

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



**Monday, December 12, 2022
6:00 PM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, December 12, 2022 at 6:00 PM, 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 & 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.

- A. Call to Order
- B. 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 - GC, 551.042.]*
- C. Reports and Announcements
- D. Approval of Minutes
 - D.1 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 14, 2022.
- E. New Business
 - E.1 Conduct a Public Hearing and consideration to approve **Zoning Case P22-350:** Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

E.2 Conduct a Public Hearing and consideration to approve **Case P22-367:** Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

E.3 Conduct a Public Hearing and consideration to approve **Case P22-394:** Request by the City of Tomball to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”.

F. Adjournment

C E R T I F I C A T I O N

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 9th day of December 2022 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kimberly Chandler
Community Development Coordinator

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 contact the City Secretary’s office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Planning & Zoning Commission Meeting Agenda Item Data Sheet

Meeting Date: December 12, 2022

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 14, 2022.

Background:

Origination: Community Development

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Kim Chandler, Community Development Coordinator

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

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

MONDAY, NOVEMBER 14, 2022



6:00 P.M.

A. The meeting was Called to Order by Chair Tague at 6:01 p.m. Other members present were:

Commissioner Richard Anderson
Commissioner Tana Ross
Commissioner Scott Moore
Commissioner Susan Harris

Others present:

Nathan Dietrich – Community Development Director
Jared Smith – City Planner
Kim Chandler – Community Development Coordinator
Justin Pruitt - Attorney

draft

B. No Public Comments were received.

C. Reports and Announcements:

- Nathan Dietrich, Community Development Director, announced the following:
 - Upcoming Events in the City of Tomball:
 - Light it Up Christmas Tree Lighting – November 18, 2022
 - Holiday Parade – November 19, 2022
 - Deck the Depot – December 3, 2022
 - City Council Approved **Case P22-270:** Request by the City of Tomball to amend Section 40-74 (Lots, general provisions) and 40-75 (Minimum Lot Sizes) of the Tomball Code of Ordinances by adding/revising regulations pertaining to lot sizes.
 - City Council Approved **Case P22-267:** Request by the City of Tomball to amend Section(s) 40-65 (Streets; specific standards) of the Tomball Code of Ordinances by adding/revising the right-of-way widths for roadways classifications.

- City Council Workshop discussed:
 - Homeless Encampments
 - Open Air Markets
 - Mobile Food Courts
 - Adding a Public Restroom on the West Side of Main Street

D. Motion was made by Commissioner Anderson, second by Commissioner Moore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 10, 2022 with the following correction:

- Susan Harris – Excused Absence

Roll call vote was called by Community Development Coordinator, Kim Chandler.

Motion carried unanimously.

E. New Business Non Action Items

E.1 Minor Plat of **4K PROPERTIES:** Being 0.1607 acre, (7,000.00 Square Feet), tract of land situated in the Joseph House Survey, A-34, Harris County, Texas, being a replat of Lots 26 and 27, in Block 81, of the Revised Map of Tomball as recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

Jared Smith, City Planner, presented with Staff Approval.

E.2 Minor Plat of **HUFSMITH-KOHRVILLE PLAZA:** A subdivision of 3.0199 acre or, (131,546 Square Feet), out of Lot 337 corrected map of Tomball Outlots, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas.

Jared Smith, City Planner, presented with Staff Approval.

E.3 Minor Plat of **RABURN RESERVE, SECTION #2 PARTIAL REPLAT NO. 1:** Being a subdivision of 0.2870 acres out of the Jesse Pruett Survey, A-629, City of Tomball, Harris County, Texas; also being a partial replat of Lots 36 and 37 of Raburn Reserve Section #2 recorded under F.C. No. 698147, H.C.M.R.

Jared Smith, City Planner, presented with Staff Approval.

E.4 Minor Plat of **RICCUCCI TRACT:** A replat of Lots 31 and 32 in Block 77 of Revised Map of Tomball, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 77 lying in the Ralph Hubbard Survey (A-383).

Jared Smith, City Planner, presented with Staff Approval.

E.5 Minor Plat of **VILLEDA ESTATES**: A subdivision of 2.0699 acre tract, (90,167.42 Square Feet), in the Joseph Miller Survey, A-50, Harris County, Texas.

Jared Smith, City Planner, presented with Staff Approval.

F. New Business

F.1 Consideration to Approve Preliminary Plat of **GRAND PARKWAY TOWN CENTER**: A Subdivision of a 65.3516 acre tract of land being in the C.W. Hall Survey, Abstract No. 1639, and in the William Perkins Survey, Abstract No. 621, and in the T.A. Duclos Survey, Abstract No. 1473, City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Ross, to approve with contingencies.

Roll call vote was called by Community Development Coordinator, Kim Chandler.

Motion carried unanimously.

F.2 Consideration to Approve Final Plat of **CLEAN CAR WASH TOMBALL**: A Subdivision of a 5.3593 acres of land located in the Sam Lewis Survey, A-1704, City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Ross, second by Commissioner Anderson, to approve with contingencies.

Roll call vote was called by Community Development Coordinator, Kim Chandler.

Motion carried unanimously.

F.3 Conduct a Public Hearing and consideration to approve **Zoning Case P22-354**: Request by the City of Tomball to amend Section(s) 50-116 (*Supplemental Regulations*) of the Tomball Code of Ordinances by revising standards pertaining to subsection (j) (*Site Development Standards for Mobile Food Courts*).

Jared Smith, City Planner, presented the case and recommendation of approval.

The Public Hearing was opened by Chair Tague at 6:17 p.m.

Michael Fagan (1314 Pine Brook, Tomball, TX 77375) spoke in favor of the request.

Dane Dunagin (535 E. Hufsmith Rd., Tomball, TX 77375) spoke in favor of the request.

Hearing no additional comments, the Public Hearing was closed at 6:22 p.m.

Motion was made by Commissioner Harris second by Commissioner Moore, to approve **Zoning Case P22-354**.

Roll call vote was called by Community Development Coordinator, Kim Chandler.

Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Ross	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>
Commissioner Moore	<u>Aye</u>
Commissioner Harris	<u>Aye</u>

Motion CARRIED Unanimously.

G. Motion was made by Commissioner Anderson, second by Commissioner Moore, to adjourn.

Roll call vote was called by Community Development Coordinator, Kim Chandler.

Motion CARRIED unanimously.

The meeting adjourned at 6:35 p.m.

PASSED AND APPROVED this _____ day of _____ 2022.

Kim Chandler
Community Development Coordinator /
Commission Secretary

Barbara Tague
Commission Chair

Planning & Zoning Commission Meeting

Agenda Item

Data Sheet

Meeting Date: December 12, 2022

Topic:

Conduct a Public Hearing and consideration to approve **Zoning Case P22-350:** Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

Background:

Over the past several months’ city staff has held multiple pre-development meetings with the applicants to discuss the potential development of the subject property into a residential subdivision. The subject site presently falls entirely outside the city limits of Tomball. The applicants are currently under a pending contract for the purchase of the subject site contingent on the rezoning of the property. The applicants intend to close on the property and submit a request for annexation into the City of Tomball if they receive favorable votes during the initial public hearings on the rezoning request. The applicants are seeking a Planned Development (PD) zoning district to develop a gated subdivision of custom homes and include a range of community amenities. Furthermore, capitalizing on the mature growth and heavily wooded nature of the site the applicants are seeking to utilize the PD ordinance to require the preservation of mature growth as well as mature vegetative buffering along the periphery of the subdivision.

Origination: Zion Woods LLC, represented by Blue Kite Building Group

Recommendation:

City staff recommends approval of Zoning Case P22-350.

Party(ies) responsible for placing this item on agenda: Jared Smith, City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2022
&
CITY COUNCIL
DECEMBER 19, 2022**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2022 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, December 19, 2022 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P22-350: Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

Zoning Case P22-367: Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

Case P22-394: Request by the City of Tomball to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”.

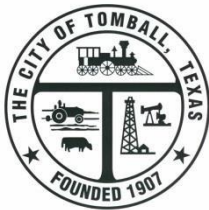
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at jasmith@tomballtx.gov.

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 **9th** day of **December 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith
Jared Smith
City Planner

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.tomballtx.gov.



Notice of Public Hearing

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

CASE NUMBER: P22-350

APPLICANT/OWNER: Zion Woods LLC, represented by Blue Kite Building Group

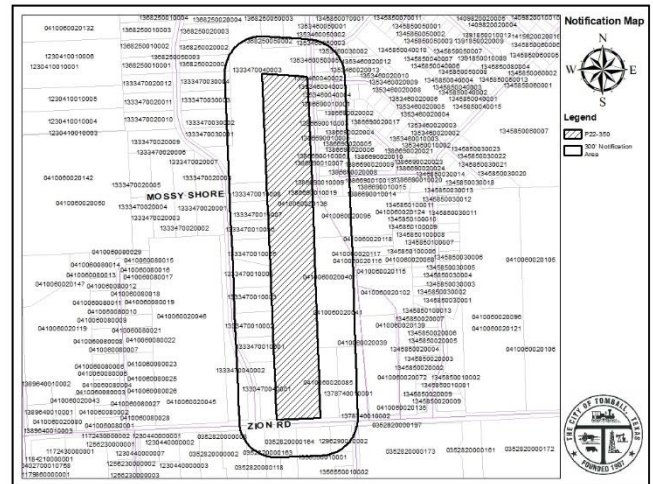
LOCATION: The property is located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

PROPOSAL: A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development.

