

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



MONDAY, NOVEMBER 9, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, November 9, 2015 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 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 October 12, 2015.

Discussion/Action of the Following Items:

5.0 New Business:

- 5.1 Consideration to Approve Final Plat of **CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY SOUTH CAMPUS:** Being a subdivision of 20.8633 acres out of the Jesse Pruitt Survey, A-629, in Harris County, Texas.

- 5.2 Consideration to Approve **Zoning Case P15-0130:** Request by Brian K. Lunell, on behalf of Spring Creek County Historical Association, for a Conditional Use Permit to operate a “museum” in the Single-Family 6 district. The property is approximately 2.4 acres, situated in the Joseph House Survey, Abstract Number 34, and is legally described lots 1, 2, 9-16 block 48, the southwesterly 20 feet of lot 3, and all of lots 4 - 6 block 102, revised Map of Tomball, recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and lot 8A a subdivision as shown on map or plat recorded under Film Code Number 598155, of the Map Records of Harris County, Texas. The property is generally located at the intersection of N. Pine St. and Epps St. at 510 North Pine St.

- Conduct Public Hearing on **ZONING CASE P15-0130**

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 5th day of November 2015 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

Meeting Date: November 9, 2015

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 9, 2015

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 9, 2015

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 12, 2015.

Discussion/Action of the Following Items:

Background:

Origination:

Recommendation:

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

October 12, 2015 Draft Minutes

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

MONDAY, OCTOBER 12, 2015



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 Darrell Roquemore
Commissioner Evelyn Torres
Commissioner Richard Anderson
Commissioner Harry Byrd – Excused Absence

Others present:

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

draft

- 2.0 No Public Comments were received.
- 3.0 No Reports and Announcements received.
- 4.0 Motion was made by Commissioner Torres, second by Commissioner Anderson to approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 14, 2015.

Motion carried unanimously.

- 5.0 New Business:

- 5.1 Consideration to Approve Preliminary Plat of **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 17 WATER PLANT NO. 1**: Being a subdivision of 2.3629 acres of land in the C. Goodrich Survey, Abstract No. 305, Harris County, Texas.

Lori Lakatos, City Engineer, presented recommendation.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 17 WATER PLANT NO. 1**, with contingencies.

Motion carried unanimously.

- 5.2 Consideration to Approve Preliminary Plat of **CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY SOUTH CAMPUS**: Being a subdivision of 20.8633 acres out of the Jesse Pruitt Survey, A-629, in Harris County, Texas.

Lori Lakatos, City Engineer, presented recommendation.

Motion was made by Commissioner Torres, second by Commissioner Roquemore, to approve **CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY SOUTH CAMPUS**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to Approve **ZONING CASE P15-107**: Request by Ron Proctor, Jr., on behalf of Rock Materials, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7 acres of land, legally described as a tract of land containing seven (7) acres, out of the C.N. Pillot Survey, A-632, in the Country of Harris and State of Texas; and being out of that certain 16.34 acres conveyed to J.W. Fowler by Deed Recorded in Vol. 1042, Page 608 Deed records of said county, within the City of Tomball, Harris County, Texas, generally located on the south side of Theis Ln., west of Commercial Park Rd., from the Agricultural District to the Light Industrial District.

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

Ron Proctor Jr. of Rock Materials (2610 Spring Cypress Rd., Spring, TX 77388) spoke on behalf of the request.

Reed Vestal of TNRG (15120 Northwest Freeway, Houston, TX 77040) spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:13 p.m.

Louis Smulders – Tomball Landowner (30 East Rivercrest Drive, Houston, TX 77042) spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 6:15 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **ZONING CASE P15-107**. Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Torres	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>
Commissioner Byrd	<u>Absent</u>

Motion carried unanimously.

- 5.4 Consideration to Approve **ZONING CASE P15-108**: Request by Bill Hightower, on behalf of Hightower Investments, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072 acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas, generally located at the northwest corner of Cherry Street and Theis Ln., from the Agricultural District to the Commercial District.

