

## PLANNING COMMISSION MEETING MINUTES

On this the 18<sup>th</sup> day of June 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
James Urbish	Planning Commissioner

### COMMISSIONERS ABSENT

Alicia Casias	Planning Commissioner
Mike Parsons	Planning Commissioner

### STAFF PRESENT

Cynthia McConathy	Councilor, At Large Position Two
Travis Tanner	Executive Director of Community Development
Charles Kalkomey	City Engineer
Lora Lenzsch	City Attorney
Renée LeLaurin	Secretary II

### GUESTS PRESENT

Tracy M. Youngblood	Brown & Gay Engineers, Inc. (Bayou Crossing)
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### CALL TO ORDER:

Chairperson Pavlovsky called the meeting to order at 4:02 p.m.

### AGENDA

#### 1. CONSIDERATION OF AND ACTION ON MINUTES OF THE MAY 21, 2014 REGULAR PLANNING COMMISSION MEETING.

**Action Taken:** Vice Chairperson Phipps moved, seconded by Commissioner Poldrack, to approve the minutes of the May 21, 2014 Regular Planning Commission Meeting as written. The motion carried unanimously by those present.

#### 2. HOLD PUBLIC HEARING ON A PRELIMINARY PLAT OF BAYOU CROSSING SECTION THREE, A SUBDIVISION OF 8.670 ACRES OF LAND LOCATED IN THE JAMES LOWERY 1/3 LEAGUE, A-275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, ALSO BEING A PARTIAL REPLAT OF RESERVE "A-2", BLOCK 1, BAYOU CROSSING SECTION TWO PARTIAL REPLAT NO. ONE, RECORDED AT PLAT NO. 20130258, F.B.C.P.R., AND A PARTIAL REPLAT OF LOTS 3 & 4, J.M. DONLEY SUBDIVISION RECORDED AT VOL. 1, PG, 20, F.B.C.P.R.

**Executive Summary:** The Preliminary Plat of Bayou Crossing Section Three is located off of Grand Cane Lane in the northeast part of Bayou Crossing, located in the northeast corner of Louise Street and Airport Avenue. The Plat consists of 8.67 acres and thirty-seven (37) residential lots. The proposed Plat is in not in conflict with the approved Land Plan dated September 2004.

The Plat also constitutes a partial replat of Reserve "A-2" of Block 1 of Bayou Crossing Section Two Partial Replat No. One. 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 4:03 p.m. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 4:03 p.m.**

#### 3. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF BAYOU CROSSING SECTION THREE, A

**SUBDIVISION OF 8.670 ACRES OF LAND LOCATED IN THE JAMES LOWERY 1/3 LEAGUE, A-275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, ALSO BEING A PARTIAL REPLAT OF RESERVE "A-2", BLOCK 1, BAYOU CROSSING SECTION TWO PARTIAL REPLAT NO. ONE, RECORDED AT PLAT NO. 20130258, F.B.C.P.R., AND A PARTIAL REPLAT OF LOTS 3 & 4, J.M. DONLEY SUBDIVISION RECORDED AT VOL. 1, PG, 20, F.B.C.P.R.**

**Executive Summary:** As discussed in the previous Agenda item, the Preliminary Plat of Bayou Crossing Section Three is located off of Grand Cane Lane in the northeast part of Bayou Crossing, located in the northeast corner of Louise Street and Airport Avenue. The Plat consists of 8.67 acres and thirty-seven (37) residential lots. The proposed Plat is not in conflict with the approved Land Plan dated September 2004. In fact, the Land Plan, which is attached for reference, provides for fifty- and sixty-foot lots in this location. However, the proposed Plat provides for all sixty-foot lots in accordance with current regulations.

Because the Plat constitutes a partial replat of Reserve "A-2" of Block 1 of Bayou Crossing Section Two Partial Replat No. One, a public hearing was held per State law and the "Subdivision" Ordinance. There being no issues, staff recommends approval of the Preliminary Plat of Bayou Crossing Section Three.

