

## PLANNING COMMISSION MEETING MINUTES

On this the 26<sup>th</sup> day of February 2014, 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

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

### STAFF PRESENT

Travis Tanner	Executive Director of Community Services
Lora Lenzsch	City Attorney
Renée LeLaurin	Secretary II

### GUESTS PRESENT

Taylor Gunn	Perry Homes (Reserve at Brazos Town Center Section Three)
Geoff Freeman	Kerry R. Gilbert & Associates, Inc. (Walnut Creek)

### CALL TO ORDER

Chairperson Pavlovsky called the meeting to order at 6:00 p.m.

### AGENDA

#### 1. CONSIDERATION OF AND ACTION ON MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF JANUARY 22, 2014.

**Action Taken:** Commissioner Parsons moved, seconded by Commissioner Casias, to approve the minutes of the January 22, 2014 Regular Planning Commission Meeting as written. The motion carried by a vote of five "ayes" and one abstention. **Ayes: Chairperson Pavlovsky, Commissioners Casias, Parsons, Poldrack and Urbish. Vice Chairperson Phipps abstained as he was not present for the January 22, 2014 Planning Commission Meeting.**

#### 2. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALNUT CREEK IRBY COBB DR. STREET DEDICATION NO. TWO, BEING 3.4 ACRES OF LAND OUT OF THE EUGENE WHEAT SURVEY, A-396 AND WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS.

**Executive Summary:** The Preliminary Plat of Walnut Creek Irby Cobb Drive Street Dedication No. 2 is a proposed right-of-way dedication plat consisting of 3.4 acres. It is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 152. It adjoins Walnut Creek Sections Seven and Eleven and will connect Irby Cobb Boulevard to its future intersection with Benton Road.

The Preliminary Plat is consistent with the street layout per the approved Land Plan, will provide access further east into the development, and will facilitate an eventual second point of access into the development from Benton Road. The proposed Preliminary Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. That being said, staff recommends approval of the Preliminary Plat of Walnut Creek Irby Cobb Dr. Street Dedication No. Two provided that on the Final Plat, the street name suffix is changed from Drive to Boulevard per the existing street name.

**Key Discussion:**

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

**Action Taken:** Commissioner Casias moved, seconded by Commissioner Parsons, to approve the Preliminary Plat of Walnut Creek Irby Cobb Dr. Street Dedication No. Two, being 3.4 acres of land out of the Eugene Wheat Survey, A-396 and Wiley Martin League, A-56, Fort Bend County, Texas. The motion carried unanimously.

**3. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALNUT CREEK SECTION SEVEN, BEING 9.6 ACRES OF LAND CONTAINING 31 LOTS (60' X 120' TYP.) AND ONE RESERVE IN THREE BLOCKS OUT OF THE EUGENE WHEAT SURVEY, A-396, FORT BEND COUNTY, TEXAS.**

**Executive Summary:** The Preliminary Plat of Walnut Creek Section Seven is a proposed subdivision consisting of thirty-one (31) residential lots located off of Irby Cobb Boulevard in the north central 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 adjoins Walnut Creek Section Four to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.36-acre landscape reserve abutting the future Irby Cobb right-of-way.

The proposed Preliminary Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. That being said, staff recommends approval of the Preliminary Plat of Walnut Creek Section Seven.

**Key Discussion:**

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

**Action Taken:** Vice Chairperson Phipps moved, seconded by Commissioner Parsons, to approve the Preliminary Plat of Walnut Creek Section Seven, being 9.6 acres of land containing 31 lots (60' x 120' typ.) and one reserve in three blocks out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas. The motion carried unanimously.

**4. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALNUT CREEK SECTION ELEVEN, BEING 8.7 ACRES OF LAND CONTAINING 27 LOTS (60' X 120' TYP.) AND ONE RESERVE IN TWO BLOCKS OUT OF THE EUGENE WHEAT SURVEY, A-396 & WILEY MARTIN LEAGUE, A-56, FORT BEND COUNTY, TEXAS.**

**Executive Summary:** The Preliminary Plat of Walnut Creek Section Eleven is a proposed subdivision consisting of twenty-seven (27) residential lots located off of Irby Cobb Boulevard in the north central 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 adjoins Walnut Creek Section Seven to the immediate west.

