

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



MONDAY, FEBRUARY 13, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, February 13, 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 January 9, 2016.
- 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.

- 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.
- 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.
- 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.
- Conduct Public Hearing on **Zoning Case P16-0189**
- 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.
- Conduct Public Hearing on **Zoning Case P17-0001**

6.0 Adjournment

C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 9th day of February, 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: February 13, 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: February 13, 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: February 13, 2017

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of January 9, 2016.

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 01.09.16

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

MONDAY, JANUARY 9, 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 – Scott Bounds

draft

- 2.0 No Public Comments were received.

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

- Update on Rezoning Case P16-0162 and Mobile Food Court Text Amendment:
 - City Council approved both items on the First and Second Readings.

- 4.0 Motion was made by Commissioner Benson Jr., second by Commissioner Anderson to approve the Minutes of the Regular Planning and Zoning Commission Meeting of December 12, 2016, with correction.

Motion carried unanimously.

- 5.0 New Business:

- 5.1 Discussion of Conditional Use Permit conditions for Tomball Renewal Center.

- Discussion took place with recommendations made

- 5.2 Consideration to Approve Final Plat of **E&H INVESTMENTS II**: Being a 0.3316

(14,443.80 Square Feet) acre tract of land situated in the William Hurd Survey, Abstract Number 371, of Harris County, Texas, and being a Replat of a portion of Lots 19, 20, and 1 in Block 97 of Tomball Townsite according to the maps or plats thereof recorded in Volume 4, Page 25, and Volume 2, Page 36 of the map records of Harris County.

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

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **E&H INVESTMENTS II**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to Approve Final Plat of **CURRIE ESTATES**: 0.6740 Acres (29,357.51 Square Feet) located in the R. Hubbard Survey, A-383 Harris County, Texas. Containing 1 Block, 3 Residential Lots.

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

Motion was made by Commissioner Dunagin, second by Commissioner Benson Jr., to approve **CURRIE ESTATES**, with contingency.

Motion carried unanimously.

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

Motion carried unanimously.

The meeting was adjourned at 6:25 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: February 13, 2017

Topic:

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.

Background:

Origination:

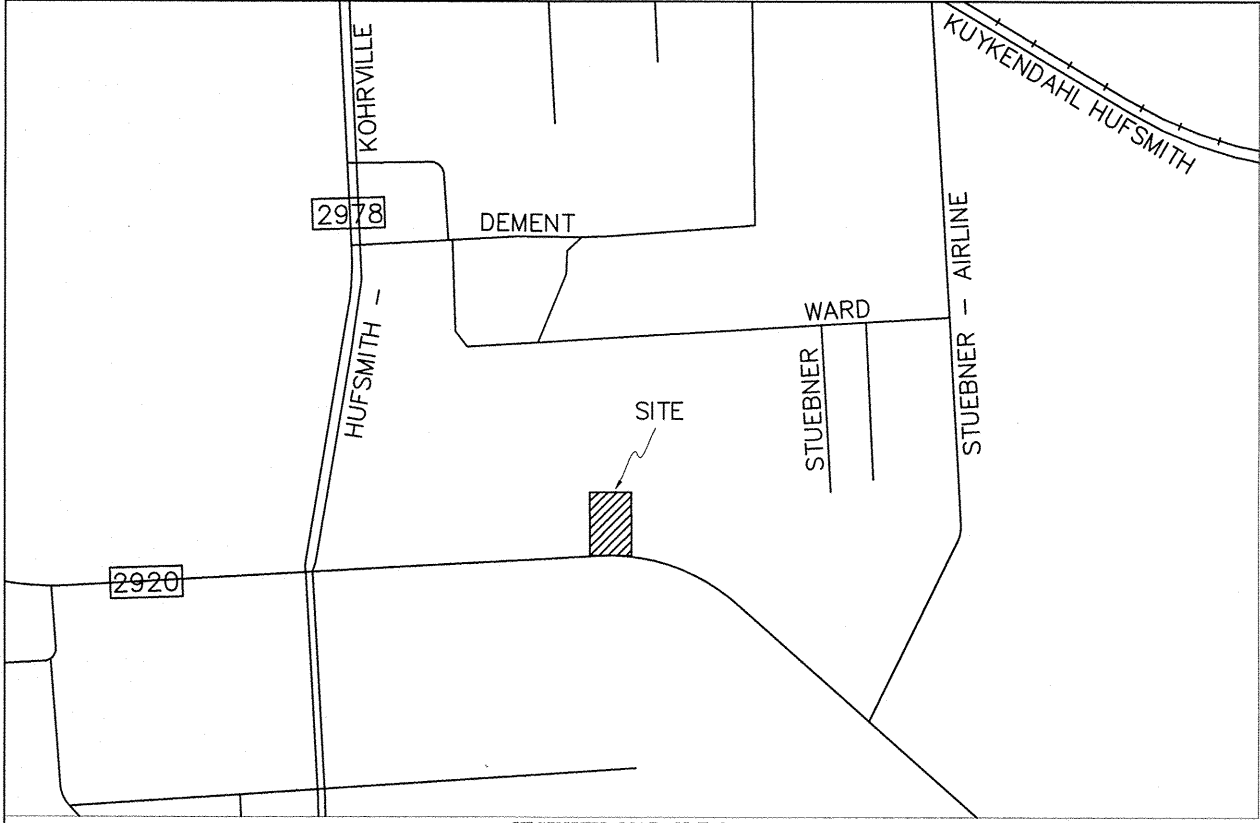
Recommendation:

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

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

ATTACHMENTS:

Fifield Addition Plat



This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this Plat of FIFIELD ADDITION in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2017.

Barbara Tague, Chairman

Darrell Roquemore, Vice Chairman

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2016, at _____ o'clock ____ M. and duly recorded on _____, 2017 at _____ o'clock ____ M., 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.

BY: _____ Stan Stanart
County Clerk
of Harris County, Texas

BY: _____ Deputy

GENERAL NOTES:

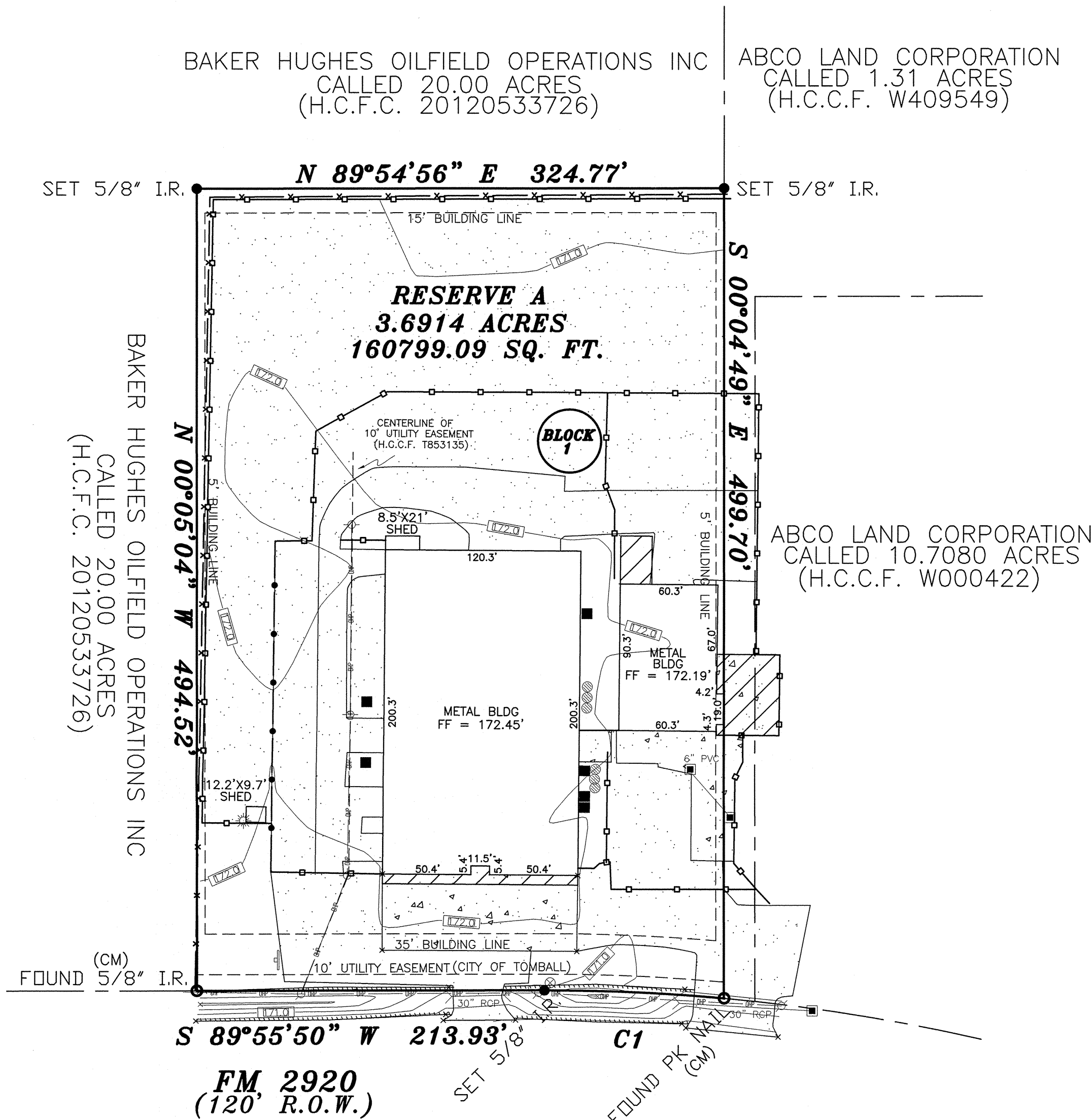
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to remove any valid covenants or restrictions.
- 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
- 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 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.
- This Plat was preformed with the benefit of a City Planning Letter from Fidelity Title G.F. No. 8000371600099.

I, David E. King, Sr., 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.

David E. King, Sr.
Registered Professional Land Surveyor
Texas Registration No. 4503



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1205.92'	110.97'	110.93'	N 87°26'10" W	05°16'20"



LEGEND

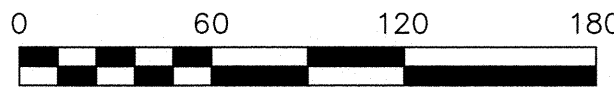
These standard symbols will be found in the drawing.

- FOUND MONUMENT
- FOUND 5/8" I.R.
- SET 5/8" I.R. W/CAP

H.C.C.F. HARRIS COUNTY CLERK'S FILE
M.R.H.C. MAP RECORDS OF HARRIS COUNTY
D.R.H.C. DEED RECORDS OF HARRIS COUNTY
R.O.W. RIGHT OF WAY
I.R. IRON ROD
I.P. IRON PIPE

- GRATE INLET
- ✱ GUY WIRE
- ✱ LIGHT POLE
- ✱ POWER POLE
- ⊙ SEPTIC TANK
- ⊙ TELE PEDESTAL
- ⊙ BILLBOARD
- AC PAD

- COVERED AREA
- CONCRETE
- ASPHALT/GRAVEL
- BARB WIRE FENCE
- CHAIN LINK FENCE
- IRON FENCE
- OVERHEAD POWER



1" = 60'

STATE OF TEXAS
COUNTY OF HARRIS

I, JERRY DEFEO, owner hereinafter referred to as Owner of the 3.6914 acre tract described in the above and foregoing plat of FIFIELD ADDITION, do hereby make and establish said subdivision and development plat 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, 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, Owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, Owner does 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 and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owner 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 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.

