

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



MONDAY, JANUARY 12, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, January 12, 2015 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning 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 December 8, 2014.

5.0 New Business:

- 5.1 Consideration to approve **R & R ESTATE**: Being a subdivision of 1.394 acre, located in the Joseph House Survey, A-34, Harris County, Texas and being that same tract as described under H.C.C.F No. F401537.
- 5.2 Consideration to approve **YAUPON TRAILS SEC 1**: A subdivision of 10.9460 acres of Land, being a Replat of Unrestricted Reserve "E", Final Plat of Leslie's Park, Recorded in Film Code No. 400005, H.C.M.R., Situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.
- 5.3 Consideration to approve **ZONING CASE P14-255**: Request by the City of Tomball to amend Section 50-69(d) (Single-Family Estate Residential District – Area Regulations) of the Tomball Code of Ordinances with regards to minimum building setbacks, and Section 50-76(c) (General Retail District – Height Regulations) of the Tomball Code of Ordinances with regards to maximum building height.
- Conduct Public Hearing on **ZONING CASE P14-255**

6.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 8th day of January 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 12, 2015

Data Sheet

Topic:

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	

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 12, 2015

Data Sheet

Topic:

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	

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 12, 2015

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of December 8, 2014.

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:

December 8, 2014 Draft Meeting Minutes

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

MONDAY, DECEMBER 8, 2014



6:00 P.M.

1.0 Call to Order

The meeting was called to order by Chair Tague at 6:03 p.m. Other members present were:

Commissioner Roquemore
Commissioner Torres
Commissioner Anderson
Commissioner Byrd

Others present:

Community Development Director – Craig Meyers
City Attorney – Loren Smith
City Engineer – Lori Lakatos
City Planner – Harold Ellis
Assistant City Planner – Rodney Schmidt
Community Development Coordinator – Amelia Vasquez

Draft

2.0 No Public Comments were received.

3.0 Harold Ellis, City Planner, announced a Planning & Zoning Commission survey to be redistributed to the Commissioners.

4.0 Motion was made by Commissioner Byrd, second by Commissioner Anderson to approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 10, 2014.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve **PRELIMINARY PLAT OF R & R ESTATE**: Being a subdivision of 1.410 acre, located in the Joseph House Survey, A-34, Harris County, Texas and being that same tract as described under H.C.C.F No. F401537.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **PRELIMINARY PLAT OF R & R ESTATE**, with contingencies.

Motion carried unanimously.

- 5.2 Consideration to approve **PINE COUNTRY OF TOMBALL, SECTION TWO, RESERVE "A" REPLAT**: A residential subdivision of 2.0000 acres located in the Chauncey Goodrich Survey A-311 City of Tomball, Harris County, Texas being a replat of Reserve "A" of Pine Country of Tomball ~ Section Two, an addition in Harris County, Texas, according to the map or plat thereof recorded under Film Code No. 628282 of the Map Records of Harris County, Texas.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Torres, second by Commissioner Roquemore, to approve **PINE COUNTRY OF TOMBALL, SECTION TWO, RESERVE "A" REPLAT**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to approve **MOH DALI DEVELOPMENT**: A subdivision of 5.7965 acres situated in the Jesse Pruitt Survey, A-629 being a replat of Lot 1, Block 1 of Hufsmith-2978 as recorded under Film Code No. 620122 Map Records of Harris County Harris County, Texas.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Byrd, second by Commissioner Torres, to approve **MOH DALI DEVELOPMENT**, with contingencies.

Motion carried unanimously.

- 5.4 Consideration to approve **REPLAT: GUSMERI HOME**: A replat of Lots 37 and 38 into New Lot 37 in Block 90 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 90 lying in the Ralph Hubbard Survey (A-383).

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Roquemore, second by Commissioner Torres, to approve **REPLAT: GUSMERI HOME**, with contingencies.

Motion carried unanimously.

