



REGULAR PLANNING AND ZONING COMMISSION  
MEETING  
TUESDAY, DECEMBER 13, 2011  
CITY HALL, 2610 SOUTH MAIN, STAFFORD, TEXAS  
7:30 P.M.

The Planning and Zoning Commission met at Stafford City Hall at 7:30 p.m. on December 13, 2011.

**Present:**

Helen Gee  
Arturo Jackson  
Joe Rome, Secretary  
Virginia Rosas, Vice Chairman  
Felix A. Vega, Chairman

Mayor Leonard Scarcella  
Charles W. Russell, P.E., City Engineer  
Jamie L. Hendrixson, R.L.A., Project Manager  
Gene Bane, Zoning Administrator  
Jo Ann Holloway, Recording Secretary  
Art Pertile, City Attorney, Olson & Olson

**Absent:**

Lali Castillo

**1. Roll Call.**

**Commissioner Vega called the meeting to order at 7:30 p.m. All Commissioners were in attendance except Commissioner Castillo.**

**2. (a) Administration of the Oath of Office to Art Ortega as Planning and Zoning Commission member for the remainder of Commissioner Olickan's term, which expires in 2013.**

Art Ortega was sworn into office. Commissioner Ortega thanked everyone for the opportunity to become a member of the Planning and Zoning Commission and looks forward to serving and helping the community.

**2. (b) Comments by new Commissioner, other members of Planning & Zoning Commission and Mayor.**

Mayor Scarcella stated that Commissioner Ortega has demonstrated the understanding of the basic issues that make this City function and noted that every member may have a great deal to learn from Commissioner Ortega.

Councilman Guerra congratulated Commissioner Ortega stating that he should stay focused and noted that criticism is to be expected. Councilman Guerra also stated that although it is going to be a learning experience,

he's sure Commissioner Ortega is ready for the task and the City Council looks forward to working with him.

**3. Discussion and consideration of the October 11, 2011 Regular Planning & Zoning Commission minutes.**

**Commissioner Rosas made a motion to approve the October 11, 2011 Regular Planning & Zoning Commission meeting minutes with correction to item 3(d), 3<sup>rd</sup> paragraph stating that Commissioner Rome opposed (not abstained) and Commissioner Jackson abstained (not opposed). Commissioner Rome seconded the motion, and it carried 6 – 0.**

**4. Discussion and consideration of a variance from the minimum 60 feet of frontage along a public street at 1413 Staffordshire Road.**

Charles Russell gave an overview and presentation of the variance application, pointing out its geographic location within the City. Mr. Russell noted that the home was built after the subdivision ordinance was approved and that the property does not meet the City's subdivision requirements and approval is not recommended.

Mrs. Mary Perez-Salinas, the property owner, stated that she understands the City's requirements need to be met and is willing to do whatever necessary to bring her property up to code, so that she can then replat and rebuild her home. Mrs. Perez-Salinas also noted that there is so much termite damage, repairing it would be too costly.

Commissioner Rosas asked for clarification about the ownership of the property.

Mrs. Perez-Salinas stated that her father owns it and is going to deed it over to her upon approval of this variance and elaborated on the poor condition of the property.

Art Pertile explained the reasons why there seemed to be no options for bringing this property up to code other than to tear down all the houses on the property, replat and rebuild, noting the reasons why only one house could be built due to the 60' frontage requirements.

Discussion ensued regarding:

- Explanation of how Public Hearings are publicized in the Newspaper so all citizens can be aware of ordinance changes.

- Frontage requirements and why.
- Ramifications of waiving ordinance requirements.
- Platting options, if any.
- State laws regarding counties accepting and recording deeds.
- Title company and bank errors when processing deeds for property that should have been platted.
- Drive way access concerns.
- Road construction options if more than one house is built on this property.

Commissioner Jackson stated that as a Commissioner, he is not in favor of a variance, but as a citizen, would like to know if there's more that can be done to educate the applicant as to options or provide them with more information on alternative subdivision ideas.

Commissioner Vega agreed.

