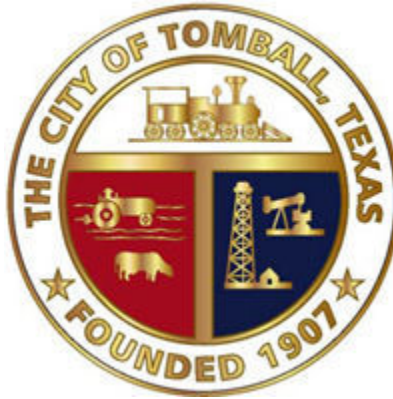


**NOTICE OF REGULAR PLANNING AND ZONING COMMISSION
MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, APRIL 11, 2011

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, April 11, 2011 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
 - Joint City Council / Planning and Zoning Commission / Downtown Tomball Advisory Committee Meeting, Monday, April 11, 2011, from 7 – 9 pm, Community Center.
- 4.0 Consideration to Approve the Minutes of the regular Planning and Zoning Commission Meeting of March 14, 2011.

5.0 New Business:

- 5.1 Consideration and possible action regarding **TOMBALL R 135 FINAL PLAT**; Being a subdivision of 2.5721 acre tract, 112,042.65 Square Feet, Situated in the C.N. Pillot, Survey A-632 and Sam Lewis, Survey A-1704, Harris County, Texas.
- 5.2 Consideration and possible action regarding **ZONING CASE P10-289**: Request by Jeff Williams III of Professional Welding Supply for a Conditional Use Permit to allow the installation/operation of a 1,000 gallon above-ground propane tank for the purpose of propane sales/filling. The property is an approximately .5019 acre site, legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 East Main Street, Tomball, Texas. The site is located in the GR-General Retail District.
- Conduct a Public Hearing on **ZONING CASE P10-289**
- 5.3 Consideration and possible action regarding **ZONING CASE P11-313**: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 34.6.E.1 (“Additional Off-Street Parking Space Requirements”) to delete the off-street parking requirements in the OT & MU - Old Town & Mixed Use District for that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.
- Conduct a Public Hearing on **ZONING CASE P11-313**

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 April 2011 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.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 11, 2011

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 11, 2011

Data Sheet

Topic:

- Joint City Council / Planning and Zoning Commission / Downtown Tomball Advisory Committee Meeting, Monday, April 11, 2011, from 7 – 9 pm, Community Center.

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
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 11, 2011

Data Sheet

Topic:

Consideration to Approve the Minutes of the regular Planning and Zoning Commission Meeting of March 14, 2011.

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

P&Z Meeting Minutes 03.14.11

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

MONDAY, MARCH 14, 2011



6:00 P.M.

1.0 Call to Order

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

Commissioner Crofoot
Commissioner Hudgens
Commissioner Tague

Commissioner Mottershaw - Absent

Others present:

City Planner / Community Development Coordinator – Kelly Violette
Assistant City Planner – Rodney Schmidt
Assistant City Engineer – Lori Lakatos
Engineering & Planning Senior Administrative Assistant – Brandy Pate
City Attorney – Scott Bounds

2.0 No Public Comments were received.

3.0 Reports and Announcements:

Kelly Violette announced the following upcoming Tomball Downtown Specific Plan Events:

- Public Workshop, Saturday, April 9, 2011 from 3 – 5 pm, Community Center;
- Drop In Design Studio, Monday, April 11, 2011 from 11 am – 3 pm, Community Center;
- Focus Group Meeting (brown bag lunch), Monday, April 11, 2011 from 12 – 1 pm, Community Center;
- Joint City Council / Planning and Zoning Commission / Downtown Tomball Advisory Committee Meeting, Monday, April 11, 2011, from 7 – 9 pm, Community Center.

4.0 Motion was made by Commissioner Hudgens to Approve the Minutes of the following Meetings:

- Regular Planning and Zoning Commission Meeting of February 14, 2011;

Draft

- Special Joint Tomball City Council / Planning and Zoning Commission Meeting of February 21, 2011, and
- Special Joint Tomball City Council / Planning and Zoning Commission Meeting of March 7, 2011.

second by Commissioner Tague.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration and possible action regarding **CORRIENTE COMMERCIAL FINAL PLAT**: Being a subdivision of 4.8595 acres of land situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, as described in deed recorded in Clerk's File Number U311750 of the Real Property Records of Harris County, Texas.

Lori Lakatos, Assistant City Engineer presented comment recommendations.

Commissioner Tague made a motion to Approve **CORRIENTE COMMERCIAL FINAL PLAT**; with contingencies; second by Commissioner Crofoot.

Motion carried unanimously.

- 5.2 Consideration and possible action regarding **REPLAT 1 OF TOMBALL MEDICAL PLAZA**; Being a Replat of Tomball Medical Plaza being 2.8278 acres out of Lot 12, Recorded under F.C. No 635259 of the Harris County Map Records, Situated in the William Hurd Survey, Abstract 378, Harris County, Texas.

Lori Lakatos, Assistant City Engineer presented comment recommendations.

Commissioner Hudgens made a motion to Approve **REPLAT 1 OF TOMBALL MEDICAL PLAZA**; with contingencies; second by Commissioner Crofoot.

Motion carried unanimously.

- 5.3 Consideration and possible action regarding **TOMBALL R 135 PRELIMINARY PLAT**; Being a subdivision of 2.5721 acre tract, 112,042.65 Square Feet, Situated in the C.N. Pillot, Survey A-632 and Sam Lewis, Survey A-1704, Harris County, Texas.

Lori Lakatos, Assistant City Engineer presented comment recommendations.

Commissioner Crofoot made a motion to Approve **TOMBALL R 135 PRELIMINARY PLAT**; with contingencies; second by Commissioner Tague.

Motion carried unanimously.

- 5.4 Consideration and possible action regarding **ZONING CASE P10-289**: Request by Jeff Williams III of Professional Welding Supply for a Conditional Use Permit to allow the installation/operation of a 2,000 gallon above-ground propane tank for the purpose of propane sales/filling. The property is an approximately .5019 acre site, legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 East Main Street, Tomball, Texas. The site is located in the GR-General Retail District. ***The applicant has requested a continuance of this case to the February 14, 2011 P&Z Meeting***

The Public Hearing was opened by Chairman Wallace at 6:08 p.m.

No comments were received and the Public Hearing was recessed at 6:09 p.m.

Chairman Wallace announced that this Public Hearing would be recessed until the next Regular P&Z Meeting of April 11, 2011. Additional notifications would be sent and anyone wishing to speak would be given the opportunity to address the Commission at that meeting.

- 5.5 Consideration and possible action regarding **ZONING CASE P11-302**: Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), to amend the City's Comprehensive Zoning Ordinance to rezone approximately 2.57 acres of land, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, within the City of Tomball, Harris County, Texas, generally located on the westerly side of State Highway 249, southerly of Alice Road, from the AG-Agricultural District to the C-Commercial District.

The Public Hearing was opened by Chairman Wallace at 6:10 p.m.

Kelly Violette, City Planner presented the staff report.

Tony Sortino of 500 West Main St., Tomball, Texas, spoke on behalf of the applicant.

