



PLANNING & ZONING PACKET

September 18, 2023

PLANNING & ZONING COMMISSION AGENDA

Notice is hereby given that the Rockport Planning & Zoning Commission will hold a meeting on Monday, September 18, 2023, at 5:30 p.m. The meeting will be held in person at the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. Members of the public can view the meeting via live stream at <https://www.youtube.com/@rockporttxgov>

Public participation is valued and citizens wishing to express their views on agenda items can electronically submit a citizen participation form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/BoardsCitizenParticipation> or scanning the QR code to the right. Using the same form, citizens can also provide written comments to the Community Planner by 4:00 p.m. on the day of the meeting. The Chair will read the comments and they will be summarized in the minutes of the meeting.



The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.

Regular Agenda

2. Deliberate and act on approval for the regular meeting minutes of September 5, 2023.
3. Deliberate and act on a Major Subdivision Conceptual Plan/Preliminary Plat submitted by Hamed Mostaghasi and Hossein Mostaghasi., for development of a 431 lots single-family residential and 3 commercial lots subdivision to be known as Lakeway Estates, property located at 3250-3330 State Highway 35 Bypass, otherwise known as JW Paup Survey ABC 179, 152.582 acres & 6.887 acres, City of Rockport, Aransas County, Texas.
4. Discussion regarding the Impact Fee Study and responsibilities Advisory Committee.
5. Adjournment

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email citysec@cityofrockport.com for further information. Braille is not available. The City of Rockport reserves the right to convene into executive session under Government Code §§ 551.071-551.074 and 551.086.

In accordance with the requirements of Texas Government Code Section 551.127, a member of the governing body may participate in this meeting from a remote location. A quorum of the governing body as well as the presiding officer shall be physically present at the above posted location, which shall be open to the public. Those participating remotely shall be visible and audible to the public for all open portions of the meeting. A member of a governmental body who participates in a meeting remotely as provided by law, shall be counted as present at the meeting for all purposes.

Certification

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on September 14, 2023, at 3:00 p.m., and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot* and *Corpus Christi Caller Times*.


Teresa Valdez, City Secretary

PLANNING AND ZONING COMMISSION MINUTES

On this the 5th day of September 2023, the Planning and Zoning Commission held a Meeting at 5:30 p.m., at Rockport Service Center, 2751 SH 35 Bypass, Rockport, Texas and notice of meeting giving time, date and subject having been posted as described in V.T.C.A., Government Code § 551.041.

Members Present

Ruth Davis – Chair
Warren Hassinger-Vice Chairman
Tom Blazek
Patty Impens
Kim Hesley – Secretary
Ric Young

Members Absent

W. Kent Howard

Staff Members Present

Mike Donoho, Director
Carey Dietrich, Community Planner
Bob Argetsinger, IT
Belinda Garcia, Administrative Coordinator
Tara Doyle, Building & Development Technician
Danielle Hale, Council Liaison

Guest(s) Present

Seven (7)

Open Meeting

1. Meeting called to order at 5:30 p.m.

Public Hearing Open 5:30 pm.

2. Conduct a Public Hearing to consider a request to replat property located at 2300 FM 3036, 110 Kokomo and 126 Kokomo; also known as Lot 1,2,3, Block 1, Kokomo Subdivision being 8.186 acres, City of Rockport, Aransas County, Texas.

Elizabeth Brundrett spoke.

3. Conduct a Public Hearing to consider a request for a Conditional Use Permit (CUP) for property located at 1331 SH 188; also known as Lot 1R & 2, Coastal Paradise Subdivision, 17.989 acres, City of Rockport, Aransas County, Texas.

Brandon Namken spoke.

Chairperson Davis closed Public Hearing at 5:32 pm

4. Deliberate and act on approval for the regular meeting minutes of August 21, 2023.

MOTION: Secretary Hesley made a motion to approve the minutes as presented. Member Young seconded the motion. **Motion passed unanimously.**

5. Deliberate and act on a request to replat property located at 2300 FM 3036, 110 Kokomo and 126 Kokomo; also known as Lots 1,2,3, Block 1, Kokomo Subdivision being 8.186 acres, City of Rockport, Aransas County, Texas.

Community Planner Carey Dietrich spoke.

MOTION: Member Blazek made a motion to approve the replat. Member Impens seconded motion to approve. **Motion passed unanimously.**

6. Deliberate and act on request for a Conditional Use Permit (CUP) for property located at 1331 SH 188; also known as Lot 1R & 2, Coastal Paradise Subdivision, 17.989 acres, City of Rockport, Aransas County, Texas.

Brandon Namken spoke.

MOTION: Member Young made a motion to recommend to City Council to approve the request for a Conditional Use Permit (CUP) . Secretary Hesley seconded the motion.
Motion passed unanimously.

