

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



MONDAY, NOVEMBER 10, 2014

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, November 10, 2014 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 October 13, 2014.

5.0 New Business:

- 5.1 Consideration to approve **ZONING CASE P14-217**: Request by Russell Brown, on behalf of Joseph Family Limited Partnership, LTD, to amend the City's Zoning Ordinance by rezoning approximately 2 acres of land, legally described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, within the City of Tomball, Harris County, Texas, generally located north of F.M. 2920, west of Tomball Cemetery Road, from the Agricultural District to the Single-Family Residential-9 District.
- Conduct a Public Hearing on **ZONING CASE P14-217**
- 5.2 Consideration to approve **PECK STATION PARTIAL REPLAT NO 1**; A Subdivision of 18.2541 Acres of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas Being a Partial Replat of Reserve "A" of Peck Station Film Code No. 666109 M.R.H.C. 3 Lots, 1 Block.
- 5.3 Consideration to approve **HAUSMAN REPLAT**; A Subdivision of a 16.1043 Acre Tract, being a Replat of Lots 182, 186, 190 and 194 of Tomball Outlots Vol. 2, PG. 65 H.C.M.R.
- 5.4 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.
- 5.5 Consideration to approve **ZONING CASE P14-187**: Request by Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee, to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas; generally located north of Holderrieth Road, east of State Highway 249 Business; from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.
- Conduct a Public Hearing on **ZONING CASE P14-187**
- 5.6 Consideration to approve **ZONING CASE P14-218**: Request by the City of Tomball to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, generally located south of Brown-Hufsmith Road, east of Liberty Lane, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.
- Conduct a Public Hearing on **ZONING CASE P14-218**

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 6th day of November 2014 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: November 10, 2014

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: November 10, 2014

Data Sheet

Topic:

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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: November 10, 2014

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 13, 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:

October 13, 2014 Minutes

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

MONDAY, OCTOBER 13, 2014



6:00 P.M.

1.0 Call to Order

The meeting was called to order by Chair Tague at 6:01 p.m. Other members present were:

Commissioner Torres
Commissioner Byrd
Commissioner Roquemore

Commissioner Anderson – Excused Absence

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 Reports and Announcements:

Craig Meyers, Community Development Director, introduced Harold Ellis as the new City Planner.

4.0 Motion was made by Commissioner Byrd, second by Commissioner Roquemore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 8, 2014.

Motion carried unanimously.

5.0 New Business:

5.1 Consideration to approve **REPLAT TENNIS VENTURE TRACT**; A replat of that certain 4.017 acre tract of land in the Ralph Hubbard Survey, Abstract No. 383, in

Harris County, Texas, out of and a part of Lot 64 of FIVE ACRE TRACTS~TOMBALL TOWNSITE, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 2, Page 65, 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 **REPLAT TENNIS VENTURE TRACT**, with contingencies.

Motion carried unanimously.

- 5.2 Consideration to approve **RESERVE AT SPRING LAKE SECTION TWO**; 41.26 Acres (1,797,375 Sq. Ft.) Being a Replat of Unrestricted Reserve "D" of Replat of the Final Plat Reserve at Spring Lake Section One located in the Joseph Miller League, A-50 W.H. Clemens Survey, A-1641 Harris County, Texas City of Tomball, Texas.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Torres, second by Commissioner Byrd, to approve **RESERVE AT SPRING LAKE SECTION TWO**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to approve **ZONING CASE P14-184**: Request by Clarus Hotels, Inc., on behalf of JTS Development, Ltd., for a Conditional Use Permit to operate a hotel/motel that is 59-feet, 3-inches in height. The property is approximately 2.2 acres, is legally described as Lot 2, Block 1, JTS Subdivision Final Plat, is generally located south of Medical Complex Drive, west of State Highway 249 Bypass, and is located in the General Retail District.

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

Vishal Mody (16618 Siminal Ridge Dr. Cypress, TX 77433) of Clarus Hotels, Inc., spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:11 p.m.

Hearing no comments, the Public Hearing was closed at 6:11 p.m.

Motion was made by Commissioner Byrd to approve **ZONING CASE P14-184** with conditions as recommended by staff; second by Commissioner Torres. Vote was as follows:

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

Motion carried; 4 votes Aye, 0 votes Nay.

- 5.4 Consideration to approve **ZONING CASE P14-186**: Request by Jose Toriello, on behalf of Tennis Ventures, LLC, for a Conditional Use Permit to operate a tennis club which is classified in the Zoning Ordinance as a “Country Club (Private).” The property is approximately 4.02 acres, is legally described as Tract 64B-1, Tomball Outlots, is generally located north of East Hufsmith Road, west of Hospital Road, and is located in the Agricultural District.

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

Val Suico (43 Golden Orchard Place, Magnolia, TX 77354) of Tennis Ventures, LLC., spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:26 p.m.

Hearing no comments, the Public Hearing was closed at 6:26 p.m.

Motion was made by Commissioner Torres to approve **ZONING CASE P14-186** with conditions as recommended by staff; second by Commissioner Byrd. Vote was as follows:

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

Motion carried; 4 votes Aye, 0 votes Nay.

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

Motion carried unanimously.

Meeting adjourned at 6:31 p.m.

PASSED AND APPROVED this 10th day of November 2014.

Amelia Vasquez
Amelia Vasquez
Board Secretary

Barbara Tague
Barbara Tague
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 10, 2014

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-217**: Request by Russell Brown, on behalf of Joseph Family Limited Partnership, LTD, to amend the City's Zoning Ordinance by rezoning approximately 2 acres of land, legally described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, within the City of Tomball, Harris County, Texas, generally located north of F.M. 2920, west of Tomball Cemetery Road, from the Agricultural District to the Single-Family Residential-9 District.

- Conduct a Public Hearing on **ZONING CASE P14-217**

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:

P14-217 NOPH

P14-217 Staff Report

P14-217 Property Owner Notification Letter

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 10, 2014
&
CITY COUNCIL
NOVEMBER 17, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 10, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 17, 2014, 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 P14-187: Request by Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee, to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas; generally located north of Holderrieth Road, east of State Highway 249 Business; from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.

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ZONING CASE P14-218: Request by the City of Tomball to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, generally located south of Brown-Hufsmith Road, east of Liberty Lane, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.

Persons interested in these cases 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 requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The 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 Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@tomballtx.gov.

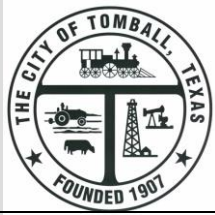
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of November 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.



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: November 10, 2014
City Council Public Hearing Date: November 17, 2014

Zoning Case: P14-217

Property Owner(s): Joseph Family Limited Partnership, LTD

Applicant(s): Russell Brown

Legal Description: Reserve A, Block 1, Pine Country of Tomball Section 2 Replat

Location: North of F.M. 2920, west of Tomball Cemetery Road (Exhibit "A")

Area: 2 acres

Present Zoning and Use: Agricultural District (Exhibit "B") / Undeveloped land (Exhibit "C")

Comp Plan Designation: Medium Density Residential (Exhibit "D")

Proposed Zoning and Use: Single-Family Residential-9 (SF-9) District¹ / Two single-family residences

Adjacent Zoning and Use:

- North:** Agricultural District / Single-family residences and Pine Country Boulevard
- South:** Agricultural District/ Agricultural land
- West:** Agricultural District / Detention pond
- East:** Unzoned / Tomball Cemetery Road, single-family residences, and agricultural land

BACKGROUND

On September 22, 2014, City staff met with the Pine Country of Tomball developer, Russell Brown, to discuss the possible replat of the subject site into two lots for the construction of two additional single-family residences. City staff reviewed Mr. Brown's request and found that the proposed lots did not meet the minimum standards for the Agricultural District. City staff then informed Mr. Brown that he could either request a variance from the Board of Adjustments for a reduction in the lot width or request a rezoning to the SF-9 District which would allow the lots to be replatted as requested. Mr. Brown subsequently turned in a rezoning application (Exhibit "E") requesting the property be rezoned from the Agricultural District to the SF-9 District.

¹ Any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning and Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

ANALYSIS

The applicant is requesting that the property be rezoned from the Agricultural District to the SF-9 District. According to Section 50-70 of the Code of Ordinances, the SF-9 District “is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 9,000 square feet in size, churches, schools and public parks in logical neighborhood units.”

The two predominant land uses in the vicinity of the subject site are single-family residences and agricultural land. To the north are single-family residences and Pine Country Boulevard; to the south is agricultural land; and to the west is a Pine Country of Tomball detention pond; and to the east are Tomball Cemetery Road, single-family residences, and agricultural land. The SF-9 District appears to be compatible with the surrounding land uses.

The Agricultural District is the predominant zoning classification in the vicinity of the subject site. To the north, south, and west is the Agricultural District and to the east is unzoned land in the City of Tomball’s extraterritorial jurisdiction. The SF-9 District appears to be compatible with the Agricultural District.

The Comprehensive Plan (CP) designates the subject site as Medium Density Residential. According to the CP, Medium Density Residential “includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet.” The SF-9 District appears to be compatible with the Medium Density Residential CP designation.

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 by the SF-9 District appear to be compatible with the surrounding land uses. Additionally, this rezoning will facilitate the creation of two residential lots of approximately one acre in size which appears to be compatible with remainder of Section 2 which has an average lot size of over 11,000 square feet.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

- 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 limited vacant property in the vicinity zoned SF-9 District. However, there are numerous vacant tracts elsewhere in the City zoned SF-9 District.

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

There has been limited development City-wide in the SF-9 District.

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

If the proposed rezoning is approved, few, if any affects on other areas designated for similar developments are anticipated.

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

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 SF-9 District appears to be compatible with the Medium Density Residential Comprehensive Plan designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 30, 2014. No public comment forms have been received as of November 4, 2014

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-217.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comprehensive Plan Map
- E. Rezoning Application

Exhibit "A"
Aerial Photo

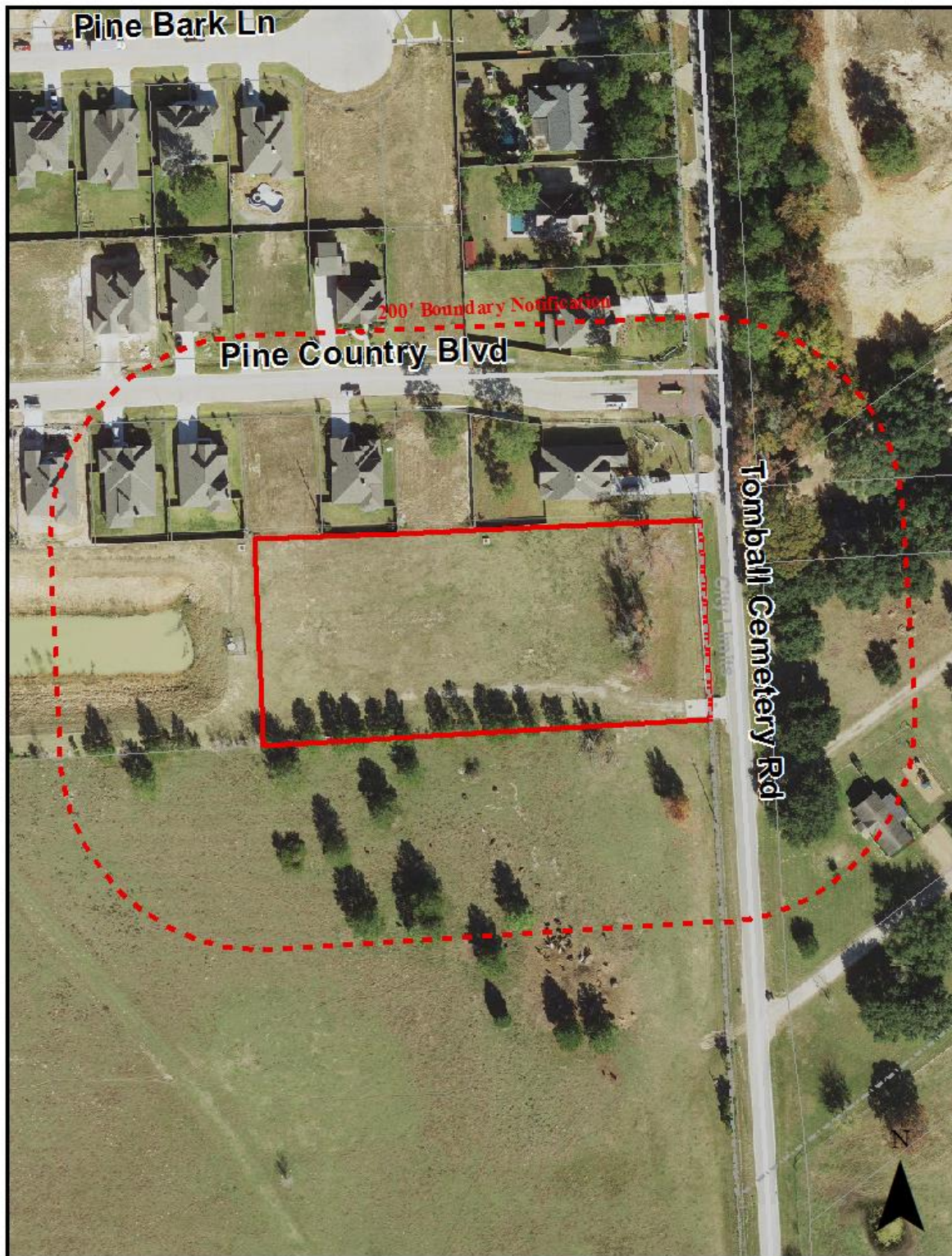


Exhibit "B"
Zoning Map

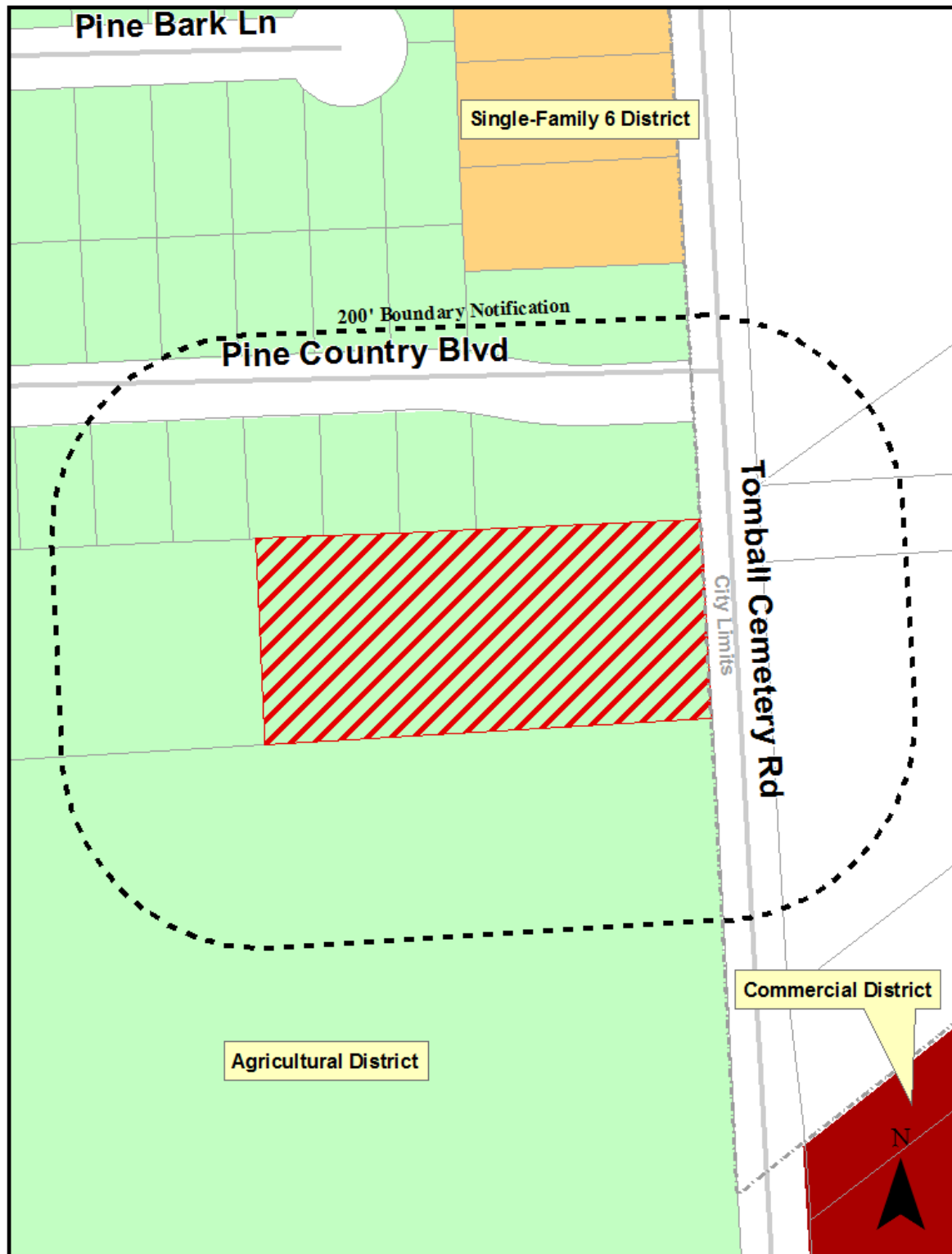


Exhibit "C"
Site Photo(s)



Figure 1: Subject site.

