

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



MONDAY, JULY 11, 2016

6:00 P.M.

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, July 11, 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 Planning & Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Special Planning and Zoning Commission meeting of June 27, 2016.
- 5.0 New Business:
 - 5.1 Consideration to Approve Final Plat of **DUNNCO TOMBALL**: Being a subdivision of a 1.6910 Acre, (73,659.69 Square Feet), of Land situated in the J.M. Hooper Survey, Abstract 375, Harris County, Texas.

- 5.2 Consideration to Approve Re-Plat of **BRANDT HOLDINGS**: A subdivision of 14.3218 Acres (623,858.42 Square Feet) of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball & ETJ, Harris County, Texas being a Partial Re-Plat of Lots 487, 488, 489 & 490 of Tomball Townsite Volume 2, Page 65 M.R.H.C. 1 Lot, 1 Reserve, 1 Block.
- 5.3 Consideration to Approve Re-Plat of **TOMBALL OUTLOT**: A Replat of 0.3214 Acres (14,000.00 Square Feet) of land out of Lots 35, 36, 37 & 38, Block 37, revised map of Tomball in Harris County, Texas.
- 5.4 Consideration to Approve Final Plat of **CORNER STORE NO. 1917**: A subdivision of 16.2330 Acres (707,108.80 Square Feet) out of the Chancey Goodrich Survey, Abstract No. 311 Tract 7C-1, 7F and 7H Harris County, Texas.
- 5.5 Consideration to approve **Zoning Case P16-0077**: Request by Zack Burghli, on behalf of Royal Oak Enterprises, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas, generally located on the north side of Hicks Street, between Quinn Road and Liberty Ln, from the Single-family 20 District to the Single-Family 9 District.

- Conduct Public Hearing on **ZONING CASE P16-0077**

- 5.6 Consideration to approve **Zoning Case P16-0083**: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use District.

- Conduct Public Hearing on **ZONING CASE P16-0083**

- 5.7 Consideration to approve **Comprehensive Plan Case P16-0092**: Request by John Linton to amend the City's Comprehensive Plan by designating the Future Land Use of approximately 14.427 acres of land as Commercial. The property is legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

- Conduct Public Hearing on **COMPREHENSIVE PLAN CASE P16-0092**

- 5.8 Consideration to approve **Zoning Case P16-0080**: Request by John Linton to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P16-0080**

6.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of July, 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: July 11, 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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: July 11, 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

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: July 11, 2016

Topic:

Consideration to Approve the Minutes of the Special Planning and Zoning Commission meeting of June 27, 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 - 6/27/2016

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

MONDAY, JUNE 27, 2016



6:00 P.M.

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

Commissioner Dane Dunagin
Commissioner Richard Anderson
Commissioner Darrell Roquemore
Commissioner Harry Byrd – Excused Absence

Others present:

Community Development Director/ City Engineer – Craig Meyers
Assistant City Engineer – Beth Jones
Community Development Coordinator – Kim Chandler

- 1.1 Election of Chair and Vice Chair

Commissioner Tague requested nominations for Chair.

Commissioner Dunagin nominated Commissioner Tague for Chair.

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to appoint Commissioner Tague as Chair.

Motion carried unanimously.

Chair Tague requested nominations for Vice Chair.

Chair Tague nominated Commissioner Roquemore for Vice Chair.

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to appoint Commissioner Roquemore as Vice Chair.

Motion carried unanimously.

draft

2.0 No Public Comments were received.

3.0 No Reports and Announcements heard.

4.0 Motion was made by Commissioner Anderson, second by Commissioner Roquemore to approve the Minutes of the Regular Planning and Zoning Commission Meeting of June 13, 2016.

Motion carried unanimously.

5.0 New Business:

5.1 Receipt of Capital Projects Comments and Recommendations from the Planning and Zoning Commission for City Manager Consideration regarding Budget of Five Year CIP 2017-2021.

Craig Meyers, Community Development Director/City Engineer, presented recommendations of the five-year CIP for 2017-2021.

Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to approve the Five Year Capital Improvement Projects List, with the recommendation to evaluate issues experienced with recent significant rainfall events.

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

Motion carried unanimously; 4 Votes Aye.

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

Motion carried unanimously.

The meeting was adjourned at 6:32 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: July 11, 2016

Topic:

Consideration to Approve Final Plat of **DUNNCO TOMBALL**: Being a subdivision of a 1.6910 Acre, (73,659.69 Square Feet), of Land situated in the J.M. Hooper Survey, Abstract 375, 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:

Dunnco Tomball - Final Plat

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, DUNNCO PROPERTIES II, LTD, ACTING BY AND THROUGH SCOTT H. DUNN, GENERAL PARTNER, BEING THE OFFICER OF DUNNCO PROPERTIES II, LTD, OWNER, AND MELNYK, LLC, ACTING BY AND THROUGH TERRY CLOUD, MEMBER, BEING OFFICERS OF MELNYK, LLC, OWNER, HEREINAFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE OF THE 1.6910 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF DUNNCO II TOMBALL, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOEVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AND 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 COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18-DIAMETER) WITH CULVERT OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

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

AS TO LOT 1:

IN TESTIMONY WHEREOF, THE DUNNCO PROPERTIES II, LTD HAS CAUSED THESE PRESENTS TO BE SIGNED BY SCOTT H. DUNN, ITS PRESIDENT SOLE, THEREUNTO AUTHORIZED, THIS _____ DAY OF _____, 2016.

DUNNCO II PROPERTIES, LTD

BY: _____
SCOTT H. DUNN, GENERAL PARTNER

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, SCOTT H. DUNN, PRESIDENT SOLE, KNOWN TO ME TO BE THE PERSON WHOSE NAMES IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXCUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID LTD.

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 : _____

AS TO LOT 2:

IN TESTIMONY WHEREOF, THE MELNYK, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY TERRY CLOUD, MEMBER, THEREUNTO AUTHORIZED, THIS _____ DAY OF _____, 2016.

MELNYK, LLC

BY: _____
TERRY CLOUD, MEMBER

THE STATE OF TEXAS
COUNTY OF HARRIS

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

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 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.

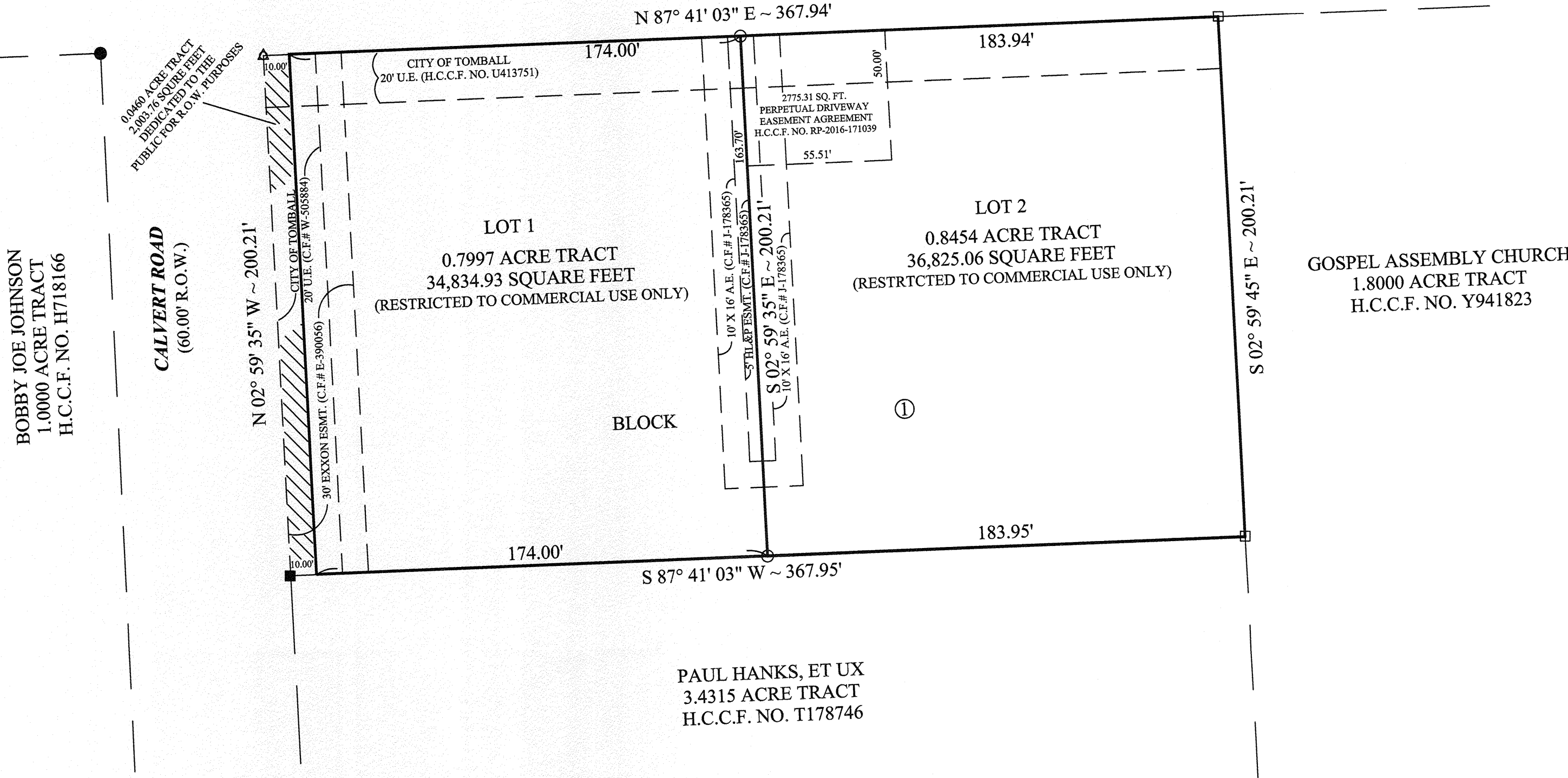
CRAIG A. LANEY, R.P.L.S.
TEXAS REGISTRATION NO. 4507



40 ACRES
MAXINE SCHULTZ
H.C.C.F. NO. D-958741

25.2850 ACRES
LOT 1-B
BLOCK 1
TOMBALL 2920 REPLAT NO 1
F.C. NO. 647068 H.C.M.R.

F.M. 2920
(120.00' R.O.W.)
(VOL. 1420 PG. 64 H.C.D.R.)



GENERAL NOTES

- B.L. INDICATES " BUILDING LINE "
- U.E. INDICATES " UTILITY EASEMENT "
- R.O.W. INDICATES " RIGHT-OF-WAY "
- AC. TRACT INDICATES " ACRE TRACT "
- VOL. INDICATES " VOLUME "
- PG. INDICATES " PAGE "
- I.R. INDICATES " IRON ROD "
- D.E. INDICATES " DRAINAGE EASEMENT "
- S.S.E. INDICATES " SANITARY SEWER EASEMENT "
- H.C.M.R. INDICATES " HARRIS COUNTY MAP RECORDS "
- INDICATES "FOUND 3/4" I.R. WITH E.I.C. CAP"
- INDICATES "FOUND 1/2" I.R.
- INDICATES "FOUND 1/2" I.R.
- △ INDICATES "FOUND 1" I.P.
- INDICATES "FND CONCRETE MONUMENT WITH BRASS DISK"
- 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 the FEMA Firm Panel No. 4803150230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- 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 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.
- This plat does not attempt to amend or remove any valid covenants or restrictions.

DUNNCO TOMBALL

BEING A SUBDIVISION OF A 1.6910 ACRE,
73,659.96 SQUARE FEET, OF LAND
SITUATED IN THE
J.M. HOOPER SURVEY, ABSTRACT 375,
HARRIS COUNTY, TEXAS

CONTAINING
2 LOTS 1 BLOCK

MAY 2016

OWNER

DUNNCO PROPERTIES II, LTD

10318 LAKE DRIVE , SUITE A-103
HOUSTON , TEXAS 77070
(281) 370 - 6687

MELNYK, LLC

32503 MULLIGAN TRAIL
MAGNOLIA , TEXAS 77354
(281) 728 - 9826

SURVEYOR

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

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

WE, THE CITY MANAGER AND CITY ENGINEER FOR THE CITY OF TOMBALL DO
HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE CITY OF TOMBALL ORDINANCE.

BY: _____
GEORGE SHACKELFORD, CITY MANAGER

BY: _____
CRAIG T. MEYERS P.E., CITY ENGINEER

BY : _____
BARBARA TAGUE, CHAIRMAN

BY: _____
DARRELL ROQUEMORE, VICE CHAIRMAN

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF PATEL PLAZA IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2016.

BY: _____
GRETCHEN FAGAN, MAYOR

BY: _____
DORIS SPEER, CITY SECRETARY

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

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

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: July 11, 2016

Topic:

Consideration to Approve Re-Plat of **BRANDT HOLDINGS**: A subdivision of 14.3218 Acres (623,858.42 Square Feet) of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball & ETJ, Harris County, Texas being a Partial Re-Plat of Lots 487, 488, 489 & 490 of Tomball Townsite Volume 2, Page 65 M.R.H.C. 1 Lot, 1 Reserve, 1 Block.

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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ATTACHMENTS:

Brandt Holdings - Replat

Brandt Holdings - Replat

STATE OF TEXAS
COUNTY OF HARRIS

We, Brandt Exploration, LLC, a Texas limited liability company, acting by and through Robert E. Brandt, President, being an officer of Brandt Exploration, LLC, a Texas limited liability company, Owners, hereinafter referred to as Owners of the 14.3218 acre tract described in the above and foregoing plat of BRANDT HOLDINGS, 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 Houston, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

IN TESTIMONY WHEREOF, the Brandt Exploration, LLC, a Texas limited liability company, has caused these presents to be signed by Robert E. Brandt, its President, therunto authorized, this ____ day of _____, 2016.

Brandt Exploration, LLC, a Texas limited liability company

By: _____
Robert E. Brandt, President

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared, Robert E. Brandt, President of Brandt Exploration, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

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
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 BRANDT HOLDINGS 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

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinances.