**Key Discussion:**

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

**Action Taken:** Commissioner Urbish moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Bayou Crossing Section Three, a subdivision of 8.670 acres of land located in the James Lowery 1/3 League, A-275, City of Rosenberg, Fort Bend County, Texas, also being a partial replat of Reserve "A-2", Block 1, Bayou Crossing Section Two Partial Replat No. One, recorded at Plat No. 20130258, F.B.C.P.R., and a partial replat of Lots 3 & 4, J. M. Donley Subdivision recorded at Vol. 1, Pg. 20, F.B.C.P.R. The motion carried unanimously by those present.

**4. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF BONBROOK PLANTATION NORTH SECTION THIRTEEN, A SUBDIVISION OF 19.476 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 88 LOTS, 3 RESERVES (1.031 ACRES), 3 BLOCKS.**

**Executive Summary:** The Preliminary Plat of Bonbrook Plantation North Section Thirteen is located off of Reading Road, adjacent to Bridlewood Estates, in the east central part of Bonbrook Plantation. The proposed Plat contains 19.476 acres, 88 residential lots, and three (3) reserves consisting of 1.031 acres.

The proposed lots are a minimum of fifty feet (50') in width and 6,000 square feet in size. This is in accordance with the approved Land Plan for Bonbrook Plantation, which calls for fifty-foot (50') lots in this location of the development. The Land Plan is attached for reference.

The proposed Preliminary Plat is not in conflict with any applicable regulations. Staff recommends approval of the Preliminary Plat of Bonbrook Plantation North Section Thirteen.

**Key Discussion:**

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

**Action Taken:** Commissioner Poldrack moved, seconded by Commission Phipps, to approve the Preliminary Plat of Bonbrook Plantation North Section Thirteen, a subdivision of 19.476 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 88 lots, 3 reserves (1.031 acres), 3 blocks. The motion carried unanimously by those present.

**5. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF SUMMER LAKES SECTION SEVEN, BEING A SUBDIVISION OF 23.94 ACRES OUT OF THE W.M. LUSK SURVEY, A-276, IN THE CITY OF ROSENBERG, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 53 LOTS, 5 BLOCKS, 10 RESERVES (7.4627 ACRES).**

**Executive Summary:** The Preliminary Plat of Summer Lakes Section Seven is located off of Reading Road and Round Lake Drive in the eastern portion of the Summer Lakes development. The Plat consists of 23.94 acres, 53 residential lots, and ten (10) reserves containing 7.4627 acres.

The proposed Plat contains 21 sixty-foot (60') lots and 32 seventy-foot (70') lots. The Plat complies with the Development Agreement and approved Land Plan for Fort Bend County MUD No. 144. The Land Plan, which is attached for reference,

identifies the area of the Plat as single-family residential development. The Development Agreement calls for a minimum lot width of fifty feet (50') and minimum size of 6,000 square feet. All proposed lots comfortably meet these requirements.

The Preliminary Plat of Summer Lakes Section Seven is not in conflict with any applicable regulations or with the Development Agreement for Fort Bend County MUD No. 144. There being no issues, staff recommends approval of the Preliminary Plat of Summer Lakes Section Seven.

**Key Discussion:**

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

**Action Taken:** Commissioner Phipps moved, seconded by Commissioner Urbish, to approve the Preliminary Plat of Summer Lakes Section Seven, being a subdivision of 23.94 acres out of the W.M. Lusk Survey, A-276, in the City of Rosenberg, in Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 144); 53 lots, 5 blocks, 10 reserves (7.4627 acres). The motion carried unanimously by those present.

**6. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF SUMMER LAKES SECTION EIGHT, BEING A SUBDIVISION OF 8.5738 ACRES OUT OF THE W.M. LUSK SURVEY, A-276 AND THE JANE LONG LEAGUE, A-55, IN THE CITY OF ROSENBERG, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 36 LOTS, 2 BLOCKS, 1 RESERVE (0.5214 ACRE).**

**Executive Summary:** The Preliminary Plat of Summer Lakes Section Eight is located off of Lake Commons and Blue Lake Drives in the south central portion of the Summer Lakes development. The Plat consists of 8.57 acres, 36 residential lots, and one (1) reserve containing 0.5 acres.

