

NOTICE OF PLANNING COMMISSION MEETING

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION OF THE CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, WILL MEET IN REGULAR SESSION OPEN TO THE PUBLIC AS FOLLOWS:

DATE: Wednesday, April 23, 2014
TIME: 6:00 p.m.
PLACE: Rosenberg City Hall
City Hall Council Chamber
2110 4th Street
Rosenberg, Texas 77471
PURPOSE: Rosenberg Planning Commission Meeting

Call to order: Council Chamber

AGENDA

1. Consideration of and action on minutes of the Regular Planning Commission Meeting of March 26, 2014. (LeLaurin)
2. Consideration of and action on a Final Plat of Business Park Drive and Innovation Court Street Dedication, a subdivision of 6.727 acres containing 3,462 L.F. of R.O.W. out of the S.B. Pentecost Survey, A-378, Fort Bend County, Texas. (Tanner)
3. Consideration of and action on a Final Plat of Walsh Road Industrial Park, a subdivision of 24.259 acres of land overall being a partial replat of Reserve "C" (call 14.2272 acres – Tract I; Fort Bend County Clerk's File No. 2013125509) and a partial replat of Reserve "D" (call 7.9822 acres – Tract II & call 2.0025 acres – Tract III; Fort Bend County Clerk's File No. 2013125509) of Fifty-Nine South Industrial Park Subdivision (Volume 27, Page 11; Plat Records of Fort Bend County, Texas) being in the Henry Scott Survey, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 0 lots, 20 reserves, 3 blocks. (Tanner)
4. Review and discuss the City's multi-family regulations, renter-occupied housing statistics, and the Rental Inspection Program, and take action as necessary to direct staff. (Tanner)
5. Review and discuss the City's Special Election regarding the Texas Department of Transportation (TxDOT) "One-Way Pairs" Project, and take action as necessary to direct staff. (Tanner)
6. Consideration of and action on the Staff Report of Current Activities and Requests for Future Agenda Items. (Tanner)
7. Announcements.
8. Adjournment.

The Planning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code, Section 551.071 (Consultation with Attorney).

[EXECUTION PAGE TO FOLLOW]

DATED AND POSTED this the 16th day of April 2014, at 2:45 p. m. by Linda Cernosek



Linda Cernosek
Attest:
Linda Cernosek, TRMC, City Secretary

Robert Gracia
Approved for Posting:
Robert Gracia, City Manager

Reasonable accommodation for the disabled attending this meeting will be available; persons with disabilities in need of special assistance at the meeting should contact the City Secretary at (832) 595-3340.

ITEM 1

Minutes:

- 1. Planning Commission Regular Meeting Minutes for March 26, 2014.**

PLANNING COMMISSION MEETING MINUTES

DRAFT

On this the 26th day of March 2014, the Planning Commission of the City of Rosenberg, Fort Bend County, Texas, met in a regular meeting at the Rosenberg City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471.

COMMISSIONERS PRESENT

Pete Pavlovsky	Planning Commission Chairperson
Lester Phipps, Jr.	Planning Commission Vice Chairperson
Wayne Poldrack	Planning Commission Secretary
Alicia Casias <i>*arrived 6:02 p.m.</i>	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
Charles Kalkomey, P.E.	City Engineer
Lora Lenzsch	City Attorney
Renée LeLaurin	Secretary II

OTHERS PRESENT

Warren Escovy	LJA Engineering, Inc. (Bonbrook Plantation)
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CALL TO ORDER

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

AGENDA

1. CONSIDERATION OF AND ACTION ON MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF FEBRUARY 26, 2014.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Urbish, to approve the minutes of the February 26, 2014 Regular Planning Commission Meeting as written. The motion carried by a unanimous vote of those present.

2. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION NORTH SECTION TEN, A SUBDIVISION OF 12.205 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 39 LOTS, 1 RESERVE (0.917 ACRE), 3 BLOCKS.

Executive Summary: The Final Plat of Bonbrook Plantation North Section Ten is located off of Blossom Terrace Lane in the northeast part of Bonbrook Plantation. It is located in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County Municipal Utility District No. 155 (MUD No. 155). The Plat contains thirty-nine (39) residential lots and one (1) 0.917-acre landscape reserve.

The proposed lot size for the subdivision is predominantly sixty-five foot (65') lots in accordance with the approved Land Plan, although many lots are larger and a few (5) are slightly smaller due to being cul-de-sac lots that are less than fifty feet (50') wide as measured at the front property line. All lots are a minimum of 65' at the front building line. Overall, the lot layout is consistent with the Land Plan. It is also consistent with the Preliminary Plat, which was approved by the Planning Commission on January 22, 2014.

With the Final Plat being consistent with the approved Preliminary Plat and Land Plan, and not in conflict with any applicable regulations, staff recommends that the Planning Commission recommend approval to

City Council of the Final Plat of Bonbrook Plantation North Section Ten.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired how many sections of Bonbrook Plantation are left to be platted.
- Mr. Tanner replied that all preliminary plats for the Bonbrook North have been submitted and there should be 2-3 more final plats.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Urbish, to approve the Final Plat of Bonbrook Plantation North Section Ten, a subdivision of 12.205 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 39 lots, 1 reserve (0.917 acre), 3 blocks. The motion carried unanimously.

3. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF BONBROOK PLANTATION SOUTH SECTION FIVE, A SUBDIVISION OF 49.784 ACRES OF LAND SITUATED IN THE WILEY MARTIN LEAGUE, ABSTRACT 56, FORT BEND COUNTY, TEXAS; 115 LOTS, 7 RESERVES (18.984 ACRES), 2 BLOCKS.

Executive Summary: The Final Plat of Bonbrook Plantation South Section Five is a proposed subdivision located off of Reading Road in the southeast part of Bonbrook Plantation. It is in the Extraterritorial Jurisdiction (ETJ) and in Fort Bend County MUD No. 155. The plat contains the portion of Reading Road that connects Bonbrook Plantation to Bridlewood Estates. The latter is in accordance with the approved Land Plan for Bonbrook Plantation.

The plat consists of 115 lots and seven (7) reserves including a detention reserve ("A") containing over 14 acres. The plat consists of the following lots sizes:

- 18 x 50' lots
- 62 x 55' lots
- 35 x 65' + lots

The proposed plat and lot layout reflects the approved Land Plan. This is the final subdivision in Bonbrook Plantation South and one of the final subdivisions in Bonbrook Plantation overall.

The Preliminary Plat of this subdivision was approved by the Planning Commission on January 22, 2014. The Final Plat is consistent with the approved Preliminary Plat and not in conflict with any applicable regulations. Staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Bonbrook Plantation South Section Five.

Key Discussion:

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

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to approve the Final Plat of Bonbrook Plantation South Section Five, a subdivision of 49.784 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas; 115 lots, 7 reserves (18.984 acres), 2 blocks. The motion carried unanimously.

4. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF WALNUT CREEK SECTION TEN, A SUBDIVISION OF 9.689 ACRES CONTAINING 42 LOTS, 2 BLOCKS, 2 RESTRICTED RESERVES, OUT OF THE EUGENE WHEAT SURVEY, A-396, FORT BEND COUNTY, TEXAS.

Executive Summary: The Final Plat of Walnut Creek Section Ten is located off of Ricefield Road and Candle Oaks Lane, directly adjacent to Walnut Creek Sections Six and Eight. It is located in the City's Extraterritorial Jurisdiction (ETJ) and in Fort Bend County Municipal Utility District No. 152 (MUD No. 152). The plat consists of 9.689 acres, forty-two (42) single-family residential lots, and two (2) reserves consisting of 0.32 acres.

The approved Land Plan for Walnut Creek identifies fifty-five-foot (55') lot widths for this particular area of the development. All of the proposed lots in the Plat are a minimum of 55' as measured at the front building line. Twelve (12) of the lots in the proposed subdivision are sixty feet (60') or greater in width, and five (5) lots are

identified as fifty-foot (50') lots due to their width at the right-of-way.

According to the approved Land Plan, at build-out, Walnut Creek will contain a minimum of 50 percent sixty-foot lots per the ordinance in effect at the time the development began. All subdivisions platted so far have been in accordance with the approved Land Plan.

The proposed Final Plat of Walnut Creek Section Ten is in compliance with the approved Land Plan for MUD No. 152, with applicable provisions of the "Subdivision" Ordinance, and with the Preliminary Plat, which was initially approved by the Planning Commission on March 27, 2013, and for which a six-month extension was granted on September 25, 2013. Staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Walnut Creek Section Ten.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired how many plats remain in Walnut Creek.
- Mr. Tanner replied that he was not certain but could bring that information to the next meeting.

Action Taken: Commissioner Parsons moved, seconded by Vice Chairperson Phipps, to approve the Final Plat of Walnut Creek Section Ten, a subdivision of 9.689 acres containing 42 lots, 2 blocks, 2 restricted reserves, out of the Eugene Wheat Survey, A-396, Fort Bend County, Texas. The motion carried unanimously.

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

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

Following discussion from the November 20th, December 18th and February 26th Planning Commission meetings, staff has prepared the attached revised meeting calendar and submittal deadlines, proposed to begin as early as April 2014 but no later than July 2014. In order to accommodate staff availability, the first proposed calendar would keep the regular Commission meetings on the fourth Wednesday of each month, but would advance the meeting start time from 6:00 p.m. to 4:00 p.m. A second option would be to meet on the third Wednesday of each month at 4:00 p.m. After further discussions following the February Planning Commission meeting, in addition to City staff, the third Wednesday would accommodate the schedules of both the City Engineer and City Attorney. Staff recommends the Commission review and discuss the proposed revised calendar options for adoption or propose an alternate meeting date/time.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky stated that he is glad to see the afternoon time.

Action Taken: Commissioner Casias moved, seconded by Commissioner Urbish, to approve and adopt a revised Planning Commission meeting schedule for the third Wednesday of each month with meetings to begin at 4:00 p.m.

Additional Discussion:

- Commissioner Poldrack inquired when the new schedule would begin.
- Mr. Tanner replied that since the submittal deadlines are tied to the meeting date, the first meeting on the new schedule should be in May to allow time for any applicants to adjust their submittals.
- Commissioner Poldrack stated that it was his understanding that this new schedule would not take effect until June or July.

Action Taken: Commissioner Casias amended the previous motion, seconded by Commissioner Urbish, by

adding a commencement date of May 21, 2014, for the revised Planning Commission meeting schedule for the third Wednesday of each month at 4:00 p.m. Upon voting, the motion carried unanimously.

6. CONSIDERATION OF AND ACTION ON APPOINTMENT OF A PLANNING COMMISSION REPRESENTATIVE TO SERVE ON THE BUSINESS ASSISTANCE GRANT REVIEW COMMITTEE.

Executive Summary: At the Regular City Council Meeting on March 18, 2014, the City Council adopted revisions to the Business Assistance Grant Program (Program), formerly known as the Avenue H Business Assistance Grant Program. The Program was expanded to include all businesses within the City Limits and also increased the reimbursement grant maximum from \$2,500 to \$10,000 for qualifying improvements.

Another component of the Program is the establishment of the Business Assistance Grant Review Committee (Review Committee) to evaluate grant applications and select grant award recipients based on the Guidelines and Criteria, attached as Exhibit "A" to Resolution No. R-1770. The Review Committee is to be comprised of a representative from the City Council, Rosenberg Development Corporation, Rosenberg Image Committee, West Fort Bend Management District, and the Rosenberg Planning Commission. The meetings are anticipated to be held on a monthly basis, depending on the applications received, and the meeting date and time will be determined once the Review Committee members have been selected.

This Agenda item gives the Planning Commission an opportunity to review the Program and nominate a representative to serve on the Business Assistance Grant Review Committee.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Chairperson Pavlovsky stated that he feels this is a good program and wishes that more people would take advantage of it. Has the meeting schedule been set for this group yet?
- Mr. Tanner replied that he would need to check. In the past, they met on an as-needed basis as there were so few applicants.
- Commissioner James Urbish volunteered to serve on the Review Committee.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to nominate Commissioner James Urbish to serve on the Business Assistance Grant Review Committee. The motion carried unanimously.

Further Discussion:

- Chairperson Pavlovsky stated that the Commission can look at electing an alternate member at a later date if needed.
- Commissioner Parsons inquired what the award amount will be.
- Mr. Tanner replied the award is a 50% reimbursement match up to \$10,000.
- Commissioner Urbish stated that the increased award will definitely bring some people in to participate. It is hard to make any improvements for \$2,500 but \$10,000 is a different story.
- Mr. Tanner agreed and stated that by increasing the award amount, other cities saw an increase in participation with their program. The hope is that Rosenberg will do the same.

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

Executive Summary: The Staff Report of Current Activities consists of projects that staff is currently working on as well as other updates that are relevant to the Planning Commission. This item also allows the Planning Commission the opportunity to request that items be placed on future agendas.

At the meeting, staff will provide updates on the Comprehensive Plan update process and "Sign" Ordinance amendments, which are the main items the Planning Department is focused on at this time. As discussed at the last Planning Commission meeting, a Professional Services/Engineering Project Review Committee (Committee) meeting was held on February 11, 2014, to discuss consultants' qualifications for the Comprehensive Plan update. The Committee unanimously recommended to City Council that Kendig Keast Collaborative be selected to complete the project. A contract must be approved by City Council to move forward. This is a budgeted project. Staff has been coordinating with the consultant and expects

the item to go to City Council in the April/May timeframe.

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

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons requested a future Agenda item for a staff report on how many actual homeowners we have in terms of population. The County would be able to indicate how many have homestead exemptions.
- Mr. Tanner replied that staff could bring that item. We have fairly reliable census data on homeownership.
- Commissioner Parsons replied that with the number of apartment complexes and the number of rental houses, we may be becoming a renter's community. Commercial is a huge part of the landowners, and the budget document describes 38% residential. Is that 38% homeowners or does that mean that 38% of the people are renters? In comparison to other cities, that demographic is atrocious for a City poised to become a significant city in Fort Bend County. Cities to the north of us are expanding exponentially and we need to know where we are and where we are going. If need be, we need to continue to tighten up the apartment regulations to ensure we have high-end apartments.
- Mr. Tanner replied that the current parking ordinance is very strict and that pushes someone into planned developments where the City has more input on the design and more discretion on approval. We are currently about 50/50 homeowners versus renters.
- Commissioner Parsons replied that he feels this demographic is harmful to the prosperous growth for the City and it is part of the Planning Commission's job to look into the future and present to Council ideas to better the community in the long run.
- Additional discussion was held on apartment communities and future subdivision development in the City.
- Commissioner Urbish stated that he spoke with someone who recently bought a home off of Band Road with the intention to rent it out. With interest rates so low, there may not be a way to stop people from doing that – they see an opportunity.
- Mr. Tanner stated that is something that can be looked at in the comprehensive plan update and the consultant may have a way to address it.
- Additional lengthy discussion was held on current and future developments, the requirement to have water service in occupied residences, and the Rental Inspection Program.

Action Taken:

- The Commission reached a consensus for staff to bring a report on the number of renter-occupied versus owner-occupied housing.
- The Commission reached a consensus to add a review of the City's Rental Inspection Program Ordinance.
- The Commission reached a consensus to add an item to review the "One-Way Pairs" Project.

8. ANNOUNCEMENTS.

Chairperson Pavlovsky stated the Knights of Columbus will be having a fish fry this weekend and the next weekend, there will be a car show.

9. ADJOURNMENT.

There being no further business, Chairperson Pavlovsky adjourned the Rosenberg Planning Commission Meeting at 7:01 p.m.

Renée LeLaurin
Secretary II



PLANNING COMMISSION COMMUNICATION

April 23, 2014

ITEM #	ITEM TITLE
2	Final Plat of Business Park Drive and Innovation Court Street Dedication

MOTION

Consideration of and action on a Final Plat of Business Park Drive and Innovation Court Street Dedication, a subdivision of 6.727 acres containing 3,462 L.F. of R.O.W. out of the S.B. Pentecost Survey, A-378, Fort Bend County, Texas.

RECOMMENDATION

Staff recommends approval of the Final Plat of Business Park Drive and Innovation Court Street Dedication.

MUD #	City/ETJ	ELECTION DISTRICT
N/A	City	4

SUPPORTING DOCUMENTS:

1. Final Plat of Business Park Drive and Innovation Court Street Dedication
2. Preliminary Plat of Business Park Drive and Park Court Street Dedication – 12-18-13
3. Land Plan for Rosenberg Business Park – 06-26-13
4. Planning Commission Meeting Minute Excerpt – 12-18-13
5. Planning Commission Meeting Minute Excerpt – 06-26-13

APPROVAL

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of Community
Development

Reviewed by:

___ Executive Director of Community Development

X City Engineer *OK*

EXECUTIVE SUMMARY

This item consists of the Final Street Dedication Plat of Business Park Drive and Innovation Court. The proposed street dedication is located in the Rosenberg Business Park and will connect to the southeast side of FM 2218 between the intersections of FM 2218, Bryan and Danziger Roads. This is the right-of-way dedication that is needed for the Rosenberg Development Corporation (RDC) and City to construct the street and utilities per the approved Development Agreement.

The proposed Plat contains 3,462 linear feet of right-of-way and 6.727 acres. At its intersection with FM 2218, Business Park Drive's right-of-way width is 100 feet. It later tapers down to an 80-foot right-of-way width in accordance with the Agreement. Innovation Court is a proposed 80-foot right-of-way cul-de-sac street.

The streets are consistent with the Development Agreement and approved Land Plan for the Rosenberg Business Park. The Land Plan was approved by the Planning Commission on June 26, 2013. There may be additional rights-of-way dedicated depending on future users in the Business Park and their impact on the roadway system. At this time, however, the Plat is in accordance with the Agreement, with the Land Plan, and with the Preliminary Plat, which was approved by the Planning Commission on June 26, 2013, and for which a six-month extension of approval was granted on December 18, 2013.

There were no issues with the layout of the Preliminary Plat; however, the street names were subject to approval by the RDC before Final Plat approval. The Preliminary Plat was submitted as containing Business Park Drive and Park Court. Park Court was changed to Innovation Court per the recommendations of the RDC. There being no remaining issues, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Business Park Drive and Innovation Court Street Dedication.

STATE OF TEXAS
COUNTY OF HARRIS

We, ROSENBERG BUSINESS PARK, LTD., a Texas Limited Partnership, acting by and through WILLIAM G SMITH, JR., President and STEPHEN G. DARNALL, Vice President, of ROSENBERG BUSINESS PARK, GP, LLC, a Texas Limited Liability Company, its General Partner, owner hereinafter referred to as Owners of the 6.680 acre tract described in the above and foregoing map of BUSINESS PARK DRIVE AND INNOVATION COURT STREET DEDICATION, do hereby make and establish said subdivision and development plat of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, We have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements, or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements from a plane sixteen feet (16'0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, We have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back to back ground easements or eight feet (8'0") for fourteen feet (14'0") back to back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'0") in width.

FURTHER, We do hereby dedicate to the public a strip of land twenty (20) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, and drainage ditches located in said subdivision, as easements for drainage purposes. Fort Bend County or any other governmental agency shall have the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, We do hereby covenant and agree that all of the property within the boundaries of this subdivision and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, excessive vegetation and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, Owners do hereby certify that we are the owners of all property immediately adjacent to the boundaries of the above and foregoing plat of BUSINESS PARK DRIVE AND INNOVATION STREET DEDICATION where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing plat and do hereby make and establish all building setback lines and dedicate to the use of the public forever all public utility easements shown in said adjacent acreage.

IN TESTIMONY WHEREOF, ROSENBERG BUSINESS PARK GP, L.L.C., the general partner of ROSENBERG BUSINESS PARK, LTD., a Texas Limited Partnership, has caused these presents to be signed by WILLIAM G. SMITH, JR., its President, thereunto authorized, and attested by its Vice President, STEPHEN G. DARNALL, this ____ day of _____, 2014.

ROSENBERG BUSINESS PARK, LTD.
By: ROSENBERG BUSINESS PARK GP, LLC.
its General Partner

By: WILLIAM G. SMITH, JR.
President

Attest: STEPHEN G. DARNALL
Vice President

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared WILLIAM G. SMITH, JR., President, and STEPHEN G. DARNALL, Vice President, of ROSENBERG BUSINESS PARK, GP, LLC, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein set out, and as the act and deed of said Limited Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2014

Notary Public in and for the
State of Texas

My Commission Expires _____

I, Douglas W. Turner, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct, was prepared from an actual survey of the property made under my supervision on the ground and that all boundary corners, angles points of curvature and other points of reference have been marked with iron (or other suitable permanent ferrous metal) pipes and a length of not less than three (3) feet.

Douglas W. Turner, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 3988

This is to certify that the City Planning Commission of the City of Rosenberg, Texas, has approved this plat and subdivision of BUSINESS PARK DRIVE AND INNOVATION COURT STREET DEDICATION in conformance with the laws of the State of Texas and the ordinances of the City of Rosenberg as shown hereon and authorized the recording of this plat this ____ day of _____, 2014.

By: PETO PAVLOVSKY, Chairperson

By: WAYNE POLDRACK, Secretary

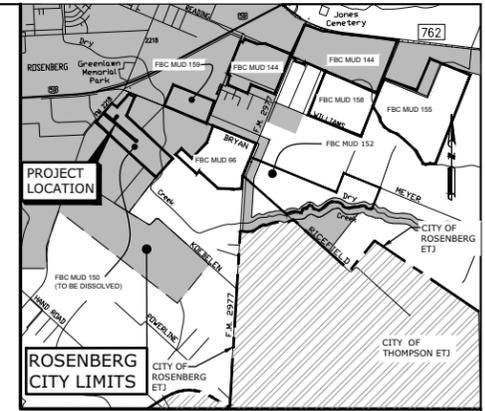
This is to certify that the City Council of the City of Rosenberg, Texas, has approved this plat and subdivision of BUSINESS PARK DRIVE AND INNOVATION COURT STREET DEDICATION in conformance with the laws of the State of Texas and the ordinances of the City of Rosenberg as shown hereon and authorized the recording of this plat this ____ day of _____, 2014.

