

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



MONDAY, JUNE 13, 2016

6:00 P.M.

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, June 13, 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
 - 1.1 Election of Chair and Vice Chair
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of May 9, 2016.
- 5.0 New Business:
 - 5.1 Consideration to Approve Preliminary Plat of **GRAND PARKWAY TOWN**

CENTER: Being a subdivision of 65.619 Acres of Land in the C.W. Hall Survey, Abstract No. 1639 and in the William Perkins Survey, Abstract No. 621, Harris County, Texas.

- 5.2 Consideration to Approve Preliminary Plat of **CORNER STORE NO. 1917:** Being a subdivision of 16.2331 Acres out of the Chancey Goodrich Survey, Abstract No. 311, Tract 7C-1, 7F and 7H, Harris County, Texas.
- 5.3 Consideration to Approve Preliminary Plat of **DUNNCO TOMBALL:** Being a subdivision of a 73,659.69 Square Feet, of Land situated in the J.M. Hooper survey, Abstract 375, Harris County, Texas.
- 5.4 Consideration to approve **Zoning Case P16-0072:** Request by Kenneth Lee to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.12 acres of land, legally described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of SH 249 and Holderrieth Road, at 26902 SH 249, from the Planned Development District (PD8) to the Commercial District.

Conduct Public Hearing on **ZONING CASE P16-0072**

6.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 9th day of June, 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: June 13, 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: June 13, 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: June 13, 2016

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of May 9, 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 - 5/9/16

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

MONDAY, MAY 9, 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/Engineer – Craig Meyers
Assistant City Engineer – Beth Jones
City Planner – Harold Ellis
City Attorney – Loren Smith

draft

- 2.0 No Public Comments were received.
- 3.0 No Reports or Announcements were received.
- 4.0 Motion was made by Commissioner Dunagin, second by Commissioner Roquemore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of April 11, 2016.

Motion carried unanimously.

- 5.0 New Business:

- 5.1 Consideration to Approve Replat of **PREMIUM ACRES**: Being a 1.9970 acre tract of land situated in the Chuancey Goodrich Survey, Abstract Number 311, and the Joseph House Survey, Abstract Number 34, of Harris county, Texas, and being a Replat of a portion of Lot 2, in Block 1, of Nikhill Subdivision, a subdivision of 8.4762 acres in Harris County, Texas, according to the map or plat thereof recorded in Film Code Number 626095 of the Map Records of Harris County, Texas.

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

Motion was made by Commissioner Anderson, second by Commissioner Dunagin, to approve **PREMIUM ACRES**, with contingencies.

Motion carried unanimously.

- 5.2 Consideration to Approve **Zoning Case P16-0048**: Request by Brannon King, on behalf of DPIS Engineering, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 9.6 acres of land, legally described as Tract 24, Abstract 50 J Miller Survey, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Hufsmith Road and Zion Road at 1600 E. Hufsmith Road, from the Agricultural District to the Commercial District.

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

Brannon King, on behalf of DPIS Engineering, (1600 E. Hufsmith Road, Tomball, TX 77375) was introduced and available to answer questions.

The Public Hearing was opened by Chair Tague at 6:09 p.m.

Hearing no comments, the Public Hearing was closed at 6:09 p.m.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson, to approve **ZONING CASE P16-0048**. Vote was as follows:

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

Motion Failed; 2 votes Aye and 2 votes Nay.

Motion was made by Commissioner Dunagin, second by Commissioner Anderson to approve **ZONING CASE P16-0048** from the Agricultural District to the Office District. Vote was as follows:

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 and 0 votes Nay.

- 5.3 Consideration to Approve **Zoning Case P16-0054**: Request by Christopher Wohrer, on behalf of Moffett Productions Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land, legally described as Tract 14G Abstract 632 C N Pillot, within the City of Tomball, Harris County, Texas, generally located on the south side of Holderrieth Road west of the Tomball Business and Technology Park at 11835 Holderrieth Road, from the Agricultural District to the Commercial District.

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

Christopher Wohrer Owner of Moffett Productions, Inc., (3411 Blue Cypress, Spring, TX 77388) was introduced and gave presentation.

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

Hearing no comments, the Public Hearing was closed at 6:36 p.m.

Motion was made by Commissioner Dunigan, second by Commissioner Roquemore, to approve **ZONING CASE P16-0054**. Vote was as follows:

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

Motion carried unanimously; 4 votes Aye and 0 votes Nay.

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

Motion carried unanimously.

The meeting was adjourned at 6:38 p.m.

PASSED AND APPROVED this _____ day of _____ 2016.

Craig Meyers
Community Development Director/Engineer

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: June 13, 2016

Topic:

Consideration to Approve Preliminary Plat of **GRAND PARKWAY TOWN CENTER**: Being a subdivision of 65.619 Acres of Land in the C.W. Hall Survey, Abstract No. 1639 and in the William Perkins Survey, Abstract No. 621, 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:

Grand Parkway Town Center - Preliminary Plat

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: June 13, 2016

Topic:

Consideration to Approve Preliminary Plat of **CORNER STORE NO. 1917**: Being a subdivision of 16.2331 Acres 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 - Preliminary 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 liens, dedications, restrictions and notations on said map or plat and hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains easements, and public places shown thereon for the purposes and considerations therein expressed, and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an 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 M. 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 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

We the City Manager and 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 Meyers, P.E. City Engineer

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

Joel D. Walker Date
Texas Registration No. 5189

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 the James M. Milner and wife Pat A. Milner owns or has a legal interest in.

Joel D. Walker

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

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

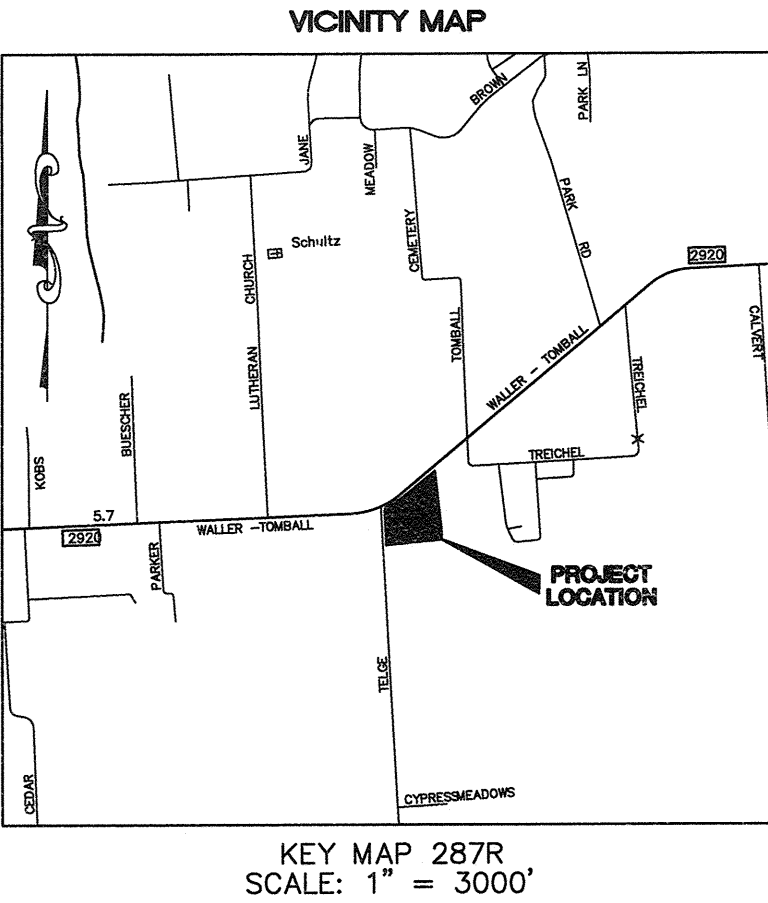
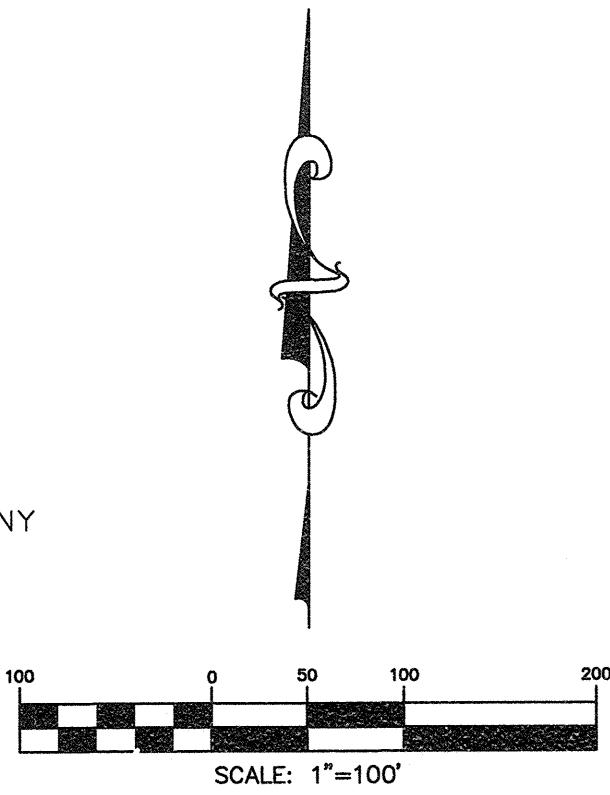
MONUMENT TABLE	
MON	DESCRIPTION
M1	5/8" I.R. FND. W/CAP "WEST BELT SURVEYING INC"
M2	5/8" I.R. SET W/CAP "WEST BELT SURVEYING INC"