Exhibit "D"
Comprehensive Plan Map

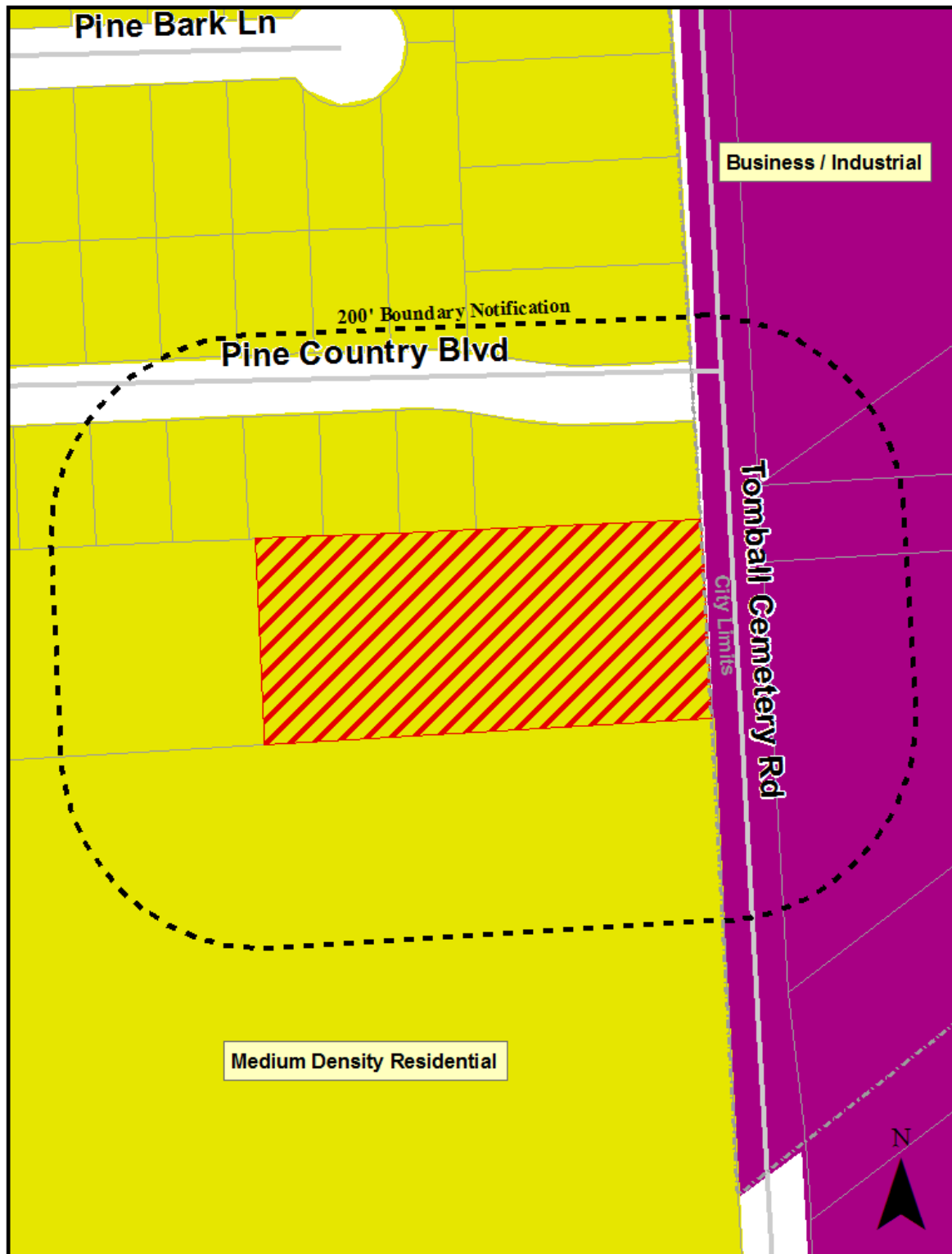
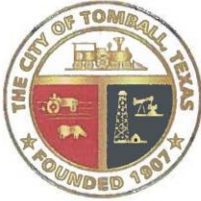


Exhibit "E"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

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: RUSSELL E. BROWN Title: TRUSTEE
Mailing Address: 16020 PINE COUNTRY BLVD City: TOMBALL State: TX
Zip: 77377
Phone: (832) 688-1659 Fax: () Email: see below owner

Owner

Name: THE JOSEPH FAMILY LIMITED PARTNERSHIP, LTD. Title:
Mailing Address: 16020 PINE COUNTRY BLVD City: TOMBALL State: TX
Zip: 77377
Phone: (832) 688-1659 Fax: () Email: RE.BROWN43@HOTMAIL.COM

Engineer/Surveyor (if applicable)

Name: TONY SWONKE Title: SURVEYOR
Mailing Address: 700 KANE ST. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-7989 Fax: (281) 351-6285 Email: tonyswonke@gmail.com

Description of Proposed Project: 2 - 1 acre lots for Residential Homes

Physical Location of Property: APPROX. 1500' N. of. FM 2920 on Tomball CEMETERY RD
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: RESERVE "A" PINE COUNTRY SUBDIV. SACT. 2
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG- RESIDENTIAL

Current Use of Property: VACANT LAND FOR GRAZING

Proposed Zoning District: SF-9

Proposed Use of Property: 2 - 1 acre lots for Residential Homes

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

www.ci.tomball.tx.us

HCAD Identification Number: 1235990020022 Acreage: 2.0 ACRES

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 Russell E. Brown 10/29/14
Signature of Applicant Date

X Russell E. Brown, Trustee 10/29/14
Signature of Owner Date



Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P14-217

APPLICANT: Request by Russell Brown, on behalf of Joseph Family Limited Partnership, LTD.

LOCATION: North of F.M. 2920, west of Tomball Cemetery Road

PROPOSAL: Request to amend the City's Zoning Ordinance by rezoning approximately 2 acres of land, legally described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family Residential-9 District.

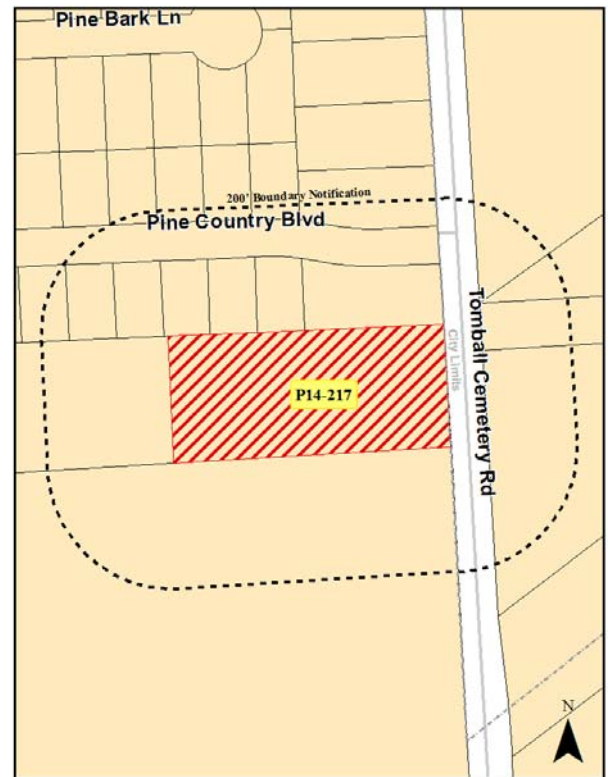
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@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 inspection Monday through Friday, holidays excepted, 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. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning & Zoning Commission
Public Hearing:
Monday, November 10, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, November 17, 2014, 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.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 10, 2014

Data Sheet

Topic:

Consideration to approve **PECK STATION PARTIAL REPLAT NO 1**; A Subdivision of 18.2541 Acres of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas Being a Partial Replat of Reserve "A" of Peck Station Film Code No. 666109 M.R.H.C. 3 Lots, 1 Block.

Background:

Origination:

Recommendation:

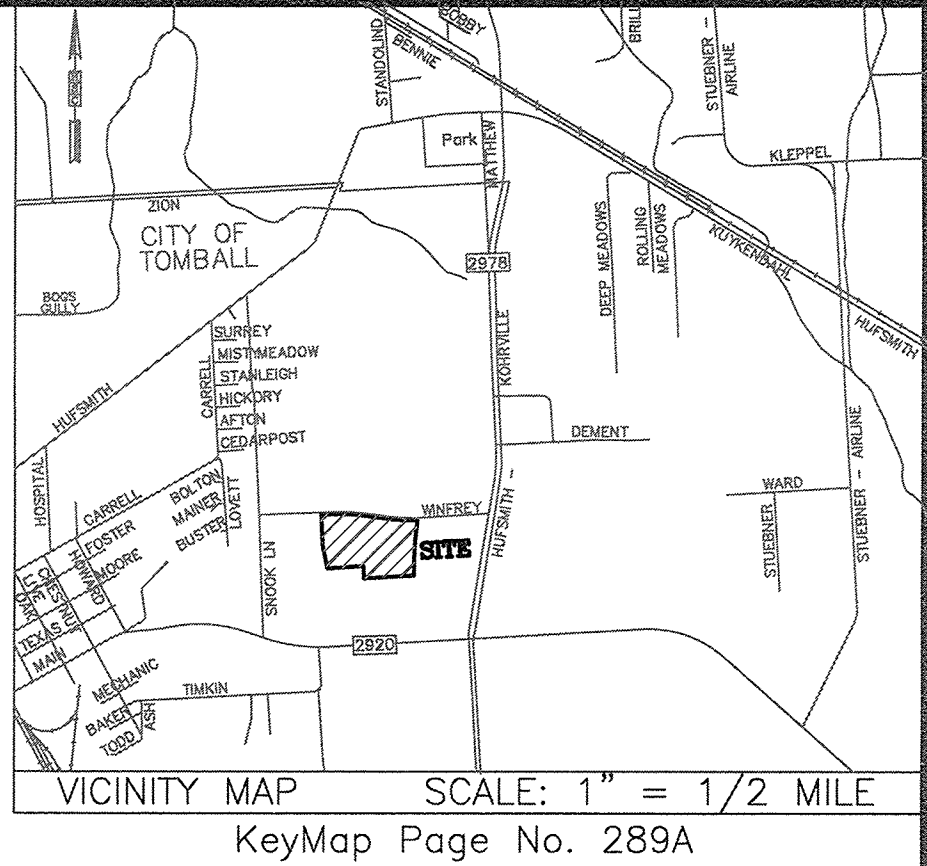
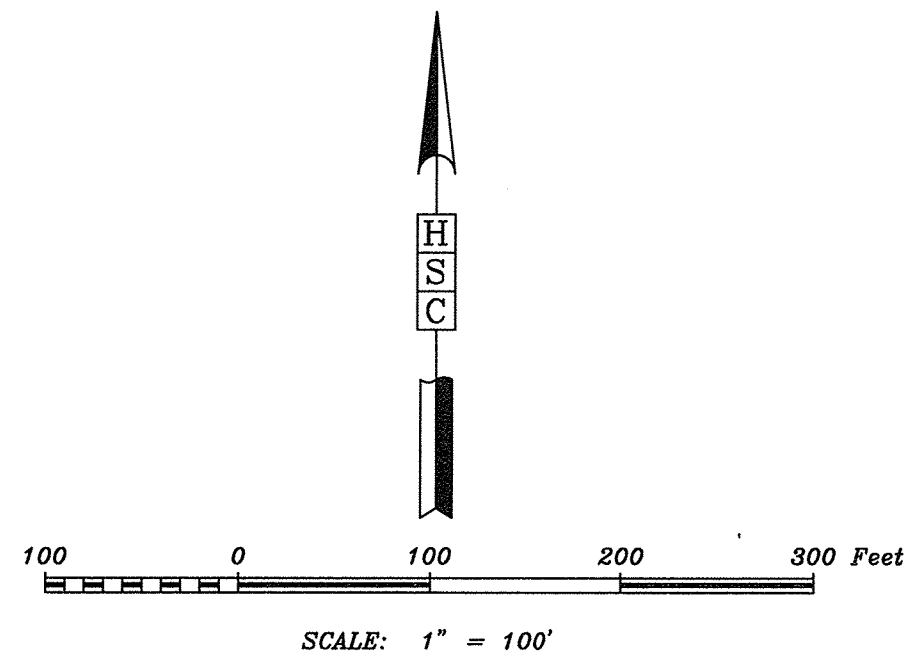
Funding:

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

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

ATTACHMENTS:

Peck Station Partial Replat



STATE OF TEXAS
COUNTY OF HARRIS

We, 2978 PANORMUS, L.P., a Texas limited partnership, acting by and through Jerry A. Hayley, Member of Dark Developments, LLC its Co-General Partner, being an officer of Dark Developments, LLC, Co-General Partner of 2978 PANORMUS, L.P., a Texas limited partnership, Owners, hereinafter referred to as Owners of the 18.2541 acre tract described in the above and foregoing plat of PECK STATION, 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 on 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 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 Houston, 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 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.

IN TESTIMONY WHEREOF, the 2978 PANORMUS, L.P., a Texas limited partnership, has caused these presents to be signed by, Jerry A. Hayley, Member of Dark Developments, LLC, its Co-General Partner, thereunto authorized, this ____ day of _____, 2014.