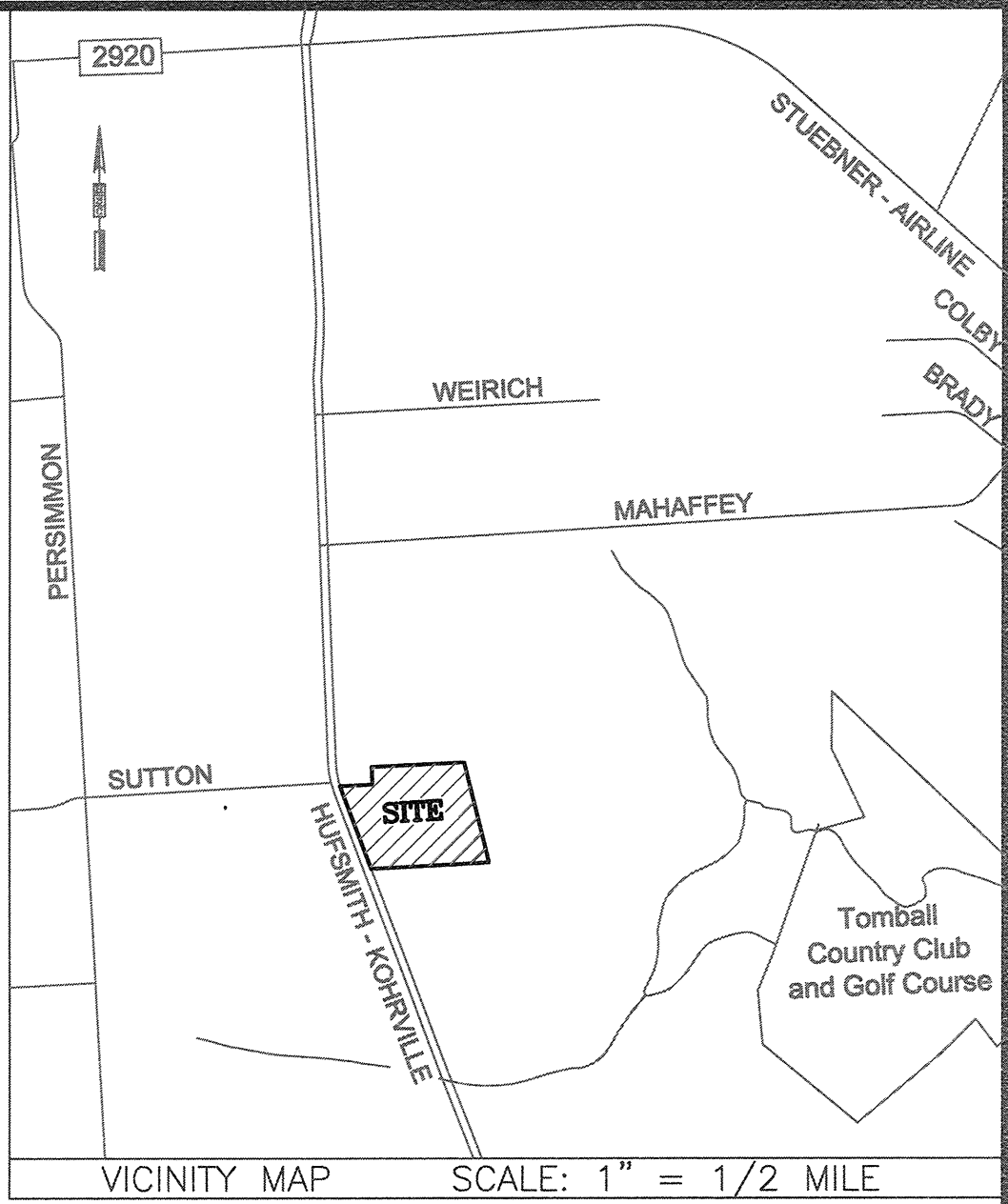
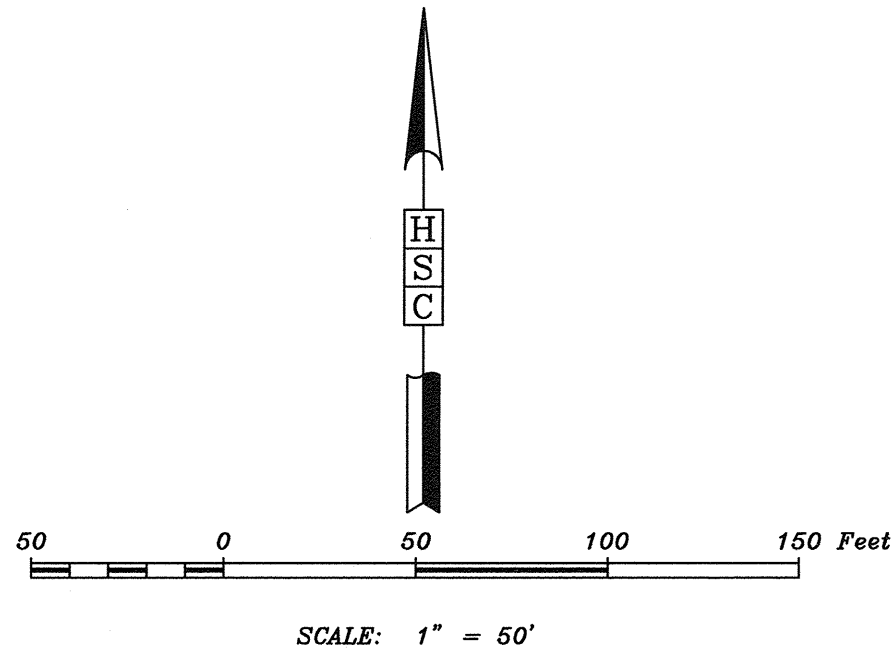
By: _____
George Shackelford
City Manager

By: _____
Craig T. Meyers, P.E.
City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all of the dedicated public easements 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: _____
Gretchen Fagan
Mayor

By: _____
Doris Speer
City Secretary



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

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 Houston, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

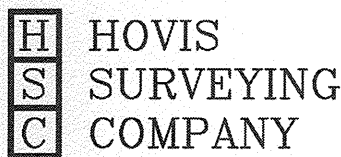
By: _____
Deputy

NOTES

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- 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 48201C0230L, Panel Number 480315 0230 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 RODS.
- 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: 0.99954497.
- B.L. indicates Building Line, E.TJ indicates Extra Territorial Jurisdiction, F.C. indicates Film Code, U.E. indicates Utility Easement, S.W. S.E. indicates Storm Sewer Easement, S.S.E. indicates Sanitary Sewer, 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.

BRANDT HOLDINGS

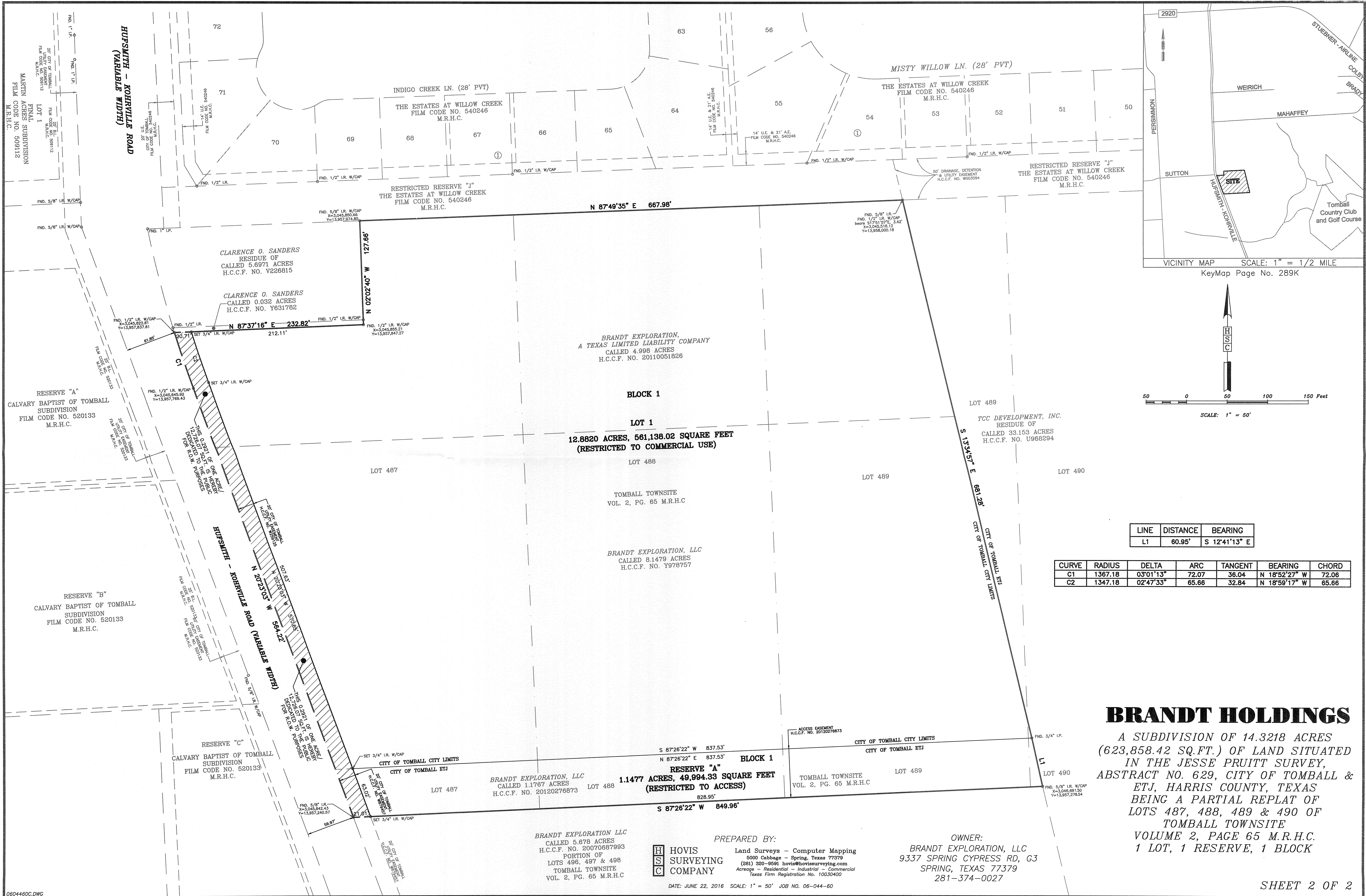
A SUBDIVISION OF 14.3218 ACRES
(623,858.42 SQ.FT.) OF LAND SITUATED
IN THE JESSE PRUITT SURVEY,
ABSTRACT NO. 629, CITY OF TOMBALL &
ETJ, HARRIS COUNTY, TEXAS
BEING A PARTIAL REPLAT OF
LOTS 487, 488, 489 & 490 OF
TOMBALL TOWNSITE
VOLUME 2, PAGE 65 M.R.H.C.
1 LOT, 1 RESERVE, 1 BLOCK



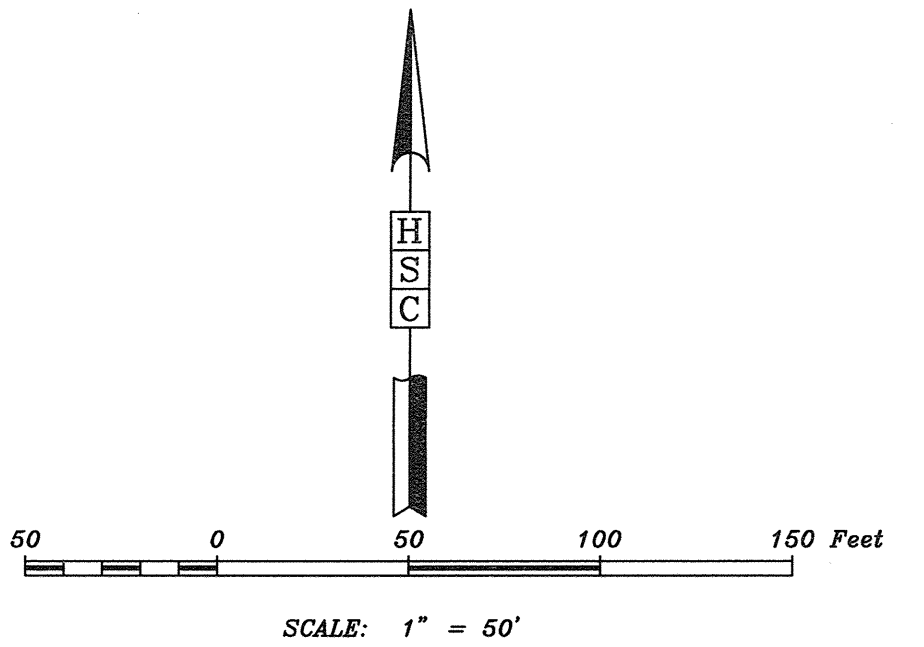
PREPARED BY:
Land Surveys - Computer Mapping
5000 Cabbage - Spring, Texas 77379
(281) 320-9591 hovis@hovissurveying.com
Acreage - Residential - Industrial - Commercial
Texas Firm Registration No. 10030400

DATE: JUNE 22, 2016 SCALE: 1" = 50' JOB NO. 06-044-60

OWNER:
BRANDT EXPLORATION, LLC
9337 SPRING CYPRESS RD, G3
SPRING, TEXAS 77379
281-374-0027



VICINITY MAP SCALE: 1" = 1/2 MILE
KeyMap Page No. 289K



LINE	DISTANCE	BEARING
L1	60.95'	S 12°41'13" E

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	1367.18	03°01'13"	72.07	36.04	N 18°52'27" W	72.06
C2	1347.18	02°47'33"	65.66	32.84	N 18°59'17" W	65.66

BRANDT HOLDINGS

A SUBDIVISION OF 14.3218 ACRES
(623,858.42 SQ.FT.) OF LAND SITUATED
IN THE JESSE PRUITT SURVEY,
ABSTRACT NO. 629, CITY OF TOMBALL &
ETJ, HARRIS COUNTY, TEXAS
BEING A PARTIAL REPLAT OF
LOTS 487, 488, 489 & 490 OF
TOMBALL TOWNSITE
VOLUME 2, PAGE 65 M.R.H.C.
1 LOT, 1 RESERVE, 1 BLOCK

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: July 11, 2016

Topic:

Consideration to Approve Re-Plat of **TOMBALL OUTLOT**: A Replat of 0.3214 Acres (14,000.00 Square Feet) of land out of Lots 35, 36, 37 & 38, Block 37, revised map of Tomball in 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:

Tomball Outlot - Replat

STATE OF TEXAS
COUNTY OF HARRIS

WE, GRANDE TAMALES, LLC acting by and through HIGINIO AMADO, PRESIDENT and ASCENCION AMADO, VICE PRESIDENT being officers of GRANDE TAMALES INC., owners hereinafter referred to as Owners of the 0.3214 ACRE tract described in the above and foregoing map of TOMBALL OUTLOT, 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 an 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 an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements, or eight feet (8'0") for fourteen feet (14'0") back-to-back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet (16'0") above the ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'0") in width.

