

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



MONDAY, APRIL 8, 2019

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, April 8, 2019 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning and Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 11, 2019.
- 5.0 New Business:
 - 5.1 Consideration to Approve Final Plat of **BROKEN SPOKE RANCH:** A subdivision of 4.7390 acre tract, 206,430.24 square feet situated in the Joseph Miller League Survey, Abstract 50, City of Tomball Harris County, Texas.

5.2 Consideration to Approve Final Plat of **HUTSON BLOCK ONE NORTH:** A Replat of Lots 1-8, portions of two alley-ways, and the North 30 feet of the Hoffman Homestead, in Block 1 of Revised Map of Tomball, an addition in the Wm. Hurd Survey (A-371), Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

5.3 Consideration to Approve **Zoning Case P19-026:** Request by Greg Charney to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.06 acres of land legally described as Lot 1 Block 3 Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located on the south side of Timkin Road, between Ash Street and Chestnut Business Park Drive, from the Single-Family 6 District to the General Retail District.

- Conduct Public Hearing on **Zoning Case P19-026**

5.4 Consideration to Approve **Zoning Case P19-039:** Request by Pamela Casia to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.5 acres of land legally described as Tract 12E-2 & 12F-2 Abstract 378 W Hurd Survey, within the City of Tomball, Harris County, Texas, generally located on the south side of Michel Road, west of School Street, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P19-039**

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 4th day of April, 2019 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: April 8, 2019

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: April 8, 2019

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: April 8, 2019

Topic:
Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of March 11, 2019.

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:

3.11.19 Minutes

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

MONDAY, MARCH 11, 2019



6:00 P.M.

- 1.0 The meeting was called to order by Chair Barbara Tague at 6:00 p.m. Other members present were:

Commissioner Darrell Roquemore
Commissioner Richard Anderson
Commissioner Dane Dunagin

Commissioner Will Benson – Absent (excused)

Others present:

Loren Smith – City Attorney
Wesley Stolz – Assistant City Engineer
Amelia Lindley – City Planner
Daniella Garcia – Construction Coordinator

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 Anderson, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of February 11, 2019.

Motion carried unanimously.

- 5.0 New Business:

- 5.1 Consideration to Approve Final Plat of **CHERRY PINES SECTION 2:** A subdivision of 10.9303 acres of land situated in the Claude N. Pillot Survey, Abstract 632, City of Tomball, Harris County, Texas.

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

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

Motion carried unanimously.

- 5.2 Consideration to Approve Final Plat of **TOMBALL FREDDY'S:** A subdivision of 0.9050 of one acre (39,423.40 SQ. FT.) of land situated in the Sam Lewis Survey, Abstract No. 1704, City of Tomball, Harris County, Texas.

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

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

Motion carried unanimously.

- 5.3 Consideration to Approve Final Plat of **LSP TOMBALL DEVELOPMENT REPLAT NO.2:** A subdivision of 11.8981 acres (518,279.72 SQ. FT.) of land, Tract 1 situated in the Sam Lewis Survey, Abstract No. 1704, City of Tomball, Harris County, Texas.

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

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

Motion carried unanimously.

- 5.4 Consideration to Approve Final Plat of **SNOWFLAKE DONUTS TOMBALL:** Being a subdivision of 0.3214 acre of land (14,000 SQ. FT.) and being all of lot(s) 15 and 16 in Block 40 out of and a part of Tomball Townsite, Volume 2, Page 65 of the map records of Harris County, out of the William Hurd Survey, Abstract No. 371, in the City of Tomball, in Harris County, Texas.

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

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

Motion carried unanimously.

- 5.5 Consideration to Approve **Zoning Case P19-017:** Request by Don Cannon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City

of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road, from the Single-Family 6 District to the General Retail District.

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

Don Cannon (PO Box 1776, Tomball, Texas 77377), property owner and applicant, spoke on behalf of the case.

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

Alana Holiday (414 South Chestnut Street, Tomball, Texas 77375), spoke in opposition of the request.

Alvis Scott (919 Timkin Road, Tomball, Texas 77375) spoke in opposition of the request.

Mary Scott (919 Timkin Road, Tomball, Texas 77375) spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 6:20 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **Zoning Case P19-017**, Vote was as follows:

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

Motion failed with ONE vote AYE and THREE votes NAY.

- 5.6 Consideration to Approve **Zoning Case P19-018**: Request by Don Cannon for a Conditional Use Permit to operate an *office showroom/warehouse* on approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road and zoned General Retail District.

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

Lex Parker (16305 Willowpark Dr., Tomball, Texas 77377), applicant's representative spoke.

The Public Hearing was opened by Chair Tague at 6:39 p.m.

Alana Holiday (414 South Chestnut Street, Tomball, Texas 77375), spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 6:40 p.m.

Motion was made by Commissioner Roquemore, second by Commissioner Dunagin, to approve **Zoning Case P19-018**, with the following conditions:

- No vehicular access shall be permitted from Timkin Road;
- Required detention for the development shall be located toward the southern portion of the property;
- A ten foot landscape buffer and minimum 6 foot opaque screening wall or fence shall be installed and maintained on the property along Timkin Road.

Vote was as follows:

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

Motion carried unanimously.

- 5.7 Consideration to Approve **Zoning Case P19-023**: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by reducing the required building setbacks for nonresidential uses in a portion of the Old Town Area.

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

The Public Hearing was opened by Chair Tague at 6:52 p.m.

Hearing no comments, the Public Hearing was closed at 6:52 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Dunagin, to approve **Zoning Case P19-023**. Vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

The meeting adjourned at 6:54 p.m.

PASSED AND APPROVED this _____ day of _____ 2019.

Amelia Lindley
City Planner/ Board Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: April 8, 2019

Topic:

Consideration to Approve Final Plat of **BROKEN SPOKE RANCH:** A subdivision of 4.7390 acre tract, 206,430.24 square feet situated in the Joseph Miller League Survey, Abstract 50, City of Tomball Harris County, Texas.

Background:

Origination:

Community Development Department

Recommendation:

Approval with contingencies

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

Engineering Division

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

ATTACHMENTS:

Broken Spoke Ranch Plat Comments

Broken Spoke Ranch Plat

CITY OF TOMBALL

Plat Name: Broken Spoke Ranch Plat Type: Final

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

Plat within City Limits ☐ Within Extraterritorial Jurisdiction ☒

Planning and Zoning Commission Meeting Date: April 08, 2019

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 building setbacks
- Update vicinity map
- Correct the legal description

Community Development recommends approval of this plat with contingencies.

STATE OF TEXAS
COUNTY OF HARRIS

WE, MELVIN O. PITCHFORD AND KATHI J. PITCHFORD, HEREINAFTER REFERRED TO AS OWNER OF THE 4.7390 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF BROKEN SPOKE RANCH, DO HEREBY MAKE AND ESTABLISH OF SAID SUBDIVISION PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOEVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

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

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

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

IN TESTIMONY WHEREOF, HAS CAUSED THESE PRESENTS TO BE SIGNED BY MELVIN O. PITCHFORD, THEREUNTO AUTHORIZED, AND BY KATHI J. PITCHFORD, THIS _____ DAY OF _____, 2019.

BY: _____
MELVIN O. PITCHFORD

BY: _____
KATHI J. PITCHFORD

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, MELVIN PITCHFORD AND KATHI J. PITCHFORD, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXCUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DATE OF _____, 2019.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRINT NAME : _____

MY COMMISSION EXPIRES : _____

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

CRAIG A. LANEY, R.P.L.S.
TEXAS REGISTRATION NO. 4507



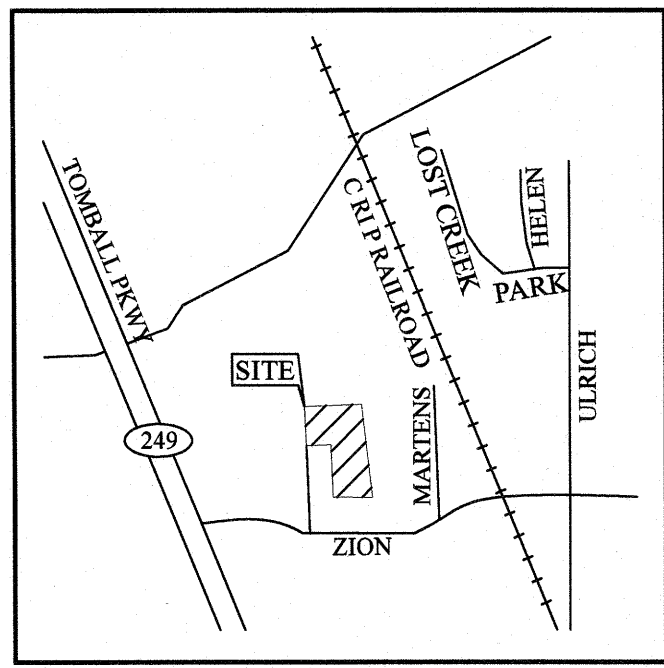
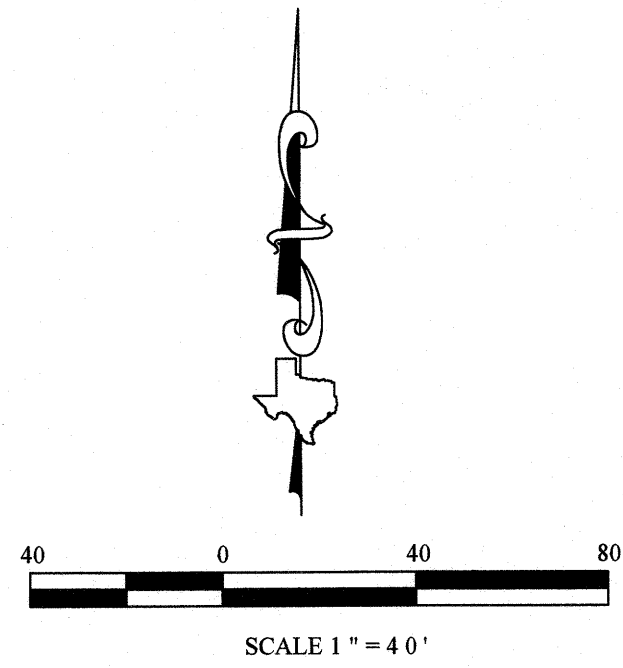
THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF BROKEN SPOKE RANCH IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2019.

BY: _____
BARBARA TAGUE, CHAIRMAN

BY: _____
DARRELL ROQUEMORE, VICE CHAIRMAN

I, JOHN R. BLOUNT, COUNTY ENGINEER OF HARRIS COUNTY, HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE HARRIS COUNTY COMMISSIONERS' COURT AND THAT IT COMPLIES OR WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE HARRIS COUNTY ROAD LAW AS AMENDED AND ALL OTHER COURT ADOPTED DRAINAGE REQUIREMENTS.