2978 PANORMUS, L.P., a Texas limited partnership
By: Dark Developments, LLC, its Co-General Partner

By: _____
Jerry A. Hayley, Member

STATE OF TEXAS
COUNTY OF HARRIS

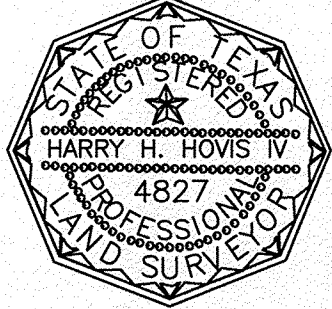
BEFORE ME, the undersigned authority, on this day personally appeared, Jerry A. Hayley, Member of Dark Developments, LLC, Co-General Partner of 2978 PANORMUS, L.P., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
____ day of _____, 2014

Notary Public in and for the State of Texas

My Commission expires:

I, Harry H. Hovis IV, 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 (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'), except where corners were found; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.



Harry H. Hovis IV
Texas Registration No. 4827

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of PECK STATION 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 _____, 2014.

By: _____ By: _____
Chairman Vice Chairman

By: _____
Secretary

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

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

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all of the dedicated public easements 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 _____, 2014.

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

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 _____, 2014, at _____ o'clock ____M., and duly recorded on _____, 2014, at _____ o'clock ____M., and at Film Code Number _____ of the Map Records of Harris County for said county.

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

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

NOTES

1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. All oil/gas wells 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 covenants or restrictions.
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.
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. According to FEMA Firm Map Number 48201C0230L, Panel Number 480315 0230 L, (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
8. Bearing orientation based on Texas State Plane Coordinate Grid System of 1983 (South Central Zone No. 4204), derived from CORS site ROD1.
9. 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 factor: 0.99994570.
10. B.L. indicates Building Line, COT U.E. indicates City of Tomball Utility Easement, F.C. indicates Film Code, U.E. indicates Utility Easement, STM, S.E. indicates Storm Sewer Easement, S.S.E. indicates Sanitary Sewer, Easement, W.L.E. indicates Water Line Easement.
11. The square footage shown hereon is based on a mathematically closed figure and does not indicate the accuracy of the survey.

PECK STATION PARTIAL REPLAT NO 1

A SUBDIVISION OF 18.2541 ACRES OF
LAND SITUATED IN THE JESSE PRUITT
SURVEY, ABSTRACT NO. 629, CITY OF
TOMBALL, HARRIS COUNTY, TEXAS
BEING A PARTIAL REPLAT OF RESERVE

"A" OF PECK STATION
FILM CODE NO. 666109 M.R.H.C.
3 LOTS, 1 BLOCK

REASON FOR REPLAT: TO CREATE 3 LOTS

PREPARED BY:

H HOVIS
S SURVEYING
C COMPANY

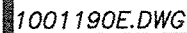
Land Surveys - Computer Mapping
5000 Cabbage - Spring, Texas 77378
(281) 320-9591
Acreage - Residential - Industrial - Commercial
Texas Firm Registration No. 10050400

DATE: NOVEMBER 3, 2014 SCALE: 1" = 100' JOB NO. 10-011-90

OWNER:

2978 PANORMUS, LP
10200 GROGAN'S MILL ROAD, SUITE 550
THE WOODLANDS, TEXAS 77380
281-210-3401

SHEET 1 OF 2



Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 10, 2014

Data Sheet

Topic:

Consideration to approve **HAUSMAN REPLAT**; A Subdivision of a 16.1043 Acre Tract, being a Replat of Lots 182, 186, 190 and 194 of Tomball Outlots Vol. 2, PG. 65 H.C.M.R.

Background:

Origination:

Recommendation:

Funding:

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

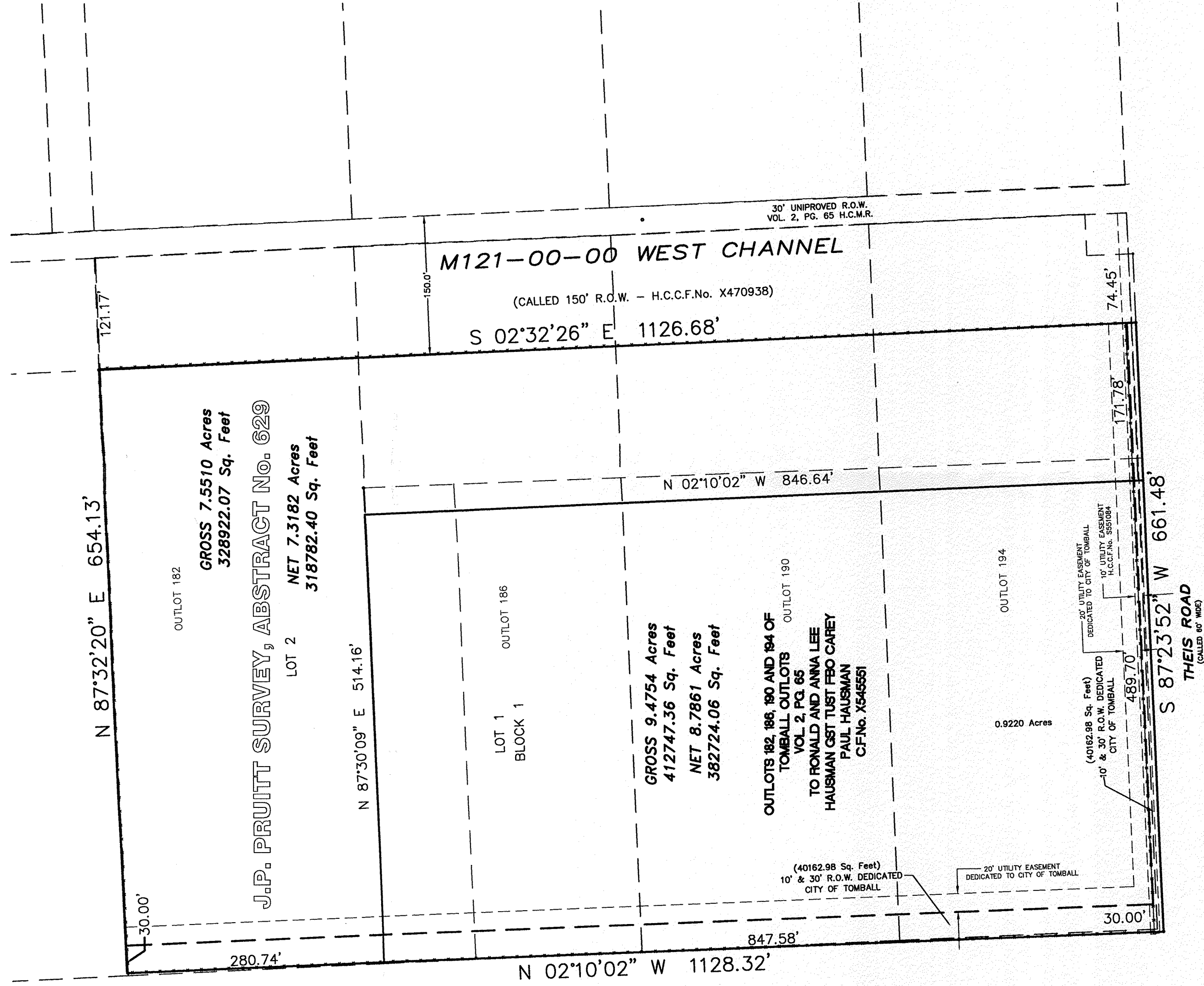
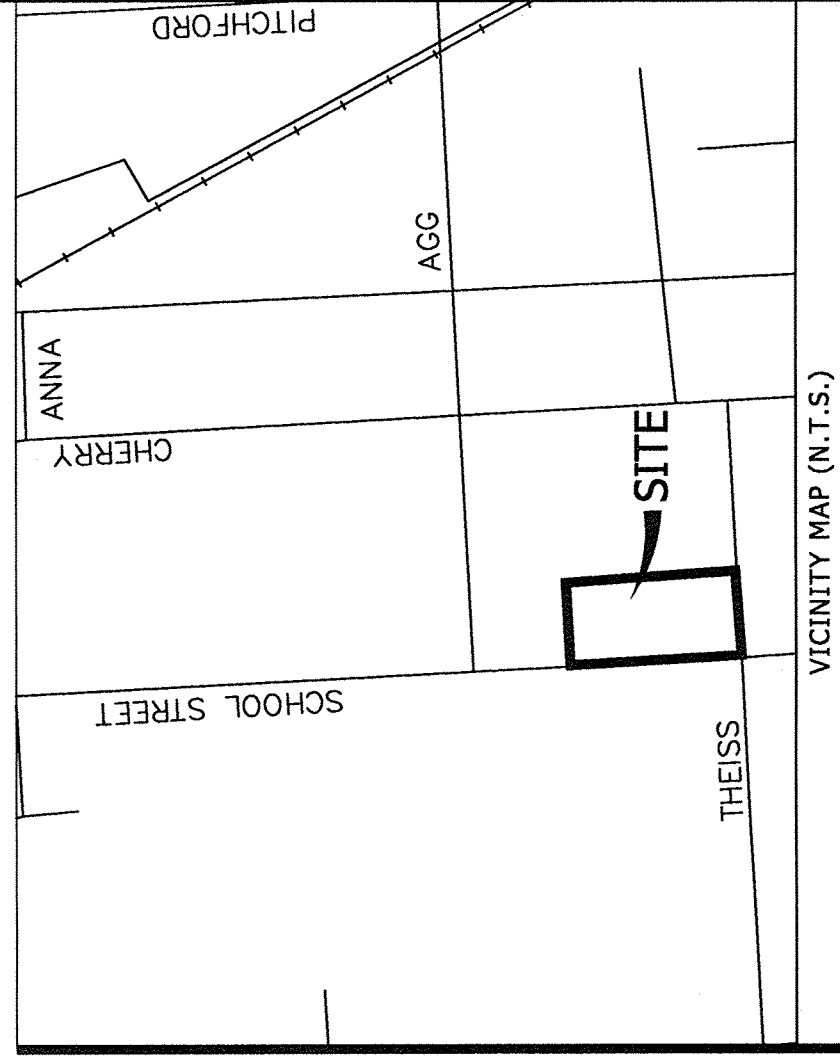
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Hausman Replat



A.E. AERIAL EASEMENT
B.L. BUILDING LINE
H.C.F. HARRIS COUNTY CLERKS' FILE
H.C.M.R. HARRIS COUNTY MAP RECORDS
R.O.W. HARRIS COUNTY DEED RECORDS
U.E. RIGHT OF WAY
VOL. PG. UTILITY EASEMENT
VOLUME PAGE



WE, RONALD and ANNA LEE HAUSMAN, GST TRUST FBO CARY PAUL HAUSMAN, acting by and through, CARY P. HAUSMAN, TRUSTEE, Owner hereinafter referred to a owner of the 16.1043 Acres tract described in the above and foregoing plat of HAUSMAN REPLAT, do hereby make and establish the said subdivision of said property into lots and hereby dedicate the same 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 same so designated.

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 ditches, creeks, ravines, draws, sloughs, or other natural drainage courses, and all lands adjacent thereto, for the purpose of easements for drainage purposes, giving the City of Tomball, Texas, or any other governmental agency the right to enter upon said lands for the purpose of installing, maintaining, repairing, and the maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plot adjacent to any drainage easement, ditch, fully or partially covered 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, RONALD AND ANNA LEE HAUSMAN, GST TRUST
FBO CAREY PAUL HAUSMAN, has caused these presents to be signed
by CAREY P. HAUSMAN, TRUSTEE, thereunto authorized and its
common seal hereunto affixed this _____ day of _____,
20____.

By: _____
CAREY P. HAUSMAN, TRUSTEE

CAREY P. HAUSMAN, TRUSTEE

By: Darrell Roquemore

LEGAL: LOTS 182, 186, 190 AND 194 OF TOMBALL OUTLOTS
VOL. 2, PG. 65 H.C.M.R.
CALLED 20.086 ACRES
TO RONALD AND ANNA LEE HAUSMAN GST TRUST
FBO CAREY PAUL HAUSMAN
H.C.C.F.No. X545551

REASON FOR REPLAT:
TO COMBINE 4 OUTLOTS AND MAKE 2 LOTS

Page 101

OWNER: RONALD & ANNA LEE HAUSWAN GST
TRUST FBO CAREY PAUL HAUSWAN
CONTACT: CAREY P. HAUSWAN, TRUSTEE
9950 CYPRESSWOOD DR., SUITE 330
HOUSTON, TEXAS 77070
PHONE: 832-684-6827

SURVEYOR: FOURPOINTS SURVEYING
83 GREYING CIR.
THE WOODLANDS, TEXAS 77382
PHONE: 281-961-0714

Page 1 of 1

HAUSMAN REPLAT
OCTOBER 2014

1 Blocks 2 Lots 0 Reserves

SURVEILLANCE SURVEY
CIB

Page 1 of 1

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 10, 2014

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:

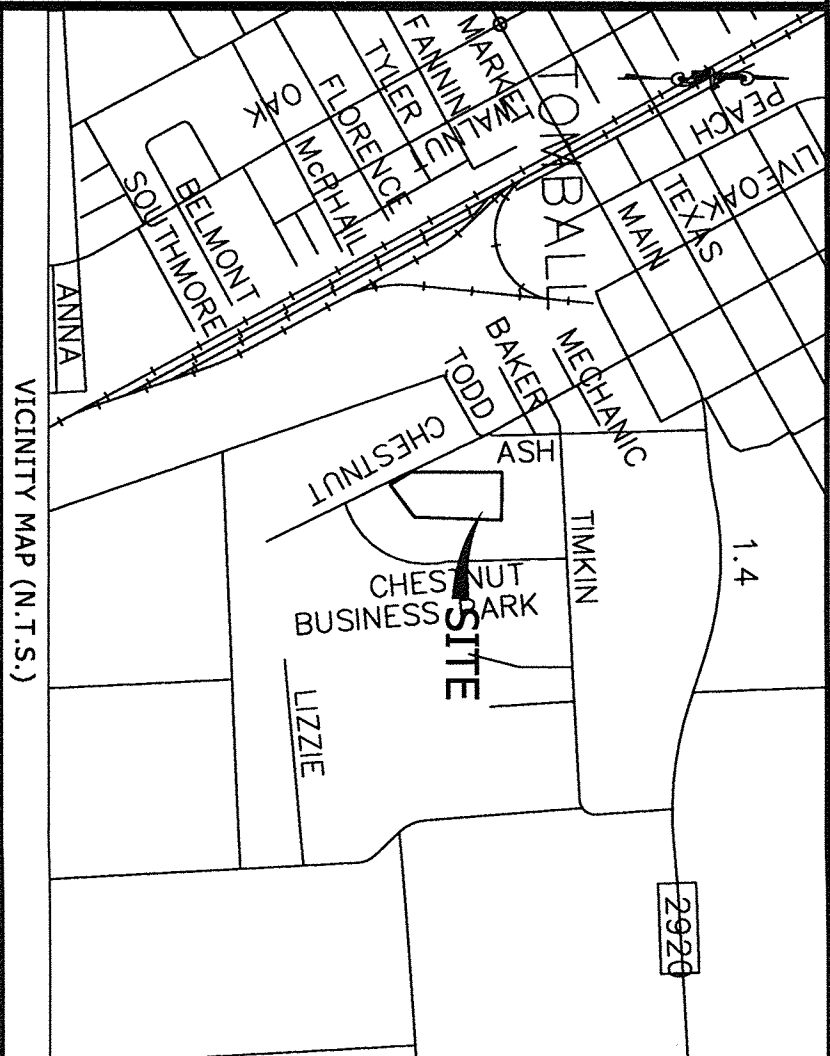
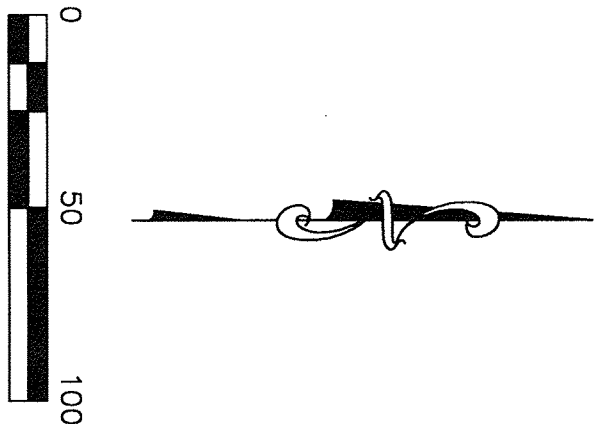
Funding:

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

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

ATTACHMENTS:

Chestnut Business Park



Public Easements: easements dedicated on this plot are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right of all ingress and egress and easements to and from and upon said easements for the purpose of construction, reconstruction, inspection, portalling, maintaining and adding to or removing all or part of its respective easements, including the right of easements to and from and upon said easements for the purpose of construction, reconstruction, inspection, portalling, maintaining and adding to or removing all or part of its respective easements. 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 interfere with the easements shown on this plot. 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 Flood Panel Nos. 4820C0230L (Effective Date 08/18/07), this property is in Zone X and is partially within the 0.2% Annual Chance Flood Plain and Zone AE within the 1% Annual Chance Flood Plain.

