

MINUTES  
WEST FORT BEND MANAGEMENT DISTRICT

May 8, 2012

The Board of Directors (the "Board") of West Fort Bend Management District (the "District") met in regular session, open to the public, on May 8, 2012, at the Richmond City Hall Annex, 600 Morton Street, Richmond, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Joey Dupuis	President
Glenn Howard	Vice President
Lane Ward	Assistant Secretary
Cliff Terrell	Secretary
Bob Ray	Assistant Vice President

all of the above were present, thus constituting a quorum.

Also present at the meeting were Advisory Board Members Sharron Wallingford, Tim Kaminsky and Billy Benton, Matt Fielder, Cyndy Powell, and Theresa Parma with the City of Rosenberg, Richmond City Commissioner Bill Dostal and Robert Haas with the City of Richmond, Mike Harp with Cedarwood, Gary Pochyla and Karen Carr with Old South Plantation, Cynthia Gifford with Tiny Steps Education Center, Lynne Humphries with Allen Boone Humphries (ABHR), and Rachel Steele, Executive Director for the District.

Director Dupuis called the meeting to order at 3:00 p.m.

CONSENT AGENDA ITEMS

1. April 10, 2012 Meeting Minutes

The minutes and invoices were provided to the directors in advance of the meeting. The Board reviewed the April meeting minutes Director Terrell moved for approval of the minutes as well as the finance report for March 2012 as well as the invoices for the month of April. Director Ray seconded the motion, which passed unanimously.

2. Financial Report and Pending Invoices

REGULAR AGENDA ITEMS

3. Comments from the Public

No comments were received.

4. Amend 2012 Fiscal Year Budget, if necessary.

The Board took no action on the item.

5. Discuss and take action on a resolution of support for the 2012 Apache Corporation Grant award.

Ms. Steele gave an update on the delivery of the live oak trees from the Apache Corporation. In appreciation for the Apache Corporations generous award the Board had requested that a resolution of appreciation be prepared. Director Dupuis reviewed the resolution and certificate of appreciation with the Board. Upon further discussion Director Ward moved that the Board approve the resolution of support and the certificate of appreciation to the Apache Corporation. Director Howard seconded the motion, which passed unanimously.

6. Activity Within the District, Including Permits Under Review Issued and Closed Since the Last Meeting including, Signs, Variance Requests, and Enforcement of Standards. (Theresa Parma- Rosenberg; and Robert Haas-Richmond)

Ms. Parma briefly addressed the Board and reviewed her monthly development report. Ms. Parma also discussed the City of Rosenberg's pending variance request with the District.

**a. OCuSoft**

Ms. Parma reviewed the variance with the Board. The variances OCuSoft are requesting are for building materials, commercial signage and landscaping. As with any variance request, if the variance is approved a form of mitigation will be required for the applicant to receive their variance. The OCuSoft variance application has included mitigation that focuses on additional landscaping to their site.

Ms. Steele noted that on May 2, 2012, the Variance Committee held a site visit at the OCuSoft campus. As part of the site visit, the Variance Committee walked the site, reviewed existing conditions and discussed the proposed mitigation plan and schedule with the applicant. Director Howard reviewed the OCuSoft Landscaping plan with the Board that includes the following:

OCuSoft Landscaping plan:

- Installation of Automatic Irrigation System as required providing coverage to all planted materials including turf, shrubs and trees;
- Add soil and grade as necessary to provide adequate drainage and ensure proper growth of turf;
- Create a bed of red tip shrubs at existing sign to provide adequate cover of sign mounting poles;
- Create bed of hedges (Boxwoods) on East side of building to provide required screening of dog run fence; A/C fence and building base;
- Trim and clean existing hedges at side of building on both sides of entrance;
- Trim and clean existing hedges and trees on West side of building facing parking lot;
- Extend existing row of trees at side of building to end of parking lot to provide necessary screening of parking lot;
- Create bed of hedges (Wax Leaf Ligustrums) on South side of parking lot to provide necessary screening of parking lot;
- Create bed of hedges (Wax Leaf Ligustrums) on South side of building from side entrance to end of fence line to provide necessary screening of loading dock fence.
- Create bed of hedges along West fence line to provide necessary screening of loading dock area;
- Hydro-mulch turf areas on East, South and West sides of building;
- Create bed of hedges (Wax Leaf Ligustrums) at West side of parking lot.

