

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



MONDAY, DECEMBER 12, 2016

6:00 P.M.

Notice is hereby given of a meeting of the , to be held on Monday, December 12, 2016 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 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 November 14, 2016.
- 5.0 New Business:
 - 5.1 Consideration to Approve Preliminary Plat of **CURRIE ESTATES**: A subdivision of 0.6740 Acres (29,357.51 Square Feet) located in the R. Hubbard survey, A-383, Harris County, Texas.

- 5.2 Consideration to Approve Final Plat of **GRILLO LAND HOLDINGS LLC**: A subdivision of 2.9268 Acres (127,491.22 Square Feet) of land, being Tracts 1F & 1J situated in the John M. Hooper Survey, Abstract No. 375, City of Tomball ETJ, Harris County, Texas.
- 5.3 Consideration to Approve Final Plat of **TKC CCXXVII LLC**: A subdivision of 4.8064 Acres (209,366.29 Square Feet) of land, being Tract Numbers 4D, 24G, 24F, & 24T, out of the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.
- 5.4 Consideration to Approve Final Plat of **UNRESTRICTED RESERVE “G1” TOMBALL VILLAGE SQUARE**: A replat of 1.004 Acre of land out of Unrestricted Reserve ‘G1’ Replat of Unrestricted Reserve ‘G’ Block Four Tomball Village Square Recorded in Film Code # 533022 in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.
- 5.5 Consideration to approve **Zoning Case P16-0162**: Request by Eleazar Cano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, generally located on the east side of South Pitchford Road at 909 South Pitchford Road, from the Agricultural District to the Commercial District.
- Conduct Public Hearing on Zoning Case P16-0162
- 5.6 Consideration to approve **Zoning Case P16-0175**: Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental Regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.
- Conduct Public Hearing on Zoning Case P16-0175
- 5.7 Consideration to approve **Zoning Case P16-0171**: Request by Aaron Edwards, on behalf of Tomball Renewal Center, for a Conditional Use Permit to operate a Rehabilitation Care Facility (Halfway House) at 401 ½ Commerce Street and to operate an Institution for alcoholic, narcotic or psychiatric patients at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, generally located at the southwest corner of Commerce Street and North Oak Street and is zoned Old Town & Mixed Use.
- Conduct Public Hearing on Zoning Case P16-0171

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 8th day of

December, 2016 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: December 12, 2016

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: December 12, 2016

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: December 12, 2016

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of November 14, 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 06.13.2016

**MINUTES OF
CAPITAL IMPROVEMENT PLAN
ADVISORY COMMITTEE MEETING
CITY OF TOMBALL, TEXAS**

MONDAY, JUNE 13, 2016



5:30 P.M.

- 1.0 The meeting was called to order by Chairman Barbara Tague at 5:30 p.m. Other members present were:

Commissioner Richard Anderson
Commissioner Michael Chambers
Commissioner Darrell Roquemore
Commissioner Dane Dunagin

Commissioner Harry Byrd – Excused Absence

Others present:

Community Development Director/City Engineer - Craig Meyers
Public Works Director - David Esquivel
Assistant City Engineer – Beth Jones
City Planner - Harold Ellis
Assistant City Planner – Amelia Lindley
City Attorney - Loren Smith
Community Development Coordinator – Kim Chandler

- 2.0 No Public Comments were received.
- 3.0 Motion was made by Commissioner Anderson, second by Commissioner Chambers, to approve the Minutes of the Capital Improvements Plan Advisory Committee Meeting of December 14, 2015.

Motion carried unanimously.

Discussion/Action of the Following Items:

- 4.0 New Business:

- 4.1 Discussion on the status of Impact Fees and action regarding filing a semi-annual report with respect to the Capital Improvements Plan and report to City Council:

- Recommendation that no update of Land Use Assumptions, Capital Improvement Plan, and/or Impact Fees.

Craig Meyers, Community Development Director/City Engineer and David Esquivel, Public Works Director, presented the Status of Impact Fees and Capital Improvements Plan and Report.

Motion was made by Commissioner Dunagin, second by Commissioner Roquemore to recommend no update of Land Use Assumptions, Capital Improvement Plan, and/or Impact Fees.

Motion carried unanimously.

- 4.2 Discussion and Action Regarding establishing the next meeting of the Capital Improvement Plan Advisory Committee to file a semi-annual report with respect to the progress of the Capital Improvement Plan as required by Section 395.058 of the Texas Local Government Code.

Motion was made by Commissioner Chambers, second by Commissioner Anderson, to hold the next meeting on December 12, 2016 at 5:30 p.m.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting was adjourned at 5:54 p.m.

PASSED AND APPROVED this _____ day of _____ 2016.

Kim Chandler
CIPAC Secretary

Barbara Tague
Chairman

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: December 12, 2016

Topic:

Consideration to Approve Preliminary Plat of **CURRIE ESTATES**: A subdivision of 0.6740 Acres (29,357.51 Square Feet) located in the R. Hubbard survey, A-383, Harris County, Texas.

Background:

Origination:

Community Development Department

Recommendation:

Approval

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

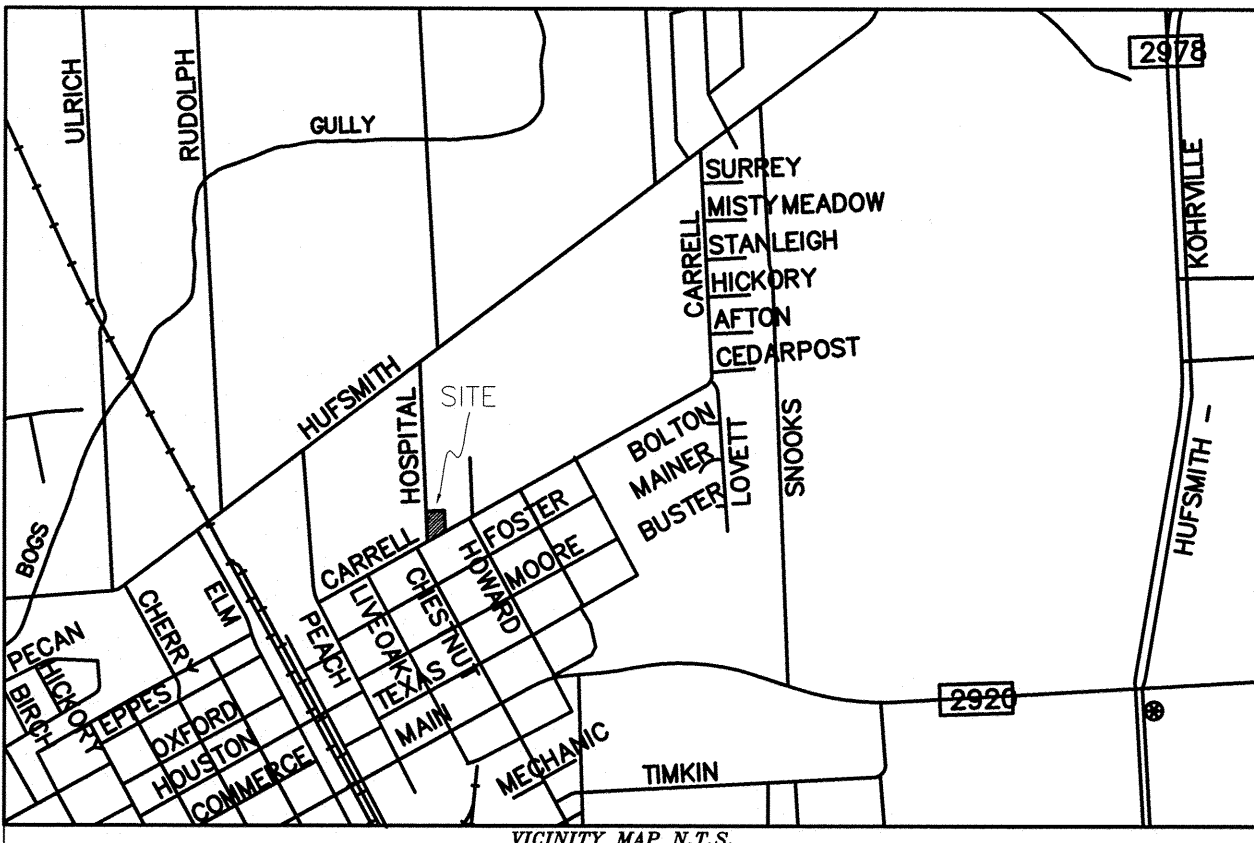
Engineering Division

ACTION TAKEN

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

Currie Estates Plat



RHINO MACHINE SHOP, INC
CALLED 2.4242 ACRES
(H.C.C.F. V127178)

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this Plat of CURRIE ESTATES 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 _____, 2016.

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 _____ of the Map 2016 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

Deputy

GENERAL NOTES:

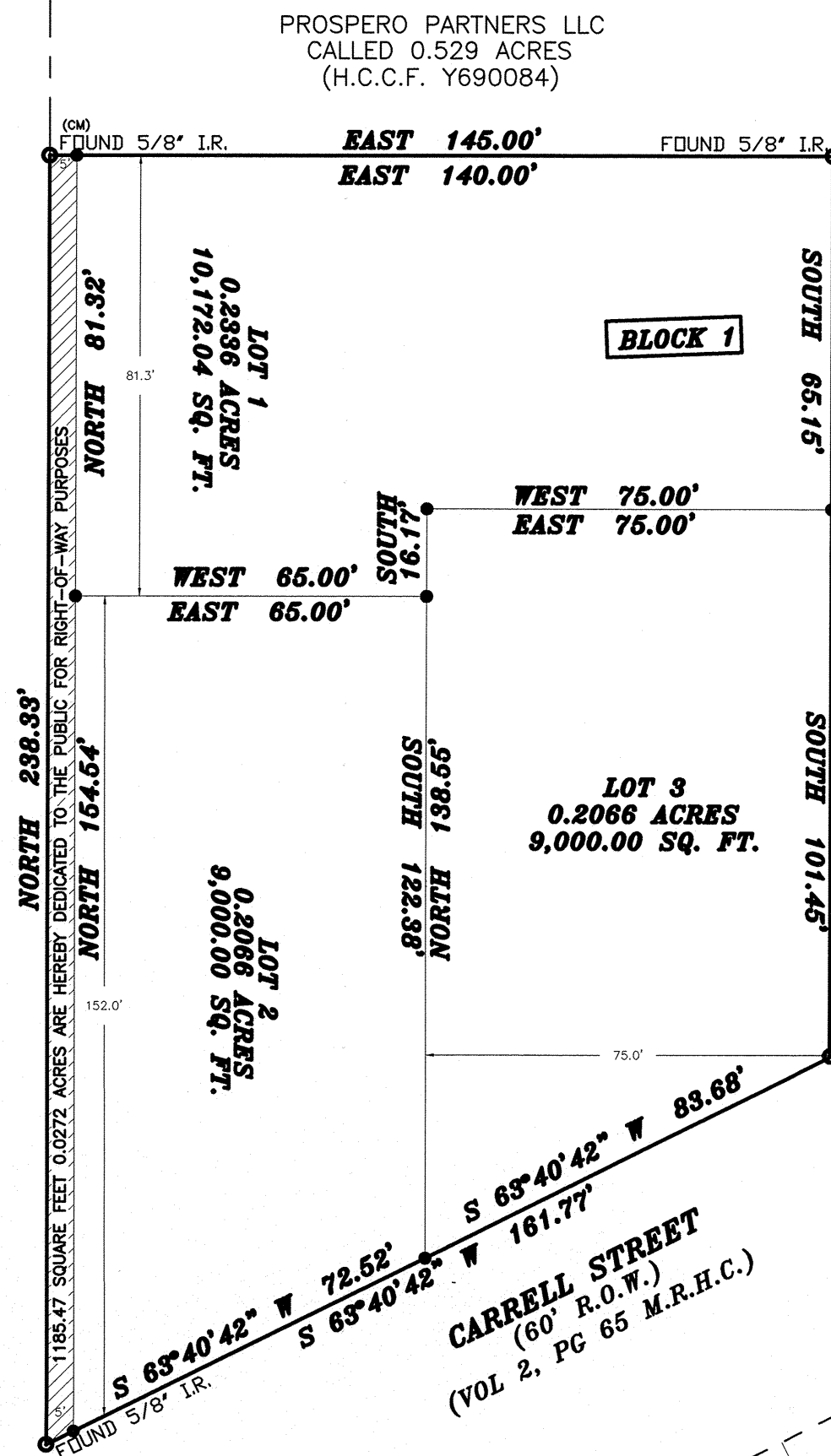
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or 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.
- 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.
- 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 National Title G.F. No. 5225002305.

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



HOSPITAL ROAD
(VOL 1816, PG 60 R.O.W.)
(VOL 1847, PG 303 D.R.H.C.)
(VOL 1847, PG 304 D.R.H.C.)
(VOL 1868, PG 254 D.R.H.C.)



