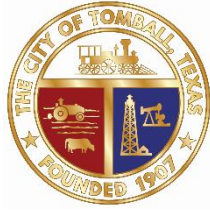


**NOTICE OF PLANNING AND ZONING COMMISSION REGULAR
MEETING
CITY OF TOMBALL, TEXAS**



**Monday, December 11, 2023
6:00 PM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, December 11, 2023 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 Special Joint Planning and Zoning Commission / City Council Meeting of October 9, 2023.
 - D.2 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 13, 2023.
- E. New Business Non-Action Items
 - E.1 Minor Plat of **Graham Road Estates Replat No. 1, Amending Plat No. 1:** A subdivision of 3.7491 Acres, (163,311 Sq. Ft.), being a replat Graham Road Estates Replat No. 1, Film code No. 703881, H.C.M.R. situated in the John M. Hooper Survey, A-375 and the William Hurd Survey, A-378, City of Tomball, Harris County, Texas.

- E.2 Minor Plat of **Fincas Falkane**: A subdivision of 2.672 acres of land being a replat of outlots 88 and 89 Tomball Outlots, five acres Tomball Townsite according to the Plat or Map as recorded in Volume 2, Page 65 of the map records of Harris County, Texas, Ralph Hubbard Survey, Abstract No. 383, City of Tomball, Harris County, Texas.

F. New Business

- E.1 Conduct a Public Hearing and Consideration to Approve **Ordinance Amendment OAM23-03**: Request by the City of Tomball to amend Chapter 50 – Article III (*District Regulations*) adding Section 50-75.1 – Neighborhood Retail District (NR) zoning classification and subsequent district standards. Modifying Section 50-82 (*Use regulations (charts)*). Modifying Section 50-112 (*Off Street Parking and Loading Requirements*) adding parking regulations within the Neighborhood Retail District. Modifying Section 50-113 (*Landscape Requirements*) specifying parking lot screening requirements. Modifying Section 50-115 (*Screening, Buffering and Fencing Requirements*) replacing subsection (b)(1) (*Screening of Non-Residential, Multifamily, and manufactured (mobile) home parks*) with new land use buffering standards.

- E.2 Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-19**: Request by William G. Hightower to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 0.24 acres of land legally described as being Lot 1, Block 1 of Elim from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located within the 300 block (north side) of Mechanic Street, within the City of Tomball, Harris County, Texas.

G. 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 8th day of December 2023 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 11, 2023

Topic:

Consideration to Approve the Minutes of the Special Joint Planning and Zoning Commission / City Council Meeting of October 9, 2023.

Background:

Origination:

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
SPECIAL JOINT PLANNING & ZONING COMMISSION
MEETING CITY OF TOMBALL, TEXAS**

MONDAY, OCTOBER 9, 2023



5:00 P.M.

draft

- A. The meeting was Called to Order by Chairwoman Tague at 5:00 p.m. Other Members present were:
- Commissioner Tana Ross
 - Commissioner Scott Moore
 - Commissioner Susan Harris
 - Commissioner Richard Anderson

Others present:

- Craig Meyers – Community Development Director
- Jared Smith – City Planner
- Kim Chandler – Community Development Coordinator
- Tommy Ramsey – City Attorney

B. Presentations

1. Presentation and discussion by Alexis Garcia from Freese and Nichols, Inc. regarding the Tomball Comprehensive Plan update.
Public was allowed to participate in the discussion:

Colleen Pye
207 Florence St.
Tomball, TX

L. Shannon
823 Lizzie Ln.
Tomball, TX

B. Hillegeist
20339 Telge Rd.
Tomball, TX

2. Presentation and discussion by Paul Howard from Burditt Consultants regarding landscaping, tree preservation, and buffering.

Public was allowed to participate in the discussion:

Rodney Hutson
9431 Rosie Ln.
Magnolia, TX

Barbara Senseman
14243 Turnervine St.
Tomball, TX

C. Adjournment

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 6:14 p.m.

PASSED AND APPROVED this _____ day of 2023.

Kim Chandler
Community Development Coordinator/
Commission Chair Commission Secretary

Barbara Tague
Commission Chair

Planning & Zoning Commission Meeting

Agenda Item

Data Sheet

Meeting Date:December 11, 2023

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 13, 2023.

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 13, 2023



6:00 P.M.

draft

- A. The meeting was Called to Order by Chairwoman Tague at 6:05 p.m. Other Members present were:
- Commissioner Tana Ross
 - Commissioner Scott Moore
 - Commissioner Susan Harris
 - Commissioner Richard Anderson

Others present:

- Craig Meyers – Community Development Director
- Kim Chandler – Community Development Coordinator
- Tommy Ramsey – City Attorney

- B. No Public Comments were received.

- C. Reports and Announcements:

Craig Meyers, Community Development Director announced the following:

- City Council Approved **Ordinance Amendment OAM23-02:** Request by Chris & Tiona Campbell to amend Section 50-82 (*Use Regulations (charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances to allow “Exterminator Service/Company (no outdoor sales or storage)” land use with a Conditional Use Permit (CUP) in the Single Family Residential – 20 Estate (SF-20-E) zoning district.
- City Council Approved **Conditional Use Permit Case CUP23-07:** Request by Chris & Tiona Campbell, for a Conditional Use Permit to allow “Exterminator Service/Company (no outdoor sales or storage)” within Single Family Residential - 20 Estate (SF-20-E) zoning. Affecting approximately 4.94 acres of land legally described as being a portion of Lot 48 in Tomball Townsite. The property is generally located within the 11100-11200 blocks (east side) of Rudolph Road, within the City of Tomball, Harris County, Texas.
- City Council Approved **Re-Zoning Case Z23-14:** Request by TCG Capital to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.00 acres of land legally described as being a portion of Lot 1, Block 1 of Swinghammer/Hauck Subdivision from Single Family Residential-20 Estate (SF-20-E) to Commercial (C). The property is generally located in the 12900 block (north side) of Theis Lane, within the City of Tomball,

Harris County, Texas.

- City Council Approved on First Reading with a postponement of Second Reading until 11/20/2023 on **Re-Zoning Case Z23-15**: Request by Par Real Estate Holdings LLC. and Ron & Amy Haffner, represented by HMF-Americana LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 48.95 acres of land legally described as being all of Lots 1, 2, and 3 of the Shoppes at Spring Creek Commons, Section 1. Lot 1, Block 1 of Brown-Hufsmith Commercial and approximately 9.98 acres being a portion of the J House Survey Abstract 34. The request is to rezone from a mixture of Commercial (C), General Retail (GR), Planned Development District #1 (PD #1) and Single Family Residential – 20 Estate (SF-20E) to a Planned Development District (PD). The properties are generally located at the northeast corner of SH 249 and Brown-Hufsmith Rd as well as the 29700 block (west side) of Quinn Road, within the City of Tomball, Harris County, Texas.

D. Approval of Minutes:

Motion was made by Commissioner Anderson, second by Commissioner Moore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 9, 2023.

Motion was amended by Commissioner Anderson, second by Commissioner Moore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 9, 2023. The meeting was called to order by Chairwoman Tague at 6:37 p.m. following the conclusion of the Joint Meeting with City Council.

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 **Reserve HK-5**: A subdivision of 5.00 Acres (217,803 Square Feet), being a partial replat of a new Lot 1, Block 1, Tomball South Commercial No. 2, Film Code No. 659297, H.C.M.R., situated in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, Harris County, Texas.

Craig Meyers, Director of Community Development, presented staff approval with minor conditions.

F. New Business:

- F.1 Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-16**: Request by HH 11701 Properties LLC., represented by Austin Haynes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 12.11 acres of land legally described as being a portion of the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pilot Survey, Abstract 632 from Agricultural (AG) to Light Industrial (LI). The property is located at 11701 Holderrieth Road, within Harris County, Texas.

Craig Meyers, Director of Community Development, presented with staff approval.

Austin Haynes, representing the Developer (13011 Blossomheath Road, Cypress, TX 77429), spoke on behalf of the request.

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

Owner, Hoelscher Weatherstrip Mfg. Co., (2400 S. Persimmon Street, Tomball TX 77375), mailed a public notice in favor of the request.

Hearing no additional comments, the Public Hearing was closed at 6:18 p.m.

Motion was made by Commissioner Harris, second by Commissioner Anderson, to approve **Re-Zoning Case Z23-16.**

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 Moore	<u>Aye</u>
Commissioner Harris	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>

Motion Carried (Unanimously).

- F.2 Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-17:** Request by Daniel Rodano, represented by Sendero Ventures LLC., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 1.06 acres of land legally described as being a portion of the John Smith Survey, Abstract No. 730 from Single Family Estate Residential – 20 (SF-20-E) to Commercial (C). The property is generally located within the 1100 block (north side) of E. Hufsmith Road, within the City of Tomball, Harris County, Texas.

Craig Meyers, Director of Community Development, presented with Staff Approval.

Scott Burrer and Juan Sanchez, representing Sendero Ventures, LLC (26410 Oak Ridge Drive, #108, The Woodlands, TX 77380), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:25 p.m.

Barbara Seber, (10801 Hufsmith-Kuykendahl Road, Tomball, TX 77375), mailed a public notice in favor of the request.

Richard & Christina Breaux, (1155 E. Hufsmith Road, Tomball TX 77375), mailed a public notice in opposition of the request.

Paul Garcia, (12211 Zion Road, Tomball TX 77375), mailed a public notice in opposition of the request.

Ofilia Garcia, (12211 Zion Road, Tomball TX 77375), spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 6:32 p.m.

Motion was made by Commissioner Ross, second by Commissioner Anderson, to approve **Re-Zoning Case Z23-17**.

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 Moore	<u>Aye</u>
Commissioner Harris	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>

Motion Carried (Unanimously).

- F.3 Conduct a Public Hearing and Consideration to Approve **Zoning Case Z23-18**: Request by Brian Mai to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 0.172 acres of land legally described as Lot 9, Block 1 of Main Street – Tomball from Single Family Residential – 6 (SF-6) to General Retail (GR). The property is located within the 100 block (east side) of Holderrieth Boulevard, within the City of Tomball, Harris County, Texas.

Craig Meyers, Director of Community Development, presented with Staff Approval.

Brian Mai, Owner, (112 S. Vernon Street, Tomball, TX 77375), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:45 p.m.

Hearing no comments, the Public Hearing was closed at 6:46 p.m.

Motion was made by Commissioner Moore, second by Commissioner Harris, to approve **Re-Zoning Case Z23-18**.

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 Moore	<u>Aye</u>
Commissioner Harris	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>

Motion Carried (Unanimously).

G. Adjournment

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 6:49 p.m.

PASSED AND APPROVED this _____ day of 2023.

Kim Chandler
Community Development Coordinator/
Commission Chair Commission Secretary

Barbara Tague
Commission Chair

Planning & Zoning Commission

Agenda Item

Data Sheet

Meeting Date: December 11, 2023

Topic:

Minor Plat of **Graham Road Estates Replat No. 1, Amending Plat No. 1:** A subdivision of 3.7491 Acres, (163,311 Sq. Ft.), being a replat Graham Road Estates Replat No. 1, Film code No. 703881, H.C.M.R. situated in the John M. Hooper Survey, A-375 and the William Hurd Survey, A-378, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Staff approves with no conditions

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

CITY OF TOMBALL

Plat Name: Graham Road Estates, Replat No.1 , Amending Plat No. 1 Plat Type: Minor

Construction Drawings for Public Facilities required? Yes ☐ No ☐ N/A ☒

Plat within City Limits ☒

Within Extraterritorial Jurisdiction ☐

Planning and Zoning Commission Meeting Date: December 11, 2023

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

Community Development approves this plat with no contingencies.

