

**NOTICE OF REGULAR PLANNING AND ZONING COMMISSION
MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, AUGUST 8, 2016

6:00 P.M.

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, August 8, 2016 at 6:00 P.M., City Hall, 401 Market Street Tomball, TX 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning & Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of July 11, 2016.
- 5.0 New Business:
 - 5.1 Consideration to Approve the absences of Commissioner Harry Byrd on March 21, 2016, May 9, 2016, June 13, 2016, June 27, 2016 and July 11, 2016.

- 5.2 Consideration to Approve Preliminary Plat of **FOURTEEN SIX HUNDRED BUSINESS PARK**: A subdivision of 2.7164 Acre Tract, (118,325.76 Square Feet) in the Joseph House Survey, Abstract No. 34, Harris County, Texas. 1 Lot, 1 Block.
- 5.3 Consideration to Approve Re-plat of a Partial Re-plat of **LESLIE'S PARK**: 1.7225 Acres, (75,032.05 Square Feet), located in the J. House Survey, A-34, Harris County, Texas, containing 1 Block, 1 Restricted Reserves and 5 Residential Lots.
- 5.4 Consideration to approve **ZONING CASE P16-0115**: Request by the City of Tomball to amend Section 50-82(b) (*Use Charts*) in regards to the land uses “*Check cashing service*”, “*Convenience store (with or without gasoline sales)*”, “*Gasoline Station*”, “*Hotel/motel*”, “*Rehabilitation care facility (halfway house)*”, “*Tattoo or body piercing studio*” and by adding “*Loan service (payday / auto title)*” and to amend Section 50-2 (*Definitions*) in regards to the land use “*Hotel/motel*”.

- Conduct Public Hearing on **ZONING CASE P16-0115**

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of August, 2016 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: August 8, 2016

Topic:

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

Community Development Department

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: August 8, 2016

Topic:

Background:

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Recommendation:

Party(ies) responsible for placing this item on agenda:

Community Development Department

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: August 8, 2016

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of July 11, 2016.

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

Community Development Department

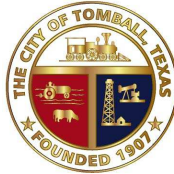
ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Approval of Minutes - July 11, 2016

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

MONDAY, JULY 11, 2016



6:00 P.M.

- 1.0 The meeting was called to order by Chair Barbara Tague at 6:00 p.m. Other members present were:

Commissioner Dane Dunagin
Commissioner Richard Anderson
Commissioner Darrell Roquemore
Commissioner Harry Byrd – Absence

Others present:

Community Development Director/ City Engineer – Craig Meyers
Assistant City Engineer – Beth Jones
City Planner – Harold Ellis
Assistant City Planner – Amelia Lindley
Community Development Coordinator – Kim Chandler
City Attorney – Loren Smith

- 2.0 No Public Comments were received.

- 3.0 Harold Ellis, City Planner, announced the following:

- Update on City Council Reading for Zoning Case P16-0072. A request to change zoning at 249/Holderrieth from PD to Commercial was unanimously denied by Council.

- 4.0 Motion was made by Commissioner Anderson, second by Commissioner Roquemore to approve the Minutes of the Special Planning and Zoning Commission Meeting of June 27, 2016.

Motion carried unanimously.

Draft

5.0 New Business:

- 5.1 Consideration to Approve Final Plat of **DUNNCO TOMBALL**: Being a subdivision of a 1.6910 Acre, (73,659.69 Square Feet), of Land situated in the J.M. Hooper Survey, Abstract 375, Harris County, Texas.

Craig Meyers, Community Development Director/City Engineer presented recommendation of approval with contingencies.

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to approve of **DUNNCO TOMBALL**, with contingencies.

Motion carried unanimously.

- 5.2 Consideration to Approve Re-Plat of **BRANDT HOLDINGS**: A subdivision of 14.3218 Acres (623,858.42 Square Feet) of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball & ETJ, Harris County, Texas being a Partial Re-Plat of Lots 487, 488, 489 & 490 of Tomball Townsite Volume 2, Page 65 M.R.H.C. 1 Lot, 1 Reserve, 1 Block.

Craig Meyers, Community Development Director/City Engineer presented recommendation of approval with contingencies.

Motion was made by Commissioner Roquemore, second by Commissioner Dunagin, to approve **BRANDT HOLDINGS**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to Approve Re-Plat of **TOMBALL OUTLOT**: A Replat of 0.3214 Acres (14,000.00 Square Feet) of land out of Lots 35, 36, 37 & 38, Block 37, revised map of Tomball in Harris County, Texas.

Craig Meyers, Community Development Director/City Engineer presented recommendation of approval with contingencies.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **TOMBALL OUTLOT**, with contingencies.

Motion carried unanimously.

- 5.4 Consideration to Approve Final Plat of **CORNER STORE NO. 1917**: A subdivision of 16.2330 Acres (707,108.80 Square Feet) out of the Chancey Goodrich Survey, Abstract No. 311 Tract 7C-1, 7F and 7H Harris County, Texas.

Craig Meyers, Community Development Director/City Engineer presented recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Dunagin, to approve **CORNER STORE NO. 1917**, with contingencies.

Motion carried unanimously.