No comments were received and the Public Hearing was closed at 6:21 p.m.

Commissioner Crofoot made a motion to recommend Approval of **ZONING CASE P11-302**; second by Commissioner Hudgens.

Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Crofoot	<u>Aye</u>

Commissioner Hudgens	<u>Aye</u>
Commissioner Mottershaw	<u>Absent</u>
Commissioner Wallace	<u>Aye</u>

Motion carried 4-0.

- 5.6 Consideration and possible action regarding **ZONING CASE P11-303**: Request by David Kelly, on behalf of CMH Homes, Inc. (Clayton Homes), for a Conditional Use Permit to operate a “Manufactured Home Display or Sales (New or Used)” facility. The property is an approximately 2.57 acre site, legally described as Tracts 2V and 2W out of the C.N. Pillot Survey, Abstract 632 and Tract 8A out of the Sam Lewis Survey, Abstract 1704, generally located on the westerly side of State Highway 249, southerly of Alice Road at 27225 State Highway 249, Tomball, Texas. The site is located in the AG-Agricultural and C-Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-302).

The Public Hearing was opened by Chairman Wallace at 6:26 p.m.

Kelly Violette, City Planner presented the staff report.

No comments were received and the Public Hearing was closed at 6:27 p.m.

Commissioner Crofoot made a motion to recommend Approval of **ZONING CASE P11-303**; with conditions; second by Commissioner Hudgens.

Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Crofoot	<u>Aye</u>
Commissioner Hudgens	<u>Aye</u>
Commissioner Mottershaw	<u>Absent</u>
Commissioner Wallace	<u>Aye</u>

Motion carried 4-0.

- 6.0 Motion was made by Commissioner Crofoot to adjourn; second by Commissioner Tague.

Motion carried unanimously.

Meeting adjourned at 6:28 p.m.

PASSED AND APPROVED this _____ day of _____ 2011.

Brandy Pate
P&Z Commission Secretary

Lori Wallace
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 11, 2011

Data Sheet

Topic:

Consideration and possible action regarding **TOMBALL R 135 FINAL PLAT**; Being a subdivision of 2.5721 acre tract, 112,042.65 Square Feet, Situated in the C.N. Pillot, Survey A-632 and Sam Lewis, Survey A-1704, Harris County, Texas.

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
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Tomball R135 Plat

THE STATE OF TEXAS
COUNTY OF HARRIS

We, CMH Homes Inc., Acting By and Through David M. Booth, President and Hugh T. Statum, III, VP/Secretary, Being Officers of CMH Homes, Inc., hereinafter referred to as Owner of the 2.5721 Acre Tract described in the above and foregoing plat of Tomball R 135, do hereby make and establish of said subdivision property according to all lines, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself, my heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

FURTHER, owners do hereby covenants and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the centro Tomball R 135 has caused these presents to be signed by David M. Booth, President, thereunto authorized, attested by Hugh T. Statum, III VP/Secretary, This _____ Day of _____, 2011.

TOMBALL R 135
By: _____ David M. Booth, President
By: _____ Hugh T. Statum, III
VP / Secretary

THE STATE OF TENNESSEE
COUNTY OF BLOUNT

Before me the undersigned authority, on this day personally appeared, _____, and known to me the persons whose names are subscribed to the foregoing instrument and acknowledge to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein, and as the act and Deed of said Corporation.

Given under my hand and seal of office this _____ day of _____, 2011.

Notary Public in and for the State of Tennessee
My Commission expires: _____

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

George Shackelford, City Manager
Lori Lakatos, PE, CFM, acting City Engineering

This is to certify that the City accepts the Planning and Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2011.

BY: _____ Gretchen Fagan, Mayor
_____ Dorris Speer, City Secretary

This is to certify that the Planning and Zoning Commission of the City of City of Tomball, Texas has approved this plat and subdivision of Tomball R 135 in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown authorized the recording of this plat this day of _____, 2011.

Lori Wallace, Chair
Tom Crofoot, Vice Chairman

I, Craig A. Laney, am registered under the laws of the State of Texas to practice the profession of Surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron (or suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'), and that the plat boundary corners have been tied to the nearest survey corner.

Craig A. Laney, R.P.L.S.
Texas Registration No.4507

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 2011 at _____ o'clock _____, and duly recorded on _____, 2011, at _____ o'clock _____ and under film code number _____ of the map records of Harris County for said County.

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

Stan Stanart
County Clerk
of Harris County, Texas
By: _____
DEPUTY

IANCAN INVESTORS, LLC.
CALL 5.2445 AC. TRACT
AS DESCRIBED
UNDER CF #20070114155

TRACT 8A
TRACT 2W
TRACT 2V

ROSS LEWIS FRAPART
CALL 30.741 AC. REMAINDER
OF A CALL 124.879 AC. TRACT
AS DESCRIBED
UNDER CF #J-577630

LOT 1, BLOCK 1
2.5721 AC. TRACT
(112,042.65 SQ. FT.)

GREGORY & BEVERLY KITCHENS
CALL 1.2618 AC. TRACT
AS DESCRIBED
UNDER CF #T-027655

CALL 1.0127 AC. TRACT
AS DESCRIBED
UNDER CF #G-716425

CALL 2.8181 AC. TRACT
AS DESCRIBED
UNDER CF #S-283264

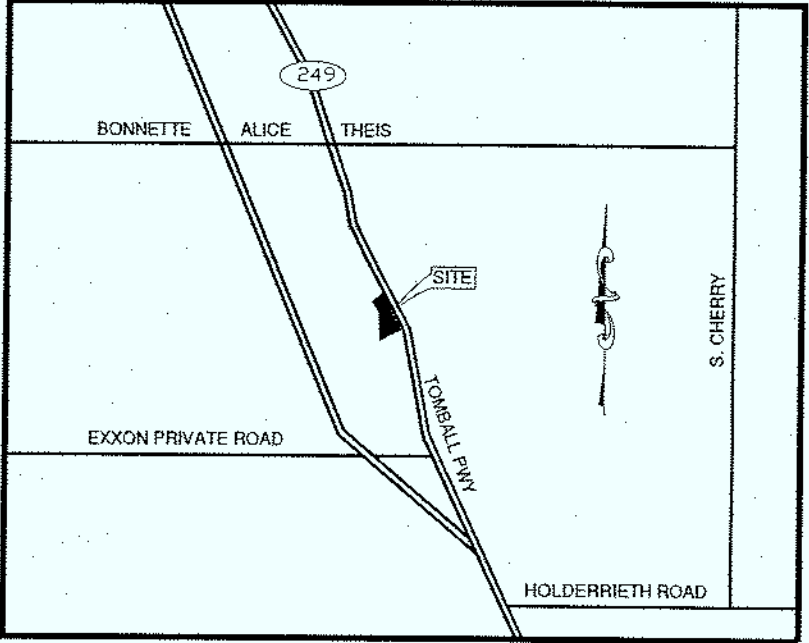
EXXON PRIVATE ROAD (VARIABLE WIDTH)
AS REFERENCED IN CF #Z-273961

PARTIAL REPLAT WAL - MART TOMBALL
CALL 36.919 ACRE TRACT
AS DESCRIBED
UNDER FC # 437066 H.C.M.R.

