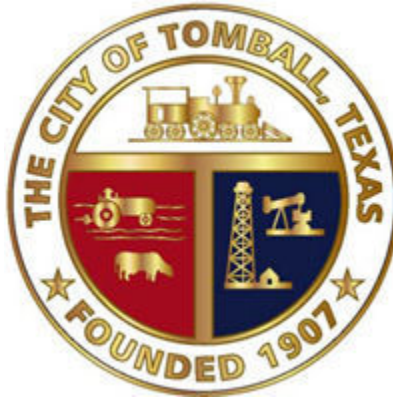


**NOTICE OF REGULAR PLANNING AND ZONING COMMISSION
MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, OCTOBER 11, 2010

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, October 11, 2010 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning and Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 13, 2010.
- 5.0 New Business:

- 5.1 Consideration and Possible Action Regarding **ZONING CASE P10-273**; Request by WDL Lumber, on behalf of William and Jean Adams, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, generally located on the westerly side of Quinn Road, northerly of Zion Road, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District.
- Conduct a Public Hearing on **ZONING CASE P10-273**
- 5.2 Consideration and Possible Action Regarding **D'ANDREA SUBDIVISION REPLAT**; Being a Replat of Lot 1 and 3 (2.4209 acres) of D'ANDREA Subdivision, Recorded under Harris County Film code Number 474061, Map Records, Harris County, Texas, Situated in the William Hurd Survey, Abstract 378, Harris County, Texas.
- 5.3 Consideration and Possible Action Regarding **FOUR CORNERS SUBDIVISION**; Being a Subdivision of 15.7493 acres of land including a partial Replat of Reserve "E" of Tomball Park, Vol. 335, Pg. 109, M.R.H.C., and Being out of the John M. Hooper Survey, Abstract No. 375 in Tomball, Harris County, Texas.
- 5.4 Consideration and Possible Action Regarding **PARTIAL REPLAT OF TOMBALL REGIONAL HOSPITAL NO. 1**; 12.85 acres located in the William Hurd Survey, A-378, Harris County, Texas, City of Tomball, Texas; Being a Replat out of Tomball Regional Hospital Reserve "A", Block 4, Vol. 424, Pg. 128, M.R.H.C.T.
- 5.5 Workshop Session:
- The Planning and Zoning Commission will enter into a Training Session
 - Roles and Responsibilities of the Planning and Zoning Commission
 - Continue Discussion regarding Building Permits and Possible recommendations to the Building and Zoning Codes

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

5th day of October 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours prooceding 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: October 11, 2010

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: October 11, 2010

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: October 11, 2010

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 13, 2010.

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:

P&Z Regular Meeting Minutes 09.13.10

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

MONDAY, SEPTEMBER 13, 2010



6:00 P.M.

1.0 Call to Order

The meeting was called to order by Chairman Wallace at 6:09 p.m. Other members present were:

Commissioner Crofoot
Commissioner Tague
Commissioner Harvey
Commissioner Mottershaw

Others present:

Director of Engineering and Planning – Mark McClure
City Planner / Community Development Coordinator – Kelly Violette
Engineering & Planning Administrative Assistant – Brandy Pate

1.1 Election of Chairman and Vice Chairman:

Commissioner Harvey nominated Lori Wallace as Chairman; second by Commissioner Tague.

Motion carried unanimously.

Commissioner Tague nominated Tom Crofoot as Vice Chairman; second by Commissioner Harvey.

Motion carried unanimously.

2.0 No Public Comments were received.

3.0 Reports and Announcements:

- Kelly Violette presented an update on residential and commercial building permits.

4.0 Motion was made by Commissioner Mottershaw to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of August 9, 2010; second by Commissioner Crofoot.

Motion carried unanimously.

draft

- 5.0 Consideration and Possible Action Regarding six month plat extension request by Trigg Lupher of American Lupher Land Surveyors, Inc. on behalf of Klein ISD for the **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SEC. 1** plat (formerly Klein ISD Elementary School No. 28).

Motion was made by Commissioner Mottershaw to approve a three (3) month extension for the **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SEC. 1** plat.

Motion died for lack of a second.

Motion was made by Commissioner Harvey to approve a six (6) month extension for the **KLEIN ISD BERNSHAUSEN ELEMENTARY SCHOOL SEC. 1** plat; second by Commissioner Tague.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 6:32 p.m.

PASSED AND APPROVED this _____ day of _____ 2010.

Brandy Pate
P&Z Commission Secretary

Lori Wallace
Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 11, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **ZONING CASE P10-273**: Request by WDL Lumber, on behalf of William and Jean Adams, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, generally located on the westerly side of Quinn Road, northerly of Zion Road, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District.

- Conduct a Public Hearing on **ZONING CASE P10-273**

Background:

Origination:

WDL Lumber on behalf of William and Jean Adams

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

P10-273 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
OCTOBER 11, 2010
&
CITY COUNCIL
OCTOBER 18, 2010**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, October 11, 2010, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 18, 2010, 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 P10-273: Request by WDL Lumber, on behalf of William and Jean Adams, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, generally located on the westerly side of Quinn Road, northerly of Zion Road, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 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 City Planner** Kelly Violette, (281) 290-1491, kviolette@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 5th day of October 2010 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 Public Hearings before the **PLANNING AND ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P10-273

APPLICANT: WDL Lumber, on behalf of William and Jean Adams

LOCATION: 30507 Quinn Rd., Westerly side of Quinn Road, northerly of Zion Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.3436 acres of land, legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas, from the O-Office District to the SF-20-E Single-Family Estate Residential-20 District.

