

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



MONDAY, AUGUST 12, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, August 12, 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 July 8, 2013.

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.

- Conduct a Public Hearing on **ZONING CASE P13-106**

- 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.

- Conduct a Public Hearing on **ZONING CASE P13-114**

5.3 Workshop Session

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

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 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

Meeting Date: August 12, 2013

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 12, 2013

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 12, 2013

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of July 8, 2013.

Background:

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

P&Z Regular Meeting Minutes 07.08.13

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

MONDAY, JULY 8, 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 Roquemore

Members absent:

Commissioner Torres - Excused
Commissioner Beauvais

Others present:

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

2.0 No public comments were received.

3.0 No reports or announcements were presented.

4.0 Motion was made by Commissioner Roquemore, second by Commissioner Walicki, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of June 10, 2013.

Motion carried unanimously.

Discussion/Action of the Following Items:

Draft

5.0 New Business:

5.1 Lori Lakatos advised that Minor Plat: **THRASH TRACT**: A subdivision of 1.3104 Acre Tract; Being a Replat of Lots 11 and 12, Replat of Quinn Tract, as recorded in Film Code 654101, Harris County Map Records, Situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas had been approved administratively. No action necessary.

5.2 Motion was made by Commissioner Walicki, second by Commissioner Roquemore, to approve **RALEIGH CREEK SECTION ONE FINAL PLAT**: A subdivision of 142.8407 Acres in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas.

Motion carried unanimously.

5.3 Motion was made by Commissioner Roquemore, second by Commissioner Walicki, to approve **GRAND FOUR REPLAT**: Being a subdivision of 0.3255 Acre of land situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, and being a partial Replat of Lot 81 of Tomball Outlots, a subdivision according to the map or plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, and being the same land as described in Clerk's File Number F803330 of the Real Property Records of Harris County, Texas.

Motion carried unanimously.

5.4 Workshop Session

- The Planning and Zoning Commission entered into a Training Session:
 - Introduction to the Planning Commission Part 1 of 2

6.0 Motion was made by Commissioner Walicki, second by Commissioner Roquemore, 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

Meeting Date: August 12, 2013

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P13-106**

Background:

Origination:

Joel Bode, on behalf of Concordia Lutheran High School of North Harris County

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

P13-106 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
AUGUST 12, 2013
&
CITY COUNCIL
AUGUST 19, 2013**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, August 12, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, August 19, 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 P13-106: 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.

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.

Persons interested in these cases 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 one or more of the above cases, 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, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410,

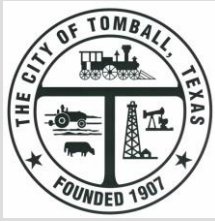
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Brandy Pate

Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: August 12, 2013

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.

BACKGROUND

On May 28, 2013, the City of Tomball met with Joel Bode of Concordia Lutheran High School to discuss the possible expansion of the school. Mr. Bode indicated to City staff his desire to have temporary classroom buildings. City staff then informed Mr. Bode that Section 43.8 of the Zoning Ordinance does not permit denominational schools to have temporary buildings. He was also informed that in order for denominational schools to be permitted temporary buildings the Zoning Ordinance would be required to be amended.

On April 10, 2013, the City of Tomball received a Zoning Ordinance text amendment application (Exhibit “A”) from Mr. Bode, on behalf of Concordia Lutheran High School, requesting Section 43.8 (“Temporary Structures & Uses”) be revised to allow denominational schools to utilize temporary buildings under certain conditions.

PROPOSED AMENDMENTS

Section 43.8.6:

“Temporary buildings shall be permitted for **denominational schools and** public school districts with the following conditions:

- a. **Denominational schools and** public school districts may have temporary buildings for a time period not to exceed two (2) years for each temporary building.
- b. **Denominational schools and** public school district shall not place a temporary building on any property before receiving approval by City Council. Prior to City Council review, each building must be inspected by an independent building inspector. The cost of the inspection shall be borne by the applicant.
- c. City Council may approve by resolution two (2) year extensions for each temporary building. Prior to issuance of any extension, each building must be inspected by an independent building inspector. The cost of the inspection shall be borne by the applicant.

- d. The use of the temporary building(s) must be to further the core mission of the **denominational school or** public school district.
- e. A temporary building may only be placed on an active school campus where students are in attendance.
- f. Each temporary building must be located on property owned by the **denominational school or** public school district.
- g. A temporary building shall be screened by landscaping, as approved by the City Manager or his/**her** designee.

