

**SPECIAL JOINT CITY COUNCIL AND
PLANNING AND ZONING COMMISSION MEETING
AND
REGULAR CITY COUNCIL MEETING
WEDNESDAY, JULY 16, 2008**

The Stafford City Council met in a Special Joint Meeting with Planning and Zoning Commission and in a Regular City Council Meeting on Wednesday, July 16, 2008, in Council Chambers at Stafford City Hall with the following in attendance:

City Council:

Leonard Scarcella, Mayor
Wen Guerra, Councilman
Ken Mathew, Councilman
John Rose, Councilman
Jeff Smith, Councilman
Robert Sorbet, Councilman
Cecil Willis, Councilman

Planning and Zoning Commission:

Alma Birdwell, Chairman
Lali Castillo
Joe Rome
Virginia Rosas
Felix Vega
Fred Woolridge

Absent:

Joseph Olickan

City Staff:

Bonnie Baiamonte, City Secretary
Pam Madrigal, City Engineer
Art Pertile, City Attorney
Bonny Krahn, Chief of Police

Karen Austin, Finance Director
Lawrence Vaccaro, Public Works Director
Gene Bane, Zoning Administrator
Bill Springer, Television Production Supervisor

Consultants:

Bret Keast, Kendig Keast Collaborative
Barkley Peschel, Greater Fort Bend Economic Development Council

1. Call meetings to order, roll call and Pledge of Allegiance.

Mayor Scarcella and Ms. Birdwell called the respective meetings to order. The Pledge of Allegiance followed.

2. (a) Discussion of proposed ordinance for revised design standards and zoning regulations for US 90-A corridors including new Primary Corridor (PC) District and U.S. 90-A Island (IS) District and designating joint public hearing meetings and a public hearing on an ordinance amending Chapter 102, Zoning, of its Code of Ordinances.

The City Attorney has redrafted this ordinance in conjunction with Mr. Keast after discussions at the joint meeting held last week with the Ad Hoc Committee as well as members of the City Council, Planning and Zoning Commission, and Stafford Economic Development Corporation. There were concerns that the City is moving too quickly on this process. There will be joint meetings of City Council and the P & Z Commission on July 23, July 30 and August 6. Council will consider calling the public hearing on the proposed ordinance at the August 6 meeting. After the public hearing, consideration of the ordinance will be placed on a subsequent City Council agenda.

Mr. Keast gave a brief overview/introduction of the ordinance which has been an evolutionary process. Two districts have been created. The Primary Corridor District (PC) is the areas along and adjacent to FM 1092 north and south of US 90A, except the Island. The Island District (IS) is the area within the Island that is bounded by the eastbound and westbound lanes of US 90-A. There are, as in the current ordinance, permitted and specific uses that are identified and standards for specific uses to give further protection. The Island is unique in the number, size, arrangement, uses and constraints for development on its properties. Every effort has been made to maximize the development potential of those properties and give incentives and bonuses for land assembly, additional height, and structured parking. The proposed ordinance also provides for common lot parking. Mr. Keast referred to a diagram with two options for streetscape with angled parking within the right-of-way and with grass frontage. Currently the setback is consistent throughout the City and this ordinance reduces the setback in the Island from 25 feet to 10 feet. Building design guidelines would apply to both districts. These are guidelines, not standards, to establish some general parameters. There are landscaping standards that extend beyond the current standards in the City. Nonconforming site improvements have been defined and should not be confused with nonconforming uses or nonconforming structures currently in the City's ordinance. Nonconforming site improvements are for things such as landscaping, signage components that are no longer allowed, accessory uses, outdoor display and outdoor storage. Once the ordinance is adopted, the property owners should register their nonconformities so they are on record and can be issued an occupancy of nonconformity which basically puts them on record that they are nonconforming. Otherwise the burden is on the property owner to prove that the property was nonconforming at the time of the adoption of the ordinance. If the property owner chooses not to register, there is a provision that within six months after the ordinance is adopted, the City would facilitate that process and notify them accordingly. In certain cases where it would be unreasonable or impossible to meet some of the requirements, there are special use permits which would allow a property owner to work with City Council to identify a way or means to improve upon their property. There are certain elements with regard to signs that are addressed in the ordinance including temporary signs, portable signs, banners, streamers, and signs that may emit smoke. It also restricts one ground sign for single businesses measuring a total of 50 square feet in size and one wall sign not more than 40 square feet. For multi-tenant businesses it restricts for each street frontage no more than one ground sign measuring a total of 200 square feet with a maximum height of 20 feet and no more than one wall sign for each street frontage to occupy no more than 40 square feet.

