

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



MONDAY, MARCH 9, 2020

6:00 P.M.

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, March 9, 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
- 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 February 10, 2020
- 5.0 New Business:
 - 5.1 Consideration to Approve Replat of **RALEIGH CREEK SECTION SEVEN:** Being 9.5839 Acres of Land, Situated in the Joseph Miller Survey, Abstract

Number 50, Harris County, Texas, and also being a Replat of Reserve M, of Raleigh Creek Section Five, as recorded in Film Code No. 688474 H.C.M.R.

- 5.2 Consideration to Approve Replat of **RALEIGH CREEK SECTION EIGHT:** Being 10.3241 Acres of Land, Situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas, and also being a Replat of Reserve L, of Raleigh Creek Section Five, as recorded in Film Code No. 688474 H.C.M.R.
- 5.3 Consideration to Approve **Zoning Case P20-020:** Request by CCJ Collaborations LLC for a Conditional Use Permit to operate a *distillation of liquors, spirits, etc. (brewery)* facility. The property is approximately 4.65 acres, legally described as Block 1 Lot 16 Tomball Business and Technology Park Lot 5 Replat, generally located on the west side of South Persimmon Street, north of Spell Road, within the City of Tomball, Harris County, Texas, and is zoned Light Industrial District.

- Conduct Public Hearing on **Zoning Case P20-020**

6.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of March, 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: March 9, 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
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ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2020

Topic:
Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting on February 10, 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 - 02/10/2020

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

MONDAY, FEBRUARY 10, 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 No Reports and Announcements were heard.

4.0 Motion was made by Commissioner Dunagin, second by Commissioner Roquemore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of January 13, 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 **TOMBALL BUSINESS AND TECHNOLOGY PARK – PARTIAL REPLAT NO. 1:** A Subdivision of 14.8903 Acres, being a Replat of Lots 6 and 7 Tomball Business and Technology Park, Recorded in Film Code No. 653006 H.C.M.R., Located in the Elizabeth Smith Survey, Abstract No. 70 and the C.N. Pillot Survey, Abstract No. 32, City of Tomball, Harris County, Texas.

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

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve.

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

- 5.2 Consideration to Approve Replat of **TURNSTONE III BUSINESS PARK:** A Subdivision of 9.4930 Acres, (413,516 Square Feet) of land, situated in the Chauncey Goodrich Survey, Abstract No. 305, Harris County Texas.

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

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

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

- 5.3 Consideration to Approve Replat of **WILHITE TRACT** A Subdivision of 0.3214 Acre Tract, (14,000 Square Feet) being a Replat of Lots 37, 38 and 39 of revised map of Tomball as recorded in Volume 4, Page 25, Harris County Map Records, situated in the William Hurd Survey, Abstract 371, City of Tomball, Harris County, Texas.

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

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

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

- 5.4 Consideration to Approve Replat of **DECKER PRAIRIE COMMERCIAL PARK** Being a Replat of Lot 6, Block 1 of Decker Prairie Commercial Park, Being 1.6195 Acres situated in the Joseph House Survey, Abstract No. 20, as recorded in Cabinet Z, Sheet 34, of the Map Records of Montgomery 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. Motion carried unanimously.

- 5.5 Consideration to Approve Replat of **ALEXANDER ESTATES – REPLAT #2** A Subdivision of 18.2524 Acres of Land, being a part of The Elizabeth Smith Survey, A-70 Harris County, Texas. Also being a replat of Reserves “B”, “F”, “H”, “K”, “L”, “O”, “P” of Alexander Estates as recorded in F.C. No. 687972, H.C.M.R., 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.

- 5.6 Consideration to Approve **Zoning Case P19-187**: Request by Lance Langenhoven for a Conditional Use Permit to operate an *amusement, commercial (indoor)* facility at 419 East Hufsmith Road. The property is approximately 5.8588 acres, legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith at Hospital Road, within the City of Tomball, Harris County, Texas, and is zoned General Retail District.

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

Lance Langenhoven (70 W. Summer Storm Circle, The Woodlands, TX 77381) spoke on behalf of the request.

Corry McCoy (19319 Scarlet Cove Drive, Tomball, TX 77375) spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:18 p.m.

Hearing no comments, the Public Hearing was closed at 6:18 p.m.

Motion was made by Commissioner Benson, second by Commissioner Dunagin, to approve **Zoning Case P20-187**.

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.

- 5.7 Consideration to Approve **Zoning Case P20-007**: Request by B. Todd Jones, with DHIC, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 18 acres of land legally described as 18 acres out of Lot 2 Reserve at Tomball Partial Replat, within the City of Tomball, Harris County, Texas, generally located on the north side of FM 2920 approximately 1,000 feet west of FM 2978, from the Commercial and Single-Family 9 Districts to the Planned Development (PD-13) District.

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

Eric Overton (3405 Harvard Avenue, Dallas, TX 75205) spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:28 p.m.

Hearing no comments, the Public Hearing was closed at 6:29 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **Zoning Case P20-007**.

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 Dunagin, to adjourn.

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

The meeting adjourned at 6:30 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: March 9, 2020

Topic:

Consideration to Approve Replat of **RALEIGH CREEK SECTION SEVEN:** Being 9.5839 Acres of Land, Situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas, and also being a Replat of Reserve M, of Raleigh Creek Section Five, as recorded in Film Code No. 688474 H.C.M.R.

Background:

Origination:

Recommendation:

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

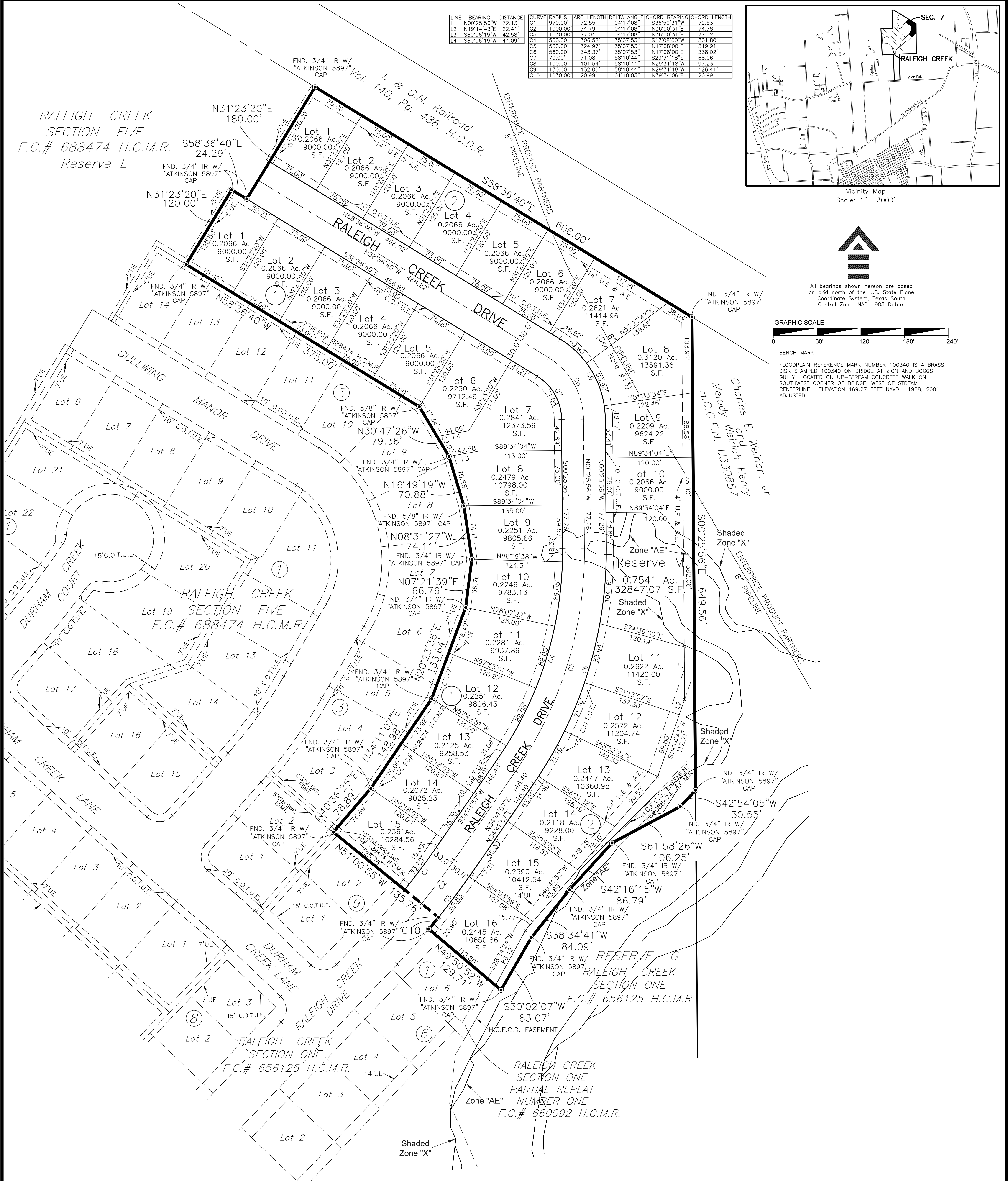
ACTION TAKEN

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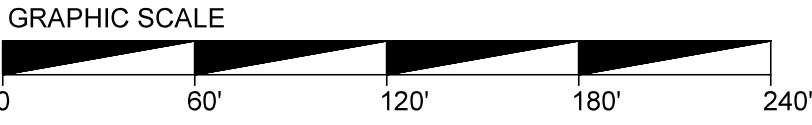
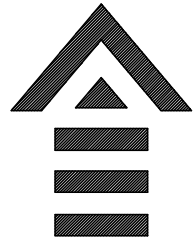
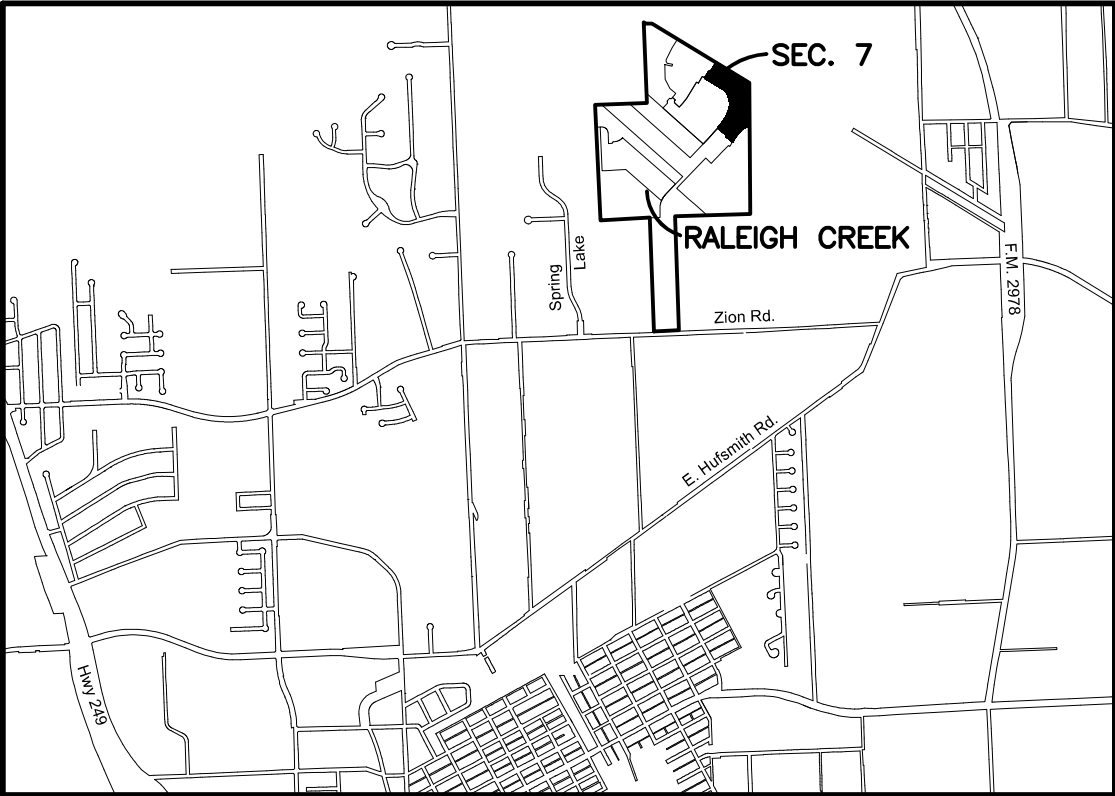
ATTACHMENTS:

Raleigh Creek Section #7 - Final Plat

Raleigh Creek Section #7 - Plat Comments



LINE	BEARING	DISTANCE	CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
L1	N00°25'56\"W	72.13'	C1	970.00'	72.55'	04°17'08\"	S36°50'31\"W	72.53'
L2	N19°14'43\"E	22.41'	C2	1000.00'	74.79'	04°17'08\"	N36°50'31\"E	74.78'
L3	S89°08'19\"W	42.58'	C3	1030.00'	71.04'	04°17'08\"	N36°50'31\"E	71.92'
L4	S80°08'19\"W	44.09'	C4	500.00'	306.58'	35°07'53\"	S17°08'00\"W	301.80'
C5			C5	530.00'	324.97'	35°07'53\"	N17°08'00\"E	319.91'
C6			C6	560.00'	343.37'	35°07'53\"	N17°08'00\"E	338.02'
C7			C7	70.00'	71.08'	58°10'44\"	S29°31'18\"E	68.06'
C8			C8	100.00'	101.54'	58°10'44\"	N29°31'18\"W	97.23'
C9			C9	130.00'	132.00'	58°10'44\"	N29°31'18\"W	126.41'
C10			C10	1030.00'	20.99'	01°10'03\"	N39°34'06\"E	20.99'



BENCH MARK:
FLOODPLAIN REFERENCE MARK NUMBER 100340 IS A BRASS DISK STAMPED 100340 ON BRIDGE AT ZION AND BOGGS GULLY, LOCATED ON UP-STREAM CONCRETE WALK ON SOUTHWEST CORNER OF BRIDGE, WEST OF STREAM CENTERLINE. ELEVATION 169.27 FEET NAVD. 1988, 2001 ADJUSTED.

Public Easements:
Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to, or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:
Floodplain Lines are approximate based on GIS Data provided by FEMA or by scaling from FEMA FIRM Map.
According to FEMA Panel 48201C0065L dated June, 18, 2007 this tract of land lies in the following zone:
Unshaded Zone "X" areas determined to be outside the 0.2% annual chance floodplain.
Shaded Zone "X" areas of 0.2%; areas of 1% annual chance of flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance Floodplain.
Zone AE the 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The special flood hazard area is the area subject to flooding by the 1% annual chance flood.
Floodway Area in Zone AE the Floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried out without substantial increases in flood heights. (See General Note # 12)

Note #1:
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3:
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

Note #4:
This plat does not attempt to amend or remove any valid covenants or restrictions.

Note #5:
A ten foot wide City of Tomball utility easement is hereby dedicated by 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.

- GENERAL NOTES
1. C.O.T.U.E. Indicates City of Tomball Utility Easement.
 2. A.E. Indicates Aerial Easement.
 3. U.E. Indicates Utility Easement.
 4. I.R. Indicates Iron Rod.
 5. FND. Indicates Found.
 6. W.L.E. Indicates Water Line Easement.
 7. H.C.C.F. No. Indicates Harris County Clerk's File Number.
 8. V. & P. Indicates Volume and Page.
 9. All 14 foot Utility Easements shown extend 7 feet on either side of a common lot line unless otherwise indicated.
 10. H.C.M.R. Indicates Harris County Map Records.
 11. Reserve "M" is hereby created as an Unrestricted Reserve..
 12. No lots dedicated by this plat are within Zone "AE".
 13. 8" Enterprise Product Partners Pipeline shown, crossing Lots 6, 7, 8, 9 and 10, is inactive and abandoned. This pipeline will capped and removed.

RALEIGH CREEK SECTION SEVEN

BEING 9.5839 ACRES OF LAND, SITUATED IN THE JOSEPH MILLER SURVEY, ABSTRACT NUMBER 50, HARRIS COUNTY, TEXAS, AND ALSO BEING A REPLAT OF RESERVE M, OF RALEIGH CREEK SECTION FIVE, AS RECORDED IN FILM CODE NO. 688474 H.C.M.R.