ANALYSIS

- The City-initiated Zoning Ordinance text amendment to allow temporary buildings for public schools was approved by City Council on September 4, 2012, (first reading) and September 17, 2012 (second reading). The initial request was to allow both governmental entities and public schools to be permitted temporary buildings. After much discussion, City Council decided that only public schools should be permitted temporary buildings. City Council did not make any indications at either of these meetings of their desire to allow temporary buildings for any other entity. They did, however, state that they wanted to limit the overall use of temporary buildings within the City.
- The need for a temporary building at a public school is a function of its legislative requirement to educate the school-age population in its district. Chapter 4 of the Texas Education Code states, “The mission of the public education system of this state is to ensure that all Texas children have access to a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation...” If there is not sufficient room at the existing public schools to facilitate this population, temporary buildings allow this legal requirement to be fulfilled while more permanent facilities are created. A denominational organization’s decision to educate is entirely voluntary and is not bound by the same legal obligations as a public school district to educate. Because they are not legally required to provide for constant growth, there does not appear to be a necessity for temporary buildings.
- Allowing temporary buildings for denominational schools may set a precedent for letting any private entity have temporary buildings. If this ordinance is amended to grant denominational schools to have temporary buildings, the denomination could later request that the ordinance be changed to allow for temporary buildings for their place of worship. And if places of worship are allowed temporary buildings, non-denominational private entities could then claim that their overall uses are no different, and so they too could request a change to the ordinance to permit temporary buildings.
- As the ordinance is currently written, there is no limit on the number of temporary buildings a public school district may have. However, the number of public schools, and therefore the number of temporary buildings at them, is limited by the public’s ability to pay for them. Denominational school growth, on the other hand, is neither controlled by, nor accountable to, the public sector and conceivably may have unlimited potential growth capability. Allowing a sector with such large growth potential and no public oversight to have an

unlimited number of temporary buildings does not appear to be consistent with the development standards of the City of Tomball.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on July 29, 2013; no public comments have been received.

RECOMMENDATION

Staff recommends **DENIAL** of Zoning Case P13-106.

EXHIBITS

A. Zoning Ordinance Text Amendment Application

Exhibit "A"
Zoning Ordinance Text Amendment Application

Revised 1/20/09



Zoning Text Amendment
Engineering & Planning Department

APPLICATION REQUIREMENTS: 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 request may be delayed until corrections or additions are received. **There is a \$500.00 application fee that must be paid at time of submission or the application will not be processed.**

Applicant

Name: JOEL BODE Title: HEAD OF SCHOOL
Mailing Address: 700 E. MAIN ST. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-2547 Fax: (281) 255-8806 Email: bodej@clhs-tx.org

Property Owner

Name: CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY Title: _____
Mailing Address: 700 E. MAIN ST. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-2547 Fax: (281) 255-8806 Email: bodej@clhs-tx.org

Statement of Purpose- Identify the existing section(s) of the Zoning Ordinance for which the Text Amendment is proposed, the proposed revised language and the reason(s) for the requested text Amendment (attach additional sheets as necessary):

THE SECTION FOR WHICH THE PROPOSAL IS MADE IS 43.8.1 TEMPORARY
STRUCTURES & USES.
THE PROPOSED REVISED LANGUAGE IS ATTACHED.
REASON FOR REQUEST: AS TOMBALL AND THE SURROUNDING AREA
GROW, SO DO THE SCHOOLS WHICH SERVE THE COMMUNITY. DENOMINATIONAL
SCHOOLS MUST RAISE MONEY FOR CAPITAL PROJECTS, AND GROWTH CONTINUES
TO TAKE PLACE AT THE SAME TIME. TEMPORARY STRUCTURES ALLOW
FOR THE RAISING OF MONEY AND GROWING OF ENROLLMENT TO OCCUR
SIMULTANEOUSLY.

General Description of Property Affected by Amendment (attach additional sheets as necessary):

THE PROPERTY AFFECTED IS PROPERTY THAT IS ALREADY
OWNED BY CONCORDIA LUTHERAN HIGH SCHOOL AT OUR MAIN
CAMPUS, 700 E. MAIN ST. AS WE ANTICIPATE AND PLAN FOR
GROWTH TO 600 STUDENTS, WE BELIEVE THAT TEMPORARY
STRUCTURES FOR CLASSROOMS WILL BEST MEET THE NEEDS
OF THE STUDENTS ATTENDING CONCORDIA.

Statement of Facts Which the Applicant Believes Justify the Amendment (attach additional sheets as necessary):

