

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



MONDAY, NOVEMBER 12, 2018

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, November 12, 2018 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 October 08, 2018.
- 5.0 New Business:
 - 5.1 Consideration to Approve Preliminary Plat of **SNOOK LANE BUSINESS PARK SECTION ONE**: A commercial subdivision of 5.0260 acres of land in

the Jesse Pruitt Survey, A-629, the City of Tomball, Harris County, Texas.

- 5.2 Consideration to Approve Replat of **ARROWHEAD PROPERTIES:** A subdivision of 1.8813 acre tract(81, 955.35 Square Feet) being a replat of lots 1, 2, and 3, Block 1 of Tomahawk Properties, as recorded in Film Code No. 619161, Harris County Map Records, situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.
- 5.3 Consideration to Approve Replat of **TR 1, LOT 17-24 COMMON GROUNDS:** A subdivision of land containing 0.4591 acres (19,999.99 Square Feet) of land in the Abstract 34 J House, Harris County, Texas.
- 5.4 Consideration to Approve Replat of **PEREZ ESTATES:** Being a 0.2663 acre tract and being a replat of a portion of Lots 25 and 26, of Anderson's Subdivision, a subdivision situated in the W. Hurd Survey, Abstract Number 371, of Harris County, Texas, according to the map or plat thereof recorded in Volume 321, Page 44, of the Deed Records of Harris County, Texas.
- 5.5 Consideration to Approve Replat of **VANN SNYDER ADDITION:** Being a 2.4370 acre tract and being a replat of Lot 1, of Snyder Subdivision, a subdivision situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, according to the map or plat thereof recorded in Volume 392, Page 117, of the Map Records of Harris County, Texas.
- 5.6 Consideration to Approve **Zoning Case P18-161:** Request by Timothy Hertel, on behalf of DFLEX POWER, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3 acres of land legally described as Tract 253A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the west side of Pitchford Road at 902 Pitchford Road, from the Agricultural District to the Light Industrial District.
- Conduct Public Hearing on **Zoning Case P18-161**
- 5.7 Consideration to Approve **Zoning Case P18-166:** Request by Great Oak School to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas, generally located on the east side of Lovett Street, south of Carrell Street, from the Planned Development 2 District to the Office District.
- Conduct Public Hearing on **Zoning Case P18-166**
- 5.8 Consideration to Approve **Zoning Case P18-167:** Request by Great Oak School for a Conditional Use Permit to operate a *School, other than public or denominational* on approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas. The property is generally located on the east side of Lovett Street, south of Carrell Street, and is zoned Office District.
- Conduct Public Hearing on **Zoning Case P18-167**

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 8th day of November, 2018 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: November 12, 2018

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: November 12, 2018

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: November 12, 2018

Topic:
Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of October 08, 2018.

Background:

Origination:
Community Development Department

Recommendation:
Approval

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

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

ATTACHMENTS:

Minutes 10.08.18

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

MONDAY, OCTOBER 8, 2018



6:00 P.M.

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

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

Others present:

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

Draft

2.0 No Public Comments were received.

3.0 Craig Meyers, Community Development Director, announced the following:

- Breaux Mobile Food Court Conditional Use Permit was approved by City Council
- Joint Planning & Zoning Commission and City Council meeting is Monday, October 15, 2018 at 6:00 p.m. to discuss the Comprehensive Plan update
- Planning & Zoning Commission Training on Wednesday, October 24, 2018 at 6:00 p.m.

4.0 Motion was made by Commissioner Anderson, second by Commissioner Dunagin, to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 10, 2018.

Motion carried unanimously.

5.0 New Business:

5.1 Consideration to Approve Replat of **ALEXANDER ESTATES**: A subdivision of 70.3610 acres of land being a part of the Elizabeth Smith Survey, A-70 Harris County, Texas also being a partial replat of Tomball Greens Unrestricted Reserve "C" as recorded in F.C. No. 440128, H.C.M.R.

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

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

Motion carried unanimously.

- 5.2 Consideration to Approve Preliminary Plat of **CHERRY PINES SECTION 1**: A subdivision of 28.5560 acres of land situated in the Claude N. Pillot Survey, Abstract 632, City of Tomball, Harris County, Texas.

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

Motion was made by Commissioner Anderson, second by Commissioner Benson, to approve **CHERRY PINES SECTION 1**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to Approve Preliminary Plat of **CHERRY PINES SECTION 2**: A subdivision of 19.1820 acres of land situated in the Claude N. Pillot Survey, Abstract 632, City of Tomball, Harris County, Texas.

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

Motion was made by Commissioner Benson, second by Commissioner Anderson, to approve **CHERRY PINES SECTION 2**, with contingencies.

Motion carried unanimously.

- 5.4 Consideration to Approve Replat of **GRAHAM ESTATES**: Being a subdivision of 0.5624 acre of land (24,500 SQ. FT.) and being all of lots 39, 40, 41, 42, 43, 44 and 45 in block 66 of revised map of Tomball Townsite, Volume 4, Page 25 of the Map Records of Harris County, out of the William Hurd Survey, Abstract No. 371, in the City of Tomball, in Harris County, Texas.

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

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

Motion carried unanimously.

- 5.5 Consideration to Approve Final Plat of **HK PROPERTIES**: A subdivision of 2.5619 acres (111,594.74 SQ. FT.) of land, being tract 49 situated in the Joseph Miller Survey, Abstract No. 50, City of Tomball ETJ, Harris County, Texas.

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

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

Motion carried unanimously.

- 5.6 Consideration to Approve Replat of **TORRES TRACT**: A subdivision of 0.1607 acre tract, 7,000.00 Square Feet being a replat of lots 33 and 34 of revised map of Tomball Plat as recorded in Volume 4, Page 25, Harris County Map Records, situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

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

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

Motion carried unanimously.

- 5.7 Consideration to Approve Final Plat of **WILLOW CREEK CAMPUS SECTION 1**: Being a subdivision of 199.3015 acres (8,681,571.85) in the Chauncey Goodrich Survey, Abstract No. 305 and the Sam Lewis Survey, Abstract No. 1704, City of Tomball, Harris County, Texas.

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

Motion was made by Commissioner Dunagin, second by Commissioner Roquemore, to approve **WILLOW CREEK CAMPUS SECTION 1**.

Motion carried unanimously.

- 5.8 Consideration to Approve **Zoning Case P18-147**: Request by the City of Tomball to amend Section 50-82 (b) ("Use Charts") of the Tomball Code of Ordinances by creating a land use for "Coffee Roasting".

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

The Public Hearing was opened by Chair Tague at 6:14 p.m.

Samuel and Latrell Shannon spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 6:16 p.m.

Motion was made by Commissioner Anderson, second by Commissioner Benson, to approve **Zoning Case P18-147**, with the condition that the land use be allowed in the Light Industrial District with a Conditional Use Permit rather than by-right as presented by City Staff. Vote was as follows:

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

Motion carried, with 3 Votes Aye and 2 Votes Nay.

- 5.9 Consideration to Approve **Zoning Case P18-151**: Request by Persimmon Global Logistics for a Conditional Use Permit to operate a *coffee roasting* facility on approximately 4.0230 acres of land legally described as Lot 1 Block 1 Vasquez-Phoenix, generally located at the southwest corner of Lizzie Lane and South Persimmon Road and zoned Commercial District.

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

Sherri Dunaway, with Copan Trade, (22111 Hufsmith-Kohrville Road) spoke on behalf of the case.

The Public Hearing was opened by Chair Tague at 6:37 p.m.

Hearing no comments, the Public Hearing was closed at 6:38 p.m.

Motion was made by Commissioner Roquemore, second by Commissioner Anderson to approve **Zoning Case P18-151**. Vote was as follows:

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

Motion carried, with 4 Votes Aye and 1 Votes Nay.

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

Motion carried unanimously.

The meeting was adjourned at 6:59 p.m.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 12, 2018

Topic:

Consideration to Approve Preliminary Plat of **SNOOK LANE BUSINESS PARK SECTION ONE:** A commercial subdivision of 5.0260 acres of land in the Jesse Pruitt Survey, A-629, the City of Tomball, Harris County, Texas.

Background:

Origination:

Community Development Department

Recommendation:

Approval with contingencies

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

Engineering Division

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

ATTACHMENTS:

Snook Lane Business Park Section One
Snook Lane Business Park Section One

THE STATE OF TEXAS
COUNTY OF HARRIS:

We, Mike L. Lawder and Pasco Lane Realty, LLC., a Texas limited liability company acting by and through Mike L. Lawder being officers of Pasco Lane Realty, LLC., a Texas limited liability company, owners in this section after referred to as owners (whether one or more) of the 5.026 acre tract described in the above and foregoing plat of Snook Lane Business Park, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

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

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 20 feet 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 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 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 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.

Owner(s) Acknowledgement:
WITNESS my hand in the City of Tomball, Texas, this ____ day of _____, 2018.

Michael Lawder, Owner

IN TESTIMONY WHEREOF, the Pasco Lane Realty, LLC., a Texas limited liability company, a single member managed company has caused these presents to be signed by Michael Lawder, its president, thereto authorized, common seal hereunto affixed this ____ day of _____, 2018.

Pasco Lane Realty, LLC.
a Texas limited liability company

Michael Lawder, President & Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS:

BEFORE ME, the undersigned authority, on this day personally appeared Michael Lawder, the undersigned authority, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this ____ day of _____, 2018.

NOTARY PUBLIC IN AND FOR
_____, COUNTY, STATE OF TEXAS.

My Commission Expires _____

THE STATE OF TEXAS
COUNTY OF HARRIS:

BEFORE ME, the undersigned authority, on this day personally appeared Michael Lawder, President of Pasco Lane Realty, LLC, a Texas limited liability company, the undersigned authority, 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 set out, and as the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this ____ day of _____, 2018.

NOTARY PUBLIC IN AND FOR
_____, COUNTY, STATE OF TEXAS.

My Commission Expires _____

I, Michael Glezman, do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips, and all significant topographical features which would affect the physical development of the property City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov illustrated on this plat are accurately identified and located and further certify that this plat represents all of the contiguous land which the (owner or subdivider) owns or has a legal interest in.

Certificate for the Planning and Zoning Commission:
This is to certify that the planning and zoning commission of the city has approved this plat and subdivision of Snook Lane Business Park, Section 1 in conformance with the laws of the state and the ordinances of the city as shown hereon and authorized the recording of this plat this ____ day of _____, 2018.

Certificate for County Clerk:
I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2018, at _____ o'clock _____m., and under Film Code numbers _____ of the Map Records of Harris County for said County.

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

Stan Stanart, County Clerk
of Harris County, Texas

By: _____
Deputy

Line Table		
Line #	Bearing	Distance
L1	S87° 34' 16"W	3.90
L2	N03° 13' 22"W	71.53

On Snook Road, LLC
Called 4.7389 Acres
C.C.F.N. 2010-052081
O.P.R.R.P.H.C.T.

Line Held For Directional Control
(4.7389 Acres Dead Call: S89°13'57" W 675.41')
(Dead Call: East 669.44')
Lat=30°06'10.5171"
Long=-095°36'09.3606"

N86° 41' 32"E 675.75'

665.75'

Chain Link Fence 1' North of Property Line

178.5 - 179.0

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CITY OF TOMBALL

Plat Name: Snook Lane Business Park Section One Plat Type: Preliminary

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: November 12, 2018

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:

- Update vicinity map.
- Remove building lines.
- Submit updated title report.
- Show existing easement location.
- Correct typos.

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: November 12, 2018

Topic:

Consideration to Approve Replat of **ARROWHEAD PROPERTIES:** A subdivision of 1.8813 acre tract(81, 955.35 Square Feet) being a replat of lots 1, 2, and 3, Block 1 of Tomahawk Properties, as recorded in Film Code No. 619161, Harris County Map Records, situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.

Background:**Origination:**

Community Development Department

Recommendation:

Approval with contingencies

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

Engineering Division

ACTION TAKEN

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

Aarrowhead Properties Plat

Arrowhead Properties Comments

TRACT 1
HARVEST HOME INC.
AMENDED COFFMAN
SUBDIVISION
FC#383100 H.C.M.R.

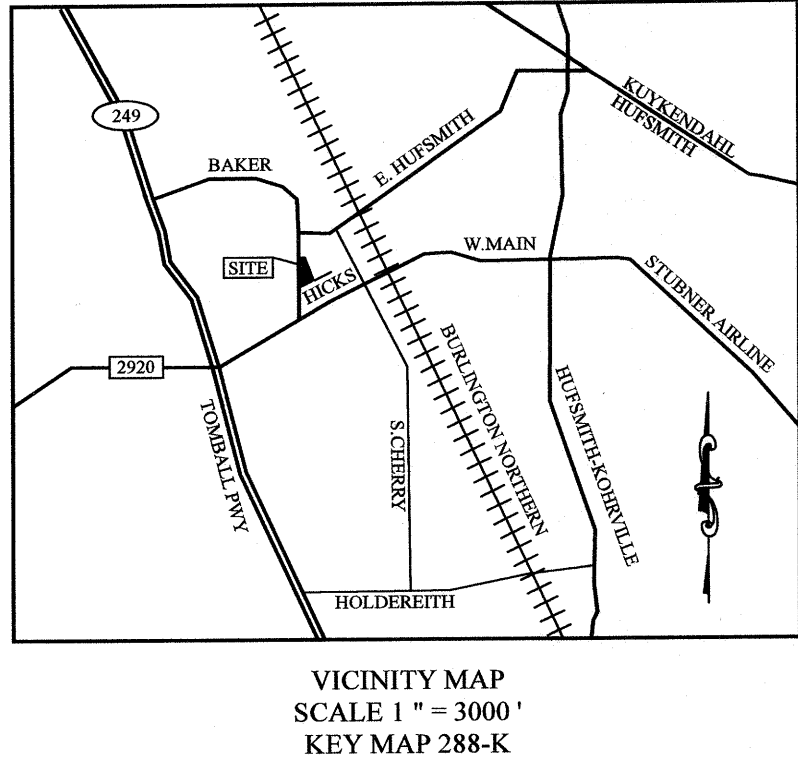
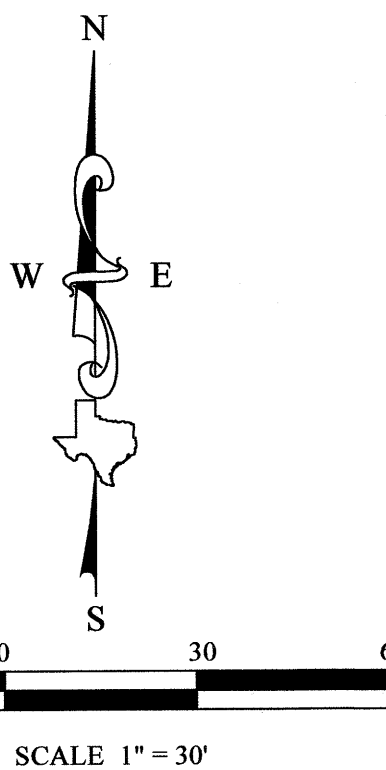
WEST HUFSMITH
ROAD

LOT 1
BLOCK 3
TOMBALL TERRACE (VOLUME 114 , PAGE 67 , H.C.M.R.)

INWOOD STREET (60.00' R.O.W)
(VOLUME 114 , PAGE 67 , H.C.M.R.)

