

Comprehensive Plan Amendment Staff Report

Planning and Zoning Commission Hearing Date: October 10, 2022
City Council Public Hearing Date: October 17, 2022

Case: P22-310

Applicant(s): Louis Smith

Request: To amend the Major Thoroughfare Plan by removing the proposed minor arterial east/west segment of Medical Complex Drive, being described as the 1.05-mile segment planned to extend between the western right-of-way boundary of Calvert Road to the southeastern right-of-way boundary of FM 2920 Road.

BACKGROUND

In 2008 the Houston-Galveston Area Council conducted the FM 2920 Access Management Study, as well as the Livable Centers Downtown Plan for the City of Tomball. Within the context of these studies, there is reference to the need to improve parallel east-west facilities to provide alternative connections to FM 2920. The study specifically identifies Medical Complex Drive as one potential alternative connection. According to the study, Medical Complex Drive could improve local traffic circulation within Tomball as well as alleviate congestion along FM 2920. In 2009 the City of Tomball adopted a Comprehensive Plan that builds on the concept of providing an alternative east-west connection for FM 2920. This Comprehensive Plan mentions the east-west connection of Medical Complex Drive as a potential roadway for said east-west alternative route. In 2019, construction was completed on a section of SH 249 (Tomball Tollway) immediately west of Tomball. This construction did not account for an underpass or fly-over at the intersection of Medical Complex Drive. This effectively cut off the western connection of Medical Complex Drive to FM 2920. In 2021, the City Council approved an ordinance that downgraded the subject portion of Medical Complex Drive from a major arterial to a minor arterial between Business State Highway 249 and FM 2920. In May 2022, a request was presented to the Planning & Zoning Commission & City Council to remove the easternmost segment of Medical Complex Drive planned to be a major arterial extending between Hufsmith-Kohrville and Mahaffey Road, this request was denied, and rather than removing the segment it was downgraded from a major arterial to a minor arterial in July of 2022. The applicant is requesting to remove the subject segment of Medical Complex Drive altogether. According to the applicant, the subject segment of Medical Complex Drive that intersects their property, which is located at the southwest corner of Calvert Road and the intersection of the planned minor arterial extension is a hindrance on the development of their lot for Multi-Family Apartments.

ANALYSIS

Comprehensive Plan Recommendation: The current Comprehensive Plan, adopted in 2019, identifies the need to promote east-west connections through the city including, alternatives to FM 2920. However, due to the construction of SH 249 without an underpass for Medical Complex Drive, the current Comprehensive Plan acknowledges that the previous plan to utilize Medical Complex Drive as an east-west bypass from FM 2920 around Old Town Tomball is limited.

Subsequently, the Comprehensive Plan suggests reviewing Medical Complex Drives street classification.

Staff Review Comments:

Although Medical Complex Drive may no longer have the potential to function as a true east-west bypass for FM 2920, it may provide an alternative east-west route to destinations within the City of Tomball which will likely alleviate traffic congestion along FM 2920. Further, according to the major thoroughfare report that was conducted in 2009 for the City of Tomball by Schaumburg & Polk, Inc., minor arterial streets are intended to distribute traffic from state highways, farm-to-market roadways, and major arterials to adjacent land uses. These minor arterial streets are often best suited in areas that are likely to experience high traffic volumes such as industrial parks, retail centers, etc. Although the subject segment of Medical Complex Drive falls almost entirely outside the city limits, the Future Land Use Plan adopted by City Council identifies this planned major thoroughfare as running parallel to the Corridor Commercial land use category. Suggesting that this segment of Medical Complex, if brought into the City of Tomball would likely receive commercial zoning. As previously stated, minor arterial streets are ideally suited for carrying high volumes of traffic as well as distributing traffic from State Highways and Farm to Market Roads such as SH 249 and FM 2920.

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 September 27, 2022. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

STAFF RECOMMENDATION:

Based on findings outlined in the analysis section of this staff report, City staff recommends denial of Case P22-310.

P&Z RECOMMENDATION:

Denial (0 Vote Aye, 4 Vote Nay)

- Discussion Items:
 - Clarification on the request to remove the proposed segment.
 - Clarification of the public responses actually in favor of the request to remove the proposed segment. Although responses stated they were against it.

EXHIBITS

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Major Thoroughfare Plan
- E. Site Photos
- F. Application