- TOMBALL AND THE SURROUNDING AREA ARE GROWING
- AS THIS HAPPENS, INTEREST IN AND GROWTH AT CONCORDIA LUTHERAN HIGH SCHOOL ARE ALSO OCCURRING
- THE CONCORDIA STRATEGIC PLAN INCLUDES GROWING ENROLLMENT TO 600 STUDENTS. THIS IS A SIZE WHICH ALLOWS CONCORDIA TO OFFER A STRONG VARIETY OF SERVICES AND OPPORTUNITIES TO OUR STUDENTS WHILE MAINTAINING QUALITY, PERSONAL RELATIONSHIPS WITH OUR CONSTITUENTS.
- CONCORDIA ASKS FOR NO CHANGE TO THE REQUIREMENTS REGARDING TEMPORARY STRUCTURES, BUT ONLY THAT WE ARE ALLOWED TO USE THEM AS WE BUILD.
- CONCORDIA CANNOT RELY ON A BOND REFERENDUM TO BUILD AS WE GROW. WE MUST RAISE THE MONEY THROUGH A CAPITAL CAMPAIGN.
- CONCORDIA IS AN ACCREDITED, NATIONAL EXEMPLARY SCHOOL AND A MEMBER OF THE TOMBALL COMMUNITY FOR 30 YEARS.
- CONCORDIA IS NOW A TAPPS 5A SCHOOL WITH POSITIVE RECOGNITION STATE WIDE WITHIN TAPPS.

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 *John R. Bode* 6-27-13
Signature of Applicant Date

X *John R. Bode* 6-27-13
Signature of Owner Date

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: August 12, 2013

Data Sheet

Topic:

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.

- Conduct a Public Hearing on **ZONING CASE P13-114**

Background:

Origination:

City of Tomball

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

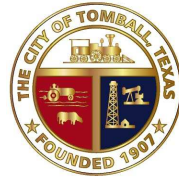
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearing

P13-114 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
AUGUST 12, 2013
&
CITY COUNCIL
AUGUST 19, 2013**



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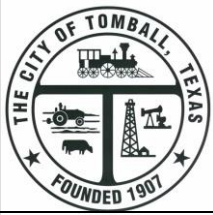
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Brandy Pate

Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: August 12, 2013

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.

BACKGROUND

At the July 15, 2013, City Council meeting, off-street parking was discussed for detached single-family residences in the Old Town Area bound 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. During this meeting, City Council deliberated moving forward with allowing detached single-family residences in this area on 25-foot wide platted lots if each residence provided a minimum of two on-site, off-street parking stalls. The Tomball Zoning Ordinance currently does not require a minimum number of on-site, off-street parking stalls in this area. Per City Council’s direction, Staff is bringing forth this proposed amendment to help accomplish the City Council’s overall vision for the Old Town Area.

PROPOSED AMENDMENTS

Section 34.6.E.1 (“Off-Street Parking”)

“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, there shall not be a minimum off-street parking requirement **for mixed use and non-residential developments. Residential developments shall provide on-site, off-street parking stalls in accordance with Section 38.**”

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on July 29, 2013; no public comments have been received.

RECOMMENDATION

Staff recommends **APPROVAL** of Zoning Case P13-114.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: August 12, 2013

Data Sheet

Topic:

Workshop Session

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

Background:

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Introduction to the Planning Commission Powerpoint

Introduction to the Planning Commission Part One

January 18, 2006

Resources accessible from CD-ROM main menu



American Planning Association

Making great communities happen

Topics and Technical Briefs

Introduction to the Concept of Planning

- Decision Making: Powers and Duties of the Planning Commission

The Comprehensive Plan and Planning at Different Levels

- Planning and the Comprehensive Plan
- Special Plans

The Tools of Planning

- Development Review Process and Legal Issues
- Design Review
- Site Plan Review (*The Commissioner*)

Decision Making by the Planning Commission

- Ethical Meeting Conduct and How to Record Decisions
- Rules of Procedure for the Planning Commission (*The Commissioner*)
- Interaction of Planning Commissions, Planners, and Attorneys (*The Commissioner*)



Image: APA, used with permission

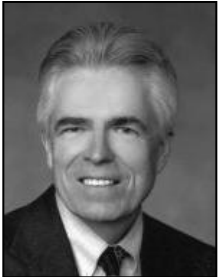
Today's Speakers



Michael Chandler
Moderator
Richmond, Virginia



Peter Pollock, FAICP
Planning Director
City Of Boulder, Colorado



Thomas G. Pelham, AICP
Fowler White Boggs & Banker
Tallahassee, Florida



David D. Ward, AICP
Chester County Planning Commission
West Chester, Pennsylvania

Introduction to the Concept of Planning

Part 1



American Planning Association

Making great communities happen

What are the basic principles of planning?

Why are they important?

Peter Pollock:

- Purposes:
 - Maximize the benefits of new development
 - Minimize the drawbacks of new development
- Principles:
 - Sustain the community
 - Protect the environment
 - Provide adequate services and infrastructure
 - Coordinate among governmental entities

