

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



MONDAY, MAY 11, 2020

6:00 P.M.

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, May 11, 2020 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 & Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

- 1.1 IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE PLANNING & ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR MAY 11, 2020, 6:00 P.M., AT 401 MARKET STREET, TOMBALL, TEXAS, 77375 – IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED “SOCIAL DISTANCING”) TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET, ARE POSTED ONLINE [At https://tomballtx.gov/Archive.aspx?AMID=38](https://tomballtx.gov/Archive.aspx?AMID=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.

The public is strongly encouraged to participate in the meeting by Telephone. The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 346 248 7799 US (Houston); +1 253 215

8782 US; +1 301 715 8592 US and enter Meeting ID:918 8245 8466 and #. The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting on April 13, 2020.
- 5.0 New Business:
 - 5.1 Consideration to Approve Replat of **TOMBALL HEIGHTS PARTIAL REPLAT NO. 1**: A Subdivision of 0.4781 Acres, being a replat of Lots 6, 7 and 8, Block 1, Tomball Heights, as recorded in Film Code No. 688470 H.C.M.R., Located in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.
 - 5.2 **Zoning Case P20-069**: Request by Richard C. James to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1 Acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District. The property is generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.
 - Conduct Public Hearing on **Zoning Case P20-069**
- 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 7th day of May, 2020 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the schedule time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: May 11, 2020

Topic:

Background:

Origination:

Recommendation:

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: May 11, 2020

Topic:

Background:

Origination:

Recommendation:

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: May 11, 2020

Topic:
Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting on April 13, 2020.

Background:

Origination:

Recommendation:

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

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

ATTACHMENTS:

Minutes - 4/13/2020

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

MONDAY, APRIL 13, 2020



6:00 P.M.

1.0 The meeting was Called to Order by Chair Tague at 6:01 p.m. Other members present were:

Commissioner Darrell Roquemore
Commissioner Dane Dunagin
Commissioner Will Benson
Commissioner Richard Anderson

Others present:

Craig Meyers – Community Development Director
Loren Smith – City Attorney
Amelia Lindley – City Planner
Wesley Stolz – City Engineer

Draft

2.0 No Public Comments were received

3.0 Reports and Announcements

- Craig Meyers, Community Development Director, announced the following:
 - Zoning Case P20-020, CUP request to operate a Brewery at Tomball Business and Technology Park, was approved at City Council.

4.0 Motion was made by Commissioner Dunagin, second by Commissioner Anderson, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 9, 2020.

Roll call vote was called by Commission Secretary Wesley Stolz. Motion carried unanimously.

5.0 New Business:

5.1 Consideration to Approve Replat of **HUFSMITH BUSINESS PARK:** A Subdivision of 8.261 Acres, comprised of a portion of Lot 61, Block 1 of Replat of Abandoned Animal Rescue recorded in Film Code No. 654103 of H.C.M.R., all of a 0.334 Acre Tract recorded under Clerk's File No. D535964 and all of that 1.979 Acre Tract being the remainder of Lot 57 of Tomball Outlots recorded under Clerk's File No. RP-2019-298379 of H.C.R.P.R., situated in the Ralph Hubbard Survey, A-383, Harris County, Texas.

Wesley Stolz, City Engineer, presented a recommendation of approval with contingencies.

Motion was made by Commissioner Benson, second by Commissioner Roquemore, to approve with contingencies.

Roll call vote was called by Commission Secretary Wesley Stolz. Vote was as follows:

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

Motion carried 4-1.

- 5.2 Consideration to Approve Final Plat of **MENDOZA ESTATES**: A Subdivision of a 2.000 Acre Tract known as part of Tract 7 & 8, as recorded under H.C.C.F. NO. RP-2017-374990 J. Pruitt Survey, Abstract 629, Harris County, Texas.

Wesley Stolz, City Engineer, presented a recommendation of approval with contingencies.

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

Roll call vote was called by Commission Secretary Wesley Stolz. Motion carried unanimously.

- 5.3 Consideration to Approve **Zoning Case P20-056**: Request by the City of Tomball to amend Section 50-116 (Supplemental regulations) of the Tomball Code of Ordinances by allowing schools other than public or denominational to utilize temporary buildings.

Amelia Lindley, City Planner, presented the case and recommendation of approval.

The Public Hearing was opened by Chair Tague at 6:12 p.m.

Hearing no comments, the Public Hearing was closed at 6:13 p.m.

Motion was made by Commissioner Benson, second by Commissioner Dunagin, to approve **Zoning Case P20-056**.

