

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



MONDAY, OCTOBER 12, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, October 12, 2015 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 September 14, 2015.

5.0 New Business:

- 5.1 Consideration to approve preliminary plat **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 17 WATER PLANT NO. 1**: Being a subdivision of 2.3629 acres of land in the C. Goodrich Survey, Abstract No. 305, Harris County, Texas.
- 5.2 Consideration to approve preliminary plat **CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY SOUTH CAMPUS**: Being a subdivision of 20.8633 acres out of the Jesse Pruitt Survey, A-629, in Harris County, Texas.
- 5.3 Consideration to approve **ZONING CASE P15-107**: Request by Ron Proctor, Jr., on behalf of Rock Materials, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7 acres of land, legally described as a tract of land containing seven (7) acres, out of the C.N. Pillot Survey, A-632, in the Country of Harris and State of Texas; and being out of that certain 16.34 acres conveyed to J.W. Fowler by Deed Recorded in Vol. 1042, Page 608 Deed records of said county, within the City of Tomball, Harris County, Texas, generally located on the south side of Theis Ln., west of Commercial Park Rd., from the Agricultural District to the Light Industrial District.
- Conduct Public Hearing on **ZONING CASE P15-107**
- 5.4 Consideration to approve **ZONING CASE P15-108**: Request by Bill Hightower, on behalf of Hightower Investments, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072 acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas, generally located at the northwest corner of Cherry Street and Theis Ln., from the Agricultural District to the Commercial District.
- Conduct Public Hearing on **ZONING CASE P15-108**

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 October 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding 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

Meeting Date: October 12, 2015

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 12, 2015

Data Sheet

Topic:

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 12, 2015

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of September 14, 2015.

Background:

Origination:

Recommendation:

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes 8/14/2015

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

MONDAY, SEPTEMBER 14, 2015



6:00 P.M.

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

Commissioner Evelyn Torres
Commissioner Darrell Roquemore
Commissioner Richard Anderson
Commissioner Harry Byrd

Others present:

Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner – Harold Ellis
Assistant City Planner – Amelia Vasquez
Community Development Coordinator – Kim Chandler
City Attorney – Kim Mickelson

- 2.0 No Public Comments were received.
- 3.0 Harold Ellis, City Planner, announced the following:

Assistant City Planner, Amelia Vasquez, got married.
All Commissioners were signed up as members to the American Planning Association.
Staff bought all Commissioners a book titled “Citizen’s Guide to Zoning”.
The façade ordinance was passed by City Council on second reading.

Craig Meyers, Community Development Director, announced the following:

Kim Chandler is the new Community Development Coordinator.
The Community Development Department was awarded the Planning Excellence Award by the American Planning Association Texas Chapter.

- 4.0 Motion was made by Commissioner Byrd, second by Commissioner Torres to approve the Minutes of the Regular Planning and Zoning Commission Meeting of August 10, 2015.

draft

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve **REPLAT OF THE RESERVE AT SPRING LAKE SECTION TWO**: 41.26 Acres Being a Replat of Section Two Reserve at Spring Lake, Section Two, Recorded Under Filmcode 675047 M.R. H.C.T. Located in the Joseph Miller League, A-50 W.H. Clemens Survey, A-1641 Harris County, Texas, City of Tomball, Texas.

Lori Lakatos, City Engineer, presented recommendation.

Motion was made by Commissioner Torres, second by Commissioner Anderson, to approve **REPLAT OF THE RESERVE AT SPRING LAKE SECTION TWO**, with contingencies.

Motion carried unanimously.

- 5.2 Consideration to approve **BETHEL HEIGHTS**: Being a Replat of Hunterwood Estates, a Subdivision of 26.7141 Acres of Land Situated in the Joseph House Survey, Abstract Number 34, of Harris County, Texas, and Abstract Number 20, of Montgomery County, Texas, Being a Replat of Hunterwood Estates, a Subdivision According to the Map or Plat Thereof Recorded in Film Code Number 603231, of the Map Records of Harris County, Texas, and Recorded in Cabinet Z, Sheet 580, of the Map Records of Montgomery County, Texas, Being the Same Land as Described in Deed Recorded Under Clerk's File Number 20130603237, of the Real Property Records of Harris County, Texas.

Lori Lakatos, City Engineer, presented recommendation.

Motion was made by Commissioner Roquemore, second by Commissioner Byrd, to approve **BETHEL HEIGHTS**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to approve **ZONING CASE P15-094**: Request by the City of Tomball to amend Chapter 50-82 (b) ("Use Charts") of the City's Zoning Ordinance to allow a "Museum" with a Conditional Use Permit in the Agricultural, Single-Family Estate Residential-20, Single-Family Residential-9, Single-Family Residential-6, Duplex, Multi-Family, and Manufactured Home Park Districts.

Harold Ellis, City Planner, presented the case and recommendation.

The Public Hearing was opened by Chair Tague at 6:11 p.m.

Hearing no comments, the Public Hearing was closed at 6:11 p.m.

Motion was made by Commissioner Byrd, second by Commissioner Torres, to approve **ZONING CASE P15-094**. Vote was as follows:

Chair Tague	<u>Aye</u>
Commissioner Torres	<u>Nay</u>
Commissioner Roquemore	<u>Aye</u>
Commissioner Anderson	<u>Aye</u>
Commissioner Byrd	<u>Aye</u>

Motion carried unanimously; 4 votes Aye, 1 vote Nay.

5.4 Commission Training was conducted by Kimberley Mickelson, AICP, Olson and Olson, LLP.

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

Motion carried unanimously.

The meeting was adjourned at 8:15 p.m.

PASSED AND APPROVED this _____ day of _____ 2015.

Amelia Vasquez
Commission Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 12, 2015

Data Sheet

Topic:

Consideration to approve preliminary plat **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 17**
WATER PLANT NO. 1: Being a subdivision of 2.3629 acres of land in the C. Goodrich Survey, Abstract
No. 305, Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

