

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



MONDAY, SEPTEMBER 9, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, September 9, 2013 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 August 12, 2013.
- 5.0 New Business:
 - 5.1 Consideration to approve **ZONING CASE P13-117** Request by Cecilio Cano to amend the City's Comprehensive Zoning Ordinance by rezoning approximately

5 acres of land, legally described as Lot 271, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located westerly of South Persimmon Road, northerly of Agg Road, from the Light Industrial District to the Agricultural District.

- Conduct a Public Hearing on **ZONING CASE P13-117**

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; a place readily accessible to the general public at all times, on the 5th day of September 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: September 9, 2013

Topic:

Background:

Origination:

Recommendation:

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: September 9, 2013

Topic:

Background:

Origination:

Recommendation:

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: September 9, 2013

Topic:
Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of August 12, 2013.

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:
Brandy Pate, Engineering and Planning

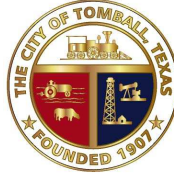
ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

08.12.13 P&Z Minutes

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

MONDAY, AUGUST 12, 2013



6:00 P.M.

1.0 Call to Order

The meeting was called to order by Chairman Tague. Other members present were:

Commissioner Walicki
Commissioner Torres
Commissioner Beauvais

Members absent:

Commissioner Roquemore

Others present:

Community Development Director – Craig Meyers
City Secretary – Doris Speer
City Attorney – Loren Smith
City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Assistant City Planner – Rodney Schmidt

Draft

2.0 No public comments were received.

3.0 No reports or announcements were presented.

4.0 Motion was made by Commissioner Beauvais, second by Commissioner Walicki, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of July 8, 2013.

Motion carried unanimously.

Discussion/Action of the Following Items:

5.0 New Business:

5.1 Consideration to approve ZONING CASE P13-106: Request by Joel Bode, on behalf of Concordia Lutheran High School of North Harris County, to amend Section

43.8 (“Temporary Structures & Uses”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing denominational schools to utilize temporary buildings under certain conditions.

- Chair Tague opened the Public Hearing on **ZONING CASE P13-106** at 6:02 p.m.
- Staff report was presented by Rebeca Guerra, recommending denial of request.
- Applicant Joel Bode, Head of School, 700 East Main, 77375, presented information regarding Concordia Lutheran High School’s request to utilize temporary buildings.
- No additional public comments being received, Chair Tague closed the public hearing at 6:08 p.m.

Motion was made by Commissioner Torres, second by Commissioner Beauvais, to approve Zoning Case P13-106. Vote was as follows:

Commissioner Tague	<u>Nay</u>
Commissioner Torres	<u>Nay</u>
Commissioner Beauvais	<u>Nay</u>
Commissioner Walicki	<u>Nay</u>

Motion to approve FAILED, 0 votes Aye, 4 votes Nay.

- 5.2 Consideration to approve **ZONING CASE P13-114**: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 34.6.E.1 (“Additional Off-Street Parking Space Requirements”) to require that residential developments in the OT & MU - Old Town & Mixed Use District for that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion shall provide off-street parking stalls in accordance with Section 38 of the Tomball Comprehensive Zoning Ordinance.

- Chair Tague opened the Public Hearing on **ZONING CASE P13-114** at 6:29 p.m.
- Staff report was presented by Rebeca Guerra.
- No additional public comments being received, Chair Tague closed the public hearing at 6:31 p.m.

Motion was made by Commissioner Torres, second by Commissioner Beauvais, to approve Zoning Case P13-114. Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Torres	<u>Aye</u>

Commissioner Beauvais	<u>Aye</u>
Commissioner Walicki	<u>Aye</u>

Motion carried unanimously.

5.3 Workshop Session

- The Planning and Zoning Commission entered into a Training Session:
 - Introduction to the Planning Commission Part 2 of 2

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the _____ day of _____ 2013.

Doris Speer, TRMC, CMC
City Secretary

Barbara Tague
Chair

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: September 9, 2013

Topic:

Consideration to approve **ZONING CASE P13-117**: Request by Cecilio Cano to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5 acres of land, legally described as Lot 271, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located westerly of South Persimmon Road, northerly of Agg Road, from the Light Industrial District to the Agricultural District.

