

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



MONDAY, MARCH 21, 2016

4:30 P.M.

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, March 21, 2016 at 4:30 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning & Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of February 8, 2016.
- 5.0 New Business:
 - 5.1 Consideration to Approve Final Plat of **MATTHEWS ADDITION**: Being a subdivision of 59.1235 Acres of land situated in the Joseph House Survey,

Abstract No. 34 in Harris County, Texas and Abstract No. 20 in Montgomery County, Texas.

- 5.2 Consideration to Approve Final Plat of **OLIVO LOTS**: Being a subdivision of 0.3214 Acres of Land and being all of lots 45, 46, 47 and 48 in Block 79 of revised map of Tomball Townsite, Volume 4, Page 25 of the Map Records of Harris County, out of the William Hurd Survey, Abstract No. 371, in the City of Tomball, in Harris County, Texas.
- 5.3 Consideration to Approve Final Plat of **ULRICH ACRES**: Being a subdivision of land containing 1.167 Acres of land in the Joseph Miller Survey, A-50, Harris County, Texas.
- 5.4 Consideration to Approve Preliminary Plat of **IN SIGHT OF ZION**: Being a subdivision of a 2.9219 Acre Tract in the Joseph Miller Survey, Abstract-50, Harris County, Texas.
- 5.5 Consideration to Approve Preliminary Plat of **TKC CCXXVII, LLC**: Being a subdivision of 4.0141 Acres of land situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.
- 5.6 Consideration to Approve Final Plat of **SWINGHAMMER/HAUCK SUBDIVISION**: Being a 10.2142 acre tract and being a replat of a portion of Outlot Numbers 191, 192, 195 & 196, a subdivision situated in the Jesse Pruitt Survey, Abstract Number 629, of Harris County, Texas, as recorded on map or plat thereof in Volume 2, Page 65, of the Map Records of Harris County, Texas, and being a replat of a subdivision recorded in Film code Number 376131 of said Map Records and being the same land described in deeds recorded in Clerk file Numbers 20080218916 and 20150448918 of the Real Property Records of Harris County, Texas.
- 5.7 Consideration to approve **Zoning Case P15-0158**: Request by Maple Creek Bed & Breakfast, c/o Michael Clark, for a Conditional Use Permit to operate a Bed & Breakfast Inn. The property is located at 519 E. Hufsmith Road., east of Hospital Road on the north side of E. Hufsmith, is approximately 5.663 acres, and is zoned Single-Family 20 Estate District. The property is legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, according to the map or plat thereof recorded in Vol. 423, Page 107, Map Records, Harris County, Texas.
- Conduct Public Hearing on **ZONING CASE P15-0158**
- 5.8 Consideration to approve **Zoning Case P16-0020**: Request by Matthew Gilbert, on behalf of Brandt Construction, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P16-0020**

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 15th day of March, 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.

Special Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 21, 2016

Topic:

Background:

Origination:

Recommendation:

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

Community Development Department

ACTION TAKEN

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

Meeting Date: March 21, 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

Special Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

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

Background:

Origination:

Recommendation:

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

Community Development Department

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

ATTACHMENTS:

Approval of Minutes - February 8, 2016

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

MONDAY, FEBRUARY 8, 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 Harry Byrd
Commissioner Dane Dunagin
Commissioner Darrell Roquemore
Commissioner Richard Anderson - Absent

Others present:

Community Development Director – Craig Meyers
City Planner – Harold Ellis
Assistant City Planner – Amelia Lindley
Community Development Coordinator – Kim Chandler
City Attorney – Loren Smith

draft

- 2.0 No Public Comments were received.

- 3.0 Harold Ellis, City Planner, announced the following:

The Community Development Quarterly Update Report and development map (what's going on) are on the City's website.

- 4.0 Motion was made by Commissioner Roquemore, second by Commissioner Dunagin to approve the Minutes of the Regular Planning and Zoning Commission Meeting of January 11, 2016.

Motion carried unanimously.

- 5.0 New Business:

- 5.1 Consideration to Approve Preliminary Plat of **MATTHEWS ADDITION**: Being a subdivision of 59.1235 Acres, (2,575,418 Square Feet) of land situated in the Joseph House Survey, Abstract No. 34 in Harris County, Texas and Abstract No. 20 in Montgomery County, Texas.

Amelia Lindley, Assistant City Planner, presented recommendation of approval with contingencies.

Harold Ellis clarified Tax Certificates are not required for a preliminary plat and should be removed from the current contingencies.

Motion was made by Commissioner Byrd, second by Commissioner Roquemore, to approve **MATTHEWS ADDITION**, with contingencies not to include Tax Certificate requirements.

Motion carried unanimously

- 5.2 Consideration to Approve Preliminary Plat of **OLIVO LOTS**: Being a subdivision of 0.3214 Acre of Land, being all of lots 45, 46, 47 and 48 in Block 79 of revised map of Tomball Townsite, Volume 4, Page 25 of the Map Records of Harris County, out of the William Hurd Survey, Abstract No. 371, in the City of Tomball, in Harris County, Texas.

Amelia Lindley, Assistant City Planner, presented recommendation of approval with contingencies.

Motion was made by Commissioner Dunagin, second by Commissioner Byrd, to approve **OLIVO LOTS**, with contingencies.

Motion carried unanimously

- 5.3 Consideration to Approve Preliminary Plat of **ULRICH ACRES**: Being a subdivision of land containing 1.167 Acres (50,847 Square Feet) of land in the Joseph Miller Survey, A-50, Harris County, Texas.

Amelia Lindley, Assistant City Planner, presented recommendation of approval with contingencies.

Motion was made by Commissioner Roquemore, second by Commissioner Byrd, to approve **ULRICH ACRES**, with contingencies.

Motion carried unanimously

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

Motion carried unanimously.

The meeting was adjourned at 6:10 p.m.

PASSED AND APPROVED this _____ day of _____ 2016.

Kim Chandler
Commission Secretary

Barbara Tague
Commission Chair

Special Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Consideration to Approve Final Plat of MATTHEWS ADDITION: Being a subdivision of 59.1235 Acres of land situated in the Joseph House Survey, Abstract No. 34 in Harris County, Texas and Abstract No. 20 in Montgomery 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
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ATTACHMENTS:

Matthews Addition - Final Plat

STATE OF TEXAS §
COUNTY OF HARRIS §

WE, KEVIN L. BUTTS AND ANN BUTTS, RICHARD C. MATTHEWS AND JUDY V. MATTHEWS, HEREINAFTER REFERRED TO AS OWNERS OF THE 59.1235 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF MATTHEWS ADDITION, 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, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESS; 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 UNOBTSTRUCTED AERIAL EASEMENT FIVE FEET (5') IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

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

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

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK, OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING, AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ADJUTINO 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 3rd DAY OF March, 2016.

BY: Kevin L. Butts BY: Ann Butts
KEVIN L. BUTTS ANN BUTTS
OWNER OWNER

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KEVIN L. BUTTS AND ANN BUTTS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 3rd DAY OF March, 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: 1/25/2017



WITNESS OUR HAND IN THE CITY OF TOMBALL, TEXAS, THIS 3rd DAY OF March, 2016.

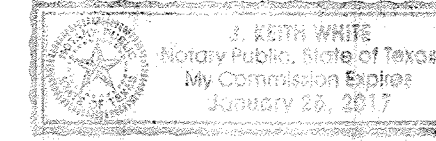
BY: Richard C. Matthews BY: Judy V. Matthews
RICHARD C. MATTHEWS JUDY V. MATTHEWS
OWNER OWNER

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RICHARD C. MATTHEWS AND JUDY V. MATTHEWS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 3rd DAY OF March, 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: 1/25/2017



I, EDILBERTO V. BARRIENTOS, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON PIPES OR RODS (OR OTHER SUITABLE PERMANENT METAL) HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTH (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 STATE PLANE COORDINATES SYSTEM (NAD83), SOUTH CENTRAL ZONE NO. 4204.

EDILBERTO V. BARRIENTOS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5364



WE, PROSPERITY BANK-143, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS MATTHEWS ADDITION, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NUMBER 20120082826 OF THE R.P.R.H.C.T., DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS, SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

BY: Royce Rape, PCP
NAME AND TITLE Royce RAPE, PCP
PROSPERITY BANK-143

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

BY: _____ BY: _____
BARBARA TAGUE DARRYL RODGEMORE
CHAIRMAN VICE CHAIRMAN

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL THE DEDICATED PUBLIC EASEMENTS AND 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.

GRETCHEN FAGAN
MAYOR

DORIS SPEER
CITY SECRETARY

WE, THE CITY MANAGER AND CITY ENGINEER FOR THE CITY OF TOMBALL, TEXAS, DO HEREBY CERTIFY THAT THE PLAT OF MATTHEWS ADDITION IS IN CONFORMANCE WITH THE CITY OF TOMBALL ORDINANCES.

GEORGE SHACKELFORD
CITY MANAGER

CRAIG T. MEYERS, P.E.
CITY ENGINEER

I, MARK J. MOONEY, P.E. COUNTY ENGINEER OF MONTGOMERY COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE MONTGOMERY COUNTY COMMISSIONERS COURT.

I FURTHER CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH REQUIREMENTS FOR INTERNAL SUBDIVISION DRAINAGE AS ADOPTED BY COMMISSIONERS COURT; HOWEVER, NO CERTIFICATION IS HEREBY GIVEN AS TO THE EFFECT OF DRAINAGE FROM THIS SUBDIVISION ON THE INTERCEPTING DRAINAGE ARTERY OR PARENT STREAM OR ANY OTHER AREA OF SUBDIVISION WITHIN THE WATERSHED.

MARK J. MOONEY, P.E.
COUNTY ENGINEER

APPROVED BY THE COMMISSIONER'S COURT OF MONTGOMERY COUNTY, TEXAS, THIS _____ DAY OF _____, 2016.

MIKE MEADOR
COMMISSIONER, PRECINCT 1

CHARLIE RILEY
COMMISSIONER, PRECINCT 2

CRAIG DOYAL
COUNTY JUDGE

JAMES NOACK
COMMISSIONER, PRECINCT 3

JIM CLARK
COMMISSIONER, PRECINCT 4

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 _____, 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 HARRIS COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

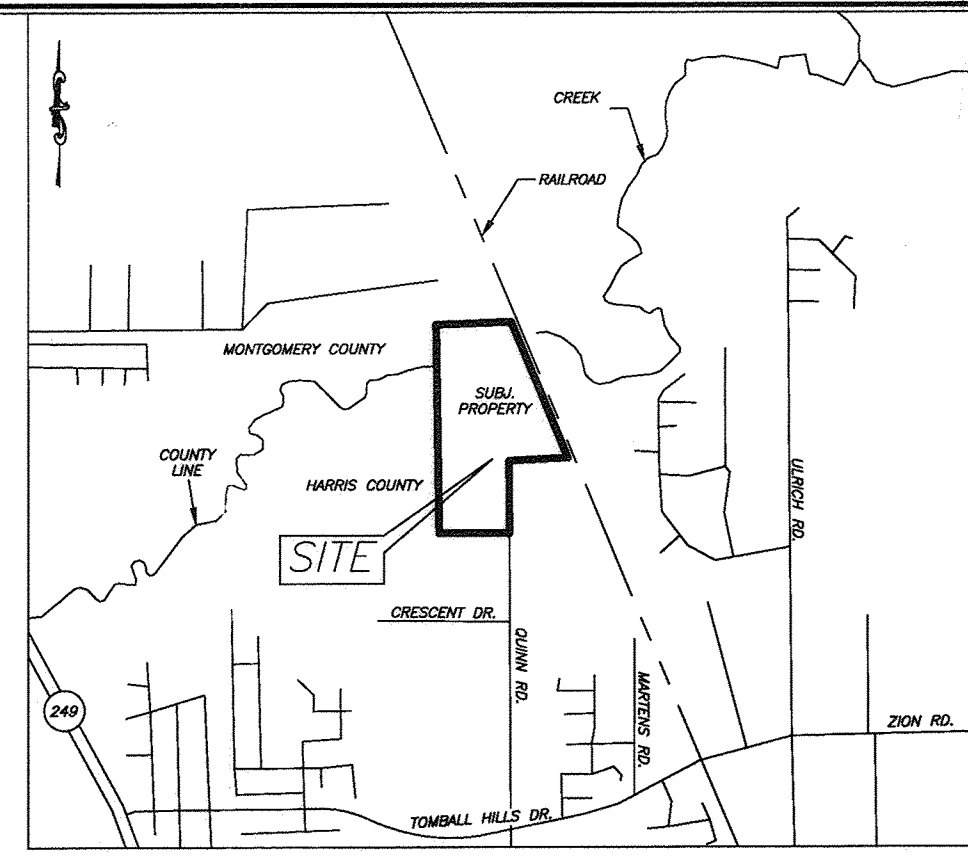
STAN STANART
EX OFFICIO CLERK OF
HARRIS COUNTY, TEXAS
CHAIRMAN OR VICE CHAIRMAN

BY: _____
DEPUTY

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



GENERAL NOTES:

1. THE COORDINATES SHOWN HEREON ARE BASED ON TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO THE SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE: 0.9999540895
2. "H.C.C.F." INDICATES HARRIS COUNTY CLERK'S FILE NUMBER.
3. "H.C.D.R." INDICATES HARRIS COUNTY DEED RECORDS.
4. "M.C.C.F." INDICATES MONTGOMERY COUNTY CLERK'S FILE NUMBER.
5. SITE DRAINAGE AND UTILITY PLANS FOR THE FUTURE DEVELOPMENT OF THIS PLAT MUST BE APPROVED BY CITY OF TOMBALL PUBLIC INFRASTRUCTURE DEPARTMENT, ENGINEERING AND FLOOD CONTROL DIVISIONS AND THE DISTRICT ENGINEER.
6. 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 THE PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
7. ACCORDING TO FEMA FIRM PANEL NO. 48201C 0210 L & 48201C 0045 L (EFFECTIVE DATE JUNE 18, 2007) & 48339C 0485 G (EFFECTIVE DATE AUGUST 18, 2014), THIS PROPERTY IS IN ZONE "X" AND ZONE "AE" AND IS WITHIN THE 1% ANNUAL CHANCE FLOOD PLAIN.
8. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
9. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
10. 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.
11. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
12. 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.
13. PIPELINE RIGHT-OF-WAY GRANTED TO STANOLIND PIPE LINE COMPANY AS PER VOL. 940, PG. 149 & VOL. 990, PG. 251, H.C.D.R. (BLANKET EASEMENT).
14. PIPELINE RIGHT-OF-WAY GRANTED TO HUMBLE OIL & RETINING COMPANY AS PER VOL. 966, PG. 469 & VOL. 971, PGS. 54 & 55, H.C.D.R. (BLANKET EASEMENT).

