

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



MONDAY, JULY 13, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, July 13, 2015 at 6:00 P.M., Tomball Public Works Building, 501 James Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning and Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of June 8, 2015.

5.0 New Business:

- 5.1 Consideration to approve **Replat of Lot 3 Chestnut Business Park**: A Subdivision of a 1.7096 Acre Tract, Being a Replat of Lot 3, Block 1 of Chestnut Business Park F.C.#628085 H.C.M.R. and the Remainder of a Called 7.5 Acre Tract to Albers Properties, LP H.C.C.F # 20070501339 & 20110213233.
- 5.2 Consideration to approve Replat of **Asgard**: A Replat of Lots 37 and 38 into New Lot 38 in Block 42 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 **ZONING CASE P15-071**: Request by the City of Tomball to amend Section 50-2 ("Definitions") of the Code of Ordinances by creating a definition for "masonry;" to amend Section 50-33 ("Board of Adjustments") of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 ("Reserved") of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations.

- Conduct a Public Hearing on **ZONING CASE P15-071**

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 9th day of July 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer _____

Doris Speer
City Secretary, TRMC

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: July 13, 2015

Topic:

Background:

Origination:

Recommendation:

Funding:

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: July 13, 2015

Topic:

Background:

Origination:

Recommendation:

Funding:

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: July 13, 2015

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of June 8, 2015.

Background:**Origination:****Recommendation:****Funding:****Party(ies) responsible for placing this item on agenda:**

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

ATTACHMENTS:

June 8, 2015 Draft Minutes

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

MONDAY, JUNE 8, 2015



6:00 P.M.

- 1.0 The meeting was called to order by Chair Barbara Tague at 6:05 p.m. Other members present were:

Commissioner Evelyn Torres
Commissioner Darrell Roquemore
Commissioner Richard Anderson
Commissioner Harry Byrd

Others present:

Community Development Director – Craig Meyers
Public Works Director – David Esquivel
City Attorney – Loren Smith
City Engineer – Lori Lakatos
City Planner – Harold Ellis
Community Development Coordinator – Amelia Vasquez
Community Development Intern – Carri Robinson

draft

- 1.1 Election of Chair and Vice Chair

Commissioner Tague requested nominations for Chair.

Commissioner Byrd nominated Commissioner Tague for Chair.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to appoint Commissioner Tague as Chair.

Motion carried unanimously.

Chair Tague requested nominations for Vice Chair.

Chair Tague nominated Commissioner Roquemore for Vice Chair.

Motion was made by Commissioner Byrd, second by Commissioner Anderson to

appoint Commissioner Roquemore as Vice Chair.

Motion carried unanimously.

2.0 No Public Comments were received.

3.0 No Reports and Announcements were heard.

4.0 Motion was made by Commissioner Anderson, second by Commissioner Byrd, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of May 11, 2015.

Motion carried unanimously.

5.0 New Business:

5.1 Consideration to approve Final Plat of **JTS Subdivision**: Being a Subdivision of 6.4411 acres of land situated in the John M. Hooper Survey, Abstract Number 375, of Harris County, Texas, and being out of and part of a called 6.598 acres as described in deed recorded in Clerk's File Number S026292 of the Real Property Records of Harris County, Texas.

Lori Lakatos, City Engineer, presented recommendation.

Motion was made by Commissioner Torres, second by Commissioner Roquemore, to approve **JTS Subdivision**, with contingencies.

Motion carried unanimously.

5.2 Consideration to approve Final Plat of **KCS Subdivision**: Being a Subdivision of 8.2680 acres of land in the John M. Hooper Survey, Abstract Number 375, of Harris County, Texas, and being out of and part of a called 8.489 acres as described in deed recorded in Clerk's File Number S026291 of the Real Property Records of Harris County, Texas

Lori Lakatos, City Engineer, presented recommendation.

Motion was made by Commissioner Torres, second by Commissioner Anderson, to approved **KCS Subdivision**.

Motion carried unanimously.

5.3 Consideration to approve Final Plat of **Willowcreek Ranch Sec 7**: Being a Subdivision of 54.51 acres in the Holderrieth and Doughtie Survey, A-1702, The I. & G.N. R.R. Survey, A-952, The M.B. Jones and G.M. Cone Survey, Cert. No. M-22952 and the William Biggio Survey, Cert. No. M-22954, in Harris County, Texas.