WITNESS my hand in the City of Tomball, this _____ day of _____, 2017.

By: _____
Jerry Defeo

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JERRY DEFEO known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledgment to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

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

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

Lienholders Statement

We, THE AMERICAN NATIONAL BANK OF TEXAS; and JOHN H. DAVIDSON, TRUSTEE, owners and holders of a lien against the property shown on this plat, said lien being evidenced by instrument of record under the following Harris County Clerk's File Nos.: RP-2016310276; RP-2016-310277, 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 plat. Further, I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

Lienholders:

BY: _____
JOHN H. DAVIDSON
TRUSTEE

NOTARY'S ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared JOHN H. DAVIDSON, known to me as the person whose name is subscribed to the foregoing instrument and acknowledged to me that they have executed the same for the purpose and consideration therein set forth

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

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____

SIGNED

**PRELIMINARY PLAT OF
FIFIELD ADDITION
3.6914 ACRES (160,799.09 SQUARE FEET)
LOCATED IN THE
J. PRUITT SURVEY, A-629
HARRIS COUNTY, TEXAS
CONTAINING
1 BLOCK, 1 RESERVE
JANUARY 2017**

SURVEYOR:
**KING'S LAND SURVEYING
SOLUTIONS, LLC**
DAVID KING, R.P.L.S. 4503
PHONE: 281-350-8003
FAX: 281-350-0118
EMAIL:
info@kingslandsurveying.com
FIRM NUMBER 10152100

OWNER:
JERRY DEFEO
10920 FM 2920
TOMBALL TX 77375

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: February 13, 2017

Topic:
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.

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

I, L. Shayne Thatcher, 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 other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch and a length of not less than three feet; and that the plat boundary corners have been tied to the nearest survey corner.

L. Shayne Thatcher
Registered Professional Land Surveyor
Texas Registration No. 4544



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 Number _____ of the Map Records of Harris County for said county.

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

Stan Stanart
County Clerk
Of Harris County, Texas

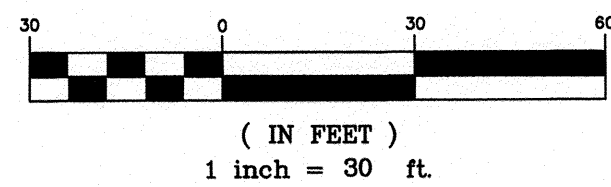
By: _____
Deputy

I, L. Shayne Thatcher, do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips, and all significant topographical features which would affect the physical development of the property illustrated on this plat are accurately identified and located and further certify that this plat represents all of the contiguous land which Cardiology Ventures Inc. owns or has a legal interest in.

L. Shayne Thatcher
Registered Professional Land Surveyor
Texas Registration No. 4544



GRAPHIC SCALE



GENERAL NOTES:

- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (Nad83) and may be brought from surface by applying the following combined scale factor of 1.000130.
- 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 its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to FEMA Firm Panel No. 48201C0230L (Effective date: June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- 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 pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.

This is certify that the planning commission of the city has approved this plat subdivision of Professional Medical Plaza, in conformance with the laws of the state the ordinances of the city as shown hereon and authorized the recording of this plat _____ day of _____, 2017.

By: _____
Barbara Tague, Chairman

By: _____
Darrell Roquemore, Vice Chairman

LOT 1
NORTHWEST HOUSTON HEART CENTER
FILM CODE 621269 M.R.H.C.T.

ALMA ROAD
(60' R.O.W., VOL. 378, PG. 121 &
C.F. NO. 2687280 O.P.R.R.P. H.C.T.)

FND. 5/8" I.R. W/CAP
N(Y): 13959435.54
E(X): 3035698.56

FND. 5/8" I.R. W/CAP
N(Y): 13959445.32
E(X): 3035975.11

RESTRICTED RESERVE "A"
(RESTRICTED TO COMMERCIAL USE ONLY)
2.0595 ACRES
(89,711.13 SQ. FT.)

RESERVE "B"
BLOCK 1
YEZAK SUBDIVISION
F.C.NO. 5710998 M.R.H.C.T.

10' H.L.L. & P. CO. ESMT.
VOL.855, PG 504 H.C.D.R.

JOSEPH HOUSE SURVEY ABSTRACT NO. 34
WILLIAM HURD SURVEY ABSTRACT NO. 378

WOODSTOCK TOWNHOMES
PHASE ONE
VOL.293, PG.149
M.R.H.C.T.

CALLED 0.8517 ACRE
TO JAGDEP, LLC
BY SPECIAL WARRANTY DEED
WITH VENDOR'S LIEN
C.F. NO. 20120140260
O.P.R.R.P. H.C.T.

CALLED 34.951 S.F.
WALTER W. GLOYER
C.F. NO. H361697
O.P.R.R.P. H.C.T.

BENCHMARK

RM100365 EL. 180.65 (NAVD 88/2001 ADJ.)

BRASS DISK STAMPED RM100365 ON THE SOUTHEAST SIDE
OF BRIDGE ALONG BAKER AT J131-00-00 CREEK.

TBM

ELEV. 183.11

CUT SQUARE ALONG EAST SIDE OF SUBJECT PROPERTY,
SOUTH OF THE INTERSECTION OF ALMA ROAD, AND
HOLDERRIETH BOULEVARD.

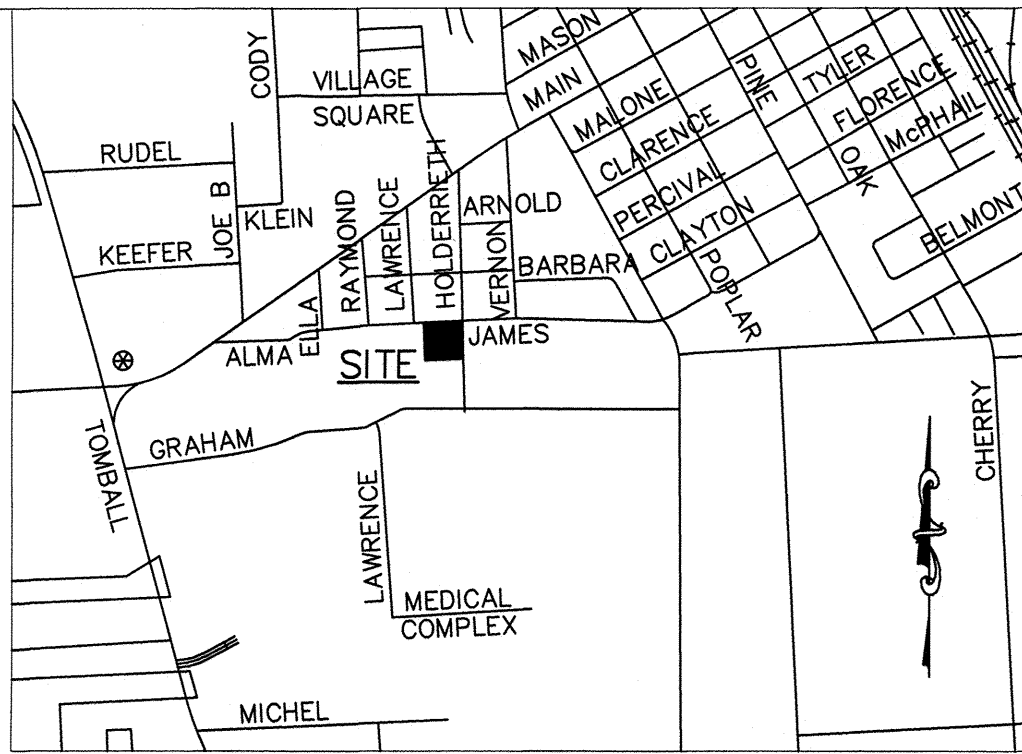
LEGEND / ABBREVIATIONS

B.L.
C.F.
FND.
I.R.
O.P.R.R.P. H.C.T.

D.R. H.C.T.
P.O.B.
R.O.W.
"S"

C.O.T.U.E.
PROPERTY MARKER

BUILDING LINE
CLERK'S FILE NUMBER
FOUND
IRON ROD
OFFICIAL PUBLIC RECORDS OF
REAL PROPERTY, HARRIS COUNTY, TEXAS
DEED RECORDS OF HARRIS COUNTY, TEXAS
POINT OF BEGINNING
RIGHT OF WAY
SET 5/8" INCH IRON ROD WITH CAP
"LANDPOINT 10194172"
CITY OF TOMBALL UTILITY EASEMENT
O



VICINITY MAP
KEY MAP=329T
N.T.S.

STATE OF TEXAS
COUNTY OF HARRIS

We, Cardiology Ventures Inc., acting by and through Waqar Khan, President and Anna Macewan, Manager being officers of Cardiology Ventures Inc., owners in this section after referred to as owners of the 2.0595 acre tract described in the above and foregoing plat of Professional Medical Plaza, 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.

IN TESTIMONY WHEREOF, the Cardiology Ventures Inc. has caused these presents to be signed by Waqar Khan, its President, thereunto authorized, attested by its Manager, Anna Macewan, this _____ day of _____, 2017.

Cardiology Ventures Inc.

By: _____
Waqar Khan, President

Attest: _____
Anna Macewan, Manager

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Waqar Khan, President and Anna Macewan, Manager, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

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

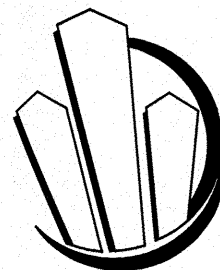
Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

PRELIMINARY
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
1 BLOCK 1 RESERVE
FEBRUARY 2017

SURVEYOR:



TOWN & COUNTRY SURVEYORS
-A LANDPOINT COMPANY
TBPS REG. NO. 10194172
2219 SAWDUST ROAD, SUITE 2003
THE WOODLANDS, TX 77380
PH: (281)465-8730

OWNER:

CARDIOLOGY VENTURES INC.
425 HOLDERRIETH BLVD, SUITE 212
TOMBALL, TX 77375
PH: (281) 704-4844

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: February 13, 2017

Topic:

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.

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:

Vorhees Subdivision Plat

COUNTY OF HARRIS

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

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

Owner: _____
Robert Vorhees

COUNTY OF HARRIS

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

My Commission Expires: _____

By: _____

COUNTY OF HARRIS

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

My Commission Expires: _____

this ____ day of _____, 2017.

