

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



MONDAY, MAY 14, 2018

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, May 14, 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 April 9, 2018.
- 5.0 New Business:
 - 5.1 Consideration to Approve Replat of **BREAUX ACRES:** Being a 4.915 acre tract and being a replat of Outlot Number 31, of TOMBALL TOWNSITE, a

subdivision situated in the RALPH HUBBARD, Survey, Abstract Number 383, of Harris County, Texas, according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas, and being out of and part of a called 4.915 acres as described in deed recorded in Clerk's File Number 20110511417 of the Real Property Records of Harris County, Texas.

- 5.2 Consideration to Approve Preliminary Plat of **CANNON'S PLACE**: 5.992 acres (261002 square feet) located in the J. Pruitt Survey, A – 629 Harris County, Texas, City of Tomball.
- 5.3 Consideration to Approve **Zoning Case P18-055**: Request by Dorothy and Thomas Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.0803 acres of land legally described as Lot 18 Block 70 Tomball, Harris County, Texas, generally located on the west side of Chestnut Street and the north side of Mechanic Street, from the Single-Family 6 District to the Old Town & Mixed Use District.
- Conduct Public Hearing on **Zoning Case P18-055**

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 10th day of May, 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: May 14, 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: May 14, 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: May 14, 2018

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

Background:

Origination:

Recommendation:

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

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

ATTACHMENTS:

Minutes 4.9.18

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

MONDAY, APRIL 9, 2018



6:00 P.M.

- 1.0 The meeting was called to order by Chair Barbara Tague at 6:01 p.m. Other members present where:

Commissioner Darrell Roquemore
Commissioner Will Benson
Commissioner Dane Dunagin
Commissioner Richard Anderson

Others present:

Craig Meyers – Community Development Director
Beth Jones – City Engineer
Amelia Lindley - Planner

Draft

- 2.0 No Public Comments were received.

- 3.0 Craig Meyers, Community Development Director, announced the Comprehensive Plan Update Survey.

- 4.0 Motion was made by Commissioner Anderson, second by Commission Dunagin, to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 12, 2018.

Motion carried unanimously.

- 5.0 New Business:

- 5.1 Consideration to Approve Replat of **BONNETT CORNERS**: A Subdivision of 0.7619 acre tract, 33, 187.48 square feet being a Replat of lots 7, 27, 28, 29, 0.0387 acre out of 15 feet alley, block 31, Tomball Townsite, as recorded in Volume 4 Page 25, Harris County Map Records and Lot 24, Block 1, Armendariz Place Subdivision as recorded in Film Code 635257, Harris County Map Records situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

Beth Jones, City Engineer, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Roquemore, second by Commissioner Benson, to approve **BONNETT CORNERS**, with contingencies.

Motion carried unanimously.

- 6.0 Motion was made by Commission Benson, second by Commission Anderson, to adjourn.

Motion carried unanimously.

The meeting was adjourned at 6:05 p.m.

PASSED AND APPROVED this _____ day of _____ 2018.

Amelia Lindley
Commission Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: May 14, 2018

Topic:

Consideration to Approve Replat of **BREAUX ACRES:** Being a 4.915 acre tract and being a replat of Outlot Number 31, of TOMBALL TOWNSITE, a subdivision situated in the RALPH HUBBARD, Survey, Abstract Number 383, of Harris County, Texas, according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas, and being out of and part of a called 4.915 acres as described in deed recorded in Clerk's File Number 20110511417 of the Real Property Records of Harris County, Texas.

Background:

Origination:

Recommendation:

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

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

ATTACHMENTS:

Breaux Acres Plat
Breaux Acres Comments

COUNTY OF HARRIS

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

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

Richard T. Breaux, Jr.

COUNTY OF HARRIS

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

Notary Public in and for the State of Texas

My Commission Expires: _____

this _____ day of _____, 2018.

By: _____
Barbara Tague
Chairman

By: _____
Darrell Roquemore
Vice Chairman

Harris County Clerk Certificate of Filing:

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in

my office on _____, 2018, at _____ o'clock __.M., and duly

recorded on _____, 2018, 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 Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

I, Steven L. Crews, am authorized 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 not found 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 three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Steven L. Crews
Texas Registration Number 4141

AT&T
CF. NO. 20140030737
R.P.R.H.C.T.
OUTLOT 25
TOMBALL TOWNSHIP
VOLUME 2, PAGE 65
M.R.H.C.T.

