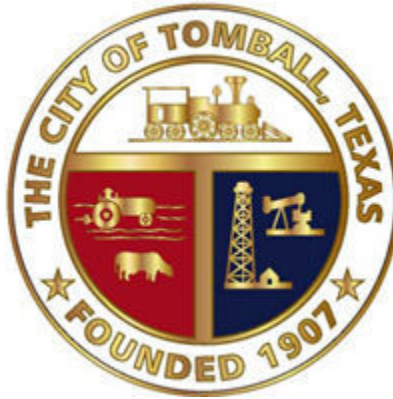


**NOTICE OF REGULAR PLANNING AND ZONING COMMISSION  
MEETING  
CITY OF TOMBALL, TEXAS**



**MONDAY, JUNE 11, 2012**

**6:00 P.M.**

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, June 11, 2012 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 following meetings:
  - Regular Planning and Zoning Commission Meeting of May 14, 2012.
  - Special Joint City Council, Planning and Zoning Commission, & Downtown Tomball Advisory Committee Meeting of June 4, 2012.

5.0 New Business:

- 5.1 Consideration to approve **ZONING CASE P11-383**: Request by K.E. Jams Investments, Inc. to amend Conditional Use Permit #1 by expanding the “Recreational Vehicle Park” land use at Corral Recreational Vehicle Park. The property is an approximately 23.74 acre site, legally described as Lot 168, Amending Plat of Tomball Outlots, generally located on the westerly side of South Cherry Street, northerly of Agg Road. The site is located in the Manufactured Home Park District.

- Conduct a Public Hearing on **ZONING CASE P11-383**

- 5.2 Consideration to approve **ZONING CASE P12-436**: Request by Bass Law Firm, PLLC, on behalf of High Heater, LLC, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 7.51 acres of land, legally described as part of Lot 69, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located easterly of Rudolph Road, northerly of Hufsmith Road, from the Agricultural District to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P12-436**

- 5.3 Consideration to approve **ZONING CASE P12-431**: Request by Bass Law Firm, PLLC, on behalf of Texas Prospects Baseball Academy, to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing a “Playfield or Stadium (Private)” land use in the Agricultural District with a conditional use permit.

- Conduct a Public Hearing on **ZONING CASE P12-431**

- 5.4 Receipt of Capital Projects Comments and Recommendations from the Planning and Zoning Commission for City Manager Consideration regarding Budget of Five Year CIP 2013-2017.

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 7th day of June 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding 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: June 11, 2012

**Topic:**

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

| 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> |       |



Regular Planning and Zoning Commission  
Agenda Item  
Data Sheet

Meeting Date: June 11, 2012

**Topic:**

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

| 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> |       |

# Regular Planning and Zoning Commission

## Agenda Item

### Data Sheet

Meeting Date: June 11, 2012

#### Topic:

Consideration to Approve the Minutes of the following meetings:

- Regular Planning and Zoning Commission Meeting of May 14, 2012.
- Special Joint City Council, Planning and Zoning Commission, & Downtown Tomball Advisory Committee Meeting of June 4, 2012.

#### Background:

#### Origination:

#### Recommendation:

#### Funding:

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

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:

Regular P&Z Meeting Minutes 05.14.12

Special Joint CC, PZ, DTAC Meeting Minutes 06.04.12

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

**MONDAY, MAY 14, 2012**



**6:00 P.M.**

**1.0 Call to Order**

The meeting was called to order by Chairman Wallace at 6:10 p.m. Other members present were:

Commissioner Tague  
Commissioner Kendler  
Commissioner Beauvais  
Commissioner Chervenak

Others present:

Director of Community Development – Narciso Lira  
Assistant City Planner – Rodney Schmidt  
Engineering & Planning Senior Administrative Assistant – Brandy Pate  
City Attorney – Loren Smith

**Draft**

**2.0 No public comments were received**

**3.0 No Reports or Announcements were received.**

**4.0 Motion was made by Commissioner Tague to approve the Minutes of the Regular Planning & Zoning Commission meeting of April 9, 2012; second by Commissioner Beauvais.**

Motion carried unanimously.

**5.0 New Business:**

2.1 Narciso Lira, Director of Community Development presented comment recommendations. Motion was made by Commissioner Tague, second by Commissioner Beauvais, to approve, with contingencies, **DAKOTA PINES**; Being a Subdivision of 5.0005 Acres of land situated in the John S. Smith Survey, Abstract No. 730, Harris County, Texas. Being a Replat of Lots 1 and 2, Block 1, of Rosemont Heights Addition Recorded in Volume 525, Page 251 of the deed records of Harris County, Texas.

Motion carried unanimously.

- 5.2 Narciso Lira, Director of Community Development presented comment recommendations. Motion was made by Commissioner Tague, second by Commissioner Kendler, to approve, **SHEPHERD CENTER PRELIMINARY PLAT**: Being a Subdivision of 0.2871 Acre, being comprised of a 0.166 Acre Tract and a 0.121 Acre Tract situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

Motion carried unanimously.

- 5.3 Narciso Lira, Director of Community Development presented comment recommendations. Motion was made by Commissioner Chervenak, second by Commissioner Tague, to approve, with contingencies, **SHEPHERD CENTER FINAL PLAT**: Being a Subdivision of 0.2871 Acre, being comprised of a 0.166 Acre Tract and a 0.121 Acre Tract situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

Motion carried unanimously.

- 5.4 Consideration to approve **ZONING CASE P12-427**: Request by Paula Rodriguez to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 10, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:18 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Applicant chose not to speak.

No Public comments were received and the Public Hearing was closed at 6:23 p.m.

Commissioner Kendler made a motion to approve the rezoning request for **ZONING CASE P12-427**; second by Commissioner Tague. Vote was as follows:

|                        |            |
|------------------------|------------|
| Commissioner Tague     | <u>Aye</u> |
| Commissioner Chervenak | <u>Aye</u> |
| Commissioner Beauvais  | <u>Aye</u> |
| Commissioner Kendler   | <u>Aye</u> |
| Commissioner Wallace   | <u>Aye</u> |

Motion carried unanimously.

- 5.5 Consideration to approve **ZONING CASE P12-428**; Request by Paula Rodriguez, on behalf of Ronald Rodriguez, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 11, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, southerly of Michel Road, from the Duplex Residential District to the Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:25 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Applicant chose not to speak.

No Public comments were received and the Public Hearing was closed at 6:29 p.m.

Commissioner Chervenak made a motion to approve the rezoning request for **ZONING CASE P12-428**; second by Commissioner Kendler. Vote was as follows:

|                        |            |
|------------------------|------------|
| Commissioner Tague     | <u>Aye</u> |
| Commissioner Chervenak | <u>Aye</u> |
| Commissioner Beauvais  | <u>Aye</u> |
| Commissioner Kendler   | <u>Aye</u> |
| Commissioner Wallace   | <u>Aye</u> |

Motion carried unanimously.

- 5.6 Consideration to approve **ZONING CASE P12-429**; Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.36 acres of land, legally described as Tract 7, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, generally located easterly of Johnson Road, northerly of Theiss Lane, from the Duplex Residential District to the Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:30 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

No Public comments were received and the Public Hearing was closed at 6:31 p.m.

Commissioner Beauvais made a motion to approve the rezoning request for **ZONING CASE P12-429**; second by Commissioner Tague. Vote was as follows:

|                        |            |
|------------------------|------------|
| Commissioner Tague     | <u>Aye</u> |
| Commissioner Chervenak | <u>Aye</u> |
| Commissioner Beauvais  | <u>Aye</u> |
| Commissioner Kendler   | <u>Aye</u> |

Commissioner Wallace      Aye

Motion carried unanimously.

- 5.7 Consideration to approve **ZONING CASE P12-430**: Request by David Quinn, on behalf of Tomball Tomahawk Properties, LLC, for a Conditional Use Permit to operate a “Barber/Beauty Shop (No Related School/College).” The property is an approximately 0.85 acre site, legally described as Lot 1, Block 1, Tomahawk Properties, generally located on the easterly side of Baker Drive, southerly of Inwood Street. The site is located in the Single-Family Residential-6 District with a vested rights classification of Office District.

Commissioner Tague abstained from voting, and a conflict of interest affidavit was filed with the City Secretary.

The Public Hearing was opened by Chairman Wallace at 6:34 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Applicant, David Quinn of 13415 Lost Creek Rd. spoke on behalf of the request.

The following people spoke in opposition of **ZONING CASE P12-430**:

Christine Roquemoire – 614 N. Hickory  
David Tague – 503 Inwood  
Earle Oldham – 610 Inwood  
Harry Byrd – 602 N. Hickory  
Ken Graham – 607 N. Magnolia  
Jane Solomon – 607 Hicks

Additional public comment forms in opposition of **ZONING CASE P12-430** were received from the following people:

Lola Gordon – 603 Inwood  
George & Sandra Chastain – 615 N. Hickory St.  
Herman & Emily McClinton – 407 S. Pecan St.

Applicant, David Quinn provided rebuttal.

Hearing no additional comments, the Public Hearing was closed at 7:14 p.m.

Commissioner Chervenak made a motion to approve the rezoning request for **ZONING CASE P12-430**; second by Commissioner Beauvais. Vote was as follows:

|                        |                  |
|------------------------|------------------|
| Commissioner Tague     | <u>Abstained</u> |
| Commissioner Chervenak | <u>Nay</u>       |
| Commissioner Beauvais  | <u>Nay</u>       |
| Commissioner Kendler   | <u>Nay</u>       |
| Commissioner Wallace   | <u>Aye</u>       |

Motion failed 3-1

- 6.0 Motion was made by Commissioner Kendler to adjourn; second by Commissioner Chervenak.

Motion carried unanimously.

Meeting adjourned at 7:27 p.m.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

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

\_\_\_\_\_  
Lori Wallace  
Chairman

**MINUTES OF SPECIAL JOINT TOMBALL CITY COUNCIL,  
PLANNING AND ZONING COMMISSION, &  
DOWNTOWN TOMBALL ADVISORY  
COMMITTEE MEETING  
CITY OF TOMBALL, TEXAS**



**MONDAY, JUNE 4, 2012  
5:00 P.M.**

**1.0 Call to Order**

The Council meeting was called to order by Mayor Gretchen Fagan. Other members present were:

Councilman Stoll  
Councilman Brown  
Councilman Townsend  
Councilman Dodson  
Councilman Hudgens

The Planning and Zoning Commission meeting was called to order by Commissioner Wallace. Other members present were:

Commissioner Beauvais  
Commissioner Torres-Chervenak  
Commissioner Tague  
Commissioner Kendler

A quorum of the Downtown Tomball Advisory Committee was established at 5:04 p.m. The Downtown Tomball Advisory Committee meeting was called to order by Chair Rodney Hutson. Other members present were:

Curtis Morris  
Charles Hall  
Jarmon Wolfe  
Mary Harvey  
John Ford  
Mitchell Holderrieth  
Sandy Glowski  
Cindy Jaeger  
Mike Ott

**draft**



DTAC members absent:

Rick Davis  
Bill Barton  
Karen Foxworthy  
Aleata Oeser  
Cindy Vincik  
Vincent Falbo  
Chris Nash

Others present:

City Manager – George Shackelford  
Assistant City Manager – Christal Weber  
City Secretary – Doris Speer  
City Attorney – Loren B. Smith  
Assistant City Engineer – Lori Lakatos  
Assistant City Planner – Rodney Schmidt  
Engineering & Planning Senior Administrative Assistant – Brandy Pate  
TEDC Executive Director – Kelly Violette  
Partners for Strategic Action (PSA) – Peggy Fiandaca

**Draft**

- 2.0 No public comments were received.
- 3.0 Motion was made by DTAC Member Mary Harvey, second by DTAC Member Mike Ott, to approve the Minutes of the following meetings:
  - 3.1 Downtown Tomball Advisory Committee Meeting #3 - July 19, 2011.
  - 3.2 Downtown Tomball Advisory Committee Meeting #4 - September 6, 2011

Motion carried unanimously.

4.0 New Business

Peggy Fiandaca, PSA, presented information and requested input from board members regarding the following:

- 4.1 DSP Planning Process Update and Proposed Changes to Current Document(s)
- 4.2 Overview of Draft DSP Comments Received to Date
- 4.3 Comprehensive Discussion and Input on Draft DSP Comment Matrix

**draft**

4.4 Next Steps

- Revised Draft DSP and Notification: Peggy Fiandaca will provided a tracking change and a clean version of the Draft DSP, tentatively scheduled for June/July
- Upcoming Meetings:
  - City Council and Planning and Zoning Commission Public Hearings/Adoption: tentatively scheduled for August 2012
  - Final Document Produced: tentatively scheduled for September 2012

5.0 Motion was made by DTAC Chair Rodney Hutson, second by DTAC Member Mary Harvey, to adjourn the Downtown Tomball Advisory Committee meeting.

Motion carried unanimously.

Downtown Tomball Advisory Committee meeting adjourned.

Motion was made by Commissioner Kendler, second by Commissioner Tague, to adjourn the Planning and Zoning Commission meeting.

Motion carried unanimously.

Planning and Zoning Commission meeting adjourned.

Motion was made my Councilman Stoll, second by Councilman Hudgens, to adjourn the City Council meeting.

Motion carried unanimously.

City Council meeting adjourned.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

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Brandy Pate  
P&Z Commission Secretary

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Lori Wallace  
Chairman

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: June 11, 2012

## Data Sheet

### Topic:

Consideration to approve **ZONING CASE P11-383**: Request by K.E. Jams Investments, Inc. to amend Conditional Use Permit #1 by expanding the "Recreational Vehicle Park" land use at Corral Recreational Vehicle Park. The property is an approximately 23.74 acre site, legally described as Lot 168, Amending Plat of Tomball Outlots, generally located on the westerly side of South Cherry Street, northerly of Agg Road. The site is located in the Manufactured Home Park District.

- Conduct a Public Hearing on **ZONING CASE P11-383**

### Background:

### Origination:

K.E. Jams Investments, Inc.

### Recommendation:

### Funding:

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

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:

Notice of Public Hearing

Property Owner Notification Letter

P11-383 Staff Report

**NOTICE OF PUBLIC HEARINGS  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
JUNE 11, 2012  
&  
CITY COUNCIL  
JUNE 18, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, June 11, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, June 18, 2012, 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 P11-383:** Request by K.E. Jams Investments, Inc. to amend Conditional Use Permit #1 by expanding the “Recreational Vehicle Park” land use at Corral Recreational Vehicle Park. The property is an approximately 23.74 acre site, legally described as Lot 168, Amending Plat of Tomball Outlots, generally located on the westerly side of South Cherry Street, northerly of Agg Road. The site is located in the Manufactured Home Park District.

**ZONING CASE P12-431:** Request by Bass Law Firm, PLLC, on behalf of Texas Prospects Baseball Academy, to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing a “Playfield or Stadium (Private)” land use in the Agricultural District with a conditional use permit.

**ZONING CASE P12-436:** Request by Bass Law Firm, PLLC, on behalf of High Heater, LLC, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 7.51 acres of land, legally described as part of Lot 69, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located easterly of Rudolph Road, northerly of Hufsmith Road, from the Agricultural District to the Commercial District.

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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 and 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, [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)

### 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 7<sup>th</sup> day of June 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate  
Senior Administrative Assistant

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).



## Notice of Public Hearing

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

**CASE NUMBER:** P11-383

**APPLICANT:** K.E. Jams Investments, Inc.

**LOCATION:** Westerly of South Cherry Street,  
northerly of Agg Road

**PROPOSAL:** Request by K.E. Jams Investments, Inc. to amend Conditional Use Permit #1 by expanding the "Recreational Vehicle Park" land use at Corral Recreational Vehicle Park.

\*\*\*

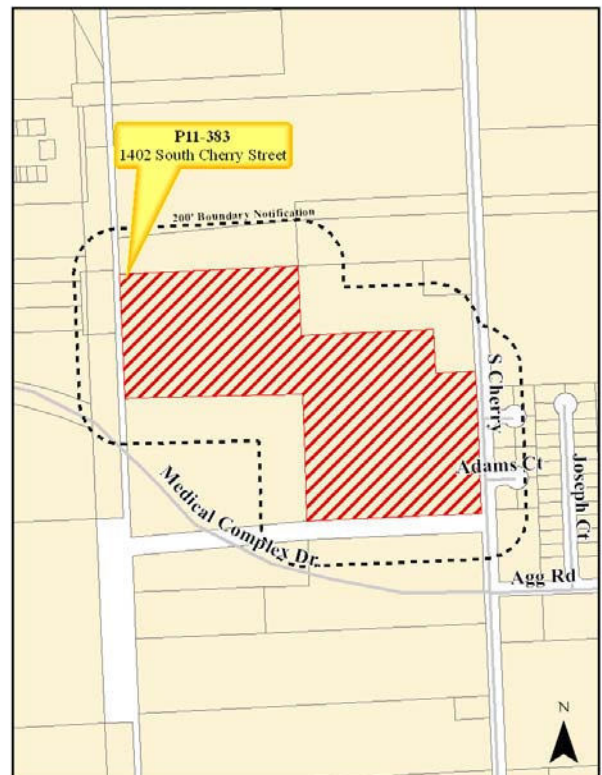
**CONTACT:** Rodney Schmidt

**PHONE:** (281) 290-1410

**E-MAIL:** [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The rezoning application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.

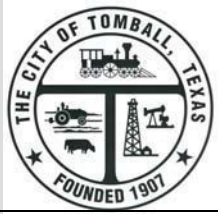


**Planning & Zoning Commission  
Public Hearing:  
Monday, June 11, 2012, 6:00 PM**

**City Council Public Hearing:  
\*Monday, June 18, 2012, 6:00 PM**

**The Public Hearings will be held in the  
City Council Chambers, City Hall  
401 Market Street, Tomball, Texas**

\*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning and Zoning Commission.



## *Conditional Use Permit Staff Report*

Planning & Zoning Commission Hearing Date: June 11, 2012

**Rezoning Case:** P11-383

**Property Owner(s):** K.E. Jams Investments, Inc.

**Applicant(s):** K.E. Jams Investments, Inc.

**Legal Description:** Lot 168, Amending Plat of Tomball Outlots

**Location:** Generally located on the westerly side of South Cherry Street, northerly of Agg Road

**Area:** 23.7 acres

**Present Zoning and Use:** Manufactured Home Park District and Conditional Use Permit #1 / Corral R.V. Park

**Comp Plan Designation:** Mixed Use

**Proposed Use:** Corral R.V. Park

**Request:** Amendment to Conditional Use Permit #1 to allow the expansion of Corral R.V. Park

**Adjacent Zoning and Land Uses:**

|               |                                                                                                                                 |
|---------------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>North:</b> | SF-20-E, Commercial, and Light Industrial Districts / Single-family residences, RK Cable (commercial), and DICAR (industrial)   |
| <b>South:</b> | Agricultural District / Undeveloped                                                                                             |
| <b>West:</b>  | Agricultural and Commercial Districts / M-121 West drainage channel, undeveloped, and medical offices                           |
| <b>East:</b>  | SF-6, SF-20-E, and General Retail Districts / South Cherry Street, single-family residences, undeveloped land, gasoline station |

### **BACKGROUND**

The subject site is legally described as Lot 168, Amending Plat of Tomball Outlots totaling approximately 23.7 acres. The site is located on the westerly side of South Cherry Street, northerly of Agg Road, is developed with an R.V. park (Exhibit "A"), and is zoned Manufactured Home Park District and Conditional Use Permit #1 (Exhibit "B").

On November 29, 2011, the City of Tomball received a CUP application (Exhibit "C") and request letter (Exhibit "D"), from Mike O'Brien on behalf of K.E. Jams Investments, Inc. requesting an amendment to CUP #1 to expand Corral R.V. Park. The applicant stated in the CUP request letter, "In order to keep up with the growth of City of Tomball I am reviewing to add an additional 30+/- RV Pads to Corral RV Park. This will help City of Tomball to handle family emergencies from hurricanes to the most recent wild fires from people being evacuated/losing their homes ..... plus in



helping families with RV's for a place to stay for medical treatment from the growth of the new medical facilities we now have.”

The concept plan submitted on May 11, 2012 proposes 50 additional R.V. pads being constructed on the northern portion of the site, 24 foot drive aisles to service the new R.V. pads, landscaping, a designated 21,200 square foot recreational area, and a 6 foot wooden fences around the property (Exhibit “E”).

With the 50 additional R.V. pads, the total number of pads will total 209 or 8.8 pads/acre. Section 46-64 (“Technical and Physical Requirements”) of the Tomball Code of Ordinances states, “The total number of units within a recreational vehicle park shall not exceed 15 per acre.”

## **ANALYSIS**

According to the Tomball Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.” Additionally, the Ordinance requires all CUP applications include a concept plan.

When considering applications for a conditional use permit, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

- 1. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;**

The Comprehensive Plan identifies the subject site as “Mixed Use” (Exhibit “F”). It states “Mixed Use is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner. These uses may be located within a development, either horizontally or vertically in form. This may be accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development.”

The R.V. park land use is not consistent with the Comprehensive Plan’s future land use map designation of “Mixed Use.” However, the applicant is not requesting a change in land use, but rather an expansion of the conditional use permit granted by the City of Tomball with the adoption of the Tomball Zoning Ordinance (Ord. 2008-01) in February 2008.

- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**

The proposed use and concept plan are generally consistent with the Tomball Zoning Ordinance and Chapter 46 (“Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles”) of the Tomball Code of Ordinances.

- 3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the zoning ordinance;**



Should the CUP application be approved, the applicant will be required to submit a full set of civil plans to the City of Tomball for review and approval. The plans must exhibit compliance with all applicable ordinances, including but not limited to paving, detention, curbing, landscaping, fire access, etc.

4. **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;**

To the north of the subject site are single-family residences, RK Cable (commercial), and DICAR (industrial) in the SF-20-E, Commercial, and Light Industrial Districts, respectively; to the south is undeveloped land in the Agricultural District; to the west is the City of Tomball's M121 West drainage channel, undeveloped land, and medical offices in the Agricultural and Commercial Districts; and to the east is South Cherry Street, single-family residences, undeveloped land, and a gasoline station in the SF-6, SF-20-E, and General Retail Districts. See site photos below (Exhibit "G").

Given the proposed R.V pads/acre density, setbacks, and 6 foot fence shown on the concept plan, the proposed expansion of Corral R.V. Park is not anticipated to harm the character or integrity of the adjacent developments.

5. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

The proposed amendment to CUP #1 is not anticipated to be detrimental to the public health, safety, convenience, and welfare, or result in material damage or prejudice to other properties in the vicinity.

## **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on May 30, 2012 and, as of the writing of this report, no public comments were received.

