

**NOTICE OF REGULAR MEETING OF THE  
HEMPSTEAD PLANNING AND ZONING COMMISSION**

Notice is hereby given that a Regular Meeting of the Planning and Zoning Commission of the City of Hempstead will be held on **Monday, April 5, 2021 at 5:30 P.M.** in the City Hall at 1125 Austin Street, Hempstead, Texas, at which time the following will be discussed, to-wit:

1. Call to order and invocation.
2. Pledge of Allegiance.
3. Consideration and action on minutes of the February 3, 2020 meeting.
4. A. Public Hearing on a Zoning Text Amendment Request to Amend Article 3 "Zoning Districts", creating a new Section 3.08A.  
B. Consideration and action on recommendation to City Council on an Ordinance of the City of Hempstead, Texas amending Article 3 "Zoning Districts" of the City of Hempstead Zoning Ordinance; creating a new Section 3.08A of the City of Hempstead, Texas Code of Ordinances; providing for severability; providing a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; providing an effective date.
5. Consideration and action on Planning and Zoning Commission Annual Report for September 1, 2019 through August 31, 2020.
6. Consideration and action on date and time for Planning and Zoning Commission Meetings.
7. Adjourn Planning and Zoning Commission Meeting.

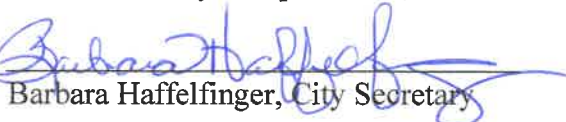
The Planning and Zoning Commission of the City of Hempstead reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code, Section 551.071 (Consultation with Attorney).

Dated this the 1<sup>st</sup> day of April, A.D., 2021.

By:   
Barbara Haffelfinger, City Secretary

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the Planning and Zoning Commission of the City of Hempstead is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board and entrances to City Hall in the City Hall of said City of Hempstead, Texas, a place convenient and readily accessible to the general public at all time, and said Notice was posted on April 1, 2021 at 1:00 P.M. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Dated this the 1<sup>st</sup> day of April, A.D., 2021.

By:   
Barbara Haffelfinger, City Secretary

## SUPPLEMENTAL NOTICE OF MEETING BY TELEPHONE CONFERENCE

In accordance with order of the Office of the Governor issued March 16, 2020, the City of Hempstead Planning and Zoning Commission will conduct the meeting scheduled at **5:30 P.M. on Monday, the 5<sup>th</sup> day of April at Hempstead City Hall, 1125 Austin Street, Hempstead, Texas** by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). Limited public access will be allowed in order to maintain social distancing practices.

This supplemental written notice, the meeting agenda, and the agenda packet, are posted online at [www.hempsteadcitytx.com](http://www.hempsteadcitytx.com).

The public toll-free dial-in number to participate in the telephonic meeting is  
**1-346-248-7799; Access Code 989-478-2100**

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the telephonic meeting will be made, and will be available to the public in accordance with the Open Meetings Act upon written request.

**STATE OF TEXAS  
COUNTY OF WALLER  
CITY OF HEMPSTEAD**

**BE IT REMEMBERED** that on the 3<sup>rd</sup> day of February, A.D., 2020 at 5:30 P.M. the Planning and Zoning Commission met in Regular Session at the City Hall in said City, there being present, to-wit:

John Busby, Chairman  
Walter Anderson, Board Member  
David Lewis, Board Member

Samantha Glover, Board Member  
Art Pertile, City Attorney  
Barbara Haffelfinger, City Secretary

Others present at the meeting included Mayor Wolfe, Sabrina Alvarez, Kollye Kilpatrick, and Cheryl Hardwick.

Chairman Busby called the meeting to order at 5:35 P.M. and Board Member Anderson gave the invocation.

The Pledge of Allegiance was given.

Board Member Anderson made a motion to approve the minutes of the October 7, 2019 meeting. The motion was seconded by Board Member Lewis and carried unanimously.

Chairman Busby opened a Public Hearing at 5:40 P.M. on a Zoning Map Amendment Request to rezone Hempstead East Business Park, Lot 3 – 2.043 Acres, Lot 4 – 3.304 Acres, Lot 5 – 2.445 Acres, and Lot 6 – 3.013 Acres from PS – Planned Shopping District to HC – Highway Commercial District. No public comments were made. Chairman Busby closed the public hearing at 5:41 P.M.

