

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



THURSDAY, MARCH 9, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Thursday, March 9, 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 February 13, 2017.
- 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.

- 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.
- 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.
- 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.
- 5.5 Consideration to Preliminary Plat of **ZION VISTA**: A Subdivision being 1.8889 Acres of land out of the Joseph Miller Survey, Abstract 50, Harris County, Texas.
- 5.6 Consideration to 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.
- 5.7 Consideration to 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.
- 5.8 Consideration to 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).
- 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.
 - Conduct Public Hearing on **Zoning Case P17-0006**
- 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.

- Conduct Public Hearing on **Zoning Case P17-0007**

- 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.

- Conduct Public Hearing on **Zoning Case P17-0008**

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 March, 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: March 9, 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: March 9, 2017

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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: March 9, 2017

Topic:
Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of February 13, 2017.

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:

Minutes 02.13.17

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

MONDAY, FEBRUARY 13, 2017



6:00 P.M.

- 1.0 The meeting was called to order by Chair Barbara Tague at 6:00 p.m. Other members present were:

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

Others present:

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

draft

- 2.0 No Public Comments were received.

- 3.0 Amelia Lindley, Assistant City Planner, announced the following:

- P&Z Meeting for March has been moved to Thursday, March 9, 2017 @ 6:00 p.m.
- BOA Meeting has been moved to 5:00 p.m. on March 9, 2017.

- 4.0 Motion was made by Commissioner Benson Jr., second by Commissioner Roquemore to approve the Minutes of the Regular Planning and Zoning Commission Meeting of January 9, 2017.

Motion carried unanimously.

- 5.0 New Business:

- 5.1 Consideration to Approve Preliminary Plat of **FIFIELD ADDITION**: 3.6914 Acres (160,799.09 Square Feet) located in the J. Pruitt survey, A-629, Harris County, Texas.

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

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to approve **FIFIELD ADDITION**, with contingencies.

Motion carried unanimously.

- 5.2 Consideration to Approve Preliminary 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, Assistant City Engineer, presented recommendation of approval with a contingency.

Motion was made by Commissioner Roquemore, second by Commissioner Benson Jr., to approve **PROFESSIONAL MEDICAL PLAZA**, with a contingency.

Motion carried unanimously.

- 5.3 Consideration to Approve Preliminary Plat of **VORHEES SUBDIVISION**: Being a 0.3757 (16,365.49 Square Feet) Acre tract of land located in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, and being the same land called 0.381 acre described in deed recorded in Clerk's File Number 2017-909 of the Real Property Records of Harris County, Texas.

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

Motion was made by Commissioner Anderson, second by Commissioner Dunagin, to approve **VORHEES SUBDIVISION**, with contingencies.

Motion carried unanimously.

- 5.4 Consideration to approve **Zoning Case P16-0189**: Request by Ryan Bailey, on behalf of ADAPT Programs, LLC, for a Conditional Use Permit to operate an *Institution for alcoholic, narcotic or psychiatric patients* at 13628 Michel Road. The property is approximately 1 acre, legally described as Reserve B, Block 1 Falcon Subdivision, generally located on the south side of Michel Road, between Johnson Road and SH 249 and is zoned Commercial.

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

Ryan Bailey, Applicant, (606 Delano St., Houston, TX 77003) was introduced and spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:12 p.m.

Hearing no comments, the Public Hearing was closed at 6:12 p.m.

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to approve **Zoning Case P16-0189**. 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.

- 5.5 Consideration to approve **Zoning Case P17-0001**: Request by GREVIS Properties for a Conditional Use Permit to operate a *Mobile Food Court* at 403 East Main Street. The property is approximately 0.28 acres, legally described as Lot 24, Block 80 Tomball Townsite Lot 24 Replat, generally located at the southeast corner of East Main Street and Chestnut Street and is zoned Old Town & Mixed Use.

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

Mike Fagan, Applicant, (1314 Pine Brook, Tomball, TX 77375) was introduced and spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:19 p.m.

Hearing no comments, the Public Hearing was closed at 6:19 p.m.

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to approve **Zoning Case P17-0001**. 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.

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

Motion carried unanimously.

The meeting was adjourned at 6:23 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: March 9, 2017

Topic:

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.

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:

Kaycen Crossing Plat

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, CANDLELIGHTS BUILDERS LLC., A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH GARY SHERRILL, MANAGING MEMBER, AND LARA HADDAD, MANAGING MEMBER, BEING OFFICERS OF CANDLELIGHTS BUILDERS LLC., A TEXAS LIMITED LIABILITY COMPANY, OWNER, HEREINAFTER REFERRED TO AS OWNERS OF THE 0.1607 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF KAYCEN CROSSING, DO HEREBY MAKE AND ESTABLISH OF SAID SUBDIVISION PROPERTY ACCORDING TO ALL LINES, 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 MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOEVER 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 AND UNOBSCTRUCTED AERIAL EASEMENT FIVE FEET 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 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 OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18-DIAMETER) WITH CULVERT OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE OR WALKWAYS SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY COVENANTS AND AGREE THAT ALL OF THE PROPERTY WITH 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, CANDLELIGHTS BUILDERS LLC., A TEXAS LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY GARY SHERRILL, THEREUNTO AUTHORIZED, AND BY LARA HADDAD, THIS _____ DAY OF _____, 2017.

CANDLELIGHTS BUILDERS LLC., A TEXAS LIMITED LIABILITY COMPANY

BY: GARY SHERRILL, MANAGING MEMBER
BY: LARA HADDAD, MANAGING MEMBER

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, GARY SHERRILL AND LARA HADDAD, KNOWN TO ME TO BE THE PERSON WHOSE NAMES IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXCUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN, AND AS THE ACT AND DEED OF SAID COMPANY.

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

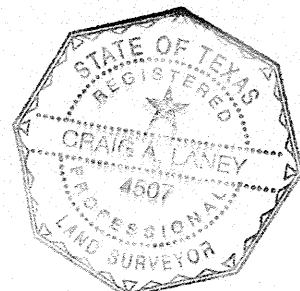
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES : _____

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF KAYCEN CROSSING IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2017.

BY: BARBARA TAGUE, CHAIR
BY: DARRELL RAQUEMORE, VICE CHAIRMAN

I, CRAIG A LANEY, 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 (OR SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTERS 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.

CRAIG A. LANEY, R.P.L.S.
TEXAS REGISTRATION NO. 4507

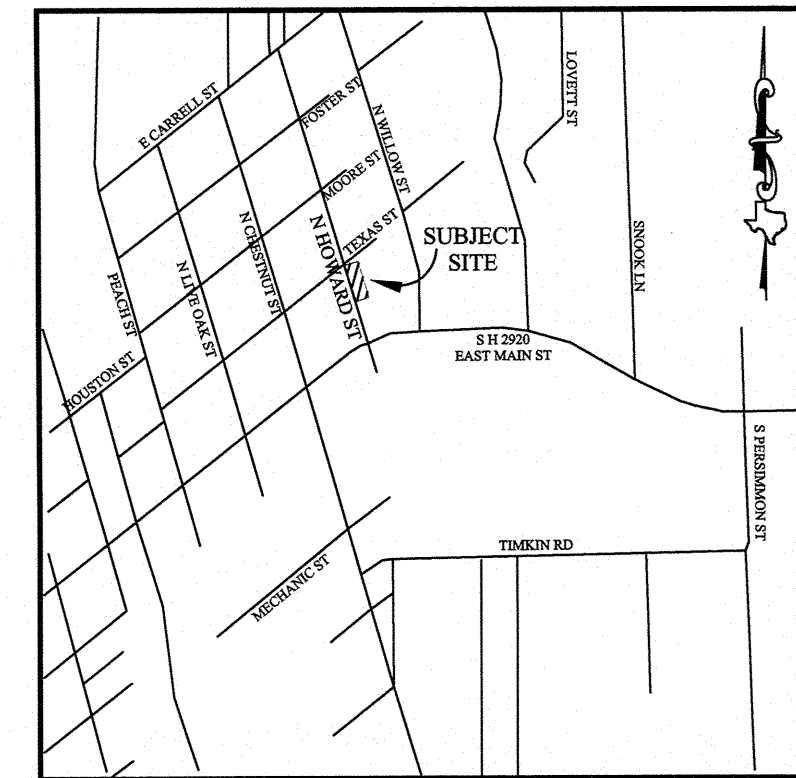
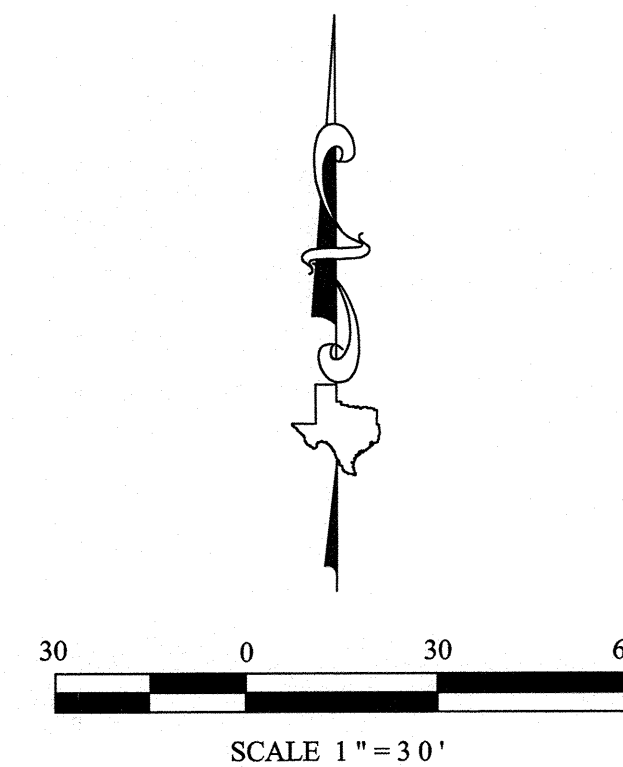
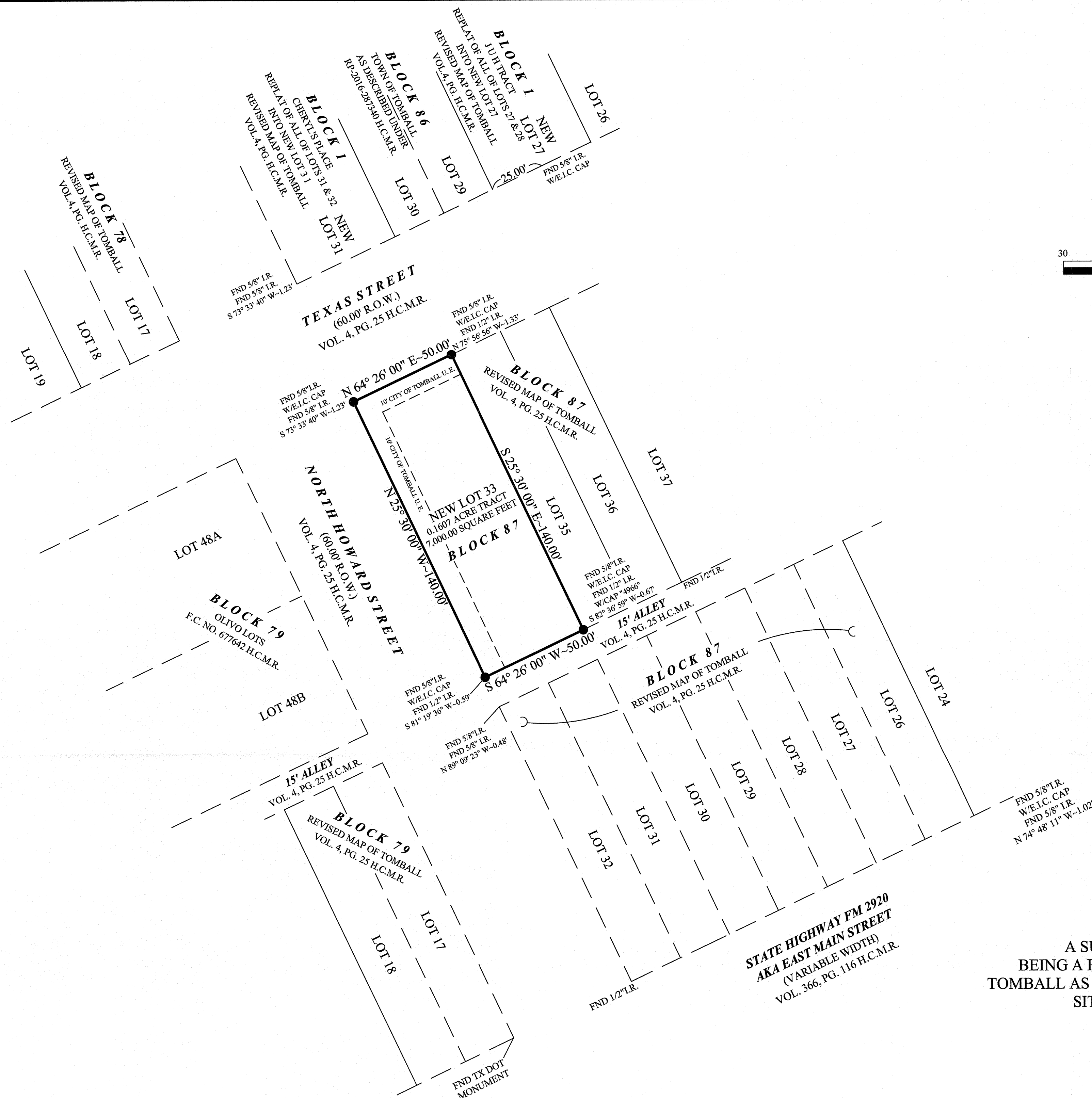


I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 2017, AT _____ O'CLOCK _____ M., AND DULY RECORDED ON _____, 2017, AT _____ O'CLOCK _____ M., AND AT FILM CODE NO. _____ 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



VICINITY MAP
NOT TO SCALE
KEY MAP NO. 288H

GENERAL NOTES

1. B.L INDICATES " BUILDING LINE "
2. U.E INDICATES " UTILITY EASEMENT "
3. R.O.W INDICATES " RIGHT-OF-WAY "
4. AC-TRACT INDICATES " ACRE TRACT "
5. VOL. INDICATES " VOLUME "
6. PG. INDICATES " PAGE "
7. I.R. INDICATES " IRON ROD "
8. D.E INDICATES " DRAINAGE EASEMENT "
9. S.S.E. INDICATES " SANITARY SEWER EASEMENT "
10. H.C.M.R. INDICATES " HARRIS COUNTY MAP RECORDS "
11. ● INDICATES " FOUND 5/8" IRON ROD WITH CAP STAMPED E.I.C. SURVEYING COMPANY "
12. Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including 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.
13. According to the FEMA Firm Panel No. 4803150230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
14. All oil/ gas pipelines or pipeline easements with ownership through the subdivision have been shown.
15. All oil/ gas wells with ownership (plugged, abandoned, and/ or active) through the subdivision have been shown.
16. 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 setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
17. This plat does not attempt to amend or remove any valid covenants or restrictions.
18. The building lines shown in this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.

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

CONTAINING

1 LOT 1 BLOCK

MARCH 2017

OWNER

CANDLELIGHTS BUILDERS LLC.
A TEXAS LIMITED LIABILITY COMPANY

8231 REDCHURCH
SPRING , TEXAS 77379
(832) 873 - 9498

SURVEYOR

E.I.C. SURVEYING COMPANY
FIRM NO. 10033400

12345 JONES ROAD#270
HOUSTON , TEXAS 77070
(281) 955 - 2772

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2017

Topic:

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.

Background:

Origination:

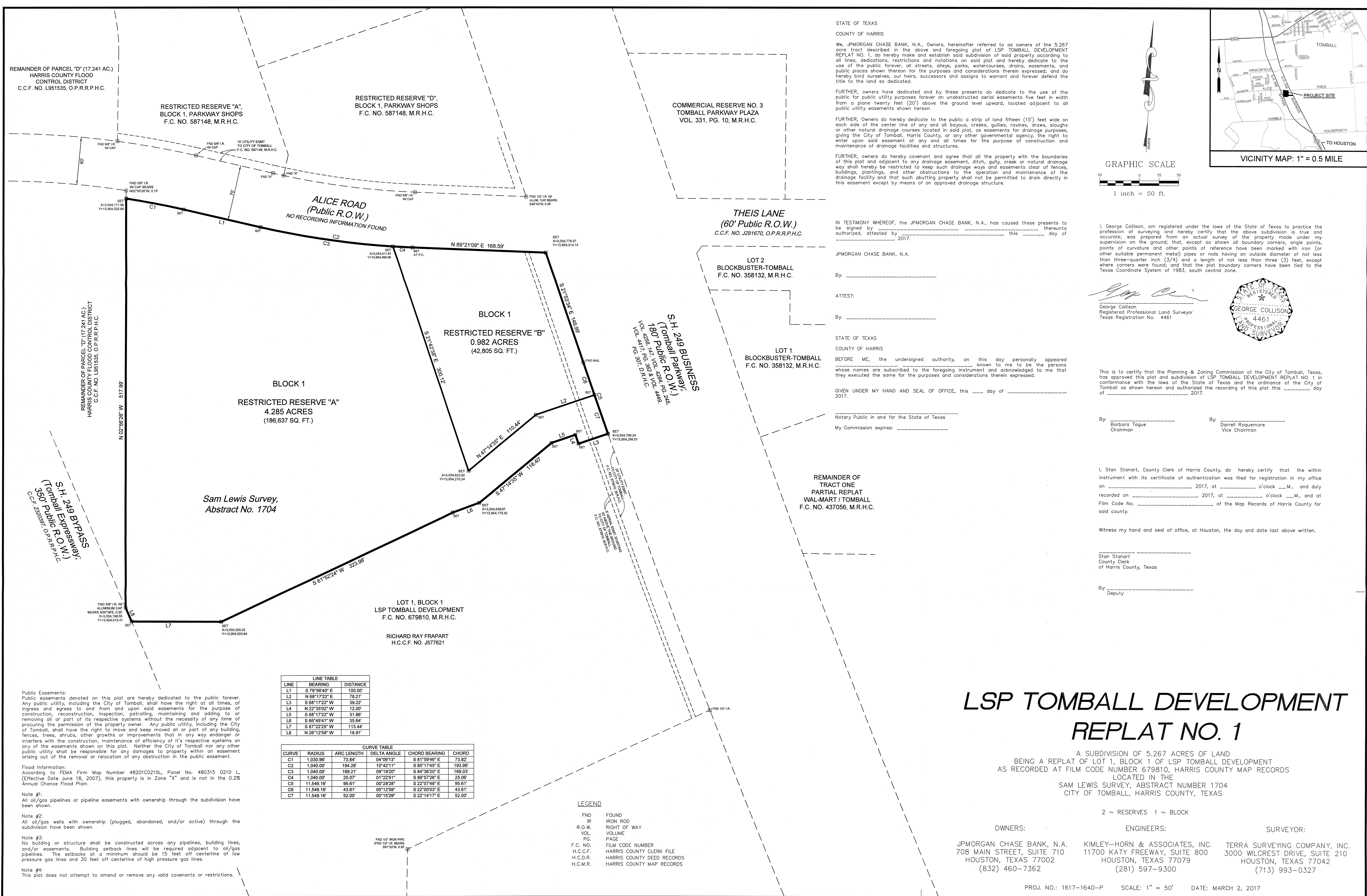
Recommendation:

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

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

ATTACHMENTS:

LSP Tomball Development Replat No. 1



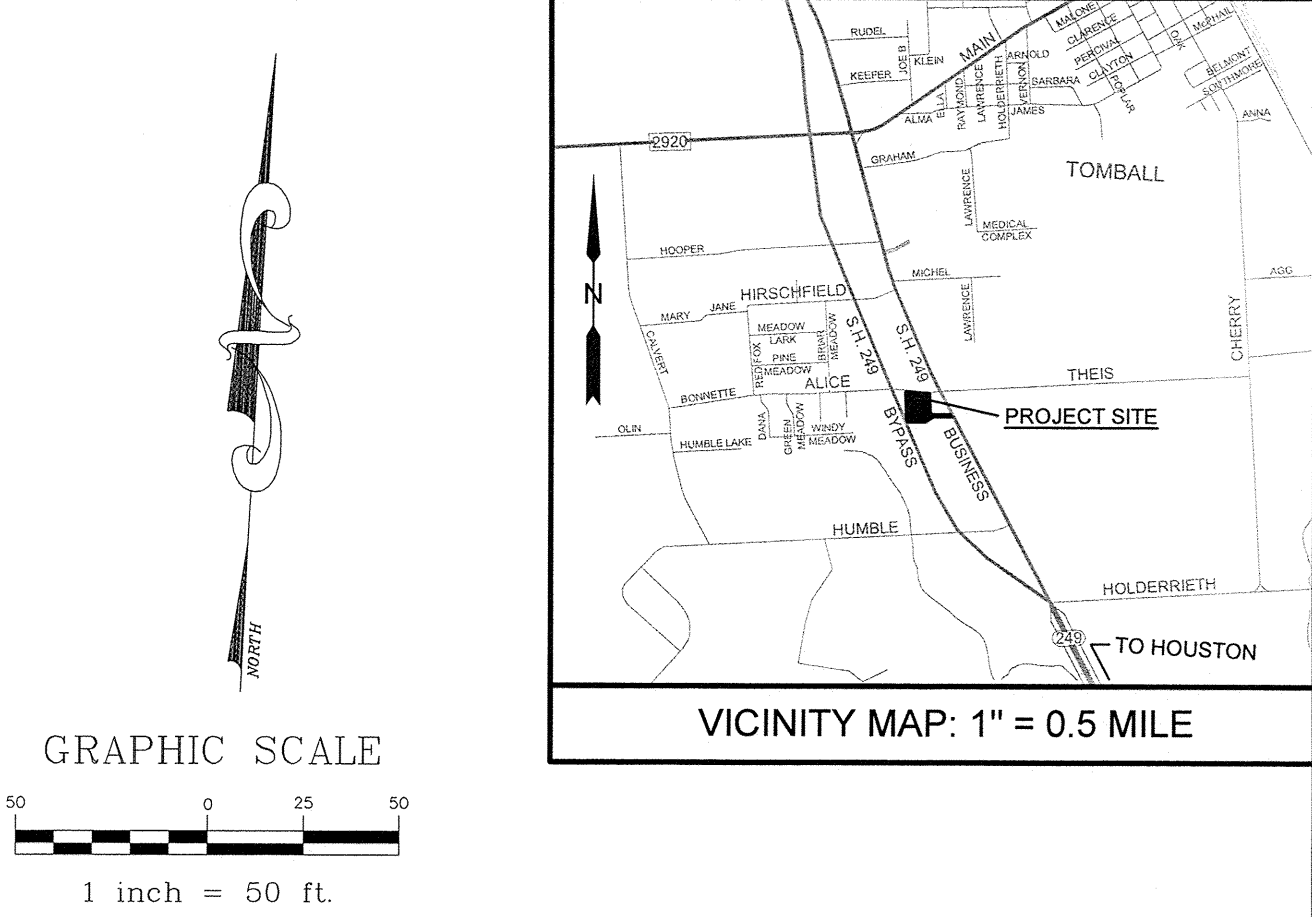
STATE OF TEXAS
COUNTY OF HARRIS

We, JPMORGAN CHASE BANK, N.A., Owners, hereinafter referred to as owners of the 5.267 acre tract described in the above and foregoing plat of LSP TOMBALL DEVELOPMENT REPLAT NO. 1, do hereby make and establish said subdivision of said property according to all lines, 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 easements five feet 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 (15') feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses 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, owners do hereby covenant and agree that all the property with 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, plantings, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly in this easement except by means of an approved drainage structure.