CONTACT: Jared Smith, City Planner
PHONE: (281) 290-1491
E-MAIL: jasmith@tomballtx.gov

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

This notice is being mailed to all owners of real property within 300 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



**Planning & Zoning Commission
Public Hearing:
Monday, December 12, 2022 @ 6:00 PM**

**City Council Public Hearing:
*Monday, December 19, 2022 @ 6:00 PM**

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

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



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
Attn: Jared Smith
501 James Street
Tomball, TX 77375

Name: Shawn Leimann

(please print)
Address: PO Box 1567

Tomball TX 77377

Signature: [Handwritten Signature]

Date: 12/7/22

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350**. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350**. (Please state reasons below)

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

Monday, December 12, 2022 @ 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, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I Am happy they ARE
saving Tree's

You may also comment via email to jasmith@tomballtx.gov.

Please reference the case number in the subject line.

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

Jared Smith

From: Gus Jacob <gjacob61@hotmail.com>
Sent: Wednesday, December 7, 2022 11:19 AM
To: Jared Smith
Subject: Fw: P22-350

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am **AGAINST** the Rezoning on the public case for the zoning case **P22-350**

-

REASON: I have not as yet seen a workable storm drainage plan for the proposed site

sig: Gus H. Jacob
Dec. 7, 2022

Gus H. Jacob
12704 Zion Rd
Tomball, Tx 77375



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
Attn: Jared Smith
501 James Street
Tomball, TX 77375

Name: Sarah Stotts
(please print)
Address: 12711 Zion Rd
Tomball, TX 77375
Signature: [Handwritten Signature]
Date: 11/22/22

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, December 12, 2022 @ 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, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

We do not need another neighborhood that will end up run down w/ trash and extra traffic!

You may also comment via email to jasmith@tomballtx.gov.

Please reference the case number in the subject line.

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



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
Attn: Jared Smith
501 James Street
Tomball, TX 77375

Name: Jeffie Cappadonna
(please print)
Address: 12727 Zion Rd
Tomball, TX 77375
Signature: *Jeffie*
Date: 11/20/22

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, December 12, 2022 @ 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, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Absolutely NO! We do not
need the extra traffic. Nor do
we need another neighborhood that will
turn run down trash and decrease the

You may also comment via email to jasmith@tomballtx.gov.

Please reference the case number in the subject line.

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

value of
our homes

Jared Smith

From: Allison Lobue <allisonlobue@hotmail.com>
Sent: Tuesday, November 29, 2022 1:15 PM
To: Jared Smith
Subject: Case number: P22-350

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Name: David and Allison Lobue
Address: 30702 Spring Lake Blvd
Tomball, TX 77375

To whom it may concern, we vote AGAINST the requested rezoning as explained on the public notice for ZONING CASE P22-350.

We feel that allowing a residential development to be put in will negatively affect the anesthetic of our neighborhood. Many neighbors, as well as ourselves, bought homes and land here under the belief that the land in question was zoned for AG and want it to stay that way. We like having a wooded area behind us and no back neighbors. We are concerned about privacy. Lastly, we feel a development might negatively affect our home and property value.

Thank you,
Allison and David Lobue

Sent from my T-Mobile 5G Device

Jared Smith

From: Luke and Jill McCarley <mccarldl@yahoo.com>
Sent: Friday, December 9, 2022 2:57 PM
To: Jared Smith
Subject: Re: Case #P22-350

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jared,

Thank you for the detailed response. That makes sense. I would still like to be listed as opposed due to the high concentration of homes in such a small but nicely wooded area. I'm not sure how they will have room left for any significant presence of trees.

Thanks again for a very helpful response.

Luke

On Friday, December 9, 2022 at 02:37:54 PM CST, Jared Smith <jasmith@tomballtx.gov> wrote:

Luke,

Thank you for the email. I will include your response in our materials provided to the commission and city council. Although, I'm uncertain as to whether to document your response as in favor or opposed. To provide some clarification on drainage/detention. The plan for this development is to provide onsite drainage/detention for the development. They will utilize underground detention that once it reaches a certain capacity will overflow into two planned retention/detention ponds located at the front of the property. Once these planned retention/detention ponds reach a certain capacity they will outfall toward the existing drainage ditches along Zion Road.

Ultimately, the request that is being considered by the Planning & Zoning Commission and City Council at this time is land use. Once land use is approved, it is up to the developer to have a licensed professional engineer design the drainage/detention of the site. The plans for detention/drainage will need to be submitted to both the City of Tomball City Engineer as well as the Harris County Engineer for review. These engineers will ensure that the plans submitted provide adequate drainage/detention so as to not adversely affect neighboring properties.

Would you like to specify whether or not you are in favor or opposed?

Thank you,

From: Luke and Jill McCarley <mccarldl@yahoo.com>
Sent: Friday, December 9, 2022 2:11 PM
To: Jared Smith <jasmith@tomballtx.gov>
Subject: Case #P22-350

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Smith,

My name is Luke McCarley and I live at 30710 Spring Lake Blvd. (HCAD #1333470010003). We bought our home in July from Karen Duhon.

I am writing to express my concern regarding the development of the 22+ acres by applicant Zion Woods LLC. I am not opposed to a development, and I realize that both sides of this land are already developed, but the proposal for 90+ houses in such a small area is concerning. I am also concerned that the details of this development plan seem very preliminary and I would like to know that it is being properly reviewed before it is approved. From what I have been told, the developer of the Reserve at Spring Lake made concessions to the owner of the Zion Woods when he was developing our neighborhood (for proper drainage, etc.) and I think that the same consideration is due to us from the developer of his acreage. The construction of 90+ homes without any pond retention for flooding, etc. seems risky. Hopefully this will not fall on the Reserve at Spring Lake to protect both areas from flooding during heavy rains.

Thank you for your diligence in reviewing my concerns about this proposal.

Sincerely,

Luke McCarley



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
Attn: Jared Smith
501 James Street
Tomball, TX 77375

Name: Mustafa Milce Khaled + Panyelle Khaled
(please print)
Address: 30810 Spring Lake Blvd.
Tomball, TX 77375
Signature: [Handwritten Signature]
Date: 12-7-22

I am FOR the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

I am AGAINST the requested Rezoning as explained on the attached public notice for Zoning Case P22-350. (Please state reasons below)

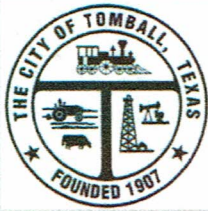
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Date, Location & Time of City Council meeting:
Monday, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I do not want Zion Woods LLC
to develop 12700 Zion Road to single
family homes. This would not be a proper use
of this 22 acres of land. Too many homes for
22 Acres. This would destroy our community. I am
against this development.

You may also comment via email to jasmith@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Jared Smith @ 281-290-1491.



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
Attn: Jared Smith
501 James Street
Tomball, TX 77375

Name: George P Daily

(please print)
Address: 30818 Spring Lake Blvd
Tomball TX 77375

Signature: Amy P Way

Date: 12/9/2022

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

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COMMENTS:

please see attached comments

You may also comment via email to jasmith@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Jared Smith @ 281-290-1491.

Zoning Case Number: P22-350

Name: George P. and Patricia S. Daily

Address: 30818 Spring Lake Blvd Tomball TX 77375

HCAD: 1333470010007

Date: 12/9/2022

We are AGAINST the requested rezoning.

Please see comments below. These comments are based on sketches of the proposed development provided to us by Jared Smith on December 8, 2022. The complete ordinance was not available at the time as Jared said it was still in draft.

Our concerns regarding the proposed rezoning are as follows:

Overcrowding:

The proposal has 94 two-story home sites within a narrow 22-acre parcel. The proposed lot sizes are approx. 6,750 square feet. While this is just above the City of Tomball minimum, this is much smaller than the adjacent Raleigh Creek Neighborhood, which has average lot sizes of over 9000 sq ft and nearly 300 single family home sites already. We believe adding that many new lots into such a small area goes against the City of Tomball's desire to prevent overcrowding that may hinder city services of infrastructure and public safety. We are against rezoning to Planned Development of lots less than 20,000 square feet for this 22-acre parcel.

Drainage:

Since moving to Tomball in 2015 and experiencing the heavy rainfalls between then and now, we can attest to the drainage issues. We know from firsthand knowledge, as well as information from our neighbors on either side of the 22-acre parcel, the 22-acre parcel is subject to standing water and poor drainage during and after heavy rains. The concern would be if the drainage is not properly addressed in this challenging narrow parcel of land with so many new homes, it could impact new homeowners as well as adjacent property owners like us.

