

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



MONDAY, APRIL 10, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, April 10, 2017 at 6:00 P.M., 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 and 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.

- 1.0 Call to Order
- 2.0 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.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 9, 2017.
- 5.0 New Business:
 - 5.1 Consideration to Approve Final Plat of **QUICK QUACK DEVELOPMENT TOMBALL**: A subdivision of 0.8043 acre of land, being a Replat of Lot 14,

Block 7, BVM Main Street Tomball, a subdivision of record in F.C. No. 675573 of the H.C.M.R., and Lot 13, Block 7, of Main Street Tomball, a subdivision of record in volume 15, page 43, of the H.C.M.R., located in the Joseph House Survey, A-34, City of Tomball, Harris County, Texas.

- 5.2 Consideration to Approve Final Plat of **RALEIGH CREEK SECTION THREE**: Being 14.7098 Acres of land, situated in the Joseph Miller Survey, Abstract number 50, Harris County, Texas, and also being a Replat of Reserve "I" of Raleigh Creek Section Two, as recorded in film code No. 663121 H.C.M.R.
- 5.3 Consideration to Approve Final Plat of **USAi1**: A Replat of Lots 47 and 48 in Block 86 into New Lot 47 (0.1607 Ac./ 7000.00 Sq. Ft.) in Block 86 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).
- 5.4 Consideration to Approve Final Plat of **HOGAN CRUM**: Being a 9.7923 acre tract of land in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, being a Replat of a portion of Outlot Numbers 18, 24, 30 and 36 of the TOMBALL TOWNSITE, a subdivision according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas, and being out of and part of a called 15.2374 acres as described in deed recorded in Clerk's File Number X609278, of Real Property Records of Harris County, Texas and also including all of that portion of Stasney Road abandoned by the City of Tomball to Daniel Rodano in instrument recorded in Clerk's File Number 20100163186 of said Real Property Records.
- 5.5 Consideration to Approve **Zoning Case P17-0012**: Request by Francisco Choi, on behalf of TamiroWood LLC, to operate an Assisted Living Facility (continuing care retirement community) at 609 South Pine Street. The property is approximately 2 acres, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, generally located on the east side of South Pine Street between James Street and Cherry Laurel Street and is zoned Office District.
- Conduct public hearing on **Zoning case P17-0012**
- 5.6 Consideration to Approve **Zoning Case P17-0023**: Request by Scott McKinzie, on behalf of BCDE, LTD to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70.3574 acres of land, legally described as Reserve C, C1 and C2 Tomball Greens, within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville Road, north side of Spell Road, from the Single-Family 9 District to the Planned Development District.
- Conduct public hearing on **Zoning Case P17-0023**

6.0 Adjournment

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 6th day of April, 2017 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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.ci.tomball.tx.us.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: April 10, 2017

Topic:

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: April 10, 2017

Topic:

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: April 10, 2017

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 9, 2017.

Background:

Origination:

Community Development Department

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Minutes 03.09.17

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

THURSDAY, MARCH 9, 2017



6:00 P.M.

- 1.0 The meeting was called to order by Chair Barbara Tague at 6:05 p.m. Other members present were:

Commissioner Richard Anderson
Commissioner Darrell Roquemore
Commissioner Will Benson, Jr. - Late
Commissioner Dane Dunagin

Others present:

Community Development Director– Craig Meyers
City Engineer – Beth Jones
Planner – Amelia Lindley
Community Development Coordinator – Kim Chandler
City Attorney – Loren Smith

- 2.0 No Public Comments were received.
- 3.0 Amelia Lindley, Planner, announced the following:

- Update on CUP Case P16-0189 and CUP Case P17-0001:
 - City Council approved both items on the First and Second Readings

Craig Meyers, Community Development Director, announced the following staff changes:

- Beth Jones has been promoted to City Engineer.
- Amelia Lindley has been promoted to Planner.

- 4.0 Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of February 13, 2017.

Motion carried unanimously.

draft

5.0 New Business:

- 5.1 Consideration to Approve Final Plat of **KAYCEN CROSSING**: A subdivision of 0.1607 acre tract (7,000.00 Square Feet) being a Replat of Lots 33 and 34 in Block 87 of a revised plat of Tomball as recorded in Volume 4, page 25 Harris County Map Records, situated in the William Hurd Survey, Abstract 371, City of Tomball Harris County, Texas.

Beth Jones, City Engineer, presented recommendation of approval with a contingency.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **KAYCEN CROSSING**, with a contingency.

Motion carried unanimously.

- 5.2 Consideration to Approve Final Plat of **LSP TOMBALL DEVELOPMENT REPLAT NO. 1**: A subdivision of 5.267 Acres of land being a replat of Lot 1, Block 1 of LSP TOMBALL DEVELOPMENT as recorded at Film Code number 679810, Harris County Map Records located in the Sam Lewis Survey, Abstract Number 1704 City of Tomball, Harris County, Texas.

Beth Jones, City Engineer, presented recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **LSP TOMBALL DEVELOPMENT REPLAT NO. 1**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to Approve Final Plat of **PROFESSIONAL MEDICAL PLAZA**: A Subdivision of 2.0595 Acres (89,711.13 Square Feet) located in the Joseph House Survey, Abstract 34, Harris County, Texas.

Beth Jones, City Engineer, presented recommendation of approval with contingencies.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **PROFESSIONAL MEDICAL PLAZA**, with contingencies.

Motion carried unanimously.

- 5.4 Consideration to Approve Preliminary Plat of **WILLOW CREEK PET RANCH OF TOMBALL**: A Subdivision being 11.5408 Acres of land out of the Jesse Pruitt Survey, Abstract 629, Harris County, Texas.

Beth Jones, City Engineer, presented recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **WILLOW CREEK PET RANCH OF TOMBALL**, with contingencies.

Motion carried unanimously.

- 5.5 Consideration to Approve Preliminary Plat of **ZION VISTA**: A Subdivision being 1.8889 Acres of land out of the Joseph Miller Survey, Abstract 50, Harris County, Texas.

Beth Jones, City Engineer, presented recommendation of approval with contingencies.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **ZION VISTA**, with contingencies.

Motion carried unanimously.

- 5.6 Consideration to Approve Final Plat of **WILLOWCREEK RANCH SEC 7**: Being a Subdivision of 47.28 Acres in the Holderreith and Doughtie Survey, A-1702, The I. & G.N. R.R. Survey, A-952, The M.B. Jones and G.M. Cone Survey, Cert. No. M-22952 and The William Biggio Survey, Cert. No. M-22954, in Harris County, Texas.

Beth Jones, City Engineer, presented recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **WILLOWCREEK RANCH SEC 7**, with contingencies.

Motion carried unanimously.

- 5.7 Consideration to Approve Final Plat of **WILLOWCREEK RANCH EQUESTRIAN RESERVES**: Being a Subdivision of 19.9242 Acres out of the William Biggio Survey, Cert. No. M-22954 and The M.B. Jones & G.M. Cone Survey, Cert. No. M-22952 in Harris County, Texas.

Beth Jones, City Engineer, presented recommendation of approval with contingencies.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **WILLOWCREEK RANCH EQUESTRIAN RESERVES**, with contingencies.

Motion carried unanimously.

- 5.8 Consideration to Approve Final Plat of **NEW MOORE STREET**: A replat of Lot 38 in Block 86 into New Lot 38 (0.1607 Ac. / 7000.00 Sq. Ft.) and New Lot 39 (0.1607 Ac. / 7000.00 Sq. Ft.) in Block 86 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded under Film Code No. 674027 of the Map Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).

Beth Jones, City Engineer, presented recommendation of approval with contingencies.

Motion was made by Commissioner Anderson, second by Commissioner Benson Jr., to approve **NEW MOORE STREET**, with contingencies.

Motion carried unanimously.

- 5.9 Consideration to approve **Zoning Case P17-0006**: Request by Banson Ventures I, LLC for a Conditional Use Permit to operate a *Mini-warehouse/self-storage* facility at 1210 East Hufsmith Road. The property is approximately 2.43 acres, generally located on the south side of East Hufsmith Road between Snook Lane and Zion Road, is legally described as Tract 3A R/S 10 Abstract 730 J S Smith and is zoned General Retail.

Amelia Lindley, Planner, presented the case and recommendation of approval.

Mark Counts, on behalf of Banson Ventures I, LLC – Applicant, (62 South Taylor Point, Spring, TX 77382) was introduced and spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:34 p.m.

Hearing no comments, the Public Hearing was closed at 6:34 p.m.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **Zoning Case P17-0006**. Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Dunagin	<u>Aye</u>
Commissioner Benson, Jr.	<u>Aye</u>

Motion carried unanimously.

- 5.10 Consideration to approve **Zoning Case P17-0007**: Request by Francisco Choi, on behalf of TamiroWood LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, generally located on the east

side of South Pine Street between James Street and Cherry Laurel Street at 609 South Pine Street, from the Single-family 6 District to the Office District.

Amelia Lindley, Planner, presented the case and recommendation of approval.

Phil Duprey, Representing Applicant, (1302 Anna Court, Cedar Park, TX 78613) was introduced and spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:41 p.m.

Sandy Reagan, Homeowner, (426 Cherry Laurel, Tomball, TX 77375) spoke of concerns with development on the subject site.

Sandra Doss, Homeowner, (447 Cherry Laurel, Tomball, TX 77375) spoke of concerns with development on the subject site.

Evangeline Chaney, Homeowner, (708 S. Oak, Tomball, TX 77375) spoke of concerns with development on the subject site.

Hearing no additional comments, the Public Hearing was closed at 6:47 p.m.

Motion was made by Commissioner Roquemore, second by Commissioner Benson Jr., to approve **Zoning Case P17-0007**. Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Dunagin	<u>Aye</u>
Commissioner Benson, Jr.	<u>Aye</u>

Motion carried unanimously.

- 5.11 Consideration to approve **Zoning Case P17-0008**: Request by Baker Investors Group LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.01 acres of land, legally described as Reserve H Block 1 Leslie's Park, generally located at the southwest corner of Brown Road and Baker Road, from the Single-family 6 District to the Commercial District.

Amelia Lindley, Planner, presented the case and recommendation of Denial.

Al Tailor, Representing Applicant, (7502 Summer Night Ln., Rosenberg, TX 77469) was introduced and spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:54 p.m.

Bruce Morris (618 E. Pecan Dr., Tomball, TX 77375) spoke in opposition of the request.

David Tegtmeier (506 Inwood, Tomball, TX 77375) spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 6:57 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **Zoning Case P17-0008**. Vote was as follows:

Chair Tague	<u>Nay</u>
Commissioner Anderson	<u>Nay</u>
Commissioner Roquemore	<u>Nay</u>
Commissioner Dunagin	<u>Nay</u>
Commissioner Benson, Jr.	<u>Nay</u>

Motion Failed unanimously.

6.0 Motion was made by Commissioner Roquemore, second by Commissioner Benson Jr., to adjourn.

Motion carried unanimously.

The meeting was adjourned at 6:58 p.m.

PASSED AND APPROVED this _____ day of _____ 2017.

Kim Chandler
Commission Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: April 10, 2017

Topic:

Consideration to Approve Final Plat of **QUICK QUACK DEVELOPMENT TOMBALL**: A subdivision of 0.8043 acre of land, being a Replat of Lot 14, Block 7, BVM Main Street Tomball, a subdivision of record in F.C. No. 675573 of the H.C.M.R., and Lot 13, Block 7, of Main Street Tomball, a subdivision of record in volume 15, page 43, of the H.C.M.R., located in the Joseph House Survey, A-34, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Quick Quack Development Tomball Plat

STATE OF TEXAS
COUNTY OF HARRIS

WE, QUICK QUACK DEVELOPMENT, LLC ACTING BY AND THROUGH, JASON JOHNSON, PRESIDENT, BEING AN OFFICER OF QUICK QUACK DEVELOPMENT, LLC, OWNERS HEREINAFTER REFERRED TO AS OWNERS OF THE 0.8043 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF QUICK QUACK DEVELOPMENT TOMBALL, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAN OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS, OR PERMANENT ACCESS EASEMENTS), 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 HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSE FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE (5) FEET IN WIDTH FROM A PLANE TWENTY (20) FEET ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT IS HEREBY 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.

IN TESTIMONY WHEREOF, QUICK QUACK DEVELOPMENT, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY JASON JOHNSON, ITS PRESIDENT, THEREUNTO AUTHORIZED, THIS ____ DAY OF ____ 2017.

QUICK QUACK DEVELOPMENT, LLC

BY: JASON JOHNSON, PRESIDENT

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JASON JOHNSON, 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 ____ 2017.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRINTED NAME: _____

COMMISSION EXPIRES: _____

WE, CIT BANK, N.A., OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS QUICK QUACK DEVELOPMENT TOMBALL, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN HARRIS COUNTY CLERK'S FILE NO. 20170001762 (AFFIDAVIT OF PARTIES IN POSSESSION BY HARRIS COUNTY CLERK'S FILE NO. 20170003255) AND HARRIS COUNTY CLERK'S FILE NO. 20170001797 (CORRECTED BY HARRIS COUNTY CLERK'S FILE NO. 201700054054), DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

CIT BANK, N.A.