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

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

FURTHER, Owners hereby certify that this replat does not attempt to alter, amend, or remove any covenants or restrictions; we further certify that no portion of the preceding plat was limited by deed restriction to residential use for not more than two (2) residential units per lot.

IN TESTIMONY WHEREOF, GRANDE TAMALES, LLC has caused these presents to be signed by HIGINIO AMADO, PRESIDENT and ASCENCION AMADO, VICE PRESIDENT thereunto authorized, attested by its secretary, this ____ day of _____, 2013.

By: _____
HIGINIO AMADO, PRESIDENT

Attest: _____
ASCENCION AMADO, VICE PRESIDENT

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared HIGINIO AMADO, 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 stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2013.

Notary Public in and for the State of Texas
Print Name

My Commission Expires: _____

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared ASCENCION AMADO, 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 stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2013.

Notary Public in and for the State of Texas
Print Name

My Commission Expires: _____

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 _____, 2013, at _____ o'clock _____ M., and duly recorded on _____, 2013, at _____ o'clock _____ M., and at Film Code No. _____ of the Map Records of Harris County for said county.

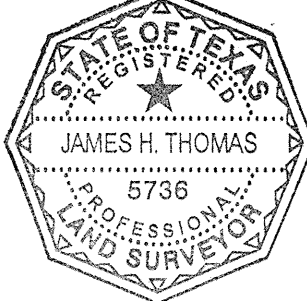
WITNESS my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

I, James H. Thomas, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three quarter (3/4) inch and a length of not less than three (3) feet, unless otherwise found; and that the plat boundary corners have been tied to the nearest street intersection and to the State Plane Grid Coordinate System (NAD83)

James H. Thomas, RPLS #1494



We, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball Ordinance.

By: _____
George Shackelford, City Manager

By: _____
Craig T. Meyers, City Engineer

This is to certify that the city accepts the Planning & 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 plath this ____ day of _____, 2016.

By: _____
Gretchen Fagan, Mayor

By: _____
Doris Speer, City Secretary

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat subdivision of Tomball Outlot, 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 plath this ____ day of _____, 2016.

By: _____
Barbara Tague, Chairman

By: _____
Darrell Roquemore, Vice Chairman

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2013.

Notary Public in and for the State of Texas
Print Name

My Commission Expires: _____

I/WE, POST OAK BANK, NA, owner and holder of a lien (or liens) against the property described in the plat known as Tomball Outlot, said lien (or liens) being evidenced by instrument(s) of record under County Clerk's File No(s). 2014043135 of the O.P.R.O.R.P. of Harris County, Texas, do hereby in all things subordinate my/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 hereby confirm that I/we am/are the present owner(s) of said lien (or liens) and have not assigned the same nor any part thereof.

By: _____

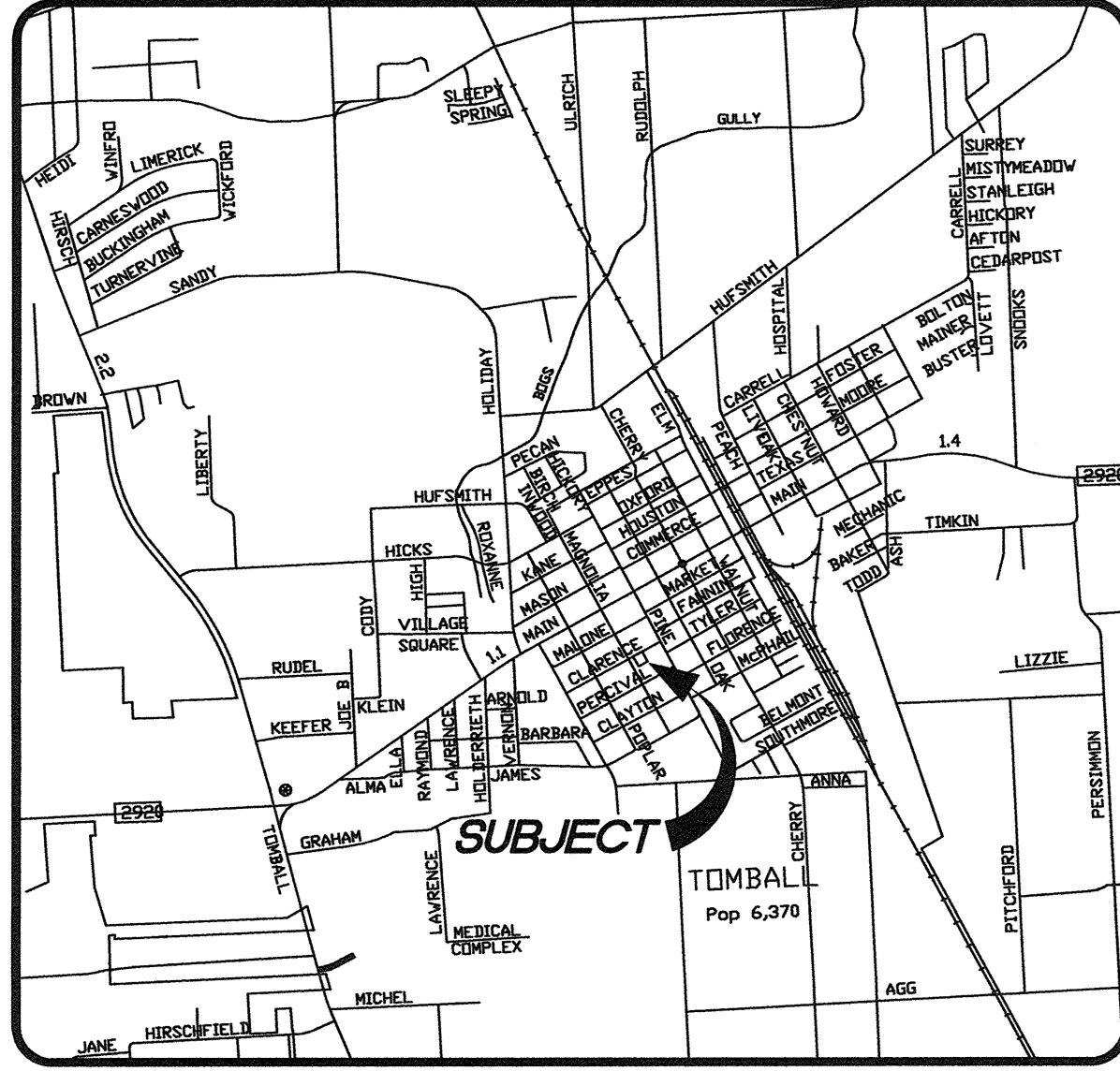
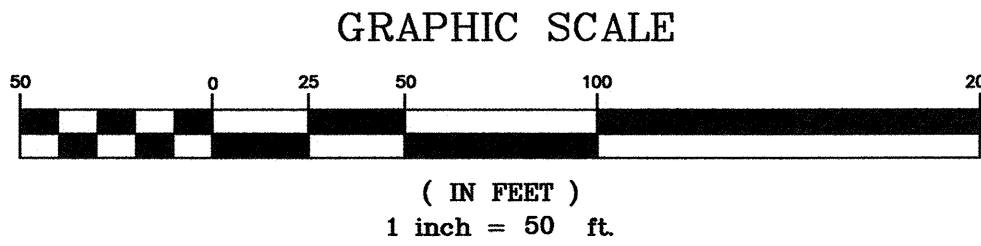
STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2013.

Notary Public in and for the State of Texas
Print Name

My Commission Expires: _____



Notes:

- 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 0.999950827778.
- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to FEMA Firm Panel No.48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.

TOMBALL OUTLOT

BEING A REPLAT OF 0.3214 (14,000.00 SQ. FT.) ACRE OF LAND OUT OF LOTS 35, 36, 37 & 39, BLOCK 37, REVISED MAP OF TOMBALL IN HARRIS COUNTY, TEXAS.

1 RESERVE

1 BLOCK

DATE: 06/30/16

SCALE: 1" = 50'

OWNER: GRANDE TAMALES, LLC
607 Bob Link St.
Magnolia, Texas 77355-3552
PHONE : (281) 725-0715

DEVELOPER: WJW & SONS, LLC
3411 Blue Cypress
Spring, Texas 77388
PHONE : (713) 417-7286

SURVEYOR: THOMAS LAND SURVEYING
14340 Torrey Chase, Suite 270
Houston, Texas 77014
PHONE : (281) 440-7730
FAX : (281) 440-7737
john@thomaslandsurveying.com

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: July 11, 2016

Topic:

Consideration to Approve Final Plat of **CORNER STORE NO. 1917**: A subdivision of 16.2330 Acres (707,108.80 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 - Final Plat

STATE OF TEXAS §

COUNTY OF HARRIS §

We, James Maxwell Milner and wife Pat A. Milner, Owners hereinafter referred to as Owners of the 16.2331 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 purpose 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 an 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 an additional ten feet (10' 0") for ten feet (10' 0") back-to-back ground easements, or eight feet (8' 0") for fourteen feet (14' 0") back-to-back ground easements or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby 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 an 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.

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

By: James Maxwell Milner By: Pat A. Milner

STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared James M. Milner and wife Pat A. Milner 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 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 and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2016.

By: Gretchen Fagan, Mayor

By: Doris Speer, City Secretary

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.

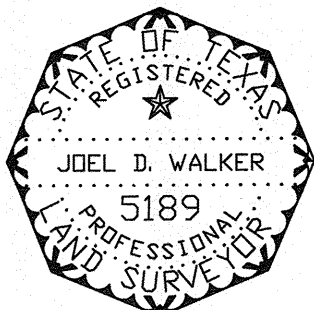
WITNESS my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
Of Harris County, Texas

By: Deputy

Joel D. Walker
Texas Registration No. 5189

Date



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.

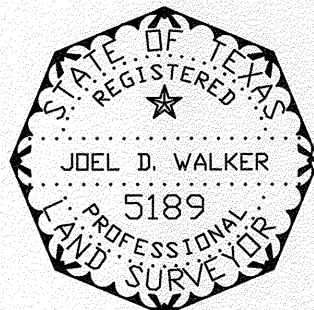
By: Barbara Tague, Chair

By: Darrell Roquemore, Vice Chair

I, Joel D. Walker, 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

Date



By: George Shackelford, City Manager

By: Craig Meyers, P.E. City Engineer

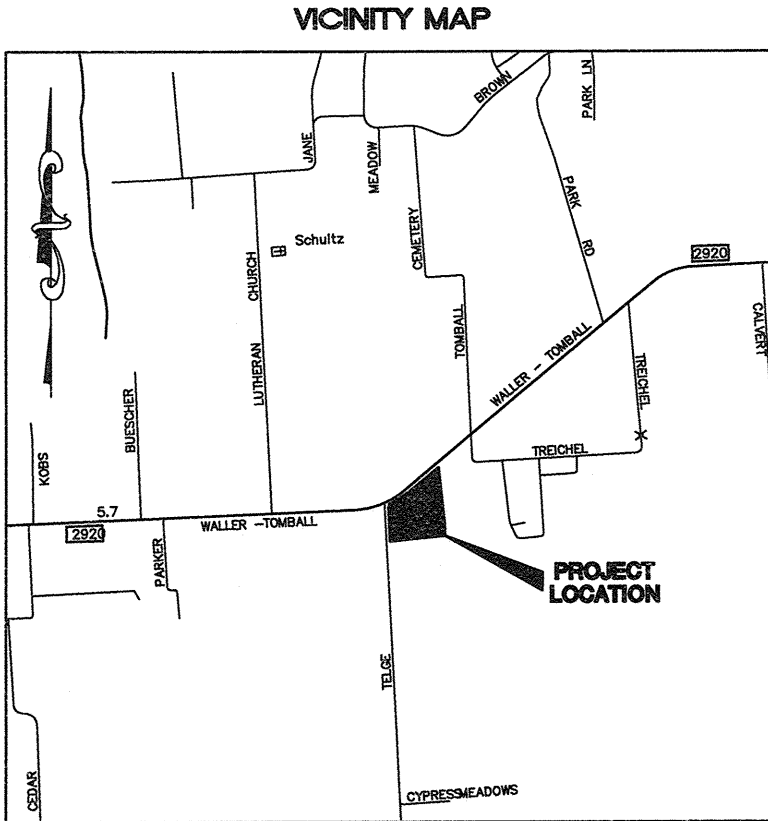
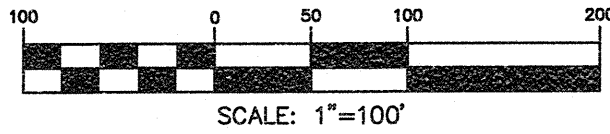
CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	406.93	1492.40	15°37'22"	204.74	N58°34'20"E	405.67
C2	105.82	1522.40	3°58'57"	52.93	N52°45'08"E	105.80
C3	109.56	1542.40	4°04'11"	54.80	S52°47'45"W	109.53

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"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N04°35'13"E	100.00
L2	N36°41'19"E	24.15
L3	N50°45'39"E	45.53
L4	S88°01'19"E	70.89
L5	S02°05'00"E	30.08
L6	N88°01'19"W	107.26
L7	N02°18'18"W	50.00
L8	N83°55'44"E	100.22
L9	N02°18'18"W	192.31
L10	S88°01'19"E	30.35
L11	S13°26'35"W	49.49
L12	S50°45'39"W	58.55
L13	N28°33'44"W	20.14
L14	N50°45'39"E	51.80
L15	N13°26'35"E	49.49

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



KEY MAP 287R
SCALE: 1" = 3000'

SURVEYOR'S NOTES:

- 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 0.99994298835 (X+S.F.=SURFACE VALUE).
- ACCORDING TO F.I.R.M. MAP NO. 48201C0210L (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.
- THIS SURVEY HAS BEEN PREPARED UTILIZING A CITY PLANNING LETTER FROM STEWART TITLE WITH AN EFFECTIVE DATE OF MAY 25 2016.
- 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.
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- 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.
- 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, 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.

CORNER STORE No 1917

A SUBDIVISION OF
16.2330 ACRES (707,108.80 SQ. FT.)