IN TESTIMONY WHEREOF, the JPMORGAN CHASE BANK, N.A., has caused these presents to be signed by _____, known to me to be the persons thereto authorized, attested by _____ this _____ day of _____ 2017.

JPMORGAN CHASE BANK, N.A.

By: _____

ATTEST:

By: _____

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____ whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

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

Notary Public in and for the State of Texas

My Commission expires: _____

I, George Collison, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch (3/4) and a length of not less than three (3) feet, except where corners were found; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, south central zone.

George Collison
George Collison
Registered Professional Land Surveyor
Texas Registration No. 4461

THIS IS TO CERTIFY that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of LSP TOMBALL DEVELOPMENT REPLAT NO. 1 in conformance with the laws of the State of Texas and the ordinance 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 Stanort, 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 Stanort
County Clerk
of Harris County, Texas

By: _____
Deputy

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 easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing oil or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance of 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.

Flood Information:
According to FEMA Firm Map Number 48201C0210L, Panel No. 480315 0210 L, (Effective Date June 18, 2007), this property is in Zone "X" and is not in 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 covenants or restrictions.

LINE	BEARING	DISTANCE
L1	S 79°56'40" E	100.00'
L2	N 68°17'22" E	78.21'
L3	S 68°17'22" W	39.22'
L4	N 22°35'02" W	12.00'
L5	S 68°17'22" W	31.86'
L6	S 66°45'41" W	35.64'
L7	S 87°22'25" W	113.44'
L8	N 26°12'58" W	18.91'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD
C1	1,030.98'	73.84'	04°09'13"	S 81°59'46" E	73.82'
C2	1,040.00'	194.28'	10°42'11"	S 85°17'45" E	193.99'
C3	1,040.00'	169.21'	09°19'20"	S 84°38'20" E	169.03'
C4	1,040.00'	23.07'	01°22'51"	S 89°57'26" E	23.06'
C5	11,549.16'	95.61'	00°28'28"	S 22°07'48" E	95.61'
C6	11,549.16'	43.61'	00°12'59"	S 22°00'03" E	43.61'
C7	11,549.16'	52.00'	00°15'29"	S 22°14'17" E	52.00'

LEGEND

FND FOUND
IR IRON ROD
R.O.W. RIGHT OF WAY
VOL. VOLUME
PG. PAGE
F.C. NO. FILM CODE NUMBER
H.C.C.F. HARRIS COUNTY CLERK FILE
H.C.D.R. HARRIS COUNTY DEED RECORDS
H.C.M.R. HARRIS COUNTY MAP RECORDS

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

2 ~ RESERVES 1 ~ BLOCK

OWNERS: JPMORGAN CHASE BANK, N.A.
708 MAIN STREET, SUITE 710
HOUSTON, TEXAS 77002
(832) 460-7362

ENGINEERS: KIMLEY-HORN & ASSOCIATES, INC.
11700 KATY FREEWAY, SUITE 800
HOUSTON, TEXAS 77079
(281) 597-9300

SURVEYOR: TERRA SURVEYING COMPANY, INC.
3000 WILCREST DRIVE, SUITE 210
HOUSTON, TEXAS 77042
(713) 993-0327

PROJ. NO.: 1617-1640-P SCALE: 1" = 50' DATE: MARCH 2, 2017

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2017

Topic:
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.

Background:

Origination:

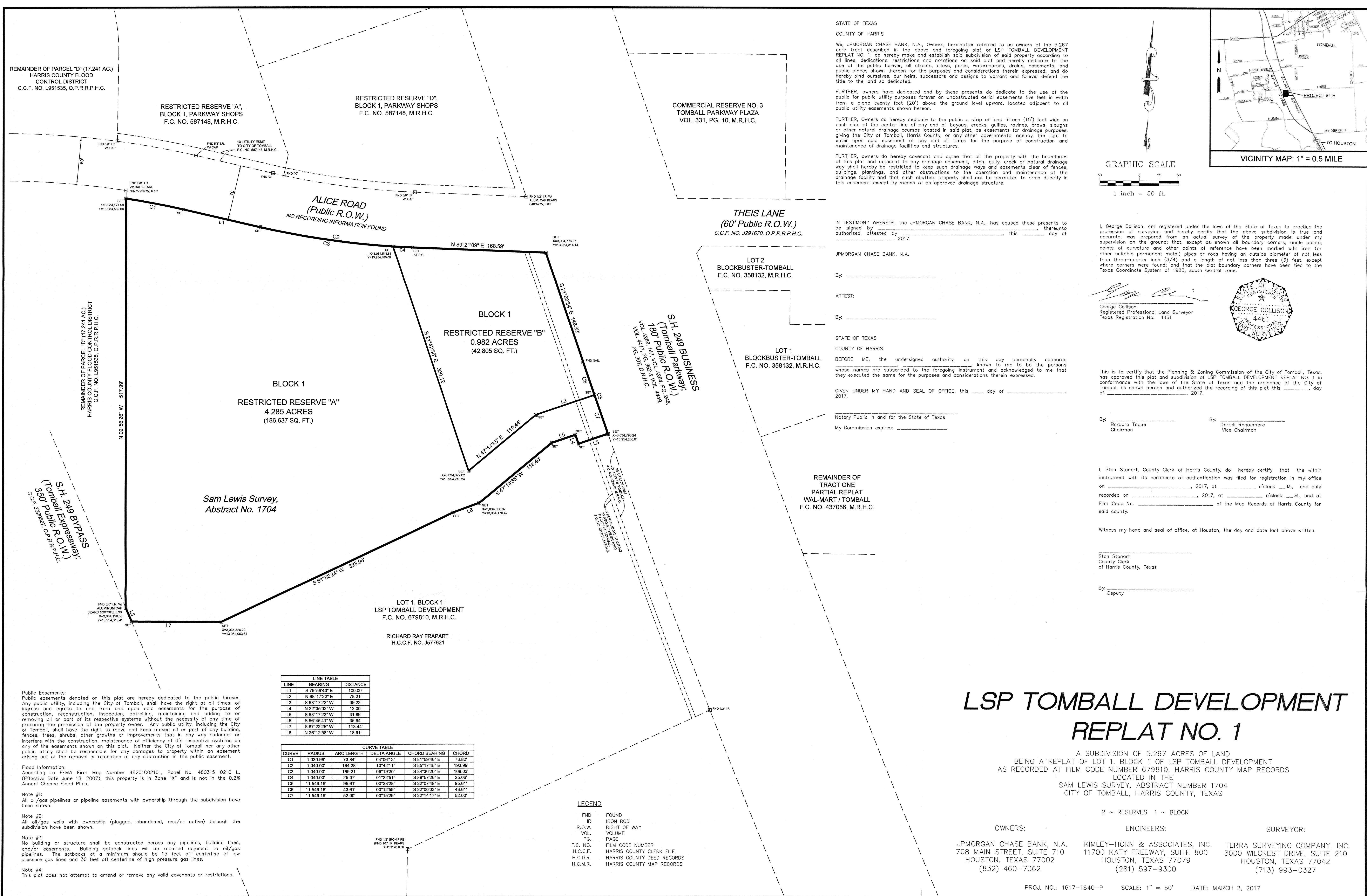
Recommendation:

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

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

ATTACHMENTS:

Professional Medical Plaza Plat



STATE OF TEXAS

COUNTY OF HARRIS

We, JPMORGAN CHASE BANK, N.A., Owners, hereinafter referred to as owners of the 5.267 acre tract described in the above and foregoing plat of LSP TOMBALL DEVELOPMENT REPLAT NO. 1, do hereby make and establish said subdivision of said property according to all lines, 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 easements five feet 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 (15') feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses 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, owners do hereby covenant and agree that all the property with 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, plantings, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly in this easement except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the JPMORGAN CHASE BANK, N.A., has caused these presents to be signed by _____, known to me to be the persons thereunto authorized, attested by _____ this _____ day of _____ 2017.

JPMORGAN CHASE BANK, N.A.

By: _____

ATTEST:

By: _____

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____, whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

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

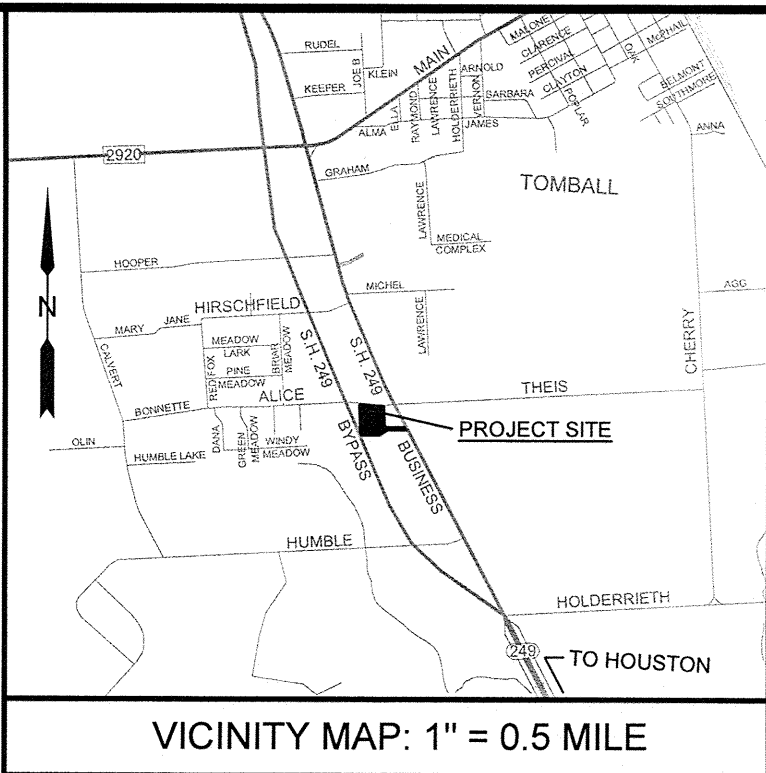
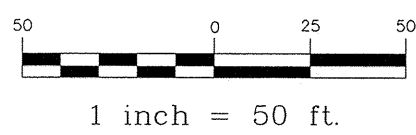
Notary Public in and for the State of Texas

My Commission expires: _____

REMAINDER OF TRACT ONE
PARTIAL REPLAT
WAL-MART / TOMBALL
F.C. NO. 437056, M.R.H.C.

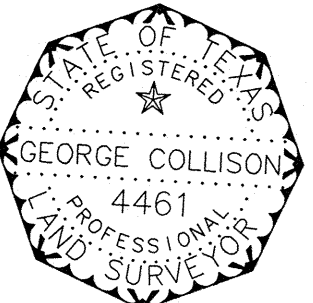


GRAPHIC SCALE



I, George Collison, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch (3/4) and a length of not less than three (3) feet, except where corners were found; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, south central zone.

George Collison
Registered Professional Land Surveyor
Texas Registration No. 4461



This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of LSP TOMBALL DEVELOPMENT REPLAT NO. 1 in conformance with the laws of the State of Texas and the ordinance 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 Stanort, 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 Stanort
County Clerk
of Harris County, Texas

By: _____
Deputy

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 easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing oil or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance of 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.

Flood Information:
According to FEMA Firm Map Number 48201C0210L, Panel No. 480315 0210 L, (Effective Date June 18, 2007), this property is in Zone "X" and is not in 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 covenants or restrictions.

LINE TABLE			
LINE	BEARING	DISTANCE	
L1	S 79°56'40" E	100.00'	
L2	N 68°17'22" E	78.21'	
L3	S 68°17'22" W	39.22'	
L4	N 22°35'02" W	12.00'	
L5	S 68°17'22" W	31.86'	
L6	S 66°45'41" W	35.64'	
L7	S 87°22'25" W	113.44'	
L8	N 26°12'58" W	18.91'	

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD
C1	1,030.98'	73.84'	04°09'13"	S 81°59'46" E	73.82'
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C3	1,040.00'	169.21'	09°19'20"	S 84°38'20" E	169.03'
C4	1,040.00'	23.07'	01°22'51"	S 89°57'26" E	23.06'
C5	11,549.16'	95.61'	00°28'28"	S 22°07'48" E	95.61'
C6	11,549.16'	43.61'	00°12'59"	S 22°00'03" E	43.61'
C7	11,549.16'	52.00'	00°15'29"	S 22°14'17" E	52.00'

LEGEND

FND FOUND
IR IRON ROD
R.O.W. RIGHT OF WAY
VOL. VOLUME
PG. PAGE
F.C. NO. FILM CODE NUMBER
H.C.C.F. HARRIS COUNTY CLERK FILE
H.C.D.R. HARRIS COUNTY DEED RECORDS
H.C.M.R. HARRIS COUNTY MAP RECORDS

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

2 ~ RESERVES 1 ~ BLOCK

OWNERS:

ENGINEERS:

SURVEYOR:

JPMORGAN CHASE BANK, N.A.
708 MAIN STREET, SUITE 710
HOUSTON, TEXAS 77002
(832) 460-7362

KIMLEY-HORN & ASSOCIATES, INC.
11700 KATY FREEWAY, SUITE 800
HOUSTON, TEXAS 77079
(281) 597-9300

TERRA SURVEYING COMPANY, INC.
3000 WILCREST DRIVE, SUITE 210
HOUSTON, TEXAS 77042
(713) 993-0327

PROJ. NO.: 1617-1640-P SCALE: 1" = 50' DATE: MARCH 2, 2017

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2017

Topic:

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.

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:

Willow Creek Pet Ranch Plat

State Of Texas
County Of Harris

We, OB Group,LLC., acting by and through Ray O'Bannon, Member, owners hereinafter referred to as Owners (whether one or more) of the (11.5408 acre) tract described in the above and foregoing map of Willow Creek Pet Ranch of Tomball, do hereby make and establish said subdivision and development plat 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 to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use for the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (1'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted, hereon, whereby each aerial easement totals twenty one feet, six inches (21'6") in width.

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

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen feet (15'-0") wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Houston, Harris County, or any other governmental agency, the right to enter upon said easement at any 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 is hereby 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 directly into this easement except by means of an approved drainage structure.

FURTHER, Owners certify and covenant that they have complied with or will comply with existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioner's Court of Harris County.

IN TESTIMONY WHEREOF, OB Group, LLC. has caused these presents to be signed by Ray O'Bannon, Member, thereunto authorized, and its common seal hereunto affixed, this ____ day of ____, 2017.

OB Group, LLC.

by: Ray O'Bannon Member

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Ray O'Bannon, 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 stated.

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

Notary Public in and for the State of Texas

My Commission expires: ____

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

By: Martha L. Stein Chairman Or M. Sonny Garza Vice-Chairman By: Patrick Walsh, P.E. Secretary

This is to certify that the Planning and Zoning Commission of the City has approved this plat and subdivision of Zion Vista in conformance with the laws of the State of Texas and the ordinances of the City as shown herein and authorized the recording of this plat this ____ day of ____, 2017.

By: Barbara Tague Chairman

By: Darrell Roquemore Vice-Chairman

I, David R. Strickland, 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 that have an outside diameter of not less than 3/4 inch and a length of not less than 3 feet, except those noted as found; and that the plat boundaries have been tied to the State Plane Coordinates (NAD83), South Central Zone.

David R. Strickland, RPLS
Texas Registration No. 5124



We, Branch Banking and Trust Company, owners and holders of a lien against the property described in the plat known as WILLOW CREEK PET RANCH OF TOMBALL, said lien being evidenced by instrument of record in Clerk's File No. 20160018834 of the Real Property Records of Harris County, Texas, 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.

By: _____

PRINTED NAME

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____ 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.

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

Notary Public in and for the State of Texas

My Commission expires: ____

I, John R. Blount, County Engineer of Harris County, hereby certify that the plat of this subdivision complies with all the existing rules and regulations of this office as adopted by the Harris County Commissioner's Court and that it complies or will comply with all applicable provisions of the Harris County Road Law as amended and all other court adopted drainage requirements.

John R. Blount, P.E. LEED, AP
County Engineer

I, Stan Stanart, County Clerk of Harris County, and ex officio clerk of the Harris County Commissioners' Court, do hereby certify that the within instrument was approved at a legally convened meeting of the Harris County Commissioners' Court held on ____, 2017 by an order entered into the minutes of the court.

