

## PLANNING COMMISSION MEETING MINUTES

On this the 20<sup>th</sup> day of August 2014, the Planning Commission (Commission) of the City of Rosenberg, Fort Bend County, Texas, met in 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

Cynthia McConathy	Councilor, At Large Position Two
Travis Tanner	Executive Director of Community Development
Scott Tschirhart	City Attorney
Renée LeLaurin	Secretary II

### GUESTS PRESENT

Vahid Tabrizi	ERSA Grae Corporation – Stonecreek Estates
Kerry Gilbert	Kerry R. Gilbert & Associates – Stonecreek Estates
Geoff Freeman	Kerry R. Gilbert & Associates – Stonecreek Estates
Tom Sabin	GSSW Real Estate Investments – The Fountains II
Tony Topping	Texas Masonry Council
Carol Redd	EHRA – Park Place Boulevard/Rivers Mist

### CALL TO ORDER:

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

### AGENDA

#### 1. CONSIDERATION OF AND ACTION ON MINUTES OF THE JUNE 18, 2014, AND JULY 16, 2014 REGULAR PLANNING COMMISSION MEETING.

**Action Taken:** Vice Chairperson Phipps moved, seconded by Commissioner Urbish, to approve the minutes of the June 18, 2014 Regular Planning Commission Meeting as written. The motion carried by a vote of four “ayes” and two abstentions. **Ayes:** *Chairperson Pavlovsky, Vice Chairperson Phipps, Commissioner Poldrack and Urbish.* **Abstentions:** *Commissioners Casias and Parsons.*

**Action Taken:** Commissioner Parsons moved, seconded by Commissioner Casias, to approve the minutes of the July 16, 2014 Regular Planning Commission Meeting as written. The motion carried by a vote of four “ayes” and two abstentions. **Ayes:** *Chairperson Pavlovsky, Commissioner Casias, Poldrack and Urbish.* **Abstentions:** *Vice Chairperson Phipps and Commissioner Parsons.*

#### 2. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF PARK PLACE BOULEVARD STREET DEDICATION, BEING A SUBDIVISION OF 2.3580 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); 0 LOTS, 0 BLOCKS, 0 RESERVES.

**Executive Summary:** The Preliminary Plat of Park Place Boulevard Street Dedication consists of 2.358 acres of proposed public right-of-way. The Plat is located off of Reading Road and August Green Drive, in the City Limits and in Fort Bend County MUD No. 144. It extends from the existing portion of Park Place Boulevard abutting the Waterford Park Apartments to the roundabout where August Green Drive currently terminates. It is a proposed eighty-foot (80') collector street right-of-way that will provide a needed secondary access to and from the subdivision. The Plat is in accordance with the Revised Land Use and Parcel Plan for MUD No. 144 and is not in conflict with any applicable regulations. Staff recommends approval of the Preliminary Plat of Park Place Boulevard Street Dedication.

**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 Park Place Boulevard Street Dedication, being a subdivision of 2.3580 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); 0 lots, 0 blocks, 0 reserves.

**Additional Discussion:**

- Commissioner Parsons inquired if the streets are marked on the drawing.
- Mr. Tanner replied that it is marked but not named as such.
- Commissioner Parsons would like to see where streets are on the drawing.

**Action Taken:** Upon voting, the motion carried unanimously.

**3. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF RIVERS MIST SECTION TWO, BEING A SUBDIVISION OF 15.59 ACRES OUT OF THE W.M. LUSK SURVEY, A-276, IN FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 158); 46 LOTS, 2 BLOCKS, 4 RESERVES (4.2975 ACRES).**

**Executive Summary:** The Preliminary Plat of Rivers Mist Section Two is located off of Furlson Drive, southwest of the intersection of Reading Road and Sorens Mist Boulevard. The proposed Plat is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 158.

The Plat consists of 46 lots, two (2) blocks, and three (3) reserves totaling 4.2658 acres. All proposed lots are a minimum of sixty feet (60') in width. This is in accordance with the approved Land Plan for Rivers Mist dated May 2006.

The proposed Plat meets all applicable regulations of the City of Rosenberg and is not in conflict with the Land Plan for Rivers Mist. Staff recommends approval of the Preliminary Plat of Rivers Mist Section Two.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired what the square footage of the lots is.
- Mr. Tanner replied that that information is in the plat. They are fairly large starting at a minimum of 7,200 square feet.

**Action Taken:** Commissioner Parsons moved, seconded by Commissioner Urbish to approve the Preliminary Plat of Rivers Mist Section Two, being a subdivision of 15.59 acres out of the W.M. Lusk survey, A-276, in Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 158); 46 lots, 2 blocks, 4 reserves (4.2975 acres). The motion carried unanimously.

**4. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF COTTONWOOD SECTION THREE-B, A SUBDIVISION OF 8.333 ACRES OF LAND LOCATED IN THE S.A. STONE SURVEY NO. 10, A-392, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; LOTS: 44; RESERVES: 1; BLOCKS: 4.**

**Executive Summary:** The Preliminary Plat of Cottonwood Section Three-B consists of 8.33 acres and 44 residential lots. It is located off of Barton Creek and Pease River Lanes, immediately southwest of Cottonwood Section Three-A. The Plat is within the City Limits and in Fort Bend County MUD No. 148.