All proposed lots are a minimum of sixty feet (60') in width as measured at the front building line. The Plat complies with the Development Agreement and approved Land Plan for Fort Bend County MUD No. 144. The Land Plan, which is attached for reference, identifies the area of the Plat as single-family residential development. The Development Agreement calls for a minimum lot width of fifty feet (50') and minimum size of 6,000 square feet. All proposed lots meet these requirements.

The Preliminary Plat of Summer Lakes Section Eight is not in conflict with any applicable regulations or with the Development Agreement for Fort Bend County MUD No. 144. There being no issues, staff recommends approval of the Preliminary Plat of Summer Lakes Section Eight.

**Key Discussion:**

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

**Action Taken:** Commissioner Urbish moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Summer Lakes Section Eight, being a subdivision of 8.5738 acres out of the W.M. Lusk Survey, A-276 and the Jane Long League, A-55, in the City of Rosenberg, in Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 144); 36 lots, 2 blocks, 1 reserve (0.5214 acre). The motion carried unanimously by those present.

**7. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF SUMMER PARK SECTION TWO, BEING A SUBDIVISION OF 16.479 ACRES OUT OF THE ROBERT E. HANDY SURVEY, A-187, IN THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 144); 64 LOTS, 3 BLOCKS, 3 RESERVES (0.6726 ACRE).**

**Executive Summary:** The Preliminary Plat of Summer Park Section Two is located off of Park Place Boulevard in the southwest portion of the Summer Park development. The Plat consists of 16.479 acres, 64 residential lots, and three (3) reserves containing 0.67 acres.

All proposed lots are a minimum of sixty feet (60') in width as measured at the front building line. The Plat complies with the Development Agreement and approved Land Plan for Fort Bend County MUD No. 144. The Land Plan, which is attached for reference, identifies the area of the plat as single-family residential development. The Development Agreement calls for a minimum lot width of fifty feet (50') and minimum size of 6,000 square feet. All proposed lots meet these requirements.

The Preliminary Plat of Summer Park Section Two is not in conflict with any applicable regulations or with the Development Agreement for Fort Bend County MUD No. 144. There being no issues, staff recommends approval of the Preliminary Plat of Summer Park Section Two.

**Key Discussion:**

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

**Action Taken:** Commissioner Poldrack moved, seconded by Commissioner Phipps, to approve the Preliminary Plat of Summer Park Section Two, being a subdivision of 16.479 acres out of the Robert E. Handy Survey, A-187, in the City of Rosenberg, Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 144); 64 lots, 3 blocks, 3 reserves (0.6726 acre). The motion carried unanimously by those present.

**8. CONSIDERATION OF AND ACTION ON PROPOSED AMENDMENTS TO THE PARKING LOT STANDARDS AND SPECIFICATIONS REGARDING PARKING OF VEHICLES IN RESIDENTIAL FRONT YARDS AND OUTSIDE DISPLAY OF MERCHANDISE.**

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

To address these issues, Councilors requested that staff look at ordinances such as that of the City of Sugar Land. 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 recommended by the Planning Commission. At the May 21, 2014 Planning Commission meeting, City staff discussed exempting tire sales and motorized equipment from the provisions of the ordinance. Those recommendations are incorporated in the attached ordinance amendments.

Also included in the ordinance amendments is a provision that would require parking of vehicles in residential areas 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 recommends that the Planning Commission recommend approval to City Council of the proposed ordinance amendments. If recommended by the Planning Commission, this item will be placed on a future City Council Agenda.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Vice Chairperson Phipps inquired if the ownership clause is to prohibit consignment shops from displaying items.
- Mr. Tanner replied that anyone that is not an owner or lessee tenant, would not be able to display items. Only the property owner and or the tenant may display items for sale that they themselves own.
- Chairperson Pavlovsky stated that he reviewed the proposed amendments and was looking for something that prohibits on-street parking. He likes the ordinance but does not wish to add to the on-street parking issue.
- Mr. Tanner replied that there would be some Code Enforcement ramifications for these amendments. It will need to be looked at carefully to prevent any unintended consequences. Staff attempted to include an exemption similar to Sugar Land for the folks that currently have unimproved driveways. The City would not force them to pave their driveways if they are currently unimproved. But if they park in the front yard in the grass, these amendments have the potential to push those cars into the street.
- Chairperson Pavlovsky inquired how City Council feels about this issue.
- Councilor McConathy replied that Council is struggling with the same issue. There are some areas, such as 8<sup>th</sup> Street, where parking in the street creates a real safety issue. There is also Greenwood Subdivision where there already is an issue with on-street parking.
- Mr. Tanner replied that the discussion at the time was to divide up the City into areas where this would apply and not apply and that will take a good deal of time to research it.
- Commissioner Urbish stated that in areas such as Lawrence Street where the streets are wide, he would