Stan Stanart
Clerk of the County Court
Harris County, Texas

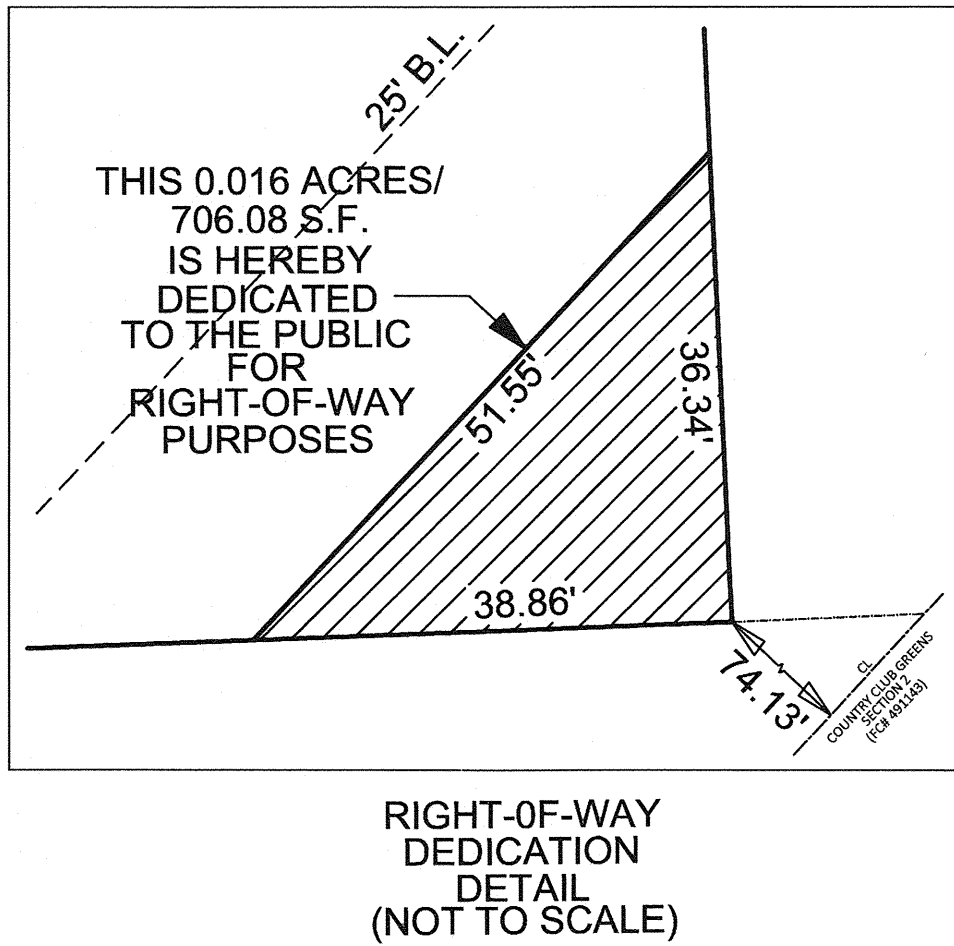
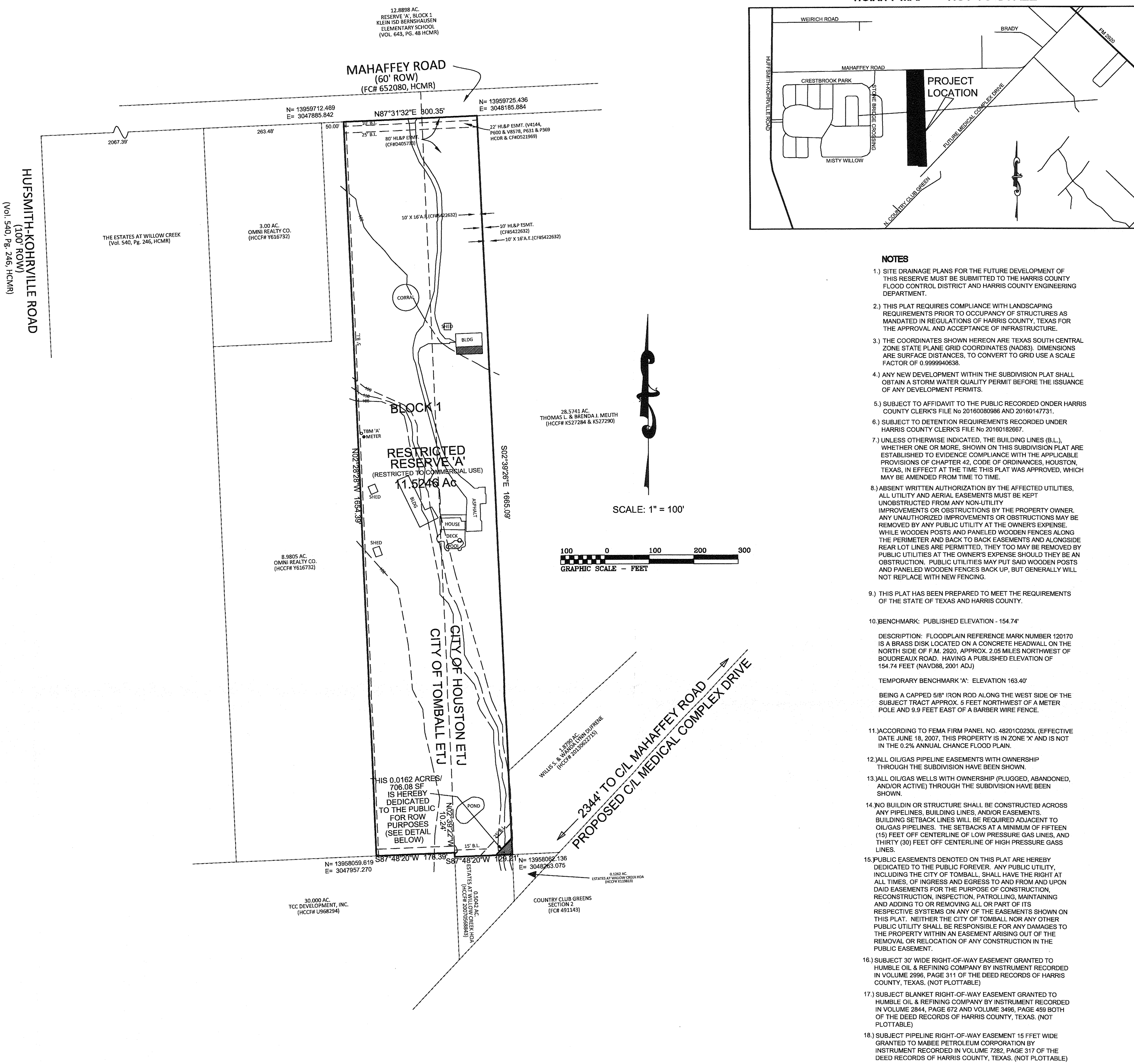
By: _____
Deputy

I, Stan Stanart, Clerk of the County of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on ____, 20__, at ____ o'clock, and duly recorded on ____, 20__, at ____ o'clock, and at Film Code Number ____ of the Map Records of Harris County for said county.

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

Stan Stanart
County Clerk
Harris County, Texas

By: _____
Deputy



OWNER: OB GROUP, LLC
11105 MAHAFFEY ROAD
TOMBALL, TX 77375
(832) 885-9119

SURVEYOR: DAVE STRICKLAND, RPLS
P O BOX 266841
HOUSTON, TX 77207
(281) 705-4297

**PRELIMINARY
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

502,717.25 Square Feet or 11.5408 Acres
1 Block 1 Restricted Reserve
January, 2017

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2017

Topic:
Consideration to Preliminary Plat of **ZION VISTA**: A Subdivision being 1.8889 Acres of land out of the Joseph Miller Survey, Abstract 50, 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

ATTACHMENTS:

Zion Vista Plat

STATE OF TEXAS
COUNTY OF HARRIS

I, RAFAEL OLIVO, OWNER IN THIS SECTION AFTER REFERRED TO AS OWNERS OF THE 1.8889 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF ZION VISTA, 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 IN WIDTH FROM A PLANE 20 FEET 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 15 FEET WIDE ON EACH SIDE OF THE CENTERLINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED AND DEPICTED UPON IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

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 DRAINAGEWAY 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.

WITNESS MY HAND IN THE CITY OF TOMBALL THIS ____ DAY OF ____, 2017.

By: _____
RAFAEL OLIVO

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Rafael Olivo, 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 stated.

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

Notary Public in and for the State of Texas My Commission expires: _____

I, David R. Strickland, 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 that have an outside diameter of not less than 3/4 inch and a length of not less than 3 feet, except those noted as found, and that the plat boundary corners have been tied to the State Plane Coordinates (NAD83), South Central Zone.

David R. Strickland, RPLS
Texas Registration No. 5124



This is to certify that the Planning and Zoning Commission of the City of Tomball has approved this plat and subdivision of Zion Vista in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown herein and authorized the recording of this plat this ____ day of ____, 2017.

By: _____
Barbara Tague
Chairman

By: _____
Darrell Roquemore
Vice-Chairman

I, Stan Stanart, Clerk of the County of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on ____, 20__, at ____ o'clock, and duly recorded on ____, 20__, at ____ o'clock, and at Film Code Number ____ of the Map Records of Harris County for said county.

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

Stan Stanart
County Clerk
Harris County, Texas

By: _____
Deputy

We, Independent Bank, owners and holders of a lien against the property described in the plat known as ZION VISTA, said lien being evidenced by instruments of record in Clerk's File No. 20130486906 and 20130486807 of the Real Property Records of Harris County, Texas, 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.

By: _____

PRINTED NAME

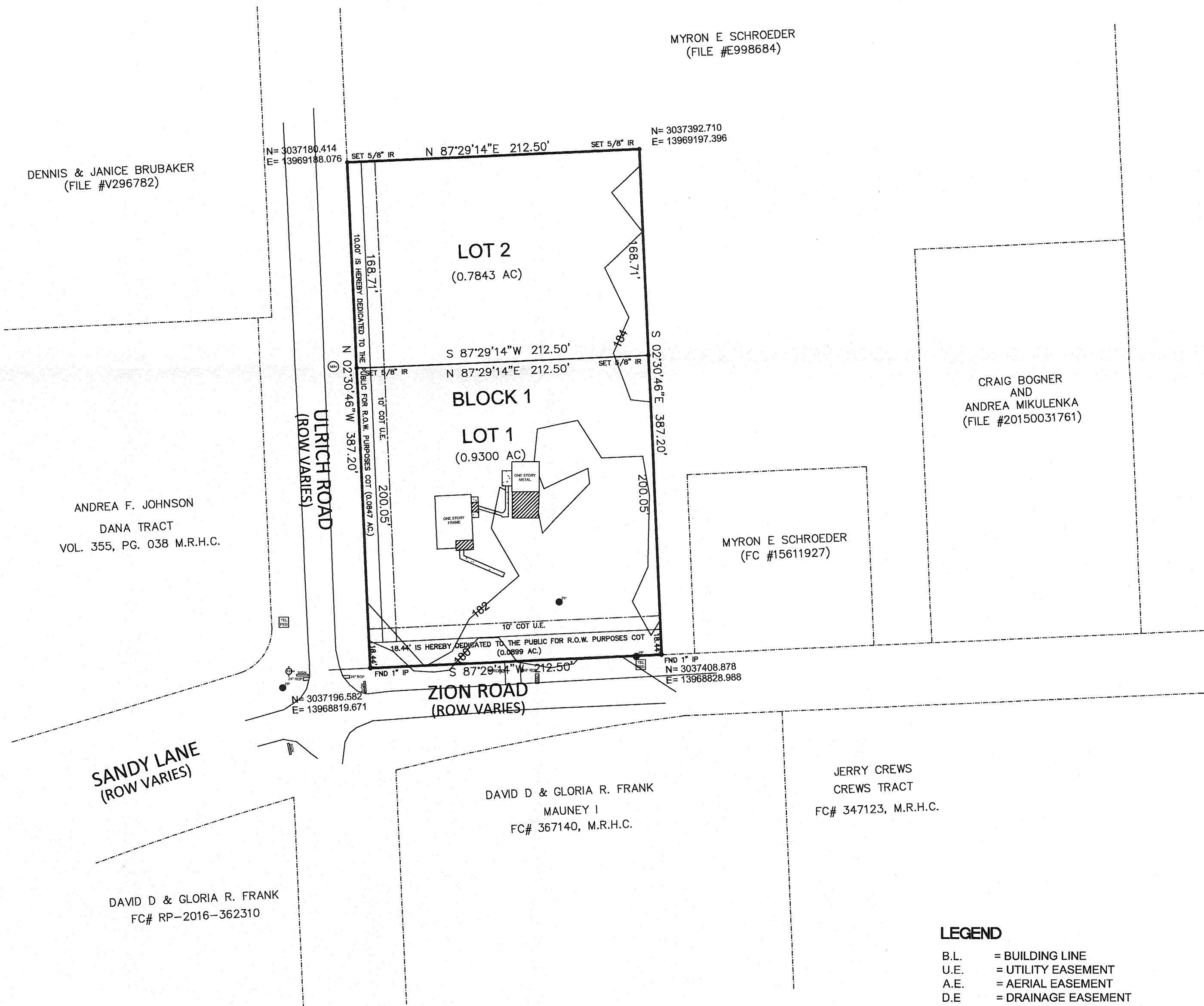
STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____ 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.

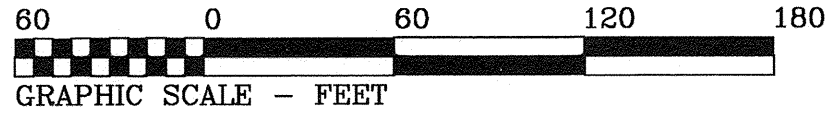
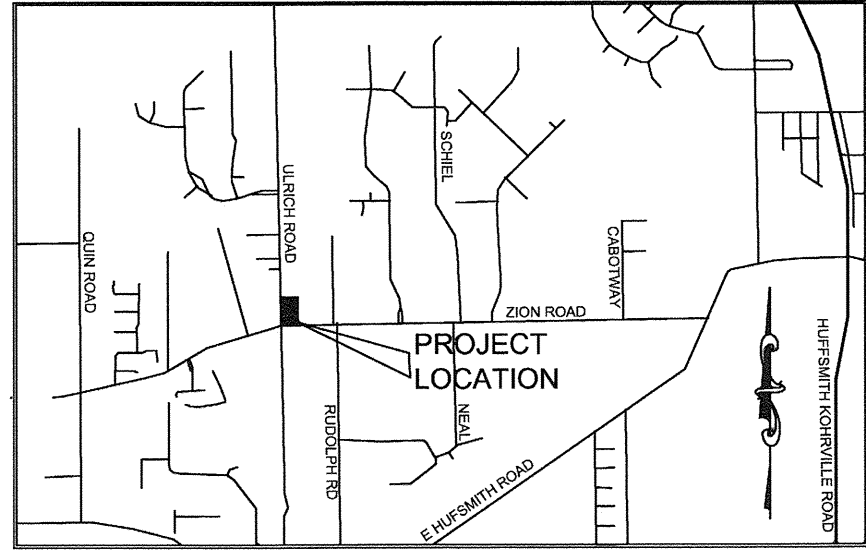
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of ____, 2017.

Notary Public in and for the State of Texas

My Commission expires: _____



VICINITY MAP - NOT TO SCALE - KEY MAP 248Z



NOTES

- 1.) THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS AND HARRIS COUNTY.
- 2.) THE BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON TEXAS SOUTH CENTRAL ZONE 4204 (NAD83). COORDINATES ARE GRID AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR 0.999984178.
- 3.) FIVE-EIGHTS INCH (5/8") IRON RODS THREE FEET IN LENGTH ARE SET ON ALL PERIMETER BOUNDARY CORNERS, UNLESS OTHERWISE NOTED. BLOCK CORNERS OR STREET RIGHT-OF-WAYS HAVE NOT BEEN MONUMENTED.
- 4.) BENCHMARK: PUBLISHED ELEVATION - 171.59'

DESCRIPTION: FLOODPLAIN REFERENCE MARK NUMBER 100395 IS A BRASS DISK LOCATED FROM THE INTERSECTION OF FM 2920 AND FM 2978 NORTH ALONG FM 2978 1.4 MILES EAST TO E. HUFSMITH, WEST ALONG E. HUFSMITH 0.4 MILES TO ZION, WEST ALONG ZION 1.1 MILES TO RUDOLPH, SOUTH ALONG RUDOLPH 0.4 MILES TO THE BENCHMARK ON THE LEFT. (NAVD88, 2001 ADJ)

TEMPORARY BENCHMARK: ELEVATION 182.98'

SQUARE CUT ON CULVERT IN NORTHEAST CORNER OF INTERSECTION OF ZION ROAD AND ULRICH ROAD S 88° W 17.5' OF SOUTHWEST CORNER OF SUBJECT TRACT.

- 5.) ACCORDING TO FEMA FIRM PANEL NO. 48201C0230L (EFFECTIVE DATE JUNE 18, 2007), THIS PROPERTY IS IN ZONE 'X' AND IS NOT IN THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
- 6.) ALL OIL/GAS PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- 7.) ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- 8.) 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 OF FIFTEEN (15) FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND THIRTY (30) FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
- 9.) THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- 10.) PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS 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 THE PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY CONSTRUCTION IN THE PUBLIC EASEMENT.
- 11.) SUBJECT 30' WIDE RIGHT-OF-WAY EASEMENT GRANTED TO HUMBLE OIL & REFINING COMPANY BY INSTRUMENT RECORDED IN VOLUME 2996, PAGE 311 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS. (NOT PLOTTABLE)
- 12.) SUBJECT BLANKET RIGHT-OF-WAY EASEMENT GRANTED TO HUMBLE OIL & REFINING COMPANY BY INSTRUMENT RECORDED IN VOLUME 2844, PAGE 672 AND VOLUME 3496, PAGE 459 BOTH OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS. (NOT PLOTTABLE)
- 13.) SUBJECT PIPELINE RIGHT-OF-WAY EASEMENT 15 FEET WIDE GRANTED TO MABEE PETROLEUM CORPORATION BY INSTRUMENT RECORDED IN VOLUME 7282, PAGE 317 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS. (NOT PLOTTABLE)

OWNER: RAFAEL OLIVO
13226 ZION ROAD
TOMBALL, TX 77375
(832) 381-6804

SURVEYOR: DAVE STRICKLAND, RPLS
P O BOX 266841
HOUSTON, TX 77207
(281) 705-4297

PRELIMINARY ZION VISTA

A SUBDIVISION BEING 1.8889 ACRES OF LAND OUT OF THE JOSEPH MILLER SURVEY, ABSTRACT 50, HARRIS COUNTY, TEXAS

82,280.00 Square Feet or 1.8889 Acres
1 Block 2 Lots
February, 2017

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2017

Topic:

Consideration to 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.

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:

Willowcreek Ranch Sec 7 Plat

P, a Texas limited partnership, acting by and through Peter Barnhart, Telge Road GP, L.L.C., a Texas limited liability company, and General ood, L.P., a Texas limited partnership, owner hereinafter referred to as "r more) of the 47.28 acre tract described in the above and foregoing RANCH SEC 7, do hereby make and establish said subdivision and id property according to all lines, dedications, restrictions, and notations t and hereby dedicate to the use of the public forever, all streets designated as private streets, or permanent access easements, alleys, drains, easements and public places shown thereon for the purposes in expressed; and do hereby bind ourselves, our heirs, successors and forever defend the title on the land so dedicated.

dedicated and by these presents do dedicate to the use of the public se forever unobstructed aerial easements. The aerial easements shall additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground six inches (5'6") for sixteen feet (16'0") perimeter ground easements, feet (16'0") above the ground level upward, located adjacent to and utility easements that are designated with aerial easements (U.E. and dedicated hereon, whereby the aerial easement totals twenty one feet, 16'0").

dedicated and by these presents do dedicate to the use of the public se forever unobstructed aerial easements. The aerial easements shall additional ten feet (10'0") for ten feet (10'0") back-to-back ground et (8'0") for fourteen feet (14'0") back-to-back ground easements or sixteen feet (16'0") back-to-back ground easements, from a plane ove ground level upward, located adjacent to both sides and adjoining ements that are designated with aerial easements (U.E. and A.E.) as hereon, whereby the aerial easement totals thirty feet (30'0") in width.

hereby declare that all parcels of land designated as lots on this plat for the construction of single family residential dwelling units thereon (mobile home subdivision) and shall be restricted for same under the f such restrictions filed separately.

ereby covenant and agree that all of the property within the boundaries restricted to prevent the drainage of any septic tanks into any public nant access easement, road or alley, or any drainage ditch, either

ereby covenant and agree that all of the property within the boundaries stricted to provide that drainage structures under private driveways shall pening area of sufficient size to permit the free flow of water without nstance have a drainage opening of less than one and three quarters diameter) with culverts or bridges to be provided for all private crossing such drainage facilities.

ereby dedicate to the public a strip of land fifteen (15) feet wide on r line of any and all bayous, creeks, gulches, ravines, draws, sloughs or courses located in said plat, as easements for drainage purposes, ston, Harris County, or any other governmental agency, the right to iment at any and all times for the purpose of construction and e facilities and structures.

ereby covenant and agree that all of the property within the boundaries ent to any drainage easement, ditch, gully, creek or natural drainage restricted to keep such drainage ways and easements clear of fences, other obstructions to the operations and maintenance of the drainage bouting property shall not be permitted to drain directly into this ns of an approved drainage structure.

hereby covenant and agree that those streets located within the specifically noted as private streets or permanent access easements shed and maintained as private streets or permanent access easements successors, and assigns to property located within the boundaries of available for the general use of said owners and to the public for equipment, police and emergency vehicles of whatever nature at all t and ourselves, our heirs, successors and assigns to warrant and forever s land so designated and established as private streets or permanent

ity and covenant that they have complied with or will comply with the Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, il other regulations heretofore on file with the Harris County Engineer mmissioners' Court of Harris County.

F, the CC Telge Road, L.P., a Texas limited partnership, has caused signed by Peter Barnhart, Vice-President of CC Telge Road GP, L.L.C., a company, General Partner of CC Telge Road, L.P., a Texas limited uthorized, this _____ day of _____, 2017.

OWNER
CC Telge Road, L.P.,
a Texas limited partnership
by
CC Telge Road GP, L.L.C.,
a Texas limited liability company,
its General Partner

By: _____
Peter Barnhart, Vice-President

AND SEAL OF OFFICE, this _____ day of _____, 2017

Notary Public in and for the
State of T E X A S
My Notary Commission Expires _____

signed authority, on this day personally appeared Peter Barnhart, Vice-President of CC , a Texas limited liability company, known to me to be the person whose name is going instrument and acknowledged to me that they executed the same for the purposes rein expressed, and as the act and deed of said limited liability company.

AND SEAL OF OFFICE, this _____ day of _____, 2017

Notary Public in and for the
State of T E X A S
My Notary Commission Expires _____

Notary Public in and for the
State of T E X A S
My Notary Commission Expires _____

This is to certify that the Planning Commission of the City of Houston, Texas has approved this plat and subdivision of WILLOWCREEK RANCH SEC 7 in conformance with the laws of the State of Texas and the ordinances of the City of Houston, as shown hereon, and authorized the recording of this plat this _____ day of _____, 20____.

By: _____
Mortha L. Stein, (or) M. Sonny Garzo
Title Chair or Vice Chairman

By: _____
Patrick Walsh, P.E.,
Secretary

By: _____
Mortha L. Stein, (or) M. Sonny Garzo
Title Chair or Vice Chairman

By: _____
Patrick Walsh, P.E.,
Secretary

I, John R. Blount, County Engineer of Harris County, hereby certify that the plat of this subdivision complies with all the existing rules and regulations of this office as adopted by the Harris County Commissioners' Court and that it complies or will comply with all applicable provisions of the Harris County Road Law as amended and all other Court adopted drainage requirements.

