

Comprehensive Plan Amendment Staff Report

Planning and Zoning Commission Hearing Date: February 14, 2021

City Council Public Hearing Date: March 7, 2021

Zoning Case P21-061: Request by Harrisburg Homes to amend the Comprehensive Plan by revising Major Thoroughfare Plan Map (MTFP).

Subject:

Hold a public hearing regarding a comprehensive plan amendment to modify the Major Thoroughfare Plan in order to remove a segment of proposed Medical Complex Drive from Hufsmith Kohrville east to FM 2920. This section of the planned roadway is generally located south of FM 2920 east of Hufsmith Kohrville and is a length of approximately 6,200 feet, which includes the existing section of Mahaffey that is just before the controlled intersection at FM 2920.

Background to Request:

The MTFP is a component of the comprehensive planning efforts within the City of Tomball and its extraterritorial jurisdiction. This guiding document illustrates and establishes existing and future roadway networks to ensure adequate connectivity and efficient vehicle movement.

Tomball has a transportation network defined by a hierarchy of road types distributing traffic throughout the City using highways, arterials, collectors, and minor/local streets. In both the City of Tomball and within Harris County subdivision ordinances, developments must dedicate public right of way and may be required to construct a portion of that road if a development includes a proposed corridor designated on the MTFP.

At the March P&Z meeting, staff brought forward a request to amend the Comprehensive Plan which was tabled in efforts to provide the P&Z Commission more time to look at the area and give it a more thoughtful approach. During that meeting, staff explained to the Commission that the respective applicants may want to move faster due to construction timelines so the Commission may see this application move forward directly by the applicant.

The City has been discussing the need to reexamine many of our visioning documents including the MTFP. The reason for this is to ensure that we have proper connectivity and circulation within the City and its surrounding area. This is especially important in order to deal with this explosive and unprecedented growth. The last major update was back in 2009, but a minor update happened last year and this included the downgrading of Medical Complex Drive on its westerns extents to a minor arterial. Otherwise, the MTFP is updated intermittently, either in response to a specific requests (like this one) or as part of the update or amendment to the City's Comprehensive plan.

