

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



MONDAY, NOVEMBER 14, 2011

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, November 14, 2011 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning and 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 following meetings:
 - Regular Planning and Zoning Commission Meeting of October 10, 2011;
 - Special Joint City Council and Planning & Zoning Commission Meeting of October 24, 2011

5.0 New Business:

- 5.1 Consideration to approve **ZONING CASE P11-360**: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P11-360**

- 5.2 Consideration to approve **ZONING CASE P11-362**: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

- Conduct a Public Hearing on **ZONING CASE P11-362**

- 5.3 Consideration to approve **ZONING CASE P11-371**: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

- Conduct a Public Hearing on **ZONING CASE P11-371**

- 5.4 Consideration to approve **ZONING CASE P11-372**: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate "Tool and Machinery Rental (with Outdoor Storage)" and "Warehouse" land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

- Conduct a Public Hearing on **ZONING CASE P11-372**

- 5.5 Consideration to approve **PRELIMINARY PLAT HILLTOP TOOL RENTAL**: A 6.9280 acre tract of land being comprised of Lots 36, 43 44, and 45 of Tomball Hills Addition Replat as recorded in Vol. 279, Page 111, H.C.M.R. and the 0.49 acre remainder of a call 1.00 acre tract as recorded in File No. N-905252, H.C.O.P.R.R.P. and the 0.92 acre remainder of

Unrestricted Reserve "D" Block 4 of Tomball Hills Addition Replat in the Joseph House Survey, A-34, City of Tomball, Harris County, Texas.

- Conduct a Public Hearing on **PRELIMINARY PLAT HILLTOP TOOL RENTAL**

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10th day of November 2011 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 14, 2011

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 14, 2011

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 14, 2011

Data Sheet

Topic:

Consideration to Approve the Minutes of the following meetings:

- Regular Planning and Zoning Commission Meeting of October 10, 2011;
- Special Joint City Council and Planning & Zoning Commission Meeting of October 24, 2011

Background:

Origination:

Recommendation:

Funding:

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

Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Regular P&Z Minutes 10.10.11

Special Joint CC and P&Z Meeting Minutes 10.24.11

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

MONDAY, OCTOBER 10, 2011



5:00 P.M.

1.0 Call to Order

The meeting was called to order by Chairman Wallace at 5:00 p.m. Other members present were:

Commissioner Tague
Commissioner Chervenak (Arrived at 5:02)
Commissioner Beauvais
Commissioner Kendler

Others present:

Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
Engineering & Planning Senior Administrative Assistant – Brandy Pate

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2.0 No public comments were received

3.0 Reports and Announcements:

Rodney Schmidt, Assistant City Planner, announced the following upcoming meeting:

- Joint City Council / Planning and Zoning Commission Meeting regarding Downtown Specific Plan: Monday, October 24, 2011 at 5:30 p.m. – 401 Market Street, Tomball, Texas 77375

4.0 Motion was made by Commissioner Tague to approve the Minutes of the regular Planning & Zoning Commission meeting of September 12, 2011; second by Commissioner Kendler.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve ZONING CASE P11-354: Request by Abandoned Animal Rescue to amend the City's Comprehensive Zoning Ordinance to rezone approximately 5 acres of land, legally described as Lot 61, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located northerly of Hufsmith Road, westerly of the unimproved Neal Street right-of-way, from the Single-Family**

Estate Residential-20 District to the Agricultural District.

The Public Hearing was opened by Chairman Wallace at 5:03 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Applicant, Pat Mackinnon, spoke on behalf of the request.

Tom Crofoot of 1430 Neal Dr. expressed concern regarding noise.

George Rager of 22123 Rosewood trail, volunteer at Abandoned Animal Rescue spoke in favor of the request.

Pat Mackinnon provided a rebuttal.

Hearing no additional comments, the Public Hearing was closed at 5:16 p.m.

Commissioner Beauvais made a motion to approve the rezoning request for **ZONING CASE P11-354**; second by Commissioner Chervenak. Vote was as follows:

Commissioner Tague	<u>Aye</u>
Commissioner Chervenak	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Kendler	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried unanimously.

- 5.2 Consideration to approve **ZONING CASE P11-359**: Request by Richard Middleton, on behalf of M.H.B. Holdings LLC, for a Conditional Use Permit to operate a “Carpet and Rug Cleaning Plant.” The property is an approximately 0.3214 acre site, legally described as Lot 2, Block 66, Tomball Townsite Amending Plat, generally located on the westerly side of Live Oak Street, northerly of Main Street at 212 East Main Street, Tomball, Texas. The site is located in the Old Town & Mixed Use District.

The Public Hearing was opened by Chairman Wallace at 5:20 p.m.

Rodney Schmidt, Assistant City Planner presented the staff report.

Applicant, Richard Middleton, spoke on behalf of the request.

Vinnie Higgs of 105 Live Oak, expressed concern

Richard Middleton provided a rebuttal.

Hearing no additional comments, the Public Hearing was closed at 5:40 p.m.

Commissioner Tague made a motion to table the request. Motion died for lack of a second.

Commissioner Chervenak made a motion to approve the rezoning request for **ZONING CASE P11-359**; second by Commissioner Kendler. Vote was as follows:

Commissioner Tague	<u>Nay</u>
Commissioner Chervenak	<u>Aye</u>
Commissioner Beauvais	<u>Aye</u>
Commissioner Kendler	<u>Aye</u>
Commissioner Wallace	<u>Aye</u>

Motion carried 4-1.

6.0 Motion was made by Commissioner Tague to adjourn; second by Commissioner Kendler.

Motion carried unanimously.

Meeting adjourned at 5:48 p.m.

PASSED AND APPROVED this _____ day of _____ 2011.

Brandy Pate
P&Z Commission Secretary

Lori Wallace
Chairman

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



**MONDAY, OCTOBER 24, 2011
5:30 P.M.**

1.0 Call to Order

The meeting was called to order by Mayor Gretchen Fagan.

Council members present were:

Councilman Stoll
Councilman Brown
Councilman Dodson
Councilman Hudgens

Council members absent were:

Councilman Townsend – Excused.

Planning and Zoning Commission Members present:

Commissioner Lori Wallace
Commissioner Barbara Tague
Commissioner James Kendler
Commissioner Michelle Beauvais
Commissioner Evelyn Torres-Chervenak

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Assistant City Engineer – Lori Lakatos
Fire Chief – Randy Parr
Finance Director – Glenn Windsor

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Assistant City Planner – Rodney Schmidt
Chief-NWEMS – Brian Petrilla
Partners for Strategic Action - Peggy Fiandaca

2.0 The following public comments were received:

- | | |
|---|--|
| Louise Owens
503 E. Hufsmith Road, 77375 | - Expressed her opposition to passage of Ordinance No. 2011-25. |
| Kevin Babb
507 E. Hufsmith Road, 77375 | - Did not attend; his opposition to passage of Ordinance No. 2011-25 was read into the record. |
| Donald Downey
29918 Keen Road, 77375 | - Expressed his support for passage of Ordinance No. 2011-25. |

3.0 Reports and Announcements:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, September 10-November 12)
- October 28-29, 2011 – **Fire Department Fall Festival, 709 West Main** – 7:00 p.m.-12:00 Midnight
- November 1, 2011 – **Mayor's Coffee** – 5:30 p.m.-7:00 p.m., **Bootsie's Heritage Cafe, 112 Commerce**
- November 7, 2011 - Appointments to Tourism Advisory Committee for Terms expiring December 5, 2011
- November 7, 2011 - Appointment to Fill Vacancy on Tomball Economic Development Corporation
- November 12, 2011 – **2nd Saturday at the Depot – "Christmas at Give Thanks Tomball"** – 5:00 p.m.
- November 19, 2011 – **46th Annual Holiday Parade** – 10:00 a.m.
- November 19, 2011 - *Special Walk Tomball* in the Holiday Parade behind the *Walk Tomball! It's a Wonderful Life* banner – 10:00 a.m.
- November 19, 2011 – **Tomball Art Walk**, 11:00 a.m.–6:00 p.m.; Free Concert at the Depot, 4:00 p.m.–7:30 p.m.
- **Walk Tomball!** (Every Saturday at 9:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken

4.0 Old Business:

- 4.1 Motion was made by Councilman Dodson, second by Councilman Hudgens to adopt, on Second Reading, Ordinance No. 2011-19, An Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2011 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Allowing for

Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Nay</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Absent</u>
Councilman Dodson	<u>Aye</u>

Motion carried, 3 votes Aye, 1 vote Nay.

- 4.2 Motion was made by Councilman Brown, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2011-25, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 5 acres of land, legally described as lot 61, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family Estate Residential-20 District to the Agricultural District; Said property being generally located Northerly of Hufsmith Road, Westerly of the unimproved Neal Street Right-of-Way; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters. Vote was as follows:

Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Absent</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>

Motion carried unanimously.

- 4.3 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2011-26, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by granting a Conditional Use Permit to M.H.B. Holdings LLC, to operate a “carpet and rug cleaning plant”; Said tract being an approximately 0.3214 acre site, and being legally described as lot 2, block 66, Tomball Townsite Amending Plat, generally located on the Westerly side of Live Oak Street, Northerly of Main Street at 212 East Main Street, Tomball, Texas; Providing requirements and conditions for this Conditional Use Permit; Containing findings and other provisions relating to the subject; Providing a penalty in an amount not to exceed two thousand dollars for violations hereof; and providing for severability. Vote was as follows:

Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Absent</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

5.0 New Business:

- 5.1 George Shackelford presented Resolution No. 2011-22. Motion was made by Councilman Hudgens, second by Councilman Dodson, to approve Resolution No. 2011-22, Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; Declaring Intent to Reimburse Certain Prior Capital Costs; and Approving Other Matters Incidental Thereto.

Motion carried unanimously,.

- 5.2 George Shackelford presented the Tomball Sister City Organization's request for hotel occupancy tax funding. Motion was made by Councilman Hudgens, second by Councilman Brown, to approve Tomball Sister City Organization's request for Support, Funding in the amount of \$35,000, and to approve Road Closures and In-Kind Support for the 2011 Tomball German Christmas Market, to be held December 9-11, 2011, and for the 2012 Tomball German Heritage Festival, to be held March 30-April 1, 2012, as Recommended by the Tourism Advisory Committee.

Motion carried unanimously.

- 5.3 Lori Wallace, Chair, called the Planning and Zoning Commission to order for the Joint City Council and Planning and Zoning Commission Meeting

Prior to receiving the presentation by PSA, Chair Lori Wallace requested a motion to table the presentation and discussion of the Downtown Specific Plan to allow City Staff, PSA, and the Planning and Zoning Commission additional time to study specific areas of the plan that the Planning and Zoning Commission believes needs additional study. Motion was made by commissioner Tague, second by Commissioner Beauvais to table Items, 5.3, 5.4, 5.5, 5.6, and 5.7.

Motion carried unanimously.

Mayor Fagan asked if anyone in attendance would like to speak regarding the Downtown Specific Plan; the following comments were received:

Dale Cobourn
407 Fannin Street, 77375

- Expressed his concern regarding the mixed use transitions to residential use in the DSP.

Chris (szar
21315 Cherry Canyon, 77375

- Expressed her concern regarding her property at the intersection of Baker and Hicks, currently commercial and designated as residential in the DSP.

5.4 Receive Presentation by Peggy Fiandaca of PSA, Inc. (Partners for Strategic Action, Inc.) regarding the City of Tomball Downtown Specific Plan. Item tabled – no action taken.

5.5 Consideration by Planning and Zoning Commission to Approve the Downtown Specific Plan.

- Conduct a Public Hearing regarding the **DOWNTOWN SPECIFIC PLAN (DSP)**: To receive testimony and written evidence from the public regarding the City's proposed adoption of the Tomball Downtown Specific Plan.

Item tabled – no action taken.

5.6 Consideration by Planning and Zoning Commission to Approve City-Initiated Text Amendments (DSP):

- Conduct a Public Hearing regarding the **CITY INITIATED TEXT AMENDMENTS (DSP)**: Public hearing to consider City-initiated text amendments to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) adding a new Article VII “Downtown Specific Plan,” Section 52 “Regulating Plan and General Elements,” Section 53 “Historic Main Street District (DSP-HMS),” Section 54 “Old Town Plaza District (DSP-OTP),” Section 55 “Old Town Commercial District (DSP-OTC),” Section 56 “Mixed Use Transition District (DSP-MUT),” Section 57 “Old Town Residential District (DSP-OTR),” and Section 58 “Museum Center District (DSP-MC);” and amending Appendix A “Summary of Area Regulations by District” and Section 45 “Definitions.”

Item tabled – no action taken.

5.7 Consideration by Planning and Zoning Commission to Approve City-Initiated Rezonings (DSP):

- Conduct a Public Hearing regarding **CITY INITIATED REZONINGS (DSP)**: Request by the City of Tomball to amend the City’s Comprehensive Zoning Ordinance to rezone the properties within the Old Town Area as defined by the Tomball Comprehensive Plan and including the properties located west of the

BNSF railroad, south of Fannin Street, east of South Elm Street, and north of Florence Street, starting at the DSP boundary in the southeast corner at the BNSF railroad and Florence Street westerly along Florence to South Pine Street, northerly along South Pine Street to Percival Street, westerly along Percival Street to School Street, northerly along School Street to Main Street, westerly along Main Street to Baker Street, northerly along Baker Street to Hicks Street, easterly along Hicks Street to North Magnolia Street, northerly along North Magnolia Street to unimproved right-of-way north of Hicks and Epps Streets, easterly along unimproved right-of-way north of Hicks and Epps Streets to North Cherry Street, southerly along North Cherry Street to Epps Street, easterly along Epps Street to North Elm Street, southerly along North Elm Street to Main Street, Main Street southerly along South Elm Street to unimproved Fannin Street, easterly along unimproved Fannin Street to right-of-way adjacent to BNSF railroad, southerly along right-of-way adjacent to BNSF railroad to Florence Street, within the City of Tomball, Harris County, Texas, from the SF-6, OT, & MU, and General Retail Districts to the DSP Historic Main Street, DSP Mixed Use Transition, DSP Museum Center, DSP Old Town Commercial, DSP Old Town Plaza Area, and DSP Old Town Residential Districts.

Item tabled – no action taken.

- 5.8 Motion was made by Commissioner Tague, second by Commissioner Kendler, to adjourn of the Planning and Zoning Commission.

Motion carried unanimously.

- 5.9 Possible Discussion by City Council regarding Presentation and Recommendations by Planning and Zoning Commission.

Joint meeting items tabled – no action taken.

- 6.0 Motion was made by Councilman Stoll, second by Councilman Dodson, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this _____ day of _____ 2011.

Doris Speer, TRMC
City Secretary

Lori Wallace
P&Z Chairman

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 14, 2011

Data Sheet

Topic:

Consideration to approve **ZONING CASE P11-360**: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

- Conduct a Public Hearing on **ZONING CASE P11-360**

Background:

Origination:

First Baptist Church of Tomball

Recommendation:

Funding:

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

Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P11-360 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 14, 2011
&
CITY COUNCIL
NOVEMBER 21, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 14, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 21, 2011, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P11-360: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

ZONING CASE P11-362: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

ZONING CASE P11-371: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

ZONING CASE P11-372: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate "Tool and Machinery Rental (with Outdoor Storage)" and "Warehouse"

land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@ci.tomball.tx.us

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 **10th** day of **November** 2011 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING AND ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P11-360

APPLICANT: First Baptist Church of Tomball

LOCATION: Southerly of Hicks Street, westerly of Quinn Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

* * *

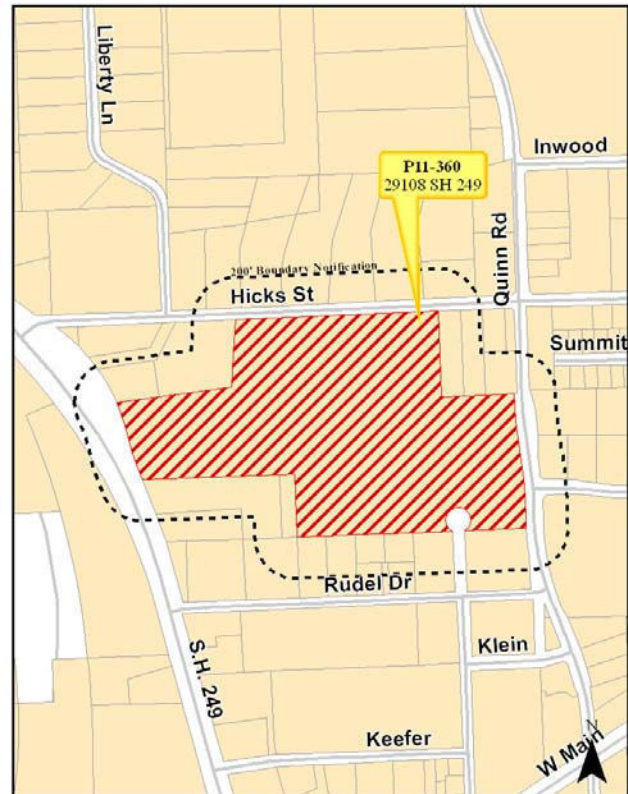
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

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

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning and Zoning Commission
Public Hearing:
Monday, November 14, 2011, 6:00 PM**

**City Council Public Hearing:
*Monday, November 21, 2011, 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 and Zoning Commission.



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: November 14, 2011

Rezoning Case: P11-360
Property Owner(s): First Baptist Church of Tomball
Applicant(s): First Baptist Church of Tomball
Legal Description: Reserve A, Block 1, First Baptist Church of Tomball
Location: Generally located southerly of Hicks Street, westerly of Quinn Road
Area: 32.03 acres
Present Zoning and Use: Commercial and Old Town & Mixed Use Districts / Religious (Prayer Chapel)
Comp Plan Designation: Medium Density Residential and Employment/Office
Proposed Zoning and Use: Commercial District / Religious Land Use (First Baptist Church Tomball Campus)

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Commercial, Old Town & Mixed Use, and SF-20-E Districts / Hicks Street Right-of-Way (ROW), Commercial, Undeveloped, and Residential
South: Commercial and Old Town & Mixed Use Districts / Undeveloped, Residential, and Tomball Fire Station
East: Old Town & Mixed Use and Multi-Family Districts / Quinn Road ROW, Offices, Northwest EMS Station, Undeveloped, and Multi-Family Development
West: Agricultural District / S.H. 249 ROW and Undeveloped

BACKGROUND

The subject site is legally described as Reserve A, Block 1, First Baptist Church of Tomball totaling approximately 32.03 acres. The site is zoned Commercial and Old Town & Mixed Use (Exhibit "A") and is generally located southerly of Hicks Street, westerly of Quinn Road (Exhibit "B"). First Baptist Church is currently in the process of constructing a prayer chapel at this site.

On September 9, 2011, the Engineering & Planning Department received a rezoning application and letter (Exhibits “C” & “D”) for the subject site from the applicant and property owner, First Baptist Church Tomball. The property owner is requesting the entire 32 acre site be rezoned from the Commercial and Old Town & Mixed Use Districts to the Commercial District to facilitate the development of their new church campus. The campus will include a new worship center, church offices, family/children’s ministries, and other church related facilities (Exhibit “E”). The Old Town & Mixed Use District currently has a two story and 27 foot maximum height limit (Section 34.3.A). By rezoning the property to the Commercial District, the applicant would be allowed a maximum building height of 70 feet (Section 30.3.A) for all proposed structures at the new church campus.

As a matter of information, the zoning ordinance’s “Church/Temple/Place of Worship” land use is permitted by right in the Commercial District.

ANALYSIS

According to the Tomball Zoning Ordinance, 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 services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.”

There is a mixture of land uses in the vicinity. To the north of the subject site are Hicks Street right-of-way (ROW) and commercial, undeveloped, and residential land uses within the Commercial, Old Town & Mixed Use, and SF-20-E Districts; to the south are Tomball Fire Station #1 and undeveloped and residential land uses within the Commercial and Old Town & Mixed Use Districts; to the east are Quinn Road ROW, offices, Northwest EMS facility, and undeveloped and multi-family land uses within the Old Town & Mixed Use and Multi-Family Districts; and to the west is State Highway 249 ROW and undeveloped land within the Agricultural District.

The Comprehensive Plan’s future land use map identifies the western portion of the site as “Medium Density Residential” and the eastern portion as “Employment/Office” (Exhibit “F”). The Comp Plan states, “Medium Density Residential includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City.” Employment/Office is defined as “where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” Because the anticipated use of the site will be for a religious institution and because it will be used for non-industrially focused employment purposes, the rezoning would be generally consistent with the Comprehensive Plan. **It should be noted that any use permitted in the Commercial District would be allowed at this location if the zoning is changed.**

As a matter of information, the future development of this site will require the applicant to comply with the City’s use and area regulations outlined in the zoning ordinance. A site plan

application, which require civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations and landscape plans, are required to be submitted and approved by the Engineering & Planning Department and Fire Marshal's Office prior to a building permit application submittal.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission 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 is a mixture of land uses in the vicinity (Exhibit "G"). To the north of the subject site are Hicks Street right-of-way (ROW) and commercial, undeveloped, and residential land uses within the Commercial, Old Town & Mixed Use, and SF-20-E Districts; to the south are Tomball Fire Station #1 and undeveloped and residential land uses within the Commercial and Old Town & Mixed Use Districts; to the east are Quinn Road ROW, offices, Northwest EMS facility, and undeveloped and multi-family land uses within the Old Town & Mixed Use and Multi-Family Districts; and to the west is State Highway 249 ROW and undeveloped land within the Agricultural District.

B. Whether the proposed change is in accord 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 public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There is no vacant land currently classified for similar development in the immediate vicinity of the subject site. However, there are several undeveloped properties zoned Commercial District within the immediate vicinity.

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; there has been limited development within the vicinity 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 zoning change were approved, there should be few if any effects on other areas designated for similar developments.

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

The proposed zone change is not anticipated to adversely affect health, safety, morals, or general welfare.

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

According to the Comprehensive Plan, rezonings are “to conform to the intended future land use pattern shown on the Future Land Use Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and
- In a way that furthers or helps achieve the goals of the Plan.”