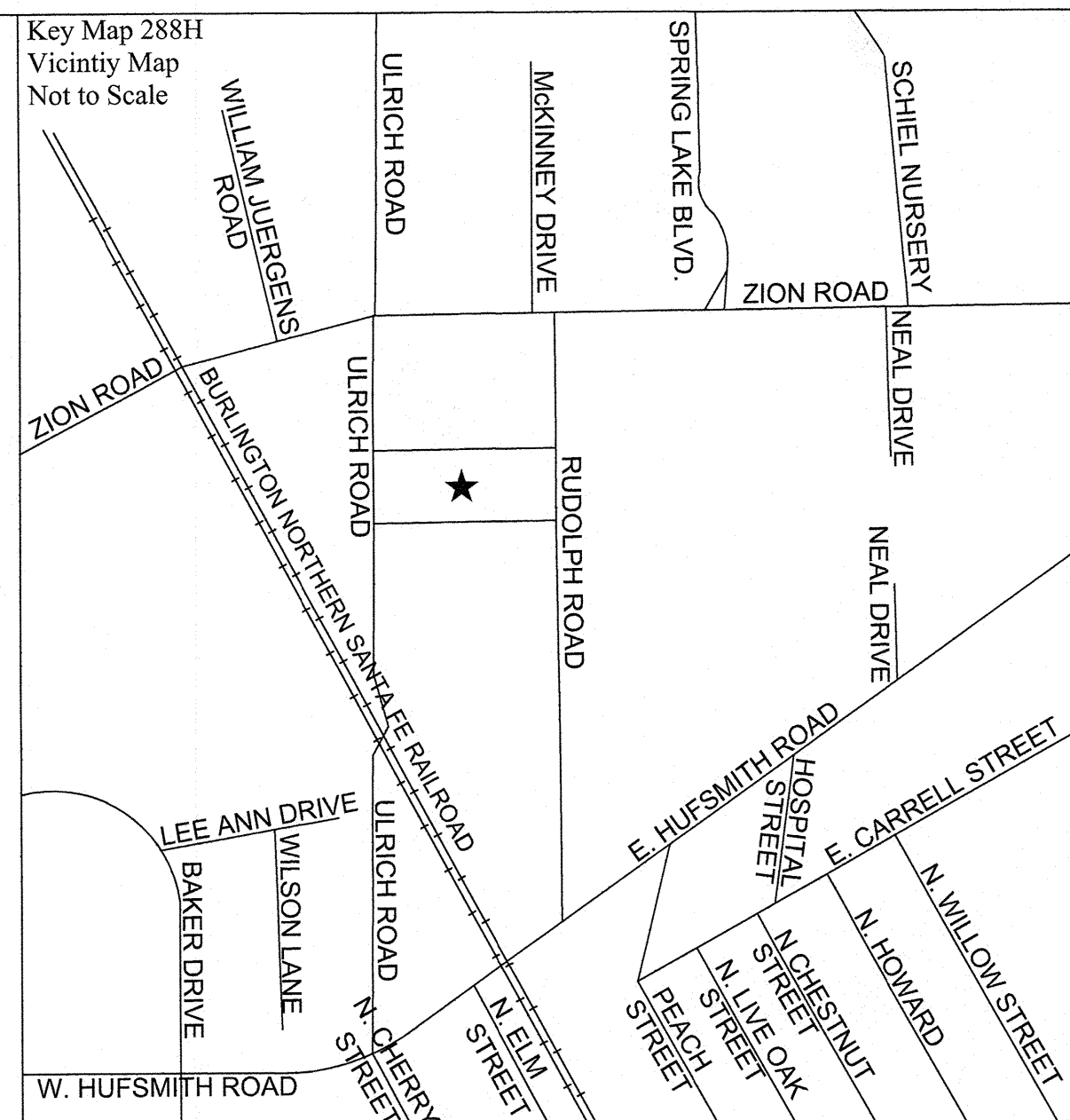
R.G. DONLEY
OUTLOT 26
TOMBALL TOWNSITE
VOLUME 2, PAGE 65
M.B.H.C.T.

KEITH AND ILEANA
4.915 ACRES
CF. NO. 20130144253
R.P.R.H.C.T.

CITY OF TOMBALL
OUTLOT 38B
TOMBALL TOWNSITE
VOLUME 2, PAGE 65
M.B.H.C.T.

LOT 2
SNYDER SUBDIVISION
FC. NO. 392117
M.R.H.C.T.

GEORGE AND DENISE VANN
1.2185 ACRED
CF. NO. 2017-357197
R.P.R.H.C.T.