By: _____
Darrell Roquemore
Vice Chairman

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

Harris County Clerk Certificate of Filing:

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

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

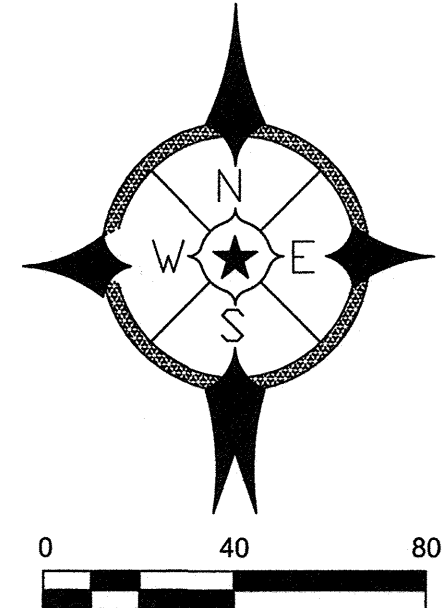
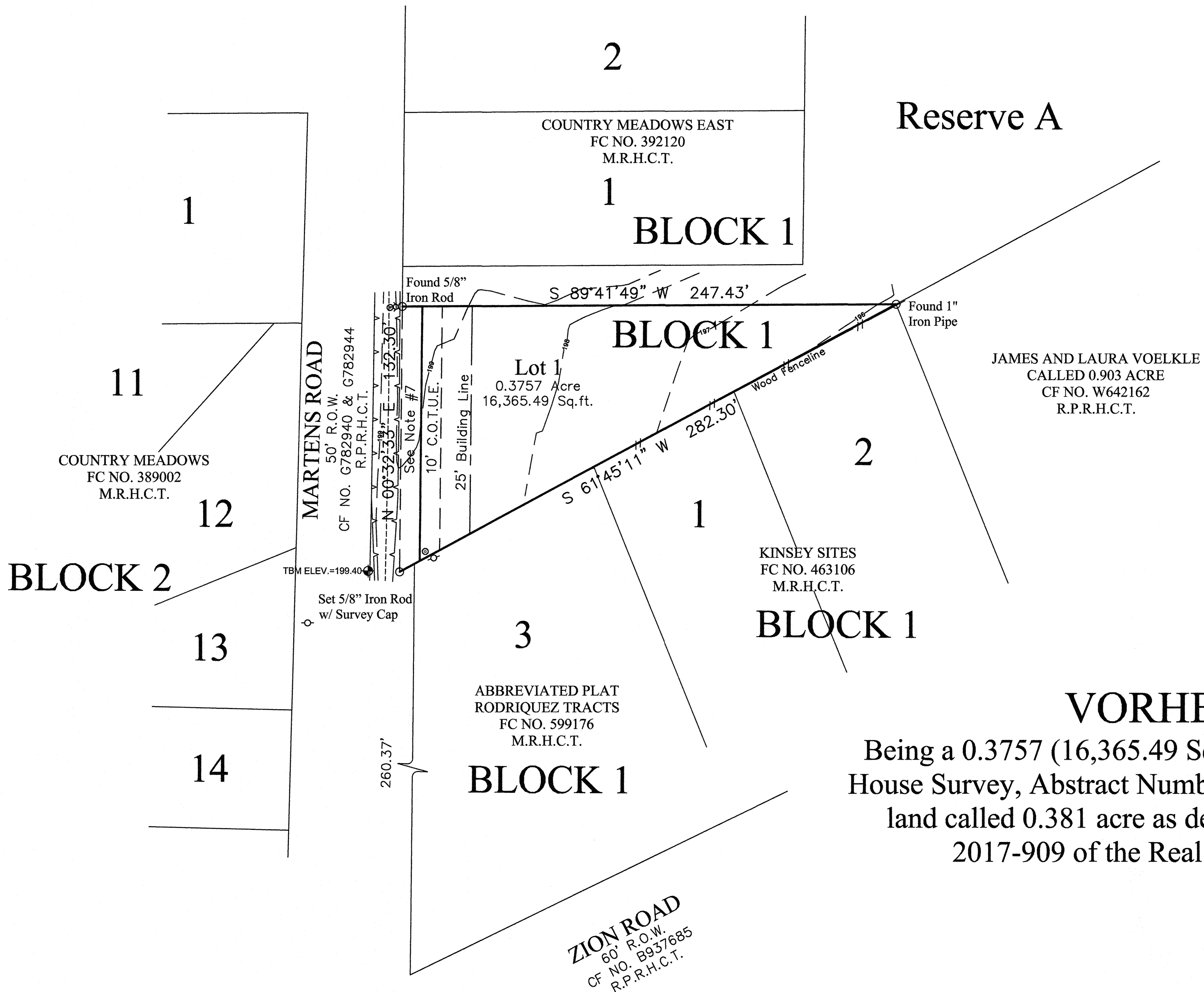
recorded on _____, 2017, at _____ o'clock __.M., and at _____

Film Code No. _____ of the Map Records of Harris County for said County.

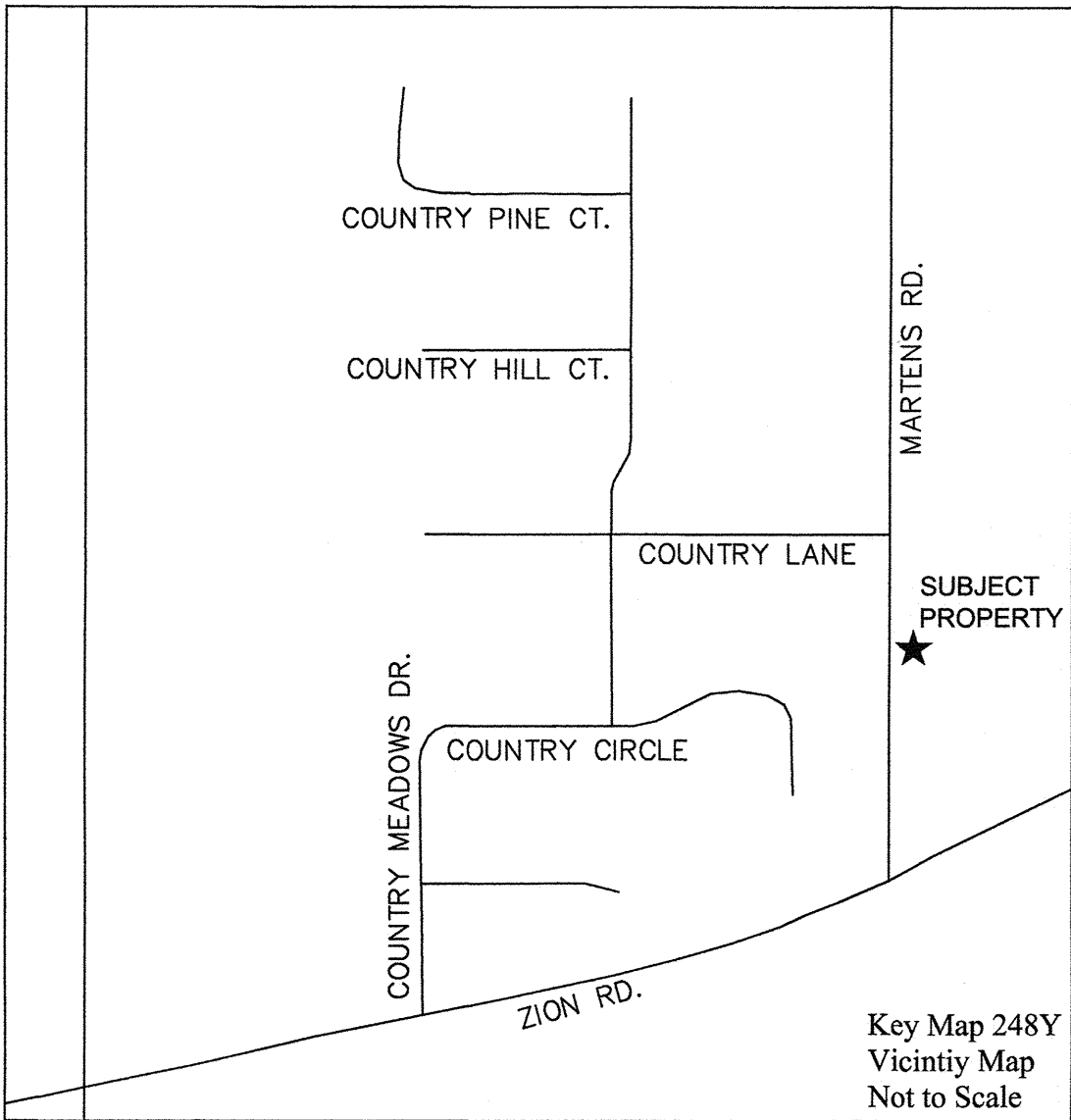
Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy



Scale: 1" = 40'



Notes:
Flow Information:
According to FEMA Firm Panel No. 48201C023-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 plot does not attempt to amend or remove any valid restrictions or covenants.
Note #5:
Public Easements:
Public Easements denoted on this plot are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easement for the purpose of construction, reconstruction, inspection, maintenance, maintaining an adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
Note #6:
Subject to a right-of-way and easement for ingress and egress from Zion Road as further described in CF No. D794258 R.P.R.H.C.T.
Note #7:
10 foot wide 0.0298 Acre strip to be Dedicated to the City of Tomball for Right-of-Way Purposes

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

PRELIMINARY

VORHEES SUBDIVISION

Being a 0.3757 (16,365.49 Square Feet) acre tract of land situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, and being the same land called 0.381 acre as described in deed recorded in Clerk's File Number 2017-909 of the Real Property Records of Harris County, Texas.

1 Lot, 1 Block

Owner:
Robert Vorhees
Sandy Lane
Tomball, TX 77375
Phone

Surveyor:
C & C Surveying Inc.

Office: 281-356-5172 Fax: 281-356-1935
onesurveyatatime@sbcglobal.net
www.ccsurveying.com

February 2017
Sheet 1 of 1
17-0042

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: February 13, 2017

Topic:

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.

- Conduct Public Hearing on **Zoning Case P16-0189**

Background:

Origination:

Community Development Department

Recommendation:

Approval

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

Planning Division

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification

P16-0189 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
FEBRUARY 13, 2017
&
CITY COUNCIL
FEBRUARY 20, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 13, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, February 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 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.

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.

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.

C E R T I F I C A T I O N

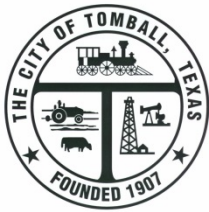
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **February 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding 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: P16-0189

APPLICANT/OWNER: Ryan Bailey, on behalf ADAPT Programs LLC

LOCATION: South side of Michel Road, between Johnson Road and SH 249

PROPOSAL: 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, and is zoned Commercial.