The Request

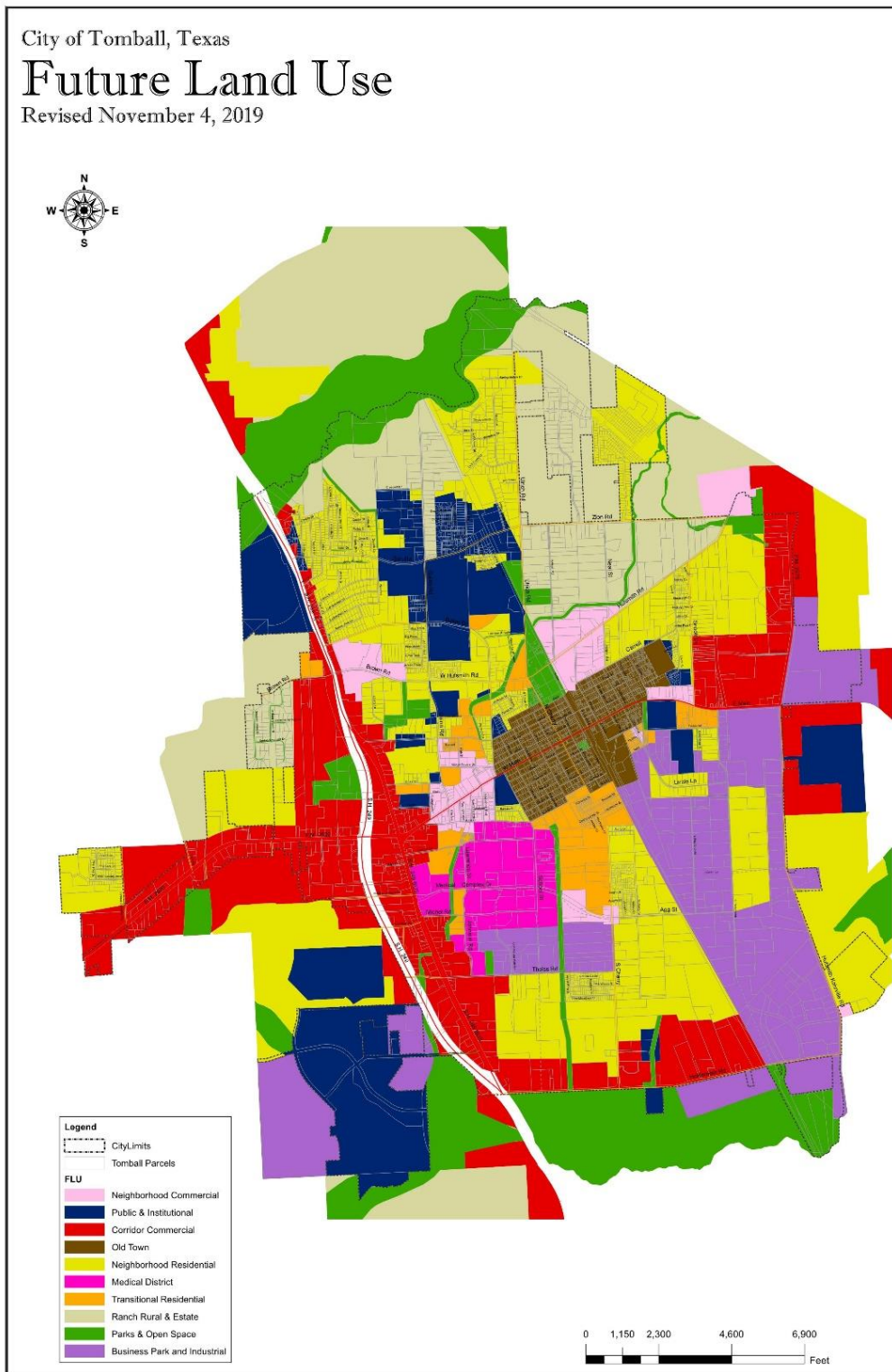
The applicant has submitted a request to remove the proposed extension of Agg/Medical Complex Road from Hufsmith Kohrville to 2920. This segment is just over a mile in length. This segment has been a part of the MTFP since 2009 and it is believed that it was included to meet the goal of the Comp Plan initiative Objective MO3.2.3, to provide a bypass for truck traffic through the center of old town Tomball.

It is the goal of the applicant to remove this road segment in the efforts to develop a subdivision that accesses Hufsmith Kohrville. It is the applicant's goal to request the disannexation of an area inside our City limits which would be used for the development. In exchange, the applicant would request annexation for a portion of their frontage along Hufsmith Kohrville into the City for commercial development. (Exhibit 1).

It is the applicant's opinion that because of the recently approved MTFP amendment downgrading the section of Medical Complex on the west side of Hwy 249 to a minor arterial that the roadway does not complete a true bypass for all truck traffic in Tomball. However, it still creates an option to remove trucks from a larger portion of Main Street and through the main downtown area.

The fact of the matter is that this segment of the road will not be located in the city. If constructed it will be a County road and what the County has said to City staff is they have not had the time to analyze this possible link but will defer to the City on the necessity of the road. Tomball is continuing to grow, and with that growth includes a potential use for this particular bypass. The path in order to construct this road has its hurdles since the potential alignment must traverse over a drainage easement either needing a bridge or large culvert, and it will also conflict with large established estate properties.

