

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



MONDAY, OCTOBER 9, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, October 9, 2017 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas, 77355, 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 August 14, 2017.
- 5.0 New Business:
 - 5.1 Consideration to Approve Preliminary Plat of **R SPINKS SUBDIVISION**:
1.8261 acres (79,543.35 Square Feet) located in the J House Survey, A-34 Harris

County, Texas.

- 5.2 Consideration to Approve Final Plat of **USAi 2**: A Replat of Lots 25 and 26 in Block 86 into New Lot 25 (0.1607 Ac./7000.00 Sq. Ft.) in Block 86 of Revised Map of Tomball, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).
- 5.3 Consideration to Approve Final of **REPLAT OF TOMLINSON TRACT**: Being a 0.3837 acre (16,713.97 square feet) tract of land situated in the Joseph House Survey, Abstract Number 34, Harris County, Texas, and being a Replat of New Lot 102A and New Lot 102B of Tomlinson Tract, a subdivision according to the map or plat thereof recorded in Film Code Number 423062 of the Map Records of Harris County, Texas.
- 5.4 Consideration to Approve **Zoning Case P17-0115**: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.
- Conduct Public Hearing on **Zoning Case P17-0115**
- 5.5 Consideration to Approve **Zoning Case P17-0116**: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.
- Conduct Public Hearing on **Zoning Case P17-0116**
- 5.6 Consideration to Approve **Zoning Case P17-0117**: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.
- Conduct Public Hearing on **Zoning Case P17-0117**
- 5.7 Consideration to Approve **Zoning Case P17-0118**: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.
- Conduct Public Hearing on **Zoning Case P17-0118**

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of October, 2017 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: October 9, 2017

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: October 9, 2017

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: October 9, 2017

Topic:
Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of August 14, 2017.

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 08.14.17

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

MONDAY, AUGUST 14, 2017



6:00 P.M.

- 1.0 The meeting was called to order by Chair Barbara Tague at 6:02 p.m. Other members present were:

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

Others present:

City Engineer – Beth Jones
Planner – Amelia Lindley
Community Development Director – Craig Meyers
City Attorney – Loren Smith
Assistant City Engineer – Wesley Stolz

- 2.0 No Public Comments were received.

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

- City Council approved Zoning Case P17-0068 (Conditional Use Permit at 202 Florence Street)
- City Council approved Zoning Case P17-0069 (Rezoning by Benson Development)
- City Council approved Zoning Case P17-0070 (Rezoning by Benson Development)
- There were no zoning cases submitted for September. If no plats are submitted then the September P&Z meeting will be canceled.

- 4.0 Motion was made by Commissioner Anderson, second by Commissioner Dunagin, to approve with conditions the Minutes of the Regular Planning and Zoning Commission Meeting of July 10, 2017.

Motion carried unanimously.

- 5.0 New Business:

- 5.1 Consideration to Approve Final Plat of **MEDICAL COMPLEX SQUARE**: Being a Plat of 0.8321 acres known as tract 1E-1 located in the J.M. Hooper Survey, Abstract

No. 375, located in Harris County, Texas.

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

Motion was made by Commissioner Benson, second by Commissioner Roquemore, to approve **MEDICAL COMPLEX SQUARE**, with contingencies.

Motion carried unanimously.

- 5.2 Consideration to Approve Final Plat of **FIFIELD ADDITION**: 3.6914 acres (160,799.09 Square Feet) located in the J. Pruitt survey, A-629, Harris County, Texas.

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

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to approve **FIFIELD ADDITION**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to Approve Replat of **RALEIGH CREEK SECTION FOUR**: Being 25.2309 acres of land, situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas, and also being a Replat of reserve "K" and "N" of Raleigh Creek Section One, as recorded in Film Code No. 656125 H.C.M.R.

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

Motion was made by Commissioner Roquemore, second by Commissioner Benson, to approve **RALEIGH CREEK SECTION FOUR**, with contingencies.

Motion carried unanimously.

- 5.4 Consideration to Approve **Zoning Case P17-0077**: Request by Catalyst Technical Group, Inc for a Conditional Use Permit to operate a *motel*. The property is approximately 2.1879 acres, legally described as Lot 1 Block 1 Dixie Properties, generally located on the south side of FM 2920, east of Tomball Cemetery Road and is zoned Commercial District.

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

Srujan Kumar, Owner, (440 Cobia Drive, Suite 1503 Katy, Texas 77494) was introduced and spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:15 p.m.

Hearing no comments, the Public Hearing was closed at 6:16 p.m.

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to approve **Zoning Case P17-0077**. Vote was as follows:

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

Motion carried unanimously, with 5 Votes Aye and 0 Votes Nay.

- 5.5 Consideration to Approve **Zoning Case P17-0083**: Request by Shane Estes, on behalf of Vaquero Ventures, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Lot 2 Block 1 Park Manor of Tomball, Harris County, Texas, generally located on the south side of Medical Complex Drive, west of School Street, from the Agricultural District to the Commercial District.

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

Nish Asgar, Owner, (911 Katy Freeway, Suite 307, Houston, Texas 77024) was introduced and spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:21 p.m.

Hearing no comments, the Public Hearing was closed at 6:22 p.m.

Motion was made by Commissioner Benson, second by Commissioner Roquemore, to approve **Zoning Case P17-0083**. Vote was as follows:

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

Motion carried unanimously, with 5 Votes Aye and 0 Votes Nay.

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

Motion carried unanimously.

The meeting was adjourned at 6:23 p.m.

PASSED AND APPROVED this _____ day of _____ 2017.

Wesley Stolz
Commission Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: October 9, 2017

Topic:

Consideration to Approve Preliminary Plat of **R SPINKS SUBDIVISION**: 1.8261 acres (79,543.35 Square Feet) located in the J House Survey, A-34 Harris County, Texas.

Background:

Origination:

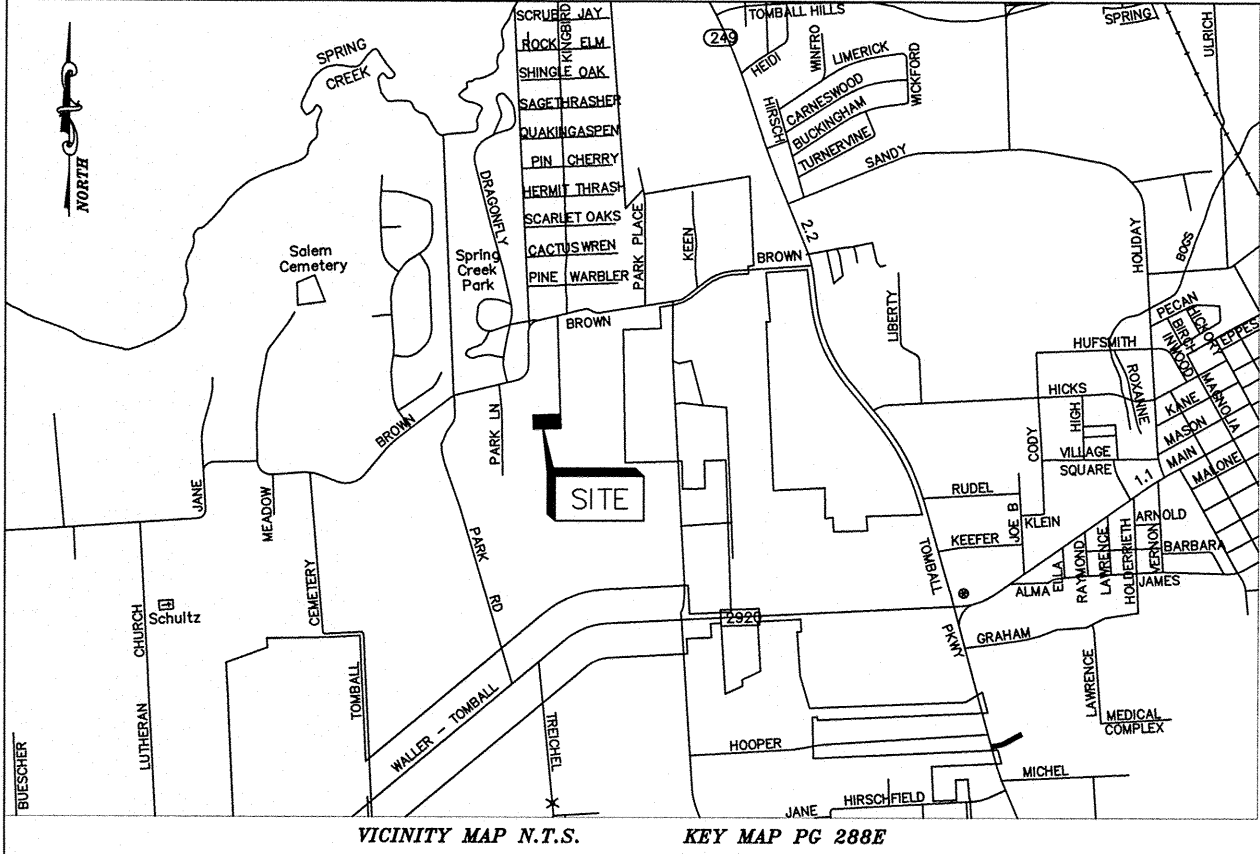
Recommendation:

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

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

ATTACHMENTS:

R Spinks Plat



GENERAL NOTES:

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 at minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
4. This plat does not attempt to amend or remove any valid covenants or restrictions.
5. This lot does not appear to be in the 0.2% Annual Chance Flood Plain and appears to lie in Zone "X" as located by the Federal Insurance Administration designated flood hazard area by community panel no. 48201C0210L dated 06/18/2007. (Flood information provided hereon is based on scaling the subject tract on the FIRMS, the information should only be used to determine flood insurance rates and not to any actual flooding conditions. We are not responsible for the accuracy of the firms.)
6. Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
7. This Plat was performed with the benefit of a City Planning Letter from Fidelity National Title, G.F. No. 5225002473.
8. Subject to the certain Affidavit to the Public for on-site wastewater treatment recorded under H.C.C.F. RP-2016-86280.
9. 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.

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

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this Plat of R SPINKS SUBDIVISION 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 _____, 2017.

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 _____, 2017, at _____ o'clock ____M. and duly recorded on _____, 2017 at _____ o'clock ____M., and at Film Code Number _____ of the Map Records of Harris County for said county.

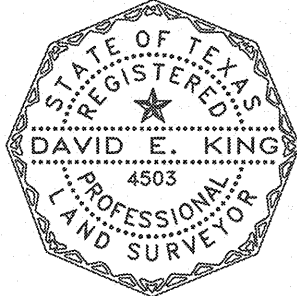
Witness my hand and seal of office, at Houston, the day and date last above written.

BY: Stan Stanart
County Clerk
of Harris County, Texas

BY: Deputy

I, David E. King, Sr., am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.

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



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
M.R.H.C. MAP RECORDS OF HARRIS COUNTY
D.R.H.C. DEED RECORDS OF HARRIS COUNTY
R.O.W. RIGHT OF WAY
F.C. FILM CODE
I.R. IRON ROD
I.P. IRON PIPE

BROWN ROAD
(CALLED 60' R.O.W.)
(VOL. 3194, PG. 388 M.R.H.C.)

SPRING CREEK CHURCH OF CHRIST IN TOMBALL
CALLED 7.2249 ACRES
VOL 591, PG 181 M.R.H.C.

WUENSCH PATRICK & NAOMI
CALLED 1.7431 ACRES
F.C. 138641558

WUENSCH DENNIS
CALLED 0.587 ACRES
F.C. ER077650182

WILLIS GLENN
CALLED 1.1411 ACRES
F.C. RP074440676

EVERMON JEREMY & VANESSA
CALLED 1.2234 ACRES
F.C. RP029391330

NAOMI WUENSCH
CALLED 10.0455 ACRES
F.C. 138641558

QUARLES SHIRLEY
CALLED 1.3129 ACRES
F.C. RP-2016-219117

GADDIS JUSTIN & MADELYN
CALLED 1.3129 ACRES
F.C. RP095360866

MC FARLAND JAMES & MICHELLE
CALLED 1.9742 ACRES
F.C. N873946

JENKINS HERBERT W. & JUDY
CALLED 1.00 ACRES
F.C. 037090192

CAMPBELL GLYN
CALLED 1.00 ACRES
F.C. ER019411010

FOUND 1/2" I.R. FOUND 1/2" I.R.
N:13961848.90 E:3027145.52 N:13961861.22 E:3027545.33
N 88°14'02" E 400.00'

LOT 1
1.8261 ACRES
79543.35 SQ. FT.