- Conduct a Public Hearing on **ZONING CASE P13-117**

Background:

Origination:

Cecilio Cano

Recommendation:

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

Brandy Pate, Engineering and Planning

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P13-117 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
SEPTEMBER 9, 2013
&
CITY COUNCIL
SEPTEMBER 16, 2013**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 9, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 16, 2013, 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 P13-117: Request by Cecilio Cano to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5 acres of land, legally described as Lot 271, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located westerly of South Persimmon Road, northerly of Agg Road, from the Light Industrial District to the Agricultural District.

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 at (281) 290-1410, rschmidt@tomballtx.gov.

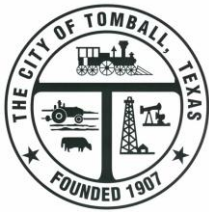
CERTIFICATION

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 3rd day of September 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Rebeca Guerra

Rebeca Guerra
City Planner

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: P13-117

APPLICANT: Cecilio Cano

LOCATION: Westerly of South Persimmon Road, northerly of Agg Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5 acres of land, legally described as Lot 271, Tomball Outlots within the City of Tomball, Harris County, Texas, from the Light Industrial District to the Agricultural District.

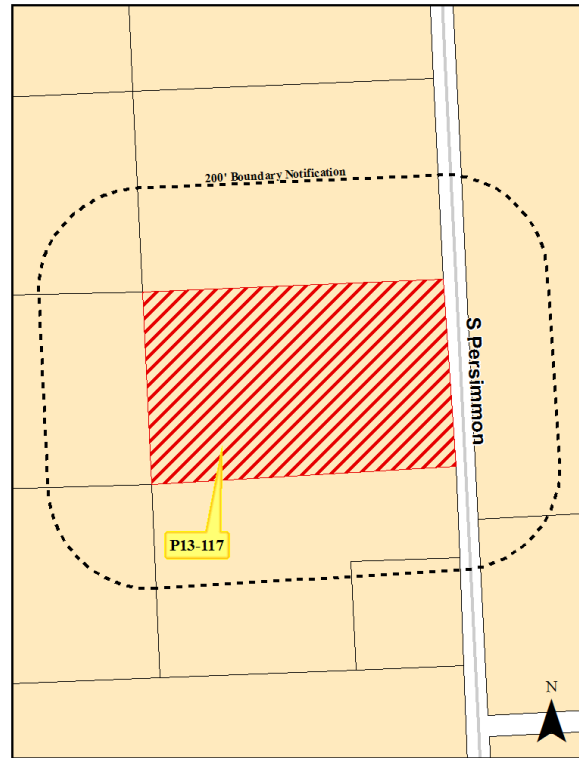
CONTACT: Rodney Schmidt

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.

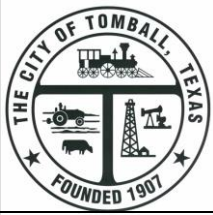


**Planning & Zoning Commission
Public Hearing:
Monday, September 9, 2013, 6:00 PM**

**City Council Public Hearing:
*Monday, September 16, 2013, 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: September 9, 2013

Rezoning Case: P13-117
Property Owner: Cecilio Cano
Applicant: Cecilio Cano
Legal Description: Lot 271, Tomball Outlots
Location: Westerly of South Persimmon Road, northerly of Agg Road
Area: 5 acres
Present Zoning and Use: Light Industrial District (Exhibit "A") / Undeveloped (Exhibit "C")
Comp Plan Designation: Employment/Office (Exhibit "B")
Proposed Zoning and Use: Agricultural District¹ / Single-Family Residence
Adjacent Zoning & Land Uses:
North: Light Industrial District / Undeveloped land
South: Conditional Use Permit #2 District ("Recreational Vehicles") / Rock and stone importing and distributing
West: Agricultural District / Single-family residence
East: Agricultural District / South Persimmon Road and agricultural land

BACKGROUND

On July 10, 2013, City staff met with the property owner and applicant, Cecilio Cano, to discuss the possible construction of a single-family residence at the subject site. City staff informed Mr. Cano that the property is zoned Light Industrial District which does not allow single-family residences. City staff then informed Mr. Cano that if he wanted to construct a single-family residence, the property would need to be rezoned to a district permitting this use. On July 23, 2013, the City received a rezoning application from Mr. Cano requesting the subject site be rezoned from the Light Industrial District to the Agricultural District (Exhibit "D").