Councilman Rose expressed concern that a business might not have enough parking for its employees and customers as he has experienced with the Subway on Dulles. Mr. Bane explained there are current parking requirements on the books for restaurants. The Subway Councilman Rose is referring to is located in a retail center. Uses change over time. He explained that his department addresses parking when building plans are presented. But if the use does change, a building permit would be denied if there are not adequate parking spaces. Mr. Keast referred to page 19, Section 102-124 which addresses parking and allows means for achieving the parking. Mr. Guerra said he did not feel there was adequate parking in the Island for many businesses and that parking across the Island may be necessary to provide adequate parking. Mayor Scarcella said the City cannot provide more space to the property owner than the property owner has unless the City builds some common parking or

parking garages. This ordinance is to prevent something from going on the property that the property cannot accommodate but is geared to give the property owner the maximum utilization of the property. The property owner has certain limitations based on their property. It has to be realized that the City had nothing to do with the property that the person bought. Many of the property owners in the Island have been able to use the public right of way for many years. In six months there will be 60,000 cars a day going through the Island and 25,000 to 30,000 coming down FM 1092 and Stafford/Staffordshire.

In response to Councilman Rose's parking concerns, Mr. Pertile referred to page 10 under 9(e) which addresses parking. Mr. Keast further explained the parking ratio calculations.

Councilman Willis said he did not know how many acres the Island was, the number of landowners or the sizes of the lots. If it is not too difficult, he would like to have something showing the size of the tracts and the owners. The Mayor said there are 42 acres in the Island and he has no problem ascertaining the number of tracts but in terms of the owner, he didn't know if that was something the City had any involvement in with regard to the zoning ordinance. Some properties might have a number of heirs to the property. Councilman Willis agreed and said he is more interested in the size and number of tracts. He asked how this ordinance encouraged and/or possibly mandated consolidation of the small tracts or oddball shaped tracts. Mr. Keast referred to page 27 and 28 with explanation of Table 102-195.1 and Table 102-195.2, giving examples. He has seen this work all across the country. In most communities where you see redevelopment, the city is helping initiate that. Zoning is one piece of that puzzle. Mr. Rome agreed with Councilman Willis that we don't know exactly what we have in the Island or how this ordinance will affect the percentage of the properties.

Mr. Keast addressed height regulations in the proposed ordinance and how it allows a property owner to build more on their lot than they would be allowed today under current regulations. This ordinance facilitates a property owner in developing his property. Ms. Castillo said the City has no control on how a person may want to consolidate their property – that may or may not happen. She agrees this ordinance would not hamper someone from doing that and that it allows incentives and opportunity for the property to develop. Councilman Willis said he wants this ordinance to have enough incentives to develop property and benefit the City.

Discussion followed with regard to ownership and enforcement of parking lot regulations. Mr. Pertile compared this to the joint parking lot access agreements. Also discussed was public parking, encroachment agreements, structured parking and off Island parking.

Councilman Willis asked that strong consideration be given to allowing townhomes in the City. Mayor Scarcella discussed previous plans for a townhome development which was never built. Mr. Pertile said the original draft did allow for townhomes in the PC district. Staff didn't envision it in that district. With a specific use permit, Mr. Keast said that townhomes would be allowed in certain areas.

Mr. Woolridge expressed concern that a major food store is needed in Stafford. Depending on the completion of the US 90A project, he thought the tract where the townhomes were previously approved was to be a magnet to attract a major food store. Mr. Peschel said there

were previous discussions about bringing in a major food store with Kroger, HEB and Randall's. Randall's is pulling back on new stores. Kroger wasn't interested. Although HEB said the demographics worked to support a store in this area, they were only going to markets that had growth potential in residential communities. But this doesn't mean it can't change in the future. Mayor Scarcella said he receives many inquiries from citizens regarding bringing a food store into Stafford. He referred to several areas where a nice townhome development would fit in with a specific use permit. Mr. Keast said what he wouldn't want to do is try to out guess the market and confine certain properties for townhouses. We can simply say townhomes are allowed with a special use permit provided as part of the mixed use development and then let the developer come in and figure out how and where it would fit.

Councilman Willis said he was not enamored with the timelines of one, two and three years to bring nonconforming site improvements into complete conformity with the regulations and serious thought should be given to that section. Councilman Rose expressed concerns with window signs as small businesses depend on window signs and he felt they should be allowed if they are nice. Mr. Keast said they could be left in subject to the standards in the ordinance. Mayor Scarcella commented on the fencing. Mr. Keast referred to Sec. 102-154. Fences, and said that under the two year timeline for fencing it should say in compliance with Sec. 102-154. Fencing and outdoor sales and display were discussed. Mr. Keast said it wouldn't eliminate a business such as the rental business next door to City Hall but would require standards as listed in Section 102-160.