Note #1: All gas pipelines or pipeline easements with ownership through the subdivision have been shown on this plat.

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

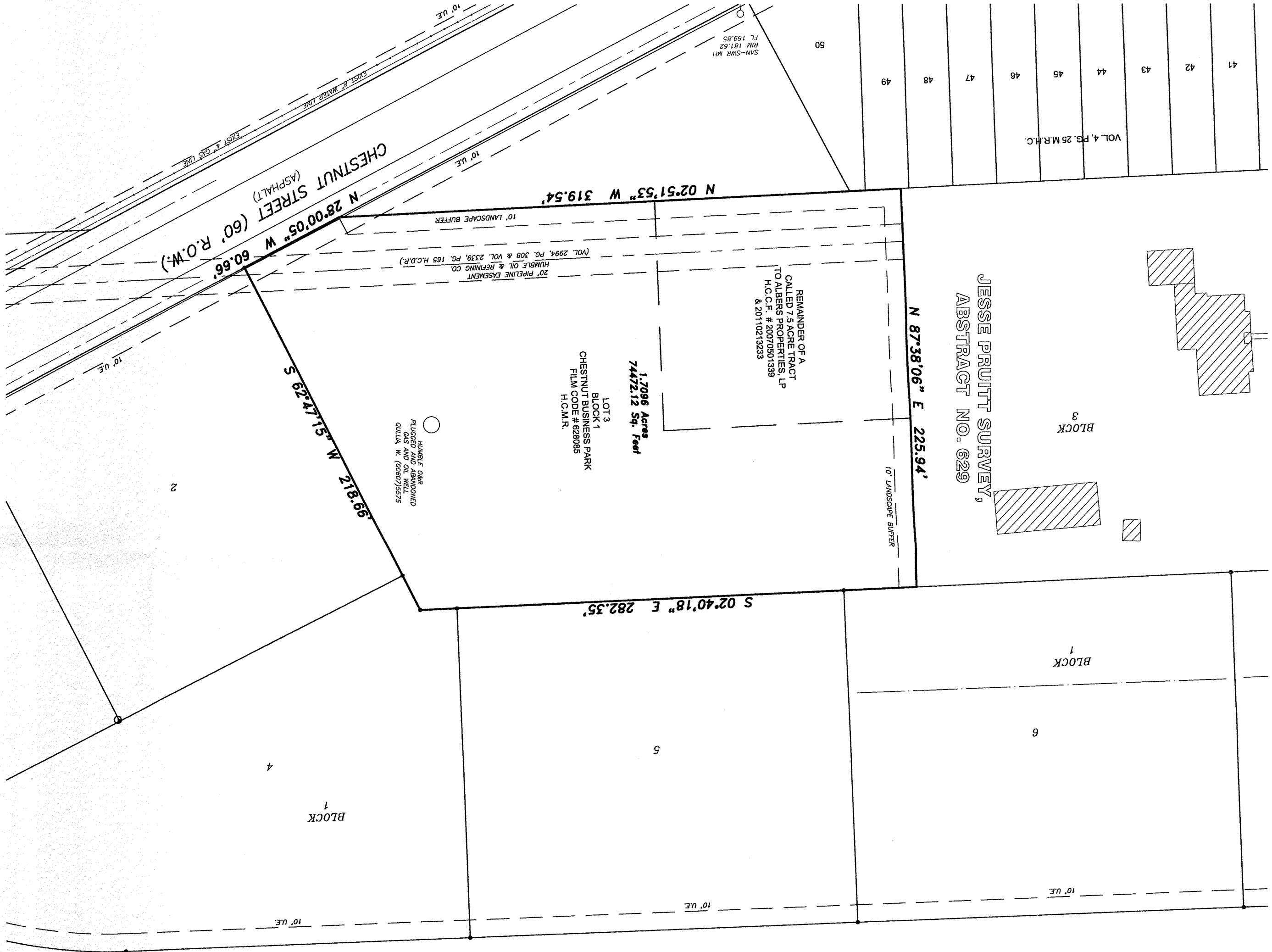
Note #3: No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

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

Note #5: The building lines shown on this plot shall be in addition to, and shall not limit or replace, the building lines shown on 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 Easement.
3. H.C.C.F. No. indicates Harris County Clerk's File Number.
4. V. & P. indicates Volume and Page and 7 feet on either side of a common lot line unless otherwise indicated.
5. H.C.M.R. indicates Harris County Map Records.
6. 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 as owner of the 1.7096 Acre Tract described in the above and foregoing plat of REPLAT OF LOT 3 CHESTNUT STREET BUSINESS PARK, do hereby certify that this plat complies with the laws of the State of Texas and the ordinances of the City of Tomball, Harris County, Texas, and public places shown thereon for the purposes and considerations herein expressed, and do hereby bind ourselves, our heirs, assigns and assigns to defend and 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 easement of ingress and egress, and a right of way, of not less than 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 the use of the public for public utility purposes forever and 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 bays, 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, Texas, the right to use the same for the purposes 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 easement shall be restricted to the use of the public for public utility purposes forever and 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 the easement shall be used for the purposes of construction and maintenance of drainage facilities and structures.

ALBERS PROPERTIES, LP.

IN TESTIMONY WHEREOF, ALBERS PROPERTIES, LP, has caused these presents to be signed by Dean Albers, its General Partner, hereunto 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, 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

I, Mark L. Sherrey, am registered under the laws of the State of Texas as a Notary Public, 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, being on outside of road less than three feet (3') and that the plat boundary corners have been tied to the nearest survey corner.

Mark L. Sherrey
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 Rasmussen
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 _____ Lori Lakatos, P.E.
City Manager 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 _____ Doris Speer
Mayor City Secretary

I, Stan Stantut, County Clerk of Harris County, Texas, do hereby certify that the within instrument 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 Stantut
County Clerk of
Harris County, Texas

By: _____ Deputy

REPLAT OF LOT 3 CHESTNUT BUSINESS PARK OCTOBER 2014

1 Blocks 1 Lots 0 Reserves

Owner: Albers Properties LP
FOUR POINTS SURVEYING
PO Box 2563
Alpine, Ca. 91903
713-201-7573

Engineer: DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 10, 2014

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-187**: Request by Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee, to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas; generally located north of Holderrieth Road, east of State Highway 249 Business; from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.

- Conduct a Public Hearing on **ZONING CASE P14-187**

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:

P14-187 NOPH

P14-187 Staff Report

P14-187 Property Owner Notification Letter

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 10, 2014
&
CITY COUNCIL
NOVEMBER 17, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 10, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 17, 2014, 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 P14-187: Request by Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee, to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas; generally located north of Holderrieth Road, east of State Highway 249 Business; from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.

ZONING CASE P14-217: Request by Russell Brown, on behalf of Joseph Family Limited Partnership, LTD, to amend the City's Zoning Ordinance by rezoning approximately 2 acres of land, legally described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, within the City of Tomball, Harris County, Texas, generally located north of F.M. 2920, west of Tomball Cemetery Road, from the Agricultural District to the Single-Family Residential-9 District.

ZONING CASE P14-218: Request by the City of Tomball to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, generally located south of Brown-Hufsmith Road, east of Liberty Lane, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.

Persons interested in these cases 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 requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The 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 Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@tomballtx.gov.

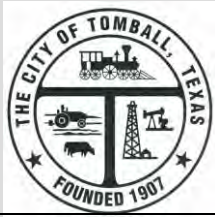
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of November 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.



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: November 10, 2014

City Council Public Hearing Date: November 17, 2014

Zoning Case: P14-187

Property Owner(s): Maple Group, Ltd. and Kenneth Lee

Applicant(s): Mark Kirkland

Legal Description: Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee

Location: North of Holderrieth Road, east of State Highway 249 Business (Exhibit "A")

Area: 27.16 acres

Present Zoning and Use: Commercial District (Exhibit "B") / Undeveloped, limousine service, and moving company (Exhibit "C")

Comp Plan Designation: Mixed Use (Exhibit "D")

Proposed Zoning and Use: Planned Development – 8 (PD-8) District / Mixed use development with apartment complex, hotel, retail, office, and restaurant

Adjacent Zoning and Use:

North: Agricultural District / Undeveloped land

South: Unzoned / Holderrieth Road and agricultural land

West: Commercial District / S.H. 249, a chiropractor's office, a rock/soil/storage building sales, and an automobile transmission service center

East: Agricultural and Commercial Districts/ Undeveloped land and a single-family residence

BACKGROUND

On August 5, 2014, City staff met with the applicant, Mark Kirkland, to discuss the development of a mixed use project at the subject site. Mr. Kirkland indicated his desire to construct a 360-room apartment complex, a hotel, retail spaces, office spaces, and a restaurant. He also indicated that he would be requesting a planned development district (PDD) to facilitate this mixed use project. On September 3, 2014, the City received a PDD application (Exhibit "E") from the applicant and property owner along with a concept plan (Exhibit "F") and development standards (Exhibit "G").

ANALYSIS

The applicant is requesting that the property be rezoned from the Commercial District to the PD-8 District to allow for a mixed use development. According to Section 50-80 of the Code of Ordinances, a PDD “is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., Single-Family, Multifamily, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.” Additionally, a PDD “may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community...” The applicant’s request for a mixed use development appears to be consistent with the intent of the PDD and appears to meet the current needs of the community by:

1. Providing a superior design on lots or buildings. The lot sizes shown on the concept plan are well in excess of the minimum lot sizes established in the Tomball Code of Ordinances. The building façade material types shown on the concept plan meet the minimum façade material type requirements of the Old Town & Mixed Use District which are the City’s most stringent requirements.
2. Providing amenities or features that would be of special benefit to the property users or to the overall community. The amenity pond, clubhouse, and dog park are not required by the Tomball Code of Ordinances but are being provided as a special benefit to the residents of the multi-family community.

There is a mixture of land uses in the vicinity of the subject site. To the north is undeveloped land; to the south are Holderrieth Road and agricultural land; to the west are S.H. 249, a chiropractor’s office, a rock/soil/storage building sales, and an automobile transmission service center; and to the east are undeveloped land and a single-family residence. The PD-8 District, along with its concept plan and development standards, appears to be compatible with the surrounding land uses.

The two predominant zoning districts in the vicinity of the subject site are the Agricultural and Commercial Districts. To the north is the Agricultural District; to the south is unzoned property in the City’s extraterritorial jurisdiction (ETJ); to the west is the Commercial District; and to the east are the Agricultural and Commercial Districts. The PD-8 District, along with its concept plan and development standards, appears to be compatible with the surrounding zoning districts.

The Comprehensive Plan (CP) designates the subject site as Mixed Use. According to the CP, Mixed Use “is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner.” The PD-8 District, along with its concept plan and development standards, appears to be compatible with the Mixed Use CP designation.

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 PD-8 District, along with its concept plan and development standards, appears to be compatible with the surrounding land uses.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

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

There are no vacant tracts in the vicinity classified for similar development. However, PD-6 District, near the northwest intersection of F.M. 2978 and F.M. 2920 is vacant and is classified for similar development.

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

There has been no development City-wide or within the vicinity in a PDD intended for the same purpose as proposed by the applicant.

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

If the proposed rezoning is approved, few, if any affects on other areas designated for similar developments are anticipated.

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

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 PD-8 District appears to be compatible with the Mixed Use Comprehensive Plan designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 30, 2014. As of November 4, 2014, one public comment form was received

from Martha Huebner of the Michel Family Trust (14219 Spring Pines Drive) in opposition to the request (Exhibit “H”).

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-187.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comprehensive Plan Map
- E. PDD Application
- F. Concept Plan
- G. Draft PDD Ordinance
- H. Public Comment Form

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Subject site.

Exhibit "D"
Comprehensive Plan Map

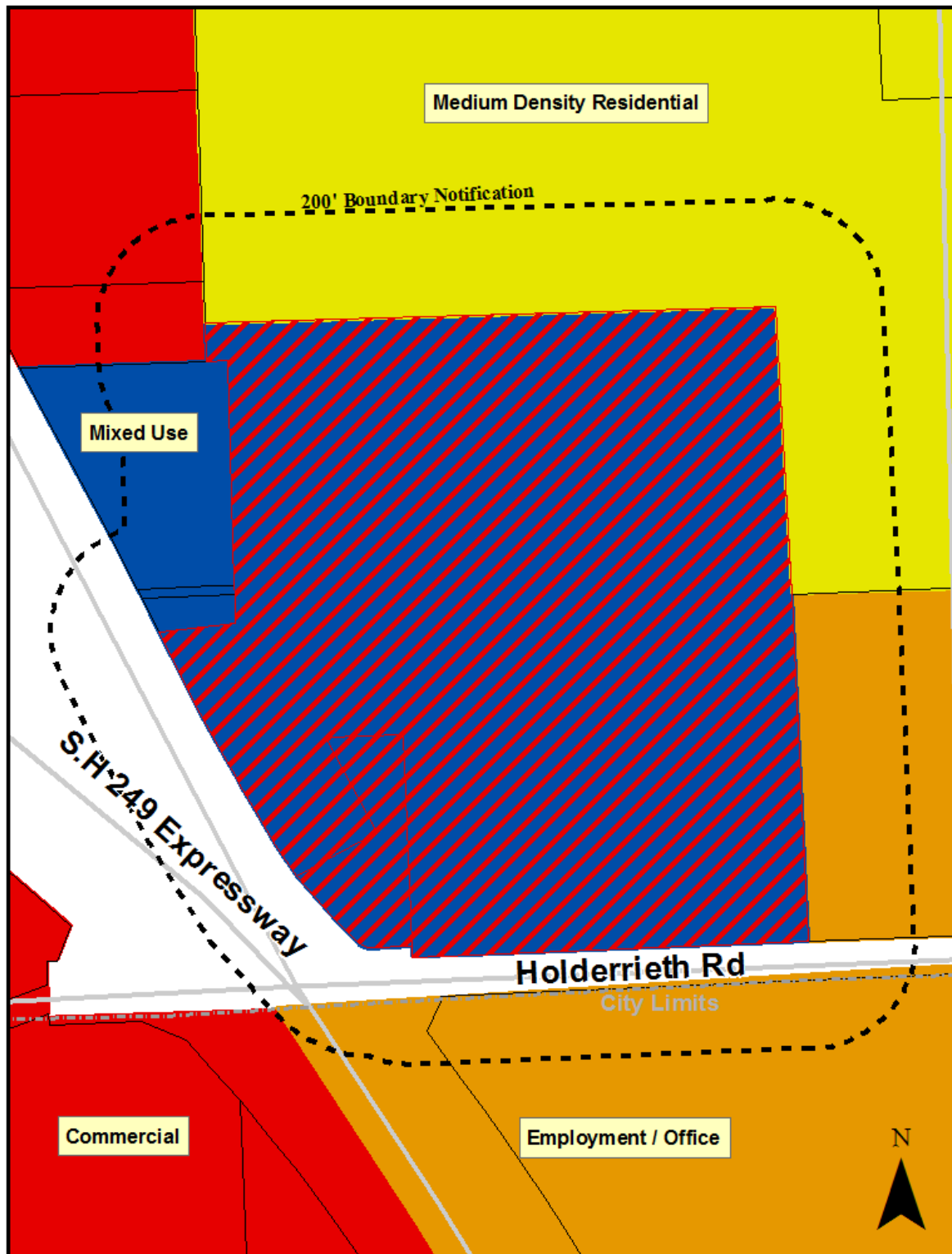


Exhibit "E"
PDD Application



914-187

Revised 1/20/09

**Application for
Planned Development**
Engineering & Planning Department



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

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

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

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: Mark Kirkland (Kimley Horn & Associates, Inc.) Title: Associate
Mailing Address: 12012 Wickchester Lane, Suite 500 City: Houston State: TX
Zip: 77079
Phone: (281) 597-9300 Fax: () Email: mark.kirkland@kimley-horn.com