The Comprehensive Plan’s future land use map identifies the western portion of the site as “Medium Density Residential” and the eastern portion as “Employment/Office.” The Comp Plan states, “Medium Density Residential includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City.” Employment/Office is defined as “where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations.” Because the anticipated use of the site will be for a religious institution and because it will be used for non-industrially focused employment purposes, the rezoning would be generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 3, 2011 and as of the writing of this report no public comment forms were received.

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P11-360 based on the following:
 - a. The proposed zoning of Commercial District is generally compatible with the Tomball Comprehensive Plan.

- b. The proposed zoning of Commercial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - c. There is sufficient utility capacity to service the proposed religious land use.
2. APPROVAL of the staff report as the Planning and Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Aerial Photo
- C. Rezoning Application
- D. Rezoning Request Letter
- E. First Baptist Church Master Plan
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos

Exhibit "A"
Zoning Map

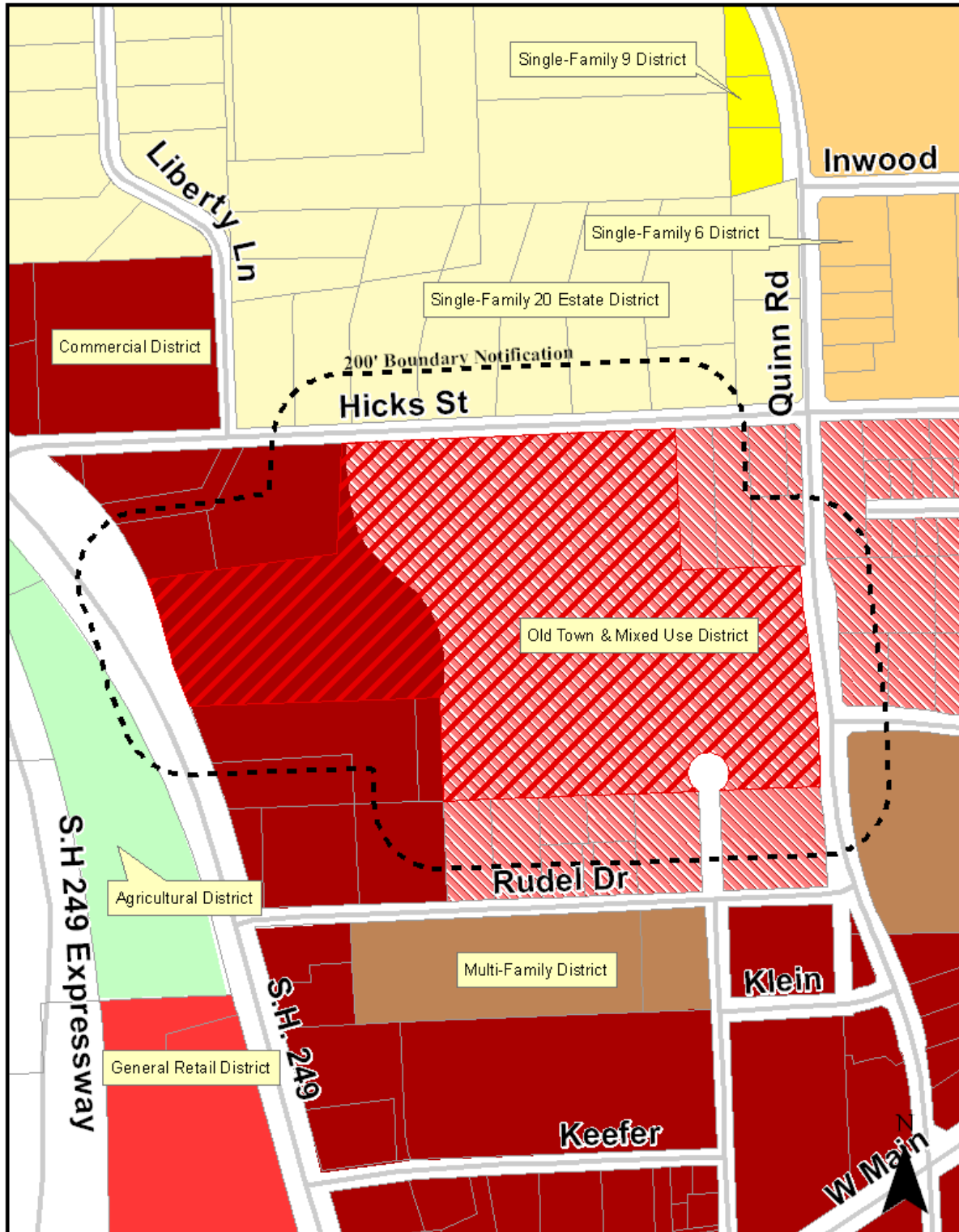


Exhibit "B"
Aerial Photo



Exhibit "C"
Rezoning Application



APPLICATION FOR REZONING
Engineering & Planning Department

Revised 1/20/09



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: First Baptist Church of Tomball Title: Senior Pastor
Mailing Address: 401 Oxford Street City: Tomball State: Texas
Zip: 77375
Phone: (281) 351-4997 Fax: (281) 351-2576 Email: james_clark@fbctomball.org

Owner

Name: First Baptist Church Title: _____
Mailing Address: 401 Oxford St. City: Tomball State: Texas
Zip: 77375
Phone: (281) 351-4997 Fax: (713) 351-2576 Email: james_clark@tomball.org

Engineer/Surveyor (if applicable)

Name: C & C Surveying Company Title: _____
Mailing Address: 7424 FM 1488 Suite A City: Magnolia State: Texas
Zip: 77354
Phone: (281) 356-5172 Fax: (281) 356-1935 Email: _____

Description of Proposed Project: Rezone all 32.028 acres the same

Physical Location of Property: 29108 State Hwy 249 and 1415 Hufsmith Road Tomball Tx 77375

[General Location - approximate distance to nearest existing street corner]
Legal Description of Property: Parcel A, Block 1, First Baptist Church Tomball
Joseph House Survey, Abstract 34, Harris County Tx
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: C (Comercial)-OT & MU (Old Town and Mixed Use District)

Current Use of Property: X3 Religious Exempt 4301 Res. Struct. or Conversion

Proposed Zoning District: C (Comercial)

Proposed Use of Property: X3 Religious Exempt 4620 Religious

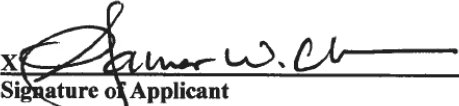
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.ci.tomball.tx.us

HCAD Identification Number: 1299550010001 Acreage: 1,395,139 SF

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  9/9/2011
Signature of Applicant Date

X  9/9/2011
Signature of Owner Date

Exhibit "D"
Rezoning Request Letter

**FIRST BAPTIST
CHURCH TOMBALL**

September 9, 2011

City of Tomball
Engineering and Planning Department
501 James Street
Tomball, TX 77375

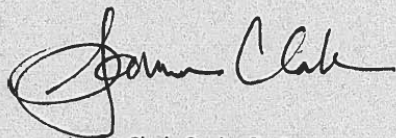
Re: Application for Rezoning

HCAD #1299550010001

First Baptist Church owns 32.028 acres of a single plated property, bordered by State Highway 249/Hicks St./Quinn St./Rudel St., for the purpose of building a new church campus. When zoning was instituted this property was zoned both Commercial and Old Town Mixed Use. We are requesting the entirety of the single plat be zoned as Commercial.

Thank you for helping to correct the mixed zoning of our property and continue with the establishment of a new ministry campus.

Sincerely,



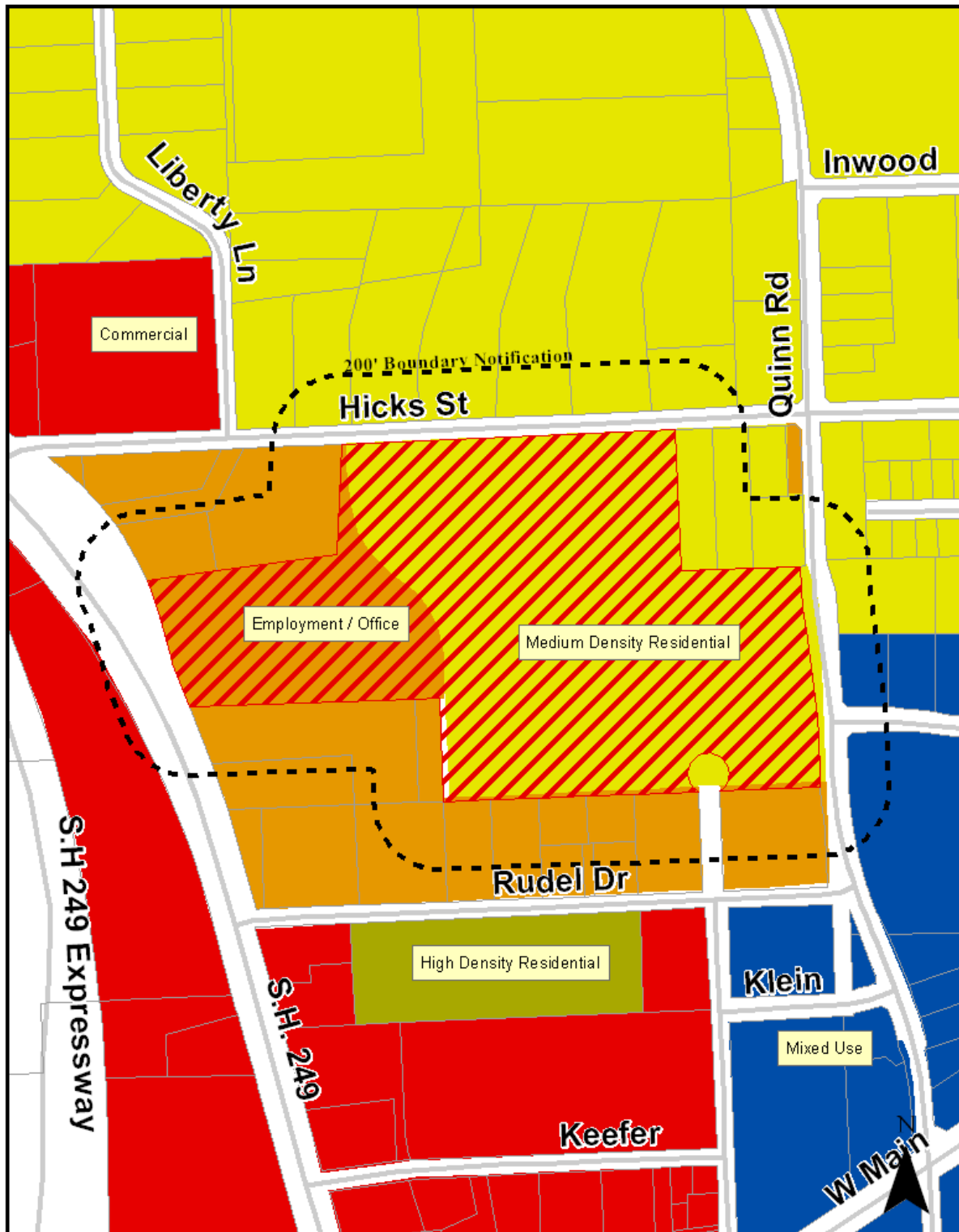
James Clark, Senior Pastor

A | 401 Oxford Street Tomball, TX 77375-4461
T | 281 351 4997
F | 281 351 2576
W | www.fbctomball.org

Exhibit “E”
First Baptist Church Master Plan



Exhibit "F"
Comprehensive Plan Future Land Use Map



**Exhibit “G”
Site Photos**



Figure 1: Westerly view of subject site.



Figure 2: Tomball FD Station #1 south of subject site.



Figure 3: Residences to the south of subject site.



Figure 4: Apartment complex southeast of subject site.



Figure 5: ESD station and office to the east of subject site.



Figure 6: Residence to the northeast of subject site.



Figure 7: Westerly view up Hicks Street. Subject site on left.



Figure 8: Commercial buildings to the northwest of subject site.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 14, 2011

Data Sheet

Topic:

Consideration to approve **ZONING CASE P11-362**: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

- Conduct a Public Hearing on **ZONING CASE P11-362**

Background:

Origination:

Leslie Lagerquist, on behalf of Catlin Joint Venture

Recommendation:

Funding:

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

Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P11-362 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 14, 2011
&
CITY COUNCIL
NOVEMBER 21, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 14, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 21, 2011, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P11-360: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

ZONING CASE P11-362: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

ZONING CASE P11-371: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

ZONING CASE P11-372: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate "Tool and Machinery Rental (with Outdoor Storage)" and "Warehouse"

land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@ci.tomball.tx.us

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 **10th** day of **November** 2011 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING AND ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P11-362

APPLICANT: Leslie Lagerquist, on behalf of Catlin Joint Venture

LOCATION: Northerly of Barbara Street, easterly of Raymond Avenue

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, from the Commercial District to the Old Town and Mixed Use District.

* * *

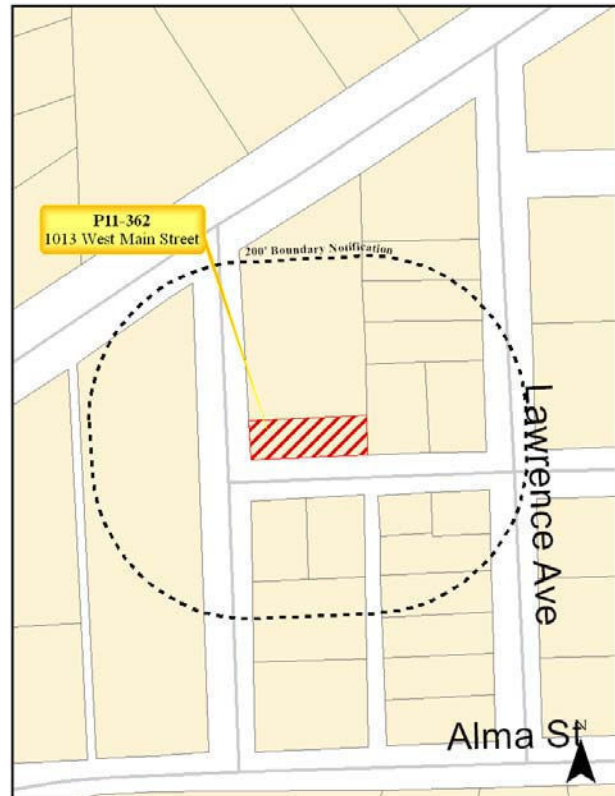
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

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

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning and Zoning Commission
Public Hearing:
Monday, November 14, 2011, 6:00 PM**

**City Council Public Hearing:
*Monday, November 21, 2011, 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 and Zoning Commission.



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: November 14, 2011

Rezoning Case: P11-362
Property Owner(s): Catlin Joint Venture
Applicant(s): Leslie Lagerquist
Legal Description: Lot 9, Block 7, Main Street Addition
Location: Generally located northerly of Barbara Street, easterly of Raymond Avenue
Area: 0.17 acres
Present Zoning and Use: Commercial District / Undeveloped
Comp Plan Designation: Mixed Use
Proposed Zoning and Use: Old Town & Mixed Use District / Residential

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Commercial District / Medical Office
South: SF-6 District / Barbara Street Right-of-Way (ROW) and Residential
East: Old Town & Mixed Use District / Residential
West: Commercial District / Raymond Avenue ROW and Tomball Assembly of God Church

BACKGROUND

The subject site is legally described as Lot 9, Block 7, Main Street Addition totaling approximately 0.17 acres. The site is zoned Commercial District (Exhibit "A") and is generally located northerly of Barbara Street, easterly of Raymond Avenue (Exhibit "B"). Lot 9 is undeveloped, however, Lots 4 through 8 north of the subject site are developed with a medical office building and are also owned by Catlin Joint Venture.

On September 19, 2011, the Engineering & Planning Department received a rezoning application and letter for the subject site from Leslie Lagerquist on behalf of Catlin Joint Venture (Exhibits "C" and "D"). The applicant is requesting the site be rezoned from the Commercial District to the Old Town & Mixed Use District to allow for a residential land use on the site.

As a matter of information, the Old Town & Mixed Use District allows for a number of residential land uses including, but not limited to, multi-family (apartments), quadriplex, duplex, and single-family.

ANALYSIS

According to the Tomball zoning ordinance, “The Old Town and Mixed Use District is intended to provide a zoning mechanism for a variety of uses in the original town site and those areas that have a diverse mixture of uses” (Section 34.1.A). Furthermore, “The Old Town and Mixed Use District is also intended for those areas outside the Old Town Area that either currently have or are suitable for a mixture of retail, commercial and other nonresidential uses, along with single family homes and multiple-family uses and are designated for such mixed use on the adopted Comprehensive Plan” (Section 34.1.C).

There is a mixture of land uses in the vicinity. To the north of the site is a medical office in the Commercial District; to the south is the Barbara Street right-of-way (ROW) and residential land uses in the SF-6 District; to the east are residential land uses in the Old Town & Mixed Use District; and to the west is the Raymond Avenue ROW and Tomball Assembly of God Church in the Commercial District.

The Comprehensive Plan’s future land use map identifies the site as “Mixed Use” (Exhibit “E”). It states the “Mixed Use” land use classification “is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner. These uses may be located within a development, either horizontally or vertically in form. This may be accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development.” The proposed rezoning and land use are generally consistent with the Comprehensive Plan. The proposed Old Town & Mixed Use zoning classification and residential land use will help to further diversify the land uses in this area, thereby helping to realize the vision of the Mixed Use Comp Plan designation and Old Town & Mixed Use zoning district. **It should be noted that any use permitted in the Old Town & Mixed Use District would be allowed at this location if the zoning is changed.**

Additionally, action item LUD 3.5.3 of the Comprehensive Plan seeks to “Allow for mixed use development at varying intensities at selected areas as a means of revitalizing underutilized urban parcels.” Lot 9 is currently underutilized and the proposed rezoning will help to facilitate its future development for residential purposes.

As a matter of information, the future development of this site will require the applicant to comply with the City’s use and area regulations outlined in the zoning ordinance. A site plan application, which require civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations and landscape plans, are required to be submitted and approved by the Engineering & Planning Department and Fire Marshal’s Office prior to a building permit application submittal.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission 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 is a mixture of land uses in the vicinity (Exhibit “F”). To the north of the site is a medical office in the Commercial District; to the south is the Barbara Street right-of-way (ROW) and residential land uses in the SF-6 District; to the east are residential land uses in the Old Town & Mixed Use District; and to the west is the Raymond Avenue ROW and Tomball Assembly of God Church in the Commercial District.

- B. Whether the proposed change is in accord 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 public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There is no vacant land currently classified for similar development in the immediate vicinity of the subject site. However, there are several undeveloped properties zoned Old Town & Mixed District in the City.

- 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 Old Town & Mixed District; there has been no development within the immediate vicinity in the Old Town & Mixed 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 zoning change were approved, there should be few if any affects on other areas designated for similar developments.

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

The proposed zone change is not anticipated to adversely affect health, safety, morals, or general welfare.

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

According to the Comprehensive Plan, rezonings are “to conform to the intended future land use pattern shown on the Future Land Use Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and
- In a way that furthers or helps achieve the goals of the Plan.”

The Comprehensive Plan’s future land use map identifies the site as “Mixed Use.” It states the “Mixed Use” land use classification “is intended to include a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner. These uses may be located within a development, either horizontally or vertically in form. This may be accomplished on single or multiple parcels of land as long as the site is planned and developed as one integrated project. It is envisioned that Mixed Use designations will ultimately be located in areas with multimodal transportation access to support the intensity of development.” The proposed rezoning and land use are generally consistent with the Comprehensive Plan. The proposed Old Town & Mixed Use zoning classification and residential land use will help to further diversify the land uses in this area, thereby helping to realize the vision of the Mixed Use Comp Plan designation and Old Town & Mixed Use zoning district.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 3, 2011 and as of the writing of this report no public comment forms were received.