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

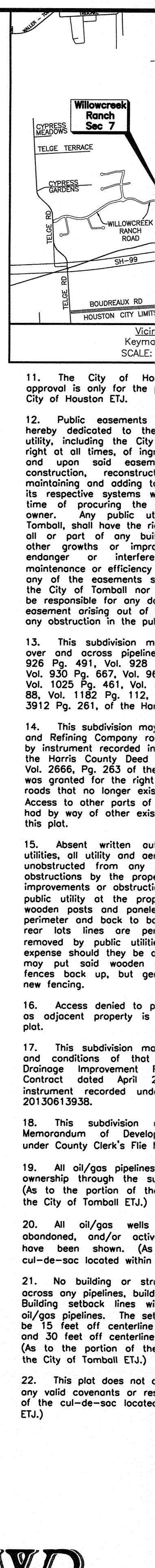
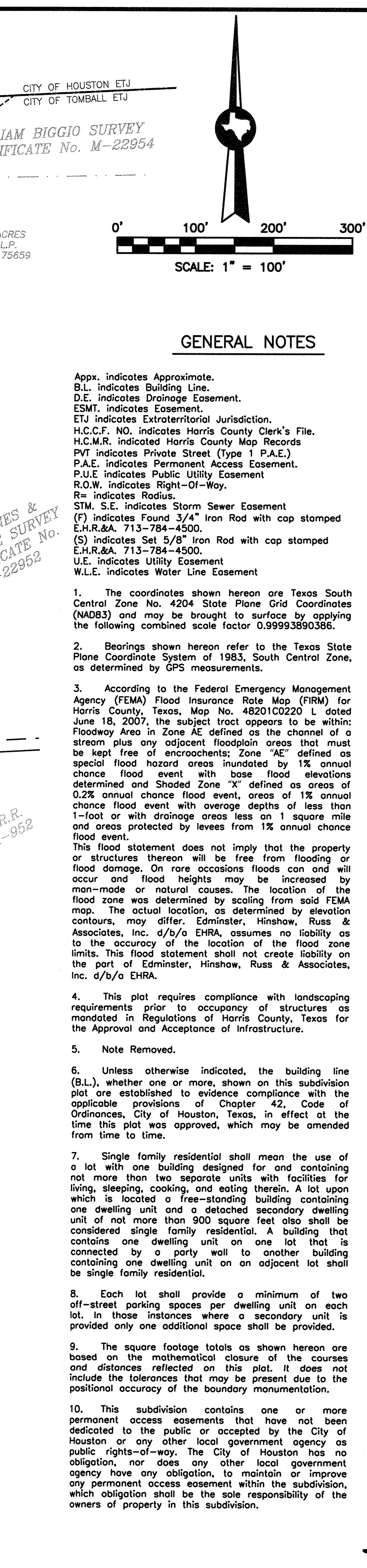
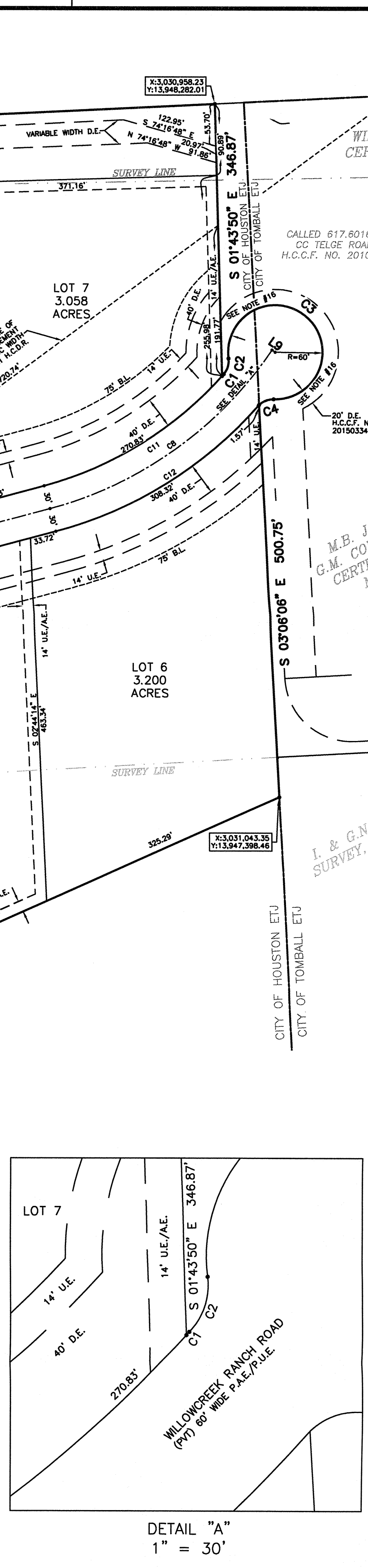
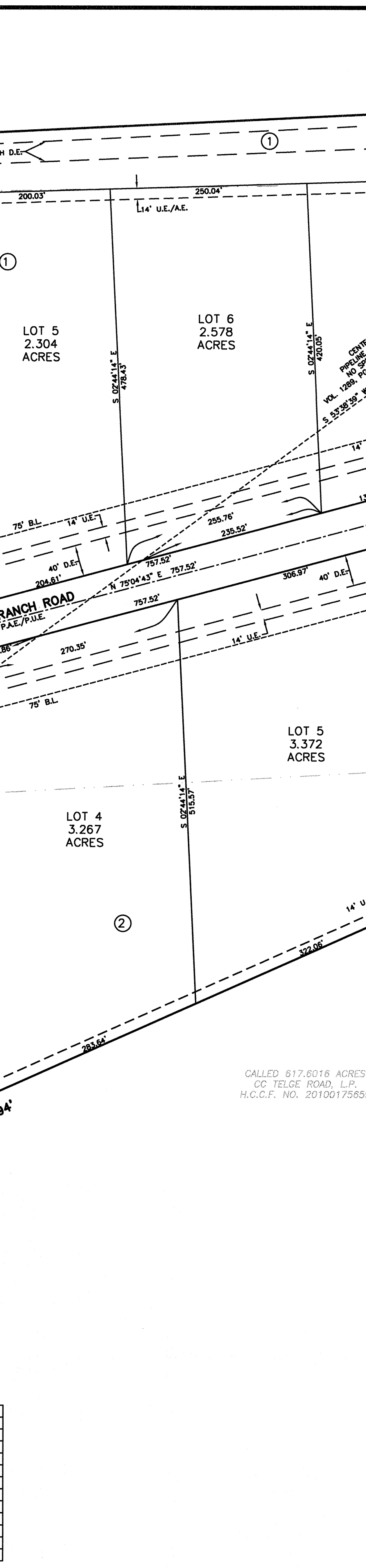
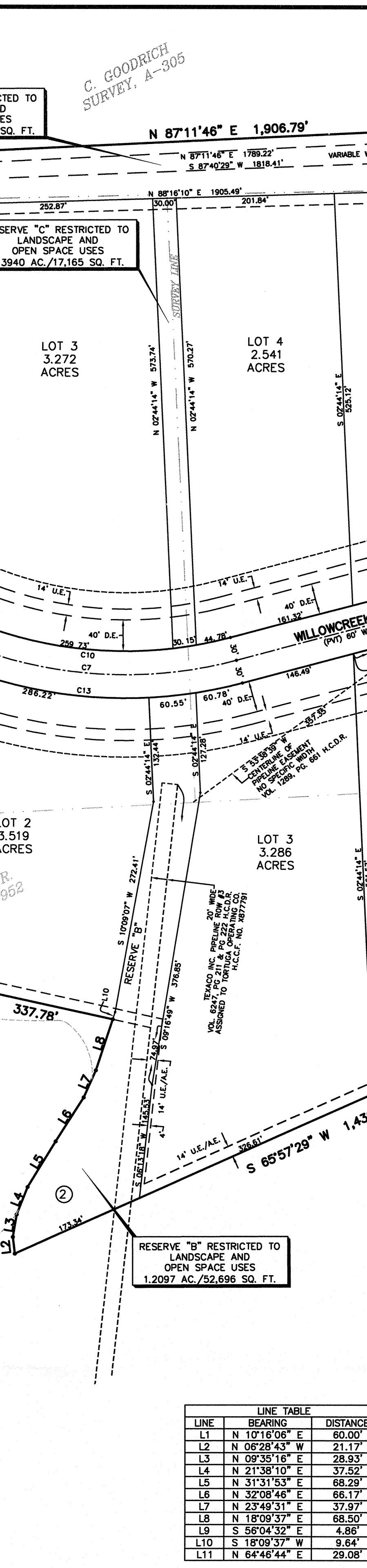
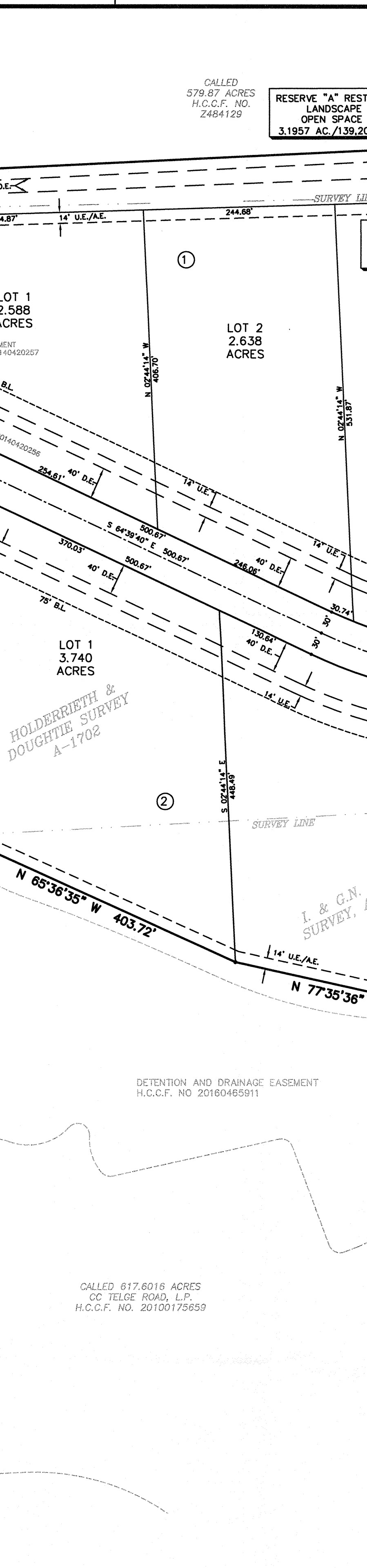
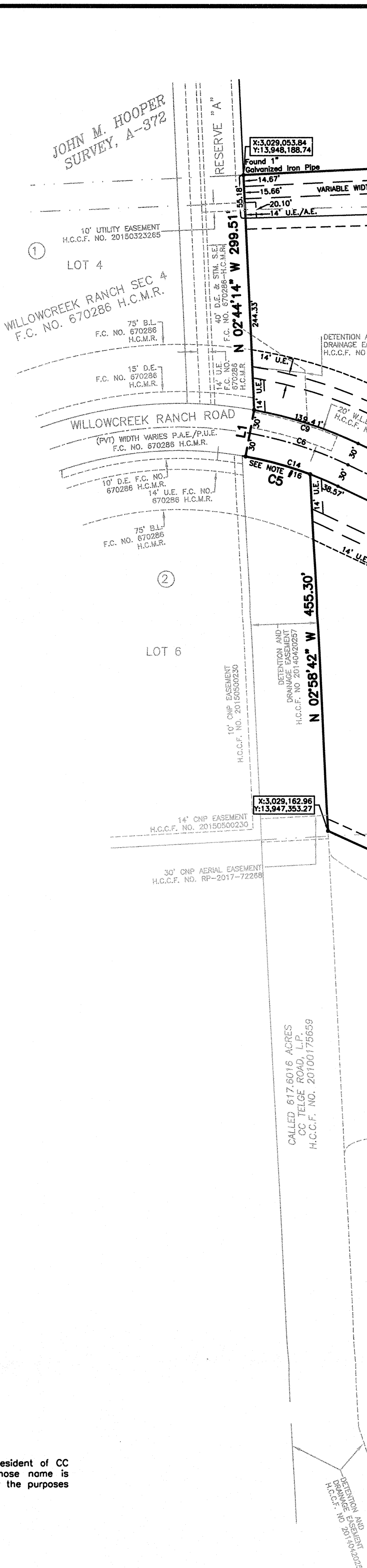
Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanort
County Clerk
Of Harris County, Texas

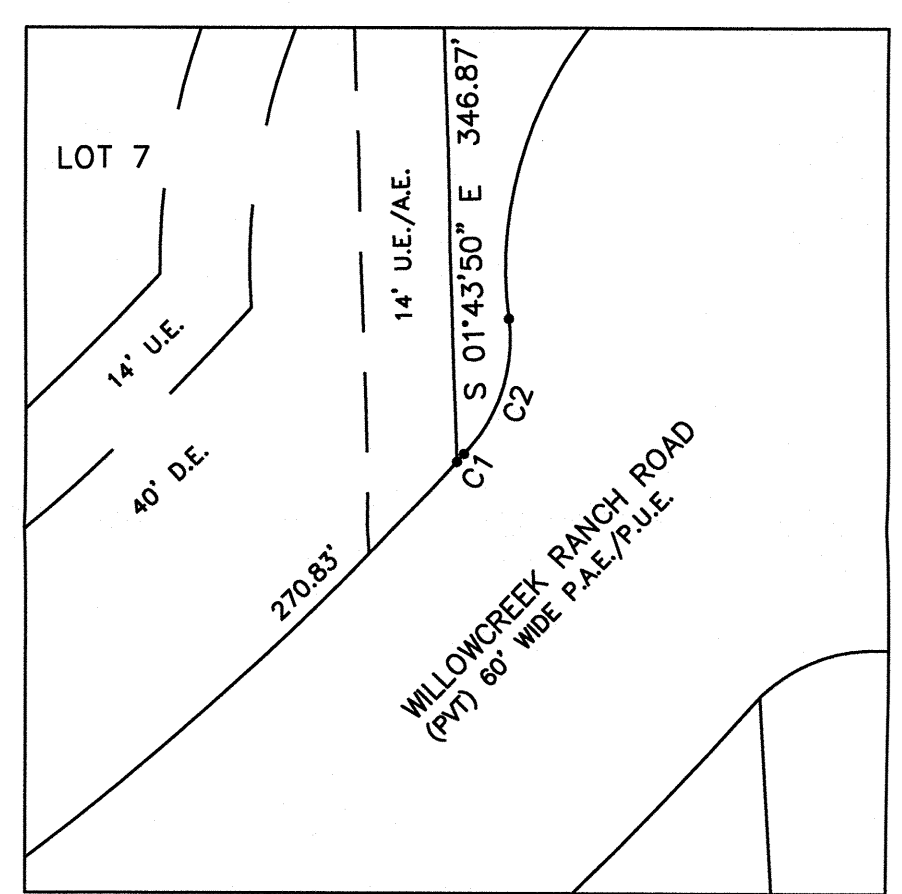
By: _____
Deputy

By: _____
Deputy

By: _____
Deputy



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 101°16'06" E	80.00'
L2	N 06°28'43" W	21.17'
L3	N 09°35'16" E	28.93'
L4	N 21°38'10" E	37.52'
L5	N 31°31'53" E	68.28'
L6	N 32°08'46" E	66.17'
L7	N 23°49'31" E	37.97'
L8	N 18°09'37" E	68.50'
L9	S 56°04'32" E	4.86'
L10	S 18°09'37" W	9.64'
L11	N 64°46'44" E	29.08'



CURVE TABLE		
CURVE	RADIUS	DELTA ANGLE
C1	465.00'	00°24'21"
C2	25.00'	49°02'06"
C3	60.00'	27°21'17"
C4	25.00'	49°35'10"
C5	470.00'	10°22'05"
C6	500.00'	15°04'14"
C7	550.00'	40°15'38"
C8	485.00'	41°09'15"
C9	530.00'	15°04'14"
C10	520.00'	40°15'38"
C11	465.00'	33°22'16"
C12	525.00'	33°38'54"
C13	580.00'	40°15'38"
C14	470.00'	15°04'14"

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of WILLOWCREEK RANCH SEC 7 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 Raquemaere
Vice Chairman

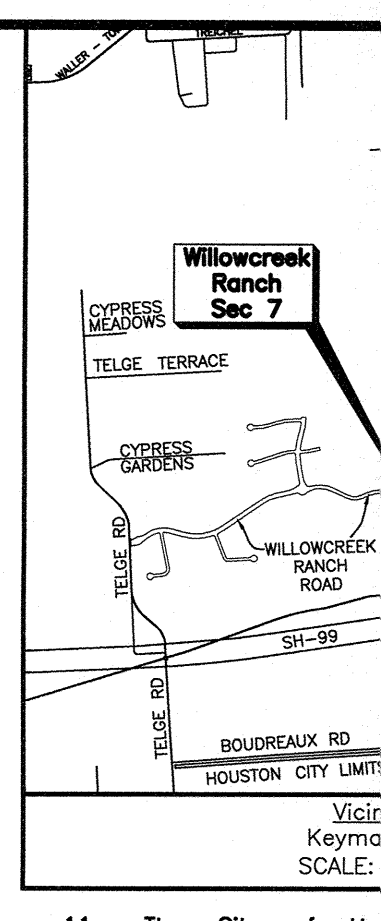
By: _____
Deputy

By: _____
Deputy

By: _____
Deputy

GENERAL NOTES

1. The City of Houston, Texas, has approved this plat and subdivision of WILLOWCREEK RANCH SEC 7 in conformance with the laws of the State of Texas and the ordinances of the City of Houston, as shown hereon, and authorized the recording of this plat this _____ day of _____, 20____.
2. The City of Houston, Texas, has approved this plat and subdivision of WILLOWCREEK RANCH SEC 7 in conformance with the laws of the State of Texas and the ordinances of the City of Houston, as shown hereon, and authorized the recording of this plat this _____ day of _____, 20____.
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22. The City of Houston, Texas, has approved this plat and subdivision of WILLOWCREEK RANCH SEC 7 in conformance with the laws of the State of Texas and the ordinances of the City of Houston, as shown hereon, and authorized the recording of this plat this _____ day of _____, 20____.

WILLOWCREEK RANCH SEC 7

BEING A SUBDIVISION OF 47.28 ACRES
THE HOLDERRIETH AND DOUGHTIE SURVEY
THE I. & G.N. R.R. SURVEY, A-952
THE M.B. JONES AND G.M. CONE SURVEY, CERTIFICATE No. M-22952
AND THE WILLIAM BIGGIO SURVEY, CERTIFICATE No. M-22954
IN HARRIS COUNTY, TEXAS.

13 LOTS 2 BLOCKS 3 RESERVES

JANUARY, 2017

Printed

MAR 06 2017

OWNER

CC TELGE ROAD, L.P.,
A TEXAS LIMITED PARTNERSHIP

By: _____
Darrell Raquemaere
Vice Chairman

By: _____
Deputy

By: _____
Deputy

By: _____
Deputy

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2017

Topic:

Consideration to 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.

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:

Willowcreek Ranch Equestrian Reserves

STATE OF TEXAS
COUNTY OF HARRIS

We, CC Telge Road, L.P., a Texas limited partnership, acting by and through Peter Barnhart, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, and General Partner of CC Telge Road, L.P., a Texas limited partnership, owner hereinafter referred to as Owners (whether one or more) of the 19,9242 acre tract described in the above and foregoing map of WILLOWCREEK RANCH EQUESTRIAN RESERVES, 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 do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

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

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

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley, or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all boyous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Houston, 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 operations and maintenance of the drainage facility and that such obutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, Owners certify and covenant that they have complied with or will comply with existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioners' Court of Harris County.

IN TESTIMONY WHEREOF, the CC Telge Road, L.P., a Texas limited partnership, has caused these presents to be signed by Peter Barnhart, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, General Partner of CC Telge Road, L.P., a Texas limited partnership, thereunto authorized, this ____ day of ____, 2017.

OWNER
CC Telge Road, L.P.,
a Texas limited partnership
by
CC Telge Road GP, L.L.C.,
a Texas limited liability company,
its General Partner

By: _____
Peter Barnhart, Vice-President

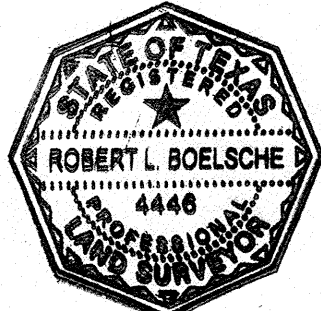
STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Peter Barnhart, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, 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 as the act and deed of said limited liability company.

