

**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, May 3, 2021 at 5:00 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. Administer Oath of Office to Planning and Zoning Commission Member Barbara Bezub.
4. Consideration and action on minutes of the April 5, 2021 meeting.
5. A. Public Hearing on a Zoning Map Amendment Request for Block 172, Lots 31' of 8 & All 9 & 10 – 741 15<sup>th</sup> Street, to rezone from R-1 – Single Family Residential District to NC – Neighborhood Commercial District.  
B. Consideration and action on recommendation to City Council on an Ordinance of the City of Hempstead, Texas providing that the Code of Ordinances of the City of Hempstead be amended by amending the Zoning Map so that property described as Block 172, Lots 31' of 8 and All of 9 & 10 – 741 15<sup>th</sup> Street shall be changed from R-1 – Single Family Residential District Classification and become and be designated as NC – Neighborhood Commercial District Classification; providing for penalties; providing a savings clause; and finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law.
6. 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 30<sup>th</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 30, 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 30<sup>th</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 **5:00 P.M. on Monday, the 3<sup>rd</sup> day of May 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 5<sup>th</sup> day of April, 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  
Jonelle Hammack, 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 Shelburne, Sabrina Alvarez, Joe Ayala, Cheryl Hardwick, and Councilmember Villarreal.

Chairman Busby called the meeting to order at 5:30 P.M.

The Pledge of Allegiance was given.

Board Member Lewis made a motion to approve the minutes of the February 3, 2020 meeting. The motion was seconded by Board Member Anderson and carried unanimously.

Chairman Busby opened a Public Hearing at 5:35 P.M. on a Zoning Text Amendment to Amend Article 3 "Zoning Districts", creating a new Section 3.08A. Attorney Pertile explained that the only change for the new Section 3.08A – will be to create a new HCA – Highway Commercial District for all Highway Commercial property North of U.S. Highway 290, which will incorporate buffering and screening requirements and will eliminate height restrictions. Joe Ayala expressed concern that this could possibly cause increased property tax rates. Attorney Pertile explained that this would have no impact on tax rates. There being no further discussion, Chairman Busby closed the Public Hearing at 5:45 P.M.

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

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

**NOES:** None

**ABSENT:** None

**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:**

/s/ John Busby, Chairman

**ATTEST:**

/s/ Barbara Haffelfinger, City Secretary

Board Member Lewis made a motion to approve the Planning and Zoning Commission Annual Report for September 1, 2019 through August 31, 2020. The motion was seconded by Board Member Hammack and carried unanimously.

Board Member Anderson made a motion to approve hold future Planning and Zoning Commission Meetings on the first Monday of each month at 5:00 P.M. The motion was seconded by Board Member Hammack and carried unanimously.

There being no further business, Board Member Glover made a motion to adjourn the meeting at 5:48 P.M. The motion was seconded by Board Member Hammack and carried unanimously.

**PASSED AND APPROVED** this the 3<sup>rd</sup> day of May, A.D., 2021.

**APPROVED:**

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

**ATTEST:**

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

City of Hempstead

**Zoning Map Amendment (Rezoning) Form**

NOTE: Please print all information requested below.

Number \_\_\_\_\_

Date 03-30-21

Name of Applicant Sylvia Cedillo

Applicant's Signature [Signature]

Current Address 728 Austin St  
Hempstead, Tx 77445

Phone 936.857-5964

Address of the property you seek to have rezoned 741 15<sup>th</sup> Street, Hempstead, Tx

Legal description of the property B519000 Hempstead BIK 172 Lot 31' of 8 & All of 9 & 10

|             |                             |        |           |           |
|-------------|-----------------------------|--------|-----------|-----------|
| Subdivision |                             |        |           |           |
| 172         | Lot 31' of 8, All of 9 & 10 |        | 131 x     | 125       |
| Block       | Lot                         | Parcel | Lot Width | Lot Depth |

Legal capacity in which you are applying for this rezoning: See also attached Exhibit A

Owner       Representative of the owner       Other (explain below)

Current zoning classification of the property: R-1

Requested zoning classification: Neighborhood Commercial

Reasons supporting your requested rezoning: Property is well-suited for uses within the City's land use matrix. Property on large lot at corner of 15<sup>th</sup> and Austin, just shy of Central Business District.

