



Comprehensive Plan Amendment Staff Report

Planning and Zoning Commission Hearing Date: May 9, 2022
City Council Public Hearing Date: May 16, 2022

Case: P22-016

Applicant(s): Harrisburg Homes, Inc.

Request: To amend the Master Thoroughfare Plan by removing the proposed east /west segment from Medical Complex Drive. Specifically being the 0.9-mile segment extending between the eastern right-of-way boundaries of Hufsmith-Kohrville Road to the southern right-of-way boundary of Mahaffey Road.

BACKGROUND

In 2008 the Houston-Galveston Area Council conducted the “FM 2920 Access Management Study”, as well as the “Livable Centers” 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 specifically to alleviate heavy truck traffic through Old Town Tomball. This Comprehensive Plan mentions the east-west connection of Medical Complex Drive as a potential suitor for this bypass for heavy trucks. In 2019, construction was completed for 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 existing and proposed western extent of Medical Complex Drive from a major arterial to a minor arterial between Business State Highway 249 to FM 2920.

ANALYSIS

Comprehensive Plan Recommendation: The current Comprehensive Plan adopted in 2019, much like its predecessor identifies the need to promote east-west connections through the City and specifically, alternatives to FM 2920 and potentially a bypass for through traffic and heavy trucks. However, due to the construction of SH 249 without an underpass, the current Comprehensive Plan acknowledges that this previous plan to utilize Medical Complex Drive as an east-west alternative route through the City to FM 2920 is inhibited. Subsequently, the Comprehensive Plan suggests reviewing Medical Complex Drives street classification as well as potential alternatives to this route. The Comprehensive Plan suggests that the City of Tomball consider a prohibition of truck traffic through downtown and identifies Holderrieth Road as a potentially suitable alternative truck route bypass through the City of Tomball.

Staff Review Comments: Substantial changes have taken place since the plan for Medical Complex Drive as an east-west bypass was initially conceived. Perhaps none-more substantial than the lack of an underpass being provided at SH 249. Due to the lack of an underpass, traffic needing to get to FM 2920 from Medical Complex Drive is forced to take Business 249 or the SH 249 frontage road. It is worth mentioning that since 2009 traffic congestion along FM 2920 has somewhat been alleviated with the construction of State Highway 99. In identifying potential alternatives to Medical Complex Drive, the Comprehensive Plan suggests considering Holderrieth Road; which is also not a direct bypass connecting directly to FM 2920, and is a planned major arterial roadway extending east-west through the City of Tomball with an existing underpass at SH 249. Harris County is currently designing improvements to Holderrieth Road, which once construction is completed will be a four-lane boulevard major arterial street. This roadway when fully built out could potentially further alleviate traffic congestion on FM 2920. Additionally, in considering the subject portion of Medical Complex Drive; the entirety of this proposed segment of roadway falls within Harris County, and not within the City of Tomball. Subsequently, the ultimate design and construction of this segment of roadway will be at the discretion of Harris County; and may not meet the roadway design desired by the City of Tomball to effectively carry the volume of traffic to serve as a true bypass. Lastly, existing conditions make the subject extension of Medical Complex Drive difficult. Particularly, the alignment of the right-of-way and subsequent road. In 2017, a subdivision plat was approved that created “Willow Creek Pet Ranch of Tomball” (EXHIBIT “F”). At the time of this plat being recorded the southeastern most 0.0162 acres of this property dedicated approximately 25-feet of right-of-way toward this future extension of Medical Complex Drive, and effectively set the alignment of this right-of-way. Southeast of this platted property are platted lots within “Country Club Greens, Section 2”. This subdivision predates the current thoroughfare plan and subsequently did not account for the extension of Medical Complex Drive. Between these two platted properties is an approximately 75-foot-wide marginal unplatted remnant, the entirety of which would need to be dedicated as right-of-way toward Medical Complex Drive. This right-of-way alignment places Medical Complex Drive in the direct trajectory of two existing residential homes; one being recently constructed in 2014. Taking this into consideration the future extension of the remainder of this section of Medical Complex Drive appears unlikely to occur in the immediate future.