N:13961649.94 E:3027152.04 S 88°10'25" W 400.00' N:13961662.69 E:3027551.63
SET 5/8" I.R. FOUND 5/8" I.R. P.O.B.

TRACT 1
CALLED 1.8421 ACRES
(H.C.C.F. 20080011420)

(ACCESS TRACT) CALLED 1.2746 ACRES (H.C.C.F. J300487)

STATE OF TEXAS
COUNTY OF HARRIS

We, RICHARD SPINKS and KAITLYN SPINKS, owners, hereinafter referred to as Owner of the 1.8261 acre tract described in the above and foregoing plat of R SPINKS SUBDIVISION, 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 unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements, from a plane sixteen feet(16'0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty-one feet, six inches (21'6") in width.

FURTHER, Owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements, or eight feet (8'0") for fourteen feet (14'0") back-to-back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet(16'0") above ground level upward, located adjacent to both sides and adjoining all public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'0") in width.

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 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 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 _____, 2017.

By: RICHARD SPINKS

By: KAITLYN SPINKS

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared RICHARD SPINKS and KAITLYN SPINKS 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 _____, 2017.

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

PRELIMINARY PLAT OF
R SPINKS SUBDIVISION
1.8261 ACRES (79,543.35 SQUARE FEET)
LOCATED IN THE
J HOUSE SURVEY, A-34
HARRIS COUNTY, TEXAS
CONTAINING
1 BLOCK, 1 LOT
OCTOBER, 2017

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:
RICHARD SPINKS
14909 BROWN ROAD
TOMBALL TX 77377

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: October 9, 2017

Topic:

Consideration to Approve Final Plat of **USAi 2**: A Replat of Lots 25 and 26 in Block 86 into New Lot 25 (0.1607 Ac./7000.00 Sq. Ft.) in Block 86 of Revised Map of Tomball, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).

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:

USAi2 Plat

STATE OF TEXAS
COUNTY OF HARRIS

I, Kevin Usai, hereinafter referred to as owner of the 0.1607 acre tract described in the above and foregoing plat of "USAi2", do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said map or plat and hereby dedicate to the use of the public forever, all streets (except private), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations herein expressed, and do hereby bind myself and my heirs, successors, and assigns to warrant and defend the title to the land so dedicated.

FURTHER, owner has dedicated and by these presents dedicate to the use of the public for public utility purposes an unobstructed aerial easement five feet in width from a plane twenty feet above the ground 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 shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private walkways crossing such drainage facilities.

FURTHER, owner does hereby dedicate to the public a strip of land 25 feet wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage course located in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, 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 operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain into this easement except by means of an approved drainage structure.

WITNESS our hand, this _____ day of _____, 2017.

Kevin M. Usai

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Kevin M. Usai, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein stated, and as the act and deed of said owner.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2017.

Notary Public in and for the State of Texas

My Commission expires on the _____ day of _____, 20____.

I, Tony P. Swonke, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that the elevation benchmark reflected on the face of the plat was established as required by regulation; that all corners and angle points of the boundaries of the original tract to be subdivided of reference have been marked with iron rods having a diameter of not less than five-eighths of an inch (5/8") and a length of not less than three feet (3') and that the plat boundary corners have been tied to the nearest survey corner.

Tony P. Swonke
Registered Professional Land Surveyor No. 4767

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of "USAi2", 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 on this _____ day of _____, 2017.

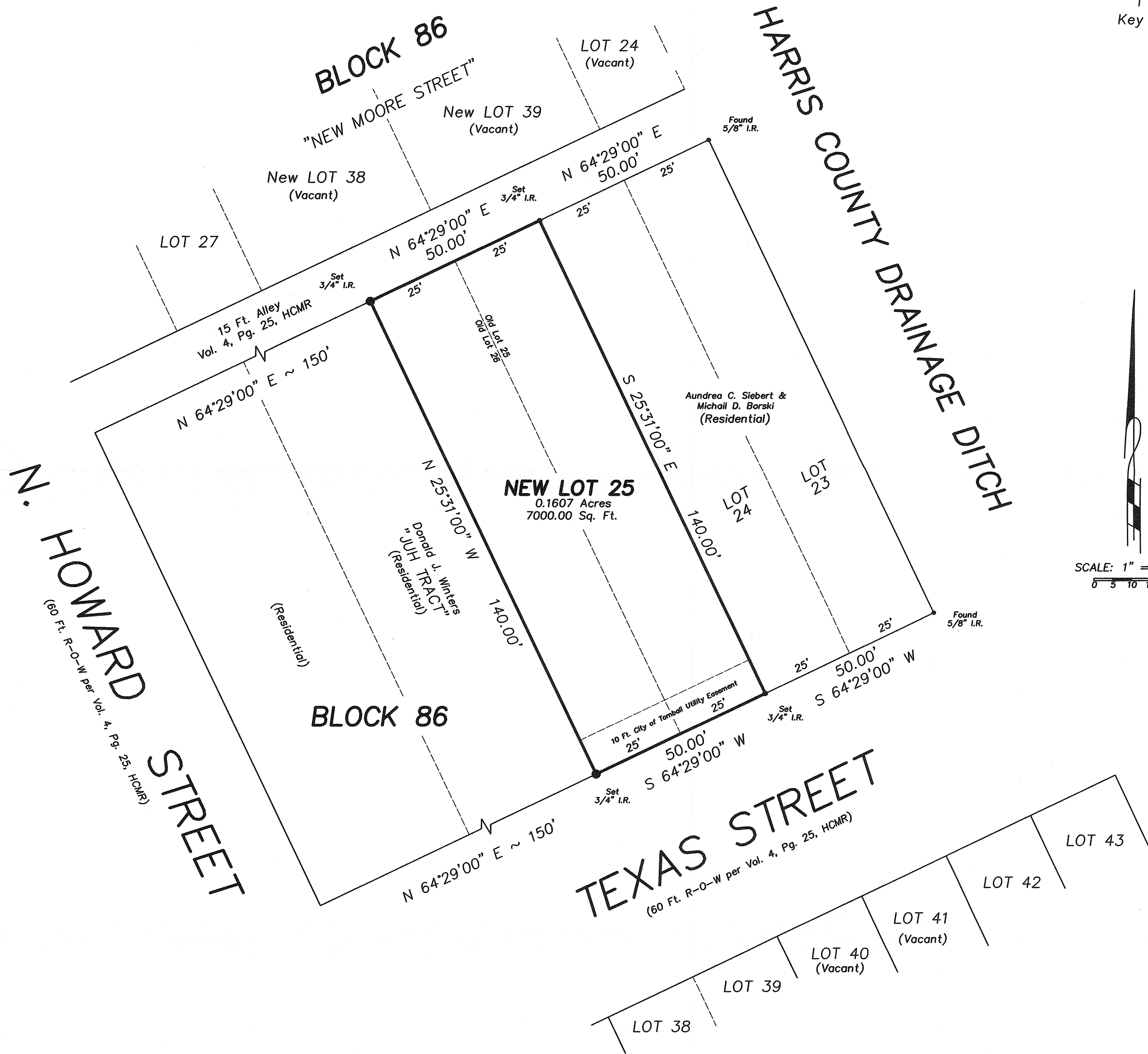
Barbara Tague
Chairman

Darrell Roquemore
Vice-Chairman

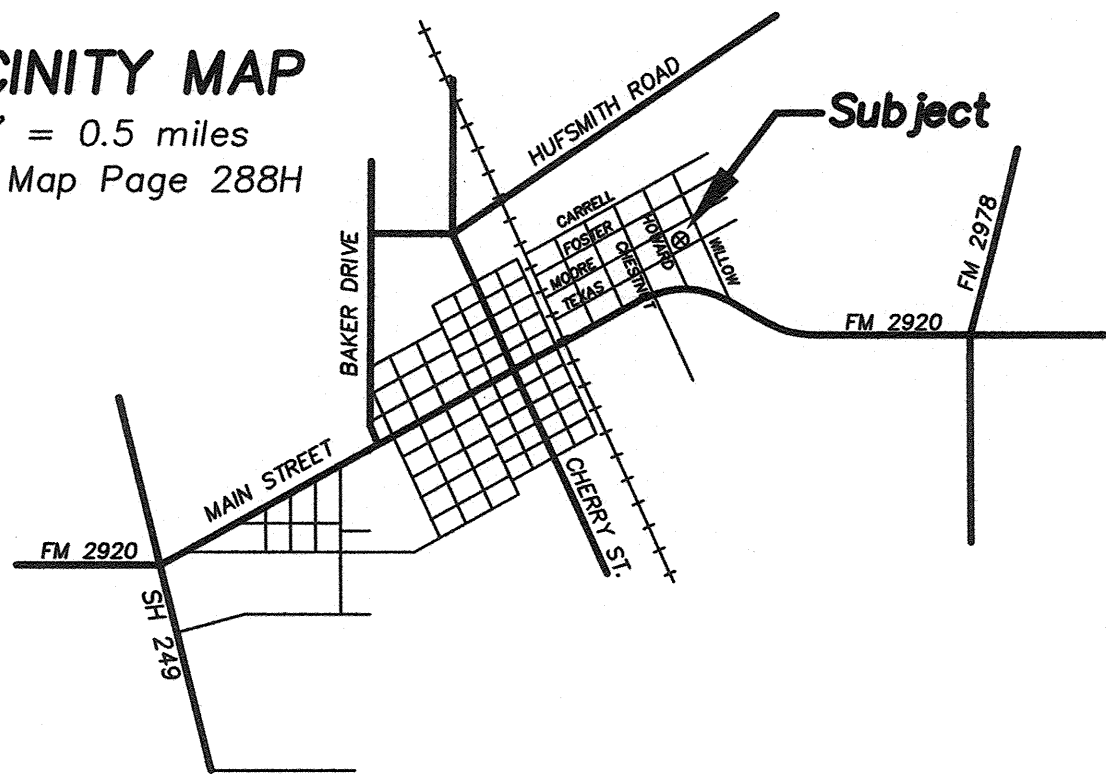
I, Stan Stanart, Clerk of the County Court of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on the _____ day of _____, 20____, at _____ o'clock ____ M., and was duly recorded on the _____ day of _____, 20____, at _____ o'clock, ____ M. and filed under Film Code No. _____ of the Map Records of Harris County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DATE AND DATE LAST ABOVE WRITTEN.
Stan Stanart
Clerk of the County Court
Harris County, Texas

Deputy



VICINITY MAP
1" = 0.5 miles
Key Map Page 288H



OWNER:

Kevin M. Usai
8003 Hidden Bay Court
Spring, TX 77379

PREPARED BY:

Tony Swonke Land Surveying
700 Kane Street
Tomball, TX 77375
281 351 7789

DATE: September 27, 2017

SCALE: 1" = 20 Ft.
0 5 10 15 20

Note #1 All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2 All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #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.

NOTE #4: This plat does not attempt to amend or remove any valid restrictions or covenants.

FLOOD INFORMATION: According to FEMA Firm Panel No. 48201C0230 L (Dated June 18, 2007), this property is in Zone "X" and not in the 0.2% Annual Chance Flood Plain.

PUBLIC EASEMENT:

Public easements denoted on this plat are hereby dedicated to the use of 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 parts 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 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.

"USAi2"

A replat of Lots 25 and 26 in Block 86
into New Lot 25 (0.1607 Ac./ 7000.00 Sq. Ft.) in Block 86 of

REVISED MAP OF TOMBALL,
an addition in Harris County, Texas, according to the map or plat thereof
recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.
Said Block 86 lying in the Ralph Hubbard Survey (A-383).

Containing: 1 Lot / 1 Block

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: October 9, 2017

Topic:

Consideration to Approve Final of **REPLAT OF TOMLINSON TRACT**: Being a 0.3837 acre (16,713.97 square feet) tract of land situated in the Joseph House Survey, Abstract Number 34, Harris County, Texas, and being a Replat of New Lot 102A and New Lot 102B of Tomlinson Tract, a subdivision according to the map or plat thereof recorded in Film Code Number 423062 of the Map 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:

Tomlinson Plat

THE STATE OF TEXAS

COUNTY OF HARRIS

We, Richard M. Tomlinson and wife, Amy F. Tomlinson, acting individually, owners hereinafter referred to as owners of the 0.3837 acre tract described in the above and foregoing plat of REPLAT OF TOMLINSON TRACT, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

FURTHER, 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 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.