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

Bill Hightower of Hightower Investments (19327 Chateau Ridge Ct., Tomball, TX 77375) spoke on behalf of the request.

Robert McGee (14207 Broadgreen Dr., Houston, TX 77079) spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:38 p.m.

Louis Smulders – Tomball Landowner (30 East Rivercrest Drive, Houston, TX 77042) spoke on the request.

Hearing no additional comments, the Public Hearing was closed at 6:41 p.m.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **ZONING CASE P15-108**. Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Torres	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>
Commissioner Byrd	<u>Absent</u>

Motion carried unanimously.

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

Motion carried unanimously.

The meeting was adjourned at 6:46 p.m.

PASSED AND APPROVED this _____ day of _____ 2015.

Kim Chandler
Commission Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 9, 2015

Data Sheet

Topic:

Consideration to Approve Final Plat of **CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY SOUTH CAMPUS**: Being a subdivision of 20.8633 acres out of the Jesse Pruitt Survey, A-629, in Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Concordia Lutheran High School

THE STATE OF TEXAS §
COUNTY OF HARRIS §

We, Concordia Lutheran High School of North Harris County acting by and through Joel R. Bode being an officer of Concordia Lutheran High School of North Harris County, owner in this section after referred to as owners (whether one or more) of the 20.8633 acre tract described in the above and foregoing plat of Concordia Lutheran High School of North Harris County South Campus, 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, watercourses, 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 defend the title to 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 in width from a plane 20 feet 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 square feet (18-inch 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 15 feet wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon 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 obutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the Concordia Lutheran High School of North Harris County has caused these presents to be signed by Joel R. Bode, its Head of School, thereunto authorized, attested by its secretary ,

(name of secretary or authorized trust officer), and its common seal hereunto affixed this ____ day of _____,

Concordia Lutheran High School of
North Harris County

By: _____
Joel R. Bode
Head of School

BEFORE ME, the undersigned authority, on this day personally appeared Joel R. Bode, Head of School, known to me to be the person whose names is 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.

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

Notary Public in and for the State of Texas
My Commission Expires: _____

I, Hal Moyer , 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 having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three feet; and that the plat boundary corners have been tied to the nearest survey corner.



Hal Moyer 10/30/15
Hal Moyer
Texas Registration No. 5656

We, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinances.

George Shockelford
City Manager

Lori Lakatos, P.E., CFM
City Engineer

This is to certify that the City accepts the planning and zoning commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day ____ of _____,

Gretchen Fagan
Mayor

Doris Speer
City Secretary

This is to certify that the planning and zoning commission of the City of Tomball has approved this plat and subdivision of Concordia Lutheran High School of North Harris County South Campus in conformance with the laws of the state and the ordinances of the city as shown hereon and authorized the recording of this plat this ____ day of _____,