VINCENT M. MORALES, JR. Mayor

LINDA CERNOSEK, Secretary

NOTES

- 1. B.L. indicates a building line
A.E. indicates an aerial easement
U.E. indicates a utility easement
STM.S.E. indicates a storm sewer easement
W.L.E. indicates a water line easement
S.S.E. indicates a sanitary sewer easement
VOL. PG. indicates Volume, Page
F.B.C.P.R. indicates Fort Bend Public Records
O.P.R.F.B.C. indicates Official Public Records of Fort Bend County
D.R.F.B.C. indicates Deed Records of Fort Bend County
M.R.F.B.C. indicates Map Records of Fort Bend County
Esm't. indicates Easement
H.L. & P. indicates Houston Lighting and Power
F.H.E. indicates a fire hydrant easement
D.E. indicates a drainage easement
R.O.W. indicates right-of-way
P.L. indicates property line
● indicates found 3/4" iron rod
○ indicates set 3/4" iron rod
2. The coordinates shown hereon are Texas South Central Zone no. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale 1.0001353390.
3. All non-perimeter easements on property lines are centered unless otherwise noted.
4. All bearings are based on the east right-of-way line of F.M. 2218, bearing N44°43'46"E.
5. This plat lies within Fort Bend County lighting ordinance zone No. L23.
The platted area is not located within the 100-year flood plain per Fema Flood Insurance Rate Map Panel 48157C0245L effective April 2, 2014. The nearest base flood elevation is 85.70, NAVD 88.
6. All property to drain into the drainage easement only through an approved drainage structure.
7. The drainage system for this subdivision is designed in accordance with the "Fort Bend County Drainage Criteria Manual" which allows street ponding with intense rainfall events.
8. All drainage easements are to be kept clear of fences, buildings, vegetation and other obstructions to the operation and maintenance by the drainage facility.
9. To the best of the engineers knowledge, no existing pipelines or pipeline easements exist within the subdivision.
10. One-foot reserve dedicated to the public in fee as a buffer separation between the side or end of streets where such streets abut adjacent property, the condition of this dedication being that when the adjacent property is subdivided or re-subdivided in a recorded subdivision plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns or successors.
11. BENCHMARK: An NGS disk stamped M1219, 2.25 miles south from Rosenberg. 2.25 miles south along State Highway 36 from the First Baptist Church at Rosenberg, 0.45 mile north of the junction of Band Road, in the top and 0.6' south of the north end of the east concrete headwall of a 5 channel culvert, 25 feet east of the center line of the highway, and about 1/2 foot higher than the highway. NAVD 88 [1991 Adj.] Elevation = 94.48
PROJECT BENCHMARK: A Brass Disc will be set in concrete in the center line of Innovation Court at the center (radius point) of the cul-de-sac.
12. This plat was prepared to meet City of Rosenberg and Fort Bend County requirements.
13. This plat lies wholly within Fort Bend Subsidence District, Fort Bend County Drainage District, Lamar Consolidated I.S.D., and the City Limits of Rosenberg, and Fort Bend County.
14. Approval of this plat will expire one year from City Council approval if not recorded in the real property records of the county of Fort Bend.
15. Sidewalks shall be built or caused to be built through restrictive covenants within all road rights-of-way dedicated to the public.
16. This plat was prepared from information furnished by Abstract Services of Houston, GF No. TH12202072-H, effective date March 26, 2014. The surveyor has not abstracted the above property.
17. Permanent project monument according to City Of Rosenberg guidelines to be set, with documentation provided to city.
18. This plat is subject to the terms, conditions and stipulations of the Development Agreement dated March 1, 2013, and executed by and between City of Rosenberg, Texas and ROSENBERG BUSINESS PARK, LTD. and the ROSENBERG DEVELOPMENT CORPORATION.
19. Elevations used for delineating contour lines are based upon NGS datum, NAVD-88, 1991 Adj.
20. Three-quarter inch (3/4") iron rods three feet (3') in length are set on all perimeter boundary corners, all angle points, all points of curvature and tangency, and all block corners, unless otherwise noted.



VICINITY MAP
N.T.S.
KEY MAP: 645D & 646 A

I, Dianne Wilson, County Clerk in and for Fort Bend County, hereby certify that the foregoing instrument with its certificate of authentication was filed for recordation in my office on _____, 2014, at _____ o'clock _____ M. Filed in plat number(s) _____ of the plat records of Fort Bend County, Texas.

Witness my hand and seal of office, at Richmond, Texas, the day and date last above written.

Dianne Wilson, County Clerk
Fort Bend County, Texas

By: _____
Deputy

BUSINESS PARK DRIVE AND INNOVATION COURT
STREET DEDICATION

A SUBDIVISION OF
6.727 ACRES

CONTAINING
3,462 L.F. OF R.O.W.

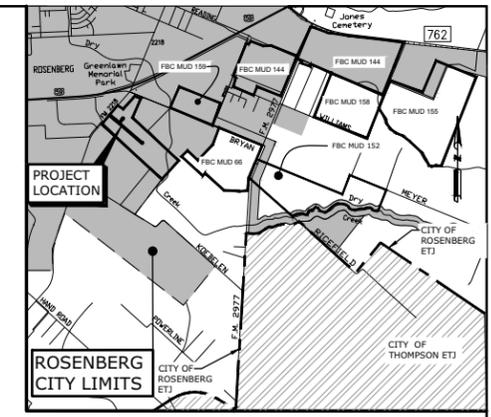
OUT OF THE
S.B. PENTECOST SURVEY, A-378
FORT BEND COUNTY, TEXAS

OWNER: ROSENBERG BUSINESS PARK, LTD.

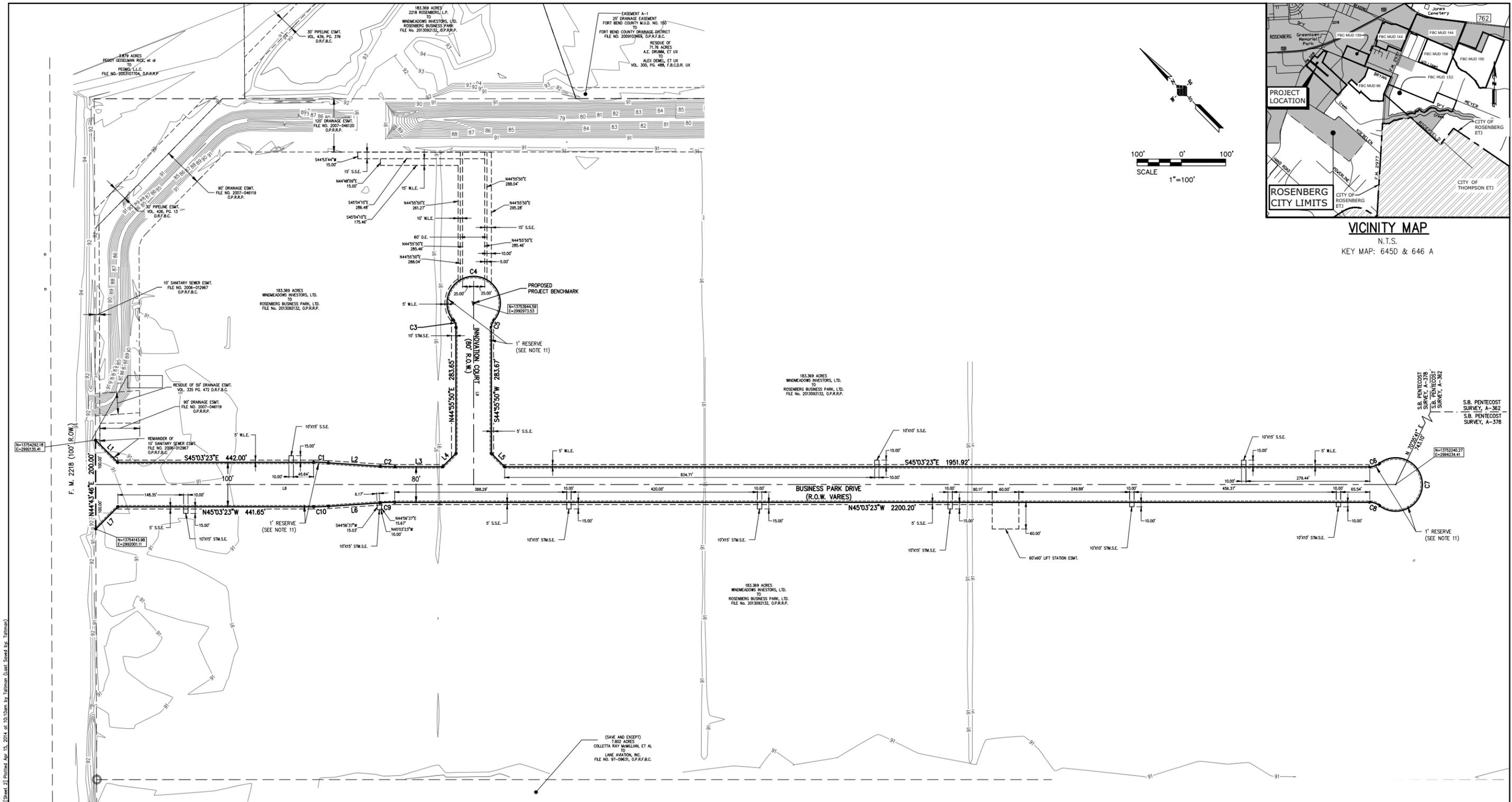
ENGINEER:

IDS Engineering Group
13333 N.W. Freeway, Suite 300
Houston, TX 77040
713.462.3178

\\HDV\F3\Projects\1880\188000100_Rosenberg_Business_Park_Design\DWG\BSP_C-SP1A1.dwg [Sheet 1] Plotted Apr 15, 2014 at 10:00am by TEdmon (Last Saved by TEdmon)



VICINITY MAP
N.T.S.
KEY MAP: 645D & 646 A



LINE	BEARING	LENGTH
L1	S00°09'48"E	70.84'
L2	S41°15'19"E	117.67'
L3	S45°03'23"E	107.50'
L4	N89°56'13"E	42.42'
L5	S00°03'47"E	42.43'
L6	N48°53'01"W	116.41'
L7	S89°50'12"W	70.58'
L8	N45°03'23"W	853.03'
L9	S44°55'50"W	408.43'
L10	N45°03'23"W	2080.22'

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	3°48'04"	500.00'	33.17'	16.59'	S43°09'21"E	33.16'
C2	3°48'04"	500.00'	33.17'	16.59'	S43°09'21"E	33.16'
C3	40°07'09"	25.00'	17.51'	9.13'	N24°52'15"E	17.15'
C4	260°14'18"	60.00'	272.52'	71.20'	S45°04'10"E	91.76'
C5	40°07'09"	25.00'	17.51'	9.13'	S64°59'25"W	17.15'
C6	37°51'49"	35.00'	23.13'	12.00'	S63°59'18"E	22.71'
C7	255°43'38"	60.00'	267.80'	77.17'	S44°56'37"W	94.74'
C8	37°51'49"	35.00'	23.13'	12.00'	N26°07'28"W	22.71'
C9	3°49'38"	500.00'	33.40'	16.71'	N46°58'12"W	33.39'
C10	3°49'38"	500.00'	33.40'	16.71'	N46°58'12"W	33.39'

**BUSINESS PARK DRIVE AND INNOVATION COURT
STREET DEDICATION**

A SUBDIVISION OF
6.727 ACRES

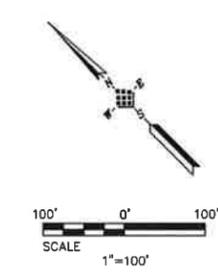
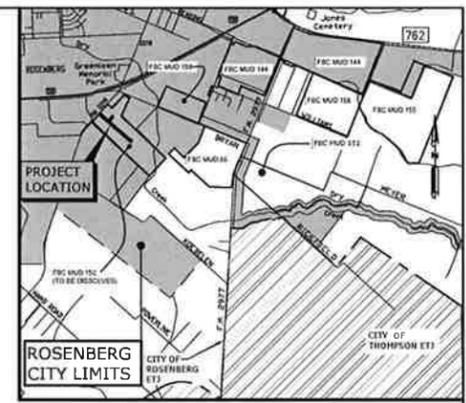
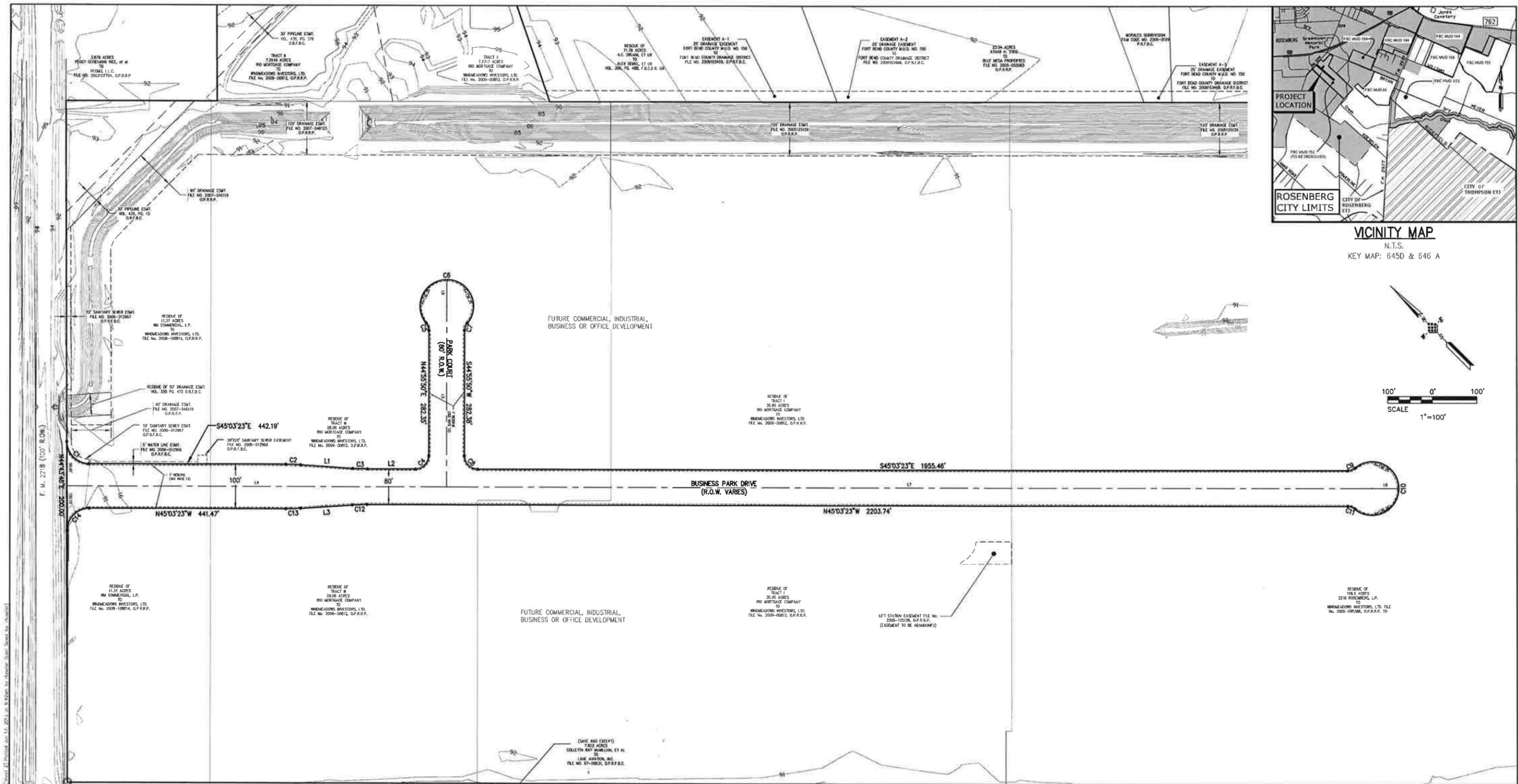
CONTAINING
3,462 L.F. OF R.O.W.

OUT OF THE
S.B. PENTECOST SURVEY, A-378
FORT BEND COUNTY, TEXAS

OWNER: **ROSENBERG BUSINESS PARK, LTD.**

ENGINEER:





LINE TABLE		
LINE	BEARING	LENGTH
L1	S41°15'19"E	117.67'
L2	S45°03'23"E	107.50'
L3	N48°53'01"W	116.41'
L4	N45°03'23"W	853.03'
L5	S44°55'50"W	407.14'
L6	S44°55'50"W	60.00'
L7	S45°03'23"E	2080.22'
L8	S45°03'23"E	60.00'

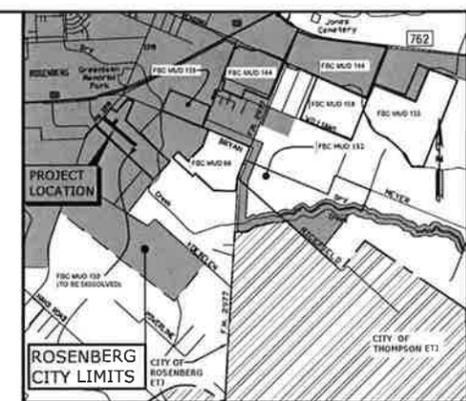
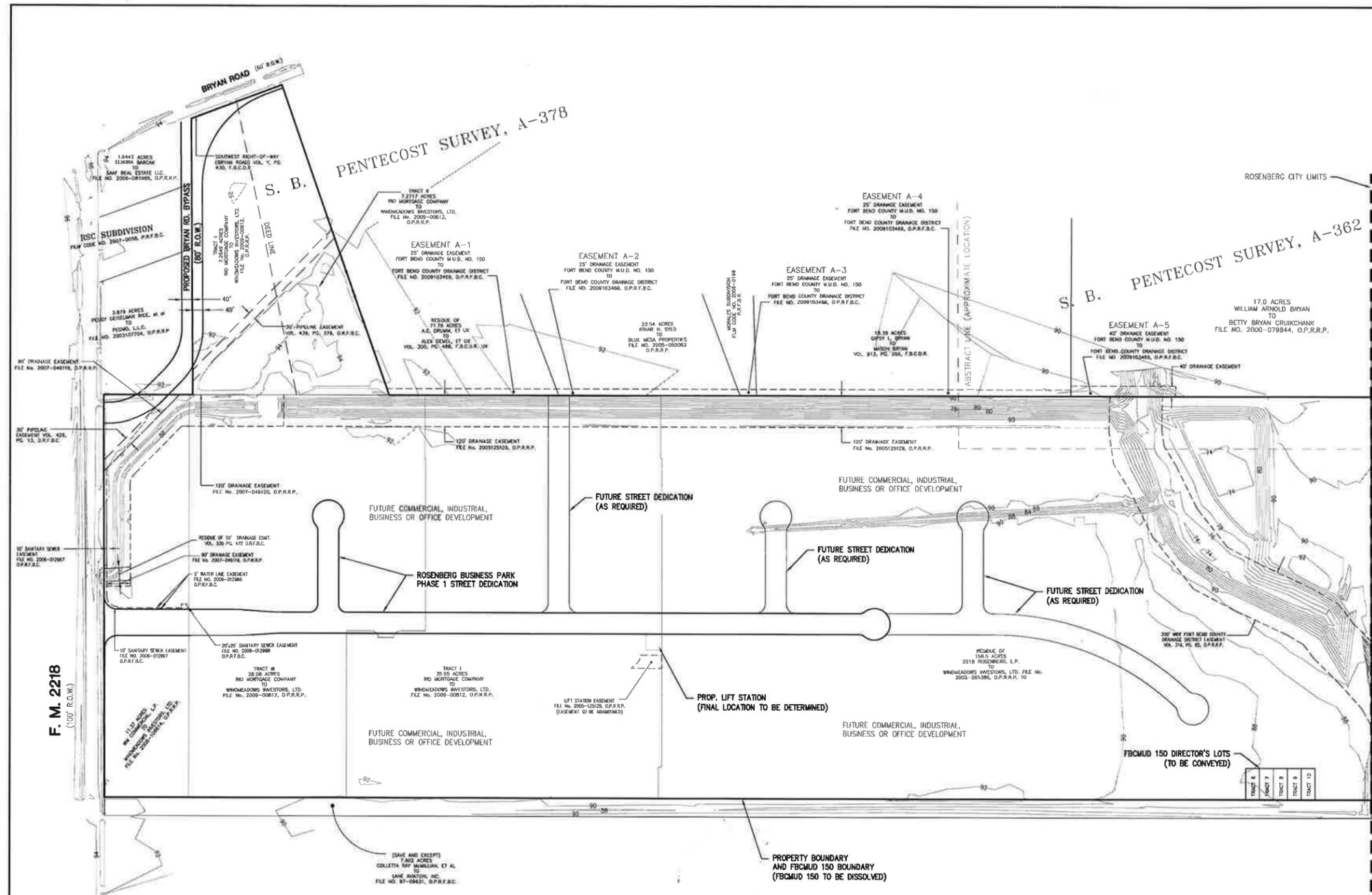
CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	88°47'10"	50.00'	78.35'	49.81'	S00°09'48"E	70.58'
C2	3°48'04"	500.00'	33.17'	18.59'	S43°09'21"E	33.16'
C3	3°48'04"	500.00'	33.17'	18.59'	S43°09'21"E	33.16'
C4	90°00'47"	30.00'	47.13'	30.01'	N89°56'13"E	42.43'
C5	40°07'09"	25.00'	17.51'	9.13'	N24°52'16"E	17.15'
C6	26°04'18"	60.00'	272.52'	71.20'	S45°04'10"E	91.76'
C7	40°07'09"	25.00'	17.51'	9.13'	S84°58'25"W	17.15'
C8	89°59'13"	30.00'	47.12'	29.99'	S00°03'47"E	42.42'
C9	40°07'09"	25.00'	17.51'	9.13'	S85°08'56"E	17.15'
C10	26°04'18"	60.00'	272.52'	71.20'	S44°58'37"W	91.76'
C11	40°07'09"	25.00'	17.51'	9.13'	N24°58'46"W	17.15'
C12	3°48'38"	500.00'	33.40'	16.71'	N48°58'12"W	33.39'
C13	3°48'38"	500.00'	33.40'	16.71'	N48°58'12"W	33.39'
C14	90°12'50"	50.00'	78.73'	50.19'	S89°50'12"W	70.84'

PROPERTY BOUNDARY AND FBCEMUD 150 BOUNDARY (FBCEMUD 150 TO BE DISSOLVED)

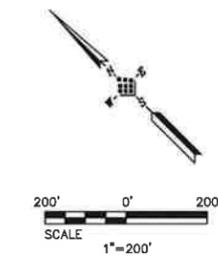
PRELIMINARY PLAT
**BUSINESS PARK DRIVE AND PARK COURT
STREET DEDICATION**

A SUBDIVISION OF
6.680 ACRES
CONTAINING
3,460 L.F. OF R.O.W.
OUT OF THE
S.B. PENTECOST SURVEY, A-378
CITY OF ROSENBERG
FORT BEND COUNTY, TEXAS

OWNER: WINDMEADOWS INVESTORS LTD.
DEVELOPER: ROSENBERG BUSINESS PARK, LTD.
ENGINEER & SURVEYOR: IDS Engineering Group



VICINITY MAP
N.T.S.
KEY MAP: 645D & 646 A



LAND PLAN OF
ROSENBERG BUSINESS PARK
 184.1 ACRES
 OUT OF THE
 S.B. PENTECOST SURVEY, A-362
 S.B. PENTECOST SURVEY, A-378
 CITY OF ROSENBERG
 FORT BEND COUNTY, TEXAS

OWNER: WINDMEADOWS INVESTORS, LTD.
 1800 AUGUSTA, 4TH FLOOR - BOULTON, TEXAS 77007 TEL: 713-260-8400
DEVELOPER: ROSENBERG BUSINESS PARK, LTD.
 1800 AUGUSTA, 4TH FLOOR - BOULTON, TEXAS 77007 TEL: 713-260-8400
ENGINEER & SURVEYOR: **IDS** Engineering Group
 13333 N.W. Flamingo, Suite 300
 Houston, TX 77040
 713.482.3178

office, warehouse, distribution and light manufacturing use. The restrictions also provide for the association to maintain common areas such as the detention pond. It is also important to note that the West Fort Bend Management District bisects the property being replatted and encompasses twelve (12) of the proposed reserves or building sites, and a portion of two (2) others, not including the detention reserve. The Management District's standards will play a role in the future development of those sites.

As seen in the motion, the proposed Plat also constitutes a partial replat of Fifty-Nine South Industrial Park, originally platted in 1981. That being said, a public hearing is required per State law (Ch. 212, Local Government Code) and the "Subdivision" Ordinance.

Chairperson Pavlovsky opened the public hearing at 6:03 p.m. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 6:04 p.m.

4. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALSH ROAD INDUSTRIAL PARK, A SUBDIVISION OF 24.513 ACRES OF LAND OVERALL BEING A PARTIAL REPLAT OF RESERVE "C" AND A PARTIAL REPLAT OF RESERVE "D" OF FIFTY-NINE SOUTH INDUSTRIAL PARK SUBDIVISION (VOLUME 27, PAGE 11; PLAT RECORDS OF FORT BEND COUNTY, TEXAS) BEING IN THE HENRY SCOTT SURVEY, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 0 LOTS, 21 RESERVES, 3 BLOCKS.