Current land use activities abutting the subject property:

On the North: Residential

On the South: Residential (separated by street)

On the East: Residential (separated by Street)

On the West: Residential

05-03-21 Public hearing date for the Planning & Zoning Commission  
04-19-21 Date notice sent to abutting property owners. (Not less than ten days before the public hearing date.)  
04-13-21 Date notice published in a local newspaper. (Not less than fifteen days before the public hearing date.)

**Planning Commission Report** Recommendations and reasons supporting the recommendations of the Planning & Zoning Commission:

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Protest by 20% or more of abutting property owners?  Yes  No

05-17-21 Public hearing date for the City Council.  
04-19-21 Date notice sent to abutting property owners. (Not less than ten days before the public hearing date.)  
04-13-21 Date notice published in a local newspaper. (Not less than fifteen days before the public hearing date.)

Decision of the City Council:  Rezoning request approved  Rezoning request denied

Reasons given for the City Council's decision:

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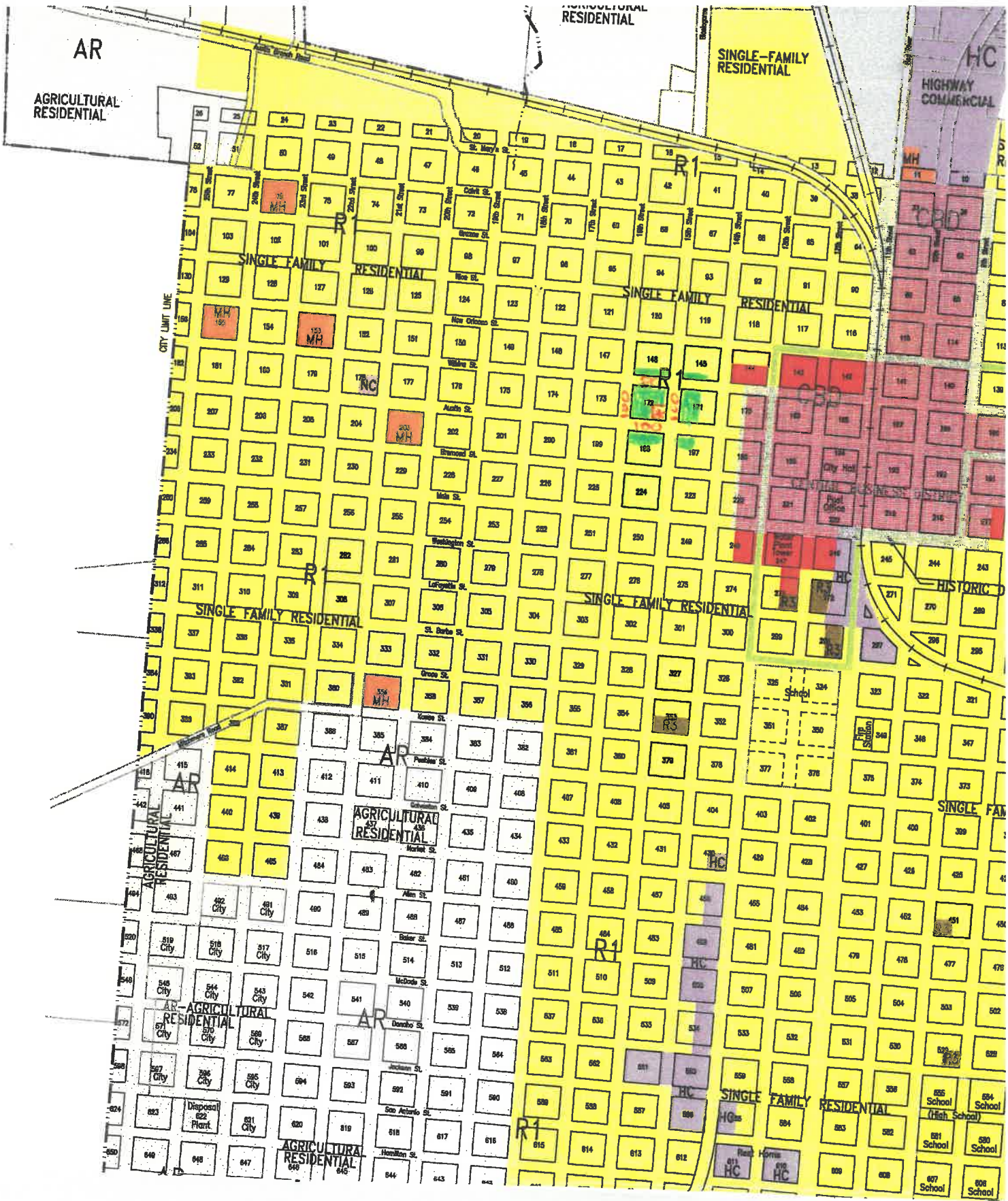
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\*-ZONING MAP AMENDMENT LOCATION  
 BLOCK 172, LOTS 31' OF 8, ALL OF 9&10