FINAL PLAT:

MATTHEWS ADDITION

A SUBDIVISION OF 59.1235 ACRES (2,575,418.03 SQUARE FEET) OF LAND SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 34 IN HARRIS COUNTY, TEXAS AND ABSTRACT NO. 20 IN MONTGOMERY COUNTY, TEXAS

(2 LOTS, 1 BLOCK)
MARCH, 2016

OWNERS:

RICHARD C. MATTHEWS AND JUDY V. MATTHEWS
ADDRESS: 31115 QUINN ROAD
TOMBALL, TEXAS 77375
281-351-1472

KEVIN L. BUTTS AND ANN BUTTS
ADDRESS: 31242 QUINN ROAD
TOMBALL, TEXAS 77375
832-647-6769

PRECISION SURVEYORS, INC.

PROFESSIONAL LAND SURVEYS
1-800-LANDSURVEY
www.precisionsurveyors.com

281-496-1586 FAX 281-496-1867
950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079
210-829-4941 FAX 210-829-1555
1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
FIRM NO. 10063700

Special Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Consideration to Approve Final Plat of **OLIVO LOTS**: Being a subdivision of 0.3214 Acres of Land and being all of lots 45, 46, 47 and 48 in Block 79 of revised map of Tomball Townsite, Volume 4, Page 25 of the Map Records of Harris County, out of the William Hurd Survey, Abstract No. 371, in the City of Tomball, in Harris County, Texas.

Background:

Origination:

Recommendation:

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

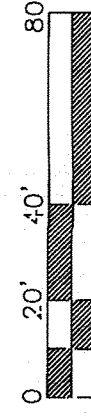
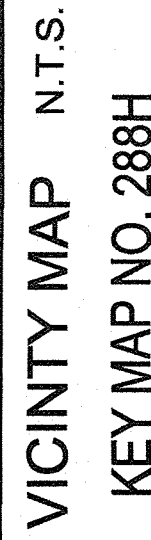
Community Development Department

ACTION TAKEN

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

Olivo Lots - Final Plat



16. THIS PLAT IS SUBJECT TO A 10' CITY OF TOMBALL EASEMENT DESCRIBED IN INSTRUMENT RECORDED UNDER COUNTY CLERK'S FILE NO. D703440 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS.

BEING A SUBDIVISION OF 0.3214 ACRE OF LAND
 114,000.00 SQ. FT. LAYING BEING ALL OF LOTS 45, 46,
 47, AND 48 IN BLOCK 79 OF REVISAL MAP OF THE
 TOMBALL TOWNSITE, VOLUME 4, PAGE 25 OF THE
 MAP RECORDS OF HARRIS COUNTY, OUT OF THE
 WILLIAM HURD SURVEY, ABSTRACT NO. 371, IN
 THE CITY OF TOMBALL, IN HARRIS COUNTY, TEXAS.

1 BLOCK

SCALE: 1" = 40'

SURVEYOR: ROBINSON SURVEYING, INC.

P.O. BOX 11925
SPRING, TEXAS 77391-1925
PHONE (832) 236-8210
robinsonsurveyinginc@gmail.com

SHEET 1 OF 1

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY THEREON, WITH CHUTE, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED PLANTING AND DRAINAGE FACILITIES TO THE USES OF FENCES, BUILDINGS, PLANTING AND DRAINAGE FACILITIES TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY. SUCH DRAINAGE FACILITY SHALL NOT BE PERMITTED TO BE PLANTED INTO THIS EASEMENT PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT PROPERTY BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

DAY OF 2016.

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SAMUEL OLIVIO, JR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGMENT TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS AN ACT AND DEED OF SAID CORPORATION.

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINT NAME:

MY COMMISSION EXPIRES : _____

BY: BARBARA TAGUE, CHAIR

BY: _____
DARRELL R. JOHNSON, VICE CHAIRMAN

I, THOMAS E. ROBINSON, 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 11TH DAY OF JANUARY, 1998. THE SURVEY HAS BEEN MARKED WITH IRON RODS AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON RODS, SAID RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTER (3/4) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET. THE SURVEY CANNOT BE LOCATED BY ANY BOUNDARY MARKERS HAVE BEEN TO THE NEAREST SURVEY CORNER.

THOMAS G. ROBINSON
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 1874

LEGEND

BL - INDICATES 'BUILDING LINE'.
R.O.W. - INDICATES 'RIGHT OF WAY'.
VOL., PG. - INDICATES 'VOLUME, PAGE'.
H.C.I.D. - INDICATES 'HARRIS COUNTY DEED RECORDS'.
H.C.M.R. - INDICATES 'HARRIS COUNTY MAP RECORDS'.
H.C.F. NO. - INDICATES 'HARRIS COUNTY CLERK'S FILE NO.'.
UE - INDICATES UTILITY EASEMENT.
D.P.R.A.P.H.C.T. - INDICATES 'OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS'.

Special Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 21, 2016

Topic:

Consideration to Approve Final Plat of **ULRICH ACRES**: Being a subdivision of land containing 1.167 Acres of land in the Joseph Miller Survey, A-50, 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:

Ulrich Acres - Final Plat

7.882 AC. TRACT
(H.C.C.F. #20130125659)

SPRING HOLLOW DRIVE
(60' R.O.W.)

1.4909 AC. TRACT
(H.C.C.F. #20130125659)

1.9669 AC. TRACT
(H.C.C.F. #20130125659)

1.9099 AC. TRACT
(H.C.C.F. #20130125659)

STATE OF TEXAS
COUNTY OF HARRIS

WE, BOB FONTENOT AND JOY FONTENOT, HEREIN AFTER REFERRED TO AS "THE UNDERSIGNED", DO HEREBY DEDICATE TO THE PUBLIC FOR THE PURPOSES OF THE PUBLIC UTILITY EASEMENTS ACT, A STRIP OF LAND, 15 FEET WIDE, LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER SUCCESSOR, THE RIGHT TO USE SAID STRIP OF LAND FOR THE PURPOSES 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 A STRIP OF LAND, 15 FEET WIDE, LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER SUCCESSOR, THE RIGHT TO USE SAID STRIP OF LAND FOR THE PURPOSES OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT IS HEREBY RESTRICTED TO THE USE OF DRAINAGE FACILITIES AND STRUCTURES, AND THAT NO OTHER USES, INCLUDING BUT NOT LIMITED TO, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL, SHALL BE PERMITTED ON SAID PROPERTY.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT IS HEREBY RESTRICTED TO THE USE OF DRAINAGE FACILITIES AND STRUCTURES, AND THAT NO OTHER USES, INCLUDING BUT NOT LIMITED TO, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL, SHALL BE PERMITTED ON SAID PROPERTY.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT IS HEREBY RESTRICTED TO THE USE OF DRAINAGE FACILITIES AND STRUCTURES, AND THAT NO OTHER USES, INCLUDING BUT NOT LIMITED TO, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL, SHALL BE PERMITTED ON SAID PROPERTY.

STATE OF TEXAS
COUNTY OF HARRIS

WITNESS OUR HAND IN THE CITY OF TOMBALL, TEXAS, THIS _____ DAY OF _____, 2016.

OWNER: BOB FONTENOT

OWNER: JOY FONTENOT

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JOY FONTENOT, 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: _____

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JOY FONTENOT, 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: _____

RED OAK TERRACE (UNRECORDED)
ISBELL ROAD
(60' R.O.W.)

LOT 13
Jerry D. & Georgia McLaughlin
(H.C.C.F. #2013069821)

LOT 14
Diana Hall
(H.C.C.F. #2010029750)

LOT 15
Joe E. & Dana K. Daniels
(H.C.C.F. #K18179)

EAST 289.77'

SOUTH 175.00'

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

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Special Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 21, 2016

Topic:

Consideration to Approve Preliminary Plat of **IN SIGHT OF ZION**: Being a subdivision of a 2.9219 Acre Tract in the Joseph Miller Survey, Abstract-50, 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:

In Site of Zion - Preliminary Plat

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, BOBBY D. TALBOTT and LORRAINE J. TALBOTT, OWNERS, HEREINAFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 2.942 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF IN SIGHT OF ZION, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE ON THE LAND SO DEDICATED.

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

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUATERS (1-3/4) SQUARE FEET (18" DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

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

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

WITNESS OUR HANDS IN THE CITY OF TOMBALL, TEXAS, THIS _____ DAY OF _____, 2016.

BY: _____ BY: _____
BOBBY D. TALBOTT, OWNER LORRAINE J. TALBOTT, OWNER

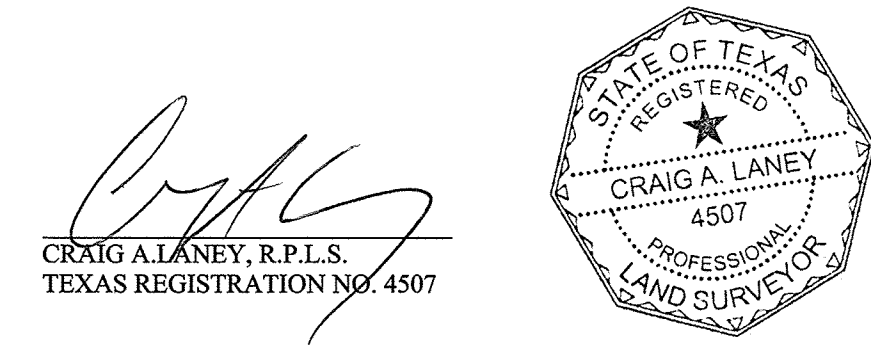
STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITIES, ON THIS DAY PERSONALLY APPEARED BOBBY D. TALBOTT and LORRAINE J. TALBOTT, OWNERS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

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

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
PRINT NAME: _____
MY COMMISSION EXPIRES: _____

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



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

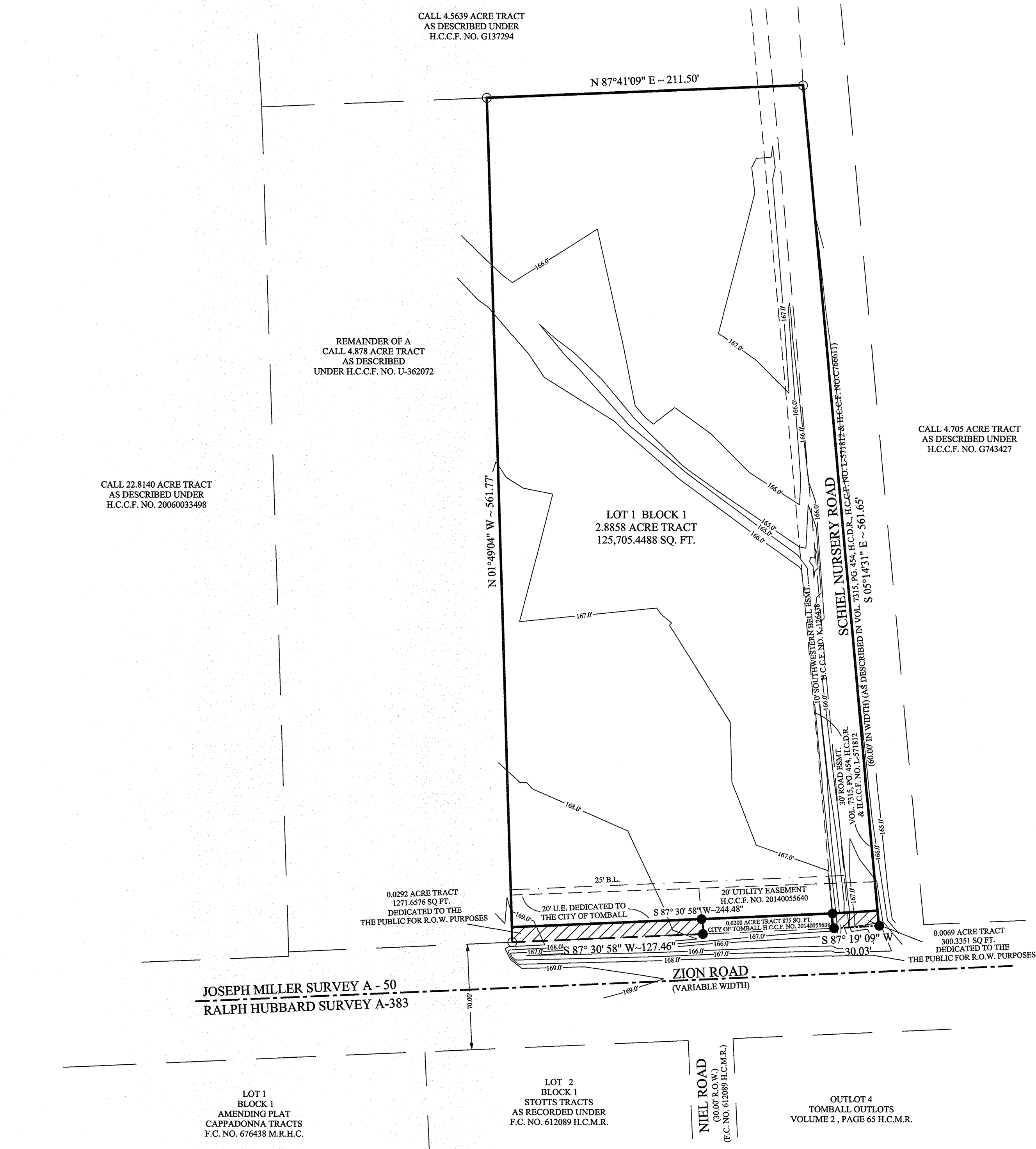
BY: _____ BY: _____
GEORGE SHACKELFORD, CITY MANAGER _____, DIRECTOR OF COMMUNITY DEVELOPMENT

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 PLAT THIS _____ DAY OF _____, 2016.

BY: _____ BY: _____
GRETCHEN FAGAN, MAYOR DORIS SPEER, CITY SECRETARY

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

BY: _____ BY: _____
BARBARA TAGUE, CHAIRMAN DARRELL ROQUEMORE, VICE CHAIRMAN



I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY AND EX OFFICIO CLERK OF THE HARRIS COUNTY COMMISSIONERS' COURT, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS APPROVED AT A LEGALLY CONVENED MEETING OF THE HARRIS COUNTY COMMISSIONERS' COURT HELD ON _____, 2016 BY AN ORDER ENTERED INTO THE MINUTES OF THE COURT.

STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 2016, AT _____ O'CLOCK _____ M., AND DULY RECORDED ON _____, 2016, AT _____ O'CLOCK _____ M., AND AT FILM CODE NO. _____ OF THE MAP RECORDS OF HARRIS COUNTY, FOR SAID COUNTY.