CURRENT FUTURE LAND USE PLAN

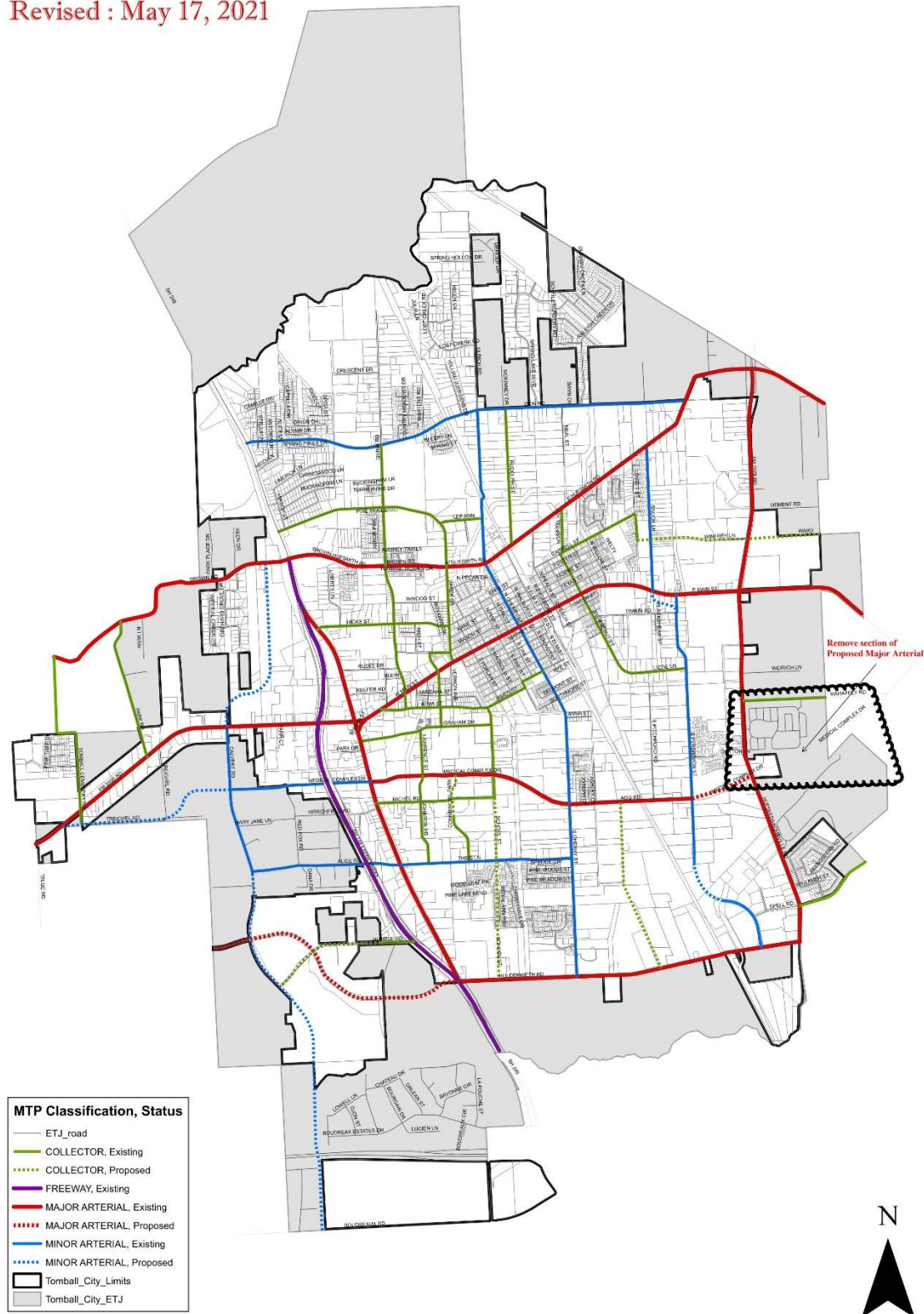


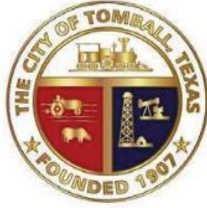
PROPOSED AMENDMENTS

City of Tomball, Texas

Major Thoroughfare Plan

Revised : May 17, 2021





COMPREHENSIVE PLAN AMENDMENT **APPLICATION**

Community Development Department
Planning Division

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

CONTACT INFORMATION:

Applicant

Name: Harrisburg Homes, Inc. (Shawn Speer)

Title: N/A

Mailing Address: 10819 Silver Shield Way, Tomball, Texas

Zip: 77375 Phone: (713) 249-8196 Fax: ()

Email: shawn@harrisburgtx.com

Property Owner N/A

Name:

Title:

Mailing Address:

Zip: Phone: () Fax: ()

Email:

COMPREHENSIVE PLAN AMENDMENT REQUEST (The response may be N/A): **THOROUGHFARE PLAN AMENDMENT ONLY**

Amendment Type (check all that apply): Text Map ☒

Text Amendment(s)

Text to be modified:

N/A

Proposed Text Amendment (exact wording):

N/A

Proposed Use of Property: N/A

Physical Location of Property: N/A
[General Location – approximate distance to nearest existing street corner]

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

Current Zoning District: N/A

Current Use of Property: N/A

HCAD Identification Number: N/A

Property Acreage: N/A

Questions to be answered individually but in complete sentences. The response may be N/A:

1. That the amendment constitutes a substantial benefit to the city and is not solely for the good or benefit of a particular landowner or owners at a particular point in time;
This is a benefit to the City's Major Thoroughfare Plan, as Medical Complex will not longer act as a bypass for the City.
2. Will the proposed amendment enhance the City economically and aesthetically;
It will remove the need for a 100'-120' ROW on the eastern fringe of the City and allow for a cohesive development.
3. Does the proposed amendment encourage better use of land/property, both for the owner/developer and the City, than that currently recommended by the Plan?
This proposal does not change land use at this time.
4. Will the proposed amendment impact adjacent residential areas in a positive or negative manner?
Will provide less impacts to adjacent properties along the corridor.
5. Will the proposed map amendment have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
Traffic and access will be assessed at time of development. This request is for the removal of a Major Thoroughfare segment.
The removal of this segment will not affect the city circulation negatively.
6. Does the change have any adverse impact on environmentally sensitive areas;
None known at this time.
7. Will the proposed amendment encourages land use compatibility;
Yes.
8. Does the proposed text amendment present a significant benefit to the public health, safety, and welfare of the community;
Not Applicable.
9. Events, trends, or facts after the adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary;
Traffic patterns and development has changed the need for this Major Thoroughfare.
10. Consistent with any existing Interlocal or Development Agreements;
Not Applicable.
11. The amendment provides for Adequate road systems for now and into the future for the area;
As the area developments road ways will be designed to meet City and County criteria.

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 of Applicant Date

X _____
Signature of Owner Date

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Tomball Comprehensive Plan, Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be delivered to the City at least 40 calendar days prior to the City Planning and Zoning Commission hearing date. The following information should be provided in the application package:

- ☐ Completed application form
- ☐ Comprehensive Plan Amendment request letter
- ☐ Plat or survey of property (if applicable)
- ☐ Check for \$500.00 (Non-Refundable)
- ☐ Conceptual site plan (if applicable)
- ☐ Payment of all indebtedness attributed to subject property must be paid with application

The City's staff may require other information and data for specific required plans.

APPLICATION PROCESS

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. For map amendments, property owners within two-hundred (200) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing. For text amendments, legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing. If a Comprehensive Plan amendment application is received for both a text and map amendment, property owners within two-hundred (200) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be scheduled before the Planning and Zoning Commission at 6:00 p.m. in the City Council Chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council without approved delay by the City Manager, or his/her designee, could constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.



Mr. David Esquivel
City Manager
401 Market Street
Tomball, Texas 77375

RE: Amendment to 2009 Major Thoroughfare Plan

Mr. Esquivel,

Harrisburg Homes has interest in 49 acres located along Hufsmith Kohrville Rd at the proposed Medical Complex Blvd. The project will add commercial retail and residential to the Greater Tomball Area. Harrisburg Homes put this property under contract in July 2021 to allow time for due diligence and has requested multiple extensions as we have tried to work through this issue. In August 2021 we engaged Gunda Corporation to assist with the project.

On September 7, 2021, a meeting was held with City staff, TEDC staff, Harrisburg Home representatives, and Gunda Corporation to discuss development requirements, possible annexation/de-annexation, and the major thoroughfare plan. At the meeting there was discussion of possibly removing Medical Complex Blvd Segment 5 from the Major Thoroughfare Plan (MTP). City staff was receptive to the annexation/de-annexation and removal of Medical Complex Blvd Segment 5 from the MTP. City staff recommended discussing the change to Medical Complex Blvd with Harris County Precinct 4, as this segment lies outside the City Limits and has been incorporated into the Harris County MTP.