BY: _____

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ 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 HEREIN STATED, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF ____ 2017.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRINTED NAME: _____

COMMISSION EXPIRES: _____

I, MICHAEL HALL, AM AUTHORIZED (OR 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.

MICHAEL HALL, R.P.L.S.
TEXAS REGISTRATION NO. 5765

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF QUICK QUACK DEVELOPMENT TOMBALL 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 ____ DAY OF ____ 2017.

BY: BARBARA TAGUE, CHAIRMAN

BY: DARRELL ROQUEMORE, VICE CHAIRMAN

I, STAN STANART, 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 ____ 2017, AT ____ O'CLOCK ____ M., AND DULY RECORDED ON ____ 2017 AT ____ O'CLOCK ____ M., AND AT FILM CODE NO. ____ 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.

STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: DEPUTY

LAWRENCE AVENUE
50' R.O.W. PER VOL. 15, PG. 43, H.C.M.R.

BLOCK 7
MAIN STREET TOMBALL
ADDITION
VOL. 15, PG. 43,
H.C.M.R.

MAIN STREET
(WALLER-TOMBALL COUNTY HIGHWAY)
(F.M. 2920)
100' R.O.W. PER VOL. 15, PG. 43, H.C.M.R.

CALLED 1.002 ACRES
TADS LAND
DEVELOPMENTS, LLC
H.C.C.F. No.
20140522742

CALLED 1.345 ACRES
HOMETOWNRX, LLC
H.C.C.F. No. RP-2016-22663

CALLED 1.227 ACRES
ST FINANCIAL
GROUP, INC.
H.C.C.F. No.
20150407040

BLOCK 1
UNRESTRICTED RESERVE "A"
0.8043 ACRE
35,036.42 S.F.

ARNOLD STREET
50' R.O.W. PER VOL. 15,
PG. 43, H.C.M.R.

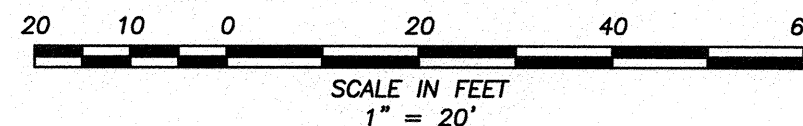
QUICK QUACK DEVELOPMENT TOMBALL

A SUBDIVISION OF 0.8043 ACRE OF LAND, BEING A REPLAT OF LOT 14, BLOCK 7, BVM MAIN STREET TOMBALL, A SUBDIVISION OF RECORD IN F.C. No. 675573 OF THE H.C.M.R., AND LOT 13, BLOCK 7, OF MAIN STREET TOMBALL, A SUBDIVISION OF RECORD IN VOLUME 15, PAGE 43, OF THE H.C.M.R., LOCATED IN THE JOSEPH HOUSE SURVEY, A-34, CITY OF TOMBALL, HARRIS COUNTY, TEXAS

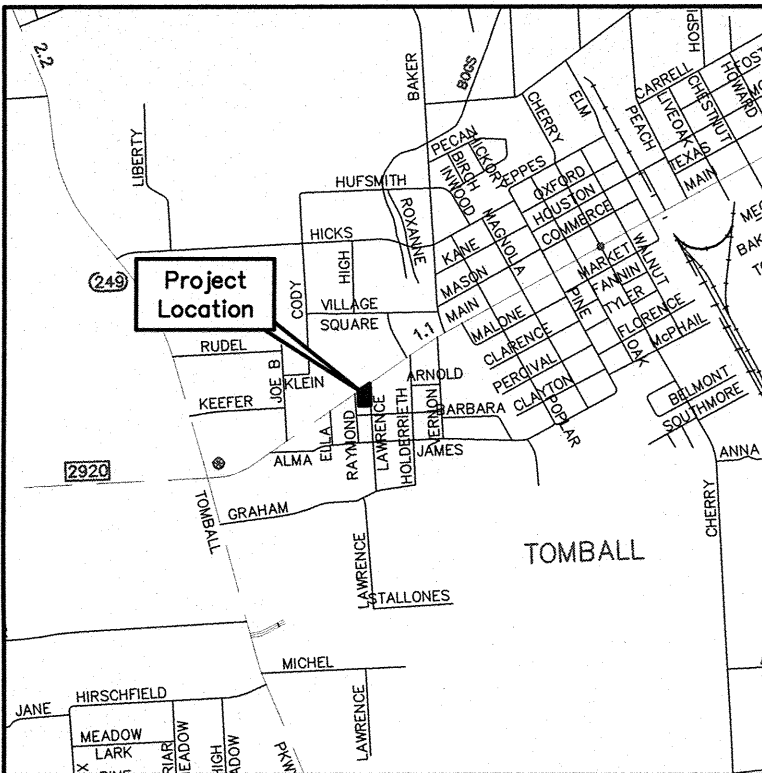
1 BLOCK 1 RESERVE

OWNER: QUICK QUACK DEVELOPMENT, LLC
1380 LEAD HILL BLVD., SUITE 260
ROSEVILLE, CA 95661
888-772-2792

SCALE: 1"=20'



APRIL, 2017



VICINITY MAP
SCALE: 1" = 1/2 MI.

ABBREVIATIONS

F.C. = FILM CODE
H.C.C.F. = HARRIS COUNTY CLERK'S FILE
H.C.D.R. = HARRIS COUNTY DEED RECORDS
H.C.M.R. = HARRIS COUNTY MAP RECORDS
No. = NUMBER
PG. = PAGE
R.O.W. = RIGHT OF WAY
VOL. = VOLUME
I.R. = IRON ROD
C.I.R. = CAPPED IRON ROD
I.P. = IRON PIPE
U.E. = UTILITY EASEMENT
B.L. = BUILDING LINE
FND. = FOUND

NOTES:

- THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO SURFACE BY DIVIDING THE FOLLOWING COMBINED SCALE FACTOR: 0.99994587125.
- 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 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 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.
- ACCORDING TO FEMA FIRM PANEL NO. 4820100210L (EFFECTIVE DATE OF JUNE 18, 2007) THIS PROPERTY IS IN ZONE "X" (UNSHADED) AND IS NOT IN THE 0.25 ANNUAL CHANCE FLOODPLAIN.
- 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 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 REMOVE OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: April 10, 2017

Topic:

Consideration to Approve Final Plat of **RALEIGH CREEK SECTION THREE**: Being 14.7098 Acres of land, situated in the Joseph Miller Survey, Abstract number 50, Harris County, Texas, and also being a Replat of Reserve "I" of Raleigh Creek Section Two, as recorded in film code No. 663121 H.C.M.R.

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Raleigh Creek Section Three

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, L S DEVELOPMENT, LLC., acting by and through, JIM SPURLIN, President and ALISON SPURLIN, Secretary, being officers of L S DEVELOPMENT, LLC., hereinafter referred to as owners of the 14.7098 Acre Tract described in the above and foregoing plat of RALEIGH CREEK, SECTION THREE, 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 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 to 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 opening area of sufficient size to permit the free flow of water without backwater and in no instance have 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 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 opening area of sufficient size to permit the free flow of water without backwater and in no instance have 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 fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, ravines, draws, sloughs, or other natural drainage courses located and depicted upon 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.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby 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.

L S DEVELOPMENT, LLC.

IN TESTIMONY WHEREOF, L S DEVELOPMENT, LLC., has caused these presents to be signed by JIM SPURLIN, its President, thereunto authorized, attested by its Secretary, ALISON SPURLIN, and its common seal hereunto affixed this ____ day of _____, 20____.

By: _____
JIM SPURLIN, President

By: _____
ALISON SPURLIN, Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS

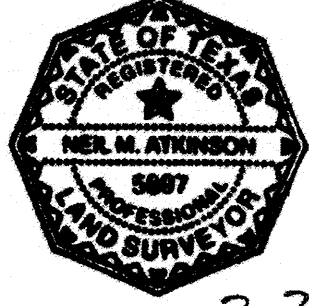
BEFORE ME, the undersigned authority, on this day personally appeared JIM SPURLIN and ALISON SPURLIN, President and Secretary respectively of L S Development, LLC., known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said Corporation.

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, Neil M. Atkinson, 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 correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Neil M. Atkinson
Registered Professional Land Surveyor
Texas Registration No. 5897



This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RALEIGH CREEK, SECTION THREE 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 ____ day of ____ 20____.

By: _____
Barbara Tague
Chairman

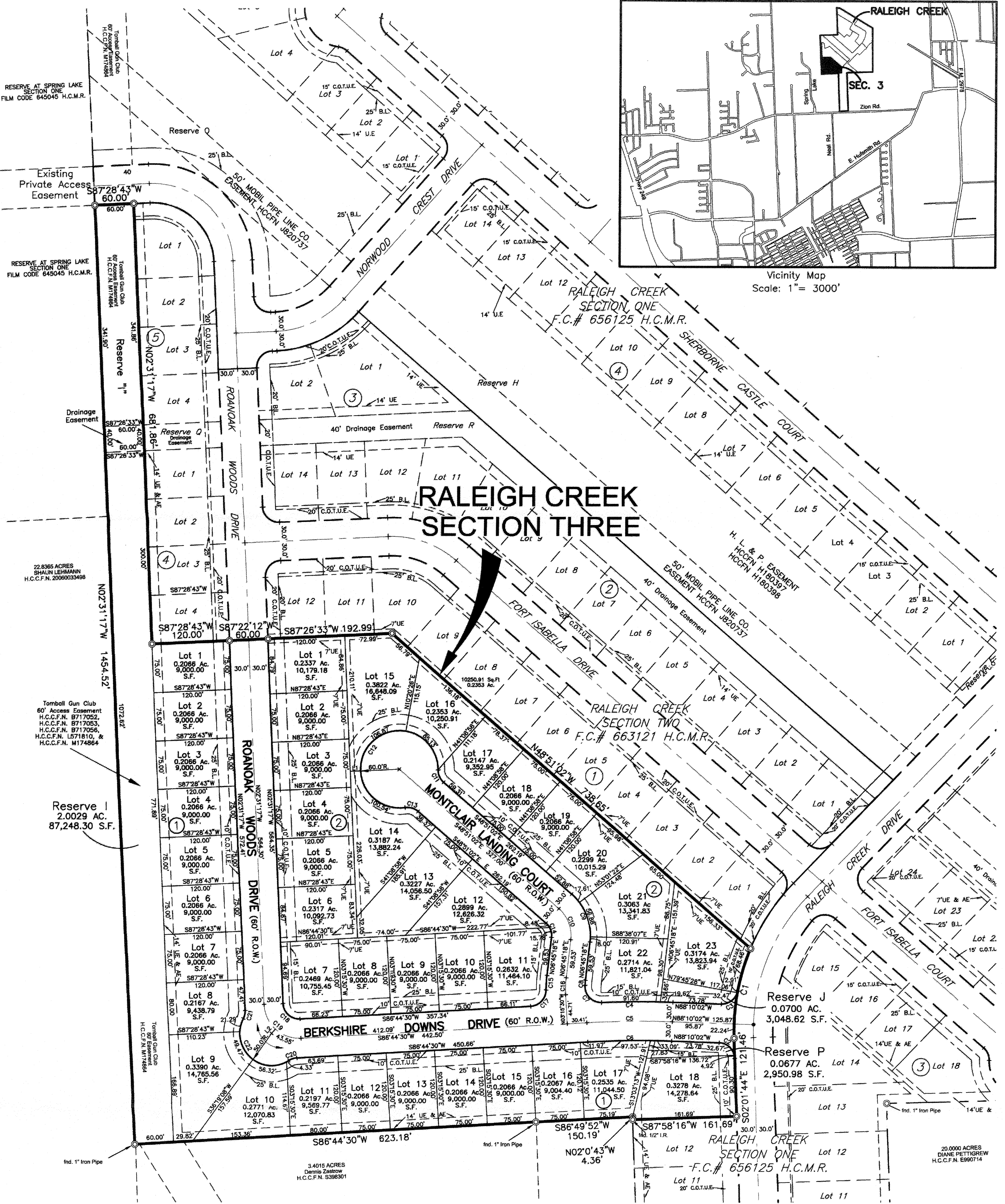
By: _____
Darrell Roquemore
Vice Chairman

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on ____ day of _____, 20____ at ____ o'clock _____, and duly recorded on ____ day of _____, 20____, at ____ o'clock _____, and under 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.

Stan Stanart
County Clerk of
Harris County, Texas

By: _____
Deputy



Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: April 10, 2017

Topic:

Consideration to Approve Final Plat of **USAi1**: A Replat of Lots 47 and 48 in Block 86 into New Lot 47 (0.1607 Ac./ 7000.00 Sq. Ft.) in Block 86 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).