All proposed lots are fifty feet (50') in width and a minimum of 6,000 square feet in size. The Land Plan was approved before the current standards relating to lot size. The Plat conforms to the approved Land Plan dated April 2003.

There being no conflicts with applicable regulations, staff recommends approval of the Preliminary Plat of Cottonwood Section Three-B.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired how many 50-foot, 6,000 square foot lots are left that have already been pre-approved.
- Mr. Tanner replied that Mr. Kalkomey is out of town and with the size of this Agenda, there was no way that staff was able to figure that out in preparation for this meeting.

**Action Taken:** Commissioner Parsons moved, seconded by Vice Chairperson Phipps, to approve the Preliminary Plat of Cottonwood Section Three-B, a subdivision of 8.333 acres of land located in the S.A. Stone Survey No. 10, A-392, City of Rosenberg, Fort Bend County, Texas; Lots: 44; Reserves: 1; Blocks: 4.

**Additional Discussion:**

- Commissioner Casias inquired in regard to the approval of the Land Plan in 2003; is that an open date after it is approved?
- Mr. Tanner replied that some of the development agreements have a ten year designation whereafter ten years, all of the lots not yet platted would have to comply with City design standards. Those are the more recent development agreements, and because this one dates back so far, it does not have a provision like that. Basically, they are vested in their Land Plan back to 2003.
- Commissioner Casias stated that unless it is approved by Council, they do not have to comply going forward with any standards.
- Mr. Tanner replied that there is a development agreement, and the Land Plan is an exhibit to that agreement.
- Commissioner Parsons inquired if any of these have been preapproved in the ten year limit. Cottonwood does not have to adhere to the ten year limit. Are there any others that the City has approved?
- Mr. Tanner replied that there might be one or two others, but many of the more recent ones that came in around 2004 and 2005 have that condition in them.
- Commissioner Parsons stated that it would be nice to understand those to have knowledge with what we are facing.
- Chairperson Pavlovsky inquired if this was the last area out there.
- Mr. Tanner replied that there is one section south of this plat for future development and there are a few areas on the other side for development.
- Commissioner Parsons inquired when Cottonwood was approved.
- Mr. Tanner replied 2003.

**Action Taken:** Upon voting, the motion carried unanimously.

**5. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF COTTONWOOD SECTION THREE-B, A SUBDIVISION OF 8.333 ACRES OF LAND LOCATED IN THE S.A. STONE SURVEY NO. 10, A-392, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; LOTS: 44; RESERVES: 1; BLOCKS: 4.**

**Executive Summary:** Per the previous Agenda item, the Final Plat of Cottonwood Section Three-B consists of 8.33 acres and 44 residential lots. It is located off of Barton Creek and Pease River Lanes, immediately southwest of Cottonwood Section Three-A. The Plat is within the City Limits and in Fort Bend County MUD No. 148.

All proposed lots are fifty feet (50') in width and a minimum of 6,000 square feet in size. The Land Plan was approved before the current standards relating to lot size. The Plat conforms to the approved Land Plan dated April 2003.

In this case, the applicant submitted the Final Plat at the same time as the Preliminary Plat. City staff did not see an issue with the Preliminary and Final Plats being on the same Agenda because plans for the public infrastructure in the subdivision had already been submitted and approved. There being no conflicts with applicable regulations, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Cottonwood Section Three-B.

**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 Final Plat of Cottonwood Section Three-B, a subdivision of 8.333 acres of land located in the S.A. Stone Survey No. 10, A-392, City of Rosenberg, Fort Bend County, Texas; lots: 44; reserves: 1; blocks: 4. The motion carried unanimously.

**6. CONSIDERATION OF AND ACTION ON A FINAL 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 AND 4, J. M. DONLEY SUBDIVISION RECORDED AT VOL. 1, PG. 20, F.B.C.P.R.**

**Executive Summary:** The Final Plat of Bayou Crossing Section Three is located off of Grand Cane Lane in the Bayou Crossing Development. It is in the City Limits and immediately northeast of Bayou Crossing Section Two.

The proposed Final Plat contains 8.67 acres and 37 residential lots. All proposed lots are a minimum of sixty feet (60') in width and 6,600 square feet in size. The Plat conforms to the approved Land Plan for Bayou Crossing and to the Preliminary Plat, which was approved by the Planning Commission on June 18, 2014.

There being no further issues or conflicts with City standards, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bayou Crossing Section Three.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired how many plats are left in Bayou Crossing.
- Mr. Tanner replied that this is the final section.

**Action Taken:** Commissioner Parsons moved, seconded by Commissioner Urbish, to approve the Final 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 And 4, J. M. Donley Subdivision recorded at Vol. 1, Pg. 20, F.B.C.P.R.

