERG PLUMBING SERVICE, INC., 15.5288 ACRES DESCRIBED AS A 17.30 ACRE TRACT OF LAND, OUT OF JAMES HUGHES SURVEY,**

**ABSTRACT NO. 197, SAVE AND EXCEPT A 1.7492 ACRE TRACT OF LAND, OUT OF THE JAMES HUGHES SURVEY, ABSTRACT 197, RECORDED IN VOLUME 1944, PAGE 1201 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS; 0 LOTS, 1 RESERVE (14.6702 ACRES) AND 1 BLOCK.**

**Executive Summary:** The Preliminary Plat of Rosenberg Plumbing Service, Inc. consists of 14.6702 acres and one (1) proposed reserve. The property is located on the northeast side of Wehring Road, southeast of Cottonwood School Road, and is in the Extraterritorial Jurisdiction (ETJ) of the City of Rosenberg.

The property currently has no improvements, and the Preliminary Plat proposes one (1) non-residential reserve. Additionally, the plat contains a right-of-way dedication of thirty feet (30') for Wehring Road.

Seeing no conflicts with applicable regulations, staff recommends approval of the Preliminary Plat of Rosenberg Plumbing Service, Inc.

**Key Discussion:**

- Mr. Knox presented the item and reviewed the Executive Summary.
- Commissioner Villagomez inquired if Rosenberg Plumbing Service, Inc. located on Avenue N would eventually serve as a warehouse.
- Mr. Knox replied that the Avenue N location could potentially serve as a secondary location.

**Action taken:** Vice Chairperson Phipps moved, seconded by Commissioner Villagomez to approve the Preliminary Plat of Rosenberg Plumbing Service, Inc., 15.5288 acres described as a 17.30 acre tract of land, out of James Hughes Survey, Abstract No. 197, save and except a 1.7492 acre tract of land, out of the James Hughes Survey, Abstract 197, recorded in Volume 1944, Page 1201 of the Deed Records of Fort Bend County, Texas; 0 lots, 1 reserve (14.6702 acres) and 1 block. The motion carried unanimously by those present.

**6. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION SOUTH SECTION SIX, A SUBDIVISION OF 38.506 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 70 LOTS, 10 RESERVES (17.817 ACRES) AND 5 BLOCKS.**

**Executive Summary:** The Final Plat of Bonbrook Plantation South Section Six is a proposed subdivision consisting of seventy (70) residential lots and ten (10) reserves in five (5) blocks located off of Benton Road in the southwest part of the Bonbrook Plantation development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ), MUD 155, and is south of Bonbrook Plantation South Section Two.

The subdivision consists of sixty-five-foot (65') and sixty-foot (60') lots in accordance with the approved Land Plan for Bonbrook Plantation South and with the current "Subdivision" Ordinance. Slight changes were made to add buffers to two intersections, but this change does not affect the lot counts or layout. The Land Plan for this subdivision was approved by the Planning Commission in October of 2015 and is attached for review as well.

The Planning Commission approved the Preliminary Plat of Bonbrook Plantation South Section Six on February 17, 2016. Seeing no conflicts with applicable regulations, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation South Section Six.

**Key Discussion:**

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

**Action Taken:** Commissioner Poldrack moved, seconded by Vice Chairperson Phipps to recommend approval to City Council of the Final Plat of Bonbrook Plantation South Section Six, a subdivision of 38.506 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 70 lots, 10 reserves (17.817 acres) and 5 blocks. The motion carried unanimously by those present.

**7. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF WALNUT CREEK SECTION FOURTEEN, A SUBDIVISION OF 13.380 ACRES CONTAINING 50 LOTS, 3 BLOCKS AND 3 RESTRICTED RESERVES OUT OF THE WILEY MARTIN LEAGUE, A-56 FORT BEND COUNTY, TEXAS.**

**Executive Summary:** The Final Plat of Walnut Creek Section Fourteen is a proposed subdivision consisting of fifty (50) residential lots and three (3) restricted reserves in three (3) blocks located off of Irby Cobb Boulevard in the northeast part of the Walnut Creek Development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It is east of Walnut Creek Section Thirteen.

The subdivision consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek and with the current "Subdivision" Ordinance. The Land Plan for this subdivision was updated/approved in September 2015, and is attached for review.

The Planning Commission approved the Preliminary Plat of Walnut Creek Section Fourteen on November 18, 2015. Seeing no conflicts with applicable regulations, and with the proposed Final Plat being consistent with the approved Preliminary Plat, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Walnut Creek Section Fourteen.

**Key Discussion:**

- Mr. Knox presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired about the number of remaining sections in Walnut Creek Section Fourteen.
- Mr. Knox replied that two sections remain to be developed.
- Commissioner Poldrack inquired about a potential lot shortage.
- Mr. Knox replied that land remains to be developed in the area.
- Chairperson Urbish inquired about plans for remaining drill sites.
- Mr. Knox replied that state laws regulate the distance from drill sites to residential subdivisions.
- Commissioner Poldrack inquired if the City would supply water to Walnut Creek Section Fourteen.
- Mr. Knox replied that the City would.

**Action Taken:** Commissioner Poldrack moved, seconded by Commissioner Villagomez to recommend approval to City Council of the Final Plat of Walnut Creek Section Fourteen a subdivision of 13.380 acres containing 50 lots, 3 blocks and 3 restricted reserves out of the Wiley Martin League, A-56 Fort Bend County, Texas. The motion carried unanimously by those present.

**8. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF WALNUT CREEK SECTION FIFTEEN, A SUBDIVISION OF 22.315 ACRES CONTAINING 58 LOTS, 4 BLOCKS AND 7 RESTRICTED RESERVES OUT OF THE WILEY MARTIN LEAGUE, A-56 FORT BEND COUNTY, TEXAS.**

**Executive Summary:** The Final Plat of Walnut Creek Section Fifteen is a proposed subdivision consisting of fifty-eight (58) residential lots and seven (7) restricted reserves in four (4) blocks located off of Irby Cobb Boulevard in the northeast part of the Walnut Creek Development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It is north of Walnut Creek Sections Twelve and Thirteen.

The subdivision consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek and with the current "Subdivision" Ordinance. Further, the plat provides for dedication of right-of-way for A Myers Road, a thoroughfare to the immediate north of the subdivision, as well as for Benton Road to the west. The Land Plan for this subdivision was updated/approved in September, 2015 and is attached for review.

The Planning Commission approved the Preliminary Plat of Walnut Creek Section Fifteen on November 18, 2015. Seeing no conflicts with applicable regulations, and with the proposed Final Plat being consistent with the approved Preliminary Plat, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Walnut Creek Section Fifteen.

**Key Discussion:**

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

**Action taken:** Commissioner Poldrack moved, seconded by Vice Chairperson Phipps to recommend approval to City Council of the Final Plat of Walnut Creek Section Fifteen, a subdivision of 22.315 acres containing 58 lots, 4 blocks and 7 restricted reserves out of the Wiley Martin League, A-56 Fort Bend County, Texas. The motion carried unanimously by those present.

**9. REVIEW AND DISCUSS REVISIONS TO THE CODE OF ORDINANCES, CH. 6, ARTICLE XVI, PARKING LOT STANDARDS AND SPECIFICATIONS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** One of the topics frequently brought up at the Planning Commission level over the last several years is the need to revise the City's parking requirements. Potential redrafting and amendments to the City's land development and related code elements (e.g., parking) is also addressed in the Comprehensive Plan. As discussed, City staff has been working with a consultant on some of the needed code review and revision services, the first of which

to be addressed is parking. The attached proposed ordinance revisions generally provide for the following:

- Shared parking for mixed uses with variable peak parking hours and related requirements;
- Improved identification of how nonconforming parking lots are dealt with;
- Graphic for improved understanding of parking dimensions and drive aisles;
- Graphic for improved understanding of parking setbacks;
- Improved identification of paving standards and pervious pavement options;
- Improved maintenance provisions for parking lots;
- Downtown area parking, while not required, must comply with dimensional and paving standards when constructed;
- Improved methodology for parking calculations;
- Improved and expanded schedule of parking requirements by land use; and
- Provisions for “special studies” for uses with varying parking demands and those not identified in the schedule of parking requirements.

Staff recommends approval of these ordinance revisions, as they should improve administration of the City’s parking standards in addition to helping applicants better understand them.

***Key Discussion:***

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack favored the recommended changes addressed in the Code of Ordinances, Ch. 6, Article XVI – Parking Lot Standards and Specifications.
- Mr. Tanner explained that the proposed ordinance revisions were a draft and were being presented to the Planning Commission for recommendations.
- Mr. Tanner stated that the City has been contacted with concerns about the refinancing of existing developments and meeting the revised parking standards. Mr. Tanner explained that the purpose of the ordinance revisions were to help control parking standards for multi-family development.
- Commissioner Poldrack inquired if Town Center was built under the new standards, would the development look the same now.
- Mr. Tanner replied that Town Center would not look different.
- Commissioner Poldrack inquired about the West Fort Bend Management District (WFBMD) standards.
- Mr. Tanner stated that the City maintains landscaping standards, however, the standards are not as extensive as the WFBMD regulations.
- Commissioner Poldrack inquired if a request would be denied if the use of a building changes and does not meet 75% of the required parking lot standards and specifications. Commissioner Poldrack inquired if a permit would be required when there would be a new use of a building. Mr. Tanner replied that would remain the same and ordinance as presented would not substantially alter how existing and new structures and additions are viewed; it would only better codify how staff currently deals with these situations.
- Commissioner Poldrack inquired if the Planning Commission would have to grant permission of the proposed changes. Mr. Tanner replied that the request would have to go before Council following a recommendation by the Commission.
- Commissioner Poldrack inquired about approved hard surfaces.
- Mr. Tanner replied that asphalt and concrete are considered hard surfaces. A request for using an alternative surface would need to be placed on the Planning Commission agenda for consideration and/or approval.
- Commissioner Poldrack inquired about the use of railroad ties around the parking area perimeter.
- Mr. Tanner replied that railroad ties serve primarily as a border around the property.
- Chairperson Urbish inquired about off-premises parking.
- Mr. Tanner replied that off-premises parking was legal as long as the parking lot was owned by the same owner, or through a separate agreement, and was in close proximity.
- Chairperson Urbish inquired about the minimal parking space requirements for existing businesses.
- Mr. Tanner replied that a business would be required to provide adequate parking space only if the use of the building changed or was expanded.
- Commissioner Poldrack inquired if an existing structure was destroyed by fire, would the revised ordinance apply under the new parking lot standards.
- Mr. Tanner replied that a percentage of damage requiring compliance was not adequately specified in the current ordinance.
- Commissioner Poldrack inquired about poor visibility at intersections due to landscaping and other obstructions, and how these issues could be addressed.

- Mr. Tanner replied that the City can enforce visibility requirements on new developments, however, enforcing ordinances on previously established developments was more difficult.
- Commissioner Poldrack inquired about sexually-oriented businesses in the City.
- Mr. Tanner replied that the current ordinance addresses this issue already and it would likely be a moot point.
- Commissioner Villagomez commended staff for making revisions to the Code of Ordinances.
- Mr. Tanner stated that staff would make the necessary revisions to the ordinance, including revisions to the multi-family standards, and bring it back to the Commission.

***No action taken.***

#### **10. 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 agendas.

***Key Discussion:***

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Mr. Tanner stated that the setback issues in the Code of Ordinances would be placed on next month's agenda.

***No action taken.***

#### **11. ANNOUNCEMENTS.**

There were no announcements.

#### **12. ADJOURNMENT.**

There being no further business, Chairperson Urbish adjourned the Rosenberg Planning Commission meeting at 5:45 p.m.

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Janet Eder  
Senior Administrative Specialist



## PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
2	Revised Regular Planning Commission Meeting Minutes – February 17, 2016

### MOTION

Consideration of and action on revised minutes of the Regular Planning Commission Meeting for February 17, 2016.

### RECOMMENDATION

Staff recommends approval of the revised Regular Planning Commission Meeting minutes for February 17, 2016.

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

### SUPPORTING DOCUMENTS:

1. Revised Regular Planning Commission Meeting minutes – February 17, 2016

### APPROVAL

#### Submitted by:

*Travis Tanner*

Travis Tanner, AICP  
Executive Director of Community  
Development

#### Reviewed by:

\_\_\_ Executive Director of Community Development

\_\_\_ City Engineer

### EXECUTIVE SUMMARY

Staff was made aware of an error in the previously approved Planning Commission Meeting minutes dated February 17, 2016. The Preliminary Plat of Walnut Creek Benton Road Street Dedication and Reserve (Agenda Item No. 7) was inadvertently left out of the minutes. If approved, the attached set will replace the previously minutes for February 17, 2016.

## PLANNING COMMISSION MEETING MINUTES

\*\*\*Revised Draft\*\*\*

On this the 17th day of February 2016, 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 4<sup>th</sup> Street, Rosenberg, Texas 77471.

### COMMISSIONERS PRESENT

James Urbish	Planning Commission Chairperson
Lester Phipps, Jr.	Planning Commission Vice Chairperson
Wayne Poldrack	Planning Commission Secretary
Sergio Villagomez	Planning Commissioner
Steven Monk	Planning Commissioner

### NOT PRESENT

Charlotte Davis	Planning Commissioner
Susan Euton	Councilor, District No. 2

### STAFF PRESENT

Charles Kalkomey	City Engineer
Travis Tanner	Executive Director of Community Development
Ian Knox	Planning Administrator
Janet Eder	Senior Administrative Specialist

### OTHERS PRESENT

Geoff Freeman	LJA Engineering, Inc. (Bonbrook Plantation North)
Keith Schoonover	BEAZER HOMES TEXAS, L.P. (Bonbrook Plantation / MUD No. 155)
Kathryn Edwards	BGE Kerry R. Gilbert & Associates (Walnut Creek)

### CALL TO ORDER

Chairperson Urbish called the meeting to order at 5:00 p.m.

### AGENDA

#### 1. CONSIDERATION OF AND ACTION ON MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF JANUARY 20, 2016.

**Action Taken:** Vice Chairperson Phipps moved, seconded by Commissioner Villagomez to approve the minutes of the Regular Planning Commission Meeting of January 20, 2016 as presented. The motion carried unanimously by those present.

#### 2. HOLD PUBLIC HEARING ON A PRELIMINARY PLAT OF CASA DE ORACIONES PLACE, A REPLAT OF 6.1444 ACRES (267,561 SQ. FT.) OF LAND BEING LOTS 3, 4 AND 5, BLOCK 2, MONTROSE ACRES, A SUBDIVISION IN THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 196M PAGE 444-A OF THE DEED RECORDS OF FORT BEND AND A 3.45 ACRE TRACT IN HENRY SCOTT LEAGUE, ABSTRACT NO. 83, FORT BEND COUNTY, TEXAS; 1 BLOCK AND 1 RESERVE.

**Key Discussion:**

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

**Chairperson Urbish opened the public hearing at 5:02 p.m. After two calls for speakers, no one came forward. Chairperson Urbish closed the public hearing at 5:03 p.m.**

3. **HOLD PUBLIC HEARING ON A SHORT FORM FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION TEN PARTIAL REPLAT NO. 1, A SUBDIVISION OF 0.181 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS, ALSO BEING A PARTIAL REPLAT OF BONBROOK PLANTATION NORTH SECTION TEN, BEING ALL OF LOT 1, BLOCK 3 AS RECORDED IN PLAT NO. 20140154 F.B.C.P.R.; 1 LOT, 0 RESERVES AND 0 BLOCKS.**

**Executive Summary:** The purpose of this agenda item is to hold a Public Hearing on the Short Form Final Plat of Bonbrook Plantation North Section Ten Partial Replat No. 1. The Plat consists of 0.181 acres, includes the replatting of Lot 1, Block 3 of Bonbrook Plantation North Section Ten, and is located at 9718 Emerald Briar Lane. The purpose of the replat is to establish dual twenty-four (24) foot and twenty-five (25) foot building lines. The twenty-four foot front building line is exclusively for the life of the current structure, which was built by mistake across the current building line by approximately 0.5'. The subject property was originally platted as part of Bonbrook Plantation North Section Ten and only included a twenty-five (25) foot building line.

Because this is a replat of a previous subdivision, a Public Hearing is required per State law and per the City's "Subdivision" Ordinance. Additionally, notice of the hearing was published in the newspaper and sent to surrounding property owners before the 15th day before the date of this hearing per State law. Staff recommends holding the hearing prior to the Planning Commission taking action on the plat in a subsequent Agenda item.

**Key Discussion**

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

**Chairperson Urbish opened the public hearing at 5:04 p.m. After three calls for speakers, no one came forward. Chairperson Urbish closed the public hearing at 5:05 p.m.**

4. **CONSIDERATION OF AND ACTION ON A VARIANCE REQUEST TO THE FRONT BUILDING LINE REQUIREMENT FOR BONBROOK PLANTATION NORTH SECTION 10, BLOCK 3, LOT 1 (9718 EMERALD BRIAR LANE).**

**Executive Summary:** An application has been submitted requesting a Variance to the front building line requirement for Bonbrook Plantation North Section 10, Block 3, Lot 1 (9718 Emerald Briar Lane). The intent of the request is to allow a twenty-four foot (24') front building setback for replatting purposes. A vicinity map of the property and application materials are attached for review.

The subdivision, Bonbrook Plantation North Section 10, was platted in July 2014. The "Subdivision" Ordinance (Code of Ordinances, Ch. 25, Sec. 25-68) requires a 25' front building line for interior residential lots. The subject lot was platted accordingly with a 25' front building line. However, the structure was built slightly (1/2 foot) over said building line. Staff had no knowledge of this since it is in the Extraterritorial Jurisdiction (ETJ) where City permits are not required. The applicant contacted staff on behalf of the builder/developer to notify us of the encroachment. They were informed that staff would not take action on the encroachment, as the property is located in the ETJ. However, the builder/developer would still like to clean up the building line issue and formally obtain a variance to avoid issues with a potential buyer closing on the property.

Variances must be evaluated by the Planning Commission based on the four (4) criteria outlined in the Code (Sec. 25-8). Following are the criteria. The builder/developer has addressed each criterion in the attached application materials.

**(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 structure has already been built ½ foot over the setback due to an apparent oversight.*

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

*The sidewalk is well within the right-of-way, so the ½-foot encroachment should not result in parked vehicles blocking the sidewalk.*

**(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, as the surrounding property has already been platted.*

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

*Without the variance, the front of the home would have to be reconstructed or the builder/developer and any future homeowners, lenders, etc., would have to accept the property technically being nonconforming by ½ foot.*

Staff will defer to the applicant to explain the request in greater detail. We did not require the variance request to be submitted; rather, it was submitted because the applicant believed it was the best course of action from their perspective. Staff has no objections to the proposed variance if this is the best course of action for the applicant.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired if the builder had setback issues in the past.
- Mr. Geoff Freeman, LJA Engineering, Inc., replied that there have not been.

**Action taken:** Commissioner Poldrack moved, seconded by Commissioner Villagomez to recommend approval to City Council on a Variance Request to the front building line requirement for Bonbrook Plantation North Section 10, Block 3, Lot 1 (9718 Emerald Briar Lane). The motion carried unanimously by those present.

**5. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF BONBROOK PLANTATION SOUTH SECTION SIX, A SUBDIVISION OF 38.477 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 70 LOTS, 8 RESERVES (17.532 ACRES) AND 5 BLOCKS.**

**Executive Summary:** The Preliminary Plat of Bonbrook Plantation South Section Six is a proposed subdivision consisting of seventy (70) residential lots and eight (8) reserves in five (5) blocks located off of Benton Road in the southwest part of the Bonbrook Plantation development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ), MUD No. 155, and is south of Bonbrook Plantation South Section Two for which a Final Plat has already been approved by City Council.

The subdivision consists of sixty-five-foot (65') and sixty-foot (60') lots in accordance with the approved Land Plan for Bonbrook Plantation South and with the current "Subdivision" Ordinance. The Land Plan for this subdivision was approved by the Planning Commission in October of 2015 and is attached for review as well.

Seeing no conflicts with applicable regulations, staff recommends approval of the Preliminary Plat of Bonbrook Plantation South Section Six.

**Key Discussion:**

- Mr. Knox presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired if Bonbrook Plantation South was the last section to be developed.
- Mr. Knox replied that Bonbrook Plantation South was the first of six or seven sections of the second installment of Bonbrook Plantation South.
- Commissioner Poldrack inquired if the size and construction of homes in Bonbrook Plantation South would be consistent with previous homes.
- Mr. Knox stated that the subdivision consisted of sixty-foot (60') and sixty-five-foot (65') lots in accordance with the approved Land Plan.

**Action taken:** Vice Chairperson Phipps moved, seconded by Commissioner Poldrack to approve the Preliminary Plat of Bonbrook Planation South Section Six, a subdivision of 38.477 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 70 lots, 8 reserves (17.532 acres) and 5 blocks. The motion carried unanimously by those present.

**6. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF CASA DE ORACIONES PLACE, A REPLAT OF 6.1444 ACRES (267,561 SQ. FT.) OF LAND BEING LOTS 3, 4 AND 5, BLOCK 2, MONTROSE ACRES, A SUBDIVISION IN THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 196M PAGE 444-A OF THE DEED RECORDS OF FORT BEND AND A 3.45 ACRE TRACT IN HENRY SCOTT LEAGUE, ABSTRACT NO. 83, FORT BEND COUNTY, TEXAS; 1 BLOCK AND 1 RESERVE.**

**Executive Summary:** The Preliminary Plat of Casa de Oraciones Place is a replat consisting of 6.1444 acres located on the south side of Brooks Avenue between 1<sup>st</sup> Street and Bamore Road.

As discussed, the north half of the requested replat was originally platted as Montrose Acres, Block 2, Lots 3 through 5, while the south half is 3.45 acres of unplatted property. The owner wishes to combine the properties into one for the purpose of building a church.

Seeing no conflicts with applicable regulations, staff recommends approval of the Preliminary Plat of Casa de Oraciones Place.

**Key Discussion:**

- Mr. Knox presented the item and reviewed the Executive Summary.
- Chairperson Urbish inquired if the developer planned to build a church.
- Mr. Knox replied that the owner did.
- Commissioner Poldrack inquired if the front part of the property was designated for commercial or residential use.
- Mr. Knox replied that the Reserve was not designated for a particular use.
- Chairperson Urbish agreed on moving forward with the Preliminary Plat of Casa de Oraciones Place. Chairperson Urbish inquired about the size of the proposed church, the parking requirements and the impact on Brooks Street. Chairperson Urbish did not see any concern at this time.
- Commissioner Poldrack inquired about the number of allowed parking spaces for the proposed church.
- Mr. Knox replied that the City did not have a site plan for the development at this time, but that it would be required and reviewed in the future.

**Action Taken:** Commissioner Villagomez moved, seconded by Vice Chairperson Phipps to approve the Preliminary Plat of Casa de Oraciones Place, a subdivision of 6.1444 acres (267,561 sq. ft.) of land being Lots 3, 4 and 5, Block 2, Montrose Acres, a subdivision in the City of Rosenberg, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume 196M Page 444-A of the Deed Records of Fort Bend and 3.45 acre tract in Henry Scott League, Abstract No. 83, Fort Bend County, Texas; 1 block and 1 reserve. The motion carried unanimously by those present.

**7. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALNUT CREEK BENTON ROAD STREET DEDICATION AND RESERVE, BEING 1.8 +/- ACRES OF LAND CONTAINING ONE RESERVE IN ONE BLOCK, OUT OF THE WILEY MARTIN LEAGUE, A-56, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.**

**Key Discussion:**

- Mr. Knox presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired if the right-of-way width was fifty-seven feet (57').
- Mr. Knox replied that the right-of-way width was fifty-seven (57') and later widened to one hundred (100').
- Mr. Kalkomey stated that half of the proposed right-of-way dedication was owned by the City and that a boulevard would be built there.
- Commissioner Poldrack inquired if there would be one-hundred (100') to Ricefield Road.
- Mr. Kalkomey replied that there would be.

**Action taken:** Commissioner Villagomez moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Walnut Creek Road Street Dedication and Reserve, being 1.8 +/- acres of land containing one reserve in one block, out of the Wiley Martin League, A-56, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously by those present.

**8. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALNUT CREEK SECTION SIXTEEN, BEING 16.4+/- ACRES OF LAND CONTAINING 53 LOTS (50' X 120' TYP.) AND THREE RESERVES IN THREE BLOCKS, OUT OF THE WILEY MARTIN LEAGUE, A-56, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.**

**Executive Summary:** The Preliminary Plat of Walnut Creek Section Sixteen is a proposed subdivision consisting of fifty-three (53) residential lots and three (3) reserves in three (3) blocks located off of Benton Road in the southeast part of the Walnut Creek Development. The proposed Plat is located in the Extraterritorial Jurisdiction (ETJ) with a small portion of the plat within the City Limits. It is located south of Walnut Creek Section Twelve, for which a Final Plat has already been approved by City Council.

The subdivision consists of fifty-foot (50') lots in accordance with the approved Land Plan for Walnut Creek and with the current "Subdivision" Ordinance. The Land Plan for this subdivision was updated/approved in September of 2015 and is

attached for review as well.

Seeing no conflicts with applicable regulations, staff recommends approval of the Preliminary Plat of Walnut Creek Section Sixteen.

**Key Discussion:**

- Mr. Knox presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired about the price range and minimum square footage of homes built in Walnut Creek Section Sixteen.
- Ms. Kathryn Edwards, BGE, Kerry R. Gilbert & Associates replied that homes built in Section Sixteen will be consistent with the other development. A one-story home would be approximately 1,800 to 3,000 square feet.

**Action Taken:** Vice Chairperson Phipps moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Walnut Creek Section Sixteen, being 16.4+/- acres of land containing 53 lots (50'x120' TYP.) and three reserves in three blocks, out of the Wiley Martin League, A-56, City of Rosenberg, Fort Bend County, Texas. The motion carried unanimously by those present.

**9. CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION TEN PARTIAL REPLAT NO. 1, A SUBDIVISION OF 0.181 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS, ALSO BEING A PARTIAL REPLAT OF BONBROOK PLANTATION NORTH SECTION TEN, BEING ALL OF LOT 1, BLOCK 3 AS RECORDED IN PLAT NO. 20140154 F.B.C.P.R.; 1 LOT, 0 RESERVES AND 1 BLOCK.**

**Executive Summary:** The Short Form Final Plat of Bonbrook Plantation North Section Ten Partial Replat No. 1 is a partial replat of Bonbrook Plantation North Section Ten, being all of Lot 1, Block 3, consisting of 0.181 acres located at 9718 Emerald Briar Lane. The purpose of the replat is to establish dual twenty-four (24) foot and twenty-five (25) foot building lines. The twenty-four foot front building line is exclusively for the life of the current structure. The subject property was originally platted as part of Bonbrook Plantation North Section 10, and only includes a twenty-five (25) foot building line. The property is being replatted in this way to address the ½-foot encroachment of a structure as discussed in the Variance agenda item.

Staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of Bonbrook Plantation North Section Ten Partial Replat No. 1.

**Key Discussion:**

- Mr. Knox presented the item and reviewed the Executive Summary.
- Chairperson Urbish commended those for getting the Short Form Final Plat of Bonbrook Plantation North Section Ten Partial Replat No. 1 completed.

**Action taken:** Commissioner Poldrack moved, seconded by Vice Chairperson Phipps to recommend approval to City Council of a Short Form Final Plat of Bonbrook Plantation North Section Ten Partial Replat No. One, a subdivision of 0.181 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas, also being a Partial Replat of Bonbrook Plantation North Section Ten, being all of Lot 1, Block 3 as recorded in Plat No. 20140154, F.B.C.P.R.; 1 lot, 0 reserves and 1 block. The motion carried unanimously by those present.

**10. CONSIDERATION OF AND ACTION ON A RECOMMENDATION TO CITY COUNCIL REGARDING A DEVELOPMENT AGREEMENT WITH B-BROOK LAND PARTNERS, L.P., A TEXAS LIMITED PARTNERSHIP, AND BEAZER HOMES TEXAS, L.P., A TEXAS LIMITED PARTNERSHIP, IN ASSOCIATION WITH FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 155 (BONBROOK PLANTATION).**

**Executive Summary:** Over the last several months, City staff has been in discussions with the developer of Bonbrook Plantation (Fort Bend County MUD No. 155) regarding the development approximately 144.14 acres south of their existing development and east of the intersection of Benton and Rohan Roads. The tract is in the Extraterritorial Jurisdiction (ETJ) and was annexed into MUD No. 155 as approved by City Council in May 2014. The Development Agreement for the additional 144.14 acres is being brought to the Planning Commission to make a recommendation to City Council. The Land Plan was approved by the Commission on October 21, 2015, and is attached for review. It would be approved by City Council as an attachment to the subject Development Agreement.

The Plan consists of 368 proposed lots and over 144.14 acres in fifteen (15) reserves. It contains 41 percent sixty-foot (60') lots and 59 percent sixty-five-foot (65') lots. It also conforms to current parkland dedication standards. Additionally,

the east side of the development provides for a north-south collector street “stub out” to eventually connect to Stonecreek Estates when the property between the two is developed.

Following are some of the main points of the Agreement:

- The development will follow the City’s current “Subdivision” Ordinance and Design Standards for public infrastructure;
- Plats will come before the Planning Commission and must comply with lot size and other applicable requirements; and
- The development will meet the City’s current parkland dedication requirements, which require more amenities and parkland to be set aside than in the previous ordinance.

Overall, the development represents an improvement in terms of lot sizes and amenities compared to what could be developed in the City or its ETJ under the previous ordinances. City staff recommends that the Planning Commission recommend approval to City Council of the Development Agreement for B-BROOK LAND PARTNERS, L.P., a Texas limited partnership, and BEAZER HOMES TEXAS, L.P., a Texas limited partnership, in association with Fort Bend County Municipal Utility District No. 155 (Bonbrook Plantation).

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired if the Developer, B-BROOK LAND PARTNERS, L.P. was the same Developer as Bonbrook.
- Mr. Tanner replied that it was. It is a partnership between the Developer and Beazer Homes Texas, L.P.
- Commissioner Poldrack inquired about the three-year period for initiating infrastructure by the Developer.
- Mr. Tanner replied that once the Developer initiates platting of the property, which they already have, it is the Developer’s responsibility to start infrastructure.
- Mr. Kalkomey stated that language in the Development Agreement was consistent with previous development agreements and that construction would generally begin within the first year.
- Commissioner Poldrack inquired about the location of MUD 152, Regional Wastewater Treatment Plant.
- Mr. Kalkomey replied that MUD 152 was located off Ricefield Road and to the south side of Dry Creek.
- Commissioner Poldrack inquired if MUD 152 served all of Bonbrook Plantation.
- Mr. Kalkomey replied that MUD 152 would serve all of MUD 152, MUD 155, and MUD 158.
- Commissioner Poldrack inquired about the water supply.
- Mr. Kalkomey replied that the City would supply water.
- Commissioner Poldrack inquired about the definition of generally acceptable standards in Fort Bend County, as mentioned in the Development Agreement.
- Mr. Kalkomey replied that the purpose was to define standards that would remain consistent with the Fort Bend County Drainage District.
- Commissioner Poldrack inquired about impact fees.
- Mr. Kalkomey stated that sewer impact fees would be collected only if lots were switched over to City sewer. The City would collect full water impact fees for the development. Mr. Kalkomey stated that previous lots in the development, before the City adopted impact fees would be grandfathered.
- Commissioner Poldrack inquired about park development.
- Mr. Tanner replied that parks would be maintained by the homeowner’s association (HOA).
- Commissioner Poldrack inquired about street width.
- Mr. Kalkomey replied that the street width would be twenty-seven (27) feet, face to face and twenty-eight (28) feet, back to back with a twelve-inch (12”) curb.
- Commissioner Poldrack inquired if the City would pay for road improvements to Benton Road.
- Mr. Kalkomey replied that the City would not pay for road improvements to Benton Road. The County would be responsible for paying for road improvements since it’s a County road.
- Commissioner Poldrack inquired about the state law that would prohibit the City from requiring compliance with future standards if City standards change.
- Mr. Kalkomey replied that the vested rights statute would probably prohibit that.

**Action taken:** Commissioner Villagomez moved, seconded by Vice Chairperson Phipps to recommend approval to City Council regarding a Development Agreement with B-BOOOK LAND PARTNERS, L.P., a Texas Limited partnership, and BEAZER HOMES TEXAS, L.P., a Texas Limited Partnership, in association with Fort Bend County Municipal Utility District No. 155 (Bonbrook Plantation). The motion carried by a vote of four “ayes” and one abstention. **AYES: Chairperson Urbish, Vice Chairperson Phipps and Commissioners Villagomez and Monk. ABSTENTION: Commissioner Poldrack.**

**11. CONSIDERATION OF AND ACTION ON REQUESTS FOR FUTURE AGENDA ITEMS AND STAFF REPORT REGARDING THE FOLLOWING:**

- **2015 RESIDENTIAL DEVELOPMENT REPORT;**
- **PLANNING DEPARTMENT WEBSITE REVISIONS; AND,**
- **CODE REVIEW AND REVISIONS UPDATE.**

**Executive Summary:** The Staff Report of consists of specific projects that staff is currently working on, as well as other updates that are relevant to the Planning Commission. This item also allows the Planning Commission the opportunity to request that items be placed on future agendas.

For this item, staff will be providing a report of 2015 Single-Family Residential Development activity; of the revamped Planning Department website, including a new "Development Guide" document; and of the Code Review and Revision Services currently in progress (i.e., Parking Ordinance, residential carport setbacks, and local street pavement width ordinance revisions).

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Mr. Tanner commended Mr. Knox for updating the City's website. The updates will provide easier access and navigation when locating impact fees, adopted codes, the Subdivision Ordinance, the City's Comprehensive Plan, Thoroughfare Plan, etc.
- Mr. Tanner explained that the City has been working with a consultant on code review and revisions. Topics include a parking ordinance with shared parking provisions, residential carport setback issues, and local street pavement width. Mr. Tanner stated that an updated code review would be addressed with the Planning Commission within the next thirty (30) to ninety (90) days.

**No action taken.**

**12. ANNOUNCEMENTS.**

There were no announcements.

**13. ADJOURNMENT.**

There being no further business, Chairperson Urbish adjourned the Rosenberg Planning Commission meeting at 5:55 p.m.

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Janet Eder  
Senior Administrative Specialist



# PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
3	Public Hearing for Preliminary Plat of Mons Plaza Partial Replat No. 1

## MOTION

Hold public hearing on a Preliminary Plat of Mons Plaza Partial Replat No. 1, a subdivision of 6.4700 acres or 281,835 square feet of land, being a replat of Restricted Reserves "A" and "C", Mons Plaza, recorded under Plat No. 20060289, Fort Bend County Plat Records, situated in the Henry Scott League, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 1 block and 1 reserve.

## RECOMMENDATION

Staff recommends that the public hearing be held.

MUD #	City/ETJ	ELECTION DISTRICT
N/A	City	4

## SUPPORTING DOCUMENTS:

1. Preliminary Plat of Mons Plaza Partial Replat No. 1

## APPROVAL

### Submitted by:

*Travis Tanner*

Travis Tanner, AICP  
Executive Director of Community  
Development

### Reviewed by:

Executive Director of Community Development

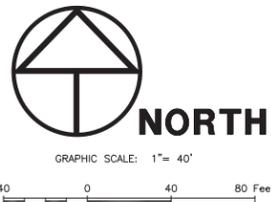
City Engineer *OK*

## EXECUTIVE SUMMARY

The purpose of this agenda item is to hold a Public Hearing on the Preliminary Plat of Mons Plaza Partial Replat No. 1. This replat consists of 6.47 acres located at the southeast corner of State Highway 36 and Mons Avenue.

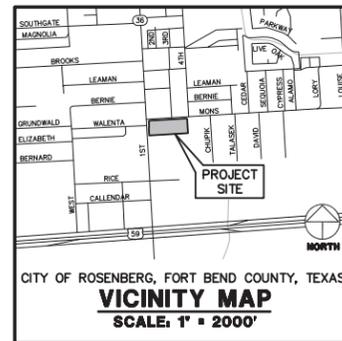
Because this is a replat of a previous subdivision, a Public Hearing is required per State law and per the City's "Subdivision" Ordinance.

Staff recommends holding the hearing prior to the Planning Commission taking action on the plat in a subsequent Agenda item.



**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 87°28'10" W	20.00'
L2	N 02°46'35" W	25.18'
L3	N 08°32'38" E	50.84'
L4	N 42°20'48" E	21.17'
L5	S 47°32'59" E	21.22'



GARDEN ACRES  
VOL. 216, PG. 615, F.B.C.D.R.

LOT 1, BLOCK 2  
RYAN E. RICHARD AND  
BLANCA RICHARD  
F.B.C.C.F. NO. 2013155677

CALLLED 0.3537 ACRES  
FIRST STREET RETAIL, LLC  
F.B.C.C.F. NO. 2011129400

CALLLED 0.2778 ACRES  
ACC 2320 CONGRESS LLC  
F.B.C.C.F. NO. 2015063170

CALLLED 0.2824 ACRES  
DON T. SCHWARTZ AND  
NEAL KALINOWSKI  
F.B.C.C.F. NO. 9108881

CALLLED 0.6263 ACRES  
MARY ENARULA OLA  
F.B.C.C.F. NO. 2012089706

TAYLOR JANCZAK  
F.B.C.C.F. NO. 2008107560

JIMMY E. SPARKS AND WIFE, MARY L. SPARKS  
F.B.C.C.F. NO. 9060045

LOT 1, DAILY GARDENS SUBDIVISION  
SLIDE NO. 1223-A, F.B.C.P.R.

TAYLOR JANCZAK  
F.B.C.C.F. NO. 2008107560

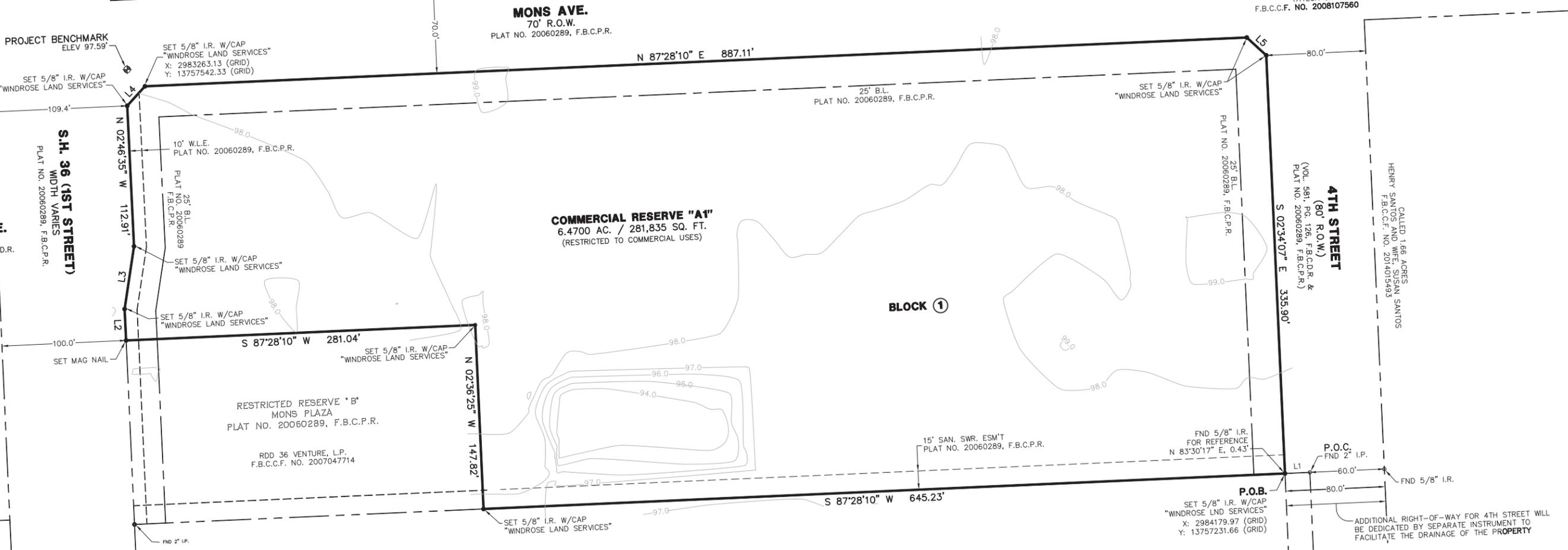
JUAN CHAVEZ  
F.B.C.C.F. NO. 2013010343

0.581 ACRES  
ADRIANES  
PROPERTIES, LLC  
F.B.C.C.F. NO. 2014066425

WALENTA AVE.  
60' R.O.W.  
VOL. 258, PG. 533, F.B.C.D.R.

RESTRICTED RESERVE "A"  
COASTAL BANK-ROSENBERG  
SLIDE NO. 2278A, F.B.C.P.R.

CALLLED 1.3698 ACRES (TRACT 6)  
DANZIGER INVESTMENT COMPANY, INC.  
F.B.C.C.F. NO. 9716308



- ABBREVIATIONS**
- ESMT. - EASEMENT
  - FND - FOUND
  - F.B.C.C.F. - FORT BEND COUNTY CLERK FILE
  - F.B.C.D.R. - FORT BEND COUNTY DEED RECORDS
  - F.B.C.P.R. - FORT BEND COUNTY PLAT RECORDS
  - IP - IRON PIPE
  - IR - IRON ROD
  - NO. - NUMBER
  - PG. - PAGE
  - R.O.W. - RIGHT-OF-WAY
  - SQ. FT. - SQUARE FEET
  - VOL. - VOLUME
  - B.L. - BUILDING LINE
  - D.E. - DRAINAGE EASEMENT
  - W.L.E. - WATER LINE EASEMENT
  - S.S.E. - SANITARY SEWER EASEMENT
  - U.E. - UTILITY EASEMENT

**BENCHMARK PUBLISHED ELEVATION - 99.606'**  
PROJECT BENCHMARK IS CITY OF ROSENBERG BENCHMARK NO. ROS 03, FOUND AT THE NORTHWEST CORNER OF THE ROSENBERG CITY HALL SITE AT THE NORTHWEST CORNER OF THE INTERSECTION OF CITY HALL DRIVE AND 4TH STREET, APPROXIMATELY 36.5 FEET WEST OF THE EDGE OF PAVEMENT AND 40 FEET SOUTHWEST OF A TRASH CONTAINER. ELEVATION = 99.606 FEET (NAVD 88)

**PROJECT BENCHMARK ELEVATION - 97.59'**  
TEMPORARY BENCHMARK "B" IS A BOX OUT AT THE SOUTH END OF A TYPE "C" STORM INLET LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MONS AVENUE AND STATE HIGHWAY 36 (FIRST STREET) NEAR THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, AS SHOWN HEREON. ELEVATION = 97.59 FEET.

**Owner**  
RDD 36 Venture, LP,  
a Texas limited partnership  
5930 Star Lane, Suite A  
Houston, Texas 77057

**Owner**  
Mons 36, Ltd.,  
a Texas joint venture  
5930 Star Lane, Suite A  
Houston, Texas 77057



ADDITIONAL RIGHT-OF-WAY FOR 4TH STREET WILL BE DEDICATED BY SEPARATE INSTRUMENT TO FACILITATE THE DRAINAGE OF THE PROPERTY

**A PRELIMINARY PLAT OF  
MONS PLAZA  
PARTIAL REPLAT NO 1**

A SUBDIVISION OF  
6.4700 ACRES OR 281,835 SQUARE FEET OF LAND,  
BEING A REPLAT OF RESTRICTED RESERVES "A" AND "C",  
MONS PLAZA, RECORDED UNDER PLAT NO. 20060289,  
FORT BEND COUNTY PLAT RECORDS,  
SITUATED IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83,  
CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

1 BLOCK 1 RESERVE  
REASON FOR REPLAT: TO CREATE  
ONE UNRESTRICTED RESERVE

APRIL 6, 2016

Surveyor

**Windrose Land Services**  
3200 Wilcrest, Suite 325  
Houston, Texas 77042  
Phone (713) 458-2281 Fax (713) 461-1151  
**Professional Development Consultants**  
Land Surveying, Platting, Project Management, GIS Services  
Firm Registration No. 10108800

\\WRESRV03\PROJECTDATA\PROJECTS\52835-WALMART 88181 - MONS PLAZA\PLATTING\DRAWINGS\MONS PLAZA REPLAT NO 1 - 52835 - 1APR2016\_REC0



# PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
4	Land Plan of Paragon Outlets Rosenberg

### MOTION

Consideration of and action on a Land Plan of Paragon Outlets Rosenberg, being a 63.521 acre tract of land lying in the R. E. Handy Survey, Abstract 187 in Fort Bend County, Texas, being all of unrestricted Reserve "B" and part of Reserve "C" of the Reading Center, as recorded in Slide Numbers 1680A and 1680B of the Plat Records of Fort Bend County, Texas, and also being all of unrestricted Reserve "A" and all of unrestricted Reserve "C" of Reading Center Phase Two, as recorded in Slide Numbers 1955B and 1956A the Plat Records of Fort Bend County, Texas.

### RECOMMENDATION

Staff recommends approval of the Land Plan of Paragon Outlets Rosenberg.

MUD #	City/ETJ	ELECTION DISTRICT
159	City	4

### SUPPORTING DOCUMENTS:

1. Land Plan of Paragon Outlets Rosenberg
2. Performance Agreement R-1971

### APPROVAL

**Submitted by:**

*Travis Tanner*

Travis Tanner, AICP  
 Executive Director of Community  
 Development

**Reviewed by:**

Executive Director of Community Development

City Engineer *OK*

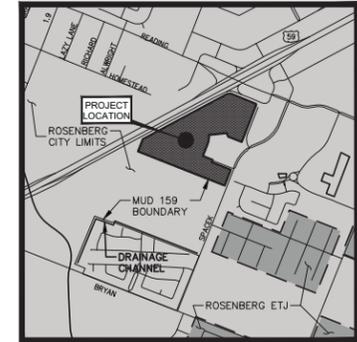
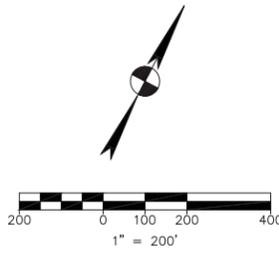
### EXECUTIVE SUMMARY

The Land Plan of Paragon Outlets Rosenberg contains 63.521 acres. It will consist of the development of the Paragon Outlet Mall and related amenities. The property is located at the southwest corner of the intersection of U.S. 59/I-69 and Reading Road, within the City limits and in MUD No. 159. On May 19, 2015, City Council entered into a Performance Agreement with Paragon, which is attached for reference.

It should be noted the applicant has also submitted the required Traffic Impact Analysis (TIA) per the requirement of Land Plans in the "Subdivision" ordinance to determine what off-site improvements the developer must construct to mitigate its impacts. The TIA is currently under review by the City Engineer. City approval of the TIA, and a related determination of what improvements must be constructed, will be required before Final Plat approval.

Generally, the proposed Land Plan of Paragon Outlets Rosenberg provides for the widening and connection of Biotics Research Drive northwest to the U.S. 59/I-69 feeder. Biotics Research Drive will be a four (4) lane divided roadway with a 100' right-of-way width. The Plan also proposes Summer Park Way as a local street connecting to Reading Road.

It should also be noted that, due to location, the development must comply with the City's Interim Corridor Standards requiring additional standards on major corridors such as I-69 (e.g., predominantly masonry construction, enhanced landscaping requirements). With the proposed Land Plan not being in conflict with any City ordinances, staff recommends approval of the Land Plan of Paragon Outlets Rosenberg.



VICINITY MAP  
SCALE: 1" = 2000'  
KEY MAP # 605-U 605-V

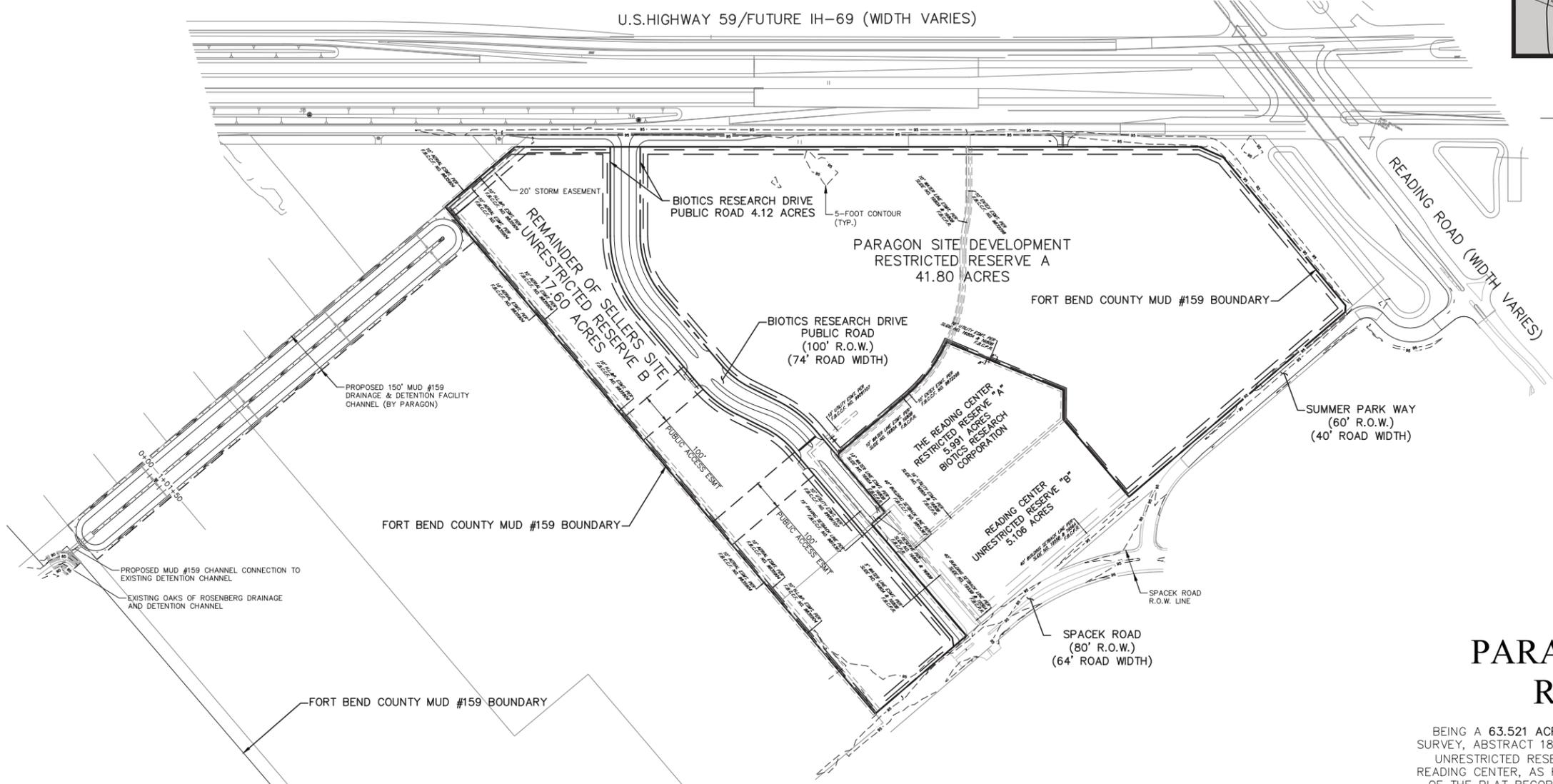
03/25/2016 LAND PLAN PREPARATION AND FIRST SUBMITTAL  
04/09/2016 1ST REVISED LAND PLAN WITH ADDRESSED CITY OF ROSENBERG COMMENTS  
04/11/2016 2ND REVISED LAND PLAN WITH ADDRESSED CITY OF ROSENBERG COMMENTS

**BURY**  
7660 Woodway Drive, Suite 400  
Houston, Texas 77063  
Tel: (713) 212-0011 Fax: (713) 212-0010  
TBPE # F-1048 TBPLS # F-10107503  
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THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MICHAEL R. LAWRENCE, P.E. FROM APRIL 11, 2016.

LAND PLAN



LAND PLAN  
**PARAGON OUTLETS  
ROSENBERG**

BEING A 63.521 ACRE TRACT OF LAND LYING IN THE R.E. HANDY SURVEY, ABSTRACT 187 IN FORT BEND COUNTY, TEXAS, BEING ALL OF UNRESTRICTED RESERVE "B" AND PART OF RESERVE "C" OF THE READING CENTER, AS RECORDED IN SLIDE NUMBERS 1680A AND 1680B OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS, AND ALSO BEING ALL OF UNRESTRICTED RESERVE "A" AND ALL OF UNRESTRICTED RESERVE "C" OF READING CENTER PHASE TWO, AS RECORDED IN SLIDE NUMBERS 1955B AND 1956A THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.  
April 11, 2016

ENGINEER, LAND PLANNER, SURVEYOR: **BURY**  
7660 Woodway Drive, Suite 400  
Houston, Texas 77063  
Tel: (713) 212-0011 Fax: (713) 212-0010  
TBPE # F-1048 TBPLS # F-10107503  
Copyright © 2016

OWNER: RND Real Estate, LP  
61 Pipers Walk  
Sugarland, TX 77479-2516

Area Identification		Area Calculation	
		(SQ. FT.)	(Acres)
Tract 1	Seller's Adjacent Property & Remainder	2,706,004	62.12
Tract 2	Paragon Site plus Biotics Research Right-of-Way	2,000,300	45.92
1	Paragon Site Development	1,820,720	41.80
2	Proposed Biotics Research Street ROW	179,580	4.123
3	Remainder of Sellers Site	766,682	17.60

Section of Development	Land Area	% of Total Development
Restricted Reserve A	41.798 Acres	66%
Biotics Research Drive Public Road	4.123 Acres	6%
Unrestricted Reserve B	17.601 Acres	28%

PARAGON OUTLETS  
PARAGON OUTLET CENTER  
ROSENBERG, TEXAS

DRAWN BY: AE  
DESIGNED BY: JW  
QA / QC: MRL  
PROJECT NO.: 112397-70001

SHEET  
**EX0.1**

G:\112397\Paragon\70001\Civil\04 CAD\18tbls\EX0.1 LAND PLAN.dwg modified by rlang on Apr 11 11:16:28 PM

RESOLUTION NO. R-1971

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE, FOR AND BEHALF OF THE CITY OF ROSENBERG, TEXAS, A PERFORMANCE AGREEMENT, BY AND AMONG THE CITY OF ROSENBERG, TEXAS, THE ROSENBERG DEVELOPMENT CORPORATION, AND PARAGON OUTLETS ROSENBERG LIMITED PARTNERSHIP.

