

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



MONDAY, SEPTEMBER 12, 2016

6:00 P.M.

Notice is hereby given of a meeting of the , to be held on Monday, September 12, 2016 at 6:00 P.M., City Hall, 401 Market Street Tomball, TX 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 August 8, 2016.
- 5.0 New Business:
 - 5.1 Consideration to Approve Preliminary Plat of **CORNER STORE NO. 1917**: A subdivision of 16.5772 Acres (722,104.31 Square Feet) out of the Chancey Goodrich Survey, Abstract No. 311, Tract 7C-1, 7F and 7H, Harris County,

Texas.

- 5.2 Consideration to Approve Final Plat of **FOURTEEN SIX HUNDRED BUSINESS PARK**: A subdivision of a 2.7164 Acre Tract (118,325.76 Square Feet) in the Joseph House Survey, Abstract-34, Harris County, Texas.
- 5.3 Consideration to Approve Re-Plat of a Partial Re-Plat of **LESLIE'S PARK**: 1.7225 Acres, (75,032.05 Square Feet), located in the J. House Survey, A-34, Harris County, Texas, containing 1 Block, 1 Restricted Reserves and 5 Residential Lots.
- 5.4 Consideration to Approve Preliminary Plat of **LSP TOMBALL DEVELOPMENT**: A subdivision of 11.8981 Acres (518,279.72 Square Feet) of land situated in the Sam Lewis Survey, Abstract No. 1704, City of Tomball, Harris County, Texas.
- 5.5 Consideration to Approve Re-Plat of **PERSIMMON PROPERTIES**: Being a subdivision of 10.4091 Acres (453,420.3960 Square Feet) of land being a re-plat of Outlots 335, 336, and 0.6342 Acre Tract out of Outlot 337 of the corrected map of Tomball Outlots, recorded in Volume 4, Page 75, situated in the Jesse Pruitt Survey, Abstract 629, Harris County, Texas, containing 1 Lot, 2 Blocks, 1 Restricted Reserve.
- 5.6 Consideration to Approve Preliminary Plat of **TKC CCXXVII LLC**: A subdivision of 4.8064 Acres or 209,366.29 Sq. Ft. of land, situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.
- 5.7 Consideration to approve **ZONING CASE P16-0123**: Request by Justin Cottle for a Conditional Use Permit to operate an amusement, commercial (indoor) facility at 701 E. Main Street. The property is approximately 1 acre, located on the north side of Main Street, east of Willow Street, legally described as Lots 1 and 2, Block 1 McCraw Acres and is zoned General Retail.

- Conduct Public Hearing on **ZONING CASE P16-0123**

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 September, 2016 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding 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: September 12, 2016

Topic:

Background:

Origination:

Recommendation:

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

Community Development Department

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: September 12, 2016

Topic:

Background:

Origination:

Recommendation:

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

Community Development Department

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: September 12, 2016

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of August 8, 2016.

Background:

Origination:

Recommendation:

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

Community Development Department

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

ATTACHMENTS:

APPROVAL OF MINUTES - 8/8/2016

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

MONDAY, AUGUST 8, 2016



6:00 P.M.

- 1.0 The meeting was called to order by Chair Barbara Tague at 6:02 p.m. Other members present were:

Commissioner Dane Dunagin
Commissioner Richard Anderson
Commissioner Darrell Roquemore
Commissioner Harry Byrd – Absent

Others present:

Assistant City Engineer – Beth Jones
City Planner – Harold Ellis
Assistant City Planner – Amelia Lindley
Community Development Coordinator – Kim Chandler
City Attorney – Loren Smith

Draft

- 2.0 No Public Comments were received.
- 3.0 No Reports and Announcements were heard.
- 4.0 Motion was made by Commissioner Dunagin, second by Commissioner Roquemore to approve the Minutes of the Regular Planning and Zoning Commission Meeting of July 11, 2016.
- Motion carried unanimously.
- 5.0 New Business:
- 5.1 Consideration to Approve the absences of Commissioner Harry Byrd on March 21, 2016, May 9, 2016, June 13, 2016, June 27, 2016 and July 11, 2016.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve the absences of Commissioner Harry Byrd. Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Dunagin	<u>Nay</u>
Commissioner Anderson	<u>Nay</u>
Commissioner Roquemore	<u>Aye</u>

Motion Failed; 2 Votes Aye, 2 Votes Nay

- 5.2 Consideration to Approve Preliminary Plat of **FOURTEEN SIX HUNDRED BUSINESS PARK**: A subdivision of 2.7164 Acre Tract, (118,325.76 Square Feet) in the Joseph House Survey, Abstract No. 34, Harris County, Texas. 1 Lot, 1 Block.

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

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **FOURTEEN SIX HUNDRED BUSINESS PARK**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to Approve Re-plat of a Partial Re-plat of **LESLIE'S PARK**: 1.7225 Acres, (75,032.05 Square Feet), located in the J. House Survey, A-34, Harris County, Texas, containing 1 Block, 1 Restricted Reserves and 5 Residential Lots.

Beth Jones, Assistant City Engineer, presented recommendation of denial.

Motion was made by Commissioner Anderson, second by Commissioner Dunagin, to table **LESLIE'S PARK**, while working with applicant on amendments.

Motion carried unanimously.

- 5.4 Consideration to approve **ZONING CASE P16-0115**: Request by the City of Tomball to amend Section 50-82(b) (*Use Charts*) in regards to the land uses “*Check cashing service*”, “*Convenience store (with or without gasoline sales)*”, “*Gasoline Station*”, “*Hotel/motel*”, “*Rehabilitation care facility (halfway house)*”, “*Tattoo or body piercing studio*” and by adding “*Loan service (payday / auto title)*” and to amend Section 50-2 (*Definitions*) in regards to the land use “*Hotel/motel*”.

Harold Ellis, City Planner, presented the case and recommendation.

The Public Hearing was opened by Chair Tague at 6:36 p.m.

Hearing no comments, the Public Hearing was closed at 6:37 p.m.

Motion was made by Commissioner Roquemore, second by Commissioner Dunagin to approve **Zoning Case P16-0115**.

Motion carried unanimously

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

Motion carried unanimously.

The meeting was adjourned at 6:48 p.m.

PASSED AND APPROVED this _____ day of _____ 2016.

Kim Chandler
Commission Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: September 12, 2016

Topic:

Consideration to Approve Preliminary Plat of **CORNER STORE NO. 1917**: A subdivision of 16.5772 Acres (722,104.31 Square Feet) out of the Chancey Goodrich Survey, Abstract No. 311, Tract 7C-1, 7F and 7H, Harris County, Texas.

Background:**Origination:****Recommendation:****Party(ies) responsible for placing this item on agenda:**

COMMUNITY DEVELOPMENT DEPARTMENT

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

ATTACHMENTS:

CORNER STORE NO. 1917

STATE OF TEXAS §
COUNTY OF HARRIS §

We, CST Stations Texas, LLC, a Delaware Limited Liability Company, hereinafter referred to as Owners of the 16.5772 acre tract described in the above and foregoing map of Corner Store No 1917, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions, and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally on additional eleven feet, six inches (11' 6") for ten feet (10' 0") perimeter ground easements or seven feet, six inches (7' 6") for fourteen feet (14' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21' 6") in width.

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

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

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen feet (15' 0") wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Houston, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat 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, the CST Stations Texas, LLC, a Delaware Limited Liability Company has caused these presents to be signed by John E. Reinhart, its vice president, thereunto authorized, attested by its secretary, Gerard J. Soanier, and its common seal hereunto affixed this _____ day of _____, 2016.

CST Stations Texas, LLC, a Delaware Limited Liability Company

By: John E. Reinhart
Vice President

By: Gerard J. Soanier
Senior VP, Secretary and General Counsel

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared John E. Reinhart and Gerard J. Soanier known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

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

Notary Public in and for the State of Texas

(Print Name)

My Commission Expires:

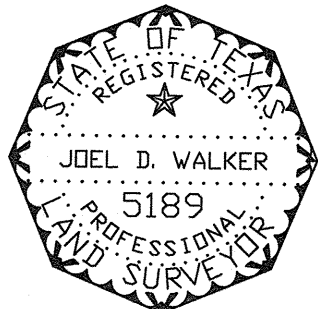
This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Corner Store No 1917 in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2016.

By: Barbara Tague, Chair

By: Darrell Roquemore, Vice Chair

I, Joel D. Walker, 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 (3/4) 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.

Joel D. Walker
Texas Registration No. 5189



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 No. _____ of the Map Records of Harris County for said county.

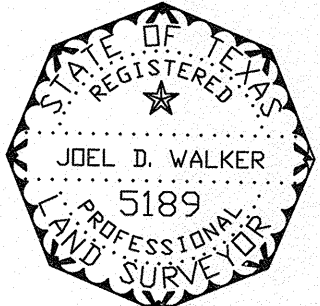
WITNESS my hand and seal of office, at Harris County, the day and date last above written.

Stan Stanart
County Clerk
Of Harris County, Texas

By: _____
Deputy

I, Joel D. Walker, 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 James M. Milner and wife Pat A. Milner owns or has a legal interest in.