ABBREVIATIONS:

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

LEGEND

⊕ GATE POST
⊙ HOSE BIB
⊠ PEDESTAL
⊙ PM PIPELINE MARKER
⊙ PV PIPELINE VENT
⊙ POWER POLE
⊙ WATER VALVE



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 0.99994299835 (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.
- 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, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, or other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

PRELIMINARY PLAT CORNER STORE No 1917

A SUBDIVISION OF
16.2331 ACRES (707,114.69 SQ. FT.)
OUT OF THE
CHANCEY GOODRICH SURVEY,
ABSTRACT NO. 311
TRACT 7C-1, 7F AND 7H
HARRIS COUNTY, TEXAS

1 BLOCK 2 LOTS

JUNE 2016

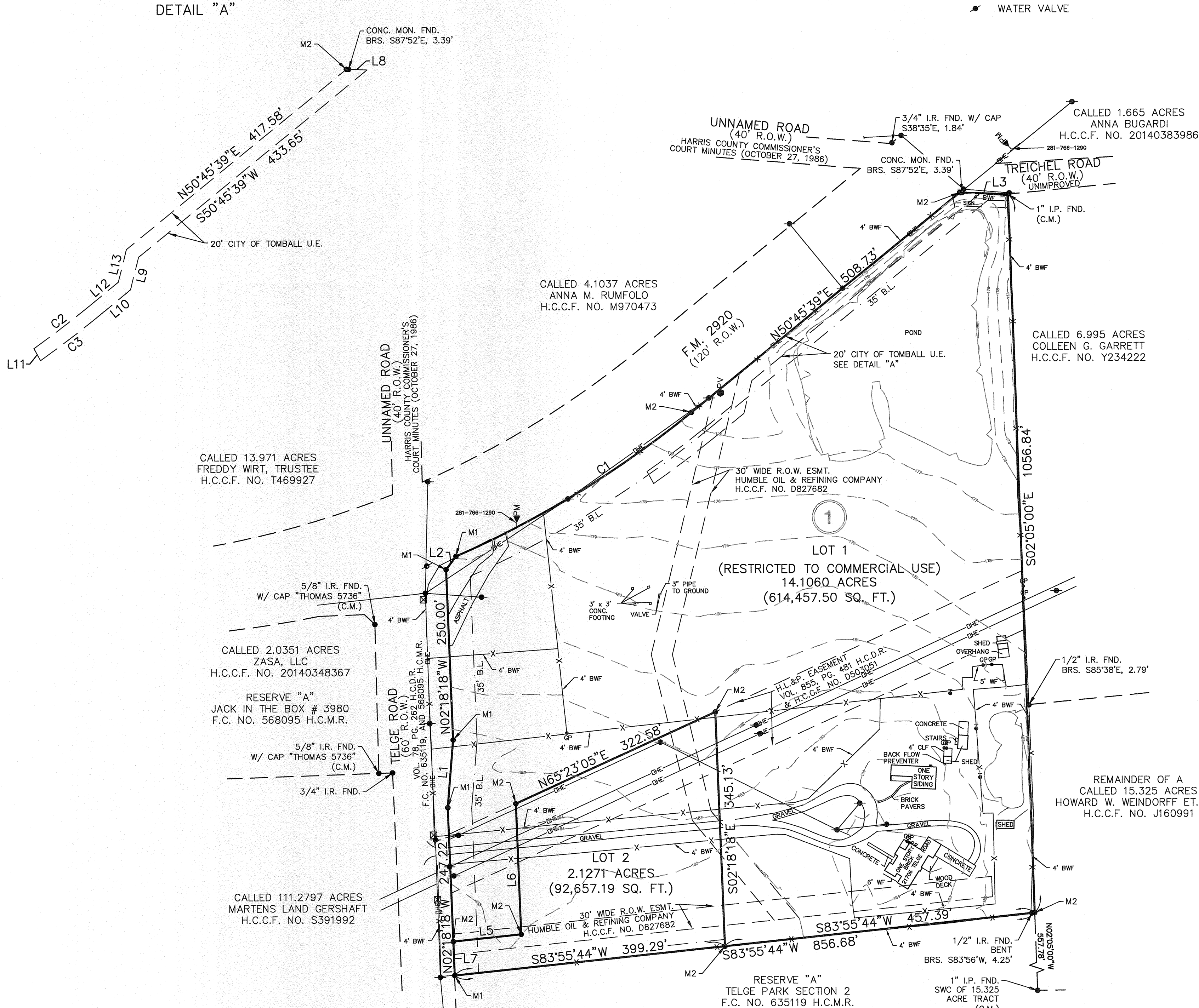
WEST  BELT
SURVEYING, INC.

21080 PARK ROW
KATY, TEXAS 77449

PHONE: (281) 590-8288
FAX: (281) 492-0026

CERTIFIED FIRM NO. 10073800

OWNER:
JAMES M. MILNER AND WIFE PAT A. MILNER
21706 TELGE ROAD
HOUSTON, TEXAS 77077-6135



Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: June 13, 2016

Topic:

Consideration to Approve Preliminary Plat of **DUNNCO TOMBALL**: Being a subdivision of a 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 - Preliminary 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 RESTRICTED RESERVE "A":

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 RESTRICTED RESERVE "B":

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, 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.

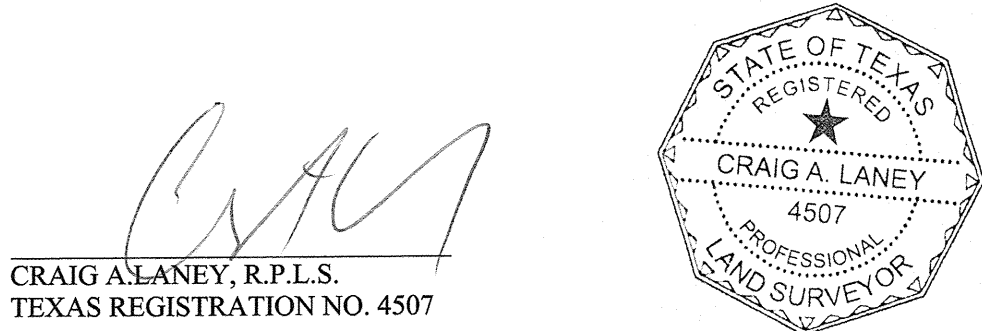
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DATE OF _____, 2016 .

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRINT NAME: _____

MY COMMISSION EXPIRES : _____

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.)

0.0460 ACRE TRACT
2,003 7/8 SQUARE FEET
DEDICATED TO THE
PUBLIC FOR R.O.W. PURPOSES

BOBBY JOE JOHNSON
1,0000 ACRE TRACT
H.C.C.F. NO. H718166

CULVERT ROAD
(60.00' R.O.W.)

CITY OF TOMBALL
20' U.E. (H.C.C.F. NO. U413751)

LOT 1
0.7997 ACRE TRACT
34,834.93 SQUARE FEET
(RESTRICTED TO COMMERCIAL USE ONLY)

PAUL HANKS, ET UX
3.4315 ACRE TRACT
H.C.C.F. NO. T178746

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSIONS 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.

GEORGE SHACKELFORD, CITY MANAGER

CRAIG T. MEYERS P.E., CITY ENGINEER

BY: _____
BARBARA TAGUE, CHAIRMAN

BY: _____
DARRELL ROQUEMORE, VICE CHAIRMAN

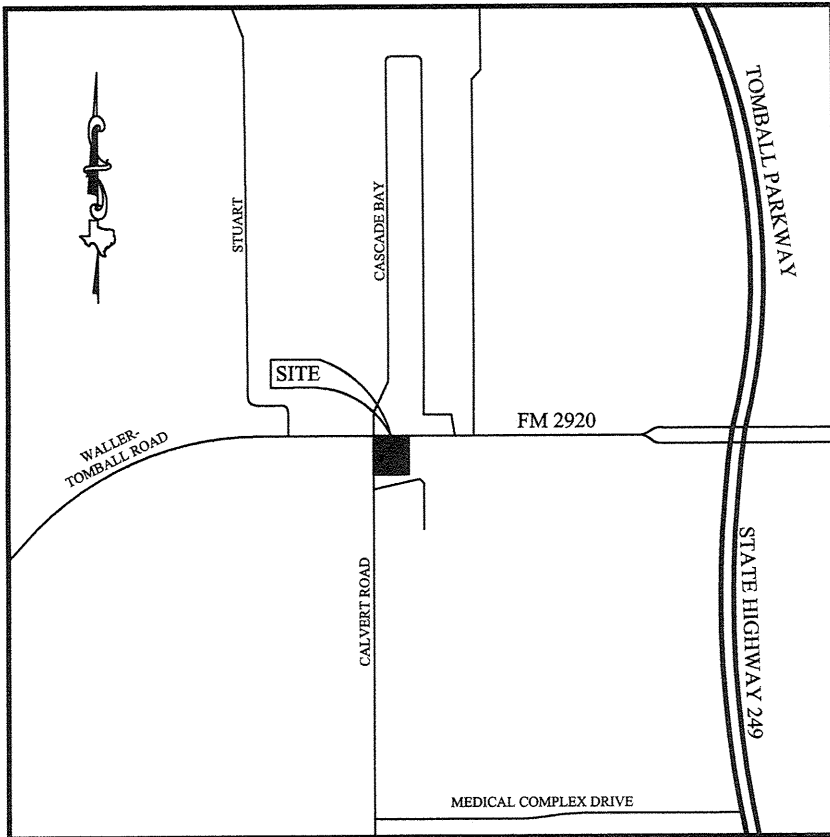
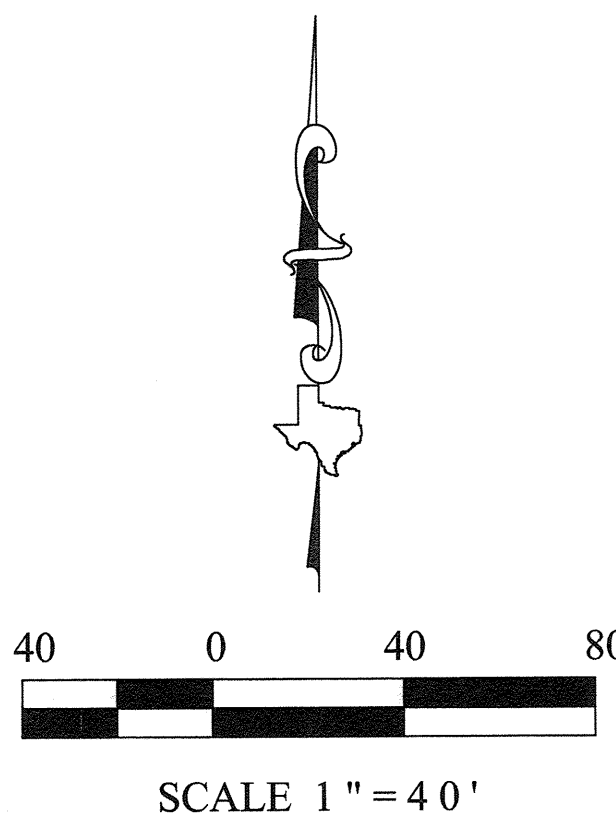
THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF PATEL PLAZA IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____,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