7. Adjournment 5:40 pm.
Member Young motion to adjourn the meeting. Member Impens seconded the motion.
Motion passed unanimously.

Prepared by:

Approved by:

Belinda Garcia, Assistant to Director

Ruth Davis, Chair

Kim Hesley, Secretary

Planning & Zoning AGENDA
Regular Meeting: Monday, September 18, 2023

AGENDA ITEM: 3

Deliberate and act on a Major Subdivision Conceptual Plan/Preliminary Plat submitted by Hamed Mostaghani and Hossein Mostaghani., for development of a 431 lot single-family residential and 3 commercial lot subdivision to be known as Lakeway Estates, property located at 3250-3330 SH 35 Bypass otherwise known as JW Paup Survey ABC 179, 152.582 acres & 6.887 acres, City of Rockport, Aransas County, Texas.

SUBMITTED BY: Carey Dietrich - Asst. Director Building & Development /Community Planner

BACKGROUND:

The Conceptual Plan/Preliminary Plat of JW Paup Survey ABC 179, 152.582 acres & 6.887 acres was reviewed by staff and determined to be Administratively complete.

RECOMMENDATION: Staff recommends approval of the Major Subdivision Conceptual Plan/Preliminary Plat submitted by Hamed Mostaghani and Hossein Mostaghani., for development of a 431 lot single-family residential and 3 commercial lot subdivision to be known as Lakeway Estates, property located at 3250-3330 SH 35 Bypass otherwise known as JW Paup Survey ABC 179, 152.582 acres & 6.887 acres, City of Rockport, Aransas County, Texas.



Plat Application & Checklist

Building & Development Services Department



This application requests the information and documentation required to review and approve a subdivision or plat as per Chapter 90: Subdivisions and Platting of the City of Rockport Code of Ordinances (available at www.cityofrockport.com/200/Ordinances-Resolutions).

CATEGORIZATION:

CLASSIFICATION OF PLAT: ☐ Administrative ☐ Minor Subdivision ☒ Major Subdivision

A Major Subdivision requires a Concept Plan and review of a Preliminary Plat prior to the application and review of a Final Plat. A Minor Subdivision or a Re-plat may require a Concept Plan depending on the magnitude or complexity of the subdivision.

TYPE OF PLAT TO BE REVIEWED: ☒ Concept Plan & Preliminary Plat ☐ Final Plat ☐ Re-plat

GENERAL INFORMATION:

Address: 3250-3330 SH 35 BYPASS, ROCKPORT, TX ACAD Property ID: 8823638 & 8823637

Subdivision: _____ Block: _____ Lot: _____

Other Legal Description: JW PAUP SURVEY ABC 179 152.582 ACRES & 6.887 ACRES

PROPERTY OWNER OF RECORD:

Name: HAMED MOSTAGHASI AND
HOSSEIN MOSTAGHASI
Company: _____
Mailing Address: 4833 SARATOGA BLVD #423
CORPUS CHRISTI, TX 78413-2213
Phone: (361) 765-7241
Email: rickmostaghasi@gmail.com

ENGINEER/PLANNER/SURVEYOR:

Name: BRANDI B. KARL, P.E.
Company: J. SCHWARZ & ASSOCIATES
Mailing Address: PO BOX 60733
CORPUS CHRISTI, TX 78466
Phone: 361-774-4534
Email: brandi@jsatx.com

BACKGROUND

Project Name: LAKEWAY ESTATES

- Present Zoning District: R-1 AND B-1 Are you requesting a zoning change? YES ☒ NO
- If yes, which Zoning District is requested? _____ YES ☒ NO
- Do all proposed lots have access to existing public streets? YES ☒ NO
- Do any of the proposed lots require the extension of public facilities such as: right of ways, easements, water, sewer, etc.? YES ☒ NO
- Is the existing lot in compliance with the Storm Drainage Master Plan? YES ☒ NO

EXISTING PROPERTY CONTAINS: (Be specific on all that are applicable)

Land Use:	Number of Lots or Units	Acres of Use/Contents of Each Lot	Square Footage of Building Space
Undeveloped	1	159.47 AC	
Single Family			
Garden/Patio/ Zero-lot line			
Duplex			
Townhomes			
Multi-family			
Manufactured Housing			
Hotel/Motel			
Condo Regime			
Office			
Restaurant			
Commercial/Retail			
Warehouse/Showroom			
Industrial			
RV Park/ Pads			
Public Facilities: (Schools, Churches, etc.)			
Park/ Open Spaces			
Trees over 6" in diameter			
Wetlands / Other Environmentally Sensitive Natural Infrastructure			
Special Flood Hazard Zone			
Other:			
Public/ Private Street R.O.W			
TOTAL	1	159.47 AC	

Please describe below any other information unique or pertinent to the platting of the property.