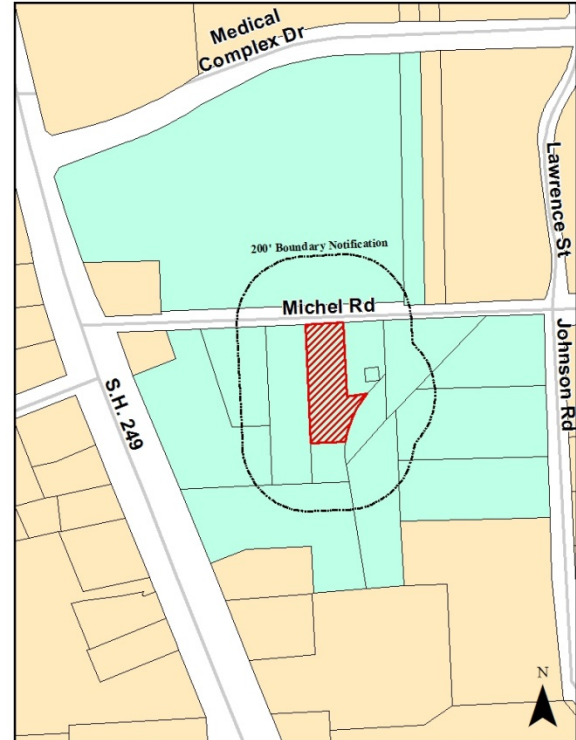
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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

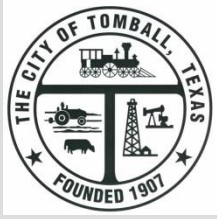


**Planning & Zoning Commission
Public Hearing:
Monday, February 13, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, February 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: February 13, 2017
City Council Public Hearing Date: February 20, 2017

Rezoning Case: P16-0189
Property Owner(s): Falcon Commercial Properties, LLC
Applicant(s): Ryan Bailey, on behalf of ADAPT Programs, LLC
Legal Description: Reserve B, Block 1 Falcon Subdivision
Location: South side of Michel Road, between Johnson Road and SH 249 at 13628 Michel Road (Exhibit "A")
Area: 1 acre
Comp Plan Designation: Employment/Office (Exhibit "B")
Present Zoning and Use: Commercial (Exhibit "C") / Medical office center (Exhibit "D")
Proposed Use(s): Intensive Outpatient Program
Request: CUP to allow the operation of an *institution for alcoholic, narcotic or psychiatric patients*

Adjacent Zoning & Land Uses:

North: Commercial / Texas Sports Medicine Center and Affinity Medical Associates

South: Commercial / Undeveloped land

West: Commercial / Undeveloped land

East: Commercial / Pediatric Clinic

BACKGROUND

In December 2016, City staff met with the applicant to discuss his proposed operations in one of the suites at 13628 Michel Road. The applicant explained that he has leased Suite 200 at the property on Michel Road with the intentions of opening an outpatient drug and alcohol treatment center.

Staff informed the applicant that the proposed land use, *institution for alcoholic, narcotic or psychiatric patients*, requires the approval of a Conditional Use Permit through the Planning & Zoning Commission and City Council.

ANALYSIS

According to Section 50-2 (Definitions), an *institution for alcoholic, narcotic or psychiatric patients* "means an institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients".

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

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

The Comprehensive Plan identifies the subject site as Employment / Office which includes professional offices and small business office suites. The proposed operations are consistent with the goals of the Comprehensive Plan.

- 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 50-77 (Commercial District) the Commercial Zoning District “is intended to provide commercial and service-related establishments”. The proposed operations will offer services to people who are recovering from substance abuse.

- 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 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.

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

The proposed use appears to be compatible with the adjacent developments. In the same complex, there is a medical supply company, Sentido Health, an eye center, Universal Eye Center, a family medical office, Sun Family Practice, and a pediatric clinic, Tomball Health Care-Pediatrics: Karr C Alan MD. It is also across the street from Affinity Medical Associates and Texas Sports Medicine Center.

This area appears to be a good fit for medical related land uses.

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

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on January 19, 2017. A sign was placed on the property on January 27, 2017 and Notice of Public Hearing was published in the paper on February 1, 2017. No public comments 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 P16-0189.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

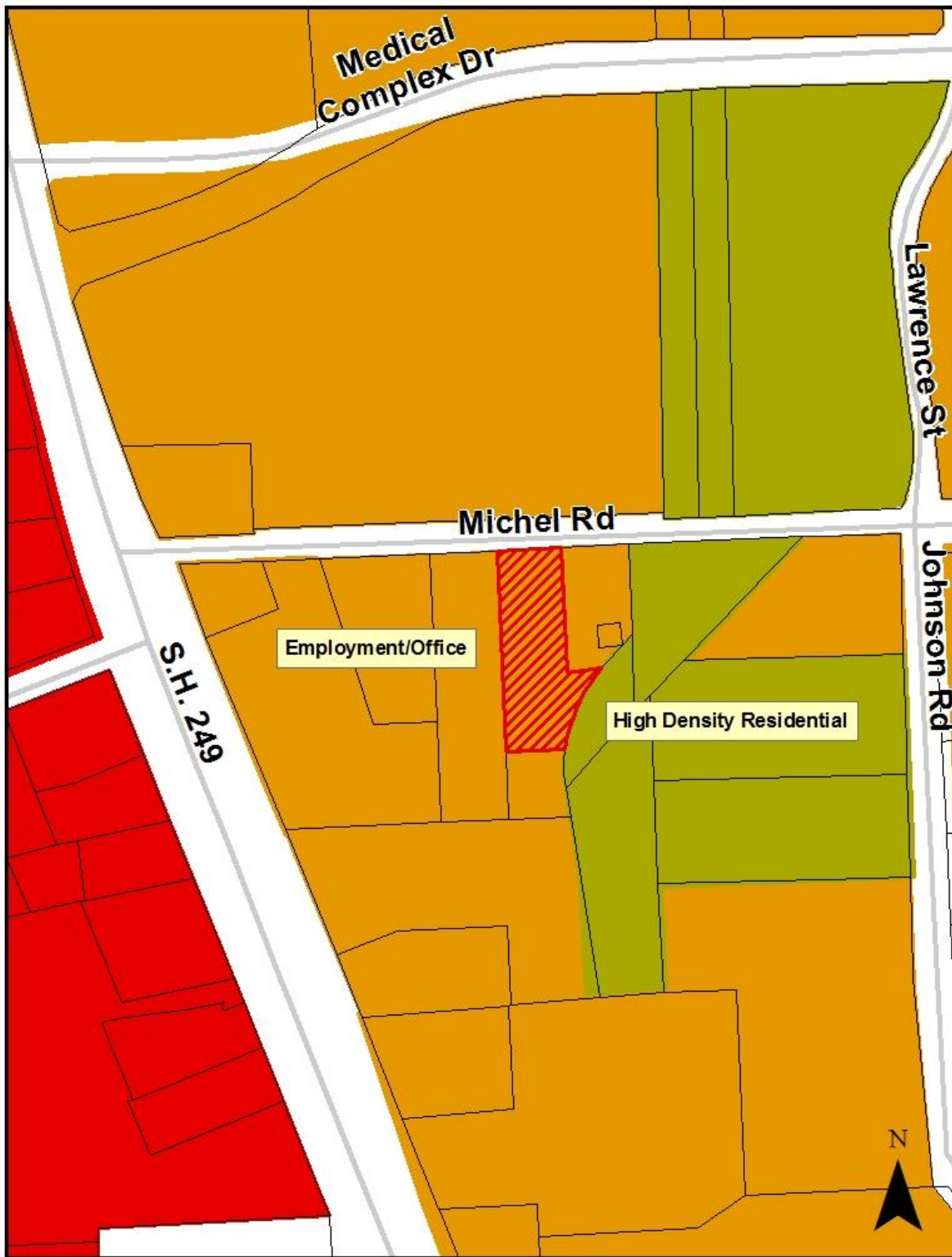
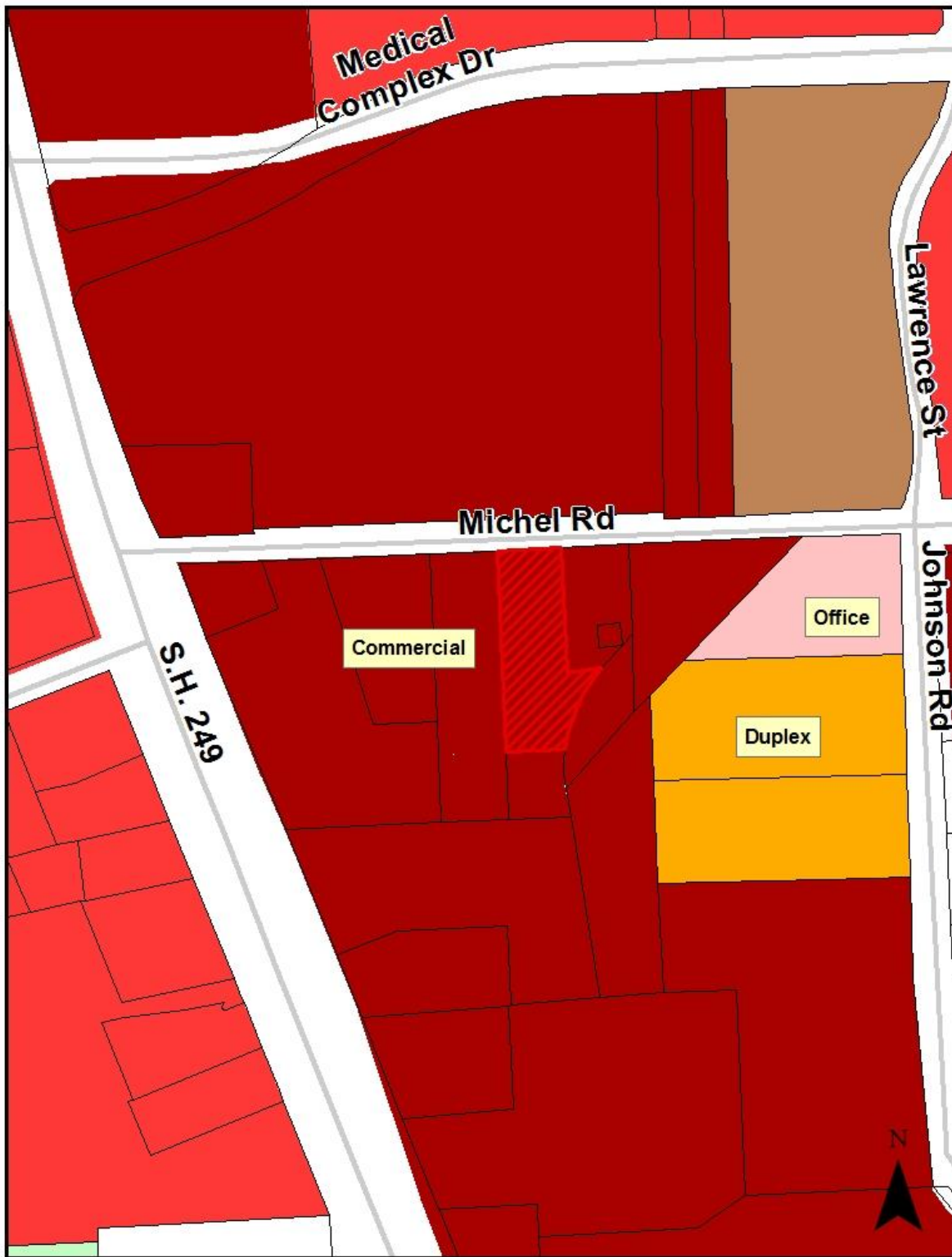