JOHN R. BLOUNT, P.E., LEED AP
COUNTY ENGINEER



GENERAL NOTES

- B.L. INDICATES " BUILDING LINE "
- U.E. INDICATES " UTILITY EASEMENT "
- R.O.W. INDICATES " RIGHT-OF-WAY "
- AC-TRACT INDICATES " ACRE TRACT "
- VOL. INDICATES " VOLUME "
- PG. INDICATES " PAGE "
- I.R. INDICATES " IRON ROD "
- D.E. INDICATES " DRAINAGE EASEMENT "
- S.S.E. INDICATES " SANITARY SEWER EASEMENT "
- H.C.M.R. INDICATES " HARRIS COUNTY MAP RECORDS "
- INDICATES " SET 5/8\" IRON ROD WITH CAP STAMPED E.I.C.SURVEYING CO. "
- INDICATES " FOUND 5/8\" IRON ROD "
- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to the FEMA Firm Panel No. 4803150230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/ gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/ gas wells with ownership (plugged, abandoned, and/ or active) through the subdivision have been shown.
- No Building or structure shall be constructed across any pipelines, building lines, and/ or easements. Building setback lines will be required adjacent to oil/ gas pipelines. The setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The building lines shown in this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- This Plat requires compliance with landscaping requirements prior to occupancy of structures as amended in "Regulations of Harris County, Texas, for the approval and acceptance of infrastructure" .

I, DIANE TRAUTMAN, COUNTY CLERK OF HARRIS COUNTY AND EX OFFICIO CLERK OF THE HARRIS COUNTY COMMISSIONERS' COURT, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS APPROVED AT A LEGALLY CONVENED MEETING OF THE HARRIS COUNTY COMMISSIONERS' COURT HELD ON _____, 2019 BY AN ORDER ENTERED INTO THE MINUTES OF THE COURT.

DIANE TRAUTMAN
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

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 _____, 2019, AT _____ O'CLOCK _____ M. AND DULY RECORDED ON _____, 2019, 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

BROKEN SPOKE RANCH

A SUBDIVISION OF 4.7390 ACRE TRACT,
206,430.24 SQUARE FEET
SITUATED IN THE JOSEPH MILLER LEAGUE
SURVEY, ABSTRACT 50,
CITY OF TOMBALL
HARRIS COUNTY, TEXAS
CONTAINING
1 LOT 1 BLOCK

APRIL 2019

OWNER

MELVIN PITCHFORD and
KATHI J. PITCHFORD

SURVEYOR

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

12118 ZION ROAD
TOMBALL, TEXAS 77375
(832) 585 - 4820

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

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: April 8, 2019

Topic:

Consideration to Approve Final Plat of **HUTSON BLOCK ONE NORTH:** A Replat of Lots 1-8, portions of two alley-ways, and the North 30 feet of the Hoffman Homestead, in Block 1 of Revised Map of Tomball, an addition in the Wm. Hurd Survey (A-371), Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas.

Background:**Origination:**

Community Development Department

Recommendation:

Approval with contingencies

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

Engineering Division

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
--	--	-------

ATTACHMENTS:

Hutson Block One North Comments

Hutson Block One North Plat

CITY OF TOMBALL

Plat Name: Hutson Block One North 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: April 08, 2019

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 City of Tomball gas note
- Correct the Harris County Clerk signature block
- Fix typo

Community Development recommends approval of this plat with contingencies.

STATE OF TEXAS
COUNTY OF HARRIS

I, Rodney K. Hutson, hereinafter referred to as owner of the 0.6887 acre tract described in the above and foregoing plat of "HUTSON BLOCK ONE NORTH", do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said map or plat and hereby dedicate to the use of the public forever, all streets (except private), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations herein expressed, and do hereby bind myself and my heirs, successors, and assigns to warrant and defend the title to the land so dedicated.

FURTHER, owner has dedicated and by these presents dedicate to the use of the public for public utility purposes an unobstructed aerial easement five feet in width from a plane twenty feet above the ground upward, located adjacent to all public utility easements shown hereon.

FURTHER, owner does hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private walkways crossing such drainage facilities.

FURTHER, owner does hereby dedicate to the public a strip of land 25 feet wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage course located in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

WITNESS my hand, this _____ day of _____, 20__.

Rodney K. Hutson

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Rodney K. Hutson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he has 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 owner.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20__.

Notary Public in and for the State of Texas

My Commission expires on the _____ day of _____, 20__.

I, Tony P. Swonke, 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 the elevation benchmark reflected on the face of the plat was established as required by regulation; that all corners and angle points of the boundaries of the original tract to be subdivided of reference have been marked with iron rods having a diameter of not less than five-eighths of an inch (5/8") and a length of not less than three feet (3') and that the plat boundary corners have been tied to the nearest survey corner.

Tony P. Swonke
Registered Professional Land Surveyor No. 4767

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of "HUTSON BLOCK ONE NORTH", 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 on this _____ day of _____, 20__.

Barbara Tague
Chairman

Darrell Roquemore
Vice-Chairman

I, Stan Stanart, Clerk of the County Court of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on the _____ day of _____, 20__, at _____ o'clock __, M., and was duly recorded on the _____ day of _____, 20__, at _____ o'clock, __, M. and filed under Film Code No. _____ of the Map Records of Harris County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DATE AND DATE LAST ABOVE WRITTEN.
Stan Stanart
Clerk of the County Court
Harris County, Texas

Deputy

VICINITY MAP

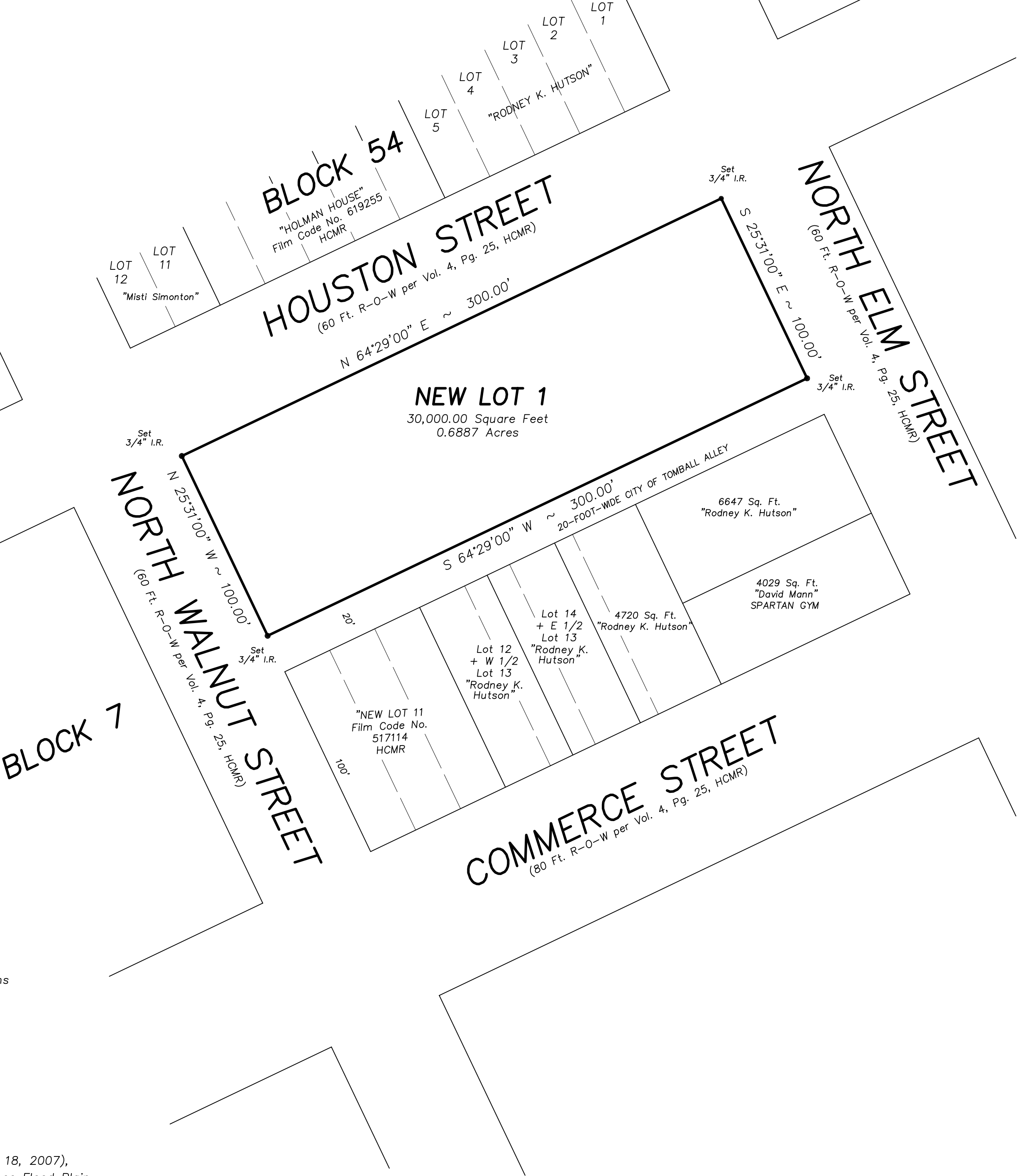
1" = 0.5 miles
Key Map Page 288H



- Note #1 All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- Note #2 All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- Note #3 No building or structure shall be constructed across any pipelines building lines, and/or easements. Building setback lines will be required, adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- NOTE #4: This plat does not attempt to amend or remove any valid restrictions or covenants.

FLOOD INFORMATION: According to FEMA Firm Panel No. 48201C0230 L (Dated June 18, 2007), this property is in Zone "X" and not in the 0.2% Annual Chance Flood Plain.

PUBLIC EASEMENT:
Public easements denoted on this plat are hereby dedicated to the use of 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 parts of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of 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.



"HUTSON BLOCK ONE NORTH"

A replat of Lots 1-8, portions of two alley-ways, and the North 30 feet of the Hoffman Homestead, in Block 1 of REVISED MAP OF TOMBALL, an addition in the Wm. Hurd Survey (A-371), Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas,

Containing: 1 Lot / 1 Block

PREPARED BY:
Tony Swonke Land Surveying
700 Kane Street
Tomball, TX 77375
281 351 7789

DATE: March 31, 2019

OWNER:
Rodney K. Hutson
9431 Rosie Lane
Magnolia, TX 77354

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: April 8, 2019

Topic:

Consideration to Approve **Zoning Case P19-026**: Request by Greg Charney to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.06 acres of land legally described as Lot 1 Block 3 Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located on the south side of Timkin Road, between Ash Street and Chestnut Business Park Drive, from the Single-Family 6 District to the General Retail District.

- Conduct Public Hearing on **Zoning Case P19-026**

Background:

Origination:

Community Development Department

Recommendation:

Approval

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

Planning Division

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
--	--	-------

ATTACHMENTS:

Notice of Public Hearing
Property Owner Notification
P19-026 Response Forms
P19-026 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
APRIL 8, 2019
&
CITY COUNCIL
MAY 6, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, April 8, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 6, 2019, 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 P19-026: Request by Greg Charney to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.06 acres of land legally described as Lot 1 Block 3 Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located on the south side of Timkin Road, between Ash Street and Chestnut Business Park Drive, from the Single-Family 6 District to the General Retail District.

Zoning Case P19-039: Request by Pamela Casia to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.5 acres of land legally described as Tract 12E-2 & 12F-2 Abstract 378 W Hurd Survey, within the City of Tomball, Harris County, Texas, generally located on the south side of Michel Road, west of School Street, from the Agricultural District to the Commercial District.

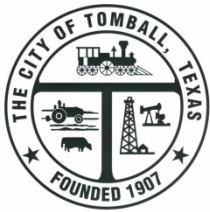
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the 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 **4th** day of **April 2019** 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: P19-026

APPLICANT/OWNER: Greg Charney

LOCATION: Generally located on the south side of Timkin Road, between Ash Street and Chestnut Business Park Drive

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.06 acres of land legally described as Lot 1 Block 3 Chestnut Business Park, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the General Retail District.