Owner (See additional owner information on attached page)

Name: Jeff Stallones (Maple Group Ltd.) Title: _____
Mailing Address: 46 Palmer Crest City: The Woodlands State: TX
Zip: 77381
Phone: (713) 899-4710 Fax: (713) 481-0938 Email: jeffstallones@gmail.com

Engineer/Surveyor (if applicable)

Name: Mark Kirkland (Kimley Horn & Associates, Inc.) Title: Associate
Mailing Address: 12012 Wickchester Lane, Suite 500 City: Houston State: TX
Zip: 77079
Phone: (281) 597-9300 Fax: () Email: mark.kirkland@kimley-horn.com

Description of Proposed Project: Mixed Use

Physical Location of Property: NE Corner of TX-249N and Holderrieth Rd

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

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

www.ci.tomball.tx.us

Legal Description of Property: Tracts 2M & 4N, Abstract 632 CV Pillot; Reserve A, Block 1 Kenneth Lee
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0440580000272; 1229190010001 Acreage: 27.159 acres

Current Use of Property: Undeveloped; Developed (commercial)

Proposed Use of Property: Mixed Use

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.

Additional Owner Information

Kenneth W Lee

PO BOX 1527

Magnolia, TX 77353-1527

Email: leeboy57@gmail.com

Phone: (281) 787-1024

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 Mah Kahl 8/29/14
Signature of Applicant Date

X Jeff Stalder 8-27-14
Signature of Owner Date

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

Signature of Applicant

Date

X

Signature of Owner

Date

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

September 3, 2014

Craig Meyers, PE, CFM
Community Development Director
City of Tomball
501 James St.
Tomball, TX 77375

Re: Planned Development Application
NEC of Holderrieth Road and State Highway 249
Tomball, Texas

Dear Mr. Meyers,

Kimley-Horn & Associates, Inc., as applicant, requests acceptance of the attached Planned Development (PD) Application for the 27.159 acre property located at the northeast corner of Holderrieth Road and State Highway 249, more specifically described by the metes and bounds included in the attached application. Per the published City of Tomball Zoning Map, the subject property is zoned Commercial District, C. The application proposes the current zoning designation to be revised to a Planned Development District, consisting of multifamily and retail uses with specified regulations.

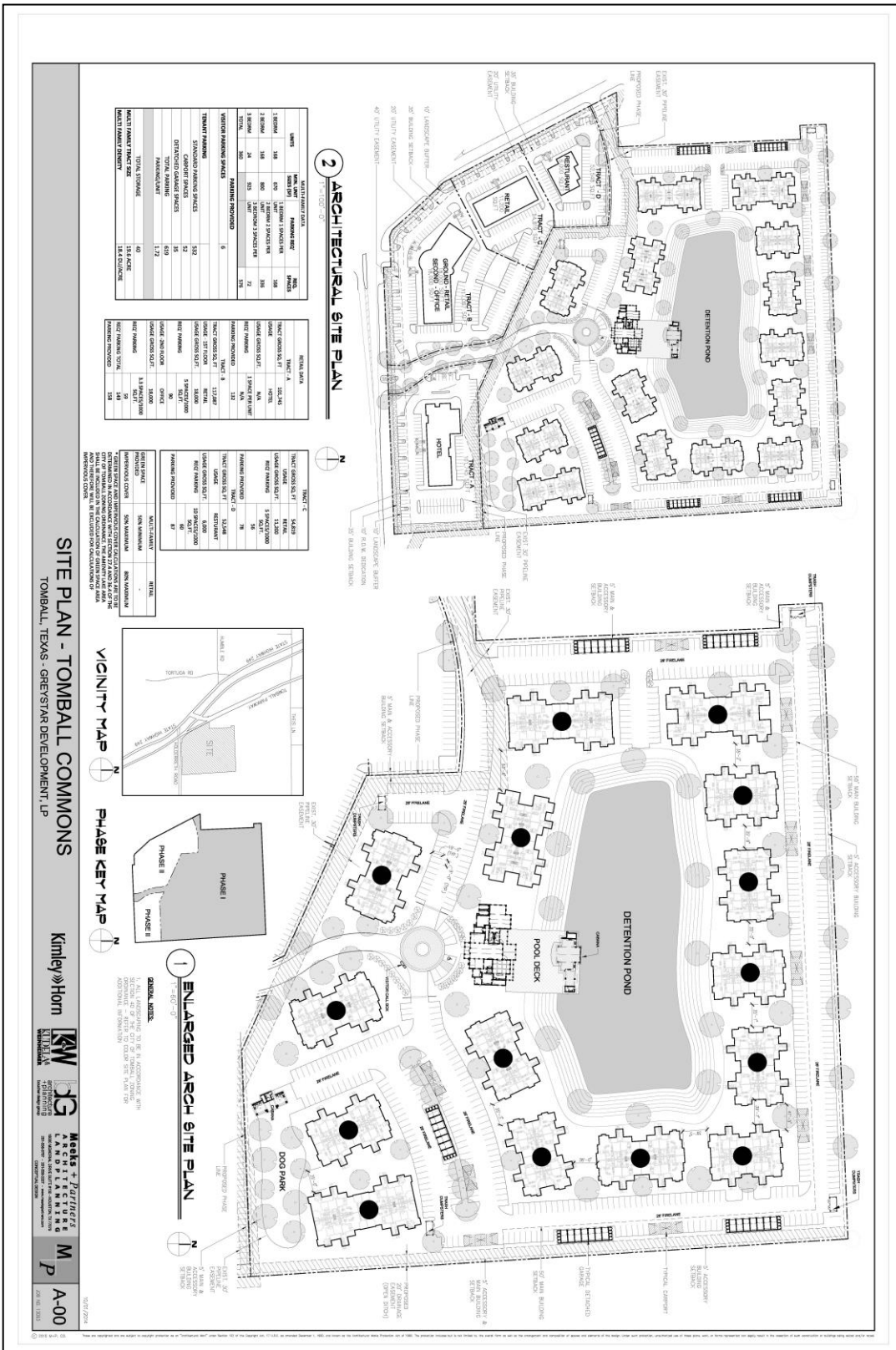
Please feel free to contact me with any questions regarding the attached application. Thank you for your review and consideration.

Kimley-Horn & Associates, Inc.

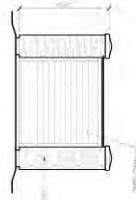
Mark Kirkland
Associate



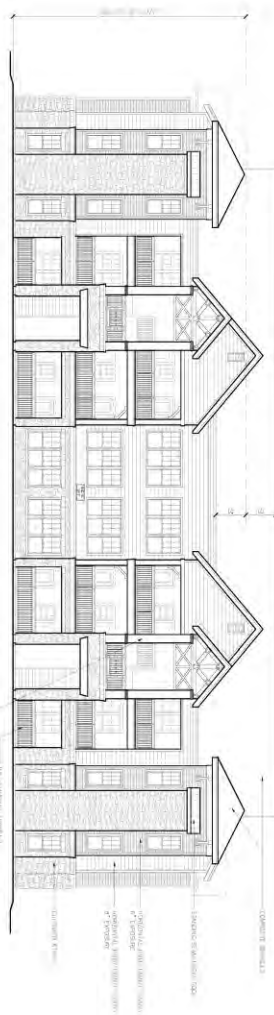
Exhibit “F” Concept Plan







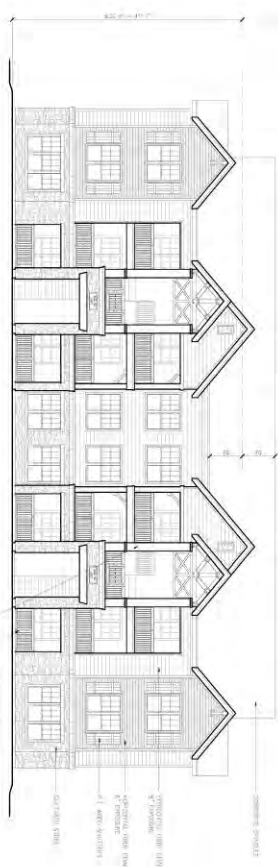
4 TRASH ENCLOSURE ELEV. 1/2" = 1'-0"



2 BUILDING TYPE II - FRONT ELEVATION 1/8" = 1'-0"



3 TRASH ENCLOSURE ELEV. 1/2" = 1'-0"



1 BUILDING TYPE I - FRONT ELEVATION 1/8" = 1'-0"

APARTMENT BLDG. ELEV. - TOMBALL COMMONS Kimley»Horn
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

ARCHITECT

LANDSCAPE ARCHITECT

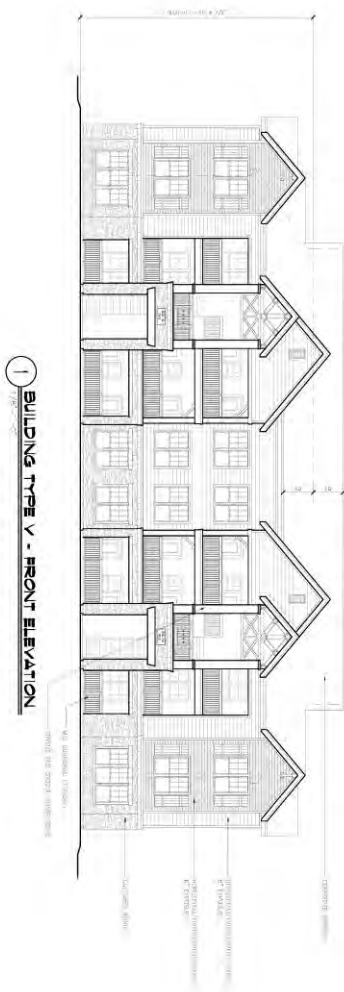
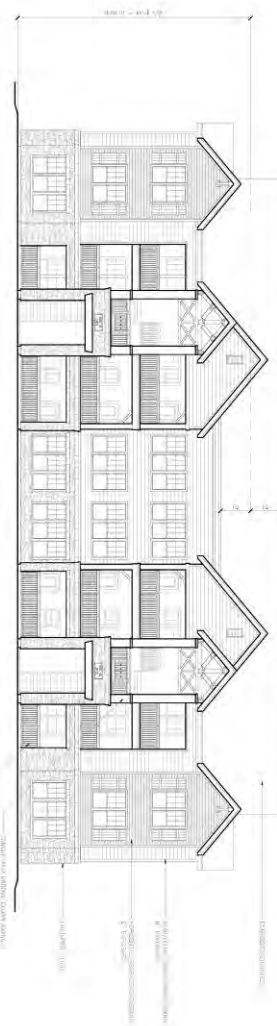
ENGINEER

PLANNING

ENVIRONMENTAL

CONSTRUCTION

M P A-01



APARTMENT BLDG. ELEV. - TOMBALL COMMONS
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP
Kimley»Horn

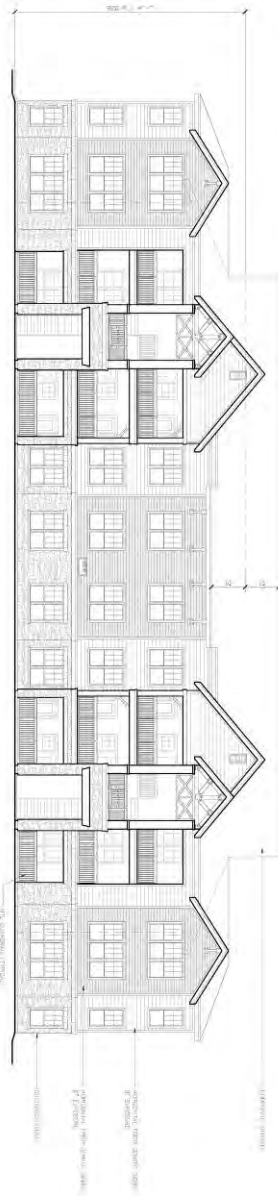
TOMBALL, TEXAS - GREYSTAR DEVELOPMENT GROUP, LP

