

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



MONDAY, AUGUST 11, 2014

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, August 11, 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 July 14, 2014.

5.0 New Business:

- 5.1 Consideration to approve **MERENCO ROAD PRELIMINARY PLAT**; Preliminary Plat of 1.7592 acres for Merenco Road out of the Sam Lewis, A-1704, City of Tomball, Harris County, Texas.
- 5.2 Consideration to approve **CABANAS**; A Subdivision of a 0.2410 acre tract; Being a Replat of Lots 42, 43 and 44, Block 68 of Revised Map of Tomball as recorded in Volume 4, Page 25, Harris County, Texas.
- 5.3 Consideration to approve **ZONING CASE P14-123**: Request by Bill Merriman, on behalf of Concordia Lutheran High School, to amend the City's Zoning Ordinance by rezoning approximately 39.4 acres of land, legally described as Reserve A, Block 1, North Harris County Concordia Lutheran High School and Tracts 4, 4A, 4B, and 5, Abstract 629, J. Pruitt; within the City of Tomball, Harris County, Texas; generally located southerly of East Main Street, northerly of Lizzie Lane, easterly of South Chestnut Street, and westerly of South Persimmon Street; from the General Retail and Single-Family Residential-6 Districts to the Planned Development - 7 District to facilitate the expansion of Concordia Lutheran High School.
 - Conduct a Public Hearing on **ZONING CASE P14-123**

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 8th day of August 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: August 11, 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: August 11, 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: August 11, 2014

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of July 14, 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:

Approval of Minutes

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

MONDAY, JULY 14, 2014



6:00 P.M.

1.0 Call to Order

The meeting was called to order by Chair Tague at 6:00 p.m. Other members present were:

Commissioner Torres
Commissioner Anderson
Commissioner Byrd
Commissioner Roquemore

Others present:

Director of Community Development – Craig Meyers
City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Assistant City Planner – Rodney Schmidt
Senior Administrative Assistant – Brandy Harbolt
City Attorney – Loren Smith

Draft

2.0 No Public Comments were received.

3.0 Reports or Announcements:

- Community Development Director, Craig Meyers announced the last meeting for Rebeca Guerra and Brandy Harbolt due to resignation, thanking them for their service to the City of Tomball.

4.0 Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of June 9, 2014.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve ALEXANDER ESTATES PRELIMINARY PLAT; A Subdivision of 70.3604 acres of land and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R. out of the Elizabeth Smith Survey, A-70, Harris County, Texas.**

Lori Lakatos, City Engineer presented comments and recommendations.

Motion was made by Commissioner Torres, second by Commissioner Byrd, to approve **ALEXANDER ESTATES PRELIMINARY PLAT**, with contingencies..

Motion carried unanimously, 5-0.

- 5.2 Consideration to approve **CAPPADONNA TRACTS**; A Subdivision of a 3.8897 acre tract; Being a Replat of Lot 1, Block 1 Stotts Tracts as recorded under Film Code No. 612089, Harris County Map Records situated in the Ralph Hubbard Survey A-383, Harris County, Texas.

Lori Lakatos, City Engineer presented comments and recommendations.

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **CAPPADONNA TRACTS**, with contingencies.

Motion carried unanimously, 5-0.

- 5.3 Consideration to approve **SECOND REPLAT OF MARTIN MARIETTA SUBDIVISION**; Being a Subdivision of 29.5011 acres and being a Replat of Martin Marietta Subdivision Replat recorded under Film Code No. 645043 Harris County Map Records situated in the William Hurd Survey, Abstract 371 and the Jesse Pruett Survey Abstract 629, City of Tomball, Harris County, Texas.

Lori Lakatos, City Engineer presented comments and recommendations.

Motion was made by Commissioner Byrd, second by Commissioner Roquemore, to approve **SECOND REPLAT OF MARTIN MARIETTA SUBDIVISION**, with contingencies.

Motion carried unanimously, 5-0.

- 5.4 Consideration to approve **VALUE BANK MAIN STREET - TOMBALL**; A Subdivision of 0.6322 acres out of Lots 1, 2, 3, and 14, Block 7 Main Street Addition, Volume 15, Page 43 HCMR Joseph House Survey, A-34, Tomball, Harris County, Texas.

Lori Lakatos, City Engineer presented comments and recommendations.

Motion was made by Commissioner Torres, second by Commissioner Anderson, to approve **VALUE BANK MAIN STREET - TOMBALL**, with contingencies.

Motion carried unanimously, 5-0.

- 5.5 Consideration to approve **LIVE OAK CENTER**; A Subdivision of land containing 0.3335 acre, more or less, being a Replat of all of Lot 4, the adjoining 3.30 feet of Lot 3, and the adjoining south 10' of a 200' wide alley, in Block 10, of Main Street Addition, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 15, Page 43 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 **LIVE OAK CENTER**, with contingencies.

Motion carried unanimously, 5-0.

- 5.6 Consideration to approve **COMPREHENSIVE PLAN CASE P14-087**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Street, north of East Hufsmith Road, from Low Density Residential to Commercial.

Rebeca Guerra, City Planner presented the staff report.

Applicant/Owner, Nancy Gomez spoke on behalf of the request.

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

Tommy Breaux, resident of 1502 Rudolph Rd. spoke in opposition of the request.

Don Garrett, resident of 1510 Rudolph Rd. spoke in opposition of the request.

Applicant/Owner, Nancy Gomez provided a rebuttal in regards to the opposition.

Hearing no additional comments, the Public Hearing was closed at 6:23 p.m.

Motion was made by Commissioner Byrd to approve **COMPREHENSIVE PLAN CASE P14-087**; second by Commissioner Roquemore.

Motion FAILED; 5 votes Nay, 0 votes Aye.

- 5.7 Consideration to approve **ZONING CASE P14-088**: Request by Nancy Gomez, on behalf of Nancy Gomez Revocable Living Trust, to amend the City's Zoning Ordinance by rezoning approximately 2.46 acres of land, legally described as Tract 42B, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located between Ulrich Road and Rudolph Road, north of East Hufsmith Road, from the Single-Family Estate Residential-20 District to the Commercial District.

Rebeca Guerra, City Planner presented the staff report.

Applicant/Owner, Nancy Gomez spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:36 p.m.

Tommy Breaux, resident of 1502 Rudolph Rd. spoke in opposition of the request.

Opposition forms from Mr. Tommy Breaux and Mr. Don Garrett were read into the record.

Hearing no additional comments, the Public Hearing was closed at 6:38 p.m.

Motion was made by Commissioner Torres to approve **ZONING CASE P14-088**; second by Commissioner Anderson.

Motion FAILED; 5 votes Nay, 0 votes Aye.

- 5.8 Consideration to approve **ZONING CASE P14-109**: Request by Steven Vaughan, on behalf of Keary Barnes, to amend the City's Zoning Ordinance by rezoning approximately .68 acres of land, legally described as Lots 1, 2, 3, and 14, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located west of Lawrence Avenue, south of West Main Street, from the Commercial District & Old Town and Mixed Use District to the Commercial District.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Steven Vaughn spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:43 p.m.

Hearing no additional comments, the Public Hearing was closed at 6:43 p.m.

Motion was made by Commissioner Byrd to approve **ZONING CASE P14-109**; second by Commissioner Torres.

Motion Carried; 5 votes Aye, 0 votes Nay.

- 5.9 Consideration to approve **COMPREHENSIVE PLAN CASE P14-118**: Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC., to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from Rural Residential & Business/Industrial to Medium Density Residential.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Harold Ellis and Doug Eibsen spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:51 p.m.

Hearing no additional comments, the Public Hearing was closed at 6:51 p.m.

Motion was made by Commissioner Torres to approve **COMPREHENSIVE PLAN CASE P14-118**; second by Commissioner Anderson.

Motion Carried; 5 votes Aye, 0 votes Nay.

- 5.10 Consideration to approve **ZONING CASE P14-102**: Request by Harold Ellis, on behalf of BCDE, LTD. and Eibsen & Associates, INC., to amend the City's Zoning Ordinance by rezoning approximately 70.36 acres of land, legally described as all of proposed Alexander Estates Subdivision and being a partial Replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R out of the Elizabeth Smith Survey, A-70 Harris County, Texas, within the City of Tomball, Harris County, Texas, generally located east of Hufsmith-Kohrville Road, north of Spell Road, from the Agricultural District to the Single-Family Residential-9 District.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Harold Ellis spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 7:01 p.m.

Skip Fortune of 11011 Spell Rd. expressed concerns about traffic, no problems with zoning.

Hearing no additional comments, the Public Hearing was closed at 7:03 p.m.

Motion was made by Commissioner Roquemore to approve **ZONING CASE P14-102**; second by Commissioner Byrd.

Motion Carried; 5 votes Aye, 0 votes Nay.

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

Motion carried unanimously, 5-0.

Meeting adjourned at 7:06 p.m.

PASSED AND APPROVED this 11th day of August 2014.

Doris Speer
City Secretary

Barbara Tague
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: August 11, 2014

Data Sheet

Topic:

Consideration to approve **MERENCO ROAD PRELIMINARY PLAT**; Preliminary Plat of 1.7592 acres for Merenco Road out of the Sam Lewis, A-1704, City o Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