* * *

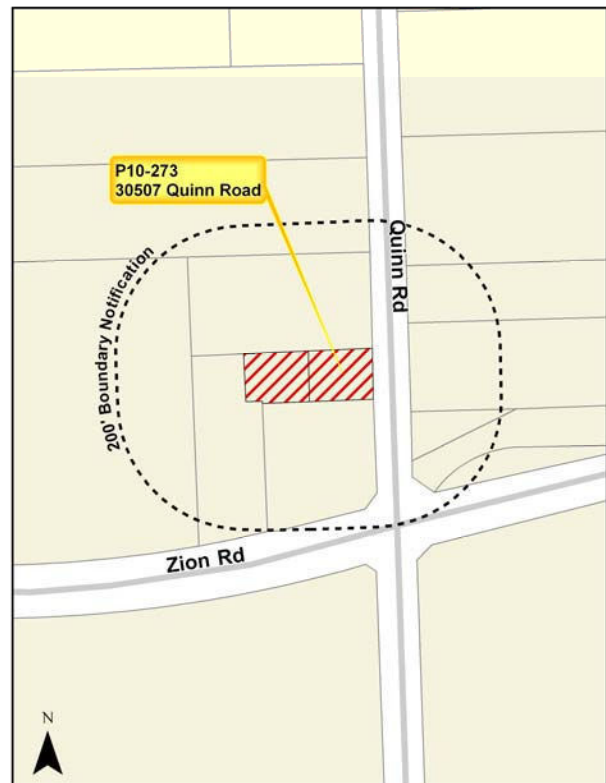
CONTACT PLANNER: Kelly Violette

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 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 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.

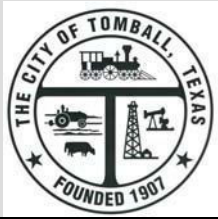


**Planning and Zoning Commission
Public Hearing:
Monday, October 11, 2010, 6:00 PM**

**City Council Public Hearing:
*Monday, October 18, 2010, 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.



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: October 11, 2010

Rezoning Case: P10-273
Property Owner(s): William and Jean Adams
Applicant(s): WDL Lumber
Legal Description: Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas
Location: 30507 Quinn Road (Generally located on the westerly side of Quinn Road, northerly of Zion Road)
Area: 0.3436 acres
Present Zoning and Use: O-Office District / Single-family residence
Comp Plan Designation: Rural Residential
Proposed Zoning and Use: Single-Family Estate Residential-20 District / Residential

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: SF-20-E Single-Family Estate Residential-20 District / Single-family residences
South: O-Office District / Insurance office and single-family residence
East: SF-20-E Single-Family Estate Residential-20 District / Single-family residences
West: O-Office and SF-20-E Single-Family Estate Residential-20 Districts / Single-family residence and TISD natatorium

BACKGROUND

The subject site is legally described as Tracts 16D-1 and 16D-2 out of the Joseph House Survey, Abstract 34, within the City of Tomball, Harris County, Texas totaling approximately 0.3436 acres. The site's physical address 30507 Quinn Road and is generally located on the westerly side of Quinn Road, northerly of Zion Road (Exhibit ""). The property is currently developed with an approximately 1,000 square foot single-family residence, a 445 square foot wood storage building and an approximately 200 square foot accessory building (Exhibit "F").

On June 3, 2010, the Engineering & Planning Department received a site plan application for the construction of a 20' x 20' detached residential garage at the subject site. During the review of the application, City staff identified that the property was zoned O-Office District, which does not permit residential accessory buildings or structures. On June 10, 2010, the Engineering & Planning Department issued a letter to the applicant, WDL Lumber, informing them that the proposed garage could not be approved because the request constitutes an expansion of a legal nonconforming use and residential accessory buildings or structures are not a permitted use in the O-Office District (Exhibit "G"). The letter also informed the applicant that they could pursue a rezoning of the property to a zoning district classification that permitted such a use.

On August 18, 2010, City staff met with the applicant and property owners, Jean and William Adams, to discuss the steps needed to construct the proposed 20' x 20' garage addition. City staff informed the applicant that the property was zoned O-Office District on the official Zoning Map adopted February 4, 2008, and as a result the existing residential use could not be expanded unless the property was rezoned to a zoning district that permitted residential uses. Staff also informed the applicants that the properties within the vicinity of the subject site were zoned SF-20-E and if they wished to pursue a rezoning to the SF-20-E District, they would be required to meet the 25' minimum side yard setback of the SF-20-E District for the proposed garage. Because the proposed site plan showed a 3' side yard setback for the garage, staff informed the property owners that they would need to request a variance from the Board of Adjustments (BOA) to construct the garage as proposed if the site was rezoned. Additionally, staff discussed the lot area and width requirements of the SF-20-E District and indicated that the subject lots do not meet the minimum requirements as specified in Section 15.4 of the Zoning Ordinance, which requires a minimum lot area of 20,000 square feet and lot width of 100 feet. The combined lot area of the two tracts is 14,906 square feet and the lot width is 75 feet.

As a matter of information, City staff would not be supportive of the 3' side yard setback for the garage as shown on the conceptual site plan. It is staff's opinion that reducing the setback from 25' to 3' could create a negative precedence for the area. Additionally, because a finding of hardship is required by ordinance to grant a variance and a variance application has not been submitted by the applicant identifying such a hardship, staff has been unable to identify a true hardship to warrant the reduction in side yard setback from 25' to 3'. From the conceptual site plan, it appears that there is sufficient room behind the residence to construct the proposed garage without a side yard setback variance. It will be the responsibility of the property owner and/or applicant to establish the facts that may justify a variance.

On September 1, 2010, the Engineering & Planning Department received a rezoning application to rezone the subject site from the O-Office District to the SF-20-E District.

ANALYSIS

According to the Tomball Zoning Ordinance, "The SF-20-E, Single-Family Residential-20 district is intended to provide for development of primarily very low-density detached, single-family residences on lots of not less than 20,000 square feet in size, churches, schools and public parks. It is intended for large lot subdivisions and also for the more rural type residential areas that don't meet the AG district requirements but may want to have additional accessory buildings and animals."