BY: _____
GRETCHEN FAGAN, MAYOR

BY: _____
DORIS SPEER, CITY SECRETARY

STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY



VICINITY MAP
NOT TO SCALE

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 "
- LR. INDICATES " IRON ROD "
- D.E. INDICATES " DRAINAGE EASEMENT "
- S.S.E. INDICATES " SANITARY SEWER EASEMENT "
- H.C.M.R. INDICATES " HARRIS COUNTY MAP RECORDS "
- FOUND 3/4" I.R. INDICATES "FOUND 3/4" I.R.
- FOUND 1/2" I.R. INDICATES "FOUND 1/2" I.R.
- FOUND 1" I.P. 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.
- The building lines shown in this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.

PRELIMINARY

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
1 RESERVE 1 BLOCK

MAY 2016

OWNER

DUNNCO PROPERTIES II, LTD

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

SURVEYOR

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

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

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: June 13, 2016

Topic:

Consideration to approve **Zoning Case P16-0072**: Request by Kenneth Lee to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.12 acres of land, legally described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of SH 249 and Holderrieth Road, at 26902 SH 249, from the Planned Development District (PD8) to the Commercial District.

Conduct Public Hearing on **ZONING CASE P16-0072**

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)
JUNE 13, 2016
&
CITY COUNCIL
JUNE 20, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, June 13, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, June 20, 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 P16-0072: Request by Kenneth Lee to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.12 acres of land, legally described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of SH 249 and Holderrieth Road, at 26902 SH 249, from the Planned Development District (PD8) to the Commercial District.

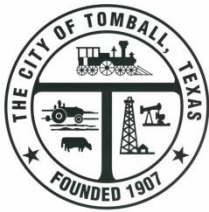
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, 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.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **June 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: P16-0072

APPLICANT/OWNER: Kenneth Lee

LOCATION: Northeast corner of SH 249 and Holderrieth Road, at 26902 SH 249.

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.12 acres of land, legally described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City of Tomball, Harris County, Texas, from the Planned Development District (PD8) to the Commercial District.

CONTACT: Elizabeth Jones

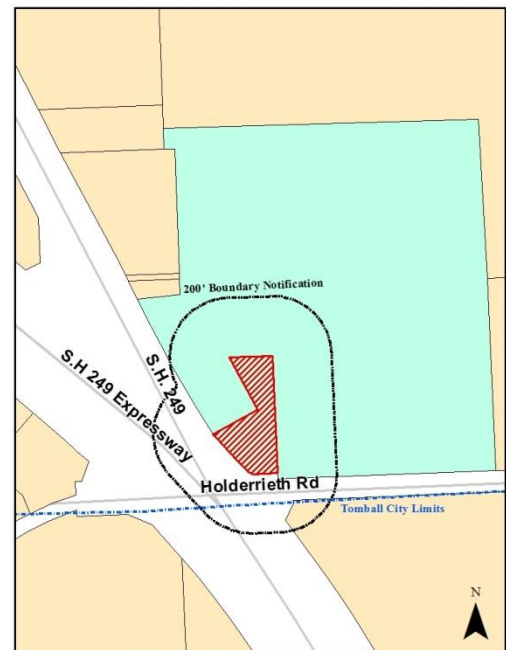
PHONE: (281) 290-1405

E-MAIL: ejones@tomballtx.gov

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

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

Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.

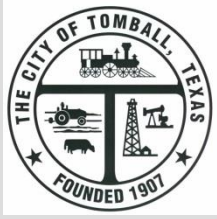


**Planning & Zoning Commission
Public Hearing:
Monday, June 13, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, June 20, 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: June 13, 2016

City Council Public Hearing Date: June 20, 2016

Rezoning Case: P16 - 0072

Property Owner(s): Kenneth Lee

Applicant(s): Kenneth Lee

Legal Description: Reserve A, Block 1 Kenneth Lee Subdivision

Location: Northeast corner of SH 249 and Holderrieth Road, at 26902 SH 249 (Exhibit "A")

Area: 1.12 acres

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

Present Zoning and Use: Planned Development 8 (PD8) (Exhibit "C") / Auto accessories & General retail store (Exhibit "D")

Request: Rezone from Planned Development 8 District to Commercial District

Adjacent Zoning & Land Uses:

- North:** Planned Development / Vacant land
- South:** ETJ / Vacant Land
- West:** NA / Business 249
- East:** Planned Development 8 / Vacant Land

BACKGROUND

In September of 2014, City Staff received a rezoning application from Mark Kirkland with Kimley Horn & Associates, Inc. The request was to rezone two tracts of land, an approximately 26 acre tract owned by Maple Group Ltd. and approximately 1.12 acres owned by Kenneth Lee, from the Commercial District to the Planned Development District. The application included a concept plan showing a proposed mixed use development for the property. The request was approved by City Council in December 2014.

In May 2016, City Staff met with Kenneth Lee, the applicant and current property owner of the 1.12 acre tract referenced above, to discuss the possibility of a tattoo studio (*tattoo or body piercing studio*) occupying one of the buildings on his property. City Staff informed Mr. Lee that as his property was rezoned to Planned Development 8 District (PD8) in 2014, it is subject to the PD8 Ordinance (Exhibit F) and its regulations which do not permit a tattoo or body piercing studio.

The applicant is requesting the property be removed from the Planned Development and rezoned back to its original zoning classification of Commercial.

ANALYSIS

In the surrounding area there are a number of different uses. There is a gas station, a chiropractic office and a rock supply company to the north and a gas station to the west. There is also vacant land to the north, east and south.

The Comprehensive Plan designates the property as Mixed Use. Mixed Use “*includes a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner*”. Surrounding properties are designated as Mixed Use to the north and east and Employment/Office to the south. The concept plan associated with the PD8 Ordinance consists of a 27.16 acre mixed use development that includes a multi-family component, hotels, restaurants and general retail centers. Without any active development, the concept plan will expire in December 2016, however, the Planned Development Zoning District will remain until either a new concept plan is approved or the property is rezoned.

This site is located at the intersection of State Highway 249 and Holderrieth Road, which is a key entrance to the City and the newly developed Business and Technology Park. City Staff believes that as this parcel is located at a significant gateway, the property should be developed in a manner proposed by and established in PD8. The Commercial Zoning District contains uses that may be less desirable or too intense for a gateway to the City. Some of the uses include:

- auto wrecker service, auto repair (major),
- auto muffler shop,
- building material sales/lumber yard,
- check cashing service,
- concrete or asphalt mixing/batching plant (temporary),
- outdoor sales as a primary use,
- pawn shop,
- and tattoo or body piercing studio.

According to Section 50-80 (g)(7) (*Revisions to the approved concept plan*), minor modifications to a PD concept plan may be submitted on an amended concept plan, which shall substantially conform to the previously approved concept plan. The applicant has worked with the property owner of the remaining acreage from the original PD8 District and submitted a revised concept plan showing how the remaining acreage can be developed in accordance with the approved PD (Exhibit G).

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.**

While there are commercial uses in the immediate area, this site is located at a main gateway to the City and Business and Technology Park, therefore, City Staff believes the requested Commercial Zoning District may not be best suited for this site. While most properties with frontage on the east side of SH 249 and Business 249 are zoned Commercial, the circumstances described for this property appear to indicate a lesser zone may be most appropriate for this site.

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 are vacant properties elsewhere in the City zoned Commercial District.

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 City-wide in the Commercial District.

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

The concept plan tied to PD8 is still valid. If the proposed zone change is approved, this property will no longer be developed with the approved concept plan which could affect the remaining development.

