

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



**MONDAY, JULY 8, 2013**

**6:00 P.M.**

**Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, July 8, 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 June 10, 2013.

5.0 New Business:

- 5.1 Receipt of 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.
- 5.2 Consideration 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.
- 5.3 Consideration 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.
- 5.4 Workshop Session
  - The Planning and Zoning Commission will enter into a Training Session
    - Introduction to the Planning Commission Part 1 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 3rd day of July 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](http://www.ci.tomball.tx.us).

Regular Planning and Zoning Commission  
Agenda Item  
Data Sheet

Meeting Date: July 8, 2013

**Topic:**

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

| ACTION TAKEN                                                         |                                                                                                      |       |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------|
| APPROVAL<br><input type="checkbox"/> YES <input type="checkbox"/> NO | READINGS PASSED<br><input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> | OTHER |

Regular Planning and Zoning Commission  
Agenda Item  
Data Sheet

Meeting Date: July 8, 2013

**Topic:**

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

| ACTION TAKEN                                                         |                                                                                                      |       |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------|
| APPROVAL<br><input type="checkbox"/> YES <input type="checkbox"/> NO | READINGS PASSED<br><input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> | OTHER |

# Regular Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: July 8, 2013

**Topic:**

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of June 10, 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 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**ATTACHMENTS:**

P&Z Regular Meeting Minutes 06.10.13

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

**MONDAY, JUNE 10, 2013**



**6:00 P.M.**

**1.0 Call to Order**

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

Commissioner Tague  
Commissioner Walicki  
Commissioner Roquemore  
Commissioner Beauvais

Others present:

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

**draft**

**1.1 Election of Chair and Vice Chair: Vice Chair Torres requested nominations for Chair.**

Commissioner Roquemore nominated himself for Chair.  
Commissioner Tague nominated herself for Chair.  
Vice Chair Torres nominated herself for Chair.

Commissioner Tague made a motion that nominations cease; second by Commissioner Roquemore.

Motion carried unanimously.

The votes for Chair were as follows:

Commissioner Roquemore  
Commissioner Tague

Darrell Roquemore  
Barbara Tague

|                       |                      |
|-----------------------|----------------------|
| Commissioner Walicki  | <u>Barbara Tague</u> |
| Commissioner Beauvais | <u>Barbara Tague</u> |
| Commissioner Torres   | <u>Evelyn Torres</u> |

Commissioner Tague is elected Chair.

Vice Chair Torres requested nominations for Vice Chair.

Commissioner Tague nominated Darrell Roquemore as Vice Chair.  
Commissioner Torres nominated herself as Vice Chair.

Commissioner Tague made a motion that nominations cease; second by Commissioner Walicki.

Motion carried unanimously.

The votes for Vice Chair were as follows:

|                        |                          |
|------------------------|--------------------------|
| Commissioner Roquemore | <u>Darrell Roquemore</u> |
| Commissioner Tague     | <u>Darrell Roquemore</u> |
| Commissioner Walicki   | <u>Evelyn Torres</u>     |
| Commissioner Beauvais  | <u>Darrell Roquemore</u> |
| Commissioner Torres    | <u>Evelyn Torres</u>     |

Commissioner Roquemore is elected Vice Chair.

Barbara Tague and Darrell Roquemore assumed positions on the dais and the following items were considered:

- 2.0 No Public Comments were received.
- 3.0 No Reports or Announcements were received.
- 4.0 Motion was made by Commissioner Torres to approve the Minutes of the Regular Planning and Zoning Commission Meeting of May 13, 2013; second by Commissioner Beauvais.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve **ACQUEST TOMBALL REPLAT NO 1**: A subdivision of 7.0434 Acres situated in the Joseph House Survey, A-34, City of Tomball, Harris County, Texas and also being a Replat of Lots 70 and 71, Block 1 of Final Plat Acquest Tomball, a subdivision in Harris County, Texas, According to the Map Plat thereof recorded in Film Code No. 645193 of the Map Records of Harris County, Texas.



Lori Lakatos, City Engineer presented comment recommendations.

Commissioner Roquemore made a motion to approve **ACQUEST TOMBALL REPLAT NO. 1** with contingencies; second by Commissioner Beauvais.

Motion carried unanimously.

- 5.2 Receipt of Capital Projects Comments and Recommendations from the Planning and Zoning Commission for City Manager Consideration regarding Budget of Five Year Capital Improvement Plan (CIP) 2014-2018.

Lori Lakatos, City Engineer, provided a review and presentation of the five-year CIP for 2014 – 2018.

Commissioner Beauvais made a motion to accept Engineering & Planning's Five Year Capital Improvement Projects list; second by Commissioner Roquemore.

Commissioner Beauvais amended her motion to include changes as requested by the Commission; second by Commissioner Roquemore.

Motion carried unanimously.

- 5.3 Discussion regarding Zoning Ordinance Update.

Craig Meyers, Community Development Director presented an outline for discussion items, solicited comments and welcomed future comments to staff from the Commission.

- 6.0 Motion was made by Commissioner Beauvais to adjourn; second by Commissioner Walicki.

Motion carried unanimously.

Meeting adjourned at 6:44 p.m.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Brandy Pate  
P&Z Commission Secretary

\_\_\_\_\_  
Barbara Tague  
Chairman

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 8, 2013

## Data Sheet

### Topic:

Receipt of 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.

### Background:

### Origination:

### Recommendation:

### Funding:

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

Brandy Pate, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Thrash Tract Minor Plat

THE STATE OF TEXAS  
COUNTY OF HARRIS

WE, RANDY W. THRASH AND HEATHER THRASH, HEREINAFTER REFERRED TO AS OWNER OF THE 1.3104 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF THRASH TRACT, DO HEREBY MAKE AND ESTABLISH OF SAID SUBDIVISION PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOEVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

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

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

IN TESTIMONY WHEREOF, HAS CAUSED THESE PRESENTS TO BE SIGNED BY RANDY W. THRASH, THEREUNTO AUTHORIZED, AND BY HEATHER THRASH, THIS 1<sup>st</sup> DAY OF July, 2013.

BY: Randy W. Thrash  
RANDY W. THRASH

BY: Heather Thrash  
HEATHER THRASH

THE STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, RANDY W. THRASH AND HEATHER THRASH, KNOWN TO ME TO BE THE PERSON WHOSE NAMES IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXCUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 1<sup>st</sup> DATE OF July, 2013.

Janice H. Haddad  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES: 2-13-2014

JANICE H. HADDAD  
MY COMMISSION EXPIRES  
February 13, 2014

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.

GEORGE SHACKELFORD, CITY MANAGER

LORI LAKATOS P.E., CITY ENGINEER

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF THRASH TRACT IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN AUTHORIZED THE RECORDING OF THIS PLAT THIS \_\_\_\_ DAY OF \_\_\_\_ 2013.

