

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



MONDAY, AUGUST 13, 2018

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, August 13, 2018 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 and 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 9, 2018.
- 5.0 New Business:
 - 5.1 Consideration to Approve Final Plat of **ESTATES ON HUFSMITH**: A subdivision of 6.914 acres of land being a replat of Tract Four (4), McCraw Tract

II, a subdivision in Harris County, Texas, according to the map or plat thereof recorded under Film Code No. 463122 of the Map Records of Harris County, Texas.

- 5.2 Consideration to Approve **Zoning Case P18-089**: Request by Rene Rodriguez, on behalf of Cherry Ventures, LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 47.675 acres of land legally described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632 within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road, from the Agricultural and General Retail Districts to the Single-Family 6 District.

- Conduct Public Hearing on **Zoning Case P18-089**

- 5.3 Consideration to Approve **Zoning Case P18-120**: Request by Benson Development, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 25.7328 acres of land legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the south side of East Hufsmith Road between Hospital Road and Lovett Street, from the Single-Family 9 District to the Planned Development District.

- Conduct Public Hearing on **Zoning Case P18-120**

6.0 Adjournment

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 9th day of August, 2018 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding 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 13, 2018

Topic:

Background:

Origination:

Recommendation:

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: August 13, 2018

Topic:

Background:

Origination:

Recommendation:

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: August 13, 2018

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of July 9, 2018.

Background:

Origination:

Community Development Department

Recommendation:

Approval

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:

Minutes 07.09.18

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

MONDAY, JULY 9, 2018



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 Will Benson
Commissioner Dane Dunagin
Commissioner Richard Anderson

Others present:

Craig Meyers – Community Development Director
Loren Smith – City Attorney
Amelia Lindley – Planner
Wesley Stolz – Assistant City Engineer
Kyla Hall – Community Development Intern

draft

- 1.1 Election of Chairman and Vice Chairman

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to elect Barbara Tague as Chairman.

Motion carried unanimously.

Motion was made by Commissioner Anderson, second by Commissioner Dunagin, to elect Darrell Roquemore as Vice Chairman.

Motion carried unanimously.

- 2.0 No Public Comments were received

- 3.0 Craig Meyers, Community Development Director, announced the following:

- Introduction of Kyla Hall, Community Development Summer Intern
- Second Reading of Zoning Case P18-072 was postponed by the applicant
- The Commission will no longer receive paper packets and laptops will be provided at the meetings for access to the digital packet

- 4.0 Motion was made by Commissioner Roquemore, second by Commissioner Benson, to

Approve the Minutes of the Regular Planning and Zoning Commission Meeting of June 11, 2018.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to Approve Final Plat of **PIZZI SUBDIVISION**: Being a 1.0553 acre tract situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, and being the same land described in deed recorded in Clerk's File Number RP-2018-113418 of the Real Property Records of Harris County, Texas.

Wesley Stolz, Assistant City Engineer, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Benson, to approve **PIZZI SUBDIVISION**, with contingencies.

Motion carried unanimously.

- 5.2 Consideration to Approve Replat of **TOMBALL BUSINESS AND TECHNOLOGY PARK LOT 9 REPLAT**: A subdivision of 25.1176 acres / 1,094,120.59 SQ. FT. Being a Replat of Lot 9 of Tomball Business and Technology Park Replat of Lot 9, Film Code NO. 678808 H.C.M.R., in the Elizabeth Smith Survey, Abstract No. 70 City of Tomball, Harris County, Texas.

Wesley Stolz, Assistant City Engineer, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to approve **TOMBALL BUSINESS AND TECHNOLOGY PARK LOT 9 REPLAT**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to Approve Replat of **DOLLAR MANOR**: A subdivision of 0.4017 acres of land, being Lots 41, 42, 43, 44, and 45, Block 99, of the revised map of Tomball, an addition in Harris County, Texas, according to the map or plat thereof in Volume 4, Page 25, of the map records of Harris County, Texas.

Wesley Stolz, Assistant City Engineer, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Benson, second by Commissioner Roquemore,

to approve **DOLLAR MANOR**, with contingencies.

Motion carried unanimously.

- 5.4 Consideration to Approve Final Plat of **BUI PLACE**: Being all of a called 6.2149 acres recorded under County Clerk's File Number No. RP-2016-279476 of the official Public Records Real Property of Harris County, Texas, situated in the Joseph House Survey, Abstract No. 34, Harris County, Texas.

Wesley Stolz, Assistant City Engineer, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Roquemore, second by Commissioner Benson, to approve **BUI PLACE**, with contingencies.

Motion carried unanimously.

- 5.5 Consideration to Approve **Zoning Case P18-079**: Request by Jason Young, of SRP Medical Investments, L.P., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.36 acres of land legally described as Lots 174 & 178 and Tracts 166B, 170, 170A & 170B Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the southeast corner of Michel Street and School Street, from the Agricultural District to the Commercial District.

Amelia Lindley, Planner, presented the case and recommendation of approval.

Andy Hall (11700 Katy Freeway Suite 800, Houston, Texas 77084) spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:17 p.m.

Hearing no comments, the Public Hearing was closed at 6:17 p.m.

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to approve **Zoning Case P18-079**. Vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

The meeting was adjourned at 6:19 p.m.

PASSED AND APPROVED this _____ day of _____ 2018.

Wesley Stolz
Commission Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: August 13, 2018

Topic:

Consideration to Approve Final Plat of **ESTATES ON HUFSMITH:** A subdivision of 6.914 acres of land being a replat of Tract Four (4), McCraw Tract II, a subdivision in Harris County, Texas, according to the map or plat thereof recorded under Film Code No. 463122 of the Map Records of Harris County, Texas.

Background:**Origination:**

Community Development Department

Recommendation:

Approval with contingencies

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

Engineering Division

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Estates on Hufsmith Plat
Staff Comments

STATE OF TEXAS
COUNTY OF HARRIS

We, Darin Vance Harvey and Roxane Allison Harvey, Owner of hereinafter referred to as Owners (whether one or more) of the 6.9146 acre tract described in the above and foregoing map of Estates at Humrith Road, do hereby make and establish said subdivision of said property according to all laws, dedications, restrictions and notices on said plat and hereby dedicate to the use of the public for public utility purposes forever undesignated aerial easement five feet wide on each side of the centerline of any and all boulevards, creeks, gulches, ravines, draws, sloughs or other natural drainage courses located in Harris County, Texas, and any other governmental agency, the right to enter upon said easements at any time for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever undesignated aerial easement five feet wide on each side of the centerline of any and all boulevards, creeks, gulches, ravines, draws, sloughs or other natural drainage courses located adjacent to all public utility easements shown hereon.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever undesignated aerial easements. The aerial easements shall extend horizontally on additional ten (10.00') for ten feet (10.0') back-to-back ground easements, or eight (8.0') for fourteen feet (14.0') back-to-back ground easements, from a plane sixteen feet (16.0') above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designed with aerial easements (UE and AE) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30.0') in width.

FURTHER, Owners do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of single family residential units thereon and shall be restricted for some under the terms and conditions of such restrictions filed separately.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road, alley, or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the centerline of any and all boulevards, creeks, gulches, ravines, draws, sloughs or other natural drainage courses located in Harris County, Texas, and any other governmental agency, the right to enter upon said easements at any time 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, gulch, creek or natural drainage way is hereby restricted to keep such drainage ways and easements clear of fences, pools, buildings, sheds, plantings and other obstructions that may impede or obstruct the free flow of water through such drainage facility and that such abutting property shall not be permitted to drain directly into these easements except by means of an approved drainage structure.

FURTHER, the owners hereby certify that this replat or amending plat was prepared by a duly licensed and qualified professional land surveyor and that the survey was made in accordance with the laws of the State of Texas and the ordinances of the City of Tomball. We further certify that no portion of the area covered by the previous plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

WITNESS my hand in the city of Tomball, Texas,
this ____ day of ____, 2018.