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



1" = 30'

STATE OF TEXAS
COUNTY OF HARRIS

We, DAVID CURRIE and KORO CURRIE, owners hereinafter referred to as Owner of the 0.6740 acre tract described in the above and foregoing plat of CURRIE ESTATES, 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 _____, 2016.

By: _____
David Currie

By: _____
Koro Currie

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared DAVID CURRIE and KORO CURRIE 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 _____, 2016

Notary Public in and for the State of Texas

Print name: _____

My Commission expires: _____

PRELIMINARY 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 NOVEMBER 2016

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:
KORO AND DAVID CURRIE
10814 INDIAN TRAILS DRIVE
TOMBALL TX 77375

KLSS
KING'S LAND SURVEYING
SOLUTIONS, LLC
Professional Land Surveyors

315 GENTRY STREET #5C SPRING, TEXAS 77373 281-350-8003

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: December 12, 2016

Topic:

Consideration to Approve Final Plat of **GRILLO LAND HOLDINGS LLC**: A subdivision of 2.9268 Acres (127,491.22 Square Feet) of land, being Tracts 1F & 1J situated in the John M. Hooper Survey, Abstract No. 375, City of Tomball ETJ, Harris County, Texas.

Background:**Origination:**

Community Development Department

Recommendation:

Approval

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

Engineering Division

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

ATTACHMENTS:

Grillo Land Holdings Plat

STATE OF TEXAS

COUNTY OF HARRIS

We, Grillo Land Holdings, LLC, acting by and through Simone H. Grillo, Managing Member and Edmund Grillo, Managing Member, being officers of Grillo Land Holdings, LLC, Owners, hereinafter referred to as Owners of the 2.9268 acre tract described in the above and foregoing plat of GRILLO LAND HOLDINGS LLC, 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 on 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 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 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 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 Grillo Land Holdings, LLC, has caused these presents to be signed by Simone H. Grillo, its Managing Member, thereunto authorized and attested by its Managing Member, Edmund Grillo, this ____ day of _____, 2016.

Grillo Land Holdings, LLC

By: _____
Simone H. Grillo, Managing Member

Attest: _____
Edmund Grillo, Managing Member

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared, Simone H. Grillo, Managing Member of Grillo Land Holdings, LLC, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
____ day of _____, 2016

Notary Public in and for the State of Texas

My Commission expires:

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared, Edmund Grillo, Managing Member of Grillo Land Holdings, LLC, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
____ day of _____, 2016

Notary Public in and for the State of Texas

My Commission expires:

We, COMMUNITYBANK OF TEXAS, N.A., owner and holder of a lien against the property described in the plat known as GRILLO LAND HOLDINGS LLC, said lien being evidenced by instrument of record in the Clerk's File Nos. RP-2016-300324 of the O.P.R.O.R.P. 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 owner of said lien and have not assigned the same nor any part thereof.

By: _____

Print Name: _____

Title: _____

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared, _____ of COMMUNITYBANK OF TEXAS, N.A., 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
____ day of _____, 2016

Notary Public in and for the State of Texas

My Commission expires:

I, Mary M. McKenzie, 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 (3/4") and a length of not less than three feet (3'), except where corners were found; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.



Mary M. McKenzie
Mary M. McKenzie
Texas Registration No. 6123

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of GRILLO LAND HOLDINGS LLC in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of _____, 2016.

By: _____
Barbara Taque
Chairman

By: _____
Darrell Roquemore
Vice Chairman

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

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 _____, 2016 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 _____, 2016, at _____ o'clock ____M., and duly recorded on _____, 2016, at _____ o'clock ____M., and at Film Code Number _____ of the Map Records of Harris County for said county.

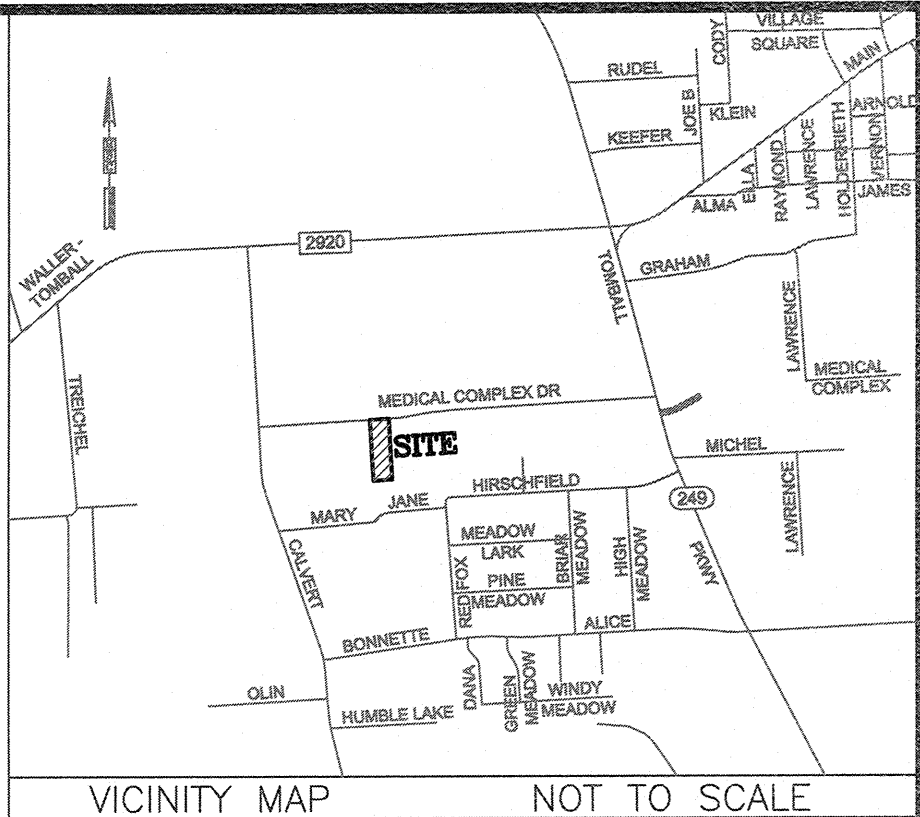
Witness my hand and seal of office, at Harris County, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

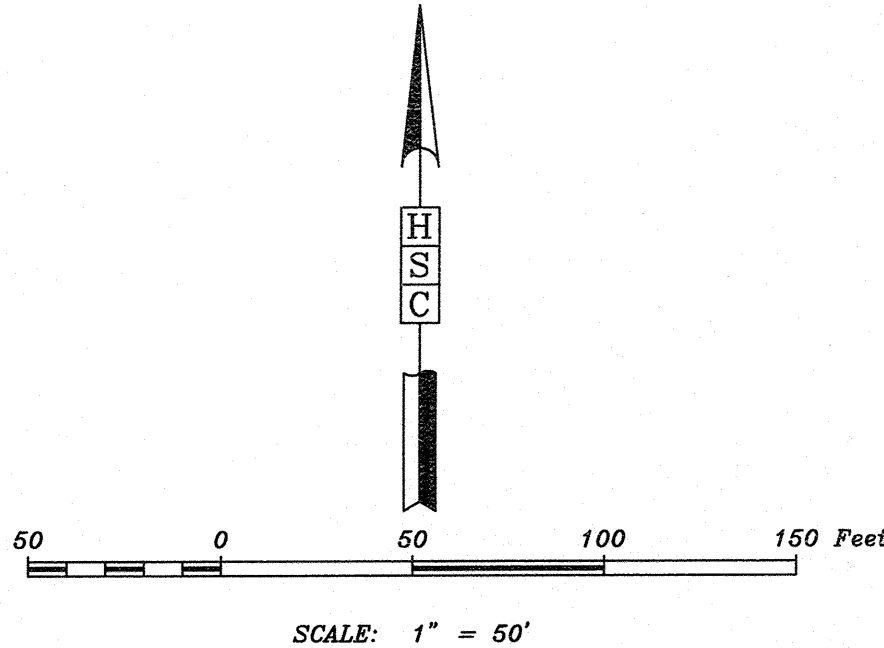
By: _____
Deputy

NOTES

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown or noted hereon.
- All oil/gas wells 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.
- 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 Map Number 48201C0210L, Panel Number 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.
- Bearing orientation based on Texas State Plane Coordinate Grid System of 1983 (South Central Zone No. 4204), derived from CORS site ROD1.
- 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: 0.99994385.
- B.L. indicates Building Line, ETJ indicates Extra Territorial Jurisdiction, D.R.H.C. indicates Deed Records Harris County, F.C. indicates Film Code, H.C.C.F. indicates Harris County Clerk's File Number, M.R.H.C. indicates Map Records Harris County, STM. S.E. indicates Storm Sewer Easement, S.S.E. indicates Sanitary Sewer, Easement, U.E. indicates Utility Easement, W.L.E. indicates Water Line Easement.
- The square footage shown hereon is based on a mathematically closed figure and does not indicate the accuracy of the survey.
- 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."
- Site drainage plans for the future development of this reserve must be submitted to the Harris County Flood Control District and Engineering Division of Harris County Public Infrastructure Department.
- Subject to unlocated pipeline easements granted to The Texas Company and recorded under Volume 929, Page 604 and Volume 1257, Page 265 D.R.H.C.
- Subject to unlocated pipeline easement granted to Magnolia Pipe Line Company and recorded under Volume 946, Page 212 of the D.R.H.C.



KeyMap Page No. 288K



GRILLO LAND HOLDINGS LLC

A SUBDIVISION OF 2.9268 ACRES
(127,491.22 SQ.FT.) OF LAND, BEING
TRACTS 1F & 1J SITUATED IN THE JOHN
M. HOOPER SURVEY, ABSTRACT NO. 375,
CITY OF TOMBALL ETJ, HARRIS COUNTY,
TEXAS
1 LOT 1 BLOCK

PREPARED BY:

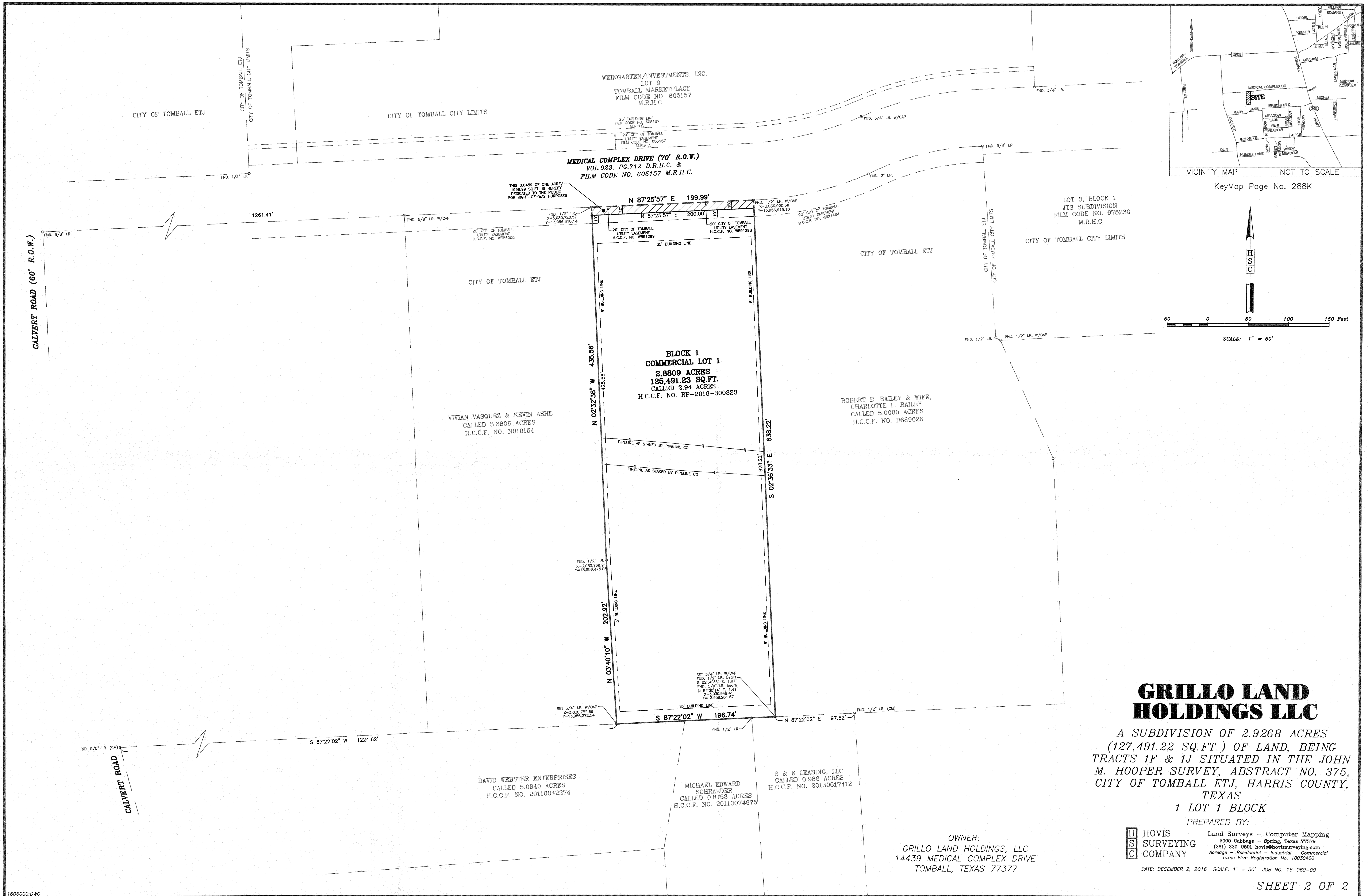


HOVIS
SURVEYING
COMPANY

Land Surveys - Computer Mapping
5000 Cabbage - Spring, Texas 77379
(281) 320-9591 hovis@hovissurveying.com
Acreage - Residential - Industrial - Commercial
Texas Firm Registration No. 10030400