**Additional Discussion:**

- Commissioner Casias inquired that the size of the subdivision is the reason that it does not have to comply with anything as far as the recreational area.
- Mr. Tanner replied that this one predates those requirements.
- Commissioner Casias inquired if it changed developers.
- Mr. Tanner replied that the Land Plan dates back to 2004.
- Commissioner Parsons inquired if we changed this plat to eliminate the retention pond.
- Mr. Tanner replied yes.
- Commissioner Parsons inquired how many entrances there are.
- Mr. Tanner replied three on this plat.
- Commissioner Parsons inquired how many entrances there are to this subdivision.
- Mr. Tanner replied that he does not have that information off hand.
- Commissioner Parson inquired if we know many entrances are required for a subdivision of this size.
- Mr. Tanner replied that he does not have that information but it looks exactly like the land plan that was approved in 2004.
- Commissioner Parsons stated that in 2004, there were not as many lots. A certain amount of lots were not approved because of the retention plan that we had. Just wants to make sure that this fits the rule that the City has.
- Mr. Tanner replied that he and Charles reviewed it and believe it meets all applicable requirements. He can go back and check the number of access points and lots.
- Commissioner Parsons stated that he would like that to happen before this plat is approved. How many houses are going to be in this subdivision?
- Mr. Tanner replied that he does not know the total amount of residential homes, but 132 total were approved.
- Commissioner Poldrack inquired if there is an issue with distance front to back with one entrance.
- Commissioner Parsons replied that it may be that as well. We approved this at one time and then we had a flood problem and then we revised it.
- Mr. Tanner stated that the developer said there is a total of 95 lots, which is fewer than the original land plan.
- Commissioner Parsons inquired how that could be. How can you go from more to less and increase the amount of ground you put lots on?
- Carl Stevens of 46 Ambleside Crescent, Sugar Land, Texas, stepped forward to address the Commission. He is a developer in Bayou Crossing and stated the whole development has fewer lots than the original land plan had.
- Commissioner Parsons stated that when the original land plan was presented, there were sections of that land plan that were dedicated for things like retention ponds.
- Mr. Stevens replied that all that was recaptured and converted was 0.79 acres and the lots now are larger than the original land plan.
- Commissioner Parsons stated that he would vote to approve this assuming that it passes the ordinance at the time based on the required number of entrances for a subdivision of its size. He wants confirmation.

- Mr. Tanner replied that the subdivision meets the ordinances that applied to it at the time, including entrances.

**Action Taken:** Upon voting, the motion carried by a vote of four “ayes” and two abstentions. **Ayes:** *Chairperson Pavlovsky, Vice Chairperson Phipps, Commissioners Casias and Urbish.* **Abstentions:** *Commissioners Parsons and Poldrack.*

**7. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION ELEVEN, A SUBDIVISION OF 8.924 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 35 LOTS, 0 RESERVES, 3 BLOCKS.**

**Executive Summary:** The proposed Final Plat of Bonbrook Plantation North Section Eleven is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The Plat contains approximately 8.924 acres and thirty-five (35) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (3) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014.

The proposed Final Plat is not in conflict with any applicable regulations, with the Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Eleven.

**Key Discussion:**

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

**Action Taken:** Commissioner Casias moved, seconded by Commissioner Poldrack to approve the Final Plat of Bonbrook Plantation North Section Eleven, a subdivision of 8.924 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 35 lots, 0 reserves, 3 blocks. The motion carried unanimously.

**8. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION TWELVE, A SUBDIVISION OF 8.522 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 34 LOTS, 0 RESERVES, 2 BLOCKS.**

**Executive Summary:** The proposed Final Plat of Bonbrook Plantation North Section Twelve is located off of Blossom Terrace Lane in the northeast part of the overall Bonbrook Plantation Development. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The plat contains approximately 8.522 acres and thirty-four (34) single-family residential lots.

The typical lot size for the subdivision is 65 feet in width. Each lot is a minimum of 65 feet in width at the front building line. In the lot summary table, some lots (5) are noted as being less than 65-foot lots due to being less than 50 feet at the right-of-way. The subdivision is in compliance with the approved Land Plan for Bonbrook Plantation. The Planning Commission approved the Preliminary Plat of this subdivision on January 22, 2014.

The proposed Final Plat is not in conflict with any applicable regulations, with the approved Preliminary Plat, or with the approved Land Plan for Bonbrook Plantation. That being said, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Twelve.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky stated that these are pretty good sized lots.

**Action Taken:** Commissioner Casias moved, seconded by Commissioner Urbish to approve the Final Plat of Bonbrook Plantation North Section Twelve, a subdivision of 8.522 acres of land situated in the Wiley Martin League, abstract 56, Fort Bend County, Texas; 34 lots, 0 reserves, 2 blocks. The motion carried unanimously.

**9. CONSIDERATION OF AND ACTION ON A FINAL 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 Final 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 Preliminary Plat of this subdivision was approved by the Planning Commission on June 18, 2014.

The proposed Final Plat is not in conflict with any applicable regulations or with the approved Preliminary Plat. Staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation North Section Thirteen.