The applicant is requesting the rezoning to bring the property's zoning classification in line with the single-family residential use already established on the site and to facilitate the construction of a 20' x 20' detached garage (Exhibit "E").

The uses in the general vicinity of the site are primarily residential and institutional (school facilities) in nature with the exception of an insurance office located to the south of the subject property, at the intersection of Quinn Road and Zion Road, within the O-Office District (Exhibit "C").

The proposed rezoning to the SF-20-E District is generally consistent with the "Rural Residential" Comprehensive Plan land use designation. The Comprehensive Plan's land use designations are intended to provide direction in determining current and future growth patterns and development intensities. The Comprehensive Plan states that the Rural Residential land use designation "includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features." The property owners have indicated that they intend to maintain a residential use on the property; however, the site does not meet the minimum one acre lot size. Staff does not believe that the reduced lot size of the subject site will have a negative impact on the area as a whole. The corresponding zoning district that requires a minimum one acre lot size is the AG-Agricultural District; however staff would not be supportive of a rezoning to the AG-Agricultural District in this location because of the nonresidential land uses permitted by right within the AG-District that could result in land use incompatibilities in the established residential area. Although the site does not meet the minimum one acre lot size of the Future Land Use designation, a SF-20E zoning classification is most compatible with the properties in the area and provides for consistency in land uses.

Because the requested rezoning is generally consistent with the Comprehensive Plan's Future Land Use Plan Map, will aid in realizing the long-term vision of residential land uses in this area of the City, will make the zoning classification of the subject site consistent with the other residences in the vicinity, and will maximize the residential use of the property, staff is supportive of the rezoning request.

ZONING CONSIDERATIONS

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

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

The uses in the general vicinity of the site are primarily residential and institutional (school facilities) in nature. As such, the rezoning and permitted land uses in the SF-20-E District would be in keeping with the existing and intended land uses in the vicinity. Any future development/redevelopment of this site will require compliance with the City's land use and development regulations.

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 site is currently developed with an existing single family residence; as such the proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There are a limited number of undeveloped properties zoned SF-20-E District in the immediate vicinity, with most being north of the subject site near Spring Creek. However, there are a number of vacant SF-20-E lots available along Rudolph, Hicks, Agg, and South Persimmon Roads.

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 limited development in the SF-20-E District city-wide and within the vicinity in the last two years.

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.

The proposed zone change is not anticipated to adversely affect 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 proposed rezoning to the SF-20-E District is generally consistent with the “Rural Residential” Comprehensive Plan land use designation. The Comprehensive Plan states that the Rural Residential land use designation “includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features.” The property owners intend to maintain a residential use on the property, however, the site does not meet the minimum one acre lot size. Staff does not believe that the reduced lot size of the subject site will have a negative impact on the area as a whole. Additionally, the “Rural Density Residential Planning Guidelines” of the Comprehensive Plan provides flexibility for the Planning & Zoning Commission and City Council in determining land density by stating that, “Project density will be subject to review and recommendation by the Planning & Zoning Commission and approval by the City Council.”

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 30, 2010 and, as of the writing of this report, one public comment form was received from the property owners, William and Jean Adams, in support of the request (Exhibit “I”).

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P10-273 based on the following:
 - a. The proposed zoning of SF-20-E District will be compatible with the land uses in the vicinity.
 - b. The proposed zoning of SF-20-E District is generally compatible with the Tomball Comprehensive Plan.
 - c. The proposed zoning of SF-20-E District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - d. There is sufficient utility capacity to service residential uses on this site.
2. APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Location/Zoning Map
- B. Comprehensive Plan Future Land Use Map
- C. Aerial Photo
- D. Rezoning Application
- E. Rezoning Request Letter
- F. Site Plan
- G. 6-10-10 Site Plan Rejection Letter
- H. Site Photos