BY: Barbara Tague  
BARBARA TAGUE, CHAIRMAN

BY: Darrell Roquemore  
DARRELL ROQUEMORE, VICE CHAIRMAN

I, CRAIG A. LANEY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTERS 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.

Craig A. Laney  
CRAIG A. LANEY, R.P.L.S.  
TEXAS REGISTRATION NO. 4507

STATE OF TEXAS  
CRAIG A. LANEY  
R.P.L.S.  
EXPIRATION  
OCT 31 2014

BY: Gretchen Fagan  
GRETCHEN FAGAN, MAYOR

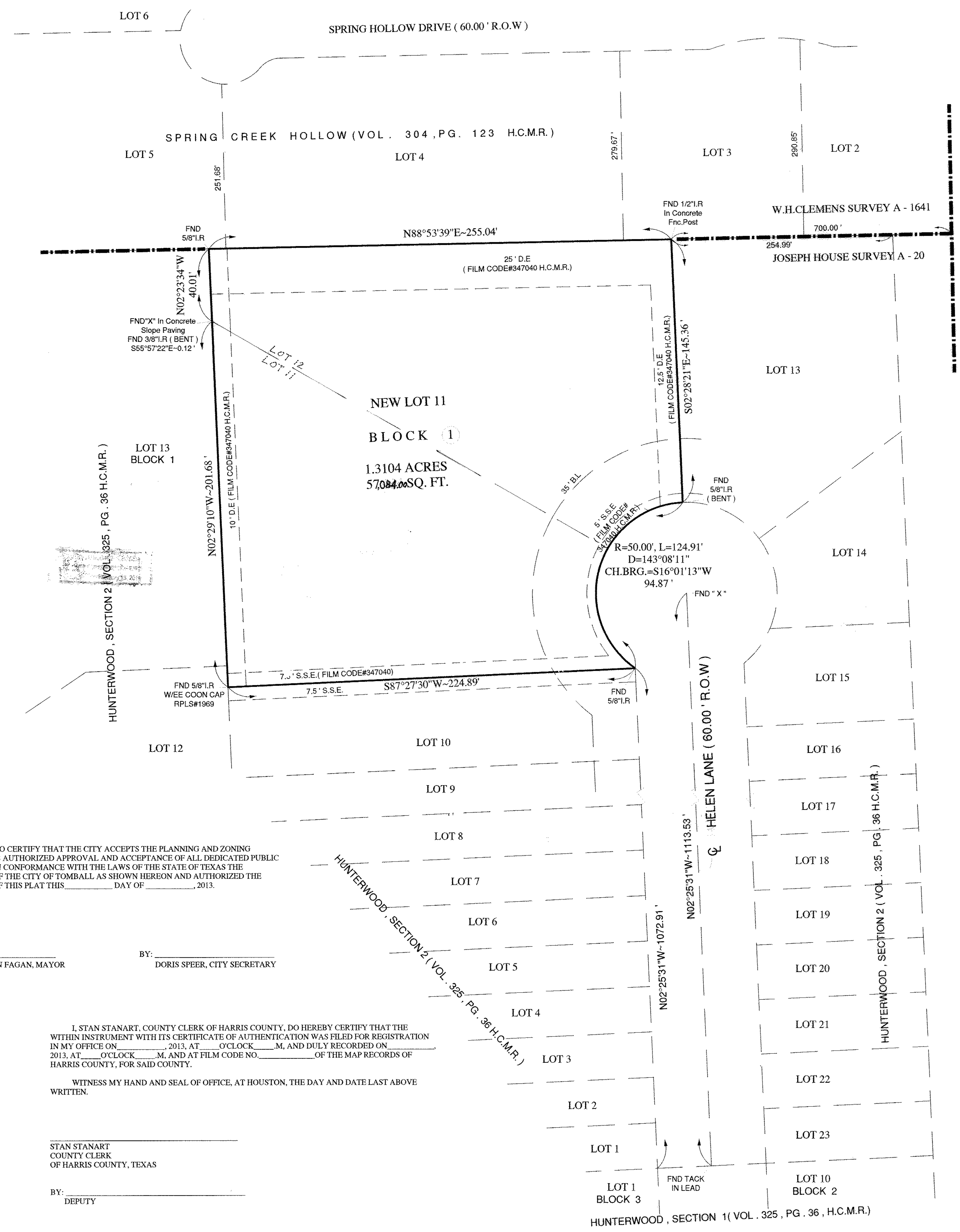
BY: Doris Speer  
DORIS SPEER, CITY SECRETARY

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON \_\_\_\_ 2013, AT \_\_\_\_ O'CLOCK \_\_\_\_ M, AND DULY RECORDED ON \_\_\_\_ 2013, 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  
STAN STANART  
COUNTY CLERK  
OF HARRIS COUNTY, TEXAS

BY: Deputy  
DEPUTY



# THRASH TRACT

A SUBDIVISION OF 1.3104 ACRE TRACT, 57,084.00 SQUARE FEET  
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

CONTAINING  
1 LOT 1 BLOCK  
JULY 2013  
(REASON FOR REPLAT IS TO CONSOLIDATE TWO LOTS INTO ONE LOT)

OWNER  
RANDY W. THRASH and HEATHER THRASH  
20019 STONE LAKE CIRCLE  
TOMBALL, TEXAS 77377  
(281) 857-8125

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

- GENERAL NOTES
1. B.L. INDICATES "BUILDING LINE"
  2. U.E. INDICATES "UTILITY EASEMENT"
  3. R.O.W. INDICATES "RIGHT-OF-WAY"
  4. AC/TRACT INDICATES "ACRE TRACT"
  5. VOL. INDICATES "VOLUME"
  6. PG. INDICATES "PAGE"
  7. I.R. INDICATES "IRON ROD"
  8. D.E. INDICATES "DRAINAGE EASEMENT"
  9. S.S.E. INDICATES "SANITARY SEWER EASEMENT"
  10. H.C.M.R. INDICATES "HARRIS COUNTY MAP RECORDS"
  11. Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
  12. According to the 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.
  13. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
  14. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
  15. 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 setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
  16. This plat does not attempt to amend or remove any valid covenants or restrictions.
  17. The building lines shown in 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.

# Regular Planning and Zoning Commission

## Agenda Item

### Data Sheet

Meeting Date: July 8, 2013

**Topic:**

Consideration 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.