Commissioner Benson amended his motion, second by Commissioner Dunagin, by recommending the City Council add to the ordinance a limit of 3 two-year extension requests by an applicant.

Roll call vote was called by Commission Secretary Wesley Stolz. Vote was as follows:

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

Motion carried unanimously.

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

Roll call vote was called by Commission Secretary Wesley Stolz. Motion carried unanimously.

The meeting adjourned at 6:31 p.m.

PASSED AND APPROVED this _____ day of _____ 2020.

Wesley Stolz
City Engineer/Board Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: May 11, 2020

Topic:

Consideration to Approve Replat of **TOMBALL HEIGHTS PARTIAL REPLAT NO. 1:** A Subdivision of 0.4781 Acres, being a replat of Lots 6, 7 and 8, Block 1, Tomball Heights, as recorded in Film Code No. 688470 H.C.M.R., Located in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

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

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

ATTACHMENTS:

Tomball Heights Partial Replat #1 - Final Plat
Tomball Heights Partial Replat #1 - Plat Comments

STATE OF TEXAS
COUNTY OF HARRIS

WE, BROWN ROAD, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH MITCHELL D. OXMAN, ITS PRESIDENT, BEING AN OFFICER OF BROWN ROAD LLC, HEREINAFTER REFERRED TO AS OWNERS OF THE 0.4781 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF TOMBALL HEIGHTS PARTIAL REPLAT NO 1, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

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

IN TESTIMONY WHEREOF, BROWN ROAD, LLC, HAVE CAUSED THESE PRESENTS TO BE SIGNED BY MITCHELL D. OXMAN, ITS PRESIDENT, THERUNTO AUTHORIZED ON THIS THE ____ DAY OF ____ 2020.

BROWN ROAD, LLC
A TEXAS LIMITED LIABILITY COMPANY

BY: MITCHELL D. OXMAN
PRESIDENT

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MITCHELL D. OXMAN, PRESIDENT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID COMPANY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF ____ 2020

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

PRINT NAME: _____

MY COMMISSION EXPIRES: _____

WE, ALLEGIANCE BANK, OWNERS AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS TOMBALL HEIGHTS PARTIAL REPLAT NO 1, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN CLERK'S FILE NO. RP-2020-143866 OF O.P.R. O.R.P. OF HARRIS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

BY: _____

NAME: _____

TITLE: _____

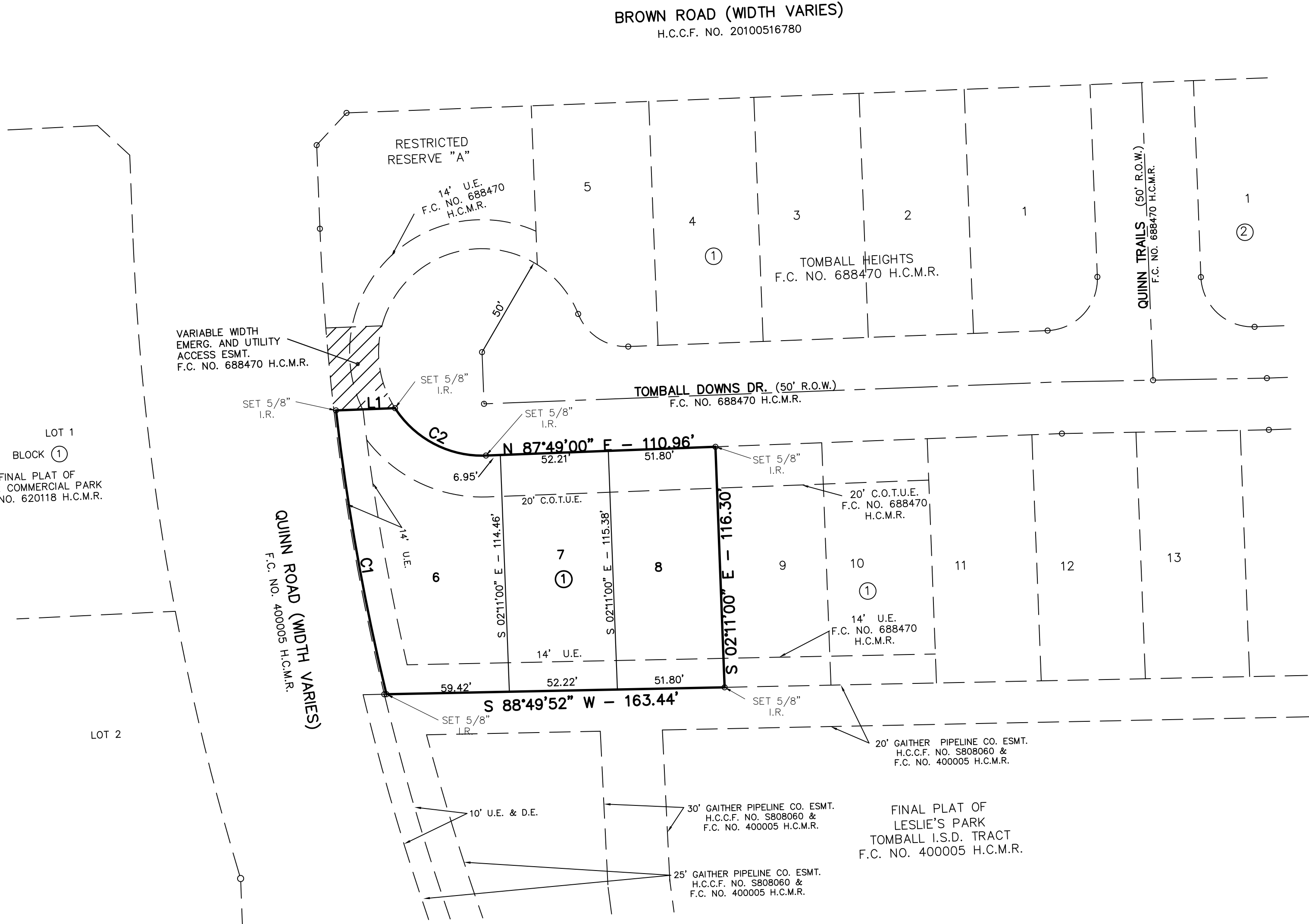
STATE OF TEXAS
COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF ____ 2020.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