I. Public Comment Form(s)

Exhibit "A"
Location/Zoning Map

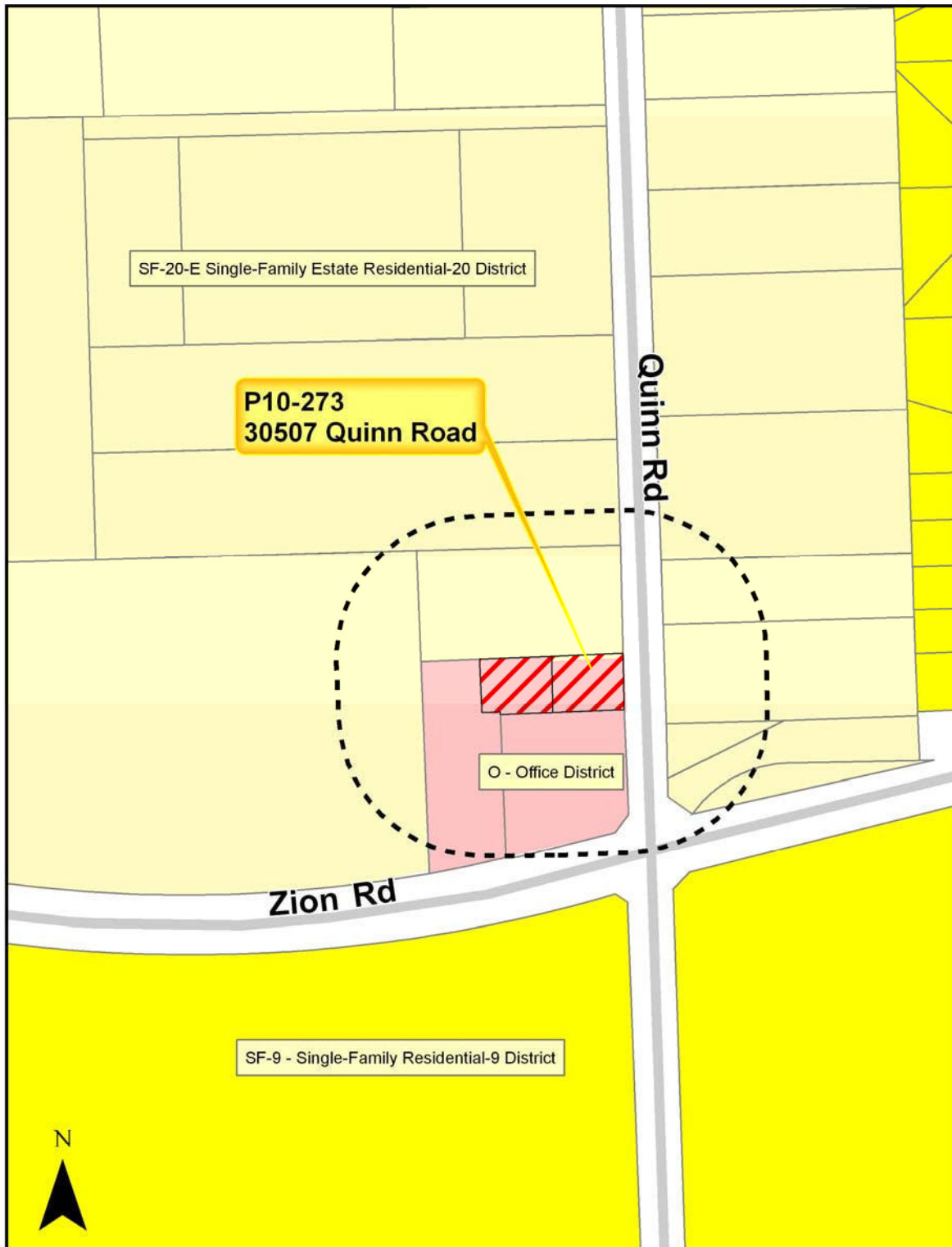


Exhibit "B"
Comprehensive Plan Future Land Use Map



Exhibit “C”
Aerial Photo

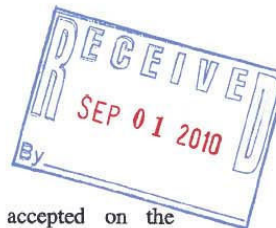


Exhibit "D"
Rezoning Application



Revised 1/20/09

APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: WDL LUMBER Title: _____
Mailing Address: 1133 MOORE RD. City: STAFFORD State: TX
Zip: 77477
Phone: (713) 728-5830 Fax: (281) 261-8927 Email: WDLUMBER@verizon.net

Owner

Name: WILLIAM + JEAN ADAMS Title: _____
Mailing Address: 31104 QUINN RD. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 295-2638 Fax: () _____ Email: _____

Engineer/Surveyor (if applicable)

Name: F.G. HUFFMAN Title: LAND SURVEYOR
Mailing Address: 8302 CHESWICK DR City: HOUSTON State: TX
Zip: 77037
Phone: (281) 447-7802 Fax: (281) 847-4504 Email: FGHUFFMAN@sbcglobal.net

Description of Proposed Project: DET. RES. GARAGE, 20'x20'

Physical Location of Property: 30907 QUINN RD., TOMBALL, TX 77375
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: ABST. 34 JOSEPH HOUSE SURVEY, TR 16D-1
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block] 16D-2

Current Zoning District: OFFICE DISTRICT

Current Use of Property: RESIDENTIAL

Proposed Zoning District: RESIDENTIAL SF 20

Proposed Use of Property: RESIDENTIAL SF 20

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

www.ci.tomball.tx.us

HCAD Identification Number: 0402700010341 Acreage: 0.3436
0402700010445

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  8-31-2010
Signature of Applicant Date

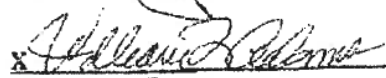
X  Jean Adams 8-31-2010
Signature of Owner Date

Exhibit "E"
Rezoning Request Letter

Aug 31 10:02:52p

Jean Adams

281-255-2638

p.1

P. 1

William & Jean Adams
31104 Quinn Road
Tomball, TX 77375

City of Tomball
501 James Street
Tomball, TX 77375

August 30, 2010

30507 Quinn Road, Tomball, TX 77375
Application for REZONING

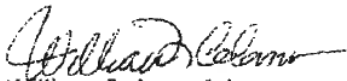
We herewith request our property to be rezoned back to RESIDENTIAL status.

This property is currently zoned "office" even though there is no business at 30507 Quinn Road.

In order to proceed with our plans for a residential, detached garage we need to have residential status restored as soon as possible.

Thank you for your support.