\* \* \* \* \*

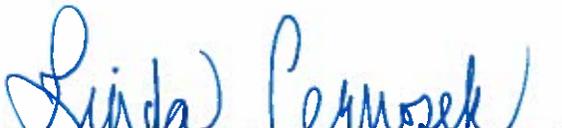
BE IT RESOLVED BY THE ROSENBERG CITY COUNCIL:

Section 1. The City Council hereby authorizes the Mayor to execute a Performance Agreement (Agreement) by and among the City of Rosenberg, the Rosenberg Development Corporation, and Paragon Outlets Rosenberg Limited Partnership.

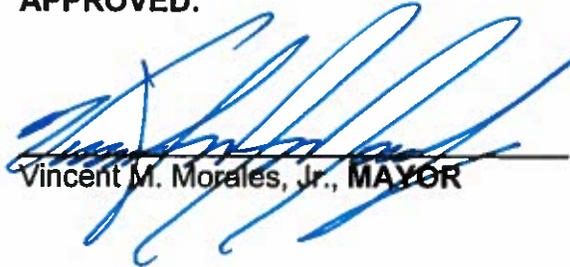
Section 2. A copy of such Agreement is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this 19<sup>th</sup> day of May 2015.

ATTEST:

  
Linda Cernosek, CITY SECRETARY

APPROVED:

  
Vincent M. Morales, Jr., MAYOR



## PERFORMANCE AGREEMENT

**THIS PERFORMANCE AGREEMENT** by and among THE CITY OF ROSENBERG, TEXAS, a Texas home-rule municipal corporation ("City"); the ROSENBERG DEVELOPMENT CORPORATION, a Type B economic development corporation organized pursuant to the Development Corporation Act and Chapters 501 and 505 of the Texas Local Government Code (the "RDC"), and PARAGON OUTLETS ROSENBERG LIMITED PARTNERSHIP, a Delaware limited partnership ("Developer"), is entered into on this \_\_\_ day of \_\_\_\_\_, 2015.

**WHEREAS**, Developer is in the process of acquiring title to that certain tract of land located entirely within the city limits of the City of Rosenberg, Texas, more fully described on Exhibit "A" attached hereto and incorporated herein for all purposes ("Property"), and

**WHEREAS**, the RDC has established policies to adopt such reasonable projects, as are permitted by law, to attract industry, create and retain primary jobs, promote or develop new or expanded business enterprises within the City, and, thereby, expand the growth and enhance the economic stability of the City; and

**WHEREAS**, the Developer proposes to construct a retail development comprised of an outlet center with a minimum area of 250,000 gross leasable square feet with additional retail at a minimum investment of \$54,800,000.00 to be located on Property, and

**WHEREAS**, the costs of the infrastructure associated to serve the Property are estimated to be approximately \$15,000,000.00, as outlined on Exhibit C and

**WHEREAS**, Developer, the RDC and the City have determined that the development of the Property will best be accomplished through a performance agreement; and,

**WHEREAS**, the Board of Directors of the RDC has found the expenditures hereunder to be required, suitable, and necessary to promote or develop such new business enterprise; and

**WHEREAS**, the City Council has determined and agrees that the provisions of this Agreement substantially advance a legitimate interest of the City, and

**WHEREAS**, the Developer is willing to agree, in exchange for and as consideration of this Agreement and funding provided herein, to satisfy and comply with certain terms and conditions set forth below; and

**WHEREAS**, the City, the RDC and Developer are sometimes referred to as a "party" or collectively as the "parties";

**NOW, THEREFORE**, for and in consideration of the promises and the mutual agreements set forth herein, the City, the RDC, and Developer hereby agree as follows:

1. The Project. The Developer intends to construct (or cause to be constructed) an outlet center with possible additional retail on the Property substantially in accordance with the Development Concept Plan, attached hereto as Exhibit "B", as it may be revised, provided that the Developer agrees that the outlet center will be no less than 250,000 square feet of gross leasable area (the "Outlet Center"), together with the related improvements outlined on Exhibit "C", at a minimum investment of \$54,800,000 (the Outlet Center and any additional retail are referred to collectively as the "Project"). The Company represents and agrees that, if it undertakes construction of the Project, it shall cause construction of the Project to be built in accordance with all applicable City ordinances and codes and shall Substantially Complete such Project by September 1, 2017, subject to any extensions due to forces outside the control of the Developer in accordance with Section 7 herein.

2. Conveyance of Easements for Utilities and Public Roads. The Developer shall timely convey to the City such permanent easements for the provision of water, wastewater and storm water services to the Project as the City shall reasonably require. Such easements shall be in form and content reasonably acceptable to the City Attorney and City Engineer and shall either (i) be reflected on a plat filed with the City, or (ii) evidenced by separate instrument from the Developer to the City. The Developer agrees to timely convey to the City by deed as shown on the Preliminary and Final Plat, in form and content reasonably acceptable to the City Attorney and City Engineer, the rights-of-way for the public roads and improvements. The conveyance of such easements and rights-of-way shall be a no cost to the City or the RDC.

3. Infrastructure Improvements. The improvements set forth on Exhibit "C" attached hereto, together with such other improvements as may be related thereto and approved by the RDC shall be referred to herein as the "Infrastructure Improvements." The parties recognize that the Infrastructure Improvements included in Exhibit "C" constitute all of the Infrastructure Improvements that may be necessary for the Project consistent with the Development Concept Plan that are eligible for reimbursement by the RDC unless otherwise specifically provided herein. Such Infrastructure Improvements shall be designed and constructed in accordance with the applicable ordinances of the City and other regulatory agencies with jurisdiction and must be completed within seven (7) years of Substantial Completion, as defined hereinafter. The City shall have the right to review and approve all plans and specifications for the Infrastructure Improvements. Prior to award of any contract for construction of Infrastructure Improvements, the Developer shall solicit at least three bids for each contract for construction of the Infrastructure Improvements. The Developer shall then provide a bid tabulation, notice of the bidder selected and an explanation as to the reason(s) for such choice to the RDC for approval, which shall not be unreasonably withheld. For the Infrastructure Improvements, the following particular conditions shall apply:

(a) The Infrastructure Improvements consisting of the water distribution, wastewater collection and storm water collection and drainage systems will include wastewater gravity lines, service lines, manholes, storm water collection lines, detention areas, electric and gas lines and other necessary or required facilities, force mains and lift stations as determined by City in its sole, but reasonable discretion.

(b) The Infrastructure Improvements will include improvements to the Highway 59 Entry Roads, Reading Road, Spacek Road, Summers Way and Biotics Research Drive in the locations generally depicted on the Development Concept Plan attached hereto as Exhibit "D" and other necessary roadway improvements approved by the RDC as eligible for reimbursement.

(c) The Infrastructure Improvements consisting of a storm water facilities, to include detention pond(s) and related appurtenances within the Project suitable to meet the requirements of the Fort Bend County Drainage District and the City, shall be owned and maintained by the Developer or a governmental entity but not by the City and their costs are not eligible for reimbursement.

(d) All Infrastructure Improvements shall be substantially completed prior to the opening of the Project for business, as necessary for each phase of the Project.

4. Costs to be Funded by the Developer.

(a) The Developer shall promptly pay (or cause to be paid) all impact fees and all costs of designing and constructing the Infrastructure Improvements as such costs become due, including, without limitation: (i) all costs of design, engineering, materials, labor, construction, testing and inspection arising in connection with the construction of the Infrastructure Improvements (except for those items which are being contested in good faith by Developer); (ii) all payments arising under any contracts entered into for the construction of the Infrastructure Improvements (except for those items which are being contested in good faith by Developer); and (iii) all costs incurred in connection with obtaining governmental approvals, certificates, and permits required in connection with the construction of the Infrastructure Improvements. Neither the City nor the RDC shall be liable to any contractor, engineer, attorney, materialmen, laborer, or other party employed by or on behalf of the Developer in connection with the design or construction of the Infrastructure Improvements.

(b) City will independently inspect and test all infrastructure of the Project to be owned or maintained, in whole or in part, by the City, as provided for in this Agreement, and the Developer will pay all such costs. Developer shall notify the City to inspect, and City shall have the right to inspect all underground work before it is backfilled and covered up.

5. Ad Valorem Taxes. The value of the Property and improvements upon Substantial Completion (exclusive of inventory or personal property) is anticipated to be not less than \$51,375,000. During the term of this Agreement, Developer agrees not to protest the value of the land and improvements that comprise the Outlet Center below \$51,375,000. However, if value of the Property and improvements that comprise the Outlet Center falls below \$51,375,000 in any year during the term of this Agreement, the Developer agrees to pay to the City each year a payment in lieu of taxes so that the City will receive the property tax revenue that would have been paid if the value had been maintained. Developer shall also pay or cause to be paid all rollback taxes on the Property as required by law. Such payment shall be due and payable at the same time as the ad valorem taxes for such year and shall become delinquent and subject to the same penalties and interest as a tax payment. Further, Developer agrees that a lien equivalent to a tax lien in favor of the City attaches in each year a payment is due at the time that the City

levies its tax for the year and is subject foreclosure in the same manner as a tax lien in favor of the City. Developer shall also be responsible for any costs the City or RDC reasonably incur to collect such payments, including without limitation court costs and attorney fees.

6. RDC Payments to the Developer. The RDC will reimburse the Developer for its actual costs for the Infrastructure Improvements through a series of Phase Completion Payments and Annual Payments as set out below up to an aggregate total reimbursement of \$7,310,663.00 (the "Maximum Reimbursement"), subject to the Developer's compliance with the RDC Performance Criteria set out below.

(a) Cost Documentation. The Developer will provide to the RDC copies of all invoices and other reasonable forms of payment for the costs of the Infrastructure Improvements for which reimbursement is requested with sufficient documentation to allow the RDC to determine the actual costs of the Infrastructure Improvements (the "Cost Documentation") prior to any payments being made by the RDC. The Developer may provide Cost Documentation as costs are incurred. The RDC will review such costs to substantiate that the actual costs of the Infrastructure Improvements are eligible for reimbursement and will present the report to the Developer for review and comment. Upon RDC's final approval of the report, the RDC will deliver such report on the aggregate amount of Infrastructure Improvement costs approved for reimbursement to the Developer (the "Total Approved Costs"). At least annually, the RDC will prepare a report reflecting the Total Approved Costs and the total of all payments by the RDC to the Developer and provide such report to the Developer. The RDC shall never be required to pay any Phase Completion Payment or Annual Payment that would cause the total amount of RDC payments to the Developer to exceed the then-current amount of Total Approved Costs or the Maximum Reimbursement. Further, the RDC will not reimburse for any Infrastructure Improvements that are reimbursed to the Developer by a municipal utility district or any other entity. Developer agrees to provide certifications as required by the RDC that the costs that are being reimbursed have not and will not be reimbursed by another entity.

(b) RDC Phase Completion Payments. Within thirty (30) days of receipt and approval by the RDC of following documentation from the Developer, the RDC shall make the following phase completion payments to the Developer in a total aggregate amount not to exceed \$4,750,000 (the "Phase Completion Payments").

- i. First Tier Completion. Substantial Completion of the Outlet Center by September 1, 2017 and investment of at least \$54,800,000 (inclusive of both hard and soft costs) which includes at least \$3,000,000 of Infrastructure Costs supported by Cost Documentation, the RDC shall pay Developer \$3,000,000.
- ii. Second Tier Completion. Submission to the RDC of certificates of occupancy issued by the City bringing the total gross leasable area for the Outlet Center and any Regional Retail (defined hereinafter) to a minimum of 305,000 square feet and additional investment bringing the total aggregate investment in the Outlet Center and Regional Retail to \$66,800,000 (inclusive of both hard and soft costs), the RDC shall pay

Developer an additional \$1,000,000, subject to meeting the requirements in Section 6(a), Cost Documentation.

- iii. Third Tier Completion. Submission to the RDC of certificates of occupancy issued by the City bringing the total gross leasable area for the Outlet Center and any Regional Retail to a minimum of 365,000 square feet and additional investment bringing the total aggregate investment in the Outlet Center and any Regional Retail to \$80,000,000 (inclusive of both hard and soft costs), the RDC shall pay Developer an additional \$750,000, subject to meeting the requirements of Section 6(a) Cost Documentation.

"Substantial Completion" is defined as the date a final certificate of occupancy has been issued for at least 250,000 square feet of gross leasable area of the Outlet Center, thereby allowing tenants of the Property to obtain individual certificates of occupancy for their respective suites or buildings. The deadline for Substantial Completion may be extended upon approval of the City and the RDC (i) to permit a reasonable delay in performance due to a change in general economic conditions, such as a change in market conditions or an economic downturn, which the Developer is unable to prevent by the exercise of reasonable diligence or (ii) in accordance with the provisions of this Agreement on force majeure. This provision shall not be read to excuse a party's obligations to complete performance under this Agreement in accordance with its provisions on force majeure. For purposes of this Agreement, a "Regional Retail" means a discount/wholesale warehouse business that sells memberships for shopping to the public at a minimum size of 65,000 square feet that draws customers from more than the immediately surrounding community.

(c) RDC Annual Payments. Developer shall receive an annual payment from the RDC in an amount equal to 50 percent of the sales tax revenue from the Outlet Center and any Regional Retail collected by the RDC each year after Substantial Completion for a total of seven annual payments (the "RDC Annual Payments"), subject to compliance with Section 6(a), Cost Documentation. The City receives sales tax revenues from the Texas Comptroller of Public Accounts monthly and thereafter transfers the appropriate amount of funds to the RDC. RDC Annual Payments shall be made within 30 days of the date of the RDC's receipt of twelve months of revenues from sales taxes collected from the Outlet Center and any Regional Retail (the "First Year's Collection Date") and thereafter within 30 days of the anniversary date of the First Year's Collection Date. RDC Annual Payments will be made only in the seven consecutive years following Substantial Completion, and failure of the Developer to comply with the Performance Criteria in any year will not extend the number of years of payments, it being the intent of the parties that all reimbursements be paid from designated collections for the seven years following Substantial Completion and no longer. Nor will delays or events of Force Majeure increase the number of RDC Annual Payments or the number of years of collections from which reimbursements will be paid. There shall be no obligation for the RDC to make any additional reimbursements after the seventh Annual Payment following the seventh year of designated collections even if all eligible Infrastructure Costs have not been reimbursed. The aggregate total of all RDC Annual Payments shall not exceed \$2,560,663.00. To be entitled to RDC Annual Payments, the Developer must submit to the RDC each year proof that (a) the Outlet Center has maintained the following numbers of full-time or full-time equivalent jobs for

the prior year and (b) the Outlet Center has maintained at least a 60% occupancy rate for the prior year:

Time Period	Total Aggregate Number of Jobs for the Outlet Center and Regional Retail
After First Tier Completion	343
After Second Tier Completion	418
After Third Tier Completion	500

These requirements are referred to herein as the "RDC Performance Criteria." If in any year the Developer fails to meet the RDC Performance Criteria, the RDC shall not be required to pay the RDC Annual Payment for such year. Failure of the Developer to comply with the RDC's Performance Criteria shall not constitute a default under this Performance Agreement, and the RDC's only remedy is not to make the annual payment for such year.

7. City Payments to Developer. The City is entering into this Agreement pursuant to Chapter 380, Texas Local Government Code. This Agreement establishes and provides for the administration of a program for making loans and grants of public money and providing personnel and services of the municipality to promote state or local economic development and to stimulate business and commercial activity in the City.

(a) City Annual Grants. The City agrees to make a grant to the Developer in an amount equal to 50 percent of the sales tax revenue from the Outlet Center and any Regional Retail collected and retained by the City each year after Substantial Completion for a total of seven annual payments up to an aggregate amount of \$7,681,989.00 ("City Annual Grants"), subject to the Developer's compliance with the following requirements: (1) the Developer must submit to the City evidence of Developer's investment in the Outlet Center and Regional Retail with sufficient documentation to allow the City to determine that Developer has invested the amounts required below; (2) Developer must submit to the City proof that the Project has maintained the following numbers of full-time or full-time equivalent jobs; and (3) Developer must submit proof that the Project has maintained at least a 60% occupancy rate for the prior year:

Time Period	Total Aggregate Investment for the Outlet Center and Regional Retail	Total Aggregate Number of Jobs for the Outlet Center and Regional Retail	Occupancy Rate of Outlet Center and Regional Retail
After First Tier Completion	\$54,800,000	343	60%
After Second Tier Completion	\$66,800,000	418	60%
After Third Tier Completion	\$80,000,000	500	60%

These requirements are referred to herein as the "City Performance Criteria." City Annual Grants will be made only in the seven consecutive years following Substantial Completion, and failure of the Developer to comply with the City Performance Criteria in any year will not extend the number of years of grants, it being the intent of the parties that all City Annual Grants be paid from the designated collections for seven years following Substantial Completion and no longer. Nor will delays or events of Force Majeure increase the number of City Annual Grants or the number of years of collections from which City Annual Grants will be paid. If in any year the Developer fails to meet the City Performance Criteria, the City shall not be required to make a payment for that year. Failure of the Developer to comply with the City's Performance Criteria shall not constitute a default under this Performance Agreement, and the City's only remedy is not to make the annual payment for such year. There shall be no obligation for the City to make any additional City Annual Grants after the seventh City Annual Grant following the seventh year of designated collection even if the aggregate amount of City Annual Grants totals less than \$7,681,989.00.

8. Undocumented Workers. The Developer covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized under the law to be employed in that manner in the United States. If the Developer is convicted of a violation under 8 U.S.C. Section 1324a (f), the RDC and the City may terminate this Agreement and shall have no further obligation to make payments hereunder. In such event, the Developer will reimburse the RDC, in accordance with the formulas hereinafter set forth, the total amount of all payments or incentives made to the Developer by the RDC, with interest, within 120 days after said conviction and the RDC's delivery to the Developer of written notice of the exercise of RDC's reimbursement remedy. The Developer's obligation to reimburse the RDC fully shall survive the termination of this Agreement. The interest rate shall be the rate of the 90-day U.S. Treasury Bill as of the date of the conviction plus ½% per annum, and interest accrues from the date of each payment by the RDC to the Developer until the RDC is fully reimbursed. The Developer agrees to allow the RDC, upon receipt of not less than 7-day's prior written request, reasonable access to such information as is necessary to determine the Developer's compliance or conviction.

9. Default of this Agreement. An "Event of Default" under this Agreement shall occur upon the failure of a party hereto to timely and fully perform or comply with any of the terms and conditions of this Agreement unless otherwise specifically provided herein. However, with respect to any breach of this Agreement, which may be cured by the payment of money, an Event of Default shall not occur (a) until the defaulting party has received written notice of such default and has not completely and fully cured such default within ten (10) working days after receipt of such written notice from any source, and (b) with respect to any other breach of this Agreement, an Event of Default shall not occur until the defaulting party has received written notice of such default and has not cured such default within thirty (30) calendar days (or, if such default is not susceptible of being cured within such thirty (30) day period, such additional period of time as may be agreed to by the parties to cure such default, provided that the defaulting party initiates the cure of such default in such thirty (30) calendar day period and thereafter continuously and diligently, by using its commercially reasonable efforts, prosecutes the cure of such default to completion). If an Event of Default occurs, the non-defaulting party shall be entitled to pursue any and all remedies available at law or in equity, which remedies shall be cumulative and not exclusive.

10. Additional Remedies for the RDC. In the event of default by the Developer of any obligation under this Agreement for which there is no specific provision regarding default and failure to cure such default timely, the RDC may terminate this Agreement by giving written notice of termination to the Developer, and the RDC shall have no further obligation to make payments to the Developer. In such event, the Developer will reimburse the RDC the total amount of all payments or incentives made to the Developer by the RDC, with interest (the "Total Payment"). The obligation of the Developer to reimburse the RDC fully shall survive termination of this Agreement. The interest rate shall be the rate of the 90-day U.S. Treasury Bill as of the date of the Developer's receipt of the written notice default plus ½% per annum, and interest accrues from the date of each payment by the RDC to the Developer until the RDC is fully reimbursed. In addition to all other amounts owed, the Developer also agrees to reimburse the RDC for any and all reasonable attorney's fees and costs incurred by the RDC as a result of any action required to obtain reimbursement of the Total Payment. Such reimbursement shall be due and payable within sixty (60) days of the Developer's receipt of an invoice for such fees.

11. Force Majeure. Timely performance by all parties is essential to this Agreement. However, no party is liable for reasonable delays in performing its obligations under this Agreement to the extent the delay is caused by Force Majeure that directly impacts such party. The event of Force Majeure may permit a reasonable delay in performance as approved by the non-affected parties, which approval shall not be unreasonably withheld, but does not excuse a party's obligations to complete performance under this Agreement. Force Majeure means: fires, interruption of utility services, epidemics in the City, floods, hurricanes, tornadoes, ice storms and other natural disasters, explosions, war, terrorist acts against a party, or riots, court orders, and the acts of superior governmental or military authority which the affected party is unable to prevent or control by the exercise of reasonable diligence or to control. The term does not include any changes in general economic conditions such as inflation, interest rates, economic downturn or other factors of general application, or an event that merely makes performance more difficult, expensive or impractical. This relief is not applicable unless the affected party does the following:

(a) uses due diligence to remove the effects of the Force Majeure as quickly as possible and to continue performance notwithstanding the Force Majeure;

(b) provides the other parties with prompt written notice of the cause and its anticipated effect and the anticipated date of resolution; and

(c) obtains the written agreement of the other parties to any extension of time to perform, which consent to such written agreement shall not be unreasonably withheld.

12. Term and Termination. This Agreement shall become effective upon the date first written above and shall terminate upon the payment of the seventh RDC Annual Payment and seventh City Annual Grant to the Developer following seven consecutive years of designated collections unless earlier terminated in accordance with other provisions of this Agreement. Neither delays nor events of Force Majeure shall extend the term or the period for collections of sales taxes to be used to make payments even if the RDC Annual Payments total less than \$2,560,663.00 or the City Annual Grants total less than \$7,681,989.00. This Agreement shall inure to the benefit of and be binding upon the parties. If Developer fails to achieve Substantial Completion pursuant to the terms of this Agreement, Developer shall not be eligible to receive any of the benefits of this Agreement, but this Agreement shall not be construed as a covenant of Developer to achieve Substantial Completion or otherwise construct the Project described herein.

13. Separate Status. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the Parties in their respective businesses or otherwise, nor shall it cause them to be considered joint ventures or members of any joint enterprise.

14. Construction and Interpretation.

(a) Whenever required by the context of this Agreement, (i) the singular shall include the plural, and vice versa, and the masculine shall include the feminine and neuter genders, and vice versa, and (ii) use of the words "including", "such as", or words of similar import, when following any general term, statement or matter, shall not be construed to limit such statement, term or matter to specific terms, whether or not language of non-limitation, such as "without limitation", or "but not limited to", are used with reference thereto, but rather shall be deemed to refer to all other items or matters that could reasonably fall within the broadest scope of such statement, term or matter.

(b) The captions preceding the text of each article and section of this Agreement are included only for convenience of reference. Captions shall be disregarded in the construction and interpretation of this Agreement. Capitalized terms are also selected only for convenience of reference and do not necessarily have any connection to the meaning that might otherwise be attached to such term in a context outside of this Agreement.

(c) This Agreement may be executed in several counterparts; each of which shall be deemed an original. The signatures to this Agreement may be executed and notarized on separate pages, and when attached to this Agreement shall constitute one (1) complete document.

15. **INDEMNIFICATION AND HOLD HARMLESS.** TO THE MAXIMUM EXTENT PERMITTED BY LAW, DEVELOPER OBLIGATES ITSELF TO THE CITY AND THE RDC TO FULLY AND UNCONDITIONALLY PROTECT, INDEMNIFY AND DEFEND THE CITY AND THE RDC, THEIR RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES, AND HOLD THEM HARMLESS FROM AND AGAINST ANY AND ALL COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITY FOR INJURIES TO PROPERTY, INJURIES TO PERSONS (INCLUDING DEVELOPER'S EMPLOYEES), INCLUDING DEATH, AND FROM ANY OTHER COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITIES OF ANY AND EVERY NATURE WHATSOEVER ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION WITH DEVELOPER'S NEGLIGENCE, GROSS NEGLIGENCE OR WILLFUL MISCONDUCT BUT NOT TO THE EXTENT OF THE CONCURRENT NEGLIGENCE, GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY OR THE RDC, THEIR RESPECTIVE OFFICERS, AGENTS OR EMPLOYEES. THIS INDEMNIFICATION AND SAVE HARMLESS SHALL APPLY TO ANY IMPUTED OR ACTUAL JOINT ENTERPRISE LIABILITY.

16. **Developer's Guarantee.** Developer guarantees and warrants that, with respect to that portion of the Infrastructure Improvements for which the City may agree to consider ownership and/or maintenance thereof, if, within one (1) year after the acceptance by City of such portion of the Infrastructure Improvements, defects should appear in the materials or workmanship relating to such portion of the Infrastructure Improvements, the Developer shall have such defects promptly repaired at no cost or expense to the City. This guarantee will apply to all parts of the Infrastructure Improvements that are accepted by the City. Alternatively, the Developer may provide a one-year maintenance bond in favor of the City for such improvements. This provision is for the sole benefit of the City and shall not in any way be construed to limit or modify any right or claim that the Developer may have against any person or entity that may have furnished such defective materials or performed such defective work.

17. **Development Agreement.** The parties agree and understand that this Performance Agreement does not address all issues regarding development of the Project and that the Developer is in the preliminary engineering stage and has not yet determined utility and road alignments or requirements or impacts on offsite improvements. Therefore, the parties agree that this Performance Agreement is subject to and may be terminated by the City and the RDC if the City and the Developer do not enter into a definitive development agreement regarding the Project by the earlier of (a) December 31, 2016 or (b) issuance of any permits for the construction of the Project.

18. **Miscellaneous Provisions.**

(a) **Actions Performable.** The City, the RDC and the Developer agree that all actions to be performed under this Agreement are performable solely in Fort Bend County, Texas.

