

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

MONDAY, MAY 8, 2023



6:00 P.M.

A. The meeting was Called to Order by Chairwoman Tague at 6:00 p.m. Other Members present were:

Commissioner Tana Ross
Commissioner Scott Moore
Commissioner Susan Harris
Commissioner Richard Anderson

Others present:

Nathan Dietrich – Community Development Director
Jared Smith – City Planner
Kim Chandler – Community Development Coordinator
Tommy Ramsey – City Attorney

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A.1 Election Vice Chairman

Commissioner Anderson nominated Tana Ross as Vice Chair.

Chairwoman Tague nominated Susan Harris as Vice Chair.

Motion was made by Commissioner Moore, second by Commissioner Anderson, to approve the nominations for Vice Chairman.

Roll call vote was called by Commission Secretary Kim Chandler.

Chair Tague	<u>Susan Harris</u>
Commissioner Harris	<u>Susan Harris</u>
Commissioner Ross	<u>Tana Ross</u>
Commissioner Moore	<u>Susan Harris</u>
Commissioner Anderson	<u>Tana Ross</u>

Motion approved to appoint Commission Harris as Vice Chairwoman (3 Votes Harris, 2 Votes Ross).

B. No Public Comments were received.

C. Reports and Announcements:

- Nathan Dietrich, Community Development Director, announced the following:
 - Staff and City Council discussed the City of Tomball Noise Ordinance regarding the scheduling of an upcoming workshop for possible changes.
 - Seven Oaks and Winfrey Estates Subdivisions moving forward to begin building New Single Family Residential Homes in the next couple of months.

D. Approval of Minutes:

- D1. Motion was made by Commissioner Ross, second by Commissioner Moore, to approve the Revised Minutes of the Regular Planning and Zoning Commission Meeting of March 13, 2023 to include conditions outlined by staff.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

- D2. Motion was made by Commissioner Harris, second by Commissioner Anderson, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of April 10, 2023.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

B. New Business Non-Action Items:

- E.1 Minor Plat of **GARZA RANCH:** Being a subdivision of 4.3321 acres of land situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.
- E.2 Minor Plat of **MEDICAL COMPLEX AT HUFSMITH KOHRVILLE:** A subdivision of 1.8379 acre tract, (80,060.00 Square Feet), being a replat of Reserve “C” of Calvary Baptist of Tomball Subdivision as recorded in Film Code No.520133, Harris County Map Records, situated in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented Minor Plats with Staff Approval.

C. New Business:

C.1 Conduct a Public Hearing and consideration to approve **Zoning Case Z23-04**: Request by Rosehill Estates, LLC represented by George Jarquesy to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5.11 acres of land legally described as being Lot 2, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential Estate – 20 (SF-20-E) to Commercial (C). The property is located at 1820 S. Cherry Street, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of approval.

George Jarquesy, representing Rosehill Estates, LLC, (1820 S. Cherry Street, Tomball, TX 77375), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:14 p.m.

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

Motion was made by Commissioner Anderson, second by Commissioner Ross, to approve **Zoning Case Z23-04**.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Harris	<u>Aye</u>
Commissioner Ross	<u>Aye</u>
Commissioner Moore	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>

Motion Carried Unanimously.

C.2 Conduct a Public Hearing and consideration to approve **Zoning Case Z23-06**: Request by Red Grip LLC., represented by Mike Matheson to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.04 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No.1 from Commercial (C) to Office (O) zoning. The property is generally located within the 1200-1300 blocks (south side) of Rudel Drive, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of approval.

Patrick Rummel, Engineer representing Mike Matheson, (14111 Kimberley Ln., Houston, TX 77079), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:24 p.m.

Hearing no comments, the Public Hearing was closed at 6:25 p.m.

Motion was made by Commissioner Moore, second by Commissioner Anderson, to approve **Zoning Case Z23-06**.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Harris	<u>Aye</u>
Commissioner Ross	<u>Aye</u>
Commissioner Moore	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>

Motion Carried Unanimously.

- C3 Conduct a Public Hearing and consideration to approve **Zoning Case Z23-03**: Request by Chris & Tiona Campbell, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite from Single Family Residential Estate – 20 (SF-20-E) to General Retail (GR) zoning. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of denial.