Sincerely,

 8/31/10
William & Jean Adams

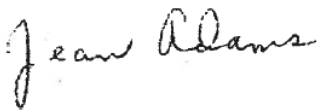
 8-31-10

Exhibit "F" Site Plan

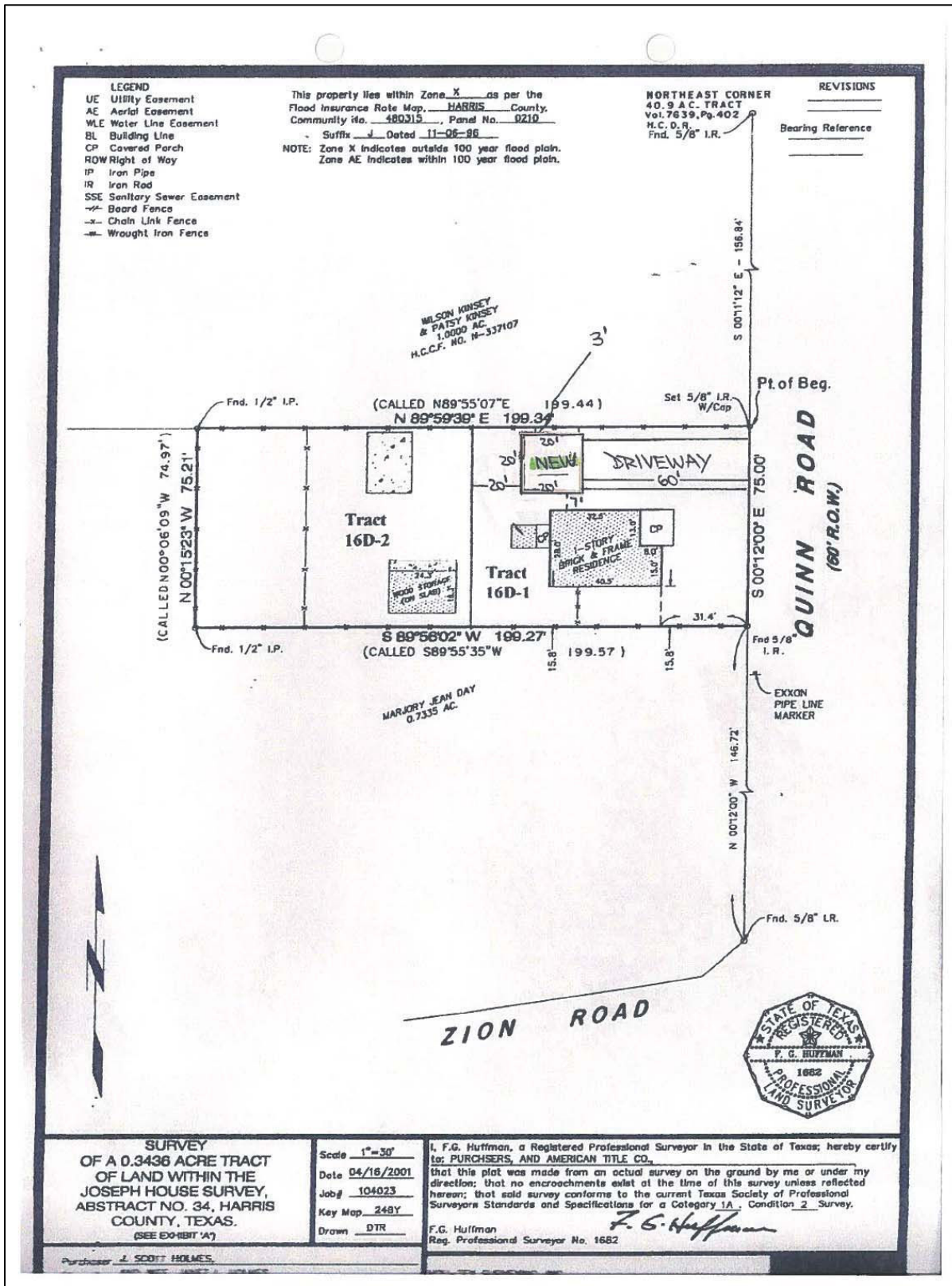




Exhibit "G"
6-10-10 Site Plan Rejection Letter



City of Tomball

GRETCHEN FAGAN
MAYOR

June 10, 2010

WDL Lumber
1133 Moore Rd.
Stafford, TX 77477

**RE: Planning Case P10-252: Residential Detached 20' x 20' Garage (30507 Quinn Road)
Site Plan Rejection Letter**

WDL Lumber:

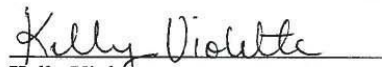
The Engineering & Planning Department has reviewed the site plan application related to the proposed residential detached 20' x 20' garage located at the above referenced address. At this time, we are rejecting the request for site plan approval.

The above referenced property is located in the City's O-Office zoning district which was established to create an appropriate setting for low intensity office and professional uses. Per Section 38 of the Zoning Ordinance, single-family residential uses are not permitted in the Office District. Because the existing residential use of the property 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 residential use is considered legally nonconforming, it would not be permitted to expand and the proposed 20' x 20' garage would not be allowed. An option you may consider is to rezone the property to a residential district which would permit this type of use. I've attached a copy of the rezoning application if you wish to pursue this.

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

Thank you,


Kelly Violette
City Planner

Attached: Rezoning application

401 MARKET STREET • TOMBALL, TEXAS 77375 • 281-351-5484

**Exhibit “H”
Site Photos**



Figure 1: Westerly view of subject site.



Figure 2: Northerly view up Quinn Road from subject site. Subject site on left. Single-family residences on left and right side.



Figure 3: Single-family residence to the north of subject site.



Figure 4: Single-family residence to the east of subject site.



Figure 5: Southerly view down Quinn Road from subject site. Subject site on right. Tomball High School on left and insurance office on right.



Figure 6: Insurance office to the south of subject site.

Exhibit "I"
Public Comment Form(s)



Engineering and Planning 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
Department of Engineering & Planning
Attn: Kelly Violette
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

WILLIAM M ADAMS
JEAN ADAMS
31104 QUINN RD
TOMBALL, TX 77375

Signature:

William M Adams *Jean Adams*

Date:

10-2-10



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P10-273. (Please state reasons below)**



I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P10-273. (Please state reasons below)**

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

Monday, October 11, 2010, 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, October 18, 2010, 7:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

This property should be residential + allowed to be improved.