(b) **Assignability.** Performance by Developer under the terms and conditions of this agreement are deemed personal and, as such, any attempt to convey, assign or transfer those duties and obligations without the prior written approval and consent by City and the RDC,

which consent shall not be unreasonably withheld, are void; provided, however, Developer shall be authorized to assign or transfer its rights, duties and obligations under this Agreement to an affiliate of Developer under common control with Developer, which will become effective against the City and the RDC upon the Developer providing the City and the RDC written notice of such assignment. Developer may assign its rights in this Agreement, but not its duties or obligations, to Developer's financial lenders of this Project without the consent of the City or the RDC and the City and the RDC agree to execute any estoppel certificates (in a form reasonably acceptable to the City and the RDC) required by such financial lenders regarding the status of this Agreement.

(c) Severability. If any provision hereof shall be finally declared void or illegal by any court or administrative agency having jurisdiction, the entire Agreement shall not be void; but the remaining provisions shall continue in effect as nearly as possible in accordance with the original intent of the parties.

(d) Complete Agreement. This Agreement represents the complete agreement of the parties with respect to the subject matter hereof and supersedes all prior written and oral matters related to this Agreement. Any amendment to this Agreement must be in writing and signed by all parties hereto or permitted or approved assignees.

(e) Exhibits. All exhibits attached to this Agreement are incorporated herein reference and expressly made part of this Agreement as if copied verbatim.

(f) Notice. Any notice or demand which either the City or the Developer is required to or may desire to serve upon the other, must be in writing, and shall be sufficiently served if (i) personally delivered, (ii) sent by facsimile, (iii) sent by registered or certified mail, postage prepaid, or (iv) sent by commercial overnight carrier, and addressed to:

If to the City:

City of Rosenberg, Texas  
P.O. Box 32  
2110 Fourth Street  
Rosenberg, Texas 77471  
Attention: City Manager  
Telephone: (832) 595-3300  
Fax: (832) 595-3333

or any other address or addresses which the Developer may be notified of in writing by the City;

If to the RDC:

Rosenberg Development Corporation  
2110 Fourth Street  
Rosenberg, Texas 77471  
Attention: Randall Malik  
Telephone: (832) 595-3300

Fax: (832) 595-3333

or any other address or addresses which the Developer may be notified of in writing by the RDC;

If to the Developer:

Paragon Outlets Rosenberg Limited Partnership  
217 East Redwood Street, 21<sup>st</sup> Floor  
Baltimore, MD 21202  
Attention: Thomas B. Burnside  
Telephone: 410-856-1823  
Fax: 410-244-0462

With a copy to:

Paragon Outlets Rosenberg Limited Partnership  
217 East Redwood Street, 21<sup>st</sup> Floor  
Baltimore, MD 21202  
Attention: W. Paul Reed  
Telephone: 410-856-1823  
Fax: 410-244-0462

or such other address or addresses which the City or the RDC may be notified in writing by the Developer.

Such notice shall be deemed to have been served (a) four (4) business days after the date such notice is deposited and stamped by the U.S. Postal Service, except when lost, destroyed, improperly addressed or delayed by the U.S. Postal Service, or (b) upon receipt in the event of personal service or (c) the first business day after the date of deposit with an overnight courier, except when lost, destroyed, improperly addressed or delayed by the courier, or (d) the date of receipt by facsimile (as reflected by electronic confirmation); provided, however, that should such notice pertain to the change of address to either of the parties hereto, such notice shall be deemed to have been served upon receipt thereof by the party to whom such notice is given.

(g) Forum Selection. This Agreement and the relationship between the City, RDC and Developer shall be governed and interpreted under the laws of Texas without regard to any conflict of laws provision. Venue for any suit arising out of any relationship between the City, the RDC and/or Developer shall exclusively be the appropriate court in Fort Bend County, Texas. Developer specifically consents to and waives any objections to, in personam jurisdiction in Fort Bend County, Texas.

(h) Appointment of Representatives. To further the commitment of the parties to cooperate in the implementation of this Agreement, the City and Developer each shall designate and appoint a representative to act as a liaison between the City and its various departments and the Developer. The initial representative for the City and the RDC (the "City/RDC Representative") shall be Randall Malik or his designee, and the initial representative for Developer shall be Paul Reed (the "Developer Representative"). The representatives shall be

available at all reasonable times and places to discuss and review the performance of the parties to this Agreement and the development of the Property pursuant to the Development Concept Plan.

19. Effective Date. This Agreement shall be binding and take effect as of the date first written above.

20. Preamble. The findings of fact, recitations and provisions set forth in the preamble to this Development Agreement are true and are adopted and made a part of the body of this agreement, binding the parties hereto, as if the same were fully set forth herein.

21. Representation of Authority. The City and the RDC represent and warrant to the Developer that each is duly authorized and empowered to enter into this Agreement and has the legal authority to reimburse the Developer as provided in this Agreement. The Developer represents and warrants to the City and the RDC that it has the requisite authority to enter into this Agreement and is a proper party to this Agreement.

22. Signature Warranty Clause. The signatories to this Agreement represent and warrant that they have the authority to execute this Agreement on behalf of the City, the RDC and Developer, respectively.

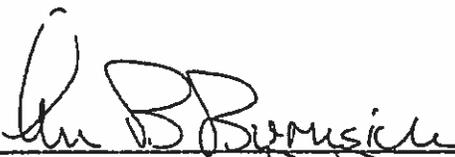
CITY:

**CITY OF ROSENBERG,**  
a home rule municipality

DEVELOPER:

**Paragon Outlets Rosenberg Limited  
Partnership,**  
a Delaware limited partnership

By: \_\_\_\_\_  
Vincent Morales, Mayor

By:   
Name: Thomas B. Borsich  
Title: Vice President

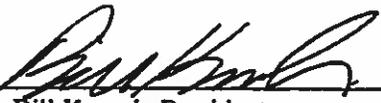
Approved:

\_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_

RDC

**ROSENBERG DEVELOPMENT CORPORATION,**

By:   
Bill Knesek, President

## EXHIBIT "A"

### LEGAL DESCRIPTION OF PROPERTY

#### LEGAL DESCRIPTION

Being a 63.505-acre (2,766,263 square foot) tract of land situated in the R.E. Handy Survey, A-187, Fort Bend County, Texas. Said 63.505-acre tract being all of a called 63.505-acre tract of land (Tract 2), conveyed to RND Real Estate, LP, by deed recorded under Fort Bend County Clerk's File No. 2005134011 of the Official Public Records of Fort Bend County, Texas, being all of Unrestricted Reserve "B" of The Reading Center recorded in Slide 1680 A&B of the Plat Records of Fort Bend County, Texas, a portion of Unrestricted Reserve "C" of said The Reading Center, all of Unrestricted Reserve "A" of Reading Center Phase Two recorded in Slide 1955B & 1956A, all of Unrestricted Reserve "C" of said Reading Center Phase Two and being further described by metes and bounds as follows with the basis of bearings being the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD 83) (2011 Adj.) Coordinates shown hereon are grid coordinates and may be converted to the surface by applying the combined scale factor of 0.999869455. All distances are surface distances:

**BEGINNING** at a 5/8-inch iron rod found in the northwest right-of-way line of Spacek Road (variable width right-of-way), for the northeast corner of a called 44.5089-acre tract of land (Tract 1), conveyed to RND Real Estate, LP, by deed recorded under Fort Bend County Clerk's File No. 2005134011 of the Official Public Records of Fort Bend County, Texas, for the southwest corner of said 63.505-acre tract and for the southwest corner of said tract herein described; said point having a State Plane Coordinate of N: 13,756,568.22, E: 2,999,377.39;

THENCE North 67 deg. 55 min. 28 sec. West, with the northeast line of said 44.5089-acre tract, with a southwest line of said 63.505-acre tract and with a southwest line of said tract herein described, a distance of 2,217.82 feet to a 3/4-inch iron pipe found in the southeast line of a called 4.7534-acre tract of land conveyed to Herfort Properties, Ltd., by deed recorded under Fort Bend County Clerk's File No. 2006160457 of the Official Public Records of Fort Bend County, Texas, for the southwest corner of said tract herein described;

THENCE North 21 deg. 51 min. 54 sec. East, with the southeast line of said 4.7534-acre tract, with a northwest line of said 63.505-acre tract and with a northwest line of said tract herein described, a distance of 308.13 feet to a 5/8-inch iron rod with cap found in the southeast right of way line of U. S. Highway 59 (variable width right-of-way) in the southeast line of a called 0.2004-acre tract of land conveyed to MK Ranches, LLC, by deed recorded under Fort Bend County Clerk's File No. 2012029189 of the Official Public Records of Fort Bend County, Texas and for the westerly most northwest corner of said tract herein described;

THENCE North 62 deg. 27 min. 51 sec. East, with the southeast right-of-way line of said U. S. Highway 59, with a northwest line of said 63.505-acre tract and with a northwest line of said tract herein described, a distance of 2,287.33 feet to a 5/8-inch iron rod with cap stamped "KALKOMEY SURVEYING" found for an angle point of said tract herein described;

THENCE North 86 deg. 18 min. 16 sec. East, with the south right-of-way line of said U. S. Highway 59, with the north line of said 63.505-acre tract and with the north line of said tract herein described, a distance of 86.09 feet to a 5/8-inch iron rod with cap stamped "KALKOMEY SURVEYING" found for the northerly most northeast corner of said tract herein described;

THENCE South 67 deg. 07 min. 44 sec. East, with the southwest right-of-way line of said U. S. Highway 59, with a northeast line of said 63.505-acre tract and with a northeast line of said tract herein described, a distance of 642.20 feet to a 5/8-inch iron rod with cap stamped "KALKOMEY SURVEYING" found in the northerly most cut back corner of the intersection of the southwest right-of-way line of said U. S. Highway 59 and the northwest right-of-way line of said Spacek Road for an angle point of said tract herein described;

THENCE South 22 deg. 33 min. 24 sec. East, along said cut back corner, with a northeast line of said 63.505-acre tract and with a northeast line of said tract herein described, a distance of 21.36 feet to a 5/8-inch iron rod with cap stamped "KALKOMEY SURVEYING" found in the southerly most cut back corner of the intersection of the southwest right-of-way line of said U. S. Highway 59 and the northwest right-of-way line of said Spacek Road for the northeast corner of said tract herein described;

THENCE South 22 deg. 00 min. 56 sec. West, with the northwest right-of-way line of said Spacek Road, with a southeast line of said 63.505-acre tract and with a southeast line of said tract herein described, a distance of 949.27 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for the northeast corner of Unrestricted Reserve "B", Reading Center Phase Two, as recorded in Slides 1955B & 1956A of the Plat Records of Fort Bend County, Texas, as conveyed to MKM Engineers, Inc., by deed recorded under Fort Bend County Clerk's File No. 2000026646 of the Official Public Records of Fort Bend County, Texas and for an angle point of said tract herein described;

THENCE North 67 deg. 59 min. 04 sec. West, with the northeast line of said Unrestricted Reserve "B", Reading Center Phase Two, with a southwest line of said 63.505-acre tract and with a southwest line of said tract herein described, a distance of 340.00 feet to a 5/8-inch iron rod with cap stamped "1943 4349" found for the easterly most northeast corner of Unrestricted Reserve "A", The Reading Center, as recorded in Slides 1680 A&B of the Plat Records of Fort Bend County, Texas, as conveyed to Biotics Building, LLC, by deed recorded under Fort Bend County Clerk's File No. 2009036650 of the Official Public Records of Fort Bend County, Texas and for an angle point of said tract herein described;

THENCE North 26 deg. 55 min. 34 sec. West, with the northeast line of said Unrestricted Reserve "A", The Reading Center, with a southwest line of said 63.505-acre tract and with a southwest line of said tract herein described, a distance of 97.00 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M. 281 491 2525" found for an interior angle point of said tract herein described;

THENCE South 84 deg. 41 min. 06 sec. West, with the northwest line of said Unrestricted Reserve "A", The Reading Center, with a southeast line of said 63.505-acre tract and with a southeast line of said tract herein described, a distance of 421.75 feet to a 5/8-inch

iron rod with cap stamped "T.E.A.M. 281 491 2525" found for an interior angle point of said tract herein described and the beginning of a curve to the right;

THENCE with the northwest line of said Unrestricted Reserve "A", The Reading Center, with a southeast line of said 63.505-acre tract and with a southeast line of said tract herein described, along said curve to the right, having a radius of 530.00 feet, a central angle of 24 deg. 39 min. 58 sec., a chord bearing of South 09 deg. 44 min. 32 sec. West, a chord distance of 226.41 feet and an arc length of 228.17 feet to a point in a fence post found for an angle point of said tract herein described;

THENCE South 22 deg. 04 min. 32 sec. West, with the northwest line of said Unrestricted Reserve "A", The Reading Center, with a southeast line of said 63.505-acre tract and with a southeast line of said tract herein described, a distance of 292.42 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for an interior angle point of said tract herein described;

THENCE South 22 deg. 55 min. 28 sec. East, with the southwest line of said Unrestricted Reserve "A", The Reading Center, with a northeast line of said 63.505-acre tract and with a northeast line of said tract herein described, a distance of 14.14 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for an interior angle point of said tract herein described;

THENCE South 67 deg. 55 min. 28 sec. East, with the southwest line of said Unrestricted Reserve "A", The Reading Center, with a northeast line of said 63.505-acre tract and with a northeast line of said tract herein described, a distance of 240.00 feet to a 5/8-inch iron rod found in the northeast right-of-way line of Biotics Research Drive (60' wide) as recorded in Slide 1955A & 1956B of the Plat Records of Fort Bend County, Texas, for an angle point of said tract herein described;

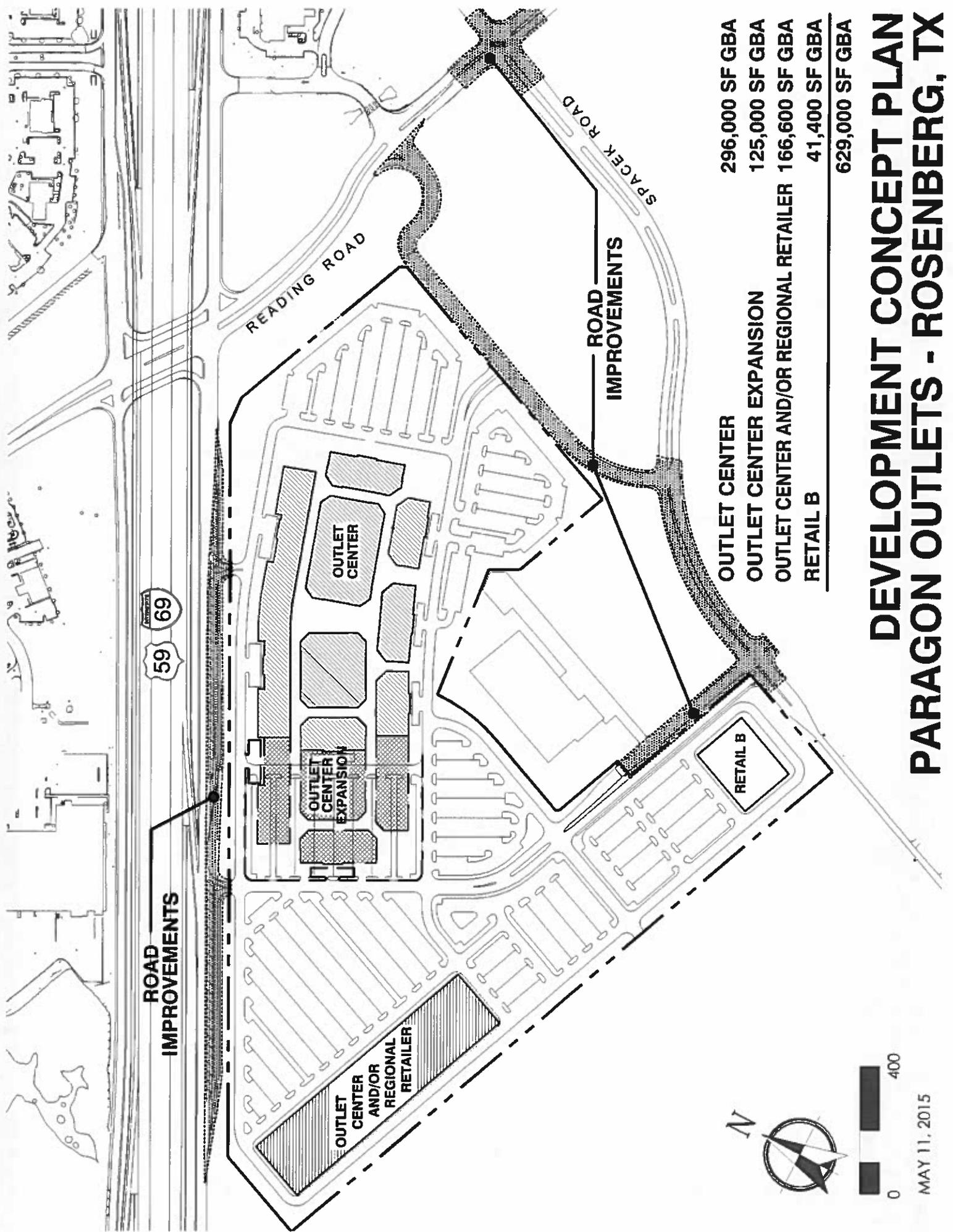
THENCE South 22 deg. 00 min. 56 sec. West, with the northwest right-of-way line of said Biotics Research Drive, with a southeast line of said 63.505-acre tract and with a southeast line of said tract herein described, a distance of 60.00 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set in the southwest right-of-way line of said Biotics Research Drive for the northwest corner of said Unrestricted Reserve "A", Reading Center Phase Two and for an interior angle point of said tract herein described;

THENCE South 67 deg. 55 min. 28 sec. East, with the southwest right-of-way line of said Biotics Research Drive, with a northeast line of said 63.505-acre tract and with a northeast line of said tract herein described, a distance of 490.00 feet to a Cut "X" set in the northwest right-of-way line of said Spacek Road for an angle point of said tract herein described;

THENCE South 22 deg. 00 min. 56 sec. West, with the northwest right-of-way line of said Spacek Road, with a southeast line of said 63.505-acre tract and with a southeast line of said tract herein described, a distance of 400.00 feet to the **POINT OF BEGINNING** and containing 63.505 acres (2,766,263 square feet) of land.

**EXHIBIT "B"**

**DEVELOPMENT CONCEPT PLAN**



OUTLET CENTER	296,000 SF GBA
OUTLET CENTER EXPANSION	125,000 SF GBA
OUTLET CENTER AND/OR REGIONAL RETAILER	166,600 SF GBA
RETAIL B	41,400 SF GBA
<b>TOTAL</b>	<b>629,000 SF GBA</b>

# DEVELOPMENT CONCEPT PLAN PARAGON OUTLETS - ROSENBERG, TX



MAY 11, 2015

**EXHIBIT "C"**

**LIST OF INFRASTRUCTURE IMPROVEMENTS**

**EXHIBIT "C"**  
**LIST OF PROJECT IMPROVEMENTS**  
**ESTIMATED INFRASTRUCTURE REIMBURSEMENT COSTS**  
(Incl. water, sewer, drainage, detention, parking, roads)

<u><b>TYPE OF PROJECT</b></u>	<u><b>APPROXIMATE COST</b></u>
<u><b>Street and Road Projects</b></u>	
Road Improvements (includes Highway 59 Entry Roads, Reading Road, Spacek Road, Summers Way, Biotics Research Drive, misc. roads)	\$ 1,125,000
Traffic Signalization	\$ 500,000
Roadway Lighting	\$ 250,000
Onsite road and parking improvements	\$ 1,750,000
Onsite road and parking Land Acquisition	\$ 3,500,000
Barrier free ramps	\$ 50,000
Roadway Landscaping/Irrigation	\$ 100,000
Right of Way/Easements/Land Acquisition	\$ 1,375,000
 <u><b>GRADING</b></u>	
Mass grading	\$ 1,100,000
Import Select/Borrow	\$ 650,000
Removal and Disposal	\$ 75,000
 <u><b>UTILITY RELOCATIONS</b></u>	
Relocation of Existing	\$ 250,000
 <u><b>FIRE LOOP</b></u>	
Fire Lines/Fire Lanes	\$ 250,000
 <u><b>STORM SEWER ITEMS</b></u>	
Storm Sewer	\$ 300,000
 <u><b>WATERLINE ITEMS</b></u>	
Water Line Relocation/Replacement	\$ 300,000
Water lines	\$ 200,000
 <u><b>ENVIROMENTAL ITEMS</b></u>	
SWPPP Devices	\$ 150,000
SWPPP Plan/Permit	\$ 50,000
 <u><b>PUBLIC AMENITIES</b></u>	
Sidewalks	\$ 175,000
Entry Monuments	\$ 200,000
Directional/Way finding Signage	\$ 200,000
Site Landscaping/Irrigation	\$ 500,000
Site Lighting	\$ 250,000
Site Furnishings	\$ 200,000
 <u><b>ENGINEERING SERVICES</b></u>	
8% of Hard Costs (allowance)	\$ 750,000
City Fees and inspections Allowance	\$ 500,000
Geotechnical and Testing Costs	\$ 250,000
<b>GRAND TOTAL</b>	<b>\$ 15,000,000</b>



# PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
5	Preliminary Plat of Mons Plaza Partial Replat No. 1

## MOTION

Consideration of and action on a Preliminary Plat of Mons Plaza Partial Replat No. 1, a subdivision of 6.4700 acres or 281,835 square feet of land, being a replat of Restricted Reserves "A" and "C", Mons Plaza, recorded under Plat No. 20060289, Fort Bend County Plat Records, situated in the Henry Scott League, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 1 block and 1 reserve.

## RECOMMENDATION

Staff recommends approval of the Preliminary Plat of Mons Plaza Partial Replat No. 1 contingent on approval of the TIA and any required improvements being determined at Final Plat.

MUD #	City/ETJ	ELECTION DISTRICT
N/A	City	4

## SUPPORTING DOCUMENTS:

1. Preliminary Plat of Mons Plaza Partial Replat No. 1 (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

City Engineer *OK*

## EXECUTIVE SUMMARY

The Preliminary Plat of Mons Plaza Partial Replat No. 1 consists of 6.47 acres of land located at the southeast corner of State Highway 36 and Mons Avenue. The property runs east-west for nearly 900 feet on the south side of Mons, with the eastern property line being at the edge of the proposed 4<sup>th</sup> Street, which will be extended south as part of this development.

The replat is proposing to combine two (2) restricted commercial reserves into one (1) for the purposes of a grocery store. The platting of this property will also necessitate an off-site dedication of the future 4<sup>th</sup> Street right-of-way south of the property to connect to City storm sewer in Rice Street. The right-of-way must be secured before Final Plat approval and will be referenced on the plat.

The applicant has also submitted a Traffic Impact Analysis (TIA) to determine impacts on adjoining roadways, which is currently under review by the City Engineer. Seeing no conflicts with applicable regulations, staff recommends approval of the Preliminary Plat of Mons Plaza Partial Replat No. 1 contingent on approval of the TIA and any required improvements being determined at Final Plat.



# PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
6	Preliminary Plat of The Trails at Seabourne Parke Section Four

### MOTION

Consideration of and action on a Preliminary Plat of the Trails at Seabourne Parke Section Four, a subdivision of 21.641 acres located in the G.M. Stone 1/3 League Survey, Abstract 312, City of Rosenberg, Fort Bend County, Texas, (Fort Bend County Municipal District No. 147); 103 lots, 3 reserves and 4 blocks.

### RECOMMENDATION

Staff recommends approval of the Preliminary Plat of The Trails at Seabourne Parke Section Four.

MUD #	City/ETJ	ELECTION DISTRICT
147 (Trails at Seabourne Parke)	City	2

### SUPPORTING DOCUMENTS:

1. Preliminary Plat of The Trails at Seabourne Parke Section Four
2. Land Plan of Trails at Seabourne Parke – June 2003

### 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 The Trails at Seabourne Parke Section Four consists of 21.641 acres and 103 single-family residential lots. It is located south of J. Meyer Road off of Park Thicket Lane, immediately east of The Trails at Seabourne Parke Section One. It is generally in the northeast quadrant of The Trails at Seabourne Parke adjoining Seabourne Creek to the east. The Plat is located within the City Limits and in Fort Bend County MUD No. 147.

All proposed lots are fifty feet (50') in width and a minimum of 6,000 square feet in size since the Land Plan was approved before the current standards relating to lot size. The Plat in in general conformance with the approved Land Plan dated June 2003 (see attached) in terms of density and lot size. The development was assigned to LGI Homes in 2014, and they are developing in accordance with the previously approved Land Plan.

The Preliminary Plat of this subdivision was originally approved by the Planning Commission on September 16, 2015. There have been no changes to the Preliminary Plat. However, the Preliminary Plat approval was allowed to expire and therefore it had to be placed on this agenda before the Final Plat could be approved. In addition to the Utility Agreement and Land Plan, this Plat/development is subject to a Road Improvement Agreement related to improvements to J Meyer Road that was amended to address the needed improvements before approval of the Final Plat of The Trails at Seabourne Parke Section Two or any subsequent plats. Those improvements have now been completed and are accepted by the City. There being no conflicts with applicable regulations or with the original Land Plan, staff recommends approval of the Preliminary Plat of The Trails at Seabourne Parke Section Four.