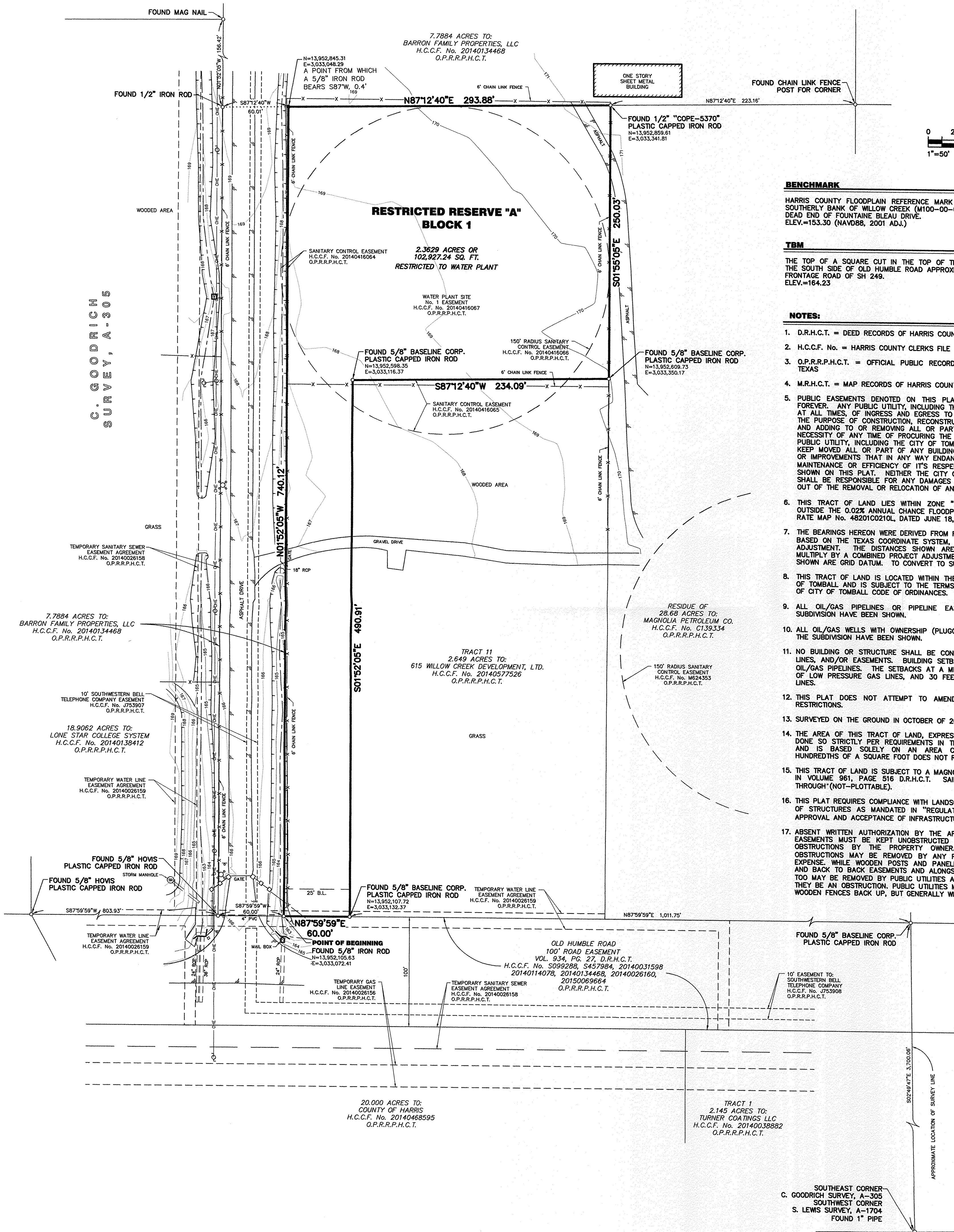
Party(ies) responsible for placing this item on agenda:

Community Development Department

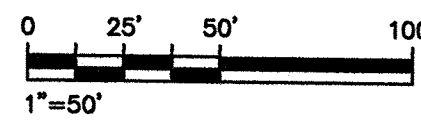
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Harris County Improvement District No. 17, Water Plant No. 1



- LEGEND**
- CHAIN LINK FENCE
 - OVERHEAD POWER LINE
 - EDGE OF ASPHALT
 - DITCH TOP
 - POWER POLE
 - TELEPHONE JUNCTION BOX
 - AREA LIGHT
 - SIGN



BENCHMARK

HARRIS COUNTY FLOODPLAIN REFERENCE MARK No. 120070 - AN ALUMINUM ROD ON THE SOUTHERLY BANK OF WILLOW CREEK (M100-00-00), APPROXIMATELY 650 FEET NORTH OF THE DEAD END OF FOUNTAINE BLEAU DRIVE. ELEV.=153.30 (NAVD83, 2001 ADJ.)

TBM

THE TOP OF A SQUARE CUT IN THE TOP OF THE WEST END OF A CONCRETE HEADWALL ON THE SOUTH SIDE OF OLD HUMBLE ROAD APPROXIMATELY 550 FEET WEST OF THE SOUTHBOUND FRONTAGE ROAD OF SH 249. ELEV.=164.23

NOTES:

- D.R.H.C.T. = DEED RECORDS OF HARRIS COUNTY, TEXAS
- H.C.C.F. No. = HARRIS COUNTY CLERKS FILE NUMBER
- O.P.R.R.P.H.C.T. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS
- M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY, TEXAS
- 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 UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
- THIS TRACT OF LAND LIES WITHIN ZONE "X" (UNSHADED). AREAS DETERMINED TO BE OUTSIDE THE 0.02% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FEMA FLOOD INSURANCE RATE MAP No. 48201C0210L, DATED JUNE 18, 2007.
- THE BEARINGS HEREON WERE DERIVED FROM REDUNDANT RTK GPS OBSERVATIONS AND ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204) NAD 83 CORNER ADJUSTMENT. THE DISTANCES SHOWN ARE SURFACE DATUM. TO CONVERT TO GRID MULTIPLY BY A COMBINED PROJECT ADJUSTMENT FACTOR OF 0.9999412773. COORDINATES SHOWN ARE GRID DATUM. TO CONVERT TO SURFACE DIVIDE BY 0.9999412773.
- THIS TRACT OF LAND IS LOCATED WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF TOMBALL AND IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS AND STIPULATIONS OF CITY OF TOMBALL CODE OF ORDINANCES.
- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- SURVEYED ON THE GROUND IN OCTOBER OF 2014, AND IN SEPTEMBER OF 2015.
- THE AREA OF THIS TRACT OF LAND, EXPRESSED IN HUNDREDTHS OF A SQUARE FOOT IS DONE SO STRICTLY PER REQUIREMENTS IN THE CITY OF TOMBALL CODE OF ORDINANCES AND IS BASED SOLELY ON AN AREA CALCULATION. THE AREA EXPRESSED IN HUNDREDTHS OF A SQUARE FOOT DOES NOT REPRESENT THE PRECISION OF THIS SURVEY.
- THIS TRACT OF LAND IS SUBJECT TO A MAGNOLIA PIPELINE COMPANY EASEMENT RECORDED IN VOLUME 961, PAGE 516 D.R.H.C.T. SAID EASEMENT IS DESCRIBED AS "OVER AND THROUGH"(NOT-PLOTTABLE).
- THIS PLAT REQUIRES COMPLIANCE WITH LANDSCAPING REQUIREMENTS PRIOR TO OCCUPANCY OF STRUCTURES AS MANDATED IN "REGULATIONS OF HARRIS COUNTY, TEXAS FOR THE APPROVAL AND ACCEPTANCE OF INFRASTRUCTURE."
- ABSENT WRITTEN AUTHORIZATION BY THE AFFECTED UTILITIES, ALL UTILITY AND AERIAL EASEMENTS MUST BE KEPT UNOBSTRUCTED FROM ANY NON-UTILITY IMPROVEMENTS OR OBSTRUCTIONS BY THE PROPERTY OWNER. ANY UNAUTHORIZED IMPROVEMENTS OR OBSTRUCTIONS MAY BE REMOVED BY ANY PUBLIC UTILITY AT THE PROPERTY OWNER'S EXPENSE. WHILE WOODEN POSTS AND paneled WOODEN FENCES ALONG THE PERMITTER AND BACK TO BACK EASEMENTS AND ALONGSIDE REAR LOTS LINES ARE PERMITTED, THEY TOO MAY BE REMOVED BY PUBLIC UTILITIES AT THE PROPERTY OWNER'S EXPENSE SHOULD THEY BE AN OBSTRUCTION. PUBLIC UTILITIES MAY PUT SAID WOODEN POSTS AND paneled WOODEN FENCES BACK UP, BUT GENERALLY WILL NOT REPLACE WITH NEW FENCING.