The subdivision generally consists of sixty-foot (60') lots in accordance with the approved Land Plan for Walnut Creek. Four (4) of the lots are identified as being less than 60' lots due to being less than fifty feet (50') as measured at the right-of-way. All lots are a minimum of 60' as measured at the front building line. Additionally, the subdivision contains a 1.88-acre landscape reserve abutting the future Irby Cobb right-of-way. This reserve should contain two (2) water line easements on the Final Plat to provide for the subdivision's water lines to connect to the main water line in the Irby Cobb right-of-way. Staff recommends this requirement as a condition of Final Plat approval.

The proposed Preliminary Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 152. That being said, staff recommends approval of the Preliminary Plat of Walnut Creek Section Eleven.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky inquired where the waterlines are located.
- Mr. Tanner indicated the waterlines on the map and stated that waterline easements would be needed in order to connect to the infrastructure and Irby Cobb Boulevard. It would loop the waterlines.
- Commissioner Parsons inquired about the 20-foot transmission easement.
- Mr. Tanner stated that he believes that is for a pipeline.
- Commissioner Parsons stated that he assumes there will be full disclosure to the people buying those lots that the pipeline exists.
- Mr. Tanner replied that he suspects that would be the reason the pipeline was kept away from the lots with a landscape reserve between.
- Commissioner Poldrack inquired if there are any regulations requiring a certain distance between a residence and a pipeline, dependent on what is flowing through the pipeline.
- Mr. Tanner replied that he does not believe so and the only buffer would be that easement. He would think the pipeline would run in the center of that easement and the remaining easement provides the buffer.
- Commissioner Poldrack inquired if there are any building requirements calling for a specific setback from building near the pipelines.
- Mr. Tanner replied that he does not believe so. Just about every subdivision has this issue as the pipelines preexist the development.
- Chairperson Pavlovsky stated that pipeline easements are all over.
- Mr. Tanner replied that they put these easements in landscape reserves so they do not intersect with lots.

**Action Taken:** Commissioner Casias moved, seconded by Commissioner Urbish, to approve the Preliminary Plat of Walnut Creek Section Eleven, being 8.7 acres of land containing 27 lots (60' x 120' typ.) and one reserve in two blocks out of the Eugene Wheat Survey, A-396 & Wiley Martin League, A-56, Fort Bend County, Texas. The motion carried unanimously.

**5. CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF LAMAR CISD ELEMENTARY SCHOOL NO. 23; 0 LOTS, 1 BLOCK, 1 RESERVE; BEING 14.26 ACRES IN THE ROBERT E. HANDY SURVEY, ABSTRACT 187, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.**

**Executive Summary:** The Short Form Final Plat of Lamar CISD Elementary School No. 23 fronts on the south side of August Green Drive, west of FM 2977 and adjoining the site of the City's Fire Station No. 3, currently under construction. It is located within the City Limits and in Fort Bend County MUD No. 144. The Plat consists of one (1) reserve and 14.26 acres.

Because the Plat has only one (1) reserve and does not require the dedication or alteration of any streets, it meets the criteria for a short form final plat under the "Subdivision" Ordinance. This essentially means that a Preliminary Plat did not have to be submitted. The proposed Plat is consistent with the approved Land Plan for Summer Lakes and Waterford Park, which calls for commercial development of this tract (as opposed to residential).

The proposed Short Form Final Plat is not in conflict with the "Subdivision" Ordinance, the approved Land Plan, or with the Development Agreement for MUD No. 144. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of Lamar CISD Elementary School No. 23.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired when they plan to build the school.
- Mr. Tanner replied that he expects it would be within the next year and a half as opposed to next fall.

**Action Taken:** Commissioner Parsons moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the Short Form Final Plat of Lamar CISD Elementary School No. 23; 0 lots, 1 block, 1 reserve; being 14.26 acres in the Robert E. Handy Survey, Abstract 187, City of Rosenberg, Fort

Bend County, Texas. The motion carried unanimously.