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
CUP Application

Revised 5/19/15



**APPLICATION FOR
CONDITIONAL USE PERMIT**
Community Development Department
Planning Division



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

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

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

Applicant
Name: Ryan Bailey with ADAPT PROGRAMS, LLC Title: Owner
Mailing Address: 6016 Delano Street City: Houston State: TX
Zip: 77003
Phone: (713) 9924238 Fax: () Email: ryanjbailey@gmail.com

Owner
Name: Janshawe Ventures, LTD Title: Owner
Mailing Address: P.O. Box 690342 City: Houston State: TX
Zip: 77269
Phone: (281) 630-5105 Fax: (N/A) Email: NRgill@abgglobal.net

Engineer/Surveyor (if applicable)

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

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

www.tomballtx.gov

Description of Proposed Project: Outpatient Treatment in Tomball
 Physical Location of Property: 13628 Michel Road, Tomball, Texas, 77375 Suite 200
[General Location - approximate distance to nearest existing street corner]
 Legal Description of Property: RES B BLK 1 Falcon
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
 HCAD Identification Number: 1262470010002 Acreage: 1.009
 Current Use of Property: Not occupied, last use was a PCP offices
 Proposed Use of Property: Outpatient Drug and Alcohol Treatment - ADAPT Programs, LLC

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

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

X [Signature] 12/16/2016
 Signature of Applicant Date
 X [Signature] 12/16/2016
 Signature of Owner Date

CITY OF TOMBALL
 281-351-5484

REC#: 00961803 12/20/2016 9:40 AM
 OPER: RP TERM: 005
 REF#: W 557

TRAN: 130.0000 PLANNING AND ZONING
 RYAN BAILET
 13628 MICHEL ROAD TOMBALL
 100-5442
 CONDITIONAL USE PER 600.00CR

City of Tomball, Texas 50

www.tomballtx.gov

TENDERED: 600.00 CHECK
 APPLIED: 600.00-
 CHANGE: 0.00

Date: December 19, 2016

To: Community Development Department Planning Division – Tomball, Texas

From: Ryan Bailey

Contact: 713.992.4238

I am writing this letter to request a Conditional Use Permit for ADAPT Programs, LLC to operate an outpatient substance abuse treatment facility at 13628 Michel Road, Tomball, Texas 77375, Suite 200.

It is our understanding, from speaking with Amelia Lindley, that a conditional use permit will be needed to operate a treatment facility in Tomball. Effective as of December 1, 2016, ADAPT Programs is the tenant of lease property 13628 Michel Road, Tomball, Texas, 77375, Suite 200 zoned as commercial use according to the zoning map on the tomballtx.gov website. The planned use of the lease property is to provide outpatient treatment to males and females of all ages. Outpatient treatment consist of counselor lead individual and group therapy sessions 3-4 days a week for a total of about 10 hours. ADAPT Programs provides evidence based, client-center treatment that is proven to help people recover from substance abuse issues. Our program is absence based, which means no one may be under the influence of any mood alternating substance while on ADAPT Programs property.

ADAPT Programs is a state licensed substance abuse treatment provider. ADAPT Programs operates 9 substance abuse treatment facilities in the greater South Houston area and has plans to start expanding to North Houston/Texas - (Current locations - Angleton, Alvin, Brazos, Freeport, League City, Houston, Liberty, Manvel, Texas City, Huntsville).

ADAPT Programs goal is to spread treatment options across smaller counties/cities in Texas to make good help readily available to anyone that needs it. Substance abuse is one of the biggest epidemics facing this county right now and our community as a whole is lost and needs guidance on how to properly address and treat the issue. We believe that Tomball is very underserved as far a treatment goes and believe that we can be very beneficial to the city and its community as a whole in helping feel this gap.

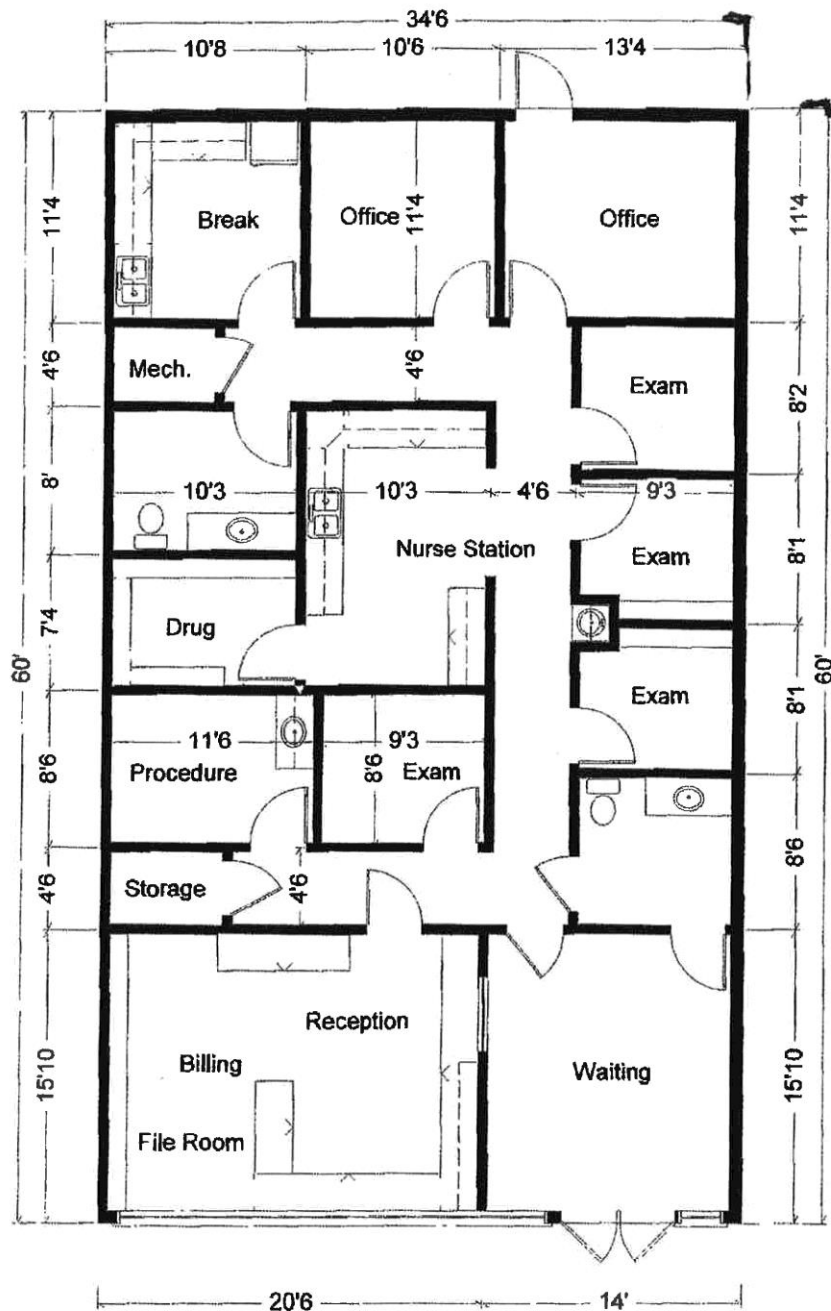
Both myself and my partner, Joe Gardzina, have battled with addictions personally and in the life's of family members and have found it to be our life's mission to provide hope, treatment and spiritual guidance to those that have lost it through their own personal struggles with addiction.

We look forward to become a valued member of the Tomball community moving into 2017.

Best Regards,

Ryan Bailey, ADAPT Programs, LLC

A handwritten signature in black ink, appearing to be 'Ryan Bailey', with a long horizontal line extending to the right.



~2000 Sq. Ft.
 13628 Michel Road
 Suite 200





e/c SURVEYING COMPANY
12245 JONES ROAD
SUITE 200
HOUSTON, TX 77070
(201) 966-8772

CALL 1.817.ACTIVACT
H.C.F.C.DITCH
M-128-08-08
AS DESCRIBED UNDER
CRACK #00003

SUBJECT TO

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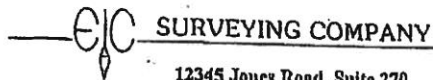
4 PART OF UNSTRUCTURED MEETING

Lab No.	97-213-5	Business	PAULSON OCEANOGRAPHIC INDUSTRIES, LLC
Date	1-1-00	Address	5555 RICHARD ROAD
Site	1-3-2987	City	SALEM, MA 01970
Drawn By	A. H.	State	MA
Drawn Date	8-11-2002	Lab No.	97-213-5
We warrant the following information		Volume	1

[illegible]

A Division of Everything in One Service, Inc.

Integration Tools



SURVEYING COMPANY

12345 Jones Road, Suite 270
Houston, TX 77070
(281) 955-2772
Fax (281) 955-6678

All that certain tract or parcel containing 0.9048 acre, (39,411.4802 square feet), of land out of Restricted Reserve "B" in Block 1 of Falcon Subdivision, a subdivision in Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 572223 of the Harris County Map Records, said 0.9048 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with cap (found stamped Frontier) in the South right-of-way line of Michel Road, (60.00 feet in width), as described in an instrument filed for record under Harris County Clerk's File No. D-221070 and D-792381 marking the Northwest corner of restricted Reserve "A" in Block 1 of said Falcon Subdivision, the Northerly-Northeast corner of said Restricted Reserve "B", and the Northerly-Northeast corner of the herein described 0.9048 acre tract of land;

THENCE S 02°16'46" W, a distance of 217.54 feet along the common line of said Restricted Reserve "A" and said Restricted Reserve "B" to an "x" (set) in concrete marking the Southwest corner of said Restricted Reserve "A", an interior corner of said Restricted Reserve "B", and an interior corner of the herein described 0.9048 acre tract of land;

THENCE N 87°43'14" E, a distance of 59.19 feet along the common line of said Restricted Reserve "A" and said Restricted Reserve "B" to an "x" (set) in concrete in the Northwestern line of that certain call 1.099 acre tract being a Harris County Flood Control Ditch (M-125-00-00) as described in a deed filed for record under Harris County Clerk's File No. L-090555 marking the Southerly-Southeast corner of said Restricted Reserve "A", the Easterly-Northeast corner of said Restricted Reserve "B", and the Easterly-Northeast corner of the herein described 0.9048 acre tract of land, same point being in a curve to the left having a radius of 278.62 feet;

THENCE Southwesterly, along the common line of said 1.099 acre tract and said Restricted Reserve "B", with said curve to the left through a central angle of 31°51'41", a chord bearing and distance of S 29°19'49" W, 152.95 feet, an arc distance of 154.94 feet to an "x" (set) in concrete marking the Northeast corner of Restricted Reserve "D" in Block 1 of said Falcon Subdivision, the Easterly-Southeast corner of said Restricted Reserve "B", and the Southeast corner of the herein described 0.9048 acre tract of land;

THENCE N 87°23'21" W, a distance of 97.53 feet along the common line of said Restricted Reserve "B" and said Restricted Reserve "D" to a 5/8" iron rod with E.I.C. cap (set) marking the Southwest corner of the herein described 0.9048 acre tract of land;

THENCE N 02°38'07" E, a distance of 348.95 feet to a 5/8" iron rod with E.I.C. cap (set) in the North line of said Restricted Reserve "B" and in the South right-of-way line of said Michel Road marking the Northwest corner of the herein described 0.9048 acre tract of land;

THENCE S 87°28'32" E, a distance of 105.92 feet along the South right-of-way line of said Michel Road and the North line of said Restricted Reserve "B" to the POINT OF BEGINNING and containing 0.9048 acre, (39,411.4802 square feet), of land.