Joel D. Walker
Texas Registration No. 5189



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING
C1	25.00	1492.40	0°57'35"	12.50	N66°51'49"E
C2	431.93	1492.40	16°34'57"	217.49	N59°03'08"E
C3	109.56	1542.40	4°04'11"	54.80	S52°47'45"W
C4	105.62	1522.40	3°58'57"	52.93	N52°45'08"E

LINE TABLE		
LINE	BEARING	LENGTH
L1	N14°00'53"E	84.81
L2	N50°45'39"E	45.53
L3	S88°01'19"E	70.89
L4	S02°05'00"E	30.08
L5	N83°55'44"E	20.04
L6	N02°18'18"W	526.30
L7	N88°01'19"W	107.26
L8	S36°41'19"W	24.15
L9	S04°35'13"W	100.00
L10	S02°18'18"E	247.22
L11	S02°18'18"E	50.00
L12	N83°55'44"E	100.22
L13	N02°18'18"W	192.31
L14	S88°01'19"E	30.35
L15	S13°26'35"W	49.49
L16	S50°45'39"W	58.55
L17	N28°33'44"W	20.14
L18	N50°45'39"E	51.80
L19	N13°26'35"E	49.49

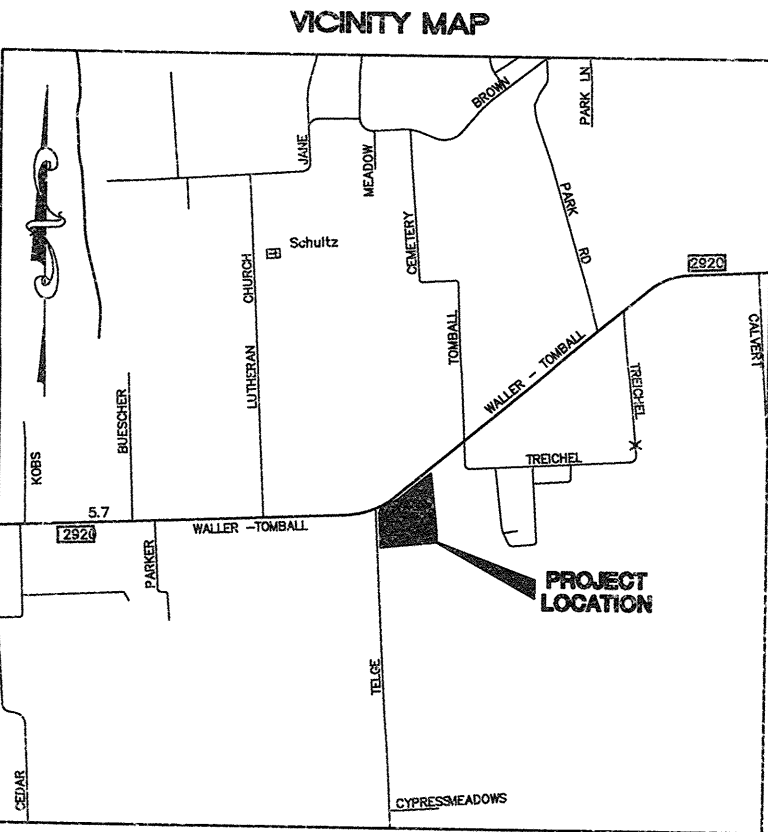
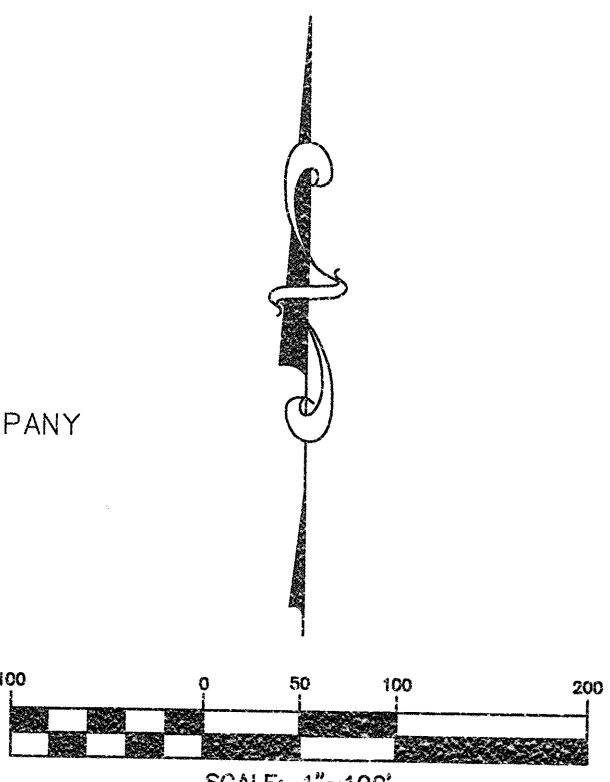
MONUMENT TABLE	
MON	DESCRIPTION
M1	5/8" I.R. FND. W/CAP "WEST BELT SURVEYING INC"
M2	5/8" I.R. SET W/CAP "WEST BELT SURVEYING INC"

ABBREVIATIONS:

B.L.—BUILDING LINE
BRS.—BEARS
C.M.—CONTROLLING MONUMENT
CONC.—CONCRETE
ESMT.—EASEMENT
F.C.—FILM CODE
FND.—FOUND
FT.—FEET
H.C.C.F.—HARRIS COUNTY CLERK'S FILE
H.C.M.R.—HARRIS COUNTY MAP RECORDS
H.L.&P.—HOUSTON LIGHTING & POWER COMPANY
I.P.—IRON PIPE
I.R.—IRON ROD
MON.—MONUMENT
NO.—NUMBER
OHE—OVERHEAD ELECTRIC
PG.—PAGE
R.O.W.—RIGHT-OF-WAY
SQ.—SQUARE
VOL.—VOLUME

LEGEND

GP GATE POST
H HOSE BIB
P PEDESTAL
PM PIPELINE MARKER
PV PIPELINE VENT
PP POWER POLE
W WATER VALVE



KEY MAP 287R
SCALE: 1" = 3000'

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. THE REFERENCE COORDINATES ARE BASED ON NAD 83, AND MAY BE BROUGHT TO SURFACE BY DIVIDING THE DEPICTED COORDINATE BY THE FOLLOWING COMBINED SCALE FACTOR OF 0.99994299835 (X&S.F.=SURFACE VALUE).

2. ACCORDING TO F.I.R.M. MAP NO. 482010210L (COMMUNITY—PANEL NO. 4802870210L), MAP REVISED DATE: JUNE 18, 2007, THE SUBJECT PROPERTY LIES WITHIN THE AREA DESIGNATED AS ZONE "X"(UNSHADED) AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

THIS STATEMENT IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE ABOVE REFERENCED MAP. THIS INFORMATION IS TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

3. THIS SURVEY HAS BEEN PREPARED UTILIZING A CITY PLANNING LETTER FROM STEWART TITLE WITH AN EFFECTIVE DATE OF AUGUST 15, 2016.

4. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

5. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

6. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

7. 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.

8. 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.

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, or 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.

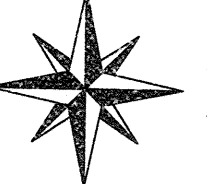
PRELIMINARY PLAT

CORNER STORE No 1917

A SUBDIVISION OF
16.5772 ACRES (722,104.31 SQ. FT.)
OUT OF THE
CHANCEY GOODRICH SURVEY,
ABSTRACT NO. 311
TRACT 7C-1, 7F AND 7H
HARRIS COUNTY, TEXAS

1 BLOCK 2 LOTS

SEPTEMBER 2016

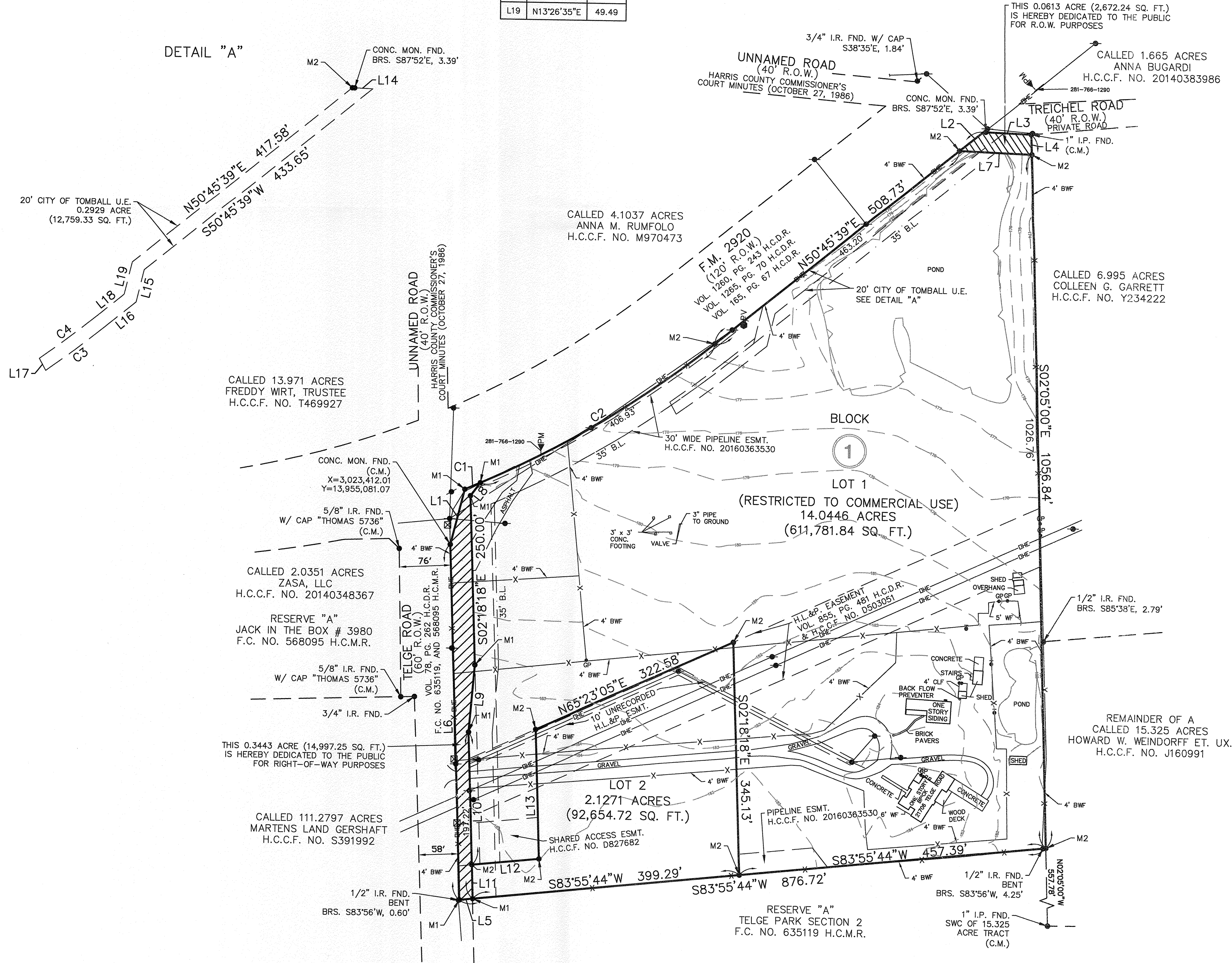
WEST  BELT
SURVEYING, INC.