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

Brandy Pate, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

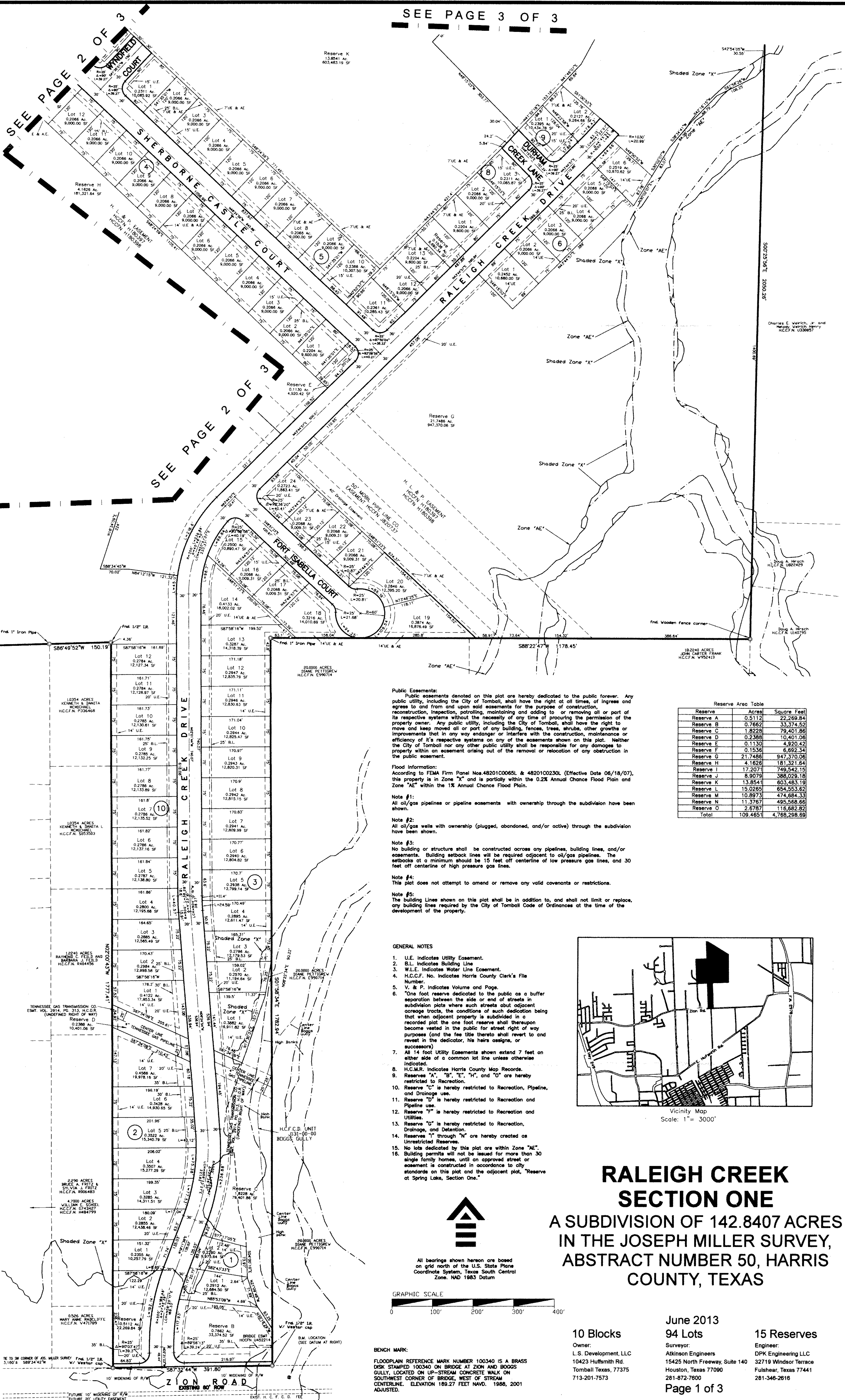
**ATTACHMENTS:**

Raleigh Creek Section One Final Plat 1 of 3

Raleigh Creek Section One Final Plat 2 of 3

Raleigh Creek Section One Final Plat 3 of 3





# RALEIGH CREEK SECTION ONE A SUBDIVISION OF 142.8407 ACRES IN THE JOSEPH MILLER SURVEY, ABSTRACT NUMBER 50, HARRIS COUNTY, TEXAS

10 Blocks

Owner:  
L.S. Development, LLC  
10423 Huffsmith Rd.  
Tomball Texas, 77375  
713-201-7573

June 2013

94 Lots

Surveyor:  
Atkinson Engineers  
15425 North Freeway, Suite 140  
Houston, Texas 77090  
281-872-7600

Page 1 of 3

15 Reserves

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



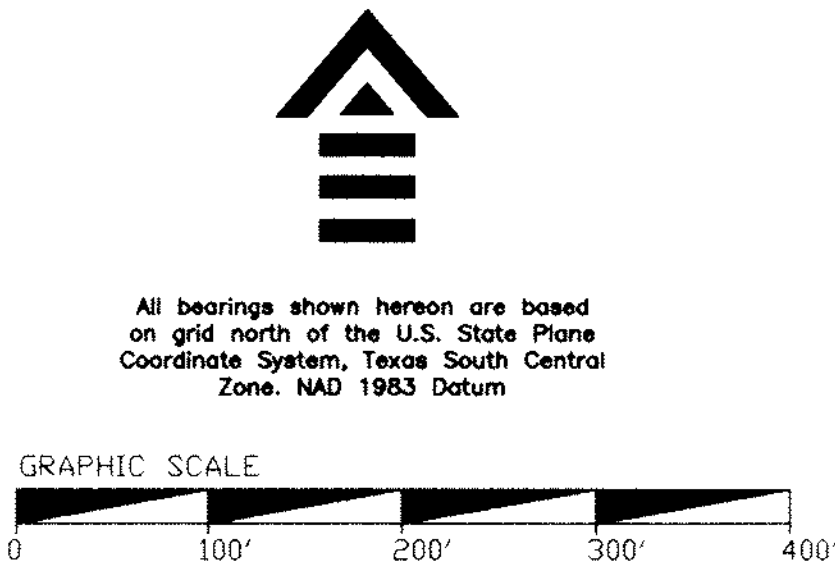
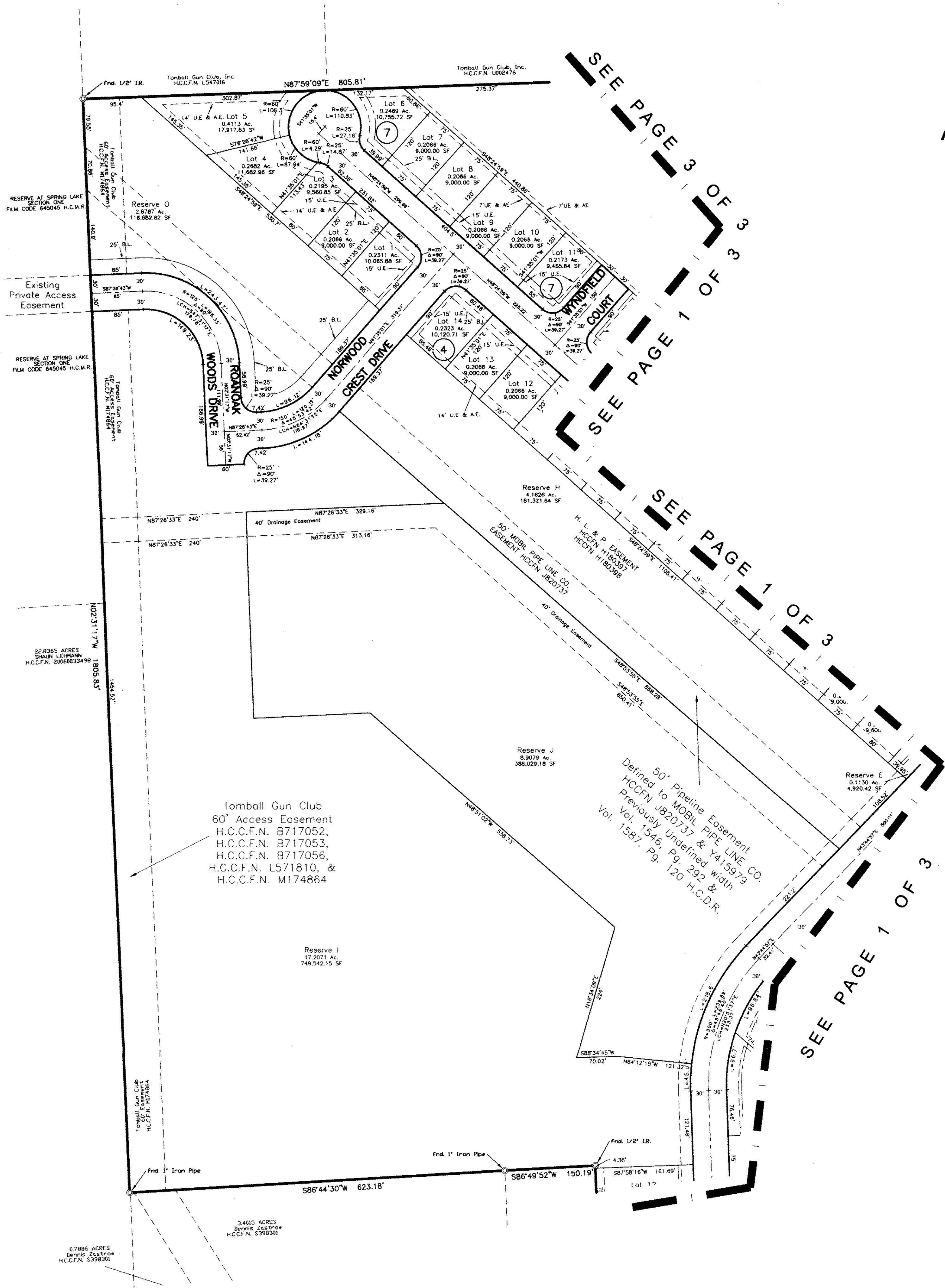
**RALEIGH CREEK  
SECTION ONE**  
A SUBDIVISION OF 142.8407 ACRES  
IN THE JOSEPH MILLER SURVEY,  
ABSTRACT NUMBER 50, HARRIS  
COUNTY, TEXAS