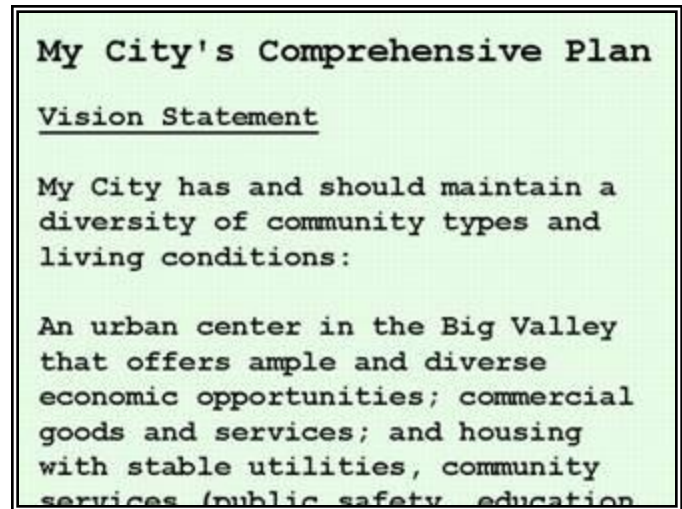


Image: K. Marianne Wargelin, used with permission

What is the connection between a vision and the planning principles?

Peter Pollock:

- Vision describes community's direction
- Translate vision into action over time using comprehensive plan
- Implementation policies and goals reflect the vision



Who does planning? Where is planning in the governmental decision making process?

David Ward:

- Planning
 - Is an integral part of municipal government
 - Impacts every aspect of local government
 - Includes everything from the budgeting process to the preparation of codes and ordinances
 - Involves the entire community



Image: Carolyn Torma, used with permission

Who does planning? Where is planning in the governmental decision making process?

David Ward:

- The planning commission
 - Primary entity responsible for planning
 - Made up volunteers
 - No professional planning background needed to serve
- Resources available for assistance include staff, elected officials, the public, and consultants
- Coordinate planning for consistency:
 - Within a jurisdiction
 - With other jurisdictions
 - With county and regional plans



Image: Chris Zheng, used with permission

What is the legal context for planning and the planning commission?

Tom Pelham:

- State police powers
- State legislation
 - Delegate authority with enabling legislation or grant of home rule
- Enabling legislation
 - Broad—zoning and planning enabling acts
 - Specific—subdivision enabling act, site plan review
- Authority given to local government
 - Statutes may address the planning commission
 - *Growing Smart* resource: www.planning.org/guidebook
- Local regulations, standards, and guidelines

What are some of the typical roles played by the planning commission?

Tom Pelham:

- Advisory or recommending body
- Final decision-making authority
- Fact finding body
- Initiator of planning studies and reports



Image: Belle Burkhart, used with permission

The Comprehensive Plan and Planning at Different Levels

Part 2



American Planning Association

Making great communities happen

What is the comprehensive plan and why is it important?

David Ward:

The comprehensive plan is a community's compass. It is designed to help residents chart a course to a mutually agreed-upon future.

The comprehensive plan is a tool that can be used to foster change or effectively deal with unanticipated changes.

Technical Brief 1 accessible from conference main menu

What is the comprehensive plan and why is it important?

David Ward:

- Guides drafting and revision of codes and ordinances
- Time-sensitive over given time horizon
- Must be monitored and may require revision
- Includes maps, charts, and textual materials
- Establishes goals, measures trends, and establishes recommended actions

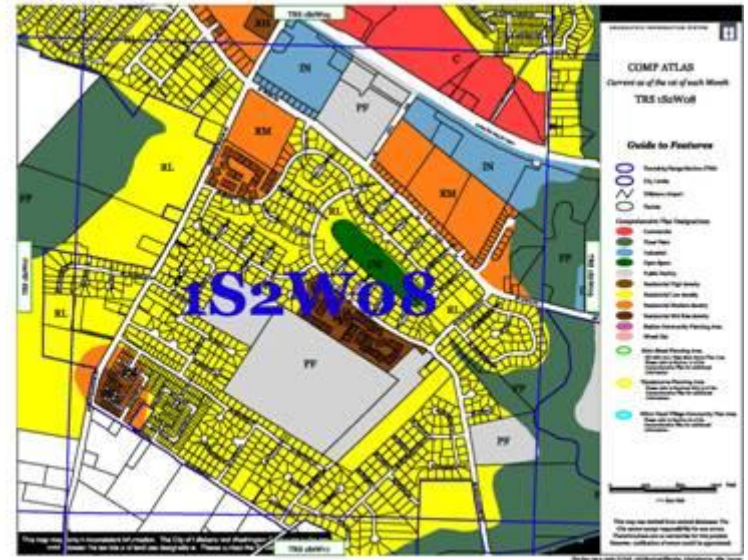


Image: Hillsboro Planning Department, used with permission

What are the key elements of the comprehensive plan?