Notes:
Flow Information:
 According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
 1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
 2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
 3. 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.
 4. This plot does not attempt to amend or remove any valid restrictions or covenants.
 5. **Public Easements:**
 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 easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the use or location of any obstruction in the public easement.
 6. **Road Dedication**
 3,778.82 Square Foot / 0.0867 Acre, 15 Foot Right-of-Way is hereby dedicated to the City of Tomball.
 7. The 5 foot wide private utility easement is for the purpose of serving Lot 2 shown hereon.

D.R.H.C.T. = DEED RECORDS OF HARRIS COUNTY TEXAS
M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS
B.L. = BUILDING LINE
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL
CF NO. = CLERK'S FILE NUMBER
FC NO. = FILM CODE NUMBER

BREAUX ACRES

Being a 4.915 acre tract and being a replat of Outlot Number 31, of TOMBALL TOWNSITE, a subdivision situated in the RALPH HUBBARD, Survey, Abstract Number 383, of Harris County, Texas, according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas, and being out of and part of a called 4.915 acres as described in deed recorded in Clerk's File Number 20110511417 of the Real Property Records of Harris County, Texas.

2 Lots, 1 Block

Owners:
Richard T. Breaux, Jr.
Phone Number
713-806-3578
1311 Rudolph Road
Tomball, Texas 77375

Surveyor:
C & C Surveying Inc.
7424 FM 1488, Suite A Magnolia, Texas 77354
Office: 281-356-5172 Fax: 281-356-1935
survey@ccsurveying.com
www.ccsurveying.com

May 2018
Sheet 1 of 1
18-0158

CITY OF TOMBALL

Plat Name: Breaux Acres Plat Type: Replat

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: May 14, 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:

- Remove five foot utility easement line on Lot 2.
- Provide updated title report
- Provide original Harris County and Tomball ISD tax certificates.
- Correct typos.

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: May 14, 2018

Topic:

Consideration to Approve Preliminary Plat of **CANNON’S PLACE:** 5.992 acres (261002 square feet) located in the J. Pruitt Survey, A – 629 Harris County, Texas, City of Tomball.

Background:

Origination:

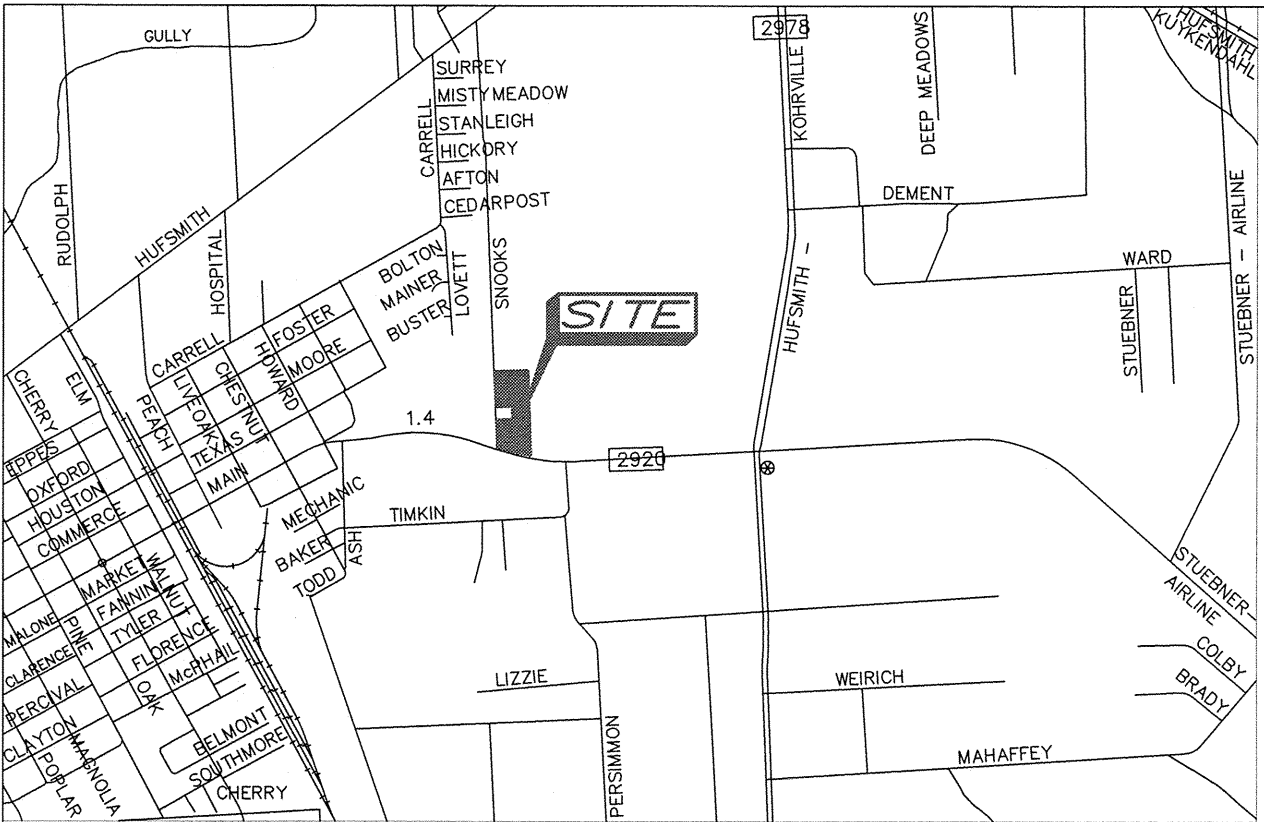
Recommendation:

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

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

ATTACHMENTS:

Cannon's Place Plat
Cannon's Place Comments



VICINITY MAP N.T.S. KEY MAP PAGE 287N

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this Plat of CANNON'S PLACE in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____, day of _____, 2018.

Barbara Tague, Chairman

Darrell Roquemore, Vice Chairman

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2018, at _____ o'clock _____M. and duly recorded on _____, 2018 at _____ o'clock _____ M., and at Film Code Number _____ of the Map Records of Harris County for said county.

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

BY: Stan Stanart
County Clerk
of Harris County, Texas

I, JOHN R. BLOUNT, County Engineer of Harris County, hereby certify that the plat of this subdivision complies with all the existing rules and regulations of this office as adopted by the Harris County Commissioners' Court and that it complies or will comply with all applicable provisions of the Harris County Road Law as amended and all other Court adopted drainage requirements.

JOHN R. BLOUNT P.E., LEED AP
County Engineer

GENERAL NOTES:

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to remove any valid covenants or restrictions.
- According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain
- Public easements denoted on this plat 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 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.
- This Plat was performed with the benefit of a City Planning Letter from Fidelity Title G.F. No. FAHCS18002306.
- This plat requires compliance with landscaping requirements prior to occupancy of structures as mandated in Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure.
- Unlocated pipeline easement as recorded in Vol. 952, Page 431 H.C.D.R. does not affect subject property.
- Unlocated pipeline easement as recorded in Vol. 1297, Page 314 H.C.D.R. does not affect subject property.
- A private pressure cemented water well cannot be constructed within 50 feet of the property line.
- A private non-pressure cemented water well cannot be constructed within 100 feet of the property line.

SURVEYOR:
KING'S LAND SURVEYING SOLUTIONS, LLC
DAVID KING, R.P.L.S. 4503
PHONE: 281-350-8003
EMAIL: info@kingslandsurveying.com
FIRM NUMBER 10152100