Councilman Willis questioned (d) under Section 102-88. He questioned (8) Vehicles awaiting repair are each provided a single-loaded parking space and (9) Vehicles are not stored outside overnight. The way he reads this is a person could not leave a vehicle at an auto repair place overnight to be serviced the next day. He has also observed big trucks parked in strip centers over the weekend or vehicle(s) belonging to the business parked in front of the business every night. After a brief discussion, it was the consensus to change it to read that vehicles are not stored outside for a period exceeding 48 hours.

Questions and comments ensued regarding Sec. 102-127. Building Design Guidelines in District PC and District IS. with regard to the illustration of building scale. Mr. Keast gave examples. The idea, he said, is not to overshadow or dwarf a smaller building besides a larger building and to give a transition between the properties.

Councilman Willis said the adoption of this ordinance should stop the bleeding and undesirables. His theory or concept is that it will cause a revitalization of the Island. He asked Mr. Keast and Mr. Peschel what they thought would happen within the 18 months after this ordinance is adopted. Mr. Peschel said he doesn't expect a quick turnaround but this is a first step of what might be multiple steps the City takes over a period of time. He feels this is a first step that has to be taken if you want to see that revitalization. Mr. Keast said when they did the initial study they identified what is creating the undesirables. The ordinance was drafted to have some affect in the near term and set the stage for long term improvements. This ordinance gives flexibility and options to the property owners and the option to do more things with their property.

Mr. Pertile said all of the suggestions from the Ad Hoc committee meeting of last week have been incorporated into the latest draft and those suggestions made tonight will be incorporated into another draft. Councilman Willis suggested the next meeting be on July 30 to allow ample time to review the redraft. After a brief discussion and consensus of Council and P&Z members, the Mayor said there will be a joint meeting of the City Council and Planning and Zoning Commission on July 30 and if anybody has specific questions, they should contact Mr. Keast, Mr. Peschel, Mr. Pertile, Mr. Vaccaro, Mr. Bane or Mr. Madrigal.

A discussion followed with regard to the boundaries of the two proposed districts.

Mr. Charles Court, property owner in the Island, said the property owners should have a meeting with representatives of the City so they will know what the City expects them to do in one, two and three years. Mr. Keast said if this ordinance is adopted, the property owners can register themselves and identify the nonconforming sites or Mr. Bane can notify and let them know what is nonconforming and what they are required to do. In some cases it will not be reasonable to comply so those property owners can apply for a special use permit. The City will work with them to come up with something reasonable. Discussion ensued regarding the special use permit process. Mayor Scarcella referred to Sec. 102-63 with regard to the registration of nonconforming use site improvement and the timelines. He feels this is going to be the area that will be discussed thoroughly and we may not be able to come to a consensus. In his view, there is nothing wrong with passing this ordinance without the timelines and that section be discussed and considered with phase two. It is important to adopt an ordinance now that everyone feels comfortable with and then list out the items to spend more time and attention addressing. Councilman Smith said this will be the most sweeping ordinance in the control of real estate the City has seen in a decade. He wants to be sure we get the basics right and if that means taking extra time, we should do that. Councilman Rose said his concern is that we are being real restrictive in the two new corridors to clean up the City but we are not being restrictive in other areas. He feels signage is something we need to work on throughout the City. He also feels the frontage in retail centers should be consistent for these two zones as well as citywide. Mayor Scarcella said this ordinance goes a long way in addressing something coming in and being built in the IS or PC that we don't want there but agrees there are other areas throughout the City where zoning needs to be strengthened. Nothing should stop Council from continuing to address the other issues in the City after the adoption of this ordinance. The zoning ordinance is a living document and has to continue to evolve.

2.(b) Consideration of appropriate action on Item 2(a).

No action was taken. The next joint meeting will be on July 30. Since Mr. Keast cannot attend, he will be given a copy of the DVD for that meeting.

3 (a) Discussion of the preliminary plat of Louis Stafford Addition, Replat of Reserve "A".

Ms. Madrigal placed this plat on the screen and indicated its location explaining it is before Planning and Zoning Commission and City Council for preliminary approval. It is the 61 acre tract where Rooms To Go is located. It was previously platted as one reserve and now the applicant wants to replat the property as two reserves. The Rooms To Go is located on the

front of the property and the old Pontiac building is located in the back. Public Works recommends the plat for preliminary approval subject to their plat approval conditions. Councilman Smith commented that the Pontiac building is an eyesore and the fence is falling down. Mr. Bane said he would check on that property for violations.

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

Mayor Scarcella formally opened the Public Hearing at 10:35 p.m. and invited anyone from the public who desires to address the Planning and Zoning Commission and City Council in opposition, in favor or with a point of inquiry with regard to the plat as described in Item 3(a) to come forward. There being nobody coming forward, the Mayor formally closed the Public Hearing at 10:36 p.m.

3.(c) Consideration of appropriate action on Items 3(a) and 3(b).