Background:

Origination:

Recommendation:

Party(ies) responsible for placing this item on agenda:

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

USAi1

STATE OF TEXAS
COUNTY OF HARRIS

I, Kevin Usai, hereinafter referred to as owner of the 0.1607 acre tract described in the above and foregoing plat of "USAI", do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said map or plat and hereby dedicate to the use of the public forever, all streets (except private), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations herein expressed, and do hereby bind myself and my heirs, successors, and assigns to warrant and defend the title to the land so dedicated.

FURTHER, owner has dedicated and by these presents dedicate to the use of the public for public utility purposes an unobstructed aerial easement five feet in width from a plane twenty feet above the ground upward, located adjacent to all public utility easements shown hereon.

FURTHER, owner does 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 walkways crossing such drainage facilities.

FURTHER, owner does hereby dedicate to the public a strip of land 25 feet wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage course located 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.

FURTHER, owner does hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain into this easement except by means of an approved drainage structure.

WITNESS our hand, this ____ day of _____, 2017.

Kevin M. Usai

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Kevin M. Usai, 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 herein stated, and as the act and deed of said owner.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2017.

Notary Public in and for the State of Texas

My Commission expires on the ____ day of _____, 20__.

I, Tony P. Swonke, 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 correct; was prepared from an actual survey of the property made under my supervision on the ground; that the elevation benchmark reflected on the face of the plat was established as required by regulation; that all corners and angle points of the boundaries of the original tract to be subdivided of reference have been marked with iron rods having a diameter of not less than five-eighths of an inch (5/8") and a length of not less than three feet (3') and that the plat boundary corners have been tied to the nearest survey corner.

Tony P. Swonke
Registered Professional Land Surveyor No. 4767

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of "USAI", 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 on this ____ day of _____, 2017.

Barbara Tague
Chairman

Darrell Roquemore
Vice-Chairman

I, Stan Stanart, Clerk of the County Court of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on the ____ day of _____, 20__, at ____ o'clock __. M., and was duly recorded on the ____ day of _____, 20__, at ____ o'clock, __. M. and filed under Film Code No. _____ of the Map Records of Harris County, Texas.

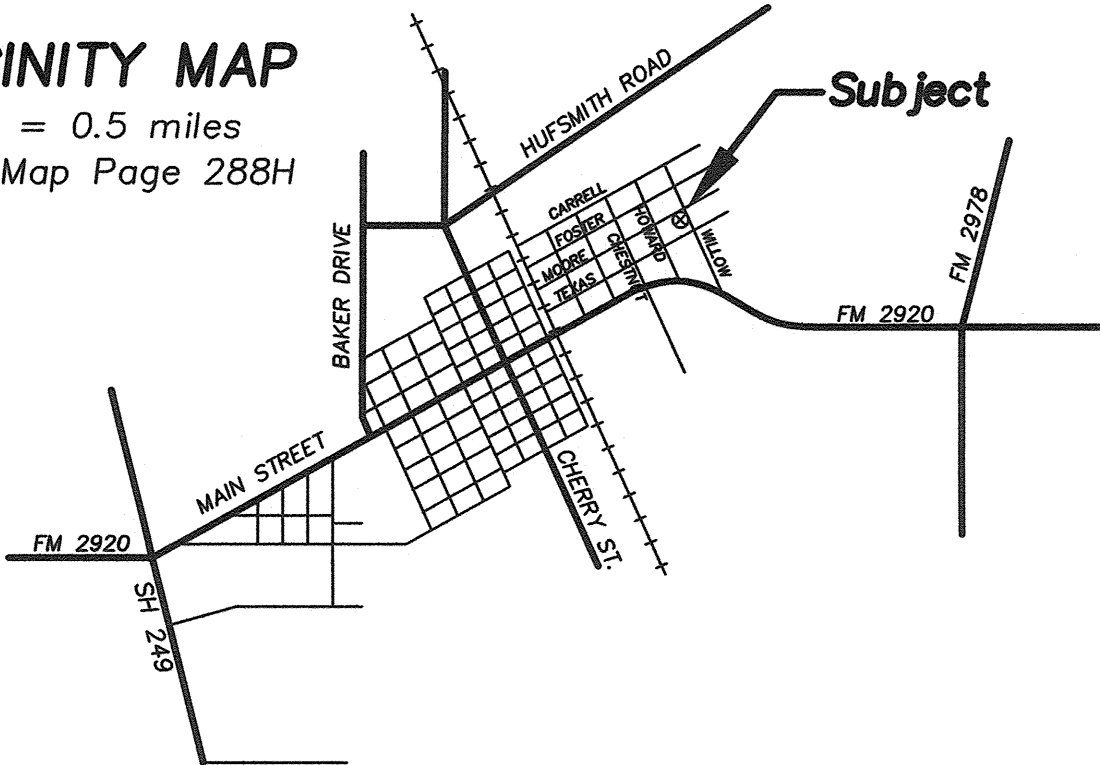
WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DATE AND DATE LAST ABOVE WRITTEN.
Stan Stanart
Clerk of the County Court
Harris County, Texas

Deputy

FLOOD INFORMATION: According to FEMA Firm Panel No. 48201C0230 L (Dated June 18, 2007), this property is in Zone "X" and not in the 0.2% Annual Chance Flood Plain.

PUBLIC EASEMENT:
Public easements denoted on this plat are hereby dedicated to the use of 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 parts of its respective systems without the necessity at 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.

VICINITY MAP
1" = 0.5 miles
Key Map Page 288H



OWNER:
Kevin M. Usai
8003 Hidden Bay Court
Spring, TX 77379

PREPARED BY:
Tony Swonke Land Surveying
700 Kane Street
Tomball, TX 77375
281 351 7789

DATE: March 21, 2017

SCALE: 1" = 20 Ft.
0 5 10 15 20

- Note #1** All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- Note #2** All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- Note #3** 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.
- NOTE #4:** This plat does not attempt to amend or remove any valid restrictions or covenants.

"USAI1"

A replat of Lots 47 and 48 in Block 86 into New Lot 47 (0.1607 Ac./ 7000.00 Sq. Ft.) in Block 86 of

REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).

Containing: 1 Lot / 1 Block

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: April 10, 2017

Topic:

Consideration to Approve Final Plat of **HOGAN CRUM**: Being a 9.7923 acre tract of land in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, being a Replat of a portion of Outlot Numbers 18, 24, 30 and 36 of the TOMBALL TOWNSITE, a subdivision according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas, and being out of and part of a called 15.2374 acres as described in deed recorded in Clerk's File Number X609278, of Real Property Records of Harris County, Texas and also including all of that portion of Stasney Road abandoned by the City of Tomball to Daniel Rodano in instrument recorded in Clerk's File Number 20100163186 of said Real Property Records.

Background:

Origination:

Community Development Department

Recommendation:

Denial

Party(ies) responsible for placing this item on agenda:

Engineering Division

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Hogan Crum Plat

THE STATE OF TEXAS
COUNTY OF HARRIS

We, Hogan Crum LLC, a Texas limited partnership, acting by and through Michael P. Hogan its trustee, being an officer of Hogan Crum LLC owners hereinafter referred to as owners of the 9.792 acre tract described in the above and foregoing plat of Hogan Crum, 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 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 to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line 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.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby 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, Hogan Crum LLC has caused these presents to be signed by Michael P. Hogan, its Trustee, thereunto authorized,

this _____ day of _____, 2017.

Hogan Crum LLC

By: _____
Michael P. Hogan
Trustee

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Michael P. Hogan, Trustee of the Hogan Crum LLC, 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, and in the capacity therein and in this section stated, and as the act and deed of said Trust.

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

Notary Public in and for the State of Texas

My Commission Expires: _____

Harris County Clerk Certificate of Filing:

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in

my office on _____, 2017, at _____o'clock __.M., and duly

recorded on _____, 2017, at _____o'clock __.M., and at

Film Code No. _____ 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.

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Hogan Crum LLC 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 _____ day of _____, 2017.

By: _____
Barbara Tague
Chairman

By: _____
Darrell Roquemore
Vice Chairman

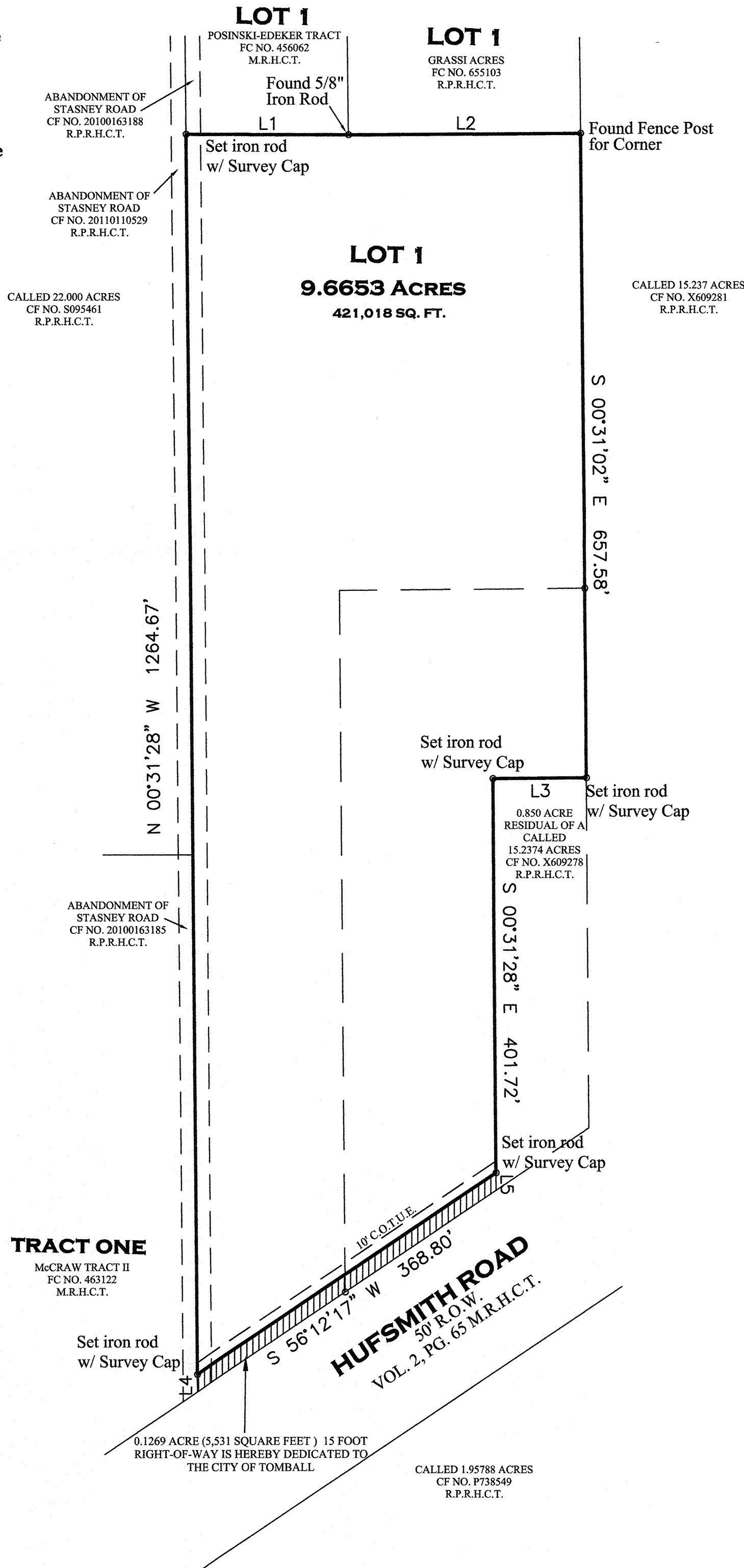
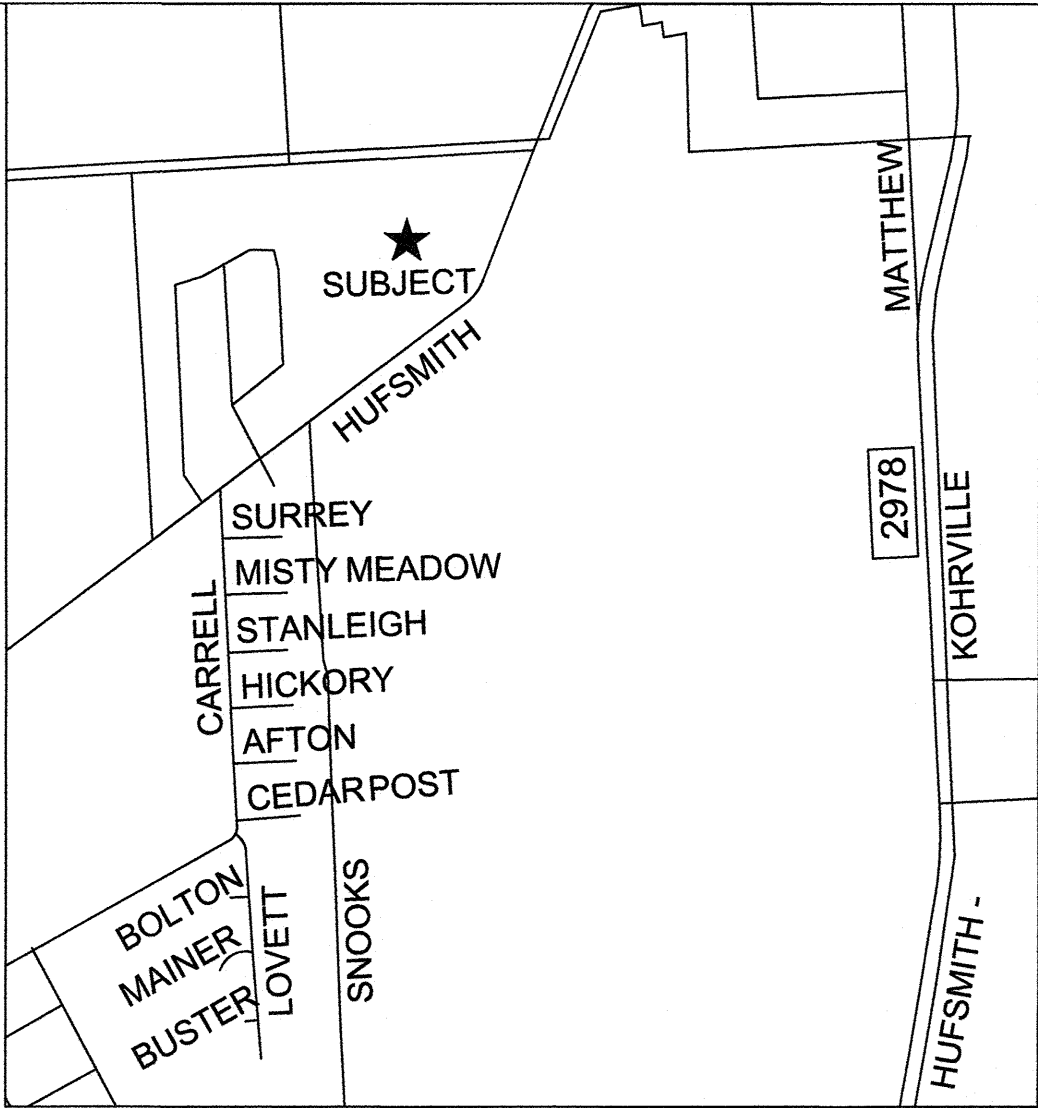
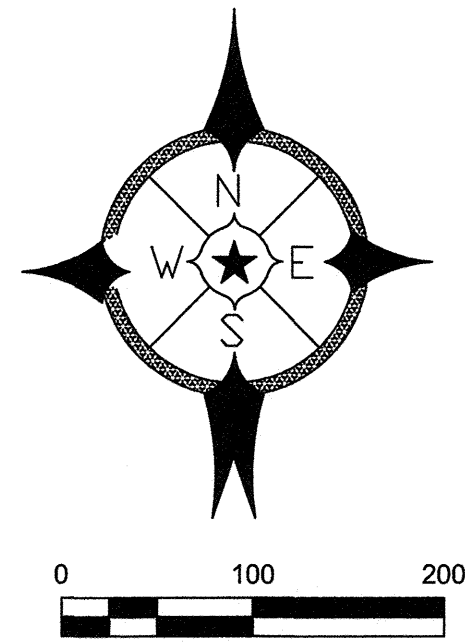
I, Steven L. Crews, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference not found have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Steven L. Crews
Texas Registration Number 4141