21020 PARK ROW
KATY, TEXAS 77449

PHONE: (281) 500-8888
FAX: (281) 492-0026

CERTIFIED FIRM NO. 10073800

OWNER:
CST STATIONS TEXAS, LLC, A DELAWARE LIMITED LIABILITY COMPANY
4848 DACOMA STREET
HOUSTON, TEXAS 77092



Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: September 12, 2016

Topic:

Consideration to Approve Final Plat of **FOURTEEN SIX HUNDRED BUSINESS PARK**: A subdivision of a 2.7164 Acre Tract (118,325.76 Square Feet) in the Joseph House Survey, Abstract-34, Harris County, Texas.

Background:

Origination:

Recommendation:

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

COMMUNITY DEVELOPMENT DEPARTMENT

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

ATTACHMENTS:

FOURTEEN SIX HUNDRED BUSINESS PARK

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, HOUSTON PFG INC., ACTING BY AND THROUGH RUSSELL MCKEE, PRESIDENT, AND ROSIE MCKEE, CFO, BEING OFFICERS OF HOUSTON PFG INC., OWNER, HEREINAFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 2.7164 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF FOURTEEN SIX HUNDRED BUSINESS PARK, 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 HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET (5') IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY 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 DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN FEET (15' 0") WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ADJUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, OWNERS DO HEREBY CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH OR WILL COMPLY WITH EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63rd LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONER'S COURT OF HARRIS COUNTY.

IN TESTIMONY WHEREOF, THE HOUSTON PFG INC HAS CAUSED THESE PRESENTS TO BE SIGNED BY RUSSELL MCKEE, ITS PRESIDENT, THEREUNTO AUTHORIZED, ATTESTED BY ITS CFO, ROSIE MCKEE, THIS _____ DAY OF _____, 2016.

HOUSTON PFG INC.

BY: _____ ATTEST: _____
RUSSELL MCKEE, PRESIDENT ROSIE MCKEE, CFO

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITIES, ON THIS DAY PERSONALLY APPEARED RUSSELL MCKEE, PRESIDENT, AND ROSIE MCKEE, CFO, 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

PRINT NAME: _____

MY COMMISSION EXPIRES: _____

I, CRAIG A. LANEY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTERS INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'), AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

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

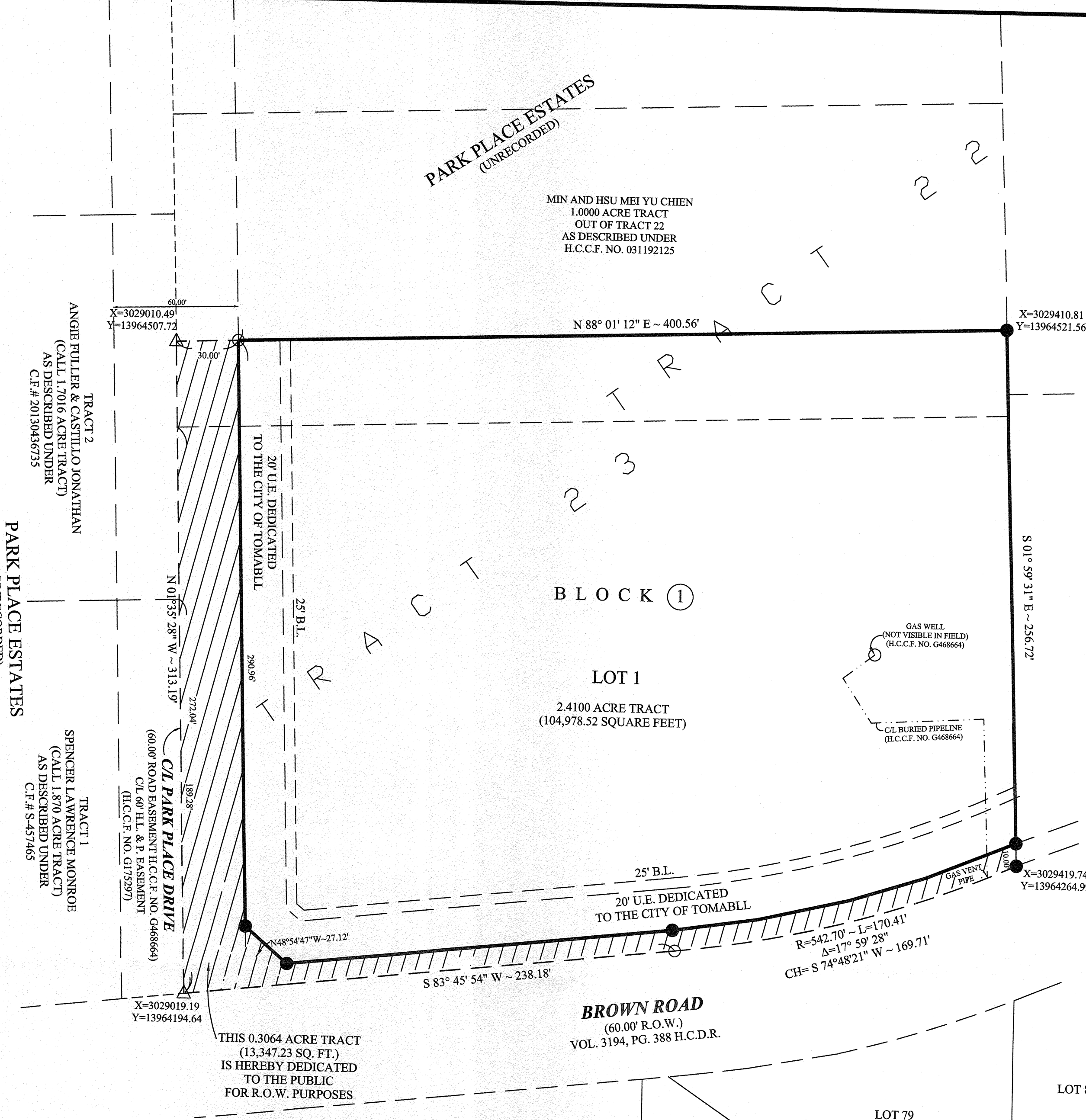


THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF FOURTEEN SIX HUNDRED BUSINESS PARK IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2016.

BY: _____ BY: _____
BARBARA TAGUE, CHAIRMAN 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



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 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.
- According to FEMA Firm Panel No. 48201C0210L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/gas 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.
- This plat requires compliance with landscaping requirements prior to occupancy of structures as mandated in "Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure".
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD 83) and are based on the published position (2001 adj.) of Reference Mark No. 100365. The Grid coordinates at this station are Y=13963404.10, X=3036262.56. To convert from grid coordinates to surface coordinates, multiply by a combined scale factor of 1.000051853.
- All oil/gas pipeline or pipeline easements with ownership through the subdivision have been shown.
- Subject to a Blanket Pipe Line easement granted to Stanolind Pipe Line Company recorded in Volume 940, Page 155 of the Deed Records of Harris County, Texas. (No location given)
- Subject to that certain Pipe Line Easement granted to Humble Oil and Refining Company recorded in Volume 1095, Page 492 and amended in Volume 1278, Page 512 both of the Deed Records of Harris County, Texas. (No visible evidence crossing subject tract nor shown crossing subject tract on the Railroad Commission of Texas Map)
- Subject to that certain Pipe Line Easement granted to Humble Oil and Refining Company recorded in Volume 1247, Page 202 and amended in Volume 1278, Page 511 both of the Deed Records of Harris County, Texas. (No visible evidence crossing subject tract nor shown crossing subject tract on the Railroad Commission of Texas Map)