RALPH HUBBARD
SURVEY A - 383

WILLIAM HURD
SURVEY A - 371



LOT 22 K-3

LOT 22 K

LOT 22 L

LOT 22 M

LOT 22 N

LOT 22 O

LOT 22 P

LOT 22 T

HICKS STREET
(60.00' R.O.W)

BAKER DRIVE (60.00' R.O.W)
(VOLUME 114 , PAGE 67 , H.C.M.R.)

LOT 6
0.8493 AC. TRACT
36996.76 SQ. FT.

LOT 5
0.1377 AC. TRACT
6,000.00 SQ. FT.

LOT 4
0.1377 AC. TRACT
6,000.00 SQ. FT.

LOT 3
0.1377 AC. TRACT
6,000.00 SQ. FT.

LOT 2
0.1722 AC. TRACT
7,499.04 SQ. FT.

LOT 1
0.4467 AC. TRACT
19,459.55 SQ. FT.

HICKS STREET (60.00' R.O.W)
(VOLUME 2 , PAGE 36 , H.C.M.R.)

LOT 1 - BLOCK 1
MARY MSZAR
BAKER HICKS PLAZA
FC#564147 H.C.M.R.

GENERAL NOTES

- B.L. INDICATES " BUILDING LINE "
- U.E. INDICATES " UTILITY EASEMENT "
- R.O.W. INDICATES " RIGHT-OF-WAY "
- AC. TRACT INDICATES " ACRE TRACT "
- VOL. INDICATES " VOLUME "
- PG. INDICATES " PAGE "
- I.R. INDICATES " IRON ROD "
- D.E. INDICATES " DRAINAGE EASEMENT "
- S.S.E. INDICATES " SANITARY SEWER EASEMENT "
- H.C.M.R. INDICATES " HARRIS COUNTY MAP RECORDS "
- INDICATES " FOUND 3/4" IRON ROD WITH A CAP STAMPED E.I.C. SURVEYING CO. "
- INDICATES " FOUND 5/8" IRON ROD WITH A CAP STAMPED E.I.C. SURVEYING CO. "

- 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 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 the FEMA Firm Panel No. 4803150230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/ gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/ gas wells with ownership (plugged, abandoned, and/ or active) through the subdivision have been shown.
- No Building or structure shall be constructed across any pipelines, building lines, and/ or easements. Building setback lines will be required adjacent to oil/ gas pipelines. The setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
- This plat does not attempt to amend or remove any valid covenants or restrictions.

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, SPENCER, STUTTS AND COX, L.P., ACTING BY AND THROUGH JOYCE SPENCER, MANAGING PARTNER, AND TOMBALL TOMAHAWK PROPERTIES LLC, ACTING BY AND THROUGH LORRI KLIEN QUINN, PARTNER, HEREINAFTER REFERRED TO AS OWNERS OF THE 1.8813 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF ARROWHEAD PROPERTIES, DO HEREBY MAKE AND ESTABLISH OF SAID SUBDIVISION PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

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

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

FURTHER, OWNER HEREBY CERTIFY THAT THIS REPLAT DOES NOT ATTEMPT TO ALTER, AMEND, OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS .

LOTS 1 - 5
SPENCER, STUTTS AND COX, L.P.

IN TESTIMONY WHEREOF, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOYCE SPENCER, THIS _____ DAY OF _____, 2018.

BY:
JOYCE SPENCER, MANAGING PARTNER

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, JOYCE SPENCER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN .

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DATE OF _____, 2018 .

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES : _____

LOT 6
TOMBALL TOMAHAWK PROPERTIES, LLC

IN TESTIMONY WHEREOF, HAS CAUSED THESE PRESENTS TO BE SIGNED BY, LORRI KLIEN QUINN, THIS _____ DAY OF _____, 2018 .

BY:
LORRI KLIEN QUINN, PARTNER

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, LORRI KLIEN QUINN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN .

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DATE OF _____, 2018 .

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES : _____

WE, WOODFOREST NATIONAL BANK, OWNER AND HOLDER OF A LIENS AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS ARROWHEAD PROPERTIES, SAID LIENS BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. W305359, W305360, W305361, X451751, Y263149, 20070458215, 20120422841 AND 20150323772 OF THE O.P.O.R.P. OF HARRIS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIENS AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF .

BY: _____

PRINT NAME : _____

TITLE : _____

THE STATE OF TEXAS
COUNTY OF HARRIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DATE OF _____, 2018 .

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES : _____

I, STAN STANART, 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 _____, 2018, AT _____ O'CLOCK _____ M, AND DULY RECORDED ON _____, 2018, 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.

STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

ARROWHEAD PROPERTIES

A SUBDIVISION OF 1.8813 ACRE TRACT
81,955.35 SQUARE FEET
BEING A REPLAT OF LOTS 1, 2 AND 3 , BLOCK 1 ,
OF TOMAHAWK PROPERTIES ,
AS RECORDED IN FILM CODE NO.619161,
HARRIS COUNTY MAP RECORDS,
SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT 34
CITY OF TOMBALL ,
HARRIS COUNTY , TEXAS

CONTAINING

6 LOTS 1 BLOCK
(REASON FOR REPLAT TO CREATE 6 LOTS OUT OF 3 LOTS)

NOVEMBER 2018

OWNER

SPENCER, STUTTS AND COX, L.P.
A TEXAS LIMITED PARTNERSHIP

14011 PARK DRIVE , SUIT 103
TOMBALL TEXAS 77377

TOMBALL TOMAHAWK PROPERTIES LLC.

1427 KEEFER ROAD
TOMBALL TEXAS 77375
(713) 370 - 0300

SURVEYOR

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

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

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF ARROWHEAD PROPERTIES IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2018.

BY:
BARBARA TAGUE, CHAIRMAN

BY:
DARRELL ROQUEMORE, VICE CHAIRMAN

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

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



CITY OF TOMBALL

Plat Name: Arrowhead Properties Plat Type: Replat

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: November 12, 2018

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 adjacent property information.
- Remove existing land improvements.
- Correct typos.

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 12, 2018

Topic:

Consideration to Approve Replat of **TR 1, LOT 17-24 COMMON GROUNDS:** A subdivision of land containing 0.4591 acres (19,999,99 Square Feet) of land in the Abstract 34 J House, Harris County, Texas.

Background:

Origination:

Community Development Department

Recommendation:

Approval with contingencies

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

Engineering Division

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

ATTACHMENTS:

Tr 1 IOT 17-24 Common Grounds Plat
Tr 1 Lot 17-24 Common Grounds Comments

CITY OF TOMBALL

Plat Name: Common Grounds Plat Type: Replat

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: November 12, 2018

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 ten foot city of Tomball utility easement along street frontage.
- Add flood plain note.
- Correct vicinity map.
- Correct typos.

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: November 12, 2018

Topic:

Consideration to Approve Replat of **PEREZ ESTATES**: Being a 0.2663 acre tract and being a replat of a portion of Lots 25 and 26, of Anderson's Subdivision, a subdivision situated in the W. Hurd Survey, Abstract Number 371, of Harris County, Texas, according to the map or plat thereof recorded in Volume 321, Page 44, of the Deed Records of Harris County, Texas.

Background:

Origination:

Community Development Department

Recommendation:

Approval with contingencies

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

Engineering Division

ACTION TAKEN

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

Perez Estates Plat

Perez Estates Comments

THE STATE OF TEXAS

COUNTY OF HARRIS

We, San Juanita Pena Smith, Miguel De La Paz, and Motgot De La Paz acting individually, owners hereinafter referred to as owners of the 0.2663 acre tract described in the above and foregoing plat of PEREZ ESTATES, 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 does dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') 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 feet (15') wide on each side of the center line 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 governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

WITNESS our hands in the City of Tomball, Texas, this ____ day of _____, 201__.

San Juanita Pena Smith

Miguel De La Paz

Morgot De La Paz

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared San Juanita Pena Smith, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 201__.

Notary Public in and for the State of Texas

My Commission Expires: _____

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Miguel De La Paz, and Morgot De La Paz, 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 _____, 201__.

Notary Public in and for the State of Texas

My Commission Expires: _____

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of PEREZ ESTATES 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 _____, 201__.

By:_____
Barbara Tague
Chairman

By:_____
Darrell Roquemore
Vice Chairman

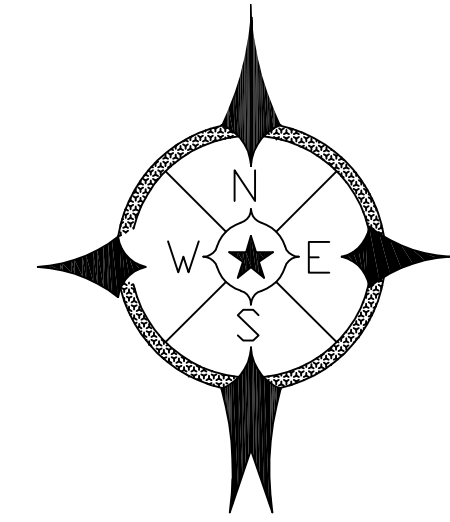
Harris County Clerk Certificate of Filing:

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 201__, at ____ o'clock __.M., and duly recorded on _____, 201__, at ____ o'clock __.M., and at Film Code Number _____ of the Map Records of Harris County for said County.

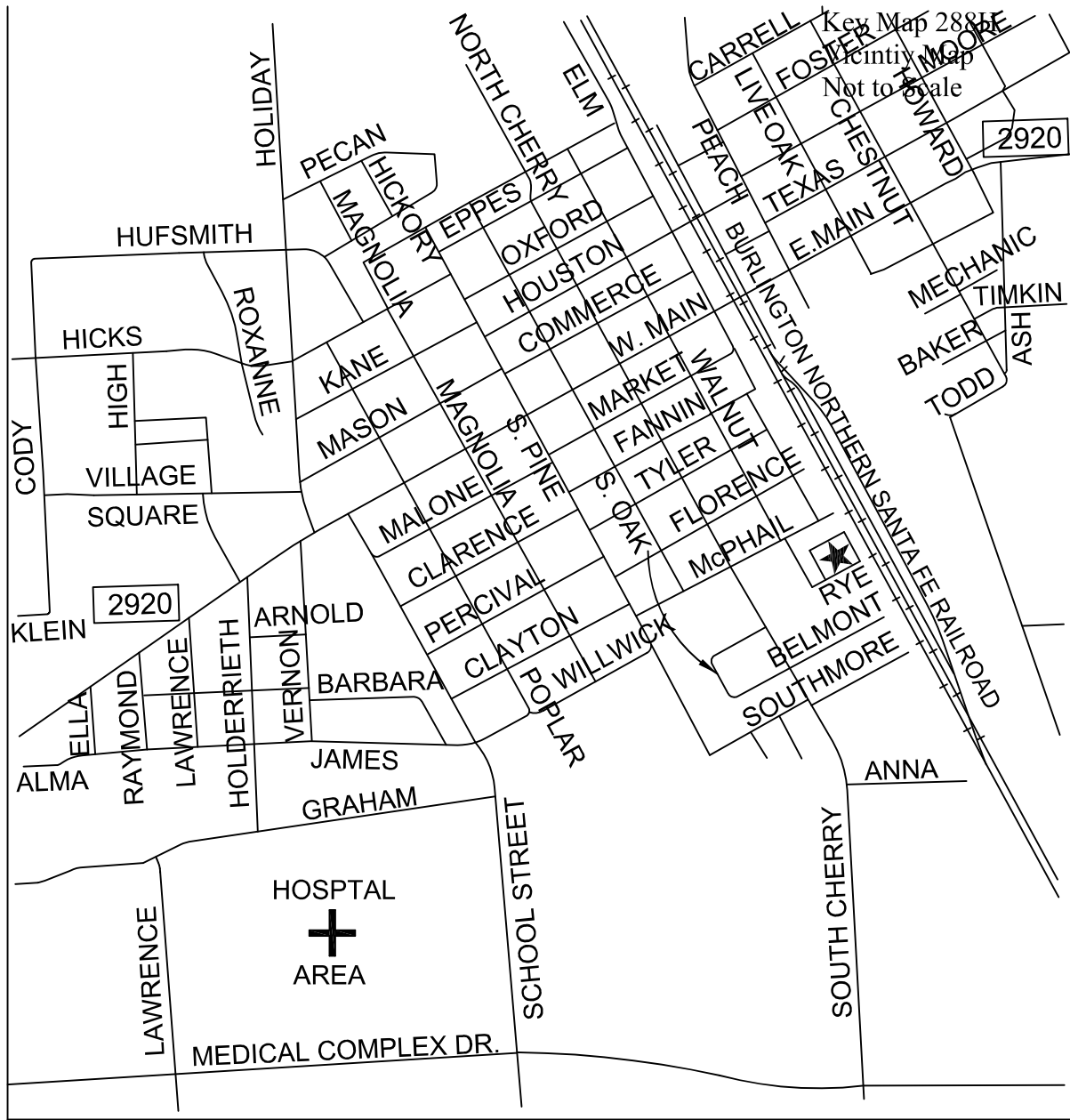
Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

By:_____
Deputy



Scale: 1" = 20'



Notes:
Flood Information:
According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
3. No building or structure shall be constructed across any pipelines, building lines, and/or easements Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
4. This plat does not attempt to amend or remove any valid restrictions or covenants.
5. Public Easements:
Public Easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

D.R.H.C.T. = DEED RECORDS OF HARRIS
COUNTY TEXAS
M.R.H.C.T. = MAP RECORDS OF HARRIS
COUNTY TEXAS
R.P.R.H.C.T. = REAL PROPERTY RECORDS
OF HARRIS COUNTY TEXAS
B.L. = BUILDING LINE
C.O.T.U.E. = UTILITY EASEMENT
DEDICATED TO THE CITY OF TOMBALL.
CF NO. = CLERK'S FILE NUMBER
FC NO. = FILM CODE NUMBER

PEREZ ESTATES

Being a 0.2663 acre tract and being a replat of a portion of Lots 25 and 26, of ANDERSON'S SUBDIVISION, a subdivision situated in the W. Hurd Survey, Abstract Number 371, of Harris County, Texas, according to the map or plat thereof recorded in Volume 321, Page 44, of the Deed Records of Harris County, Texas,.

1 Lot, 1 Block

Owners:

San Juanita Pena Smith

Phone Number 936-222-3965
114 Rye Street
Tomball, Texas 77375

Owners:

Miguel De La Paz
Morgot De La Paz

114 Rye Street
Tomball, Texas
77375

Surveyor:

C & C Surveying Inc.

7424 FM 1488, Suite A Magnolia, Texas 77354
Office: 281-356-5172 Fax: 281-356-1935
survey@ccsurveying.com
www.ccsurveying.com

October 2018
Sheet 1 of 1
18-0402

I, Steven L. Crews, 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 not found have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Steven L. Crews
Texas Registration Number 4141

CITY OF TOMBALL

Plat Name: Perez Estates Plat Type: Replat

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: November 12, 2018

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:

- Show existing utility easements referenced in the title report.
- Pay fees.

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 12, 2018

Topic:

Consideration to Approve Replat of **VANN SNYDER ADDITION:** Being a 2.4370 acre tract and being a replat of Lot 1, of Snyder Subdivision, a subdivision situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, according to the map or plat thereof recorded in Volume 392, Page 117, of the Map Records of Harris County, Texas.

Background:

Origination:

Community Development Department

Recommendation:

Approval with contingencies

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

Engineering Division

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

ATTACHMENTS:

Vann Snyder Addition Plat

Vann Snyder Addition Comments

THE STATE OF TEXAS

COUNTY OF HARRIS

I, George D. Vann, Denise C. Vann, and Michael Bennett, acting individually, owners hereinafter referred to as owners of the 2.4370 acre tract described in the above and foregoing plat of VANN SNYDER ADDITION, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') 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 feet (15') wide on each side of the center line 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 governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

WITNESS our hands in the City of Tomball, Texas, this _____ day of _____, 201__.