Mr. Rome made a motion to approve the plat as described in Item 3(a) as presented subject to the conditions in the City Engineer's letter. Mr. Vega seconded the motion, and it carried 6 - 0. Councilman Guerra made a motion to approve the plat as described in Item 3(a) as presented subject to the conditions in the City Engineer's letter. Councilman Mathew seconded the motion, and it carried 6 - 1 with Councilman Smith opposed.

4. City Engineer's report and discussion of engineering matters including:

Ms. Madrigal presented the City Engineer's report.

(a) Progress of developments on the US 90A Improvement Project including construction activities, current mobility situations, proposed Quiet Zone, and update on proposed landscape enhancements;

Major impacts that have recently occurred include the closure of the Staffordshire Road intersection at South Main. Northbound and southbound traffic on Stafford/Staffordshire Road has been shifted onto the new frontage road on the west side of the new underpass. A rendering of the landscape plantings for the section of US 90A between US 59 and FM 1092 was displayed. Phase I, from US 59 to FM 1092 (west end), is estimated to cost \$759,000 with construction in the fall of 2008. Phase II, from FM 1092 to Present Street (Island), is estimated to cost \$2,600,000 with construction in the spring of 2009. Mayor Scarcella noted the amount of money the City is investing to enhance the Island area as well as the costs for maintenance. He also noted that in regard to the streetlights, a letter was sent to State Representative Charlie, who has taken that situation as a project he is interested in. Rep. Howard has sent a very strong and supportive letter to the TxDOT Committee Chairman regarding the squabble between CenterPoint, TxDOT, and Public Utility Commission. The Mayor expressed appreciation to Rep. Howard for his efforts in getting this matter rectified. Council will not take any action on this matter until it hears back from Rep. Howard. Councilman Sorbet added additional comments regarding the National Electric Code and the National Electric Safety Code.

Another meeting is scheduled with representatives from the City and TXI, Jeff Green and Jerry Barry, regarding the gap landscaping and additional screening at the US 90A and Present Street intersection. The engineering firm, AIA Engineers, has submitted a draft copy of the report and it appears that the City and TXI will be able to safely fill in some of that gap that was left out from the original design. Options and the final study should be forthcoming. This entrance is now being used by TXI.

Public Works held the diagnostic meeting with representatives from UPRR, TxDOT, Federal Railroad Administration and Railroad Controls Limited with regard to the US 90A Quiet Zone and performed a site visit to each of the five intersections along US 90A to determine what, if any, supplemental safety treatments were needed at each intersection to apply for the Quiet Zone through Stafford. Based on the new intersection configurations, the City will only need to install wayside horns or a four quadrant gate at the Dulles/Kirkwood intersection and TXI entrance. The other three intersections meet the safety criteria and will not require the construction of additional safety measures. Public Works is recommending the City consider two options for the installation of the safety measures needed at Dulles/Kirkwood intersection and TXI entrance. Option A involves the installation of four quadrant gates at Dulles/Kirkwood and a wayside horn system at the TXI system and will cost approximately \$475,990 including the application consultant fee, UPRR design fee, construction costs and contingencies. Option B involves installation of wayside horn systems at both locations and will cost approximately \$235,090. These two options were presented to the SEDC Board last month. Ms. Madrigal said she has spoken with the manager of the homeowner's association in Sugar Creek who said they would be happy with the wayside horns at the Dulles/Kirkwood intersection. Councilman Willis suggested that Ms. Madrigal request something in writing indicating their support. SEDC Board approved Option B for the wayside horns at both intersections. A Quiet Zone application will be submitted for the entire corridor. Explanation was given of the Quiet Zone process and fees.

(b) Stafford/Staffordshire Road project including progress of right-of-way acquisition and appraisals, and funding arrangements with Fort Bend County, Harris County and TxDOT;

It was previously reported incorrectly that the City had an approved agreement with Fort Bend County on this project. Ms. Madrigal and Mr. Pertile are currently working with the County Attorney to get this agreement resolved and move it forward. The City has prepared the draft agreement and sent it to the County and were under the impression it was going to be presented at the June 10 Commissioners Court meeting which did not happen. Mayor Scarcella suggested contacting the appropriate person at the County to see what should be done to get this agreement on the Commissioners Court agenda. Ms. Madrigal reported that right-of-mapping is complete for the 74 parcels between Beltway 8 and Scanlin Road and land acquisition and appraisals are underway with receipt of 25 appraisals. The City continues to work with TxDOT on the funding arrangements. Steps to be taken for the letting, bidding and construction of this project were briefly discussed as well as costs of the project. The City's cost estimate in 2005 was \$7 million.

- (c) Progress of development of US 59 Enhancement Project including proposed landscape plantings, monument design, locations and installation and progress with TxDOT;

The plantings on the US 59 Enhancement Project are under warranty for two years and it is the Contractor's responsibility to replace any that die. With regard to the monuments, a meeting will be scheduled with Clark Condon in the next few weeks to discuss the status and move forward.