Chris Campbell, (26402 I-45, Spring, TX 77386), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:34 p.m.

Hearing no comments, the Public Hearing was closed at 6:35 p.m.

Motion was made by Commissioner Moore, second by Commissioner Anderson, to approve **Zoning Case Z23-03**.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	<u>Nay</u>
Commissioner Harris	<u>Nay</u>
Commissioner Ross	<u>Nay</u>
Commissioner Moore	<u>Aye</u>
Commissioner Anderson	<u>Nay</u>

Motion Failed (1 Vote Aye, 4 Votes Nay).

C4 Conduct a Public Hearing and consideration to approve **Case CUP23-03**: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Residential Use” within General Retail (GR) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of denial.

Chris Campbell, (26402 I-45, Spring, TX 77386), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:49 p.m.

Hearing no additional comments, the Public Hearing was closed at 6:50 p.m.

Motion was made by Commissioner Harris, second by Commissioner Anderson, to approve **Case CUP23-03**.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	<u>Nay</u>
Commissioner Harris	<u>Nay</u>
Commissioner Ross	<u>Nay</u>
Commissioner Moore	<u>Aye</u>
Commissioner Anderson	<u>Nay</u>

Motion Failed (1 Vote Aye, 4 Votes Nay).

C5 Conduct a Public Hearing and consideration to approve **Zoning Case Z23-05**: Request by Michael Kirtley represented by Sam Jackson of Black Mountain Energy Storage II LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 5 acre of land legally described as being all of Lot 265 in Tomball Townsite from Agricultural (AG) to Light Industrial (LI) zoning. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of approval.

Sam Jackson, representing Black Mountain Energy Storage II, LL., (700 E. 11th Street, Austin, Texas 78701), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:58 p.m.

Shannon Latrell, (823 Lizzie Ln. Tomball, TX 77375), spoke in opposition of the request.

Ben Brown, (30620 Holly Oaks, Magnolia, TX 77375), spoke in favor of the request.

Michael Kirtley, (15714 Oxenford Drive, Tomball, TX 77377), Spoke in favor of the request.

Kim Kirtley, (15714 Oxenford Drive, Tomball, TX 77377), Spoke in favor of the request.

Hearing no additional comments, the Public Hearing was closed at 7:05 p.m.

Motion was made by Commissioner Harris, second by Commissioner Ross, to approve **Zoning Case Z23-05**.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	<u>Nay</u>
Commissioner Harris	<u>Nay</u>
Commissioner Ross	<u>Nay</u>
Commissioner Moore	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>

Motion Failed (2 Votes Aye, 3 Votes Nay).

C6 Conduct a Public Hearing and consideration to approve **Case CUP23-04**: Request by Michael Kirtley, represented by Sam Jackson of Black Mountain Energy Storage II LLC., for a Conditional Use Permit to allow an “Electric Storage System” within Light Industrial (LI) zoning. Affecting land legally described as being all of Lot 265 in Tomball Townsite. The property is generally located within the 900-1000 blocks (west side) of S. Pitchford Road, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and staff recommendation of denial.

Sam Jackson, representing Black Mountain Energy Storage II, LL., (700 E. 11th Street, Austin, Texas 78701), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:55 p.m.

Samuel Latrell, (823 Lizzie Ln. Tomball, TX 77375), spoke in opposition of the request.

Seth Crawford, Vice President (425 Houston Street, Fort Worth, Tomball, TX 76102), spoke in favor of the request.

Hearing no additional comments, the Public Hearing was closed at 7:58 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Ross, to approve **Zoning Case CUP23-04**.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

Chair Tague	<u>Nay</u>
Commissioner Harris	<u>Nay</u>
Commissioner Ross	<u>Nay</u>
Commissioner Moore	<u>Nay</u>
Commissioner Anderson	<u>Nay</u>

Motion Failed Unanimously.

D. Adjournment

Motion was made by Commissioner Anderson second by Commissioner Moore, to adjourn.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

The meeting adjourned at 8:00 p.m.

PASSED AND APPROVED this _____ day of 2023.

Kim Chandler
Community Development Coordinator/
Commission Chair Commission Secretary

Barbara Tague
Commission Chair