



PLANNING AND ZONING COMMISSION MEETING MARCH 7, 2006

The Planning and Zoning Commission met in regular session at Stafford City Hall at 7:30 p.m. on March 7, 2006.

Present:

Alma Birdwell, Chairman

Johnny Nunez

Joseph Olickan, Vice Chairman

Christine Rector

Joe Rome, Secretary

Felix A. Vega

Fred Woolridge

Lawrence Vaccaro, Jr., Public Wks Director

Pam Madrigal, City Engineer

Jo Ann Holloway, P & Z Recording Secretary

Cheryl Wilson, City Attorney

Gene Bane, Zoning Administrator/Building

Permits/Nuisance Abatement

1. Roll call.

All commissioners were in attendance. All City Staff personnel were present except Mayor Leonard Scarcella.

2. Discussion and consideration of the February 7, 2006 Planning & Zoning Commission Minutes.

Joe Rome made a motion to grant approval of the February 7, 2006 Planning and Zoning Commission minutes. Joseph Olickan seconded the motion with all present voting in favor.

3. (a) Presentation, discussion and action on an application for a Specific Use Permit to allow the construction and operation of an Assembly Group A-3 Occupancy, more specifically, a religious facility at 2635 Fifth Street located within the Mixed use Zoning District.

Gene Bane displayed an enlarged photo of the site, gave a presentation of the application noting their existing facility, which would be demolished upon construction completion of the proposed new site. Mr. Bane also pointed out where the site would be located on the zoning map and stated that the proposed landscaping and signage is in accordance with the City's ordinances.

Damián Tavarez, spokesperson for the church, Iglesia Ríos De Agua Viva, explained the need for a new updated building.

Felix Vega made a motion to adopt the SUP application package as the Preliminary Report. Fred Woolridge seconded the motion with all present voting in favor.

3. (b) Public Hearing on plat approval described in Item 3(a).

Alma Birdwell officially opened the Public Hearing.

Damián Tavarez presented a list of church members representing an in-favor presentation (see attached list). Although these people were present, they did not speak English. Mr. Tavarez also noted his favorable request.

Juancarlos Salazar Quintero of 6342 Rondell in Houston stated that the church is responsible for turning his life around and spoke in favor of SUP approval.

Israel Aguilar, church elder, spoke in favor of the SUP. Mr. Aguilar expressed that the building of the new church is a historical event and noted that twelve (12) years ago, the church was started with a purpose to build a new one and to be an asset to the Stafford community.

Lucio Villa, interpreter for Israel Aguilar and church member, stated his favorable request.

Alma Birdwell officially closed the Public Hearing.

3. (c) **Discussion and possible action to adopt a Final Report and approve a recommendation to City Council on the adoption of an ordinance amending Chapter 102 of the Code of Ordinances to grant a Specific Use Permit to allow the construction and operation of an Assembly Group A-3 Occupancy, more specifically, a religious facility at 2635 Fifth Street located within the Mixed Use Zoning District.**

Johnny Nunez asked why the front part of the property was being developed first.

Damián Tavarez stated that the church has plans to construct a larger worship hall in the future upon outgrowing the smaller proposed facility, which is shown on the site plan submitted. We currently have approximately 60 – 65 people attending on Sundays.

Fred Woolridge asked what the anticipated timeline was for this future construction.

Mr. Tavarez stated that the future site should be constructed in 5 – 6 years dependent upon their membership growth at that time.

Johnny Nunez asked if the vacant property currently had any problems such as drainage.

Gene Bane stated that there are currently no drainage problems and noted that during development, the drainage will be designed to handle the property drainage as part of the permitting process.

Rosa Maria Arriaga of 2611 Fifth Street, which is one of the properties within 200' of the site, requested that a fence be constructed between her property and the proposed site.

Mr. Tavarez indicated that conversation had occurred between Ms. Arriaga and himself just before the Planning & Zoning Commission meeting started, and stated that it would not be a problem to include a fence in their construction plans.

Joseph Olickan asked if traffic patterns would be an issue.

Gene Bane noted that the church at that location currently has not created any traffic congestion and none is anticipated upon construction of a new church.

Chery Wilson questioned the proposed metal building on the site plan and the fact that on page two, paragraph 5 of the letter from the applicant to the Mayor and City Council, it represents that the exterior of the building will be 100% masonry on all sides with an earth tone brown color; thus, there is a distinct misrepresentation of the proposed construction. Ms. Wilson indicated that the notation of MLT on the plat should be changed to comply with the City's standards and what is represented in their letter to the Mayor and Council. Ms. Wilson also noted that in regards to parking, in the past, a condition was added to the SUP and indicated on the site plan that a sufficient number of all-weather parking spaces shall be provided for all persons attending activities on the property, parking on streets adjacent to the property by people attending activities on the property is prohibited and parking on the property on any surface other than an all-weather surface is prohibited.