Surveyed on the ground May 3, 2007,

Job No. 07-353-05 (see corresponding plat).

The basis of bearing is S 87°28'32" E along the South right-of-way line of Michel Road per recorded plat.



Land Boundary • Topographic Surveying
A Division of Everything in Christ Services, Inc.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: February 13, 2017

Topic:

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.

- Conduct Public Hearing on **Zoning Case P17-0001**

Background:

Origination:

Community Development Department

Recommendation:

Approval

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

Planning Division

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification

P17-0001 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
FEBRUARY 13, 2017
&
CITY COUNCIL
FEBRUARY 20, 2017**



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C E R T I F I C A T I O N

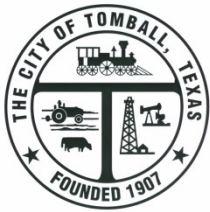
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **February 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding 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: P17-0001

APPLICANT/OWNER: GREVIS Properties

LOCATION: Southeast corner of East Main Street and Chestnut Street

PROPOSAL: 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, and is zoned Old Town & Mixed Use.

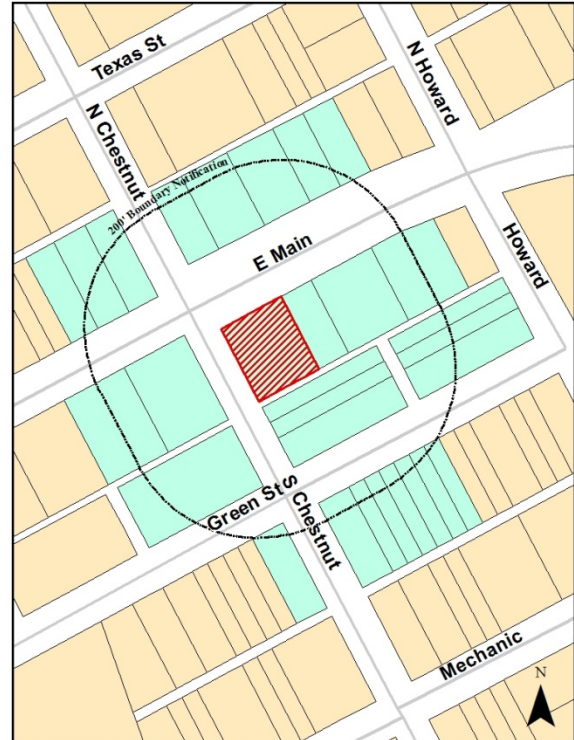
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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

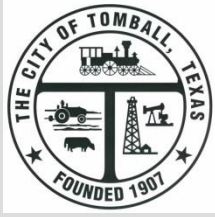


**Planning & Zoning Commission
Public Hearing:
Monday, February 13, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, February 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: February 13, 2017

City Council Public Hearing Date: February 20, 2017

Rezoning Case: P17-0001

Property Owner(s): GREVIS Properties, LLC

Applicant(s): GREVIS Properties, LLC

Legal Description: Lot 24 Block 80 Tomball Townsite Lot 24 Replat

Location: Southeast corner of East Main Street and Chestnut Street (Exhibit "A")

Area: 0.3 acres

Comp Plan Designation: Mixed Use (Exhibit "B")

Present Zoning and Use: Old Town and Mixed Use (Exhibit "C") / Undeveloped property with vacant structure (Exhibit "D")

Proposed Use(s): 403 Eats

Request: CUP to allow the operation of a *Mobile Food Court*

Adjacent Zoning & Land Uses:

- North:** Old Town and Mixed Use / Chakra Haven and GB General Contractors
- South:** Old Town and Mixed Use / Alley and undeveloped property and single-family residence
- West:** Old Town and Mixed Use / Car Clinic
- East:** Old Town and Mixed Use / Vacant lease space

BACKGROUND

In December 2016, City Staff met with the applicant to discuss the proposed operation of a mobile food court at 403 East Main Street. City Staff explained to the applicant that a text amendment to allow *Mobile food courts* would be effective in January 2017, allowing for a Conditional Use Permit (CUP) to be considered by the Planning & Zoning Commission and City Council. On January 3, 2017 City Council voted to approve the text amendment.

ANALYSIS

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

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

The Comprehensive Plan identifies the subject site as Mixed Use which includes a mix of office and retail/commercial. It is the goal of the Comprehensive Plan that this area be an assortment of different land uses. This specific area, and the City as a whole, does not have this type of land use or anything similar.

- 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 50-79 (Old Town and Mixed Use District), the zoning district encourages diverse and unique land uses. The proposed use is consistent with the intent of the Old Town and Mixed Use Zoning District.

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

Should the CUP application be approved by City Council, the applicant will be required to submit site and building plan applications and supporting documents to the City for review and approval. Specific details of site modifications will be shown at the time of plan review. It appears the proposed use will meet all supplemental standards (see Figure “F”).

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

The proposed use appears to be compatible with the adjacent developments. There is a blend of many different land uses in the immediate area including auto repair shops, construction companies, an insurance agency, and general retail shops.

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

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on January 19, 2017. A sign was placed on the property on January 27, 2017 and Notice of Public

Hearing was published in the paper on February 1, 2017. One public comment form in opposition has been received as of the date of this report.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P17-0001.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