STATE HIGHWAY 249
(A.K.A. TOMBALL PARKWAY)
(180.00 R.O.W.)
F.C. #565291 & 437066 H.C.M.R.

TRACTOR SUPPLY TOMBALL
CALL 3.5108 ACRE (192,892.00 SQ. FT.)
AS DESCRIBED
UNDER FC #565291 H.C.M.R.

HUTSON TRACT
CALL 5.0062 ACRE (218, 069.53 SQ. FT.)
AS DESCRIBED
UNDER FC # 517142 H.C.M.R.



VICINITY MAP
NOT TO SCALE
KEY MAP 288-Q

TOMBALL R 135

BEING A SUBDIVISION OF 2.5721 ACRE TRACT,
112,042.65 SQUARE FEET,
SITUATED IN THE C. N. PILLOT, SURVEY A-632
& SAM LEWIS, SURVEY A-1704
HARRIS COUNTY, TEXAS

CONTAINING
1 LOT 1 BLOCK

MARCH 2011

OWNERS

CMH HOMES, INC. 5000 CLAYTON ROAD
MARYVILLE, TN. 37804
(865) 380 - 3000

SURVEYOR

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

LEGEND	
B.L.	Indicates "Building Line"
U.E.	Indicates "Utility Easement"
R.O.W.	Indicates "Right-of-Way"
AC.	Indicates "Acre"
VOL.	Indicates "Volume"
PG.	Indicates "Page"
LR.	Indicates "Iron Rod"
H.C.M.R.	Indicates "Harris County Map Records"
H.C.D.R.	Indicates "Harris County Deed Records"
SQ.FT.	Indicates "Square Feet"
C.F.#	Indicates "Clerk's File Number"
FND.	Indicates "Found"

GENERAL NOTES

- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to the FEMA Firm Panel No. 48201C0210L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No Building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The building lines shown in this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- Unlocated pipeline, telegraph, telephone, and power line easement in favor of Humble Oil and Refining Company recorded in Vol. 932, Pg. 579 & Vol. 1055, Pg. 560 H.C.D.R. is not visible crossing subject tract.
- Unlocated pipeline, telegraph, telephone, and power line easement in favor of Magnolia Pipeline Company recorded in Vol. 926, Pg. 488 H.C.D.R. and assigned to Humble Pipe Line Company in Vol. 7504, Pg. 561 H.C.D.R. not visible crossing subject tract.
- Unlocated pipeline right-of-way easement in favor of Shell Oil Company recorded in Vol. 3431, Pg. 479 & Vol. 3431, Pg. 480 H.C.D.R. not visible crossing subject tract.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 11, 2011

Data Sheet

Topic:

Consideration and possible action regarding **ZONING CASE P10-289**: Request by Jeff Williams III of Professional Welding Supply for a Conditional Use Permit to allow the installation/operation of a 1,000 gallon above-ground propane tank for the purpose of propane sales/filling. The property is an approximately .5019 acre site, legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 East Main Street, Tomball, Texas. The site is located in the GR-General Retail District.

- Conduct a Public Hearing on **ZONING CASE P10-289**

Background:

Origination:

Jeff Williams III of Professional Welding Supply

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P10-289 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
APRIL 11, 2011
&
CITY COUNCIL
APRIL 18, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, April 11, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, April 18, 2011, at 7:00 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 P10-289: Request by Jeff Williams III of Professional Welding Supply for a Conditional Use Permit to allow the installation/operation of a 1,000 gallon above-ground propane tank for the purpose of propane sales/filling. The property is an approximately .5019 acre site, legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 East Main Street, Tomball, Texas. The site is located in the GR-General Retail District.

ZONING CASE P11-313: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 34.6.E.1 (“Additional Off-Street Parking Space Requirements”) to delete the off-street parking requirements in the OT & MU - Old Town & Mixed Use District for that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

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

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 **April** 2011 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.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND a Public Hearing before the **PLANNING & ZONING COMMISSION** of the City of Tomball regarding the following item:

CASE NUMBER: P10-289

APPLICANT: Jeff Williams III of Professional Welding Supply

LOCATION: 503 East Main Street

PROPOSAL: Request by Jeff Williams III of Professional Welding Supply for a Conditional Use Permit to allow the installation/operation of a 2,000 gallon above-ground propane tank for the purpose of propane sales/filling. The property is an approximately .5019 acre site, legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 East Main Street, Tomball, Texas. The site is located in the GR-General Retail District.

* * *

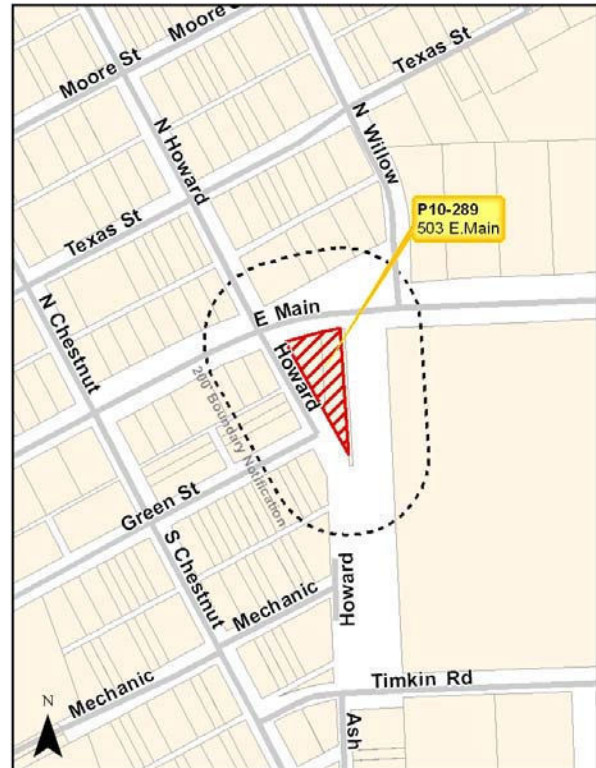
CONTACT CITY PLANNER: Kelly Violette

PHONE: (281) 290-1491

E-MAIL: kviolette@ci.tomball.tx.us

Interested parties may contact the City Planner between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering and Planning 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 and Zoning Commission
Public Hearing:
Monday, January 10, 2011, 6:00 PM**

**City Council Public Hearing:
*Monday, January 17, 2011, 7:00 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.



CUP Staff Report

Planning and Zoning Commission Hearing Date: April 11, 2011

Rezoning Case: P10-289

Property Owner(s): Williams Properties

Applicant(s): Jeff Williams

Legal Description: Lot 1, Block 1 of the Williams Number One Replat, within the City of Tomball, Harris County, Texas

Location: 503 East Main Street (Generally located southerly of Main Street between Howard Street and Willow Street)

Area: 0.5019 acres

Present Zoning and Use: GR-General Retail District / Welding equipment and supply sales (Professional Welding Supply)

Comp Plan Designation: Employment / Office

Proposed Use: Welding supply sales and propane sales/filling

Request: Conditional Use Permit to allow the installation/operation of a 1,000 gallon above-ground propane tank for the purpose of propane sales/filling.