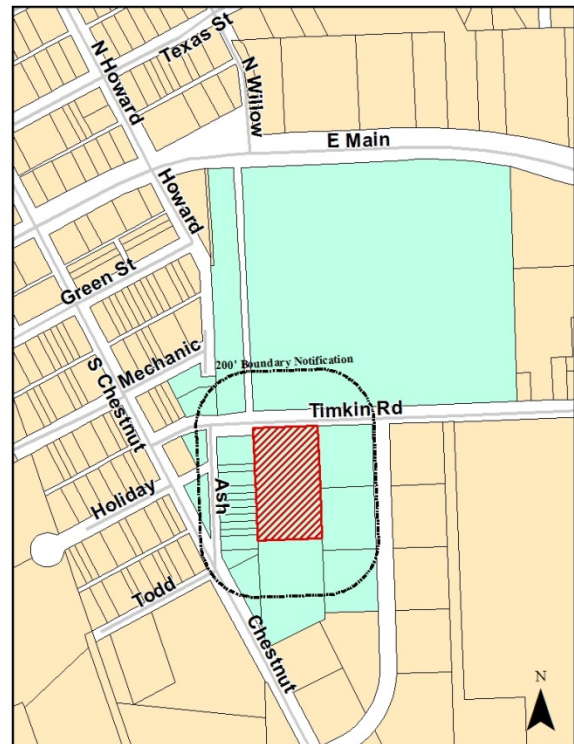
CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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



**Planning & Zoning Commission
Public Hearing:
Monday, April 8, 2019, 6:00 PM**

**City Council Public Hearing:
*Monday, May 6, 2019, 6:00 PM**

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

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name: Joel Bode, Head of School
(please print) CONCORDIA LUTHERAN HIGH SCHOOL
Address: 700 E. MAIN ST
TOMBALL, TX 77375
Signature: Joel Bode
Date: 4-1-19

X

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P19-026. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P19-026. (Please state reasons below)

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

Monday, April 8, 2019 6:00 PM

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

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

Monday, May 6, 2019, 6:00 PM

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

COMMENTS:

Concordia would welcome an event center near our
campus as it will provide a location where we could
have school events while also adding to a part of
Tomball that has seen some growth and could benefit
from more.

You may also comment via email to ALindley@tomballtx.gov.

Please reference the case number in the subject line.

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

Amelia Lindley

From: Jeanette Holiday <alana717@sbcglobal.net>
Sent: Wednesday, April 03, 2019 1:56 AM
To: Amelia Lindley
Subject: Case Number: P19-026

Case Number: P19-026

Hello Amelia

I pray that this email finds you in the best of health. This email is in regard to case# P19-026 zoning

proposal on the South side of Timkin Road, between Ash Street and Chestnut Business Park Drive.

As you are aware the applicant/owner: Greg Charney would like for the city to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.06 acres of land legally described

as Lot 1 Block 3 Chestnut Business Park, within the City of Tomball, Harris County, Texas, from the Single-

Family 6 District to the General Retail District.

This property has been in my neighborhood for a very long time (at least over 55 years) and it had a

nice brick house that used to belong to Mr. D.C. Ferguson a nice black man who has since died and the property was than handled by a family member by the name of Mrs. Edna Mae Green. We weren't

included in the friendly packet because our location is just outside of the 200 feet. Which we feel needs to

change because this will affect our entire neighborhood not just those within 200 feet. It's like the

developers are admit about taking the black residential property and making it commercial, which is rather

sad when you drive around the big city of Tomball and see all the commercial land that's for sell yet it seems

that they just want to buy in our residential areas which have been zone for a reason. Now this gentleman

from what I understand has someone who attends Concordia Lutheran School and feels that this would be

an excellent idea to have a wedding/ banquet events center on this land so that Concordia can use it because it will be right across the street from the school. Why not buy land on 2920 next to the school

which is for sale and build the wedding/banquet events center there? Oh no that's too much like right! He

would rather come into our neighborhood and build on Timkin Road instead. If we sit on our front porch we

will see this unwanted building in our neighborhood which is another example of commercial businesses

taking over our residential neighborhoods, which is sad. My family has been in the neighborhood for over

60 years and that's my parents but not including my grandparents.

Again Amelia Lindley, this is not a good idea for all sorts of reasons which I will list below. We must keep

our neighborhood a residential one instead of buyers coming in and trying to push us out! There was a

reason as to why the zoning committee made it residential not commercial. Our neighborhood is slowly

looking like it's commercial more than residential and for that reason we're not pleased.

The following are reasons I'm against the rezoning for Case Number P19-026

- 1). The business would cause additional traffic problems which already exist in our neighborhood.
- 2). With an increase in traffic will be come an increase in crime.
- 3). The business should be located on the front of 2920 instead in a residential area?
- 4). Speeding is already a big problem for residents on Timkin Road and also Blackshear Street, not to

mention South Chestnut and Lizzie Lane in Tomball (As I'm typing this a car is speeding as always from

one of the businesses on Chestnut).

- 5). An Increase in the noise level as well.

6). I'm sure with a wedding/banquet venue liquor will be either sold or brought there.

7). There's a park in the neighborhood where children play etc.

8). What about the parking I understand something like 80 parking spots. Now this business will require more

than 80 parking spots because I'm sure there will be more than 80 people attending a wedding or banquet

event. So the vehicles will end up parking on the side of the roads which is done a lot in our neighborhood.

These are just some of the concerns that myself and my neighbors are concerned about allowing Mr.

Greg Charney to build a retail store within our area. We are planning on showing up to the meeting on

Monday April 8, 2019 at 6pm.

Blessings,

The Holiday's
Residents of 414 S. Chestnut St.
Tomball, TX 77375



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375.

Name:

Joe Nell Vick

(please print)

Address:

825 1/2 Tim Kin

Tomball, TX 77375

Signature:

Joe Nell Vick

Date:

4-12-19

☒ I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P19-026. (Please state reasons below)

☐ I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P19-026. (Please state reasons below)

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

Monday, April 8, 2019, 6:00 PM

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

Date, Location & Time of City Council meeting:

Monday, May 6, 2019 6:00 PM

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

COMMENTS:

You may also comment via email to ALindley@tomballtx.gov

Please reference the case number in the subject line.

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



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

SAM & LATREL SHANNON

823 LIZZY LN

Tomball, TX 77375

[Signature]

4-4-2019

I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P19-026. (Please state reasons below)

I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P19-026. (Please state reasons below)

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

Monday, April 8, 2019, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

Date, Location & Time of City Council meeting:

Monday, May 6, 2019 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

WE ARE STAUNCHLY AGAINST THE RE-ZONING OF THIS PROPERTY FOR THE SIMPLE REASON WE HAVE BEEN ARGUING ABOUT ALL OF THE OTHER ATTEMPTS TO HAVE PROPERTIES IN THIS AREA RE-ZONED. THIS IS A RESIDENTIAL AREA, IT IS ZONED AS RESIDENTIAL. (LET'S LEAVE WELL ENOUGH ALONE). WE STILL HAVE FOLKS, FAMILIES & KIDS STILL IN THE AREA, ENOUGH IS ENOUGH. WE SAY NO TO RE-ZONING THIS. WE ARE AFRAID THAT RE-ZONING THIS WOULD BRING MORE TRAFFIC, SPEEDWAYS & MANY OTHER UNWANTED TO OUR BELOVED COMMUNITY.

You may also comment via email to ALindley@tomballtx.gov
Please reference the case number in the subject line.
For questions regarding this request please call Amelia Lindley @ 281-290-1410.



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375.

Name:

IRA DON SIMMONS

(please print)

Address:

825 TIMKIN RD

TOMBALL, TX. 77375

Signature:

IRA DON SIMMONS

Date:

4-2-19

☒ I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P19-026. (Please state reasons below)

☐ I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P19-026. (Please state reasons below)

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

Monday, April 8, 2019, 6:00 PM

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

Date, Location & Time of City Council meeting:

Monday, May 6, 2019 6:00 PM

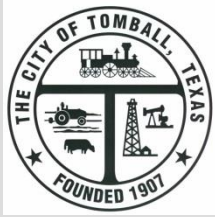
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to ALindley@tomballtx.gov

Please reference the case number in the subject line.

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: April 8, 2019
City Council Public Hearing Date: May 6, 2019

Rezoning Case: P19-026
Property Owner(s): Greg Charney
Applicant(s): Greg Charney
Legal Description: Lot 1 Block 3 Chestnut Business Park
Location: South side of Timkin Road, between Ash Street and Chestnut Business Park Drive (Exhibit "A")
Area: 2.06 acres
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Single-Family 6 District (Exhibit "C") / Vacant (Exhibit "D")
Request: Rezone from the Single-Family 6 District to the General Retail District

Adjacent Zoning & Land Uses:

North: Planned Development 7 District / Concordia Lutheran High School

South: Planned Development 3 District / Undeveloped

West: Single-Family 6 and Duplex District / Single-family and duplex residences

East: Planned Development 3 District / Chestnut Business Park

BACKGROUND

City Staff met with the applicant in January 2019 to discuss the development of a reception venue at the subject site. City Staff informed the applicant that the property would need to be rezoned to accommodate a reception venue.

ANALYSIS

The property is currently zoned Single-Family 6 District and was previously used as a single-family residence. Properties in the immediate area are zoned Planned Development 7 (Concordia Lutheran High School) to the north, Planned Development 3 (Chestnut Business Park) to the east and south and Single-Family 6 and Duplex District to the west.

Existing land uses in the area include the Concordia Lutheran High School campus, various commercial and light industrial uses in Chestnut Business Park, a Harris County Flood Control District drainage channel, duplexes and single-family residences.

The Comprehensive Plan designates the property as Medium Density Residential. Properties in the area are designated as Employment/Office, Business/Industrial, Medium and High Density Residential. According to the Comprehensive Plan, the Future Land Use Map “presents the general layout of future land uses throughout Tomball, however, when making land use decisions, the Comprehensive Plan as a whole, text included, needs to be considered” (Page 54). The Future Land Use Map is also not meant to be parcel specific. Chestnut Business Park, directly adjacent to the subject site, is designated as Business/Industrial.

The Comprehensive Plan discusses requests that are inconsistent with the Future Land Use Map and states the Planning and Zoning Commission and City Council should consider additional relevant information affecting the parcel of land. The applicant has provided the following answers to considerations on deviations from the Plan:

“Thanks for the opportunity to present our proposal to the City for consideration, please find below my answers to your questions for the property at 518 Timkin.

Sincerely,
Greg Charney (Owner)

- Will the proposed development enhance the City economically?
 - **The proposed event venue would enhance the City of Tomball in a number of ways; Property Taxes, Sales Taxes, it would use other City businesses for catering, flowers, and other supplies/services. Additionally, the goal would be to provide some part time jobs for local students of Concordia and Tomball High.**
- Will the proposed development enhance the City aesthetically?
 - **The proposed project will greatly enhance the local area and Tomball in general. The property has an old abandoned home, shop, piles of garbage and the 2 acres were grown up with vines and shrubs. We are preserving the large trees on the property and cleaning up the garbage and shrubs.**
- Is the proposed development consistent with the City’s goals, objectives, and actions?
 - **I’m not certain of what all the goals and objectives are of the City but I believe the project would fit with anyone’s goals, objectives and actions.**
- Is the proposed development a better use of land/property, for both the owner/developer and the City, than that recommended by the Plan?
 - **This 2 acres is currently zoned residential but was re platted into Chestnut Business Park back in 2008. I believe it was intended to go into Commercial/Industrial use at some future date. I do believe our proposed use would be a much better use of the land for both myself and the City of Tomball than what it was currently being used for.**
- Will the proposed development impact adjacent residential areas in a positive or negative manner?
 - **My belief is that the proposed project will certainly impact the general area in a positive way, this is an older part of town that seems to be seeing a rebirth towards commercial and industrial usage. I think this project will be a wonderful tool for Concordia Lutheran as well, I currently have a Son**

enrolled there and possibly a Daughter this fall. I've met with the school leaders about the project and hope to be able to provide them access to the facility for things like fund raisers, proms and homecomings.

- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
 - **Adequate access is available from S Chestnut or S Persimmon to Timkin. This is the exact access used for drop offs and arrival to Concordia Lutheran High School. It's highly unlikely that any events would conflict with school day traffic. I am also considering the purchase of 1.7 acres directly behind that is accessible from Lizzie Ln.**
- Are uses adjacent to the proposed development similar in nature in terms of appearance, house of operation, and other general aspects of compatibility?
 - **I would not say uses are exact in nature other than business is being conducted in the proximity. Appearance of our facility I believe would be an improvement to many of the surrounding buildings. Hours of operation would be primarily evenings and weekends and would be consistent with Concordia sporting events as far as traffic would go and would be compatible in use to the school and business park.**
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community?
 - **Not sure we would significantly benefit the community when it comes to public health, safety or welfare but certainly would not adversely affect anyone in the community."**

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.**

The uses permitted in the General Retail District are typically not considered intense and could be appropriate in the immediate area. The property is next to Chestnut Business Park and across the street from the Concordia Lutheran High School campus. There is a duplex and two single-family residences to the west of the property located off of Ash Street. The proposed rezoning of General Retail would provide a transitional area between the existing residential area and the Chestnut Business Park development.

- B. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.**

Adequate utilities are available to serve this property and the existing streets adjacent to the property can accommodate traffic generated by a General Retail District

development. The property is close to South Chestnut Street, a designated Collector Street, and South Persimmon Street, a designated Minor Arterial Street.

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

There is vacant land in the City zoned General Retail District. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

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

There has been steady development in the General Retail District in the City; however, there has not been new development in the immediate area of the subject site.

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

City Staff does not anticipate any adverse impacts on other areas designated for similar development.

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

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare. Regulations in Chapter 50 (Zoning) of the Tomball Code of Ordinances exist to protect the established residences to the west. These regulations include greater setbacks, landscape buffers, light shielding, and opaque screening.

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

The Future Land Use Map designates the property as Medium Density Residential. The Comprehensive Plan also focuses on development proposals in relation to their economic impact on the City and promoting cohesive land use patterns that minimizes incompatible land uses. The subject site is approximately 2 acres of land and is located by a high school campus and a light industrial business park. It appears a general retail development may be better suited for this property than a single-family residence.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 22, 2019. The Notice of Public Hearing was published in the paper on March 27, 2019. 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 P19-026 for the following reasons:

1. The General Retail District will provide a transition between the existing business park and residences;
2. The land uses allowed in the General Retail District are typically not considered intense;
3. The property is located directly adjacent to a business park, which is not typically ideal for a single-family residence.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

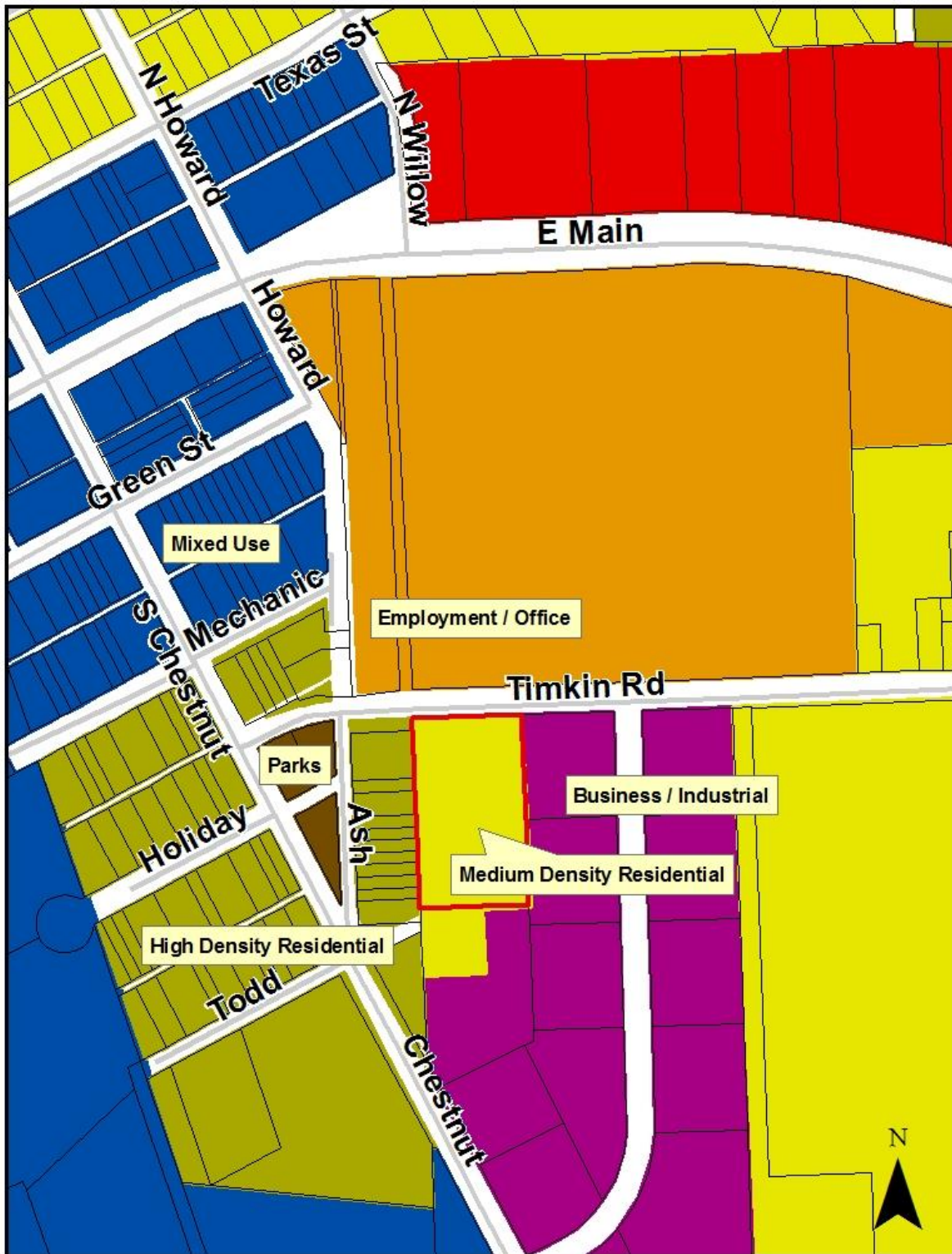
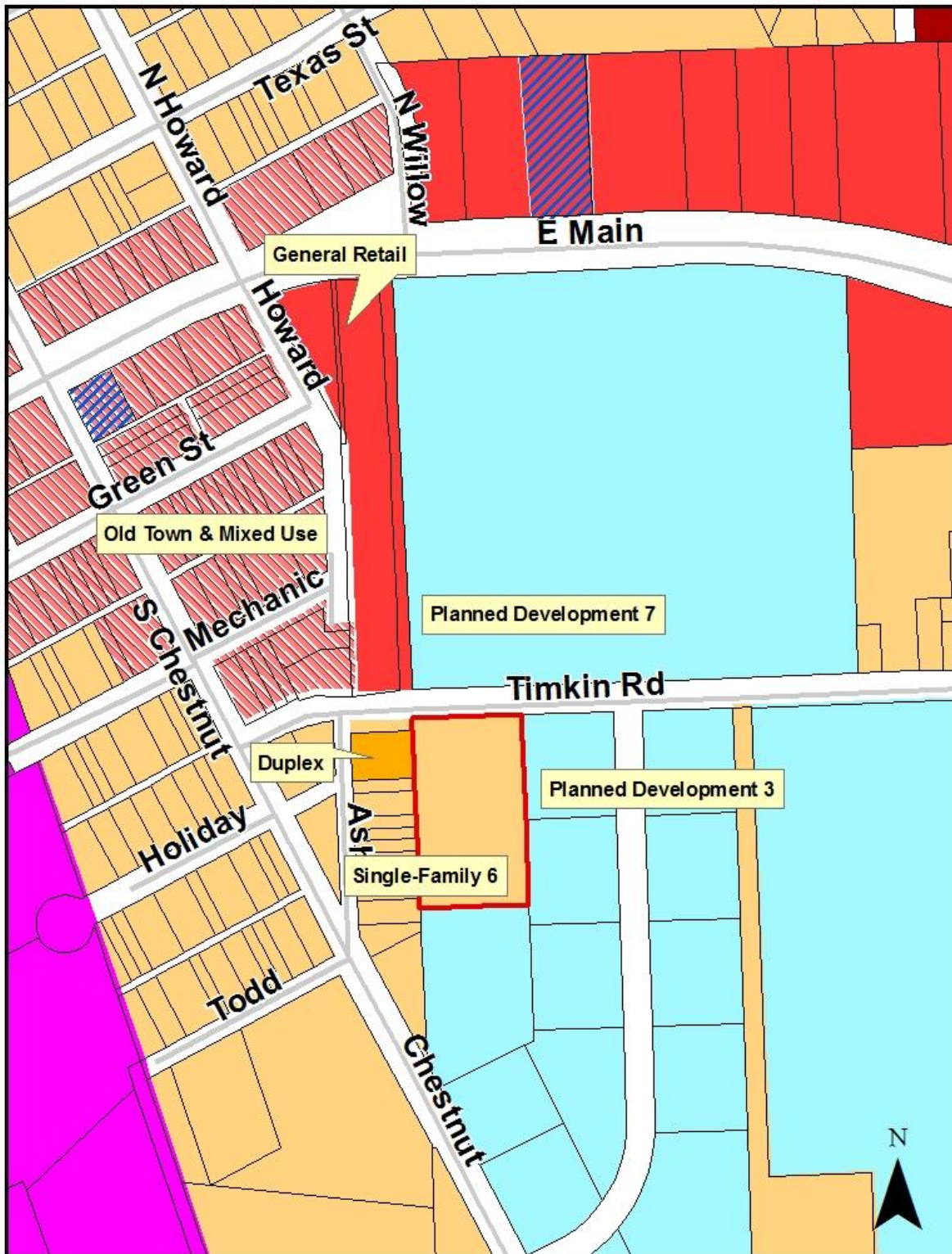


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"

Application

Revised 5/19/15



APPLICATION FOR REZONING

Community Development Department
Planning Division

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

Applicant

Name: Greg Charney Title: _____
Mailing Address: 9144 Escandido Dr City: Willis State: TX
Zip: 77318
Phone: (281) 923-2733 Fax: (____) _____ Email: gregcharney@yahoo.com

Owner

Name: GSGA LP Title: _____
Mailing Address: 9144 Escandido Dr City: Willis State: TX
Zip: 77318
Phone: (281) 923-2733 Fax: (____) _____ Email: gregcharney@yahoo.com

Engineer/Surveyor (if applicable)

Name: Thomas Land Surveying Title: _____
Mailing Address: 14340 Torrey Chase #200 City: Houston State: TX
Zip: 77014
Phone: (281) 440-7730 Fax: (281) 440-7737 Email: jim@thomaslandsurveying.com

Description of Proposed Project: Event Venue

Physical Location of Property: 518 Timkin, Tomball Timkin/Ash

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

Legal Description of Property: Lot 1 Block 3 Chestnut Business Park

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

Current Zoning District: Single-Family 6 District

Current Use of Property: Vacated Residential

Proposed Zoning District: General Retail District

Proposed Use of Property: Event Venue

HCAD Identification Number: 1315270030001 Acreage: 2.08

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.