METES & BOUNDS DESCRIPTION

BEING 2.3629 ACRES OF LAND SITUATED IN THE C. GOODRICH SURVEY, ABSTRACT No. 305 IN HARRIS COUNTY, TEXAS, AND BEING A PART OF THAT CERTAIN 5.0098 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO MERENCO REALTY, INC. RECORDED IN HARRIS COUNTY CLERKS FILE No. 2484126, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, SAID 2.3629 ACRE TRACT OF LAND IS DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID 5.0098 ACRE TRACT, BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF THAT CERTAIN 7.7884 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO BARRON FAMILY PROPERTIES, LLC RECORDED IN HARRIS COUNTY CLERKS FILE No. 20140134468, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, SAID ROD IS LYING ON THE NORTH LINE OF A 100-FOOT WIDE ROADWAY EASEMENT RECORDED IN HARRIS COUNTY CLERKS FILE No. 20140031598 AND 20140026160, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS;

THENCE, NORTH 01 DEGREES 52 MINUTES 05 SECONDS WEST, ALONG THE WEST LINE OF SAID 5.0098 ACRE TRACT AND ALONG AN EAST LINE OF SAID 7.7884 ACRE TRACT, 740.12 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID 5.0098 ACRE TRACT AND A RE-ENTRANT CORNER OF SAID 7.7884 ACRE TRACT, FROM SAID POINT A FOUND 5/8 INCH IRON ROD BEARS SOUTH 87 DEGREES WEST, 0.4 FEET;

THENCE, NORTH 87 DEGREES 12 MINUTES 40 SECONDS EAST, ALONG THE NORTH LINE OF SAID 5.0098 ACRE TRACT AND A SOUTH LINE OF SAID 7.7884 ACRE TRACT, 293.88 FEET TO A 1/2 INCH IRON ROD WITH A "COPE-5370" PLASTIC CAP FOUND FOR THE NORTHEAST CORNER OF SAID 5.0098 ACRE TRACT, FROM SAID ROD A CHAIN-LINK FENCE CORNER FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID 7.7884 ACRE TRACT BEARS NORTH 87 DEGREES 12 MINUTES 40 SECOND EAST, 223.16 FEET;

THENCE, SOUTH 01 DEGREES 55 MINUTES 05 SECONDS EAST, ALONG THE EAST LINE OF SAID 5.0098 ACRE TRACT, 250.03 FEET TO SET 5/8 INCH IRON ROD WITH A "BASELINE CORP." PLASTIC CAP;

THENCE, SOUTH 87 DEGREES 12 MINUTES 40 SECONDS WEST, 234.09 FEET TO A SET 5/8 INCH IRON ROD WITH A "BASELINE CORP." PLASTIC CAP;

THENCE, SOUTH 01 DEGREES 52 MINUTES 05 SECONDS EAST, 490.91 FEET TO A 5/8 INCH IRON ROD WITH A "BASELINE CORP." PLASTIC CAP SET ON THE SOUTH LINE OF SAID 5.0098 ACRE TRACT AND THE NORTH LINE OF THE BEFORE MENTIONED ROADWAY EASEMENT;

THENCE, SOUTH 87 DEGREES 59 MINUTES 59 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 5.0098 ACRE TRACT AND THE NORTH LINE OF SAID ROADWAY EASEMENT, 60.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.3629 ACRES OF LAND.

STATE OF TEXAS
COUNTY OF HARRIS

WE, MERENCO REALTY, INC., ACTING BY AND THROUGH JOE C. BULLARD, ITS PRESIDENT AND BEING OFFICERS OF MERENCO REALTY, INC., HERINAFTER REFERRED TO AS OWNERS OF THE 2.3629 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF HARRIS COUNTY IMPROVEMENT DISTRICT No. 17 WATER PLANT No. 1, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS 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.

IN TESTIMONY WHEREOF, MERENCO REALTY, INC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOE C. BULLARD, ITS PRESIDENT, THEREUNTO AUTHORIZED, ATTESTED BY ITS HEREUNTO AFFIXED THIS _____ DAY OF _____, 20____.

BY: MERENCO REALTY, INC.

JOE C. BULLARD
PRESIDENT

ATTEST: PRINT NAME: _____
TITLE: _____

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOE C. BULLARD AND 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 AND AS THE ACT AND DEED OF SAID CORPORATION.

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

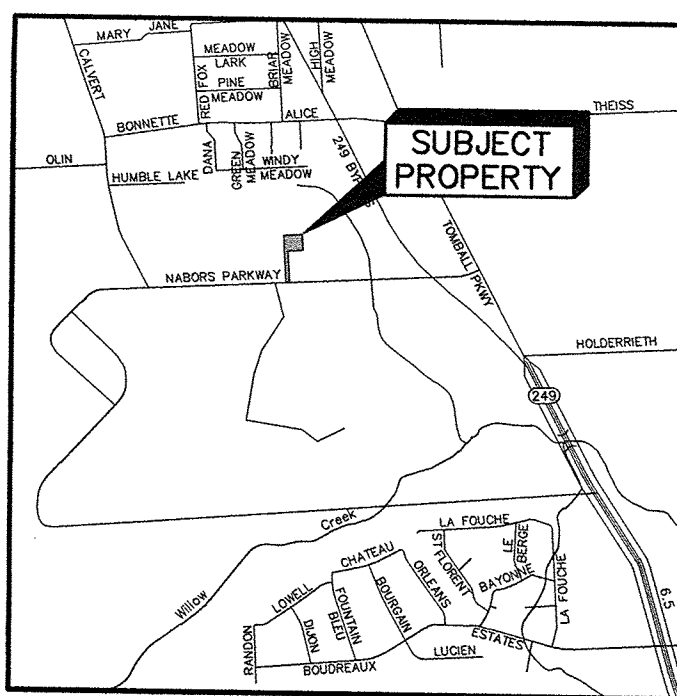
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

STATE OF TEXAS
COUNTY OF HARRIS

I, MICHAEL F. CARRINGTON, 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, UNLESS OTHERWISE SHOWN HEREON, ALL BOUNDARY CORNERS, ANGLE POINTS, POINT OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR 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.

MICHAEL F. CARRINGTON
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION No. 5368



VICINITY MAP
1"=3,000'
KEY MAP: 288P

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT OF HARRIS COUNTY IMPROVEMENT DISTRICT No. 17 WATER PLANT No. 1 IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 20____.

BY: _____
BARBARA TAGUE
CHAIRMAN

BY: _____
DARRELL ROQUEMORE
VICE CHAIRMAN

WE, THE CITY MANAGER AND THE CITY ENGINEER FOR THE CITY OF TOMBALL, DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE CITY OF TOMBALL ORDINANCE.

GEORGE SHACKELFORD
CITY MANAGER

LORI LAKATOS, P.E.
CITY ENGINEER

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 20____.