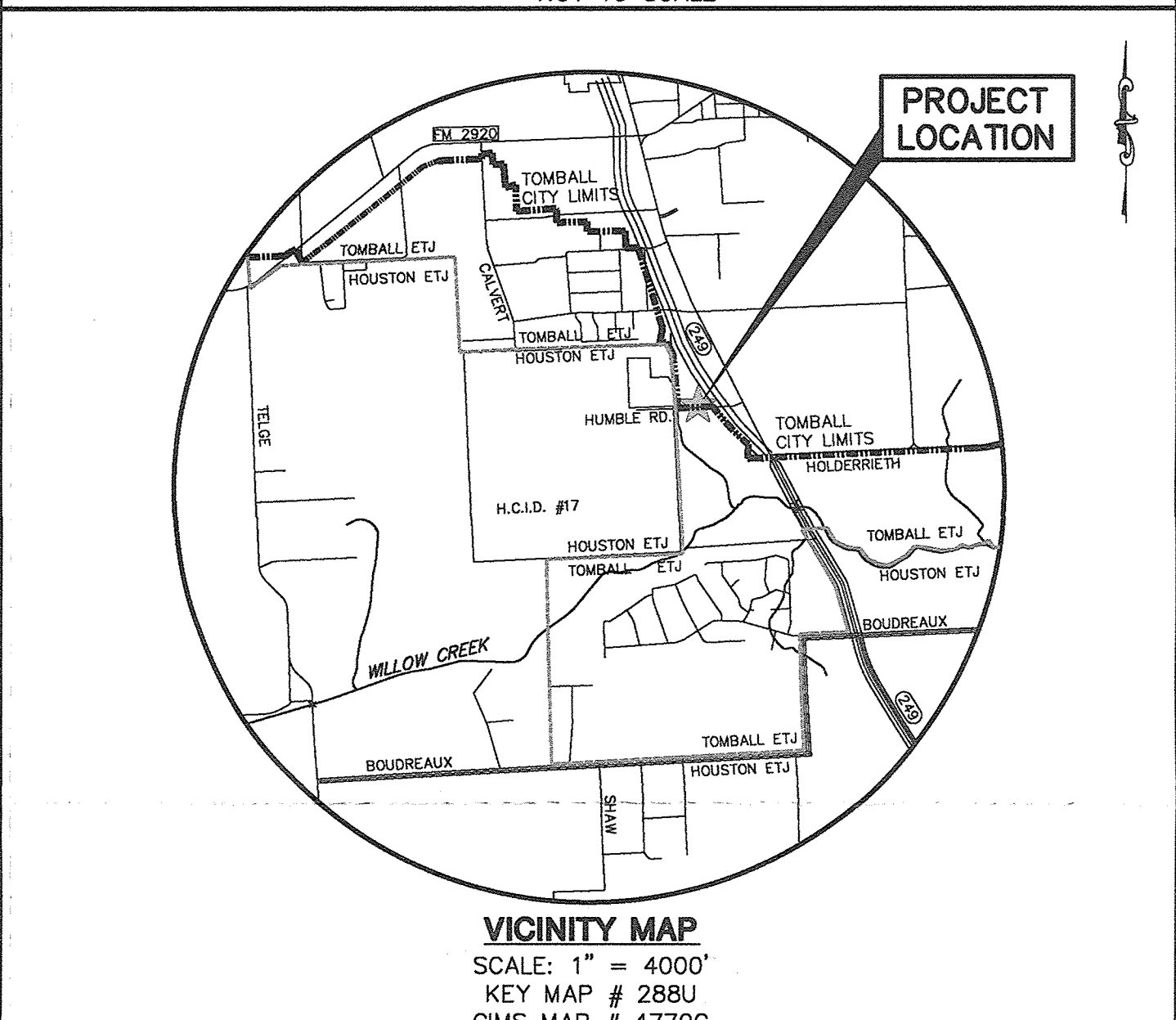
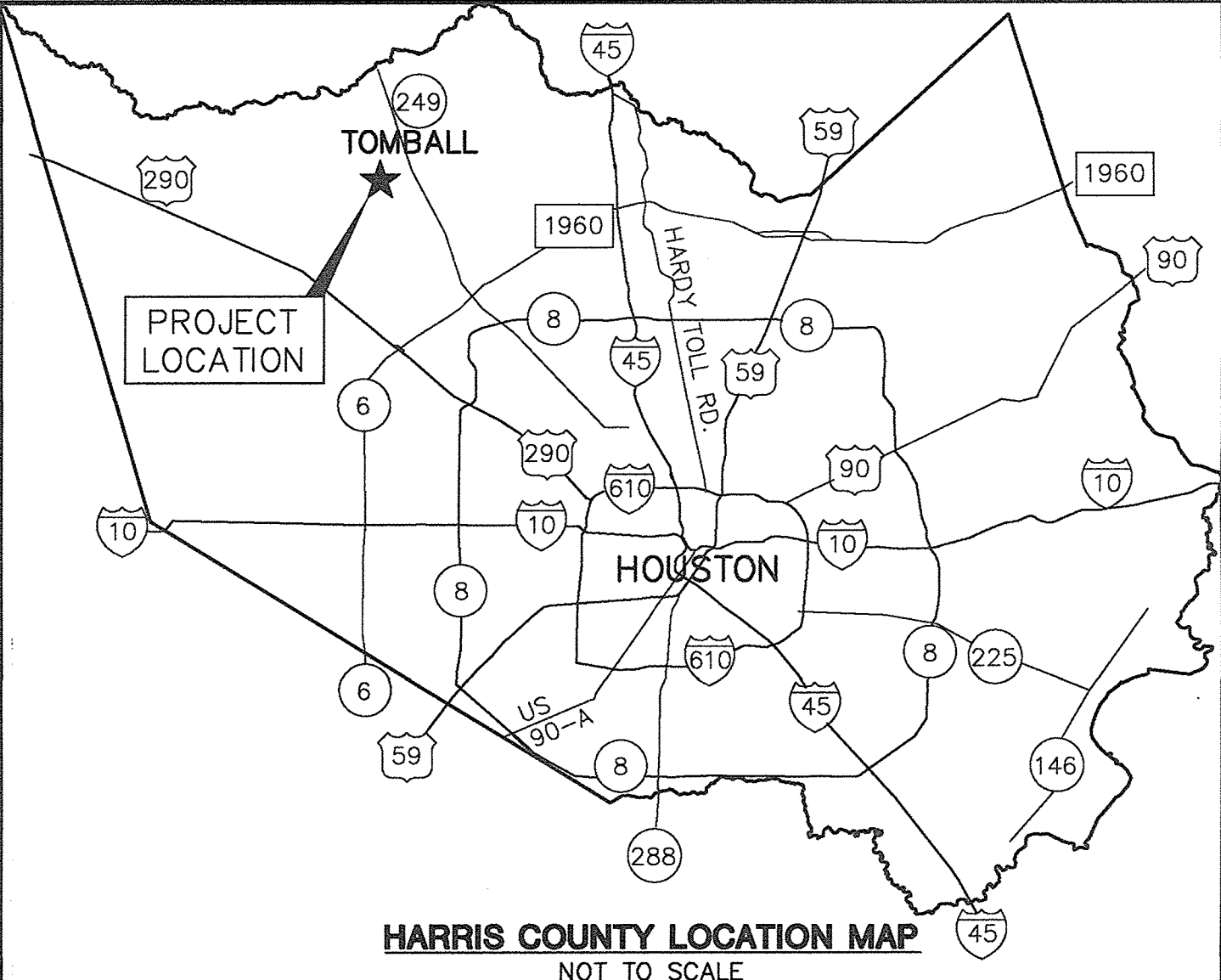
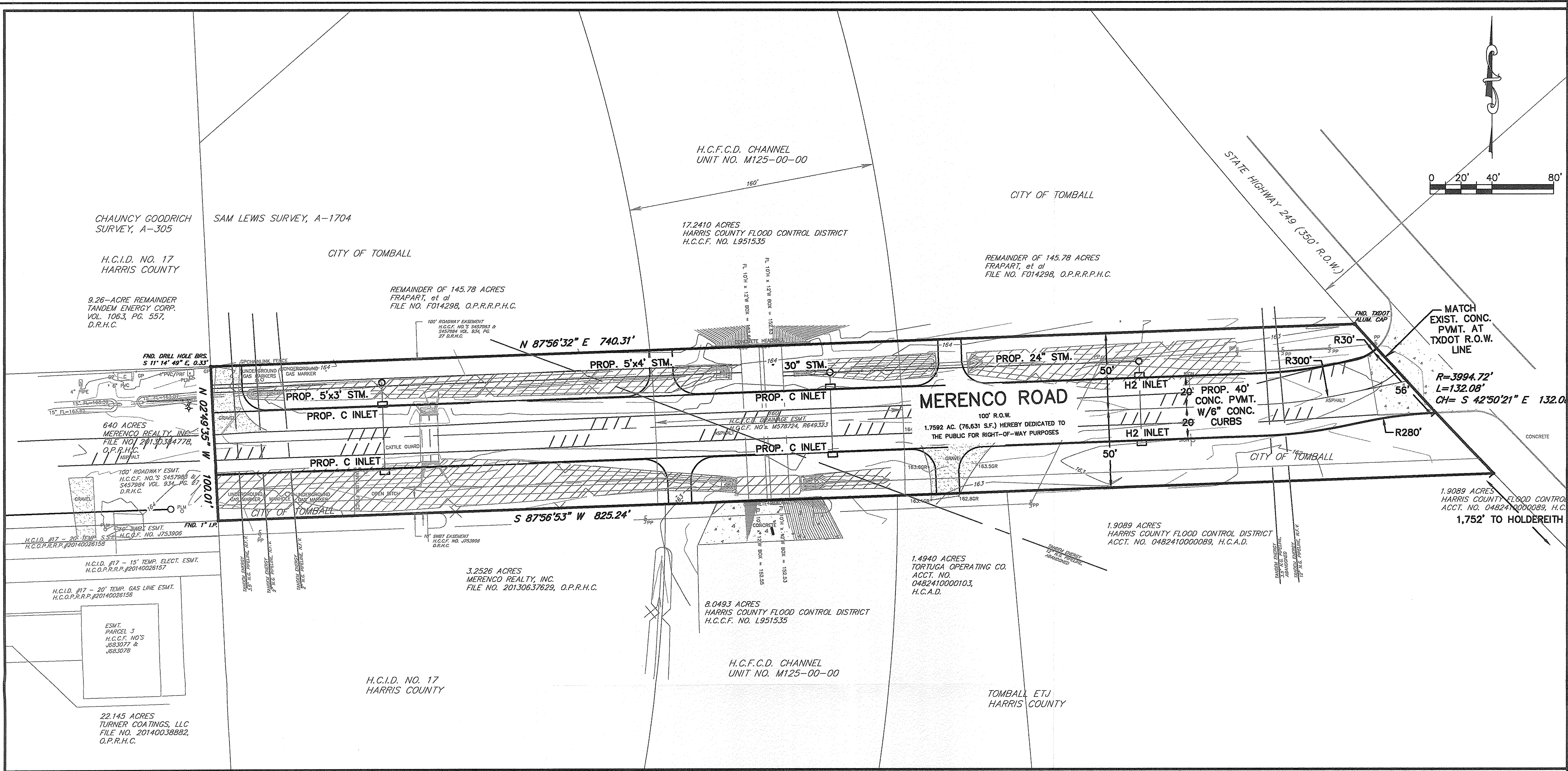
Party(ies) responsible for placing this item on agenda:

Community Development

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

ATTACHMENTS:

Merenco Preliminary Plat



DESCRIPTION

1.7592 acres of land situated in the Sam Lewis Survey, Abstract Number 1704, Harris County, Texas, being a portion of that certain called 2.65 acres of land described in deed and recorded under Volume 934, Page 27, of the Deed Records of Harris County, Texas, said 1.7592 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at the Northwest corner of said 2.65 acre tract, the Southeast corner of that certain called 9.26 acres of land described in deed and recorded under Volume 1063, Page 557 of the Deed Records of Harris County, Texas, and an Easterly corner of that certain called 640 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File Number 20130384778, being in the Westerly line of said Sam Lewis Survey and the Easterly line of the Chauncey Goodrich Survey, Abstract Number 305, Harris County, Texas, from which a found drill hole bears S 11°14'49" E, 0.33 feet;

Thence, N 87°56'32" E, along the Northerly line of said 2.65 acre tract, a distance of 740.31 feet to a TX DOT aluminum cap found in the Westerly right-of-way line of State Highway 249, (called 350 foot right-of-way) for a point of non-tangent curvature to the left;

Thence, in a Southeasterly direction along the Westerly right-of-way line of said State Highway 249, with said curve to the left, having a central angle of 01°53'40", a radius of 3994.72 feet, an arc length of 132.08 feet, a chord bearing of S 42°50'21" E and a chord distance of 132.08 feet to a point for corner;

Thence, S 87°56'53" W, along the Southerly line of said 2.65 acre tract, a distance of 825.24 feet, to a 1 inch iron pipe found in the Easterly line of said Chauncey Goodrich Survey and the Westerly line of said Sam Lewis Survey for the Southwest corner of said 2.65 acre tract;

Thence, N 02°49'35" W, a distance of 100.01 feet to the POINT OF BEGINNING and containing 1.7592 acres of land.