June 2013  
10 Blocks  
Owner:  
L.S. Development, LLC  
10423 Huffsmith Rd.  
Tomball, Texas, 77375  
713-201-7573

94 Lots  
Surveyor:  
Atkinson Engineers  
15425 North Freeway, Suite 140  
Houston, Texas 77060  
281-872-7600

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

Page 2 of 3



THE STATE OF TEXAS  
COUNTY OF HARRIS

WE, L S DEVELOPMENT, LLC., acting by and through, JIM SPURLIN, President and ALISON SPURLIN, Secretary, being officers of L S DEVELOPMENT, LLC., hereinafter referred to as owners of the 142.8635 Acre Tract described in the above and foregoing plat of RALEIGH CREEK, SECTION ONE, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net opening area of sufficient size to permit the free flow of water without backwater and in no instance have drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, ravines, draws, sloughs, or other natural drainage courses located and depicted upon said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the 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.

L S DEVELOPMENT, LLC.

IN TESTIMONY WHEREOF, L S DEVELOPMENT, LLC., has caused these presents to be signed by JIM SPURLIN, its President, thereunto authorized, attested by its Secretary, ALISON SPURLIN, and its common seal hereunto affixed this 25 day of June, 2013.

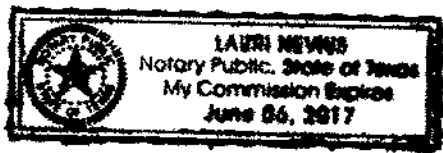
By: James Spurlin JIM SPURLIN, President  
By: Alison Spurlin ALISON SPURLIN, Secretary

THE STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JIM SPURLIN and ALISON SPURLIN, President and Secretary respectively of L S Development, LLC., known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said Corporation.

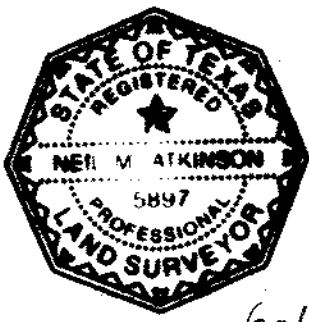
GIVEN UNDER MY HAND AND SEAL OF OFFICE  
this 25 day of June, 2013.

Lauri Nemes  
Notary Public in and For the State of Texas  
My Commission Expires: 6/1/17



I, Neil M. Atkinson, am registered under the laws of the State of Texas to practice the profession of Surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron 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.

Neil M. Atkinson  
Registered Professional Land Surveyor  
Texas Registration No. 5897



This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RALEIGH CREEK, SECTION ONE in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this day of June, 2013.

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

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

This is to certify that the City accepts the Planning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this day of June, 2013.

By: Gretchen Fagan Mayor  
By: Doris Speer City Secretary

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 20 at o'clock, and duly recorded on 20 at o'clock, and under film code number of the map records of Harris County for said County.

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

Stan Stanart  
County Clerk of  
Harris County, Texas

By: Deputy



**RALEIGH CREEK  
SECTION ONE**

A SUBDIVISION OF 142.8407 ACRES  
IN THE JOSEPH MILLER SURVEY,  
ABSTRACT NUMBER 50, HARRIS  
COUNTY, TEXAS

10 Blocks

Owner:  
L.S. Development, LLC  
10423 Huffsmith Rd.  
Tomball Texas, 77375  
713-201-7573

June 2013  
94 Lots

Surveyor:  
Atkinson Engineers  
15425 North Freeway, Suite 140  
Houston, Texas 77090  
281-872-7600

