

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

MONDAY, APRIL 12, 2010



6:00 P.M.

1.0 Call to Order

The meeting was called to order by Chairman Crofoot at 6:02 p.m. Other members present were:

Commissioner O'Donnell
Commissioner Wallace
Commissioner Dodson
Commissioner Mottershaw

Others present:

Director of Engineering and Planning – Mark McClure
City Planner / Community Development Coordinator – Kelly Violette
Engineering & Planning Administrative Assistant – Brandy Pate
City Attorney – Bill Olson

2.0 No Public Comments were received.

3.0 No Reports or Announcements were received.

4.0 Motion was made by Commissioner Dodson to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 8, 2010; second by Commissioner O'Donnell.

Motion carried unanimously.

Discussion/Action of the Following Items:

5.0 New Business:

5.1 Consideration and Possible Action Regarding ZONING CASE P10-206: Request by Brian Matthews, on behalf of Crescent Directional Drilling, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5.006 acres of land, legally described as Tract 281 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the westerly side of South Persimmon Street, northerly of Agg Road from the SF-20-E Single-Family Estate Residential-20 District to the LI - Light Industrial District.

The Public Hearing was opened by Chairman Crofoot at 6:04 p.m.

Kelly Violette, City Planner presented the staff report.

Applicant, Brian Matthews of Protective Concepts spoke on behalf of the request.

James Stubbs of 5923 Rutherglenn, Houston, Texas, a real estate agent representing the seller spoke in favor of the request.

Sam Pisano, property owner at S. Persimmon and Lizzie Lane, spoke in favor of the request.

John Ford, resident of 930 Agg Road, spoke in opposition of the request.

Higinio Sanchez, property owner on Persimmon, spoke in favor of the request.

The Public Hearing was closed at 6:24 p.m.

Commissioner Dodson made a motion to recommend Approval of **ZONING CASE P10-206**; second by Commissioner Wallace.

Vote was as follows:

Commissioner Crofoot	<u>Nay</u>
Commissioner Wallace	<u>Aye</u>
Commissioner Dodson	<u>Aye</u>
Commissioner O'Donnell	<u>Nay</u>
Commissioner Mottershaw	<u>Nay</u>

Motion failed 2-3.

Commissioner O'Donnell made a motion to DENY **ZONING CASE P10-206**; second by Commissioner Mottershaw.

Vote was as follows:

Commissioner Crofoot	<u>Aye</u>
Commissioner Wallace	<u>Nay</u>
Commissioner Dodson	<u>Nay</u>
Commissioner O'Donnell	<u>Aye</u>
Commissioner Mottershaw	<u>Aye</u>

Motion carried 3-2.

- 5.2 Consideration and Possible Action Regarding **ZONING CASE P10-208**: Request by Tomball Independent School District to amend the Comprehensive Zoning Ordinance to rezone approximately 2.456 acres of land, legally described as all of Block 16,

Tomball Townsite, from the SF-6 Single-Family Residential-6 and OT&MU Old Town and Mixed Use Districts to the OT&MU Old Town and Mixed Use District and Lots 25 through 36, Block 23, Tomball Townsite, from the SF-6 Single-Family Residential-6 District to the OT&MU Old Town and Mixed Use District within the City of Tomball, Harris County, Texas, both tracts of property being generally located on the westerly side of South Cherry Street, southerly of Fannin Street.

The Public Hearing was opened by Chairman Crofoot at 6:34 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Applicant, Gary Hutton of 2306 Colonial Springs, Spring, Texas, spoke on behalf of the request.

Tina Evans, resident of 308 Florence, stated no objection to the request, but requested clarification of project proposal.

The Public Hearing was closed at 6:47 p.m.

Commissioner Wallace made a motion to recommend Approval of **ZONING CASE P10-208**; second by Commissioner Mottershaw.

Vote was as follows:

Commissioner Crofoot	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>
Commissioner Dodson	<u>Aye</u>
Commissioner O'Donnell	<u>Aye</u>
Commissioner Mottershaw	<u>Aye</u>

Motion carried unanimously.

- 5.3 Consideration and Possible Action Regarding **ZONING CASE P10-218**: Request by Russ Brown, on behalf of PCOT Investments, Inc., to amend Section 38 (Use Regulations) of the City's Comprehensive Zoning Ordinance to establish a Model Home and Temporary Real Estate Sales Office use in all zoning districts that permit Residential Use either by right or conditionally, to amend Section 43 (Supplemental Regulations) to add standards for development related to model home and temporary real estate sales office use, and to amend Section 45 (Definitions) to amend and add the definitions related thereto.