- (d) Fifth Street Improvement Project;

An update was given on the ongoing and future construction in the City for this project. The roadway is open to two way traffic between FM 1092 and Staffordshire. The intersection of Fifth Street and Staffordshire should be complete in two weeks. The south two lanes of pavement are complete between Staffordshire and Stafford Pride. Project completion is anticipated in the spring of 2009.

- (e) Status of Fort Bend County Mobility Projects including Brand Lane, Dulles Avenue, Kirkwood Boulevard and Cash Road improvement projects;

Fort Bend County has released the engineering firm to start work on the Brand Lane Project. Ms. Madrigal and Mr. Pertile are working to finalize the agreement with the County. Representatives of the engineering firm will be meeting with City representatives in the next few weeks. Public Works has been informed by the City of Sugar Land that they have hired an engineering firm to begin the design work for the Dulles Avenue improvements from US 90A to Highway 6. Public Works will also be meeting with that engineering firm in the next few weeks. There is 900 feet of Dulles Avenue located in Stafford.

- (f) Local street and drainage improvements and speed limits on streets; and

Letters have been sent by Ms. Madrigal to the business owners along North Promenade from Cash Road to US 90A notifying them of the potential installation of "No Parking" signs on North Promenade. Business owners were asked to contact the Public Works Department with regard to any comments or parking issue they may have. Mr. Jim Hunt of TxDOT was contacted about the speed limit signs on US 90A and he is working to get those installed. The speed limit will remain 45 mph until the construction is completed and a formal traffic study is done. A brief discussion followed regarding street sweeping on US 90A.

- (g) Consideration of appropriate action on Items 4(a) - 4(f).

No action was taken.

- 5.(a) Discussion of minutes of the Planning and Zoning Commission Meeting of May 13, 2008.

Ms. Rosas noted a correction in the first paragraph of Item 3. (a) – fourth line – that "ex officio" should be "ex officio".

5.(b) Consideration of appropriate action on Item 5(a).

Mr. Woolridge made motion to approve the minutes of the Planning and Zoning Commission Meeting of May 13, 2008, as presented with the correction as noted. Councilman Vega seconded the motion, and it carried 6 – 0.

6. **Adjournment of Planning and Zoning Commission Meeting.**

Mr. Rome made a motion to adjourn the P&Z Commission Meeting. Mr. Vega seconded the motion, and it carried 6 – 0. The meeting adjourned at 10:20 p.m.

Alma Birdwell, Chairman


Bonnie Baiamonte, City Secretary

**SPECIAL JOINT CITY COUNCIL AND
PLANNING AND ZONING COMMISSION MEETING
AND
SPECIAL CITY COUNCIL MEETING
WEDNESDAY, JULY 30, 2008**

The Stafford City Council and Planning and Zoning Commission met in a Special Joint Meeting and the Stafford City Council met in a Special City Council Meeting on Wednesday, July 30, 2008, in Council Chambers at Stafford City Hall with the following in attendance:

City Council:

Leonard Scarcella, Mayor
Wen Guerra, Councilman
Ken Mathew, Councilman
John Rose, Councilman
Jeff Smith, Councilman
Robert Sorbet, Councilman
Cecil Willis, Councilman

Planning and Zoning Commission:

Alma Birdwell, Chairman
Joseph Olickan
Lali Castillo
Felix Vega
Virginia Rosas
Joe Rome

Absent:

Fred Woolridge

City Staff:

Pam Madrigal, City Engineer
Gene Bane, Zoning Administrator
Art Pertile, City Attorney
Bonnie Baiamonte, City Secretary
Bonny Krahn, Chief of Police
Karen Austin, Finance Director

Stafford Economic Development Corp.

Leonard Scarcella, President
Joe Rome
Frank Cash
Gwen Goodwin
Chris Court

Consultant:

Barkley Peschel, Greater Fort Bend Economic
Development Council

1. Call meetings to order, roll call and Pledge of Allegiance.

Mayor Scarcella and Chairman Birdwell called the meetings to order at 7:30 p.m. The Pledge of Allegiance followed.

2. Recognition of Chief Jan W. Jones for 34 years of service with the Stafford Police Department.

Mayor Scarcella said that Jan Jones has served this City in the Police Department since 1974, rising from the rank of patrolman to assistant chief. Chief Jones is retiring and tomorrow will be his last day with the City. Chief of Police Krahn said he has worked with Chief Jones for over 34 years and is said to see him leave. When he began working for the City in 1970 there were 250 residents, and when Chief Jones began in 1974, there were 3,500 residents. Members of City Council at that time were Mayor Scarcella and Aldermen Victor Linares, Joe Falsone, J.C. Court, Robert Diehl, and Joe Stibora. Yvonne Shaver was the City Secretary and Charlie Michulka was the City Attorney. Chief Krahn noted the awards, accomplishments and recognitions Chief Jones has received while working for the City which have earned him the highest respect and admiration.