MY COMMISSION EXPIRES: _____



CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	1149.00'	06°56'57"	139.36'	N 10°04'39" W	139.27'
C2	50.00'	59°24'27"	51.84'	S 62°28'46" E	49.55'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 87°49'00" E	28.55'

LOT TABLE BLOCK 1		
LOT	ACREAGE	SQUARE FEET
6	0.2026	8,823.94
7	0.1377	6,000.00
8	0.1377	6,000.00

THIS IS TO CERTIFY THAT THE CITY PLANNING & ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF TOMBALL HEIGHTS PARTIAL REPLAT NO 1 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 ____ 2020

BARBARA TAGUE
CHAIRMAN

DARRELL ROQUEMORE
VICE CHAIRMAN

I, DIANE TRAUTMAN, 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 ____ 2020, AT ____ O'CLOCK ____ M., AND DULY RECORDED ON ____ 2020, AT ____ O'CLOCK ____ M., AND AT FILM CODE NO. ____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

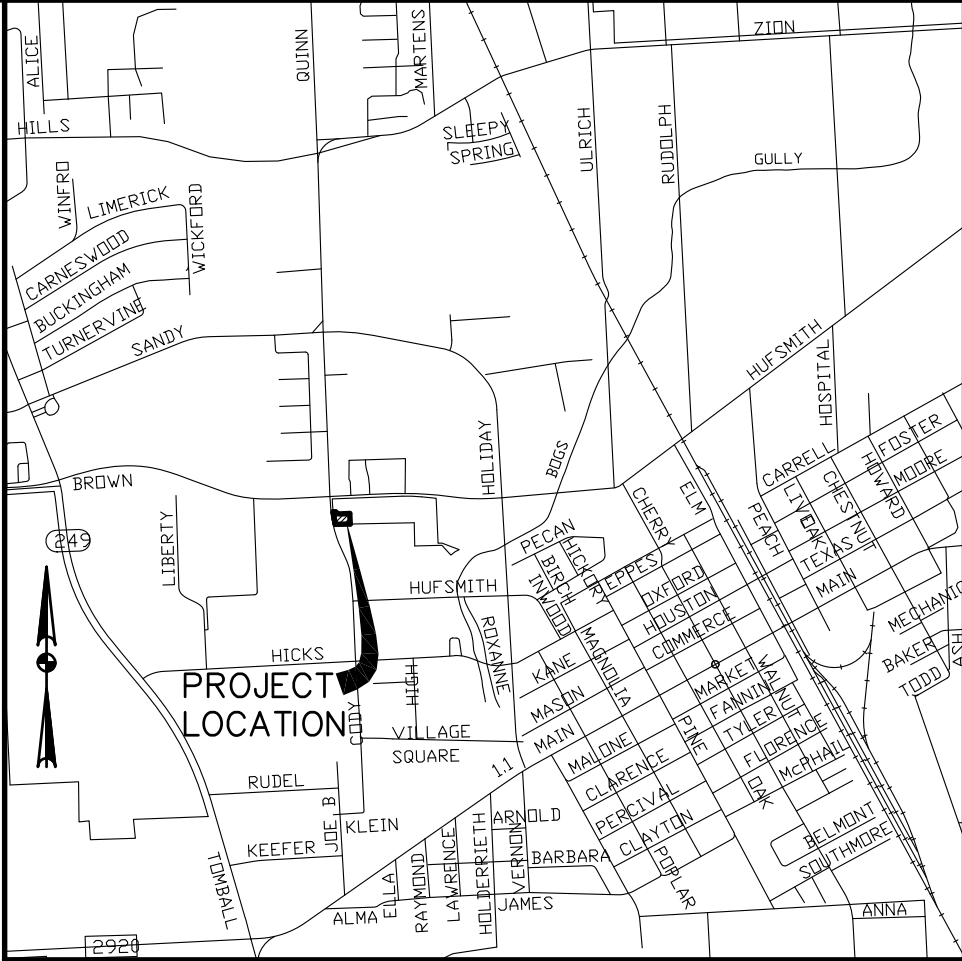
WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