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

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north is undeveloped land; to the south is a rock and stone importing and distribution company; to the west is a single-family residence; and to the east is South Persimmon Road and agricultural land (Exhibit “E”). The proposed single-family residence appears to be compatible with the undeveloped land to the north, the single-family residence to the west, and the agricultural land to the east. However, the proposed use does not appear to be compatible with the rock and stone importing and distribution company immediately to the south.

The Agricultural District “is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district.” There are several zoning classifications in the vicinity of the subject site. To the north is the Light Industrial District; to the south is Conditional Use Permit #2 District (“Recreational Vehicles”); and to the west and east is the Agricultural District. The Agricultural District appears to be compatible with Conditional Use Permit #2 District (Recreational Vehicles) to the south and the Agricultural District to the west and east.

The Comprehensive Plan’s (CP) Future Land Use (FLU) map identifies the site as “Employment/Office.” The CP states: “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.” Chapter 9 of the CP states, “At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comprehensive Plan. The Planning & Zoning Commission and City Council may find that a request for a zoning amendment is not consistent with the Future Land Use Plan but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel. Review of such development proposals should include the following considerations:

- Will the proposed development enhance the City economically?
- Will the proposed development enhance the City aesthetically?
- Is the proposed development consistent with the City’s Goals, Objectives, and Actions?
- Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?”

The applicant has provided the following justifications for the rezoning request (Exhibit “D”):

- “Since the property was vacant before, there was no development to tax and so the City could not receive any more money from it. My family would like to build a house on the land and raise our family on it.
- We cleaned the property of all dead trees and built a fence and put in landscaping. It looks much better than it did when we first bought it.
- The City’s goals includes making sure that there is enough land for people to live. Since most of the land around our property is zoned Agriculture, what we want to do is the same as our neighbors.
- We just want to build a house. The Comprehensive Plan and Zoning ask for Industrial uses on the property. What we are asking is less intense, will have less pollution, and will be quieter.
- We will be a positive impact on our neighbors because we want to build a house just like them.
- We will have a paved driveway and the traffic we will have will be much less than Industrial.
- We are compatible as all of our neighbors (except on one side) are Agricultural with houses or are vacant.
- We believe our house will be better to the public health, safety, and welfare of the community than an Industrial use.”

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.

The proposed single-family residence appears to be compatible with the undeveloped land to the north, the single-family residence to the west, and the agricultural land to the east. The Agricultural District appears to be compatible with Conditional Use Permit #2 District (Recreational Vehicles) to the south and the Agricultural District to the west and east.

However, the rezoning request does not appear to be compatible with the Light Industrial District to the north.

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 approximately 70 acres of vacant property in the vicinity zoned Agricultural District; there are several vacant properties elsewhere in the City zoned Agricultural 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.**

Recently, there has been considerable development City-wide recently in the Agricultural District. There has been no recent development in the vicinity of the subject site in the Agricultural 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 zoning change were 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 is not anticipated to affect the public health, safety, morals, or general welfare.

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

According to the CP, rezonings are “to conform to the intended Future Land Use pattern shown on the Future Land Use [FLU] Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and
- In a way that furthers or helps achieve the goals of the Plan.”

A request for a rezoning that is not consistent with its FLU designation may be approved due to “additional, relevant information affecting the appropriate use of the parcel.” The subject property is surrounded on three sides by lands zoned Agricultural District, and lies at the end of a corridor of properties with a FLU designation of Medium Density Residential. The proposed use is significantly less intensive than the Industrial uses which may currently be permitted. Moreover, a single-family residence would be consistent with other uses in the immediate area of the subject site. The applicants have indicated that it is not their intent to seek a CP Amendment to change the FLU of their property (now Employment/Office). This

is of particular importance in that the adjacent Employment/Office corridor can now be maintained so that any future development on that site which is consistent with a FLU of Employment/Office may be possible with a rezoning to the appropriate Zoning District.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 29, 2013; one public comment form was received from Fred and Art Fano (1100 S. Persimmon) in opposition to the request.