Adjacent Zoning & Land Uses:

North: GR-General Retail and OT&MU-Old Town & Mixed Use Districts / F.M. 2920 ROW, convenience store, and office building

South: GR-General Retail and OT&MU-Old Town & Mixed Use Districts / Unimproved Howard Street ROW and vacant

East: GR-General Retail District / Harris County Flood Control District ditch and Concordia Lutheran High School

West: Old Town & Mixed Use District / Unimproved Howard Street ROW and plumbing company

BACKGROUND / PROJECT DESCRIPTION

The subject site is an approximately 21,862.20 square foot (0.5019 acres) triangular lot with approximately 140 feet of frontage along F.M. 2920 (Exhibit "G"). The property is located in the GR-General Retail District and is currently developed with an approximately 2,219 square foot building occupied by Professional Welding Supply, a welding equipment and supply company.

The site is bound by the unimproved Howard Street ROW on the west and a Harris County Flood Control District drainage ditch on the east. Concordia Lutheran High School is located to the east of the site in the GR-General Retail District, to the west is a plumbing company in the Old Town & Mixed Use District, and to the north is the F.M. 2920 ROW, a convenience store, and an office building located in the GR-General Retail and OT&MU-Old Town & Mixed Use Districts (Exhibits “A” and “B”).

In 2008, Professional Welding Supply began the process of converting the former Tomball Fire Department station at 503 East Main Street into a retail shop for welding supplies. The site was replatted in February 2009 (Exhibit “G”) and the site plans were approved by the City’s Engineering & Planning Department on April 23, 2009 as a general retail use with no outside storage permitted under the proposed plan. At that time, the plans included the construction of a seven space parking lot, as well as interior and exterior building improvements.

Between April 23 and December 8, 2009, the applicant constructed an approximately four foot tall cylinder dock/storage area enclosed with a chain link fence with privacy slats and three rows of barbed wire on the western portion of the building facing the Howard Street ROW without obtaining planning approval or City permits. The property owner was issued a “Stop Work Order” by the City’s Code Enforcement Officer on November 11, 2009 and was instructed to contact the Engineering & Planning Department in order to begin the permitting process. The property owner subsequently submitted a revised site plan in December 2009.

After reviewing the dock and outside storage area as shown on the revised site plan, City staff informed the property owner that the improvements could not be permitted as proposed because the dock was constructed over the 15 foot side building line and exceeded the maximum outside storage area permitted within the GR District, which is 5% of the total land area. It was also noted that the dock did not comply with the 2006 International Fire Code requirements for an overhead cover and the fenced in storage area blocked the egress door on the west side of the building. Additionally, the stairs and guardrail on the dock did not meet the City’s adopted building code.

After discussions with the property owner, a variance application was submitted for a reduction in the side setback for the dock and outside storage area. The owner indicated that he would reduce the size of the outside storage area to comply with the maximum 5% permitted in the GR District and that he would comply with the requirements of the Fire and Building Codes. On March 18, 2010, the Board of Adjustments approved the setback variance with a condition that the variance would automatically terminate at such time that the part of the Howard Street right-of-way adjacent to the subject site is improved and utilized for public street purposes.

A revised site plan was submitted in May 2010; however, a number of issues were not addressed including:

- The stair treads, risers, ledges, and handrails were not shown to be in conformance with the minimum standards outlined in the 2006 International Fire Code.
- An overhead cover was not shown for the dock as required per Section 3003.14 of the 2006 International Fire Code.
- The proposed site plan showed the fence being located to the north side of the egress door which will likely interfere with the stairway if alterations are not proposed for the stairway.

- Access to the cylinder dock/storage area was unclear. If vehicular access is occurring on the unpaved surface around the northwest and south sides of the outside storage area/cylinder dock, a paved access way is required and must adhere to all City codes. If no vehicular access is proposed, a 6" concrete curb is required to be constructed along the perimeter of the pavement to the north of the outside storage area (connecting to the existing curb).

As a result of the applicant's failure to address these comments, the City of Tomball has not issued site plan approval or building permits and the structures are still considered illegal.

On November 11, 2010, Jeff Williams III submitted a Conditional Use Permit application to install an above ground bulk propane tank, pump, scale, and meters to fill propane cylinders (Exhibit "D") at the subject site. The propane storage tank area will be located approximately 11 feet behind the main building, 41 feet from the Harris Flood Control District's ditch, and at least 26 feet from the unimproved Howard Street right-of-way (Exhibit "F"). The propane sales operation will include filling propane cylinders on site as well as taking pre-filled cylinders to be delivered to customer locations. The applicant is not proposing any additional driveway access to the propane tank. Instead, the bulk tank will be filled by a bobtail truck with a 100 foot hose from the existing parking lot.

According to the applicant's request letter (Exhibit "E"), "We [Professional Welding] have a Category E License Retail/Wholesale Dealer with the Railroad Commission (RRC) of Texas. Our employees are certified by the RRC in the filling & distribution of propane." Additionally, the applicant has informed City staff that, "In the 29 years that we [Professional Welding] have been in business I am not aware of any fill site like we are proposing that has exploded. The only ones that I am familiar with have occurred at residential locations when they let their bulk tank go completely empty before being refilled. Those explosions relate to the pilot light when propane is put back into the system. However, we have a Category E license with the RRC for bulk, wholesale & retail operations in the state of Texas & will be in full compliance w/all rules & regulations pertaining to a filling operation."

ANALYSIS

According to the Zoning Ordinance, "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." Factors for consideration include:

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

The Employment/Office Land Use designation in the Comprehensive Plan is intended for employment uses that are not industrially focused. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations. The use of the site as a "Propane Sales Filling (Retail)" facility is generally consistent with the Employment/Office designation outlined in the Comprehensive Plan in that it will support the employment operation already established on site.

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

The general purpose and intent of the GR-General Retail District is to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services. The use of the site for “Propane Sales Filling (Retail)” is consistent with the GR-General Retail District description. The proposed site improvements and recommended conditions of approval will assure compatibility of the use with other uses permitted in the surrounding area.

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Ordinance;

The submitted concept plan generally meets the development standards applicable to the project. Should the CUP application be approved, the applicant will be required to submit a site plan to the Engineering & Planning Department for review and approval. The plans must exhibit compliance with all applicable ordinance regulations.

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, including but not limited to:

- a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
- b. Off-street parking and loading areas;
- c. Refuse and service areas;
- d. Utilities with reference to location, availability, and compatibility;
- e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;
- f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- g. Required yards and open space;
- h. Height and bulk of structures;
- i. Hours of operation;
- j. Exterior construction material and building design; and
- k. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.

The submitted concept plan generally meets the development standards applicable to the project. The proposed site improvements and recommended conditions of approval will assure compatibility of the use with other uses permitted in the surrounding area.

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 partial use of the site as a “Propane Sales Filling (Retail)” facility is not anticipated to be detrimental to the public health, safety, convenience and welfare. The proposed site improvements and recommended conditions of approval will bring the site into conformance with the provisions of the Zoning Ordinance.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on April 1, 2011 and, as of the writing of this report, no public comment forms were received (Exhibit “J”).