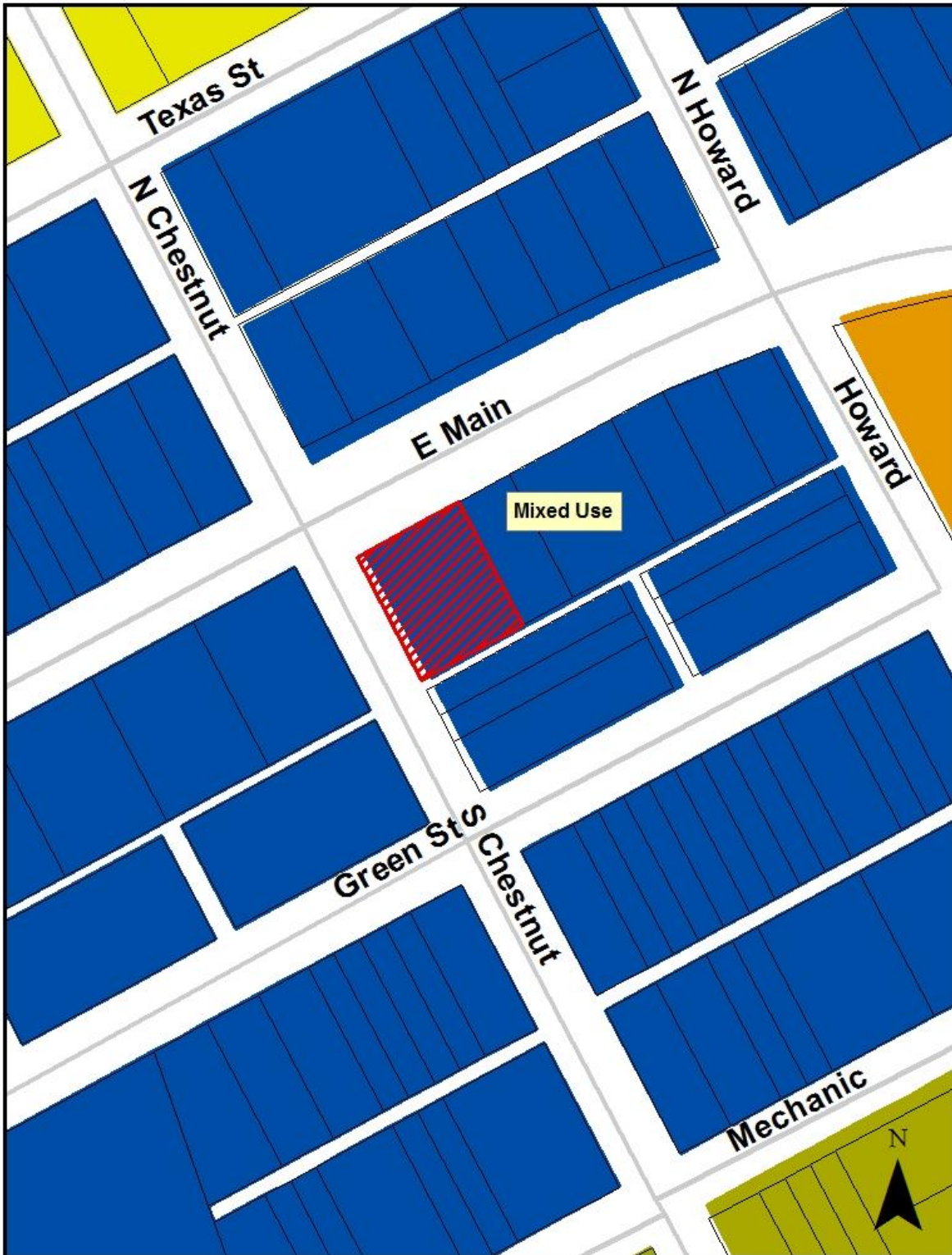


Exhibit "C"
Zoning Map

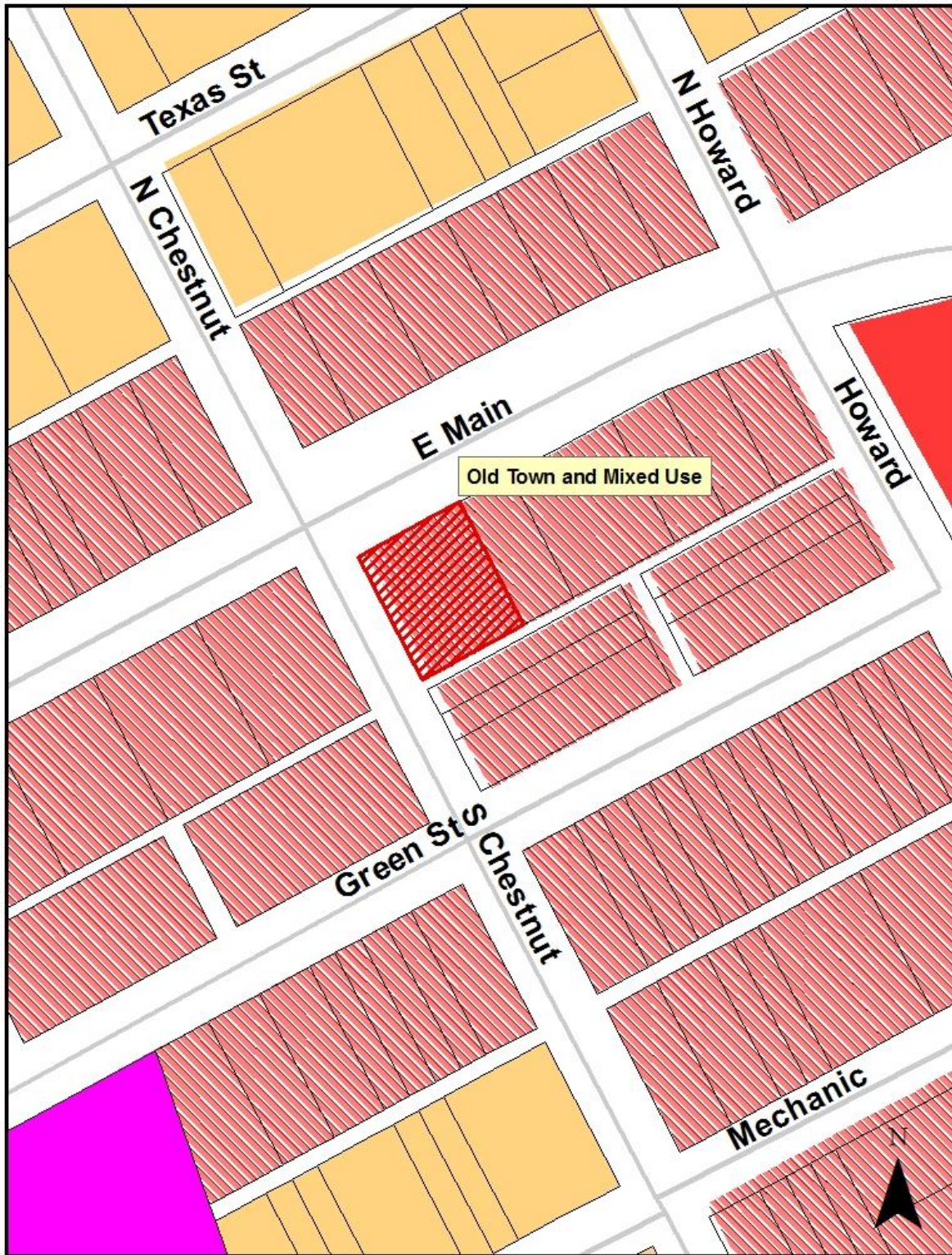


Exhibit “D”
Site Photo



Figure 1: Site view from Main Street
(Source: Google)



Figure 2: Site view from South Chestnut Street
(Source: Google)

Exhibit "E"

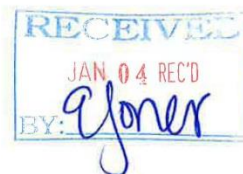
CUP Application

Revised 5/19/15



APPLICATION FOR CONDITIONAL USE PERMIT

Community Development Department
Planning Division



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

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

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

Applicant

Name: GREVIS Properties Title: _____
Mailing Address: 407 E Main City: Tomball State: TX
Zip: 77375
Phone: (281) 330-4538 Fax: (281) 357-4380 Email: mikefagan@gretcheninsure.com

Owner

Name: GREVIS Properties Title: _____
Mailing Address: same City: _____ State: _____
Zip: _____
Phone: (_____) _____ Fax: (_____) _____ Email: _____

Engineer/Surveyor (if applicable)

Name: David Kelly Title: PE
Mailing Address: 3322 Wellspring Lake Drive City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (281) 346-2616 Email: david.kelly@dpkengineering.com

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

www.tomballtx.gov

Description of Proposed Project: Food Truck Park
Physical Location of Property: 403 E Main, Tomball, Tx 77375
[General Location – approximate distance to nearest existing street corner]
Legal Description of Property: Corner of East Main and South Chestnut
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: 0352750800023 Acreage: .2755 acres
Current Use of Property: n/a
Proposed Use of Property: Food Truck Park

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 Michael R. Lopez 1/4/17
Signature of Applicant Date
x Michael R. Lopez 1/4/17
Signature of Owner

CITY OF TOMBALL
281-351-5484

REC#: 00964144 1/04/2017 3:52 PM
OPER: RP TERM: 005
REF#: W 1131

TRAN: 130.0000 PLANNING AND ZONING
GREVIS PROPERTIES
403 E MAIN
100-5442

City of Tomball, Texas 501 Jan

CONDITIONAL USE PER 600.00CR

www.tomballtx.gov

TENDERED: 600.00 CHECK
APPLIED: 600.00-

CHANGE: 0.00

January 4, 2017

City of Tomball Planning Department

RE: Conditional Use Permit 403 Eats

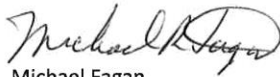
403 East Main, Tomball, TX 77375

My wife and I have purchased property located at 403 East Main in Tomball and want to open Tomball's first food Truck Park. We are very involved with the City of Tomball and have had our insurance office in Tomball for 15 years, the last 8 years, we have been in our office on Main Street.

Tomball has become known for our dining and entertainment, with "mom & pop" locations at the forefront. With the revitalization in "old town" Tomball, the need for additional dining options are increasing. Food Trucks have become extremely popular over the past few years and we believe a Food Truck Park would add to the Tomball experience.

Our plan is to open 403 Eats in 2017. As the operator of the park, we will provide electrical, water and grease removal for the trucks, as well as an indoor seating area and children's play area. This approach will allow for "permanent" food trucks to come Tomball. We plan on having 3 to 6 month leases for the trucks for stability and flexibility. The trucks will provide a variety of foods, attracting various consumers.

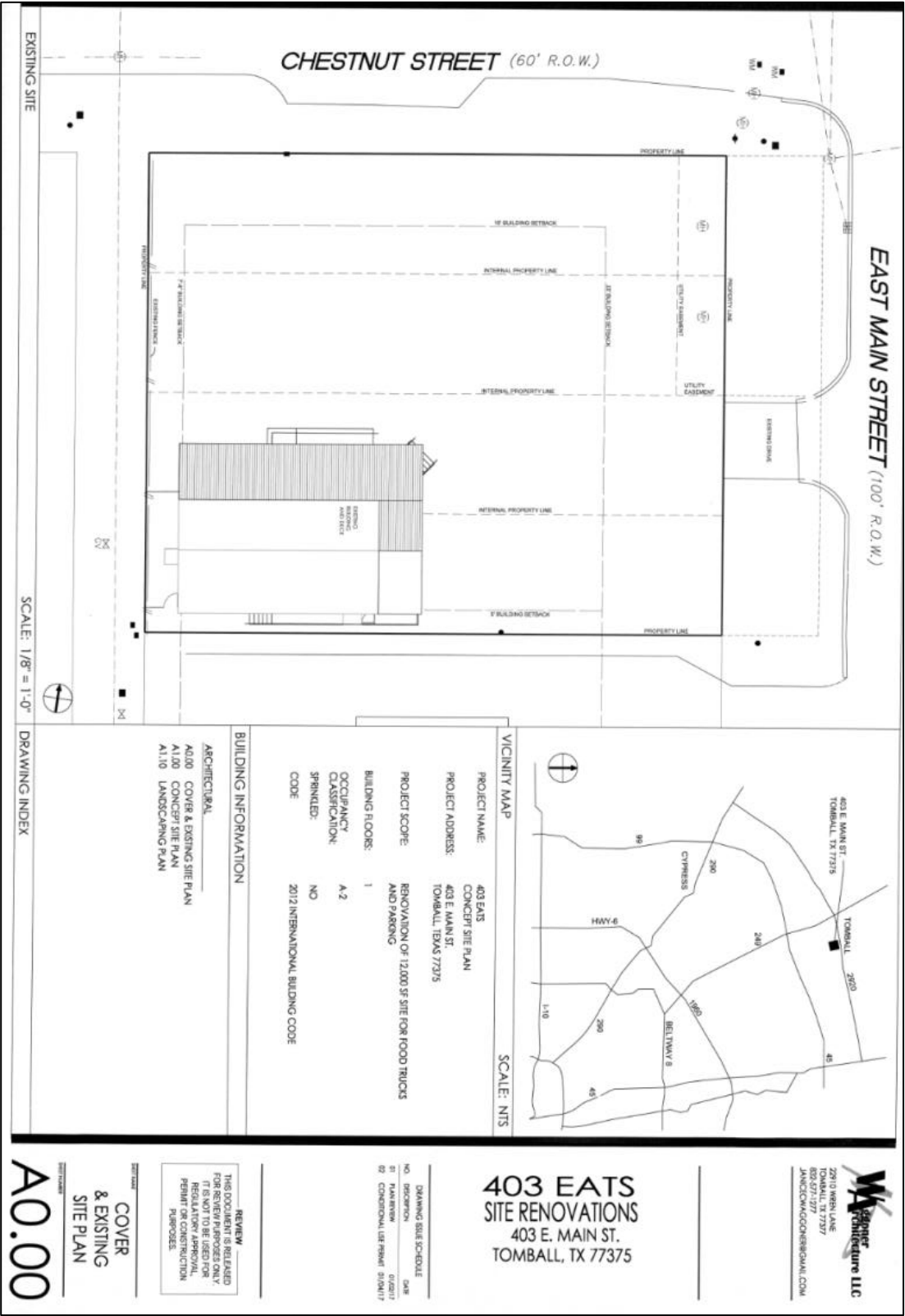
We are located on the east side of Main Street and there are extremely limited dining choices. 403 Eats bring business to the east side of town. Merchants surrounding the location are excited about the possibilities and the increased retail traffic we will bring.