Upon review and discussion of the landscaping plan, Director Ray moved that the Board approve the variance and mitigation plan for OCuSoft. Director Howard seconded the motion, which passed unanimously.

Mr. Haas circulated his monthly report and gave a report on development occurring in the City of Richmond.

#### **a. Tiny Steps Education Center;**

Mr. Haas introduced gave a brief summary on the Tiny Steps Education Center variance application and introduced Cynthia Gifford, the property owner and owner of Tiny Steps Education Center to speak on behalf of the project. Ms. Gifford explained that she is requesting a variance because she has constructed a metal building that does not comply with the District building design and materials composition standards. The building being constructed on-site is at 90% complete. Mr. Haas noted that the District guidelines were provided to the applicant upon submittal and approval of her final plat for the property. Since receiving approval of her building plat the applicant has not demonstrated compliance with the District standards. Mr. Haas circulated correspondence to the applicant reminding her of such guidelines. Ms. Gifford noted



that her general contractor had not reviewed the District's design guidelines as part of their due diligence process. Ms. Gifford noted that her property has unique physical components that would create a hardship in providing additional landscaping for mitigation.

Ms. Steele noted that the Variance Committee made a site visit to the property on May 2, 2012 to review the existing conditions and discuss the status of the site development. Director Ray confirmed that the side property lines also served as utility easements for the site and would make it difficult to provide perimeter landscaping. Upon reviewing the existing site conditions Director Howard moved that the Variance Committee recommended allowing Ms. Gifford additional time to coordinate her variance request and prepare site specific mitigations plans for the variances. The mitigation plans should address and include a revised building façade plan that incorporates the use of hardi-plank along the front of the building and extending twenty (20) feet back along the sides of the building. Additionally, a site landscaping plan will need to be prepared indicating where planting islands will be located, as well as plans and specifications for irrigation. The landscape plan must include planting bed dimensions, plant specifications that show size and height of all trees, groundcover and hedges and well as a placement plan that shows the spacing of the landscaping on the site. Director Howard requested that additional plans be prepared and re-submitted to the City of Richmond to coordinate this variance process. Ms. Gifford agreed to comply with the request and confirmed that supplemental plans detailing landscaping, irrigation and a mitigation plan for the building materials would be forwarded to the City of Richmond for both the City and Variance Committee to re-consider at either their June or July 2012 Board meeting. Director Ray seconded the motion, which passed unanimously.

#### **b. Richmond Town Center CVS**

Mr. Haas briefly reviewed the variance application for the CVS sign with the Board. The sign specification for CVS are for a monument type sign to be constructed at a height of six feet tall and seven feet, two inches wide creating a sign that is approximately forty-three square feet in size. This design specification does not comply with the thirty six square feet sign square footage established by the original District commercial sign standards. Mr. Haas commented that the CVS sign standard did comply with the interim standard that has been adopted by the Board but not approved by the Cities. Director Howard noted that the sign fell in a grey area since the regulations for the District had changed, but had not been fully promulgated and accepted by either the City of Richmond or Rosenberg. Based on the variation of sign specifications Director Ray moved that the Board approve the sign variance for the CVS site being constructed at the Richmond Town Center. Director Terrell seconded the motion, which passed unanimously.



Mr. Haas introduced Mike Harp the project engineer for the project to review the landscape variance application. Mr. Harp reviewed the site plan with the Board. The CVS Town Center as part of the comprehensive development plan proposes to use several varieties of palm tree species as the primary landscaping for the site. Presently, The District landscaping standards do not permit the use of palm trees as an approved tree or planting material for commercial landscaping use. Mr. Harp pointed out that the CVS development is part of a much larger seventy acre development that will include an enormous planting palette of palms, groundcovers, hedges and sodding. Mr. Harp also noted that while the City of Richmond has not classified the Richmond Town Center Development project as a planned unit development in theory, based on its own architectural and landscaping guidelines it has those same characteristics. Ms. Steele noted that the architectural guidelines for Richmond Town Center and the District were reviewed together to identify potential discrepancies in design and development guidelines. Based on the guideline comparison, the only significant feature that varied between the two documents was the use of palm trees in the landscaping plans. Ms. Humphries noted that similar to the Summer Lake planned unit development, Richmond Town Center would have very high architectural guidelines that any tenant or builder would have to comply with that, in theory, would be complimentary if not congruent to what the District achieves with its design guidelines. After further review and consideration of the variance request Director Ward moved that the Board approve the landscape variance request only as it applies to the seventy acre, Old South Plantation/Richmond Town Center development project which is located on Farm to Market Road 359 and the corner of Farmer Road in Richmond, Texas. Director Ray seconded the motion, which passed unanimously.

