

MINUTES OF JOINT PUBLIC HEARING
OF JUNE 15, 2004
CITY COUNCIL AND PLANNING AND ZONING COMMISSION
OF THE CITY OF MEADOWS PLACE, TEXAS

The joint public hearing of the Meadows Place City Council and the Planning and Zoning Commission of the City of Meadows Place was called to order at 7:00 p.m. by Mayor Mark McGrath at Meadows Place City Hall, One Troyan Drive, Meadows Place, Texas, with notice of said meeting giving the time, place, date and subject thereof having been posted as prescribed by Article 6252-17, V.T.A.C.S. with the following members present and in attendance:

Mayor: Mark McGrath

Aldermen: Terry Henley
Charles Jessup
Joe McCann
Leen Zellers

Planning & Zoning Chair: Steve Gardner

P&Z Commissioners: Theresa Bathe
Jeff Graebert
EJ Messarra
Rick Staigle
Marti Pattinson
Charles Kulhanek

and the following absent:

Alderman: David Piwonka

thus constituting a quorum of both bodies.

Mayor McGrath explained that the property in question had never been platted. Any property in excess of three acres must be platted. This property is to be platted as a planned development. Early this year, a representative of CVS Pharmacy approached the city expressing an interest to purchasing the property at the corner of Dairy Ashford and West Bellfort. On February 17th, City Council met in special session and authorized the sale of the property by the open bidding process. On March 18th, the sole bid, submitted by CVS was opened. Council accepted this bid and awarded CVS a sales contract in excess of \$1 million at their March 23rd Council meeting. Since that time, the contract has been at the title company. Tonight's meeting will be to listen to comments, both for and against, allowing CVS to build a pharmacy on the property. Planning and Zoning will meet in special session on July 12th to deliberate all comments heard this evening and to make a recommendation to City Council. If the Planning Commission recommends approval, it is possible that several conditions will be placed on the property. It is up to City Council to accept or reject the recommendations and conditions. A special meeting will be held on July 13th for this purpose. No decision will be made this evening.

Mr. Jeff Presnal, Director of Development for Cedarwood Development, Inc. , presented the plan proposed by CVS. He said his company handles development of CVS Pharmacies in Houston and surrounding areas. CVS is a big company and they are concerned about doing right by their neighbors. This is a 4.5 acre site, to be divided into 2 pieces. The first 1.7 acres will be for the CVS Pharmacy. The remainder will hold detention ponds as well as an out parcel which will be put up for sale. There

are no uses planned for this out parcel yet. The property will have three access points – one off Dairy Ashford, one off West Bellfort and another full service drive off of West Bellfort opposite Synott.

Typically, CVS stores have one large delivery truck bringing supplies once a week. During the rest of the week, a van type vehicle will bring deliveries. CVS proposes to place a ten foot fence along the residential property line to absorb noise. Substantial landscaping will be put in front of this fence. The building will be placed as far from the residential lots as possible. There will be a drive through window typical to those at other pharmacies – not like a fast food drive through window.

All light fixtures on the back of the building and in the parking lot will be shielded. The primary lighting will be on the front side of the building.

Architecturally, this will be a prototype of the brand new design for new CVS Pharmacies to be built in the future. It will be covered with light and dark red brick. It will be 13,013 square feet in size. The dumpster will be completely screened in a brick enclosure. A landscape hedge will screen the parking from Dairy Ashford and West Bellfort.

Hours of operation for the facility will be from 9:00 a.m. to 10:00 p.m. Operation of the dumpster will follow city ordinance.

Mayor McGrath opened the meeting to questions from the audience. E.J. Roscoe said he has lived on Cedar Form since 1973 in a two story house. His bedroom is about 60 feet from the proposed planned development. He believes his property values will go down if the pharmacy closes as witnessed by the many empty buildings from the Sharpstown area to West Bellfort. He does not want the property changed from residential to commercial. He is afraid rain run off will go into his back yard and create a health hazard with additional mosquitoes so he believes the city should compensate homeowners in the area by \$50,000. If not he will institute a class action law suit.

Charles Pless, also a Cedar Form resident, said he has some concerns of property devaluating, but he is not totally against the project. He too would like compensation. He believes a ten foot fence will deteriorate within five to ten years and would like to see a sound wall, similar to what is on Dairy Ashford, along the fence line instead – one that is built of concrete and not wood. He believes cable and electrical high voltage lines will be moved into his back yard. Mr. Presnal said power lines will be relocated down the fence line and over to West Bellfort. Poles and cable lines will be on the CVS side of the property line. Some other lines (possibly sewer lines) in the area will also need to be relocated. There is a huge gas line owned by TETCO running through the property. CVS will need to pay to uncover the line and rewrap it securely before a concrete drive way can be poured.

Joe Malik, also a Cedar Form resident, said he realizes the Planned Development will mean increased revenues to the city but he asked Planning Commission members how they would feel if the development were in their back yards? He, too, is concerned about lights and the drive through and wondered if Planning and Zoning would address the “squawk box” if the out parcel was sold to a fast food restaurant. He was told that item could be looked at when addressing the requirements for the planned development.

Mary Rowell, also of Cedar Form, said she can already hear a lot of noise from the two gas stations on West Bellfort and wondered if alcohol would be sold at this facility. She was told yes, but it could not be drunk on the premises. She asked what days delivery would be made to the store and was told they would be made mostly

Monday through Friday during the day, occasionally on a Saturday, rarely on Sunday and rarely at night. Construction on the project will take about 20 weeks, or five months. No piles will be driven into the ground. Construction will be mostly during the day with an exception made for pouring concrete. The slab will be poured all in one day and the parking lot will take two more days.

Mr. Malik asked about the retention ponds. He was told it will follow engineering requirements and be designed to drain and not hold water. It will be all grassed without a fence. It will not hold water for any length of time. CVS will build and maintain the retention ponds at their costs and will follow the city's requirements. It will be about five feet deep with over an eighty foot slope.

Peggy Roscoe said she was very concerned about the dumpster and delivery trucks. She was assured there would be only one big truck delivery truck per week and no delivery when the store was not opened. Planning and Zoning could require the store never be allowed to be a 24 hour store. Planned Development requirements supersede the C-1 zoning restrictions. They can be more or less restrictive than C-1 restrictions.

Landscaping was discussed. While a plan has not yet been developed, CVS wants the area to look good. They like to put trees in where they will grow. The property will be cleared and if something is in the way on the fence line, CVS will work with residents on the matter. If residents want CVS to leave up the current fence, they will. If residents want CVS to take down their fence and haul it away, they will. Landscaping will also be put in along Dairy Ashford.

Councilmember Zellers noted there were similar concerns with the Shell/Burger King restaurant when it was built several years ago and Planning and Zoning were careful about what was allowed.

Mayor McGrath noted the property was acquired from the previous owner for payment of delinquent taxes and was accepted without conditions in 1995. At one time a park was discussed but it was decided this was not the best place for a park due in part to the inconvenient access for city residents.

Councilmember Jessup thanked everyone for their really good comments and questions. He said he has faith in the Planning and Zoning Commission that they will make quality recommendations which the developer and/or council can either accept or reject.

Councilmember Henley said this looks like a good Planned Development. Good issues were raised tonight and they will all be looked into.

There were no further questions or concerns raised and Councilmember Zellers made a motion, seconded by Councilmember McCann to close the public hearing and the meeting. With unanimous approval, the both meetings were closed at 8:27 p.m.

Elaine Herff, City Secretary