George D. Vann

Denise C. Vann

Michael Bennett

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared George D. Vann and Denise C. Vann, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 201__.

Notary Public in and for the State of Texas

My Commission Expires: _____

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Michael Bennett, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 201__.

Notary Public in and for the State of Texas

My Commission Expires: _____

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of VANN SNYDER ADDITION 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 _____, 201__.

By:_____
Barbara Tague
Chairman

By:_____
Darrell Roquemore
Vice Chairman

Harris County Clerk Certificate of Filing:

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in

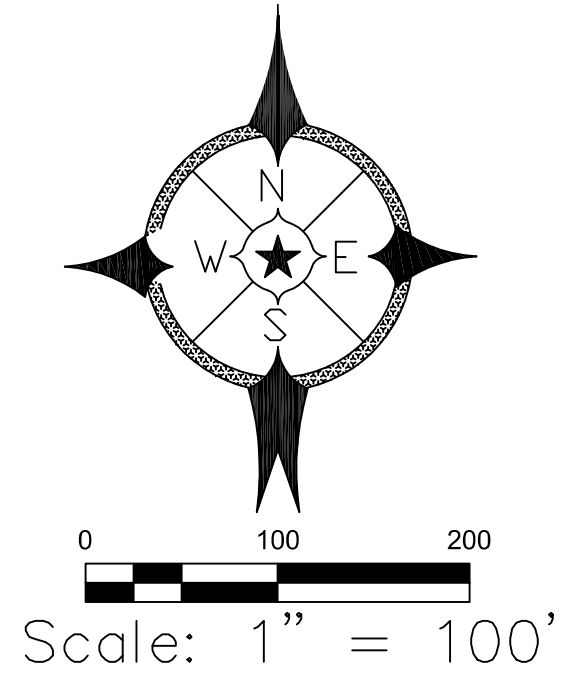
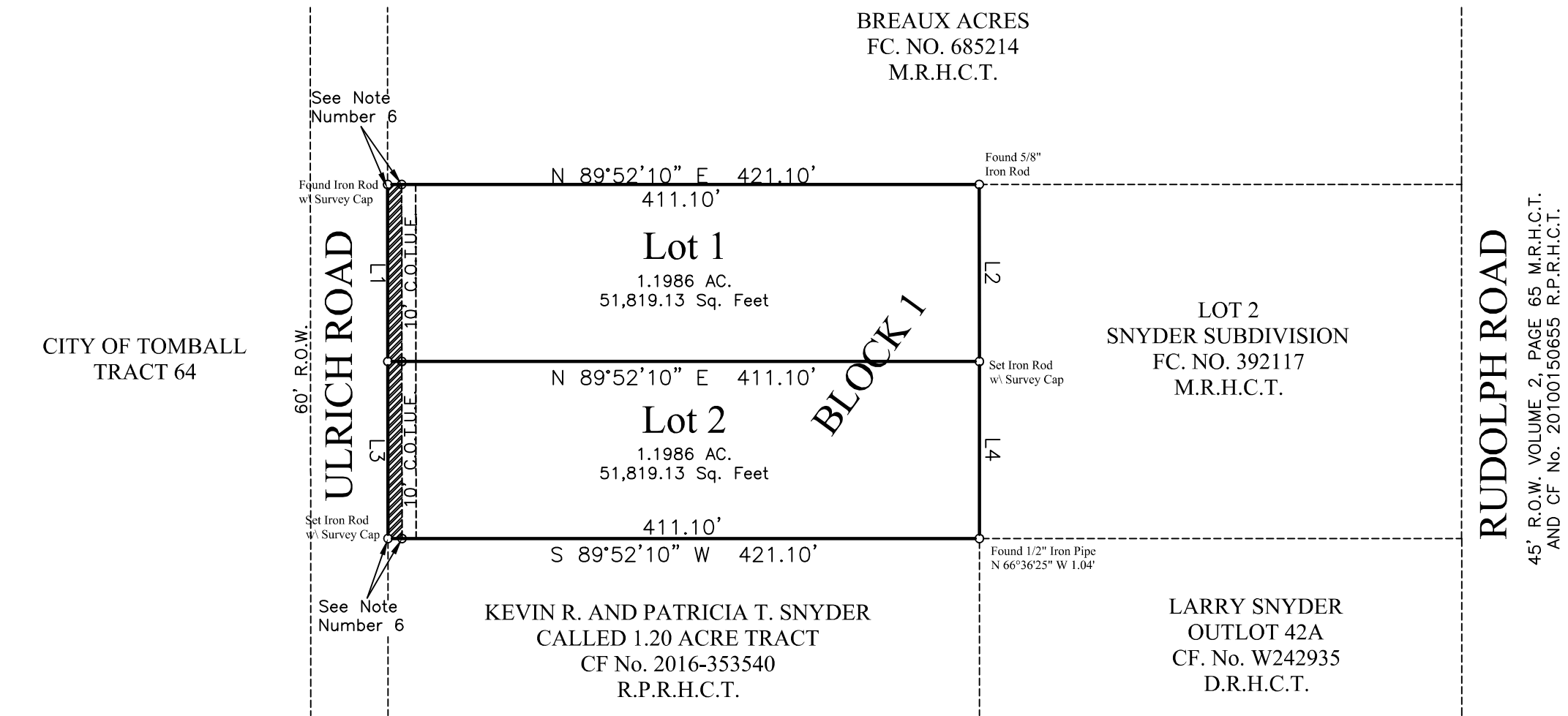
my office on _____, 201__, at _____o'clock __M., and duly recorded on _____, 201__, at _____o'clock __M., and at

Film Code Number_____ of the Map Records of Harris County for said County.

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

Stan Stanart
County Clerk
of Harris County, Texas

By:_____
Deputy



LINE	BEARING	DISTANCE
L1	N 00°12'56" W	126.05'
L2	S 00°12'56" E	126.05'
L3	N 00°12'56" W	126.05'
L4	S 00°12'56" E	126.05'

Notes:
Flood Information:
According to FEMA Firm Panel No. 48201C0230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
3. No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
4. This plat does not attempt to amend or remove any valid restrictions or covenants.
5. Public Easements:
Public Easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
6. Road Dedication
2,491.88 Square Foot / 0.0572 Acre, 10 Foot Right-of-Way is hereby dedicated to the City of Tomball.

D.R.H.C.T. = DEED RECORDS OF HARRIS COUNTY TEXAS
M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS
R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS
B.L. = BUILDING LINE
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL.
CF NO. = CLERK'S FILE NUMBER
FC NO. = FILM CODE NUMBER

VANN SNYDER ADDITION

Being a 2.4370 acre tract and being a replat of Lot 1, of SNYDER SUBDIVISION, a subdivision situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, according to the map or plat thereof recorded in Volume 392, Page 117, of the Map Records of Harris County, Texas,.

2 Lots, 1 Block

Owner:
Michael Bennett
795 Clip Road
Goliad, Texas 77963
Phone Number 361-645-8258

Owners:
George D. and Denise C. Vann
Phone Number 210-382-7801
6700 Woodlans Pkwy # 230-481
The Woodlands, Texas 77382

Surveyor:
C & C Surveying Inc.
7424 FM 1488, Suite A Magnolia, Texas 77354
Office: 281-356-5172
survey@ccsurveying.com
www.ccsurveying.com

November 2018
Sheet 1 of 1
18-0398

CITY OF TOMBALL

Plat Name: Vann Snyder Addition Plat Type: Replat

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

Plat within City Limits ☒ Within Extraterritorial Jurisdiction ☐

City Planning Commission Date: November 12, 2018

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:

- Show existing utility easements referenced in the title report.
- Correct typos.
- Pay fees.

Community Development recommends approval of this plat with contingencies.

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: November 12, 2018

Topic:

Consideration to Approve **Zoning Case P18-161**: Request by Timothy Hertel, on behalf of DFLEX POWER, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3 acres of land legally described as Tract 253A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the west side of Pitchford Road at 902 Pitchford Road, from the Agricultural District to the Light Industrial District.

- Conduct Public Hearing on **Zoning Case P18-161**

Background:

Origination:

Request by Timothy Hertel, on behalf of DFLEX POWER, LLC

Recommendation:

Approval

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

Planning Division

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

ATTACHMENTS:

Notice of Public Hearing
Property Owner Notification
P18-161 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 12, 2018
&
CITY COUNCIL
NOVEMBER 19, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 12, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 19, 2018, 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 P18-161: Request by Timothy Hertel, on behalf of DFLEX POWER, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3 acres of land legally described as Tract 253A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the west side of Pitchford Road at 902 Pitchford Road, from the Agricultural District to the Light Industrial District.

Zoning Case P18-166: Request by Great Oak School to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas, generally located on the east side of Lovett Street, south of Carrell Street, from the Planned Development 2 District to the Office District.

Zoning Case P18-167: Request by Great Oak School for a Conditional Use Permit to operate a *School, other than public or denominational* on approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas. The property is generally located on the east side of Lovett Street, south of Carrell Street, and is zoned Office District.

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

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City

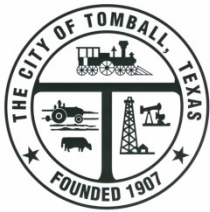
Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **November 2018** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Elizabeth Jones

Elizabeth Jones

Administrative Assistant

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.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: P18-161

APPLICANT/OWNER: Request by Timothy Hertel, on behalf of DFLEX POWER, LLC

LOCATION: Generally located on the west side of Pitchford Road at 902 Pitchford Road

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3 acres of land legally described as Tract 253A Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District.

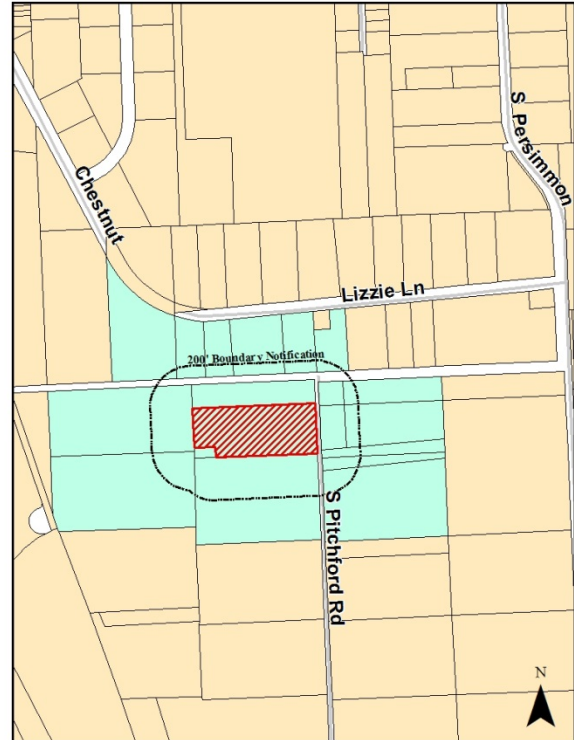
CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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

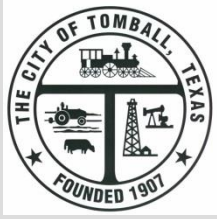


**Planning & Zoning Commission
Public Hearing:
Monday, November 12, 2018, 6:00 PM**

**City Council Public Hearing:
*Monday, November 19, 2018, 6:00 PM**

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 12, 2018
City Council Public Hearing Date: November 19, 2018

Rezoning Case: P18-161
Property Owner(s): Victor Johnson
Applicant(s): Timothy Hertel, DFLEX POWER, LLC
Legal Description: Tract 253A Tomball Outlots
Location: West side of Pitchford Road at 902 Pitchford Road (Exhibit “A”)
Area: 3 acres
Comp Plan Designation: Business/Industrial (Exhibit “B”)
Present Zoning and Use: Agricultural District (Exhibit “C”) / Single-family residence (Exhibit “D”)
Request: Rezone from the Agricultural District to the Light Industrial District

Adjacent Zoning & Land Uses:

North: Agricultural District / Drainage ditch

South: Agricultural District / Centerpoint Energy access, mostly undeveloped

West: Agricultural District / Undeveloped

East: Agricultural District / Undeveloped

BACKGROUND

City Staff met with the applicant in August 2018 to discuss the development of a power generation plant on the subject site.

ANALYSIS

The property is currently zoned Agricultural District. All adjacent properties are also zoned Agricultural District. The land uses in the area include a City of Tomball drainage ditch, and nursery and a Center Point Energy substation. The remaining properties in the area are undeveloped.

The Comprehensive Plan designates the property as Business/Industrial. Surrounding properties are also designated as Business/Industrial. According to the Comprehensive Plan, the Business/Industrial “designation indicates where industrial and intensive employment activities should occur”. The request appears to be consistent with the City’s Comprehensive Plan.

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.**

There are not many established land uses along Pitchford Road. The uses that are existing include a nursery, a Center Point Energy substation and a few single-family residences further south on Pitchford Road. There are single-family residences to the north of the property on Lizzie Lane, however, Lizzie Lane does not intersect Pitchford Road and the City of Tomball drainage ditch is between the site and the residences, creating a buffer.

- 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.**

Utilities will need to be extended at the developer's expense in order to serve the subject site. Pitchford Road is currently not constructed to City of Tomball requirements, and would therefore require a right-of-way dedication as well as upgrades to the road surface.

- 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 not a lot of vacant land in the City zoned Light Industrial. 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.**

Development in the Light Industrial District is mainly focused in the Business and Technology Park. There has not been a lot of other development activity in the Light Industrial District.