A Resolution was introduced by Board Member Lewis. The motion was seconded by Board Member Anderson and carried the following vote, to-wit:

AYES: Chairman John Busby, Board Member Walter Anderson,  
Board Member Samantha Glover, Board Member David Lewis

NOES: None

ABSENT: Board Member Frank Yepp, Board Member Jonelle Hammack

**RESOLUTION  
NO. 20-001**

**ZONING MAP AMENDMENT REQUEST - HEMPSTED EAST BUSINESS  
PARK, LOT 3 – 2.043 ACRES, LOT 4 – 3.304 ACRES, LOT 5 – 2.445 ACRES,  
AND LOT 6 – 3.013 ACRES - ODIS STYERS, III**

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HEMPSTEAD PLANNING AND ZONING COMMISSION OF THE CITY OF HEMPSTEAD, TEXAS:**

To request City Council to **approve** a Zoning Map Amendment Request from Odis Styers, III, for Hempstead East Business Park, Lot 3 – 2.043 Acres, Lot 4 – 3.304 Acres, Lot 5 – 2.445 Acres, and Lot 6 – 3.013 Acres to be rezoned from PS – Planned Shopping District to HC – Highway Commercial District.

**PASSED AND APPROVED** this the 3<sup>rd</sup> day of February, A.D., 2020.

**APPROVED:**

/s/ John Busby, Chairman

**ATTEST:**

/s/ Barbara Haffelfinger, City Secretary

Chairman Busby opened a Public Hearing at 5:42 P.M. on a Zoning Map Amendment Request to rezone 1.493 acres, Isaac Donoho Survey, A-121, and the Justo Liendo Survey, A-41 – 260-A Cottonwood Street from PS – Planned Shopping District to HC – Highway Commercial District. No public comments were made. Chairman Busby closed the public hearing at 5:43 P.M.

A Resolution was introduced by Board Member Anderson. The motion was seconded by Board Member Lewis and carried the following vote, to-wit:

AYES: Chairman John Busby, Board Member Walter Anderson,  
Board Member Samantha Glover, Board Member Davis Lewis

NOES: None

ABSENT: Board Member Frank Yepp, Board Member Jonelle Hammack

**RESOLUTION  
NO. 20-002**

**ZONING MAP AMENDMENT REQUEST – 1.493 ACRES, ISAAC DONOHO SURVEY, A-121, AND THE JUSTO LIENDO SURVEY, A-41 – 260-A COTTONWOOD STREET – PERMANENCE DEVELOPMENT, LP**

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HEMPSTEAD PLANNING AND ZONING COMMISSION OF THE CITY OF HEMPSTEAD, TEXAS:**

To request City Council to **approve** a Zoning Map Amendment Request from Performance Development, LP, for 1.493 acres, Isaac Donoho Survey, A-121, and

the Justo Liendo Survey, A-41 – 260-A Cottonwood Street to be rezoned from PS  
– Planned Shopping District to HC – Highway Commercial District.

**PASSED AND APPROVED** this the 3<sup>rd</sup> day of February, A.D., 2020.

**APPROVED:**

**/s/ John Busby, Chairman**

**ATTEST:**

**/s/ Barbara Haffelfinger, City Secretary**

Board Member Anderson made a motion to approve the Planning and Zoning Commission Annual Report for September 1, 2018 through August 31, 2019. The motion was seconded by Board Member Glover and carried unanimously.

There being no further business, Board Member Lewis made a motion to adjourn the meeting at 5:50 P.M. The motion was seconded by Board Member Anderson and carried unanimously.

**PASSED AND APPROVED** this the 5<sup>th</sup> day of April, A.D., 2021.

**APPROVED:**

\_\_\_\_\_  
**John Busby, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Barbara Haffelfinger, City Secretary**



# *City of Hempstead*

1125 Austin Street • Hempstead, Texas 77445 • Tel: 979-826-2486 • Fax: 979-826-6703

## **RESOLUTION NO. 21-001**

### **ZONING TEXT AMENDMENT AMENDING ARTICLE 3 “ZONING DISTRICTS, CREATING A NEW SECTION 3.08A**

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HEMPSTEAD  
PLANNING AND ZONING COMMISSION OF THE CITY OF HEMPSTEAD, TEXAS:**

To request City Council to **approve** a Zoning Text Amendment by amending  
Article 3 “Zoning Districts”, creating a new Section 3.08A.