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

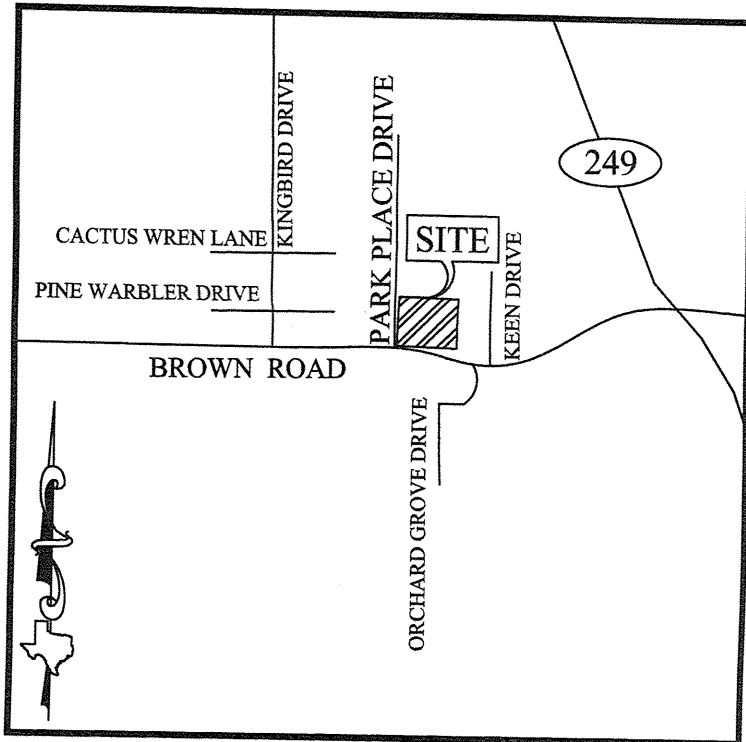
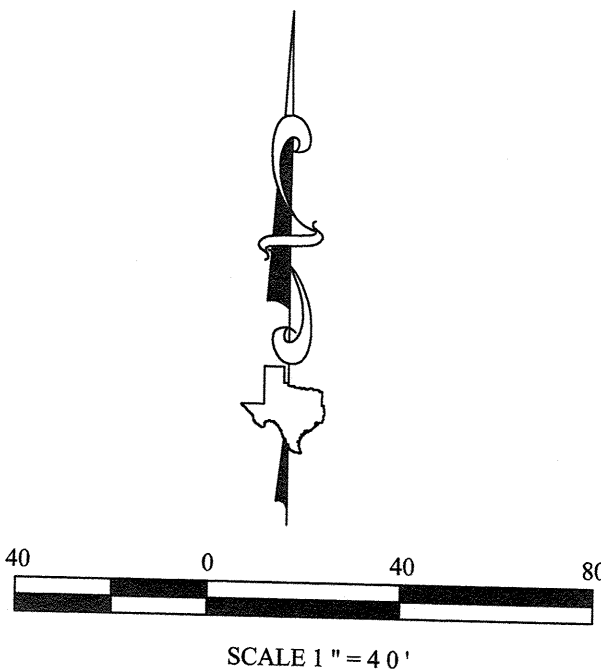
BY: _____
DEPUTY

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, TEXAS, 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



VICINITY MAP
NOT TO SCALE
KEY MAP 288E

LEGEND NOTES

- U.E.
 - A.E.
 - B.L.
 - VOL.
 - PG.
 - R.O.W.
 - ESMT.
 - F.C. NO.
 - H.C.M.R.
 -
 -
 - △
 - C.F.O.
 - H.C.D.R.
 - H.C.C.F. NO.
 - C/L
 - C.F.
- INDICATES "UTILITY EASEMENT"
INDICATES "AERIAL EASEMENT"
INDICATES "BUILDING LINE"
INDICATES "VOLUME"
INDICATES "PAGE"
INDICATES "RIGHT-OF-WAY"
INDICATES "EASEMENT"
INDICATES "FILM CODE NUMBER"
INDICATES "HARRIS COUNTY MAP RECORD"
INDICATES "FOUND 5/8" IRON ROD"
INDICATES "FOUND 5/8" IRON ROD WITH CAP STAMPED E.I.C. SURVEYING COMPANY"
INDICATES "FOUND "PK NAIL"
INDICATES "CHIEF FINANCIAL OFFICER"
INDICATES "HARRIS COUNTY DEED RECORD"
INDICATES "HARRIS COUNTY CLERK'S FILE NUMBER"
INDICATES "CENTERLINE"
INDICATES "CLERK'S FILE"

FOURTEEN SIX HUNDRED BUSINESS PARK

A SUBDIVISION OF A 2.7164 ACRE TRACT,
118,325.76 SQUARE FEET,
IN THE JOSEPH HOUSE SURVEY, ABSTRACT-34
HARRIS COUNTY, TEXAS

1 LOT 1 BLOCK

AUGUST 2016

OWNER

HOUSTON PFG INC
9306 GEORGETOWN GLEN CIRCLE
CYPRESS, TEXAS 77433
TEL: (713) 827-2295

SURVEYOR

E.I.C. SURVEYING COMPANY
12345 JONES ROAD # 270
HOUSTON, TEXAS 77070
TEL: (281) 955 - 2772

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: September 12, 2016

Topic:

Consideration to Approve Re-Plat of a Partial Re-Plat of **LESLIE’S PARK**: 1.7225 Acres, (75,032.05 Square Feet), located in the J. House Survey, A-34, Harris County, Texas, containing 1 Block, 1 Restricted Reserves and 5 Residential Lots.

Background:

Origination:

Recommendation:

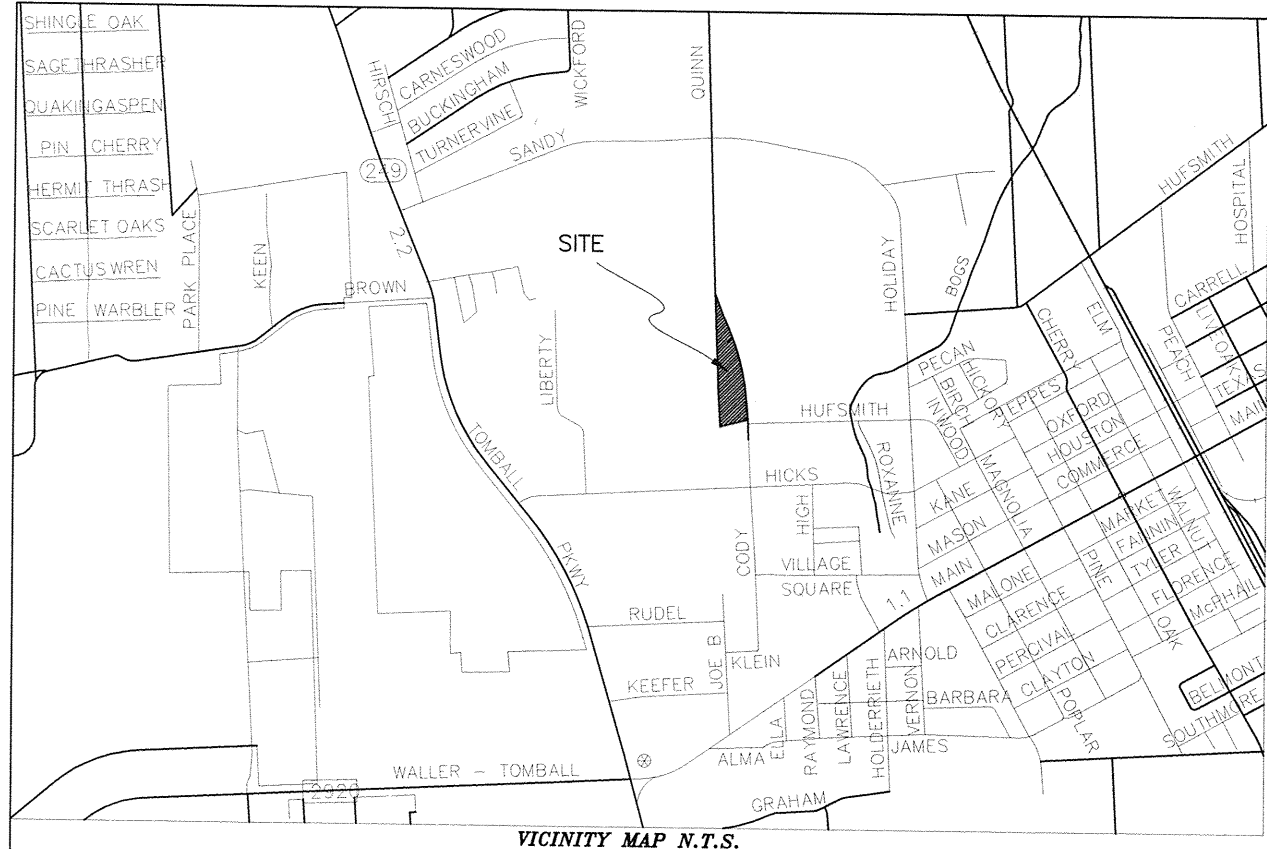
Party(ies) responsible for placing this item on agenda:

COMMUNITY DEVELOPMENT DEPARMENT

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

ATTACHMENTS:

LISLIE'S PARK



I, David E. King, 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 have an outside diameter of not less than three quarter (3/4) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner and the state plane coordinates (NAD 83).

