

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



MONDAY, MARCH 11, 2019

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, March 11, 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 February 11, 2019.
- 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. Pilot Survey,

Abstract 632, City of Tomball, Harris County, Texas.

- 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.
- 5.3 Consideration to Approve Final Plat of **LSP TOMBALL DEVELOPMENT:** 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.
- 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.
- 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.
- Conduct Public Hearing on **Zoning Case P19-017**
- 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.
- Conduct Public Hearing on **Zoning Case P19-018**
- 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.
- Conduct Public Hearing on **Zoning Case P19-023**

6.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of March, 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: March 11, 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: March 11, 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: March 11, 2019

Topic:
Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of February 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:

2/11/19 Draft Minutes

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

MONDAY, FEBRUARY 11, 2019



6:00 P.M.

- 1.0 The meeting was called to order by Chair Barbara Tague at 6:03 p.m. Other members present were:

Commissioner Darrell Roquemore
Commissioner Will Benson
Commissioner Richard Anderson

Commissioner Dane Dunagin – Absent (excused)

Others present:

City Planner Amelia Lindley
Assistant City Engineer Wesley Stolz

draft

- 2.0 No Public Comments were received
- 3.0 No Reports and Announcements were heard
- 4.0 Motion was made by Commissioner Anderson, second by Commissioner Benson, to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of January 14, 2019.

Motion carried unanimously.

Discussion/Action of the Following Items:

- 5.0 New Business:
- 5.1 Consideration to Approve Final Plat of **CHERRY PINES SECTION 1**: A Subdivision of 28.6141 Acres of Land situated in the Claude N. Pillot Survey, Abstract 632, City of Tomball, Harris County Texas

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

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

Motion carried unanimously.

- 5.2 Consideration to Approve Final Plat of **REDEEMER CHURCH TOMBALL**: A Subdivision of 11.2924 Acres of Land located in the Joseph House Survey, A-34 in the City of Tomball, Texas, Being a Replat of Unrestricted Reserve "F" of Leslie's Park, A Subdivision Recorded in Film Code No. 400005, H.C.M.R.

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

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

Motion carried unanimously.

- 5.3 Consideration to Approve Final Plat of **TOMBALL HEIGHTS**: A Subdivision of 9.2191 Acres, Being a Replat of Unrestricted Reserve "H" Final Plat of Leslie's Park, Recorded in Film Code No. 400005 H.C.M.R., Located in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas

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

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

Motion carried unanimously.

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

Motion carried unanimously.

The meeting adjourned at 6:09.

PASSED AND APPROVED this _____ day of _____ 2019.

Amelia Lindley
Board Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 11, 2019

Topic:

Consideration to Approve Final Plat of **CERRY 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.

Background:

Origination:

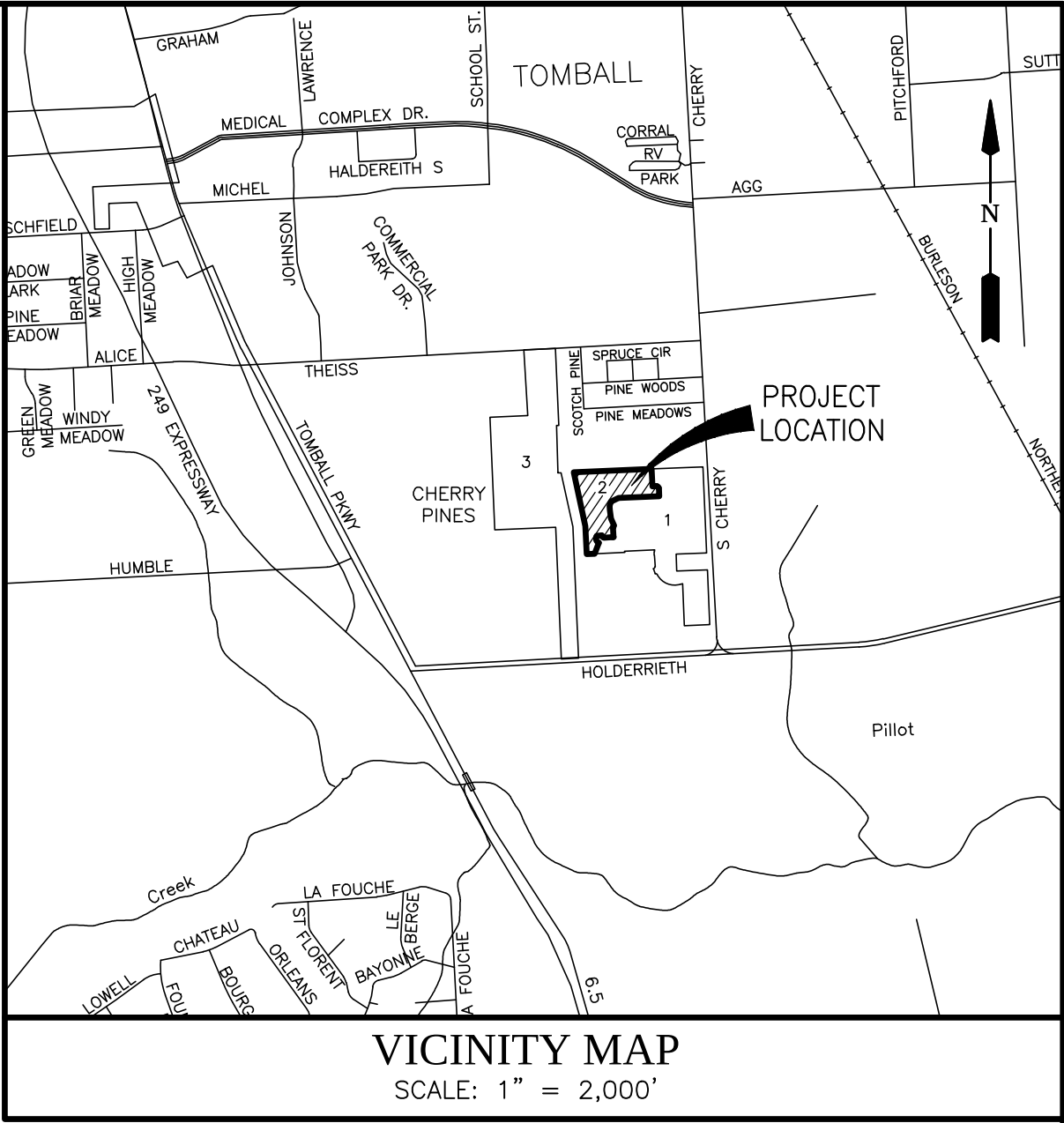
Recommendation:

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

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

ATTACHMENTS:

Cherry Pines Section 2 Plat
Cherry Pines Section 2 Plat Comments



KEY MAP NO. 288Q/288R

STATE OF TEXAS
COUNTY OF HARRIS

WE, MERITAGE HOMES OF TEXAS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH KYLE DAVISON, DIVISION PRESIDENT, BEING AN OFFICER OF MERITAGE HOMES OF TEXAS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, OWNERS IN THIS SECTION AFTER REFERRED TO AS OWNERS OF THE 10.9303 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF CHERRY PINES SECTION 2, 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 PURPOSE 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, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED, HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY 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 DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND 15 FEET WIDE ON EACH SIDE OF THE CENTERLINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED AND DEPICTED UPON IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENT 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 DRAINAGEWAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGEWAYS 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.

IN TESTIMONY WHEREOF, THE MERITAGE HOMES OF TEXAS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY KYLE DAVISON, ITS DIVISION PRESIDENT, THEREUNTO AUTHORIZED, THIS _____ DAY OF _____, 2019.

MERITAGE HOMES OF TEXAS, LLC,
AN ARIZONA LIMITED LIABILITY COMPANY

BY: _____
KYLE DAVISON, DIVISION PRESIDENT

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KYLE DAVISON, DIVISION PRESIDENT OF MERITAGE HOMES OF TEXAS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID PARTNERSHIP.

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, KEITH W. MONROE, 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 PERIMETER BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE, NOT PREVIOUSLY FOUND, WILL BE MARKED WITH IRON RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTER INCH AND A LENGTH OF NOT LESS THAN THREE FEET; AT THE TIME OF RECORDATION.

KEITH W. MONROE, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4797

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL HAS APPROVED THIS PLAT AND SUBDIVISION OF CHERRY PINES SECTION 2, IN CONFORMANCE WITH THE LAWS OF THE STATE AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2019.

BY: _____
BARBARA TAGUE, CHAIR

BY: _____
DARRELL ROQUEMORE, VICE CHAIR

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

CHERRY PINES SECTION 2

A SUBDIVISION OF 10.9303 ACRES OF LAND SITUATED IN
THE CLAUDE N. PILOT SURVEY, ABSTRACT 632,
CITY OF TOMBALL, HARRIS COUNTY, TEXAS.

51 LOTS 4 RESERVES (0.5954 ACRES) 3 BLOCKS

MARCH 4, 2019 JOB NO. 2040-5220.310

OWNERS:

MERITAGE HOMES OF TEXAS, LLC,
AN ARIZONA LIMITED LIABILITY COMPANY
KYLE DAVISON, DIVISION PRESIDENT
3250 BRIARPARK, SUITE 100, HOUSTON, TEXAS 77042
PH. (713) 621-6111

SURVEYOR:

LJA Surveying, Inc.
2929 Briarpark Drive Phone 713.953.5200
Suite 175 Fax 713.953.5026
Houston, Texas 77042 T.B.P.L.S. Firm No. 10194382

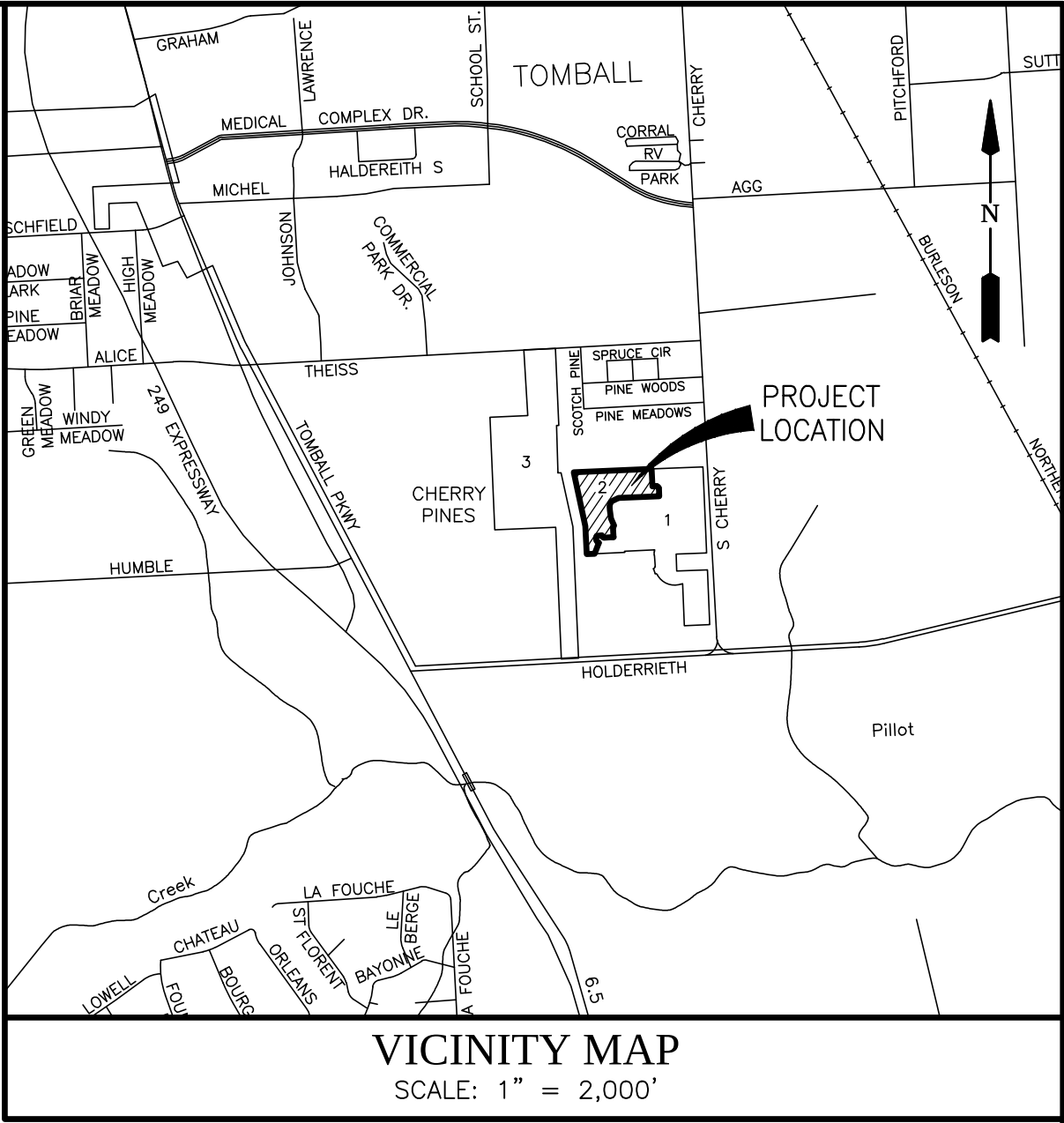
ENGINEER:

LJA Engineering, Inc.
2929 Briarpark Drive Phone 713.953.5200
Suite 600 Fax 713.953.5026
Houston, Texas 77042 FRN - F-1386