Executive Summary: As discussed in the previous Agenda item, the Preliminary Plat of Walsh Road Industrial Park is a proposed subdivision consisting of approximately 24.5 acres and 21 reserves located north of the intersection of Walsh and Klauke Roads. The proposed uses within the subdivision are generally office, warehouse, distribution and light manufacturing. As discussed, the West Fort Bend Management District bisects the property; therefore, the District's standards will play a role in the future development of more than half of the proposed reserves.

A public hearing was included in the Agenda because the proposed Plat also constitutes a partial replat of Fifty-Nine South Industrial Park (platted in 1981). City staff has reviewed the proposed Preliminary Plat and has found that it is not in conflict with any regulations. Staff recommends approval of the Preliminary Plat of Walsh Road Industrial Park.

Key Discussion:

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

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Walsh Road Industrial Park, a subdivision of 24.513 acres of land overall, being a partial replat of Reserve "C" and a partial replat of Reserve "D" of Fifty-Nine South Industrial Park Subdivision (Volume 27, Page 11; Plat Records of Fort Bend County, Texas), being in the Henry Scott Survey, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 0 lots, 21 reserves, 3 blocks. The motion carried unanimously.

5. CONSIDERATION OF AND ACTION ON A REQUEST BY IDS ENGINEERING GROUP TO EXTEND THE PRELIMINARY PLAT APPROVAL OF BUSINESS PARK DRIVE AND PARK COURT STREET DEDICATION PLAT/ROSENBERG BUSINESS PARK STREET DEDICATION PLAT.

Executive Summary: The Preliminary Street Dedication Plat of Business Park Drive and Park Court is located in the Rosenberg Business Park and will connect to the southeast side of FM 2218 between the intersections of FM 2218 and Bryan and Danziger Roads. The right-of-way dedication is needed for the Rosenberg Development Corporation (RDC) and City to construct the street and utilities per the approved Development Agreement.

The plat is consistent with the Development Agreement and was approved by the Planning Commission on June 26, 2013, contingent on RDC approval of the street names before Final Plat approval. Approval of the Preliminary Plat was set to expire if an extension was not requested for this Planning Commission meeting date. The applicant has requested an extension while they complete the design of the public infrastructure for the plat, which is a requirement of Final Plat submittal.

The reason the infrastructure design is delayed slightly is due to it being a public-private partnership. Staff

does expect an extension until June 2014 to be sufficient, however. The overall project continues to move forward, as the original Municipal Utility District for Wind Meadows (Fort Bend County MUD No. 150) was officially dissolved on Thursday, December 5, 2013. There being no further issues, staff recommends approval of the extension.

Key Discussion:

- Mr. Tanner presented the item and reviewed the executive summary.
- Commissioner Parsons inquired how long the extension would be.
- Mr. Tanner replied six months.

Action Taken: Vice Chairperson Phipps moved, seconded by Commissioner Parsons, to approve the request by IDS Engineering Group to grant a one-time extension of the Preliminary Plat approval of Business Park Drive and Park Court Street Dedication Plat/Rosenberg Business Park Street Dedication Plat for six (6) months, to now expire on June 21, 2014. The motion carried unanimously.

6. CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE ROSENBERG PLANNING COMMISSION SUPPORTING THE CONTINUATION OF THE COMMISSION'S ESTABLISHED MEETING SCHEDULE OF THE FOURTH WEDNESDAY OF EACH MONTH, EXCLUDING NOVEMBER AND DECEMBER; AND, SUPPORTING THE ABILITY OF CITIZEN VOLUNTEERS SERVING EACH CITY BOARD, COMMITTEE, COMMISSION, AND TASK FORCE TO DETERMINE THE BEST MEETING DATE AND TIME TO PERFORM THE BUSINESS OF SAID BOARD, COMMITTEE, COMMISSION, AND TASK FORCE.

Executive Summary: At the regular November 18, 2013 Planning Commission Meeting, the Commission voted unanimously to present a Resolution to City Council regarding the newly adopted policy to discontinue City meetings on Wednesdays.

Staff has drafted the attached Resolution for the Commission's review and approval. Should the Commissioners approve the Resolution, this item will be placed on a January City Council Meeting Agenda. Staff recommends that a representative be selected to present said Resolution to City Council at a future meeting.

Key Discussion:

- Mr. Tanner presented the item and stated that the Commission had requested this item at the last meeting and staff recommends the Commission select a representative to present this Resolution to City Council at a future meeting.
- Vice Chairperson Phipps stated that when he originally applied for this Commission, he was not aware of what days the meetings were held. He agreed to serve at the pleasure of the City and the City Council. He is not in favor of trying to dictate to the City of when we can meet. There are also considerations of short-handedness and overworking of City employees and that needs to be taken into consideration as well.
- Commissioner Parsons replied that when he applied for his fourth term on this Commission, he was aware of when the meeting days were and took care to schedule around those dates. This Commission could agree to meet on any day that we want to meet but the point is that this Committee, a Charter Committee, does not need to be directed by Council as to when we can meet and when we cannot.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to approve the Resolution of the Planning Commission regarding the continuation of the established meeting schedule of the fourth Wednesday of each month, excluding November and December, and supporting the ability of citizen volunteers to determine a mutually agreeable meeting schedule.

Additional Discussion:

- Chairperson Pavlovsky stated that he does not think we are dictating to Council as to when we meet, this Resolution is a recommendation and not a dictation.

Upon voting, the motion carried by a vote of five "ayes" to one "no". **Ayes: Chairperson Pavlovsky, Commissioners Casias, Parsons, Poldrack, and Urbish. No: Vice Chairperson Phipps.**

- Commissioner Parsons stated that, by his estimation, the first phase of this project will cost the City \$5,183,200.00. Do we have any idea when the City will recoup these infrastructure costs; will it be from property tax, sales tax, etc.? Other projects in the past such as Downtown sidewalks were completed with the idea that sales tax would eventually cover the cost of the project. How is this going to be monitored and captured to measure against our goal?
- Mr. Fielder replied that was discussed and considered when the negotiations were ongoing. There were some considerations given to that, though that does not relate to the Land Plan. We projected out ten and 20 years and the City should recoup the costs in about ten years. The way it is split, it is half RDC and half City. A consultant looked over the financial piece of the project to weigh the option of a possible Tax Increment Reinvestment Zone (TIRZ), which turned out to be more costly to the City. It will bring a considerable amount of property tax based upon what we anticipate to develop. We do not know what businesses are coming so sales tax is hard to project, but based on other business parks with this developer, the taxable values are available for review and comparison. This project will be monitored annually.
- Commissioner Casias inquired when the Commission will review the individual businesses going into the park.
- Mr. Tanner replied those will need to be platted individually. What is before you is the general layout. The street dedication plat is also on this Agenda however the infrastructure will need to be in place before tracts may be used.
- Commissioner Casias inquired if the Commission has any oversight on what type of businesses will be going in.
- Mr. Tanner replied that businesses will have to be in compliance with the Agreement.
- Mr. Fielder replied that the property owner will have deed restrictions specifying the types of businesses that may operate there but the City itself may not specify as that would be zoning and is prohibited by our Charter. To have deed restrictions is a way to protect from unwanted or incompatible businesses from going in.
- Commissioner Parsons inquired what the time limit is on the deed restrictions and if they would be renewed.
- Mr. Fielder replied that he is not familiar with the legalities of deed restrictions.
- Ms. Lenzsch replied that deed restrictions can lapse if violations are allowed.
- Commissioner Casias inquired if the City has any type of control on the type of business in order to avoid a situation like the plant explosion in West, Texas, and any potential damages to the City.
- Mr. Fielder replied that fire codes are in place to manage those facilities' placement.
- Chairperson Pavlovsky stated that the Sugar Land business park on the other side of Hwy 90 that is what he envisions here on a smaller scale. It's too small an area for a manufacturing plant and the Codes will restrict certain things.

Action Taken: Upon voting, the motion carried unanimously by those present.

3. CONSIDERATION OF AND ACTION ON THE PRELIMINARY PLAT OF BUSINESS PARK DRIVE AND PARK COURT STREET DEDICATION; A SUBDIVISION OF 6.680 ACRES CONTAINING 3,460 L.F. OF R.O.W., OUT OF THE S.B. PENTECOST SURVEY, A-378, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

Executive Summary: This item is a Preliminary Street Dedication Plat of Business Park Drive and Park Court. The proposed street dedication is located in the Rosenberg Business Park and will connect to the southeast side of FM 2218 between the intersections of FM 2218 and Bryan and Danziger Roads. This is the preliminary right-of-way dedication that is needed for the Rosenberg Development Corporation (RDC) and City to construct the street and utilities per the approved Development Agreement.

The proposed plat contains 3,460 linear feet of right-of-way and 6.68 acres. At its intersection with FM 2218, Business Park Drive's right-of-way width is 100 feet. It later tapers down to an 80-foot right-of-way width in accordance with the Agreement. Park Court is a proposed 80-foot right-of-way cul-de-sac street.

The streets are consistent with Exhibit B of the Development Agreement as discussed in the previous agenda item. There may be additional rights-of-way dedicated depending on future users in the Business Park and their impact on the roadway system. At this time, however, the plat is in accordance with the Agreement. There are no issues with the layout; however, the street names will be subject to approval by the RDC before Final Plat

approval. Staff recommends approval of the Preliminary Plat of Business Park Drive and Park Court with one (1) condition:

- RDC approval of street names prior to Final Plat approval.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary. Staff recommends approval with the contingency that the Rosenberg Development Corporation has final approval of street names prior to approval of the Final Plat.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Casias, to approve the Preliminary Plat of Business Park Drive and Park Court Street Dedication, a subdivision of 6.680 acres containing 3,460 L.F. of R.O.W., out of the S. B. Pentecost Survey, A-378, City of Rosenberg, Fort Bend County, Texas, with the provision that the Rosenberg Development Corporation will have approval of street names prior to Final Plat approval. The motion carried unanimously by those present.

4. CONSIDERATION OF AND ACTION ON THE FINAL PLAT OF CONTRERAS PLAT, BEING A SUBDIVISION OF 5.000 ACRES OUT OF PART OF LOT #80 OF THE SLAVIN AND GEORGE SUBDIVISION (VOL. 64, PG. 252-253; DEED RECORDS) L.E. CROSS SURVEY, ABSTRACT #408, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 2 LOTS.

Executive Summary: Contreras Plat is a proposed Final Plat consisting of five (5) acres and two (2) single-family residential lots. The property is located on the south side of Blackwood Road, which is off of Muegge Road between Spur 10 and Scott Road. It is in an area that was annexed in September 2012 (Ordinance No. 2012-30).

The owner is proposing to subdivide the existing five-acre tract into two (2) lots of 2.82 and 2.00 acres, respectively. Lot 2 would be subdivided to a family member. There is an existing residence on Lot 1, which is not within five (5) feet (the required minimum side building line) of the proposed property line. The widths of the proposed lots are 106.63 feet (Lot 2) and 150 feet (Lot 1). Both lots have a required 25' front building line. Additionally, the proposed plat involves the dedication of a 30-foot strip of right-of-way for Blackwood Road.

The proposed plat is in compliance with all lot size requirements (width, square footage, etc.) and is not in conflict with any applicable regulations of the "Subdivision" Ordinance. The Preliminary Plat was approved by the Planning Commission on February 27, 2013. There have been no changes to the layout since Preliminary Plat. Staff recommends approval of the Contreras Final Plat.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Commissioner Parsons inquired what the use will be.
- Mr. Tanner replied the tracts will be for single family residential lots.

Action Taken: Commissioner Parsons moved, seconded by Commissioner Phipps, to recommend approval to City Council of the Final Plat of Contreras Plat, being a subdivision of 5.000 acres out of part of Lot #80 of the Slavin and George Subdivision (Vol. 64, Pg. 252-253; Deed Records) L. E. Cross Survey, Abstract #408, City of Rosenberg, Fort Bend County, Texas; 2 lots. The motion carried unanimously by those present.

5. CONSIDERATION OF AND ACTION ON THE FINAL PLAT OF SUNRISE MEADOW SECTION EIGHT, BEING 37.258 ACRES OF LAND CONTAINING 128 LOTS AND SIX RESERVES IN FOUR BLOCKS, OUT OF THE R. H. EARNEST SURVEY, A-388, AND THE J.J. DICKERSON SURVEY, A-401, FORT BEND COUNTY, TEXAS.

Executive Summary: The proposed Final Plat of Sunrise Meadow Section Eight is located at the southeast corner of Powerline Road and Sunrise Meadow Drive. The property is in the Extraterritorial Jurisdiction (ETJ), in Municipal Utility District No. 162 (MUD No. 162). It consists of 37.3 acres and 128 lots.

In this particular location, the approved Land Plan for Sunrise Meadow (attached) identifies sixty-foot lots. All of the proposed lots are sixty (60) feet or greater in width in accordance with the Land Plan. The proposed lots range in size from approximately 7,000 to over 15,000 square feet. The plat also contains six (6) landscape reserves with a total of 5.6 acres and a right-of-way dedication of 0.92 acres for Powerline Road.



PLANNING COMMISSION COMMUNICATION

April 23, 2014

ITEM #	ITEM TITLE
3	Final Plat of Walsh Road Industrial Park

MOTION

Consideration of and action on a Final Plat of Walsh Road Industrial Park, a subdivision of 24.259 acres of land overall being a partial replat of Reserve "C" (call 14.2272 acres – Tract I; Fort Bend County Clerk's File No. 2013125509) and a partial replat of Reserve "D" (call 7.9822 acres – Tract II & call 2.0025 acres – Tract III; Fort Bend County Clerk's File No. 2013125509) of Fifty-Nine South Industrial Park Subdivision (Volume 27, Page 11; Plat Records of Fort Bend County, Texas) being in the Henry Scott Survey, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 0 lots, 20 reserves, 3 blocks.

RECOMMENDATION

Staff recommends approval of the Final Plat of Walsh Road Industrial Park.

MUD #	City/ETJ	ELECTION DISTRICT
N/A	City	2

SUPPORTING DOCUMENTS:

1. Final Plat of Walsh Road Industrial Park
2. Preliminary Plat of Walsh Road Industrial Park – 12-18-13
3. Fifty-Nine South Industrial Park – 05-25-81
4. Planning Commission Meeting Minute Excerpt – 12-18-13

APPROVAL

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of Community
Development

Reviewed by:

___ Executive Director of Community Development

X City Engineer *AK*

EXECUTIVE SUMMARY

The Preliminary Plat of Walsh Road Industrial Park is a proposed subdivision consisting of approximately 24.26 acres and 20 reserves. It is located immediately north of the intersection of Walsh and Klauke Roads. The proposed reserves are an average of one (1) acre in size. Also included are proposed Reserves "A" and "M" restricted to drainage use for detention purposes.

From a development standpoint, the proposed deed restrictions for the subdivision generally limit the property to office, warehouse, distribution and light manufacturing use. The restrictions also provide for the association to maintain common areas such as the detention pond. The restrictions shall be recorded prior to filing of the Plat and Note No. 21 on the Plat will be completed. It is also important to note that the West Fort Bend Management District (WFBMD) bisects the property being replatted and encompasses six (6) of the proposed reserves or building sites, and a portion of two (2) others. The WFBMD's standards will play a role in the future development of those sites.

The proposed Plat also constitutes a partial replat of Fifty-Nine South Industrial Park, originally platted in 1981. That being said, a public hearing was held when the Preliminary Plat came before the Planning Commission on December 18, 2013. The Preliminary Plat was approved by the Commission. City staff has reviewed the proposed Final Plat and has found it not to be in conflict with any regulations. Staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Walsh Road Industrial Park.

LINE	DISTANCE	BEARING
L1	92.29'	S 25°59'00" W
L2	44.49'	N 25°59'00" E
L3	88.51'	N 44°29'33" W

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	500.00	25°00'00"	218.17	110.85	S 13°29'00" W	216.44
C2	440.00	25°00'00"	191.99	97.55	N 13°29'00" E	190.47
C3	320.00	45°28'33"	253.98	134.11	N 21°45'17" W	247.37

- LEGEND:**
- R.O.W. - RIGHT-OF-WAY
 - AC - ACRES
 - VOL - VOLUME
 - PG - PAGE
 - D.R. - DEED RECORDS OF FORT BEND COUNTY
 - O.R. - OFFICIAL RECORDS OF FORT BEND COUNTY
 - P.R. - PLAT RECORDS OF FORT BEND COUNTY
 - F.B.C.P. - FORT BEND COUNTY PLAT
 - F.B.C.C.F. - FORT BEND COUNTY CLERK'S FILE No.
 - BL - BUILDING LINE
 - U.E. - UTILITY EASEMENT
 - STM. SE - STORM SEWER EASEMENT
 - W.L.E. - WATER LINE EASEMENT
 - S.S.E. - SANITARY SEWER EASEMENT
 - H.L. & P.E. - HOUSTON LIGHTING & POWER EASEMENT
 - D.E. - DRAINAGE EASEMENT
 - P.L. - PROPERTY LINE
 - A.E. - AERIAL EASEMENT
 - SQ.F. - SQUARE FEET
 - ESMT - EASEMENT
 - 101 - NATURAL GROUND CONTOUR
- TOPOGRAPHIC LEGEND:**
- POWER LINE
 - WATER LINE
 - SANITARY SEWER LINE
 - GAS LINE
 - EDGE OF ASPHALT PAVEMENT
 - CONCRETE PAVEMENT
 - DITCH FLOWLINE
 - PP - POWER POLE
 - LP - LIGHT POLE
 - CONC. - CONCRETE
 - FL - FLOWLINE
 - SAN. - SANITARY
 - W.L. - WATER LINE
 - STM. - STORM SEWER
 - C.P.E. - CENTERPOINT ENERGY
 - R.C.P. - REINFORCED CONCRETE PIPE
 - R.C.B. - REINFORCED CONCRETE BOX
 - P.P. - CORRUGATED PLASTIC PIPE
- TOPOGRAPHIC SURVEY NOTE:** EXISTING TRACES WERE NOT LOCATED FOR THIS PROJECT.

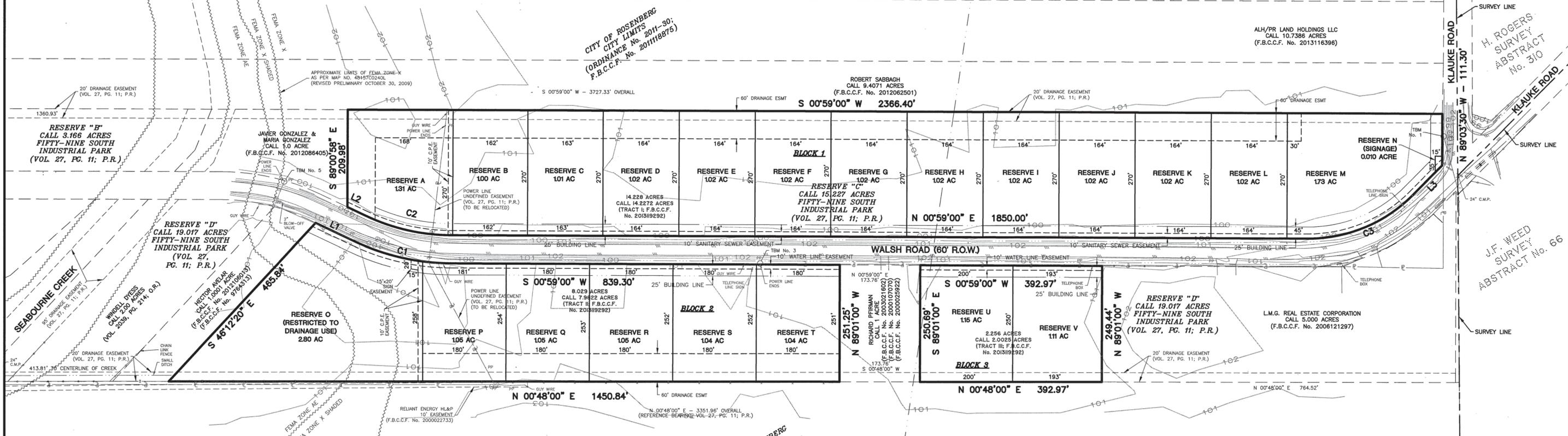
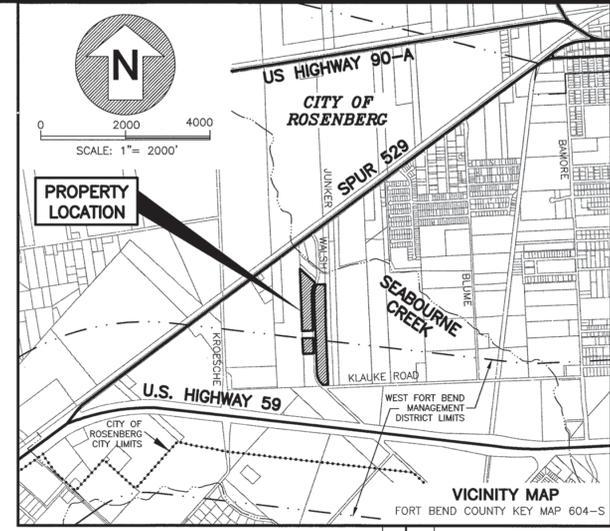
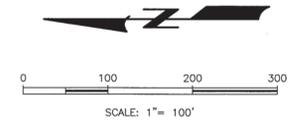
NOTES:

- This plat lies wholly within Fort Bend Subdivision District, Fort Bend County Drainage District, Lamar Consolidated I.S.D., and the City Limits of Rosenberg, Fort Bend County. This plat lies partially within the West Fort Bend Management District.
- There are no pipelines or pipeline easements within the boundaries of this subdivision.
- The side lot set back lines on all reserves shall be a minimum of ten (10) feet. The owner of two (2) or more adjacent reserves shall have the right to consolidate such reserves into a single reserve by construction of improvements across the common lines of such reserves. Upon such construction, the former reserves shall thereafter be considered as a single reserve for all purposes of the declaration, and the side lot set back lines for the common reserve line shall be deleted.
- The property depicted on this plat is subject to the West Fort Bend Management District Development Standards.
- The reserves in this subdivision are restricted to non-residential use and are subject to a Declaration of Covenants, Conditions, Restrictions, and Easements to be filed separately by Walsh Road Industrial Park, LTD.

FLOODPLAIN STATEMENT:

As per the Federal Emergency Management Agency National Flood Insurance Program Flood Insurance Rate Map for Fort Bend County, Texas, and Incorporated Areas (Map No. 48157C0215; map revised January 3, 1997), it appears that a portion of these tracts lie within Zone X - Areas determined to be outside 500-year floodplain, a portion of these tracts lie within Zone X Shaded - Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood, and a portion of these tracts lie within Zone AE - Base Flood Elevations determined.

NOTE: As per the Federal Emergency Management Agency National Flood Insurance Program Flood Insurance Rate Map for Fort Bend County, Texas, and Incorporated Areas (Map No. 48157C0240L, REVISED PRELIMINARY October 30, 2009), it appears that a portion of these tracts lie within Zone X - Areas determined to be outside the 0.2% annual chance floodplain, a portion of these tracts lie within Zone X Shaded - Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood, and a portion of these tracts lie within Zone AE - Base Flood Elevations determined.