DIANE TRAUTMAN
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

I, MICHAEL A. ZUMSTEG, AM AUTHORIZED (OR 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 OBJECTS OF A PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET, AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

MICHAEL A. ZUMSTEG R.P.L.S.
TEXAS REGISTRATION No. 5127



GENERAL NOTES

- PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER, ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
- ACCORDING TO FEMA FIRM PANEL NO(S). 48201C0210L & 48201C0230L (EFFECTIVE DATE JUNE 18, 2007), THIS PROPERTY IS IN UNSHADED ZONE "X" AND IS NOT IN THE 0.2% ANNUAL FLOOD PLAIN.
- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
- SUBJECT TO COVENANTS AS RECORDED IN FILM CODE NO. 688470 H.C.M.R.
- A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED TO THIS PLAT AND IS CENTERED ON THE GAS MAIN EXTENSION FROM THE CITY OF TOMBALL RIGHT-OF-WAY OR CITY OF TOMBALL UTILITY EASEMENT UP TO AND AROUND THE GAS METER.
- A TWENTY FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT AS RECORDED IN FILM CODE NO. 688470 H.C.M.R.
- FOURTEEN FOOT UTILITY EASEMENT AS RECORDED IN FILM CODE NO. 688470 H.C.M.R.

TOMBALL HEIGHTS PARTIAL REPLAT NO 1

A SUBDIVISION OF 0.4781 ACRES,
BEING A REPLAT OF LOTS 6, 7 AND 8,
BLOCK 1, TOMBALL HEIGHTS, AS RECORDED IN
FILM CODE NO. 688470 H.C.M.R., LOCATED IN
THE JOSEPH HOUSE SURVEY, ABSTRACT NO.
34, CITY OF TOMBALL, HARRIS COUNTY,
TEXAS.

REASON FOR REPLAT: TO ADJUST LOT
LINES FOR LOTS 6, 7 AND 8 IN BLOCK 1

1 BLOCK 3 LOTS 0 RESERVES

DATE: MAY, 2020 SCALE: 1" = 40'

OWNER:

BROWN ROAD LLC,
A TEXAS LIMITED LIABILITY COMPANY
25211 GROGANS MILL RD. #100, THE WOODLANDS, TX. 77380

SURVEYOR:

CENTURY ENGINEERING, INC.
3030 S. GESSNER SUITE 100, HOUSTON, TEXAS 77063
OFFICE: (713) 780-8871 FAX: (713) 780-7662
E-MAIL: dmassiat@centuryengineering.com
T.B.P. REGISTRATION NO. F-380 T.B.P.L.S. REGISTRATION NO. 100965-0

CITY OF TOMBALL

Plat Name: Tomball Heights Partial Replat No. 1 Plat Type: Replat

Construction Drawings for Public Facilities required? Yes ☐ No ☐ N/A ☒

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

Planning and Zoning Commission Meeting Date: May 11, 2020

The above Subdivision Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Community Development recommends approval of this plat.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: May 11, 2020

Topic:

Zoning Case P20-069: Request by Richard C. James to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1 Acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District. The property is generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P20-069**

Background:

Origination:

Recommendation:

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

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

ATTACHMENTS:

Notice of Public Hearing
Property Owner Notification
P20-069 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MAY 11, 2020
&
CITY COUNCIL
MAY 18, 2020**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 11, 2020, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 18, 2020, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P20-069: Request by Richard C. James to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1 Acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District. The property is generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.