prefer to see them park in the street than in their yards but areas like Greenwood would need to be exempted. Perhaps it could be written to apply to areas with a certain street width.

- Chairperson Pavlovsky stated that Lawrence Street does not have open ditches. There are many areas that have open ditches and for people to park on the side of the road will end up taking up much of the lane.
- Commissioner Urbish replied that parking next to an open ditch on the street is still preferable to an area with curb and gutter streets where folks are still parking in their yards.
- Chairperson Pavlovsky replied that if they park in the ditch, it can cause drainage issues. There was a bad situation in our neighborhood when LCISD built Bowie Elementary to accommodate 250 students but there are 750 students there now in portable buildings. They expanded for the students but did not do anything for traffic control. Eventually, LCISD built an internal driveway to get those cars off the street.
- Commissioner Poldrack inquired why tires and landscaping materials were excluded from these amendments.
- Mr. Tanner replied that for landscaping nurseries, there is no way they can keep their entire stock inside. That will require an exception. For tire shops, it would impact so many existing businesses that it is less intrusive to grandfather those businesses.
- Commissioner Poldrack replied that NTB, Discount Tire and Firestone do not stack tires outside. He has an issue with all the tires along the street. It is unsightly. In the past, we have discussed requiring wider residential streets. What impact, if any, would that have? Are the problem areas in the older parts of Rosenberg?
- Mr. Tanner replied that wider streets would only apply to new construction. Older subdivisions have narrower streets that do not meet current City standards.
- Commissioner Poldrack restated his support for wider street widths. The narrow streets and drive-over curbs are inviting people to park in their yards.
- Chairperson Pavlovsky inquired what it would take for the City to pass an ordinance for no parking on a street between two specific points.
- Ms. Lenzsch replied that the streets are public and you cannot really prohibit parking on a roadway. You could put it in areas for safety purposes such as visibility requirements. In residential neighborhoods, people have the right to park on the streets.
- Councilor McConathy replied that Council recently created a no parking zone on Ward Street since people were parking on the side of the street and causing a safety issue at the intersection.
- Ms. Lenzsch replied that this issue came up years ago and the biggest issue was the number of homes that could not accommodate the number of cars they had.
- Mr. Tanner added that a guest parking issue also exists.
- Ms. Lenzsch stated that there are many variables.
- Chairperson Pavlovsky inquired if the issue on Ward Street was due to the school.
- Councilor McConathy replied that it was due to a bakery on Avenue I at Ward Street. The bakery did have its own parking but as a matter of convenience, patrons would park in the street and creating a visibility issue.
- Ms. Lenzsch replied that many new developments have deed restrictions that prohibit cars from being left on the street for a specific period of time. That is another resource to consider for new developments with HOAs. Older subdivisions are the ones with the problem.
- Commissioner Poldrack stated that in addition to Greenwood, Cottonwood is another subdivision with parking issues.
- Mr. Tanner stated that there are some areas that are not so old but it is in mostly older neighborhoods. Staff can bring your recommendations to City Council and see if they want to discuss it further.

**Action Taken:** Vice Chairperson Phipps moved, seconded by Commissioner Urbish, to make a recommendation to City Council to approve the proposed amendments to the parking lot standards and specifications regarding parking of vehicles in residential front yards and outside display of merchandise. The motion carried unanimously by those present.