Joseph Olickan made a motion to adopt the SUP application package as the Final Report excluding the notation of MTL on the proposed building site plan, to indicate on the site plan that a sufficient number of all-weather parking spaces be provided in compliance with the City's building standards and to include the construction of a privacy fence between 2611 Fifth Street and the proposed site. Johnny Nunez seconded the motion with all present voting in favor.

4. (a) **Presentation, discussion and action on an application for a Specific Use Permit to allow the construction and operation of a Kindergarten/Nursery School on a 4.786 acre tract of land located within the RCT Zoning District and further identified as being located at 11925 Southwest Freeway, Suite 4.**

Gene Bane displayed an enlarged photo of the site, pointed out the proposed location on the site map and gave a presentation of the application noting that because the proposed use is located in the RCT Zoning District, an SUP is required. Mr. Bane also stated that the proposed site is for approximately 7500 sf of lease space and that there is ample parking to accommodate customers. The kindergarten/nursery school is currently located in Houston with 85 children enrolled.

Holly Grace, Director of St. Philip Lutheran Preschool and representing the applicant expressed her desire to move to Stafford and noted that the new site will allow the school to increase enrollment to an anticipated 123 children. Ms. Grace also indicated that the results of a feasibility study were extremely positive for a successful growth potential.

Joseph Olickan expressed concern over ample space to drop-off children and noted that there is only one way in and one way out, so traffic congestion is imminent.

Gene Bane stated that the site is in the northern end of the City, where there is not a lot of traffic and also noted that there was a previous day care at this site without impacting traffic patterns.

- Discussion ensued regarding the following topics:
- Drop-off concerns during peak-hour traffic; e.g., blockage
- Designated parking
- Support of surrounding businesses
- Incompatibility with surrounding businesses; i.e., motor cycle shop, manufacturing assembly plant, medical MRI diagnostic facility and not buffered away from traffic don't appear to be conducive to a harmonious preschool environment.
- Safety issues (from engineering standpoint), ingress/egress access
- Additional business generated
- Traffic congestion
- Risk factors
- Proposed playground concerns; e.g., injuries from asphalt, traffic, noise during naptime, MRI radio activity, etc.
- Security to direct traffic (should it become a problem)

Johnny Nunez made a motion to adopt the SUP application package as the Preliminary Report. Fred Woolridge seconded the motion with all present voting in favor.

4. (b) Public Hearing on the application described in Item 4(a).

Alma Birdwell officially opened the Public Hearing.

Steve Carter of 3410 Glasco Ct., Missouri City, TX stated that his children have attended this facility for two years and he is very pleased. Mr. Carter noted that the traffic would allow them easier access at the proposed facility. In favor of SUP

Heather Crownowski of 3315 Robinson Rd, Missouri City, TX currently has a child attending this facility also stated that the traffic would allow her easier access to the new facility. In favor of SUP

Kelly Northfleet of 16003 Altonmoro, Houston, TX currently has two children enrolled at this facility and her thirteen year old attended when he was a child. Stated how accommodating this facility has always been for her, that the traffic will also allow her easier access to the facility. In favor of SUP

Kenneth Louis of 5105 Ballory, Bellaire, TX representing the owner, who lives in California, stated that parking and traffic have been considered and vs the day

care's current location, the new site would be much better. This is a successful day care and will be an asset to Stafford. In favor of SUP

Suzy McGlasson of 11942 Brighton Lane, Stafford, TX and is the office administrator at St. Philip Lutheran Preschool and is a parent of children attending the facility and if she has grandchildren, they would attend also. Spoke highly of the school and its vision for success. In favor of SUP

Alma Birdwell officially closed the Public Hearing.

Alma Birdwell asked each Commissioner's opinion on what has been discussed thus far:

Fred Woolridge stated that if the families and participants are OK with the surrounding business, I have no objection.

Christine Rector noted that although she welcomes them, the incompatibility with the surrounding business is of concern and indicated that the safety issue is also a concern.

Felix Vega indicated that Johnny Nunez' concerns are valid and he agrees.

Joseph Olickan stated that the Commission wants to do the best for the community and that the unit should be placed in a safe environment. Mr. Olickan also noted that incompatibility appears to be obvious.

Joe Rome stated that if there was a day care already there and a motorcycle shop was the applicant, the commission would definitely deny the application.