2 Blocks

Owner:
L.S. Development, LLC
10423 Huffsmith Rd.
Tomball Texas, 77375
713-201-7573

FEBRUARY, 2020

31 Lots

Surveyor:
Atkinson Engineers
19575 Wied Road
Spring, Texas 77388
281-872-7600

1 Reserve

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, L S DEVELOPMENT, LLC., acting by and through, JIM SPURLIN, President and ALISON SPURLIN, Secretary, being officers of L S DEVELOPMENT, LLC., hereinafter referred to as owners of the 9.5839 Acre Tract described in the above and foregoing plat of RALEIGH CREEK, SECTION SEVEN, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20'-0") above the ground level upward, located adjacent to all public utility easements shown hereon.

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'-0") perimeter ground easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter ground easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter ground easements or from a plane sixteen feet (16'-0") above ground level upward, located adjacent to and adjoining said public utility easements that are designed with aerial easements (U.E. & A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back ground easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back ground easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back ground easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designed with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net opening area of sufficient size to permit the free flow of water without backwater and in no instance have drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15'-0") wide on each side of the center line of any and all bayous, creeks, ravines, draws, sloughs, or other natural drainage courses located and depicted upon said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

L S DEVELOPMENT, LLC.

IN TESTIMONY WHEREOF, L S DEVELOPMENT, LLC., has caused these presents to be signed by JIM SPURLIN, its President, thereunto authorized, attested by its Secretary, ALISON SPURLIN, and its common seal hereunto affixed this ____ day of _____, _____.

By:_____ By:_____
JIM SPURLIN, President ALISON SPURLIN, Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JIM SPURLIN,President of L S Development, LLC., 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 Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this ____ day of _____, 20____.

Notary Public in and for the State of Texas

Print Name

My Commission Expires: _____

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared ALISON SPURLIN, Secretary of L S Development, LLC., 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 Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this ____ day of _____, 20____.

Notary Public in and for the State of Texas

Print Name

My Commission Expires: _____

I, David Zalman, Trustee of Prosperity Bank, owner and holder of a lien (or liens) against the property described in the plat known as Raleigh Creek Section 7, said lien (or liens) being evidenced by instrument of record in the Clerk's File No. RP-2019-186875, of the 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 I hereby confirm that we are the present owner (or owners) of said lien (or liens) and have not assigned the same nor any part thereof.

Prosperity Bank

By: _____
David Zalman, Trustee

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared David Zalman, 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 Corporation.

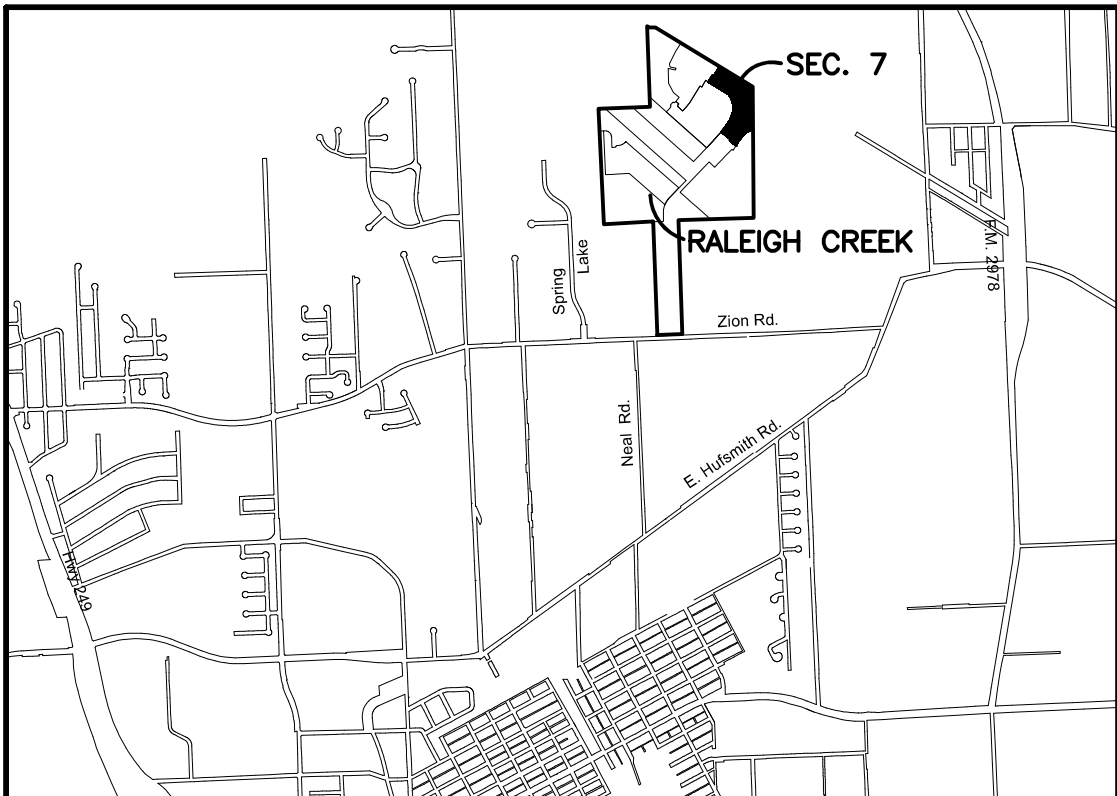
GIVEN UNDER MY HAND AND SEAL OF OFFICE

this ____ day of _____, 20____.

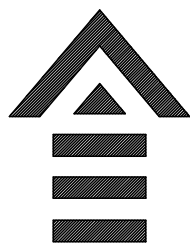
Notary Public in and for the State of Texas

Print Name

My Commission Expires: _____



Vicinity Map
Scale: 1"= 3000'



All bearings shown hereon are based
on grid north of the U.S. State Plane
Coordinate System, Texas South
Central Zone, NAD 1983 Datum

GRAPHIC SCALE

0 60' 120' 180' 240'

BENCH MARK:

FLOODPLAIN REFERENCE MARK NUMBER 100340 IS A BRASS DISK STAMPED 100340 ON BRIDGE AT ZION AND BOGGS GULLY, LOCATED ON UP-STREAM CONCRETE WALK ON SOUTHWEST CORNER OF BRIDGE, WEST OF STREAM CENTERLINE. ELEVATION 169.27 FEET NAVD. 1988, 2001 ADJUSTED.

I, Neil M. Atkinson, am registered under the laws of the State of Texas to practice the profession of Surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Neil M. Atkinson
Registered Professional Land Surveyor
Texas Registration No. 5897

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RALEIGH CREEK, SECTION SEVEN 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 _____, 20____.

By:_____ By:_____
Barbara Tague Darrell Roquemore
Chairman Vice Chairman

I, Diane Trautman, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 20____ at ____ o'clock____, and duly recorded on _____, 20____, at ____ o'clock____, and under film code number _____ of the map records of Harris County for said County.

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

Diane Trautman
County Clerk of
Harris County, Texas

By: _____
Deputy

RALEIGH CREEK SECTION SEVEN

BEING 9.5839 ACRES OF LAND, SITUATED IN THE JOSEPH MILLER SURVEY, ABSTRACT NUMBER 50, HARRIS COUNTY, TEXAS, AND ALSO BEING A REPLAT OF RESERVE M, OF RALEIGH CREEK SECTION FIVE, AS RECORDED IN FILM CODE NO. 688474 H.C.M.R.

FEBRUARY, 2020

2 Blocks

Owner:
L.S. Development, LLC
10423 Huffsmith Rd.
Tomball Texas, 77375
713-201-7573

31 Lots

Surveyor:
Atkinson Engineers
19575 Wied Road
Spring, Texas 77388
281-872-7600

1 Reserve

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

SHEET 2 OF 2

CITY OF TOMBALL

Plat Name: Raleigh Creek Section Seven 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: March 9, 2020

The above Subdivision Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

- Add missing easement callout
- Correct typo

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2020

Topic:

Consideration to Approve Replat of **RALEIGH CREEK SECTION EIGHT:** Being 10.3241 Acres of Land, Situated in the Joseph Miller Survey, Abstract Number 50, Harris County, Texas, and also being a Replat of Reserve L, of Raleigh Creek Section Five, as recorded in Film Code No. 688474 H.C.M.R.

