

PLANNING COMMISSION MEETING MINUTES

On this the 15th day of June, 2016, the Planning Commission of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Meeting at the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

Present: James Urbish, Chairperson
Lester Phipps, Jr., Vice Chairperson
Wayne Poldrack, Commissioner
Steven Monk, Commissioner
William Bennett, Commissioner

Absent: Sergio Villagomez, Commissioner

Staff Present: Travis Tanner, Executive Director of Community Development
Ian Knox, Planning Administrator
Charles Kalkomey, City Engineer
Randall Malik, Economic Development Director
Janet Eder, Senior Administrative Specialist

Attendees: Benjamin J. Chiasson, Duplantis Design Group
Tej Kour, Neel-Schaffer
Marti Wagner, The Blue Book

CALL TO ORDER

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

PUBLIC HEARINGS

None.

MINUTES

1. **Consideration of and action on minutes of the Regular Planning Commission Meeting for May 18, 2016.**

ACTION

Motion by Vice Chairperson Lester Phipps, Jr., seconded by Commissioner Wayne Poldrack to approve the minutes of the Regular Planning Commission Meeting for May 18, 2016 as presented.

Vote: 5 - 0 Carried unanimously by those present.

VARIANCE REQUESTS

None.

SUBDIVISION LAND PLANS AND PRELIMINARY PLATS

2. **Consideration of and action on a Preliminary Plat of Hwy 36 Plaza, a subdivision of 3.3090 acres or 144,141 sq. ft. situated in the G.M. Stone 1/3 League, Abstract No. 312, City of Rosenberg, Fort Bend County, Texas; 2 reserves and 1 block.**

EXECUTIVE SUMMARY

The Preliminary Plat of Hwy 36 Plaza consists of 3.3090 acres consisting of two (2) restricted commercial reserves in one (1) block at the southeast intersection of State Highway 36 and J. Meyer Road.

At least one (1) of the restricted commercial reserves will be for the purposes of a gas station and convenience store development, while the use of the other proposed reserve is unknown, aside from being restricted to commercial use. This development will be dedicating necessary right-of-way to J. Meyer Road, which is identified as an arterial on the City's Thoroughfare Plan. The right-of-way will be dedicated by the Plat once approved and filed, similar to other developments affected by the Thoroughfare Plan.

Seeing no conflicts with applicable regulations, staff recommends approval of the Preliminary Plat of Hwy 36 Plaza.

KEY DISCUSSION

- Mr. Knox presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired about who will provide utilities for the development.
- Mr. Kalkomey replied that the City will provide utilities.
- Chairperson Urbish inquired if the widening of State Highway 36 was considered when the project began.

- Mr. Knox stated that the City spoke with the applicant and suggested that they speak with TxDOT about the right-of-way before Final Plat.
- Commissioner Poldrack stated that construction of the the right-of-way has started and that it should be completed by the end of year 2016 per a conversation with a Fort Bend County representative.

ACTION

Motion by Commissioner Wayne Poldrack, seconded by Vice Chairperson Lester Phipps, Jr. to approve the Preliminary Plat of Hwy 36 Plaza, a subdivision of 3.3090 acres or 144,141 sq. ft. situated in the G.M. Stone 1/3 League, Abstract No. 312, City of Rosenberg, Fort Bend County, Texas; 2 reserves and 1 block.

Vote: 5 - 0 Carried unanimously by those present.

3. **Consideration of and action on a Preliminary Plat of Walnut Creek Reserves, being 45.25+/- acres of land and containing seven reserves out of the Wiley Martin League Survey, A-56, the E.P. Everett Survey, A-387, and the Eugene Wheat Survey, A-396, City of Rosenberg, Fort Bend County, Texas.**

EXECUTIVE SUMMARY

The Preliminary Plat of Walnut Creek Reserves consists of approximately 45.25 acres of land that contains seven (7) reserves. The location of these reserves is in the Walnut Creek subdivision, and is a part of Fort Bend County Municipal Utility District No. 152. The platted area lies partially within the City Limits and partially within the Extraterritorial Jurisdiction of Rosenberg.

On the west side of Benton Road, three (3) of the proposed reserves are intended for landscaping, open space, and detention/drainage abutting Dry Creek, while one (1) is for a drill site. On the east side of Benton Road, three (3) reserves consist of Dry Creek.