DATE: DECEMBER 2, 2016 SCALE: 1" = 50' JOB NO. 16-060-00

SHEET 1 OF 2



Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: December 12, 2016

Topic:

Consideration to Approve Final Plat of **TKC CCXXVII LLC**: A subdivision of 4.8064 Acres (209,366.29 Square Feet) of land, being Tract Numbers 4D, 24G, 24F, & 24T, out of the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Background:

Origination:

Community Development Department

Recommendation:

Approval

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

Engineering Division

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

ATTACHMENTS:

TKC CCXXVII Plat

STATE OF TEXAS
COUNTY OF HARRIS

We, TKC CCXXVII, LLC, a North Carolina limited liability company, acting by and through Kenneth R. Beuley, its Authorized Member, Owners, hereinafter referred to as Owners (whether one or more) of the 4.8064 acre tract described in the above and foregoing map of TKC CCXXVII, LLC, 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, 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 (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat 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, TKC CCXXVII, LLC, a North Carolina limited liability company, has caused these presents to be signed by Kenneth R. Beuley, its Authorized Member, thereunto authorized this _____ day of _____, 2016.

By: TKC CCXXVII, LLC,
a North Carolina limited liability company

By: Kenneth R. Beuley, Authorized Member

STATE OF _____
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared Kenneth R. Beuley, Authorized Member of TKC CCXXVII, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2016.

Notary Public in and for the

State of _____

My Commission Expires: _____

I, Ronald Patrick Kell, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that, 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 five-eighths 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.



Ronald Patrick Kell
Registered Professional Land Surveyor
Texas Registration No. 6424

I, Ronald Patrick Kell, 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 TKC CCXXVII, LLC, owns or has a legal interest in.



Ronald Patrick Kell
Registered Professional Land Surveyor
Texas Registration No. 6424

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of TKC CCXXVII, LLC in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2016.

By: Barbara Tague
Chairman

By: Darrell Roquemore,
Vice Chairman

ABBREVIATIONS

FND - FOUND	SQ. FT. - SQUARE FEET
H.C.C.F. - HARRIS COUNTY CLERK FILE	VOL. - VOLUME
H.C.D.R. - HARRIS COUNTY DEED RECORDS	ESMT. - EASEMENT
H.C.M.R. - HARRIS COUNTY MAP RECORDS	B.L. - BUILDING LINE
IP - IRON PIPE	D.E. - DRAINAGE ESMT.
IR - IRON ROD	C.O.T.U.E. - CITY OF TOMBALL UTILITY EASEMENT
NO. - NUMBER	ST.S.E. - STORM SEWER EASEMENT
PG. - PAGE	U.E. - UTILITY EASEMENT
R.O.W. - RIGHT-OF-WAY	

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 _____, 2016, 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

BENCHMARK PUBLISHED ELEVATION - 181.93

ALL ELEVATIONS SHOWN HEREON ARE BASED ON FLOODPLAIN REFERENCE MARK NUMBER 100370, BEING A BRASS DISK STAMPED "100370", HAVING A PUBLISHED ELEVATION OF 181.93 FEET (NAVD88, 2001 ADJ.)

TEMPORARY BENCHMARK "A" ELEVATION - 187.46

TBM "A" IS THE LETTERS "LL" IN THE WORD "MUELLER" STAMPED ON A FIRE HYDRANT NEAR THE SOUTHWEST CORNER OF THE SUBJECT TRACT (SHOWN HEREON)

RESTRICTED RESERVE "A"
FIRST BAPTIST CHURCH OF TOMBALL
F.C. NO. 615002, H.C.M.R.

CALLED 3.598 ACRES
CARL H. KLEIMANN
H.C.C.F. NO. Z379358

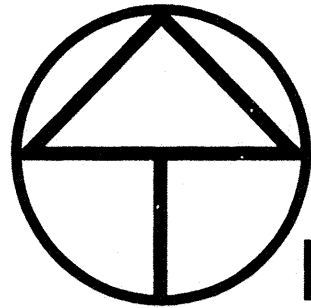
CALLED 1.070 ACRES
CARL H. KLEIMANN
H.C.C.F. NO. U232793

JOSEPH HOUSE SURVEY, ABSTRACT NO. 34
HARRIS COUNTY, TEXAS

LOT 1
4.8064 AC. / 209,366.29 SQ. FT.

RUDEL ROAD
60' R.O.W.

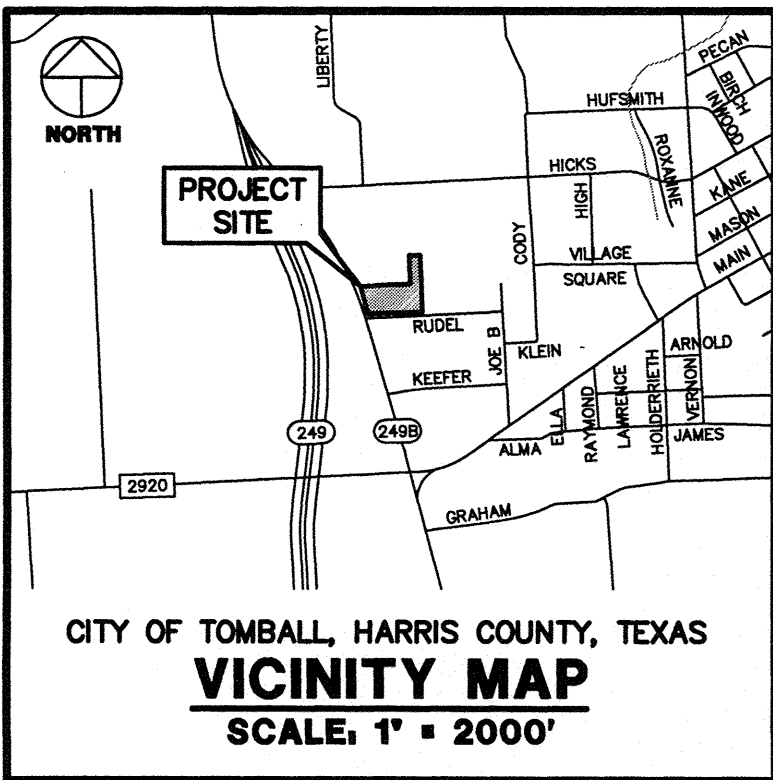
TRACT "A"
TICKLER COMPLEX
F.C. NO. 416149, H.C.M.R.



NORTH

GRAPHIC SCALE: 1" = 40'

40 0 40 80 FEET



CITY OF TOMBALL, HARRIS COUNTY, TEXAS
VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES

- 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. 48201C0210L (EFFECTIVE DATE JUNE 18, 2007), THIS PROPERTY IS IN UNSHADED 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.
- 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.
- BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
- SUBJECT TO UNLOCATED PIPELINE RIGHT-OF-WAY EASEMENTS AS RECORDED IN VOL. 942, PG. 516, VOL. 952, PG. 643, VOL. 962, PG. 640, VOL. 955, PG. 523, AND VOL. 1259, PG. 140, H.C.D.R. (UNABLE TO PLOT, LOCATION NOT SPECIFIED).

A FINAL PLAT OF

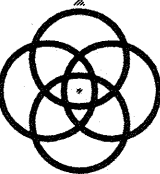
TKC CCXXVII LLC

A SUBDIVISION OF
4.8064 ACRES OR 209,366.29 SQ. FT. OF LAND,
BEING TRACT NUMBERS 4D, 24G, 24F, & 24T,
OUT OF THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 34,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS.

1 BLOCK 1 LOT 0 RESERVES
DECEMBER 5, 2016

Owners / Developers
TKC CCXXVII, LLC,
a North Carolina limited liability company
5935 Carnegie Blvd, Ste. 200,
Charlotte, NC 28209
Phone: (704) 365-6000

Surveyor



WINDROSE
LAND SURVEYING & PLATTING

3200 WILCREST, SUITE 325 | HOUSTON, TX 77042 | 713.458.2281
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: December 12, 2016

Topic:

Consideration to Approve Final Plat of **UNRESTRICTED RESERVE "G1" TOMBALL VILLAGE SQUARE**: A replat of 1.004 Acre of land out of Unrestricted Reserve 'G1' Replat of Unrestricted Reserve 'G' Block Four Tomball Village Square Recorded in Film Code # 533022 in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Background:

Origination:

Community Development Department

Recommendation:

Approval

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

Engineering Division

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

ATTACHMENTS:

Tomball Village Square Plat

THE STATE OF TEXAS §
COUNTY OF HARRIS §

We, Paul D. Haddon & Margaret L. Haddon, and Marie Jordan MD., PA, and C'Par, Inc., a Texas corporation acting by and through Clifford Parker, President being officers of C'Par, Inc., a Texas corporation, owners in this section after referred to as owners of the 1.004 acre tract described in the above and foregoing plat of REPLAT OF UNRESTRICTED RESERVE "G1" TOMBALL VILLAGE SQUARE, 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 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 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 drainageways 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.

FURTHER, Owners hereby certify that this replat does not attempt to alter, amend, or remove any covenants or restrictions.

WITNESS our hand in the City of Tomball, Texas, this _____ day of _____, 2016.

Paul D. Haddon, Owner

Margaret L. Haddon, Owner

Marie Jordan MD., PA, Owner

IN TESTIMONY WHEREOF, the C'Par, Inc., a Texas Corporation, has caused these presents to be signed by Clifford Packers, President, thereunto authorized, and its common seal hereunto affixed this _____ day of _____, 2016.

Clifford Packers, President

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Paul D. Haddon, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2016.

Notary Public In and For the State of Texas
My Commission Expires: _____

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Margaret L. Haddon, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2016.

Notary Public In and For the State of Texas
My Commission Expires: _____

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Marie Jordan MD., PA, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2016.

Notary Public In and For the State of Texas
My Commission Expires: _____

THE STATE OF TEXAS §
COUNTY OF HARRIS §

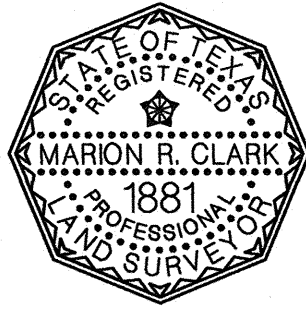
BEFORE ME, the undersigned authority, on this day personally appeared Clifford Parker, President known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2016.

Notary Public In and For the State of Texas
My Commission Expires: _____

I, Marion R. Clark, 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 pipes or 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 intersection street.

Marion R. Clark, RPLS
Texas Registration No. 1881



Stan Stanart
County Clerk of Harris County, Texas

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 _____, 2016, at ____ o'clock ____M., and duly recorded on _____, 2016, 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.

This is to certify that the planning and zoning commission of the city has approved this plat and subdivision of Replat of Unrestricted Reserve 'G1' Tomball Village Square, in conformance with the laws of the state and the ordinances of the city as shown hereon and authorized the recording of this plat this _____ day of _____, 2016.

By: Barbara Tague, Commission Chair

By: Kim Chandler, Commission Secretary

Notes #1
All bearings and coordinates shown hereon are based on the Texas Coordinate System NAD83, South Central Zone No. 4204. All distances shown hereon are surface, horizontal, (U.S. survey feet) and may be converted to grid by multiplying by a combined scale factor of 0.99995209.

Notes #2
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Notes #3
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Notes #4
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.

Notes #5
This plat does not attempt to amend or remove any valid covenants or restrictions.

Notes #6
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.