Background:

Origination:

Recommendation:

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

ACTION TAKEN

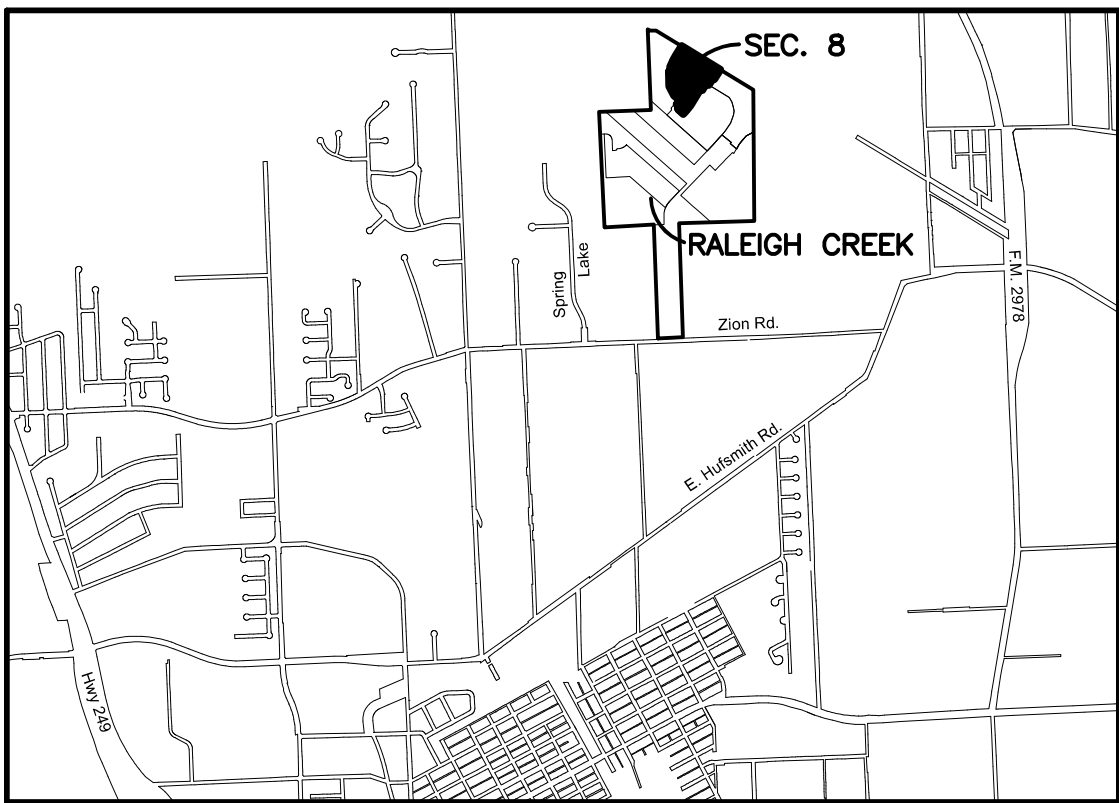
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

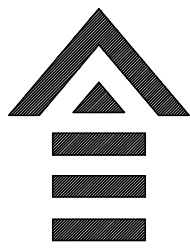
Raleigh Creek Section #8 - Final Plat

Raleigh Creek Section #8 - Plat Comments

LINE	BEARING	DISTANCE	CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
L1	N41°35'01"E	15.45'	C1	25.00'	39.27'	90°00'00"	N03°24'59"W	35.36'
L2	N68°11'19"W	78.39'	C2	1000.00'	177.93'	10°11'41"	N36°29'11"E	177.70'
L3	N68°11'19"W	78.39'	C3	1030.00'	183.27'	10°11'41"	N36°29'11"E	183.03'
L4	S77°32'37"E	116.88'	C4	970.00'	92.96'	05°29'23"	S34°08'04"E	92.92'
L5	N77°32'37"W	89.31'	C5	25.00'	39.27'	90°00'00"	N76°23'20"E	35.36'
L6	N27°32'13"W	31.59'	C6	25.00'	41.83'	95°51'24"	S16°32'22"E	37.12'
L7	N68°37'40"E	27.37'	C7	300.00'	50.15'	09°34'39"	N69°23'59"W	50.09'
L8	N58°36'40"W	24.29'	C8	270.00'	17.53'	03°43'15"	N66°19'41"W	17.53'
L9	N58°36'40"W	47.20'	C9	330.00'	55.18'	09°34'39"	N63°23'59"W	55.10'
L10	N58°36'40"W	30.66'	C10	110.00'	179.51'	93°30'04"	N21°26'16"W	160.24'
L11	N48°24'59"W	60.00'	C11	140.00'	193.57'	79°13'08"	N28°34'45"W	178.51'
L12	S68°28'25"W	61.61'	C12	80.00'	130.55'	93°30'04"	N21°26'16"W	116.54'
L13			C13	140.00'	27.11'	1109.45"	N16°34'42"E	7.79'
L14			C14	140.00'	7.79'	03°11'11"	N23°43'10"E	7.79'
L15			C15	1000.00'	106.05'	06°04'34"	N28°21'03"E	106.00'
L16			C16	970.00'	46.38'	02°44'23"	N28°40'57"E	46.38'
L17			C17	1030.00'	44.82'	02°29'38"	S26°33'34"W	44.82'
L18			C18	25.00'	14.50'	33°13'42"	S11°11'30"W	14.30'
L19			C19	60.00'	168.99'	161°22'18"	S75°15'48"W	118.42'
L20			C20	25.00'	15.08'	34°33'37"	N41°19'51"W	14.85'
L21			C21	25.00'	40.73'	93°20'12"	N74°43'14"E	36.37'
L22			C22	970.00'	79.64'	04°42'14"	N39°13'54"E	79.61'

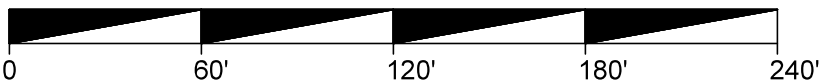


Vicinity Map
Scale: 1"= 3000'



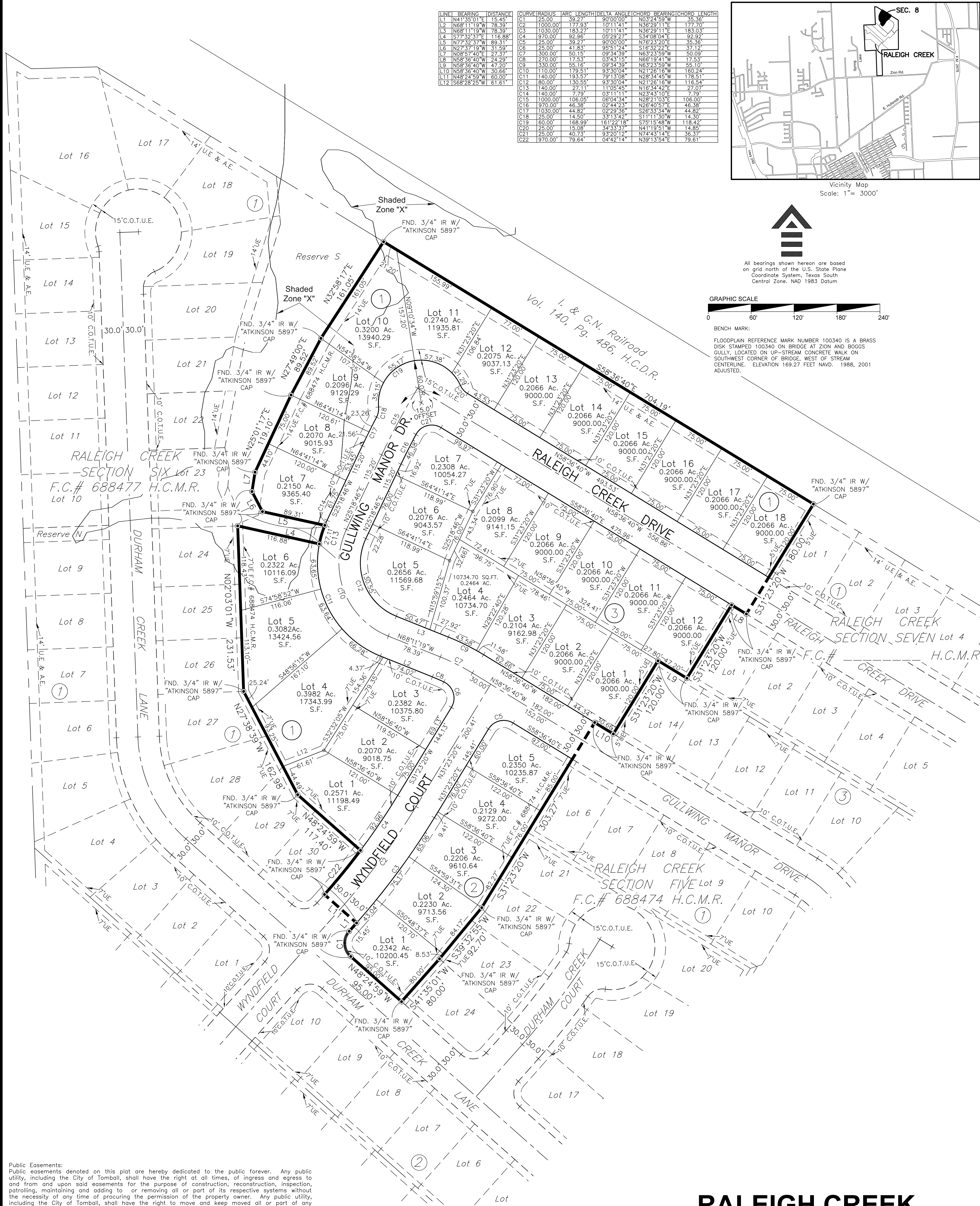
All bearings shown herein are based on grid north of the U.S. State Plane Coordinate System, Texas South Central Zone, NAD 1983 Datum