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

KEY DISCUSSION

- Mr. Knox presented the item and reviewed the Executive Summary.
- Vice Chairperson Phipps inquired about the kind of drill site.
- Mr. Kalkomey replied that the drill site would be oil and gas.

ACTION

Motion by Vice Chairperson Lester Phipps, Jr., seconded by Commissioner Wayne Poldrack to approve the Preliminary Plat of Walnut Creek Reserves, being 45.25+/- acres of land and containing seven reserves out of the Wiley Martin League Survey, A-56, the E.P. Everett Survey, A-387, and the Eugene Wheat Survey, A-396, City of Rosenberg, Fort Bend County, Texas.

Vote: 5 - 0 Carried unanimously by those present.

FINAL PLATS

4. **Consideration of and action on a Final Plat of Casa de Oracion Place, a replat of 6.1444 acres (267,561 sq. ft.) of land being Lots, 3, 4 and 5, Block 2, Montrose Acres, a subdivision in the City of Rosenberg, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume 196 page 444-A of the Deed Records of Fort Bend and a 3.45 acre tract in Henry Scott League, Abstract No. 83, Fort Bend County, Texas; 1 block and 1 reserve.**

EXECUTIVE SUMMARY

The Final Plat of Casa de Oracion Place is a replat consisting of 6.1444 acres located on the south side of Brooks Avenue between 1st Street and Bamore Road.

The north half of the proposed replat was originally platted as Montrose Acres, Block 2, Lots 3 through 5, while the south half is 3.44 acres of unplatted property. The owner wishes to combine the properties into one for the purpose of building a church.

The Planning Commission approved the Preliminary Plat of Casa de Oracion Place on February 17, 2016. Seeing no conflicts with applicable regulations, and with the proposed Final Plat being consistent with the approved Preliminary Plat, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Casa de Oracion Place.

KEY DISCUSSION

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

ACTION

Motion by Commissioner Wayne Poldrack, seconded by Vice Chairperson Lester Phipps, Jr. to recommend approval to City Council of the Final Plat of Casa de Oracion Place, a replat of 6.1444 acres (267,561 sq. ft.) of

land being Lots, 3, 4 and 5, Block 2, Montrose Acres, a subdivision in the City of Rosenberg, Fort Bend County, Texas, according to the map or plat thereof recorded in Volume 196 page 444-A of the Deed Records of Fort Bend and a 3.45 acre tract in Henry Scott League, Abstract No. 83, Fort Bend County, Texas; 1 block and 1 reserve.

Vote: 5 - 0 Carried unanimously by those present.

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

EXECUTIVE SUMMARY

The Final Plat of Mons Plaza Partial Replat No. 1 consists of 6.47 acres of land located at the southeast corner of State Highway 36 and Mons Avenue. The property runs east-west for nearly 900 feet on the south side of Mons, with the eastern property line being at the edge of the proposed 4th Street, which will be extended south as part of this development pursuant to the City's Thoroughfare Plan and an existing Performance Agreement with the developer.

The replat is proposing to combine two (2) restricted commercial reserves into one (1) for the purposes of a Walmart neighborhood market grocery store. The platting of this property will also necessitate an off-site dedication of the future 4th Street right-of-way south of the property to connect to City storm sewer in Rice Street. At or before Final Plat approval, the right-of-way of 4th Street must be acquired and dedicated to the City.

The Planning Commission approved the Preliminary Plat of Mons Plaza Partial Replat No. 1 on April 20, 2016, adding that the traffic impact analysis (TIA) shall be approved, and proposed curb cuts agreed on, before Final Plat approval. At the time of this report, the TIA is still being finalized. However, Walmart representatives have stated it will be completed before the Planning Commission meeting and requested that the Final Plat be placed on the agenda. Walmart representatives will be available to provide an overview of traffic impacts and proposed mitigation at the meeting.