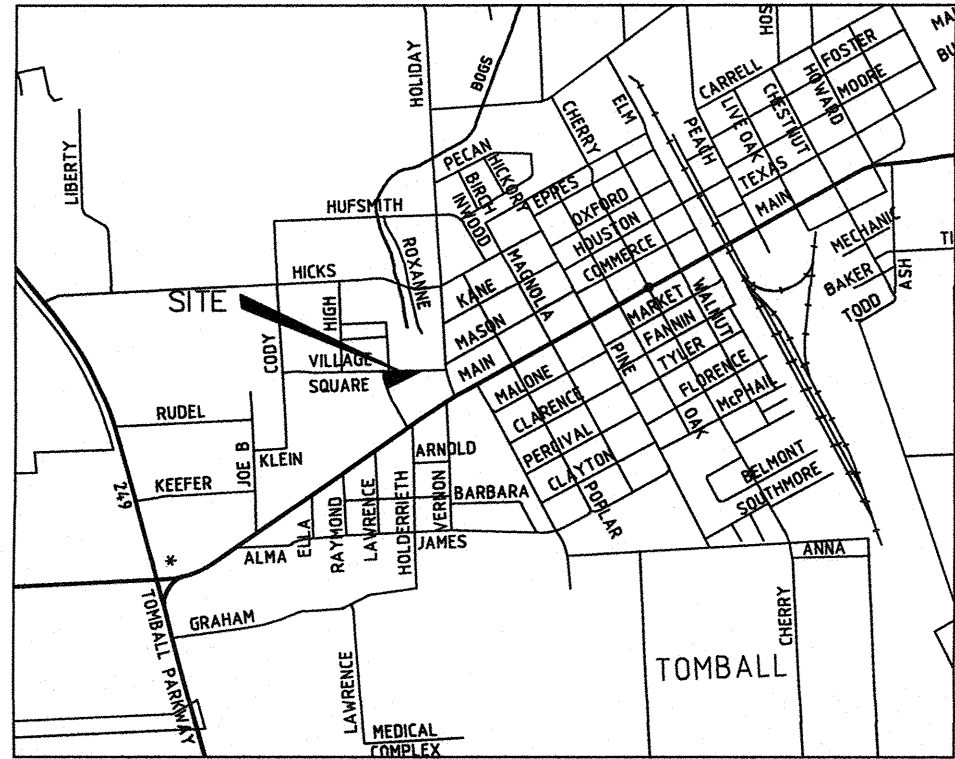
1" = 30'



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 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.

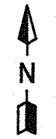
Flood Information:
According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007, this property is in Zone "X" unshaded and is not in the 0.2% Annual Chance Flood Plain).



VICINITY MAP

Key Map Grid: 288G

Scale: 1" = 2000'



REPLAT OF UNRESTRICTED RESERVE "G1" TOMBALL VILLAGE SQUARE

Replat of 1.004 acre of land out of Unrestricted Reserve 'G1' Replat Of Unrestricted Reserve 'G' Block Four Tomball Village Square Recorded in Film Code # 533022 in the Joseph House Survey, Abstract No. 34 City of Tomball, Harris County, Texas
5 Lots 0 Reserves 1 Block

DEC 2016

Owners:
Marie Jordan, MD., PA
27 Biscay Place,
The Woodlands, TX 77381

Paul D. & Margaret L. Haddon
819 Village Square Dr.
Tomball, TX 77375

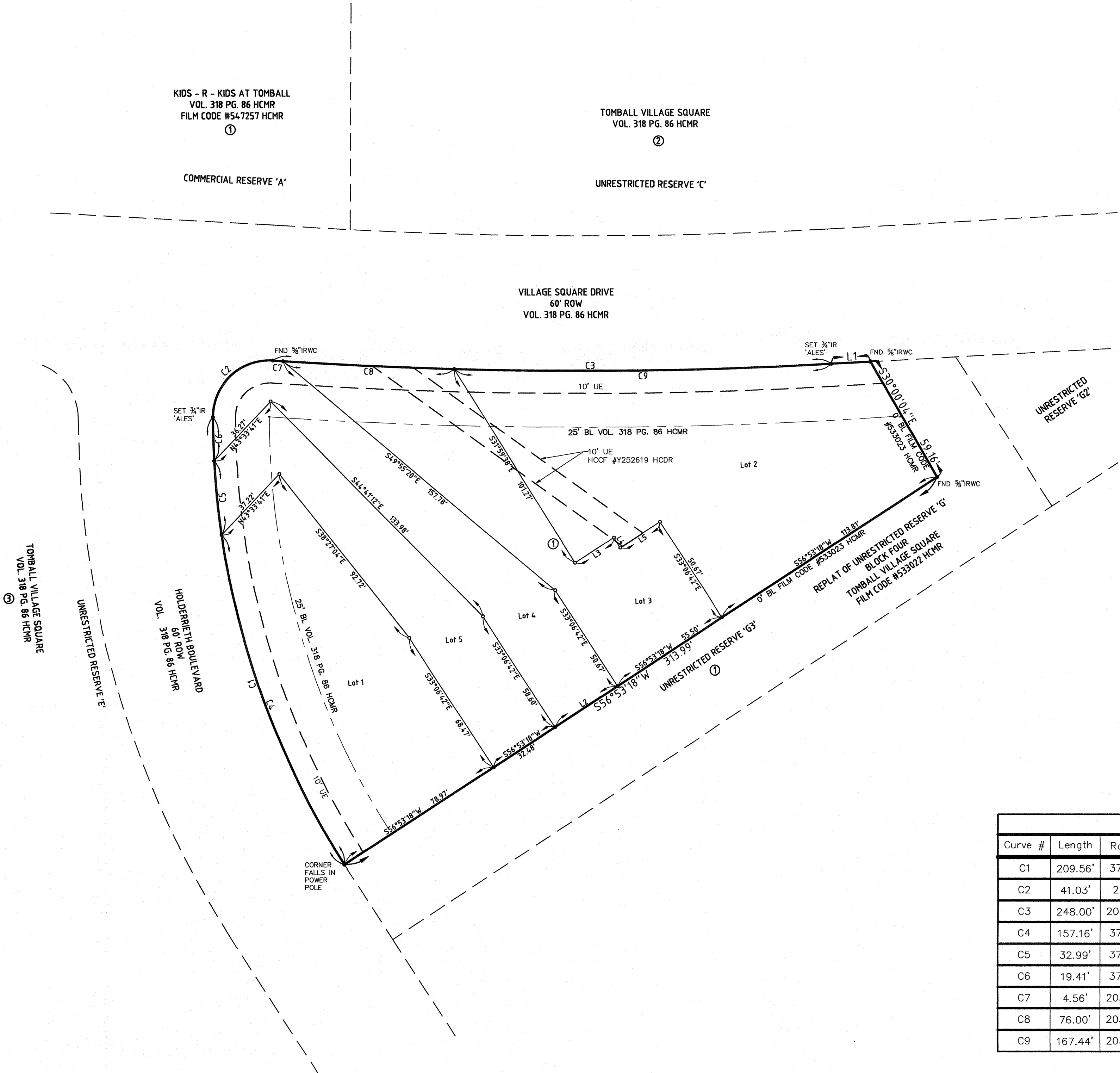
C'Par, Inc.
831 Village Square Dr.
Tomball, TX 77375

Surveyor:


ArborLeaf Engineering & Surveying, Inc.
990 Village Square Drive, Suite P
Tomball, Texas 77375
281-655-0634
TBPLS 100543-00 TBPE 7705

Lot Summary		
Block/Lot	Area (SF)	
1	10,120	
2	14,583	
3	7,291	
4	5,976	
5	5,771	

Line Table		
Line #	Direction	Length
L1	N86°S2'45"E	17.37
L2	S56°S3'18"W	33.23
L3	N56°S8'21"E	20.45
L4	S33°01'39"E	5.30
L5	N56°S8'19"E	21.00



Curve Table					
Curve #	Length	Radius	Delta	CHORD BEARING	CHORD LENGTH
C1	209.56'	370.00	32°27'04"	N16°25'13"W	206.77'
C2	41.03'	25.00	94°02'02"	N46°50'25"E	36.58'
C3	248.00'	2030.00	6°59'59"	S89°38'33"E	247.85'
C4	157.16'	370.00	24°20'14"	N20°28'37"W	155.98'
C5	32.99'	370.00	5°06'29"	N05°45'15"W	32.98'
C6	19.41'	370.00	3°00'20"	N01°41'51"W	19.41'
C7	4.56'	2030.00	0°07'43"	S86°12'25"E	4.56'
C8	76.00'	2030.00	2°08'42"	S87°20'38"E	76.00'
C9	167.44'	2030.00	4°43'34"	N89°13'14"E	167.40'

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: December 12, 2016

Topic:

Consideration to approve **Zoning Case P16-0162**: Request by Eleazar Cano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, generally located on the east side of South Pitchford Road at 909 South Pitchford Road, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on Zoning Case P16-0162

Background:

Origination:

Community Development Department

Recommendation:

Approval

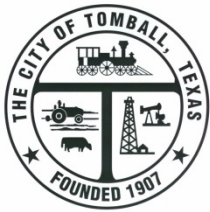
Party(ies) responsible for placing this item on agenda:

Planning Division

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

ATTACHMENTS:

Property Owner Notification
Notice of Public Hearing
Staff Report



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: P16-0162

APPLICANT/OWNER: Request by Eleazar Cano

LOCATION: Generally located on the east side of South Pitchford Road at 909 South Pitchford Road

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, from the Agricultural District to the Commercial District

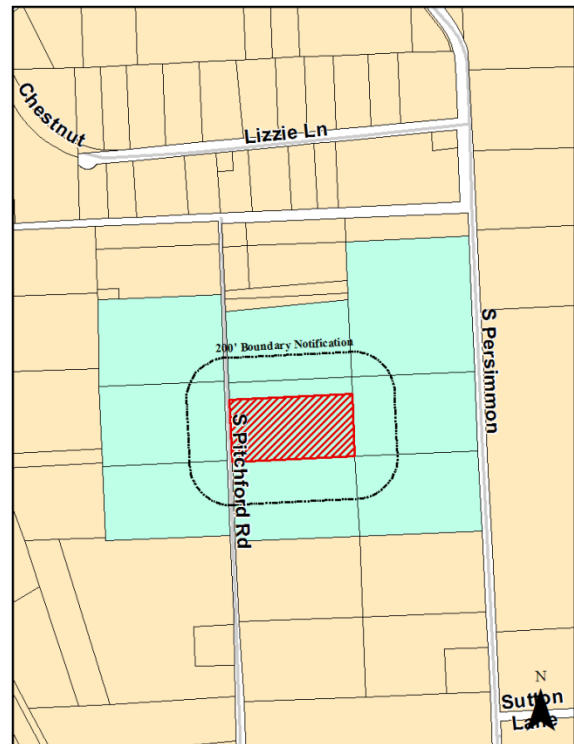
CONTACT: Amelia Lindley

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:
Monday, December 12, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, December 19, 2016, 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.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2016
&
CITY COUNCIL
DECEMBER 19, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 19, 2016, 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 P16-0162: Request by Eleazar Cano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, generally located on the east side of South Pitchford Road at 909 South Pitchford Road, from the Agricultural District to the Commercial District.

Zoning Case P16-0171: Request by Aaron Edwards, on behalf of Tomball Renewal Center, for a Conditional Use Permit to operate a *Rehabilitation Care Facility (Halfway House)* at 401 ½ Commerce Street and to operate an *Institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, generally located at the southwest corner of Commerce Street and North Oak Street and is zoned Old Town & Mixed Use.

ZONING CASE P16-0175: Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental Regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.

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

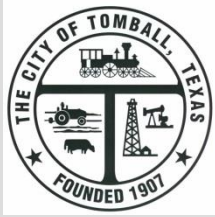
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **December 2016** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 12, 2016
City Council Public Hearing Date: December 19, 2016

Rezoning Case: P16-0162
Property Owner(s): Eleazar & Sara Cano
Applicant(s): Eleazar Cano
Legal Description: Tract 262A Tomball Outlots
Location: East side of South Pitchford Road at 909 South Pitchford Road (Exhibit "A")
Area: 3.9 acres
Comp Plan Designation: Business / Industrial (Exhibit "B")
Present Zoning and Use: Agricultural (Exhibit "C") / Undeveloped Land (Exhibit "D")
Request: Rezone from Agricultural (AG) to Commercial (C)
Adjacent Zoning & Land Uses:
 North: Agricultural / All About Color (Nursery)
 South: Agricultural / Single-family residence
 West: Agricultural / CenterPoint Substation
 East: Light Industrial / Full Circle Enterprises (Manufacturing Shop)

BACKGROUND

In October 2016, City Staff met with the applicant to discuss the possibilities of developing his property. The various uses the applicant expressed interest in are not allowed in the present Agricultural Zoning District. After discussing with City Staff, the applicant requested a rezoning to the Commercial Zoning District to potentially develop the property with a commercial use.