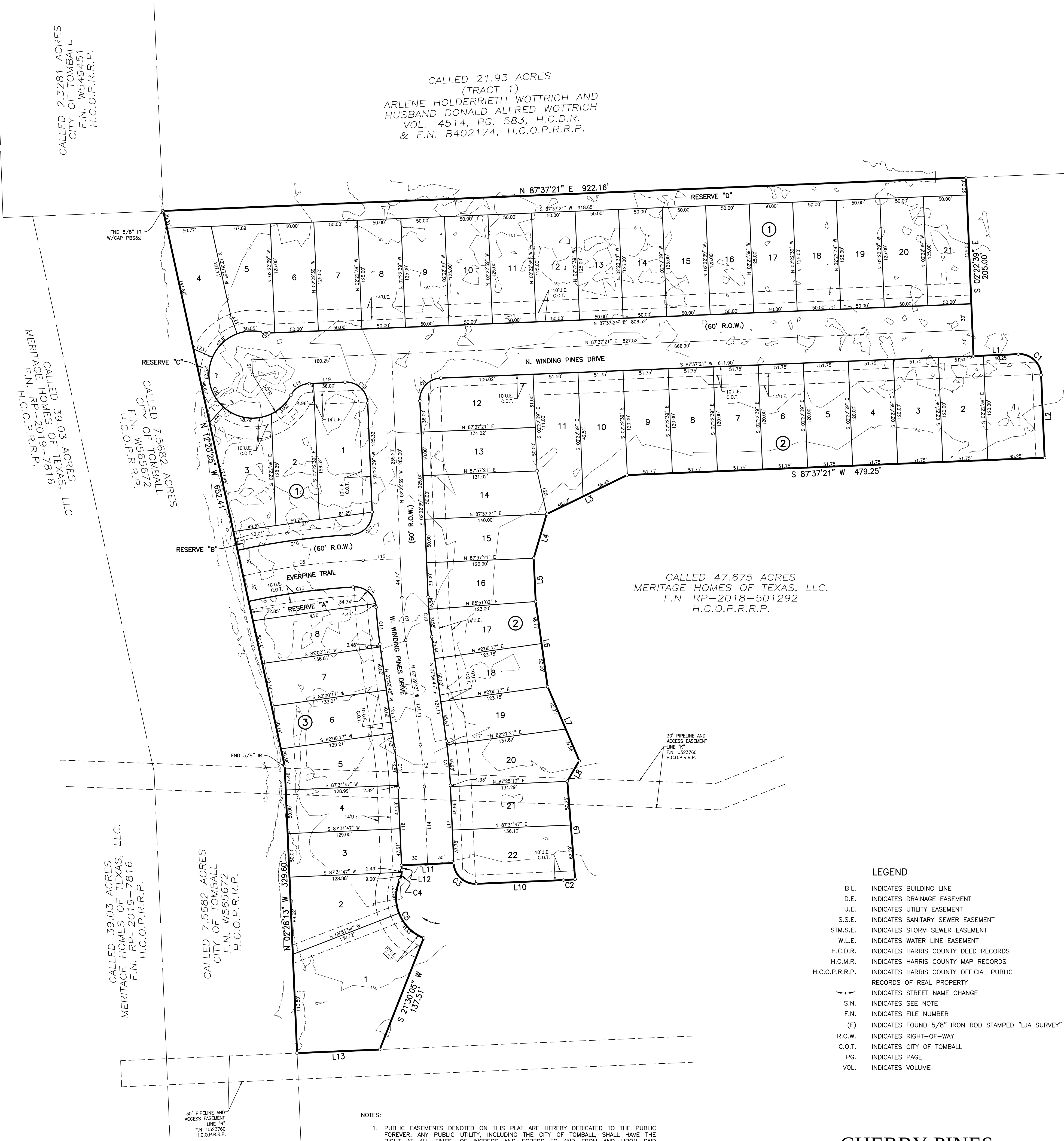
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 87°37'21" E	51.62'
L2	S 02°22'39" E	95.00'
L3	S 64°07'06" W	102.80'
L4	S 16°24'02" W	52.81'
L5	S 02°34'07" E	49.73'
L6	S 07°59'43" E	98.71'
L7	S 23°10'46" E	92.33'
L8	S 29°59'54" W	27.39'
L9	S 04°32'02" E	112.84'
L10	S 87°32'06" W	100.00'
L11	S 87°31'47" W	60.00'
L12	S 02°28'13" E	5.62'
L13	S 87°32'06" W	95.03'
L14	N 02°28'13" W	89.07'
L15	N 87°37'21" E	42.68'
L16	N 02°22'39" W	17.00'
L17	S 02°28'13" E	89.07'
L18	N 02°28'13" W	89.07'
L19	S 87°37'21" W	40.96'
L20	S 82°00'17" W	142.23'
L21	N 82°00'17" E	160.85'
L22	S 41°50'06" W	24.00'
L23	S 66°30'56" E	24.00'
L24	S 20°33'12" E	20.00'
L25	N 12°33'14" W	50.80'

CURVE TABLE				
CURVE	RADIUS	DELTA	ARC	CHORD
C1	25.00'	90°00'00"	39.27'	35.36'
C2	370.00'	2°04'08"	13.36'	13.36'
C3	25.00'	89°59'40"	39.27'	35.35'
C4	25.00'	26°20'16"	11.49'	11.39'
C5	50.00'	92°21'58"	80.60'	72.16'
C6	500.00'	5°31'30"	48.21'	48.20'
C7	500.00'	5°37'04"	49.03'	49.01'
C8	800.00'	9°57'46"	139.11'	138.93'
C9	25.00'	90°00'00"	39.27'	35.36'
C10	470.00'	5°37'04"	46.08'	46.07'
C11	530.00'	5°31'30"	51.11'	51.09'
C12	470.00'	5°31'30"	45.32'	45.30'
C13	530.00'	4°33'08"	42.10'	42.09'
C14	25.00'	89°52'26"	39.21'	35.32'
C15	770.00'	9°01'21"	121.25'	121.13'
C16	830.00'	9°08'13"	132.36'	132.22'
C17	25.00'	89°10'27"	38.91'	35.10'
C18	25.00'	90°00'00"	39.27'	35.36'
C19	25.00'	59°33'29"	25.99'	24.83'
C20	50.00'	255°49'05"	223.24'	78.90'
C21	25.00'	16°15'37"	7.09'	7.07'

RESERVE TABLE			
RESERVE	ACREAGE	SQ.FT.	TYPE
A	0.0756	3,294.88	RESTRICTED TO LANDSCAPE/OPEN SPACE
B	0.0734	3,198.82	RESTRICTED TO LANDSCAPE/OPEN SPACE
C	0.0238	1,035.62	RESTRICTED TO LANDSCAPE/OPEN SPACE
D	0.4226	18,408.16	RESTRICTED TO LANDSCAPE/OPEN SPACE/DRAINAGE
TOTAL	0.5954	25,937.48	



KEY MAP NO. 288Q/288R



LEGEND

- B.L. INDICATES BUILDING LINE
- D.E. INDICATES DRAINAGE EASEMENT
- U.E. INDICATES UTILITY EASEMENT
- S.S.E. INDICATES SANITARY SEWER EASEMENT
- STM.S.E. INDICATES STORM SEWER EASEMENT
- W.L.E. INDICATES WATER LINE EASEMENT
- H.C.D.R. INDICATES HARRIS COUNTY DEED RECORDS
- H.C.M.R. INDICATES HARRIS COUNTY MAP RECORDS
- H.C.O.P.R.P. INDICATES HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
- INDICATES STREET NAME CHANGE
- S.N. INDICATES SEE NOTE
- F.N. INDICATES FILE NUMBER
- (F) INDICATES FOUND 5/8" IRON ROD STAMPED "LJA SURVEY"
- R.O.W. INDICATES RIGHT-OF-WAY
- C.O.T. INDICATES CITY OF TOMBALL
- PG. INDICATES PAGE
- VOL. INDICATES VOLUME

NOTES:

- PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
- THIS TRACT LIES WHOLLY WITHIN ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, OF THE F.I.R.M. FLOOD INSURANCE RATE MAP FOR HARRIS COUNTY, TEXAS, DATED JUNE 18, 2007, MAP NO. 48201C 0230L.
- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

LOT	SQ. FT.
BLOCK 1	
LOT 1	9,218.30
LOT 2	7,276.46
LOT 3	7,951.27
LOT 4	7,083.36
LOT 5	7,015.39
LOT 6	6,250.00
LOT 7	6,250.00
LOT 8	6,250.00
LOT 9	6,250.00
LOT 10	6,250.00
LOT 11	6,250.00
LOT 12	6,250.00
LOT 13	6,250.00
LOT 14	6,250.00
LOT 15	6,250.00
LOT 16	6,250.00
LOT 17	6,250.00
LOT 18	6,250.00
LOT 19	6,250.00
LOT 20	6,250.00
LOT 21	6,250.00

LOT	SQ. FT.
BLOCK 2	
LOT 1	7,695.87
LOT 2	6,210.00
LOT 3	6,210.00
LOT 4	6,210.00
LOT 5	6,210.00
LOT 6	6,210.00
LOT 7	6,210.00
LOT 8	6,210.00
LOT 9	6,210.00
LOT 10	6,792.34
LOT 11	7,673.89
LOT 12	7,858.38
LOT 13	6,551.24
LOT 14	6,775.62
LOT 15	6,575.00
LOT 16	6,354.50
LOT 17	6,533.76
LOT 18	6,189.07
LOT 19	6,581.10
LOT 20	7,769.59
LOT 21	6,772.23
LOT 22	8,480.87

LOT	SQ. FT.
BLOCK 3	
LOT 1	16,824.33
LOT 2	8,371.24
LOT 3	6,449.90
LOT 4	6,449.90
LOT 5	6,930.54
LOT 6	6,555.44
LOT 7	6,745.39
LOT 8	6,966.41

CHERRY PINES SECTION 2

A SUBDIVISION OF 10.9303 ACRES OF LAND SITUATED IN THE CLAUDE N. PILOT SURVEY, ABSTRACT 632, CITY OF TOMBALL, HARRIS COUNTY, TEXAS.

51 LOTS 4 RESERVES (0.5954 ACRES) 3 BLOCKS

MARCH 4, 2019

JOB NO. 2040-5220.309

OWNERS:

MERITAGE HOMES OF TEXAS, LLC,
AN ARIZONA LIMITED LIABILITY COMPANY

KYLE DAVISON, DIVISION PRESIDENT
3250 BRIARPARK, SUITE 100, HOUSTON, TEXAS 77042
PH. (713) 621-6111

SURVEYOR:

LJA Surveying, Inc.
2929 Briarpark Drive
Suite 175
Houston, Texas 77042

Phone 713.953.5200
Fax 713.953.5026
T.B.P.L.S. Firm No. 10194382

ENGINEER:

LJA Engineering, Inc.
2929 Briarpark Drive
Suite 600
Houston, Texas 77042

Phone 713.953.5200
Fax 713.953.5026
FRN - F-1386

CITY OF TOMBALL

Plat Name: Cherry Pines Section 2 Plat Type: Final

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: March 11, 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 easements referenced in the title report
- Add City of Tomball gas note
- Remove contours

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 11, 2019

Topic:

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.

Background:

Origination:

Recommendation:

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

ACTION TAKEN

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

ATTACHMENTS:

Tomball Freddy's Plat

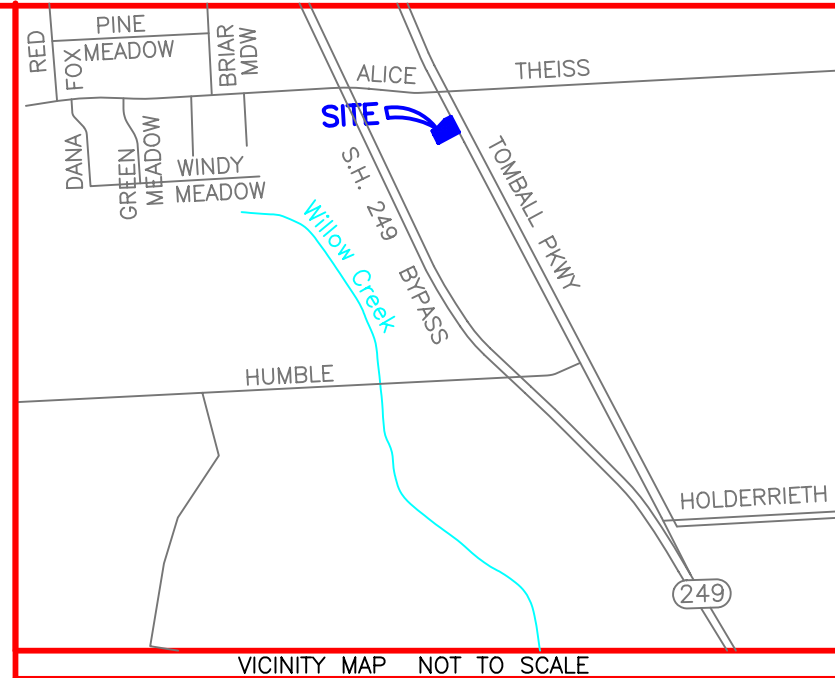
Tomball Freddy's Plat Comments

LEGEND:

AC = AIR CONDITIONER
ALUM. = ALUMINUM
BB = BREAKER BOX
CB = CABLE BOX
C/CONC = CONCRETE
EB = ELECTRIC BOX
EJB = ELECTRIC JUNCTION BOX
FH = FIRE HYDRANT
FND = FOUND
GEN = GENERATOR
GI = GRATE INLET
GP = GATE POST
GV = GAS VALVE
H.C.C.F. NO. = HARRIS COUNTY CLERK'S FILE NUMBER
MB = MAILBOX
MH = MANHOLE
MP = METAL PIPE
M.R.H.C. = MAP RECORDS OF HARRIS COUNTY
PP = POWER POLE
SGN = SIGN
SH = SPRINKLER HEAD
SOV = SHUT OFF VALVE
SWBMH = SOUTHWESTERN BELL MANHOLE
TSB = TRAFFIC SIGNAL BOX
TSP = TRAFFIC SIGNAL POLE
TXDOT = TEXAS DEPARTMENT OF TRANSPORTATION
UED = UNDERGROUND ELECTRIC DUCT
UCGM = UNDERGROUND CABLE MARKER
WP = WOOD POST
WS = WATER SPIGOT
WV = WATER VALVE
WW = WATER WELL

LINE	DISTANCE	BEARING
L1	21.16'	N 61°52'24" E
L2	35.64'	N 66°45'41" E
L3	71.13'	N 68°17'22" E

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	11549.16	00°53'37"	180.10	90.05	S 22°45'16" E	180.10
C2	276.00	07°49'32"	37.70	18.88	N 18°21'38" W	37.67



H
S
C

SCALE = 1"=60'

THEIS LANE (60' R.O.W.)

LOT 2
BLOCKBUSTER-TOMBALL
FILM CODE NO. 358132
M.R.H.C.

LOT 1
BLOCKBUSTER-TOMBALL
FILM CODE NO. 358132
M.R.H.C.

RESTRICTED RESERVE "B"
PARTIAL REPLAT
WAL-MART-TOMBALL
FILM CODE NO. 474057
M.R.H.C.

RESTRICTED RESERVE "A"
REPLAT WAL-MART TOMBALL
FILM CODE NO. 519114
M.R.H.C.

NOTES

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown or noted hereon.
- All oil/gas wells ownership (plugged, abandoned and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- According to FEMA Firm Map Number 48201C0210L, Panel Number 480315 0210 L, (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- Bearing orientation based on Texas State Plane Coordinate Grid System of 1983 (South Central Zone No. 4204), derived from CORS site ROD1.
- B.L. indicates Building Line, E.T. indicates Extra Territorial Jurisdiction, F.C. indicates Film Code, U.E. indicates Utility Easement, S.T.M. S.E. indicates Storm Sewer Easement, S.S.E. indicates Sanitary Sewer, Easement, W.L.E. indicates Water Line Easement.
- The square footage shown hereon is based on a mathematically closed figure and does not indicate the accuracy of the survey.
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor: 0.9999422.
- Tract may be subject to Salt Water Disposal Agreement recorded under H.C.C.F. No. E443014, however, the Texas Railroad Commission shows the well as plugged.
- Tract subject to an unlocated pipeline easement granted to Humble Oil & Refining Company recorded under Volume 959, Page 297 D.R.H.C., however, the 10 pipeline easement assigned to Natural Gas Pipeline Company of America recorded under Volume 7754, Page 383 of the D.R.H.C. does not affect the subject tract.
- Tract subject to an unlocated drainage ditch and roadway easement granted to Humble Oil & Refining Company recorded under Volume 1018, Page 682 D.R.H.C. and amended by Partial Release recorded under H.C.C.F. No. P517228.
- Tract subject to unlocated pipeline easement granted to Humble Pipe Line Company recorded under Volume 1058, Page 450 D.R.H.C. and amended by a Partial Release recorded under H.C.C.F. No. P660712.
- Tract subject to an unlocated pipeline easement granted to Tennessee Gas Transmission Company recorded under Volume 1973, Page 18 D.R.H.C. and amended and partially released by H.C.C.F. No. P734138.
- Tract subject to an unlocated pipeline easement granted to Shell Oil Company recorded under Volume 3431, Page 476 D.R.H.C.
- Tract subject to an unlocated pipeline easement granted to Shell Oil Company recorded under Volume 3431, Page 477 D.R.H.C.