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 request is not consistent with the Comprehensive Plan. The Future Land Use plan designates the property Mixed Use. Currently, there is an approved concept plan with a large mixed use development proposed for this site and the lot adjacent to it.

PUBLIC COMMENT

Notice of Public Hearing was published in the paper and a sign was placed on the property on June 2, 2016. Property owners that are within the city limits and within 200 feet of the project site were mailed notification of this proposal on June 1, 2016. No public comment forms have been received.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff is unable to recommend approval of Zoning Case P16-0072.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photos
- E. Application
- F. Ordinance No. 2014-39
- G. Revised Concept Plan

Exhibit "A"
Aerial Photo

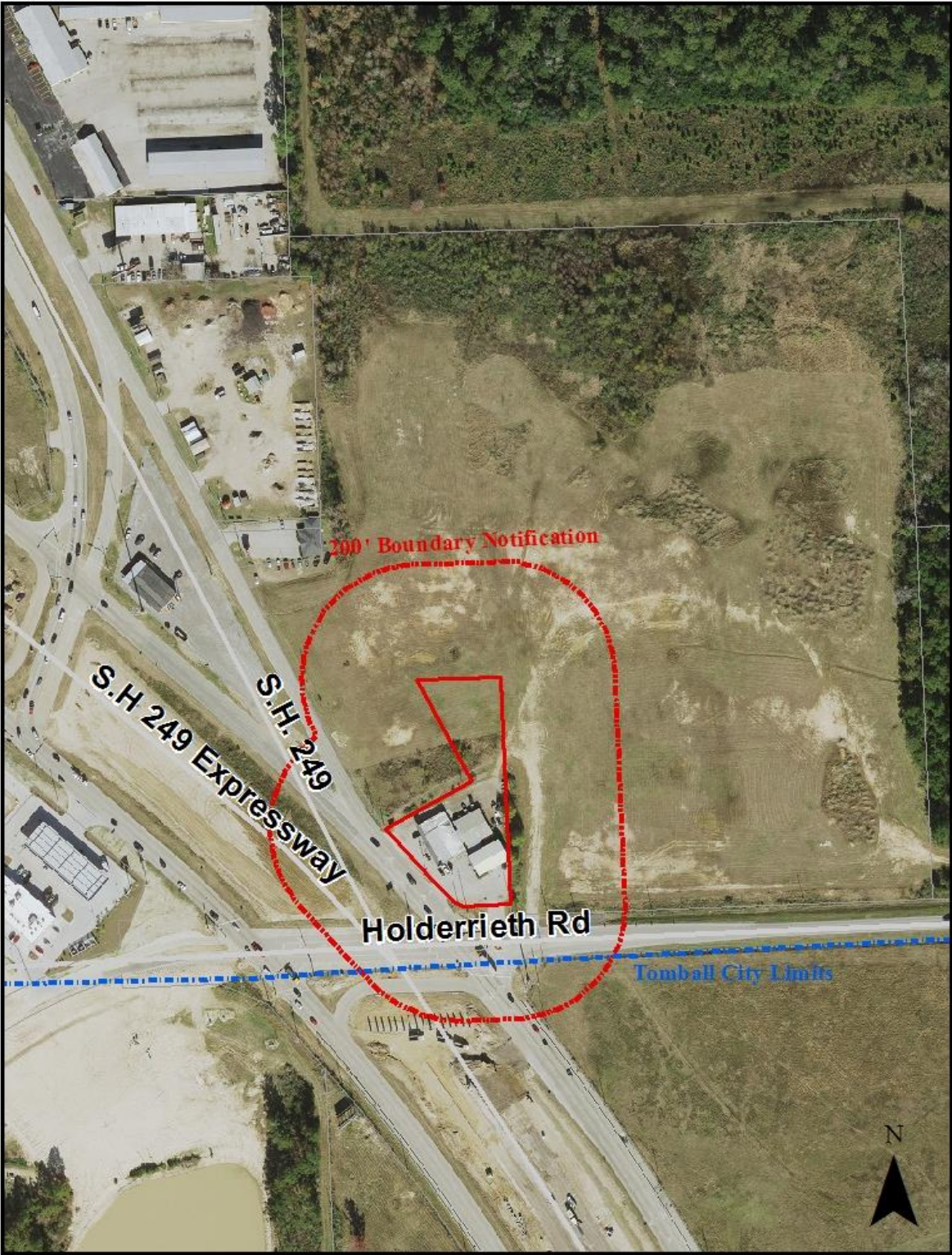


Exhibit "B"
Comprehensive Plan

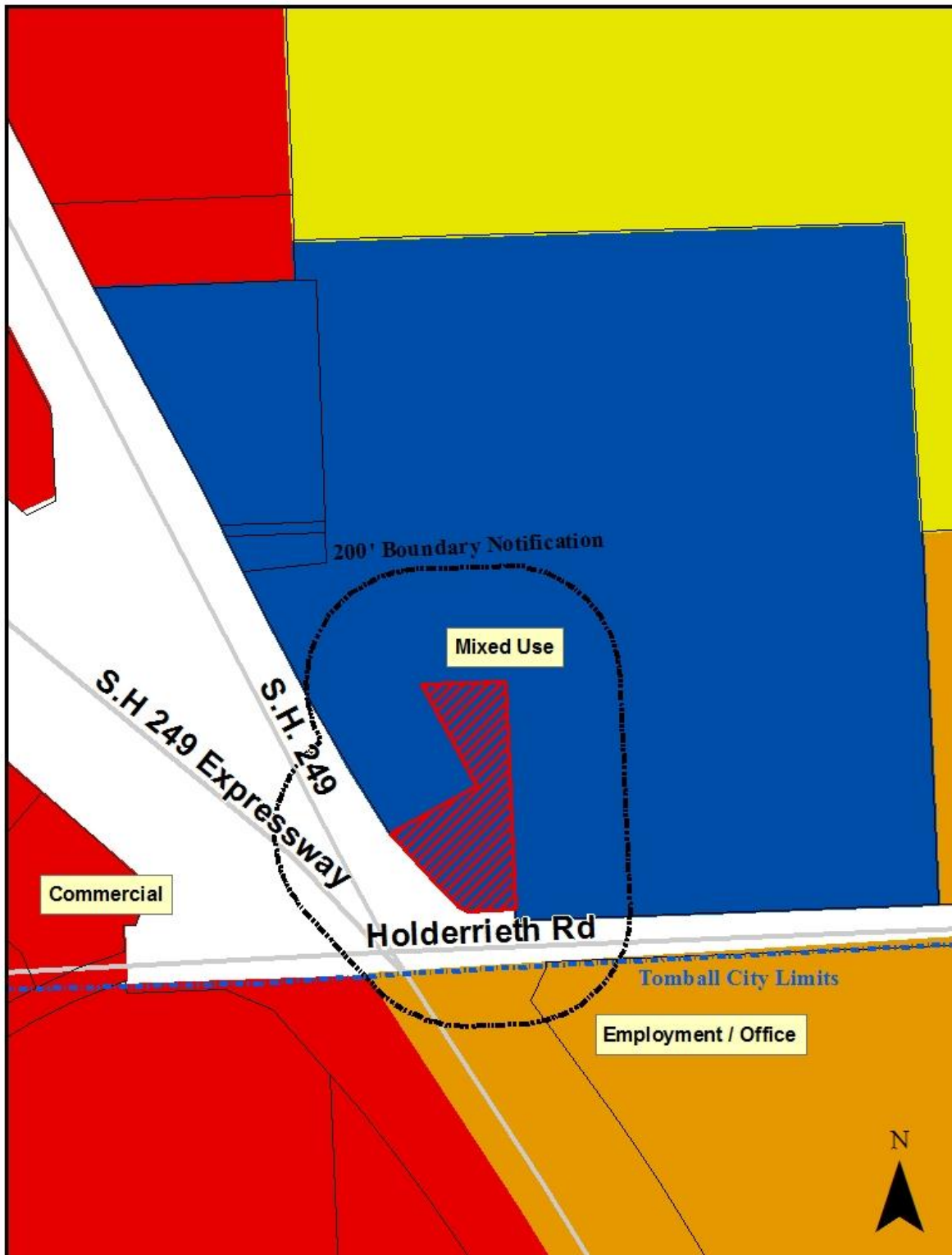
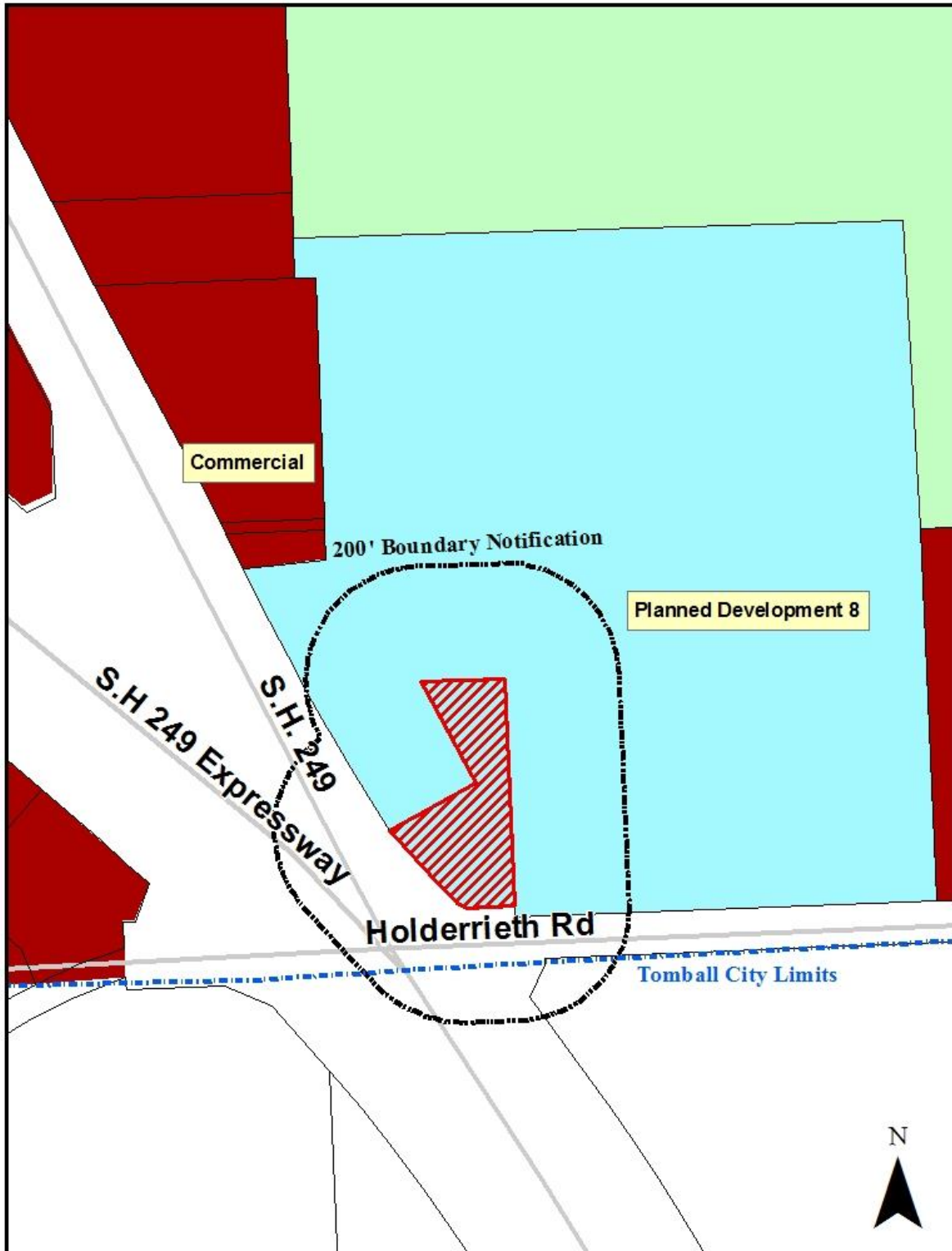


