

PLANNING COMMISSION MEETING MINUTES

On this the 21st day of May 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 4th Street, Rosenberg, Texas 77471.

COMMISSIONERS PRESENT

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

STAFF PRESENT

Cynthia McConathy	Councilor, At Large Position Two
Robert Gracia	City Manager
John Maresh	Assistant City Manager of Public Services
Joyce Vasut	Executive Director of Administrative Services
Travis Tanner	Executive Director of Community Services
Charles Kalkomey	City Engineer
Lora Lenzsch	City Attorney
Renée LeLaurin	Secretary II

OTHERS PRESENT

Tony Topping	Texas Masonry Council
Carol Redd	Edminster, Hinshaw, Russ & Associates

CALL TO ORDER

Chairperson Pavlovsky called the meeting to order at 4:01 p.m.

AGENDA

1. CONSIDERATION OF AND ACTION ON MINUTES OF THE REGULAR COMMISSION MEETING OF APRIL 23, 2014.

Key Discussion:

- Commissioner Poldrack stated that on page 8, near the bottom bullet where he was speaking about his confidence in TxDOT, he would like to add that the restriping of SH36 South and US 59 was "idiotic". He requests that his comment be added to the April 23rd minutes.
- Commissioner Parsons stated that he said the striping was to identify the three distinct lanes - one going left, one going straight or left, and one going right or straight, and requested those comments be added to the April 23rd minutes as well.

Action Taken: Commissioner Casias moved, seconded by Commissioner Parsons, to approve the minutes of the April 23, 2014 Planning Commission meeting with the additional comments from Commissioners Parsons and Poldrack. The motion carried unanimously.

2. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF SUMMER LAKES SECTION SIX, BEING A SUBDIVISION OF 17.14 ACRES OUT OF THE JOSEPH KUYKENDAHL SURVEY, A-49 AND THE WILEY MARTIN SURVEY, A-56, IN THE CITY OF ROSENBERG, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 80 LOTS, 6 BLOCKS, 3 RESERVES.

Executive Summary: Summer Lakes Section Six Preliminary Plat contains 17.14 acres and 80 single-family residential lots. It is located within the City Limits and in Fort Bend County MUD No. 144. Specifically, the

proposed Plat is located off of Round Lake Drive in the northeast part of Summer Lakes. It consists of the following lot sizes:

- 52, or 65 percent, 50-foot lots
- 28, or 35 percent, 60-foot or greater lots

The above lot sizes are in accordance with the MUD No. 144 Planned Unit Development (PUD) Agreement (see attached Exhibit B, Land Use & Parcel Plan). The Land Use & Parcel Plan simply identifies single-family residential as the proposed use for the areas of the Plat. The Agreement calls for the lots to be a minimum of fifty (50) feet in width and 6,000 square feet. The average lot size is over 8,000 square feet and no lots are less than fifty (50) feet in width or 6,000 square feet.

The proposed Preliminary Plat is in conformance with the MUD No. 144 Planned Unit Development (PUD) Agreement. There being no further issues, staff recommends approval of the Preliminary Plat of Summer Lakes Section Six.

Key Discussion:

- Mr. Tanner presented the item and reviewed the executive summary.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to approve the Preliminary Plat of Summer Lakes Section Six, being a subdivision of 17.14 acres out of the Joseph Kuykendahl Survey, A-49 and the Wiley Martin Survey, A-56, in the City of Rosenberg, in Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 144); 80 lots, 6 blocks, 3 reserves. The motion carried unanimously.

3. CONSIDERATION OF AND ACTION ON A RECOMMENDATION REGARDING THE PROPOSED FY2015 CAPITAL IMPROVEMENTS PROGRAM (CIP).

Executive Summary: Per the City Charter, Article VIII, Section 8.03 (d), the Planning Commission is required to submit annually, not less than ninety (90) days prior to the beginning of the budget year, a list of recommendations for capital improvements. Assistant City Manager of Public Services John Maresh will review staff recommendations for the proposed FY2015 Capital Improvement Program (CIP) and he, along with Joyce Vasut, Executive Director of Administrative Services, will be available to answer questions from the Commission. Detailed information on the proposed CIP is attached for reference.