6. **HOLD PUBLIC HEARING ON A SHORT FORM FINAL PLAT OF MYSKA CORNER, 2 LOTS, 1 BLOCK, 0 RESERVES, BEING A REPLAT OF LOT 6 AND THE EAST 85 FEET OF LOT 5, BLOCK 2, LOUIS POLKA SUBDIVISION (VOLUME 241, PAGE 631, D.R.F.B.C.T.) IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.**

**Executive Summary:** The Short Form Final Plat of Myska Corner is located at the northeast corner of 4<sup>th</sup> Street and Bernie Avenue. It is a replat of Lot 6 and part of Lot 5 of Block 2 of the Louis Polka Subdivision. The subdivision was originally platted in 1947.

Because it is a replat, a public hearing is required per the "Subdivision" Ordinance and Chapter 212 of the Texas Local Government Code. Therefore a public hearing should be held. Staff has no recommendation for this item.

**Chairperson Pavlovsky opened the public hearing at 6:14 p.m. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 6:14 p.m.**

7. **CONSIDERATION OF AND ACTION ON A SHORT FORM FINAL PLAT OF MYSKA CORNER, 2 LOTS, 1 BLOCK, 0 RESERVES, BEING A REPLAT OF LOT 6 AND THE EAST 85 FEET OF LOT 5, BLOCK 2, LOUIS POLKA SUBDIVISION (VOLUME 241, PAGE 631, D.R.F.B.C.T.) IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.**

**Executive Summary:** As discussed in the previous Agenda item, the Short Form Final Plat of Myska Corner is located at the northeast corner of 4<sup>th</sup> Street and Bernie Avenue. It is a replat of Lot 6 and part of Lot 5 of Block 2 of Louis Polka Subdivision. The subdivision was originally platted in 1947.

The Plat proposes to formally plat two (2) residential lots that were already subdivided by metes and bounds in 1972. There is no net increase in the number of units as there is already a residence on proposed Lot 1 and an existing mobile home on Lot 2. The proposed lots meet all the requirements for lot size, building lines, etc., as set forth in the "Subdivision" Ordinance. The Plat also does not render the remainder of Lot 5 out of compliance with any requirements. There is an existing residence on Lot 5 as well.

The Plat meets the criteria for a Short Form Final Plat based on the number of lots and no streets being created or altered. Therefore a preliminary plat submittal was not required. The Short Form Final Plat is not in conflict with any of the applicable regulations. Staff recommends that the Planning Commission recommend approval to City Council of the Short Form Final Plat of Myska Corner.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired what is on the property now.
- Mr. Tanner replied there is a residence on both Lots 1 and 2. They have been configured this way for sometime but have never been formally platted.
- Chairperson Pavlovsky inquired if Lot 2 has access.
- Mr. Tanner replied that it has access to Bernie. The existing house on Lot 1 fronts on 4<sup>th</sup> Street and the residence on Lot 2 fronts on Bernie.

**Action Taken:** Commissioner Parsons moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the Short Form Final Plat of Myska Corner, 2 lots, 1 block, 0 reserves, being a replat of Lot 6 and the east 85 feet of Lot 5, Block 2, Louis Polka Subdivision (Volume 241, Page 631, D.R.F.B.C.T.) in the Henry Scott League, Abstract 83, City of Rosenberg, Fort Bend County, Texas.

8. **CONSIDERATION OF AND ACTION ON THE FINAL PLAT OF OUR LADY OF GUADALUPE CATHOLIC CHURCH, A SUBDIVISION OF 4.6750 ACRES, OR 203,644 SQUARE FEET OF LAND, BEING A PARTIAL REPLAT OF LOTS 1-8, 11-16 AND A PORTION OF LOTS 9 & 10, BLOCK 8, LOTS 10-16 AND PORTIONS OF LOTS 5-8, BLOCK 5, KAFFENBERGER ADDITION, RECORDED UNDER VOLUME 6, PAGE 16, PLAT RECORDS OF FORT BEND COUNTY, IN THE HENRY SCOTT LEAGUE, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 1 BLOCK, 2 RESERVES, 0 LOTS.**

**Executive Summary:** This Plat has been modified by the applicant to include unrestricted reserves as opposed to the reserves previously being restricted to religious uses. The Plat still is not in conflict with any regulations, but due to the change in use, staff believed it was appropriate for it to come before the Planning Commission again.