STATE OF TEXAS
COUNTY OF HARRIS

We, HEADQUARTERS TOO, LLC A TEXAS LIMITED LIABILITY COMPANY, acting by and through DEVIN LICATA and PETER LICATA, Owners, hereinafter referred to as Owners of the 3.7491 acre tract described in the above and foregoing map of GRAHAM ROAD ESTATES REPLAT NO 1 AMENDING PLAT NO 1, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions, and notations on said plat and hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

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 one and three quarters (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, HEADQUARTERS TOO, LLC A TEXAS LIMITED LIABILITY COMPANY, has caused these presents to be signed by DEVIN LICATA and PETER LICATA, thereunto authorized, this the ____ day of _____, 20____.

HEADQUARTERS TOO, LLC A TEXAS LIMITED LIABILITY COMPANY

By: _____
DEVIN LICATA

By: _____
PETER LICATA

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared DEVIN LICATA and PETER LICATA of HEADQUARTERS TOO, LLC A TEXAS LIMITED LIABILITY COMPANY, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledgment to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 20____.

Notary Public in and for the
State of Texas

My Commission Expires: _____

I, HEADQUARTER TOO, LLC A TEXAS LIMITED LIABILITY COMPANY, owner of the property directly affected by this amending plat, being lot 1 out of block 1 as indicated hereon consent to this amending plat for the purposes in this section expressed.

By: _____
DEVIN LICATA

By: _____
PETER LICATA

I, Lucas G. Davis, 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 accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.

Lucas G. Davis
Registered Professional Land Surveyor
Texas Registration No. 6599

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of GRAHAM ROAD ESTATES REPLAT NO 1 AMENDING PLAT NO 1 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

the ____ day of _____, 20____.

By: _____
Craig Meyers
Director of Community Development

I, Tenneshia Hudspeth, 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 _____, 20____, at _____

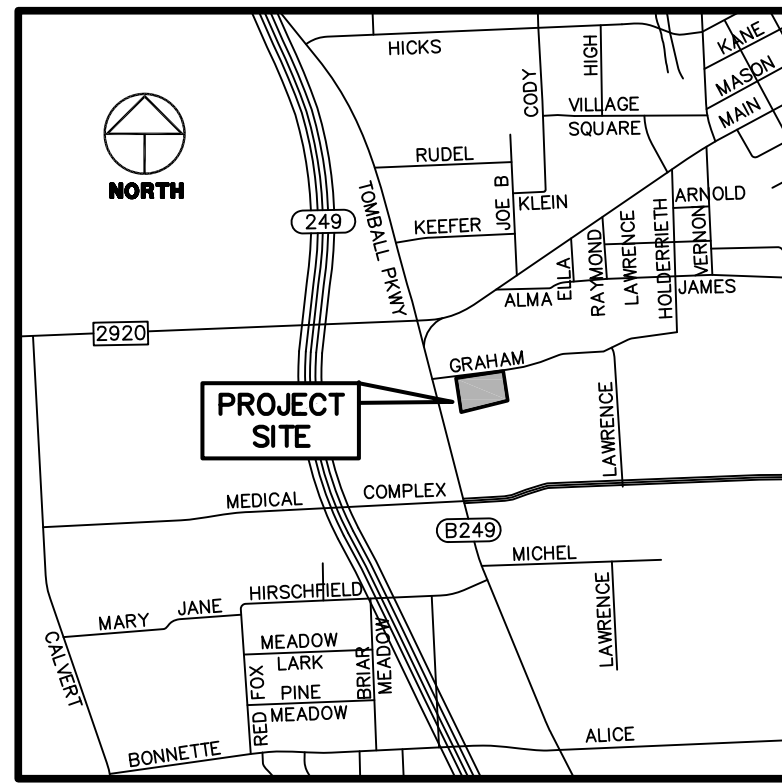
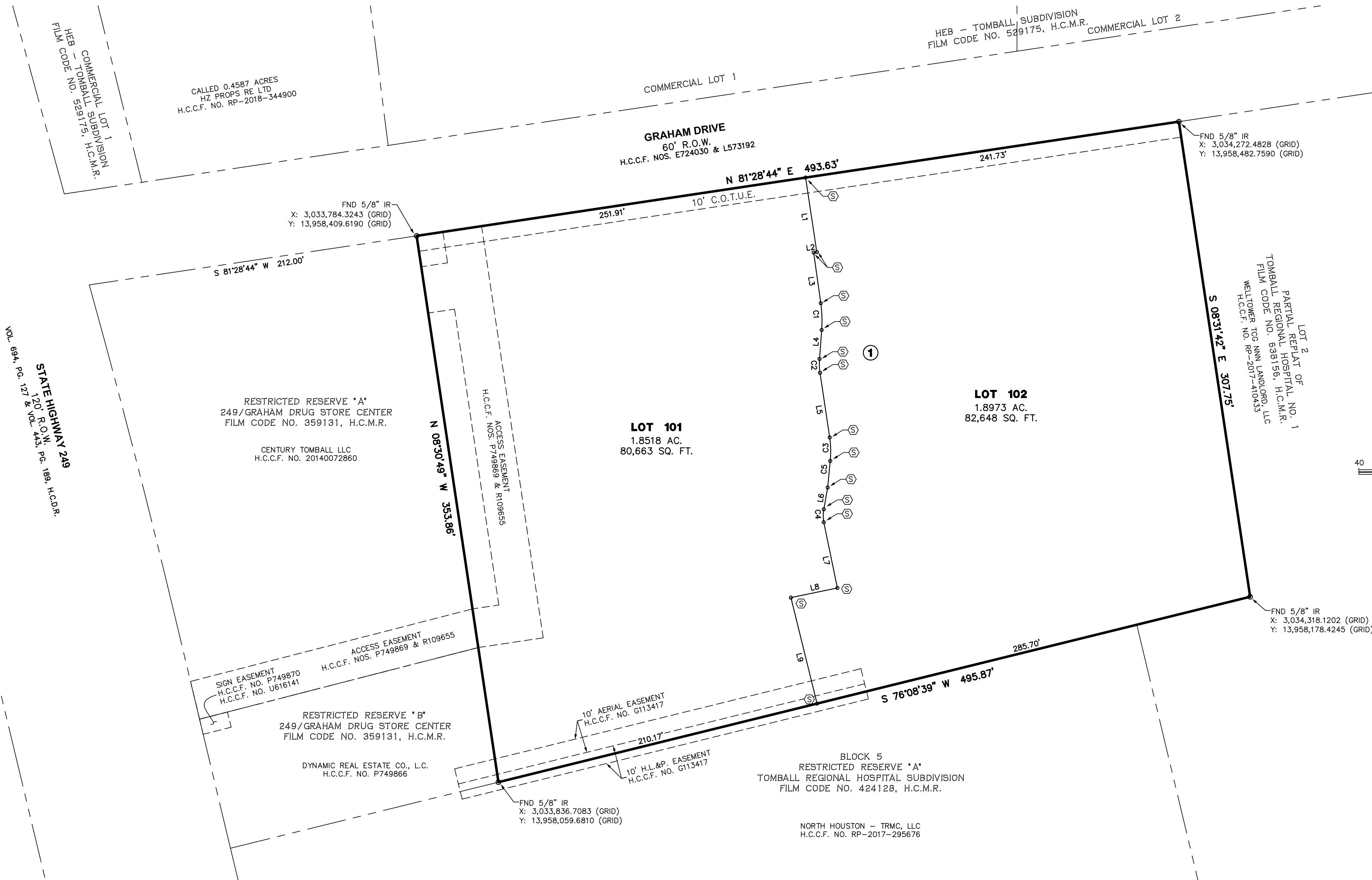
o'clock ____M., and duly recorded on _____, 20____, at _____

o'clock ____M., and at Film Code Number _____ of the Map Records of Harris County for said county.

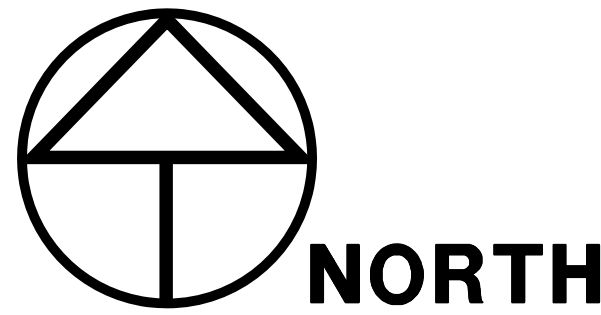
Witness my hand and seal of office, at Houston, the day and date last above written.

Tenneshia Hudspeth
County Clerk
Of Harris County, Texas

By: _____
Deputy



CITY OF TOMBALL, HARRIS COUNTY, TEXAS
VICINITY MAP
SCALE: 1" = 2000'



GRAPHIC SCALE: 1" = 40'

40 0 40 80 120 Feet

ABBREVIATIONS

FND - FOUND
H.C.C.F. - HARRIS COUNTY CLERK FILE
H.C.D.R. - HARRIS COUNTY DEED RECORDS
H.C.M.R. - HARRIS COUNTY MAP RECORDS
IP - IRON PIPE
IR - IRON ROD
NO. - NUMBER
PG. - PAGE
R.O.W. - RIGHT-OF-WAY
SQ. FT. - SQUARE FEET
VOL. - VOLUME
ESMT. - EASEMENT
C.O.T.U.E. - CITY OF TOMBALL UTILITY EASEMENT
U.E. - UTILITY EASEMENT
H.O.A.E. - HOME OWNER'S ASSOCIATION EASEMENT
(S) - SET 5/8" CAPPED IR "WINDROSE"

GENERAL NOTES

1. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSES OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.

2. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) FOR HARRIS COUNTY, TEXAS, MAP NO. 48201C021Q, REVISED/DATED JUNE 18, 2007, THE SUBJECT TRACT APPEARS TO BE WITHIN UNSHADED ZONE "X". THIS DETERMINATION WAS DONE BY GRAPHIC PLOTTING AND IS APPROXIMATE ONLY, AND HAS NOT BEEN FIELD VERIFIED. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, ON RARE OCCASIONS FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF WINDROSE LAND SERVICES.

3. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83). ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES AND MAY BE BROUGHT TO GRID BY APPLYING THE FOLLOWING SCALE FACTOR: 0.9999445448.

4. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.

5. ALL OIL/GAS WELLS (PLUGGED, ABANDONED, AND/OR ACTIVE) WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.

6. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF THE CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF THE CENTERLINE OF HIGH PRESSURE GAS LINES.

7. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVED AND VALID COVENANTS OR RESTRICTIONS.

8. A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED TO THIS PLAT IS CENTERED ON THE GAS MAIN EXTENSION FROM THE CITY OF TOMBALL RIGHT-OF-WAY OR CITY OF TOMBALL UTILITY EASEMENT UP TO AND AROUND THE GAS METER.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 08°33'00" E	48.23'
L2	S 81°27'00" E	2.04'
L3	S 08°00'48" E	32.77'
L4	S 04°13'50" W	18.61'
L5	S 08°29'45" E	41.88'
L6	S 10°02'55" W	14.18'
L7	S 11°44'34" E	43.04'
L8	S 78°15'26" W	30.43'
L9	S 13°50'44" E	69.91'

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	BEARING
C1	12°14'37"	80.51'	17.20'	N 01°53'29" W
C2	12°43'34"	39.99'	8.88'	S 02°07'57" E
C3	14°24'15"	60.01'	15.09'	S 01°17'37" E
C4	19°42'25"	23.99'	8.25'	S 00°11'43" W
C5	00°46'04"	1280.56'	17.16'	S 05°31'28" W

GRAHAM ROAD ESTATES REPLAT NO 1 AMENDING PLAT NO 1

A SUBDIVISION OF
3.7491 AC. / 163,311 SQ. FT.