<u>X</u> <u>Gregory S. Charney</u>	<u>1-29-19</u>
Signature of Applicant	Date
<u>X</u> <u>Gregory S. Charney</u>	<u>1-29-19</u>
Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 01062156 1/29/2019 3:42 PM
OPER: MF TERM: 002
REF#: REZONING APP 1250

TRAN: 130.0000 PLANNING AND ZONING
GREG CHARNEY
518 TIMKIN
100-5446
ZONING FEES- OTHER 420.00CR

TENDERED: 420.00 CHECK
APPLIED: 420.00-

GSGA LP
Greg Charney
9144 Escondido Dr
Willis, TX 77318

City of Tomball
Attn: Mrs. Amelia Lindley
City Planner
501 James Street
Tomball, TX 77375

January 28th, 2019

Re; Rezoning request

Dear Mrs. Lindley:

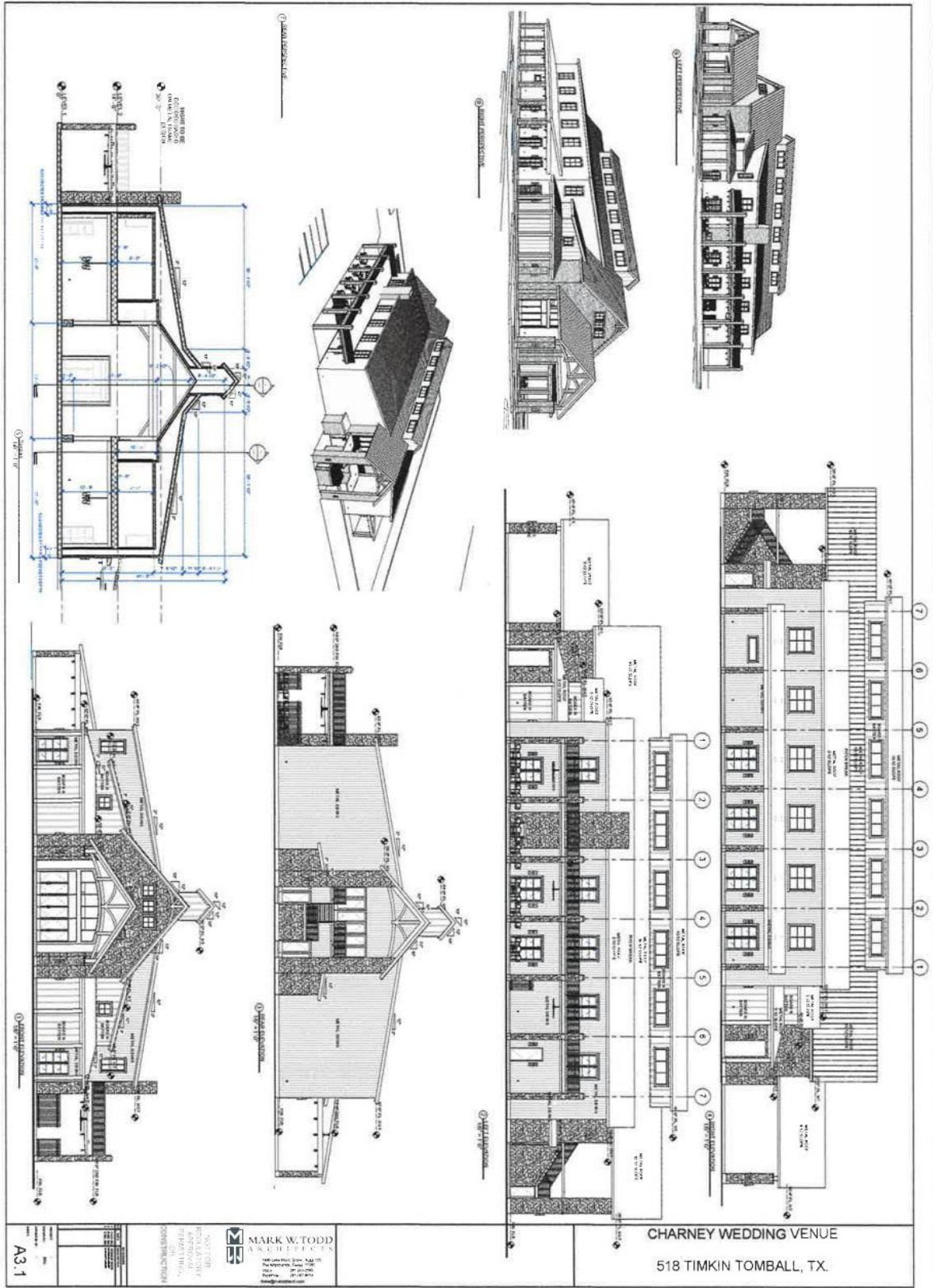
Please accept this letter and attached package as confirmation of my wishes to formally request rezoning of 518 Timkin (Lot 1, Block 3 Chestnut Business Park). This property was re-platted back in 2009 with the Chestnut Business Park and I believe all along the plan was to acquire the property and rezone for another purpose. This lot is currently uninhabited with an old house and shop along with rubbish and is zoned residential single family in district 6.s My wishes are that it be considered for General Retail District and my intended use is an event venue. Please find attached to this request my vision for the placement and design. This property in my opinion has a unique mystique given its proximity, natural beauty and old growth trees on site. You will note in my drawings and placement the intent is to save the old oak trees and as many of the others as we can. I believe this will provide for a natural buffer to the City/Neighbors and allow for a very natural and scenic setting once on the property.

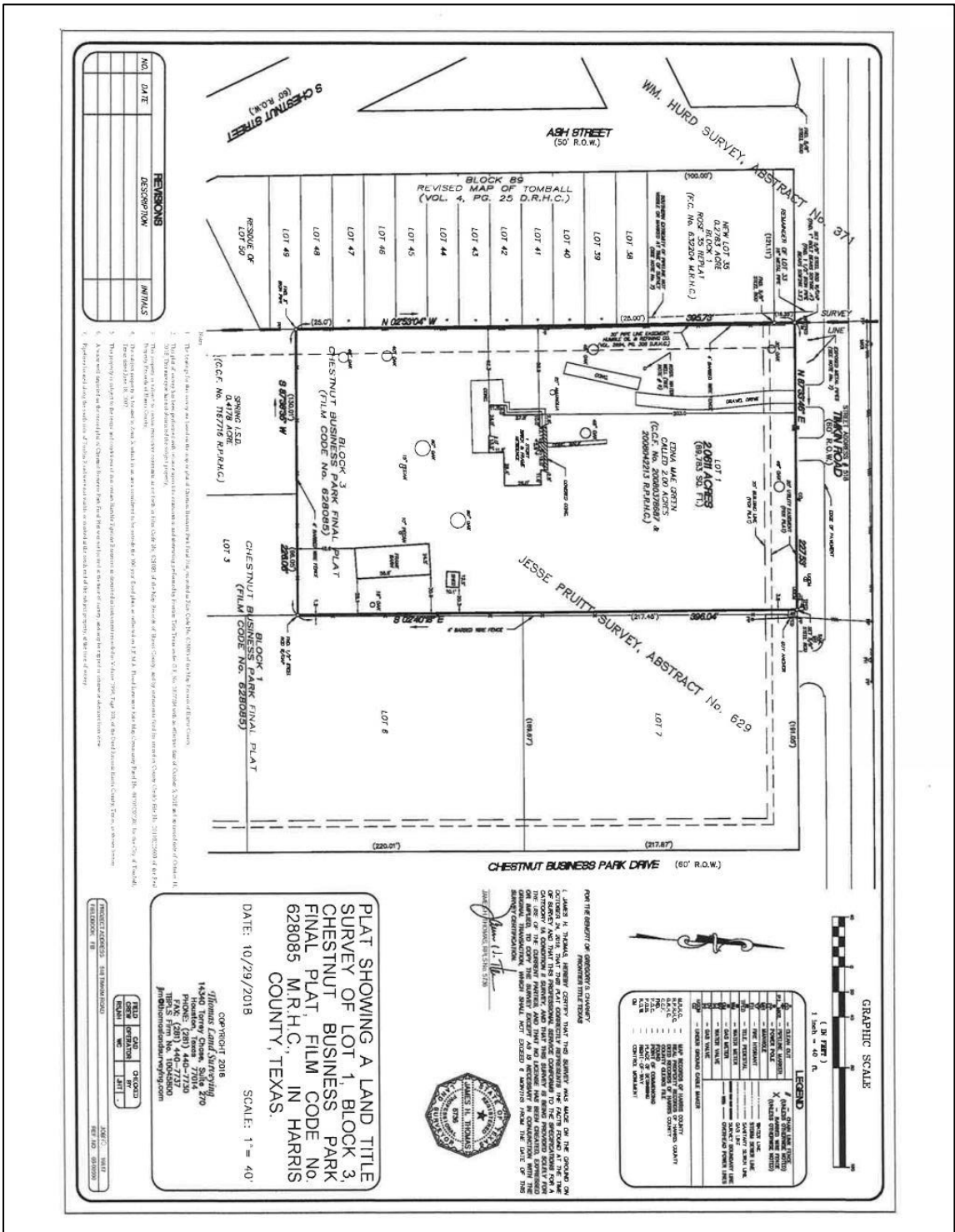
I am set to close on this property in a couple days 1/30/19, I understand there are some delinquent taxes and fees due at the date of this letter but they should all be cleaned up by the Title Company (Frontier Title 8030mFM 359, Suite G, Fulshear, TX 77441) upon closing.