## **RECOMMENDATION**

That the Planning & Zoning Commission recommend:

1. APPROVAL of Zoning Case P11-383, with conditions, based on the following:
  - a. The proposed use and concept plan are generally consistent with the Tomball Zoning Ordinance and Chapter 46 ("Manufactured Homes, Mobile Dwelling Structures, and Recreational Vehicles") of the Tomball Code of Ordinances.
  - b. The proposed amendment to CUP #1 is not anticipated to be detrimental to the public health, safety, convenience, and welfare, or result in material damage or prejudice to other properties in the vicinity.
2. APPROVAL of the staff report as the Planning & Zoning Commission's final recommendation to the City Council.

## **RECOMMENDED CONDITIONS OF APPROVAL**

Section 37.1.A of the Zoning Ordinance allows the City to impose certain conditions on a CUP request in order to mitigate “external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood.” As such, the following conditions of approval are recommended:

1. CUP #1 shall not be enlarged or extended beyond what is shown on the approved concept plan without the approval of the City of Tomball of a revised concept plan or new CUP.
2. The new R.V. pads shall not be utilized until all the proposed site improvements are completed as shown on the concept plan.
3. The trees proposed on the concept plan for the new R.V. pads shall be 4 inches in caliper and 7 feet tall at time of planting per Section 40 of the Tomball Zoning Ordinance.
4. The site will be required to adhere to Section 42 (“Screening, Buffering and Fencing Requirements”) of the Tomball Zoning Ordinance.

## **EXHIBITS**

- A. Aerial Photo
- B. Zoning Map
- C. CUP Application
- D. CUP Request Letter
- E. Concept Plan
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos

Exhibit "A"  
Aerial Photo



Exhibit "B"  
Zoning Map

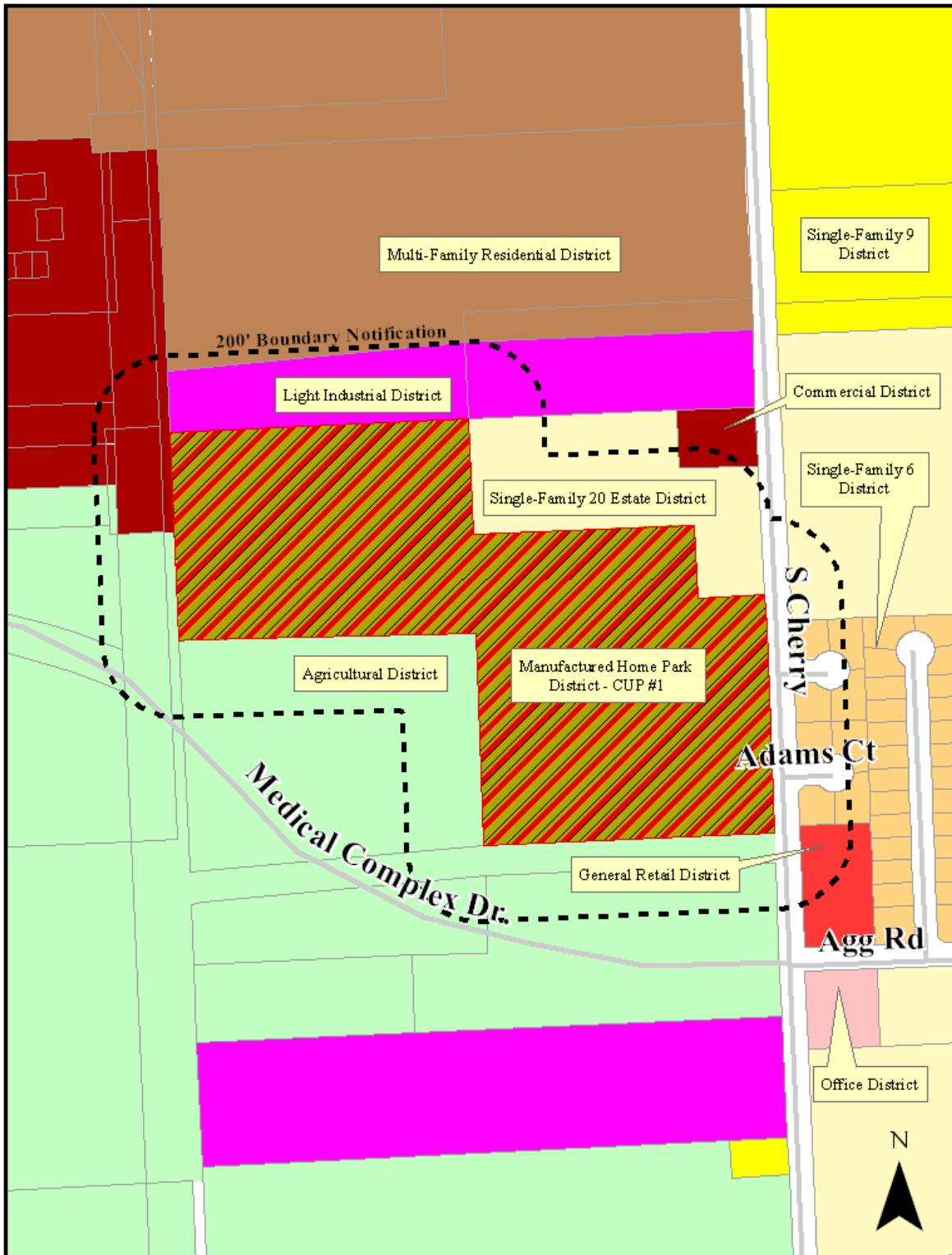




Exhibit "C"  
CUP Application

Revised 1/20/09



**APPLICATION FOR  
CONDITIONAL USE PERMIT**  
Engineering & Planning Department



A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of this Section and Section 10 of The Zoning Ordinance.

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

**Applicant**  
Name: Mike O'Brien Title: President  
Mailing Address: 11767 Quail Creek City: Houston State: TX  
Zip: 77070  
Phone: (713) 557-1821 Fax: (281) 205-1130 Email: mob@houstonrvpark.com

**Owner**  
Name: K. E. Jams Investments / CORRAL RD Title: \_\_\_\_\_  
Mailing Address: 1402 South Cherry City: Tomball State: TX  
Zip: 77375  
Phone: (281) 351-2761 Fax: (281) 351-2764 Email: CORRALRV@CORRALRV.PARK.CJ

**Engineer/Surveyor (if applicable)**  
Name: David Broussard Title: \_\_\_\_\_  
Mailing Address: 17527 Hawkins Lane City: Tomball State: TX  
Zip: 77375  
Phone: (281) 732-0464 Fax: ( ) Email: \_\_\_\_\_

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

[www.ci.tomball.tx.us](http://www.ci.tomball.tx.us)

Description of Proposed Project: CORRAL RV PARK (EXPANSION)

Physical Location of Property: 1402 South Cherry Tomball TX.  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: LT 168 Tomball outlots Amend  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 035 286 0000168 Acreage: 24 Acres

Current Use of Property: RV. PARK

Proposed Use of Property: RV PARK (EXPANSION)

**Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.**

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

☒ Mike O'Brien 10/23/11  
Signature of Applicant Date

☒ Mike O'Brien 10/23/11  
Signature of Owner Date

Mike O'Brien

**Exhibit "D"**  
**CUP Request Letter**

To: City Of Tomball

Date: Sept. 16, 2011

Att: City Manager

Att: George Shackelford

From: Corral RV Park

1402 South Cherry

Tomball TX

RE: Expansion of Corral RV Park

In order to keep up with the growth of City of Tomball I am reviewing to add an additional 30+/- RV Pads to Corral RV Park. This will help City of Tomball to handle family emergencies from hurricanes to the most recent wild fires from people being evacuated/losing their homes..... plus in helping families with RV's for a place to stay for medical treatment from the growth of the new medical facilities we now have.

I am asking to review the city ordinances for the expansion of Corral RV Park located at 1402 South Cherry Street. I have met with the city engineering group and they requested for me to meet with the city manager to review the points below to see what type of action we should/could take.

- 1) Re: to ordinances: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parg. J line 1 Distance to adjacent **Unit Boundary.** No portion of a **pad** shall be located nearer than **20 feet from a unit boundary.**

Request to change this line to: no portion of a RV designated parking pad shall be located nearer than 20 feet from each adjacent RV designated parking pad. Additional concrete pad space for vehicle parking and or outdoor tables will not be considered as part of the RV designated parking pad. This includes but no limited if the concrete pad is continuous.

The interpretation of the ordinance now above states that the RV must be minimum 40 feet apart plus the 9 foot width RV parking area of the pad. If you add the additional parking and the picnic tables to the concrete pad then the RV's would be 50 to 60 feet apart( a house requires only 10 feet apart) Making less available pads and making it cost prohibiting.

- 2) Re: to ordinance: chapter 46 Manufacture Homes mobile dwellings, Rec. Vehicles : Rec. vic. Parks and expansions Sec.46-64 Technical and physical requirements parg. (a) Unit size. No unit shall be less than 2500 square feet in area. Each unit shall **include a concrete pad,** which shall have a minimum size of nine feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.



Request to change /a. "each unit shall include a designated area on the concrete pad for the parking/location of the RV incase the pad is a continuous concrete pad,"

- 3) page 168: **Sec. 45 DEFINITIONS: 45.2 definitions: Recreational vehicle (RV) park/Campground** restricting the stay of a RV to only 90 days. But to remove the length of time to make it unlimited. There are two groups of people I have found that stay longer than the 90 days. The older generation but young at heart (our motto)....that has left their house and live permanently in RV's .....Plus as we call them "Winter Texans" who come to Tomball in the Oct. time and leave March time to go back north.

As of now these are the main points I have found that need to be review to move forward. I do have engineered expansion drawings I had completed a few years ago for your review. The City of Tomball engineering group had stated about using CUP; Text amendments; and possible other vehicles for the changes if they meet City of Tomball approvals. If additional information is required or if I can be of any help please call me on my cell phone at 713-557-1821 or the Corral RV Park office at 281-351-2761

Regards



Mike O'Brien

President

KE JAMS Inv.

Corral RV Park

1402 South Cherry

Tomball TX. 77375

Off.281-351-2761 fax 281-351-2764

E-mail: mob@houstonrvpark.com

## Exhibit “E” Concept Plan

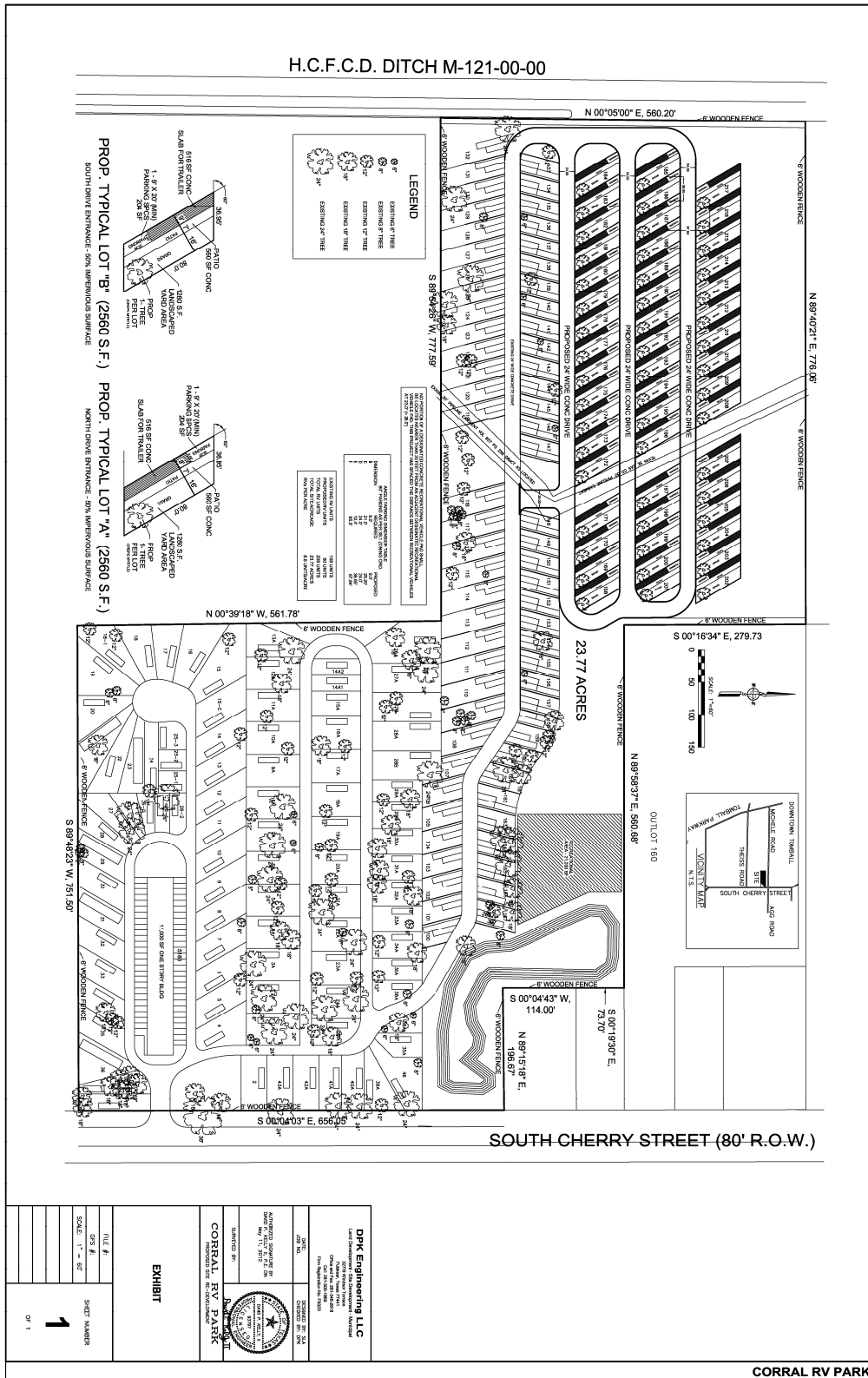


Exhibit "F"  
Comprehensive Plan Future Land Use Map



**Exhibit “G”  
Site Photos**



**Figure 1: Subject site.**  
Source: maps.google.com



**Figure 2: Single-family residences to the north.**  
Source: maps.google.com



**Figure 3: RK Cable (left) and DICAR (right) to the north.**  
Source: maps.google.com



**Figure 4: Medical offices and undeveloped land to the west.**  
Source: maps.google.com





**Figure 5: Single-family residences to the east.**

Source: maps.google.com



**Figure 6: Gasoline station to the east.**

Source: maps.google.com

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: June 11, 2012

## Data Sheet

### Topic:

Consideration to approve **ZONING CASE P12-436**: Request by Bass Law Firm, PLLC, on behalf of High Heater, LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 7.51 acres of land, legally described as part of Lot 69, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located easterly of Rudolph Road, northerly of Hufsmith Road, from the Agricultural District to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P12-436**

### Background:

### Origination:

Bass Law Firm, PLLC, on behalf of High Heater, LLC

### Recommendation:

### Funding:

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

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:

Notice of Public Hearing

Property Owner Notification Letter

P12-436 Staff Report

**NOTICE OF PUBLIC HEARINGS  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
JUNE 11, 2012  
&  
CITY COUNCIL  
JUNE 18, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, June 11, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, June 18, 2012, 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 P11-383:** Request by K.E. Jams Investments, Inc. to amend Conditional Use Permit #1 by expanding the “Recreational Vehicle Park” land use at Corral Recreational Vehicle Park. The property is an approximately 23.74 acre site, legally described as Lot 168, Amending Plat of Tomball Outlots, generally located on the westerly side of South Cherry Street, northerly of Agg Road. The site is located in the Manufactured Home Park District.

**ZONING CASE P12-431:** Request by Bass Law Firm, PLLC, on behalf of Texas Prospects Baseball Academy, to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing a “Playfield or Stadium (Private)” land use in the Agricultural District with a conditional use permit.

**ZONING CASE P12-436:** Request by Bass Law Firm, PLLC, on behalf of High Heater, LLC, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 7.51 acres of land, legally described as part of Lot 69, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located easterly of Rudolph Road, northerly of Hufsmith Road, from the Agricultural District to the Commercial District.

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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 and 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, [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)

### 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 7<sup>th</sup> day of June 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate  
Senior Administrative Assistant

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).



## Notice of Public Hearing

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

**CASE NUMBER:** P12-436

**APPLICANT:** Bass Law Firm, PLLC, on behalf of High Heater, LLC

**LOCATION:** Easterly of Rudolph Road, northerly of Hufsmith Road

**PROPOSAL:** Request to rezone approximately 7.51 acres of land from the Agricultural District to the Commercial District.

\*\*\*

**CONTACT:** Rodney Schmidt

**PHONE:** (281) 290-1410

**E-MAIL:** [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The rezoning application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning & Zoning Commission  
Public Hearing:  
Monday, June 11, 2012, 6:00 PM**

**City Council Public Hearing:  
\*Monday, June 18, 2012, 6:00 PM**

**The Public Hearings will be held in the  
City Council Chambers, City Hall  
401 Market Street, Tomball, Texas**

\*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning and Zoning Commission.



## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: June 11, 2012

**Rezoning Case:** P12-436  
**Property Owner(s):** High Heater, LLC  
**Applicant(s):** The Bass Law Firm, PLLC  
**Legal Description:** Part of Lot 69, Tomball Outlots  
**Location:** Generally located easterly of Rudolph Road, northerly of Hufsmith Road  
**Area:** 7.51 acres  
**Present Zoning and Use:** Agricultural District / Playfield or Stadium (Private)  
**Comp Plan Designation:** Parks  
**Proposed Zoning and Use:** Commercial District / Playfield or Stadium (Private)

**It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.**

### Adjacent Zoning & Land Uses:

**North:** Agricultural District / Undeveloped  
**South:** Multi-Family and SF-6 Districts / Hufsmith Road, Undeveloped, and Nursing Home  
**West:** Commercial and SF-20-E Districts / Rudolph Road, Office, and Undeveloped  
**East:** Agricultural District / Single-Family Residence and Undeveloped

### **BACKGROUND**

The subject site is legally described as a part of Lot 69, Tomball Outlots totaling approximately 7.51 acres. The site is generally located easterly of Rudolph Road, northerly of Hufsmith Road, is developed with a multi-field baseball academy (Exhibit "A"), and is currently zoned Agricultural District (Exhibit "B").

On May 13, 2011, the City of Tomball received a site plan application from the property owner to construct a press box and storage building towards the southern portion of the site. On May 17, 2011, the property owner was notified by the City of Tomball that the site plan could not be approved because the property was zoned Agricultural District and the "Playfield or Stadium (Private)" land use was not permitted in the Agricultural District (Exhibit "C").

On May 7, 2012, the City of Tomball received a rezoning application and letter for the site (Exhibits “D” and “E”) from the applicant, The Bass Law Firm. According to their application:

“The owner desires to add a scoring booth and stand covers on an existing field; however, as the property is currently zoned, the Zoning Ordinance does not provide a mechanism for the application of building permits for additional structures due to the legal nonconforming use. The zoning classification of C-Commercial allows for use by right of Playfield-Stadium-Private. Rezoning the property to C-Commercial will allow the owner to properly submit applications for building permits for the above-mentioned structures.

The owner and the facility currently provide valuable services to Tomball residents, particularly area youth. It provides expert baseball training to children ranging from 6 to 18 years old and routinely provides field and facility use to members of the Tomball School District, including the High School baseball program. In addition, the facility draws college coaches and major league baseball scouts from all over the United States to observe and scout area players. To date, this exposure has resulted in hundreds of area and regional players receiving college scholarship assistance.”

The applicant has also submitted a Zoning Ordinance text amendment application (P12-431) requesting Section 38.2 (“Use Charts”) be amended to allow a “Playfield or Stadium (Private)” land use be permitted in the Agricultural District with a conditional use permit. If P12-436 is denied, the applicant is requesting P12-431 be approved.

## **ANALYSIS**

According to the Tomball Zoning Ordinance, “The C, Commercial, district is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.”

There is a mixture of land uses in the vicinity. To the north of the site is undeveloped land in the Agricultural District; to the south is Hufsmith Road, undeveloped land, and a nursing home in the Multi-Family and SF-6 Districts; to the west is Rudolph Road, an architectural office, and undeveloped land in the Commercial and SF-20-E Districts; and to the east is a single-family residence and undeveloped land in the Agricultural District.

The Comprehensive Plan’s future land use map identifies the site as “Parks” (Exhibit “F”). It states, “Parks includes mini, neighborhood, community, or regional parks that are both active and passive recreational areas. This can include both publicly and privately owned parks, open spaces, and recreation areas. Park and open space uses are also appropriate in all residential land use designations.”

The proposed rezoning to the Commercial District would facilitate the further development of this privately owned baseball academy which would advance the Comp Plan’s “Park” land use. However, City staff recommends denial of this request in favor of the applicant’s alternate Zoning Ordinance text amendment request to allow a “Playfield or Stadium (Private)” land use be permitted in the Agricultural District with a conditional use permit. The text amendment would keep the

property zoned Agricultural District which is consistent with the adjacent “Rural Residential” Comp Plan land use designation and Agricultural District, allow the Planning & Zoning Commission and City Council oversight of the proposed conditional use permit to ensure its compatibility with the existing and future residences in the area, and would allow for notification of adjacent property owners and a public hearing to have their opinions heard.

**It should also be noted that any use permitted in the Commercial District would be allowed at this location if the zoning is changed.**

As a matter of information, the future development of this site will require the applicant to comply with the City’s platting requirements as well as the use and area regulations outlined in the Zoning Ordinance. A site plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to a building permit application submittal.

### **ZONING CONSIDERATIONS**

In making its recommendation regarding a proposed zoning change, the Planning & Zoning Commission shall consider the following factors:

**A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.**

There is a mixture of land uses in the vicinity. To the north of the site is undeveloped land in the Agricultural District; to the south is Hufsmith Road, undeveloped land, and a nursing home in the Multi-Family and SF-6 Districts; to the west is Rudolph Road, an architectural office, and undeveloped land in the Commercial and SF-20-E Districts; and to the east is a single-family residence and undeveloped land in the Agricultural District. See the attached site photos (Exhibit “G”).

Per the Tomball Zoning Ordinance, “The uses envisioned for the [Commercial] district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses.” Because the adjacent properties are either currently used for residential purposes or are intended for residential uses per the Zoning Ordinance and Comp Plan, the Commercial District is not appropriate for this site.

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

The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There is undeveloped land zoned Commercial District across Rudolph Road from the site. There are numerous undeveloped tracts zoned Commercial Districts across the City.

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

There has been steady development city-wide and within the vicinity in the Commercial District.

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

If the proposed zoning change were approved, there should be few if any affects on other areas designated for similar developments.

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

Per the Tomball Zoning Ordinance, “The uses envisioned for the [Commercial] district...are generally not compatible with residential uses and some nonresidential uses.” Because the adjacent properties are either currently used for residential purposes or are intended for residential uses per the Zoning Ordinance and Comp Plan, the Commercial District is not appropriate for this site and could affect public health, safety, morals, or general welfare.