BY: _____
GRETCHEN FAGAN
MAYOR

BY: _____
DORIS SPEER
CITY SECRETARY

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY AND EX OFFICIO CLERK OF THE HARRIS COUNTY COMMISSIONERS' COURT, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS APPROVED AT A LEGALLY CONVENED MEETING OF THE HARRIS COUNTY COMMISSIONERS' COURT HELD ON _____, 20____ BY AN ORDER ENTERED INTO THE MINUTES OF THE COURT.

STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

STATE OF TEXAS
COUNTY OF HARRIS

I, STAN STANART, CLERK OF THE COUNTY OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE AND AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 20____, AT _____ O'CLOCK _____ M., AND DULY RECORDED ON _____, 20____, AT _____ O'CLOCK _____ M., AND IN FILM CODE NUMBER _____, OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

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

BY: _____
STAN STANART
CLERK OF THE COUNTY COURT
HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

PRELIMINARY PLAT OF:

HARRIS COUNTY IMPROVEMENT DISTRICT No. 17 WATER PLANT No. 1

BEING A SUBDIVISION OF 2.3629 ACRES OF LAND IN THE C. GOODRICH SURVEY, ABSTRACT No. 305, HARRIS COUNTY, TEXAS

CONTAINING: 1 BLOCK

1 RESTRICTED RESERVE

LAND SURVEYOR

BASELINE
BASELINE CORPORATION
Professional Surveyors
BASELINE CORPORATION
1750 SEAMIST DRIVE, SUITE 160
HOUSTON, TEXAS 77008
PH: 713-889-0155
TBPLS FIRM No. 10030200

OWNER/DEVELOPER

MERENCO REALTY, INC.
520 POST OAK BLVD., SUITE 457
HOUSTON, TEXAS 77027
PH: 832-559-0707

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 12, 2015

Data Sheet

Topic:

Consideration to approve preliminary plat **CONCORDIA LUTHERAN HIGH SCHOOL OF NORTH HARRIS COUNTY SOUTH CAMPUS**: Being a subdivision of 20.8633 acres out of the Jesse Pruitt Survey, A-629, in Harris County, Texas.

Background:

Origination:

Recommendation:

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Concordia Lutheran High School

JOB No. W5863-0002 DWG. No. 3769

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 12, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P15-107**: Request by Ron Proctor, Jr., on behalf of Rock Materials, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7 acres of land, legally described as a tract of land containing seven (7) acres, out of the C.N. Pillot Survey, A-632, in the Country of Harris and State of Texas; and being out of that certain 16.34 acres conveyed to J.W. Fowler by Deed Recorded in Vol. 1042, Page 608 Deed records of said county, within the City of Tomball, Harris County, Texas, generally located on the south side of Theis Ln., west of Commercial Park Rd., from the Agricultural District to the Light Industrial District.

- Conduct Public Hearing on **ZONING CASE P15-107**

Background:

Origination:

Recommendation:

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Public Hearing Announcement

Property Owner Notification Letter

Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 12, 2015
&
CITY COUNCIL
OCTOBER 19, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 12, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 19, 2015, 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 P15-107: Request by Ron Proctor, Jr., on behalf of Rock Materials, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7 acres of land, legally described as a tract of land containing seven (7) acres, out of the C.N. Pillot Survey, A-632, in the Country of Harris and State of Texas; and being out of that certain 16.34 acres conveyed to J.W. Fowler by Deed Recorded in Vol. 1042, Page 608 Deed records of said county, within the City of Tomball, Harris County, Texas, generally located on the south side of Theis Ln., west of Commercial Park Rd., from the Agricultural District to the Light Industrial District.

ZONING CASE P15-108: Request by Bill Hightower, on behalf of Hightower Investments, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072 acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas, generally located at the northwest corner of Cherry Street and Theis Ln., from the Agricultural District to the Commercial District.

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

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 October 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Vasquez

Amelia Vasquez

Secretary of the Board

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: P15-107

APPLICANT/OWNER: Ron Proctor Jr. – Rock Materials / Charles E. Durow

LOCATION: South side of Theis Ln., west of Commercial Park Rd.

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7 acres of land, legally described as a tract of land containing seven (7) acres, out of the C.N. Pillot Survey, A-632, in the Country of Harris and State of Texas; and being out of that certain 16.34 acres conveyed to J.W. Fowler by Deed Recorded in Vol. 1042, Page 608 Deed records of said county, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District.

* * *

CONTACT: Amelia Vasquez

PHONE: (281) 290-1410

E-MAIL: avasquez@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, October 12, 2015, 6:00 PM**

**City Council Public Hearing:
*Monday, October 19, 2015, 6:00 PM**

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

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Rezoning Staff Report

Planning and Zoning Commission Hearing Date: October 12, 2015

City Council Public Hearing Date: October 19, 2015

Zoning Case: P15-107

Property Owner(s): Charles E. Durow

Applicant(s): Ron Proctor Jr. – Rock Materials

Legal Description: C.N. Pillot Survey, A-632

Location: South side of Theis Ln., west of Commercial Park Rd.
(Exhibit “A”)

Area: Approximately seven (7) acres

Present Zoning and Use: Agricultural (AG) District (Exhibit “B”) / Residence (Exhibit “C”)

Comp Plan Designation: Medium Density Residential (Exhibit “D”)

Proposed Zoning and Use: Light Industrial District¹ / Office and Warehouse

Adjacent Zoning and Use:

- North:** Light Industrial and Commercial Districts / Commercial Business Park
- South:** Agricultural and Commercial Districts / Undeveloped
- West:** Commercial Districts / Retail
- East:** Light Industrial and Agricultural Districts/ Undeveloped

BACKGROUND

On August 31, 2015, the applicant met with City Staff to discuss relocating their business, Rock Materials, from Spring, Texas to Tomball. The proposal included an approximate 15,000 square foot building with a warehouse. Staff informed the applicant that the property in question would require a zone change to allow for their proposed operations. On September 2, 2015 the applicant turned in a rezoning application requesting the property’s zoning classification be changed from the Agricultural (AG) District to the Light Industrial (LI) District to accommodate the development of an office and warehouse with paved outdoor storage and parking.

¹ Any use permitted in the proposed district would be allowed at this location if the zoning is changed. The Planning and Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

ANALYSIS

The applicant is requesting that the property be rezoned from the Agricultural District to the Light Industrial District. According to Section 50-78 of the Tomball Code of Ordinances, the Light Industrial District *“is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and services operations that do not typically depend upon frequent customer or client visits.”*

There are multiple non-residential land uses in the vicinity of the subject site. To the north there is a Commercial Business Park with businesses such as Inline Services, Jamison Products, Hole Specialists, Inc., ChemValve, 365 Machine, all of which are industrial businesses. Properties to the south and east are undeveloped, property to the west is retail (Walmart).

The Comprehensive Plan designates the subject site as Medium Density Residential. The surrounding areas are designated Business/Industrial, Parks, and Employment to the North; Medium Density Residential and Commercial to the South; Commercial to the West; Business/Industrial and Medium Density Residential to the East. Although the Future Land Use designates the site Medium Density Residential, the map is not meant to be parcel specific but rather serve as a general guide for future development in the area. When looking at the area in its entirety, the request is generally compliant based on the current build form of the area and anticipated future development. Furthermore, when looking at the current built form of the area, development in strict accordance with the Comprehensive Plan, medium density residential, would not be cohesive with existing development in the area.