EXHIBIT "A"
Aerial Location Map



EXHIBIT "B"
Zoning Map

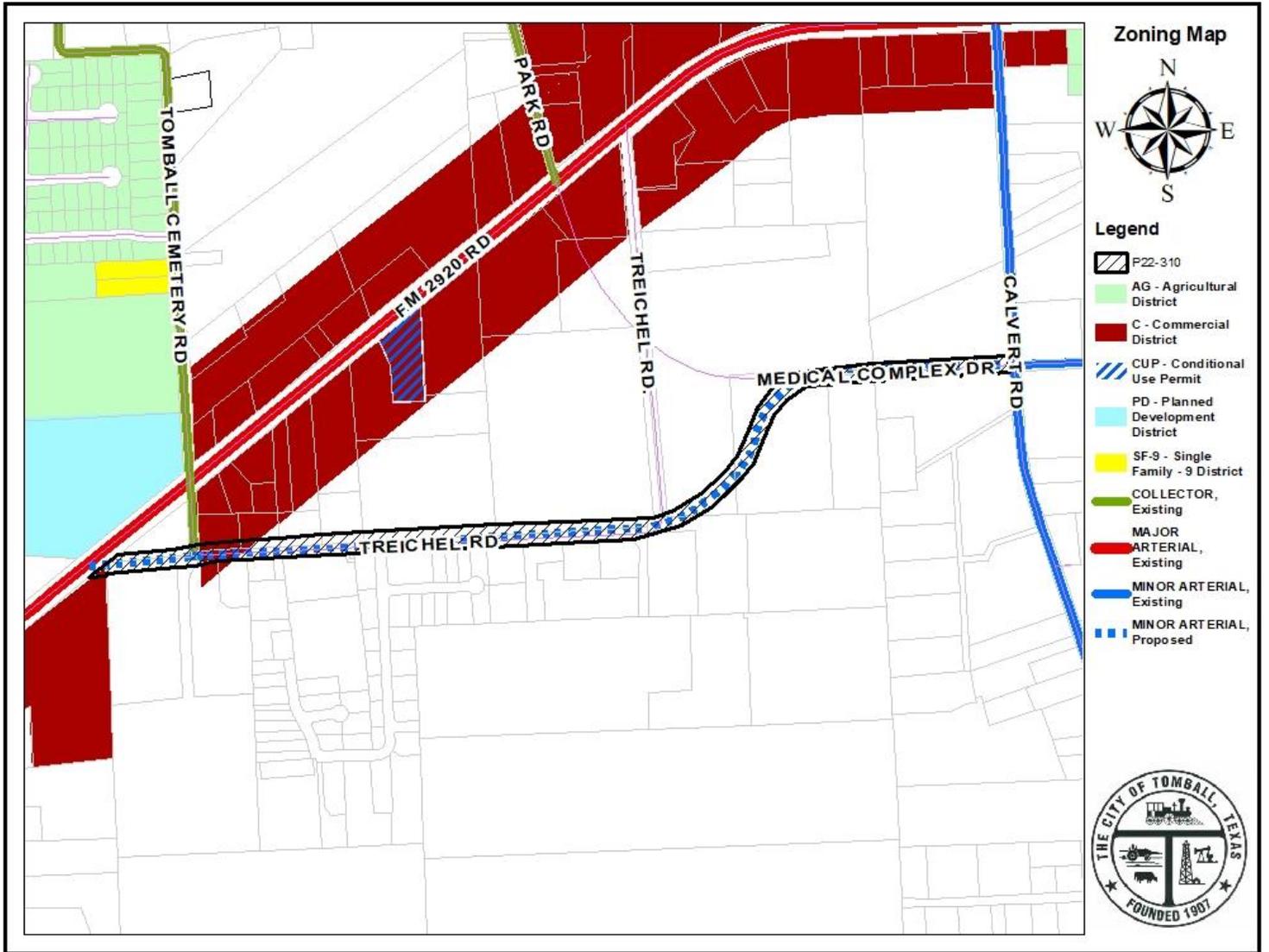


EXHIBIT "C"
Future Land Use Map

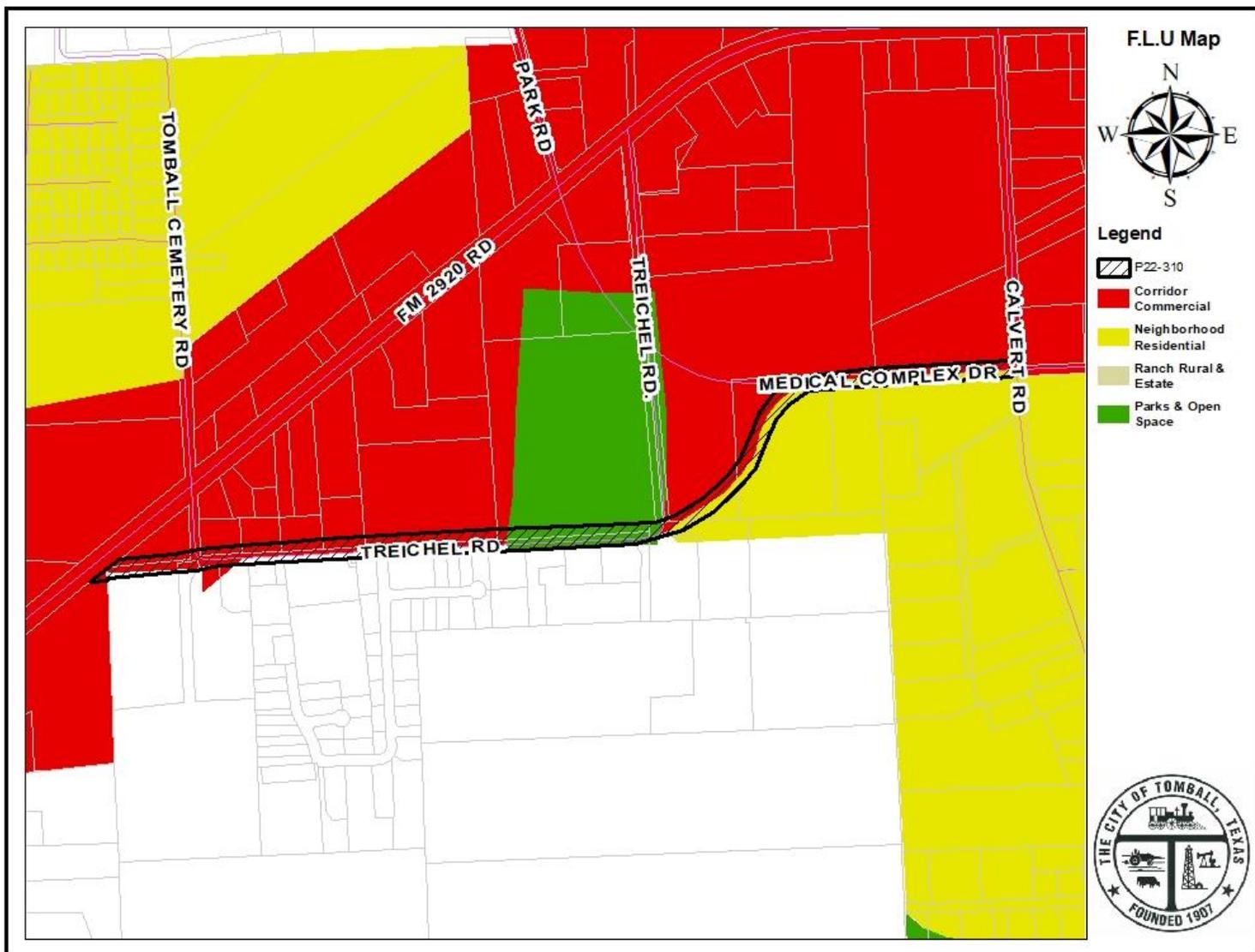


EXHIBIT "D"