AREA TABLE

BLOCK No.	RESERVE No.	ACREAGE
ONE	RESERVE "A"	1.31
	RESERVE "B"	1.00
	RESERVE "C"	1.01
	RESERVE "D"	1.02
	RESERVE "E"	1.02
	RESERVE "F"	1.02
	RESERVE "G"	1.02
	RESERVE "H"	1.02
	RESERVE "I"	1.02
	RESERVE "J"	1.02
	RESERVE "K"	1.02
	RESERVE "L"	1.02
	RESERVE "M"	1.02
	RESERVE "N"	0.010
TWO	RESERVE "O"	2.80
	RESERVE "P"	1.05
	RESERVE "Q"	1.05
	RESERVE "R"	1.05
	RESERVE "S"	1.04
THREE	RESERVE "U"	1.15
	RESERVE "V"	1.11
TOTAL		24.513

**PRELIMINARY PLAT
WALSH ROAD
INDUSTRIAL PARK**

A SUBDIVISION OF 24.513 ACRES OF LAND OVERALL BEING A PARTIAL REPLAT OF RESERVE "C" AND A PARTIAL REPLAT OF RESERVE "D" OF FIFTY-NINE SOUTH INDUSTRIAL PARK SUBDIVISION (VOLUME 27, PAGE 11; PLAT RECORDS OF FORT BEND COUNTY, TEXAS) BEING IN THE HENRY SCOTT SURVEY, ABSTRACT No. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS.

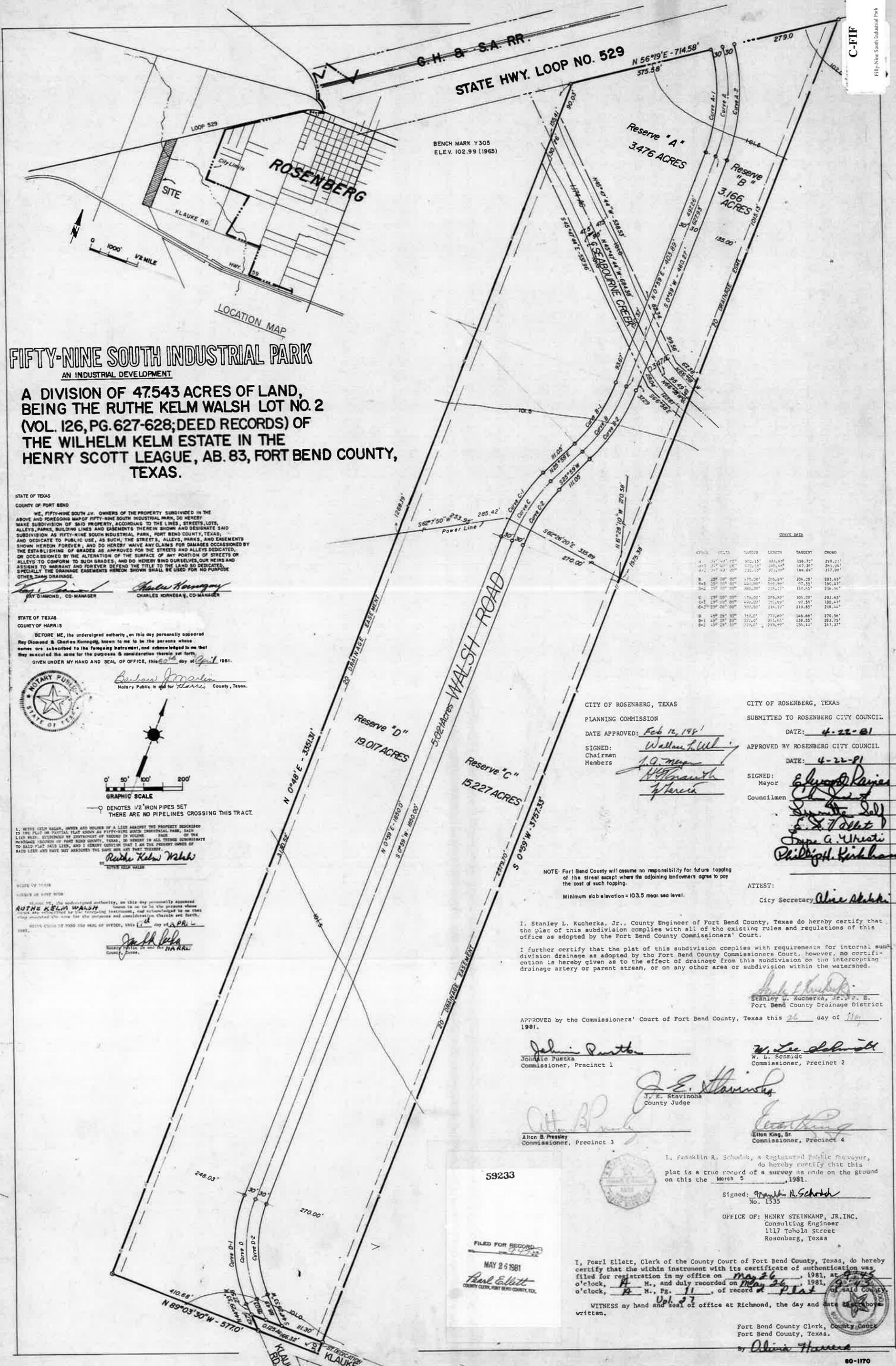
0 LOTS 21 RESERVES 3 BLOCKS

OWNERS
WALSH ROAD INDUSTRIAL PARK, LTD.
2333 TOWN CENTER DRIVE, SUITE 300
SUGAR LAND, TEXAS 77478
c/o LARRY INDERMUEHLE
(281) 240-9090

SURVEYOR AND ENGINEER
KELLY R. KALUZA & ASSOCIATES, INC.
CONSULTING ENGINEERS AND SURVEYORS
ENGINEERING FIRM No. F-1339
TEXAS LICENSED SURVEYING FIRM No. 10010000
3014 AVENUE I
ROSENBERG, TEXAS 77471
(281) 341-0808

NOVEMBER 21, 2013
REVISED: NOVEMBER 27, 2013
SHEET 1 OF 1

File Name: \\FortBend\Subdivision\2013\FBSubD13-001\Survey\Plat\WalshRoad-pp1-112713.dwg
Save date: Wednesday, November 27, 2013 11:18:45 AM
User: davis: Wednesday, November 27, 2013 11:13:08 AM



FIFTY-NINE SOUTH INDUSTRIAL PARK

AN INDUSTRIAL DEVELOPMENT

A DIVISION OF 47,543 ACRES OF LAND, BEING THE RUTHE KELM WALSH LOT NO. 2 (VOL. 126, PG. 627-628; DEED RECORDS) OF THE WILHELM KELM ESTATE IN THE HENRY SCOTT LEAGUE, AB. 83, FORT BEND COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF FORT BEND

WE, FIFTY-NINE SOUTH JV, OWNERS OF THE PROPERTY SHOWN IN THE ABOVE AND FOREGOING MAP OF FIFTY-NINE SOUTH INDUSTRIAL PARK, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY, ACCORDING TO THE LINES, STREETS, LOTS, ALLEYS, PARKS, BUILDING LINES AND EASEMENTS THEREIN SHOWN AND DESIGNATE SAID SUBDIVISION AS FIFTY-NINE SOUTH INDUSTRIAL PARK, FORT BEND COUNTY, TEXAS, AND DEDICATE TO PUBLIC USE, AS SUCH, THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ANY CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHING OF GRADES AS APPROVED FOR THE STREETS AND ALLEYS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE OF ANY PORTION OF STREETS OR ALLEYS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED, ESPECIALLY THE DRAINAGE EASEMENTS HEREON SHOWN SHALL BE USED FOR NO PURPOSE OTHER THAN DRAINAGE.

Ray Diamond
RAY DIAMOND, CO-MANAGER

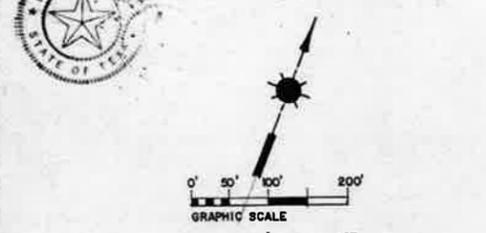
Charles Kornegay
CHARLES KORNEGAY, CO-MANAGER

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Ray Diamond & Charles Kornegay, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes & consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20th day of April, 1981.

John J. Moran
Notary Public in and for Harris County, Texas.



I, RUTHE KELM WALSH, OWNER AND HOLDER OF A LIEU AGAINST THE PROPERTY DESCRIBED IN THE PLAT ON DUTY FILED AS FIFTY-NINE SOUTH INDUSTRIAL PARK, SAID LIEU BEING EVIDENCED BY INSTRUMENT OF RECORD IN VOLUME PAGE OF THE PUBLIC RECORDS OF FORT BEND COUNTY, TEXAS, DO HEREBY IN ALL THINGS DEMANDANT TO SAID PLAT, SAID LIEU, AND I HEREBY CERTIFY THAT I AM THE PRESENT OWNER OF SAID LIEU AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

Ruthe Kelm Walsh
RUTHE KELM WALSH

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared RUTHE KELM WALSH, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20th day of April, 1981.

John J. Moran
Notary Public in and for Harris County, Texas.

CURVE DATA

CURVE	ARC	CHORD	LENGTH	TANGENT	CHORD
A	110.00'	181.83'	159.22'	249.21'	181.83'
A-1	110.00'	181.83'	159.22'	249.21'	181.83'
A-2	110.00'	181.83'	159.22'	249.21'	181.83'
B	110.00'	181.83'	159.22'	249.21'	181.83'
B-1	110.00'	181.83'	159.22'	249.21'	181.83'
B-2	110.00'	181.83'	159.22'	249.21'	181.83'
C	110.00'	181.83'	159.22'	249.21'	181.83'
C-1	110.00'	181.83'	159.22'	249.21'	181.83'
C-2	110.00'	181.83'	159.22'	249.21'	181.83'
D	110.00'	181.83'	159.22'	249.21'	181.83'
D-1	110.00'	181.83'	159.22'	249.21'	181.83'
D-2	110.00'	181.83'	159.22'	249.21'	181.83'

CITY OF ROSENBERG, TEXAS
PLANNING COMMISSION
DATE APPROVED: Feb 12, 1981
SIGNED: *William L. Hill*
Chairman
J.G. Meyer
Members
H.H. Stavinola
Pharis

CITY OF ROSENBERG, TEXAS
SUBMITTED TO ROSENBERG CITY COUNCIL
DATE: 4-22-81
APPROVED BY ROSENBERG CITY COUNCIL
DATE: 4-22-81
SIGNED: *E. J. Stavinola*
Mayor
Charles J. ...
Councilmen
James G. ...
Phillip H. ...

NOTE: Fort Bend County will assume no responsibility for future topping of the street except where the adjoining landowners agree to pay the cost of such topping.
Minimum slab elevation = 103.5 mean sea level.

I, Stanley L. Kucherka, Jr., County Engineer of Fort Bend County, Texas do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Fort Bend County Commissioners' Court.

I further certify that the plat of this subdivision complies with requirements for internal subdivision drainage as adopted by the Fort Bend County Commissioners' Court, however, no certification is hereby given as to the effect of drainage from this subdivision on the intersecting drainage artery or parent stream, or on any other area or subdivision within the watershed.

Stanley L. Kucherka, Jr.
Stanley L. Kucherka, Jr., P. E.
Fort Bend County Drainage District

APPROVED by the Commissioners' Court of Fort Bend County, Texas this 26 day of May, 1981.

John P. ...
John P. ...
Commissioner, Precinct 1

W. L. Schmidt
W. L. Schmidt
Commissioner, Precinct 2

J. E. Stavinola
J. E. Stavinola
County Judge

Alton B. ...
Alton B. ...
Commissioner, Precinct 3

Eton King, Sr.
Eton King, Sr.
Commissioner, Precinct 4

59233

FILED FOR RECORD

MAY 26 1981

Pearl Elliott
COUNTY CLERK, FORT BEND COUNTY, TEX.

I, Franklin R. Schotok, a Registered Public Surveyor, do hereby certify that this plat is a true record of a survey as made on the ground on this the March 5, 1981.

Signed: *Franklin R. Schotok*
No. 1535

OFFICE OF: HENRY STEINKAMP, JR., INC.
Consulting Engineer
1117 Tobolski Street
Rosenberg, Texas

I, Pearl Elliott, Clerk of the County Court of Fort Bend County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on May 26, 1981, at 9:45 o'clock, A.M., and duly recorded on May 26, 1981, at 9:45 o'clock, A.M., of record in Plat of said County.

Witness my hand and seal of office at Richmond, the day and date above written.

Fort Bend County Clerk, County Court
Fort Bend County, Texas.
Pearl Elliott

is attached for reference.

NewQuest Properties, Inc., recently approached City staff regarding an approximately 47-acre tract in Brazos Town Center. The tract is in the northeast portion of Brazos Town Center, north of Town Center Boulevard and abutting FM 762 and the railroad right-of-way. Per the Developer's current Conceptual Plan, updated by Resolution No. R-1329 in 2011, 45'x110' patio home lots are permitted on the property. The Developer has indicated Perry Homes as a potential buyer for the tract; however, Perry Homes would intend to plat 50'x130' standard single-family residential lots on the property. This is an increase in lot size of over 30 percent; however, it is a change in the product type from patio homes (zero lot line construction) to standard detached residences. As a result of this, staff believed the proposal would require an amendment to the Conceptual Plan and approval by the Planning Commission and City Council.

The proposed amendment would result in a reduction in density by 85 lots, or 34 percent, on the 47-acre tract, from 251 to 166 lots. Perry Homes has also provided sample elevations, which are attached. While not exact, it is anticipated that the development of this property will be substantially similar in terms of house size and exterior finishes to the attached elevations. Further, the Developer has suggested a minimum house size of 1,650 square feet with a minimum of 51 percent masonry exterior construction. While the current minimum lot size requirement is for sixty (60) foot lots, staff believes this amendment is an improvement over what is currently allowed on the tract and supports the amendment and revised Conceptual Plan.

Key Discussion:

- Mr. Tanner presented the item and reviewed the executive summary.
- Commissioner Poldrack stated that the current "Subdivision" Ordinance has a 60-foot lot as minimum. These are less than the current requirement. Is that a violation of the Ordinance since this tract has not been platted previously?
- Mr. Tanner replied that in his opinion, this is not a violation of the Ordinance. This development began in 2004/2005 and what is on the Land Plan is an exhibit to the Development Agreement itself. There were 45-foot patio lots specified for this area and they are increasing the lot size. It would not be a violation of the lot size but a change to their Agreement.
- Commissioner Poldrack inquired if that would open the door for others to come in wanting to develop 50-foot lots.
- Mr. Tanner replied that he does not believe it does. In this case, we are increasing the lot size. In another development, if someone wanted to increase their lot size, in an apples to apples comparison, that would be different. He does not see anyone coming in with raw land wanting to develop 50-foot lots.
- Commissioner Poldrack inquired if Ms. Lenzsch agreed with Mr. Tanner's interpretation.
- Ms. Lenzsch replied that she does agree.
- Commissioner Parsons stated that the Commission was not 100% happy with the smaller development (patio homes).

Action Taken: Commissioner Parsons moved, seconded by Commissioner Urbish, to recommend approval to City Council of the proposed Amendment to the Developer's Conceptual Plan for Brazos Town Center. The motion carried unanimously.

3. HOLD A PUBLIC HEARING ON A PRELIMINARY PLAT OF WALSH ROAD INDUSTRIAL PARK, A SUBDIVISION OF 24.513 ACRES OF LAND OVERALL BEING A PARTIAL REPLAT OF RESERVE "C" AND A PARTIAL REPLAT OF RESERVE "D" OF FIFTY-NINE SOUTH INDUSTRIAL PARK SUBDIVISION (VOLUME 27, PAGE 11; PLAT RECORDS OF FORT BEND COUNTY, TEXAS) BEING IN THE HENRY SCOTT SURVEY, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 0 LOTS, 21 RESERVES, 3 BLOCKS.

Executive Summary: The Preliminary Plat of Walsh Road Industrial Park is a proposed subdivision consisting of approximately 24.5 acres and 21 reserves. It is located immediately north of the intersection of Walsh and Klauke Roads. The proposed reserves are, on average, just over one (1) acre in size. Also included is a proposed Reserve "O" restricted to drainage use for detention purposes.

From a development standpoint, the proposed deed restrictions for the subdivision generally limit the property to

office, warehouse, distribution and light manufacturing use. The restrictions also provide for the association to maintain common areas such as the detention pond. It is also important to note that the West Fort Bend Management District bisects the property being replatted and encompasses twelve (12) of the proposed reserves or building sites, and a portion of two (2) others, not including the detention reserve. The Management District's standards will play a role in the future development of those sites.

As seen in the motion, the proposed Plat also constitutes a partial replat of Fifty-Nine South Industrial Park, originally platted in 1981. That being said, a public hearing is required per State law (Ch. 212, Local Government Code) and the "Subdivision" Ordinance.

Chairperson Pavlovsky opened the public hearing at 6:03 p.m. After three calls for speakers, no one stepped forward. Chairperson Pavlovsky closed the public hearing at 6:04 p.m.

4. CONSIDERATION OF AND ACTION ON A PRELIMINARY PLAT OF WALSH ROAD INDUSTRIAL PARK, A SUBDIVISION OF 24.513 ACRES OF LAND OVERALL BEING A PARTIAL REPLAT OF RESERVE "C" AND A PARTIAL REPLAT OF RESERVE "D" OF FIFTY-NINE SOUTH INDUSTRIAL PARK SUBDIVISION (VOLUME 27, PAGE 11; PLAT RECORDS OF FORT BEND COUNTY, TEXAS) BEING IN THE HENRY SCOTT SURVEY, ABSTRACT NO. 83, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 0 LOTS, 21 RESERVES, 3 BLOCKS.

Executive Summary: As discussed in the previous Agenda item, the Preliminary Plat of Walsh Road Industrial Park is a proposed subdivision consisting of approximately 24.5 acres and 21 reserves located north of the intersection of Walsh and Klauke Roads. The proposed uses within the subdivision are generally office, warehouse, distribution and light manufacturing. As discussed, the West Fort Bend Management District bisects the property; therefore, the District's standards will play a role in the future development of more than half of the proposed reserves.

A public hearing was included in the Agenda because the proposed Plat also constitutes a partial replat of Fifty-Nine South Industrial Park (platted in 1981). City staff has reviewed the proposed Preliminary Plat and has found that it is not in conflict with any regulations. Staff recommends approval of the Preliminary Plat of Walsh Road Industrial Park.

Key Discussion:

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

Action Taken: Commissioner Parsons moved, seconded by Commissioner Poldrack, to approve the Preliminary Plat of Walsh Road Industrial Park, a subdivision of 24.513 acres of land overall, being a partial replat of Reserve "C" and a partial replat of Reserve "D" of Fifty-Nine South Industrial Park Subdivision (Volume 27, Page 11; Plat Records of Fort Bend County, Texas), being in the Henry Scott Survey, Abstract No. 83, City of Rosenberg, Fort Bend County, Texas; 0 lots, 21 reserves, 3 blocks. The motion carried unanimously.

5. CONSIDERATION OF AND ACTION ON A REQUEST BY IDS ENGINEERING GROUP TO EXTEND THE PRELIMINARY PLAT APPROVAL OF BUSINESS PARK DRIVE AND PARK COURT STREET DEDICATION PLAT/ROSENBERG BUSINESS PARK STREET DEDICATION PLAT.

Executive Summary: The Preliminary Street Dedication Plat of Business Park Drive and Park Court is located in the Rosenberg Business Park and will connect to the southeast side of FM 2218 between the intersections of FM 2218 and Bryan and Danziger Roads. The right-of-way dedication is needed for the Rosenberg Development Corporation (RDC) and City to construct the street and utilities per the approved Development Agreement.

The plat is consistent with the Development Agreement and was approved by the Planning Commission on June 26, 2013, contingent on RDC approval of the street names before Final Plat approval. Approval of the Preliminary Plat was set to expire if an extension was not requested for this Planning Commission meeting date. The applicant has requested an extension while they complete the design of the public infrastructure for the plat, which is a requirement of Final Plat submittal.

The reason the infrastructure design is delayed slightly is due to it being a public-private partnership. Staff



PLANNING COMMISSION COMMUNICATION

April 23, 2014

ITEM #	ITEM TITLE
4	Rental Inspection Program Discussion

MOTION

Review and discuss the City's multi-family regulations, renter-occupied housing statistics, and the Rental Inspection Program, and take action as necessary to direct staff.

RECOMMENDATION

Staff has no recommendation for this item.

MUD #	City/ETJ	ELECTION DISTRICT
In-City MUDs	City	All

SUPPORTING DOCUMENTS:

1. Code of Ordinances Excerpt – Chapter 6, Article VIII – Multi-Family Developments
2. Code of Ordinances Excerpt – Chapter 6, Article XVI – Parking Lot Standards and Specifications
3. Code of Ordinances Excerpt – Chapter 6, Article XIX – Rental Registration and Inspection
4. Estimated Population in Single- and Multi-Family Residences – 2009-2013

APPROVAL

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of Community
Development

Reviewed by:

___ Executive Director of Community Development

___ City Engineer

EXECUTIVE SUMMARY

The Planning Commission requested a discussion item on the Rental Inspection Program and multi-family development standards at the March 26, 2014, meeting. For review, attached are Code excerpts from Chapter 6, Articles VIII – Multi-Family Developments, XVI – Parking Lot Standards and Specifications, and XIX – Rental Registration and Inspection. It should be noted that Section 6-461 of Article XIX specifies that rental inspections will be made to determine compliance with applicable standards in the City's building, housing, property maintenance, electrical, plumbing, health, and zoning codes. The City recently adopted updated codes for several of these sections in late 2013 but these Ordinances have not yet been codified.

Questions have recently been asked regarding the percentages of multi-family development and renter-occupied housing currently in the City. Based on data compiled in-house, the City's housing stock is approximately 28 percent (28%) multi-family. Based on 2010 U.S. Census data, the City's occupied housing stock is approximately 52 percent (52%) owner-occupied and 48 percent (48%) renter-occupied, whereas Fort Bend County overall is 79 percent (79%) owner-occupied versus 21 percent (21%) renter-occupied. The proportion of multi-family development has shrunk recently with the number of single-family residences being constructed, and perhaps due in part to City ordinances.

To better demonstrate the latter trend, staff has provided information on single- and multi-family population over the previous five (5) years that was recently compiled for the Utilities Department. The information is attached. With the exception of one (1) new multi-family development in 2012, the population in multi-family dwellings has stayed the same while the population living in single-family residences has increased significantly. The multi-family units that have been constructed, and are likely to be constructed in the future, are those in existing developments, such as Brazos Town Center and Fort Bend County MUD No. 144, that predate the City's current multi-family parking requirement.

Staff recommends the Planning Commission review the current regulations and direct staff to make any revisions deemed necessary. A representative of the Fire Department, which oversees the rental program, will be present to answer questions. Staff will return with any proposed amendments to be considered on a future Agenda for recommendation to City Council. It is suggested that this discussion be included as part of the forthcoming Comprehensive Plan update.