GRAPHIC SCALE



BENCH MARK:

FLOODPLAIN REFERENCE MARK NUMBER 100340 IS A BRASS DISK STAMPED 100340 ON BRIDGE AT ZION AND BOGGS GULLY, LOCATED ON UP-STREAM CONCRETE WALK ON SOUTHWEST CORNER OF BRIDGE, WEST OF STREAM CENTERLINE. ELEVATION 169.27 FEET NAVD. 1985, 2001 ADJUSTED.



Public Easements:
Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:
Floodplain Lines are approximate based on GIS Data provided by FEMA or by scaling from FEMA FIRM Map.
According to FEMA Panel 48201C0065L dated June, 18, 2007 this tract of land lies in the following zone:

Unshaded Zone "X" areas determined to be outside the 0.2% annual chance floodplain.
Shaded Zone "X" areas of 0.2%; areas of 1% annual chance of flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
Zone AE: the 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The special flood hazard area is the area subject to flooding by the 1% annual chance flood.
Flowway Area in Zone AE: the Flowway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried out without substantial increases in flood heights. (See General Note # 12)

Note #1:
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3:
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

Note #4:
This plat does not attempt to amend or remove any valid covenants or restrictions.

Note #5:
A ten foot wide City of Tomball utility easement is hereby dedicated by 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.

GENERAL NOTES

1. C.O.T.U.E. Indicates City of Tomball Utility Easement.
2. A.E. Indicates Aerial Easement.
3. U.E. Indicates Utility Easement.
4. I.R. Indicates Iron Rod.
5. FND. Indicates Found.
6. W.L.E. Indicates Water Line Easement.
7. H.C.C.F. No. Indicates Harris County Clerk's File Number.
8. V. & P. Indicates Volume and Page.
9. All 14 foot Utility Easements shown extend 7 feet on either side of a common lot line unless otherwise indicated.
10. H.C.M.R. Indicates Harris County Map Records.
11. No lots dedicated by this plat are within Zone "AE".

RALEIGH CREEK SECTION EIGHT

BEING 10.3241 ACRES OF LAND, SITUATED IN THE JOSEPH MILLER SURVEY, ABSTRACT NUMBER 50, HARRIS COUNTY, TEXAS, AND ALSO BEING A REPLAT OF RESERVE L, OF RALEIGH CREEK SECTION FIVE, AS RECORDED IN FILM CODE NO. 688474 H.C.M.R.

3 Blocks

Owner:
L.S. Development, LLC
10423 Huffsmith Rd.
Tomball Texas, 77375
713-201-7573

FEBRUARY, 2020

35 Lots

Surveyor:
Atkinson Engineers
19575 Wied Road
Spring, Texas 77388
281-872-7600

0 Reserves

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

SHEET 1 OF 2

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, L S DEVELOPMENT, LLC., acting by and through, JIM SPURLIN, President and ALISON SPURLIN, Secretary, being officers of L S DEVELOPMENT, LLC., hereinafter referred to as owners of the 10.3241 Acre Tract described in the above and foregoing plat of RALEIGH CREEK, SECTION EIGHT do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20'-0") above the ground level upward, located adjacent to all public utility easements shown hereon.

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'-0") perimeter ground easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter ground easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter ground easements or from a plane sixteen feet (16'-0") above ground level upward, located adjacent to and adjoining said public utility easements that are designed with aerial easements (U.E. & A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back ground easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back ground easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back ground easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designed with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net opening area of sufficient size to permit the free flow of water without backwater and in no instance have drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15'-0") wide on each side of the center line of any and all bayous, creeks, ravines, draws, sloughs, or other natural drainage courses located and depicted upon said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

L S DEVELOPMENT, LLC.

IN TESTIMONY WHEREOF, L S DEVELOPMENT, LLC., has caused these presents to be signed by JIM SPURLIN, its President, thereunto authorized, attested by its Secretary, ALISON SPURLIN, and its common seal hereunto affixed this ____ day of _____, _____.

By: _____ By: _____
JIM SPURLIN, President ALISON SPURLIN, Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JIM SPURLIN, President of L S Development, LLC., 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 Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this ____ day of _____, 20____.

Notary Public in and for the State of Texas

Print Name

My Commission Expires: _____

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared ALISON SPURLIN, Secretary of L S Development, LLC., 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 Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this ____ day of _____, 20____.

Notary Public in and for the State of Texas

Print Name

My Commission Expires: _____

I, David Zalman, Trustee of Prosperity Bank, owner and holder of a lien (or liens) against the property described in the plat known as Raleigh Creek Section 8, said lien (or liens) being evidenced by instrument of record in the Clerk's File No. RP-2019-186875, of the 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 I hereby confirm that we are the present owner (or owners) of said lien (or liens) and have not assigned the same nor any part thereof.

Prosperity Bank

By: _____
David Zalman, Trustee

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared David Zalman, 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 Corporation.

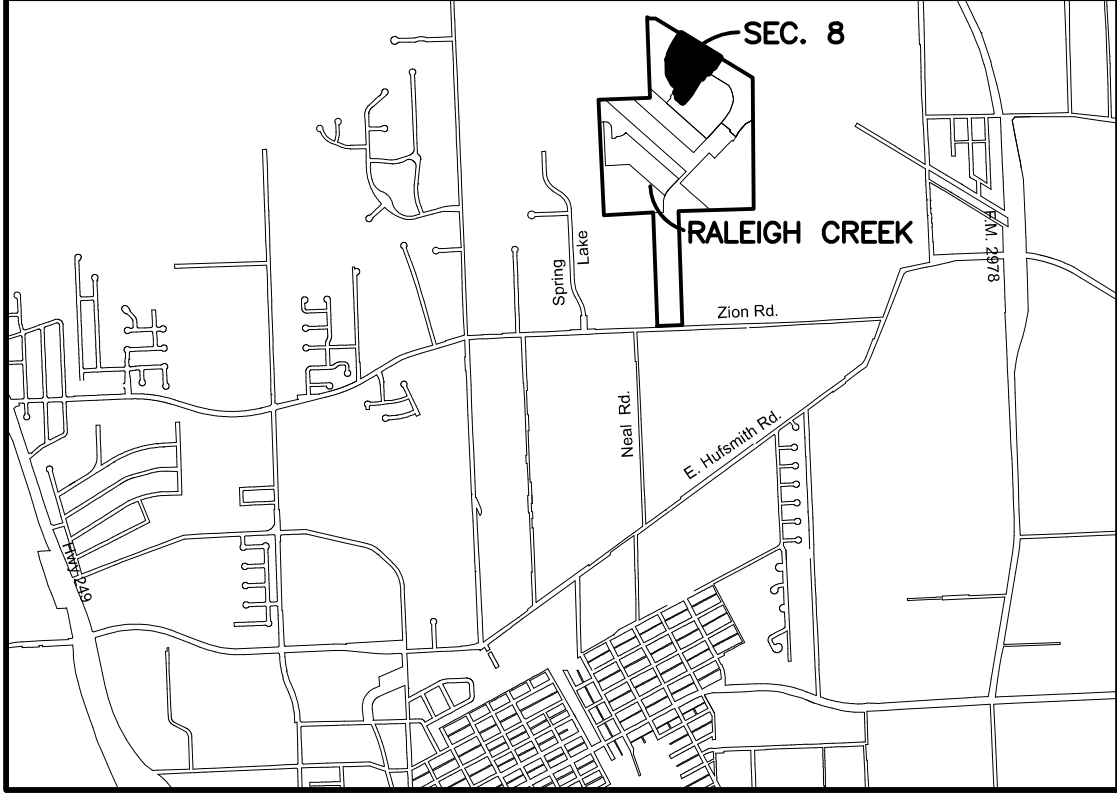
GIVEN UNDER MY HAND AND SEAL OF OFFICE

this ____ day of _____, 20____.