City of Tomball, Texas

Major Thoroughfare Plan

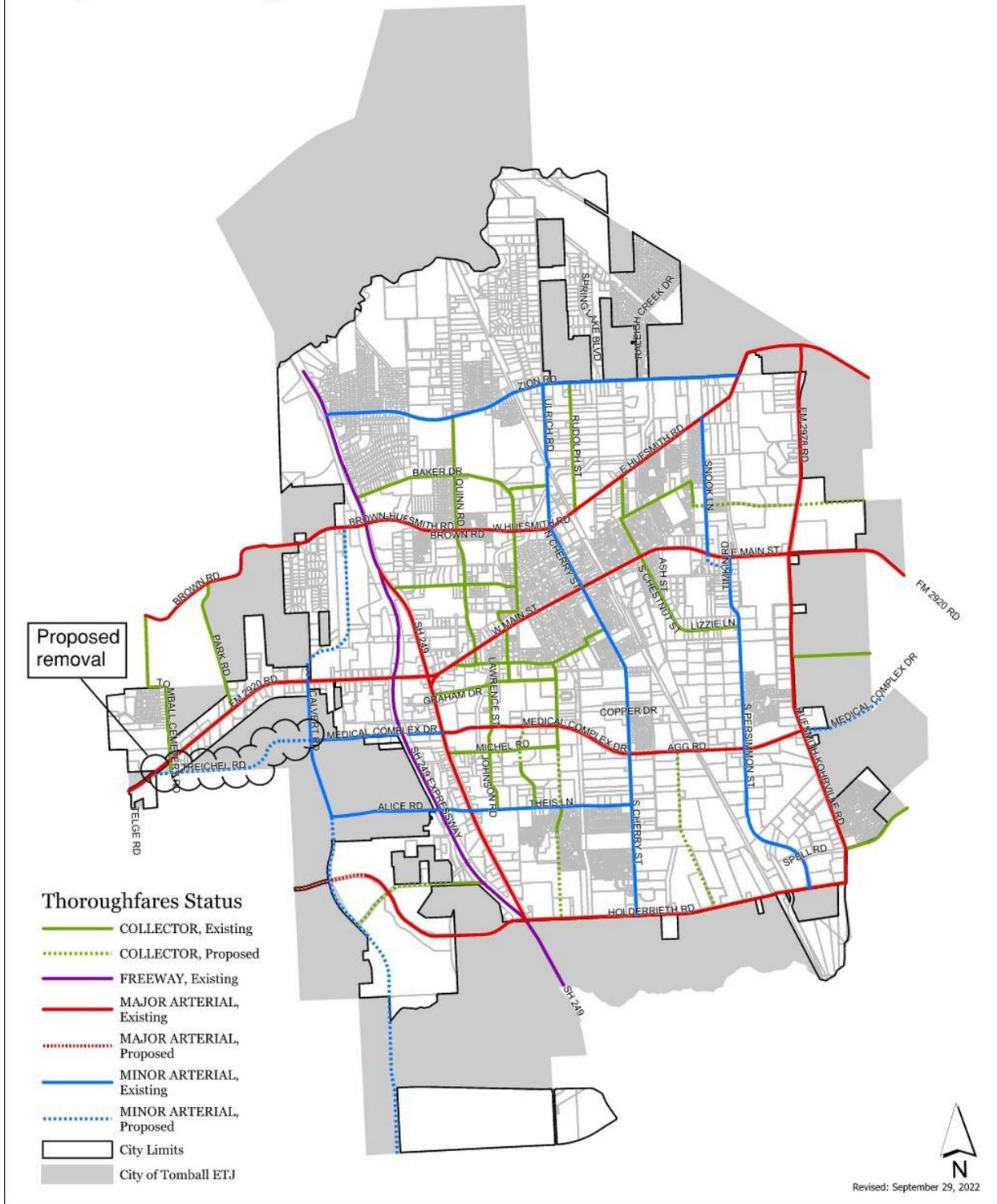


EXHIBIT "E"



Existing segment of Medical Complex Between Calvert and SH 249

Proposed Alignment of Medical Complex West of Calvert



Proposed Alignment of Medical Complex tie in to Triechel Rd.



Existing Triechel Road West View





Existing Triechel Road East View



Proposed Alignment of Medical Complex/Triechel Rd (western extent)



EXHIBIT "F"

Revised 5/19/2015

P&Z #22-310



RECEIVED (KC)
08/31/2022

**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: Louis Smith Title: Manager
Mailing Address: 800 Wilcrest Dr., Suite 245 City: Houston State: TX
Zip: 77042
Phone: (832) 444-6777 Fax: ()
Email: louis@src-properties.com

Property Owner

Name: 28121 Calvert, LLC Title:
Mailing Address: 800 Wilcrest Dr., Suite 245 City: Houston State: TX
Zip: 77042
Phone: (832) 444-6777 Fax: ()
Email: louis@src-properties.com

COMPREHENSIVE PLAN AMENDMENT REQUEST:

Amendment Type (check all that apply): Text Map

Text Amendment(s)

Text to be modified:

This is a request to modify the major thoroughfare plan eliminating the extension of Medical Complex Road through the subject property since it is no longer practical or necessary due to changed circumstances and land uses and allow the 14.45 acre tract to be developed with a multi-family residential development.

Proposed Text Amendment (exact wording):

Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed text amendment enhance the City economically?
- Will the proposed text amendment enhance the City aesthetically?
- Is the proposed text amendment consistent with the City's Goals, Objectives, and Actions?
- Does the proposed text amendment encourage a better use of land/property, both for the owner/developer and the City, than that currently recommended by the Plan?
- Will the proposed text amendment impact adjacent residential areas in a positive or negative manner?
- How will the proposed text amendment impact vehicular and pedestrian access, roadway capacity, ingress and egress, and traffic?
- Will the proposed text amendment encourage land use compatibility?
- Does the proposed text amendment present a significant benefit to the public health, safety and welfare of the community?

Map Amendment(s)

Current Comprehensive Plan Designation: Corridor Commercial

Proposed Comprehensive Plan Designation: Multi-Family Residential

Proposed Use of Property: Multi-family Residential

Physical Location of Property: 28121 Calvert Road - Calvert Road at Medical Complex Rd