The Final Plat of Our Lady of Guadalupe Catholic Church consists of 4.6750 acres and two (2) reserves. Approval and subsequent recordation of the Plat would consolidate property owned by the Church and eliminate any potential issues with setbacks from interior property lines. The Plat/Replat also depicts the abandonment of City rights-of-way (the majority of Carlisle Street between Avenues D and E, and the entire alley between Mulcahy and Carlisle) and will facilitate redevelopment of the site with a new sanctuary.

Since the last time the Plat came before the Planning Commission, City Council approved an Ordinance No. 2014-06 on February 04, 2014, abandoning the rights-of-way. Therefore there are no remaining issues with the Plat. Staff recommends that the Planning Commission recommend approval to City Council of the revised Final Plat of Our Lady of Guadalupe Catholic Church.

**Key Discussion:**

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

**Action Taken:** Commissioner Parsons moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the Final Plat of Our Lady Of Guadalupe Catholic Church, a subdivision of 4.6750 acres, or 203,644 square feet of land, being a partial replat of Lots 1-8, 11-16 and a portion of Lots 9 & 10, Block 8, Lots 10-16 and portions of Lots 5-8, Block 5, Kaffenberger Addition, recorded under Volume 6, Page 16, Plat Records of Fort Bend County, in the Henry Scott League, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 1 block, 2 reserves, 0 lots.

9. **HOLD PUBLIC HEARING ON A FINAL PLAT OF THE RESERVE AT BRAZOS TOWN CENTER SECTION THREE, A 17.5794 ACRE TRACT OF LAND BEING A PARTIAL REPLAT OF RESERVE "H", BLOCK 4, THE VILLAGES AT ROSENBERG (SLIDE NO. 1945 A&B; F.B.C.P.R.) CONVEYED TO FIGURE FOUR PARTNERS, LTD. (F.B.C.C.F. NO. 2013159055) IN THE JANE H. LONG LEAGUE, ABSTRACT NO. 55, AND IN THE SIMON JONES SURVEY, ABSTRACT NO. 271, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 2 RESERVES, 62 LOTS, 3 BLOCKS.**

**Executive Summary:** The Final Plat of the Reserve at Brazos Town Center Section Three is located on the north side of Town Center Boulevard near its intersection with Vista Drive. The Plat consists of 17.58 acres and sixty-two (62) residential lots. The Land Plan was amended on December 18, 2013, to allow the proposed fifty-foot (50') lots on the tract.

The Plat also constitutes a partial replat of Reserve "H" of Block 4 of the Villages at Rosenberg. With the Land Plan being amended, the Plat is in compliance with all requirements; however, due to it being a replat, a public hearing is required per the Chapter 212 of the Texas Local Government Code and the "Subdivision" Ordinance.

**Chairperson Pavlovsky opened the public hearing at 6:21 p.m. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 6:21 p.m.**

10. **CONSIDERATION OF AND ACTION ON A FINAL PLAT OF THE RESERVE AT BRAZOS TOWN CENTER SECTION THREE, A 17.5794 ACRE TRACT OF LAND BEING A PARTIAL REPLAT OF RESERVE "H", BLOCK 4, THE VILLAGES AT ROSENBERG (SLIDE NO. 1945 A&B; F.B.C.P.R.) CONVEYED TO FIGURE FOUR PARTNERS, LTD. (F.B.C.C.F. NO. 2013159055) IN THE JANE H. LONG LEAGUE, ABSTRACT NO. 55, AND IN THE SIMON JONES SURVEY, ABSTRACT NO. 271, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 2 RESERVES, 62 LOTS, 3 BLOCKS.**