- 5.5 Consideration to approve **Zoning Case P16-0077**: Request by Zack Burghli, on behalf of Royal Oak Enterprises, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas, generally located on the north side of Hicks Street, between Quinn Road and Liberty Ln, from the Single-family 20 District to the Single-Family 9 District.

Harold Ellis, City Planner, presented the case and recommendation.

Zack Burghli, with Royal Oak Enterprises, LLC, Property Owner, (4615 N. Freeway, Suite 100, Houston, TX 77022) was introduced and spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:14 p.m.

Ralph Foxworthy (29607 Liberty Lane, Tomball, TX 77375) spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 6:18 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **Zoning Case P16-0077**. Vote was as follows:

Chair Tague	<u>Nay</u>
Commissioner Dunagin	<u>Nay</u>
Commissioner Anderson	<u>Nay</u>
Commissioner Roquemore	<u>Nay</u>

Motion failed unanimously; 0 Votes Aye, 4 Votes Nay.

- 5.6 Consideration to approve **Zoning Case P16-0083**: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use District.

Harold Ellis, City Planner, presented the case and recommendation.

Dorothy J. Wanko Owner/Applicant, (16303 N. Greenfield, Spring, TX 77379) was introduced and spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:29 p.m.

George LaRue (311 Pinecrest, Trinity, TX 77358) spoke on an unrelated matter.

Tom Crofoot (1430 Neal Dr., Tomball, TX 77375) expressed concerns of the request.

Hearing no additional comments, the Public Hearing was closed at 6:33 p.m.

Motion was made by Commissioner Dunagin, second by Commissioner Roquemore, to approve **Zoning Case P16-0083**. Vote was as follows:

Chair Tague	<u>Nay</u>
Commissioner Dunagin	<u>Nay</u>
Commissioner Anderson	<u>Nay</u>
Commissioner Roquemore	<u>Nay</u>

Motion failed unanimously; 0 Votes Aye, 4 Votes Nay.

- 5.7 Consideration to approve **Comprehensive Plan Case P16-0092**: Request by John Linton to amend the City's Comprehensive Plan by designating the Future Land Use of approximately 14.427 acres of land as Commercial. The property is legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

Harold Ellis, City Planner, presented the case and recommendation.

William Morris, Owner of Morris & Associates Engineers/Architect, (20420 Nichols Rd., Hockley, TX 77447) was introduced and spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:44 p.m.

Hearing no comments, the Public Hearing was closed at 6:44 p.m.

Motion was made by Commissioner Dunagin, second by Commissioner Roquemore, to approve **Comprehensive Plan P16-0092**. Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Dunagin	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>

Motion carried unanimously; 4 Votes Aye, 0 Votes Nay.

- 5.8 Consideration to approve **Zoning Case P16-0080**: Request by John Linton to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road, from the Agricultural District to the Commercial District.

Harold Ellis, City Planner, presented the case and recommendation.

William Morris, Owner of Morris & Associates Engineers/Architect, (20420 Nichols Rd., Hockley, TX 77447) was introduced and spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:48 p.m.

Hearing no comments, the Public Hearing was closed at 6:48 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Dunagin, to approve **Zoning Case P16-0080**. Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Dunagin	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>

Motion carried unanimously; 4 Votes Aye, 0 Votes Nay.

6.0 Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to adjourn.

Motion carried unanimously.

The meeting was adjourned at 6:49 p.m.

PASSED AND APPROVED this _____ day of _____ 2016.

Kim Chandler
Commission Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission
Agenda Item
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Meeting Date: August 8, 2016

Topic:

Consideration to Approve the absences of Commissioner Harry Byrd on March 21, 2016, May 9, 2016, June 13, 2016, June 27, 2016 and July 11, 2016.

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

Community Development Department

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: August 8, 2016

Topic:

Consideration to Approve Preliminary Plat of **FOURTEEN SIX HUNDRED BUSINESS PARK:** A subdivision of 2.7164 Acre Tract, (118,325.76 Square Feet) in the Joseph House Survey, Abstract No. 34, Harris County, Texas. 1 Lot, 1 Block.

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

Community Development Department

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Fourteen Six Hundred Business Park

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, HOUSTON PFG INC, ACTING BY AND THROUGH RUSSELL MCKEE, PRESIDENT, AND ROSIE MCKEE, CFO, BEING OFFICERS OF HOUSTON PFG INC, OWNER, HEREINAFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 2.7164 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF FOURTEEN SIX HUNDRED BUSINESS PARK, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE ON THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET (5') IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS (1-3/4) SQUARE FEET (18" DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN FEET (15' 0") WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, OWNERS DO HEREBY CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH OR WILL COMPLY WITH EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63rd LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONER'S COURT OF HARRIS COUNTY.

IN TESTIMONY WHEREOF, THE HOUSTON PFG INC HAS CAUSED THESE PRESENTS TO BE SIGNED BY RUSSELL MCKEE, ITS PRESIDENT, THEREUNTO AUTHORIZED, ATTESTED BY ITS CFO, ROSIE MCKEE, THIS _____ DAY OF _____, 2016.