OUT OF THE
CHANCEY GOODRICH SURVEY,
ABSTRACT NO. 311
TRACT 7C-1, 7F AND 7H
HARRIS COUNTY, TEXAS

1 BLOCK 2 LOTS

JULY 2016

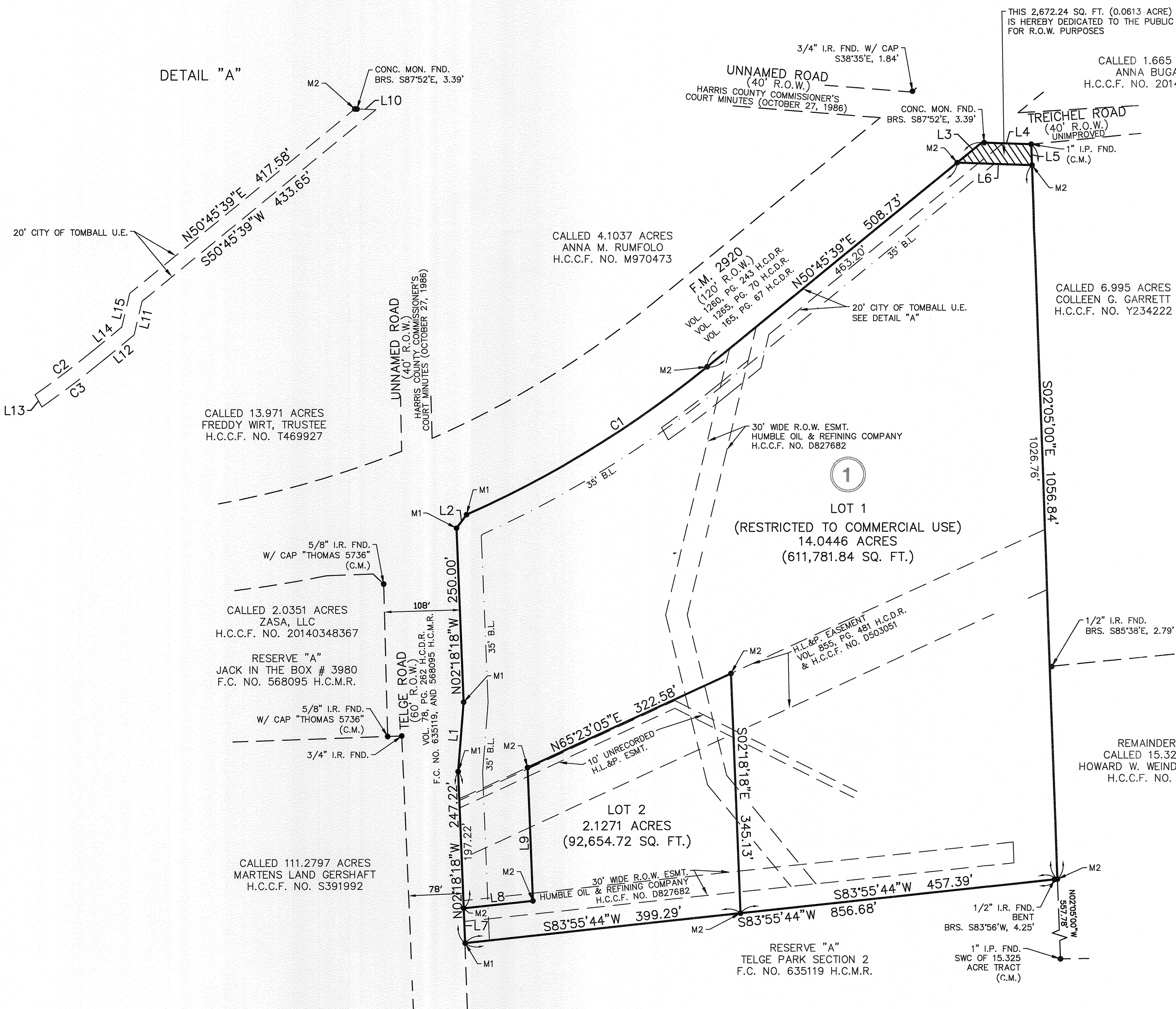
WEST  BELT
SURVEYING, INC.

210280 PARK ROW
KATY, TEXAS 77449

PHONE: (281) 590-8288
FAX: (281) 492-6026

CERTIFIED FIRM NO. 10073800

OWNER:
JAMES MAXWELL MILNER AND WIFE PAT A. MILNER
21706 TELGE ROAD
HOUSTON, TEXAS 77377-6135



Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: July 11, 2016

Topic:

Consideration to approve **Zoning Case P16-0077**: Request by Zack Burghli, on behalf of Royal Oak Enterprises, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas, generally located on the north side of Hicks Street, between Quinn Road and Liberty Ln, from the Single-family 20 District to the Single-Family 9 District.

- Conduct Public Hearing on **ZONING CASE P16-0077**

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)
JULY 11, 2016
&
CITY COUNCIL
JULY 18, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 18, 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 P16-0077: Request by Zack Burghli, on behalf of Royal Oak Enterprises, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas, generally located on the north side of Hicks Street, between Quinn Road and Liberty Ln, from the Single-family 20 District to the Single-Family 9 District.

Zoning Case P16-0083: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of **July 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: P16-0077

APPLICANT/OWNER: Request by Zack Burghli, on behalf of Royal Oak Enterprises LLC

LOCATION: Generally located on the north side of Hicks Street, between Quinn Road and Liberty Lane

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas from the Single-family 20 District to the Single-Family 9 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.

**Planning & Zoning Commission
Public Hearing:
Monday, July 11, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, July 18, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 11, 2016
City Council Public Hearing Date: July 18, 2016

Rezoning Case: P16 -0077

Property Owner(s): Royal Oak Enterprises, LLC

Applicant(s): Zack Burghli

Legal Description: A portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34

Location: North side of Hicks Street, between Quinn Road and Liberty Lane (Exhibit "A")

Area: 10.4 acres

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

Present Zoning and Use: Single-Family 20 Estate (Exhibit "C") / Undeveloped Land (Exhibit "D")

Request: Rezone from Single-Family 20 Estate to Single-Family 9

Adjacent Zoning & Land Uses:

- North:** Single-Family 20 Estate / Undeveloped Land
- South:** Commercial and Old Town & Mixed Use / Single-Family Residence and Undeveloped Land
- West:** Single-Family 20 Estate / Undeveloped Land
- East:** Single-Family 20 Estate / Single-Family Residences

BACKGROUND

In May 2016, City Staff met with the applicant to discuss a proposed residential subdivision. The proposed development will consist of approximately 28 homes on 10,000 to 14,000 square foot lots. City Staff informed the applicant that the property is zoned Single-Family 20 Estate and would need to be rezoned in order to accommodate to the proposed lot sizes.

ANALYSIS

There are different zoning districts in the surrounding area including Single-Family 20, Commercial and Old Town & Mixed Use. The proposed development will create a subdivision that will provide a new residential neighborhood to the area.

The Comprehensive Plan designates the property and all surrounding properties as Medium Density Residential. Medium Density Residential includes single family residences that have lot sizes ranging from 6,000 to 20,000 square feet. The request is consistent with the City's Comprehensive Plan.

ZONING CONSIDERATIONS

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

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

The proposed rezoning appears to be appropriate in the immediate area and the City as a whole.

- 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.**

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

- 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 Single-Family 9. 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 are multiple relatively new neighborhoods in Tomball with various zoning classifications. The applicant recently constructed two new homes on Quinn Road facing Tomball Elementary School. These lots are zoned Single-Family 9. In the area, most lots are zoned Single-Family 20, Single-Family 6, Commercial and Old Town & Mixed Use.

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

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

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

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 Medium Density Residential. Medium Density Residential includes single family residences that have lot sizes ranging from 6,000 to 20,000 square feet. The request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Notice of Public Hearing was published in the paper on June 22, 2016 and a sign was placed on the property on June 27, 2016. Property owners within 200 feet of the project site were mailed notification of this proposal on June 28, 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 P16-0077.