RECOMMENDATION

That the Planning and Zoning Commission recommend approval of Zoning Case P10-289, with conditions, based on the following:

- The proposal is consistent with the general purpose and intent of the applicable zoning district regulations and Comprehensive Plan ;
- The proposal 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.

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, City staff recommends the following conditions of approval:

1. The “Propane Sales Filling (Retail)” use shall not be enlarged, extended, or relocated from what is shown on the approved Concept Plan without the approval of a revised concept plan or new CUP.
2. All proposed structures shall adhere to the setback requirements of the Zoning Ordinance.
3. The “Propane Sales Filling (Retail)” use shall comply with all requirements of the adopted International Fire Code.
4. The proposed propane tank shall be screened from public view with a CMU wall and landscaping.
5. The proposed propane tank shall be installed and inspected per Texas Railroad Commission specifications.

6. The existing cylinder dock and its supporting structures (fences, stair treads, risers, ledges, handrails, covers, etc.) shall be brought into conformance with the development standards of the City of Tomball and be properly permitted.

EXHIBITS

- A. Location/Zoning Map
- B. Aerial Photo
- C. Aerial Photo w/Buffer Rings
- D. CUP Application
- E. CUP Request Letter
- F. Conceptual Site Plan
- G. Williams Number One Replat
- H. 6-3-10 Site Plan Rejection Letter
- I. Site Photos

Exhibit "A"
Location/Zoning Map

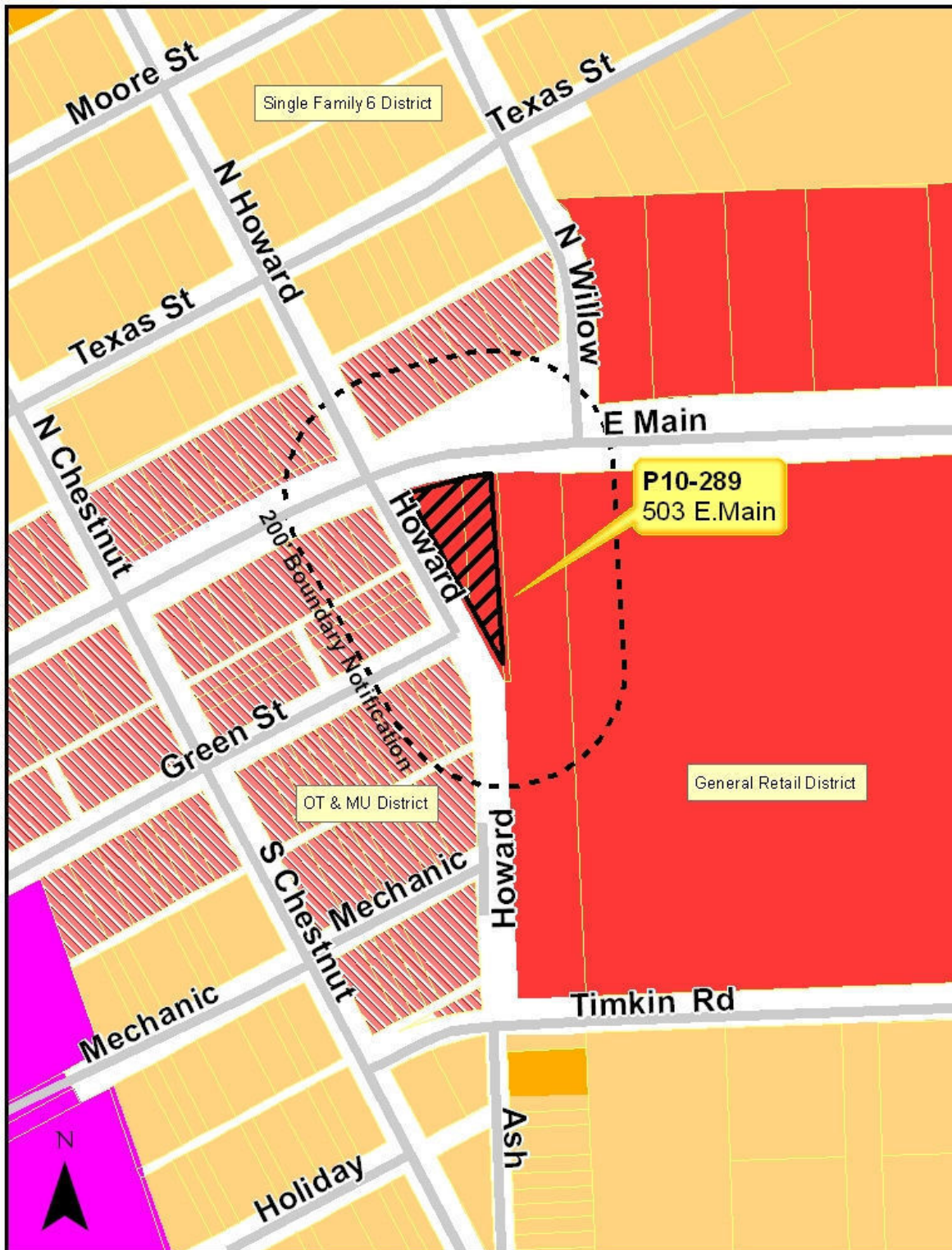


Exhibit "B"
Aerial Photo



Exhibit "C"
Aerial Photo w/Buffer Rings



Exhibit "D"
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: Jeff Williams / Professional Title: President
Mailing Address: P.O. Box 19811 City: Houston State: TX
Zip: 77224
Phone: (713) 690-6888 Fax: (713) 690-2363 Email: jeffwiii@profwldgsply.com

Owner

Name: Williams Properties / Jeff Williams Title: Partner
Mailing Address: P.O. Box 19811 City: Houston State: TX
Zip: 77224
Phone: (832) 435-3337 Fax: (713) 690-2363 Email: jeffwiii@profwldgsply.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Attached

Physical Location of Property: 503 E. Main Street, Tomball, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Attached
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 1315260010001 Acreage: .5019

Current Use of Property: Attached

Proposed Use of Property: Attached

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

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

X Jeff Willis, III 11/5/10
Signature of Applicant Date

X Jeff Willis, III 11/5/10
Signature of Owner Date

Exhibit "E"
CUP Request Letter

Professional Welding Supply
503 East Main Street
Tomball, Texas 77375

November 4, 2010

City Planning & Zoning Commission
City of Tomball
401 Market Street
Tomball, Texas 77375



Dear City Planning & Zoning Commission:

This letter is submitted as part of an "Application for Conditional Use Permit." I respectfully request the City of Tomball to allow Professional Welding Supply to install a bulk propane tank, pump, scale and meters to fill propane cylinders at our facility at the address listed above.

Current Use:

Our Tomball location is currently being used as a retail outlet for walk-in customers as well as a stocking & distribution point for all customers that we service with our delivery trucks north of Beltway 8. Approximately ½ of our sales are gases and the other half are supplies. Some of the products that are stocked & sold at this location are: oxygen, nitrogen, argon, carbon dioxide, helium, acetylene, propane, abrasives, welding & cutting equipment, filler metals, safety equipment and related apparatus.