EXHIBITS

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

EXHIBIT "A"

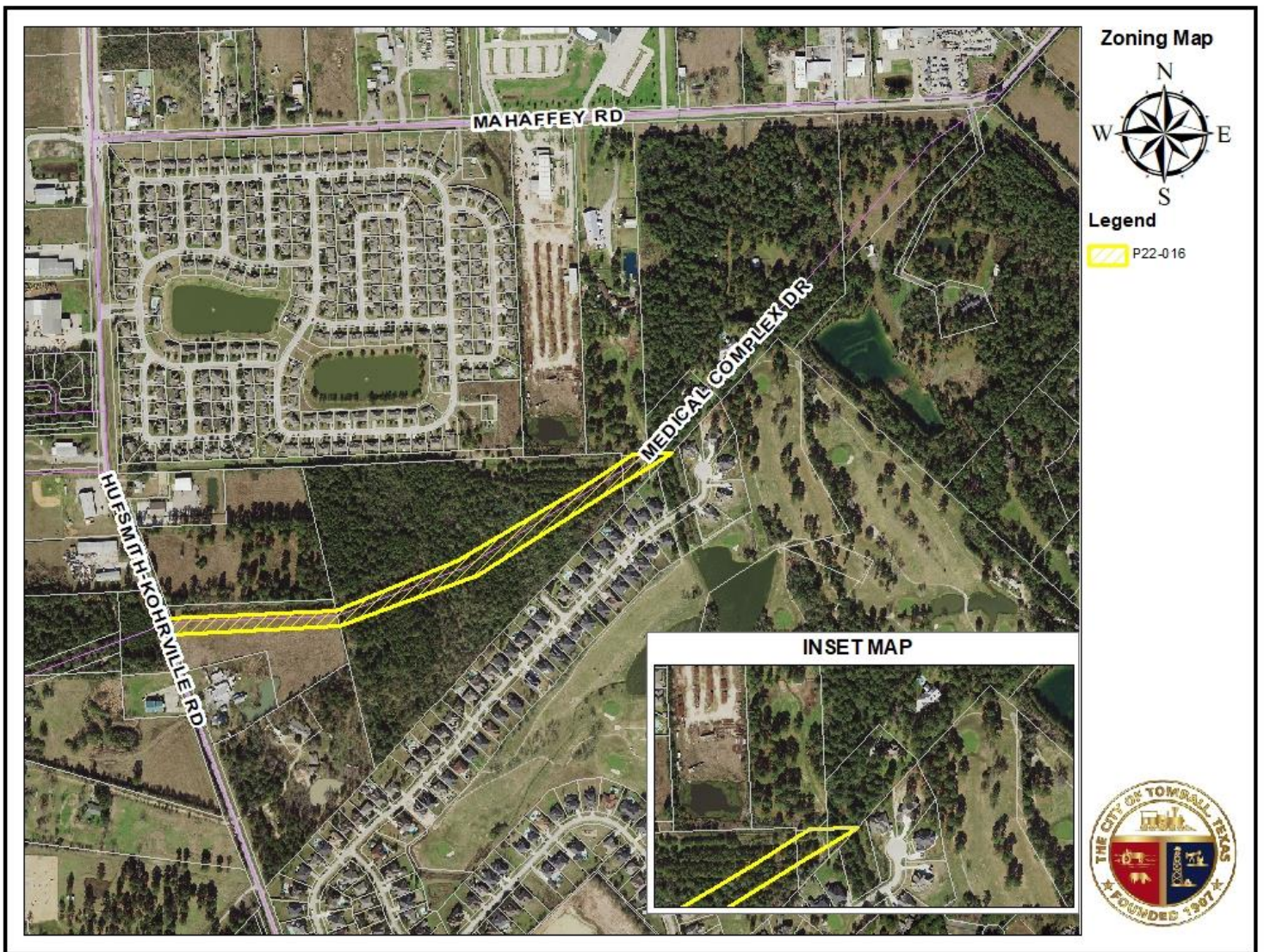


EXHIBIT "B"