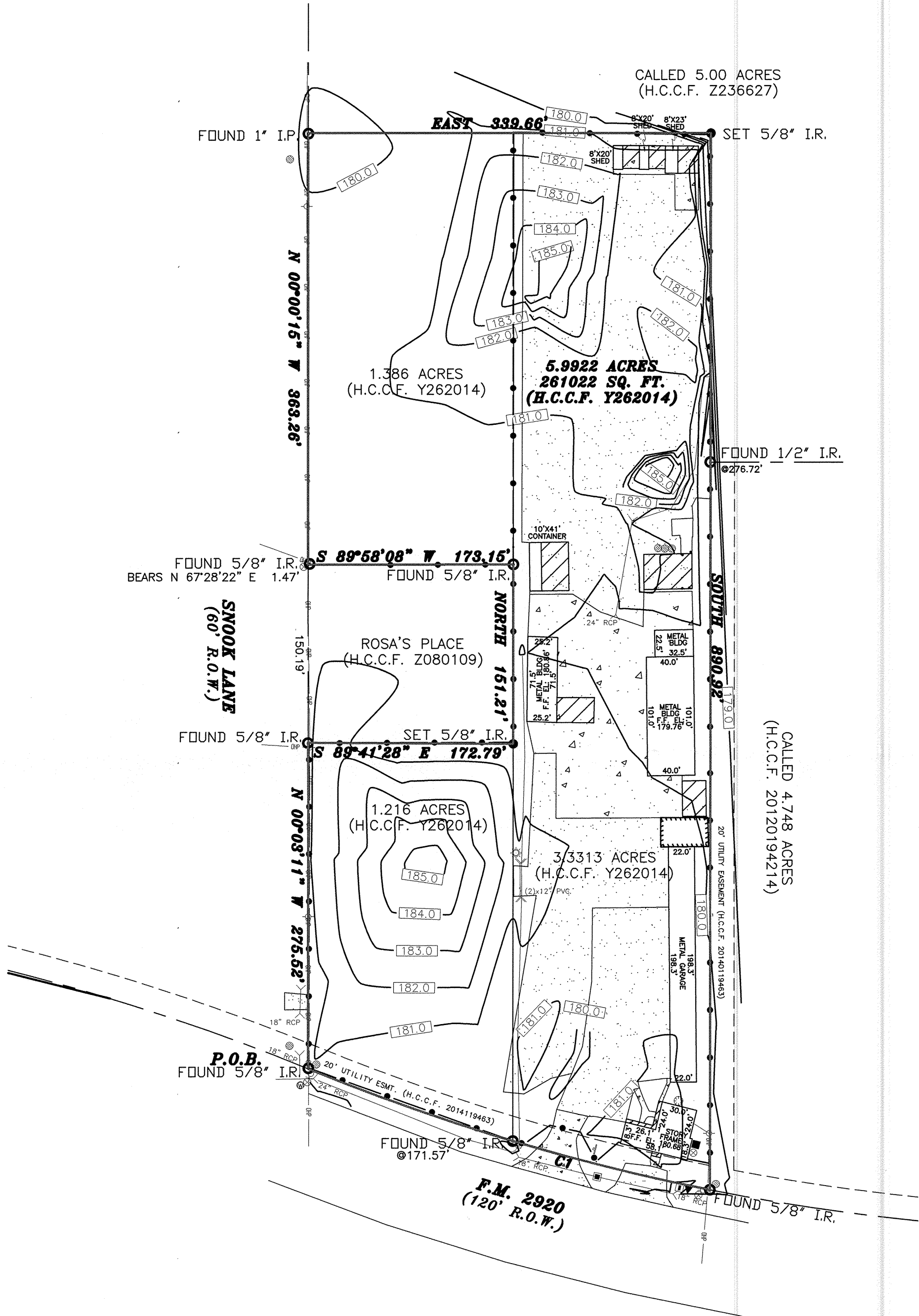
OWNER:
DANIEL J. ABSHIRE, SR.
P.O. BOX 28
MAGNOLIA, TX 77353-0028



LEGEND

These standard symbols will be found in the drawing.

- FOUND MONUMENT
- FOUND 5/8" I.R.
- SET 5/8" I.R. W/CAP
- H.C.C.F. HARRIS COUNTY CLERK'S FILE No.:
- R.R.H.C. ROAD RECORDS OF HARRIS COUNTY
- D.R.H.C. DEED RECORDS OF HARRIS COUNTY
- R.O.W. RIGHT OF WAY
- I.R. IRON ROD
- I.P. IRON PIPE



CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1849.87'	354.55'	354.01'	N 73°15'46" W



SCALE 1"=60'

STATE OF TEXAS
COUNTY OF HARRIS

I, DON CANNON, owner acting through DON CANNON, President and Vice-president and by hereinafter referred to as Owner of the 5.992 acre tract described in the above and foregoing plat of CANNON'S PLACE, do hereby make and establish said subdivision and development plat of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

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

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

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

FURTHER, Owner certifies and covenants that he has complied with or will comply with existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioners' Court of Harris County.

WITNESS my hand in the City of Tomball, this _____ day of _____, 2018.

By: DON CANNON
President and Vice-President

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared DON CANNON known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledgment to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

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

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

Lienholders Statement

We, Plains State Bank, and Milan Saunders, Trustee, owners and holders of a lien against the property shown on this plat, said lien being evidenced by instrument of record under the following Harris County Clerk's File Nos.: 20150045842, RP-2016-84149 and RP-2017-169854 do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat. Further, I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

Lienholders:

By: Milan Saunders
Trustee

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Milan Saunders, Trustee, known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledgment to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

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

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

CANNON'S PLACE
5.992 ACRES (261022 SQUARE FEET)
LOCATED IN THE
J. PRUITT SURVEY, A-629
HARRIS COUNTY, TEXAS
CITY OF TOMBALL E.T.J.
CONTAINING
1 BLOCK, 1 RESERVE
MARCH, 2018