Wildlife Management:

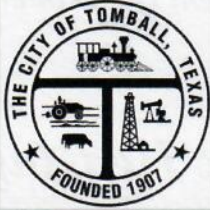
Our understanding is the current 22-acre parcel of land has a Harris County Wildlife Management designation for tax purposes, which is understandable given the amount of deer, birds and other wildlife that can be seen on the property. It would be a shame to destroy this greenspace that has sheltered local wildlife over the years.

Trees:

The proposal indicates that a 20-foot buffer of trees will be maintained between the exterior property line and a new fence to surround the new development. However, from our vantage point, almost all of the western edge of the 22-acre parcel where the utility easement is located today has very little foliage in that 20-foot area. Without a bigger buffer area, more trees will be taken out than left behind. And given the small lot sizes, most of the lot will be there to accommodate the house and not trees and foliage.

Kinder Morgan Natural Gas Pipeline.

The Kinder Morgan Natural Gas Pipeline transects the proposed development. It appears that there will be a park, swimming pool and clubhouse on the pipeline easement. Our concern is the heavy construction equipment used in the initial construction phases and the risk of possible damage to the pipeline when the equipment constantly crosses over the easement.



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
Attn: Jared Smith
501 James Street
Tomball, TX 77375

Name: LeighAnn Summer Taylor
(please print)
Address: 30926 Spring Lake Blvd
Tomball, TX 77375
Signature: LeighAnn S. Taylor
Date: 11/28/22

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-350. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, December 12, 2022 @ 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, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

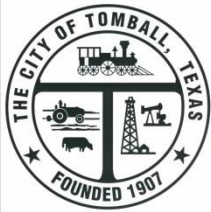
COMMENTS:

Tomball - Hometown with a heart; vote with your heart.
Zion Rd can't handle anymore traffic or flooding issues.
Please drive down Zion Rd at 7AM on a weekday to see
how bad the traffic is. This property is zoned agricultural
NOT Planned development. We don't need to develop every piece
of land within the city limits. I'm against this request!

You may also comment via email to jasmith@tomballtx.gov.

Please reference the case number in the subject line.

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 12, 2022
City Council Public Hearing Date: December 19, 2022

- Rezoning Case:** P22-350
- Property Owner(s):** Zion Woods LLC
- Applicant(s):** Blue Kite Building Group
- Legal Description:** 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50.
- Location:** 12700 block (north side) of Zion Road, within Harris County, Texas.
- Area:** 22.84 acres
- Comp Plan Designation:** Ranch Rural & Estate (Exhibit “B”)
- Present Zoning and Use:** N/A (Exhibit “C”) Vacant (Exhibit “D”)
- Request:** Rezone from Agricultural (AG) to Planned Development (PD #18) District

Adjacent Zoning & Land Uses:

- North:** Agricultural (AG) / Single Family Residential Residences
- South:** Single Family Residential – 20 (SF-20)/ Single Family Residences
- West:** Agricultural (AG) / Single Family Residential Residences
- East:** Not Applicable & Single Family Residential - 20 / Single Family Residences

BACKGROUND

Over the past several months’ city staff has held multiple pre-development meetings with the applicants to discuss the potential development of the subject property into a residential subdivision. The subject site presently falls entirely outside the city limits of Tomball. The applicants are currently under a pending contract for the purchase of the subject site contingent on the rezoning of the property. The applicants intend to close on the property and submit a request for annexation into the City of Tomball if they receive favorable votes during the initial public hearings on the rezoning request. The applicants are seeking a Planned Development (PD) zoning district to develop a gated subdivision of custom homes and include a range of community amenities. Furthermore, capitalizing on the mature growth and heavily wooded nature of the site the applicants are seeking to utilize the PD ordinance to require the preservation of mature growth as well as mature vegetative buffering along the periphery of the subdivision.

ANALYSIS

Description: The subject property is approximately 22.84 acres and is located on the north side of Zion Road. The site is approximately 350 feet wide by 2,750 feet in depth. The long and narrow dimensions of the subject property present significant development challenges that have likely led to the property remaining undeveloped. Immediately west and north of the subject property is a single-family residential subdivision within Agricultural (AG) zoning, this subdivision is comprised of lots with a minimum size of 1 acre. East of the subject property are tracts of land outside the city limits of Tomball and hence not within a zoning designation but utilized for residential purposes. Also east of the subject site is a subdivision located within the city limits of Tomball within Single Family Residential – 20 (SF-20) zoning, this subdivision is comprised of lots with a minimum size of 9,000 square feet, the preliminary plat reviewed for this subdivision occurred prior to the adoption of zoning in 2008. South of the subject property are single-family residential homes located within Single Family Residential – 20 (SF-20) zoning.

According to Section 50-80 in the City of Tomball Code of Ordinance; Planned Developments Districts may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- a) To provide for a superior design on lots or buildings;
- b) To provide for increased recreation and open space opportunities for public use and enjoyment;
- c) To provide amenities or features that would be of special benefit to the property users or to the overall community;
- d) To protect or preserve natural amenities and environmental assets such as trees; creeks, ponds, floodplains, slopes, viewscapes, or wildlife habitats;
- e) To protect or preserve existing historical buildings, structures, features, or places;
- f) To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- g) To meet or exceed the standards of this chapter.

According to the Planned Development Application (Exhibit “E”) and the development regulations, the proposed Planned Development will promote a private single-family residential community with convenient access to recreation facilities including but not to be limited to open spaces, pool, clubhouse, playground, picnic facilities, and walking/hiking trails.

All residential lots will have a minimum area of 5,250 square, a minimum lot width of 50’, and a minimum lot depth of 105’. During initial conversations with city staff regarding lot sizes the applicant planned to provide lots that would be a minimum of 50’x125’ with a minimum area of 6,250 square feet; this is slightly larger than the 6,000 square foot lot size ordinarily applicable in the Single Family – 6 Residential zoning district. Following conversations with city staff regarding the enforceability of maintaining the planned 20-foot-wide undisturbed vegetative buffer along the rear property boundaries of each individual lot, staff encouraged the applicants to create a 20-foot-wide reserve along the rear of all lots in the subdivision. By creating a single reserve the undisturbed vegetative buffer yard will remain owned by the HOA and thus be much easier to ensure that it remained undisturbed indefinitely. Subsequently, in providing this reserve the lots effectively lost 20-feet of depth and thereby became the proposed dimension of 50’x105’ with minimum areas of 5,250 square feet. Although the lots became smaller with the reserve, overall the density of lots/homes within the subdivision remains the same. Within the subdivision, there shall be a minimum 1-acre park and recreational reserve centrally located within the development,

which may include a clubhouse, pool, playground, and picnic facilities providing convenient access throughout the community by sidewalk and walking/hiking trails. Within the required recreational reserve(s), a minimum of three (3) community-serving amenities must be provided as specified in the PD ordinance. Moreover, no less than 20% of the overall development shall be dedicated as open space.

Regarding the preservation of environmental assets, this Planned Development ordinance and associated concept plans identify buffer areas within which all vegetation is to remain undisturbed during/after construction. This undisturbed vegetation will serve as an effective transitional land use buffer between the subject property and larger lot residential developments located on the east, west, and north sides of the property. Furthermore, as identified in the concept plan within the PD ordinance there are identified “Yard Areas”, within these designated yard areas all existing trees are to remain in accordance with the standards outlined in the PD ordinance. Which states that all trees greater than 4 inches in caliper within the required yard areas must be preserved during and after construction in accordance with the standards outlined in Section 50-113 (h)(*Tree Preservation*). Any tree greater than 4 inches in caliper removed during or after construction must be replaced in accordance with the table provided within the PD ordinance.

Comprehensive Plan Recommendations: The property is designated as “Ranch Rural & Estate” by the Comprehensive Plans Future Land Use Map. This Ranch Rural Estate land use category is intended for “areas that represent bucolic character”, the land use is defined by an abundance of a natural landscape.

According to the Comprehensive Plan, land uses include large lot residential, conservation subdivisions, and agricultural enterprises. The built environment should be complimented by large amounts of green space such as mature woodlands.

The Comprehensive Plan recommends zoning districts of Agricultural (AG), SF-20-E (Single-Family Estate Residential-20), and PD (Planned Development).

Additionally, the Comprehensive Plan states – The following considerations should be used as guidance for regulatory modifications or as part of decision making: New nonresidential development is appropriate where it is designed to reflect the rural character. Also, consideration should be given to using aggregate measures for housing density to allow for the clustering of housing and the preservation of open space.

Staff Review Comments:

The Comprehensive Plan identifies the need for new residential developments to provide linkages to parks and trails. Having these features provided in subdivisions has been shown to improve the quality of life of residents and positively impact property values. The city should encourage new development to provide connection and/or integration of these amenities into their overall design. Further, the Comprehensive Plan identifies the desire for the City of Tomball to protect the rural character and lifestyle of the community. According to the Comprehensive Plan, this can be achieved in smaller lot subdivisions when larger amounts of open space are provided and the conservation of natural features is prioritized. City staff believes that although the subdivision will be comprised of smaller lots, the rural intent of the Ranch Rural & Estate land use category is being met with the intensive preservation measures being implemented by the PD ordinance.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on November 18, 2022. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P22-350.