**Additional Key Discussion:**

- Ms. Lenzsch inquired if the Commission would like to include an exception for boats as well.
- Mr. Tanner replied that it could be included. The proposed amendments are based upon a Sugar Land ordinance.
- Ms. Lenzsch replied that it may be useful for Code Enforcement to exclude boats.
- Councilor McConathy inquired if that exception is for a business or residential.
- Mr. Tanner replied that this would apply to residential lots. It currently states that it shall be unlawful for any person to park a recreational vehicle or trailer within the yard of a residential property. It would apply to residences.

- Commissioner Poldrack inquired if the vehicle is there for more than three days, would it be considered an abandoned vehicle?
- Ms. Lenzsch replied that it would not be if on private property. It would be if it is on the street for more than 30 days.
- Councilor McConathy stated that on the commercial side, as far as advertising, we are not including boats, correct?
- Mr. Tanner replied that the amendment states that merchandise shall mean items for sale, not including landscaping materials, tires, vehicles, or other motorized equipment.
- Ms. Lenzsch replied that in the state transportation code, boats are not considered motor vehicles.

**9. 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.

The scope of the Comprehensive Plan update project will be discussed at the June 24, 2014 City Council Workshop Meeting. The item was tabled at a previous meeting for further discussion. Additionally, given that the Sign Ordinance amendments pertaining to the West Fort Bend Management District corridors have been completed and approved by City Council, staff is coordinating with the District for them to formally recognize the City's regulations for freestanding sign height and size.

**Key Discussion:**

- Mr. Tanner presented the item and stated that the "Sign" Ordinance amendments were approved by Council on May 6<sup>th</sup> and staff is coordinating with the West Fort Bend Management District (WFBMD) to implement the City standards on the WFBMD corridors, as has been the plan. The WFBMD will need to amend their standards but they have directed the City to begin enforcing our standards but we are working on the formal agreement. The Comprehensive Plan Update was tabled by City Council in May for further discussion. It will be discussed at the next Council workshop meeting to determine how they want to proceed.
- Chairperson Pavlovsky inquired when the next Planning Commission meeting takes place.
- Mr. Tanner replied that it would be July 16<sup>th</sup>.
- Commissioner Poldrack requested an Agenda item to discuss building standards for single family residences. What is the masonry requirement for a single family house?
- Mr. Tanner replied that the City does not have masonry standards for single family. There may be some deed restrictions that require it. The City has an Agreement for Brazos Town Center where they agreed to include 51% masonry construction in order to have 50-foot lots. City-wide, there is no requirement. We do have masonry requirements for multi-family and structures in the WFBMD for commercial construction.
- Commissioner Poldrack inquired if it would be unreasonable to establish a City standard of 51% masonry for single family?
- Mr. Tanner replied that would not be unreasonable. It would be a policy decision of the Commission and City Council. We do have the Texas Masonry Council who will come to a meeting to make a presentation if that is something the Commission would like.
- Commissioner Poldrack stated that he would like to see nicer homes in the City that have more masonry.
- Brief discussion was held on what constitutes masonry and if hardiplank siding would be considered masonry.
- Mr. Tanner stated that if the City wrote an ordinance on masonry requirements, you would be able to define what masonry is. Some cities include hardiplank and some cities do not. It is a choice.
- Commissioner Poldrack stated that hardiplank is fine but he prefers not to have homes that are 98% hardiplank with just a few bricks. He would like to see better construction.
- Chairperson Pavlovsky stated that he agrees with Commissioner Poldrack.
- Mr. Tanner stated that one thing to keep in mind, the planned subdivisions are vested. This would be for new construction.
- Councilor McConathy stated that this requirement should apply only to new subdivisions.
- Chairperson Pavlovsky stated that there is a house going up on Brooks Street that has very little masonry. This house is built about four feet off the ground; it is well done and looks good. But it is wood.
- Mr. Tanner stated that there are many examples of nice homes that do not have a lot of masonry but brick does offer architectural control. From an aesthetic viewpoint, hardiplank does require more maintenance and needs to be painted and that is not an issue with brick.
- Chairperson Pavlovsky requested that Mr. Tanner set up a presentation from the Texas Masonry Council for

the next meeting.

***No action taken.***

**10. ANNOUNCEMENTS.**

There were no announcements.

**11. ADJOURNMENT.**

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



Renée LeLaurin  
Secretary II