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

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

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

The Comprehensive Plan’s future land use map identifies the site as “Parks” (Exhibit “F”). It states, “Parks includes mini, neighborhood, community, or regional parks that are both active and passive recreational areas. This can include both publicly and privately owned parks, open spaces, and recreation areas. Park and open space uses are also appropriate in all residential land use designations.”

The proposed rezoning to the Commercial District would facilitate the further development of this privately owned baseball academy which would advance the Comp Plan’s “Park” land use. However, City staff recommends denial of this request in favor of the applicant’s alternate Zoning Ordinance text amendment request to allow a “Playfield or Stadium (Private)” land use be permitted in the Agricultural District with a conditional use permit. The text amendment would keep the property zoned Agricultural District which is consistent with the adjacent “Rural Residential” Comp Plan land use designation and Agricultural District, allow the Planning & Zoning Commission and City Council oversight of the proposed conditional use permit to ensure its compatibility with the existing and

future residences in the area, and would allow for notification of adjacent property owners and a public hearing to have their opinions heard.

## **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on March 29, 2012 and, as of the writing of this report, one public comment form was received from Lucretia Lopez (1229 Kinley Lane, Houston, Texas) in opposition to the request and one public comment form was received from Jared Ashmore (262 N. Sam Houston Parkway East #440, Houston, Texas) in favor of the request (Exhibit "H").

## **RECOMMENDATION**

That the Planning & Zoning Commission recommend:

1. DENIAL of Zoning Case P12-436 based on the following:
  - a. The proposed zoning of Commercial District is generally not compatible with the current or intended adjacent residential uses in this area as established in the Tomball Zoning Ordinance and Comprehensive Plan.
  - b. The Commercial District is not appropriate for this site and could affect the public health, safety, morals, or general welfare.
2. APPROVAL of the staff report as the Planning & Zoning Commission's final recommendation to the City Council.

## **EXHIBITS**

- A. Aerial Photo
- B. Zoning Map
- C. May 17, 2011 Site Plan Response Letter
- D. Rezoning Application
- E. Rezoning Request Letter
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos
- H. Public Comment Form



Exhibit "A"  
Aerial Photo





Exhibit "B"  
Zoning Map

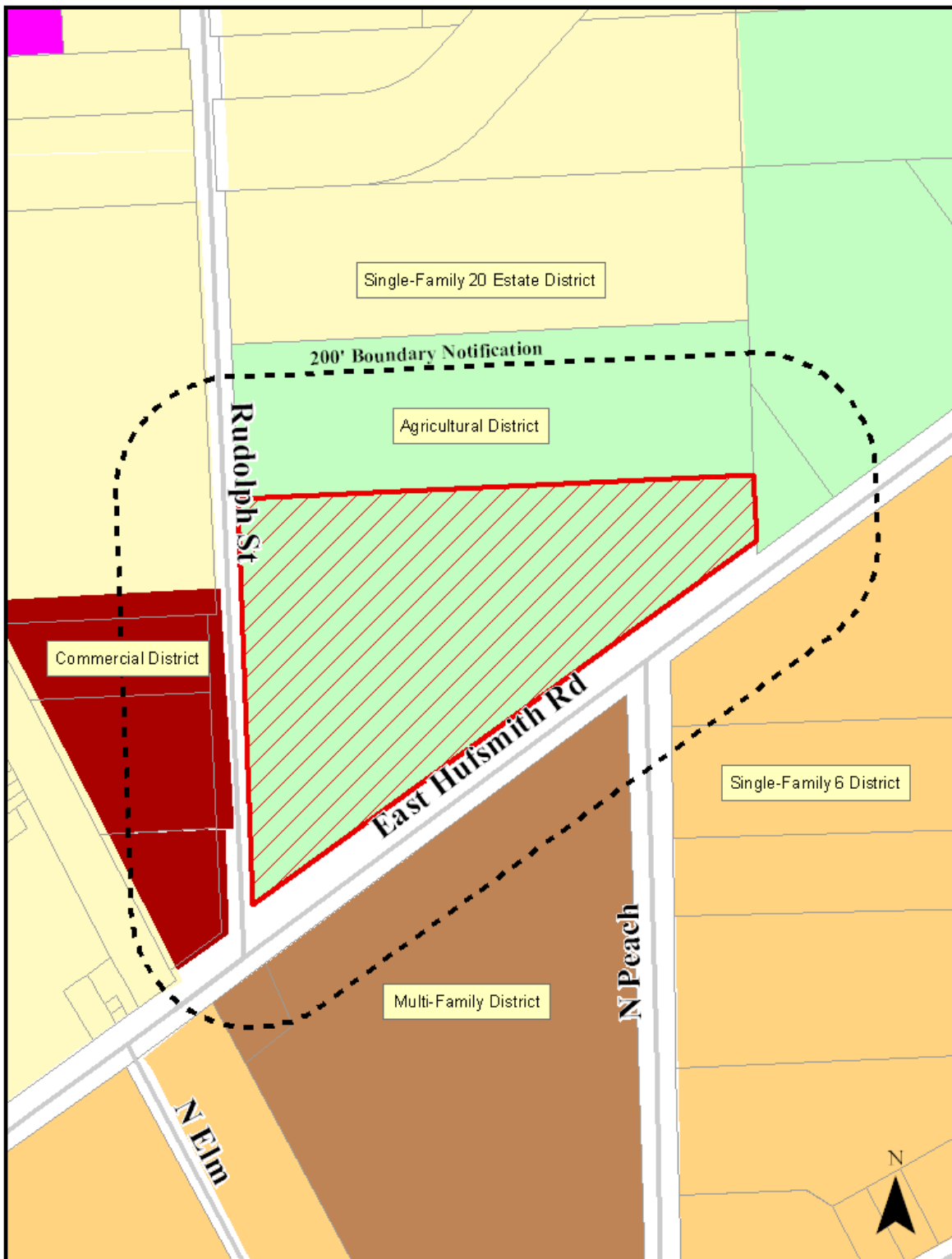


Exhibit "C"  
May 17, 2011 Site Plan Response Letter



## City of Tomball

Gretchen Fagan  
Mayor

George Shackelford  
City Manager

May 17, 2011

Ray DeLeon  
201 East Hufsmith  
Tomball, Texas 77375

**RE: Texas Prospects (201 East Hufsmith Road) Press Box Site Plan Letter**

Dear Mr. DeLeon:

The Engineering & Planning Department has reviewed the site plan related to the proposed press box located at the above referenced address. At this time, we are unable to approve your request for site plan approval.

The above referenced property is located in the City's AG-Agricultural zoning district and has a land use classification of "Playfield or Stadium (Private)" which is defined as "An athletic field or stadium owned and operated by an agency other than the City of Tomball or the School District."

Per Section 38 of the Zoning Ordinance, the "Playfield or Stadium (Private)" use is not permitted in the AG-Agricultural District. Because the existing baseball facility was established before the passage of the Zoning Ordinance in February 2008, it is considered a "legal nonconforming use." The Zoning Ordinance states that "Any lawful use of property existing at the time of passage of this Ordinance that does not conform to the regulations prescribed in the preceding sections of this Ordinance shall be deemed a legal nonconforming use."

Because the "Playfield or Stadium (Private)" use is considered legally nonconforming, it would not be permitted to expand and the proposed press box would not be allowed. You have three options you could possibly pursue:

1. Request that the property be rezoned to the Commercial, Light Industrial, or Old Town & Mixed Use District. Each of these zoning districts allows the "Playfield or Stadium (Private)" use by right.
2. Request that the property be rezoned to the General Retail District and request a Conditional Use Permit (CUP) to allow your specific use.
3. Remove the partially constructed press box.

I've attached a copy of the rezoning application if you wish to pursue option #1 or #2.

Because construction on the press box commenced without the proper permits from the City of Tomball, the structure is currently considered illegal. Please contact the City's Engineering and Planning Department by June 15, 2011 to notify us of your proposed plan of action. Should you not comply your case will be turned over to the City's Code Enforcement Officer for further action.

Please let me know if you have any questions, (281) 290-1466 or [llakatos@ci.tomball.tx.us](mailto:llakatos@ci.tomball.tx.us). To schedule a meeting please contact Brandy Pate, (281) 290-1405 or [bpate@ci.tomball.tx.us](mailto:bpate@ci.tomball.tx.us).

Thank you,



Lori Lakatos, PE, CFM  
Acting City Engineer

Attached: Rezoning application

Exhibit "D"  
Rezoning Application

Revised 1/20/09



**APPLICATION FOR REZONING**  
Engineering & Planning Department

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

**Applicant**  
Name: The Bass Law Firm, PLLC (on behalf of Owner) Title: Richard W. Bass  
Attorney for Owner  
Mailing Address: 11109 Cutten Rd., Suite 206 City: Houston State: TX  
Zip: 77066  
Phone: (713) 589-5679 Fax: (713) 589-5679 Email: richard@rwbasslaw.com

**Owner**  
Name: High Heater, LLC Title: \_\_\_\_\_  
Mailing Address: 201 E. Hufsmith Rd. City: Tomball State: TX  
Zip: 77375-4350  
Phone: (281) 290-8333 Fax: ( ) Email: probandito@aol.com

**Engineer/Surveyor (if applicable)**  
Name: DPK Engineering LLC (David P. Kelly II, P.E.) Title: Engineer  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dpkengineering.com

**Description of Proposed Project:** Seeking rezoning to allow application for building permits on score booth and covers on spectator stands

**Physical Location of Property:** 901 Rudolf / 201 E. Hufsmith Rd. (corner of E. Hufsmith and Rudolph)

[General Location – approximate distance to nearest existing street corner]  
7.5097 AC. Tract of the High Heater LLC Outlot #69 as

**Legal Description of Property:** described under CF #20060193740 (see attached survey)  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**Current Zoning District:** AG-Agricultural District

**Current Use of Property:** Playfield-Stadium Private (Legal Nonconforming Use)

**Proposed Zoning District:** C-Commercial District

**Proposed Use of Property:** Playfield-Stadium Private

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

[www.ci.tomball.tx.us](http://www.ci.tomball.tx.us)

HCAD Identification Number: 0352820000151 Acreage: 7.5097

**Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.**

This is to certify that the information on this form is **COMPLETE, TRUE, and CORRECT** and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Richard  
W. Bass

Digitally signed by Richard W.  
Bass  
DN: cn=Richard W. Bass, o=The  
Bass Law Firm, PLLC, ou,  
email=richard@rwbaslaw.com,  
c=US  
Date: 2012.05.04 16:37:27 -05'00'

X

Signature of Applicant

Date

High Heater, LLC

X /s/ Ray Deleon, Director

May 4, 2012

Signature of Owner

Date

**Exhibit "E"**  
**Rezoning Request Letter**

**THE BASS LAW FIRM, PLLC**

11109 CUTTEN RD • SUITE 206  
HOUSTON, TEXAS 77066  
(713) 589-5679  
FAX (713) 429-0419

richard@rwbasslaw.com

May 4, 2012

City of Tomball  
Engineering & Planning Department  
501 James St.  
Tomball, Texas 77375

*Via email: [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)*

Re: Application for Rezoning - 7.5097 acres located at corner of 201 E. Hufsmith Rd. and 901 Rudolph; Texas Prospects Baseball Academy (Owner: High Heater, LLC)

Dear members of the Engineering & Planning Department:

This letter is in conjunction with the Application for Rezoning submitted herewith on behalf of property owner High Heater, LLC relating to the referenced property. The referenced property is currently zoned in the AG-Agricultural District. The current use is Playfield-Stadium-Private, a legal nonconforming use by virtue of its use and existence prior to the existence of the City of Tomball's Zoning Ordinance.

The owner desires to add a scoring booth and stand covers on an existing field; however, as the property is currently zoned, the Zoning Ordinance does not provide a mechanism for the application of building permits for additional structures due to the legal nonconforming use. The zoning classification of C-Commercial allows for use by right of Playfield-Stadium-Private. Rezoning the property to C-Commercial will allow the owner to properly submit applications for building permits for the above-mentioned structures.

The owner and the facility currently provide valuable services to Tomball residents, particularly area youth. It provides expert baseball training to children ranging from 6 to 18 years old and routinely provides field and facility use to members of the Tomball School District, including the High School baseball program. In addition, the facility draws college coaches and major league baseball scouts from all over the United States to observe and scout area players. To date, this exposure has resulted in hundreds of area and regional players receiving college scholarship assistance.



*THE BASS LAW FIRM, PLLC*

City of Tomball

May 4, 2012

Page 2

Your consideration of the application for rezoning is greatly appreciated. If you have any questions, or need additional information, please do not hesitate to contact me.

Sincerely,

*Richard Bass*

Richard W. Bass

Enclosures

Exhibit "F"  
Comprehensive Plan Future Land Use Map



**Exhibit "G"**  
**Site Photos**



**Figure 1: Subject site.**  
Source: maps.google.com



**Figure 2: Architect's office to the west.**  
Source: maps.google.com

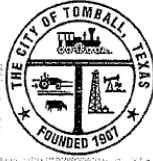


**Figure 3: Single-family residence to the east.**  
Source: maps.google.com



**Figure 4: Nursing home to the south.**  
Source: maps.google.com

Exhibit "H"  
Public Comment Form



Community Development Department

## Public Comment Form

(Please type or use black ink)

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

Please return to:

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

Name: LUCRETIA LOPEZ  
(please print)  
Address: 1229 KINLEY LN.  
HOUSTON, TX. 77018  
Signature: Lucretia Lopez  
Date: 06-06-12

☐ I am FOR the requested rezoning as explained on the attached public notice for Zoning Case P12-436. (Please state reasons below)



☒ I am AGAINST the requested rezoning as explained on the attached public notice for Zoning Case P12-436. (Please state reasons below)

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

Monday, June 11, 2012, 6:00 PM  
City Council Chambers of the City of Tomball, City Hall  
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, June 18, 2012, 6:00 PM  
City Council Chambers of the City of Tomball, City Hall  
401 Market Street, Tomball, Texas

COMMENTS:

I do not want my property rezoned  
as commercial. It has been in my  
family for over a hundred years & I am  
happy just as is -

You may also comment via email to [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us).  
Please reference the Zoning Case number in the subject line.  
For questions regarding this request please call 281-290-1410.





Community Development Department

## Public Comment Form

(Please type or use black ink)

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

Please return to:

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



Name:

Jared Ashmore

(please print)

Address:

262 North San Houston Pkwy East #440  
Houston, Tx 77060

Signature:

Jared Ashmore

Date:

6-4-12

X

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P12-436. (Please state reasons below)

—

I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P12-436. (Please state reasons below)

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

**Monday, June 11, 2012, 6:00 PM**

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

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

**Monday, June 18, 2012, 6:00 PM**

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

**COMMENTS:**

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You may also comment via email to [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us).  
Please reference the Zoning Case number in the subject line.  
For questions regarding this request please call 281-290-1410.

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: June 11, 2012

## Data Sheet

### Topic:

Consideration to approve **ZONING CASE P12-431**; Request by Bass Law Firm, PLLC, on behalf of Texas Prospects Baseball Academy, to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing a “Playfield or Stadium (Private)” land use in the Agricultural District with a conditional use permit.

- Conduct a Public Hearing on **ZONING CASE P12-431**

### Background:

### Origination:

Bass Law Firm, PLLC, on behalf of Texas Prospects Baseball Academy

### Recommendation:

### Funding:

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

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:

Notice of Public Hearing

P12-431 Staff Report



**NOTICE OF PUBLIC HEARINGS  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION  
JUNE 11, 2012  
&  
CITY COUNCIL  
JUNE 18, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, June 11, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, June 18, 2012, 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 P11-383:** Request by K.E. Jams Investments, Inc. to amend Conditional Use Permit #1 by expanding the “Recreational Vehicle Park” land use at Corral Recreational Vehicle Park. The property is an approximately 23.74 acre site, legally described as Lot 168, Amending Plat of Tomball Outlots, generally located on the westerly side of South Cherry Street, northerly of Agg Road. The site is located in the Manufactured Home Park District.

**ZONING CASE P12-431:** Request by Bass Law Firm, PLLC, on behalf of Texas Prospects Baseball Academy, to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing a “Playfield or Stadium (Private)” land use in the Agricultural District with a conditional use permit.

**ZONING CASE P12-436:** Request by Bass Law Firm, PLLC, on behalf of High Heater, LLC, to amend the City’s Comprehensive Zoning Ordinance by rezoning approximately 7.51 acres of land, legally described as part of Lot 69, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located easterly of Rudolph Road, northerly of Hufsmith Road, from the Agricultural District to the Commercial District.

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and 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 and 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, [rschmidt@ci.tomball.tx.us](mailto:rschmidt@ci.tomball.tx.us)

### 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 7<sup>th</sup> day of June 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate

Senior Administrative Assistant

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).



## ***Text Amendment Staff Report***

Planning & Zoning Commission Hearing Date: June 11, 2012

**ZONING CASE P12-431:** Request by Bass Law Firm, PLLC, on behalf of Texas Prospects Baseball Academy, to amend Section 38.2 (“Use Charts”) of the City’s Comprehensive Zoning Ordinance (Ordinance No. 2008-01) by allowing a “Playfield or Stadium (Private)” land use in the Agricultural District with a conditional use permit.

### **BACKGROUND**

On May 13, 2011, the City of Tomball received a site plan application for the construction of a press box and storage building at Tomball Prospects Baseball Academy at 201 East Hufsmith Road. On May 17, 2011, the property owner was notified by the City of Tomball that the site plan could not be approved because the property was zoned Agricultural District and the “Playfield or Stadium (Private)” land use was not permitted in the Agricultural District (Exhibit “A”).

On April 10, 2012, the City of Tomball received a Zoning Ordinance text amendment application (Exhibit “B”) from The Bass Law Firm, on behalf of Texas Prospects Baseball Academy, requesting Section 38.2 (“Use Charts”) be revised to allow a “Playfield or Stadium (Private)” land use in the Agricultural District with a conditional use permit.

The applicant has also submitted a rezoning application (P12-436) requesting 201 East Hufsmith be rezoned from the Agricultural District to the Commercial District. If P12-436 is denied, the applicant is requesting P12-431 be approved to allow for future expansion at Tomball Prospects Baseball Academy.

### **ANALYSIS**

The “Playfield or Stadium (Private)” land use is defined in Section 45 of the Tomball Zoning Ordinance as “An athletic field or stadium owned and operated by an agency other than the City of Tomball or the School District” and is listed under “Amusement & Recreation” in Section 38.2.

The Comprehensive Plan states, “Parks includes mini, neighborhood, community, or regional parks that are both active and passive recreational areas. This can include both publicly and privately owned parks, open spaces, and recreation areas. Park and open space uses are also appropriate in all residential land use designations.”

Because “Playfield or Stadium (Private)” is considered “Amusement & Recreation” and because, parks, open spaces, and recreational areas are deemed appropriate in residential areas by the Comp Plan and the Agricultural District is listed in Section 38 of the Zoning Ordinance as a residential zoning district, permitting the “Playfield or Stadium (Private)” land uses in the Agricultural District with a conditional use permit would appear to be consistent with the Comp Plan and will ensure the Planning & Zoning Commission, City Council, and the public have proper oversight over proposed projects to ensure compatibility with adjacent areas.

## **PROPOSED AMENDMENTS**

### Section 38.2 (“Use Charts”)

| Types of Land Uses             | Residential Zoning Districts |         |      |      |  |   |  |    |     | Non-Residential Zoning Districts |  |    |  |  |   |    | OT&MU | Parking Ratio<br>(Also see<br>Section 39) |
|--------------------------------|------------------------------|---------|------|------|--|---|--|----|-----|----------------------------------|--|----|--|--|---|----|-------|-------------------------------------------|
|                                | AG                           | SF-20-E | SF-9 | SF-6 |  | D |  | MF | MHP | O                                |  | GR |  |  | C | LI |       |                                           |
| Playfield or Stadium (Private) | C                            |         |      |      |  |   |  |    |     |                                  |  | C  |  |  | P | P  | P     | 1 space: 3 seats                          |

## **PUBLIC COMMENT**

A public hearing notice was published in the Tomball Tribune on Tuesday, May 29, 2012 and, as of the writing of this staff report, no public comments were received.

## **RECOMMENDATION**

That the Planning & Zoning Commission recommend:

1. APPROVAL of Zoning Case P12-431 based on the following:
  - a. Permitting “Playfield or Stadium (Private)” land uses in the Agricultural District with a conditional use permit is generally consistent with the Comprehensive Plan; and
  - b. The conditional use permit process will provide the Planning & Zoning Commission, City Council, and the public oversight to ensure “Playfield or Stadium (Private)” land uses are appropriate on a case-by-case basis in the Agricultural District.
2. APPROVAL of the staff report as the Planning & Zoning Commission’s final recommendation to the City Council.

## **EXHIBITS**

- A. May 17, 2011 Site Plan Response Letter
- B. Zoning Ordinance Text Amendment Application

Exhibit "A"  
May 17, 2011 Site Plan Response Letter



## City of Tomball

Gretchen Fagan  
Mayor

George Shackelford  
City Manager

May 17, 2011

Ray DeLeon  
201 East Hufsmith  
Tomball, Texas 77375

**RE: Texas Prospects (201 East Hufsmith Road) Press Box Site Plan Letter**

Dear Mr. DeLeon:

The Engineering & Planning Department has reviewed the site plan related to the proposed press box located at the above referenced address. At this time, we are unable to approve your request for site plan approval.

The above referenced property is located in the City's AG-Agricultural zoning district and has a land use classification of "Playfield or Stadium (Private)" which is defined as "An athletic field or stadium owned and operated by an agency other than the City of Tomball or the School District."

Per Section 38 of the Zoning Ordinance, the "Playfield or Stadium (Private)" use is not permitted in the AG-Agricultural District. Because the existing baseball facility was established before the passage of the Zoning Ordinance in February 2008, it is considered a "legal nonconforming use." The Zoning Ordinance states that "Any lawful use of property existing at the time of passage of this Ordinance that does not conform to the regulations prescribed in the preceding sections of this Ordinance shall be deemed a legal nonconforming use."

Because the "Playfield or Stadium (Private)" use is considered legally nonconforming, it would not be permitted to expand and the proposed press box would not be allowed. You have three options you could possibly pursue:

1. Request that the property be rezoned to the Commercial, Light Industrial, or Old Town & Mixed Use District. Each of these zoning districts allows the "Playfield or Stadium (Private)" use by right.
2. Request that the property be rezoned to the General Retail District and request a Conditional Use Permit (CUP) to allow your specific use.
3. Remove the partially constructed press box.

I've attached a copy of the rezoning application if you wish to pursue option #1 or #2.

Because construction on the press box commenced without the proper permits from the City of Tomball, the structure is currently considered illegal. Please contact the City's Engineering and Planning Department by June 15, 2011 to notify us of your proposed plan of action. Should you not comply your case will be turned over to the City's Code Enforcement Officer for further action.