SURVEYOR:
KING'S LAND SURVEYING
SOLUTIONS, LLC
DAVID KING, R.P.L.S. 4503
PHONE: 281-350-8003
FAX: 281-350-0118
EMAIL:
info@kingslandsurveying.com
FIRM NUMBER 10152100

OWNER:
Don Cannon
909 East Main Street
TOMBALL, TX 77375

CITY OF TOMBALL

Plat Name: Cannon's Place Plat Type: Preliminary

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: May 14, 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:

- Correct scale.
- Remove Harris County engineer signature block.
- Update legal description area accuracy
- Correct owner information.
- Pay correct fees.
- Update date.
- Add landowner information for adjacent properties.
- Provide Harris County and Tomball ISD tax certificates.
- Correct typos.

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: May 14, 2018

Topic:

Consideration to Approve **Zoning Case P18-055**: Request by Dorothy and Thomas Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.0803 acres of land legally described as Lot 18 Block 70 Tomball, Harris County, Texas, generally located on the west side of Chestnut Street and the north side of Mechanic Street, from the Single-Family 6 District to the Old Town & Mixed Use District.

- Conduct Public Hearing on **Zoning Case P18-055**

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
Response Form
P18-055 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MAY 14, 2018
&
CITY COUNCIL
MAY 21, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 14, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 21, 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 P18-055: Request by Dorothy and Thomas Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.0803 acres of land legally described as Lot 18 Block 70 Tomball, Harris County, Texas, generally located on the west side of Chestnut Street and the north side of Mechanic Street, from the Single-Family 6 District to the Old Town & Mixed Use 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.

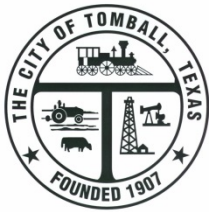
C E R T I F I C A T I O N

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 **10th** day of **May 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: P18-055

APPLICANT/OWNER: Dorothy and Thomas Wanko

LOCATION: Generally located on the west side of Chestnut Street and the north side of Mechanic Street

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.0803 acres of land legally described as Lot 18 Block 70 Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town & Mixed Use District.

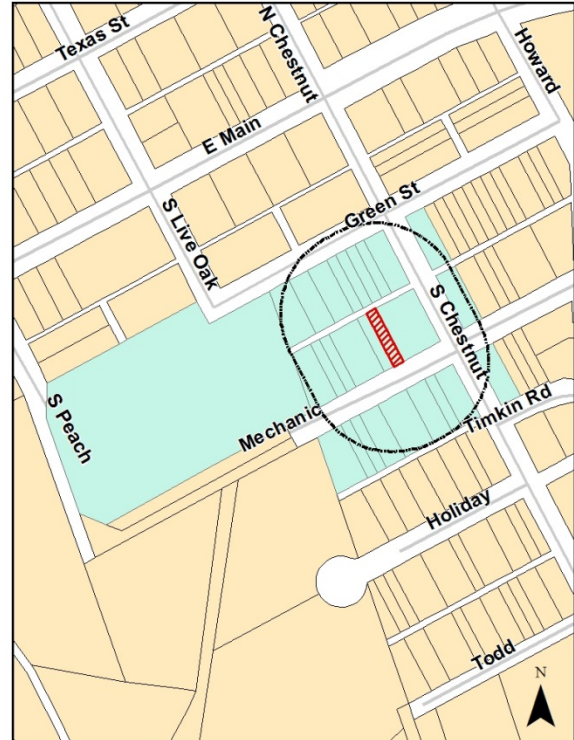
CONTACT: Amelia Lindley, Planner

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, May 14, 2018, 6:00 PM**

**City Council Public Hearing:
*Monday, May 21, 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:

TOM CROFOOT

1430 NEAL DR.

TOMBALL 77375

Tom Crofoot

5/03/2018



I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P18-055. (Please state reasons below)



I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P18-055. (Please state reasons below)

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

Monday, May 14, 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, May 21, 2018, 6:00 PM

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

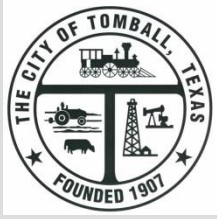
COMMENTS:

I have no issue with this proposed change.