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 14.45 ac
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Unzoned

Current Use of Property: Vacant Ag/Timber

HCAD Identification Number: 0430410000010

Property Acreage: 14.45 ac total

Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed map amendment enhance the City economically?
- Will the proposed map amendment enhance the City aesthetically?
- Is the proposed map amendment consistent with the City's Goals, Objectives, and Actions?

From: noreply@tomballtx.gov
To: [Kimberly Chandler](#)
Subject: Receipt #R01332315
Date: Thursday, September 1, 2022 11:16:54 AM

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

DATE : 9/1/2022 11:15 AM
OPER : RP
TKBY : 8
TERM : 2
REC# : R01332315
130.0000 PLANNING AND ZONING
comp plan amemdment louis smith 500.00

Paid By:comp plan amemdment louis smith
2-CK 500.00 REF:w 1036

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.

August 31, 2022

Community Development Department
Planning Division
City of Tomball, Texas

Re: Proposed Amendment to Major Thoroughfare Map; Medical Complex Road Extension west from Calvert Road through 14.45 acre tract owned by 2821 Calvert, LLC; Annexation into City of Tomball and Approval of zoning for multi-family residential development;

The current major thoroughfare plan should be revised to eliminate the proposed extension of Medical Complex Road west of Calvert Road. Medical Complex Road was designed to be a bypass loop from east of Tomball to west of Tomball to alleviate congestion on Main Street (FM 2920). The construction of Tomball Parkway (State Highway 249) did not include an overpass at Calvert Road for Medical Complex Road to connect from the east to the west side of the freeway, thus eliminating completion of the Medical Complex bypass. It is not economically feasible or physically practical to construct an over pass or underpass across State Highway 249. Medical Complex Road is a two lane street extending one block between SH 249 and Calvert Road, with a very low traffic count and nothing in the foreseeable future to change that (see Major Thoroughfare Plan). Widening Medical Complex between SH 249 Bypass and Business State Highway 249 to accommodate an overpass is probably not physically possible from an engineering standpoint, due to the short distance, and even if possible would damage the existing hotel, bank, and shopping centers, due to the required right-of-way widening necessary.