Chapter 9 of the Comprehensive Plan addresses Deviations from the Plan, and indicates *“At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comprehensive Plan. The Planning and Zoning Commission and City Council may find that a request for a Zoning Amendment is not consistent with the Future Land Use Plan but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel.”* The applicant has addressed the considerations listed in the Comprehensive Plan, and they are attached as Exhibit “F”.

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.**

Directly to the North of the subject site are multiple Light Industrial and Commercial zoned parcels which currently allows similar uses that would be permitted by the rezoning.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

- 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 are vacant properties in the vicinity and elsewhere in the City zoned Light Industrial District.

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

There has been steady development City-wide 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.**

If the proposed rezoning is approved, few, if any effects on other areas designated for similar developments are anticipated.

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

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.**

Based on existing development and anticipated future development, as well as surrounding zoning districts, this request could be considered to be consistent with the Comprehensive Plan.

PUBLIC COMMENT

The Notice of Public Hearing was posted in the Tribune on September 28, 2015. Property owners within 200 feet of the project site were mailed notification of this proposal on October 1, 2015. No public comment forms have been received as of October 8, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-107.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comprehensive Plan Map
- E. Rezoning Application
- F. Deviations from the Comprehensive Plan

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Facing south towards the property on Theis Ln.



Looking East across the property on Theis Ln.

Exhibit "D"
Comprehensive Plan Map



Exhibit "E"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

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: Ron Proctor Jr - Rock Materials Title: Vice President of Finance & Operations
Mailing Address: 2610 Spring Cypress Rd City: Spring State: TX
Zip: 77388
Phone: (281) 363-3100 Fax: (281) 528-6081 Email: rproctorjr@rockmaterials.com

Owner

Name: Charles E. Duraw Title: Owner
Mailing Address: P.O. Box 1337 City: Tomball State: TX
Zip: 77377
Phone: () Fax: () None Email: None

Engineer/Surveyor (If applicable)

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

Description of Proposed Project: 15,000 sq ft of office/warehouse building, stone façade, +/- 5 acres for paved storage and parking

Physical Location of Property: 0 Thais Ln., Tomball, TX 77375 - right behind Walmart to the east
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: PT TR 19 ABST 632 C N PILLOT
[Survey/Abstract No. and Tract; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG - Agriculture District

Current Use of Property: Personal Property with excess land

Proposed Zoning District: LI - Light Industrial District

Proposed Use of Property: Office/Warehouse with paved outdoor storage and parking

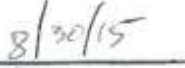
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.ci.tomball.tx.us

HCAD Identification Number: 0610770000080 Acreage: +/- 7 Acres

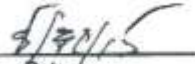
Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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


Signature of Owner


Date



Option 1

Jacob White
CONSTRUCTION COMPANY

HEITKAMP SWIFT
ARCHITECTS
Architecture • Interiors • Planning



Option 1

Jacob White
CONSTRUCTION COMPANY

HEITKAMP SWIFT
ARCHITECTS
Architecture • Interiors • Planning

053-99-8170

082-00-1251

EXHIBIT "A"

A tract of land containing Seven (7) acres, out of the C.W. Fillet Survey, A-632, in the County of Harris and State of Texas; and being out of that certain 16.34 acres conveyed to J.W. Fowler by deed recorded in Vol. 1042, Page 608 Deed Records of said County; being more particularly described as follows:

BEGINNING at the Southwest corner of the Christine Holdsworth 85 acre tract described in deed recorded in Vol. 928, Page 329, Deed Records; same also being the Southwest corner of the aforesaid 16.34 acres;

THENCE N 0° 04' 00" E along the West line of said 16.34 acre tract 1501.40 feet to a 2" iron rod (found) in the centerline of the Humble Oil & Refining Co. 60 foot wide private road; for Northwest corner and **PLACE OF BEGINNING**;

THENCE N 89° 59' 00" E along the center of said road 474.40 feet to a 3" iron pipe (found) for the Northeast corner;

THENCE E 0° 04' 00" W along the East line of the aforesaid 16.34 acre tract, a distance of 642.80 feet to a 1" iron pipe (found) for the Southeast corner;

THENCE S 89° 59' 00" W, a distance of 474.40 feet to a 2" iron pipe (found) in the West line of said 16.34 acre tract, for the Southwest corner;

THENCE N 0° 04' 00" E, a distance of 642.80 feet to the Place of Beginning and containing 7 acres of land.

RECORDING INFORMATION
At the time of recording, this instrument was found to be in compliance with the provisions of the Act of the Legislature of the State of Texas, approved May 11, 1907, relating to the recording of instruments, and the same was duly recorded in the Public Records of said County of Harris, Texas, on the 23rd day of May, 1984.

STATE OF TEXAS
County of Harris
I hereby certify that this instrument was filed in the Public Records on the 23rd day of May, 1984, at the time and place herein stated, and was duly recorded, in the Public Records of said County of Harris, Texas, on

MAY 23 1984



John A. Williams
COUNTY CLERK,
HARRIS COUNTY, TEXAS

STATE OF TEXAS
County of Harris
I hereby certify that this instrument was filed in the Public Records on the 23rd day of May, 1984, at the time and place herein stated, and was duly recorded, in the Public Records of said County of Harris, Texas, on

JUL 8 1983

John A. Williams
COUNTY CLERK,
HARRIS COUNTY, TEXAS



September 1, 2015

City of Tomball, Texas
501 James Street
Tomball, TX 77375

Re: Rezoning Request and Application pertaining to approximately 7.0 acres of land located at 0 Theis Ln., Tomball, TX 77375, further described per HCAD as PT TR 19 ABST 632 C N PILLOT, Harris County, Texas (APN: 0610770000080)

Planning Staff:

As the applicant to this rezoning request, Rock Materials is respectfully requesting rezoning from AG – Agriculture District to LI – (Light Industrial District) for the approximate 7.0 acre tract on the south side of Theis Lane, and behind Wal-Mart to the east.

We are proposing to move our operations from Spring, Texas to the City of Tomball. We would be building an approximate 15,000 SF rock/stone façade building with a high quality metal warehouse. We feel it would lend itself as an addition to the neighboring industrial business park located right across the street and bring more jobs and tax revenue to the City of Tomball.

We would appreciate your positive consideration of our rezoning request. Should you need additional information or have questions regarding our rezoning request, please contact me at (281) 353-3100 or via email at rproctorjr@rockmaterials.com

Sincerely,

A handwritten signature in black ink, appearing to read 'R Proctor'.