Key Discussion:

- Mr. Maresh presented the item and stated that what was provided in the packet was the information that staff had previously reviewed in meetings with each of the Commissioners a few weeks ago which we discussed in detail.
- Commissioner Poldrack inquired if Project No. 7, road extension and drainage to serve FM 2218 for Rosenberg Business Park, would be completed before or after development begins.
- Mr. Maresh replied that he does not have the details for that project but the utilities, road, and drainage is under design and there are plans to move forward with construction at this time.
- Mr. Tanner replied that will need to be completed before construction begins there as it will provide all necessary infrastructure for that subdivision. In order for them to plat any reserves in the subdivision, they will need to have access to the street and utilities.
- Chairperson Pavlovsky inquired on Project No. 12 for traffic signals near Kroger and the US 59 frontage. When TxDOT widens US 59, what effect will that have on that intersection?
- Mr. Maresh replied that with the addition of the frontage roads, it will improve the traffic. But until it is actually constructed, we do not know what the final traffic patterns will look like. With the continued growth that is going to occur between now and the time they finish that construction. It should be an improvement. A signal may still be warranted at that intersection.

Action Taken: Commissioner Parsons moved, seconded by James Urbish, to recommend approval of the proposed FY2015 Capital Improvement Plan to City Council.

Additional Discussion:

- Commissioner Parsons stated that there is a huge amount of money being dedicated to roads and thoroughfares and he thinks that this has been in the making for a considerable amount of time. As we grow, it is just the beginning of the expenditure of money for roads and thoroughfares

in the greater City of Rosenberg.

Action Taken: Upon voting, the motion carried unanimously.

4. REVIEW AND DISCUSS OUTSIDE DISPLAY OF MERCHANDISE IN COMMERCIAL PARKING LOTS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: On April 22, 2014, City Council discussed possible restrictions on the outside display of merchandise. Staff believes this issue could potentially be addressed in the "Parking" Ordinance and therefore should come before the Planning Commission.

To address this issue, Councilors requested that staff look at ordinances such as that of the City of Sugar Land, which is attached for reference. Sugar Land's Zoning Ordinance pertaining to their General Business (B-2) district provides for the following:

- Merchandise cannot be located on public property, in a required yard/setback, or in a required parking space.
- It cannot be displayed outside for more than 30 consecutive days or a total of 90 days in one (1) calendar year.
- It must be owned by the owner or lessee of the property.
- It cannot occupy an area greater than 10% of the area of the building or tenant space (the 10% restriction does not apply to landscaping materials in a fenced area).

It is important to keep in mind that certain items (e.g., landscaping materials, vehicles) should be exempted from this type of requirement. If not, it is anticipated that a similar ordinance would affect many existing businesses. The attached potential ordinance amendments exempt certain items. In order to avoid unintended consequences, other possible exemptions could be discussed by the Planning Commission.

If the Planning Commission believes this is a priority, the ordinance amendments prepared by staff could be recommended to City Council for future adoption following a thorough review. Input from the Planning Commission is requested for this Agenda item.

Key Discussion:

- Mr. Tanner presented the item and reviewed the executive summary. We are seeking a recommendation to take to Council. Are there any modifications on the setbacks or percentage of building area or any other exemptions that may be needed?
- Chairperson Pavlovsky replied on the 10% rule, the Lamar Plaza shopping center, 4310 Avenue H, periodically they will set up a tent for a flower shop or other use.
- Mr. Tanner replied that something like that would likely fit into this ordinance. Staff was directed to look at the City of Sugar Land's zoning on this type of issue and they typically allow that sort of thing.
- Chairperson Pavlovsky inquired about the golf cart dealer on SH36. Golf carts would be considered a vehicle.
- Mr. Tanner replied that vehicles such as golf carts, tractors, etc. may need an exception. Staff can investigate that further.
- Commissioner Parsons stated he was going to state the same. If cars are allowed, all motorized vehicles should be allowed. The other question is if it will be retrofitted to them? Will they still be able to put their golf carts out there?
- Mr. Tanner replied that if we do an exception for motorized vehicles, golf carts would be included.
- Commissioner Urbish stated that on a personal note, he sells creosote poles at his business and would not be able to move them inside. He is not actively selling them but storing them on the property. He is sure that there are other businesses that have outdoor storage, such as AT&T.
- Councilor McConathy replied that this was not their intent to restrict outdoor storage. Yours is a part of your business. We are focused on items for sale.
- Commissioner Urbish replied that his poles would meet the 10% requirement as well as the setback requirement where they are now. He can see what Council is trying to do.
- Chairperson Pavlovsky inquired if Council was looking at more flea market type establishments.
- Councilor McConathy replied yes.
- Commissioner Poldrack inquired if we can restrict the number of days they are allowed to have