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



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1250.00'	111.68'	111.64'	S 21°01'52" E	5°07'08"
C2	1150.00'	5.13'	5.13'	S 23°27'38" E	0°15'20"
C3	1150.00'	97.51'	97.48'	S 20°54'14" E	4°51'29"
C4	1150.00'	77.67'	77.66'	S 16°32'24" E	3°52'11"
C5	1150.00'	76.73'	76.72'	S 12°41'37" E	3°49'23"
C6	1150.00'	76.71'	76.70'	S 08°52'16" E	3°49'19"
C7	1150.00'	63.67'	63.67'	S 05°21'04" E	3°10'20"
C8	1150.00'	11.34'	11.34'	S 03°32'43" E	0°33'54"
C9	1150.00'	25.47'	25.47'	S 02°37'42" E	1°16'09"

LINE	BEARING	DISTANCE
L1	N 02°05'05" W	75.82'
L2	N 02°05'05" W	67.23'
L3	N 02°05'05" W	68.60'
L4	N 02°05'05" W	71.76'
L5	N 02°05'05" W	94.00'
L6	N 02°05'05" W	109.86'
L7	N 02°12'53" W	131.24'
L8	S 23°35'17" E	108.48'
L9	S 71°46'53" W	113.50'
L10	N 71°46'53" E	113.50'
L11	S 75°34'13" W	131.45'
L12	N 75°34'13" E	131.45'
L13	S 79°25'00" W	144.12'
L14	N 79°25'00" E	144.12'
L15	S 83°15'08" W	152.10'
L16	N 83°15'08" E	152.10'
L17	S 83°01'57" W	156.11'
L18	N 83°01'57" E	156.11'
L19	S 01°57'13" E	63.47'

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this replat of a partial replat of Leslie's Park 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 _____, 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

BY: _____
Deputy

GENERAL NOTES:

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at at 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. 48201C0210L (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 a 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.
- This Replat was preformed with the benefit of a City Planning Letter from Fidelity National Title G.F. No. 5225001890.
- There is an Pipeline Easement granted to Stanolind Pipe Line Company for an unlocated easement across the property, as recorded under H.C.C.F. H520286.

LEGEND

These standard symbols will be found in the drawing.

- FOUND MONUMENT
- FOUND 5/8" I.R.
- H.C.C.F. HARRIS COUNTY CLERK'S FILE
- H.C.C.M. HARRIS COUNTY COMMISSIONERS COURT MINUTES
- R.O.W. RIGHT OF WAY
- M.R.H.C. MAP RECORDS OF HARRIS COUNTY
- R.P.R.H.C.T. REAL PROPERTY RECORDS HARRIS COUNTY TEXAS
- C.F. NO. CLERK'S FILE NUMBER
- D.R.H.C. DEED RECORDS OF HARRIS COUNTY
- I.R. IRON ROD
- I.P. IRON PIPE

MICHAEL HURR
CALLED 5.00 ACRES
(H.C.C.F. J496262)

ROY HOHL
CALLED 5.00 ACRES
(H.C.C.F. G548665)

LOWELL & NAOMI SIBERT
CALLED 5.00 ACRES
(H.C.C.F. K112641)

LOT 9, BLOCK 1
TOMBALL ESTATES
(VOL 366, PG 113 M.R.H.C.)

LOT 9, BLOCK 1
TOMBALL ESTATES
(VOL 366, PG 113 M.R.H.C.)



SCALE 1"=50'

TOMBALL BALL I.S.D.
CALLED 13.9984,
(H.C.C.F. S485753)

INWOOD STREET (50' R.O.W.)
(FILM CODE NO. 641161 M.R.H.C.)

STATE OF TEXAS
COUNTY OF HARRIS

We, BURGLHI INVESTMENTS LLC, acting by and through ZAHER (ZACK) BURGHILI, President, and Deanna Burghli, Vice President, being officers of Burghli Investments, LLC; Claude Matherne and Betty Lauve, and Betty Downey, owners hereinafter referred to as Owner of the 1.7225 acre tract described in the above and foregoing plat of Leslie's Park, 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: ZAHER (ZACK) BURGHILI
President, Burghli Investments, LLC

By: DEANNA BURGHILI
Vice President, Burghli Investments, LLC

By: Claude Matherne

By: Betty Lauve

By: Betty Downey

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared ZAHER (ZACK) & DEANNA BURGHILI, known to me to be the person 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: _____

Lienholders Statement

I, ALLEGIANCE BANK, owner and holder of a lien against the property shown on this plat, said lien being evidenced by instrument of record under the following Harris County Clerk's File Nos.: 20140257416; 20140257417; 20140257418; 20150382227, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat. Further, I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

Lienholder:

BY: PAT STEIN
SENIOR VICE-PRESIDENT

NOTARY'S ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2016

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____

SIGNED

REPLAT OF
A PARTIAL REPLAT OF
LESLIE'S PARK
1.7225 ACRES (75,032.05 SQUARE FEET)
LOCATED IN THE
J. HOUSE SURVEY, A-34
HARRIS COUNTY, TEXAS
CONTAINING
1 BLOCK, 1 RESTRICTED RESERVES
AND 5 RESIDENTIAL LOTS
AUGUST 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

OWNER:
ZAHER (ZACK) BURGHILI
4615 N. FREEWAY #100
HOUSTON, TX 77022

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: September 12, 2016

Topic:

Consideration to Approve Preliminary Plat of **LSP TOMBALL DEVELOPMENT**: A subdivision of 11.8981 Acres (518,279.72 Square Feet) of land situated in the Sam Lewis Survey, Abstract No. 1704, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

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

COMMUNITY DEVELOPMENT DEPARTMENT

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

ATTACHMENTS:

LSP TOMBALL DEVELOPMENT

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: September 12, 2016

Topic:

Consideration to Approve Re-Plat of **PERSIMMON PROPERTIES**: Being a subdivision of 10.4091 Acres (453,420.3960 Square Feet) of land being a re-plat of Outlots 335, 336, and 0.6342 Acre Tract out of Outlot 337 of the corrected map of Tomball Outlots, recorded in Volume 4, Page 75, situated in the Jesse Pruitt Survey, Abstract 629, Harris County, Texas, containing 1 Lot, 2 Blocks, 1 Restricted Reserve.

Background:

Origination:

Recommendation:

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

COMMUNITY DEVELOPMENT DEPARTMENT

ACTION TAKEN

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

ATTACHMENTS:

PERSIMMON PROPERTIES

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, FIFTH SUN, LLC., A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH JOSE AGUIRRE, PRESIDENT, BEING THE OFFICER OF FIFTH SUN, LLC., A TEXAS LIMITED LIABILITY COMPANY, OWNER, HEREINAFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 10.4091 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF PERSIMMON PROPERTIES, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET (5') IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY 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.

IN TESTIMONY WHEREOF, THE FIFTH SUN, LLC., A TEXAS LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOSE AGUIRRE, ITS PRESIDENT, THEREUNTO AUTHORIZED, THIS _____ DAY OF _____, 2016.

FIFTH SUN, LLC., A TEXAS LIMITED LIABILITY COMPANY

BY: _____
JOSE AGUIRRE, PRESIDENT

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, JOSE AGUIRRE, PRESIDENT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXCUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN, AND AS THE ACT AND DEED OF SAID LLC.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DATE OF _____, 2016.