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P11-362 based on the following:
 - a. The proposed zoning of Old Town & Mixed Use District is generally compatible with the Tomball Comprehensive Plan.
 - b. The proposed zoning of Old Town & Mixed Use District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - c. There is sufficient utility capacity to service a residential use at the site.
2. APPROVAL of the staff report as the Planning and Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Aerial Photo
- C. Rezoning Application
- D. Rezoning Request Letter
- E. Comprehensive Plan Future Land Use Map
- F. Site Photos

**Exhibit “A”
Zoning Map**

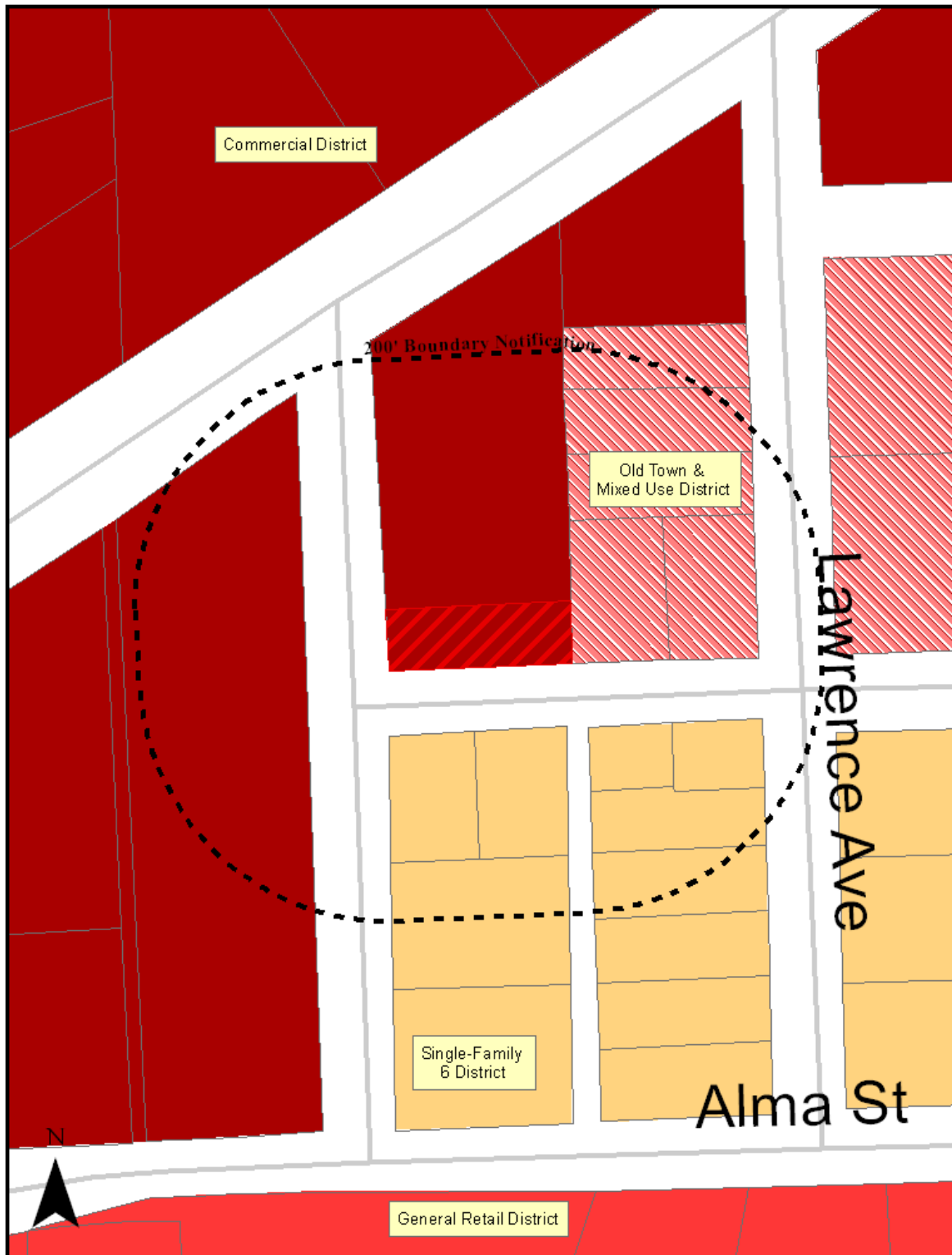


Exhibit “B”
Aerial Photo



Exhibit "C"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: LESLIE LAGERQUIST OR JAMES GEAR Title: OWNERS
Mailing Address: 30711 Wm. JUERGENS DR City: TOMBALL State: TX
Zip: 77375
Phone: (713) 899 5287 Fax: () Email: TWOOTHDOC@ME.COM

Owner

Name: CATLAN JV VENTURE Title: _____
Mailing Address: 30711 Wm. JUERGENS DR City: TOMBALL State: TX
Zip: 77375
Phone: (713) 899 5287 Fax: () Email: TWOOTHDOC@ME.COM

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: REZONING ONE TOMBALL CITY LOTS FROM COMMERCIAL TO RESIDENTIAL

Physical Location of Property: CORNER N.E. BARBARA + RAYMOND ST. TOMBALL TX
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: LOT 9 BLK 7 MAIN STREET ADDITION TOMBALL
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: COMMERCIAL DISTRICT

Current Use of Property: NONE

Proposed Zoning District: UNDEVELOPED USE

Proposed Use of Property: RESIDENTIAL

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

www.ci.tomball.tx.us

HCAD Identification Number: 067 099 007 0016 Acreage: 1.04

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 SAME
Signature of Applicant Date

X [Signature]
Signature of Owner Date 9-16-11

Exhibit "D"
Rezoning Request Letter

September 16, 2011

City of Tomball
Zoning and Planning Div.

Re: Application for rezoning

To Whom It May Concern:

This letter is to comply with the requirements for rezoning as follows

The accompanying application requests that one pre-platted city lot be changed from a Commercial zoned entity to a residential status. This lot is not being used. The owners intend to sell the lot in order to improve the balance sheet and ongoing expense issues associated with the remaining commercial property.

The change from Commercial District to Old Town and Mixed Use is in keeping with adjacent properties.

Yours truly,

Catlan Jt. Venture


Leslie L Lagerquist

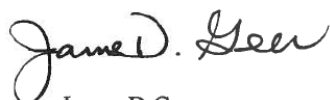
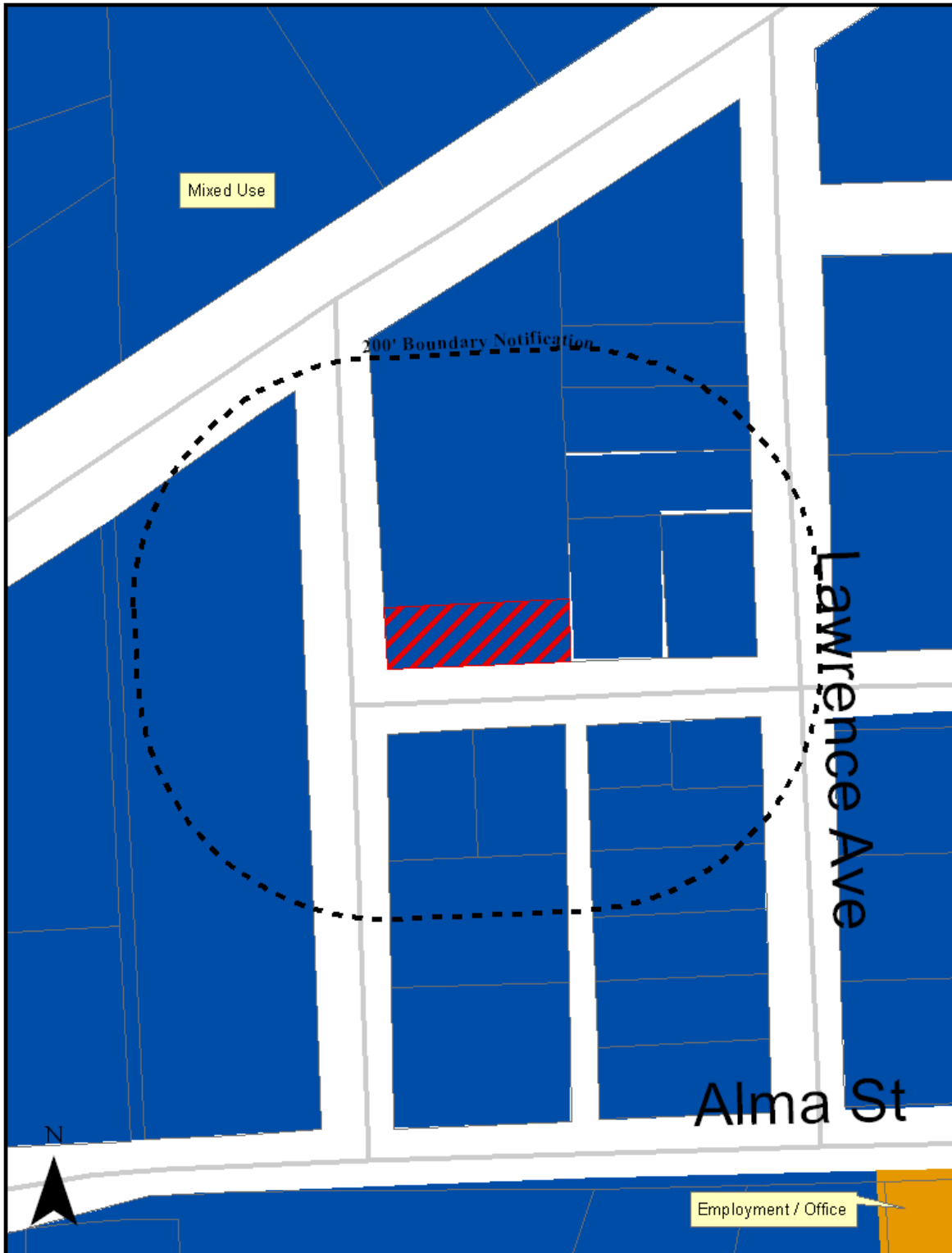

James D Geer

Exhibit "E"
Comprehensive Plan Future Land Use Map



**Exhibit “F”
Site Photos**



Figure 1: Northerly view of subject site and adjacent medical office use.



Figure 2: Residence to the east of subject site.



Figure 3: Residences to the south of subject site.



Figure 4: Church to the west of subject site.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 14, 2011

Data Sheet

Topic:

Consideration to approve **ZONING CASE P11-371**: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

- Conduct a Public Hearing on **ZONING CASE P11-371**

Background:

Origination:

Peter and Sylvia Hildreth

Recommendation:

Funding:

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

Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P11-371 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 14, 2011
&
CITY COUNCIL
NOVEMBER 21, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 14, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 21, 2011, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P11-360: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

ZONING CASE P11-362: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

ZONING CASE P11-371: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

ZONING CASE P11-372: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate "Tool and Machinery Rental (with Outdoor Storage)" and "Warehouse"

land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@ci.tomball.tx.us

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 **10th** day of **November** 2011 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING AND ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P11-371

APPLICANT: Peter and Sylvia Hildreth

LOCATION: Easterly side of State Highway 249, northerly of Zion Road

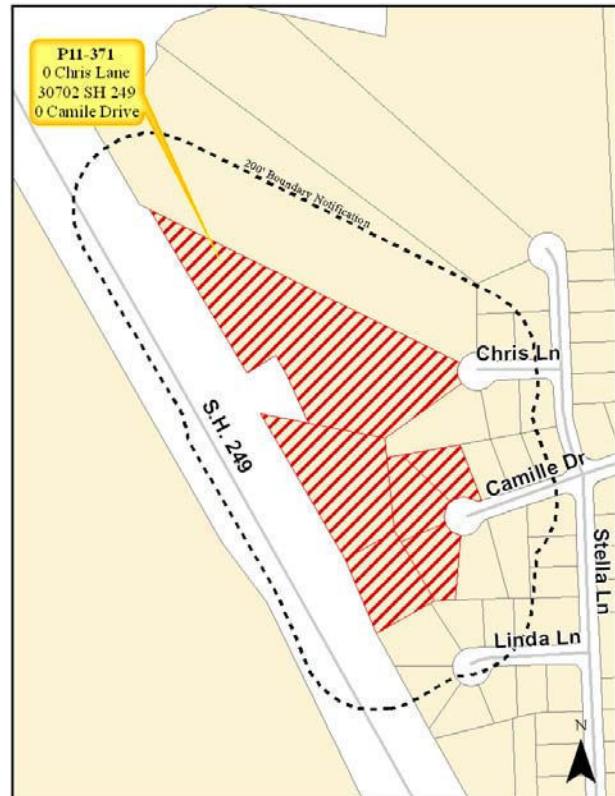
PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

* * *

CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us



**Planning and Zoning Commission
Public Hearing:
Monday, November 14, 2011, 6:00 PM**

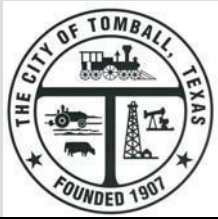
**City Council Public Hearing:
*Monday, November 21, 2011, 6:00 PM**

**The Public Hearings will be held in the
City Council Chambers, City Hall
401 Market Street, Tomball, Texas**

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

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.

*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 and Zoning Commission.



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: November 14, 2011

Rezoning Case: P11-371

Property Owner(s): Peter and Sylvia Hildreth

Applicant(s): Peter and Sylvia Hildreth

Legal Description: Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey

Location: Generally located on the easterly side of State Highway 249, northerly of Zion Road

Area: 6.928 acres

Present Zoning and Use: Single-Family Residential-9 and Commercial Districts / Undeveloped and Tool and Machinery Rental (with Outdoor Storage)

Comp Plan Designation: Medium Density Residential and Open Space

Proposed Zoning and Use: General Retail District / Tool and Machinery Rental (with Outdoor Storage) and Warehouse

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Single-Family Residential-9 District / Undeveloped

South: Single-Family Residential-9 and Commercial Districts / Residential and Retail

East: Single-Family Residential-9 / Residential

West: Commercial District / State Highway 249 Right-of-Way and Lone Star College

BACKGROUND

The subject site is legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey totaling approximately 6.928 acres. The site is generally located on the easterly side of State Highway 249, northerly of Zion

Road and is utilized by Hilltop Tool Rental as a “Tool and Machinery Rental (with Outdoor Storage)” land use (Exhibit “A”). Lot 36, 43, 44, and 45 are zoned SF-9 District and Reserve D and Tract 27 are zoned Commercial District (Exhibit “B”).

On October 5, 2011, the Engineering & Planning Department received a rezoning application (Exhibit “C”), conditional use permit (CUP) application (Exhibit “D”), and letter explaining the rezoning and CUP requests (Exhibit “E”). The property owners, Peter and Sylvia Hildreth, are requesting the site be rezoned from the Single-Family Residential-9 (SF-9) and Commercial Districts to the General Retail District and that a CUP be approved to allow for “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses.

The CUP concept plan (Exhibit “F”) shows considerable improvements being proposed for the site, including:

- 10’ landscape buffer around the entire site (except along the southern property boundary where there is an existing structure);
- 6-8’ tall screening wall along property line separating the site from the adjacent SF-9 zoned properties;
- 24’ internal drive aisles;
- Parking stalls;
- 3 acre detention pond;
- Outside storage area behind the existing main building being limited to 5% of total development area per Section 27.4.E of zoning ordinance; and
- 3 new storage buildings to be constructed with brick facades.

The CUP request will be considered under zoning case P11-372.

On September 12, 2011, the Planning & Zoning Commission voted to recommend denial of a request by Peter and Sylvia Hildreth to rezone Lots 36, 43, 44, and 45 out of the Tomball Hills Addition Plat from the SF-9 to the Commercial District. The property owners then pulled the request before it was voted on by City Council.

ANALYSIS

According to the Tomball zoning ordinance, “The GR, General Retail, district is established to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The General Retail district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes” (Section 27.1).

There is a mixture of land uses in the vicinity. To the north of the subject site is undeveloped land in the SF-9 District; to the south is a retail strip center (including a church and restaurant uses) and single-family residences in the Commercial and SF-9 Districts; to the east are single-family residences in the SF-9 District; and to the west is State Highway 249 right-of-way and Lone Star College in the Commercial District.

The Comprehensive Plan’s future land use map identifies the site as “Medium Density Residential” and “Open Space” (Exhibit “G”). The “Medium Density Residential” land use designation “includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local

residents where deemed appropriate by the City.” The “Open Space” land use designation is described in the Comprehensive Plan as area to “be left in a natural state due to topographic, drainage, vegetative, and landform constraints or the need to provide permanent buffers between potentially incompatible land uses.” **It should be noted that any use permitted in the General Retail District would be allowed at this location if the zoning is changed.**

As a matter of information, the future development of this site will require the applicant to comply with the City’s use and area regulations outlined in the zoning ordinance. A site plan application, which require civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations and landscape plans, are required to be submitted and approved by the Engineering & Planning Department and Fire Marshal’s Office prior to a building permit application submittal.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission 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 is a mixture of land uses in the vicinity (Exhibit “H”). To the north of the subject site is undeveloped land in the SF-9 District; to the south is a retail strip center (including a church and restaurant uses) and single-family residences in the Commercial and SF-9 Districts; to the east are single-family residences in the SF-9 District; and to the west is State Highway 249 right-of-way and Lone Star College in the Commercial District.

- B. Whether the proposed change is in accord 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 public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There is no vacant land in the immediate vicinity zoned General Retail District. However, there are numerous vacant parcels within the City of Tomball zoned General Retail District.

- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.**

There has been steady development throughout the City in the General Retail District. However, there has been no development in the vicinity in the General Retail 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 zoning change were approved, there should be few if any affects on other areas designated for similar developments.

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

The proposed zone change is not anticipated to adversely affect health, safety, morals, or general welfare.

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

According to the Comprehensive Plan, rezonings are “to conform to the intended future land use pattern shown on the Future Land Use Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and,
- In a way that furthers or helps achieve the goals of the Plan.”

The Comprehensive Plan’s future land use map identifies the site as “Medium Density Residential” and “Open Space.” The “Medium Density Residential” land use designation “includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City.” The “Open Space” land use designation is described in the Comprehensive Plan as area to “be left in a natural state due to topographic, drainage, vegetative, and landform constraints or the need to provide permanent buffers between potentially incompatible land uses.”

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 3, 2011 and as of the writing of this report, twenty (20) public comment forms were received in opposition to the request (Exhibit “I”):

- Barbara Scherer - 31303 Stella Lane
- Brad Hallmark - 28231 Camille Drive
- Delcie Juergens - 31302 Antonia Lane
- Don Tobola - 31307 Stella Lane
- James and Linda Wrentz - 31203 Antonia Lane

- Jo Free Green - 31219 Stella Lane
- Joe Stanley Green - 31219 Stella Lane
- Katherine Burts - 31118 Alice Lane
- Ken Carlton - 31210 Alice Lane
- Loyd Scherer - 31303 Stella Lane
- Marcel Pugh - 31310 Stella Lane
- Mary Ann Duncan - 28110 Linda Lane
- Mitchell Holderrieth - 31203 Alice Lane
- Pamela Murray - 31314 Stella Lane
- Rhonda Bolton - 28111 Camille Drive
- Robert Pugh - 31310 Stella Lane
- Roy Johlke - 31314 Antonia Lane
- Sam Murray - 31314 Stella Lane
- Sue Carlton - 31210 Alice Lane
- William Pritchett - 31406 Stella Lane

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Rezoning Application
- D. CUP Application
- E. Rezoning & CUP Request Letter
- F. CUP Concept Plan
- G. Comprehensive Plan Future Land Use Map
- H. Site Photos
- I. Public Comment Form(s)

Exhibit "A"
Aerial Photo



**Exhibit “B”
Zoning Map**

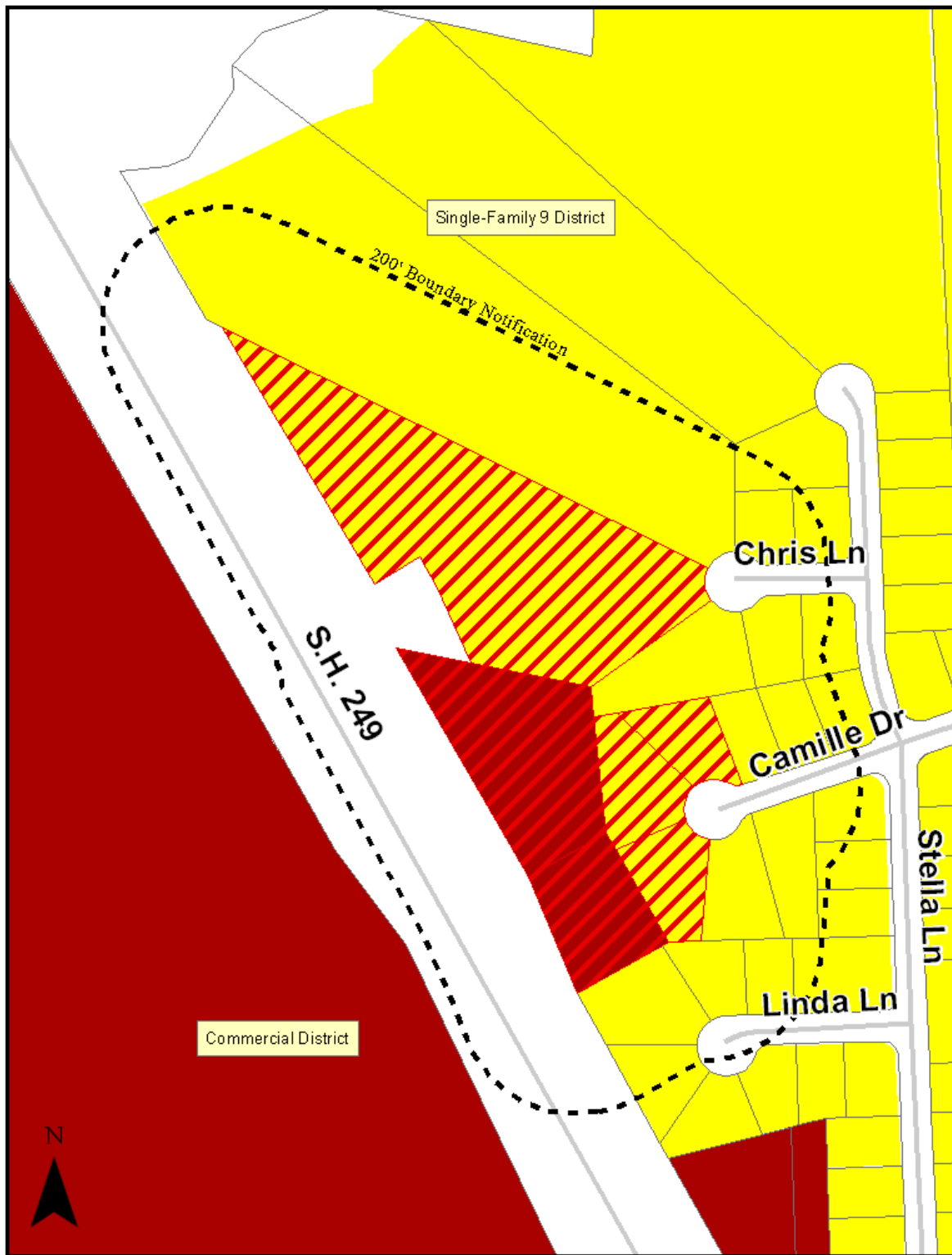
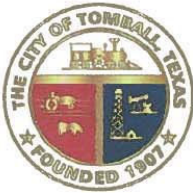


Exhibit "C"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: PETER R. HILDRETH Title: Owner
Mailing Address: 30702 SH249 City: Tomball State: TX
Zip: 77375
Phone: (281) 351-2211 Fax: (281) 255-9100 Email: hildrethpeter@yahoo.com

Owner

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

Engineer/Surveyor (if applicable)

Name: DAVID S BROUSSARD, PE Title: CONSULTANT
Mailing Address: 17527 Hawkins LN City: Tomball State: TX
Zip: 77379
Phone: (281) 351-0803 Fax: () N/A Email: DAVIDSB1950@yahoo.com

Description of Proposed Project: Tool & Machinery Rental & Sales

Physical Location of Property: N of Zion Rd, E of SH249, S of Spring Creek

[General Location - approximate distance to nearest existing street corner]
Remainder of 0.92 ac (Tract D, Blk 4) Tomball Hills Add RP
1100 ac (W-965252)
Legal Description of Property: Lots 43, 44, 45, 380 Tomball Hills Add RP V299/P111
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: REC-1 SF-9

Current Use of Property: Tool & Machinery Rental (w/ outdoor storage)

Proposed Zoning District: GENERAL RETAIL

Proposed Use of Property: Tool & Machinery Rental (w/ outdoor storage)
& WAREHOUSE

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

www.ci.tomball.tx.us

12-957-000-0036
-0047
-0043
-0044
-0045
-0047

HCAD Identification Number: _____ Acreage: 6.9

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  10-13-2011
Signature of Applicant Date

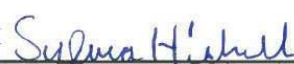
X  &  10-18-2011
Signature of Owner Date

Exhibit "D"
CUP Application

Revised 1/20/09



APPLICATION FOR
CONDITIONAL USE PERMIT
Engineering & Planning Department



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. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

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 this Section and Section 10 of The Zoning Ordinance.