- outdoor displays for sale?
- Mr. Tanner replied that he does not think that will work since the business Council has in mind only has their items out there on a temporary basis. But even if it is temporary, there are those that do not like the visual effect.
 - Commissioner Poldrack inquired if we can restrict them to two or three displays per year.
 - Mr. Tanner replied that we could. That is what Sugar Land does.
 - Commissioner Poldrack replied that would be a tool to stop this action. Would garage sales fall under this?
 - Commissioner Urbish replied that garage sales are already limited to three times per year but that does not stop them from doing it more often.
 - Commissioner Poldrack inquired why Code Enforcement has not put a stop to that.
 - Commissioner Urbish replied that it is on the weekend.
 - Commissioner Poldrack replied that there should be a swing shift so Code Enforcement will be present on the weekends. It seems to him that we have some tools to work with but they stay in the tool box.
 - Commissioner Parsons replied that it is an enforcement and penalty issue. As we have said, if speed limits are not enforced, people will speed. This is the same case.
 - Mr. Tanner stated that one challenge we have is that we only have two Code Enforcement officers that deal with the whole City and while what we are discussing is an issue, they deal with more fundamental health and safety issues. It could be that if they can catch these issues in the field proactively they will but in many cases it is on a complaint basis.
 - Chairperson Pavlovsky stated that the tire stores that have tires outside 24/7 could be a tremendous health issue when we get some rain.
 - Mr. Tanner replied that he brings up tire shops because those are the types of businesses that may be affected by these regulations.
 - Commissioner Parsons stated that in regards to Code Enforcement, if folks will report issues, Code can go and check on it but complaints do not get people to mow their lawn.
 - Commissioner Casias inquired if staff is asking for tweaks to this recommendation and then you will return with a draft ordinance, correct? She agrees this is something that needs to be looked at.
 - Mr. Tanner replied yes.
 - Chairperson Pavlovsky stated, in regards to tire shops, he does not have a recommendation on handling them but he does not think it is the safest thing to have all those tires outside so far as health is concerned. There must be a demand for these tires because these places are still in business. They pay taxes and all but how to we address it?
 - Commissioner Poldrack stated that he agrees with Chairperson Pavlovsky but the aesthetics of the City need to change.
 - Commissioner Parsons replied that if one drives up SH 36, what we need is another convenience store or gas station that will close, yet we are building them.
 - Commissioner Poldrack inquired if outdoor displays of tires are necessary to effectively sell tires.
 - Commissioner Urbish replied that many of them have tire storage out back but they remove them fairly often these days. They are not saving them. If you wish to advertise, put one tire in front of your shop with a sign or something.
 - Commissioner Poldrack stated that the tire shop next to Walgreens has a huge inventory of used tires but you hardly see them on the outside.
 - Mr. Tanner replied that one thought would be to put them behind a building or a fence if they are going to be outside.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish, to direct staff to return with a full ordinance and more information to the next regular meeting.

5. REVIEW AND DISCUSS THE PARKING OF VEHICLES ON UNIMPROVED SURFACES IN RESIDENTIAL FRONT YARDS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: On April 22, 2014, City Council discussed possible regulations prohibiting long-term parking in residential yards. After some discussion, the consensus of City Council was to present the item to the Planning Commission for your review and recommendation.

Attached are staff recommendations for an ordinance amendment if Commissioners concur and believe this

item is a priority. The amendment would require parking of vehicles to be on a paved surface, except in instances where an unimproved or gravel surface was in existence prior to the effective date of the ordinance. We believe that an exception is necessary for existing lots with unimproved drives due to the large number in existence in the City.

Staff believes this item should be reviewed carefully and welcomes recommendations from the Planning Commission to avoid potential issues with enforcement. It is believed that the attached ordinance would affect a number of properties within the City Limits even if parking on existing, unimproved drives is permitted.