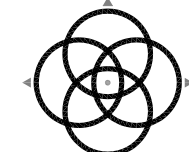
BEING AN AMENDING PLAT OF GRAHAM ROAD
ESTATES REPLAT NO 1, FILM CODE NO. 703881, H.C.M.R.
SITUATED IN THE JOHN M. HOOPER SURVEY, A-375
AND THE WILLIAM HURD SURVEY, A-378
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

1 BLOCK 2 LOTS
DECEMBER 2023

REASON FOR AMENDING PLAT: TO ADJUST THE LOT LINE BETWEEN LOTS 101 AND 102

Owner
HEADQUARTERS TOO, LLC
A TEXAS LIMITED LIABILITY COMPANY
3302 CANAL STREET
HOUSTON TEXAS 77003
303-305-9707

Surveyor



WINDROSE
LAND SURVEYING | PLATTING

FIRM REGISTRATION NO. 10108800
713.458.2281 | WINDROSESERVICES.COM
5353 W SAM HOUSTON PKWY N, SUITE 150, HOUSTON TX 77041

Planning & Zoning Commission

Agenda Item

Data Sheet

Meeting Date: December 11, 2023

Topic:

Minor Plat of **Fincas Falkane**: A subdivision of 2.672 acres of land being a replat of outlots 88 and 89 Tomball Outlots, five acres Tomball Townsite according to the Plat or Map as recorded in Volume 2, Page 65 of the map records of Harris County, Texas, Ralph Hubbard Survey, Abstract No. 383, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Staff approves with conditions:

- Prior to official approval and recordation, the pipeline easement(s) affecting this property must be illustrated. Said easement(s) being those granted to Humble Oil & Refining Company, as identified in the instruments filed for record under Volume 1053, Page 263; Volume 1235, Page 544 and Volume 1452, Page 428, of the Deed Records of Harris County, Texas. If these easements have been formally released, copies of the recorded legal instruments authorizing said release must be provided to the Community Development Office.

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 _____

CITY OF TOMBALL

Plat Name: Fincas Falkane

Plat Type: Minor

Construction Drawings for Public Facilities required? Yes ☐ No ☐ N/A ☒

Plat within City Limits ☒

Within Extraterritorial Jurisdiction ☐

Planning and Zoning Commission Meeting Date: December 11, 2023

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

Community Development approves this plat with the following contingencies:

- Prior to official approval and recordation, the pipeline easement(s) affecting this property must be illustrated. Said easement(s) being those granted to Humble Oil & Refining Company, as identified in the instruments filed for record under Volume 1053, Page 263; Volume 1235, Page 544 and Volume 1452, Page 428, of the Deed Records of Harris County, Texas. If these easements have been formally released, copies of the recorded legal instruments authorizing said release must be provided to the Community Development Office.

STATE OF TEXAS

COUNTY OF HARRIS

We, VENI VIDI VICI, LLC, - Series S, acting by and through Michael Burns, Managing Member and Renee Burns, Managing Member, being officers of VENI VIDI VICI, LLC, - Series S, owners in this section after referred to as owners of the 2.6719 acre tract described in these above and foregoing plat of FINCAS FALKANE, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown therein for the purposes and considerations thereon expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'-6") for ten feet (10'-0") perimeter easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter easements from a plane sixteen feet (16'-0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

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 one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

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

IN TESTIMONY WHEREOF, the VENI VIDI VICI, LLC, - Series S, has caused these presents to be signed by Michael Burns, Managing Member and Renee Burns, Managing Member, thereunto authorized this _____ day of _____, 2023.

VENI VIDI VICI, LLC, - Series S

By: _____
Michael Burns
Managing Member

By: _____
Renee Burns
Managing Member

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2023.

Notary Public in and for the
State of Texas

Print Name: _____

My Commission expires: _____

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2023.

Notary Public in and for the
State of Texas

Print Name: _____

My Commission expires: _____

I, Daniel W. Goodale, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, south central zone.



Daniel W. Goodale
Texas Registration No. 4919

This is to certify that the planning and zoning commission of the city has approved this plat and subdivision of FINCAS FALKANE in conformance with the laws of the state and he ordinances of the city as shown hereon an authorized the recording of this plat this _____ day of _____, 2023.

By: _____
CRAIG MEYERS
DIRECTOR OF COMMUNITY DEVELOPMENT

I, Teneshia Hudspeth, 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 _____, 20____, at _____ o'clock _____ M., and duly recorded on _____, 20____, at _____ o'clock _____ M., and at Film Code Number _____ of the Map Records of Harris County for said county.

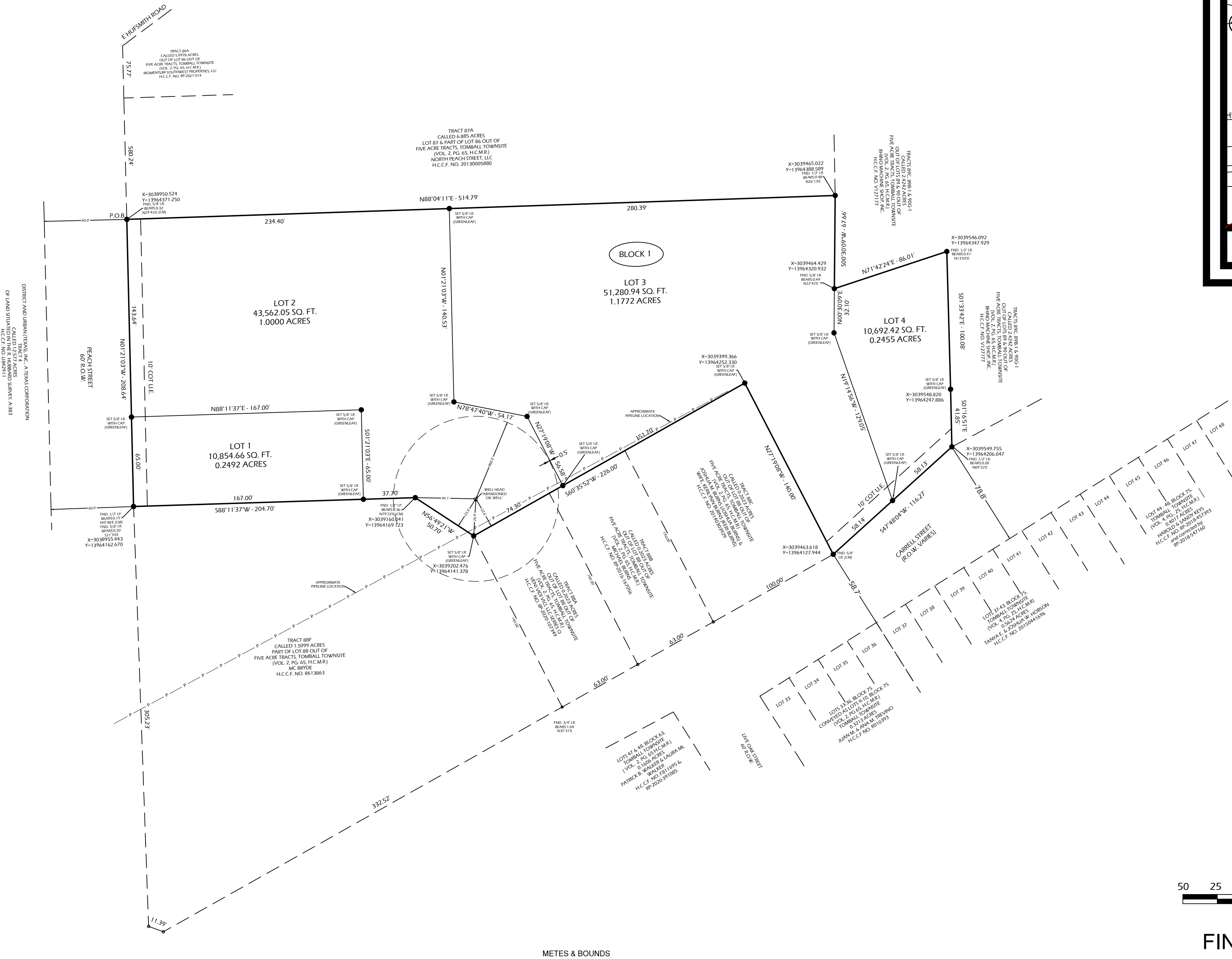
Witness my hand and seal of office, at Houston, the day and date last above written.

Teneshia Hudspeth
County Clerk
Of Harris County, Texas

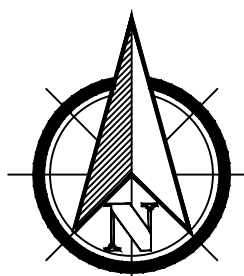
By: _____
Deputy

NOTES:

- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency or it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale of 0.99948627.
- According to the FEMA Panel No. 48201C0230L (Effective Date 06-18-2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- A ten foot wide City of Tomball utility easement is hereby dedicated to this plat and is centered on the gas main extension from the City of Tomball right-of-way or City of Tomball utility easement up to and around the gas meter.
- Pipeline easement(s) affecting the subject property granted to Humble Oil & Refining Company, as set forth and defined by instrument(s) filed for record under Volume 1053, Page 263; Volume 1235, Page 544 and Volume 1452, Page 428, of the Deed Records of Harris County, Texas.



LEGEND:
P.O.B. - POINT OF BEGINNING
FND. - FOUND
I.R. - IRON ROD
C.M. - CONTROL MONUMENT
D.C.L. - DIRECTIONAL CONTROL LINE
H.C.M.R. - HARRIS COUNTY MAP RECORDS
H.C.D.R. - HARRIS COUNTY DEED RECORDS
H.C.C.F.NO. - HARRIS COUNTY CLERK FILE NUMBER
R.O.W. - RIGHT-OF-WAY
COT U.E. - CITY OF TOMBALL EASEMENT



SCALE:
1"=50'

50 25 0 50 100

FINCAS FALKANE

A SUBDIVISION OF 2.6719 ACRES OF LAND BEING A REPLAT
OUT OF OUTLOTS 88 AND 89
TOMBALL OUTLOTS
FIVE ACRES TOMBALL TOWNSITE
ACCORDING TO THE PLAT OR MAP
AS RECORDED IN VOLUME 2, PAGE 65
OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS
RALPH HUBBARD SURVEY, ABSTRACT NO 383
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

REASON FOR REPLAT: TO CREATE 4 LOTS

4 LOTS 1 BLOCK

OWNER:

VENI VIDI VICI, LLC- SERIES S
22739 TOMBALL CEMETERY ROAD
TOMBALL, TX 77377

DATE: NOVEMBER, 2023 SCALE: 1" = 50'

LAND PLANNER:

OWENS MANAGEMENT SYSTEMS, LLC
12401 S. POST OAK ROAD, SUITE H
HOUSTON, TEXAS 77045
713-643-6333

GREENLEAF LAND SURVEYS, LLC
11500 NORTHWEST FWY, STE 160
HOUSTON, TEXAS 77092ON, TEXAS 77079
832-668-5003
FIRM # 10193977
ORDERS@GLLSURVEYS.COM
WWW.GREENLEAFLANDSURVEYS.COM

