



**REGULAR PLANNING AND ZONING COMMISSION
MEETING
TUESDAY, OCTOBER 13, 2009
CITY HALL, 2610 SOUTH MAIN, STAFFORD, TEXAS
7:30 P.M.**

The Planning and Zoning Commission met in regular session at Stafford City Hall at 7:30 p.m. on October 13, 2009.

Present:

Alma Birdwell, Chairman

Joseph Olickan, Vice Chairman

Joe Rome

Virginia Rosas

Felix A. Vega

Fred Woolridge

Mayor Leonard Scarcella

Lawrence Vaccaro, Jr., Director of Public Wrks

Jo Ann Holloway, P & Z Recording Secretary

Art Pertile, Attorney – Olson & Olson

Absent:

Lali Castillo

1. Roll Call.

All Commissioners were in attendance except Commissioner Castillo, who is recuperating from foot surgery.

2. Discussion and consideration of the August 11, 2009 Regular Planning & Zoning Commission meeting minutes.

Commissioner Rosas made a motion to approve the August 11, 2009 Regular Planning & Zoning Commission minutes. Commissioner Vega seconded the motion, and it carried 6 – 0.

3. (a) Presentation and discussion of preliminary and final plat approval of PMSI Dover Country, Replat of Block 1, Lots 4, 5, 6 and 7.

Lawrence Vaccaro, Jr. gave a presentation of the plat, pointing out its geographic location and describing the surrounding businesses. Mr. Vaccaro noted that the lots were being combined to make one reserve. Public Works recommends preliminary and final plat approval subject to the City's Letter of Conditions.

3. (b) Public Hearing on proposed replat described in item 3(a).

Commissioner Birdwell officially opened the Public Hearing.

There was no one in attendance in favor or against the plat approval.

Commissioner Birdwell officially closed the Public Hearing.

3. (c) Discussion of comments received during the Public Hearing on preliminary and final plat approval as described in item 3(a).

Mayor Scarcella asked what the applicant proposed to build on the property.

Mr. Vaccaro stated that during the permitting process, the developer would provide a site plan, which would describe what is proposed to be built.

Commissioner Rosas commented on ingress/egress concerns and asked why this approval process was being considered for a property in the ETJ.

Art Pertile explained that the subdivision laws were designed to include the ETJ to circumvent neighboring properties from being developed badly.

Mr. Vaccaro elaborated on Mr. Pertile's comments.

Mayor Scarcella noted that this type of situation does create public relations problems and pointed out that everyone made a good point and indicated that the law doesn't give the City authority to approve anything other than platting procedures.

Commissioner Rosas if voting against an approval required a reason.

Mr. Pertile pointed out that if the plat meets the City's subdivision regulations, it must be approved...it is part of the process and noted that annexation was not an option. As the City is coterminous with the school district, annexation would require the SMSD's involvement.

3. (d) Consideration of appropriate action on items 3(a) – 3(c).

Commissioner Rome made a motion to grant preliminary and final plat approval of PMSI Dove Country, Replat of Block 1, Lots 4, 5, 6 and 7 subject to the City's Letter of Conditions. Commissioner Olickan seconded the motion, and it carried 5 – 1. Commissioner Rosas was against the approval.

4. (a) Presentation and discussion of preliminary and final plat approval of Staffordshire Road Business Center, Replat of Res "C" and additional 0.50 acres.

Lawrence Vaccaro, Jr. gave a presentation of the plat pointing out that two tracts are being combined to make one reserve, which will provide additional space for the extension of the church parking lot. Mr. Vaccaro also noted that a 20' easement was being dedicated for road purposes.

4. (b) Public Hearing on proposed replat described in item 4(a).

Commissioner Birdwell officially opened the Public Hearing.

There was no one in attendance in favor or against the plat approval.

Commissioner Birdwell officially closed the Public Hearing.

4. (c) Discussion and comments received during the Public Hearing on preliminary and final plat approval as described in item 4(a).