WITNESS our hands in the City of Tomball, Texas, this _____ day of _____, 20____.

Richard M. Tomlinson

Amy F. Tomlinson

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Richard M. Tomlinson and wife, Amy F. Tomlinson, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20____.

Notary Public in and for the State of Texas

My Commission Expires: _____

We, Design Tech Homes, L.P., owner and holder of a lien against the property described in the plat known as REPLAT OF TOMLINSON TRACT, said lien being evidenced by instrument of record in Clerk's File Number RP-2017-371090, of the Real Property Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and the effects of said plat and the dedications and restrictions shown hereon to said subdivision plat, and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

By:_____

Design Tech Homes, L.P.

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____ of Design Tech Homes, L.P., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that _____executed the same for the purposes and consideration therein expressed, and in the capacity therein and herein stated, and as the act and deed of said Design Tech Homes, L.P..

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20____.

Notary Public in and for the State of Texas

My Commission expires:_____

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of REPLAT OF TOMLINSON TRACT 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 _____, 20____.

By:_____
Barbara Tague
Chairman

By:_____
Darrell Roquemore
Vice Chairman

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

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 _____, 20____, at _____o'clock ____M., and duly

recorded on _____, 20____, at _____o'clock ____M., and at

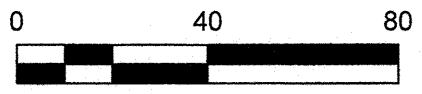
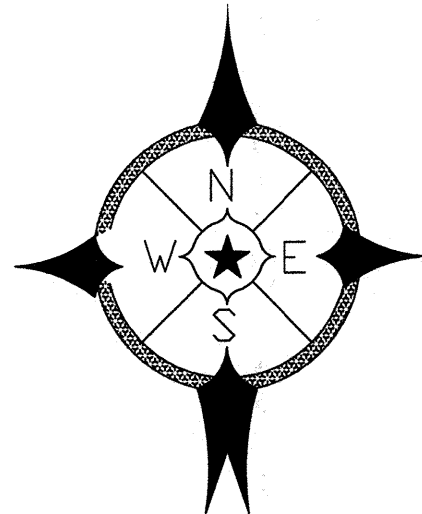
Film Code No._____ of the Map Records of Harris County for said County.

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

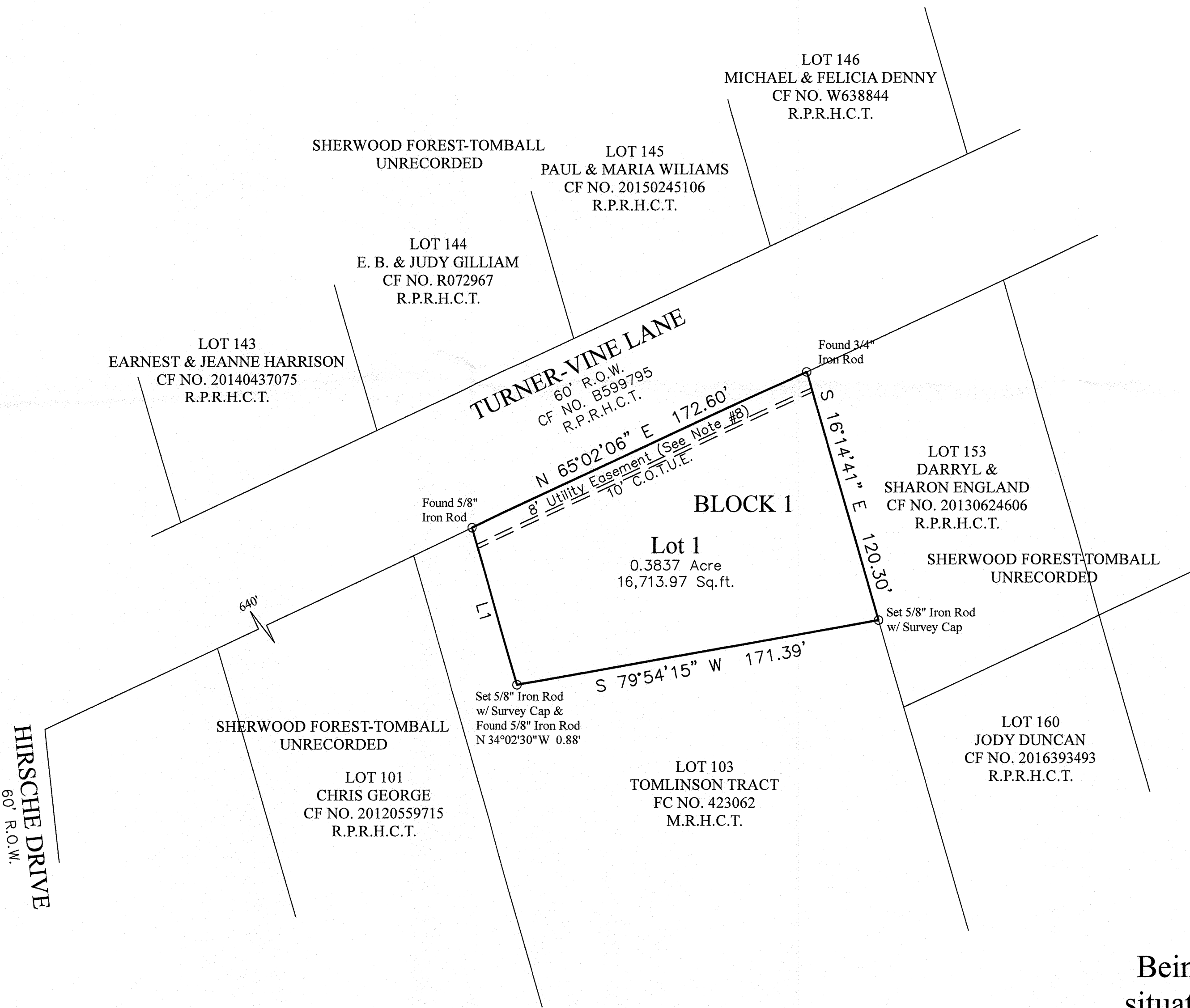
Stan Stanart
County Clerk
of Harris County, Texas

By:_____
Deputy

LINE	BEARING	DISTANCE
L1	N 16°23'51" W	75.77'



Scale: 1" = 40'



Notes:
Flood Information:
According to FEMA Firm Panel No. 48201C0210L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
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 plat 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 removal or relocation of any obstruction in the public easement.
6. The coordinates shown hereon are Texas South Central Zone no. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale 0.99992649133.
7. Per Decision of Board of Adjustments letter dated September 14, 2017, regarding City of Tomball BOA Case P17-0103, the lot shown hereon has been approved for a minimum lot depth of 75 feet as a variance from the 100 foot lot depth required by Section 50-70(d)(1) of the City Ordinances of the City of Tomball.
8. Subject to 8 foot utility easement per Volume 4933, Page 436, D.R.H.C.T.
9. Subject to unlocated pipeline easement to Humble Oil & Refining Company per Volume 1321, Page 124, D.R.H.C.T.
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

REPLAT OF TOMLINSON TRACT

Being a 0.3837 acre (16,713.97 square feet) tract of land situated in the Joseph House Survey, Abstract Number 34, Harris County, Texas, and being a replat of New Lot 102A and New Lot 102B of TOMLINSON TRACT, a subdivision according to the map or plat thereof recorded in Film Code Number 423062 of the Map Records of Harris County, Texas.

1 Lot, 1 Block

Owners:
Richard M. Tomlinson
Amy F. Tomlinson
32143 River Park Drive
Magnolia, TX 77355
281-782-6276

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

October 2017
Sheet 1 of 1
17-0392

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: October 9, 2017

Topic:

Consideration to Approve **Zoning Case P17-0115**: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve "D" Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

- Conduct Public Hearing on **Zoning Case P17-0115**

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

P17-0115 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 9, 2017
&
CITY COUNCIL
OCTOBER 16, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 16, 2017, 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 P17-0115: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

Zoning Case P17-0116: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

Zoning Case P17-0117: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

Zoning Case P17-0118: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

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.

CERTIFICATION

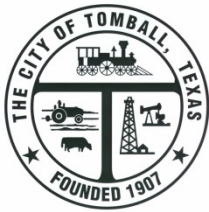
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of **October 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled 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: P17-0115

APPLICANT/OWNER: Robert Allen

LOCATION: Generally located at the north end of Spring Lake Blvd.

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as Reserve "D" Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family 20 Estate District.

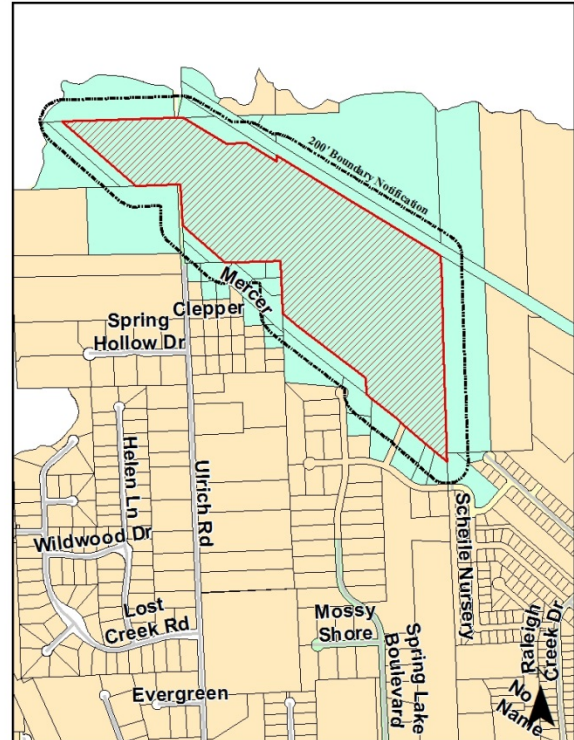
CONTACT: Amelia Lindley, Planner

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.

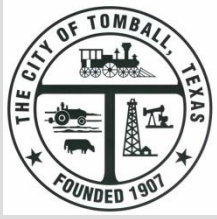


**Planning & Zoning Commission
Public Hearing:
Monday, October 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, October 16, 2017, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 9, 2017
City Council Public Hearing Date: October 16, 2017

Rezoning Case: P17-0115
Property Owner(s): Zion Road Properties, LLC
Applicant(s): Robert (Bob) Allen
Legal Description: Reserve “D” Reserve at Spring Lake – Section 2
Location: North end of Spring Lake Boulevard (Exhibit “A”)
Area: 76.01 acres
Comp Plan Designation: Rural Residential (Exhibit “B”)
Present Zoning and Use: Agricultural District (Exhibit “C”) / Undeveloped land (Exhibit “D”)
Request: Rezone 76.01 acres from the Agricultural District to the Single-Family 20 Estate District

Adjacent Zoning & Land Uses:

North: Agricultural District / Undeveloped
South: Agricultural District / Single-family residences
West: Agricultural District / Undeveloped
East: Outside City Limits / Undeveloped

BACKGROUND

City Staff met with the applicant regarding a potential rezoning of the northern portion of the Reserve at Spring Lake subdivision.

ANALYSIS

The entire site is approximately 91 acres. The property owner, who is the developer of the subdivision Reserve at Spring Lake, is requesting approximately 76 acres be rezoned from Agricultural to Single-Family 20 Estate District to allow for a minimum of half acre lots, rather than a minimum of one acre lots.

All surrounding properties are zoned Agricultural or Single-Family 20 Estate District. The property owner has developed the existing subdivision as a minimum of one acre lots with the desire to develop Section 3 as a minimum of half acre lots.

The Future Land Use Map designates the property as Rural Residential. According to the Comprehensive Plan, Rural Residential includes “single family detached residential development on minimum 1 acre lots allowing up to one house per acre”.

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 20 Estate District appear to be appropriate for the immediate area and the City as a whole. This area of the City has many larger lot subdivisions.

- 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 arterial street to the south of the property can accommodate traffic generated by a Single-Family 20 Estate 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 Single-Family 20 Estate. 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 not been recent development in the Single-Family 20 Estate District. The neighborhood just to the east of the subject site, Raleigh Creek, is zoned Single-Family 20 Estate, however it is vested Single-Family 9 District, meaning the lots are building to the Single-Family 9 District standards. Most other new subdivisions are zoned Single-Family 9 or Single-Family 6 District.