HOUSTON PFG INC

BY: _____ ATTEST: _____
RUSSELL MCKEE, PRESIDENT ROSIE MCKEE, CFO

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITIES, ON THIS DAY PERSONALLY APPEARED RUSSELL MCKEE, PRESIDENT, AND ROSIE MCKEE, CFO, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2016.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

PRINT NAME: _____

MY COMMISSION EXPIRES: _____

I, CRAIG A. LANEY, DO HEREBY CERTIFY THAT ALL EXISTING ENCUMBRANCES, SUCH AS VARIOUS TYPES OF EASEMENTS BOTH PUBLIC AND PRIVATE, FEE STRIPS, AND ALL SIGNIFICANT TOPOGRAPHICAL FEATURES WHICH WOULD AFFECT THE PHYSICAL DEVELOPMENT OF THE PROPERTY ILLUSTRATED ON THIS PLAT ARE ACCURATELY IDENTIFIED AND LOCATED AND FURTHER CERTIFY THAT THIS PLAT REPRESENTS ALL OF THE CONTIGUOUS LAND WHICH THE HOUSTON PFG INC OWNS OR HAS LEGAL INTEREST IN.

I, CRAIG A. LANEY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTERS INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'), AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

CRAIG A. LANEY, R.P.L.S.
TEXAS REGISTRATION NO. 4507



THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF FOURTEEN SIX HUNDRED BUSINESS PARK IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2016.

BY: _____
BARBARA TAGUE, CHAIRMAN

BY: _____
DARRELL ROQUEMORE, VICE CHAIRMAN

I, JOHN R. BLOUNT, COUNTY ENGINEER OF HARRIS COUNTY, HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE HARRIS COUNTY COMMISSIONERS' COURT AND THAT IT COMPLIES OR WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE HARRIS COUNTY ROAD LAW AS AMENDED AND ALL OTHER COURT ADOPTED DRAINAGE REQUIREMENTS.

JOHN R. BLOUNT, P.E., LEED AP
COUNTY ENGINEER

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY AND EX OFFICIO CLERK OF THE HARRIS COUNTY COMMISSIONERS' COURT, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS APPROVED AT A LEGALLY CONVENED MEETING OF THE HARRIS COUNTY COMMISSIONERS' COURT HELD ON _____, 2016 BY AN ORDER ENTERED INTO THE MINUTES OF THE COURT.

STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

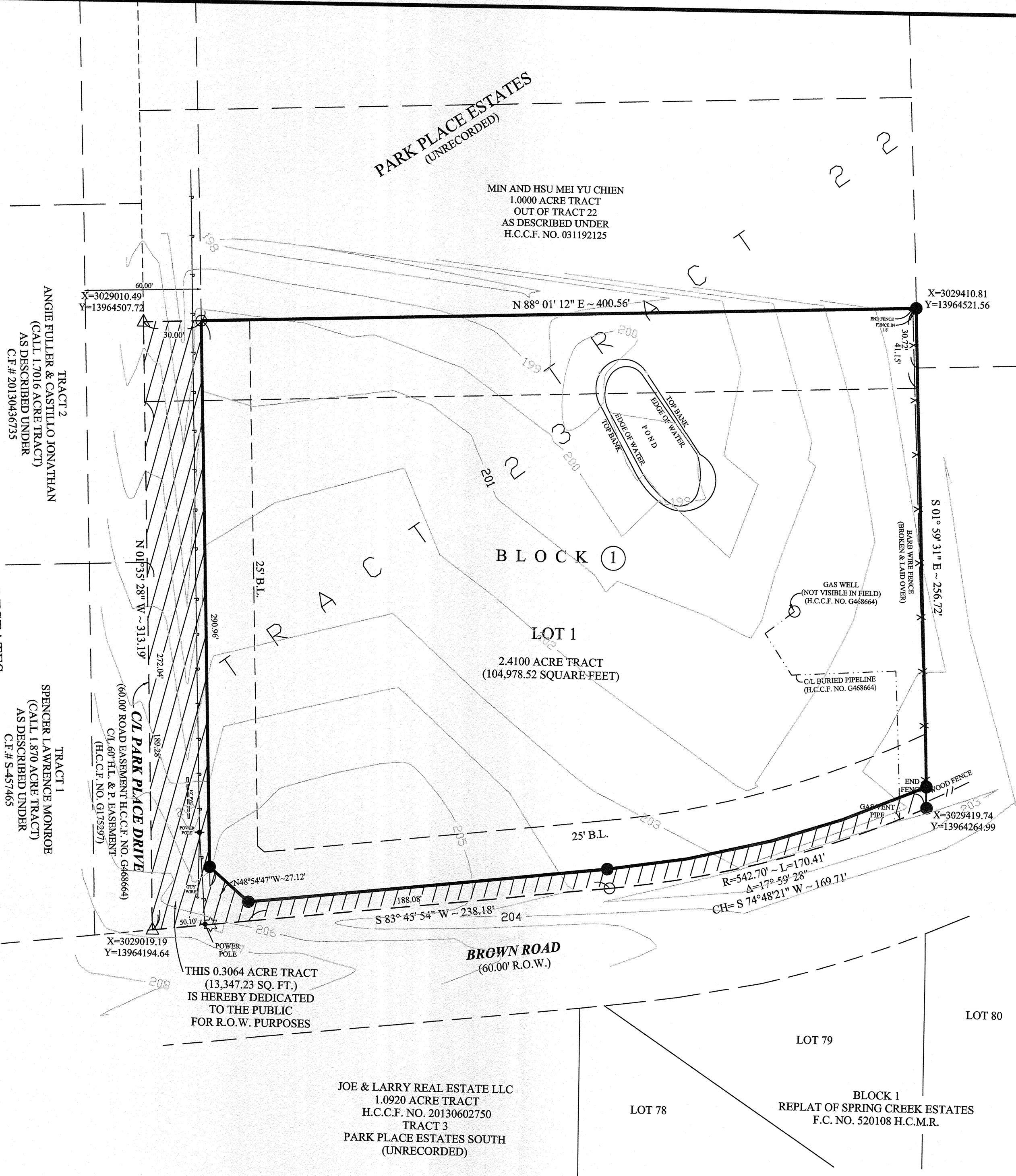
BY: _____
DEPUTY

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 2016, AT _____ O'CLOCK _____ M., AND DULY RECORDED ON _____, 2016, AT _____ O'CLOCK _____ M., AND AT FILM CODE NO. _____ OF THE MAP RECORDS OF HARRIS COUNTY, FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

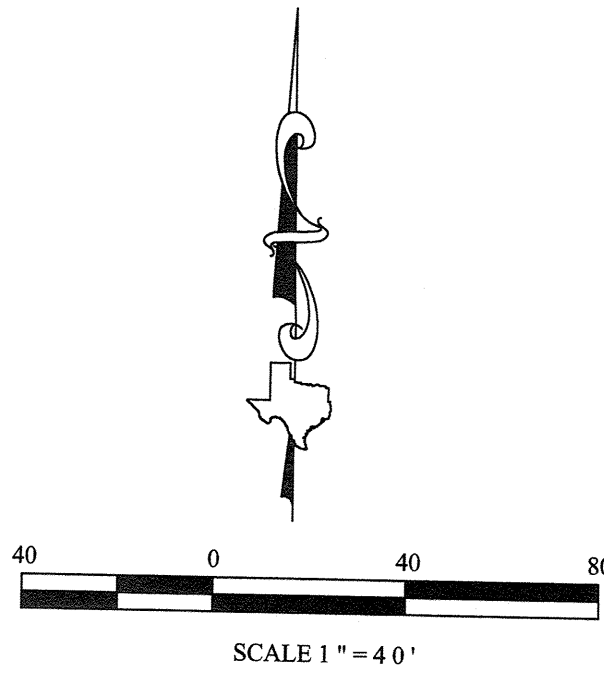


DAVID B & CAROL CHRISTIAN
1.88 ACRE TRACT
AS DESCRIBED UNDER
H.C.C.F. NO. 09811886
PARK WEST (UNRECORDED)

TRACT 11

GENERAL NOTES

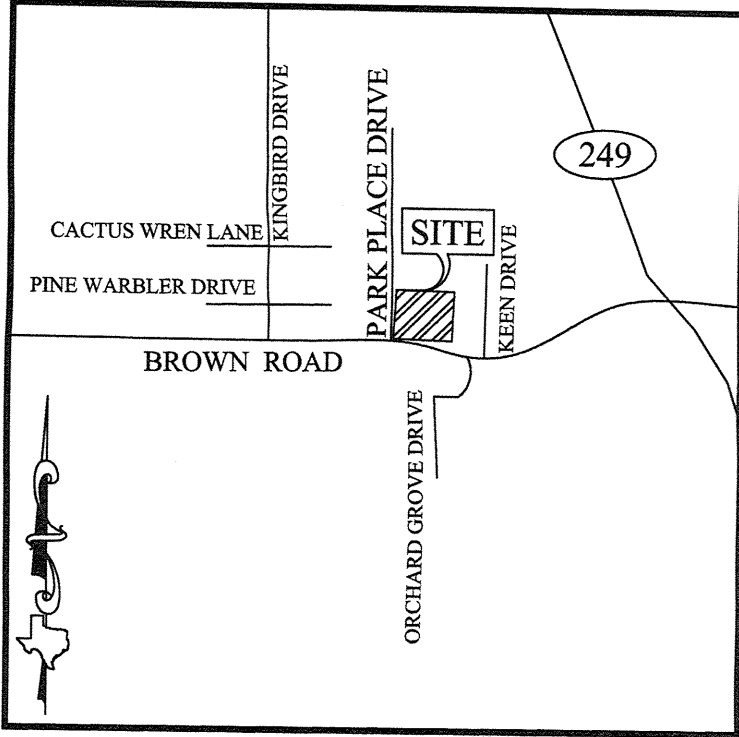
- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the city of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to FEMA Firm Panel No. 48201C0210L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The Building Lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances.
- This plat requires compliance with landscaping requirements prior to occupancy of structures as mandated in "Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure".
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD 83) and are based on the published position (2001 adj.) of Reference Mark No. 100365. The Grid coordinates at this station are Y=13963404.10, X=3036262.56. To convert from grid coordinates to surface coordinates, multiply by a combined scale factor of 1.000051853.
- All oil/gas pipeline or pipeline easements with ownership through the subdivision have been shown.
- Subject to a Blanket Pipe Line easement granted to Stanolind Pipe Line Company recorded in Volume 940, Page 155 of the Deed Records of Harris County, Texas. (No location given)
- Subject to that certain Pipe Line Easement granted to Humble Oil and Refining Company recorded in Volume 1095, Page 492 and amended in Volume 1278, Page 512 both of the Deed Records of Harris County, Texas. (No visible evidence crossing subject tract nor shown crossing subject tract on the Railroad Commission of Texas Map)
- Subject to that certain Pipe Line Easement granted to Humble Oil and Refining Company recorded in Volume 1247, Page 202 and amended in Volume 1278, Page 511 both of the Deed Records of Harris County, Texas. (No visible evidence crossing subject tract nor shown crossing subject tract on the Railroad Commission of Texas Map)



LEGEND NOTES

- U.E.
- A.E.
- B.L.
- VOL.
- PG.
- R.O.W.
- ESMT.
- F.C.NO.
- H.C.M.R.
-
-
- ▲
- ☆
- H.C.D.R.
- H.C.C.F. NO.
- C.L.