Please let me know if you have any questions, (281) 290-1466 or [llakatos@ci.tomball.tx.us](mailto:llakatos@ci.tomball.tx.us). To schedule a meeting please contact Brandy Pate, (281) 290-1405 or [bpate@ci.tomball.tx.us](mailto:bpate@ci.tomball.tx.us).

Thank you,

  
Lori Lakatos, PE, CFM  
Acting City Engineer

Attached: Rezoning application



Exhibit "B"  
Zoning Ordinance Text Amendment Application



**Zoning Text Amendment**  
Engineering & Planning Department

Revised 1/20/09



**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: The Bass Law Firm, PLLC (on behalf of Owner) Title: Richard W. Bass Attorney for Owner  
Mailing Address: 11109 Cutten Rd., Suite 206 City: Houston State: TX  
Zip: 77066  
Phone: (713) 589-5679 Fax: (713) 429-0419 Email: richard@rwbasslaw.com

**Property Owner**

Name: Texas Prospects Baseball Academy Title: \_\_\_\_\_  
Mailing Address: 201 E. Hufsmith Rd. City: Tomball State: TX  
Zip: 77375-4350  
Phone: (281) 290-8333 Fax: ( ) Email: probandito@aol.com

**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):

Zoning Ordinance for with the Text Amendment is proposed: Article IV: Use Regulations (Use Charts), Amusement & Recreation, Playfield or Stadium (Private)

Proposed Revised Language: addition of a "C" in the use chart under Residential Zoning Districts-AG and adjacent to Playfield or Stadium-Private

Reason for the requested text amendment: to allow applications for a Conditional Use Permit (per Section 37 of the Zoning Ordinance) for a Playfield or Stadium (Private) within the Agricultural District (AG).

The text amendment to a "C" classification (rather than a "P" classification) would allow the City of Tomball to analyze on a case by case basis whether a proposed Playfield or Stadium (Private) is appropriate and comports with the city's long range plans.

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

Properties zoned within the Agricultural District would be allowed to submit applications for a Conditional Use Permit for a Ballfield or Stadium (Private).



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

The Property Owner on this application is within the AG District, however, it includes a Ballfield or Stadium (Private) classified as a legal nonconforming use because the use pre-dated the Zoning Ordinance. Because of the legal nonconforming use classification, it is not possible to seek building permits for additions or renovations to the current facility. Through the requested text amendment, the Property Owner, if approved via a Conditional Use Permit, could apply for building permits for potential additions or renovations. It is the understanding of this Applicant that use of described Property as a Ballfield or Stadium (Private) is in-line with the city's long range plans.

---

---

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.

Richard W.  
Bass

Digitally signed by Richard W. Bass  
DN: cn=Richard W. Bass, o=The Bass  
Law Firm, PLLC, ou,  
email=richard@rwbasslaw.com, c=US  
Date: 2012.04.10 16:38:48 -05'00'

X

Signature of Applicant

Date

Texas Prospects Baseball Academy

X /s/ Ray Deleon, President

April 10, 2012

Signature of Owner

Date

# Regular Planning and Zoning Commission

## Agenda Item

Meeting Date: June 11, 2012

## Data Sheet

### Topic:

Receipt of Capital Projects Comments and Recommendations from the Planning and Zoning Commission for City Manager Consideration regarding Budget of Five Year CIP 2013-2017.

### Background:

### Origination:

Engineering and Planning

### Recommendation:

### Funding:

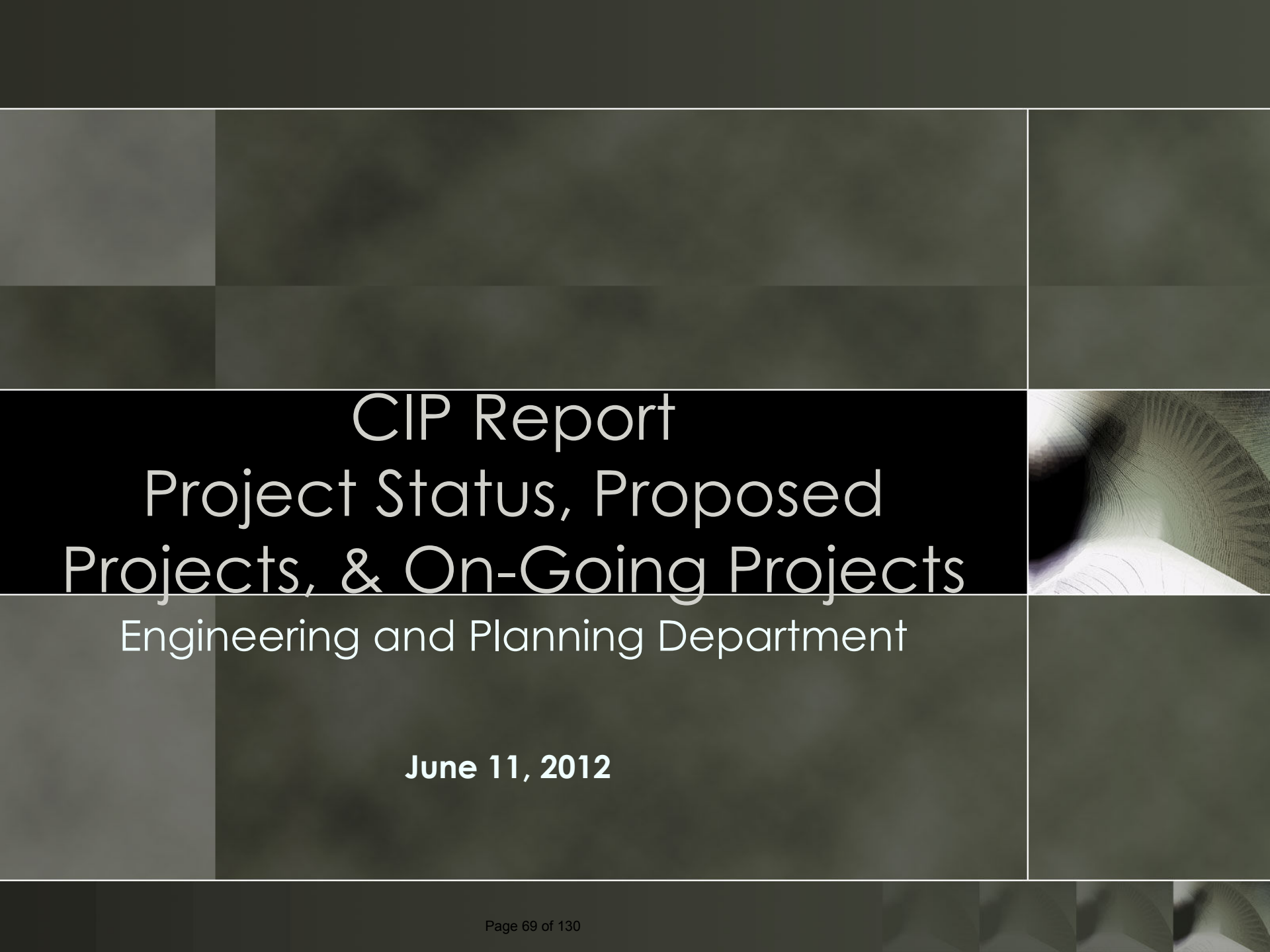
### Party(ies) responsible for placing this item on agenda:

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:

CIP Status Presentation



# CIP Report

## Project Status, Proposed Projects, & On-Going Projects

Engineering and Planning Department

**June 11, 2012**

# FY 12-16 Capital Improvement Projects

## 10 YEAR MASTER PLAN

- Tomball Hills Lift Station
- Medical Complex Segment 3
- M121 Drainage Channel
- Barbara Street Drainage
- Brown Road & Utility Extension (Phase II)
- Brown Road Utility Extension West of SH 249
- Rudolph Road & Utilities (Phase I)
- Hufsmith Water & Gas Improvements
- Hufsmith Sewer Improvements

## COMPREHENSIVE PLAN

- Drainage Master Plan
- Downtown Specific Plan

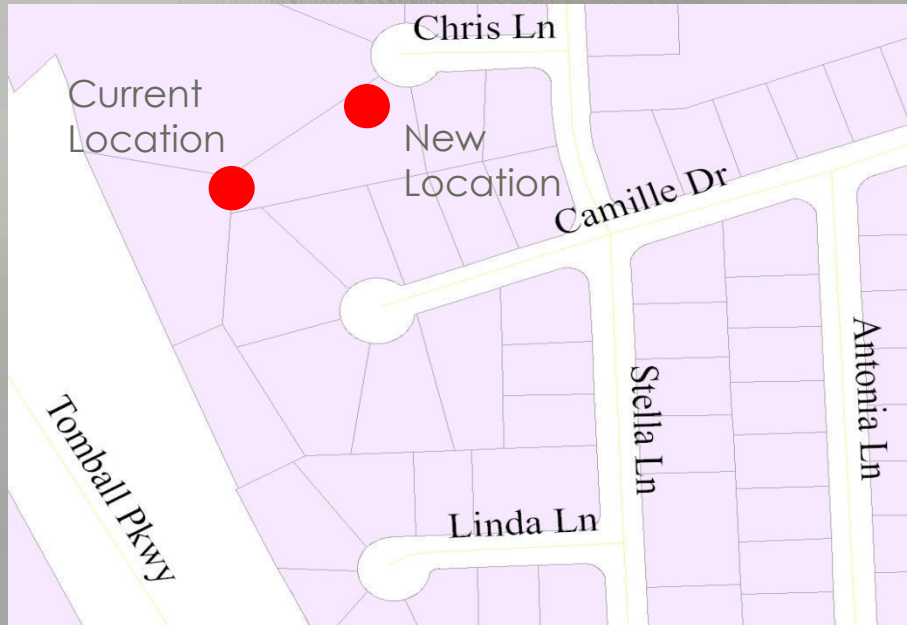
## LIVABLE CENTERS

- Parking – 3 Downtown Parking Lots (including Detention)



# 10 Year Master Plan FY 2012 – 2016 CIP Status

# Tomball Hills Lift Station



- Description: The Tomball Hills sanitary sewer lift station was constructed in the mid 1970's to collect sanitary sewer for all of the adjacent subdivision and LoneStar Community College. The lift station was constructed within the floodplain and during increased storm water events is submerged. The lift station requires redesign and relocation consideration to meet TCEQ requirements.

- FY 2011 Budget: \$375K

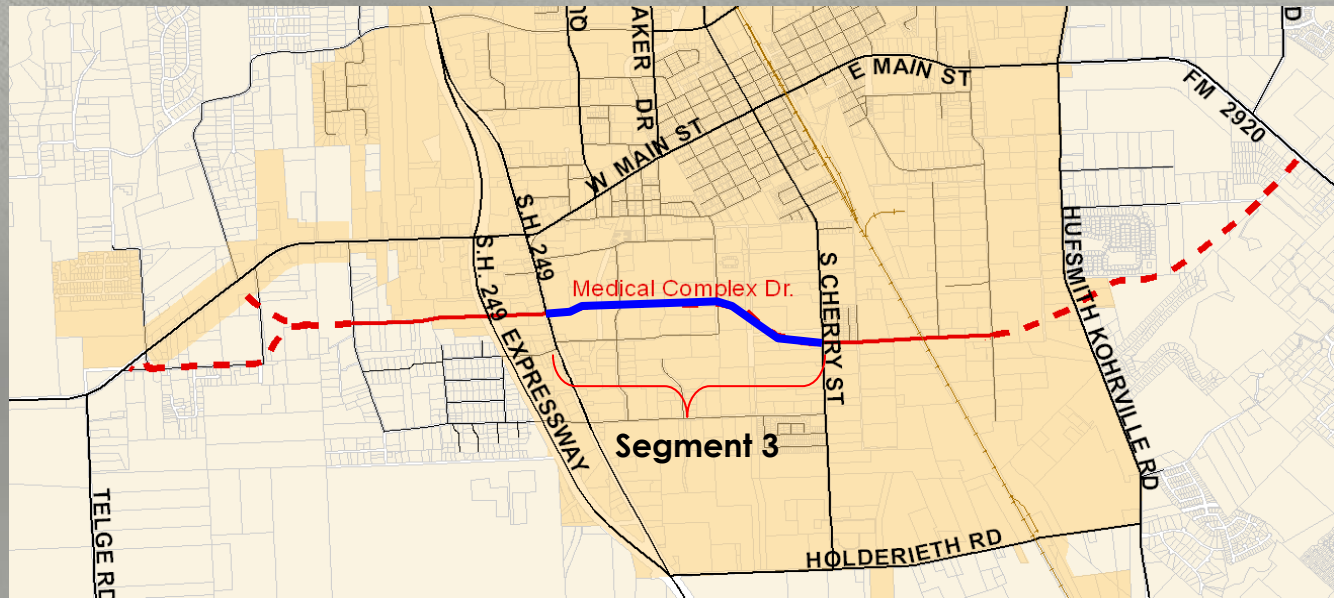
- FY 2012 Budget: \$0

- Progress: The PER was completed in April 2009. The Engineer's opinion of cost is \$300K. The PER identified the property to be acquired and recommended alternatives. Final design was initiated May 27, 2009. Design is 100% complete and required acquisition of one vacant residential lot. Appraisal was completed October 26, 2009. An offer letter was extended March 18, 2010. Lot acquired January 19, 2011. Project was awarded to N&S Construction Co., L.P., on May 2, 2011 for \$349,775. The construction is complete and the City accepted the lift station on May 21, 2012.



# Medical Complex Dr. Extension

## SEGMENT 3



- **Description:** Segment 3 of the proposed Medical Complex Corridor commences at SH 249 Business and continues easterly to South Cherry St. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball).

- **FY 2011 Budget:** \$850K (TEDC Funded)

- **FY 2012 Budget:** \$4.6M & \$850K (TEDC Funded)

- **Progress:** The Preliminary Engineering Report (PER) was accepted by City Council July 6, 2009 with a cost estimate of \$4.6M for Segment 3. The PER established the corridor, set alignment, construction cost estimate, and ROW acquisition required. The final design contract was August 5, 2011. Property acquisition is underway for 12 properties. The design is 75% complete.

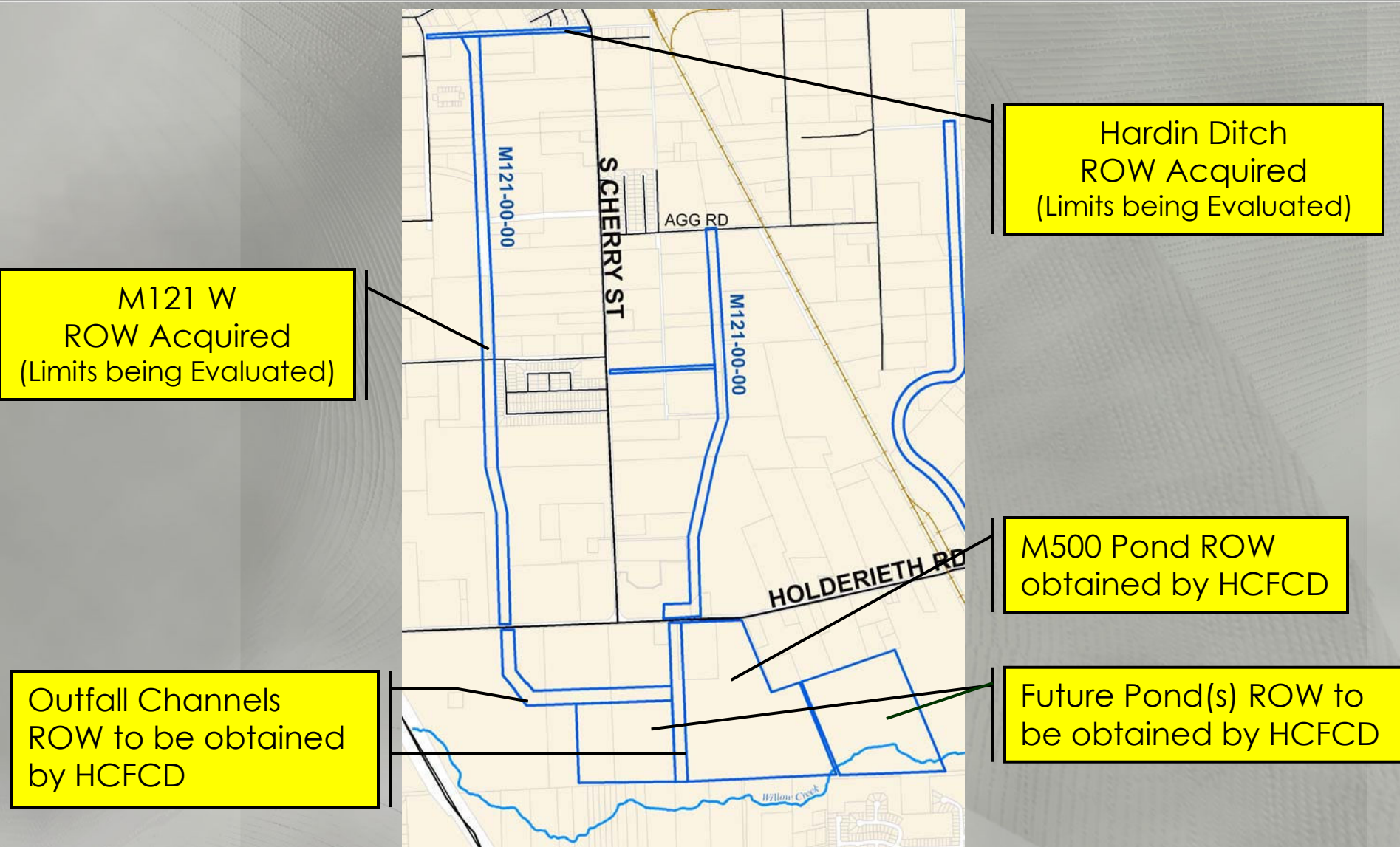
# M121 West Drainage Channels

- Description: The M121 basin consists of two drainage channels, i.e. 121W & 121E, and an associated detention pond, serving a central area of Tomball. Project to alleviate conditions that cause localized flooding and eliminate on-site detention.
- M121 West  
FY 2012 Budget: \$10.8M (Including Design of M121 East)
- Progress: A portion of the M121 East channel was constructed by a Private Developer (Hometowne at Tomball). Portions of the M121 West channel have been constructed by various Private Developers. Major portion of the M500 pond excavated by HCFCF is nearing completion. A portion of M121 East ROW was obtained through the development of Hometowne at Tomball. Additional ROW north of the development will have to be acquired. ROW required for outfall channels south of Holderrieth. All of the M121 West ROW north of Holderrieth has been obtained. ROW south of Holderrieth has to be acquired.

A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of the channels. The PER will establish the alignment south of Holderrieth for M121 West, the alignment north of Hometowne at Tomball for M121 East, the detention requirements, and the construction cost estimate. The PER was completed on November 6, 2009 with a cost estimate of \$12.9M. A contract was executed on December 7, 2011 for final design and a contract was executed December 8, 2011 for land acquisition for 3 to 5 properties.



# M121 West Drainage Channel



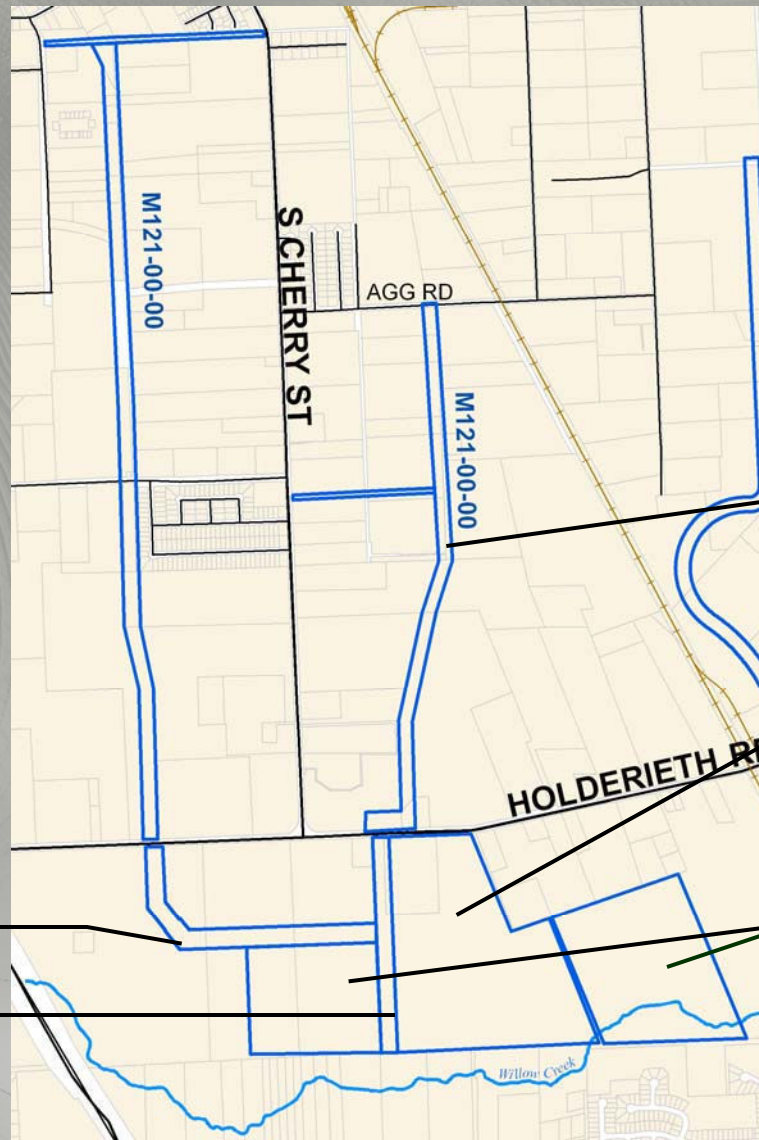
# M121 East Drainage Channels

- Description: The M121 basin consists of two drainage channels, i.e. 121W & 121E, and an associated detention pond, serving a central area of Tomball. Project to alleviate conditions that cause localized flooding and eliminate on-site detention.
- M121 East – Design included in M121 West
- Progress: A portion of the M121 East channel was constructed by a Private Developer (Hometowne at Tomball). Portions of the M121 West channel have been constructed by various Private Developers. Major portion of the M500 pond excavated by HCFCF is nearing completion. A portion of M121 East ROW was obtained through the development of Hometowne at Tomball. Additional ROW north of the development will have to be acquired. ROW required for outfall channels south of Holderrieth. All of the M121 West ROW north of Holderrieth has been obtained. ROW south of Holderrieth has to be acquired.

A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of the channels. The PER will establish the alignment south of Holderrieth for M121 West, the alignment north of Hometowne at Tomball for M121 East, the detention requirements, and the construction cost estimate. The PER was completed on November 6, 2009 with a cost estimate of \$12.9M. A contract was executed on December 7, 2011 for final design . Construction is on hold until funding is made available.