PART II - CODE OF ORDINANCES
Chapter 6 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE VIII. MULTI-FAMILY DEVELOPMENTS

ARTICLE VIII. MULTI-FAMILY DEVELOPMENTS ^[11]

[Sec. 6-250. Applicability; definition.](#)

[Sec. 6-251. Density and size, access and separation between multi-family dwelling buildings.](#)

[Sec. 6-252. Masonry construction.](#)

[Sec. 6-253. Screening.](#)

[Sec. 6-254. Minimum off-street parking requirements.](#)

[Sec. 6-255. Special protective requirements.](#)

[Sec. 6-256. Open green space requirements.](#)

[Sec. 6-257. Access.](#)

[Sec. 6-258. Lighting.](#)

[Sec. 6-259. Site plan.](#)

[Sec. 6-260. Minimum square footage.](#)

[Sec. 6-261. Penalty.](#)

[Sec. 6-262. Exceptions.](#)

[Secs. 6-263—6-270. Reserved.](#)

Sec. 6-250. Applicability; definition.

The provisions of this article shall apply to the development, construction, and occupancy of a multi-family development. "Multi-family" shall mean all structures designed to contain three (3) or more complete separate living facilities for single-family occupancy.

(Ord. No. 2007-25, § 1, 6-26-07)

Sec. 6-251. Density and size, access and separation between multi-family dwelling buildings.

- (a) Each multi-family dwelling building shall be limited to not more than seven thousand (7,000) square feet per floor. Multi-family dwelling buildings shall be limited to two (2) floors, and shall not exceed thirty (30) feet in height above finished grade. Each building shall be separate and separated by distances as stated in subsection (c) of this section.
- (b) Access must be provided around the entire perimeter of all multi-family development for emergency vehicles, including fire trucks, police cars, ambulances and garbage trucks. This access area must be paved and have a width of at least sixteen (16) feet. Multi-family developments with less than ten (10) multi-family dwelling units are exempt from this requirement. Multi-family developments may not be developed in stages or phases to circumvent this requirement.
- (c) Each building within a multi-family dwelling development shall be separated from other buildings by not less than thirty (30) feet. Enclosed courtyards shall not be less than forty (40) feet in depth, width, or length.

PART II - CODE OF ORDINANCES
Chapter 6 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE VIII. MULTI-FAMILY DEVELOPMENTS

- (d) Building lines. The following minimum building lines shall be required for lots or tracts containing multi-family dwelling buildings, measured from the applicable property line; provided, however, if the lot is encumbered with a street right-of-way, such building line shall be measured from the boundary line of such street right-of-way:
- (1) *Front yard.* The front yard building line shall not be less than thirty-five (35) feet.
 - (2) *Side yard, interior.* The interior side yard building line shall be not less than (a) thirty (30) feet if a one-story multi-family dwelling building (not to exceed fifteen (15) feet in height) is to be constructed; or (b) fifty (50) feet if a two-story multi-family dwelling building (not to exceed thirty (30) feet in height) is to be constructed.
 - (3) *Side yard, street.* The side building line adjacent to a street shall be not less than thirty (30) feet, except that where the side yard is adjacent to a collector street or major thoroughfare such building line shall be not less than thirty-five (35) feet.
 - (4) *Rear yard; interior; alleyways.* The rear building line shall be not less than (a) thirty (30) feet if a one-story multi-family dwelling building (not to exceed fifteen (15) feet in height) is to be constructed; or (b) fifty (50) feet if a two-story multi-family dwelling building (not to exceed thirty (30) feet in height) is to be constructed. Provided, however, where the rear property line abuts an alleyway, there shall be a minimum of thirty (30) feet between the buildings abutting said alleyway.
 - (5) *Rear yard, major street.* A rear building line adjacent to a collector street or a major thoroughfare shall be not less than thirty (30) feet.
- (e) No multi-family dwelling development shall contain more than fourteen (14) units per net platted acre. The net platted acreage shall be the total platted acreage of the development, less any acreage occupied by lakes or ponds, irrigation canals or drainage canals. For a development with one-story multi-family dwelling buildings the density shall not exceed seven (7) dwelling units per net platted acre. For a development with two-story or a combination of one- and two-story multi-family dwelling buildings the density shall not exceed fourteen (14) dwelling units per net platted acre. At no time shall any acre contain more than fourteen (14) dwelling units.
- (f) The total number of units within a multi-family development shall not exceed two hundred (200). Multi-family developments may not be developed in stages or phases to circumvent this requirement.
- (Ord. No. 2007-25, § 1, 6-26-07)

Sec. 6-252. Masonry construction.

At a minimum, thirty (30) percent of the exterior walls of a multi-family dwelling development shall be constructed of masonry materials and shall contain an appropriate moisture barrier in accordance with Article II of Chapter 6 hereof.

(Ord. No. 2007-25, § 1, 6-26-07)

Sec. 6-253. Screening.

The following screening requirements shall apply to multi-family dwelling developments:

- (1) All refuse containers shall be screened;
- (2) An eight-foot tall decorative masonry wall shall be constructed on the sides and rear of any multi-family dwelling development; and

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- (3) All walls shall be constructed of a solid masonry material of brick, decorative block or similar material. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four (4) inches wider than the wall to be erected.

(Ord. No. 2007-25, § 1, 6-26-07)

Sec. 6-254. Minimum off-street parking requirements.

- (a) The minimum requirements for off-street parking for multi-family dwelling developments are set forth in Section 6-418
- (b) A parking space shall be constructed of concrete cement and be the minimum size required by Section 6-418. No on-street parking shall be permitted. All parking areas shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other protection device. Parking will be so arranged as to prevent backing out onto any public street.

(Ord. No. 2007-25, § 1, 6-26-07)

Sec. 6-255. Special protective requirements.

- (a) All multi-family dwelling buildings shall be constructed using one-hour fire-resistive materials in all walls, floors, ceilings, and attic separations, and shall contain a fire sprinkler system on all floors.
- (b) The use of wood shingle roofing and cedar shake siding materials is prohibited.

(Ord. No. 2007-25, § 1, 6-26-07)

Sec. 6-256. Open green space requirements.

- (a) A minimum of thirty (30) percent of the net platted area shall be open green space. "Open green space" is defined as, and limited to, common areas of open green space with landscaping or open community recreational areas. Open green space does not include any areas specifically designated or used as building sites for multi-family units, buildings sites for utility or storage buildings, parking lots, garages, streets, or driveways within a multi-family development. The actual surface areas of open green space, such as common area lawns and landscaping, and community recreational areas, such as playgrounds, community swimming pools and surrounding paved deck area, community tennis courts, and other open common recreation areas, shall be considered in calculating the minimum requirement for open green space. Recreational facilities located within enclosed buildings shall not be considered open green space. Park land provided to satisfy the requirements set forth in Chapter 25, Subdivisions, Article IV, Park Land Public Sites and Open Spaces, may be included in satisfaction of the minimum required area of open green space required by this section, with the exception that detention basins (dry-bottom) shall not be used to satisfy open green space requirements.
- (b) All multi-family dwelling developments shall provide at least three (3) of the following amenity items:
- (1) Tennis courts (minimum two (2));
 - (2) Swimming pool;
 - (3) Recreation/community center or room;
 - (4) Basketball court (full court);
 - (5) Fitness center; or

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(6) Playground area.

A basketball court or tennis court shall not occupy the same space to be counted as separate amenities.

(Ord. No. 2007-25, § 1, 6-26-07)

Sec. 6-257. Access.

- (a) Multi-family dwelling developments, including apartment and condominium developments, shall have an adequate number of access points to provide for an orderly and safe movement of vehicular traffic. The minimum number of points of access from said developments shall be provided in accordance with Section 25-61 of this Code.
- (b) All multi-family dwelling units (buildings) and all common/recreational areas shall have direct access to a driveway or access street, which shall be constructed in accordance with the city's minimum design construction standards for a private street.

(Ord. No. 2007-25, § 1, 6-26-07)

Sec. 6-258. Lighting.

Each multi-family dwelling development shall include lighting for all recreational areas, driveways, access streets, entrances, and exits.

(Ord. No. 2007-25, § 1, 6-26-07)

Sec. 6-259. Site plan.

At the time a preliminary plat application is submitted, a preliminary site plan of the multi-family development shall be submitted for review and approval of the planning and zoning commission. At the time a final plat application is submitted, a final site plan shall be submitted for review and approval by the planning and zoning commission and the city council. Any site plan of the multi-family development submitted in conjunction with an application for a building permit shall be in accordance with the final site plan approved by the city council. This requirement to provide a site plan shall be cumulative of, and in addition to, such other regulations and requirements as may be imposed under this Code.

(Ord. No. 2007-25, § 1, 6-26-07)

Sec. 6-260. Minimum square footage.

Each dwelling unit within a multi-family development shall meet the following minimum square footage requirements:

- (1) Each one-bedroom unit shall have a minimum of area of six hundred (600) square feet;
- (2) Each two-bedroom unit shall have a minimum area of nine hundred (900) square feet;
- (3) Each three-bedroom unit shall have a minimum area of one thousand two hundred (1,200) square feet; and
- (4) No four-bedroom units shall be permitted.

(Ord. No. 2007-25, § 1, 6-26-07)

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Sec. 6-261. Penalty.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalty provided in Section 1-13 of this Code.

(Ord. No. 2007-25, § 1, 6-26-07)

Sec. 6-262. Exceptions.

The following developments shall be subject to the standard regulations set forth in this article, except as otherwise hereinafter provided:

- (1) Federally funded (example: U.S. Department of Housing and Urban Development, commonly referenced as "HUD") projects that comply with HUD Section 811 regulations for such projects, which is restricted to housing for persons with physical disabilities, developmental disabilities, or chronic mental illness, shall be subject to the following requirements:
 - a. *Applicability. Non-profit organizations:* Entity must provide proof of non-profit status and federally funded status concurrently with the submittal of a site plan for consideration by the planning commission;
 - b. *Density:* Maximum density of seven (7) units per net platted acre;
 - c. *Number of units:* Maximum number of fifteen (15) units within a development;
 - d. *Minimum development area:* Two (2) acres;
 - e. *Parking:* Minimum of two (2) spaces per unit;
 - f. *Building separation:* Minimum building separation of eighteen (18) feet;
 - g. *Property line fencing:* A fence, consisting of chain link, wrought iron, or wood panels, shall be required along the perimeter property lines. An opaque fence shall be required along any property line that is adjacent to a residential use, or property platted for residential use, at the time of development of the multi-family use;
 - h. *Amenities:* A minimum of one (1) of the following amenities shall be provided:
 1. Tennis courts.
 2. Swimming pool.
 3. Recreation/community center or room.
 4. Basketball court.
 5. Fitness center.
 6. Playground area.
 7. Open green space/play area.
 8. Gazebo.
 - i. *Size of units:* Units shall be a minimum of five hundred (500) square feet;
 - j. *Maximum number of residents per unit:* Three (3), with one (1) of those residents being at least eighteen (18) years of age or older; and
 - k. *Site plans:* All site plans shall be submitted to the planning commission for a recommendation, and the city council for final approval.

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(Ord. No. 2010-02, § 1, 1-19-10)

Secs. 6-263—6-270. Reserved.

FOOTNOTE(S):

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Editor's note— Ord. No. 2007-25, § 1, adopted June 26, 2007, repealed former Art. VIII, §§ 6-250—6-258 and enacted provision designated as a new Art. VIII, §§ 6-250—6-261, to read as herein set out. Prior to inclusion of said ordinance, Art. VIII pertained to similar subject matter. See also the Code Comparative Table. ([Back](#))

Cross reference— Planning and development, § 2-86 et seq.; fire prevention and protection, Ch. 11; flood prevention and protection, Ch. 12; health, sanitation and nuisances, Ch. 14; streets, sidewalks and other public places, Ch. 24; subdivisions, Ch. 25; traffic and vehicles, Ch. 28; utilities, Ch. 29. ([Back](#))

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[Sec. 6-416. Off-street parking regulations.](#)

[Sec. 6-417. Off-street parking landscaping \(twenty-five \(25\) spaces or more\).](#)

[Sec. 6-418. Schedule of parking regulations.](#)

[Sec. 6-419. Special exceptions for parking and landscaping for commercial uses with frontage on Avenue H, Avenue I, and State Highway 36 only.](#)

[Sec. 6-420. Outdoor displays of motor vehicles; paving requirements.](#)

[Secs. 6-421—6-424. Reserved.](#)

Sec. 6-416. Off-street parking regulations.

It is the intent of this section to ensure that adequate off-street parking is provided.

- (1) Required off-street parking spaces should be on the same lot, tract, parcel, or premises as the use being served.
- (2) Any existing use that is enlarged, structurally altered, or remodeled to the extent of increasing or changing the use by more than fifty (50) percent as it existed at the effective date of this article shall be accompanied by off-street parking for the entire building, or use in accordance with the required off-street parking regulations set forth in the section 6-418, schedule of parking regulations. Exemption may be permitted for a business that existed prior to the passage of this ordinance and requires less than twenty-five (25) spaces, and is rebuilt due to fire, storm, or other acts of God.
- (3) Existing parking spaces may not be used to satisfy additional off-street parking requirements unless the existing spaces proposed for use in meeting the requirements of the associated use exceed the number of spaces required for the building or use for which the existing spaces are associated. All parking associated with a building or use from which the spaces are drawn must meet all requirements of this article.
- (4) Off-street parking areas shall provide parking spaces with a minimum stall width of nine (9) feet (as measured from centerline to centerline) and a minimum length of twenty (20) feet. Off-street parking spaces shall be clearly marked with striping to indicate the location of the individual spaces.
- (5) All parking and paving areas shall meet the following setbacks:
 - a. Parking and paving areas shall be setback a minimum of ten (10) feet from any property line that abuts a street right-of-way or an access easement as defined in Article 1, of Chapter 25, Subdivisions, Section 25-1
 - b. Parking and paving areas shall be setback a minimum of five (5) feet from any side property line. For corner lots, parking and paving areas shall provide the minimum five (5) foot setback on both interior side yards, regardless of whether one (1) yard is considered a rear yard.
 - c. There shall be no parking or paving setback on the rear of a lot. Parking spaces abutting an adjoining property line in the rear shall be provided with wheel guards or bumper guards located so that no part of a normally parking vehicle shall extend beyond the property line.

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- d. Parking and paving areas shall be setback a minimum of five (5) feet from any alley.
 - e. For interior side property lines in commercial developments with shared parking, no setback from the interior property lines are required.
 - f. Single family residential parking shall be exempt from these setback requirements.
 - g. *Nonconforming parking and paving areas:*
 - i. Parking and paving areas which are in existence on the effective date of this ordinance, and which are nonconforming as it relates to the provisions of subsection 6-416(5), may be repaired or renovated provided that repairs or renovations do not exceed fifty (50) percent of the replacement cost of the parking or paving area as determined by two (2) or more independent estimates from licensed contractors.
 - ii. Repairs or renovations exceeding fifty (50) percent of the replacement cost of a nonconforming parking or paving area must result in conformance with subsection 6-416(5).
- (6) Approval of the parking area layout and design of all off-street parking areas shall be by the planning director or such designee. The planning director or such designee shall determine that spaces provided are useable and that the circulation pattern of the area is adequate.
- (7) All off-street parking areas shall be paved with a permanent all-weather surface of asphalt concrete or Portland cement concrete approved by the planning director.
- (8) All off-street parking areas within commercial or multi-family projects shall be provided with exterior lighting, which meets the following minimum standards:
- a. Proper illumination shall be provided for safety, which at a minimum, shall be the equivalent of one-foot candle average of illumination throughout the parking area. In commercial parking lots, lights should be operable at a minimum of one (1) hour before the business is open to a period at least one (1) hour after the business has closed.
 - b. All lighting shall be on a time clock or photo sensor system.
 - c. All lighting shall be designed to confine direct rays to the premises. No spill over beyond the property line shall be permitted, except onto public thoroughfares provided, however, that such light shall not cause hazard to motorists.
- (9) Access to parking areas for commercial or multi-family projects shall be provided as follows:
- a. Two-way access driveways shall have a width of no less than twenty (20) feet nor greater than forty-four (44) feet. In cases where one-way access drives are approved, a minimum width of twelve (12) feet is required.
 - b. The parking area shall be designed so that a vehicle within the parking area will not have to enter a public street to move from one (1) location to any other location within the parking area. (Businesses requiring twenty-five (25) spaces or less are exempt from this provision.)
 - c. Under no circumstances will spaces be approved that require a vehicle to back into a public right-of-way. (Businesses requiring twenty-five (25) spaces or less are exempt from this provision.)
 - d. This section relating to access for commercial or multi-family projects shall not be applicable for single-family residential parking requirements.
- (10) Access to parking area for single-family residential units shall be provided as follows:

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- a. The driveway shall be a minimum nine (9) feet wide and connect to all parking areas including garage.
- b. The driveway can permit a vehicle to safely back into a public right-of-way.
- c. The access drive may be of like material of the city street, but in no case less than an asphalt material. It does not have to match the parking space material.
- d. The design criteria shall be approved by the building official and be properly tied into the city street.

(11) The Downtown Area, as defined in this chapter, shall be exempt from the parking regulations set forth in this article.

(Ord. No. 2011-24, § 1, 12-20-11; Ord. No. 2011-34, § 1, 12-20-11; [Ord. No. 2012-41, § 1, 11-20-2012](#))

Sec. 6-417. Off-street parking landscaping (twenty-five (25) spaces or more).

- (a) All areas, except the downtown area, that are used for parking shall conform to the minimum landscaping requirements of this section. Parking lots shall have open landscaped areas that are equal to but not less than ten (10) percent of the parking areas and drives in the parking area. The required area may be used as island, perimeter landscaping, or in any combination. A minimum of fifty (50) percent of the required landscaped area must be used as islands.
- (b) Landscaping in the right-of-way shall be permitted subject to the approval of the planning director. Credit for up to fifty (50) percent of the minimum landscaping area requirement shall be allowed for landscaping of the street right-of-way.
- (c) Off-street parking areas (including loading docks, access roads and drives) that are adjacent to an area used for residential purposes may require screening by means of a six-foot wall or opaque fence, which shall be erected and maintained along the property line to provide visual screening. It shall be necessary to show all planting areas drawn to scale and all plants and trees within shall be clearly located and labeled on-site plans for development regulated by this article.
- (d) Landscaping areas shall be protected from vehicular encroachment by curbs or wheel stops.
- (e) Landscaping shall consist of a combination of such materials as grasses, groundcover, shrubs, vines, hedges, trees, or other such materials. Grasses and groundcover alone shall not constitute adequate landscaping.
- (f) Visibility at intersections. On a corner lot, no structure shall be erected or constructed, and no vegetation shall be planted and allowed to grow, in such a manner as to impede vision between a height of two (2) feet and eight (8) feet above the centerline grades of the intersecting streets, in the triangular area bounded by the intersecting street lines and a line joining points along said street lines twenty (20) feet from the point of their intersection.

(Ord. No. 2011-24, § 1, 12-20-11; Ord. No. 2011-34, § 1, 12-20-11)

Sec. 6-418. Schedule of parking regulations.

Computing parking space requirements:

- (1) Where a fraction of an off-street parking space greater than or equal to one-half (0.5) is required pursuant to the table below, a full parking space shall be provided.

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(2) For uses not mentioned in the table below or for which the category of use is uncertain, the planning director shall determine the most appropriate equivalent from the subsequent table. An applicant unsatisfied with the planning director's decision may make an appeal to the planning and zoning commission.

* GLA is the "gross leasable floor area".

Use	Unit	Minimum Number Spaces: Unit
Single-family residential	Dwelling unit	2:1 dwelling unit
Townhouse residential	Dwelling unit	2.5:1 dwelling unit
Duplex residential	Duplex	4 covered spaces per duplex
General office (includes banks and savings and loans)	1,000 square feet of GLA*	5:1000 square feet
General retail (under 400,000)	1,000 square feet of GLA*	5:1000 square feet
General retail (400,000 and over)	1,000 square feet of GLA*	5:1000 square feet
Fast-food eating (with or without drive-through, without table service)	1,000 square feet of GLA*	10:1,000 square feet
Restaurants and cafeterias (sit down eating with table service, without bar)	1,000 square feet of GLA*	12:1,000 square feet
Restaurants and cafeterias (sit down eating with table service, with bar)	1,000 square feet of GLA*	15:1,000 square feet
Bars, nightclubs and taverns	1,000 square feet of GLA*	20:1,000 square feet
Churches, cinemas, meeting rooms, and places of public assembly (with fixed seating)	Seats	1:4 seats

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Places of public assembly (without fixed seating)	Areas of assembly	1:45 square feet
Places of assembly for elementary age children (without fixed seating)	Areas of assembly	1:650 square feet
Hospitals (acute care)	Beds	1:1 bed
Hospitals, nursing homes, assisted living (chronic care)	Beds	1:3 beds
Light manufacturing	1,000 square feet of GLA*	2:1,000 square feet
Wholesaling, warehousing, and distribution	1,500 square feet of inside storage area	1:1,500 square feet
Bowling alley	Lanes	5:1 lane
Funeral home	Seats	1:3 seats
Medical/dental clinic	1,000 square feet of GLA*	6:1,000 square feet
Hotel/motel	Rooms	1:1 room
Multifamily dwelling	1 Bedroom 2 Bedroom 3 Bedroom	4 spaces: 1 bedroom dwelling 5 spaces: 2 bedroom dwelling 6 spaces: 3 bedroom dwelling 30% of the required spaces shall be covered. (At a minimum, 10% of the total spaces shall be designated for guest parking)
Auto repair, painting, or body repair	1,000 square feet of GLA*	3:1,000 square feet of office area + 4 spaces per each bay, or one space per 600 square feet of other gross floor area

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Auto wash	Use	10 minimum
Auto part sales	1,000 square feet of GLA*	3:1,000 square feet of office area + 4 spaces per each bay, or one space per 600 square feet of other gross floor area
Auto service station	Use	2 spaces per day + 2 stacking spaces per pump
Automobile/vehicle sales:		
For showroom/office	1,000 square feet of GLA*	4:1,000 square feet
For outside lot	800 square feet of lot area	1:800 square feet
Minimum, if greater than total for above	Total site	8 spaces
Self-storage/Mini-warehouse	12,000 square feet of GLA*	1:12,000 square feet

(Ord. No. 2011-24, § 1, 12-20-11; Ord. No. 2011-34, § 1, 12-20-11)

Sec. 6-419. Special exceptions for parking and landscaping for commercial uses with frontage on Avenue H, Avenue I, and State Highway 36 only.

- (a) Upon written request of the property owner, the city council may grant a special exception to the provisions of this article, including the parking and paving setbacks required by subsection 6-416 (5), limited to and in accordance with the items referenced in this section.
- (b) The purpose of a special exception shall be to authorize a modification of standards applicable to development within the city, which is consistent with the overall intent of the Code, but that requires additional review to determine whether the development with the modifications is compatible with adjoining properties and the character of the neighborhood in which the development is proposed.
- (c) An application for a special exception shall be filed only for parking and landscaping provisions contained within this article of the Code.

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- (d) In granting a special exception under this article, the city council may impose such criteria and conditions as necessary to bring the property into further compliance with this article and to protect adjacent property owners.
- (e) Special exceptions shall be limited to the following:
 - (1) The property to which a special exception applies shall be no larger than one (1) acre in size.
 - (2) The property to which a special exception applies shall be a property in which an improvement is upon, and not be a stand-alone, vacant property, in which no building currently exists. A vacant property adjacent to a developed property, in which the vacant tract and the developed tract are replatted into one (1) lot, shall be permitted.
 - (3) The special exception may allow for the reduction of parking requirements in an amount not exceeding twenty-five (25) percent of the parking required for that use under this article.
- (f) *Application requirements.* An application for a special exception shall be accompanied by the following:
 - (1) Completed application, as provided by the planning department.
 - (2) A statement detailing the specifics of the site, including the size of the site, the size of any buildings to be utilized, the parking spaces proposed, and any other information deemed appropriate by the planning director.
 - (3) A site plan of the subject property.
 - (4) A landscape plan showing as much conformance to the landscaping requirements as the site can accommodate.
- (g) *Application processing.*
 - (1) The planning commission shall consider an application for a special exception and make a recommendation to the city council.
 - (2) The planning department shall cause notice to be sent by regular mail before the tenth day before the date in which the special exception is considered by the city council, to each owner of real property located within two hundred (200) feet of the exterior boundary of the property in question.
 - (3) The planning department shall cause notice to be published in a newspaper of general circulation in the city before the tenth day before the date in which the special exception is considered by the city council.
 - (4) The city council shall hold a public hearing and receive public comments regarding the special exception.

