

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

MONDAY, SEPTEMBER 12, 2011



6:00 P.M.

1.0 Call to Order

The meeting was called to order by Chairman Wallace at 6:03 p.m. Other members present were:

Commissioner Tague
Commissioner Chervenak
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 Public comments / receipts of petitions were received from:

- Patrick Clark of 9911 Cane Creek Drive; regarding letter of protest regarding development of utility district capital investment in Tomball Hills Subdivision.

3.0 Reports and Announcements:

Rodney Schmidt, Assistant City Planner, announced the following upcoming meeting:

- Joint City Council / Planning and Zoning Commission Meeting regarding Downtown Specific Plan: Monday, October 24, 2011 at 5:30 p.m. – 401 Market Street, Tomball, Texas 77375

4.0 Motion was made by Commissioner Tague to approve the Minutes of the regular Planning & Zoning Commission meeting of August 8, 2011; second by Commissioner Beauvais.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve; **ROSE GARDENS REPLAT**: Being a subdivision of 0.5062 acre tract, 22, 049.39 Square Feet, Being a Replat of New Lot 25, Block 82 of Kana Industrial Park, as recorded in Film Code No. 437064 Harris County Map Records and 7,827.73 Square Feet of Abandoned Ash Street and Timkin Road Right of Way Situated in the William Hurd Survey a-371, Harris County, Texas.

Lori Lakatos, Assistant City Engineer, presented comment recommendations.

Commissioner Tague made a motion to approve **ROSE GARDENS REPLAT**; with contingencies; second by Commissioner Kendler.

Motion carried unanimously.

- 5.2 Consideration to approve **POINT SOUTH BUSINESS PARK FINAL PLAT**: Being a subdivision of 3.9078 acres of land out of the Claude M. Pillot Survey, Abstract No. 632, in the City of Tomball, Harris County, Texas.

Lori Lakatos, Assistant City Engineer, presented comment recommendations.

Commissioner Beauvais made a motion to approve **POINT SOUTH BUSINESS PARK FINAL PLAT**; with contingencies; second by Commissioner Chervenak.

Motion carried unanimously.

- 5.3 Consideration to approve **TOMBALL 2920 FINAL PLAT**: A 59.8577 acre tract of land being all of a called 13.97 acre tract recorded in Harris County Clerk's File No. Y284790, a called 37.024 acre tract recorded in Harris County Clerk's File No. Y199045, a called 8.383 acre tract recorded in Harris County Clerk's File No. X939568, and a called 05.28 acre tract recorded in Harris County Clerk's File No. Y731248 in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Lori Lakatos, Assistant City Engineer, presented recommendation.

Commissioner Chervenak made a motion to approve **THE POINT FINAL PLAT**; with contingencies; second by Commissioner Tague.

Motion carried unanimously.

- 5.4 Consideration to approve **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SEC. 1**: Being a Replat of Lots 485, 486 and part of lot 484 of the five acre tracts Tomball Townsite Vol. 2, Pg. 65 H.C.M.R., a subdivision of 13.8198 acres out of the J. Pruitt Survey, Abstract No. 629 Harris County, Texas.

Lori Lakatos, Assistant City Engineer, presented recommendation.

Commissioner Kendler made a motion to approve **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SECT. 1**; with contingencies; second by Commissioner Tague.

Motion carried unanimously.

- 5.5 Consideration to approve **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SECT. 3**: Being a Replat of Lots 469, 470, 471, 472, 473, 474, 475 and 476, five acre tracts Tomball Townsite, Vol. 2, Pg. 65 H.C.M.R., a subdivision of 40.2111 acres out of the J. Pruitt Survey, Abstract No. 629, Harris County, Texas.

Lori Lakatos, Assistant City Engineer, presented recommendation.

Commissioner Tague made a motion to approve **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SECT. 3**; with contingencies; second by Commissioner Beauvais.

Motion carried unanimously.

- 5.6 Consideration to approve **ZONING CASE P11-347**: Request by John Thomas, on behalf of R.K. McGaughy, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 3.9078 acres of land, legally described as Tract 2AA out of the C.N. Pillot Survey, Abstract Number 632, within the City of Tomball, Harris County, Texas, generally located on the westerly side of State Highway 249, northerly of Holderrieth Road, from the AG-Agricultural District to the C-Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:16 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report. Applicant, John Thomas, spoke on behalf of the request.

No comments were received and the Public Hearing was closed at 6:21 p.m.

Commissioner Chervenak made a motion to approve the rezoning request for **ZONING CASE P11-347**; second by Commissioner Tague. 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, carried unanimously.

- 5.7 Consideration to approve **ZONING CASE P11-348**: Request by the Tomball Economic Development Corporation, on behalf of Capital One, National Association, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 97.48 acres of land, legally described as Lots 386 and 387 and Tract 385 out of the Tomball Outlots and Tract 4 out of the Elizabeth Smith Survey, Abstract 70, within the City of Tomball, Harris County, Texas, generally located on the westerly side of Hufsmith-Kohrville Road, northerly of Holderrieth Road, from the SF-6 - Single-Family Residential-6 District and C -Commercial District to the LI - Light Industrial District.

The Public Hearing was opened by Chairman Wallace at 6:23 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report. Applicant, Kelly Violette, spoke on behalf of the request.

No comments were received and the Public Hearing was closed at 6:42 p.m.

Commissioner Tague made a motion to approve the rezoning request for **ZONING CASE P11-348**; 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, carried unanimously.

- 5.8 Consideration to approve **ZONING CASE P11-349**: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.928 acres of land, legally described as Lots 36, 43, 44, and 45 out of the Tomball Hills Addition Plat, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the SF-9 - Single-Family Residential-9 District to the C - Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:43 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Otis Bakke, Attorney for Applicant, spoke on behalf of the request. David Broussard, Engineer for Applicant also spoke on behalf of the request. Mike Sanford, 31014 Imperial Walk Lane, spoke on behalf and in favor of the request.

Thirteen (13) comment forms were received in opposition of this request.
Seven (7) comment forms were received in support of this request.

The following people spoke in opposition of the request:

Brad Hallmark – 28231 Camille Drive, Tomball, TX
David Wood – 28227 Camille Drive, Tomball, TX
Rhonda Bolton – 28111 Camille Drive, Tomball, TX
Pat Bailey – 1319 Dove Trails, Tomball, TX
Patrick Clark – 9911 Cane Creek Drive
Janice Lavergne – 28106 Linda Lane, Tomball, TX

The following person spoke in favor of the request:

Danny Stewart – 26814 Elm Street, Magnolia, TX

Linda West of 28106 Camille Drive, Tomball, TX, spoke neither in support or opposition of the request.

Applicant, Sylvia Hildreth and Attorney, Otis Bakke provided rebuttal.

The Public Hearing was closed at 7:52 p.m.

Commissioner Tague made a motion to DENY the rezoning request for **ZONING CASE P11-349**; 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.

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

Motion carried unanimously.

Meeting adjourned at 8:02 p.m.

PASSED AND APPROVED this 10th day of October 2011.

Brandy Pate
Brandy Pate
P&Z Commission Secretary

Lori Wallace
Lori Wallace
Chairman