Ron Proctor, Jr.
VP Finance & Operations

2610 Spring Cypress Road
Spring, TX 77388

pc 281.353.3100 | f: 281.528.6081 | www.rockmaterials.com

Exhibit “F”
Deviations from the Comprehensive Plan

Tomball Comprehensive Plan
Deviations from the Plan

- **Will the proposed development enhance the City economically?**
Yes; Rock Materials will employ 35 plus employees in the city of Tomball. We receive 8-10 inbound freight trucks daily. These drivers will undoubtedly be purchasing fuel and food locally in Tomball. Additionally, Tomball will benefit from sales tax revenue it collects on all taxable sales made by Rock Materials. The majority of our work is done with local and national home builders, home owners, and commercial contractors. By relocating from Spring to Tomball, we will be conveniently located in the heart of Tomball and will be able to outsource much needed services and resources to local business and individuals.
- **Will the proposed development enhance the City aesthetically?**
Yes; the development plan includes a high quality metal office building with beautiful stone façade. An abundant amount of landscaping and trees are important to Rock Materials, and will be heavily implemented in our development plan. Additionally, we will follow the direction of the 249 & FM 2920 aesthetics guidelines and meet those requirements. Furthermore, our business's purpose is to increase the aesthetics of someone's home or business center so we are very excited and take great pride in the opportunity to showcase our future facility to current and future clients and residents in the City of Tomball.
- **Is the proposed development consistent with the City's Goals, Objectives, and Actions?**
Yes; our goal with relocating our company is to provide a strong beneficial working environment for our employees and clients to thrive in. We chose to locate our company here because we are focused on growing our business in a city that focuses on strategic economic growth and enabling businesses to develop within the community. We will also be focused on being a part of the community in any way we can partake. We also hope to join the City's Chamber of Commerce and collaborate with other local businesses.
- **Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?**
Yes; the tax revenue for the City will immediately increase with our company's taxable sales under "Light Industrial" zoning as opposed to the future classification of "Medium Density Residential". Also, re-zoning to "Light Industrial" is consistent with land use directly across the street (contiguous industrial park).
- **Will the proposed development impact adjacent residential areas in a positive or negative manner?**
Currently the adjacent areas next to this property are an industrial park and a Wal-Mart Supercenter, neither of which are residential. Nearby residential areas can benefit from our retail presence as a stone/landscape materials provider. Our presence will be complementing with the Wal-Mart Supercenter, extending on the home improvement sector for the local residents. We would also be a positive resource for local homebuilders needing materials for their standard and specialized projects.
- **Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?**
Yes; we will incorporate extra-wide driveways, per city guidelines, to maximize truck-flow efficiency into and out of our property. The development plan also includes adequate gate setback to allow for any possible early truck arrival. Additionally, the development will provide more than enough on-site space for inbound freight parking/staging.
- **Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?**
Yes; Rock Materials business hours, currently 7:30am – 4:00pm Monday through Friday, coincide with typical business hours in the City. Property appearance will be similar to other businesses in the "Light Industrial"-zoned business park directly across the street from the property.
- **Does the proposed development present a significant benefit to the public health, safety, and welfare of the community?**
Yes; the welfare of the community will benefit greatly from the tax revenue generated on all taxable sales. We are building a state-of-the-art facility, and our business does not involve any manufacturing or health endangering processes to the public.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: October 12, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P15-108**: Request by Bill Hightower, on behalf of Hightower Investments, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072 acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas, generally located at the northwest corner of Cherry Street and Theis Ln., from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P15-108**

Background:

Origination:

Recommendation:

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Public Hearing Announcement

Property Owner Notification Letter

Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 12, 2015
&
CITY COUNCIL
OCTOBER 19, 2015**



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CERTIFICATION

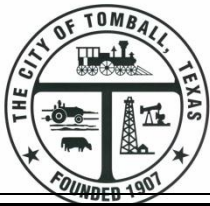
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Amelia Vasquez

Amelia Vasquez

Secretary of the Board

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CASE NUMBER: P15-108

APPLICANT/OWNER: Bill Hightower on behalf of Hightower Investments / Tracey and Lee Lawrence Family Limited Partnership LTD

LOCATION: Northwest corner of Cherry Street and Theis Ln.

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072 acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District.

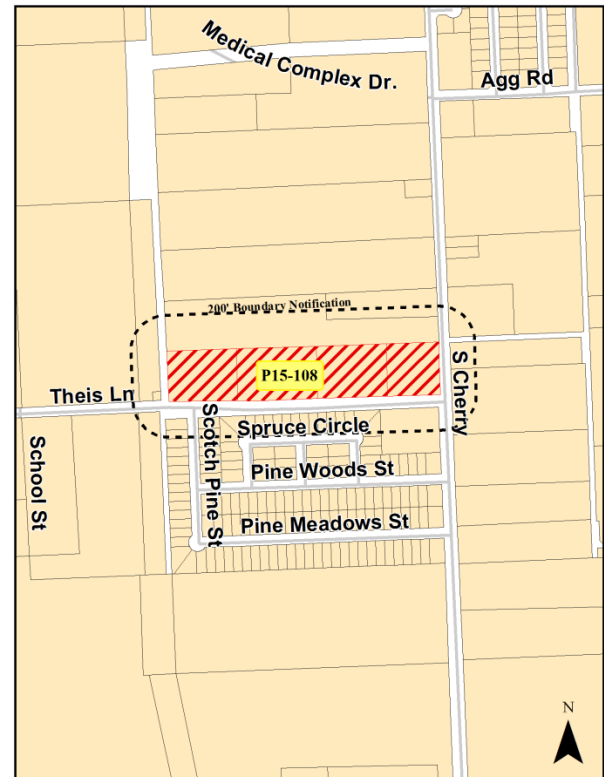
CONTACT: Amelia Vasquez

PHONE: (281) 290-1410

E-MAIL: avasquez@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.



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Rezoning Staff Report

Planning and Zoning Commission Hearing Date: October 12, 2015

City Council Public Hearing Date: October 19, 2015

Zoning Case:	P15-108
Property Owner(s):	Tracy and Lee Lawrence Family Limited Partnership LTD
Applicant(s):	Bill Hightower / Hightower Investments
Legal Description:	Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072 acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629
Location:	Northwest corner of Cherry Street and Theis Ln. (Exhibit "A")
Area:	Approximately ten (10) acres
Present Zoning and Use:	Agricultural (AG) District (Exhibit "B")/Vacant (Exhibit "C")
Comp Plan Designation:	Business/Industrial (Exhibit "D")
Proposed Zoning and Use:	Commercial District ¹ /Commercial Office/Warehouse and Retail Use
Adjacent Zoning and Use:	
North:	Single Family 20 Estate District/Residential
South:	Single Family 6 District/Pine Meadows neighborhood
West:	Agricultural District/Vacant
East:	Light Industrial and Single Family 20 Estate Districts/Residential

BACKGROUND

On September 2, 2015 the applicant turned in a rezoning application requesting the property's zoning classification be changed from the Agricultural (AG) District to the Commercial (C) District to accommodate a proposed Commercial Office/Warehouse and Retail development. The property consists of approximately 10 acres and is undeveloped.

¹ Any use permitted in the proposed district would be allowed at this location if the zoning is changed. The Planning and Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

ANALYSIS

The applicant is requesting that the property be rezoned from the Agricultural District to the Commercial District. According to Section 50-77 of the Tomball Code of Ordinances, the Commercial District “*is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses.*”

In December 2009, City Council adopted the Comprehensive Plan to use as a guide for the City’s future growth and redevelopment. The Comprehensive Plan designates the subject site as Business/Industrial. The surrounding areas are designated Business/Industrial to the north and west, Employment to the east and Medium Density Residential to the south. Correlating zoning districts for that Business/Industrial designation include Commercial and Light Industrial. As the applicant is requesting the Commercial zoning district, the request is consistent with the Comprehensive Plan. Additionally, the property is located at the intersection of two arterial streets, making new non-residential development accessible to main thoroughfares within the City. There are also Light Industrial uses and districts generally to the west, and north, and Light Industrial zoning to the east (currently being used as residential).