Mayor Scarcella commended Commissioner Jackson on his insightful and compelling comments. The Mayor went on to say that this is just one of those situations that no one wants and appears to be without solution and is extremely regrettable. There is no apparent reasonable or practical solution.

Commissioner Jackson made a motion to deny the variance. Commissioner Rosas seconded the motion, and it carried 6 – 0.

**5. (a) Discussion and consideration of preliminary plat approval of Estates at Promenade North, Replat of Promenade at Stafford Run, Res "B1".**

Charles Russell presented an aerial of the property pointing out the geographic location, noted that it's proposed to be platted into four (4) reserves and that one of the reserves (Res "D") would be a flag lot to be used for access only. Mr. Russell stated that the plat meets all of the City's subdivision requirements and recommended approval.

Art Pertile gave an overview of the ordinance requirements for a flag lot, noting that only on a flag lot can the minimum width be 20 feet.

Mayor Scarcella requested that Mr. Pertile have a discussion of flat lots added to the City Council agenda for future discussion.

**5. (b) Public Hearing on proposed replat as described in item 5(a) above.**

Commissioner Vega officially opened the Public Hearing.

No one came forward in favor or against the preliminary plat request.

Commissioner Vega officially closed the Public Hearing.

**5. (c) Discussion of comments received during the Public Hearing.**

There were no comments.

**5. (d) Consideration of appropriate action on item 5(a).**

Commissioner Jackson left the podium.

**Commissioner Rosas made a motion to approve the preliminary plat of Estates at Promenade North, Replat of Promenade at Stafford Run, Res "B1" as presented. Commissioner Gee seconded the motion, and it failed 3 – 2. Commissioner's Rome and Ortega opposed the motion.**

Art Pertile suggested that they take another vote because the plat did meet all the City's requirements and if the votes are then withdrawn, it would move forward to City Council. Mr. Pertile explained taking action vs. inaction.

Commissioner Jackson returned to the podium.

**Commissioner Rosas made a motion to approve the preliminary plat request as presented. Commissioner Gee seconded the motion, and it carried 4 – 2. Commissioner's Rome and Ortega opposed the motion.**

**6. (a) Discussion and consideration of preliminary plat approval of Estates at Promenade South, Replat of Promenade at Stafford Run, Res "E-2".**

Charles Russell presented an aerial of the property pointing out the geographic location and noted that it's proposed to be platted into three (3) reserves. Mr. Russell stated that the plat meets all of the City's subdivision requirements and recommended approval.

Mr. Pertile reminded Commissioners that the use of a property is irrelevant at this point and cannot be considered for plat approval.

**6. (b) Public Hearing on proposed replat as described in item 6(a) above.**

Commissioner Vega officially opened the Public Hearing.

No one came forward in favor or against the preliminary plat request.

Commissioner Vega officially closed the Public Hearing.

**6. (c) Discussion of comments received during the Public Hearing.**

There were no comments.

**6. (d) Consideration of appropriate action on item 6(a).**

**Commissioner Rosas made a motion to approve the preliminary plat of Estates at Promenade South, Replat of Promenade at Stafford Run, Res "E-2" as presented. Commissioner Gee seconded the motion, and it carried 5 – 1. Commissioner Rome opposed the motion.**

Mayor Scarcella stated that these two plats were made possible by the over-whelming representation that occurred. The Mayor then elaborated on the importance of having open discussions so that everyone can give their opinions and discuss the impact and ramifications of what has transpired.

**7. Report on engineering matters:**

**(a) Progress of Stafford/Staffordshire Road project addressing progress of construction;**

**(b) Progress of developments on the US 90A Improvement Project;**

**(c) Status of Mobility Projects addressing Dulles Avenue and Brand Lane;**

**(d) Local street and drainage improvements; and**

**(e) Consideration of appropriate action on Items 7(a) - 7(d).**

Mr. Russell gave an overview of the monthly status report.

**8. Adjournment.**

**Commissioner Rosas made a motion to adjourn at 9:35 p.m. Commissioner Jackson seconded the motion, and it carried 6 – 0.**