Darin Vance Harvey, Owner

Roxane Allison Harvey, Owner

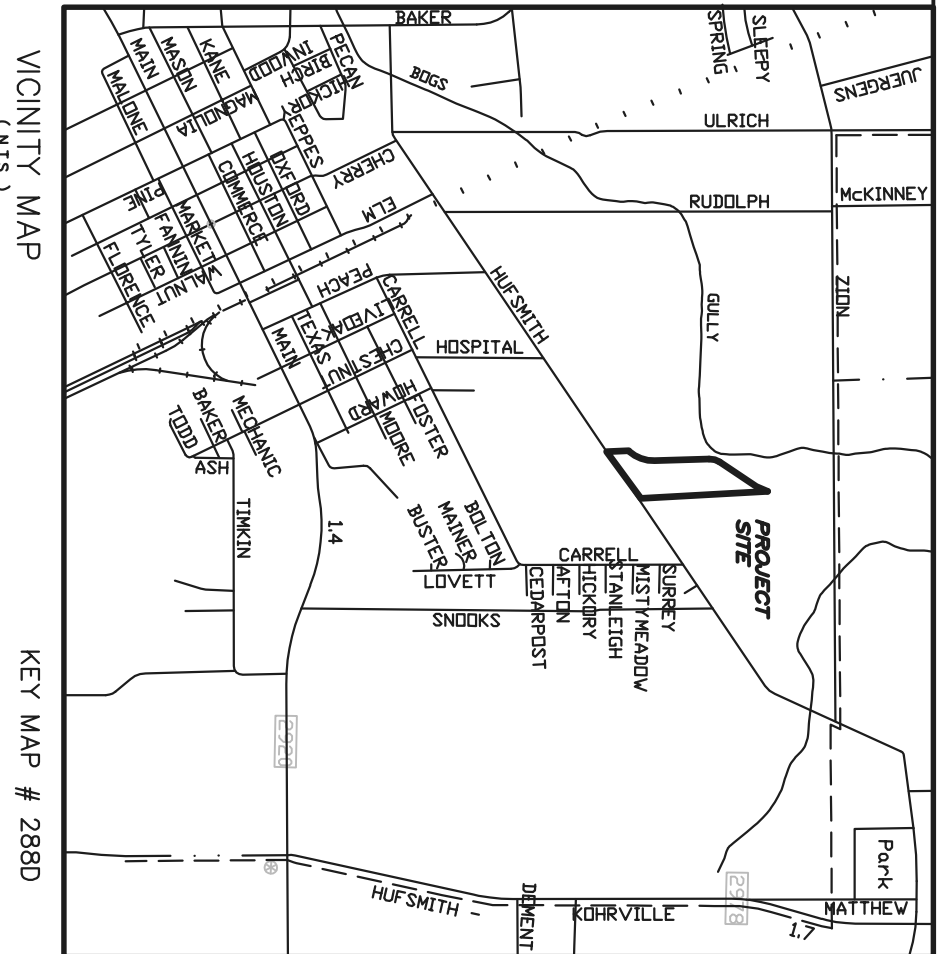
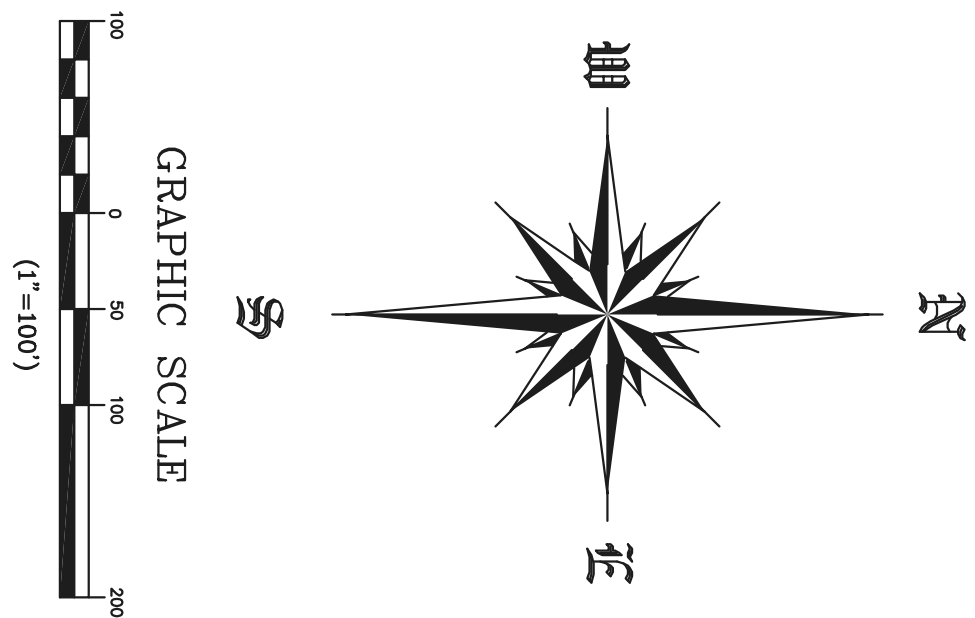
STATE OF TEXAS
COUNTY OF HARRIS
BEFORE ME, the undersigned authority, on this day personally appeared Darin Vance Harvey & Roxane Allison Harvey, known to me to be the person (s) whose name (s) are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this ____ day of ____, 2018

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

ABBREVIATIONS

- AC. = Acre/Acres
- B.L. = Building Line
- B.O.C. = Bottom Of Concrete
- D.U. = Ducting Units
- ESMT. = Easement
- F.O.C. = Face of Concrete
- FT. = Feet
- C.B.L. = Canopy Building Line
- H.C.D.R. = Harris County Deed Records
- H.C.C.F. = Harris County Clerk's File
- H.C.M.R. = Harris County Map Records
- INC. = Incorporated
- L.L.C. = Limited Liability Corporation
- MAD. = North American Datum
- M.T.S. = Not To Scale
- PG. = Page
- PL. = Property Line
- VOL. = Volume
- RES. = Reserve
- R.D. = Road
- R.P.L.S. = Registered Professional Land Surveyor
- R.O.W. = Right-of-Way
- S.F. = Square Feet



I, Don T. Maier, am authorized (or registered) under the laws of the State of Texas to prepare and record this map. I have hereby certified 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, angles have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4) and a length of not less than 18 inches (18) and that the plat boundary corners have been tied to the nearest survey corner.



I, Stan Stangert, Clerk of the County Court of Harris County, do hereby certify that this map was filed for registration in my office at ____ o'clock ____ M., and duly recorded at ____ o'clock ____ M., at ____ 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 Stangert
Clerk of
Harris County, Texas

By: Deputy

By: Barbara Tague
Chairman

Or: Darrell Roquemore
Vice Chairman

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this map in accordance 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 ____, 2018.

LINE	LENGTH	BEARING
1	102.89'	N42°00'00"E
2	102.89'	N42°00'00"E
3	20.00'	N53°43'49"E
4	20.00'	N53°43'49"E
5	18.99'	N53°43'49"E
6	65.90'	N53°08'45"W

GRADE	LENGTH	GRADE	LENGTH	GRADE
92.84'	150.00'	92.85'	54.74'	91.46'

5. All bearings shown hereon are based on grid north of the U.S. State Plane Coordinate System, Texas South Central Zone, NAD 1983 Datum.

6. Floodplain Reference Mark Number 100390 is a brass disk stamped 100390 with an elevation of 16515 NAVD 1988, 2001 Adjustment.

To Reach Description

From the intersection of FM 2920 and FM 2978, north along FM 2978 1.4 miles to E. Hufsmith West along E. Hufsmith 0.4 miles to Zion, West along Zion dirt road South along Zion 0.1 miles to a benchmark on the left.

ESTATES ON HUFSMITH

A subdivision of 6.914 acres of land.

Being a replat of Tract Four (4), McCraw Tract II, a map, or plat thereof, recorded under Film Code No. 463122 of the Map Records of Harris County, Texas.

Reason for Replat:
to create 3 Lots, & 1 Block

OWNER: Darin Vance Harvey & Roxane Allison Harvey
Harris County, Texas 77068

D.T. MAIER & ASSOCIATES Firm No. 10194086
HOME OFFICE: 605 PURDY STREET
BROOKSHIRE, TEXAS 77423 E-Mail: dtmaier@phoo.com
PHONE: (832) 526-4720
P.M. URIEL FIGUEROA
VOICE: 713-480-4075
E-Mail: dtmandassociates@yahoo.com
urlg_diamondassociates@yahoo.com

CITY OF TOMBALL

Plat Name: Estates on Hufsmith Plat Type: Replat

Construction Drawings for Public Facilities required? Yes ☐ No ☐ N/A ☒

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: August 13, 2018

The above Subdivision Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

- Update legal area accuracy.
- Provide utility notification letters.
- Add line holder signature block.
- Provide tax certificates.
- Correct typos

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: August 13, 2018

Topic:

Consideration to Approve **Zoning Case P18-089**: Request by Rene Rodriguez, on behalf of Cherry Ventures, LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 47.675 acres of land legally described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pilot Survey, Abstract 632 within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road, from the Agricultural and General Retail Districts to the Single-Family 6 District.

- Conduct Public Hearing on **Zoning Case P18-089**

Background:

Origination:

Community Development Department

Recommendation:

Approval

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

Planning Division

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Notice of Public Hearing
Property Owner Notification
P18-089 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
AUGUST 13, 2018
&
CITY COUNCIL
AUGUST 20, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, August 13, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, August 20, 2018, 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 P18-089: Request by Rene Rodriguez, on behalf of Cherry Ventures, LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 47.675 acres of land legally described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632 within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road, from the Agricultural and General Retail Districts to the Single-Family 6 District.

Zoning Case P18-120: Request by Benson Development, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 25.7328 acres of land legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the south side of East Hufsmith Road between Hospital Road and Lovett Street, from the Single-Family 9 District to the Planned Development District.

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 Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

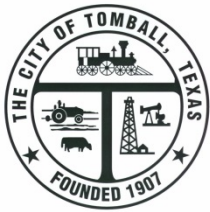
C E R T I F I C A T I O N

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 **9th** day of **August 2018** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Elizabeth Jones

Elizabeth Jones
Administrative Assistant

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 the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P18-089

APPLICANT/OWNER: Request by Rene Rodriguez, on behalf of Cherry Ventures, LP

LOCATION: Generally located on the west side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 47.675 acres of land legally described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632 within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family 6 District.

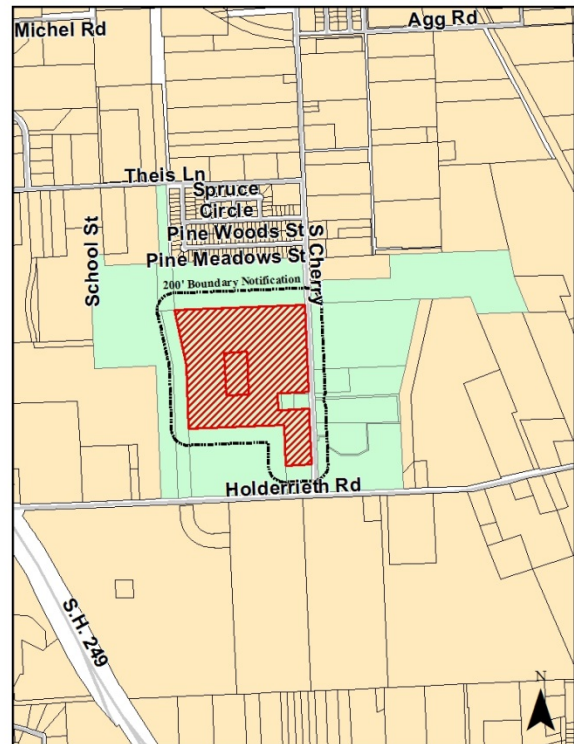
CONTACT: Amelia Lindley, Planner

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.

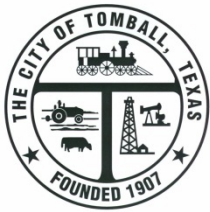


**Planning & Zoning Commission
Public Hearing:
Monday, August 13, 2018, 6:00 PM**

**City Council Public Hearing:
*Monday, August 20, 2018, 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.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

_____ I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P18-089. (Please state reasons below)**

_____ I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P18-089. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, August 13, 2018 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, August 20, 2018, 6:00 PM

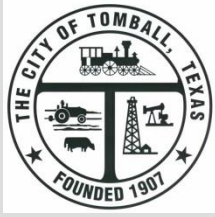
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to ALindley@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: August 13, 2018

City Council Public Hearing Date: August 20, 2018

Rezoning Case: P18-089

Property Owner(s): Cherry Ventures, LP

Applicant(s): Rene Rodriguez, with LJA Engineering

Legal Description: Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632

Location: West side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road (Exhibit "A")

Area: 47.675 acres

Comp Plan Designation: Medium Density Residential and Employment/Office (Exhibit "B")

Present Zoning and Use: Agricultural and General Retail Districts (Exhibit "C") / Undeveloped (Exhibit "D")

Request: Rezone from the Agricultural and General Retail Districts to the Single-Family 6 District

Adjacent Zoning & Land Uses:

North: Agricultural District / Undeveloped

South: Commercial and General Retail Districts / Undeveloped

West: Commercial and Agricultural Districts / M121 West Drainage Ditch and Undeveloped

East: Agricultural, Commercial, Office and Multi-Family Districts / Undeveloped, City Masonry, large lot residential and apartment complex (Home Towne at Tomball)

BACKGROUND

City Staff has had discussions regarding a single-family subdivision on the subject site. In June 2018, Staff received a rezoning application.