Proposed Use:

The only thing that we want to do different is to put in a bulk propane tank to fill propane cylinders on-site. This will require a stationary tank of approximately 2,000 gallons of storage capacity, pump, meter & scale. We have a Category E License Retail/Wholesale Dealer with the Railroad Commission (RRC) of Texas. Our employees are certified by the RRC in the filling & distribution of propane.

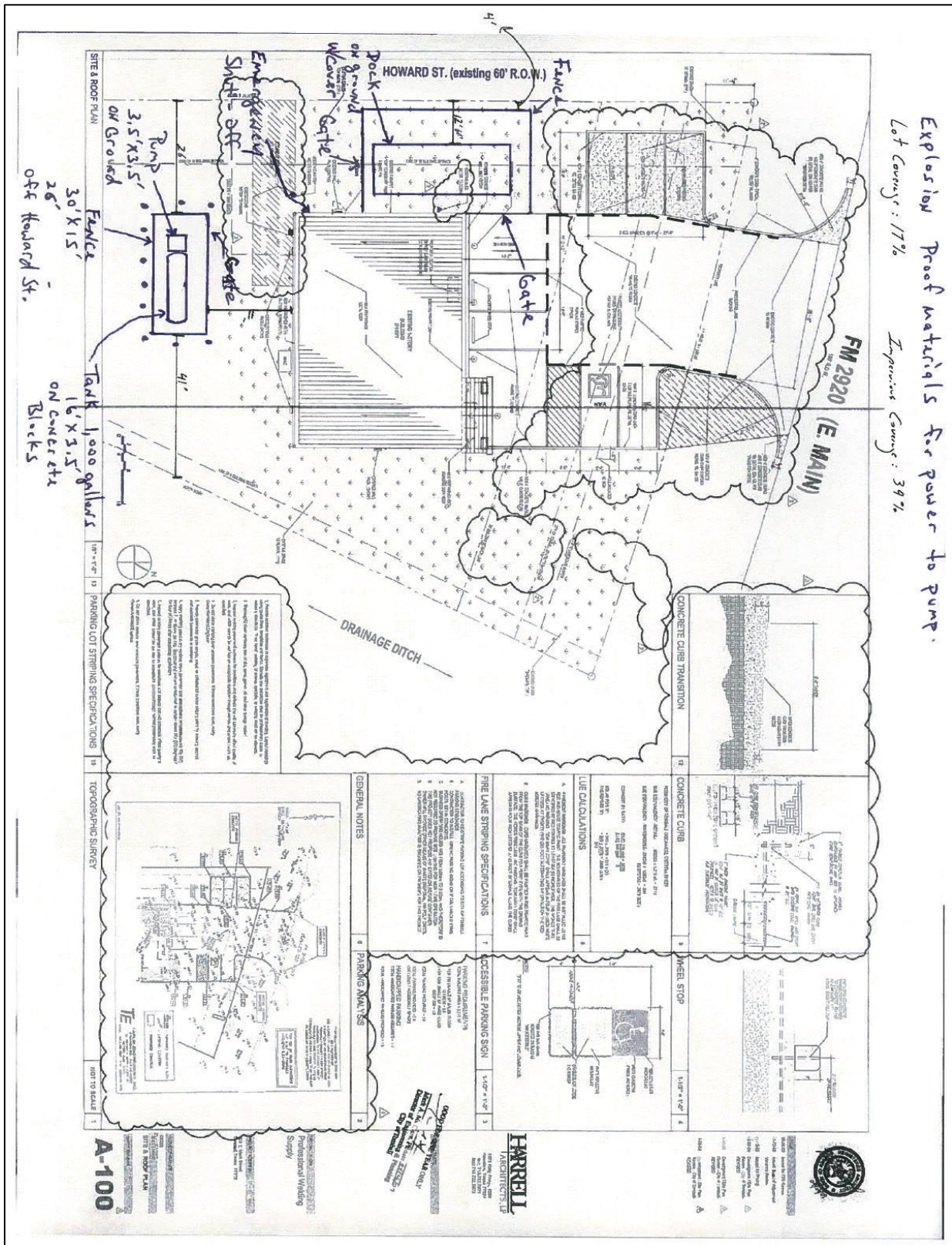
If you have any questions or comments please call me at my office (713) 690-6888 or my cell (832) 435-3337.

Best regards,

Jeff Williams, III
Owner

Exhibit “F”

Conceptual Site Plan



[illegible][illegible]

SCALE: 1" = 1/4 MILE
KEY MAP 288H

200700666779
18/2007 Imp.25 566.00

[illegible][illegible]

FIELD NOTE DESCRIPTION
0.5019 ACRES OF LAND
HARRIS COUNTY, TEXAS

[illegible]

WILLIAMS NUMBER ONE

A REPLAT LOT OF 0.5019 ACRES (21,682.20 sq. ft.) OF LAND OUT OF BLOCK 88 AND A PORTION OF AN ABANDONED ROAD FORMALLY KNOWN AS ASH STREET ACCORDING TO THE REVISED MAP OF TOMBAL, HARRIS COUNTY, TEXAS AS RECORDED IN VOLUME 4, PAGE 25 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS

CONTAINING: 1 LOT / 1 BLOCK

(THE COMMON LINES BETWEEN LOTS TWO AND THE 3 LOTS AND THE ADJACENT STREETS HAVE BEEN CONSULTED AND ONE LOT.)

Exhibit "H"
6-3-10 Site Plan Rejection Letter



City of Tomball

GRETCHEN FAGAN
MAYOR

June 3, 2010

Jeff Williams, Jr.
P.O. Box 19811
Houston, TX 77224

RE: Professional Welding Supply (503 East Main Street, Tomball, TX) Site Plan Revision Letter

Dear Mr. Williams:

The Engineering & Planning Department and Fire Marshal's Office have reviewed the site plan you submitted on May 7, 2010 related to the construction of an outside storage area and cylinder dock located at the above referenced address. At this time, we are rejecting the request for site plan approval. The following comments need to be addressed before approval can be granted by the Engineering & Planning Department and before permits can be issued by the City of Tomball:

- "No smoking" signs must be posted in each structure or location in which smoking is prohibited per Section 310.3 ("No Smoking" signs) of the 2006 International Fire Code, "The fire code official is authorized to order the posting of 'No Smoking' signs in a conspicuous location in each structure or location in which smoking is prohibited. The content, lettering, size, color and location of required 'No Smoking' signs shall be approved."
- The stair treads and risers on the cylinder dock must be constructed in conformance with Section 1009.3 ("Stair treads and risers") of the 2006 International Fire Code, "Stair riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. Stair tread depths shall be 11 inches (279 mm) minimum. The riser height shall be measured vertically between the leading edges of adjacent treads. The tread depth shall be measured horizontally between the vertical plans of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. Winder treads shall have a minimum tread depth of 11 inches (279 mm) measured at a right angle to the tread's leading edge at a point 12 inches (305 mm) from the side where the treads are narrower and a minimum tread depth of 10 inches (254 mm)."
- The handrails on the cylinder dock must be constructed in conformance with Section 1012.3 ("Handrail graspability") of the 2006 International Fire Code,

401 MARKET ST. • TOMBALL, TEXAS 77375 • 281/351-5484

“Handrails with a circular cross-section shall have an outside diameter of at least 1.25 inches (32 mm) and not greater than 2 inches (51 mm) or shall provide equivalent graspability. If the handrail is not circular, it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6.25 inches (160 mm) with a maximum cross-section dimension of 2.25 inches (57 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).”