**c. O'Reilly Auto Parts**

Mr. Haas reviewed the variance request with the Board. O'Reilly Auto Parts is proposing to install a commercial sign that measures seven feet tall and eight feet wide with a square footage 56 square footage on their property. This sign specification is larger than the District official sign standard, which is set at a not to exceed limit of 36 square feet. In return for the variance the applicant is willing to include additional box hedging and landscaping on their site. Mr. Haas confirmed that the applicant was willing to plant additional landscaping and that it would be installed and irrigated to comply with the Districts landscaping guidelines. Director Ray moved that the Board accept the variance request. Director Terrell seconded the motion, which was unanimously approved.

7. Receive an update on the proposed sign ordinance being pursued between Richmond and Rosenberg.

Ms. Steele noted that the cities of Richmond and Rosenberg are working to adopt a uniform sign ordinance. Ms. Steele introduced Cyndy Powell with the City of

Rosenberg to review the changes being considered to the sign ordinances. Ms. Powell reviewed a summary chart with the Board that addressed sign type and size on various corridors in the Rosenberg area. Director Howard inquired as to whether the City of Rosenberg would include both monument and pole sign types to be included in the design criteria. Ms. Powell confirmed that both types of sign would be allowed in the ordinance. Ms. Powell noted that there were sign height variations between commercial developments that the City of Rosenberg City Council has asked her to reconcile and coordinate with the City of Richmond so that there will be continuity in future sign installation. For the next few months Ms. Powell and Mr. Haas are meeting to discuss these design specifications. Tentative plans have the City of Rosenberg adopting a final sign ordinance in July of 2012. Director Dupuis thanked Ms. Powell for her presentation. The Board took no action on the report.

8. Review appointments and receive Committee Reports:

**a. 2012 Grant Committee: Access Management**

Ms. Steele gave a status update on the progression of the project negotiations. At this time the request for proposal is being drafted and will be published in the Houston Chronicle in mid-May. Consultant selection for the project should take place in July. The Board took no action on the report.

**b. FM 359 Beautification**

Ms. Steele gave an update on the outreach efforts to the business owners along the FM 359 corridor to discuss increased maintenance of the newly installed roadway medians. Business owners are asking for cost estimates or preliminary assessment rates needed to support maintenance initiatives of the medians. Ms. Steele inquired as to what an assessment rate might be. Ms. Humphries commented that before an assessment rate could be established a percentage of business owners that support the maintenance program along the FM 359 corridor should be identified. Ms. Steele noted that she would continue meeting with business and property owners along the corridor to identify those supporters. The Board took no action on the report.

9. Report from Advisory Board Members

No reports were given and the Board took no action.

10. Report from Directors and District Consultants Regarding Events and Activities Attended During the Month.

No reports were given and the Board took no action.



11. Report from Executive Director on outstanding and pending District business and plan for addressing District businesses.

Ms. Steele noted that lists of business owners and stakeholders associated with the proposed projects on FM 359 and Highway 90A have been prepared so that targeted outreach meetings could begin. The intent is to identify areas that could potentially petition the District for assessment and thus create an alternative source of funding. The Board took no action on the report.

12. Convene in Executive Session pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with attorney to discuss pending or contemplated litigation.

The Board did not convene in Executive Session and no litigation is being contemplated.

13. Reconvene in Open Session and authorize appropriate action regarding contemplated litigation.

The Board did not convene in Executive Session and no litigation is being contemplated.

14. Adjournment

Director Howard moved to adjourn the meeting at 5:08pm. Director Terrell seconded the motion, which carried unanimously.



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Cliff Terrell  
Secretary, West Fort Bend Management District