Harris County Flood Control District is constructing a major regional storm water detention project extending from State Highway 249 south across FM 2920 to a massive storm water detention basin at Holdereith Road. A large detention basin is being constructed on Calvert Road at FM 2920 with a wide drainage corridor including detention ponds which would require bridging the drainage facility. If Medical Complex was to be extended to the west (see HCFCD M124 plan). The cost to build the Medical Complex extension along with the right-of way cost makes this extension impractical, almost physically impossible, and not economically feasible.

A loop already exists to eliminate traffic around the intersections of FM 2920, State Highway 249 bypass and Business State Highway 249. It's Calvert Road to Alice Road which has an overpass over State Highway 249 connecting the east and west sides of State Highway 249, to Business State Highway 249 and to the eastern part of Tomball (see Major Thoroughfare Plan). Based on the existing circumstances it would make a lot more sense to place Calvert Road on the major thoroughfare plan connecting to Holderith Road; and Alice Road (Theiss Lane) under State Highway 249 Bypass.

The subject property is on the Future Land Use Plan as Corridor Commercial which is no longer possible because Harris County Flood Control District condemned the north 20.51 acres of the

Community Development Department
Planning Division
August 31, 2022
Page Two

parent tract and the FM 2920 frontage. The 20.51 needs to be changed to parks and open space. The 14.45 acre tract can no longer be Corridor Commercial since it is no longer adjacent to the FM 2920 corridor and will be a less intense use (see Future Land Use Plan).

The 14.45 acre tract has been identified by several multi-family residential as ideal for multi-family development. We currently have offers to purchase the site for multi-family development. Kittle Property Group has proposed a 240-260 unit development with 1, 2 & 3 bedroom units (see attached brochure).

The proposed change to the major thoroughfare plan, the annexation, and multi-family zoning would facilitate new multi-family development, providing new needed modern housing, and have a large economic impact on the community providing increased sales to all local businesses. It will increase the property tax base by \$35-\$50 million, allowing the city to increase infrastructure spending and city services.

It will increase the City aesthetically and bring new growth and development to the neighborhood, encourage better uses of the surrounding land and use.

Calvert Road and Medical Complex Road are currently a low traffic count thoroughfares and the proposed development will have minimum impact on roadway capacity, ingress and egress and traffic flow.

This development will be a significant benefit to overall welfare of the community.

Respectfully Submitted,



S. Louis Smith

Enclosures
Aerial of Subject Property
Major Thoroughfare Plan
Photo of Medical Complex Road & SH 249 & Calvert Road & Medical Complex
Harris County Flood Control District M124 Schematic
Future Land Use Plan
Kittle Property Group Brochure