Barbara Tague, Chairman
Chairman or Vice Chairman

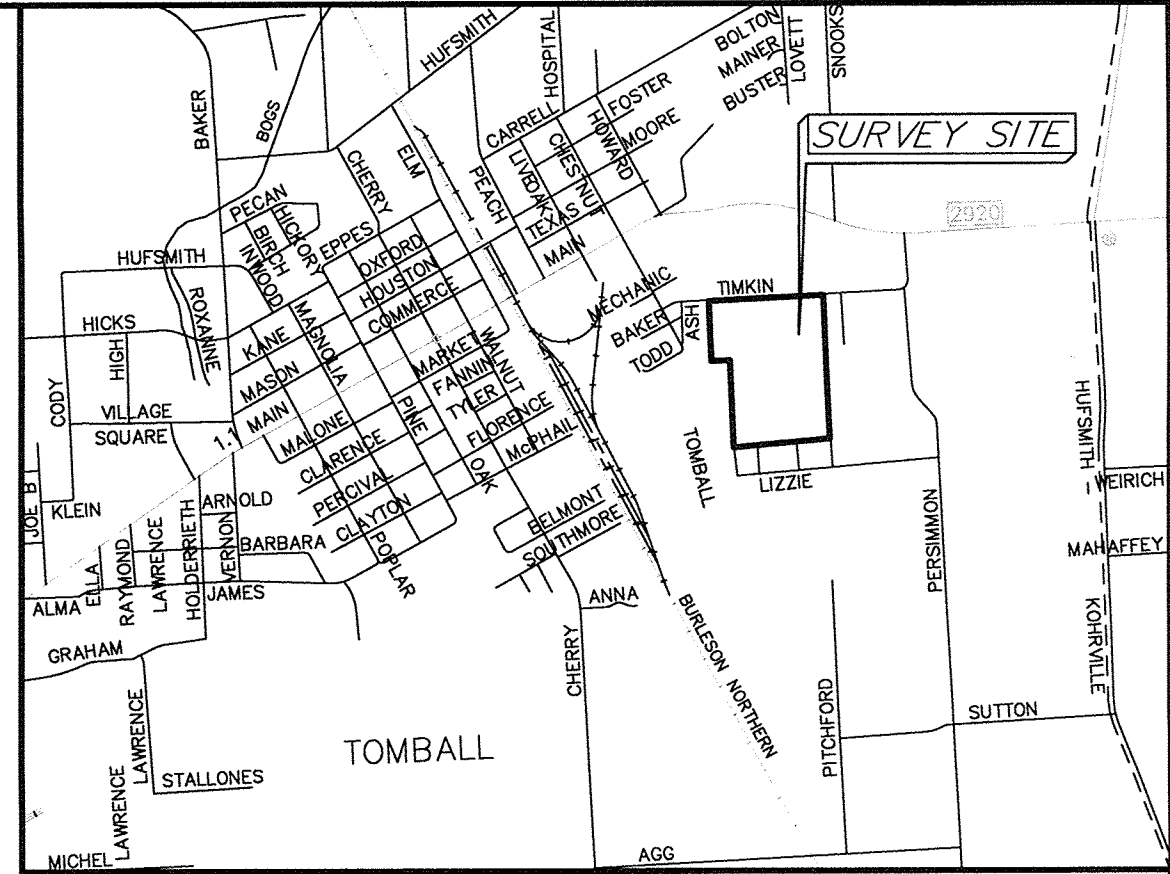
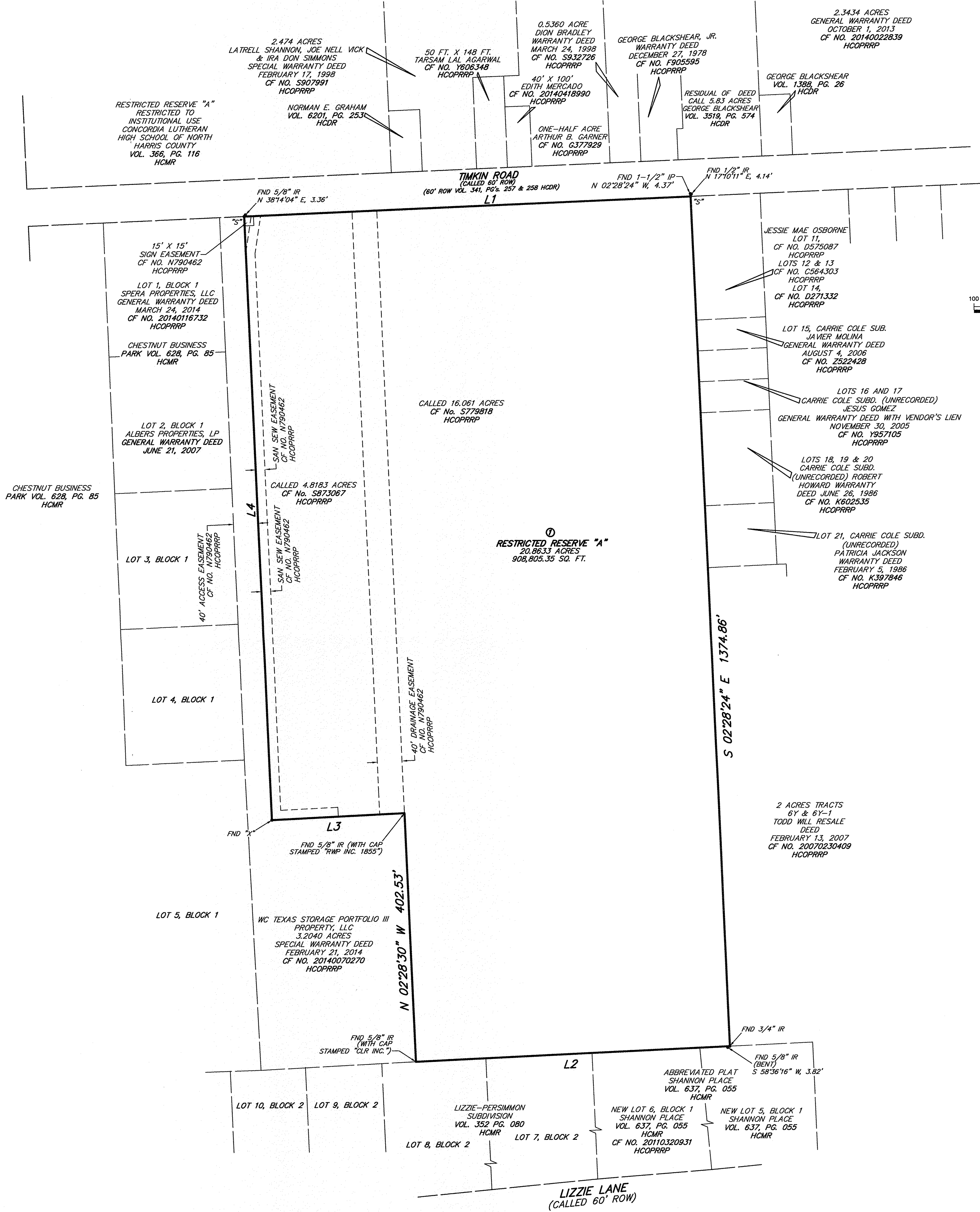
Darrell Roquemore
Vice Chairman