NOTES CONTINUED

- Pipeline Route described in deed granted to The Texas Company recorded under Volume 1199, Page 259 D.R.H.C. does not affect the subject tract.
- Harris County Flood Control Easement recorded under Volume 1647, Page 262 D.R.H.C. does not affect the subject tract.
- Drainage right-of-way easement granted to Bill Downs recorded under H.C.C.F. No. K085957 and re-filed under H.C.C.F. No. K229699 does not affect the subject tract.
- Drainage right-of-way easement granted to Bill Downs recorded under H.C.C.F. No. K085958 and re-filed under H.C.C.F. No. K229799 does not affect the subject tract.

OWNERS:

HOUSTON CUSTARD , LLC
7309 E. 21ST STREET N, SUITE 120
WICHITA, KANSAS 67206-1178
(316) 261-5369

FINAL PLAT
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

1 LOT, 1 BLOCK

PREPARED BY:



Land Surveys - Computer Mapping
5000 Cabbag Spring, Texas 77379
(281) 320-9591 hovis@hovisurveying.com
Acreage - Residential - Industrial - Commercial
Texas Firm Registration No. 10030400

DATE: FEBRUARY 19, 2019 SCALE: 1" = 60' JOB NO. 02-025-120

SHEET 1 OF 1

STATE OF TEXAS
COUNTY OF HARRIS

We, Houston Custard, LLC, acting by and through Todd M. Connell, Managing Member of Houston Custard, LLC, Owners, hereinafter referred to as Owners of the 0.9050 of one acre tract described in the above and foregoing plat of Tomball Freddy's, 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 on the land so dedicated.

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

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of 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 operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, Owners certify and covenant that they have complied with or will comply with existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioners' Court of Harris County.

IN TESTIMONY WHEREOF, the Houston Custard, LLC, has caused these presents to be signed by Todd M. Connell, its Managing Member, thereto authorized, this ____ day of _____, 2019.

Houston Custard, LLC

By: _____
Todd M. Connell, Managing Member

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared, Todd M. Connell, Managing Member of Houston Custard, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2019

Notary Public in and for the State of Texas

My Commission expires:

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of TOMBALL FREDDY'S 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 _____, 2019.

By: _____
Barbara Tague
Chairman

By: _____
Darrell Roquemore
Vice Chairman

I, Diane Trautman, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2019, at _____ o'clock _____M., and duly recorded on _____, 2019, at _____ o'clock _____M., and at Film Code Number _____ of the Map Records of Harris County for said county.

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

Diane Trautman
County Clerk
of Harris County, Texas

By: _____
Deputy



By: _____
Brian K. Lunell
Texas Registration No. 5954

CITY OF TOMBALL

Plat Name: Tomball Freddy's Plat Type: Final

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: March 11, 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:

- Provide updated title report
- Remove building lines
- Reference latest adjacent property information
- Add City of Tomball gas note
- Set and callout survey markers
- Update legal description
- Fix typos

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 11, 2019

Topic:

Consideration to Approve Final Plat of **LSP TOMBALL DEVELOPMENT:** 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.

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:

LSP Tomball Development Replat No. 2 Plat

LSP Tomball Development Replat No. 2 Plat Comments

NOTES:

1. Tract subject to an unlocated drainage ditch and roadway easement recorded under Volume 1018, Page 682, H.C.O.R., amended under C.C.F. No. P617228, O.P.R.R.P.H.C.
2. Tract subject to an unlocated pipeline easement and eight- $\frac{1}{2}$ -way granted easement recorded under Volume 1054, Page 420, D.R.H.C., amended under C.C.F. No. P660712, O.P.R.R.P.H.C.
3. Tract subject to an unlocated right-of-way granted to Tennessee Gas Transmission Company, recorded under Volume 1973, Page 18, D.R.H.C., amended under C.C.F. No. P734136, O.P.R.R.P.H.C..
4. Tract subject to an unlocated right-of-way granted to Shell Oil Company, recorded under Volume 3431, Page 476 and 477, D.R.H.C.
5. Bearings hereon are grid bearings based on the Texas State Plane Coordinate System (NAD 83), South Central Zone No. 4204, as referenced on the plat of LSP TOMBALL DEVELOPMENT recorded under T.C. No. 679810, M.R.H.C. Distances are surface distances and may be converted to grid by multiplying by a combined scale factor of 0.99999422.

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 to use, occupy, and maintain any easement shown hereon 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 easement shown hereon is hereby dedicated to the public forever, and the property owner agrees to 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, efficiency, or its collective systems on any other easement shown hereon. The City of Tomball, Texas, shall have the right to remove any obstruction to the easement shown hereon. The City of Tomball, Texas, 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:

According to FEMA Firm Map Number 482010210L, Panel No. 480315-0210 L, the property is in Flood Zone X, and is not in the 0.2% Annual Chance Flood Plain.

Note #1: Gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2: Sewer with ownership (fueled, 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 setback at a minimum should be 15 feet of centerline of low pressure gas lines and 30 feet of centerline of high pressure gas lines.

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

RESTRICTED RESERVE "D",
BLOCK 1, PARKWAY SHOPS
F.C. NO. 587148, M.R.H.C.

ALICE ROAD
(Public R.O.W.)
NO RECORDING INFORMATION FOUND

RESTRICTED RESERVE "B",
BLOCK 1
LSP TOMBALL DEVELOPMENT,
REPLAT NO. 1
F.C. NO. 682121, M.R.H.C.

Sam Lewis Survey,
Abstract No. 1704

RESTRICTED RESERVE "A",
BLOCK 1
LSP TOMBALL DEVELOPMENT,
REPLAT NO. 1
F.C. NO. 682121, M.R.H.C.

LOT 1, BLOCK 1
LSP TOMBALL
DEVELOPMENT
F.C. NO. 679810, M.R.H.C.

CALL 0.9060 ACRE
HOUSTON CUSTARD, LLC
C.C.F. NO. RP-2018-33378,
O.P.R.R.P.H.C.

BLOCK 1
RESTRICTED RESERVE "A"
(COMMERCIAL USE)
1.2042 ACRES
(62,457 SQUARE FEET)

LOT 1, BLOCK 1
LSP TOMBALL
DEVELOPMENT
F.C. NO. 679810, M.R.H.C.

LSP HIGHWAY 249 LLC
C.C.F. NO. RP-2017-31178
O.P.R.R.P.H.C.

COMMERCIAL RESERVE NO. 3
TOMBALL PARKWAY PLAZA
VOL. 331, PG. 10, M.R.H.C.

THEIS LANE
(60' Public R.O.W.)
C.C.F. NO. J291670, O.P.R.R.P.H.C.

LOT 2
BLOCKBUSTER-TOMBALL
F.C. NO. 358132, M.R.H.C.

LOT 1
BLOCKBUSTER-TOMBALL
F.C. NO. 358132, M.R.H.C.

Fritz Theis Survey,
Abstract No. 1705

REMAINDER OF TRACT ONE
WALL-MART / TOMBALL
PARTIAL REPLAT
F.C. NO. 437066, M.R.H.C.

S.H. 249 BUSINESS
(Tomball Parkway;
180' Public R.O.W.)
VOL. 4258, 147, VOL. 4284, PG. 245,
VOL. 4417, PG. 382 & VOL. 4449,
PG. 307, D.R.H.C.

RESTRICTED RESERVE "A", BLOCK 1,
REPLAT OF WALL-MART TOMBALL
F.C. NO. 519114, M.R.H.C.

STATE OF TEXAS

COUNTY OF HARRIS

WE, LSP HIGHWAY 249 LLC, a Texas limited liability company, acting by and through Robert Chandler, Manager, Owners, hereinafter referred to as owners of the 1.2042 acre tract described in the above and foregoing plat of LSP TOMBALL DEVELOPMENT REPLAT NO. 2, do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all boulevards, creeks, gullies, ravines, groves, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, and as easements for the use of the public for the purpose of construction and maintenance of drainage facilities and structures. For the purposes and considerations therein expressed, and do hereby bind ourselves, our heirs, assigns, and assigns to warrant and 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 easements 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 dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all boulevards, creeks, gullies, ravines, groves, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, and as easements for the use of the public for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all 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, structures, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, efficiency, or its collective systems on any other easement shown hereon. The City of Tomball, Texas, shall have the right to remove any obstruction to the easement shown hereon. The City of Tomball, Texas, 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.

IN TESTIMONY WHEREOF, the LSP HIGHWAY 249 LLC, a Texas limited liability company, has caused these presents to be signed by Robert Chandler, Manager, hereunto authorized, this _____ day of _____, 2019.

LSP HIGHWAY 249 LLC, a Texas limited liability company

By: Robert Chandler, Manager

STATE OF TEXAS
COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2019.

Notary Public in and for the State of Texas
My Commission expires: _____

WE, INTERNATIONAL BANK OF COMMERCE, owner and holder of a lien against the above and foregoing plat of LSP TOMBALL DEVELOPMENT REPLAT NO. 2, do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all boulevards, creeks, gullies, ravines, groves, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, and as easements for the use of the public for the purpose of construction and maintenance of drainage facilities and structures. For the purposes and considerations therein expressed, and do hereby bind ourselves, our heirs, assigns, and assigns to warrant and 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 easements five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

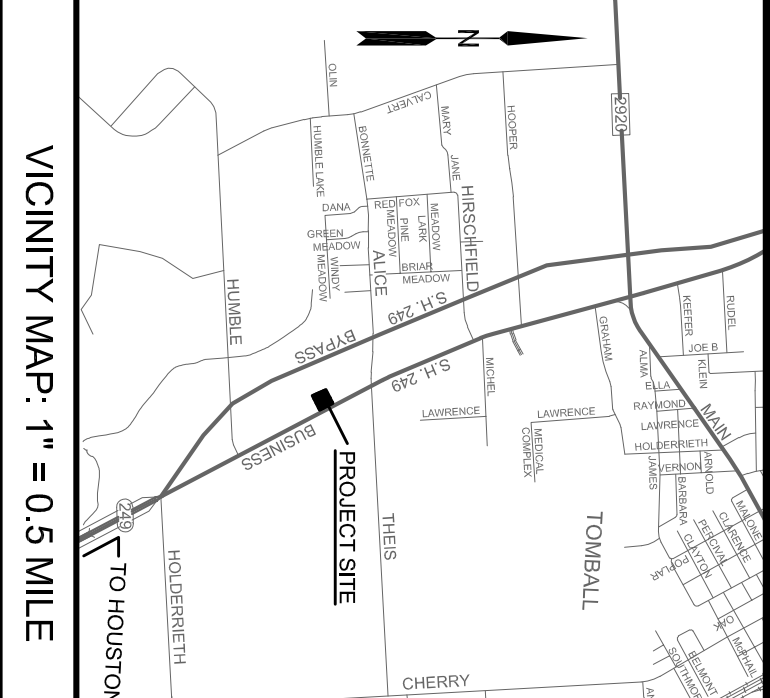
By: Mario Fazio, Vice President

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Mario Fazio, Vice President of INTERNATIONAL BANK OF COMMERCE, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2019.

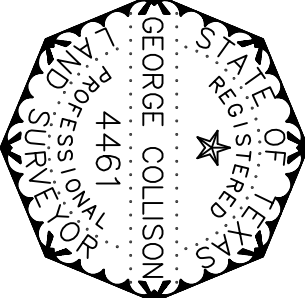
Notary Public in and for the State of Texas
My Commission expires: _____



VICINITY MAP-1"=0.5 MILE

I, George Collins, am registered under the laws of the State of Texas to perform land surveying. I am duly qualified to perform the duties of a land surveyor. This subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown otherwise, the lines, angles, points, distances, and other data shown hereon are true and correct. I, the undersigned, certify that the above plat, map, or other instrument, including any and all amendments, additions, or changes, and any and all parts thereof, were prepared by me or under my direct supervision and that I am a duly licensed land surveyor in the State of Texas. My commission expires on 12/31/2020. My commission number is 1983. South Central Zone Coordinate System of 1983, South Central Zone.

George Collins
Registered Professional Land Surveyor
Texas Registration No. 4461



This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of LSP TOMBALL DEVELOPMENT REPLAT NO. 1 in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2019.

By: Barbara Tague
Chairman

By: Darrell Roumance
Vice Chairman

I, Diane Trautman, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 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

LSP TOMBALL DEVELOPMENT REPLAT NO. 2

A SUBDIVISION OF 1.2042 ACRES OF LAND
BEING A REPLAT OF LOT 1, BLOCK 1 OF LSP TOMBALL DEVELOPMENT
AS RECORDED AT FILM CODE NUMBER 679810, HARRIS COUNTY MAP RECORDS
LOCATED IN THE
SAM LEWIS SURVEY, ABSTRACT NUMBER 1704
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

1 ~ RESERVE 1 ~ BLOCK

OWNERS:

LSP HIGHWAY 249 LLC
9129 KATY FREEWAY, SUITE 193
HOUSTON, TEXAS 77024

ENGINEERS:

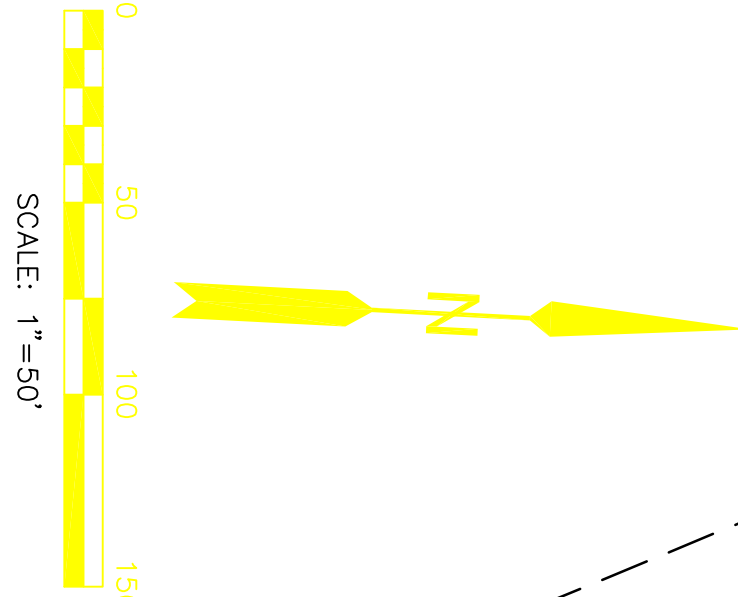
KIMLEY-HORN & ASSOCIATES, INC.
TERRA SURVEYING COMPANY, INC.
3000 WILCREST DRIVE, SUITE 210
HOUSTON, TEXAS 77042
(713) 993-0527

PROJ. NO.: 1617-1835-P SCALE: 1" = 50' DATE: FEBRUARY, 2019

SURVEYOR:

LSP HIGHWAY 249 LLC
9129 KATY FREEWAY, SUITE 193
HOUSTON, TEXAS 77024
(281) 597-9300

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD
C1	11,548.16	204.17	01°00'37"	S 23°42'32" E	204.76
C2	11,548.16	263.17	01°18'30"	N 22°32'48" W	263.10
C3	11,548.16	168.10	00°50'02"	N 22°47'03" W	168.10



SCALE: 1"=50'

LEGEND

- FND FOUND
- I.R. IRON ROD
- R.O.W. RIGHT OF WAY
- S.H. STATE HIGHWAY
- ESMT EASEMENT
- W/ WITH
- PG. PAGE
- F.C. FILM CODE
- C.C.F. COUNTY CLERK'S FILE
- D.R.H.C. DEED RECORDS OF HARRIS COUNTY
- M.R.H.C. MAP RECORDS OF HARRIS COUNTY
- W/ WITH
- I.P. IRON PIPE
- O.P.R.R.P.H.C. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY

S.H. 249 BYPASS
350' Public R.O.W.)
C.C.F. 2320397, O.P.R.R.P.H.C.