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**

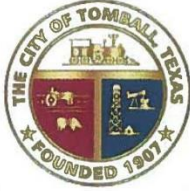


Subject Site: View across SH 249 Business



Subject Site: View from Holderrieth

Exhibit "E"
Application



Revised 5/19/15

APPLICATION FOR REZONING
Community Development Department
Planning Division

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

Applicant
Name: KENNETH LEE Title: OWNER
Mailing Address: P.O. BOX 21 City: PINEHURST State: TX
Zip: 77362
Phone: (281) 787-1024 Fax: () Email: leeboy57@gmail.com

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

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: 26902 SH 249, TOMALL TX
Physical Location of Property: CORNER OF HOLDRETH / STATE H. WAY 249
[General Location – approximate distance to nearest existing street corner]

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

Current Zoning District: PD-8

Current Use of Property: PD-8

Proposed Zoning District: COMMERCIAL

Proposed Use of Property: COMMERCIAL

HCAD Identification Number: #1229190010001 RES A BLK 1 Acreage: 1.12

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 Kenneth Lee 5-19-16
Signature of Applicant Date

X Kenneth Lee 5-19-16
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00925927 5/19/2016 1:17 PM
OPER: RS TERM: 002
REF#: W1415

TRAN: 130.0000 PLANNING AND ZONING
26902 SH249
KENNETH LEE
100-5441
REZONING APPLICATIO 410.12CR

TENDERED: 410.12 CHECK
APPLIED: 410.12-

CHANGE: 0.00

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

www.tomballtx.gov

To THE City of Tomball

5-19-2016

Today I am asking that you will
REZONE my property back to commercial
as it has always been in the past.
Because of the flooding in this location,
leasing my property is not an easy task.
By rezoning back to commercial I may
have more interest from future tenants
as of the different types of businesses
that can occupy my property.

Thank you
Ken Lee

Exhibit "F"
Ordinance No. 2014-39

ORDINANCE NO. 2014-39

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT DISTRICT OF APPROXIMATELY 27.16 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 2M & 4N, ABSTRACT 632, C.V. PILLOT AND RESERVE A, BLOCK 1, KENNETH LEE; WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS PLANNED DEVELOPMENT – 8 (PD-8) DISTRICT; ADOPTING A CONCEPT PLAN AND REGULATIONS APPLICABLE TO PD-8 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, the property owners have requested that approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee, generally located north of Holderrieth Road, east of State Highway 249 Business, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the property owners have presented an application to the City for a Planned Development District to allow the construction of a mixed use development; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); request letter (Exhibit "B"); and concept plan (Exhibit "C") attached to and made a part of this Ordinance; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City's receipt of the requested rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

Page 1 of 25

Whereas, the City Council deems it appropriate to grant the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Commercial District to the PD-8 District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball shall be revised and amended to show the designation of the Property as PD-8 District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification of the Property, to PD-8 District as described above.

Section 5. PD-8 shall be subject to the following additional limitations, restrictions, and covenants:

A. Compliance with Application and Concept Plan. The granting of the PD District shall be conditioned upon the proposed improvements and land uses being located, constructed, and conducted upon the Property in substantial compliance with the application for PD District (Exhibit "A"), request letter (Exhibit "B"), and concept plan (Exhibit "C") made a part hereof for all purposes.

B. Tracts A, B, C, & D:

1. Permitted Uses: Any use permitted by right in the General Retail District

2. Maximum Height:

i. Main Building: 3-stories, not to exceed 45-feet

ii. Accessory Building: 1-story, not to exceed 15-feet

3. Minimum Lot Size:

i. Area: 6,000 square feet

ii. Width: 60-feet

- iii. Depth: 100-feet
- 4. Minimum Building Setback:
 - i. Front: 25-feet; 35-feet when adjacent to arterial street
 - ii. Side:
 - 1. Main Building: 5-feet; 25-feet when adjacent to property zoned for single-family residential purposes; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 - 2. Accessory Building: 5-feet; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 - iii. Rear:
 - 1. Main Building: 5-feet; 60-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district
 - 2. Accessory Building: 5-feet; 30-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district
- 5. Maximum Lot Coverage: 50 percent
- 6. Maximum Impervious Coverage: 80 percent
- 7. Minimum Screening, Buffering, and Fencing:
 - i. All screening, buffering, and fencing shall adhere to Section 50-115 of Tomball Code of Ordinances.
 - ii. All refuse containers shall be screened on four sides.
- 8. Minimum Off-Street Parking and Loading:
 - i. All off-street parking and loading areas shall adhere to Section 50-112 of the Tomball Code of Ordinances.
 - ii. The minimum number of off-street parking stalls and loading areas shall be per Sections 50-82 and 50-112 of the Tomball Code of Ordinances.

9. Minimum Landscaping:

- i. Landscaping shall be provided per Section 50-113 of the Tomball Code of Ordinances.

10. Additional Requirements: Articles 1; 2; Sections 50-63, 50-64, 50-65, 50-66, and 50-67; and Article 4, Tomball Code of Ordinances.

C. Tract E (Multi-Family):

1. Permitted Uses: Multiple-family dwellings and accessory structures.

2. Maximum Height:

- i. Main Building: 3-stories, not to exceed 45-feet
- ii. Accessory Building: 1-story, not to exceed 15-feet
- iii. Clubhouse: 2-stories, not to exceed 27-feet

3. Maximum Dwelling Units Per Acre: 20; 26 when all parking spaces are constructed as covered or enclosed spaces

4. Minimum Lot Size:

- i. Area: 10 acres
- ii. Width: 120-feet
- iii. Depth: 200-feet

5. Minimum Building Setback:

- i. Front: 25-feet; 35-feet when adjacent to arterial street
- ii. Side:
 - 1. Main Building: 5-feet; 50-feet when adjacent to property zoned for single-family residential purposes; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 - 2. Accessory Building: 5-feet; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street

iii. Rear:

1. Main Building: 15-feet; 50-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district
2. Accessory Building: 5-feet; 30-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district

6. Minimum Building Separation:

- i. 1-Story Building: 15-feet for buildings without openings; 20-feet for buildings with openings
- ii. 2-Story Building: 20-feet for buildings without openings; 30-feet for buildings with openings
- iii. Over 2-Story Building: 30-feet
- iv. Between Main and Accessory Buildings: 10-feet

7. Minimum Floor Area Per Dwelling Unit:

- i. Efficiency: 500 square feet
- ii. 1-Bedroom: 670 square feet
- iii. 2 or More Bedroom: 800 square feet plus 125 square feet for every bedroom over two

8. Maximum Lot Coverage: 50 percent

9. Maximum Impervious Coverage: 50 percent

10. Minimum Percent of Lot Area Dedicated to Green Space and Recreational Area: 50 percent

11. Minimum Screening, Buffering, and Fencing:

- i. All screening, buffering, and fencing shall adhere to Section 50-115 of Tomball Code of Ordinances.
- ii. A minimum 6-foot tall solid fence, wall, or opaque screening device shall be constructed on the side/rear of any multi-family dwelling complex adjacent to a single-family zoned property

- iii. All refuse containers shall be screened on four sides.