You may also comment via email to kviolette@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1491.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 11, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **D'ANDREA SUBDIVISION REPLAT**; Being a Replat of Lot 1 and 3 (2.4209 acres) of D'ANDREA Subdivision, Recorded under Harris County Film code Number 474061, Map Records, Harris County, Texas, Situated in the William Hurd Survey, Abstract 378, 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:

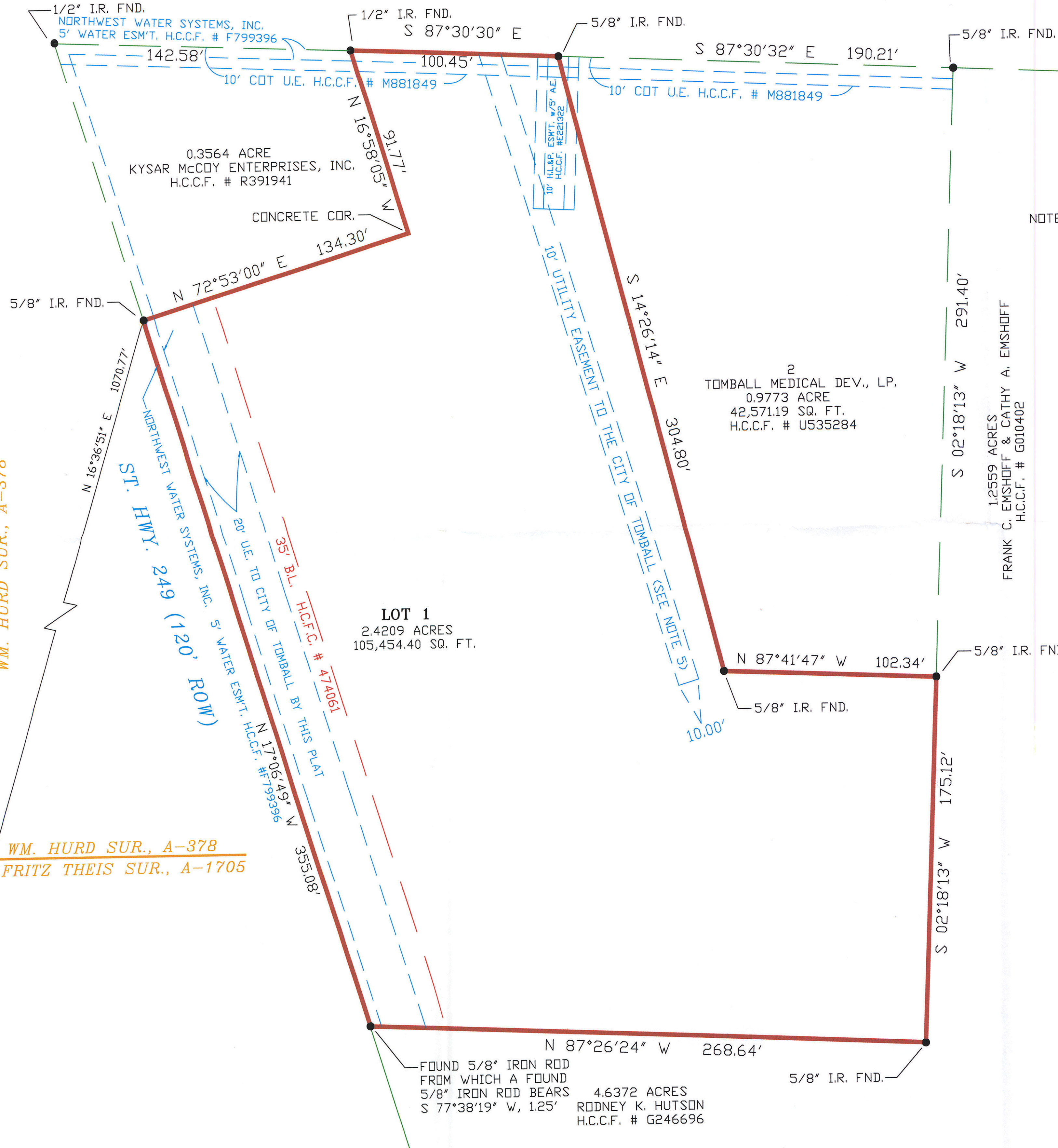
D'Andrea Subdivision Replat 1 of 2

D'Andrea Subdivision Replat 2 of 2

0.568 ACRE ±
GLOBAL NEW MILLENNIUM
HARRIS COUNTY APPRAISAL DISTRICT
ACCT. # 0430440000039

12.838 ACRES
TOMBALL HOSPITAL AUTHORITY
H.C.C.F. # R872294

MICHEL ROAD (60' ROW)