- 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 Rural Residential. The request does not appear to be consistent with the Future Land Use Map; however the Comprehensive Plan also discusses on various occasions the need for a wide variety of housing styles, densities, and price ranges located in the appropriate locations.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 22, 2017. The Notice of Public Hearing was published in the paper on September 27, 2017. 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 P17-0115 for the following reasons:

1. While the proposed rezoning is not consistent with the Future Land Use Map, the request will meet the goals of City's Comprehensive Plan;
2. The request is generally appropriate with the surrounding land uses in the area;
3. The request is generally appropriate with the surrounding zoning districts.

EXHIBITS

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

Exhibit "A"
Aerial Photo

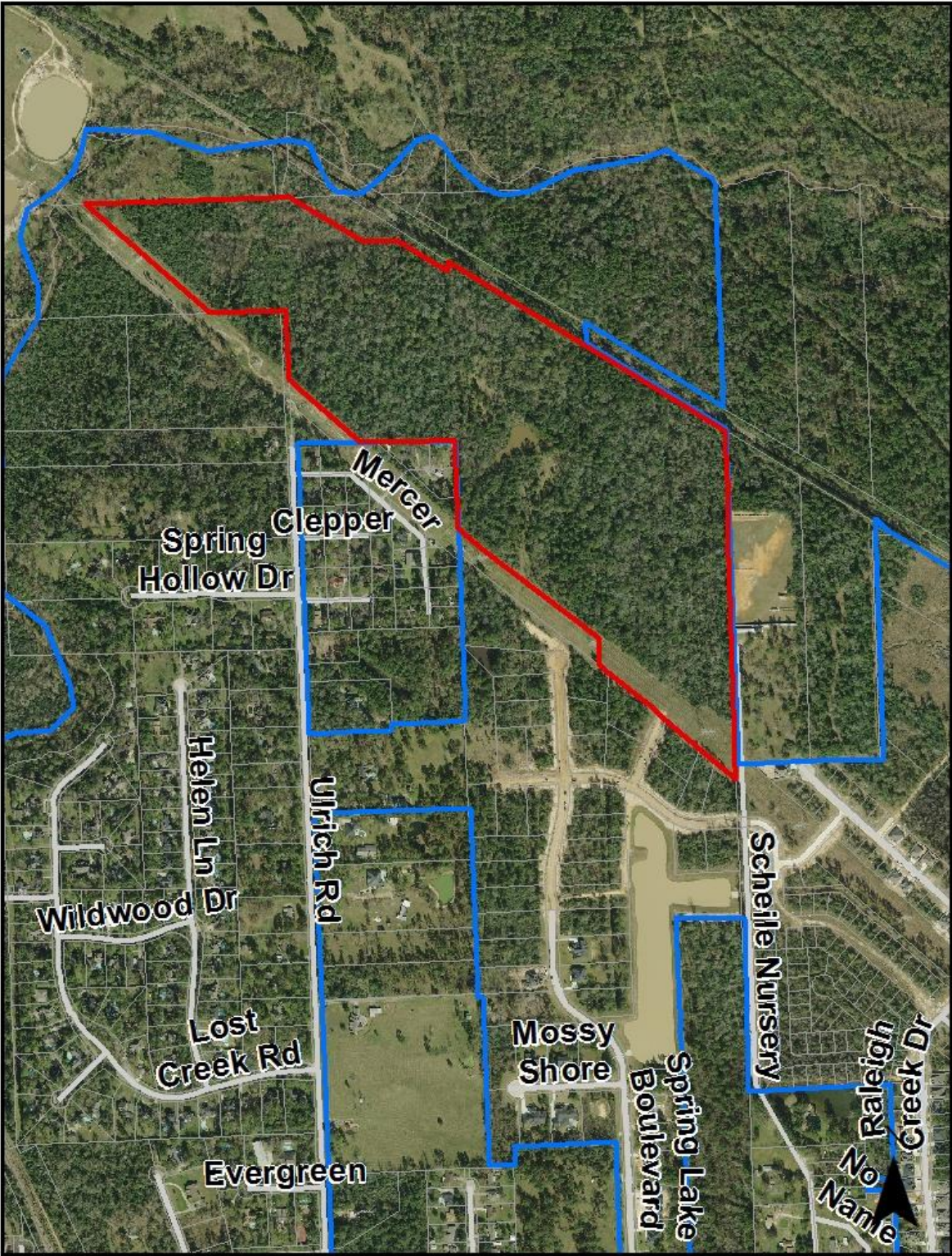


Exhibit "B"
Comprehensive Plan

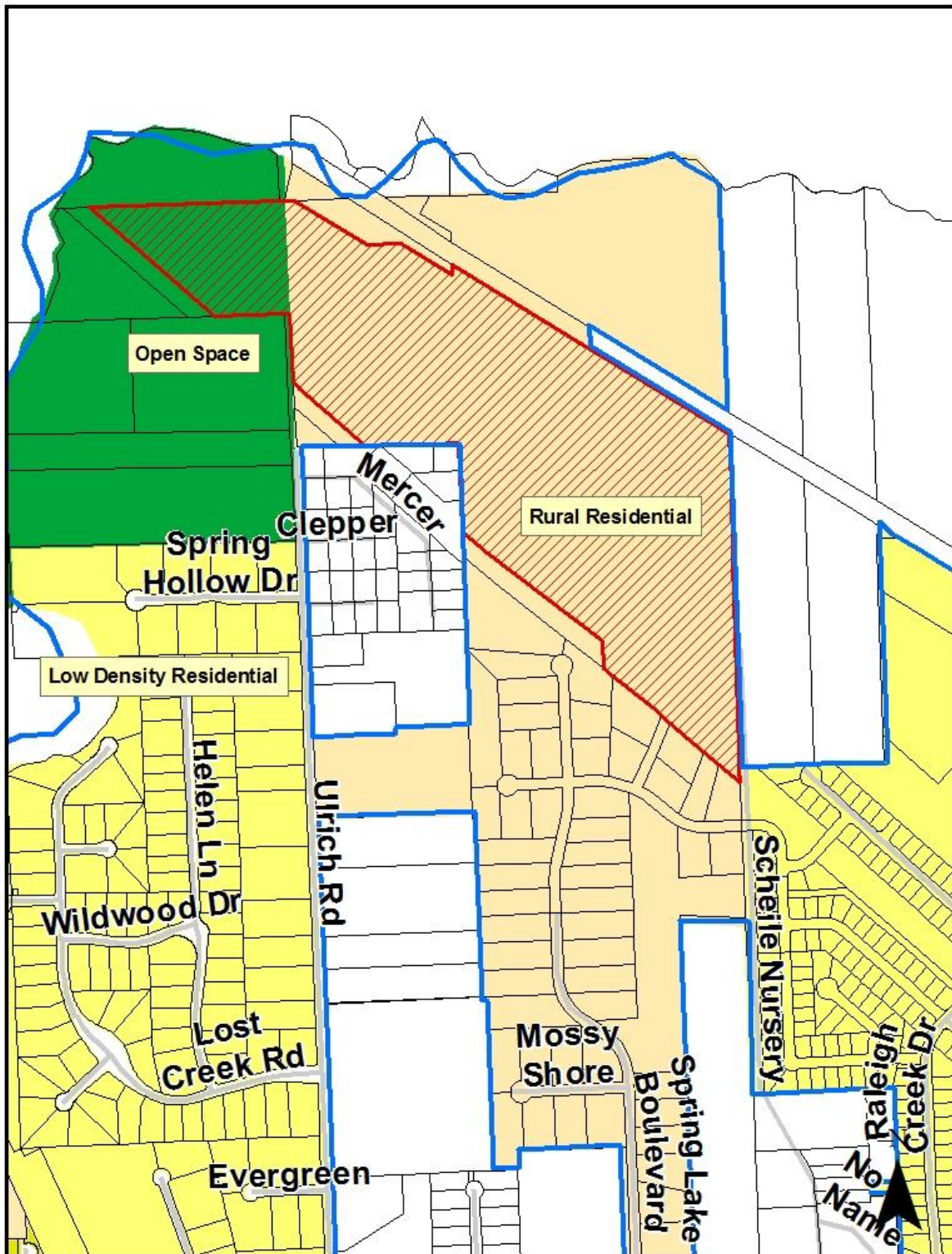
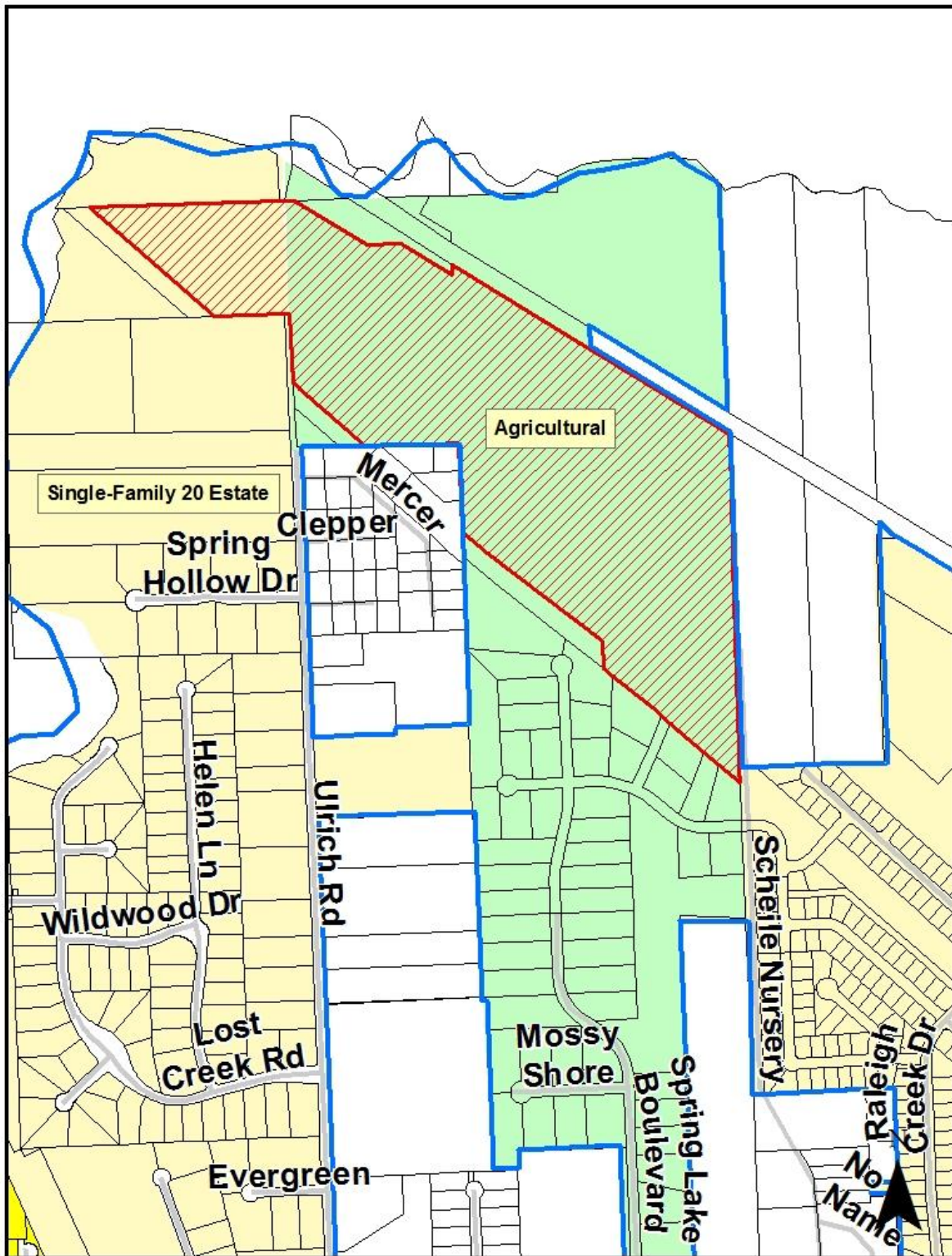