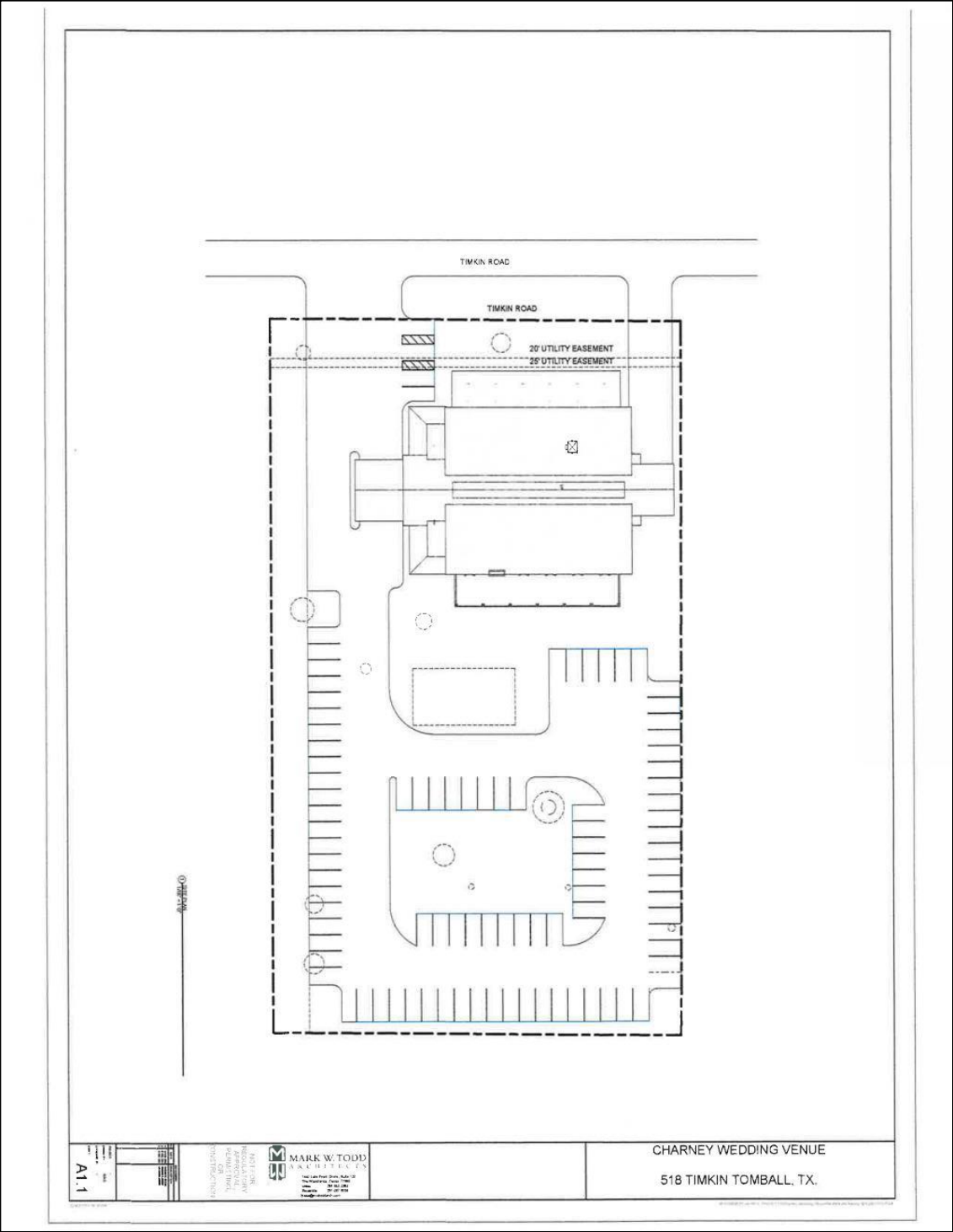
Please let me know if I can provide you with any additional information going forward.

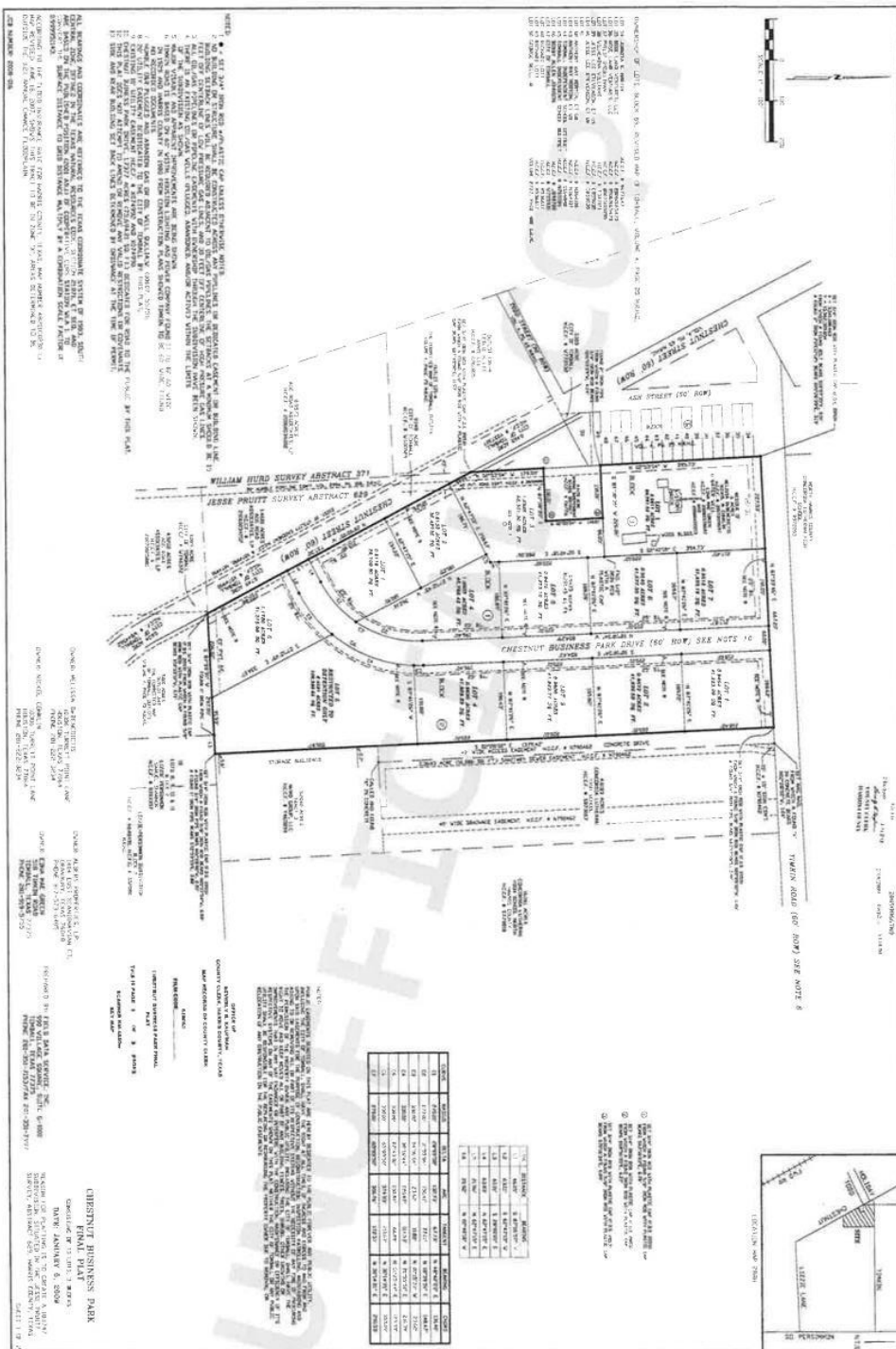
Sincerely,

Greg Charney









[illegible][illegible]

Special Warranty Deed

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: February 11, 2019

Grantor: Edna Mae Green, by Harris County Guardianship Program, Guardian of the Person and Estate of Edna Mae Green, an incapacitated person

Grantor's Mailing Address:

P. O. Box 20605
Houston, Harris County, Texas 77225-0605

Grantee: GSGA, LP

Grantee's Mailing Address

~~47 North Seasons Trace~~
~~The Woodlands, TX 77382~~

9144 Escandido Dr
Willis, TX 77318

Consideration:

For and in consideration of the payment of \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged.

Property (Including any improvements)

LOT 1 BLOCK 3, CHESTNUT BUSINESS PARK, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEROF RECORDED IN FILM CODE NO.628085, MAP AND/OR PLAT RECORDS, HARRIS COUNTY, TEXAS

(Also known as 518 TIMKIN ROAD, TOMBALL, TEXAS 77375)

Reservations from and Exceptions to Conveyance and Warranty:

1. Any and all restrictions, covenants, conditions and easements, if any, relating to the hereinabove described property, but only to the extent that they are still in effect, shown of record in hereinabove mentioned County and State, and to all zoning laws, regulations, and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the hereinabove described property.
2. The subject property is being conveyed, with the Grantee expressly accepting all improvements thereon, on an "AS IS" basis with all faults, and without any expressed or implied warranties as to its physical or structural condition.

Pursuant to authorization of the Order of Probate Court FOUR (4) of Harris County, Texas, in Cause No. 446,583 signed on the 6th day of February 2018, directing sale of the property, and the Decree Confirming Sale of Real Property, signed the 11th day of February, 2019 pursuant to Section 1158.252 of the TEXAS ESTATES CODE, Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, **GRANTS, SELLS, and CONVEYS** to GSGA, LP, Grantee(s), to all rights, title and interest of Grantor in and to the property, together

with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, **when the claim is by, through, or under Grantor but not otherwise**, except as to the reservations from and exceptions to conveyance and warranty

When the context requires, singular nouns and pronouns include the plural.

Edna Mae Green

By: Edna Green (Incap) by Her Legal Guardian
Shedrick M. Arzoo

_____, Agent for
Harris County Guardianship Program,
Guardian of the Person and Estate of
EDNA MAE GREEN, an Incapacitated
Person.

(Acknowledgment)

STATE OF TEXAS
COUNTY OF HARRIS

This instrument was acknowledged before me on the 11th of February,
2019, by SHERICK MARZEL, Agent for Harris County Guardianship
Program, Guardian of the Person and Estate of EDNA MAE GREEN, an Incapacitated
Person.

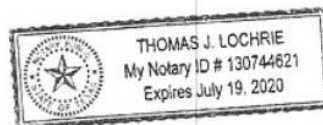
Th L

Notary Public, State of Texas

After recording return to: GSGA LP

47 North Seasons Trace

The Woodlands, TX 77382



Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: April 8, 2019

Topic:

Consideration to Approve **Zoning Case P19-039**: Request by Pamela Casia to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.5 acres of land legally described as Tract 12E-2 & 12F-2 Abstract 378 W Hurd Survey, within the City of Tomball, Harris County, Texas, generally located on the south side of Michel Road, west of School Street, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P19-039**

Background:

Origination:

Community Development Department

Recommendation:

Approval

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

Planning Division

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
--	--	-------

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification

P19-039 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
APRIL 8, 2019
&
CITY COUNCIL
MAY 6, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, April 8, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 6, 2019, 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 P19-026: Request by Greg Charney to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.06 acres of land legally described as Lot 1 Block 3 Chestnut Business Park, within the City of Tomball, Harris County, Texas, generally located on the south side of Timkin Road, between Ash Street and Chestnut Business Park Drive, from the Single-Family 6 District to the General Retail District.

Zoning Case P19-039: Request by Pamela Casia to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.5 acres of land legally described as Tract 12E-2 & 12F-2 Abstract 378 W Hurd Survey, within the City of Tomball, Harris County, Texas, generally located on the south side of Michel Road, west of School Street, from the Agricultural District to the Commercial District.

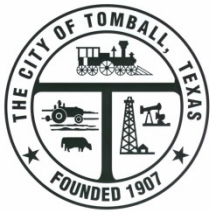
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the 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 **4th** day of **April 2019** 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: P19-039

APPLICANT/OWNER: Pamela Casia

LOCATION: Generally located on the south side of Michel Road, west of School Street

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.5 acres of land legally described as Tract 12E-2 & 12F-2 Abstract 378 W Hurd Survey, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District.