INDICATES "UTILITY EASEMENT"
INDICATES "AERIAL EASEMENT"
INDICATES "BUILDING LINE"
INDICATES "VOLUME"
INDICATES "PAGE"
INDICATES "RIGHT-OF-WAY"
INDICATES "EASEMENT"
INDICATES "FILM CODE NUMBER"
INDICATES "HARRIS COUNTY MAP RECORD"
INDICATES "FOUND 5/8" IRON ROD"
INDICATES "FOUND 5/8" IRON ROD WITH CAP STAMPED E.I.C. SURVEYING COMPANY"
INDICATES "FOUND "PK NAIL"
INDICATES "FOUND 1/2" IRON ROD"
INDICATES "HARRIS COUNTY DEED RECORD"
INDICATES "HARRIS COUNTY CLERK'S FILE NUMBER"
INDICATES "CENTERLINE"



VICINITY MAP
NOT TO SCALE
KEY MAP 288E

PRELIMINARY FOURTEEN SIX HUNDRED BUSINESS PARK

A SUBDIVISION OF A 2.7164 ACRE TRACT,
118,325.76 SQUARE FEET,
IN THE JOSEPH HOUSE SURVEY, ABSTRACT-34
HARRIS COUNTY, TEXAS

1 LOT 1 BLOCK

AUGUST 2016

OWNER

HOUSTON PFG INC
9306 GEORGETOWN GLEN CIRCLE
CYPRESS, TEXAS 77433
TEL: (713) 827-2295

SURVEYOR

E.I.C. SURVEYING COMPANY
12345 JONES ROAD # 270
HOUSTON, TEXAS 77070
TEL: (281) 955 - 2772

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: August 8, 2016

Topic:

Consideration to Approve Re-plat of a Partial Re-plat of **LESLIE’S PARK**: 1.7225 Acres, (75,032.05 Square Feet), located in the J. House Survey, A-34, Harris County, Texas, containing 1 Block, 1 Restricted Reserves and 5 Residential Lots.

Background:

Origination:

Recommendation:

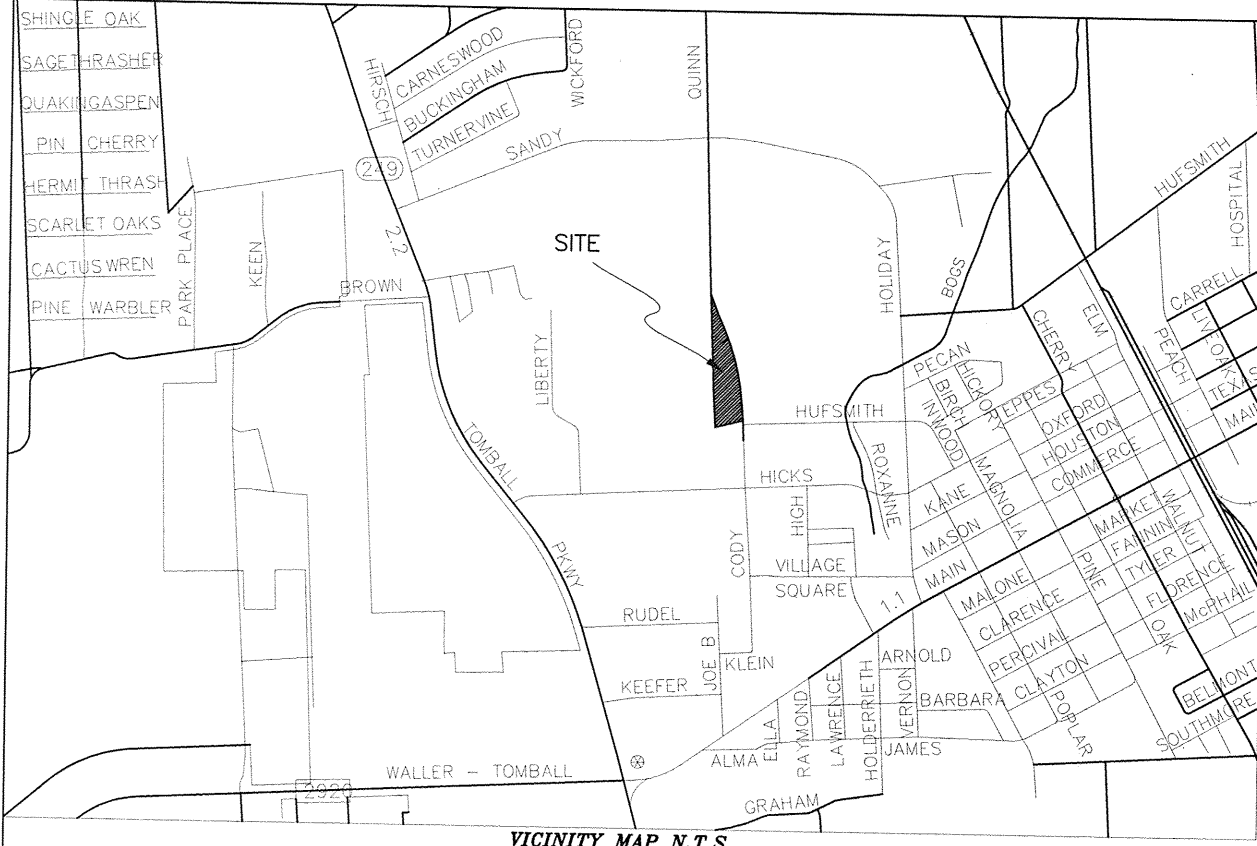
Party(ies) responsible for placing this item on agenda:

Community Development Department

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Leslie's Park



This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this replat of a partial replat of Leslie's Park in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____, day of _____, 2016.

Barbara Tague, Chairman

Darrell Roquemore, Vice Chairman

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2016, at _____ o'clock _____ M. and duly recorded on _____, 2016 at _____ o'clock _____ M., and at Film Code Number _____ of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

BY: _____ Stan Stanart
County Clerk
of Harris County, Texas

BY: _____ Deputy

GENERAL NOTES:

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to remove any valid covenants or restrictions.
- The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- According to FEMA Firm Panel No. 48201C0210L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- Public easements denoted on this plat hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- This Replat was performed with the benefit of a City Planning Letter from Fidelity National Title G.F. No. 5225001890.
- There is an Pipeline Easement granted to Stanolind Pipe Line Company for an unlocated easement across the property, as recorded under H.C.C.F. H520286.

I, David E. King, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods have an outside diameter of not less than three quarter (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner and the state plane coordinates (NAD 83).

David E. King, Sr.
Registered Professional Land Surveyor
Texas Registration No. 4503



MICHAEL HURR
CALLED 5.00 ACRES
(H.C.C.F. J496262)

ROY HOHL
CALLED 5.00 ACRES
(H.C.C.F. G548665)

LOWELL & NAOMI SIBERT
CALLED 5.00 ACRES
(H.C.C.F. K112641)

LOT 9, BLOCK 1
TOMBALL ESTATES
(VOL 366, PG 113 M.R.H.C.)

LOT 9, BLOCK 1
TOMBALL ESTATES
(VOL 366, PG 113 M.R.H.C.)

LEGEND

These standard symbols will be found in the drawing.

- FOUND MONUMENT
- FOUND 5/8" I.R.
- H.C.C.F. HARRIS COUNTY CLERK'S FILE
- H.C.C.M. HARRIS COUNTY COMMISSIONERS COURT MINUTES
- R.O.W. RIGHT OF WAY
- M.R.H.C. MAP RECORDS OF HARRIS COUNTY
- R.P.R.H.C.T. REAL PROPERTY RECORDS HARRIS COUNTY TEXAS
- C.F. NO. CLERK'S FILE NUMBER
- D.R.H.C. DEED RECORDS OF HARRIS COUNTY
- I.R. IRON ROD
- I.P. IRON PIPE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1250.00'	111.68'	111.64'	S 21°01'52" E	9°07'08"
C2	1150.00'	5.13'	5.13'	S 23°27'38" E	0°15'20"
C3	1150.00'	97.51'	97.48'	S 20°54'14" E	4°51'29"
C4	1150.00'	72.17'	72.16'	S 16°33'09" E	3°50'41"
C5	1150.00'	76.73'	76.72'	S 12°43'07" E	3°49'23"
C6	1150.00'	76.71'	76.72'	S 08°53'48" E	3°49'19"
C7	1150.00'	64.17'	64.16'	S 05°21'49" E	3°11'50"
C8	1150.00'	10.84'	10.84'	N 03°33'28" W	0°32'24"
C9	1150.00'	25.97'	25.97'	N 02°38'27" W	1°17'39"

LINE	BEARING	DISTANCE
L1	N 02°05'05" W	75.82'
L2	N 02°05'05" W	67.23'
L3	N 02°05'05" W	68.61'
L4	N 02°05'05" W	71.25'
L5	N 02°05'05" W	94.00'
L6	N 02°05'05" W	109.86'
L7	N 02°12'53" W	131.24'
L8	S 23°25'17" E	108.48'
L9	S 71°46'53" W	113.50'
L10	N 71°46'53" E	113.50'
L11	S 75°34'13" W	131.34'
L12	N 75°34'13" E	131.34'
L13	S 79°25'00" W	144.04'
L14	N 79°25'00" E	144.04'
L15	S 83°15'08" W	152.06'
L16	N 83°15'08" E	152.06'
L17	S 83°01'57" W	156.07'
L18	N 83°01'57" E	156.07'
L19	S 01°57'13" E	63.47'

TOMBALL BALL I.S.D.
CALLED 13.9984.
(H.C.C.F. S485753)

INWOOD STREET (50' R.O.W.)
(FILM CODE NO. 641161 M.R.H.C.)