Peter Pollock:

1. Policies and goals
 - Organized around themes or major elements
2. Land-use map
 - Not regulatory, but informational
3. Links to other plans

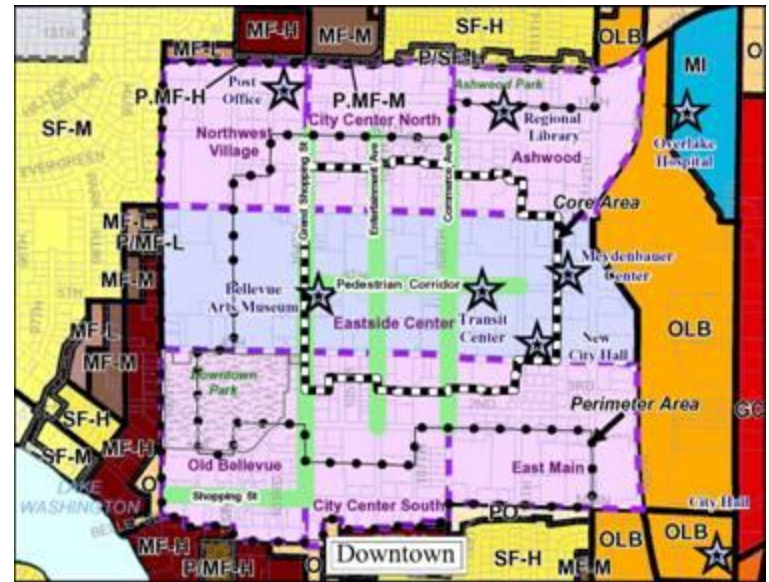


Image: City of Bellevue, used with permission

How do states with state-mandated planning do local planning?

Tom Pelham:

- Several states mandate that local governments engage in planning
- Some mandate the adoption of local comprehensive plans (Florida and Oregon)
- May spell out:
 - What the components of the plan are to be
 - Substantive standards to be used in preparing plans
- State agency reviews local comprehensive plans and plan amendments

What is the legal importance of the comprehensive plan?

Tom Pelham:

- Varies from state to state
- Government may not be required to adopt local plan
- State requirements for local planning make local comprehensive plans the preeminent land use regulatory documents

What is the legal importance of the comprehensive plan?

Tom Pelham:

- Courts determine how plans are to be interpreted
- Care needed in preparing and writing a local plan to avoid unintended consequences
- Courts may interpret vague provisions differently than intended
- Be cautious with firm deadlines in the plan

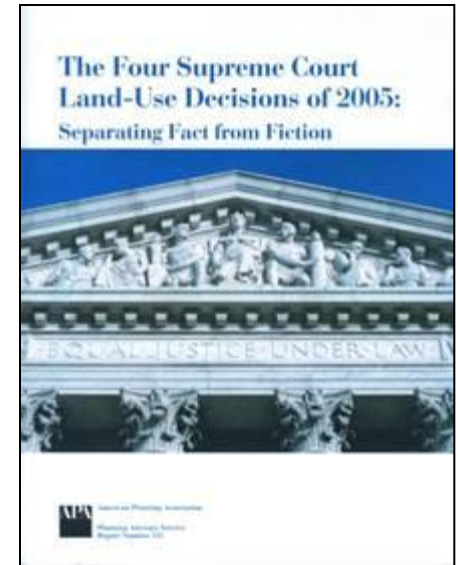


Image: American Planning Association

What about plans developed for different levels of planning? Examples?

Peter Pollock:

- Issue-based plans
 - Housing strategy, energy or water conservation, master plans for parks or transportation, economic development strategy
- Geography-based plans
 - Area plans for the city such as the Downtown, neighborhoods, historic districts
- “Specific Plans” in California
- Define desired development character and identify implementation measures

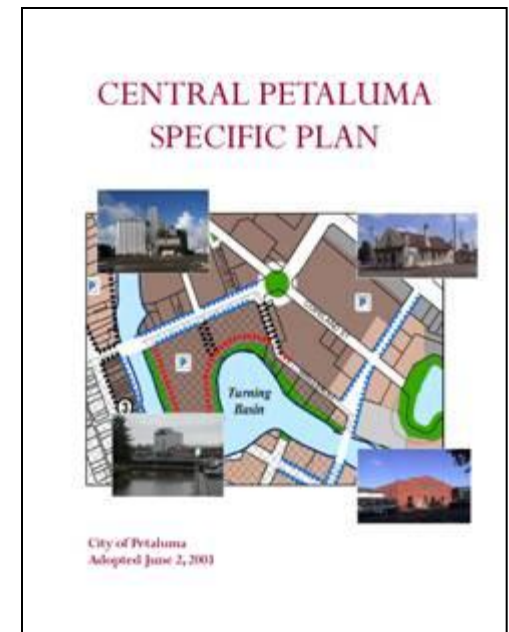


Image: City of Petaluma, used with permission

What are some plans that are at a level larger than the community?