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

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

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

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

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

The Future Land Use Map designates the property as Business/Industrial which is intended for industrial and intensive employment activities including unenclosed assembly, warehousing, distribution facilities, and office/showrooms. The request appears to be consistent with the Future Land Use Map.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 26, 2018. The Notice of Public Hearing was published in the paper on October 31, 2018. 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 P18-161 for the following reasons:

1. The request is in conformance with the Future Land Use Map;
2. The request is generally appropriate with the surrounding land uses in the area;

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

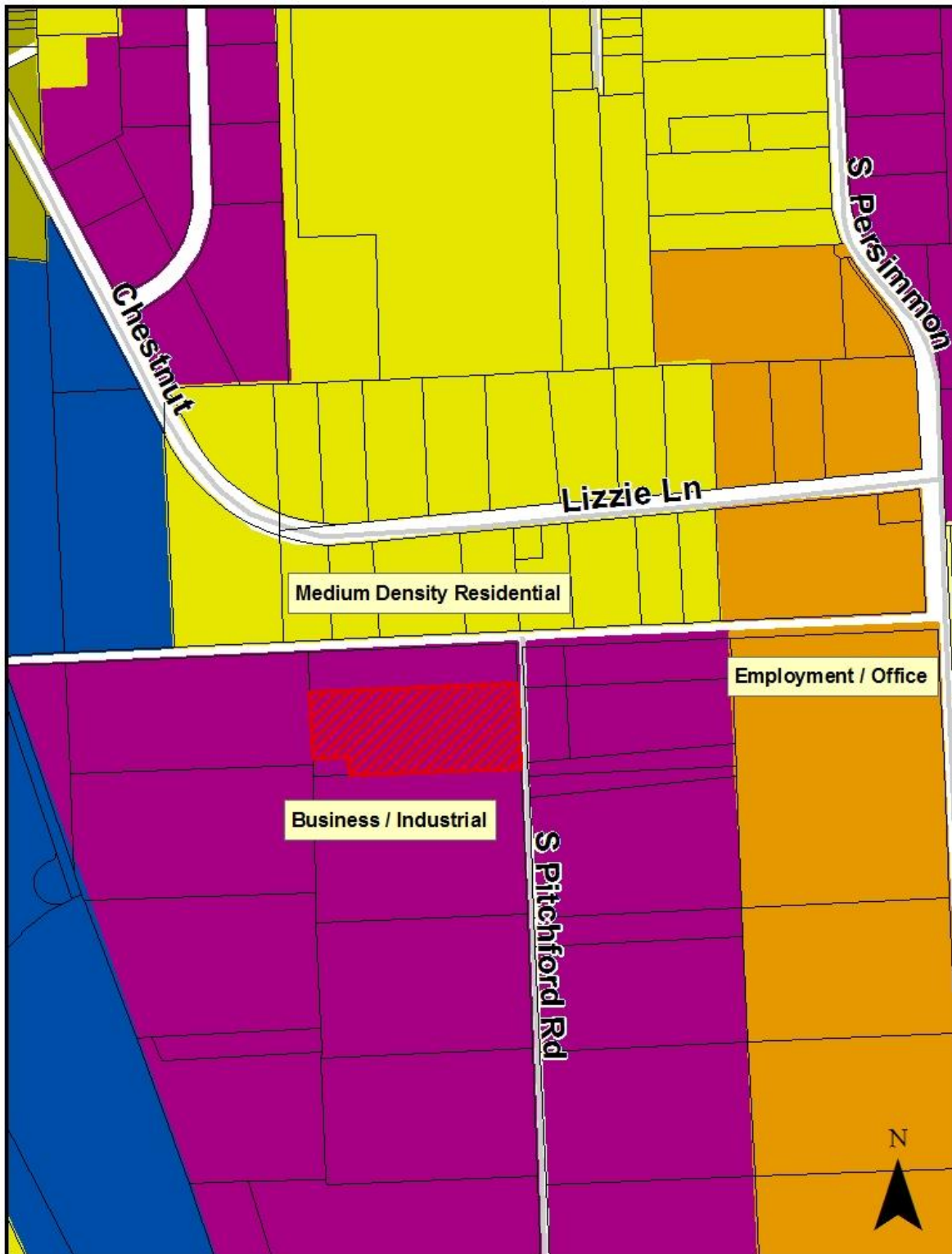
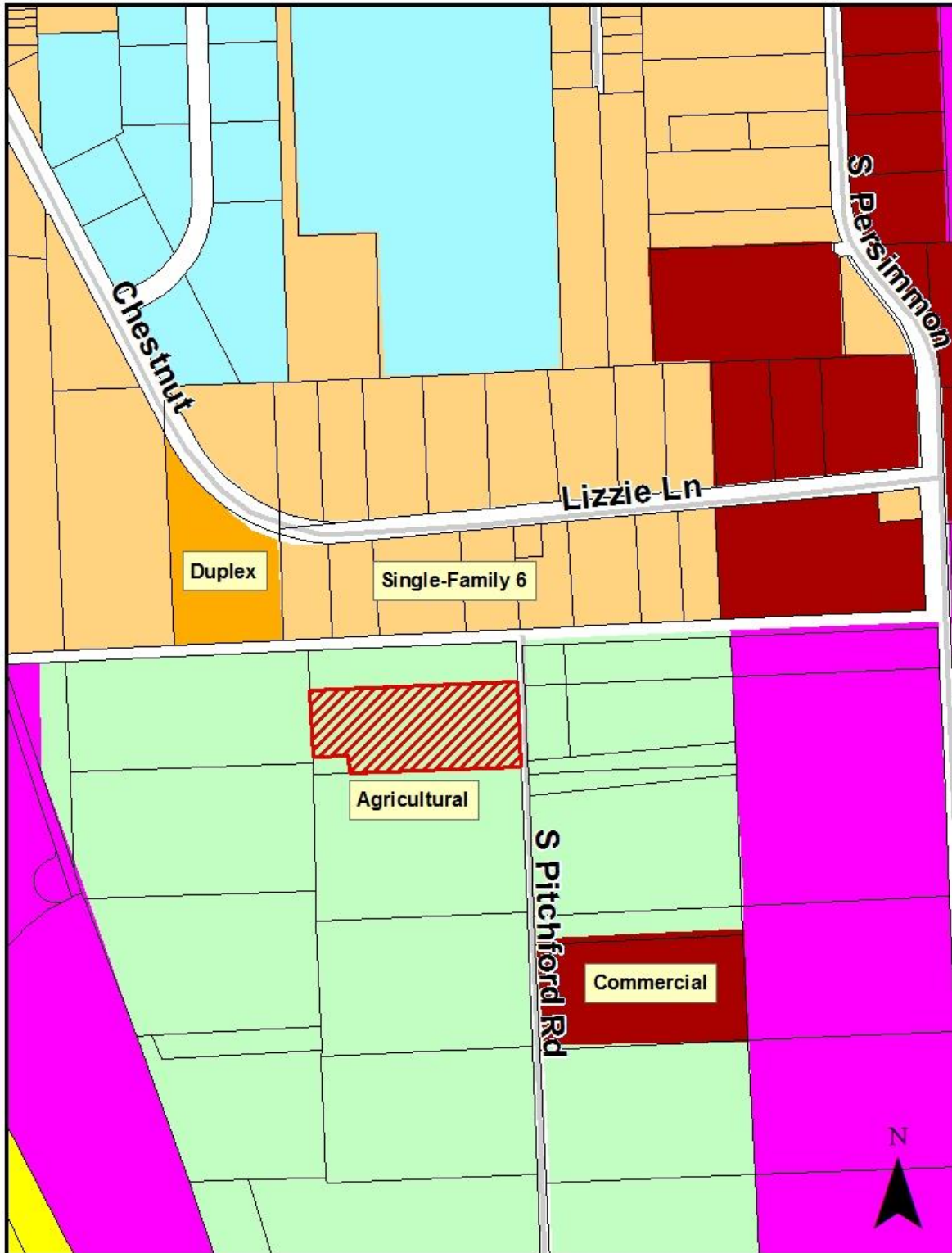


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E" Application

DocuSign Envelope ID: 3F744DB3-69B4-455D-A193-D52B243901BC

Revised 5/19/15



18-161

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: Timothy Hertel Title: Partner
Mailing Address: 11 Desert Rose Pl City: Spring State: TX
Zip: 77382
Phone: (804) 621-3061 Fax: (NA) NA Email: tim.hertel@dflexpower.com

Owner

Name: Victor Johnson Title: Owner
Mailing Address: 902 Pitchford Road City: Tomball State: Texas
Zip: 77375
Phone: (832) 515-5357 Fax: () Email: heat2treat@yahoo.com

Engineer/Surveyor (if applicable)

Name: Mira Ruiz (Ward, Getz & Associate) Title: Associate
Mailing Address: 2500 Tanglewilde City: Houston State: TX
Zip: 77063
Phone: (713) 357-6563 Fax: () Email: mruiz@wga-llp.com

Description of Proposed Project: Tomball Substation Electricity Balancing Station

Physical Location of Property: 902 Pitchford Road Tomball, Texas 77375

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

Legal Description of Property: TR 253A/Tomball Outlots

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

Current Zoning District: Agricultural (AG)

Current Use of Property: Residential

Proposed Zoning District: Light Industrial (LI)

Proposed Use of Property: Electricity Generating Unit

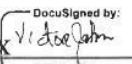
HCAD Identification Number: 0352880000360 **Acreage:** 3.0026

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.

☒  _____
Signature of Applicant Date 10/2/2018

☒  _____
Signature of Owner Date 10/2/2018 6:23:21 PM CDT

CITY OF TOMBALL
281-351-5484

REC#: 01047719 10/03/2018 10:47 AM
OPER: LC TERM: 005
REF#: W1005

TRAN: 130.0000 PLANNING AND ZONING
902 PITCHFORD RD
TIMOTHY HERTEL
100-5441
REZONING APPLICATIO 440.00CR

TENDERED: 440.00 CHECK
APPLIED: 440.00-

CHANGE: 0.00

Exhibit B: Conceptual Site Plan

DFLEX POWER, LLC



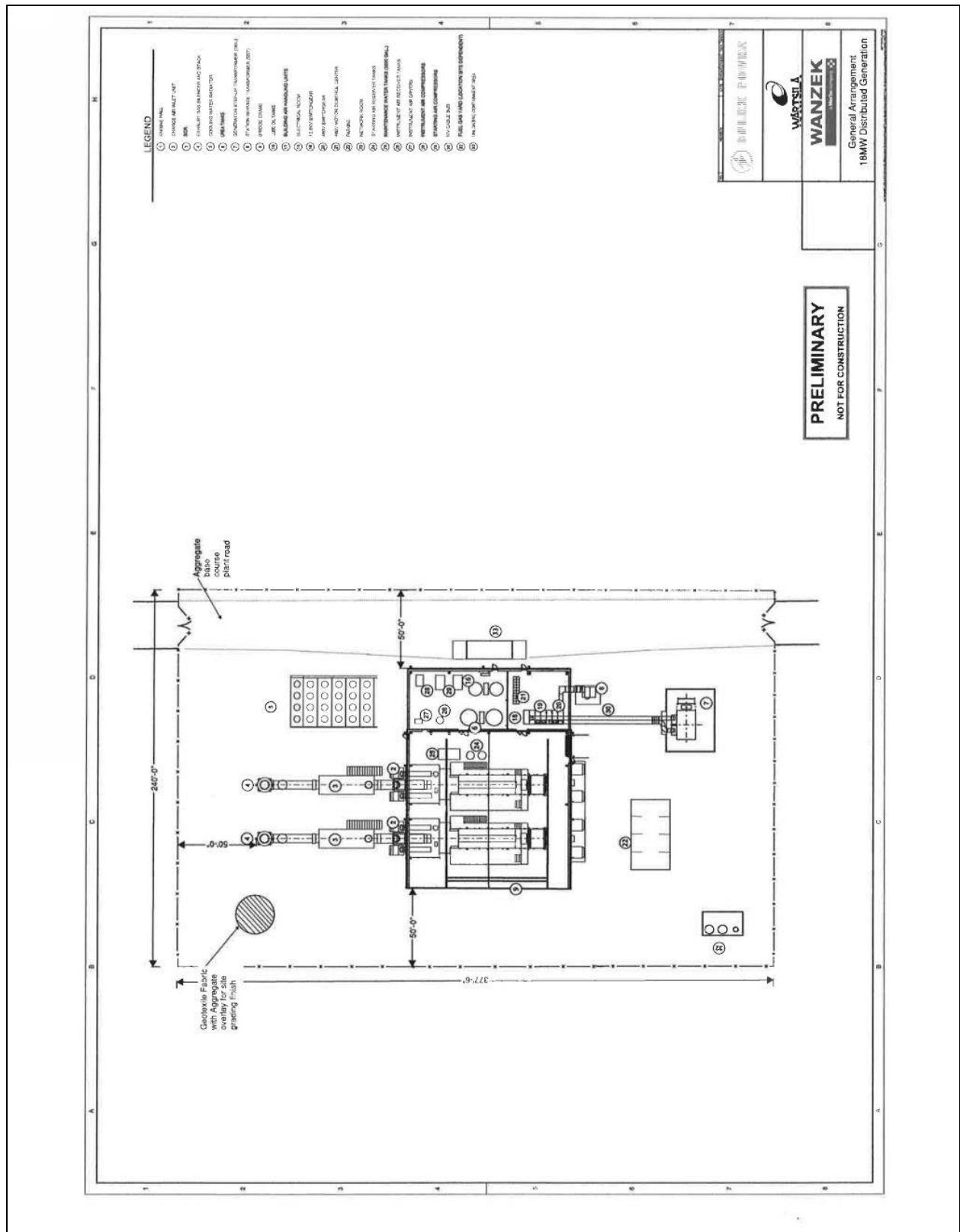




Exhibit C: Boundary Survey

DFLEX POWER, LLC

Harris County Appraisal District



PUBLICATION DATE:
12/22/2017

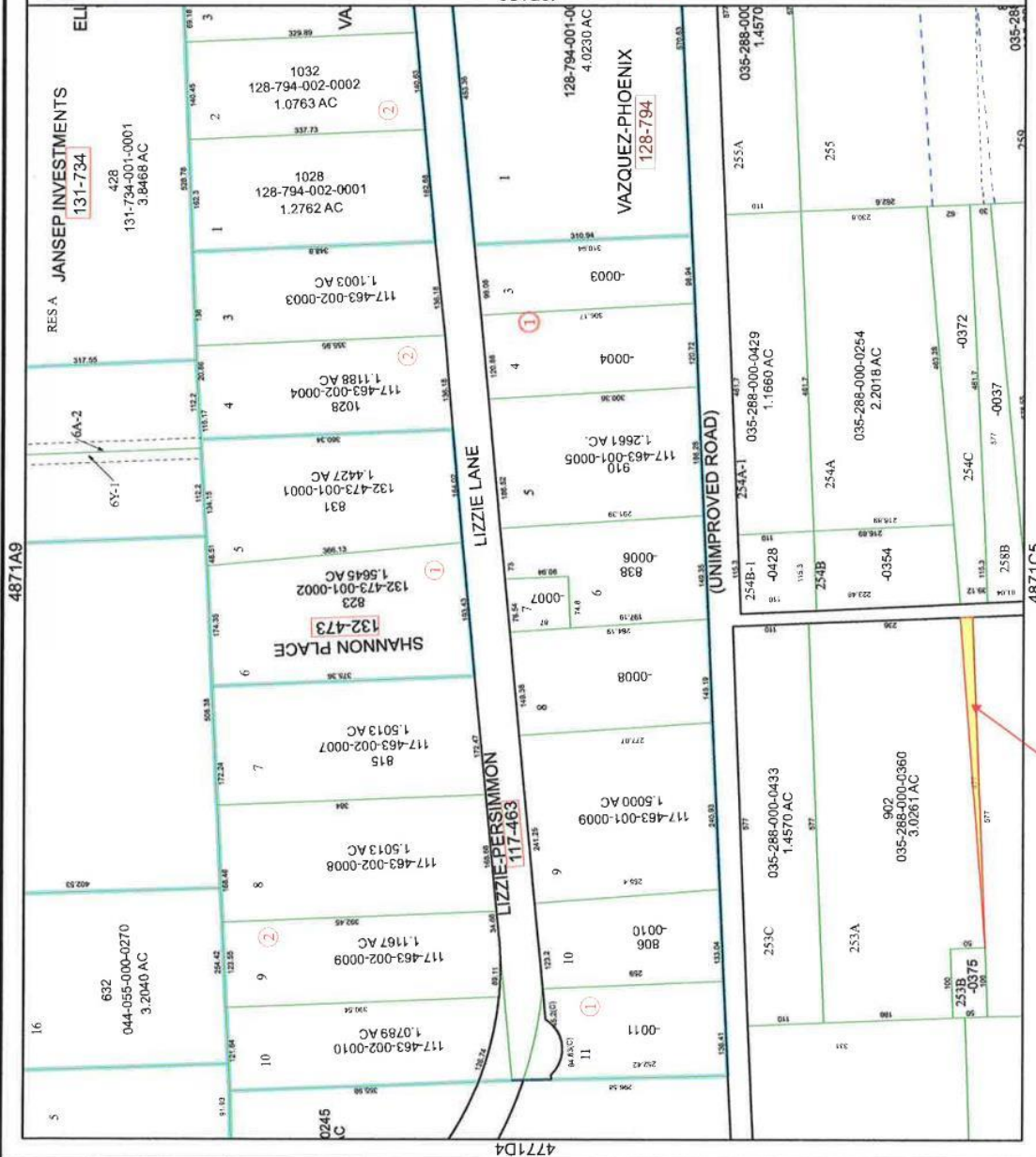
Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes only and may not have been prepared for or used in the field for legal, planning or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

MAP LOCATION



FACET 4871C

1	2	3	4
5	6	7	8
9	10	11	12



Piece in question. Did HLP actually acquire this a while back? Waiting on City Planning Letter to find out.