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan Map
- C. Zoning Map
- D. Site Photo
- E. Planned Development Application
- F. Planned Development Ordinance

Exhibit "A" Aerial Photo



Exhibit "B" Comprehensive Plan



Exhibit "C" Zoning Map

Item E.1

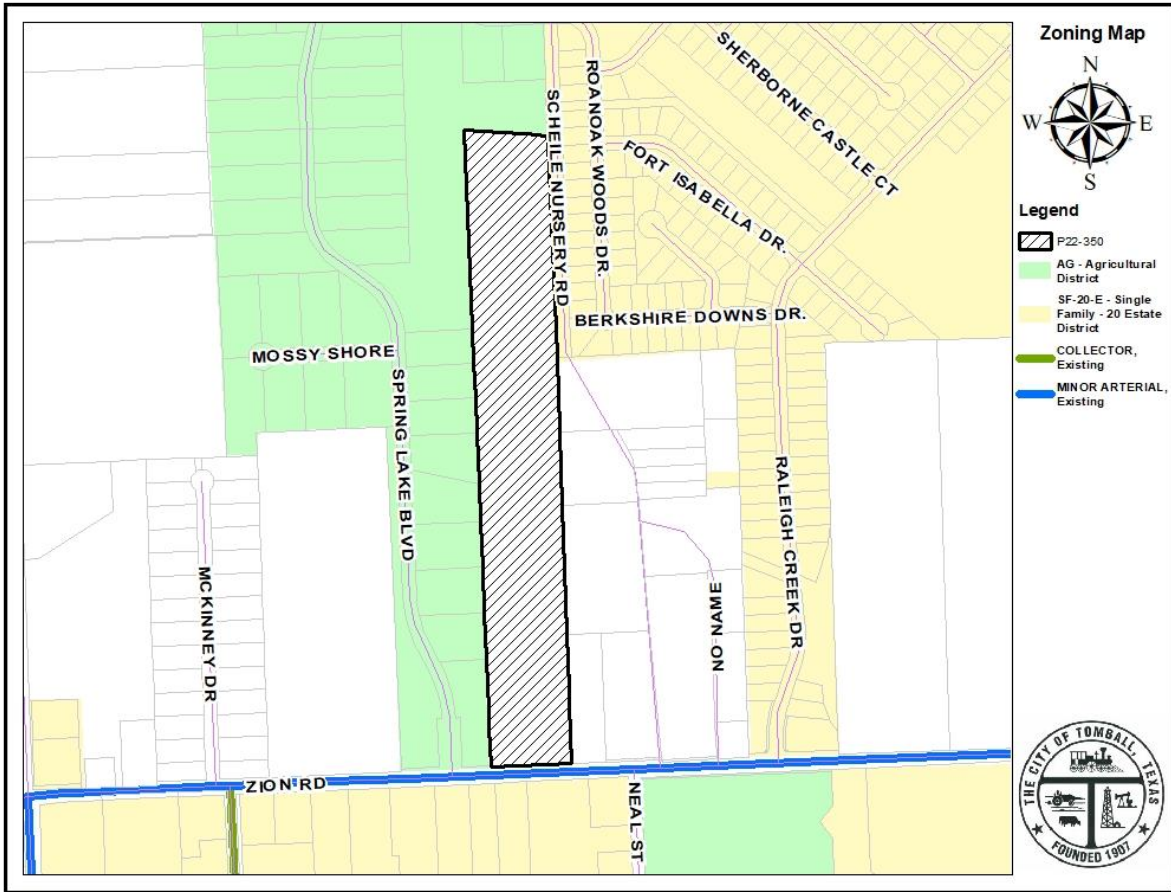


Exhibit "D"
Site Photo(s)



Neighboring Property (East)



Neighboring Property (West)

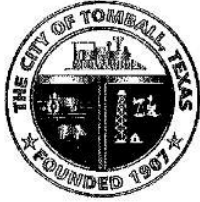




Exhibit "E" Rezoning Application

DocuSign Envelope ID: 70A38368-61F1-46A4-8C51-7C3D6733D4D7

Revised: 4/13/2020



APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

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: Blue kite building Group Title: _____
Mailing Address: 2138D Welch St. City: Houston State: TX
Zip: 77019 Contact: Matt Kimich
Phone: (281) 785-5486 Email: matt@bluekitebuilding.com

Owner

Name: zion woods llc Title: Llc
Mailing Address: P.O. Box 1567 City: Tomball State: Texas
Zip: 77377 Contact: _____
Phone: (713) 709860 Email: SDL899@mac.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Gated single family residential development

Physical Location of Property: 12718 ZION RD.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 20060033498
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG

Current Use of Property: none

Proposed Zoning District: PD - SF9

Proposed Use of Property: residential development

HCAD Identification Number: 0410060020136 Acreage: 22.814

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov



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  8-22-22
Signature of Applicant Date

X  8/22/22
Signature of Owner Date



October 3rd, 2022

Mayor and City Council
City of Tomball
401 Market Street
Tomball, TX 77375

RE: ZION RD. PLANNED DEVELOPMENT

Blue Kite Building Group is submitting the application for the Zion Rd. Planned Development.

We intend to develop the 22.8 acre tract as described under C.F. NO. 20060033498 into a gated single-family residential community. The tract is located on the northside of Zion Rd, 100ft east of Spring Lake Blvd, and 300ft west of Schiel Nursery Dr.

The following is a list of items included with this submittal:

- 1) Completed Application
- 2) Survey of the Tract
- 3) Planned Development Text
- 4) Concept Plan
- 5) Open Space
- 6) Renderings

Please contact Matt Kimich at Blue Kite Building Group with any questions or if further information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Kimich", with a long, sweeping flourish extending to the right.

Matt Kimich
Blue Kite Building Group
CEO

Exhibit B

Planned Development

22.8 Acres Tomball (Zion Road Tract)

- A. Contents. This final development plan includes the following sections:
 - a. General Provisions
 - b. Land Uses
 - c. Development Regulations for Single-Family Lots
 - d. Amenities and Landscape regulations
 - e. Open Space and Trails
 - f. Building Regulations

- B. General Provisions
 - a. The Planned Development, PD, approved herein, must be constructed, developed, and maintained in compliance with the ordinance and other ordinances of the City in effect at the effective date of this PD Ordinance. If any provisions or regulations of any city ordinance applicable in a SF-6 (Standard Single-Family Residential) is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this Ordinance apply to this PD as through written herein, except when the city regulation or provision conflicts with a provision in this ordinance.
 - b. Except as otherwise provided herein, the words used in this planned development have the meaning established by the Development Code.
 - c. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this final development plan:
 - i. Exhibit C – Concept Plan
 - ii. Exhibit C1 – Landscape, amenities, and Open Space Plan
 - iii. Exhibit C2 – Tree Preservation Plan
 - d. As shown on Exhibit C, the PD encompasses 22.8 acres, located on the northside of Zion Rd, 100ft east of Spring Lake Blvd, and 300ft west of Schiel Nursery Dr.

- C. Land Uses
 - a. SFR: Permitted land uses are listed below.

Use	SIC Code
Private Household Services	8811
Dwellings – Single Family	99
Parks and Recreational Facilities, Public or Private	99
Residential Sales Office (Temporary)	

- D. **Development Regulations for Single Family Lots** — Maximum 99 lots permitted. The total lot count may vary from that shown in Exhibit C so long as it is generally in a configuration with what is shown on Exhibit C. See H. Minor Modifications for permitted variations to the land plan.

Single-family home sites within the PD shall be developed in accordance with the following regulations:

- a. The minimum lot width shall be 50 feet wide.
 - b. Lots shown on Exhibit C
 - i. Minimum lot area: 50ft wide lots shall have a minimum area of 5,250 square feet.
 - ii. Minimum lot width: 50 feet. Lot width shall be measured at the building line.
 - iii. Minimum lot depth: 105 feet
 - iv. Maximum lot coverage: 40% (lot acreage shall include building footprint only)
 - c. Minimum building setbacks:
 - i. Front yard: 20 feet; (measured from front building line)
 - ii. Rear yard: 15 feet
 - iii. Side yard: 5 feet, 10 feet on street side of a corner lot.
- E. **Amenities and Landscape Regulations**— As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:
- a. Recreation site and amenities:
 - i. A minimum 1-acre recreational reserve, centrally located within the development, may include a pool, playground, and picnic facilities, etc.
 - ii. A minimum 24, off-street head-in parking spaces shall be provided. The off-street parking may be provided thru dedicated parking lot, parallel parking and/or a combination of both. At a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - iii. Amenities must include (but are not limited to) Three of the following:
 1. Recreation center/Clubhouse
 2. Playground
 3. Picnic Facilities
 4. Pavilions
 5. Swimming Pool/ Splash pads
 6. Dog Park
 7. Active Recreation Facilities (Basketball, Tennis, Soccer, Baseball. Etc.)
 8. Walking, Biking, Hiking Trails
 - b. Landscape buffers:
 - i. 20-foot minimum buffer yard shall be provided along all street-side property boundaries for residential lots and along Zion Road. Lots/Reserves designated for recreation and amenity areas shall be exempt from this requirement.