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**

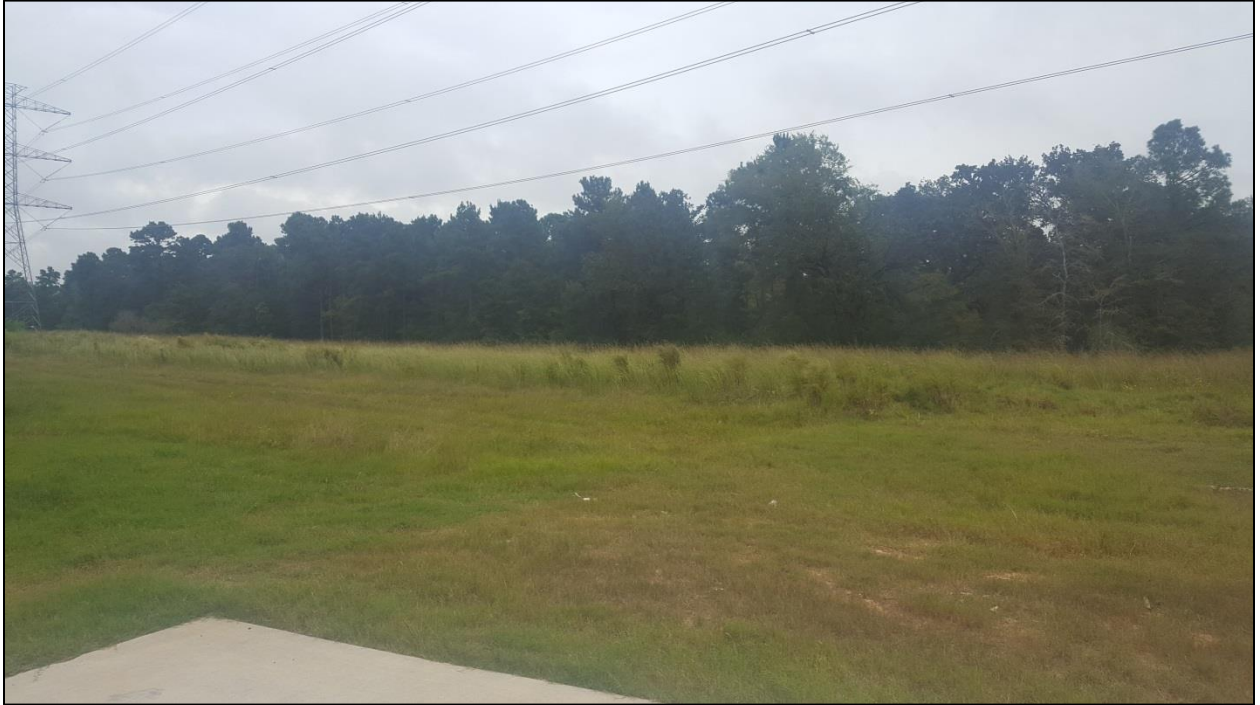


Exhibit "E" Application

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: Robert (Bob) Allen Title: Vice President
Mailing Address: 9977 W. Sam Houston Pkwy N. #150 City: Houston State: TX
Zip: 77064
Phone: (281) 477-8688 Fax: (281) 477-9191 Email: bob@thereservetomball.com

Owner

Name: Zion Road Properties, LLC Title: _____
Mailing Address: 9977 W. Sam Houston Pkwy, N. #150 City: Houston State: TX
Zip: 77064
Phone: (____) _____ Fax: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

Name: DPK Engineering - David Kelly Title: Principal
Mailing Address: P.O. Box 823 City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (____) _____ Email: david.kelly@dpkengineering.com

Description of Proposed Project: The Reserve at Spring Lake - Section 3

Physical Location of Property: Zion Road and Spring Lake Blvd
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: The Reserve at Spring Lake Section 1 and 2
[Survey/Abstract No. and Tracts, or platted Subdivision Name with Lots/Block]

Current Zoning District: AG

Current Use of Property: AG

Proposed Zoning District: SF 20E

Proposed Use of Property: SF 20E

HCAD Identification Number: 1368250040005 Acreage: 76.01

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>	Robert M. Allen	Digitally signed by Robert M. Allen DN: cn=Robert M. Allen, o, ou, email=rob@allenlandmgt.com, c=US Date: 2017.08.22 13:48:35 -05'00'	8/22/17
	Signature of Applicant		Date
<u>X</u>	Robert M. Allen	Digitally signed by Robert M. Allen DN: cn=Robert M. Allen, o, ou, email=rob@allenlandmgt.com, c=US Date: 2017.08.22 13:48:47 -05'00'	8/22/17
	Signature of Owner		Date

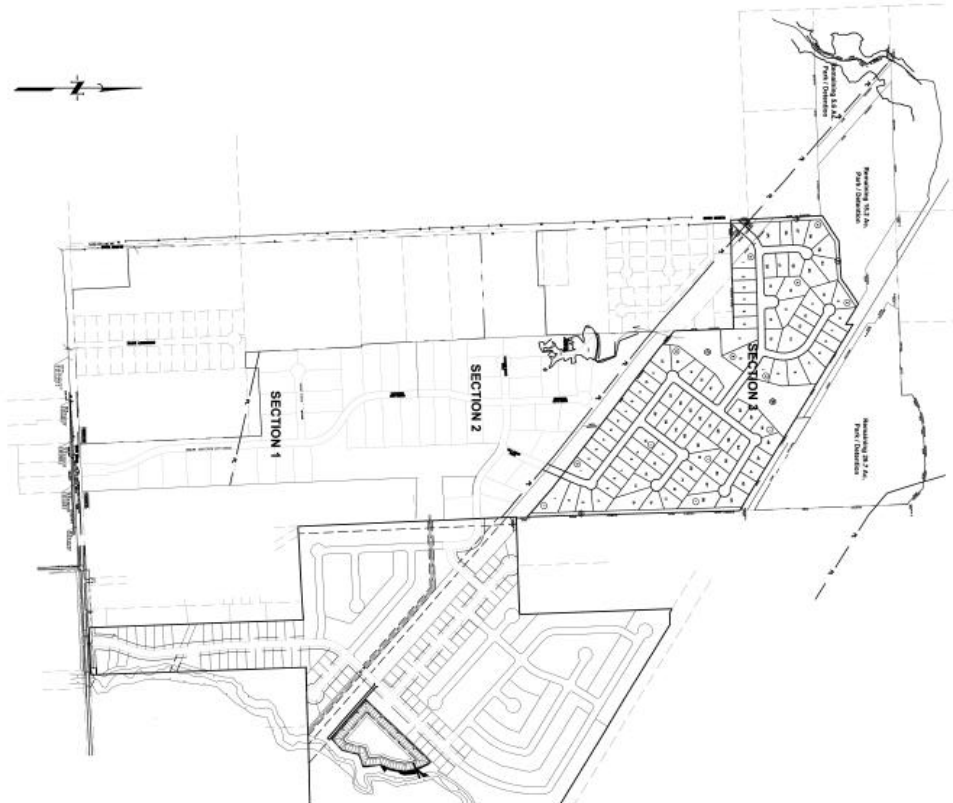




THE
Reserve
AT SPRING LAKES

Proposed Section 3

This information represents an artist's rendering of some of the proposed elements of The Reserve at Spring Lakes community. In an effort to improve The Reserve at Spring Lakes community, the Developer in its sole discretion and without notice may change this rendering and construct these elements in a manner that is different than depicted. This rendering is not intended to show all elements and some of the elements on this rendering may not be constructed as shown. Nothing contained herein shall be construed as either an express or implied representation or warranty by the developer.



SUMMARY TABLE OF LOIS					
	1970-1980	1980-1990	1990-2000	2000-2010	2010-2020
BLOCK 1					
1	100%	100%	100%	100%	100%
2	100%	100%	100%	100%	100%
3	100%	100%	100%	100%	100%
4	100%	100%	100%	100%	100%
5	100%	100%	100%	100%	100%
6	100%	100%	100%	100%	100%
7	100%	100%	100%	100%	100%
8	100%	100%	100%	100%	100%
9	100%	100%	100%	100%	100%
10	100%	100%	100%	100%	100%
11	100%	100%	100%	100%	100%
12	100%	100%	100%	100%	100%
13	100%	100%	100%	100%	100%
14	100%	100%	100%	100%	100%
15	100%	100%	100%	100%	100%
16	100%	100%	100%	100%	100%
17	100%	100%	100%	100%	100%
18	100%	100%	100%	100%	100%
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27	100%	100%	100%	100%	100%
28	100%	100%	100%	100%	100%
29	100%	100%	100%	100%	100%
30	100%	100%	100%	100%	100%
31	100%	100%	100%	100%	100%
32	100%	100%	100%	100%	100%
33	100%	100%	100%	100%	100%
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BLOCK 3					
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SUMMARY OF RESERVES		
Item	Source (1) / Amount	Location
A	Source (1) / 1.21	LOCATIONS
B	Source (1) / 2.89	LOCATIONS
C	Source (1) / 3.31	LOCATIONS
D	Source (1) / 0.17	LOCATIONS
E	Source (1) / 0.16	LOCATIONS
F	Source (1) / 2.61	LOCATIONS

	Block Size (Feet x Feet)	Feet x Feet
1	100' x 100' x 100'	100' x 100'
2	100' x 100' x 100'	100' x 100'
3	100' x 100' x 100'	100' x 100'
4	100' x 100' x 100'	100' x 100'

SUMMARY OF SECTION		
WCD	504006 FLEET AGEN	TYPE04, LOT 9/00
1	2201 0006 / 02 01	1 AS P/04
2	11981006 / 01 00	1 AS P/04
3	30174006 / 03 00	100 # 2003



RESERVE AT SPRING LAKE
SECTION THREE
LOCATED IN THE
JOSEPH MILLER LEAGUE, A-50
W.H. CLEMENS SURVEY, A-1641
HARRIS COUNTY, TEXAS
CITY OF TOMBALL, TEXAS
4 BLOCKS 99 LOTS 6 RESERVES
SEPTEMBER 2017

OWNER/DEVELOPER:
2100 ROAD PROPERTIES
ROBERT M. ALLEN, PRESIDENT
8977 W. SAM HOUSTON PWAY N., #100
HOUSTON, TX 77064
PH: 281-477-6688

ENGINEER:
DAVID P. KELLY II, P.E.
DPK ENGINEERING, LLC
12719 WHISKEY TERRACE
FULTON, TX 77441
PH: 281-346-2616

PLANNER:
SWETZER & ASSOCIATES
LANDSCAPE ARCHITECTS / PLANNING
13,000 KATY HWY.
HOUSTON, TX 77079
PH: 281-496-3111

SURVEYOR:
TOWN & COUNTRY
SURVEYORS, LLC
25307 NORTH FREWAY,
SUITE 100
THE WOODLANDS, TX 77380
(281) 465-8730
FAX: (281) 465-8731

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: October 9, 2017

Topic:

Consideration to Approve **Zoning Case P17-0116**: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P17-0116**

Background:

Origination:

Community Development Department

Recommendation:

Denial

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

P17-0116 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 9, 2017
&
CITY COUNCIL
OCTOBER 16, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 16, 2017, 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 P17-0115: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

Zoning Case P17-0116: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

Zoning Case P17-0117: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

Zoning Case P17-0118: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

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.

CERTIFICATION

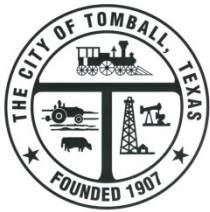
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of **October 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled 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: P17-0116

APPLICANT/OWNER: Cesar Pinedo

LOCATION: Generally located at the northeast corner of Chestnut Street and Lizzie Lane

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.5 acres of land legally described as Tract 245 Tomball Outlots within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Commercial 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.

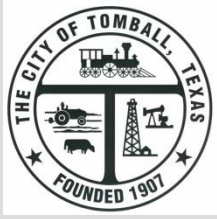


**Planning & Zoning Commission
Public Hearing:
Monday, October 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, October 16, 2017, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 9, 2017
City Council Public Hearing Date: October 16, 2017

Rezoning Case: P17-0116
Property Owner(s): Cesar Pinedo
Applicant(s): Cesar Pinedo
Legal Description: Tract 245 Tomball Outlots
Location: Northeast corner of Chestnut Street and Lizzie Lane (Exhibit "A")
Area: 1.5 acres
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Single-Family 6 District (Exhibit "C") / Undeveloped land (Exhibit "D")
Request: Rezone 1.5 acres from the Single-Family 6 District to the Commercial District

Adjacent Zoning & Land Uses:

North: Planned Development 3 District / Chestnut Business Park

South: Duplex District / Single-family residence

West: Single-Family 6 District / Undeveloped

East: Single-Family 6 District / Undeveloped

BACKGROUND

City Staff discussed potential uses of the subject site with the property owner and received a rezoning application on August 29, 2017.

ANALYSIS

The subject site is approximately 1.5 acres. The lot is zoned Single-Family 6 District. Property to the east and west are also zoned Single-Family 6 District. Property to the south is zoned Duplex and property to the north is a Planned Development District that operates as a business park. There are multiple single-family residences on Lizzie Lane and a few commercial businesses toward the east near South Persimmon.