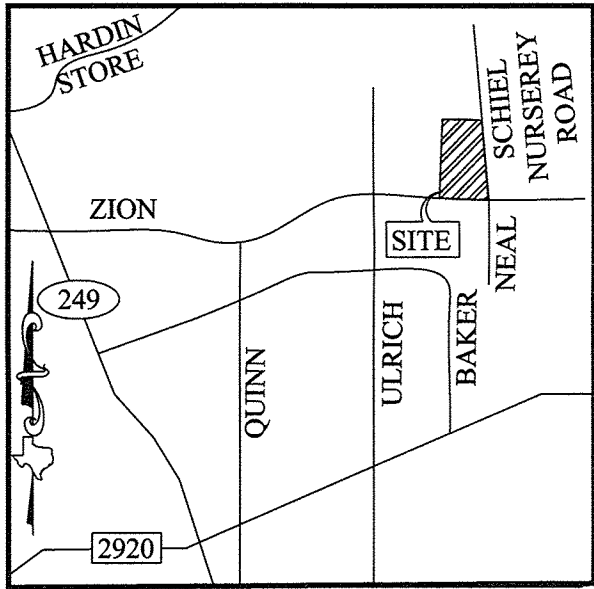
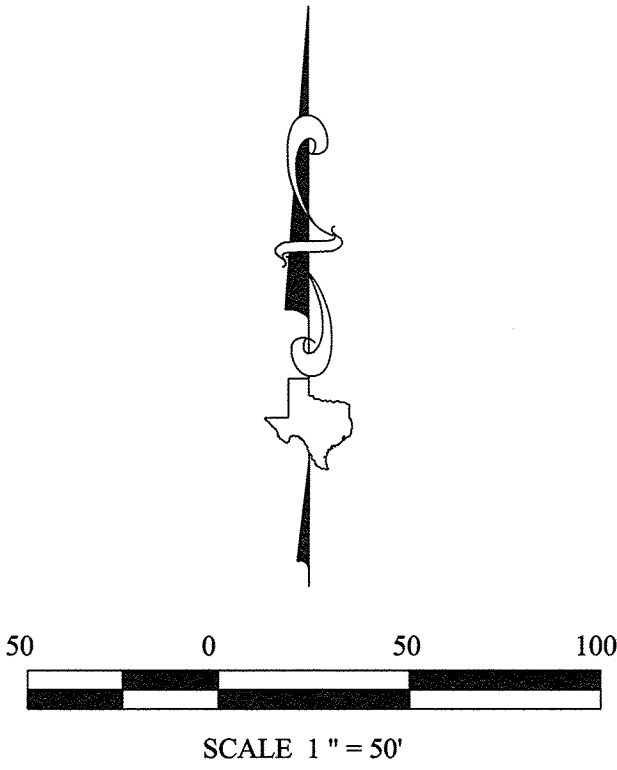
WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

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



VICINITY MAP
NOT TO SCALE
KEY MAP 248 Z

LEGEND NOTES

- | | |
|--------------|---|
| 1. U.E. | INDICATES "UTILITY EASEMENT" |
| 2. A.E. | INDICATES "AERIAL EASEMENT" |
| 3. B.L. | INDICATES "BUILDING LINE" |
| 4. VOL. | INDICATES "VOLUME" |
| 5. PG. | INDICATES "PAGE" |
| 6. R.O.W. | INDICATES "RIGHT-OF-WAY" |
| 7. ESM.T. | INDICATES "EASEMENT" |
| 8. F.C. NO. | INDICATES "FILM CODE NUMBER" |
| 9. H.C.M.R. | INDICATES "HARRIS COUNTY MAP RECORD" |
| 10. ○ | INDICATES "FOUND 5/8" IRON ROD" |
| 11. ● | INDICATES "FOUND 5/8" IRON ROD WITH CAP STAMPED E.I.C. SURVEYING COMPANY" |
| 12. H.C.D.R. | INDICATES "HARRIS COUNTY DEED RECORD" |
| 13. H.C.C.F. | INDICATES "HARRIS COUNTY CLERK'S FILE" |

GENERAL NOTES

- Public easements donated on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the city of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to FEMA Firm Panel No. 48201 C0230L (Effective Date June 18, 2007), this property is in Zone "X" and Zone "X Shaded" 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.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The Building Lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- Pipeline right-of-way easement in favor of Stanolind Pipe Line Company as set forth in instrument recorded in Volume 935, Page 724 of the Deed Records of Harris County, Texas. (No Visible Evidence Crossing Subject Property)
- This plat requires compliance with landscaping requirements prior to occupancy of structures as mandated in "Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure".

PRELIMINARY

IN SIGHT OF ZION

A SUBDIVISION OF A 2.9219 ACRE TRACT,
127,278.7712 SQUARE FEET,
IN THE JOSEPH MILLER SURVEY, ABSTRACT-50
HARRIS COUNTY, TEXAS

CONTAINING
1 LOT 1 BLOCK

MARCH 2016

OWNER

BOBBY D. TALBOTT and LORRAINE J. TALBOTT
12710 ZION ROAD
TOMBALL, TEXAS 77375
TEL: (281) 785-0903

SURVEYOR

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

Special Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 21, 2016

Topic:

Consideration to Approve Preliminary Plat of TKC CCXXVII, LLC: Being a subdivision of 4.0141 Acres of land situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

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

Community Development Department

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

ATTACHMENTS:

TKC CCXXVII, LLC - Preliminary Plat

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Special Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Consideration to Approve Final Plat of **SWINGHAMMER/HAUCK SUBDIVISION**: Being a 10.2142 acre tract and being a replat of a portion of Outlot Numbers 191, 192, 195 & 196, a subdivision situated in the Jesse Pruitt Survey, Abstract Number 629, of Harris County, Texas, as recorded on map or plat thereof in Volume 2, Page 65, of the Map Records of Harris County, Texas, and being a replat of a subdivision recorded in Film code Number 376131 of said Map Records and being the same land described in deeds recorded in Clerk file Numbers 20080218916 and 20150448918 of the Real Property Records of 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:

Swinghammer/Hauck - Final Plat

THE STATE OF TEXAS

COUNTY OF HARRIS

We, **Robert S. Hauck and wife Kathleen M. Hauck, and Craig Swinghammer**, each acting individually, owners in this section after referred to as owners of the 10.2142 acre tract described in the above and foregoing plat of **SWINGHAMMER/HAUCK SUBDIVISION**, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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

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

WITNESS our hands in the city of Tomball, Texas, this _____ day of _____, 2016

Robert S. Hauck Kathleen M. Hauck

WITNESS my hand in the city of Tomball, Texas, this _____ day of _____, 2016

Craig W. Swinghammer

IN TESTIMONY WHEREOF, the Swinghammer Irrevocable Trust has caused these presents to be signed by Craig W. Swinghammer, its Trustee, therunto authorized, this _____ day of _____, 2016.

Swinghammer Irrevocable Trust

By: Craig W. Swinghammer
Trustee

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Robert S. Hauck and wife Kathleen M. Hauck, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

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

Notary Public in and for the State of Texas

My Commission Expires: _____

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Craig W. Swinghammer, 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

My Commission Expires: _____

I, Steven L. Crews, 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 not found have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Steven L. Crews
Texas Registration Number 4141

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

March 2016
Sheet 1 of 1
16-0002

Harris County Clerk Certificate of Filing:

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

my office on _____, 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

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of SWINGHAMMER SUBDIVISION 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 ordinance.

George Shackelford, City Manager

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 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: Gretchen Fagan, Mayor Doris Speer, City Secretary

Found 5/8" Iron Rod

30' UNIMPROVED R.O.W.
(VOL. 2, PG. 65 M.R.H.C.T.)

N 00°00'55" W 290.14'

Found Iron Rod w/ Survey Cap

TRACY AND LEE LAWRENCE
FAMILY PARTNERSHIP
CALLED 2.691 ACRES
CF NO. 20150587573
R.P.R.H.C.T.

TRACY AND LEE LAWRENCE
FAMILY PARTNERSHIP
CALLED 3.072 ACRES
CF NO. 20150587573
R.P.R.H.C.T.

TRACY AND LEE LAWRENCE
FAMILY PARTNERSHIP
CALLED 2.484 ACRES
CF NO. 20150587573
R.P.R.H.C.T.

TRACY AND LEE LAWRENCE
FAMILY PARTNERSHIP
CALLED 1.852 ACRES
CF NO. 20150587573
R.P.R.H.C.T.

Owners:
Robert S. Hauck and Kathleen M. Hauck
1820 South Cherry Street
Tomball, Texas 77375
832-922-2660

Owner:
Craig W. Swinghammer
1850 South Cherry Street
Tomball, Texas 77375
281-832-3324

TYKHE, LLC
CALLED 10.175 ACRES
CF NO. 20090160828
R.P.R.H.C.T.

Block 1

N 89°57'37" E 1531.12'

30' Pipeline Easement per Recorded Plat (FC No. 376131 M.R.H.C.T.)

N 89°59'12" E 1530.71'

N 90°00'00" W 1530.31'

Lot 2
5.1074 Acres
222476.7375 Sq. Feet

Lot 1
5.1068 Acres
222452.2315 Sq. Feet

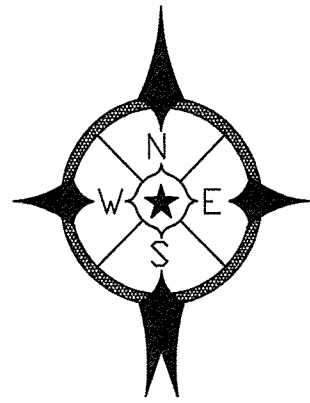
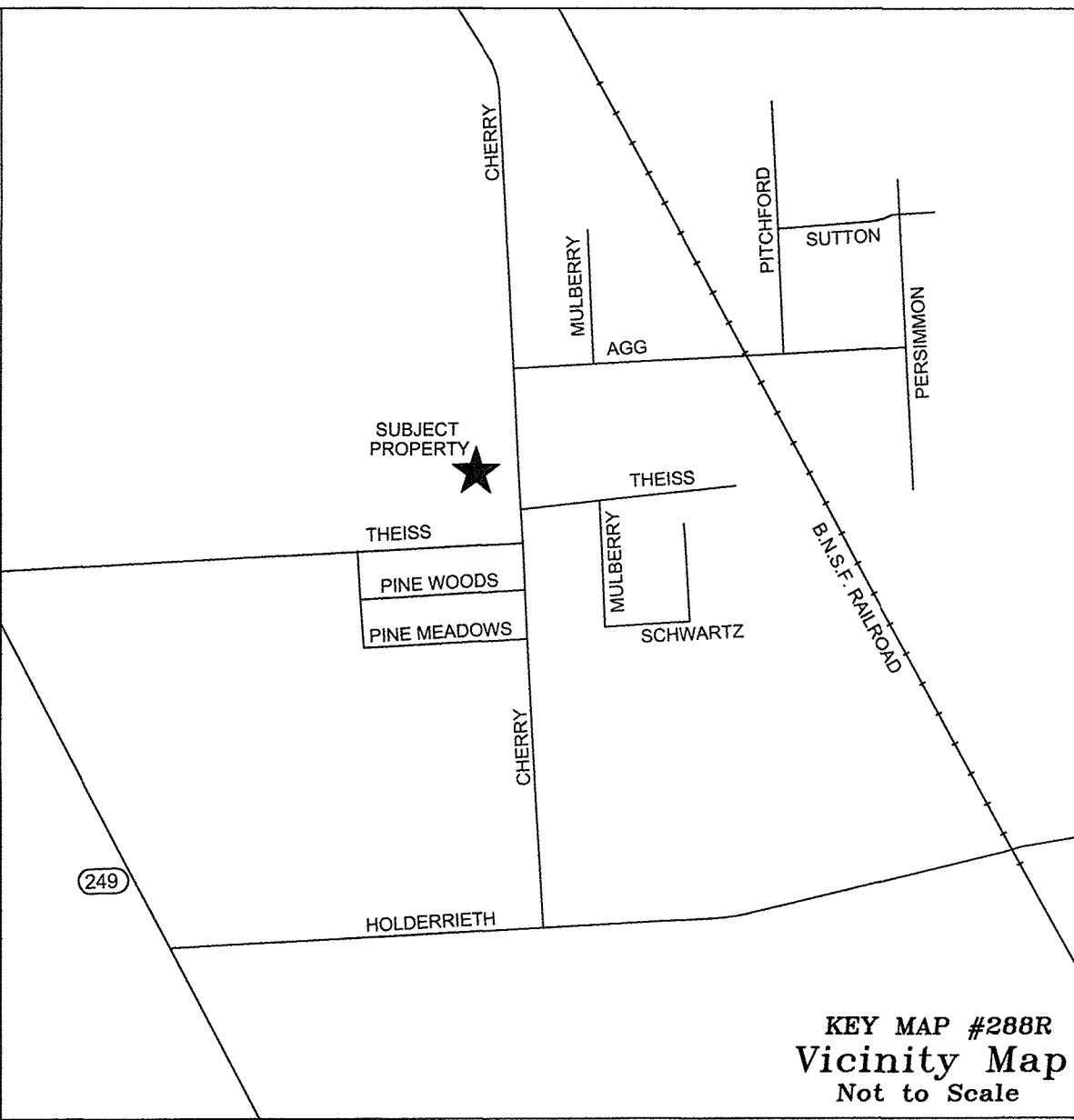
HOLDERIETH ROAD
70' R.O.W. (VOL. 1036, PG. 256 D.R.H.C.T.)

SWINGHAMMER/HAUCK SUBDIVISION

Being a 10.2142 acre tract and being a replat of a portion of Outlot Numbers 191, 192, 195 & 196, of TOMBALL TOWNSITE, a subdivision situated in the Jesse Pruitt Survey, Abstract Number 629, of Harris County, Texas, as recorded on map or plat thereof in Volume 2, Page 65, of the Map Records of Harris County, Texas, and being a replat of a subdivision recorded in Film Code Number 376131 of said Map Records and being the same land described in deeds recorded in Clerk File Numbers 20080218916 and 20150448918 of the Real Property Records of Harris County, Texas.

2 LOTS, 1 BLOCK

Notes:
Flood Information:
According to FEMA Firm Panel No. 48201C0230-L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
Note #1:
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
Note #2:
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
Note #3:
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
Note #4:
This plat does not attempt to amend or remove any valid restrictions or covenants.
Note #5:
The Basis of Bearings for this plat is the West boundary of the subject tract and the West right-of-way boundary of South Cherry Street.
Note #6:
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 easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
Note #7:
Subject to zoning ordinances of the City of Tomball now in effect.
Note #8:
Subject to Unlocated Pipeline easement to Humble Oil and Refining Company as set forth in Vol. 1003 Pg. 377, Vol. 1004 Pg. 648, Vol. 1004 Pg. 649, Vol. 1010 Pg. 42, D.R.H.C.T.



Scale: 1" = 60'

KEY MAP #288R
Vicinity Map
Not to Scale

SOUTH CHERRY STREET
80' R.O.W. (VOL. 2, PG. 65 M.R.H.C.T.)

S 00°07'29" W
298.71'

Special Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Consideration to approve **Zoning Case P15-0158**: Request by Maple Creek Bed & Breakfast, c/o Michael Clark, for a Conditional Use Permit to operate a Bed & Breakfast Inn. The property is located at 519 E. Hufsmith Road., east of Hospital Road on the north side of E. Hufsmith, is approximately 5.663 acres, and is zoned Single-Family 20 Estate District. The property is legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, according to the map or plat thereof recorded in Vol. 423, Page 107, Map Records, Harris County, Texas.