RECOMMENDATION

1. Staff recommend **APPROVAL** of Zoning Case P13-117 based on the following:
 - a. The Agricultural District is consistent with the existing zoning of properties in the immediate vicinity of the subject site.
 - b. The proposed use (i.e. a single-family residence) is compatible with the existing uses of properties in the immediate vicinity of the subject site and is significantly less intensive than the Industrial uses which may currently be permitted.
 - c. The proposed rezoning is not anticipated to negatively impact streets, water supply, sanitary sewers, or other utilities to the area.
 - d. The Future Land Use designation of the site will remain, thus maintaining the Employment/Office corridor for any future development.
2. **APPROVAL** of the Staff Report as the Planning & Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Comprehensive Plan FLU Map
- C. Aerial Photo
- D. Rezoning Application
- E. Site Photos
- F. Public Comment Form(s)

Exhibit "A"
Zoning Map

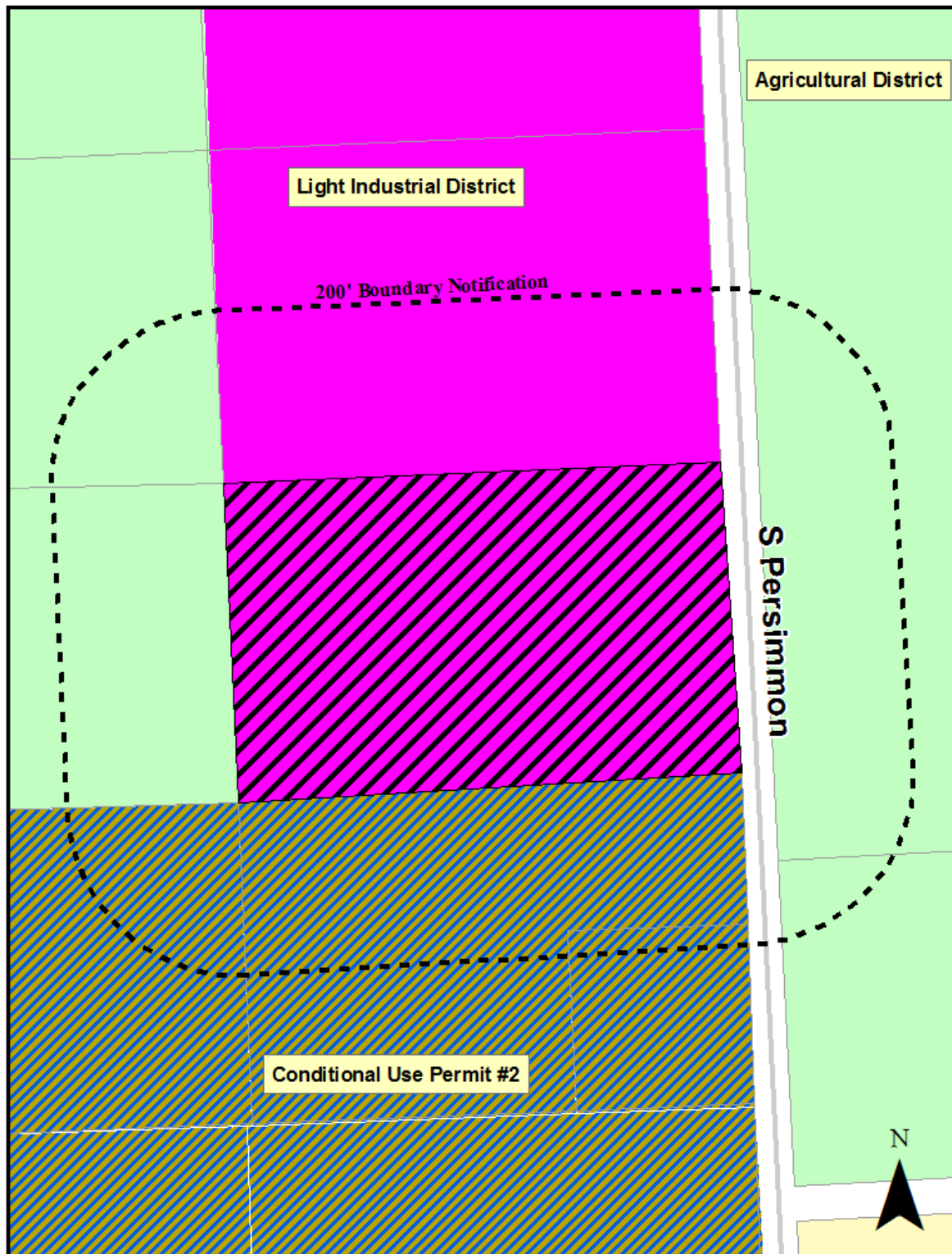


Exhibit "B"
Comprehensive Plan FLU Map

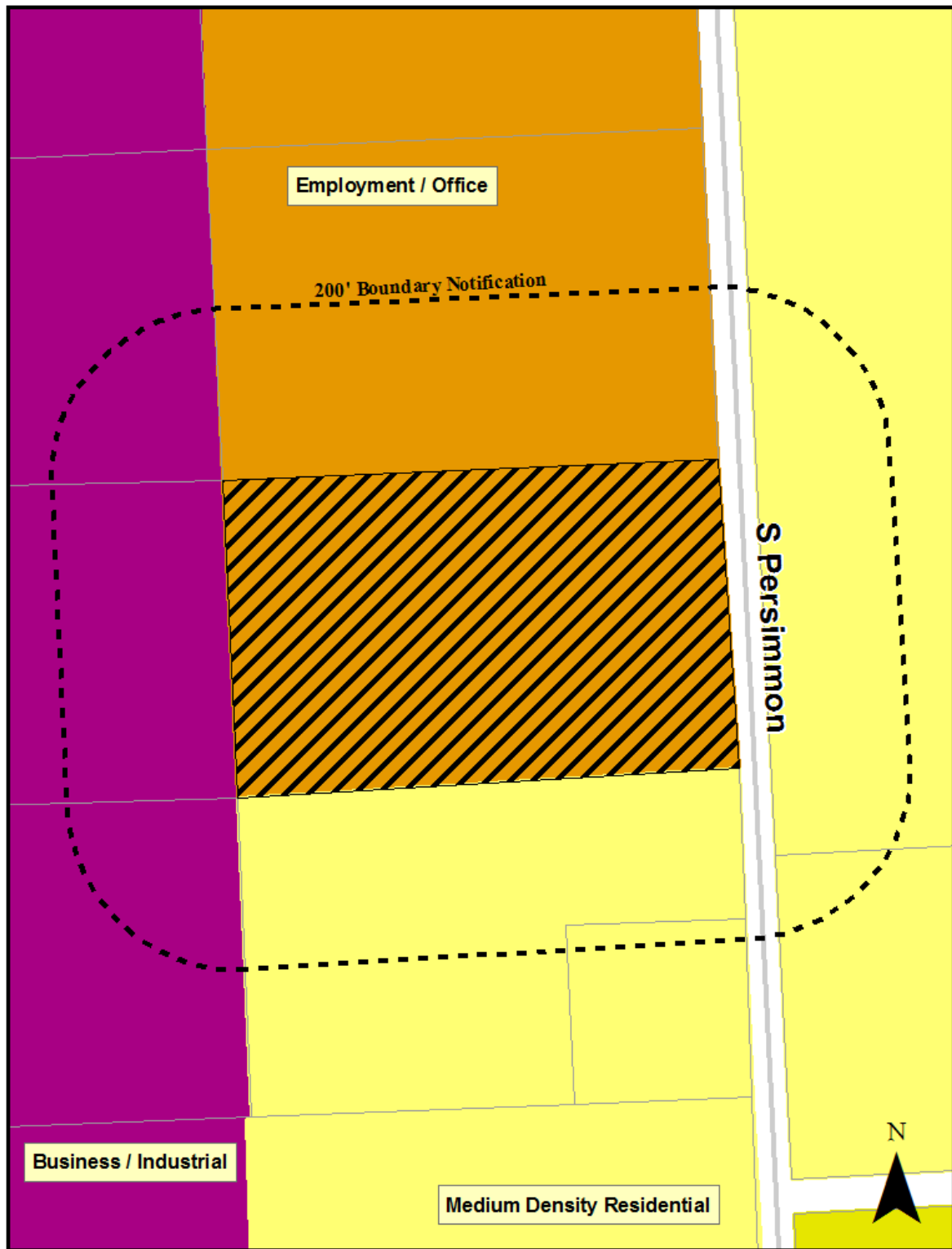


Exhibit "C"
Aerial Photo



Exhibit "D"
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: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Owner

Name: Cecilio Cano Title: _____
Mailing Address: 4406 Brandemere way st. City: Houston State: Texas
Zip: 77066
Phone: (281) 803-1081 Fax: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project:

Rezoning to build sfr
1006
South Persimmon St.
Physical Location of Property: _____
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property:

(see boundary survey)
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District:

Light Industrial

Current Use of Property:

Vacant

Proposed Zoning District:

Agricultural

Proposed Use of Property:

Single-family Residential