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: PETER R. HILDRETH Title: OWNER
Mailing Address: 30702 SH 249 City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-2211 Fax: (281) 255-9100 Email: HILLTOPPETER@yahoo.com

Owner

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

Engineer/Surveyor (if applicable)

Name: DAVID S. BROUSSARD, P.E. Title: CONSULTANT
Mailing Address: 17527 HAWKIN LANE City: Tomball State: TX
Zip: 77377
Phone: (281) 351-0803 Fax: () N/A Email: DAVIDSB1950@yahoo.com

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

www.ci.tomball.tx.us

Description of Proposed Project: Tool & Machinery Rental & Sales

Physical Location of Property: N of Fina Rd., E of SH299, S of Spring Creek

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

Legal Description of Property: Remainder of 0.42 ac (Tract D, Block 4) Tomball Hills Add RP V279/P111
" 0.42 ac (HCCP N. 905252)

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

HCAD Identification Number: 112-951-000-0036 Acreage: 6.9
0043
0044
0045
0065

Current Use of Property: Tool & Machinery Rental (with Outdoor Storage)

Proposed Use of Property: Tool & Machinery Rental (with Outdoor Storage)
& WAREHOUSE

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 Peter R. Heischke
Signature of Applicant

10-13-2011
Date

X Peter R. Heischke & Sylvia Heischke
Signature of Owner

10-13-2011
Date

Exhibit "E"
Rezoning & CUP Request Letter

O. Otis Bakke
Attorney at Law
1272 Handkerchief Way
Haslet, Texas 76052

(817) 437-1729 Telephone
(817) 439-1322 Facsimile

otisbakke@sbcglobal.net

November 25 , 2011

The Honorable Gretchen Fagan
Mayor
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. F.S. Hudgens
City Councilman, Position 1
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Mark Stoll
City Councilman, Position 2
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Rick Brown
City Councilman, Position 3
401 Market Street
City of Tomball
Tomball, Texas 77375

Mr. Derek Townsend Sr.
City Councilman, Position 4
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Preston L. Dodson
City Councilman, Position 5
City of Tomball

401 Market Street
Tomball, Texas 77375
Mr. George Shackelford
City Manager
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Scott Bounds
Tomball City Attorney
Olson & Olson, LLP
2727 Allen Parkway, Suite 600
Houston, Texas 77019

Ms. Lori Lakatos, P.E., C.F. M.
Tomball City Engineer
501 James Street
Tomball, Texas 77375

Mr. Rodney Schmidt
Assistant City Planner
City of Tomball
501 James Street
Tomball, Texas 77375

RE: Lots 36,43, 44,45, and Unrestricted Tract "D" in Block 4 of the Tomball Hills Addition, Tomball, Texas according to the map or plat thereof recorded in Volume 279, Page 111 of the Map Records of Harris County, Texas, and Tract 27 in Abstract 34 of the Joseph House Survey in Harris County, Texas

Ladies and Gentlemen:

This law firm represents Peter R. Hildreth and his wife, Mrs. Sylvia Hildreth who are the owners of the above referenced property. The Hildreths now petition the City of Tomball, Texas to rezone the referenced G R General Retail District zoning with Conditional Use Permit. Lots 36,43, 44 and 45 are currently zoned as Residential and Unrestricted Tract "D" and Tract 27 are zoned as Commercial. A completed Application for Rezoning is being filed with the City of Tomball Engineering and Planning Department.

The Hildreths have acquired and used this property over the past 18 years. During that time span the entire tract has been involved in the rental and sales of large and small equipment and tools incidental to the operation of Hilltop Tool Rental and Supply. That entity is owned and operated as a sole proprietorship by Mr. Peter R. Hildreth. The entire property is debt free and all property taxes are paid current,

Mr. Hildreth's business operations involve all of the subject property to one extent or

another. His rental inventory consists of hundreds of small and very large pieces of equipment and tools. . The equipment is located all about the property according to category, size, type and use.

When Mr. Hildreth first acquired the property, zoning was not in effect in the City of Tomball. Most of the property was designated as "Unrestricted Reserve" in the subdivision dedication plat. The property was considered as Unrestricted Reserve property until the City of Tomball adopted the Zoning Ordinance. Yielding to the vociferous demands of neighbors in the Tomball Hills Subdivision, the City elected to zone the subject property as residential, notwithstanding its present and historical use.

Mr. Hildreth would show that the location, and physical attributes of the subject property will show that its highest and best use (if not its only viable use) is as a General Retail District zoned property with a Conditional Use Permit and Warehousing. The following points are illustrative:

- The zoning of the subject lots as residential properties did not follow the historical use of the property. There has never been a residential use of these lots and none is possible. The only development of the lots has been by Mr. Hildreth in conjunction with his tool rental business.
- The property is on a sharp incline from the East toward FM 249 and the terrain makes the construction of a single family residence impossible from an engineering point of view. There is not enough surface area available to create feasible building sites.
- The property is located adjacent to and partially within the flood plain where no permanent structures can be built. There is not enough lot area outside the flood plain area to permit the construction of a single family residence.
- The City of Tomball is proceeding with a sewer lift station on Lot 37 of the Tomball Hills Subdivision. The presence of that facility virtually in the center of the subject property will deter prospective homeowners from using any of the surrounding lots for home sites.
- The property has been dedicated to general retail sales uses only for about twenty years. In City of Corpus Christi v. J W Allen, 52 Tex 137; 254 SW2d 759 the Texas Supreme Court declared that property could not be changed from its historical use by the zoning process.

The Conditional Use Permit with Warehousing would require that Mr. Hildreth would:

- 1) Establish and maintain a 10 foot wide landscape buffer on all common property lines with Tomball Hills residents. This, coupled with the opaque screening wall, will provide a sound barrier and a visual barrier to isolate his business from the homes in the subdivision.
- 2) Construct an opaque screening wall of not less than six (6) feet, nor more than eight (8) feet in height along the property line separating Hilltop Tool Rental from the adjacent Tomball Hills properties.
- 3) All warehouse building elevations which are visible to the Tomball Hills residents will have brick fascia to help mask the commercial nature of his site.
- 4) Hilltop Tool Rental shall be open for business during normally recognized daytime hours and shall not be open for business during accepted night time hours

The property use will be determined and governed by the Laws of the State of Texas, the Ordinances of the City of Tomball, and the Restrictions imposed by the Conditional Use Permit. The Property will be used to operate the Hilltop Toll Rental Business which is owned by Mr. Hildreth. This will cause a planned development that will aesthetically improve the view along Highway 249 to all who enter the city .

Wherefore, premises considered, Peter R. Hildreth and Sylvia Hildreth respectfully urge the City of Tomball Texas to rezone the subject property as a General Retail district with Conditional Use Permit and Warehousing.

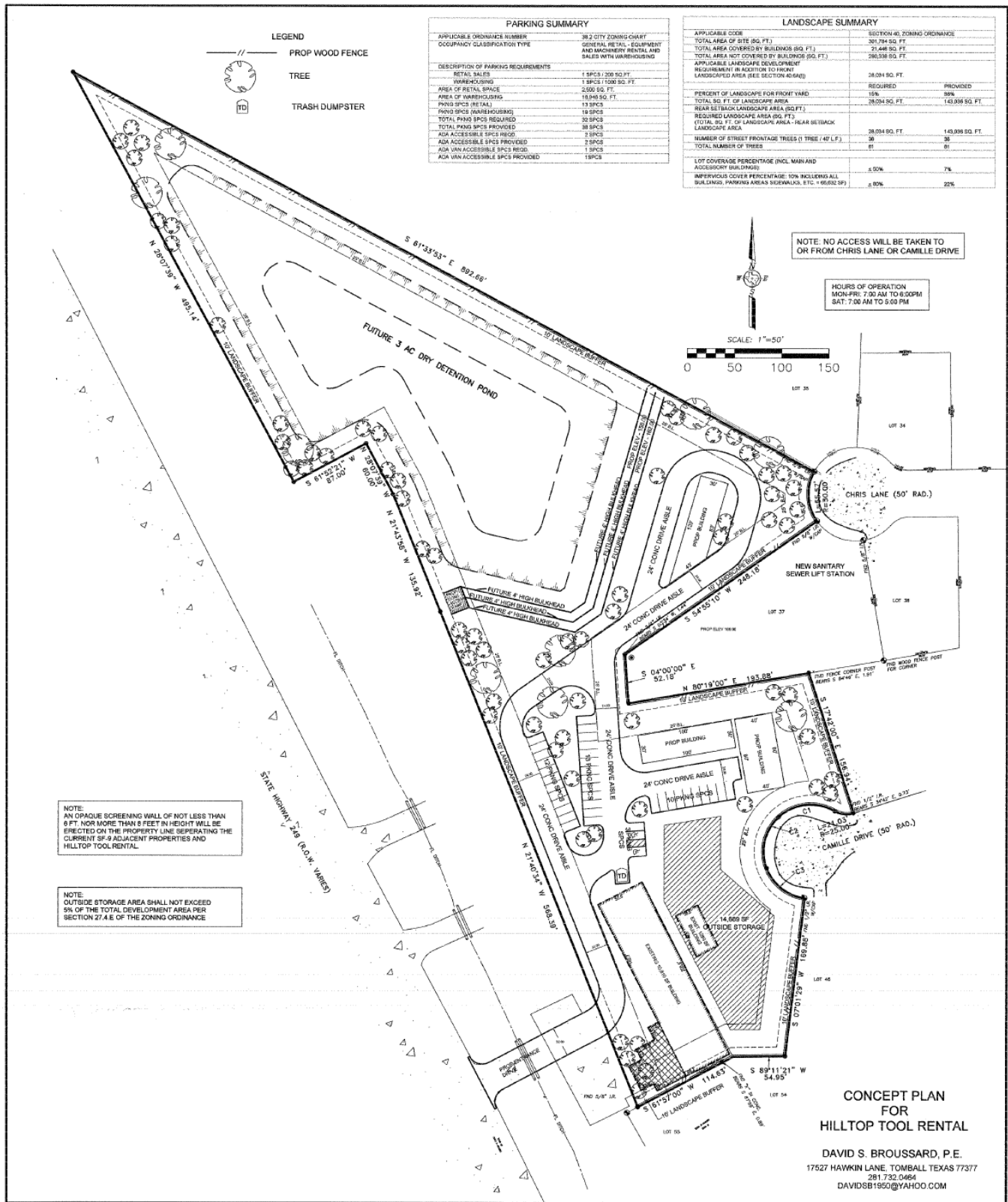
Respectfully,

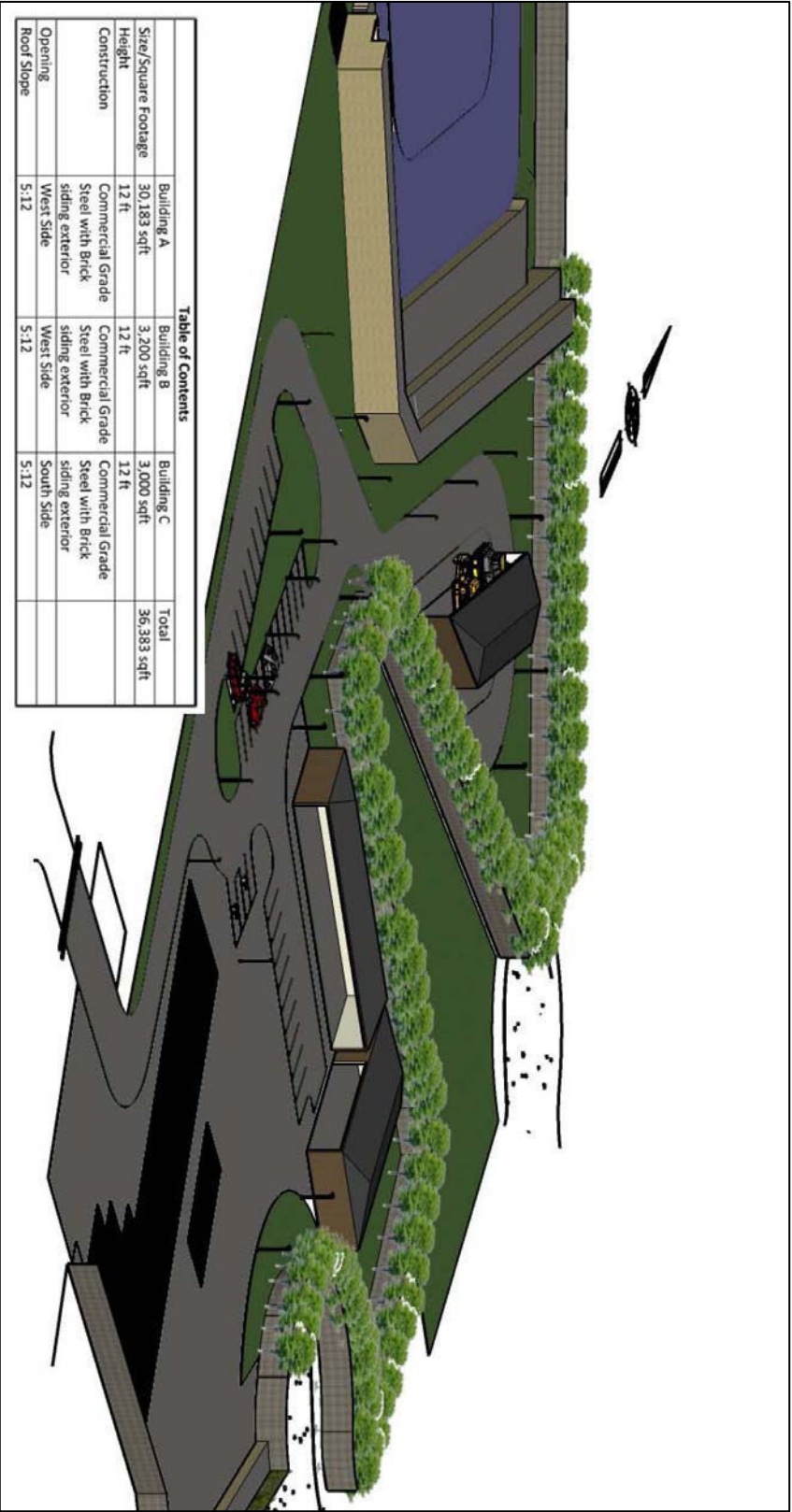
O. Otis Bakke

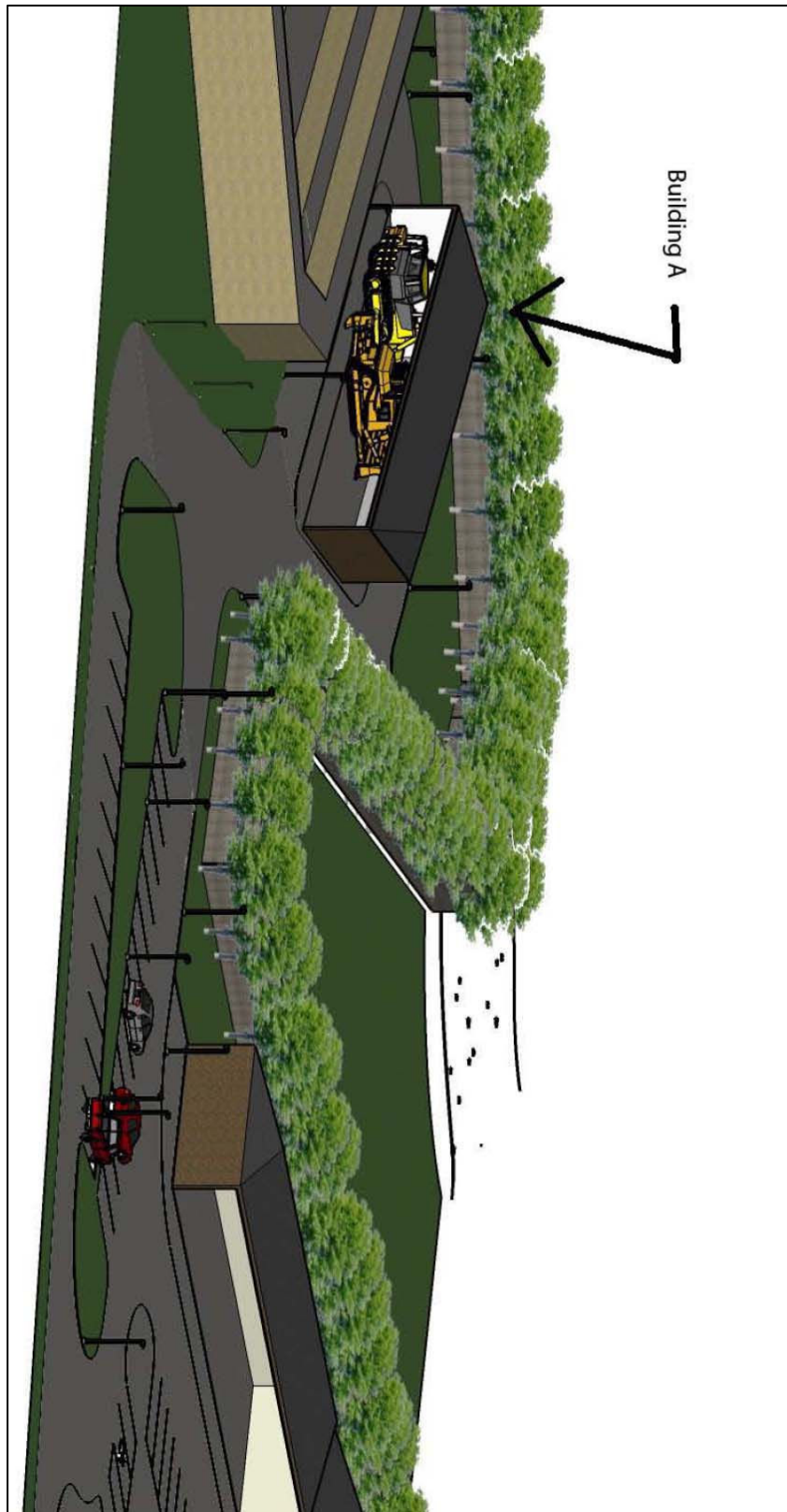
CC: David S. Broussard, P.E.
17527 Hawkin Lane
Tomball, Texas 77377