ANALYSIS

There are multiple zoning districts in the area. A majority of the surrounding properties are zoned Agricultural District. These properties are located to the north, east and west of the subject site. There are also Commercial zoned properties to the east and south of the property as well as Office and Multi-Family to the east. The property abuts the future M121 West Drainage Channel to the west.

There are not many land uses in the immediate area. A majority of the surrounding properties are undeveloped. There are a couple large lot residences on the west side of South Cherry Street. There is also a business, City Masonry, and an apartment complex, Home Towne at Tomball, on the east side of South Cherry Street. Properties to the north, south and west of the subject site are undeveloped.

The Comprehensive Plan designates the property as Medium Density Residential. This designation is intended for “single-family detached residential development...with lot sizes ranging from 6,000 to 20,000 square feet”. A small portion the property, approximately 3.2 acres, is designated Employment/Office. The request appears to be consistent with the City’s Comprehensive Plan. Surrounding properties are also designated Medium Density Residential to the north, east and west as well as Employment/Office to the south and High Density Residential to the east.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.**

The uses permitted in the Single-Family 6 District appear to be appropriate for the immediate area. There is a similar single-family residential development at South Cherry and Theis Lane. The M121 West Drainage Channel was constructed to provide drainage conveyance and regional detention for nearby developments.

- B. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.**

Adequate utilities are available to serve this property. A traffic study will be conducted, if required by Harris County, to ensure the existing streets adjacent to the property can accommodate traffic generated by a Single-Family 6 District development.

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.**

There is not a lot of vacant property in the City zoned Single-Family 6 District.

- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.**

Recently, there have been multiple rezoning requests for the Single-Family 6 District in the City.

- E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.**

City Staff does not anticipate any adverse impacts on other areas designated for similar development.

F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare.

G. Whether the request is consistent with the Comprehensive Plan.

The Future Land Use Map designates the property as Medium Density Residential which is intended for “single-family detached residential development...with lot sizes ranging from 6,000 to 20,000 square feet”. The request appears to be consistent with the Future Land Use Map. A goal of the Comprehensive Plan “is to encourage a full range of housing types and residential neighborhoods that preserve and establish connected open spaces”.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on July 27, 2018. The Notice of Public Hearing was published in the paper on August 1, 2018. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends APPROVAL of Zoning Case P18-089 for the following reasons:

1. The request meets the goals of City’s Comprehensive Plan;
2. The request is in conformance with the Future Land Use Map;
3. The request is generally appropriate with the surrounding land uses in the area;
4. The request is generally appropriate with the surrounding zoning districts.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photos
- E. Application