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: May 14, 2018

City Council Public Hearing Date: May 21, 2018

Rezoning Case: P18-055
Property Owner(s): Dorothy and Thomas Wanko
Applicant(s): Dorothy and Thomas Wanko
Legal Description: Lot 18 Block 70 Tomball
Location: West side of Chestnut Street and the north side of Mechanic Street (Exhibit "A")
Area: 0.0803 acres
Comp Plan Designation: Mixed Use (Exhibit "B")
Present Zoning and Use: Single-Family 6 District (Exhibit "C") / Undeveloped (Exhibit "D")
Request: Rezone from the Single-Family 6 District to the Old Town & Mixed District

Adjacent Zoning & Land Uses:

North: Old Town & Mixed Use District / Undeveloped

South: Single-Family 6 District / Single family residences

West: Single-Family 6 District / Undeveloped

East: Old Town & Mixed Use District / Undeveloped

BACKGROUND

In July 2016, City Council approved a rezoning request for the applicant's 0.32 acres on the northwest corner of Mechanic Street and Chestnut Street. The applicants met with City Staff in March 2018 to discuss the development of the newly rezoned lot, as well as an adjacent lot that they purchased. City Staff explained that in order for the 0.0803 acre lot to be used as part of a non-residential development, a rezoning would be required.

ANALYSIS

The property immediately abuts the Old Town & Mixed Use District to the north and east and the Single-Family 6 District to the west and south. The proposed rezoning would generally blend with the surrounding zoning districts.

There are different uses in the area. On Chestnut Street, there are multiple auto service companies, a Mobile Food Court and a City Park. On Mechanic Street there are two single-family homes and a distribution company. For adjacent properties zoned Single-Family 6,

Chapter 50 (Zoning) outlines regulations to protect any future residences such as screening and buffering requirements and greater setbacks.

The Comprehensive Plan designates the property as Mixed Use. Properties to the north, east and west are also designated as Mixed Use and properties to the south are High Density Residential. The Mixed Use designation is intended for a mixture of office, retail and commercial, and certain high density residential uses. The request appears to be consistent with the City's Comprehensive Plan.

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 Old Town & Mixed Use District appear to be appropriate for the immediate area. The established land uses in the area include single-family residences, mechanic shops, a restaurant and a City Park. The nature of the Old Town & Mixed Use District is a mixture of nonresidential and residential uses integrated together throughout the district.

- 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 and the existing streets adjacent to the property can accommodate traffic generated by an Old Town & Mixed Use 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 vacant land in the City zoned Old Town & Mixed Use. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for 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.**

There has been steady development in the Old Town & Mixed Use 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 Mixed Use which is intended for “a mix of office, retail/commercial, dense commercial uses, a civic core, and high density residential”. The request appears to be consistent with the Future Land Use Map. The Comprehensive Plan also endorses the continuation of the mixture of uses and specifically states that retail, office, single-family, duplex, and multifamily are the most appropriate uses in this area.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on April 27, 2018. The Notice of Public Hearing was published in the paper on May 2, 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 P18-055 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