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°48'12" E	166.59'
L2	N 89°42'16" E	237.22'
L3	S 89°28'58" E	95.36'
L4	N 00°31'28" W	17.94'
L5	S 00°31'28" E	17.94'



Notes:
Flood Information:
According to FEMA Firm Panel No. 48201C230-L (Effective Date June 18, 2007), this property is in Zone "X" and is partly within the 0.2% Annual Chance Flood Plain.
Note #1:
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
Note #2:
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
Note #3:
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.
Note #4:
This plat does not attempt to amend or remove any valid restrictions or covenants.
Note #5:
Public Easements:
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 easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at 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 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.

M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS
B.L. = BUILDING LINE
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL.
VOL. = VOLUME
PG. = PAGE
CF NO. = CLERK'S FILE NUMBER
FC NO. = FILM CODE NUMBER

HOGAN CRUM

Being a 9.7923 acre tract of land in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, being a Replat of a portion of Outlot Numbers 18, 24, 30 and 36 of the TOMBALL TOWNSITE, a subdivision according to the map or plat thereof recorded in Volume 2, Page 65, of the Map Records of Harris County, Texas, and being out of and part of a called 15.2374 acres as described in deed recorded in Clerk's File Number X609278, of Real Property Records of Harris County, Texas and also including all of that portion of Stasney Road abandoned by the City of Tomball to Daniel Rodano in instrument recorded in Clerk's File Number 20100163186 of said Real Property Records.

Surveyor:

C & C Surveying Inc.

Owner:
Hogan Crum LLC
23 McConnell Place
Houston, TX 77070
713-628-9890

7424 FM 1488, Suite A Magnolia, Texas 77354
Office: 281-356-5172 Fax: 281-356-1935
onesurveyatatime@sbcglobal.net
www.ccsurveying.com

April 2017
Sheet 1 of 1
17-0123

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: April 10, 2017

Topic:

Consideration to Approve **Zoning Case P17-0012**: Request by Francisco Choi, on behalf of TamiroWood LLC, to operate an Assisted Living Facility (continuing care retirement community) at 609 South Pine Street. The property is approximately 2 acres, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, generally located on the east side of South Pine Street between James Street and Cherry Laurel Street and is zoned Office District.

- Conduct public hearing on **Zoning case P17-0012**

Background:

Origination:

Community Development Department

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda:

Planning Division

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification

P17-0012 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
APRIL 10, 2017
&
CITY COUNCIL
APRIL 17, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, April 10, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, April 17, 2017, 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 P17-0012: Request by Francisco Choi, on behalf of TamiroWood LLC, to operate an *Assisted Living Facility (continuing care retirement community)* at 609 South Pine Street. The property is approximately 2 acres, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, generally located on the east side of South Pine Street between James Street and Cherry Laurel Street and is zoned Office District.

Zoning Case P17-0023: Request by Scott McKinzie, on behalf of BCDE, LTD to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70.3574 acres of land, legally described as Reserve C, C1 and C2 Tomball Greens, within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville Road, north side of Spell Road, from the Single-Family 9 District to the Planned Development District.

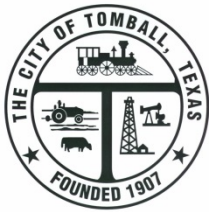
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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 **6th** day of **April 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler
Kim Chandler
Secretary of the Board

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



Notice of Public Hearing

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

CASE NUMBER: P17-0012

APPLICANT/OWNER: Francisco Choi, on behalf of TamiroWood LLC

LOCATION: The east side of South Pine Street between James Street and Cherry Laurel Street at 609 South Pine Street.

PROPOSAL: To operate an *Assisted Living Facility (continuing care retirement community)*. The property is approximately 2 acres, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, generally located on and is zoned Office District.

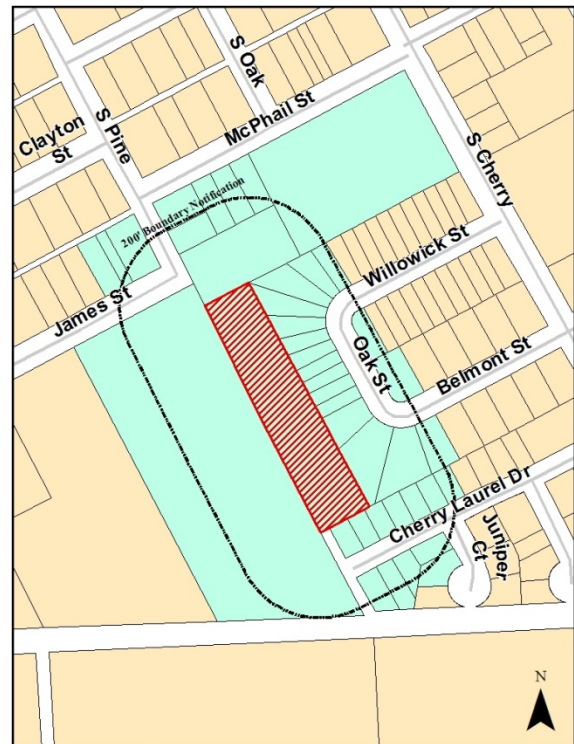
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



Planning & Zoning Commission

Public Hearing:

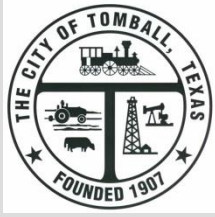
Monday, April 10, 2017, 6:00 PM

City Council Public Hearing:

***Monday, April 17, 2017, 6:00 PM**

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

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



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: April 10, 2017
City Council Public Hearing Date: April 17, 2017

Rezoning Case: P17-0012
Property Owner(s): Jesus Gonzalez
Applicant(s): Francisco Choi, for TamiroWood, LLC
Legal Description: Part of Outlots 127 & 129 five acre tracts Tomball Outlots
Location: East side of South Pine Street between James Street and Cherry Laurel Street (Exhibit "A")
Area: 2 acres
Comp Plan Designation: High Density Residential (Exhibit "B")
Present Zoning and Use: Office District (Exhibit "C") / Undeveloped property (Exhibit "D")
Proposed Use(s): Assisted Living Facility
Request: Conditional Use Permit (CUP) to allow the operation of an
Assisted Living Facility (continuing care retirement community)
Adjacent Zoning & Land Uses:
North: Single-Family 6 / Assisted living facility
South: Single-Family 6 / Single-family residences
West: Single-Family 6/ City of Tomball Public Works Building and Service Center
East: Single-Family 6 and Multi-Family / Single-family and multi-family residences

BACKGROUND

In December 2016, City Staff met with the property owner and potential purchaser of the subject site to discuss a proposed assisted living facility. After discussing different options, the applicant submitted a rezoning application with intentions of filing a subsequent Conditional Use Permit application for an *assisted living facility (continuing care retirement community)*. On Thursday, March 9, 2017, the Planning and Zoning Commission unanimously voted to recommend approval of the rezoning request from the Single-Family 6 District to the Office District. On Monday, March 20, 2017, City Council voted to approve the rezoning request and First Reading of the ordinance and on Monday, April 3, 2017, City Council voted to approve the Second Reading.

The applicant is the current owner of the adjacent assisted living facility, Forever Young Senior Living.

ANALYSIS

According to Section 50-81 (f) of the Chapter 50 (Zoning), when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on and the compatibility of the use with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

- 1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;**

The Comprehensive Plan identifies the subject site as High Density Residential. It does not appear that the request is consistent with the goals of the Comprehensive Plan, however, it may be difficult to develop the site to meet the intent of the High Density Residential designation due to the unique layout of the site.

- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.”

According to Section 50-75 (Office District) the purpose of the Office District is to “create an appropriate setting for low intensity office and professional uses” and should “be used as a transition district between residential uses and more intense uses”. The proposed use appears to be consistent with the intent of the Office District as it provides a suitable buffer between the existing residential uses and the adjacent Public Works Service Center.

- 3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;**

Should the CUP application be approved by City Council, the applicant will be required to submit site and building plan applications and supporting documents to the City for review and approval. Specific details of site modifications will be shown at the time of plan review. The applicant has submitted a Special Exception Application for a reduction in the required parking.

- 4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;**

The proposed use appears to be compatible with the adjacent developments. The site is adjacent to a memory care facility and the Tomball Public Works Building and Service Center.

5. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 24, 2017. A sign was placed on the property and Notice of Public Hearing was published in the paper on March 29, 2017. One public comment form has been received as of the date of this report.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P17-0012.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photos
- E. CUP Application
- F. Concept Plan

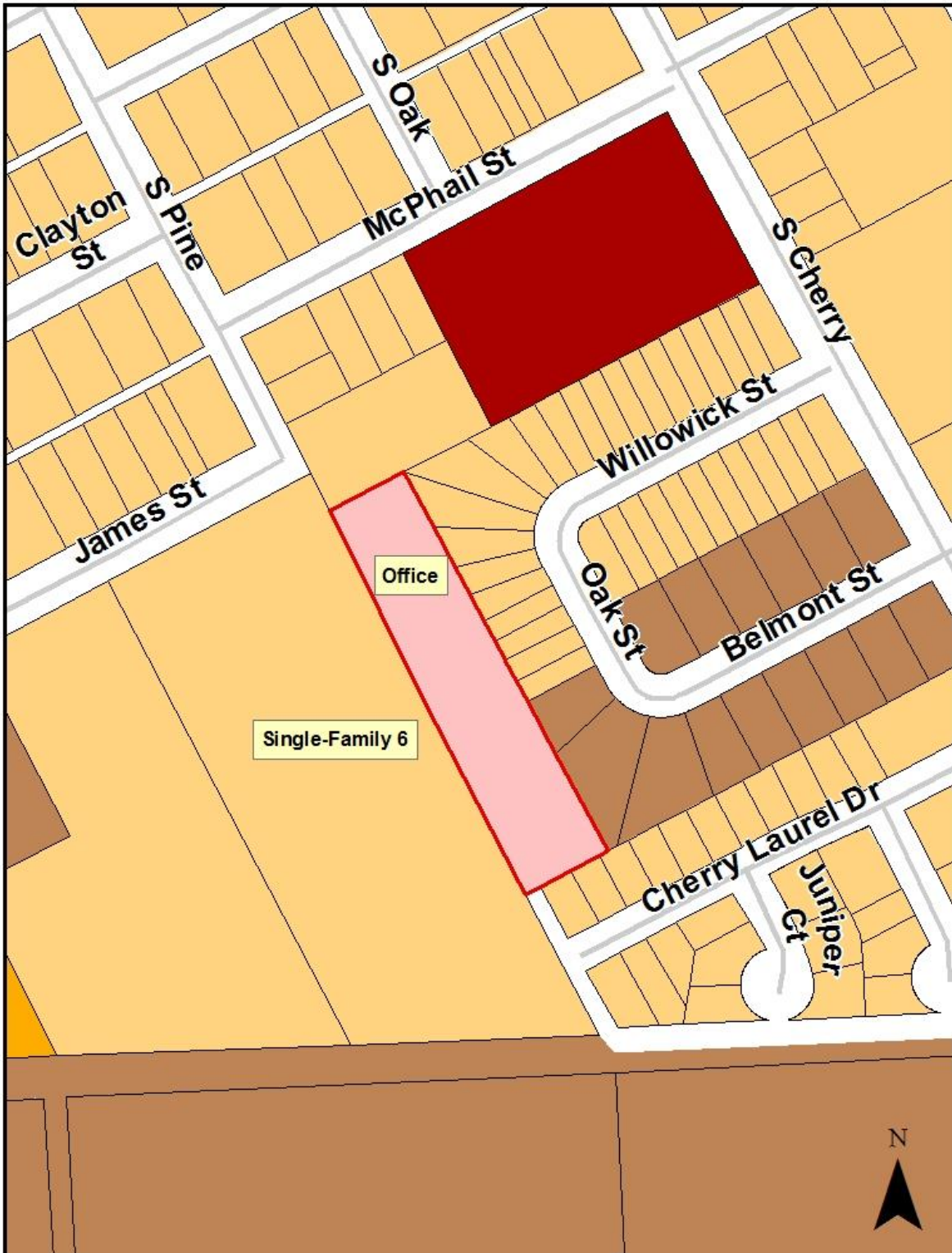
Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Figure 1: Subject Site



Figure 2: Site view along South Pine Street

Exhibit "E"

CUP Application

Revised 5/19/15



APPLICATION FOR CONDITIONAL USE PERMIT

Community Development Department
Planning Division



A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of Section 50-34 of the Code of Ordinances.

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

Applicant

Name: Francisco Choi, for TamiroWood, LLC Title: Partner
Mailing Address: P.O. Box 864 City: Georgetown State: TX
Zip: 78627
Phone: (512) 297-7263 Fax: () Email: francisco@ftcarch.com

Owner

Name: R&MMB Property Mgmt, Inc, Rodolfo Barrera Title: President
Mailing Address: 23910 Saxon Way City: Hockley State: TX
Zip: 77447
Phone: (834-987-15) Fax: () Email: rudyj99@yahoo.com

Engineer/Surveyor (if applicable)

Name: Precision Surveyors, Edilberto V. Barrientos Title: Professional Land Surveyor
Mailing Address: 950 Threadneedle St, Suite 150 City: Houston State: TX
Zip: 77079
Phone: (281) 496-1586 Fax: (281) 496-1867 Email: orders@precisionsurveyors.com

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

Description of Proposed Project: Assisted Living Facility
Physical Location of Property: 609 South Pine Street
[General Location – approximate distance to nearest existing street corner]
Legal Description of Property: 9583 U/D INT IN TRS 127 & 129 (1.9835 AC) Tomball Outlots
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: 0352840000129 Acreage: 1.9835
Current Use of Property: Vacant
Proposed Use of Property: Assisted Living Facility

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  2/16/17
Signature of Applicant Date

X _____
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00969207 2/16/2017 11:12 AM
OPER: RP TERM: 005
REF#: W 1698

TRAN: 130.0000 PLANNING AND ZONING
609 SOUTH PINE STREET
FRANCISCO CHOI
100-5442
CONDITIONAL USE PER 600.00CR

City of Tomball, Texas

TENDERED: 600.00 CHECK
APPLIED: 600.00-
CHANGE: 0.00

www.tomballtx.gov

TamiroWood, LLC
803 Riverforest Drive
New Braunfels, TX 78132

16 February 2017

City of Tomball
501 James Street
Tomball, TX 77375

Subject: Rezoning and Conditional Use Permit for Outlots 127 and 129

Applicant TamiroWood, LLC, requests rezoning of Outlots 127 and 129 from Single Family to Office, coincident with the request for a Conditional Use Permit for an Assisted Living Facility.

These lots are adjacent to an existing Memory Care facility owned by the intended owners of these lots. The continuum of use, from Assisted Living to Memory Care, inspired this request.

The current zoning of Single Family, while congruent with the neighboring duplex and single family development, is not compatible with the development standards. And the location of the lots, across the street from municipal use equivalent to Light industrial, lend themselves to a different transitional use.

Single family lots are required to be 120 feet deep. Outlots 127 and 129 (not including the easement) are only about 114 feet deep.

Outlots 127 and 129 back up to duplex and single family development, but are across the street from heavier uses of the Public Works building and a water tower. Rezoning to Office with the Conditional Use as an assisted living facility is an acceptable interface between the more intense civic use and the neighborhood use.

As currently configured, zoned and constrained, Outlots 127 and 129 are undevelopable.

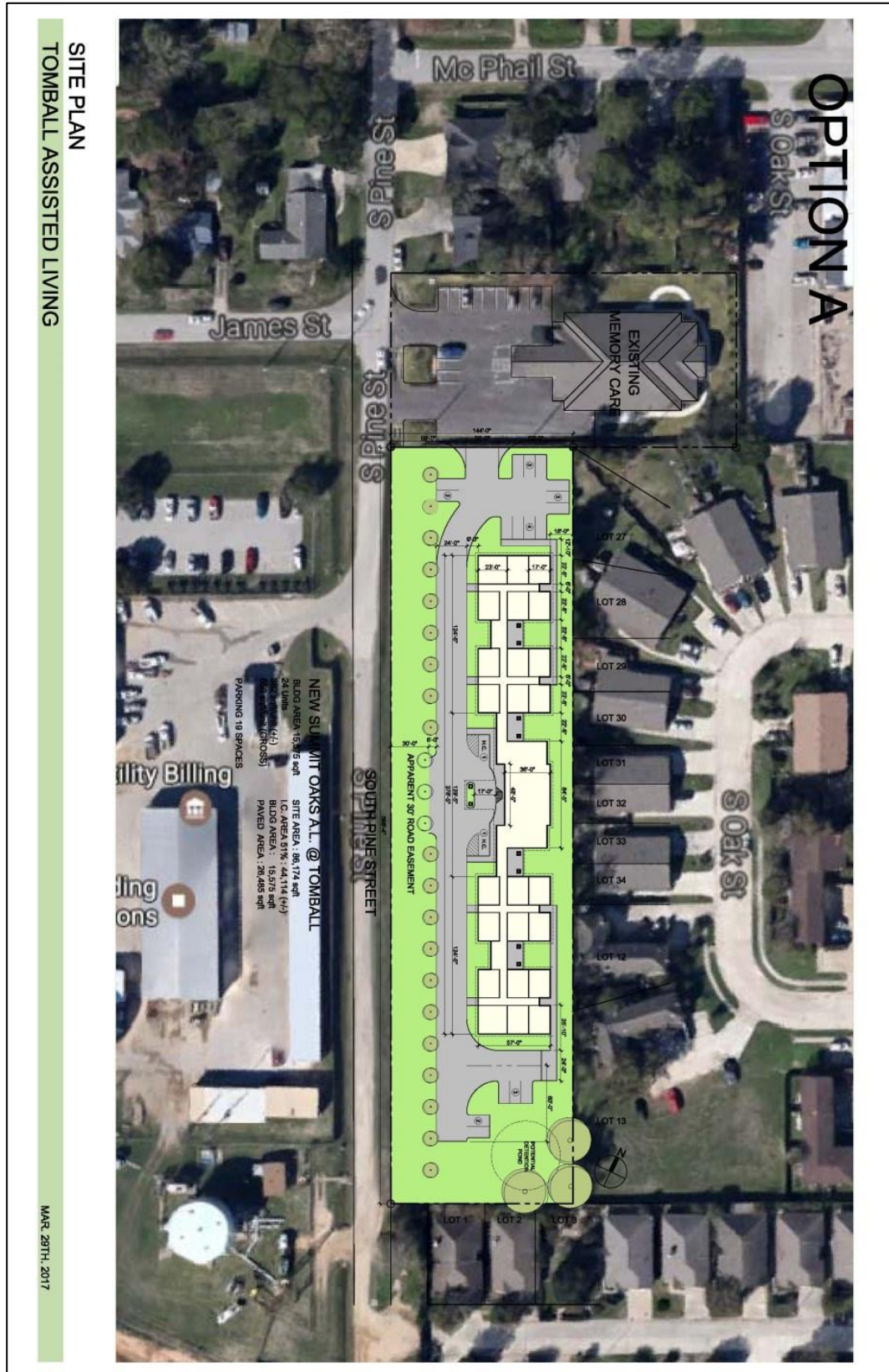
In addition to the Conditional Use Permit, Applicant intends to apply for one or more variances to permit viable development as an assisted living facility.

Absent these changes, Outlots 127 and 129 will forever be undeveloped. Of no value to the owners and of little taxable value to the City.



Francisco Choi
TamiroWood, LLC

Figure "F"
Concept Plan



Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: April 10, 2017

Topic:

Consideration to Approve **Zoning Case P17-0023**: Request by Scott McKinzie, on behalf of BCDE, LTD to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70.3574 acres of land, legally described as Reserve C, C1 and C2 Tomball Greens, within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville Road, north side of Spell Road, from the Single-Family 9 District to the Planned Development District.

- Conduct public hearing on **Zoning Case P17-0023**

Background:

Origination:

Community Development Department

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda:

Planning Division

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
--	--	-------

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification

P17-0023 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
APRIL 10, 2017
&
CITY COUNCIL
APRIL 17, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, April 10, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, April 17, 2017, 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 P17-0012: Request by Francisco Choi, on behalf of TamiroWood LLC, to operate an *Assisted Living Facility (continuing care retirement community)* at 609 South Pine Street. The property is approximately 2 acres, legally described as Part of Outlots 127 and 129 five acre tracts Tomball Outlots, generally located on the east side of South Pine Street between James Street and Cherry Laurel Street and is zoned Office District.

Zoning Case P17-0023: Request by Scott McKinzie, on behalf of BCDE, LTD to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70.3574 acres of land, legally described as Reserve C, C1 and C2 Tomball Greens, within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville Road, north side of Spell Road, from the Single-Family 9 District to the Planned Development District.

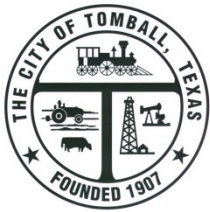
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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 **6th** day of **April 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler
Kim Chandler
Secretary of the Board

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



Notice of Public Hearing

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

CASE NUMBER: P17-0023

APPLICANT/OWNER: Request by Scott McKinzie, on behalf of BCDE, LTD

LOCATION: Generally located on the east side of Hufsmith-Kohrville Road, north side of Spell Road,

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70.3574 acres of land, legally described as Reserve C, C1 and C2 Tomball Greens, within the City of Tomball, Harris County, Texas, from the Single-Family 9 District to the Planned Development District.