200' PROPERTY OWNER NOTIFICATION

Spot Zoning - Spot zoning involves the singling out of a tract of land for treatment different from that accorded to similar surrounding land without proof of changes in conditions. Spot zoning is illegal and invalid because such an amendatory ordinance will not be in accordance with a city's comprehensive plan. Zoning changes for a small area will be upheld only if changes have occurred that justify treating the area differently from the surrounding land.





# City of Hempstead

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

## RESOLUTION NO. 21-\_\_\_\_\_

### ZONING MAP AMENDMENT BLOCK 172, LOTS 31' OF 8 AND ALL OF 9 AND 10 – 741 15<sup>TH</sup> STREET REZONING FROM R-1 – SINGLE FAMILY RESIDENTIAL DISTRICT TO NC – NEIGHBORHOOD COMMERCIAL DISTRICT

**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/deny** a Zoning Map Amendment by changing the Zoning Classification of Block 172, Lots 31' of 8 and all of 9 and 10 – 741 15<sup>th</sup> Street from R-1 – Single Family Residential District to NC – Neighborhood Commercial District.

**PASSED AND APPROVED** this the 3<sup>rd</sup> day of May, 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

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

**AN ORDINANCE OF THE CITY OF HEMPSTEAD, TEXAS PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF HEMPSTEAD BE AMENDED BY AMENDING THE ZONING MAP SO THAT PROPERTY DESCRIBED AS BLOCK 172, LOTS 31' OF 8 AND ALL OF 9 AND 10 – 741 15<sup>TH</sup> STREET SHALL BE CHANGED FROM R-1 – SINGLE FAMILY RESIDENTIAL DISTRICT CLASSIFICATION AND BECOME AND BE DESIGNATED AS NC – NEIGHBORHOOD COMMERCIAL DISTRICT CLASSIFICATION; PROVIDING FOR PENALTIES; PROVIDING A SAVINGS CLAUSE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the Owner of a tract of land has made application to the City to change the zoning classification of said tract of land, same being more particularly described as Block 172, Lots 31' of 8 and all of 9 & 10 – 741 15<sup>th</sup> Street; and

**WHEREAS**, the Planning and Zoning Commission has conducted a Public Hearing on May 3, 2021 at 5:00 P.M. on such request, in the time and manner required by law and the Zoning Ordinance of the City; and

**WHEREAS**, the City Council of the City conducted a Public Hearing on such request on May 17, 2021 at 6:00 P.M. in the time and manner required by law and the Zoning Ordinance of the City; and

**WHEREAS**, the proposed zoning is to recognize changing conditions and circumstances in the area near the property to be rezoned; and

**BE IT ORDAINED BY THE CITY COUNCILMEMBERS 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 and are incorporated herein for all purposes.

**Section 2.** That pursuant to the Code of Ordinances of the City of Hempstead, Texas, the zoning map is amended as follows:

The Zoning Map is changed so that territory located in the City of Hempstead, Waller County, Texas as hereinafter described to-wit: **Block 172, Lots 31' of 8 and All of**

**9 & 10 – 741 15<sup>th</sup> Street** which is currently zoned **R-1**, shall be changed to be designated and classified as **NC Zoning** district and the Zoning Map shall be amended accordingly.

**Section 3.** That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this Ordinance shall be a maximum fine of \$2,000.00, and each day a violation exists shall be a separate offense.

**Section 4.** That if any provision of this Ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

**Section 5.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

**PASSED AND APPROVED** this the 17<sup>th</sup> day of May, A.D., 2021.

**APPROVED:**

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**Dave Shelburne, Mayor**

**ATTEST:**

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**Barbara Haffelfinger, City Secretary**