EXHIBITS

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

Exhibit "A"
Aerial Photo

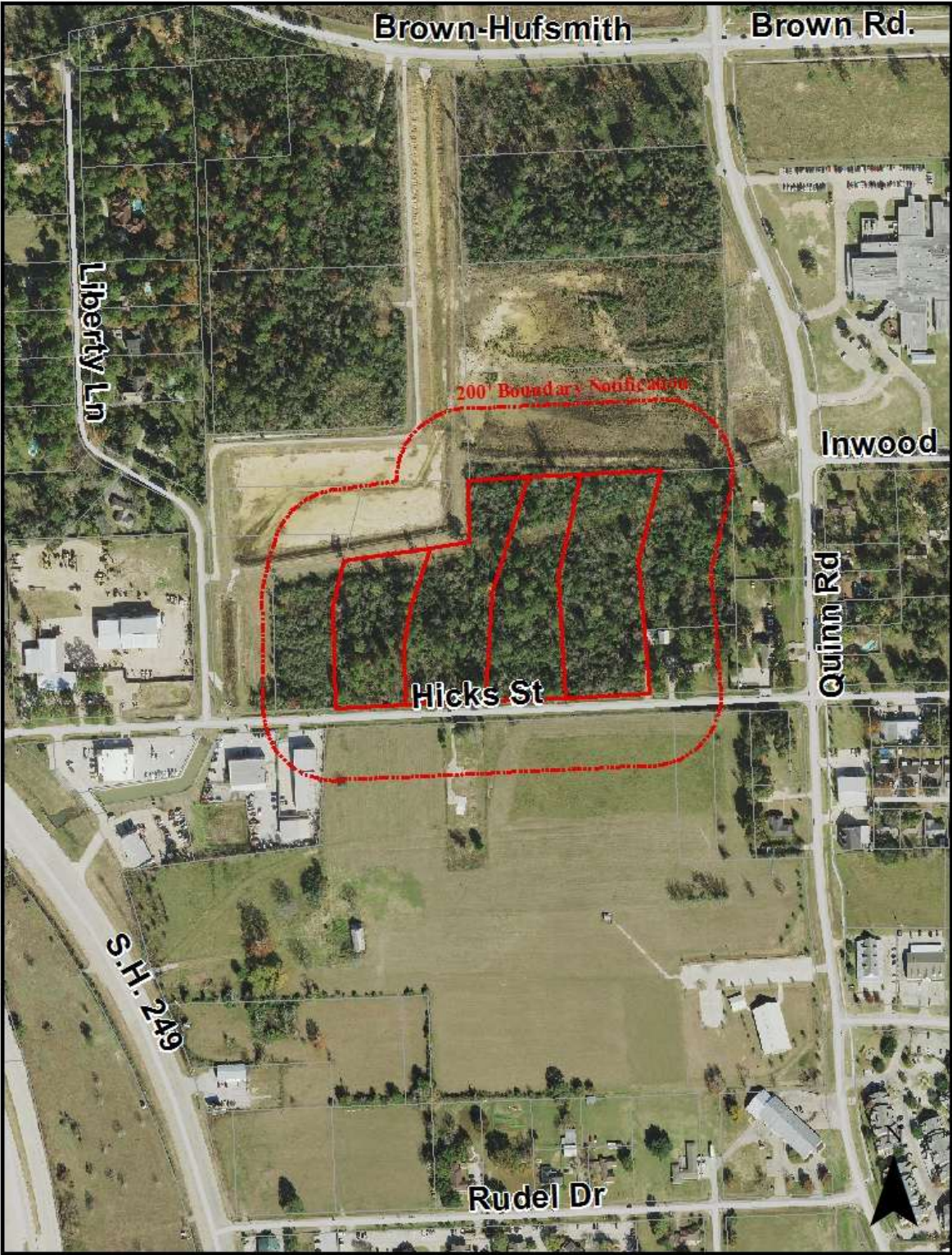


Exhibit "B"
Comprehensive Plan

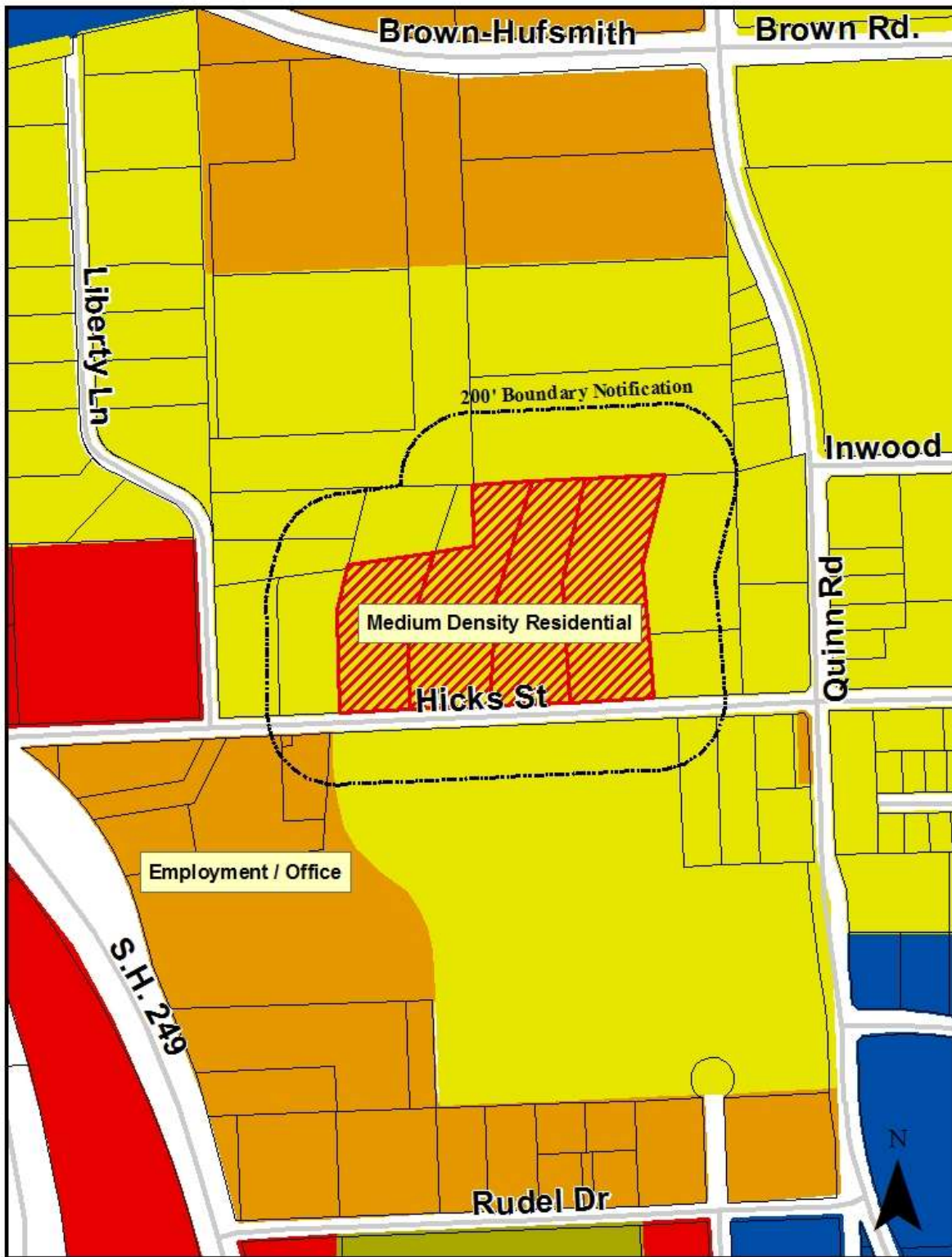
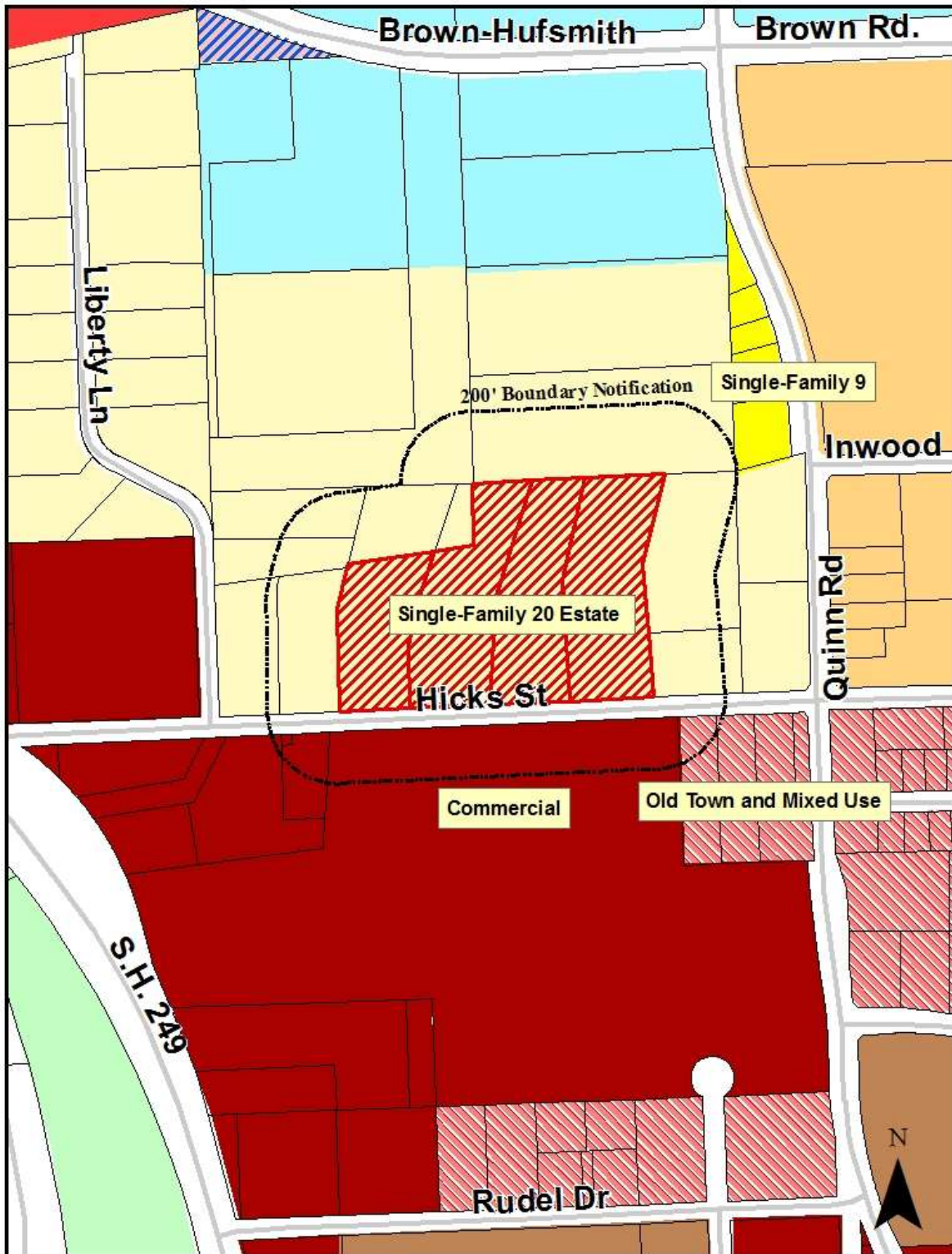


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Site



Site / Looking west on Hicks



Site / Looking east on Hicks



Looking across Hicks Street



Looking across Hicks Street

Exhibit "E"
Application

Revised 5/19/15



16-bonn
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: Zack Burghil Title: Managing Member of Owner of Record
Mailing Address: 4615 North Freeway, Suite 100 City: Houston State: TX
Zip: 77022
Phone: (713) 692-6252 Fax: (713) 692-6063 Email: zack.burghil@burghilhomes.net

Owner

Name: Royal Oak Enterprises, LLC- Zack Burghil Title: Managing Member
Mailing Address: 4615 North Freeway, Suite 100 City: Houston State: TX
Zip: 77022
Phone: (713) 692-6252 Fax: (713) 692-6063 Email: admin@burghilhomes.net

Engineer/Surveyor (if applicable)

Name: Kingsland Surveying Solutions, LLC Title: Surveyor
Mailing Address: 19042 Mirror Lake Dr. City: Spring State: TX
Zip: 77388
Phone: (281) 350-8003 Fax: (281) 350-0118 Email: david@kingslandsurveying.com

Description of Proposed Project: 10.4 acres zoned as SF-20 would like to rezone to SF-9 to subdivide the land into single family lots between 10,500 and 14,000 sq. ft.

Physical Location of Property: Located on Hicks Rd between Quinn Rd and Liberty Rd
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Lots 3, 4, 5 & 6, Block 1, Tomball Estates
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20

Current Use of Property: Vacant Land, wooded

Proposed Zoning District: SF-9

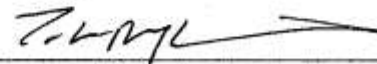
Proposed Use of Property: Single Family Homes

HCAD Identification Number: 1183810010003,-4,-5,-6 Acreage: 10.40

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

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

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

X		5/26/16
Signature of Applicant		Date
X		5/26/16
Signature of Owner		Date

CITY OF TOMBALL
281-351-5484

REC#: 00927078 5/26/2016 10:54 AM
OPER: RS TERM: 002
REF#: WVISA460

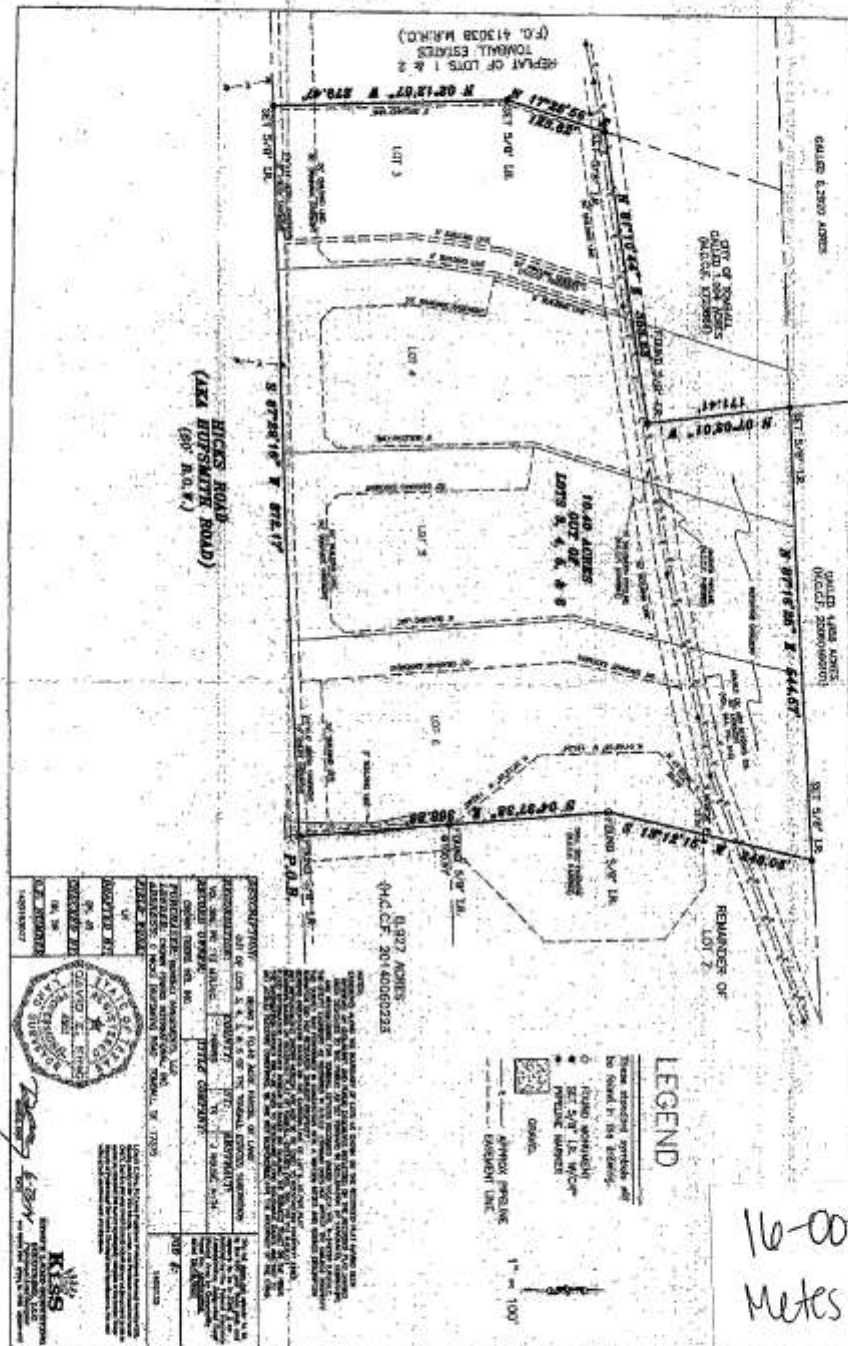
ACCT #: XXXX-XXXX-XXXX-6459
AUTH #: 095411
TRAN #: 008440550058
TYPE: PURCHASE

TRAN: 130.0000 PLANNING AND ZONING
LOTS 3,4,5 & 6 BLK 1 TOM ESTATE
ZACK BURGLI
100-5441
REZONING APPLICATIO 504.00CR

TENDERED: 504.00 CREDIT CARD
APPLIED: 504.00-
CHANGE: 0.00

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

www.tomballtx.gov



Deanna H. Burrell

KLSS
KING'S LAND SURVEYING
SOLUTIONS, LLC
Professional Land Surveyors
www.kingslandsurveying.com
"We set the boundaries you need in life"

METES AND BOUNDS
10.40 ACRE PARCEL
SITUATED IN THE
J. HOUSE SURVEY
ABSTRACT NUMBER 34
HARRIS COUNTY, TEXAS

Being a 10.40 acre parcel, being a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, with the base of bearings being the recorded plat of the said called Tomball Estates.

Beginning at 5/8 inch iron rod found in the north right of way line of Hicks Road, called 60.00 feet of right of way, and the south line of Tomball Estates for the southeast corner of Lot 7, the southeast corner of a 0.927 acre tract (being out of the said called Lot 7) as recorded under H.C.C.F. No. 20140060223 and the southeast corner of the herein described parcel of land for the POINT OF BEGINNING;

THENCE, South 87° 29' 16" West, along the common line of the said called Tomball Estates Subdivision, the said called Hicks Road and the herein described parcel, a distance of 672.17 feet to a 5/8 inch iron rod set for the southeast corner of the called Replat of Lots 1 & 2 Tomball Estates as recorded under Clerk's File No. 413038 M.R.H.C. and the southwest corner of the herein described parcel of land;

THENCE, North 02° 12' 57" West, along the common line of the said called Replat of Tomball Estates, Lot 3, and the herein described parcel, distance of 279.47 feet to a 5/8 inch iron rod set for an angle point of the said called Replat of Tomball Estates, Lot 3, and the herein described parcel of land;

THENCE, North 17° 26' 56" East, along the common line of the said called the said called Replat of Tomball Estates, Lot 3, and the herein described parcel, a distance of 123.62 feet to a 5/8 inch iron rod set for the southwest corner of a called 1.004 acre tract conveyed to the City of Tomball as recorded under H.C.C.F. No. X723889 and an angle point of the herein described parcel of land;

THENCE, North 81° 10' 44" East, along the common line of the said called 1.004 acre tract and the herein described parcel, a distance of 353.23 feet to a 5/8 inch iron rod found for the southeast corner of the said called 1.004 acre tract and an angle point of the herein described parcel of land;

THENCE, North 07° 03' 01" West, along the common line of the said called 1.004 acre tract and the herein described parcel, a distance of 171.41 feet to a 5/8 inch iron rod set in the north line of the said called Tomball Estates Subdivision for the southwest corner of a called 4.858 acre tract as recorded under H.C.C.F. No. 28090460101, the southeast corner of a called 6.290 acre tract, the northeast corner of the said called Replat of Tomball Estates Subdivision and the northwest corner of the herein described parcel of land;

3411 Keygate Drive • Spring, Texas 77388 • Phone: 281-350-8003 • Fax: 281-350-0118

THENCE, North 87° 16' 25" East, along the common line of the said called 4.858 acre tract, the said called Tomball Estates Subdivision, and the herein described parcel, a distance of 544.57 feet to a 5/8 inch iron rod set for the common corner of the called Lot 7, Lot 6, and the northeast corner of the herein described parcel of land;

THENCE, South 13° 12' 15" West, along the common line of the said called Lot 7, Lot 6, and the herein described parcel, a distance of 248.05 feet to a 5/8 inch iron rod found for an angle point of the said called Lot 7, Lot 6, and the herein described parcel of land;

THENCE, South 04° 37' 38" East, along the common line of the said called Lot 7, Lot 6, and the herein described parcel, a distance of 368.86 feet to a 5/8 inch iron rod found for the **POINT OF BEGINNING** and containing 10.40 acres.

This metes and bounds was made in conjunction with a survey plat.