I, Stan Stanort , 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 _____, 2015, at _____ o'clock _____ M., and duly recorded on _____, 2015, 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.

Stan Stanort
County Clerk
Of Harris County, Texas

By: _____
Deputy



VICINITY MAP

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 its 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 Map No. 48201C0230L of the Federal Emergency Management Agency's Flood Insurance Rate Maps for Harris County, Texas and Incorporated Areas, dated June 18, 2007, the subject tract is situated within: Unshaded Zone X defined as areas determined to be outside the 0.2% annual chance floodplain (500-year flood).

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
- 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 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 at the time of the development of the property.
- Elevations shown hereon are based on Harris County Floodplain Reference Mark No. 120195, located approximately 150 feet south of the intersection of FM 2920 and Hufsmith-Kohrville at the second driveway to Shell gas station with a published elevation of 178.27 feet, NAVD 88, 2001 Adjustment and Harris County Floodplain Reference Mark No. 120170, located from the intersection of FM 2920 and Boudreaux, northwest along FM 2920, 2.05 miles to Stuebner-Arlene. Benchmark located on the right on top of concrete culvert with published elevation of 154.74 feet, NAVD 88, 2001 Adjustment.

LEGEND

CF No. CLERK'S FILE NUMBER
FND FOUND
HCOPRRP HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
HCODR HARRIS COUNTY DEED RECORDS
IR IRON ROD
IP IRON PIPE
POB POINT OF BEGINNING
PG PAGE
ROW RIGHT OF WAY
"S" SET 3/4-INCH IRON ROD (WITH CAP STAMPED "COTTON SURVEYING")
SQ. FT. SQUARE FEET
VOL. VOLUME
"X" "X" IN CONCRETE
① BLOCK