**Key Discussion:**

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

**Action Taken:** Commissioner Casias moved, seconded by Vice Chairperson Phipps to approve the Final 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.

**10. HEAR AND DISCUSS A PRESENTATION REGARDING A POTENTIAL MULTI-FAMILY PLANNED UNIT DEVELOPMENT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

**Executive Summary:** Mr. Thomas Juarez of J.B. Granada Construction has requested an opportunity to present a potential multi-family Planned Unit Development (PUD) on Airport Avenue. Specifically, the project would be located near the southwest corner of Airport Avenue and FM 2218 and would contain 203 units. Mr. Juarez approached City staff regarding multi-family residential development of this location and was notified of the City's parking requirements of four (4) spaces per one-bedroom unit, five (5) spaces per two-bedroom unit, and six (6) spaces per three-bedroom unit. The parking requirements would be prohibitive of this development as proposed. Therefore it was communicated to Mr. Juarez that the project could only be done through a PUD, recommended by the Planning Commission and approved by City Council. Before spending additional time on the project, it was recommended by staff that the concept be presented to the Planning Commission to receive direction. It is important to note that the proposal is for owner-occupied condominiums as opposed to renter-occupied apartments; however, it would be difficult if not impossible for the City to regulate whether they are owner-occupied in the future. If approved by the Planning Commission and City Council, the PUD would be subject to the West Fort Bend Management District standards.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky inquired where this would be located along Airport.
- Mr., Tanner replied that it is across from B.F. Terry High School.
- Chairperson Pavlovsky inquired if it fronts FM 2218.
- Tom Juarez of 1621 North Falling Leaf Drive in Katy, Texas, stepped forward to address the Commission and stated that project would not have frontage on FM 2218 and he would like to keep it this way for security reasons. This project is a condo project for sale. This is not a typical plan because every unit has a garage where they can walk through the building to the garage. Every building has garages in the building itself. The floor plans, for instance, Unit E1, shows the foyer going into the garage. This is an entrance to the building itself. The doors are to the right and far left are an entrance to all of the units. My presentation shows that this is not a typical apartment building. Each unit has 1.5 or 2.5 baths, so it is not a normal renting unit. The two bedroom units have 2.5 bath and the three bedroom units have 2.5 bath. I want to establish an agreement with the City that these units are under restriction and cannot be rented to individuals. Each unit will pay its own taxes like a regular residential home.
- Ms. McConathy inquired how that would be restricted.
- Mr. Juarez replied with deed restrictions.
- Commissioner Parsons inquired that if he owned one, he could not rent it out.
- Mr. Juarez replied that he could not restrict on that aspect.
- Mr. Tschirhart stated that if someone owns it and chooses to rent it out, they can.
- Commissioner Parsons stated that the intention here is for people to own this residence for 30 years.
- Mr. Juarez stated that an apartment building pays school taxes but each unit would have to pay the tax like a residual home.

- Chairperson Pavlovsky inquired what the difference in dollars is.
- Mr. Juarez replied that residential taxes compared to an apartment building are different. He is unsure of the exact figures, but you would be paying the value of the condo.
- Chairperson Pavlovsky replied that it does not matter what it is called, CAD will attach an appraised value to it.
- Mr. Juarez stated that each unit, with all amenities, will be a higher cost and revenue than a regular apartment building.
- Commissioner Parsons stated that that is true because the value by the CAD is set is based on the square footage of the building. As a developer, what would you suggest would be an ideal mix between own housing and rental housing?
- Mr. Juarez inquired that Commissioner Parsons repeat the question.
- Commissioner Parsons inquired if you were developing a city, what would you set as an ideal number of units that are rental versus the number of units that are owned.
- Mr. Juarez replied that there are no condo projects or condos that are sellable in the City of Rosenberg. The research has been done and none were found. The difference here is that there is nothing like this here in Rosenberg.
- Commissioner Casias inquired if Mr. Juarez has developed something like this in any other area.
- Mr. Juarez replied that this is the first time because this is the first time that the garages have been included.
- Commissioner Parsons stated that there may be some condos for sale built for that purpose in Brazos Town Center. His concern is that the City is heavily laden with rental properties.
- Mr. Tanner stated that the City is at 48% rental occupancy and 28% multi-family housing.
- Commissioner Poldrack stated that there is no pricing structure on these condos.
- Mr. Juarez replied not yet.
- Commissioner Poldrack inquired how it is known that these are economically feasible if you do not know what you are going to sell them for.
- Mr. Juarez replied that the A1 unit will sell for \$103,612, which is the one bedroom. The A2 will sell for \$116,176. The B1 will sell for \$137,879. The B2 will sell for \$148,000. They are averaging \$111 to \$117 per square foot per unit. B3 will sell for \$144,000 for a smaller two bedrooms. The three bedrooms are selling for \$164,000 and \$174,000. The two bedrooms range from \$111 to \$102 per square foot and the three bedrooms range from \$113 to \$114 per square foot. The uniqueness of it more than anything is the fact that most townhomes and condos do not have two bedrooms and 2.5 baths. The beauty of the project is its uniqueness. Its location is right next to Highway 59, all three schools, close to shopping, 7-10 minutes from Sugar Land. This would be good for the City for singles, elderly, and empty nesters. The amenities are good.
- Chairperson Pavlovsky inquired if this conforms to requirements of WFBMD standards.
- Mr. Tanner replied that they have not gotten to that step yet.
- Chairperson Pavlovsky inquired what the distance is from Airport Avenue to the narrow end of this property.
- Mr. Juarez replied that he is not sure.
- Mr. Tanner replied about 1,500 feet.
- Mr. Juarez replied that 1,800 feet would be his educated guess.
- Commissioner Casias inquired what was meant when Mr. Tanner said it would raise the bar in other areas.
- Mr. Tanner replied that if the Planning Commission recommended moving forward with the developer, we will gain flexibility from some of the standards. In this case it would be the parking that they would be required to exceed other standards that the City has. They would have to do a number of items that go above and beyond what the City would typically require.
- Commissioner Casias inquired that when looking at the variances, it says 203 units are to be developed but isn't the number 200 units per multi-family.
- Mr. Tanner replied that he will have to look at acreage and density requirements, but density might be an issue as well. The main thing with multi-family developments is the parking requirements. To avoid this, we have to do a plan development.
- Commissioner Casias stated that if entrances and exits to this development are on Airport, safety and welfare need to be considered. Are there turning lanes here?
- Mr. Tanner replied that if this is approved by the Planning Commission, this developer would have to do a traffic impact analysis or study. Their traffic engineer would have to determine what offsite improvements are required as far as turning lanes, so that would be a component of the project, too.
- Commissioner Casias stated that this is especially important because it is right by the high school.
- Mr. Juarez stated that this is not even 14 units per acre; it is 13.5 units per acre. It is below the amount stated in the ordinance.
- Mr. Tanner replied that the ordinance might say 12, but that needs to be verified. The main thing is the