- Conduct Public Hearing on **ZONING CASE P15-0158**

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:

Notice of Public Hearing

Property Owner Notice

P15-0158 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 21, 2016
&
CITY COUNCIL
MARCH 21, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 21, 2016, at 4:30 P.M.**, and by the City Council of the City of Tomball on **Monday, March 21, 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 P15-0158: Request by Maple Creek Bed & Breakfast, c/o Michael Clark, for a Conditional Use Permit to operate a Bed & Breakfast Inn. The property is located at 519 E. Hufsmith Road., east of Hospital Road on the north side of E. Hufsmith, is approximately 5.663 acres, and is zoned Single-Family 20 Estate District. The property is legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, according to the map or plat thereof recorded in Vol. 423, Page 107, Map Records, Harris County, Texas.

Zoning Case P16-0020: Request by Matthew Gilbert, on behalf of Brandt Construction to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C. , within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision, 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.

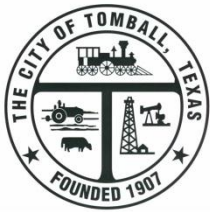
CERTIFICATION

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 **15th** day of **March, 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: P15-0158

APPLICANT/OWNER: Maple Creek Bed & Breakfast, c/o Michael Clark

LOCATION: 519 E. Hufsmith Road, East of Hospital Road on the North side of E. Hufsmith Road.

PROPOSAL: Request for a Conditional Use Permit to operate a Bed & Breakfast on approximately 5.663 acres. The property is zoned Single-Family 20 Estate District and is legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, according to the map or plat thereof recorded in Vol. 423, Page 107, Map Records, Harris County, Texas.



CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

**Planning & Zoning Commission
Public Hearing:**

Monday, March 14, 2016, 6:00 PM

City Council Public Hearing:

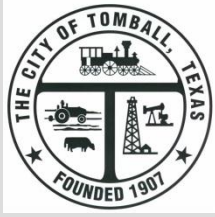
***Monday, March 21, 2016, 6:00 PM**

**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.



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: March 21, 2016
City Council Public Hearing Date: March 21, 2016

Rezoning Case: P15-0158
Property Owner(s): Adam Ruiz, Jr.
Applicant(s): Maple Creek Bed & Breakfast, c/o Michael L. Clark
Legal Description: Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383
Location: 519 E. Hufsmith (Exhibit "A")
Area: 5.663 acres
Comp Plan Designation: Rural Residential (Exhibit "B")
Present Zoning and Use: Single-Family 20 Estate (Exhibit "C") / Single-Family home (Exhibit "D")
Proposed Use(s): Bed and Breakfast Inn
Request: CUP to allow a Bed and Breakfast Inn
Adjacent Zoning & Land Uses:
North: Single-Family 20 Estate District / Single-Family home
South: Single-Family 9 District / Wood shop and tax office
West: Single-Family 20 Estate District / Single-family home
East: Single-Family 20 Estate District / Single-family home

BACKGROUND

In December 2015, City staff met with Michael and Rebecca Clark and Samuel Whisler to discuss the possibility of converting an existing residence they are interested in purchasing into a Bed and Breakfast. City staff informed the applicant of the following:

- The proposed use is classified as a "Bed and Breakfast Inn" per Section 50-82 (b) (*Use Charts*) of the Zoning Ordinance;
- The property is zoned Single-Family 20 Estate District; and
- The "Bed and Breakfast Inn" use is only permitted in the Single-Family 20 Estate District with a Conditional Use Permit (CUP).

On December 29, 2015, City Staff received a CUP application (Exhibit "E") and concept plan (Exhibit "F") requesting a CUP for Maple Creek Bed & Breakfast.

The case was initially placed on the February 8, 2016 Planning and Zoning Commission meeting, however, the applicant requested that the case be placed on a future agenda to allow for further research on their part.

ANALYSIS

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

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

The Comprehensive Plan identifies the subject site as Rural Residential which is typically for “single family detached residential development on minimum 1 acre lots”. The proposed use appears to be consistent with the Comprehensive Plan for the following reasons:

- Although Bed and Breakfast Inn is not specifically mentioned in the Rural Residential section of the Comprehensive Plan as an envisioned use, this request is a use permitted by CUP in the SF-20E District which is the district most compatible with the Rural Residential classification.
- The scale of operation, location of the structures, hours of operation, landscaping, and screening/buffering mechanisms proposed on the concept plan appear to minimize potential impact of the use on adjacent properties.

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

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

The external effect of the proposed use on the existing and planned uses of adjoining property and neighborhood appear to be mitigated through the scale of operation, location of the structures, hours of operation, landscaping, and screening/buffering mechanisms proposed on the concept plan as discussed above.

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

Should the CUP application be approved by City Council, the applicant will be required to submit a site plan application, and supporting documents, to the City for review and approval. Specific details of site modifications will be shown at the time of site plan

review, however, the proposed concept plan appears to be generally consistent with the Zoning Ordinance.

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

The proposed use appears to be compatible with and preserves the character and integrity of the adjacent development and neighborhood. While the site is currently a single-family home and is surrounded predominantly by single-family homes, they are large lot homes which are significantly setback from property lines. Furthermore, it is not anticipated that the conversion from residential to the proposed bed and breakfast will negatively impact adjacent properties as the size of the home will not permit a large operation. Additionally, as a CUP is required to have a concept plan, future expansions to this site or structure will require further approvals by City Council.

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

The proposed uses and concept plan do not appear to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 2, 2016. A sign was placed on the property and Notice of Public Hearing was published in the paper on February 29, 2016. As of March 10, 2016, no public comment forms have been received.

When the case was originally scheduled to be placed on the February 8, 2016 P&Z agenda, notification was mailed to property owners on January 27, 2016. Four responses were received. Three were in opposition of the case and one with concerns about the case.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-0158, subject to the following condition of approval:

- 1) The site shall be developed and operated in substantial compliance with Exhibit "F."

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. CUP Application
- F. Concept Plan
- G. Supplemental Information

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

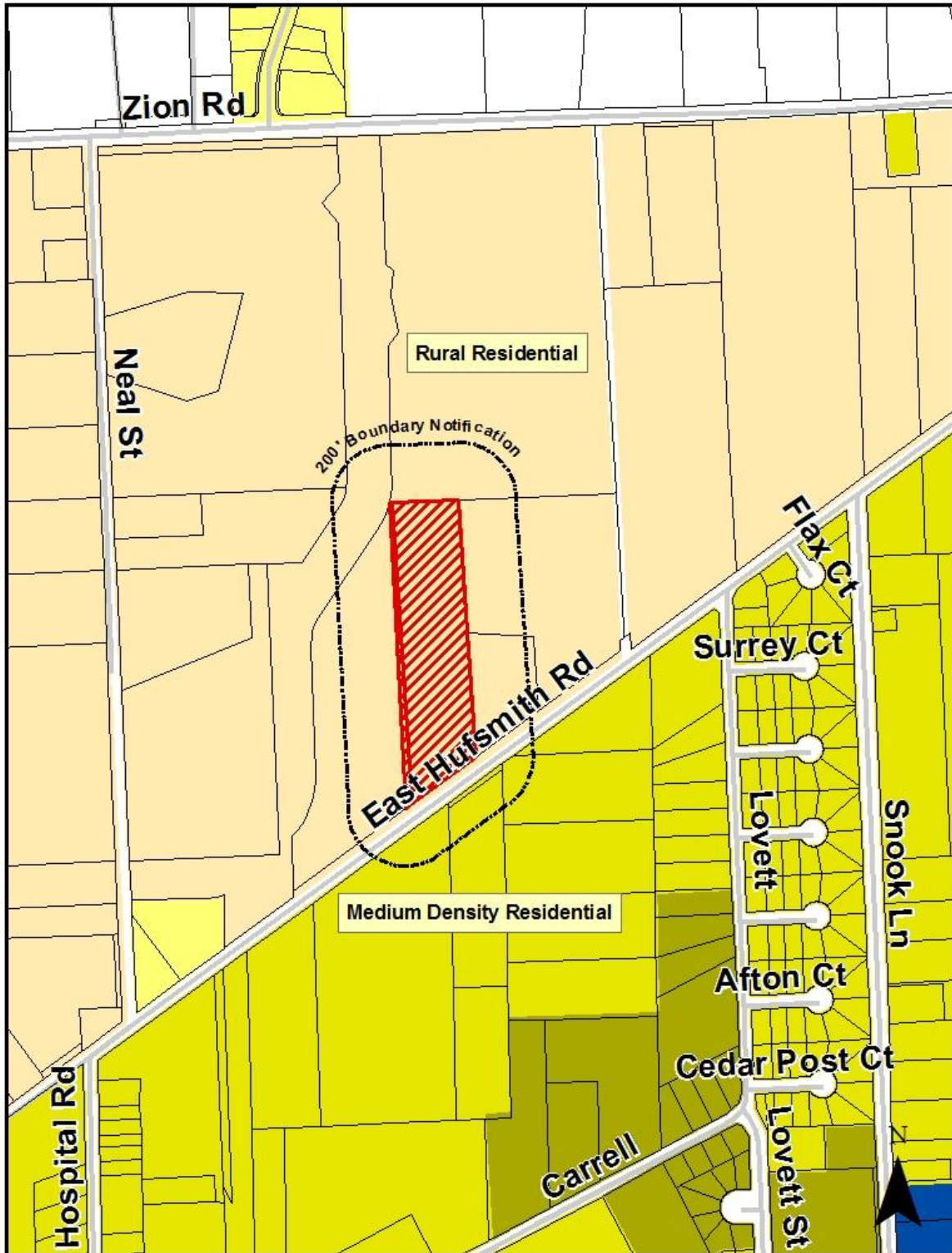
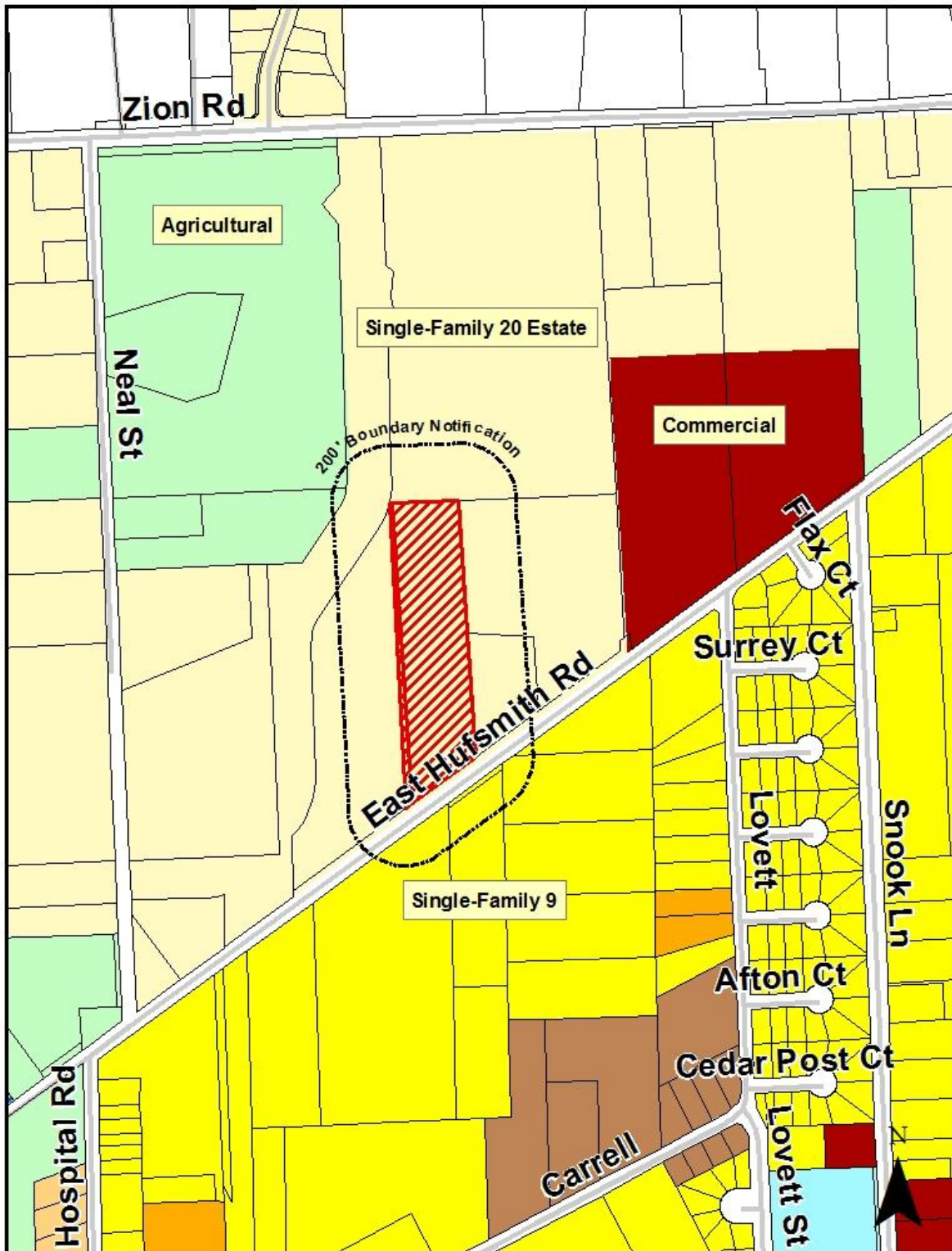


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



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

**Exhibit “E”
CUP Application**

CITY OF TOMBALL

Application for
CONDITIONAL USE PERMIT

Submitted by:

MAPLE CREEK BED & BREAKFAST

Owners:

Michael & Rebecca Clark
Samuel & Katelyn Whisler

MAPLE CREEK BED & BREAKFAST

*Michael & Rebecca Clark
Samuel & Katelyn Whisler
15210 Dawn Meadows Drive
Houston, Texas 77068*

December 30, 2015

City of Tomball
Community Development Department
Planning Division
501 James Street
Tomball, Texas 77375

RE: 519 E. Hufsmith, Tomball, Texas 77375

To Whom It May Concern:

According to the city's website, "Tomball is described as a diverse and vibrant community near to the big city while retaining its small town history and hometown sensibilities." We believe that the addition of a Bed & Breakfast establishment would help preserve the friendly charm and country atmosphere that Tomball enjoys by offering a relaxing and comfortable alternative to staying in a chain hotel. Maple Creek Bed & Breakfast would strive to welcome guests in like family and provide an experience that showcases the benefits of personal touch.

Attached please find our Application for a Conditional Use Permit for the property located at 519 E. Hufsmith in Tomball, Texas. This property is currently zoned as a single-family (SF-20) home and has been on the real estate market since February 2015. Our family is interested in purchasing this property, contingent upon the City of Tomball's approval to operate the home as a Bed & Breakfast. Ownership and management of the property would be shared by the four of us. We bring a total of five college degrees, 25 years of corporate business experience, 15 years of small business experience and four years of concierge experience, some of which is specific to the Bed & Breakfast industry.