Exhibit "A"
Aerial Photo

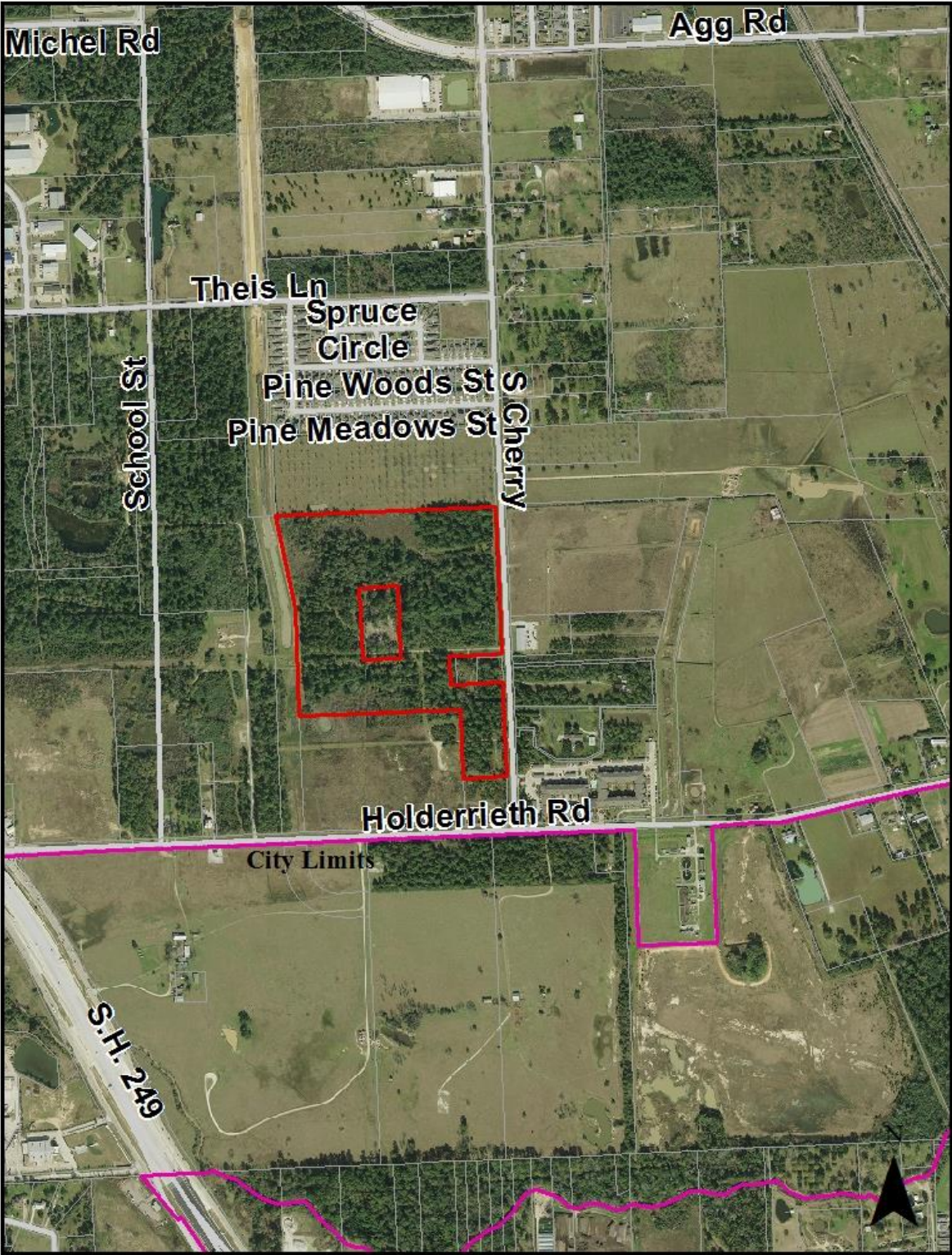


Exhibit "B"
Comprehensive Plan

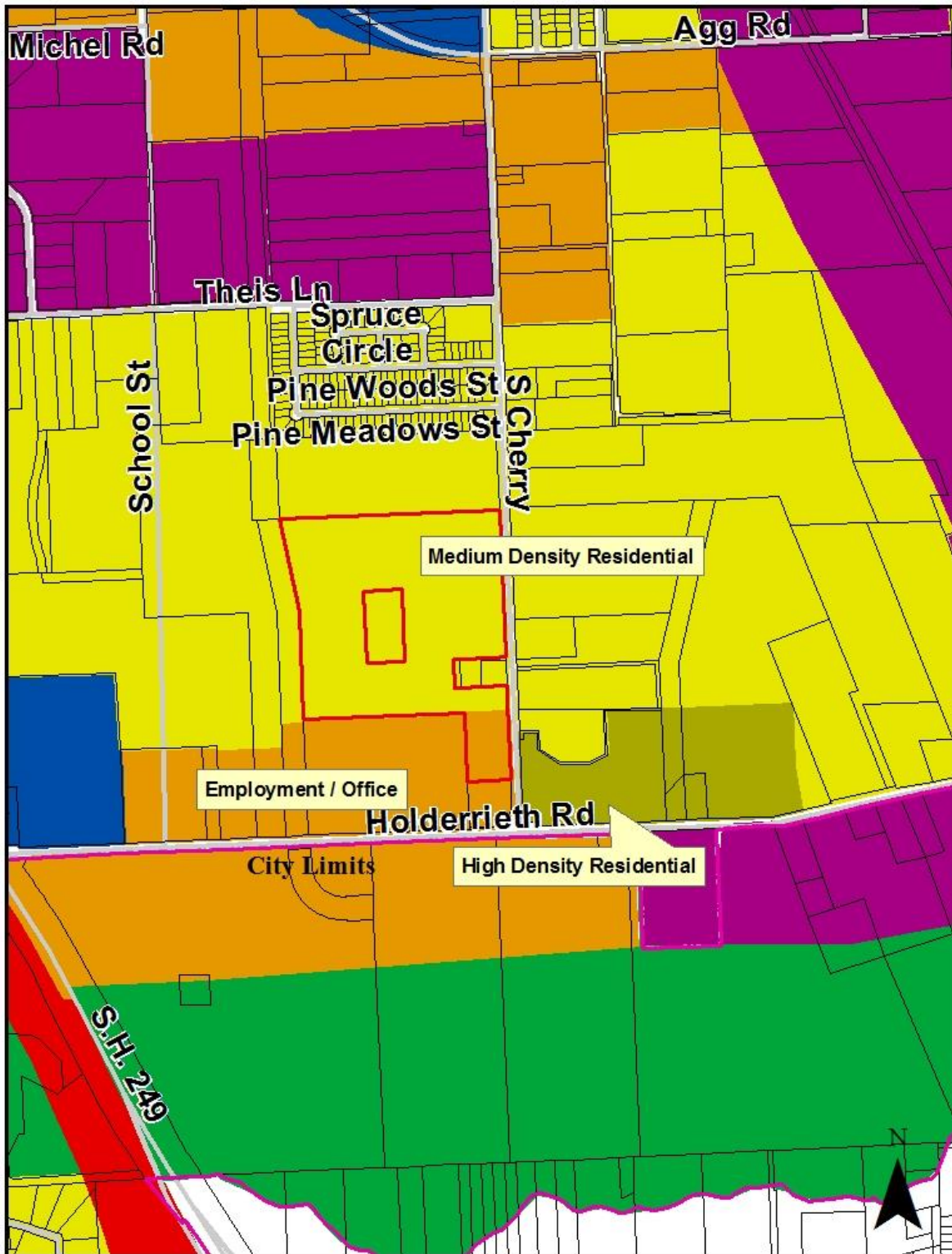
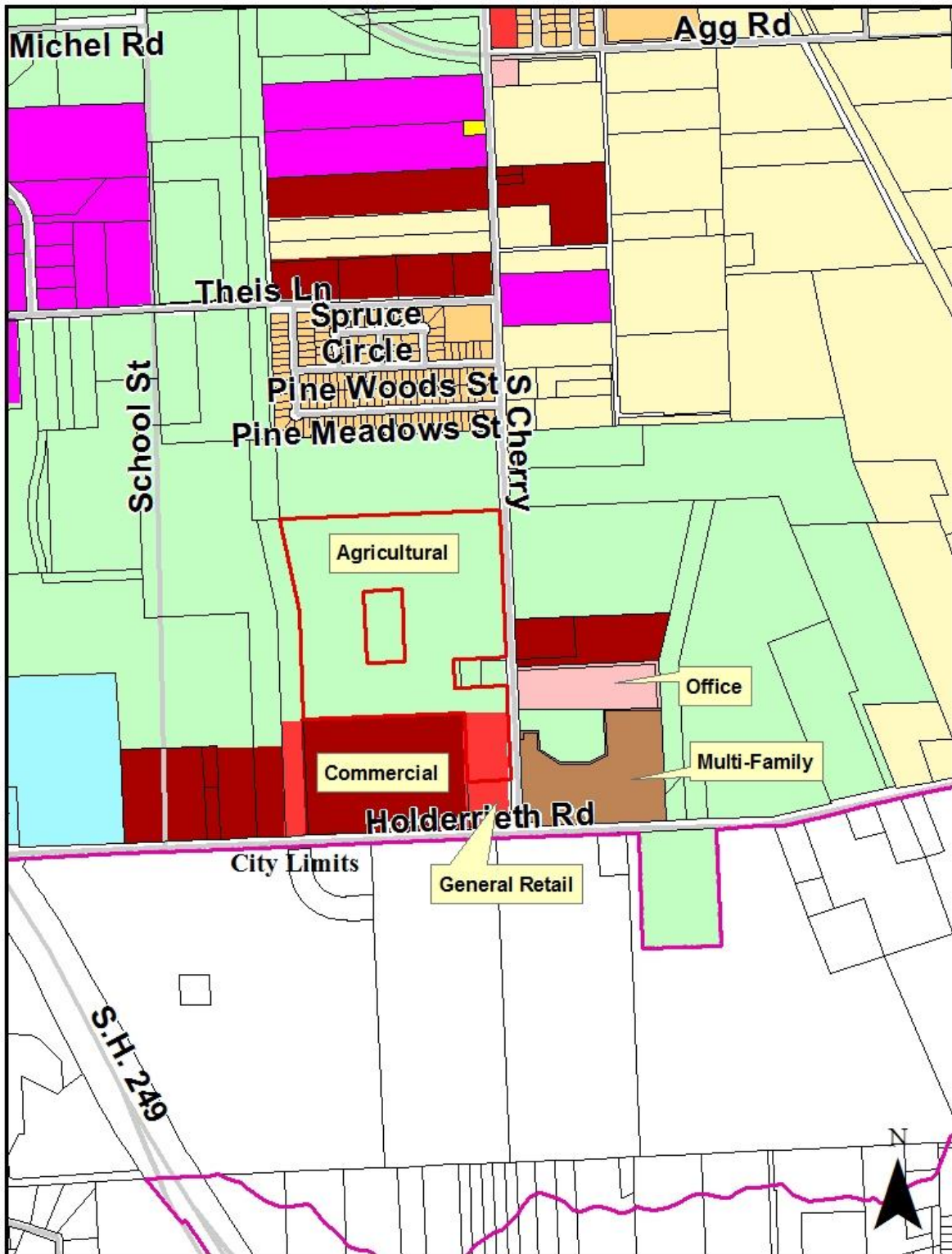


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E" Application

dotloop signature verification: <https://dotloop.com/verify/certificate/DL-355-46263-3-2018>

Revised 5/19/15



APPLICATION FOR REZONING

Community Development Department
Planning Division

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: Rene Rodriguez Title: Platting Manager
Mailing Address: 2929 Briarpark, Suite 600 City: Houston State: TX
Zip: 77042
Phone: (713) 953-5228 Fax: (713) 953-5026 Email: rerodriguez@lja.com

Owner

Name: Cherry Ventures, LP Title: _____
Mailing Address: 27993 Bays Cemeetary Road City: Richards State: TX
Zip: 77873
Phone: () Fax: () Email: _____

Engineer/Surveyor (if applicable)

Name: Clayton Weishuhn, PE Title: Project Manager
Mailing Address: 2929 Briarpark, Suite 600 City: Houston State: TX
Zip: 77042
Phone: (713) 953-5103 Fax: (713) 953-5026 Email: cweishuhn@lja.com

Description of Proposed Project: 47.675 Ac situated in the C.M. Pilot Survey, Abstract 632

Physical Location of Property: 0 S. Cherry Street, 156-ft north of Holderrieth
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Tracts 4C, 4H, 4K, 4L & 9A, C.M. Pilot Survey, Abstract 632
[Survey/Abstract No. and Tracts, or platted Subdivision Name with Lots/Block]

Current Zoning District: AG-Agricultural District & GR-General Retail District

Current Use of Property: Vacant

Proposed Zoning District: SF-6-Single Family 6 District

Proposed Use of Property: Single Family Residential

HCAD Identification Number: 044-058-000-0051 Acreage: 47.675

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

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.

<u>X</u> Rene Rodriguez		Digitally signed by Rene Rodriguez Date: 2018.06.06 17:42:36 -05'00'	June 6, 2018
Signature of Applicant		Date	
<u>X</u> <i>Cherry Ventures c/o Alton Hues</i>		dotloop verified 06/07/18 11:03AM CDT YZDC-XTQC-MAKQ-CWWE	06/07/2018
Signature of Owner		Date	

CITY OF TOMBALL
281-351-5484

REC#: 01033527 6/21/2018 2:59 PM
OPER: MF TERM: 002
REF#: PERMIT W 49578

TRAN: 130.0000 PLANNING AND ZONING
RENE RODRIGUEZ
O S CHERRY ST.
100-5441
REZONING APPLICATIO 880.00CR
TENDERED: 880.00 CHECK
APPLIED: 880.00-
CHANGE: 0.00



2929 Briarpark Drive, Suite 600, Houston, Texas 77042
t 713.953.5200 f 713.953.5026 LJA.com TBPE F-1386 TBPLS 10110501

June 21, 2018

Ms. Amelia Lindley
City Planner
City of Tomball
401 Market Street
Tomball, Texas 77375

Re: Re-Zoning, Tomball, Texas
47 Acre Tract
LJA Job No. 2040-5201 (6.1)

Dear Ms. Lindley:

LJA Engineering, Inc. on behalf of Cherry Ventures, L.P., request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 47 acres from the Agricultural District & General Retail District to the Single-Family 6 District. The properties are legally described as Tracts 4C, 4H, 4K, 4L & 9A, of the C.N. Pilot Survey, Abstract 632, Harris County, Texas and generally located on the east side of South Cherry Street just north of Holderrieth Road.

If you have any questions or need any additional information pertaining to the re-zoning, please call me at 713.953.5228. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rene R.', with a stylized flourish.

Rene Rodriguez
Platting Manager

RR/ew

Enclosure(s)

O:\LAND\2040\2040-5201\47 Zoning Notification Letter.doc

STATE OF TEXAS §
 §
 §
 §
 §
COUNTY OF HARRIS §

BEING A TRACT OR PARCEL OF LAND CONTAINING 47.675 ACRES (2,076,738 SQUARE FEET) OF LAND SITUATED IN THE C.M. PILLOT SURVEY, ABSTRACT No. 632, HARRIS COUNTY, TEXAS AND BEING A TRACT CONVEYED TO CHERRY VENTURES, L.P. IN A DEED RECORDED IN COUNTY CLERK FILE No. (C.C.F. No.) 20140543393, OFFICIAL RECORDS HARRIS COUNTY, TEXAS (O.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS ARE BASED IN C.C.F. No. L990867, O.R.H.C.T.)

BEGINNING at a found ½ Inch iron rod in the west right-of-way (R.O.W.) line of South Cherry Street (80 Foot R.O.W.) for the common Northeast corner of herein described tract and the southeast corner of a tract conveyed to Arlene Holderrieth Wottrich and Donald Alfred Wottrich, recorded in C.C.F. No. B402174, O.R.H.C.T.;

THENCE, SOUTH 00°00'07" EAST, 1,017.44 Feet, along the common East line of herein described tract and the west R.O.W. line of said South Cherry Street to a found ½ Inch iron rod for a common Exterior corner of herein described tract and the northeast corner of a tract conveyed to Richard A. Metcalf, et ux, recorded in C.C.F. No. 20100116207, O.R.H.C.T.;

THENCE, NORTH 89°53'00" WEST, 360.85 Feet, departing the west R.O.W. line of said South Cherry Street and along a common South line of herein described tract and the north line of said tract conveyed to Richard A. Metcalf, et ux, to a found ½ Inch iron rod for a common Interior corner of herein described tract and the northwest corner of said tract conveyed to Richard A. Metcalf, et ux;

THENCE, SOUTH 00°00'07" WEST, 200.00 Feet, along a common East line of herein described tract and the west line of said tract conveyed to Richard A. Metcalf, et ux, to a 1/2 Inch iron rod with a "Precision" cap set for a common Interior corner of herein described tract and the southwest corner of said tract conveyed to Richard A. Metcalf, et ux;

THENCE, SOUTH 89°53'00" EAST, 360.85 Feet, along a common North line of herein described tract and the south line of said tract conveyed to Richard A. Metcalf, et ux, to a 1/2 Inch iron rod with a "Precision" cap set in the west R.O.W. line of said South Cherry Street for a common Exterior corner of herein described tract and the southeast corner of said tract conveyed to Richard A. Metcalf, et ux;