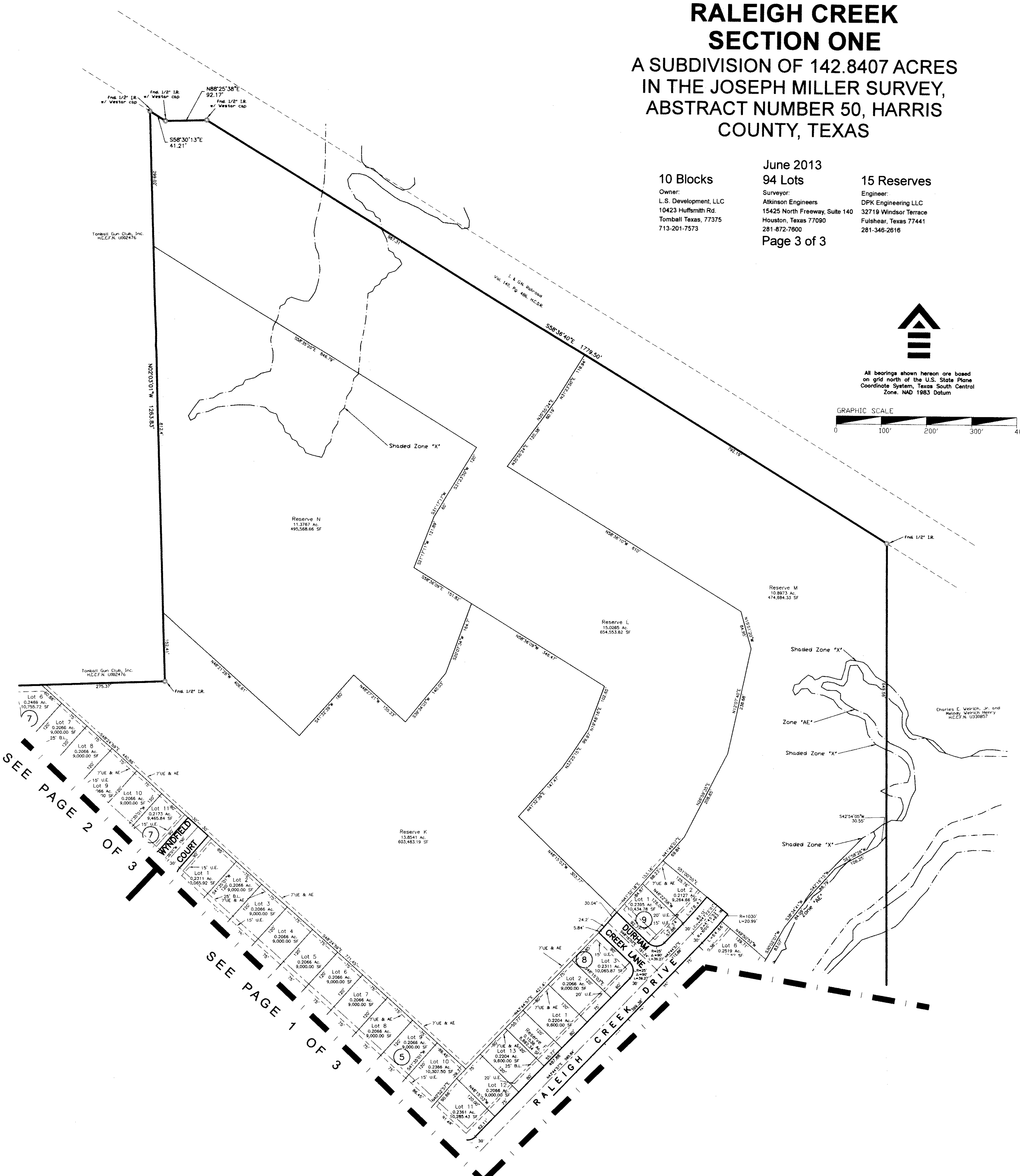
15 Reserves

Engineer:  
DPK Engineering LLC  
32719 Windsor Terrace  
Fulshear, Texas 77441  
281-346-2816

Page 3 of 3



All bearings shown hereon are based  
on grid north of the U.S. State Plane  
Coordinate System, Texas South Central  
Zone, NAD 1983 Datum



# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: July 8, 2013

## Data Sheet

### Topic:

Consideration 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.

### Background:

### Origination:

### Recommendation:

### Funding:

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

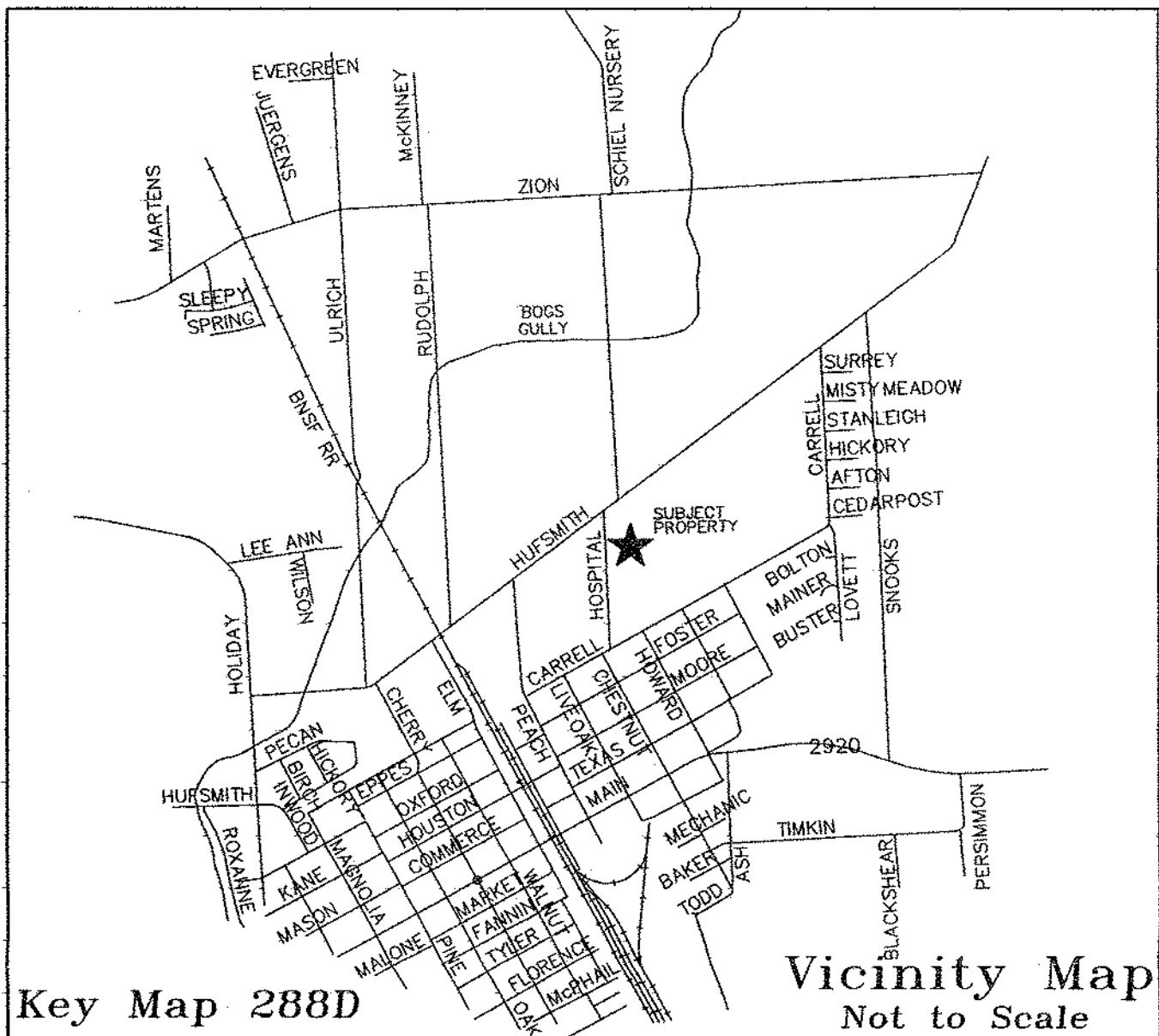
Brandy Pate, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Grand Four Preliminary Plat





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

Flood Information:  
According to FEMA Firm Panel No. 48201C0230-L (Effective Date June 18, 2007), this property is in 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.