All lots within the development will be constructed in accordance with the current Zoning designation. Typical single-family residential lots will be 60' wide by 120' deep with a lot area of 7200 square feet. The lots designated as Commercial Tracts are zoned as B-1 and will be developed in the future, in accordance with B-1 requirements.

The subdivision will be constructed in phases, as indicated on the Concept Plan.

Wetlands have been identified on the property by Coastal Environments, Inc. and determined to be non-jurisdictional. This work is being coordinated with the USACE.

PROPOSED SUBDIVISION/PLATS CONTAIN: (Be specific on all that are applicable)

Land Use:	Number of Lots or Units	Acres of Use/Contents of Each Lot	Square Footage of Building Space
Undeveloped			
Single Family	431	85.66 AC	
Garden/Patio/ Zero-lot line			
Duplex			
Townhomes			
Multi-family			
Manufactured Housing			
Hotel/Motel			
Condo Regime			
Office			
Restaurant			
Commercial/Retail	3	23.63 AC	
Warehouse/Showroom			
Industrial			
RV Park/ Pads (only through approved CUP)			
Public Facilities: (Schools, Churches, etc.)			
Park/ Open Spaces			
Preserve for Wetlands / Environmentally Sensitive Natural Infrastructure	6	24.7 AC	
Special Flood Hazard Zone			
Other: Amenities Center	1	2.0 AC	
Public/ Private Street R.O.W	1	23.48 AC	
TOTAL	442	159.47 AC	

REQUIRED PLAT COPIES & RECORDING PROCEDURES

- 1. Preliminary Plat: Two (2) copies of the preliminary plat drawn to a scale of not less than 1" = 100' plus ten (10) reduced copies (no smaller than 11'x17'). An electronic copy is requested but not required. Request a Concept Plan Checklist. This additional information and documentation should be submitted along with the Application & Preliminary Plat. A site plan or survey should be submitted showing any encroachments and improvements, existing and/or planned.
- 2. Final Plat/Re-plat: One (1) original "Vellum", plus three (3) full size copies, and one (1) 11'x17' reduced copy. May require a prior Concept Plan. An electronic copy is requested but not required.
- 3. Administrative Plats/ Minor Re-Plats: Only a final plat required. Submit in accordance with 2 above. An electronic copy is requested but not required.
- After official approval, the applicant's surveyor is responsible for coordinating the recording of all Final Plats and Re-plats at the Aransas County Court House and must then submit one (1) signed full scale Mylar and one (1) print for the City files.

FINAL PLAT/RE-PLAT CHECKLIST:

Pursuant to the City of Rockport Platting & Subdivision Ordinance the following items are required to be shown on the plat or submitted with the plat for consideration. Please use the boxes at the left to verify the completeness of the information submitted.

INDICATE IF ON PLAT:				CITY REVIEW:	
YES	NO	N/A	1. BASIC INFORMATION	YES	NO
x			A. Subdivision/ Project Name		
x			B. Name & Address of Owner		
x			C. Title: "Final Plat" / "Re-plat" / "Preliminary Plat"		
x			D. Name & Address of Responsible Surveyor, Engineer, Planner Responsible for Design		
x			E. Date		
x			F. Scale		
x			G. North Arrow		
x			H. Small Scale Location Map		
x			I. Names of Adjacent Subdivisions		

INDICATE IF ON PLAT:				CITY REVIEW:	
YES	NO	N/A	2. SURVEYING	YES	NO
x			A. Boundary Survey of Plat (Bearing & Distances)		
x			B. Reference to Original Survey or Previous Subdivision		
x			C. Monuments Shown on Plat		
x			D. Monuments Set in Field		
x			E. Legal Description of Subdivision Outer Boundary		

INDICATE IF ON PLAT:				CITY REVIEW:	
YES	NO	N/A	3. INTERIOR DETAILS	YES	NO
x			A. Dimension & Location of All Lots, Streets, Easements, Parks, etc.		
x			B. Name of Streets (New & Old)		
x			C. Lot & Block Numbers		
x			D. Location, Names, Widths of approved Streets, Alleys & Easements, All Right of Ways		
x			E. Detail Curve Information		
x			F. Building Lines, Exterior & Interior		
x			G. Existing Natural Features, Watercourses & Other Physical Features		
x			H. Zoning District Designation		
		x	I. Tree Plan (Showing Significant Trees in Proposed R-O-W)		
		x	J. Flood Hazard Areas		

INDICATE IF ON PLAT:

CITY REVIEW:

YES	NO	N/A	4. CERTIFICATION	YES	NO
		x	A. Licensed Surveyor's Signature Plate		
		x	B. Planning & Zoning Commission Signature late		
		x	C. Owner's Signature(s) Plate		
		x	D. Lien Holder(s) or Others' Signature Plate		
		x	E. City Engineer Signature Plate		
		x	F. Aransas County Clerk Signature Plate		