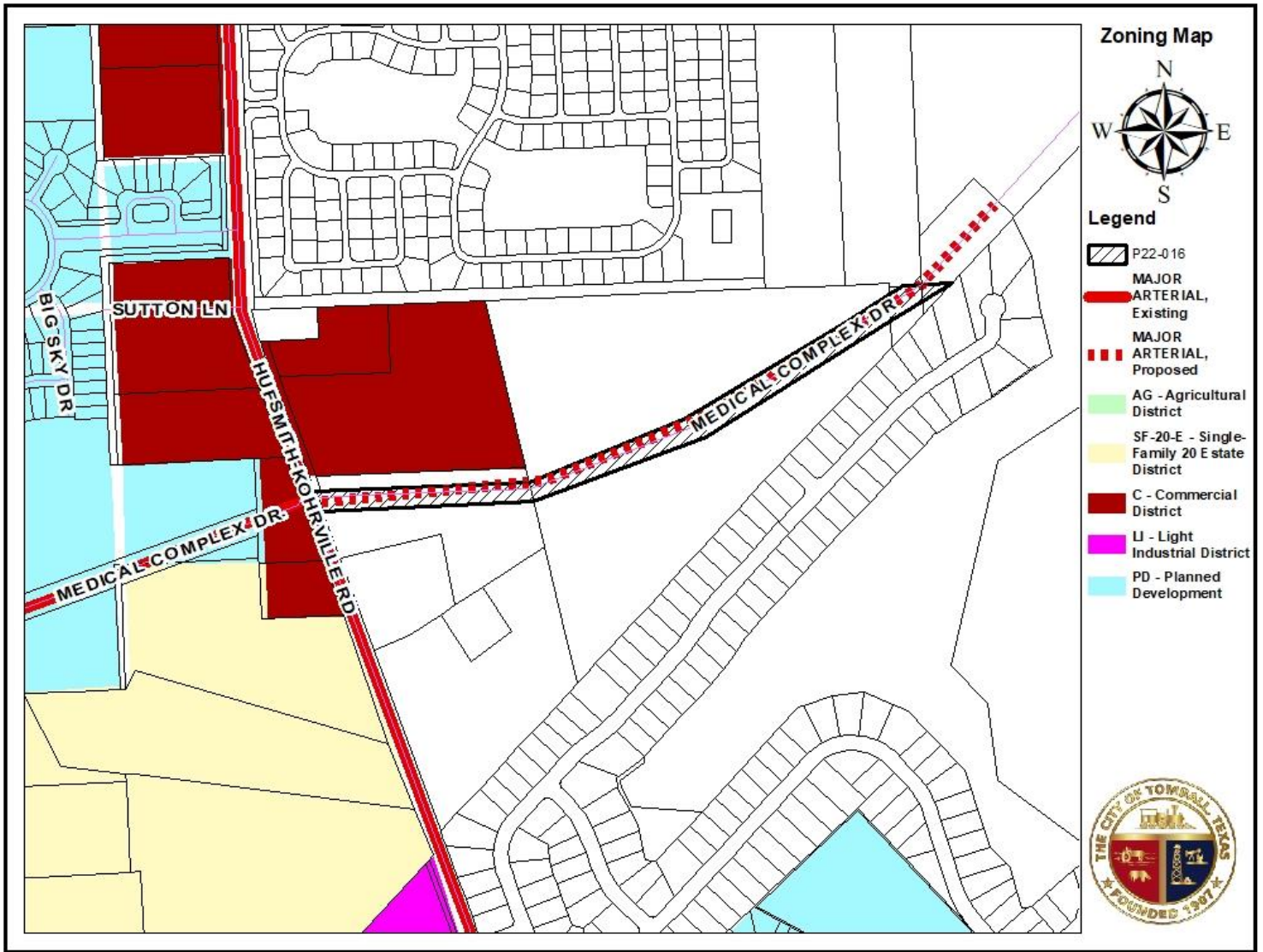


EXHIBIT "C"

