

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

MONDAY, MARCH 13, 2023



6:00 P.M.

draft

A. The meeting was Called to Order by Chairwoman Tague at 6:01 p.m. Other Members present were:

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

Others Present:

Jared Smith – City Planner
David Olson – City Attorney

B. No Public Comments were received.

C. No Reports and Announcements were heard.

D. Motion was made by Commissioner Harris, second by Commissioner Anderson, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of February 13, 2023.

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

E. New Business Non-Action Items:

E.1 Minor Plat of **GRAHAM ROAD ESTATES REPLAT NO. 1**: A subdivision of 3.7491 acres, (163,311 Square Feet), being a replat of Lot 1, Block 1 of Graham Road Estates, Film Code No. 695147, H.C.M.R. situated in the John M. Hooper Survey, A-375 and the William Hurd Survey, A-378, City of Tomball, Harris County Texas.

- E.2 Minor Plat of **TOMBALL PD LOT:** A subdivision of 0.4017 acre tract, (17,500 Square Feet), being a replat of Lots 27, 28, 29, 30 and 31, Block 97, of Revised Map of Tomball, as recorded in Volume 4, Page 45, Harris County Map Records, situated in the William Hurd Survey, A-371, City of Tomball, Harris County, Texas.

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

F. New Business:

- F.1 Consideration to Approve Final Plat of **GRAND PARKWAY TOWN CENTER:** Being a subdivision of a 65.3516 acre tract of land being in the C.W. Hall Survey, Abstract No. 1639, and in the William Perkins Survey, Abstract No. 621, and in the T.A. Duclos Survey, Abstract No. 1473, City of Tomball, Harris County Texas.

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Ross, second by Commissioner Anderson, to approve with contingencies.

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

- F.2 Consideration to Approve Preliminary Plat of **RABURN RESERVE, SECTION 3:** Being a subdivision of 33.7724 acres out of the Jesse Pruett, A-269, City of Tomball, Harris County, Texas; also, being a partial replat of Reserve "G" of Raburn Reserve, Section 1, recorded under F.C. No. 692320, H.C.M.R.

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Harris, to approve with contingencies.

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

- F.3 Consideration to approve Preliminary Plat of **TIM LITTLEFIELD LLC:** Being a commercial subdivision of 3.951 acres of land in the Jesse Pruitt Survey, A-629 Harris County, Texas, being a partial replat of Lots 284 and 286 of Tomball Outlots as recorded in Volume 2, Page 65 and in corrected map recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas.

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Ross, second by Commissioner Moore, to approve with contingencies.

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

F.4 Consideration to approve Final Plat of **TOMBALL SOUTH COMMERCIAL NO. 3**: A subdivision of 7.1229 acres, (310,274 Square Feet), being all of Lot 2, and a portion of Reserve “B”, Block 1, of Tomball South Commercial, a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Film Code No. 632199 of the Map Records of Harris County, Texas.

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Ross, to approve with contingencies.

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

F.5 Conduct a Public Hearing and Consideration to approve **Case CUP-23-01**: Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Market, Open Air” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

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

Michael Pierce, (13607 Arcott Bend, Tomball, TX 77379), spoke on behalf of the request.

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

Chet Halloway, (1519 Coe Road, Pinehurst, Texas 77362), spoke in favor of the request.

Hearing no additional comments, the Public Hearing was closed at 6:36 p.m.

Motion was made by Commissioner Moore, second by Commissioner Anderson, to approve **Case CUP-23-01**, subject to the following conditions outlined by staff:

- Hours of operation: 7:00 AM to 10:00 PM
- No more than 12 outdoor vendors/booths/tents shall be permitted in total on Lots 17 through 24, Block 18 in Revised Map of Tomball.
- Restroom facilities must be provided during the open-air market hours of operation. Said restrooms may be provided on site or within adjacent businesses located within the boundaries of this Conditional Use Permit. Portable restroom facilities are prohibited.
- Adhere to Section 50-116 (d.2.a) *Temporary Outdoor Sales*, with an exception on the required distances from “main building”.
 - o “Shall not be placed/located more than 30 feet from the main building in GR, and C Districts, and not more than 12 feet from the main building in the Old Town area.”

- An opaque fence/wall must be provided along the western boundary of Lot 17.
- Booths/tents and outdoor sales/displays must adhere to non-residential setback standards in OT & MU. Being the following:
 - Front & Rear setback – No Minimum
 - Side Setback (adjacent to commercial use) – No Minimum
 - Side Setback (adjacent to residential use) – 20 feet (20’) Minimum

Roll call vote was called by City Secretary, Tracylynn Garcia.

Vote was as follows:

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

Motion Carried (3 Votes Aye, 1 Vote Nay).

- F.6 Conduct a Public Hearing and Consideration to approve **Case CUP-23-02**: Request by Ideaco Investments, LLC. represented by Michael Pierce for a Conditional Use Permit to allow “Mobile Food Court” land use within Old Town & Mixed Use (OT & MU) zoning. The property is legally described as being Lots 17 through 24 in Block 18 of the Revised Map of Tomball. Located at the southwest corner of Commerce Street and Oak Street at 401-409 Commerce Street, within the City of Tomball, Harris County, Texas.

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

Michael Pierce, (13607 Arcott Bend, Tomball, TX 77379), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:21 p.m.

Hearing no comments, the Public Hearing was closed at 7:22 p.m.

Motion was made by Commissioner Moore, second by Commissioner Ross, to approve **Zoning Case Z23-02**, subject to the following conditions outlined by staff:

- Hours of operation: 7:00 AM to 10:00 PM
- No more than four (4) mobile food vendors shall be permitted in total on Lots 17 through 24, Block 18 in Revised Map of Tomball.
- Restroom facilities must be provided during the mobile food court hours of operation. Said restrooms may be provided on site or within adjacent businesses located within the boundaries of this Conditional Use Permit. Portable restroom facilities are prohibited.
- Adhere to Section 50-116 (j) *Site Development Standards for mobile food courts*.
- An opaque fence/wall must be provided along the western boundary of Lot 17.

- Mobile food vendors must adhere to non-residential setback standards in OT & MU. Being the following:
 - Front & Rear setback – No Minimum
 - Side Setback (adjacent to retail use) – No Minimum
 - Side Setback (adjacent to residential use) – 20 feet (20') Minimum

Roll call vote was called by City Secretary, Tracylynn Garcia.

Vote was as follows:

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

Motion Carried (3 Votes Aye, 1 Vote Nay).

G. Adjournment

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

Roll call vote was called by City Secretary, Tracylynn Garcia.

Motion Carried unanimously.

The meeting adjourned at 7:29 p.m.

PASSED AND APPROVED this _____ day of 2023.

Kim Chandler
Community Development Coordinator/
Commission Chair Commission Secretary

Barbara Tague
Commission Chair