The Future Land Use Map designates the property as Medium Density Residential. Properties to the east and south are also Medium Density Residential. Property to the north is Business/Industrial and property to the west is designated Mixed Use.

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.**

There are a mix of land uses in the immediate area. To the north, there is a business park and a storage facility. To the south and east, however, there are multiple single-family residences. There does appear to be a dividing line between the commercial and residential uses: the business park has frontage on Chestnut, while the homes front onto Lizzie Lane. Also, Chestnut Business Park is in a Planned Development District that restricts all business operations to indoor areas thus causing fewer impacts to the residential area to the south. The uses permitted in the Commercial District appear to be too intense for 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.**

Adequate utilities are available to serve this property and the existing collector street adjacent to the property can accommodate traffic generated by a Commercial 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 Commercial. 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 Commercial 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. The request does not appear to be consistent with the Future Land Use Map. The Comprehensive Plan also puts great emphasis on protecting established residences and preserving the rural lifestyle in Tomball. Allowing commercial businesses to continue to encroach closer to the established homes on Lizzie Lane would not meet the goals of the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 22, 2017. The Notice of Public Hearing was published in the paper on September 27, 2017. 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 is unable to recommend approval of Zoning Case P17-0116 for the following reasons:

1. The request will not meet the goals of City's Comprehensive Plan;
2. The request is not in conformance with the Future Land Use Map;
3. Permitted land uses in the Commercial District appear to be too intense for the area;
4. The request is generally not appropriate with the surrounding zoning districts.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

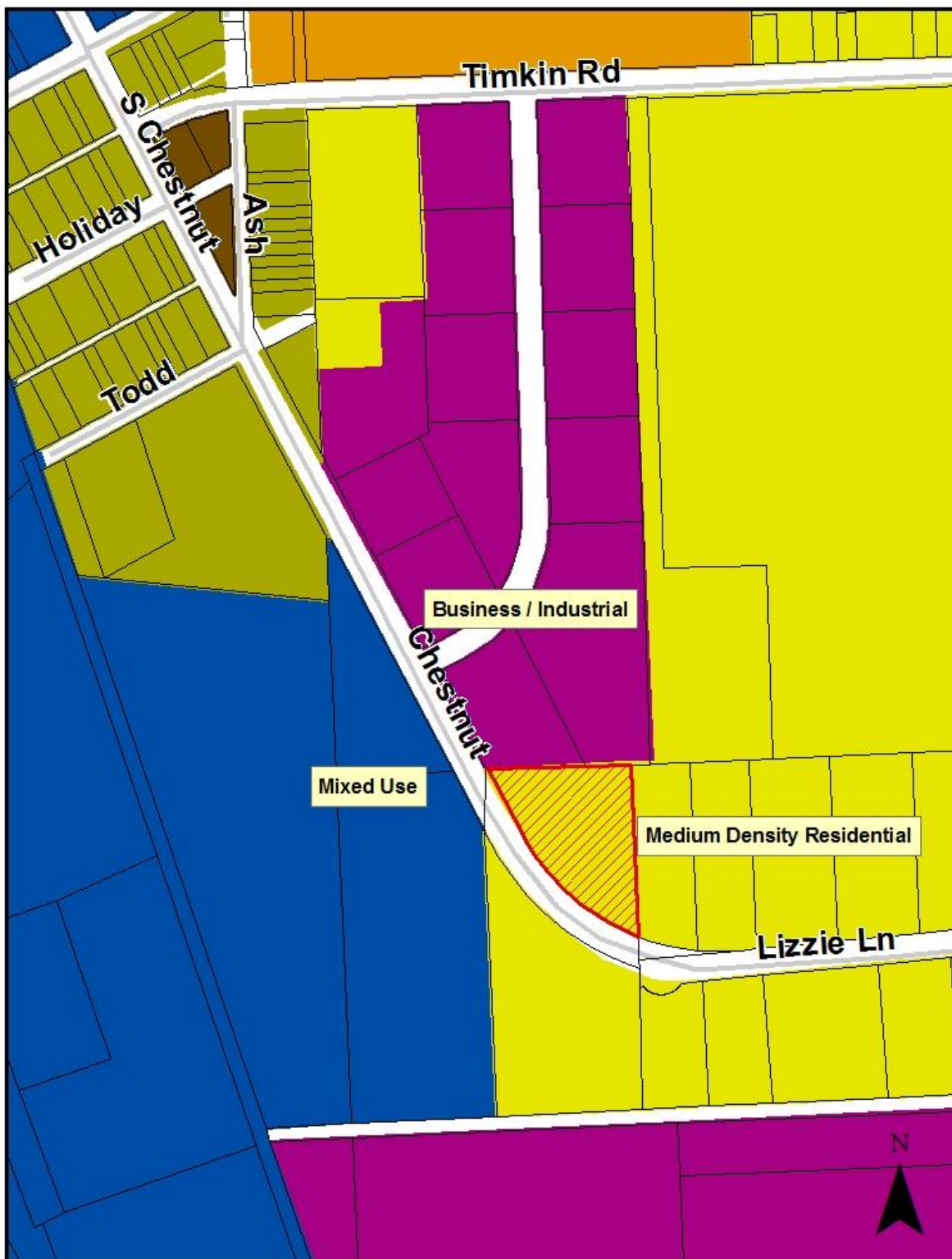


Exhibit "C"
Zoning Map

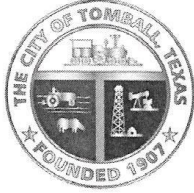


**Exhibit “D”
Site Photo**



Exhibit "E" Application

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: Cespe Pinedo Title: owner
Mailing Address: 10102 Billenut Hickory St Tomball State: TX
Zip: 77375
Phone: (832) 552-8366 Fax: () Email: _____

Owner
Name: Same as above Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Description of Proposed Project: Raw land

Physical Location of Property: TBD Uzzie Ln Tomball TX
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 245 Tomball Outlets
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-4

Current Use of Property: Raw land

Proposed Zoning District: C-LI-PD

Proposed Use of Property: TBD

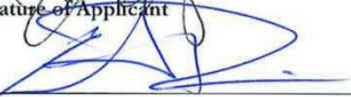
HCAD Identification Number: 0352880000245 **Acreage:** 1.5109

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		8/29/17
	Signature of Applicant	Date
X		8/31/17
	Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 00995825 8/31/2017 4:08 PM
OPER: RP TERM: 005
REF#: W VISA 801

ACCT #: XXXX-XXXX-XXXX-3238
AUTH #: 031619
TRAN #: 060659682119
TYPE: PURCHASE

TRAN: 130.0000 PLANNING AND ZONING
TR 245 TOMBALL
LIZZIE LN
100-5441
REZONING 420.00CR

TENDERED: CREDIT CARD
APPLIED: 420.00

CHARGE

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

To who it may concern,

Please accept this application for consideration and approval to change the current zoning status of my property located at TBD Lizzie Ln , Legal description TR 245 Tomball Outlets from Residential use to Commercial. Currently there is commercial property on either side of me as well as directly across the street.

Thank you in advance for your consideration

Sincerely



Cesar G Pinedo

All that certain tract or parcel containing 1.5169 acres of land out of Outlot 245 in the Tomball Outlots, a subdivision in Harris County, Texas according to the map or plat thereof filed for record in Volume 4, Page 75 of the Harris County Map Records, said Outlot 245 being that same tract described as 5.0000 acres of land in a deed filed for record under Harris County Clerk's File No. K-022685, said 1.5169 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with EIC cap (set) marking the intersection of the North line of said Outlot 245 with the Northeast right-of-way line of Chestnut Street, (60.00 feet in width), as described in an instrument filed for record under Harris County Clerk's File No's X-074990 and W-844564 marking the Southwest corner of Lot 6 in Block 2 of Chestnut Business Park, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 628085 in said Harris County Map Records and the Northwest corner of the herein described 1.5169 acre tract of land, from this point a 5/8" iron rod with cap stamped FDS #2053 (found) bears S 89°58'34" W, 0.57 feet, also from this point a 1/2" iron rod (found) bears S 61°27'11" W, 0.70 feet;

THENCE N 89°58'34" E, (call EAST), along the common line of said Outlot 245 and said Lot 6 in Block 2, passing at 206.02 feet a 5/8" iron rod with cap stamped FDS #2053 (found) marking the Southeast corner of said Lot 6 and the Southwest corner of Lot 5 in said Block 2, a total distance of 297.95 feet to a 5/8" iron rod with cap stamped FDS #2053 (found) marking the Northeast corner of said Outlot 245, the Northwest corner of Lot 10 in Block 2 of Lizzie-Persimmon Subdivision, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 352080 in said Harris County Map Records and the Northeast corner of the herein described 1.5169 acre tract of land;

THENCE S 00°22'44" W, (call SOUTH), a distance of 347.05 feet along the common line of said Outlot 245 and said Lot 10 to a 5/8" iron rod with EIC cap (set) in the Northeast right-of-way line of said Chestnut Street marking the Southeast corner of the herein described 1.5169 acre tract of land, same point being in a curve to the right having a radius of 470.00 feet;

THENCE Northwesterly, along the Northeast right-of-way line of said Chestnut Street with said curve to the right through a central angle of 41°25'24", a chord bearing and distance of N 46°12'42" W, 332.44 feet, an arc distance of 339.80 feet to a 5/8" iron rod with EIC cap (set) for point of tangency;

THENCE N 25°30'00" W, a distance of 129.29 feet along the Northeast right-of-way line of said Chestnut Street to the POINT OF BEGINNING and containing 1.5169 acres of land.

Surveyed on the ground November 16, 2012.

Job No. 12-565-11. (See corresponding plat)

The basis of bearing is N 25°30'00" W along the Northeast right-of-way line of Chestnut Street.



Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: October 9, 2017

Topic:

Consideration to Approve **Zoning Case P17-0117**: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P17-0117**

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
P17-0117 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 9, 2017
&
CITY COUNCIL
OCTOBER 16, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 16, 2017, 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 P17-0115: Request by Robert Allen to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 76.01 acres of land legally described as a portion of Reserve “D” Reserve at Spring Lake – Section 2, within the City of Tomball, Harris County, Texas, generally located at the north end of Spring Lake Blvd., from the Agricultural District to the Single-Family 20 Estate District.

Zoning Case P17-0116: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

Zoning Case P17-0117: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

Zoning Case P17-0118: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

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.

CERTIFICATION

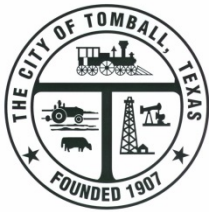
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of **October 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled 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: P17-0117

APPLICANT/OWNER: Josh Rendon, on behalf of Drake Builders

LOCATION: Generally located on the north side of Medical Complex Drive, west of SH 249

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.355 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District.

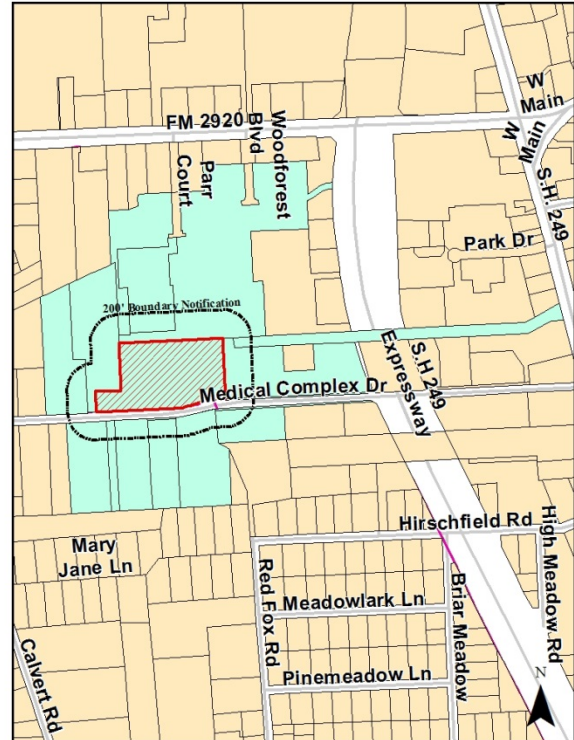
CONTACT: Amelia Lindley, Planner

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, October 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, October 16, 2017, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 9, 2017
City Council Public Hearing Date: October 16, 2017

Rezoning Case: P17-0117
Property Owner(s): Weingarten Investments Inc.
Applicant(s): Josh Rendon, on behalf of Drake Builders
Legal Description: Lot 9 Tomball Marketplace
Location: North side of Medical Complex Drive, west of SH 249 (Exhibit "A")
Area: 8.355 acre
Comp Plan Designation: Mixed Use (Exhibit "B")
Present Zoning and Use: Agricultural District (Exhibit "C") / Undeveloped land (Exhibit "D")
Request: Rezone 8.355 acres from the Agricultural District to the Commercial District

Adjacent Zoning & Land Uses:

North: Commercial District / Commercial strip center (Kohl's)

South: Outside City Limits & General Retail District / Single-family residences and undeveloped land

West: Commercial District / Detention pond

East: General Retail District / Undeveloped land

BACKGROUND

City Staff met with the applicant in July 2017 to discuss a proposed development on the subject site. Staff informed the applicant that the property would need to be rezoned prior to the property being developed as desired. The applicant submitted a rezoning application on August 30, 2017.