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

Notary Public in and for the
State of T E X A S
My Notary Commission Expires _____

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

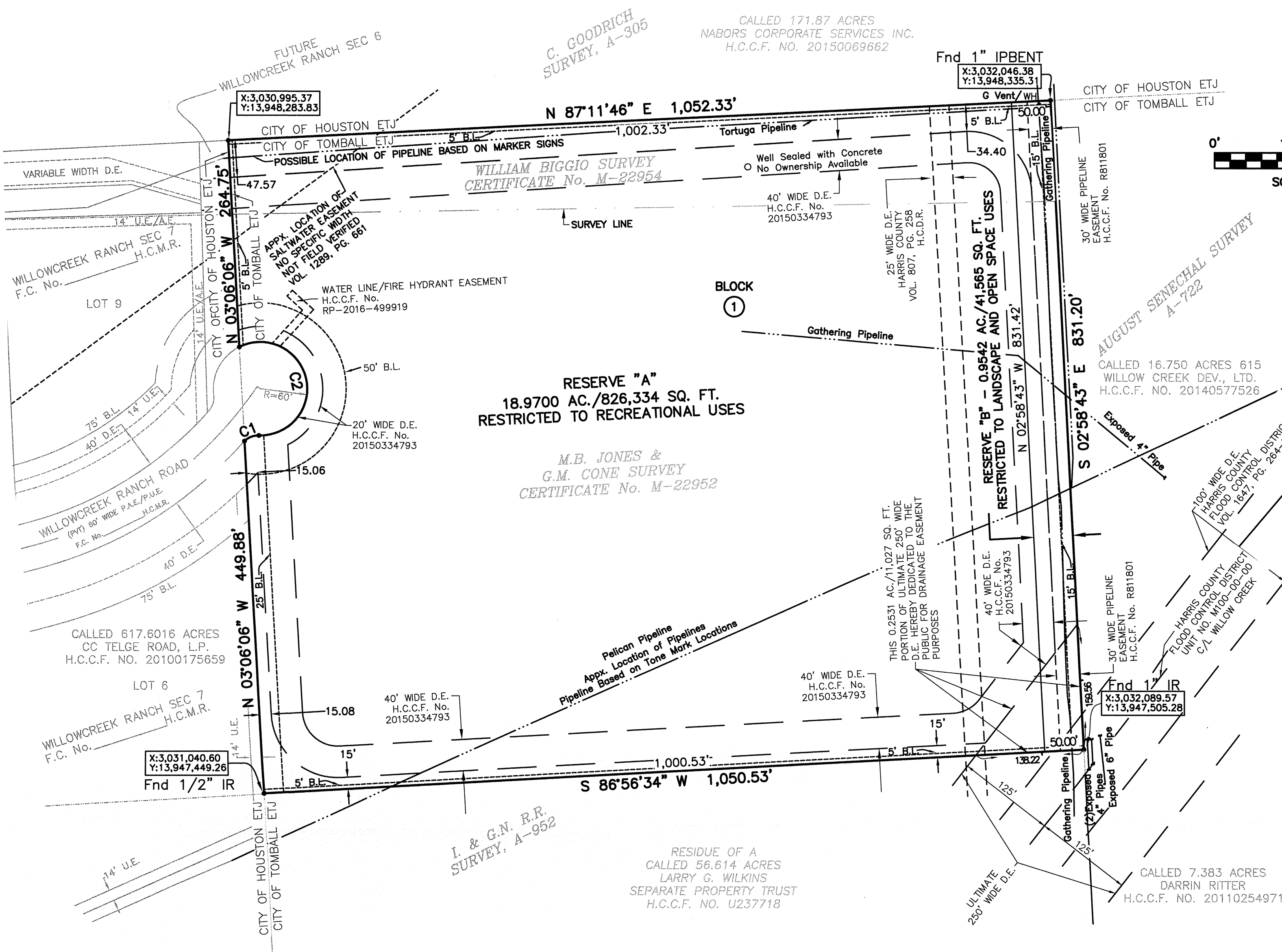


Robert L. Boelsche, Registered Professional Land Surveyor
Texas Registration No. 4446

I, John R. Blount, County Engineer of Harris County, hereby certify that the plat of this subdivision complies with all the existing rules and regulations of this office as adopted by the Harris County Commissioners' Court and that it complies or will comply with all applicable provisions of the Harris County Road Law as amended and all other Court adopted drainage requirements.

John R. Blount, P.E., LEED AP
County Engineer

JOB NO. 081-007-00



CURVE TABLE				
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING
C1	25.00'	46°35'10"	20.33'	N 68°19'42" E
C2	60.00'	207°58'16"	217.79'	N 12°21'51" W

I, Stan Stanart, County Clerk of Harris County and ex officio clerk of the Harris County Commissioners' Court, do hereby certify that the within instrument was approved at a legally convened meeting of the Harris County Commissioners' Court held on ____, 20__ by an order entered into the minutes of the court.

Stan Stanart
County Clerk
Of Harris County, Texas
By: _____
Deputy

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 ____, 20__ 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 WILLOWCREEK RANCH EQUESTRIAN RESERVES 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

GENERAL NOTES

- AC. indicates Acre
B.L. indicates Building Line
D.E. indicates Drainage Easement
ESMT. indicates Easement
ETJ indicates Extrajurisdictional Jurisdiction
F.C. indicates Film Code
G Vent indicates Gas Vent
H.C.C.F. NO. indicates Harris County Clerk's File.
H.C.D.R. indicates Harris County Deed Records
H.C.M.R. indicates Harris County Map Records
PVT indicates Private Street (Type 1 P.A.E.)
P.A.E. indicates Permanent Access Easement
P.U.E. indicates Public Utility Easement
R.O.W. indicates Right-Of-Way
R= indicates Radius
STM. S.E. indicates Storm Sewer Easement
S.O.F.T. indicates Square Foot
(F) indicates Found 3/4" Iron Rod with cap stamped E.H.R.&A. 713-784-4500.
(S) indicates Set 5/8" Iron Rod with cap stamped E.H.R.&A. 713-784-4500.
U.E. indicates Utility Easement
WH indicates Well Head
W.L.E. indicates Water Line Easement
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor 0.99993890386.
- Bearings shown hereon refer to the Texas State Plane Coordinate System of 1983, South Central Zone, as determined by GPS measurements.
- According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Harris County, Texas, Map No. 48201C0220 L dated June 18, 2007, the subject tract appears to be within Floodway Area in Zone AE defined as the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachments; Zone "AE" defined as special flood hazard areas inundated by 1% annual chance flood event with base flood elevations determined and Shaded Zone "X" defined as areas of 0.2% annual chance flood event with overage depths of less than 1-foot or with drainage areas less on 1 square mile and areas protected by levees from 1% annual chance flood event.
This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA.
- This plat requires compliance with landscaping requirements prior to occupancy of structures as mandated in Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure.
- The square footage totals as shown hereon are based on the mathematical closure of the courses and distances reflected on this plat. It does not include the tolerances that may be present due to the positional accuracy of the boundary monumentation.
- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any line 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 on easement arising out of the removal or relocation of any obstruction in the public easement.
- Absent written authorization by the affected utilities, all utility and aerial easements must be kept unobstructed from any non-utility improvements or obstructions by the property owner. Any unauthorized improvements or obstructions may be removed by any public utility at the property owner's expense. While wooden posts and paneled wooden fences along the perimeter and back to back easements and alongside rear lots lines are permitted, they too may be removed by public utilities at the property owner's expense should they be an obstruction. Public Utilities may put said wooden posts and paneled wooden fences back up, but generally will not replace with new fencing.
- This subdivision may be subject to blanket easements as reflected by instrument recorded in Harris County Clerk's File No. X877791.
- This subdivision may be subject to the terms and conditions of that certain Water, Sewer and Drainage Improvement Financing and Construction Contract dated April 2, 2013 as reflected in instrument recorded under County Clerk's File No. 20130613938.
- Pipelines shown are based on tone mark locations. Voles are not shown hereon. The surveyor does not know if all pipelines are currently in use or shown.
- Pipeline ownership information shown hereon is based upon pipeline marker signs and Texas Railroad Commission.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipeline, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- Any new development within the subdivision plat shall obtain a Storm Water Quality Permit before the issuance of any development permits.

WR
WILLOWCREEK
RANCH

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.

1 BLOCK 2 RESERVES

SCALE: 1"=100'

MARCH 2017

OWNER

CC TELGE ROAD, L.P.,
A TEXAS LIMITED PARTNERSHIP
7904 N. SAM HOUSTON PKWY. W, 4th Floor
HOUSTON, TEXAS 77064
713-690-0000



10555 Westoffice Drive
Houston, Texas 77042
713.784.4500
EHRAinc.com
TBPE No. F726
TBPLS N. 10092300

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2017

Topic:

Consideration to 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).

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:

New Moore Street Plat

STATE OF TEXAS
COUNTY OF HARRIS

I, Rodolfo Barrera, President of R. Barrera Construction, Inc, hereinafter referred to as owner of the 0.3214 acre tract described in the above and foregoing plat of "NEW MOORE STREET", 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.

Rodolfo Barrera
President, R. Barrera Construction, Inc.

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Rodolfo Barrera, 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 "NEW MOORE STREET", 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

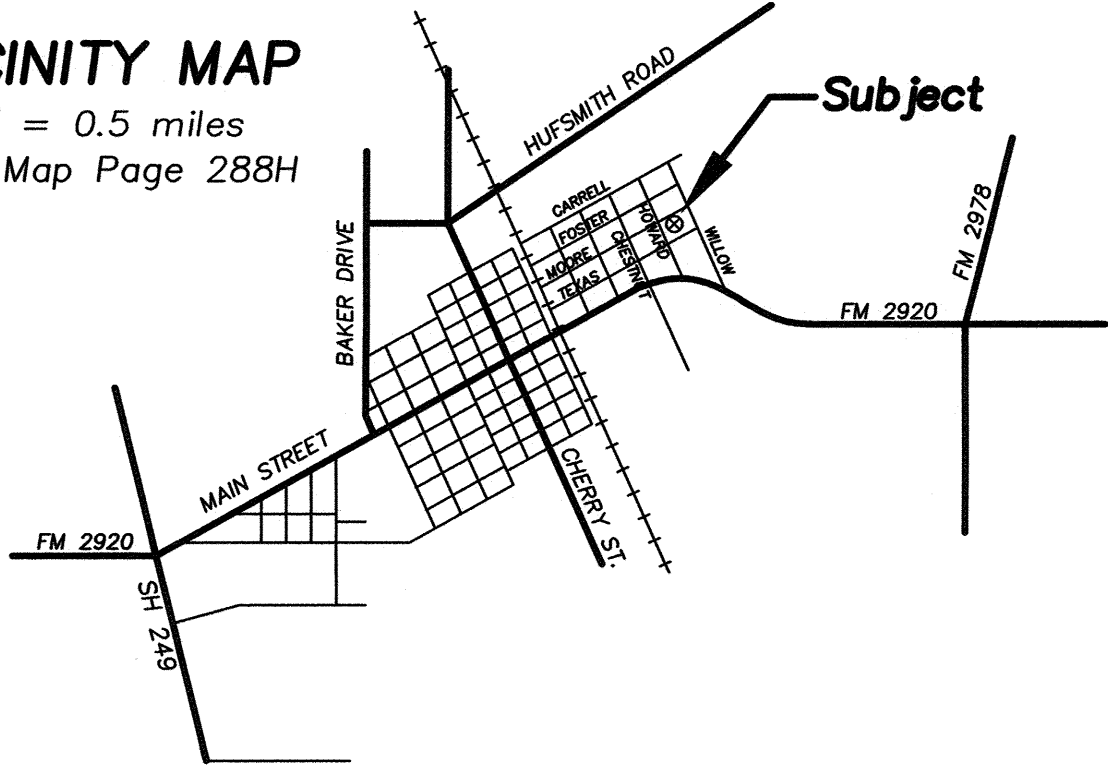
I, Stan Stanart, Clerk of the County Court of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on the ____ day of _____, 20__ at ____ o'clock ____ M., and was duly recorded on the ____ day of _____, 20__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



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



OWNER:
R. Barrera Construction, Inc.
A TEXAS CORPORATION
23910 Saxon Way
Hockley, TX 77447

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

DATE: March 2, 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.

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.

REPLAT:
"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).

Containing: 2 Lots / 1 Block

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2017

Topic:

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.

- Conduct Public Hearing on **Zoning Case P17-0006**

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:

Notice of Public Hearing
Property Owner Notification
P17-0006 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2017
&
CITY COUNCIL
MARCH 20, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Thursday, March 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 20, 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 P17-0006: 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.

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.

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.

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 Assistant City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

CERTIFICATION

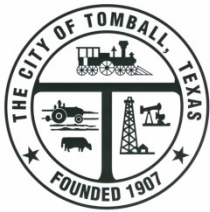
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **March 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the 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: P17-0006

APPLICANT/OWNER: Request by Banson Ventures I, LLC

LOCATION: South side of East Hufsmith Road between Snook Lane and Zion Road

PROPOSAL: A Conditional Use Permit to operate a *Mini-warehouse/self-storage* facility at 1210 East Hufsmith Road. The property is approximately 2.43 acres, is legally described as Tract 3A R/S 10 Abstract 730 J S Smith, and is zoned General Retail.

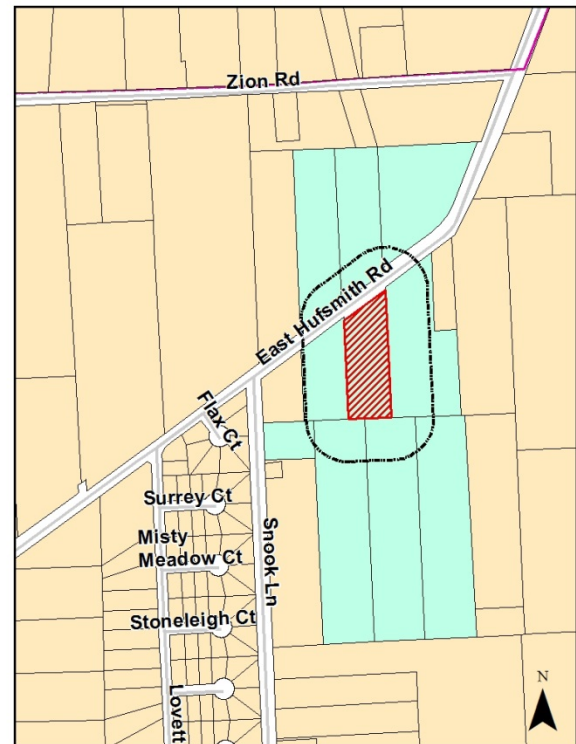
CONTACT: Amelia Lindley

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.

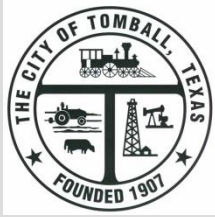


**Planning & Zoning Commission
Public Hearing:
Thursday, March 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, March 20, 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: March 9, 2017

City Council Public Hearing Date: March 20, 2017

Rezoning Case: P17-0006

Property Owner(s): Iglesia Evangelina La Voz

Applicant(s): Banson Ventures I, LLC

Legal Description: Tract 3A R/S 10 Abstract 730 J S Smith

Location: Southside of East Hufsmith Road between Snook Lane and Zion Road (Exhibit "A")

Area: 2.43 acres

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

Present Zoning and Use: General Retail (Exhibit "C") / No use established (Exhibit "D")

Proposed Use(s): Boat and recreational vehicle storage

Request: CUP to allow the operation of a *mini-warehouse/storage* facility

Adjacent Zoning & Land Uses:

- North:** Single-family 20 Estate District / Single-family residence
- South:** Single-family 9 District / Undeveloped property
- West:** Single-family 9 District / Undeveloped property
- East:** Agricultural District / Undeveloped property

BACKGROUND

In January 2017, City Staff met with the applicant to discuss the possibility of developing a boat and recreational vehicle storage facility at the subject site. Staff informed the applicant that the proposed use, *Mini-warehouse/self-storage*, requires approval of a Conditional Use Permit through the Planning and Zoning Commission and City Council.

ANALYSIS

According to Section 50-2 (Definitions), a *mini-warehouse/self-storage* facility "means small, individual, storage unites for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited".

Section 50-112 (f) (8) requires "four [parking] spaces per establishment, plus two for an on-site manager's residence (if applicable), plus one appropriately sized space for any type of vehicle to

be stored on-site (e.g., rental trucks, boats, RVs, etc.)”. The proposed concept plan (Exhibit “F”) meets this requirement.

According to Section 50-81 (f) of the Chapter 50 (Zoning), when considering applications for a Conditional Use Permit, 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 Medium Density Residential. The proposed land use is not compatible with this designation, however, since the property is zoned General Retail, it is unlikely that any proposed use will fit the Medium Density Residential designation.

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 50-76 (General Retail District), the purpose of this district is “to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services”. While the proposed use will not facilitate retail sales, it will offer services to the public, which does meet the intent of the General Retail District intent.

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 a site plan and building plan application and supporting documents to the City for review and approval. Specific details of site modifications will be shown at the time of plan review.

A majority of the site will be constructed of crushed concrete/gravel which does not meet the standards of Chapter 50 (Zoning), however, the applicant is requesting a special exception from the Board of Adjustments.

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;

Properties in the area are large lots with various uses established on them. There are a few single-family residences in the area. Cornerstone Electric Co. is located at the intersection of East Hufsmith Road and Snook Lane and various commercial uses are

located less than a half mile north including Johnny Bang's Bang & Bump Shop, DPIS Engineering and Galindo's Auto Diesel Marine. The proposed use appears to be generally compatible with the surrounding commercial uses in the area.

While the proposed development does not appear to be compatible with the residential uses in the surrounding area, some of the land uses that are permitted by-right in the General Retail District may be considered more intense than the proposed storage facility. Some land uses permitted by-right at this location include *Auto repair (minor)*, *Automobile wash (full service/detail shop)*, *Convenience store (with or without gasoline sales)*, *Drinking establishment*, *Eating establishment (with no drive-through service)*, *Food or grocery store*, *General retail stores no outside storage*, *Hospital*, *Laundromat/ washateria/ self-service*, *Office*, *parole-probation*, *Quick lube/ oil change/ minor inspection*, and *Tool and machinery rental (indoor storage only)*.

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. The proposed use should not generate a significant increase in traffic on East Hufsmith Road. The Code of Ordinances has regulations in place that will protect the adjacent residential uses such as lighting and noise restrictions, greater setback requirements, landscape buffers, etc.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 17, 2017. Notice was published in the Potpourri and a sign was placed on the property on February 22, 2017. No public comment forms have 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 P16-0006 for the following reasons:

1. The proposed use is less intense than some of the uses that are permitted by-right in the General Retail District and therefore should have less impact on the surrounding residential properties;
2. The proposed use should not generate a significant increase in traffic in the area;
3. The Conditional Use Permit process allows the Planning and Zoning Commission and City Council the ability to place greater restrictions on the layout of the property that a use permitted by-right would not be subject to.

EXHIBITS

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

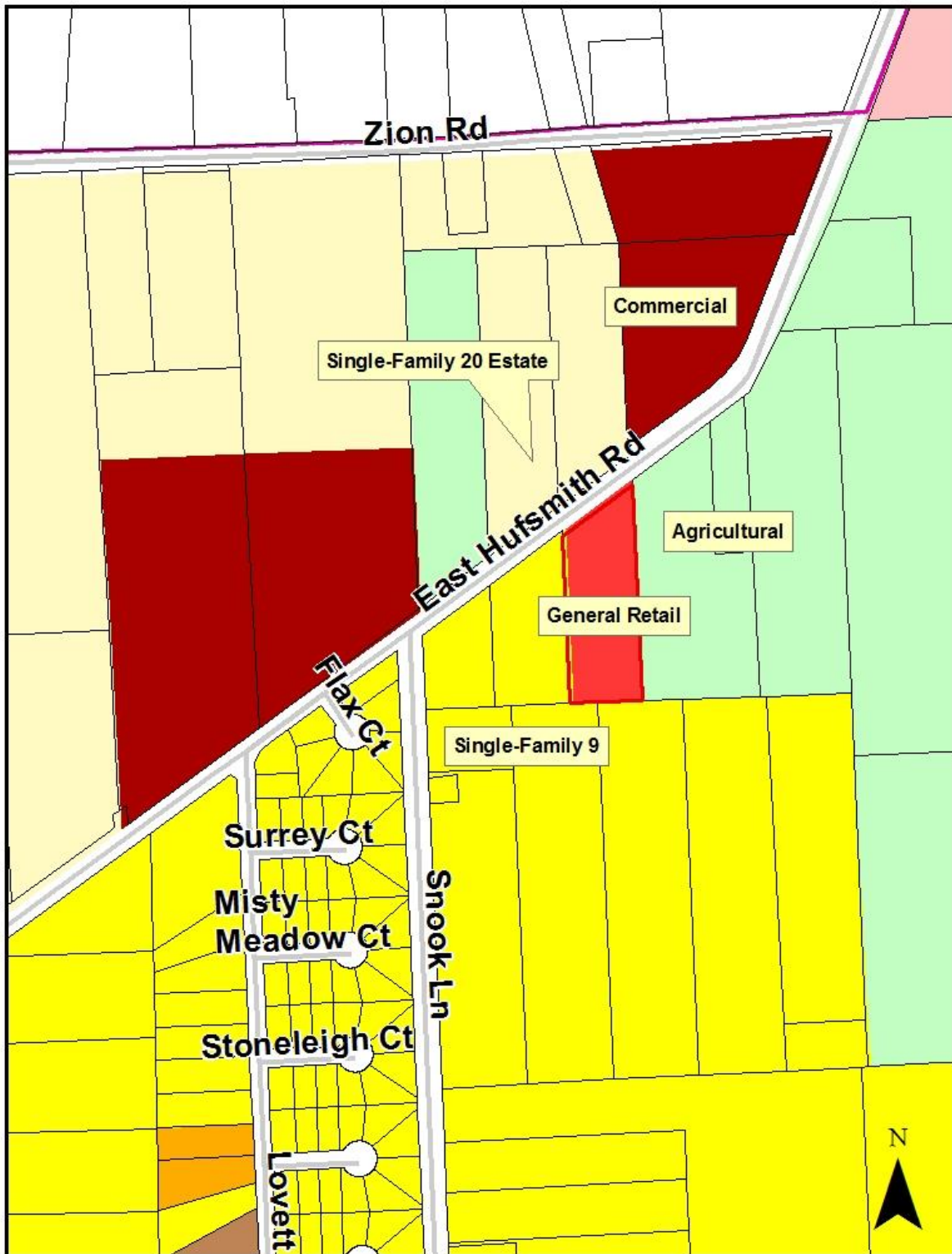
Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"
CUP Application

COUNTS BONACCI & SMITH

ATTORNEYS AND COUNSELORS AT LAW
THE WEBB BUILDING
25511 Budde Road, Ste. 2701
The Woodlands, Texas 77380
Phone: 713-222-7100
Fax: 713-222-7102

markcounts@cbsemail.net
MARK A. COUNTS

January 24, 2017

City of Tomball
Attn: Amelia Lindley / Planning Division
501 James Street
Tomball, Texas 77375

Via Email – alindley@tomballtx.gov

Re: Application for Conditional Use Permit for 1210 E. Hufsmith Road, Tomball,
Texas 77375 ("the Property" hereafter).