- Hazard identification signs must be installed per Section 2703.5 (“Hazard identification signs”) of the 2006 International Fire Code, “Unless otherwise exempted by the fire code official, visible hazard identification signs as specified in NFPA 704 for the specific material contained shall be placed on stationary containers and above-ground tanks and at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit and at specific entrances and locations designated by the fire code official.”
- All ledges and platforms of the cylinder dock must be constructed in conformance with Section 3003.7.3 (“Ledges, platforms and elevators”) of the 2006 International Fire Code, “Compressed gas containers, cylinders and tanks shall not be placed near elevators, unprotected platform ledges or other areas where falling would result in compressed gas containers, cylinders or tanks being allowed to drop distances exceeding one-half the height of the container, cylinder or tank.”
- An overhead cover must be installed over the location where compressed gas containers, cylinders, and tanks are stored per Section 3003.14 (Overhead cover) of the 2006 International Fire Code, “Compress gas containers, cylinders and tanks are allowed to be stored or used in the sun except in locations where extreme temperatures prevail. When extreme temperatures prevail, overhead covers shall be provided.”
- Provide exterior elevation of overhead cover calling out the overall height.
- The proposed site plan shows the fence being located to the north side of the door which will likely interfere with the stairway if alterations are not proposed for the stairway. Show on site plan how the stairs will be configured.
- Show the location of all gates on the revised site plan. The submitted site photos show a gate on the rear of the outside storage area but the site plan does not show a gate on the rear.
- If vehicular access is occurring on the unpaved surface around the northwest and south sides of the outside storage area/cylinder dock, a paved accessway is required and must adhere to all City codes. If no vehicular access is proposed, a 6” concrete curb is required to be constructed along the perimeter of the pavement to the north of the outside storage area (connecting to the existing curb).

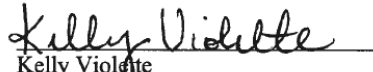
- After site plan approval is granted, you will be required to obtain all appropriate City of Tomball building permits.

The above noted comments need to be addressed before approval will be granted by the Engineering & Planning Department. While every effort has been made to make a complete and comprehensive review of the submitted plans and documents, any omission and/or deletions in this plan review does not relieve the applicant, contractors, architects, engineers, or other individuals involved in this project from their responsibility to fully comply with the applicable codes, regulations, ordinances, and federal and state laws.

If you fail to address these issues or fail to inform City staff of your substantial progress in addressing these issues by 5:00 p.m. on Tuesday, July 6, 2010, this issue will be turned over to Code Enforcement for further action.

If you have any questions, feel free to contact me at 281-290-1491.

Thank you,


Kelly Violette
City Planner

**Exhibit “I”
Site Photos**



Figure 1: Southerly view of subject site.



Figure 2: Southerly view of subject site and undeveloped Howard Street ROW.



Figure 3: Plumbing company to the west of subject site.



Figure 4: Gas station and dental office to the north of subject site.



Figure 5: Southwesterly view of undeveloped land to the south of subject site and Harris County Flood Control District ditch.



Figure 6: Harris County Flood Control District ditch and Concordia Lutheran School to the east of subject site.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: April 11, 2011

Data Sheet

Topic:

Consideration and possible action regarding **ZONING CASE P11-313**: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 34.6.E.1 ("Additional Off-Street Parking Space Requirements") to delete the off-street parking requirements in the OT & MU - Old Town & Mixed Use District for that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

- Conduct a Public Hearing on **ZONING CASE P11-313**

Background:

Origination:

City of Tomball

Recommendation:

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

Notice of Public Hearing

P11-313 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
APRIL 11, 2011
&
CITY COUNCIL
APRIL 18, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, April 11, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, April 18, 2011, at 7:00 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 P10-289: Request by Jeff Williams III of Professional Welding Supply for a Conditional Use Permit to allow the installation/operation of a 1,000 gallon above-ground propane tank for the purpose of propane sales/filling. The property is an approximately .5019 acre site, legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 East Main Street, Tomball, Texas. The site is located in the GR-General Retail District.

ZONING CASE P11-313: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 34.6.E.1 (“Additional Off-Street Parking Space Requirements”) to delete the off-street parking requirements in the OT & MU - Old Town & Mixed Use District for that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

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

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 **April** 2011 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.



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: April 11, 2011

ZONING CASE P11-313: Public hearing to consider a City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 34.6.E.1 (“Additional Off-Street Parking Space Requirements”) to delete the off-street parking requirements in the OT & MU - Old Town & Mixed Use District for that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

BACKGROUND

On March 10, 2011, the Engineering & Planning Department was directed by the City Manager to pursue a zoning ordinance text amendment to remove the minimum parking requirements for Downtown Tomball. The request from the City Manager was in response to the February 21, 2011 Special Joint City Council and Planning & Zoning Commission Meeting.

At the February 21, 2011 Special Joint City Council and Planning & Zoning Commission Meeting, Kelly Violette, former City Planner, discussed a proposal to eliminate the parking requirements within the four-block area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street (Exhibit “A”). General consensus of the Council was to move forward with eliminating the parking requirements within that four block area.

ANALYSIS

Section 34.6.E.1 of the Tomball Zoning Ordinance requires that businesses within the Old Town & Mixed District and within the area bound by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, provide off-street parking at a ratio of one space per 800 square feet of building area.

According to the Livable Centers Study, the area bound by Fannin Street, Houston Street, Pine Street, and the BNSF railway currently has approximately 818 public and private parking spaces (Exhibit “B”). If the Texas Department of Transportation removes the 76 parallel spaces on Main Street, the number of public and private parking spaces will be reduced to 742. The Livable Centers Study goes on to provide a number of recommendations for public and private parking arrangements that would bring the total parking to 919 spaces, in excess of the 413 required by City Code.

The City of Tomball is implementing the Livable Centers Study and is designing new parking lots at North Elm Street between West Main and Houston (Lot AN); at the northeast corner of North Magnolia Street and West Main Street (Lot DN); west of the proposed Barnes at Depot

(Lot CS); and at the southwest corner South Oak Street and Fannin Street (Lot ES) that will add approximately 95 spaces to downtown Tomball (Exhibit “D”).

According to the Livable Centers Study, Downtown Tomball as a whole already well exceeds the one space per 800 square feet of building area parking requirement and because the City of Tomball is in the process of adding approximately 95 spaces through the implementation of the Livable Centers Study, City staff recommends removing the off-street parking requirement from Section 34.6.E.1 of the Zoning Ordinance for that area bound by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion.

PROPOSED AMENDMENTS

Section 34.6.E.1 “Off-street parking”

For that portion of the Old Town Area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, there shall not be a minimum parking requirement. ~~the parking requirements for all businesses shall be one space for each 800 square feet of building area. This parking requirement shall apply to all new construction and additions to existing buildings. Construction of large structures in excess of 10,000 square feet shall be required to provide parking in accordance with Section 39.~~

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on Monday, March 29, 2011 and, as of the writing of this staff report, no public comments were received regarding this request.