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

www.ci.tomball.tx.us

HCAD Identification Number: 0352880000271 Acreage: 5 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
Signature of Applicant _____ Date _____

X *Debbie Cano*
Signature of Owner _____ Date *7-23-13*

7-23-13

My name is Cecilio Cano and I
bought 5 acres in 1006 S Persimmon St.
They are ~~zoned~~ light Industrial, but
we wanted to change it to Agriculture
so we can make a ~~house~~ ~~house~~ a house
in the property to live on it. Thank you
for your time.

Cecilio Cano

Cecilio Cano

- Will the proposed development enhance the City economically?
Since the property was vacant before, there was no development to tax and so the City could not receive any more money from it. My family would like to build a house on the land and raise our family on it.
- Will the proposed development enhance the City aesthetically?
We cleaned the property of all dead trees and built a fence and put in landscaping. It looks much better than it did when we first bought it.
- Is the proposed development consistent with the City's Goals, Objectives, and Actions?
The City's goals includes making sure that there is enough land for people to live. Since most of the land around our property is zoned Agriculture, what we want to do is the same as our neighbors.
- Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
We just want to build a house. The Comprehensive Plan and Zoning ask for Industrial uses on the property. What we are asking is less intense, will have less pollution, and will be quieter.
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
We will be a positive impact on our neighbors because we want to build a house just like them.
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
We will have a paved driveway and the traffic we will have will be much less than Industrial.
- Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
We are compatible as all of our neighbors (except on one side) are Agricultural with houses or are vacant.
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?"
We believe our house will be better to the public health, safety and welfare of the community than an Industrial use.

Celilio Cemo - 8-26-13

**Exhibit “E”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Undeveloped land to the north.



Figure 4: Rock/stone importing and distributing company to the south.

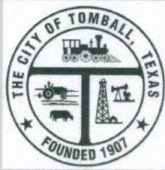


Figure 5: Single-family residence to the west.



Figure 6: Agricultural land to the east.

Exhibit "F"
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

CASE #: P13-117

Name:
(please print)
Address:

FRED FAND / ART FAND

MCA SYSTEMS INC.

1100 S. PERSIMMON ST.
TOMBALL, TEXAS 77375

Signature:

Date:

9/3/2013

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P13-117. (Please state reasons below)**

☒ **X**

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P13-117. (Please state reasons below)**

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

Monday, September 9, 2013, 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, September 16, 2013, 6:00 PM

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

COMMENTS:

Every City Should Have a Zoning Ordinance. The South Persimmon Area is by far a Light Industrial Zone. With the exception of a trailer park, which eventually due to improper swage should be removed? There is no reason to accommodate an agriculture district in a 5 acre area, especially when the zoning was already in place when this property was sold and should had been part of the due diligence on part of the buyer. This would also hinder neighborhood industrial plans and lower property development as well as prices.

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.