SCALE 1"=50'

STATE OF TEXAS
COUNTY OF HARRIS

We, BURGLHI INVESTMENTS LLC, acting by and through ZAHER (ZACK) BURGLHI, President, and Deanna Burghli, Vice President, being officers of Burghli Investments, LLC, owners hereinafter referred to as Owner of the 1.7225 acre tract described in the above and foregoing plat of Leslie's Park, do hereby make and establish said subdivision and development plat of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, Owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, Owner does hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owner do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

WITNESS my hand in the City of Tomball, this _____ day of _____, 2016.

By: _____
ZAHER (ZACK) BURGLHI
President, Burghli Investments, LLC

By: _____
DEANNA BURGLHI
Vice President, Burghli Investments, LLC

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared ZAHER (ZACK) & DEANNA BURGLHI, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledgment to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this _____ day of _____, 2016

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

Lienholders Statement

I, ALLEGIANCE BANK, owner and holder of a lien against the property shown on this plat, said lien being evidenced by instrument of record under the following Harris County Clerk's File Nos.: 20140257416; 20140257417; 20140257418; 20150382227, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat. Further, I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

Lienholder:

BY: _____
PAT STEIN
SENIOR VICE-PRESIDENT

NOTARY'S ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared PAT STEIN, known to me as the person whose name is subscribed to the foregoing instrument and acknowledged to me that they have executed the same for the purpose and consideration therein set forth

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2016

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____

SIGNED

REPLAT OF
A PARTIAL REPLAT OF
LESLIE'S PARK
1.7225 ACRES (75,032.05 SQUARE FEET)
LOCATED IN THE
J. HOUSE SURVEY, A-34
HARRIS COUNTY, TEXAS
CONTAINING
1 BLOCK, 1 RESTRICTED RESERVES
AND 5 RESIDENTIAL LOTS
AUGUST 2016

SURVEYOR:
KING'S LAND SURVEYING
SOLUTIONS, LLC
DAVID KING, R.P.L.S. 4503
PHONE: 281-350-8003
FAX: 281-350-0118
EMAIL:
info@kingslandsurveying.com

OWNER:
ZAHER (ZACK) BURGLHI
4615 N. FREEWAY #100
HOUSTON, TX 77022

KLSS
KING'S LAND SURVEYING
SOLUTIONS, LLC
Professional Land Surveyors

19402 MIRROR LAKE DRIVE SPRING, TEXAS 77388 281-350-8003

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: August 8, 2016

Topic:

Consideration to approve **ZONING CASE P16-0115**: Request by the City of Tomball to amend Section 50-82(b) (*Use Charts*) in regards to the land uses “*Check cashing service*”, “*Convenience store (with or without gasoline sales)*”, “*Gasoline Station*”, “*Hotel/motel*”, “*Rehabilitation care facility (halfway house)*”, “*Tattoo or body piercing studio*” and by adding “*Loan service (payday / auto title)*” and to amend Section 50-2 (*Definitions*) in regards to the land use “*Hotel/motel*”.

- Conduct Public Hearing on **ZONING CASE P16-0115**

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

Community Development Department

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Zoning Case P16-0115

Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
AUGUST 8, 2016
&
CITY COUNCIL
AUGUST 15, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, August 8, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, August 15, 2016, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P16-0115: Request by the City of Tomball to amend Section 50-82(b) (*Use Charts*) in regards to the land uses “*Check cashing service*”, “*Convenience store (with or without gasoline sales)*”, “*Gasoline Station*”, “*Hotel/motel*”, “*Rehabilitation care facility (halfway house)*”, “*Tattoo or body piercing studio*” and by adding “*Loan service (payday / auto title)*” and to amend Section 50-2 (*Definitions*) in regards to the land use “*Hotel/motel*”.

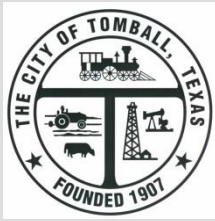
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 4th day of **August 2016** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler
Kim Chandler
Secretary of the Board

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: August 8, 2016

City Council Public Hearing Date: August 15, 2016

ZONING CASE P16-0115: Request by the City of Tomball to amend Section 50-82(b) (*Use Charts*) in regards to the land uses “*Check cashing service*”, “*Convenience store (with or without gasoline sales)*”, “*Gasoline Station*”, “*Hotel/motel*”, “*Rehabilitation care facility (halfway house)*”, “*Tattoo or body piercing studio*” and by adding “*Loan service (payday / auto title)*” and to amend Section 50-2 (*Definitions*) in regards to the land use “*Hotel/motel*”.

BACKGROUND

City Staff has recently been approached with requests for various land uses to locate in Tomball. Several of these uses may be considered less desirable in certain areas of the City for various reasons and some uses may be appropriate in areas where they are not currently permitted. Additionally, staff has also identified the need for various updates to the City’s Land Use Matrix, as detailed below.

PROPOSED AMENDMENTS

Section 50-82 (b) (*Use Charts*)

1. *Check cashing service*: Currently, this land use is allowed by-right in the General Retail, Commercial, Light Industrial and Old Town & Mixed Use Zoning Districts.