CC: Peter R and Sylvia Hildreth
30702 State Highway 249
Tomball, Texas 77375

Exhibit "F" CUP Concept Plan







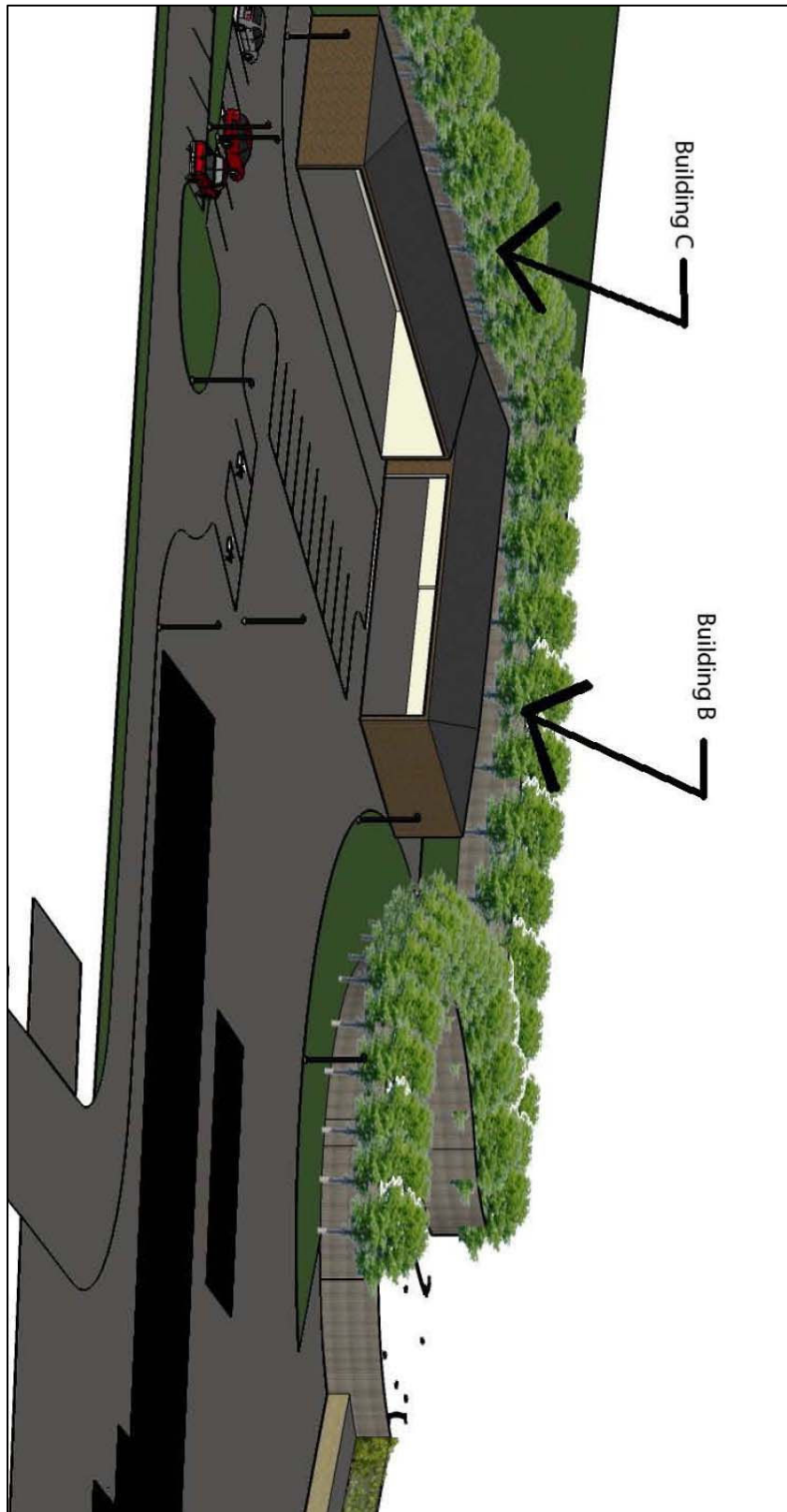
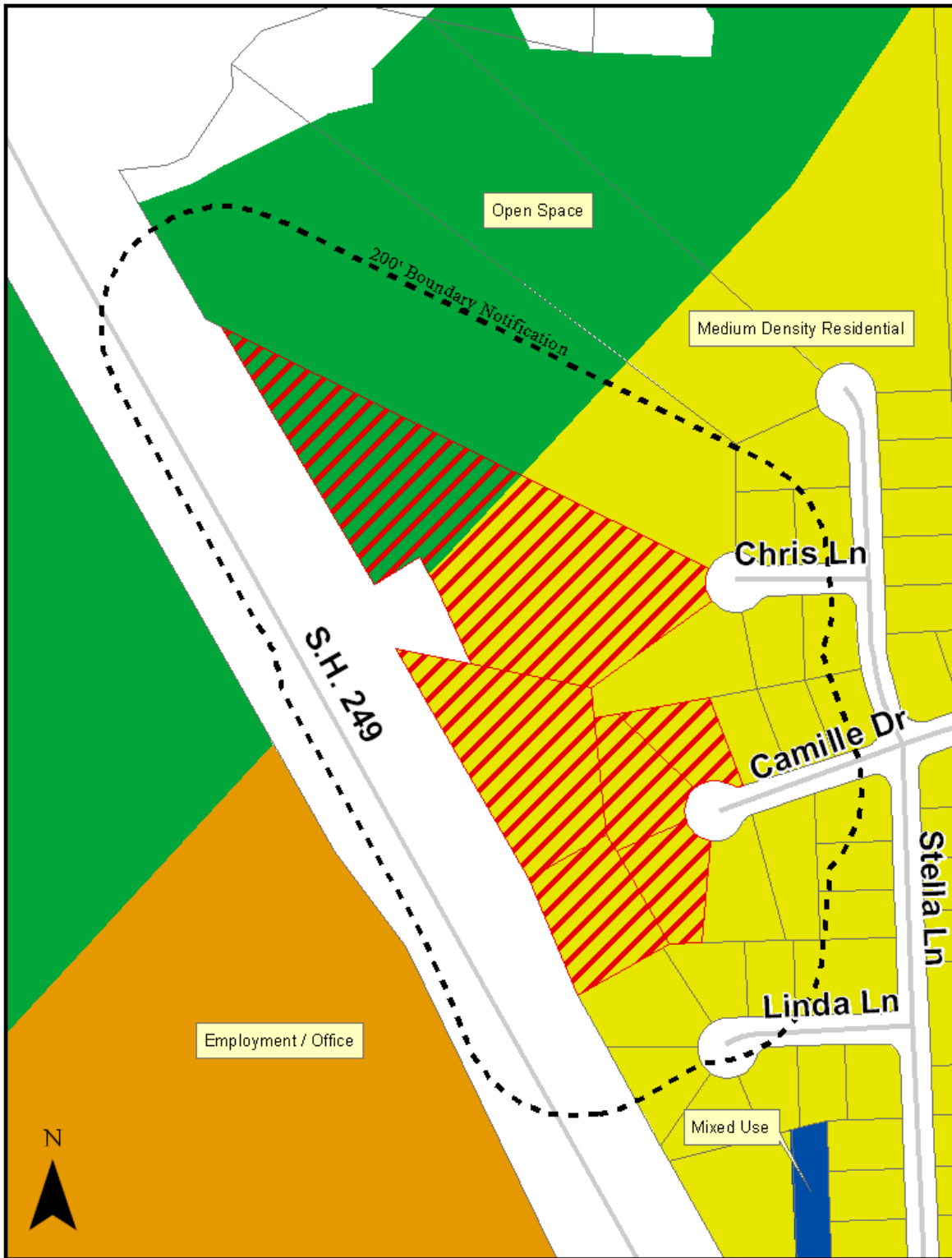


Exhibit “G”
Comprehensive Plan Future Land Use Map



**Exhibit “H”
Site Photos**



Figure 1: Hilltop Tool Rental



Figure 2: Subject site (Tract 36).



Figure 3: Subject site (Lot 43).



Figure 4: Subject site (Lots 44 and 45).



Figure 5: Single-family residence within Tomball Hills Subdivision to the east of subject site.



Figure 6: City of Tomball lift station being constructed on Lot 37 near subject site.

Exhibit "I"
Public Comment Form(s)



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Barbara J. Scherer
(please print)
Address: 31303 Stella Ln.

Signature: Barbara J. Scherer
Date: 11/9/11

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371. (Please state reasons below)**

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

1. Noise
2. Looks
3. Trees removed
4. Devalues the area property
5. He does not keep his word — refer to 2002 meeting

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: BRAD HALLMARK
(please print)
Address: 28231 CAMILLE DR
Tomball, TX 77375
Signature: Brad Hallmark
Date: 11/7/2011

☒ I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)
☐ I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I AM NOT IN FAVOR OF THIS
REQUEST. PLEASE DO NOT TABLE THIS ISSUE.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: DELOIE M. Juergens
(please print)
Address: 31302 ANTONIA LN
TOMBALL, TX 77375
Signature: DeLoie M. Juergens
Date: 11-7-11

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

11-7-11 I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

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City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

To rezoning our residential neighbor with a commercial
Our homes. This should not happen!

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:

DON TOBOLA

(please print)

Address:

31307 STELLA LANE

TOMBALL, TEXAS 77375

Signature:

[Handwritten Signature]

Date:

11/9/11

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

☒

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

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City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

WE ARE AGAINST THE REZONING OF THE TOMBALL HILLS SUBDIVISION LOTS AND PROPERTY. I DO NOT WANT ANY COMMERCIAL OR RETAIL BUSINESS WITHIN THE CONFINES OF THE SUBDIVISION. IF THIS PASSES, IT SETS A DANGEROUS PRECEDENCE FOR OTHER LOTS AND PROPERTY IN THE SUBDIVISION TO BE CONVERTED FOR USE INCLUDING AUTO REPAIR OUT OF GARAGES, PLUMBING REPAIR ETC. ALLOWING THIS TO HAPPEN WILL DEPRECIATE THE VALUE OF PROPERTY & LIFE IN THE SUBDIVISION.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: JAMES R. WRENTZ and Linda L Wrentz
(please print)
Address: 31203 ANTONIA LN Tomball, TX 77375
Signature: [Signature]
Date: 11-7-2011

☐ I am FOR the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

☒ I am AGAINST the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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401 Market Street, Tomball, Texas

COMMENTS: Please Take Action and No not table, please.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

Jo Lee Dyer

3/219 Stella Lane

Signature:

Jo Lee Dyer

Date:

11/9/2011

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)



I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

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COMMENTS:

As a real estate broker the person
has devalued our property values in
the sub division. I am a local
real estate broker past 26 years !!!

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Joe Stanley Green
(please print)
Address: 31219 Stella Ln.
Tomball 77375
Signature: [Signature]
Date: _____

☐ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371. (Please state reasons below)**

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371. (Please state reasons below)**

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401 Market Street, Tomball, Texas

COMMENTS:

Tired of Broken Promises
As a Real Estate Matter - it is
depreciating our Sub. Values

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

KATHERINE BURTS
31118 Alice Ln.

Signature:
Date:

Katherine Burtis
11-17-11

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

☒

I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

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401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name: Ken R. Carlton
(please print)
Address: 31210 Alice Lane
Tomball, TX, 77375
Signature: Ken R. Carlton
Date: 11-7-11

☒ I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

☐ I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

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Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

This violates our homeowners' restrictions. We want
it left residential.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: LOYD H. SCHERER
(please print)
Address: 31303 STELLA LANE
TOMBALL, TX 77375
Signature: Lloyd H. Scherer
Date: Nov. 9, 2011

☐ I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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401 Market Street, Tomball, Texas

COMMENTS:

1. I am against the Request to rezone land from Single Family Residential - 9 to General Retail District
2. These lots were never intended to be anything else except for residential use only. Why can't he get this through, it's heard and leave Tomball Halla and forget the whole thing.
3. It will increase heavy truck traffic through Tomball Hill

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning

Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

MARCEL O PUGH

31310 STELLA LANE
TOMBALL, TX 77375

Signature:

Marcel O Pugh

Date:

Nov 9, 2011

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

X

I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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401 Market Street, Tomball, Texas

COMMENTS:

Would decrease our property in Tomball Hills Subdivision.

Would increase traffic and noise.

Would endanger residents of Tomball Hills because we have no sidewalks.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Mary ANN Duncan
(please print)
Address: 28110 Linda Lane
Tomball, TX 77375
Signature: Mary Ann Duncan
Date: 11/8/11

☐ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)



☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

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401 Market Street, Tomball, Texas

COMMENTS:

Increased traffic would endanger
residents
Increased noise would prevent residents
from enjoying their homes
Caliber of neighborhood & value of property decreased

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
 City of Tomball
 Department of Engineering & Planning
 Attn: Rodney Schmidt
 501 James Street
 Tomball, TX 77375



Name: Mitchell Holdreth
 (please print)
 Address: 31203 Alice Lane
Tomball, TX 77375
 Signature: [Signature]
 Date: 11-7-11

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

X I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

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 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

COMMENTS:

Please Deny Mr. Holdreth's request
to re-zone these lots. These are residential
lots within our subdivision! The result
from this proposed action would be a detriment
to this area! Our roads will become more
dangerous and our children in danger! Much
less the property values will plummet! Thank you!

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: PAMELA C. MURRAY
(please print)
Address: 31314 STELLA LANE
TOMBALL TX 77375
Signature: Pamela C Murray
Date: 11/9/11

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

PCH I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

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401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

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Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

Rhonda Bolton
2811 Camille Dr

Signature:

[Handwritten Signature]

Date:

11/7/11

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

☒ I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

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401 Market Street, Tomball, Texas

COMMENTS: Please deny rezoning request.
Please deny conditional use permit.
Please deny replatting lots.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

ROBERT W PUGH JR
31310 STELLA LANE
TOMBALL, TX 77375

Signature:
Date:

R. W. Pugh Jr. Nov 9, 2011

I am ☐ FOR the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

☒

I am ☒ AGAINST the requested rezoning as explained on the attached public notice for Zoning Case P11-371. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
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COMMENTS:

WOULD DEVALUE OUR PROPERTY IN THE TOMBALL HILLS
SUBDIVISION.
WOULD INCREASE TRAFFIC AND NOISE.
WOULD ENDANGER THE RESIDENTS OF TOMBALL HILLS
SUBDIVISION UNNECESSARILY.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name:

ROY A. JOHLKE

(please print)

Address:

31314 ANTONIA LN,

TOMBALL TEXAS 77375

Signature:

ROY JOHLKE

Date:

NOV 7, 2011

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

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City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

THIS IS RESIDENTIAL ZONING AND SHOULD
REMAIN SUCH

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: SAM C. MURRAY JR
(please print)
Address: 31314 STELLA LANE
TOMBALL, TX 77375
Signature: Sam C. Murray Jr
Date: Nov 7, 2011

_____ I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

SM I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

ZONING protects property/home owners. CHANGING SAID
ZONING ORDINANCES devalues property values AS
PER NOTICE OF PUBLIC HEARING CASE NUMBER P11-371 AND P11-372.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name:

Sue Carlton

(please print)

Address:

31210 Alice Ln

Signature:

Sue Carlton

Date:

11-7-2011

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

X

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, November 14, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, November 21, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

All lots should be left Residential. That would only set a precedent to open up other lots to commercial -- which we do not want.

Any Commercial usage would disrupt our neighborhood
Any Retail usage is not acceptable

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)

William F. Rick Pritchett

Address:

31406 Stella Lane

Tomball, TX 77375

Signature:

William F. Rick Pritchett

Date:

11-14-11

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)



I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P11-371**. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 14, 2011

Data Sheet

Topic:

Consideration to approve **ZONING CASE P11-372**: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

- Conduct a Public Hearing on **ZONING CASE P11-372**

Background:

Origination:

Peter and Sylvia Hildreth

Recommendation:

Funding:

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

Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P11-372 Staff Report

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
NOVEMBER 14, 2011
&
CITY COUNCIL
NOVEMBER 21, 2011**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 14, 2011, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 21, 2011, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P11-360: Request by First Baptist Church of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone approximately 32.03 acres of land, legally described as Reserve A, Block 1, First Baptist Church of Tomball, within the City of Tomball, Harris County, Texas, generally located southerly of Hicks Street, westerly of Quinn Road, from the Commercial and Old Town & Mixed Use Districts to the Commercial District.

ZONING CASE P11-362: Request by Leslie Lagerquist, on behalf of Catlin Joint Venture, to amend the City's Comprehensive Zoning Ordinance to rezone approximately 0.17 acres of land, legally described as Lot 9, Block 7, Main Street Addition, within the City of Tomball, Harris County, Texas, generally located northerly of Barbara Street, easterly of Raymond Avenue, from the Commercial District to the Old Town and Mixed Use District.

ZONING CASE P11-371: Request by Peter and Sylvia Hildreth to amend the City's Comprehensive Zoning Ordinance to rezone approximately 6.93 acres of land, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, within the City of Tomball, Harris County, Texas, generally located on the easterly side of State Highway 249, northerly of Zion Road, from the Single-Family Residential-9 and Commercial Districts to the General Retail District. (This case will be heard in conjunction with Zoning Case P11-372.)

ZONING CASE P11-372: Request by Peter and Sylvia Hildreth for a Conditional Use Permit to operate "Tool and Machinery Rental (with Outdoor Storage)" and "Warehouse"

land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey, generally located on the easterly side of State Highway 249, northerly of Zion Road. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning and Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@ci.tomball.tx.us

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 **10th** day of **November** 2011 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND a Public Hearing before the **PLANNING & ZONING COMMISSION** of the City of Tomball regarding the following item:

CASE NUMBER: P11-372

APPLICANT: Peter and Sylvia Hildreth

LOCATION: Easterly side of State Highway 249, northerly of Zion Road

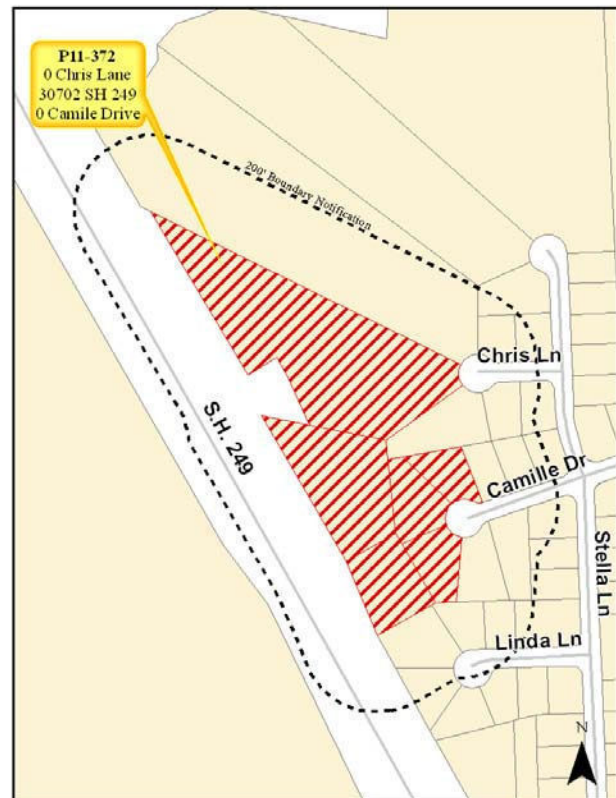
PROPOSAL: Request for a Conditional Use Permit to operate “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses. The property is an approximately 6.93 acre site, legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey. The site is located in the Single-Family Residential-9 and Commercial Districts. (This case will be heard in conjunction with Zoning Case P11-371.)

* * *

CONTACT CITY PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us



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

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.

**Planning and Zoning Commission
Public Hearing:
Monday, November 14, 2011, 6:00 PM**

**City Council Public Hearing:
*Monday, November 21, 2011, 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 and Zoning Commission.



CUP Staff Report

Planning and Zoning Commission Hearing Date: November 14, 2011

Rezoning Case:	P11-372
Property Owner(s):	Peter and Sylvia Hildreth
Applicant(s):	Peter and Sylvia Hildreth
Legal Description:	Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey
Location:	Generally located on the easterly side of State Highway 249, northerly of Zion Road
Area:	6.928 acres
Present Zoning and Use:	Single-Family Residential-9 and Commercial Districts / Undeveloped and Tool and Machinery Rental (with Outdoor Storage)
Comp Plan Designation:	Medium Density Residential and Open Space
Proposed Use:	Tool and Machinery Rental (with Outdoor Storage) and Warehouse
Request:	Conditional Use Permit (CUP) to allow a “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses.
Adjacent Zoning & Land Uses:	
North:	Single-Family Residential-9 District / Undeveloped
South:	Single-Family Residential-9 and Commercial Districts / Residential and Retail
East:	Single-Family Residential-9 / Residential
West:	Commercial District / State Highway 249 Right-of-Way and Lone Star College

BACKGROUND

The subject site is legally described as Lots 36, 43, 44, 45, and Reserve D out of the Tomball Hills Addition Plat and Tract 27, Abstract 34, Joseph House Survey totaling approximately 6.928 acres. The site is generally located on the easterly side of State Highway 249, northerly of Zion Road and is utilized by Hilltop Tool Rental as a “Tool and Machinery Rental (with Outdoor Storage)” land use (Exhibit “A”). Lot 36, 43, 44, and 45 are zoned SF-9 District and Reserve D and Tract 27 are zoned Commercial District (Exhibit “B”).

On October 5, 2011, the Engineering & Planning Department received a rezoning application (Exhibit “C”), conditional use permit (CUP) application (Exhibit “D”), and letter explaining the

rezoning and CUP requests (Exhibit “E”). The property owners, Peter and Sylvia Hildreth, are requesting the site be rezoned from the Single-Family Residential-9 (SF-9) and Commercial Districts to the General Retail District and that a CUP be approved to allow for “Tool and Machinery Rental (with Outdoor Storage)” and “Warehouse” land uses.

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.” Additionally, the Ordinance requires all CUP applications include a concept plan to ensure that the proposed project is in compliance with all applicable City ordinances.

The CUP concept plan (Exhibit “F”) indicates the following:

- 10’ landscape buffer will be established around the entire site (except along the southern property boundary where there is an existing structure);
- At least 81 trees will be planted ;
- 6-8’ tall screening wall will be erected along the property line separating the site from the adjacent SF-9 zoned properties;
- 24’ internal drive aisles;
- 38 off-street parking stalls;
- 3 acre detention pond;
- Outside storage area behind the existing main building being limited to 5% of total development area per Section 27.4.E of zoning ordinance;
- 3 new storage buildings to be constructed with brick facades;
- No access will be taken to or from Chris Lane or Camille Drive; and
- Hours of operation will be Monday to Friday 7 am to 6 pm and Saturday 7 am to 5 pm.

On September 12, 2011, the Planning & Zoning Commission voted to recommend denial of a request by Peter and Sylvia Hildreth to rezone Lots 36, 43, 44, and 45 out of the Tomball Hills Addition Plat from the SF-9 to the Commercial District. The property owners then pulled the request before it was voted on by City Council.

ANALYSIS

When considering applications for a conditional use permit, 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’s future land use map identifies the site as “Medium Density Residential” and “Open Space” (Exhibit “G”). The “Medium Density Residential” land use designation “includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet. This designation may also include such supporting land uses as neighborhood shops and services, parks and recreation amenities, religious institutions, small offices and schools to serve local residents where deemed appropriate by the City.” The “Open

Space” land use designation is described in the Comprehensive Plan as area to “be left in a natural state due to topographic, drainage, vegetative, and landform constraints or the need to provide permanent buffers between potentially incompatible land uses.”

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

According to the Tomball zoning ordinance, “The GR, General Retail, district is established to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The General Retail district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes” (Section 27.1).

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

The CUP concept plan indicates the following:

- 10’ landscape buffer will be established around the entire site (except along the southern property boundary where there is an existing structure);
- At least 81 trees will be planted ;
- 6-8’ tall screening wall will be erected along the property line separating the site from the adjacent SF-9 zoned properties;
- 24’ internal drive aisles;
- 38 off-street parking stalls;
- 3 acre detention pond;
- Outside storage area behind the existing main building being limited to 5% of total development area per Section 27.4.E of zoning ordinance;
- 3 new storage buildings to be constructed with brick facades;
- No access will be taken to or from Chris Lane or Camille Drive; and
- Hours of operation will be Monday to Friday 7 am to 6 pm and Saturday 7 am to 5 pm.

Should the CUP application be approved, the applicant will be required to submit a full set of civil plans to the Engineering & Planning Department for review and approval. The plans must exhibit compliance with all applicable ordinance regulations, including but not limited to paving, detention, curbing, landscaping, fire access, etc.

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;

There is a mixture of land uses in the vicinity (Exhibit “H”). To the north of the subject site is undeveloped land in the SF-9 District; to the south is a retail strip center (including a church and restaurant uses) and single-family residences in the Commercial and SF-9 Districts; to the east are single-family residences in the SF-9 District; and to the west is State Highway 249 right-of-way and Lone Star College in the Commercial District.