**Executive Summary:** The Final Plat of the Reserve at Brazos Town Center Section Three is located on the north side of Town Center Boulevard near its intersection with Vista Drive. It is within the City Limits and in Fort Bend County MUD No. 167. The Plat consists of 17.58 acres, sixty-two (62) residential lots, and two (2) reserves. The Land Plan was amended on December 18, 2013, to allow the proposed fifty-foot (50') lots on the tract. Conditions for the approval of the 50' lots were as follows:

- Minimum house size of 1,650 square feet
- Minimum of fifty-one percent (51%) masonry exterior

The above conditions are noted on the Plat. The Preliminary Plat of this subdivision was approved by the Planning Commission on January 22, 2014. The proposed Final Plat is consistent with the approved Preliminary Plat. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of the Reserve at Brazos Town Center Section Three.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired where the canal easement is located.
- Mr. Tanner replied that it does not go through that development. There is storm sewer planned for the west side of the development.
- Commissioner Poldrack inquired if there are any plans to cover that rice canal.
- Mr. Tanner said he does not believe it is in this plat.
- Commissioner Parsons inquired if this is the same property we discussed in December?
- Mr. Tanner replied yes, the land plan was amended for this section in December and the Preliminary Plat came to you in January.
- Commissioner Casias inquired if there is only one access point for this plat.
- Commissioner Poldrack replied that Cypress Grove appears to be the only access point.
- Mr. Tanner replied that another point of access will be added in Section Four.

**Action Taken:** Commissioner Parsons moved, seconded by Commissioner Casias, to recommend approval to City Council of the Final Plat of Brazos Town Center Section Three, a 17.5794 acre tract of land being a partial replat of Reserve "H", Block 4, The Villages at Rosenberg (Slide No. 1945 A&B; F.B.C.P.R.) conveyed to Figure Four Partners, Ltd. (F.B.C.C.F. No. 2013159055) in the Jane H. Long League, Abstract No. 55, and in the Simon Jones Survey, Abstract No. 271, City Of Rosenberg, Fort Bend County, Texas; 2 reserves, 62 lots, 3 blocks. The motion carried unanimously.

**11. REVIEW AND DISCUSS ORNAMENTAL STREET LIGHT POLICY, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** Staff has received an inquiry from the developer of Summer Lakes/Waterford Park (Fort Bend County MUD No. 144) regarding ornamental street lights. They would like to install ornamental street lights, as opposed to the standard "cobra" lights, in the Summer Park portion of the development (the portion of MUD No. 144 south of Reading Road off of August Green Drive). They would also like the City to accept and maintain the street lights as with standard lights.

Currently, per City regulations (Code of Ordinances, Sec. 25-71; and Design Standards, Sec. 2.9), the location of street lighting systems are designed by CenterPoint Energy and approved by the City. The developer pays for the cost of installation of the lights plus three (3) year's maintenance. The developer can install, and the City will accept, standard lights. If the City were to accept non-standard or ornamental lights, it would require more lights to meet the same lighting standards because the ornamental lights are typically smaller. Therefore it would result in greater long-term costs to the City.

For example, in the subdivision for which this item is being discussed (Summer Park Section One), a standard street lighting system would require approximately thirty (30) lights. To utilize ornamental lights and still meet the same lighting standards would require approximately thirty-five (35) lights. If the lights cost approximately \$15 per light per month to maintain (a rough estimate), the ornamental lighting system would cost the City an additional \$900 annually if the City accepted the system. Under the current City Ordinance, however, there is the option to (1) use standard lighting or (2) have a private system that the Homeowners Association (HOA), not the City, would be responsible for maintaining.

The developer requested that this item be placed on City Council and Planning Commission Agendas to discuss further options whereby the HOA would not have to take on the lighting system in order to have upgraded street lights. There are not numerous examples of other cities' policies addressing this particular issue. Possibly the best example from the research staff conducted was the City of Missouri City, which will enter into an agreement whereby the HOA is responsible for additional ongoing costs

above and beyond the standard number of street lights. The only risk in this case may be reliance on an HOA for the long term maintenance costs. This Agenda item was discussed at the January 28, 2014 City Council Workshop meeting, at which City Council directed staff to move forward with an amendment provided it wouldn't result in any additional costs to the City.