parking. The density requirement will have to be looked at. There will be one or two things here that will not comply with the ordinance.

- Mr. Juarez stated that there are 508 cars including 203 attached garages and 387 parking spaces included.
- Commissioner Poldrack stated that one of the requirements of a planned unit development is all single family residential lots shall front on a public street right-of-way. Does that meet requirements?
- Mr. Tanner replied that these would not be separate lots. That would be more like town homes, patio homes, or single family homes, but this property is not going to be subdivided.
- Commissioner Parsons inquired if that is a requirement of a PUD by ordinance.
- Mr. Tanner replied that it is, but these are not single family residential lots. It would be considered multi-family use by City Ordinance.
- Commissioner Parsons inquired about the mention of an exit going to FM 2218. Where is that going to be?
- Mr. Juarez replied that it is not, but if it is required, it can be put in.
- Commissioner Parsons stated that if there is a catastrophic event on Airport, nobody will be able to get in or out of this complex.
- Commissioner Poldrack stated that the requirements state that there must be two separate entrances when there is that much distance in between.
- Mr. Juarez replied that the concern is understood. The front part is commercial. La Michoacana Market is already there, but there will be also strip center buildings on the front facing Airport.
- Mr. Tanner stated that there is a request from the Commission for direction at this time.
- Commissioner Parsons stated that we have far in excess of units that could be rented. We should not add those because people from other units move into these and those other units go bad. Not in favor of addition of multi-family development. Concentration of individual properties to individual people should be focused on.
- Commissioner Urbish stated that the problem is that people rent out those properties also. There are a lot of people that would be attracted to this kind of development. Typically, if someone owns their own place, they will not run it down near as bad as something rented. Likes the idea of it because Rosenberg is growing and this is different from an apartment complex.
- Vice Chairperson Phipps stated his agreement and replied that we must also look at median price of \$115,000. Someone will not rent it out for \$500-\$600 a month, so if it does get subleased, it will be taken care of by someone who can afford it.
- Mr. Juarez replied that it would be \$1,500 per month. The amenities exceed any rental property.
- Commissioner Poldrack stated that we have half of the community that is transient, then there is not an attachment to the community. He is not big on any kind of multi-family development. An investor could easily come in and buy some units and rent them out.
- Commissioner Parsons replied that this is a price range of \$103,600 - \$174,100. In today's market, this is not a growth item for housing. We have 20 years of housing that is already platted that will sell for the same amount, so all this does is add to that inventory which is not in the best interest to the City of Rosenberg for the next 25 to 50 years.
- Mr. Juarez stated that this is beneficial to the City of Rosenberg because it is a different option for people.

**Action Taken:** Commissioner Poldrack moved, seconded by Commissioner Parsons, to decline from making a recommendation of support to City Council for this proposed multi-family Planned Unit Development.