NOTES:

- BL INDICATES BUILDING LINE; UE INDICATES UTILITY EASEMENT; STM SE INDICATES STORM SEWER EASEMENT; WLE INDICATES WATER LINE EASEMENT; SSE INDICATES SANITARY SEWER EASEMENT; HL&P ESMT INDICATES HOUSTON LIGHTING AND POWER EASEMENT; DE INDICATES DRAINAGE EASEMENT; PL INDICATES PROPERTY LINE; FBCOPR INDICATES FORT BEND COUNTY OFFICIAL PUBLIC RECORDS; FBCDR INDICATES FORT BEND COUNTY DEED RECORDS.
- BENCHMARK: THE ELEVATIONS FOR THIS SURVEY ARE BASED ON THE PUBLISHED ELEVATIONS FOR THE FOLLOWING BENCHMARKS  
A BRASS DISK STAMPED M-1219, SET IN A CONCRETE HEADWALL LOCATED IN FORT BEND COUNTY, 0.15 MILES SOUTH OF THE INTERSECTION OF STATE HIGHWAY 36 AND J. MEYER ROAD, SET IN THE TOP OF A CONCRETE HEADWALL AND 1.7 FEET SOUTH OF THE NORTH END OF THE EAST CONCRETE HEADWALL OF A CULVERT, 24 FEET EAST OF THE CENTERLINE OF STATES HIGHWAY 36, AND LEVEL WITH THE HIGHWAY'S SURFACE.  
K1219 ELEVATION: 91.69' (NAVD-88, 1991 ADJ.)  
A BRASS DISK STAMPED K-1219, SET IN THE TOP OF THE NORTH END OF THE EAST CONCRETE HEADWALL OF A CHANNEL CULVERT, 25 FEET EAST OF THE CENTER LINE OF THE HIGHWAY, AND ABOUT 1/2 FOOT HIGHER THAN THE HIGHWAY.  
M1219 ELEVATION: 94.48' (NAVD-88, 1991 ADJ.)
- PROJECT BENCHMARK: SET 5/8" IRON ROD NEAR THE SOUTHWEST CORNER OF THE FORT BEND COUNTY VARIABLE DRAINAGE EASEMENT;  
N: 13748257.80  
E: 2986336.00  
ELEV: 88.47  
AN ADDITIONAL PROJECT BENCHMARK WILL BE ESTABLISHED BEFORE CITY ACCEPTANCE OF STREETS.
- ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON NGS VERTICAL DATUM, NAVD-88 (1991 ADJUSTMENT)
- THIS PLAT WAS PREPARED TO MEET CITY OF ROSENBERG AND FORT BEND COUNTY REQUIREMENTS.
- THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY TEXAS AMERICAN TITLE COMPANY, EFFECTIVE DATE MARCH 27, 2015. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
- THIS PLAT LIES WHOLLY WITHIN MUNICIPAL UTILITY DISTRICT NO. 147, FORT BEND SUBSIDIENCE DISTRICT, FORT BEND COUNTY DRAINAGE DISTRICT, LAMAR CONSOLIDATED I.S.D., AND THE CITY LIMITS OF ROSENBERG, AND FORT BEND COUNTY.
- THE TRAILS AT SEABOURNE PARKE SECTION THREE LIES WITHIN UNSHADED ZONE X AS PER FLOOD INSURANCE RATE MAP, MAP NUMBER 48157C0245L, DATED APRIL 2, 2014.
- APPROVAL OF THIS PLAT WILL EXPIRE ONE YEAR FROM CITY COUNCIL APPROVAL IF NOT RECORDED IN THE REAL PROPERTY RECORDS OF THE COUNTY OF FORT BEND.
- THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE LIMITS OF THE SUBDIVISION.

- FIVE-EIGHTHS INCH (5/8") IRON RODS THREE FEET (3') IN LENGTH ARE SET ON ALL PERIMETER BOUNDARY CORNERS, ALL ANGLE POINTS, ALL POINTS OF CURVATURE AND TANGENCY, AND ALL BLOCK CORNERS, UNLESS OTHERWISE NOTED.
- THE MINIMUM SLAB ELEVATION SHALL BE TWELVE INCHES (12") ABOVE THE 100-YEAR FLOOD PLAIN ELEVATION AND MAXIMUM PONDING ELEVATION, EIGHTEEN INCHES (18") ABOVE NATURAL GROUND, OR TWELVE INCHES (12") ABOVE THE TOP OF CURB AT THE FRONT OF THE LOT, WHICHEVER IS HIGHER.
- ALL LOTS SHALL HAVE A TWENTY FIVE (25) FOOT FRONT BUILDING SETBACK, A FIVE (5) FOOT SIDE BUILDING SETBACK AND ALL SIDE STREET SETBACKS SHALL BE FIFTEEN (15) FOOT.
- THE DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL WHICH ALLOWS STREET PONDING DURING INTENSE RAINFALL EVENTS.
- THIS PLAT LIES WITHIN FORT BEND COUNTY LIGHTING ORDINANCE ZONE NO. LZ2.
- ALL EASEMENTS ARE CENTERED ON LOT LINES UNLESS OTHERWISE INDICATED.
- THE HORIZONTAL COORDINATES SHOWN ARE GRID AND ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD-83 (NA2011); EPOCH 2010.00, AND WERE DERIVED USING GPS RTK METHODS REFERENCED TO THE NATIONAL GEODETIC SURVEY CORRS NETWORK, STATION TOWN AND STATION 10X8. THE GRID COORDINATES MAY BE CONVERTED TO SURFACE BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 1.00003.
- ONE-FOOT RESERVE DEDICATED TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE SIDE AND END OF STREETS WHERE SUCH STREETS ABUT ADJACENT PROPERTY. THE CONDITION OF SUCH DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED OR RE-SUBDIVIDED IN A RECORDED PLAT, THE ONE-FOOT RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES AND THE FEE TITLES THERETO SHALL REVERT TO AND REVEST IN THE DEDICATOR, HIS HEIRS, ASSIGNS OR SUCCESSORS.
- SIDEWALKS SHALL BE BUILT OR CAUSED TO BE BUILT THROUGH RESTRICTIVE COVENANTS WITHIN ALL ROAD RIGHTS-OF-WAY DEDICATED TO THE PUBLIC.
- THE RADIUS ON ALL BLOCK CORNERS IS TWENTY FIVE (25) FEET UNLESS OTHERWISE NOTED.
- UNLESS OTHERWISE INDICATED, THE BUILDING LINES (BL), WHETHER ONE OR MORE, SHOWN ON THIS SUBDIVISION PLAT ARE ESTABLISHED TO EVIDENCE COMPLIANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 25, CODE OF ORDINANCES, CITY OF ROSENBERG, TEXAS, IN EFFECT AT THE TIME THIS PLAT WAS APPROVED, WHICH MAY BE AMENDED FROM TIME TO TIME.
- EACH LOT SHALL PROVIDE A MINIMUM OF TWO OFF-STREET PARKING SPACES PER LOT.
- INDICATES STREET NAME CHANGE SYMBOL.
- DIMENSIONS SHOWN ARE SURFACE.
- LOTS RESTRICTED TO SINGLE FAMILY RESIDENTIAL LAND USE.
- PROPERTY CORNERS ARE MONUMENTED WITH CAP OR DISK MARKED "PAPE-DAWSON", UNLESS NOTED OTHERWISE.
- 10' DRAINAGE AND FILL EASEMENT AT THE BACK OF BLOCK 1, LOTS 33-63 IS TO BE MAINTAINED BY THE HOME OWNERS ASSOCIATION (HOA). THE CITY OF ROSENBERG OR FORT BEND COUNTY SHALL NOT BE HELD RESPONSIBLE FOR MAINTAINING SAID EASEMENTS.



VICINITY MAP  
SCALE: 1" = 3000'  
MAP REF: KEY MAP 644H

LOT SUMMARY			
AVG. LOT AREA	SQ FT	QUANTITY	PERCENTAGE
50' LOT	6,878.29	103	100%

LOT TABLE		
BLOCK	LOT	SQUARE FEET
1	1	6195
1	2	6244
1	3	6244
1	4	6244
1	5	6243
1	6	6243
1	7	6242
1	8	6242
1	9	6242
1	10	6241
1	11	6241
1	12	6241
1	13	6273
1	14	6322
1	15	6840
1	16	11023
1	17	12980
1	18	6458
1	19	6233
1	20	6230
1	21	7437
1	22	7141
1	23	6064
1	24	6333
1	25	11411
1	26	11441

LOT TABLE		
BLOCK	LOT	SQUARE FEET
1	27	8207
1	28	8046
1	29	7218
1	30	6934
1	31	6596
1	32	8523
1	33	12369
1	34	8009
1	35	6270
1	36	6201
1	37	6205
1	38	6211
1	39	6211
1	40	6224
1	41	6230
1	42	6236
1	43	6297
1	44	6249
1	45	6874
2	1	7066
2	2	6465
2	3	6465
2	4	6465
2	5	6465
2	6	6465
2	7	6465

LOT TABLE		
BLOCK	LOT	SQUARE FEET
2	8	6465
2	9	7214
2	10	8290
2	11	6151
2	12	6147
2	13	7544
2	14	7284
2	15	6465
2	16	6465
2	17	6465
2	18	6465
2	19	6465
2	20	6465
2	21	6465
2	22	7065
3	1	7065
3	2	6000
3	3	6000
3	4	6000
3	5	6000
3	6	6000
3	7	6000
3	8	6000
3	9	6000
3	10	6000
3	11	6000

LOT TABLE		
BLOCK	LOT	SQUARE FEET
3	12	7105
3	13	7080
3	14	6000
3	15	6000
3	16	6000
3	17	6000
3	18	6000
3	19	6000
3	20	6000
3	21	6000
3	22	6000
3	23	6000
3	24	7065
4	1	7065
4	2	6000
4	3	6000
4	4	6000
4	5	6000
4	6	6000
4	7	6000
4	8	6000
4	9	6000
4	10	6000
4	11	6000
4	12	7064

CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	25.00'	90°00'00"	N48°03'10"W	35.36'	39.28'
C2	25.00'	90°00'00"	S41°56'50"W	35.36'	39.27'
C3	980.00'	19°56'42"	S17°10'12"W	339.42'	341.14'
C4	148369.00'	0°09'44"	S87°00'53"W	419.84'	419.84'
C5	25.00'	251°3'07"	N80°17'42"W	10.92'	11.00'
C6	50.00'	130°23'43"	N47°07'00"E	90.78'	113.79'
C7	25.00'	25°24'40"	S5°22'32"E	11.00'	11.09'
C9	1030.00'	10°22'58"	N2°08'19"E	186.40'	186.65'
C10	25.00'	90°00'00"	S41°56'50"W	35.36'	39.27'
C11	25.00'	42°50'00"	N71°38'10"W	18.26'	18.69'
C12	50.00'	265°40'01"	N3°03'10"W	73.33'	231.84'
C13	25.00'	42°50'00"	N65°31'50"E	18.26'	18.69'
C14	25.00'	90°00'00"	S48°03'10"E	35.36'	39.27'
C15	25.00'	90°00'00"	S41°56'50"W	35.36'	39.27'
C16	25.00'	42°50'01"	N71°38'10"W	18.26'	18.69'
C17	50.00'	265°40'01"	N3°03'10"W	73.33'	231.84'
C18	25.00'	42°50'00"	N65°31'50"E	18.26'	18.69'
C19	25.00'	90°00'00"	N48°03'10"W	35.36'	39.27'
C20	970.00'	6°07'09"	N4°05'16"E	103.55'	103.60'
C21	25.00'	79°56'55"	N47°07'17"E	32.12'	34.88'

CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C22	25.00'	89°51'05"	S47°58'43"E	35.31'	39.21'
C24	25.00'	90°00'00"	S41°56'50"W	35.36'	39.27'
C25	25.00'	90°00'00"	N48°03'10"W	35.36'	39.27'
C26	25.00'	90°08'20"	N42°01'00"E	35.40'	39.33'
C27	148429.00'	0°04'24"	S87°02'58"W	189.97'	189.97'
C28	25.00'	89°56'04"	S48°01'12"E	35.34'	39.24'
C29	25.00'	90°01'23"	N41°57'32"E	35.36'	39.28'
C30	148429.00'	0°02'12"	S86°57'07"W	94.99'	94.99'
C31	148399.00'	0°09'44"	S87°00'53"W	419.91'	419.91'
C32	55.00'	79°56'55"	N47°07'17"E	70.67'	76.75'
C33	1000.00'	10°12'00"	N2°02'50"E	177.79'	178.02'

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N86°56'01"E	5.42'
L2	N41°56'50"E	14.14'
L3	N2°37'14"W	14.90'
L4	S23°40'36"W	11.16'
L5	S3°03'29"E	15.00'
L6	N30°20'07"E	13.19'
L7	S23°40'36"W	1.74'
L8	S27°27'07"W	96.12'
L9	S69°51'01"E	26.00'
L10	S61°55'07"E	26.00'
L11	N86°56'50"E	32.48'
L12	N23°40'36"E	56.68'
L13	N3°02'40"W	10.00'

# PRELIMINARY PLAT THE TRAILS AT SEABOURNE PARKE SECTION FOUR

A SUBDIVISION OF 21.641 ACRES  
LOCATED IN THE G.M. STONE 1/3 LEAGUE SURVEY, ABSTRACT 312  
CITY OF ROSENBERG,  
FORT BEND COUNTY, TEXAS  
(FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 147)

103 LOTS 3 RESERVES 4 BLOCKS  
SCALE: 1" = 60' APRIL 6, 2016

OWNER:  
LGI HOMES-TEXAS, LLC, A TEXAS LIMITED LIABILITY COMPANY  
JACK LIPAR  
EXECUTIVE VICE PRESIDENT  
1450 LAKE ROBBINS DRIVE, SUITE 430  
THE WOODLANDS, TEXAS 77380  
TEL. 281.362.8998  
ENGINEER:  
PAPE-DAWSON ENGINEERS  
MICHAEL PREISS, P.E.  
VICE PRESIDENT-HOUSTON  
SURVEYOR:  
PAPE-DAWSON ENGINEERS  
RICHARD CHARITAT, R.P.L.S.  
HOUSTON SURVEY DEPARTMENT MANAGER

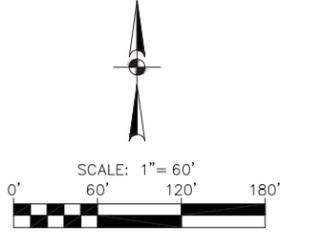


10333 RICHMOND AVE | HOUSTON, TEXAS 77042 | PHONE: 713.428.2400  
SUITE 900 | FAX: 713.428.2420  
TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470  
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, FIRM REGISTRATION # 10193974

File: C:\projects\401\01\2016\2-9 Design\2-3 Plat\2-3-1 Preliminary\PL40101030 Prelim.dwg  
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 Date: 4/6/16 10:53:11 AM



VICINITY MAP  
SCALE: 1" = 3000'  
MAP REF: KEY MAP 644H



LEGEND

- SET 3/4" IRON ROD (PAPE DAWSON CAP)
- RIGHT-OF-WAY CONTROL MONUMENTS
- AC = ACRE
- AE = AERIAL EASEMENT
- SSE = SANITARY SEWER EASEMENT
- STM SE = STORM SEWER EASEMENT
- WLE = WATER LINE EASEMENT
- DE = DRAINAGE EASEMENT
- EE = UTILITY EASEMENT
- UE = ELECTRICAL EASEMENT
- BL = BUILDING LINE
- R = RADIUS
- ROW = RIGHT-OF-WAY
- SF = SQUARE FEET
- FBCOR = FORT BEND COUNTY DEED RECORDS
- FBCOPR = FORT BEND COUNTY OFFICIAL PLAT RECORDS
- CF = CLERKS FILE

- (A) RESTRICTED RESERVE "A"  
(RESTRICTED TO LANDSCAPE OR OPEN SPACE PURPOSES ONLY)  
0.32 AC 14,098.71 SQFT
- (B) RESTRICTED RESERVE "B"  
(RESTRICTED TO DRAINAGE PURPOSES ONLY)  
0.06 AC 2,476.81 SQFT
- (C) RESTRICTED RESERVE "C"  
(RESTRICTED TO LANDSCAPE OR OPEN SPACE PURPOSES ONLY)  
0.37 AC 16,254.63 SQFT

PRELIMINARY PLAT  
THE TRAILS AT  
SEABOURNE PARKE  
SECTION FOUR

A SUBDIVISION OF 21.641 ACRES  
LOCATED IN THE G.M. STONE 1/3 LEAGUE SURVEY, ABSTRACT 312  
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(FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 147)

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JACK LIPAR  
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TEL. 281.362.8998

ENGINEER:  
PAPE-DAWSON ENGINEERS  
MICHAEL PREISS, P.E.  
VICE PRESIDENT-HOUSTON

SURVEYOR:  
PAPE-DAWSON ENGINEERS  
RICHARD CHARITAT, R.P.L.S.  
HOUSTON SURVEY DEPARTMENT MANAGER



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TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470  
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, FIRM REGISTRATION # 10193974

JULIE CUENOD  
CALLED 0.115 ACRES  
CF NO 2012120386  
FBCOPR

10' HL&P ESMT  
VOL 409, PAGE 570  
VOL 1606, PAGE 467  
FBCOR

CENTERLINE OF 10'  
HL&P AE  
VOL 409, PAGE 570  
VOL 1606, PAGE 467  
FBCOR

REMAINDER PORTION  
CALL 31 ACRES  
ADOLPH & MARY LUBOJACKY  
FILE NO 1948054008  
ORFBC

CALLED 1.143 ACRES  
ISREAL PEREZ  
FILE NO 2005065984  
ORFBC

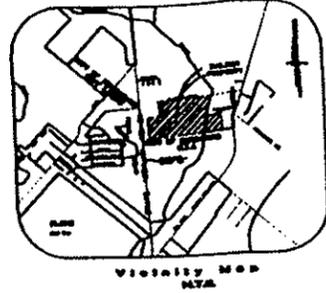
CALLED 5.236 ACRES  
ROBERT CHALUPA  
FILE NO 1960075016  
ORFBC

FORT BEND COUNTY MUNICIPAL  
UTILITY DISTRICT NO 147  
DETENTION POND EASEMENT  
15.669 ACRES  
CF NO 2004101109  
FBCOPR

Date: Sep 01, 2016, 3:09PM User: j...  
File: C:\Projects\10333\10333\_Plat\10333-3-1 Preliminary\10333 Prelim.dwg



RESIDENTIAL URBAN



PHASE ONE  
100 LOTS

PHASE TWO  
149 LOTS

LAMAR CONSOLIDATED  
INDEPENDANT  
SCHOOL DISTRICT  
RESIDENTIAL  
URBAN  
VOL. 1308, PG. 388  
F.B.C.D.R.

RESIDENTIAL URBAN

FRANK A. SEBASTA  
VOL. 268, PG. 91  
F.B.C.D.R.  
RESIDENTIAL URBAN

LOUIS F. VADIX  
VOL. 1827, PG. 96  
F.B.C.D.R.

GROBERT T. GRISHAM  
VOL. 440, PG. 184  
F.B.C.D.R.

ROBERT CHERYL DURAN  
F.N. 9464568  
F.B.C.O.P.R.

BLAS RODRIGUEZ  
VOL. 348, PG. 99  
F.B.C.D.R.

DETENTION

PHASE THREE  
107 LOTS

THEODORE JANCZAK  
VOL. 240, PG. 243  
F.B.C.D.R.

M.R. SOHLTZ, JAMES BAKER  
AND MADEL S. BAKER  
VOL. 857, PG. 21  
F.B.C.D.R.

PHASE FOUR  
100 LOTS

A LAND PLAN OF  
**J. MEYER ROAD TRACT**

BEING ± 117.5 ACRES OF LAND  
CONTAINING 457 LOTS (397 X THE TYP) AND  
FIVE FIVE-UNIT OR ELEVEN-BLOCK.

OUT OF THE  
S.M. STONE LEASUE, A-828  
NEW BRAD COUNTY, TEXAS

BLANK DEEDS OF MORTGAGE: THREE (3) 1-1/2 MONTHS, ONE (1) 300  
OPTIONAL, TEXAS TRUST, MR. CLAYTON FENNER, JR. 2000 2ND-0111

KERRY R. GILBERT & ASSOCIATES, INC.

12810 Park Blvd., Suite 200  
Dallas, Texas 75244

SCALE 1" = 50'

DATE: 06/27/2003

RECEIVED  
JUN 27 2003  
BY:

LOT ANALYSIS

60' LOTS :	340 (74%)
84' LOTS :	83 (18%)
RADIAL LOTS :	87 (19%)
87' OR GREATER :	17 (4%)

**LEGEND AND NOTES**

1. ALL LOTS ARE TO BE CONVEYED BY DEEDS TO THE BUYER.

2. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROSENBERG, TEXAS, AND THE STATE OF TEXAS.

3. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE STATE OF TEXAS.

4. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE STATE OF TEXAS.

5. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE STATE OF TEXAS.

6. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE STATE OF TEXAS.

7. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE STATE OF TEXAS.

8. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE STATE OF TEXAS.

9. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE STATE OF TEXAS.

10. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE STATE OF TEXAS.

- 1. 60' LOTS
- 2. 84' LOTS
- 3. RADIAL LOTS
- 4. 87' OR GREATER
- 5. WATER PLANT
- 6. DETENTION
- 7. CITY OF ROSENBERG CITY LIMITS
- 8. VILLAGE OF PLAZA CITY LIMITS



# PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
7	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 and 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

### APPROVAL

Submitted by:

Ian Knox  
 Planning Administrator  
 Community Development

Reviewed by:

Executive Director of Community Development  
 City Engineer *OK*

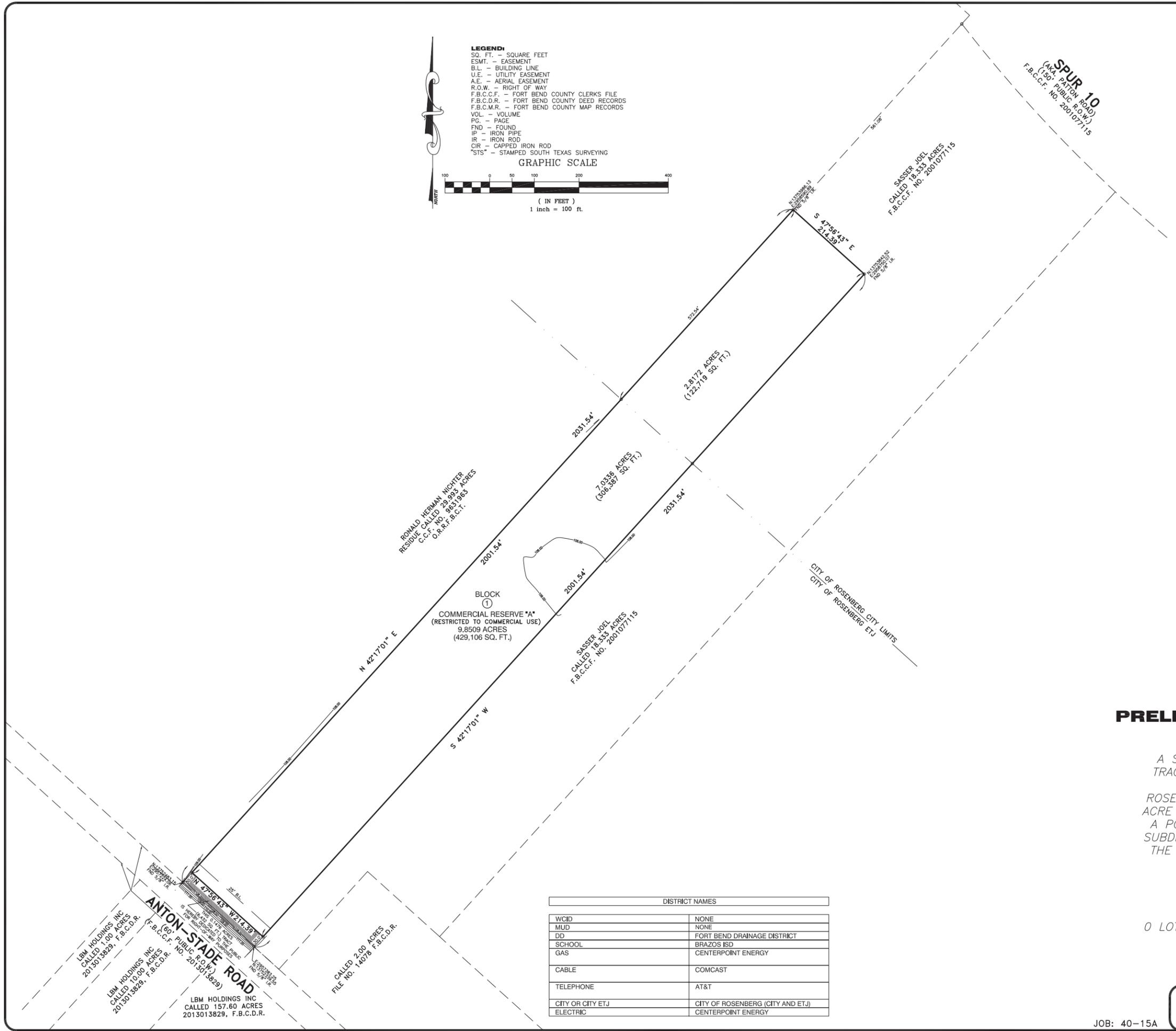
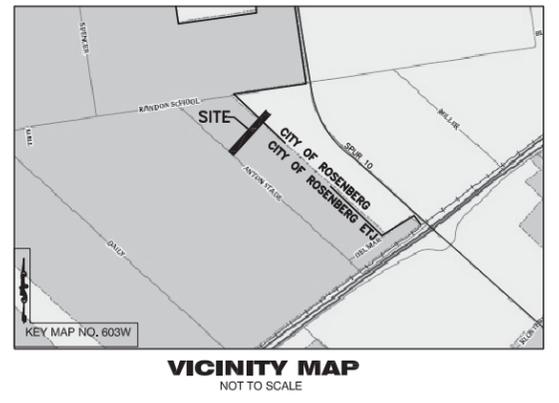
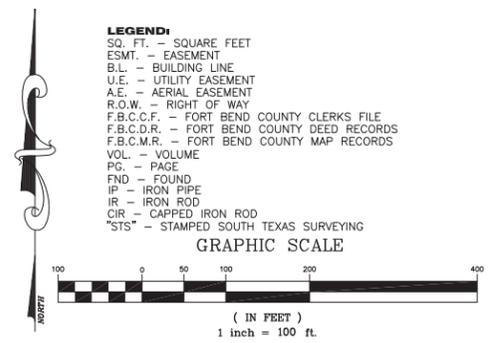
### EXECUTIVE SUMMARY

The Preliminary Plat of Tran Plaza consists of 9.9985 acres total and one (1) reserve and is located off of Anton Stade Road, south of Randon School Road. The Preliminary Plat was originally approved on August 19, 2015. Therefore, the plat has expired. This is a resubmittal of the previous Preliminary Plat that needs approval before considering the Final Plat in a subsequent agenda item.

The Plat has its frontage (214') on Anton Stade Road and 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.

Because the subject property is located both within the City Limits and in the Extraterritorial Jurisdiction (ETJ), the owner submitted a petition for voluntary annexation to avoid multiple sets of standards and going through the County's process in addition to the City. The petition was accepted by City Council on April 5, 2016, and at the time of this report, the annexation is scheduled for City Council's consideration on April 19, 2016. If approved, the entire property will be located within the City limits.

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



**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: 4/5/2016  
 0 LOTS 1 RESERVE (9.9985 ACRES) 1 BLOCK

OWNER: HUE TRAN AND HAI TRAN  
 ADDRESS: 11322 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

**SOUTH TEXAS SURVEYING ASSOCIATES, INC.**  
 11281 Richmond Ave. Bldg J, Suite 101, Houston, Texas 77082  
 281-556-6918 FAX 281-556-9331  
 Firm Number: 10045400

Copyright 2015 South Texas Surveying Associates, Inc. K:\COMRES 2015\PLATS\40-15.DWG (KT)



# PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
8	Final Plat of Community Focus Foundation

## MOTION

Consideration of and action on a Final Plat of Community Focus Foundation, a subdivision of 43.8605 acres of land out of William Lusk Survey, Abstract Number 276, City of Rosenberg, Fort Bend County, Texas; 1 reserve and 1 block.

## RECOMMENDATION

Staff recommends a recommendation of approval of the Final Plat of Community Focus Foundation.