ANALYSIS

Properties to the north, south and west are zoned Agricultural with moderate land uses established. To the north, there is a nursery, to the west, there is a CenterPoint substation and to the south, there is a Manufactured Home Park. All other properties are used as single-family residences on large lots. Properties to the east, with frontage on South Persimmon, are zoned Light Industrial.

The Future Land Use Map designates the property as well as property to the north, south and west as Business / Industrial. Properties to the east, with frontage on South Persimmon, are designated as Employment / Office. The proposed rezoning is in accordance with the Comprehensive Plan.

ZONING CONSIDERATIONS

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

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

South Pitchford Road is mostly residential with two non-residential uses 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 currently no City utilities on Pitchford Road. Utility mains will need to be extended or private onsite well and septic systems will need to be constructed, at the developer's expense, to serve the property.

- 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.**

There are no detailed development plans for this property at this time.

- 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.

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

The Future Land Use plan designates the property Business / Industrial. The request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 22, 2016. The Notice of Public Hearing was published in the paper and a sign was placed on the property on November 23, 2016. 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 P16-0162 for the following reasons:

1. The request is in conformance with the City's Comprehensive Plan;
2. The request is generally appropriate with the surrounding land uses;
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

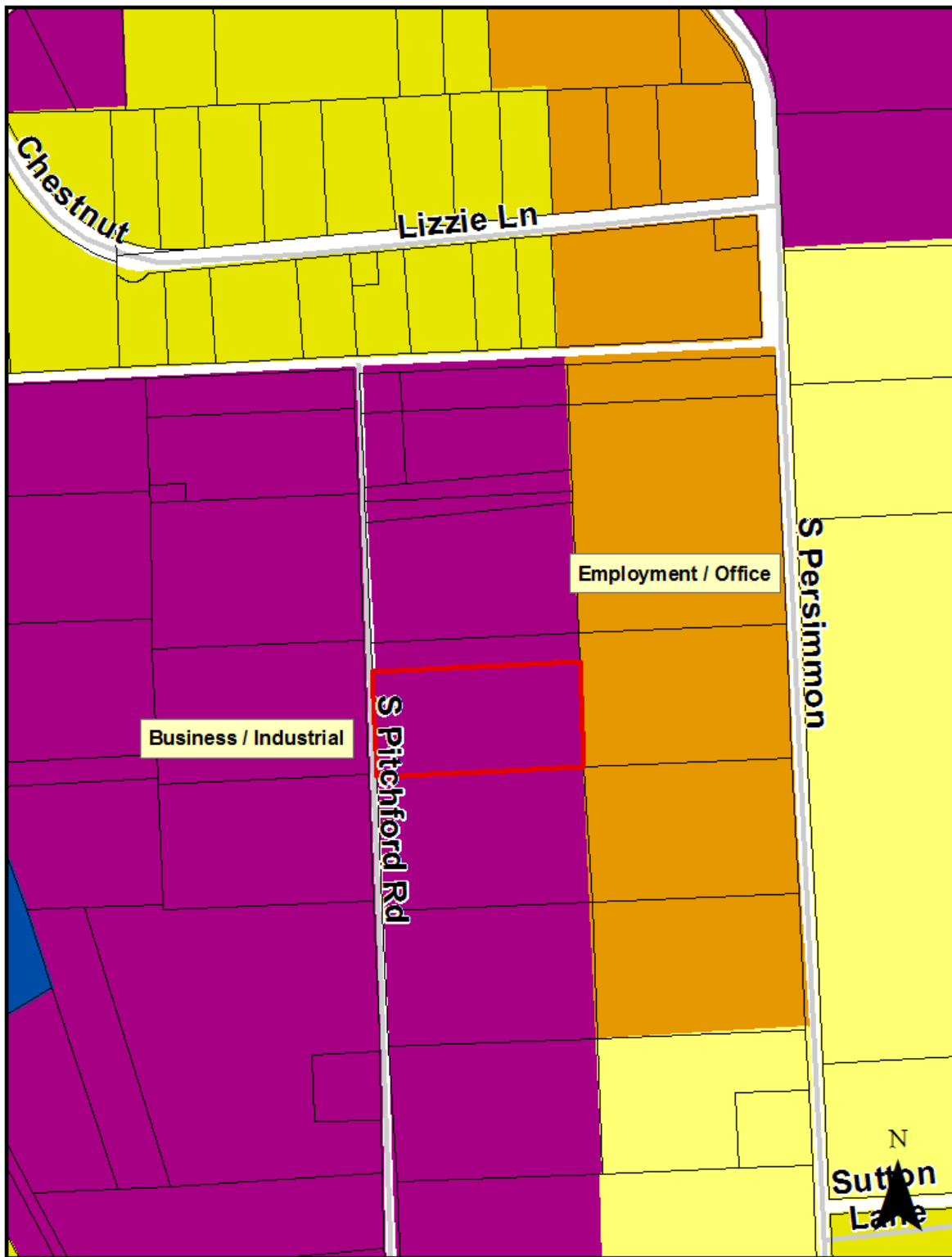
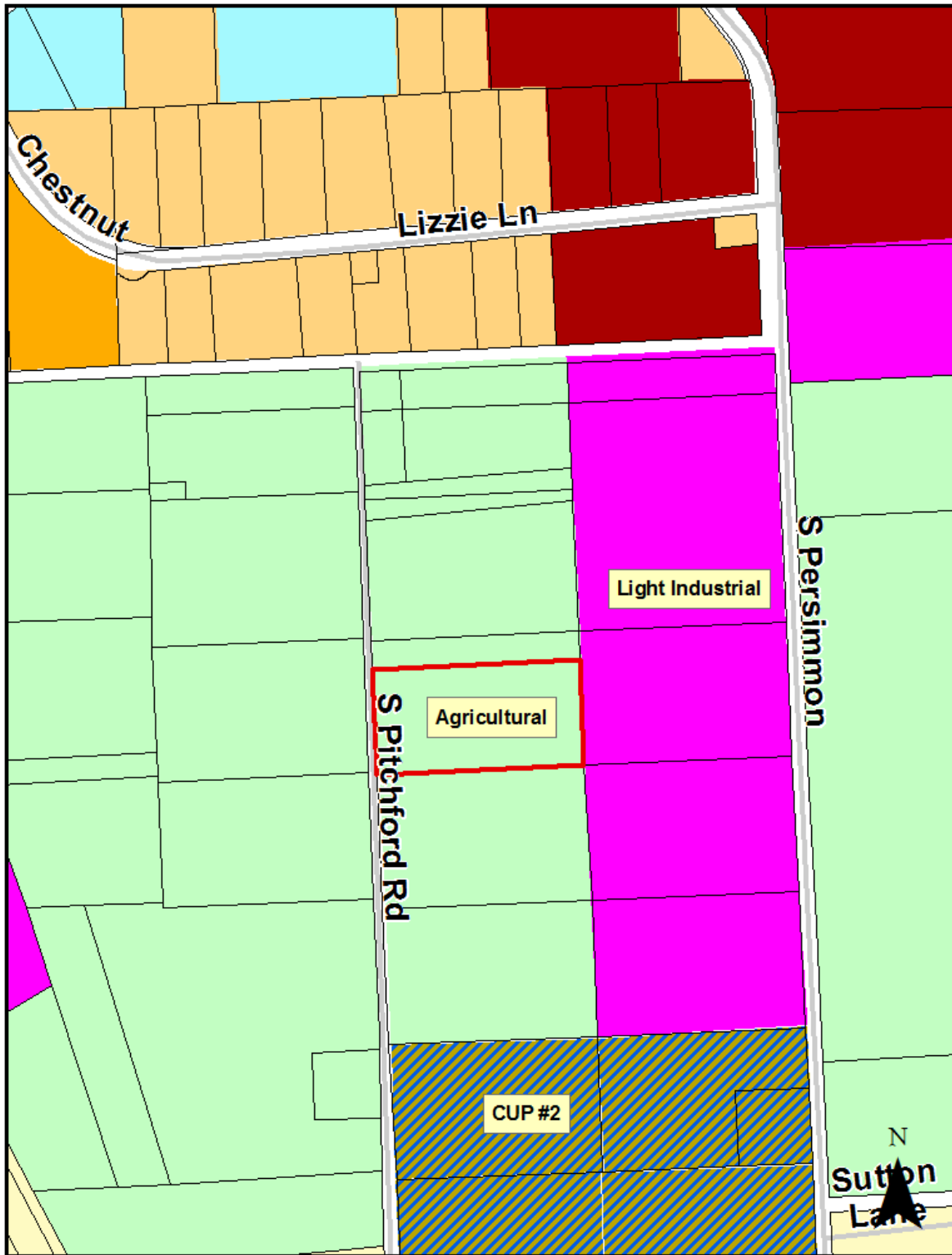


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"
Application

Revised 5/19/15



116-0162
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: Eleazar Cano Title: _____
Mailing Address: 7907 Alexandria ct City: Spring State: Texas
Zip: 77379
Phone: (281) 704-7214 Fax: (____) _____ Email: _____

Owner

Name: Eleazar Cano Title: _____
Mailing Address: 7907 Alexandria ct City: Spring State: Texas
Zip: 77379
Phone: (281) 704-7214 Fax: (____) _____ Email: _____

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Change to Commercial

Physical Location of Property: 909 S. Pitchford RD. Tomball, TX 77375

[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Lots 262 A Tomball Outlots

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG1

Current Use of Property: vacant

Proposed Zoning District: C

Proposed Use of Property: banquet hall

HCAD Identification Number: 0352880000262 **Acreage:** 3.9390

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.

xEleazar Cano Sara Yanez 10-10-16
Signature of Applicant Date

xEleazar Cano Sara Yanez 10-10-16
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00952906 10/10/2016 4:57 PM
OPER: LS TERM: 005
REF#: W VISA 611

ACCT #: XXXX-XXXX-XXXX-2815
AUTH #: 796195
TRAN #: 008692938259
TYPE: PURCHASE

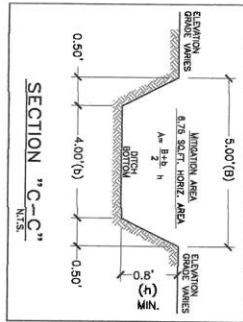
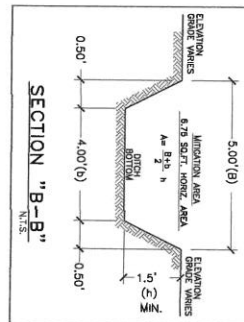
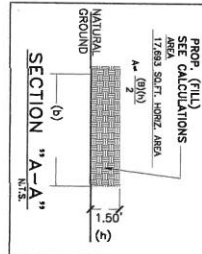
TRAN: 130.0000 PLANNING AND ZONING
ELEAZAR CANO
909 S PITCHFORD RD
100-5441
REZONING APPLICATIO 440.00CR

TENDERED: 440.00 CREDIT CARD
APPL TEND: 440.00-

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

www.tomballtx.gov





FILL IN AND DETENTION CALCULATIONS

• LOCATION/FILL IN FOOTPRINT
"A-A" SECTION SQ. FT. = 17,693.00 SQ. FT.
EXISTING GRADE = VARIES
FILL IN DEPTH = 1.50'
(1.50' x 17,693.00) = 26,539.50 CU. FT.
(1.50' x 17,693.00)/27 = 982.94 CU. YD.
-PROPOSED FILL = 983.00 CU. YD.

• PROPOSED DETENTION LOCATION
"B-B" SECTION AREA = (5+4)/2 X 1.5' = 6.75 SQ. FT.
DITCH LENGTH = 577.00 FT.
(6.75 X 577) = 3,894.75 CU. FT.
"C-C" SECTION AREA = (5+4)/2 X 1.5' = 6.75 SQ. FT.
DITCH LENGTH = 577.00 FT.
(6.75 X 577) = 3,894.75 CU. FT.
NOTE: THE DEPTH OF MITIGATION, SHOULD BE THE MIN.
AS SHOWN IN THE CALCULUS, BUT IT SHOULD
INCREASE ACCORDING TO THE PROPOSED GRADE.
-PROPOSED DETENTION : 7,789.50 CU. FT.

FILL IN & DETENTION CALCULATIONS

NOTES:

-DO NOT DRAIN TO ADJACENT PROPERTY
-IT IS THE BUILDERS/CONTRACTOR RESPONSIBILITY TO VERIFY
ALL SLAB HEIGHTS, SLAB CONFIGURATIONS AND DROPS, UTILITY
EASEMENTS, AERIAL EASEMENTS, BUILDING LINES & SUCH FOR
ENCROACHMENTS, ACCURACY & COMPLIANCE TO CODES.
-BUILDERS/CONTRACTOR TO VERIFY ALL INFORMATION ON THIS
SITE PLAN & BE RESPONSIBLE FOR ITS ACCURACY.

