

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

MONDAY, NOVEMBER 14, 2011



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 (Arrived at 6:25)
Commissioner Beauvais
Commissioner Kendler

Others present:

Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
City Attorney – Scott Bounds
Engineering & Planning Senior Administrative Assistant – Brandy Pate

2.0 No public comments were received

3.0 No Reports and Announcements were received

4.0 Motion was made by Commissioner Tague to approve the Minutes of the following meetings:

- Regular Planning and Zoning Commission Meeting of October 10, 2011.
- Special Joint City Council and Planning & Zoning Commission Meeting of October 24, 2011;

Second by Commissioner Kendler

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve **ZONING CASE P11-360**: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First

Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:03 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Applicant, Terry Johnson, spoke on behalf of the request.

No Public comments were received and the Public Hearing was closed at 6:10 p.m.

Commissioner Kendler made a motion to approve the rezoning request for **ZONING CASE P11-360**; second by Commissioner Tague. Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Absent</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Kendler	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried unanimously.

- 5.2 Consideration to approve **ZONING CASE P11-362**: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

The Public Hearing was opened by Chairman Wallace at 6:11 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Applicant, Leslie Lagerquist, spoke on behalf of the request.

No Public comments were received and the Public Hearing was closed at 6:17 p.m.

Commissioner Kendler made a motion to approve the rezoning request for **ZONING CASE P11-362**; second by Commissioner Tague. Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Absent</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Kendler	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried unanimously.

- 5.3 Consideration to approve **ZONING CASE P11-371**: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

The Public Hearing was opened by Chairman Wallace at 6:18 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Otis Bakke, Attorney for Applicant spoke on behalf of the request.

The following residents spoke in opposition of the request:

Brad Hallmark of 28231 Camille Dr.
David Wood of 28227 Camille Dr.
Craig Gracey of 31303 Antonia Ln.
Marilyn Tobola of 31307 Stella Ln.
Dennis Bell of 31215 Antonia Ln.
Matt Michna of 28110 Chris Ln.
Nelson Cleaner of 31207 Antonia Ln.
Pat Bailey of 1319 Dove Trails

The following residents wished to have their opposition recorded:

James Wrentz of 31203 Antonia Ln.
Linda Wrentz of 21203 Antonia Ln.

Hearing no additional comments, the Public Hearing was closed at 6:51 p.m.

Commissioner Tague made a motion to DENY the rezoning request for **ZONING CASE P11-371**; second by Commissioner Beauvais. Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Kendler	<u>Nay</u>
Commissioner Wallace	<u>Aye</u>

Motion to DENY carried 4-1.

- 5.4 Consideration to approve **ZONING CASE P11-372**: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

The Public Hearing was opened by Chairman Wallace at 7:04 p.m.

No Public comments were received and the Public Hearing was closed at 7:06

Commissioner Tague made a motion to DENY the Conditional Use Permit request, based on the denial of the Rezoning request for **ZONING CASE P11-372**; second by Commissioner Chervenak. Vote was as follows:

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

Motion to DENY carried unanimously.

- 5.5 Consideration to approve **PRELIMINARY PLAT HILLTOP TOOL RENTAL**: A 6.9280 acre tract of land being comprised of Lots 36, 43 44, and 45 of Tomball Hills Addition Replat as recorded in Vol. 279, Page 111, H.C.M.R. and the 0.49 acre remainder of a call 1.00 acre tract as recorded in File No. N-905252, H.C.O.P.R.R.P. and the 0.92 acre remainder of Unrestricted Reserve “D” Block 4 of Tomball Hills Addition Replat in the Joseph House Survey, A-34, City of Tomball, Harris County, Texas.

The Public Hearing was opened by Chairman Wallace at 7:07 p.m.

Lori Lakatos, Acting City Engineer presented comment recommendations.

David Wood of 28227 Camille Dr. spoke in opposition

Otis Bakke, Attorney for Applicant spoke on behalf of the request

Dennis Bell of 31215 Antonio Ln. spoke in opposition

Hearing no additional comments, the Public Hearing was closed at 7:16 p.m.

Commissioner Tague made a motion to DENY **PRELIMINARY PLAT HILLTOP TOOL RENTAL**; second by Commissioner Beauvais. Vote was as follows:

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

Motion to DENY carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 7:19 p.m.

PASSED AND APPROVED this 12th day of December 2011.

Brandy Pate
Brandy Pate
P&Z Commission Secretary

Lori Wallace
Lori Wallace
Chairman