Dear Ms. Lindley:

I represent Banson Ventures I, LLC d/b/a Oakwood Storage ("my client" hereafter), in the above captioned matter. Please direct all future communications and correspondence regarding this matter to me at the above captioned address.

Please find attached hereto a Conditional Use Permit application, supporting documentation and a check in the amount of \$600.00. Please process this paperwork in your usual and customary manner.

As shown by the attached application, my client wishes to construct a storage facility for boats and recreational vehicles within the jurisdictional limits of the City of Tomball ("the City"). My client currently owns a similar facility on Hufsmith Road. This facility lies outside the City's jurisdictional limits but is within five (5) miles of planned facility's proposed location.

In pursuit of this endeavor, my client previously authorized me to meet with you to determine the feasibility of its planned endeavor. During this meeting, you explained to me that the City would have to grant the proposed use and could place certain restrictions on it. After this conversation, the only obstacle that arose to the eventual construction of the planned facility concerned the type of surface that needed to be used within the storage lot. It is my client's belief that the only economical manner by which to construct the planned facility is through the use of crushed concrete and/or gravel. If the use of these materials is not possible then my client cannot pursue the construction of the facility.

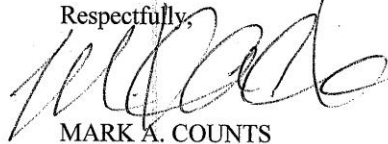
In order to make certain that the City understands the proposed use of the property, please find attached hereto a proposed site plan and several photographs of a facility that is similar to

01/24/2017
Page 2

what my client intends to build. This site plan and these photographs are for representational purposes only and do not depict the final facility that will be built. Obviously, in the construction of its planned facility, my client is willing to meet any and all the requirements placed on its by the City. However, please understand that the economics of its business dictates the use of crushed concrete and/or gravel on the interior of the facility.

In closing, I thank you for your time and attention to this matter and, if you have questions or concerns regarding this application then please feel free to contact me.

Respectfully,

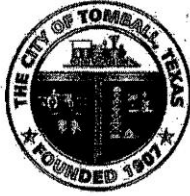
A handwritten signature in black ink, appearing to read 'Mark A. Counts', is written over the word 'Respectfully,'.

MARK A. COUNTS

Encls - 3

Cc:

Client



**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: Benson Ventures I, LLC Title: _____
Mailing Address: 9428 Rutsmith Road City: Tomball State: TX
Zip: 77375
Phone: (713) 320-3059 Fax: (713) 222-7100 Email: markcarth@hotmail.com

Owner

Name: Iglesia Evangelica La Voz De Jesus Title: _____
Mailing Address: 15015 Green Stone Dr City: Houston State: TX
Zip: 77084
Phone: () _____ Fax: () _____ Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Storage facility for boats & RV's
Physical Location of Property: 1210 E. Huffman, Tomball, Tx 77375
[General Location -- approximate distance to nearest existing street corner]
Legal Description of Property: 2.4216 Acres in the J.S. Smith Survey (attached)
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: 0450340010180 Acreage: 2.43
Current Use of Property: Vacant land
Proposed Use of Property: Storage facility for boats & RV's

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.

☒ <u>M. K. A. C. H.</u>	<u>1/13/17</u>
Signature of Applicant	Date
☒ <u>Walter D. Aron</u>	<u>1/23/17</u>
Signature of Owner	Date

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0450340010180

Tax Year: 2016



Owner and Property Information									
Owner Name & Mailing Address: IGLESIA EVANGELINA LA VOZ DE JESUCRISTO 15015 GREEN STONE DR HOUSTON TX 77084-6239					Legal Description: TR 3A R/S 10 ABST 730 J S SMITH Property Address: 1210 E HUFSMITH RD TOMBALL TX 77375				
State Class Code	Land Use Code	Building Class	Total Units	Land Area	Building Area	Net Rentable Area	Neighborhood	Map Facet	Key Map®
F1 -- Real, Commercial	8000 -- Land Neighborhood General Assignment	E	0	105,737 SF	800	0	9925.02	4872C	289A

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	04/08/2016	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2015 Rate	2016 Rate
None	026	TOMBALL ISD		Certified: 08/12/2016	1.340000	1.340000
	040	HARRIS COUNTY		Certified: 08/12/2016	0.419230	0.416560
	041	HARRIS CO FLOOD CNTRL		Certified: 08/12/2016	0.027330	0.028290
	042	PORT OF HOUSTON AUTHY		Certified: 08/12/2016	0.013420	0.013340
	043	HARRIS CO HOSP DIST		Certified: 08/12/2016	0.170000	0.171790
	044	HARRIS CO EDUC DEPT		Certified: 08/12/2016	0.005422	0.005200
	045	LONE STAR COLLEGE SYS		Certified: 08/12/2016	0.107900	0.107800
	083	CITY OF TOMBALL		Certified: 08/12/2016	0.341455	0.341455
	679	HC EMERG SERV DIST 8		Certified: 08/12/2016	0.100000	0.095470

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at **HCAD's information center at 13013 NW Freeway.**

Valuations

Value as of January 1, 2015			Value as of January 1, 2016		
	Market	Appraised		Market	Appraised
Land	52,869		Land	132,171	
Improvement	1,975		Improvement	1,940	
Total	54,844	54,844	Total	134,111	134,111

Land

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	8000 -- Land Neighborhood General Assignment	4373	SF	43,560	1.00	1.00	1.00	--	1.00	1.25	1.25	54,450.00
2	8000 -- Land Neighborhood General Assignment	4373	SF	62,177	1.00	1.00	1.00	--	1.00	1.25	1.25	77,721.00

Building

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	1988	Retail Single-Occupancy	Retail Store	Very Low	800	Displayed

<http://www.hcad.org/records/print.asp?crypt=%94%9A%B0%94%BFg%84%91%84zkh%...> 1/11/2017

Building Details (1)

Building Data	
Element	Detail
Cooling Type	None
Construction Type	Wood / Steel Joist
Functional Utility	Poor
Heating Type	None
Partition Type	Normal
Physical Condition	Poor
Plumbing Type	Adequate
Sprinkler Type	None
Exterior Wall	Metal, Light
Economic Obsolescence	Very Poor
Element	Units
Wall Height	9
Interior Finish Percent	50

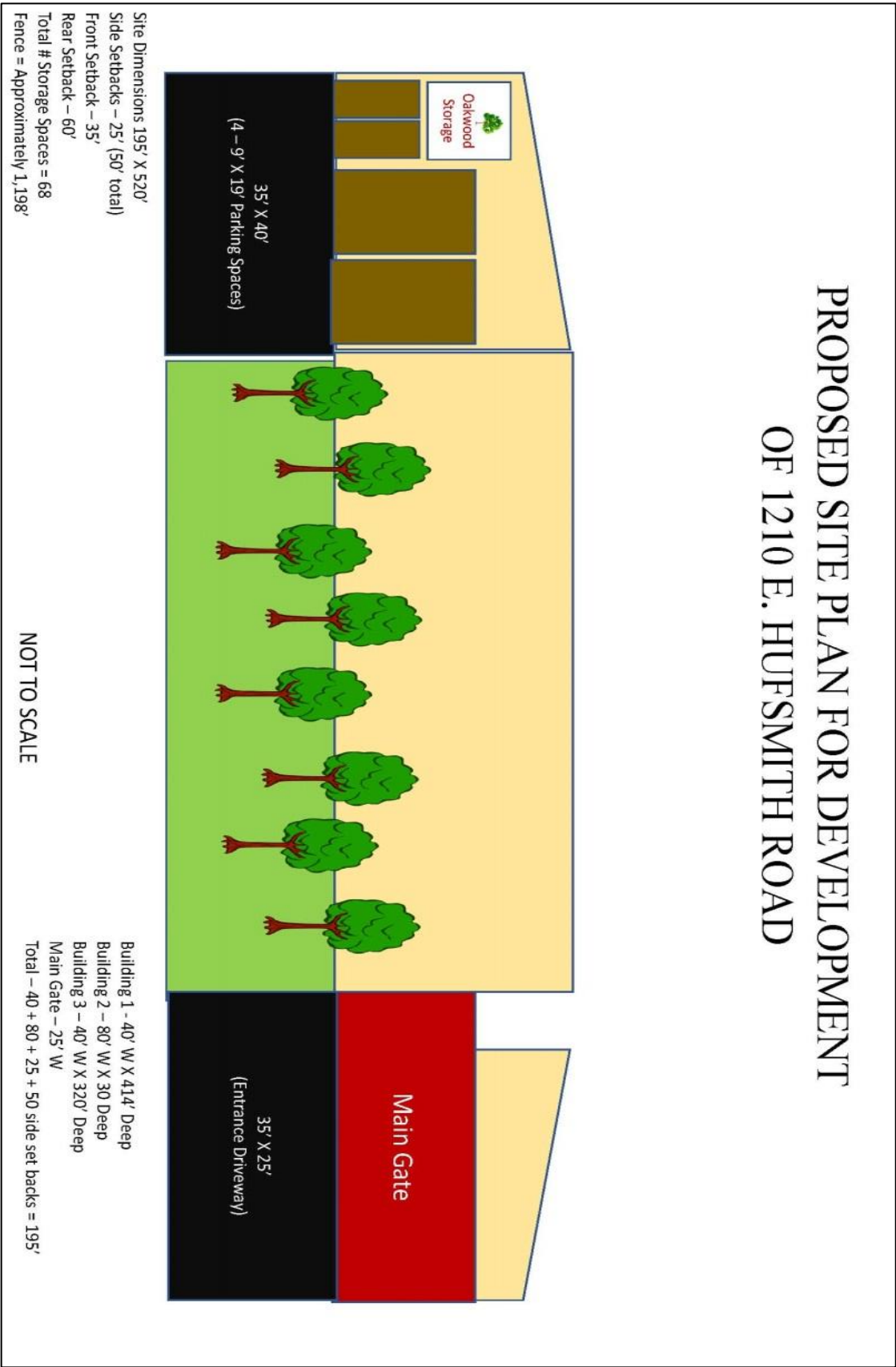
Building Areas	
Description	Area
BASE AREA PRI	800
CNPY ONLY -C	100

<http://www.hcad.org/records/print.asp?crypt=%94%9A%B0%94%Bfg%84%91%84zkh%...> 1/11/2017

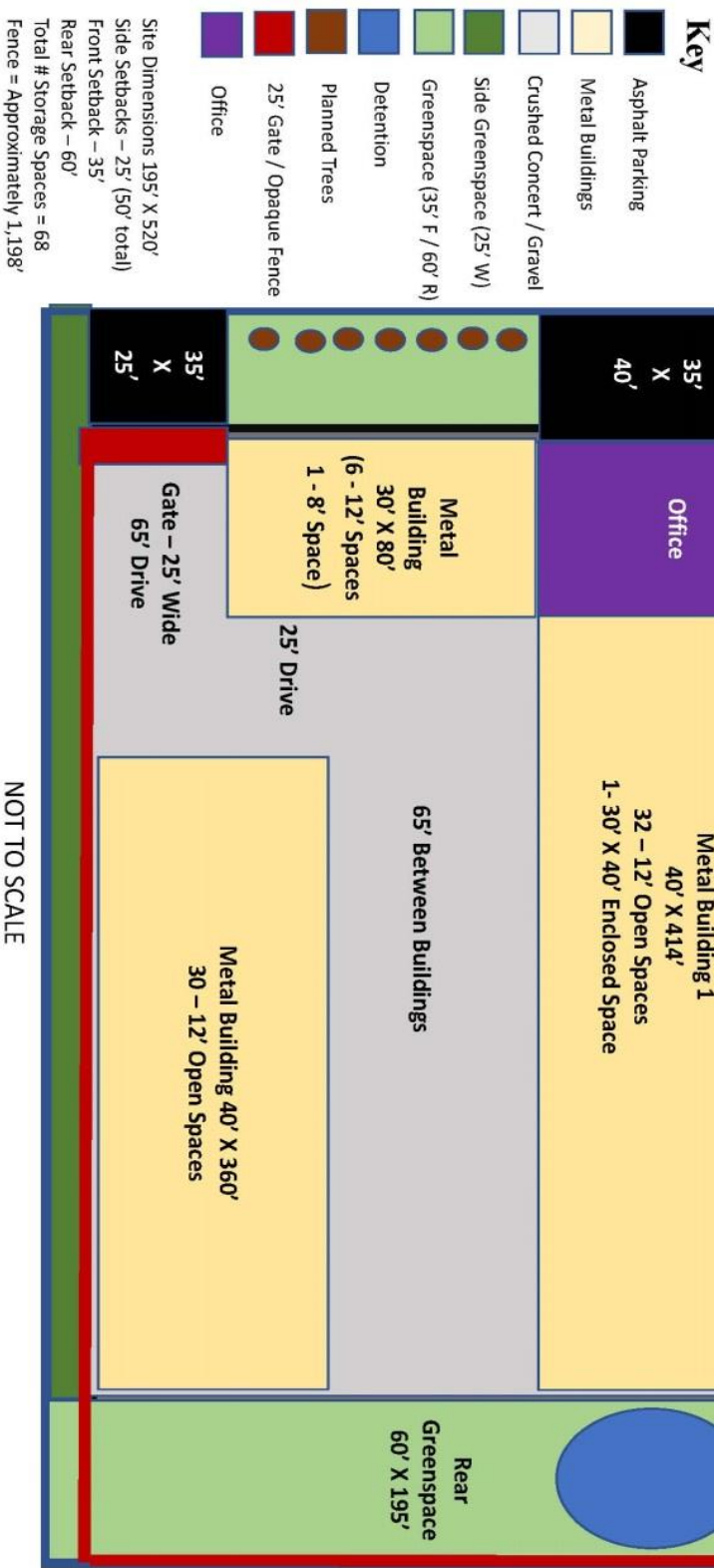


Exhibit “F”
Concept Plan

PROPOSED SITE PLAN FOR DEVELOPMENT
OF 1210 E. HUFSMITH ROAD



PROPOSED SITE PLAN FOR DEVELOPMENT OF 1210 E. HUFSMITH ROAD



Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2017

Topic:

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.

- Conduct Public Hearing on **Zoning Case P17-0007**

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:

Notice of Public Hearing
Property Owner Notification
P17-0007 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2017
&
CITY COUNCIL
MARCH 20, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Thursday, March 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 20, 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 P17-0006: 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.

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.

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.

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 Assistant City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

CERTIFICATION

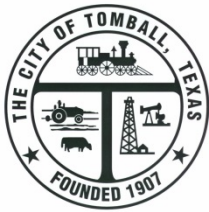
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **March 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the 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: P17-0007

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

LOCATION: East side of South Pine Street between James Street and Cherry Laurel Street at 609 South Pine Street

PROPOSAL: 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, from the Single-family 6 District to the Office District.

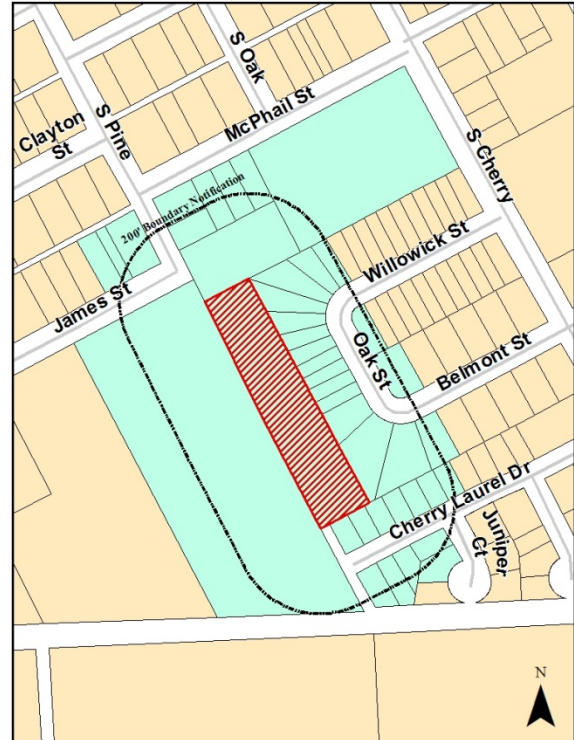
CONTACT: Amelia Lindley

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.

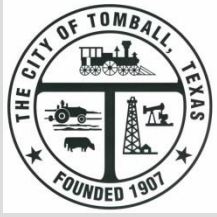


**Planning & Zoning Commission
Public Hearing:
Thursday, March 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, March 20, 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 & Zoning Commission Public Hearing Date: March 9, 2017

City Council Public Hearing Date: March 20, 2017

Rezoning Case: P17-0007

Property Owner(s): Jesus Gonzalez

Applicant(s): Francisco Choi, for TamiroWood, LLC

Legal Description: Part of Outlots 127 and 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: Single-Family 6 District (Exhibit "C") / Undeveloped land (Exhibit "D")

Request: Rezone from Single-Family 6 to Office

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 facility
- 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)* if the rezoning request is approved. The applicant is the current owner of the adjacent assisted living facility, Forever Young Senior Living.

ANALYSIS

There are a few different land uses in the area. To the north of the subject site, there is an established assisted living facility that is considered a legal nonconforming use, as it is zoned Single-Family 6 but operated as that use prior to the adoption of zoning in 2008. To the east, there are single-family and multi-family residences. To the south, there are single-family residences and to the west, the City's Public Works building.

The Future Land Use Map designates the property as High Density Residential. Properties to the east and south are also designated High Density Residential while properties to the north are Medium Density Residential. The subject site does abut property designated Employment/Office to the west.

Chapter 9 of the Comprehensive Plan states, “At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comprehensive Plan. The Planning & Zoning Commission and City Council may find that a request for a zoning amendment is not consistent with the Future Land Use Plan but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel. Review of such development proposals should include the following considerations:

- Will the proposed development enhance the City economically?
- Will the proposed development enhance the City aesthetically?
- Is the proposed development consistent with the City’s Goals, Objectives, and Actions?
- Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?”

The applicant has provided the following justifications for the request (Exhibit “E”):

1. “Will the proposed development enhance the City economically?
Lots 127 & 129 have remained undeveloped for a variety of reasons: size, easement, setbacks, location, adjacent uses, land use plan, and access. The proposed use maximizes the property tax potential of these lots.
2. Will the proposed development enhance the City aesthetically?
Given the location of these lots, they will never be a focal point. But the proposed development will be a better prospect for the neighbors than vacant lots.
3. Is the proposed development consistent with the City’s goals, objectives, and actions?
Yes. The proposed use complies with the intention of High Density Residential; the Assisted Living Facility produces 12 residents per acre. (That is, 24 residents on the 1.98 acre site.) The Assisted Living Facility provides a good transition between the duplex and single family neighborhoods and the municipal use.
4. Is the proposed development a better use of land/property, for both owner/developer and the City, than that recommended by the Plan?
Yes, because the use actually follows the intent of the Plan. Not only does the proposed use attach an Assisted Living Facility to the adjacent Memory Care Facility, providing a continuum of care, but the Assisted Living Facility fulfills the intent for High Density Residential.
5. Will the proposed development impact adjacent residential areas in a positive or negative manner?
Positive. As opposed to the vacant lots with unknown future uses, the proposed Assisted Living Facility is an attractive and quiet use, compatible with the adjacent residential

neighbors. It is the perfect use to be adjacent to the existing memory care facility. And it is a good visual and sound buffer between the existing residential uses and the municipal facilities.

6. Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress, egress, traffic impact?

The assisted living facility is proposed to be connected to the existing memory care facility – sharing the same driveway and address, and needing no more roadway. An assisted living facility has very little traffic due to residents, and predictable low traffic impacts due to staff.

7. Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?

Yes. The attached memory care facility is similar in nature and appearance. Hours of operation apply mostly to staff because, unfortunately, there are few visitors.

8. Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

Yes. Our market study shows an ongoing need for the continuum of care provided by the proposed assisted living facility adjacent to the existing memory care facility.”