ANALYSIS

The subject site is approximately 8.355 acres located on Medical Complex Drive on the west side of SH 249. Properties within the City Limits in the area are zoned Commercial and General Retail. To the north of the subject site, there is a large commercial strip center with businesses including Kohl's and Academy. Residence Inn by Marriott also recently opened on Medical Complex Drive, east of the subject site. It does not appear that rezoning the property to Commercial would be out of character with the surrounding area.

The Comprehensive Plan Future Land Use Map designates the property as Mixed Use which includes a mix of office, retail and commercial land uses. Surrounding properties are designated Mixed Use and Commercial. The proposed rezoning will be in conformance with the Future Land Use Map.

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 Commercial District appear to be appropriate for the immediate area. The established land uses in the area are mostly commercial businesses including Kohl's, Academy and Residence Inn by Marriott. This area of the City appears to be appropriate for commercial development.

- 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 arterial street adjacent to the property can accommodate traffic generated by a Commercial 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 Commercial. 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 Commercial 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. The request appears to be consistent with the Future Land Use Map. The Comprehensive Plan also discusses creating a mix of job opportunities by increasing the percentage of commercial land.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 22, 2017. The Notice of Public Hearing was published in the paper on September 27, 2017. 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 P17-0117 for the following reasons:

1. The request will meet the goals of City's Comprehensive Plan;
2. The request is generally 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 Photo
- E. Application

Exhibit "A"
Aerial Photo

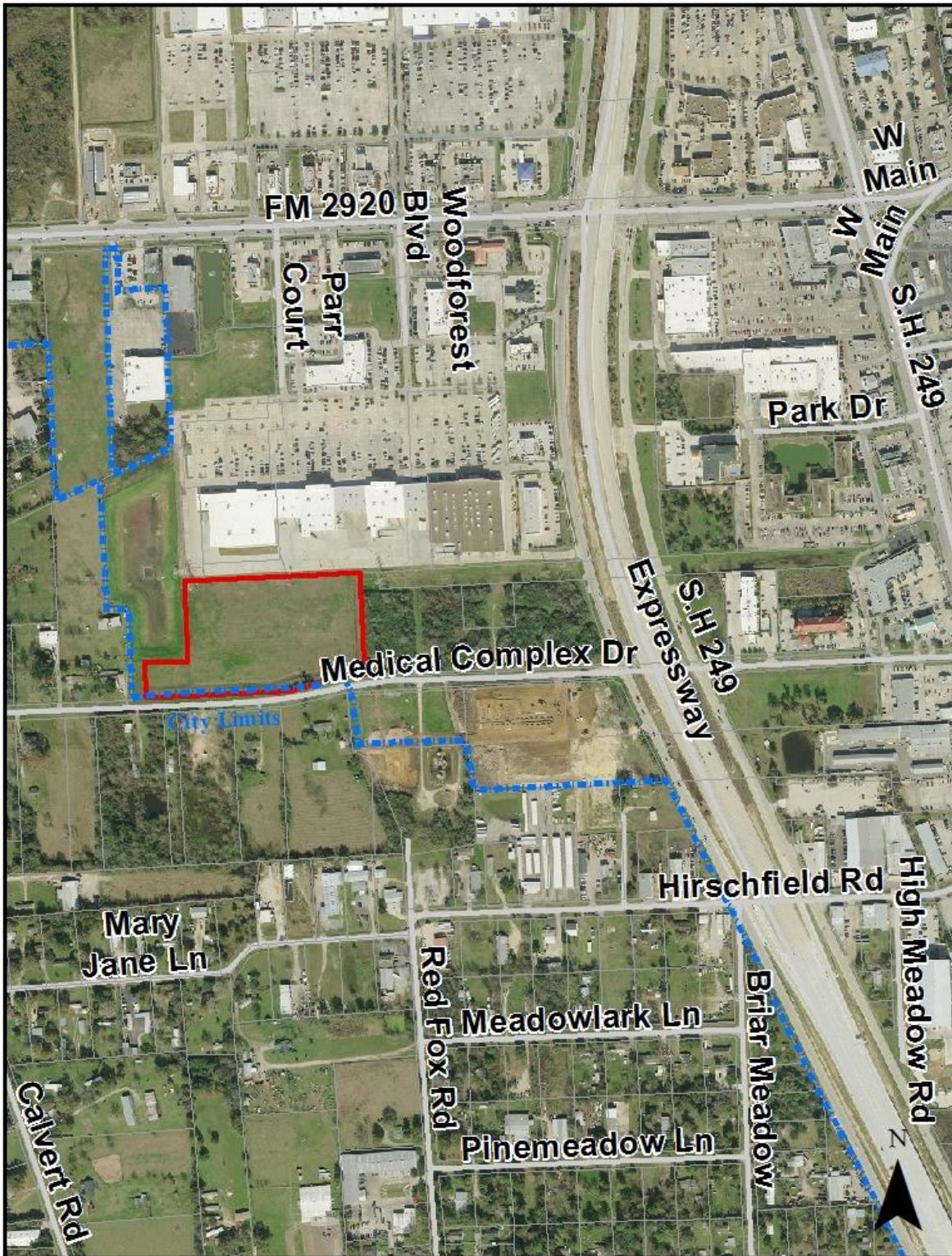


Exhibit "B"
Comprehensive Plan

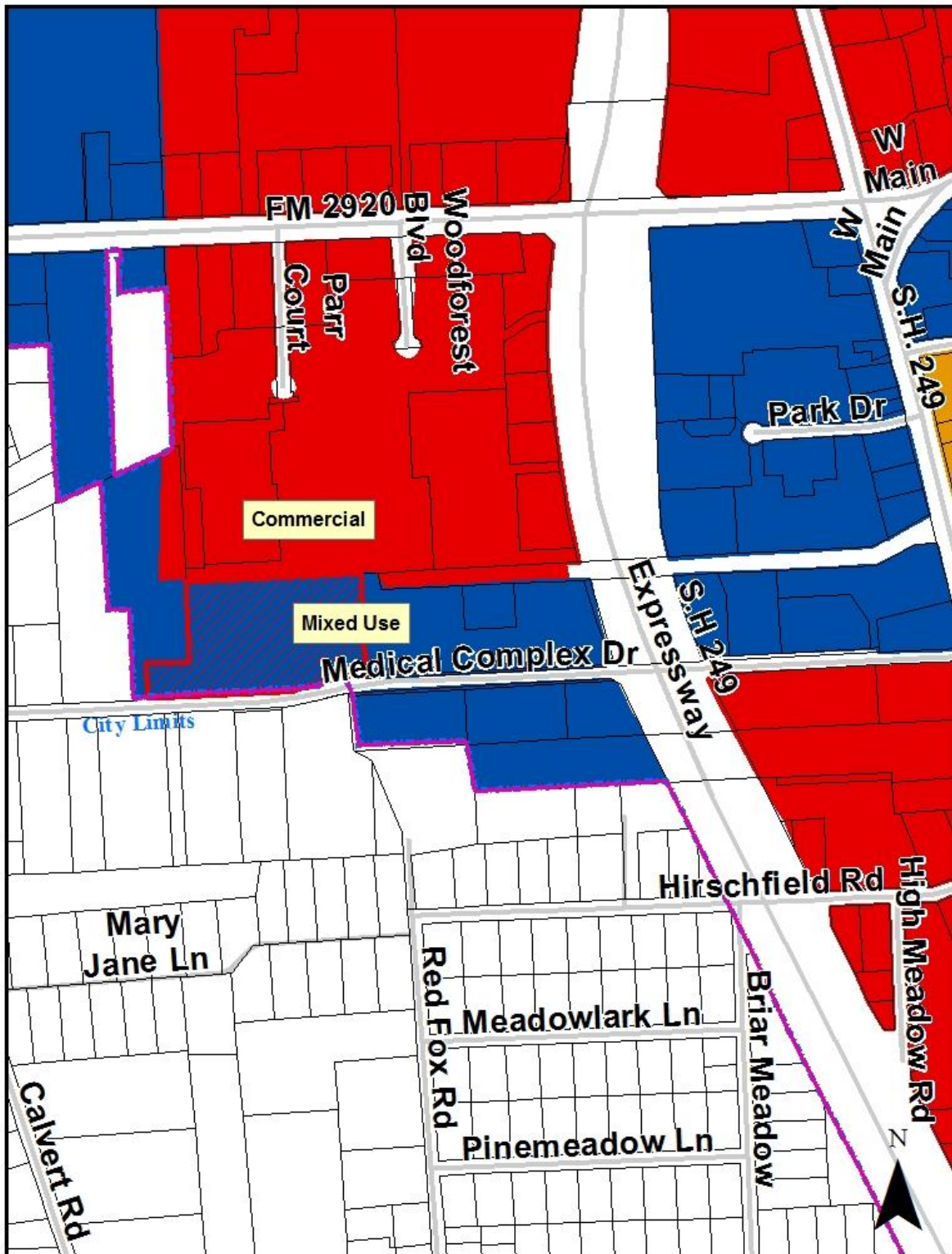
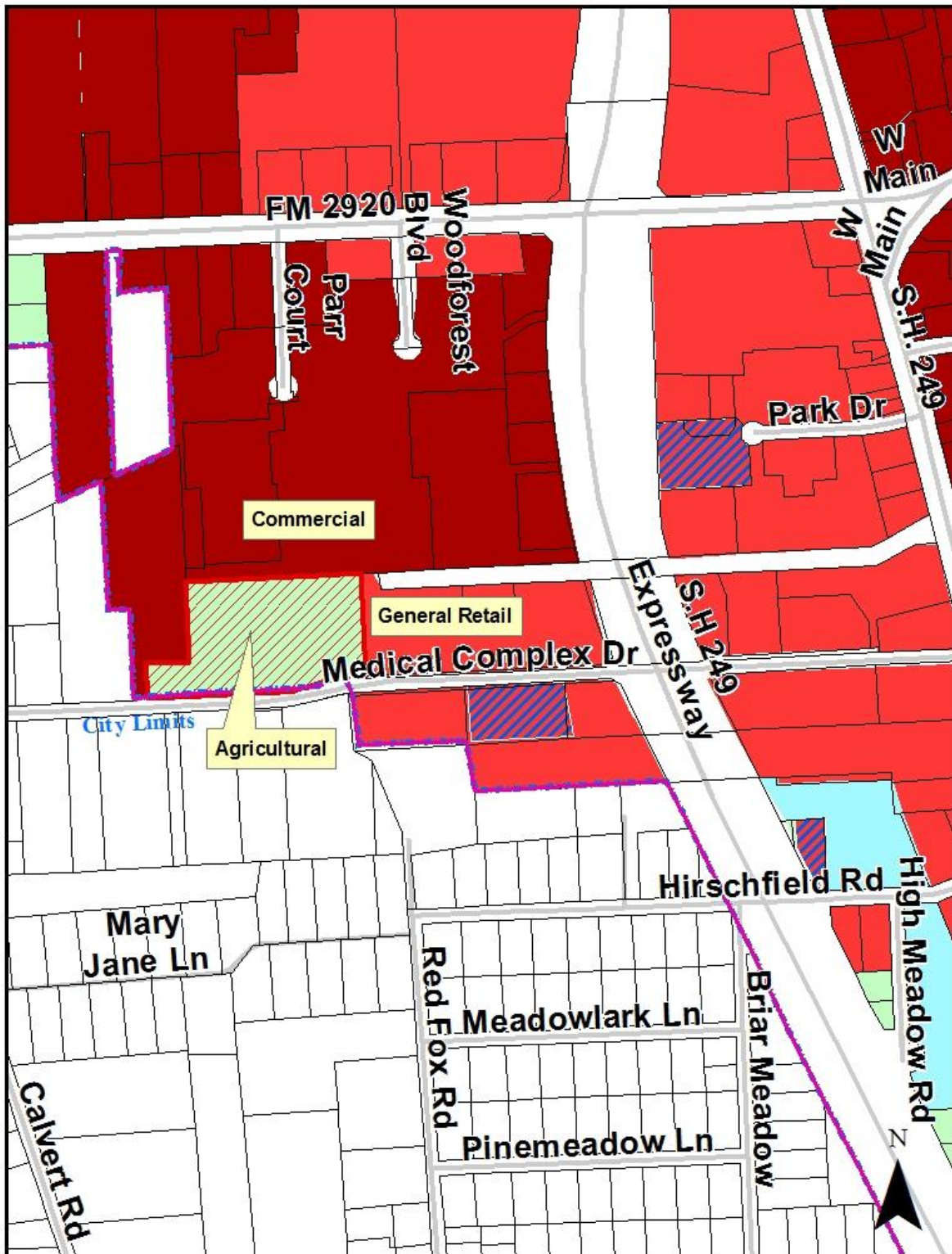