12. Minimum Off-Street Parking and Loading:

- i. All off-street parking and loading areas shall adhere to Section 50-112 of the Tomball Code of Ordinances.
- ii. 1 off-street parking stall shall be provided per bedroom

13. Minimum Landscaping:

- i. Landscaping shall be provided per Section 50-113 of the Tomball Code of Ordinances.

14. Additional Requirements:

- i. Articles 1; 2; Sections 50-63, 50-64, 50-65, 50-66, and 50-67; and Article 4, Tomball Code of Ordinances.
- ii. Walkways: A four-foot-wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet to accommodate a two-foot bumper overhang for vehicles. Sidewalks of concrete cement or other masonry construction shall be provided between the dwelling units and all community facilities provided for residents in accordance with applicable city standards and specifications. All walks shall be lighted at night with a minimum intensity of two footcandles' illumination.
- iii. Building length: Buildings shall not exceed 200 feet in length.
- iv. Oversized parking areas: Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and approved by the City. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- v. Signage: Address numbers. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

- vi. Lighting: All parking areas shall have appropriate lighting and shall be positioned such that lights are shielded and do not adversely impact adjacent residential areas.
- vii. Gated/secured entrances: Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets as adopted.
- viii. Streets or driveways: Each multifamily dwelling complex shall have driveways constructed of concrete cement or hot mixed asphalt, shall be curbed and guttered in accordance with existing requirements of the city, and shall be at least 28 feet in width throughout. All driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 8. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF NOVEMBER 2014.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>NAY</u>
COUNCILMAN QUINN	<u>AYE</u>

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SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF DECEMBER 2014.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGS	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>NAY</u>
COUNCILMAN QUINN	<u>AYE</u>



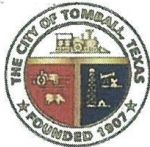
Gretchen Fagan, Mayor

ATTEST:



Doris Speer, City Secretary

Exhibit "A"
PD District Application



Application for
Planned Development
Engineering & Planning Department

Revised 1/20/09



PA-187

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: Mark Kirkland (Kimley Horn & Associates, Inc.) Title: Associate
Mailing Address: 12012 Wickchester Lane, Suite 500 City: Houston State: TX
Zip: 77079
Phone: (281) 597-9300 Fax: () Email: mark.kirkland@kimley-horn.com

Owner (See additional owner information on attached page)

Name: Jeff Stallones (Maple Group Ltd.) Title: _____
Mailing Address: 46 Palmer Crest City: The Woodlands State: TX
Zip: 77381
Phone: (713) 899-4710 Fax: (713) 481-0938 Email: jeffstallones@gmail.com

Engineer/Surveyor (if applicable)

Name: Mark Kirkland (Kimley Horn & Associates, Inc.) Title: Associate
Mailing Address: 12012 Wickchester Lane, Suite 500 City: Houston State: TX
Zip: 77079
Phone: (281) 597-9300 Fax: () Email: mark.kirkland@kimley-horn.com

Description of Proposed Project: Mixed Use

Physical Location of Property: NE Corner of TX-249N and Holderrieth Rd

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

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.ci.tomball.tx.us

Legal Description of Property: Tracts 2M & 4N, Abstract 632 CV Pillot; Reserve A, Block 1 Kenneth Lee
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0440580000272; 1229190010001 Acreage: 27.159 acres

Current Use of Property: Undeveloped; Developed (commercial)

Proposed Use of Property: Mixed Use

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.

Additional Owner Information

Kenneth W Lee

PO BOX 1527

Magnolia, TX 77353-1527

Email: leeboy57@gmail.com

Phone: (281) 787-1024

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 Mah Kahl 8/29/14
Signature of Applicant Date

X [Signature] 8-27-14
Signature of Owner Date

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>X</u>	_____	_____
Signature of Applicant		Date
<u>X</u>	<u>[Signature]</u>	<u>9-2-2014</u>
Signature of Owner		Date

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

Exhibit "B"
PD District Request Letter

September 3, 2014

Craig Meyers, PE, CFM
Community Development Director
City of Tomball
501 James St.
Tomball, TX 77375

Re: Planned Development Application
NEC of Holderrieth Road and State Highway 249
Tomball, Texas

Dear Mr. Meyers,

Kimley-Horn & Associates, Inc., as applicant, requests acceptance of the attached Planned Development (PD) Application for the 27.159 acre property located at the northeast corner of Holderrieth Road and State Highway 249, more specifically described by the metes and bounds included in the attached application. Per the published City of Tomball Zoning Map, the subject property is zoned Commercial District, C. The application proposes the current zoning designation to be revised to a Planned Development District, consisting of multifamily and retail uses with specified regulations.

Please feel free to contact me with any questions regarding the attached application. Thank you for your review and consideration.

Kimley-Horn & Associates, Inc.