- 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 zone change is not anticipated to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other properties in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 3, 2011 and as of the writing of this report, twenty (20) public comment forms were received, 19 in opposition and one (Jo Stanley Free - 31219 Stella Lane) without a position noted: (Exhibit "I"):

- Barbara Scherer - 31303 Stella Lane
- Brad Hallmark - 28231 Camille Drive
- Delcie Juergens - 31302 Antonia Lane
- Don Tobola - 31307 Stella Lane
- James and Linda Wrentz - 31203 Antonia Lane
- Jo Free Green - 31219 Stella Lane
- Joe Stanley Green - 31219 Stella Lane
- Katherine Burts - 31118 Alice Lane
- Ken Carlton - 31210 Alice Lane
- Loyd Scherer - 31303 Stella Lane
- Marcel Pugh - 31310 Stella Lane
- Mary Ann Duncan - 28110 Linda Lane
- Mitchell Holderrieth - 31203 Alice Lane
- Pamela Murray - 31314 Stella Lane
- Rhonda Bolton - 28111 Camille Drive
- Robert Pugh - 31310 Stella Lane
- Roy Johlke - 31314 Antonia Lane
- Sam Murray - 31314 Stella Lane
- Sue Carlton - 31210 Alice Lane
- William Pritchett - 31406 Stella Lane

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Rezoning Application
- D. CUP Application
- E. Rezoning & CUP Request Letter
- F. CUP Concept Plan
- G. Comprehensive Plan Future Land Use Map
- H. Site Photos
- I. Public Comment Form(s)

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

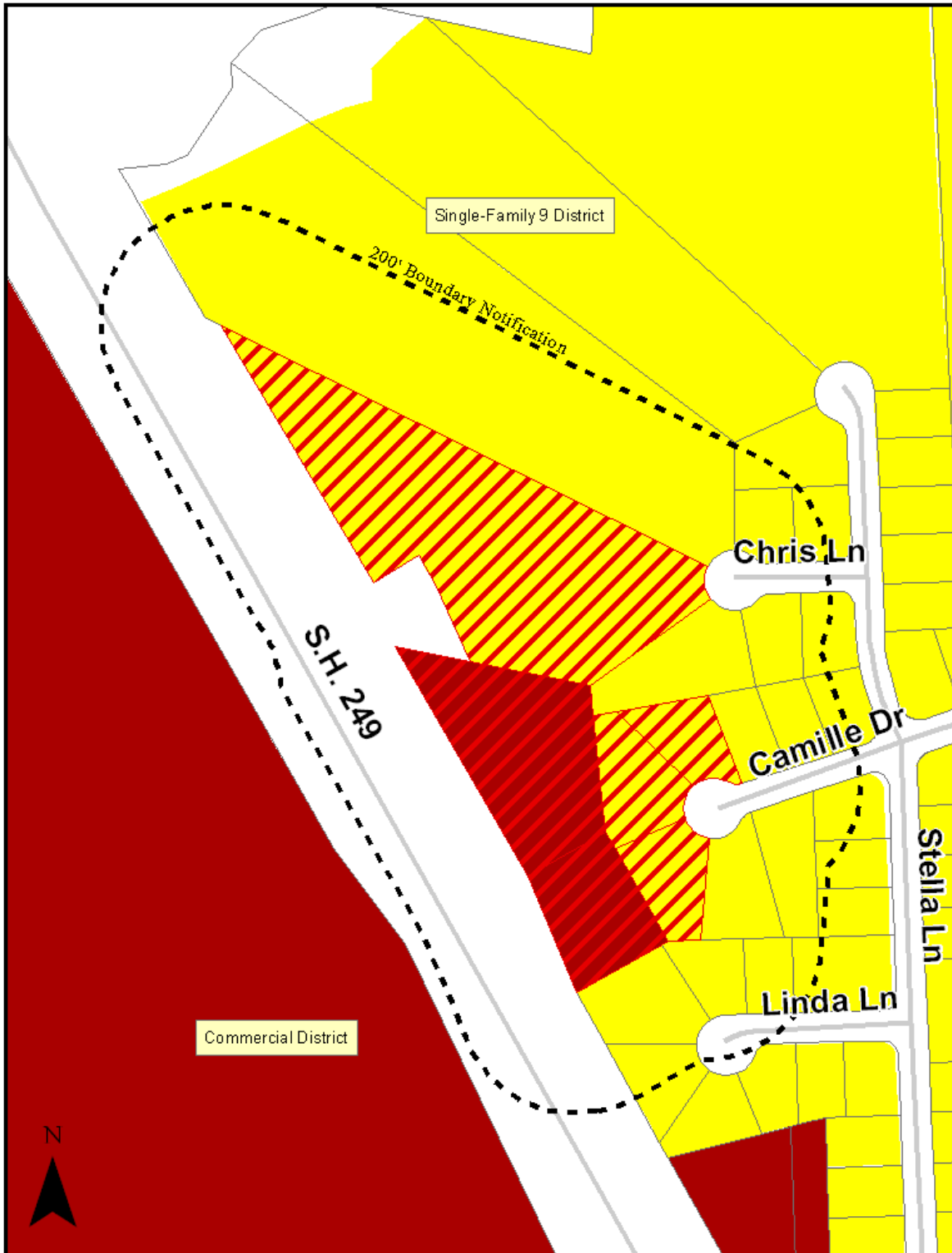


Exhibit "C"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: PETER R. HILDRETH Title: Owner
Mailing Address: 30702 SH249 City: Tomball State: TX
Zip: 77375
Phone: (281) 351-2211 Fax: (281) 255-9100 Email: hiltap Peter@yahoo.com

Owner

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

Engineer/Surveyor (if applicable)

Name: DAVID S BROUSSARD, PE Title: Consultant
Mailing Address: 17527 Hawkins LN City: Tomball State: TX
Zip: 77379
Phone: (281) 351-0803 Fax: () N/A Email: DAVID SB1950@yahoo.com

Description of Proposed Project: Tool & Machinery Rental & Sales

Physical Location of Property: N of Zion Rd, E of SH249, S of Spring Creek

[General Location - approximate distance to nearest existing street corner]
Remainder of 0.92 ac (Tract B, Block 4) Tomball Hills Add. RP
1.00 ac (Tract 10-906252)
Legal Description of Property: Lots 43, 44, 45, 380 Tomball Hills Add. RP V299/P111
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: ~~REC~~ SF-9

Current Use of Property: Tool & Machinery Rental (w/ outdoor storage)

Proposed Zoning District: GENERAL RETAIL

Proposed Use of Property: Tool & Machinery Rental (w/ outdoor storage)
WAREHOUSE

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

www.ci.tomball.tx.us

12-957-000-0036
-0067
-0043
-0044
-0045
-0067
HCAD Identification Number: _____ Acreage: 6.9

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.

X  10.13.2011
Signature of Applicant Date

X Patricia H. H. & Sylvia H. H. 10-78-2011
Signature of Owner Date

Exhibit "D"
CUP Application

Revised 1/20/09



**APPLICATION FOR
CONDITIONAL USE PERMIT**
Engineering & Planning Department



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. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

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 this Section and Section 10 of The Zoning Ordinance.

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: PETER R. HILDRETH Title: OWNER
Mailing Address: 30702 SH 249 City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-2211 Fax: (281) 255-9100 Email: HILLTOPPETER@yahoo.com

Owner

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

Engineer/Surveyor (if applicable)

Name: DAVID S. BROUSSARD, P.E. Title: CONSULTANT
Mailing Address: 17527 HAWKIN LANE City: Tomball State: TX
Zip: 77377
Phone: (281) 351-0803 Fax: () N/A Email: DAVIDSB1950@yahoo.com

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

www.ci.tomball.tx.us

Description of Proposed Project: Tool & Machinery Rental & Sales

Physical Location of Property: N of Fion Rd., E of SH249, S of Spring Creek

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

Remainder of 0.4822 (Tract D, Block 4) Tomball Hills Addl RP V279/P111

Legal Description of Property: Lots 36, 43, 44, 45 Tomball Hills Addl. R/P V279/P111

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

HCAD Identification Number: 112-951-000-0036 Acreage: 6.9

00 43
00 44
00 45
00 65

Current Use of Property: Tool & Machinery Rental (with Outdoor Storage)

Proposed Use of Property: Tool & Machinery Rental (with Outdoor Storage)
& WAREHOUSE

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 Peth R. Huelsh
Signature of Applicant

10-13-2011
Date

X Peth R. Huelsh & Sybil Huelsh
Signature of Owner

10-13-2011
Date

Exhibit "E"
Rezoning & CUP Request Letter

O. Otis Bakke
Attorney at Law
1272 Handkerchief Way
Haslet, Texas 76052

(817) 437-1729 Telephone
(817) 439-1322 Facsimile

otisbakke@sbcglobal.net

November 25 , 2011

The Honorable Gretchen Fagan
Mayor
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. F.S. Hudgens
City Councilman, Position 1
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Mark Stoll
City Councilman, Position 2
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Rick Brown
City Councilman, Position 3
401 Market Street
City of Tomball
Tomball, Texas 77375

Mr. Derek Townsend Sr.
City Councilman, Position 4
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Preston L. Dodson
City Councilman, Position 5
City of Tomball

401 Market Street
Tomball, Texas 77375
Mr. George Shackelford
City Manager
City of Tomball
401 Market Street
Tomball, Texas 77375

Mr. Scott Bounds
Tomball City Attorney
Olson & Olson, LLP
2727 Allen Parkway, Suite 600
Houston, Texas 77019

Ms. Lori Lakatos, P.E., C.F. M.
Tomball City Engineer
501 James Street
Tomball, Texas 77375

Mr. Rodney Schmidt
Assistant City Planner
City of Tomball
501 James Street
Tomball, Texas 77375

RE: Lots 36,43, 44,45, and Unrestricted Tract "D" in Block 4 of the Tomball Hills Addition, Tomball, Texas according to the map or plat thereof recorded in Volume 279, Page 111 of the Map Records of Harris County, Texas, and Tract 27 in Abstract 34 of the Joseph House Survey in Harris County, Texas

Ladies and Gentlemen:

This law firm represents Peter R. Hildreth and his wife, Mrs. Sylvia Hildreth who are the owners of the above referenced property. The Hildreths now petition the City of Tomball, Texas to rezone the referenced G R General Retail District zoning with Conditional Use Permit. Lots 36,43, 44 and 45 are currently zoned as Residential and Unrestricted Tract "D" and Tract 27 are zoned as Commercial. A completed Application for Rezoning is being filed with the City of Tomball Engineering and Planning Department.

The Hildreths have acquired and used this property over the past 18 years. During that time span the entire tract has been involved in the rental and sales of large and small equipment and tools incidental to the operation of Hilltop Tool Rental and Supply. That entity is owned and operated as a sole proprietorship by Mr. Peter R. Hildreth. The entire property is debt free and all property taxes are paid current,

Mr. Hildreth's business operations involve all of the subject property to one extent or

another. His rental inventory consists of hundreds of small and very large pieces of equipment and tools. . The equipment is located all about the property according to category, size, type and use.

When Mr. Hildreth first acquired the property, zoning was not in effect in the City of Tomball. Most of the property was designated as "Unrestricted Reserve" in the subdivision dedication plat. The property was considered as Unrestricted Reserve property until the City of Tomball adopted the Zoning Ordinance. Yielding to the vociferous demands of neighbors in the Tomball Hills Subdivision, the City elected to zone the subject property as residential, notwithstanding its present and historical use.

Mr. Hildreth would show that the location, and physical attributes of the subject property will show that its highest and best use (if not its only viable use) is as a General Retail District zoned property with a Conditional Use Permit and Warehousing. The following points are illustrative:

- The zoning of the subject lots as residential properties did not follow the historical use of the property. There has never been a residential use of these lots and none is possible. The only development of the lots has been by Mr. Hildreth in conjunction with his tool rental business.
- The property is on a sharp incline from the East toward FM 249 and the terrain makes the construction of a single family residence impossible from an engineering point of view. There is not enough surface area available to create feasible building sites.
- The property is located adjacent to and partially within the flood plain where no permanent structures can be built. There is not enough lot area outside the flood plain area to permit the construction of a single family residence.
- The City of Tomball is proceeding with a sewer lift station on Lot 37 of the Tomball Hills Subdivision. The presence of that facility virtually in the center of the subject property will deter prospective homeowners from using any of the surrounding lots for home sites.
- The property has been dedicated to general retail sales uses only for about twenty years. In City of Corpus Christi v. J W Allen, 52 Tex 137; 254 SW2d 759 the Texas Supreme Court declared that property could not be changed from its historical use by the zoning process.

The Conditional Use Permit with Warehousing would require that Mr. Hildreth would:

- 1) Establish and maintain a 10 foot wide landscape buffer on all common property lines with Tomball Hills residents. This, coupled with the opaque screening wall, will provide a sound barrier and a visual barrier to isolate his business from the homes in the subdivision.
- 2) Construct an opaque screening wall of not less than six (6) feet, nor more than eight (8) feet in height along the property line separating Hilltop Tool Rental from the adjacent Tomball Hills properties.
- 3) All warehouse building elevations which are visible to the Tomball Hills residents will have brick fascia to help mask the commercial nature of his site.
- 4) Hilltop Tool Rental shall be open for business during normally recognized daytime hours and shall not be open for business during accepted night time hours

The property use will be determined and governed by the Laws of the State of Texas, the Ordinances of the City of Tomball, and the Restrictions imposed by the Conditional Use Permit. The Property will be used to operate the Hilltop Toll Rental Business which is owned by Mr. Hildreth. This will cause a planned development that will aesthetically improve the view along Highway 249 to all who enter the city .

Wherefore, premises considered, Peter R. Hildreth and Sylvia Hildreth respectfully urge the City of Tomball Texas to rezone the subject property as a General Retail district with Conditional Use Permit and Warehousing.

Respectfully,

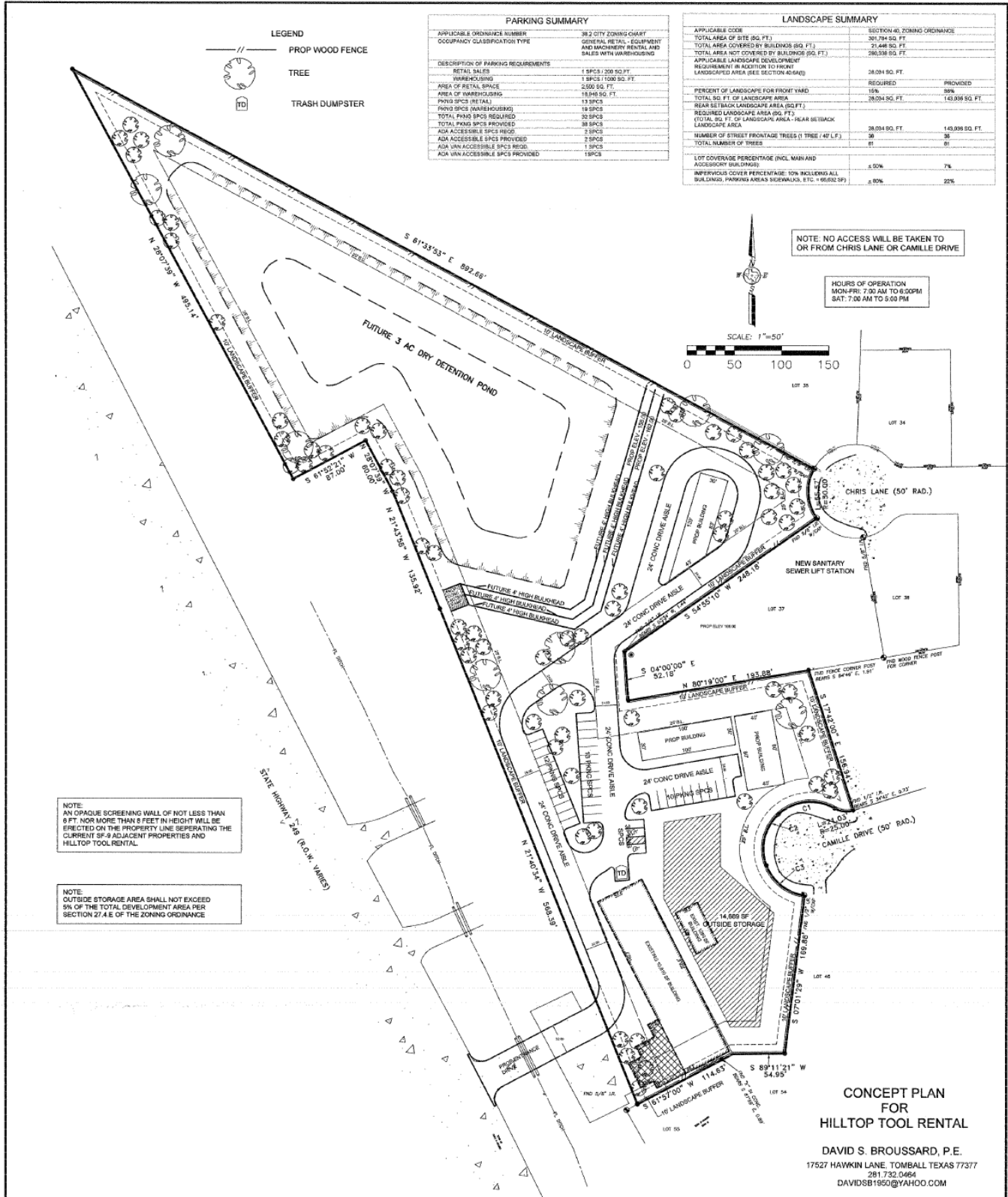
O. Otis Bakke

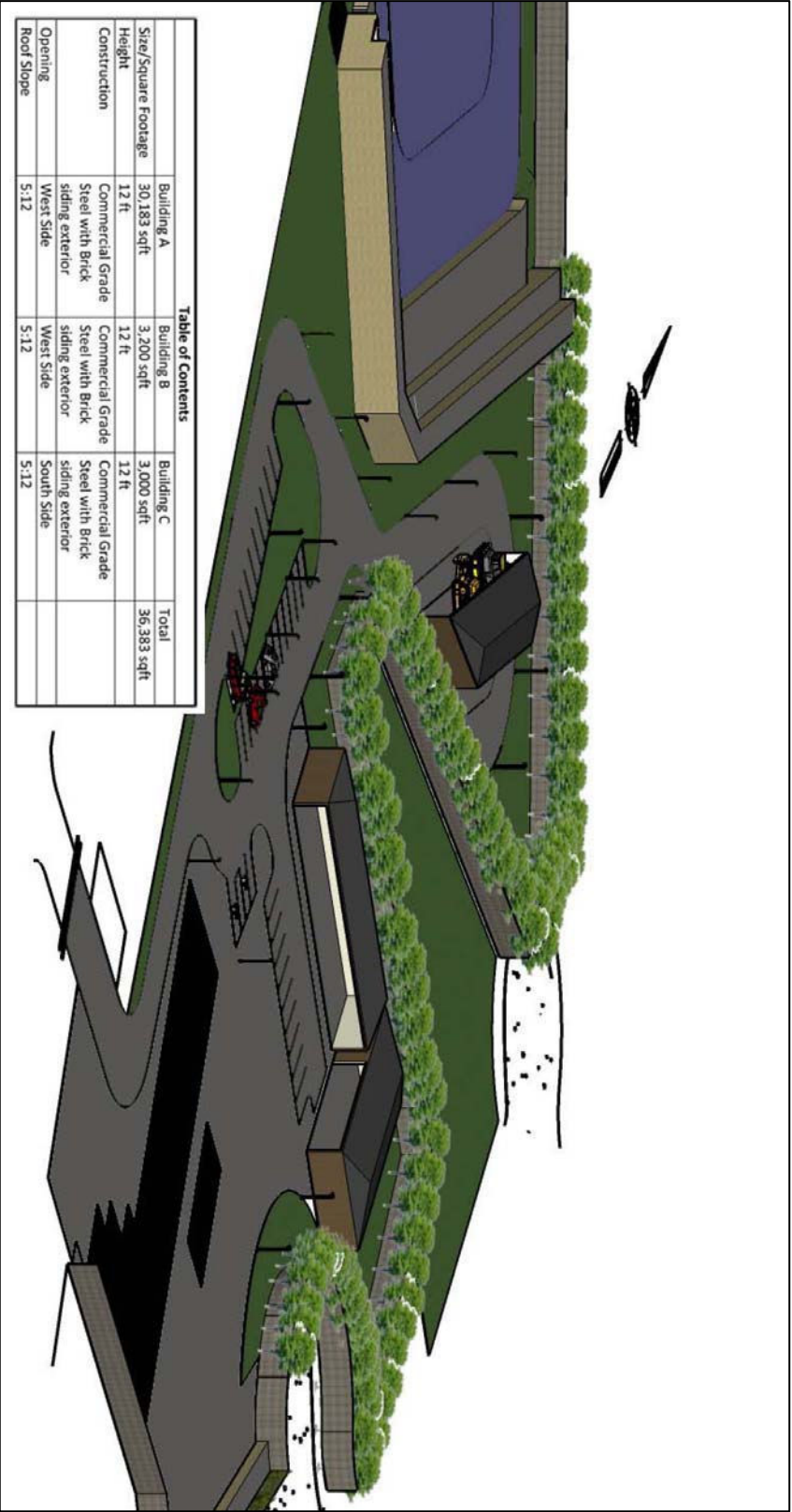
CC: David S. Broussard, P.E.
17527 Hawkin Lane
Tomball, Texas 77377