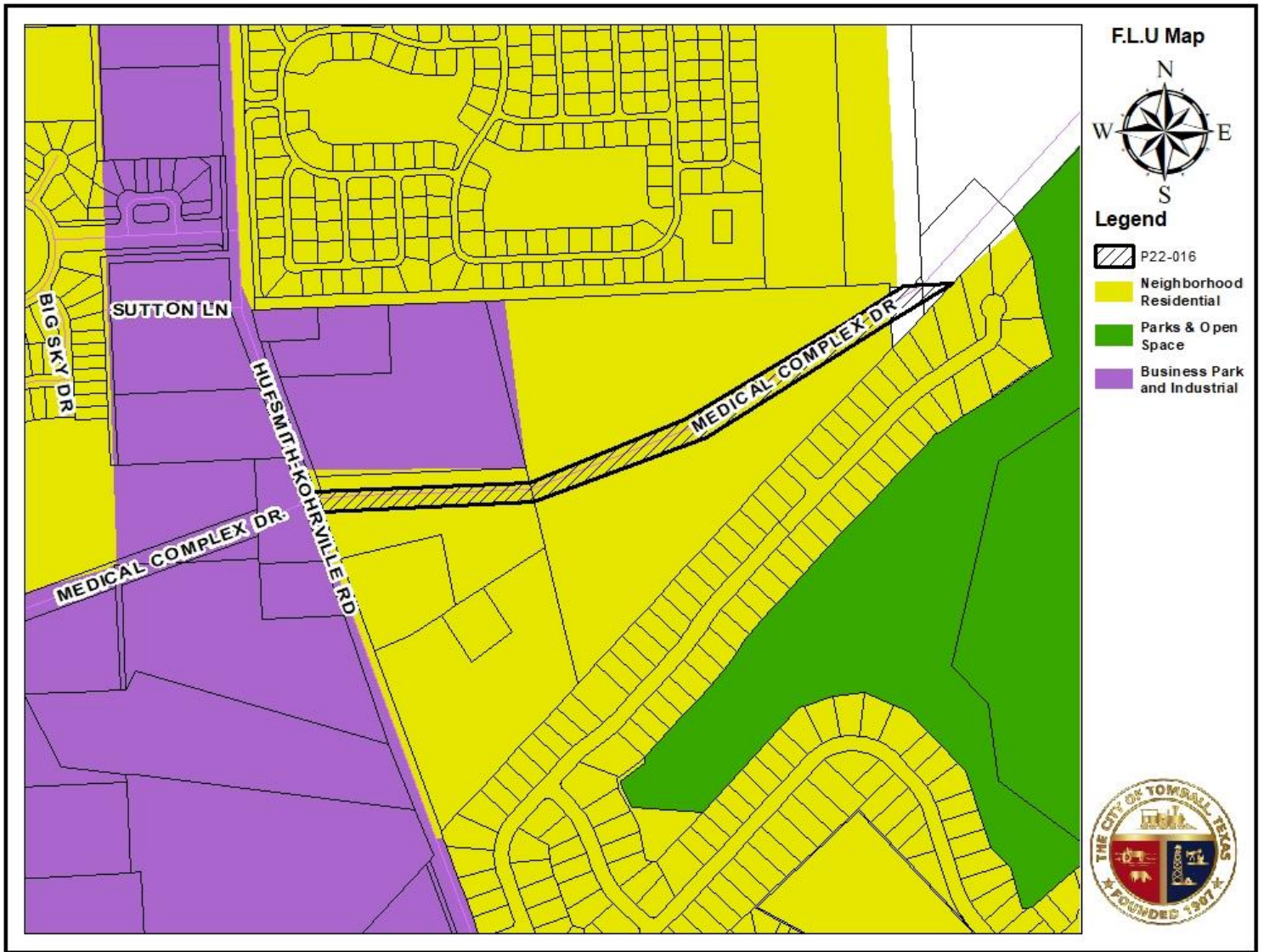


EXHIBIT “D”