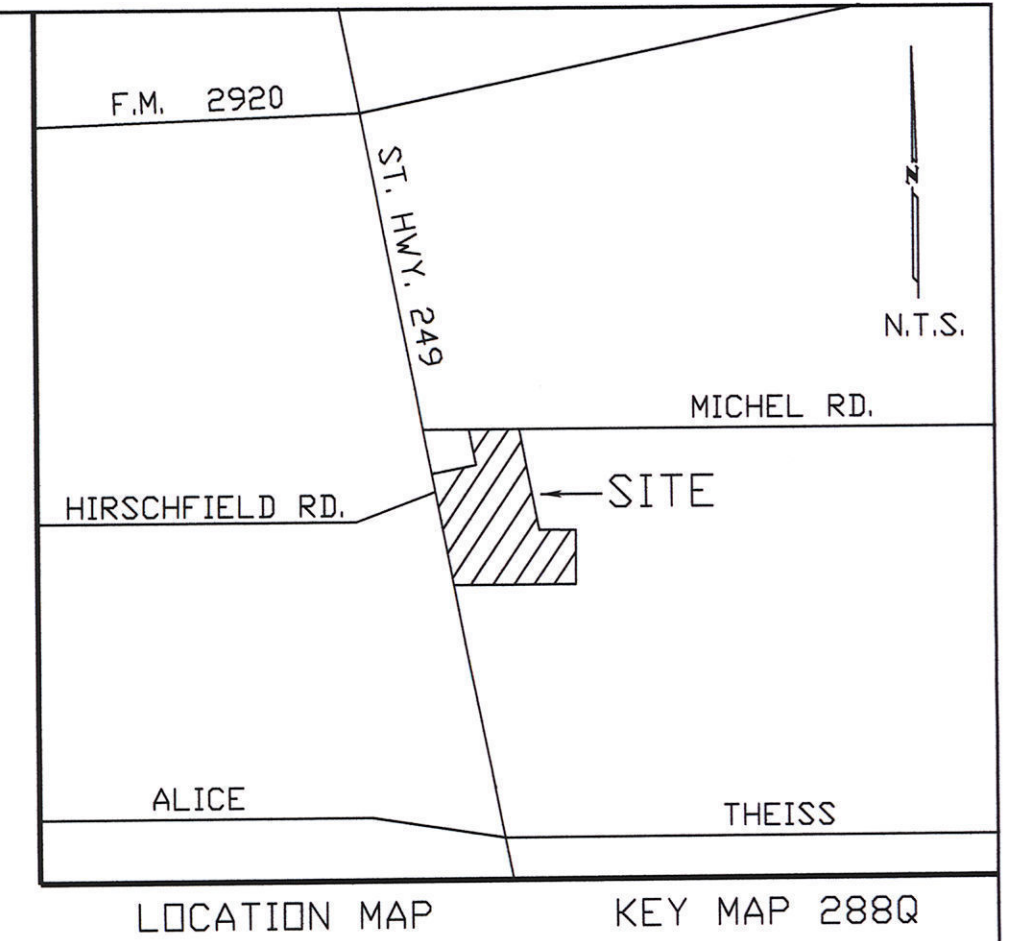
JOHN M. HOOPER SUR., A-375
WM. HURD SUR., A-378

WM. HURD SUR., A-378
FRITZ THEIS SUR., A-1705

LEGEND

I.R. = IRON ROD
B.L. = BUILDING LINE
P.P. = POWER POLE
L.P. = LIGHT POLE
U.E. = UTILITY EASEMENT
A.E. = AERIAL EASEMENT
COT = CITY OF TOMBALL

0 15' 30' 60'
ORIGINAL SCALE: 1" = 30'



NOTES:

- = SET 3/4" IRON ROD w/PLASTIC CAP UNLESS OTHERWISE NOTED.
- NO STRUCTURE TO BE BUILT ACROSS ANY PIPELINE OR DEDICATED EASEMENT OR BUILDING LINE. FUTURE CONSTRUCTION TO ABIDE BY TOMBALL'S CITY ORDINANCES.
- MAJOR VISABLE AND APPARENT IMPROVEMENTS ARE BEING SHOWN.
- BEARINGS ARE BASED ON THE RECORDED SUBDIVISION.
- EXISTING 10' EASEMENT DEDICATED TO THE CITY OF TOMBALL, RECORDED UNDER H.C.C.F. # V424900 IS ABANDONED BY THIS PLAT. PUBLIC WORKS DEPARTMENT SHALL CONFIRM NO CITY UTILITIES EXIST WITHIN THE 10' CITY OF TOMBALL UTILITY EASEMENT TO BE RELEASED BY PLAT. EASEMENT SHALL NOT BE ABANDONED IF CITY UTILITIES EXIST IN SUCH EASEMENT.
- SUBJECT TO EASEMENTS AND TERMS, CONDITIONS AND STIPULATIONS AS SET FORTH IN CROSS PARKING AND INGRESS AND EGRESS EASEMENT, H.C.C.F. # R393746.
- THE ENCROACHMENT OF THE BUILDING LINE BY THE EXISTING BUILDING IS HEREBY GRANDFATHERED AND ALLOWED TO REMAIN, PROVIDED THAT NO FURTHER IMPROVEMENTS BE MADE TO THE BUILDING WITHIN THAT BUILDING LINE AND NO SIGNAGE SHALL BE PLACED ON THE BUILDING WITHIN THE BUILDING LINE. IF THE BUILDING IS DESTROYED OR DEMOLISHED WITHIN THE BUILDING LINE, THE ENCROACHMENT APPROVAL SHALL BE VOIDED WITH THE BUILDING LINE THEN FULLY OBSERVED.

ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR HARRIS COUNTY, TEXAS, MAP NUMBER 48201C0230 L; MAP REVISED: JUNE 18, 2007, SHOWS THIS TRACT TO BE IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN.

OWNER: FE & RA INVESTMENTS, INC.
28048 TOMBALL PARKWAY, STE. B
TOMBALL, TEXAS 77375
PHONE 281-351-9677

LIEN HOLDER: STANCORP MORTGAGE INVESTORS, LLC
19225 NW TRANASBOURNE DR. 3RD FLOOR
HILLSBORO, OR 97124
PHONE 971-321-6100

PREPARED BY: FIELD DATA SERVICE, INC.
990 VILLAGE SQUARE, SUITE G-1000
TOMBALL, TEXAS 77375
PHONE 281-351-7153

D'ANDREA SUBDIVISION REPLAT
PRELIMINARY

CONSISTING OF 1 LOT, 1 BLOCK

A REPLAT OF LOT 1 AND LOT 3 (2.4209 ACRES), OF D'ANDREA SUBDIVISION, RECORDED UNDER HARRIS COUNTY FILM CODE NUMBER 474061, MAP RECORDS, HARRIS COUNTY, TEXAS, SITUATED IN THE WILLIAM HURD SURVEY, ABSTRACT 378, HARRIS COUNTY, TEXAS.

DATE: AUGUST 9, 2010

THE PURPOSE OF THIS REPLAT IS TO COMBINE LOT 1 AND LOT 3 INTO 1 LOT.