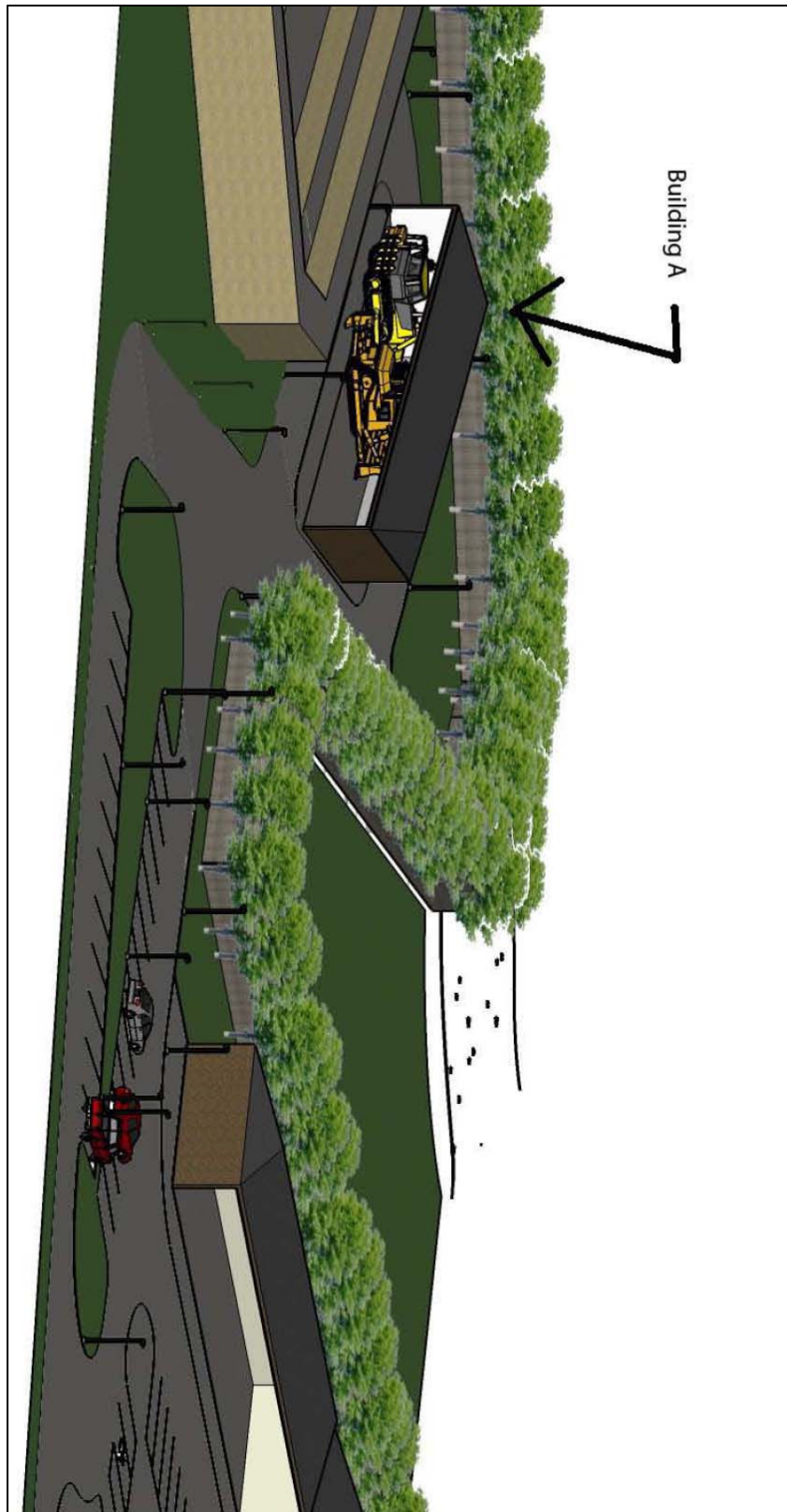
CC: Peter R and Sylvia Hildreth
30702 State Highway 249
Tomball, Texas 77375

Exhibit "F"

CUP Concept Plan







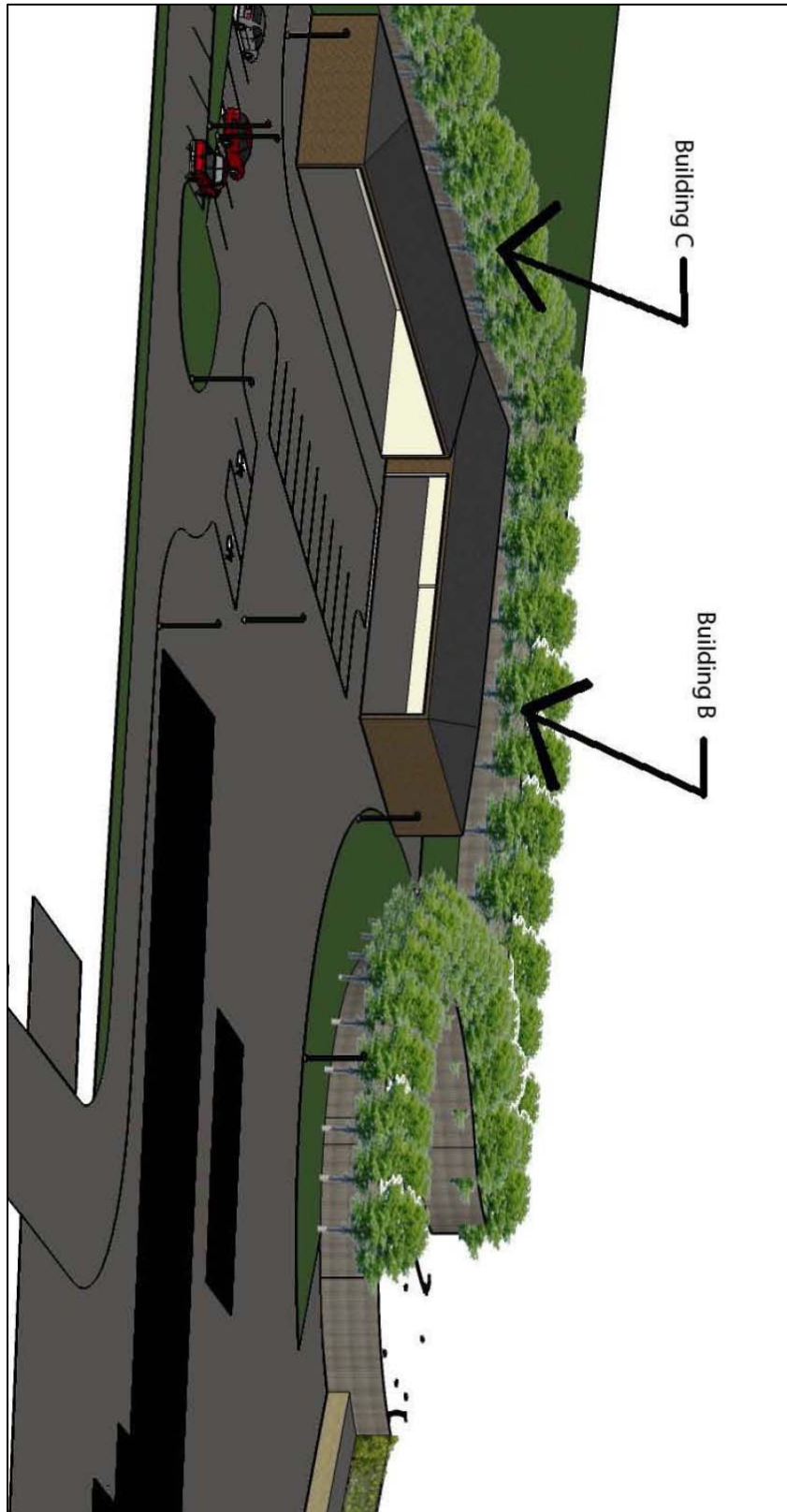


Exhibit “G”
Comprehensive Plan Future Land Use Map

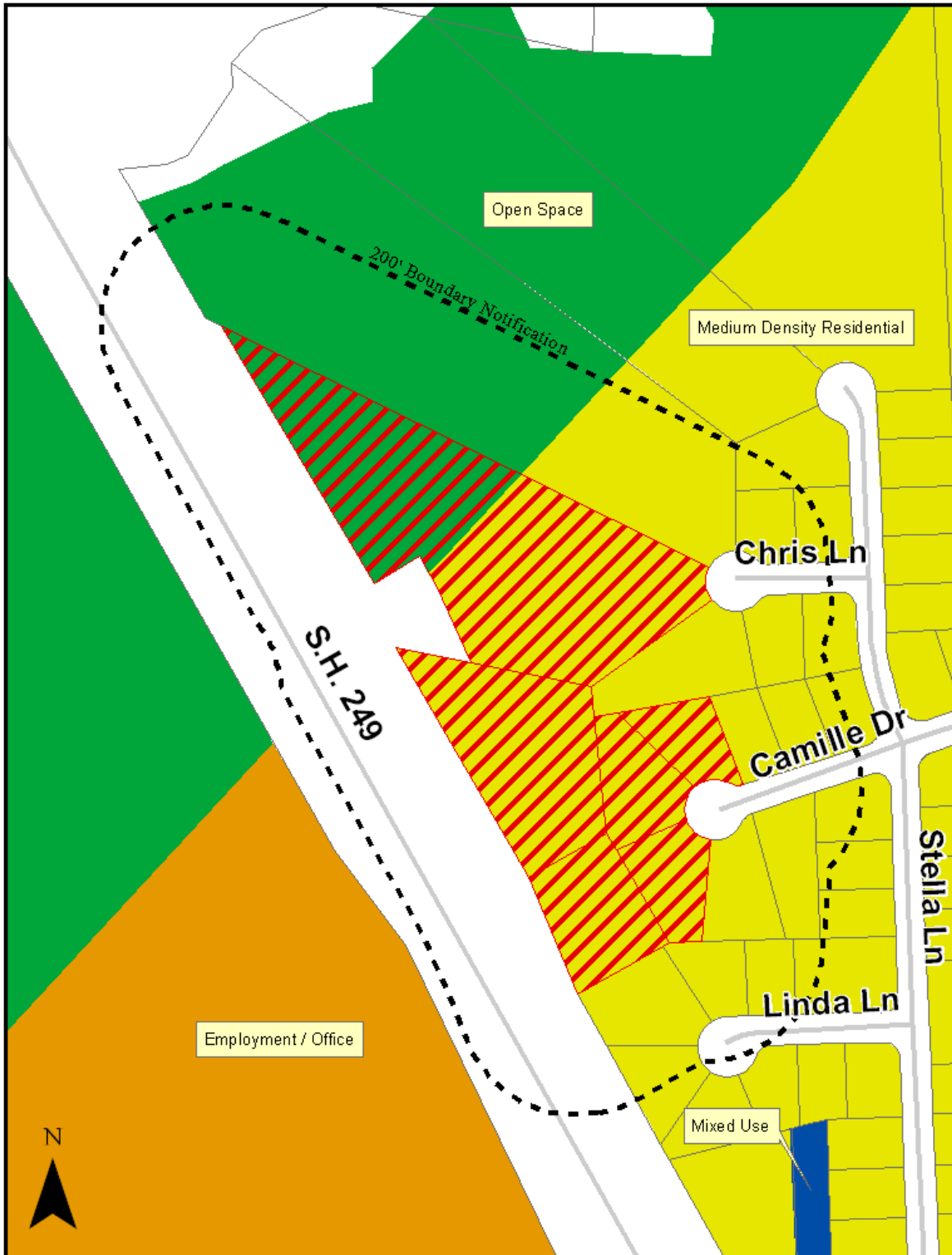


Exhibit “H” Site Photos



Figure 1: Hilltop Tool Rental



Figure 2: Subject site (Tract 36).



Figure 3: Subject site (Lot 43).



Figure 4: Subject site (Lots 44 and 45).



Figure 5: Single-family residence within Tomball Hills Subdivision to the east of subject site.



Figure 6: City of Tomball lift station being constructed on Lot 37 near subject site.

Exhibit "I"
Public Comment Form(s)



Engineering and Planning Department

Public Comment Form
(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Barbara J. Scherer
(please print)
Address: 31303 Stella Ln.

Signature: Barbara J. Scherer
Date: 11-9-11

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

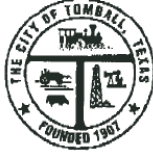
Date, Location & Time of Planning & Zoning Commission meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Do not like the look
Do not like the noise
Do not like the possibility of devaluation of property
in adjoining area.
He does not keep his word - refer to 2002 City meeting

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.
For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: BRAD HALLMARK
(please print)
Address: 28231 CAMILLE DRIVE
TOMBALL, TX 77375
Signature: Brad Hallmark
Date: 11/7/2011

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I AM NOT IN FAVOR OF THIS
REQUEST. PLEASE DO NOT TAKE THIS CUP.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name: Dejaire M. Juergens
(please print)
Address: 31302 ANTONIA LN

Tomball, TX 77375

Signature: Dejaire M. Juergens

Date: 11-7-11

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

11-7-11 I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

Monday, November 14, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

I've just recently moved to the
sub division, I love this neighborhood, please don't
let this request for our sub division to go commercial

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: DON TOBALA
(please print)
Address: 31307 STELLA LANE
TOMBALL, TEXAS 77375
Signature: [Signature]
Date: 11/8/11

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

WE ARE AGAINST APPROVAL OF THIS PROPERTY BEING
RE-ZONED AND PERMIT BEING ISSUED AS STATED. THE
TOMBALL HILLS SUBDIVISION PROPERTY RISKS A LONG TERM
DEPRECIATION DUE TO COMMERCIAL OR RETAIL BEING CONDUCTED
ON SUBDIVISION PROPERTY. IT ALSO SETS A DANGEROUS PRECEDENCE
IN THE FUTURE TO ALLOW FURTHER COMMERCIAL OR RETAIL BUSINESSES
WITHIN THE SUBDIVISION.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
 City of Tomball
 Department of Engineering & Planning
 Attn: Rodney Schmidt
 501 James Street
 Tomball, TX 77375



Name: James R. Wenzel and Linda Wenzel
 (please print)
 Address: 3120 1/2 AMTOWN LN Tomball TX 77375
31203 Amtown Ln Tomball TX 77375
 Signature: James R. Wenzel Linda Wenzel
 Date: 11-7-11 11-7-2011

☐ I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
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 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
 Monday, November 21, 2011, 6:00 PM
 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

COMMENTS: Please take action if not table, please!

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will be added as part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:

Jo Free-Green

Address:

31219 Stella Lane

Signature:

Jo Free-Green

Date:

11/9/2011

I am FOR the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)



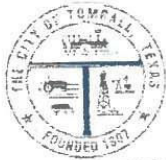
I am AGAINST the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
101 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
101 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to registrar@cityoftomball.com. Please reference the zoning case number in the subject line.
For questions regarding this request please call 281-291-1212



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:

Joe Stanley Green

(please print)

Address:

31219 Stella Lane

Tomball, Texas 77375

Signature:

Joe Stanley Green

Date:

I am FOR the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

I am AGAINST the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281.290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:
(please print)
Address:

KATHERINE BURKS
31118 Alice St.

Signature:
Date:

Katherine Burks
11-7-11

I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

☒

I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
 Department of Engineering & Planning
 Attn: Rodney Schmidt
 501 James Street
 Tomball, TX 77375



Name:

Ken R. Carlton

(please print)

Address:

31210 Alice Lane

Tomball, Tx 77375

Signature:

Ken R. Carlton

Date:

11-7-11

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

Monday, November 14, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

COMMENTS:

This violates our homeowners restrictions. We want
 it left residential.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: LOYD H. SCHERER
(please print)
Address: 31303 STELLA LANE
TOMBALL, TX 77375
Signature: Lloyd H. Scherer
Date: Nov. 9, 2011

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

1. I am against the request for a conditional use permit to operate tool and machinery rental and storage use on the site located in the single family Residential-9 district.
2. These lots were never intended for commercial use of any kind. Why can't he get this through his head?
3. It ~~will~~ will only increase heavy truck traffic through Tomball Hills residential areas.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: MARCEL O PUGH
(please print)
Address: 31310 STELLA LANE
TOMBALL, TX 77375
Signature: Marcel O Pugh
Date: Nov 9, 2011

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

X

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

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City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

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City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Would devalue our property in Tomball Hills Subdivision
Would increase traffic and noise
Would endanger residents of Tomball Hills because
we have no sidewalks.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



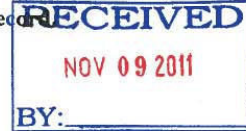
Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Mary Ann Duncan
(please print)
Address: 28110 Linda Lane
Tomball, TX 77375
Signature: Mary Ann Duncan
Date: 11/9/11

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Increased traffic would endanger residents.
Increased noise would prevent some owners from
enjoying their homes.
Caliber of neighborhood & value of property
would be decreased.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Engineering and Planning Department

Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
 Department of Engineering & Planning
 Attn: Rodney Schmidt
 501 James Street
 Tomball, TX 77375



Name: Mitchell Holderrichter
 (please print)
 Address: 31203 Alice Ln
Tomball, TX 77375
 Signature: [Signature]
 Date: 11-7-11

☐ I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)



☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

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Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM
 City Council Chambers of the City of Tomball, City Hall
 401 Market Street, Tomball, Texas

COMMENTS:

same as previous sheet

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: PAMELA C. MURRAY

(please print)

Address: 31314 STELLA LANE

TOMBALL TX 77377

Signature: Pamela C. Murray

Date: 11/7/11

I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

PCM

I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, November 14, 2011, 6:00 PM

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Date, Location & Time of **City Council** meeting:

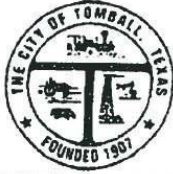
Monday, November 21, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name:

Rhonda Bolton

(please print)

Address:

28111 Camille Dr

Signature:

Date:

11/7/11

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

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Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

Please do not allow this request to rezone or build commercial buildings in our neighborhood. Do not table - do not let this happen to our neighborhood.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375



Name:

(please print)

Address:

ROBERT W PUGH JR

31310 STELLA LANE

TOMBALL, TX 77375

Signature:

Date:

[Handwritten Signature]

NOV 9, 2011

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

☒

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

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Date, Location & Time of City Council meeting:

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City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

WOULD DEVALUE OUR PROPERTY IN THE
TOMBALL HILLS SUBDIVISION.

WOULD INCREASE TRAFFIC AND NOISE.

WOULD ENDANGER THE RESIDENTS OF
TOMBALL HILLS SUBDIVISION UNNECESSARILY.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:

(please print)

Address:

Signature:

Date:

ROY A. JOHLKE
31314 ANTONIA LN.
TOMBALL TX 77375

Roy Johke
Nov. 7, 2011

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:
City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: SAM C. MURRAY JR
(please print)
Address: 31314 STELLA LANE
TOMBALL, TX 77375
Signature: [Signature]
Date: 11/09/2011

I am **FOR** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

SM

I am **AGAINST** the requested CUP as explained on the attached public notice for Zoning Case P11-372. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

Monday, November 14, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

I VOTED FOR ZONING IN HOPES OF STABILIZING
PROPERTY VALUES AND OTHER THINGS BEING EQUAL.
CHANGING THE CITY'S ZONING ORDINANCE WILL ADVERSELY
EFFECT PROPERTY VALUES FOR RESIDENCES IN TOMBALL HILLS
SUBDIVISION

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Department of Engineering & Planning
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name: Sue Carlton
(please print)
Address: 31210 Alice Ln

Signature: Sue Carlton
Date: 11-7-2011

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372. (Please state reasons below)**

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, November 14, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, November 21, 2011, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

All lots within Tomball Hills should stay Residential.
We do not want any Commercial/Residential within our
Subdivision.

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball

Department of Engineering & Planning

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375

RECEIVED

NOV 09 2011

Name:

(please print)

Address:

Signature:

Date:

William F. "Rick" Patchett
31406 5th Ave Lane
Tomball, TX 77375
William F. Patchett
11/14/11

☐ I am **FOR** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

☒ I am **AGAINST** the requested CUP as explained on the attached public notice for **Zoning Case P11-372**. (Please state reasons below)

Date, Location & Time of Planning & Zoning Commission meeting:

Monday, November 14, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, November 21, 2011, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us. Please reference the Zoning Case number in the subject line.

For questions regarding this request please call 281-290-1410.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: November 14, 2011

Data Sheet

Topic:

Consideration to approve **PRELIMINARY PLAT HILLTOP TOOL RENTAL:** A 6.9280 acre tract of land being comprised of Lots 36, 43 44, and 45 of Tomball Hills Addition Replat as recorded in Vol. 279, Page 111, H.C.M.R. and the 0.49 acre remainder of a call 1.00 acre tract as recorded in File No. N-905252, H.C.O.P.R.R.P. and the 0.92 acre remainder of Unrestricted Reserve "D" Block 4 of Tomball Hills Addition Replat in the Joseph House Survey, A-34, City of Tomball, Harris County, Texas.

- Conduct a Public Hearing on **PRELIMINARY PLAT HILLTOP TOOL RENTAL**

Background:

Origination:

Recommendation:

Funding:

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

Engineering and Planning

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearing

Preliminary Plat Hilltop Tool Rental 1 of 2

Preliminary Plat Hilltop Tool Rental 2 of 2



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
(Preliminary Plat)
NOVEMBER 14, 2011
(Final Plat)
DECEMBER 12, 2011
&
CITY COUNCIL
(Final Plat)
DECEMBER 19, 2011**

Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, November 14, 2011, at 6:00 P.M.**, for the Preliminary Plat, **Monday, December 12, 2011, at 6:00 P.M.** for the Final Plat, and by the City Council of the City of Tomball on **Monday, December 19, 2011, at 6:00 P.M.** for the Final Plat, at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

PRELIMINARY PLAT HILLTOP TOOL RENTAL: A 6.9280 acre tract of land being comprised of Lots 36, 43 44, and 45 of Tomball Hills Addition Replat as recorded in Vol. 279, Page 111, H.C.M.R. and the 0.49 acre remainder of a call 1.00 acre tract as recorded in File No. N-905252, H.C.O.P.R.R.P. and the 0.92 acre remainder of Unrestricted Reserve "D" Block 4 of Tomball Hills Addition Replat in the Joseph House Survey, A-34, City of Tomball, Harris County, Texas.

This Public Hearing will afford the Parties in Interest and give Citizens an opportunity to be heard. If the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from the subject property protest in writing, prior to the close of the Planning and Zoning Commission Public Hearing, then the replat must receive an affirmative vote of $\frac{3}{4}$ of the Commission members present to be approved.

The proposed replat is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning

Department office, located at 501 James Street, Tomball, TX 77375.

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 10th of November 2011 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate

Administrative Assistant

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.