RECOMMENDATION

That the Planning and Zoning Commission:

1. Open the public hearing and receive comments, and
2. Recommend approval of the proposed amendments as recommended by staff.

EXHIBITS

- A. Downtown Tomball Affected Area Map
- B. Livable Centers Study Parking Existing Conditions
- C. Livable Centers Study Recommended Parking Layout
- D. Proposed Parking Lots

Exhibit "A"
Downtown Tomball Affected Area Map

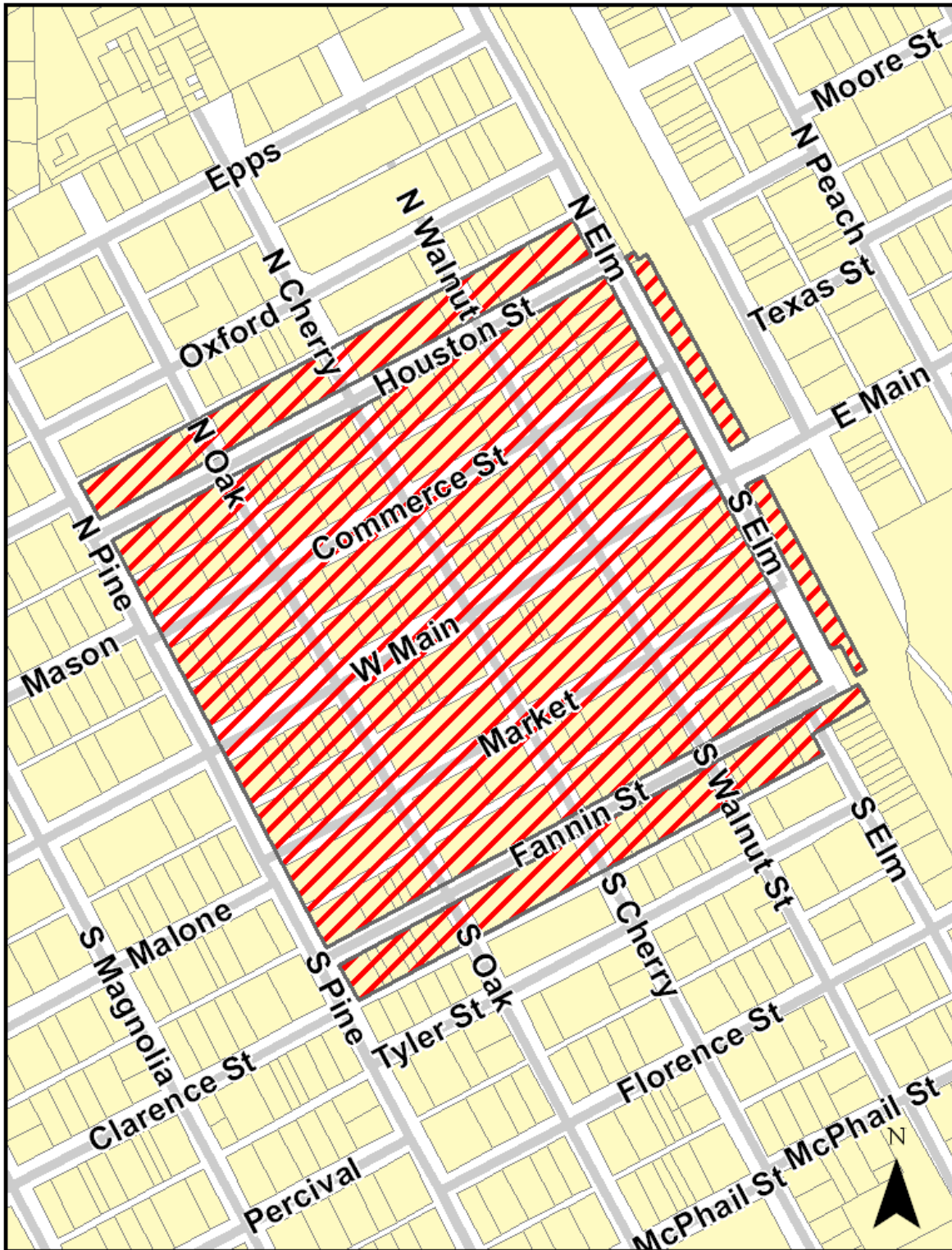


Exhibit “B”
Livable Centers Study Parking Existing Conditions



Livable Centers | Downtown Plan
TOMBALL, TEXAS

EXISTING CONDITIONS

A detailed count of existing public and private parking spaces was taken to understand the parking needs within Downtown Tomball. There are approximately 818 public and private parking spaces within the four block radius of the Downtown area, 76 of those are the parallel spaces on Main Street and are slated for removal as part of the FM 2920 Access Management Improvements. Figure 4.3 gives a view of how the parking is dispersed throughout Downtown and shows what parking category each space falls into.

Parallel parking along Main Street is of particular interest to the merchants of Tomball. While parallel parking on Main Street is convenient for patrons and business owners, it creates an undesirable traffic conflict situation because of the high volume of thru traffic on FM 2920/Main Street. This volume of traffic is due to FM 2920/Main Street functioning as a corridor between US 290 and IH 45.

Parallel parking also occurs on Market, Commerce Street and portions of Elm Street, defined by the pavement markings on the street. This on-street public parking currently provides convenient parking for smaller establishments, but will not be sufficient to sustain the anticipated parking need when the 76 parallel parking spaces on Main Street are removed.

A public lot at the corner of Pine Street and Market Street exists to serve City Hall as well as the Downtown Main Street merchants. However, proper signage and way-finding would help clarify the parking opportunity to retail patrons.

The remainder of the parking lots are small private lots to facilitate staff and patron parking across Downtown.

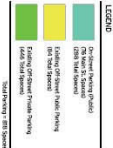


Figure 4.3

Livable Centers Downtown Plan
TOMBALL, TEXAS

This layout is only a recommendation and not the only alternative layout possible for private development. It is, however, one of the best accommodations for the needs of the Downtown area while still having the desired balance of parking and development.



Exhibit “D” Proposed Parking Lots

Proposed Conceptual Parking Lot Layout



Lot AN (N Elm Between W Main and Houston)



Lot BN (NW Corner Commerce @ N Walnut)



Lot CN (SW Corner Commerce @ N Oak)



Lot DN (NE Corner N Magnolia & W Main)



Lot AS (NW Corner Market @ S Cherry)



Lot BS (SE Corner W Main @ Walnut)



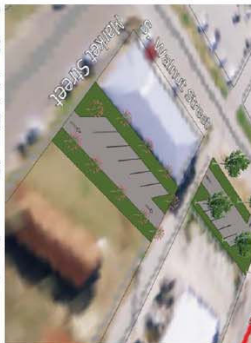
Lot CS (West of Barnes at Depot)



Lot DS (SE Corner S Elm @ Fannin)



Lot ES (SW Corner S Oak @ Fannin)



Lot CS—All 1 (West of Barnes at Depot)



Lot CS—All 2 (West of Barnes at Depot)

For discussion purposes only. Not for construction.