David E. King, Sr.
King's Land Surveying Solutions, LLC
June 17, 2014
Job Number 1406135



3411 Keygate Drive • Spring, Texas 77388 • Phone: 281-350-8003 • Fax: 281-350-0118

Royal Oak Enterprises, LLC

4615 N. Freeway
Suite 100
Houston, TX 77022

Phone (713) 692-6252
Fax (713) 692-6063

05/26/2016

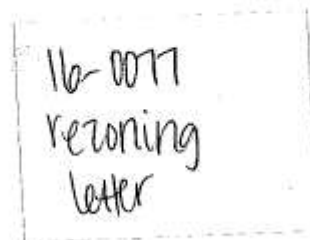
To Whom It May Concern:

Royal Oak Enterprises, LLC, a sister company of Burghli Homes, would like to request a zoning change to our property known as Lots 3-6, Block 1, Tomball Estates. This property is located on Hicks Rd, between Quinn Rd and Liberty Rd. It backs up to a large detention pond owned by the City of Tomball. It is a 10.4 acre tract of land currently broken down into 4 lots and zoned as SF-20. We are requesting a zoning change to SF-9 in order to re-plat and subdivide the land into smaller lots to create a new single family homes subdivision. We recently recorded the release of all previous deed restrictions and the property is now unrestricted. For this location we envision lot configurations between 10,000 square feet up to 14,000 square feet each. We intend to build homes somewhat similar to the homes we are currently building on Quinn Rd in front of the elementary school, possibly a little larger, to be priced from the mid \$200's up to the high \$300's and possibly into the \$400's if the market dictates so. If there are any questions regarding this request, they can be sent to Admin@BurghliHomes.net, or I can be reached by phone at (281)389-1221.

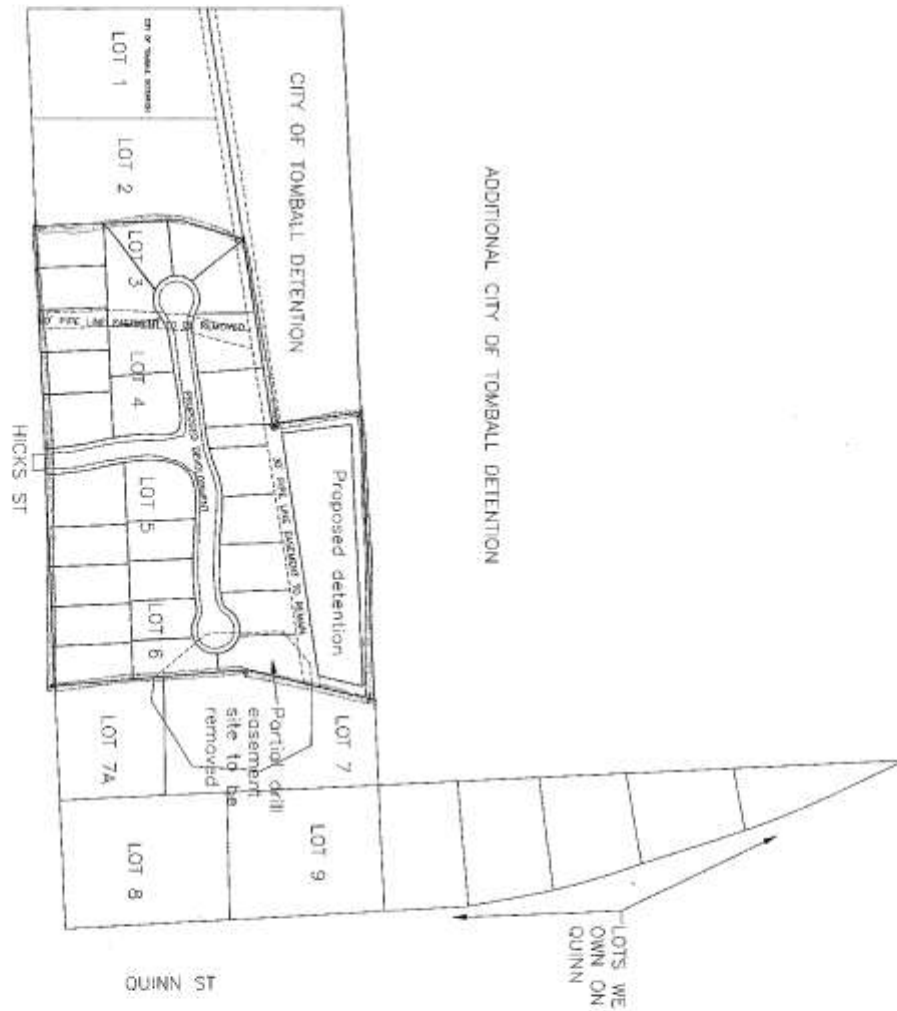
Best Regards,



Zack Burghli



16-0077
Site plan



Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: July 11, 2016

Topic:

Consideration to approve **Zoning Case P16-0083**: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use District.

- Conduct Public Hearing on **ZONING CASE P16-0083**

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)
JULY 11, 2016
&
CITY COUNCIL
JULY 18, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, July 18, 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 P16-0077: Request by Zack Burghli, on behalf of Royal Oak Enterprises, LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10.4 acres of land, legally described as a portion of Lots 3 and 4 and all of Lots 5 and 6 of Tomball Estates Subdivision as recorded in Volume 366, Page 113 of the Map Records of Harris County and situated in the J. House Survey, Abstract Number 34, within the City of Tomball, Harris County, Texas, generally located on the north side of Hicks Street, between Quinn Road and Liberty Ln, from the Single-family 20 District to the Single-Family 9 District.

Zoning Case P16-0083: Request by Dorothy J. Wanko to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of Mechanic Street and S. Chestnut Street, from the Single-Family 6 District to the Old Town and Mixed Use District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of **July 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: P16-0083

APPLICANT/OWNER: Dorothy J. Wanko

LOCATION: Generally located at the northwest corner of Mechanic Street and S. Chestnut Street

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .32 acres of land, legally described as Lots 14, 15, 16 & 17 Block 70 Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town and Mixed Use 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, July 11, 2016, 6:00 PM

City Council Public Hearing:

***Monday, July 18, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 11, 2016
City Council Public Hearing Date: July 18, 2016

Rezoning Case: P16 -0083
Property Owner(s): Thomas J Wanko
Applicant(s): Dorothy J. Wanko
Legal Description: Lots 14, 15, 16 & 17 Block 70 Tomball
Location: Northwest corner of Mechanic Street and S. Chestnut Street (Exhibit "A")
Area: .32 acres
Comp Plan Designation: Mixed Use (Exhibit "B")
Present Zoning and Use: Single-Family 6 (Exhibit "C") / Undeveloped Land (Exhibit "D")
Request: Rezone from the Single-Family 6 District to the Old Town and Mixed Use District

Adjacent Zoning & Land Uses:

North: Old Town & Mixed Use / Auto Repair Services (major and minor)

South: Single-Family 6 / Undeveloped Land

West: Single-Family 6 / Undeveloped Land

East: Old Town & Mixed Use / Auto Repair Services (major and minor)

BACKGROUND

In June 2016, City Staff received a rezoning application from the applicant. Staff then met with the applicant and property owner to discuss the application and their proposed development of an office with storage space. After discussing the applicant's proposed development, Staff informed the applicant that the Old Town & Mixed Use District would be a more appropriate fit for their proposal and the surrounding area than the initial request to rezone to the Commercial District. The applicant revised the application from a request to the Commercial District to a request to the Old Town & Mixed Use District.

ANALYSIS

The property immediately abuts the Old Town & Mixed Use District to the north and east and the Single-Family 6 District to the west and south. The proposed rezoning would blend with the surrounding zoning districts.

There are different uses in the area. On S. Chestnut Street there are multiple auto service companies and a City Park. On Mechanic Street there are two single-family homes and a distribution company.

The Comprehensive Plan designates the property as Mixed Use. Properties to the north, east and west are also designated as Mixed Use and properties to the south are High Density Residential. The Mixed Use designation is intended for a mixture of office, retail and commercial, and certain high density residential uses. The request appears to be consistent with the City's Comprehensive Plan.

ZONING CONSIDERATIONS

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

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

The proposed rezoning appears to be appropriate in the immediate area and the City as a whole. As mentioned, there are a number of different uses in the surrounding area. The proposed rezoning will be contiguous with the Old Town & Mixed Use Zoning District that abuts the property to the north and east.

- 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.**

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

- 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 Old Town & Mixed Use. 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 steady development in the Old Town & Mixed Use Zoning District.

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

If the proposed rezoning is approved, few, if any effects on other areas designated for similar developments are anticipated. The Old Town & Mixed Use Zoning District has development standards that will protect residential adjacencies such as building façade requirements, buffering and setback restrictions.

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

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 Mixed Use. The request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Notice of Public Hearing was published in the paper on June 22, 2016 and a sign was placed on the property on June 27, 2016. Property owners within 200 feet of the project site were mailed notification of this proposal on June 28, 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 P16-0083.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

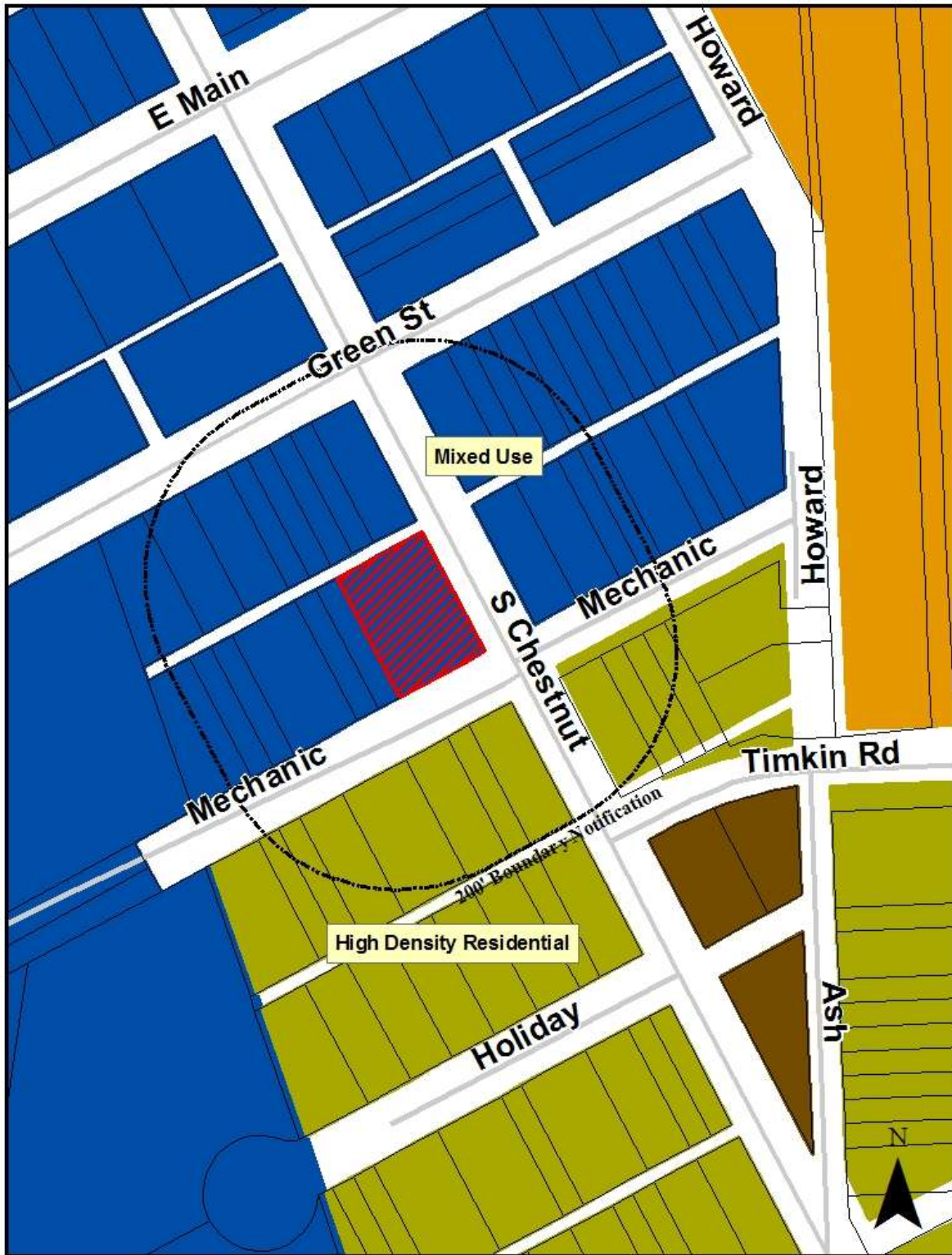
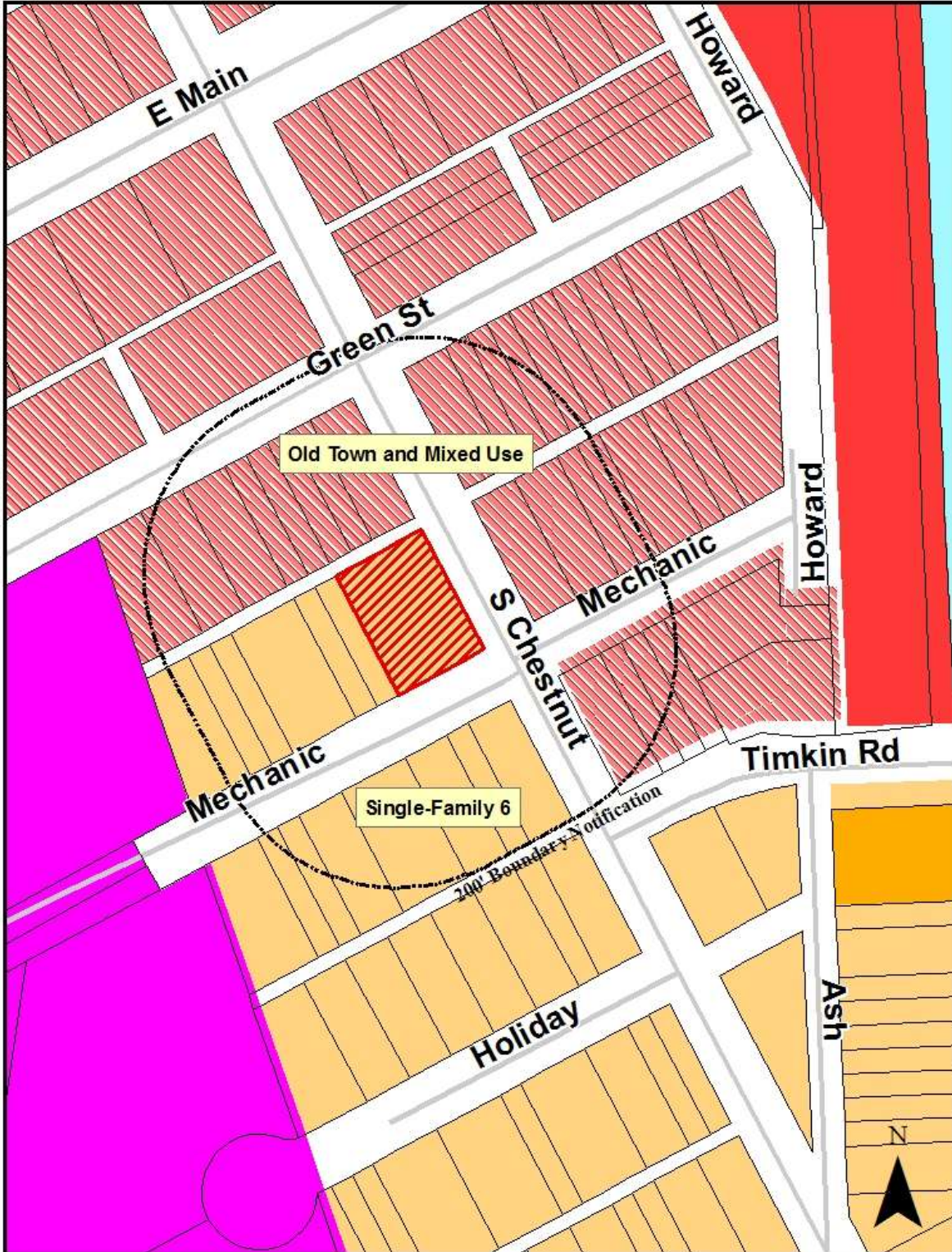