INDICATE IF ON PLAT:

CITY REVIEW:

YES	NO	N/A	5. TAXES	YES	NO
		x	A. Certificate of All Past & Current Taxes Paid on Property Being Platted		

INDICATE IF ON PLAT:

CITY REVIEW:

YES	NO	N/A	6. LEGAL STIPULATIONS	YES	NO
		x	A. Copy of All Deed Restrictions Pertaining to the Subject Property		
		x	B. Copy of Condominium Regime		
		x	C. Copy of Warranty Deed		

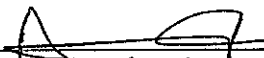
NOTE: 2 Sets of Construction Plans showing the following should be submitted:

- A. Utility Distribution System(s) (Off-site & On-site)
- B. Streets, Sidewalks & Drive Approaches & Dimensions
- C. Drainage Plan (off-site & On-site)
- D. Topographic Map
- E. Flood Hazzard Map

FILING FEE: (Make check payable to the City of Rockport)**Preliminary Plat - \$100.00 Final Plat - \$100.00 + \$10.00 per acre Minor Plat/Re-plat - \$100.00**

- Submit application and filing fee to the Department of Building & Development, Rockport Service Center, 2751 SH 35 Bypass, Rockport, TX 78382.

SIGNED


 (Owner or Developer)
FOR CITY USE

Received By _____ Date _____ Fees Paid \$ _____

Submitted information () accepted () rejected By: _____

If rejected, reasons why: _____

Receipt No. _____

FLOOD DATA
THIS IS TO CERTIFY THAT I HAVE CONSULTED THE
FEDERAL FLOOD HAZARD MAP DATED 2-17-16,
AND FOUND THAT THE PROPERTY DESCRIBED
HEREIN IS (OR) IS NOT X LOCATED IN A
"SPECIAL FLOOD HAZARD AREA,"
FLOOD ZONE X
BASE ELEVATION N/A
PANEL NO. 0240G Z 0245G
COMMUNITY NO. 485504

PROPERTY ADDRESS
3250-3330 SH 35 BYPASS,
ROCKPORT, TX 78382

ZONING
COMMERCIAL TRACTS ARE ZONED B-1
REMAINDER OF PROPERTY IS ZONED R-1



DEVELOPMENT NOTES:

1. ALL SINGLE-FAMILY LOTS WILL BE DEVELOPED IN ACCORDANCE WITH R-1 ZONING STANDARDS.
2. ALL STREETS WILL BE PUBLIC AND BUILT TO THE CITY OF ROCKPORT STREET STANDARD.
3. THE WETLANDS DELINEATION HAS BEEN COMPLETED BY COASTAL ENVIRONMENTS, INC AND UNDER REVIEW BY THE USACE
4. WATER AREAS INDICATED ON THE CONCEPT PLAN SHALL BE EXCAVATED AND SERVE AS DETENTION PONDS IN ACCORDANCE WITH THE CITY OF ROCKPORT STORMWATER MASTER PLAN.
5. PROPOSED STREET NAMES HAVE BEEN APPROVED BY THE PUBLIC SAFETY COMMUNICATIONS DISPATCH.
6. ALL R.O.W. ARE 50' UNLESS INDICATED OTHERWISE. ALL CUL-DE-SACS HAVE A RADIUS OF 50'.
7. DEVELOPER WILL COMPLY WITH CITY OF ROCKPORT TREE PRESERVATION AND MITIGATION ORDINANCE AS IT APPLIES.
8. DEVELOPER WILL SUBMIT TREE PRESERVATION PLAN AFTER APPROVAL OF CONCEPT PLAN.
9. INDIVIDUAL LOTS WILL SUBMIT TREE PRESERVATION PLANS WITH BUILDING PERMITS.
10. COMMON AREAS WILL BE OWNED AND MAINTAINED BY THE HOA.
11. THERE ARE NO ADJACENT SIDEWALKS; THEREFORE, NO SIDEWALKS ARE PROPOSED FOR THE DEVELOPMENT.
12. ALL PROPOSED STRUCTURES SHALL BE 2 STORIES OR LESS WITH 5' SIDE YARDS ON THE LOTS.
13. 10' MAINTENANCE EASEMENT AROUND ALL PONDS



