

**MINUTES OF
REGULAR PLANNING & ZONING COMMISSION MEETING
CITY OF TOMBALL, TEXAS**

MONDAY, DECEMBER 10, 2012



6:00 P.M.

1.0 Call to Order

The meeting was called to order by Chairman Wallace at 6:00 p.m. Other members present were:

Commissioner Tague
Commissioner Chervenak
Commissioner Roquemore
Commissioner Beauvais

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Assistant City Planner – Rodney Schmidt
Engineering & Planning Senior Administrative Assistant – Brandy Pate
City Attorney – Loren Smith

2.0 No public comments were received

3.0 No reports or announcements were heard.

4.0 Motion was made by Commissioner Tague to approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 12, 2012; second by Commissioner Beauvais.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve **TOMBALL BUSINESS AND TECHNOLOGY PARK PRELIMINARY PLAT**: A subdivision of 120.8081 Acres, A portion of which is a partial Replat of Lots 384, 385, 386, 387, and 394, of the Tom Ball Townsite as recorded in Vol. 2, Pg. 65 of the Harris County Map Records, and Being a Replat of Lot 4 of Tomball South Commercial as Recorded in Film Code No. 632199 of the

Harris County Map Records, in the Elizabeth Smith Survey, Abstract No. 70, and the C. N. Pillot Survey, Abstract No. 632, City of Tomball, Harris County, Texas.

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Chervenak made a motion to approve **TOMBALL BUSINESS AND TECHNOLOGY PARK PRELIMINARY PLAT** with contingencies; second by Commissioner Tague.

Motion carried unanimously.

- 5.2 Consideration to approve **BREAUX MACHINE WORKS PRELIMINARY PLAT**: A subdivision of 4.3402 Acres, being comprised of Lots 1, 2, and 3, Block 3 of Hirschfield Farms an Unrecorded Subdivision and 0.1246 Acre Residue of a call 2.8805 Acre Tract as recorded in H.C.C.F. No. J-904080 and 1.5918 Acres Residue of a call 3.5864 Acre Tract as recorded in Film Code 119-48-0065, H.C.C.F located in the John M. Hooper Survey, A-375 City of Tomball, Harris County, Texas.

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Beauvais made a motion to approve **BREAUX MACHINE WORKS PRELIMINARY PLAT** with contingencies; second by Commissioner Roquemore.

Motion carried unanimously.

- 5.3 Consideration to approve **SHAW COMMERCIAL PRELIMINARY PLAT**: Being a subdivision of 4.0130 Acres of land situated in the John S. Smith Survey, Abstract Number 730, of Harris County, Texas, and being the same land as described in deed recorded in Clerk's File Number R265465, of the Real Property Records of Harris County, Texas.

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Tague made a motion to approve **SHAW COMMERCIAL PRELIMINARY PLAT** with contingencies; second by Commissioner Roquemore.

Motion carried unanimously.

- 5.4 Consideration to approve **BAKER HUGHES EDUCATION CENTER**: A subdivision of 96.9420 Acres, being a partial Replat of Lots 447, 448, 449, 459, 460, 461, 462, 463, 464, 465, and 466 of the Tomball Townsite Vol. 2 Page 65 out of the Jesse Pruitt Survey, A-629 Harris County, Texas.

Lori Lakatos, Acting City Engineer presented comment recommendations.

Commissioner Beauvais made a motion to approve **BAKER HUGHES EDUCATION CENTER** with contingencies; second by Commissioner Roquemore.

Motion carried unanimously.

- 5.5 Consideration to approve **ZONING CASE P12-513**: Request by Baker Hughes Oilfield Operations, Inc. to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by creating a new land use called “Training Well,” permitting it by right in the Light Industrial District, and assigning it a parking requirement of one parking space per acre of land area; creating a new Section 43.9 (“Training Wells and Training Well Sites”) to regulate Training Wells and Training Well Sites; and amending Section 45.2 (“Definitions”) by creating a definition for “Training Well” and “Training Well Site.”

The Public Hearing was opened by Chairman Wallace at 6:07 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, George Bernhardt spoke on behalf of the request.

Hearing no additional comments, the Public Hearing was closed at 6:11 p.m.