LINE BEARING	DISTANCE
L1 N 87°41'43" E	722.96'
L2 S 87°26'05" W	508.38'
L3 S 87°17'10" W	214.49'
L4 N 02°28'24" W	976.18'

CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY SOUTH CAMPUS

A SUBDIVISION OF 20.8633 ACRES
OUT OF THE
JESSE PRUITT SURVEY, A-629
HARRIS COUNTY, TEXAS
OCTOBER 2015

1 RESERVE

1 BLOCK



JONES | CARTER

COTTON SURVEYING DIVISION

Texas Board of Professional Land Surveying Registration No. 12046106
8701 New Trails Drive, Suite 200 • The Woodlands, Texas 77381
281.363.4039

OWNER:

Joel R. Bode, Head of School
Concordia Lutheran High School
700 E. Main St.
Tomball TX 77375

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 9, 2015

Data Sheet

Topic:

Consideration to Approve **Zoning Case P15-0130**: Request by Brian K. Lunell, on behalf of Spring Creek County Historical Association, for a Conditional Use Permit to operate a “museum” in the Single-Family 6 district. The property is approximately 2.4 acres, situated in the Joseph House Survey, Abstract Number 34, and is legally described lots 1, 2, 9-16 block 48, the southwesterly 20 feet of lot 3, and all of lots 4 - 6 block 102, revised Map of Tomball, recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and lot 8A a subdivision as shown on map or plat recorded under Film Code Number 598155, of the Map Records of Harris County, Texas. The property is generally located at the intersection of N. Pine St. and Epps St. at 510 North Pine St.

- Conduct Public Hearing on **ZONING CASE P15-0130**

Background:

Origination:

Recommendation:

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Public Hearing Announcement

Property Owner Notice

Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
November 9, 2015
&
CITY COUNCIL
November 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 16, 2015, 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 P15-0130: Request by Brian K. Lunell, on behalf of Spring Creek County Historical Association, for a Conditional Use Permit to operate a “museum” in the Single-Family 6 district. The property is approximately 2.4 acres, situated in the Joseph House Survey, Abstract Number 34, and is legally described lots 1, 2, 9-16 block 48, the southwesterly 20 feet of lot 3, and all of lots 4 - 6 block 102, revised Map of Tomball, recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and lot 8A a subdivision as shown on map or plat recorded under Film Code Number 598155, of the Map Records of Harris County, Texas. The property is generally located at the intersection of N. Pine St. and Epps St. at 510 North Pine St.

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.

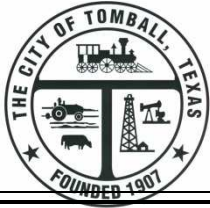
C E R T I F I C A T I O N

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 8th day of October 2015 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.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P15-0130

APPLICANT/OWNER: Brian K. Lunell, on behalf of Spring Creek County Historical Association

LOCATION: At the intersection of North Pine Street and Epps Street at 510 North Pine Street.

PROPOSAL: Request by Brian K. Lunell, on behalf of Spring Creek County Historical Association, for a Conditional Use Permit to operate a “museum” in the Single-Family 6 district. The property is approximately 2.4 acres, situated in the Joseph House Survey, Abstract Number 34, and is legally described lots 1, 2, 9-16 block 48, the southwesterly 20 feet of lot 3, and all of lots 4 - 6 block 102, revised Map of Tomball, recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and lot 8A a subdivision as shown on map or plat recorded under Film Code Number 598155, of the Map Records of Harris County, Texas.