Staff is now requesting direction from the Planning Commission as to whether the City should (1) keep the current Ordinance as it is, or (2) proceed with an Ordinance Amendment similar to Missouri City's (attached) that would allow the developer to install ornamental lights provided the HOA is responsible for the costs associated with the additional lights. The latter could be done through an Amendment to the "Subdivision" Ordinance, and potentially the Design Standards. Should the Planning Commission direct staff to move forward, an amendment could be prepared and placed on a future City Council Agenda.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky inquired if that HOA disbands in twenty-five years, who would be responsible for maintenance? Would there be a way to shut down five lights and keep the rest up and running?
- Commissioner Urbish replied that he doubts that would be possible.
- Mr. Tanner replied that he is not sure who would be responsible in that case. That is a risk and that is why we would not want to be accepting reimbursement for those maintenance costs but rather have the HOA set up an account to cover those maintenance costs with CenterPoint on their own.
- Commissioner Urbish inquired if these ornamental pole lights 150W sodium lights or LEDs?
- Mr. Tanner replied they are the same power as the cobra lights being installed now but the only difference is that they are smaller and provide less light.
- Commissioner Urbish inquired if the \$15 maintenance covers the electricity and maintenance? We are on the edge of a revolution with these LEDs. High pressure sodium lights are on the way out. He feels that within five years high pressure sodium lights will be obsolete. If the developer would go in for the LED lighting now, he would be willing to take up the additional maintenance cost. A retrofit is very expensive. The electricity cost itself may be enough for CenterPoint to pick up the maintenance. If an HOA goes under, CenterPoint will not just cut five lights loose.
- Mr. Tanner replied that another concern would be if someone were to do a private system, which our ordinance currently allows, there is still a concern that if an HOA takes on those costs but then something happens to the HOA, would the City then be responsible for the whole system. Staff would need to review the current regulations carefully. In the Council meeting, there was not a clear understanding that the City takes on the maintenance for the standard lights already.
- Commissioner Parsons stated that Commissioner Urbish is in this business so his comments should go back to City Council as well as our reservations about HOAs.
- Commissioner Phipps inquired that if the developer goes through the added expense of putting in LED lights, we would just take them over as we normally do.
- Commissioner Urbish replied that CenterPoint would have to agree to maintain these and right now the 150W sodium with base is the standard. That will change and if anyone wants to see the LED lighting, I have it installed on the corners of my house. The typical LED replacement for 150W sodium would be a 44W LED vs. 200W sodium when the ballast load is calculated. With LEDs, the electricity would be substantially less than with the sodium lights, and the maintenance is minimal.
- Chairperson Pavlovsky inquired what the additional initial cost would be to the developer.
- Commissioner Urbish replied that the cost for LEDs is coming down everyday. The 44W, that would replace the 150W sodium, is around \$200 for the type of light. CenterPoint would be receiving better pricing for LEDs.
- Mr. Tanner stated that he would be interested to see what CenterPoint does since they have a "menu" of lighting options for developers.
- Commissioner Urbish stated that the current pricing is likely a bit high right now. The incandescent we are replacing in residential homes were \$44 a year ago and today they are \$10-\$12. Until the next great thing, LEDs are taking the place of incandescent.
- Chairperson Pavlovsky inquired what the Commission's recommendation is for this item.
- Commissioner Parsons replied that he thinks this Commission should take Commissioner Urbish's

comments regarding LEDs back as well as our concerns about the longevity of HOAs to provide maintenance for these lighting systems.