- ii. 20-foot minimum undisturbed vegetative buffer reserve, contiguous to lot lines, shall be provided along the rear of all lots adjacent to neighboring properties. As shown on Exhibit C1
- iii. Street trees must be provided along all street-side property boundaries at a rate of 1 tree for every 40 linear feet of frontage. Street trees must be provided within the landscape open space median illustrated in concept plans. All street trees must be a minimum 4-inch caliper and 7 feet in height at the time of planting.
- iv. All landscaping/trees must be installed/protected in accordance with the approved landscape/preservation plan (as prescribed in subsection H of this ordinance). Preservation efforts must be maintained throughout all phases of construction.
- v. Required Buffers shall include trails as illustrated in provided concept Plan(s).
- vi. Tree(s) planned to be preserved that are removed/killed during or after construction must be replaced in accordance with the following table:

Diameter of Tree Removed/Killed (Inches)	Number of Trees that must be planted
4-9	Two Trees
9-15	Three Trees
Over 15	Six Trees

- c. Open Space:
 - i. Minimum 20% space, to be distributed as shown on Exhibit C1
 - ii. Open space shall include all landscape buffers, landscape reserves, open space, reserves, parks, pool areas, and recreation facilities.
 - iii. At a minimum 5 acres shall be provided as parks and recreation facilities
 - iv. All required open space shall be maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1
 - v. Landscaped open space reserve shall be provided within median identified on Exhibit C1

- F. Sidewalks & Trails -As shown on Exhibit C1, the PD shall be developed in accordance with the following:
 - a. Sidewalks:
 - i. Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
 - ii. All sidewalks shall be paved with concrete.

- b. Trails:
 - i. Trail network within median must be a minimum of 8-feet in width.
 - ii. All other trails must be a minimum of 5-feet in width.
 - iii. All trails must be paved with asphalt or concrete.

- G. Minor Modifications --The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance with the applicable Tomball Codes and this Ordinance and approved by the Planning Director.
 - a. Modifications to internal street patterns are allowed
 - b. Modifications to the location of land uses, provide that such relocations meet the minimum area and land use regulations set forth within in this document.
 - c. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
 - d. Modifications to the total acreage provided for each land use set for in Exhibit C are allowed, provided that the modification or series of modifications, shall not result in a net change of greater than 10% in each land use.

- H. ADD: Subdivision Plat Procedure – Platting of the subject property shall be in accordance with all standards and procedures ordinarily applicable within the City of Tomball as prescribed in Chapter 40 of the Tomball Code of Ordinance and shall include the following modifications:
 - a. Prior to the approval of a preliminary plat for the subject property an official tree survey must be conducted by a licensed arborist and submitted to the City of Tomball in conjunction with a landscape/tree preservation plan. Said preservation plan must be consistent with the planned preservation areas identified in the provided concept plan (Exhibit C2). Said landscape and tree preservation plan(s) must be approved by the City of Tomball prior to the start of construction.

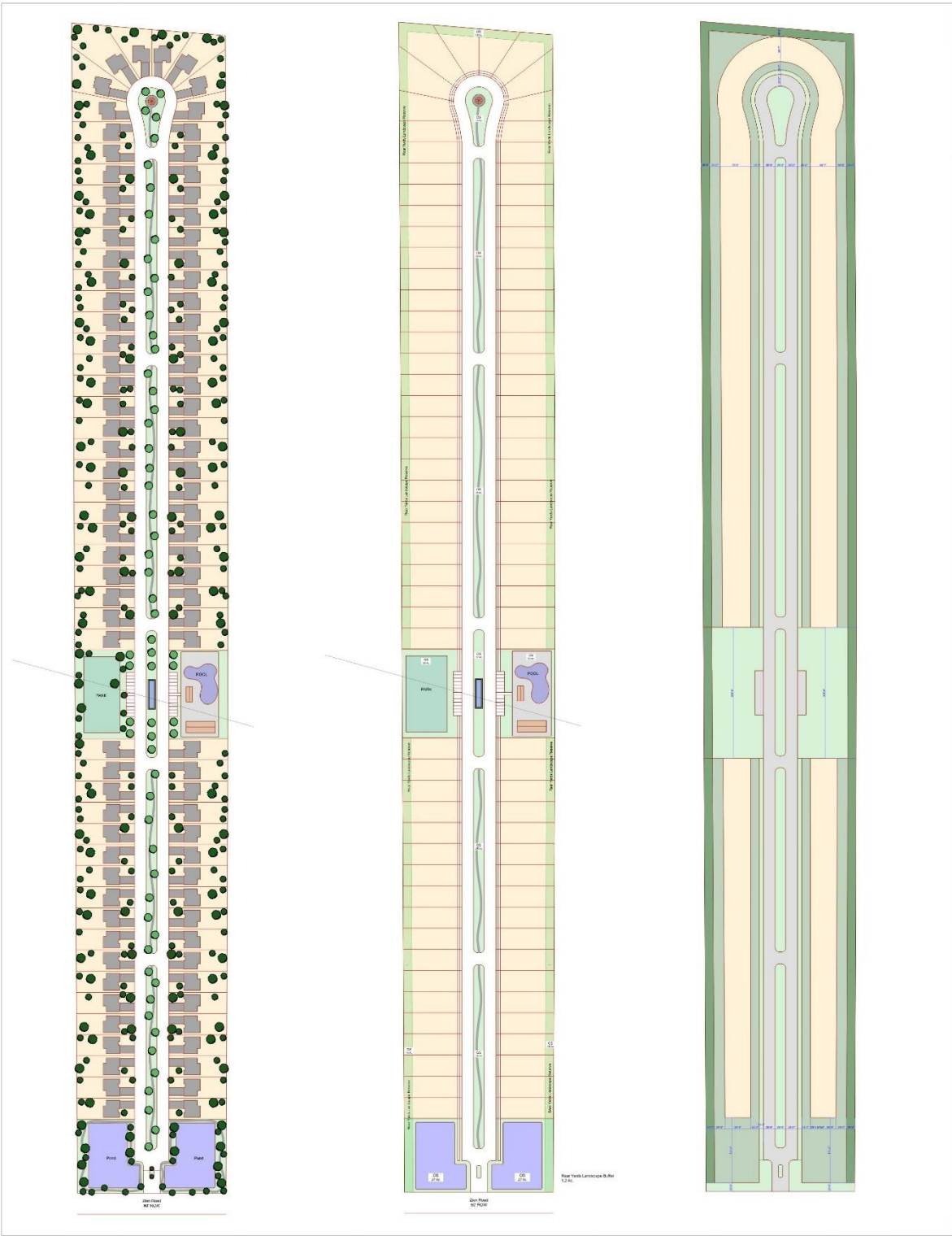


Exhibit C
Concept Plan

Exhibit C1
Open Space Exhibit

Exhibit C2
Tree Preservation Exhibit

- Streets and Parking
All existing trees and vegetation removed
150,285 SF
- Building Area
All existing trees and vegetation removed only after
interlocking with building footprint
306,197 SF
- Manned Area
All existing trees and vegetation removed. New Trees,
shrubs, and landscaping added.
150,891 SF
- Open Space
All existing trees and vegetation to remain. New Trees,
shrubs, and landscaping to be added.
275,903 SF
- Buffer Area
All existing trees and vegetation to remain. New Trees to
be added as needed to buffer property.
115,781 SF

 **Blue Kite Building Group**
2138D Welch St. Houston TX 77019
281-785-5486

Zion Rd. Trac
Planned Developme
22.8 A

Renderings



Renderings



Planning & Zoning Commission Meeting Agenda Item Data Sheet

Meeting Date: December 12, 2022

Topic:

Conduct a Public Hearing and consideration to approve **Zoning Case P22-367:** Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

Background:

The subject property has been located within the City Limits of Tomball since the City’s establishment in 1907. There is presently a single-family residence located on the subject property. According to Harris County Appraisal District records the existing home was built in 1995. In October of this year, it was brought to city staff’s attention that a parking area was created in the rear of the subject property to facilitate spillover parking for the existing office and retail establishment immediately south of the subject site. According to Section 50-82 (Use Regulations Chart) parking lots for passenger cars and trucks of less than one-ton capacity are not permitted by right in Single Family Residential – 6 zoning. Subsequently, city staff sent a notice of violation to the owner of the property informing them that the use of the site for commercial parking is not permitted by right in the current zoning designation. The owner of the property wishes to rezone the site to Old Town & Mixed Use to allow the continued use of the property for commercial parking purposes. Additionally, according to information provided by the applicant, the rezoning to Old Town & Mixed Use will allow the owner to achieve their future plans of operating an office at this location.