* SPECIAL NOTE:

DUE TO THE FILL WAS USED AS LOT LEVELING, THE MITIGATION AREA WILL NOT BE USED
IN THE SAME LOT AND IT WILL BE REMOVED AND WILL BE TAKEN TO A LANDFILL TYPE IV.
THE DEPTH OF REMOVAL SHOULD BE 0.80 FT. MIN. AND MAY VARY TO GET PROPERLY
DRAINAGE FLOW.



NO.	DATE	DESCRIPTION
1	03/01/2013	ISSUED FOR PERMIT
2	03/01/2013	REVISIONS

**SITE PLAN
PROPOSED BACK PORCH - FILL IN**
909 S PITCHFORD RD.
TOMBALL, TX 77375

OWNER & LEGAL DESIGN
ELECTRA ESCROW
C/O JACOBSON & ASSOCIATES, P.C.
HOUSTON, TX 77066
PH: 281-794-7214

DATE: MARCH 15, 2013
DRAWN: N.T.S.
SCALE: N.T.S.
FILE: JFC/ENG/2013
CHECKED: MNT-02
SHEET 2 OF 8

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: December 12, 2016

Topic:

Consideration to approve **Zoning Case P16-0175:** Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental Regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.

- Conduct Public Hearing on Zoning Case P16-0175

Background:

Origination:

Community Development Department

Recommendation:

Approval

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

Planning Division

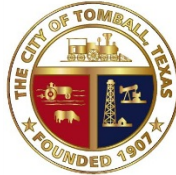
ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Notice of Public Hearing

Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2016
&
CITY COUNCIL
DECEMBER 19, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 19, 2016, 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 P16-0162: Request by Eleazar Cano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, generally located on the east side of South Pitchford Road at 909 South Pitchford Road, from the Agricultural District to the Commercial District.

Zoning Case P16-0171: Request by Aaron Edwards, on behalf of Tomball Renewal Center, for a Conditional Use Permit to operate a *Rehabilitation Care Facility (Halfway House)* at 401 ½ Commerce Street and to operate an *Institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, generally located at the southwest corner of Commerce Street and North Oak Street and is zoned Old Town & Mixed Use.

ZONING CASE P16-0175: Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental Regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.

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

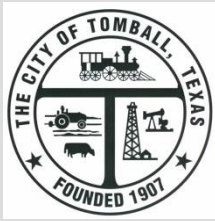
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **December 2016** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding 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.



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: December 12, 2016

City Council Public Hearing Date: December 19, 2016

ZONING CASE P16-0175: Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.

BACKGROUND

City Staff has recently been approached with multiple requests for mobile food court establishments in the City. After researching various other cities and their regulations on Mobile Food Courts/Establishments, City Staff has proposed the amendments to Chapter 50 outlined below.

PROPOSED AMENDMENTS

Section 50-2 (*Definitions*)

Mobile Food Court means a parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary, accessory use, and/or temporary use.

The proposed text amendment would add the definition of a Mobile Food Court.

Section 50-82 (b) (*Use Charts*)

Land Use Type	Residential Zoning Districts							Nonresidential Zoning Districts				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Mobile Food Court									C	C	C	C	Whichever is greater: 1 per 100 square feet of seating area or 2 per mobile food vendor

The proposed amendment would add the *Mobile Food Court* land use and allow it with the approval of a Conditional Use Permit (CUP) in the General Retail, Commercial, Light Industrial and Old Town & Mixed Use Zoning Districts. The CUP process allows the Planning & Zoning Commission and City Council to place certain restrictions or regulations to the development as they see fit. The proposed parking ratio for a *Mobile Food Court* is one parking space per 100 square feet of seating area or two parking spaces per mobile food vendor, whichever is greater.

Section 50-116 (*Supplemental Regulations*)

Site Development Standards for Mobile Food Courts

- (1) No Mobile Food Vendor nor any associated seating areas shall be located in the required landscape buffer yard, access easement, surface drainage easement, driveway, and/or fire lane(s).
- (2) All activity must occur on private property, outside of the public right-of-way.
- (3) There shall be at least three (3) feet of unobstructed clearance between all individual Mobile Food Vendors and all permanent or accessory structures and at least ten (10) feet of unobstructed clearance for mobile food vendors parked side-by-side.
- (4) Mobile Food Vendors shall not park in required parking stalls, rather they shall be located on a designated paved surface. Spaces for Mobile Food Vendors shall meet the minimum parking requirements per Table Section 50-112-1.
- (5) Vehicular drive-thru service of food and/or beverages shall not be permitted.
- (6) Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted.
- (7) Electrical service may be provided to the Mobile Food Vendors by a permitted electrical connection or on-board generators. When using on-board generators, sound absorbing devices shall be used.
- (8) A designated seating area shall be provided for patrons.
- (9) All Mobile Food Vendors shall meet all other requirements per Chapter 32 – Peddlers and Solicitors.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on November 23, 2016. No public comment forms have been received as of the date of this report.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: December 12, 2016

Topic:

Consideration to approve **Zoning Case P16-0171**: Request by Aaron Edwards, on behalf of Tomball Renewal Center, for a Conditional Use Permit to operate a Rehabilitation Care Facility (Halfway House) at 401 ½ Commerce Street and to operate an Institution for alcoholic, narcotic or psychiatric patients at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, generally located at the southwest corner of Commerce Street and North Oak Street and is zoned Old Town & Mixed Use.

- Conduct Public Hearing on Zoning Case P16-0171

Background:

Origination:

Community Development Department

Recommendation:

Denial

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

Planning Division

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

ATTACHMENTS:

Notice of Public Hearing
Property Owner Notification
Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 12, 2016
&
CITY COUNCIL
DECEMBER 19, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 12, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 19, 2016, 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 P16-0162: Request by Eleazar Cano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.9 acres of land, legally described as Tract 262A Tomball Outlots, generally located on the east side of South Pitchford Road at 909 South Pitchford Road, from the Agricultural District to the Commercial District.

Zoning Case P16-0171: Request by Aaron Edwards, on behalf of Tomball Renewal Center, for a Conditional Use Permit to operate a *Rehabilitation Care Facility (Halfway House)* at 401 ½ Commerce Street and to operate an *Institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, generally located at the southwest corner of Commerce Street and North Oak Street and is zoned Old Town & Mixed Use.

ZONING CASE P16-0175: Request by the City of Tomball to amend Sections 50-2 (“Definitions”), 50-82 (b) (“Use Charts”), and 50-116 (“Supplemental Regulations”) of the Tomball Code of Ordinances by defining and creating a land use for “Mobile Food Courts”.

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

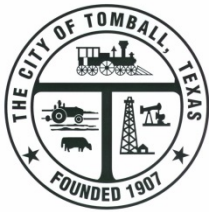
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Kim Chandler

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: P16-0171

APPLICANT/OWNER: Aaron Edwards on behalf of Tomball Renewal Center

LOCATION: Generally located at the southwest corner of Commerce Street and North Oak Street

PROPOSAL: For a Conditional Use Permit to operate a *Rehabilitation Care Facility (Halfway House)* at 401 ½ Commerce Street and to operate an *Institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street. The property is approximately 0.17 acres, legally described as Lots 22, 23 & 24 Block 18 Tomball, and is zoned Old Town & Mixed Use.

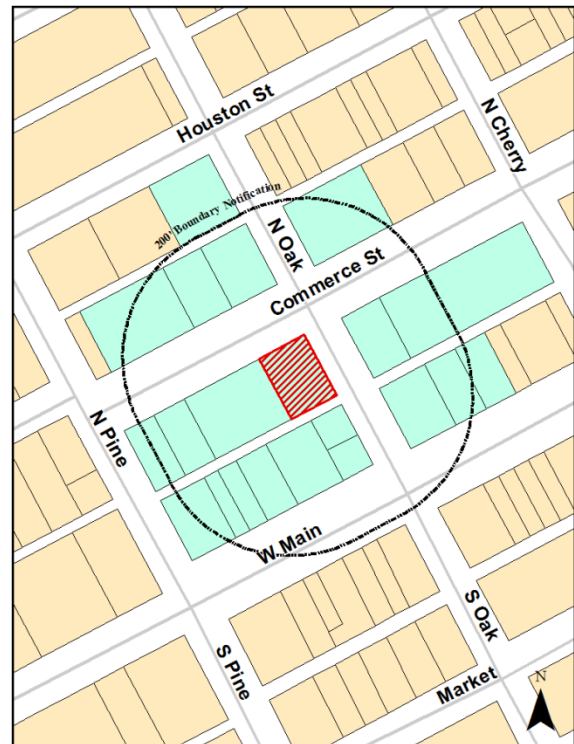
CONTACT: Amelia Lindley

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.

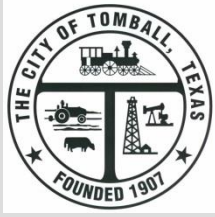


**Planning & Zoning Commission
Public Hearing:
Monday, December 12, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, December 19, 2016, 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: December 12, 2016
City Council Public Hearing Date: December 19, 2016

Rezoning Case: P16-0171
Property Owner(s): Tomball Renewal Center
Applicant(s): Aaron Edwards
Legal Description: Lots 22, 23 & 24 Block 18 Tomball
Location: Southwest corner of Commerce Street and North Oak Street at 401 and 401 ½ Commerce Street (Exhibit “A”)
Area: 0.17 acres
Comp Plan Designation: Old Town Use (Exhibit “B”)
Present Zoning and Use: Old Town and Mixed Use (Exhibit “C”) / Residential House (Exhibit “D”)
Proposed Use(s): Women’s House and Intensive Outpatient
Request: CUP to allow the operation of a *rehabilitation care facility (halfway house)* at 401 ½ Commerce Street and an *institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street

Adjacent Zoning & Land Uses:

North: Old Town and Mixed Use / Commerce Street and Single-family residences

South: Old Town and Mixed Use / 20’ alley and single-family residence

West: Old Town and Mixed Use / Undeveloped property

East: Old Town and Mixed Use / North Oak Street and Single-family residence and art studio

BACKGROUND

In October 2016, City staff met with representatives of Tomball Renewal Center to discuss their proposed operations at 416 Main Street, 401 Commerce Street and 401 ½ Commerce Street. The applicant explained the operations at each site as follows:

- 416 Main Street: community center to host meetings, after school assistance, classes and pastoral care;
- 401 Commerce Street: intensive outpatient services;
- 401 ½ Commerce Street: sober house for people in recovery, no more than six people at the house at a time with a house manager.

City Staff informed the applicant that the proposed use of a *community center (public)* at 416 Main Street was permitted by-right, however the uses of a *rehabilitation care facility (halfway house)* at 401 ½ Commerce Street and an *institution for alcoholic, narcotic or psychiatric patients* at 401 Commerce Street would require 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”.

Section 50-2 (Definitions) describes a *rehabilitation care facility (halfway house)* as “a dwelling unit which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit”.

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 Old Town Use which is described as “the historic hub and heart of the community” and “includes mature single family neighborhoods, dense commercial uses, a civic core, and high density residential”.

The Comprehensive Plan and the Livable Centers Downtown Plan establish the goals of the downtown area as “a diverse and balanced mixed use commercial retail ‘work, live, shop and play’ pedestrian-oriented” environment that enhances “the collective sense of community pride and heart in the social interaction, celebrations, gatherings and traditions that define the identity and character of the Tomball community”. The uses proposed may be considered incompatible with the goals established in the Comprehensive Plan and Livable Centers Downtown 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.”

Section 50-79 (Old Town and Mixed-Use District) states the purpose of the Old Town and Mixed Use District is “a mixture of retail, commercial and other nonresidential uses, along with single-family homes and multiple-family uses”.

While it appears the proposed uses are appropriate in the Old Town and Mixed Use District as a whole, the property is located within the Old Town Area which is intended to be the “identifiable physical, social and cultural heart of Tomball” as defined in the Livable Centers Downtown Plan. Therefore, the proposed uses could again be considered incompatible with the area.

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 does not appear to be compatible with the adjacent developments or the family oriented atmosphere of the area.

Some improvements or modifications may be necessary on-site. No improvements within public rights-of-way are necessary.

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.

The proposed uses could have adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 30, 2016. A sign was placed on the property and Notice of Public Hearing was published in the paper on November 23, 2016. One public comment form has been received in opposition.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff is unable to recommend approval of Zoning Case P16-0171.