Lori Lakatos, City Engineer, presented recommendation.

Motion was made by Commissioner Byrd, second by Commissioner Roquemore, to approve **Willowcreek Ranch Sec 7**, with contingencies.

Motion carried unanimously.

- 5.4 Consideration to approve Replat of **520 W. Main Street**: A Subdivision of 0.4821 acre composed of Lot 6, 7, and 8 of Block 42 of the Tomball Township as Recorded in Volume 2, Page 36 of the Harris County Map Records and located in the John House Survey, A-34 and the William Hurd Survey, A-371 City of Tomball, Harris County, Texas.

Lori Lakatos, City Engineer, presented recommendation.

Motion was made by Commissioner Anderson, second by Commissioner Byrd to approve **520 W. Main Street**, with contingencies.

Motion carried unanimously.

- 5.5 Receipt of Capital Projects Comments and Recommendations from the Planning and Zoning Commission for City Manager Consideration regarding Budget of Five Year CIP 2016-2020.

Lori Lakatos, City Engineer, provided a review and presentation of the five-year CIP for 2016-2020.

Motion was made by Commissioner Anderson, second by Commissioner Torres, to approve the Five Year Capital Improvement Projects List.

Motion carried unanimously.

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

Motion carried unanimously.

The meeting was adjourned at 6:36 p.m.

PASSED AND APPROVED this 13th day of July 2015.

Amelia Vasquez
Commission Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: July 13, 2015

Data Sheet

Topic:

Consideration to approve **Replat of Lot 3 Chestnut Business Park**: A Subdivision of a 1.7096 Acre Tract, Being a Replat of Lot 3, Block 1 of Chestnut Business Park F.C.#628085 H.C.M.R. and the Remainder of a Called 7.5 Acre Tract to Albers Properties, LP H.C.C.F # 20070501339 & 20110213233.

Background:

Origination:

Recommendation:

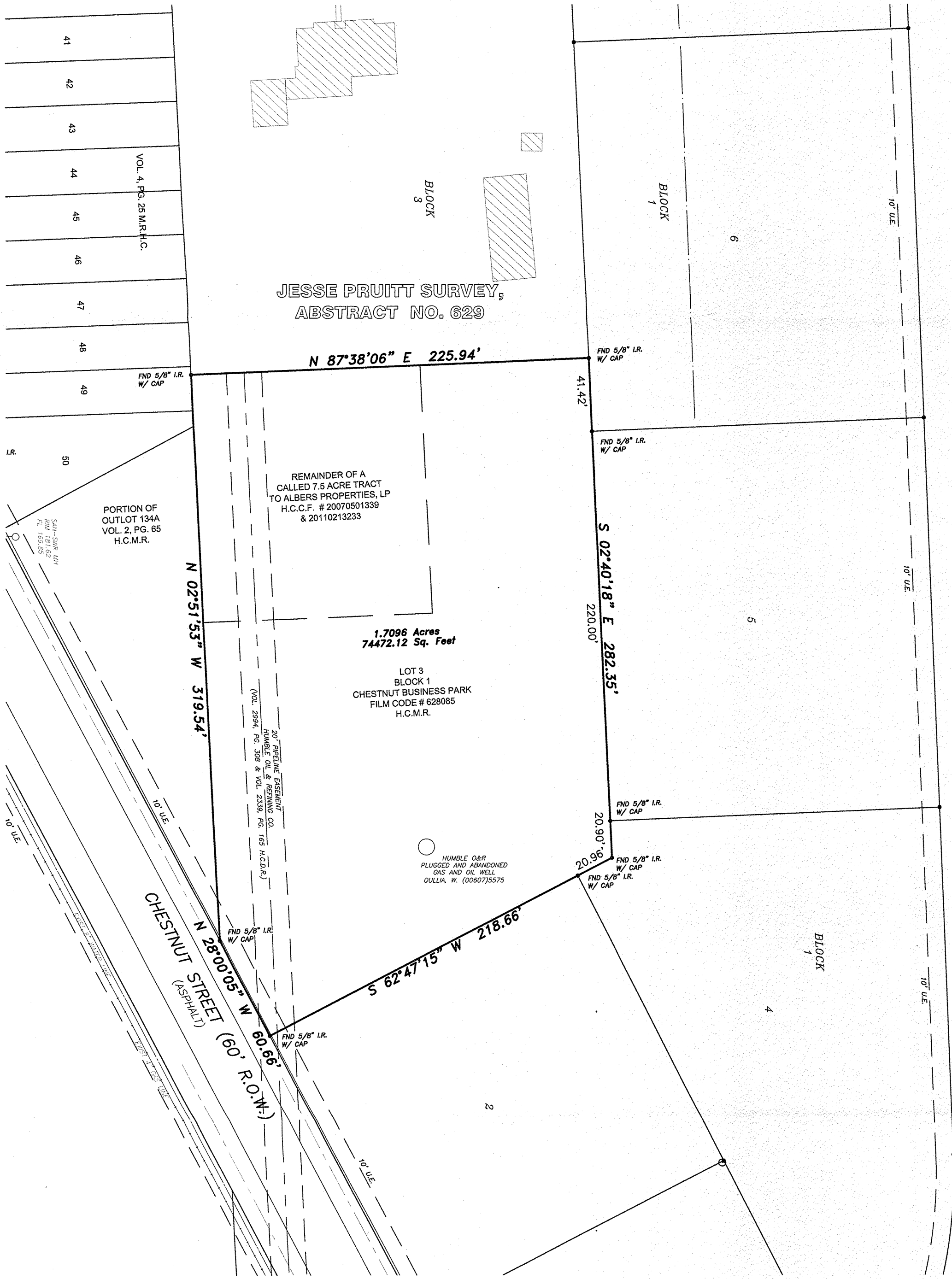
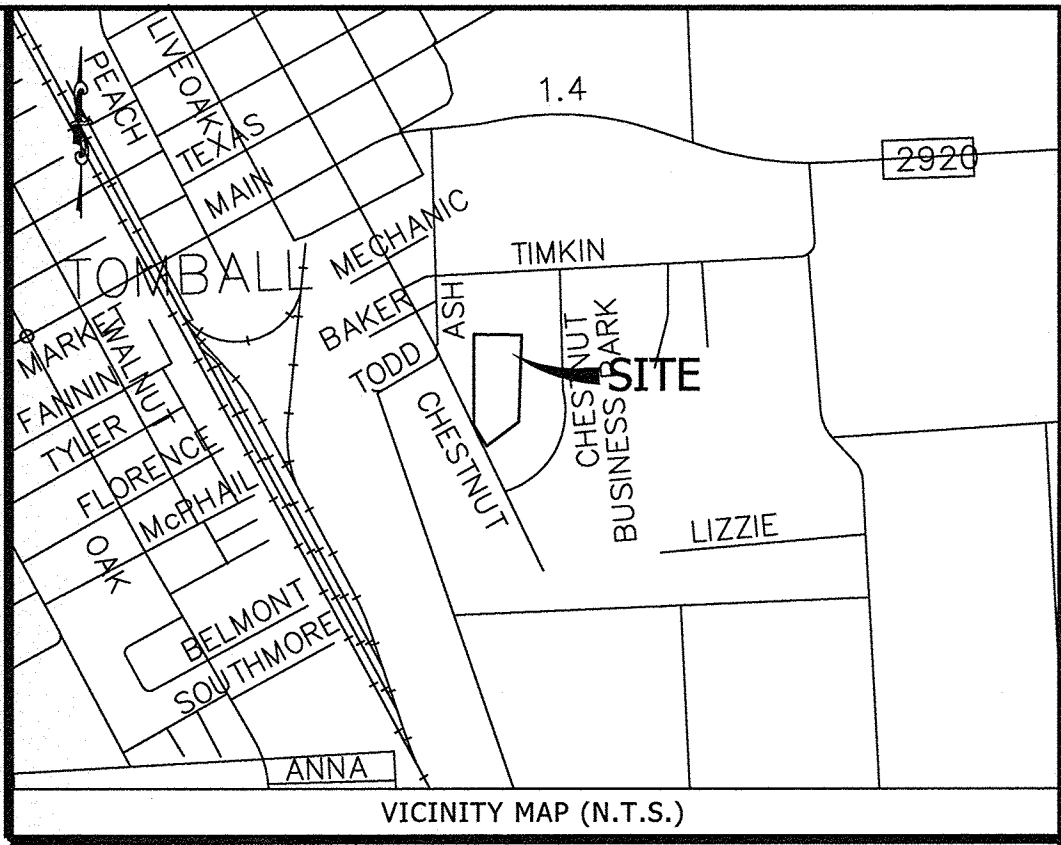
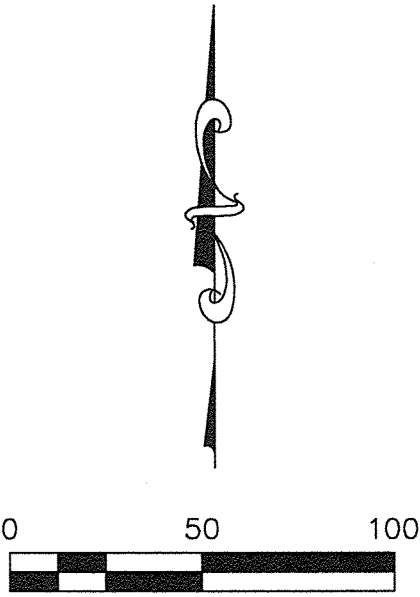
Funding:

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

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

ATTACHMENTS:

Replat of Lot 3 Chestnut Business Park



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 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.

Flood Information:
According to FEMA Firm Panel Nos. 48201C0230L (Effective Date 06/18/07), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

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 covenants or restrictions.

Note #5:
The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.

GENERAL NOTES

1. U.E. Indicates Utility Easement.
2. B.L. Indicates Building Line
3. W.L.E. Indicates Water Line Easement.
4. H.C.C.F. No. Indicates Harris County Clerk's File Number.
5. V. & P. Indicates Volume and Page.
6. All 14 foot Utility Easements shown extend 7 feet on either side of a common lot line unless otherwise indicated.
7. H.C.M.R. Indicates Harris County Map Records.
8. No lots dedicated by this plat are within Zone "AE".

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, ALBERS PROPERTIES, LP., acting by and through, Dean Albers, General Partner, being officer of ALBERS PROPERTIES, LP, Owner hereinafter referred to a owner of the 1.7096 Acre Tract described in the above and foregoing plat of REPLAT OF LOT 3 CHESTNUT BUSINESS PARK, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, 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, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net opening area of sufficient size to permit the free flow of water without backwater and in no instance have drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

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

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

ALBERS PROPERTIES, LP.

IN TESTIMONY WHEREOF, ALBERS PROPERTIES, LP., has caused these presents to be signed by Dean Albers, its General Partner, thereunto authorized and its common seal hereunto affixed this ____ day of _____, 20____.

By: _____
Dean Albers, General Partner

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Dean Albers, General Partner, of ALBERS PROPERTIES, LP known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said Corporation.

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

Notary Public In and For the State of Texas
My Commission Expires: _____

I, Mark L. Sherley, am registered under the laws of the State of Texas to practice the profession of Surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron 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.

Mark L. Sherley
Registered Professional Land Surveyor
Texas Registration No. 5326

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of REPLAT OF LOT 3 CHESTNUT BUSINESS PARK in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of _____, 20____.

By: _____
Barbara Tague
Chairman

By: _____
Darrell Roquemore
Vice Chairman

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

By: _____ George Shackelford City Manager
By: _____ Lori Lakatos, P.E. City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of _____, 20____.

By: _____ Gretchen Fagan Mayor
By: _____ Doris Speer City Secretary

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 20____ at _____ o'clock _____, and duly recorded on _____, 20____ at _____ o'clock _____, and under film code number _____ of the map records of Harris County for said County.

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

Stan Stanart
County Clerk of
Harris County, Texas

By: _____
Deputy

REPLAT OF LOT 3
CHESTNUT BUSINESS PARK
A SUBDIVISION OF A 1.7096 ACRE
TRACT,
74,472.12 SQUARE FEET
BEING A REPLAT OF
LOT 3, BLOCK 1 OF
CHESTNUT BUSINESS PARK
F.C.#628085 H.C.M.R.
AND THE REMAINDER OF A
CALLED 7.5 ACRE TRACT
TO ALBERS PROPERTIES, LP
H.C.C.F. # 20070501339
& 20110213233

FEBRUARY 2015

1 Blocks	1 Lots	0 Reserves
Owner: Albers Properties LP PO Box 2563 Alpine, Ca, 91903 713-201-7573	Surveyor: FOUR POINTS Surveying 83 Greywing Circle The Woodlands, Texas 77382 281-961-0714	Engineer: DPK Engineering LLC 32719 Windsor Terrace Fulshear, Texas 77441 281-346-2616