Commissioner Chervenak made a motion to approve the request for **ZONING CASE P12-513**; second by Commissioner Tague.

Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried unanimously, 5-0.

- 5.6 Consideration to approve **COMPREHENSIVE PLAN CASE P12-515**: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City’s Comprehensive Plan by altering the Future Land Use of approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from Mixed Use to Business/Industrial. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in

Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

The Public Hearing was opened by Chairman Wallace at 6:17 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, George Bernhardt spoke on behalf of the request.

Hearing no additional comments, the Public Hearing was closed at 6:21 p.m.

Commissioner Chervenak made a motion to approve the request for **ZONING CASE P12-515**; second by Commissioner Roquemore.

Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried unanimously, 5-0.

- 5.7 Consideration to approve **ZONING CASE P12-514**: Request by Baker Hughes Oilfield Operations, Inc., on behalf of Thomas W. Blake, Estate of Freda Johlke, Cypressbrook 2920, L.P., and Abco Land Corporation, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 96.94 acres of land, generally located on the northeast corner of F.M. 2920 and F.M. 2978, from the Agricultural District to the Light Industrial District. The subject site is legally described as:

Being a 3.143 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 3.143 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 3.143 acre tract of land also being a portion of Lot 463, Tomball Townsite as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas;

Being a 23.624 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in

Harris County, Texas, said 23.624 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 23.624 acre tract of land being more particularly described by metes and bounds as follows; and

Being a 20.021 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 20.021 acre tract of land being a portion of the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas.

The Public Hearing was opened by Chairman Wallace at 6:25 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, George Bernhardt spoke on behalf of the request.

Hearing no additional comments, the Public Hearing was closed at 6:29 p.m.

Commissioner Roquemore made a motion to approve the request for **ZONING CASE P12-514**; second by Commissioner Tague.

Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried unanimously, 5-0.

- 5.8 Consideration to approve **COMPREHENSIVE PLAN CASE P12-517**: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from Medium Density Residential to Business/Industrial.

The Public Hearing was opened by Chairman Wallace at 6:33 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Dan Schaub spoke on behalf of the request.

Hearing no additional comments, the Public Hearing was closed at 6:36 p.m.

Commissioner Chervenak made a motion to approve the request for **ZONING CASE P12-517**; second by Commissioner Roquemore.

Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried unanimously, 5-0.

- 5.9 Consideration to approve **ZONING CASE P12-516**: Request by Dan Schaub, on behalf of Albers Properties, L.P. and 5 B Ventures, L.L.C., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 16.1 acres of land, legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 and Lots 1, 2, 3, 4, 5, and 6, Block 2, Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located easterly of South Chestnut Street, southerly of Timkin Road, from the Single-Family Residential-6 District to the Planned Development District – 3 ("Chestnut Business Park") to facilitate Chestnut Business Park.

The Public Hearing was opened by Chairman Wallace at 6:40 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Dan Schaub spoke on behalf of the request.

Hearing no additional comments, the Public Hearing was closed at 6:44 p.m.

Commissioner Chervenak made a motion to approve the request for **ZONING CASE P12-516**; second by Commissioner Roquemore.

Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried unanimously, 5-0.

- 5.10 Consideration to approve **ZONING CASE P12-518**: Request by the City of Tomball to amend Ordinance 2012-21 (Conditional Use Permit #8) by removing the condition that “Outside storage shall be limited to a maximum of five (5) percent of the total lot area or 1,546 square feet.”

The Public Hearing was opened by Chairman Wallace at 6:52 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Bert Livengood spoke on behalf of the request.

Hearing no additional comments, the Public Hearing was closed at 6:55 p.m.

Commissioner Chervenak made a motion to approve the request for **ZONING CASE P12-518**; second by Commissioner Beauvais.

Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried unanimously, 5-0.

- 6.0 Motion was made by Commissioner Tague to adjourn; second by Commissioner Chervenak.

Motion carried unanimously.

Meeting adjourned at 6:57 p.m.

PASSED AND APPROVED this 14th day of January 2013.

Brandy Pate
Brandy Pate
P&Z Commission Secretary

Lori Wallace
Lori Wallace
Chairman