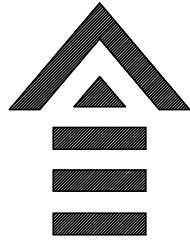
Notary Public in and for the State of Texas

Print Name

My Commission Expires: _____



Vicinity Map
Scale: 1"= 3000'



All bearings shown hereon are based
on grid north of the U.S. State Plane
Coordinate System, Texas South
Central Zone, NAD 1983 Datum



BENCH MARK:

FLOODPLAIN REFERENCE MARK NUMBER 100340 IS A BRASS DISK STAMPED 100340 ON BRIDGE AT ZION AND BOGGS GULLY, LOCATED ON UP-STREAM CONCRETE WALK ON SOUTHWEST CORNER OF BRIDGE, WEST OF STREAM CENTERLINE. ELEVATION 169.27 FEET NAVD. 1988, 2001 ADJUSTED.

I, Neil M. Atkinson, am registered under the laws of the State of Texas to practice the profession of Surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Neil M. Atkinson
Registered Professional Land Surveyor
Texas Registration No. 5897

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RALEIGH CREEK, SECTION EIGHT 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 _____, 20____.

By: _____ By: _____
Barbara Tague Darrell Roquemore
Chairman Vice Chairman

I, Diane Trautman, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 20____ at ____ o'clock____, and duly recorded on _____, 20____, at ____ o'clock____, and under film code number _____ of the map records of Harris County for said County.

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

Diane Trautman
County Clerk of
Harris County, Texas

By: _____
Deputy

RALEIGH CREEK SECTION EIGHT

**BEING 10.3241 ACRES OF LAND, SITUATED IN
THE JOSEPH MILLER SURVEY, ABSTRACT
NUMBER 50, HARRIS COUNTY, TEXAS, AND ALSO
BEING A REPLAT OF RESERVE L, OF RALEIGH
CREEK SECTION FIVE, AS RECORDED IN FILM
CODE NO. 688474 H.C.M.R.**

FEBRUARY, 2020

3 Blocks

Owner:
L.S. Development, LLC
10423 Huffsmith Rd.
Tomball Texas, 77375
713-201-7573

35 Lots

Surveyor:
Atkinson Engineers
19575 Wied Road
Spring, Texas 77388
281-872-7600

0 Reserves

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

SHEET 2 OF 2

CITY OF TOMBALL

Plat Name: Raleigh Creek Section Eight 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: March 9, 2020

The above Subdivision Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

- Add missing easement callout
- Correct typo

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 9, 2020

Topic:

Consideration to Approve **Zoning Case P20-020**: Request by CCJ Collaborations LLC for a Conditional Use Permit to operate a *distillation of liquors, spirits, etc. (brewery)* facility. The property is approximately 4.65 acres, legally described as Block 1 Lot 16 Tomball Business and Technology Park Lot 5 Replat, generally located on the west side of South Persimmon Street, north of Spell Road, within the City of Tomball, Harris County, Texas, and is zoned Light Industrial District.

- Conduct Public Hearing on **Zoning Case P20-020**

Background:

Origination:

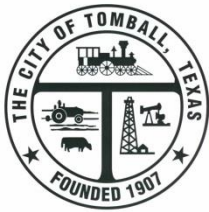
Recommendation:

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

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

ATTACHMENTS:

Property Owner Notification
Notice of Public Hearing
Staff Report



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: P20-020

APPLICANT/OWNER: CCJ Callaborations, LLC

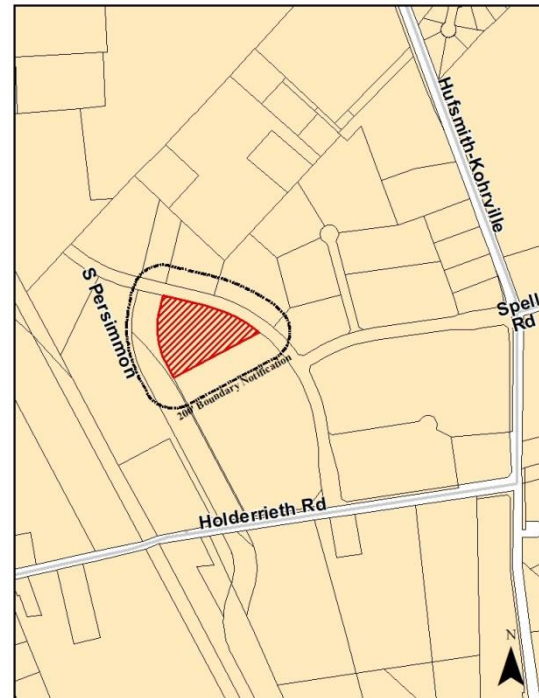
LOCATION: Generally located on the west side of South Persimmon Street, north of Spell Road, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Conditional Use Permit to operate a *distillation of liquors, spirits, etc. (brewery)* facility. The property is approximately 4.65 acres, legally described as Block 1 Lot 16 Tomball Business and Technology Park Lot 5 Replat, within the City of Tomball, Harris County, Texas, and is zoned Light Industrial District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:**

Monday, March 9, 2020 6:00 PM

City Council Public Hearing:

***Monday, March 16, 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.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2020
&
CITY COUNCIL
MARCH 16, 2020**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 9, 2020, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 16, 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 P20-020: Request by CCJ Collaborations LLC for a Conditional Use Permit to operate a *distillation of liquors, spirits, etc. (brewery)* facility. The property is approximately 4.65 acres, legally described as Lot 16 Block 1 Tomball Business and Technology Park Lot 5 Replat, generally located on the west side of South Persimmon Street, north of Spell Road, within the City of Tomball, Harris County, Texas, and is zoned Light Industrial District.

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

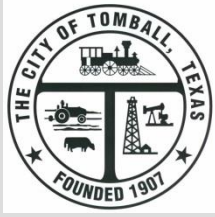
C E R T I F I C A T I O N

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 **5th** day of **March, 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.



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: March 9, 2020

City Council Public Hearing Date: March 16, 2020

Rezoning Case: P20-020

Property Owner(s): Tomball Economic Development Corporation

Applicant(s): CCJ Collaborations, LLC

Legal Description: Lot 16 Block 1 Tomball Business and Technology Park Lot 5 Replat

Location: West side of South Persimmon Street, north of Spell Road (Exhibit "A")

Area: 4.65 acres

Comp Plan Designation: Business Park and Industrial (Exhibit "B")

Present Zoning and Use: Light Industrial District (Exhibit "C") / Undeveloped (Exhibit "D")

Proposed Use(s): Production brewery (Exhibit "D")

Request: Conditional Use Permit (CUP) to allow the operation of a *distillation of liquors, spirits, etc. (brewery) facility*

Adjacent Zoning & Land Uses:

- North:** Light Industrial District / Undeveloped
- South:** Light Industrial District / Hoelscher Weatherstrip Manufacturing Co.
- West:** Light Industrial District / M118 Drainage Channel
- East:** Light Industrial District / Bimbo Bakery Distribution Center

BACKGROUND

City Staff received a Conditional Use Permit Application from the applicant in January.

ANALYSIS

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

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

The Comprehensive Plan identifies the subject site as Business Park and Industrial. According to Chapter 4 (Vision) of the Comprehensive Plan, the intent of the Business Park and Industrial category is “to create opportunities for employment. This area is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight.” Appropriate land uses in the Business Park and Industrial category include “office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses.”