4. (c) **Discussion and possible action to adopt a final report and approve a recommendation to City Council on the adoption of an ordinance amending Chapter 102 of the Code of Ordinances to grant a Specific Use Permit to allow the construction and operation of a Kindergarten/Nursery School on a 4.786 acre tract of land located within the RCT Zoning District and further identified as being located at 11925 Southwest Freeway, Suite 4.**

Johnny Nunez made a motion to adopt as the Final Report that due to the incompatibility of a day care with the surrounding businesses in the area namely the Maxim Silencer, Enterprise Rental Car, the existing motorcycle shop and additional findings of the traffic patterns being a concern that problems would occur and not being in a stand-alone space with landscaping that the recommendation to City Council be that the SUP be denied. Fred Woolridge seconded the motion with all present voting 5 - 2. Against were Alma Birdwell and Fred Woolridge.

5. **Report on engineering matters:**

- (a) **Stafford/Staffordshire Road project and update on Fort**

Bend County Mobility projects.

- (b) Local street and drainage improvements including Fifth Street, Corporate Park Detention Ponds and Missouri City Estates Drainage.**
- (c) Progress of developments on US 90A and railroad relocation project.**
- (d) Consideration of appropriate action on items (a) – (c).**

Pam Madrigal gave an overview of the Monthly Status Report including specific updates on the following engineering matters:

- (a) Stafford/Staffordshire Road Project** – Lawrence Vaccaro and Ms. Madrigal attended a meeting with representatives from Harris County Precinct No. 1 to gauge Harris County's willingness to participation in the project funding. Overall, it appears that Harris County is willing to support the project and participate in funding its share of the construction costs. Harris County is not willing to pay for its portion of the engineering fees upfront. Allocation of funds is contingent upon final design review and cost estimates.

Per Ms. Madrigals discussion with Jesse Hegemier from Fort Bend County, Mr. Hegemier is willing to support the City's plans to begin the right-of-way acquisition but expressed concerns with preparing the final engineering plans for a project that is not guaranteed funding on the H-GAC TIP; then Mr. Hegemier further stated that the County funds could be utilized to pay for the right-of-way acquisition if Commissioner's Court approves the request. At this time, Fort Bend County Mobility Committee still has \$ 4,000,000 in funds allocated for Stafford/Staffordshire Road. Pam Madrigal made a general comment that it appears it will be up to the City to pay for the engineering fees if the City decides to move forward with this next step.

- (b) Fifth Street Improvements** – Ms. Madrigal stated that the construction plans are complete and ready for final signatures. Fort Bend County hopes to begin advertising the project within the next six weeks. Ms. Madrigal explained that before the City would sign-off on the construction plans, the City needs to enter into an agreement with Fort Bend County which outlines Stafford's funding requirements. Fort Bend County is aware of the City's requirements and plans to work with Lawrence Vaccaro and Ms. Madrigal to prepare this agreement. Ms. Madrigal added that the current project duration is approximately 400 calendar days.

Corporate Park Detention Pond – Ms. Madrigal stated that the contract to perform the improvements to the Corporate Park Detention Pond was awarded to Deep South last month. Jones & Carter completed the project

contracts and has forwarded them to Deep South for signatures. Ms. Madrigal expects the construction for this project to begin in the next 30-40 days.

Missouri City Estates Drainage – Ms. Madrigal stated that Jones & Carter submitted a set of plans for final review and comments. The project is still expected to be ready for bidding by April.

Cash Road Extension and Negotiation with Property Owners – Ms. Madrigal reported that Public Works continues to work with both Lin Engineering, Inc. (Dan Steppe's engineer) and Costello, Inc. (Harrison Interest's engineer) regarding the proposed joint detention pond and dedication of Cash Road right-of-way. Copies of both proposals were included in the packet for Planning Commission and City Council to review. The Harrison proposal includes changing the proposed alignment of Cash Road to connect with Alpine instead of Wright Road. Ms. Madrigal placed an exhibit of the proposed Cash Road alignments on the board and described the advantages and disadvantages to both options. Ms. Madrigal noted that the connection to Alpine will involve acquiring right-of-way from two additional property owners.

- (c) **US 90A Progress** – Ms. Madrigal commented on the US 90A monthly partnering meetings held this afternoon with Texas Sterling Construction and J.D. Abrams noting that work for both contracts continues to be focused on relocating the existing utilities. Ms. Madrigal also noted that on March 10, 2006, TxDOT plans to start a four-day asphalt overlay project intended to improve the rough riding surface created by the crack repair work performed last year on FM 1092. The overlay work project limits are US 59 to the northern project limits for the TSC contract (near Wendy's Restaurant).

7. Adjournment.

Joe Rome made a motion to adjourn the meeting at 9:30 p.m. Felix Vega seconded the motion and it was unanimously approved to adjourn.

Alma Birdwell, Chairman

Jo Ann Holloway, Recording Secretary