Note #6:  
The Basis of Bearings for this plat is West line of the subject tract per the recorded deed.

Note #7:  
Maybe subject to Gas Unit No. 8 per Vol. 1276, Pg. 176 of the Contract Records of Harris County, Texas.

Note #8:  
In the city planning letter items pertaining to CF No. F835386 R.P.R.H.C.T., Volume 1053, Pg. 263; Vol. 1235, Pg. 544 and Vol. 1452, Pg. 428 D.R.H.C.T. do not apply to the subject property.

Note #9:  
Maybe subject to a 10 foot utility easement and a 5 foot by 20 foot aerial easement granted to Houston Lighting and Power per Vol. 5011, Pg. 194 D.R.H.C.T.

M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS  
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS  
FC NO. = FILM CODE NUMBER  
CF NO. = CLERK'S FILE NUMBER  
C.O.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL  
R.O.W. = RIGHT OF WAY

THE STATE OF TEXAS  
COUNTY OF HARRIS

We, **Ernest G. Grandinetti and Juliette M. Grandinetti**, owners hereinafter referred to as owners of the 0.3255 acre tract described in the above and foregoing plat of **GRAND FOUR**, do hereby make and establish said subdivision of said property according to all laws, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself, my heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an 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 dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the 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 hand in the City of \_\_\_\_\_, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By: \_\_\_\_\_  
Ernest G. Grandinetti

By: \_\_\_\_\_  
Juliette M. Grandinetti

THE STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared **Ernest G. Grandinetti** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Notary Public in and for the State of Texas  
My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared **Juliette M. Grandinetti**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Notary Public in and for the State of Texas  
My Commission Expires: \_\_\_\_\_

I, Steven L. Crews, am authorized under the laws of the State Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference not found have been marked with iron 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.

Steven L. Crews  
Texas Registration Number 4141

ROBERT G. SMITH  
4.680 ACRES  
OUT OF AND PART OF  
**81, 89 & 90**  
CF NO. 200904272  
R.P.R.H.C.T.

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of **GRAND FOUR** in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By: \_\_\_\_\_  
Barbara Tague  
Chairman

By: \_\_\_\_\_  
Darrell Roquemore  
Vice Chairman

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

George Shackelford, City Manager

Lori Lakatos, P.E.,  
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 \_\_\_\_\_, 2013.

By: \_\_\_\_\_  
Gretchen Fagan, Mayor

Doris Speer, City Secretary

Owners:  
**EARNEST G. GRANDINETTI AND  
JULIETTE M. GRANDINETTI**  
23091 Plantation Lake Drive  
Hempstead, Texas 77445  
Phone: 281-733-6086

Surveyor:  
**C & C SURVEYING, INC.**  
7424 FM 1488, Suite A  
Magnolia, Texas 77354  
Office: 281-356-5172  
FAX: 281-356-1935

HUF SMITH ROAD  
4.2116 ACRES  
OUT OF AND PART OF  
VOL. 445, PG. 130  
MR.H.C.T.

MARINELA & AMADEO VALDEZ  
4.2116 ACRES  
OUT OF AND PART OF  
**81, 92 & 93**  
CF NO. M06785  
R.P.R.H.C.T.

SALLIE CLINTON FISHER  
10,181.65 SQUARE FEET  
OUT OF AND PART OF  
**81**  
CF NO. T453720  
R.P.R.H.C.T.

SALLIE CLINTON FISHER  
2,628.75 SQUARE FEET  
OUT OF AND PART OF  
**81**  
CF NO. T453720  
R.P.R.H.C.T.

MARINELA & AMADEO VALDEZ  
4.2116 ACRES  
OUT OF AND PART OF  
**81, 92 & 93**  
CF NO. M06785  
R.P.R.H.C.T.

MICHAEL BURNS AND KENNETH BURNS  
4,890 SQUARE FEET  
OUT OF AND PART OF  
**81**  
CF NO. 20060726165  
R.P.R.H.C.T.

91M1

MONTEY STONE TRACT  
VOL. 483, PG. 130  
MR.H.C.T.

91M2

MONTEY STONE TRACT  
VOL. 483, PG. 130  
MR.H.C.T.

MARINELA & AMADEO VALDEZ  
4.2116 ACRES  
OUT OF AND PART OF  
**81, 92 & 93**  
CF NO. M06785  
R.P.R.H.C.T.

TOMBALL OUTLOTS  
VOL. 2, PG. 65  
MR.H.C.T.

Harris County Clerk Certificate of Filing:

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 \_\_\_\_\_, 2013, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded on \_\_\_\_\_, 2013, 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

PRELIMINARY PLAT

## GRAND FOUR

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.

2 LOTS, 1 BLOCK

July 2013  
Sheet 1 of 1

# Regular Planning and Zoning Commission

## Agenda Item

### Data Sheet

Meeting Date: July 8, 2013

**Topic:**

Workshop Session

- The Planning and Zoning Commission will enter into a Training Session
  - Introduction to the Planning Commission Part 1 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 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**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