(Ord. No. 2011-24, § 1, 12-20-11; [Ord. No. 2012-41, § 1, 11-20-12](#))

Sec. 6-420. Outdoor displays of motor vehicles; paving requirements.

(a) *Definitions.*

Motor vehicle shall mean a self-propelled vehicle required to be registered under the Texas Transportation Code, and is designed for use on a public roadway, regardless if the motor vehicle is operable, inoperable or dismantled.

Outdoor display area(s) shall mean an area for the outdoor display of motor vehicles that are available for rent, sale, lease or storage.

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Residential property means an establishment serving a single-family or household.

- (b) *Outdoor display areas, paving requirements.* All outdoor display areas shall be paved with a permanent all-weather surface of asphalt concrete or Portland cement concrete approved by the planning director.
- (1) Outdoor display of motor vehicles shall not be displayed on areas that are designated for off-street parking or are included in the computation for designated off-street parking (unless the off-street parking spaces available exceed the number of spaces required for off-street parking), areas designated for landscaping, grass, dirt, gravel or other unimproved surfaces.
 - (2) Display of one (1) motor vehicle for sale on residential property shall not be considered an outdoor display area for purposes of this section.
 - (3) Outdoor display areas of motor vehicles that require proper screening pursuant to applicable city ordinances shall comply with screening requirements in addition to paving.
 - (4) Outdoor display areas shall not encroach into the sight visibility triangle.
- (c) *Outdoor display areas in existence at time of enactment of this article.* A person owning, renting, leasing, or operating an outdoor display area on the date of enactment of this article shall have a period of six (6) months from the date of enactment of this article in which to comply with the paving requirements set forth in subsection 6-417(b) of this article. This section shall only apply to outdoor display area(s) as it existed on the date of enactment of this article. Should an existing outdoor display area(s) be enlarged or expanded prior to the end of the six-month period, the entire outdoor display area(s) shall be required, at time of enlargement or expansion, to comply with subsection 6-417(b).

(Ord. No. 2011-34, § 1, 12-20-11)

Secs. 6-421—6-424. Reserved.

FOOTNOTE(S):

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Editor's note— Ord. No. 2011-24, § 1, adopted Dec. 20, 2011, amended art. XVI, in its entirety to read as herein set out. Former art. XVI, §§ 6-416—6-418, pertained to similar subject matter, and derived from: Ord. No. 2000-02, § 1, adopted Mar. 21, 2000; Ord. No. 2000-56, § 1, adopted Dec. 05, 2000; Ord. No. 2003-14, § 1, adopted Apr. 15, 2003; Ord. No. 2007-25, § 2, adopted June 26, 2007; Ord. No. 2008-24, §§ 3, 4, adopted Aug. 5, 2008; Ord. No. 2008-25, § 1, adopted Aug. 19, 2008; Ord. No. 2008-30, §§ 1, 2, adopted Dec. 16, 2008; Ord. No. 2008-31, § 1, adopted Dec. 16, 2008; and Ord. No. 2009-27, §§ 1, 2, adopted Aug. 18, 2009. ([Back](#))

Editor's note— Ord. No. 2000-02, § 1, adopted Mar. 21, 2000, set out provisions intended for use as §§ 6-700—6-702. For purposes of classification, and at the editor's discretion, these provisions have been included as §§ 6-416—6-418. ([Back](#))

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ARTICLE XIX. RENTAL REGISTRATION AND INSPECTION

ARTICLE XIX. RENTAL REGISTRATION AND INSPECTION ^[20]

[Sec. 6-461. Definitions.](#)

[Sec. 6-462. Rental registration application required.](#)

[Sec. 6-463. Issuance of permit.](#)

[Sec. 6-464. Inspections.](#)

[Sec. 6-465. Prohibitions.](#)

[Sec. 6-466. Appeals.](#)

[Secs. 6-467—6-469. Reserved.](#)

Sec. 6-461. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Rental unit is defined as a single-family dwelling unit, a duplex dwelling unit, a town home dwelling unit, a condominium dwelling unit, a manufactured home dwelling unit, or an individual multifamily dwelling unit, or any portion thereof that is rented or offered for rent as a residence.

Rental inspection is defined as an inspection of a rental unit to determine compliance with all applicable standards set forth in the city's building, housing, property maintenance, electrical, plumbing, health, and zoning codes, and any other applicable state or local law.

(Ord. No. 2008-08, § 2, 5-6-08)

Sec. 6-462. Rental registration application required.

- (a) The owner of each rental unit within the city, as of July 1, 2008, shall register such rental unit with the city fire marshal, or his designee, on or before October 1, 2008, and thereafter, shall renew registration annually. The annual renewal date for each rental unit shall be established at the time of issuance of the initial rental permit and shall be set forth therein.
- (b) The owner of each rental unit within the city, acquired after July 1, 2008, shall make application for registration within sixty (60) days after acquiring ownership of such rental unit.
- (c) The owner of each rental unit within the city shall be required to annually renew registration for each rental unit in accordance with the annual renewal date set forth in the initial rental permit.
- (d) Application for rental registration shall be made upon a form provided by the city for such purpose, and shall include, at a minimum, the following information:
 - (1) Street address of the rental unit, or in the case of multifamily dwelling complexes, of the complex;
 - (2) Owner's name;
 - (3) The number of bedrooms contained therein;

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ARTICLE XIX. RENTAL REGISTRATION AND INSPECTION

- (4) If owner is a person, mailing address, physical address, work telephone number, home telephone number;
 - (5) If owner is a partnership, the name of all partners, the principal business address, the tax ID number, and telephone number of each partner;
 - (6) If owner is a corporation, the state of incorporation, the name and address of the registered agent, the names of all officers, and the contact information of any local office of such corporation.
 - (7) Name and address of the property manager, if any; and
 - (8) Signature of owner or owner's agent.
- (e) In the case of multifamily dwelling complexes, only one (1) application shall be required for the complex; however, the application shall set forth the total number of individual dwelling units within such complex.
- (f) The owner of each rental unit within the city shall make an application for registration prior to receiving a certificate of occupancy on new projects.

(Ord. No. 2008-08, § 2, 5-6-08)

Sec. 6-463. Issuance of permit.

A rental registration annual permit shall be issued upon proper completion of a rental registration application.

(Ord. No. 2008-08, § 2, 5-6-08)

Sec. 6-464. Inspections.

- (a) Once the permit has been issued, a rental unit will be subject to periodic rental inspections conducted by the city. If the owner properly registers the property, and receives his permit, such owner shall annually certify to the fire marshal that the rental property meets the following minimum standards:
- (1) Operable plumbing fixtures, including running water, both hot and cold, in all fixtures, proper sewer connection to a sewer or septic system, and a properly vented water heater, with relief valves.
 - (2) No exposed, live electrical wires.
 - (3) Working electrical outlets.
 - (4) Working light receptacles
 - (5) All installed air conditioning and heating units must be in working order.
 - (6) Owner has evaluated the integrity of structural components to ensure there are no health or safety issues, including holes in the walls or roof that would compromise the health or safety of the residents; rotten siding, roofing, flooring or eaves to the extent that it would cause a hazard; guard railings that are in danger of falling off, broken out windows or door panels, etc.
 - (7) An operable smoke alarm.
 - (8) The presence of a deadbolt and locking doors.

PART II - CODE OF ORDINANCES
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ARTICLE XIX. RENTAL REGISTRATION AND INSPECTION

- (b) If the owner of the rental unit certifies that, to the best of his knowledge, the rental unit meets the standards set forth above; the fire marshal will select a random sample of registered rental units to be inspected.
- (c) The fire marshal, or his designee, will inspect, on a random basis, registered units. Approximately ten (10) percent of registered units will be inspected each year, as well as any properly registered rental unit for which the city has received a complaint of a violation of one (1) of the provisions of this article or other codes or ordinances of the city, applicable to the rental unit.
- (d) There will be no charge for the initial inspection of the properly registered units, or for the initial inspection of any properly registered unit for which the city has received a complaint. If a discrepancy is found on the initial inspection, there will be no charge for the first re-inspection. All subsequent re-inspections will be charged a fee of two hundred fifty dollars (\$250.00).
- (e) Rental units that are not timely registered, as provided in section 6-462 hereof, shall be subject to an administrative fee of three hundred dollars (\$300.00) if such registration occurs not more than thirty (30) days after the date such registration is required; an administrative fee of three hundred seventy-five dollars (\$375.00) if such registration occurs after the thirtieth day, but on or before the sixtieth day after the date such registration is required; and an administrative fee of four hundred fifty dollars (\$450.00) if the registration is more than sixty (60) days after the date such registration is required. Failure to timely register will require a mandatory inspection at a fee of five hundred dollars (\$500.00) (which will include the initial inspection and one (1) re-inspection). Re-inspections required past the first re-inspection will have an inspection fee of two hundred fifty dollars (\$250.00) per additional re-inspection.

(Ord. No. 2008-08, § 2, 5-6-08)

Sec. 6-465. Prohibitions.

- (a) It shall be unlawful to falsify or omit any material information contained in the rental registration permit application.
- (b) It shall be unlawful to rent or lease a rental unit within the city, without a current and valid rental registration permit for such unit.
- (c) It shall be unlawful to fail to update any material information on the rental registration permit application upon renewal.
- (d) It shall be unlawful to fail to allow rental inspections to be done in accordance with this article.
- (e) The rental registration permit is not assignable or transferable. Upon sale or transfer of ownership of the rental unit, a new registration form and certification of the condition of the rental unit, will be required within sixty (60) days of such ownership change.

(Ord. No. 2008-08, § 2, 5-6-08)

Sec. 6-466. Appeals.

An owner may appeal the denial of a rental registration permit, or may appeal the work required by the rental property inspector by filing a written request for a hearing with the city secretary, in person or by certified mail, return receipt requested, within twenty (20) calendar days following the date of denial of such permit, or requirement of work to be completed. If a request for a hearing is received, a hearing before a panel of the board of appeals shall be held within twenty (20) calendar days of the city's receipt of such request. The results of such hearing will be sent to the owner of the property by certified mail, return receipt requested, at the address provided on the application.

PART II - CODE OF ORDINANCES
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ARTICLE XIX. RENTAL REGISTRATION AND INSPECTION

The board of appeals shall be appointed by city council and shall be made up of a minimum of ten (10) members, consisting of the following:

- (1) Four (4) members who are residents of the City of Rosenberg, and not involved in the rental or real estate industry;
- (2) Two (2) members who are residents of the city and are renters; and
- (3) Four (4) members who are representative of the rental industry, whether they are real estate agents who lease to renters or manage rental property, or owners of rental property.

Appeals shall be heard by a panel of the board of appeals. Each panel shall consist of five (5) members: two (2) members of the panel shall be resident members and not involved in the rental industry, one (1) member of the panel shall be a resident and a renter, and two (2) members of the panel shall be involved in the rental industry, such as a realtor or rental property owner.

If the appeals board panel renders a decision in favor of the work required by the rental property inspector, and the property owner wishes to seek further remedy, further appeal shall be through a court of competent jurisdiction.

(Ord. No. 2008-08, § 2, 5-6-08)

Secs. 6-467—6-469. Reserved.

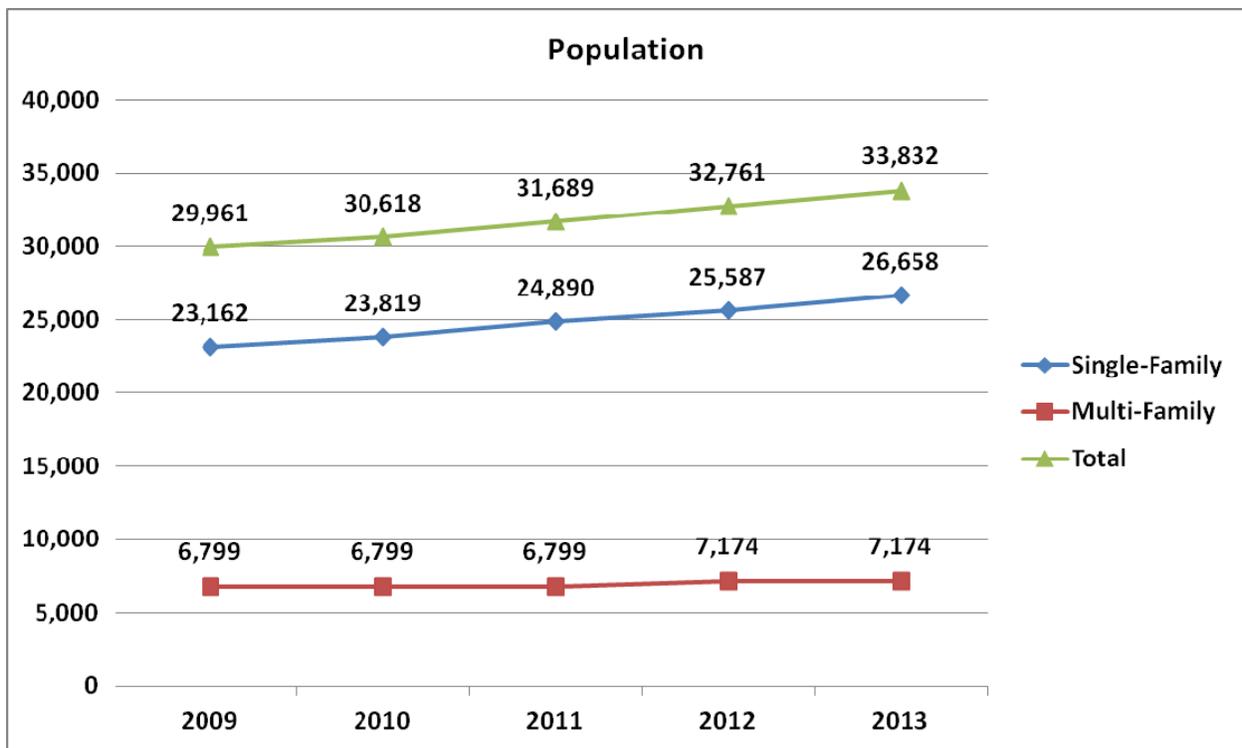
FOOTNOTE(S):

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Editor's note— Ord. No. 2008-08, § 2, adopted May 6, 2008, amended the Code by adding provisions designated as a new Art. XVIII, §§ 6-435—6-440. Inasmuch as provisions already exist numbered as Art. XVIII, Ord. No. 2008-08 has been codified herein as a new Art. XIX, §§ 6-461—6-466, at the discretion of the editor. See also the Code Comparative Table. ([Back](#))

Estimated Population in Single- and Multi-Family Residences – 2009-2013

Year	Population		
	Single-Family	Multi-Family	Total
2009	23,162	6,799	29,961
2010	23,819	6,799	30,618
2011	24,890	6,799	31,689
2012	25,587	7,174	32,761
2013	26,658	7,174	33,832





PLANNING COMMISSION COMMUNICATION

April 26, 2014

ITEM #	ITEM TITLE
5	Special Election Regarding "One-Way Pairs" Project Discussion

MOTION

Review and discuss the City's Special Election regarding the Texas Department of Transportation (TxDOT) "One-Way Pairs" Project, and take action as necessary to direct staff.

RECOMMENDATION

Staff has no recommendation for this item.

MUD #	City/ETJ	ELECTION DISTRICT
N/A	City	1, 2, and 3

SUPPORTING DOCUMENTS:

1. City Council Meeting Minutes – 12-16-13

APPROVAL

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of Community
Development

Reviewed by:

___ Executive Director of Community Development

___ City Engineer

EXECUTIVE SUMMARY

This discussion item was requested at the March 26, 2014 Planning Commission Meeting. The "One-Way Pairs" Project has recently generated a significant amount of discussion and public input. City Council was presented with a petition in December 2013 calling for proposed legislation as follows:

"That the City shall not donate to any person or entity, including TxDOT, the real property owned by the City, and located in the City between Avenue H and Avenue I, and Damon and Louise Streets, for the roadway project known as the "One-Way Pairs" Project. The property may only be sold in the future for fair market value, as determined by independent appraisal."

A Special Election will be held on May 10, 2014, to vote on the petition language above.

CITY OF ROSENBERG CITY COUNCIL SPECIAL MEETING MINUTES

On this the 16th day of December, 2013, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Special Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

Vincent M. Morales, Jr.	Mayor
William Benton	Councilor at Large, Position 1
Cynthia McConathy	Councilor at Large, Position 2
Jimmie Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Bolf	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
Lora Lenzsch	City Attorney
John Maresh	Assistant City Manager/Utilities Director
Jeff Trinker	Assistant to the City Manager
Joyce Vasut	Finance Director
Matt Fielder	Economic Development Director
Wade Goates	Fire Chief
Travis Tanner	Planning Director
Kaye Supak	Executive Assistant

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER.

Mayor Morales called the meeting to order at 6:00 p.m.

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

COMMENTS FROM THE AUDIENCE FOR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Agenda will be received at this time. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

AGENDA

1. CONSIDERATION OF AND ACTION ON PETITIONS TO INITIATE/PROPOSE LEGISLATION PURSUANT TO SECTION 7.02 OF THE CITY CHARTER STATED "THAT THE CITY SHALL NOT DONATE TO ANY PERSON OR ENTITY, INCLUDING TxDOT, THE REAL PROPERTY OWNED BY THE CITY, AND LOCATED IN THE CITY BETWEEN AVENUE H AND AVENUE I, AND DAMON AND LOUISE STREETS, FOR THE ROADWAY PROJECT KNOWN AS THE "ONE-WAY PAIRS" PROJECT. THE PROPERTY MAY ONLY BE SOLD IN THE FUTURE FOR FAIR MARKET VALUE, AS DETERMINED BY INDEPENDENT APPRAISAL."

The following persons spoke on the Agenda Item No. 1:

- **Adolph Sebesta, 1116 Tobola Street, Rosenberg, Texas:**
 - He is a lifelong resident of Rosenberg. He has children and grandchildren who lived their entire lives in Rosenberg. He owned a business on Avenue H for many years. Tonight he is speaking in favor of the petition and he urges the City Council to call a special election. He feels they cannot afford to give away \$1M in real estate and especially for something like this. If TxDOT needs this property, they should pay for it. Thank you.
- **Bob Ray, 719 Perry, Rosenberg, Texas (Business address: 2719 Avenue H, Rosenberg, Texas):**
 - In September 2013 a large contingent of business owners spoke in favor of the one way pairs. Seventeen retail business owners spoke in favor of this project. The general public has been led to believe that the City is spending \$4-7 million dollars, whatever number is thrown out there. That is the amount TxDOT is spending, not Rosenberg. The truth is the City stands to lose a \$1.5M if this project does not go through. Does our fiscally conservative Council want to burn \$1.5M? H-GAC has two projects tied to this project to improve Avenue H. Because of the controversy, Rosenberg has already been blackballed on one of them. The access management study has been cut out between Frost on the west and the crossover on the east. Not one improvement in the one-way pairs segment. My business pays over \$8,000 in property taxes and a considerable amount in sales taxes each year, but since I live in the ETJ, it seems my voice falls on deaf ears. I believe that is called taxation without representation. At the September meeting a Council Member said and I quote, "Rosenberg and Avenue H will look just as ugly." It is sad to think that this is the perception of Rosenberg and no one wants to take advantage of turning it around. We cannot build on TxDOT proposal unless we work with them, instead of fighting them. Any H-GAC enhancements or any other improvements cannot happen without first accepting one-way pairs. The businesses have waited decades for help and improvements to Avenue H, one-way pairs if just the first step. Thank you.
- **Helen Lev, 2009 Ward Street, Rosenberg, Texas:**
 - She is a lifelong resident of Rosenberg. She understands the City is already in debt and that in particular does not make any sense to her because the City has grown by leaps and bounds the last seven to ten years. Where is all the money going? It seems like we are using money we don't have to purchase property for this project that the State wants to implement and without any thought as to what the citizens want. Keep in mind this was approved years ago before the growth started toward the freeway and the surrounding areas. Therefore, we have spent money we don't have to spend. We don't do that in our own life, why would we run our City that way? I have and will always feel that the voters need to have a say in what they want for the future of this town. Many citizens of this town have no idea what is going on in respect to the changes that are going to be made to the roadways and surrounding area and the confusion this may cause. I have lived in this town all my life and do not understand why the accident rate is so high. I hardly ever see an accident in the area they are planning to change, in fact, most of the traffic now is moving towards the freeway where all the stores are. Actually, the biggest problems I see are the trucks on Highway 36 wanting to get to the Katy and Fulshear area. I have seen streets in lots of towns that do not allow truck traffic through their town and that would probably be the possible solution to this problem. The main point of this is to let the citizens of Rosenberg decide what they want and put this out for the citizens and be honest with everyone and let them know that all this money of their tax dollars has already been spent and expect more money to be spent. Money that our City doesn't have. Should we get in a debt situation that we can't get out of? That happens to individual people and corporations all the time, but it should not happen to our City. That's why the City has financial advisors and planners. They should be able to plan and foresee what the future will hold—do their homework. It's sad that our government is in bad shape, but our community—this is just wrong. Thank you.
- **Bobby McKinney, 2314 Jones, Rosenberg, Texas:**
 - He is a taxpayer, and a registered voter in this town. He asks for this Council to call for special election to let the public voters decide on whether or not the City should donate a \$1M piece of property to TxDOT. How can a city that owes nearly \$70M in debt and one that had to borrow money to purchase property afford such an endowment to TxDOT? It was recently announced that the State of Texas has a nearly \$7 billion surplus in its rainy day fund. Between the State and Federal funds that TxDOT receives, they can well afford to purchase this property without the City giving away what taxpayers are having to buy. As a final note, regardless of whether Council approves a special election, I cordially ask that the City not donate this property to TxDOT. Thank you.