**PASSED AND APPROVED** this the 5<sup>th</sup> day of April, A.D., 2021.

**APPROVED:**

\_\_\_\_\_  
**John Busby, Vice-Chairman**

**ATTEST:**

\_\_\_\_\_  
**Barbara Haffelfinger, City Secretary**



# City of Hempstead

1125 Austin Street • Hempstead, Texas 77445 • Tel: 979-826-2486 • Fax: 979-826-6703

## ORDINANCE NO. 21-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HEMPSTEAD, TEXAS AMENDING ARTICLE 3 “ZONING DISTRICTS” OF THE CITY OF HEMPSTEAD ZONING ORDINANCE; CREATING A NEW SECTION 3.08A OF THE CITY OF HEMPSTEAD, TEXAS CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, the Planning and Zoning Commission has conducted a Public Hearing on April 5, 2021 at 5:30 P.M. on a proposed text change to Section 3.08.04 A “HCA – Highway Commercial District A”; and

**WHEREAS**, the City Council of the City conducted a Public Hearing on the proposed text changed April 19, 2021 at 6:00 P.M. on the proposed text change to Section 3.08.04 (A) “HC – Highway Commercial District A”; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The Zoning Ordinance of the City of Hempstead, is hereby amended by creating a new Section 3.08.04A “HCA – Highway Commercial District A” to read as set forth below:

## ARTICLE 3

### Zoning Districts

#### 3.08A HC Highway Commercial A

##### Section 3.08A HCA - Highway Commercial A

- 3.08A.01 Description: The HCA - Highway Commercial A District is designed to accommodate buildings, offices and retail activities associated with development North of U.S. Highway 290 a major arterial highway located in Hempstead. The front yard setback, site access, and site design requirements associated with this district are intended to reduce the impact of the heavy vehicular traffic so often present in this district. Screening and buffering standards are incorporated to reduce the negative impact of the HCA District land uses on abutting residential neighborhoods. The regulatory provisions of this district are aimed at achieving the goals and objectives of the City of Hempstead including the elimination of height restrictions on buildings North of U.S. Highway 290.
- 3.08A.02 Uses Permitted by Right: Please see section 3.13 - Zoning District Matrix, at the end of this section of the Ordinance.
- 3.08A.03 Specific Uses: Please see Section 3.13 - Zoning District Matrix, at the end of this section of the Ordinance.
- 3.08A.04 Area Regulations: For comprehensive review of area regulations pertaining to all zoning districts, please see Section 3.12 - Lot Standards Matrix, at the end of this section of the Ordinance.
- A. Lot Area: All lots located in the HCA - Highway Commercial District A shall have not less than twelve thousand and five hundred (12,500) square feet of area.
  - B. Lot Width: Each lot in a HCA - Highway Commercial District A shall be no less than one hundred (100) feet in width.
  - C. Lot Depth: Each lot in a HCA - Highway Commercial District A shall have not less than one hundred and twenty five (125) feet of depth.
  - D. Front Yard: Each lot in a HCA - Highway Commercial District A shall have a front yard of not less than twenty five (25) feet.
  - E. Rear Yard: Each lot in a HCA - Highway Commercial District A shall have a rear yard of not less than twenty five feet.



- F. Side Yard: Each lot in a HCA - Highway Commercial District A shall have side yards of not less than fifteen (15) feet.
- G. Lot Coverage: Structures on a HCA - Highway Commercial District A lot shall not cover more than sixty five percent (65%) of the lot area.
- H. Height: Structures on a HCA - Highway Commercial District A lots do not have a height limitation.

3.08A.05 Buffering and Screening: Any property developed in this zoning district which adjoins or abuts any residential property shall provide a fifteen foot (15') wide buffer yard along the entire perimeter of such residential property. Any property developed in this zoning district which adjoins or abuts any residential property shall be screened along the entire perimeter of such lot or zoning district by a solid, opaque fence or dense landscaping, created and maintained in accordance with specifications which shall be provided by the Hempstead Zoning Officer.

**Section 3.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Hempstead, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 4.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

**Section 5.** This Ordinance and the rules, provisions, requirements and matters established and adopted hereby shall take effect and be in full force and effect immediately upon passage and adoption.