# M121 East Drainage Channel



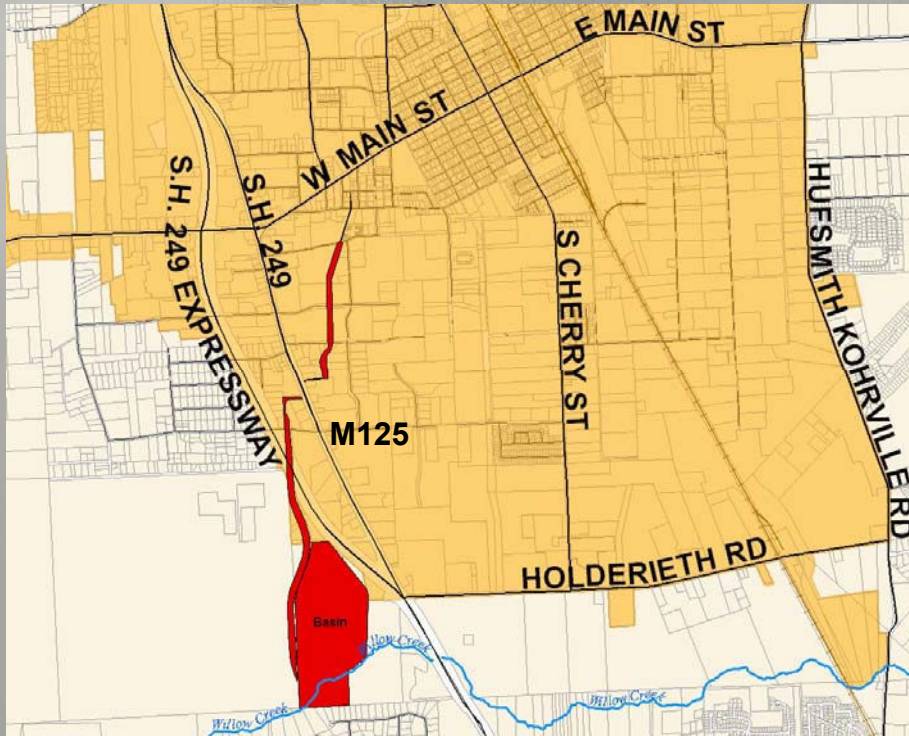
M121 E ROW to be  
Acquired  
(Limits being Evaluated)

M500 Pond ROW  
obtained by HCFC

Future Pond(s) ROW to be obtained by HCFCD

Outfall Channels  
ROW to be obtained  
by HCFCD

# Barbara St. Drainage (M125)



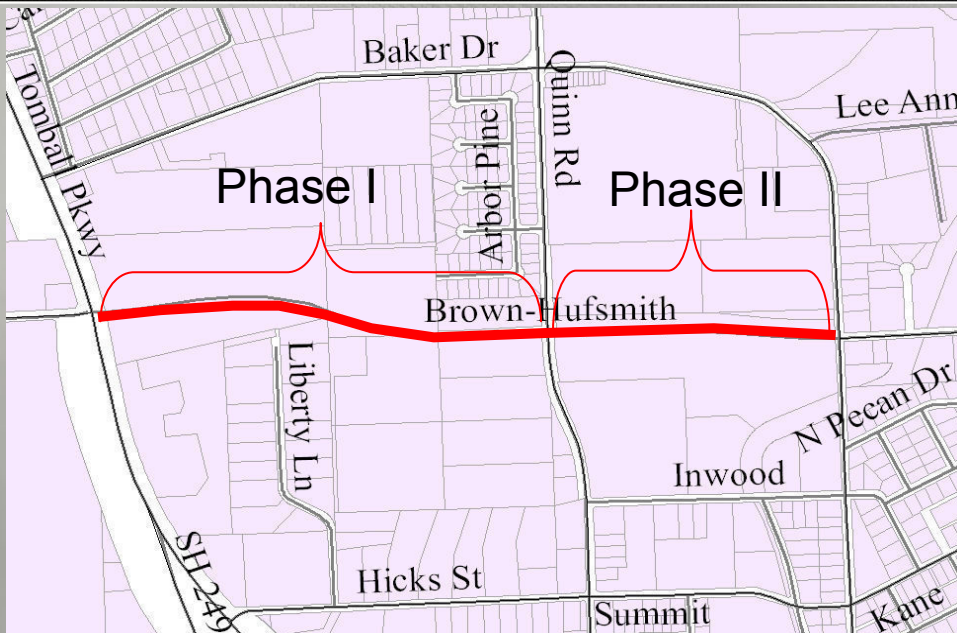
- Description: M-125 channel improvements between Barbara Street and Willow Creek. Joint participation with Harris County and Harris County Flood Control.

- FY 2012 Budget: \$400K

- Progress: A revised joint interlocal agreement has been executed by COT and HCFCD/HC February 19, 2008. HCFCD let the project in June 2009 with a contract term is 250 working days for \$4,031,977.00. City's revised cost participation is \$765K. The City has paid \$369K, and still owes \$396K.



# Brown Road Extension



- Description: Brown Road extension includes street improvements from SH 249 to Baker. Phase I includes from SH 249 to Quinn, and Phase II includes from Quinn to Baker. Phase I is a joint project with TxDOT. Phase II will provide the City's major east-west corridor on the north side of FM 2920.
- FY 2012 Budget: \$1.2M

- Progress: Phase I was let by TxDOT on December 4, 2007 and awarded to Hassell Construction in the amount of \$1,833,442.16. Notice to proceed issued March 10, 2008, with an 84-working day schedule. In reference to construction costs, City has paid TxDOT \$1,086,890.87. Phase I was completed in November 2008 with the exception of the final traffic signal to be installed at SH 249 and the pipe runners at M124. The pipe runners have been installed. TxDOT installation of the traffic signal was completed December 2009.

Phase II design proposal, including utilities, was approved by City Council on April 20, 2009 for \$200,054.00. An additional service contract for \$32,171, was approved on June 25, 2009, for offsite detention design and analysis. The contract term is 180 calendar days. Design is 95% complete. City Council approved land acquisition July 19, 2010. Land acquisition was completed December 6, 2010. The project was awarded to Monarch Civil Constructors for \$961,487.78 and was substantially May 25, 2012.

# Brown Road Utilities



- Description: Provides utility improvements along Brown Road, including water, sewer and gas. Phase I includes constructing 12" water, 10" sanitary and 4" gas. In addition, sidewalks and utility improvements along Quinn from Inwood to the north side of Brown Road were included.

- Budget: \$0 (Phase II) Included in Brown Road Extension
- Progress: Phase I improvements were let under a Developer Agreement with CCG and TEDC. The City has paid its share of the project (As part of the 380 agreement with CCG, \$471K for utilities & \$400K for ROW. Also paid \$169K for utility upgrades and sidewalks on Quinn.) Phase I was completed March 2008. Phase II is included in Brown Road Extension Contract.



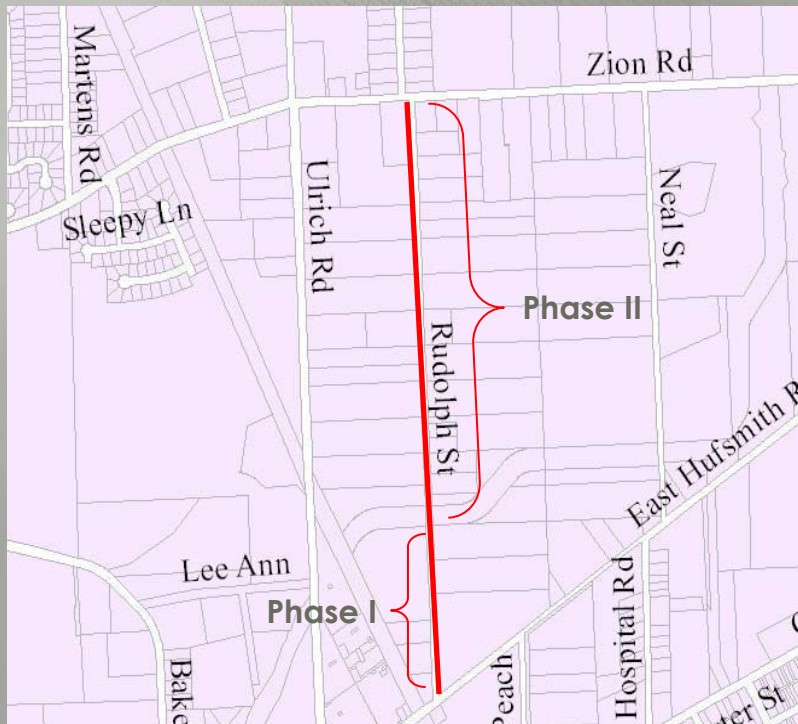
# Brown Road Utility Extension West of SH 249



- Description: Brown Road utility extension west of SH 249 includes ROW and Easement acquisition, construction of 12" water, 4" gas, and 10" sanitary lines from SH 249 to Spring Creek Estates.
- FY 2011 Budget: \$50K
- FY 2011 Grant: \$500K (Funded by TEDC)
- Progress: TEDC approved funding of this project Contract was awarded to February 22, 2011. The City awarded the contracts on March 21, 2011 to CLR, Inc. for design, \$65,160 and Cobb Fendley & Associates for land acquisition, \$7000. Three parcels are affected by this project and the City is moving forward with land acquisition. The project was awarded to Monarch Civil Constructors for \$169,053.02 and was completed \_\_\_\_.



# Rudolph Road & Utilities (Phase I)



- Description: The Rudolph Rd. Utilities improvements project includes land acquisition and providing street and utility improvements to current standards as a collector street. The majority of the street is substandard with limited to no utilities within a 30' ROW.
- FY 2012 Budget: \$200K

● Progress: Proposal negotiated with Consultant for PER for Rudolph (both Phases). A Professional Services contract was executed in 12/07 to perform the necessary surveying and prepare the individual metes and bounds descriptions for utility easements and ROW dedications. All Phase I parcels have been acquired. The PER was completed February 2, 2010 with Phase I cost estimate of \$1.642M. Based on the approved PER, the Consultant will perform the final design of Phase I. An agreement was executed between COT and TEDC for \$300K to aid in the construction of Phase I. Additionally, an agreement between the COT and a developer was executed under which the developer has agreed to contribute \$30K for the construction of Phase I. Phase I design scheduled for completion July 2012. Construction is on hold until funding is made available.

# Hufsmith Water & Gas Improvements



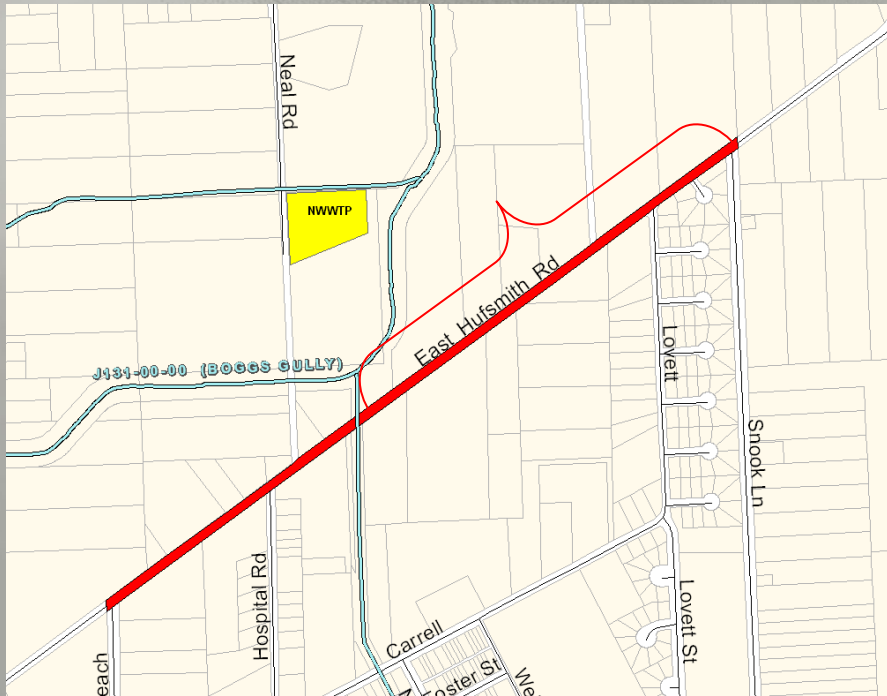
- Description: The Hufsmith water and gas improvements include 12" water line and 4" gas lines from Rudolph to Snook.

- FY 2012 Budget: \$514K

- Progress: A contract was executed with a Consultant to complete the final design and develop the metes and bounds descriptions for easement acquisition. The project design is expected to be completed by May 2010. E&P recognizes this project as a critical needs project. The Engineer's opinion of cost is \$850K. There are an estimated 18 easements to be acquired. Design is 95% complete. Consultant completed metes and bounds for 19 easements and 27 ROW acquisition by January 2010. A contract for land acquisition services and appraisals was approved by City Council April 5, 2010. City Council approved land acquisition July 19, 2010. Land acquisitions offer letters have been issued and negotiations are on-going. The City has acquired 4 of 20 ROWs/Easements.



# Hufsmith Sewer Improvements



- Description: Provides sanitary sewer improvements along East Hufsmith from J-131 to Snook.

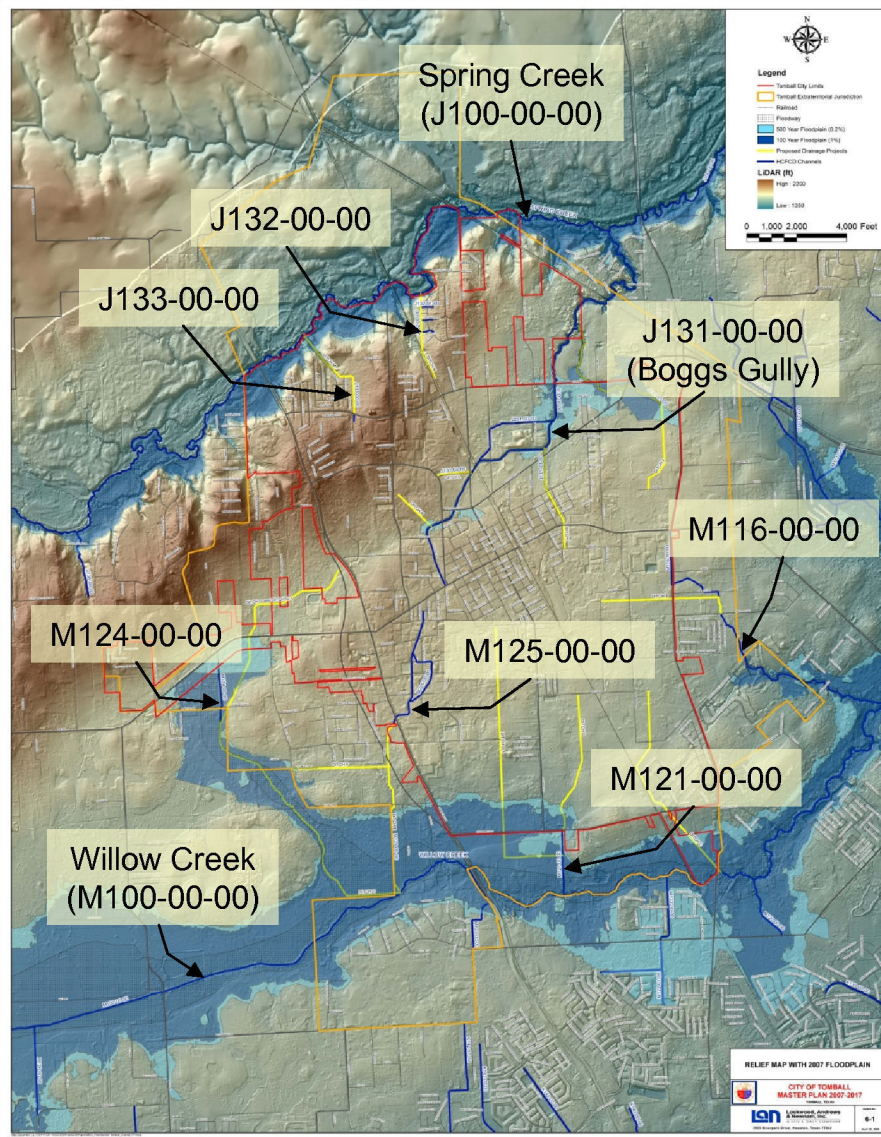
- FY 2012 Budget: \$121K

- Progress: The project was to be a joint effort with Developer (TIRZ). City is responsible for easement preparation and acquisition. Metes and bounds have been completed. Consultant completed appraisals by August 2009 for seven (7) parcels on the north side of East Hufsmith. City has acquired 6 of 7 parcels. Developer to provide design plans (preliminary plans were previously submitted and comments delivered in November 2007). This project is Developer driven and associated with TIRZ. No progress has been noted by Developer.

# Comprehensive Plan FY 2012 – 2016 CIP Status



# Drainage Master Plan

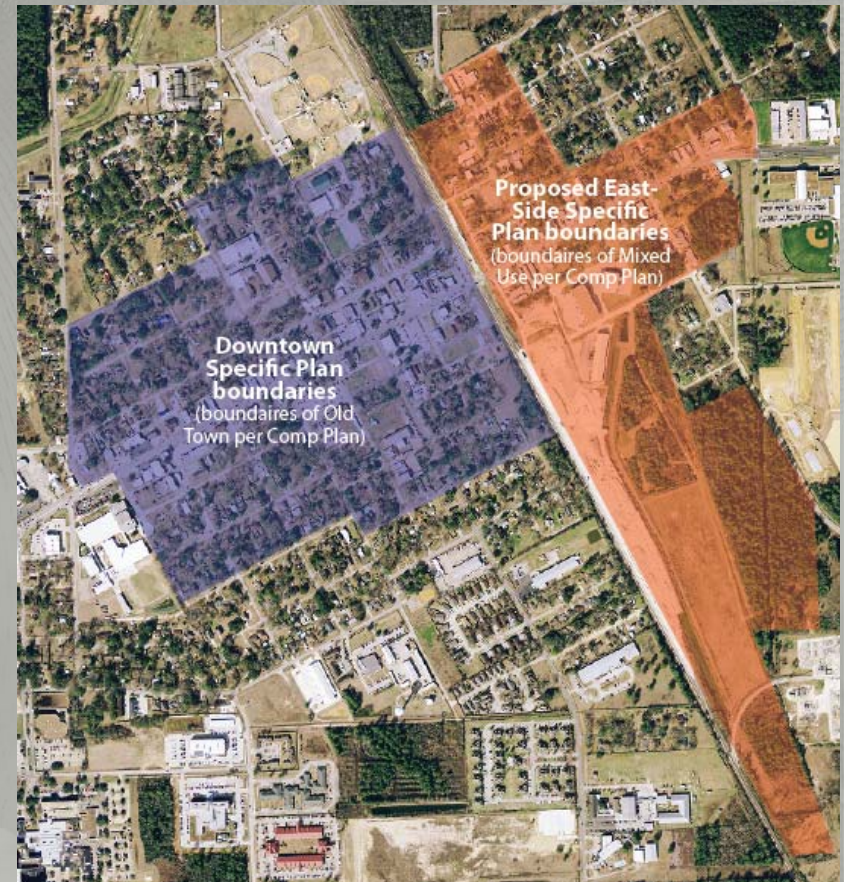


- Description: This plan will evaluate the city's existing storm drainage network, assess existing and proposed future drainage facility needs, and identify needed improvements based on projected future system demands. The plan will utilize the land use projections provided in the Comprehensive Plan to determine projected growth.
- FY 2012 Budget: \$100K
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Drainage Master Plan as an item to be implemented within three years. A contract was approved by City Council on May 16, 2011 with Rydan & Associates, LLC. for \$125K. The project is 50% complete.



# Downtown Specific Plan

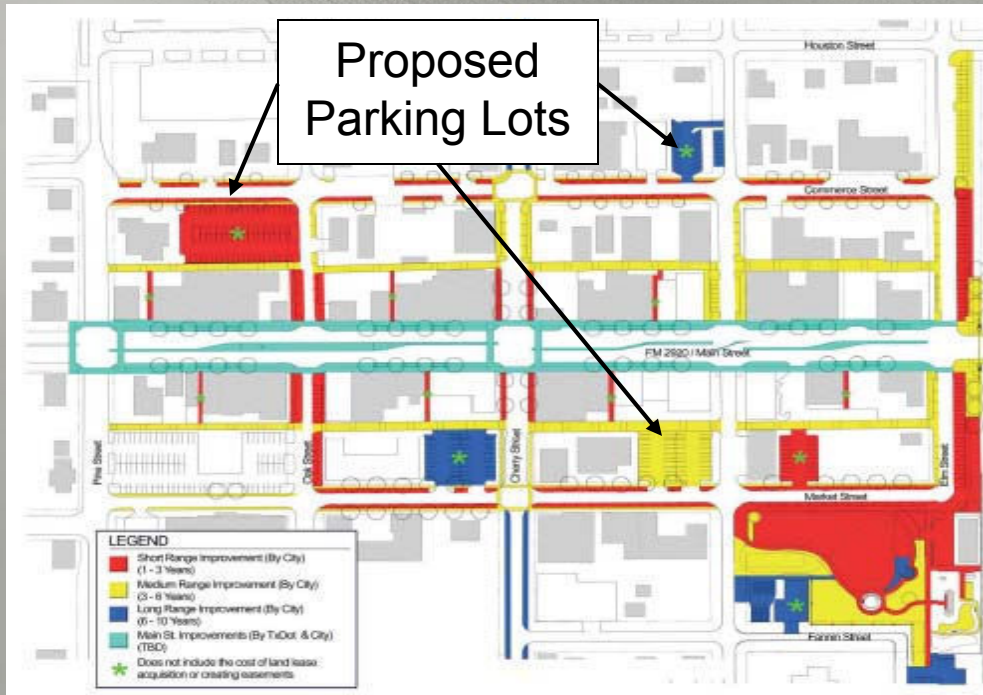
- Description: The Downtown Specific Plan will regulate and direct land use planning and development within the Old Town area; it will explore an appropriate mix of land use intensities, examine the area's long-term economic viability, establish development standards and design criteria for new development and redevelopment, and create an implementation program.
- FY 2012 Budget: \$73K
- Progress: A contract was awarded to Partners for Strategic Action, Inc. (PSA) on December 20, 2010. The project is 50% complete. Anticipated completion date is end of 2012.



# Livable Centers FY 2012 – 2016 CIP Status



# Parking – 3 Downtown Parking Lots



- Description: The plan recommends the creation of three surface parking lots within a six year timeframe to account for the future removal of the on-street parking on FM 2920. E&P proposes to phase this project over a three year period beginning with design and feasibility analysis in FY 2010 - 2011.