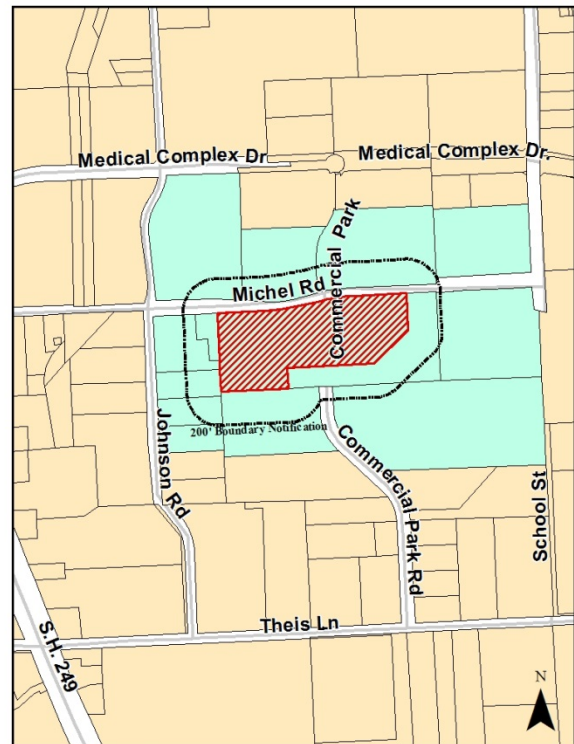
CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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

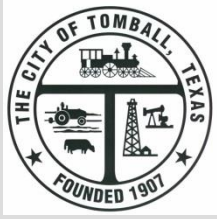


**Planning & Zoning Commission
Public Hearing:
Monday, April 8, 2019, 6:00 PM**

**City Council Public Hearing:
*Monday, May 6, 2019, 6:00 PM**

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: April 8, 2019
City Council Public Hearing Date: May 6, 2019

Rezoning Case: P19-039
Property Owner(s): Waqar Khan – Cardiology Ventures
Applicant(s): Pamela Casia
Legal Description: 1.5 acres of Tract 12E, 12F, A-378 W Hurd Survey
Location: South side of Michel Road, west of School Street (Exhibit “A”)
Area: 1.5 acres (total site is 10.15 acres)
Comp Plan Designation: Business/Industrial (Exhibit “B”)
Present Zoning and Use: Agricultural District (Exhibit “C”) / Undeveloped (Exhibit “D”)
Request: Rezone 1.5 acres from the Agricultural District to the Commercial District

Adjacent Zoning & Land Uses:

North: General Retail and Agricultural Districts / Undeveloped, vacant in-home care facility

South: Light Industrial District / Light industrial businesses

West: Commercial District / Medical office building

East: Agricultural District / Undeveloped

BACKGROUND

City Staff met with the applicant in December 2018 to discuss the development of an Alzheimer’s Care facility at the subject site.

ANALYSIS

The entire property is approximately 10.15 acres and is zoned Agricultural District. The proposed rezoning is for 1.5 acres. Properties in the immediate area are zoned General Retail and Agricultural to the north, Agricultural to the east, Light Industrial to the south, and Commercial to the west.

The uses in the area include mostly undeveloped property, light industrial facilities to the south on Commercial Park Road, a medical office building to west and two structures that appear to be single-family residences, but may have been operated as in-home care facilities.

The Comprehensive Plan Future Land Use Map designates the property as Business/Industrial which is intended for “businesses where industrial and intensive employment activities occur”.

The purpose of the Commercial Zoning District is to “provide a location for commercial and service-related establishments”. The Commercial Zoning District is an appropriate zoning district for the Business/Industrial area.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.**

The uses permitted in the Commercial District appear to be appropriate for the area. Michel Road is primarily non-residential and will likely continue to develop as such. This area is generally medical-related uses with some light industrial and multi-family developments nearby.

- B. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.**

Adequate utilities are available to serve this property and the existing streets adjacent to the property can accommodate traffic generated by a Commercial District development. The property is intersected by the future Commercial Park Road, which is proposed on the Major Thoroughfare Plan to be extended to Medical Complex Drive. When the property is platted, there will be a right-of-way dedication for the section of the road that bisects the property.

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

There is vacant land in the City zoned Commercial District. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

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

There has been steady development in the Commercial District in the City; however, there has not been development in the immediate area of the subject site.

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

City Staff does not anticipate any adverse impacts on other areas designated for similar development.

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

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare.

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

The Future Land Use Map designates the property as Business/Industrial. The Commercial Zoning District is an appropriate district for the Business/Industrial area. The Comprehensive Plan also states an objective of the City is to “maximize economic benefits from Tomball’s medical campus”. Although the City does not have an official medical campus, this property is primarily surrounded by medical-related uses on Michel Road, Johnson Road, Medical Complex Drive and School Street. The request appears to be consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 22, 2019. The Notice of Public Hearing was published in the paper on March 27, 2019. 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 P19-039 for the following reasons:

1. The request meets the goals of City’s Comprehensive Plan;
2. The request is in conformance with the Future Land Use Map;
3. The request is generally appropriate with the surrounding land uses in the area;
4. The request is generally appropriate with the surrounding zoning districts.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

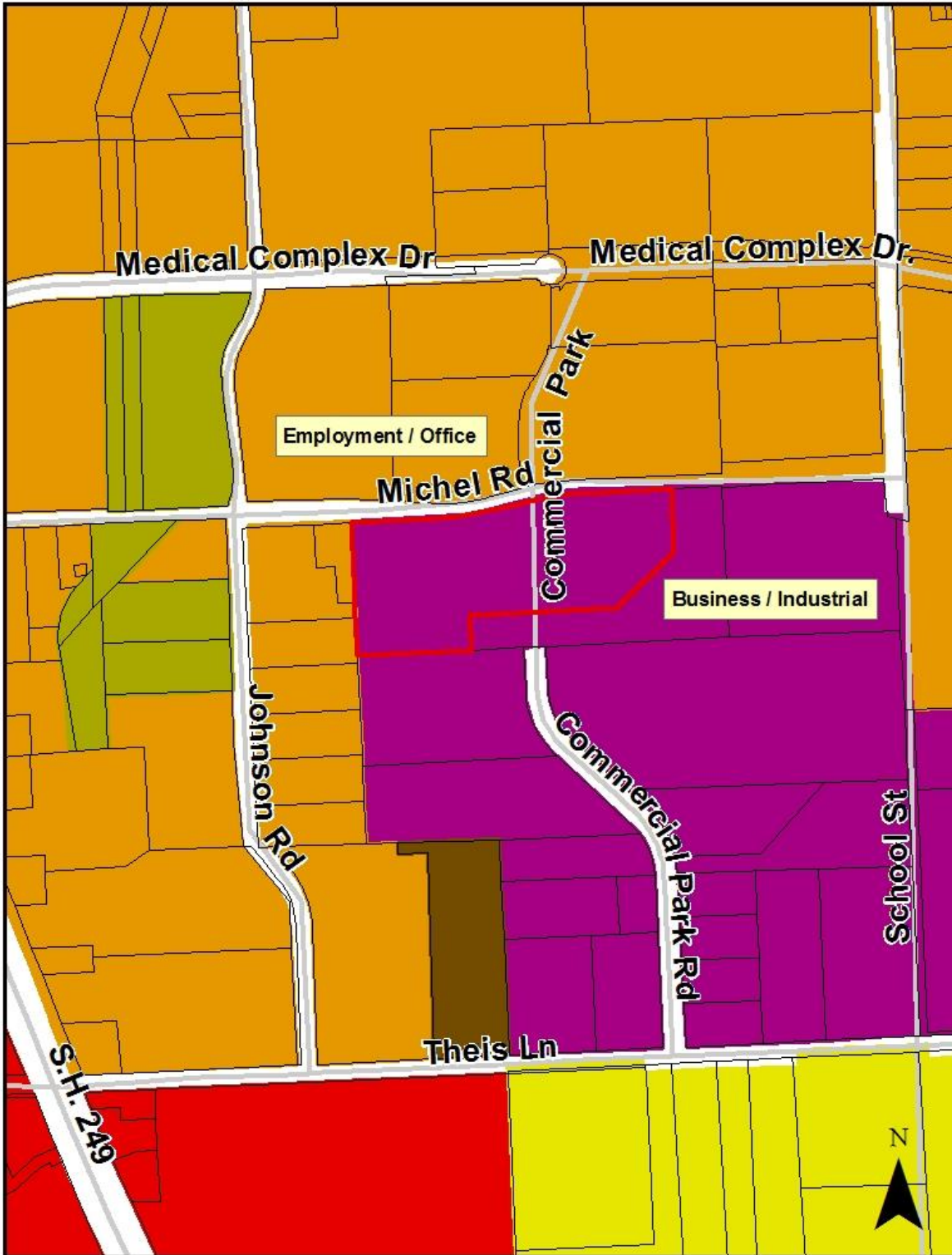
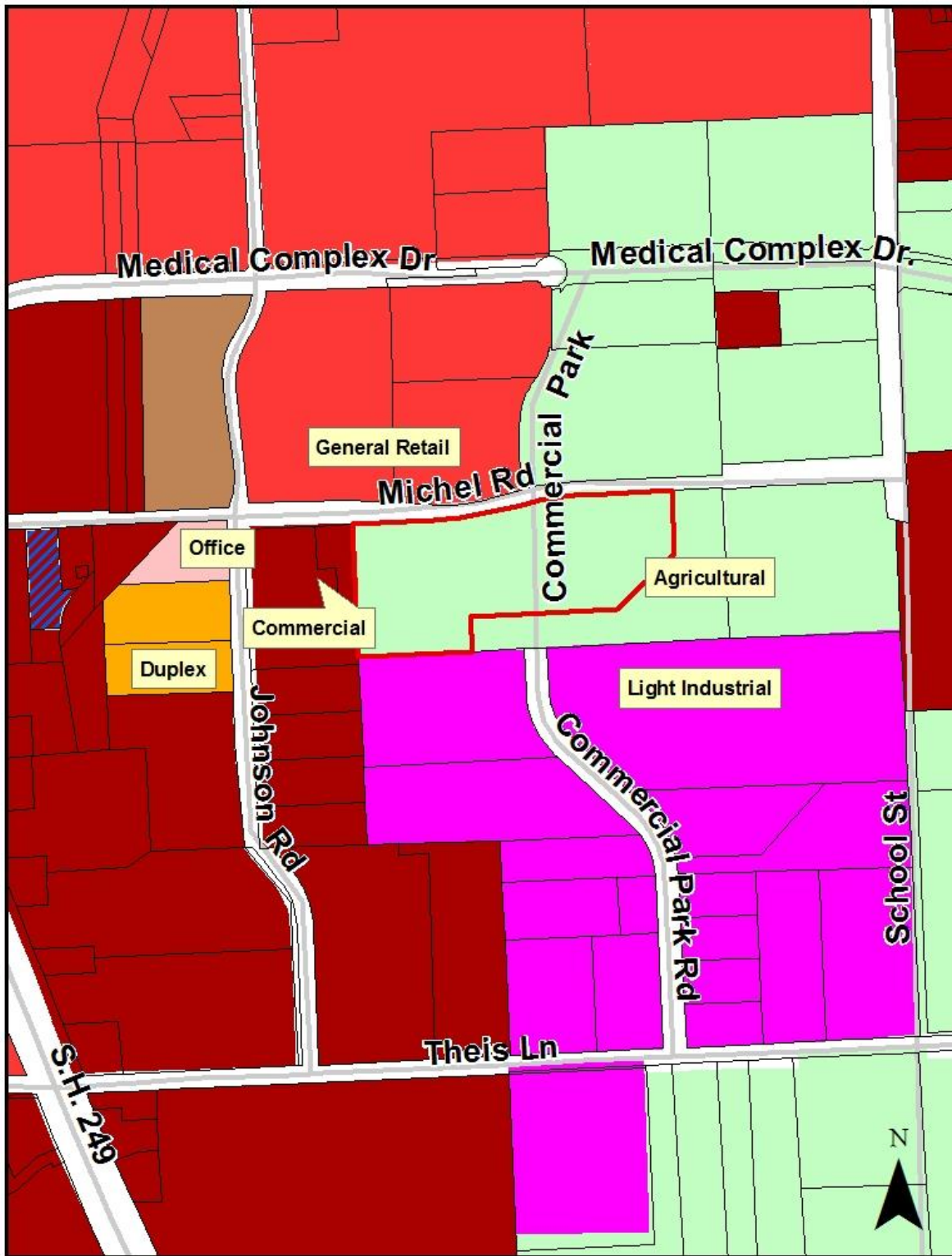