THENCE, SOUTH 00°00'07" EAST, 648.65 Feet, along a common East line of herein described tract and the west R.O.W. line of said South Cherry Street to a found capped iron rod for the common Southeast corner of herein described tract and the northeast corner of Tomball Forest Estates, recorded under Film Code No. 625280, **Map Records Harris County, Texas**;

THENCE, SOUTH 89°48'04" WEST, 300.00 Feet, departing the west R.O.W. line of said South Cherry Street and along a common South line of herein described tract and the north line of said Tomball Forest Estates, to a 1/2 Inch iron rod with a "Precision" cap set in the east line of a tract conveyed to 249 Holderrieth, LLC., recorded in C.C.F. No. 20150186441, O.R.H.C.T. for a common Exterior corner of herein described tract and the northwest corner of said Tomball Forest Estates;

THENCE, NORTH 00°03'49" WEST, 477.50 Feet, along a common West line of herein described tract and the east line of said tract conveyed to 249 Holderrieth, LLC., to a 1/2 Inch iron rod with a "Precision" cap set for a common Interior corner of herein described tract and the northeast corner of said tract conveyed to 249 Holderrieth, LLC.;

THENCE, NORTH 89°56'15" WEST, 1,116.30 Feet, along a common South line of herein described tract and the north line of said tract conveyed to 249 Holderrieth, LLC., to a 1/2 Inch iron rod with a "Precision" cap set in the east line of a tract conveyed to City of Tomball, recorded in C.C.F. No. W565672, O.R.H.C.T. for the Southwest corner of herein described tract;

THENCE, NORTH 00°01'24" EAST, 749.11 Feet, along a common West line of herein described tract and the east line of said tract conveyed to City of Tomball, to a point for the common Interior corner of herein described tract and the exterior corner of said tract conveyed to City of Tomball from which a 5/8 Inch iron rod found bears South 74° 20' East, a distance of 0.53 Feet ;

THENCE, NORTH 09°55'02" WEST, 651.73 Feet, continuing along a common West line of herein described tract and the east line of said tract conveyed to City of Tomball, to a found capped iron rod for the common Northwest corner of herein described tract and the southwest corner of said tract conveyed to Arlene Holderrieth Wottrich and Donald Alfred Wottrich;

THENCE, SOUTH 89°53'58" EAST, 1,528.79 Feet, along the common North line of herein described tract and the south line of said tract conveyed to Arlene Holderrieth Wottrich and Donald Alfred Wottrich, to the POINT OF BEGINNING containing 47.675 Acres (2,076,738 square feet) of land.

(See attached drawing)



Terrance Mish
Registered Professional Land Surveyor, No.
4981
Job No. 17-10226
September 28, 2017

ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR & VOTER REGISTRAR
P.O. BOX 3547
HOUSTON, TEXAS 77253-3547
TEL: 713-274-8000



2017 Property Tax Statement
Web Statement

Statement Date:	June 6, 2018
Account Number	
	044-058-000-0051

Additional city sales tax reduced your city ad valorem tax by: \$11.13



CHERRY VENTURES LP
27993 BAYS CEMETARY RD
RICHARDS TX 77873-2101

Taxing Jurisdiction	Exemptions	Taxable Value	Rate per \$100	Taxes
Harris County	0	5,808	0.418010	\$24.28
Harris County Flood Control Dist	0	5,808	0.028310	\$1.64
Port of Houston Authority	0	5,808	0.012560	\$0.73
Harris County Hospital District	0	5,808	0.171100	\$9.94
Harris County Dept. of Education	0	5,808	0.005195	\$0.30
Lone Star College System	0	5,808	0.107800	\$6.26
City of Tomball	0	5,808	0.341455	\$19.83
Emergency Service Dist #8 (EMS)	0	5,808	0.100000	\$5.81

Property Description	
S CHERRY ST 77375 TRS 4C 4H 4K 4L & 9A ABST 632 C N PLOT 44.6750 AC	
Appraised Values	
Land - Market Value	1,379,534
Impr - Market Value	0
Total Market Value	1,379,534
Less Capped Mkt Value	1,373,726
Appraised Value	5,808
Exemptions/Deferrals	
Timber Productivity	

Page: 1 of 1

Total 2017 Taxes Due By January 31, 2018:	\$68.79
Payments Applied To 2017 Taxes	\$68.79
Total Current Taxes Due (Including Penalties)	\$0.00
Prior Year(s) Delinquent Taxes Due (If Any)	\$0.00
Total Amount Due For June 2018	\$0.00

Penalties for Paying Late	Rate	Current Taxes	Delinquent Taxes	Total
By February 28, 2018	7%	\$0.00	\$0.00	\$0.00
By March 31, 2018	9%	\$0.00	\$0.00	\$0.00
By April 30, 2018	11%	\$0.00	\$0.00	\$0.00
By May 31, 2018	13%	\$0.00	\$0.00	\$0.00
By June 30, 2018	15%	\$0.00	\$0.00	\$0.00

Tax Bill Increase (Decrease) from 2012 to 2017: Appraised Value 7%, Taxable Value 7%, Tax Rate 3%, Tax Bill 10%.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.



PAYMENT COUPON

CHERRY VENTURES LP
27993 BAYS CEMETARY RD
RICHARDS TX 77873-2101

Account Number
044-058-000-0051
Amount Enclosed
\$ _____

Make check payable to:

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR & VOTER REGISTRAR
P.O. BOX 4622
HOUSTON, TEXAS 77210-4622

Web Statement - Date Printed: 06-06-2018

Scan the QR code to pay online or visit www.hctax.net



04405800000512 2017 000000000 000000000 000000000 000000000

TAX STATEMENT 2017 +

STATEMENT DATE: 06/06/2018

LEGAL: TRS 4C 4H 4K 4L & 9A
ABST 632 C N PILLOT

ACCOUNT: 0440580000051

OWNER: CHERRY VENTURES LP
PARCEL ADDRESS: 0000000 S CHERRY ST
EXEMPTION CODES: AGTMBPIDN: 0440580000051
ACRES: 44.675

AG LAND 61.428	APPRAISED VALUE 1,379,534				
TAXING ENTITIES	EXEMPTION AMOUNT	TAXABLE VALUE	TAX RATE PER \$100	BASE TAX	PENALTY & INTEREST
TOMBALL ISD	1,318,106	61.428	1.340000	0.00	0.00
			SUBTOTAL	0.00	0.00
			PRIOR YEARS	0.00	
			TOTAL AMOUNT DUE	0.00	

This top portion and your canceled check will serve as your receipt.

^ Detach on perforation and return this portion with your check payable to:

Kristi Williams
PO Box 276
Tomball, TX 77377-0276
(281)357-3100

DELINQUENT DATE: 02/01/2018

ACCOUNT: 0440580000051 2017 +

CHERRY VENTURES LP
27993 BAYS CEMETARY RD
RICHARDS, TX 77873-2101TOTAL AMOUNT DUE
\$0.00

** AMOUNT DUE ON RECEIPT **

OWNER: CHERRY VENTURES LP
PIDN: 0440580000051

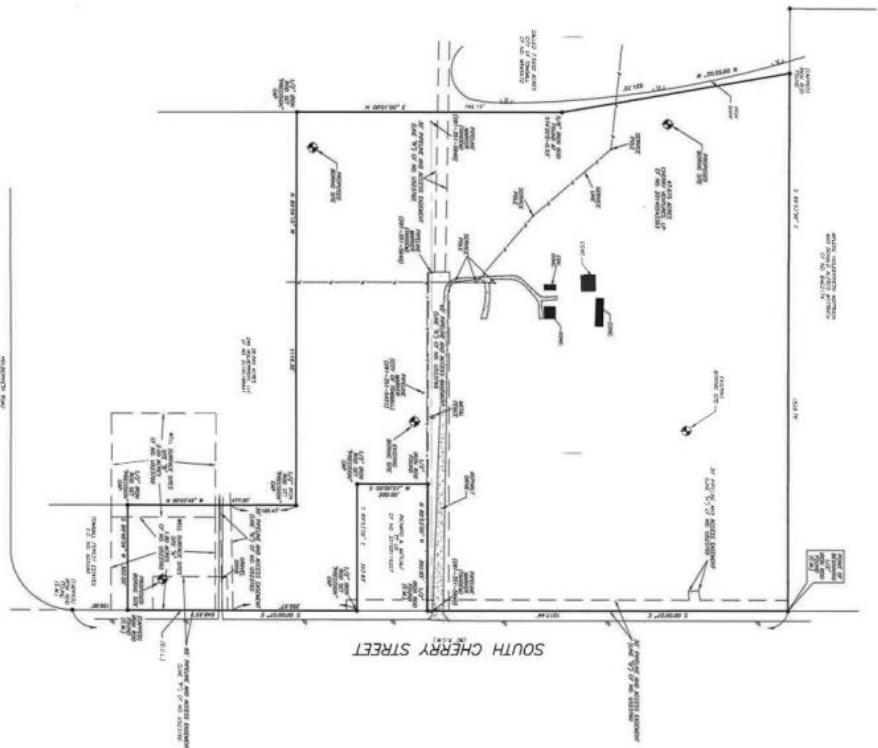
IF PAID IN	AMOUNT DUE
JUL	0.00
AUG	0.00
SEP	0.00
OCT	0.00
NOV	0.00
DEC	0.00

ADDRESS: 7406 SOUTH CHERRY STREET
TOMBALL, TEXAS 77175
OWNED BY: MINDY CLINE PROPERTIES

THIS PROPERTY IS APPLICABLE BY THE
HARRIS COUNTY PLAT BOOK NO. 48007-1 (2013)
COMMISSIONER/PLAT NO. 48007-1 (2013)
DATE: 06/18/2003

THIS PROPERTY IS APPLICABLE BY THE
HARRIS COUNTY PLAT BOOK NO. 48007-1 (2013)
COMMISSIONER/PLAT NO. 48007-1 (2013)
DATE: 06/18/2003

THIS PROPERTY IS APPLICABLE BY THE
HARRIS COUNTY PLAT BOOK NO. 48007-1 (2013)
COMMISSIONER/PLAT NO. 48007-1 (2013)
DATE: 06/18/2003



PINE LINE EASEMENT ADJACENT +/- 5.171 ACRES

47.675 ACRES
SITUATED IN THE
C. M. PILOT SURVEY, A-632
HARRIS COUNTY, TEXAS
(SEE ATTACHED METES AND BOUNDS DESCRIPTION)



PRECISION SURVEYORS
JENNIFER L. WILSON
REGISTERED PROFESSIONAL SURVEYOR
HARRIS COUNTY, TEXAS
NO. 48111-1
EXPIRATION DATE: 12-31-2024
22704 W. 10TH STREET, SUITE 100
TOMBALL, TEXAS 77175
713-345-1234
WWW.PRECISIONSURVEYORS.COM

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: August 13, 2018

Topic:

Consideration to Approve **Zoning Case P18-120**: Request by Benson Development, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 25.7328 acres of land legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the south side of East Hufsmith Road between Hospital Road and Lovett Street, from the Single-Family 9 District to the Planned Development District.