**PASSED, APPROVED, AND ADOPTED** this 5<sup>th</sup> day of April, 2021.

**APPROVED:**

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**Dave Shelburne, Mayor**

**ATTEST:**

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**Barbara Haffelfinger, City Secretary**

**PLANNING AND ZONING COMMISSION  
ANNUAL REPORT  
SEPTEMBER 1, 2019 – AUGUST 31, 2020**

**ZONING MAP AMENDMENTS:**

1. 06-05-19 – Renato Flores, Zoning Map Amendment Request – Marshall Subdivision 2, TR 1, 2.078 Acres – 23817 Granowski Lane; to rezone from AR – Agricultural Residential District to MH – Manufactured Housing District. Zoning Map Amendment Request denied by the Planning and Zoning Commission on 10-07-19 – Resolution No. 19-003; and denied by City Council on 10-21-19 – Resolution No. 19-036.
2. 07-22-19 – Odis Styers, III, Zoning Map Amendment Request – Property described as part of the Isaac Donoho Survey, A-121, being part of Reserve “C1” (called 1.255 acres) of the replat of Lot 6 and Reserve “C” of Hempstead East Business Park Subdivision, a map or plat being of record in Instrument No. 1807137, in the Official Public Records of Waller County, Texas, being part of Reserve “A” called (11.225 Acres) of Hempstead East Business Park Subdivision, a map or plat being of record in Plat Cabinet Slide No. 246-B, in the plat records of Waller County, Texas, being all of a called 3.000 acres described in the deed from Larry Lischka to Odis Styers, III, dated August 1, 2014, as recorded in Volume 1428, Page 986 in the Official Public Records of Waller County, Texas and being part of a called 75.073 acres tract described in the deed from the Lauraine Group, a Texas Partnership, to Odis Styers, III, dated December 29, 2005; as recorded in Volume 993, Page 603 in the Official Public Records of Waller County, Texas; zone newly annexed property as 23.012 Acres as HC – Highway Commercial District and 25.132 Acres as AR – Agricultural Residential District. Zoning Map Amendment Request approved by the Planning and Zoning Commission on 10-07-19 – Resolution No. 19-004; and approved by City Council on 10-21-19 – Ordinance No. 19-116.
3. 08-19-19 – Sandra Rutledge, Annette Baker, and Marcus Rutledge, Zoning Map Amendment Request, 1.303 Acres lying and being situated in Waller County, Texas, part of the James Hall Survey, A-32, being part of the same land described as 4 and ½ acres in the deed from Jessie Haynes, et al to Robert Rutledge, filed for record August 11, 1962, as recorded in Volume 172, Page 129 in the deed records of Waller County, Texas; to zone newly annexed property as AR – Agricultural Residential District. Zoning Map Amendment Request approved by the Planning and Zoning Commission on 10-07-19 – Resolution No. 19-005; and approved by City Council on 10-21-19 – Ordinance No. 19-117.
4. 09-12-19 – Marsha Wiesner, Zoning Map Amendment Request, Block 430, Lots S/2 of 8 and All of 9 & 10 – 1739 13<sup>th</sup> Street – to be rezoned from R-1 – Single Family Residential District to HC – Highway Commercial District. Zoning Map Amendment Request approved by the Planning and Zoning Commission on 10-07-19 – Resolution No. 19-006; and approved by City Council on 10-21-19 – Ordinance No. 19-118.

5. 01-10-20 – Odis Styers Zoning Map Amendment Request, Hempstead East Business Park, Lot 3 – 2.043 Acres, Lot 4 – 3.304 Acres, Lot 5 – 2.445 Acres, and Lot 6 – 3.013 Acres shall be changed from PS – Planned Shopping District Classification and become and be designated as HC – Highway Commercial District Classification. Zoning Map Amendment Request approved by the Planning and Zoning Commission on 02-03-20 – Resolution No. 20-001; and approved by City Council on 02-18-20 – Ordinance No. 20-102.
  
6. 01-10-20 – Performance Development Zoning Map Amendment Request, Property described as 1.493 Acres, Isaac Donoho Survey, A-121, and the Justo Liendo Survey, A-41 – 260-A Cottonwood Street shall be changed from PS – Planned Shopping District Classification and become and be designated as HC – Highway Commercial District Classification. Zoning Map Amendment Request approved by the Planning and Zoning Commission on 02-03-20 – Resolution No. 20-001; and approved by City Council on 02-18-20 – Ordinance No. 20-103.