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 subject site is primarily surrounded by residential zoning districts, with the exception of a Light Industrial zoned parcel to the East.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

- 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 are vacant properties in the vicinity and elsewhere in the City zoned Commercial District.

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

There has been steady development City-wide in the Commercial District.

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

If the proposed rezoning is approved, few, if any effects on other areas designated for similar developments are anticipated.

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

The proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare. There are other Light Industrial and Commercial zoned properties in the general area. Chapter 50 (Zoning) addresses regulations for Commercial Districts that abut Residential Districts. These regulations will help mitigate any potentially adverse impacts on the existing surrounding residences.

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

The Comprehensive Plan indicates Business/Industrial as a future land use for the subject property. Correlating zoning districts for that Business/Industrial designation include Commercial and Light Industrial. As the applicant is requesting the Commercial zoning district, the request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

The Notice of Public Hearing was posted in the Tribune on September 28, 2015. Property owners within 200 feet of the project site were mailed notification of this proposal on October 1, 2015. No public comment forms have been received as of October 8, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-108.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Looking north across property from Theiss Ln.



Looking northwest across property from N. Cherry Ln.

Exhibit "D"
Comprehensive Plan Map



Exhibit "E"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

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: Bill Hightower / Hightower Investments Title: Owner
Mailing Address: 6115 Theale City: Houston State: TX
Zip: 77064
Phone: (281) 440-4165 Fax: () Email: hightower@earthlink.net

Owner

Name: Tracy and Lee Lawrence Family Unincorporated Title:
Mailing Address: 7519 Woodlawn Place Court City: Houston State: TX
Zip: 77055
Phone: () Fax: () Email:

Engineer/Surveyor (if applicable)

Name: Kyle A. Bertrand, P.E. Title:
Mailing Address: 61161 Sawing, Ste 500 City: Houston State: TX
Zip: 77036
Phone: (713) 541-3530 Fax: (713) 541-0032 Email: KBertrand@quadacorp.com

Description of Proposed Project: Construction of a new location for Hightower Electric Co. and a high end office warehouse development.

Physical Location of Property: Northwest Corner of Cherry and Theale
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Tracts 1-4 HOLF No. 5551076 located in the
Jesse Pruitt Survey, A-624 [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
City of Tomball Harris County, Texas

Current Zoning District: A-66

Current Use of Property: RAW WOODS LAND

Proposed Zoning District: Commercial

Proposed Use of Property: High end Commercial office/warehouse & Retail use

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

www.ci.tomball.tx.us

035-286-000-0187
035-286-000-0196
035-286-000-0195
035-286-000-0208

HCAD Identification Number: 035-286-000-0208 Acreage: 10.299

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 Walter Krumm 9-2-2015
Signature of Applicant Date

X Lori Dmanson 9/01/2015
Signature of Owner Date

HIGHTOWER INVESTMENTS, LTD.

6115 THEALL, HOUSTON, TEXAS 77066

281-440-4405

FAX 281-440-4990

September 1, 2015

City of Tomball
501 James Street
Tomball, TX 77375

Attn: Harold Ellis

Re: Northwest Corner of Cherry & Theiss, Tomball, TX

Dear Mr. Ellis,

I would like to request development of the above referenced land for relocation/construction of my business, Hightower Electric, electrical contractor. Proposed use of property would be a high end commercial office/warehouse development and retail use.

Thank you for your consideration and I look forward to hearing from you.

Sincerely,



Bill Hightower, Owner
Hightower Investments, LTD.

TRACT 1
METES AND BOUNDS DESCRIPTION
2.691 ACRES
LOCATED IN THE
JESSE PRUITT SURVEY, A-629,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS

Being a tract or parcel of land containing 2.691 acres of land or 117,221 square feet, located in the Jesse Pruitt Survey, Abstract 608, Harris County, Texas; Said 2.691 acre tract being of record in the name of Helen L. Jahn in Harris County Clerk's File (H.C.C.F.) Number S551075; Said 2.691 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

BEGINNING at a 1/2 inch iron rod found for the northwest corner of the herein described tract, being the southwest corner of a called 8.1984 acre tract of record in the name of Craig Swinghammer in H.C.C.F. Number S016666 and being on the east line of an unimproved thirty (30) foot wide road of record in Volume 2, Page 65 in the Map Records of Harris County (H.C.M.R.), Texas;

THENCE, coincident the north line of the herein described tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, a distance of 420.88 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of the herein described tract, being the northwest corner of a 3.072 acre tract of record in the name of Tracy N. Lawrence in H.C.C.F. Number S551078;

THENCE, coincident the east line of the herein described tract and the west line of aforesaid 3.072 acre tract, South 02 degrees 29 minutes 54 seconds East, a distance of 296.29 feet to a 5/8 inch iron rod with "Gruller" cap set for the southeast corner of the herein described tract, being the southwest corner of said 3.072 acre tract and being on the north Right-of-Way (R.O.W.) line of Theis Lane (width varies)

THENCE, coincident the south line of the herein described tract and the north R.O.W. line of aforesaid Theis Lane, the following three courses:

1. Coincident a curve to the right, an arc length of 106.41 feet, having a radius of 1,970.00 feet, a central angle of 03 degrees 05 minutes 41 seconds and a chord bearing of North 87 degrees 57 minutes 13 seconds West, a distance of 106.40 feet to a 5/8 inch iron rod with "Gruller" cap set;
2. North 86 degrees 24 minutes 24 seconds West, a distance of 100.00 feet to a 5/8 inch iron rod with "Gruller" cap set for the beginning of a curve to the left;
3. Coincident aforesaid curve to the left, an arc length of 215.83 feet, having a radius of 2,030.00 feet, a central angle of 06 degrees 05 minutes 30 seconds and a chord bearing of North 89 degrees 27 minutes 08 seconds West, a distance of 215.73 feet to a 5/8 inch iron rod with "Gruller" cap set for the southwest corner of the herein described tract and being on the east line of aforesaid thirty (30) foot wide road;

THENCE, coincident the east line of aforesaid thirty (30) foot wide road and the west line of the herein described tract, North 02 degrees 29 minutes 22 seconds West, a distance of 265.89 feet to the **POINT OF BEGINNING** and containing 2.691 acres of land.