- Commissioner Urbish stated that he does not think it would be split up that easily.
- Chairperson Pavlovsky stated that he believes that it would be a better requirement to go ahead and move to the new LED system. It would be to our advantage.
- Commissioner Parsons replied that Council has not considered that.
- Commissioner Poldrack inquired if Ms. Lenzsch is aware of any HOAs that have gone under.
- Ms. Lenzsch replied that it depends on the community where the HOAs are set up. She lives in the County where everyone is in an HOA. The HOAs are active and have a lot of fees to maintain the common areas. There is a dormant HOA here in Rosenberg and it does happen. It is not the norm that an HOA would lose its authority but it does happen.
- Commissioner Parsons stated that there would have been HOAs in older sections of Rosenberg but those have been dormant.
- Commissioner Poldrack stated that his HOA has a lien structure to ensure residents pay their HOA dues.
- Mr. Tanner stated that the Commissioners have brought up a valid concern and we need to find out what would happen if an HOA has an account but then defaults to CenterPoint. Our current design standards also allow for a decorative/private lighting system and we will need to research to find out what happens in those cases.

**No action taken.**

## **12. CONSIDERATION OF AND ACTION ON A REVISED PLANNING COMMISSION MEETING SCHEDULE AND SUBMITTAL DEADLINES CALENDAR TO BE IMPLEMENTED BY JULY 2014.**

**Executive Summary:** On January 21, 2014, the Planning Commission (Commission) brought forward a Resolution to City Council regarding the continuation of Wednesday meetings. At that time, City Council opted to maintain the recent policy change on meetings and directed the Commission to create a new meeting calendar establishing new meeting dates and plat submittal deadlines. The current calendar, as approved in October 2013, will be utilized through June 2014.

Staff has prepared the attached revised meeting calendar and submittal deadlines, proposed to begin in July 2014. In order to accommodate staff availability, the proposed calendar would move the regular Commission meetings to the fourth Monday of each month. Staff recommends the Commission review and discuss the proposed revised calendar for adoption or propose an alternate meeting date.

### **Key Discussion:**

- Chairperson Pavlovsky read the following prepared statement into the record:
  - "At the December meeting of the Rosenberg Planning Commission, a Resolution was approved by a five to one vote to ask our City Council to reconsider their vote and allow the Planning Commission and other Committees, Boards, and Commissions to meet at the time and date that they agreed to and working within the needs and requirements of City staff. On January 21, 2014, as Chairman of the Planning Commission, I presented that Resolution to Council, a copy being in their Council packets. After a short comment about the Resolution, I entertained questions about that document. One question was about the vote and my reply was that it was five to one in favor of presenting it to Council. I was rapidly advised that the vote now was three to three because two members of the Commission had retracted their affirmative vote. Retracting that vote would be impossible and I knew that our Committee was not in session and it could not have been retracted. I was stunned by the misinformation. I also felt that this misinformation was disseminated knowingly and intentionally to mislead the Mayor, Council, members of staff, Planning Commission and everyone at that meeting. On January 22<sup>nd</sup>, the very next day, the following evening, the Rosenberg Planning Commission met at our regular monthly meeting and during our comments section, both Commissioners advised the Commission they did not retract their vote and would vote again the same way. I will allow the recordings of the meetings and the minutes of the three mentioned meetings to speak for themselves. I thank the Council for their time to investigate and discover the facts for themselves. Council did NOT get accurate

information from their fellow Council members. I definitely want that to be part of the record to Council."