LOT 1, BLOCK 1
LSP TOMBALL
DEVELOPMENT
F.C. NO. 679810, M.R.H.C.

LSP HIGHWAY 249 LLC
C.C.F. NO. RP-2017-31178
O.P.R.R.P.H.C.

FND 127' I.R.
S 62°24'31" W 171.91'
S 62°24'31" W 171.91'

FND 58' I.R. W/ CAP
X=3304.65134
Y=13354.11134

FND 58' I.R. W/ CAP
X=3304.65134
Y=13354.11134

FND 127' I.R.
X=13353.922356
Y=13353.922356

SET 58' I.R.
W/ TERRA CAP
X=13353.922356
Y=13353.922356

REMAINDER OF
CALL 5.4854 ACRES
TOMBALL BUSINESS CENTER, LLC
C.C.F. NO. RP-2017-55255,
O.P.R.R.P.H.C.

S.H. 249 BUSINESS
(Tomball Parkway;
180' Public R.O.W.)
VOL. 4258, 147, VOL. 4284, PG. 245,
VOL. 4417, PG. 382 & VOL. 4449,
PG. 307, D.R.H.C.

RESTRICTED RESERVE "A", BLOCK 1,
REPLAT OF WALL-MART TOMBALL
F.C. NO. 519114, M.R.H.C.

Notary Public in and for the State of Texas
My Commission expires: _____

A SUBDIVISION OF 1.2042 ACRES OF LAND
BEING A REPLAT OF LOT 1, BLOCK 1 OF LSP TOMBALL DEVELOPMENT
AS RECORDED AT FILM CODE NUMBER 679810, HARRIS COUNTY MAP RECORDS
LOCATED IN THE
SAM LEWIS SURVEY, ABSTRACT NUMBER 1704
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

1 ~ RESERVE 1 ~ BLOCK

OWNERS:

LSP HIGHWAY 249 LLC
9129 KATY FREEWAY, SUITE 193
HOUSTON, TEXAS 77024

ENGINEERS:

KIMLEY-HORN & ASSOCIATES, INC.
TERRA SURVEYING COMPANY, INC.
3000 WILCREST DRIVE, SUITE 210
HOUSTON, TEXAS 77042
(713) 993-0527

PROJ. NO.: 1617-1835-P SCALE: 1" = 50' DATE: FEBRUARY, 2019

SURVEYOR:

LSP HIGHWAY 249 LLC
9129 KATY FREEWAY, SUITE 193
HOUSTON, TEXAS 77024
(281) 597-9300

CITY OF TOMBALL

Plat Name: LSP Tomball Development Replat No. 2 Plat Type: Final

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: March 11, 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
- Update area accuracy
- Correct vicinity map

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 11, 2019

Topic:

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.

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:

Snowflake Donut Plat

Snowflake Donut Plat Comments

STATE OF TEXAS
COUNTY OF HARRIS

I, LUON POL, HEREIN AFTER REFERRED TO AS OWNER OF THE 0.3214 ACRE TRACT KNOWN AS LOT FOURTEEN (14) AND FIFTEEN (15), BLOCK FORTY (40) OF TOMBALL TOWNSITE, AN ADDITION IN HARRIS COUNTY, TEXAS, DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF MAP RECORDS OF HARRIS COUNTY, TEXAS, DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF 310 W. MAIN STREET AND SNOWFLAKE DONUTS TOMBALL, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE DEDICATE TO THE USE OF THE STREETS, OR PERMANENT ACCESS EASEMENTS), ALLEYS, STREETS DESIGNATED AS PRIVATE PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THERE ON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE ON THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENT 5' IN WIDTH FROM A PLANE 20' ABOVE THE GROUND 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 AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

STATE OF TEXAS
COUNTY OF HARRIS

WITNESS OUR HAND IN THE CITY OF TOMBALL, TEXAS, THIS

DAY OF _____, 2019.

LUON POL, OWNER

STATE OF TEXAS
COUNTY OF HARRIS

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRINT NAME:

MY COMMISSION EXPIRES : _____

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

I, Judy Osmun Siracusa, owner and holder of a lien (H.C.C.F. NO. J432563), against such property described in the plat known as SNOWFLAKE DONUTS TOMBALL, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and dedications and restrictions shown herein to said subdivision plat and I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

By: _____
JUDY OSMUN SIRACUSA

STATE OF TEXAS
COUNTY OF HARRIS

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRINT NAME:

MY COMMISSION EXPIRES : _____

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

I, Charles R. Wolfe, owner and holder of a lien (H.C.C.F. NO. N-772615) against such property described in the plat known as SNOWFLAKE DONUTS TOMBALL, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and dedications and restrictions shown herein to said subdivision plat and I hereby confirm that I am the present owner of said lien and have not assigned the same nor any part thereof.

By: _____
Charles R. Wolfe:

STATE OF TEXAS
COUNTY OF HARRIS

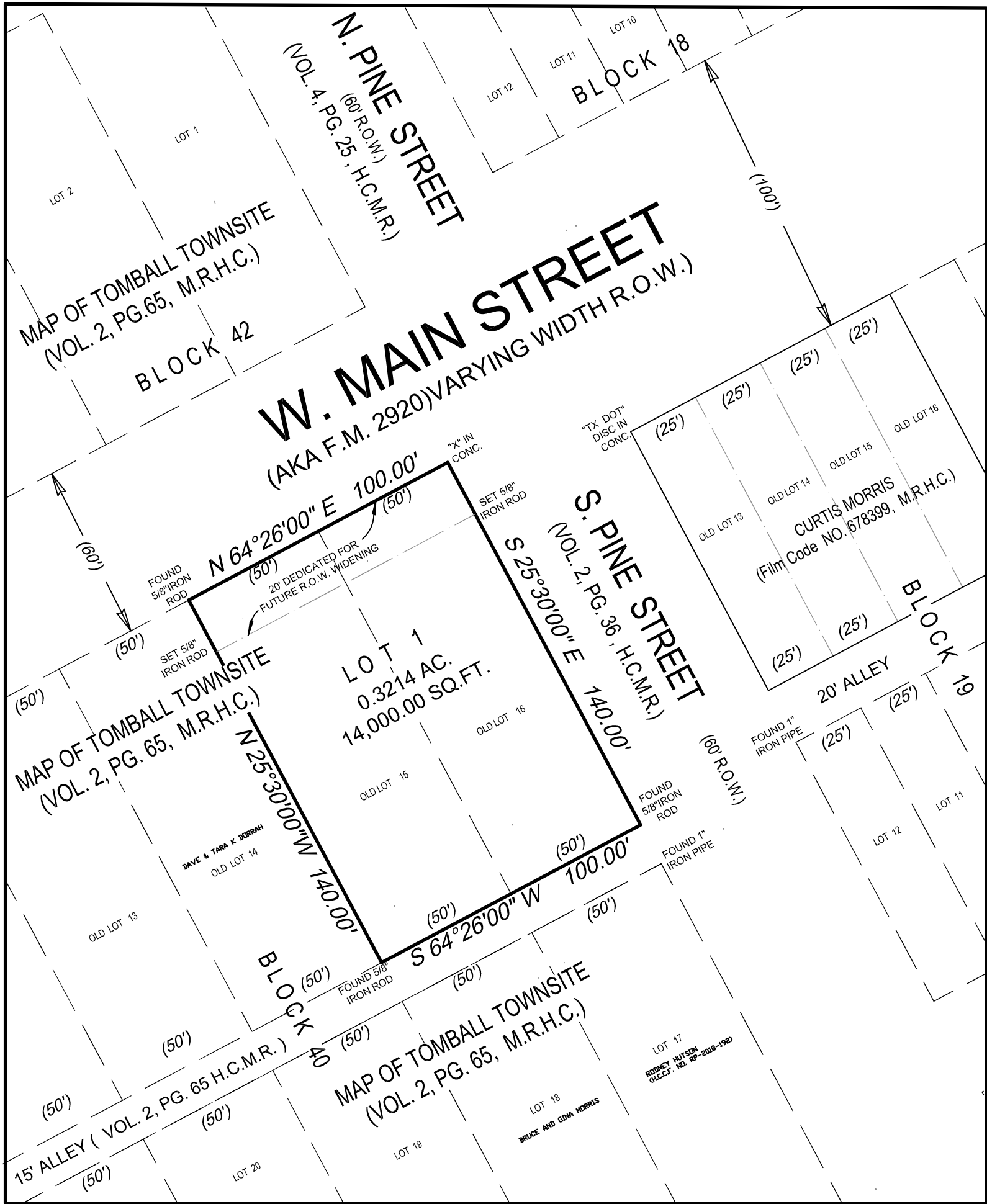
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CHARLES R. WOLFE, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGMENT TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRINT NAME:

MY COMMISSION EXPIRES : _____

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



I, DIANE TRAUTMAN, CLERK OF THE COUNTY COURT 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 IN FILM CODE

NO. _____ OF THE MAPS 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

THIS IS TO CERTIFY THAT THE TOMBALL PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT OF GRAHAM ESTATES IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS, AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT

THIS ____ DAY OF _____, 2019.

BY: _____
BARBARA TAGUE, CHAIR

BY: _____
DARRELL ROQUEMORE, VICE CHAIRMAN

I, THOMAS G. ROBINSON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON RODS, SAID RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTER (3/4) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

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

NOTES:

1. ELEVATIONS SHOWN HEREON ARE BASED ON RM 100355 LOCATED ON TOP OF A CONCRETE DAINAGE HEADWALL, WITH A PUBLISHED ELEVATION OF 179.94 FEET.

2. ALL VISIBLE EXISTING PIPELINES OR PIPELINE EASEMENTS THROUGH THE SUBDIVISION HAVE BEEN SHOWN WITHIN THE LIMITS OF THE SUBDIVISION.

3. THERE ARE NO VISIBLE EXISTING OIL/GAS WELLS (PLUGGED, ABANDONED AND/OR ACTIVE) WITHIN THE LIMITS OF THE SUBDIVISION.

4. REFERENCE COMMITMENT FOR TITLE INSURANCE ISSUED FROM STEWART TITLE COMPANY (GFR366447) WITH AN EFFECTIVE DATE OF FEBRUARY 20, 2019. NO FURTHER RESEARCH FOR EASEMENTS OR ENCUMBRANCES WAS PERFORMED BY ROBINSON SURVEYING, INC..

5. 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 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 OF THIS PLAT. NEITHER THE CITY OF TOMBALL OR ANY PUBLIC UTILITY SHALL BE RESPONSIBLE FOR THE REPLACING OR REIMBURSING THE PROPERTY OWNER DUE TO REMOVAL OR RELOCATION OF ANY OBSTRUCTION ON THE PUBLIC EASEMENTS.

6. THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" WHICH IS AN AREA CONSIDERED TO BE OUTSIDE THE 100 YEAR FLOOD PLAIN AS REFLECTED ON F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL 48201C 0230 L FOR THE CITY OF TOMBALL, DATED JUNE 18, 2007.

7. ALL OIL-GAS PIPELINES OR PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

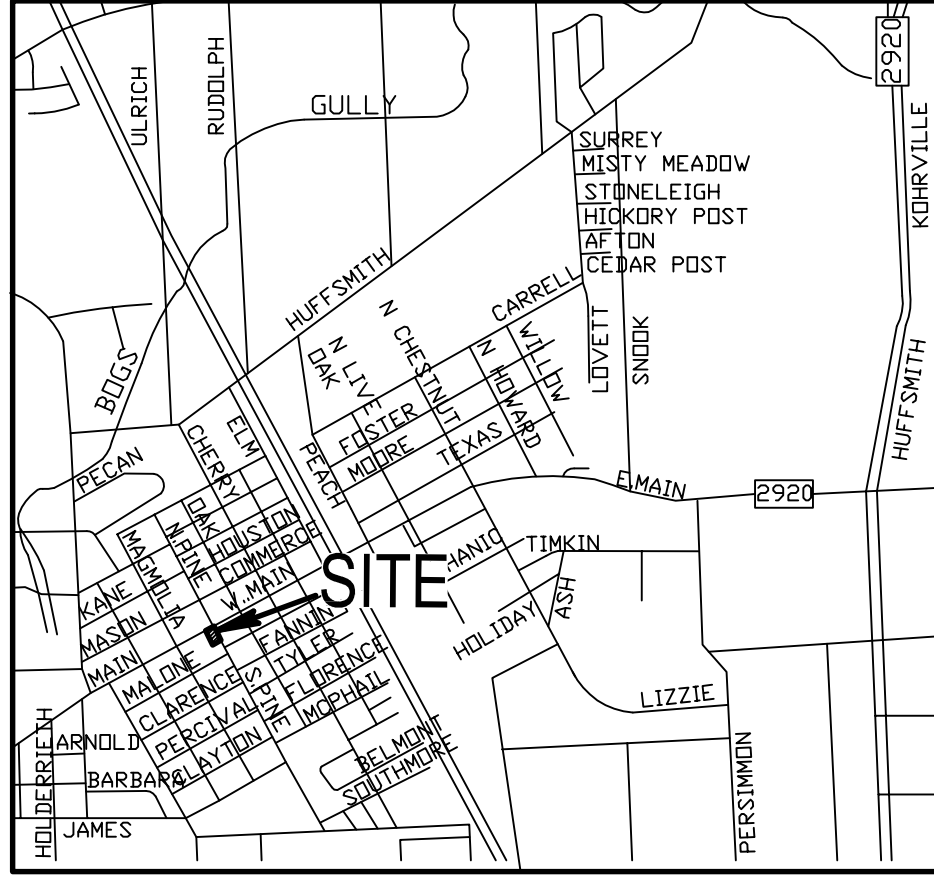
8. ALL OIL-GAS WELLS WITH OWNERSHIP (PLUGGED ABANDONED, AND-OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

9. 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.