EXHIBITS

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

Exhibit "A"
Aerial Photo

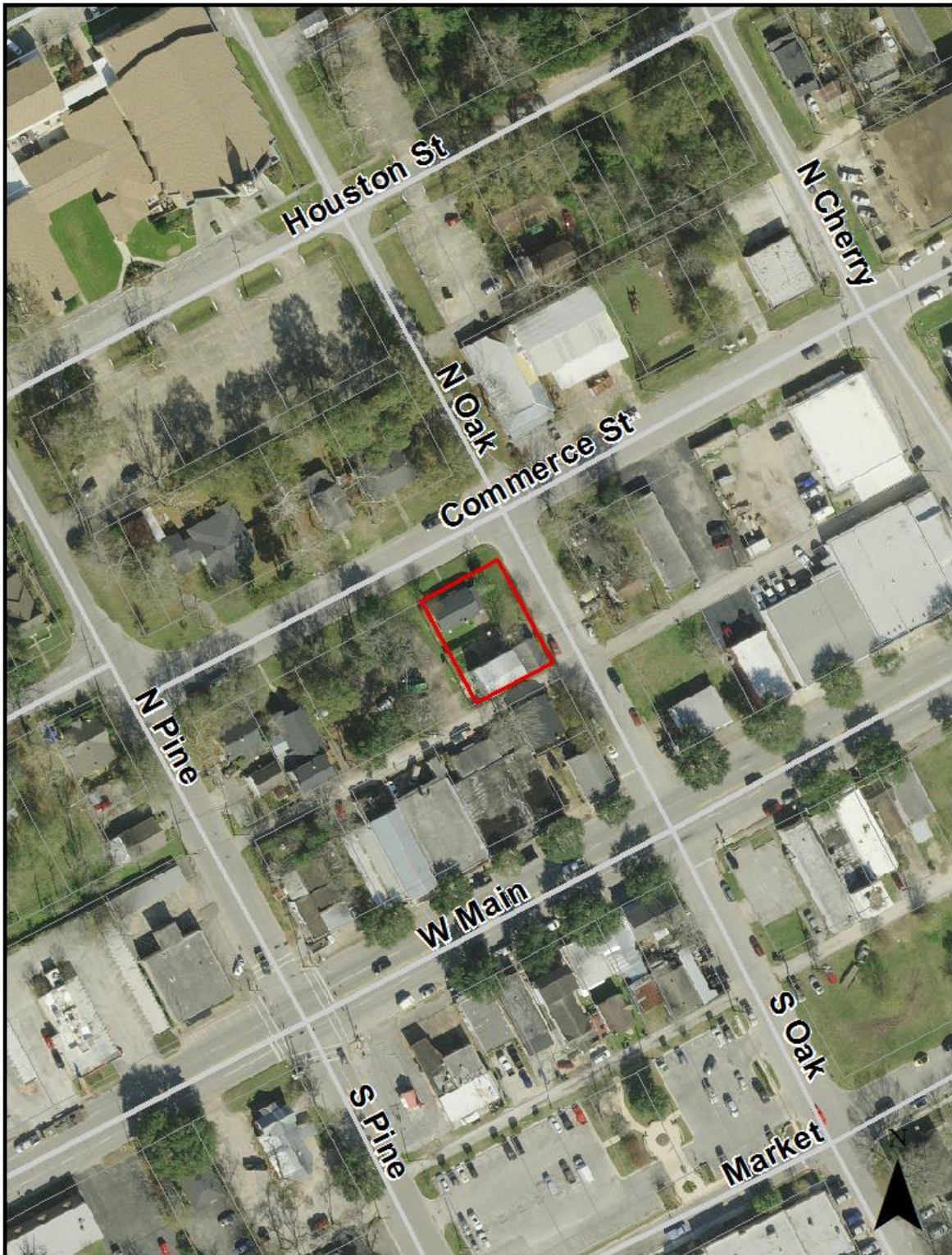
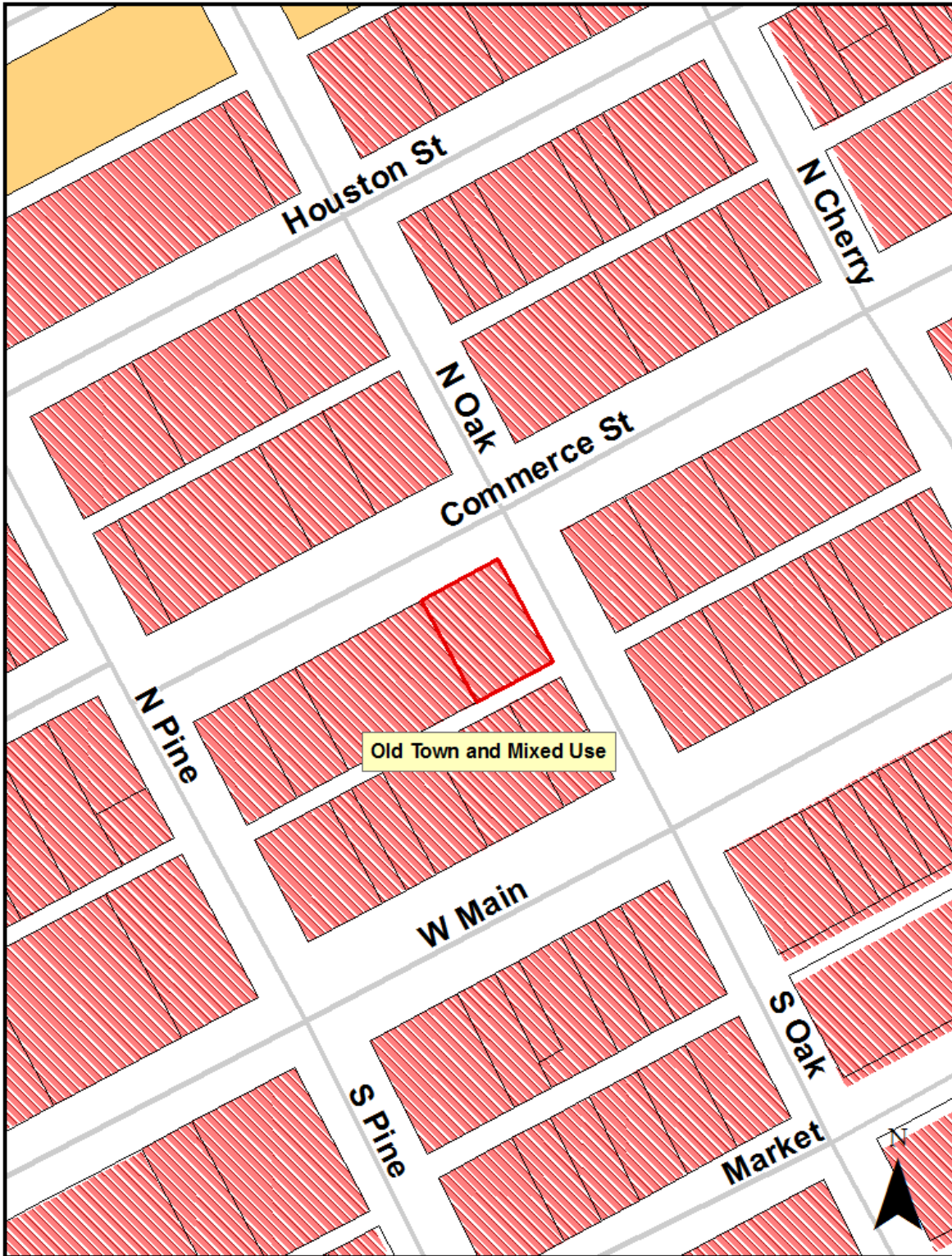


Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Property along Commerce Street



Property along North Oak Street

Exhibit "E"
CUP Application

due 11/2, hearing 12/12

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: AARON EDWARDS Title: EXECUTIVE DIRECTOR
Mailing Address: P.O. Box 1538 City: TOMBALL State: TX
Zip: 77377
Phone: (281) 744 1294 Fax: () Email: aaron.sondays@phoo.com

Owner

Name: TOMBALL RENEWAL CENTER Title:
Mailing Address: P.O. Box 1538 City: TOMBALL State: TX
Zip: 77377
Phone: (281) 744 1294 Fax: () Email:

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: IOP (INTENSIVE OUTPATIENT PROGRAM)

Physical Location of Property: 401 COMMERCE ST. TOMBALL, TX 77375

[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 401 1/2 COMMERCE STREET (TRANSITIONAL LIVING)

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: _____ Acreage: _____

Current Use of Property: VACANT

Proposed Use of Property: INTENSIVE OUTPATIENT PROGRAM (COUNSELING)

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]
Signature of Applicant

10/25/2016
Date

X [Signature]
Signature of Owner

10/25/2016
Date

CITY OF TOMBALL
281-351-5484

REC#: 00955891 10/31/2016 2:01 PM
OPER: RS TERM: 002
REF#: W1141

TRAN: 130.0000 PLANNING AND ZONING
401 & 401 1/2 COMMERCE
TOMBALL RENEWAL CTR
100-5442
CONDITIONAL USE PER 600.00CR

City of Tomball, Texas 501

TENDERED: 600.00 CHECK
APPLIED: 600.00
CHANGE: 0.00

www.tomballtx.gov



STEWART
TERRACE LANDS, LLC
281-486-1546

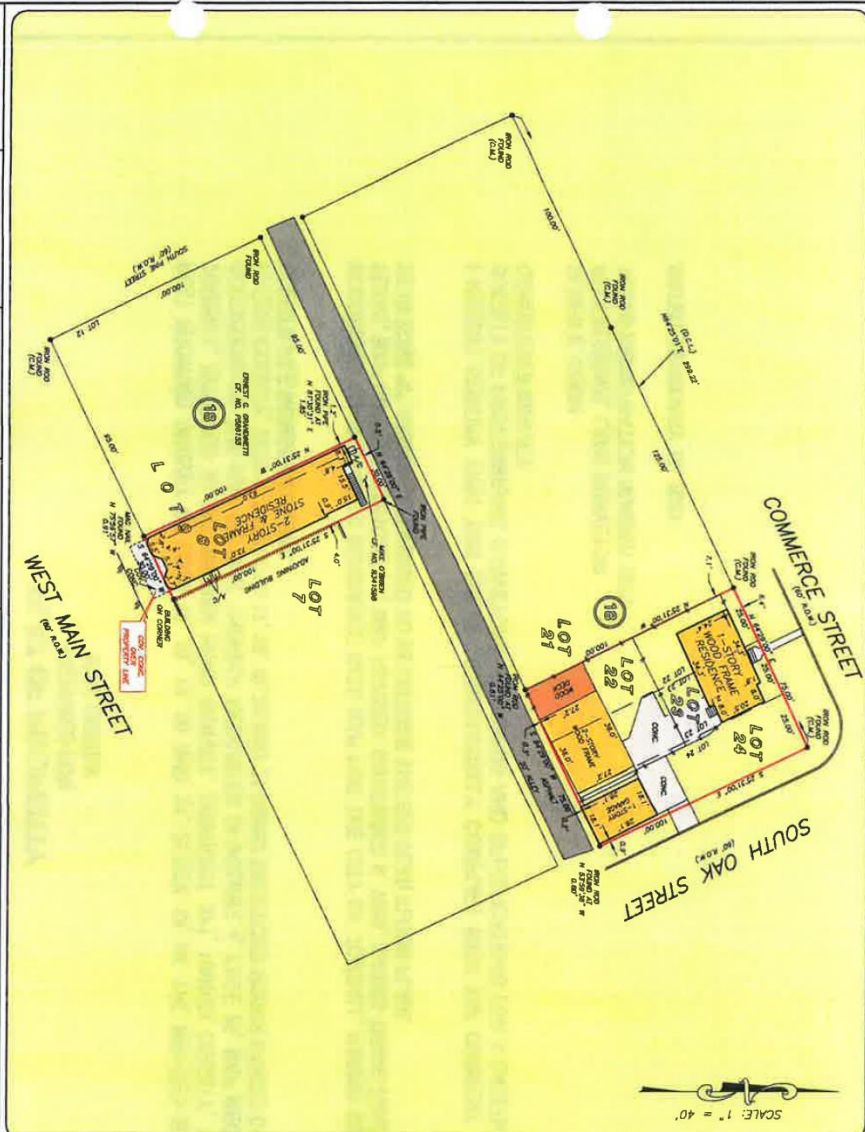


PRECISION
SURVEYS

281-486-1546

FAX 281-486-1547
9800 INTERNATIONAL STREET SUITE 100 DALLAS, TEXAS 75243

1-800-LANDSURVEY
281-486-1546
1-800-829-4841
1-800-829-1555



OF NO. 13774 STEWART TITLE
ADDRESS: TOMBALL, TEXAS 77175
BORROWER: 4K ENTERPRISES, LLC

TRACT 1
LOT 8 AND THE ADJOINING
5 FEET OF BY 100 FEET OF
LOT 9, BLOCK 18
REVISED MAP OF TOMBALL TOWNSITE
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 4, PAGE 25 OF THE MAP RECORDS
OF HARRIS COUNTY, TEXAS

TRACT 2
LOTS 22, 23 AND 24
BLOCK 18
TOMBALL TOWNSITE
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 2, PAGE 38 OF THE MAP RECORDS
OF HARRIS COUNTY, TEXAS



THE PROPERTY LOCATED HEREIN IS THE SAME AS THE
PROPERTY LOCATED HEREIN IN THE MAP OR PLAT
THEREOF RECORDED IN VOLUME 4, PAGE 25 OF THE
MAP RECORDS OF HARRIS COUNTY, TEXAS.
THE PROPERTY LOCATED HEREIN IS THE SAME AS THE
PROPERTY LOCATED HEREIN IN THE MAP OR PLAT
THEREOF RECORDED IN VOLUME 2, PAGE 38 OF THE
MAP RECORDS OF HARRIS COUNTY, TEXAS.
A SURVEYOR'S MAP OF THE PROPERTY LOCATED
HEREIN IS ATTACHED TO THIS MAP OR PLAT
THEREOF RECORDED IN VOLUME 4, PAGE 25 OF THE
MAP RECORDS OF HARRIS COUNTY, TEXAS.
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HEREIN IS ATTACHED TO THIS MAP OR PLAT
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THEREOF RECORDED IN VOLUME 2, PAGE 38 OF THE
MAP RECORDS OF HARRIS COUNTY, TEXAS.