The proposed amendment would remove the land use from the Light Industrial and Old Town & Mixed Use Districts and allow it with the approval of a Conditional Use Permit (CUP) in the General Retail and Commercial Districts.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Check cashing service									C	C	-	-	1 space per 100 square feet

2. *Convenience store (with or without gasoline sales)*: This land use is not currently permitted in the Office District. It is permitted by-right in the Old Town & Mixed Use District. The proposed amendment would allow it with the approval of a Conditional Use Permit (CUP) in both districts. Convenience stores are also allowed by-right in the General Retail, Commercial and Light Industrial Districts. No changes are proposed in these districts.

As the Office District is intended to be a buffer zone between commercial and residential areas and convenience stores can often be located outside of residential neighborhoods, allowing them in the Office District may be appropriate. By allowing these uses with a

Conditional Use Permit (CUP), Council can require additional regulations that go above and beyond the requirements in place, or allow Council to not permit them in areas where they may not be a compatible use.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Convenience store (with or without gasoline sales) ‡								C	P	P	P	C	See Section 50-112

3. *Gasoline station*: Currently allowed by-right, the proposed amendment would remove the land use from the Old Town & Mixed Use District. This land use differs from the previous land use of *convenience stores (with or without gasoline sales)* as it does not include a retail component.

The term *Gasoline Station*, as it refers to a singular use, is more of a dated term in developed cities. Today, most times, gasoline stations are associated with other uses, such as a convenience store. Our current Land Use Matrix allows for convenience stores with or without gasoline sales. Therefore, the changes being proposed will not prohibit a stand-alone gasoline station in many areas of Tomball, but will require a convenience store component in the Old Town & Mixed Use District where character and compatibility are of more concern.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Transportation and Auto Services													
Gasoline station									P	P	P	-	See Section 50-112

4. *Hotel and Motel*: In the Land Use Matrix, the two uses are combined as one use. Staff is proposing to separate them and modify the zoning districts each are allowed in. Currently, *hotel/motel* is allowed by-right in the General Retail, Commercial, Light Industrial and Old Town & Mixed Use Districts. It is important to differentiate between the two types of lodging facilities as amenities can vary. The proposed text amendment will also create definitions of each.

Hotels are proposed to be allowed by-right in the General Retail and Commercial Districts and with the approval of a Conditional Use Permit (CUP) in the Old Town & Mixed Use District. Motels are proposed with the approval of a Conditional Use Permit (CUP) in the Commercial and Old Town & Mixed Use Districts.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Hotel ‡									P	P		C	See Section 50-112
Motel ‡										C		C	See Section 50-112

5. *Rehabilitation care facility (halfway house)*: The land use matrix contains a typographical error by allowing this land use by-right and with a Conditional Use Permit (CUP) in the Commercial District.

This proposed amendment would correct the mistake by allowing it by-right only.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Rehabilitation care facility (halfway house) ‡	C	C	C	C	C	C	C	C	P	P	P	C	Greater of 1 per three beds or 1.5 spaces per dwelling

6. *Tattoo or body studio*: Currently, this land use is allowed with the approval of a Conditional Use Permit (CUP) in the General Retail District and allowed by-right in the Commercial District. This amendment is proposing to remove it from the General Retail District and allow it with the approval of a Conditional Use Permit (CUP) in the Commercial District.

These facilities may be considered less desirable in certain areas of the City; therefore, by restricting them to the Commercial District and a Conditional Use Permit (CUP), Council will be able to place conditions upon an approval to mitigate any potential adverse impacts. If Council does not feel a request for this use is best suited in a proposed location, the request can be denied.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Tattoo or body piercing studio ±									-	C			1 space per 200 square feet

7. *Loan service (payday/auto title)*: Currently, staff classifies payday or car title loans as a type of bank, credit union or saving and loan establishment, however, these facilities are different than a typical bank or credit union based on services that are offered.

The amendment creates an additional land use be added to the Land Use Matrix to better classify these uses and allow them with the approval of a Conditional Use Permit (CUP) in the General Retail and Commercial Districts.

Land Use Type	Residential							Nonresidential				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Personal and Business													
Loan service (payday/auto title)									C	C			1 space per 100 square feet

Section 50-2 (*Definitions*)

Current definition of *hotel/motel*:

Hotel/motel means a facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. The term “guest room” shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee. The term “hotel/motel” also includes an extended stay lodging facility that may be used for weekly or monthly occupancy periods.

Proposed amended definitions:

1. *Hotel* means a facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. The term “guest room” shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee. A hotel must also meet the following requirements:
 - a. Guest rooms must be accessible only through interior corridors;
 - b. Entrance through exterior doors must be secured and accessible only to guest and employees
 - c. Hotel management must be on-site 24 hours each day
 - d. Prohibit overnight parking of trucks with more than two axles in hotel’s parking areas;
 - e. Must contain at least three of the following amenities:
 - i. A minimum of 300 square feet of dedicated meeting and event facilities;
 - ii. A restaurant, eating or social area accessible through the interior of the hotel that offers food or food options and seating for at least 30 patrons during industry standard dining hours;
 - iii. Swimming pool; and
 - iv. Fitness center.
2. *Motel* means a building or group of buildings in which temporary lodging accommodations or guest rooms are offered at a daily rate to the general public.

If a proposed business does not meet the “hotel” definition, it will be defaulted as “motel”.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on July 27, 2016. No public comment forms have been received as of the date of this report.