Being a tract or parcel containing 2.6719 acres (116,390.06 square feet) of land out of outlots 88 and 89 of tomball townsite in the ralph hubbard survey, abstract no. 383, in harris county, texas, according to the map of plat thereof recorded in volume 2, page 65 of the map records of harris county, texas, and being that same certain tract of land conveyed to veni vidi vici, llc.- series s, by deed recorded in harris county clerk's file (h.c.c.f.) no. rp-2020-107356 of the official public records of real property in harris county texas (o.p.r.r.p.h.c.t.) and being more particularly described by metes and bounds as follows with all bearings and grid coordinates based on the texas state plane coordinate system (nad 83) south central zone no. 4204 derived from g.p.s. observation:

Beginning at a point in the east right of way line of peach street (platted as 30.0 feet wide, monumented 60.0 feet wide r.o.w.) at the northwest corner and point of beginning of the herein described 2.6719 acre tract of land, from where a found 5/8 inch iron rod bears n29°43'e-0.32 feet, same being the southwest corner of a called 6.885 acre tract (called tract 87a) conveyed by deed recorded in harris county clerk's file (h.c.c.f.) no. 20130005880, o.p.r.r.p.h.c.t. to north peach street, llc. and also being the southwest corner of a 20.0 feet wide right of way and easement recorded in h.c.c.f. no. d407881, harris county deed records (h.c.d.r.);

Thence, n88°04'11"e, with the north line of this described 2.6719 acre tract, same being the south line of said 6.885 acre north peach street, llc. tract and the 20.0 feet wide right of way and easement in h.c.f. no. d407881, h.c.d.r., a distance of 514.79 feet to a point for the northeast corner, from where a found ½ inch iron rod bears n26°13'e-0.48 feet;

Thence, s00°30'09"w, with an interior east line of the herein described 2.6719 acre tract of land, same being the west line of a called 2.4242 acre tract conveyed by deed to rhino machine shop, inc. recorded in h.c.c.f. no. v127177, h.c.d.r., a distance of 67.66 feet to a point for an angle point corner, from where a found 5/8 inch iron rod bears n22°42'e-0.44 feet;

Thence, n71°42'24"e, with the northwesterly line of this described 2.6719 acre tract, same being the southeasterly line of said rhino machine shop, inc. called 2.4242 acre tract, a distance of 86.01 feet to a point for the easterly most northeast corner, from where a found 1/2 inch iron rod bears n13°03'e-0.41 feet;

Thence, s01°33'42"e, with the east line of the herein described 2.6719 acre tract, same being the west line of said 2.4242 acre rhino machines shop, inc. tract, a distance of 100.08 feet to a set 5/8 inch iron rod with cap (stamped greenleaf) for an angle point for corner;

Thence, s01°16'51"e, continuing with the same said common line with this described 2.6719 acre tract and the 2.4242 acre rhino machine shop, inc. tract, a distance of 41.85 feet to a point for the southeast corner from where a found ½ inch iron bears n09°22'e- 0.28 feet;

Thence, s47°48'04"w, with the southerly most southeast line of the herein described 2.6719 acre tract, same being the northwesterly line of carrell street (platted as 30.0' feet wide- variable width r.o.w.), a distance of 116.27 feet to a found 5/8 inch iron rod for corner;

Thence, n27°19'08"w, with an interior southwest line of this described 2.6719 acre tract, same being the northeasterly line of a called 0.2023 acre tract 88c conveyed by deed to joshua m. and kerilyn burns recorded in h.c.c.f.no. 20140303929, o.p.r.r.p.h.c.t., a distance of 140.00 feet to a set 5/8 inch iron rod with cap (stamped greenleaf) for corner;

Thence, s60°35'52"w, with the southeasterly line of the herein described 2.6719 acre tract, same being the northwesterly line of said tract 88c, tract 88b being a called 0.2023 acre tract to michael burns recorded by deed in h.c.c.f. no. rp-2016-167056, o.p.r.r.p.h.c.t., and tract 88a, being a called 0.2023 acre tract to veni vidi vici, llc.- series q recorded by deed in h.c.c.f. no rp-2020-107349, o.p.r.r.p.h.c.t., a distance of 226.00 feet to a set 5/8 inch iron rod with cap (stamped greenleaf) for an angle point for corner;

Thence, n56°49'21"w, with the southwesterly line of this described 2.6719 acre tract of land, same being a northeasterly line of a called 1.5099 acre tract 88f conveyed by deed to mcbride recorded in h.c.f. no. r613863, h.c.d.r., a distance of 50.70 feet to a point for an angle point corner, from where a found ½ inch iron pipe bears n79°32' e-0.36 feet;

Thence, s88°11'37"w, with the south line of the herein described 2.6719 acre tract, same being the north line of said 1.5099 acre mcbride tract, a distance of 204.70 feet to a point for the southwest corner, from where a found ½ inch iron pipe bears s45°48' e-0.15 feet and a found 5/8 inch iron rod bears s21°33' e-0.20 feet;

Thence, n01°21'03"w, with the west line of this described 2.6719 acre tract of land, same being the east right of way line of peach street (platted as 30.00' wide- monumented at 60.0 feet wide), a distance of 208.64 feet to the place of beginning and containing 2.6719 acres (116,390.06 square feet) of land.

Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: December 11, 2023

Topic:

Conduct a Public Hearing and Consideration to Approve **Ordinance Amendment OAM23-03**: Request by the City of Tomball to amend Chapter 50 – Article III (*District Regulations*) adding Section 50-75.1 – Neighborhood Retail District (NR) zoning classification and subsequent district standards. Modifying Section 50-82 (*Use regulations (charts)*). Modifying Section 50-112 (*Off Street Parking and Loading Requirements*) adding parking regulations within the Neighborhood Retail District. Modifying Section 50-113 (*Landscape Requirements*) specifying parking lot screening requirements. Modifying Section 50-115 (*Screening, Buffering and Fencing Requirements*) replacing subsection (b)(1) (*Screening of Non-Residential, Multifamily, and manufactured (mobile) home parks*) with new land use buffering standards.

Background:

Over the course of the past several months, the City of Tomball has been approached by property owners and perspective developers requesting rezoning of properties to allow nonresidential commercial uses, often near existing and/or planned residential land uses or at the intersections of major thoroughfares. In many instances, these requests are in alignment with the goals and objectives of the Comprehensive Plan and Future Land Use Plan. However, the current nonresidential zoning districts of General Retail (GR), Commercial (C), & Light Industrial (LI) often allow a range of uses that may be considered incompatible with nearby residential land uses or undesirable at certain intersections of high traffic major thoroughfare. In these instances, the Planning & Zoning Commission and/or City Council have approved downgrading rezoning requests to Office (O) zoning. Although this has been a suitable alternative in certain areas, often the Office (O) zoning district is considered overly stringent to accommodate many developments and planned land uses. In efforts to better accommodate these requests for nonresidential zoning near existing and/or planned residential land uses or intersections of major thoroughfares the City of Tomball is recommending the creation of a new zoning district hereby referred to as “Neighborhood Retail (NR)” zoning. The intent of this Neighborhood Retail district is to accommodate a limited range of retail trade, services and office activities that are needed to serve a neighborhood area. The land uses promoted by this district are intended to be a middle ground between the existing Office (O) and General Retail (GR) zoning districts. This zoning district is to be utilized as a transition district between residential uses and more intense non-residential uses. The overall goal of this ordinance amendment is to create a zoning designation that will promote pedestrian oriented neighborhood level commercial developments, while increasing landscaping, buffering & screening standards to better protect nearby residential land uses when located next to nonresidential zoning districts.

Origination: City of Tomball

Recommendation:

Staff recommends approval of **Ordinance Amendment OAM23-03**.

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 11, 2023
&
CITY COUNCIL
DECEMBER 18, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 11, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, December 18, 2023 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 Z23-19: Request by William G. Hightower to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 0.24 acres of land legally described as being Lot 1, Block 1 of Elim from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located within the 300 block (north side) of Mechanic Street, within the City of Tomball, Harris County, Texas.

Ordinance Amendment OAM23-03: Request by the City of Tomball to amend Chapter 50 – Article III (*District Regulations*) adding Section 50-75.1 – Neighborhood Retail District (NR) zoning classification and subsequent district standards. Modifying Section 50-82 (*Use regulations (charts)*). Modifying Section 50-112 (*Off Street Parking and Loading Requirements*) adding parking regulations within the Neighborhood Retail District. Modifying Section 50-113 (*Landscape Requirements*) specifying parking lot screening requirements. Modifying Section 50-115 (*Screening, Buffering and Fencing Requirements*) replacing subsection (b)(1) (*Screening of Non-Residential, Multifamily, and manufactured (mobile) home parks*) with new land use buffering standards.

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 Administrative Services 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.

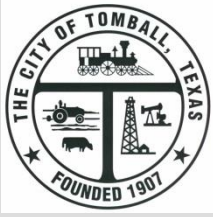
CERTIFICATION

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 8th day of December 2023 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 11, 2023

City Council Public Hearing Date: December 18, 2023

Case: OAM23-03

Applicant(s): City of Tomball

Section(s): ADD: Section 50-75.1 (*Neighborhood Retail – NR District*)
 MODIFY: Section 50- 82 (Use Regulations Chart)
 MODIFY: Section 50-112 (*Off Street Parking*)
 MODIFY: Section 50-113 (*Landscaping*)
 MODIFY: Section 50-115 (*Screening, Buffering & Fencing*)

Subject: Add “Neighborhood Retail – NR” Zoning District and subsequent development & land use standards. Including specific standards governing parking, landscaping, and land use buffering/screening.

BACKGROUND

Over the course of the past several months, the City of Tomball has been approached by property owners and perspective developers requesting rezoning of properties to allow nonresidential commercial uses, often near existing and/or planned residential land uses or at the intersections of major thoroughfares. In many instances, these requests are in alignment with the goals and objectives of the Comprehensive Plan and Future Land Use Plan. However, the current nonresidential zoning districts of General Retail (GR), Commercial (C), & Light Industrial (LI) often allow a range of uses that may be considered incompatible with nearby residential land uses or undesirable at certain intersections of high traffic major thoroughfare. In these instances, the Planning & Zoning Commission and/or City Council have approved downgrading rezoning requests to Office (O) zoning. Although this has been a suitable alternative in certain areas, often the Office (O) zoning district is considered overly stringent to accommodate many developments and planned land uses. In efforts to better accommodate these requests for nonresidential zoning near existing and/or planned residential land uses or intersections of major thoroughfares the City of Tomball is recommending the creation of a new zoning district hereby referred to as “Neighborhood Retail (NR)” zoning. The intent of this Neighborhood Retail district is to accommodate a limited range of retail trade, services and office activities that are needed to serve a neighborhood area. The land uses promoted by this district are intended to be a middle ground between the existing Office (O) and General Retail (GR) zoning districts. This zoning district is to be utilized as a transition district between residential uses and more intense non-residential uses. The overall goal of this ordinance amendment is to create a zoning designation that will promote pedestrian oriented neighborhood level commercial developments, while increasing landscaping, buffering & screening standards to better protect nearby residential land uses when located next to nonresidential zoning districts.

NOTICE OF PUBLIC HEARING:

A public hearing notice was published in the Potpourii on November 29, 2023.