We met with Harold Ellis, Craig Meyers and Lance Wilson on December 16, 2015 to seek their input regarding the steps that need to be taken to safely operate this home as a business. Their recommendations include:

- The addition of a 13D fire sprinkler system
- Additional parking spaces
- Lighting of parking areas
- Fencing targeted at protecting the privacy of the neighbors while also preserving the beauty of the property
- Pool signage displaying depth, rules and lifeguard presence

Implementation of these items will begin after we close on the sale of the home, currently scheduled for February 29, 2016, provided we receive the approval of our C.U.P. application.

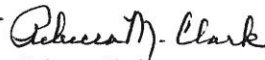
Tomball is conveniently located to a wide variety of sight-seeing and recreational activities located in and around Houston. Given its access to the existing Tomball Parkway and the future Grand Parkway, our Bed & Breakfast would attract guests to Tomball from a wide variety of markets. Business travelers, families on vacation or couples looking for a romantic get-away would all enjoy a warm welcome – a place where our family can make our guests' needs the highest priority!

It is our family's dream to own and operate this type of business, and we are confident that the City of Tomball will not regret issuing a C.U.P. to make this dream a reality. Please do not hesitate to contact us at bnbresearchers@gmail.com or (832) 248-5232 should you need any additional information to complete our application.

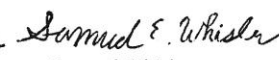
Excited about working together,



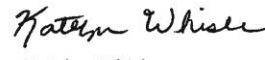
Michael Clark



Rebecca Clark



Samuel Whisler



Katelyn Whisler



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

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

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

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

Applicant MAPLE CREEK BED & BREAKFAST
Name: C/O MICHAEL L. CLARK Title: CO-OWNER
Mailing Address: 15210 DAWN MEADOWS City: HOUSTON State: TX
Zip: 77068
Phone: (832) 248-5232 Fax: () Email: MIKE.BECKY

(CURRENT) Owner
Name: ADAM RUIZ, JR. Title: OWNER
Mailing Address: ADAM RUIZ JR 60001 City: PORT ARTHUR State: TX
Zip: 3594 MARTIN LUTHER KING JR BLVD
Phone: (713) 8821648 Fax: () Email:

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

PROSPECTIVE BUYERS: (APPLICANTS)

MICHAEL + REBECCA CLARK 15210 DAWN MEADOWS HOUSTON, TX. 77068	SAMUEL + KATELYN WHISLER 9889 CYPRESSWOOD DR., #9201 HOUSTON, TX. 77070
---	---

TRANSITION EXISTING SINGLE-FAMILY HOME
 Description of Proposed Project: TO A 5-BEDROOM BED & BREAKFAST
 Physical Location of Property: 519 E. HUFSMITH, TOMBALL, TX. 77375
 [General Location - approximate distance to nearest existing street corner]
 Legal Description of Property: TR3 + 40 McCRAW TRACT 11 AMEND
 [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
 HCAD Identification Number: 120-291-000-0011 Acreage: 0.416
120-291-000-0003 Acreage: 5.105
 Current Use of Property: SINGLE FAMILY HOME
 Proposed Use of Property: 5-BEDROOM BED & BREAKFAST

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.

Mia Clark Samuel S. Whisen
 X Rebecca M. Clark Katelyn Whisen 12/23/15
 Signature of Applicant Date
 X [Signature] [Signature] 12/24/15
 Signature of Owner Date

CITY OF TOMBALL
 281-351-5484

REC#: 00906112 12/29/2015 1:38 PM
 OPER: CK TERM: 005
 REF#: W 7667

TRAN: 130.0000 PLANNING AND ZONING
 MAPLE CREEK B&B
 519 E HUFSMITH
 City of Tomball, Texas 50 100-5442
 CONDITIONAL USE PER 600.00CR

TENDERED: 600.00 CHECK
 APPLIED: 600.00-
 CHANGE: 0.00

www.tomballtx.gov

EXECUTIVE SUMMARY

Maple Creek Bed & Breakfast, Tomball, Texas

Owners: Michael & Rebecca Clark and Samuel & Katelyn Whisler

Product

Maple Creek Bed & Breakfast is located at 519 East Hufsmith in Tomball, Texas. It is our goal to welcome guests in like family and provide them a relaxing and comfortable alternative to staying in a chain hotel. We desire to provide an experience that showcases the benefits of personal touch in a charming, country atmosphere. The business is located inside of a large home that includes four guest suites, four full-bathrooms, one half-bath, a pool as well as separate living quarters for on-site management. There will be parking equal to the number of guest suites, in addition to parking for the on-site management. No new construction is needed on the main house.

In addition to comfortable guests rooms and a warm breakfast served daily, there are also many amenities available for guests to enjoy. On-site recreation available to our guests include swimming, archery and fishing, in addition to billiards, ping pong, and a large video library for guests' viewing enjoyment. Activities located nearby in the city of Tomball include shopping, antique looking, a shooting range, bowling, fresh berry picking, a drive-in movie theater and the largest Farmers Market in Harris County. Sights located within a short drive of the B&B include several museums, the Houston Zoo, the Houston Aquarium, and several theaters performing operas and plays. Seasonal activities include the German Heritage Festival (March), Houston Rodeo (March), and the Renaissance Festival (October-November). With convenient access to Highway 249 and the future Grand Parkway, all of Houston is very accessible!

Market

Whether they be traveling a long distance or just wanting to escape the mundaneness of their daily routine, Maple Creek Bed & Breakfast will strive to make each booking a memorable experience. Our most frequent customers will be the couple looking for a romantic get-away or visiting local friends and family. Our other customers will be business travelers from nearby businesses such as Baker Hughes, HP or those of The Woodlands and downtown Houston. We will also target guests who are in town utilizing any of Tomball's amenities, such as Tomball Regional Medical Center or Prospects Baseball Academy. All of these travelers not only want a comfortable spot to lay their heads, but also a personal touch that a normal hotel could not offer them.

Our competition will be anyone or place that offers an overnight stay. That would include other B&B's, hotels, motels or even friends & family members. While all of our competitors provide a place to sleep, not all serve a fresh, homemade breakfast like Maple Creek. Hotels and motels have become sterilized with each room looking the same as the next one. Our B&B will give guests a unique room that no one else will be able to imitate. This, in addition to our plethora of amenities, will differentiate Maple Creek from our competitors.

Promotion

One of our first priorities will be to get Maple Creek B&B's website up and running. Another important step will be to gain exposure on various websites that specifically promote Bed & Breakfast establishments such as www.bedandbreakfast.com or www.iloveinns.com. People who go to those sites are looking for places like Maple Creek Bed & Breakfast rather than "cookie-cutter" hotels. We will also market online via social media such as Facebook, Pinterest, TripAdvisor and Google. At the beginning of our business, we would like to use a crowd funding program to spread word of our existence while also easing our financial outlays. Websites such as www.kickstarter.com or www.indiegogo.com give people an opportunity to invest in individuals and companies who are trying to reach a financial goal for a specific purpose. In addition to these online and digital forms of marketing, we will also use physical advertising tools such as brochures and printed advertising. We desire to build friendships with the other local business owners in the area so that we can work together to promote each other's businesses. All of these marketing outlets will allow us to portray ourselves to our potential customers as a comfortable and beautiful place to spend the night and enjoy the City of Tomball.

Management

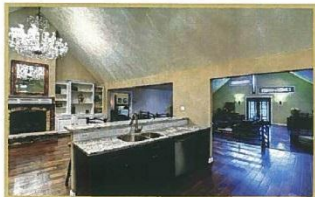
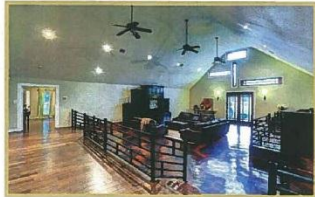
Maple Creek B&B is a service-based business that will be jointly managed and maintained by the four owners – Michael & Rebecca Clark and Samuel & Katelyn Whisler. Oversight of the day-to-day tasks will be shared by Rebecca Clark and Katelyn Whisler, and will include reservations, marketing, customer service, preparation of breakfast and preparing the suites for guest arrival. As we will not be preparing food for any non-guests, a health permit is not required. Rebecca has a BA in Management Information Systems and brings to the venture 15 years of small business experience. She also has three years of management and bookkeeping experience in a related concierge industry. Katelyn has a BA in Management and a BA in Marketing, in addition to invaluable experience gained while being involved with the daily operation of a competing B&B in Houston for nine months. Both accomplished hostesses, these skills will be important as we anticipate and meet our guests' desires and needs.

Maintenance of the physical property and our public relations (both on-line and face-to-face) will be shared by Michael Clark and Samuel Whisler. Michael has an AA in Computer Programming and extensive experience in home building and remodeling projects. Samuel has a BS in Electrical Engineering and will oversee our on-line presence through web design. Both men have a talent for new ideas and connecting to people. Their involvement will be primarily on the weekends while continuing to earn capital in their current occupations.

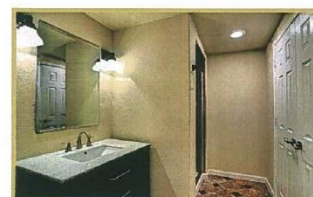
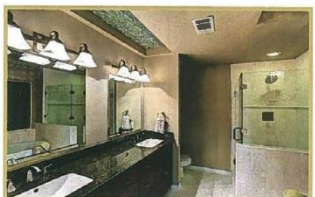


519 E Hufsmith Road

5 Bedrooms, 4 Full Baths & 1 Half Bath, 4 Car Detached Garage



Living Room: 24 x 24
Game Room: 16 x 16
Study/Library: 12 x 12
Dining Room: 14 x 14
Kitchen: 15 x 20
Master Bedroom: 17 x 17
Second Bedroom: 19 x 14
Third Bedroom: 18 x 14
Fourth Bedroom: 11 x 12
Fifth Bedroom: 11 x 12



House Sq. Ft.: 5,502 per Seller

Year Built: 1999 per Appraisal District



Spectacular ranch style estate right here in Tomball! 5 bedroom, 4.5 baths, wood floors, granite throughout, 2 junior master suites, a study, a game room, attached carport, detached 4 +/- car garage with workshop, beautiful fenced pool with exterior winter warming chimney, a pond for your horses to wander through, acreage for your furry family to romp around in, room to grow and so much more.

No representations or warranties either expressed or implied are made as to the accuracy of this information contained herein or with respect to the suitability, usability, feasibility, merchantability of any property described herein.

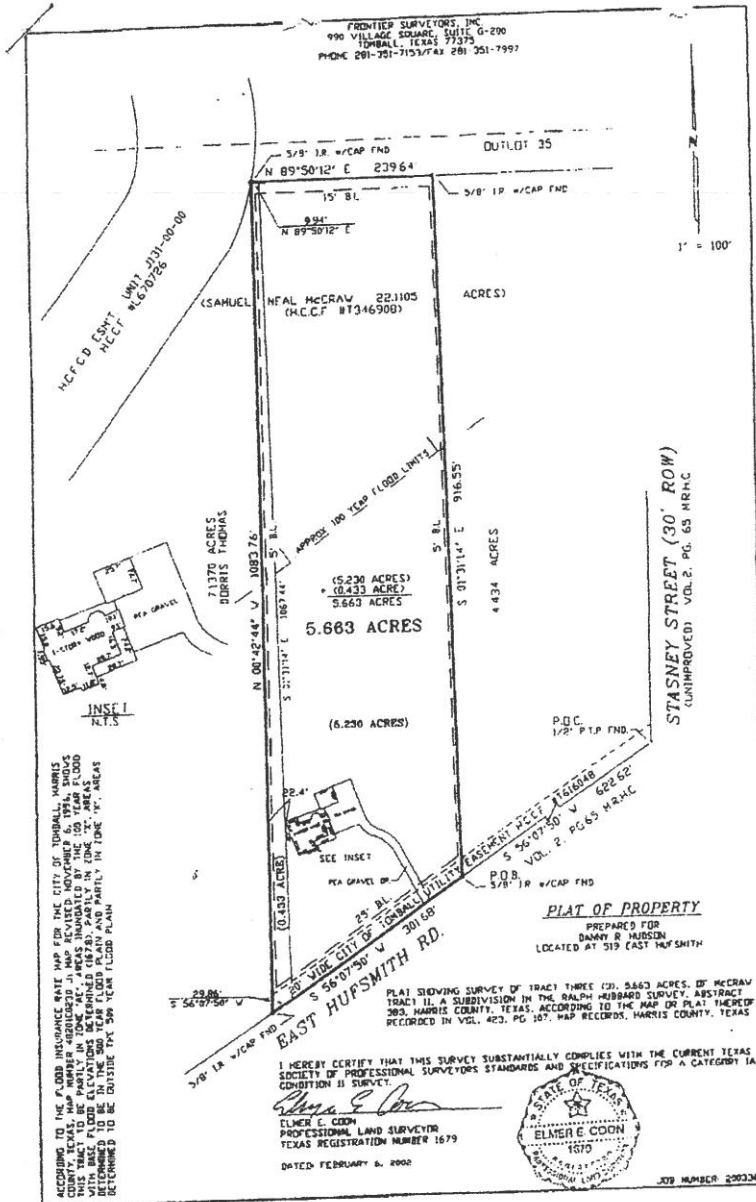


EXHIBIT "A"

DESCRIPTION OF A TRACT OF LAND CONTAINING 0.4163 ACRE (18,135 SQUARE FEET) SITUATED IN THE RALPH HUBBARD SURVEY, A-383, HARRIS COUNTY, TEXAS

Being a tract of land containing 0.4163 acre (18,135 square feet) situated in the Ralph Hubbard Survey, A-383, in Harris County, Texas, and being out of Tract Four of McCraw Tract II, Amending Plat, a subdivision plat recorded under County Clerk's Film Code No. 463122 of the Map Records of Harris County, Texas. Said 0.4163-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a point located in the east line of a 513,211 square foot (11.782 acres) tract as conveyed unto Harris County Flood Control District by deed recorded under County Clerk's File No. L670726, Film Code No. 116-78-0536 of the Official Public Records of Real Property of Harris County, Texas, for the northwest corner of said Tract Four, for the north corner of a 7.1370-acre tract as conveyed unto Deborah Lynne Watson (also known as Debbie Watson) by deed recorded under County Clerk's File No. U917673, Film Code No. 537-99-1616 of the Official Public Records of Real Property of Harris County, Texas, for the southwest corner of a 22.0000-acre tract as conveyed unto William E. Sumner Jr. by deed recorded under County Clerk's File No. S095461, Film Code No. 509-84-2048 of the Official Public Records of Real Property of Harris County, Texas, and for the northwest corner of said tract herein described;

THENCE North 89° 50' 38" East with the north line of said Tract Four and the south line of said 22.0000-acre tract, a distance of 9.71 feet to a found 5/8-inch iron rod with cap stamped "EE COON R.P.L.S. 1679" for the northeast corner of said Tract Four, for the northwest corner of Tract Three of said subdivision as conveyed unto Adam Ruiz, Jr., described as Tract Three (3) by deed recorded under County Clerk's File No. X749455, Film Code No. 588-71-8479 of the Official Public Records of Real Property of Harris County, Texas, and for the northeast corner of said tract herein described;

THENCE South 01° 33' 06" East with the east line of said Tract Four and the west line of said Tract Three, a distance of 1,043.91 feet to a set 5/8-inch iron rod with yellow cap stamped "Cobb, Fendley & Associates" located in the northwesterly right-of-way line of Tomball-Hufsmith Road (70 feet wide) as described in deed (unrecorded) dated March 17, 2010 between Samuel Neal McCraw and the City of Tomball for the southeasterly corner of said tract herein described;

THENCE South 56° 07' 12" West with the northwesterly right-of-way line of said Tomball-Hufsmith Road, a distance of 29.46 feet to a set 5/8-inch iron rod with yellow cap stamped "Cobb, Fendley & Associates" southwesterly corner of said tract herein described;

THENCE North 00° 45' 54" West with the east line of said 7.1370-acre tract, a distance of 1,060.01 feet to the **POINT OF BEGINNING** and containing 0.4163 acre (18,135 square feet) of land, more or less.