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

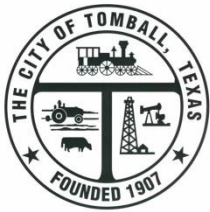
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **7th** day of **May, 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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



Notice of Public Hearing

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

CASE NUMBER: P20-069

APPLICANT/OWNER: Richard C. James

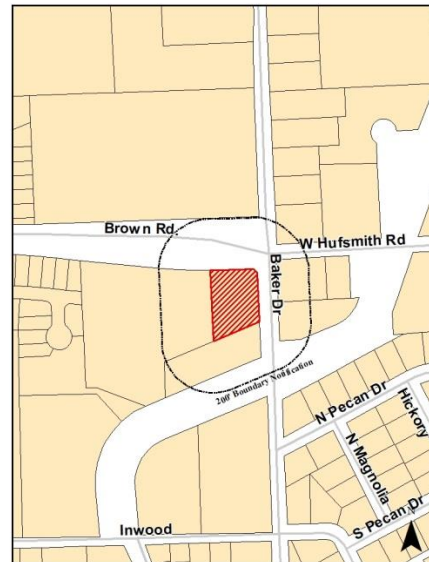
LOCATION: Generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Re-Zoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1 Acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:
Monday, May 11, 2020 6:00 PM**

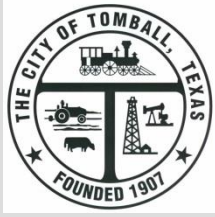
**City Council Public Hearing:
*Monday, May 18, 2020 6:00 PM**

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

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

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 11, 2020

City Council Public Hearing Date: May 18, 2020

Rezoning Case: P20-069

Property Owner(s): Tejuma Brown Rd., LLC

Applicant(s): Richard C. James

Legal Description: Reserve B Block 1 Brown Hufsmith Church Subdivision

Location: Southwest corner of Brown Road and Baker Drive (Exhibit “A”)

Area: 1 acre

Comp Plan Designation: Neighborhood Residential (Exhibit “B”)

Present Zoning and Use: Single-Family 6 District (Exhibit “C”) / Undeveloped (Exhibit “D”)

Proposed Use(s): Office(s) (Exhibit “D”)

Request: Rezone from the Single-Family 6 District to the Office District

Adjacent Zoning & Land Uses:

- North:** Single-Family 9 District / Redeemer Church (under construction)
- South:** Single-Family 6 District / Drainage channel
- West:** Single-Family 6 District / The Church of Jesus Christ of Latter-day Saints
- East:** Single-Family 6 District / Single-family residences

BACKGROUND

Representatives of the property owner reached out to City Staff regarding the use of the property in early 2020.

ANALYSIS

The property is currently zoned Single-Family 6 District. Surrounding properties are zoned Single-Family 20 Estate, Single-Family 9 and Single-Family 6, however, most of the surrounding land uses are non-residential. There are two churches and a drainage channel in the immediate area and an assisted living business, daycare, and elementary school close by. There are a few single-family residences across Baker Drive.

According to Section 50-75, the purpose of the Office District is “to create an appropriate setting for low intensity office and professional uses. The district can be used as a transition district between residential uses and more intense uses, and with appropriate buffers and landscaping,

this district may be located in close proximity to residential districts.” Uses permitted in the Office District should not create excess noise, traffic or late-night hours of operation.

Since there are existing non-residential uses in the area, the Office Zoning District would provide a transition district between the non-residential uses and the residences along Baker Drive. Baker Drive also offers a buffer from the existing non-residential uses, as well as any potential non-residential development on the subject site. Uses permitted in the Office District are typically low intensity and the district requirements protect neighboring residences. If the site requires parking lot lighting, the Code of Ordinances requires zero spill-over onto adjacent residential properties. Non-residential uses are also required to provide landscaping along the streets as well as in the parking areas.

The property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This category is intended for single-family detached dwellings. The proposed rezoning is not compatible with the Future Land Use Map’s designation, however, the Comprehensive Plan also states that “limited commercial services...that do not require large parking lots would be appropriate where residential collector streets meet arterials”.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on April 23, 2020. A Notice of Public Hearing was published in the paper on April 29, 2020. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-069.