DFLEX POWER, LLC ("DFlex")
Request for Rezoning
10/3/2018

TO: City of Tomball Texas
501 James St
Tomball, TX 77375
(281) 290-1405

To Whom it May Concern,

Please find attached an application from DFlex to change the zoning of the land parcel located at 902 Pitchford Rd. , Tomball, TX 77375 from Agricultural (AG) to Light Industrial (LI). This change is in keeping with the city's Future Land Use plans (revised Aug 19, 2016) and will provide the proper classification for our intended use.

We are filing this request to help facilitate the development and construction of an electrical power station that will have great benefit to the local community. The station will effectively act as a power stabilizing facility for the local area, helping maintain the reliability of Tomball's electrical power supply while also allowing the community to construct distributed renewable generation facilities without significant upgrades to existing infrastructure.

Further, the facility will have direct economic benefit to the local community in the form of property taxes and natural gas purchases.

We are excited and committed to working with your local planning commission to making this project a success for the City of Tomball and appreciate your consideration of this application.

Regards,

DFLEX POWER, LLC

A handwritten signature in black ink, appearing to read 'TH', written over a horizontal line.

Print: TIM HERTEL, PARTNER

DFLEX POWER, LLC



Exhibit A: Completed Application Form

DFLEX POWER, LLC

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: November 12, 2018

Topic:

Consideration to Approve **Zoning Case P18-166**: Request by Great Oak School to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadraplexes, within the City of Tomball, Harris County, Texas, generally located on the east side of Lovett Street, south of Carrell Street, from the Planned Development 2 District to the Office District.

- Conduct Public Hearing on **Zoning Case P18-166**

Background:

Origination:

Great Oak School

Recommendation:

Approval

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

Planning Division

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

ATTACHMENTS:

Notice of Public Hearing
Property Owner Notification
P18-166 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 12, 2018
&
CITY COUNCIL
NOVEMBER 19, 2018**



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

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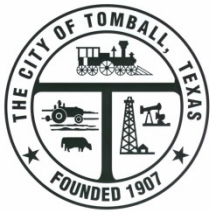
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Elizabeth Jones

Elizabeth Jones

Administrative Assistant

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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: P18-166

APPLICANT/OWNER: Great Oak School

LOCATION: Generally located on the east side of Lovett Street, south of Carrell Street

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas, from the Planned Development 2 District to the Office District.

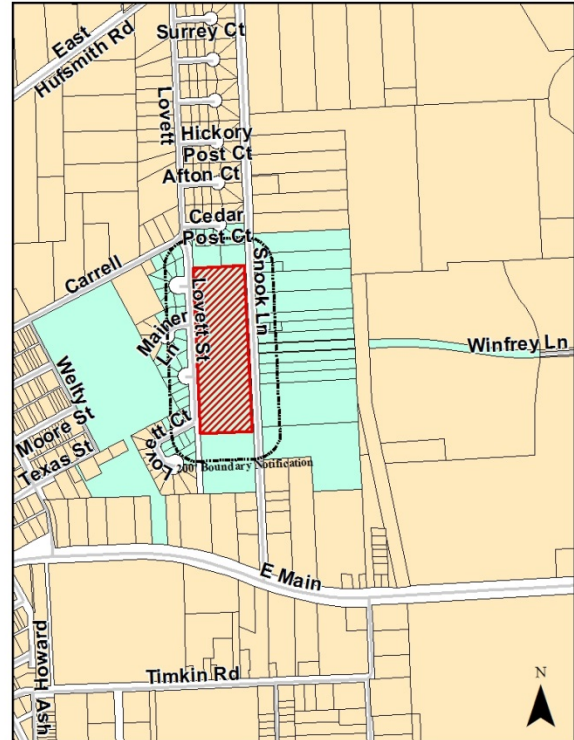
CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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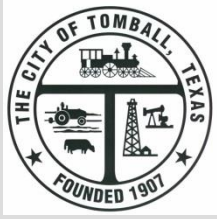


**Planning & Zoning Commission
Public Hearing:
Monday, November 12, 2018, 6:00 PM**

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*Monday, November 19, 2018, 6:00 PM**

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City Council Chambers, City Hall
401 Market Street, Tomball, Texas**

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 12, 2018
City Council Public Hearing Date: November 19, 2018

Rezoning Case: P18-166
Property Owner(s): 23730 Lovett LLC
Applicant(s): Great Oak School
Legal Description: Lot 1 Block 1 Welling Owens Quadruplexes
Location: East side of Lovett Street, south of Carrell Street (Exhibit "A")
Area: 10 acres
Comp Plan Designation: High Density Residential (Exhibit "B")
Present Zoning and Use: Planned Development District (Exhibit "C") / Undeveloped (Exhibit "D")
Request: Rezone from the Planned Development 2 District to the Office District for the construction of a *school, other than public or denominational*

Adjacent Zoning & Land Uses:

North: Single-Family 9 and Commercial District / Single-family residence and undeveloped land

South: Commercial District / Office/warehouse lease spaces

West: Single-Family 9 and Single-Family 6 District / Single-family residences

East: Commercial District / Snook Lane, multiple non-residential uses, undeveloped land

BACKGROUND

City Staff first met with the applicant in March 2018 to discuss the development of a *school, other than public or denominational*. After multiple discussions, the applicant submitted a Rezoning Application requesting a rezoning to the Office District, as well as a Conditional Use Permit Application for the proposed use.

ANALYSIS

The subject property is 10 acres and has frontage on both Lovett Street and Snook Lane. Properties on Snook Lane in this area are zoned Commercial and there are multiple commercial establishments including a storage facility and office/warehouse facilities. Lovett Street is zoned Single-family 9 and Single-family 6 and has multiple single-family dwellings.

The property is zoned Planned Development 2 and was approved in 2008, when zoning was originally adopted, for the construction of townhomes. The property was platted in 2014, however, there were no plans submitted for the City's review afterward.

The Comprehensive Plan designates the property as High Density Residential. Properties in the area are also designated High Density Residential as well as Medium Density Residential and Mixed Use. The High Density Residential category includes various housing products such as patio homes, townhomes, duplexes and apartments, among others. This category "may also include such supporting land uses as neighborhood shops and services, parks and recreational amenities, religious institutions, and schools". At first glance, it may appear the proposed rezoning request does not meet the intent of the Future Land Use Map, however, many uses allowed in the Office District would include neighborhood shops and services, religious institutions and schools.

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 Office District appear to be appropriate for the immediate area. According to Section 50-75 (Office District), the purpose of the Office Zoning District is to provide "a transition district between residential uses and more intense uses". In the immediate area, the Office District would act as a buffer from the commercial uses on Snook Lane and the residences on Lovett Street.

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 the proposed development.

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 not a lot of vacant land in the City zoned Office District. In fact, less than 1% of the property in Tomball is zoned Office. 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 not been steady development in the Office District in the City. There has not been any request to the Office District in the vicinity of the proposed change.

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

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

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

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

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

The Future Land Use Map designates the property as High Density Residential. As mentioned above, the proposed rezoning would be compatible with the High Density Residential classification because the Office District includes land uses that would be supporting land uses for the residential development.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 26, 2018. The Notice of Public Hearing was published in the paper on October 31, 2018. 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 P18-166 for the following reasons:

1. The Office District is the least intense non-residential zoning district and would create a buffer between the intense commercial uses on Snook Lane and the single-family residences on Lovett Street;
2. The request is consistent with the goals of the Comprehensive Plan;
3. There is not a large amount of undeveloped land zoned Office District in the City;
4. The uses allowed in the Office District would be appropriate with the general area and the City as a whole.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

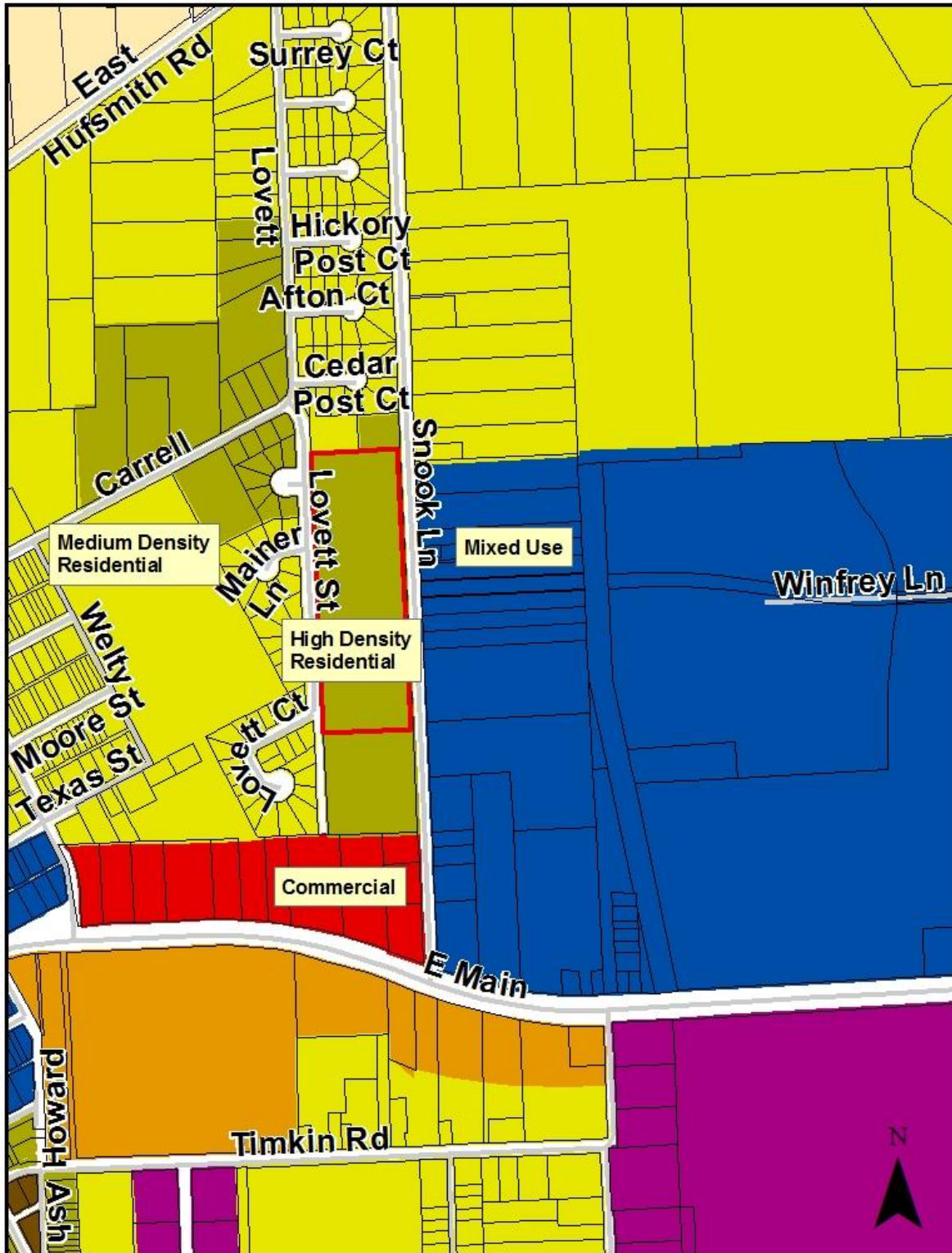
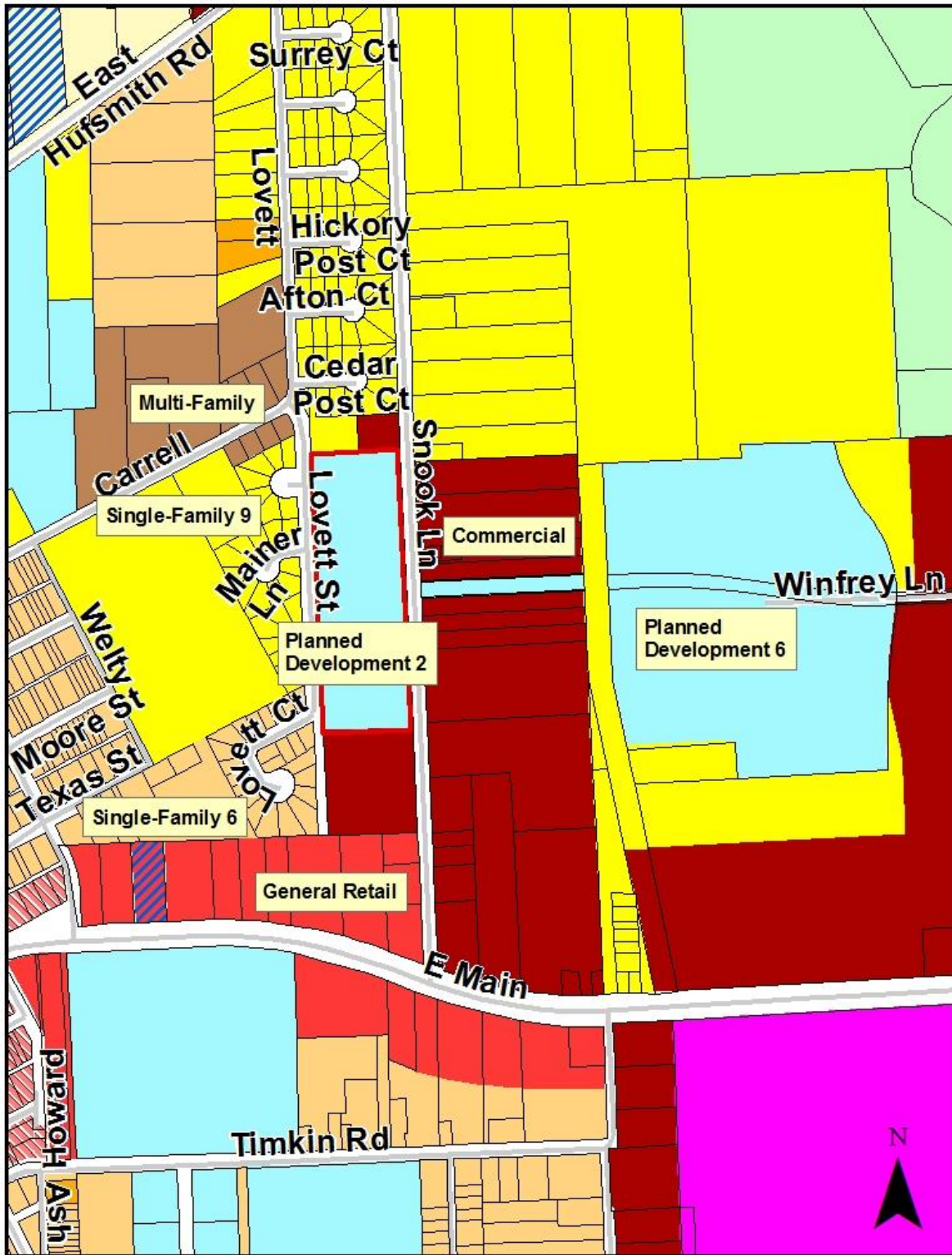


Exhibit "C"
Zoning Map



**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: GREAT OAK SCHOOL Title: _____
Mailing Address: 715 CARRELL ST. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 516-7296 Fax: () _____ Email: ZULANA@GREAT OAK SCHOOL.ORG

Owner
Name: 23730 LOVETT LLC Title: _____
Mailing Address: 888 AVENUE D, STE. B City: KATY State: TX
Zip: 77493
Phone: (281) 391-7365 Fax: (713) 355-4809 Email: SGHUNT@HFPLLC.NET

Engineer/Surveyor (if applicable)
Name: ODYSSEY ENGINEERING GROUP Title: _____
Mailing Address: 2500 TANGLEWILDE ST City: HOUSTON State: TX
Zip: 77063 #480
Phone: (281) 306-0240 Fax: () _____ Email: MGLBERT@ODYSSEYEG.COM

Description of Proposed Project: PRIVATE SCHOOL CAMPUS

Physical Location of Property: 23730 LOVETT ST, TOMBALL, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: OUTLOT 104, 103 & 98, ALSO 15.01057, ABSTRACT 383
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: PLANNED DEVELOPMENT DISTRICT

Current Use of Property: NOT USED - WOODED

Proposed Zoning District: OFFICE DISTRICT WITH CONDITIONAL USE

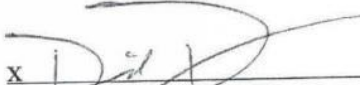
Proposed Use of Property: PRIVATE SCHOOL PERMIT

HCAD Identification Number: 7148539 **Acres:** 10

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  _____ 10-9-18
Signature of Applicant Date

X By: *Stephen Hunt, manager* _____ 10/10/18
Signature of Owner Date



Great Oak School is a private, not for profit Waldorf school. We are the largest Waldorf school in Houston, second largest in Texas. Currently we serve 100 students from preschool through seventh grade, with plans to add eighth grade in 2019-2020. We have 70 families, out of which 15 live in Tomball and more keep moving to Tomball to be closer to the school.