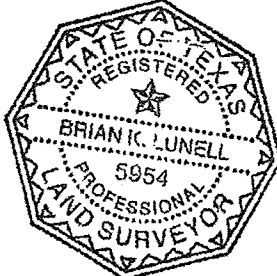
BEARING ORIENTATION BASED ON TEXAS STATE PLANE COORDINATE GRID SYSTEM OF 1983 (SOUTH CENTRAL ZONE NO. 4204), DERIVED FROM CORS SITE ROD1.

HOVIS SURVEYING COMPANY, INC.

TEXAS FIRM REGISTRATION NO. 10030400

By: *B. K. L.*

Date: April 1, 2014
Job No: 02-025-102
File No: A02-025.101D



NOTES:

Public Easements:

Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to the property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:

According to FEMA Firm Panel No. 480287 0210 L for Harris County, Texas dated June 18, 2007 this property is in unshaded Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

Note 1:

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

Note 2:

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

Note 3:

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

Note 4:

This plat does not attempt to amend or remove any valid covenants or restrictions.

Note 5:

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

LEGEND:

D.R.H.C. = DEED RECORDS OF HARRIS COUNTY
F.C. NO. = FILM CODE NUMBER
H.C.C.F. NO. = HARRIS COUNTY CLERK'S FILE NUMBER
M.R.H.C. = MAP RECORDS OF HARRIS COUNTY
O.P.R.H.C. = OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY
O.P.R.R.P.H.C. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY

BENCHMARK:

ELEVATIONS SHOWN HEREON BASED ON HARRIS COUNTY FLOODPLAIN REFERENCE MARK NO. 050480, BEING A BRASS DISC STAMPED "050480" ON BRIDGE AT FALLBROOK AND ET41-00-00 LOCATED ON UPSTREAM SIDEWALL, EAST OF STREAM CENTERLINE ON NORTH SIDE OF WESTBOUND ROAD.

ELEV. = 116.13 FEET ABOVE MEAN SEA LEVEL, N.A.V.D. 1988, 2001 ADJUSTMENT.

TEMPORARY BENCHMARK:

T.B.M. "A"
STM. SWR. CURB INLET
T.C.=114.28
THROAT=113.41
FL=109.53

T.B.M. "B"
STM. SWR. CURB INLET
T.C.=114.23
THROAT=113.33
FL=109.48

NOTE:

Bearing orientation based on Texas State Plane Coordinate Grid System of 1983 (South Central Zone No. 4204), Derived from CORS site ROD1.

PRELIMINARY PLAT
OF 17592 ACRES FOR
MERENCO ROAD
OUT OF THE SAM LEWIS, A-1704
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS

ENGINEER: **LANDEV**
Engineers

1704 Seamount Drive
Suite 410
Houston, TX 77058
Office: 713.669.2402
Fax: 713.669.2401
TSPS Reg. No. F-4397

OWNER: **TANDEM ENERGY CORPORATION**
2700 POST OAK BLVD., STE. 1000
Houston, TX 77056-5778

LANDEV NUMBER:
70120

DATE:
AUGUST 1, 2014

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: August 11, 2014

Data Sheet

Topic:

Consideration to approve CABANAS; A Subdivision of a 0.2410 acre tract; Being a Replat of Lots 42, 43 and 44, Block 68 of Revised Map of Tomball as recorded in Volume 4, Page 25, Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

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

Community Development Department

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

ATTACHMENTS:

Cabanas Replat

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, URBANO CABANAS AND ANTONIA CABANAS, OWNERS, HEREINAFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 0.2410 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF CABANAS, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE ON THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET (5') IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS (1-3/4) SQUARE FEET (18" DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

WITNESS OUR HANDS IN THE CITY OF TOMBALL, TEXAS, THIS _____ DAY OF _____, 2014.

BY: _____ BY: _____
URBANO CABANAS, OWNER ANTONIA CABANAS, OWNER

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITIES, ON THIS DAY PERSONALLY APPEARED URBANO CABANAS AND ANTONIA CABANAS, OWNERS, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

PRINT NAME: _____

MY COMMISSION EXPIRES: _____

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: _____ BY: _____
GEORGE SHACKELFORD, CITY MANAGER LORI LAKATOS, P.E., CFM, CITY ENGINEER

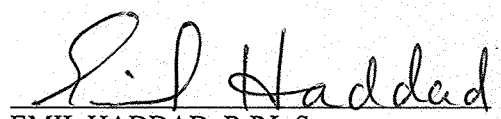
THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING & ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014.

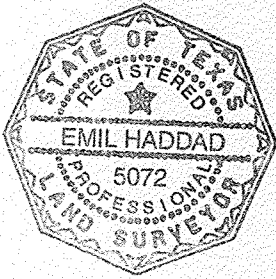
BY: _____ BY: _____
GRETCHEN FAGAN, MAYOR DORIS SPEER, CITY SECRETARY

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF CABANAS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014.

BY: _____ BY: _____
BARBARA TAGUE, CHAIRMAN DARRELL ROQUEMORE, VICE CHAIRMAN

I, EMIL HADDAD, 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, EXCEPT AS SHOWN, ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTER INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'); AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.


EMIL HADDAD, R.P.L.S.
TEXAS REGISTRATION NO. 5072

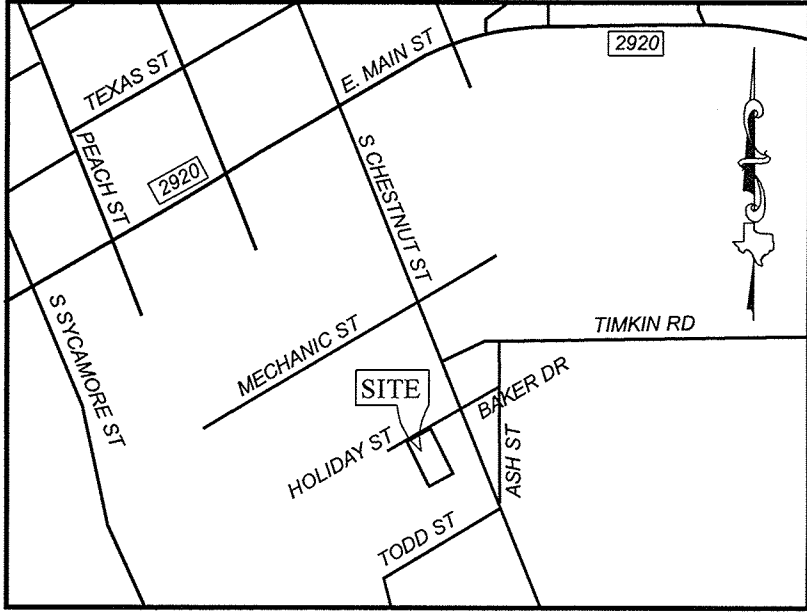
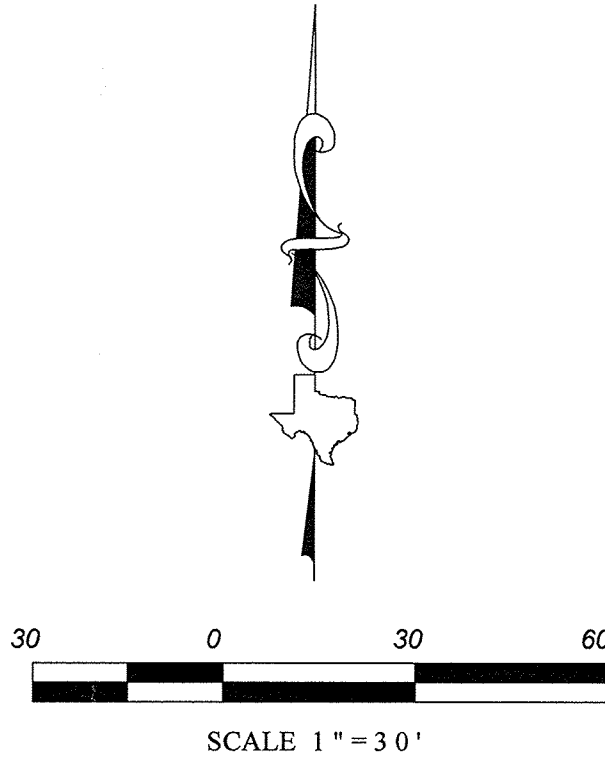


I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 2014, AT _____ O'CLOCK _____ M., AND DULY RECORDED ON _____, 2014, AT _____ O'CLOCK _____ M., AND AT FILM CODE NO. _____ OF THE MAP RECORDS OF HARRIS COUNTY, FOR SAID COUNTY.

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

STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY



VICINITY MAP
NOT TO SCALE
KEY MAP 288H

CABANAS

A SUBDIVISION OF A 0.2410 ACRE TRACT,
10,499.99 SQUARE FEET,
BEING A REPLAT OF LOTS 42, 43 AND 44, BLOCK 68
OF REVISED MAP OF TOMBALL
AS RECORDED IN
VOLUME 4, PAGE 25,
HARRIS COUNTY, TEXAS

CONTAINING
1 LOT 1 BLOCK
(REASON FOR REPLAT TO COMBINE 3 LOTS INTO 1 LOT)
AUGUST 2014

OWNER

URBANO CABANAS AND ANTONIA CABANAS
16402 HUFFMEISTER ROAD
CYPRESS, TEXAS 77429
TEL: (832) 858 - 2060

SURVEYOR

E.I.C. SURVEYING COMPANY
12345 JONES ROAD # 270
HOUSTON, TEXAS 77070
TEL: (281) 955 - 2772

LEGEND NOTES

- | | |
|--------------|--|
| 1. B.L. | Indicates " Building Line " |
| 2. U.E. | Indicates " Utility Easement " |
| 3. R.O.W. | Indicates " Right-of Way " |
| 4. AC. | Indicates " Acre " |
| 5. SQ.FT. | Indicates " Square Foot " |
| 6. Vol. | Indicates " Volume " |
| 7. Pg. | Indicates " Page " |
| 8. I.R. | Indicates " Iron Rod " |
| 9. H.C.M.R. | Indicates " Harris County Map Records " |
| 10. H.C.D.R. | Indicates " Harris County Deed Records " |
| 11. F.C. NO. | Indicates " Film Code Number " |

GENERAL NOTES

- Public easements donated 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 it's respective systems on any of the easements shown on this plat. Neither the city of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to FEMA Firm Panel No. 4803150230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- 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.
- All oil/gas wells with ownership (plugged, abandoned, and/or Active) throughout the subdivision have been shown.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: August 11, 2014

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-123**: Request by Bill Merriman, on behalf of Concordia Lutheran High School, to amend the City's Zoning Ordinance by rezoning approximately 39.4 acres of land, legally described as Reserve A, Block 1, North Harris County Concordia Lutheran High School and Tracts 4, 4A, 4B, and 5, Abstract 629, J. Pruitt; within the City of Tomball, Harris County, Texas; generally located southerly of East Main Street, northerly of Lizzie Lane, easterly of South Chestnut Street, and westerly of South Persimmon Street; from the General Retail and Single-Family Residential-6 Districts to the Planned Development - 7 District to facilitate the expansion of Concordia Lutheran High School.