EXHIBITS

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

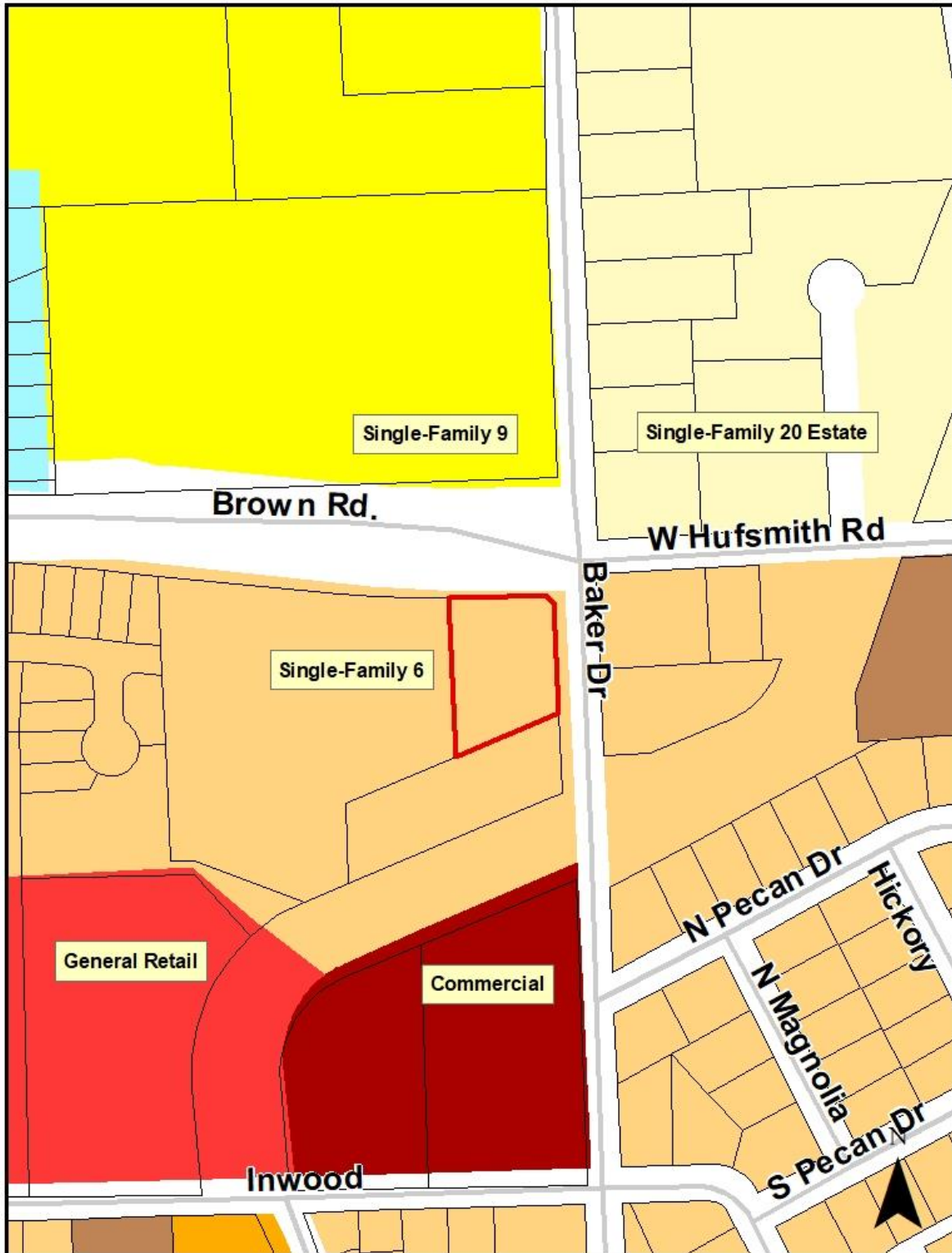
Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"

Rezoning Application



RECEIVED (KC)
03/30/2020 2:23:11 PM

Revised 5/19/15

P&Z #20-069

\$400.00

APPLICATION FOR REZONING

Community Development Department
Planning Division

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

Applicant

Name: RICHARD C. JAMES Title: Attorney for Owner
Mailing Address: 719 SAWDUST RD, STE 300 City: THE WOODLANDS State: TX
Zip: 77380
Phone: (713) 389-5755 Fax: (713) 389-5756 Email: RICHARD@RCJLAWFIRM.COM

Owner

Name: TEJUMA BROWN RD LLC Title:
Mailing Address: 20703 SUNDANCE SPRINGS LN City: SPRING State: TX
Zip: 77379
Phone: () Fax: () Email:

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: PROFESSIONAL AND GENERAL BUSINESS OFFICE AND/OR MEDICAL (NON-EMERGENCY) SUITES

Physical Location of Property: SW CORNER OF BROWN RD / BAKER DR / W HUFSMITH RD CONFLUENCE

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

Legal Description of Property: Unrestricted Reserve B of Brown-Hufsmith Church Subdivision File # RP-2017-208595

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

Current Zoning District: SF-6 SINGLE FAMILY

Current Use of Property: INVESTMENT

Proposed Zoning District: OFFICE

Proposed Use of Property: PROFESSIONAL AND GENERAL BUSINESS OFFICE USE

HCAD Identification Number: 1387630010002 **Acreage:** 1.0

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

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

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

X  3/24/2020
Signature of Applicant Date

X  March 30, 2020
Signature of Owner Juan I. Martinez, Authorized Member Date
of Owner

JAMES LAW FIRM, P.L.L.C.