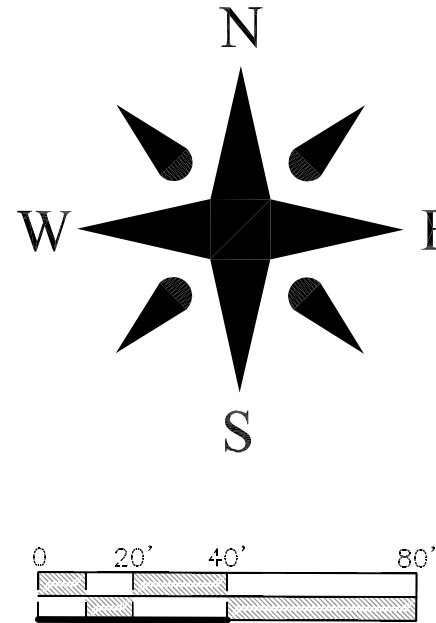
10. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

LEGEND

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



VICINITY MAP N.T.S.
KEY MAP NO. 288H



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.

1 LOT

1 BLOCK

MARCH, 2019

SCALE: 1" = 40'

OWNER/DEVELOPER: LUON POL
501 W. MAIN STREET
TOMBALL, TEXAS, 77375
TEL: (281)

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

CITY OF TOMBALL

Plat Name: Snowflake Donuts Tomball Plat Type: Final

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: March 11, 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
- Fix typo

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 11, 2019

Topic:

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.

- Conduct Public Hearing on **Zoning Case P19-017**

Background:

Origination:

Recommendation:

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

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

ATTACHMENTS:

Notice of Public Hearing
Property Owner Notification Letter
Staff Report
Response Forms

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 11, 2019
&
CITY COUNCIL
MARCH 18, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 11, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 18, 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 P19-017: 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.

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.

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.

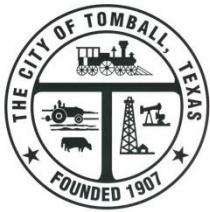
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building,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

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **7th** day of **March 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

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: P19-017

APPLICANT/OWNER: Don Cannon

LOCATION: North side of Timkin Road, east of Blackshear Road

PROPOSAL: Request 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, from the Single-Family 6 District to the General Retail District.

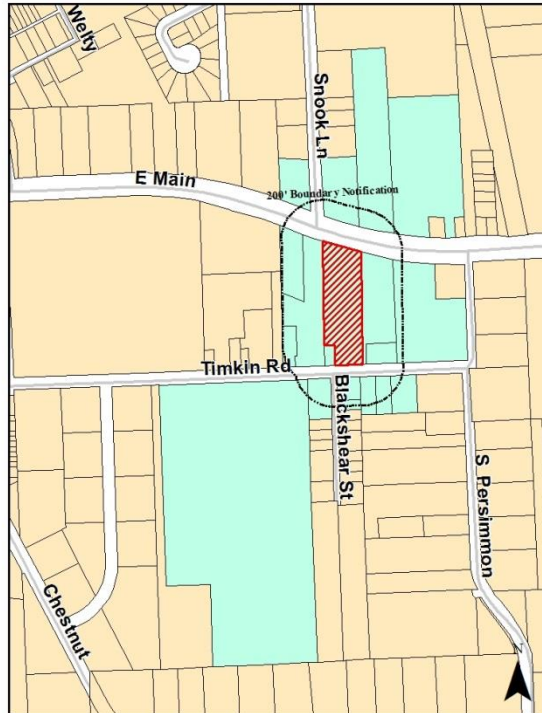
CONTACT: Amelia Lindley, City Planner

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.

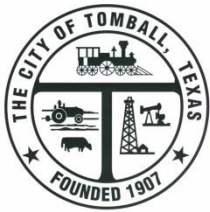


**Planning & Zoning Commission
Public Hearing:
Monday, March 11, 2019, 6:00 PM**

**City Council Public Hearing:
*Monday, March 18, 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:

(please print)

Address:

Signature:

Date:

_____ I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P19-017. (Please state reasons below)**

_____ I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P19-017. (Please state reasons below)**

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

Monday, March 11, 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, March 18, 2019, 6:00 PM

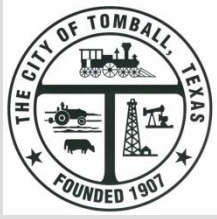
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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: March 11, 2019
City Council Public Hearing Date: March 18, 2019

Rezoning Case: P19-017
Property Owner(s): Don Cannon
Applicant(s): Don Cannon
Legal Description: One acre of Tract 10C Abstract 629 J Pruitt
Location: North side of Timkin Road, east of Blackshear Road (Exhibit "A")
Area: 1 acre (total site is 2.35 acres)
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Single-Family 6 District (Exhibit "C") / Undeveloped (Exhibit "D")
Request: Rezone from the Single-Family 6 District to the General Retail District to match the rest of the property

Adjacent Zoning & Land Uses:

North: General Retail District / Undeveloped, FM 2920, machine shop

South: Single-Family 6 District / Single-family residences

West: Single-Family 6 District / Single-family residence

East: Single-Family 6 District / Undeveloped

BACKGROUND

In January 2019, City Staff met with the property owner to discuss the proposed development of a general retail store and office/warehouse at the subject site. City Staff informed the property owner that a majority of the property is zoned General Retail, however, the remaining property zoned Single-Family 6 would need to be rezoned in order to develop office/warehouses.

ANALYSIS

The property is currently split-zoned General Retail and Single-Family 6 District and is undeveloped. Properties in the immediate area are zoned General Retail and Single-Family 6 District to the east, south and west.

The majority of the surrounding properties are single-family residences or undeveloped; however, Concordia Lutheran High School campus and Chestnut Business Park are in the immediate area.

The Comprehensive Plan designates the property as Medium Density Residential. Properties in the area are designated as Employment/Office and Medium 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 and it is important to note that the northern portion of the subject site (already zoned General Retail) is designated as Employment/Office.

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:

- “Will the proposed development enhance the City economically? **Yes: 4 to 6 additional office-warehouse space translates into 4 to 6 additional new or relocating small businesses, or home businesses outgrowing the home base.**
- Will the proposed development enhance the City aesthetically? **Yes, Better than vacant land with brush**
- Is the proposed development consistent with the City’s goals, objectives, and actions? **Developing this area is certainly in line with the recent developments of Chestnut/Lizzie**
- Is the proposed development a better use of land/property, for both the owner/developer and the City, than that recommended by the Plan? **Yes. From an ownership perspective and from a real estate perspective, this area will most likely never be considered for new residential developments. The owner has had the property listed for about 10 years, and has only received inquiries from commercial clients, never from residential developers or individuals. This statement is reinforced by the fact that it was listed simultaneously commercially and as a residential lot on the HAR.**
- Will the proposed development impact adjacent residential areas in a positive or negative manner? **Positive manner. This will only enhance the value of the surrounding properties. The Use proposed will allow for a mild transition between the residential areas of Timkin and the industrial areas of Persimmon.**
- Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact? **Adequate access, yes, this property has Approx. 135’ of frontage on Timkin, which allows for a wide driveway, that will facilitate the ingress and egress with commercial vehicles.**
- Are uses adjacent to the proposed development similar in nature in terms of appearance, house of operation, and other general aspects of compatibility? **To the West, there is a property similarly dual zoned that is used as a recycling/junk yard, to the east, the dual zoned property is similarly dual zoned, and has been for sale for that same amount of time, if not longer. It is vacant brush and vacant up to Persimmon.**
- Does the proposed development present a significant benefit to the public health, safety and welfare of the community? **We believe the development of this property will trigger further improvements in the area from a commercial standpoint.**

Adding available space for businesses should allow for the creation of several jobs (public welfare) , the addition of tax assessed value (Community welfare). There may be a slight reduction in pests (wasps, snakes and mosquitoes) in ridding the property of the brush. (Public Health) but we are not specialists in this matter and cannot know what this impact will be.”

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 whole parcel of land, which is a total of approximately 2.35 acres, has direct access to FM 2920. The property was split-zoned when the City adopted Zoning in 2008. The proposed rezoning would allow the property owner to use the entire property as a General Retail 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 has direct access to FM 2920 and also close to South Persimmon, which is a minor arterial.

- 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 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 a portion of 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. This property, as a whole, has direct access to FM 2920 and is in close proximity to South Persimmon Road, both of which are major arterials. When considering the best use of the whole property, it does not appear that this property is best suited for a single-family 6 development. It is also important to note that a majority of this property is already zoned General Retail District. This proposed rezoning is only for the one acre remaining that is zoned Single-Family 6 District.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 22, 2019. The Notice of Public Hearing was published in the paper on February 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 P19-017 for the following reasons:

1. It does not appear that a single-family development would be appropriate on this site;
2. The proposed rezoning would match the current zoning of the majority of the whole property;
3. The request is generally appropriate with the surrounding zoning district of General Retail along FM 2920.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

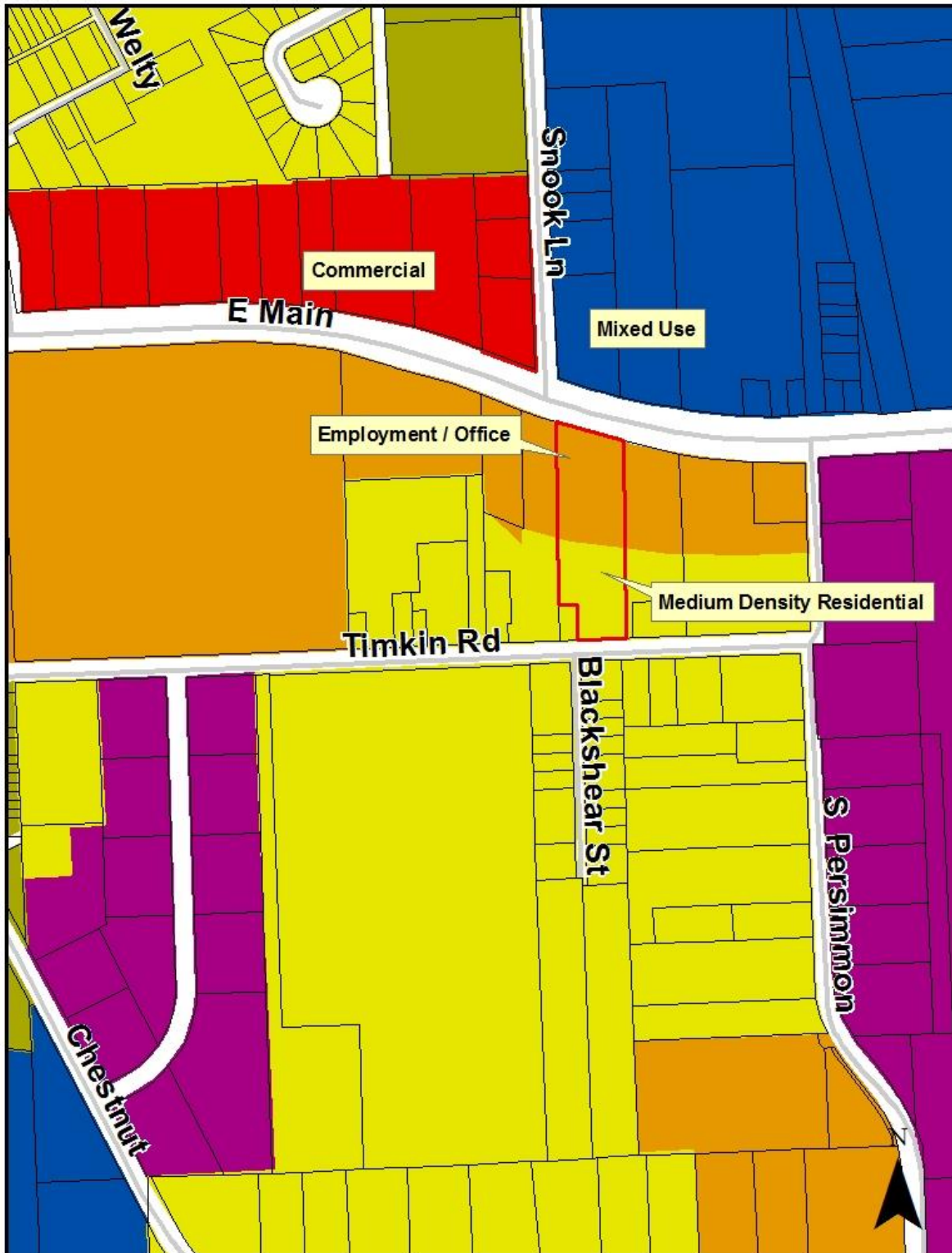
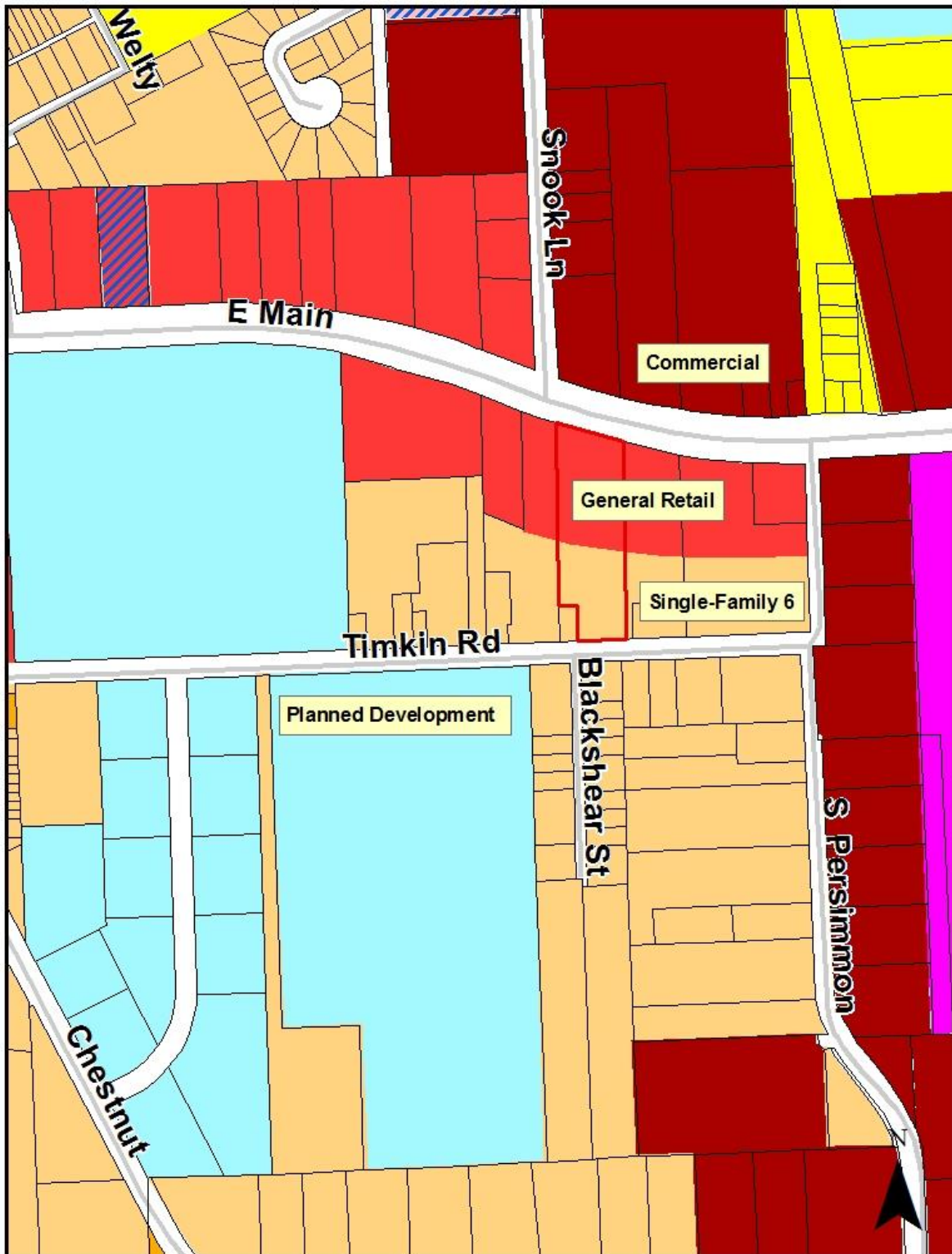