- Conduct a Public Hearing on **ZONING CASE P14-123**

Background:

Origination:

Recommendation:

Funding:

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

Community Development Department

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

ATTACHMENTS:

Public of Hearing Notice

Property Owner Notification Letter

P14-123 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
AUGUST 11, 2014
&
CITY COUNCIL
AUGUST 18, 2014**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, August 11, 2014, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, August 18, 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 Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P14-123: Request by Bill Merriman, on behalf of Concordia Lutheran High School, to amend the City's Zoning Ordinance by rezoning approximately 39.4 acres of land, legally described as Reserve A, Block 1, North Harris County Concordia Lutheran High School and Tracts 4, 4A, 4B, and 5, Abstract 629, J. Pruitt; within the City of Tomball, Harris County, Texas; generally located southerly of East Main Street, northerly of Lizzie Lane, easterly of South Chestnut Street, and westerly of South Persimmon Street; from the General Retail and Single-Family Residential-6 Districts to the Planned Development - 7 District to facilitate the expansion of Concordia Lutheran High School.

Persons interested in this case will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on this case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is 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.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 8th day of August 2014 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Craig Meyers

Craig Meyers

Director of Community Development

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.



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: P14-123

APPLICANT: Bill Merriman, on behalf of Concordia Lutheran High School

LOCATION: Southerly of East Main Street, northerly of Lizzie Lane, easterly of South Chestnut Street, and westerly of South Persimmon Street

PROPOSAL: Request to amend the City's Zoning Ordinance by rezoning approximately 39.4 acres of land, legally described as Reserve A, Block 1, North Harris County Concordia Lutheran High School and Tracts 4, 4A, 4B, and 5, Abstract 629, J. Pruitt, within the City of Tomball, Harris County, Texas, from the General Retail and Single-Family Residential-6 Districts to the Planned Development - 7 District to facilitate the expansion of Concordia Lutheran High School.

* * *

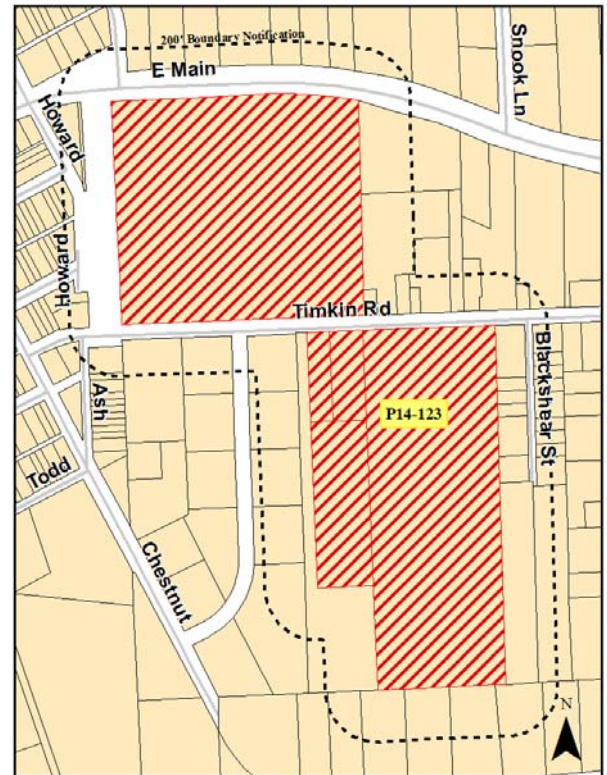
CONTACT: Rodney Schmidt

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.

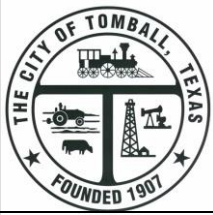


**Planning & Zoning Commission
Public Hearing:
Monday, August 11, 2014, 6:00 PM**

**City Council Public Hearing:
*Monday, August 18, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: August 11, 2014

Rezoning Case: P14-123

Property Owner(s): Concordia Lutheran High School

Applicant(s): Bill Merriman

Legal Description: Reserve A, Block 1, North Harris County Concordia Lutheran High School and Tracts 4, 4A, 4B, and 5, Abstract 629, J. Pruitt

Location: Southerly of East Main Street, northerly of Lizzie Lane, easterly of South Chestnut Street, and westerly of South Persimmon Street (Exhibit "A")

Area: 39.4 acres

Present Zoning and Use: General Retail (GR) and Single-Family Residential-6 (SF-6) Districts (Exhibit "B") / Concordia Lutheran High School

Comp Plan Designation: Employment/Office and Medium Density Residential (Exhibit "C")

Proposed Zoning and Use: Planned Development #7 (PD-7) District / Expansion of Concordia Lutheran High School

Adjacent Zoning & Land Uses:

- **North:** GR and Old Town & Mixed Use (OTMU) Districts / F.M. 2920 right-of-way (ROW), vacant land, various commercial uses, and the entrance to Good Shepherd Episcopal Church
- **South:** SF-6 District / Vacant land and single-family residences
- **West:** GR, OTMU, SF-6, and PD-3 Districts / Harris County Flood Control ditch, welding supply shop, vacant land, duplexes, Chestnut Business Park, and a self-storage facility
- **East:** SF-6 and GR Districts / Blackshear Street ROW, single-family residences, and vacant land

BACKGROUND

On May 28, 2013, City staff met with the applicant and property owner to discuss the expansion of Concordia Lutheran High School. They indicated their desire to construct multiple new buildings, add on to several of their existing buildings, create new parking areas, update their athletic facilities, and make numerous other site improvements. At this meeting, City staff informed them of the following:

- The southern property (Tracts 4, 4A, 4B, and 5) is comprised of multiple lots and would need to be replatted into one overall tract before the proposed improvements could receive site plan and building permit approval.
- The property has Comprehensive Plan designations of Employment/Office (Reserve A) and Medium Density Residential (Tracts 4, 4A, 4B, and 5) which are consistent with the proposed expansion.
- The property has zoning classifications of GR (Reserve A) and SF-6 (Tracts 4, 4A, 4B, and 5) Districts.
- The “School – Public or Denominational” use is permitted by right in both the GR and SF-6 Districts and would be permitted to expand.
- Because the southern property (Tracts 4, 4A, 4B, and 5) is zoned SF-6, Section 43.4 of the Zoning Ordinance requires that “Any nonresidential use which may be permitted in a residential zoning district shall conform to the O, Office district standards...”
- If the applicant wanted to develop under one set of zoning standards instead of two, they could request the entire property be rezoned. However, staff informed the applicant that rezoning the southern property to the GR District would be inconsistent with the Medium Density Residential Comprehensive Plan designation and rezoning the northern property to the SF-6 District would be inconsistent with the Employment/Office Comprehensive Plan designation.
- Another option that was discussed was the possibility of requesting a PD District because they are proposing to have multiple land uses operating at the site: “School – Public or Denominational,” “Church/Temple/Place of Worship,” and “Playfield or Stadium (Private).”

On June 16, 2014, the City received a PD (Exhibit “D”) application from the applicant and property owner along with a concept plan and development standards.

ANALYSIS

The concept plan (Exhibit “E”) indicates that multiple new buildings will be constructed, several existing buildings will be expanded, new parking and drive aisles will be established, numerous new athletic facilities will be constructed, the site will be heavily landscaped, screening and buffering mechanism will be utilized, and numerous other site improvements. Additionally, the proposed development standards (Exhibit “F”) appear to allow the property owner to effectively use their property while protecting the public’s health, safety, and welfare. Examples of this include:

- Limiting the land uses to only “School – Public or Denominational,” “Church/Temple/Place of Worship,” and “Playfield or Stadium (Private).”
- Establishing minimum lot area, depth, and width standards that are much larger than the minimum requirements of the GR and SF-6 Districts.

- Requiring the major building materials to be masonry when the Zoning Ordinance does not have building material standards for the GR or SF-6 Districts.
- Establishing screening, buffering, and lighting standards in excess of the City of Tomball's regulations.

There are a number of land uses in the area. To the north of the subject site are F.M. 2920 ROW, vacant land, various commercial uses, and the entrance to Good Shepherd Episcopal Church; to the south are vacant land and single-family residences; to the west are a Harris County Flood Control ditch, a welding supply shop, vacant land, duplexes, Chestnut Business Park, and a self-storage facility; and to the east are Blackshear Street ROW, single-family residences, and vacant land (Exhibit "G"). Although there are single- and two-family residential uses in the vicinity of the subject site, the concept plan and development standards proposed for this development appear to minimize land use incompatibilities.

There are a number of zoning districts in the area. To the north are the GR and OTMU Districts; to the south is the SF-6 District; to the west are the GR, OTMU, SF-6, and PD-3 Districts; and to the east are the SF-6 and GR Districts. A Planned Development District "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, 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." Although there are single-family residential districts in the vicinity of the subject site, the concept plan and development standards proposed for this development appear to minimize zoning district incompatibilities.

The Comprehensive Plan identifies the site as "Employment/Office" (Reserve A) and "Medium Density Residential" (Tracts 4, 4A, 4B, and 5). According to the Comprehensive Plan, "Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations." Additionally, "Medium Density Residential includes suburban-type development that is intended to be single family detached residential development. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City." The proposed rezoning to a mixed use Planned Development District appears to be consistent with the "Employment/Office" and "Medium Density Residential" classifications.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning & Zoning Commission 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.**

Although there are multiple single-family residential uses and residentially zoned properties in the vicinity, the concept plan and development standards proposed for this development appear to minimize land use incompatibilities.