SEWER CLEAN OUT

PLAT OF PROPERTY

PREPARED FOR
MIKE O'BRIEN

PLAT SHOWING SURVEY OF LOTS 17, 18, 19, 20 AND 21, BLOCK 18, OF THE REVISED MAP OF TOMBALL, SITUATED IN THE WILLIAM HURD SURVEY, ABSTRACT 371, HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 25, MAP RECORDS, HARRIS COUNTY, TEXAS, SAID LOTS 17, 18, 19, 20 AND 21 BEING RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER 8558980.

ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, MAP NUMBER 4820100230 J, MAP REVISED: NOVEMBER 6, 1996, SHOWS THESE TRACTS TO BE IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN.

I HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION "A" SURVEY.

ELMER E. COON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 1678

DATED: FEBRUARY 15, 2001

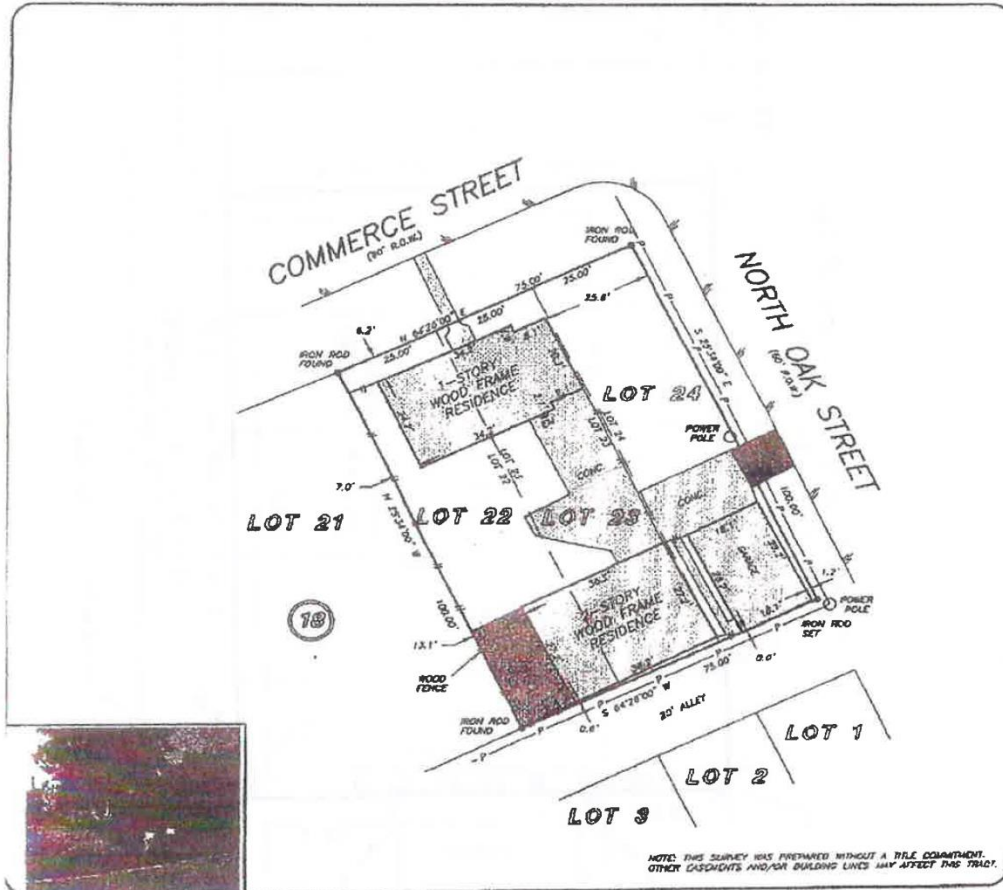


BORROWER: VINCENT DEILLO

LOTS 22, 23 AND 24, BLOCK 18 TOMBALL

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 4, PAGE 25 OF THE MAP RECORDS
OF HARRIS COUNTY, TEXAS.

SCALE: 1" = 30'



NOTE: THIS SURVEY WAS PREPARED WITHOUT A TITLE COMMITMENT.
OTHER EASEMENTS AND/OR BUILDING LINES MAY AFFECT THIS TRACT.

THIS PROPERTY DOES NOT LIE WITHIN THE
100 YEAR FLOOD PLAIN AS PER FIRM
PANEL NO. 48201C 0210 J
MAP REVISION: 11/6/94
ZONE 2
BASED ONLY ON VISUAL EXAMINATION OF MAPS.
ENCLOSURES OF FIRM MAPS PREVENT EXACT
DETERMINATION WITHOUT DETAILED FIELD STUDY.

A SUBSURFACE INVESTIGATION
WAS BEYOND THE SCOPE OF THIS SURVEY

RECORD BEARING: VOL. 4, PG. 25, H.C.M.R.

DRWEN BY: VT

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
ENCUMBRANCES APPARENT ON THE GROUND.
EXCEPT AS SHOWN HEREDIN, THIS SURVEY IS
CERTIFIED FOR THIS TRANSACTION ONLY AND
ABSTRACTING PROVIDED BY THE ABOVE
REFERENCED TITLE COMMITMENT WAS RELIED
UPON IN PREPARATION OF THIS SURVEY.

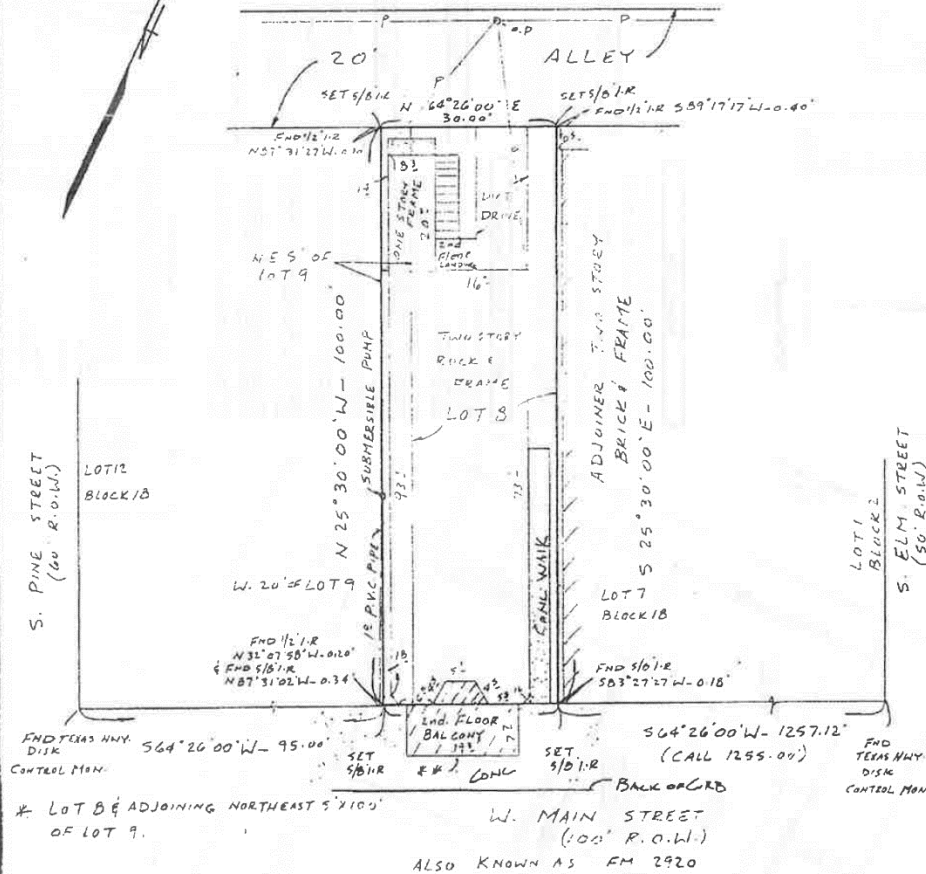
ALLEN D. HUGHES
PROFESSIONAL LAND SURVEYOR
NO. 3881
JOB NO. 05-11367
OCTOBER 26, 2003







ST /EYING COMPANY
12345 JONES ROAD
SUITE 270
HOUSTON, TEXAS 77070
(713) 955-2772



1st 2nd Floor BALCONY OVER SUBJECT PROPERTY

100 Year Flood Plain
Zone X, In ☐ Out ☒
Community Panel No. 430315-00400
Effective Date 9/26/90
Job No. 95-119-3
Scale 1" = 20'
Date 3-29-1995
REV. 4-3-1995

Purchaser MIKE O'BRIEN
Address 416 W. MAIN STREET
Lot # , Block 10, Section
Survey
Area
Subdivision TO MALL TOWNSITE
Volume 2, Page 65, MAP Records
County, Texas. HARRIS

I, EMIL HADDAD, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to TITLE AGENCY OF HOUSTON, and PURCHASER, that based upon information provided by said Title Company under G. F. No. 095094682, that this survey was this day made under my supervision on the ground of the above described property and the above sketch reflects the findings on the ground of said property at this time and that this Survey substantially conforms to the minimum standards of practice as approved by the Texas Board of Professional Land Surveying. Effective September 1, 1992.

The basis of bearing is S 64° 26' 00" W ALONG THE NORTHWEST R.O.W. LINE OF W. MAIN STREET PER THE RECORDED PLAT

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

EMIL HADDAD
5072

Emil Haddad

about the tomball renewal center

welcome home.

The Renewal Center (TRC) is a curated space where people gather to encounter God. It is a place that facilitates hope, healing, and restoration. We have come to believe that each of us has something to offer and something to receive when it comes to the building of faith, wisdom, and belief. Together with God's help, the Kingdom of God will expand in and through us. We will assist them in returning to their prospective professional lives.

pull up a chair.

At TRC, we believe the insights gained from the recovery process are not only beneficial for those of us with outward addictions to substances, but for all of us with inward addictions to trains of thought, codependency, and all of our other coping mechanisms. We believe recovery isn't just about recovering from something, but recovering a truth about God and ourselves that was lost long ago. To that effect, we offer people nothing more than a place to become fully human. Our programming plans include pastoral care, recovery groups focused on the spiritual implications of the 12 steps, after school children and youth programs, assistance and guidance for women (including practical life skills), all housed in an atmosphere that invites community involvement. Everyone is welcome to pull up a chair at the table.

take a hand.

The mission of TRC is to redistribute hope, to blur lines between the ones who help and the ones being helped, to offer programs that uplift and dignify the downtrodden, and encourage one another to do the work.

property vision

women's house.

Research shows that when it comes to healing from addiction, depression, and other unforeseen life circumstances, community is key. At the Tomball Renewal Center, we have dedicated one of our houses (401 1/2 Commerce St., Tomball, Tx 77375) to facilitate women who have chosen this type of healing within a positive, communal atmosphere. We will assist them in returning to their prospective professional lives. For those who desire a sober lifestyle we provide housing, spiritually therapeutic services, and group meetings that are designed to raise our client's social, intellectual, spiritual and emotional development through comprehensive programs.

Our goal is to provide the resources and opportunities for immediate and long term care. The very heart of our sober living community is spiritual awareness, caring, loving, hope, accountability and enjoyment of a sober lifestyle.

intensive outpatient (IOP).

An intensive outpatient program (IOP) is a kind of treatment service and support program used primarily to treat eating disorders, depression, self harm, and chemical dependency that does not rely on detoxification. We have found Intensive Outpatient Programs to be an important resource for many types of disorders, including addiction recovery. Tomball does not currently have this type of resource and we are reserving 401 Commerce St., Tomball, Tx 77375 for programming that provides counseling services (individual, family, and group) that will offer various methodology and tools to aid individuals in their healing process and getting back into life.