Exhibit "C"
Zoning Map

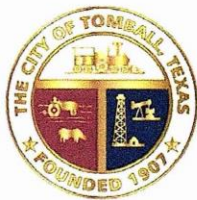


**Exhibit “D”
Site Photo**



Exhibit "E" Application

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: Josh Rendon Title: President of Drake Builders
Mailing Address: 13939 Fairwood Springs Dr. City: Cypress State: TX
Zip: 77429
Phone: (832) 489-0148 Fax: () N/A Email: jrendon@drake-builders.com

Owner

Name: Ace Manor Property Management I, Ltd. Title: Manager
Mailing Address: PO Box 690828 City: Houston State: TX
Zip: 77269
Phone: (281) 745-8649 Fax: (713) 290-0952 Email: jmosse@arcremgmt.com

Engineer/Surveyor (if applicable)

Name: N/A Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: Commercial / Light Industrial Flex Office/Warehouse

Physical Location of Property: 8.355 Acres Located on Medical Complex Boulevard 1,100' West of Texas 249 Access Road

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

Legal Description of Property: An 8.355 acre (363,952 square foot) tract of land in the John M. Hooper Survey, Abstract 375, Harris County, Texas, being all of Lot 9 of Tomball Marketplace as recorded under Film Code Number 605157 in the Harris County Map Records.

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

Current Zoning District: Agricultural District (AG)

Current Use of Property: Raw Undeveloped Land

Proposed Zoning District: Commercial District (C)

Proposed Use of Property: Commercial Development of Office Warehouse Facilities

HCAD Identification Number: 1287790000009 **Acres:** 8.355

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 A. A. Alkay 8/30/2017
Signature of Applicant Date

X [Signature] 8/30/2017
Signature of Owner Date

August 30, 2017



Ms. Amelia Lindley, Planner
City of Tomball, Community Development Department
501 James Street
Tomball, TX 77375

Re: Rezoning Application – Tomball Marketplace – (Legal Description): *An 8.355 acre (363,962 square foot) tract of land in the John M. Hooper Survey, Abstract 375, Harris County, Texas, being all of Lot 9 of Tomball Marketplace as recorded under Film Code Number 605157 in the Harris County Map Records*

Dear Ms. Lindley:

We are submitting this Application for Rezoning of Lot 9 (8.355 acres) in Tomball Marketplace located on Medical Complex Drive. The subject property is currently zoned as Agricultural District and we are requesting to rezone this property into a Commercial District.

It is the owner's intent to develop the property with commercial facilities that will serve market demands for office, warehouse, service, and distribution businesses. We project the development of these proposed facilities to bring new businesses, jobs, and economic growth to the City of Tomball.

This application is being submitted today, August 30, 2017, to be presented to the Planning and Zoning Commission October 9, 2017, to the City Council for 1st Reading on October 16, 2017, City Council for 2nd Reading November 6, 2017, and approval Ordinance Effective Date of November 20, 2017.

If you should have any questions, concerns, or need any additional information please do not hesitate to contact me with the contact information listed below.

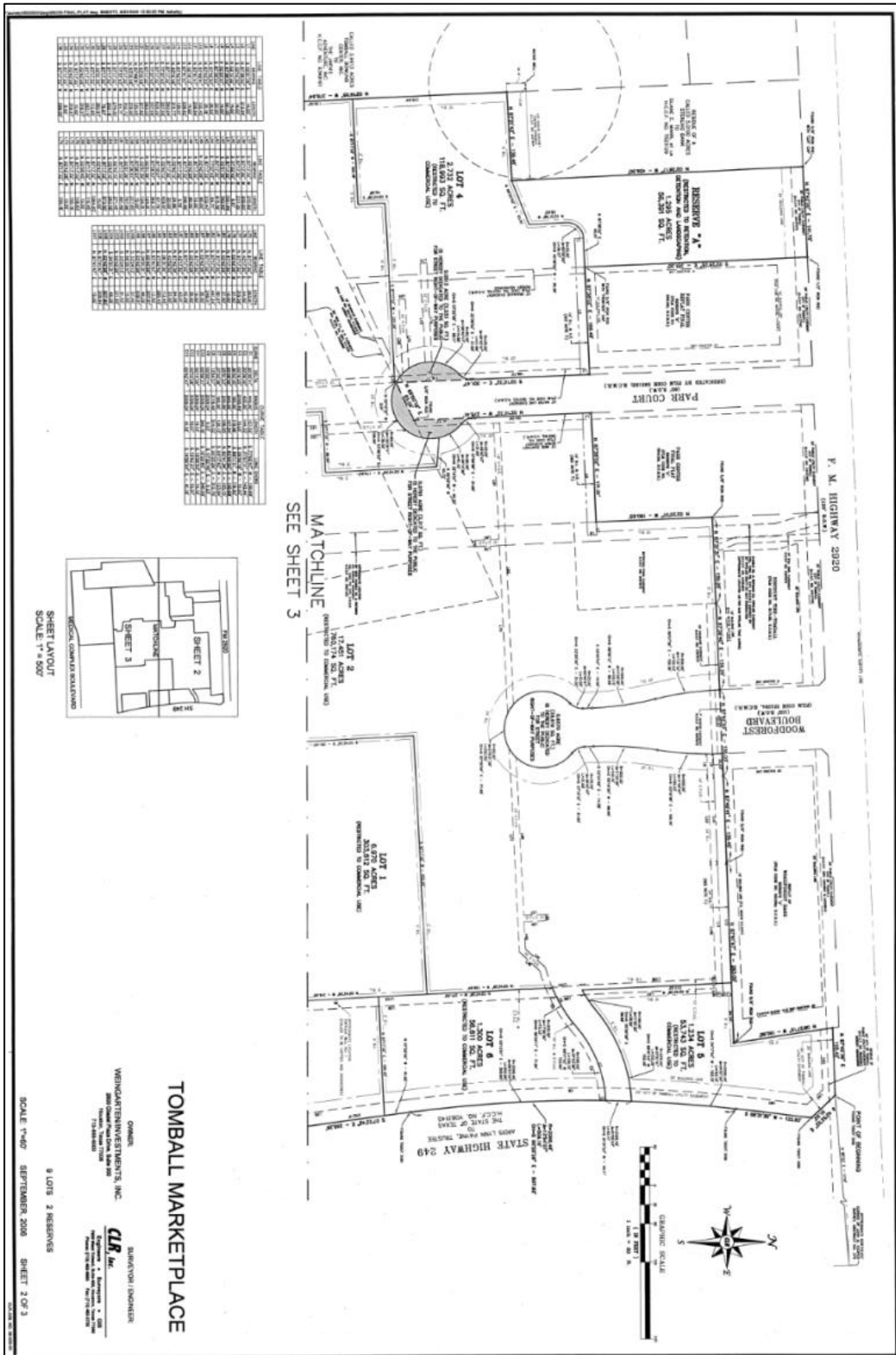
Thank you for your consideration of this application for rezoning of this property.

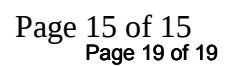
Sincerely,

Joshua R. Rendon

Joshua R. Rendon, President
Drake Builders
13939 Fairwood Springs Dr.
Cypress, TX 77429
Phone: (832) 489-0148
Email: jrendon@drake-builders.com

9 LOTS 2 RESERVES





Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: October 9, 2017

Topic:

Consideration to Approve **Zoning Case P17-0118**: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

- Conduct Public Hearing on **Zoning Case P17-0118**

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
P17-0118 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 9, 2017
&
CITY COUNCIL
OCTOBER 16, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 16, 2017, 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:

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Zoning Case P17-0116: Request by Cesar Pinedo to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.52 acres of land legally described as Tract 245 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Chestnut Street and Lizzie Lane, from the Single-Family 6 District to the Commercial District.

Zoning Case P17-0117: Request by Josh Rendon, on behalf of Drake Builders, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 8.36 acres of land legally described as Lot 9 Tomball Marketplace, within the City of Tomball, Harris County, Texas, generally located on the north side of Medical Complex Drive, west of SH 249, from the Agricultural District to the Commercial District.

Zoning Case P17-0118: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring commercial refuse areas which are visible from a public right-of-way to be visually screened by a minimum six-foot solid masonry wall on at least three sides.

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CERTIFICATION

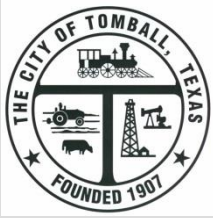
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of **October 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled 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.



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: October 9, 2017

City Council Public Hearing Date: October 16, 2017

Zoning Case P17-0118: Request by the City of Tomball to amend Sections 50-115(b)(2) of the Tomball Code of Ordinances by requiring refuse areas which are visible from a public right-of-way be visually screened by a minimum six-foot solid masonry wall on at least three sides.

BACKGROUND

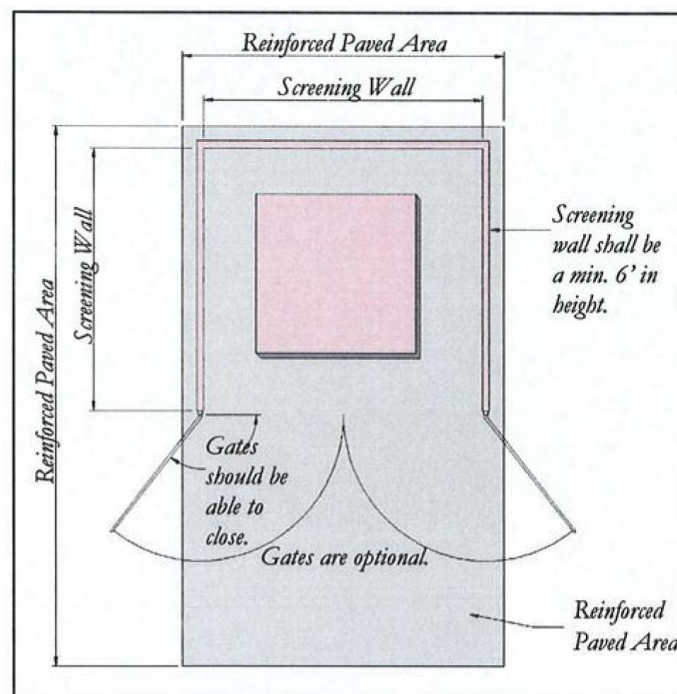
At the August 21, 2017 City Council Meeting, City Staff was directed to bring forward a text amendment to require all new dumpster enclosures to be masonry.

PROPOSED AMENDMENTS

Section 50-115 (b) (Screening of nonresidential, multifamily areas and manufactured (mobile) home parks.) currently states the following:

(2) Refuse areas which are not within a rear service area and which are visible from a public right-of-way for all nonresidential, multifamily and manufactured/mobile home park uses shall be visually screened by a minimum six-foot solid wall or fence on at least three sides (see Illustration 50-115-1 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved by the city. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 50-115-1.

Illustration 50-115-1: Refuse area screening



The proposed amendment will require the three sides of the enclosure be masonry.

(2) Refuse areas which are not within a rear service area and which are visible from a public right-of-way for all nonresidential, multifamily and manufactured/mobile home park uses shall be visually screened by a minimum six-foot solid ~~masonry~~ wall ~~or fence~~ on at least three sides (see Illustration 50-115-1 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved by the city. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 50-115-1.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on September 27, 2017. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.