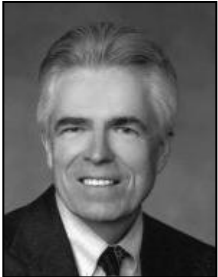
# Today's Speakers



**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

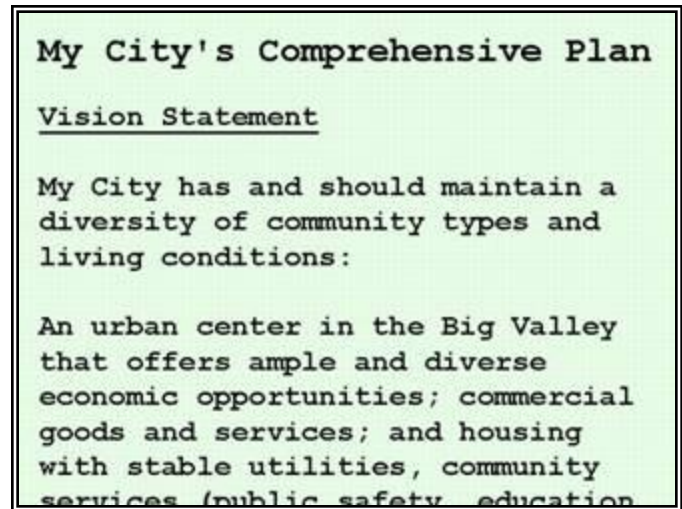


Image: K. Marianne Wargelin, used with permission

# 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](http://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

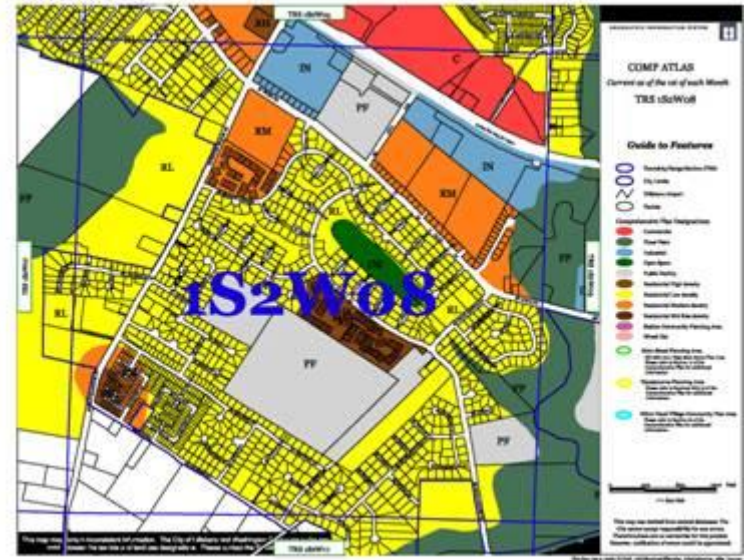


Image: Hillsboro Planning Department, used with permission

# 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

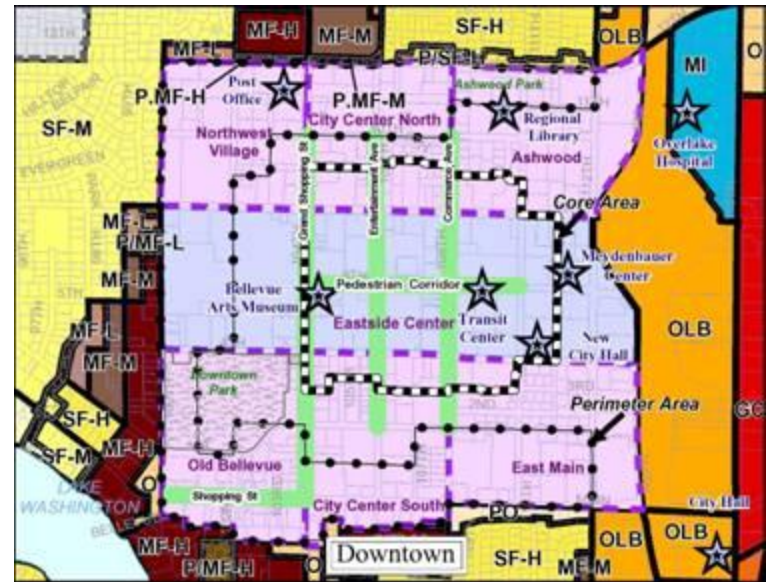


Image: City of Bellevue, used with permission



# 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

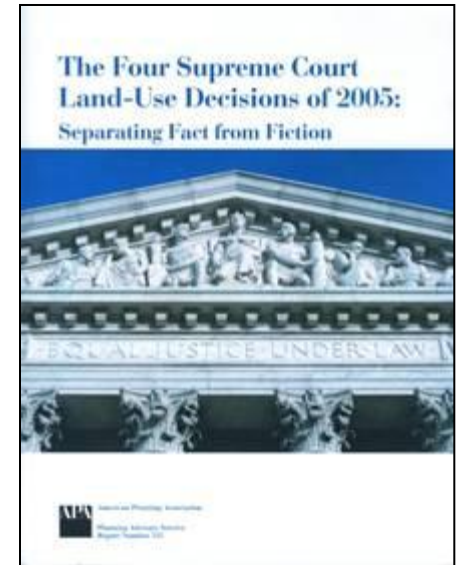


Image: American Planning Association

# 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

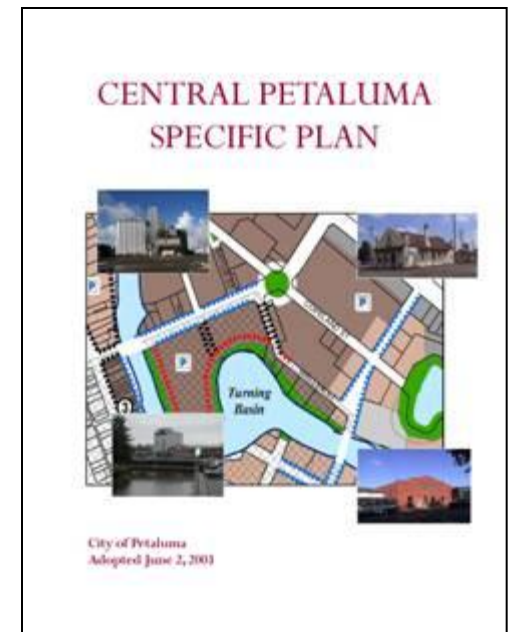


Image: City of Petaluma, used with permission

# 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

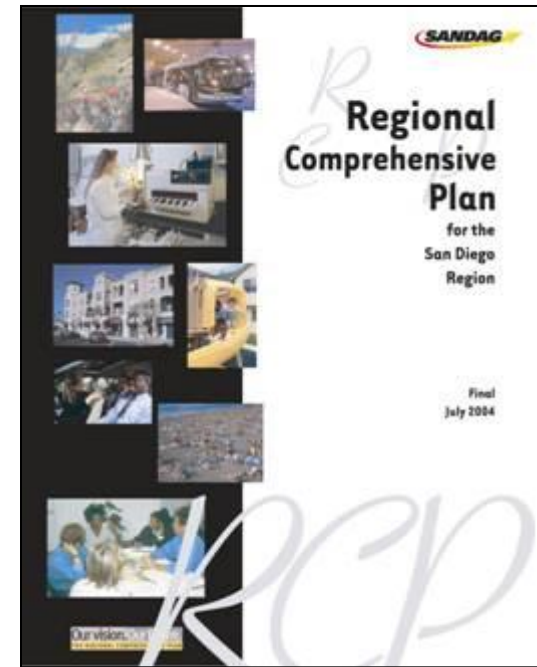


Image: SANDAG, used with permission



# 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

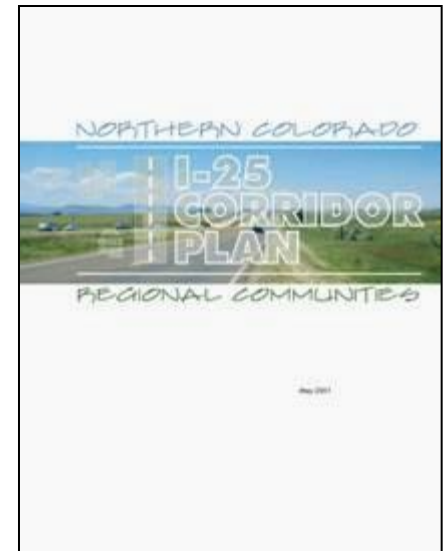


Image: City of Fort Collins, used with permission

# 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.)

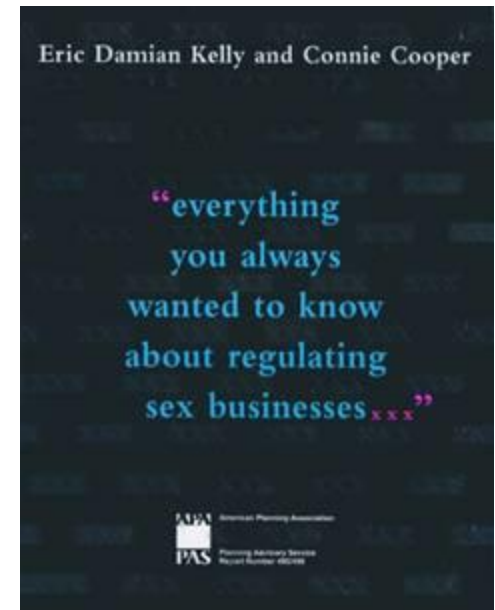


Image: American Planning Association