SUBJECT 14.45 ACRES & 20.51 ACRES HCFC D TRACT

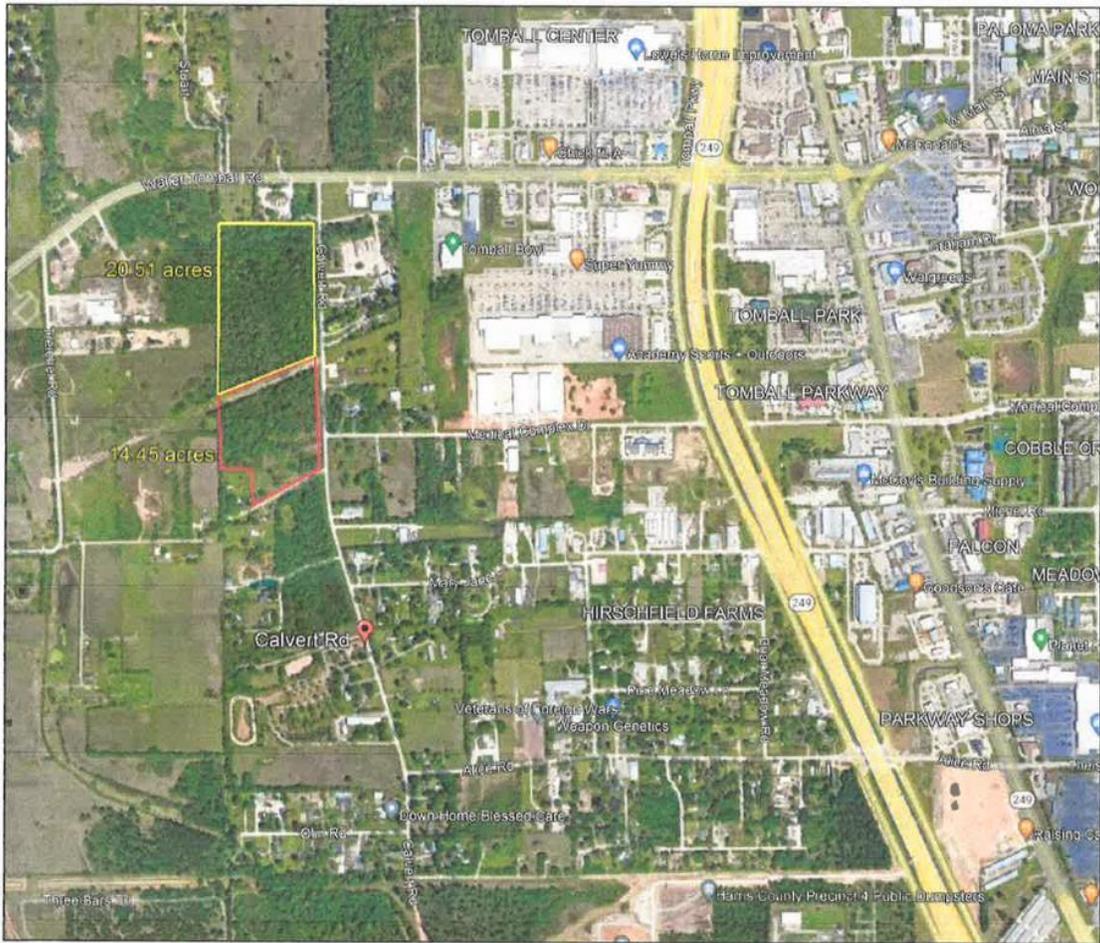
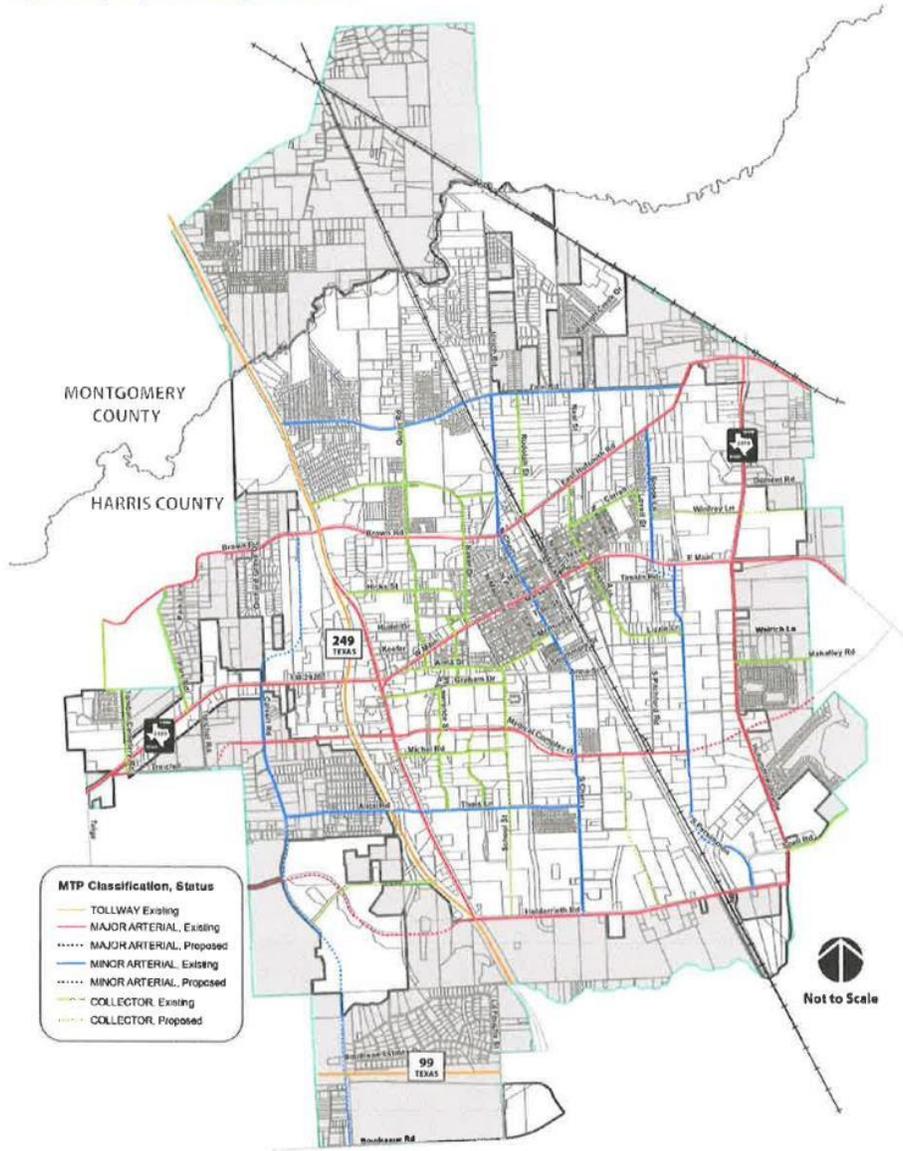