- **Maria Camacho, 1802 Klauke Street, Rosenberg, Texas.**
- Her husband and she also own a business on Avenue H. She has lived here and raised two children lived here for over 30 years. She speaks on behalf of urging City Council to call a special election. She is against the one-way street project. It will affect our business and many other businesses in a negative way. If the City is already in debt over \$70M and has raised taxes in 2012, why are we giving away to TxDOT over \$1M in property? Like other citizens I urge the City Council to please vote for a special election to allow the voters to decide.
- **Jose Camacho, 1802 Klauke Street, Rosenberg, Texas.**
- He and his wife have raised two children in Rosenberg. He has owned a business on Avenue H for ten years and worked in the same location for over 30 years. He disagrees with the one-way project. He signed the petition as well as others. Tonight, he speaks on behalf of the petition and the Council to call a special election. He feels the City cannot afford to give away over \$1M to the State, especially for something like this. If TxDOT needs the property, they should pay for it. Thank you.
- **James Urbish, 2514 Cypress Lane, Rosenberg, Texas (business: 2404 Avenue I, Rosenberg):**
- He has been involved with the business in Rosenberg for sixty years. He is here to speak in favor of the petition to have a vote for this expenditure of money. He knows the City bought Baker out—he was in a bind—he couldn't sell, it was hanging over his head. The City bought Speedy Sticker Stop. I know you spent a lot of money on it, and I remember last year we were fighting over a penny in the budget trying to determine what a penny was worth—somewhere between \$160-\$170,000 and now we are talking about giving my money-your money to the State of Texas. When this project was put together originally, I guess about ten years ago, and it was determined that this is the only way to do it and we sent a letter from the City to the State and they took the ball and ran with it. When they came back and said they really can't fix the problem at FM 723. They came back and said it will be a safety issue, so we said it is a safety issue. Then they came back and were told well, it's the State of Texas and you don't want to get blackballed by the State of Texas and they are going to do what they are going to do. I think they need to pay us that \$1M back. I think money is tight—we can use it to pay down our debt. The more I look at this one-way pair deal, the more I don't like it and I don't like the idea of being sold down the river on it, but I think the whole way it's been done has been not undercover, but when you start something ten years earlier with a different council, and I don't even know that Council voted on it ten years ago, but the idea is it is going to affect our business—it is going to affect safety, and it's going to change the way Rosenberg is and I don't see the worthiness of it. That's why I am saying, if they want the project, it's a State highway, let them pay for it. If they are so concerned about that, and they knew about what's going on here, I don't know why we didn't have a bigger bridge going across the river, if the State of Texas is always right about everything. It also has to do with money, I understand, but this project started out with a lot of work on both ends. This one-way pairs—we needed to let them know how we are going to do it, so they can get the bridges right on the ends, so now the bridges won't be done until 2025, so if they have the money to mess up the streets and change our way of life, then they can buy that piece of land. Thank you.
- **Glenn Johnson, 1102 Timberlane Drive, Rosenberg, Texas.**
- He lived in Rosenberg for 38 years. He raised his children here and they went to school here. He has had a business since 1985; unfortunately, it burned down last Saturday morning. He is here to speak on the one-way pairs. He personally has talked to over 100 people in the last six months concerning this project. I have only found one person and he can give you his name if he needs to, one person that was for the one-way streets. That is a staggering figure. I am not saying I talked to everyone in town, because I didn't. A lot of these people are businessmen, some were individual citizens—people he knows in town, but no one wanted it. I feel like it's been crammed down our throat, I have been against it from day one. I feel we definitely do not need to donate or give the land worth a \$1M to TxDOT. If they feel like it's that important, it's their street, they need to pay for it. I don't feel we need to use City funds to do that, especially, since the citizens have never voted on this. I think we need to call a special election and the citizens need to decide this. We need to put this on the ballot and let them decide. Thank you.
- **Mike Parsons, 2635 Sequoia, Rosenberg, Texas.**
- Three minutes is not near enough time to discuss the validity of this project. I sat through several meetings where I thought was resolved. It is interesting to note that the debt of the City has risen from about \$62.4 million to \$70 million, since the budget was approved. Speaking of voting on spending, we do all realize that we have approved a budget in the amount of \$30,596,123 for

personnel, supplies, maintenance and service or a total of \$53,311,222. Should I assume that all the people in this room that want to vote on a \$1M piece of property, would also like to vote on the approval of the budget? We elect City Council to make decisions for us, we trust them. If we find the people on the City Council are making decisions not to our liking, their term limits are established by votes. I looked at the ad that Mr. Villagomez had put together and I find some real problems with that. First of all, we are talking about the value of the piece of property as \$1M. I am not sure anyone in this room would pony up and buy that piece of property for \$1M, in terms of where it is, and in terms of mobility to that piece of property. I already expressed current debt. This minimum of \$8M for the project, I am assuming is the entire project, not the one-way pairs. If you are talking about the one-way pairs, the amount of money that the City is going to put into this project is substantially lower than that, in fact, it may be a positive number, because the County has provided \$1.5M in mobility funds if the project is carried through. I certainly understand there will be disruption to business in the area. If disruption to business is going to be the criteria for us making a decision on this project, I guess we better need to turn down the widening of Highway 59, because it will certainly affect the businesses that are off Highway 59 while they widen that area. In a turn of adverse affect and safety, I think that anybody who has driven in downtown Houston fully knows that downtown Houston has been converted to nothing more than one-way pairs on either side of Main Street. Few people drive on Main Street because that's where they put the trolley cars. One-way pairs actually control the traffic because you have to go the speed limit in order to make all the green lights. If you want to get to one light faster than the other, it will cause you a problem with speed and time with your brakes. I hope this meeting tonight is the end of these meetings, so we can get on with doing our regular business. Thank you.

- **Ben Brink, 1833 Old Creek Drive, Rosenberg, Texas.**
- My comments also reflect those of my wife. I want to support the petition and I want to respectfully request that the Council pass an Ordinance prohibiting the transfer with free gratis to TxDOT. I cannot say anything that has been said by preceding petitioners, except to say one thing and that is, that the overall U.S. economy and by extension of Texas economy is by no means as robust and free and secure as many would like to think it is. If this project goes through, this Council is indebting the City to an unknown amount of spending that could very easily be jeopardized by the overall economy or other decisions by TxDOT. If the arguments by Mr. Parsons and others that the project needs to go through are as valid as people seem to think they are I don't see why a full complete and exhausted discussion of the whole project isn't basically done. To do otherwise, is to say that outside interest, such as a trucking concerns, people who are to be involved in this, are going to make the decision and I would; therefore, like to suggest either go with the petition or prohibit the transfer without cause to TxDOT. Thank you.
- **Sergio Villagomez, 1119 5th Street, Rosenberg, Texas.**
- He appreciates everyone's input and everybody taking the time out. I know I and many other concerned citizens have put a lot into this. Council, Mayor, I would ask that consider to call a special election. I ask that you honor the petition and the people who signed the petition to not donate the property to TxDOT. Typically, I don't come with anything written down, I just go off the top of my head, but I feel pretty strong about the topic. I appreciate everyone's opinion, whether for or against, it's always good to hear both sides. When the City is faced with financial decisions that will impact the city and its residents, I highly suggest a special election is called. The whole point of a special election is to give the option of the people, so they can decide. What is the point of creating such a system, if we don't use it? Anytime we have a big issue, I feel that as a City Council, or as a person if I was on City Council is to call a special election. Yes, we do vote you in to make these decisions; however, I can remember at the time of Election Day, there were several people that were for or against several things, and now it seems their minds have changed. So, we will just leave that at that. Myself, and over 500 concerned citizens have a huge problem with the City throwing away over \$1M of real estate. The reasons go on and on, but in 2012, like the gentleman said, our taxes were raised. If we are struggling financially of course, we really don't have any business donating over \$1M of property. I should have been the first one to sign up because everybody said what I wanted to say. \$70M, \$62M, however many dollars that is a lot of money. That money can be put to good use. I understand there is a lot of logistics to go on with that; however, I am a hands on person. You think about it, put it on paper, you get it done. With \$1M you can get two or three miles of asphalt and curb and gutter for that amount of money, and I know there are a lot of streets that need that asphalt, curb and gutter. My biggest thing is that if you deny the petition and the election process, you are really turning your backs on democracy and not giving the people the chance to make the effort or commit to something. It's a \$1M and we should have the right to vote on it. I ask that you

consider the fact. My biggest thing is this transition—the one-way pair—some people like it, some people don't. I am to the point where it really doesn't matter, but we should have the option to vote on it and \$1M is a lot of money. Thank you.

- **Renee Butler, 1100 George Street, Rosenberg, Texas (business: 800 3rd Street, Rosenberg):**
 - She has two questions: 1) How much is tonight costing the City of Rosenberg to have another special meeting over something we did in September 2013 that was stated it was not going to happen. 2) Did we not hear what the attorney said in September 2013 for those of us that were here? I understood. Maybe I am wrong, so did we not understand what the City Attorney said in September that is not even a conversation we should be having. I am so confused and I am so tired, please make a decision tonight. Thank you.
- **Eric Garcia, 1601 Cedar, Richmond, Texas (business: 1101 James Street, Rosenberg):**
 - Had a business for the last 31 years. He and his wife put three children through Holy Rosary School. We have been parishioners at Holy Rosary for many years and have deep roots in Rosenberg. We are very concerned about the City giving away \$1M property to TxDOT. All the other speakers have already spoken eloquently on the reasons why. The only thing I can add is personally I feel having driving through that intersection twice a day; the traffic problem is more a north/south problem than east/west. I respectfully urge City Council to consider a special election to let the people decide whether to give away a \$1M property or not. Thank you.
- **Shanta Kuhl, 515 Olive Street, Wharton, Texas (president of the Fort Bend Central Chamber, 4120 Avenue H, Rosenberg):**
 - She wanted to repeat something she said when she came to speak in September, and that was that our governmental affairs department met and held two separate meetings at their Chamber offices, both of those were to talk about the one-way pairs and invite the members we have to visit with the Chamber about the one-way pairs. At one of the meetings, we had TxDOT available to go over their plans and at both of these meetings we did not have any Chamber members that were against the one-way pairs. They all were there in support of the project and to find out further information about the construction and how the project was to take place. So, we felt this was a significant amount of support for the project. We have a very strong historic downtown Rosenberg division and numerous meetings that we held in the downtown area. We specifically have 43 members in the downtown district and almost 100 along both those corridors including the downtown district. At this point, we have not had anyone who has come to us and say they are against the one-way pairs. None of those business owners have come and expressed their concern over this. What our job is to provide information to them and make information accessible and also to hear their comments about the project. I wanted to report that to you. We felt like we did our due diligence many, many, months ago. We have encouraged people to come to the City's public meetings, holding our own meetings, and then meeting with our merchants and businesses in the downtown businesses. We urge you to vote in favor of the one-way pairs—let's get this finished. Thank you.
- **William Lafleur, 1024 Wilson Drive, Rosenberg, Texas:**
 - He is in favor of the special election to give the people of Rosenberg the decision on selling the land.
- **Gregory Wheat, 2614 Bamore Road, Rosenberg, Texas:**
 - He is against the one-way pairs. He doesn't think it will solve anything in the City and for the Council to consider a special election to let the people vote to donate the land. He thinks it should be the people's decision. Thank you.
- **Fran Naylor, 1424 Callendar Street, Rosenberg, Texas:**
 - She is in favor of the petition to stop the donation of the land or at least allowing citizen input through a special election. She remembers the history of when this project began. There were a lot of other strings attached to it, such as the repairs and widening and repairs of the bridges coming between Richmond and Rosenberg and then leaving Rosenberg at the far end of town. Now, we are talking about turning Rosenberg around and making one-way streets and not having any citizen input. To me, this is something that is changing the face of our whole community. I have sat at the intersection and watched what goes on. I can't imagine how one-way streets are going to resolve this problem. You have a short stretch between Avenue H and I on Highway 36 that is going to end up being a bottle neck, no matter which way the traffic is going. So maybe we'll just push that traffic jam down a little bit further and then you can have the people from the Baptist Church and Hartz's Chicken coming here complaining about the cars that are backed up. I don't think anybody has seriously looked at options to fix this without totaling changing the face of our community. Once that interchange is built, it will end up being an

eyesore. Drive in Houston where you see the different turnarounds and passes, even at the small underpasses you have in Richmond and Rosenberg—that is always in need of repair and cleaning up. Here we are going to put this right in the middle of our town. I think the citizens of Rosenberg deserve better than that and more thought put behind it and I would hope you would take this back to the table and everybody that says they are afraid of TxDOT—we have State legislators, if we have to, let's get them involved. Their money comes from our pockets. Nobody can say that TxDOT is paying for this, because we pay for TxDOT. Thank you.

- **Chris McFarlon, 1046 Lindsey Drive, Rosenberg, Texas:**
- This is one of those topics that come up when you talk with relatives, friends and neighbors. City initiatives can be great things and this is one that I can't see the common sense behind it. When I think about the daily traffic patterns and somebody who goes through these intersections from time to time during that time of the day, it really seems to be an interesting prospect that maybe before Town Center was there, there was a scientific pattern that made it make sense. To give away a \$1M chunk of land, is an interesting prospect, but to do for a cause—I can't see the day to day impact. I respect that we have a multi-tens of millions dollar debt and if there will be a return that paid back a positive dividend that made up for the expense, that would make sense, but I don't see it. I would like to see the City not give away that chunk of land and I would like to see there would be public referendum or vote on it. It was interesting that the Chamber-I can't see 100 business owners agreeing on anything, so I think that is a pretty amazing statistic, because in my antidotal conversations with my family and friends, I have yet to find one that said yea that's a great idea, they should push that through. Thank you.
- **Rudolpho Pettia, 1709 Avenue H, Rosenberg (business) lives in Richmond:**
- Been in business since 1997 over 16 years at 1709 Avenue H. Very concerned about one-way project. Asking City not to give the property to TxDOT. Request that Council call a special election to let the voters decide. Thank you.
- **George Hyde, City legal counsel, with Denton Navarro Rocha:**
- Explained that he wanted to meet with City Council in Executive Session after his presentation to meet in private with the Council.
- George Hyde stated there have been some discussions before the Council with regard to our form of government as a democracy and that we are a democratic form of government. He clarified that we are a republic and in the pledge of allegiance, it is the republic to which we stand and a republic is a little bit different than a democracy, because a true democracy doesn't work anywhere if you get more than six or seven people because it requires all of the people to vote on every issue. A republic is which we do as a representative democracy, of which they use their vote to place you in office from which they place the duty and obligation upon you as a Council member and as an elected official to legislate for them and take those votes for them in any matter in which you have that authority. That's the republic in which we are designed, your Charter in essence is a constitution, you are an administrative and in City Council for many purposes you are, the legislative branch of this local government and you have the same type of governmental model as the United States does. In that republic, your representative form of government does place as a duty for you to take consideration of all the matters of all the constituents in your districts that have voted you into office. Democracy in the worst sense of the word can be considered a lynch mob. If you think of it, if there is a majority of the people that want to do something without those regulations in the republic issue, without those issues a lynch mob would be a true democracy under its definition. The Council and the public are also reminded that in a republic that is the first duty of the Council to represent and make those decisions as a representative of that organization. 2) This is one of the most provisions discussed here, is repeatedly I have heard that the public has a misperception that is a giveaway. That the City is giving away money to TxDOT for purposes of this project. Today, this afternoon, TxDOT assert there is a statutory obligation for the City to contribute 10% of the right-of-way costs for any farm-to-market and state highway project that occurs within the municipality. The original agreement with regards to this process is not a giveaway. It is not a giveaway at all. 1) It is an exchange as a waiver for the obligation to pay the 10% right of way and state farm to market and state highway costs for both the one-way pair project as well as a future elevated intersection project. I have not been aware of this other project or that the assertion was done until this afternoon, so I don't have any additional information. I don't have any reason to believe this is not true, is that any other of these widening or roadway widening projects if the State has the ability under State law to require you to contribute 10% of those costs, then the value of this property may either exceed or be woefully less than what that 10% amount would be. Here you are receiving consideration because you are receiving the waiver of the otherwise statutory cost

obligation which I don't know that you have budgeted for purposes of these two projects or when they would come forward. Additionally, if the future elevated intersection project that they have slated is paid in today's dollars, when that elevated project occurs, you would already be paid. Those elevated project costs in the future would likely increase in value, which would mean it would cost you more in the future to pay that debt, than if you pay it now with this right of way exchange. There is specific exchange of consideration related to this project. 2) under the bond provisions of Fort Bend, I was informed that the City would be entitled if it participates and conducts this project to approximately \$1M or more in water and wastewater infrastructure funds from the Fort Bend County bond project. So, there is an additional consideration that if you provide this property for purposes of this project, not only do you get the waiver of the 10% cost to the State, but you also receive \$1M or plus dollars under the Fort Bend County bond to take care of your water and wastewater issues. In just those two things, it would be over a million dollars roughly of value that the City would be receiving in exchange for this property. This is an important point for the City Council to consider as well as the public to understand that this is not a giveaway. It is an exchange for consideration. The issues that will go in Executive Session will also discuss the legislative versus the administrative powers of government, which are defined under the common law with regards to the ability of initiative and referendum and whether or not this is even something that is appropriate under State law. It is a very complicated area of the law and that's one of the issues we need to discuss in Executive Session. Finally, by antidotal evidence that you should consider just coincidentally, I am also the City Attorney in Pflugerville. In Pflugerville, Texas, in 2006 there were 17,000 population. Based on water connections, there are over 60,000 today in 2013. One of the differences there was State Highway 130 which connects to I-10, which was a diverter for heavy traffic. Those numbers have increased. 2) I am also the City Attorney for Bay City in Matagorda County, and we just completed and are finalizing our 380 agreements on an economic project participated in all levels of government all the way including the Texas Governor for a \$1.2 billion manufacturing project that includes for stainless steel manufacturing that will be going on in Matagorda County and they anticipate 600 trucks a day from that project. That will be here in roughly two years. Between those two, I am also the City Attorney in Garden Ridge, Texas. Garden Ridge, Texas is a small suburb of about 3500 people outside of San Antonio. The unique thing about Garden Ridge is that its geographic jurisdiction doubles with one industrial user, Hanson Aggregates. Hanson Aggregates through our mining operation negotiations has indicated to the City of Garden Ridge, in public session, that they anticipate in the next 3-6 months a 500% increase in aggregates. I know that the Hanson Aggregates is also somebody also near and dear to the City of Rosenberg, because they have a deposit in your city limits. I would anticipate you would likely receive a significant increase in heavy truck traffic related to aggregate deposits that occur at your rail station. There are a number of things outside the per view of the City of Rosenberg that are going to affect the City of Rosenberg's roadway and infrastructure that is a bigger picture analysis of this. The last anecdote, and I don't know how much traveling along Interstate 35 North, but as you get into Oklahoma and in Kansas, they have a unique process, where there are very wide medians on the interstate and the width of the two lane medians that go north and south are actually businesses, and they made left exits and they only built one rest area because it serves both sides and there are restaurants and convenience stores in the middle of the freeway considered a similar two pair process where they have the two lanes going north and the two lanes going south and they have the businesses in between. When I was contacted with regard to this project, it reminded me of that project where you are actually receiving is a doubling of your roadway and a reduction of what's called traffic conflicts, because you have less turns which reduce the conflict issues. I am not an engineer. I know your City Engineer, Charles Kalkomey, because he's also the City Engineer in Bay City, where I work as City Attorney as well. I don't know whether he has provided you specific information in the past in regard to this project, but from the experience we have in our office of eighteen attorneys that only do local government work and have for a quarter of a century. This type of project is one that does reduce what they call traffic conflicts, which increases speed and reduces congestion in your community. The concern that other people need to know is what if this is not necessary today? Well, you may not be building for today. You may be building for three years from today, when that Hanson Aggregate trucks are here and the Matagorda County trucks are coming through Rosenberg to get to I-10. It is a very simple process to get to here. Those are considerations that the public as well as the Council should consider when dealing with this issue. When dealing with this infrastructure, not only are you getting \$1M plus back from the Fort Bend County bonds, that would not be available to you unless you do this project and the 10% waiver from the State. So there is significant consideration for you to have. The other issue is what do you do when you

are the City of Austin, where on Sunday at 3:00 p.m. it takes about an hour and 23 minutes to go 9 miles on I-35; or north San Antonio that is finally under construction where it took 45 minutes to go 6 miles? That was for years that I personally experienced both situations. Another issue with eliminating truck traffic the City would not have the authority to limit truck traffic on a state highway without the state's permission and that is typically what state highways are for. In Garden Ridge we did a "no thru truck traffic" statement, but we have FM 2252 and FM 3009 and those are not subject to regulation for purposes of truck traffic because they are state highways and state funds are provided. When we go into these issues, there is a lot more for the Council to consider and I want to make sure the public was aware that this is not a giveaway. You are receiving significant consideration for this project.

- Mayor Morales asked each Council member if they had any questions.
- Councilor McConathy commented that we are here as a governing body to review the petitions and to hear your comments regarding the conveyance of land to TxDOT and the one-way pair project. Whether the petition is valid or invalid is the topic by agenda for discussion here today. The true issue; however, for discussion is whether this Council will act upon what is being asked of us from the many voices represented on the 64 pages of the petition. I believe the total is somewhere around 500, more than the number it took to put one Council member into office. If this number can determine whether a man or woman should sit in this position to govern in the City of Rosenberg, it should also settle the issue of whether this land should be given to TxDOT or sold as well. Many of these same voices previously attempted to have a say on whether the one-way pairs should happen at all, but they were deprived of this opportunity and pressured to change their minds, but they are here again through signature representation to say I have not given up, and I won't back down. I'll admit, I like a good debate. If it's a good one, both sides of the issue are equally represented and common ground is established in the middle. People involved can walk away respectfully disagreeing on the subject, but found collaborating in agreement on another subject. On this subject matter, I believe the voice of the people should prevail, and I stand with them tonight to take this to public vote.
- Councilor Benton thanked everyone that spoke tonight. I am a member of the Chamber and I don't remember being asked about the one-way pairs. I do have some questions of the attorney. You mentioned you work with Mr. Kalkomey and you are a City Attorney at several different places. I have a concern about some conflicts of interest in your position here actually sir. You say TxDOT can only give permission for 18 wheelers to use or not to use certain streets.
- George Hyde replied that State Highways are ultimately operated and managed by the State and therefore your regulatory ability to change the speed limit or to regulate state highways—farm to market roads is dependent upon the State of Texas.
- Councilor Benton stated he understands that. We have a representative here and I am sure he has enough clout with TxDOT if we would encourage 18 wheelers to use Spur 10 to avoid our avenues, I don't think that would be an impossible request. Regarding the mobility bonds that you mentioned, the \$1.5M, is what you are saying we would lose out of. If we sold the property for \$1M, we are now looking at a loss of \$500,000. If you would ask folks what the possible loss of income would be added up, I am sure most would agree it would be more than \$1M. It's not just money we are talking about, it's a way of life, it's an entire economy, not just the project – it's a bigger concern that just the focus of this project. You mention 10% - you alluded to a contract. George Hyde stated it is a statute. Councilor Benton stated that if this is part of a statute that would be pointed out to our folks when we made agreements with TxDOT in what we should cost share in this project. Lora, do we have any agreements that legally bind us to conveying this property.
- Lora Lenzsch, City Attorney, answered she is not aware of any contracts, only resolutions and discussions. She is not aware of any contracts.
- Councilor Benton stated to Mr. Hyde that you mentioned where we are a republic, one that subscribes to the Charter, which is upheld to the State and federal constitution—would you agree--correct?
- George Hyde stated he is not sure.
- Councilor Benton stated well, it hasn't been thrown out. I don't recall that there has been a federal mandate that has thrown out our Charter, so I am assuming that as long as it adheres to the state and federal laws and as time has gone by, there have probably been some challenges with it, and it's still here and we're still here.
- George Hyde replied the result is accurate; however, the premise that the constitutions of the state have to do with challenges, I can't speak to that.
- Councilor Benton asked Mr. Hyde, "Did you look at the Charter at Section 7.02, where it provides

- for the people to petition their council for an initiative”?
- George Hyde answered yes I did.
 - Councilor Benton asked if he sees a conflict with that.
 - George Hyde asked in what regard?
 - Councilor Benton stated in regard to this petition?
 - George Hyde stated there are a couple of issues with the petition he would like to discuss in Executive Session with the Council; however, the initiative petition seems to be processed in such a way that they had an intention to Section 7.02 when they did it.
 - Councilor Benton stated that Renee Butler had two questions and he hopes she can get an answer to her two questions. I'll defer my comments until after the Executive Session.
 - Councilor Bolf stated there is such a division on this subject, some people want us to give the land, some don't. Some think it will help downtown to have one-ways. I don't know if it will. I love downtown, I go downtown all the time to shop, eat there. My main contention that this was never put up for a public vote and this is such a huge change for this city—to donating the land, and fully understanding what that means and changing the direction. It's just such a huge thing for the City and I would support at this time, but I do have some questions for you in Executive Session, for a public vote. I think the public needs to have a say in this and this was kept quiet for so long, they were not given the opportunity.
 - Councilor Pena stated we are a republic and we are not totally socialistic as the rest of our government is turning to be, I think we are at a local government. These problems we are having now, it's great that we can come in here and meet and we can simulate the information before us, but it's a shame that things like this happen and we come—sixteen years, and we have been going on when something at the very beginning. When you vote, make sure these people represent you. The people that are calling me are telling me what they want, they are my constituents, they voted for me, they put me here, it's important that we listen to what they say. We keep talking about this problem on Avenue H and I. If we would have let the people speak on it, if they would have had the opportunity to say, let's do the one way pairs. How do you do that? You put it up to a vote. Now, we are battling over this and the people have decided they don't want to do this. Now, TxDOT is saying no one ever told us they didn't want to do this. We had tons of meetings, and I talked to people and they said they never knew about the meetings. Now, you are telling us we are going to have to eat the bullet and do this and that and it's not this Council telling you that. We are just sitting up here trying to do what you people want, and it's a shame that a lot of us missed all this and it has come to this. Now, I don't believe this City Council should make that decision with so much controversy and I think the people should get an opportunity whether they vote it in or out, but give them the opportunity to say their peace.
 - Councilor Euton reserves to change her opinion after Executive Session, but this has come to us not because of decisions we have made, but because of previous Council's decisions. Now, whether we are legally obligated to continue to do things that previous Councils have committed us to, that's the question. Can we undo what has been done—I don't know. We will respectfully listen to our attorneys and see what they say and we want to do what is best, but we don't want to go against our legal system. We want to honor the initiative if we can, but if we can't, we understand that we will have to do what is right in the eyes of the law.