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Site



Looking west on Mechanic Street



Looking east on Mechanic Street



Looking north on Chestnut Street



Looking south on Chestnut Street

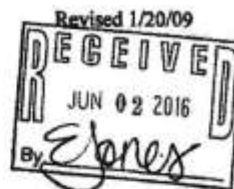


Looking across Mechanic Street

Exhibit "E"
Application



16-0083
APPLICATION FOR REZONING
Engineering & Planning Department



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: Dorothy J. Wanko Title: _____
Mailing Address: 16303 N. Greenfield City: Spring State: TX
Zip: 77379
Phone: (832) 818-3559 Fax: (866) 658-6509 Email: dot@TEXdotRealtors.com

Owner

Name: Thomas J. Wanko Title: _____
Mailing Address: 16303 N. Greenfield City: Spring State: TX
Zip: 77379
Phone: (281) 655-8008 Fax: (866) 658-6509 Email: Tom@TEXdotPropertyMgmt.com

Engineer/Surveyor (If applicable)

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

Description of Proposed Project: Office Space & Storage

Physical Location of Property: Corner of Chestnut Greens & Mechanic St.
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: HCA# 0352730700014 Lts 14, 15, 16 & 17 BLK 70
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block] Tomball

Current Zoning District: SF-6

Current Use of Property: Vacant Lot

Proposed Zoning District: Commercial OT2MU 6/7/16
AKW/gk

Proposed Use of Property: Office space & Storage

HCAD Identification Number: 035 273 0700014 Acreage: 0.3214

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 Donna H. Vashon, President 5/26/16
Signature of Applicant Date

X Thomas Vashon 6/6/16
Signature of Owner Date



May, 27, 2016

Dear Tomball Zoning Commission,

Please accept my application to rezone the land located at the corner of Mechanic St. and Chestnut Greens. Enclosed please find:

1. Completed application form
2. Copy of recorded/final plat from Harris County
3. Check in the amount of \$410

This vacant lot is currently zoned SF 6. I would like to have the land rezoned to Commercial in order to accommodate office space and storage for our corporations TEXdot Realtors, Inc. and TEXdot Property Management, Inc. These corporations are separate, but often function hand in hand with the same client.

We are not aware of any issues relating to this request.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Dorothy J. Wanko".

Dorothy J. Wanko, President

Enclosures

16303 N. Greenfield, Spring, TX 77379 * Cell/Text 832-818-3559 * E-Fax 1-866-658-6509
Email: info@TEXdotRealtors.com * Web: www.TEXdotRealtors.com

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: July 11, 2016

Topic:

Consideration to approve **Comprehensive Plan Case P16-0092:** Request by John Linton to amend the City’s Comprehensive Plan by designating the Future Land Use of approximately 14.427 acres of land as Commercial. The property is legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball’s Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

- Conduct Public Hearing on **COMPREHENSIVE PLAN CASE P16-0092**

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)
JULY 11, 2016
&
CITY COUNCIL
JULY 26, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Tuesday, July 26, 2016, at 5:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Comprehensive Plan Case P16-0092: Request by John Linton to amend the City's Comprehensive Plan by designating the Future Land Use of approximately 14.427 acres of land as Commercial. The property is legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

Zoning Case P16-0080: Request by John Linton to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road, from the Agricultural District to the Commercial District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of **July 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: P16-0092

APPLICANT/OWNER: John Linton

LOCATION Generally located at the southeast corner of FM 2920 and Telge Road

PROPOSAL: Request by John Linton to amend the City's Comprehensive Plan by designating the Future Land Use of approximately 14.427 acres of land as Commercial. The property is legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas.

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, July 11, 2016, 6:00 PM

City Council Public Hearing:

***Tuesday, July 26, 2016, 5:00 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.



Comprehensive Plan (CP) Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: July 11, 2016
City Council Public Hearing Date: July 26, 2016

CP Amendment Case: P16-0092

Property Owner(s): James and Patsy Milner

Applicant(s): John Linton, Morris Architects

Legal Description: 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

Location: Southeast Corner of Telge Rd and FM 2920

Area: 14.427 acres

Present Zoning & Use: City of Tomball Extraterritorial Jurisdiction (ETJ) (Exhibit "C")¹/
Undeveloped / Single-Family Residential

Future Land Use Designation: Not Applicable – Currently outside City Limits and ETJ

Proposed Future Land Use: Commercial

Adjacent Future Land Use Designation & Land Usage:

- North:** Commercial / Undeveloped
- South:** Not applicable – Outside City Limits and ETJ / Undeveloped
- West:** Not applicable – Outside City Limits and ETJ / Commercial development
- East:** Commercial / Single-Family Residence / Undeveloped

BACKGROUND

In April 2016, City Staff began meeting with John Linton of Morris Architects to discuss the process of developing the particular site in question. At that time, the site was not located in the City of Tomball or Tomball's Extra Territorial Jurisdiction (ETJ). Therefore, the process involved accepting the property in into Tomball's ETJ upon the City of Houston's release,

¹ The property owner is currently in the process of requesting annexation. If the property is annexed, it will be given a zoning classification of Agricultural District per Section 50-66 of the Zoning Ordinance. Additionally, the property owner is requesting the property be rezoned from the Agricultural District to the Commercial in Zoning Case P16-0080.

annexing the property into the city limits, amending Tomball's Future Land Use Plan/Comprehensive Plan to include this property as Commercial, and then rezoning the property allowing the property to be developed in the manner proposed.

The City of Tomball has accepted the property into the ETJ and is in the process of annexing the area into the City Limits. This comprehensive plan amendment is being processed in conjunction with the annexation and zone change request.

The applicant has submitted initial site plans to the city which indicate the site being developed as a fuel service station with associated convenience store.

ANALYSIS

The proposed Future Land Use designation for this site is Commercial. The Comprehensive Plan states, Commercial includes *“Neighborhood or community oriented commercial with a variety including shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops. Small professional offices, such as dentists, legal, real estate, etc. could be included in this land use category. Traffic patterns typical of ingress/egress morning through evening.”*

The majority of the properties in the vicinity of the subject site are unzoned because they are either in the City's ETJ or not in the City Limits/ETJ. The properties to the north are zoned commercial and properties within the city limits are zoned commercial to the east. Properties to the south and west are outside the city limits.

As the property has been recently annexed into the City, development regulations in place will ensure that regulations are in place to ensure that development is guided and aesthetically pleasing.

City staff recommends **APPROVAL** of this requested based on the following:

1. The request appears to be consistent and compatible with many of the surrounding land uses, zoning districts, and FLU designations as explained above.
2. The request appears to enhance the City economically by adding additional services to the City.
3. As described above, the request appears to positively impact adjacent development.
4. The request appears to have adequate access and roadway capacity.
5. The uses adjacent to the proposed development are similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility.

PUBLIC COMMENT

Notice of Public Hearing was published in the paper on June 22, 2016.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **approval** of Comprehensive Plan Amendment Case P16-0092.

EXHIBITS

- A. Aerial Photo
- B. Proposed Future Land Use Map
- C. Zoning Map
- D. Site Photos
- E. Comprehensive Plan Amendment Application

Exhibit "A"
Aerial Photo



Exhibit "B"
Proposed Future Land Use Map

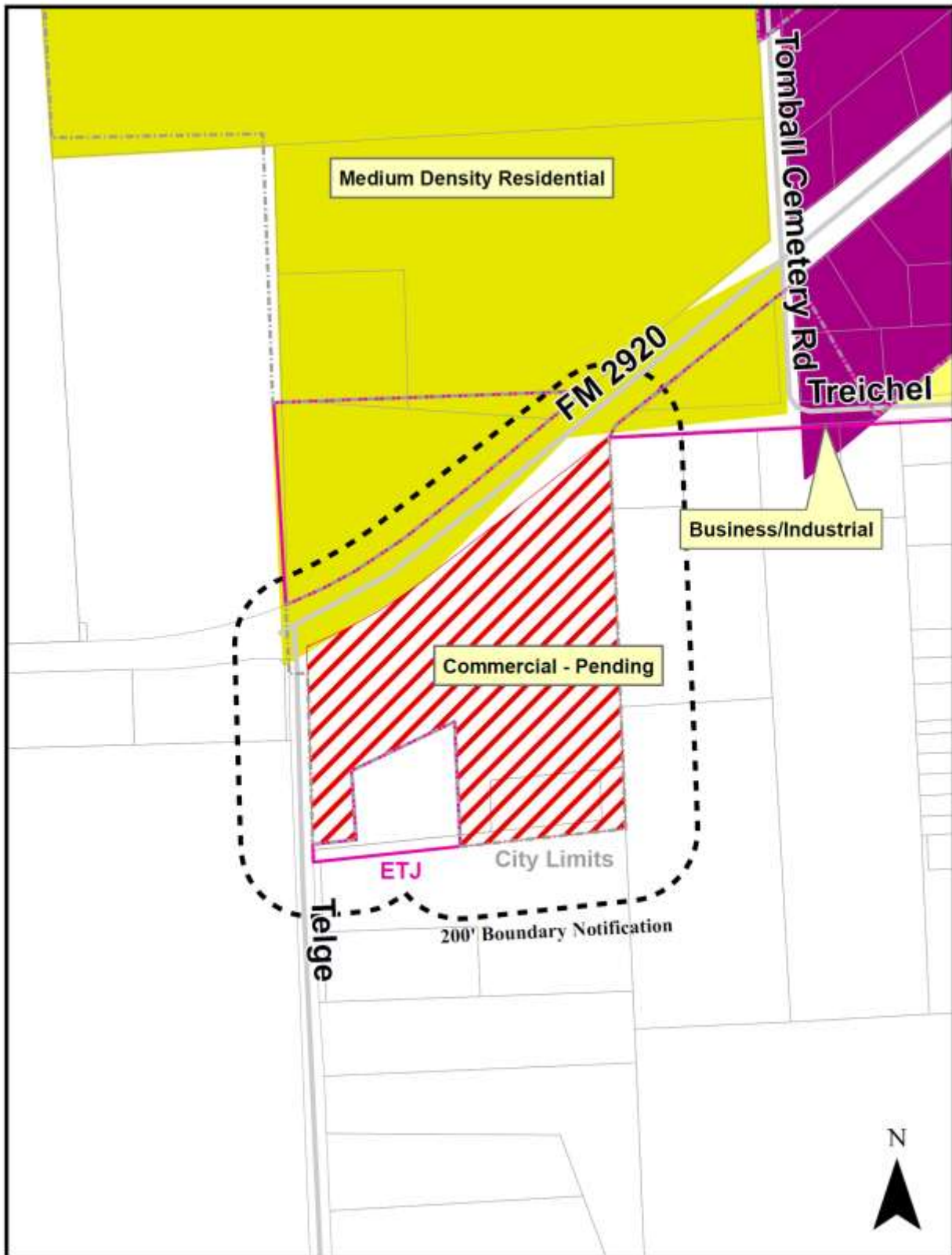


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Site



West on FM290



East on FM2920



South along Telge

Exhibit "E"
Comprehensive Plan Amendment Application

Revised 5/19/2015



COMPREHENSIVE PLAN
AMENDMENT APPLICATION

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 request may be delayed until corrections or additions are received.

CONTACT INFORMATION:

Applicant

Name: John Linton Title: Project Manager
Mailing Address: 12715 Telge Road City: Cypress State: TX
Zip: 77428
Phone: (832) 334-5004 Fax: ()
Email: john@morrisassoc.com

Property Owner

Name: James and Patsy Milner Title:
Mailing Address: 21706 Telge Rd City: Tomball State: TX
Zip: 77377
Phone: (281) 351-4344 Fax: ()
Email: pmilner@aol.com

COMPREHENSIVE PLAN AMENDMENT REQUEST:

Amendment Type (check all that apply): Text ☐ Map ☒

Text Amendment(s)

Text to be modified:

Proposed Text Amendment (exact wording):

Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed text amendment enhance the City economically?
- Will the proposed text amendment enhance the City aesthetically?
- Is the proposed text amendment consistent with the City's Goals, Objectives, and Actions?
- Does the proposed text amendment encourage a better use of land/property, both for the owner/developer and the City, than that currently recommended by the Plan?
- Will the proposed text amendment impact adjacent residential areas in a positive or negative manner?
- How will the proposed text amendment impact vehicular and pedestrian access, roadway capacity, ingress and egress, and traffic?
- Will the proposed text amendment encourage land use compatibility?
- Does the proposed text amendment present a significant benefit to the public health, safety and welfare of the community?

Map Amendment(s)

Current Comprehensive Plan Designation: Not in comprehensive plan

Proposed Comprehensive Plan Designation: Commercial

Proposed Use of Property: C-Store, car fuel canopy and truck fuel canopy

Physical Location of Property: southeast corner of FM2920 and Telge Rd

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

Legal Description of Property: 14.427 acres Chancey Goodrich Survey Abstract No. 311

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

Current Zoning District: In annexation process, but planned to be commercial

Current Use of Property: agricultural

HCAD Identification Number: 042-181-000-0183, 042-181-000-0140, 042-181-000-0078, 042-181-000-0079, 042-181-000-0072

Property Acreage: 16.577 ac only annexing 14.427 ac city limits

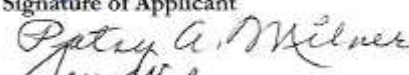
Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed map amendment enhance the City economically?
- Will the proposed map amendment enhance the City aesthetically?
- Is the proposed map amendment consistent with the City's Goals, Objectives, and Actions?