Tom Pelham:

- State plans
 - Transportation or water
- Regional plans
- Special district plans
- Federal agency plans

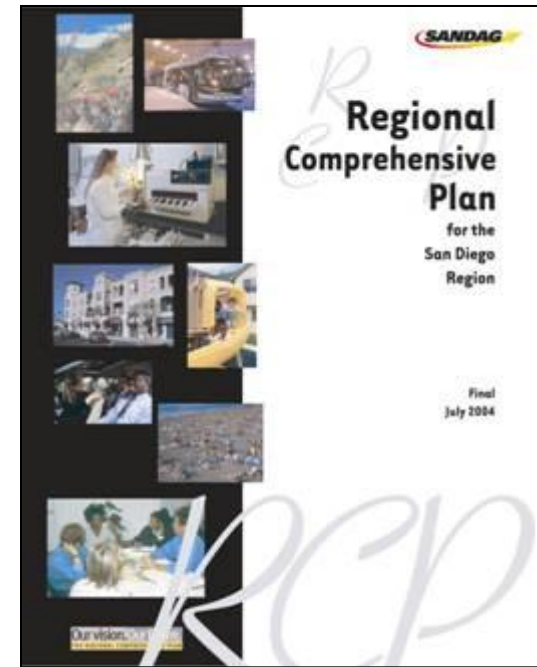


Image: SANDAG, used with permission

What types of plans would be developed in Pennsylvania's communities?

David Ward:

- Each municipality can adopt its own comprehensive plan
- Plan coordination is important
 - Municipalities in consolidated school districts
 - Along highway corridors
 - Shared common resources
 - Urban area and surrounding rural municipalities

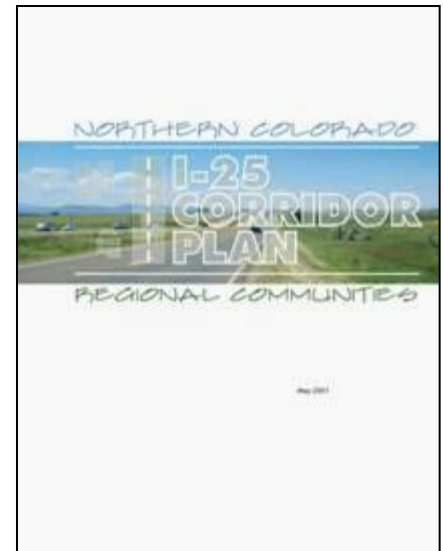


Image: City of Fort Collins, used with permission

The Tools of Planning

Part 3



American Planning Association

Making great communities happen

Please provide an overview of the legal framework for the tools of planning.

Tom Pelham:

- State enabling statutes for local adoption of zoning, subdivision regulations, site review, growth management, etc.
- Provisions of the local comprehensive plan
- Provisions of local implementing regulations
- Federal restrictions (telecommunications act, RLUIPA)
- Federal and state constitutional limitations (due process, equal protection, First Amendment, etc.)

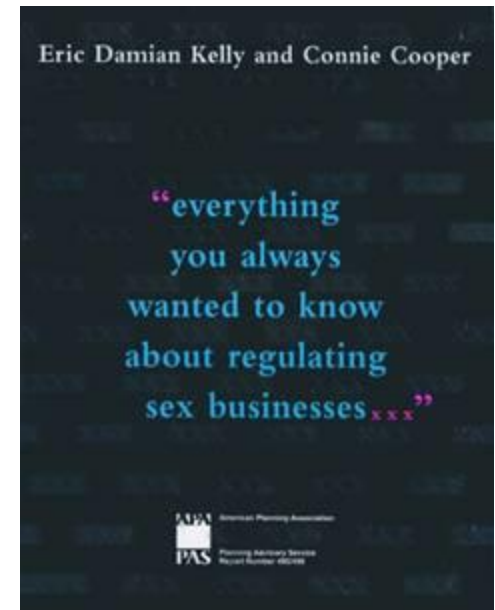


Image: American Planning Association

What is zoning? Purpose? Common techniques? Role of the Board of Adjustment?

David Ward:

- Most common tool used to implement the comprehensive plan
- Regulates a variety of physical items:
 - Land use
 - Density and intensity, including lot sizes
 - Yard areas and setbacks
 - Building and lot coverage
 - Zoning districts



Image: Sarah Lutz, used with permission

What is zoning? Purpose? Common techniques? Role of the Board of Adjustment?

David Ward:

- Techniques include:
 - Conventional—lot-by-lot
 - Performance-oriented—based on resources
 - Planned Unit Development
 - Traditional Neighborhood Development
 - Transit-Oriented Development
 - Transferable Development Rights



Images: Carolyn Torma (top) and Carol Wargelin (bottom), used with permission

What is zoning? Purpose? Common techniques? Role of the Board of Adjustment?