Figure 4.6, Major Thoroughfare Plan





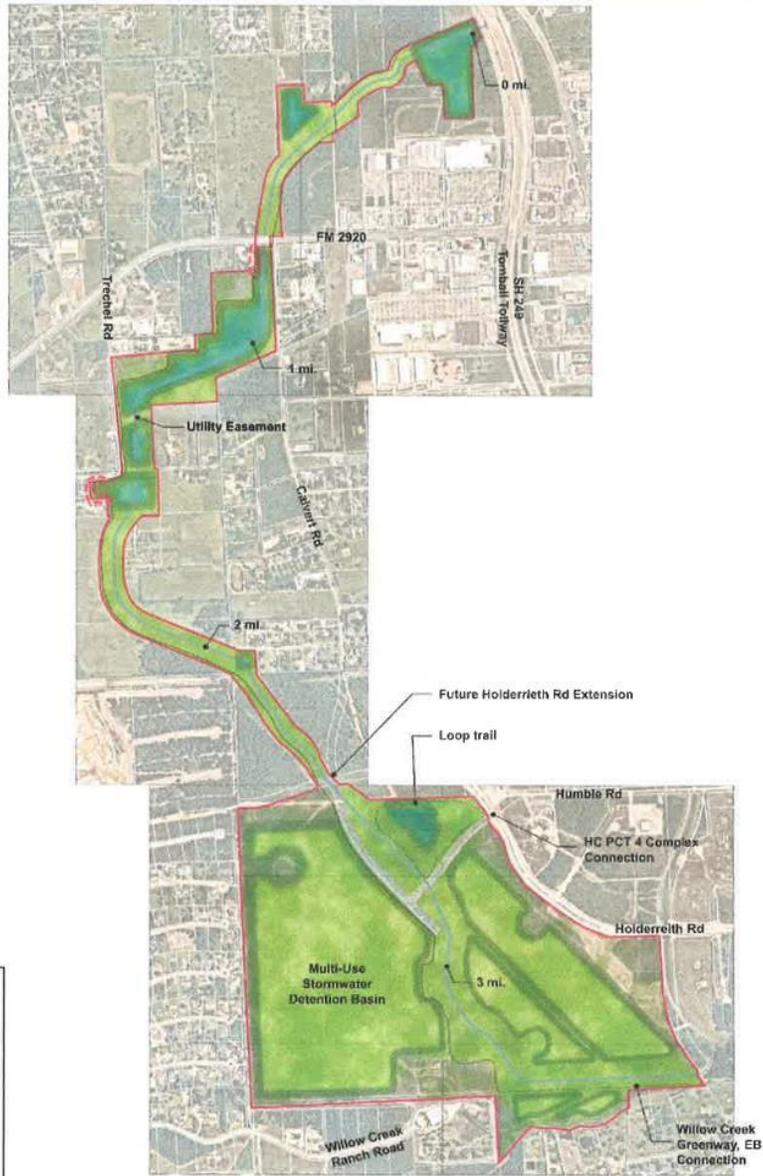
MEDICAL COMPLEX ROAD FACING EAST TERMINATING INTO STATE HIGHWAY 249, ELEVATED MAIN LANES. NO OVERPASS AND NO WAY TO CROSS.



MEDICAL COMPLEX ROAD FACING WEST AT CALVERT ROAD. SUBJECT IN BACKGROUND ON FAR SIDE OF CALVERT ROAD.

PROJECT PROGRESS & COMMUNITY ENGAGEMENT

2018 BOND PROGRAM



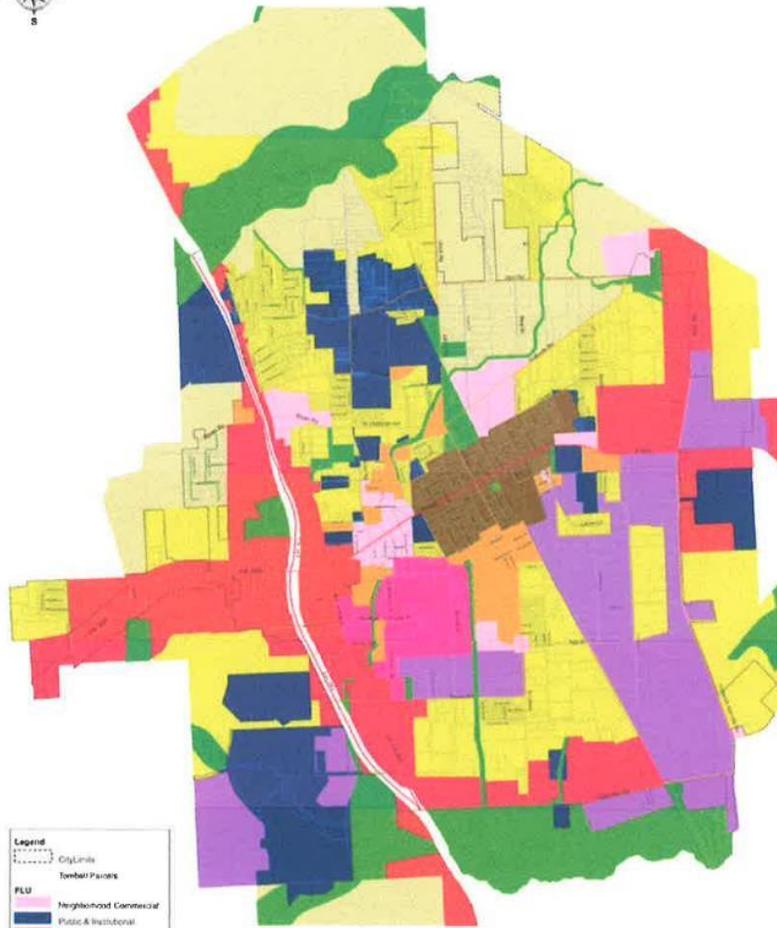
LEGEND

-  Proposed Project Boundary
-  Potential Multi-use Hike and Bike Trail
-  Potential Connection
-  Potential Landscape
-  Constrained Corridor