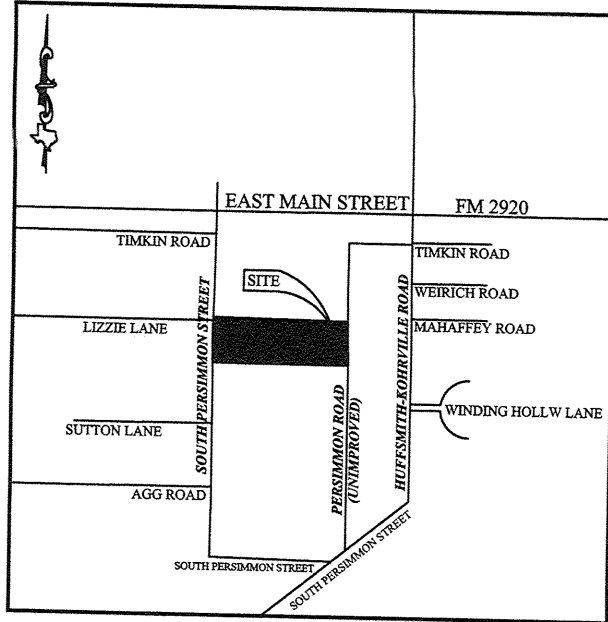
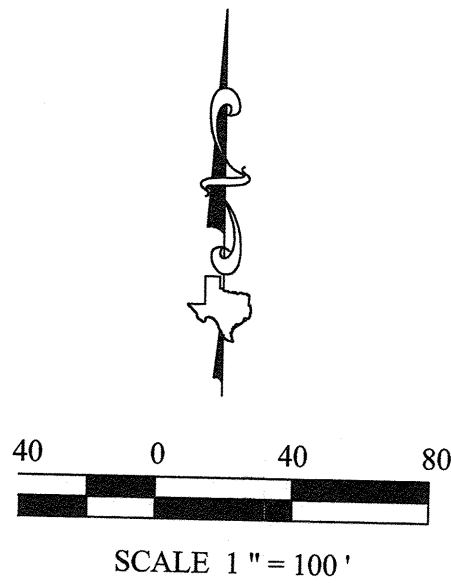
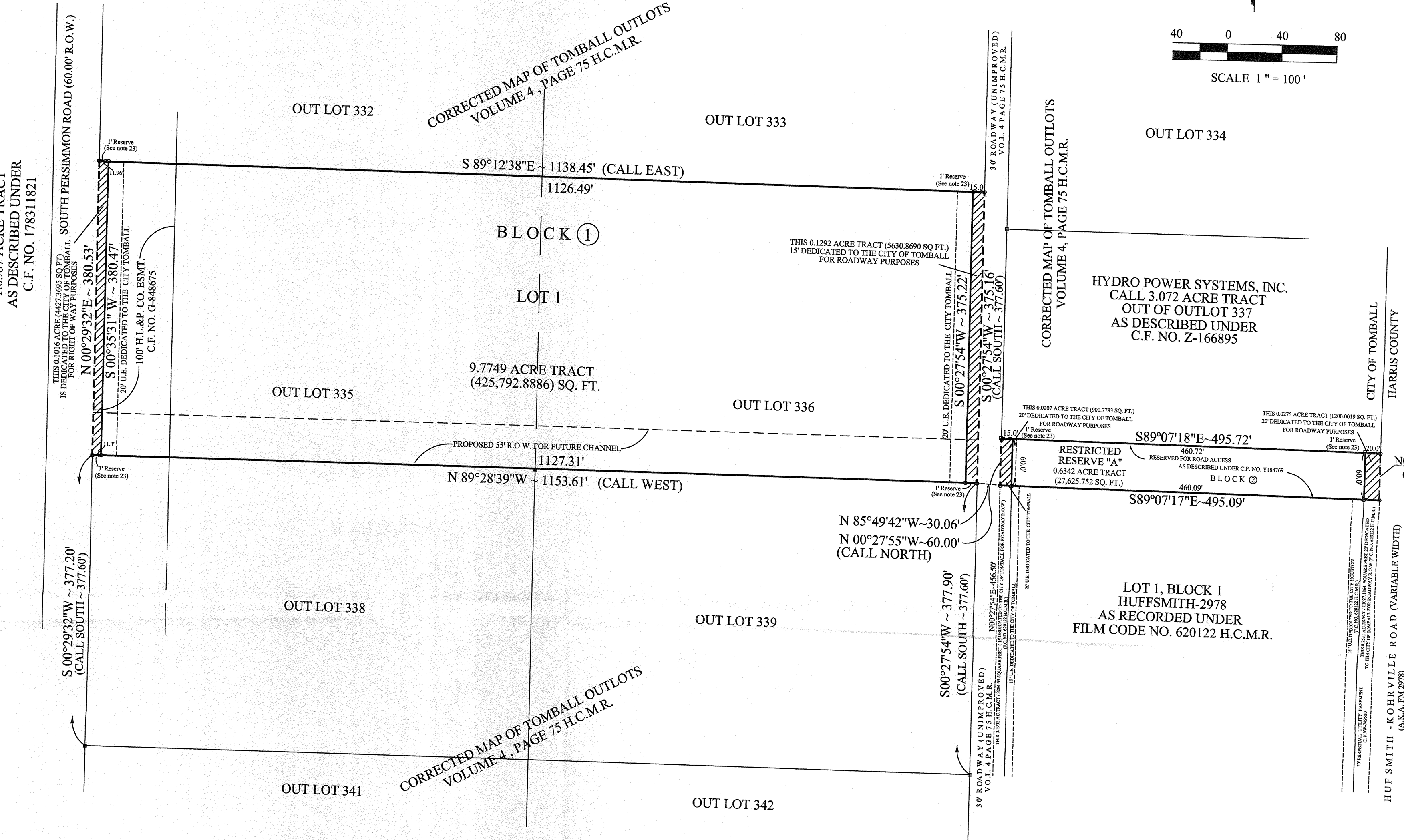
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRINT NAME: _____

MY COMMISSION EXPIRES : _____

I, CRAIG A. LANEY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR 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'); AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

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



PERSIMMON PROPERTIES

BEING A SUBDIVISION OF 10.4091 ACRE,
453,420.3960 SQUARE FEET, OF LAND
BEING A REPLAT OF OUTLOTS 335, 336
AND 0.6342 ACRE TRACT OUT OF OUTLOT 337
OF THE CORRECTED MAP OF TOMBALL OUTLOTS
RECORDED IN VOLUME 4 PAGE 75 SITUATED
IN THE JESSE PRUITT SURVEY, ABSTRACT 629,
HARRIS COUNTY, TEXAS
CONTAINING

1 LOT 2 BLOCKS
1 RESTRICTED RESERVE

SEPTEMBER 2016
OWNER

FIFTH SUN, LLC.

SURVEYOR

E.I.C. SURVEYING COMPANY
FIRM NO. 10035400

14608 UNION
TOMBALL, TEXAS 77375
(281) 290-0130

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

GENERAL NOTES

1. BL INDICATES "BUILDING LINE"
2. U.E. INDICATES "UTILITY EASEMENT"
3. R.O.W. INDICATES "RIGHT-OF-WAY"
4. ACTRACT INDICATES "ACRE TRACT"
5. VOL. INDICATES "VOLUME"
6. PG. INDICATES "PAGE"
7. I.R. INDICATES "IRON ROD"
8. D.E. INDICATES "DRAINAGE EASEMENT"
9. S.S.E. INDICATES "SANITARY SEWER EASEMENT"
10. H.C.M.R. INDICATES "HARRIS COUNTY MAP RECORDS"
11. O INDICATES "FOUND" I.R. WITH E.I.C. CAP
12. □ INDICATES "FOUND" I.R.
13. ○ INDICATES "FOUND" I.R.
14. ● INDICATES "FOUND" I.R.
15. ● INDICATES "FND 'PK' NAIL IN ASPHALT"

16. 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.
17. According to the FEMA Firm Panel No. 4803150250L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
18. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
19. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
20. No Building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
21. This plat does not attempt to amend or remove any valid covenants or restrictions.
22. The building lines shown in this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
23. One-foot reserve dedicated to the City in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided pursuant to a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes.

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCE 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

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 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.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: September 12, 2016

Topic:

Consideration to Approve Preliminary Plat of **TKC CCXXVII LLC**: A subdivision of 4.8064 Acres or 209,366.29 Sq. Ft. of land, situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

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

COMMUNITY DEVELOPMENT DEPARTMENT

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

ATTACHMENTS:

TKC CCXXVII LLC

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 laws, 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 three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.



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
H.C.C.F. - HARRIS COUNTY CLERK FILE
H.C.D.R. - HARRIS COUNTY DEED RECORDS
H.C.M.R. - HARRIS COUNTY MAP RECORDS
IP - IRON PIPE
IR - IRON ROD
ND - NUMBER
PG. - PAGE
R.D.W. - RIGHT-OF-WAY
SQ. FT. - SQUARE FEET
VOL. - VOLUME
ESMT. - EASEMENT
B.L. - BUILDING LINE
D.E. - DRAINAGE ESMT.
C.D.T.U.E. - CITY OF TOMBALL UTILITY EASEMENT
S.T.S.E. - STORM SEWER EASEMENT
U.E. - UTILITY EASEMENT

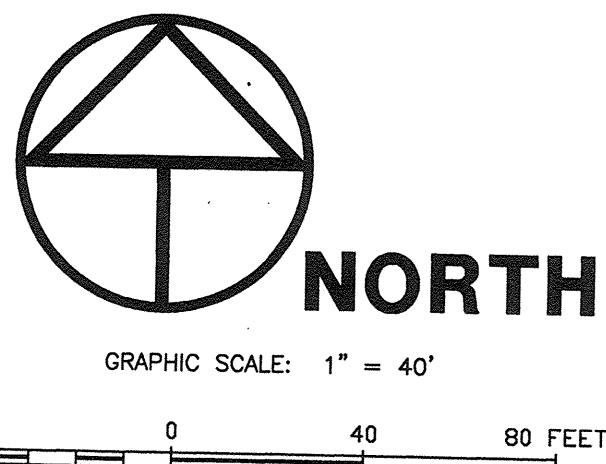
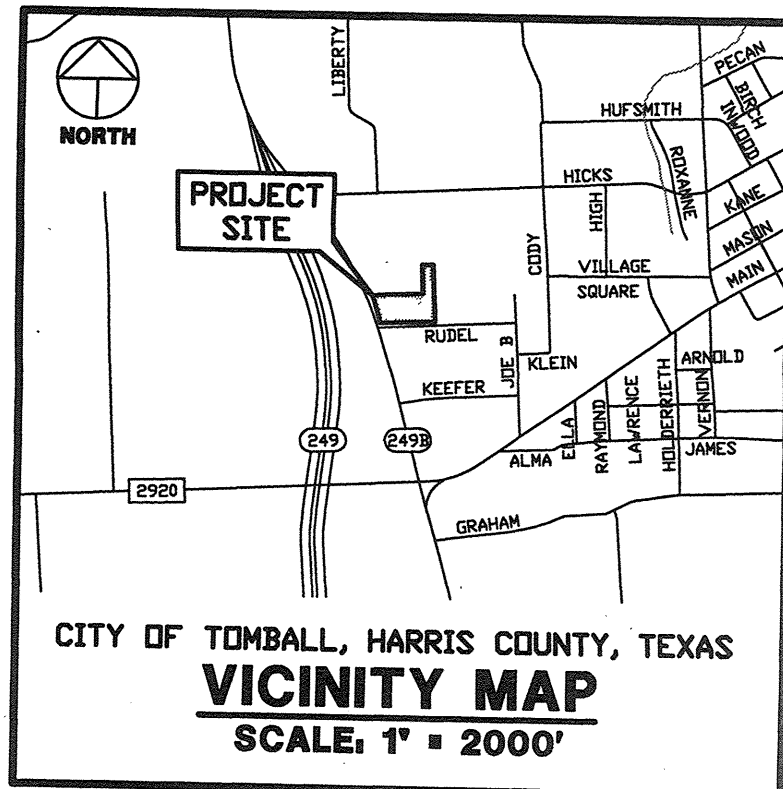
I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2016, at _____ o'clock _____ M., and duly recorded on _____, 2016, at _____ o'clock _____ M., and at Film Code No. _____ 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)
TEMPORARY BENCHMARK "B" ELEVATION - 193.20
TBM "B" IS THE LETTERS "LL" IN THE WORD "MUELLER" STAMPED ON A FIRE HYDRANT NEAR THE SOUTHEAST CORNER OF THE SUBJECT TRACT (SHOWN HEREON)