MUD #	City/ETJ	ELECTION DISTRICT
N/A	City	4

## SUPPORTING DOCUMENTS:

1. Final Plat of Community Focus Foundation
2. Preliminary Plat of Community Focus Foundation – 12-16-15
3. Planning Commission Meeting Minute Excerpt – 12-16-15

## APPROVAL

### Submitted by:

Ian Knox  
Planning Administrator  
Community Development

### Reviewed by:

Executive Director of Community Development

City Engineer *OK*

## EXECUTIVE SUMMARY

The Final Plat of Community Focus Foundation consists of 43.8605 acres and one (1) proposed reserve. The property is located on the south side of Rohan Road, approximately 500' east of FM 2977, and within the City Limits of the City of Rosenberg.

Existing improvements are located on the eastern side and include approximately one third (1/3) of the property. The improvements consist of a stadium and related improvements (e.g., parking). The stadium and adjoining vacant property to the west are owned by one (1) property owner. The property currently consists of two (2) tracts and the owner has chosen to plat it into one (1) reserve and would like to construct a gymnasium to the west of the stadium and use the overall property as an activity center. Platting the property will, among other things, eliminate the property line between the two (2) properties and help to avoid building setback line issues.

The property currently has access to City water in the Rohan Road right-of-way, but lacks access to public sanitary sewer service. In the plat, the applicant has proposed to dedicate right-of-way for Rohan Road in compliance with City requirements.

The Planning Commission approved the Preliminary Plat of Community Focus Foundation on December 16, 2015. Seeing no conflicts with applicable regulations, and with the proposed Final Plat being consistent with the approved Preliminary Plat, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Community Focus Foundation.

LINE	DISTANCE	BEARING
L1	40.00'	N 22°25'29" E

STATE OF TEXAS  
COUNTY OF FORT BEND

We, Community Focus Foundation, acting by and through Sultan Ali Khawaja, President and Naushad Dhukka, Honorary Secretary, being officers of Community Focus Foundation, owners of the 43.8605 acre tract described in the above and foregoing map of COMMUNITY FOCUS FOUNDATION, do hereby make and establish said subdivision and development plat of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, We do hereby dedicate for public utility purposes an unobstructed aerial easement five (5) feet in width from a plane twenty (20) feet above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, We do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to prevent the drainage of any septic tanks into any public or private street, road or alley or any drainage ditch, either directly or indirectly.

FURTHER, We do hereby dedicate to the public a strip of land twenty (20) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, and drainage ditches located in said subdivision, as easements for drainage purposes, Fort Bend County and any other governmental agency shall have the right to enter upon said easement at any and all times for the purposes of construction and maintenance of drainage facilities and structures.

FURTHER, We do hereby covenant and agree that all of the property within the boundaries of this subdivision and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, excessive vegetation and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, We do hereby acknowledge the receipt of the "Orders for Regulation of Outdoor Lighting in its Unincorporated Areas of Fort Bend County, Texas", and do hereby covenant and agree and shall comply with this order as adopted by Fort Bend County Commissioners Court on March 23, 2004.

IN TESTIMONY WHEREOF, Community Focus Foundation has caused these presents to be signed by Sultan Ali Khawaja, President, heretofore authorized, attested by its Honorary Secretary, this \_\_\_\_ day of \_\_\_\_\_, 2016.

Community Focus Foundation

By: Sultan Ali Khawaja, President

Attest: Naushad Dhukka, Honorary Secretary

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared, Sultan Ali Khawaja, President of Community Focus Foundation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein set out and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2016

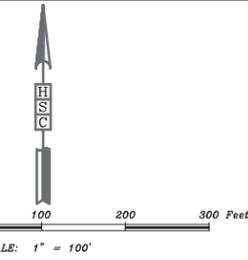
Notary Public in and for the State of Texas  
My Commission expires: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared, Naushad Dhukka, Honorary Secretary of Community Focus Foundation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein set out and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2016

Notary Public in and for the State of Texas  
My Commission expires: \_\_\_\_\_



I, Harry H. Hovis, IV, am authorized under the laws of the state of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct, was prepared from an actual survey of the property made under my supervision on the ground and that all boundary corners, angles, points of curvature and other points of reference have been marked with iron (or other suitable permanent ferrous metal) pipes or rods and a length of not less than three (3) feet, except where corners were found.

Harry H. Hovis IV  
Registered Professional Land Surveyor  
Texas Registration No. 4827

This is to certify that the Planning Commission of the City of Rosenberg, Texas has approved this plat and subdivision of COMMUNITY FOCUS FOUNDATION in conformance with the laws of the State of Texas and the ordinances of the City of Rosenberg as shown hereon and authorizes the recording of this plat this \_\_\_\_ day of \_\_\_\_\_, 2016.

James Urbish, Chairman  
Wayne Poldrack, Secretary

This is to certify that the City Council of the City of Rosenberg, Texas has approved this plat and subdivision of COMMUNITY FOCUS FOUNDATION in conformance with the laws of the State of Texas and the ordinances of the City of Rosenberg as shown hereon and authorizes the recording of this plat this \_\_\_\_ day of \_\_\_\_\_, 2015.

Cynthia A. McConathy, Mayor  
Linda Cernosek, City Secretary

I, Laura Richard, County Clerk in and for Fort Bend County, hereby certify that the foregoing instrument with its certificate of Authentication was filed for recordation in my office on \_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_ o'clock \_\_\_\_ m., in side numbers \_\_\_\_ of the plat records of Fort Bend County, Texas.

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

Laura Richard  
County Clerk Fort Bend County, Texas

By: Deputy

NOTES CONTINUED:

- This plat lies within Fort Bend County Lighting Ordinance Zone No. LZ3.
- The Coordinates shown hereon are Texas State Plane Coordinates, South Central Zone (Grid NAD 83) and may be brought to surface by applying the following combined scale factor of 0.99986907.
- Site plans shall be submitted to the City of Rosenberg for staff review and approval prior to construction. Driveway requirements for the locations, widths and offset from an intersection and any existing driveways or proposed driveways, shall conform to the design standards of the City of Rosenberg.
- No owner of the land subject to an easement may place, build or construct any permanent building, structure or obstruction of any kind over, under or upon the easement, provided that such owner may cross or cover the easement with a paved driveway/parking lot under the following conditions. The driveway shall be jointed at the boundary line of the easement to limit the amount of paving that must be removed to provide access and there shall be no obligation of the City to replace/repair any paving removed in the exercise of this easement.
- Subject to Restrictive Covenants as set out under F.B.C.C.F. No. 9726130.
- Bearing orientation based on Texas State Plane Coordinates, South Central Zone (South Central Zone No. 4204), derived from CORS site TXRS.
- Drainage Easement recorded under Volume 322, Page 157 D.R.F.B.C. lies within Rohan Road Right-of-Way.
- The minimum slab elevation shall be 88.5', twelve inches (12") above the 100-year flood plain elevation and maximum ponding elevation, eighteen inches (18") above natural ground, or twelve inches (12") above the top of curb at the front of the Reserve, whichever is higher.
- The drainage system for this subdivision shall be designed to meet the requirements of the Fort Bend County Drainage Criteria Manual which allows street ponding during intense rainfall events.

NOTES CONTINUED:

- This is a public easement for the purpose of Public Fire Protection and Municipal use, as determined by the City of Rosenberg (the Use). The City of Rosenberg (the City) shall have the right to inspect all water lines in conjunction with the use at any time. The fire water lines and all appurtenances related hereto contained within this easement shall be the property of the owner of the tract (and his heirs, successors or assigns hereinafter "Owner") described in this plat (Property) and shall be maintained by the Owner at Owner's expense in full compliance with all applicable Federal, State and City requirements, specifically including ordinances and codes. The City has the right to determine compliance and require that the Owner replace, repair, improve or maintain the use at the Owner's expense. Upon failure of Owner to timely comply with such request, the City may elect, but is not obligated, to replace, repair, improve or maintain the use at the Owner's expense. Upon failure of Owner to timely comply with such request, the City for all cost incurred by the City for compliance, including administrative and legal expenses, within 30 days of written request, the City shall be entitled to initiate action to recover such costs against owner, including attorney's fees and shall additionally be entitled to all other remedies provided by law, including a lien against all of the Property. Notwithstanding anything herein to the contrary, Owner shall not be permitted in any manner to impede, hinder or prohibit the City, as it determines, in providing Municipal Utility Services in an area outside the boundaries of the Property, without the prior expressed written consent of the City.

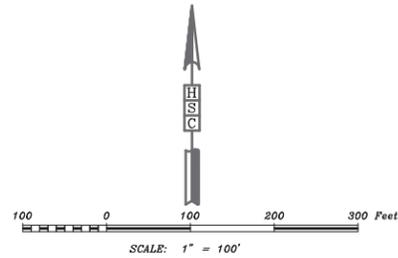
OWNERS:  
COMMUNITY FOCUS FOUNDATION  
4800 SUGAR GROVE, STE. 140  
STAFFORD, TEXAS 77477  
(832) 859-1444

H S C  
HOVIS  
SURVEYING  
COMPANY

PREPARED BY:  
Land Surveys - Computer Mapping  
5000 Cabbage - Spring, Texas 77379  
(281) 320-9591. hovis@hovissurveying.com  
Acreage - Residential - Industrial - Commercial  
Texas Firm Registration No. 10030400

DATE: APRIL 6, 2016 SCALE: 1" = 100' JOB NO. 15-056-00

LINE	DISTANCE	BEARING
L1	40.00'	N 22°25'29" E



- LEGEND:
- BB = BASKET BALL GOAL
  - BEW = BRICK ENTRY WAY
  - BLG = BUILDING
  - BOV = BLOW OFF VALVE
  - BW = BRICK WALL
  - BW W/WIF = BRICK WALL WITH WROUGHT IRON FENCE
  - CLF = CHAIN LINK FENCE
  - CLM = COLUMN
  - CONC = CONCRETE
  - CO = CLEAN OUT
  - CP = CONTROL PANEL
  - DG = DOWN GUY
  - D.R.F.B.C. = DEED RECORDS OF FORT BEND COUNTY
  - EB = ELECTRIC BOX
  - EP = ELECTRIC PANEL
  - F.B.C.C.F. NO. = FORT BEND COUNTY CLERK'S FILE NUMBER
  - FH = FIRE HYDRANT
  - FND = FOUND
  - FP = FLAG POLE
  - G = GENERATOR
  - GI = GRATE INLET
  - GP = GATE POST
  - I.R. = IRON ROD
  - I.P. = IRON PIPE
  - ICV = IRRIGATION CONTROL VALVE
  - L = LID
  - LS = LIGHT STANDARD
  - MF = METAL FENCE
  - MH = MANHOLE
  - P = GOAL POST
  - PL = POLE
  - PP = POWER POLE
  - P.R.F.B.C. = PLAT RECORDS OF FORT BEND COUNTY
  - R = RAMP
  - UCGM = UNDERGROUND CABLE MARKER
  - WIF = WROUGHT IRON FENCE
  - WM = WATER METER
  - WV = WATER VALVE

**PRELIMINARY PLAT OF  
COMMUNITY FOCUS  
FOUNDATION**

A SUBDIVISION OF 43.8605  
ACRES OF LAND OUT OF WILLIAM  
LUSK SURVEY, ABSTRACT NUMBER  
276 CITY OF ROSENBERG, FORT  
BEND COUNTY, TEXAS  
1 RESERVE, 1 BLOCK

OWNERS:  
COMMUNITY FOCUS FOUNDATION  
4800 SUGAR GROVE, STE. 140  
STAFFORD, TEXAS 77477  
(832) 859-1444



PREPARED BY:  
Land Surveys - Computer Mapping  
5000 Cabbage - Spring, Texas 77378  
(281) 920-9591 hovis@hovisurveying.com  
Acres - Residential - Industrial - Commercial  
Texas Firm Registration No. 10030400

DATE: DECEMBER 2, 2015 SCALE: 1" = 100' JOB NO. 15-056-00

## PLANNING COMMISSION MEETING MINUTES

On this the 16th day of December 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 4<sup>th</sup> Street, Rosenberg, Texas 77471.

### COMMISSIONERS PRESENT

James Urbish	Planning Commissioner Chairperson
Lester Phipps, Jr.	Planning Commission Vice Chairperson
Wayne Poldrack	Planning Commission Secretary
Sergio Villagomez	Planning Commissioner
Charlotte Davis	Planning Commissioner

### NOT PRESENT

Steven Monk	Planning Commissioner
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### STAFF PRESENT

Susan Euton	Councilor, District No. 2
Charles Kalkomey	City Engineer
Travis Tanner	Executive Director of Community Development
Ian Knox	Planning Administrator
Janet Eder	Senior Administrative Specialist

### OTHERS PRESENT

Franklin Schodek	Henry Steinkamp, Inc. (Cole Avenue Division No. 1)
George Villarreal	Villa Construction (Jones Meadow)

### CALL TO ORDER

Chairperson Urbish called the meeting to order at 5:02 p.m.

### AGENDA

#### 1. CONSIDERATION OF AND ACTION ON MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF NOVEMBER 18, 2015.

**Action Taken:** Commissioner Poldrack moved, seconded by Commissioner Villagomez to approve the minutes of the Regular Planning Commission Meeting of November 18, 2015 as presented. The motion carried unanimously by those present.

#### 2. CONSIDERATION OF AND ACTION A PRELIMINARY PLAT OF COMMUNITY FOCUS FOUNDATION, A SUBDIVISION OF 43.8605 ACRES OF LAND OUT OF WILLIAM LUSK SURVEY, ABSTRACT NUMBER 276, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 1 RESERVE AND 1 BLOCK.

**Executive Summary:** The Preliminary Plat of Community Focus Foundation consists of 43.8605 acres and one (1) proposed reserve. The property is located on the south side of Rohan Road, approximately 500' east of FM 2977, and within the City Limits of the City of Rosenberg.

Existing improvements are located on the eastern approximately one third (1/3) of the property. The improvements consist of a stadium and related improvements (e.g., parking). The stadium and adjoining vacant property to the west are owned by one (1) property owner. The property currently consists of two (2) tracts and the owner has chosen to plat it into one (1) reserve and would like to construct a gymnasium to the west of the stadium and use the overall property as an activity center. Platting the property will, among other things, eliminate the property line between the two (2) properties and help to avoid building setback line issues. A pre-development meeting with City staff was held several

months ago at which staff explained parking, restrooms, and other types of code requirements for the facility at hand.

The property currently has access to City water in the Rohan Road right-of-way, but lacks access to public sanitary sewer service. In the plat, the applicant has proposed to dedicate right-of-way for Rohan Road in compliance with City requirements.

There being no conflicts with applicable regulations, staff recommends approval of the Preliminary Plat of Community Focus Foundation.

**Key Discussion**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Vice Chairperson Phipps inquired if the City had plans to provide public sanitary sewer service.
- Mr. Tanner replied that he did not believe public sanitary sewer service to the area was included in the capital improvements plan. The property currently has access to City water in the Rohan Road right-of-way, but lacks access to public sanitary sewer service.
- Commissioner Poldrack inquired about the type of public sanitary sewer facility.
- Mr. Tanner replied that it would likely be a septic system.
- Commissioner Poldrack inquired about the capacity of a septic system.
- Mr. Kalkomey stated that holding tanks could be installed to store pre-treated sewer.
- Commissioner Poldrack inquired about future plans of the Community Focus Foundation.
- Mr. Tanner replied that the Community Focus Foundation planned to construct an indoor gymnasium to the west of the stadium.
- Commissioner Poldrack inquired about parking requirements.
- Mr. Tanner replied that an indoor gymnasium would be considered assembly use, therefore, one parking space would be required for every four seats. One parking space would be allowed for every 45 square feet, without fixed seating.

**Action Taken:** Vice Chairperson Phipps moved, seconded by Commissioner Villagomez to approve the Preliminary Plat Community Focus Foundation, a subdivision of 43.8605 acres of land out of William Lusk Survey, Abstract Number 276, City of Rosenberg, Fort Bend County, Texas; 1 reserve and 1 block. The motion carried unanimously by those present.

3. **CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF JONES MEADOW REPLAT, A SUBDIVISION OF A 0.752 ACRE TRACT BEING A REPLAT OF JONES MEADOW SUBDIVISION RECORDED IN FILM CODE NO. 20050149, F.B.C.M.R. IN THE JAMES LOWERY 1/3 LEAGUE, ABSTRACT NO. 275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 3 LOTS, 1 BLOCK AND NO RESERVES.**

**Executive Summary:** The Preliminary Plat of Jones Meadow consists of 0.752 acres located at the northwest corner of Airport Avenue and Jones Street, within the City Limits. The subject property was originally platted as Jones Meadow in 2005 (attached for review). Jones Meadow is a single-family residential subdivision consisting of four (4) lots. The owner wishes to replat the property into three (3) duplex lots.

It should be noted that, for replats of subdivisions restricted to single-family residential use, a public hearing is generally required and certain notifications must take place in the newspaper and to property owners within the original subdivision. These notifications must occur fifteen (15) days before the hearing is held. This is pursuant to State law and the City's "Subdivision" Ordinance. However, there is no specification as to whether the hearing must occur at Preliminary or Final Plat. Because of this, and the advance notice required by law, staff will schedule the hearing and meet all notification requirements at the time of Final Plat.

As far as the proposed Plat itself is concerned, it meets the "Subdivision" Ordinance requirements pursuant to Section 25-114 related to duplex subdivisions. This section of the ordinance essentially requires minimum 8,000 square foot lots, eighty (80) feet in width, as well as building line and other requirements with which the proposed Plat appears to comply. Seeing no conflicts with applicable regulations, staff recommends approval of the Preliminary Plat of Jones Meadow Replat.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Councilor Euton inquired about public notifications.
- Mr. Tanner replied that the property owner generally notifies the subdivision property owners.
- Commissioner Poldrack inquired about deed restrictions for single-family residential use.



# PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
9	Final Plat of The Trails at Seabourne Parke Section Four

### MOTION

Consideration of and action on a Final Plat of The Trails at Seabourne Parke Section Four, a subdivision of 21.641 acres located in the G.M. Stone 1/3 League Survey, Abstract 312, City of Rosenberg, Fort Bend County Texas (Fort Bend County Municipal Utility District No. 147); 103 lots, 3 reserves and 4 blocks.

### RECOMMENDATION

Staff recommends a recommendation of approval of the Final Plat of The Trails at Seabourne Parke Section Four.

MUD #	City/ETJ	ELECTION DISTRICT
147 (Trails at Seabourne Parke)	City	2

### SUPPORTING DOCUMENTS:

1. Final Plat of The Trails at Seabourne Parke Section Four
2. Preliminary Plat of The Trails at Seabourne Parke Section Four (please refer to Agenda Item No. 6)
3. Land Plan of Trails at Seabourne Parke – June 2003 (please refer to Agenda Item No. 6)
4. Planning Commission Meeting Minute Excerpt – 09-16-15

### APPROVAL

Submitted by:

Ian Knox  
Planning Administrator  
Community Development

Reviewed by:

Executive Director of Community Development

City Engineer *OK*

### EXECUTIVE SUMMARY

The Final Plat of The Trails at Seabourne Parke Section Four consists of 21.641 acres consisting of 103 single-family residential lots, three (3) reserves in four (4) blocks. It is located south of J. Meyer Road off of Park Thicket Lane, immediately east of The Trails at Seabourne Parke Section One. It is generally in the northeast quadrant of The Trails at Seabourne Parke adjoining Seabourne Creek to the east. The Plat is located within the City Limits and in Fort Bend County MUD No. 147.

All proposed lots are fifty feet (50') in width and a minimum of 6,000 square feet in size since the Land Plan was approved before the current standards relating to lot size. The Plat is in general conformance with the approved Land Plan dated June 2003 (see attached) in terms of density and lot size. The development was assigned to LGI Homes in 2014, and they are developing in accordance with the previously approved Land Plan.

The Planning Commission approved the Preliminary Plat of The Trails at Seabourne Parke Section Four on September 16, 2015. However, that approval has expired and the Preliminary Plat was reconsidered by the Commission earlier on this meeting's agenda. As discussed, the Preliminary Plat was allowed to expire and therefore had to be placed on the agenda before approving the Final Plat. Seeing no conflicts with applicable regulations, and with the proposed Final Plat being consistent with the approved Preliminary Plat, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of The Trails at Seabourne Parke Section Four. Said approval is subject to Preliminary Plat approval on previous Agenda Item No. 6.

STATE OF TEXAS  
COUNTY OF FORT BEND  
CITY OF ROSENBERG

WE, JACK LIPAR, EXECUTIVE VICE PRESIDENT, AND SHANNON BIRT, VICE PRESIDENT OF DEVELOPMENT, BEING OFFICERS OF LGI HOMES-TEXAS, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNERS OF THE 21.641 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF THE TRAILS AT SEABOURNE PARKE SECTION FOUR, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAT OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS), ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, WE DO HEREBY DEDICATE FOR PUBLIC UTILITY PURPOSES AN UNOBSTRUCTED AERIAL EASEMENT FIVE (5) FEET IN WIDTH FROM A PLANE TWENTY (20) FEET ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, WE DO HEREBY DECLARE THAT ALL PARCELS OF LAND DEDICATED AS LOTS ON THIS PLAT ARE INTENDED FOR THE CONSTRUCTION OF SINGLE FAMILY RESIDENTIAL DWELLING UNITS THEREON (OR THE PLACEMENT OF MOBILE HOMES) AND SHALL BE RESTRICTED FOR THE SAME UNDER THE TERMS AND CONDITIONS OF SUCH RESTRICTIONS FILED SEPARATELY.

FURTHER, WE DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PREVENT THE DAMAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, ROAD OR ALLEY OR ANY DRAINAGE DITCH, EITHER DIRECTLY, OR INDIRECTLY.

FURTHER, WE DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION OF THE TRAILS AT SEABOURNE PARKE WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION AND TO HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATE TO THE USE OF PUBLIC, ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

FURTHER, WE DO HEREBY ACKNOWLEDGE THE RECEIPT OF THE "ORDERS FOR REGULATION OF OUTDOOR LIGHTING IN THE UNINCORPORATED AREAS OF FORT BEND COUNTY, TEXAS", AND DO HEREBY COVENANT AND AGREE AND SHALL COMPLY WITH THIS ORDER AS ADOPTED BY FORT BEND COUNTY COMMISSIONERS COURT ON MARCH 23, 2004.

IN TESTIMONY WHEREOF, LGI HOMES-TEXAS, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY JACK LIPAR, EXECUTIVE VICE PRESIDENT, AND SHANNON BIRT, VICE PRESIDENT OF DEVELOPMENT, BEING OFFICERS OF LGI HOMES-TEXAS, LLC, A TEXAS LIMITED LIABILITY COMPANY HERETO AUTHORIZED, ATTESTED BY ITS SECRETARY (OR AUTHORIZED TRUST OFFICER), AND ITS COMMON SEAL HERETO AFFIXED THIS 20th DAY OF FEB 2016.

LGI HOMES-TEXAS, LLC,  
A TEXAS LIMITED LIABILITY COMPANY

BY: *[Signature]*  
JACK LIPAR  
EXECUTIVE VICE PRESIDENT

ATTEST: *[Signature]*  
SHANNON BIRT  
VICE PRESIDENT OF DEVELOPMENT

STATE OF TEXAS  
COUNTY OF MONTGOMERY

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JACK LIPAR KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 20th DAY OF February, 2016.

*[Signature]*  
SANDRA LEE BYER  
NOTARY PUBLIC IN AND FOR  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED SHANNON BIRT KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 20th DAY OF February, 2016.

*[Signature]*  
SANDRA LEE BYER  
NOTARY PUBLIC IN AND FOR  
MONTGOMERY COUNTY, TEXAS

I, LAURA RICHARD, COUNTY CLERK IN AND FOR FORT BEND COUNTY, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDATION IN MY OFFICE ON \_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_, M., AND IN PLAT NUMBER \_\_\_\_\_ OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, AT RICHMOND, TEXAS ON THE DAY AND DATE LAST ABOVE WRITTEN.

LAURA RICHARD  
COUNTY CLERK FORT BEND COUNTY, TEXAS

BY: \_\_\_\_\_  
DEPUTY

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF ROSENBERG, TEXAS HAS APPROVED THIS PLAT AND THE SUBDIVISION OF THE TRAILS AT SEABOURNE PARKE SECTION TWO IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF \_\_\_\_\_, 2016.

BY: \_\_\_\_\_  
JAMES URBISH, CHAIRMAN

BY: \_\_\_\_\_  
WAYNE POLDRACK, SECRETARY

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS HAS APPROVED THIS PLAT AND THE SUBDIVISION OF THE TRAILS AT SEABOURNE PARKE SECTION TWO IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF \_\_\_\_\_, 2016.

BY: \_\_\_\_\_  
CYNTHIA A. MCCONATHY, MAYOR

BY: \_\_\_\_\_  
LINDA CERNOSEK, CITY SECRETARY

I, RICHARD H. CHARITAT, REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING, DO HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT AND THAT IT WAS PREPARED FROM AN ACTUAL SURVEY UPON THE GROUND, CONDUCTED UNDER MY DIRECT SUPERVISION. ALL OF THE BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH 5/8-INCH DIAMETER IRON RODS WITH CAPS STAMPED "PAPE-DAWSON", HAVING A LENGTH OF 3 FEET. THE PLAT BOUNDARY HAS BEEN TIED TO THE NEAREST SURVEY CORNER BY BEARING AND DISTANCE. THIS PLAT IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD-83.