Kimley»Horn

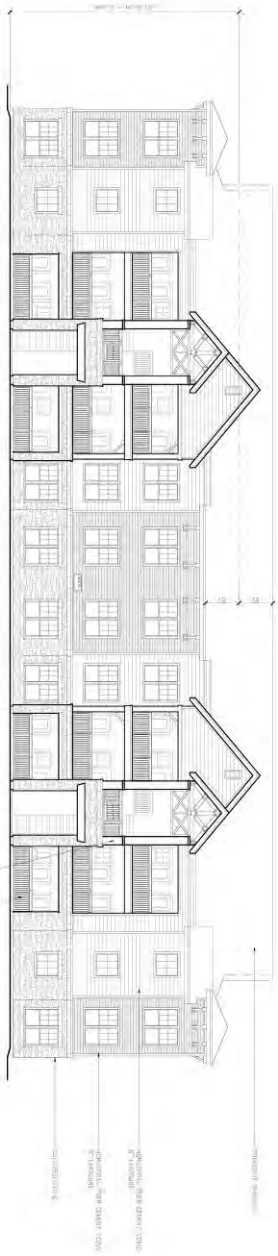


ARCHITECTURE
LANDPLANNING

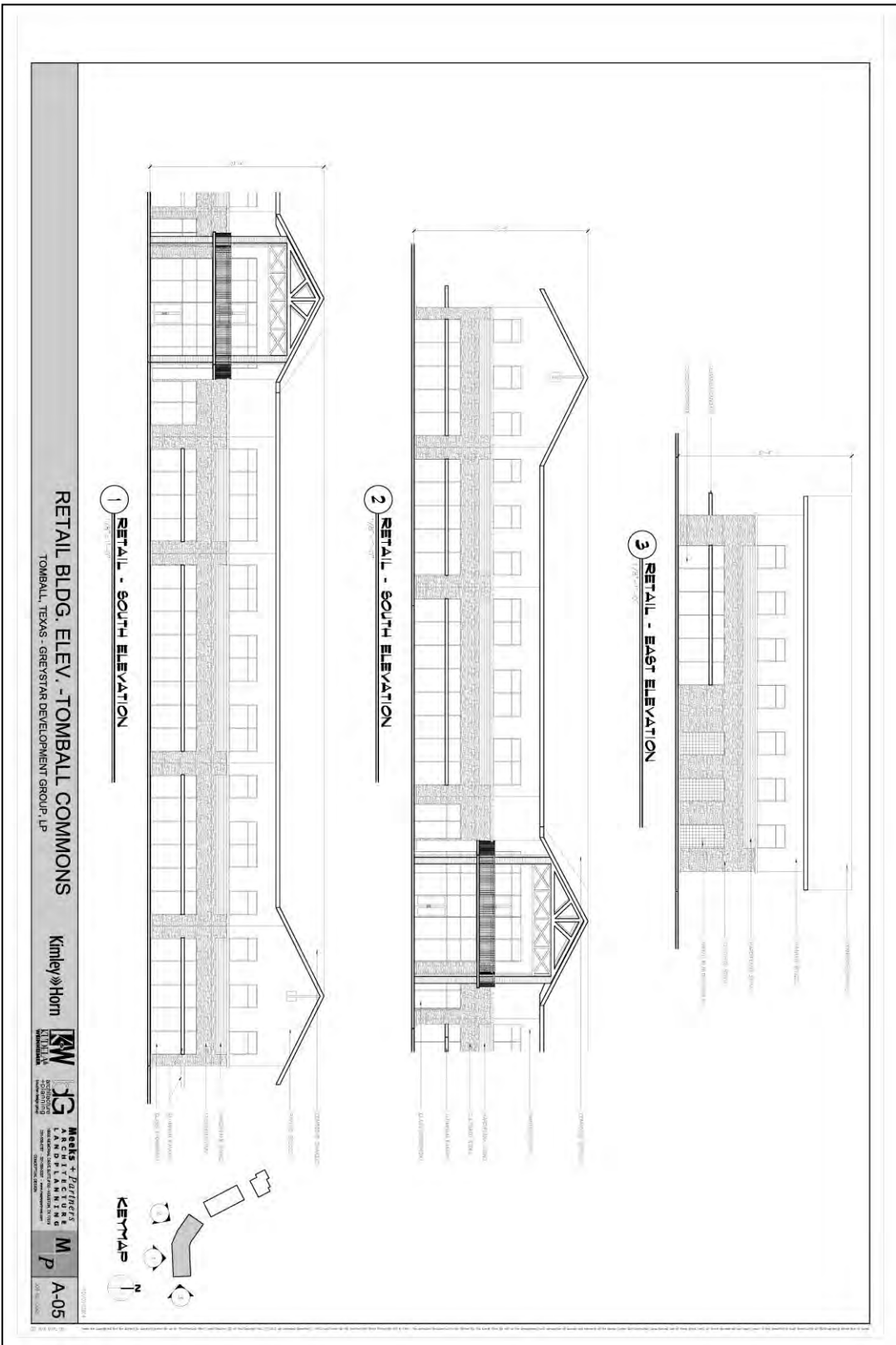
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2014-10-04