521-88-1346

BEING 2.0322 acre tract of land out of Lot Number 58 of the Five (5) Acre Tracts, New Ball Township, as per map of record in Volume 2, Page 65, Harris County Map Records; said 2.0322 acre tract being more particularly described as follows: D

BEGINS at a 5/8 inch iron pipe found marking the South corner of the herein described tract to the intersection of the East right-of-way line of Neal Street, 30.00 feet wide with the Northeasterly right-of-way line of Tenhall-Hoffsmith Road, width varies;

THENCE North $00^{\circ}21'155''$ West, 385.87 feet in the East line of said Neal Road to a point FOR CORNER;

THENCE North $89^{\circ}45'18''$ East, 241.73 feet in the South line of Harris County Flood Control District easement Unit J131-00-00, filed for record under Harris County Clerk's File Number 1570725, Real Property Records, Harris County, Texas, to a 5/8 inch iron rod found for the point of curvature of a curve to the left;

THENCE 75.56 feet in the arc of said curve to the left having a radius of 300.00 feet and a central angle of $14^{\circ}04'29''$ to a 5/8 inch iron rod found for the point of tangency;

THENCE South $00^{\circ}41'27''$ West, 184.75 feet in the West line of said Harris County Flood Control District easement to a 5/8 inch iron rod found for corner in the North right-of-way line of said Tenhall-Hoffsmith Road;

THENCE South $55^{\circ}52'45''$ West, 376.56 feet in the Northerly line of said Tenhall-Hoffsmith Road to the PLACE OF BEGINNING containing 2.0322 acres of land.

Title Data, Inc. ST TDI20006 EA T346908.005

EXHIBIT

521-88-1347

BEING 44.1105 acre tract of land out of Lot Numbers 5, 11, 17, 23, 29, 34, 39, 40, 41, 45, 46, 50, 51, and 56, out of the Five (5) Acre Tracts, Ten (10) Townships, as per map of record in Volume 2, Page 66, of the Harris County Map Records, said 44.1105 acres being more particularly described as follows:

BEING at a 6 inch diameter fence post found in the South right-of-way line of Elm Road, varying widths, and bordering the Northeast corner of the herein described tract, 25.30 feet South of the Northeast corner of Ordinal Number 5 of said Ten (10) Acre Tracts;

THENCE South 01°31'14" East, 142.75 feet in the West right-of-way line of Stamey Street, a 30.00 foot wide public street to a 1/2 inch painted top pipe found marking the intersection of the Northeastly line of Tenball-Buffett's Road, width varies, with the West right-of-way line of said Stamey Street;

THENCE South 56°05'14" West, 1437.71 feet in the Northeastly line of said Tenball-Buffett's Road to a 5/8 inch iron rod found for corner in the North-West right-of-way line of said Tenball-Buffett's Road;

THENCE to the Easterly line of Harris County Flood Control District Easement, Bitt 171-CO-00 and filed for record under Harris County Clerk's File Number 1670726, Rec. Property Records, Harris County, Texas, North 00°25'07" East, 205.36 feet to a 5/8 inch iron rod;

THENCE continuing in said Easterly line North 47°55'31" East, 4.82 feet to a point of curvature of a curve to the left;

THENCE 235.81 feet in the arc of a curve to the left having a radius of 300.00 feet and a central angle of 44°59'31" to a 5/8 inch iron rod marking the point of tangency;

THENCE continuing in the East line of said Harris County Flood Control District Easement, North 00°28'23" East, 453.12 feet to a 5/8 inch iron rod found for the point of curvature of a curve to the right;

THENCE 93.02 feet in the arc of a curve to the right having a radius of 150.00 feet and a central angle of 35°34'58" to a 5/8 inch iron rod found marking the point of tangency;

THENCE continuing in said East line of Harris County Flood Control District Easement, North 36°01'14" East, 365.48 feet to a 5/8 inch iron rod found for the point of curvature of a curve to the left;

THENCE 185.85 feet in the arc of a curve to the left having a radius of 300.00 feet and a central angle of 34°15'00" to a 5/8 inch iron rod found marking the point of tangency for said curve;

THENCE continuing in said East line of Harris County Flood Control District Easement, North 02°13'18" East, 423.83 feet to a 1/2 inch iron rod set for an angle point;

THENCE North 42°28'04" East, 61.40 feet to a 1/2 inch iron rod set for angle point;

THENCE continuing in said East line of Harris County Flood Control District Easement, North 07°51'26" East, 122.02 feet to a 1/2 inch iron rod set for an angle point;

THENCE North 07°29'58" East, 108.43 feet to a 1/2 inch iron rod set for an angle point;

THENCE continuing in said Easterly line of Harris County Flood Control District Easement, North 41°36'01" East, 28.88 feet to a 1/2 inch iron rod set for angle point;

THENCE North 04°15'29" West, 466.78 feet to a 1/2 inch iron rod set marking the intersection of the Easterly line of said Harris County Flood Control District Easement with the South right-of-way line of Elm Road;

THENCE North 87°02'12" East, 718.45 feet in the South right-of-way line of said Elm Road to the PLACE OF BEGINNING containing 44.1105 acres of land.

Title Data, Inc. SI TDI20006 RA T346906.006

EXHIBIT

521-88-1348

BEING 22.0000 acre tract of land out of lot numbers 5, 11, 17, 23, 29, and 35 of the Five (5) Acre Tracts, The Hill Townsite, as per map of record in Volume 2, Page 66, Harris County Map Records; said 22.0000 acre tract being more particularly described as follows:

BEGINNING at a 6 inch diameter fence post found in the South right-of-way line of Elm Road, varying widths, and marking the Northwest corner of the herein described tract, 25.90 feet South of the Northeast corner of Outlot Number 5 of said Five (5) Acre Tracts;

THENCE South 01°31'14" East, 1282.85 feet in the West right-of-way of Shoney Street, 30.00 feet wide, to a 1/2 inch iron rod set for corner in the East line of Five (5) Acre Tract Number 35;

THENCE South 89°50'12" West, 791.92 feet in a line parallel to and 34.69 feet South of the North line of lot Number 35 of said Five (5) Acre Tracts, to a 1/2 inch iron rod set in the arc of a curve to the left in the Easterly line of a Harris County Flood Control District easement known as Unit 131-00-00 and filed for record under Harris County Clerk's File Number 1670726, Real Property Records, Harris County, Texas;

THENCE 83.66 feet in the arc of a no tangent curve to the left having a radius of 300.00 feet and a central angle of 15°53'40" in said Easterly line of said Harris County Flood Control District easement to a 5/8 inch iron rod found for the point of tangency of said curve;

THENCE North 02°33'18" East, 443.25 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for an angle point;

THENCE North 12°28'04" East, 61.40 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for an angle point;

THENCE North 07°51'26" West, 122.43 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for an angle point;

THENCE North 01°29'48" East, 108.19 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for an angle point;

THENCE North 02°36'01" West, 26.88 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for an angle point;

THENCE North 04°15'29" West, 469.76 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for corner in the South right-of-way line of Elm Road;

THENCE North 89°30'12" East, 768.45 feet in the South right-of-way line of said Elm Road to the PLACE OF BEGINNING containing 22.0000 acres of land.

RECORDERS MEMORANDUM

At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of the quality, color or photo copy, discolored paper, etc. All blockings, additions and changes were marked at the time the instrument was read and recorded.

56 OCT 27 PM 1:30

Title Data, Inc. ST IDI20005 EA T346908.007

521-88-1349

APPROPRIATE RECORDS WHEN NOTED IN THE RECORD, OR ONE OF THE RECORDS ARE
REPRODUCED BY THE STATE OF TEXAS IN THE PUBLIC RECORDS OF THE STATE OF TEXAS
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that the foregoing is a true and correct copy of the original
as the same appears in the public records of the State of Texas, at
this office, this 27th day of October, 1998.

OCT 27 1998



Barbara A. Kephart
COUNTY CLERK
HARRIS COUNTY TEXAS

Title Data, Inc. ST EPI20006 HA T346908.008

Exhibit "F" Concept Plan

Maple Creek Bed & Breakfast - Proposed Parking Plan

519 E Hufsmith Road; Tomball, Texas 77375

The City of Tomball Ordinances provide that with the approval of a Conditional Use Permit (CUP), the property at 519 E Hufsmith, which is currently zoned as SF 20, can be operated as a Bed & Breakfast with accommodations for up to five sets of guests.

The current configuration of the house gives it the ability to host four sets of guests. As per the City of Tomball Zoning Ordinance, a property being operated as a Bed & Breakfast shall provide each set of guests one parking spot along with two parking spots for the owner/operator of the property.

The parking plan diagramed below provides a total of seven (7) parking spaces, which exceeds the zoning requirements by one until such time as the house is modified to provide a fifth guest accommodation.



The proposed new parking area (spaces #6-7 in the above diagram) will consist of a 20-foot by 20-foot area of Type D HMAC pavement top upon a 10-inch base of compacted cement-stabilized base material.

The existing parking spaces depicted in the diagram (spaces #1-5) which be striped as applicable per relevant city and state code. Stall #3 will be designated and marked as a handicap accessible parking space.

Exhibit "G"
Supplemental Information

CITY OF TOMBALL

Application for
CONDITIONAL USE PERMIT

Attachment:
Neighbor Relationships & Communications

Submitted by:

MAPLE CREEK BED & BREAKFAST

Owners:

Michael & Rebecca Clark
Samuel & Katelyn Whisler

MAPLE CREEK BED & BREAKFAST

*Michael & Rebecca Clark
Samuel & Katelyn Whisler
15210 Dawn Meadows Drive
Houston, Texas 77068*

March 7, 2016

City of Tomball
Community Development Department
Planning Division
501 James Street
Tomball, Texas 77375

RE: 519 E. Hufsmith, Tomball, Texas 77375

To Whom It May Concern:

After submitting our Conditional Use Permit on December 30, 2015, it was brought to our attention that a few of the neighbors had some concerns about a business being operated in such close proximity to their homes. This knowledge was of great concern to us, as we desire to have strong and friendly relationships with our neighbors from day one of our moving into the Tomball area. Following please find an attachment we would like to submit along with our original application. This documentation summarizes all of our efforts to reach out to the neighbors to allow them to meet us and address any and all concerns they might have about Maple Creek Bed & Breakfast. You will find the following for your review:

- Journal outlining all Neighbor Communications as of 3/6/16
- Letter of Introduction that we sent to all neighbors on 2/25/16
- Follow-up Q&A letter we sent to all neighbors on 3/1/16
- A Q&A sheet that we put together that answers several of the questions posed to us
- Check-in paperwork that each guest would sign that states the services provided and property guidelines and policies

Our proposed closing date for the purchase of this property has been rescheduled for April 6, 2016, again contingent upon receiving the approval of our C.U.P. application. We are committed to being a positive addition to Tomball, and will do everything possible to develop healthy relationships with both the City and each and every neighbor.

Thank you for your consideration!

Michael & Rebecca Clark
Samuel & Katelyn Whisler
MAPLE CREEK BED & BREAKFAST Management Team

JOURNAL OF NEIGHBOR COMMUNICATIONS

as of 3/6/16

All neighbors

January 25, 2016 - Letter of introduction from Maple Creek B&B explaining our dream, vision for the property, education and personal background. (Copy attached.)

February 9, 2016 - Meet & Greet meeting at 519 E. Hufsmith. Flyers handed out inviting the surrounding neighbors into the home to discuss any thoughts or concerns.

March 1, 2016 - Follow-up letter summarizing steps taken to allow Maple Creek B&B to be a positive addition to the community. Included a Q&A sheet that answered several questions about the B&B as well as the meaning of a Conditional Use Permit. Also included a copy of our "Check-in Policy Sheet" that all guests will sign when they stay with us. (Copy of all attached.)

1430 Neal Drive, Tomball, Texas 77375

Letter of introduction from Maple Creek B&B to all neighbors (referred to above)

Q&A meeting on 2/9/16 at the 519 E. Hufsmith property

Concern: That our guests might wander off of our property, making an existing problem of pedestrians along the waterway trespassing onto adjoining properties worse.

Solution: #1- Agreed to place fencing & signage along the northern boundary to clearly mark property line and minimize pedestrians wandering along the waterway.

#2- Customized our check-in sheet to specifically state that our guests need to remain on the B&B property.

#3- Customized our check-in sheet to forbid use of motorized recreation vehicles

Follow-up letter to all neighbors with Q&A and Policy Sheet attachments (referred to above)

523 E. Hufsmith Road, Tomball, Texas 77375

Face-to-face introduction on 12/27/15.

Letter of introduction from Maple Creek B&B to all neighbors (referred to above)

Q&A meeting on 2/9/16 at the 519 E. Hufsmith property

Concern: #1- That B&B guests might wander off of our property onto theirs

#2- That a B&B is not allowed to operate on SF-20 zoned properties

Solution: #1- Offered to erect a fence of their choosing: 6' opaque fence, 3' corral fence, a hedge or no fence at all

#2- Customized our check-in policy sheet to specifically state that guests need to remain on our property

#3- Explained that certain businesses are allowed to operate on SF-20 land, but only if they complete the CUP application process.

Personal letter to owner on 2/24/16 seeking to finalize fencing choice.

Follow-up letter to all neighbors with Q&A and Policy Sheet attachments.

Voice-mail messages left on 3/4/16 and 3/5/16 offering to meet to finalize fencing choice.

535 E. Hufsmith Road, Tomball, Texas 77375

Face-to-face introduction on 11/22/16.

Letter of introduction from Maple Creek B&B to all neighbors (referred to above)

Breakfast meeting on 2/23/16 to discuss B&B plans, neighborhood concerns and plats on file

Follow-up letter to all neighbors with Q&A and Policy Sheet attachments (referred to above)

12321 Zion Road, Tomball, Texas 77375

Letter of introduction from Maple Creek B&B to all neighbors (referred to above)

Email correspondence on 2/18/16 and 2/19/16

Concern: That once a business was allowed to operate at 519 E. Hufsmith, other (less-desirable) businesses could follow.