Page 1 of 1

REASON FOR REPLAT:
TO COMBINE LOT 3 AND 7.5 ACRE
REMAINDER TO MAKE 1 LOT

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: July 13, 2015

Data Sheet

Topic:

Consideration to approve Replat of **Asgard**: A Replat of Lots 37 and 38 into New Lot 38 in Block 42 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:

Funding:

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

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

ATTACHMENTS:

Asgard Plat

STATE OF TEXAS
COUNTY OF HARRIS

I, Matthew Martinez, hereinafter referred to as owner of the 0.1607 acre tract described in the above and foregoing plat of "ASGARD", 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 my hand, this _____ day of _____, 2015.

Matthew Martinez, Owner

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Matthew Martinez, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they have 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 _____, 2015.

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 City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements and rights-of-way 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 _____, 2015.

Gretchen Fagan
Mayor

Doris Speer
City Secretary

We, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat of "ASGARD" is in conformance with the City of Tomball ordinances.

George Shackelford
City Manager

Lori Lakatos, P.E., CFM
City Engineer

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of "ASGARD", 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 _____, 2015.

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.

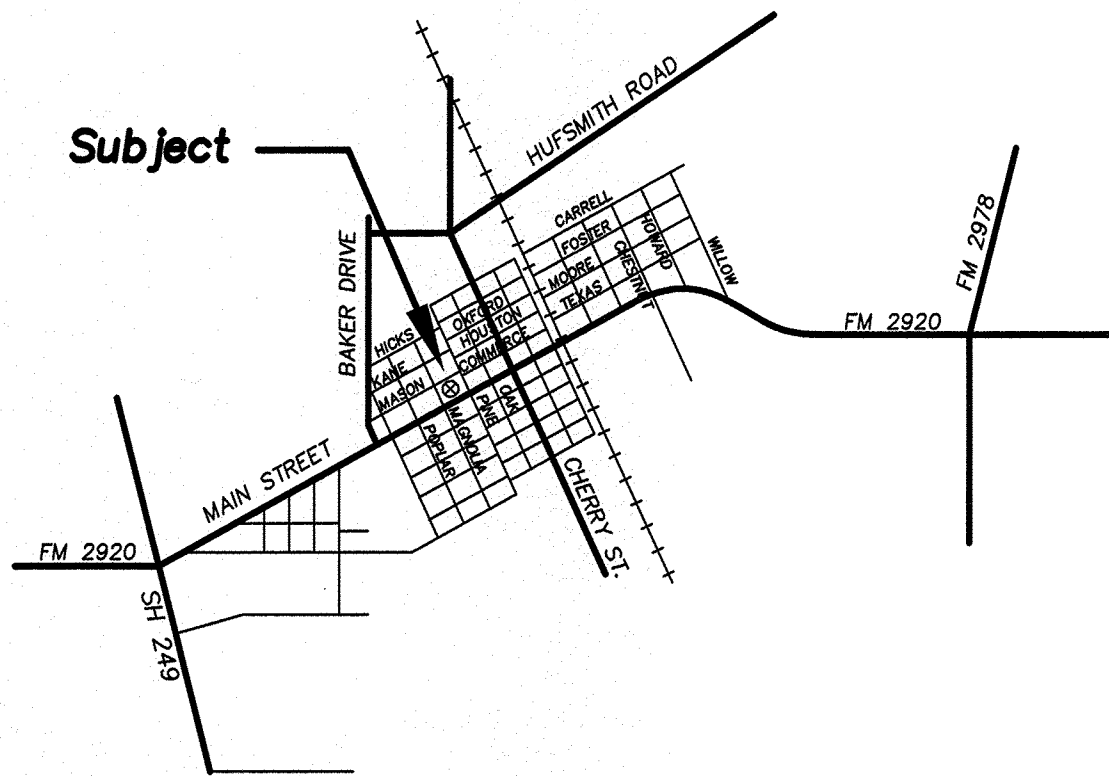
WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DATE AND DATE LAST ABOVE WRITTEN.

Stan Stanart
Clerk of the County Court
Harris County, Texas

Deputy

VICINITY MAP

1" = 0.5 miles
Key Map Page 288H



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

OWNER:

Matthew Martinez
14314 Decker Drive
Magnolia, Tx 77355
Ph: 713-806-8052

PREPARED BY:

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

DATE: July 5, 2015

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.