- FY 2012 Budget: \$430K
- Progress: City Council approved the Livable Centers Downtown Plan (Res. #2009-23) on September 21, 2009 which identifies the construction of these three surface parking lots within six years. City Council approved a contract with CLR for design on May 2, 2011 for \$105K. The design is 95% complete. The project is proposed to late 2012.

# Proposed FY 13-17 Capital Improvement Projects

## 10 YEAR MASTER PLAN

- 10 Year Master Plan Update
- M118 Drainage Channel South of Holderrieth Rd
- M121 East Drainage Channel
- M124 Drainage Channel
- M118 Drainage Channel North of Holderrieth Rd
- Medical Complex Drive (Segment 2)
- Relocation of SH 249 Utilities
- Hufsmith Water & Gas Improvements
- Zion Road Sidewalk Reconstruction
- Medical Complex Drive (Segment 4)
- Medical Complex Drive (Segment 5)
- Rudolph Road & Utilities (Phase I)
- Lawrence St. / Johnson St. Realignment
- Zion Sidewalks East of Quinn Rd.

## COMPREHENSIVE PLAN

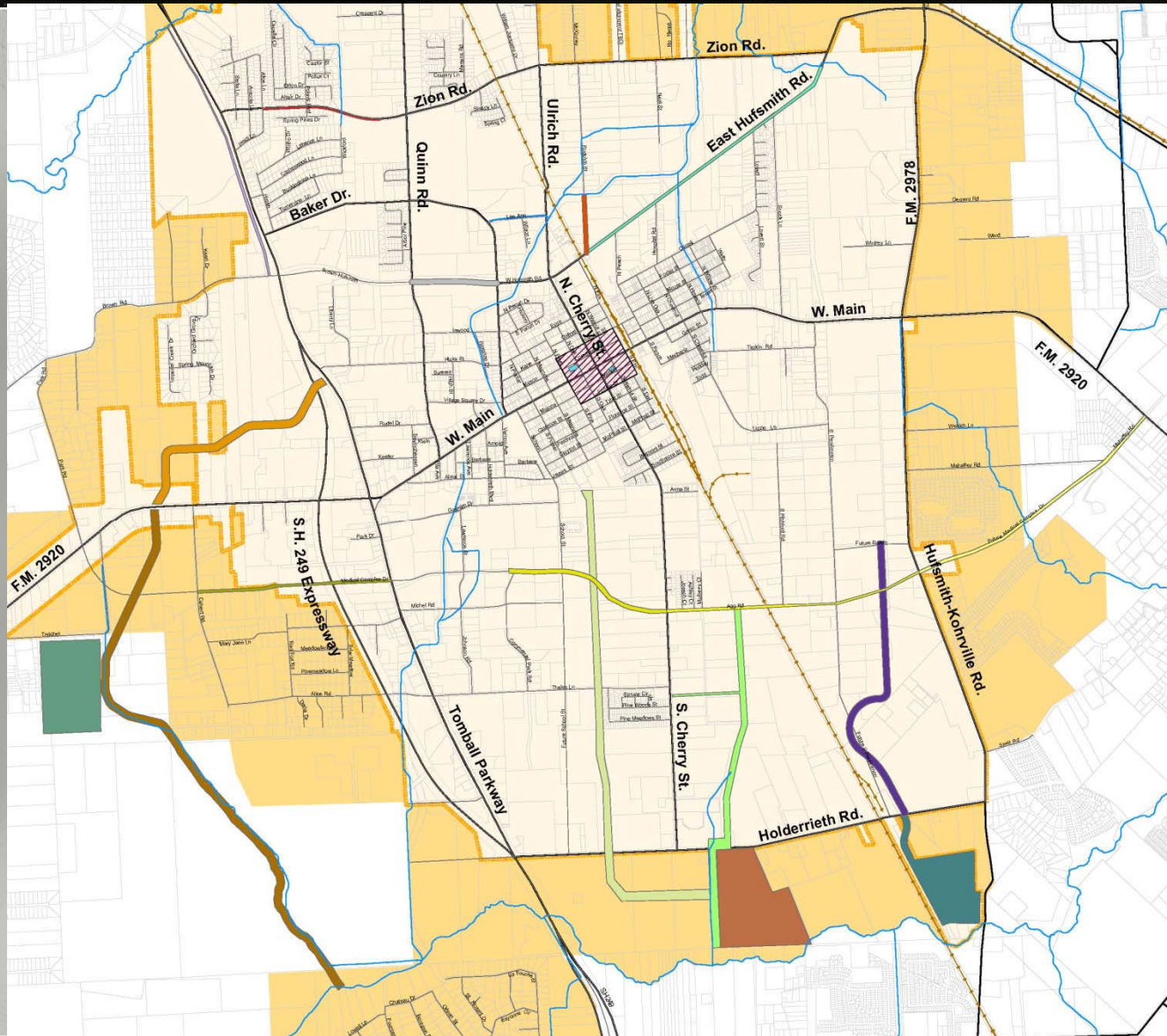
- Medical District Specific Area Plan
- Downtown Plaza Master Plan (Depot & Linear Park)
- Downtown Specific Plan (East of the RR Tracks)
- Four Corner Specific Area Plan
- Major Thoroughfare Plan/Context Sensitive Solution Policy
- Sidewalk, Pathway, Park, & Trails Master Plan
- Railroad Corridor Specific Area Plan
- Medical Complex Specific Area Plan
- Wayfinding Sign Plan
- Tomball East Side Specific Plan

## LIVABLE CENTERS

- Street Reconstruction Program (Commerce, Market, & Cherry) - Streetscape, Landscape, Detention, & Sidewalks)



# CIP Projects FY13-FY17





# **10 Year Master Plan FY 2013 – 2017 Proposed CIP Priority Ranking 1**

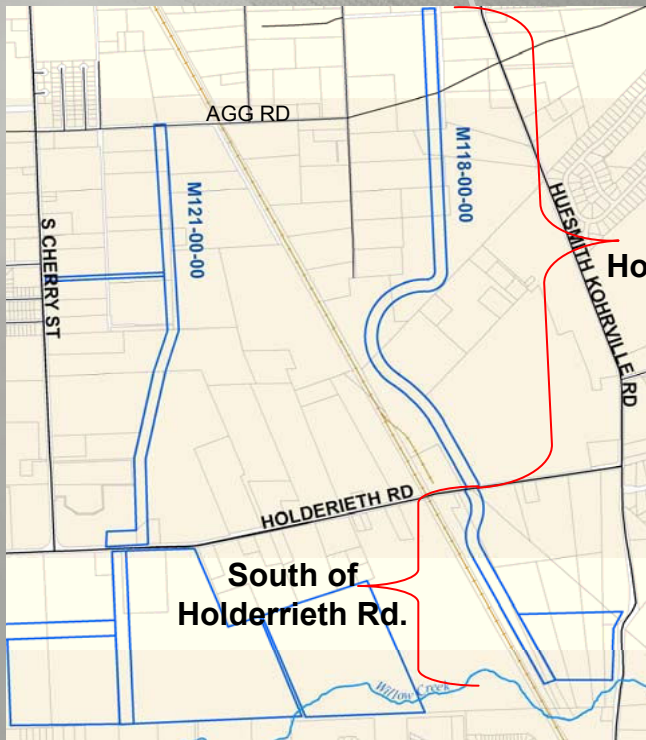


# 10 Year Master Plan



- Description: The 10 Year Master Plan is a planning tool to estimate growth within the city limits and ETJ from 2013 to 2023 and at ultimate buildout. This helps determine the infrastructure needs to accommodate growth and estimate the cost and impact fees related to the infrastructure improvements.
- FY 2013 Budget: \$150K
- Progress: The last 10 Year Master Plan was presented and accepted by the City Council on June 1, 2009. Impact fees were established for water, sanitary, and storm drainage through Ordinance 2009-12.

# M118 Drainage & Detention Basin (South of Holderrieth Rd)



North of  
Holderrieth Rd.

South of  
Holderrieth Rd.

- **Description:** The M118 drainage basin occupies the southeasterly area of Tomball, south of the M116 basin, east of the railroad tracks, west of Hufsmith-Kohrville, to Willow Creek. Project to provide relief drainage system and reduce or eliminate on-site detention.

- **FY 2013 Budget:** \$3.6M

● **Progress:** The M118-00-00 Channel Outfall Project from Willow Creek north 365' includes 300 LF of drainage channel and the detention outfall improvements for Ditch M118-00-00 to Willow Creek. It also includes 180 LF of 36" pipe connecting the partially complete M118 Pond to the drainage channel. This construction project was completed January 2009 for \$210K.

A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of channel & pond. A significant portion of pond has been excavated in prior years. All ROW has been acquired south of Holderrieth. No ROW has been acquired north of Holderrieth Rd.

The PER established alignment, construction cost estimate, and ROW acquisition required. The PER was completed November 6, 2009 with a cost estimate of \$8.1M for the entire project. Design contract on hold until funding is made available.

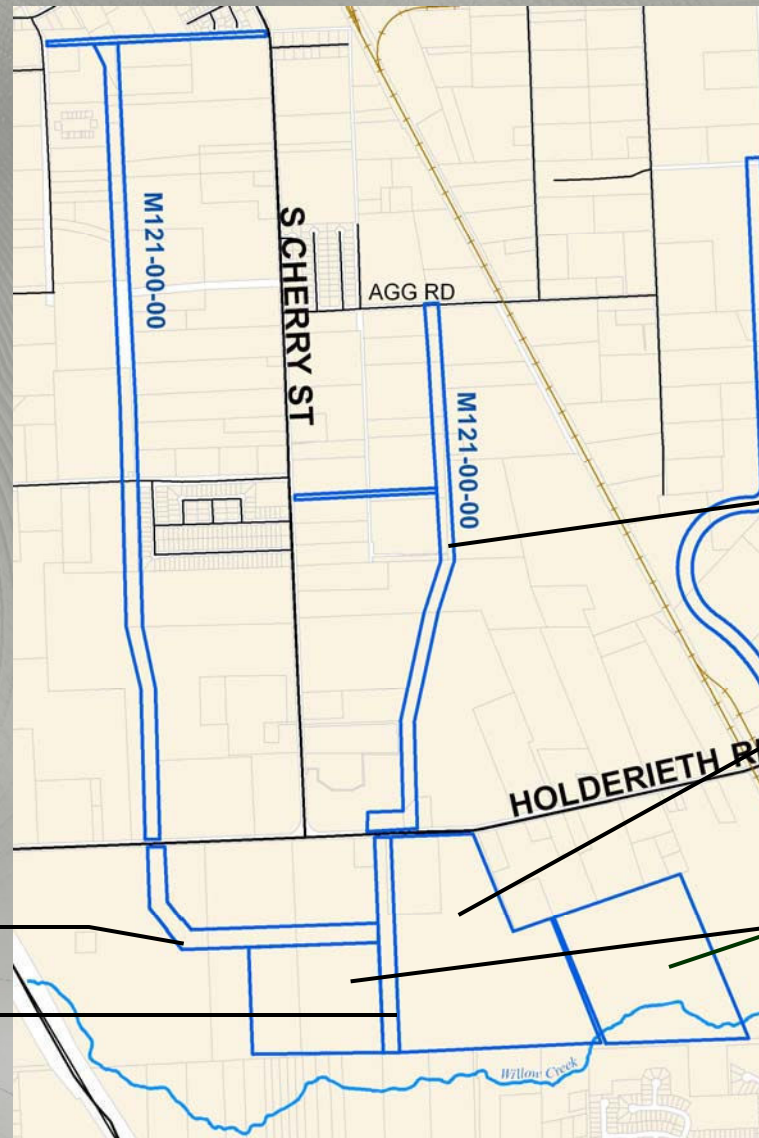


# M121 East Drainage Channels

- Description: The M121 basin consists of two drainage channels, i.e. 121W & 121E, and an associated detention pond, serving a central area of Tomball. Project to alleviate conditions that cause localized flooding and eliminate on-site detention.
- M121 East  
FY 2013 Budget: \$580K                      FY 2014 Budget: \$580K
- Progress: A portion of the M121 East channel was constructed by a Private Developer (Hometowne at Tomball). Portions of the M121 West channel have been constructed by various Private Developers. Major portion of the M500 pond excavated by HCFCF is nearing completion. A portion of M121 East ROW was obtained through the development of Hometowne at Tomball. Additional ROW north of the development will have to be acquired. ROW required for outfall channels south of Holderrieth. All of the M121 West ROW north of Holderrieth has been obtained. ROW south of Holderrieth has to be acquired.

A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of the channels. The PER will establish the alignment south of Holderrieth for M121 West, the alignment north of Hometowne at Tomball for M121 East, the detention requirements, and the construction cost estimate. The PER was completed on November 6, 2009 with a cost estimate of \$12.9M. A contract with a consultant is being negotiated to complete the final design of M121 West. Design contract is on hold until funding is made available.

# M121 East Drainage Channel



M121 E ROW to be  
Acquired  
(Limits being Evaluated)

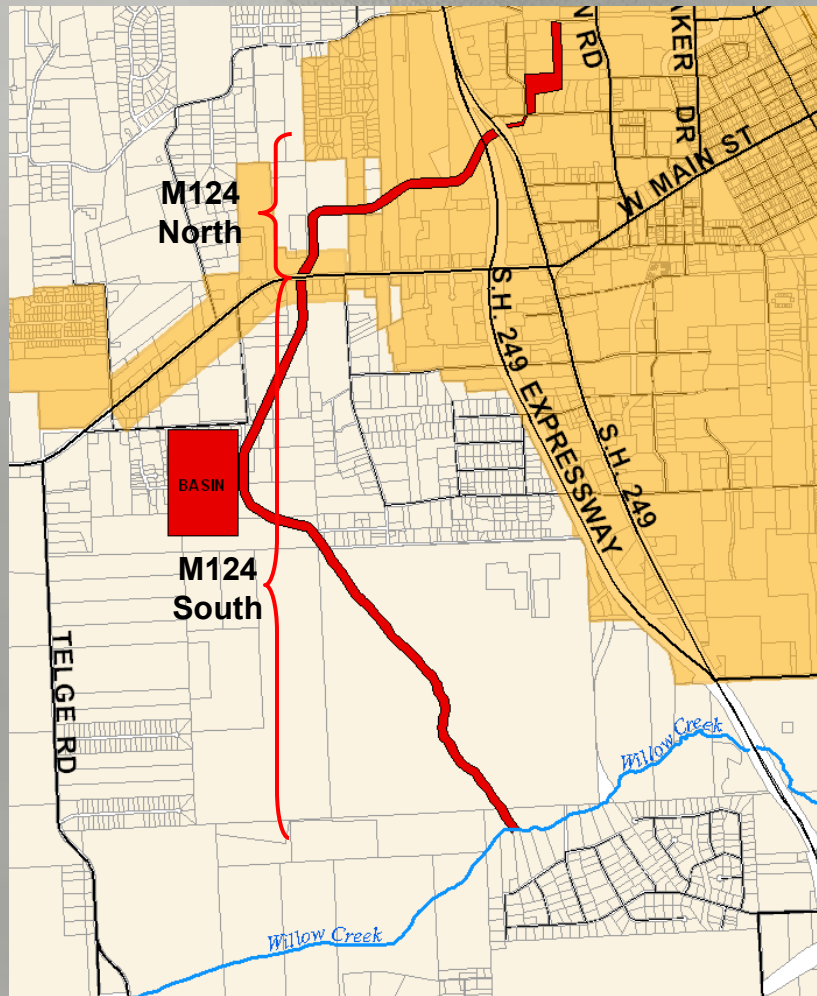
M500 Pond ROW  
obtained by HCFCD

Outfall Channels  
ROW to be obtained  
by HCFCD

Future Pond(s) ROW to  
be obtained by HCFCD

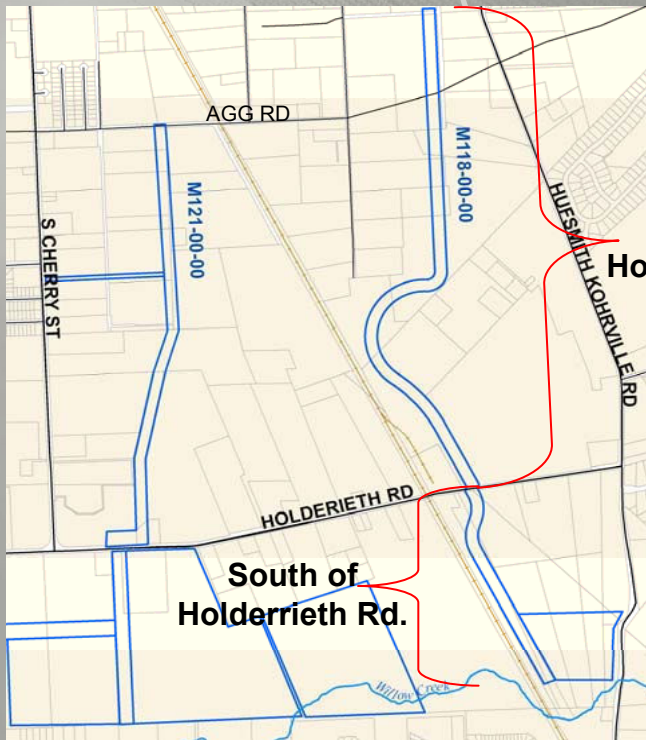


# M124 Channel



- **Description:** The M124 basin occupies a major portion of the westerly area of Tomball, outfalling to Willow Creek. Project to mitigate channel and loss of existing floodplain storage. The project has been divided into M124 North, described as area north of FM 2920 to SH 249, and M124 South, described as area south of FM 2920.
- **FY 2013 Budget:** \$1.7M
- **FY 2014 Budget:** \$1.2M
- **Progress:** The PER with alternative analysis and recommendations was approved November 5, 2008. Additional funding was approved by City Council to establish alignment and channel cross-section to be completed in 270 calendar days. The additional services include preliminary survey, geotechnical report, project scheduling, phasing, cost estimates, preliminary plan & profile drawings, and project management and coordination. No ROW has been acquired. The final design contract will have to be negotiated with the consultant and ROW acquired for 67 acre detention pond and is on hold until funding is made available.

# M118 Drainage & Detention Basin (North of Holderrieth Rd)



North of  
Holderrieth Rd.

South of  
Holderrieth Rd.

- **Description:** The M118 drainage basin occupies the southeasterly area of Tomball, south of the M116 basin, east of the railroad tracks, west of Hufsmith-Kohrville, to Willow Creek. Project to provide relief drainage system and reduce or eliminate on-site detention.

- **FY 2014 Budget:** \$1.1M

● **Progress:** The M118-00-00 Channel Outfall Project from Willow Creek north 365' includes 300 LF of drainage channel and the detention outfall improvements for Ditch M118-00-00 to Willow Creek. It also includes 180 LF of 36" pipe connecting the partially complete M118 Pond to the drainage channel. This construction project was completed January 2009 for \$210K.

A contract was executed on September 30, 2008 with a Consultant to prepare the PER on the balance of channel & pond. A significant portion of pond has been excavated in prior years. All ROW has been acquired south of Holderrieth. No ROW has been acquired north of Holderrieth Rd.

The PER established alignment, construction cost estimate, and ROW acquisition required. The PER was completed November 6, 2009 with a cost estimate of \$8.1M for the entire project. 12 parcels need to be acquired north of Holderrieth Rd. Design contract on hold until funding is made available.



# FM 2978 Water & Gas Loop Sanitary Extension

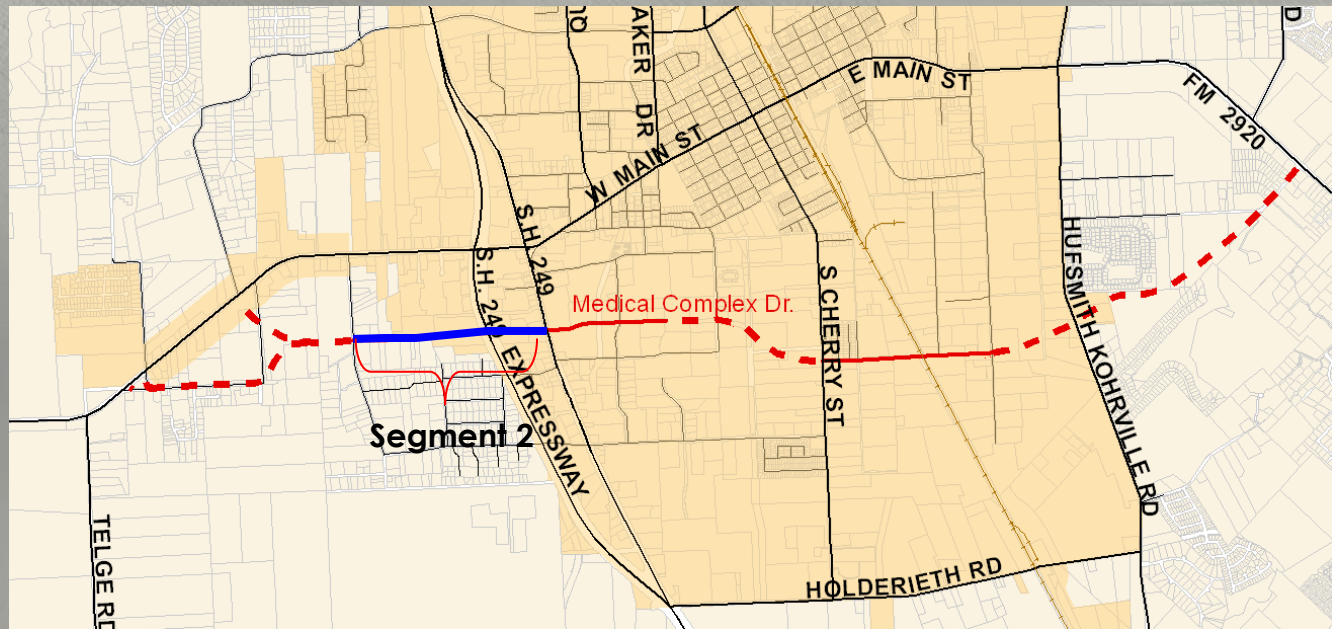


- Description: Water and Gas extension along FM 2978 from FM 2920 to E. Hufsmith and continue along E. Hufsmith to bend south of Zion Rd. Also includes a sanitary extension along FM 2920 from FM 2978 to Centerpoint Property.
- FY 2013 Budget: \$4.3M
- FY 2014 Budget: \$2.7M
- Progress: Proposed Project



# Medical Complex Dr. Extension

## SEGMENT 2



- **Description:** Segment 2 of the proposed Medical Complex Corridor commences at Calvert Rd and continues easterly to SH 249 Business. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball).
- **FY 2013 Budget:** \$1.025M
- **Progress:** The Preliminary Engineering Report (PER) was accepted by City Council July 6, 2009 with a cost estimate of \$9.8M for Segment 2. The PER established the corridor, set alignment, construction cost estimate, and ROW acquisition required. Land acquisition is on hold until funding is made available.