PROPOSED ORDINANCE AMENDMENT(s):

Code of Ordinance Section(s):

Chapter 50 - Article III. – District Regulations**ADD: Sec 50-75.1 – Neighborhood Retail District (NR)**

- (a) General purpose and description – The Neighborhood Retail District is intended to accommodate a limited range of retail trade, services and office activities that are needed to serve a neighborhood area. The district is to be utilized as a transition district between residential uses and more intense non-residential uses. The district is to incorporate elevated landscaping and buffering standards to facilitate seamless integration alongside residential districts. Development within the district should be similar in scale as residential uses and adjacent properties. Architectural principles should be incorporated within site development to actively engage streetscapes and create pedestrian oriented environments. Uses within this district should not include uses that create excessive traffic, noise, trash, or late-night business operations. This district is ideally suited for intersections of major thoroughfares or at the intersection of a major thoroughfare and primary entrances to residential subdivisions and/or multi-family developments.
- (b) Permitted uses. Those uses listed for the Neighborhood Retail (NR) District in the use charts (section 50-82) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively.
- (c) Height regulations. Maximum height:
 - 1) Forty feet (40’); also see setback requirements related to height (d)(2)(b.2) of this section.
 - 2) One story for accessory buildings
- (d) Area regulations
 - 1) Size of lots
 - a. Minimum lot area: 6,000 square feet.
 - b. Minimum lot width: 60 feet.
 - c. Minimum lot depth: 100 feet.
 - 2) Size of yards and setbacks
 - a. Minimum front yard: 15 feet. Where a lot faces a designated arterial street, the front yard shall be a minimum of 25 feet.
 - b. Minimum side yard.
 - 1. Interior: 5 feet
 - 2. Interior: If adjacent to a single-family, duplex, patio home or single-family attached district, then side and rear setbacks (within which parking is permitted) shall be according to the height of the primary structure as follows:
 - a. Setbacks shall be measured at a ratio of five feet in horizontal setback distance for every three feet of building height.
 - 3. Side yard adjacent to a street: 15 feet.
 - 4. Side yard adjacent to a designated arterial: 25 feet
 - c. Minimum rear yard: 15 feet. If adjacent to a single-family, duplex (two-family), patio home or single-family attached district, then minimum rear yard (within which parking is permitted) shall be 60 feet, unless separated by an alley in which case the minimum shall be 20 feet. When adjacent to an arterial, minimum rear yard shall be 25 feet.
 - d. Zero lot line exception: notwithstanding the requirements of this section, except where an interior side yard or rear yard is adjacent to property zoned for or restricted by a duly recorded subdivision plat to, or primarily use for, single-family residential purposes, there shall be no required interior side or rear yard if the wall adjoining such interior side or rear lot line, as applicable, is constructed with materials giving it a four-hour firewall rating. Yards adjacent to street or alley right-of-way are excluded from this provision.
 - e. Minimum underground setback: any underground building structure shall be setback from any lot line by a minimum of 15 feet.

- f. Minimum pavement setback: all paving, except driveways and sidewalks, shall be setback from any public street right-of-way by a minimum of 15 feet.
- 3) Maximum lot coverage. Maximum lot coverage is 50 percent of the net site area (after right-of-way dedication) for the gross ground floor area of all building structures, including main and accessory buildings.
- 4) Maximum floor area. Maximum floor area ratio (FAR) is 1:1
- 5) *Outdoor sales*: Outdoor sales are prohibited.
- 6) *Outdoor storage*: Outdoor storage is prohibited.
- 7) *Hours of Operation*: Except for uses permitted within a residential zoning district, no use shall operate before 6:00 a.m. nor after 11:00 p.m. on any day of the week.
- 8) Façade Orientation Standards
 - a. Facades of primary building(s) immediately adjacent to street right-of-way(s) shall be front and/or side facades only. Rear facades of buildings shall be prohibited from facing street right-of-way(s).
- 9) *Parking Standards* Refer to Section 50-112 (c)(1.1) – Parking regulations for the NR District

Chapter 50 - Article IV. – DEVELOPMENT STANDARDS - Section 50-112 – Off Street Parking and Loading Requirements

MODIFY: (c) Nonresidential and MF Districts; off-street parking provisions.

ADD: (1.1) Parking regulations for the NR District

- a. Parking areas must be located to the side or rear of primary buildings. No parking shall be located between the front and/or side facades of primary buildings and street right-of-way(s) unless otherwise specified by the following:
 - a. One-way Vehicle drive-through lanes for overall circulation as well as drive-through and pickup/drop off services shall be exempt from this standard.
 - b. A maximum of one, one-way aisle of parallel and/or angled parking stalls shall be permitted between street rights-of-way(s) and facades of primary buildings.
- b. All parking and vehicle maneuvering areas shall be screened from streets by a solid row of hedges. As prescribed by Section 50-113 (f)(3)(f)
 - a. EXCEPTION: Vehicle visibility triangles shall be clear of hedges utilized for screening as prescribed by Section 38-34 – Obstructions prohibited in visibility triangle.
- c. No parking area may be located closer than 10 feet from property lines for properties zoned for Single-Family Residential uses.

Chapter 50 - Article IV. – DEVELOPMENT STANDARDS - Section 50-113 – Landscape requirements

MODIFY: (f)(3) Requirements for landscaping in and around parking lots

ADD: (f) Parking lots, driving lanes, loading areas, or other similar areas of vehicular access shall be screened from residentially zoned property, whether adjacent or across a street, by a continuous hedge, planter, berm, fence, wall, or combination of these, with a minimum height of 36 inches. This requirement shall not be required along state highways.

- 1. Shrubs utilized for screening parking areas shall be a minimum 3-gallon planting size spaced 36-inches on center.

Chapter 50 - Article IV. – DEVELOPMENT STANDARDS - Section 50-115 – Screening, buffering and fencing requirements

MODIFY: (b) screening of non-residential, multifamily areas and manufactured (mobile) home parks. The following provisions shall apply to screening of nonresidential, multi-family areas and manufactured (mobile) home parks:

DELETE:

- ~~(1) An opaque screening wall of not less than six feet, nor more than eight feet, in height shall be erected on the property line separating zoning districts in the following cases:~~

- ~~a. When a multifamily use, nonresidential use, or manufactured (mobile) home park sides or backs upon a single family, two family or residential PD District;~~
- ~~b. When any nonresidential use is on a tract, lot or parcel that is less than 15 acres and the nonresidential use sides or backs upon a multiple family district; and~~
- ~~c. When a commercial or industrial use is established on a building site located adjacent to any residential area, a ten foot side landscaped open-space buffer shall be installed and maintained by the owner, developer, or operator of the commercial or industrial property between it and the adjacent residential area. The provisions of this section shall not apply where the residential area is separated by a public street, drainage ditch, or canal with a minimum easement of 30 feet. With written approval of the planning and zoning commission, and otherwise full compliance with landscaping standards, a required buffer may include a stormwater detention area. In no event, however, shall the following uses be allowed in buffers: playfields, stables, swimming pools, tennis courts, or similar active recreation uses.~~

ADD:

- (1) Land use buffering shall be provided along property lines separating zoning districts as prescribed below:
 - a. When non-residential, multi-family residential, or manufactured (mobile) home park zoning shares a common boundary with single-family residential, two-family residential, residential planned developments or agricultural zoning districts.
 - b. Required land use buffers must consist of a minimum 10-foot-wide vegetative buffer yard and 7-foot opaque wooden fence plus at least 25 points based on the following criteria:
 - i. Points:
 - 1. Opaque masonry wall with 6-foot minimum height in lieu of providing opaque wooden fence = 10 points
 - 2. Each additional 5 feet of buffer yard = 5 points (maximum of 10 points)
 - 3. ONE (1) tree with a mature height of at least 20-feet and height of at least 8-feet and caliper size of 4-inches (measured 12-inches above ground level) at the time of planting per 25 lineal feet of buffer yard = 15 points
 - 4. THREE (3) smaller trees with a height of at least 8-feet and caliper size of 2-inches (measured 12-inches above ground level) at the time of planting per 25 lineal feet of buffer yard = 15 points
 - c. Trees planted to accommodate required land use buffering shall be in addition to the required trees prescribed within Section 50-113 (Landscaping Requirements).
 - d. Preservation of existing trees: Each tree preserved to accommodate the required land use buffer shall count as one tree toward the overall land use buffering requirement regardless of size. Trees planned to be preserved must be on the City of Tomball approved planting list.
 - e. For purposes of interpreting this section, mixed use zoning shall be considered nonresidential.
 - f. Buffer yards are required between adjacent uses as indicated. For purposes of this section adjacent includes properties separated by an alley but does not include properties separated by a street.
 - g. Parking lots, driving lanes, loading areas, or other similar areas of vehicular access shall be screened from residentially zoned property, whether adjacent or across a street, by a continuous hedge, planter, berm, fence, wall, or

combination of these, with a minimum height of 36 inches. This requirement shall not be required along state highways.

- h. Open space in buffer yards shall be planted in grass or other vegetative ground cover.
- i. Alternative buffering may be permitted by the Director of Community Development or their designee during the site plan review process so long as the buffering and aesthetic intent of these requirements are met.

ADD:

(5) Mechanical equipment, including roof-mounted equipment, must be screened from the view from streets, parking lots, parks, and residential districts with materials consistent with the principal structure, opaque fencing, masonry walls, and/or landscaping. Wall mounted electrical panels are exempt from this standard.

Chapter 50 - Article III. – District Regulations - Section 50-82 – Use Regulations (charts)

MODIFY:

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		NR	GR		C	LI					
Agriculture																						
Bulk grain and/or feed storage	P															C	C				1 space per 1,000 square feet	
Farm (ranch, garden, crops, livestock, or orchard) ‡	P	P	P	P		P		P	P	P		P	P			P	P		P		None	
Feed and grain store/farm supply store ‡	C													C		P	P		C		1 space per 500 square feet	
Flour and other grain mills																	P				1 space per 1,000 square feet	
Livestock, wholesale/auction	C																				None	
Livestock sales/auction	C																				None	
Stable, commercial	C																C				1 space per 1,000 square feet	
Stables (private, principal or accessory use) ‡	P			C																	None	
Residential																						
Accessory building/structure (business or industry) ‡										P			P	P		P	P		P		None	
Accessory building/structure (residential) ‡	P	P	P	P		P		P											P		None	
Accessory dwelling	P	P	P	C		C		C											P		None	
Garage/accessory dwelling ‡	P	P	P	C		C		C											P		None	
Caretaker's, guard's residence ‡	P	C						P		P		P	P	P		P	P		P		1 space per caretaker/guard	
Dwelling, four-family (quadraplex) (defined under Multiple-family dwelling) ‡								P											P		2 spaces per dwelling	
Dwelling, HUD code-manufactured home ‡									P										C		2 spaces per dwelling	
Dwelling, industrialized home ‡	P	P	P	P		P		P		P									C		2 spaces per dwelling	
Dwelling, multiple-family ‡								P											P		2 spaces per dwelling	