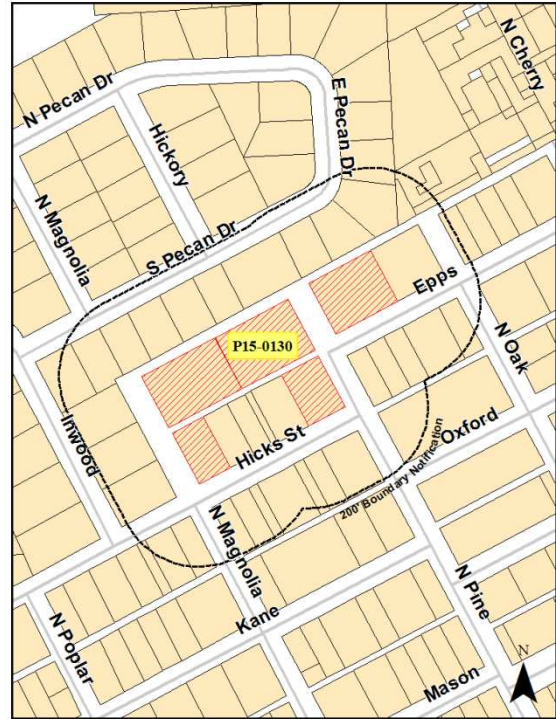
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning & Zoning Commission
Public Hearing:**

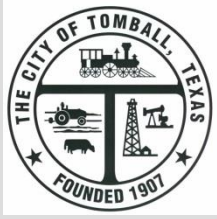
Monday, November 9, 2015, 6:00 PM

City Council Public Hearing:

***Monday, November 16, 2015, 6:00 PM**

**The Public Hearings will be held in the
City Council Chambers, City Hall
401 Market Street, Tomball, Texas**

*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning & Zoning Commission.



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Hearing Date: November 9, 2015

City Council Public Hearing Date: November 16, 2015

Rezoning Case:	P15-0130
Property Owner(s):	Spring Creek County Historical Association
Applicant(s):	Brian K. Lunell
Legal Description:	Lots 1, 2, 9-16 block 48, the southwesterly 20 feet of lot 3, and all of lots 4 - 6 block 102, revised Map of Tomball, recorded under Volume 4 Page 25, of the Map Records of Harris County, Texas; and lot 8A a subdivision as shown on map or plat recorded under Film Code Number 598155, of the Map Records of Harris County, Texas
Location:	Corner of Epps St. & N. Pine St. (Exhibit "A")
Area:	2.4 acres
Comp Plan Designation:	Old Town Use (Exhibit "B")
Present Zoning and Use:	Single-Family Residential-6 (SF-6) District (Exhibit "C") / Spring Creek County Historical Association museum (Exhibit "D")
Proposed Use(s):	Museum
Request:	CUP to allow for an expansion of the existing Spring Creek County Historical Association museum
Adjacent Zoning & Land Uses:	
North:	SF-6 District / Single-Family Residential
South:	SF-6 District / Single-Family Residential
West:	SF-6 District / Single-Family Residential
East:	SF-6 District / Single-Family Residential

BACKGROUND

On June 25, 2015, the City received an application for a Conditional Use Permit (CUP) from the applicant to expand the current Spring Creek Historical Association museum. Specifically, the museum would like to add a cover for their existing sawmill, a windmill, and in the future, a new parking lot on Hicks Street. City Staff met with Charles Hall, President of the Spring Creek Historical Association, on July 27, 2015 and informed him that the CUP application could not be processed at that time because the museum land use was not allowed by-right or with a CUP in the Single-Family 6 (SF-6) District. Mr. Hall was informed that the City would initiate a text amendment that would allow the museum land use in all residential zoning districts with the approval of a CUP and that he could then apply for a CUP after the ordinance was adopted. On

September 21, 2015, City Council adopted, on first reading, Ordinance No. 2015-19, allowing museums in all residential zoning districts with the approval of a CUP. The ordinance was effective on October 19, 2015.

The City met with Mr. Hall again on October 19, 2015 to discuss the next steps. The City accepted the CUP application and it is now being presented for consideration.

ANALYSIS

According to Section 50-81 of the Tomball Code of Ordinances, when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

1. The proposed use is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;

The Comprehensive Plan identifies the subject site as Old Town Use which “includes mature single family neighborhoods, dense commercial uses, a civic core, and high density residential”. The museum appears to be in accordance with the Old Town Use definition. Furthermore, the land use has existed in the neighborhood since 1960 and has no known adverse impacts on the community.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

According to Chapter 50 (Zoning) of the Tomball Code of Ordinances, “*a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.*” As previously mentioned, Council recently amended the City’s Land Use Matrix to allow the museum use in residential areas with the approval of a CUP. Since the museum use is permitted with the approval of a CUP, and the museum has been in existence for a long period of time with no known adverse impacts, the use is consistent with the intent of the applicable zoning regulations.