Waldorf education is an educational philosophy founded in Germany in 1919 that focuses on the whole child through a rigorous and developmentally appropriate curriculum. Our students learn by doing and experiencing the world. Beginning in preschool children garden, chop vegetables, knead bread, make soup and play. We teach German, Spanish, knitting and the pentatonic flute in first grade. In third grade kids begin learning a string instrument. Our education style produces confident, caring and creative kids.

Great Oak School has been leasing space from the Episcopal Church of the Good Shepherd at 715 Carrell Street for the last ten years. We love our location in Tomball but are outgrowing our current space. Our kindergartens are full, our pre-school has a waiting list and the church is out of classrooms. We decided to purchase the Lovett property to ensure our school has room to grow, just like our kids.



The Lovett property is an ideal setting for our future campus. As at our current location, we love the beauty of the property with trees and greenery. Modeled after the Austin Waldorf School, our plan for the new campus is to integrate the buildings among the trees and keep the campus aesthetically pleasing and engaging. Large playgrounds, gardens and many trees provide an engaging aesthetic that naturally calms children and prepares them to learn.

Great Oak School requests the Lovett property be rezoned from planned development district to office district with conditional use permit to accommodate our future growth. We're excited about the new property and we're excited about our future in Tomball.

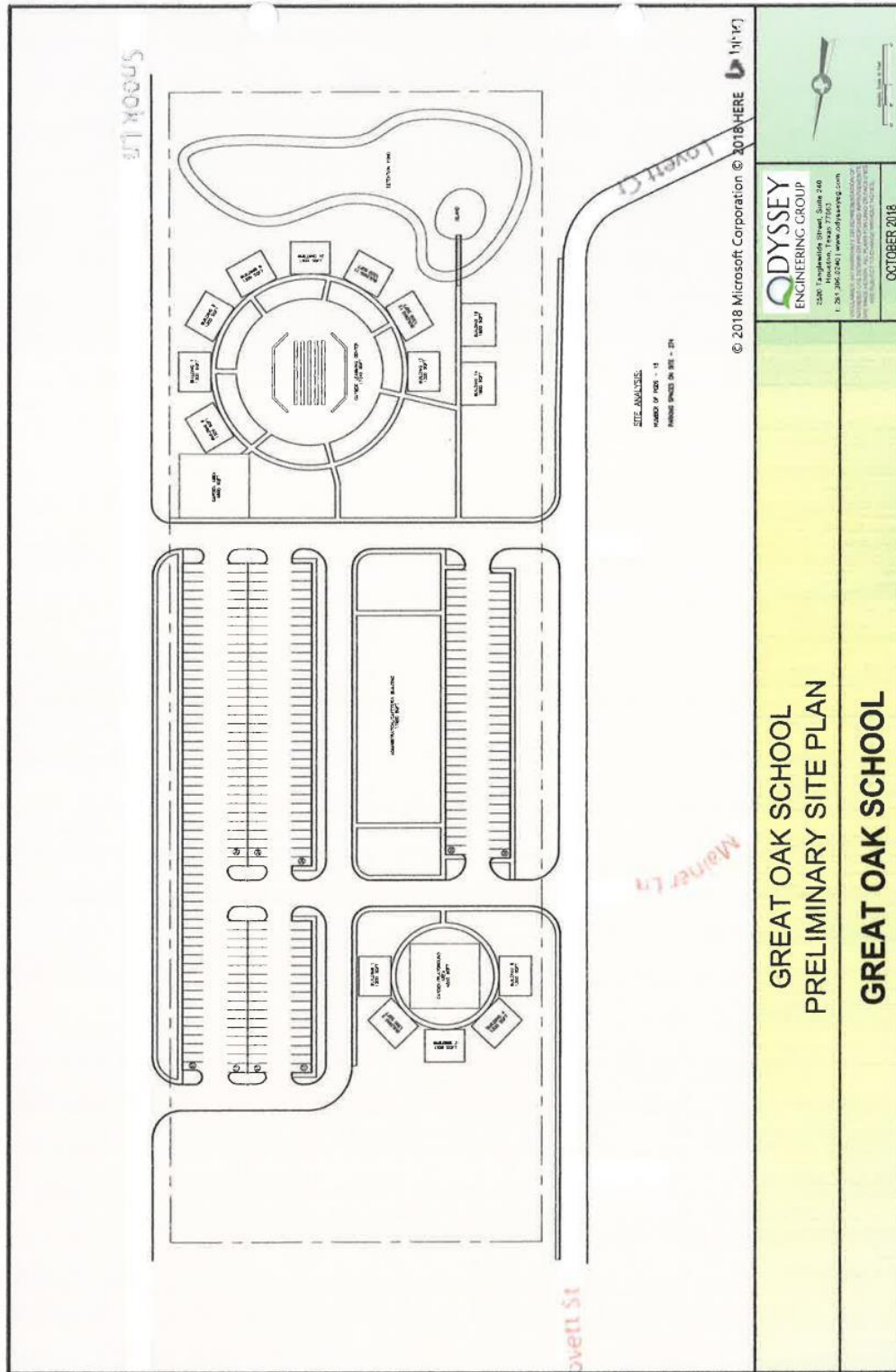
Thank you,

Dave Tegtmeier

Dad of Owen and Elliot

On Behalf of Great Oak School's Board of Trustees

715 CARRELL STREET • TOMBALL, TX 77375 • 281.516.7296 • GREATOAKSCHOOL.ORG

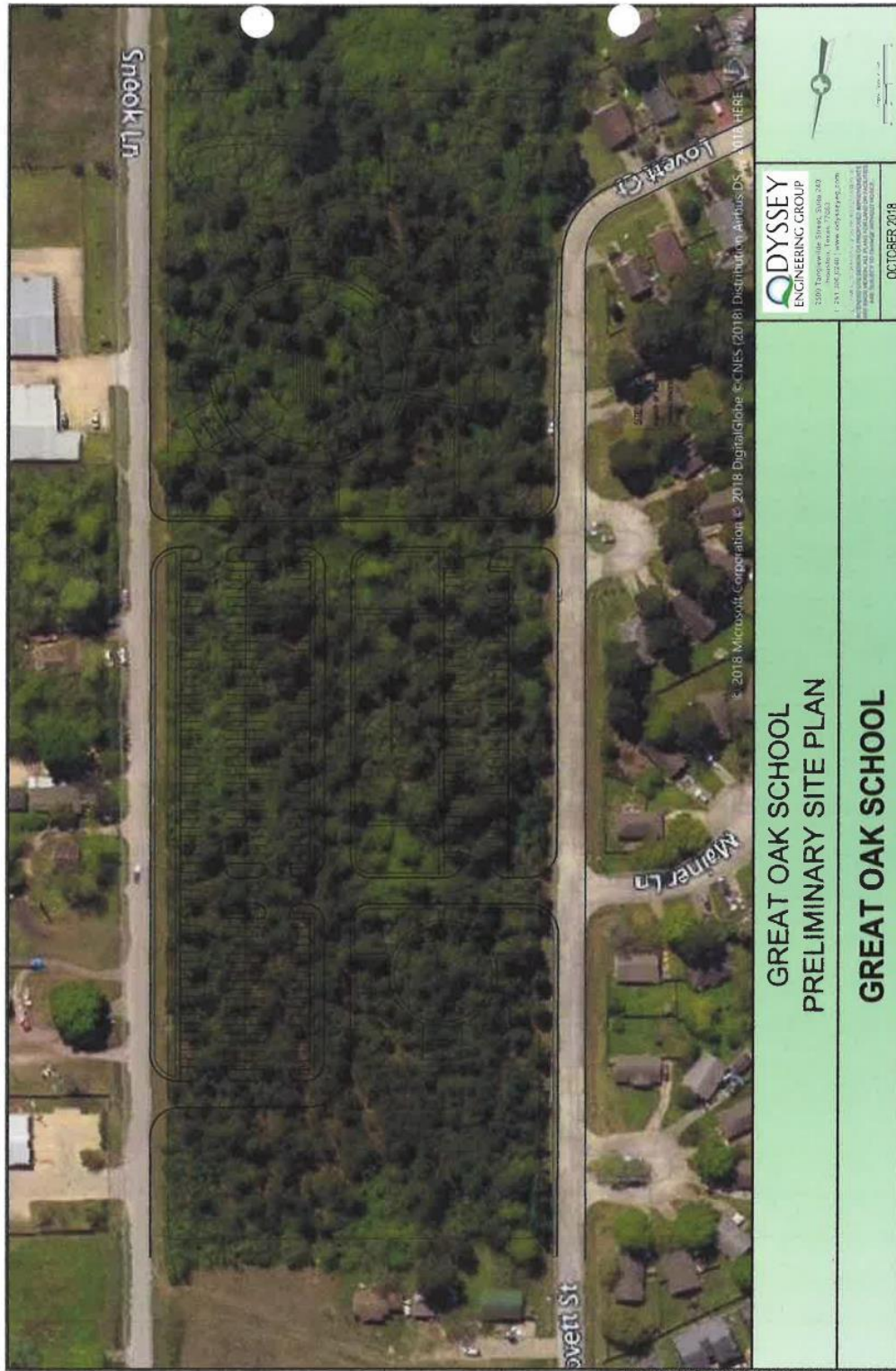


GREAT OAK SCHOOL **PRELIMINARY SITE PLAN** **GREAT OAK SCHOOL**

ODYSEY
 ENGINEERING GROUP
 13201 Tanglewood Street, Suite 240
 Houston, Texas 77040
 Phone: 281.296.1244 | www.odyseyeng.com

OCTOBER 2018





GREAT OAK SCHOOL PRELIMINARY SITE PLAN

GREAT OAK SCHOOL

QDYSEY
ENGINEERING GROUP

2309 Tinsleyville Street, Suite 240
Houston, Texas 77053
Tel: 281.240.8800
www.qdysey.com

THIS DOCUMENT IS THE PROPERTY OF QDYSEY ENGINEERING GROUP. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF QDYSEY ENGINEERING GROUP.

OCTOBER 2018



RWD
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20130037896
01/25/2013 ER \$40.00

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORD: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

RIGHT-OF-WAY AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

For and in consideration of Ten and No/100 Dollars (\$10.00) in hand paid, the receipt and sufficiency of which is hereby acknowledged, the undersigned WOODFOREST NATIONAL BANK (the "Grantor", whether one or more) does hereby GRANT, BARGAIN, SELL and CONVEY to TORTUGA OPERATING COMPANY, INC., its successors and assigns (the "Grantee"), the right, privilege, and unobstructed easement to lay, construct, reconstruct, replace, renew, operate, maintain, repair, change the size of, and remove one or more pipelines for the transportation of oil, petroleum, or any of its products, gas, water, and any other substances thereof, over, though, upon, under and across the right-of-way ranging from thirty (30') to fifty feet (50') in width, on lands of Grantor in the Harris County, Texas, as more particularly described in the metes and bounds attached as Exhibit "B" (the "Easement").

The Grantee shall have all of the rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted. It is further agreed as follows:

1. Grantor is the owner of the 10 acres described by metes and bounds in attached Exhibit "A" by and through the deed recorded at Clerk's File No. 2011-0253517 of the Real Property Records of Harris County, Texas.
2. Grantor and Grantee agree that this new right-of way agreement modifies and replaces the existing 1944 right-of-way agreement recorded at Volume 1352, page 638 of the Real Property Records of Harris County, Texas, only as to the ten (10) acres described by metes and bounds in the attached Exhibit "A" and that the existing 1944 right-of-way agreement remains in full force and effect as to the other properties effected by such agreement.
3. As a consequence of this modification, Grantee is releasing its right to use, occupy, or possess any portion of the ten (10) acres described by metes and bounds in the attached Exhibit "A" other than the Easement area described in attached Exhibit "B".
4. Grantor agrees that Grantee may abandon in place any pipelines located on the ten (10) acres described by metes and bounds in the attached Exhibit "A" and that it shall be the sole responsibility of the Grantor, its successors and assigns, to remove and dispose of such abandoned pipeline facilities.
5. It is further agreed that Grantor shall have the right to use and enjoy the surface of said Easement described herein, provided such use shall not interfere with the use by Grantee of the Easement for the purposes for which the Easement is granted. Grantor shall not

GF # 126010
06/Kojak
Stewart Title of Montgomery County

ER 040 - 66 - 1483

ER 040 - 66 - 1484

GRANTOR
WOODFOREST NATIONAL BANK 10R

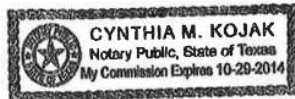
By *Michael H. Richmond*
Michael H. Richmond, Vice-Chairman

GRANTEE
TORTUGA OPERATING COMPANY, INC 1EE

By *Peter L. Turbett*
Peter L. Turbett, President

STATE OF TEXAS
COUNTY OF ~~HARRIS~~ *Montgomery*

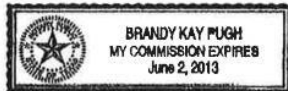
This instrument was acknowledged before me on this 24th January, 2013, by
Michael H. Richmond, Vice-Chairman of WOODFOREST NATIONAL BANK.



Cynthia M. Kojak
Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF HARRIS

This instrument was acknowledged before me on this 20th day of December, 2012, by
Peter L. Turbett, President of TORTUGA OPERATING COMPANY, INC.