City of Tomball, Texas

Major Thoroughfare Plan

Revised : May 17, 2021

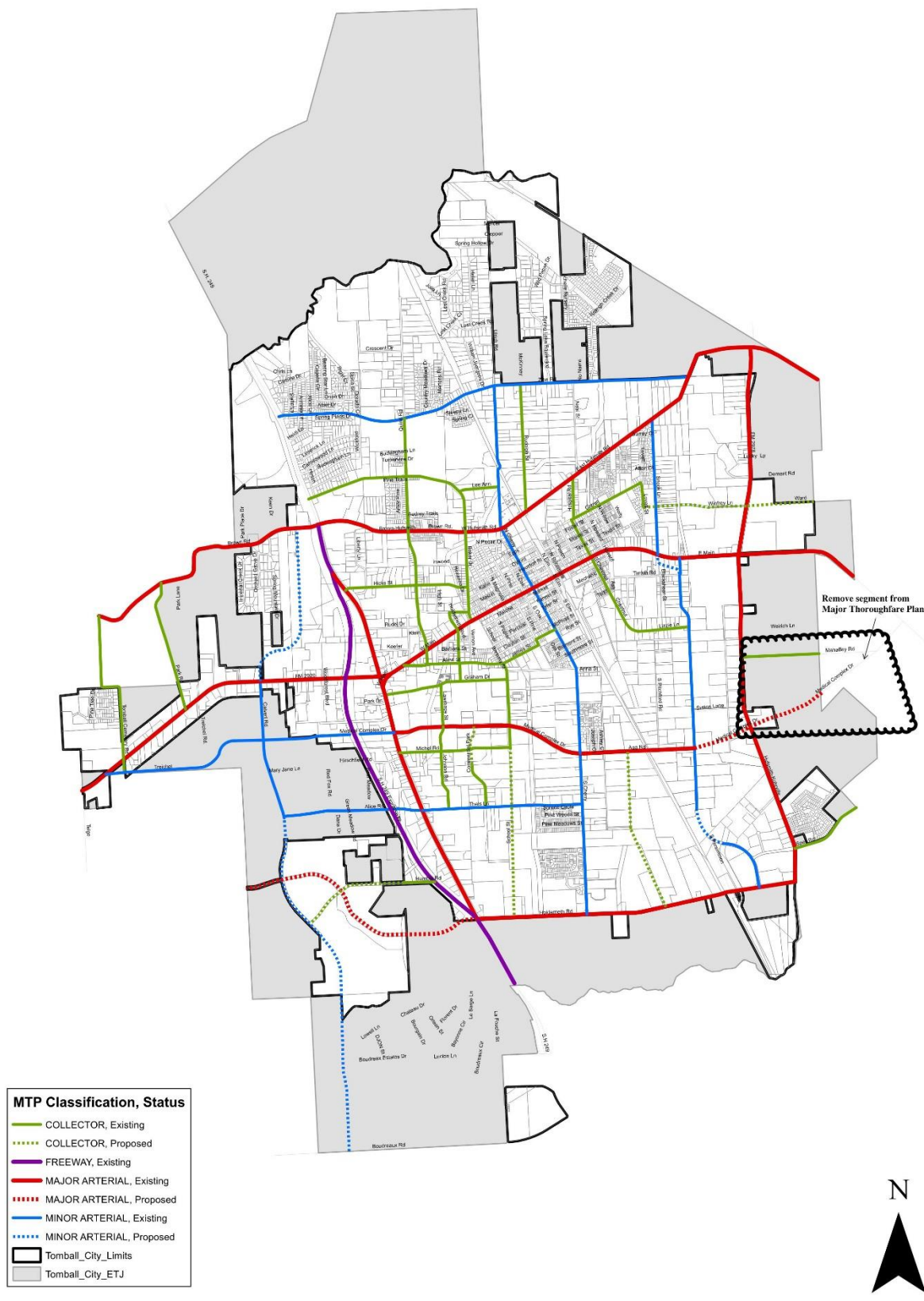


EXHIBIT “E”



EXHIBIT “F”

RP-2017-468163 FILED
10/25/2017 9:30
10/25/2017crpjm: 60.00
State Of Texas
County Of Harris
St. St.
COMPLAINT OF BREK

[illegible]

FURTHER. Owners have dedicated and/or by-laws permit the use of the public for public utility purposes former unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'00") for ten feet (10'00") back-of-lot ground easements, or eight feet (8'00") for fourteen feet (14'00") back-of-lot ground easements, or seven feet (7'00") for sixteen feet (16'00") back-of-lot ground easements, from a plane sixteen feet (16'00") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) and indicated and depicted therein, whereby each aerial easement totals thirty feet (30'00") in width.

FURTHER. One or more additional items may be added as a result of their being listed in 12.07, which may include, but is not limited to, the following: (a) a list of the names of the persons, firms, companies, or other natural drainage concerns located in and near, and (b) a list of the names of the persons, firms, companies, or other artificial drainage concerns located in and near, the area of drainage, and maintenance of drainage facilities and structures.