Origination: Colleen Pye

Recommendation:

City staff recommends approval of Zoning Case P22-367.

Party(ies) responsible for placing this item on agenda: Jared Smith, City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2022
&
CITY COUNCIL
DECEMBER 19, 2022



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2022 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, December 19, 2022 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P22-350: Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

Zoning Case P22-367: Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

Case P22-394: Request by the City of Tomball to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”.

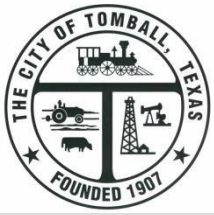
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at jasmith@tomballtx.gov.

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 **9th** day of **December 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith
 Jared Smith
 City Planner

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.tomballtx.gov.



Notice of Public Hearing

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

CASE NUMBER: P22-367

APPLICANT/OWNER: Colleen Pye

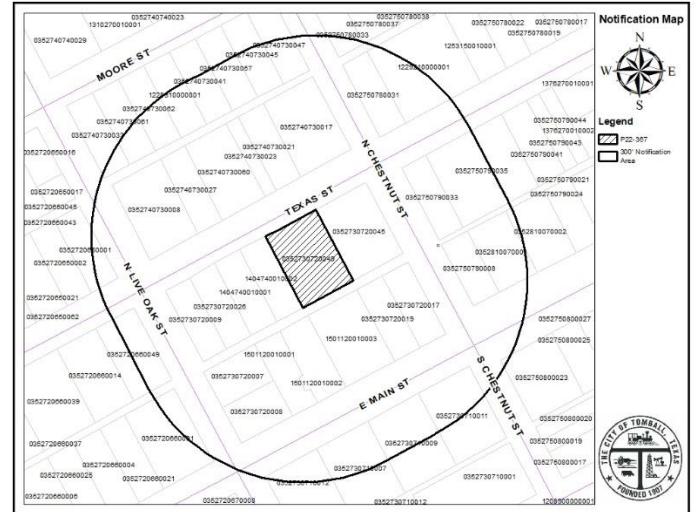
LOCATION: The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU).

CONTACT: Jared Smith, City Planner
PHONE: (281) 290-1491
E-MAIL: jasmith@tomballtx.gov

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

This notice is being mailed to all owners of real property within 300 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.

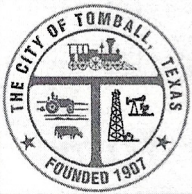


**Planning & Zoning Commission
Public Hearing:
Monday, December 12, 2022 @ 6:00 PM**

**City Council Public Hearing:
*Monday, December 19, 2022 @ 6:00 PM**

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

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



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
Attn: Jared Smith
501 James Street
Tomball, TX 77375

Name: Michael & Gretchen Fagan

(please print) Address: 403 E Main

Tomball, TX 77375

Signature: 

Date: 11/28/2022

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-367. (Please state reasons below)**

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-367. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, December 12, 2022 @ 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, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to jasmith@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Jared Smith @ 281-290-1491.



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
Attn: Jared Smith
501 James Street
Tomball, TX 77375

Name: BETTY A. PALMER
 (please print)
 Address: 112 N. CHESTNUT ST.
TOMBALL, TX. 77375
 Signature: Betty A. Palmer
 Date: 11/28/2022

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-367**. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P22-367**. (Please state reasons below)

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

Monday, December 12, 2022 @ 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, December 19, 2022 @ 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

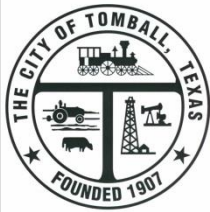
COMMENTS:

There is already an Airbnb across the street from me & now this one is right next to my property owned by the same person.
Afraid my taxes may go up and a little worried about all the different sets of people going in & out. Also a noise factor.

You may also comment via email to jasmith@tomballtx.gov.

Please reference the case number in the subject line.

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 12, 2022
City Council Public Hearing Date: December 19, 2022

- Rezoning Case:** P22-367
- Property Owner(s):** Colleen Pye
- Applicant(s):** Colleen Pye
- Legal Description:** Lots 41, 42, 43, and 44, Block 72 in Revised Map of Tomball
- Location:** 300 block (south side) of Texas Street between at 329 Texas St. (Exhibit “A”)
- Area:** 0.32 acres
- Comp Plan Designation:** Old Town (Exhibit “B”)
- Present Zoning:** Single-Family 6 District (Exhibit “C”)
- Request:** Rezone from the Single-Family 6 District to the Old Town & Mixed-Use District

Adjacent Zoning & Land Uses:

- North:** Single-Family Residential -6 (SF-6)/ Single-family residence(s)
- South:** Old Town & Mixed Use (OT & MU) / Office & Retail Uses
- West:** Single-Family 6 District / Single-family residence
- East:** Single-Family Residential – 6 (SF-6)/ Single-family residence

BACKGROUND

The subject property has been located within the City Limits of Tomball since the City’s establishment in 1907. There is presently a single-family residence located on the subject property. According to Harris County Appraisal District records the existing home was built in 1995. In October of this year, it was brought to city staff’s attention that a parking area was created in the rear of the subject property to facilitate spillover parking for the existing office and retail establishment immediately south of the subject site. According to Section 50-82 (Use Regulations Chart) parking lots for passenger cars and trucks of less than one-ton capacity are not permitted by right in Single Family Residential – 6 zoning. Subsequently, city staff sent a notice of violation to the owner of the property informing them that the use of the site for commercial parking is not permitted by right in the current zoning designation. The owner of the property wishes to rezone the site to Old Town & Mixed Use to allow the continued use of the property for commercial parking purposes. Additionally, according to information provided by the applicant, the rezoning to Old Town & Mixed Use will allow the owner to achieve their future plans of operating an office at this location.

ANALYSIS

Description: The subject property is comprised of approximately 0.32 acres, located in the 300 block on the south side of Texas Street. Immediately north, east, and west of the subject properties are existing single-family residences located within Single Family Residential zoning. South of the subject property is an existing Remax real estate office and book retailer within Old Town & Mixed Use zoning. The Single Family Residential – 6 zoning that the subject site falls within has been in existence since the City of Tomball adopted zoning in 2008.

Comprehensive Plan Recommendation: The property is designated as “Old Town” by the Comprehensive Plans Future Land Use Map. This Old Town category is intended to be “highly walkable and promote a distinct sense of place”.

According to the Comprehensive Plan, “land uses should consist of a mix of residential, office, retail, entertainment, restaurants, and public facilities. Secondary uses include bed and breakfast lodging, live-work buildings, places of assembly or even venues and home professions”.

The Comprehensive Plan recommends the zoning district of – OT & MU (Old Town and Mixed Use) for the Old Town land use category.

According to Section 50-79 (*Old Town and Mixed-Use District*), the nature of the Old Town & Mixed Use District “is a mixture of retail, commercial and other non-residential uses, along with single-family homes and multiple-family uses. The city’s comprehensive plan endorses the continuation of the mixture of uses in these areas”. Additionally, this area “is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses”.

Staff Review Comments:

The request to rezone to Old Town & Mixed-Use (OT & MU) is in accordance with the Future Land Use Map which identifies the subject property as being within the “Old Town” land use category. Rezoning the property as requested would achieve the goals and objectives outlined in the Comprehensive Plan. Particularly in regards to growth and capacity by encouraging infill and redevelopment, while utilizing existing infrastructure within Old Town Tomball. This zone change request will promote the goal of encouraging development with a mixture of uses in a walkable environment. According to the Comprehensive Plan “locating community facilities, services, and limited commercial services within and near existing neighborhoods has the potential to create mutually-beneficial synergies and higher quality of life”. This request also serves to achieve the community livability goal of encouraging the expansion of Old Town so that it continues to grow as the City grows. Given the proximity to Main Street and other existing commercial businesses currently located within Old Town & Mixed Use zoning; this requested zone change will further encourage the mixture of land uses within the immediate area and will not be contrary to the Comprehensive Plan or the Future Land Use Plan. Furthermore, the character of development encouraged by Old Town & Mixed Use zoning are intended to be compatible with nearby single-family residential land uses.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on November 18, 2022. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P22-367.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application