Brandy Kay Pugh
Notary Public in and for the State of Texas

RETURN TO:
WOODFOREST NATIONAL BANK
P. O. Box 7889
The Woodlands, Texas 77387-7889

ER 040 - 66 - 1485

EXHIBIT A

METES AND BOUNDS

AUGUST 16, 2005

FIELD NOTES FOR A 10.0010 ACRE TRACT OF LAND, BEING THE SAME 10.0000 ACRE TRACT OF LAND DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NUMBER J148539, BEING OUT OF AND A PART OF OUTLOT 104, OUTLOT 103 AND OUTLOT 98 OF FIVE ACRE TRACTS TOM BALL TOWNSITE, RECORDED IN VOLUME 2, PAGE 65, MAP RECORDS, HARRIS COUNTY, TEXAS, AND OUT OF AND A PART OF A 15.01057 ACRE TRACT OF LAND DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NUMBER H288237, SITUATED IN THE RALPH HUBBARD SURVEY, ABSTRACT NUMBER 383, HARRIS COUNTY TEXAS. BEARINGS AND COORDINATES ARE REFERRED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, DEFINED IN THE TEXAS NATURAL RESOURCES CODE, SECTION 20.071, ET. SEQ. AND ARE BASED ON THE PUBLISHED POSITION (2001 Adj.) of NOAA/NGS STATION: COOPERATIVE CORS STATION WLA 1, TO CONVERT THE SURFACE DISTANCE TO GRID DISTANCE, MULTIPLY BY A COMBINATION SCALE FACTOR OF 0.999951143, SAID 3.6213 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMINGING: AT A CALLED AND FOUND 5/8 INCH IRON ROD HAVING COORDINATES OF $X = 3,042,811.469$ And $Y = 13,983,738.467$ IN THE WEST RIGHT OF WAY LINE OF SNOOK LANE, BASED ON 60' WIDTH, IN THE NORTH LINE OF THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 829, OF THE SAID COUNTY AND STATE AND THE SOUTH LINE OF THE SAID RALPH HUBBARD SURVEY, THE SOUTHEAST CORNER OF THE SAID 15.01057 ACRE TRACT OF LAND, THE SOUTHEAST CORNER OF A 3.6230 ACRES OF LAND DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NUMBER N468840, IN THE SOUTH LINE OF THE SAID OUTLOT 104 AND THE NORTHEAST CORNER OF A 0.04360 ACRES OF LAND DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NUMBER J153120, AND FROM SAID CORNER A FOUND 2 INCH IRON PIPE FOR THE SOUTHEAST CORNER OF THE SAID RALPH HUBBARD SURVEY AND AN L CORNER OF THE SAID JESSE PRUITT SURVEY BEARS NORTH $87^{\circ} 28' 00''$ EAST, A DISTANCE OF 69.00 FEET;

THENCE: SOUTH $87^{\circ} 28' 00''$ WEST, A DISTANCE OF 378.01 FEET, WITH THE SOUTH LINE OF THE SAID 15.01057 ACRE TRACT OF LAND, THE SOUTH LINE OF THE SAID OUTLOT 104, THE SOUTH LINE OF THE SAID 3.6230 ACRE TRACT OF LAND, THE NORTH LINE OF THE SAID 0.04360 ACRE TRACT OF LAND, THE NORTH LINE OF A 6.83 ACRE TRACT OF LAND, TRACT 5, DESCRIBED IN A DEED RECORDED IN VOLUME 3519 PAGE 548 OF THE DEED RECORDS OF THE SAID COUNTY AND STATE, THE NORTH LINE OF A 1.8778 ACRE TRACT OF LAND DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NUMBER M816193 AND THE COMMON LINE OF THE SAID SURVEYS, TO A CALLED AND FOUND 5/8 INCH IRON ROD IN THE EAST RIGHT OF WAY LINE OF 30 FOOT DEDICATED ROAD EASEMENT OF THE SAID SUBDIVISION, THE SOUTHWEST CORNER OF THE SAID OUTLOT 104 AND THE SOUTHWEST CORNER OF THE SAID 15.01057 ACRE TRACT OF LAND AND FROM SAID CORNER A FOUND 5/8 INCH IRON ROD BEARS NORTH $44^{\circ} 52' 21''$ WEST, A DISTANCE OF 0.11 FEET;

THENCE: NORTH $02^{\circ} 21' 45''$ WEST, A DISTANCE OF 420.18 FEET, WITH THE EAST LINE OF THE SAID 30 FOOT DEDICATED ROAD EASEMENT, THE WEST LINE OF SAID OUTLOT 104 AND THE WEST LINE OF THE SAID 15.01057 ACRE TRACT OF LAND TO A SET 3/4 INCH IRON ROD WITH A PLASTIC CAP FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, THE NORTHWEST CORNER OF THE SAID 3.6230 ACRE TRACT OF LAND, AND ALSO BEING THE PLACE OF BEGINNING AND FROM SAID CORNER A FOUND 1 INCH IRON PIPE BEARS NORTH $19^{\circ} 41' 33''$ WEST, A DISTANCE OF 0.47 FEET;

ER 040 - 66 - 1486

THENCE: NORTH 02° 21' 46" WEST, A DISTANCE OF 1164.82 FEET, CONTINUING WITH THE EAST LINE OF THE SAID 30 FOOT DEDICATED ROAD EASEMENT, THE WEST LINE OF SAID OUTLOT 98, THE WEST LINE OF SAID OUTLOT 103, THE WEST LINE OF SAID OUTLOT 104 AND THE WEST LINE OF THE SAID 15.01057 ACRE TRACT OF LAND, TO A CALLED AND FOUND 5/8 INCH IRON ROD FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE SOUTHWEST CORNER OF A 1.3997 ACRES OF LAND DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NUMBER 6487619;

THENCE: NORTH 87° 31' 57" EAST, A DISTANCE OF 372.95 FEET, WITH THE SOUTH LINE OF THE SAID 1.3997 ACRE TRACT OF LAND TO A SET 3/4 INCH IRON ROD WITH A PLASTIC CAP IN THE WEST RIGHT OF WAY LINE OF SAID SNOOK LANE, IN THE EAST LINE OF THE SAID 15.01057 ACRE TRACT OF LAND FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE SOUTHEAST CORNER OF THE SAID 1.3997 ACRE TRACT OF LAND;

THENCE: SOUTH 02° 28' 22" EAST, A DISTANCE OF 1164.58 FEET, WITH THE WEST RIGHT OF WAY LINE OF SAID SNOOK LANE AND THE EAST LINE OF THE SAID 15.01057 ACRE TRACT OF LAND TO A CALLED AND FOUND 5/8 INCH IRON ROD FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE NORTHEAST CORNER OF THE SAID 3.8230 ACRE TRACT OF LAND;

THENCE: SOUTH 87° 31' 39" WEST, A DISTANCE OF 375.19 FEET, WITH THE NORTH LINE OF THE SAID 3.8230 ACRE TRACT OF LAND TO THE PLACE OF BEGINNING AND CONTAINING 10.0010 ACRES OF LAND.

VOLUME 200768



EXHIBIT B

DESCRIPTION

30 FOOT AND 50 FOOT PIPELINE EASEMENT

OUT OF A 10.0010 ACRE TRACT OF LAND

RALPH HUBBARD SURVEY A-383,

HARRIS COUNTY, TEXAS

COMMENCING at the southwesterly corner of the said 10.0010 acre tract of land described under Harris County Film Code Number 20110253517, said corner being on the easterly R.O.W. line of Lovett Street and also being the southwesterly corner of the herein described 30 foot and 50 foot pipeline easements:

THENCE N. 02°21'45"W. a distance of 1164.62 feet along the easterly line of the said Lovett Street and westerly line of the said 30 foot pipeline easement to the northwesterly corner of the herein described tract;

THENCE N.87°31'57"E. a distance of 175 feet along the northerly line of the said 10.0010 acre tract of land and the said 50 foot pipeline easement to the most northerly northeast corner of the herein described tract;

THENCE S02°28'03"E., a distance of 50 feet along a easterly line of the said 50 feet pipeline easement to the most northerly southeast corner of the said 30 feet and 50 foot pipeline easements;

THENCE S. 87°31'57" W., a distance of 145.09 feet along the southerly line of the said 50 foot pipeline easement to an interior corner of the said 30 foot and 50 foot pipeline easements;

THENCE S.02°21'45"E., a distance of 1064.62 feet along the easterly line of the said 30 foot pipeline easement to an interior corner of the said 30 foot and 50 foot pipeline easements;

THENCE N.87°31'39"E., a distance of 144.90 feet along a northerly line of the said 50 feet pipeline easement to the most southerly northeast corner of the herein described tract;;

THENCE S.02°28'21"E., a distance of 50 feet along an easterly line of the said 50 foot pipeline easement to the most southerly southeast corner of the herein described tract;

THENCE S.87°31'39"E W., a distance of 175 feet along the southerly line of the said 10.0010 acre tract of land and the 50 foot pipeline easement to the POINT OF BEGINNING and containing 49,438 square feet of land.

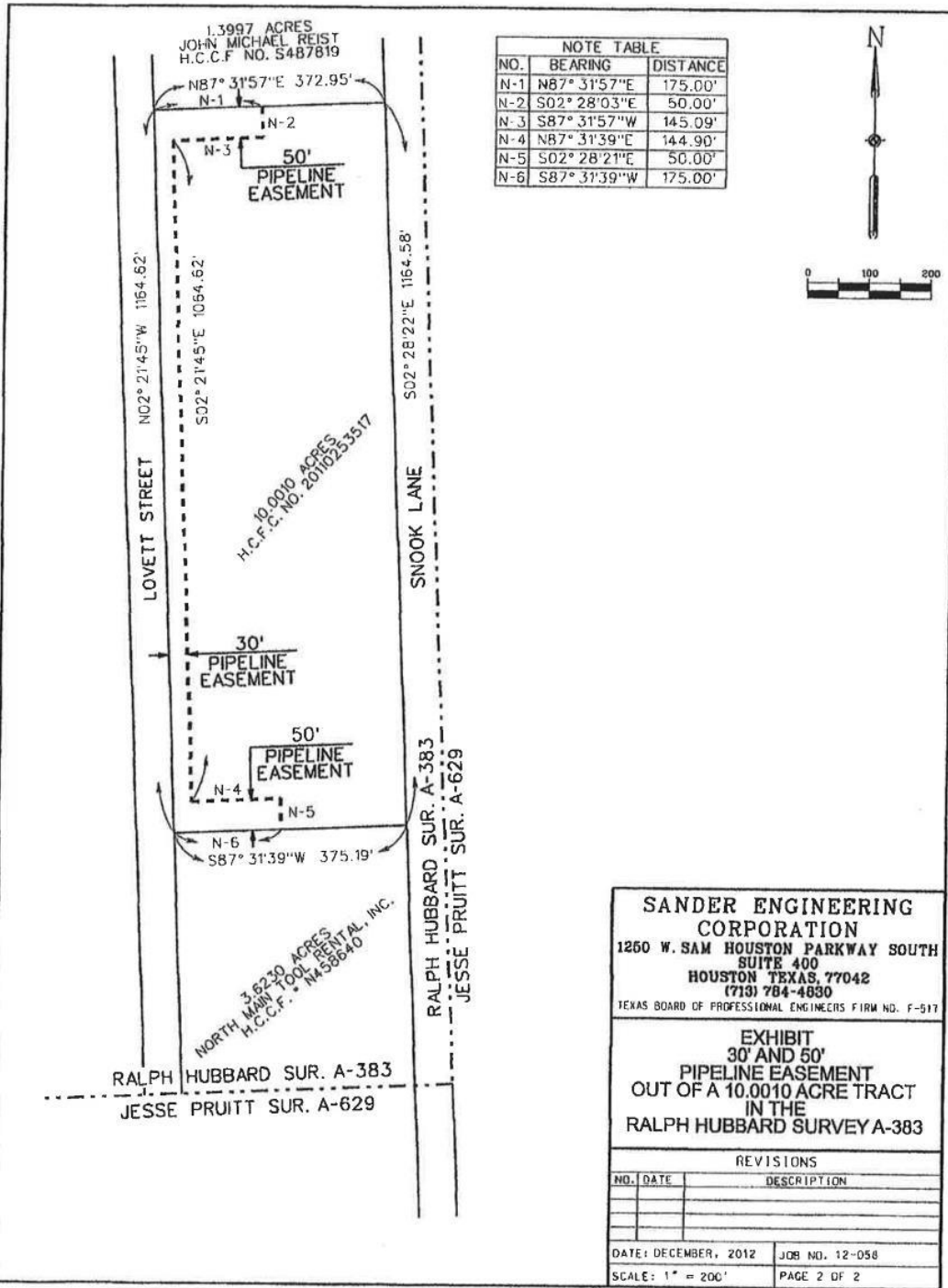
Page 1 of 2

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12/5/2012



ER 040 - 66 - 1490

20130037896
Pages 8
01/25/2013 15:18:48 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 40.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or
use of the described real property because of color or
race is invalid and unenforceable under federal law.

THE STATE OF TEXAS

COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

Regular Planning and Zoning Commission

Agenda Item

Data Sheet

Meeting Date: November 12, 2018

Topic:

Consideration to Approve **Zoning Case P18-167**: Request by Great Oak School for a Conditional Use Permit to operate a *School, other than public or denominational* on approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadruplexes, within the City of Tomball, Harris County, Texas. The property is generally located on the east side of Lovett Street, south of Carrell Street, and is zoned Office District.

- Conduct Public Hearing on **Zoning Case P18-167**

Background:

Origination:

Great Oak School

Recommendation:

Approval with Conditions

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

Planning Division

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

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification

P18-167 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 12, 2018
&
CITY COUNCIL
NOVEMBER 19, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 12, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 19, 2018, 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 P18-161: Request by Timothy Hertel, on behalf of DFLEX POWER, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3 acres of land legally described as Tract 253A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the west side of Pitchford Road at 902 Pitchford Road, from the Agricultural District to the Light Industrial District.

Zoning Case P18-166: Request by Great Oak School to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas, generally located on the east side of Lovett Street, south of Carrell Street, from the Planned Development 2 District to the Office District.

Zoning Case P18-167: Request by Great Oak School for a Conditional Use Permit to operate a *School, other than public or denominational* on approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas. The property is generally located on the east side of Lovett Street, south of Carrell Street, and is zoned Office District.

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

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City

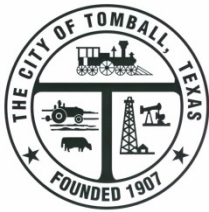
Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **November 2018** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Elizabeth Jones

Elizabeth Jones

Administrative Assistant

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.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: P18-167

APPLICANT/OWNER: Great Oak School

LOCATION: Generally located on the east side of Lovett Street, south of Carrell Street

PROPOSAL: Conditional Use Permit to operate a *School, other than public or denominational* on approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadruplexes, within the City of Tomball, Harris County, Texas, and is zoned Office District.

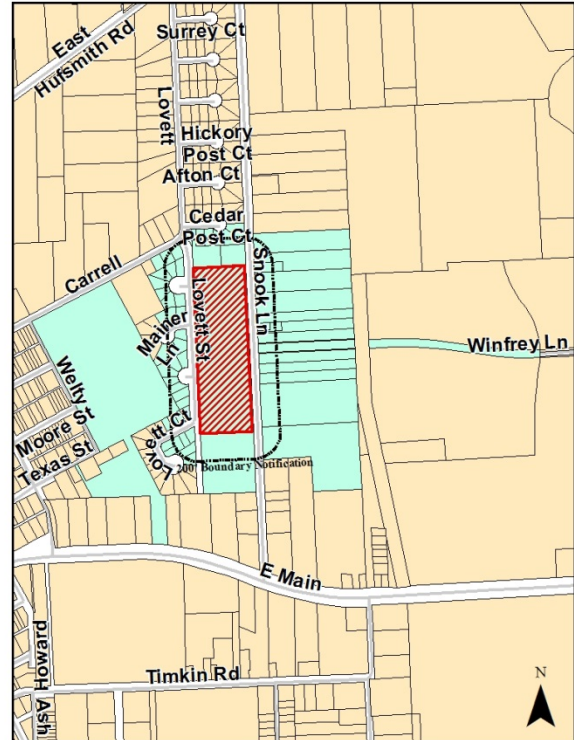
CONTACT: Amelia Lindley

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.