North 

 0 250 500 1000

City of Tomball, Texas
Future Land Use
Revised November 4, 2019



- Legend**
- City Limits
 - Tomball Parcels
- FLU**
- Neighborhood Commercial
 - Public & Institutional
 - Condo Commercial
 - Old Town
 - Neighborhood Residential
 - Medical District
 - Transitional Residential
 - Ranch Rural & Estate
 - Parks & Open Space
 - Business Park and Industrial





About Us

Kittle Property Group, Inc. (KPG) is the successor to companies that have been around since 1948 and has developed and managed multifamily homes for over 70 years. We develop, build, manage and own multifamily rental housing and self-storage facilities throughout the United States. Our most valuable asset, our team, has extensive experience in property development, real estate finance, multifamily housing construction, property management and compliance. Our vertically integrated structure means we have the experience and the expertise on hand to successfully offer partners the services and products that will complete a project from beginning to end.

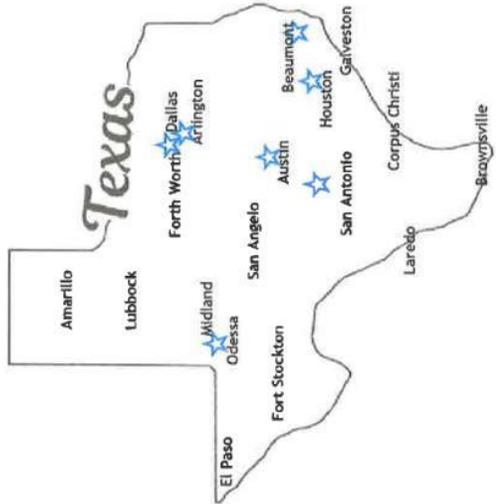
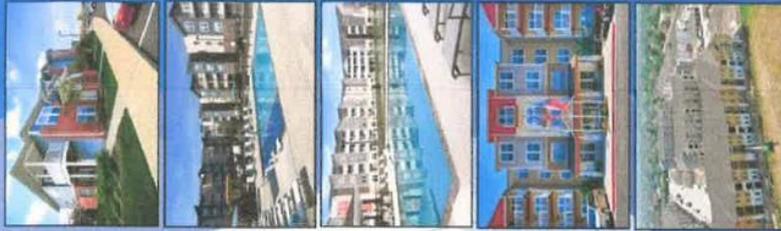
Fifteen communities in Texas since 2011 (and growing..)

- ▶ Taylor – Main Street Commons
- ▶ McGregor – Rache' Commons
- ▶ New Braunfels – Residences of Solina Village
- ▶ Justin – Bishop Gardens
- ▶ Odessa – Tre Grove
- ▶ Beaumont – Cypress Place
- ▶ Beaumont – C'ia Daviken Cottages
- ▶ Beaumont – Promenade*
- ▶ Beaumont – Laurel Vista
- ▶ Winnie – Marjorie Station
- ▶ Allen – Chaparral Townhomes
- ▶ Houston – Tre Vico
- ▶ Houston – Estates at Ellington
- ▶ San Antonio – The Marriage*
- ▶ Austin – Agave East*

*Under Construction

Carly Gast, Development Director – Kittle Property Group, Inc. – 641-832-9088 – cgast@kittleproperties.com

- A. Casey Acres - Westfield, IN
- B. Ashford Park - Columbus, IN
- C. The Promenade - Beaumont, TX
- D. Main Street Commons - Taylor, TX
- E. The Marriage - San Antonio, TX (under construction)



▶ **Typical community size:** 200-300 units

▶ **Building types:**

- ▶ General population: 2-3 story garden style, breezeway buildings
 - ▶ 1-, 2-, 3-, & up to 4-bedroom units
- ▶ Senior: 3-4 story interior corridor/elevator served buildings and/or 1 story "cottage" (duplex) style buildings
 - ▶ 1- & 2-bedroom units

Typical Community Amenities:

- Onsite management/leasing office
- Community room
- Fitness center
- Business center with computers
- Activity room
- Game room
- Swimming pool
- BBQ grill/picnic area
- Playground
- Dog park

Typical Resident Services:

- Onsite Food Pantry
- Annual Health Fair
- Partnership with local law enforcement and/or first responders for on-site social events intended to foster relationships with residents
- Annual Income Tax Preparation
- Twice monthly arts, crafts, and recreational activities
- Twice monthly onsite social events