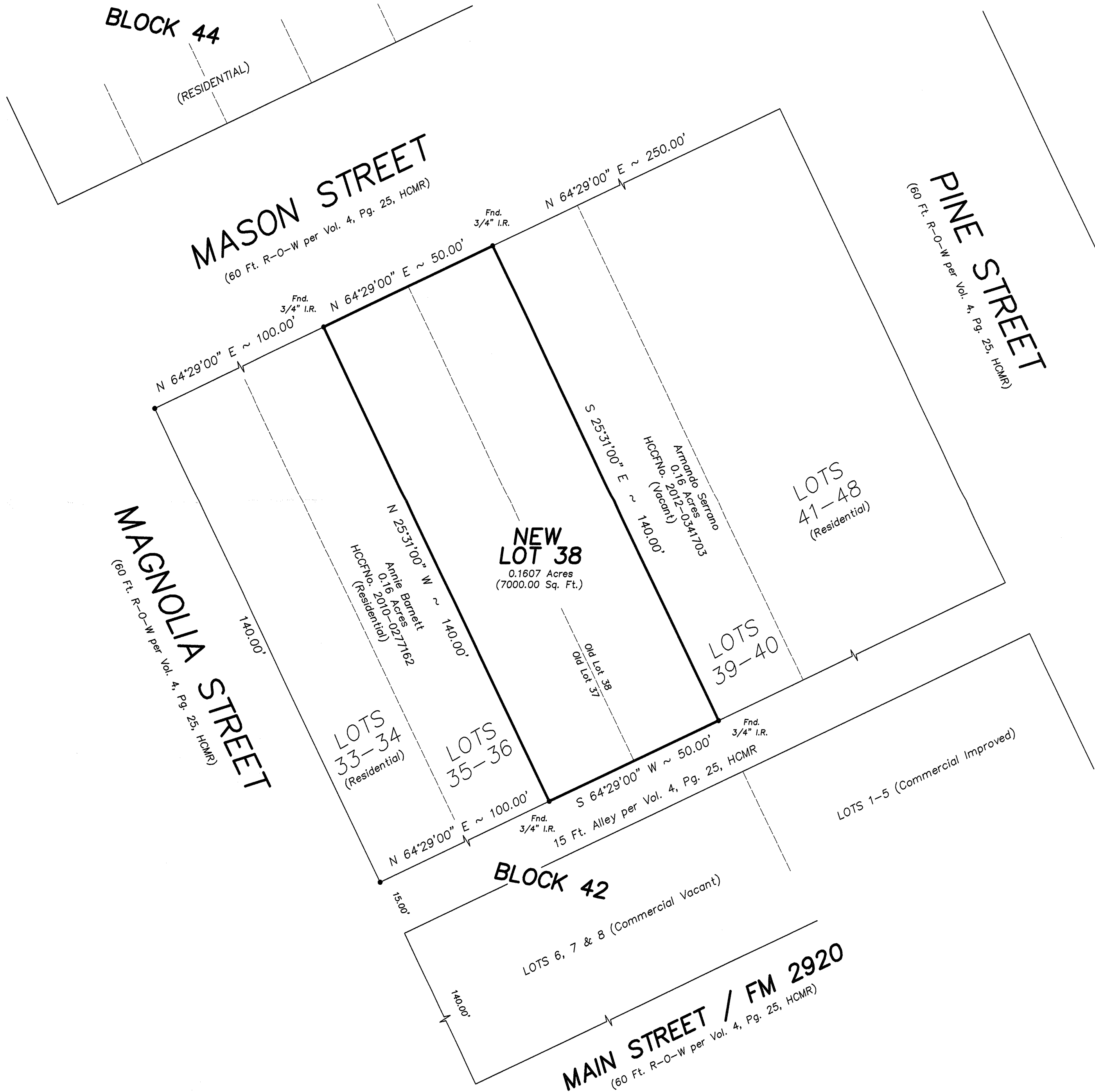
NOTE #4: This plat does not attempt to amend or remove any valid restrictions or covenants.

NOTE #5: The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building line required by the City of Tomball Code of Ordinances at the time of the development of the property.

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.



REPLAT: "ASGARD"

A replat of Lots 37 and 38 into New Lot 38 in Block 42 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).