Since the September 7th meeting, Gunda Corporation has coordinated with Harris County regarding the removal of this segment and Harris County defers any changes to the Medical Complex Blvd alignment and designations to the City of Tomball. Gunda Corporation has been coordinating with City staff to amend the MTP. On February 14, 2022, the Community Development Department placed the following item on the Planning and Zoning Commission's Agenda.

"Consideration to Approve ZONING CASE P22-016: Request to amend the City of Tomball's Comprehensive Plan which may include an update to the Future Land Use and Major Thoroughfare Plan Maps."

Due to the coupling of amending the Future Land Use Map and the Major Thoroughfare Plan Map no action was taken on this item and the Planning and Zoning Commission asked that the item be brought back in the April or May 2022 meeting.

To further support our request for the removal of Medical Complex Blvd Segment 5:

- The City previously evaluated 249 Toll Road and Medical Complex Interchange which was determined to be cost prohibited by City Management.

- The City evaluated developments and ROW widths at intersections of Medical Complex Blvd east and west of 249 Toll Road.
- In June 2014, City Council approved Ordinance No. 2014-15, amending a portion of Medical Complex Blvd west of SH 249 to FM 2920 to downgrade to a minor arterial from a major arterial to allow development without the burden of oversized ROW.
- The City evaluated the MTP and no longer recommended Medical Complex Blvd as an alternate route for truck traffic through the City of Tomball in 2015. The original Medical Complex Blvd was designed to be an alleviator for truck traffic on FM 2920. With the construction of the Grand Parkway and the 249 Toll Road the need for this alternate route is not needed for the same capacity throughout the original alignment. The Grand Parkway removed a good portion of truck traffic from FM 2920 and unfortunately 249 Toll Road cut off direct access to allow cross traffic for the entire alignment.
- Within Segment 5 there appears to be significant residential structures that could be displaced.

Due to the previous actions by the City the original vision of Medical Complex Blvd will no longer act as a bypass for the City.

We respectfully request an amendment to Ordinance No. 2009-08 "2009 Major Thoroughfare Plan". The request is to remove Medical Complex Segment 5, from Hufsmith Kohrville east to FM 2920.

Below are figures from the adopted 2009 Major Thoroughfare Plan and Tomball Comprehensive Plan, 2019, respectively, with the Segment 5 highlighted

Figure 1 – Snippet of "2009 Major Thoroughfare Plan" Map

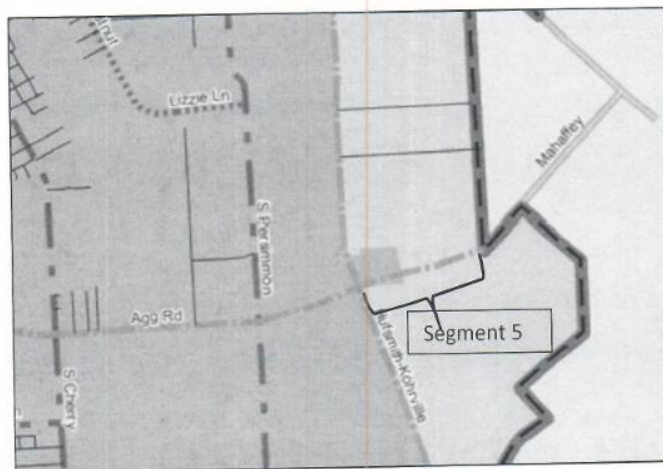


Figure 2 – Snippet of “Tomball Comprehensive Plan, 2019, Figure 4.6, Major Thoroughfare Plan”



Removal of this segment of Medical Complex Blvd will allow Harrisburg Homes to provide a development in general compliance with the City's Future Land Use Plan by including commercial retail and residential, while not having a negative impact on the residential component.

Harrisburg Homes is on its last extension to complete the due diligence and needs a resolution to this request quickly. Please let me know if you have any questions or need additional information. Please feel free to contact me at (713) 249-8196 or shawn@harrisburgtx.com.