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.**

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 land uses permitted in the Office District are intended to be the least intense non-residential uses and would be appropriate in the immediate area.

The Office District offers a buffer between the existing residences and the Tomball Public Works Building.

The Office District and Chapter 50 (Zoning) as a whole have regulations in place to protect adjacent residential property owners.

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

Utilities are available to serve this property and the existing streets can accommodate traffic generated by an Office District use.

- 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.**

Assisted living facilities are permitted by-right in the Multi-Family, General Retail, Commercial, and Old Town & Mixed Use Districts. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for 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.

The Office District makes up less than 1% of the City. There are no properties in the surrounding area zoned Office. There is also no vacant land zoned Office.

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

The applicant is proposing to develop an assisted living facility. There has been one similar development in the City recently. Southern Knights Senior Living Community, located on Johnson Road, is in the process of expanding their operations.

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. There are regulations in place that will protect the adjacent residential property owners.

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

The Future Land Use plan designates the property High Density Residential. While the proposed rezoning appears to be inconsistent with the Comprehensive Plan, it does appear to be consistent with the surrounding land uses.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 17, 2017. The Notice of Public Hearing was published in the paper and a sign was placed on the property on February 22, 2017. No public comment forms have 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 P17-0007 for the following reasons:

1. The request is generally appropriate with the surrounding land uses;
2. The property's unique shape and size could deem it difficult to develop single-family homes as currently zoned;
3. The potential uses on this property would not negatively affect the health, safety and welfare of the general public.

EXHIBITS

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

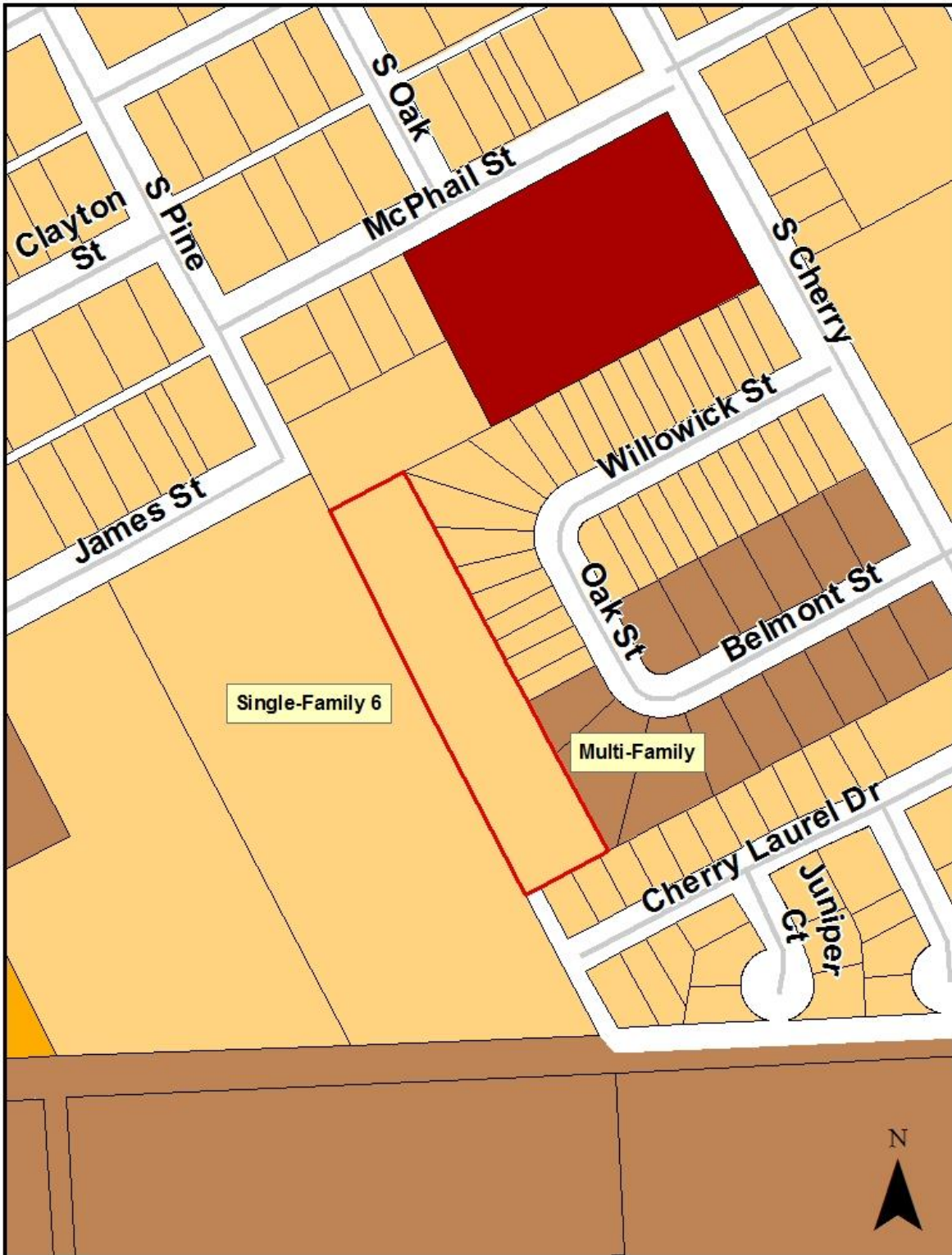
Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E" Application

Revised 5/19/15



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: 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 R&MB Property Mgmt, Inc
Name: Jesus Gonzalez Rodolfo Barvera Title: President
Mailing Address: 18106 Ridge Stream Lane City: Cypress Hockley State: TX
Zip: 77429-1782 23910 Saxxon way
Phone: (832) 597-1652 77447 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

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]

Current Zoning District: Single Family

Current Use of Property: Vacant

Proposed Zoning District: Office (Conditional Use Permit)

Proposed Use of Property: Assisted Living Facility

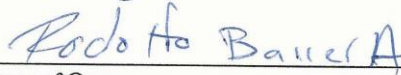
HCAD Identification Number: 0352840000129 Acreage: 1.9835

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  26 JAN 2017
Signature of Applicant Date

X  26 JAN 2017
Signature of Owner Date

TamiroWood, LLC
803 Riverforest Drive
New Braunfels, TX 78132

26 January 2017

City of Tomball
501 James Street
Tomball, TX 77375

Subject: Rezoning of Outlots 127 and 129

Applicant TamiroWood, LLC, requests rezoning of Outlots 127 and 129 from Single Family to Office, with the intent of requesting a subsequent 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 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 is an acceptable interface between the heavy 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 office development.

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.



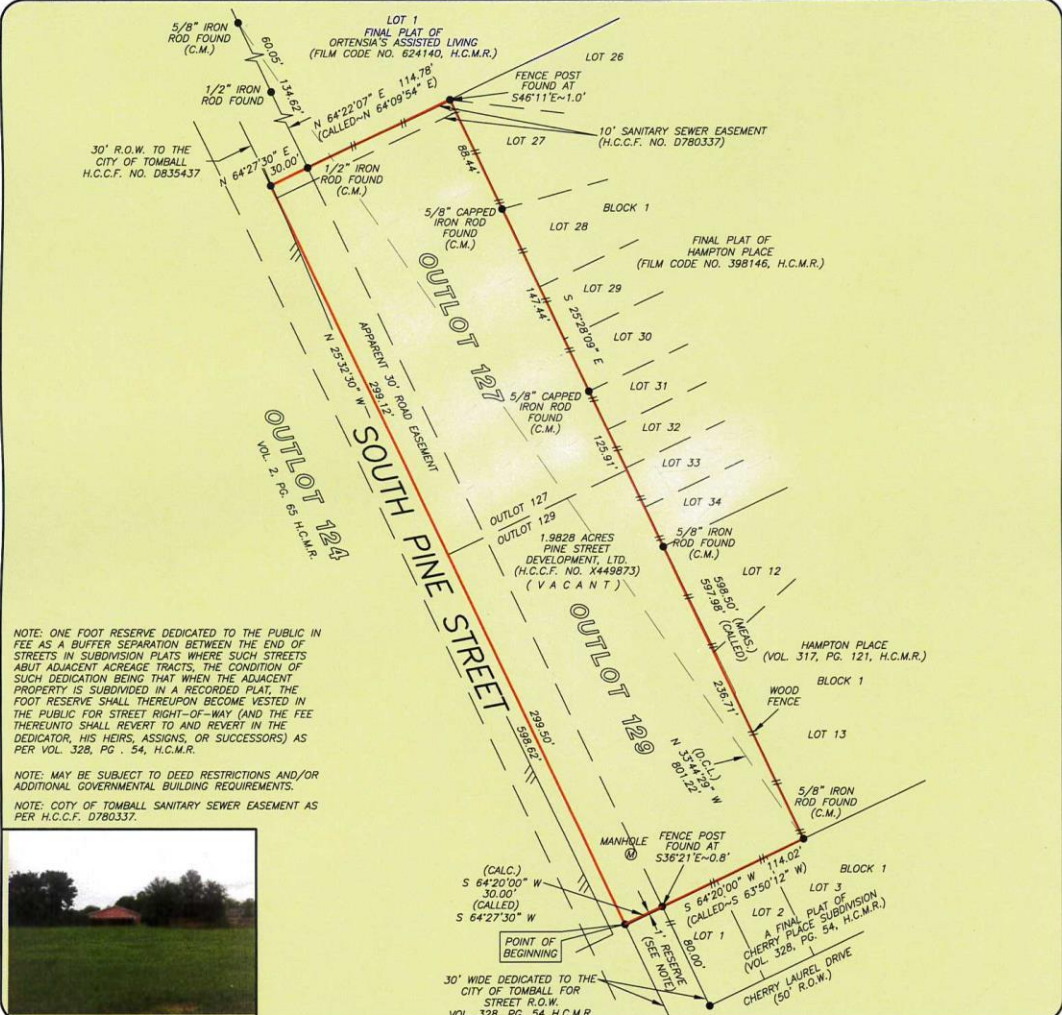
Francisco Choi
TamiroWood, LLC

GF NO. 1520195061 STEWART TITLE
 ADDRESS: 609 SOUTH PINE STREET
 TOMBALL, TEXAS 77375
 BORROWER: JESUS GONZALEZ

1.9828 ACRES
 (86,429 SQUARE FEET)
 PART OF OUTLOTS 127 AND 129
 FIVE ACRE TRACTS TOMBALL TOWNSITE

A SUBDIVISION IN HARRIS COUNTY, TEXAS
 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 2, PAGE 65 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS
 (SEE ATTACHED METES AND BOUNDS)

SCALE: 1" = 100'



NOTE: ONE FOOT RESERVE DEDICATED TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE END OF STREETS IN SUBDIVISION PLATS WHERE SUCH STREETS ADJUT ADJACENT ADREAGE TRACTS, THE CONDITION OF SUCH DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED IN A RECORDED PLAT, THE FOOT RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY (AND THE FEE THEREUNTO SHALL REVERT TO AND REVERT IN THE DEDICATOR, HIS HEIRS, ASSIGNS, OR SUCCESSORS) AS PER VOL. 328, PG. 54, H.C.M.R.

NOTE: MAY BE SUBJECT TO DEED RESTRICTIONS AND/OR ADDITIONAL GOVERNMENTAL BUILDING REQUIREMENTS.

NOTE: CITY OF TOMBALL SANITARY SEWER EASEMENT AS PER H.C.C.F. D780337.



THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS PER FIRM PANEL NO. 49201C 0230 L MAP REVISION: 06/18/07 ZONE X BASED ONLY ON VISUAL EXAMINATION OF MAPS. INACCURACIES OF FEMA MAPS PREVENT EXACT DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE RECORD BEARING: H.C.C.F. NO. X449873

DRAWN BY: RC

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY AND ABSTRACTING PROVIDED IN THE ABOVE REFERENCED TITLE COMMITMENT WAS RELIED UPON IN PREPARATION OF THIS SURVEY.

EDILBERTO V. BARRIENTOS
 PROFESSIONAL LAND SURVEYOR
 NO. 5364
 JOB NO. 15-03699
 APRIL 29, 2015



stewart
 title
 DANA DUNCAN
 281-374-8700



PRECISION
 surveyors

1-800-LANDSURVEY
 www.precisionsurveyors.com
 281-496-1586 FAX 281-496-1867 210-829-4941 FAX 210-829-1555
 950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
 FIRM NO. 10063700

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0352840000129

Tax Year: 2017

Print

Owner and Property Information									
Owner Name & Mailing Address: GONZALEZ JESUS 18106 RIDGE STREAM LN CYPRESS TX 77429-1782			Legal Description: .9583 U/D INT IN TRS 127 & 129 (1.9835 AC) TOMBALL OUTLOTS						
			Property Address: 609 S PINE ST TOMBALL TX 77375						
State Class Code	Land Use Code	Building Class	Total Units	Land Area	Building Area	Net Rentable Area	Neighborhood	Map Facet	Key Map®
C2 -- Real, Vacant Commercial	8000 -- Land Neighborhood General Assignment		0	82,798 SF	0	0	9928.02	4771D	288M

Value Status Information

Value Status	Shared CAD
All Values Pending	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2016 Rate	2017 Rate
None	026	TOMBALL ISD	Pending	Pending	1.340000	
	040	HARRIS COUNTY	Pending	Pending	0.416560	
	041	HARRIS CO FLOOD CNTRL	Pending	Pending	0.028290	
	042	PORT OF HOUSTON AUTHY	Pending	Pending	0.013340	
	043	HARRIS CO HOSP DIST	Pending	Pending	0.171790	
	044	HARRIS CO EDUC DEPT	Pending	Pending	0.005200	
	045	LONE STAR COLLEGE SYS	Pending	Pending	0.107800	
	083	CITY OF TOMBALL	Pending	Pending	0.341455	
	679	HC EMERG SERV DIST 8	Pending	Pending	0.095470	

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at **HCAD's information center at 13013 NW Freeway.**

Valuations

Value as of January 1, 2016			Value as of January 1, 2017		
	Market	Appraised		Market	Appraised
Land	248,394		Land		
Improvement	0		Improvement		
Total	248,394	248,394	Total	Pending	Pending

Land

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	8000 -- Land Neighborhood General Assignment	4300	SF	82,798	1.00	1.00	1.00	--	1.00	Pending	Pending	Pending

Building

Vacant (No Building Data)

STATE OF TEXAS §
 §
 §
 §
COUNTY OF HARRIS §

PROPERTY DESCRIPTION:

A TRACT OF LAND CONTAINING 1.9828 ACRES (86,429 SQUARE FEET) (CALLED-1.9835 ACRES), SITUATED IN THE WILLIAM HURD SURVEY, ABSTRACT NO. 371, IN HARRIS COUNTY, TEXAS, BEING OUT OF AND A PART OF OUTLOTS 127 AND 129, FIVE ACRE TRACTS TOMBALL TOWNSITE, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 65 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.). SAID 1.9828 ACRE TRACT ALSO BEING THAT SAME TRACT RECORDED IN HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) X449873 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
(BEARINGS ARE BASED IN H.C.C.F. NO. X449873)

BEGINNING at a point in the east line of Outlot 124 of said Five Acre Tracts Tomball Townsite for the southwest corner of said Outlot 129 and the herein described tract and the northwest corner of a 30-foot wide strip of land to be used for road widening shown in Cherry Place Subdivision, according to the Map or Plat recorded in Volume 328, Page 54 H.C.M.R.;

THENCE N 25° 32' 30" W, along the common line of the east line of said Outlot 124 with the west line of said Outlots 127 and 129 and the herein described tract, at 299.50 feet passing the common corner of said Outlots 127 and 129 and continuing for a total distance of 598.62 feet to a point in the centerline of South Pine Street extended for the northwest corner of said Outlot 127 and the herein described tract and the southwest corner of a certain called 30-foot wide tract recorded in H.C.C.F. No. D835437;

THENCE N 64° 27' 30" E, along the south line of said 30-foot wide tract and the common line of the north line of said Outlot 127 and the herein described tract with the south line of said Outlot 125, a distance of 30.00 feet to a 1/2 inch iron rod found at an angle point for corner and the southeast corner of said 30-foot wide tract and the southwest corner of Lot 1 of the Final Plat of Ortenia's Assisted Living recorded in Film Code No. 624140 H.C.M.R.;

THENCE N 64° 22' 07" E (called-N 64° 09' 54" E), along the common line of the north line of said Outlot 127 and the herein described tract with the south line of said Lot 1, a distance of 114.78 feet to point for the northeast corner of the herein described tract and the northwest corner of the Final Plat of Hampton Place recorded in Film Code No. 398146 H.C.M.R. from which a fence post found at S 46° 11' E, a distance of 1.0 feet;

THENCE S 25° 28' 09" E, across said Outlots 127 and 129, being the common line of the east line of the herein described tract with the west line of said Final Plat of Hampton Place and the west line of Hampton Place recorded in Volume 317, Page 121 H.C.M.R., a distance of 598.50 feet (called-597.98 feet) to a 5/8 inch iron rod found marking the southeast corner of the herein described tract and the southwest corner of said Hampton Place, said corner also being in the north line of aforesaid Cherry Place Subdivision;

THENCE S 64° 20' 00" W (called-S 63° 50' 12" W), along the common line of the south line of the herein described tract with the north line of said Hampton Place, a distance of 114.02 feet to a point for the northeast corner of aforesaid 30-foot wide road from which a fence post found at S 36° 21' E, a distance of 0.8 feet;

THENCE S 64° 20' 00" W (called-S 64° 27' 30" W), along the common line of the south line of said Outlot 129 and the herein described tract with the north line of said 30-foot wide road, a distance of 30.00 feet to the POINT OF BEGINNING containing 1.9828 acres of land.



EDILBERTO V. BARRIENTOS
Professional Land Surveyor, No. 5364
April 29, 2015
Job No. 15-03699

TamiroWood, LLC
803 Riverforest Drive
New Braunfels, TX 78132

27 February 2017

City of Tomball
501 James Street
Tomball, TX 77375

Subject: Outlots 127 and 129, Future Land Use Plan Questions

The Request for Information from the City of Tomball

According to Chapter 9 of the City of Tomball's Comprehensive Plan, when rezoning requests are not consistent with the Future Land Use Plan, the Planning and Zoning Commission and City Council should review the proposed development with the following considerations:

- Will the proposed development enhance the City economically?
- Will the proposed development enhance the City aesthetically?
- Is the proposed development consistent with the City's goals, objectives, and actions?
- Is the proposed development a better use of land/property, for both the owner/developer and the City, than that recommended by the Plan?
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed development similar in nature in terms of appearance, house of operation, and other general aspects of compatibility?
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

The Response from TamiroWood

A city's Comprehensive Plan and subsequent Future Land Use Plan are aspirational, but not strictly prescriptive. Indeed, Tomball's Comprehensive Plan anticipated that discretion would be necessary in its application, as Chapter 1 says:

'It is impossible to create the perfect plan or zoning regulations to address every possible situation that might arise over time; that is why both the Plan and

the Zoning Ordinance will be reviewed, updated, and modified regularly as Tomball evolves.

The Comprehensive Plan can assist Tomball City Council and staff in ensuring that public improvements and facilities are developed to meet community needs. Additionally, it can serve as a guide for City service planning, budgeting, and capital improvements.’

TamiroWood calls attention to the current status of Outlots 127 & 129. They are currently surrounded by a Memory Care Facility, duplex housing, single family housing and municipal uses that appear more Light Industrial than Employment/Office.

The Future Land Use Plan map does not show South Pine Street extending along the boundary of the lots. Other city maps do show South Pine Street extending along the lots. There is, in fact, a dead end rudimentary track through and along an easement that gives the city access to the well and water tower near the southwest end of the property.

However, the proposed use does not require a roadway along Lots 127 & 129 because access is intended to be through the parking lot of the adjacent Memory Care Facility which the same owners own, and which address could be used for the combined facility.

Inspection of the lots, including the easement and setback requirements, leads us to the conclusion that normal high density residential is not likely.

So, let us address the questions.

1. Will the proposed development enhance the City economically?
Lots 127 & 129 have remained undeveloped for a variety of reasons: size, easement, setbacks, location, adjacent uses, land use plan, and access. The proposed use maximizes the property tax potential of these lots.
2. Will the proposed development enhance the City aesthetically?
Given the location of these lots, they will never be a focal point. But the proposed development will be a better prospect for the neighbors than vacant lots.
3. Is the proposed development consistent with the City’s goals, objectives, and actions?
Yes. The proposed use complies with the intention of High Density Residential; the Assisted Living Facility produces 12 residents per acre. (That is, 24 residents on the 1.98 acre site.) The Assisted Living Facility provides a good transition between the duplex and single family neighborhoods and the municipal use.
4. Is the proposed development a better use of land/property, for both owner/developer and the City, than that recommended by the Plan?
Yes, because the use actually follows the intent of the Plan. Not only does the proposed use attach an Assisted Living Facility to the adjacent Memory Care Facility, providing a continuum of care, but the Assisted Living Facility fulfills the intent for High Density Residential.
5. Will the proposed development impact adjacent residential areas in a positive or negative manner?
Positive. As opposed to the vacant lots with unknown future uses, the proposed Assisted Living Facility is an attractive and quiet use, compatible with the adjacent residential neighbors. It is the perfect use to be adjacent to the existing memory care facility. And it is a good visual and sound buffer between the existing residential uses and the municipal facilities.

6. Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress, egress, traffic impact?
The assisted living facility is proposed to be connected to the existing memory care facility – sharing the same driveway and address, and needing no more roadway. An assisted living facility has very little traffic due to residents, and predictable low traffic impacts due to staff.
7. Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
Yes. The attached memory care facility is similar in nature and appearance. Hours of operation apply mostly to staff because, unfortunately, there are few visitors.
8. Does the proposed development present a significant benefit to the public health, safety and welfare of the community?
Yes. Our market study shows an ongoing need for the continuum of care provided by the proposed assisted living facility adjacent to the existing memory care facility.

Phil Duprey for TamiroWood
Tri-County Consultants

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2017

Topic:

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.

- Conduct Public Hearing on **Zoning Case P17-0008**

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:

Notice of Public Hearing
Property Owner Notification
P17-0008 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2017
&
CITY COUNCIL
MARCH 20, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Thursday, March 9, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 20, 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 P17-0006: 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.

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.

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.

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 Assistant City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

CERTIFICATION

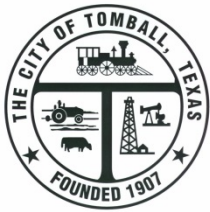
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **March 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the 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: P17-0008

APPLICANT/OWNER: Baker Investors Group LLC

LOCATION: Southwest corner of Brown Road and Baker Road

PROPOSAL: 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, from the Single-family 6 District to the Commercial District.

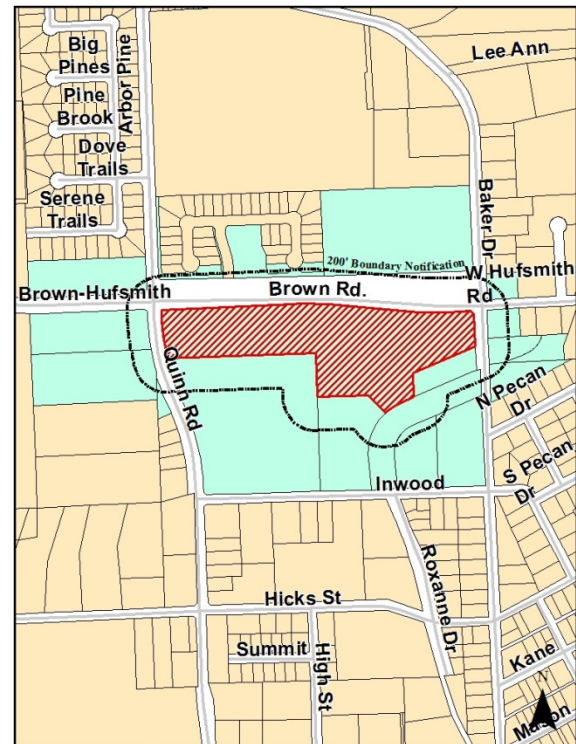
CONTACT: Amelia Lindley

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:
Thursday, March 9, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, March 20, 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 & Zoning Commission Public Hearing Date: March 9, 2017

City Council Public Hearing Date: March 20, 2017

Rezoning Case: P17-0008

Property Owner(s): Baker Investors Group, LLC

Applicant(s): Baker Investors Group, LLC

Legal Description: Reserve H Block 1 Leslie's Park

Location: Southwest corner of Brown Road and Baker Road (Exhibit "A")
(the approximate location of the 1.01 acre site is circled in blue on the attached maps)

Area: 1.01 acres out of existing 15.5 acres

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

Present Zoning and Use: Single-Family 6 District (Exhibit "C") / Undeveloped Land (Exhibit "D")

Request: Rezone from Single-Family 6 District to Commercial District

Adjacent Zoning & Land Uses:

- North:** Single-Family 9 / Undeveloped land
- South:** Single-Family 6 / County drainage ditch, memory care facility and assisted living facility
- West:** Single-Family 6 / Undeveloped land
- East:** Single-Family 6 District / Single-family residences

BACKGROUND

City Staff has had multiple discussions with the property owners and interested parties about the possibilities of developing the subject site. On January 27, 2017 Staff received an application for rezoning of 1.01 acres out of the total approximately 15.5 acre reserve.

ANALYSIS

Land uses in the area include Tomball Elementary School, Yaupon Trails neighborhood, multiple single-family residences, Children's Building Blocks, Inwood Crossing Alzheimer's and Memory Care, and Harvest Home senior living facility.

The Future Land Use Map designates the property as well as surrounding properties to the north, south and southwest as Medium Density Residential. Properties to the northeast are designated Low Density Residential while properties to the east and south are designated High Density Residential. Properties on the west side of Quinn Road are Employment / Office.

Chapter 9 of the Comprehensive Plan states, “At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comprehensive Plan. The Planning & Zoning Commission and City Council may find that a request for a zoning amendment is not consistent with the Future Land Use Plan but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel. Review of such development proposals should include the following considerations:

- Will the proposed development enhance the City economically?
- Will the proposed development enhance the City aesthetically?
- Is the proposed development consistent with the City’s Goals, Objectives, and Actions?
- Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?”

The applicant has provided the following justifications for the request (Exhibit “E”):

“Will the proposed development enhance the City economically?

Yes, the city will receive additional revenue in the form of taxes paid. Additionally, the city’s economy will see jobs created for operations of the convenience store and any other businesses that are developed on premise.

Will the proposed development enhance the City aesthetically?

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community highlighted above as opposed to a single residence which will have minimal impact and overall benefit to the surrounding area. In talking to the local community, simple convenience items require use of routes which are high traffic. A convenience store nearby will alleviate the need for members in the community to use such routes.

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Development will bring a positive impact to the community in the form of nearby convenience while alleviating local areas of high traffic. Aesthetically, we look to enhance the impression of the community with the highest quality construction and design while adhering to city standards and regulations.

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Yes, we have developed our construction plans with the aim of providing ease of access while improving traffic conditions in the surrounding area. Our site plan includes 2 entrances for access to the store that are spaced for the most optimal traffic flow for entering and exiting the lot.

Are uses adjacent to the proposed development similar in nature in terms of appearance, house of operation, and other general aspects of compatibility?

We have considered nearby appearance of the surrounding area and have incorporated themes selectively which we feel will enhance the look of the overall community. While there are not currently any other commercial sites nearby, we feel this highlights the need to offer local convenience given new development and nearby communities such as senior housing.

Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

As with most convenience stores, we plan to offer basic household items including health related products which will be critical in case of emergencies. We reiterate the benefit brought to the community in the form of traffic flow improvement. Lastly, our commercial plans for the site will include ease of access to a deli offering choices for healthy meals.”

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 Commercial District is the second most intense zoning district in the City. Many land uses that can be considered intense are permitted in the proposed district. The existing uses in the area include single-family residences and light non-residential uses including

a children's daycare, an elementary school, a senior living facility and a memory care facility. It does not appear that the uses permitted by the proposed change would be appropriate in the immediate area.

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

There are City utilities available for the subject site and the surrounding roads can accommodate the increase in traffic.

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 is vacant land in the City currently zoned Commercial. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for 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.

There has been consistent commercial development city-wide in the Commercial District.

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

The applicant has proposed a convenience store with gasoline sales, sandwich and donut shop. It does not appear that other areas designated for similar development will be affected for the proposed amendment.

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 zone change could increase the traffic in the area.

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

The Future Land Use plan designates the property Medium Density Residential. The request is not consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 17, 2017. The Notice of Public Hearing was published in the paper and a sign was placed on the property on February 22, 2017. Two public comment forms in opposition have 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 is unable to recommend approval of Zoning Case P17-0008 or the following reasons:

1. The request is not consistent with the City's Comprehensive Plan;
2. The request is not compatible with the existing land uses in the area.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

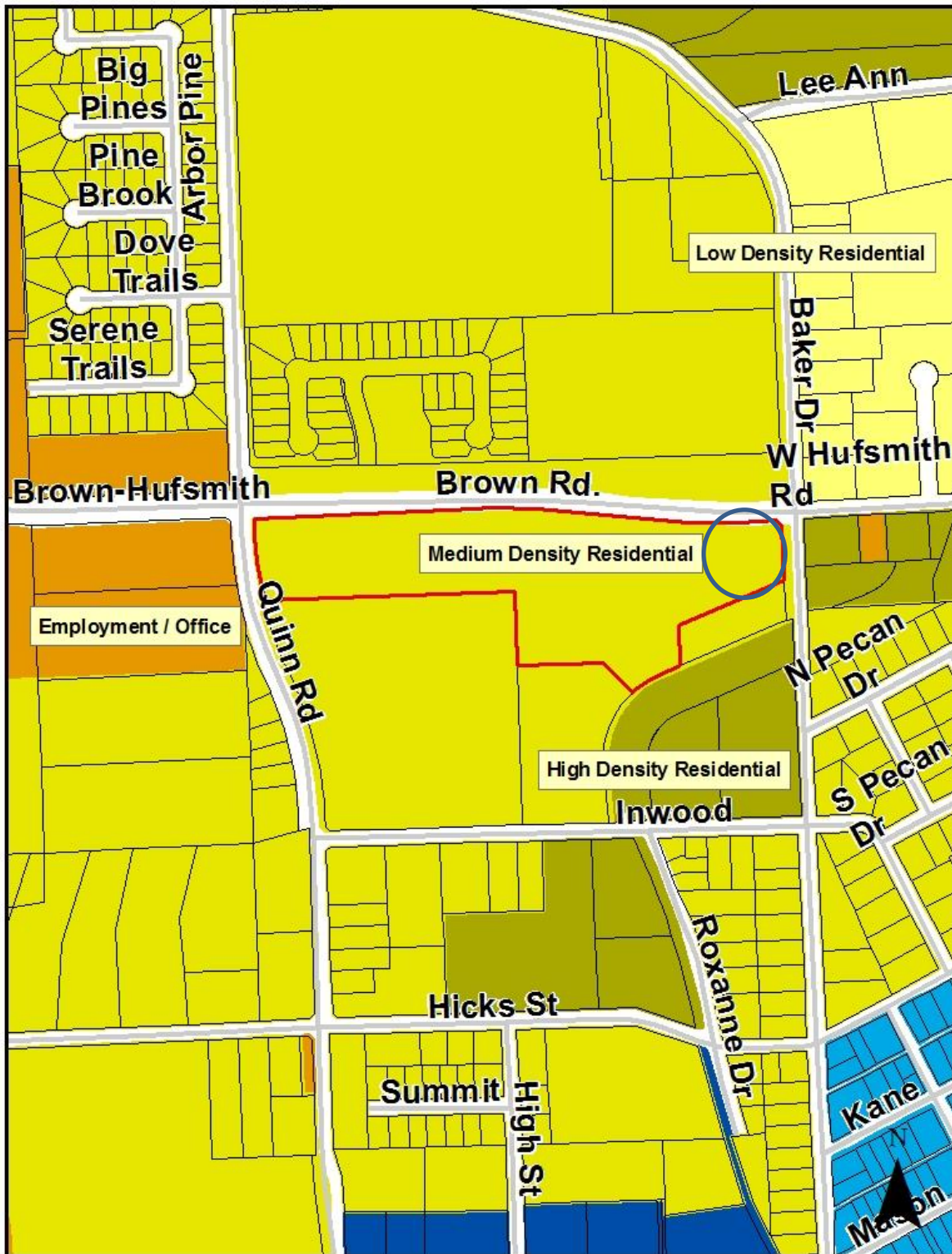
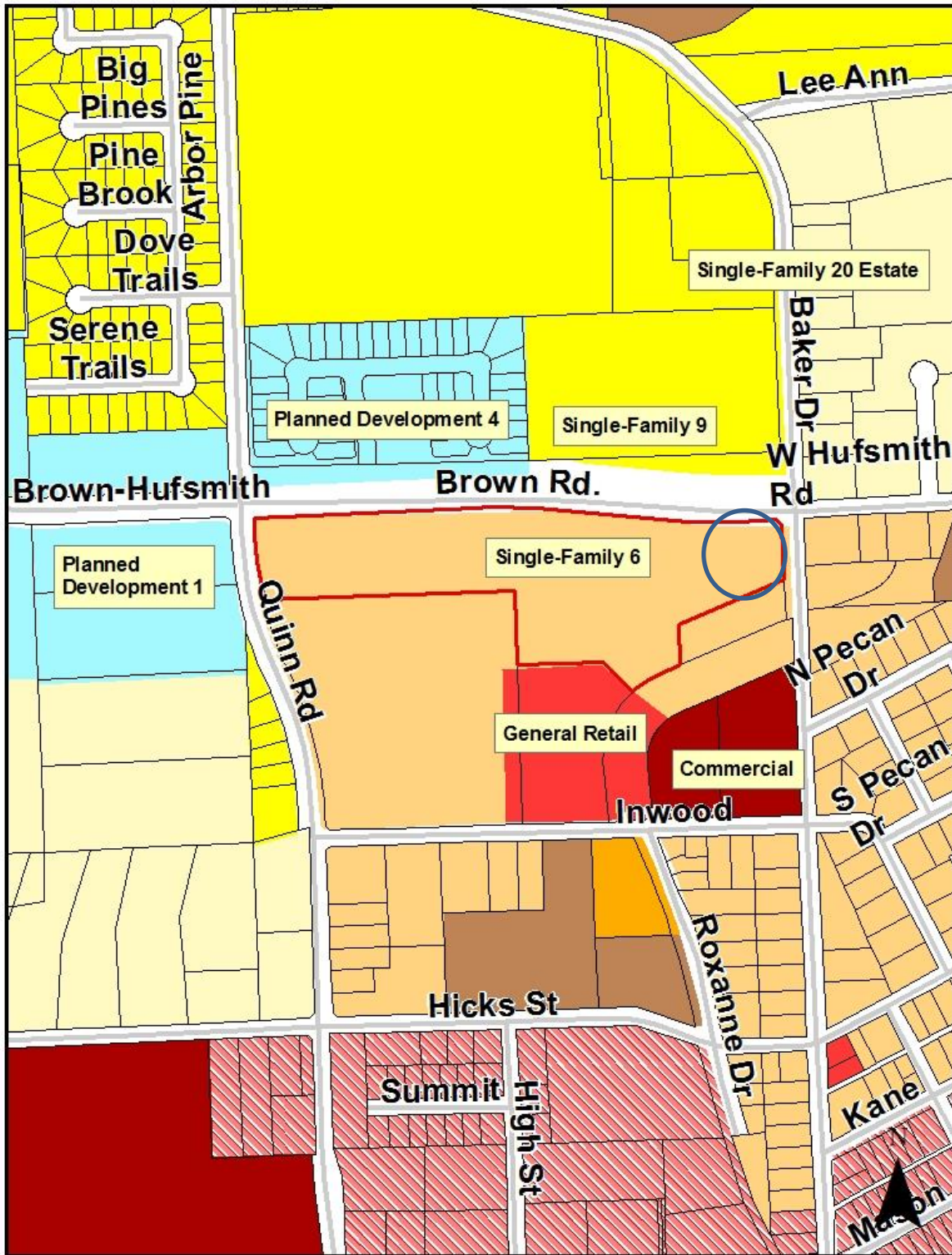


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Subject Site view from Brown Road



Subject Site view from Baker Road

Exhibit "E" Application

Revised 5/19/15



P17-0008

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: BAKER INVESTORS GROUP LLC Title: OWNER
Mailing Address: 1110 HAYE ROAD City: FRIENDSWOOD State: TEXAS
Zip: 77546
Phone: (512) 781 - 9202 Fax: () Email: ATAMSSLLC@GMAIL.COM

Owner

Name: BAKER INVESTORS GROUP LLC Title: OWNER
Mailing Address: 1110 HAYE ROAD City: FRIENDSWOOD State: TEXAS
Zip: 77546
Phone: (512) 781 - 9202 Fax: () Email: ATAMSSLLC@GMAIL.COM

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: NEW C-STORE W/ GAS - SANDWICH & DONUT SHOP

Physical Location of Property: SW CORNER OF BROWN-HUFSMITH AND BAKER ROAD
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: RES H BLK 1 LESLIES PARK
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: RESIDENTIAL

Current Use of Property: UNIMPROVED LAND

Proposed Zoning District: COMMERCIAL

Proposed Use of Property: NEW C-STORE W/ GAS - SANDWICH & DONUT SHOP

HCAD Identification Number: 1195220010008 Acreage: 1.01

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.

 Anil Mamin 01/26/2017
Signature of Applicant Date

 Anil Mamin 01/26/2017
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00966810 1/26/2017 2:58 PM
OPER: RP TERM: 005
REF#: M 1718

TRAN: 130.0000 PLANNING AND ZONING
REZONE FEE
BROWN HUFSMITH BAKER
100-5446
ZONING FEES- OTHER 410.00CR

TENDERED: 410.00 CHECK
APPLIED: 410.00-

CHANGE: 0.00

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

www.tomballtx.gov

January 26, 2017

City of Tomball
501 James Street
Tomball, TX 77375

To whom it may concern:

Baker Investors Group LLC is currently in contract with the seller of the lot on the SW corner of Brown-Hufsmith & Baker Rd (see attached site plan) with the intent of providing convenience shopping. The execution of the contract with seller is dependent on getting the property re-zoned from residential to commercial. The goal of the project is to offer nearby residents ease of access to pick up daily essentials while offering improvement in traffic flow during peak commute periods. Additionally, Baker Investors Group will supplement convenience with quality franchise favorites, giving residents additional options for quick dine-in or pick-up. Lastly, we are in discussions with experienced construction companies with the aim of providing a high-end convenience experience to build on the quality standards that have been established by new development in the surrounding area.

This letter serves as a formal request from Baker Investors Group LLC to the City of Tomball to approve the rezoning of the lot highlighted in the site plan in order to provide the benefits stated above.

Best regards,



Baker Investors Group LLC
1110 Hays Road
Friendswood, TX 77546
ATAMSS.LLC@gmail.com
512-781-9202

P17-0008

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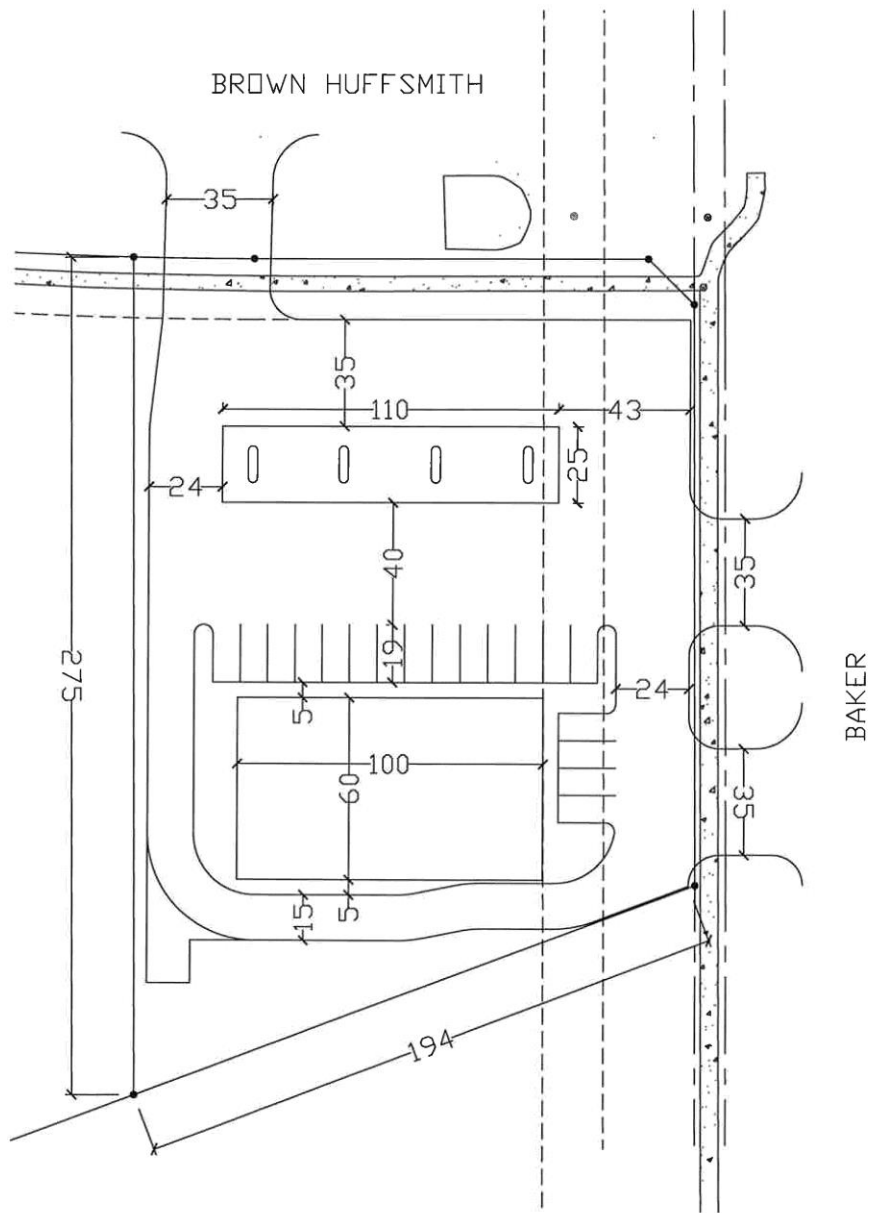
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