Chief Jones introduced his wife, Linda, of 35 years. He has been through a lot of good financial times and tough times with the City but never once during the bad times did he worry about losing his job while other Police Departments were cutting back. The City has always looked out for its employees of which he is very proud of. Chief Jones said that Stafford has been very, very good to him. Mayor Scarcella said that the City and Stafford Police Department will miss Chief Jones and it will not be the same without him but we understand, recognize and respect that there comes a time in life when retirement is the appropriate thing to do. Chief Jones has been one of those special employees who have brought credit to this City in everything he has done and has been an exemplary law enforcement officer. The Mayor then presented Chief Jones with a plaque reading its inscription, "Presented to Chief Jan W. Jones in appreciation of 34 years of outstanding service and dedication to the Police Department of the City of Stafford. July 2008."

- 3.(a) Discussion of an ordinance amending Chapter 102 "Zoning"; Chapter 98 "Vegetation" and Chapter 70 "Signs" of the Code of Ordinances of the City of Stafford, Texas; providing a penalty in an amount not to exceed \$2,000 for each day of violation of any provision hereof, repealing all ordinances or parts of ordinances in conflict herewith; providing for severability; providing an effective date and finding and determining that the meeting at which this ordinance was passed was open as required by law.

Mayor Scarcella noted that there was a quorum of the Stafford Economic Development Corporation with five members present. This meeting was called as a special joint meeting of the Stafford City Council and the Stafford Planning and Zoning Commission. Mr. Pertile said he did not anticipate having a quorum of the SEDC at this meeting and because there is a quorum and a meeting notice was not posted, it creates a legal problem. Since a SEDC meeting was not posted and P&Z Commissioner Joe Rome and Mayor Scarcella are members of the SEDC, they would not be able to discuss any of the business of this meeting. One way to solve this situation is if some members of the SEDC would leave the meeting. Mr. Pertile said the next meeting will also be posted as an SEDC meeting to avoid this situation from reoccurring. Ms. Goodwin and Mr. Court excused themselves from the meeting, leaving three SEDC members and not constituting a quorum.

Mayor Scarcella said these joint meetings will be held until such time as the proposed ordinance is in a condition to present to the public in a public hearing as required by law. He referred to the 42 page document which Mr. Pertile redrafted after the discussions at the meeting two weeks ago. A map was placed on the screen indicating the PC (Primary Corridor) District and the IS (US 90A Island) District. Mr. Pertile said there are not many changes from the former document. He noted those changes referring to Table 102-195.1 on page 28 and Table 102-195.2 on page 28 with regard to uses and height standards in the IS, some language changes, and the addition of townhouses in the IS.

Mr. Bane said he has received phone calls, comments and questions from citizens concerning certain aspects of the original draft including the original map boundaries. Concern has also been expressed with Section 102-63, Registration of nonconforming site

improvement in District PC or District IS, and there has been a lot of confusion with the tables that Mr. Pertile just mentioned.

Discussion of the current document began with page 1, Sec. 102-5. Definitions and interpretation. Mr. Pertile pointed out the definition for nonconforming site improvement which lists those things that are site improvements as opposed to uses and structures. Councilman Willis asked if animal hospital did not include boarding. Mr. Pertile said that was correct, and the definition distinguishes between animal hospitals and animal kennels. Councilman Rose asked about principal use listed on page two and did someone have to declare the principal use of the property or would a percentage be used. Mr. Pertile explained this is for an area that is zoned where one use is not permitted or it is a specific use. If both are permitted uses, you wouldn't have to declare the principal use. The principal use would be based on the actual use of the property regardless of what a property owner declared as the principal use. Mr. Bane gave an example of a church that has a daycare. The church would be the principal use and the daycare would be an accessory use. A detailed discussion regarding the determination of principal use followed. Mr. Pertile said there is nothing wrong with having multiple uses if they are permitted uses. The reason for the definition is that there are only some things that are allowed as an accessory use. You do not have an issue and do not have to determine use if both are permitted uses. The definition of accessory use is included in the current zoning ordinance. Mr. Pertile said this definition could be expanded but it might create more confusion. The permitted uses are listed for each district. He referred to page 21, Sec. 102-158 which addresses accessory uses and structures and further explained. Mayor Scarcella said the uses that are permitted and not permitted should be clearly defined. More discussion with regard to the proposed ordinance allowing for retail and/or offices on lower floors with residential on top. Mr. Pertile said that was a staff call and was included because they felt one of the purposes of this ordinance was to bring people into the Island to shop and/or work. It can be changed if Council so desires.