**Additional Discussion:**

- Commissioner Parsons stated that even if the Commission does not support this project, it can still go to City Council to be decided on.
- Vice Chairperson Phipps stated that the ingress and egress issues need to be looked at.
- Mr. Juarez stated that the Fire Marshal would do that.
- Mr. Tanner stated that if this project were to go forward that there would be administrative review process beyond the Planning Commission and City Council. They would have to meet all fire code and mitigate traffic concerns.
- Commissioner Parsons stated that if those changes are made, Mr. Juarez may come back and present it again.

**Action Taken:** Upon voting, the motion failed by a vote of three "ayes" to three "noes". **Ayes: Chairperson Pavlovsky, Vice Chairperson Phipps, and Commissioner Urbish. Noes: Commissioners Poldrack, Parsons, and Casias.**

**No additional action taken.**

**11. HEAR AND DISCUSS A PRESENTATION BY GSSW REAL ESTATE INVESTMENTS REGARDING A**

## POTENTIAL MULTI-FAMILY PLANNED UNIT DEVELOPMENT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

**Executive Summary:** Thomas W. Sabin, Jr., of GSSW Real Estate Investments has requested an opportunity to present a preliminary plan for a multi-family development, Fountains of Rosenberg Phase II, adjacent to the existing Fountains of Rosenberg multi-family development off of Fountains Drive, south of I-69. The proposed addition would contain 114 units. Mr. Sabin contacted City staff regarding multi-family residential development of this location and was notified of the City's parking requirements of four (4) spaces per one-bedroom unit, five (5) spaces per two-bedroom unit, and six (6) spaces per three-bedroom unit. Like the previous project, the parking requirements would be prohibitive of this development as proposed. Therefore it was communicated to Mr. Sabin that the project could only be done through a PUD recommended by the Planning Commission and approved by City Council. Before spending additional time on the project, it was suggested by staff that the concept be presented to the Planning Commission to receive direction. Also, similar to the previous Agenda item, if approved by the Planning Commission and City Council, the PUD would be subject to the West Fort Bend Management District standards.

### **Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Tom W. Sabin, Jr., of 6239 Northwood Road, Dallas, Texas, stepped forward to address the Commission. His group bought the 184-unit Fountains property a year ago from Maple Avenue Economic Development Corporation, which was a non-profit organization. Fuller Real Estate Partners owns 65 acres to the west including a 5-acre parcel immediately adjacent to our western boundary. Fountains Apartments were built in 2002. This plan for Fountains II has 114 units within it and we would tear down the existing clubhouse facility and rebuild it to tie the two properties together. This plan had direct access garage for 18-25 units. It would be \$15 million, \$160 per square foot with \$110 in hard cost and \$35 in soft cost plus land. It is hard to see how this property may develop if not to expand the Fountains. The east side backs up to multi-family and drainage to southern boundary. We would like to build a 2014 product there to enhance the 184 units. We have a forty year HUD loan on this but we expect to have this in our hand much sooner. We are operated by a life insurance company and thirty years is short term in our thinking. We do not plan to show up and leave.
- Commissioner Casias inquired of Mr. Tanner if these projects are being brought to the Commission because they do not comply with multi-family ordinances to be put into a plan unit development.
- Mr. Tanner replied that this is the only way to do the project.
- Commissioner Casias inquired if future variances will be requested.
- Mr. Tanner replied that our housing market is booming, so there are many requests like this. It is up to the Commission if each consider each project on its own merit.
- Commissioner Casias stated that there is a parking issue and that this is a three-story multi-family complex when the ordinance only allows two-story developments. This is a new purchase however, our ordinance limits overall multi-family development size to 200 units. As a Phase II, this project does not comply with the ordinance.
- Mr. Tanner replied that these projects have not been reviewed and that will be done, however the parking requirement is a challenge, so that is the main thing to bring up. A detailed review for compliance with all City ordinances has not been done. The applicants are presenting an overall plan to determine if it will be something the City is agreeable to.
- Commissioner Parsons stated that if we want to encourage more multi-family developments, the parking requirements should be changed.
- Mr. Tanner replied that the Commission does not want to change the parking.
- Commissioner Parsons inquired if Mr. Tanner knew the apartment occupancy in Rosenberg.
- Mr. Tanner replied that the only way to generate that data would be to call all the apartment complexes.
- Commissioner Parsons inquired if there is a demand for more apartments or is the demand being created by the developers? The only reason the parking ordinance was written was to discourage the continuance of the proliferation of apartment complexes.
- Councilor McConathy replied that she understands his reservations but the City has already done a PUD for MUD 144 with Sam Yager.
- Mr. Sabin stated that he understands that he likely will not change the Commission's mind but their units are full and they could rent these new units immediately if he had them in hand.
- Chairperson Pavlovsky inquired how old the project is that is there now.
- Mr. Sabin replied that it was built in 2002. We have spent over \$400,000 out there.
- Chairperson Pavlovsky stated that he appreciates that they invested here but that implies that renters tear up the property.
- Mr. Sabin replied that the main reason they have invested as much as they have thus far is the property

was not very well managed.