The request also meets the following goals, objectives and actions of the Comprehensive Plan:

- Objective LU 2.1, Implement the Future Land Use Plan to promote development that results in desired character of Tomball
 - Action LU 2.1.1, Evaluate new development applications to ensure it results in the desired character areas set out in the Future Land Use Plan.
- Objective ED 5.3, Maintain a balance in the differing economic sectors to promote sustainable economic health for the community.
 - Action 5.3.1, Utilize the intent of the Future Land Use Plan to apply a character-based approach to land use decisions focusing less on use and more on impacts to the built environment.
 - Action 5.3.2, Pursue and encourage entertainment options for local Tomball residents.
- Action 5.4.3, Work closely with the Greater Tomball Area Chamber of Commerce (GRACC) and Tomball Economic Development Corporation (TEDC) to support local businesses and increase employment opportunities.

The proposed use meets the goals, objectives and actions, as well as the Future Land Use Map of the Comprehensive Plan.

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

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

According to Section 50-78, the purpose of the Light Industrial District is “primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits.” According to the applicant, the site “would include approximately a 10,000 square ft building to house both the brewing operation and restaurant/tap room.” The applicant continues to describe, “approximately 70% of the building would be exclusive for brewing operations. All equipment would be housed inside the building, so noise levels would be minimal.” It appears the proposed use is consistent with the general purpose and intent of the Light Industrial District.

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

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

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

The proposed use appears to be compatible with the adjacent developments. The property is located within the Tomball Business & Technology Park. Existing uses in the business park include Packers Plus, Suez, Hoelscher Weatherstrip Manufacturing Co., Bimbo Bakery Distribution Center and multiple office/warehouse facilities. The proposed production brewery will add to the diversity of the business park while also adding jobs to the Tomball economy. There are also no residential districts surrounding the property.

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.

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 21, 2020. A Notice of Public Hearing was published in the paper on February 28, 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 P20-020.