- Commissioner Parsons stated that at a subsequent City Council meeting, I spoke and outlayed what you just said to Council and suggested that this was not the first time we were misled by Council people in terms of issues that have to do with this Commission and our input. The other being that the comment was made that we did not have to worry about the "One-Way Pairs" Project because it was a "done deal". Along with Chairperson Pavlovsky, he thinks that Council has taken a couple of opportunities to mislead the input of this group and he does not like it. It is disappointing that Council has taken that direction.
- Chairperson Pavlovsky replied that he is extremely disappointed that our Council liaison is not present for tonight's meeting.
- Commissioner Parsons inquired when the term of this Commission is over.
- Commissioner Poldrack replied May 2015.
- Commissioner Parsons stated that he is burdened by having to meet on Mondays and would suggest that we meet on Thursday instead.
- Mr. Tanner replied that was our initial choice but the City Engineer has a conflict with Thursdays and would not be available. This was the reason we provided a draft schedule for Monday meetings. Chairperson Pavlovsky has suggested meeting during the day on Wednesdays instead of in the evenings.
- Chairperson Pavlovsky replied that he would not have any issues with meeting at 3:00 or 4:00 in the afternoon on Wednesdays. Staff would be present and would not have overtime.
- Commissioner Parsons replied that he thought we would not be able to meet on Wednesday no matter what time.
- Chairperson Pavlovsky replied that there are Planning Commissions that meet during the day.
- Commissioner Poldrack inquired if Commissioners Casias and Urbish would be available since they both work.
- Commissioner Urbish replied that he can meet whenever we decide to meet. He will make it happen.
- Chairperson Pavlovsky stated that when one looks back at the people that have served this Commission, by far the majority of them are either retired or self-employed and would be available during the day.
- Mr. Tanner replied that the City does have some Committees that meet during the day and the City of Houston's Planning Commission meets during the day. We do need to determine if Council's intent was to prohibit all meetings from Wednesdays or just from Wednesday evenings.
- Ms. Lenzsch replied that she did not think they meant to include Wednesday daytime.
- Mr. Tanner stated that we have a few months to make this change.
- Commissioner Parsons replied that he would join Chairperson Pavlovsky in meeting during the day on Wednesday.
- Commissioner Casias stated that since this meeting is only once a month, she would be able to work it into her schedule to meet during the day.
- Mr. Tanner stated that staff would prepare a meeting schedule to accommodate afternoon meetings and bring it back for consideration.
- Commissioner Parsons inquired that if Wednesday is not permissible, how would Thursday evening work?
- Mr. Tanner replied that Mr. Kalkomey has a conflict and would not be able to attend.

***The Commission reached a consensus to revise the regular meeting schedule to Wednesday afternoons at 4:00 p.m. Staff will prepare a revised calendar for consideration and investigate if Wednesday afternoons would be acceptable to Council.***

### **13. CONSIDERATION OF AND ACTION ON THE STAFF REPORT OF CURRENT ACTIVITIES AND REQUESTS FOR FUTURE AGENDA ITEMS.**

***Executive Summary:*** The Staff Report of Current Activities consists of 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.

At the meeting, staff will provide updates on the Comprehensive Plan update process and "Sign"

Ordinance amendments, which are the main items the Planning Department is focused on at this time. A Professional Services/Engineering Project Review Committee (Committee) meeting was held on February 11, 2014, to discuss consultants' qualifications for the Comprehensive Plan update. The Committee unanimously recommended to City Council that Kendig Keast Collaborative be selected to complete the project. A contract must be approved by City Council to move forward. This is a budgeted project.

Staff continues to work on completing the "Sign" Ordinance amendments that have been prioritized by City Council. On February 18, 2014, an Ordinance was presented to City Council regarding maximum freestanding sign heights and sizes for Avenues H and I and State Highway 36. The Ordinance was tabled by City Council and will be reviewed at a future meeting.

**Key Discussion:**

- Mr. Tanner reviewed the item and stated that there was a Professional Services/Engineering Project Review Committee meeting on February 11<sup>th</sup> to review consultants for the Comprehensive Plan update and the Committee unanimously selected Kendig Keast Collaborative. This firm has done work for the City in the past, particularly the Parks Master Plan. That was the recommendation and staff will still need to iron out a contract to go to Council for consideration. We are working on that now. On the "Sign" Ordinance amendments, we brought those to Council on February 18<sup>th</sup> and they tabled the item to discuss as a future meeting.

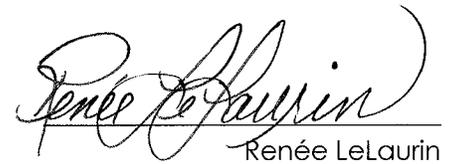
**No action taken.**

**14. Announcements.**

- Chairperson Pavlovsky announced that the Knights of Columbus Fish Fry will begin next Friday. Tickets are available at the door and it is \$9.00 every Friday during Lent.

**15. Adjournment.**

There being no further discussion, Chairperson Pavlovsky adjourned the Rosenberg Planning Commission Meeting at 6:59 p.m.

  
Renée LeLaurin  
Secretary II