Solution: Explained that this Conditional Use Permit is ONLY valid for a Bed & Breakfast, and cannot be transferred to any other type of business

Follow-up letter to all neighbors with Q&A and Policy Sheet attachments (referred to above)



MAPLE CREEK BED & BREAKFAST

15210 Dawn Meadows Dr. Houston, Texas 77068



January 25, 2016

Dear Neighbor,

After living in Houston for 22 years, our family is getting ready to relocate to Tomball! We are so excited about the doors the Lord has opened for us to launch our family dream of operating a small Bed & Breakfast in a quiet & relaxing setting on East Hufsmith Road.

You will be receiving a letter in the mail from the City of Tomball letting you know of our request to use the single-family home at 519 East Hufsmith as a Bed & Breakfast. We appreciate that Tomball places a high priority on wanting to maintain their quiet, small-town feeling. We would like all of you to know that we desire our move to your city to be a positive addition, and not a distraction in any way from the peaceful setting we all enjoy.

Our plan for Maple Creek Bed & Breakfast is for the main home to offer four suites to welcome guests into, and we will serve them a homemade breakfast in the morning. On-site activities offered will include swimming, archery, and bird & deer watching – we've already seen both! The detached garage will be converted into a small apartment that will allow two of the owners to live full-time on the property so that the home will never be left vacant or unattended. The most common guests that frequent Bed & Breakfasts are either young, romantic newlywed couples, or the couples aged 50-70 who are enjoying their empty-nest years. Both of these demographics will maintain the quiet atmosphere everyone currently enjoys. We do not plan to enlarge the house from its current size or make any additions, except for maybe a pretty gazebo in the backyard!

If you have any concerns or questions about our plans, we would welcome the opportunity to talk with you about them! Mike is coordinating all of our communication and can be reached at (832) 248-5232. We look forward to getting to know all of you better in the near future!

Sincerely,

Mike & Becky Clark

Samuel & Katie Whisler

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About the Owners



Mike & Becky Clark

Mike & Becky have been married for 26 years and have five children. Mike works as a computer programmer specializing in the oil & gas industry, and is currently working as a contractor at Shell Trading. Becky graduated from Liberty University and was trained in property management. She has been a busy stay-at-home mom for the last 18 years, choosing to home-school all of their children. Active members of Champion Forest Baptist Church, family hobbies include swimming, reading, volleyball, home-remodeling and woodworking.

Samuel & Katie Whisler

Katie is the oldest daughter of Mike & Becky, and she and Samuel are newlyweds! They have been married for 18 months, and are currently pursuing their individual careers. Samuel graduated from Rice University and works as an electrical engineer at CenterPoint Energy. Katie graduated from Houston Baptist University and works as an Implementation Manager at HR&P, a human resource company. Members of Champion Forest Baptist Church, they enjoy bowling, volleyball and hammock-ing!



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MAPLE CREEK BED & BREAKFAST

15210 Dawn Meadows Dr. Houston, Texas 77068



March 1, 2016

Dear Neighbor,

We wanted to give you an update on our family's plan to move to Tomball with the hope of eventually converting the home located at 519 East Hufsmith into a small Bed & Breakfast. We appreciate the opportunities we have had to meet several of you, and for the conversations we've had offering both your support as well as your concerns about becoming your neighbors. Our request for a Conditional Use Permit with the City of Tomball has raised some questions which we would like to clarify for you.

- First and most importantly is the fact that we are not seeking to rezone the property to "commercial." The property will not change from its current "residential" zoning. We are simply seeking a permit that will allow a Bed & Breakfast to be operated from the home. This permit is only valid for a B&B, and cannot be used or transferred to any other type of business. We would, in fact, stand with you to oppose the surrounding properties being rezoned as "commercial" and completely understand your concerns about that issue.
- Our B&B would only be offering four (4) guest suites, and we will do everything possible to ensure that our guests remain on our property. We plan to add appropriate fencing and signs to clarify property lines and minimize any accidental wandering.
- We have created a "policy sheet" that each guest will be asked to sign and initial when they stay with us. This sheet is attached for your review, and summarizes our services as well as our restrictions, including the prohibition of motorized recreation vehicles and the need to stay on the Maple Creek property.
- Two of the owners will be living on-site, which will allow us to make sure that the rules and policies are being adhered to.
- We put together and also included for your review a "Q&A Sheet" that attempts to answer some of the most common questions.

We are excited about getting to share our vision with the City of Tomball at the zoning committee meeting on March 14th. If you have any additional questions that should arise before then, please contact us at (832) 248-5232 so that we can clarify or find solutions to any remaining concerns.

The customers who tend to seek out a Bed & Breakfast do so because they desire a quiet, homey place to stay versus loud, cluttered hotels. B&B's also often serve as an extension of resident's own homes, offering an extra "guest bedroom" when company comes to town. We love the beauty and peacefulness of this acreage, and seek to protect it so that we can continue to reside on this property for many, many years to come!

Sincerely,

Mike & Becky Clark *Samuel & Katie Whisler*

Mike & Becky Clark

Samuel & Katie Whisler

© Gartner Studios

Zoning & Conditional Use Permit Q&A

Goal: Secure a Conditional Use Permit (CUP) from the City of Tomball to operate a Bed & Breakfast at 519 E Hufsmith, which is currently zoned as Residential SF-20 (Single-Family 20,000 sq. ft.).

Q: Will the property be rezoned 'commercial' and therefore expose this and adjoining properties to future unwanted commercial businesses?

A: No. We are not seeking to change the zoning designation of this property from Residential SF-20 to any other type of zoning classification. We want to keep the Residential SF-20 designation!

Q: Can a CUP for a Bed & Breakfast be transferred to another type of business?

A: No. If the Bed & Breakfast were to go out of business or the property be sold, the property would have to: 1) revert to being just a private residence, 2) continue operating as a Bed & Breakfast, or 3) apply for its own CUP.

Q: If the property obtains a CUP, does that mean any business can operate here?

A: No. A CUP is only valid for the one specific type of business listed on the approved CUP application.

Q: Will guests of the Bed & Breakfast be riding motorized vehicles (ATVs/motorcycles) along the drainage ditch?

A: No, it is against the policy of the Bed & Breakfast to operate any motorized recreation type vehicle on the property or onto any adjoining property.

Q: Will an 'opaque' fence be constructed between the subject property and adjoining residential properties?

A: The City of Tomball will not require that a fence be constructed between us and adjoining properties if both parties don't want a fence. We don't want to put up a fence if at all possible as we want the open views and the free movement of wildlife across and on our property.

Q: Where will guests park their cars?

A: Guests will park close to the main house on the existing paved areas.

**WELCOME TO
MAPLE CREEK BED & BREAKFAST**

Maple Creek Bed & Breakfast is an exclusive property where every guest is both important and special to us! We look forward to making your visit pleasant and comfortable.

BREAKFAST - is served in the main dining room from 8:30 - 10:00am. If you have any allergies or dietary restrictions, please let us know. Arrangements can also be made to have breakfast delivered to your room.

RECREATION - please feel free to make use of the pool table, ping pong table & foosball table located in the game room. There is also a library of movies available on the bookcase in the living room. Please feel free to take the DVD's back to your room for your viewing enjoyment.

There is a directory in your room that contains an extensive list of restaurants, theaters, churches and activities located in and around Tomball and the surrounding Houston area.

Initial: _____ **POOL** - is open from 9:00am - 9:00pm. Please note that there is **NO LIFEGUARD ON DUTY**.

CHECK-OUT - is no later than 11:00am to allow us to prepare your suite for our next guest.

For the comfort & safety of our other guests, there will be:

- Initial: _____*
- **NO SMOKING** except in your own vehicles or the designated area in the front yard.
 - **NO PETS** due to potential allergies of other guests.
 - **NO ALCOHOL IN PUBLIC AREAS.** All consumption of alcohol must be inside of your own suite.
 - **NO MOTORIZED RECREATIONAL VEHICLES** such as ATV's or off-road motorcycles.
 - **NO TRESPASSING ONTO ADJOINING PROPERTIES.** We enjoy good relationships with our neighbors....please help us continue those friendships by abiding by all signage & fencing and limit your enjoyment of the beautiful countryside to the Maple Creek property.

Guest Signature

Date

Special Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Consideration to approve **Zoning Case P16-0020**: Request by Matthew Gilbert, on behalf of Brandt Construction, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P16-0020**

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:

Notice of Public Hearing

Property Owner Notice

P16-0020 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 21, 2016
&
CITY COUNCIL
MARCH 21, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 21, 2016, at 4:30 P.M.**, and by the City Council of the City of Tomball on **Monday, March 21, 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 P15-0158: Request by Maple Creek Bed & Breakfast, c/o Michael Clark, for a Conditional Use Permit to operate a Bed & Breakfast Inn. The property is located at 519 E. Hufsmith Road., east of Hospital Road on the north side of E. Hufsmith, is approximately 5.663 acres, and is zoned Single-Family 20 Estate District. The property is legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, according to the map or plat thereof recorded in Vol. 423, Page 107, Map Records, Harris County, Texas.

Zoning Case P16-0020: Request by Matthew Gilbert, on behalf of Brandt Construction to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C. , within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision, 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.

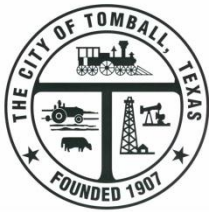
CERTIFICATION

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 **15th** day of **March, 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: P16-0020

APPLICANT/OWNER: Matthew Gilbert, on behalf of Brandt Construction, c/o Robert E. Brandt.

LOCATION: East side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision.

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District.

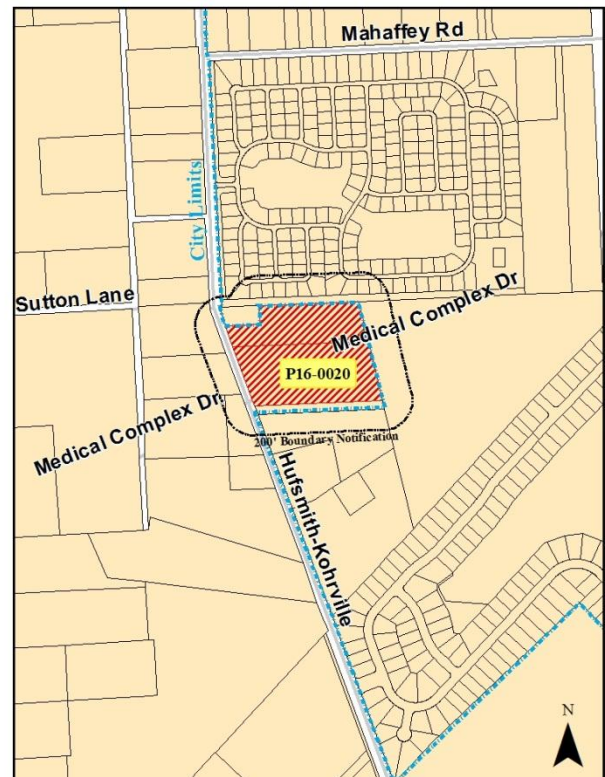
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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

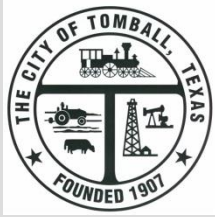


**Planning & Zoning Commission
Public Hearing:
Monday, March 14, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, March 21, 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: March 21, 2016
City Council Public Hearing Date: March 21, 2016

Rezoning Case: P16 -0020
Property Owner(s): Brandt Exploration LLC
Applicant(s): Matthew Gilbert, on behalf of Brandt Exploration
Legal Description: 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C.
Location: East side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision (Exhibit "A")
Area: 13.1 acres
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Agricultural (Exhibit "C") / Vacant (Exhibit "D")
Proposed Use(s): Office building with accessory structure
Request: Rezone from Agricultural to Commercial
Adjacent Zoning & Land Uses:
 North: ETJ / Residential home and Neighborhood
 South: ETJ / Vacant
 West: Commercial District / Big League Baseball Academy, VZ Autoworks, Ellis Performance, Copan Trade Coffee Roasters
 East: ETJ / Vacant

BACKGROUND

City staff met with Brandt Construction and Project Manager, Matthew Gilbert on January 6, 2016 to discuss the possibility of rezoning their property for the construction of an office warehouse building.

The property was annexed into the City in 2006. The property owners were issued a vested rights letter (Exhibit "F") on January 10, 2011 for the purpose of a commercial development. The letter granted the property a Commercial zoning classification allowing all uses permitted in the Commercial District. Without any activity on the property or permits pulled, the vested rights letter has expired.

Chapter 50 (Zoning) of the Tomball Code of Ordinances states in Section 50-68 (a) "*territory that has been newly annexed into the city may be initially zoned agricultural, and the district is*

considered a temporary holding zone until permanent zoning is approved. It is anticipated that agricultural zoned land will ultimately be rezoned to another zoning classification for its intended use in accordance with the comprehensive plan in the future.” The property owners are requesting to rezone to a zoning district which will accommodate the proposed development.

ANALYSIS

According to Section 50-77 (a), the Commercial District “*is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair shops, and other similar commercial uses*”.

There are several nonresidential land uses in the vicinity of the subject site. Properties located to the north, east and south are not within the City Limits. The uses on these properties include a residential neighborhood (The Estates at Willow Creek) to the north and vacant land to the east and south. Across Hufsmith-Korhville, there is a baseball academy, an automotive shop and a coffee roasting company. These properties are zoned Commercial.

The Comprehensive Plan designates the property as Medium Density Residential. Surrounding properties are designated Low Density Residential to the north, Rural Residential to the east and south and Medium Density Residential to the west. As mentioned, there are a number of commercial land uses as well as commercially zoned properties in the area. Hufsmith-Korhville and (future) Medical Complex Drive are both designated as Major Arterials by the City’s Major Thoroughfare Plan. Section 50-77 states convenient access to thoroughfares is an important component for commercial zoning districts. While the Comprehensive Plan designates this area as residential, the proposed request appears to be most compatible with the area and existing and proposed roadway networks in the vicinity.

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.

There are commercial uses in the immediate area including a Big League Baseball Academy, VZ Autoworks, Ellis Performance, Copan Trade. The subject site is also within close proximity of the TEDC Business and Technology Park as well as the Baker Hughes developments.

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. The exact alignment of the future Medical Complex Drive has not been determined and should not affect the development of this site.

- 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 in the vicinity and elsewhere in the City zoned Commercial District, however, the property in question was once vested as Commercial and has been planned for commercial 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 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. As previously mentioned, the proposed development will blend well with other existing developments in the immediate area.

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

The Future Land Use plan designates the property Medium Density Residential; however, the nearby properties are zoned Commercial and currently have Commercial uses established.