EXHIBITS

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

Exhibit "A"
Aerial Photo

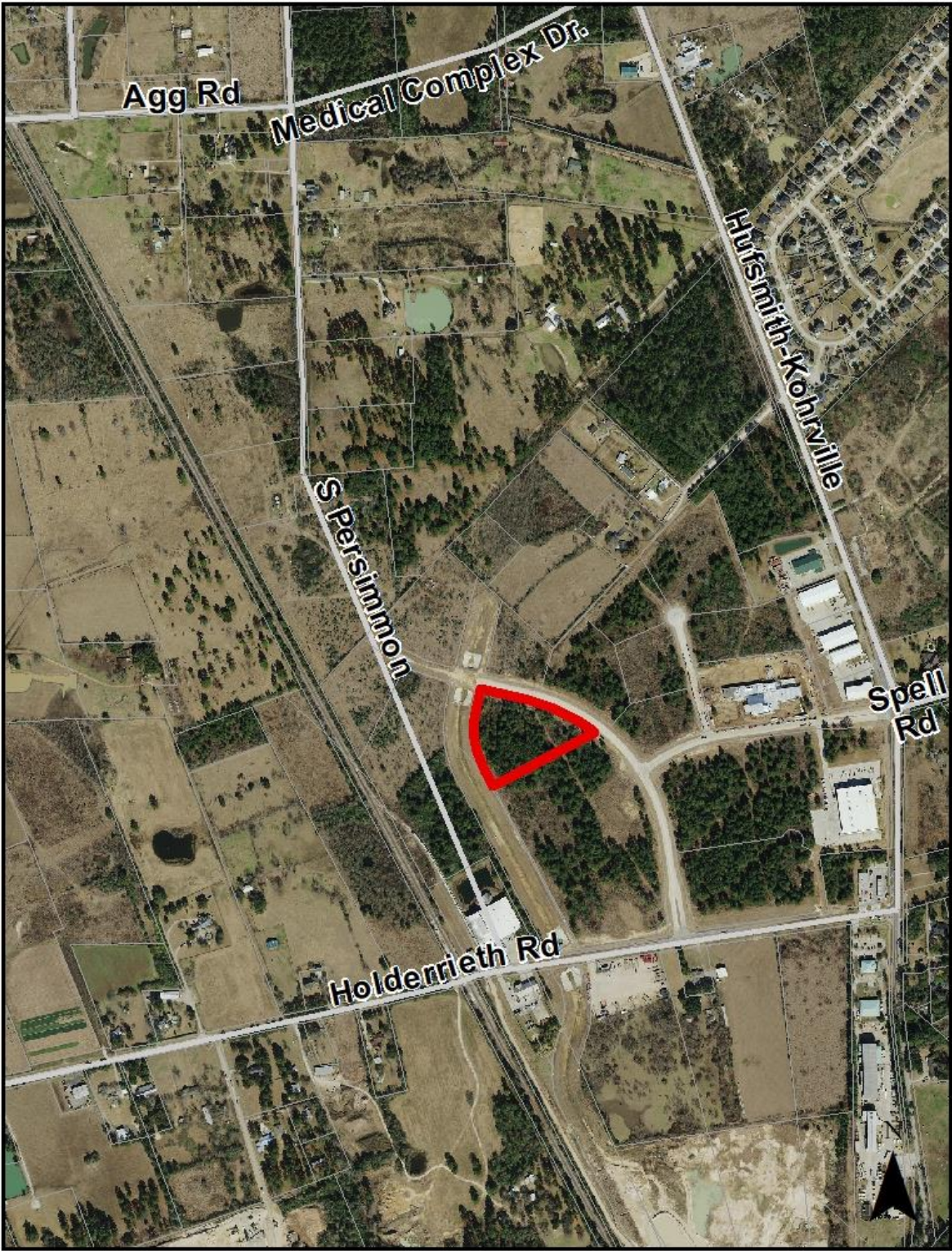


Exhibit "B"
Comprehensive Plan

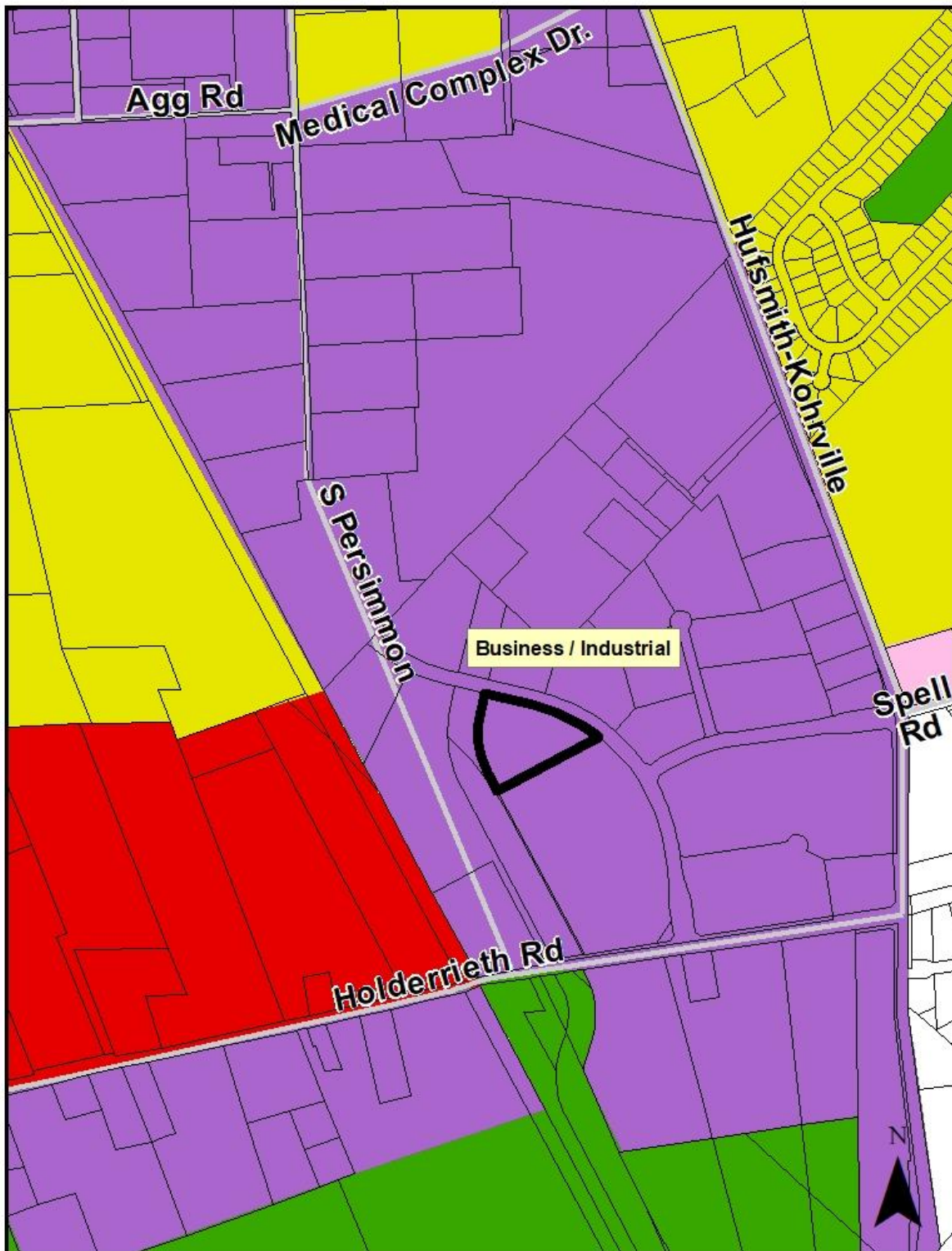
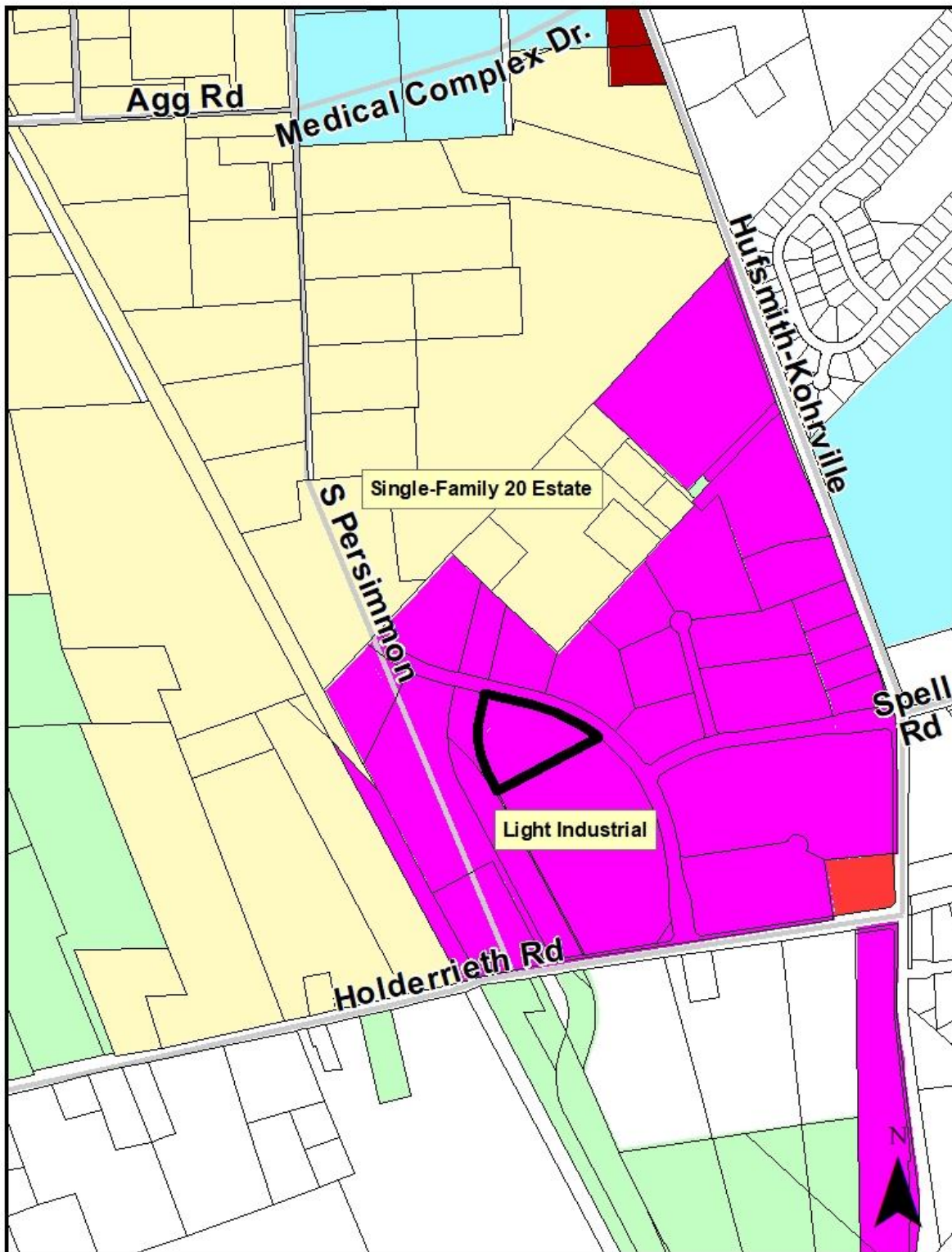


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"
CUP Application



RECEIVED (KC)
01/31/2020 2:40:27 PM

Revised 5/19/15
P&Z Case #20-020

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

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

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of Section 50.34 of the Code of Ordinances.

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

Applicant

Name: CCJ Collaborations LLC Title: _____
Mailing Address: 5900 Balcones Dr Suit 100 City: Austin State: TX
Zip: 78731
Phone: (281) 755-1991 Fax: (_____) _____ Email: _____

Owner

Name: Tomball Economic Development Corp Title: _____
Mailing Address: PO Box 820 City: Tomball State: TX
Zip: 77377
Phone: (281) 351-7223 Fax: (_____) _____ Email: kviolette@tomballtxedc.org

Engineer/Surveyor (if applicable)

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

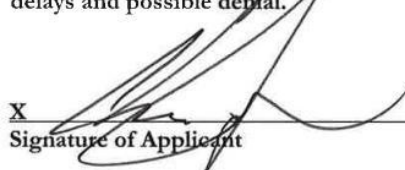
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

Description of Proposed Project: Production Brewery
Physical Location of Property: West side of South Persimmon north of Spell Rd
[General Location – approximate distance to nearest existing street corner]
Legal Description of Property: Tomball Business and Technology Park Lot #16
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: _____ Acreage: 4.63
Current Use of Property: vacant
Proposed Use of Property: Production Brewery

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

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

☒ 	<u>1/31/2020</u>
Signature of Applicant	Date
☒ <u>Kelly Violette</u>	<u>2/6/2020</u>
Signature of Owner	Date

401 Market Street
401 Market Street
Tomball, TX 77375
(281) 351-5484

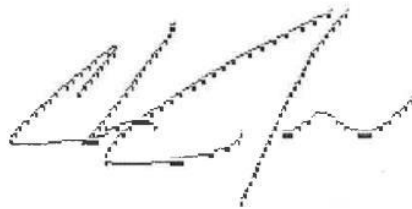
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OPER : DR
TKBY : dr
TERM : 6
REC# : R01210459

130.0000 PLANNING AND ZONING 600.00
0 persimmon production brewery 600.00

Paid By:0 persimmon production brewery
4-CC 600.00AUTH:02020C REF:wvisa815

APPLIED	600.00
TENDERED	600.00
CHANGE	0.00

Cardmember acknowledges receipt of goods
and/or services in the amount of the
total shown hereon and agrees to perform
the obligations set forth by the
cardmember's agreement with the user.



CHASE VISA XXXXXXXXXXXX9288
Entry Mode: CHIP READ
CVM:

EMV Details:
AC: F6248D3B0DAF0342
ATC: 0055
AID: A0000000031010
TVR: 0080008000
TSI: E800

January 29th, 2020

To City of Tomball Planning and Zoning,

CCJ Collaborations is looking to build a production brewery on Track 16 inside the Tomball Business and Technology Park. The site would include approximately a 10,000 square ft building to house both the brewing operation and a restaurant/tap room. Approximately 30% of the building would be an indoor space for dining and beverage experience. The site would also include an outdoor space for customers to relax and enjoy nature while experiencing our beers and will have a covered porch for additional seating. The outdoor space would be available during dining hours, with outdoor festivals, shop local markets, live music and various events occurring from time to time.

Approximately 70% of the building would be exclusive for brewing operations. All equipment would be housed inside the building, so noise levels would be minimal. The brewing operation would have the potential to operate 24 hours a day, 7 days a week. Our product will also be in local distribution at various establishments to drive awareness of the business and bring consumers to the Tomball market.

Our goal is to create a family friendly environment welcoming consumers with children and pets alike.

Thank you for your time and consideration in approving our conditional use permit for the property.

Cheers!

CCJ Collaborations

**Figure “F”
Concept Plan**