FURTHER, Owners certify and covenant that they have complied with or will comply with existing Harris County Road Law, Section 31-C, as amended by Chapter 614, Acts of 1923, Legislature and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioner's Court of Harris County.

N TESTIMONY WHEREOF, OB Group, LLC, has caused these presents to be signed by Ray Odom, Member, thereto authorized, and its common seal hereto affixed, this 7 day of July, 2017.

03 Group, LLC
by  Raly O'Bannon Member

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

Given under my hand and SEAL OF OFFICE, this _____ day of _____, 2017.

My Commission expires _____



This is to certify that the Planning Commission of the City of Houston, Texas, has approved this plat of Willow Creek Pond Ranch of Tomball in conformance with the laws of the State of Texas and the ordinances of the City of Houston as shown herein and authorized the recording of this plat this 2nd day of December, 2017.

By Margaret Sison By Margaret Sison
Martha L. Sison Patrick Walsh, P.E.
Chairman Vice-Chairman Secretary

This is to certify that the Planning and Zoning Commission of the City of Toronto has approved this plan and subdivision of Willow Creek, a parcel of land in conformance with the laws of the State of Texas and the ordinances of the City of Toronto as shown herein and authorized the recording of this plat.

February of July, 2017.

By _____
Chairman

By _____
Vice-Chairman

1. David R. Swinehart, an employee under the law of the State of Texas to practice the profession of a surveyor, and meted out by the above subdivision is true and accurate; provided, that evidence as shown all boundary corners, angle points, points of curvature and points of tangency have been marked with iron (or other objects of permanent nature) and rods that have an outside diameter of not less than .56 inch and a length of not less than 36 inches, and the following supplementary corners have been laid out by the Texas Surveyors' Association of 1980, South Central Zone.

By Stephen H Smith VP
PRINTED NAME

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Stephan


known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2017.


1. John R. Blum, County Engineer of Harris County, hereby certifies that the plat of this tract of land is a true and correct copy of the original on file in the office of the Harris County Commissioner of Deeds and that it conforms to all requirements for the subdivision of the Harris County Flood Law as mentioned and all other laws applied therein.

My Commission expires: 5/31/2017

NOTARY PUBLIC
STATE OF TEXAS



I, Stan Sharr, County Clerk of Harris County, and as also clerk of the Harris County Commissioner Court, do hereby certify that the within instrument was approved at a legal convened meeting of the Harris County Commissioners' Court held on 10th day of July 1984 by an order entered into the minutes of the court.


 J. R. Brou, P. A. E. E., AP
 County Engineer

1. State Standard Clerk of the County of Harris County, do hereby certify that the within instrument was duly recorded on this 08th day of July, 2017 at 11:00 o'clock and at Firm Code Number 6680353 of this county.



Sara Stuart
County Clerk
of Harris County, Texas

By: Loraine Shults
Deputy

Winters my hand and soul of grief, at Heavens dry and clam heat above within.