RICHARD H. CHARITAT  
*[Signature]*  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5510



NOTES:

- BL INDICATES BUILDING LINE; UE INDICATES UTILITY EASEMENT; STM SE INDICATES STORM SEWER EASEMENT; WLE INDICATES WATER LINE EASEMENT; SSE INDICATES SANITARY SEWER EASEMENT; H&P ESMT INDICATES HOUSTON LIGHTING AND POWER EASEMENT; DE INDICATES DRAINAGE EASEMENT; PL INDICATES PROPERTY LINE; FBOPR INDICATES FORT BEND COUNTY OFFICIAL PUBLIC RECORDS; FBODR INDICATES FORT BEND COUNTY DEED RECORDS.
- BENCHMARK: THE ELEVATIONS FOR THIS SURVEY ARE BASED ON THE PUBLISHED ELEVATIONS FOR THE FOLLOWING BENCHMARKS:  
A BRASS DISK STAMPED M-1219, SET IN A CONCRETE HEADWALL LOCATED IN FORT BEND COUNTY, 0.15 MILES SOUTH OF THE INTERSECTION OF STATE HIGHWAY 36 AND J. MEYER ROAD, SET IN THE TOP OF A CONCRETE HEADWALL AND 1.7 FEET SOUTH OF THE NORTH END OF THE EAST CONCRETE HEADWALL OF A CULVERT, 24 FEET EAST OF THE CENTERLINE OF STATES HIGHWAY 36, AND LEVEL WITH THE HIGHWAY'S SURFACE.  
M1219 ELEVATION: 94.48' (NAVD-88, 1991 ADJ.)  
A BRASS DISK STAMPED K-1219, SET IN THE TOP OF THE NORTH END OF THE EAST CONCRETE HEADWALL OF A CHANNEL CULVERT, 25 FEET EAST OF THE CENTER LINE OF THE HIGHWAY, AND ABOUT 1/2 FOOT HIGHER THAN THE HIGHWAY.  
K1219 ELEVATION: 91.69' (NAVD-88, 1991 ADJ.)
- PROJECT BENCHMARK: CONCRETE MONUMENT WITH DISC LOCATED ALONG THE NORTH SIDE OF THE FORT BEND COUNTY VARIABLE DRAINAGE EASEMENT;  
N: 13746576.25  
E: 2986526.41  
ELEV: 88.07'
- ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON NGS VERTICAL DATUM, NAVD-88 (1991 ADJUSTMENT)
- THIS PLAT WAS PREPARED TO MEET CITY OF ROSENBERG AND FORT BEND COUNTY REQUIREMENTS.
- THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY TEXAS AMERICAN TITLE COMPANY, EFFECTIVE DATE FEBRUARY 11, 2016. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
- THIS PLAT LIES WHOLLY WITHIN MUNICIPAL UTILITY DISTRICT NO. 147, FORT BEND SUBSIDENCE DISTRICT, FORT BEND COUNTY DRAINAGE DISTRICT, LAMAR CONSOLIDATED I.S.D., AND THE CITY LIMITS OF ROSENBERG, AND FORT BEND COUNTY.
- THIS PLAT LIES PARTIALLY WITHIN SHADED AND UNSHADED ZONE X AS PER FLOOD INSURANCE RATE MAP, MAP NUMBER 4815700245L, DATED APRIL 2, 2014.
- APPROVAL OF THIS PLAT WILL EXPIRE ONE YEAR FROM CITY COUNCIL APPROVAL IF NOT RECORDED IN THE REAL PROPERTY RECORDS OF THE COUNTY OF FORT BEND.
- THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE LIMITS OF THE SUBDIVISION.
- FIVE-EIGHTH INCH (5/8") IRON RODS THREE FEET (3') IN LENGTH ARE SET ON ALL PERIMETER BOUNDARY CORNERS, ALL ANGLE POINTS, ALL POINTS OF CURVATURE AND TANGENCY, AND ALL

BLOCK CORNERS, UNLESS OTHERWISE NOTED.

- THE MINIMUM SLAB ELEVATION SHALL BE 89.50, TWELVE INCHES (12") ABOVE THE 100-YEAR FLOOD PLAIN ELEVATION AND MAXIMUM PONDING ELEVATION, EIGHTEEN INCHES (18") ABOVE NATURAL GROUND, OR TWELVE INCHES (12") ABOVE THE TOP OF CURB AT THE FRONT OF THE LOT, WHICHEVER IS HIGHER.
- ALL LOTS SHALL HAVE A TWENTY FIVE (25) FOOT FRONT BUILDING SETBACK, A FIVE (5) FOOT SIDE BUILDING SETBACK AND ALL SIDE STREET SETBACKS SHALL BE FIFTEEN (15) FOOT.
- THE DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL WHICH ALLOWS STREET PONDING DURING INTENSE RAINFALL EVENTS.
- THIS PLAT LIES WITHIN FORT BEND COUNTY LIGHTING ORDINANCE ZONE NO. L22.
- ALL EASEMENTS ARE CENTERED ON LOT LINES UNLESS OTHERWISE INDICATED.
- THE HORIZONTAL COORDINATES SHOWN ARE GRID AND ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD-83 (NAZ011); EPOCH 2010.00, AND WERE DERIVED USING GPS RTK METHODS REFERENCED TO THE NATIONAL GEODEIC SURVEY CORES NETWORK, STATION TXWN AND STATION TDHS. THE GRID COORDINATES MAY BE CONVERTED TO SURFACE BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 1.00003.
- PROPERTY IS SUBJECT TO RESTRICTION FILED IN COUNTY CLERK FILE NO(s). 2006071718, 2007034689, 2014051927, 2015015628.
- SIDEWALKS SHALL BE BUILT OR CAUSED TO BE BUILT THROUGH RESTRICTIVE COVENANTS WITHIN ALL ROAD RIGHTS-OF-WAY DEDICATED TO THE PUBLIC.
- THE RADIUS ON ALL BLOCK CORNERS IS TWENTY FIVE (25) FEET UNLESS OTHERWISE NOTED.
- UNLESS OTHERWISE INDICATED, THE BUILDING LINES (BL), WHETHER ONE OR MORE, SHOWN ON THIS SUBDIVISION PLAT ARE ESTABLISHED TO EVIDENCE COMPLIANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 25, CODE OF ORDINANCES, CITY OF ROSENBERG, TEXAS, IN EFFECT AT THE TIME THIS PLAT WAS APPROVED, WHICH MAY BE AMENDED FROM TIME TO TIME.
- EACH LOT SHALL PROVIDE A MINIMUM OF TWO OFF-STREET PARKING SPACES PER LOT.
- INDICATES STREET NAME CHANGE SYMBOL.
- DIMENSIONS SHOWN ARE SURFACE.
- LOTS RESTRICTED TO SINGLE FAMILY RESIDENTIAL LAND USE.
- PROPERTY CORNERS ARE MONUMENTED WITH CAP OR DISK MARKED "PAPE-DAWSON", UNLESS NOTED OTHERWISE.
- THE 10" DRAINAGE AND FILL EASEMENT AT THE SIDE OF BLOCK 1, LOTS 16 & 17, 25 & 26, AS WELL AS THE BACK OF BLOCK 1, LOTS 28-33 IS TO BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION (HOA). THE CITY OF ROSENBERG OR FORT BEND COUNTY SHALL NOT BE HELD RESPONSIBLE FOR MAINTAINING SAID EASEMENTS.



VICINITY MAP  
SCALE: 1" = 3000'  
MAP REF: KEY MAP 644H

LOT SUMMARY			
AVG. LOT AREA	SQ FT	QUANTITY	PERCENTAGE
50' LOT	6,878.29	103	100%

LOT TABLE		
BLOCK	LOT	SQUARE FEET
1	1	6195
1	2	6244
1	3	6244
1	4	6244
1	5	6243
1	6	6243
1	7	6242
1	8	6242
1	9	6242
1	10	6241
1	11	6241
1	12	6241
1	13	6273
1	14	6322
1	15	6840
1	16	11023
1	17	12980
1	18	6458
1	19	6233
1	20	6230
1	21	7437
1	22	7141
1	23	6084
1	24	6333
1	25	11411
1	26	11441

LOT TABLE		
BLOCK	LOT	SQUARE FEET
1	27	8207
1	28	8046
1	29	7218
1	30	6934
1	31	6593
1	32	8525
1	33	12357
1	34	8016
1	35	6215
1	36	6194
1	37	6200
1	38	6206
1	39	6211
1	40	6217
1	41	6223
1	42	6228
1	43	6297
1	44	6250
1	45	6875
2	1	7066
2	2	6465
2	3	6465
2	4	6465
2	5	6465
2	6	6465
2	7	6465

LOT TABLE		
BLOCK	LOT	SQUARE FEET
2	8	6465
2	9	7214
2	10	8274
2	11	6158
2	12	6151
2	13	7566
2	14	7284
2	15	6465
2	16	6465
2	17	6465
2	18	6465
2	19	6465
2	20	6465
2	21	6465
2	22	7065
3	1	7065
3	2	6000
3	3	6000
3	4	6000
3	5	6000
3	6	6000
3	7	6000
3	8	6000
3	9	6000
3	10	6000
3	11	6000

LOT TABLE		
BLOCK	LOT	SQUARE FEET
3	12	7124
3	13	7096
3	14	6000
3	15	6000
3	16	6000
3	17	6000
3	18	6000
3	19	6000
3	20	6000
3	21	6000
3	22	6000
4	2	6000
4	3	6000
4	4	6000
4	5	6000
4	6	6000
4	7	6000
4	8	6000
4	9	6000
4	10	6000
4	11	6000
4	12	7058

CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	25.00'	90°00'00"	S48°03'10"E	35.36'	39.28'
C2	25.00'	90°00'00"	S41°56'50"W	35.36'	39.27'
C3	980.00'	19°56'42"	S17°10'12"W	339.42'	341.14'
C4	8470.00'	0°07'51"	S86°59'56"W	19.33'	19.33'
C5	25.00'	25°14'09"	N80°19'04"W	10.92'	11.01'
C6	50.00'	130°23'54"	S47°06'04"W	90.78'	113.79'
C7	25.00'	25°25'35"	S52°3'05"E	11.00'	11.09'
C8	1030.00'	10°22'52"	S2°08'16"W	186.37'	186.62'
C9	25.00'	90°00'00"	S41°56'50"W	35.36'	39.27'
C10	25.00'	42°50'00"	N71°38'10"W	18.26'	18.69'
C11	50.00'	265°40'01"	S3°03'10"E	73.33'	231.84'
C12	25.00'	42°50'00"	N65°31'50"E	18.26'	18.69'
C13	25.00'	90°00'00"	S48°03'10"E	35.36'	39.27'
C14	25.00'	90°00'00"	S41°56'50"W	35.36'	39.27'
C15	25.00'	42°50'01"	N71°38'10"W	18.26'	18.69'
C16	50.00'	265°40'01"	S3°03'10"E	73.33'	231.84'
C17	25.00'	42°50'00"	N65°31'50"E	18.26'	18.69'
C18	25.00'	90°00'00"	N48°03'10"W	35.36'	39.27'
C19	970.00'	10°12'00"	N2°02'50"E	172.45'	172.68'
C20	25.00'	79°55'02"	N47°06'21"E	32.11'	34.87'

CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C21	25.00'	89°52'58"	S47°59'39"E	35.32'	39.22'
C22	25.00'	90°07'02"	N42°00'21"E	35.39'	39.32'
C23	25.00'	90°00'00"	S41°56'50"W	35.36'	39.27'
C24	25.00'	90°00'00"	N48°03'10"W	35.36'	39.27'
C25	25.00'	89°52'58"	S47°59'39"E	35.32'	39.22'
C26	25.00'	90°02'09"	N41°57'55"E	35.37'	39.29'
C27	8530.00'	0°02'58"	N86°57'30"E	7.38'	7.38'
C28	8500.00'	0°07'51"	S86°59'56"W	19.40'	19.40'
C29	55.00'	79°55'02"	N47°06'21"E	70.65'	76.71'
C30	1000.00'	10°12'00"	N2°02'50"E	177.79'	178.02'

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N86°56'01"E	5.42'
L2	N41°56'50"E	14.14'
L3	N3°03'10"W	14.90'
L4	S3°02'40"E	15.00'
L5	S26°54'12"W	13.09'
L6	S27°27'07"W	84.73'
L7	S61°55'07"E	26.00'
L8	S69°51'01"E	26.00'
L9	S86°56'50"W	32.48'
L10	N23°41'25"E	56.71'
L11	N87°03'52"E	42.98'

# THE TRAILS AT SEABOURNE PARKE SECTION FOUR

A SUBDIVISION OF 21.641 ACRES  
LOCATED IN THE G.M. STONE 1/3 LEAGUE SURVEY, ABSTRACT 312  
CITY OF ROSENBERG,  
FORT BEND COUNTY, TEXAS  
(FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 147)

103 LOTS 3 RESERVES 4 BLOCKS  
SCALE: 1" = 60'  
APRIL 6, 2016

OWNER:  
LGI HOMES-TEXAS, LLC, A TEXAS LIMITED LIABILITY COMPANY  
JACK LIPAR  
EXECUTIVE VICE PRESIDENT  
1450 LAKE ROBBINS DRIVE, SUITE 430  
THE WOODLANDS, TEXAS 77380  
TEL. 281.362.8998

ENGINEER:  
PAPE-DAWSON ENGINEERS  
MICHAEL PRESS, P.E.  
VICE PRESIDENT-HOUSTON

SURVEYOR:  
PAPE-DAWSON ENGINEERS  
RICHARD CHARITAT, R.P.L.S.  
HOUSTON SURVEY DEPARTMENT MANAGER



10333 RICHMOND AVE | HOUSTON, TEXAS 77042 | PHONE: 713.428.2400  
SUITE 900 | FAX: 713.428.2420

TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470  
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, FIRM REGISTRATION # 10193974



West Fort Bend Management District standards. Because it is a replat of a previous subdivision, the prior Public Hearing had to be held pursuant to State law and the City's "Subdivision" Ordinance.

Based on the scope of this development, a traffic impact analysis (TIA) was submitted for the City Engineer's review. In particular there is a proposed second curb cut off of Reading Road southeast of the existing median opening. The review of the TIA will determine the conditions under which a curb cut might be permitted in that location. City approval of the TIA, including a determination of any required improvements, will be necessary before Final Plat approval. However, staff has no objection at this time to proceeding with the Preliminary Plat with the condition of approval of the TIA before Final Plat.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired if the replat was for marketing purposes.
- Mr. Tanner replied that the developer intended to subdivide the property in to five (5) different reserves, all of which need access and utilities.
- Commissioner Villagomez inquired if a replat of the property would be an issue ten years from now.
- Mr. Tanner replied that a replat of the property and construction documents of the turn lane would be required at time of submittal.

**Action Taken:** Vice Chairperson Phipps moved, seconded by Commissioner Poldrack to approve the Preliminary Plat of Greenwood Commercial Subdivision Section Three Replat No. 1, a subdivision of 6.986 acres of land being a partial replat of Reserve "A" of Greenwood Commercial Subdivision Section Three, as recorded in Slide No. 2469A of the Plat Records of Fort Bend County, Texas, being in the James Lowery Survey, Abstract No. 275, City of Rosenberg, Fort Bend County, Texas; 5 reserves, 1 block. **The motion carried by a vote of three "ayes" to one "no". AYES: Chairperson Urbish, Vice Chairperson Phipps and Commissioner Poldrack. NO: Commissioner Villagomez.**

**6. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF THE TRAILS AT SEABOURNE PARKE SECTION FOUR, A SUBDIVISION OF 21.641 ACRES LOCATED IN THE G.M. STONE 1/3 LEAGUE SURVEY, ABSTRACT 312, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, (FORT BEND COUNTY MUNICIPAL DISTRICT NO. 147); 103 LOTS, 3 RESERVES AND 4 BLOCKS.**

**Executive Summary:** The Preliminary Plat of The Trails at Seabourne Parke Section Four consists of 21.641 acres and 103 single-family residential lots. It is located south of J. Meyer Road off of Park Thicket Lane, immediately east of The Trails at Seabourne Parke Section One. It is generally in the northeast quadrant of The Trails at Seabourne Parke adjoining Seabourne Creek to the east. The Plat is located within the City Limits and in Fort Bend County MUD No. 147.

All proposed lots are fifty feet (50') in width and a minimum of 6,000 square feet in size since the Land Plan was approved before the current standards relating to lot size. The Plat is in general conformance with the approved Land Plan dated June 2003 (see attached) in terms of density and lot size. The development was assigned to LGI Homes in 2014, and they are developing in accordance with the previously approved Land Plan.

There being no conflicts with applicable regulations or with the original Land Plan, staff recommends approval of the Preliminary Plat of The Trails at Seabourne Parke Section Four. In addition to the Utility Agreement and Land Plan, this Plat/development is subject to a Road Improvement Agreement related to

improvements to J Meyer Road that was recently amended to address the needed improvements before approval of the Final Plat of The Trails at Seabourne Parke Section Two or any subsequent plats. That said, completion and acceptance of the road improvements by the City will be a condition of Final Plat approval.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired about the type of homes built.
- Mr. Tanner replied that the homes would be a similar product, but with more masonry.
- Commissioner Poldrack inquired if homes were subject to masonry requirements.
- Mr. Tanner replied that the homes were not subject to current masonry requirements; only those homes without an approved land plan are.
- Commissioner Poldrack inquired about the size of homes.
- Mr. Tanner replied that he could research the size. The homes would likely include more masonry than before, and would also include some hardiplank.
- Commissioner Villagomez inquired about past property maintenance issues.

- Mr. Tanner replied that most of the previous issues have been resolved.

**Action Taken:** Vice Chairperson Phipps moved, seconded by Commissioner Villagomez to approve the Preliminary Plat of the Trails at Seabourne Parke Section Four, a subdivision of 21.641 acres located in the G.M. Stone 1/3 League Survey, Abstract 312, City of Rosenberg, Fort Bend County, Texas, (Fort Bend County Municipal District No. 147); 103 lots, 3 reserves and 4 blocks. **The motion carried by a vote of three "ayes" to one "no".** **AYES:** Chairperson Urbish, Vice Chairperson Phipps and Commissioner Villagomez. **NO:** Commissioner Poldrack.

**7. CONSIDERATION OF AND ACTION ON A REQUEST BY KERRY R. GILBERT AND ASSOCIATES, INC. TO EXTEND APPROVAL BY 180 DAYS FOR THE PRELIMINARY PLAT OF WALNUT CREEK SECTION TWELVE, BEING 14.3+/- ACRES OF LAND CONTAINING 48 LOTS (60' X 120' TYP.) AND FOUR RESERVES IN THREE BLOCKS OUT OF THE EUGENE WHEAT SURVEY, A-396 AND WILEY MARTIN LEAGUE, A-56 FORT BEND COUNTY, TEXAS.**

**Executive Summary:** The Planning Commission approved the Preliminary Plat of Walnut Creek Section Twelve on April 15, 2015. Pursuant to the "Subdivision" Ordinance, the applicant has requested an extension of that approval by 180 days from the date of expiration.

Staff recommends extending the approval of the Preliminary Plat of Walnut Creek Section Twelve by 180 days from the date of expiration, October 15, 2015, consistent with other similar plats. If approved, this extension of the Preliminary Plat approval would then expire on Tuesday, April 12, 2016.

**Key Discussion:**

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

**Action Taken:** Commissioner Poldrack moved, seconded by Vice Chairperson Phipps to extend approval by 180 days for the Preliminary Plat of Walnut Creek Section Twelve, being 14.3+/- acres of land containing 48 lots (60' x 120' typ.) and four reserves in three blocks out of the Eugene Wheat Survey, A-396 and Wiley Martin League, A-56 Fort Bend County, Texas. The motion carried unanimously by those present.

**8. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF THE 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.**

**Executive Summary:** The Final 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, and as discussed when the Preliminary Plat came before the Planning Commission on August 19, 2015, 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 at the intersection of Reading and Spacek. The applicant is aware of this and has formally submitted plans to the City for the installation of the signal. The plans must be approved before the Final Plat proceeds to City Council and, of course, the issuance of a Certificate of Occupancy for the development is contingent on the traffic signal being in place.

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).

The Preliminary Plat of CVS Store #10637 was approved by the Planning Commission on August 19, 2015. The proposed Final Plat is not in conflict with any applicable regulations, with the approved Land Plan, Development Agreement, or with the approved Preliminary Plat. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of CVS Store #10637.



# PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
10	Final Plat of Tran Plaza

## MOTION

Consideration of and action a Final 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 68 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; 0 lots, 1 reserve (9.9985 acres) and 1 block.

## RECOMMENDATION

Staff recommends a recommendation of approval to City Council of the Final Plat of Tran Plaza.

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

## SUPPORTING DOCUMENTS:

1. Final Plat of Tran Plaza
2. Preliminary Plat of Tran Plaza (please refer to Agenda Item No. 7)
3. Planning Commission Meeting Minute Excerpt – 08-19-15

## APPROVAL

Submitted by:

Ian Knox  
 Planning Administrator  
 Community Development

Reviewed by:

Executive Director of Community Development  
 City Engineer *OK*

## EXECUTIVE SUMMARY

As discussed, the Final Plat of Tran Plaza consists of 9.9985 acres and one (1) reserve and is located off of Anton Stade Road, south of Randon School Road.

The Plat has its frontage (214') on Anton Stade Road and 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.

As discussed, because the subject property is located both within the City limits and in the Extraterritorial Jurisdiction (ETJ), the owner submitted a petition for voluntary annexation to avoid multiple sets of standards and going through the County's process in addition to the City. The petition was accepted by City Council on April 5, 2016, and at the time of this report, the annexation is scheduled for City Council's consideration on April 19, 2016. If approved, the entire property will be located within the City limits. Council Final Plat approval will not be considered until the annexation is complete.

The Preliminary Plat was allowed to expire and therefore had to be resubmitted as a previous agenda item. Seeing no conflicts with applicable regulations, staff recommends that the Planning Commission recommend

<b>EXECUTIVE SUMMARY</b>
approval to City Council of the Final Plat of Tran Plaza.

**STATE OF TEXAS  
COUNTY OF FORT BEND**

We, Hue Tran, and Hai Tran, Owners hereinafter referred to as Owners of the 9.9985 acre tract described in the above and foregoing map of the Tran Plaza Plot, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions, and notations on said maps or plat hereby dedicated to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, we do hereby dedicate for public utility purposes an unobstructed aerial easement five (5) feet in width from a plane twenty (20) feet above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, we do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to prevent the drainage of any septic tanks into any public or private street, road or alley or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley or any drainage ditch, either directly or indirectly.

FURTHER, We do hereby acknowledge the receipt of the "Orders for Regulation of Outdoor Lighting" by the Unincorporated Areas of Fort Bend County, Texas and do hereby covenant and agree to shall comply with this order as adopted by Fort Bend County Commissioners Court on March 23, 2004, and or subsequent amendments.

WITNESS our hand in the City of Rosenberg, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Hue Tran, Owner

Hai Tran, Owner

**STATE OF TEXAS  
COUNTY OF FORT BEND**

BEFORE ME, the undersigned authority, on this day personally appeared Hue Tran and Hai Tran, known to me to be the person whose name are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Notary Public in and for the State of Texas  
Print Name: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

I, Fred W. Lawton, a registered professional land surveyor, am authorized under the laws of the State of Texas to practice the profession of land surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; and that all boundary corners, angle points, point of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than five eighths (5/8) inch with cap marked "SIS Surveying" and a length of not less than three (3) feet (see note 9); and that the plat boundary corners have been tied to the nearest survey corner.



Fred W. Lawton  
Texas Registration No. 2321

I, Fred W. Lawton, a professional engineer registered in the State of Texas, do hereby certify that this plat meets all requirements of Fort Bend County and the City of Rosenberg, to the best of my knowledge.

Fred W. Lawton  
Licensed Professional Engineer  
Texas License No. 44578

**CITY OF ROSENBERG**

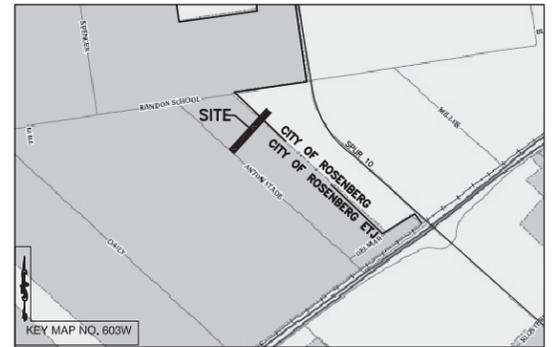
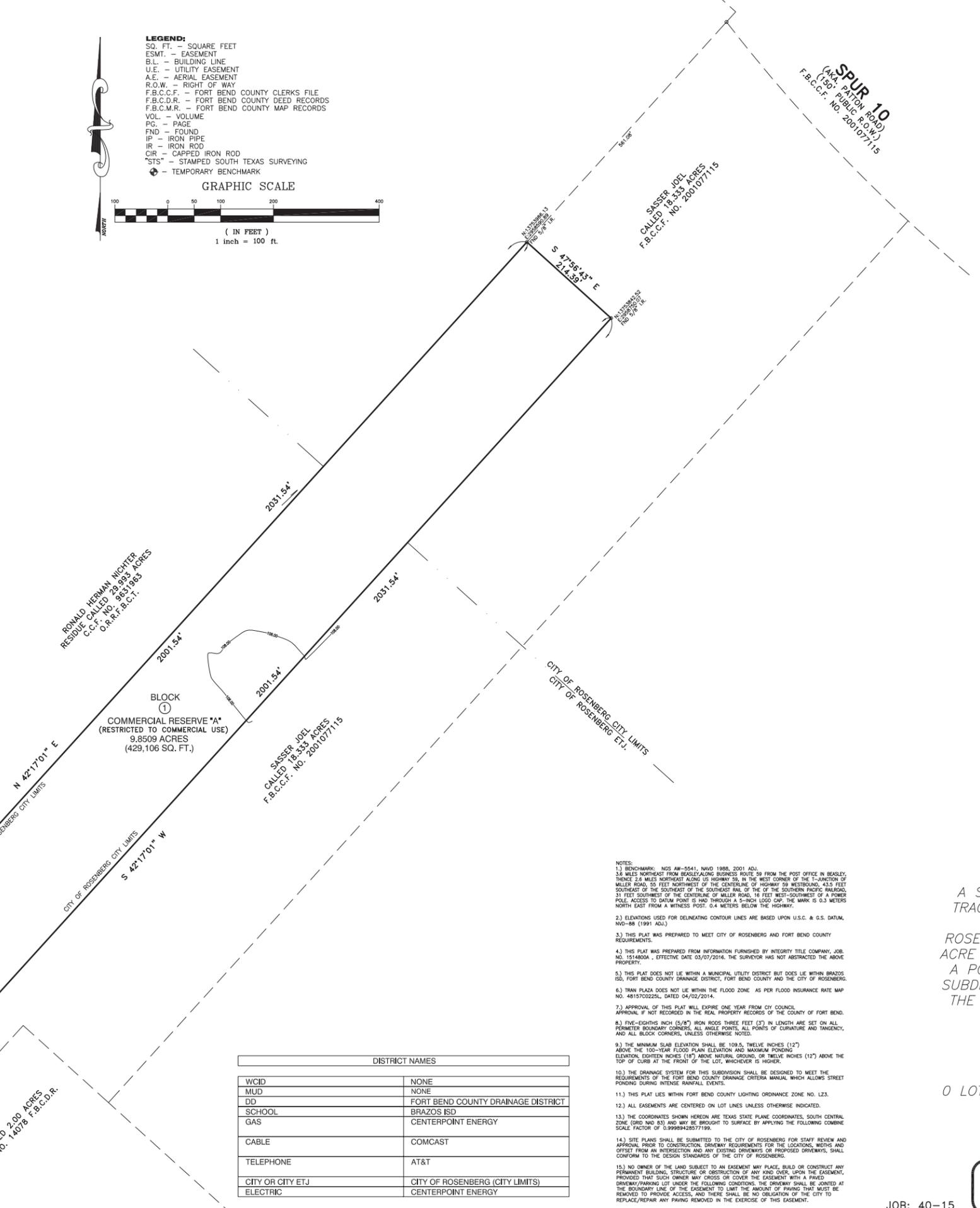
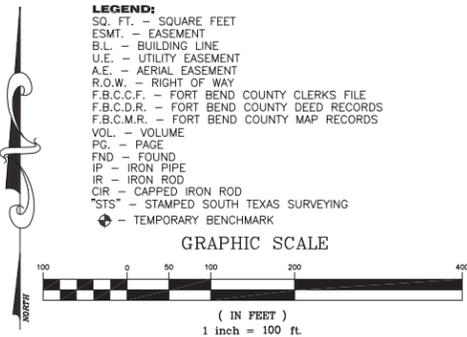
THIS IS TO CERTIFY THAT THE CITY PLANNING COMMISSION OF THE CITY OF ROSENBERG, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF TRAN PLAZA AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

BY: JAMES URBISH, CHAIRMAN

BY: WAYNE POLDRACK, SECRETARY

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF TRAN PLAZA IN CONFORMANCE WITH LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF ROSENBERG, AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

CYNTHIA A. MCCONATHY, MAYOR  
LINDA CERNOSEK, CITY SECRETARY



**STATE OF TEXAS  
COUNTY OF FORT BEND**

I, Laura Richard, County Clerk in and for Fort Bend County, hereby certify that the foregoing instrument with its certificate of authentication was filed for recordation in my office on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ m. in plat number \_\_\_\_\_ of the Plat Records of Fort Bend County, Texas.