KEY DISCUSSION

- Mr. Knox presented the item and reviewed the Executive Summary.
- Mr. Benjamin J. Chiasson, Duplantis Design Group, 303 Thoroughbred Parkway, Thibodaux, LA 70301 addressed the Commission.
- Mr. Chiasson stated that the traffic impact analysis (TIA) was submitted to City staff this morning, therefore staff has not had the opportunity to review. Mr. Chiasson stated that changes have been made to the access points. Also, the access driveway nearest State Highway 36 off of Mons has been reduced from full access to right-in only.
- Commissioner Poldrack inquired why the traffic impact analysis (TIA) report was not available for review prior to the June 15, 2016 Planning Commission meeting.
- Mr. Chiasson replied that changes were made to the TIA report that he felt were positive for the development.
- Commissioner Poldrack stated that he did not want to discuss the TIA any further until the report was made available for staff to review. Commissioner Poldrack suggested that the Final Plat of Mons Plaza Partial Replat No.1 be tabled the next agenda when the TIA has been reviewed.
- Vice Chairperson Phipps agreed with Commissioner Poldrack on tabling the Final Plat of Mons Plaza until the next agenda when the TIA has been reviewed.

ACTION

Motion by Commissioner Wayne Poldrack, seconded by Vice Chairperson Lester Phipps, Jr. to table the Final Plat of Mons Plaza Partial Replat No. 1, a subdivision of 6.4700 acres or 281,835 square feet of land, being a replat of Restricted Reserves "A" and "C", Mons Plaza, recorded under Plat No. 20060289, Fort Bend County Plat Records, situated in the Henry Scott League, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 1 block and 1 reserve until the next agenda when the TIA has been reviewed.

Vote: 5 - 0 Carried unanimously by those present.

DISCUSSION ITEMS

6. **Consideration of and action on proposed revisions to Code of Ordinances, Chapter 6, Article XVI. - Parking Lot Standards and Specifications, and Article VIII. - Multi-Family Developments.**

EXECUTIVE SUMMARY

As discussed at the March 16, 2016 Planning Commission Meeting, one of the topics frequently brought up by the Planning Commission and City Council is the need to revise the City's parking requirements. Potential redrafting and amendments to the City's land development and related code elements, such as parking, is also addressed extensively in the Comprehensive Plan. As discussed, City staff worked with a consultant on some of the needed code review and revision services, the first of which to be addressed was parking. The attached proposed ordinance revisions generally provide for the following.

- Shared parking for mixed uses with variable peak parking hours, and related requirements;
- Improved identification of how nonconforming parking lots are dealt with;

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

Following discussion at the March 16, 2016 Planning Commission meeting, staff is recommending amendments to the Multi-Family Development standards at this time as well. Essentially, the parking standards would be made less restrictive as they pertain to multi-family developments, and the multi-family development standards themselves would be made more restrictive, including but not limited to the following:

- Higher masonry standards (75%);
- Gating for security purposes; and
- Giving the Commission and Council the discretion to deny a multi-family development site plan if it would result in an undue concentration of multi-family as defined in the ordinance.

Additional changes have been made to the parking standards as well following the March 2016 discussion, namely removing any provisions for unpaved parking. All proposed changes to Chapter 6, Articles XVI and VIII, are attached for further review. Staff recommends a recommendation of approval to City Council of the proposed ordinance revisions, as they should improve administration of the City's parking and multi-family standards, in addition to helping applicants better understand the standards.

KEY DISCUSSION

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Vice Chairperson Phipps stated that the Code of Ordinances - Parking Lot Standards and Specifications and Multi-Family Developments comply with stipulations requested.
- Chairperson Urbish inquired if the trade off with parking and other parts of the provisions would equal out on apartment complexes. Also, would there be an option to turn down apartments.
- Mr. Tanner replied that the Planning Commission would review each request on a case-by-case basis. This would allow the Planning Commission the opportunity for obtaining approval and then making a recommendation for approval to Council.
- Commissioner Poldrack stated that he was not in favor of changing parking requirements in apartment complexes. Commissioner Poldrack inquired about four (4) bedroom apartments.
- Mr. Tanner replied that four (4) bedroom apartments are not included in the Code of Ordinances.
- Commissioner Poldrack was in favor of having two parking spaces for a one bedroom, three parking spaces for a two bedroom and four parking spaces for a three bedroom apartment.
- Commissioner Poldrack inquired if it would be unreasonable to have on-site resident management if the complex met the criteria.
- Mr. Tanner replied that the option of having on-site resident management would be considered.
- Commissioner Poldrack inquired if there could be a provision to include on-site resident management. Commissioner Poldrack stated that he liked the increase in pavement width from sixteen (16') to twenty (20') feet.
- Chairperson Urbish inquired about the masonry standard compared to single-family residential.
- Mr. Tanner replied that one-story single-family residences would require 75% masonry and two-story single family residences would require 50% masonry.
- Chairperson Urbish stated that a similar masonry increase was an improvement in the multi-family development standard.
- Mr. Tanner replied that the increased multi-family masonry standard was needed because it affects the quality of the construction.
- Chairperson Urbish stated that the use of hardiplank and masonry helps cut down on maintenance issues.
- Chairperson Urbish agreed with Commissioner Poldrack on the parking space issue of going with 2,3 and 4, respectively.
- Commissioner Poldrack inquired if the Code of Ordinances addressed visitor parking.
- Mr. Tanner replied that ten (10%) of the parking lot had to be designated for visitors.
- Commissioner Poldrack suggested that on-site management be included in the recommendation to Council should the apartment complex meet certain criteria.
- Commissioner Bennett agreed to having on-site management.