- 5.5 Consideration to approve **GATEWAY BUSINESS PARK**: A subdivision of 2.9894 acres Triangular-shaped tract of land situated in the Joseph House Survey, Abstract No. 20, Montgomery County, Texas.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Torres, second by Commissioner Anderson, to approve **GATEWAY BUSINESS PARK**, with contingencies.

Motion carried unanimously.

- 5.6 Consideration to approve **FINAL PLAT STANOLIND FIRE STATION**: A 2.2277 acre tract of land being out of a called 28.25 acre tract recorded under Harris County Clerk's File No. Y532630 in the Joseph Miller Survey, Abstract No. 50 City of Tomball, Harris County, Texas.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Torres, second by Commissioner Byrd, to approve **FINAL PLAT STANOLIND FIRE STATION**, with contingencies.

Motion carried unanimously.

- 5.7 Consideration to approve **ZONING CASE P14-227**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, for a Conditional Use Permit to operate a gymnastics school which is classified in Chapter 50 (Zoning) of the Tomball Code of Ordinances as a "Dance/Drama/Music School." The property is approximately 2.46 acres, is legally described as Tract 42B, Tomball Outlots, is generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, and is located in the Single-Family Estate Residential-20 District.

Rodney Schmidt, Assistant City Planner, presented the staff report and recommendation.

Applicant Nancy Gomez was available to answer any questions regarding the case.

The Public Hearing was opened by Chair Tague at 6:19 p.m.

Hearing no comments, the Public Hearing was closed at 6:19 p.m.

Motion was made by Commissioner Byrd to approve **ZONING CASE P14-227**, with

the condition the site is developed and operated in substantial compliance with the concept plan; second by Commissioner Roquemore. Vote was as follows:

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

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.8 Consideration to approve **ZONING CASE P14-232**: Request by Pamela Castelain to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.13 acres of land, legally described as Tract 7D-3, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located south of Baker Drive, west of State Highway 249, from the Multifamily Residential District to the Commercial District.

Rodney Schmidt, Assistant City Planner, presented the staff report and recommendation.

Applicant and Property Owner Pamela Castelain (7901 Valley View Dr., Huntsville, AL) spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:40 p.m.

Hearing no comments, the Public Hearing was closed at 6:40 p.m.

Motion was made by Commissioner Roquemore to approve **ZONING CASE P14-232**, second by Commissioner Anderson. Vote was as follows:

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

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.9 Consideration to approve **ZONING CASE P14-239**: Request by the City of Tomball to amend Section 50-82(b) ("Use Charts") of the Tomball Code of Ordinances.

Harold Ellis, City Planner, presented the staff report.

The Public Hearing was opened by Chair Tague at 6:44 p.m.

Hearing no comments, the Public Hearing was closed at 6:45 p.m.

Motion was made by Commissioner Torres to approve **ZONING CASE P14-239**, second by Commissioner Byrd. Vote was as follows:

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

Motion carried; 5 votes Aye, 0 votes Nay.

5.0 Motion was made by Commissioner Anderson, second by Commissioner Byrd to adjourn.

Motion carried unanimously.

Meeting adjourned at 6:51 p.m.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 12, 2015

Data Sheet

Topic:

Consideration to approve **R & R ESTATE**: Being a subdivision of 1.394 acre, located in the Joseph House Survey, A-34, Harris County, Texas and being that same tract as described under H.C.C.F No. F401537.

Background:

Origination:

Recommendation:

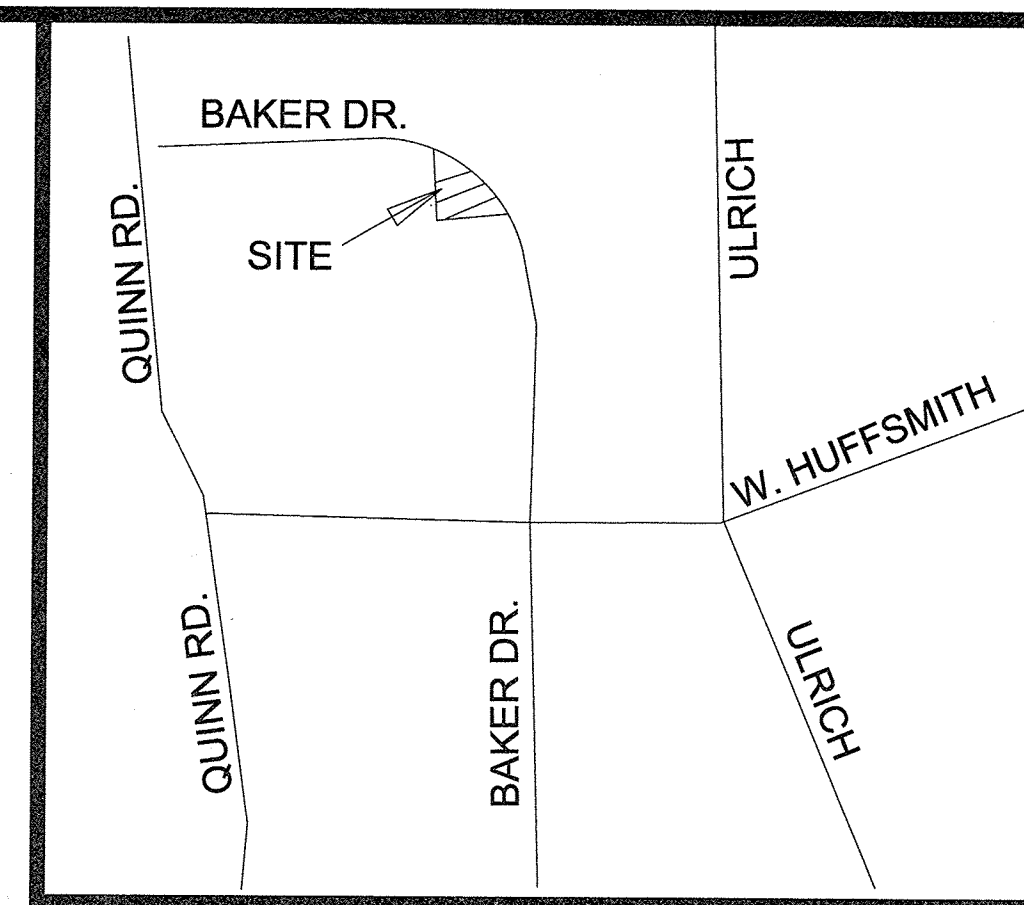
Funding:

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

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

ATTACHMENTS:

R & R Estate Final Plat



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Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 12, 2015

Data Sheet

Topic:

Consideration to approve **YAUPON TRAILS SEC 1**: A subdivision of 10.9460 acres of Land, being a Replat of Unrestricted Reserve "E", Final Plat of Leslie's Park, Recorded in Film Code No. 400005, H.C.M.R., Situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

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:

Yaupon Trails Sec 1 Plat

STATE OF TEXAS
COUNTY OF HARRIS

We, Yaupon Trails LTD, LLC, a Texas limited liability company, acting by and through Jean Michael Rebesch, its Sole Member, Owners, hereinafter referred to as Owners (whether one or more) of the 10,9460 acre tract described in the above and foregoing map of YAUPON TRAILS SEC 1, 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, 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, Owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

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.

IN TESTIMONY WHEREOF, Yaupon Trails LTD, LLC, have caused these presents to be signed by Jean Michael Rebesch, its Sole Member, thereunto authorized this _____ day of _____, 2015.

By: Yaupon Trails LTD, LLC,
a Texas limited liability corporation

By: Jean Michael Rebesch, Sole Member

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared Jean Michael Rebesch, Sole Member of Yaupon Trails LTD, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

Notary Public in and for the
State of Texas

My Commission Expires: _____

This is to certify that the Planning Commission of the City of Tomball, Texas, has approved this plat and subdivision of YAUPON TRAILS SEC 1 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 _____, 2015.