- 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 public schools, streets, water supply, sanitary sewers, or 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 other tracts, vacant or occupied, in the vicinity or elsewhere in the City zoned PD District intended for the same purpose as proposed by the applicant.

- 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 PD District 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 zoning change were approved, there should be few if any affects on other areas designated for similar developments.

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

The proposed zone change is not anticipated to substantially affect the public health, safety, morals, or general welfare.

- G. Whether the request is consistent with the Comprehensive Plan.**

The proposed rezoning to a mixed use PD District appears to be consistent with the “Employment/Office” and “Medium Density Residential” classifications.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on July 29, 2014. One public comment form was received in support of the request as of August 6, 2014 (Exhibit “H”).

RECOMMENDATION

Based on the findings outlined in the analysis and zoning consideration sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P14-123.

EXHIBITS

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

Exhibit "A"
Aerial Photo

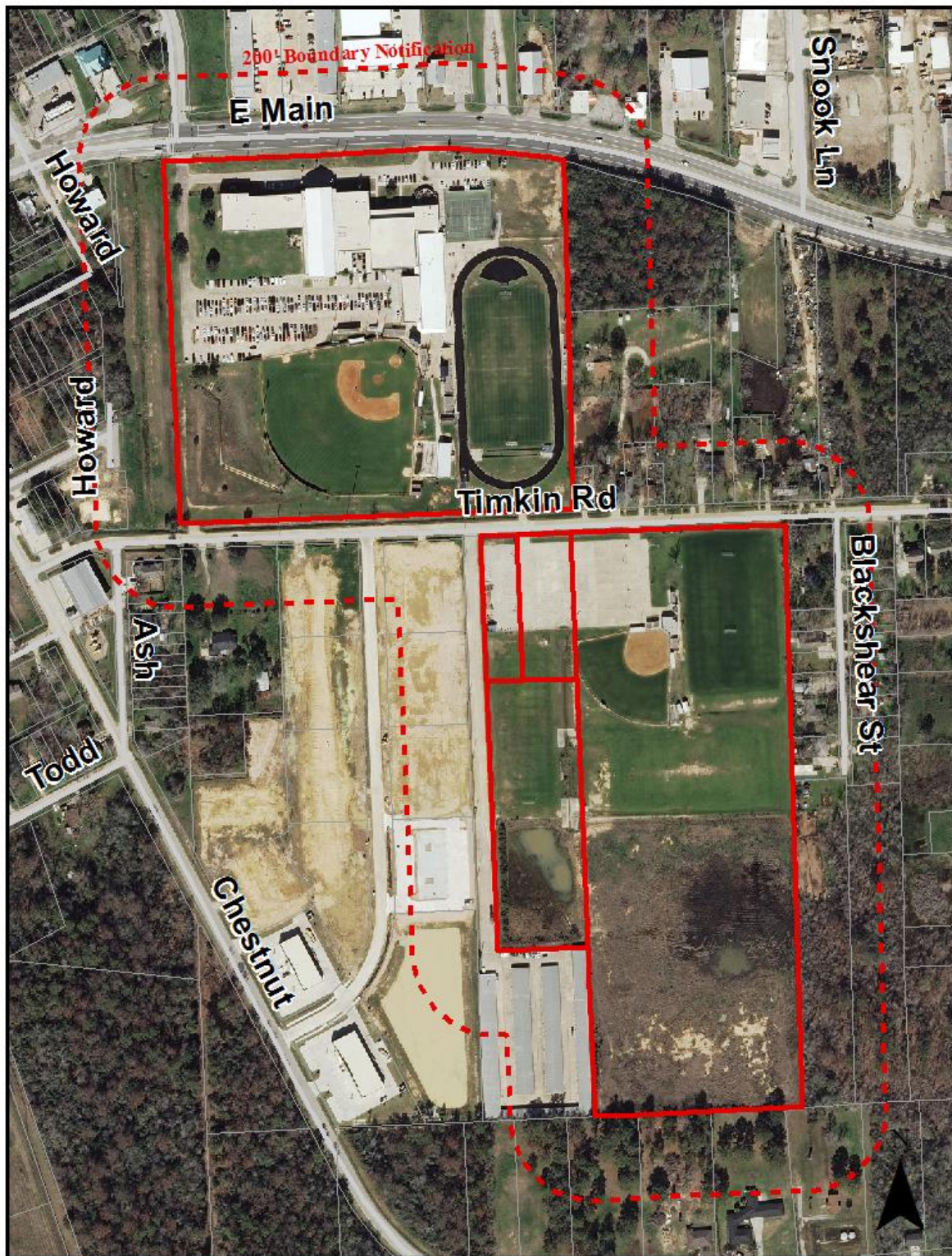


Exhibit "B"
Zoning Map

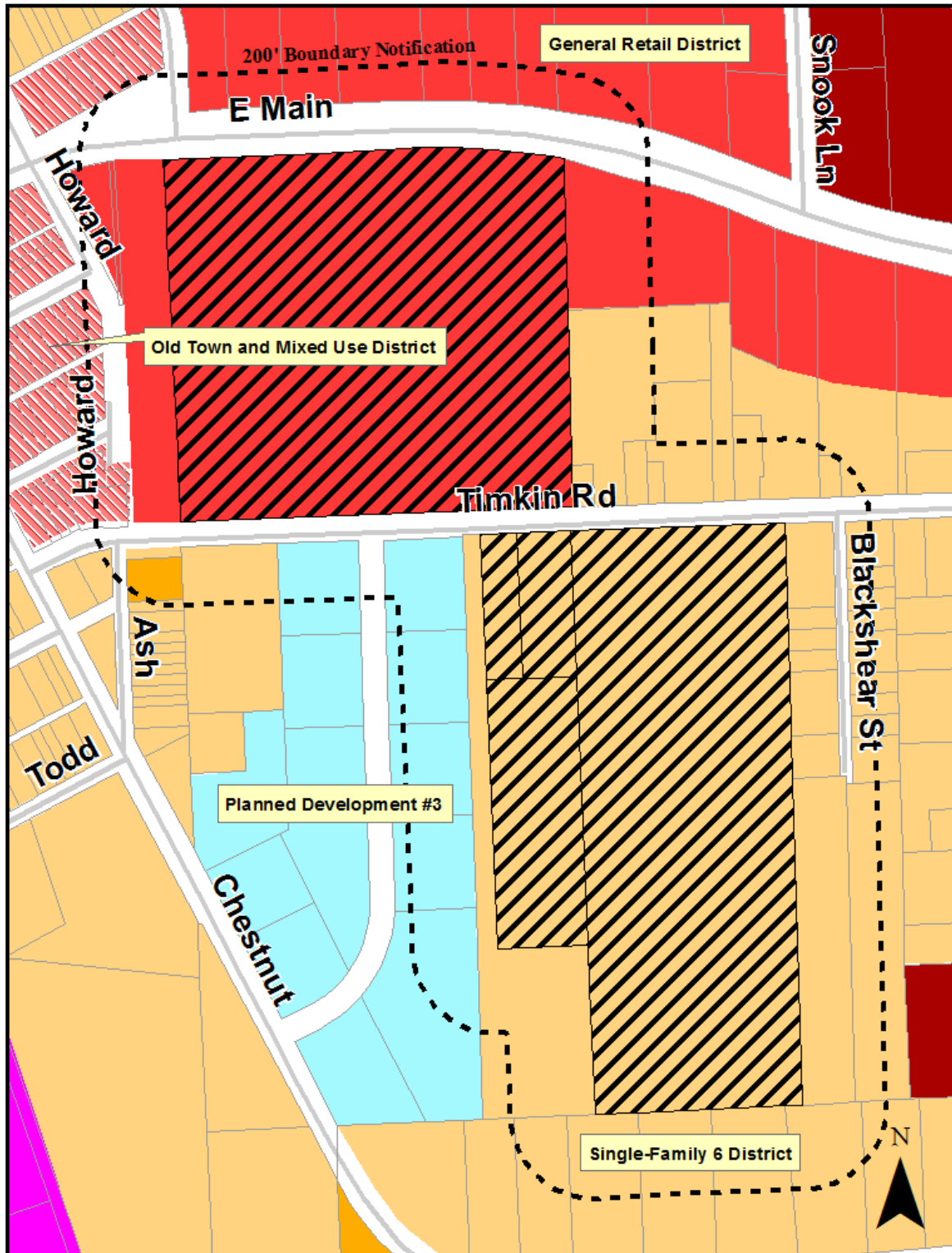


Exhibit "C"
Comprehensive Plan

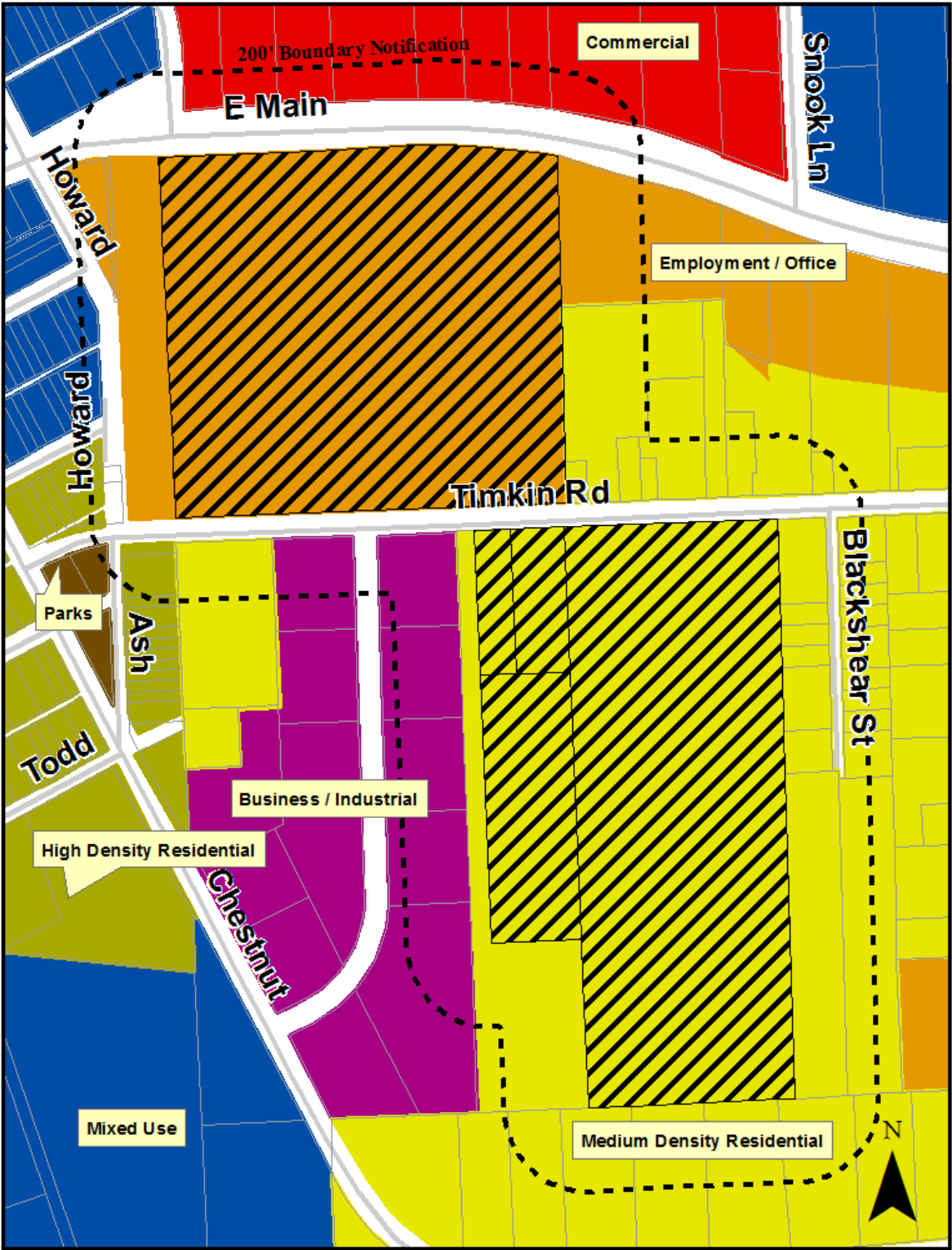
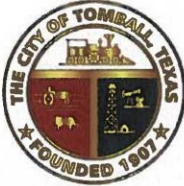