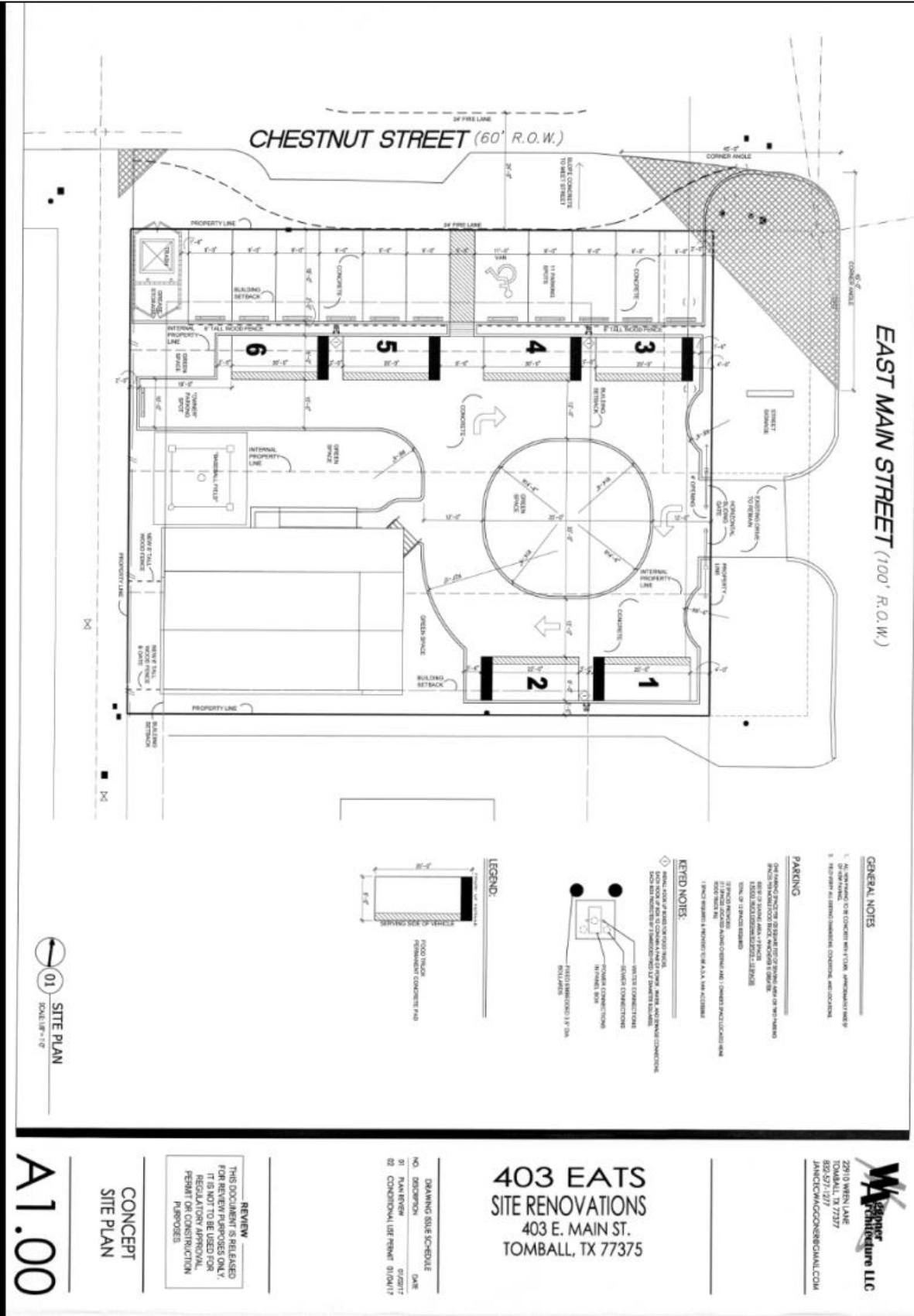


Michael Fagan

403 Eats...Tomball Food Park

Figure “F”
Concept Plan and Alternative Landscape Plan





EAST MAIN STREET (100' R.O.W.)

CHESTNUT STREET (60' R.O.W.)

GENERAL NOTES

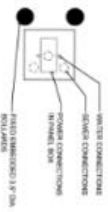
- 1. ALL NEW CONCRETE SHALL BE 4000 PSI COMPRESSIVE STRENGTH.
- 2. ALL NEW CONCRETE SHALL BE 4000 PSI COMPRESSIVE STRENGTH.
- 3. ALL NEW CONCRETE SHALL BE 4000 PSI COMPRESSIVE STRENGTH.

PARKING

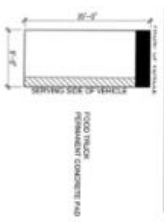
THE PROPOSED PARKING LOT SHALL BE 10' WIDE BY 20' DEEP. THE PROPOSED PARKING LOT SHALL BE 10' WIDE BY 20' DEEP. THE PROPOSED PARKING LOT SHALL BE 10' WIDE BY 20' DEEP.

KEYED NOTES

1. THE PROPOSED PARKING LOT SHALL BE 10' WIDE BY 20' DEEP. THE PROPOSED PARKING LOT SHALL BE 10' WIDE BY 20' DEEP. THE PROPOSED PARKING LOT SHALL BE 10' WIDE BY 20' DEEP.



LEGEND



01 SITE PLAN
SCALE 1/8" = 1'-0"

W
Architecture LLC

2910 WEBER LANE
TOMBALL, TX 77377
832.571.1377
JANCO@WACONCEPTUAL.COM

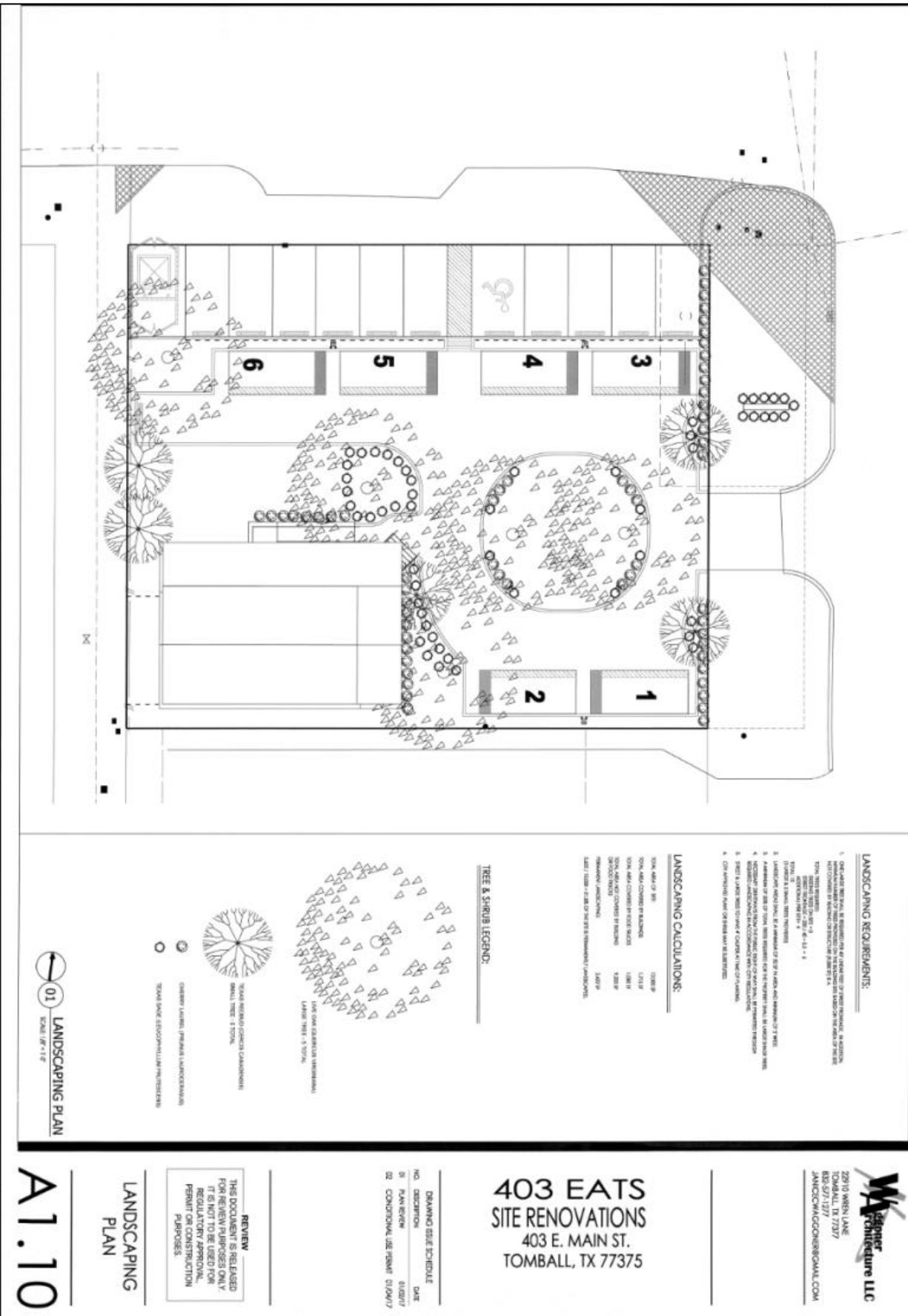
403 EATS
SITE RENOVATIONS
403 E. MAIN ST.
TOMBALL, TX 77375

DRAWING TITLE: SITE RENOVATIONS
NO. 00000000
DATE: 5/28/17
BY: JACOB
CHECKED: JACOB
APPROVED: JACOB

REVIEW
FOR REVIEW PURPOSES ONLY.
NOT FOR CONSTRUCTION.
REMARKS:
1. ALL NEW CONCRETE SHALL BE 4000 PSI COMPRESSIVE STRENGTH.

A1.00

CONCEPT
SITE PLAN



LANDSCAPING REQUIREMENTS:

1. ONE (1) LARIX TREES TO BE PLANTED IN THE CENTER OF THE LOT. THE LARIX TREES SHALL BE PLANTED IN THE CENTER OF THE LOT. THE LARIX TREES SHALL BE PLANTED IN THE CENTER OF THE LOT. THE LARIX TREES SHALL BE PLANTED IN THE CENTER OF THE LOT.
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6. ONE (1) LARIX TREES TO BE PLANTED IN THE CENTER OF THE LOT. THE LARIX TREES SHALL BE PLANTED IN THE CENTER OF THE LOT. THE LARIX TREES SHALL BE PLANTED IN THE CENTER OF THE LOT.

LANDSCAPING CALCULATIONS:

TOTAL AREA OF LOT	10,000 SF
TOTAL AREA COVERED BY BUILDING	1,000 SF
TOTAL AREA COVERED BY LOT (10,000 SF - 1,000 SF)	9,000 SF
TOTAL AREA COVERED BY LOT (9,000 SF - 1,000 SF)	8,000 SF
TOTAL AREA COVERED BY LOT (8,000 SF - 1,000 SF)	7,000 SF
TOTAL AREA COVERED BY LOT (7,000 SF - 1,000 SF)	6,000 SF
TOTAL AREA COVERED BY LOT (6,000 SF - 1,000 SF)	5,000 SF
TOTAL AREA COVERED BY LOT (5,000 SF - 1,000 SF)	4,000 SF
TOTAL AREA COVERED BY LOT (4,000 SF - 1,000 SF)	3,000 SF
TOTAL AREA COVERED BY LOT (3,000 SF - 1,000 SF)	2,000 SF
TOTAL AREA COVERED BY LOT (2,000 SF - 1,000 SF)	1,000 SF
TOTAL AREA COVERED BY LOT (1,000 SF - 1,000 SF)	0 SF

TREE & SHRUB LEGEND:

- 1. LARIX TREES TO BE PLANTED IN THE CENTER OF THE LOT. THE LARIX TREES SHALL BE PLANTED IN THE CENTER OF THE LOT. THE LARIX TREES SHALL BE PLANTED IN THE CENTER OF THE LOT.
- 2. LARIX TREES TO BE PLANTED IN THE CENTER OF THE LOT. THE LARIX TREES SHALL BE PLANTED IN THE CENTER OF THE LOT. THE LARIX TREES SHALL BE PLANTED IN THE CENTER OF THE LOT.
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01 LANDSCAPING PLAN

SCALE: 1/8" = 1'-0"

W
Wagner
Construction LLC
22910 WILSON LANE
TOMBALL, TX 77377
832.971.1277
JANICIA@WAGNERCONSTRUCTION.COM

403 EATS
SITE RENOVATIONS
403 E. MAIN ST.
TOMBALL, TX 77375

NO.	DESCRIPTION	DATE
01	PLAN REVIEW	01/02/17
02	CONDITIONAL USE PERMIT	01/04/17

REVIEW
THIS DOCUMENT IS RELEASED FOR REVIEW PURPOSES ONLY. IT IS NOT TO BE USED FOR REGULATORY APPROVAL, PERMIT OR CONSTRUCTION PURPOSES.

LANDSCAPING PLAN

A1.10