By: Barbara Tague, Chairman
By: Dorrell Roquemore, Vice Chairman

We, Patriot Bank, owners and holders of liens against the property described in the plat known as YAUPON TRAILS SEC 1, said lien being evidenced by instrument of record in Clerk's File Nos. 20130365283 and 20130365284 of the Official Public Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

By: _____
Printed Name: _____
Title: _____

STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared _____

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 herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2015.

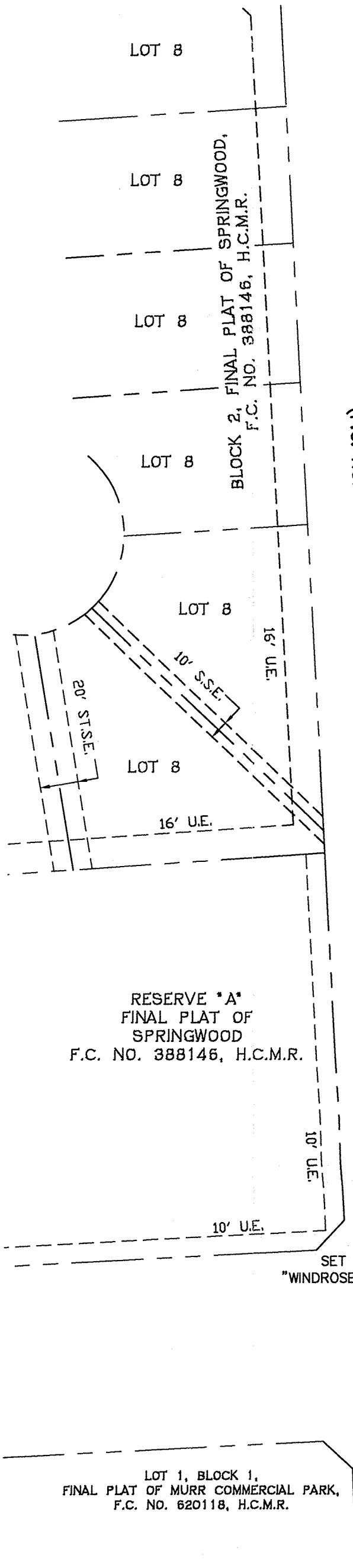
Notary Public in and for the
State of _____

My Commission Expires: _____

I, Mike Kurkowski, 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, except as shown, all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than 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.



Mike Kurkowski
Registered Professional Land Surveyor
Texas Registration No. 5101



Regular Planning and Zoning Commission

Agenda Item

Meeting Date: January 12, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-255**: Request by the City of Tomball to amend Section 50-69(d) (Single-Family Estate Residential District – Area Regulations) of the Tomball Code of Ordinances with regards to minimum building setbacks, and Section 50-76(c) (General Retail District – Height Regulations) of the Tomball Code of Ordinances with regards to maximum building height.

- Conduct Public Hearing on **ZONING CASE P14-255**

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:

Public Hearing Notice

P14-255 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JANUARY 12, 2015
&
CITY COUNCIL
JANUARY 19, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, January 12, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, January 19, 2015, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P14-255: Request by the City of Tomball to amend Section 50-69(d) (Single-Family Estate Residential District – Area Regulations) of the Tomball Code of Ordinances with regards to minimum building setbacks, and Section 50-76(c) (General Retail District – Height Regulations) of the Tomball Code of Ordinances with regards to maximum building height.

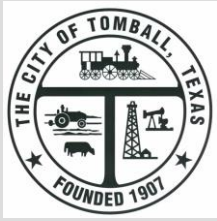
Persons interested in this case will be given an opportunity to be heard. Action by the P&Z serves as a recommendation to the City Council and is not a final action on the request. Should the P&Z vote to table a decision/recommendation on this case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the P&Z. The applications are available for public review 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 Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@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 8th day of January 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.



Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: January 12, 2015

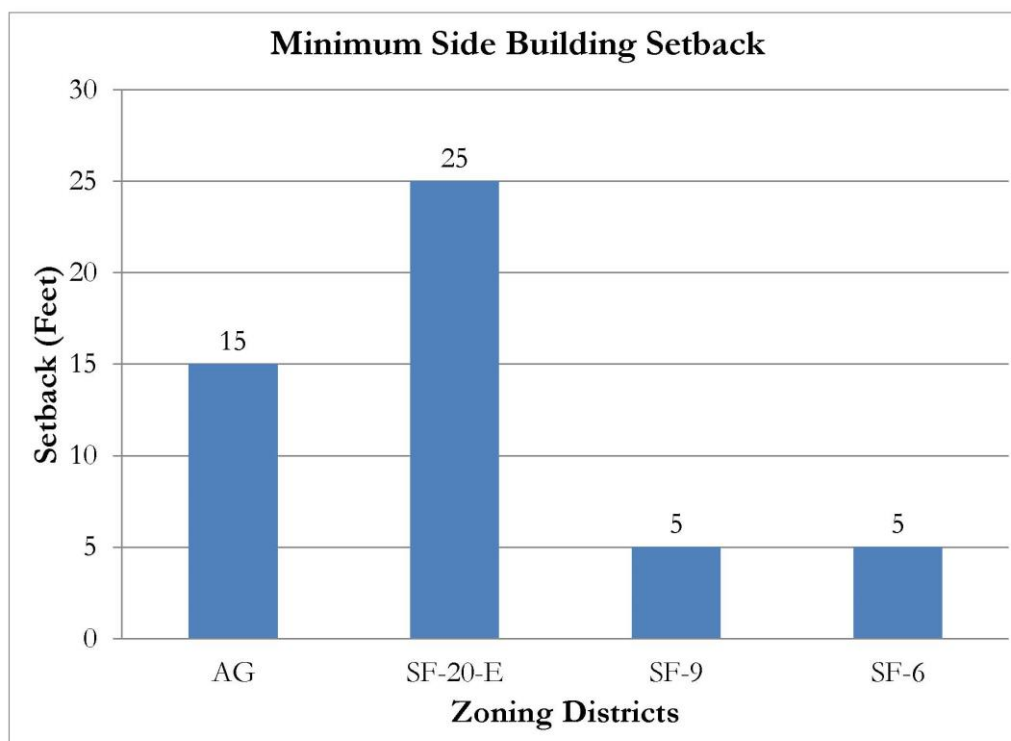
City Council Public Hearing Date: January 19, 2015

ZONING CASE P14-255: Request by the City of Tomball to amend Section 50-69(d) (Single-Family Estate Residential District – Area Regulations) of the Tomball Code of Ordinances with regards to minimum building setbacks, and Section 50-76(c) (General Retail District – Height Regulations) of the Tomball Code of Ordinances with regards to maximum building height.