Dwelling, single-family attached ‡							P	P										P	2 spaces per dwelling
Dwelling—Single-family detached ‡	P	P	P	P			P	P										P	2 spaces per dwelling
Dwelling, two-family, duplex or duplex townhome ‡							P	P										P	2 spaces per dwelling
Dwelling, zero-lot line/patio home ‡							P	P										P	2 spaces per dwelling
Home occupation ‡	P	P	P	P			P	P					P			P	P	P	None
Residential use ‡	P	P	P	P			P	P		P	C	C			C			P	2 spaces per dwelling
Private street subdivision	P	P	P	P			P	P				C			C			P	None
Office																			
Clinic, emergency care													P			P	P	C	1 space per 150 square feet
Clinic, medical and/or dental									P		P	P			P	P		P	1 space per 300 square feet
Credit agency									P		P	P			P	P		P	1 space per 300 square feet
Bank, savings and loan, or credit union (no motor bank services)									P		P	P			P	P		P	1 space per 300 square feet
Bank, savings and loan, or credit union (with motor bank services)									C		P	P			P	P		P	1 space per 300 square feet
Office, professional and general business ‡									P		P	P			P	P		P	1 space per 300 square feet
Office, parole-probation												P			P	P		C	1 space per 300 square feet
Office showroom/warehouse ‡										C		C			P	P		P	1 space per 300 square feet
Security monitoring company (no outside storage)									P		P	P			P	P		P	1 space per 300 square feet
Telemarketing agency									C			C			C	P		C	1 space per 250 square feet
Telephone exchange/switching station ‡	C								P			P			P	P		C	1 space per 500 square feet
Temporary real estate field office	P	P	P	P			P	P		P	P	P			P	P		P	4 spaces
Model home (including sales office)	P	P	P	P			P	P		P	P	P			C	C		P	2 spaces per model
Personal and Business																			
Ambulance service													C			P	P	C	1 space per 500 square feet
Automobile driving school (including defensive driving)										C		P	P		P	P		P	1 space per classroom seat
Barber/beauty shop (no related school/college)										C		P	P		P	P		P	1 space per 200 square feet
Bed and breakfast inn ‡	P	C	C	C			C	C			C	C			P			P	2 spaces plus one per guest room
Check cashing service													C			C			1 space per 100 square feet
Dance hall/dancing facility ‡													C			C		P	1 space per 100 square feet
Dance/drama/music schools (performing arts, martial arts)	C	C	C	C			C	C		C	C	P			P	P		P	1 space per 100 square feet
Fortunetelling and similar activities ‡																C			1 space per 300 square feet
Funeral home ‡													C			P	P	C	See section 50-112
Greenhouse (non-retail/hobby)	P	P	P	P			P	P		P								P	None
Health club (indoor)										C		P	P		P	P		P	One space per 300 square feet
Health club (outdoor)												C			P	P		P	One space per 300 square feet
Hotel ‡													P			P		C	See section 50-112
Laundromat/washateria/self-service ‡													P			P	P	P	1 space per 200 square feet
Laundry/dry cleaning (retail only, drop off/pick up) ‡										C		P	P		P	P		P	1 space per 200 square feet
Loan services (payday/auto title)													C			C			1 space per 100 square feet
Mailing service (private)													P			P	P	P	1 space per 200 square feet
Motel ‡																C		C	See section 50-112
Pharmacy (retail only)										C		P	P		P	P		P	1 space per 200 square feet
Reception venue	C	C								C		C	P			P	P	P	1 space: 4 seats
Recreational vehicle park											C								
Rehabilitation care facility (halfway house) ‡	C	C	C	C			C	C		C	C	C	P			P	P	C	Greater of 1 per three beds or 1.5 spaces per dwelling
Rehabilitation care institution (business) ‡	C	C	C	C			C	C		C		C	P			P	P	P	Greater of 1 per three beds or 1.5 spaces per dwelling
Seamstress, dressmaker or tailor (retail only)										C		P	P			P	P	P	1 per 200 square feet
Sexually oriented business																C			
Tattoo or body piercing studio ‡																C			1 space per 200 square feet
Wedding chapel													P			P	P	P	1 per four seats
Retail																			
Antique shop (no outside sales or storage) ‡													P	P		P	P	P	1 space per 500 square feet
Antique shop (with outside storage)													C			P	P	P	1 space per 500 square feet
Apparel shop													P	P		P	P	P	1 space per 200 square feet
Art gallery/museum/dealer ‡										C		P	P			P	P	P	1 space per 500 square feet
Artist or photography studio										C		P	P			P	P	P	1 space per 500 square feet
Bakery, retail (eating establishment, no drive-through) ‡										C		P	P			P	P	P	1 space per 200 square feet
Bakery, retail (with drive-through)												C	P			P	P	P	1 space per 200 square feet

[illegible]

Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/no outdoor sales, storage, and display)																		P		P	P		C		See section 50-112	
Auto dealer, primarily used auto sales w/outdoor sales, storage, and display ‡																		C		P	P				See section 50-112	
Auto dealer, primarily used auto sales w/no outdoor sales, storage, and display																		C		P	P		C		See section 50-112	
Auto glass repair/tinting																		P		P	P		P		1 space per 200 square feet	
Auto interior shop/upholstery																		C		P	P		P		1 space per 200 square feet	
Auto muffler shop																		C		P	P		P		1 space per 200 square feet	
Auto paint shop																		C		P	P		P		One per 200 square feet	
Auto parts sale (new or rebuilt, no outside storage, no outside display, no repair)																		P		P	P		P		1 space per 200 square feet	
Auto parts sale (new or rebuilt, with outside storage or display)																		C		P	P				1 space per 200 square feet	
Auto rental																		P		P	P		C		1 space per 200 square feet	
Auto repair (major) ‡																		C		P	P		C		1 space per 200 square feet	
Auto repair (minor) ‡																		P		P	P		P		1 space per 200 square feet	
Auto storage or auto auction ‡																				C	P				1 space per 1,000 square feet	
Auto tire sales (indoor)																		P		P	P		P		1 space per 200 square feet	
Auto wrecker service																				P	P		C		1 space per 200 square feet	
Automobile assembly																					P		C		1 space per 1,000 square feet	
Automobile parts manufacturing																				C	P		C		1 space per 1,000 square feet	
Automobile wash (full service/detail shop) ‡																		P		P	P		P		3 space per washing capacity of module	
Automobile wash (self-service) ‡																		C		P	P		P		3 space per washing capacity of module	
Bike sales and/or repair																		P		C	P		P		1 space per 500 square feet	
Bus or truck storage																				P	P				1 space per 1,000 square feet	
Gasoline station																		P		P	P				See section 50-112	
Motor freight transportation, storage, and terminal																				P	P		C		See section 50-112	
Motorcycle sales/dealer w/outdoor sales, storage, and display ‡																		P		P	P				See section 50-112	
Motorcycle sales/dealer w/no outdoor sales, storage, and display																		P		P	P		C		See section 50-112	
Parking lot or garage for passenger cars and trucks of less than one-ton capacity ‡	C			C	C			C										C		P	P	P	C		None	
Personal watercraft sales (new/repair) w/outdoor sales, storage, and display																		P		P	P				See section 50-112	
Personal watercraft sales (new/repair) w/no outdoor sales, storage, and display																		P		P	P		C		See section 50-112	
Railroad team tracks, unloading docks, and spurs																				P	P		C		None	
Railroad yards, round house or shop																				C	P		C		1 space per 1,000 square feet	
Taxi/limousine service																		C		P	P		C		1 space per 1.5 automobiles in service	
Tire sales (indoors, no outside storage) ‡																				P	P		P		1 space per 1,000 square feet	
Tire sales (outdoors, with outside storage) ‡																				C	P				1 space per 1,000 square feet	
Transfer station (refuse/pick-up) ‡	C																			C	C				1 space per 500 square feet	
Transit terminal ‡																				P	P		C		See section 50-112	
Truck and bus leasing ‡																				P	P				1 space per 1,000 square feet	
Truck sales and services (heavy trucks) ‡																				P	P				1 space per 1,000 square feet	
Truck stop ‡																				C	P		C		1 space per 1,000 square feet	
Truck terminal ‡																				P	P				See section 50-112	
Amusement and Recreation																										
Amusement, commercial (indoor) ‡																		C	C		C	P	P		C	1 space per 100 square feet
Amusement, commercial (outdoor) ‡																			C		P	P		C		10 spaces plus 1 per 500 square feet over 5,000 square feet of building and recreation area
Amusement, commercial, temporary, (e.g., carnival, haunted house). (Note: Allowed by building official for up to 10 days) ‡																					C	P		C		Determined by P and Z
Amusement devices/arcade (4 or more devices, indoors only) ‡																			C	C		P	P		C	1 space per game table plus one per amusement device
Billiard/pool facility (4 or more tables)																			C	C		P	P		C	1 space per 200 square feet
Bingo facility																			C	C		P	P		P	1 space per 200 square feet
Bowling alley (air conditioned and soundproofed)																										

Drive-in theater																					1 sq space	Item F. 1
Golf driving range	C																					
Golf course (private) ‡	C	C	C	C			C		C				C									6 spaces per hole
Golf course (publicly owned) ‡	P	P	P	P			P		P				P									6 spaces per hole
Playfield or stadium (private)	C																					1 space per three seats
Recreational vehicle park/campground ‡	C																					1.5 per RV pad
Skating rink																						1 space per 200 square feet, plus 1 per 3 seats based on max capacity
Swimming pool, private (use by membership) ‡	P	P	P	P			P		P				P									1 space for each 100 square feet of gross water surface and deck area
Swimming pool, commercial ‡													C									1 space per 100 square feet of gross water surface and deck area
Tennis court (private/not lighted)	P	P	P	P			P		P				P									2 spaces per court
Tennis court (private/lighted)	C	C	C	C			C		C				C									2 spaces per court
Institutional/Governmental																						
Adult day care (business) See Household care facility																						
Antenna (commercial) See section 50-116																						
Antenna (noncommercial) See section 50-116																						
Armed services recruiting center													P						P	P		1 space per 300 square feet
Assisted living facility (continuing care retirement community) ‡													C						C		P	1.5 spaces per dwelling unit plus any additional space for accessory uses
Auction house																			C			1 space per 100 square feet
Broadcast station (with tower)	See section 50-116																					
Broadcast towers (commercial)	See section 50-116																					
Cellular communications tower/PCS	See section 50-116																					
Cemetery and/or mausoleum ‡	C	C	C	C			C		C	C			C						C	C		1 space per 5,000 square feet of land
Child day care center (business) ‡									C				C						P		P	1 space per three children
Church/temple/place of worship ‡	P	P	P	P			P		P				P						P	P		1 space per four seats in sanctuary
Civic center (municipal) ‡	P	P	P	P			P		P				P						P	P		10 spaces plus 1,300 square feet above 2,000
Civic club													P						P	P		See section 50-112
Community center (public)	C	C	C	C			C		C				C	P					P	P		See section 50-112
Community home ‡	P	P	P	P			P		P												P	1 space per 300 square feet
Community or social buildings ‡	C	C	C	C			C		C				C	P					P	P		1 space per 300 square feet
Country club (private) ‡	C	C	C	C			C		C				C						C	C		10 spaces plus one per 300 square feet above 2,000
Earth satellite dish (private, less than 3 feet in diameter)	See section 50-116																					
Electric power plant																			C	P		1 space per 1,000 square feet
Electric storage system																				C		2 spaces per facility
Electrical substation ‡	C	C	C	C			C		C	C			C						C	C		1 space per 1,000 square feet
Exhibition hall ‡																			P	P		1 space per 100 square feet
Fair ground or rodeo ‡	C																		C	C		1 space per 1,000 square feet of land area
Family home (child care in place of residence) ‡	P	P	P	P			P		P				P	P					P			1 space per 10 children plus 1 space per teacher
Fraternal organization ‡													C						C	P		10 spaces plus 1 per 300 square feet above 2,000
Fraternity or sorority house ‡							C		C				C						C			2 spaces per bedroom
Governmental building or use (county, state or federal) ‡	C	C	C	C			C		C				C	P					P	P		1 space per 300 square feet
Helipoint ‡													C						C	C		3 spaces
Helistop													C						C	C		3 spaces
Hospital ‡													C						P	P		1 space per bed
Household care facility ‡	P	P	P	P			P		P												P	1 space per 6 clients
Household care institution																			P	P		1 space per 6 clients
Institution for alcoholic, narcotic, or psychiatric patients ‡																			C			1 space per 200 square feet
Institution of religious, educational or philanthropic nature	C	C	C	C			C		C				C						P	P		1 space per 200 square feet
Municipal facility or use ‡	P	P	P	P			P		P				P	P					P	P		1 space per 300 square feet
Museum	C	C	C	C			C		C	C			C						P	P		See section 50-112
Park and/or playground (private) ‡	P	P	P	P			P		P				P						P	P		
Park and/or playground (public, municipal) ‡	P	P	P	P			P		P				P						P	P		

