

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



MONDAY, JULY 11, 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 Beauvais
Commissioner Tague
Commissioner Kendler
Commissioner Chervenak

Others present:

Assistant City Planner – Rodney Schmidt
Assistant City Engineer – Lori Lakatos
Assistant City Secretary – Betsy Gates
City Attorney – Loren B. Smith

2.0 No Public Comments were received.

3.0 Reports and Announcements:

Rodney Schmidt announced the Joint City Council / Planning & Zoning Commission Meeting, Monday, July 18, 2011, at 6 p.m.

4.0 Motion was made by Commissioner Tague to approve the Minutes of the Planning & Zoning Commission meeting of June 13, 2011; second by Commissioner Kendler.

Motion carried unanimously.

5.0 New Business:

- 5.1 Rodney Schmidt presented an overview regarding the Comprehensive Plan and Downtown Specific Plan. No action taken.
- 5.2 Consideration was given to **PINE COUNTRY OF TOMBALL SECTION THREE REPLAT**; A residential subdivision of 29.4207 acres comprised of 5 residential estate acreage lots and being a Replat of Pine Country of Tomball, Section Three, a residential subdivision of 29.4207 acres comprised of 4 residential estate acreage lots as recorded in H.C. Film Code #632143, located in the John Edwards Survey A-20 and the Chauncey Goodrich Survey A-311, City of Tomball, Harris County, Texas

Lori Lakatos, Assistant City Engineer presented comment recommendations.

Commissioner Kendler made a motion to approve **PINE COUNTRY OF TOMBALL SECTION THREE REPLAT**; second by Commissioner Tague.

Motion carried unanimously.

- 5.3 Consideration was given to **ZONING CASE P11-333**; Request by Eagle Gasket and Packing Company, Inc., on behalf of Faires Properties Inc. LLC, to amend the City's Comprehensive Zoning Ordinance to rezone an approximately 3.86 acre site, legally described as Lot 1, Block 1, Eagle Gasket and Packing Company Subdivision Number 1 Replat, generally located on the easterly side of Ulrich Road, northerly of Hufsmith Road at 1110 Ulrich Road, Tomball, Texas from the SF-20-E Single-Family Estate Residential-20 District to the LI-Light Industrial District. (This case will be heard in conjunction with Zoning Case P11-334).

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

Rodney Schmidt, Assistant City Planner presented the staff report. Lawyer for Applicant, Gail Schubot, spoke on behalf of the request. Applicant, Ron Blumrick, also spoke on behalf of the request.

No comments were received and the Public Hearing was closed at 6:33 p.m.

Commissioner Tague made a motion to approve the rezoning request for **ZONING CASE P11-333**, but with an amendment to change the zoning district from LI-Light Industrial District to C-Commercial; second by Commissioner Kendler. Vote was as follows:

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

Commissioner Kendler Aye
Commissioner Wallace Aye

Motion, as amended, carried unanimously.

- 5.4 Consideration was given to **ZONING CASE P11-334**: Request by Eagle Gasket and Packing Company, Inc., on behalf of Faires Properties Inc. LLC, for a Conditional Use Permit to operate a “Any Manufacture or Industrial Process Not Listed and Not Prohibited by Law” use. The property is an approximately 3.86 acre site, legally described as Lot 1, Block 1, Eagle Gasket and Packing Company Subdivision Number 1 Replat, generally located on the easterly side of Ulrich Road, northerly of Hufsmith Road at 1110 Ulrich Road, Tomball, Texas. The site is located in the SF-20-E Single-Family Estate Residential-20 District. (This case will be heard in conjunction with Zoning Case P11-333).

The Public Hearing was opened by Commissioner Wallace in conjunction with Zoning Case P11-333 at 6:18 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report. Lawyer for Applicant, Gail Schubot, spoke on behalf of the request. Applicant, Ron Blumrick, also spoke on behalf of the request.

No comments were received and the Public Hearing was closed at 6:33 p.m.

Commissioner Tague made a motion to approve the zoning request for **ZONING CASE P11-334**, with the condition that the property would be rezoned to the C-Commercial District as approved by the Planning and Zoning Commission for Zoning Case P11-333, second by Commissioner Kendler.

Commissioner Chervenak made a motion to approve the zoning request, with an amendment requiring that the Conditional Use Permits shall terminate effective upon a change in ownership of the land; second by Commissioner Kendler. Vote was as follows:

Commissioner Tague Aye
Commissioner Chervenak Aye
Commissioner Beauvais Aye
Commissioner Kendler Aye
Commissioner Wallace Aye

Motion, as amended, carried unanimously.

- 5.5 Consideration was given to **ZONING CASE P11-335**: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance

No. 2008-01) to amend Section 7 (“Nonconforming Uses & Structures”) and Section 9 (“Board of Adjustments”) to authorize the Board of Adjustments to grant special exceptions related to the continuance, conversion, enlargement, extension and expansion of nonconforming structures and uses.

The Public hearing was opened by Chairman Wallace at 6:46 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report. No comments were received and the Public Hearing was closed at 6:50 p.m.

Commissioner Tague made a motion to **DENY ZONING CASE P11-335**, based on the idea that, while taking a zoning request directly to the Board of Adjustments would shorten the zoning process, it would also remove the City’s current system of checks and balances, would remove Council’s opportunity to review the zoning request, would require filing a lawsuit in district court to appeal a decision by the Board of Adjustments, and could impact the future of zoning requests in an unfavorable manner; second by Commissioner Kendler.

Commissioner Tague made a motion to amend the motion to **DENY ZONING CASE P11-335**, to allow the existing system of checks and balances involved with rezoning cases to remain in place, second by Commissioner Kendler. Vote to **DENY** 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 ZONING CASE P11-335** carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 7:00 p.m.

PASSED AND APPROVED this 8th day of August 2011.

Betsy Gates
Betsy Gates, TRMC
Assistant City Secretary

Lori Wallace
Lori Wallace
Chairman