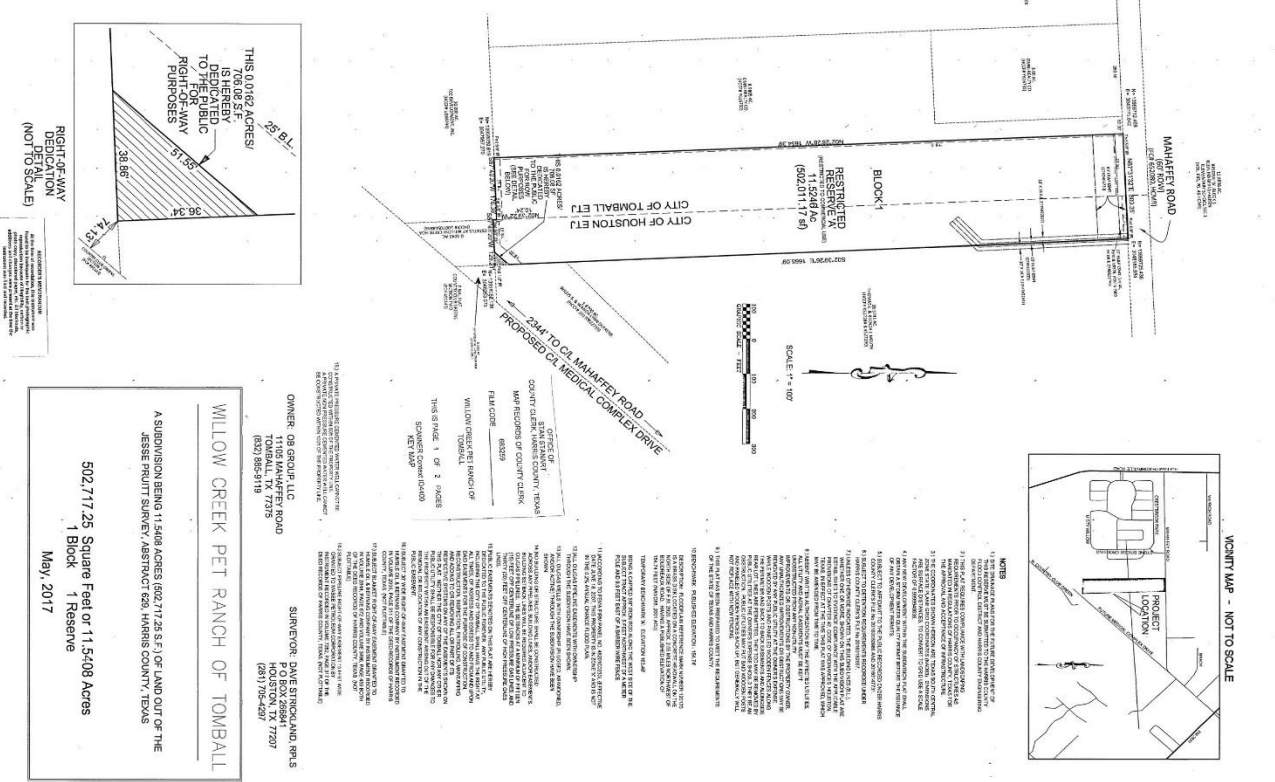
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EXHIBIT "G"



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.



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

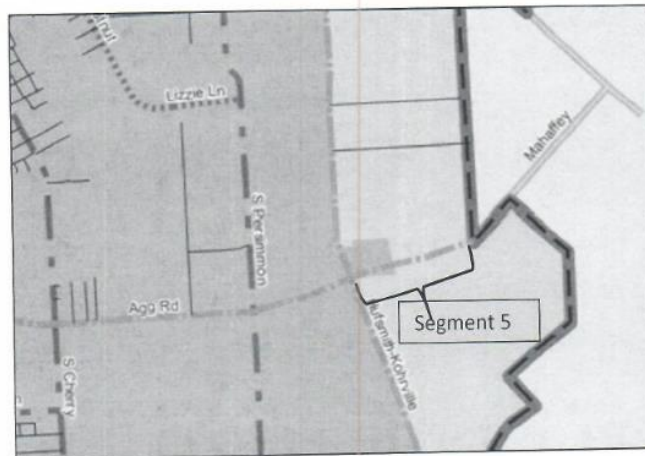


Figure 2 – Snippet of “Tomball Comprehensive Plan, 2019, Figure 4.6, Major Thoroughfare Plan”



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,

A handwritten signature in blue ink, appearing to read "Shawn Speer".

Shawn Speer

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

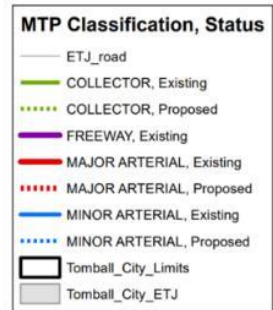
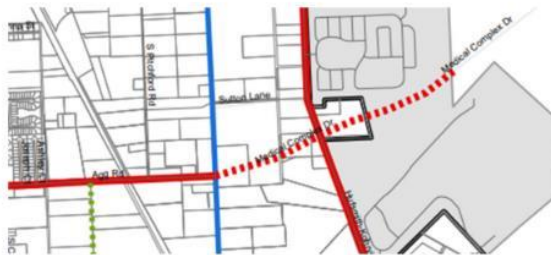
City of Tomball

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 complement 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”