SHEET 1 OF 2

THE STATE OF TEXAS
COUNTY OF HARRIS

LOTS 1 AND 3
WE, FE & RA INVESTMENTS, INC., ACTING BY AND THROUGH FELIPE GURRUSQUIETA, PRESIDENT, BEING OFFICER OF FE & RA INVESTMENTS, INC., OWNER
HEREINAFTER REFERRED TO AS OWNERS OF THE 2.0205 ACRE TRACT, (LOT 1) AND A 0.4004 ACRE TRACT, (LOT 3), DESCRIBED IN THE ABOVE AND
FOREGOING PLAT OF D'ANDREA SUBDIVISION REPLAT, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS,
DEDICATIONS, RESTRICTIONS AND NOTATIONS OF SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS,
WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY
BIND OURSELVES, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN
UNOBSTRUCTED AERIAL EASEMENT FIVE FEET (5') IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT
TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY 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 FLOW OF
WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN THREE QUARTERS SQUARE FEET (18" DIAMETER) WITH CULVERTS
OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

IN TESTIMONY WHEREOF, FE & RA INVESTMENTS, INC., HAS CAUSED THESE PRESENTS TO BE SIGNED BY FELIPE GURRUSQUIETA, IT'S PRESIDENT, THEREUNTO
AUTHORIZED, ATTESTED BE ITS SECRETARY, RENE BENITEZ, AND ITS COMMON SEAL HEREUNTO AFFIXED THIS _____ DAY OF _____, 2010.

FE & RA INVESTMENTS, INC.

BY: _____
FELIPE GURRUSQUIETA, PRESIDENT

ATTEST:

BY: _____
RENE BENITEZ, SECRETARY

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, FELIPE GURRUSQUIETA, PRESIDENT, FE & RA INVESTMENTS, INC., KNOWN TO
ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE
PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID
CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2010.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

LIENHOLDER

WE, STANCORP MORTGAGE INVESTORS, LLC, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT
KNOWN AS D'ANDREA SUBDIVISION REPLAT, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD UNDER HARRIS COUNTY
CLERK'S FILE NUMBER 20070089072, 20070098780, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY
TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID PLAT AND
WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART
THEREOF.

BY: _____
, PRESIDENT

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GEORGE ARNAU, PRESIDENT, WOODFOREST
NATIONAL BANK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND
ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN
THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2010.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF D'ANDREA
SUBDIVISION REPLAT IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN
HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2010.

BY: _____, CHAIRMAN BY: _____, VICE CHAIR

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC
EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND
AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2010.

BY: _____, GRETCHEN FAGAN, MAYOR BY: _____, DORIS SPEER, CITY SECRETARY

WE, THE CITY MANAGER AND THE PUBLIC WORKS DIRECTOR FOR THE CITY OF TOMBALL, DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE CITY
OF TOMBALL'S ORDINANCES.

_____, INTERIM CITY MANAGER _____ MARK McCLURE, P.E., DIRECTOR OF ENGINEERING AND PLANNING

I, BEVERLY B. KAUFMAN, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION
WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 200____, AT _____ O'CLOCK ____ M.,
AND DULY RECORDED ON _____, 200____, AT _____ O'CLOCK ____ M., AND AT 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.

BEVERLY B. KAUFMAN
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

I, WILLIAM L. ANDERSON, AM AUTHORIZED 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 OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN
OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTERS INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'), AND THAT
THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

WILLIAM L. ANDERSON
TEXAS REGISTRATION NUMBER 2053

D'ANDREA SUBDIVISION REPLAT PRELIMINARY

CONSISTING OF 1 LOT, 1 BLOCK

LIEN HOLDER: STANCORP MORTGAGE INVESTORS, LLC,
19225 NW TANASBOURN DR. 3RD FLOOR
HILLSBORO, OR 97124
PHONE# 971-321-6100

A REPLAT OF LOT 1 AND LOT 3 (2.4209 ACRES), OF D'ANDREA SUBDIVISION, RECORDED UNDER HARRIS
COUNTY FILM CODE NUMBER 474061, MAP RECORDS, HARRIS COUNTY, TEXAS, SITUATED IN THE WILLIAM
HURD SURVEY, ABSTRACT 378, HARRIS COUNTY, TEXAS.

DATE: AGUAST 9, 2010

THE PURPOSE OF THIS REPLAT IS TO CHANGE THE SIZE OF LOT 1 AND LOT 3.

OWNER: FE & RA INVESTMENTS, INC.
28048 TOMBALL PARKWAY, STE. B
TOMBALL, TEXAS 77375
PHONE 281-351-9677

PREPARED BY: FIELD DATA SERVICE INC.
990 VILLAGE SQUARE, SUITE G-1000
TOMBALL, TEXAS 77375
PHONE 281-351-7153

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 11, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **FOUR CORNERS SUBDIVISION**; Being a Subdivision of 15.7493 acres of land including a partial Replat of Reserve "E" of Tomball Park, Vol. 335, Pg. 109, M.R.H.C., and Being out of the John M. Hooper Survey, Abstract No. 375 in Tomball, 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:

Four Corners Subdivision Plat

Page 37 of 40

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 11, 2010

Data Sheet

Topic:

Consideration and Possible Action Regarding **PARTIAL REPLAT OF TOMBALL REGIONAL HOSPITAL NO. 1**; 12.85 acres located in the William Hurd Survey, A-378, Harris County, Texas, City of Tomball, Texas; Being a Replat out of Tomball Regional Hospital Reserve "A", Block 4, Vol. 424, Pg. 128, M.R.H.C.T.

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:

Partial Replat of Tomball Regional Hospital No. 1

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 11, 2010

Data Sheet

Topic:

Workshop Session:

- The Planning and Zoning Commission will enter into a Training Session
 - Roles and Responsibilities of the Planning and Zoning Commission
 - Continue Discussion regarding Building Permits and Possible recommendations to the Building and Zoning Codes

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	