ACTION

Motion by Commissioner Wayne Poldrack, seconded by Commissioner William Bennett to recommend approval to City Council of the proposed revisions to Code of Ordinances, Chapter 6, Article XVI. - Parking Lot Standards and Specifications, and Article VIII. - Multi-Family Developments, with the changes to the Multi-family parking and on-site resident management.

Vote: 5 - 0 Carried unanimously by those present.

7. **Consideration of and action on proposed revisions to Code of Ordinances, Chapter 25, Article III, Sec. 25-68. - Building lines - Single-family lots, and Chapter 6, Article XV. - Building and Setback Lines.**

EXECUTIVE SUMMARY

As discussed, City staff has continued work on a project to review and revise specific development related ordinances. This particular item relates to building setback lines; it is mostly due to past issues with variances being required for both carports and primary structures in subdivisions that predate the City's current building setback lines. For example, an older subdivision may contain many existing carports, or even primary structures, encroaching on the currently required building lines; however, a variance through the Planning Commission and City Council (approximately a 3-month process) is required to essentially match the character of the existing area. The proposed revisions seek to resolve these issues, in addition to making the overall process clearer. Following is a brief summary of the revisions:

- Minor corrections to Chapter 6, Article XV;
- Allowance of carports encroaching on required setbacks when two (2) or more existing carports on the same street or block as the subject property, or five (5) or more in the same subdivision, encroach on the setbacks required in Section 25-68. Other conditions apply (e.g., 5' minimum setback, compatibility with existing structure);
- Allowance for "special exceptions" to residential building setback lines. For example, if a variance is sought to the building line requirements, rather than go through a lengthy process to Planning Commission and City Council as prescribed by the "Subdivision" ordinance, the Commission would have the authority to potentially grant an exception under conditions as they may apply. Variances, on the other hand, would then be reserved for variances during the actual subdivision process, rather than building or adding to a home; and
- Lots in subdivisions platted prior to the effective date of the ordinance shall not be required to meet the setback requirements if the applicant can present information, and City staff can verify, that the proposed construction will have setbacks greater than or equal to the average setback on the same block or street as the subject property.

The proposed revisions would address a number of issues that have come about recently. Staff recommends the Planning Commission recommend approval to City Council of the proposed revisions.

KEY DISCUSSION

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired about the meaning of the word, block.
- Mr. Tanner replied that a block is defined as being bound by streets, as in the plat and legal description.
- Commissioner Poldrack inquired about fees for administrative approval.
- Mr. Tanner explained that the applicant would need to receive administrative approval by the City and apply for building permits. There would be no staff time necessitating additional fees.

ACTION

Motion by Commissioner Wayne Poldrack, seconded by Vice Chairperson Lester to Phipps, Jr. to recommend approval to City Council of the proposed revisions to Code of Ordinances, Chapter 25, Article III, Sec. 25-68. - Building lines - Single-family lots, and Chapter 6, Article XV. - Building and Setback Lines.

Vote: 5 - 0 Carried unanimously by those present.