- Conduct Public Hearing on **Zoning Case P18-120**

Background:

Origination:

Community Development Department

Recommendation:

Approval

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

Planning Division

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

ATTACHMENTS:

Notice of Public Hearing
Property Owner Notification
P18-120 Staff Report
P18-120 Response Forms

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
AUGUST 13, 2018
&
CITY COUNCIL
AUGUST 20, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, August 13, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, August 20, 2018, 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 P18-089: Request by Rene Rodriguez, on behalf of Cherry Ventures, LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 47.675 acres of land legally described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632 within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road, from the Agricultural and General Retail Districts to the Single-Family 6 District.

Zoning Case P18-120: Request by Benson Development, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 25.7328 acres of land legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the south side of East Hufsmith Road between Hospital Road and Lovett Street, from the Single-Family 9 District to the Planned Development District.

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 Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

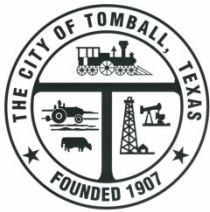
C E R T I F I C A T I O N

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 **9th** day of **August 2018** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Elizabeth Jones

Elizabeth Jones
Administrative Assistant

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 the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P18-120

APPLICANT/OWNER: Request by Benson Development, LLC

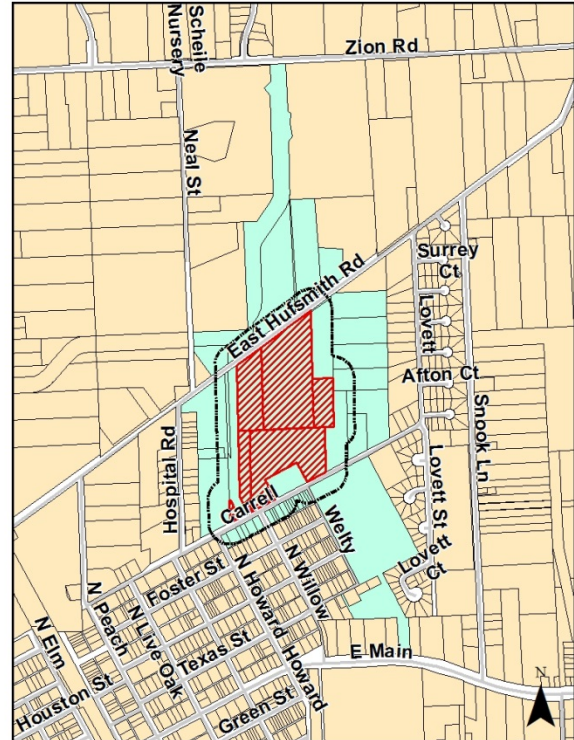
LOCATION: Generally located on the south side of East Hufsmith Road between Hospital Road and Lovett Street

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 25.7328 acres of land legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family 9 District to the Planned Development District.

CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:
Monday, August 13, 2018, 6:00 PM**

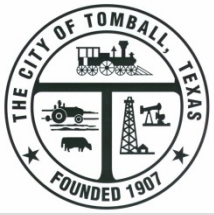
**City Council Public Hearing:
*Monday, August 20, 2018, 6:00 PM**

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

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.

*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.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

_____ I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P18-120. (Please state reasons below)**

_____ I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P18-120. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, August 13, 2018 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, August 20, 2018, 6:00 PM

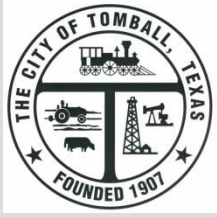
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to ALindley@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: August 13, 2018
City Council Public Hearing Date: August 20, 2018

Rezoning Case: P18-120
Property Owner(s): Jayanti K Patel
Applicant(s): Benson Development, LLC
Legal Description: Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots
Location: East Hufsmith Road between Hospital Road and Lovett Street (Exhibit "A")
Area: 25.7328 acres
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Single-Family 9 District (Exhibit "C") / Mostly undeveloped, single-family residence (Exhibit "D")
Request: Rezone from the Single-Family 9 District to the Planned Development District (PD-11)

Adjacent Zoning & Land Uses:

North: Single-Family 20 Estate District / Undeveloped and Maple Creek Bed & Breakfast
South: Single-Family 6 and Single-Family 9 Districts / Single-Family residences, church
West: Single-Family 9 and Duplex District / Harris County Flood Control Ditch, Large lot residential, Manufactured Home Park
East: Single-Family 9, Single-Family 6 and Multi-Family Districts / Large lot residential, new single-family residential subdivision, apartment complex (Mid-Town Apartments)

BACKGROUND

City Staff met with the applicant to discuss the development of the property in June 2018.

ANALYSIS

The whole subject site is comprised of multiple lots totaling to approximately 25.7328 acres. The applicant has proposed a Planned Development to allow for a development of single-family lots ranging from a minimum square footage of 4,000 square feet to a minimum of 6,000 square feet.

The property is currently zoned Single-Family 9 District. Properties to the north are zoned Single-Family 20 Estate District. Properties to the east are zoned Single-Family 9, Single-Family 6 and Multifamily. To the south, properties are zoned Single-Family 6 and Single-Family 9 District and properties to the west are zoned Single-Family 9 and Duplex District.

The property and properties to the south and west are designated as Medium Density Residential by the City's Comprehensive Plan Future Land Use Map. Properties to the north are designated as Rural Residential and properties to the east are designated High and Medium Density Residential.

The majority of the surrounding land uses are single-family. There is a wide variety of housing types in the area including large lot residential, 6,000-9,000 square foot single-family detached residential, duplex, multi-family and a manufactured home park. There is a church to the south of the subject site and a bed and breakfast on the north side of East Hufsmith Road. The property also runs parallel to a Harris County Flood Control District drainage channel.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.

The proposed Planned Development District, along with its concept plan and development standards, appears to be compatible with the surrounding residential developments in the area. There is a very diverse mixture of residential uses in the area.

B. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area. All public utility mains will be extended, at the developer's expense, to serve the properties.

C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There are no vacant tracts in the vicinity classified for similar development.

D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Planned Development 4 (Yaupon Trails) and Planned Development 5 (Alexander Estates) are similar developments; however, neither development will provide a "patio home" type product such as what is proposed for Planned Development 11.

E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.

City Staff does not anticipate any adverse impacts on other areas designated for similar development.

F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare.

G. Whether the request is consistent with the Comprehensive Plan.

The Future Land Use plan designates the property Medium Density Residential, which would include lots ranging from 6,000 to 20,000 square feet. The proposed residential development includes lots that are 4,000 – 6,000+ square feet. A portion of the Planned Development meets the Future Land Use designation, however, the Future Land Use Map is not meant to be parcel specific and adjacent properties to the southeast are designated High Density Residential, which includes patio homes.

The Comprehensive Plan also promotes the goal of having a wide variety of housing products and establishing open spaces within neighborhoods to encourage more social interactions in the community. Chapter 4 (Land Use and Development) of the Comprehensive Plan specifically mentions the need for “a diverse mix of housing styles, densities, and price ranges located within appropriate locations” (Page 35). It is also stated that “higher density residential developments [should be] adjacent to or in close proximity to high capacity roadways” and close to public parks. The proposed development will have access to East Hufsmith Road, which is designated as a major arterial by the City’s Major Thoroughfare Plan and will be approximately one mile from the City’s newest park, Broussard Community Park. Lastly, the Comprehensive Plan encourages the City to “foster distinctive, attractive neighborhoods with a strong sense of place by encouraging amenities such as pocket parks” (Page 36). According to the Development Restrictions (Exhibit “E”), a minimum of 20% open space will be provided as well as a park playground and a water fountain feature in the wet-bottom detention pond. The proposed Planned Development request is consistent with many goals in the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on July 27, 2018. The Notice of Public Hearing was published in the paper on August 1, 2018. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends APPROVAL of Zoning Case P18-120 for the following reasons:

1. The request meets the goals of City’s Comprehensive Plan;

2. The request is generally in conformance with the Future Land Use Map;
3. The proposed development will add to the wide variety of housing types in the area and the City as a whole;
4. The request is generally appropriate with the surrounding zoning districts.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photos
- E. Application