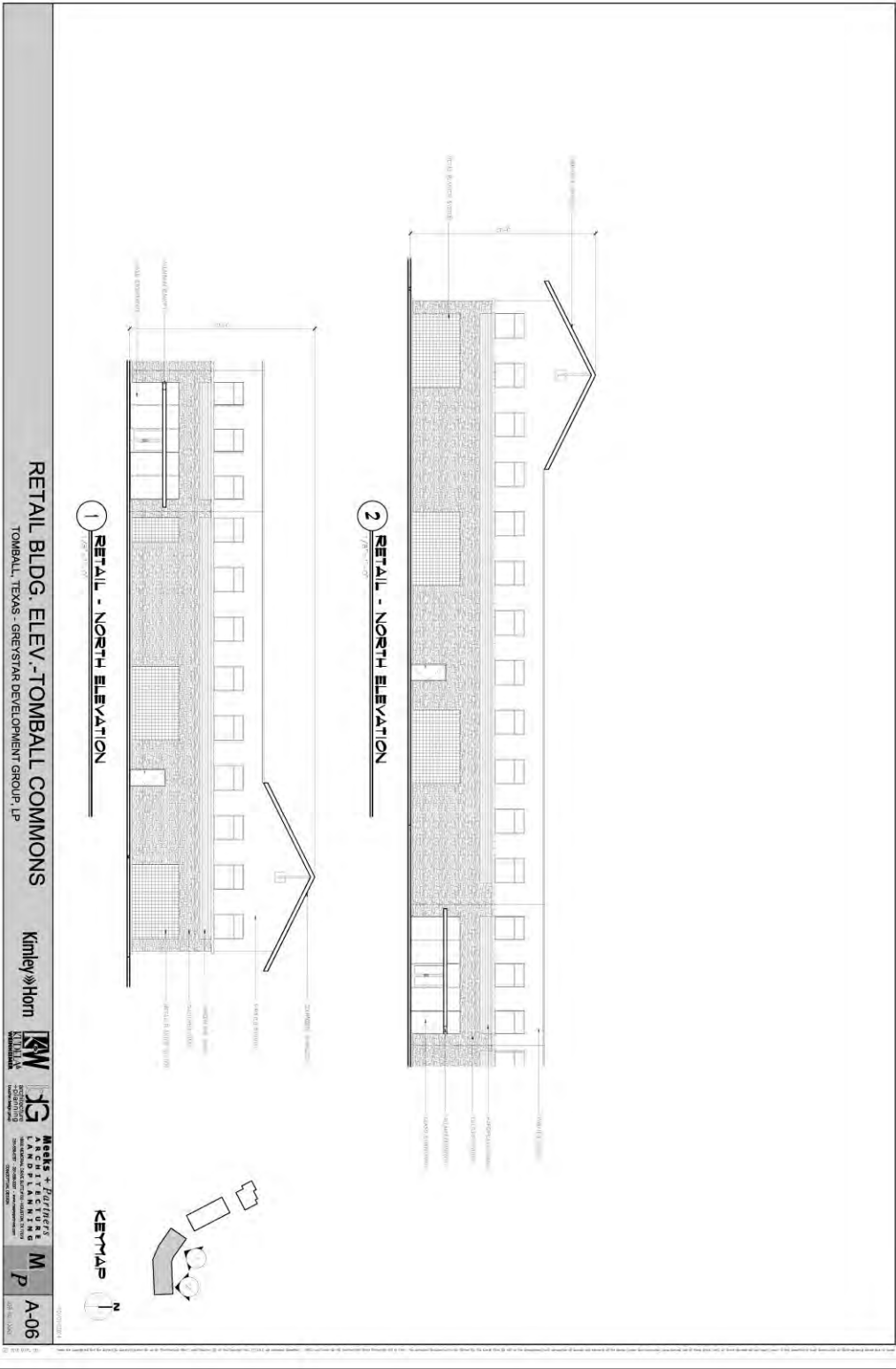


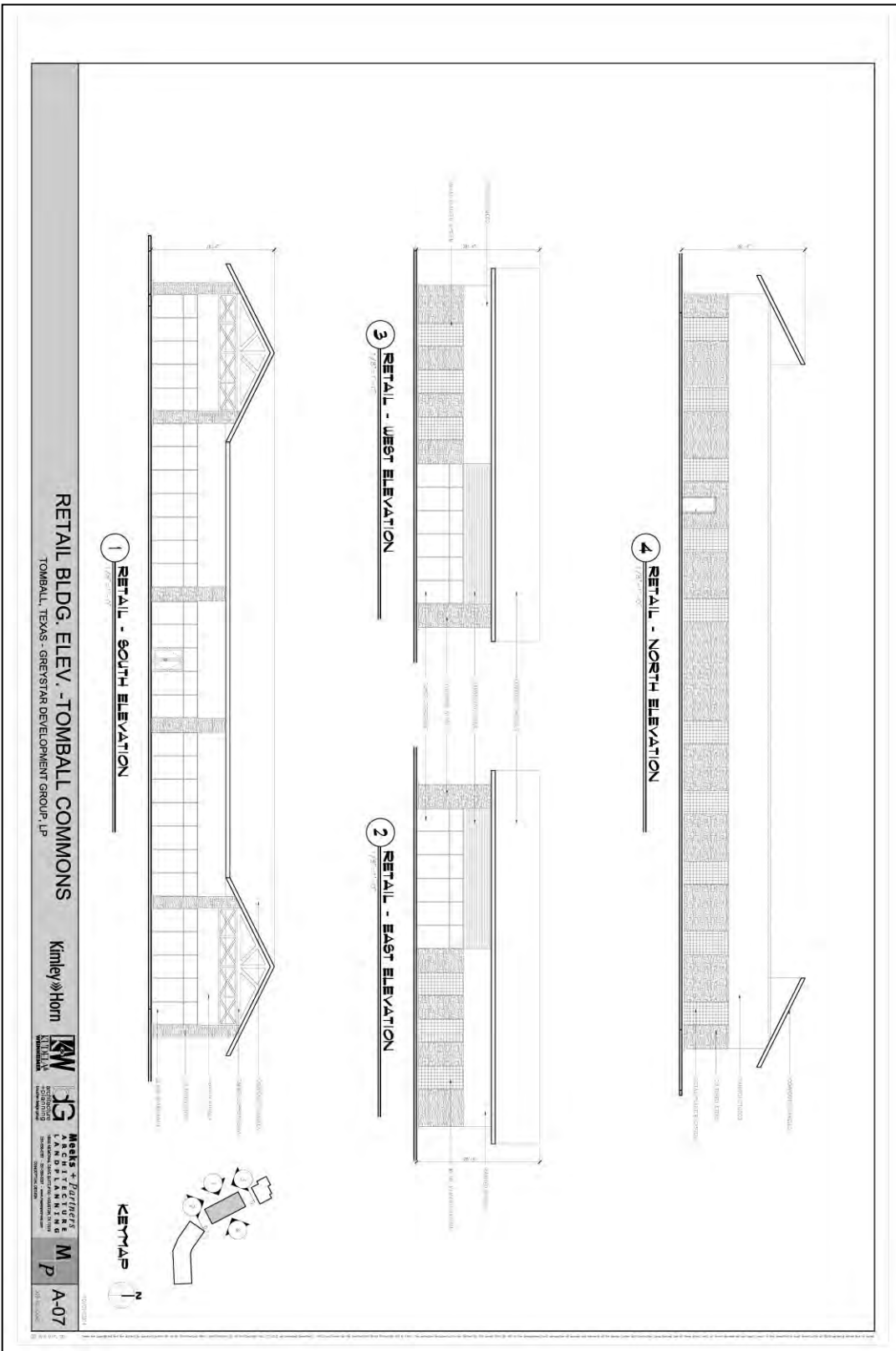
2 BUILDING TYPE VIII - FRONT ELEVATION

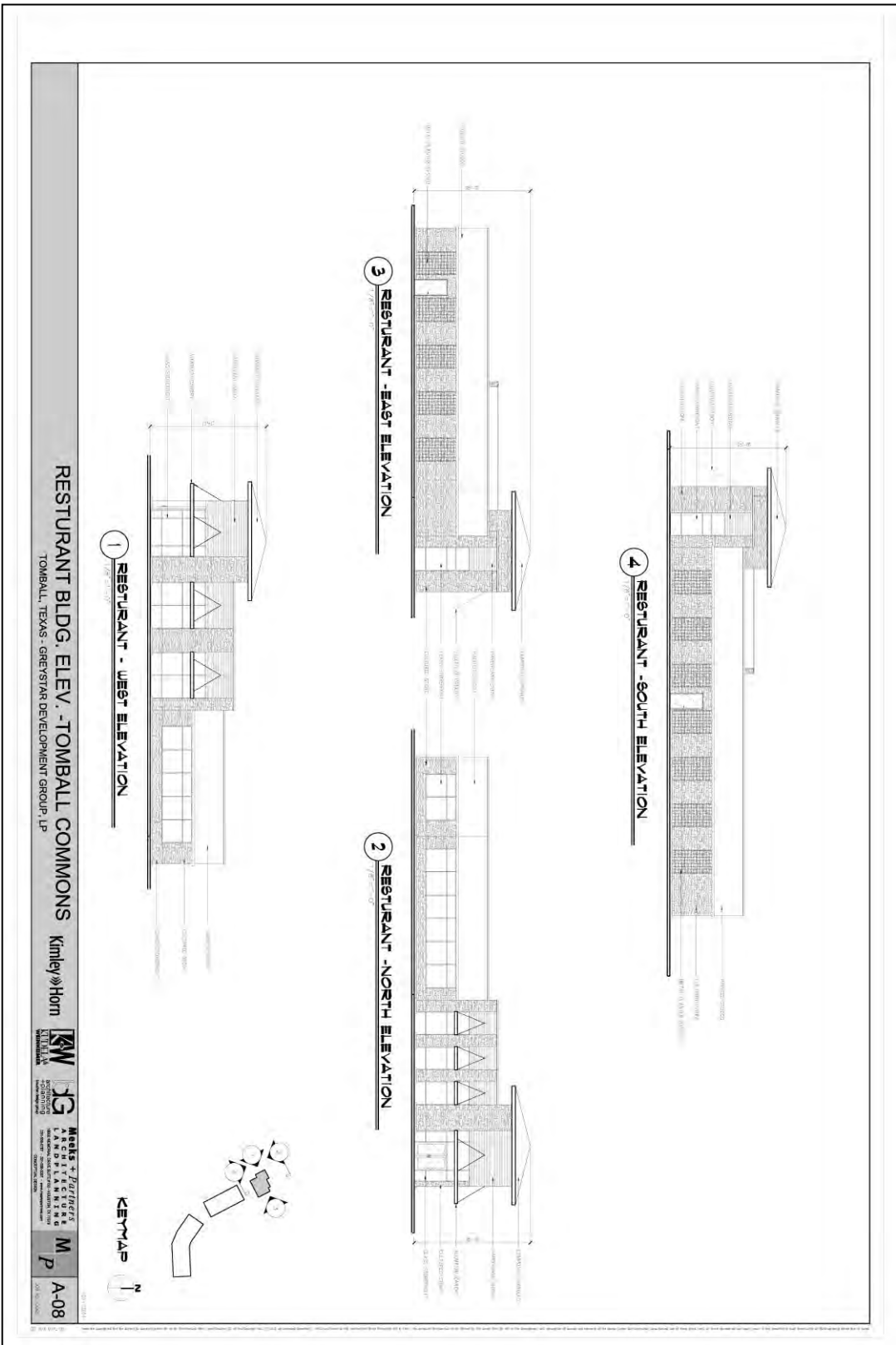


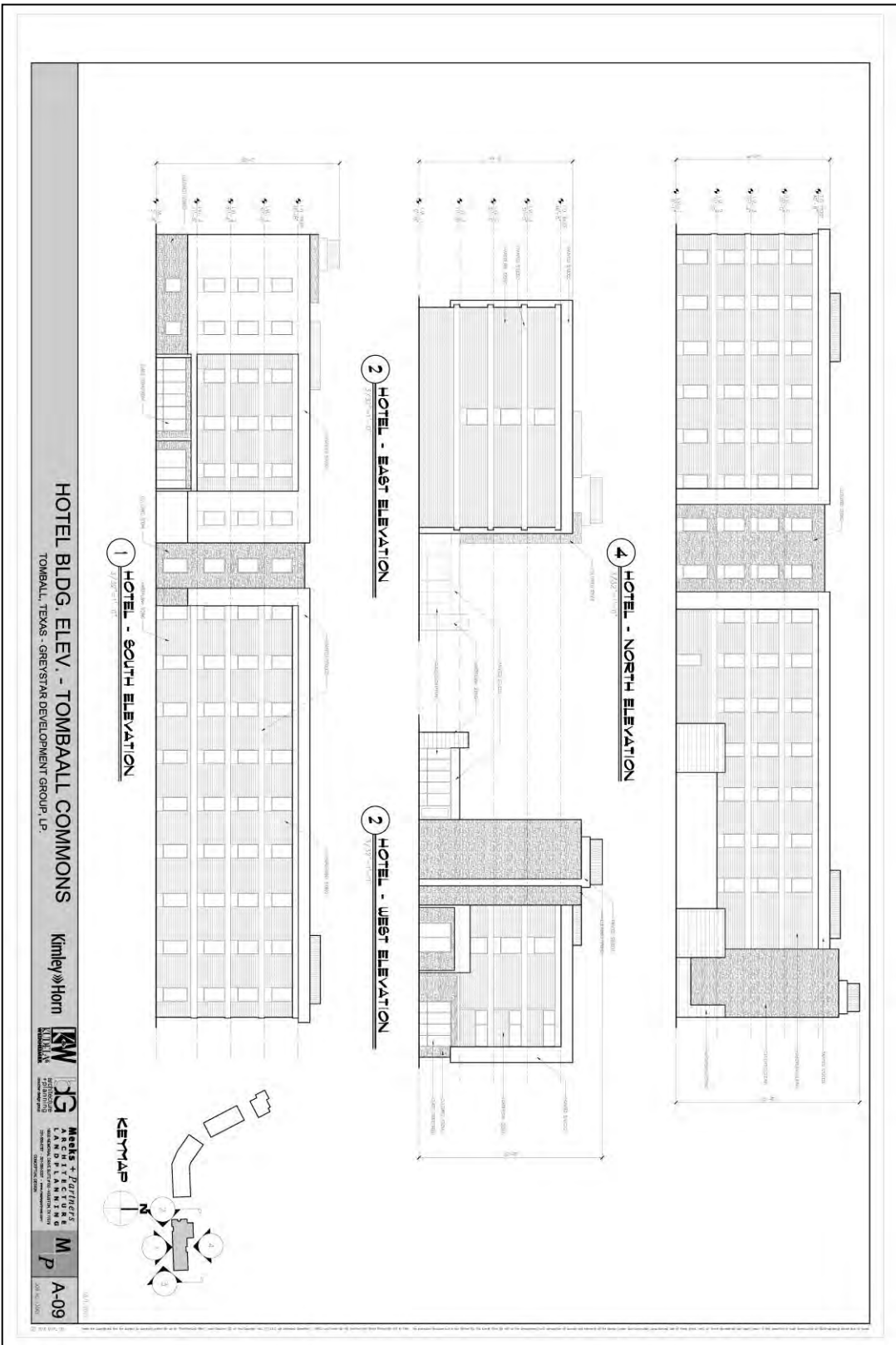
1 BUILDING TYPE VII - FRONT ELEVATION











**Exhibit “G”
Draft PDD Ordinance**

ORDINANCE NO. 2014-XX

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT DISTRICT OF APPROXIMATELY 27.16 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 2M & 4N, ABSTRACT 632, C.V. PILLOT AND RESERVE A, BLOCK 1, KENNETH LEE; WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS PLANNED DEVELOPMENT – 8 (PD-8) DISTRICT; ADOPTING A CONCEPT PLAN AND REGULATIONS APPLICABLE TO PD-8 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, the property owners have requested that approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pilot and Reserve A, Block 1, Kenneth Lee, generally located north of Holderrieth Road, east of State Highway 249 Business, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the property owners have presented an application to the City for a Planned Development District to allow the construction of a mixed use development; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); request letter (Exhibit "B"); and concept plan (Exhibit "C") attached to and made a part of this Ordinance; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City's receipt of the requested rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council **approve/deny** the requested rezoning; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

Whereas, the City Council deems it appropriate to grant the requested rezoning,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Commercial District to the PD-8 District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball shall be revised and amended to show the designation of the Property as PD-8 District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification of the Property, to PD-8 District as described above.

Section 5. PD-8 shall be subject to the following additional limitations, restrictions, and covenants:

A. Compliance with Application and Concept Plan. The granting of the PD District shall be conditioned upon the proposed improvements and land uses being located, constructed, and conducted upon the Property in substantial compliance with the application for PD District (Exhibit "A"), request letter (Exhibit "B"), and concept plan (Exhibit "C") made a part hereof for all purposes.

B. Tracts A, B, C, & D:

1. Permitted Uses: Any use permitted by right in the General Retail District

2. Maximum Height:

i. Main Building: 3-stories, not to exceed 45-feet

ii. Accessory Building: 1-story, not to exceed 15-feet

3. Minimum Lot Size:

i. Area: 6,000 square feet

ii. Width: 60-feet

iii. Depth: 100-feet

4. Minimum Building Setback:

i. Front: 25-feet; 35-feet when adjacent to arterial street

ii. Side:

1. Main Building: 5-feet; 25-feet when adjacent to property zoned for single-family residential purposes; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
2. Accessory Building: 5-feet; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street

iii. Rear:

1. Main Building: 5-feet; 60-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district
2. Accessory Building: 5-feet; 30-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district

5. Maximum Lot Coverage: 50 percent

6. Maximum Impervious Coverage: 80 percent

7. Minimum Screening, Buffering, and Fencing:

- i. All screening, buffering, and fencing shall adhere to Section 50-115 of Tomball Code of Ordinances.
- ii. All refuse containers shall be screened on four sides.

8. Minimum Off-Street Parking and Loading:

- i. All off-street parking and loading areas shall adhere to Section 50-112 of the Tomball Code of Ordinances.
- ii. The minimum number of off-street parking stalls and loading areas shall be per Sections 50-82 and 50-112 of the Tomball Code of Ordinances.

9. Minimum Landscaping:

- i. Landscaping shall be provided per Section 50-113 of the Tomball Code of Ordinances.

10. Additional Requirements: Articles 1; 2; Sections 50-63, 50-64, 50-65, 50-66, and 50-67; and Article 4, Tomball Code of Ordinances.

C. Tract E (Multi-Family):

1. Permitted Uses: Multiple-family dwellings and accessory structures.
2. Maximum Height:
 - i. Main Building: 3-stories, not to exceed 45-feet
 - ii. Accessory Building: 1-story, not to exceed 15-feet
 - iii. Clubhouse: 2-stories, not to exceed 27-feet
3. Maximum Dwelling Units Per Acre: 20; 26 when all parking spaces are constructed as covered or enclosed spaces
4. Minimum Lot Size:
 - i. Area: 10 acres
 - ii. Width: 120-feet
 - iii. Depth: 200-feet
5. Minimum Building Setback:
 - i. Front: 25-feet; 35-feet when adjacent to arterial street
 - ii. Side:
 1. Main Building: 5-feet; 50-feet when adjacent to property zoned for single-family residential purposes; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 2. Accessory Building: 5-feet; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 - iii. Rear:
 1. Main Building: 15-feet; 50-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district

2. Accessory Building: 5-feet; 30-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district

6. Minimum Building Separation:

- i. 1-Story Building: 15-feet for buildings without openings; 20-feet for buildings with openings
- ii. 2-Story Building: 20-feet for buildings without openings; 30-feet for buildings with openings
- iii. Over 2-Story Building: 30-feet
- iv. Between Main and Accessory Buildings: 10-feet

7. Minimum Floor Area Per Dwelling Unit:

- i. Efficiency: 500 square feet
- ii. 1-Bedroom: 670 square feet
- iii. 2 or More Bedroom: 800 square feet plus 125 square feet for every bedroom over two

8. Maximum Lot Coverage: 50 percent

9. Maximum Impervious Coverage: 50 percent

10. Minimum Percent of Lot Area Dedicated to Green Space and Recreational Area: 50 percent

11. Minimum Screening, Buffering, and Fencing:

- i. All screening, buffering, and fencing shall adhere to Section 50-115 of Tomball Code of Ordinances.
- ii. A minimum 6-foot tall solid fence, wall, or opaque screening device shall be constructed on the side/rear of any multi-family dwelling complex adjacent to a single-family zoned property
- iii. All refuse containers shall be screened on four sides.

12. Minimum Off-Street Parking and Loading:

- i. All off-street parking and loading areas shall adhere to Section 50-112 of the Tomball Code of Ordinances.
- ii. 1 off-street parking stall shall be provided per bedroom

13. Minimum Landscaping:

- i. Landscaping shall be provided per Section 50-113 of the Tomball Code of Ordinances.

14. Additional Requirements:

- i. Articles 1; 2; Sections 50-63, 50-64, 50-65, 50-66, and 50-67; and Article 4, Tomball Code of Ordinances.
- ii. Walkways: A four-foot-wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet to accommodate a two-foot bumper overhang for vehicles. Sidewalks of concrete cement or other masonry construction shall be provided between the dwelling units and all community facilities provided for residents in accordance with applicable city standards and specifications. All walks shall be lighted at night with a minimum intensity of two footcandles' illumination.
- iii. Building length: Buildings shall not exceed 200 feet in length.
- iv. Oversized parking areas: Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and approved by the City. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- v. Signage: Address numbers. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- vi. Lighting: All parking areas shall have appropriate lighting and shall be positioned such that lights are shielded and do not adversely impact adjacent residential areas.

- vii. Gated/secured entrances: Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets as adopted.
- viii. Streets or driveways: Each multifamily dwelling complex shall have driveways constructed of concrete cement or hot mixed asphalt, shall be curbed and guttered in accordance with existing requirements of the city, and shall be at least 28 feet in width throughout. All driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 8. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF NOVEMBER 2014.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF DECEMBER 2014.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

Exhibit "H"
Public Comment Form



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

Martha M Huebner Michel Family Trust

14219 Spring Pines Dr.

Tomball Tx 77375

Martha M. Huebner

Nov. 4, 2014

☐ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P14-187**. (Please state reasons below)

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P14-187**. (Please state reasons below)

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

Monday, November 10, 2014, 6:00 PM

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

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

Monday, November 17, 2014, 6:00 PM

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

COMMENTS:

Do not need more multi-family development
within the city limits of Tomball. Will put more
pressure on schools, fire department, traffic on streets etc.

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

Please reference the case number in the subject line.

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



Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P14-187

APPLICANT: Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee

LOCATION: North of Holderrieth Road, east of State Highway 249 Business

PROPOSAL: Request to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.

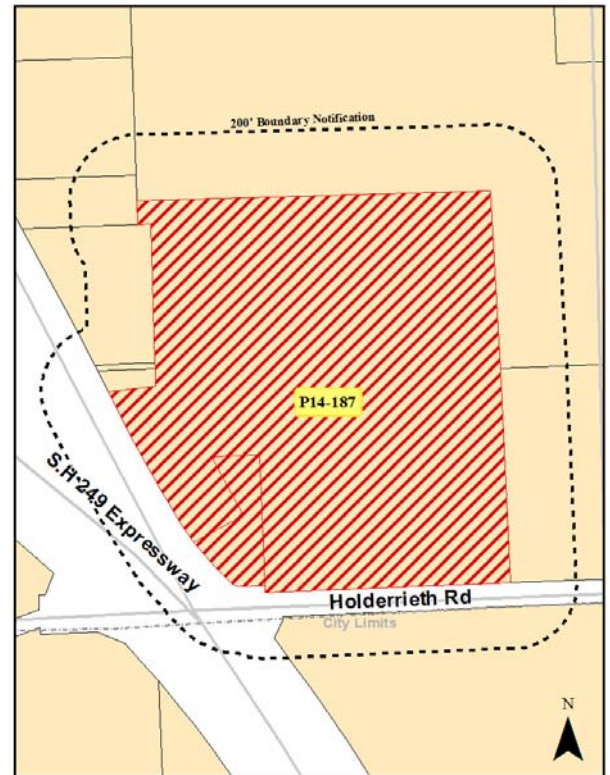
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@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 inspection Monday through Friday, holidays excepted, 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. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning & Zoning Commission
Public Hearing:
Monday, November 10, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, November 17, 2014, 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.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 10, 2014

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-218**: Request by the City of Tomball to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, generally located south of Brown-Hufsmith Road, east of Liberty Lane, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.

- Conduct a Public Hearing on **ZONING CASE P14-218**

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:

P14-218 NOPH

P14-218 Staff Report

P14-218 Property Owner Notification Letter

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 10, 2014
&
CITY COUNCIL
NOVEMBER 17, 2014**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 10, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 17, 2014, 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 P14-187: Request by Mark Kirkland, on behalf of Maple Group, Ltd. and Kenneth Lee, to amend the City's Zoning Ordinance by rezoning approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee; within the City of Tomball, Harris County, Texas; generally located north of Holderrieth Road, east of State Highway 249 Business; from the Commercial District to the Planned Development - 8 District to facilitate the construction of a multi-family and non-residential development.

ZONING CASE P14-217: Request by Russell Brown, on behalf of Joseph Family Limited Partnership, LTD, to amend the City's Zoning Ordinance by rezoning approximately 2 acres of land, legally described as Reserve A, Block 1, Pine Country of Tomball Section 2 Replat, within the City of Tomball, Harris County, Texas, generally located north of F.M. 2920, west of Tomball Cemetery Road, from the Agricultural District to the Single-Family Residential-9 District.

ZONING CASE P14-218: Request by the City of Tomball to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, generally located south of Brown-Hufsmith Road, east of Liberty Lane, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.

Persons interested in these cases 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 requests. Should the P&Z vote to table a decision/recommendation on these cases, the date and time of a future meeting will be specified and the City Council will not review the subject cases until such a decision/recommendation is forwarded to the City Council by the P&Z. The 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 Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@tomballtx.gov.

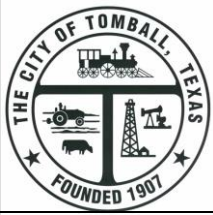
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of November 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.



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: November 10, 2014
City Council Public Hearing Date: November 17, 2014

Zoning Case: P14-218
Property Owner(s): James Purse
Applicant(s): City of Tomball
Legal Description: Lot 9, Block 1, Liberty Springs
Location: South of Brown Road, east of Liberty Lane (Exhibit "A")
Area: 1.04 acres
Present Zoning and Use: Planned Development-1 (PD-1) District (Exhibit "B") / Single-family residence (Exhibit "C")
Comp Plan Designation: Medium Density Residential (Exhibit "D")
Proposed Zoning and Use: Single-Family Estate Residential-20 (SF-20) District¹ / Single-family residence
Adjacent Zoning and Use:
North: General Retail (GR) District / Undeveloped land and Brown Road
South: SF-20 District/ Single-family residences
West: SF-20 and GR Districts / Liberty Lane, undeveloped land, and a single-family residence
East: Office and PD-1 Districts / Undeveloped land

BACKGROUND

On February 4, 2008, the City of Tomball zoned the subject site PD-1 District which is intended for office uses designed with a residential look. When the this zoning classification was assigned, neither a set of development standards nor a concept plan was adopted giving City staff a full understanding of what this district was intended to look like. There has been a single-family residence on the site since 1980, it has never been an office, and it is part of the Liberty Springs residential subdivision.