METES AND BOUNDS DESCRIPTION
6.9280 ACRES (301,780 SQUARE FEET)
JOSEPH HOUSE SURVEY, ABSTRACT-34
HARRIS COUNTY, TEXAS

All of that certain tract of land being 6.9280 acres (301,780 square feet), said tract being comprised of the following tracts: 4.15 acres (180,847 square feet) being the remainder of Lot 36, Block 4, of the Tomball Hills Addition Replat, as recorded in Volume 279, Page 111, of the Harris County Map Records (H.C.M.R.); 0.39 acres (16,809 square feet) being Lot 43, Block 4 of said Tomball Hills; 0.52 acres (22,593 square feet) being Lot 44, Block 4 of said Tomball Hills; 0.46 acres (20,090 square feet) being Lot 45, Block 4 of said Tomball Hills; 0.49 acres (21,528 square feet) being the remainder of a called 1.00 acre tract described in deed Reter R. Hildreth as recorded in Harris County Clerk's File Number (H.C.C.F. NO.) N905252; and 0.92 acres (39,913 square feet) being the remainder of "Unrestricted Tract D", Block 4 of said Tomball Hills all located within the Joseph House Survey, Abstract-34, Harris County, Texas, said 6.9280 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a set 1/2" iron rod with cap "RPLS 6107" lying in the east Right-of-Way (R.O.W.) line of State Highway (S.H.) 249 (R.O.W. varies), said rod being the Easternmost Northeast corner of a called 0.6001 acre tract known as "Parcel 528", taken out of Lot 36 of said Tomball Hills, dedicated for Right-of-Way expansion of said S.H. 249 as described in deed to the State of Texas and recorded in H.C.C.F. NO. S223803, same being the Northwest corner of the remainder of said Lot 36 and the remainder of Lot 35, Block 4 of said Tomball Hills, same being the Northwest corner of the herein described tract;

THENCE S 61°33'53" E, leaving said R.O.W. line of S.H. 249, along the Southwest line of said Lot 35, in common with the Northeast line of said Lot 36 and of the herein described tract, a distance of 892.67 feet to a found 5/8" iron rod with cap lying in the Western R.O.W. line of Chris Lane (50' radius), being the Southernmost corner of said Lot 35, same being the Northernmost Eastern corner of said Lot 36, same being a Northeasterly corner of the herein described tract;

THENCE along said R.O.W. line of Chris lane, in common with an Easterly line of said Lot 36 and of the herein described tract, following a curve to the left having a radius of 50.00 feet, an arc length of 55.57 feet, a chord bearing of S 03°21'32" E, and a chord distance of 52.75 feet, to a found 5/8" iron rod with plastic cap, said rod being the Northwest corner of Lot 37, Block 4, of said Tomball Hills, same being the Southernmost Eastern corner of said Lot 36, same being an Easterly corner of the herein described tract;

THENCE S 54°55'10" W, leaving said R.O.W. line of Chris lane, along the Southeast line of said Lot 36 in common with the Northwest line of said Lot 37, in common with an Easterly line of the herein described tract, a distance of 246.18 feet to a point being the Northernmost Westerly corner of said Lot 37, same being the Southerly corner of said Lot 36, same being the Northeast corner of said Tract D, same being an Easterly interior corner of the herein described tract, from which a found 3/8" iron bears S 03°34' W, 1.44 feet;

THENCE S 04°00'00" E, along the West line of said Lot 37 in common with the East line of said Tract D, in common with an Easterly line of the herein described tract, a distance of 52.18 feet to a set 1/2" iron rod with cap "RPLS 6107", said rod being the Southernmost Westerly corner of said Lot 37, same being the Northwest corner of Lot 44 of said Tomball Hills, same being an Easterly interior corner of the herein described tract;

THENCE N 80°19'00" E, leaving the East line of said Tract D, along the South line of said Lot 37 in common with the North line of said Lot 44, in common with an Easterly line of the herein described tract, passing at a distance of 40.00 feet a point being the Northeast corner of said Lot 44, same being the Northwest corner of Lot 43 of said Tomball Hills, and continuing along the South line of said Lot 37 in common with the North line of said Lot 43, in common with an Easterly line of the herein described tract, a total distance of 193.88 feet to a set 1/2" iron rod with cap "RPLS 6107", said rod being the Northeast corner of said Lot 43, same being the Northwest corner of Lot 42 of said Tomball Hills, same being an Easterly corner of the herein described tract;

THENCE S 17°42'00" E, leaving the South line of said Lot 37, along the West line of said Lot 42, in common with the East line of said lot 43, in common with an Easterly line of the herein described tract, a distance of 156.94 feet to a point in the North R.O.W. line of Camille Drive (50' radius), said point being the Southwest corner of said Lot 42, same being the Southeast corner of said Lot 43, same being an Easterly corner of the herein described tract, from which a found 1/2" iron rod bears S 34°42' E, 0.73 feet;

THENCE along said R.O.W. line of Camille Drive, in common with the South line of said Lot 43, in common with an Easterly line of the herein described tract, following a curve to the right having a radius of 25.00 feet, an arc length of 21.03 feet, a chord bearing of N 83°36'45" W, and a chord distance of 20.42 feet to a set 1/2" iron rod with cap "RPLS 6107", said rod being a point of reverse curvature and an Easterly corner of the herein described tract;

THENCE continuing along said R.O.W. line of Camille drive, in common with the south and east lines of said Lot 43, 44, AND 45 in common with an Easterly line of the herein described tract, following a curve to left having a radius of 50.00 feet, an arc length of 177.48 feet, to a 1/2" iron rod with cap, said rod being the Northeastern most corner of said Lot 45, same being the Northwest corner of Lot 46, Block 4, of said Tomball Hills, same being an Easterly corner of the herein described tract; total dimensions of the curve to the left beginning at the point of reverse curvature and ending at said found 1/2" iron rod having a chord bearing of S 18°48'03" W and a chord distance of 97.92 feet;

THENCE S 07°01'29" W, leaving said R.O.W. line of Camille Drive, along the West line of said Lot 46, in common with the East line of said Lot 45, in common with an Easterly line of the herein described tract, a distance of 169.88 feet to a set 1/2" iron rod with cap "RPLS 6107" lying in the North line of Lot 54, Block 4, of said Tomball Hills, said rod being the Southeast corner of said Lot 45, same being the Southwest corner of said Lot 46, same being a Southerly corner of the herein described tract;

THENCE S 89°11'21" W, along a Northerly line of said Lot 54, in common with the South line of said Lot 45, in common with a Southerly line of the herein described tract, a distance of 54.95 feet to a set 1/2" iron rod with cap "RPLS 6107", said rod being the Southwest corner of said Lot 45, same being the Southeast corner of said called 1.00 acre tract, same being a Northerly corner of said Lot 54, same being a Southerly corner of the herein described tract;

THENCE S 61°57'00" W, along the South line of said called 1.00 acre tract, in common with a Northerly line of said Lot 54, in common with a Southerly line of the herein described tract, passing at a distance of 12.35 feet a found "X" chiseled in concrete, said "X" being the Northwest corner of said Lot 54, same being the Northeast corner of Lot 55, Block 4, of said Tomball Hills, continuing along the North line of said Lot 55, in common with the South line of said 1.00 acre, in common with a Southerly line of the herein described tract, a total distance of 114.63 feet to a set 1/2" iron rod with cap "RPLS 6107" lying in the said R.O.W. line of S.H. 249, said rod being the Southwest corner of said called 1.00 acre tract, same being the Easternmost Southern corner of a called 1.0398 acre tract, known as Parcel 526A, taken out of a called combined 2.6351 acre tract, being comprised of the said called 1.00 acre tract and out of said Tract D dedicated for Right-of-Way expansion of said S.H. 249 as described in deed to the State of Texas and recorded in H.C.C.F. NO. S223802, same being the Southwest corner of the herein described tract;

THENCE N 21°40'34" W, leaving the North line of said Lot 55, along the said R.O.W. line of S.H. 249, in common with the East line of said called 1.0398 acre tract, in common with the West line of said called 1.00 acre tract, in common with a Westerly line of the herein described tract, passing at a distance of 210.00 feet a point being the Northwest corner of said called 1.00 acre tract, same being the Southwest corner of said Tract D, continuing along said R.O.W. line of S.H. 249, in common with the East line of said called 1.0398 acre tract, in common with the West line of said Tract D, in common with a Westerly line of the herein described tract, a total distance of 568.39 feet to a set 1/2" iron rod with cap "RPLS 6107", said rod being the Northwest corner of said Tract D, same being the Southwest corner of said Lot 36, same being the Northeast corner of said called 1.0398 acre tract, same being the Southeast corner of said called 0.6001 acre tract, same being a Westerly corner of the herein described tract;

THENCE N 21°43'58" W, along the said R.O.W. line of S.H. 249, in common with the East line of said called 0.6001 acre tract, in common with a Westerly line of said Lot 36 and of the herein described tract, a distance of 135.92 feet to a set 1/2" iron rod with cap "RPLS 6107" said rod being an Easterly corner of said called 0.6001 acre tract, same being a Westerly corner of said Lot 36 and of the herein described tract;

THENCE N 28°07'39" W, along the said R.O.W. line of S.H. 249, in common with the East line of said called 0.6001 acre tract, in common with a Westerly line of said Lot 36 and of the herein described tract, a distance of 60.00 feet to a set 1/2" iron rod with cap "RPLS 6107" said rod being an Easterly corner of said called 0.6001 acre tract, same being a Westerly corner of said Lot 36 and of the herein described tract;

THENCE S 61°52'21" W, along the said R.O.W. line of S.H. 249, in common with the East line of said called 0.6001 acre tract, in common with a Westerly line of said Lot 36 and of the herein described tract, a distance of 87.00 feet to a set 1/2" iron rod with cap "RPLS 6107" said rod being an Easterly corner of said called 0.6001 acre tract, same being a Westerly corner of said Lot 36 and of the herein described tract;

THENCE N 28°07'39" W, along the said R.O.W. line of S.H. 249, in common with the East line of said called 0.6001 acre tract, in common with a Westerly line of said Lot 36 and of the herein described tract, a distance of 495.14 feet to the POINT OF BEGINNING and containing 6.9280 acres (301,780 square feet) of land.

STATE OF TEXAS
COUNTY OF HARRIS

WE, PETER R. HILDRETH AND SYLVIA LEIGH HILDRETH, OWNERS HEREINAFTER REFERRED TO AS OWNERS OF THE 6.9280 ACRE TRACT DESCRIBED IN ABOVE AND FOREGOING MAP OF THE PLAT OF HILLTOP TOOL RENTAL COMMERCIAL SUBDIVISION, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAN OF SAID PROPERTY ACCORDING TO ALL LINES DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAP OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DO HEREBY BIND OURSELVES, OURHEIRS, 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 UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11'6") FOR TEN FEET (10') PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7'6") FOR FOURTEEN FEET (14') PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5'6") FOR SIXTEEN FEET (16') PERIMETER GROUND EASEMENTS FROM A PLANE SIXTEEN FEET (16') ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY-ONE FEET, SIX INCHES (21'6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10') FOR TEN FEET (10') BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8'0") FOR FOURTEEN FEET (14'0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7'0") FOR SIXTEEN FEET (16'0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16') ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30') IN WIDTH.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREES THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT IS HEREBY RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, PERMANENT ACCESS EASEMENT, ROAD OR ALLEY OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN (15') FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS CREEKS, GULLIES, RAVINES, DRAINS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY 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 IS HEREBY RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

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

WITNESS OUR HAND IN THE CITY OF HOUSTON, TEXAS, THIS _____ DAY OF _____, 2011

BY: _____ BY: _____
PETER R. HILDRETH SYLVIA LEIGH HILDRETH

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED PETER R. HILDRETH AND SYLVIA LEIGH HILDRETH KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE 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 AS HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2011.

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

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

CHRISTOPHER J. BROUSSARD, R.P.L.S.
TEXAS REGISTRATION NO. 6107

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND THE SUBDIVISION OF HILLTOP TOOL RENTAL 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 _____, 2011.

LORI WALLACE TOM CROFOOT
CHAIRMAN VICE-CHAIRMAN

WE, THE CITY OF TOMBALL AND THE CITY ENGINEER OF THE CITY OF TOMBALL DO HEREBY CERTIFY THAT THIS PLAT OF HILLTOP TOOL RENTAL IS IN COMPLIANCE WITH THE ORDINANCES OF THE CITY OF TOMBALL.

GEORGE SHACKELFORD LORI LAKATOS, P.E.
CITY MANAGER ACTING CITY ENGINEER

I, STAN STEWART, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 2011, AT _____ O'CLOCK _____ M. AND DAILY RECORDED ON _____ 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 STEWART
COUNTY CLERK OF
HARRIS COUNTY, TEXAS

BY: _____
DEPUTY EDWINA V. MACK

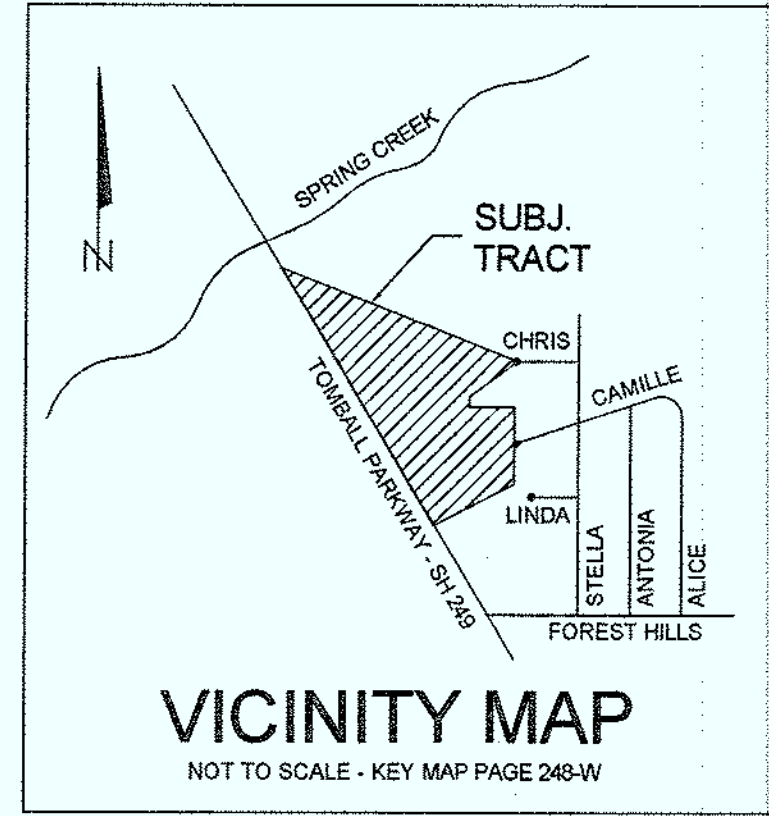
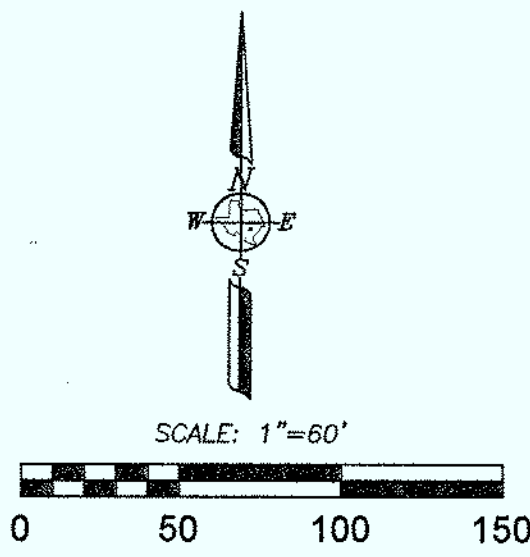
PRELIMINARY PLAT
HILLTOP TOOL RENTAL

A 6.9280 ACRE TRACT OF LAND BEING COMPRISED OF LOTS 36, 43, 44, AND 45 OF TOMBALL HILLS ADDITION REPLAT AS RECORDED IN VOL. 279, PAGE 111, H.C.M.R. AND THE 0.49 ACRE REMAINDER OF A CALL 1.00 ACRE TRACT AS RECORDED IN FILE NO. N-905252, H.C.O.P.R.R.P. AND THE 0.92 ACRE REMAINDER OF UNRESTRICTED RESERVE "D" BLOCK 4 OF TOMBALL HILLS ADDITION REPLAT IN THE JOSEPH HOUSE SURVEY, A-34
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER ENGINEER SURVEYOR
PETER ANDXXX HILDRETH DAVID S. BROUSSARD, P.E. BROUSSARD LAND SURVEYING, LLC
30702 S.H. 249 17527 HAWKIN LANE
TOMBALL, TEXAS 77375 TOMBALL, TEXAS 77377
281-732-0464 281-732-0464
DAVIDS61950@YAHOO.COM www.blssurveyingco.com (281) 835-0859

SUBJECT PROPERTY IS PARTIALLY LOCATED IN A FEDERAL INSURANCE ADMINISTRATION DESIGNATED FLOOD ZONE "FLOODWAY-AE" "AE" "X-SHADED" & "X".
MAP # 482010, PANEL 0210, DATED 06-18-07. This information is based on graphic plotting only. We do not assume responsibility for exact determination.

BENCHMARK INFORMATION: HARRIS COUNTY FLOOD
CONTROL DISTRICT BRASS DISK, RM NO. 100165,
STAMPED: "J100 BM03" ON BRIDGE AT THE
INTERSECTION OF S.H. 249 AND SPRING CREEK LOCATED
ON DOWNSTREAM CONCRETE TRAFFIC BARRIER, ON EASE
SIDE OF NORTH BOUND BRIDGE AND NORTH OF
CENTERLINE OF SPRING CREEK ON KEYMAP 248W, IN
THE SPRING WATERSHED NEAR STREAM J100-00-00,
ELEVATION = 167.51 FEET, NAVD 1988, 2001
ADJUSTMENT.
BASE FLOOD ELEVATION = 161.00 AS PER W.S.E. CROSS SECTIONS



CURVE TABLE			
C1	R=50.00'	L=64.21'	CHB=S 83°41'47" W CHL=59.89'
C2	R=50.00'	L=59.12'	CHB=S 13°02'03" W CHL=55.73'
C3	R=50.00'	L=54.15'	CHB=S 51°51'51" E CHL=51.54'

GENERAL NOTES

1. AC INDICATES "ACRE"
 2. VOL. INDICATES "VOLUME"
 3. PS INDICATES "PAGE"
 4. ESMT. INDICATES "EASEMENT"
 5. BL INDICATES "BUILDING LINE"
 6. R.O.W. INDICATES "RIGHT-OF-WAY"
 7. H.C.C.# INDICATES "HARRIS COUNTY CLERK'S FILE NUMBER"
 8. H.C.M.R. INDICATES "HARRIS COUNTY MAP RECORDS"
 9. H.C.D.R. INDICATES "HARRIS COUNTY DEED RECORDS"
- UNLESS OTHERWISE INDICATED, THE BUILDING LINES (BL) WHETHER ONE OR MORE, SHOWN ON THIS SUBDIVISION PLAT ARE ESTABLISHED TO EVIDENCE COMPLIANCE WITH THE APPLICABLE PROVISIONS OF CODE OF ORDINANCES, CITY OF TOMBALL, TEXAS, IN EFFECT AT THE TIME THIS PLAT WAS APPROVED, WHICH MAY BE AMENDED FROM TIME TO TIME.

STATE HIGHWAY 249 (R.O.W. VARIES)

TOMBALL HILLS ADDITION REPLAT
VOLUME 279, PAGE 111, H.C.M.R.

NOTES:

1. ALL EASEMENTS AND BUILDING LINES SHOWN ARE PRE THE RECORDED PLAT, ZONING ORD. OR TXDOT UNLESS OTHERWISE NOTED.
2. SUBJECT TO A 15' DRAINAGE EASEMENT ON EACH SIDE OF THE CENTERLINE OF ALL NATURAL DRAINAGE COURSES.
3. SUBJECT TO RESTRICTIVE COVENANTS AND EASEMENTS AS DEFINED PER VOL. 279, PG. 111, H.C.M.R.
4. ALL BUILDING LINES, EASEMENTS, BUILDING RESTRICTIONS AND ZONING ORDINANCES, IF ANY, THAT MAY AFFECT SUBJECT PROPERTY SHOULD BE VERIFIED PRIOR TO PLANNING AND/OR CONSTRUCTION.
5. SURFACE OR SUBSURFACE FAULTING, HAZARDOUS WASTE, MINERAL RIGHTS, WETLAND DESIGNATION OR OTHER ENVIRONMENTAL ISSUES AND ARCHEOLOGICAL ISSUES HAVE NOT BEEN ADDRESSED WITHIN THE SCOPE OF THIS SURVEY.
6. ABSTRACT INFORMATION PROVIDED HEREON IS BELIEVED TO BE SUFFICIENT AND CORRECT BY THE UNDERSIGNED SURVEYOR. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. THE ENCUMBRANCES OF RECORD, AS REFLECTED ON THIS SURVEY ARE BASED ON THE RECORDED MAP OR PLAT AND/OR DEEDS AND TITLE INFORMATION AS STATED HEREON.
7. BEARINGS BASED ON PLAT OF TOMBALL HILLS ADDITION REPLAT AS PER VOL. 279, PG. 111, H.C.M.R.

PRELIMINARY PLAT HILLTOP TOOL RENTAL

A 6.9280 ACRE TRACT OF LAND BEING COMPRISED OF LOTS 36, 43, 44, AND 45 OF TOMBALL HILLS ADDITION REPLAT AS RECORDED IN VOL. 279, PAGE 111, H.C.M.R. AND THE 0.49 ACRE REMAINDER OF A CALL 1.00 ACRE TRACT AS RECORDED IN FILE NO. N-905252, H.C.O.P.R.P. AND THE 0.92 ACRE REMAINDER OF UNRESTRICTED RESERVE "D" BLOCK 4 OF TOMBALL HILLS ADDITION REPLAT IN THE JOSEPH HOUSE SURVEY, A-34 CITY OF TOMBALL, HARRIS COUNTY, TEXAS

OWNER
PETER AND SYLVIA HILDRETH
30702 S.H. 249
TOMBALL, TEXAS 77375
281-732-0464

ENGINEER AND SURVEYOR
DAVID S. BROUSSARD, P.E.
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