RESERVE TABLE

DESCRIPTION	RESERVE USE	AREA
UNRESTRICTED RESERVE "A"	NO PLATTED RESTRICTIONS; USE CONTROLLED BY CITY ZONING ORDINANCE AND SEPARATELY FILED RESTRICTIONS, IF APPLICABLE	4.8064 AC. / 209,366.29 SQ. FT.
	TOTAL	4.8064 AC. / 209,366.29 SQ. FT.



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 GROUNDS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS IN 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 SHALL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHALL BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.
- BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
- SUBJECT TO UNPLATTED PIPELINE RIGHT-OF-WAY EASEMENTS AS RECORDED IN VOL. 942, PG. 516, VOL. 932, 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).

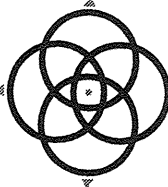
A PRELIMINARY PLAT OF TKC CCXXVII LLC

A SUBDIVISION OF
4.8064 ACRES OR 209,366.29 SQ. FT. OF LAND,
SITUATED IN THE JOSEPH HOUSE SURVEY,
ABSTRACT NO. 34,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS.

1 BLOCK 1 LOT 0 RESERVES
AUGUST 31, 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: September 12, 2016

Topic:

Consideration to approve **ZONING CASE P16-0123**: Request by Justin Cottle for a Conditional Use Permit to operate an amusement, commercial (indoor) facility at 701 E. Main Street. The property is approximately 1 acre, located on the north side of Main Street, east of Willow Street, legally described as Lots 1 and 2, Block 1 McCraw Acres and is zoned General Retail.

- Conduct Public Hearing on **ZONING CASE P16-0123**

Background:

Origination:

Recommendation:

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

COMMUNITY DEVELOPMENT DEPARTMENT

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

ATTACHMENTS:

PUBLIC HEARING ANNOUNCEMENT
PROPERTY OWNER NOTICE
STAFF REPORT

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



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, September 12, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 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 P16-0123: Request by Justin Cottle for a Conditional Use Permit to operate an amusement, commercial (indoor) facility at 701 E. Main Street. The property is approximately 1 acre, located on the north side of Main Street, east of Willow Street, legally described as Lots 1 and 2, Block 1 McCraw Acres and is zoned General Retail.

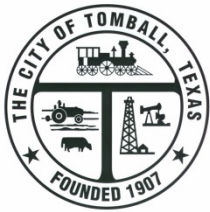
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building,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

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **September 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.



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: P16-0123

APPLICANT/OWNER: Justin Cottle

LOCATION Approximately 1 acre, located on the north side of Main Street, east of Willow Street at 701 E. Main.

PROPOSAL: Request for a Conditional Use Permit to operate an *amusement, commercial (indoor)* facility at 701 E. Main Street. The property is legally described as Lots 1 and 2, Block 1 McCraw Acres and is zoned General Retail.

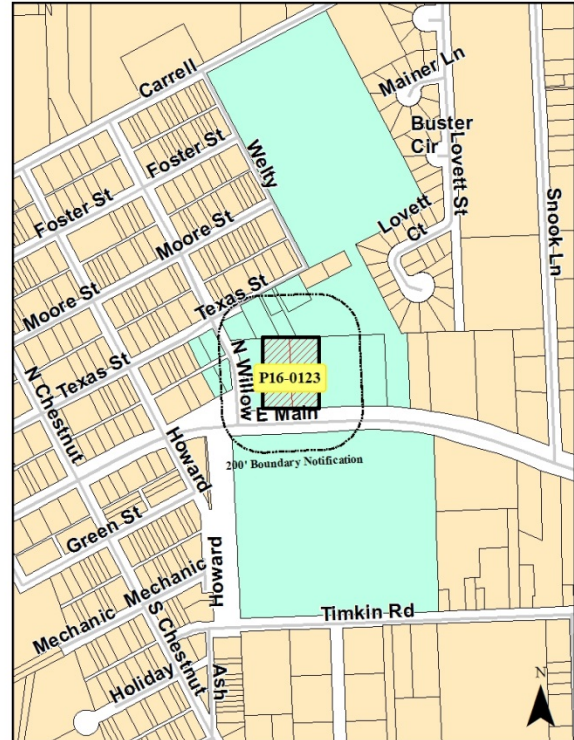
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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

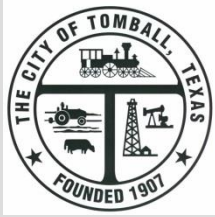


**Planning & Zoning Commission
Public Hearing:
Monday, September 12, 2016, 6:00 PM**

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

Rezoning Case: P16-0123
Property Owner(s): I D S S Inc.
Applicant(s): Justin Cottle
Legal Description: Lots 1 and 2, Block 1 McCraw Acres
Location: North side of Main Street, east of Willow Street, 701 E. Main Street (Exhibit "A")
Area: 1 acre as part of a 2 acre shopping center
Comp Plan Designation: Commercial (Exhibit "B")
Present Zoning and Use: General Retail (Exhibit "C") / Shopping Center (Exhibit "D")
Proposed Use(s): Amusement, Commercial (indoor)
Request: CUP to allow a gaming facility, Arclight Gaming, LLC.
Adjacent Zoning & Land Uses:
North: Single-Family 6 / Residential houses and undeveloped land
South: Planned Development 7 / Concordia Lutheran High School
West: General Retail / Undeveloped land
East: General Retail / Shopping center

BACKGROUND

In June 2016, City staff began conversations with the applicant to discuss a business occupying a lease space in the existing shopping center located at 701 E. Main Street. After discussing the nature of the business, City staff informed the applicant of the following:

- The proposed use is classified as "Amusement, commercial (indoor)" per Section 50-82 (b) (*Use Charts*) of the Zoning Ordinance;
- The property is zoned General Retail District; and
- The "Amusement, commercial (indoor)" use is permitted in the General Retail District with the approval of a Conditional Use Permit (CUP).

After further discussions, the applicant submitted an application for a CUP in July 2016.

ANALYSIS

According to Section 50-2 (Definitions), “Amusement, commercial (indoor)”, *means an amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.*

The applicant’s proposed gaming facility, Arclight Gaming, LLC, will consist of five or six tabletop gaming areas for customers to use with items they purchase at the shop. Customers will not be charged to use the tables to play.

Uses in the existing shopping center include eating establishments (Subway, a donut shop, Los Toros Mexican Grill), barber/beauty shops (no related school/college), food or grocery store, general retail shops (Copiers and Scooters, Vinyl Supply) and a loan service office.

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 Commercial which is typically for a variety of “shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops”. The proposed use appears to be consistent with the Comprehensive Plan for the following reasons:

- The proposed use is equal to or less intense than the existing uses in the shopping center;
- The proposed land use is considered an amusement or entertainment facility, which corresponds with the description of the Commercial designation.

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

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

Section 50-76 (*General Retail District*) also states that the district “is established to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services”. The proposed use appears to be consistent with the purpose and intent of the zoning district.

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

Should the CUP application be approved by City Council, the applicant will be required to submit 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; however, the existing shopping center appears to be generally consistent with the Zoning Ordinance.

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

The proposed use appears to be compatible with the adjacent developments. No improvements or modifications on-site or 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.