CONSIDER MOTION TO ADJOURN FOR EXECUTIVE SESSION.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to adjourn for Executive Session. The motion carried by a unanimous vote.

HOLD EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE FROM CITY ATTORNEY ON PETITION TO INITIATE/PROPOSE LEGISLATION PURSUANT TO SECTION 7.02 OF THE CITY CHARTER STATING “THAT THE CITY SHALL NOT DONATE TO ANY PERSON OR ENTITY, INCLUDING TxDOT, THE REAL PROPERTY OWNED BY THE CITY, AND LOCATED IN THE CITY BETWEEN AVENUE H AND AVENUE I, AND DAMON AND LOUISE STREETS, FOR THE ROADWAY PROJECT KNOWN AS THE “ONE-WAY PAIRS” PROJECT.

An Executive Session was held pursuant to Texas Government Code Section 551.071 to receive legal advice from City Attorney on petition to initiate/propose legislation pursuant to Section 7.02 of the City Charter stating “that the City shall not donate to any person or entity, including TxDOT, the real property owned by the City, and located in the City between Avenue H and Avenue I, and Damon and Louise Streets, for the roadway project known as the “One-Way Pairs” Project.

ADJOURN EXECUTIVE SESSION, RECONVENE INTO SPECIAL SESSION, AND TAKE ACTION AS

NECESSARY AS A RESULT OF EXECUTIVE SESSION.

Mayor Morales adjourned the Executive Session and reconvened into Special Session.

Action: Councilor McConathy made a motion, seconded by Councilor Bolf to call a Special Election to be held in accordance with the State Law for adopting or rejecting the proposed legislature which reads, "that the City of Rosenberg shall not donate to any person or entity, including TxDOT, the real property owned by the City, and located in the City between Avenue H and Avenue I, and Damon and Louise Street, for the roadway project known as the "One-Way Pairs" project. The property may only be sold in the future for fair market value, as determined by independent appraisal."

Discussion:

- Councilor Euton stated that previously she was against the one-way pairs. When we had all the meetings and discussions, I believe the "one-way pairs" is the lesser of the two evils and it is the better project. However, I do see that the petition put before Council is a valid petition and we should uphold the petition and we should do what the voters asked us to do, but I would also ask that we go out and educate the public why this is a better choice to go ahead and do the one-way pairs, but this is only on the property and the question that we will be voting on.
- Councilor Grigar stated he is all for progress and the City is booming and our population is getting larger. I am all for planning for the future and it seems this is not just a quick fix or a band aid to a problem that exists but has been pointed out by TxDOT that the safety factor of this roadway is five times the average of the state. I know this is emotional for all of us. I have lived here all my life. It wasn't an easy decision. At the beginning, I was against the one-way pairs, but after hearing all the data and how much it would increase the safety in our town and our visitors to get around and making left turn lanes rather than all turns, increases the safety. The motion tonight as I understand is this property was bought by the City with the statute that we would give 10% right of way to TxDOT for the improvements. That would be upholding our end of the contract and I understand is throughout the State, it's not just a local thing; it's what is asked of all municipalities. So, it's not something that is dreamed up by them. Every city pays the 10%, if there are improvements to the roadway. However, I will say this meets the 10% plus the overpasses that would be constructed at a later time with a cost of twenty plus million dollars which would be in the forked area of Highways 36 and 90, and that donated property would go toward that right of way donation. I think it's a good deal and the second part of this project is also on the books for the overpass, but it is for a long term. We are all looking for long term, we are all looking for fixes, but we need a permanent solution. I know it's tough, we are creatures of habit, we don't like change, but I believe that we are upholding our end of the 10% of the donation of the right of way.
- Councilor Bolf stated she thinks it's a good thing we are going to honor the petition and let the citizens' vote. This is your time to get out and educate. It should have been voted on, in my mind, years ago. This is a major issue, whether you are for or against it, you have a right to vote on it. Everyone should get out there and educate the public, not just the people who have businesses on Highway 90, but everyone. Thank you.
- Councilor Benton stated you have an opportunity to vote on it. I see folks on both sides of the issue and everyone will have an opportunity to vote on it. If you are against it, vote against it. If you are for it, vote for it—calling the election is the right thing to do. I think that it gives the people a voice. I don't think we could have ignored the petition. I will accept the results no matter what it is.
- Councilor McConathy stated the election will be in May, 2014—get out and vote.
- Mayor Morales stated that what he had to decide tonight is looking at and listening to the facts. The facts are that TxDOT could still move forward without (this land donation). The only thing we are voting on tonight is the land that the City purchased in good faith over a period of time through resolutions by previous councils, to meet that 10% requirement, which TxDOT is leveraging those dollars. As far as not only today, this project, which has been pointed out as a solution to mobility and a solution to safety in that corridor, it also gives us the ability with those dollars, that 10%, as Councilor Grigar said, \$2M without any more out of pocket expense to the taxpayer. We are leveraging dollars that the County given us \$1.5M back if the project is completed, and we are also leveraging those dollars as far as allowing them the 10% for future as far as completion of the project. There are a lot of facts that tonight we will vote on whether the land can be given to TxDOT or not, but at the end of the day, my understanding from legal counsel, is that TxDOT could still move forward with the rest of the project. They could redesign the project and end up doing the project. All we are doing tonight is voting on whether we are using your tax dollars to have a special election to vote on whether you want to release that land

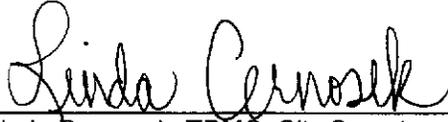
or not. But TxDOT, according to legal counsel, can move forward with this project. It's not a matter of we are stopping the project, it's a matter of just that one segment which is the piece of property. After saying all of that, you heard everyone here, we will vote on Councilor McConathy's motion, seconded by Councilor Bolf.

Upon voting, the motion carried by a 5-2 vote, as follows: **Ayes: Councilors Benton, McConathy, Pena, Euton and Bolf. Noes: Mayor Morales and Councilor Grigar.**

- Mayor Morales encouraged everyone to educate others and get out and vote in May 2014.

2. ADJOURNMENT.

There being no further business Mayor Morales adjourned the meeting at 8:45 p.m.



Linda Cernosek, TRMC, City Secretary



PLANNING COMMISSION COMMUNICATION

April 23, 2014

ITEM #	ITEM TITLE
6	Staff Report of Current Activities and Requests for Future Agenda Items

MOTION

Consideration of and action on the Staff Report of Current Activities and requests for future agenda items.

RECOMMENDATION

N/A

MUD #	City/ETJ	ELECTION DISTRICT
N/A	N/A	N/A

SUPPORTING DOCUMENTS:

1. First Quarter 2014 Residential Development Report

APPROVAL

Submitted by:

Travis Tanner

Travis Tanner, AICP
Executive Director of Community
Development

Reviewed by:

___ City Engineer

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.

For this month's report, a report on residential development activity during the first quarter of 2014 has been compiled and is attached. The City and its Extraterritorial Jurisdiction (ETJ) again experienced significant growth during the first three (3) months of 2014. Following is an overview:

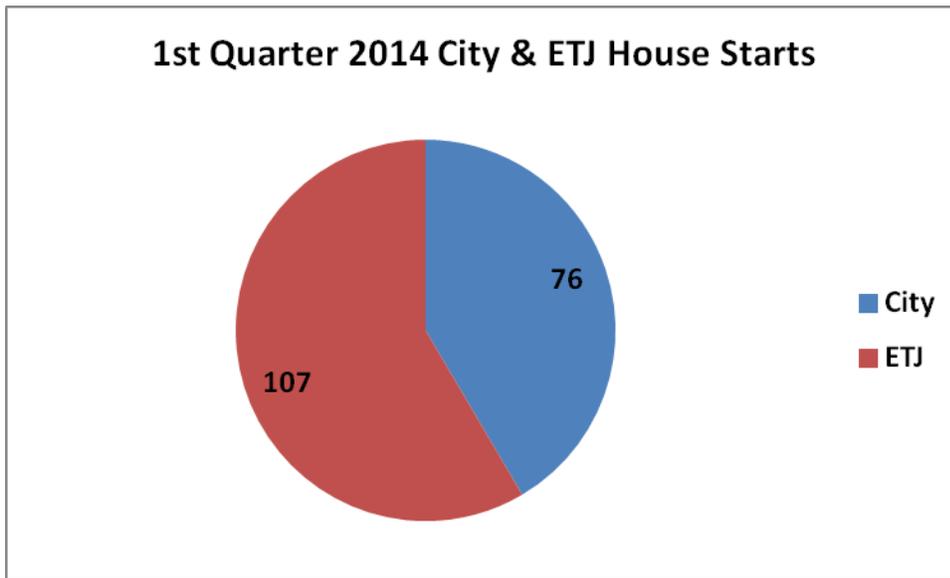
- House Starts:
 - 183 new home starts; 76 in the City and 107 in the ETJ
 - 20 percent more house starts than this time last year
 - Summer Lakes/Summer Park (46), Bonbrook Plantation (43), and River Run at the Brazos (27) had the most house starts.
- Lots Platted:
 - Plats for 230 new lots were submitted; 166 were in the ETJ and 64 were in the City.
 - Bonbrook Plantation had the most lots platted with 108, followed by the Reserve at Brazos Town Center (62) and Walnut Creek (58)
 - Of the 230 lots platted, 73 percent were 60-foot or greater lots.
 - The proportion of larger lots continues to climb as newer developments comply with City ordinances

At the meeting, staff will also provide updates on the Comprehensive Plan and "Sign" Ordinance amendments, which are the main items the Planning Department is focused on at this time.

First Quarter 2014 Single-Family Residential Development

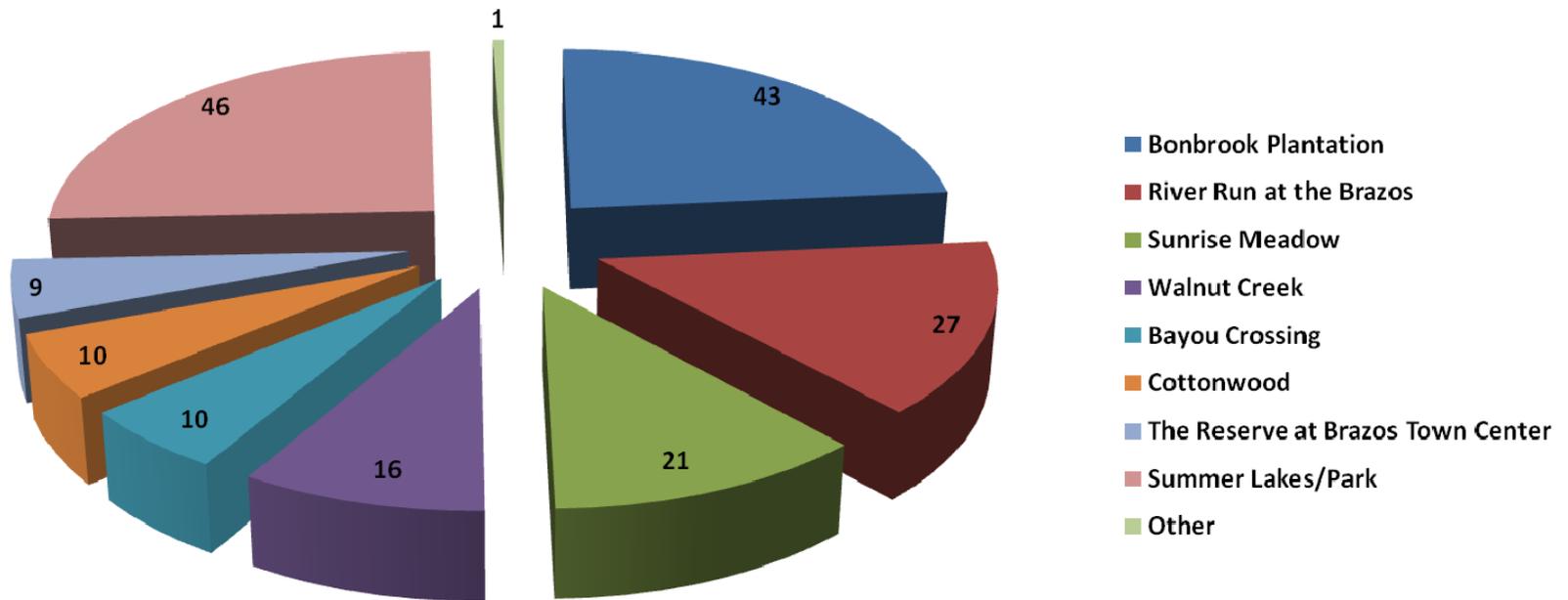
House Starts:

City Versus ETJ House Starts		
Jurisdiction	House Starts	Percent
City	76	41.5%
ETJ	107	58.5%
Total	183	100.0%

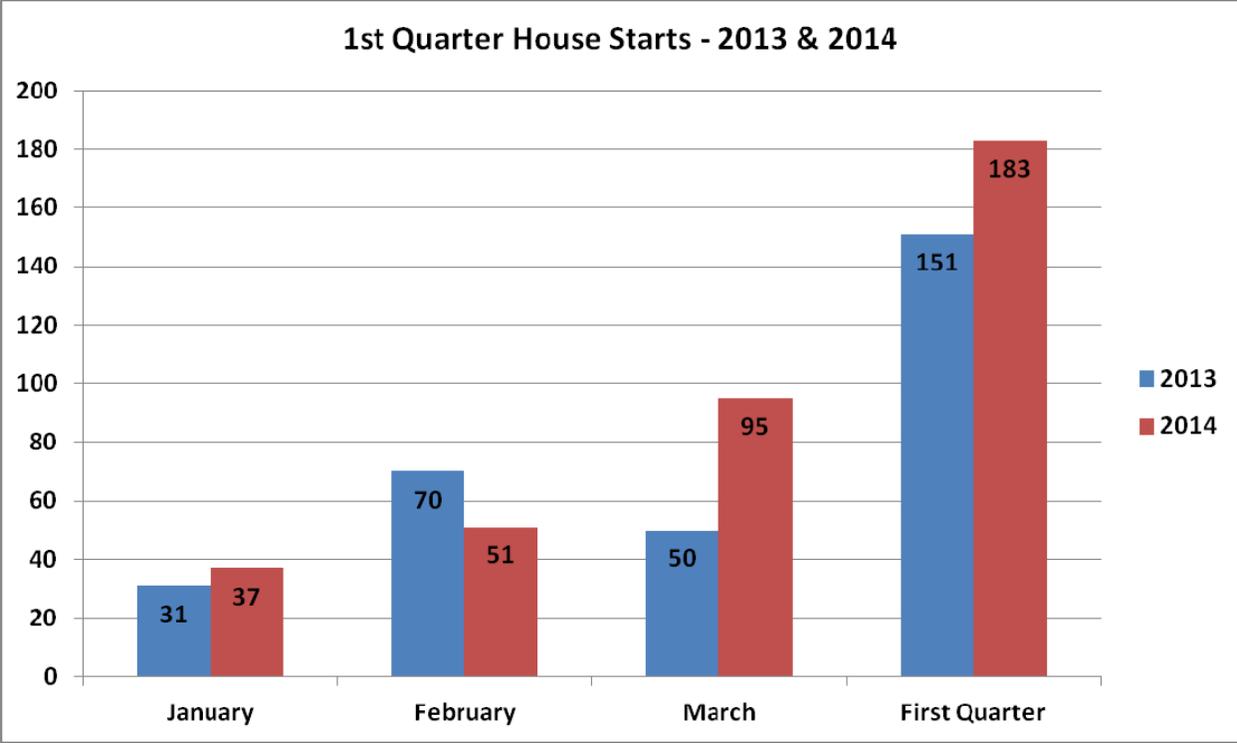


House Starts by MUD/Development				
Jurisdiction	MUD	Development	House Starts	Percent
ETJ	155	Bonbrook Plantation	43	23.5%
	158	River Run at the Brazos	27	14.8%
	162	Sunrise Meadow	21	11.5%
	152	Walnut Creek	16	8.7%
City	N/A	Bayou Crossing	10	5.5%
	148	Cottonwood	10	5.5%
	167	The Reserve at Brazos Town Center	9	4.9%
	144	Summer Lakes/Park	46	25.1%
	N/A	Other	1	0.5%
All	All	All	183	100.0%

1st Quarter 2014 House Starts by Development

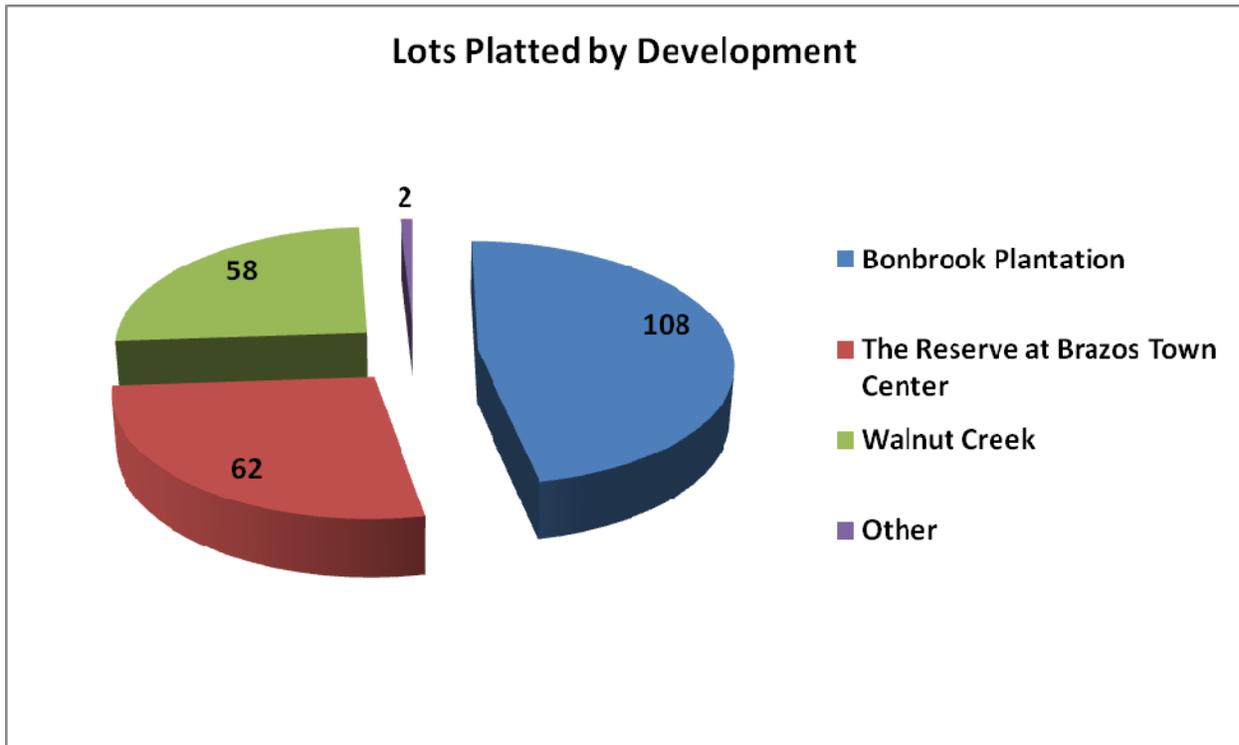


Total House Starts		
Timeframe	2013	2014
January	31	37
February	70	51
March	50	95
First Quarter	151	183

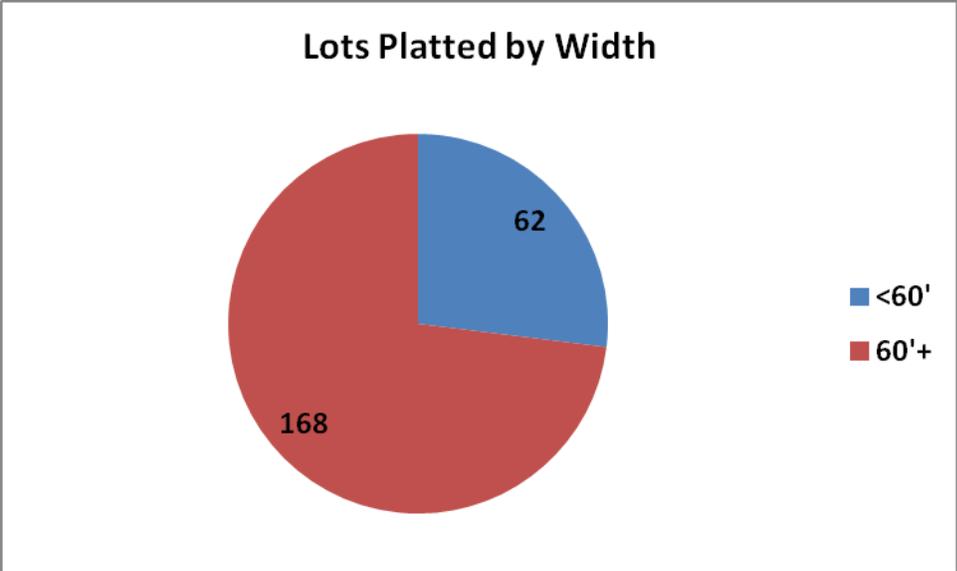


Lots Platted:

Platting by MUD/Development				
Jurisdiction	MUD	Development	Lots	Percent
ETJ	155	Bonbrook Plantation	108	47.0%
City	167	The Reserve at Brazos Town Center	62	27.0%
ETJ	152	Walnut Creek	58	25.2%
City	N/A	Other	2	0.9%
All	All	All	230	100.0%



Platting by Lot Width		
Lot Width	Lots	Percent
<60'	62	27.0%
60'+	168	73.0%
All	230	100.0%



ITEM 7

Announcements.

ITEM 8

Adjournment.