8. **Consideration of and action on proposed revisions to Code of Ordinances, Chapter 25, Article III, Sec. 25-61. - Streets.**

EXECUTIVE SUMMARY

After discussion and direction from the Planning Commission at the May 18, 2016 meeting, the attached ordinance revisions provide for the following:

- Minimum local street pavement width of thirty (30) feet, measured inside of curb to inside of curb; and
- Allowance of rural streets only in areas identified as rural in the Comprehensive Plan (mostly west of Spur 10), and as otherwise deemed appropriate by the City Engineer (i.e., existing areas with asphalt, open ditch streets).

Should the Planning Commission recommend approval, the attached revisions will be presented to City Council in a Workshop meeting in the near future along with the other ordinance revisions on this agenda.

KEY DISCUSSION

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Mr. Tanner stated that the local street pavement width of thirty (30') feet would need to go before City Council for approval.
- Commissioner Poldrack stated that he hoped that City Council would approve the thirty (30') foot minimum local street pavement width because he feels as though it would be a step in the right direction.
- Chairperson Urbish stated that he preferred regular curbs as opposed to drive-over curbs.

ACTION

Motion by Chairperson James Urbish, seconded by Commissioner Wayne Poldrack to recommend approval to City Council of the proposed revisions to Code of Ordinance, Chapter 25, Article III, Sec. 25-61.

Vote: 5 - 0 Carried unanimously by those present.

9. **Review and discuss notification process for certain developments and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

Staff has placed this on the agenda as a discussion item to allow the Planning Commission to review and discuss notification processes for new developments within the City of Rosenberg.

KEY DISCUSSION

- Mr. Knox presented the item and reviewed the Executive Summary.
- Commissioner Poldrack inquired if it is the developer's responsibility to hold a public hearing.
- Mr. Knox stated that a replat requires a public hearing, unless otherwise written in the City Ordinances.
- Commissioner Poldrack requested that the notification process be left as is.
- No action was taken.

10. **Review and discuss potential recommendation to City Council on a road impact fee study, and take action as necessary to direct staff**

EXECUTIVE SUMMARY

This item has been placed on the agenda for discussion at the request of the Planning Commission at their May 18, 2016 meeting. Attached for review is a meeting minute excerpt from the last time this issue was discussed on November 19, 2014.

KEY DISCUSSION

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Mr. Tanner stated that the road impact fee does not apply to the Extraterritorial Jurisdiction (ETJ).
- Chairperson Urbish inquired how the road impact fee was determined in relationship to the lot.
- Commissioner Poldrack inquired about the cost of the road impact study.
- Mr. Tanner explained that the cost of the road impact study would cost between \$50,000 to \$70,000 per the City Engineer.
- Commissioner Poldrack inquired about the required minimum acreage for developing a parcel.
- Mr. Tanner replied that most Municipal Utility Districts (MUD's) include approximately 500 acres, while master planned communities include 1,000 acres. Mr. Tanner stated that there are few, if any, 1,000-acre tracts in the City Limits.
- Commissioner Poldrack inquired about the large tract of land owned by Union Pacific.
- Mr. Tanner replied that the only large tract of land that he was aware of was off Spur 10 owned by Union Pacific.
- Commissioner Poldrack inquired if Union Pacific planned to use the tract for a rail yard.
- Mr. Malik replied that he was not aware of any plans at this time.
- No action was taken.

11. **Consideration of and action on requests for future Agenda items.**

EXECUTIVE SUMMARY

This item allows the Planning Commission the opportunity to request that items be placed on future agendas.

KEY DISCUSSION

- Commissioner Poldrack requested that an overview of flood planning and drainage requirements be given at the next Planning Commission meeting.
- Mr. Kalkomey stated that major improvements have been made toward flood prevention in the City, including the Seabourne Creek Water Shed and Dry Creek detention off Ricefield Rd. where approximately 65-acres have been dedicated to detention. Mr. Kalkomey stated that the crossing under State Highway 36 was the only remaining improvement to be completed.
- Commissioner Poldrack stated that an overview of flood planning will not need to be discussed at the next Planning Commission meeting since Mr. Kalkomey gave an update on drainage improvements.
- No action was taken.

12. **Announcements.**

Chairperson Urbish welcomed Mayor Cynthia A. McConathy, Planning Commission liaison.

13. **Adjournment.**
There being no further business, Chairperson Urbish adjourned the Rosenberg Planning Commission meeting at 6:03 p.m.



Janet Eder
Senior Administrative Specialist