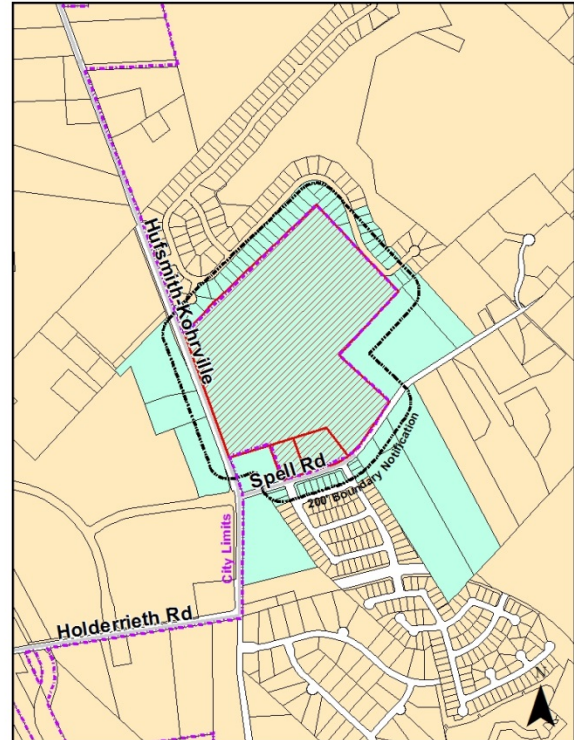
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



Planning & Zoning Commission

Public Hearing:

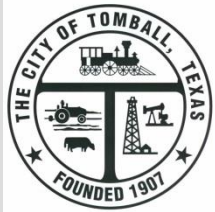
Monday, April 10, 2017, 6:00 PM

City Council Public Hearing:

***Monday, April 17, 2017, 6:00 PM**

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

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



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: April 10, 2017

City Council Public Hearing Date: April 17, 2017

Zoning Case: P17-0023

Property Owner(s): Doug Eibsen, BCDE, LTD / Eibsen & Associates

Applicant(s): Scott McKinzie, Jones | Carter

Legal Description: Reserve C, C1 and C2 Tomball Greens

Location: East side of Hufsmith-Kohrville Road, north side of Spell Road (Exhibit "A")

Area: 70.3574 acres

Present Zoning and Use: Single-Family 9 District (Exhibit "B") / Undeveloped property (Exhibit "C")

Comp Plan Designation: Medium Density Residential (Exhibit "D")

Proposed Zoning and Use: Planned Development – 9 (PD-9) District / Single-Family Lot Subdivision

Adjacent Zoning and Use:

- North:** Outside City Limits / Single-family residences (Country Club Greens subdivision)
- South:** Outside City Limits / Spell Road and single-family residences
- West:** Light Industrial / Tomball Business Park and CREACOM, Inc.
- East:** Outside City Limits / Undeveloped

BACKGROUND

In early 2016, City Staff began meeting with the property owner to discuss the possibility of rezoning the subject site. The property was annexed into the City and rezoned from Agricultural to Single-family 9 in August 2014. Since then, the developer has altered the proposed development to include lots ranging from 6,500 – 7,800 square feet (Exhibit "F").

In October 2016, the applicant requested the property be rezoned from Single-Family 9 to Single-Family 6. The request was denied by City Council.

ANALYSIS

The applicant is requesting that the property be rezoned from the Single-Family 9 District to the PD-9 District to allow for a single-family lot subdivision. According to Section

50-80 of the Code of Ordinances, a Planned Development “is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., Single-Family, Multifamily, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.” Additionally, a Planned Development “may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community” by meeting one or more of the following purposes:

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

The applicant’s request for a single-family development appears to be consistent with the intent of the Planned Development District and appears to meet the current needs of the community by:

1. Providing a superior design on lots or buildings. The development will include two lot options: 50’ x 130’ and 60’ x 130’.
2. Providing increased recreation and open space opportunities for public use and enjoyment. The development will include trails, plazas and other recreational amenities.
3. Providing amenities or features that would be of special benefit to the property users or to the overall community. The development will include the above mentioned amenities along with landscape buffers and fencing along Hufsmith-Kohrville and Spell Road.
4. Meeting and exceeding the standards of Chapter 50 (Zoning). The proposed development will incorporate all the above mentioned standards and amenities as well as increased design standards for the individual lots including alternative garage setbacks, landscape trees, and façade standards.

There are several land uses in the vicinity of the subject site. To the north are single-family residences in the Country Club Greens subdivision; to the south are Spell Road and single-family residences; to the west are Hufsmith-Kohrville Road and commercial uses (Tomball Business Park and CREACOM, Inc.), and a single-family residence; and to the east is vacant land. The PD-9 District appears to be consistent and compatible with

the existing single-family residences and vacant land in the vicinity. The proposed residential development will bring services to the area and be similar to existing development in the area.

The majority of the properties in the vicinity of the subject site are not zoned because they are not in the City Limits; however, the primary zoning district in the surrounding area is Light Industrial (LI). The incompatibility of the request with the LI District to the west appears to be minimized because of their separation by Hufsmith-Kohrville Road.

The Comprehensive Plan designates the property as Medium Density Residential, which includes lots sizes ranging from 6,000 to 20,000 square feet. The proposed request is in conformance with the Comprehensive Plan.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.

The PD-9 District, along with its concept plan and development standards, appears to be compatible with the surrounding residential developments in the area.

B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area. The property is zoned to Klein ISD. The school district has included this development in their long range projection and they do not foresee issues with accommodating the influx of students. All public utility mains will be extended, at the developer's expense, to serve the properties.

C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There are no vacant tracts in the vicinity classified for similar development.

D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Planned Development 4 (Yaupon Trails) is the only other PD in the City that is designated for a single-family development. This development is located at Brown Road and Quinn Road, which is not in the vicinity of the proposed change.

E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.

If the proposed rezoning is approved, few, if any affects on other areas designated for similar developments are anticipated.

F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare. The proposed rezoning from Single-Family 9 to PD-9 will generate approximately one additional vehicle per minute during the peak hour. Harris County's plans to widen Hufsmith-Kohrville Road and the scheduled installation of a traffic signal at the Spell Road / Hufsmith-Kohrville intersection will alleviate traffic concerns in the area. The signal is now approved by Harris County and currently scheduled for construction in June 2017.

The existing uncontrolled overland flow will be captured in streets and storm sewers and routed to an onsite detention pond which will lessen existing flooding impacts on properties to the west, south and north. The controlled release from the onsite detention pond drains into a subsurface storm sewer and golf course pond which outfalls directly into a tributary of Willow Creek.

G. Whether the request is consistent with the Comprehensive Plan.

The Future Land Use plan designates the property Medium Density Residential, which would include lots ranging from 6,000 to 20,000 square feet. The proposed residential development includes lots that are similar in size to the single-family zoning districts, therefore, the proposed request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 24, 2017. A sign was placed on the property and Notice of Public Hearing was published in the paper on March 29, 2017. Five public comment forms have been received as of the date of this report.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends approval of Zoning Case P17-0023.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comprehensive Plan Map
- E. Application
- F. Concept Plan

Exhibit "A"
Aerial Photo

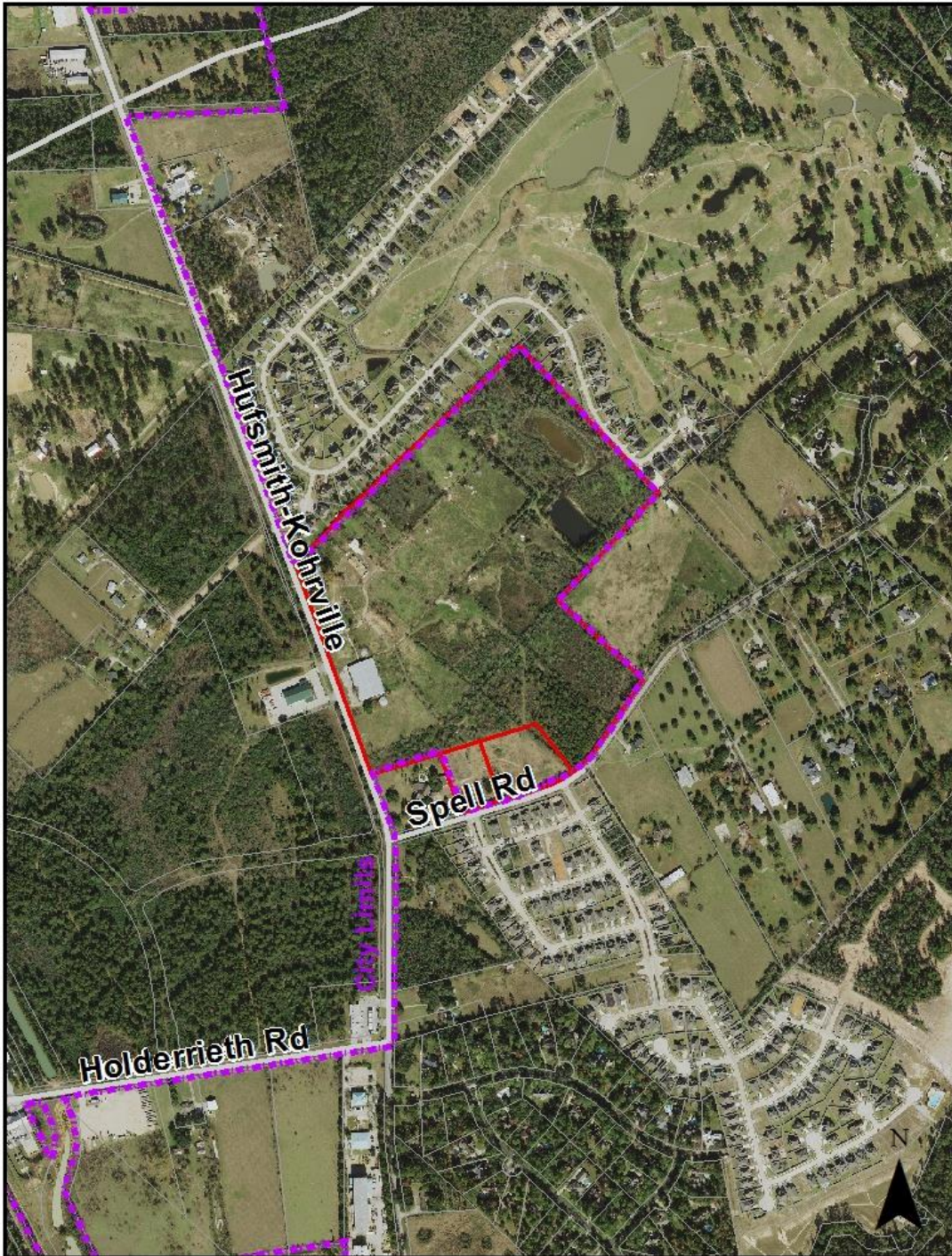
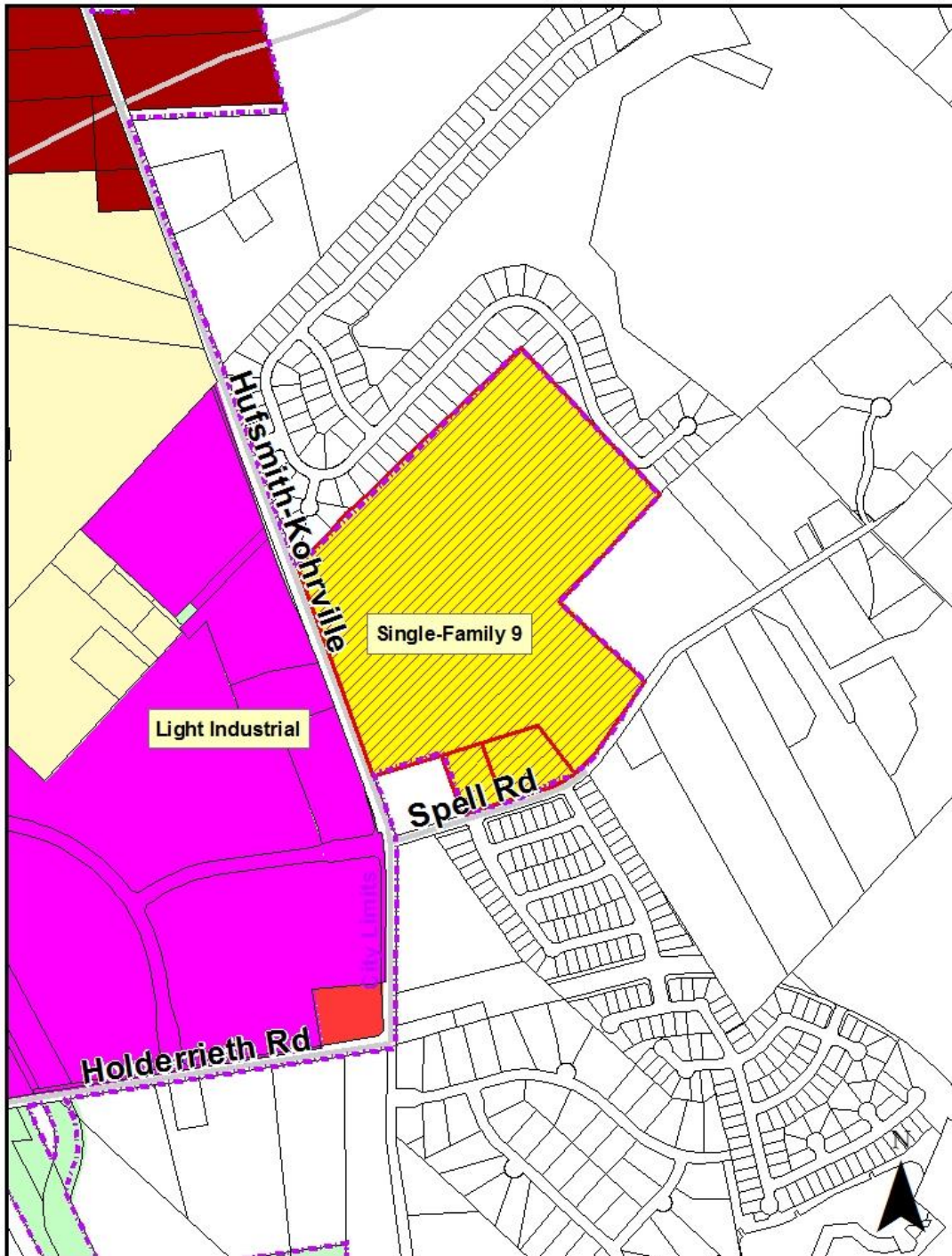


Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Subject Site along Hufsmith-Kohrville Road



Subject Site along Spell Road

Exhibit "D"
Comprehensive Plan Map

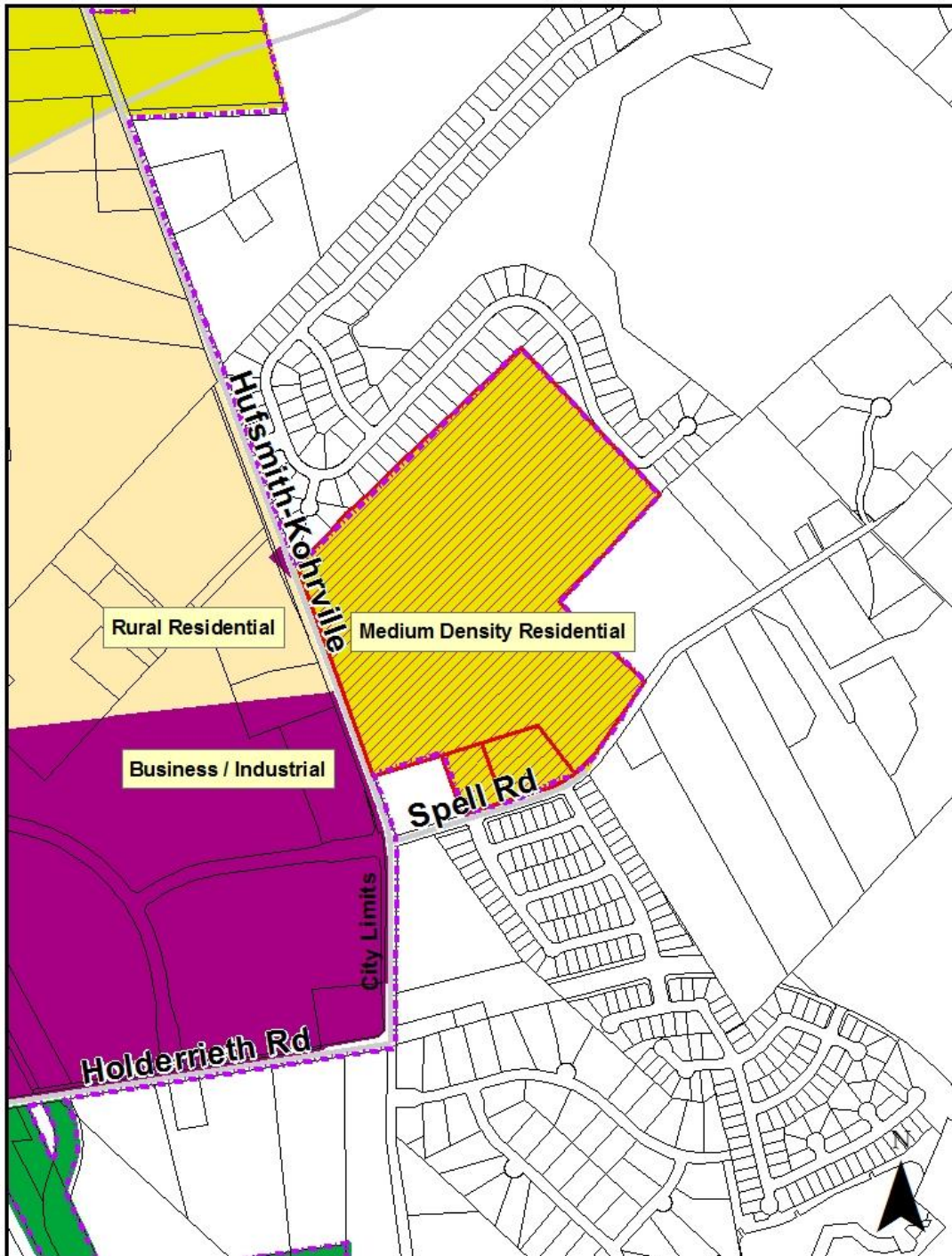


Exhibit "E"
PDD Application

Revised 5/19/15



P17-0023
APPLICATION FOR REZONING
Community Development Department
Planning Division



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

Applicant

Name: Scott McKinzie, Jones|Carter Title: Planner
Mailing Address: 8701 New Trails Drive, Suite 200 City: The Woodlands State: TX
Zip: 77381
Phone: (281) 363-4039 Fax: (281) 363-3459 Email: smckinzie@jonescarter.com

Owner

Name: Doug Eibsen, BCDE, LTD / Eibsen & Assoc. Title: General Partner / President
Mailing Address: 24522 Creekview Dr City: Spring State: TX
Zip: 77389
Phone: (713) 628-3628 Fax: () Email: DougEibsen@att.net

Engineer/Surveyor (if applicable)

Name: John Dreahn, Jones|Carter Title: Department Manager
Mailing Address: 8701 New Trails Drive, Suite 200 City: The Woodlands State: TX
Zip: 77381
Phone: (281) 363-4039 Fax: (281) 363-3459 Email: JDreahn@jonescarter.com

Description of Proposed Project: Alexander Estates, Single-Family Lot Subdivision

Physical Location of Property: Northeast corner of Huffsmith-Kohrville Road and Spell Road
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Being a partial replat of Tomball Greens, Unrestricted Reserve C
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-9

Current Use of Property: Vacant, undeveloped

Proposed Zoning District: Planned Development

Proposed Use of Property: Single Family Residential

HCAD Identification Number: 1207880000005 Acreage: 70.3574
1207880000007, 1207880000008
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X
Signature of Applicant

Date

2/28/2017

X
Signature of Owner

Date

2/28/2017

CITY OF TOMBALL
281-351-5484

REC#: 00971836 3/01/2017 10:41 AM
OPER: RP TERM: 005
REF#: W 1905

TRAN: 130.0000 PLANNING AND ZONING
ALEXANDER ESTATES 70.3574 AC
EIBSEN & ASSOCIATES
100-5441
REZONING APPLICATIO 1,103.57CR

TENDERED: 1,103.57 CHECK
APPLIED: 1,103.57-

CHANGE: 0.00

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov



March 1, 2017

8701 New Trails Drive, Suite 200
The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

Mr. Craig Meyers, PE, CFM
Community Development Director
City of Tomball
501 James Street
Tomball, TX 77375

Re: Request for Rezoning

Mr. Meyers:

This letter serves as a formal rezoning request. The property in question is undeveloped, but is currently zoned Single Family 9 (SF-9) within the corporate limits of Tomball. We are requesting the property be rezoned to Planned Development (PD).

The property is located at the northeast intersection of Hufsmith-Kohrville Road and Spell Road, and consists of 70.3574 acres. The property is currently platted as Tomball Greens, and the portion proposed for rezoning is part of Unrestricted Reserve "C". The proposed development, Alexander Estates, consists of a maximum 260 single family residential lots with a required mix of two different lot sizes, 50' X 130' and 60' X 130'.

A PD Planned Development District is proposed to permit the development of a superior design neighborhood to what is otherwise permitted with SF-6 or even SF-9 single family district.

- The proposed PD will provide increased recreational and open space opportunities including required trails, plazas and recreational amenities
- It will require other amenities that are of special benefit to adjacent property owners and the overall community including required fencing along Hufsmith-Kohrville and landscape buffers along Spell Road.
- The proposed plan will provide an appropriate balance between intensity of development and open space. I have attached an illustration to this letter showing the expected yield on the property of over 200 lots without a change to the sites current zoning of SF-9. Based on SF-6 zoning the site could yield approximately 300 lots. The proposed PD proposes a maximum number of 260 lots and requires a minimum 15 percent of the site be open space, recreation and landscape reserve. The average lot size for the 50'-wide lots will be 6,500 sq. ft. and 7,800 sq. ft. for the 60'-wide lots. The proposed lot sizes exceed the requested zoning district's



JONES | CARTER

Mr. Meyers

2

March 1, 2017

minimum lot size of 4,000 sq. ft. and the minimum requirements of the SF-6 District of 6,000 square feet.

- The proposed PD will exceed the standards of the City by requiring development within the subdivision to adhere to minimum building regulations, require alternative garage setbacks and require landscape trees on each single family lot.

Access to the site will be from Spell Road. Traffic studies that have been performed indicate that the proposed development will not adversely impact vehicular or pedestrian access in the area. And to insure that the proposed development will not add to the existing traffic congestion we have made it a general condition of the zoning district that building permits for residential lots will not be issued until a traffic signal is constructed at the intersection of Spell Road and Huffsmith-Kohrville Road.

Drainage within the proposed subdivision will be collected and conveyed via a system of concrete curb and gutter streets and detained in an amenity pond that will feature landscape trails and benches as required by the PD. The development of the subdivision will actually reduce the amount of storm water runoff that currently drains to Spell Road.

This zone change request will be consistent with surrounding properties and developments in the area, as the property is surrounded on three sides with existing single family residential properties.

Attached to this request for reference is the current recorded plat for the property, as well as a conceptual site plan and the proposed ordinance language for the PD District.

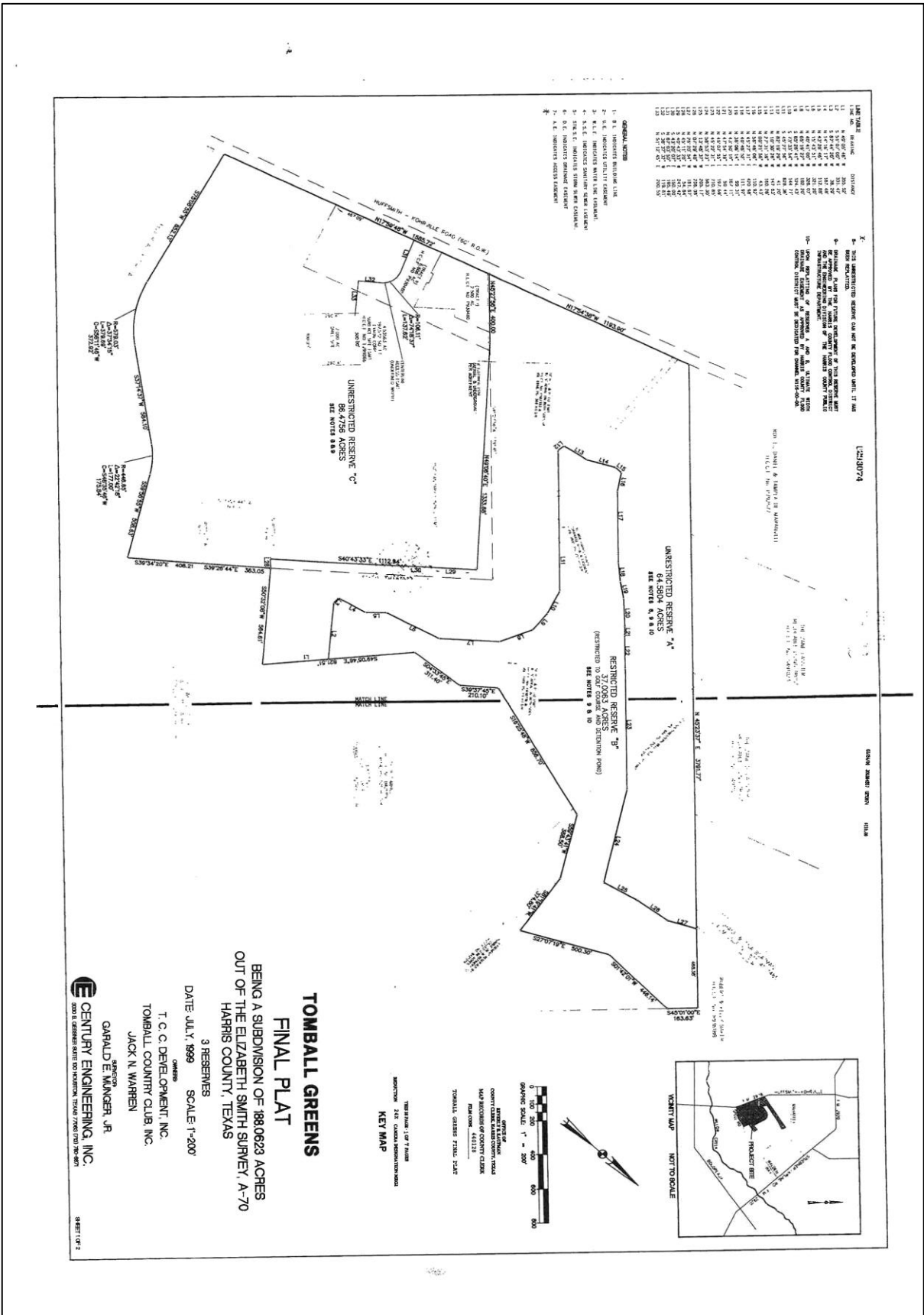
Please feel free to contact me if you have any questions or would like any additional information. We appreciate your assistance and look forward to successfully rezoning the referenced property.