Exhibit "D"
Rezoning Application



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: Bill Merriman, Merriman Holt Architects Title: President
Mailing Address: 3900 Essex Lane, Suite 200 City: Houston State: Texas
Zip: 77027
Phone: (713) 522-2885 Fax: (713) 524-4151 Email: bmerriman@merrimanholt.com

Owner

Name: Joel Bode, Concordia Lutheran High School Title: Head of School
Mailing Address: 700 E. Main Street City: Tomball State: Texas
Zip: 77375
Phone: (281) 351-2547 Fax: (281) 255-8806 Email: bodej@clhs-tx.org

Engineer/Surveyor (if applicable)

Name: Bill Park, Jones & Carter Title: Senior Project Engineer
Mailing Address: 8701 New Trails Drive Suite 200 City: The Woodlands State: Texas
Zip: 77381
Phone: (281) 363-4039 Fax: (281) 363-3459 Email: wpark@jonescarter.com

Description of Proposed Project: Master Plan for Growth and Enhancement of the School

Physical Location of Property: 700 E. Main Street, Tomball, Texas

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

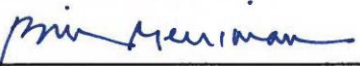
HCAD Identification Number: See Attached Acreage: _____

Current Use of Property: Denominational High School with Ancillary Fields

Proposed Use of Property: Denominational High School with Ancillary Fields

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  6/10/2014
Signature of Applicant Date

X  6-12-14
Signature of Owner Date



CONCORDIA
LUTHERAN HIGH SCHOOL
700 E. Main, Tomball, TX 77375
281-351-2547

June 18, 2014

Ms. Rachel Lazo
Planning & Code Enforcement Division
Community Development Department
401 Market Street
Tomball, Texas 77375

Dear Ms. Lazo,

As you are aware, Concordia Lutheran High School is in the process of plans for expansion of our facilities. To assist us in that process, and in particular regard to the Planned Development rezoning, we have been working with Merriman Holt Architects.

Concordia Lutheran High School is the official owner per HCAD of the property for which the plans are being made, and we give permission to Mr. Bill Merriman of Merriman Holt Architects to act as an agent of the school for the purposes of the rezoning.

Should you need anything additional from Concordia, please let me know.