Exhibit "A"
Aerial Photo

Item E.2

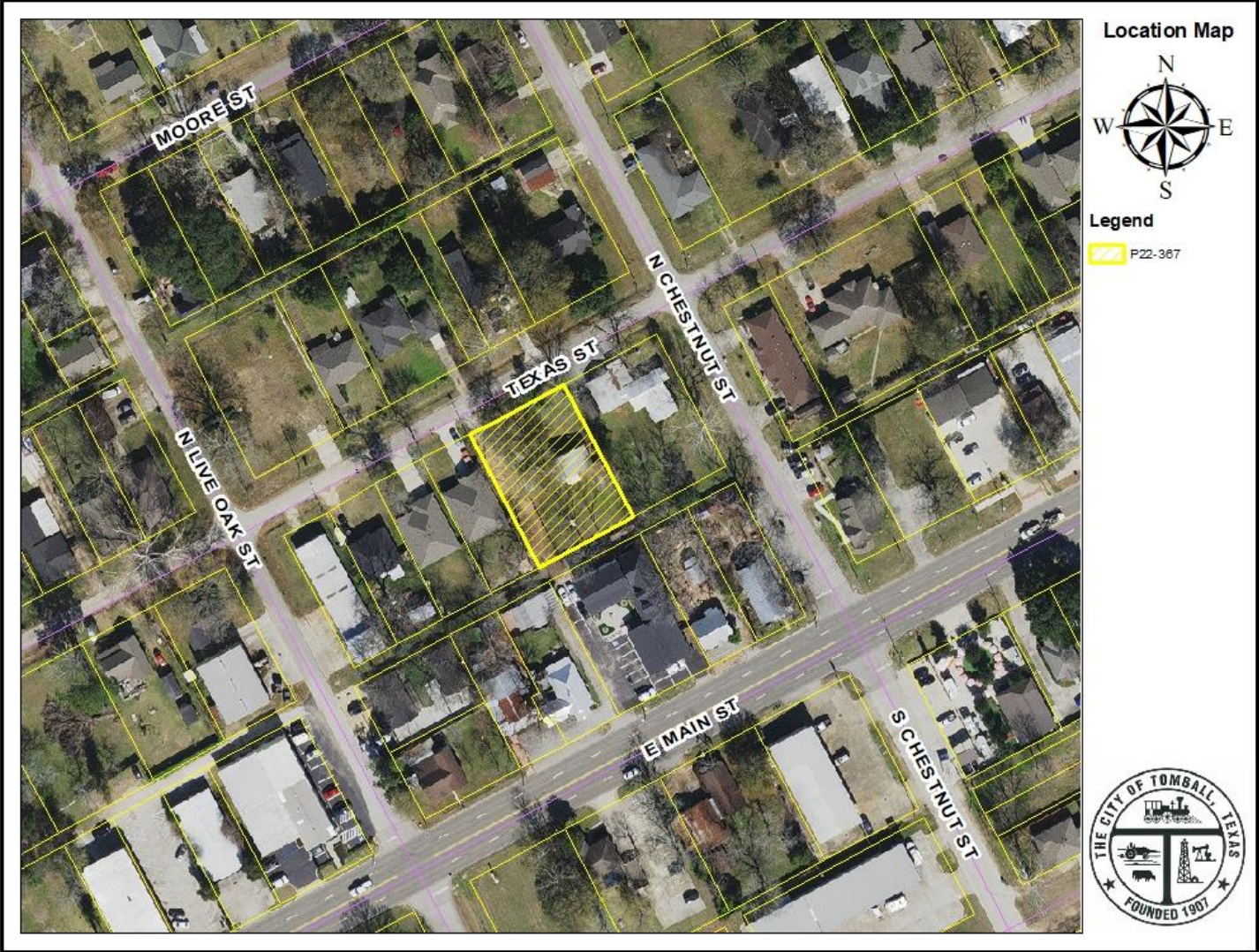


Exhibit "B"
Future Land Use Plan

Item E.2



Exhibit "C" Zoning Map

Item E.2

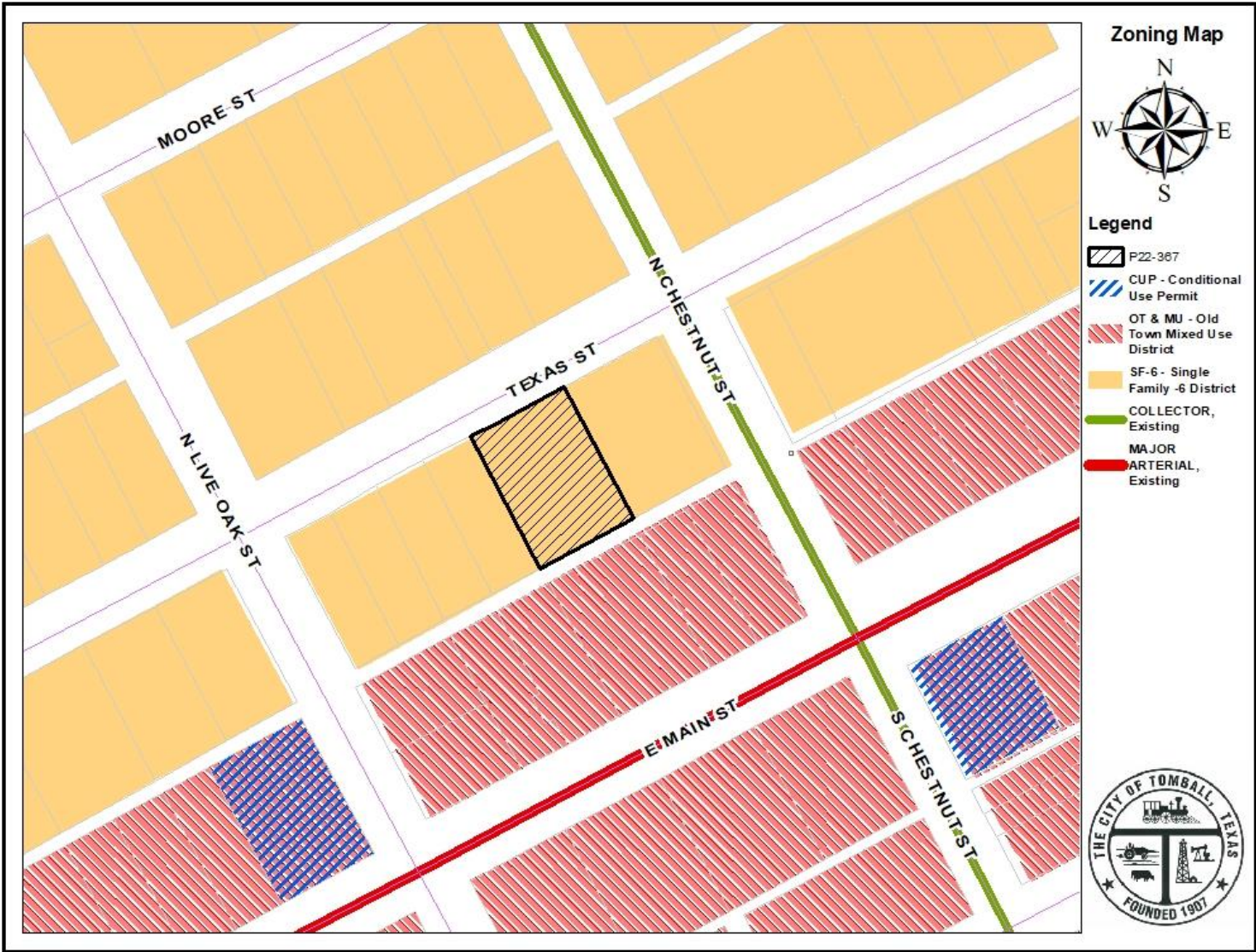


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)



Neighbor (South)



Exhibit "E" Rezoning Application



RECEIVED (KC)
10/18/2022

Revised 5/19/15
P&Z #22-367

APPLICATION FOR REZONING

Community Development Department
Planning Division

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: Colleen Pye Title: Owner
Mailing Address: 207 Florence St City: Tomball State: TX
Zip: 77375
Phone: (281) 932-2784 Fax: () Email: info@colleenpye.com

Owner

Name: Colleen Pye Title: Owner
Mailing Address: 207 Florence City: Tomball State: TX
Zip: 77375
Phone: (281) 932-2784 Fax: () Email:

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: 329 Texas Tomball, TX 77375

Physical Location of Property: 329 Texas Tomball, TX 77375
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Lots 41-44 Block 72
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Single Family 6

Current Use of Property: Single Family 6

Proposed Zoning District: Old Town Mixed Use

Proposed Use of Property: Currently a rental, with oversized yard. Will eventually put a effecincy suite