On October 1, 2014, the property owner contacted the City and asked what the PD-1 District means and what limitations this zoning designation placed on the property. City staff informed him that the only direction they have in regards to the intent, limitations, or required development standards for the PD-1 District is that it is intended for office uses

¹ Any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning and Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

designed with a residential look per the original zoning map adopted in February 2008. City staff informed him that this appeared to be an error in the zoning map and that they would be pursuing a request to rezone the property to the SF-20 District like the rest of Liberty Springs subdivision. Mr. Purse had no objection to the City's intention of rezoning the property to the SF-20 District. City staff received authorization from the City Manager to proceed with this City-initiated rezoning on October 2, 2014.

ANALYSIS

The applicant is requesting that the property be rezoned from the PD-1 District to the SF-20 District. According to Section 50-69 of the Code of Ordinances, the SF-20 District "is intended to provide for development of primarily very low-density detached, single-family residences on lots of not less than 20,000 square feet in size, churches, schools and public parks."

The two predominant land uses in the vicinity of the subject site are single-family residences and undeveloped land. To the north are undeveloped land and Brown Road; to the south are single-family residences; to the west are Liberty Lane, undeveloped land, and a single-family residence; and to the east is undeveloped land. The SF-20 District appears to be compatible with the surrounding land uses.

There are several zoning districts in the vicinity of the subject site. To the north is the GR District; to the south is the SF-20 District; to the west are the SF-20 and GR Districts; and to the east are the Office and PD-1 Districts. The SF-20 District appears to be compatible with the surrounding zoning districts.

The Comprehensive Plan (CP) designates the subject site as Medium Density Residential. According to the CP, Medium Density Residential "includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet." The SF-20 District appears to be compatible with the Medium Density Residential CP designation.

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 by the SF-20 District appear to be compatible with the surrounding land uses. Additionally, this rezoning will ensure that the zoning classification of this property is the same as the rest of Liberty Springs subdivision, which is zoned SF-20 district.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

- 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 limited vacant property in the vicinity zoned SF-20 District. However, there are numerous vacant tracts elsewhere in the City zoned SF-20 District.

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

There has been steady development City-wide in the SF-20 District.

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

If the proposed rezoning is approved, few, if any affects on other areas designated for similar developments are anticipated.

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

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 SF-20 District appears to be compatible with the Medium Density Residential CP designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 30, 2014. No public comment forms have been received as of November 4, 2014.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-218.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comprehensive Plan Map

Exhibit "A"
Aerial Photo

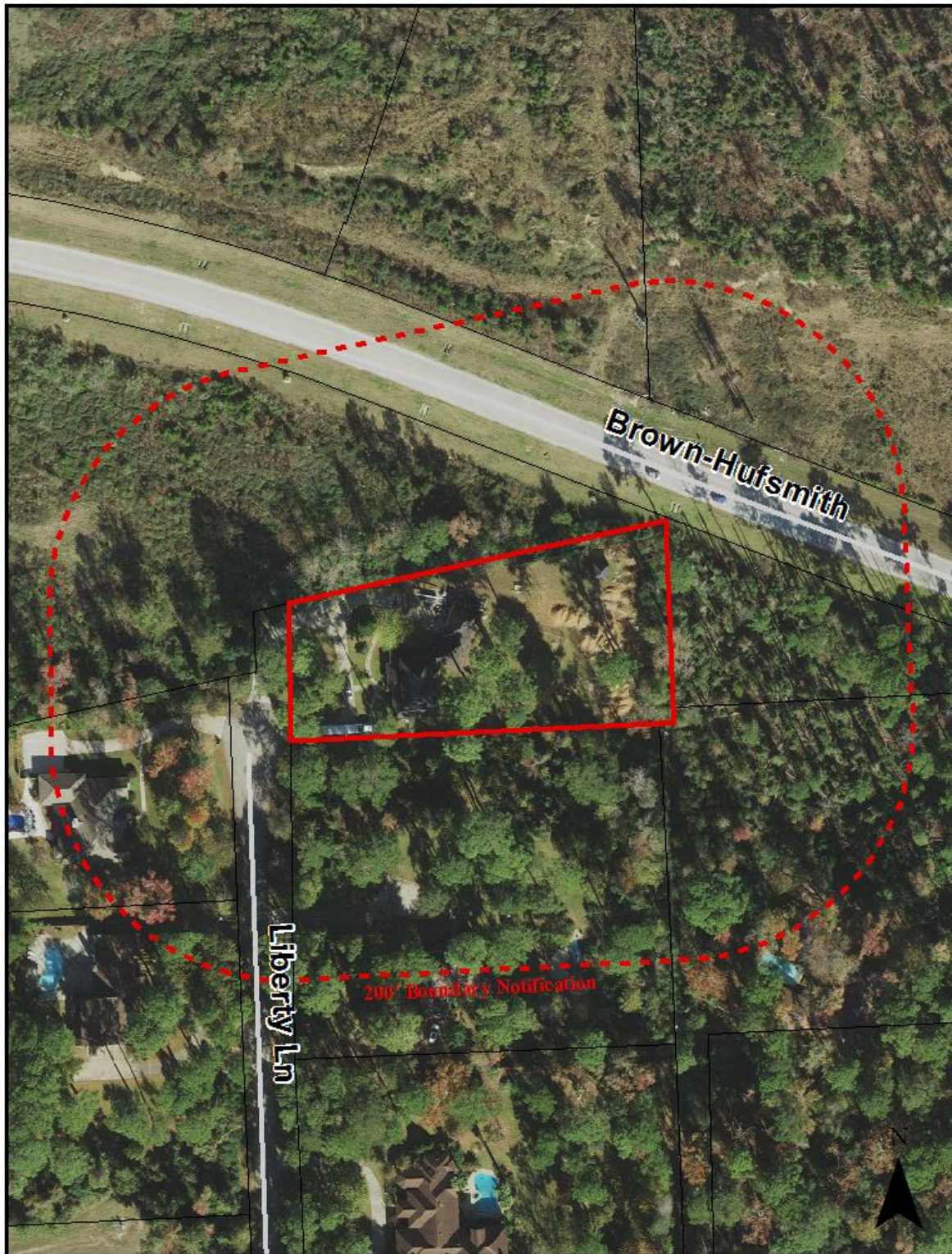
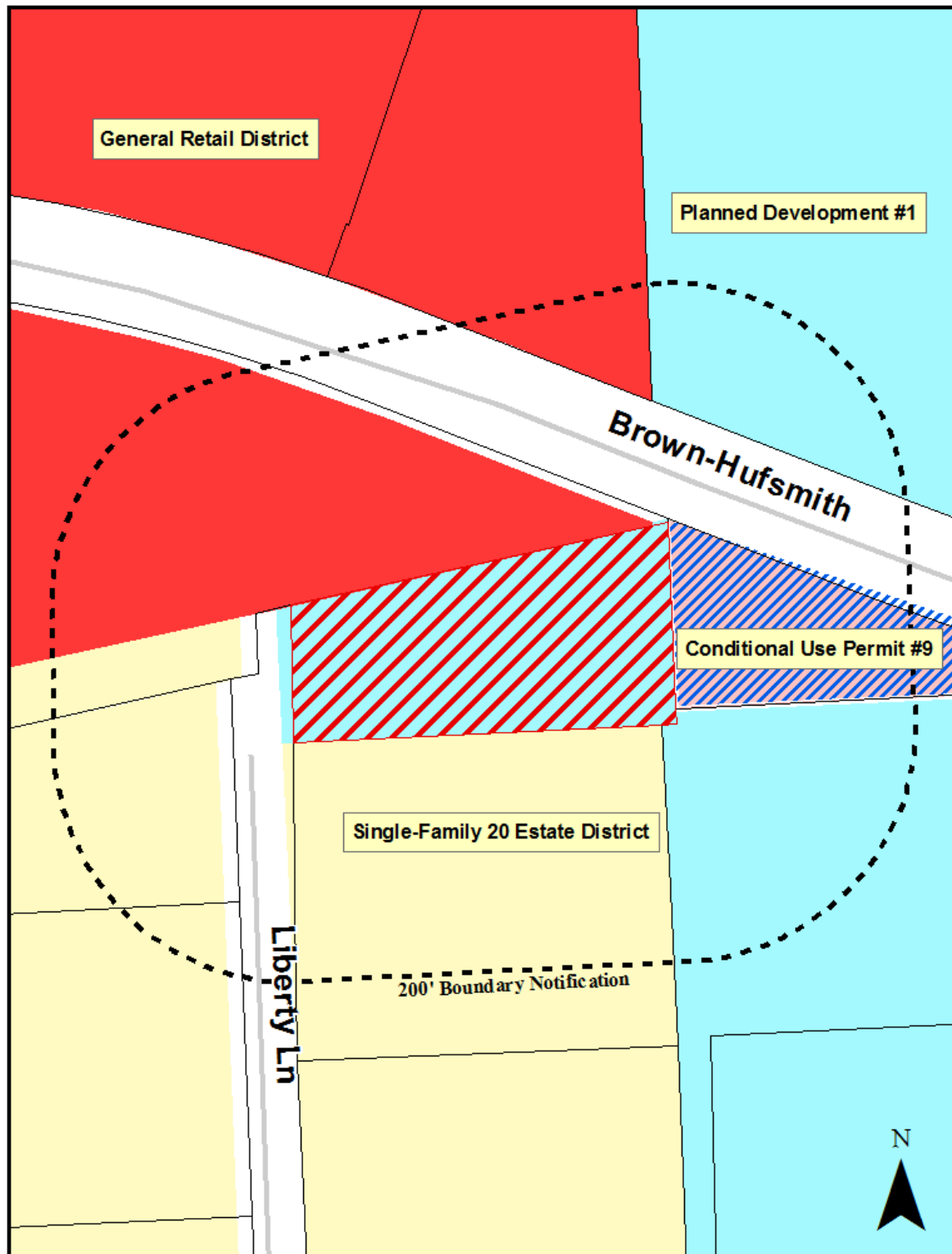


Exhibit "B"
Zoning Map

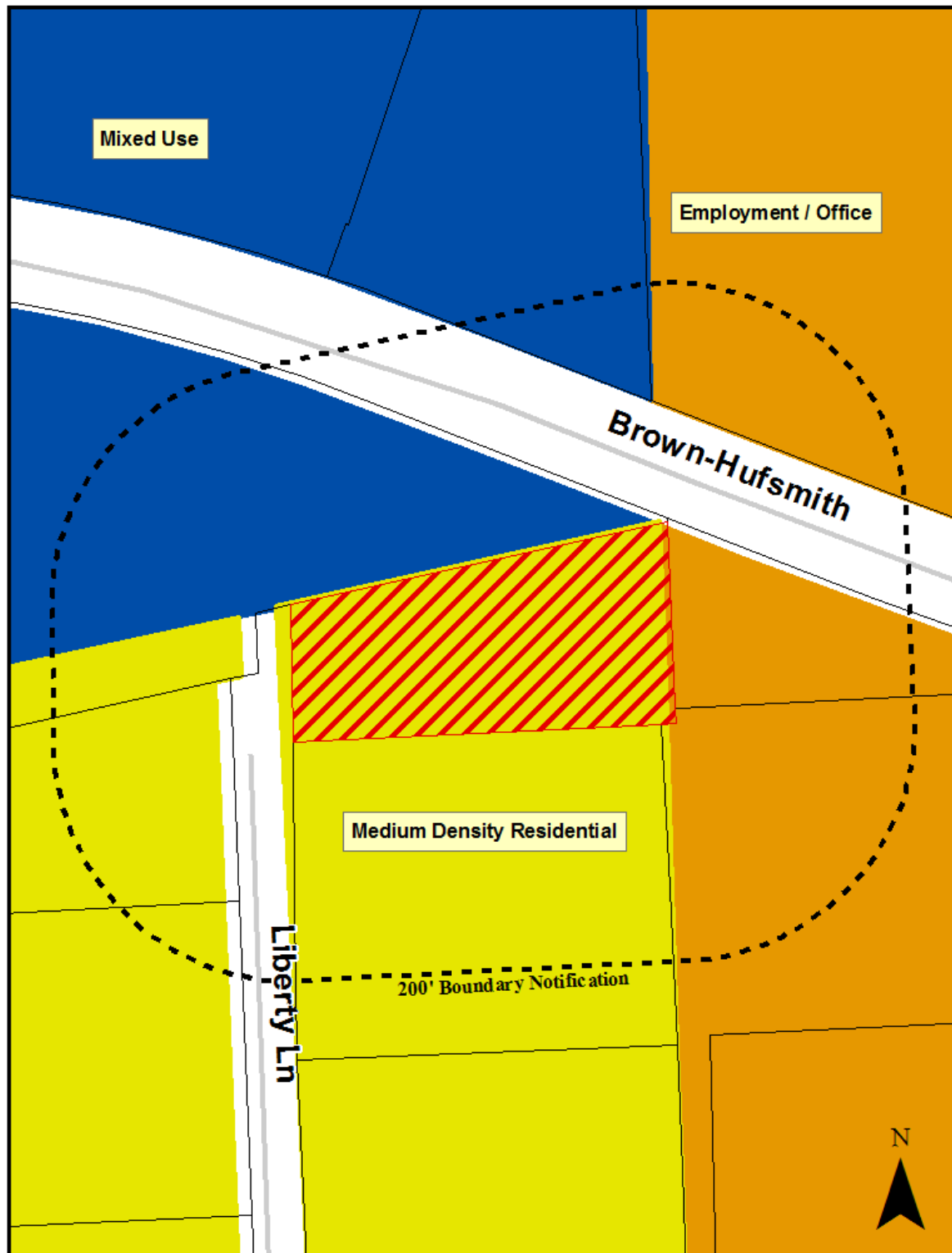


**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site.

Exhibit "D"
Comprehensive Plan Map





Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P14-218

APPLICANT: Request by the City of Tomball

LOCATION: South of Brown-Hufsmith Road, east of Liberty Lane

PROPOSAL: Request to amend the City's Zoning Ordinance by rezoning approximately 1.04 acres of land, legally described as Lot 9, Block 1, Liberty Springs, within the City of Tomball, Harris County, Texas, from the Planned Development-1 District to the Single-Family Estate Residential-20 District.

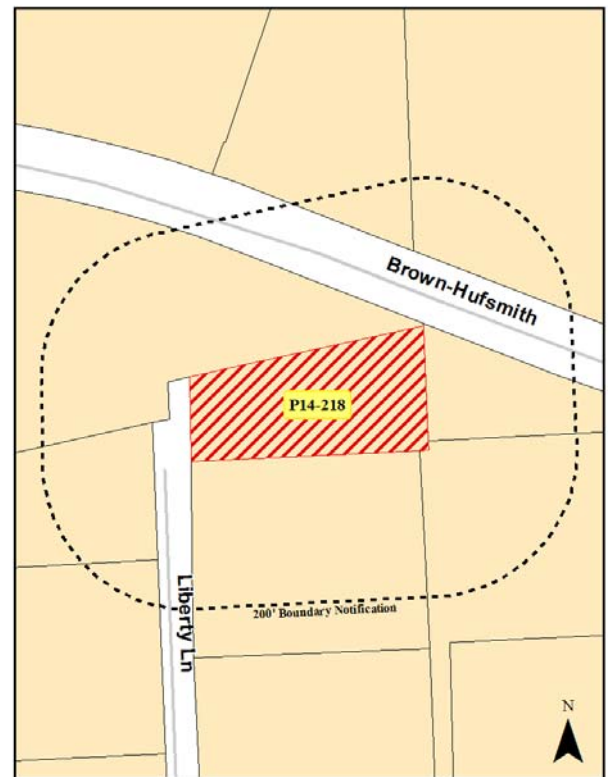
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

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