# Comprehensive Plan FY 2013 – 2017 Proposed CIP Priority Ranking 1

# Medical District Specific Area Plan



- Description: This plan will establish a medical district zone for the area around Tomball's medical campus in order to support and maximize expansion opportunities for the City's medical facilities. The plan will include land use regulations and development standards that promote and protect Tomball's medical industry.

- FY 2013 Budget: \$175K (TEDC Funded)
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Medical District Specific Area Plan as an item to be implemented within three years.



# Downtown Plaza Master Plan

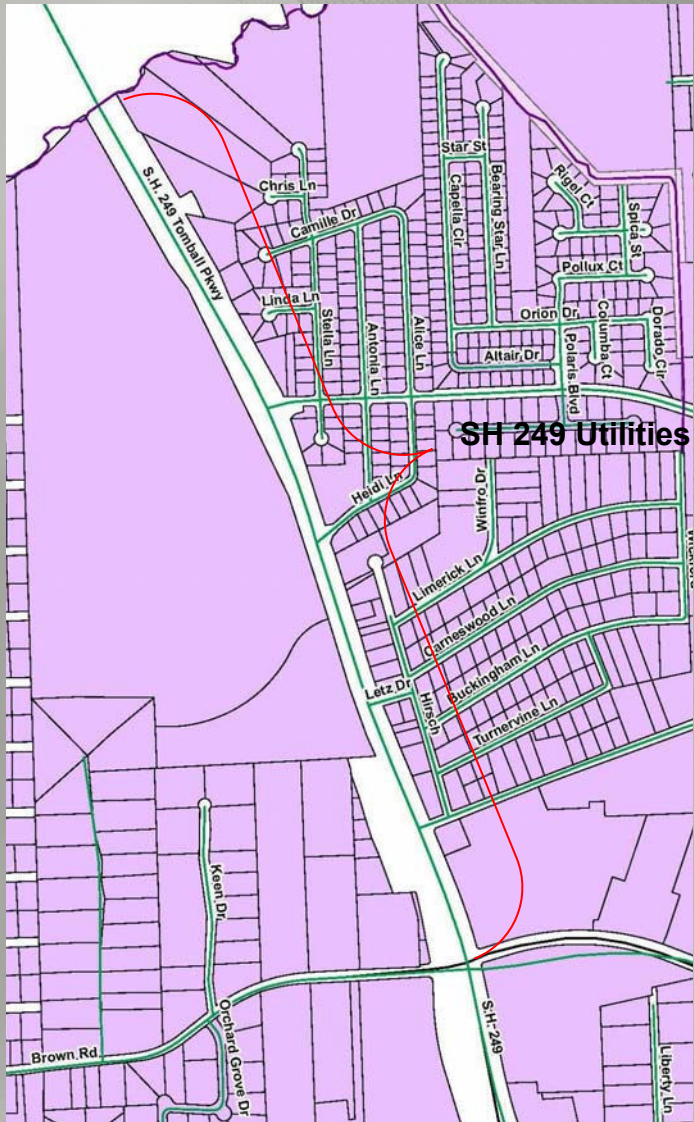


- **Description:** This plan will further refine the depot plaza concept created in the Livable Centers Downtown Plan and the Linear Park concept developed during the Comprehensive Plan to integrate the designs into an overall downtown civic space concept. The plan will designate project phases with Phase One being the development of the Depot Plaza and Phase Two being the development of the Linear Park (the area between Oak Street and Cherry Street, on the north side of Market Street).
- **FY 2013 Budget:** \$450K    **FY 2014 Budget:** \$50K    **FY 2015 Budget:** \$1.05M
- **Progress:** The City's Livable Centers Downtown Plan began the visioning process for the Downtown Plaza Area. City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Downtown Plaza Master Plan as an item to be implemented within six years.

# **10 Year Master Plan FY 2013 – 2017 Proposed CIP Priority Ranking 2**



# Relocation of SH 249 Utilities



- Description: Relocate utilities along SH 249 due to the widening of SH 249 between Brown Road and Spring Creek. This includes the relocation of 6", 8", & 12" waterline, 4" & 6" sanitary force main, 6", & two 8" sanitary lines, and 4" gas.

- FY 2013 Budget: \$100K

- Progress: Proposed Project

# Hufsmith Water & Gas Improvements



- Description: The Hufsmith water and gas improvements include 12" water line and 4" gas lines from Rudolph to Snook.

- FY 2014 Budget: \$995K

- Progress: A contract was executed with a Consultant to complete the final design and develop the metes and bounds descriptions for easement acquisition. The project design is expected to be completed by May 2010. E&P recognizes this project as a critical needs project. The Engineer's opinion of cost is \$850K. There are an estimated 18 easements to be acquired. Design is 95% complete. Consultant completed metes and bounds for 19 easements and 27 ROW acquisition by January 2010. A contract for land acquisition services and appraisals was approved by City Council April 5, 2010. City Council approved land acquisition July 19, 2010. Land acquisitions offer letters are being issued.



# Zion Rd Sidewalk Reconstruction



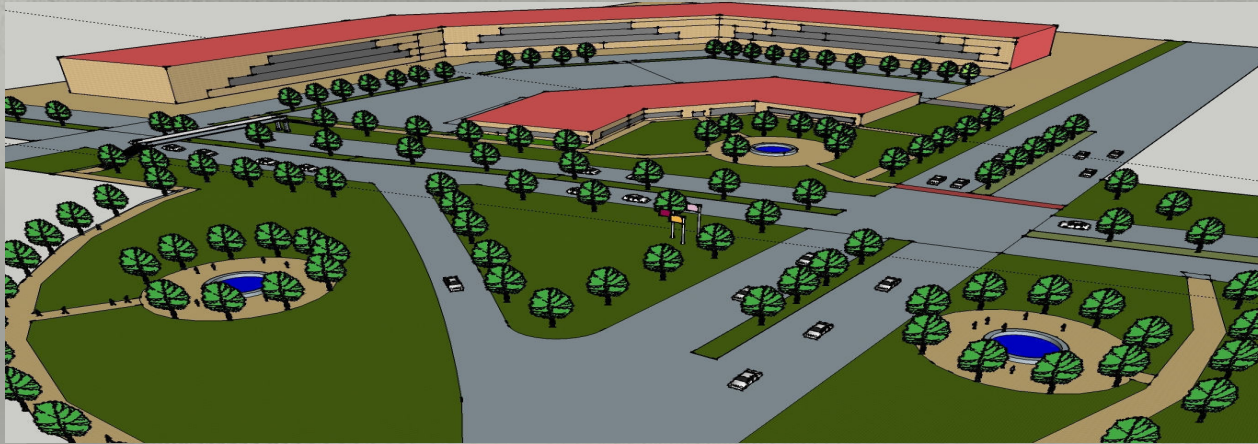
Description: The 4' sidewalk located along Zion Rd. between Alice Ln. and Quinn Rd. being undermined by erosion around the sidewalk. This project is to engineer and reconstruct a 5' sidewalk to stop the erosion and stabilize the area. Approximate 2,700 ft of 5' sidewalk is proposed.

- FY 2013 Budget: \$350K
- Progress: Proposed Project

# Comprehensive Plan FY 2013 – 2017 Proposed CIP Priority Ranking 2



# Four Corner Specific Area Plan



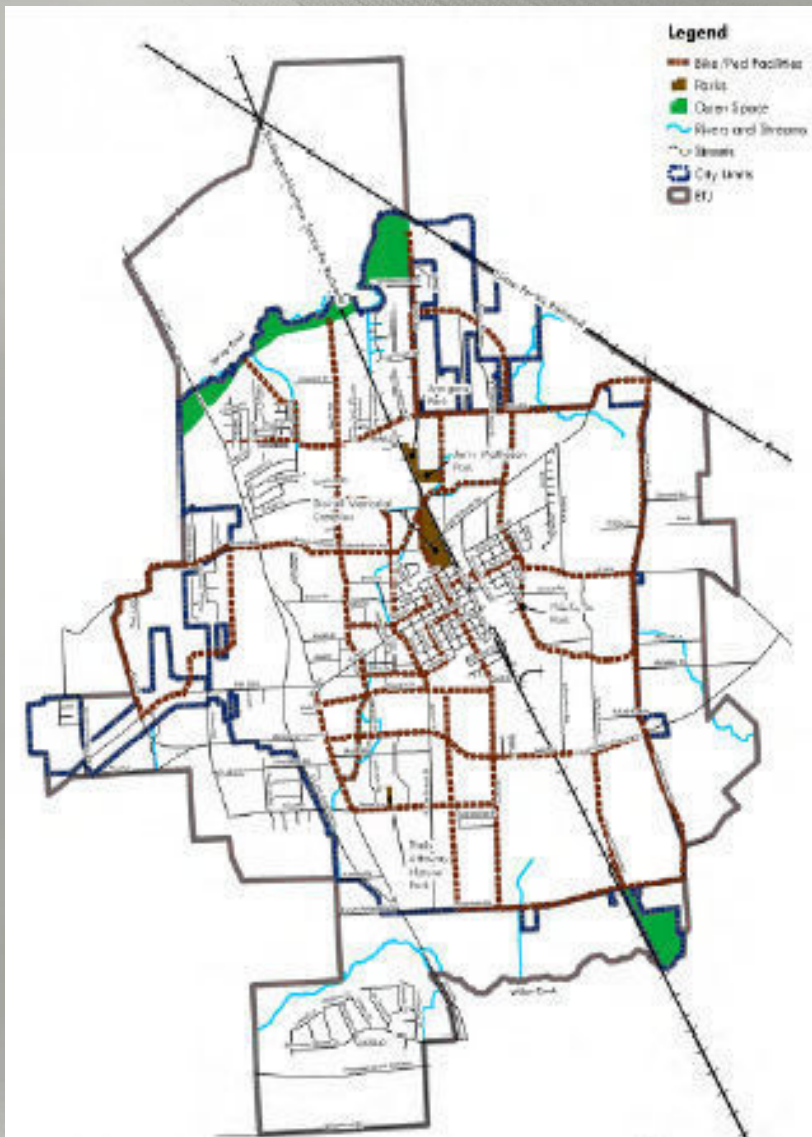
- Description: This plan will establish specific zoning standards for the properties located near the intersection of State Highway 249 Business and F.M. 2920, known as Four Corners. The plan will create unique land use and design regulations for the area to encourage its redevelopment as a major mixed use activity center. The plan will focus on its location as an important entry point to Tomball and will include regulations for pedestrian-orientation, integrated land uses, and enhanced landscaping.
- FY 2014 Budget: \$175K
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Four Corners Specific Area Plan as an item to be implemented within six years.

# Major Thoroughfare Plan / Context Sensitive Solutions Policy

- Description: The MTP must be annually reviewed and regularly updated to reflect changing transportation needs both within Tomball and in neighboring jurisdictions. At the time of the next MTP update, a context sensitive solutions policy for street design will be incorporated to ensure that roadway improvement projects are compatible with their physical settings, provide multi-modal mobility, and enhance the activities of adjacent land uses. Context Sensitive Solutions balance the need of vehicles to travel safely and efficiently with desirable community outcomes, including maintaining and enhancing aesthetic, historic, and environmental resources.
- FY 2014 Budget: \$25K
- Progress: The City last updated the MTP in February 2009. City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the update of the MTP and the drafting of a CSS policy to be implemented within three and six years, respectively.



# Sidewalk, Pathway, Park, & Trails Master Plan



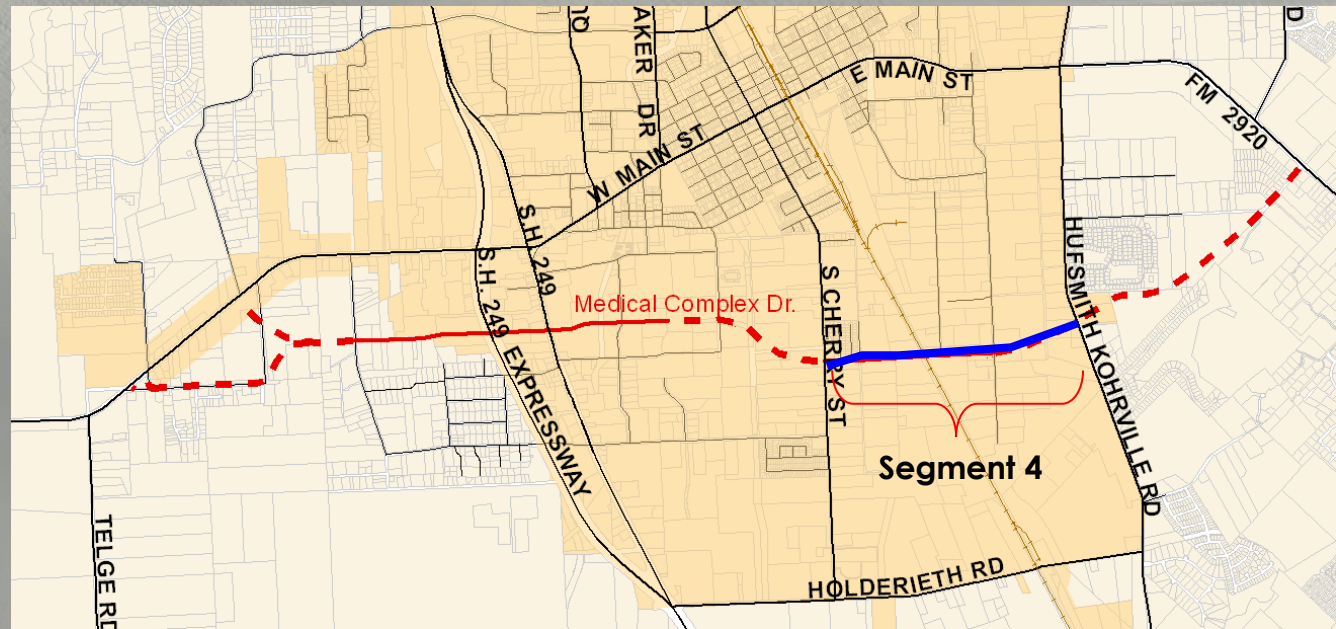
- Description: This plan will further develop the vision outlined in the Comprehensive Plan for a well connected system of trails, sidewalks, pedestrian ways and amenities. It will provide the regulatory framework for ensuring the extension of the network in conjunction with public and private development. The plan will identify existing conditions/needs and propose implementation steps to create a comprehensive and interconnected circulation system in Tomball.
- FY 2014 Budget: \$75K
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Sidewalk, Pathway, Park, & Trails Master Plan as an item to be implemented within six years.



# **10 Year Master Plan FY 2013 – 2017 Proposed CIP Priority Ranking 3**

# Medical Complex Dr. Extension

## SEGMENT 4

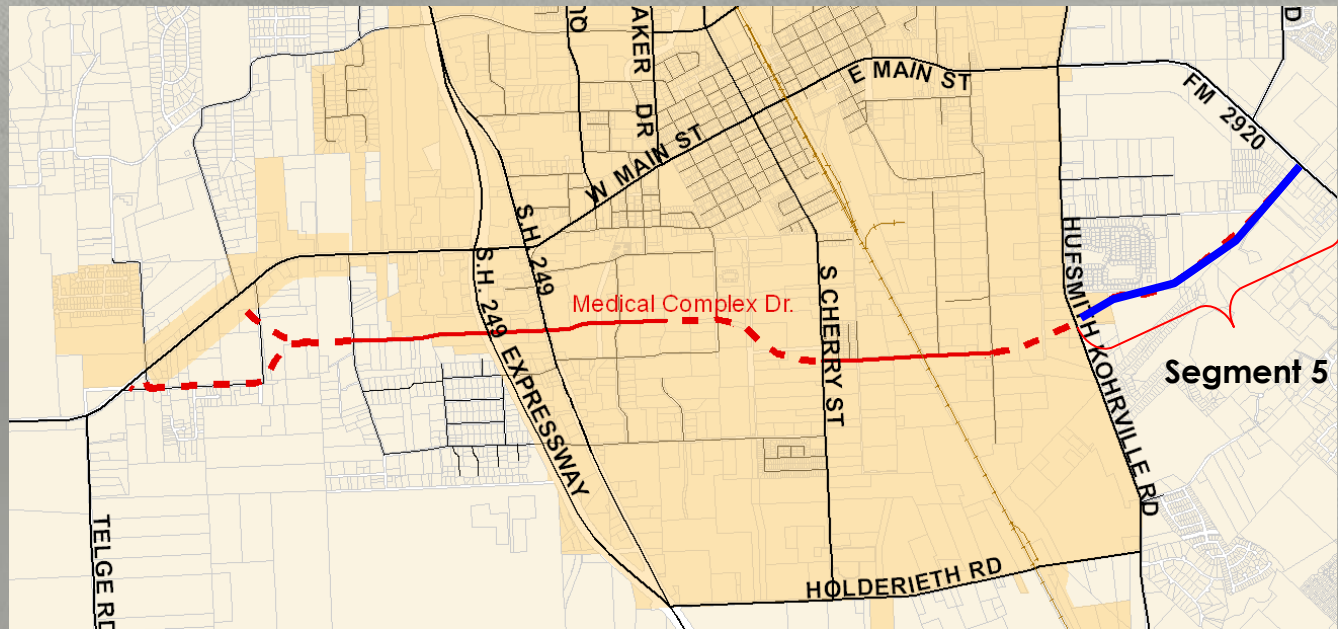


- Description: Segment 4 of the proposed Medical Complex Corridor commences at Cherry St and continues easterly to South Persimmon. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball).
- FY 2013 Budget: \$75K    FY 2014 Budget: \$1.3M
- Progress: The Preliminary Engineering Report (PER) was accepted by City Council July 6, 2009 with a cost estimate of \$11.3 for Segment 4. The PER established the corridor, set alignment, construction cost estimate, and ROW acquisition required.



# Medical Complex Dr. Extension

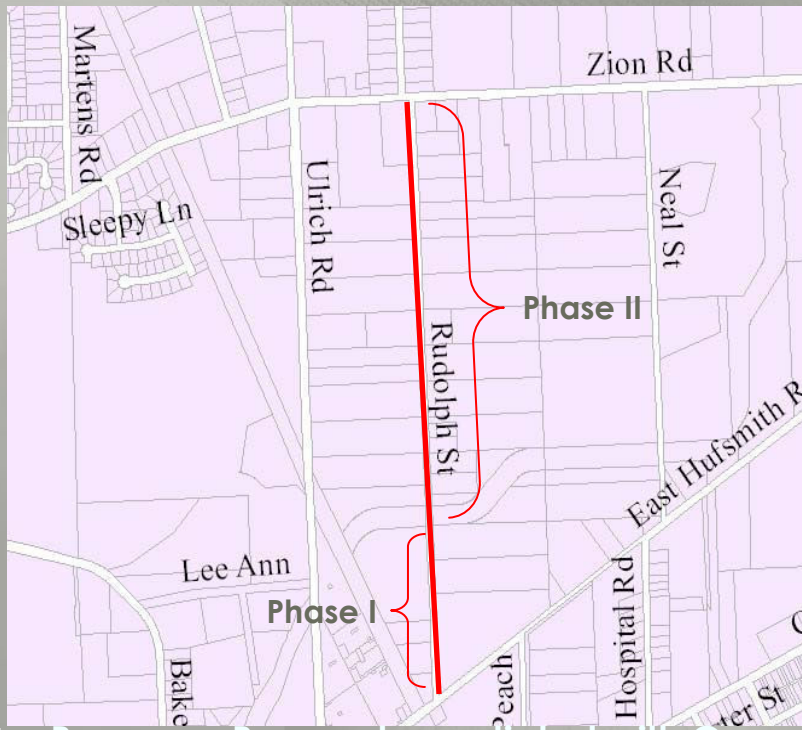
## SEGMENT 5



- Description: Segment 5 of the proposed Medical Complex Corridor commences at South Persimmon and continues easterly to FM 2920. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball).
- FY 2013 Budget: \$75K    FY 2014 Budget: \$4.4M
- Progress: The Preliminary Engineering Report (PER) was accepted by City Council July 6, 2009 with a cost estimate of \$7.9M for Segment 5. The PER established the corridor, set alignment, construction cost estimate, and ROW acquisition required.



# Rudolph Road & Utilities (Phase I)



- Description: The Rudolph Rd. Utilities improvements project includes land acquisition and providing street and utility improvements to current standards as a collector street. The majority of the street is substandard with limited to no utilities within a 30' ROW.
- FY 2013 Budget: \$1.9M

● Progress: Proposal negotiated with Consultant for PER for Rudolph (both Phases). A Professional Services contract was executed in 12/07 to perform the necessary surveying and prepare the individual metes and bounds descriptions for utility easements and ROW dedications. All Phase I parcels have been acquired. The PER was completed February 2, 2010 with Phase I cost estimate of \$1.642M. Based on the approved PER, the Consultant will perform the final design of Phase I. An agreement was executed between COT and TEDC for \$300K to aid in the construction of Phase I. Additionally, an agreement between the COT and a developer was executed under which the developer has agreed to contribute \$30K for the construction of Phase I. Phase I design scheduled for completion July 2012. Construction is on hold until funding is made available.