Penal or correctional institutions	C															P	P		C	1 square feet
Post office (governmental)	P	P	P	P			P		P		P	P				P	P		P	10 plus 1 per 200 square feet
Non-city public assembly (auditorium, gymnasium, stadiums, meeting halls, etc.)																P	P		C	1 space per 4 seats
Radio, television and communications towers	See section 50-116																			
Rectory/parsonage	P	P	P	P			P		P		P	P				P	P		P	5 spaces, plus 1 per bedroom
Retirement housing for the elderly ‡	See Assisted living facility																			
Riding academy	P	C	C	C			C		C		C	C				C	C		C	1 space per five stalls
Sanitary landfill (private)																		C		1 space per ten acres
School, business (e.g., barber/beauty/cosmetology)																C	P		P	1 space per three students, based on design
School, college or university	C	C	C	C			C		C		C	C				C	P		P	10 per classroom plus 2 per office
School, commercial trade (vocational) ‡												C				C	P		P	1 space per student
School, public or denominational ‡	P	P	P	P			P		P		P	P				P	P		P	See section 50-112
School, other than public or denominational ‡												C				C	P		P	
Sheltered care facility ‡									C								C	C	C	1 space per three beds or 1.5 per dwelling
Sign, all types (defined within the referenced section) ‡	See ch. 34 of this Code																			
Skilled nursing facility ‡									P			C				C	C		P	See section 50-112
Studio for radio and/or television (no towers) ‡												P				P	P		P	1 space per 200 square feet
Commercial and Wholesale Trade																				
Animal kennel (outdoor pens)	P																C	P		1 space per 500 square feet
Appliance repair																P		P	P	1 space per 500 square feet
Book binding																	P	P		1 space per 500 square feet
Carpet and rug cleaning plant																	C		P	1 space per 1,000 square feet
Cattle, swine, or poultry feedlot (CAFO)	C																	C		1 space per 5,000 square feet of land
Cleaning plant (commercial laundry) ‡																	C		P	1 space per 1,000 square feet
Communication equipment sales/service (installation and/or repair, no outdoor sales or storage or towers/antennae)																	P		P	1 space per 1,000 square feet
Construction contractor with storage yard	C																	P	P	1 space per 1,000 square feet of land
Contractor's office/sales, no outside storage including vehicles																	P		P	1 space per 1,000 square feet of land
Contractor's temporary on-site construction office (only with permit from building official.)	P	P	P	P			P		P		P	P					P	P		None
Distribution center ‡																		P	P	1 space per 1,000 square feet
Electric repair, (domestic equipment and autos)												C					C	P		1 space per 1,000 square feet
Electronic assembly																		P	P	1 space per 1,000 square feet
Electro-plating/electro-typing																		P	P	1 space per 1,000 square feet
Exterminator service/company (no outdoor sales or storage)																	P		P	1 space per 300 square feet
Fix-it shops, small engine, saw filing, mower sharpening																	C		P	1 space per 500 square feet
Fur/hide tanning and finishing																			C	1 space per 1,000 square feet
Heating and air conditioning sales/services																	C		P	1 space per 1,000 square feet
Iron works (ornamental)																		C	P	1 space per 1,000 square feet
Lawnmower repair and/or sales																	C		P	1 space per 500 square feet
Loading or storage tracks																		P	P	None
Locksmith																		P	P	1 space per 500 square feet
Machine shop																			P	1 space per 1,000 square feet
Maintenance and repair service for buildings/janitorial																		C		1 space per 500 square feet
Manufactured home display or sales (new or used) ‡																		C	P	1 space per 1,000 square feet
Mattress, making and renovating																		P	P	1 space per 1,000 square feet
Milk depot, wholesale																		P	P	1 space per 1,000 square feet
Mini-warehouse/self storage ‡																		C		See section 50-112
Mortuary																		C		See section 50-112
Moving and storage company																		P	P	1 space per 1,000 square feet
News printing																			P	1 space per 1,000 square feet
Outdoor sales as a primary use ‡																		C		1 space per 5,000 square feet of land area
Pawn shop ‡																			P	1 space per 200 square feet
Pet and animal grooming shop (no outside kennels) ‡																		C	P	1 space per 200 square feet

[illegible]

City staff recommends approval of OAM23-03

35

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 11, 2023
&
CITY COUNCIL
DECEMBER 18, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 11, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, December 18, 2023 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 Z23-19: Request by William G. Hightower to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 0.24 acres of land legally described as being Lot 1, Block 1 of Elim from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located within the 300 block (north side) of Mechanic Street, within the City of Tomball, Harris County, Texas.

Ordinance Amendment OAM23-03: Request by the City of Tomball to amend Chapter 50 – Article III (*District Regulations*) adding Section 50-75.1 – Neighborhood Retail District (NR) zoning classification and subsequent district standards. Modifying Section 50-82 (*Use regulations (charts)*). Modifying Section 50-112 (*Off Street Parking and Loading Requirements*) adding parking regulations within the Neighborhood Retail District. Modifying Section 50-113 (*Landscape Requirements*) specifying parking lot screening requirements. Modifying Section 50-115 (*Screening, Buffering and Fencing Requirements*) replacing subsection (b)(1) (*Screening of Non-Residential, Multifamily, and manufactured (mobile) home parks*) with new land use buffering standards.

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 Administrative Services 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.

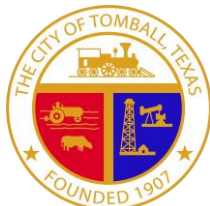
CERTIFICATION

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 8th day of December 2023 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.



City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Zone Change Case Number Z23-19

11/29/23

The Planning & Zoning Commission will hold a public hearing on **December 11, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to recommend approval or denial to City Council on a request by William G. Hightower to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 0.24 acres of land legally described as being Lot 1, Block 1 of Elim from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located within the 300 block (north side) of Mechanic Street, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **rezoning**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified. Whether approved or denied by the Planning & Zoning Commission, this case will be heard by City Council for First Reading with public hearing on **December 18, 2023 at 6:00 PM** in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address jasmith@tomballtx.gov

For the PLANNING & ZONING COMMISSION
Please call (281) 290-1491 if you have any questions about this notice.

CASE #: Z23-19

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Mailing To: Community Development Department
501 James St., Tomball TX 77375

Name:
Parcel I.D.:
Address:

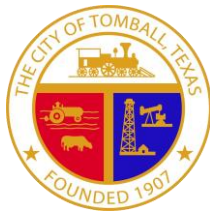
Email: jasmith@tomballtx.gov

I am in favor ☐

I am opposed ☐

Additional Comments:

Signature: _____



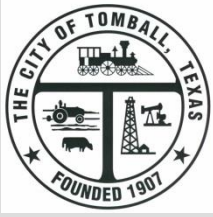
City of Tomball
Community Development Department

Z23-19



Notification Area





Community Development Department

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 11, 2023
City Council Public Hearing Date: December 18, 2023

Rezoning Case: Z23-19
Property Owner(s): William G. Hightower
Applicant(s): William G. Hightower
Legal Description: Lot 1, Block 1 of Elim
Location: 300 block (north side) of Mechanic St. (Exhibit "A")
Area: 0.24 acres
Comp Plan Designation: Old Town (Exhibit "B")
Present Zoning: Single-Family Residential -6 (Exhibit "C")
Request: Rezone from the Single-Family Residential – 6 (SF-6) to the Old Town & Mixed Use (OT&MU) district

Adjacent Zoning & Land Uses:

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

BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1907. There is an accessory storage building which appears to have been placed on the subject property in 2020. Aside from this accessory building, the lot is currently vacant. According to the information provided by the applicants this request to rezone the subject property to Old Town & Mixed Use is to allow the use of the property for a small commercial business.

ANALYSIS

Description: The subject property comprises about 0.24 acres, located in the 300 block (north side) of Mechanic Street. This parcel of land is within the Single Family Residential – 6 (SF-6) zoning district and has been within this zoning designation since the City of Tomball adopted zoning in 2008. Immediately north of the subject property is vacant land within Old Town & Mixed Use (OT&MU). Properties to the east, west, and south are within the Single Family Residential – 6 (SF-6) zoning districts. The properties west and south of the subject property are occupied by single family residences, while the property to the east is vacant.

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, Old Town & Mixed-Use zoning “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” Future Land Use Category. Rezoning the property as requested would achieve the goals and objectives outlined in the Comprehensive Plan. This is particularly true regarding growth and capacity by encouraging infill and redevelopment, while utilizing existing infrastructure within Old Town Tomball. Additionally, 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.

The existing land uses within the immediate vicinity are comprised of a mixture of commercial and residential land uses. The request to rezone the subject property to Old Town & Mixed Use will continue to support the comprehensive plan’s objective of encouraging developments with this mixture of land uses within Old Town Tomball. The commercial uses which may be promoted by the rezoning of this property will not appear out of character with the surrounding area as there are existing commercial uses within the immediate vicinity to include properties along S. Chestnut Street, approximately 200-feet east of the subject property within Old Town & Mixed Use (OT&MU) zoning and the existing Live Oak Business Park, approximately 100-feet west of the subject property within Light Industrial (LI) zoning.

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 29, 2023. 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 Z23-19.

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan
- C. Zoning Map
- D. Site Photo(s)
- E. Rezoning Application