Key Discussion:

- Mr. Tanner presented the item and reviewed the executive summary.
- Commissioner Parsons inquired what is meant by "long term parking". Did we not have an ordinance pertaining to used car lots?
- Mr. Tanner replied that this is not for car lots, it is for residential.
- Commissioner Parsons inquired what is meant by prohibiting long term parking in residential areas.
- Mr. Tanner replied that was the language on the Agenda item requested by Council. He thinks that this would apply if we want to do an ordinance for anything parked on the grass in a residential area being a violation.
- Chairperson Pavlovsky inquired if anything in these regulations would force people not to park on their property but to park on the side of the street.
- Mr. Tanner replied that it could. In some of the subdivisions, there are driveways with multiple vehicles and that could generate more on-street parking. For residences with unimproved driveways, this would not affect them as we cannot insist they pave. An increase in on-street parking could be an unintended consequence and Council did discuss that aspect as well.
- Commissioner Parsons stated that there are some residential areas that already have full driveways and cars parked on both sides of the street. They have to put them someplace. We do need to do something about our parking. One would be to come to an agreement on an ordinance that will increase the width of our streets to allow people to park on both sides of the street and still have room for emergency access. That is not going to stop it if there are ten adults living in a house and they each have a car.
- Commissioner Urbish stated that on Lawrence Street, it is 39 feet from curb to curb and you can go there right now and see people with two tires up in the grass.
- Commissioner Parsons replied that those people should be ticketed. If they are ticketed and made to pay, they will not do it again.
- Commissioner Urbish replied that the street is very wide and there is no reason for parking in the grass.
- Commissioner Parsons stated that he likes that this is being discussed because it is a degradation to the City to see all the cars parked in yards.
- Commissioner Poldrack stated that the City allows drive over curbs. Does that not encourage people to drive their yards?
- Mr. Tanner replied that he does not believe it encourages people. One could drive onto the grass from the driveway, too.
- Chairperson Pavlovsky agreed that he believes some regulation is needed however it should not encourage parking on the streets. There is too much of that already. Unless we can find the right language to prevent that, he thinks it will be detrimental to what we are trying to accomplish. Trailer parks require two spaces per trailer in off-street parking. When some of these parks were still coming in, there was language built in to prevent on-street parking.
- Mr. Tanner replied that the biggest challenge for this is the existing unimproved drives.
- Commissioner Poldrack inquired if the front setback is adequate to fit two cars into.
- Mr. Tanner replied that it depends on the width of the driveway and the length of the cars but he does not believe so. It takes about 18-20 feet per vehicle but they also have their garage to park in.
- Commissioner Poldrack replied that it would not be unreasonable to have two parking spaces in front of your garage, for single or double lane driveways.
- Commissioner Parsons stated that he could fit two Tahoes from his garage door to the curb.
- Councilor McConathy replied that some have an issue with blocking the sidewalks in that space.
- Commissioner Parsons replied that this goes back to enforcement. When one buys a house, it is bought as is and if the family has four kids, some day that will be six cars. There is a problem in the

- old neighborhoods and maybe there is something we can do there.
- Mr. Tanner stated that this grandfathering runs with the land and if there is an unimproved driveway in place, they may continue to park on it. We cannot require someone to pave their driveway.

Action Taken: Commissioner Parsons moved, seconded by Vice Chairperson Phipps, that staff continues to investigate and bring back an Ordinance for review by the Planning Commission. The motion carried unanimously.

6. 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 May 6th City Council meeting, City Council adopted the "Sign" Ordinance revisions applicable to State Highway 36 and Avenues H and I that have been in progress for several months. The approved Ordinance is attached for Commissioners' reference. The Professional Services Agreement for the Comprehensive Plan update was also presented to City Council. It was tabled for further/future discussion at a Workshop.

Key Discussion:

- Mr. Tanner stated that the Sign Ordinance amendments that we have been working on for years were finally approved at the May 6th City Council Meeting and we are coordinating with the WFBMD for those regulations to take effect. The professional services agreement for the Comprehensive Plan was brought to Council and it was tabled for further discussion at a Workshop.
- Commissioner Parsons inquired if this is for the update of the 1995 plan and when did this project start?
- Mr. Tanner replied that it is for the same update and this project started about a year ago as far as scoping and the selection process.
- Commissioner Parsons stated that he honestly believes that we need a comprehensive plan and we need to figure it out soon.

No action taken.

7. ANNOUNCEMENTS.

Commissioner Urbish stated that the Business Assistance Grant Program Review Committee has met three times and they have awarded three grants. There is another one that will have some questions but if anyone knows of any businesses on Avenue H that need improvement, please refer them to this program.

8. ADJOURNMENT.

There being no further business, Chairperson Pavlovsky adjourned the Rosenberg Planning Commission meeting at 4:41 p.m.


Renée LeLaurin
Secretary II