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

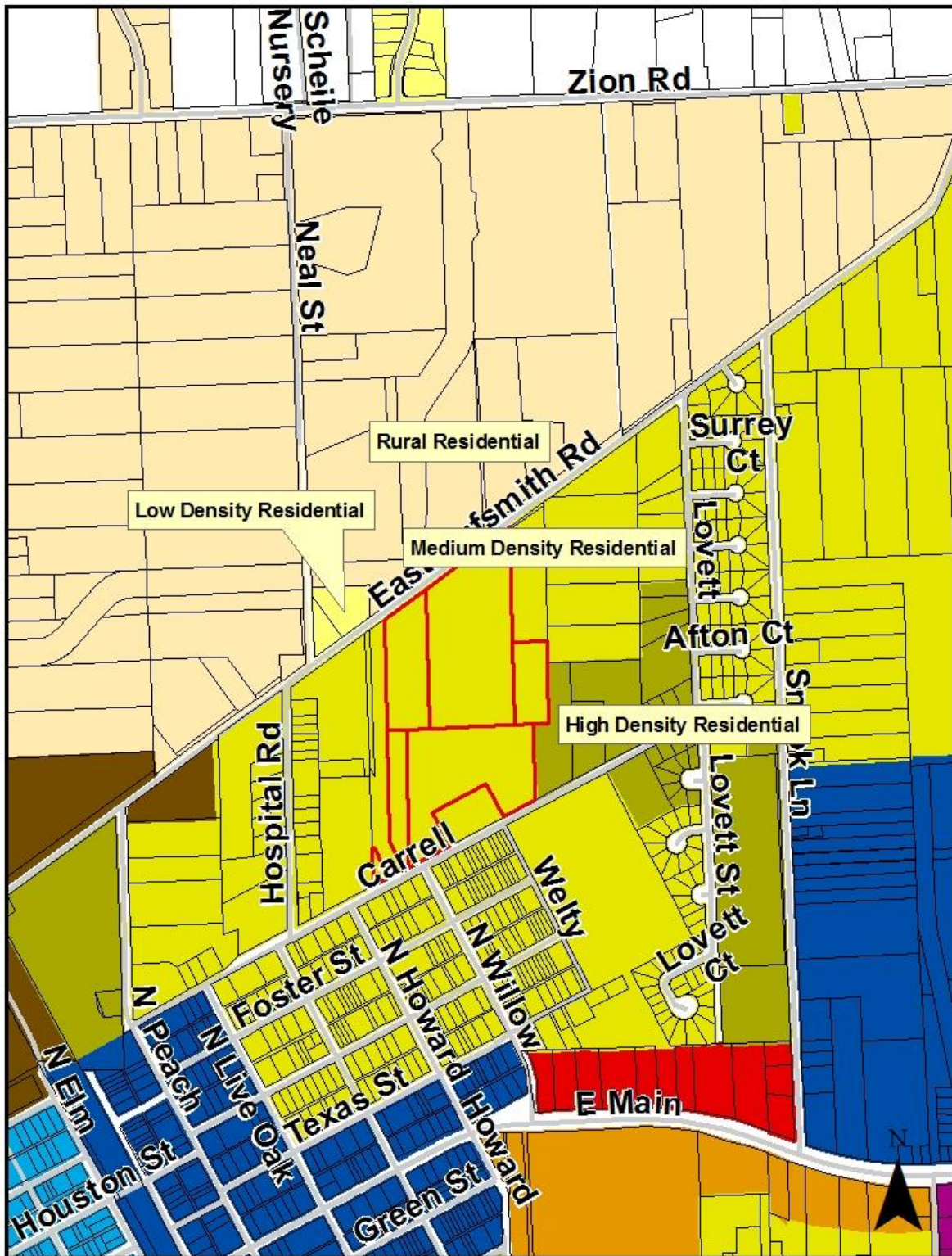
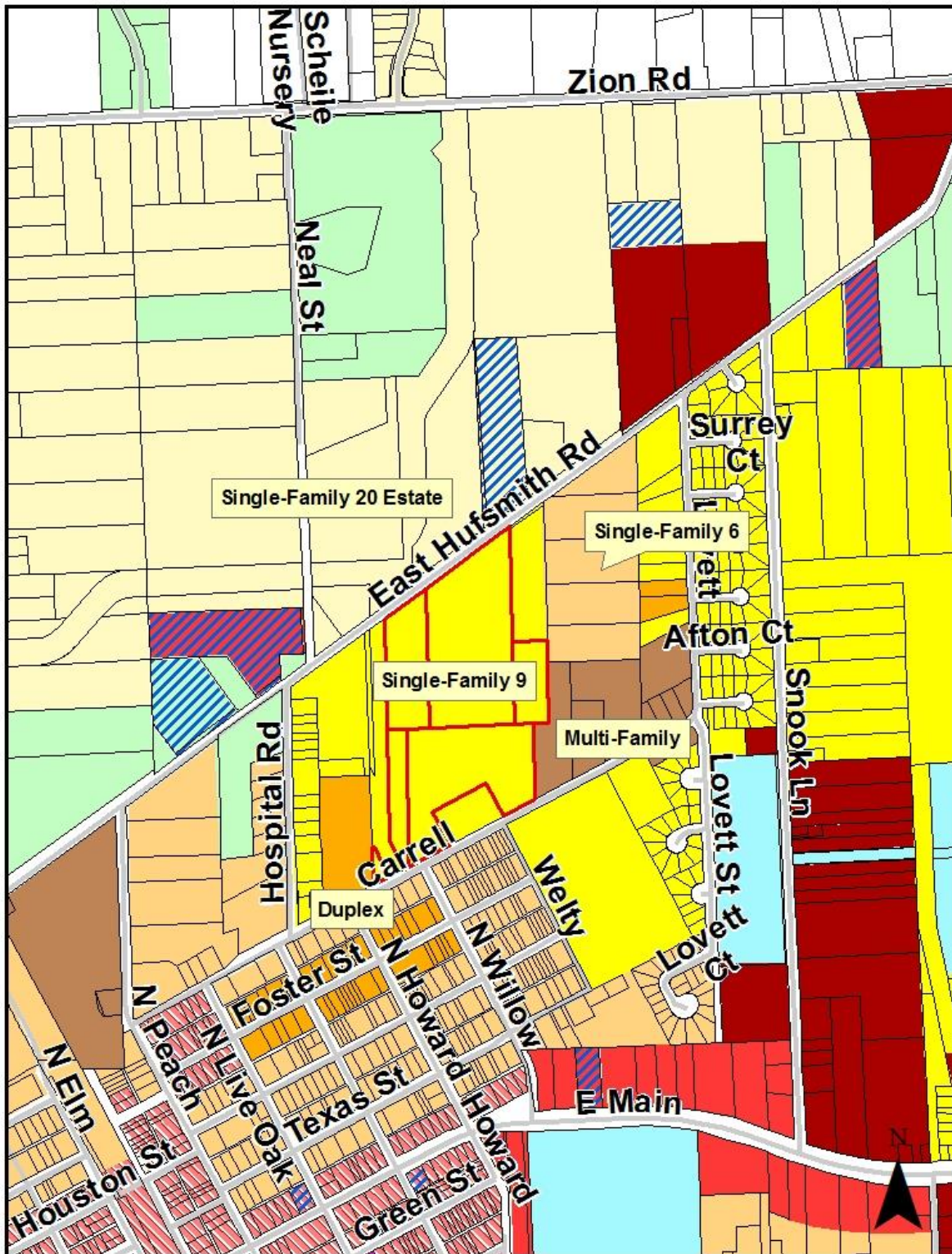


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



View from East Hufsmith Road



View from Carrell Street

Exhibit "E"

Application



P18-120

APPLICATION FOR PLANNED DEVELOPMENT

Community Development Department
Planning Division

Revised 5/19/15

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: BENSON DEVELOPMENT, LLC Title: PRESIDENT
Mailing Address: P.O. Box 2331 City: Tomball State: TX
Zip: 77377
Phone: (281) 932-7836 Fax: () Email: will@bensondcv.com

Owner

Name: Jayanti K Patel Title:
Mailing Address: 6021 Calhoun Rd City: Houston State: TX
Zip: 77021
Phone: (713) 747-3569 Fax: () Email: jay@energyflowsystems.com

Engineer/Surveyor (if applicable)

Name: ODYSSEY ENGINEERS / WINDROSE SUR. Title:
Mailing Address: City: State:
Zip:
Phone: () Fax: () Email:

Description of Proposed Project: GRAND JUNCTION Sections 2+3

Physical Location of Property: 710 E. Hufsmith Rd

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

HCAD PARCELS

Legal Description of Property: 035283000 238 ; 035283000 214 ; 035283000 232
035283000 115 ; 035283000 210 ; 035283000 211
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

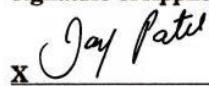
HCAD Identification Number: _____ Acreage: 25.7328 ac

Current Use of Property: undeveloped

Proposed Use of Property: Single Family Residential

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 <u></u>	<u>7.3.2018</u>
Signature of Applicant	Date
X <u></u>	<u>7/19/18</u>
Signature of Owner	Date

**PLANNED DEVELOPMENT
for
GRAND JUNCTION SECTIONS 2 & 3**

**CERTAIN RESTRICTIONS FOR THE PLANNED DEVELOPMENT
ARE SET FORTH HEREIN**

JULY 3, 2018

**PLANNED DEVELOPMENT
FOR
GRAND JUNCTION, SECTIONS 2 & 3**

**ARTICLE I
GENERAL PROVISIONS**

1.1 GENERAL PROVISIONS: The following General Provisions shall apply to the boundary of the property and shall have the following meanings, unless otherwise expressly provided herein:

The construction of the improvements within the Planned Development shall substantially conform to the Planned Development proposed herein. Upon acceptance of the completed improvements by the City of Tomball, the installed improvements shall be deemed acceptable to the Planned Development Standards contained herein.

Unless specifically provided herein, any definitions contained within the City's ordinances or Development Codes shall be applicable to the design or construction of infrastructure or structures, shall have the intended meanings and applications contained within the City of Tomball Development and Construction codes within this Planned Development.

The engineering for improvements within the Planned Development shall substantially conform to the City of Tomball engineering or drainage criteria and/or Harris County or Harris County Flood Control District codes or standards where applicable. Once construction permits are issued by the applicable governing jurisdictions, the Engineering Design will have been deemed acceptable to the Planned Development Standards herein in order to commence construction.

Open Spaces are required within the Planned Development. Open Space is defined by that portion of land contained within the Planned Development that is not within the boundary of any lot or right-of-way. Open spaces shall be labeled as Reserves on the Final Plat. Open Space can be used for detention, parks, landscaping, buffers, or other similar uses. Open Space shall substantially conform to the Planned Development proposed herein.

The "Property" means the 25.7328 acres.

The Plat shall mean the Final Plat for Grand Junction Section 2 & Section 3. The Plat shall be designed to substantially conform to the Planned Development Standards contained herein. After the plat is recorded into the public record, the Plat shall be the final design and layout for the Planned Development and deemed acceptable to the Planned Development Standards contained herein.

"Un-contemplated Regulations" means that any regulations that apply to PH or SF50 land uses respectively, that are not contemplated within this Planned Development shall be made applicable to the design or improvements within the Planned Development. Upon acceptance of completed improvements by the City of Tomball, the installed improvements shall be deemed acceptable to the Planned Development Standards contained herein.

ARTICLE II LAND USE

2.1 **LAND USE:** The following land uses and shall apply to PD herein:

- (i) Patio Home – (PH4) Patio Home Residential use with a minimum of 4,000 Square Foot in total lot area.
- (ii) Single Family – (SF50) Single Family Residential use with a minimum of 6,000 Square Foot in total lot area.
- (iii) Right of Way – (ROW) for use of public infrastructure.
- (iv) Reserve –(Res.) Reserves for the use of detention, parks, open space, or similarly related.