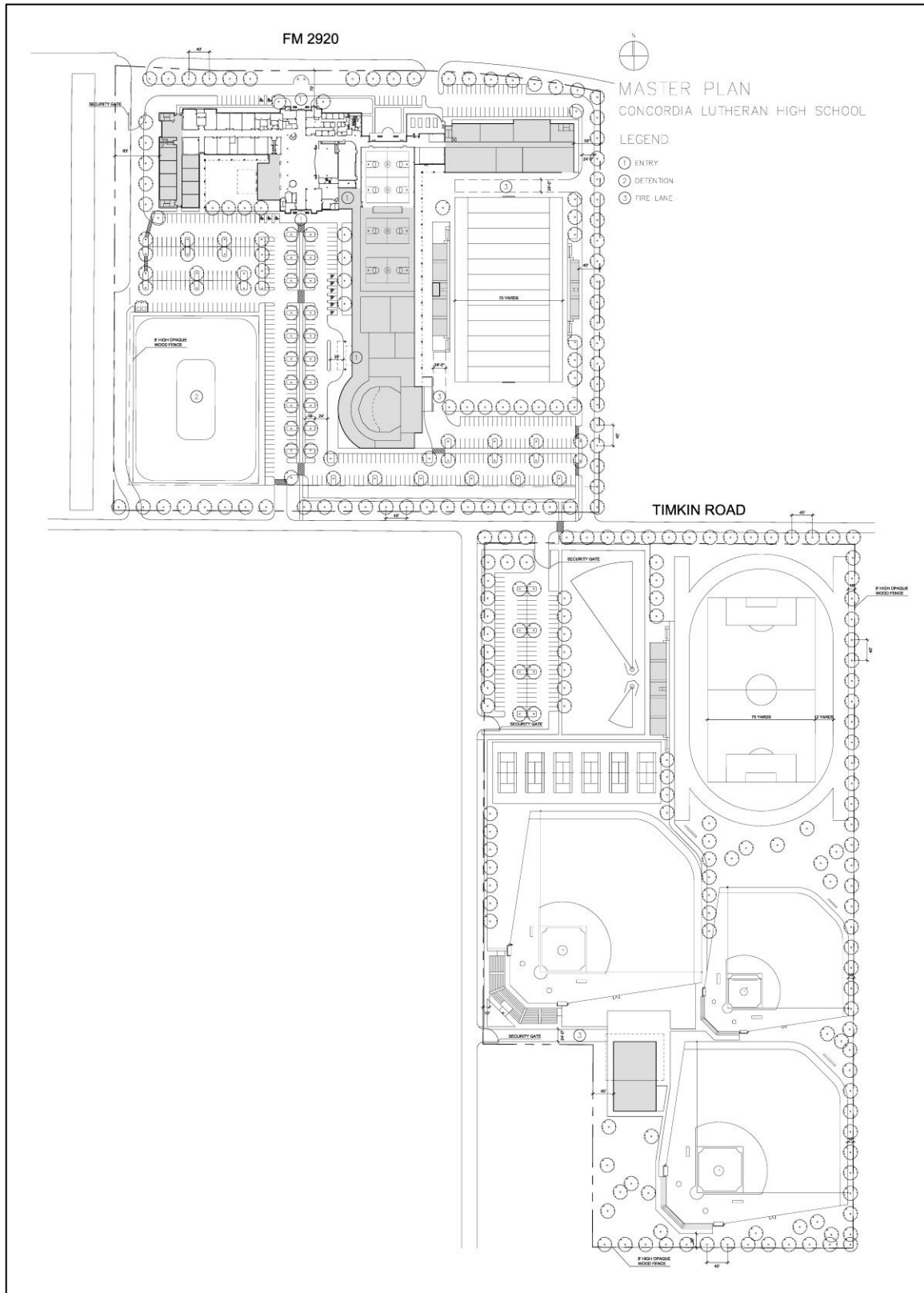
Sincerely,

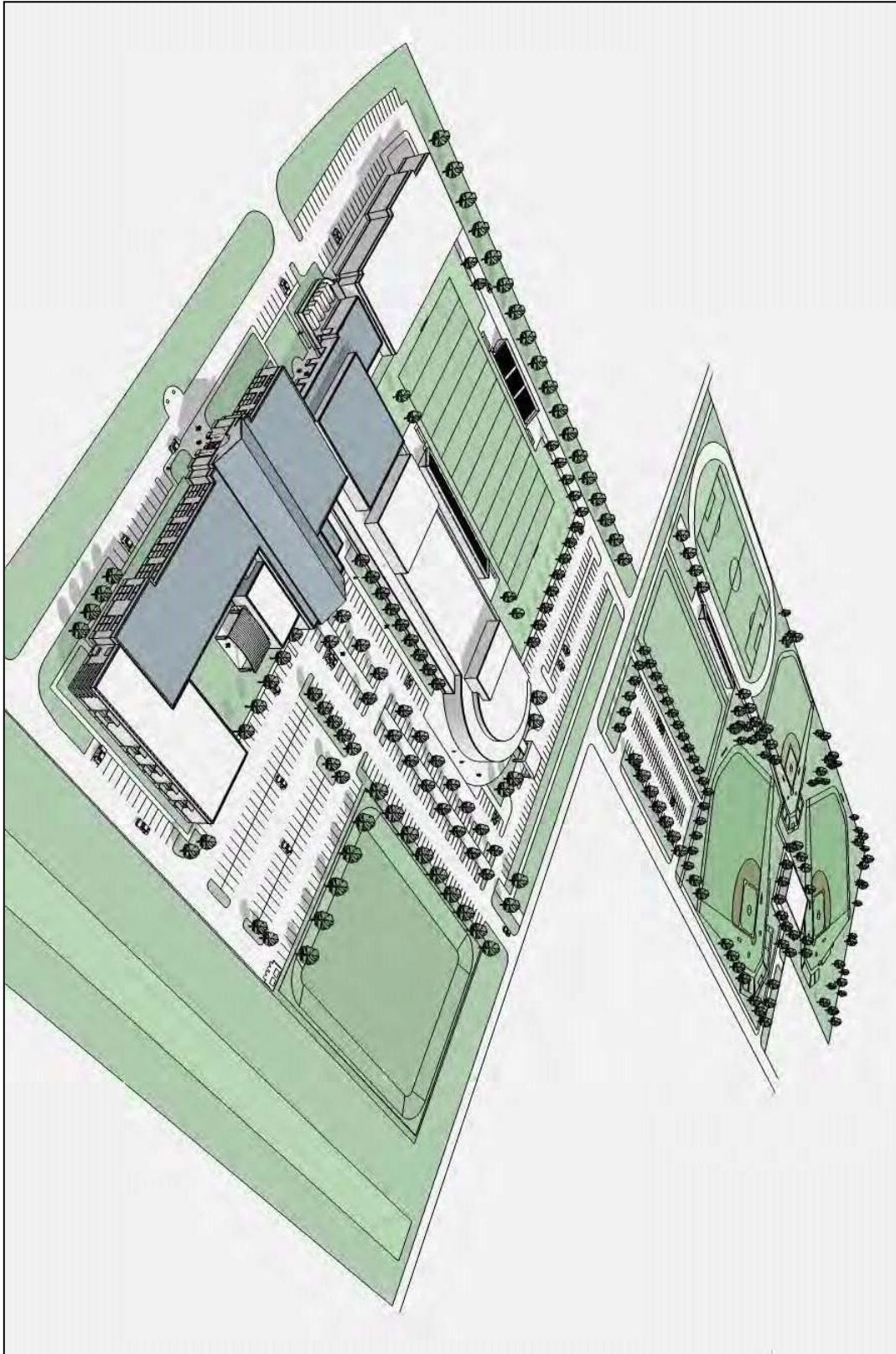
Joel R. Bode
Head of School

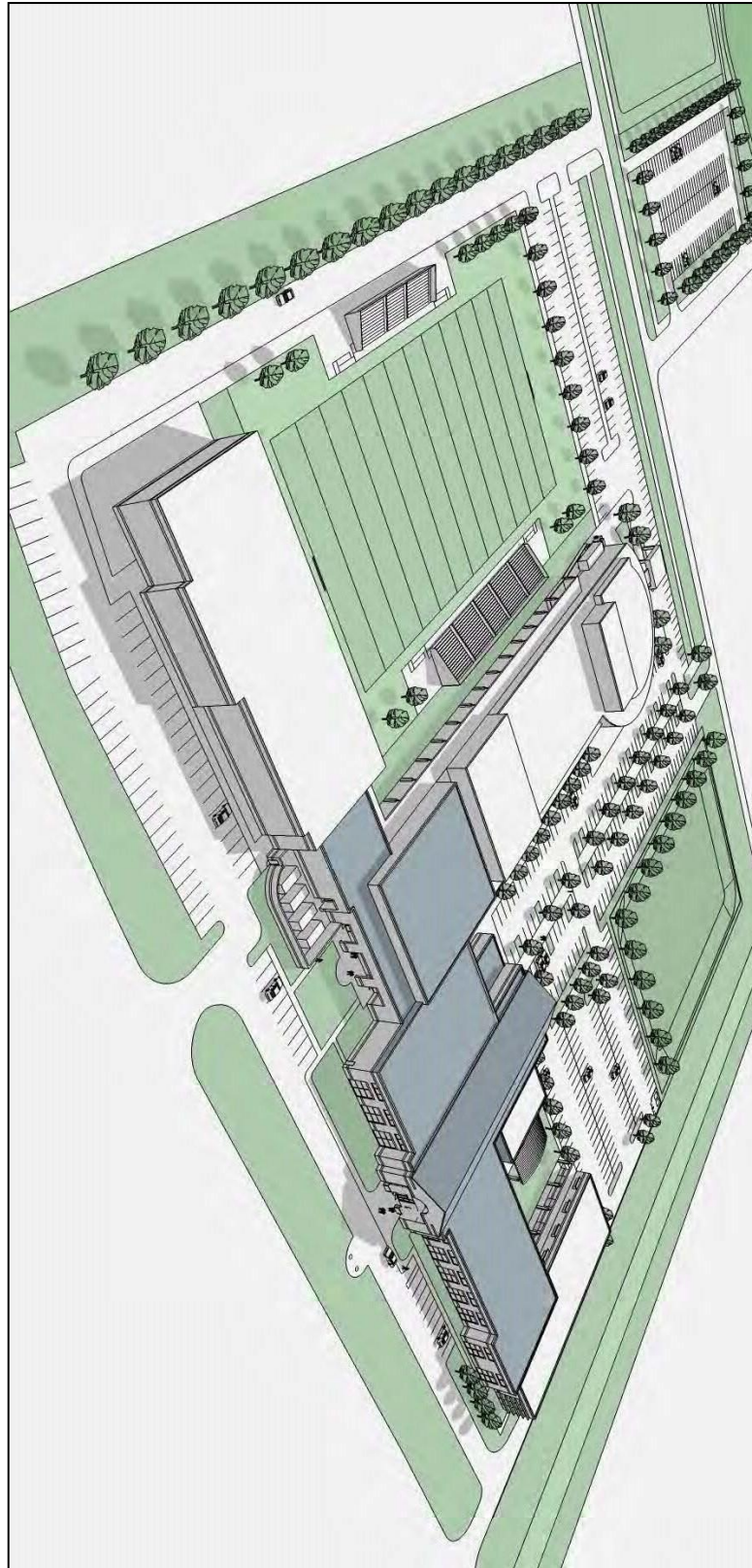
BUILDING LIVES OF EXCELLENCE UPON THE FOUNDATION OF CHRIST