PUBLIC COMMENT

Property owners that are within the city limits and within 200 feet of the project site were mailed notification of this proposal on March 1, 2016. Notice of Public Hearing was published in the paper and a sign was placed on the property on February 29, 2016. As of March 10, 2016, no public comment forms have been received.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P16-0020.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Application
- F. Vested Rights Letter

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

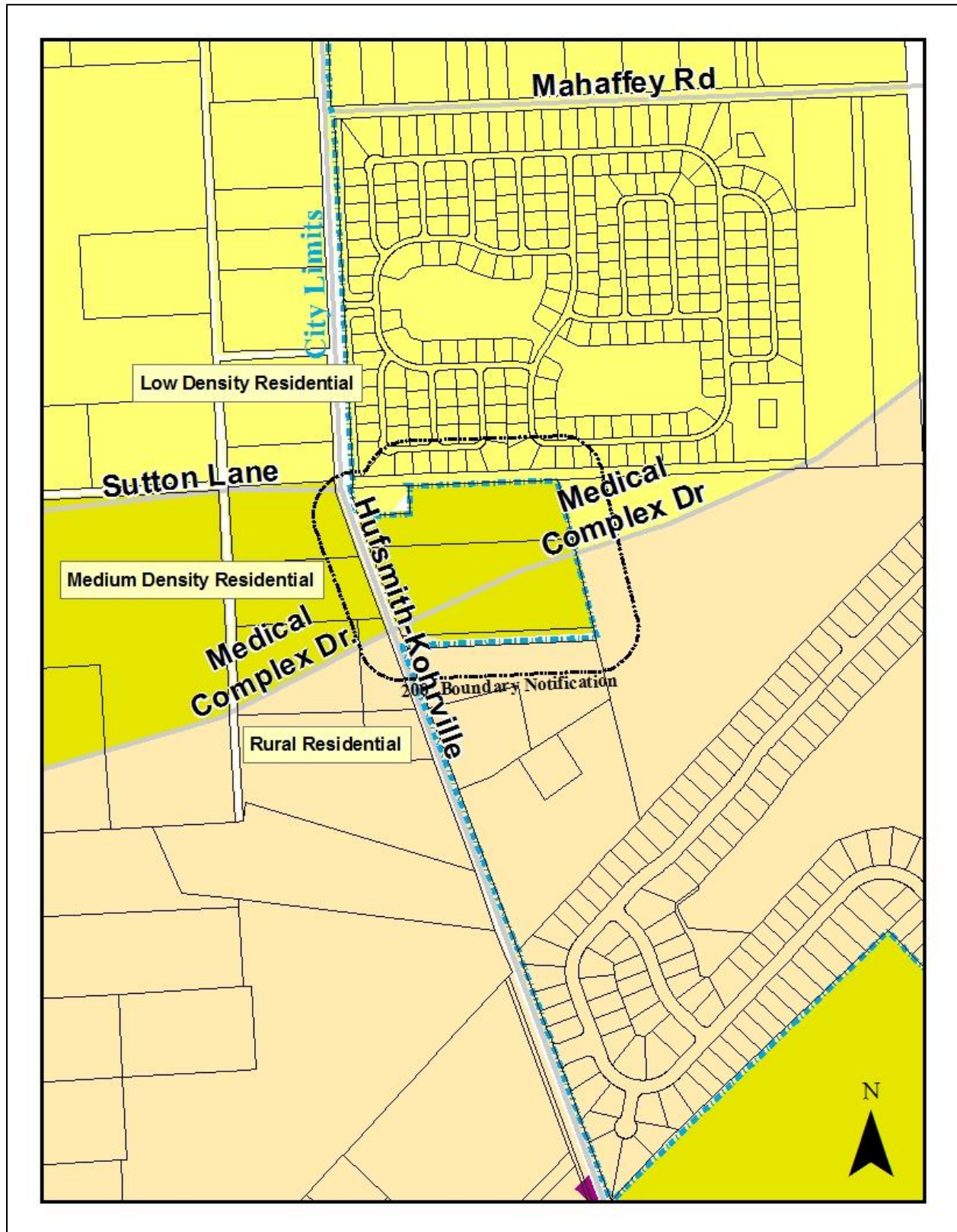
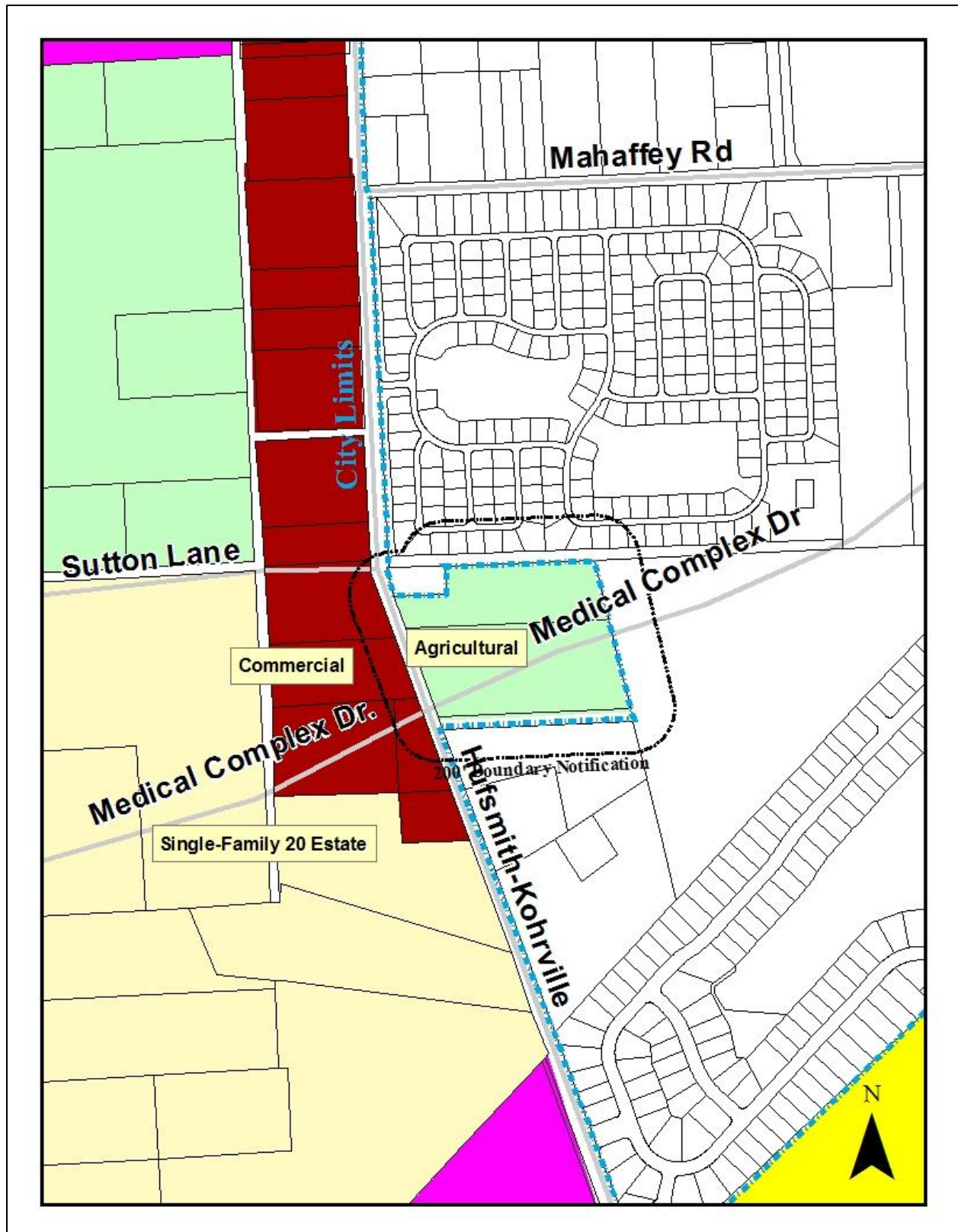


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Looking across Hufsmith-kohrville at the property

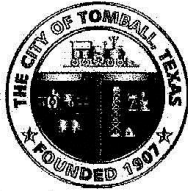


Looking North



Looking South

Exhibit "E"
Application

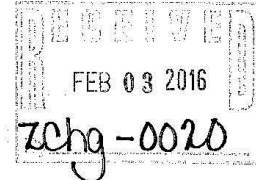


APPLICATION FOR REZONING

Community Development Department
Planning Division

Revised 5/19/15

\$540.00



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: Matthew Gilbert Title: Project Manager
Mailing Address: 21020 Park Row City: Katy State: Tx
Zip: 77449
Phone: (281) 578-9595 Fax: (281) 578-9686 Email: Matthewgilbert@sparks.com

Owner

Name: Robert E. Brandt Title: President
Mailing Address: 10330-A Lake Road City: Houston State: Tx
Zip: 77070
Phone: (281) 881-4101 Fax: () N/A Email: brandtconstructionllc@yahoo.com

Engineer/Surveyor (if applicable)

Name: *same as applicant* Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: Construction of Office Building

Physical Location of Property: East side of Huffsmith-Kehrville 1,075' south of Willow Creek Estates Lane
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: 13.11459 acres (TRS 487B-1, 488A, 489A Tomball outlots) (TRS 487C, 488B, 489B, 490B)
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural

Current Use of Property: Vacant

Proposed Zoning District: Commercial

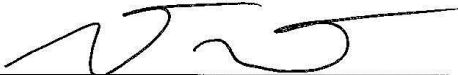
Proposed Use of Property: Office Building

HCAD Identification Number: 035 296 000 0485 Acreage: 13.11459
035 296 000 036

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		2.2.2015
	Signature of Applicant	Date
X		2/3/16
	Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 00911189 2/03/2016 9:59 AM
OPER: CK TERM: 005
REF#: W 30431

TRAN: 130.0000 PLANNING AND ZONING
HUFSMITH/WILLOW CREEK
100-5441
REZONING APPLICATION 540.00CR

TENDERED: 540.00 CHECK
APPLIED: 540.00-

CHANGE: 0.00



February 2, 2016

City of Tomball
Planning and Zoning Department
501 James Street
Tomball, Texas 77375

RE: Rezoning Request for the Proposed Brandt Construction Office Building located on 13.11459 acres of land, including 4.998 acres of land (TRS 487B-1, 488A, & 489A Tomball Outlots) and 8.1479 acres of land (TRS 487C, 488B, 489B, & 490B Tomball Outlots)

Dear Planning Division,

Mr. Brandt is planning to construct an office building for his construction company on the above referenced project. The property is currently zoned Agricultural and the office building that is proposed is not a current allowable use for this zoning classification. Mr. Brandt respectfully requests the above referenced property be rezoned Commercial so the proposed office building will be an allowable use and can be permitted and constructed. The requested zoning of Commercial will match the other tracts located within the City of Tomball immediately on the west side of Huffsmith-Kohrville road.

Please allow this letter to serve as a formal request for the above referenced project to be considered and rezoned from agricultural use to commercial use.

Sincerely,



Matthew A. Gilbert
Project Manager.

21020 PARK ROW • KATY TEXAS 77449
281-578-9595 • FAX: 281-578-9686

Exhibit "F"
Vested Rights Letter



City of Tomball

*Gretchen Fagan
Mayor*

*George Shackelford
City Manager*

January 10, 2011

Robert E. Brandt, President
Brandt Exploration, LLC
10330-A Lake Road
Houston, TX 77070

Re: Vested Rights Determination Letter for the Brandt Exploration Commercial Development of 13.11459 acres of land, including 4.998 acres of land (TRS 487B-1, 488A, & 489A Tomball Outlots) and 8.1479 acres of land (TRS 487C, 488B, 489B, & 490B Tomball Outlots)

Dear Mr. Brandt:

By letter dated November 30, 2010, you have asserted a vested right under Chapter 245 of the Texas Local Government Code with respect to the development of approximately 13.1459 acres of property owned or controlled by Brandt Exploration, LLC. After reviewing your vested rights request, the City's records, and consultation with the City's Attorney, I issue this vested rights determination in accordance with Section 48.5 of the City of Tomball's Zoning Ordinance.

Property Owner(s):

Brandt Exploration, LLC
10330 Lake Road -A
Houston, TX 77070-1696

RDBE, LLC
18718 Spring Heather Court.
Spring, TX 77379-2780

The Property: Seven tracts totaling approximately 13.1459 acres of land, out of the Tomball Outlots, (legally described as TRS 487B-1, 488A, 489A, 487C, 488B, 489B, & 490B) Harris County, Texas, generally located on the easterly side of Hufsmith Kohrville Road, northerly of Spell Road. See Exhibit A, attached.

The Project: A commercial development consisting of seven tracts totaling approximately 13.1459 acres as configured in substantially the same layout as shown on the Preliminary Site Plans submitted to the City on February 14, 2007. (See Exhibit B, attached).

Date of First Permit: November 20, 2006 (Annexation Ordinance No. 2006-20 (4.998 acres) and Annexation Ordinance No. 2006-21 (8.1479 acres), Exhibit C).

Regulations Applicable to Property Owner, the Property, and the Project:

All of the City's current Ordinances, including the City's Zoning Ordinance adopted February 4, 2008, are applicable to the Property Owner, the Property and the Project EXCEPT as follows:

401 MARKET STREET • TOMBALL, TEXAS 77375 • 281-351-5484

1. The property classification (i.e., use) of the City's Zoning Ordinance. The Property shall be deemed to have a prior classification of C-Commercial District under the City's Zoning Ordinance for development of the Project. The Property may be used for any use permitted by right in the City's C-Commercial District under Sections 30 and 38 of the City's Zoning Ordinance, as provided in the Zoning Ordinance as of the date of this letter.

2. The lot size, lot dimension, and building size requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the City's lot size, lot dimension, and building size requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current Ordinances.

3. Lot coverage requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the City's lot coverage requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current lot coverage requirements.

4. Landscaping Requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the landscaping requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current landscaping requirements.

Duration of Determination: Pursuant to Zoning Ordinance Section 48.2, some permits vested under this letter may expire two years from the date of such permit unless progress is made towards completion of the Project; provided, however, that such permit(s) shall expire no earlier than the fifth anniversary of the date the first permit applications were filed for the Project (i.e., November 20, 2011), pursuant to Section 245.005 (b) of the Texas Local Government Code. Provided, further, a permit application may expire in less than two years if the applicant fails to provide documents or information necessary to comply with the City's regulations after receiving written notice from the City as provided by Section 245.002(e)(2) of the Texas Local Government Code.

Rights of Appeal: This letter has certain legal consequences. The property owner and/or the City Council have the right to appeal this determination to the City's Board of Adjustments if the property owner and/or the City Council believes that this vested rights determination is in error. Zoning Ordinance, 48.6. Any appeal of my determination must be filed with the Board of Adjustments within 15 calendar days. Zoning Ordinance, 9.8 C. If my determination is not timely appealed to the Board of Adjustments, then my determination shall be considered binding upon the City and the property owners for the duration of the Project. Id. 48.8.

Sincerely,



George Shackelford
City Manager

cc: Mayor and City Council
Scott Bounds, Olson & Olson, LLP
Dan Dompier, DK Interests