There were no comments regarding the presentation or the Public Hearing.

4. (d) Consideration of appropriate action on items 4(a) – 4(c).

Commissioner Vega made a motion to grant preliminary and final plat approval of Staffordshire Road Business Center, Replat of Res "C" and additional 0.50 acres. Commissioner Rosas seconded the motion, and it carried 6 – 0.

5. (a) Presentation and discussion of an ordinance amending subsection (f) of section 82-92 "lots generally" of chapter 82 "subdivisions"; subsection (3) section 14-116 "conditions constituting a hazard" of chapter 14 "buildings and structures"; repealing section 46-42 "septic tanks if sewers unavailable"; renumbering sections 46-43 "sewer traps", 46-44, "garbage and rubbish disposal", 46-45 "fire protection", 46-46 "animals" and 46-47 "tenant registration" of chapter 46 "mobile homes and manufactured housing"; amending sections 94-19 "connections required where sewer available; supervision", 94-20 "water closets required generally; connection after notice" and section 94-24 "septic tanks"; renumbering sections 94-25 of Stafford, Texas code of ordinances; to prohibit the use of septic tanks within the City of Stafford and its extraterritorial jurisdiction; providing a penalty in an amount not to exceed \$2,000.00 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.

Mr. Vaccaro explained that the ordinance was basically prohibiting the installation of septic tanks anywhere within the City Limits and ETJ of Stafford per Federal

regulations of storm water runoff. This also coincides with the City's ordinance that no new lots can be created that don't include water and sewer.

Mayor Scarcella asked what ramifications would occur for those who may already have septic tanks in place.

Art Pertile stated that any septic tanks currently in place would be OK unless a major malfunction happens, then the ordinance would come into play and it would be prohibited to continue.

Discussion ensued regarding the following:

- Malfunction of a septic tank in areas where water & sewer lines are not available.
- Septic tank maintenance
- If a septic tank fails, how would the City know? When TCEQ sends a notification or when neighbors report it.
- Circumventing installations by creating rules to prohibit septic tanks.
- Planning & Zoning Commission's responsibility vs. zoning department for nuisance and abatements.

5. (b) Public hearing on proposed ordinance described in item 5(a).

Commissioner Birdwell officially opened the Public Hearing.

There was no one in attendance in favor or against the plat approval.

Commissioner Birdwell officially closed the Public Hearing.

5. (c) Discussion of comments received during the Public Hearing on proposed ordinance described in item 5(a)

There were no comments regarding the presentation or the Public Hearing.

5. (d) Consideration of appropriate action on items 5(a) – 5(c).

Commissioner Vega made a motion to grant approval of the ordinance as presented. Commissioner Olickan seconded the motion, and it carried 6 – 0.

6. Report on engineering matters:

- (a) Stafford/Staffordshire Road project including progress of right-of-way acquisition, status of agreements between Fort**

Bend County, Harris County and TX DOT, Federal Stimulus Package Funding and selection of engineering firm.

- (b) Progress of developments on US 90A Improvement Project including construction activities, current mobility situation and proposed landscape enhancements with monument.**
- (c) Progress of development of US 59 Enhancement Project including landscaping plantings and monument installations.**
- (d) Status of Fort Bend County Mobility Projects, including Brand Lane, Dulles Avenue and Kirkwood Road Improvement Projects including status and timing of funding from Fort Bend County.**
- (e) Local street and drainage improvements.**
- (f) Consideration of appropriate action on items (a) – (e).**

Lawrence Vaccaro, Jr. gave an overview of the Monthly Status Report.

Mayor Scarcella commended Lawrence Vaccaro and Charles Russell on their efforts to make sure the City is on target with its funding obligations.

6. Adjournment.

Commissioner Rome made a motion to adjourn the meeting at 8:45 p.m. Commissioner Rosas seconded the motion, and it carried 6 – 0.

Commissioner Birdwell, Chairman

Jo Ann Holloway, Recording Secretary