WWW.CLHS-TX.ORG

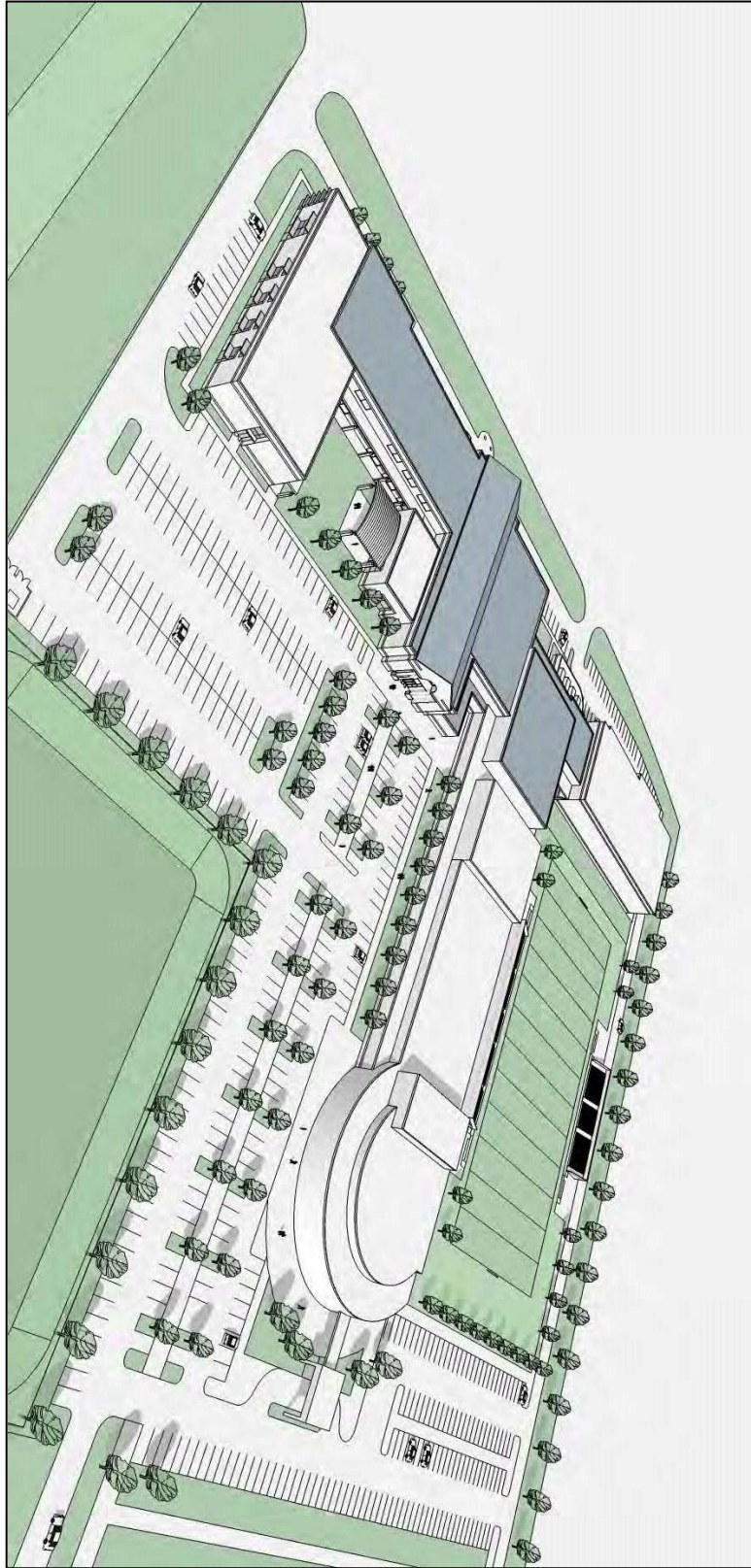
Exhibit “E” Concept Plan

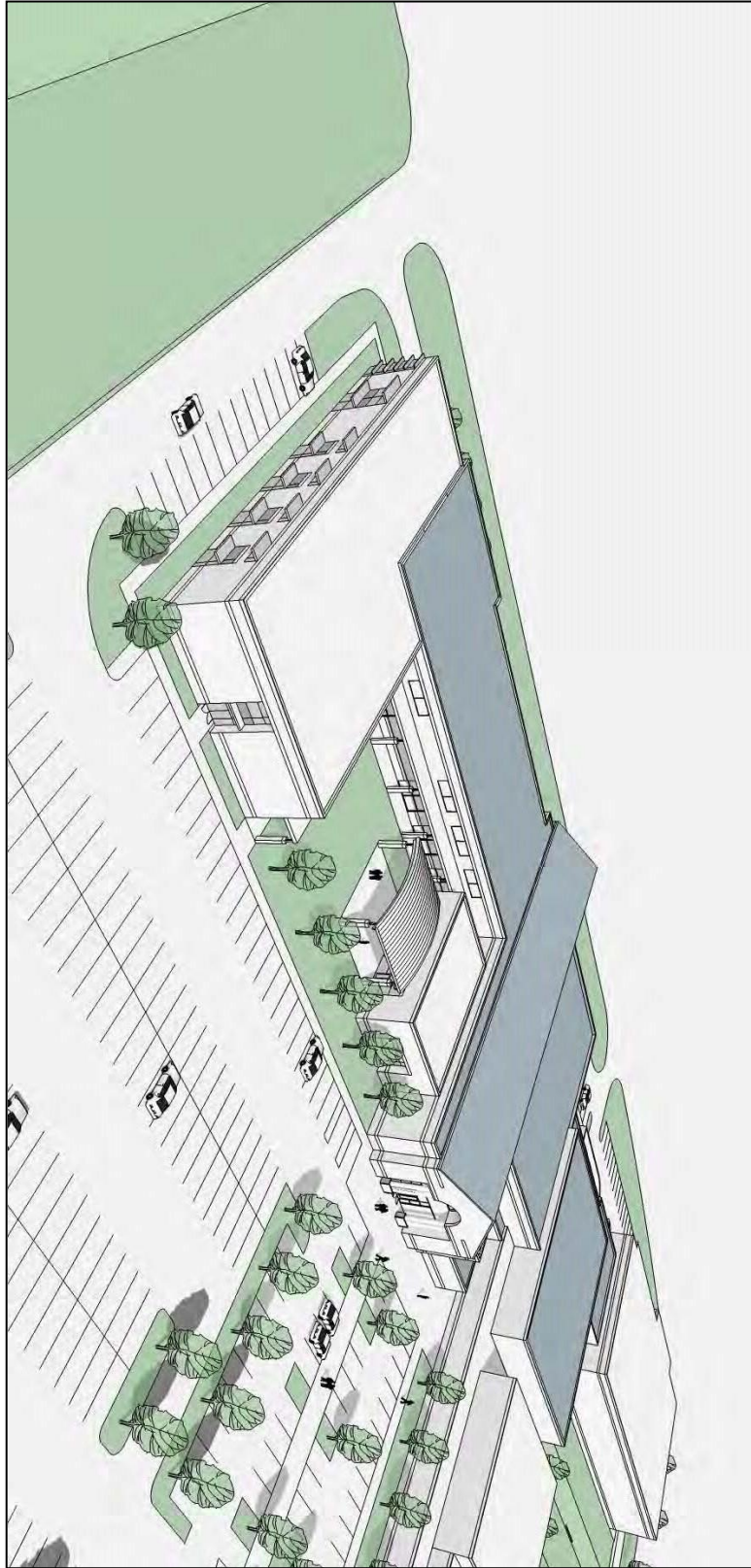


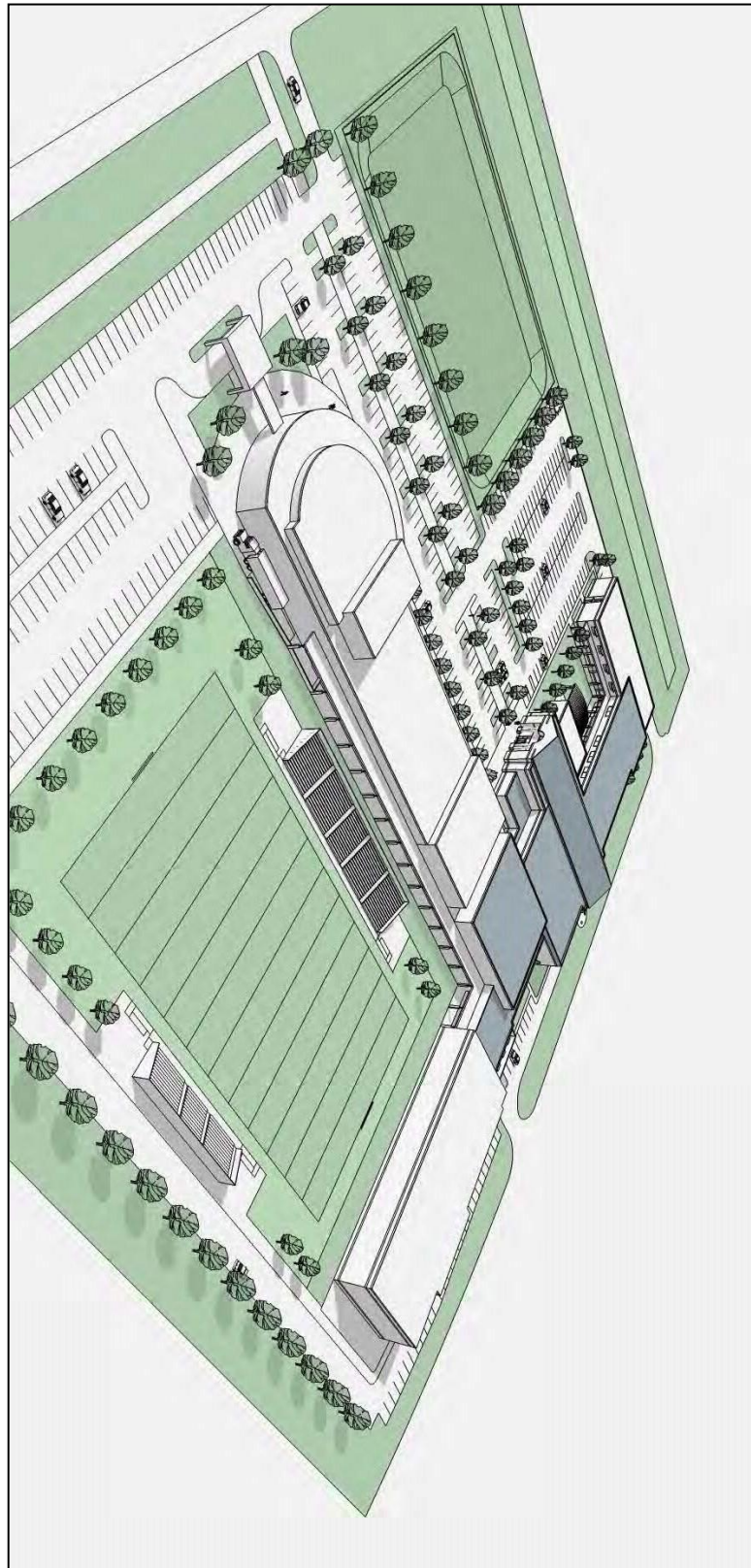














**Exhibit “F”
Draft PD Ordinance**

ORDINANCE NO. 2014-XX

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT (PD) DISTRICT OF APPROXIMATELY 39.4 ACRES OF LAND, LEGALLY DESCRIBED AS RESERVE A, BLOCK 1, NORTH HARRIS COUNTY CONCORDIA LUTHERAN HIGH SCHOOL AND TRACTS 4, 4A, 4B, AND 5, ABSTRACT 629, J. PRUITT; WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PD TO BE KNOWN AS PD DISTRICT #7 (PD-7); ADOPTING A CONCEPT PLAN AND REGULATIONS APPLICABLE TO PD-7; 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 owner of approximately 39.4 acres of land, legally described as Reserve A, Block 1, North Harris County Concordia Lutheran High School and Tracts 4, 4A, 4B, and 5, Abstract 629, J. Pruitt; generally located southerly of East Main Street, northerly of Lizzie Lane, easterly of South Chestnut Street, and westerly of South Persimmon Street, in the City of Tomball, Harris County, Texas, (the "Property"), has requested that the Property be rezoned; and

Whereas, the owner has presented an application to the City for a PD District to allow the expansion of Concordia Lutheran High School; and

Whereas, the PD District application consists of an application for PD 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 written notice of that hearing 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 proposal to change the zoning for the Property from the General Retail and Single-Family Residential-6 Districts to PD-7; and

Whereas, the public hearing was held at least forty (40) calendar days after the City’s receipt of the request for rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed change in the zoning district classification of the Property; 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 on the proposal to change the zoning district classification for the Property from the General Retail and Single-Family Residential-6 Districts to PD-7, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification; and

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

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 General Retail and Single-Family Residential-6 Districts to PD-7 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-7, 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-7 as described above.

Section 5. PD-7 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. Height Regulations:

a. Maximum Height:

- i. Main Building/House: 50'
- ii. Accessory Building(s): 27'

C. Area Regulations:

a. Size of Lots:

- i. Minimum Lot Area: 320,000 square feet
- ii. Minimum Lot Width: 400'
- iii. Minimum Lot Depth: 800'

b. Size of Yards:

- i. Minimum Front Yard: 25'; 35' when adjacent to arterial
- ii. Minimum Side Yard: 10'

- iii. Minimum Rear Yard: 20'
- c. Maximum Lot Coverage: 30%
- d. Maximum Impervious Coverage: 60%
- D. PD-7 shall be limited to only the following land uses:
 - a. School – Public or Denominational
 - b. Church/Temple/Place of Worship
 - c. Playfield or Stadium (Private)
- E. PD-7 shall adhere to Articles I, II, and VI of the Zoning Ordinance.
- F. Off-Street Parking and Loading Requirements
 - a. PD-7 shall provide a minimum of 550 off-street parking.
 - b. If overflow parking is required in excess of 550 spaces, it shall not be permitted in designated drive aisles, loading spaces, or public rights-of-way.
 - c. PD-7 shall adhere to all other regulations of Section 39 of the Zoning Ordinance.
- G. PD-7 shall adhere to Sections 40 (“Landscape Requirements”), 41 (“Accessory Buildings and Related Use Regulations”), 42 (“Screening, Buffering, and Fencing Requirements”), 43 (“Supplemental Regulations”), 44 (“Home Occupation Regulations”), 45 (“Definitions”) of the Zoning Ordinance or the Concept Plan, whichever is more restrictive.
- H. Other Requirements
 - a. Building Materials: The major building material shall be masonry and shall be in harmony with the existing masonry walls. Window frames shall match the color of the existing window frames. Any accent metal panels shall be complementary in color to the masonry walls and window frames. Covered walkways shall be aluminum and shall be complementary in color to the masonry walls and window frames.
 - b. South Campus Vehicular Access: The portion of the campus south of Timkin Road shall have two vehicular access points. One shall be from Timkin Road and the other shall be from the private drive to the west. Both access points shall be secured with gates and shall be shut and locked after normal hours of use.
 - c. North Campus Speed Controls: A speed limit sign and speed bumps shall be posted along the drive aisle east of the proposed football field.
 - d. Hours of Operation By Use:

- i. School – Public or Denominational: 7:00 AM to 6:00 PM
 - ii. Church/Temple/Place of Worship: 9:30 AM to 1:30 PM
 - iii. Playfield or Stadium (Private): No later than 10:00 PM
- e. Noise: PD-7 shall adhere to all noise and nuisance regulations of the City of Tomball.
- f. Screening and Buffering: All portions of PD-7 that are adjacent to a single- or two-family residential districts or uses shall be screened with an 8' high opaque wooden fence and trees spaced on 40' centers. All dumpsters shall be screened with masonry walls and opaque gates.
- g. Lighting: All drives shall be lit with a minimum intensity of two foot-candles. Lighting for the fields shall be equipped with cut-off baffles to shield any light spilling onto the adjoining neighbors.

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 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 18TH DAY OF AUGUST 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 SEPTEMBER 2014.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

Exhibit “G”
Site Photos



Figure 1: Subject site.
Source: Google Earth



Figure 2: Subject site.
Source: Google Earth



Figure 3: Subject site.
Source: Google Earth



Figure 4: North of subject site.
Source: Google Earth



Figure 5: South of subject site.
Source: Google Earth



Figure 6: West of subject site.
Source: Google Earth



Figure 7: West of subject site.
Source: City of Tomball



Figure 8: West of subject site.
Source: City of Tomball



Figure 9: East of subject site.
Source: Google Earth



Figure 10: East of subject site.
Source: City of Tomball

Exhibit "H"
Public Comment Form(s)



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:

ALFREDO B. COLWELL

735 E. MAIN ST

Signature:

Date:

8/3/2014

☒ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P14-123**. (Please state reasons below)

☐ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P14-123**. (Please state reasons below)

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

Monday, August 11, 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, August 18, 2014, 6:00 PM

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

COMMENTS:

THIS WILL BE A POSITIVE IMPACT ON THE CITY.

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.