

Scott Shelburne, Chairman
Anne Sundquist, Vice Chairman
Josh Jakubik, Secretary
Holly Knee
Tom Mayhew
Robert Barker III



City Administrator, Don Doering
City Attorney, Leonard Schneider
City Engineer, Tim Robertson
City Secretary, Christian Gable

MINUTES OF THE PLANNING & ZONING COMMISSION PUBLIC HEARING & REGULAR MEETING – MARCH 21, 2024

A meeting of the Planning & Zoning Commission was held March 21, 2024, beginning at 4:30 pm in the Sewall Smith Council Chambers located at 18111 Buddy Riley Blvd., Magnolia, Texas 77354.

AGENDA

1. CALL TO ORDER

Chairman Shelburne convened the regular meeting at 4:30 pm.

a. INVOCATION

Tom Mayhew delivered the invocation.

b. PLEDGE OF ALLEGIANCE

Chairman Shelburne led the Pledge of Allegiance.

c. ROLL CALL AND CERTIFICATION OF QUORUM

Chairman Shelburne called roll and certified a quorum present with the following Planning & Zoning Commission members in attendance: Scott Shelburne, Anne Sundquist, Holly Knee, and Tom Mayhew.

Absent: Josh Jakubik, Robert Barker III

2. OPEN 1ST PUBLIC HEARING

NOTICE OF PUBLIC HEARING

On March 21, 2024 at 4:30 pm., Magnolia Planning & Zoning Commission will hold a public hearing in the Council Chambers of Magnolia City Hall, 18111 Buddy Riley, Blvd., Magnolia, Texas 77354, giving all interested persons the right to appear and be heard to discuss a rezoning to the City of Magnolia Official Zoning Map for 2.397 acres of land from Public Use to Auto-Urban Commercial: TIMBERBROOK ESTATES, RES B, ACRES 2.397, Montgomery County Appraisal District, Property ID 266140.

Chairman Shelburne opened the 1st Public Hearing and read the Notice of Public Hearing at 4:31 pm.

Frank Parker, Hanks Rd resident, explained why he believes the property should be rezoned to Suburban Village instead of Auto-Urban Commercial: AC would not be cohesive with surrounding zoning districts.

Ryan Rogers, owner of RVision Homes, explained that the 4.693-acre property in the next hearing is zoned residential but it is unreasonable to build a home along Nichols Sawmill Rd and with the new growth, the City needs more commercial. The 2.397-acre tract currently only allows uses that are not realistic to sell the property. He assured the Commission members that he is not going to sell the properties to any business that would disrupt the community or be an eyesore.

3. CLOSE 1ST PUBLIC HEARING AND OPEN 2ND PUBLIC HEARING

NOTICE OF PUBLIC HEARING

On March 21, 2024 at 4:30 pm., Magnolia Planning & Zoning Commission will hold a public hearing in the Council Chambers of Magnolia City Hall, 18111 Buddy Riley, Blvd., Magnolia, Texas 77354, giving all interested persons the right to appear and be heard to discuss a rezoning to the City of Magnolia Official Zoning Map for 4.693 acres of land from Neighborhood Conservation-2 to Auto-Urban Commercial: TIMBERBROOK ESTATES, RES B, ACRES 4.693, Montgomery County Appraisal District, Property ID 266141.

Chairman Shelburne closed the 1st Public Hearing and convened the 2nd Public Hearing at 4:45 pm.

Frank Parker, Hanks Rd resident, stated that the uses the applicant intends to sell the properties for are allowed by Suburban Village but require different approval processes. He stated that this property being Auto-Urban Commercial is also not cohesive with the surrounding area and recommends Suburban Village instead.

George Martinez, a nearby resident, voiced concern and asked about the rules for allowing businesses to sell alcohol on these properties when there are surrounding schools and churches.

Christian Gable, City Secretary, clarified that as the employee who handles alcohol permitting, the City would not allow any business to sell alcohol or liquor within 300 feet of a surrounding public school, church, or hospital per state and city law.

Ryan Rogers, owner of RVision Homes, stated that the current properties that are zoned Auto-Urban Commercial are very sporadic among our Zoning Map. He clarified that the 4.693-acre tract does not fall within 300 feet of Magnolia Elementary School.

4. CLOSE 2ND PUBLIC HEARING AND CONVENE REGULAR MEETING

Chairman Shelburne closed the 2nd Public Hearing and convened the regular meeting at 4:52 pm.

5. CONSIDERATION AND POSSIBLE ACTION TO APPROVE REZONING TO THE CITY OF MAGNOLIA OFFICIAL ZONING MAP FOR RVISION COMMERCIAL BUILDERS, LLC, BEING 2.397 ACRES OF LAND, FROM PUBLIC USE TO AUTO-URBAN COMMERCIAL

Chairman Shelburne explained that the Comprehensive Plan refers to Auto-Urban Commercial for larger retail centers and this property is not ideal, based on the location, for the Auto-Urban Commercial zoning district.

After looking at the Land Use Table in the Unified Development Code, the Commissioners agreed that the property should be rezoned to Suburban Village instead.

MOTION: Upon a motion to deny the rezoning to the City of Magnolia Official Zoning Map made by Holly Knee and seconded by Tom Mayhew, the Commission members voted, and the motion carried unanimously, 4-0.