Exhibit "C"
Zoning Map



**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: DON CANNON Title: Owner
Mailing Address: PO Box 1776 City: Tomball State: TX
Zip: 77377-1776
Phone: (281) 924-3469 Fax: () Email: don@motionmachinery.net

Owner

Name: Don Cannon Title: Owner
Mailing Address: PO Box 1776 City: Tomball State: TX
Zip: 77377-1776
Phone: (281) 924-3469 Fax: () Email: don@motionmachinery.net

Engineer/Surveyor (if applicable)

Name: Keith Durrett Title: Contractor
Mailing Address: 110 N. Pine City: Tomball State: TX
Zip: 77375
Phone: (281) 351-5748 Fax: () Email: keith.durrett@yahoo.com

Description of Proposed Project: Tract TR10C development

Physical Location of Property: south of 2920, across Snook Ln & on Timkin 600' west of Persimmon
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 10C ABST 629 J PRUITT +/- 2.3 acres
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Dual Zone: North half is General Retail, South half is residential 6

Current Use of Property: Vacant for sale

Proposed Zoning District: General Retail

Proposed Use of Property: General Retail/Commercial

HCAD Identification Number: 0440550000051 **Acreage:** 2.34

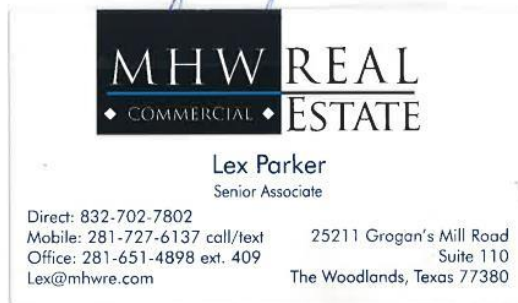
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

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 Donald Cannon 1-31-19
Signature of Applicant Date

X Lex Park 1/31/19
Signature of Owner Date
agent of owner



CITY OF TOMBALL
281-351-5484

REC#: 01062684 1/31/2019 2:28 PM
OPER: SK TERM: 005
REF#: W 1481

TRAN: 130.0000 PLANNING AND ZONING
DON CANNON
TRACT TR10C DEVELOPMENT
100-5441
REZONING APPLICATIO 410.00CR

City of Tomball, Texas

www.tomballtx.gov

TENDERED: 410.00 CHECK
APPLIED: 410.00-
CHANGE: 0.00



P. O Box 1776 Tomball TX 77377 Office 281-357-8200 or 877-399-3860 Fax 281-351-8790

January 31, 2019

City of Tomball
501 James Street
Tomball, TX 77375

RE: Tract TR10C – Re-Zoning and Conditional Use Permit Applications
Letter Stating Reason for Request and Issues Relating to Request

Current zoning of Tract TR10C is split between General Retail and Residential. This “duel” zoning of the tract is currently preventing the tract from being sold or developed as one or the other uses.

We currently have received an offer on the tract, for a General Retail use, however the sale is contingent on a resolution of the zoning disparities.

Based on the apparent future of the area, cornered between FM 2920, Persimmon and Timkin, the recent industrial development on Chestnut and Lizzie, and based on the need to conduct business within the regulations for the improvement of the area, the inevitable growth of Tomball and the benefit of its citizens, we are submitting these applications in an effort to unlock the sale of our property and allow business to flourish.

Ideally, this rezoning effort should extend to surrounding vacant properties that are in the same situation.

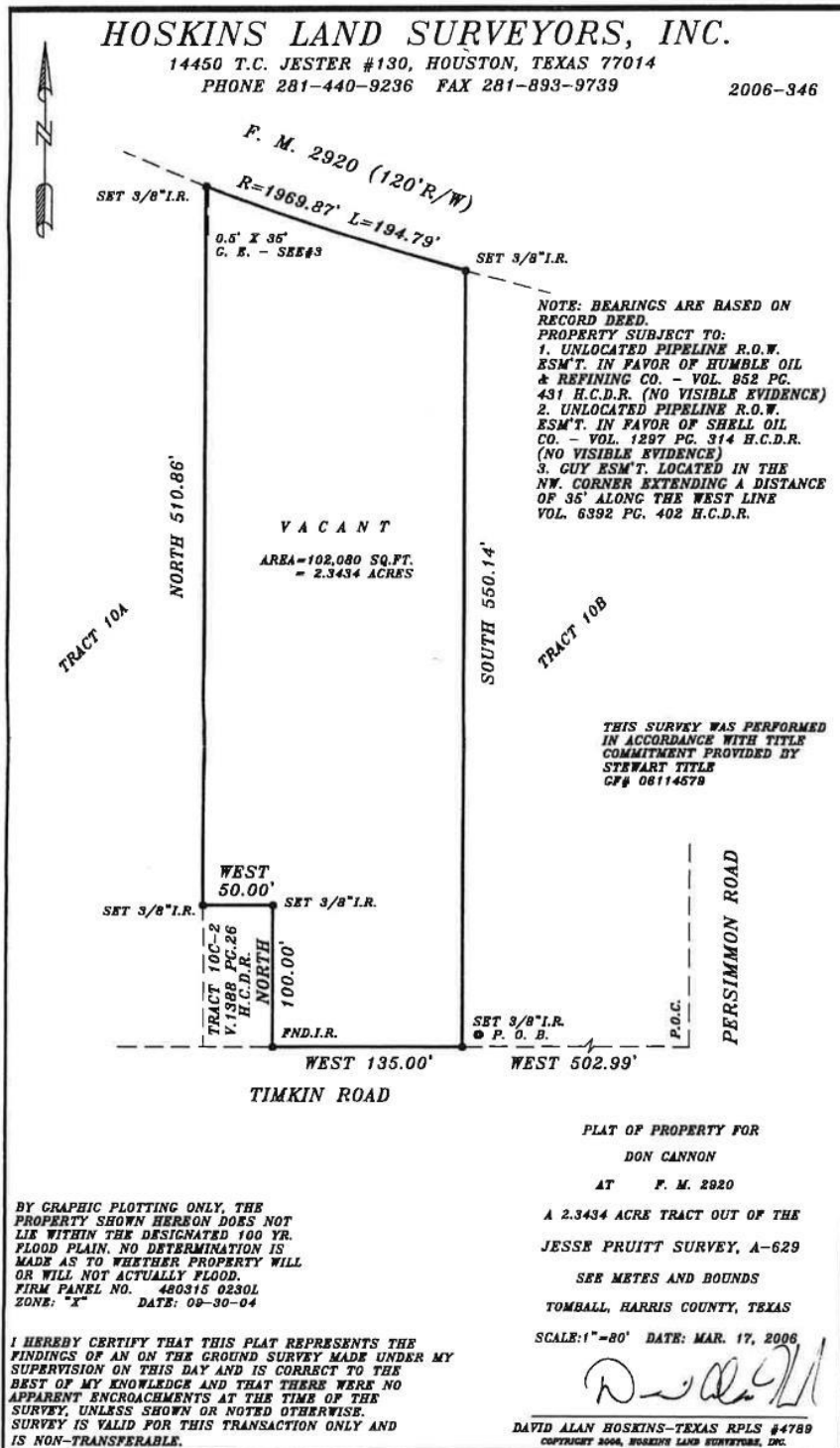
Thank you,

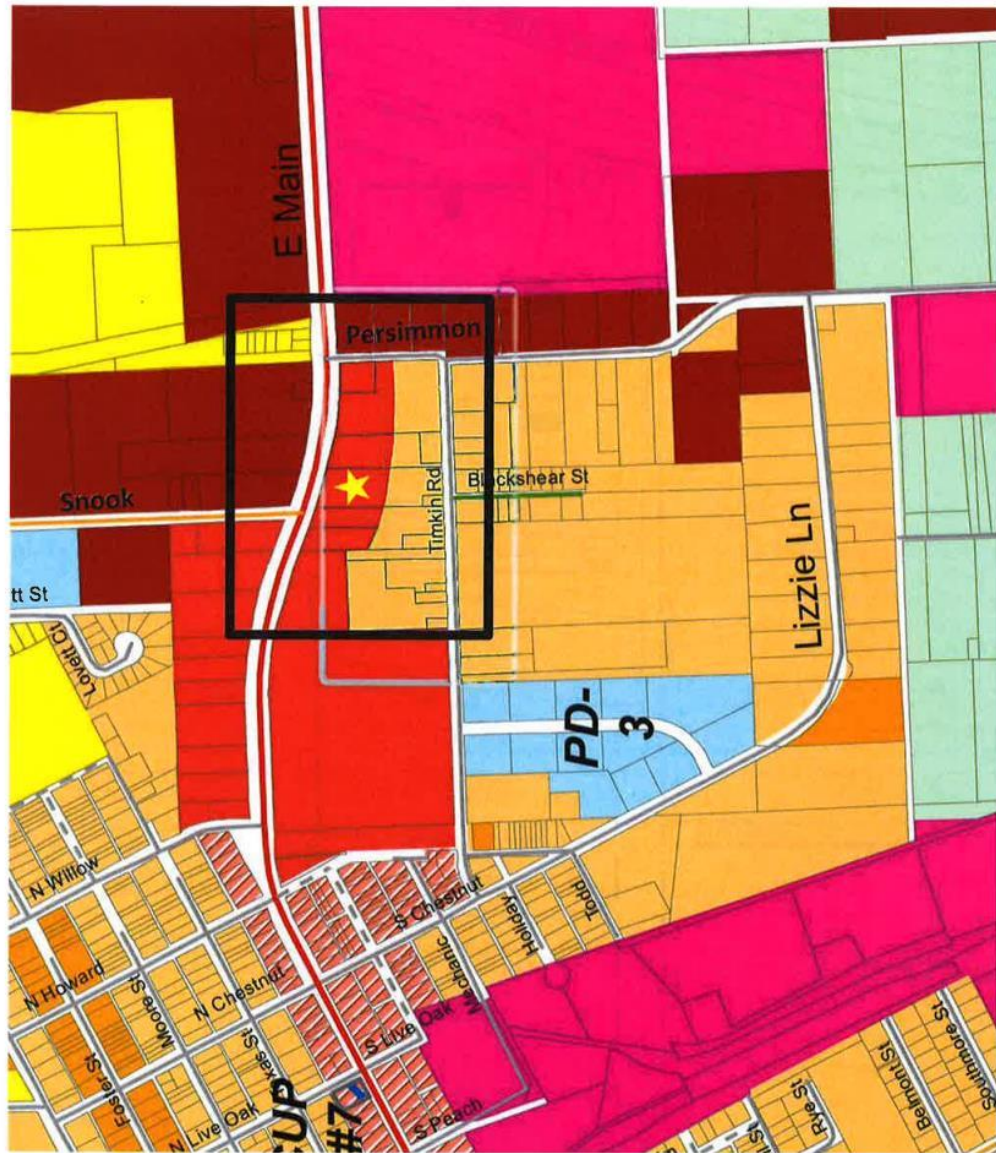

Donald Cannon

HOSKINS LAND SURVEYORS, INC.

14450 T.C. JESTER #130, HOUSTON, TEXAS 77014
PHONE 281-440-9236 FAX 281-893-9739

2006-346





Rendering

25' WIDE DRAINAGE & UTILITY EASEMENT
FINAL LOCATION TO BE DETERMINED

PROPERTY LINE

10' LANDSCAPE BUFFER

DETENTION & WATER QUALITY AREA

60' BUILDING SETBACK

BLDG. 4E, BLDG. 4D, BLDG. 4C, BLDG. 4B, BLDG. 4A, BLDG. 4B, BLDG. 4C, BLDG. 4D

±182', ±134', ±242', ±50', ±96'

TIMKIN ROAD

NORTH

Amelia Lindley

From: Cassandra <cbradleyt@sbcglobal.net>
Sent: Wednesday, March 06, 2019 6:35 AM
To: Amelia Lindley
Subject: Case number P19-017

I am **against** this zoning request because we (my family and neighbors) want to preserve our neighborhood with families, homes and animals, not more commercial buildings, traffic, strangers and crime. This is a residential area and there are too many businesses in our neighborhood already. The traffic is horrible, and it is often difficult for the residents to get out of their yards. Many of my neighbors including myself no longer feel safe walking down the streets near our home due to high traffic and commercial buildings.

I want to continue to enjoy a simple county lifestyle without being surrounded by commercial properties crowding us out of our neighborhood. There are already plenty of vacant commercial properties in the area.

Thanks,

Cassandra Blackshear
911 Timkin Rd.
Tomball, TX 77375

Sent from [Mail](#) for Windows 10



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:

Jo Ann Scott

(please print)

Address:

919 Timkin Rd

Tomball, TX 77375

Signature:

Jo Ann Scott

Date:

March 5, 2019

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P19-017. (Please state reasons below)



I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P19-017. (Please state reasons below)

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

Monday, March 11, 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, March 18, 2019, 6:00 PM

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

COMMENTS:

I am AGAINST THIS CHANGE OF ZONING, DUE TO MY CONCERN OF INCREASED CRIME & TRAFFIC CONDITIONS IN THE AREA. SHOULD A BUSINESS BE ALLOWED IN THIS AREA. WE ALREADY HAVE ENOUGH CONGESTION WITH TRAFFIC IN THE AREA DUE TO THE SCHOOL IN THE AREA. PLEASE DO NOT MAKE THIS REQUEST CHANGE

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.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 11, 2019

Topic:

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.