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

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

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

X  _____ Signature of Applicant	06/13/16 _____ Date
 _____ Signature of Owner	6/13/2016 6-12-16 _____ Date

Questions to be answered in Comprehensive Plan Amendment Request Letter: —

Will the proposed map amendment enhance the City economically? — Yes, the CST development will be an added business to the Tomball economy. The store will bring in additional jobs as well as provide to the public quality fuel, food and beverage at a convenience.

Will the proposed map amendment enhance the City aesthetically? — Yes, the CST corporate a quality building. They also prides themselves on maintaining a clean site.

Is the proposed map amendment consistent with the City's Goals, Objectives, and Actions? Yes, they will provide honest and quality services to the people of Tomball.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: July 11, 2016

Topic:

Consideration to approve **Zoning Case P16-0080:** Request by John Linton to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball’s Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P16-0080**

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)
JULY 11, 2016
&
CITY COUNCIL
JULY 26, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 11, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Tuesday, July 26, 2016, at 5:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Comprehensive Plan Case P16-0092: Request by John Linton to amend the City's Comprehensive Plan by designating the Future Land Use of approximately 14.427 acres of land as Commercial. The property is legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

Zoning Case P16-0080: Request by John Linton to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road, from the Agricultural District to the Commercial District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of **July 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: P16-0080

APPLICANT/OWNER: John Linton

LOCATION Generally located at the southeast corner of FM 2920 and Telge Road

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 14.427 acres of land, legally described as 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, from the Agricultural District to the Commercial District.

CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



Planning & Zoning Commission

Public Hearing:

Monday, July 11, 2016, 6:00 PM

City Council Public Hearing:

***Tuesday, July 26, 2016, 5:00 PM**

The Public Hearings will be held in the

City Council Chambers, City Hall

401 Market Street, Tomball, Texas

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.

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 11, 2016
City Council Public Hearing Date: July 26, 2016

Rezoning Case: P16 -0080

Property Owner(s): James and Patsy Milner

Applicant(s): John Linton, Morris Architects

Legal Description: 14.427 acre tract of land located in the Chancey Goodrich Survey, Abstract Number 311, within the City of Tomball's Extra Territorial Jurisdiction and proposed City Limits, Harris County, Texas, generally located at the southeast corner of FM 2920 and Telge Road Harris County, Texas.

Location: Southeast Corner of Telge Rd and FM 2920

Area: 14.427 acres

Comp Plan Designation: Commercial - Pending (Exhibit "B")

Present Zoning and Use: Agricultural (Exhibit "C") / Undeveloped/Single-Family Residential (Exhibit "D")

Request: Rezone from Agricultural to Commercial

Adjacent Zoning & Land Uses:

- North:** Commercial / Undeveloped
- South:** Not applicable – Outside City Limits and ETJ / Undeveloped
- West:** Not applicable – Outside City Limits and ETJ / Commercial development
- East:** Commercial / Single-Family Residence / Undeveloped

BACKGROUND

In April 2016, City Staff began meeting with John Linton of Morris Architects to discuss the process of developing the particular site in question. At that time, the site was not located in the City of Tomball or Tomball's Extra Territorial Jurisdiction (ETJ). Therefore, the process involved accepting the property into Tomball's ETJ upon the City of Houston's release, annexing the property into the city limits, amending Tomball's Future Land Use Plan/Comprehensive Plan to include this property as Commercial, and then rezoning the property allowing the property to be developed in the manner proposed.

The City of Tomball has accepted the property into the ETJ and is in the process of annexing the area into the City limits. This zone change is being processed in conjunction with the annexation and comprehensive plan map amendment.

The applicant has submitted initial site plans to the city which indicate the site being developed as a fuel service station with associated convenience store.

ANALYSIS

The subject site in question is located along a main corridor into the City of Tomball. The primary zoning district along this corridor is Commercial. The proposed retail development will bring services to the area and be similar to existing development in the area but will also be held to new development standards to ensure guided, quality development.

The Comprehensive Plan designates the property and all nearby properties located within the city limits as Business/Industrial or Medium Density Residential, and they are presently zoned Commercial. A general description taken from the Comprehensive Plan regarding the Commercial designation is below:

Neighborhood or community oriented commercial with a variety including shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops. Small Professional offices, such as dentists, legal, real estate, etc. could be included in this land use category. Traffic patterns typical of ingress/egress morning through evening.

The proposed request appears to be in conformance with the Comprehensive Plan.

ZONING CONSIDERATIONS

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

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

The proposed rezoning appears to be appropriate in the immediate area and the City as a whole.

- 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.**

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area. All public utility mains will be extended, at the developer's expense, to serve the properties.

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

There 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 developed 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.

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

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

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 Commercial. Commercial would include corresponding zoning districts of Office, General Retail, and Commercial. Therefore the Commercial request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Notice of Public Hearing was published in the paper on June 22, 2016 and a sign was placed on the property on June 27, 2016. Property owners within 200 feet of the project site were mailed notification of this proposal on June 28, 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 P16-0080.

EXHIBITS

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

**Exhibit “A”
Aerial Photo**



Exhibit "B"
Comprehensive Plan

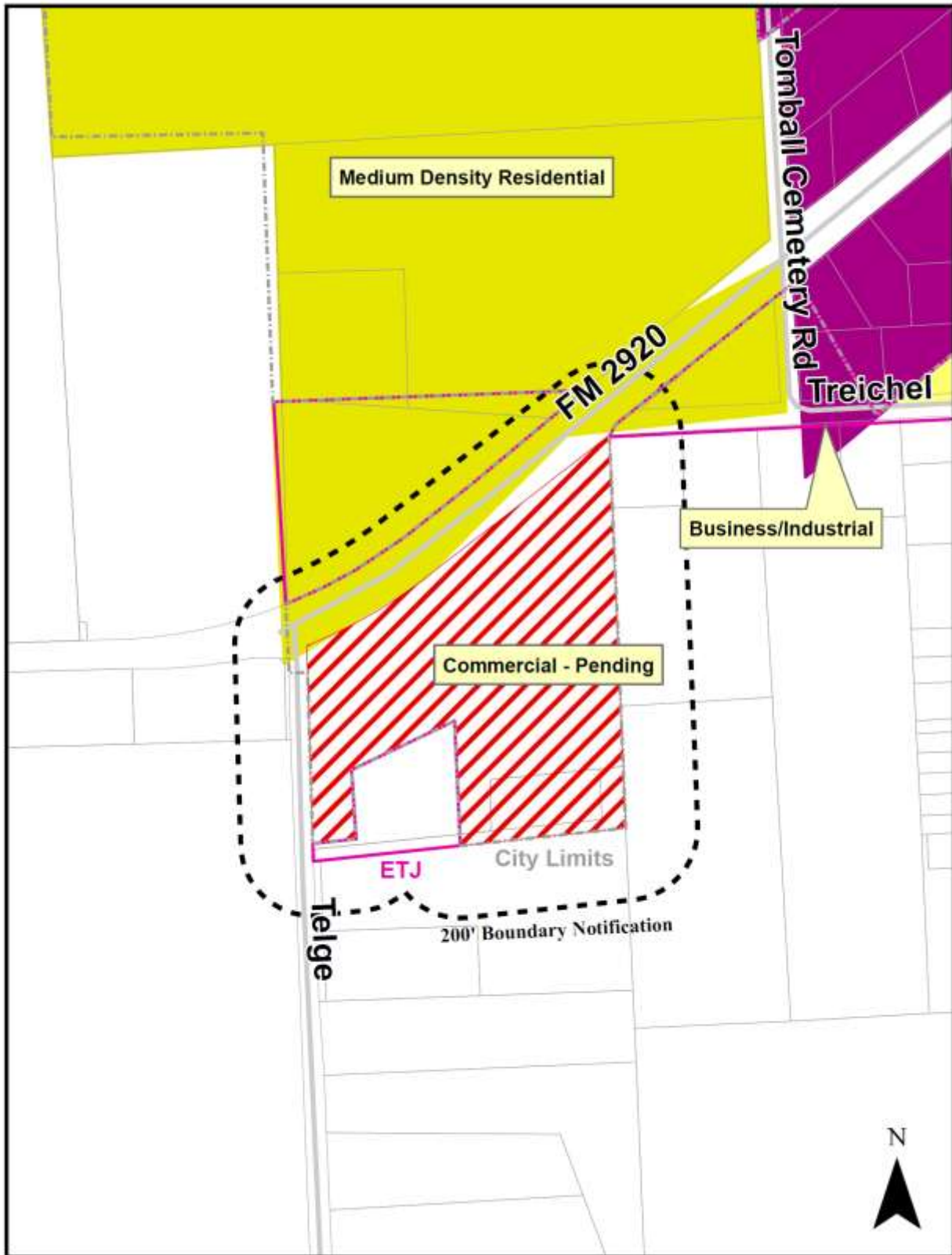


Exhibit "C"
Zoning Map

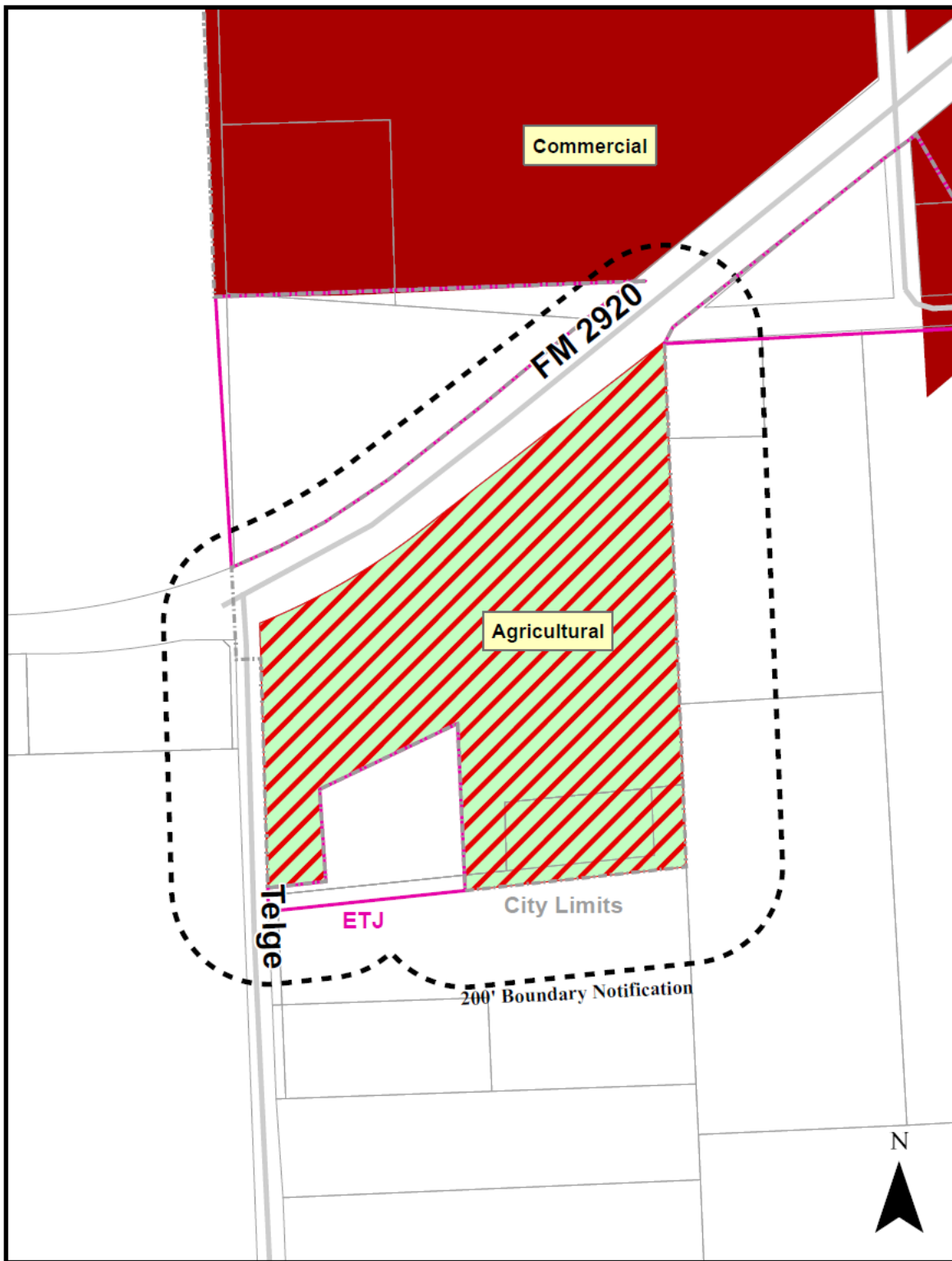


Exhibit "D"
Site Photos



Site



West on FM290



East on FM2920



South along Telge

**Exhibit "E"
Application**



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: John D. Linton Title: Project Manager
Mailing Address: 12715 Telge Rd City: Cypress State: TX
Zip: 77429
Phone: (832) 334-5004 Fax: () Email: john@morrisassoc.com

Owner

Name: James and Patsy Milner Title:
Mailing Address: 21760 Telge Rd City: Tomball State: TX
Zip: 77377
Phone: (281) 351-4344 Fax: () Email: pmilner@aol.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: C-Store, car fuel canopy and truck fuel canopy

Physical Location of Property: southeast corner of FM2920 and Telge Road
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 14.427 acres Chancey Goodrich Survey Abstract No. 311
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural per annexation

Current Use of Property: Currently residence with pasture

Proposed Zoning District: Commercial

Proposed Use of Property: Initially a C-Store with fuel with future commercial on remainder of tract

HCAD Identification Number: 042-181-000-0183, 042-181-000-0140, 042-181-000-0078,
042-181-000-0079, 042-181-000-0072 **Acreage:** 16.577ac only annexing 14.427ac

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.

☒	<u>John D. Jint</u>	<u>5/27/16</u>
	Signature of Applicant	Date
	<u>Darrell A. Milnes</u>	<u>5/27/2016</u>
☒	<u>J.M. Milnes</u>	<u>5-27-16</u>
	Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 00927783 5/31/2016 12:57 PM
OPER: LS TERM: 007
REF#: P MC 888

ACCT #: XXXX-XXXX-XXXX-4102
AUTH #: 051075
TRAN #: 008452493913
TYPE: PURCHASE

TRAN: 130.0000 PLANNING AND ZONING
JOHN D. LINTON
JAMES & PATSY MILNER
100-5441
REZONING APPLICATIO 544.27CR

TENDERED: 544.27 CREDIT CARD
APPLIED: 544.27-

CHANGE: 0.00