J. SCHWARZ &
ASSOCIATES, INC.
Professional Engineering Solutions

P.O. BOX 60733
CORPUS CHRISTI,
TEXAS 78466
361-906-2430

F-8138

TBAE PR 2671



BRANDI B. KARL
DIGITALLY SIGNED BY
BRANDI B. KARL, P.E.
08/20/2023

CLIENT INFORMATION
RICK'S HOMES, LLC.
4833 SARATOGA
PMB 423
CORPUS CHRISTI, TX
78413

PROJECT NAME
**LAKEWAY
ESTATES**

PROJECT LOCATION
CITY OF ROCKPORT
ARANSAS COUNTY
TEXAS

DATE	07.19.2023
JOB NUMBER	00-000
FILE NAME	PRM CONCEPT PLAN V3.dwg
REVISION NUMBER	00

REVISIONS		
NO.	DATE	REVISION

SHEET TITLE

**CONCEPT
PLAN**

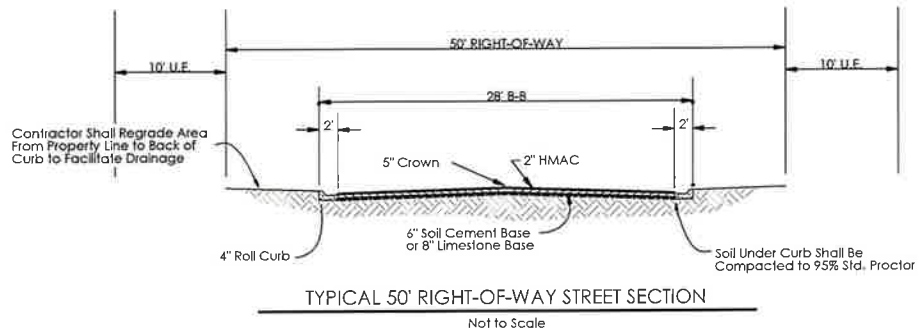
SHEET

0001
OF 0002

CONCEPTUAL PLAN LAKEWAY ESTATES

LEGAL DESCRIPTION

159.47 ACRES OF LAND OUT OF A 105.598 ACRE TRACT AND AN 84.058 ACRE TRACT OUT OF THE GEORGE K. TAGGART, III TRUSTEE, 1108.79 ACRE TRACT RECORDED UNDER VOLUME 248, PAGES 363-426, DEED RECORDS OF ARANSAS COUNTY, TEXAS, AND SAID TRACTS BEING DESCRIBED IN A DOCUMENT OF RECORD FROM FALCON INTERNATIONAL BANK TO RCC GROUP, LLC, UNDER CLERKS FILE NUMBER 350256, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS, AND BEING OUT OF THE J.W. PAUP SURVEY, A-179 AND THE JOSEPH FESSENDEN SURVEY, A-65, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS



TYPICAL 50' RIGHT-OF-WAY STREET SECTION

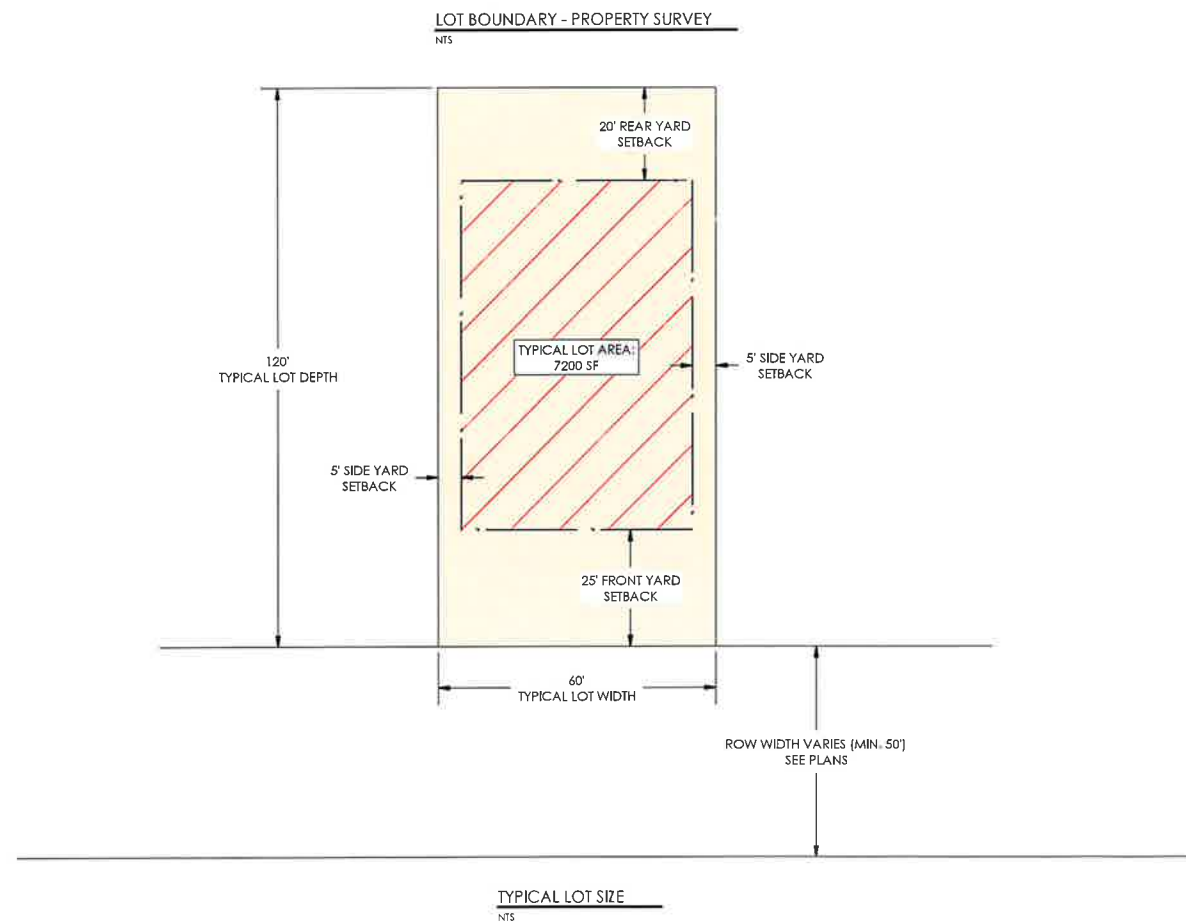