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in Chapter 50 (Zoning) of the Tomball Code of Ordinances;

Should the CUP application be approved, the applicant will be required to submit a site plan application and supporting documents to the City for review and approval before construction. The concept plan appears to be generally consistent with Chapter 50 (Zoning) of the Tomball Code of Ordinances.

4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;

The proposed use appears to be compatible with and preserves the character and integrity of the adjacent development and neighborhood. There are multiple other uses in the area including a church and daycare.

5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

The proposed uses and concept plan do not appear to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 29, 2015. As of November 4, 2015, six residents have contacted City Staff to inquire about the case. Two of the residents expressed concerns regarding the proposal.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-0130, subject to the following condition of approval:

- 1) The site shall be developed and operated in substantial compliance with Exhibit “F.”

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. CUP Application
- F. Concept Plan

Exhibit "A"
Aerial Photo

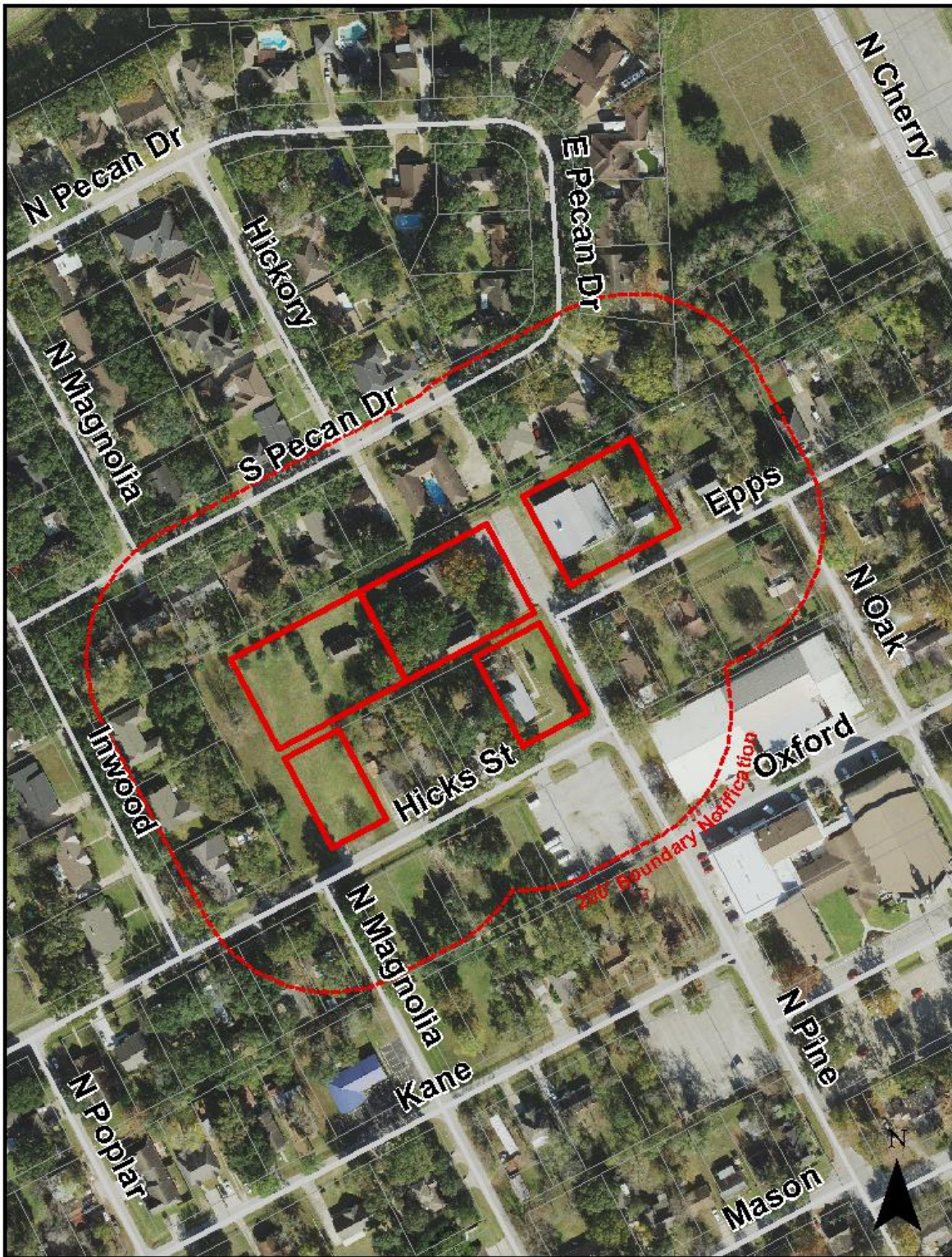


Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
CUP Application



Revised 1/20/09
2015-0130

APPLICATION FOR
CONDITIONAL USE PERMIT
Engineering & Planning Department

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications:

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: Brian K. Lunell Title: R.P.L.S.
Mailing Address: 5000 Cabbage Street City: Spring State: Texas
Zip: 77379
Phone: (281) 320-9591 Fax: (281) 376-1726 Email: hovis@hovissurveying.com

Owner

Name: Spring Creek County Historical Association Title: _____
Mailing Address: 510 North Pine St. City: Tomball State: Texas
Zip: 77377
Phone: (281) 255-2148 Fax: (_____) Email: _____

Engineer/Surveyor (if applicable)

Name: Brian K. Lunell Title: R.P.L.S.