The Public Hearing was opened by Chairman Crofoot at 6:48 p.m.

Kelly Violette, City Planner presented the staff report.

Applicant / Owner, Russ Brown of 22529 Tomball Cemetery Rd. spoke on behalf of the request.

No public comments were received and the Public Hearing was closed at 6:47 p.m.

Commissioner O'Donnell made a motion to recommend Approval of **ZONING CASE P10-218**; second by Commissioner Mottershaw.

Vote was as follows:

Commissioner Crofoot	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>
Commissioner Dodson	<u>Aye</u>
Commissioner O'Donnell	<u>Aye</u>
Commissioner Mottershaw	<u>Aye</u>

Motion carried unanimously.

- 5.4 Consideration and Possible Action Regarding **TOMBALL MEDICAL PLAZA PRELIMINARY PLAT**: Being a Plat of 2.8278 Acres out of Tract 13, 1.4635 Acre Tract Recorded under File No. J064863 and Tract No. 12, 1.3643 Acre Tract Recorded under File No. J089622 of the Harris County Map Records, Situated in The William Hurd Survey, Abstract 378, Harris County, Texas, 1 Block, and 1 Lot.

Mark McClure, Director of Engineering & Planning presented comment recommendations.

Commissioner Dodson made a motion to Approve **TOMBALL MEDICAL PLAZA PRELIMINARY PLAT**; with contingencies, second by Commissioner Wallace.

Motion carried unanimously.

- 5.5 Consideration and Possible Action Regarding **FINAL PLAT OF PARKWAY OASIS PARTIAL REPLAT NO. 1**: Being a subdivision of a 7.5797 Acre Tract of Land in the William Hurd Survey, Abstract No. 378 and in the John Hooper Survey, Abstract No. 375 City of Tomball, Harris County, Texas, 4 Lots, and 1 Block.

Mark McClure, Director of Engineering & Planning presented comment recommendations.

Commissioner Wallace made a motion to Approve **FINAL PLAT OF PARKWAY OASIS PARTIAL REPLAT NO. 1**; with contingencies, second by Commissioner Dodson.

Motion carried unanimously

- 5.6 Consideration and Possible Action Regarding **FINAL PLAT KLEIN ISD ELEMENTARY SCHOOL NO 28**: Being a Replat of Lots 485, 486 & Part of Lot 484 of the Five Acre Tracts Tomball Townsite Vol. 2, Pg. 65 H.C.M.R. A Subdivision of 19.0042 Acres out of the J. Pruitt Survey, Abstract No. 629, Harris County, Texas, 1 Block and 1 Reserve.

Mark McClure, Director of Engineering & Planning presented comment recommendations.

Commissioner Dodson made a motion to Approve **FINAL PLAT KLEIN ISD ELEMENTARY SCHOOL NO 28**; with contingencies, second by Commissioner Mottershaw.

Motion carried unanimously.

- 5.7 Consideration and Possible Action Regarding **PRELIMINARY PLAT OF MAPLE GROUP, LTD**: Being a Subdivision of 111.4940 Acres of land out of the Claude N. Pillot Survey, Abstract 632, and the Jesse Pruitt Survey, Abstract 629, City of Tomball, Harris County, Texas, 8 Lots, 4 Blocks, and 2 Reserves.

Mark McClure, Director of Engineering & Planning presented comment recommendations.

Commissioner Wallace made a motion to DENY **PRELIMINARY PLAT OF MAPLE GROUP, LTD**; second by Commissioner O'Donnell.

John Gerdes, Civil Engineer of Texas Land Engineers spoke on behalf of the plat / project.

Owner, Richard Meeks spoke on behalf of the plat / project.

Motion to DENY carried unanimously.

- 6.0 Motion was made by Commissioner O'Donnell to adjourn; second by Commissioner Mottershaw.

Motion carried unanimously.

Meeting adjourned at 7:43 p.m.

PASSED AND APPROVED this 10th day of May 2010.

Brandy Pate
Brandy Pate
P&Z Commission Secretary

Tom Crofoot
Tom Crofoot
Chairman