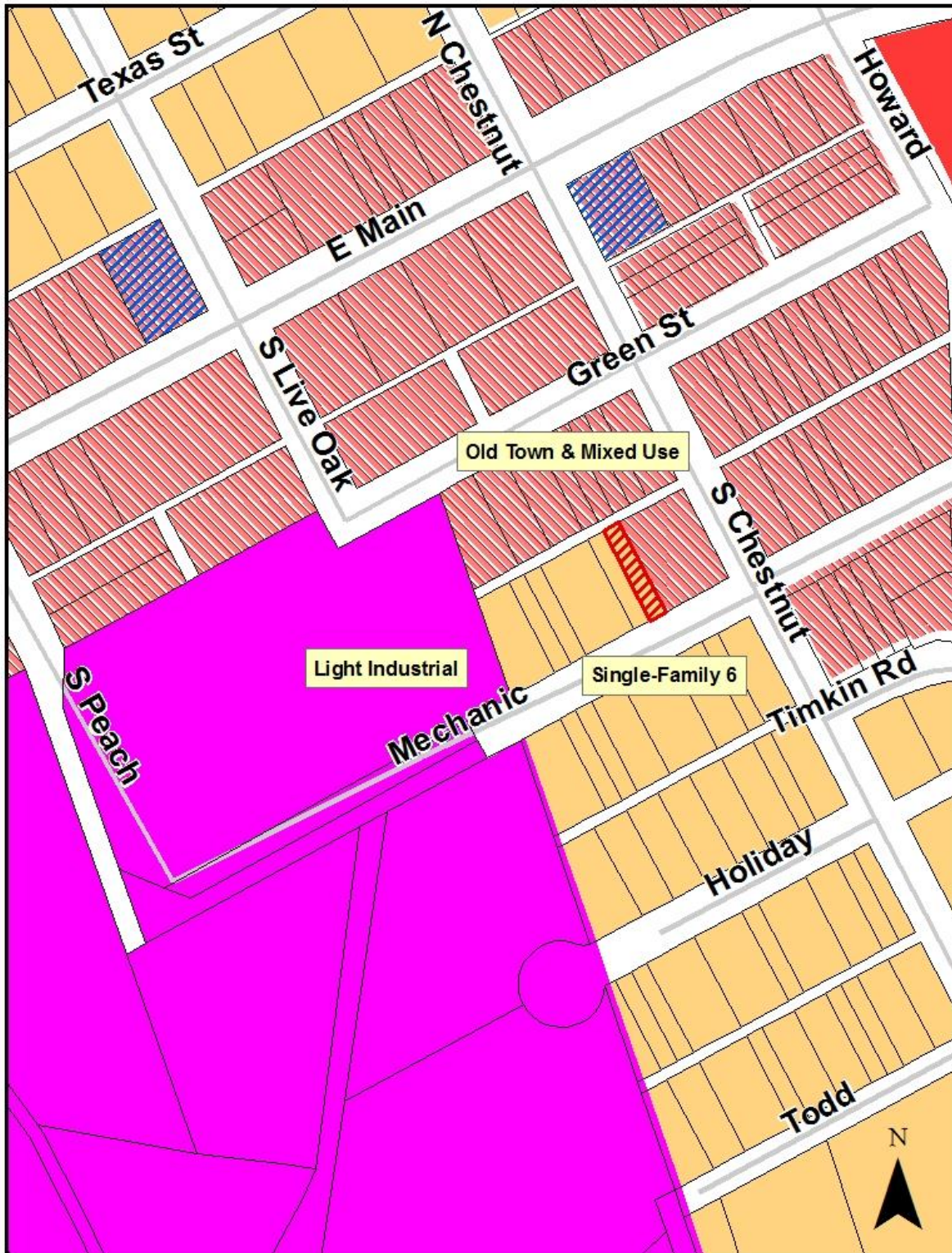
Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"
Application

Revised 5/19/15



P18-055

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: Dorothy Wanko Title: _____
Mailing Address: 16303 N Greenfield City: Spring State: TX
Zip: 77379
Phone: (832) 818-3559 Fax: (866) 658-6509 Email: Dot@TEXdotPropertyMgmt.com

Owner

Name: Thomas J. Wanko Title: _____
Mailing Address: 16303 N Greenfield City: Spring State: TX
Zip: 77379
Phone: (713) 408-4893 Fax: (866) 658-6509 Email: Tom@TEXdotPropertyMgmt.com

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: Home Office

Physical Location of Property: Mechanic St.

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

Legal Description of Property: HCAD # 0352730700018 LT 18 BLK 70 TOMBALL

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-6

Current Use of Property: Vacant Lot

Proposed Zoning District: Old Town Mixed Use

Proposed Use of Property: Home Office

HCAD Identification Number: 0352730700018 Acreage: 0.0803

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.

X Dorothy Wanko March 29, 2018
Signature of Applicant Date

X [Signature] 3/29/18
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 01023576 4/02/2018 4:11 PM
OPER: LC TERM: 005
REF#: M1195

TRAN: 130.0000 PLANNING AND ZONING
DOROTHY WANKO
MECHANIC STREET
100-5441
REZONING APPLICATIO 410.00CR

TENDERED: 410.00 CHECK
APPLIED: 410.00-

CHANGL: 0.00



March 29, 2018

Dear Tomball Zoning Commission,

Please accept my application to rezone the land located on Mechanic St., near South Chestnut Street. You were kind enough to grant the rezoning of our adjacent property in 2016. Enclosed please find:

1. Completed application form
2. Copy of recorded/final plat from Harris County
3. Check in the amount of \$410

This vacant lot is currently zoned SF 6. I would like to have the land rezoned to OT & MU in order to accommodate a home office for our corporations TEXdot Realtors, Inc. and TEXdot Property Management, Inc. These corporations are separate, but often function hand in hand with the same client.

We are not aware of any issues relating to this request.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Dorothy J. Wanko, Pres.".

Dorothy J. Wanko, President

Enclosures

16303 N. Greenfield, Spring, TX 77379 * Cell/Text 832-818-3559 * E-Fax 1-866-658-6509
Email: info@TEXdotRealtors.com * Web: www.TEXdotRealtors.com

