

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

MONDAY, OCTOBER 9, 2023



6:00 P.M.

- A. The meeting was Called to Order by Chairwoman Tague at 6:37 p.m. Other Members present were:
- Commissioner Tana Ross
 - Commissioner Scott Moore
 - Commissioner Susan Harris
 - Commissioner Richard Anderson

Others present:

- Craig Meyers – Community Development Director
- Jared Smith – City Planner
- Kim Chandler – Community Development Coordinator
- Tommy Ramsey – City Attorney

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- B. No Public Comments were received.

C. Reports and Announcements:

- City Council Approved **Conditional Use Permit Case CUP23-05**: Request by 2 S&Z Investments LLC., represented by Breann Williams, for a Conditional Use Permit to allow “Barber/Beauty Shop (no related school/college)” within Office (O) zoning. Affecting approximately 1.00 Acres of land legally described as being Reserve B, Block 1 of Brown-Hufsmith Church Subdivision. The property is located at the southwest corner of Brown-Hufsmith Road and Baker Drive, within the City of Tomball, Harris County, Texas.
- City Council Approved **Conditional Use Permit Case CUP23-06**: Request by Equalizer USA, Inc., represented by Morales Engineering Associates, LLC., for a Conditional Use Permit to allow “Playfield or stadium (private)” within Agricultural (AG) zoning. Affecting approximately 7.51 Acres of land legally described as being Lot 69 of Tomball Townsite Outlots. The property is located at the northeast corner of Rudolph Road and E. Hufsmith Road, within the City of Tomball, Harris County, Texas.
- City Council Approved **Re-Zoning Case Z23-12**: Request by Paul & Delphine Michna to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.29 acres of land legally described as being Lot 200, Block 10 of Sansom Plaza from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 611 N. Cherry Street, within the City of Tomball, Harris County, Texas.

- City Council Approved **Re-Zoning Case Z23-13**: Request by Hightower Investments LTD. To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.32 acres of land legally described as being Lots 1 & 2, Block 53 of Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 400 N. Elm Street, within the City of Tomball, Harris County, Texas.

D. Approval of Minutes:

Motion was made by Commissioner Ross, second by Commissioner Moore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 11, 2023.

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

Motion Carried unanimously.

E. New Business Non-Action Items

- E.1 Minor Plat of **Wiley Commercial**: Being 0.1148-acre (5,000.00 Sq. Ft.) tract of land situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lots 4 and 5, in Block 8, of the Revised Map of Tomball as recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

Jared Smith, City Planner, presented with Staff Approval with no conditions.

F. New Business:

- F.1 Consideration to approve Final Plat of **Caliber Collision Tomball**: A subdivision of 4.037 acres of land, being a partial replat of Lot 1, Block 1, TRMC-Retail, a subdivision recorded in Film Code Number 702912, Harris County Map Records located in the John M. Hooper Survey, A-375 and the William Hurd Survey, A-378 City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented with Staff Approval with conditions.

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

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

Motion Carried unanimously.

F.2 Consideration to approved Final Plat of **Northwest Houston Heart Center, Replat No. 1:** A subdivision of 0.9641 acres, a 0.3214 acre, a 0.3214 acre and a 0.1722 acre tract of land all situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lot 1 in Block 1 of Northwest Heart Center, a subdivision as recorded in Film Code Number 621269, of the Map Records of Harris County, Texas, together with a replat of Lots 1,2,11 and 12, in Block 6, and a replat of the East 75 feet of Lots 5 and 6, in Block 5, all of Main Street Addition To the City of Tomball, a subdivision as recorded in Volume 15, Page 43, of said Map Records.

Jared Smith, City Planner, presented with Staff Approval with conditions.

Motion was made by Commissioner Anderson, second by Commissioner Moore, to approve with conditions.

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

Motion Carried unanimously.

F.3 Conduct a Public Hearing and Consideration to Approve **Re-Zoning Case Z23-14:** Request by TCG Capital to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball, Harris County, Texas.

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

George Campos, Owner, (9303 Stratford Place, Tomball, TX 77375), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:50 p.m.

Hearing no comments, the Public Hearing was closed at 6:51 p.m.

Motion was made by Commissioner Harris, second by Commissioner Ross, to approve **Re-Zoning Case Z23-14.**

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

Vote was as follows:

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

Motion Carried (Unanimously).

F.4 Conduct a Public Hearing and Consideration to Approve **Ordinance Amendment OAM23-02**: Request by Chris & Tiona Campbell to amend Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district.

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

Chris & Tiona Campbell, Owners, (19611 Glenfinch Lane, Spring, TX 77379), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:02 p.m.

Hearing no comments, the Public Hearing was closed at 7:03 p.m.

Motion was made by Commissioner Moore, second by Commissioner Anderson, to approve **Ordinance Amendment OAM23-02**.

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

Vote was as follows:

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

Motion Failed (Unanimously).

F.5 Conduct a Public Hearing and Consideration to Approve **Conditional Use Permit Case CUP23-07**: Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Exterminator Service/Company (no outdoor sales or storage)” within Single Family Residential - 20 Estate (SF-20-E) 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 & Tiona Campbell, Owners, (19611 Glenfinch Lane, Spring, TX 77379), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:20 p.m.

Hearing no comments, the Public Hearing was closed at 7:21 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Moore, to approve **Conditional Use Permit Case CUP23-07.**

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

Vote was as follows:

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

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

- F.6 Conduct a Public Hearing and Consideration to Approve **Re-Zoning Case Z23-15:** Request by Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americana LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas.

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

Tim Crawford, representing HMF-Americana, LLC., (16333 Firetower Rd, Conroe TX 77306), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:58 p.m.

Marilyn Oneal, (14235 Turnervine Street, Tomball TX 77375), spoke in opposition of the request.

Barbara Senseman, (14243 Turnervine Street, Tomball TX 77375), spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 8:05 p.m.

Motion was made by Commissioner Ross, second by Commissioner Harris, to approve **Re-Zoning Case Z23-15.**

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

Vote was as follows:

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

Motion Carried (4 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 Community Development Coordinator – Kim Chandler.

Motion Carried unanimously.

The meeting adjourned at 8:25 p.m.

PASSED AND APPROVED this _____ day of 2023.

Kim Chandler
Community Development Coordinator/
Commission Chair Commission Secretary

Barbara Tague
Commission Chair