# 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

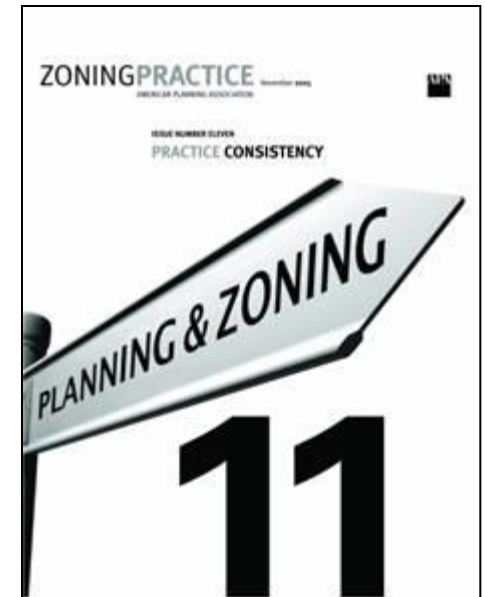


Image: American Planning Association



# 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](http://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](http://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

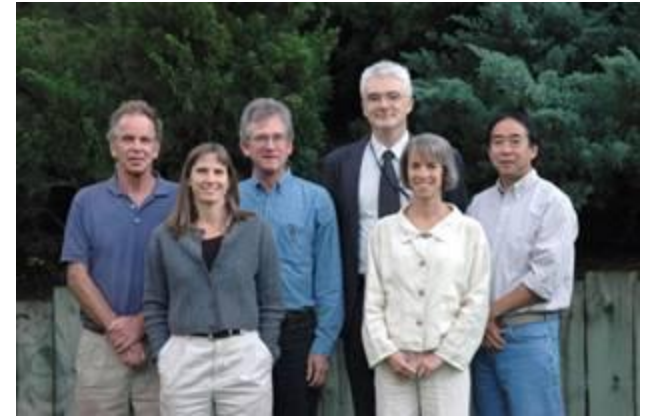


Image: Summer Woodsong, used with permission

# 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)

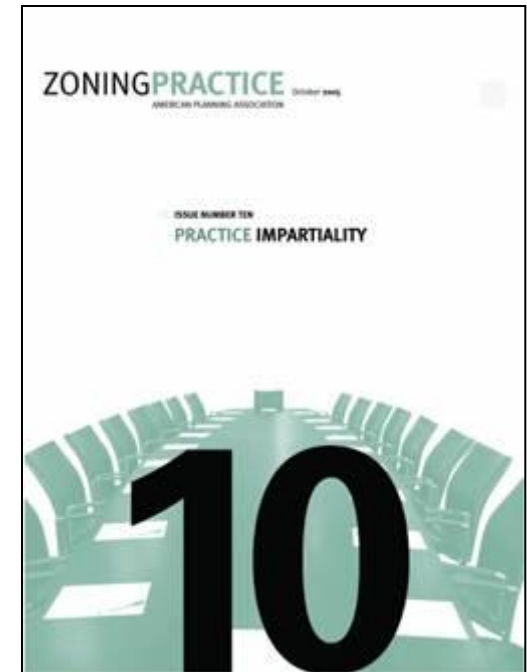


Image: American Planning Association

# 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](http://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

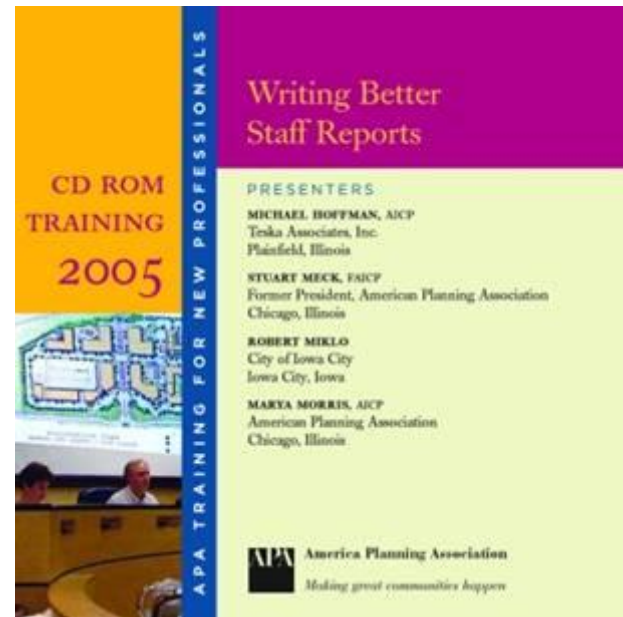


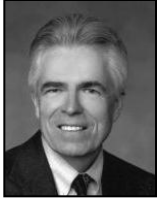
Image: American Planning Association

# 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



# Other Planning Commissioner Training Programs and Products

## *The Commissioner*

- Available to APA Planning Commissioner Members as part of basic membership
- Available also by subscription

## Training Packages

- 40 topical CD-ROMs
- 7 *Citizens Guide* books
- Available from Planners Book Service at [www.planning.org/bookservice](http://www.planning.org/bookservice)

## Planning Commissioner Website

- [www.planning.org/commissioners](http://www.planning.org/commissioners)