Regards,

Scott McKinzie, Planner

SWM:jr

M:\Scott\Tomball Spell\Plat submittal\Rezoning Request Submittal\Rezoning Request Letter.docx





JONES CARTER

ALEXANDER ESTATES



THIS MAP WAS PREPARED USING AERIAL PHOTOGRAPHY AND IS NOT TO BE USED FOR CONSTRUCTION. THE PROPOSED DEVELOPMENT IS SUBJECT TO CHANGE WITHOUT NOTICE. THE PROPOSED DEVELOPMENT IS SUBJECT TO CHANGE WITHOUT NOTICE. THE PROPOSED DEVELOPMENT IS SUBJECT TO CHANGE WITHOUT NOTICE.



ILLUSTRATION 1
300 LOTS - SF-6
(50' X 120') - 6,000 S.F.



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ALEXANDER ESTATES



ILLUSTRATION 2
201 LOTS - SF-9
(75' X 120') - 9,000 S.F.

THIS PLAN WAS PREPARED USING REASONABLY ASSURED INFORMATION AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE USER OF THIS PLAN IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PROVIDING ALL NECESSARY INFORMATION FOR THE PREPARATION OF THIS PLAN. THE USER OF THIS PLAN IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PROVIDING ALL NECESSARY INFORMATION FOR THE PREPARATION OF THIS PLAN.

SCALE: 1"=200'



ALEXANDER ESTATES

LOCATION MAP

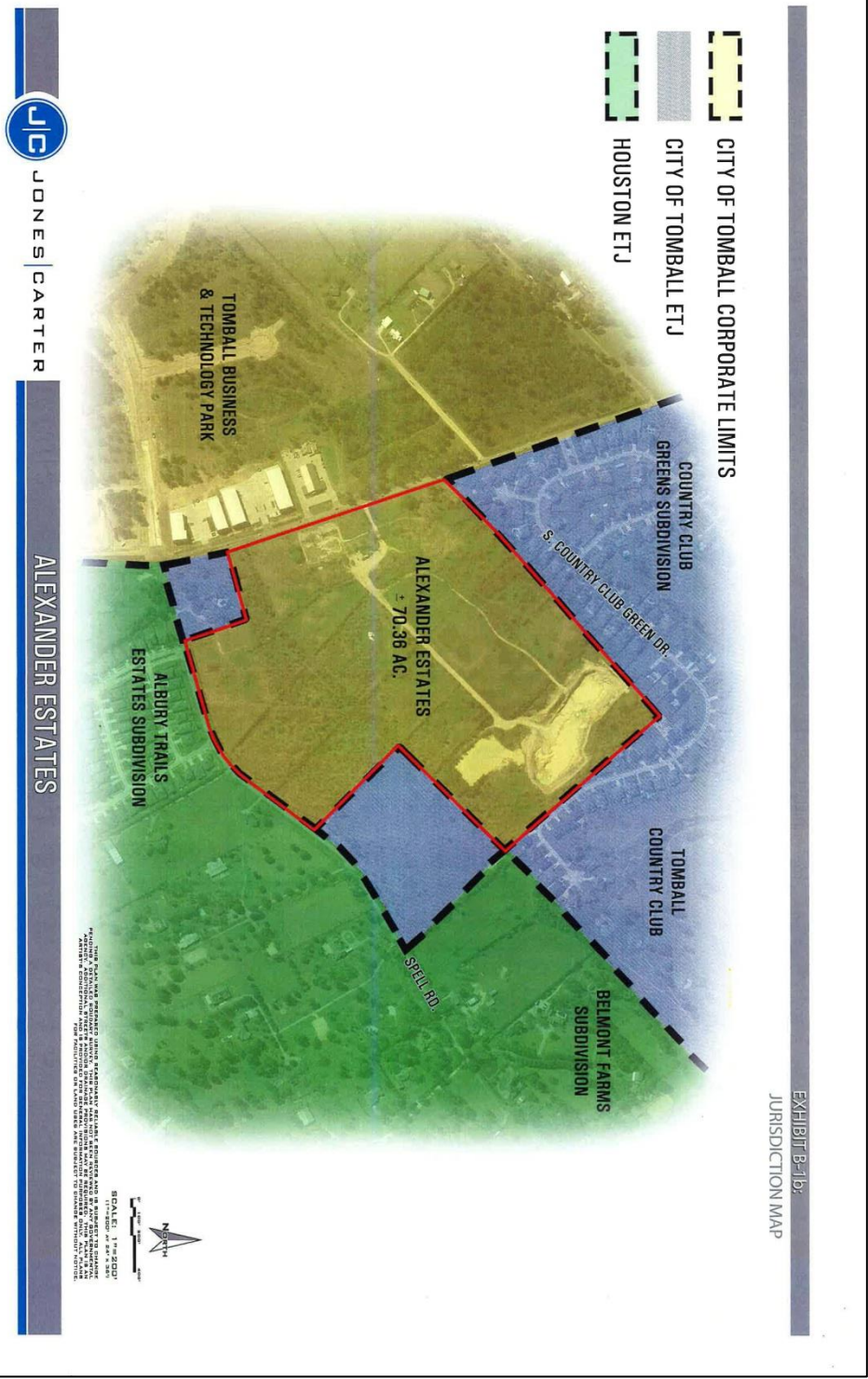


EXHIBIT B-2a:
SITE PLAN

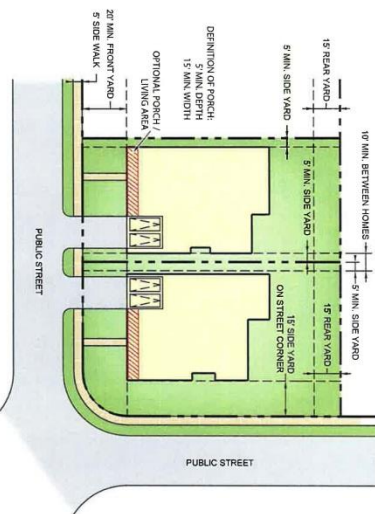


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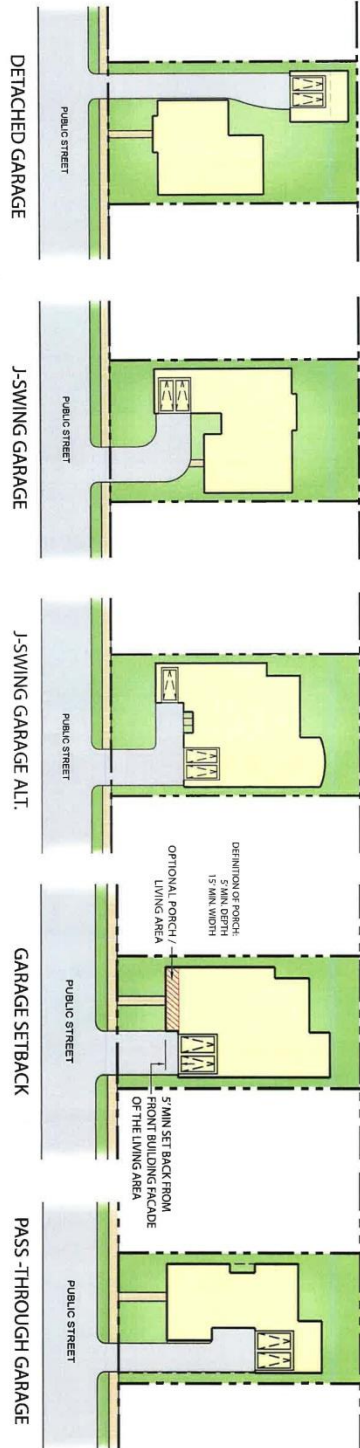
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EXHIBIT B-2b:

LOT CONFIGURATIONS



TYPICAL LOT CONFIGURATION



DETACHED GARAGE

J-SWING GARAGE

J-SWING GARAGE ALT.

GARAGE SETBACK

PASS-THROUGH GARAGE



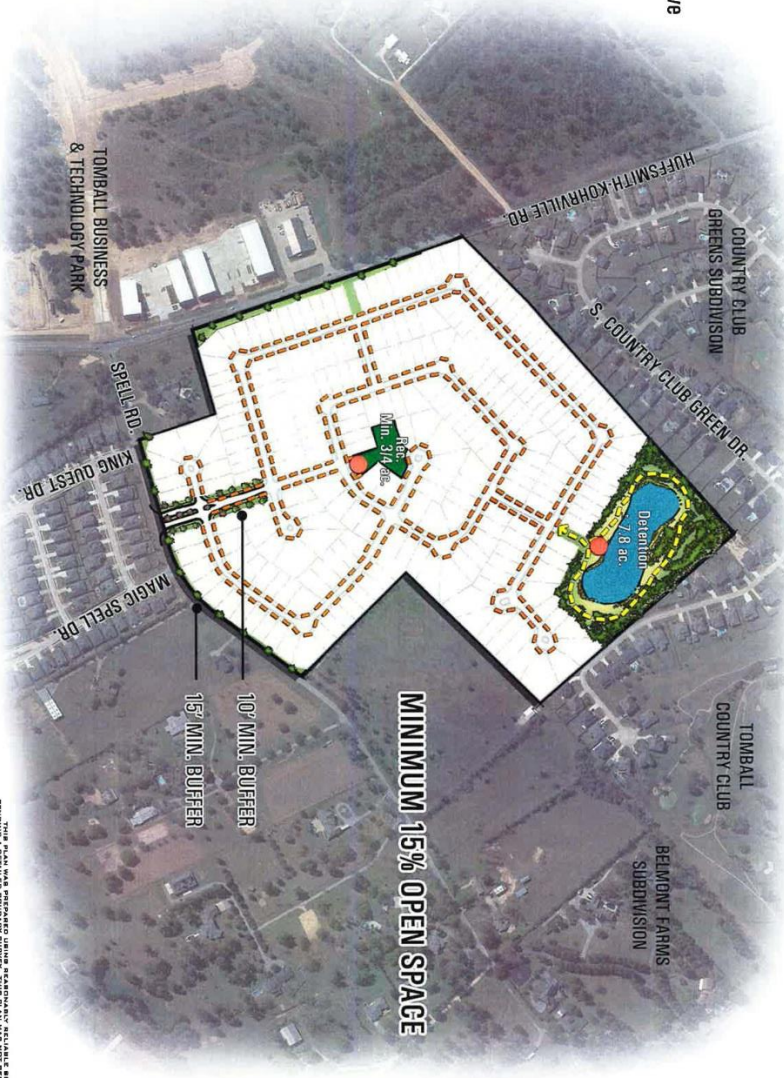
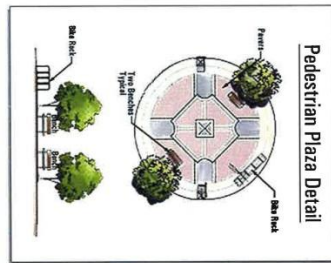
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ALTERNATIVE GARAGE SETBACKS

DRAWING NOT TO SCALE

EXHIBIT B-3
LANDSCAPE OPEN
SPACE & TRAIL PLAN

-  5' Sidewalk
-  8' Pedestrian Trail
-  Required Recreation Reserve
Minimum 3/4 ac.
-  Proposed Pedestrian Plaza



THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBMITTED TO THE CITY OF HOUSTON FOR REVIEW AND APPROVAL. THE CITY OF HOUSTON IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE CITY OF HOUSTON IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE CITY OF HOUSTON IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.



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