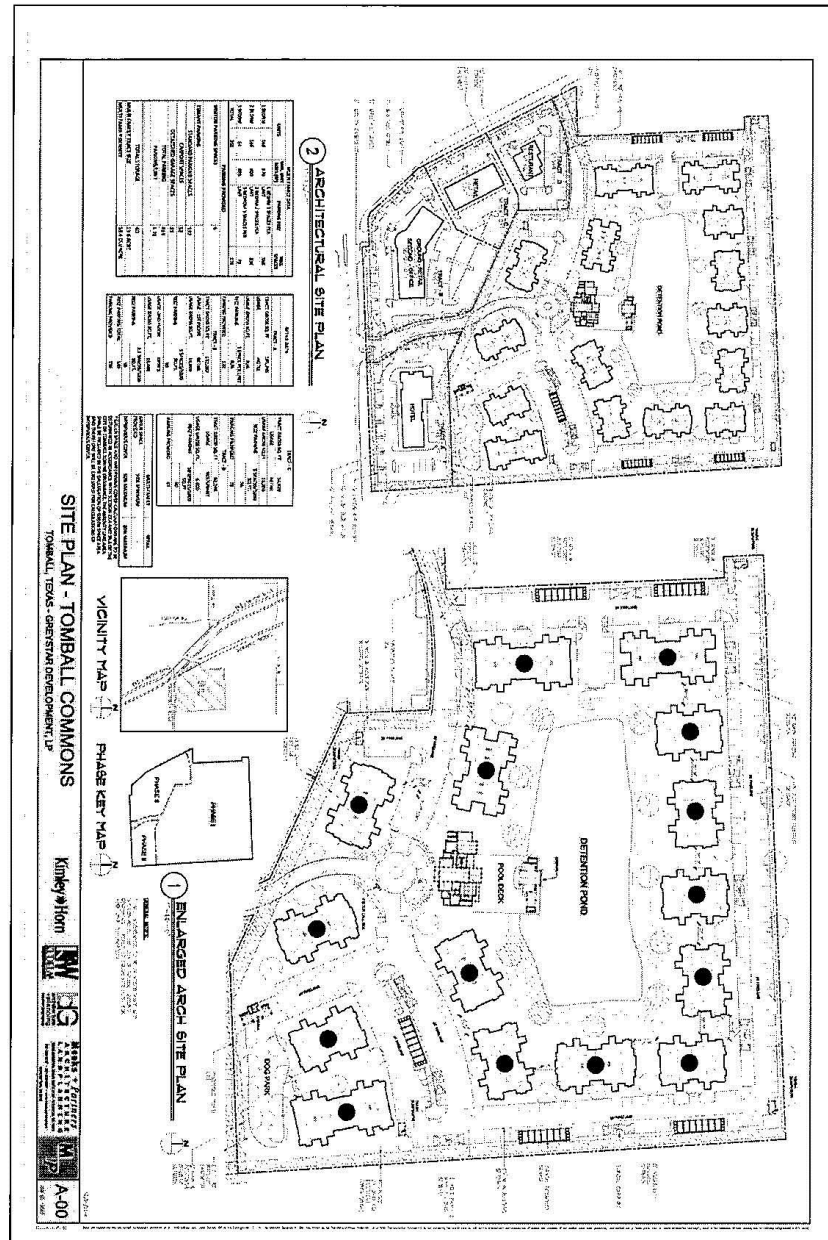
Mark Kirkland
Associate



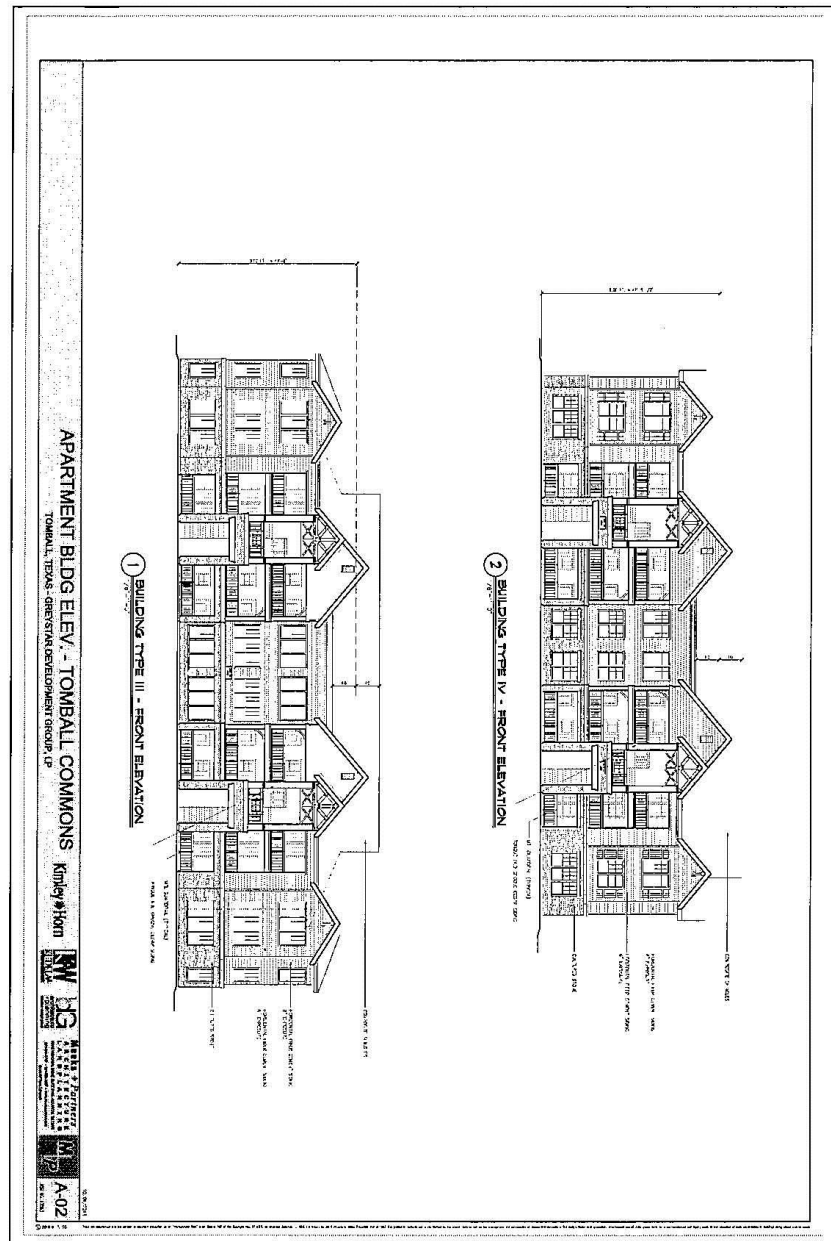
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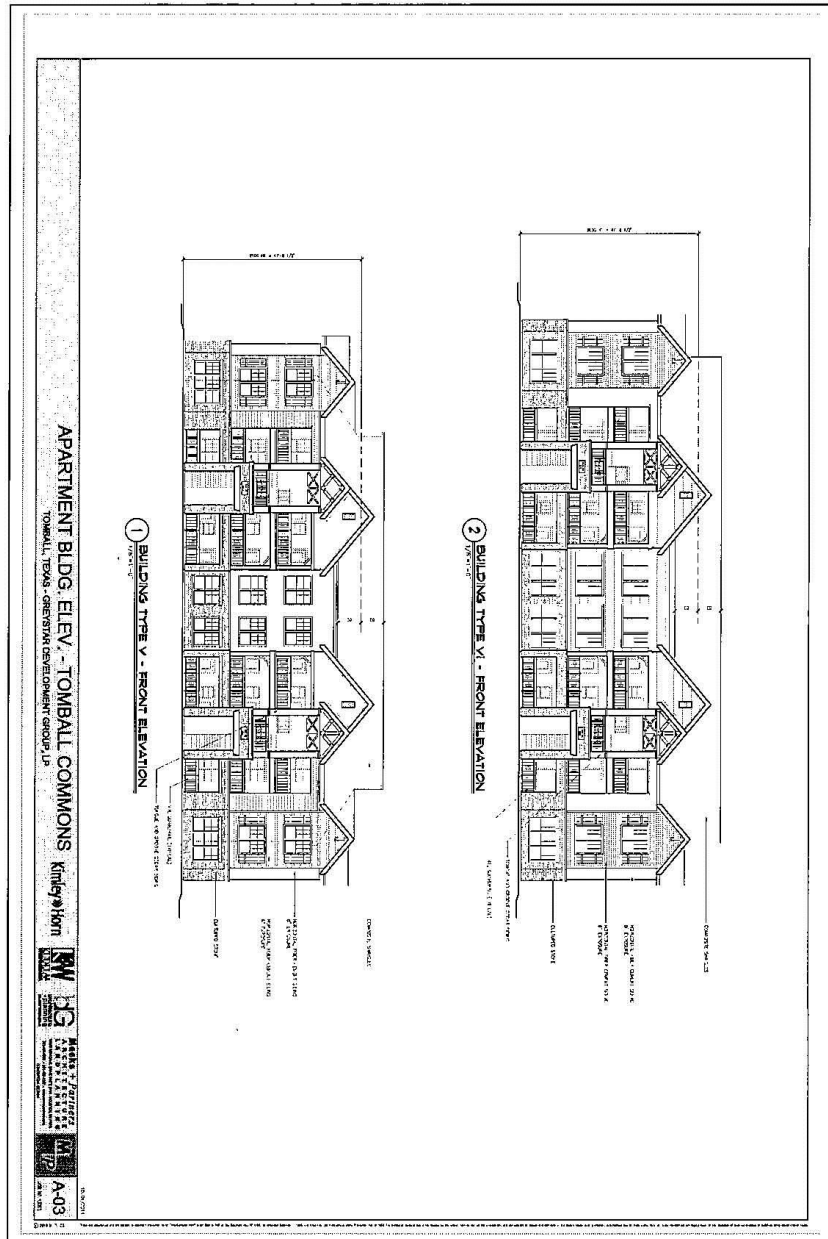
Exhibit "C"