- Commissioner Poldrack stated that it is detrimental to the community to have half of the population transient.
- Mr. Sabin replied he lives in Dallas and there is a large amount of rental property up there and it is generally very nice. For this adjacent property, it is a logical step to develop Phase II.
- Chairperson Pavlovsky stated that there are many issues with this project and our ordinances. The three-story building height and parking are the big ones.
- Mr. Sabin replied that a two-story project can be built if that is preferable.

**No action taken.**

**12. CONSIDERATION OF AND ACTION ON EXHIBIT C – THIRD REVISION, A DEVELOPMENT PLAN FOR BONBROOK PLANTATION, BEING 448.62 ACRES OF LAND OUT OF THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS.**

**Executive Summary:** The Third Revision to the Development Plan for Bonbrook Plantation contains 448.62 acres and 1,300 residential lots. Bonbrook Plantation (Fort Bend County MUD No. 155) is located on both the north and south sides of Reading Road between Benton Road and Bridlewood Estates in the Extraterritorial Jurisdiction (ETJ).

It is important to note that, of the 1,300 lots suggested in the proposed, revised Development Plan, plats have already been recorded for 1,044 lots (or approximately 80 percent of the development). Additionally, plats are in the review process for 176 lots. The reason for the revised Development Plan is to change a 23.4-acre tract currently designated as multi-family residential to single-family residential, sixty-foot (60') lots.

The subject area is generally located at the northeast corner of Benton and Reading Roads. The change represents a likely decrease in the density of the development. Further, all proposed lots would comply with current standards. Overall, 54 percent of the lots in the development will be sixty feet (60') or greater in width at build-out, compared to only 42 percent per the previously-approved Land Plan.

If recommended for approval by the Planning Commission, the next step would be City Council consideration of a Resolution amending this exhibit of the Development Agreement for MUD No. 155. Following a detailed review, City staff finds no issues with the proposed amendment. Single-family residential could be considered a better use for this location. The area must still comply with all platting requirements, and preliminary and final plats must come before the Planning Commission. Staff recommends the Planning Commission make a recommendation of approval to City Council for the Exhibit C – Third Revision, a Development Plan for Bonbrook Plantation.

**Key Discussion:**

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

**Action Summary:** Commissioner Parsons moved, seconded by Commissioner Poldrack to approve the Exhibit C – Third Revision, a development plan for Bonbrook Plantation, being 448.62 acres of land out of the Wiley Martin League, Abstract 56, Fort Bend County, Texas. The motion carried unanimously.

**13. CONSIDERATION OF AND ACTION ON A RECOMMENDATION TO CITY COUNCIL REGARDING A DEVELOPMENT AGREEMENT WITH DRY CREEK (HOUSTON) ASLI VII, LLC, A DELAWARE LIMITED LIABILITY COMPANY, IN ASSOCIATION WITH FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 184.**

**Executive Summary:** Over the last several months, City staff has been in discussions with a developer regarding the development of an approximately 502.6-acre tract at the southwest corner of A. Meyers and Berdette Roads, immediately south of Bridlewood Estates. The tract is largely in the Extraterritorial Jurisdiction (ETJ), with the exception of the City Limits abutting Dry Creek, and in proposed Fort Bend County Municipal Utility District No. 184. The Development Agreement is being brought to the Planning Commission to make a recommendation to City Council. Please note that due to the size of the associated Exhibits, they have not been included in this packet in order to conserve supplies. A print copy of the full Development Agreement and all Exhibits is available for review in the City Secretary's office.

Following are main points of the Agreement:

1. The development will follow the City's current "Subdivision" Ordinance and Design Standards for public infrastructure
2. Plats will come before the Planning Commission and must comply with lot size and other applicable requirements.
3. 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.

4. The Development Agreement contains a safeguard regarding the improvement of A. Meyers Road. It is currently anticipated that Fort Bend County will construct A. Meyers as a major thoroughfare; however if the County doesn't commence work, the developer must construct the southern half or two (2) future eastbound lanes of the road in phases before the subdivision is platted (see Agreement for details).

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 current ordinances. City staff recommends that the Planning Commission recommend approval to City Council of the Development Agreement for Fort Bend County MUD No. 184.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired if this is in concurrence with development discussed in Executive Session some time ago.
- Mr. Tanner replied that it was.

**Action Taken:** Commissioner Parsons moved, seconded by Vice Chairperson Phipps, to recommend approval to City Council regarding a Development Agreement with Dry Creek (Houston) ASLI VII, LLC, a Delaware limited liability company, in association with Fort Bend County Municipal Utility District No. 184.