HCAD Identification Number: 0352730720049 Acreage: 35

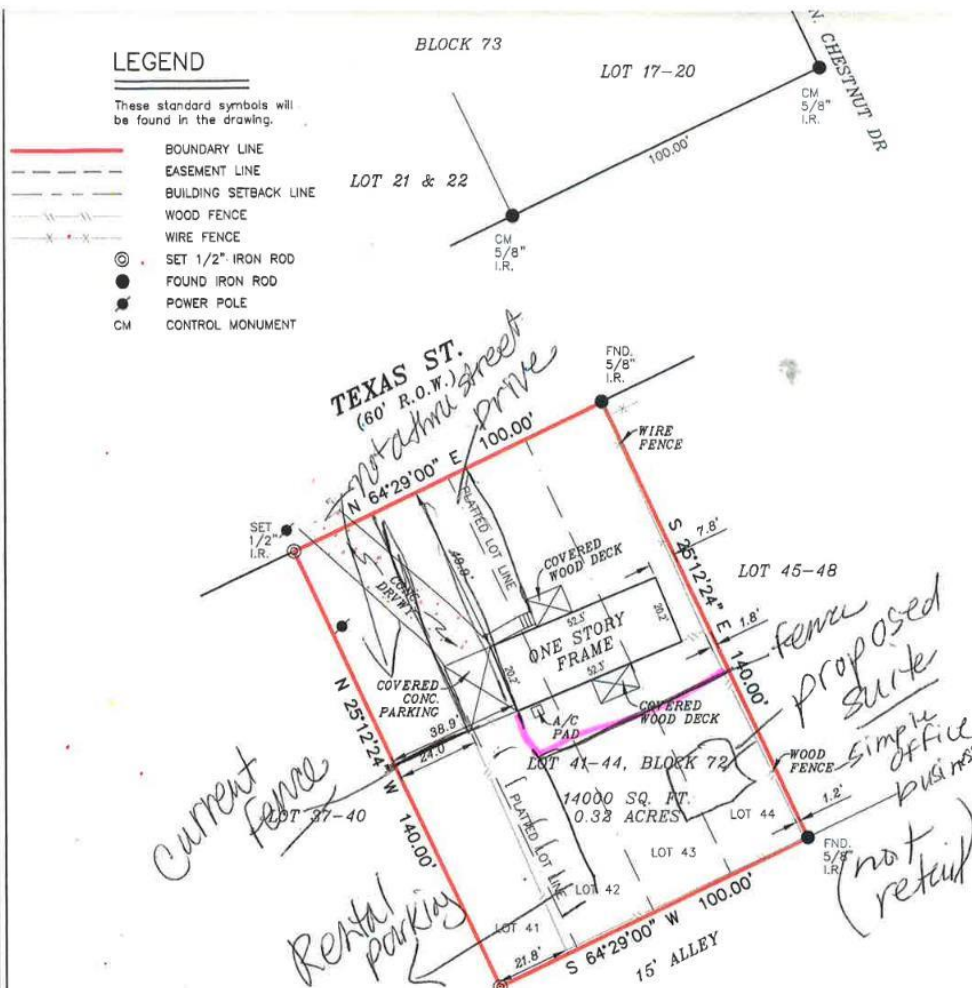
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

From: noreply@tomballtx.gov
To: [Kimberly Chandler](#)
Subject: Receipt #R01337900
Date: Wednesday, October 26, 2022 9:02:57 AM

401 Market Street
401 Market Street
Tomball, TX 77375
(281) 351-5484

DATE : 10/18/2022 8:59 AM
OPER : RP
TKBY : rp
TERM : 2
REC# : R01337900
130.0000 PLANNING AND ZONING
329 texas rezoning pye 400.00

Paid By:329 texas rezoning pye
2-CK 400.00 REF:w 1089



SURVEYOR'S NOTE:
 BASIS OF BEARING, FILM CODE NO. 517146 MAP
 RECORDS OF HARRIS COUNTY, TEXAS.

THIS SURVEY IS BASED ON A TITLE COMMITMENT
 REPORT ISSUED BY STEWART TITLE GUARANTY COMPANY
 GF NO. 17201051962 ISSUED ON 07/31/2017.

FLOOD INFORMATION
 FIRM: 48201C PANEL: 0230 L
 REV. DATE: 06/18/2007
 ZONE: "X"

FLOOD INFORMATION PROVIDED HEREON IS BASED ON
 SCALING THE LOCATION OF THE SUBJECT TRACT ON
 THE FLOOD INSURANCE RATE MAPS, THE INFORMATION
 SHOULD BE USED TO DETERMINE FLOOD INSURANCE
 RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC
 FLOODING CONDITIONS. WE ARE NOT RESPONSIBLE
 FOR THE F.I.R.M.'S ACCURACY.



I, **DONALD MATT COOKSTON**, a Registered Professional Land Surveyor in the State of Texas,
 do hereby certify to **STEWART TITLE COMPANY**
 and
 that the above map is true and correct according to an actual field survey, made by me or under my supervision,
 of the property shown hereon or described by field notes accompanying this drawing. I further
 certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except
 as shown, there are no apparent visible encroachments, no apparent visible overlapping of improvements and
 no apparent discrepancies or conflicts in the boundary lines, as of the date of the field survey.
 Lot(s) **41-44**, Block **72**, **REVISED MAP OF TOMBALL** recorded in
 Volume **4**, Page(s) **25**, of the Map/Deed and Plat Records of **HARRIS** County, Texas,
 located in the **WILLIAM HURD SURVEY, A-371**

LAND TITLE SURVEY

JOB NO.:	1708008258	NO.	REVISION
DATE:	09/04/17		
DRAWN BY:	AV		
APPROVED BY:	DMC		





City of Tomball

Lori Klein Quinn
Mayor

David Esquivel
City Manager

October 14, 2022

PYE COLLEEN
207 Florence St.,
Tomball, TX 77375-6635

First Notice of Violation (Zoning)
RE: 329 Texas Street (HCAD ID: 0352730720049)


Current property owner,

It has come to our attention that the property located at 329 Texas Street (HCAD ID: 0352730720049) is in violation of the City of Tomball Use Regulations Chart (Section 50-82). Specifically, the use of the property as a "Parking lot or garage for passenger cars and trucks of less than one-ton capacity" is not permitted by right within the Single Family Residential - 6 (SF-6) zoning district that the property falls within.

The city is hereby giving you ten (10) days from the receipt of this letter to remove parking lot features and cease the use of this property for commercial parking lot purposes. Following these allotted ten days, a second inspection will be conducted of the site. If this violation is not corrected additional action may be taken by the City as prescribed within Section 1-14. This may include fines up to \$2,000 for each day that the violation persists.

According to the records of Harris County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive the notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not. The notice must be delivered in person or by certified mail, return receipt requested.

Thank you,


Jared Smith
City Planner

*conditional purchase
zoning - old town mixed u*

Enclosed: Pictures; Non-Ownership Affidavit

Certified # 7020 0090 0000 9726 1069

401 MARKET STREET • TOMBALL, TEXAS 77375-4645 • 281-351-5484

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2022
&
CITY COUNCIL
DECEMBER 19, 2022**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2022 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, December 19, 2022 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P22-350: Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.

Zoning Case P22-367: Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas.

Case P22-394: Request by the City of Tomball to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”.

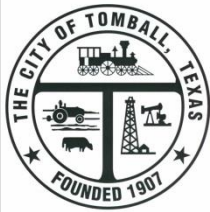
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at jasmith@tomballtx.gov.

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 **9th** day of **December 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith
Jared Smith
City Planner

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.tomballtx.gov.



Ordinance Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: December 12, 2022
City Council Public Hearing Date: December 19, 2022

Case: P22-394

Section(s): Chapter 50, Article I (50-2 *Definitions*), and Chapter 50, Article III (50-82 *Use regulations (charts)*)

Subject: Add definition for “Market, Open Air” and revise Section 50-82 (*Use regulations (charts)*) by revising where/when open-air markets will be permitted.

BACKGROUND

The current land use regulation chart in the City of Tomball Code of Ordinance contains a “Market, open air, flea” land use that is undefined. To clarify this land use category staff is adding a definition that clearly defines what an open-air market is. Additionally, the current code of ordinance allows open-air markets by right within the Old Town & Mixed Use (OT&MU) and Light Industrial (LI) zoning districts, as well as within the Commercial (C) district with the approval of a Conditional Use Permit (CUP). In an effort to guide the development of these open-air markets city staff is proposing that a CUP be required in all three zoning districts. Conditional Use Permits provide an additional opportunity to govern where open-air markets are to be located as well as when they may operate. Additionally, conditional use permits provide opportunities to draft limitations governing a variety of factors including but not to be limited to hours of operations, total vendors allowed, and site lighting.

NOTICE OF PUBLIC HEARING:

A public hearing notice was published in the Potpourri on November 30, 2022.

PROPOSED ORDINANCE AMENDMENT(s):

Code of Ordinance Section(s):

50-2 Definitions

ADD:

Market, Open Air – A temporary outdoor marketplace where two or more vendors are on private property. Where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers.

50-82 Use Regulations (charts)

DELETE:

Types of Land Uses	Residential Zoning Districts											Nonresidential Zoning Districts						OT&MU	Parking ratio (Also see section 50-112)		
	AG	SF-20-E	SF-9	SF-6			D		MF		MHP	O		GR			C			LI	
Retail																					
Market, open air, flea																	C	P		P	1 space per 200 square feet

ADD:

Types of Land Uses	Residential Zoning Districts											Nonresidential Zoning Districts						OT&MU	Parking ratio (Also see section 50-112)		
	AG	SF-20-E	SF-9	SF-6			D		MF		MHP	O		GR			C			LI	
Retail																					
Market, open air																	C	C		C	1 space per 200 square feet

RECOMMENDATION

City staff recommends approval of Case P22-394.