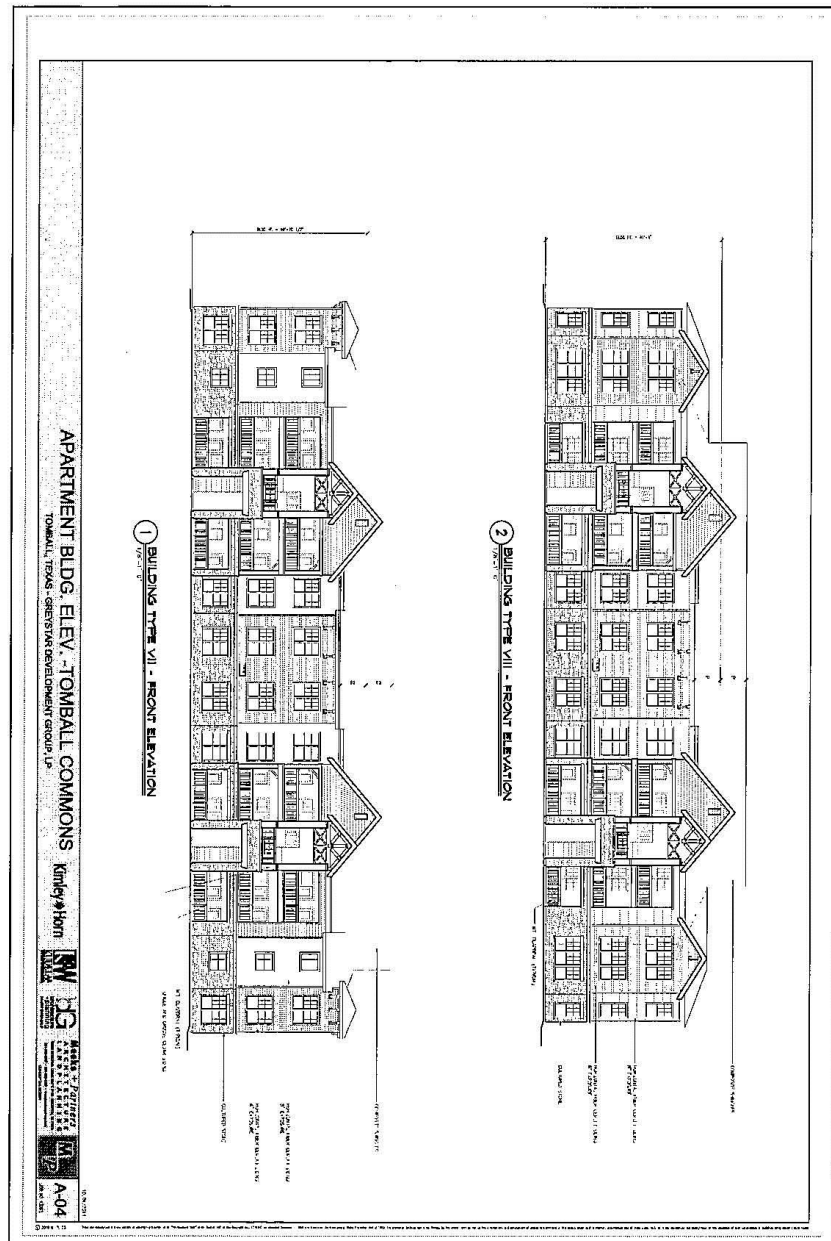
Concept Plan

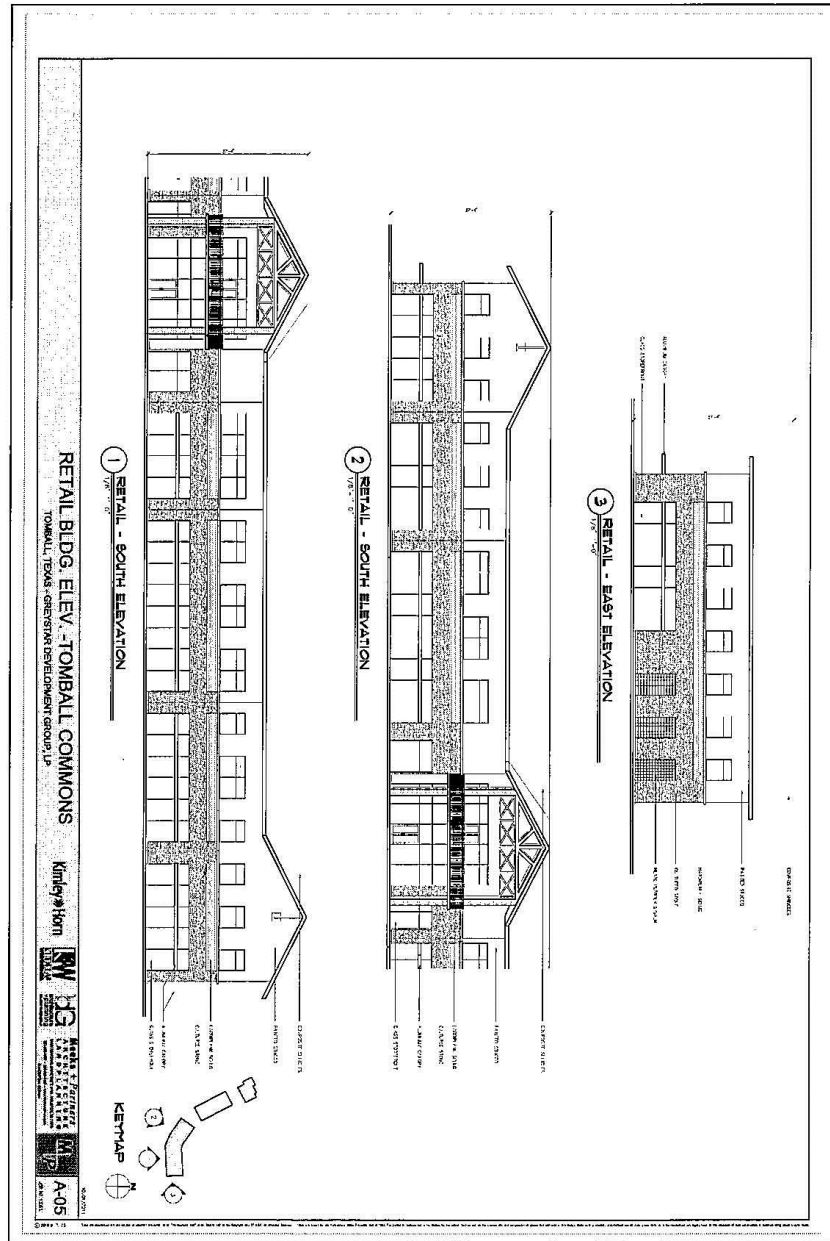


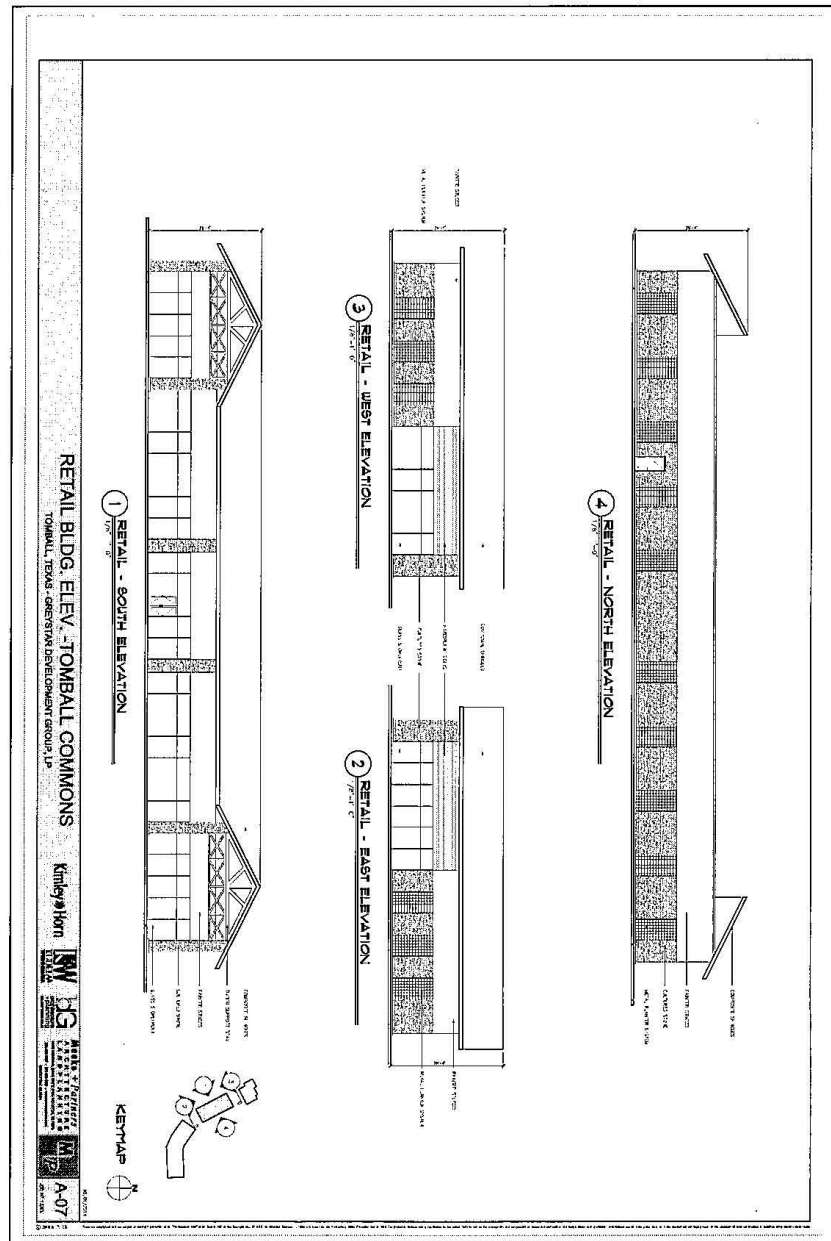












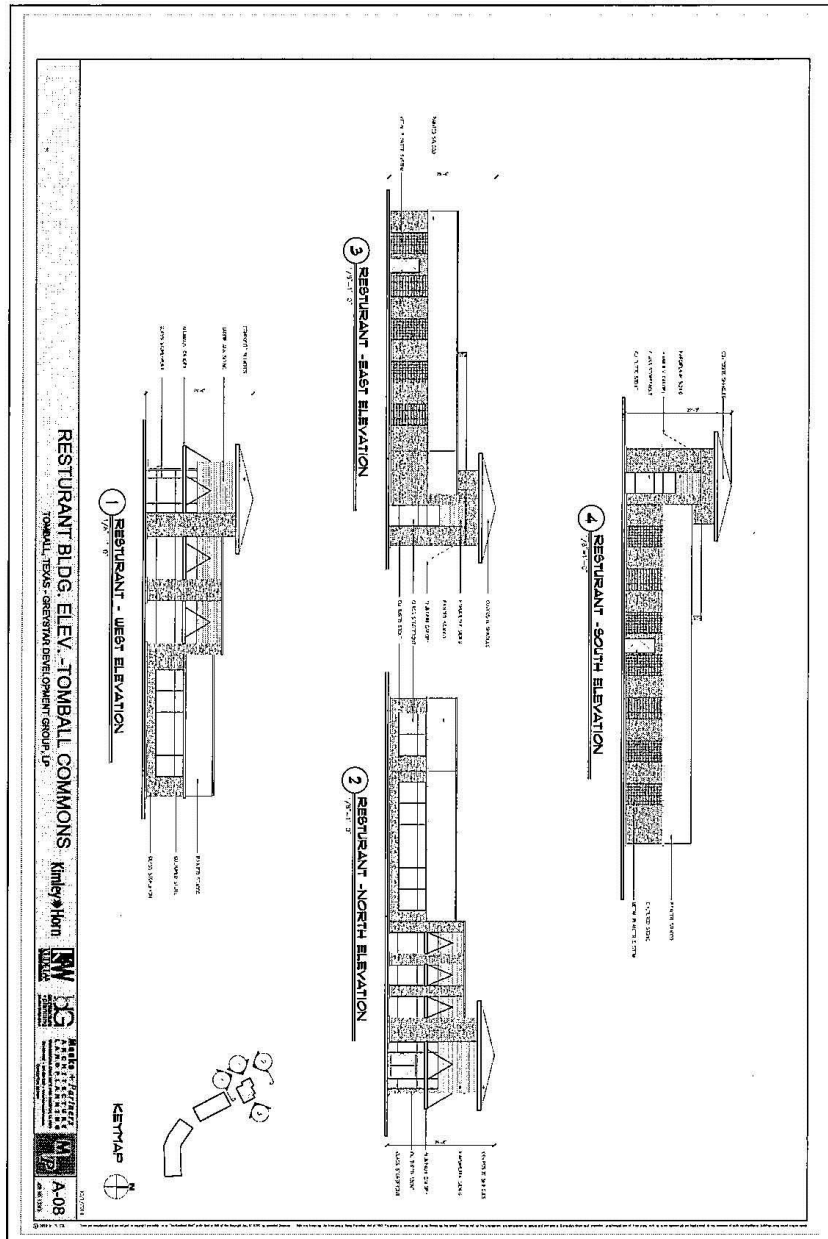


Exhibit "G"

Revised Concept Plan