Richard C. James
719 Sawdust Road
Suite 300
The Woodlands, Texas 77380

Phone (713) 389-5755
Fax (713) 389-5756
richard@rcjlawfirm.com
www.rcjlawfirm.com

March 30, 2020

City of Tomball
Planning & Zoning Commission
501 James Street
Tomball, Texas 77375

Attn: Ms. Amelia Lindley
City Planner, City of Tomball
E: alindley@tomballtx.gov

Re: Request for a Zoning Ordinance Change
1.0-acre property: Property ID No. 1387630010002
0 Brown Road
Tomball, Texas 77375

Dear Ms. Lindley,

On behalf of the current owner, TEJUMA BROWN ROAD LLC, I request a Zoning Ordinance change to the above-referenced property.

The property was originally purchased on August 13, 2013 encompassing 15.27-acres. Since acquisition, all this property, except the above-referenced 1-acre property, has been sub-divided and sold to different landowners. Specifically, Tejuma sold 5.0474 acres to the Church of Jesus Christ and the Latter Day Saints, for a church, an acceptable use in SF-6 zoning. Further, Tejuma transferred 9.2191 acres at the intersection of Quinn and West Hufsmith to Brown Road, LLC for a residential subdivision. The remaining undeveloped property is a 1-acre parcel at the southwest intersection of Brown Road and Baker Drive. The property resides within the Tomball city limits and is currently zoned for single-family use, SF-6; however, this zoning really no longer fits a 1-acre property.

Going forward, my request for a zoning change is an attempt to convert the 1.0-acre property from Single-Family to Office District. This request is supported by the following reasons:

- 1) Historic zoning may have made sense many years ago; however, surrounding land uses and traffic patterns have evolved over the years.
- 2) I am aware of a previous attempt to change this particular parcel of land to Commercial District in 2017. It is my understanding that a convenience store / fuel station was proposed on the property. The proposed use change was met with nearby resident opposition.
- 3) Due to the sensitivities of the residents, the Owner believes that re-zoning the property to Office District is a favorable use given the historical evidence. As the Office District provisions state, the use creates an appropriate setting for low density, low volume vehicular traffic and is suitable as a transition district between residential uses and business uses, with appropriate buffers, landscaping, and building height restrictions.
- 4) The ordinance change to Office District may alleviate the residents' previous concerns related to an unsightly use, structure, lighting, noise, traffic, and other undesired issues.
- 5) The ordinance change to Office District will enable the Owner to pursue a development strategy that aligns with the City's ordinance provisions.
- 6) As it relates to the City's Zoning Matrix, rezoning to Office District aligns with the Owner's vision for the property, with the intent is to develop the tract according to the following permitted uses:

- a. Office, professional and general business
 - b. Clinic, medical and/or dental (non-emergency)
- 7) Rezoning to Office District may attract a variety of professional businesses and services to the area, and the surrounding community will likely benefit.
- 8) Rezoning to Office District is appropriate given the surrounding residences and the more recent transition of uses in the immediate area.
- 9) Assuming that the Owner follows through with the development plan, rezoning to Office District will generate new tax revenue sources for the City of Tomball and Harris County.

I appreciate the opportunity to submit this Zoning Ordinance change request. Please do not hesitate to contact me if there are any questions related to the property and/or request.

Sincerely,

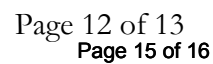
R. James

Richard C. James

Enclosures: Zoning Map Exhibit – Subject Property
 Application for Rezoning and its enclosures for the Application

Zoning Map Exhibit – Subject Property
1.0-acre property: Property ID No. 1387630010002





TAX CERTIFICATE

ANN HARRIS BENNETT
HARRIS COUNTY TAX ASSESSOR-COLLECTOR
1001 PRESTON, SUITE 100
HOUSTON, TEXAS 77002

Issued To:
TEJAMA BROWN ROAD LLC
20703 SUNDANCE SPRINGS LN
SPRING, TX 77379-0224

Legal Description
RES H BLK 1
LESBIES PARK

Parcel Address: 0 BROWN RD
Legal Acres: 15.2700

Account Number: 119-522-001-0008

Certificate No: 1205356
Certificate Fee: \$10.00

Print Date: 05/04/2017
Paid Date: 05/04/2017
Issue Date: 05/04/2017
Operator ID: DPURISLEY

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2016. ALL TAXES ARE PAID IN FULL.