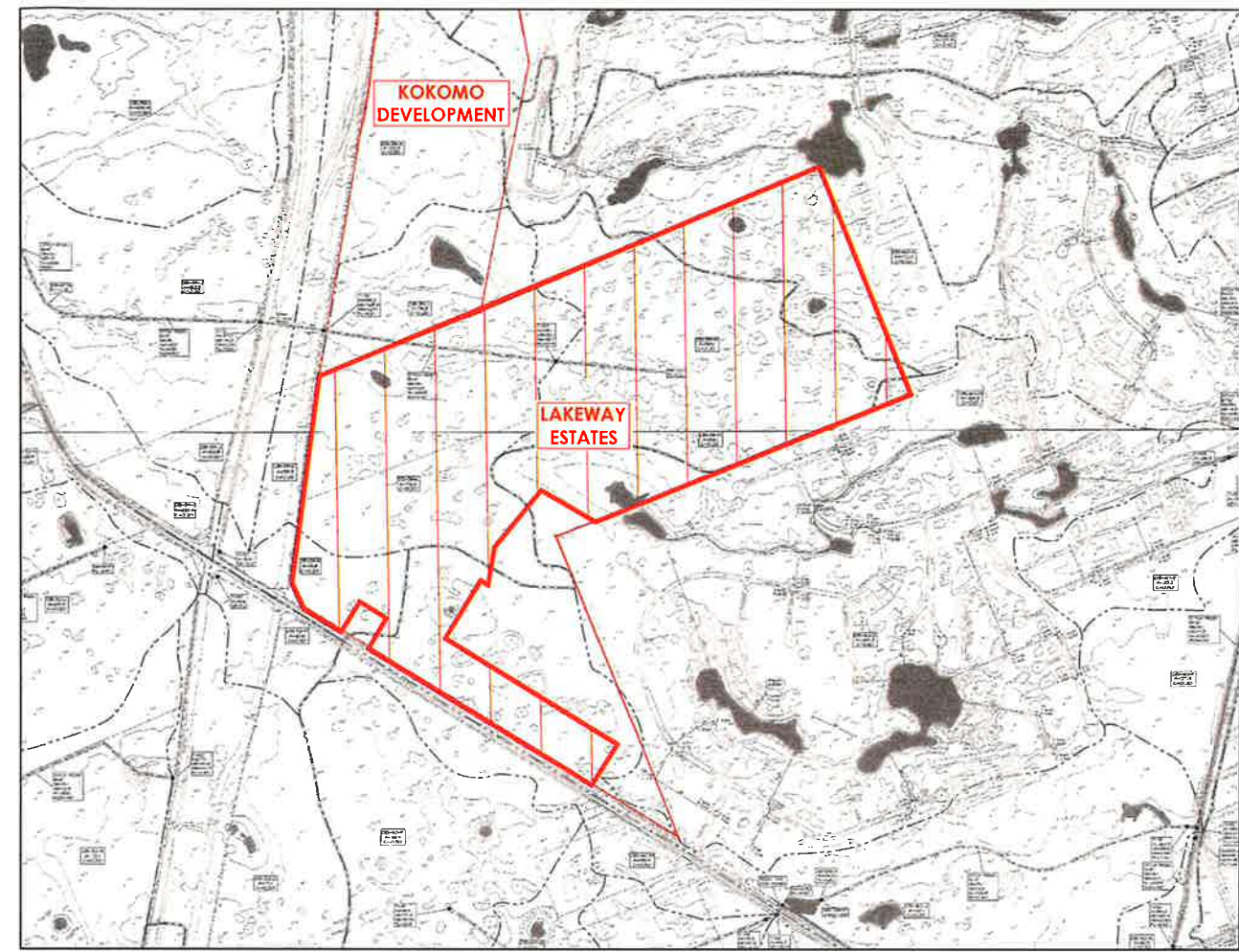
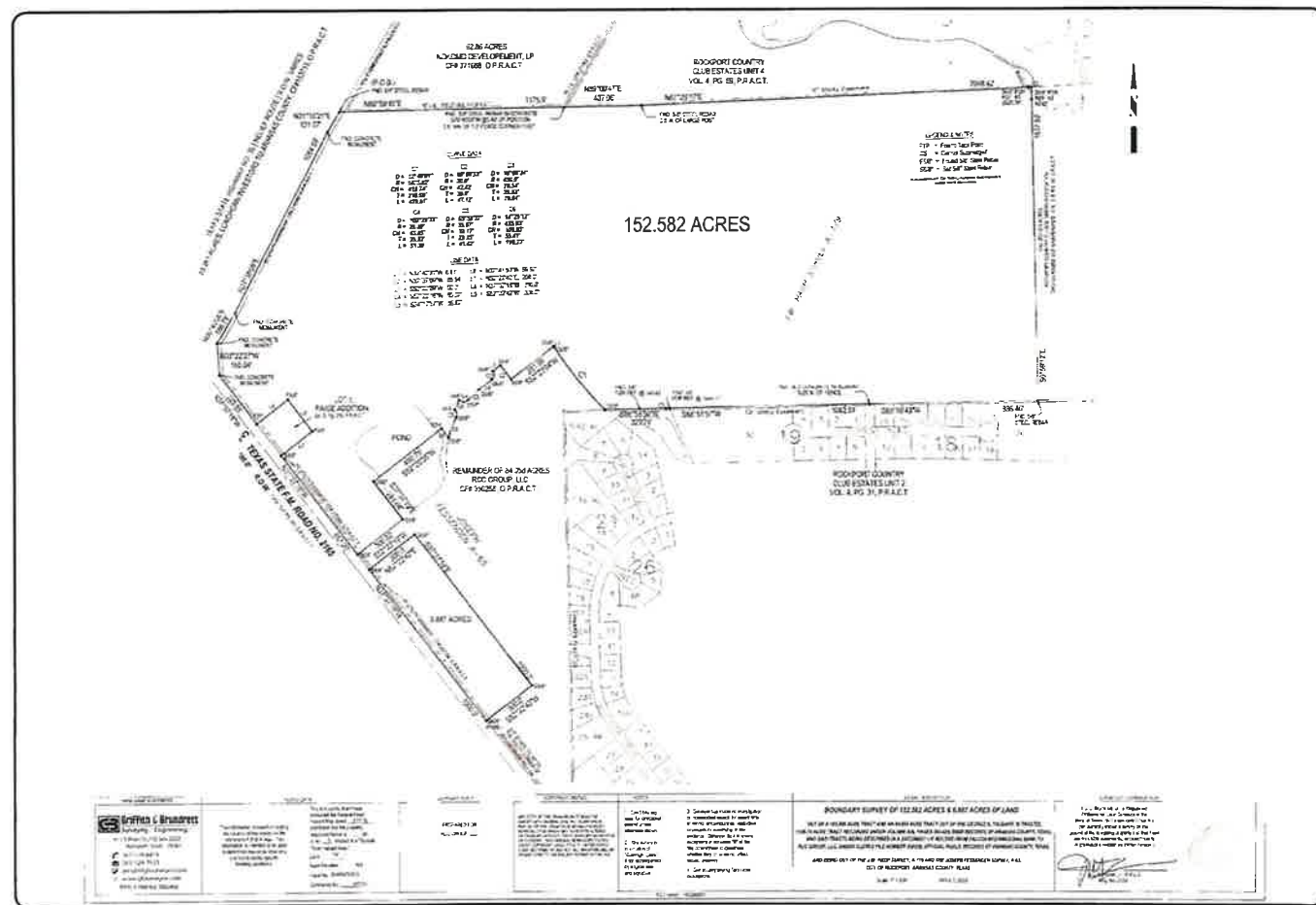
Not to Scale