Exhibit "A"
Aerial Location Map

Item F.2



Location

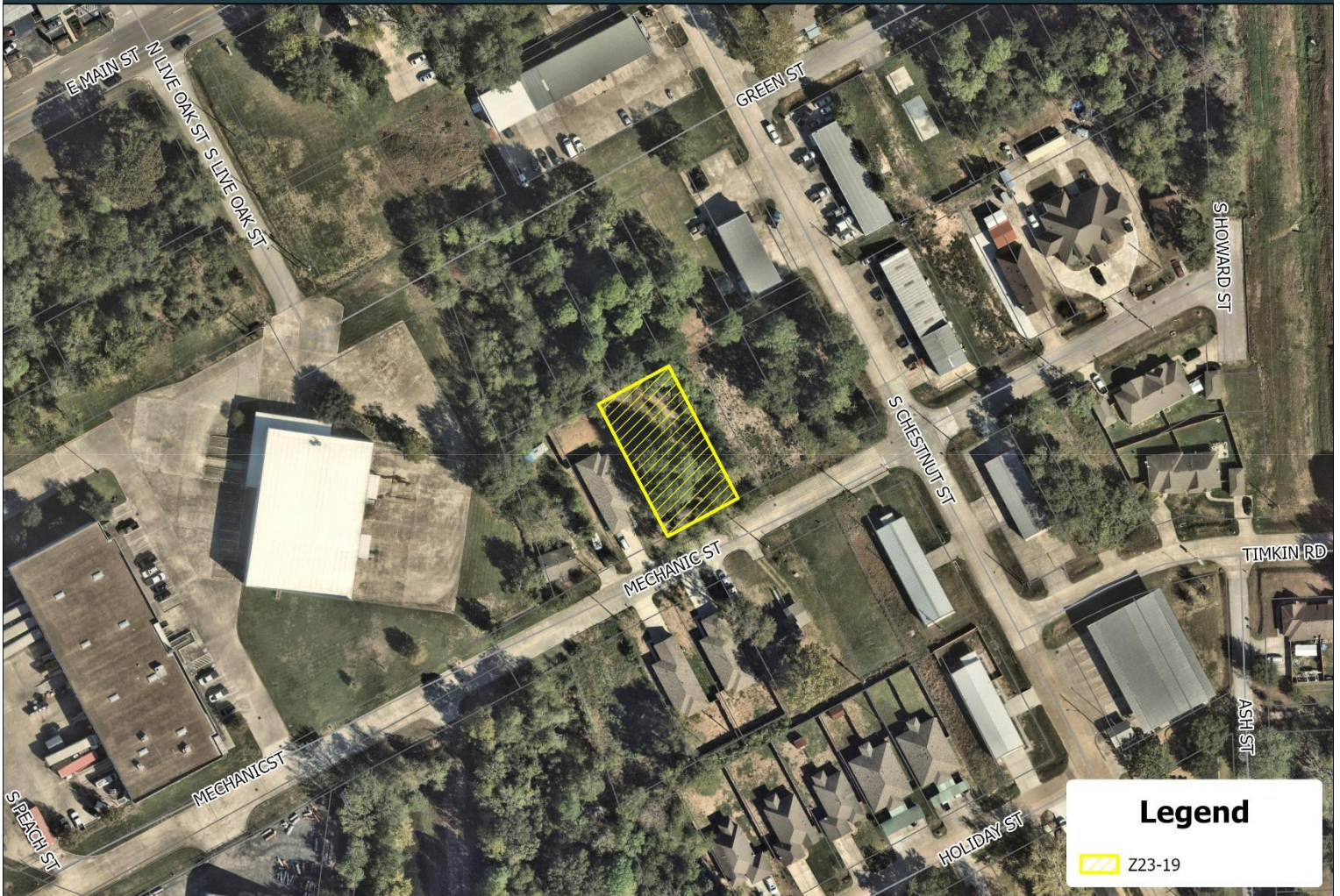
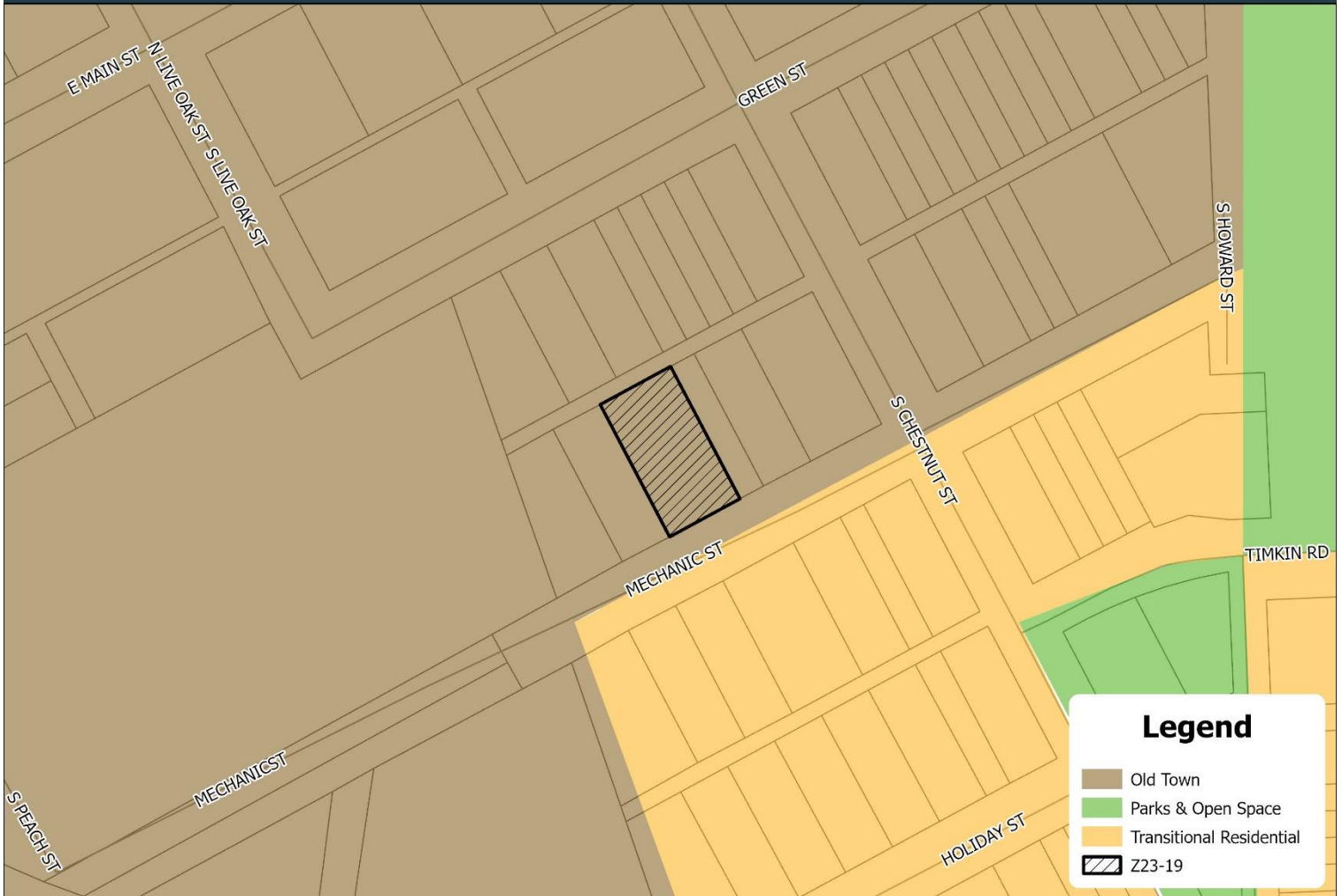


Exhibit "B"
Future Land Use Plan



Future Land Use





Zoning

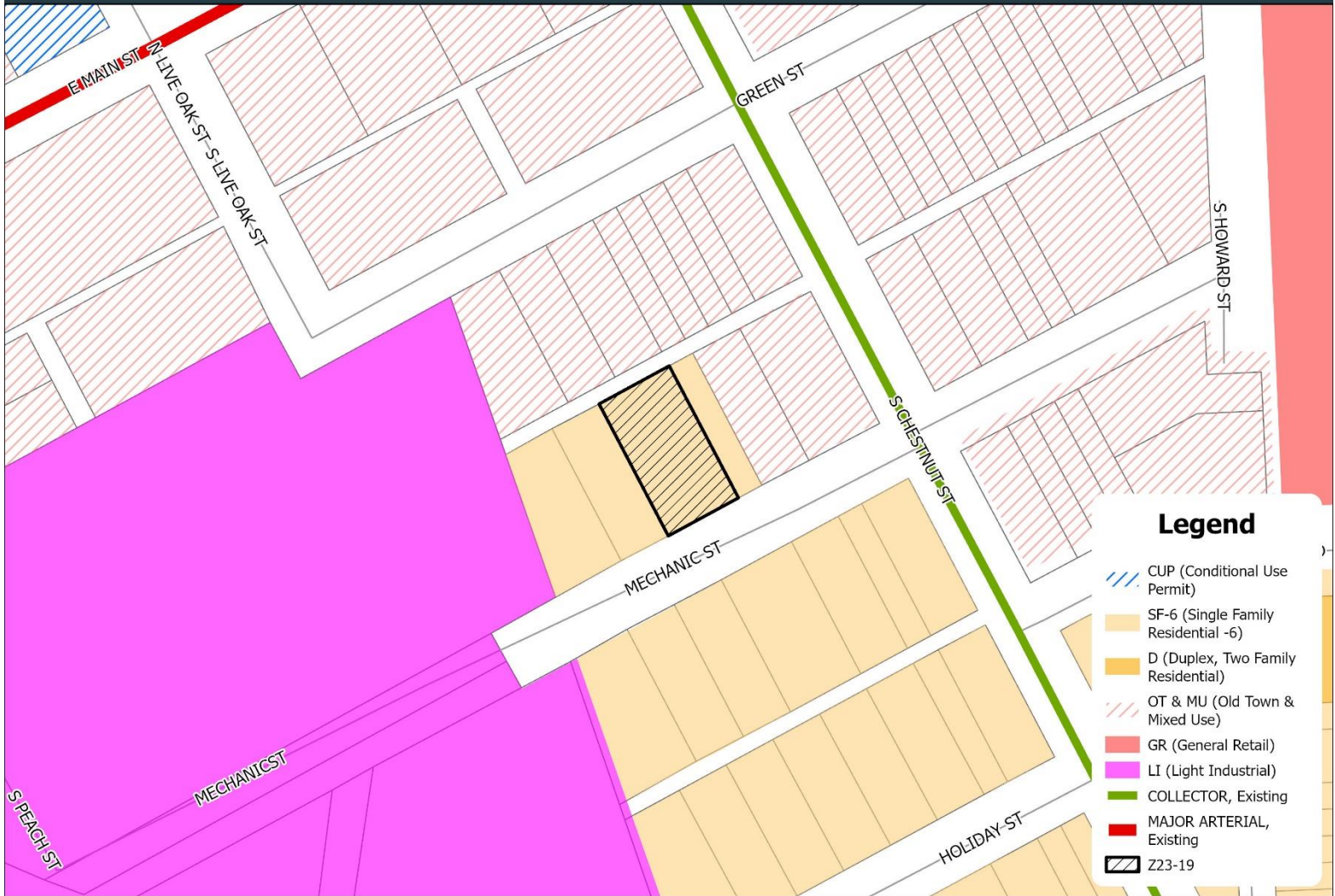


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (West)



Neighbor (East)



Neighbor (North)

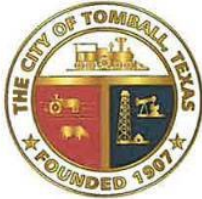


Neighbor (South)



Exhibit "E"

Rezoning Application



Revised: 10/1/2022

APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

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

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING
THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/securesend
USERNAME: **tombalcedd**
PASSWORD: **Tomball1**

Applicant

Name: William G. HIGHTOWER Title: OWNER
Mailing Address: 6015 THEALL RD. City: HOUSTON State: TEXAS
Zip: 77066 Contact: BILL HIGHTOWER
Phone: (832) 423-0513 Email: bill@hightowerelectricltd.com

Owner

Name: SAME AS ABOVE Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____ Contact: _____
Phone: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Small Commercial Building

Physical Location of Property: 315 MECHANIC RD. @ CHESTNUT
[General Location -- approximate distance to nearest existing street corner]

Legal Description of Property: Lot 1 Block 1 FLIM
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Single Family 6 District

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

Revised: 10/1/2022

Current Use of Property: VACANTProposed Zoning District: OLD TOWN MIXED USEProposed Use of Property: SMALL COMMERCIAL BUSINESSHCAD Identification Number: 0352730700020 Acreage: .25

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 [Signature]
Signature of Applicant

10/16/2023
Date

X [Signature]
Signature of Owner

10/16/2023
Date

*William G. Hightower
6115 Theall Road
Houston, Texas 77066*

October 16, 2023

City of Tomball
Planning & Zoning Commission
501 James Street
Tomball, TX 77375

Reference: 315 Mechanic Street

I would like to request a zoning change for 315 Mechanic Street from SF-6 - Single Family 6 District to OT & MU – Old Town & Mixed-Use District. I am requesting this change to allow for construction of a small commercial building for future use.

Thank you for your consideration.

Sincerely,



William G. Hightower