The two corridors were displayed on the screen with regard to Article II. Establishment of Districts and Boundaries.

Next addressed was Article III. Compliance with Regulations. Sec. 102-61. Authority for continued existence of nonconforming site improvements in District PC and District IS. and Sec. 102-63. Registration of nonconforming site improvement in District PC or District IS. Mr. Pertile referred to page 6, under item (d), which prescribes a timetable for nonconforming site improvements in both districts to be brought into complete conformity with the regulations or to obtain a specific use permit as follows:

One Year

1. Nonconforming banner, flag, temporary sign, portable sign, or window sign in accordance with Chapter 70 Signs
2. Private parking.
3. Outdoor display in accordance with section 102-160.
4. Mechanical equipment screening in accordance with section 102-126.

Two Years

5. Fencing in accordance with section 102-154.
6. Outdoor sales in accordance with section 102-160.
7. Outdoor storage in accordance with section 102-160.

Three Years

8. Site landscaping (on-lot and parking lot landscaping and street trees) in accordance with Chapter 98 Vegetation
9. Accessory uses in accordance with section 102-158

Councilman Smith read on page 5 – "(3) Hardship. For the purpose of subsection (b), mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements is not reasonably possible." If this section passes as written, the way he reads it is if a property owner comes before Council and says the only reason he can't bring his property into compliance is because he cannot financially afford it, Council could not consider that as a hardship. Mr. Pertile said that was correct. Councilman Smith said that we need to have an understanding of what these items are going to cost the property owner so we can make a prudent decision if this is reasonable. Mr. Pertile commented this ordinance is what P&Z and City Council want it to be, and there is nothing in the draft ordinance that must or must not be passed. Mayor Scarcella said he feels it is important that this ordinance move forward but the transition time, with the exception of the nonconforming banners, flags, temporary signs and portable signs, would be a very onerous and expensive burden, and his thinking would be that the one, two and three years be changed to three, six and nine. He would also suggest that that a specific use permit be allowed to an applicant for any of these non-complying situations and that economic hardship could be considered.

Ms. Castillo asked if the items under the one, two and three year timetable were based on cost or affect. Mr. Pertile said they are based more on affect. If the Commission and Council want to allow financial hardship with regard to the issuance of a specific use permit, that section (3) Hardship. could be stricken and (a) through (d) under (2) Specific use permit. be the criteria for considering a specific use permit. Mayor Scarcella emphasized that this is only for things currently existing because, assuming this ordinance is passed, anything being built going forward must comply. Councilman Smith said the specific use permit application fee is \$3,000, so this would not be an insignificant process.

Registration and notification of nonconforming uses were discussed. If this ordinance passes, Mr. Pertile said two things will happen within the six months after adoption. The owners of nonconforming property in the IS and PC will come in and register their property. During this same six month period, Mr. Bane will be compiling a list of the nonconforming properties. Discussion followed with regard to changing the six month period to one year. Mr. Rome said he feels the businesses who lease property in these districts should be notified because the property owner may not inform them. Councilman Smith said he felt this section is confusing.

Mr. Peschel explained the difference between a nonconforming use and a nonconforming site improvement giving specific examples of each.

Mr. Vega asked how the property owners will be notified since this is a big change and questioned if the City should be sending out notices now. Mr. Pertile said all of the meetings have been open to the public and are on the City's television channel. The notice of the public hearing will be published in the newspaper and anybody can come and speak. Mr. Vega said this proposed ordinance may be confusing for some people and everybody does not watch the meetings on TV or come to the meetings. Mr. Rome expressed concern that in the case of a property is owned by several siblings, only one may be notified.

Mr. Pertile explained the procedures for requiring a property to remove signs noting that there may be some expense to the City. He referred back to page 2 and further explained the definition of nonconforming site improvement.

Councilman Willis asked questions about (d) (4) and (5) with regard to a canopy and color giving an example of a gas station. Mr. Pertile said the canopy is included in the ordinance for consistency and is the going architectural style. Mr. Peschel said there is already a color scheme in the existing zoning ordinance.

Mayor Scarcella said in view of the extensive discussion with regard to pages 5 – 8, he would like to have a consensus towards compliance with regulations, nonconforming site improvements, the recommendation of extending the timeframes and the elimination of the hardship section. Councilman Sorbet asked if the private parking included residential to which Mr. Pertile responded that it did not and that would be clarified in the ordinance. Compliance requirements were next discussed. Councilman Sorbet commented that he would feel comfortable if notification of the ordinance is sent to the physical address as well as the owner so if the property is being leased, the lessee would be aware. Mr. Pertile said that Council can direct staff to notify anybody it chooses.