TRACT 2
METES AND BOUNDS DESCRIPTION
3.072 ACRES
LOCATED IN THE
JESSE PRUITT SURVEY, A-629,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS

Being a tract or parcel of land containing 3.072 acres of land or 133,814 square feet, located in the Jesse Pruitt Survey, Abstract 608, Harris County, Texas; Said 3.072 acre tract being of record in the name of Tracy N. Lawrence in Harris County Clerk's File (H.C.C.F.) Number S551078; Said 3.072 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

COMMENCING at a 1/2 inch iron rod found for the northwest corner of a 2.691 acre tract of record in the name of Helen L. Jahn in H.C.C.F. Number S551075, being the southwest corner of a called 8.1984 acre tract of record in the name of Craig Swinghammer in H.C.C.F. Number S016666 and being on the east line of an unimproved thirty (30) foot wide road of record in Volume 2, Page 65 in the Map Records of Harris County (H.C.M.R.), Texas;

THENCE, coincident the north line of aforesaid 2.691 acre tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, a distance of 420.88 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of said 2.691 acre tract and being the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, coincident the north line of the herein described tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, a distance of 447.95 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of the herein described tract and being the northwest corner of a 2.684 acre tract of record in the name of Richard Henry Lucas in H.C.C.F. Number S551077;

THENCE, coincident the east line of the herein described tract and the west line of aforesaid 2.684 acre tract, South 02 degrees 29 minutes 54 seconds East, a distance of 298.87 feet to a 5/8 inch iron rod with "Gruller" cap set for the southeast corner of the herein described tract, being the southwest corner of said 2.684 acre tract and being on the north Right-of-Way (R.O.W.) line of Theis Lane (width varies);

THENCE, coincident the north R.O.W. line of aforesaid Theis Lane and the south line of the herein described tract the following two (2) courses:

1. South 87 degrees 30 minutes 06 seconds West, a distance of 344.95 feet to a 5/8 inch iron rod with "Gruller" cap set for the beginning of a curve to the right;
2. Coincident aforesaid curve to the right, an arc length of 103.05 feet, having a radius of 1,970.00 feet, a central angle of 02 degrees 59 minutes 50 seconds and a chord bearing of North 89 degrees 00 minutes 02 seconds West, a distance of 103.04 feet to a 5/8 inch iron rod with "Gruller" cap set for the southwest corner of the herein described tract, being the southeast corner of aforesaid 2.691 acre tract;

THENCE, coincident the west line of the herein described tract and the east line of aforesaid 2.691 acre tract, North 02 degrees 29 minutes 54 seconds West, a distance of 296.29 feet to the **POINT OF BEGINNING** and containing 3.072 acres of land.

TRACT 3
METES AND BOUNDS DESCRIPTION
2.684 ACRES
LOCATED IN THE
JESSE PRUITT SURVEY, A-629,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS

Being a tract or parcel of land containing 2.684 acres of land or 116,912 square feet, located in the Jesse Pruitt Survey, Abstract 608, Harris County, Texas; Said 2.684 acre tract being of record in the name of Richard Henry Lucas in Harris County Clerk's File (H.C.C.F.) Number S551077; Said 2.684 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

COMMENCING at a 1/2 inch iron rod found for the northwest corner of a 2.691 acre tract of record in the name of Helen L. Jahn in H.C.C.F. Number S551075, being the southwest corner of a called 8.1984 acre tract of record in the name of Craig Swinghammer in H.C.C.F. Number S016666 and being on the east line of an unimproved thirty (30) foot wide road of record in Volume 2, Page 65 in the Map Records of Harris County (H.C.M.R.), Texas;

THENCE, coincident the north line of aforesaid 2.691 acre tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, at a distance of 420.88 feet pass the northeast corner of said 2.691 acre tract and being the northwest corner of a 3.072 acre tract of record in the name of Tracy Lawrence in H.C.C.F. Number S551078, and continue for an overall distance of 868.83 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of said 3.072 acre tract, being the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, coincident the north line of the herein described tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, a distance of 391.24 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of the herein described tract and being the northwest corner of a 1.852 acre tract of record in the name of Virginia Doris Newton Lucas in H.C.C.F. Number S551076;

THENCE, coincident the east line of the herein described tract and the west line of aforesaid 1.852 acre tract, South 02 degrees 29 minutes 54 seconds East, a distance of 298.78 feet to a 5/8 inch iron rod with "Gruller" cap set for the southeast corner of the herein described tract, being the southwest corner of said 1.852 acre tract and being on the north Right-of-Way (R.O.W.) line of Theis Lane (width varies);

THENCE, coincident the north R.O.W. line of aforesaid Theis Lane and the south line of the herein described tract, South 87 degrees 30 minutes 06 seconds West, a distance of 391.24 feet to a 5/8 inch iron rod with "Gruller" cap set for the southwest corner of the herein described tract and being the southeast corner of aforesaid 3.072 acre tract;

THENCE, coincident the west line of the herein described tract and the east line of aforesaid 3.072 acre tract, North 02 degrees 29 minutes 54 seconds West, a distance of 298.87 feet to the **POINT OF BEGINNING** and containing 2.684 acres of land.

**TRACT 4
METES AND BOUNDS DESCRIPTION
1.852 ACRES
LOCATED IN THE
JESSE PRUITT SURVEY, A-629,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS**

Being a tract or parcel of land containing 1.852 acres of land or 80,668 square feet, located in the Jesse Pruitt Survey, Abstract 608, Harris County, Texas; Said 1.852 acre tract being of record in the name of Virginia Doris Newton Lucas in Harris County Clerk's File (H.C.C.F.) Number S551076; Said 1.852 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

COMMENCING at a 1/2 inch iron rod found for the northwest corner of a 2.691 acre tract of record in the name of Helen L. Jahn in H.C.C.F. Number S551075, being the southwest corner of a called 8.1984 acre tract of record in the name of Craig Swinghammer in H.C.C.F. Number S016666 and being on the east line of an unimproved thirty (30) foot wide road of record in Volume 2, Page 65 in the Map Records of Harris County (H.C.M.R.), Texas;

THENCE, coincident the north line of aforesaid 2.691 acre tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, at a distance of 420.88 feet pass the northeast corner of said 2.691 acre tract and being the northwest corner of a 3.072 acre tract of record in the name of Tracy Lawrence in H.C.C.F. Number S551078, at a distance of 868.83 feet pass the northeast corner of said 3.072 acre tract and being the northwest corner of a 2.684 acre tract of record in the name of Richard Henry Lucas in H.C.C.F. Number S551077, and continue for an overall distance of 1,260.07 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of said 2.684 acre tract, being the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, coincident the north line of the herein described tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, a distance of 270.05 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of the herein described tract, being the southeast corner of said 8.1984 acre tract and being on the west Right-of-Way (R.O.W.) line of Cherry Street;

THENCE, coincident the east line of the herein described tract and the west R.O.W. line of aforesaid Cherry Street, South 02 degrees 29 minutes 22 seconds East, a distance of 298.71 feet to a 5/8 inch iron rod with "Gruller" cap set for the southeast corner of the herein described tract and being at the intersection of the west R.O.W. line of said Cherry Street and the north R.O.W. line of Theis Lane (width varies);

THENCE, coincident the south line of the herein described tract and the north R.O.W. line of aforesaid Theis Lane, South 87 degrees 30 minutes 06 seconds West, a distance of 270.00 feet to a 5/8 inch iron rod with "Gruller" cap set for the southwest corner of the herein described tract and being the southeast corner of aforesaid 2.684 acre tract;

THENCE, coincident the west line of the herein described tract and the east line of aforesaid 2.684 acre tract, North 02 degrees 29 minutes 54 seconds West, a distance of 298.78 feet to the **POINT OF BEGINNING** and containing 1.852 acres of land.