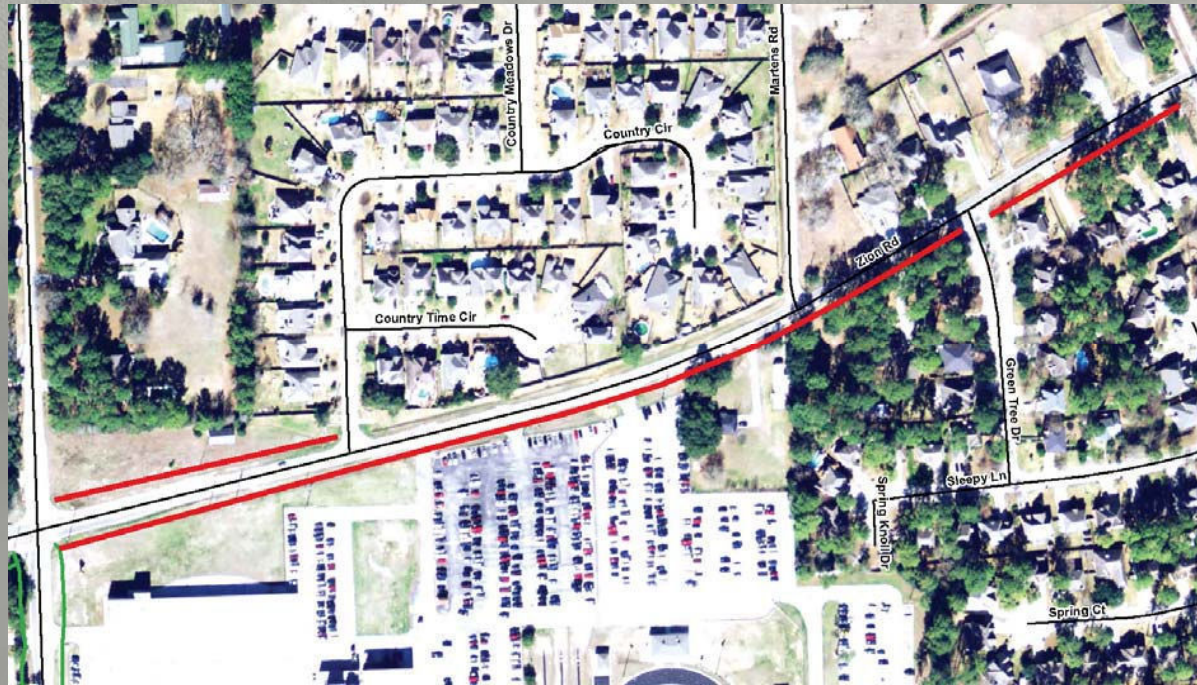
# Lawrence St. / Johnson St. Realignment



- Description: Realignment of the Lawrence St. / Johnson St. from Medical Complex to Michel. The project includes land acquisition and providing street and utility improvements to current standards. The street is currently connected to the Cobble Creek Apartments Parking Lot.
- FY 2015 Budget: \$570K
- Progress: Proposed Project



# Zion Sidewalks East of Quinn Rd



- Description: Proposed new 5' sidewalk along Zion Rd. One section on the north side from Country Meadows Subdivision to Quinn Rd. The other section is proposed on the south side of Zion Rd from Quinn Rd to Spring Forest Subdivision. Approximately 2,700 ft of 5' sidewalk is proposed.
- FY 2015 Budget: \$210K
- Progress: Proposed Project



# Comprehensive Plan FY 2013 – 2017 Proposed CIP Priority Ranking 3

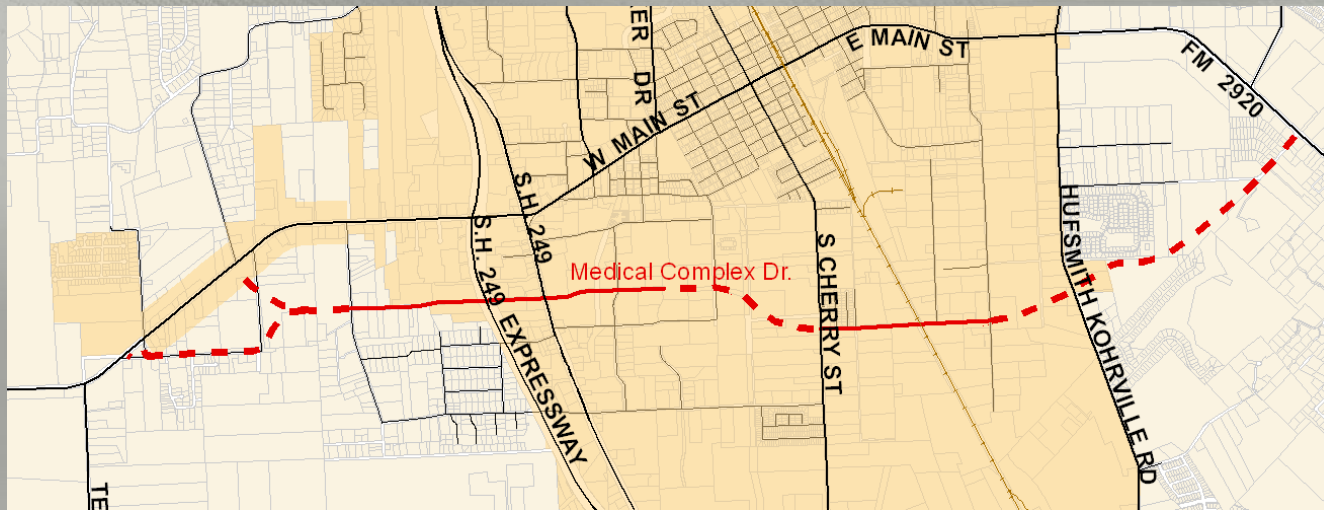
# Railroad Corridor Specific Area Plan



- Description: This plan will establish a railroad corridor zone along portions of the BNSF rail line south of FM 2920 to maximize the economic potential of the corridor as a key employment area. It will also support the planning of a future commuter rail station near Downtown. The plan will regulate land uses and development standards along the corridor to facilitate new development that will enhance the quality of life for residents and strengthen the economic base of the community.
- FY 2013 Budget: \$1M
- FY 2015 Budget: \$175K
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Railroad Corridor Specific Area Plan as an item to be implemented within three years.



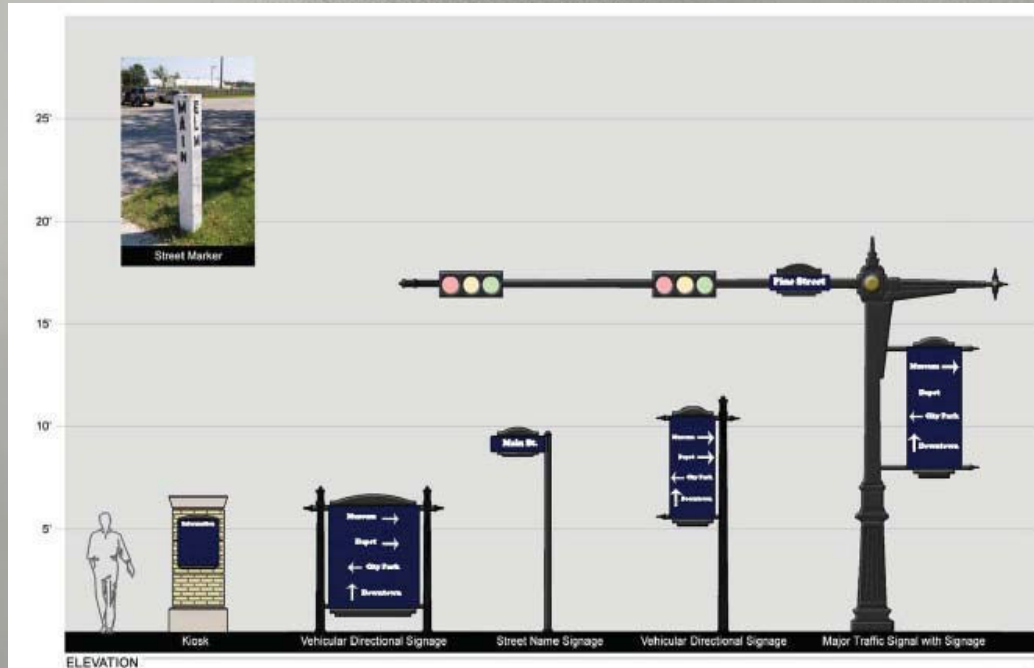
# Medical Complex Specific Area Plan



- Description: This plan will establish specific zoning standards for the properties adjacent to the existing and future Medical Complex Corridor to regulate land use and development standards along this major thoroughfare. A focus will be on clustering commercial activity at major intersections to encourage an appropriate mix of land uses and cohesive design along the corridor. The plan will create unique land use and design regulations to ensure appropriate transitions along the corridor and enhance its aesthetic and economic potential.
- FY 2015 Budget: \$175K
- Progress: City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Medical Complex Specific Area Plan as an item to be implemented within six years.



# Wayfinding Sign Plan



- **Description:** The purpose of the wayfinding plan is to develop a comprehensive citywide signage system designed to identify and direct residents and visitors to destinations throughout the city as well as promote a sense of arrival at key city gateways. The plan will consist of two elements: downtown Tomball signage as defined in the Livable Centers Downtown Plan and a larger citywide signage program, including gateways, streets, & directional signs.

- **FY 2015 Budget:** \$50K
- **Progress:** The City's 2009 Livable Centers Downtown Plan has already identified signage themes for the Downtown area. City Council approved the Comprehensive Plan (Ord. 2009-33) on December 7, 2009 and identified the Wayfinding Sign Plan as an item to be implemented within three years.



# Tomball East Side Specific Plan

- Description: The Downtown Specific Plan will regulate and direct land use planning and development within the Old Town area; it will explore an appropriate mix of land use intensities, examine the area's long-term economic viability, establish development standards and design criteria for new development and redevelopment, and create an implementation program.

- FY 2015 Budget: \$175K

- Progress: Proposed Project.

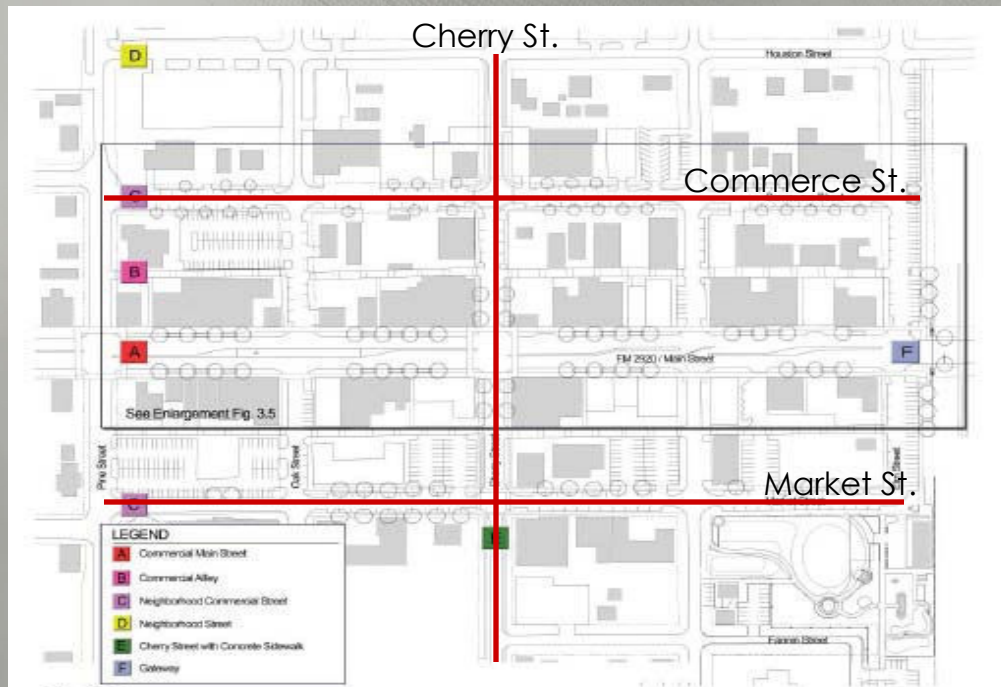




# **Livable Centers FY 2013 – 2017 Proposed CIP Priority Ranking 3**



# Street Reconstruction Program



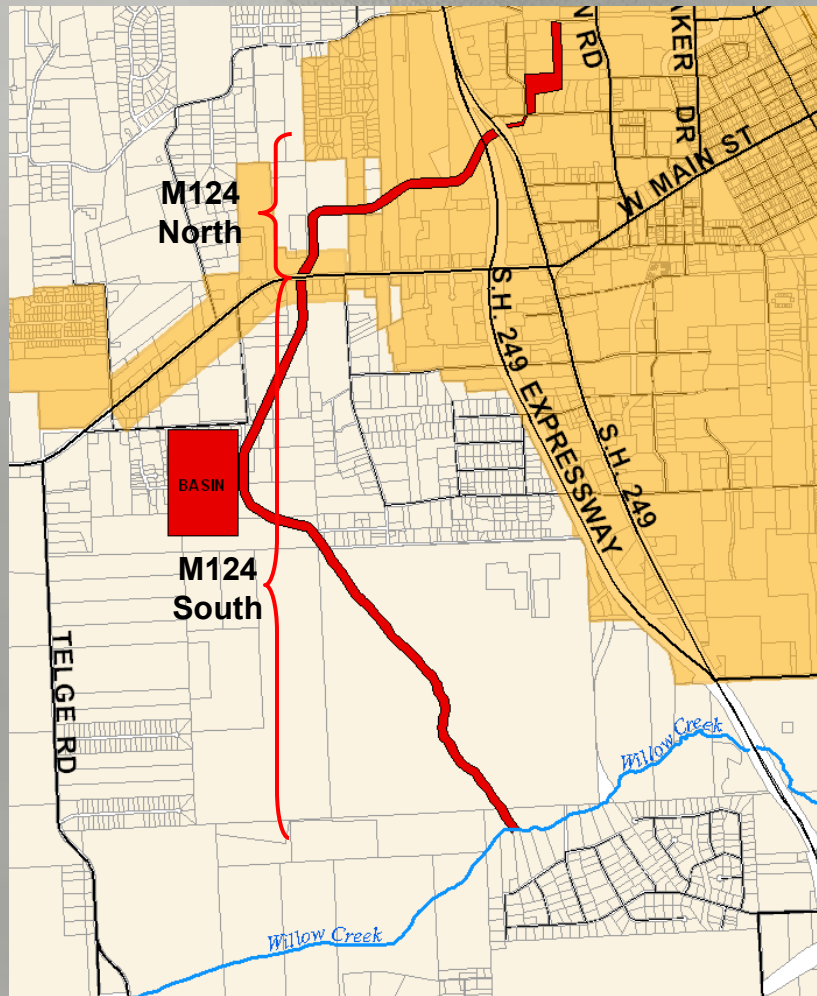
- **Description:** The plan recommends a number of street reconstruction projects on Commerce, Market, and Cherry Streets to be completed within the next six years. These projects include streetscape enhancements, landscaping, detention, and sidewalk improvements in the study area. E&P proposes to begin this project in FY 2013 - 2014.

- **FY 2016 Budget:** \$1.0M    **FY 2017 Budget:** \$4.0M
- **Progress:** City Council approved the Livable Centers Downtown Plan (Res. #2009-23) on September 21, 2009 which identifies this program to be constructed within six years.

# On-Going Project Status



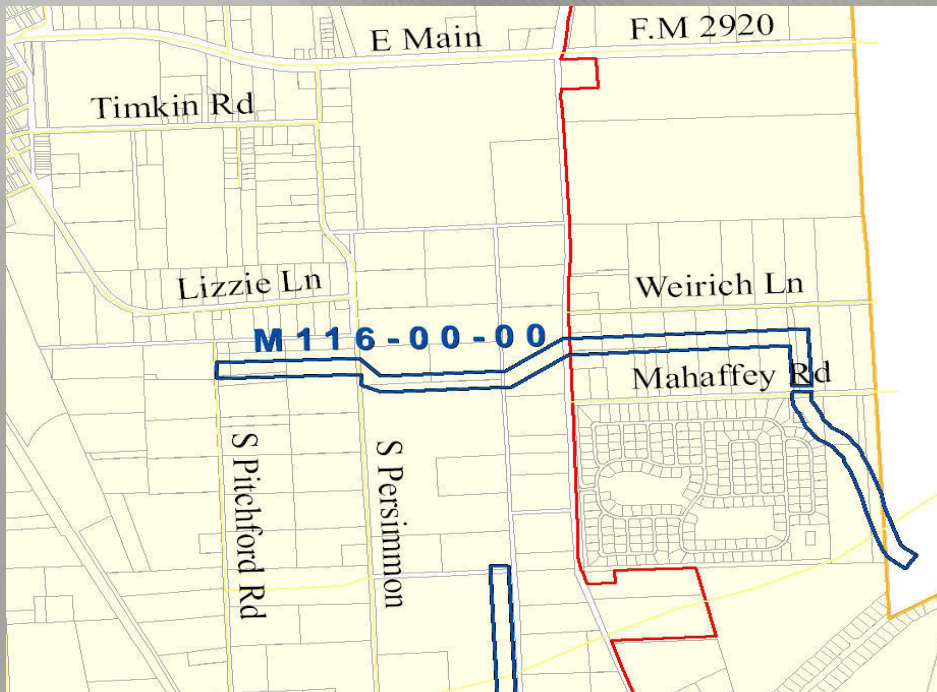
# M124 Channel



- Description: The M124 basin occupies a major portion of the westerly area of Tomball, outfalling to Willow Creek. Project to mitigate channel and loss of existing floodplain storage. The project has been divided into M124 North, described as area north of FM 2920 to SH 249, and M124 South, described as area south of FM 2920.
- FY 2013 Budget: \$1.7M
- FY 2014 Budget: \$1.2M
- Progress: The PER with alternative analysis and recommendations was approved November 5, 2008. Additional funding was approved by City Council to establish alignment and channel cross-section to be completed in 270 calendar days. The additional services include preliminary survey, geotechnical report, project scheduling, phasing, cost estimates, preliminary plan & profile drawings, and project management and coordination. No ROW has been acquired. The final design contract will have to be negotiated with the consultant and ROW acquired for 67 acre detention pond and is on hold until funding is made available.

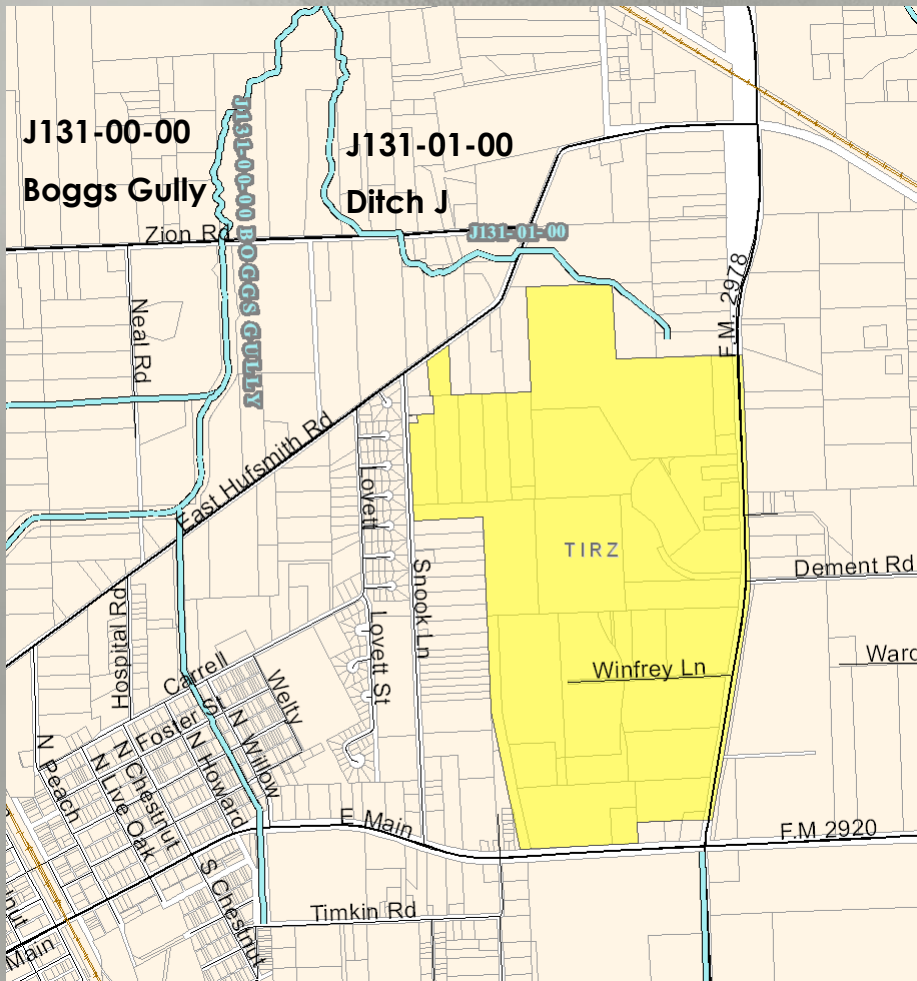


# M116 Drainage Channel



- Description: The M116-00-00 basin generally occupies an easterly section of Tomball and an area south of FM 2920, east of the Railroad tracks and north of M118 basin. Project to provide recommendations for channel improvements that may reduce/eliminate the need for on-site detention.
- FY 10-14 Budget: No funds have been allocated
- Progress: None

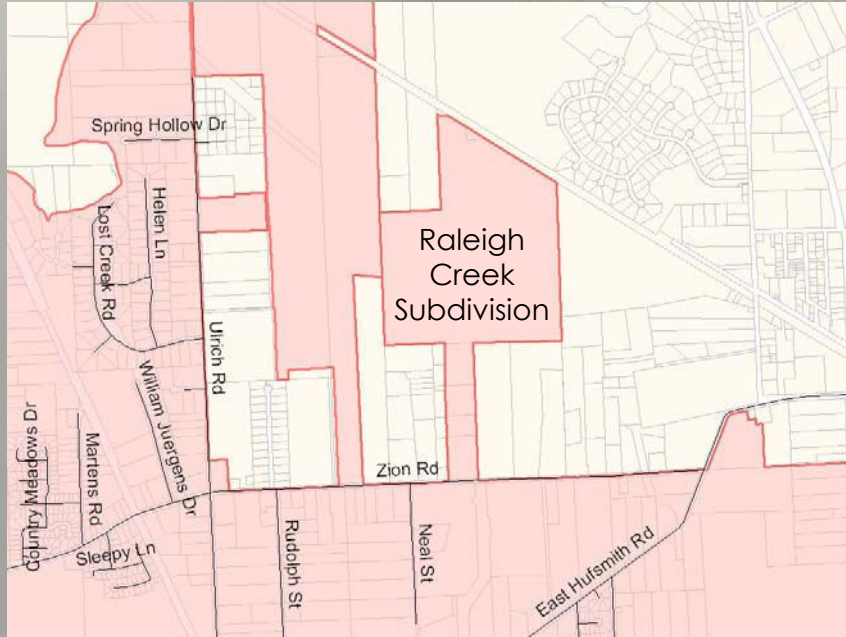
# J131-01-00 Drainage Channel



- Description: Project provides the design recommendations for J131-01-00 (Ditch J) from Winfrey Lane to Boggs Gully (8,000'+) to alleviate conditions that create localized flooding.
- FY 10-14 Budget: No funds have been allocated
- Progress: None



# Neal Street Utilities



- **Description:** Neal St. Utilities improvements include water and sewer extensions to service the future Raleigh Creek Subdivision. A waterline is to be extended along Zion Rd. A larger sanitary sewer line will be extended from the NWTP, along Neal St. and Zion Rd. to the proposed Raleigh Creek Subdivision. ROW and easements need to be acquired on Neal St. and Zion Rd.
- **FY 2010:** \$45K (rolled over from previous budgets)
- **FY 10-14 Budget:** No funds have been allocated
- **Progress:** A preliminary progress meeting occurred with the Developer's Consultant on 11/07. A timeline schedule for design completion has been requested. The project is Developer driven and funded. The engineer of record opinion of cost for utility extension is \$610K. In addition the utility extension will require 8 easements appraisal and acquisition, bringing the estimated project cost to \$968,405.24. The developer has not moved forward with this project.



# Council Approved CIP Projects

(Budget FY12-16)

- Medical Complex Segment 3
- M121 Design
- M121 West Construction
- Brown Road Phase II