ARTICLE III DESIGN STANDARDS

3.1 **DESIGN STANDARDS:** The following shall apply to the PD herein:

- (a) PATIO HOME – (PH-4)
 - (i) Minimum Dwelling Unit Area – 1,400 Square Feet
 - (ii) Two Story Unit not to Exceed - 35 Feet Height
 - (iii) Minimum Lot Area – 4,000 Square Feet
 - (iv) Minimum Interior Lot Width – 40 Feet
 - (v) Minimum Lot Depth – 100 Feet
 - (vi) Minimum Radial Lot Width (at R.O.W.) – 25 Feet
 - (vii) Minimum Radial Lot Width (at Front B.L.) – 40 Feet
 - (viii) Minimum Front Building Setback – 20 Feet
 - (ix) Minimum Rear Building Setback – 15 Feet
 - (x) Minimum Side Building Setback – 5 Feet
 - (xi) Minimum Corner Lot Building Line, where the side of the Lot faces the ROW – 10 Feet
 - (xii) Encroachment by Building Eaves or AC Units may not encroach greater than 3 Feet into any Side Yard or Rear Yard Setback.

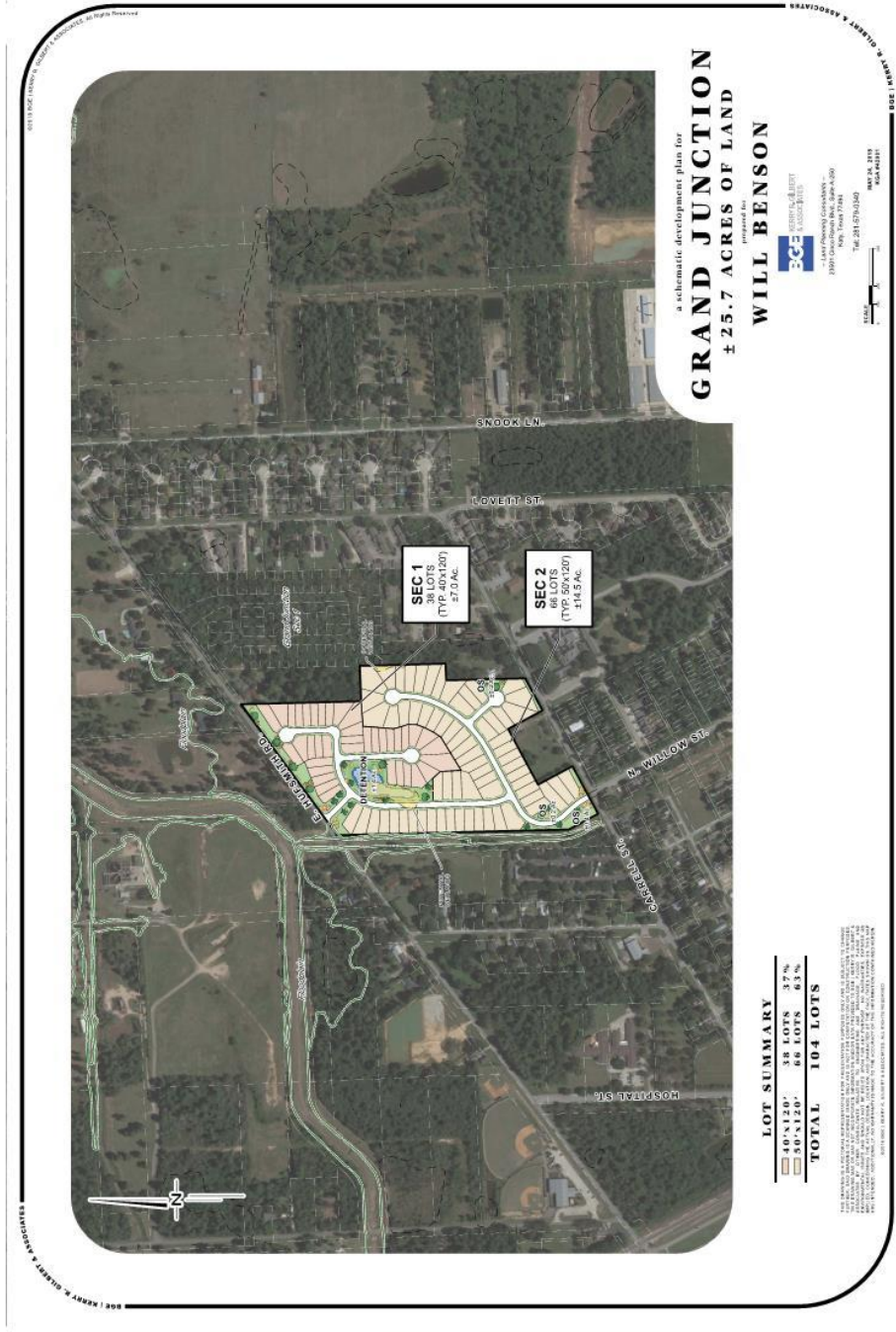
- (xiii) No minimum or maximum yard sizes are contemplated herein
 - (xiv) Maximum lot coverage is 60%
- (b) SINGLE FAMILY – (SF 50' Lots)
- (i) Minimum Dwelling Unit Area – 1,500 Square Feet
 - (ii) Two Story Unit not to Exceed - 35 Feet Height
 - (iii) Minimum Lot Area – 6,000 Square Feet
 - (iv) Minimum Interior Lot Width – 50 Feet
 - (v) Minimum Lot Depth – 100 Feet
 - (vi) Minimum Radius Lot Width (at R.O.W.) – 30 Feet
 - (vii) Minimum Radius Lot Width (at Front B.L.) – 50 Feet
 - (viii) Minimum Front Building – 20 Feet
 - (ix) Minimum Rear Building Setback – 15 Feet
 - (x) Minimum Side Building Line – 5 Feet
 - (xi) Minimum Corner Lot Building Line, where the side of the Lot faces the ROW – 15 Feet
 - (xii) Encroachment by Building Eaves or AC Units may not encroach greater than 3 Feet into any Side Yard or Rear Yard Setback.
 - (xiii) No minimum or maximum yard sizes are contemplated herein
 - (xiv) Maximum lot coverage is contemplated at 55%.
 - (xv) No minimum or maximum open space is contemplated herein
- (c) RESERVES – (Res.)
- (i) A minimum 20% Open Area shall be dedicated for all PH-4 land use areas. The calculation for the open space requirement shall be the total of the area of all lots designated for PH-4 use, multiplied by 20%, to arrive at the minimum open space dedication requirement. The majority of the Open Area(s) shall be strategically placed adjacent to the PH-4 designated land uses, or at other strategic points within the PD. The Open Space shall maintain the following minimum features:

- (1) Open areas must be maintained in grass or landscaping
- (2) Should any planned wet-bottom detention exist, a water fountain feature shall be required & maintained.
- (3) One small park playground area shall be designated
- (4) A minimum of 1 Landscaping Tree from the City's approved landscaping tree list shall be installed in Reserve Areas, for each lot designated for PH-4 Land Use in the PD.

ARTICLE IV EXHIBITS

4.1 **EXHIBITS:** The following Exhibits shall apply to PD herein:

- (a) Concept Plan (Below)



Amelia Lindley

From: Jay Patel (Energy Flow Systems) <jay@energyflowsystems.com>
Sent: Thursday, August 02, 2018 8:19 AM
To: Amelia Lindley
Subject: RE: 8/13/18 Planning & Zoning Commission Meeting

Amelia

I am OK with the change from the Single-Family 9 District to the Planned Development District.

I have No Objection.

Thanks,

Jay Patel
Energy Flow Systems, Inc.
Tel: 713-747-3569
Mobile#: 832 788-8488
Fax: 713-747-7868
jay@energyflowsystems.com

From: Amelia Lindley [<mailto:alindley@tomballtx.gov>]
Sent: Wednesday, August 1, 2018 2:49 PM
To: Will Benson <will@bensondev.com>
Cc: Jay Patel (Energy Flow Systems) <jay@energyflowsystems.com>
Subject: 8/13/18 Planning & Zoning Commission Meeting

On Monday, August 13, 2018, Tomball's Planning & Zoning Commission will meet at City Hall (401 Market Street) at 6:00 p.m. to discuss the following item:

Zoning Case P18-120: Request by Benson Development, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 25.7328 acres of land legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the south side of East Hufsmith Road between Hospital Road and Lovett Street, from the Single-Family 9 District to the Planned Development District.

The applicant (or his/her designee) must be present at the meeting to answer any questions to the Commission may have. If you have any questions, please let me know.

Thank you,

Amelia Lindley
Planner
Community Development Department
(281) 290-1410
www.tomballtx.gov/cd



Amelia Lindley

From: David Thompson <dkthouston@gmail.com>
Sent: Monday, August 06, 2018 7:54 PM
To: John Ford; Gretchen Fagan; Mark Stoll; Chad Degges; Derek Townsend; Lori Klein
Quinn; Amelia Lindley
Cc: Mike Baxter
Subject: New Development Reboot

Fellow Tomball leaders and enthusiasts,

If I were you I might have taken a bit of offense by my email yesterday. If I did offend I apologize as I am a big fan of the current Tomball city leadership. I haven't met all of you but I look forward in doing so. So I moved to Tomball two years ago because I wanted something different from the typical Houston suburbia. And I got what I wanted. I bought a house on Carrell St. built in 1950 and have devoted many (many) hours and a considerable investment to improve my new home while maintaining its original integrity.

Since I sent my email Amelia has provided me more details about the planned development which I appreciate very much. Gretchen has also weighed in to explain more about the intent of the city in pursuing this opportunity and how it supports the city's vision for expansion. I do appreciate these responses and feel better about the plans now.

One thought. Tomball does a great job in promoting us as a destination for shopping, eating, train enthusiasts, etc. The mayor, city council, and other departments deserve credit for extraordinary progress in this direction. I give special credit to Mike Baxter and all his assistants & volunteers for making this a reality. He and many others work every day to make Tomball a destination for FUN. Perhaps we should also tout Tomball as a special place to live for those not content with the monotony of Houston suburbia. That's why I moved here. And there are many more out there who want something different and good. Tomball is not only fun but also a cool place to live. I'd be glad to help in this endeavor. I'm not saying you don't already do this but believe we can do more.

Thanks again for all you do and I appreciate your time and attention.

David Thompson
281-541-1552

> On Aug 5, 2018, at 8:54 PM, David Thompson <dkthouston@gmail.com> wrote:

>

> Tomball Leaders,

>

> My initial comments on the city's suggestion that we rezone a part of our city to accommodate some real estate developer's plan is attached. We need to work to protect what we have and what we want to build.

>

> We are Tomball! Let's keep it that way.

>

> Sincerely,

> David Thompson

>

>

>

> <Letter to Tomball Officials.docx>