- Conduct Public Hearing on **Zoning Case P19-018**

Background:

Origination:

Recommendation:

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

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

ATTACHMENTS:

Notice of Public Hearing
Property Owner Notification Letter
Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 11, 2019
&
CITY COUNCIL
MARCH 18, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 11, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 18, 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 P19-017: 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.

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.

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.

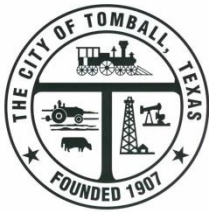
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building,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

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **7th** day of **March 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

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



Notice of Public Hearing

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

CASE NUMBER: P19-018

APPLICANT/OWNER: Don Cannon

LOCATION: Generally located on the north side of Timkin Road, east of Blackshear Road

PROPOSAL: Request 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, and zoned General Retail District.

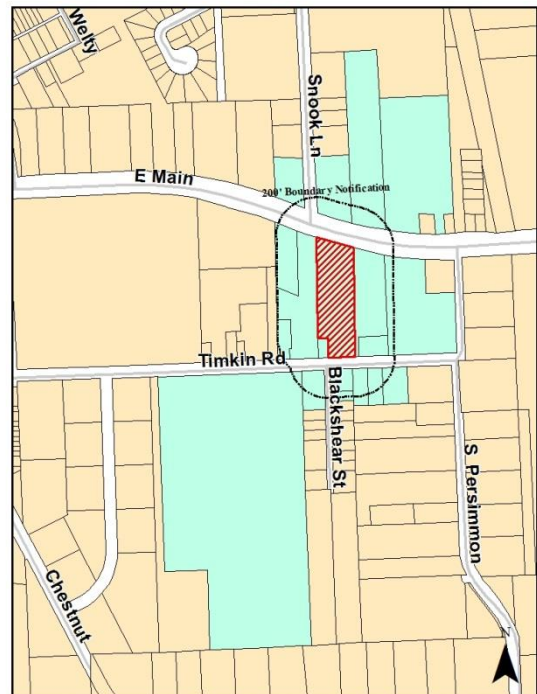
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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

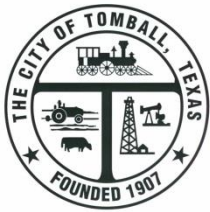


**Planning & Zoning Commission
Public Hearing:
Monday, March 11, 2019, 6:00 PM**

**City Council Public Hearing:
*Monday, March 18, 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: _____

(please print)

Address: _____

Signature: _____

Date: _____

_____ I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P19-018. (Please state reasons below)**

_____ I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for **Zoning Case P19-018. (Please state reasons below)**

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

Monday, March 11, 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, March 18, 2019 6:00 PM

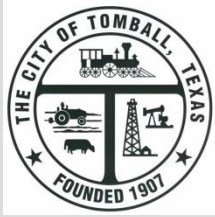
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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.



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: March 11, 2019
City Council Public Hearing Date: March 18, 2019

Rezoning Case: P19-018
Property Owner(s): Don Cannon
Applicant(s): Don Cannon
Legal Description: One acre of Tract 10C Abstract 629 J Pruitt
Location: North side of Timkin Road, east of Blackshear Road (Exhibit "A")
Area: One acre
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Rezoning to General Retail (Exhibit "C") / Undeveloped property (Exhibit "D")
Proposed Use(s): Office/warehouse
Request: Conditional Use Permit (CUP) to allow the operation of an *office/warehouse* facility

Adjacent Zoning & Land Uses:

North: General Retail District / Undeveloped, FM 2920, machine shop
South: Single-Family 6 District / Single-family residences
West: Single-Family 6 District / Single-family residence
East: Single-Family 6 District / Undeveloped

BACKGROUND

In January 2019, City Staff met with the property owner to discuss the proposed development of a general retail store and office/warehouse at the subject site. City Staff informed the property owner that a majority of the property is zoned General Retail, however, the remaining property zoned Single-Family 6 would need to be rezoned in order to develop office/warehouses.

The property owner is currently requesting a rezoning to the General Retail District and, if approved, has requested a Conditional Use Permit for an *office/warehouse* development.

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 Future Land Use Map designates this portion of the property as Medium Density Residential, however, the remaining 2.35 acres of this property is designated Employment/Office. The property is split zoned and also split by the Future Land Use Map. While the proposed use does not appear to be compatible with the Future Land Use Map, it does appear to be an appropriate land use for the area, when considering the property's frontage on FM 2920 and close proximity to South Persimmon Road.

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 50-76 (General Retail District), the General Retail District should provide "shopping and service facilities for the retail sales of goods and services." It appears the proposed use would meet the general purpose of the General Retail Zoning 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.

Chapter 50 (Zoning) outlines specific requirements for non-residential uses that are adjacent to single-family residences in order to protect the integrity of the existing residences. The development will have to meet all of these requirements including constructing a minimum 6 foot opaque screening wall, maintaining a minimum 10 foot landscape buffer, and shielding any lighting away from adjacent properties.

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 other developments in the area, including Concordia Lutheran High School Campus and Chestnut Business Park.

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 22, 2019. A sign was placed on the property and Notice of Public Hearing was published in the paper on February 27, 2019. Any public comment forms received by City Staff will be presented in the Planning & Zoning Commission and City Council packets or delivered during the time of the public meeting.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P19-018 for the following reasons:

1. The proposed use is appropriate for the location;
2. The proposed use would not generate a lot of traffic and is not typically open during night time hours;
3. The proposed use meets the intent of the General Retail Zoning District.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

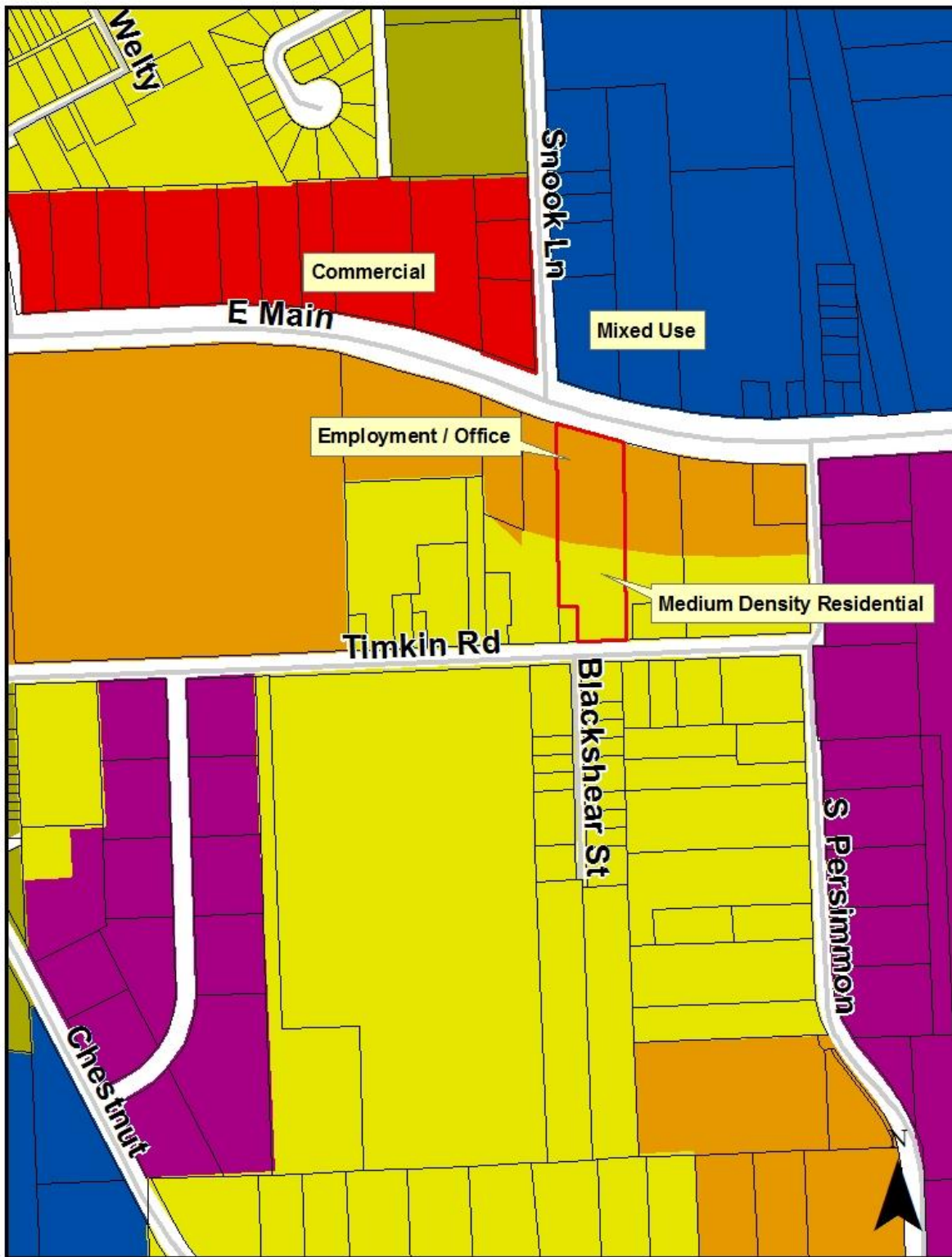
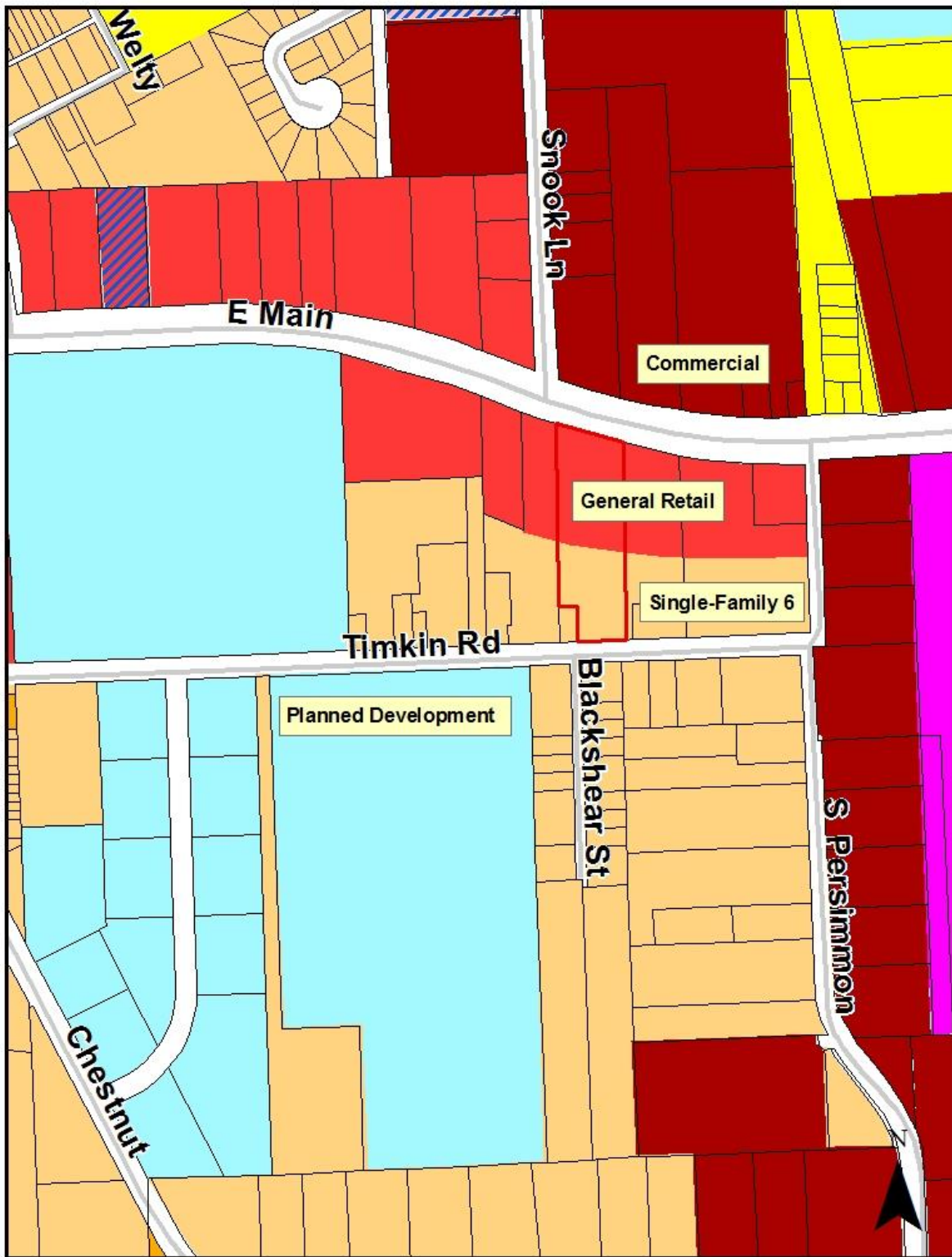


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"

CUP Application

Revised 5/19/15



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: DON CANNON Title: Owner
Mailing Address: PO Box 1776 City: Tomball State: TX
Zip: 77377 - 1776
Phone: (281) 924-3469 Fax: () Email: don@motionmachinery.net

Owner

Name: DON CANNON Title: Owner
Mailing Address: PO Box 1776 City: Tomball State: TX
Zip: 77377-1776
Phone: (281) 928-3469 Fax: () Email: don@motionmachinery.net

Engineer/Surveyor (if applicable)

Name: Keith Durrett Title: CONTRACTOR
Mailing Address: 110 N. Pine City: Tomball State: TX
Zip: 77375
Phone: (281) 951-5748 Fax: () Email: keith.durrett@yahoo.com

Description of Proposed Project: Tract TR10C development
Physical Location of Property: south of 2920, across Snook Ln & on Timkin 600' west of Persimmon
[General Location – approximate distance to nearest existing street corner]
Legal Description of Property: TR 10C ABST 629 J PRUITT +/- 2.3 acres
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: 0440550000051 Acreage: 2.34
Current Use of Property: Vacant
Proposed Use of Property: Office/Warehouse

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

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

X Don Cannon 1-31-19
Signature of Applicant Date
X Loe Parker 1/31/19
Signature of Owner agent of owner

CITY OF TOMBALL
281-351-5484

REC#: 01062693 1/31/2019 2:42 PM
OPER: SK TERM: 005
REF#: W 1480

TRAN: 130.0000 PLANNING AND ZONING
DON CANNON
TRACT TR10C DEVELOPMENT
100-5442
CONDITIONAL USE PER 600.00CR

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

TENDERED: 600.00 CHECK
APPLIED: 600.00-
CHANGE: 0.00



P. O Box 1776 Tomball TX 77377 Office 281-357-8200 or 877-399-3860 Fax 281-351-8790

January 31, 2019

City of Tomball
501 James Street
Tomball, TX 77375

RE: Tract TR10C – Re-Zoning and Conditional Use Permit Applications
Letter Stating Reason for Request and Issues Relating to Request

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Ideally, this rezoning effort should extend to surrounding vacant properties that are in the same situation.