ANALYSIS

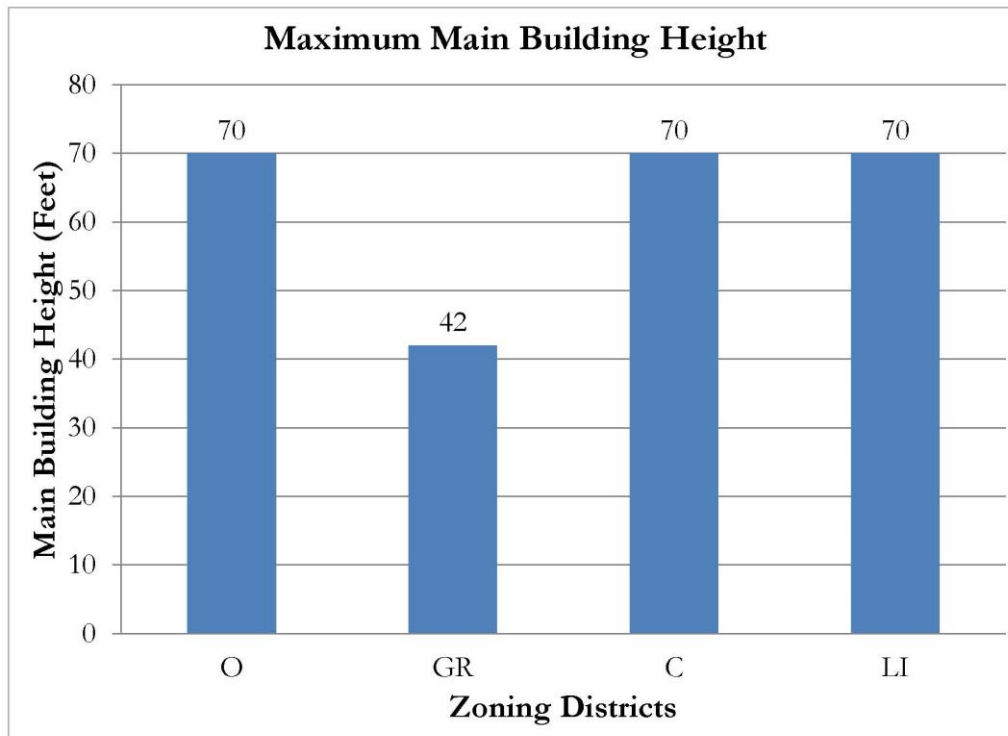
Single-Family Estate Residential-20 (SF-20-E) District Minimum Side Building Setback

Section 50-69(d) establishes a minimum 25-foot side building setback on a minimum 20,000 square foot lot in the SF-20-E District. The 25-foot setback constitutes 50% of the overall minimum lot width. Section 50-68(d) establishes a minimum 15-foot side building setback on a minimum 43,560 square foot lot in the Agricultural District. The 15-foot setback constitutes 30% of the overall minimum lot width. Typically, zoning ordinances establish larger minimum building setbacks in feet and percent of lot width as the minimum lot size increases. Currently, the SF-20-E District has a larger side building setback in feet and percent of lot width than the Agricultural District despite its smaller minimum lot size. City staff is proposing to reduce the minimum side building setback in the SF-20-E District from 25- to 10-feet to facilitate the typical reduction in building setback distance and percent of lot width expected with reductions in minimum lot sizes.



General Retail District Maximum Building Height

Section 50-76(c) establishes a maximum 42-foot main building height in the General Retail District. Sections 50-75, 50-77, and 50-78 establish a maximum 70-foot main building height in the Office, Commercial, and Light Industrial Districts, respectively. Typically, zoning ordinances establish larger maximum main building heights as the zoning districts allow more and more intense uses. Currently, the Office District, which is a less intense district than the General Retail District allows a larger maximum main building height than the General Retail District. City staff is proposing to increase the maximum main building height in the General Retail District from 42-feet to 70-feet to facilitate the typical increase in maximum main building height expected with increasingly intense zoning districts.



Additionally, Section 50-76(c)(c) allows building heights to exceed the 42-foot and one story for main and accessory buildings, respectively, in the General Retail District with a conditional use permit from City Council. However, Section 50-33(f) grants the Board of Adjustments, not City Council, authority to grant variances from maximum main building heights. City staff is proposing to remove Section 50-76(c)(c) to ensure the authorities granted to the Board of Adjustments in Section 50-33 are consistent throughout Chapter 50 (Zoning) of the Code of Ordinances.

PROPOSED AMENDMENTS

Section 50-69(d)(2)(b): Minimum side yard: ~~25 feet~~ 10 feet. The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet.

Section 50-76(c): Height regulations. The maximum height in the GR district shall be:

- Not to exceed ~~42~~ 70 feet, for the main buildings.
- One story for accessory buildings.
- ~~e. Additional height may be approved by CUP.~~

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on December 22, 2014. No public comments have been received as of January 2, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-255.