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

County Clerk Fort Bend County, Texas

By: \_\_\_\_\_  
Deputy

**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 68 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: 4/5/2016  
0 LOTS 1 RESERVE (9.9985 ACRES) 1 BLOCK

OWNER: HUE TRAN AND HAI TRAN  
ADDRESS: 11322 CARVEL LN.  
HOUSTON, TEXAS 77072

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

- NOTES:
- BENCHMARK: NGS AM-5541, NAD 1983, 2001 ADJ. 3.8 MILES NORTHEAST FROM BEASLEY ALONG BUSINESS ROUTE 59 FROM THE POST OFFICE IN BEASLEY, THENCE 2.8 MILES NORTHEAST ALONG US HIGHWAY 59, IN THE WEST CORNER OF THE T-JUNCTION OF MILLER ROAD, 50 FEET NORTHWEST OF THE CENTERLINE OF HIGHWAY 59 WESTBOUND, 43.5 FEET SOUTHWEST OF THE SOUTHWEST CORNER OF THE SOUTHERN PACIFIC RAILROAD, 31 FEET SOUTHWEST OF THE CENTERLINE OF MILLER ROAD, 16 FEET WEST-SOUTHWEST OF A POWER POLE ACCESS TO DATUM POINT IS HAD THROUGH A 5-INCH LOGO CAP. THE MARK IS 0.3 METERS NORTH EAST FROM A WITNESS POST. 0.4 METERS BELOW THE HIGHWAY.
  - ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON U.S.C. & G.S. DATUM, NAD-88 (1991 ADJ.)
  - THIS PLAT WAS PREPARED TO MEET CITY OF ROSENBERG AND FORT BEND COUNTY REQUIREMENTS.
  - THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY INTEGRITY TITLE COMPANY, JOB NO. 151480A, EFFECTIVE DATE 03/07/2016. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
  - THIS PLAT DOES NOT LIE WITHIN A MUNICIPAL UTILITY DISTRICT BUT DOES LIE WITHIN BRAZOS ISD, FORT BEND COUNTY DRAINAGE DISTRICT, FORT BEND COUNTY AND THE CITY OF ROSENBERG.
  - TRAN PLAZA DOES NOT LIE WITHIN THE FLOOD ZONE AS PER FLOOD INSURANCE RATE MAP NO. 4815702ZL, DATED 04/02/2014.
  - APPROVAL OF THIS PLAT WILL EXPIRE ONE YEAR FROM CITY COUNCIL APPROVAL IF NOT RECORDED IN THE REAL PROPERTY RECORDS OF THE COUNTY OF FORT BEND.
  - FIVE-EIGHTHS (5/8") IRON RODS THREE FEET (3') IN LENGTH ARE SET ON ALL PERIMETER BOUNDARY CORNERS, ALL ANGLE POINTS, ALL POINTS OF CURVATURE AND TANGENCY, AND ALL BLOCK CORNERS, UNLESS OTHERWISE NOTED.
  - THE MINIMUM SLAB ELEVATION SHALL BE 109.5 TWELVE INCHES (12") ABOVE THE 100-YEAR FLOOD PLAIN ELEVATION AND MAXIMUM FINISH ELEVATION, EIGHTEEN INCHES (18") ABOVE NATURAL GROUND, OR TWELVE INCHES (12") ABOVE THE TOP OF CURB AT THE FRONT OF THE LOT, WHICHEVER IS HIGHER.
  - THE DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL WHICH ALLOWS STREET PONDING DURING INTENSE RAINFALL EVENTS.
  - THIS PLAT LIES WITHIN FORT BEND COUNTY LIGHTING ORDINANCE ZONE NO. L23.
  - ALL EASEMENTS ARE CENTERED ON LOT LINES UNLESS OTHERWISE INDICATED.
  - THE COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE (GRID NAD 83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINE SCALE FACTOR OF 0.999942677199.
  - SITE PLANS SHALL BE SUBMITTED TO THE CITY OF ROSENBERG FOR STAFF REVIEW AND APPROVAL PRIOR TO CONSTRUCTION. DRIVEWAY REQUIREMENTS FOR THE LOCATIONS, WIDTHS AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAYS OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE DESIGN STANDARDS OF THE CITY OF ROSENBERG.
  - NO OWNER OF THE LAND SUBJECT TO AN EASEMENT MAY PLACE, BUILD OR CONSTRUCT ANY PERMANENT BUILDING, STRUCTURE OR OBSTRUCTION OF ANY KIND OVER, UPON THE EASEMENT, PROVIDED THAT SUCH OWNER MAY CROSS OR COVER THE EASEMENT WITH A PRIVATE DRIVEWAY/PARKING LOT UNDER THE FOLLOWING CONDITIONS: THE DRIVEWAY SHALL BE JOINTED AT THE BOUNDARY LINE OF THE EASEMENT TO LIMIT THE AMOUNT OF PAVING THAT MUST BE REMOVED TO PROVIDE ACCESS, AND THERE SHALL BE NO OBLIGATION OF THE CITY TO REPLACE/REPAIR ANY PAVING REMOVED IN THE EXERCISE OF THIS EASEMENT.

**SOUTH TEXAS SURVEYING ASSOCIATES, INC.**  
11281 Richmond Ave. Bldg J, Suite 101, Houston, Texas 77082  
281-556-6918 FAX 281-556-9331  
Firm Number: 10045400

- Chairperson Urbish stated that other homeowners on the street have the benefit of a carport, while the homeowner at 1509 George Street does not.
- Chairperson Urbish stated that he was in favor of approving the variance request.
- Commissioner Poldrack stated that the neighborhood is very old, and many of the homes have single-car garages or have converted the garage to a living area. Commissioner Poldrack would prefer that homeowner(s) have a carport as opposed to parking in the street.

**Action taken:** Commissioner Poldrack moved, seconded by Commissioner Villagomez to approve the Variance Request for a proposed carport addition located 1509 George Street. The motion carried by a vote of five "ayes" to one "no". **AYES:** Chairperson Urbish, Commissioners Poldrack, Davis, Villagomez, and Monk. **NO:** Vice Chairperson, Phipps.

**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.**

**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.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired if NewQuest would be responsible for paying for the traffic signal.
- Mr. Tanner replied that once an intersection reaches a certain level of service, the developer or developers in the area would be responsible for paying for the traffic signal prior to future development.
- Commissioner Poldrack inquired if CVS would be responsible for paying for the traffic signal.
- Mr. Tanner replied that the developer of the property or CVS would be responsible for paying for the traffic signal. Other developers in the same area may also be responsible if an agreement is reached.
- Commissioner Poldrack inquired if the City would be responsible for the implementation of a traffic signal.
- Mr. Tanner replied that neither the City nor the Rosenberg Development Corporation (RDC) would be held responsible for paying for the traffic signal unless a proposal requesting funding was received and agreed on by the parties. There has been some past discussion on the topic, but an agreement has not been determined or reached at this time.

**Action taken:** Vice Chairperson Phipps moved, seconded by Commissioner Villagomez to approve the 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. The motion carried unanimously.

**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.**

**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.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Villagomez inquired about the plat design and the proposed use of the land.
- Mr. Tanner replied that the Preliminary Plat of Tran Plaza is a commercial property, which is both in the City and ETJ. There is no zoning ordinance in the City of Rosenberg, so the City cannot restrict what will be built on the site. The ordinance, however, requires that the developer state what the property will be used for. The developer must also go through a site plan process once the development begins.
- Commissioner Villagomez inquired if there would be any tax disadvantages for the City since the property is partially within the ETJ.
- Mr. Tanner does not believe there would be any disadvantages. Most construction in the development would be built outside the City, so development would follow County guidelines.
- Vice Chairperson Phipps inquired if the City would be responsible for providing utilities, including water and sanitary sewer.
- Mr. Tanner replied that the property does not have City utilities nearby.
- Commissioner Poldrack inquired about the use of the property.
- Mr. Tanner was not aware of the proposed use.
- Chairperson Urbish stated that storage warehouses may possibly be built on the property since the property was very narrow.
- Commissioner Villagomez inquired about the land surrounding Tran Plaza and if the property was located in the City or ETJ. Commissioner Villagomez also inquired if the property was residential or commercial.
- Mr. Tanner replied that most of the land surrounding the property was rural, some of which is in the City limits and some in the ETJ.

**Action taken:** Vice Chairperson Phipps moved, seconded by Commissioner Poldrack to approve the 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. The motion carried unanimously.

**7. 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 agendas.

**Key Discussion:**

- Commissioner Poldrack inquired about street widths.
- Mr. Tanner replied that a future City Council Workshop would address street width issues, upon completion of the budget process. A City ordinance would then be considered.
- Commissioner Poldrack inquired about drive-over curbs.
- Chairperson Urbish remarked that developers do not want to make curb cuts.
- Commissioner Poldrack asked Commissioners about drive-over curbs. Commissioner Poldrack stated that drive-over curbs look cheap and that the curbs encourage residents to park in the yard.



# PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
11	Review and Discuss Revisions to Code of Ordinances

### MOTION

Review and discuss revisions to Code of Ordinances, Chapter 25, Article III, Section 25-68, Building lines – Single-family lots, and Chapter 6, Article XV. – Building and Setback Lines, and take action as necessary.

### RECOMMENDATION

Staff recommends that that the Planning review and discuss the proposed revisions and take action as necessary to direct staff.

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

### SUPPORTING DOCUMENTS:

1. Code of Ordinances, Chapter 25, Article III, Section 25-68 (redlined)
2. Code of Ordinances, Chapter 25, Article III, Section 25-68 (clean)
3. Code of Ordinances, Chapter 6, Article XV (redlined)
4. Code of Ordinances, Chapter 6, Article XV (clean)

### APPROVAL

Submitted by:

*Travis Tanner*

Travis Tanner, AICP  
Executive Director of Community  
Development

Reviewed by:

Planning Administrator  
 City Engineer

### EXECUTIVE SUMMARY

As previously discussed, City staff is currently working on a project to review and revise specific development-related ordinances. At the last Planning Commission meeting, ordinances related to parking were discussed. This month's agenda includes a review of and suggested revisions to the City's ordinances related to building lines. This is due to past issues with variances being required for both carports and primary structures in subdivisions that predate the City's current building setback lines. For example, an older subdivision may contain many existing carports, or even primary structures, encroaching on the currently required building lines; however, a variance through the Planning Commission and City Council (often a 3-month process) is required to essentially match the character of the existing area. The attachments provided seek to resolve these issues, in addition to making the overall process clearer. Following is a brief summary of the suggested revisions:

- Minor corrections to Chapter 6, Article XV;
- Allowance of carports encroaching on required setbacks when two (2) or more existing carports on the same street or block as the subject property, or five (5) or more in the same subdivision, encroach on the setbacks required in Section 25-68. Other conditions apply (e.g., 5' minimum setback, compatibility with existing structure);
- Allowance for "special exceptions" to residential building setback lines. For example, if a variance is sought to the building line requirements, rather than go through a lengthy process to Planning Commission and City Council as prescribed by the "Subdivision" ordinance, the Commission would have the authority to potentially grant an exception under conditions as they may apply. Variances, on the other hand, would then be reserved for variances during the actual subdivision process, rather than

**EXECUTIVE SUMMARY**

- building or adding to a home; and
- Lots in subdivisions platted prior to the effective date of the ordinance shall not be required to meet the setback requirements if the applicant can present information, and City staff can verify, that the proposed construction will have setbacks greater than or equal to the average setback on the same block or street as the subject property.

The above would address a number of issues that have come about recently. Staff recommends that the Planning Commission review and discuss the proposed revisions and take action as necessary. Detailed revisions are attached for review and can be brought back to the Commission at a subsequent meeting for a recommendation to City Council.

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 equal to or greater than fifty (50) feet in width:~~The setback lines for corner lots shall be as follows:~~
  - a. Front Setback: Twenty-Five (25) feet. ~~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. Side Setback:
    - i. Minor Streets: Fifteen (15) feet. ~~A minimum building setback of twenty-five (25) feet shall be provided on the front and~~
    - ii. Collector Streets: Twenty (20) feet. ~~twenty (20) feet on the side of all corner lots where such lots side upon collector streets.~~
    - iii. Major Thoroughfares: Twenty-Five (25) feet. ~~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. Front Setback: Twenty-Five (25) feet. ~~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. Side Setback:
    - i. If the required right-of-way for the street does exist according to the City of Rosenberg's Thoroughfare Plan, then five feet.
    - ii. If the required right-of-way for the street does not exist, according to the City of Rosenberg's Thoroughfare Plan.
  - c. Subsection (2) of this section does not ~~This provision shall not~~ apply to a lot within a townhouse subdivision or patio home subdivision as defined by this chapter.
  - d. Side Setback: Five (5) feet.
- (3) Interior lots.
  - a. Front Setback: Twenty-Five (25) feet. ~~A minimum building setback of twenty-five (25) feet shall be provided on the front and~~
  - b. Side Setback: Five (5) feet. ~~on each side of all interior lots fronting on minor and collector streets and major thoroughfares.~~
- (4) Carpports, Car Covers, Breezeways, and Porte-Cocheres.
  - a. Location.
    - i. Generally. Structures may be located outside of the building envelope (the area on a lot that is in compliance with the setbacks requirements of Subsections (1), (2) and (3) above, including but not limited to, structures, building height, decks, roof overhangs, porches, and driveways, as follows:
      1. Setbacks:

- a. Carports must meet all residential setbacks as stated in Section 25-69=8 subsections 1 through 3.
- b. Exception: When two (2) or more existing carports on the same street or block as the subject property (see **Figure 1** below), or five (5) or more in the same subdivision, encroach on the setbacks required in Subsections (1), (2), and (3) above, the newly constructed carport may have a minimum setback of five (5) feet from the street right-of-way provided it complies with other requirements in this Subsection (4).

**Figure 1**



- 2. They shall not encroach upon or extend over a sidewalk;
- 3. Drainage from the structure shall not impact adjacent properties, public sidewalks, or a public right-of-way;
- 4. The canopy or roof structure (including overhang) shall not extend past the support posts by more than two feet and in no case shall be closer than three (3) feet to the property line;
- 5. Carports and car covers (including trellises, arbors, and similar structures used for this purpose) shall be open on all sides unless backing and/or siding to the principal building;
- 6. Carports and car covers shall not encroach into easements unless written permission is granted from the owner or lessee of the easement and proof of such permission is provided to the City prior to the issuance of permits or clearances for such structures;
- 7. Carports and car covers shall not exceed the lesser of one story or sixteen (16) feet in height; and
- 8. The roof, in terms of materials or colors and pitch, is constructed to appear as part of the original construction of the principal dwelling;

9. The materials or colors, including supporting posts and roof, are compatible with the principal dwelling;
10. Metal carports shall be painted to match the primary structure and be maintained in good repair; and
11. On corner lots, garages and carports are only permitted where a driveway length of twenty (20) feet can be provided to satisfy the off-street parking requirements.

b. . Design. Structures must:

1. Have no less than fifty (50) percent open space on all sides, except when abutting the principal building and applied to trellises, arbors, and similar structures;
2. Be integrated with the principal building design when visible to the public right-of-way. This includes:
  - a. Structural supporting elements;
  - b. Roof materials, pitch, and design; and
  - c. Allows an administrative exception if the roof is a trellis, arbor, or similar open-roof type structure.
3. Not exceed sixteen (16) feet in height.

c. Code Compliance Required. Structures must:

- i. Be firmly anchored in compliance with all building and fire codes; and
- ii. Comply with all building, life safety, and fire code requirements when attached to the principal building or another accessory building.

d. Abrogation and Greater Restrictions.

- i. The City has no duty to search for the existence of private restrictions or to administer or enforce any private restriction.
- ii. It is not the intent of Section 25-68 (4) to interfere with, abrogate, or annul any private easement, covenant, deed restriction, or other agreement between private parties.
- iii. When the provisions Section 25-68 (4) impose a greater restriction than imposed by such private agreements, the provisions of this Section shall control.
- iv. When a private agreement imposes a greater restriction than that imposed by this Section, the private agreement shall control.

(5) Special Exception.

- a. Upon written request of the property owner, the Planning Commission may grant a special exception to the provisions of this Section.
- b. The purpose of a special exception shall be to authorize a modification of standards applicable to development within the city, which is consistent with the overall intent of the Code, but that requires additional review to determine whether the development with the modifications is compatible with adjoining properties and the character of the neighborhood in which the development is proposed.
- c. In granting a special exception under this article, the Planning Commission may impose such criteria and conditions as necessary to protect adjacent property owners.
- d. Application requirements. An application for a special exception shall be accompanied by the following:

- i. Completed application, as provided by the planning department.
  - ii. A statement detailing the specifics of the site any and other information deemed appropriate by the planning director.
  - iii. A site plan of the subject property.
- e. Application processing.
- i. The planning commission shall consider an application for a special exception. The Commission's decision may be appealed to the city council.
  - ii. The planning department shall cause notice to be sent by regular mail before the tenth day before the date in which the special exception is considered by the Planning Commission, to each owner of real property located within two hundred (200) feet of the exterior boundary of the property in question.
  - iii. The planning department shall cause notice to be published in a newspaper of general circulation in the city before the tenth day before the date in which the special exception is considered by the Planning Commission.
  - iv. The Planning Commission shall hold a public hearing and receive public comments regarding the special exception.

(6) Previous Subdivisions. Lots in subdivisions platted prior to the effective date of this ordinance shall not be required to meet the setback requirements in Subsections (1), (2) and (3) if the applicant can present information, and City staff can verify, that the proposed construction will have setbacks greater than or equal to the average setback on the same block or street as the subject property.

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

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 equal to or greater than fifty (50) feet in width:
  - a. Front Setback: Twenty-Five (25) feet. b. Side Setback:
    - i. Minor Streets: Fifteen (15) feet.
    - ii. Collector Streets: Twenty (20) feet.
    - iii. Major Thoroughfares: Twenty-Five (25) feet.
- (2) Corner lots less than fifty (50) feet in width:
  - a. Front Setback: Twenty-Five (25) feet.
  - b. Side Setback:
    - i. If the required right-of-way for the street does exist according to the City of Rosenberg's Thoroughfare Plan, then five feet.
    - ii. If the required right-of-way for the street does not exist, according to the City of Rosenberg's Thoroughfare Plan.
  - c. Subsection (2) of this section does not apply to a lot within a townhouse subdivision or patio home subdivision as defined by this chapter.
  - d. Side Setback: Five (5) feet.
- (3) Interior lots.
  - a. Front Setback: Twenty-Five (25) feet.
  - b. Side Setback: Five (5) feet.
- (4) Carports, Car Covers, Breezeways, and Porte-Cocheres.
  - a. Location.
    - i. Generally. Structures may be located outside of the building envelope (the area on a lot that is in compliance with the setbacks requirements of Subsections (1), (2) and (3) above, including but not limited to, structures, building height, decks, roof overhangs, porches, and driveways, as follows:
      1. Setbacks:
        - a. Carports must meet all residential setbacks as stated in Section 25-69=8 subsections 1 through 3.
        - b. Exception: When two (2) or more existing carports on the same street or block as the subject property (see **Figure 1** below), or five (5) or more in the same subdivision, encroach on the setbacks required in Subsections (1), (2), and (3) above, the newly constructed carport may have a minimum setback of five (5) feet from the street right-of-way provided it complies with other requirements in this Subsection (4).

Figure 1



2. They shall not encroach upon or extend over a sidewalk;
3. Drainage from the structure shall not impact adjacent properties, public sidewalks, or a public right-of-way;
4. The canopy or roof structure (including overhang) shall not extend past the support posts by more than two feet and in no case shall be closer than three (3) feet to the property line;
5. Carports and car covers (including trellises, arbors, and similar structures used for this purpose) shall be open on all sides unless backing and/or siding to the principal building;
6. Carports and car covers shall not encroach into easements unless written permission is granted from the owner or lessee of the easement and proof of such permission is provided to the City prior to the issuance of permits or clearances for such structures;
7. Carports and car covers shall not exceed the lesser of one story or sixteen (16) feet in height; and
8. The roof, in terms of materials or colors and pitch, is constructed to appear as part of the original construction of the principal dwelling;
9. The materials or colors, including supporting posts and roof, are compatible with the principal dwelling;
10. Metal carports shall be painted to match the primary structure and be maintained in good repair; and
11. On corner lots, garages and carports are only permitted where a driveway length of twenty (20) feet can be provided to satisfy the off-street parking requirements.

- b. Design. Structures must:
  - 1. Have no less than fifty (50) percent open space on all sides, except when abutting the principal building and applied to trellises, arbors, and similar structures;
  - 2. Be integrated with the principal building design when visible to the public right-of-way. This includes:
    - a. Structural supporting elements;
    - b. Roof materials, pitch, and design; and
    - c. Allows an administrative exception if the roof is a trellis, arbor, or similar open-roof type structure.
  - 3. Not exceed sixteen (16) feet in height.
- c. Code Compliance Required. Structures must:
  - i. Be firmly anchored in compliance with all building and fire codes; and
  - ii. Comply with all building, life safety, and fire code requirements when attached to the principal building or another accessory building.
- d. Abrogation and Greater Restrictions.
  - i. The City has no duty to search for the existence of private restrictions or to administer or enforce any private restriction.
  - ii. It is not the intent of Section 25-68 (4) to interfere with, abrogate, or annul any private easement, covenant, deed restriction, or other agreement between private parties.
  - iii. When the provisions Section 25-68 (4) impose a greater restriction than imposed by such private agreements, the provisions of this Section shall control.
  - iv. When a private agreement imposes a greater restriction than that imposed by this Section, the private agreement shall control.

(5) Special Exceptions.

- a. Upon written request of the property owner, the Planning Commission may grant a special exception to the provisions of this Section.
- b. The purpose of a special exception shall be to authorize a modification of standards applicable to development within the city, which is consistent with the overall intent of the Code, but that requires additional review to determine whether the development with the modifications is compatible with adjoining properties and the character of the neighborhood in which the development is proposed.
- c. In granting a special exception under this article, the Planning Commission may impose such criteria and conditions as necessary to protect adjacent property owners.
- d. Application requirements. An application for a special exception shall be accompanied by the following:
  - i. Completed application, as provided by the planning department.
  - ii. A statement detailing the specifics of the site any and other information deemed appropriate by the planning director.
  - iii. A site plan of the subject property.

- e. Application processing.
  - i. The planning commission shall consider an application for a special exception. The Commission's decision may be appealed to the city council.
  - ii. The planning department shall cause notice to be sent by regular mail before the tenth day before the date in which the special exception is considered by the Planning Commission, to each owner of real property located within two hundred (200) feet of the exterior boundary of the property in question.
  - iii. The planning department shall cause notice to be published in a newspaper of general circulation in the city before the tenth day before the date in which the special exception is considered by the Planning Commission.
  - iv. The Planning Commission shall hold a public hearing and receive public comments regarding the special exception.

(6) Previous Subdivisions. Lots in subdivisions platted prior to the effective date of this ordinance shall not be required to meet the setback requirements in Subsections (1), (2) and (3) if the applicant can present information, and City staff can verify, that the proposed construction will have setbacks greater than or equal to the average setback on the same block or street as the subject property.

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

ARTICLE XV. - BUILDING AND SETBACK LINES

Sec. 6-396. - Required.

No building permit shall be issued for the construction, exterior alteration, enlargement, or location of any building or structure which does not conform ~~with to~~ the building and setback lines established in ~~chapter 24~~ Chapter 25 of the Code: for single-family and multiple-family structures in § 25-64; for commercial and industrial structures in § 25-65; for townhouses in § 25-89; and for patio homes in § 25-109.

(Ord. No. 91-28, § 1, 8-6-91)

~~**Cross reference**—Building and setback lines required in subdivision plats for single family, multiple family structures, § 25-64; building and setback lines required in subdivision plats for commercial, industrial lots, § 25-65; building and setback lines required in subdivision plats for townhouses, § 25-89; building and setback lines required in subdivision plats for patio homes, § 25-109~~

Sec. 6-397. - Application.

The building and setback lines established herein shall apply to the following:

- (1) Unplatted property;
- (2) Property platted without building or setback lines;
- (3) Property platted which did not conform with the building or setback lines established in the subdivision regulations existing at the time of platting.

(Ord. No. 91-28, § 1, 8-6-91)

Secs. 6-398—6-415. - Reserved.

ARTICLE XV. - BUILDING AND SETBACK LINES

Sec. 6-396. - Required.

No building permit shall be issued for the construction, exterior alteration, enlargement, or location of any building or structure which does not conform to the building and setback lines established in Chapter 25 of the Code for single-family and multiple-family structures in § 25-64; for commercial and industrial structures in § 25-65; for townhouses in § 25-89; and for patio homes in § 25-109.

(Ord. No. 91-28, § 1, 8-6-91)

Sec. 6-397. - Application.

The building and setback lines established herein shall apply to the following:

- (1) Unplatted property;
- (2) Property platted without building or setback lines;
- (3) Property platted which did not conform with the building or setback lines established in the subdivision regulations existing at the time of platting.

(Ord. No. 91-28, § 1, 8-6-91)

Secs. 6-398—6-415. - Reserved.



# PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
12	Planning Commission Electronic Agenda Discussion

## MOTION

Review and discuss a staff proposal to transition from paper distribution of the Planning Commission Agenda and related documentation to an electronic distribution, and take action as necessary to direct staff.

## RECOMMENDATION

Staff recommends the Commission discuss the proposal and provide direction to staff.

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 has been placed on the agenda to receive feedback from the Planning Commission on potentially transitioning to a paperless agenda packet. The packet could be entirely electronic or, alternatively, hard copies of the plats could still be delivered in addition to the electronic agenda packet. Should the Commission want to go in this direction, staff would research options for viewing the packet at the meetings, similar to how City Council does at Council meetings. Staff recommends the Commission discuss the proposal and provide direction to staff.



# PLANNING COMMISSION COMMUNICATION

April 20, 2016

ITEM #	ITEM TITLE
13	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 14**

**Announcements.**

# **ITEM 15**

**Adjournment.**