Councilman Willis said we should go forward with what we have as he feels things will be taken out and added to the proposed ordinance after the public hearing. Mr. Peschel said the 3, 6, 9 timetable suggested by the Mayor is a very intricate part of this ordinance. His personal recommendation would be not to strip it from the ordinance but make some changes if necessary. Ms. Rosas said she agrees with removing the hardship section but does not agree with taking the 3, 6, and 9 out. Mr. Pertile said he would make clarifications to the proposed ordinance for next week's discussion. Per Mayor Scarcella, discussions will continue beginning with page 9 next week. He then opened the meeting for comments from the public.

Mr. Frank Priddy said his wife owns property located at 2019 North Main. The one thing he noticed in a previous draft is Section 102.59 which he didn't see in tonight's draft. Mr. Pertile explained that is included in the current ordinance and there is no change being proposed. Mr. Priddy asked that the ordinance be specific as to what is required for business and residential.

Mr. Charles Court, Court Hardware, made comments about a specific use permit. He asked if the property owner would be required to pay the \$3,000 application fee to find out what they would or would not be able to do with their property and whether or not the City is going to

turn them down. He feels that needs to be clarified. He also feels if a business is already here in the Island and is required to do certain things; the property owner should not be strapped with the burden of paying \$3,000 for a specific use permit. That money could be used toward improving the property. Mr. Court said that window signs can be regulated but are a vital part of a retail business. Referring to the things that have to be done in one, two and three years, consider that fact that some of the businesses were in the Island before the US 90A construction and are not here any longer because they could not survive the long term of the construction project. Some businesses have had to cut back employees. The funds they had available have been taken up by the fact that they have lost business. He has been very fortunate at his business and has had access but in the next few weeks his access will be cut off quite drastically. His business will suffer some and he will probably lose some customers. It will take several years to recover. Business in the Island is down 10% and inflation is hitting pretty hard. He asked that the City be a little more lenient in terms of the timeframes for those businesses that have weathered the storm of the construction. The Mayor commented that this is the reason he has suggested the three, six and nine instead of the one, two and three years. The City recognizes some of the problems that the business owners have. But the City is putting \$13.5 million into the Island area to improve it and enhance the property, the value of the property and the ability to do business. It will also cost the City over \$700,000 in maintenance for the landscaping annually. It is important to remember that the City has not charged one penny of property tax for this to occur. He appreciates and understands what Mr. Court is saying but this City has gone above and beyond to make sure that the property, property value and businesses in the Island can be successful. He doesn't want it being said that the City is trying to impose something on the property owners and not doing its fair share. It is not only the business owners that are affected but the homeowners in Stafford because what this Island looks like will impact the value of every home in this City and the quality of life. Mr. Court said \$13.5 million has been mentioned. That money came from the taxpayers and people who pay money in his store and the other stores in Stafford. The more they sell, the more money comes into the City's coffers. The way he looks at it, the City is not spending the City's money but the taxpayers' money. He is not arguing the point that the City is not doing a good job but is arguing that a property owner should not have to spend \$3,000 for a specific use permit. He feels maybe it should be called something else with a lesser fee. Councilman Smith agreed. Mr. Peschel suggested an incentive for doing the site improvements early by reducing the fee or waiving the fee. A specific fee schedule could be adopted for this section. Councilmen Rose agreed the fee should be lower.

Mr. P. T. Failla said he had a man who wanted to purchase his property on Murphy Road and put a motel on it but by him wanting to put in two entities on the property, he wasn't able to. He lost that sale and Council said they were going to give him some help to market his property. He hasn't gotten any help yet. Councilman Willis suggested he contact Mr. Peschel with the Greater Fort Bend EDC. Mayor Scarcella commented that Mr. Failla's situation had nothing to do with the zoning ordinance but was in the City's platting ordinance for many years. Mr. Failla said there are other properties in the City with small and narrow tracts that have the same problem he does. He said that requirement may need to be looked into. Mayor Scarcella said there is nothing to prevent the City from looking into that but that particular provision will not be impacted by the proposed zoning ordinance in any way and

would have to be considered separately. Mr. Failla asked additional questions about his RV storage facility on Murphy Road. Mr. Pertile briefly explained how the proposed ordinance would affect him saying his use would be grandfathered as a nonconforming use but some site improvements might be required.

3.(b) Discussion of designating joint public meetings and a public hearing on an ordinance as described in Item 3(a).

Mayor Scarcella said that we are not at the point to designate a date for the public hearing.

3.(c) Consideration of appropriate action on Items 3(a) and 3(b).

No action was taken.

4. Adjournment of Planning and Zoning Commission Meeting.

Mr. Olickan made a motion to adjourn the Planning and Zoning Commission Meeting. Mr. Rome seconded the motion, and it carried 6 - 0. The meeting adjourned at 10:26 p.m.

Alma Birdwell, Chairman

Bonnie Baiamonte, City Secretary