**Additional Discussion:**

- Commissioner Casias inquired if this Agreement will have a development timeline.
- Mr. Tanner replied that he believes that is in the utility agreement but that would need to be verified. It is something that has been discussed with the developer in the past and he believes that requirement is in one of these two agreements but would need to verify.
- Commissioner Parsons modified his motion to support that 10 year timeline; Vice Chairperson Phipps seconded the revised motion.
- Commissioner Poldrack inquired about the product to be placed on the lots and what the starting price range is targeted to be.
- Vahid Tabrizi of 569 Rancho, Houston, Texas, stepped forward to address the Commission and stated this development is being contracted with three builders. We anticipate prices to start at the 60-foot level from \$200,000 to \$350,000 for 75-foot lots.
- Commissioner Poldrack inquired if there would be any lots below \$200,000.
- Mr. Tabrizi replied that that cannot be requested from builders what the price point will be. Only the square footage may be dictated.
- Commissioner Poldrack inquired what the square footage will be.
- Mr. Tabrizi replied that the minimum is 1,800.
- Commissioner Poldrack inquired who the builders would be.
- Mr. Tabrizi replied that the builders are Meritage Homes, Hovnanian Homes, and Westin Homes.
- Commissioner Poldrack inquired when the expected start date is for the development.
- Mr. Tabrizi replied that construction will be 3 to 4 months.
- Mr. Tschirhart clarified that this recommendation to present this to City Council is subject to the ten year platting requirement.

**Action Taken:** Commissioner Parsons moved, seconded by Vice Chairperson Phipps, to recommend approval to City Council regarding a Development Agreement with Dry Creek (Houston) ASLI VII, LLC, a Delaware limited liability company, in association with Fort Bend County Municipal Utility District No. 184 with the inclusion of a provision that the Agreement provides for a ten-year subdivision completion requirement for Stonecreek Estates. Upon voting, the motion carried unanimously by those present.

**14. CONSIDERATION OF AND ACTION ON A GENERAL PLAN OF STONECREEK ESTATES, BEING 502.6 ACRES OF LAND OUT OF THE WILEY MARTIN SURVEY, A-56, E.P. EVERETT SURVEY, A-387, FORT BEND COUNTY, TEXAS.**

**Executive Summary:** The proposed General/Land Plan for Stonecreek Estates consists of 502.6 acres and up to 1,400 single-family residential lots. As discussed in the previous agenda item, the development is located at the southwest corner of A. Meyers and Berdette Roads, immediately south of Bridlewood Estates. It is largely in the Extraterritorial Jurisdiction (ETJ), with the exception of the City limits abutting Dry Creek, and in proposed Fort Bend County Municipal Utility District No. 184.

It is noted in the plan that all lots will be a minimum of sixty feet (60') in width, with a minimum average size of 7,000

square feet and minimum overall size of 6,500 square feet per the current "Subdivision" Ordinance. There will be approximately 349.6 acres of residential development (all single-family) according to the Plan. The Plan also calls for a minimum of 26.3 acres in improved parkland to be set aside (based on 1,400 lots) per City ordinance. Overall there will be 105.5 acres of open space including parks, detention, landscape reserves, etc. Finally, the development has two (2) non-residential sites consisting of 17 acres.

From the standpoint of traffic impacts, the developer has submitted a traffic impact analysis (TIA) for the City's review; however, the development will mostly impact County roads. As discussed in the previous agenda item, the development will result in the improvement of A. Meyers Road to a major thoroughfare, whether the County completes the project or not. Additionally, the development proposes one internal eighty-foot (80') collector street right-of-way. Plats will be required to comply with the minimum number of access points to a collector.

The proposed Land Plan appears to comply with all applicable standards of the City of Rosenberg related to development in the ETJ. City staff recommends approval of the General/Land Plan for Stonecreek Estates.

**Key Discussion:**

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky inquired if any part of the green space is considered along the Dry Creek area.
- Mr. Tanner replied that it is, but it cannot be used to meet the parkland dedication requirements.

**Action Taken:** Commissioner Parsons moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the General Plan of Stonecreek Estates, being 502.6 acres of land out of the Wiley Martin Survey, A-56, E.P. Everett Survey, A-387, Fort Bend County, Texas. The motion carried unanimously.

**15. 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.

As far as updates, on August 5, 2014, City Council approved the Professional Services Agreement for the City's Comprehensive Plan to be updated by Kendig Keast Collaborative. The Plan was last updated in 1995. The Planning Commission will obviously be involved in this process. Staff will be providing more information in the near future.

Additionally, staff expects to follow up on the previous discussion of masonry standards in the near future. We expect that, as well as the "Parking" Ordinance amendments that were recently discussed, to be on a City Council Workshop Agenda in the fall.

Finally, attached for the Planning Commission's reference is a report on residential development during the Second Quarter (April-June) of 2014; 251 house starts occurred in the City and ETJ during this time period. This represents a 39 percent increase compared to this time last year, which was also a period of rapid growth for Rosenberg. Plats were also submitted for 358 new lots. See the attached report for further details.

**Key Discussion:**

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

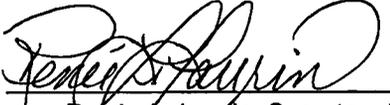
**No action taken.**

**16. ANNOUNCEMENTS**

- Chairperson Pavlovsky reminded those present that the Holy Rosary Church would be having barbecue on Sunday.

**17. ADJOURNMENT**

There being no further business, Chairperson Pavlovsky adjourned the Rosenberg Planning Commission Meeting at 5:27 p.m.

  
Renée LeLaurin, Secretary II