6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE REZONING TO THE CITY OF MAGNOLIA OFFICIAL ZONING MAP FOR RVISION COMMERCIAL BUILDERS, LLC, BEING 4.693 ACRES OF LAND, FROM NEIGHBORHOOD CONSERVATION-2 TO AUTO-URBAN COMMERCIAL

The Commissioners agreed that the property should be rezoned to Suburban Village instead.

MOTION: Upon a motion to deny the rezoning to the City of Magnolia Official Zoning Map made by Holly Knee and seconded by Tom Mayhew, the Commission members voted, and the motion carried unanimously, 4-0.

7. CONSENT AGENDA

This portion of the agenda consists of items considered to be routine and will be enacted by one motion unless separate discussion is requested by a Commission member or a citizen.

a. CONSIDERATION – APPROVAL OF MINUTES

Consideration and possible action to approve the minutes of the meeting held February 15, 2024

MOTION: Upon a motion to approve the Consent Agenda made by Tom Mayhew and seconded by Anne Sundquist, the Commission members voted, and the motion carried unanimously, 4-0.

8. CITIZENS COMMENTS, REQUESTS OR PETITIONS FROM THE PUBLIC

(This agenda item provides an opportunity for citizens to address the Planning & Zoning Commission on any matter not on the agenda).

Comments shall be limited to three (3) minutes per person. Comments by the governing body shall be limited to:

- a. Statements of specific factual information given in response to an inquiry;*
- b. A recitation of existing policy in response to an inquiry;*
- c. A proposal to place the subject on a future agenda.*

None

9. ANNOUNCEMENTS

None

10. UPDATE ON CITY OF MAGNOLIA DEVELOPMENTS (Staff)

None

11. CONSIDERATION AND POSSIBLE ACTION TO APPROVE PAINT COLORS IN THE STROLL OVERLAY DISTRICT AT 317 MAGNOLIA BLVD

Planning Coordinator Christian Gable explained that a locksmith company is renting the building and provided an illustration of the proposed paint colors.

MOTION: Upon a motion to approve made by Anne Sundquist and seconded by Tom Mayhew, the Commission members voted, and the motion carried unanimously, 4-0.

12. CONSIDERATION AND POSSIBLE ACTION TO APPROVE SITE PLAN FOR WHATABURGER

City Engineer Tim Robertson has no objections to approving the site plan.

MOTION: Upon a motion to approve made by Holly Knee and seconded by Anne Sundquist, the Commission members voted, and the motion the carried unanimously, 4-0.

13. CONSIDERATION AND POSSIBLE ACTION TO APPROVE SITE PLAN FOR 7 BREW COFFEE

Jeremy Smith and Howard Castleberry, 7 Brew Coffee representatives, introduced the project by explaining how the business operates.

MOTION: Upon a motion to approve made by Anne Sundquist and seconded by Holly Knee, the Commission members voted, and the motion carried unanimously, 4-0.

**14. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ESCONDIDO SECTION 1
RESERVE D, PRELIMINARY PARTIAL REPLAT, +/- 10.0811 ACRES**

MOTION: Upon a motion to approve made by Tom Mayhew and seconded by Anne Sundquist, the Commission members voted, and the motion carried unanimously, 4-0.

**15. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ESCONDIDO SECTION 1
RESERVE D, FINAL PARTIAL REPLAT, +/- 10.0811 ACRES**

MOTION: Upon a motion to approve made by Tom Mayhew and seconded by Holly Knee, the Commission members voted, and the motion carried unanimously, 4-0.

**16. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ESCONDIDO SECTION
10, FINAL PLAT, +/- 17.034 ACRES**

MOTION: Upon a motion to approve made by Tom Mayhew and seconded by Anne Sundquist, the Commission members voted, and the motion carried unanimously, 4-0.

**17. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MILL CREEK ESTATES
BLVD PHASE II, PRELIMINARY PLAT, +/- 1.18 ACRES**

MOTION: Upon a motion to approve made by Holly Knee and seconded by Anne Sundquist, the Commission members voted, and the motion carried unanimously, 4-0.

**18. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MILL CREEK SECTION 8,
PRELIMINARY PLAT, +/- 13.7 ACRES**

MOTION: Upon a motion to approve made by Anne Sundquist and seconded by Holly Knee, the Commission members voted, and the motion carried unanimously, 4-0.

**19. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MILL CREEK SECTION 9,
PRELIMINARY PLAT, +/- 15.8 ACRES**

MOTION: Upon a motion to approve made by Holly Knee and seconded by Tom Mayhew, the Commission members voted, and the motion carried unanimously, 4-0.

20. FUTURE AGENDA ITEMS

Items 5 & 6 but for Suburban Village instead of Auto-Urban Commercial.

21. ADJOURN

MOTION: Upon a motion to adjourn made by Tom Mayhew and seconded by Anne Sundquist, the Commission members voted, the motion carried unanimously, 4-0, and Chairman Shelburne adjourned the meeting at 5:25 pm.

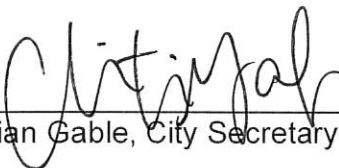
Planning & Zoning Commission



Scott Shelburne, Chairman

CERTIFICATION

I certify this to be a true and correct copy of the minutes of the meeting of the City of Magnolia Planning and Zoning Commission held on March 21, 2024.



Christian Gable, City Secretary