Mailing Address: 5000 Cabbage Street City: Spring State: Texas
Zip: 77379
Phone: (281) 320-9591 Fax: (_____) Email: hovis@hovissurveying.com

Description of Proposed Project: Museum Improvements

Physical Location of Property: Intersection of North Pine and Epps

502 - N. Pine

[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lots 1, 2, 9 through 16, Block 48, Lots 4-6 and West 20' of Lot 3, Block 102, Revised Map of Tomball [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 035281002004, 0352670480021, 0352670480013, 0352670480001
Acreage: 23,800sqft, 39,900sqft, 28,000sqft, 14,000sqft

Current Use of Property: Museum

Proposed Use of Property: Museum

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X B. K. Hall 6/24/15
Signature of Applicant Date

X Charles R. Hall 10/2/14
Signature of Owner Date

President

Spring Creek County
HISTORICAL ASSOCIATION

August 28, 2014

To Whom It May Concern:

This is to advise that all building structures located on the Spring Creek County Historical Association property known as 510 North Pine Street, Tomball, Texas 77377-0457 were in existence prior to the date of February 4, 2008.



Charles Hall-President

Phone: (281) 255-2148 • Post Office Box 457 • Tomball, Texas 77377-0457
Website: www.tomballmuseumcenter.org

5000 Cabbage St.
Spring, Texas 77379
Ph. 281-320-9591
Fax: 281-376-1726
hovis@hovissurveying.com
Firm License #10030400

HOVIS

SURVEYING COMPANY, INC.

Land Surveys & Computer Mapping
Acreage, Residential, Industrial &
Commercial

We are now accepting credit cards!!



June 24, 2015

To: The City of Tomball
Engineering and Planning Department

RE: Conditional Use Permit

The Spring Creek County Historical Association is requesting a Conditional Use Permit to allow for improvements to the property consistent with the existing development. This site is currently zoned as SF-6, but has been in use as a museum prior to the date of February 4, 2008.

Sincerely,

Brian K. Lunell, R.P.L.S.
Project Manager
Hovis Surveying Co.
5000 Cabbage Street
Spring, Texas 77379
Phone #: 281-320-9591
Fax #: 281-376-1726

Exhibit “F” Concept Plan