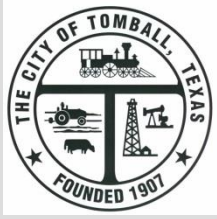


**Planning & Zoning Commission
Public Hearing:
Monday, November 12, 2018, 6:00 PM**

**City Council Public Hearing:
*Monday, November 19, 2018, 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.



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: November 12, 2018
City Council Public Hearing Date: November 19, 2018

Rezoning Case: P18-167
Property Owner(s): 23730 Lovett LLC
Applicant(s): Great Oak School
Legal Description: Lot 1 Block 1 Welling Owens Quadruplexes
Location: East side of Lovett Street, south of Carrell Street (Exhibit "A")
Area: 10 acres
Comp Plan Designation: High Density Residential (Exhibit "B")
Present Zoning and Use: Planned Development 2 (Exhibit "C") / Undeveloped property (Exhibit "D")
Proposed Use(s): Great Oak School
Request: Conditional Use Permit (CUP) to allow for the operation of a "school, other than public or denominational"

Adjacent Zoning & Land Uses:

North: Single-Family 9 and Commercial District / Single-family residence and undeveloped land
South: Commercial District / Office/warehouse lease spaces
West: Single-Family 9 and Single-Family 6 District / Single-family residences
East: Commercial District / Snook Lane, multiple non-residential uses, undeveloped land

BACKGROUND

City Staff first met with the applicant in March 2018 to discuss the development of a *school, other than public or denominational*. After multiple discussions, the applicant submitted a Rezoning Application requesting a rezoning to the Office District, as well as a Conditional Use Permit Application for the proposed use.

According to Section 50-2 (Definitions), a *school, other than public or denominational* "means a school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools".

Great Oak School has operated in Tomball for approximately 10 years at The Episcopal Church of the Good Shepherd; however, the school is not affiliated with the church. Great Oak School is looking to purchase property in Tomball for the construction of a new school facility.

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 identifies the subject site as High Density Residential. The High Density Residential category includes various housing products such as patio homes, townhomes, duplexes and apartments, among others. This category “may also include such supporting land uses as neighborhood shops and services, parks and recreational amenities, religious institutions, and schools”. At first glance, it may appear the proposed use does not meet the Future Land Use Map classification, however, schools are included in the High Density Residential designation and therefore, the proposed use meets the intent of the Comprehensive Plan.

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

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

According to Section 50-75 (Office District), the purpose of the Office District is to provide “a transition district between residential uses and more intense uses”. Uses in the Office District “shall not include uses that create excessive amounts of traffic, noise, trash or late-night business operations”. Any traffic generated by a development in the Office District “shall not be encouraged to travel through residential areas”. A school typically does not generate excessive noise or late-night operations. Traffic impacts can be addressed by adding a condition of approval to the CUP ordinance. It appears the proposed use is consistent with the purpose and intent of the Office District regulations.

- 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. It appears the proposed use will meet all supplemental standards.

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

The proposed use appears to be compatible with the adjacent developments. Properties in the immediate area on Snook Lane are office/warehouse, storage, services and parts shop, and undeveloped. Properties on Lovett Street are residential; however, it is not uncommon for schools to be located in close proximity to residences. Chapter 50 (Zoning) outlines enhanced requirements for nonresidential uses that abut residential zoning districts. These include increased setbacks for buildings, landscape buffers and opaque screening.

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 October 26, 2018. A sign was placed on the property and Notice of Public Hearing was published in the paper on October 31, 2018. 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 P18-167 for the following reasons:

1. The proposed use is appropriate for the location and surrounding uses;
2. The proposed use meets the intent of the Office Zoning District and would create a transition district between Commercial on Snook Lane and Single-Family 6 and Single-Family 9 on Lovett Street;
3. The proposed use meets the goals of the Comprehensive Plan.

City Staff also recommends the following conditions:

1. The site shall be developed and operated in substantial compliance with the concept plan (Exhibit "F");
2. The development shall limit driveway entrances/exits on Lovett Street to no more than two and shall design the development so the main entrance to the school is accessed from Snook Lane;
3. A 15 foot landscape buffer shall be installed and maintained on the development adjacent to Lovett Street.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

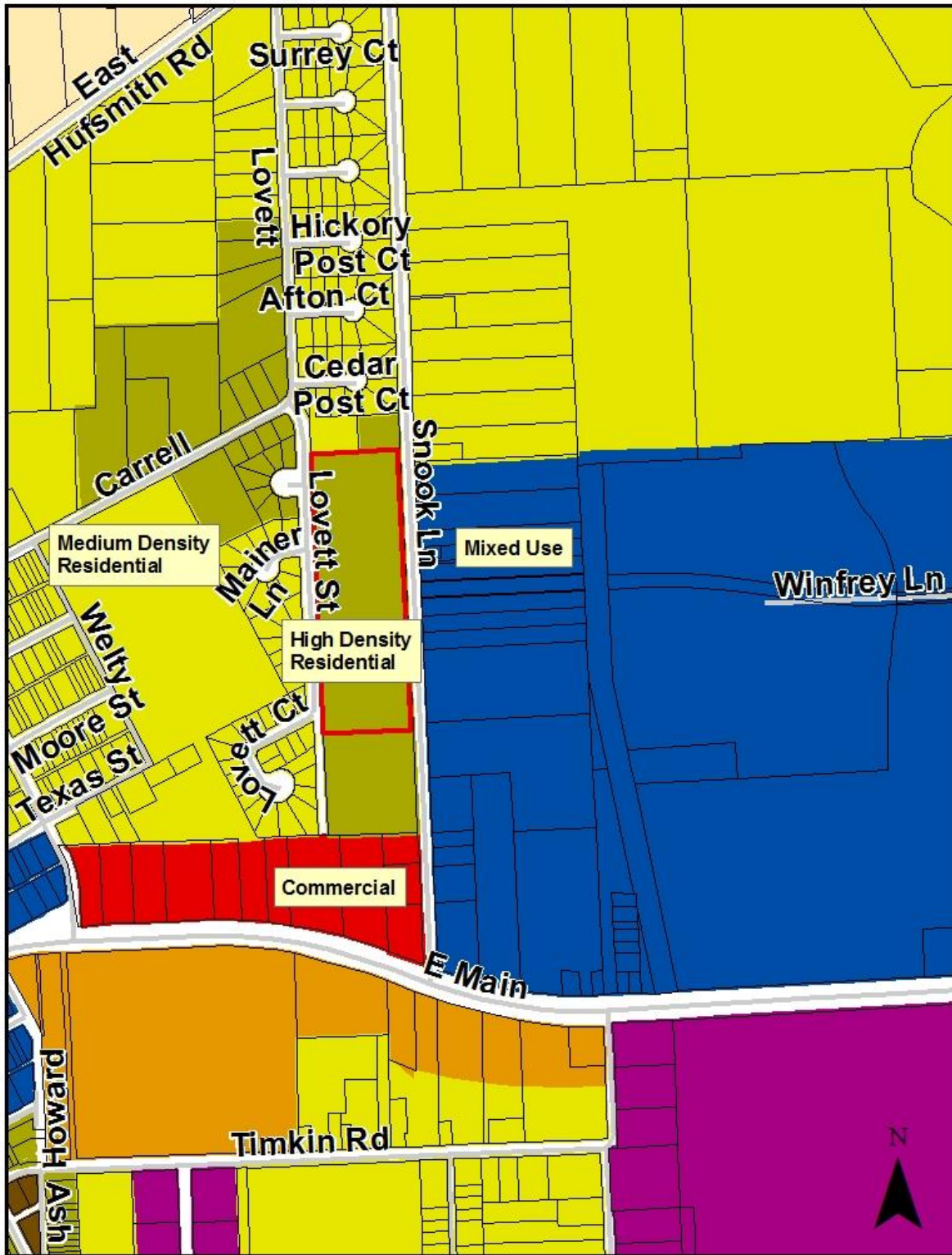
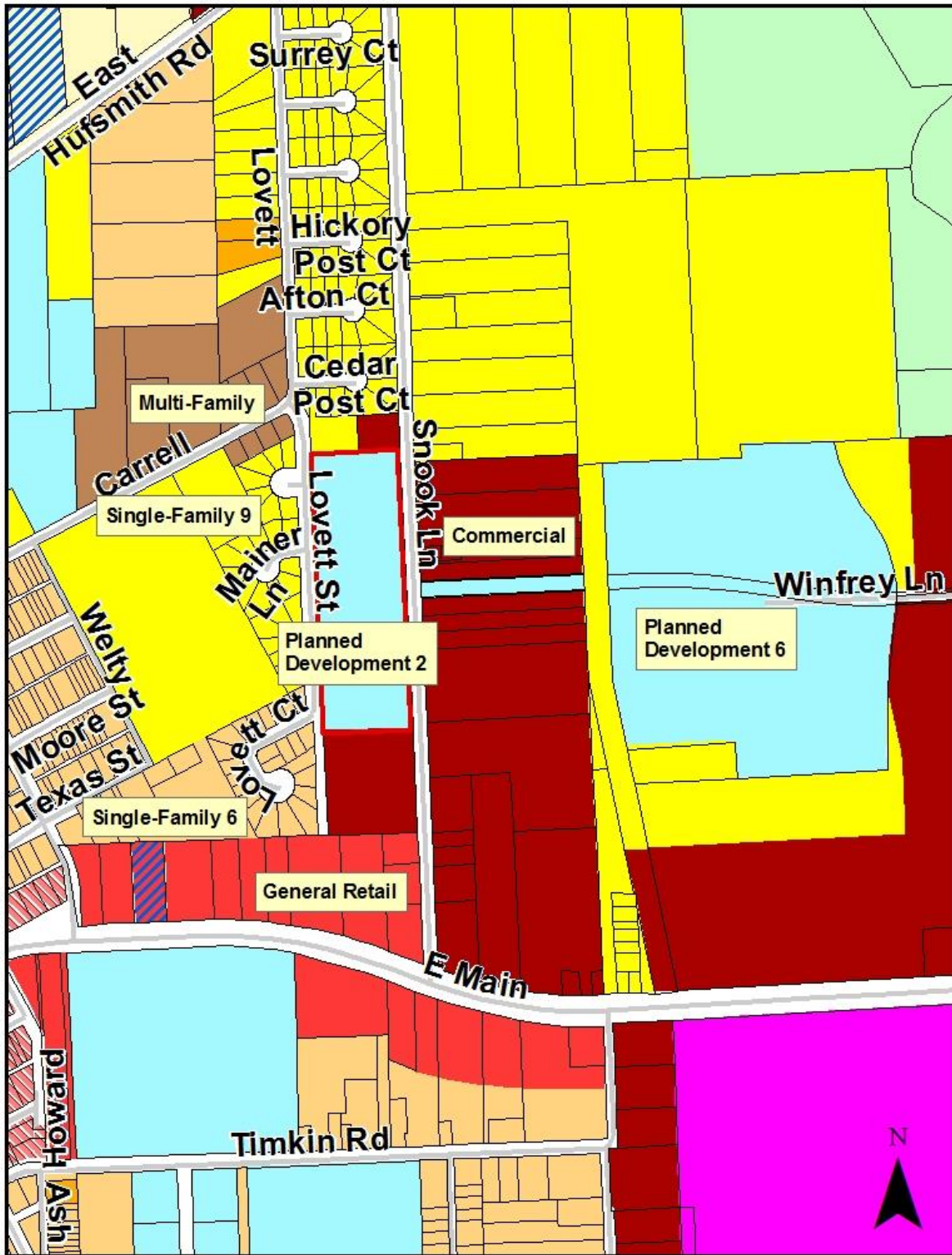


Exhibit "C"
Zoning Map

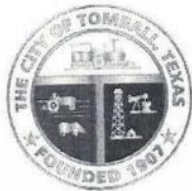


**Exhibit “D”
Site Photo**



Exhibit "E"
CUP Application

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: GREAT OAK SCHOOL Title: _____
Mailing Address: 715 CARRELL ST. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 516-7296 Fax: () _____ Email: ZUZANA@GREAT OAK SCHOOL.ORG

Owner

Name: 23730 LOVETT LLC Title: _____
Mailing Address: 888 AVENUE D, STE. B City: KATY State: TX
Zip: 77493
Phone: (281) 391-7365 Fax: (713) 355 4809 Email: SGHVNT@HFPLLC.NET

Engineer/Surveyor (if applicable)

Name: ODYSSEY ENGINEERING GROUP Title: _____
Mailing Address: 2500 TANGLEWILDE ST City: HOUSTON State: TX
Zip: 77063 # 480
Phone: (281) 306-0240 Fax: () _____ Email: MGILBERT@ODYSSEYEG.COM
X109

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

www.tomballtx.gov

Description of Proposed Project: PRIVATE SCHOOL CAMPUS
Physical Location of Property: 23730 LOVETT ST, TOMBALL, TX 77375
[General Location - approximate distance to nearest existing street corner]
Legal Description of Property: OUTLOT 104, 103 & 98, ALSO 15.01057 ABSTRACT 383
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: 3148539 Acreage: 10
Current Use of Property: NOT USED - WOODED
Proposed Use of Property: PRIVATE SCHOOL

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 [Signature] 10-9-18
Signature of Applicant Date
X By: Stephen Hunt, manager 10/10/18
Signature of Owner Date



Great Oak School is a private, not for profit Waldorf school. We are the largest Waldorf school in Houston, second largest in Texas. Currently we serve 100 students from preschool through seventh grade, with plans to add eighth grade in 2019-2020. We have 70 families, out of which 15 live in Tomball and more keep moving to Tomball to be closer to the school.



Waldorf education is an educational philosophy founded in Germany in 1919 that focuses on the whole child through a rigorous and developmentally appropriate curriculum. Our students learn by doing and experiencing the world. Beginning in preschool children garden, chop vegetables, knead bread, make soup and play. We teach German, Spanish, knitting and the pentatonic flute in first grade. In third grade kids begin learning a string instrument. Our education style produces confident, caring and creative kids.

Great Oak School has been leasing space from the Episcopal Church of the Good Shepherd at 715 Carrell Street for the last ten years. We love our location in Tomball but are outgrowing our current space. Our kindergartens are full, our pre-school has a waiting list and the church is out of classrooms. We decided to purchase the Lovett property to ensure our school has room to grow, just like our kids.



The Lovett property is an ideal setting for our future campus. As at our current location, we love the beauty of the property with trees and greenery. Modeled after the Austin Waldorf School, our plan for the new campus is to integrate the buildings among the trees and keep the campus aesthetically pleasing and engaging. Large playgrounds, gardens and many trees provide an engaging aesthetic that naturally calms children and prepares them to learn.

Great Oak School requests the Lovett property be rezoned from planned development district to office district with conditional use permit to accommodate our future growth. We're excited about the new property and we're excited about our future in Tomball.

Thank you,

Dave Tegtmeier

Dad of Owen and Elliot

On Behalf of Great Oak School's Board of Trustees

715 CARRELL STREET • TOMBALL, TX 77375 • 281.516.7296 • GREATOAKSCHOOL.ORG

Figure "F"
Concept Plan