Thank you,

Shawn Speer

CC: Gretchen Fagan, Mayor
Jessica Rogers, Assistant City Manager
Kelly Violette, TEDC Executive Director
Kyle Bertrand, Gunda Corporation

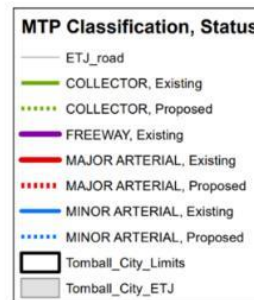
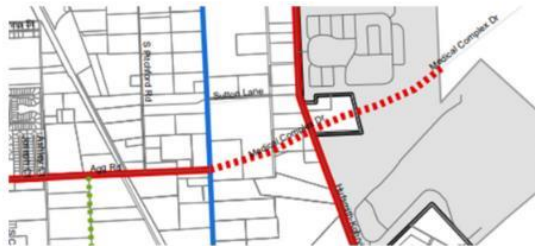
City of Tomball

Thoroughfare Plan Amendment

Medical Center Drive

Notes:

1. The future land use for areas that the future Medical Commons Drive is proposed to traverse is currently designated as Neighborhood Residential. Addition of a Major Thoroughfare would be detrimental to the development of residential neighborhoods as envisioned in the Future Land Use Map. It is also contrary to the Comprehensive Plan that states" ...The City's Major Thoroughfare Plan should further enable the effectiveness of the City's Future Land Use Plan. encourages existing and future land uses with streets that maintain appropriate capacity levels while providing means for other transportation choices."



FUTURE MOBILITY

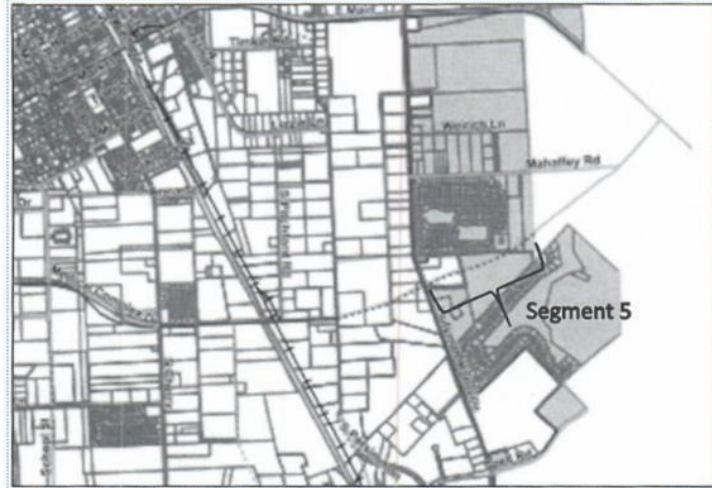
Tomball's transportation network should be considered a compliment to the different land uses within the City. As such, the City's Major Thoroughfare Plan should further enable the effectiveness of the City's Future Land Use Plan. This would include complementing existing and future land uses with streets that maintain appropriate capacity levels while providing means for other transportation choices. The street typology also has a role in furthering the promotion of community character that is associated with the previous future land use categories. This section further helps to define the character of Tomball's street typology.



2. Since the county does not have any plans to improve the portion of Medical Complex Drive in the county, termination of Medical Complex Drive at Hufsmith-Kohrville, another Major Thoroughfare, is logical.
3. The future thoroughfare as shown fragments land that is prime for development as industrial with high economic value for the city, and prohibits integrated land development of the business park.
4. The alignments of future roads shown on the Thoroughfare Plan are conceptual. If the desire is to keep this potential connection for the future, the City should consider realignment of Medical Commons Drive (as shown in orange dashed line) along existing boundaries of developments to prevent fragmentation of developable land and maximize coordinated and unified development.



Figure 2 – Snippet of “Tomball Comprehensive Plan, 2019, Figure 4.6, Major Thoroughfare Plan”



PUBLIC COMMENT

A public hearing notice was published in the Potpourri on March 9, 2022. Any public comment forms received by City Staff will be presented in the agenda packets or during the scheduled meeting.