

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

MONDAY, FEBRUARY 9, 2009



6:00 P.M.

1.0 Call to Order

The meeting was called to order by Chairman Crofoot at 6:00 p.m. Other members present were:

Commissioner Hallmark
Commissioner O'Donnell
Commissioner Wallace
Commissioner Mottershaw

Others present:

Assistant City Manager – Mary Coker
Director of Engineering & Planning – Mark McClure
City Planner/Community Development Coordinator – Kelly Violette
Assistant City Planner – Rodney Schmidt
Engineering & Planning Administrative Assistant – Brandy Pate
City Attorney – Scott Bounds
City Manager – Jan Belcher

2.0 The Following Public Comments were received from:

Derek Townsend, resident of 30618 WM. Jurgens Dr., 77375 spoke in opposition of Agenda Item Number 2 (Item 5.2), vested rights for Raleigh Creek proposed project.

Bill Sumner, resident of 12321 Zion Rd, 77375 spoke in opposition of Agenda Item Number 2 (Item 5.2), vested rights for Raleigh Creek proposed project.

David Martin, resident of 13319 Spring Hollow, 77375 spoke in opposition of Agenda Item Number 5.2, vested rights for Raleigh Creek proposed project.

3.0 Kelly Violette presented Reports and Announcements

- Livable Centers Downtown Plan Community Visioning Workshop - February 12, 2009, 6-8 p.m., Lone Star College- Beckendorf Conference Room

- Comprehensive Plan “Vision Institute” Public Meeting - March 11, 2009, 6-9 p.m., Tomball High School Auditorium
- Cancellation of Public Hearing for **Replat “J WALKER HOME”**; A Replat of Lots 41 and 42 into New Lot 41 in Block 33 of Revised Map of Tomball, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 33 being situated in the William Hurd Survey (A-371). *(The plat submittal was incomplete and will require additional public hearing notification)*

4.0 Motion was made by Commissioner Wallace to Approve the Minutes of the Regular Planning Commission Meeting of January 12, 2009; with correction of item 5.3; second by Commissioner Hallmark.

Motion carried unanimously.

Discussion/Action of the Following Items:

5.0 New Business:

5.1 City Manager Report on City's determination that the developer's rights regarding application of the City's regulations in the Raleigh Creek Subdivision became vested as of July 9, 2007.

Jan Belcher presented the vested rights determination letter for the proposed Raleigh Creek project.

Scott Bounds presented an explanation regarding vested rights accruing to a piece of property based on the date of first submission.

5.2 Consideration and Possible Action Regarding **ZONING CASE P08-074**: Request by James E. Spurlin with L.S. Development L.L.C. to amend the Comprehensive Zoning Ordinance to rezone a 142.770 acre tract of land in the Joseph Miller Survey, Abstract No. 50, within the City of Tomball, Harris County, Texas, generally located northerly of Zion Road, easterly of Neal Street, from the AG-Agricultural District to the SF-9-Single Family 9 District.

Kelly Violette, City Planner provided staff report.

Mark McClure, Director of Engineering & Planning, presented requirements for drainage and detention for the project and addressed existing infrastructure support.

Commissioner O'Donnell made a motion to approve **ZONING CASE P08-074**; second by Commissioner Wallace.

Vote was as follows:

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

Motion carried 4-1

- 5.3 Motion was made by Commissioner Hallmark to Approve **PINE COUNTRY OF TOMBALL SECTION II REPLAT**: A residential subdivision of 26.2813 acres, 2 blocks, 68 residential lots, and 2 reserves and Pine Country of Tomball, Section Three, an unrestricted reserve of 29.4207 acres, being a Replat of Pine Country of Tomball, Section Two, of 55.7020 acres as recorded in H.C., Film Code #624053, located in the John Edwards Survey, A-20 and the Chauncey Goodrich Survey A-311 City of Tomball, Harris County, Texas; with contingencies; second by Commissioner O'Donnell.

Motion carried unanimously.

- 5.4 Motion was made by Commissioner Wallace to Deny **JANSEP INVESTMENTS PRELIMINARY PLAT**: Being a subdivision of a 3.8468 acres, containing 3.8387 acres, 1 lot, 1 block, located in the Jesse Pruitt Survey, Survey A-629, Harris County, Texas; second by Commissioner Hallmark.

Motion carried unanimously.

- 5.5 Motion was made by Commissioner Hallmark to Approve **WILLIAMS NUMBER ONE REPLAT**: Being a Replat of 0.5019 acres of land out of Block 88 and a portion of an abandoned road formally known as Ash Street according to the revised Map of Tomball, Harris County, Texas, as recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas; with contingencies; second by Commissioner O'Donnell.

Motion carried unanimously.

- 6.0 Motion was made by Commissioner Wallace to adjourn; second by Commissioner Hallmark.

Motion carried unanimously.

Meeting adjourned at 6:49 p.m.

PASSED AND APPROVED this 9th day of March 2009.

Brandy Pate
Brandy Pate
P&Z Commission Secretary

Tom Crofoot
Tom Crofoot
Chairman