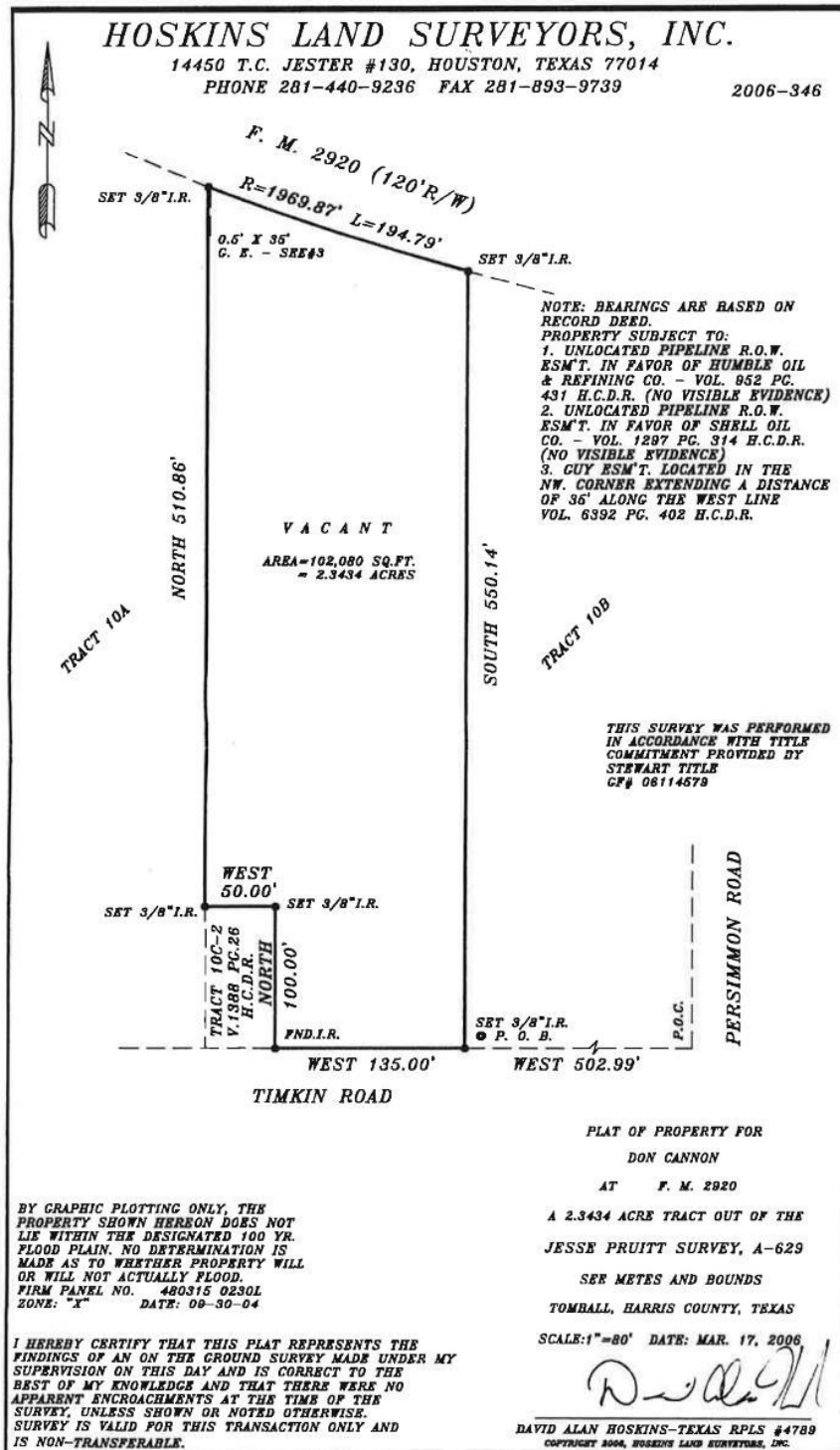
Thank you,

Donald Cannon

HOSKINS LAND SURVEYORS, INC.

14450 T.C. JESTER #130, HOUSTON, TEXAS 77014
PHONE 281-440-9236 FAX 281-893-9739

2006-346



SHEET: 1 OF 2

SHEET: 1 OF 2

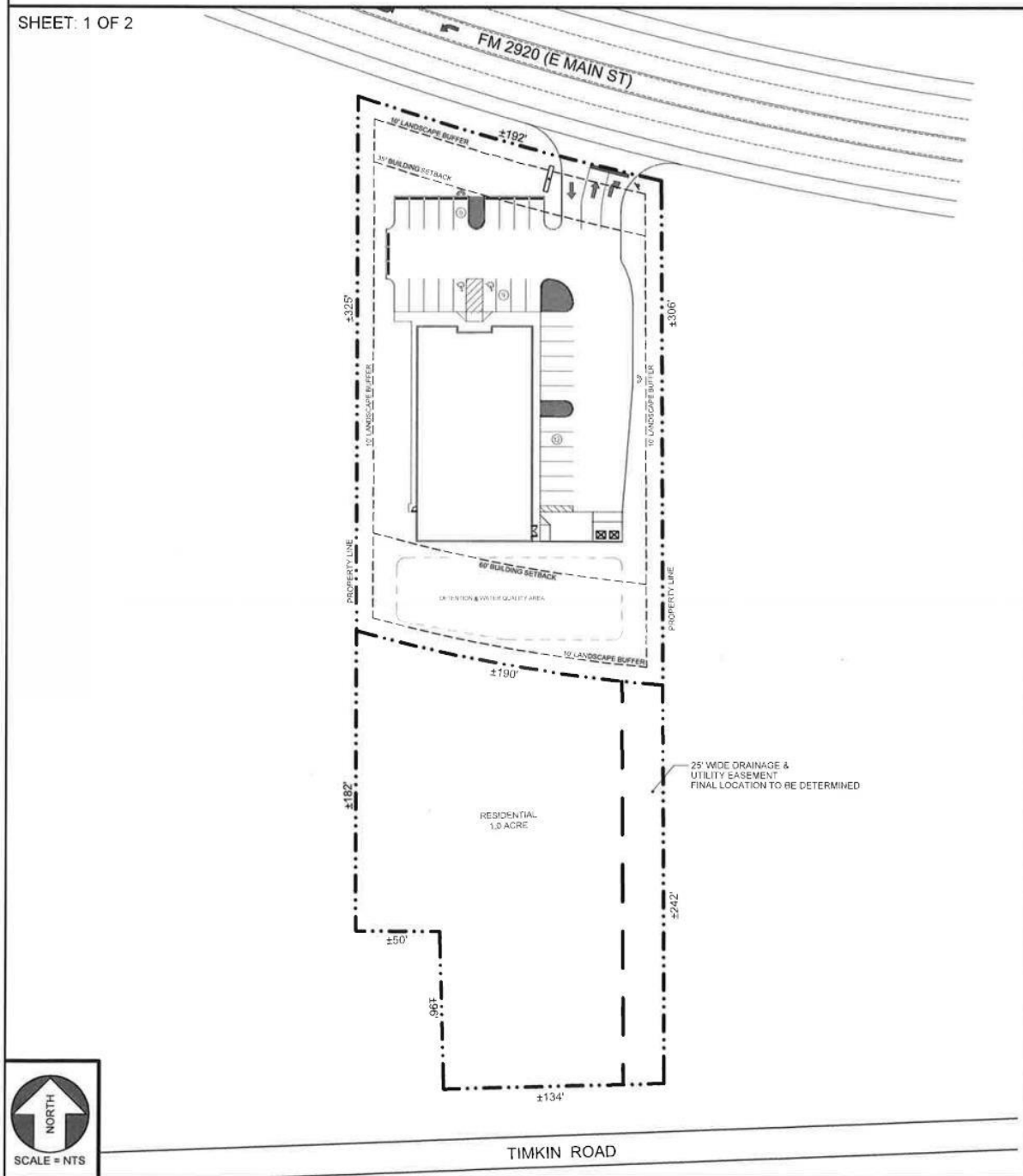
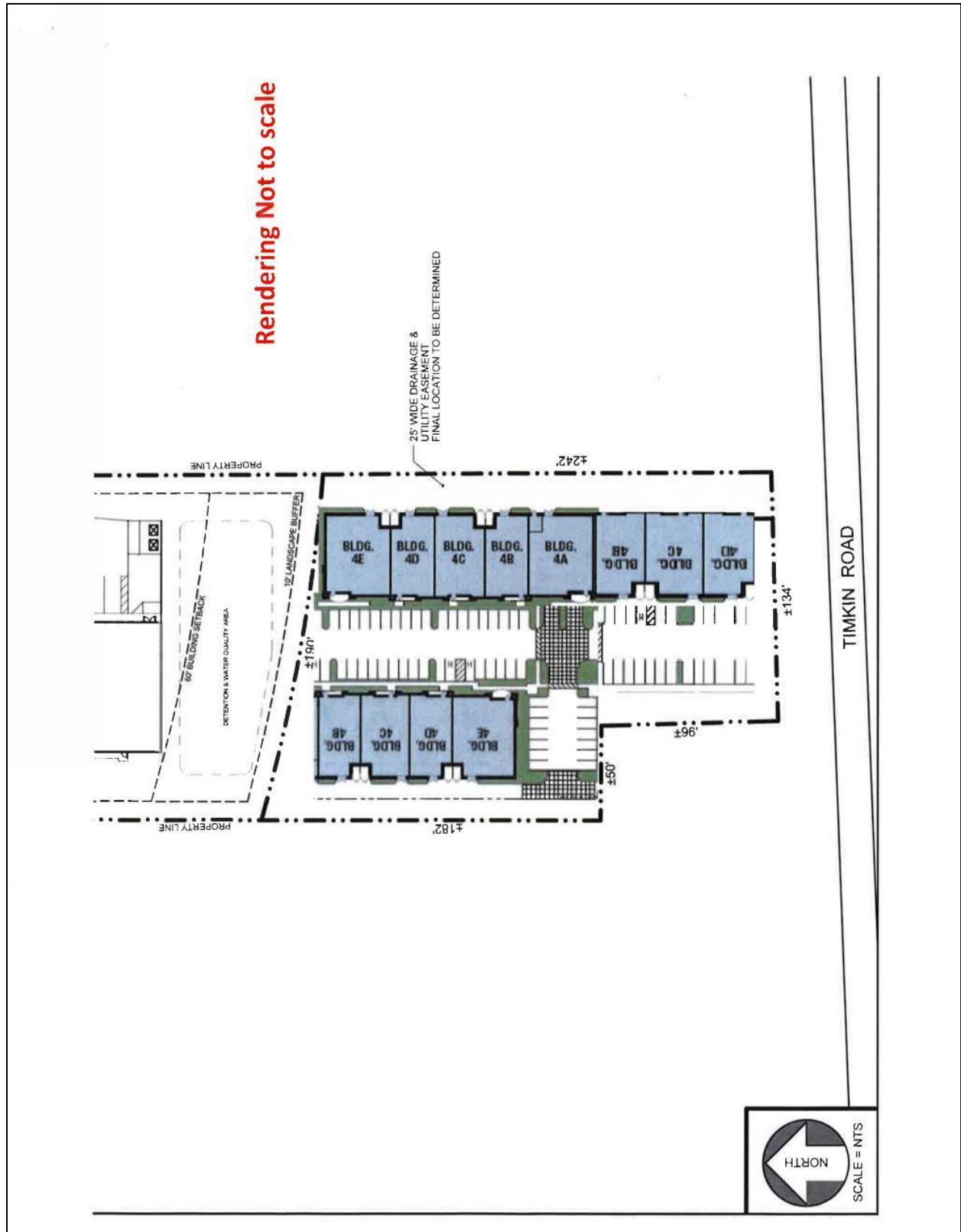


Figure "F"
Concept Plan



Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: March 11, 2019

Topic:

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.

- Conduct Public Hearing on **Zoning Case P19-023**

Background:

Origination:

Recommendation:

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

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

ATTACHMENTS:

Notice of Public Hearing
Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 11, 2019
&
CITY COUNCIL
MARCH 18, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 11, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 18, 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 P19-017: 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.

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.

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.

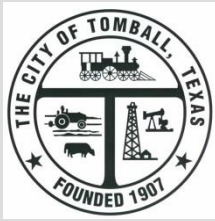
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building,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

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **7th** day of **March 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

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.



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: March 11, 2019

City Council Public Hearing Date: March 18, 2019

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.

PROPOSED AMENDMENTS

Section 50-79(e)(2)b.

Current	Minimum front yard is 20 feet. Commercial properties located on Main Street, Market Street and Commerce Street may have a zero front building line.
Proposed	Minimum front yard is 20 feet. With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line.

Section 50-79(e)(2)c.

Current	Minimum side and rear yard is ten feet or ten percent of the lot width if less than 100 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. Corner lots shall maintain a ten side yard setback.
Proposed	Minimum side and rear yard is five feet or ten percent of the lot width if less than 50 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. With the exception of Cherry Street, corner lots adjacent to a public right-of-way may have a zero foot side and rear yard setback provided no portion of the building obstructs the visibility of vehicular traffic.

ANALYSIS

As development continues to expand in the Old Town Area, City Staff has begun to evaluate ways to encourage and promote new development and redevelopment. Properties on Commerce Street and Market Street, between Pine Street and the railroad tracks, currently have a zero foot front setback. There has been growing interest in developing or redeveloping properties on other streets in the area.

The Old Town Area is defined in Section 50-79(a)(4) as all lots included in the revised map recorded with Harris County on July 8, 1912 (Exhibit A). Some properties in the Old Town Area

have special requirements beyond the Old Town & Mixed Use Zoning District standards. Section 50-79(f)(5)(a) states “For that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, there shall not be a minimum off-street parking requirement for mixed use or nonresidential developments.” The proposed building setback amendments would include the same properties that are in the parking waiver area. This is also the same area that was the subject of the Livable Centers Downtown Plan.

The Livable Centers Downtown Plan encourages increased walkability within the study area of the Old Town Area. The Livable Centers Downtown Plan focuses on the idea of creating a sense of place and setting Tomball apart. One aspect of the Plan focuses on alley improvements to encourage walkability through the downtown area. By decreasing the required rear setback, businesses would be able to take advantage of the potential pedestrian traffic along the alleys by creating a secondary storefront.

According to goals and objectives outlined in the Comprehensive Plan, the Old Town Area should be developed in a way that preserves, promotes, and enhances the Downtown realm’s unique historic character. The Comprehensive Plan’s Future Land Use designation of Old Town Use is meant to build upon the eclectic ambiance and charm of the area. The planning guidelines listed in the Comprehensive Plan suggest the City develop specific standards for this area to “address the unique lot sizes and buildings while encouraging quality development”. The proposed amendments would allow for more flexibility for development or redevelopment.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on February 27, 2019. Any public comment forms received by City Staff will be presenting in the agenda packets or during the scheduled meeting.

EXHIBITS

- A. Old Town Area Plat
- B. Land Use Map

[illegible]

**Exhibit “B”
Land Use Map**