SPECIFICATIONS:
2" Type D Hot Mix Asphaltic Concrete
6" Cement (11% by Weight) Stabilized Soil Base with 2" Crushed Concrete
(or 8" Compacted Limestone Base)
Compacted to 98% Standard Proctor Density
Moisture shall be within ±3% of Optimum Moisture.
Prime Coat MC-30 at 0.15 Gal/Sq. Yd.



0 200 400
1" = 200'-0"

CONCEPTUAL PLAN IS FOR PRELIMINARY REVIEW
AND APPROVAL ONLY.
PLAN IS NOT AUTHORIZED TO BE RECORDED IN
THE PLAT RECORDS OF ARANSAS COUNTY.



PRELIMINARY DRAINAGE CALCULATIONS:

THE DEVELOPMENT HAS FOUR DRAINAGE SUB-BASINS, AS SHOWN ON THE MASTER PLAN, LABELED A-1 THRU A-4.

BASIN A-1
111.4 TOTAL ACRES
13.25 ACRES OF COMMERCIAL
86.90 ACRES OF RESIDENTIAL
11.25 ACRES OF DETENTION PONDS
Q5 ALLOWABLE = 62.8 CFS
VOLUME OF DETENTION REQUIRED = 348,172 CF
VOLUME OF DETENTION PROVIDED = 2,940,300 CF

BASIN A-2
19.84 TOTAL ACRES
13.96 ACRES OF RESIDENTIAL
5.88 ACRES OF DETENTION PONDS
Q5 ALLOWABLE = 5.8 CFS
VOLUME OF DETENTION REQUIRED = 45,194 CF
VOLUME OF DETENTION PROVIDED = 1,536,797 CF

BASIN A-3
11.8 TOTAL ACRES
5.78 ACRES OF RESIDENTIAL
6.02 ACRES OF DETENTION PONDS
Q5 ALLOWABLE = 3.6 CFS
VOLUME OF DETENTION REQUIRED = 14,374 CF
VOLUME OF DETENTION PROVIDED = 1,573,387 CF

BASIN A-4
16.43 TOTAL ACRES
11.61 ACRES OF COMMERCIAL
3.270 ACRES OF RESIDENTIAL
1.55 ACRES OF DETENTION POND
Q5 ALLOWABLE = 4.5 CFS
VOLUME OF DETENTION REQUIRED = 184,472 CF
VOLUME OF DETENTION PROVIDED = 405,108 CF



**J. SCHWARZ &
ASSOCIATES, INC.**
Professional Engineering Solutions

P.O. BOX 60733
CORPUS CHRISTI,
TEXAS 78466
361-906-2430

F-8138

TBAE BR 2671



Brandi Karl
DIGITALLY SIGNED BY
BRANDI B. KARL, P.E.
06/20/2023

CLIENT INFORMATION
RICK'S HOMES, LLC.
4833 SARATOGA
PMB 423
CORPUS CHRISTI, TX
78413

PROJECT NAME
**LAKEWAY
ESTATES**

PROJECT LOCATION
CITY OF ROCKPORT
ARANSAS COUNTY
TEXAS

DATE	07.19.2023
JOB NUMBER	00-000
FILE NAME	R01140 CONCEPT PLAN V5.dwg
REVISION NUMBER	00

REVISIONS		
NO.	DATE	REVISION
△		
△		
△		
△		
△		

SHEET TITLE

REFERENCE EXHIBIT

SHEET

0002
OF 0002

PLANNING & ZONING COMMISSION AGENDA
Regular Meeting: Monday, September 18, 2023

AGENDA ITEM: 4

Discussion regarding the Impact Fee Study and responsibilities Advisory Committee.

SUBMITTED BY: Community Planner / Carey Dietrich

BACKGROUND: The City of Rockport has contracted with Freese & Nichols to do the Impact Fee Study and update the Impact Fee CIP. As part of this process the City Council is required to appoint an Advisory Committee, which is usually the Planning & Zoning Commission. Today's discussion is in preparation of that appointment.

FISCAL ANALYSIS: N/A

RECOMMENDATION: No recommendation, for discussion only.

Sec. 395.058. ADVISORY COMMITTEE. (a) On or before the date on which the order, ordinance, or resolution is adopted under Section [395.042](#), the political subdivision shall appoint a capital improvements advisory committee.

(b) The advisory committee is composed of not less than five members who shall be appointed by a majority vote of the governing body of the political subdivision. Not less than 40 percent of the membership of the advisory committee must be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity. If the political subdivision has a planning and zoning commission, the commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. If no such representative is a member of the planning and zoning commission, the commission may still act as the advisory committee if at least one such representative is appointed by the political subdivision as an ad hoc voting member of the planning and zoning commission when it acts as the advisory committee. If the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area.

(c) The advisory committee serves in an advisory capacity and is established to:

(1) advise and assist the political subdivision in adopting land use assumptions;

(2) review the capital improvements plan and file written comments;

(3) monitor and evaluate implementation of the capital improvements plan;

(4) file semiannual reports with respect to the progress of the capital improvements plan and report to the political subdivision any perceived inequities in implementing the plan or imposing the impact fee; and

(5) advise the political subdivision of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

(d) The political subdivision shall make available to the advisory committee any professional reports with respect to developing and implementing the capital improvements plan.

(e) The governing body of the political subdivision shall adopt procedural rules for the advisory committee to follow in carrying out its duties.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.