(The common line between the lots has been eliminated and the four
lots have been consolidated into one.)

Containing: 1 Lot / 1 Block

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: July 13, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P15-071**: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry;” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations.

- Conduct a Public Hearing on **ZONING CASE P15-071**

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

P15-071 Staff Report

Notice of Public Hearing



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: July 13, 2015

City Council Public Hearing Date: August 3, 2015

ZONING CASE P15-071: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry;” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations.

BACKGROUND

In June 2015, City Council directed City staff to bring forward amendments to Chapter 50 (Zoning) of the Code of Ordinance to help the City exercise greater control over the aesthetic characteristics of development along Main Street/Farm-to-Market (FM) 2920. The proposed changes below create a definition for “masonry,” limit the enhanced façade requirements to those properties on Main Street/FM 2920 not zoned Old Town & Mixed Use District, establish minimum building façade standards, set thresholds for enforcement, and authorize the Board of Adjustments to grant a special exception from these façade requirements. The Old Town & Mixed Use Zoning District is not being included in this amendment as that zoning district already has exterior façade requirements in the Code of Ordinances.

PROPOSED AMENDMENTS

Section 50-2. Definitions

Masonry means brick, stone, brick veneer, stucco, and split face block laid up unit by unit and set in mortar.

Section 50-33. Board of Adjustments (BOA)

g. General purpose and description.

1. Defined. A special exception is a type of variance, but is differentiated from a variance by the following:
 - a. A special exception does not require a finding of a hardship.
 - b. Approval of a special exception by the board of adjustments is specifically provided for and defined in this chapter.

- c. A special exception applies to nonconforming uses and structures, off-street parking requirements, **building façade requirements**, and landscaping requirements.

Section 50-62. Façade Overlay District

a. General purpose and description.

1. The Façade Overlay District (FOD) is intended to improve the aesthetics and integrity of development along Main Street/Farm-to-Market 2920 within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.
2. The FOD is limited to a specified area encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards. In the event of a conflict between the standards of the FOD and the regulations of the underlying zoning district, the standards described herein will prevail.

b. Scope and enforcement

1. New Buildings: All new non-residential buildings shall adhere to this Section.
2. Existing Buildings and Additions to Existing Buildings: Existing buildings shall conform to this Section upon expansion exceeding 25% in area of the existing building.

c. District Boundary: Properties on either side of the Main Street/Farm-to-Market 2920 right-of-way between State Highway 249 Business and Hufsmith-Kohrville Road/Farm-to-Market 2978.

d. Building Façade Standards: Requirements are applicable to all sides of a building or structure visible from Main Street. A building façade plan of the entire proposed project shall be submitted with site plan review documents.

1. Building Articulation: Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:
 - a. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
 - b. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
2. Building Materials: A minimum of 100% of a building's total façade visible from Main Street shall utilize materials allowed by right or Special Exception.

- a. Allowed by Right: Masonry and glass.
- b. Allowed by Special Exception: New technologies not addressed or contemplated by these regulations may also be allowed by Special Exception, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein. Additionally, franchise businesses with an established theme that has not been deviated from in any other jurisdiction may apply for a Special Exception to use a material not permitted in this section.
- c. Trim Materials: Architectural metal, EIFS (exterior insulation and finish systems), wood, cementitious fiberboard may be utilized for window and door trim, fascia, or soffit. EIFS may be used as a trim material but shall not be used within 6' of the ground.
- d. Bright or fluorescent colors shall not be permitted on any building material.
- e. All façades of an individual building, multiple buildings in a shopping center, or integrated business development shall have architectural design, color, and materials that are compatible or consistent with an overall theme.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on June 29, 2015. No public comment forms have been received as of July 9, 2015

RECOMMENDATION

City staff recommends **APPROVAL** of Zoning Case P15-071.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 13, 2015
&
CITY COUNCIL
AUGUST 3, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 13, 2015, at 6:00 P.M.**, at the Tomball Public Works Building, 501 James Street, Tomball, Texas and by the City Council of the City of Tomball on **Monday, August 3, 2015, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P15-071: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry;” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations.

At the public hearings, parties in 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, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Community Development Coordinator, Amelia Vasquez, at (281) 290-1405 or at avasquez@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 9th day of July 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Vasquez

Amelia Vasquez
Secretary of the Board

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