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"
Application

19-039

Revised 5/19/15



APPLICATION FOR REZONING
Community Development Department
Planning Division

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

Applicant

Name: Pamela Casia Title: owner/manager
Mailing Address: 19118 Caribou Ridge City: Tomball State: TX
Zip: 77375
Phone: (832) 434 0739 Fax: () _____ Email: info@lovingtouchresidence.com

Owner

Name: WAQAR KHAN (Cardiology Venture) Title: President
Mailing Address: 407 Hodgesville #104 City: Tomball State: TX
Zip: 77375
Phone: (281) 704-4844 Fax: () _____ Email: DEWKHAN@AOL.COM

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Alzheimer's /Memory Care Facility

Physical Location of Property: corner michel and school street
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: tract 12 E, 12E A-378 W Hurd Survey, Harris County Texas
[Survey/ Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural

Current Use of Property: Agriculture - 1 vacant lot

Proposed Zoning District: Commercial

Proposed Use of Property: Commercial
File # m923171

HCAD Identification Number: _____ Acreage: 10.1524

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 Parrela T. Casen 2/1/2019
Signature of Applicant Date

X [Signature] 2/1/19
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

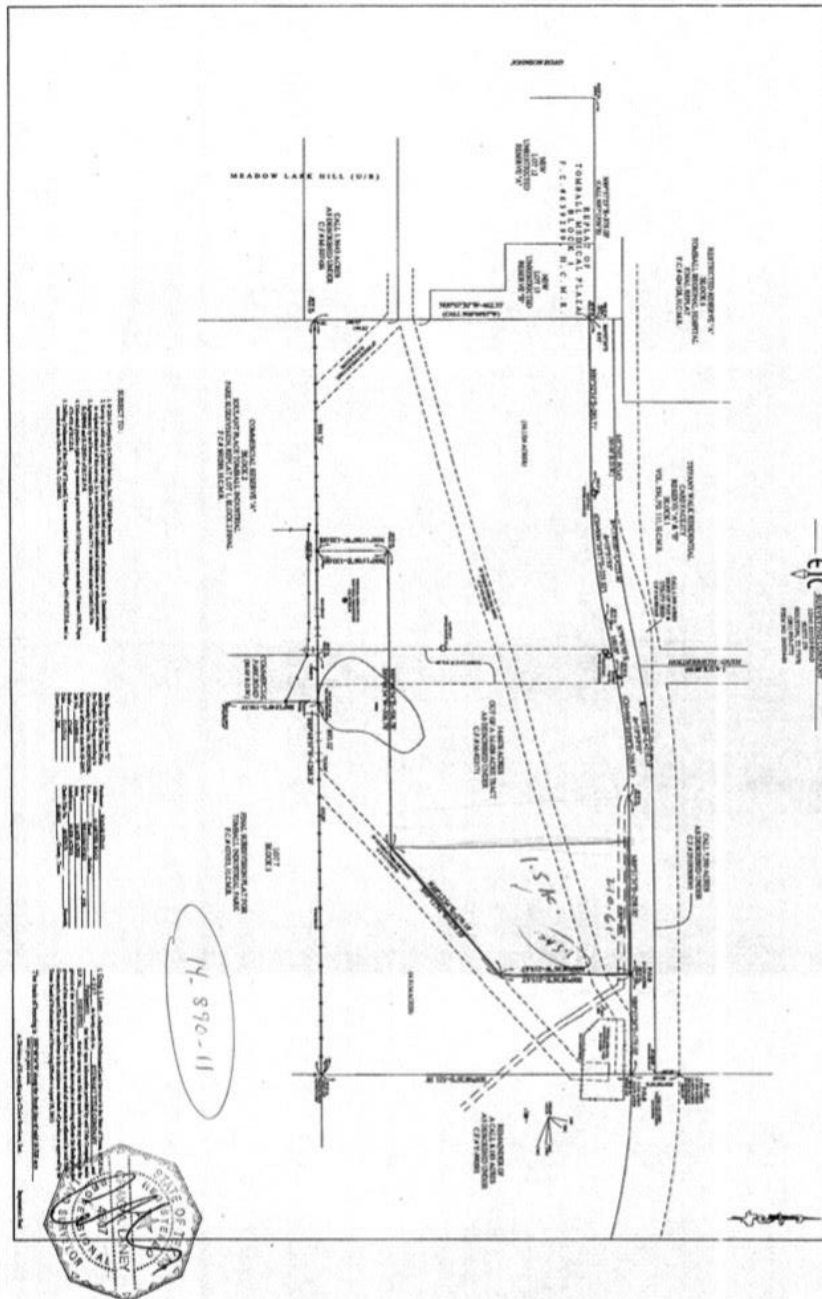
REC#: 01063194 2/05/2019 11:49 AM
OPER: SK TERM: 005
REF#: W 1017

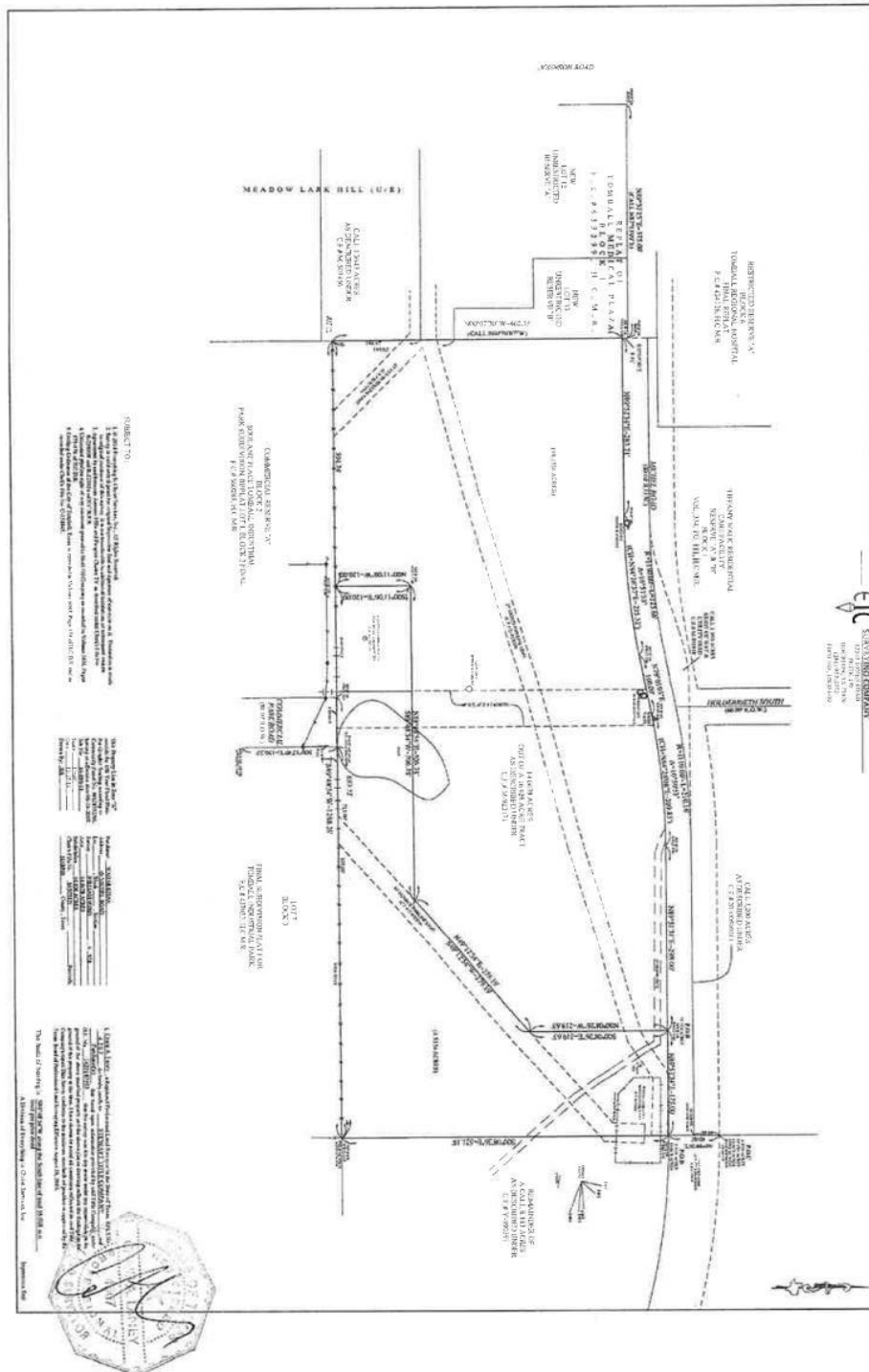
TRAN: 130.0000 PLANNING AND ZONING
CORNER MICHEL/SCHOOL
LOVING TOUCH RESIDENCE LLC
100-5441
REZONING APPLICATIO 415.00CR

TENDERED: 415.00 CHECK
APPLIED: 415.00-

CHANGE: (1.00)

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





LOVING TOUCH RESIDENCE, LLC
19118 Caribou Ridge Dr., Tomball, Tx 77375

February 1, 2019

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

To whom this may concern,

We, the owners of Loving Touch Residence, LLC, do hereby request for the Rezoning of the subject Property herein applied for with the following reasons specified below:

The current classification of the property is Agricultural Land and the parcel of the land intended to buy pending due diligence studies will be used for commercial purposes. This land is also surrounded by commercial properties and is neighboring to the Medical Complex Facilities. Upon approval of the Rezoning and Commercial use, we plan to buy 1.5 acres, parcel of the land and build a 16-Bed Dementia/Memory Care/Alzheimer's Care Assisted Living Facility.

The growing senior population is rising and the challenge is on for every families who are not able to care for their older parents.

According to U.S. Census Bureau, Texas Workforce Commission, by 2030, 20% of Americans will be 65 or older.

The 65-and-older population in Tomball and Magnolia grew 50.3% from 2010 to 2016. This information justifies the demand for more health care services and Personal Care Home.

Dementia specifically Alzheimer's Disease affects 5.5 million Americans age 65 and older - 380,000 of those individuals are Texans. Texans ranked fourth in the number of Alzheimer's Disease cases and second in the number of deaths.

Seniors with this condition post danger to themselves when left alone in their home. More families now are looking for the comfort of small Personal Care Homes for their older Parents due to more personalized and individualized attention and care given to their loved ones.

Our 16-bed facility will be a great help to these families who need help, home and care for their loved ones during the most challenging process of their health condition.

Thank you for helping us care and touch the lives of these Seniors and their families in the Tomball and neighboring Communities.

Sincerely yours,


Pamela F. Casia
Owner/Manager