David Ward:

- Planning commission has no authority to waive or modify zoning regulations
- Must be able to provide relief
- Zoning Board of Appeals or Adjustment
 - Is a quasi-judicial board
 - Hears cases where strict application of regulations causes undue hardship
 - Has authority to approve variances and to assign conditions

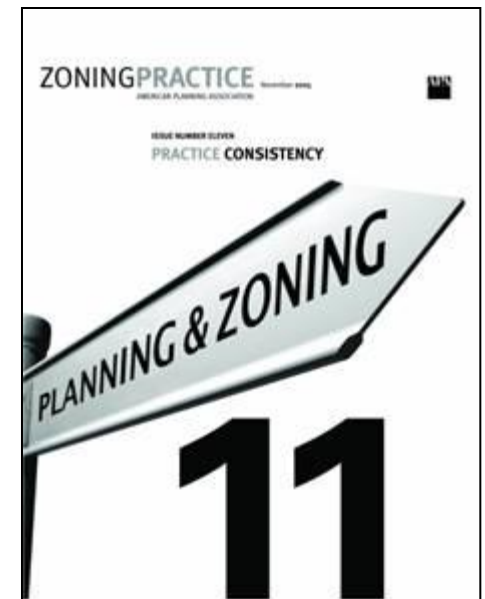


Image: American Planning Association

What is development review and its relationship to planning?

Peter Pollock:

- Ensures that new development meets community's goals
- Two types of review:
 - Physical development
 - Use
- Each jurisdiction has thresholds of authority to approve variations in physical standards and uses
- Reviews involve the application of standards and are somewhat flexible



Image: Carolyn Torma, used with permission

Please describe site plan review.

David Ward:

- Apply the comprehensive plan vision and zoning ordinances to a given site
- Development regulations may not match the comprehensive plan
- Seek assistance to translate ordinances into site design recommendations
- "Site Plan Review: A Primer for Planning Commissions," *The Commissioner*
 - Article posted on www.planning.org/audioconference/ipc1



Image: Winter & Co., used with permission

Who else reviews plans, and how do they relate to the planning commission?

Tom Pelham:

- Weight given to reviews depends on the community circumstances and authority
- Review by engineers, legal staff, fire department, utilities, public works, police, traffic engineers, environmental experts
- Review by special committees or boards



Image: Carolyn Torma., used with permission

What is growth management and how does it work with planning?

Peter Pollock:

- Not every community deals with growth management
- Used in rapidly growing communities
- Traditional tools may help carry out growth management
 - Manage intensity of new growth through zoning
 - Manage size of city by annexation
- Other tools
 - Urban growth boundaries
 - Timing of development



Image: Carolyn Torma, used with permission

What is the Capital Improvement Program (CIP) and how does it implement a plan?

David Ward:

- Timetable for acquiring public investments
- Includes public sewer, water and stormwater projects; road improvements; and major equipment and machinery
- Consistent with comprehensive plan
- Improvements placed in priority order



Image: Carolyn Torma, used with permission

Are there other implementation tools commissioners should be aware of?

Peter Pollock:

- Growth paying for impacts
 - Regulatory powers needed to require new developments to pay for improvements directly associated with development
 - Fees and taxes
- Design review
 - Takes planning to the architectural level
- Affordable housing strategies
- *Redesigning Cities*, Jonathan Barnett
www.planning.org/bookservice



Image: Noré Winter, used with permission

Decision Making by the Planning Commission

Part 4



American Planning Association

Making great communities happen

What factors affect how the commission operates?

Tom Pelham:

- Advisory v. quasi-judicial
- Quasi-judicial
 - Procedural due process
 - Opportunity to present evidence
 - Witnesses sworn in and subject to cross-examination
 - Decision based on the record made at the hearing

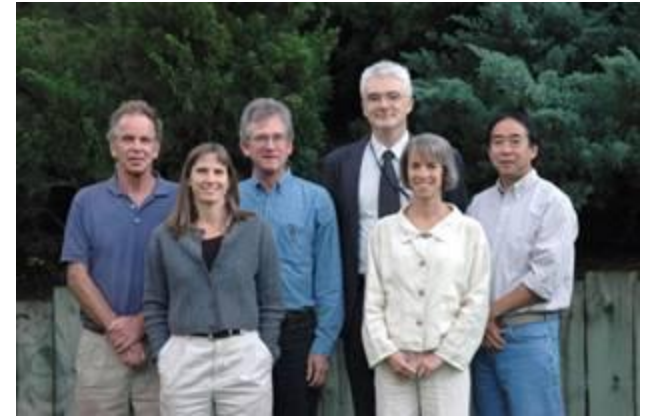


Image: Summer Woodsong, used with permission

What factors affect how the commission operates?

Tom Pelham:

- Legal issues as applied in a particular case
 - Substantive due process
 - “Effective Interaction of Planning Commissions, Planners, and Attorneys,” *The Commissioner*
 - Article accessible from CD-ROM main menu
- Relationship to legislative/elected body
- Relationship to hearing examiners or special masters
- Public interaction and participation

What is the ethical framework and what should commissioners be concerned with?