As mentioned above, the proposed use does not appear to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 31, 2016. A sign was placed on the property and Notice of Public Hearing was published in the paper on August 24, 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 P16-0123.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

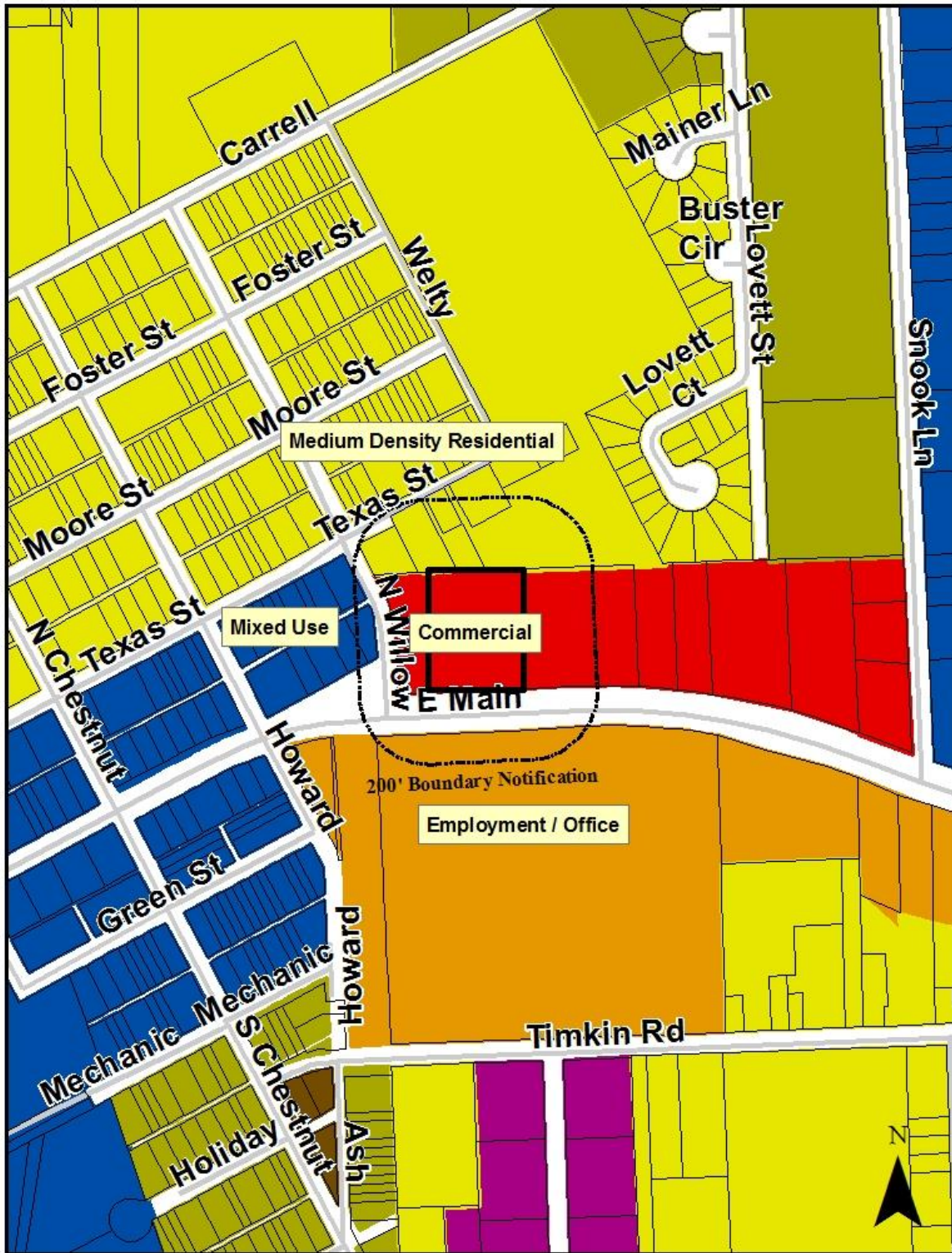
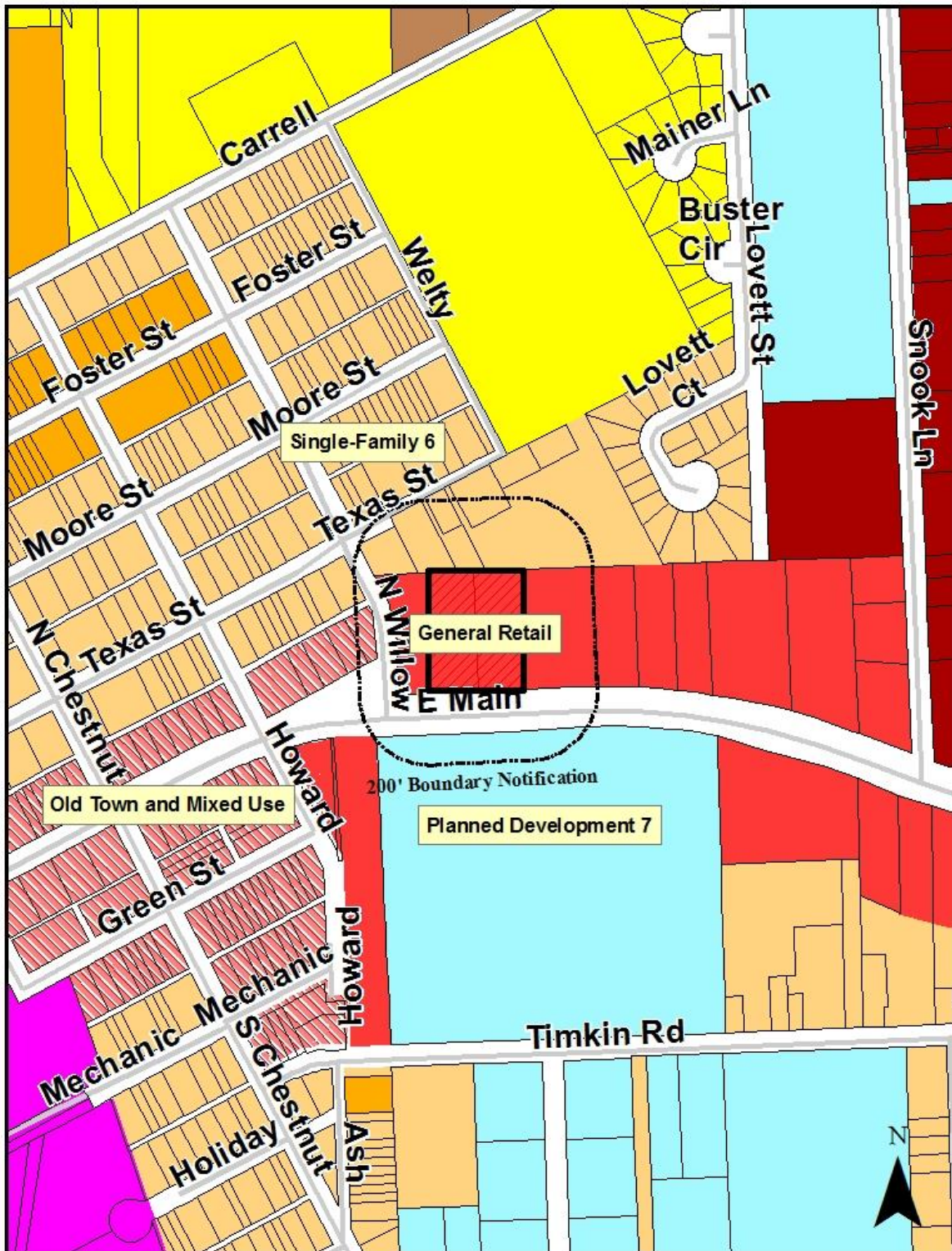


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Figure 1 and 2: Subject site
Source: City of Tomball

Exhibit "E"
CUP Application



16-123
**APPLICATION FOR
CONDITIONAL USE PERMIT**
Community Development Department
Planning Division

Revised 5/19/15



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: Justin Gottle, Anlight Gaming, LLC Title: Executive
Mailing Address: 11018 Sir Alex Drive City: Tomball State: TX
Zip: 77375
Phone: (281) 787-3547 Fax: () Email: wimpenstein@gmail.com

Owner

Name: IDSS INC / S. SHARMA Title: PRESIDENT
Mailing Address: 9211 WEST RD City: HOUSTON State: TX
Zip: 77064
Phone: (713) 996-8888 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: small tabletop hobby shop/amusement Comm. indoor

Physical Location of Property: EAST SIDE ST.

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

Legal Description of Property: LT 1 BLK 1 MCCRAW ACRES

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

HCAD Identification Number: 1212230010001 Acreage: 43,560

Current Use of Property: RETAIL

Proposed Use of Property: RETAIL

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 Justin Gittle
Signature of Applicant

6-27-2016
Date

X [Signature]
Signature of Owner

7-10-2016
Date

CITY OF TOMBALL
281-351-5484

REC#: 00937247 7/25/2016 1:53 PM
OPER: RS TERM: 002
REF#: W6864910333

City of Tomball, Texas 50' TRAN: 130.0000 PLANNING AND ZONING
701 E MAIN
LOT 1 BLK 1 MCCRAW ACRES www.tomballtx.gov
100-5442
CONDITIONAL USE PER 600.00CR
TENDERED: 600.00 CHECK
APPLIED: 600.00
CHANGE: 0.00

Amelia Lindley

From: Justin Cottle <wimpenstein@gmail.com>
Sent: Monday, June 27, 2016 5:01 PM
To: Amelia Lindley
Subject: Letter stating reasons for CUP request

My name is Justin Cottle, owner of Arclight Gaming, LLC, and I would like to open a location in Tomball. It would be a small tabletop roleplaying and miniature wargaming shop. The reason for the Conditional Use Permit request is that I have been informed the business would count as 'amusement commercial indoor' due to most of my for-sale products being along the walls and in a storage area, while most of the public-use floor space would be taken up by a number (probably five or six) of 4' x 6' gaming tables, with optional seating, for customers to use for the things they purchase. The idea for the shop is to only sell products, but to serve as a central location for players to meet and play with, or against, eachother, and possibly even host roleplaying sessions for folks who do not already have a convenient location to do so. Aside from selling models, dice, paints, books, etc., the only usage I would charge for would be for tournaments, special events (lock-ins, product manufacturer sponsored events, etc), and such. No charge for simply using the tables or facility. There would also be no on-site food preparation, gambling, or alcohol. I want it to be a wholesome place where all ages feel welcome and comfortable.

EAST MAIN STREET

16-123