Exemptions:

Certified Owner:

TEJAMA BROWN ROAD LLC
20703 SUNDANCE SPRINGS LN
SPRING, TX 77379-0224

Certified Tax Unit(s):

40 Harris County
41 Harris County Flood Control Dist
42 Port of Houston Authority
43 Harris County Hospital District
44 Harris County Dept. of Education
45 Lone Star College System
46 City of Tomball
679 Emergency Service Dist #8 (E.M.S.)

2016 Value: 1,230,548
2016 Levy: \$16,519.30
2016 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&L + Attorney Fee: \$0.00
Total Amount Due: \$0.00

OFFICE OF
STAN STANART
COUNTY CLERK, HARRIS COUNTY, TEXAS
MAP RECORDS OF COUNTY CLERK

FILM CODE 681556

BROWN-HUFFSMITH CHURCH
SUBDIVISION

THIS IS PAGE 2 OF 2 PAGES

SCANNER Context IQ4400

Reference: *[Signature]*
Issued By:
ANN HARRIS BENNETT
HARRIS COUNTY TAX ASSESSOR-COLLECTOR

53.180

TAX CERTIFICATE FOR ACCOUNT: 1195220010008

AD NUMBER: 1195220010008
OF NUMBER:
CERTIFICATE NO: 2182721

COLLECTING AGENCY
Brian Ludwig
PO Box 276
Tomball TX 77377-0276

DATE: 5/5/2017
FEE: \$10.00

PROPERTY DESCRIPTION
RES H BLK LESBIES PARK

0000000 BROWN RD
15.27 ACRES

PROPERTY OWNER
TEJAMA BROWN ROAD LLC
20703 SUNDANCE SPRINGS LN
SPRING TX 77379-0224

PAGE 1 OF 1

REQUESTED BY
MARCO LOPEZ

TX

THIS IS TO CERTIFY THAT THE AD VALOREM RECORDS OF THE TOMBALL ISD TAX ASSESSOR-COLLECTOR REFLECT THE TAX INTEREST, AND OTHER STATUTORY FEES THAT HAVE BEEN ASSESSED AND ARE NOW DUE TO THE TAXING ENTITIES AND FOR THE YEARS SET OUT BELOW FOR THE DESCRIBED PROPERTY HEREIN. THE TAX ASSESSOR-COLLECTOR MAKES NO CERTIFICATION AS TO THE AMOUNT OF TAX, PENALTY, INTEREST, OR OTHER FEES ASSESSED BY OR DUE ANY TAXING ENTITY FOR THE YEAR OR YEARS FOR WHICH THE TAX ASSESSOR-COLLECTOR DID NOT HAVE THE STATUTORY DUTY TO COLLECT OR KEEP RECORDS OF SUCH COLLECTION. ADDITIONAL TAXES MAY BECOME DUE ON THE DESCRIBED PROPERTY, WHICH ARE NOT REFLECTED HEREIN, IF THE SAID DESCRIBED PROPERTY HAS OR IS RECEIVING ANY SPECIAL STATUTORY VALUATIONS THAT MAY TRIGGER TAX ROLLBACK PROVISIONS. THIS CERTIFICATE APPLIES TO AD VALOREM TAXES ONLY AND DOES NOT APPLY TO ANY SPECIAL ASSESSMENT LEVIES.

CURRENT VALUES							
LAND MKT VALUE:	1,230,548	IMPROVEMENT:	0	DEF HOMESTEAD:	0		
AG LAND VALUE:	0	DEF HOMESTEAD:	0	LIMITED VALUE:	0		
APPRAISED VALUE:	1,230,548						
EXEMPTIONS:							
LAWSUITS:							
YEAR	TAX UNIT	LEVY	PEN	INT	DEF INT	ATTY	AMOUNT DUE
2016	TOMBALL I.S.D.	0.00	0.00	0.00	0.00	0.00	0.00
2016 SUB TOTAL							\$0.00

TOTAL CERTIFIED TAX DUE 5/2017: \$ 0.00

ISSUED TO: MARCO LOPEZ
ACCOUNT NUMBER: 1195220010008

CERTIFIED BY: *[Signature]*

TOMBALL I.S.D.

This is a statement from the Tax Collector of Tomball I.S.D., indicating that the taxes to be imposed by Tomball Independent School District for the 2017 tax year have not been calculated as of the above date.