David Ward:

- Must operate fairly and openly to be effective
- Ethical framework includes:
 - Understanding your role in municipal government
 - Making known conflicts of interest
 - Being fair to fellow members and the public (posting agenda and rules of conduct)

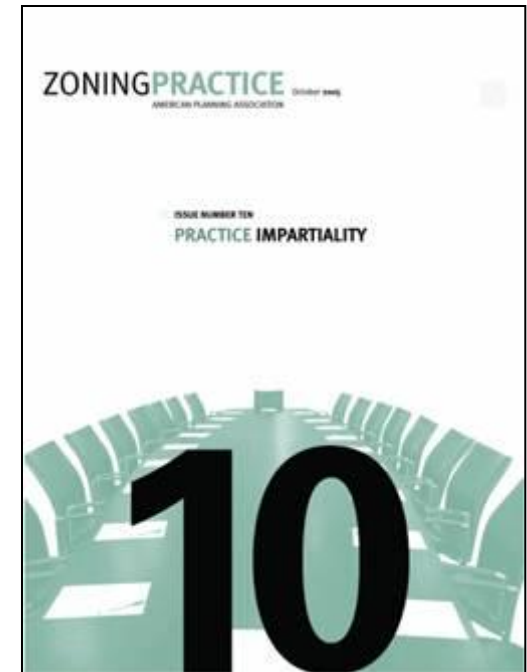


Image: American Planning Association

What is the ethical framework and what should commissioners be concerned with?

David Ward:

- Ethical framework includes: (continued)
 - Being aware of state ethics codes and sunshine laws
 - Observing administrative procedures in codes and ordinances
- *APA's Ethical Principles in Planning*
www.planning.org/ethics/ethics.html
- *Technical Brief 3*
accessible from CD-ROM main menu

How should the commission conduct its meetings?

Peter Pollock:

- “Rules of Procedure for Planning Commissions,”
The Commissioner
 - Article accessible from CD-ROM main menu
- Serve the public interest
- Acquire adequate information and knowledge
 - Digest information, visit sites, ask questions of staff
- Be fair
- Take a broad perspective
 - Consider the implications for the whole community



Image: American Planning Association

How should the commission conduct its meetings?

Peter Pollock:

- Make sure the public receives notice of the proceedings of the commission
- Organize public interest items first on the agenda
- Debrief after meetings
- Develop a good record for decisions
 - Conditions of approval
 - Findings of fact
- Avoid conflict of interest issues by avoiding outside contact



Image: Kimberly Dodson, used with permission

Why and how should commissions reach and record legally defensible decisions?

Tom Pelham:

- Factual foundation very important
- Challenging to achieve at times
- Staff reports
- Public and expert testimony
- Findings of fact

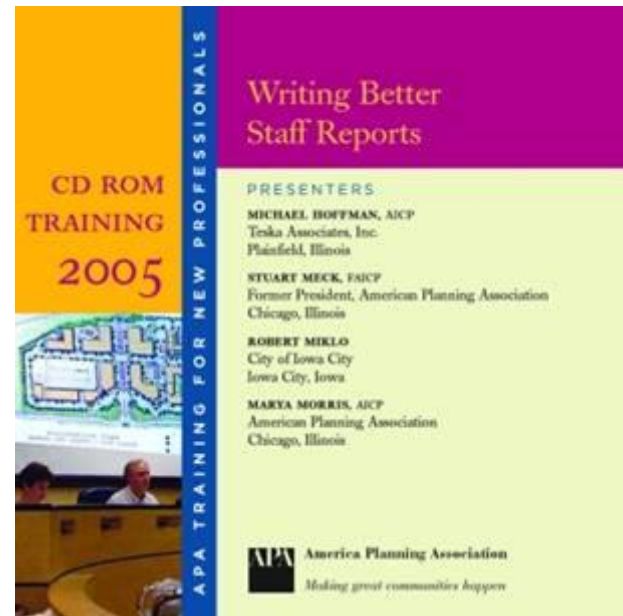


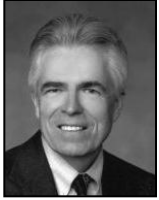
Image: American Planning Association

Why and how should commissions reach and record legally defensible decisions?

Tom Pelham:

- Reaching a decision
 - Take votes
 - Appropriately apply the applicable regulation to the situation
 - Full and open deliberation
- Recording a decision
 - Minutes
 - Tape meeting
 - Court reporter
- If acting in a quasi-judicial manner, commission should prepare final written decision with staff help

Summary Questions



Thomas G. Pelham



Peter Pollock



David D. Ward



Michael Chandler, moderator

Introduction to the Planning Commission Part One



American Planning Association

Making great communities happen

Part Two – March 22, 2006

Zoning

- Zoning process
- Zoning variances

Plan implementation

- Subdivision regulation
- How plans are amended

Citizen engagement and resolving conflict in public meetings

How to work with the public and other appointed and elected officials

- The roles and participants in public decision making
- Concerns of participants
- Applicability of sunshine laws

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