

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



MONDAY, AUGUST 10, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Planning and Zoning Commission, to be held on Monday, August 10, 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 July 13, 2015.

5.0 New Business:

- 5.1 Consideration to approve **MOH DALI DEVELOPMENT**: A Subdivision of 5.7965 acres situated in the Jesse Pruitt Survey, A-629 being a Replat of Lot 1, Block 1 of Huffsmith-2978 as recorded under Film Code No. 620122 Map Records of Harris County Harris County, Texas.
- 5.2 Consideration to approve Preliminary Plat of **WILLOWCREEK RANCH EQUESTRIAN RESERVES**: Being a Subdivision of 19.9242 acres in the William Biggio Survey, Cert. No. M-22954 and the M.B. Jones & G.M. Cone Survey, Cert. No. M-22952 in Harris County, Texas.
- 5.3 Consideration to approve **WILLOWCREEK RANCH EQUESTRIAN RESERVES**: Being a Subdivision of 19.9242 acres in the William Biggio Survey, Cert. No. M-22954 and the M.B. Jones & G.M. Cone Survey, Cert. No. M-22952 in Harris County, Texas.
- 5.4 Consideration to approve **ZONING CASE P15-008**: Request by Dan Schaub, on behalf of Albers Properties, L.P., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .4186 acres of land, legally described as Tract 2A, Abstract 629, Joseph Pruitt Survey, within the City of Tomball, Harris County, Texas, generally located east of South Chestnut Street, north of Chestnut Business Park Drive, from the Single-Family 6 (SF6) District to the Planned Development District.
 - Conduct Public Hearing on **ZONING CASE P15-008**
- 5.5 Consideration to approve **ZONING CASE P15-071**: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry;” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations effecting properties along FM 2920, SH 249 and SH Business 249.
 - Conduct a Public Hearing on **ZONING CASE P15-071**

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 6th day of August 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: August 10, 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: August 10, 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: August 10, 2015

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of July 13, 2015.

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	

ATTACHMENTS:

7/13/15 Draft Minutes

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

MONDAY, JULY 13, 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:

City Attorney – Loren Smith
City Engineer – Lori Lakatos
City Planner – Harold Ellis
Assistant City Planner – Amelia Vasquez
Community Development Intern – Carri Robinson

draft

- 2.0 No Public Comments were received.
- 3.0 Harold Ellis, City Planner, announced Amelia Vasquez as the new Assistant City Planner.
- 4.0 Motion was made by Commissioner Roquemore, second by Commissioner Anderson to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of June 8, 2015.

Motion carried unanimously.

- 5.0 New Business:

- 5.1 Consideration to approve **Replat of Lot 3 Chestnut Business Park:** A Subdivision of a 1.7096 Acre Tract, Being a Replat of Lot 3, Block 1 of Chestnut Business Park F.C.#628085 H.C.M.R. and the Remainder of a Called 7.5 Acre Tract to Albers Properties, LP H.C.C.F # 20070501339 & 20110213233.

Lori Lakatos, City Engineer, presented recommendation.

Motion was made by Commissioner Byrd, second by Commissioner Anderson to approve **Replat of Lot 3 Chestnut Business Park.**

Motion carried unanimously.

- 5.2 Consideration to approve Replat of **Asgard**: A Replat of Lots 37 and 38 into New Lot 38 in Block 42 of Revised Map of Tomball, an Addition in Harris County, Texas, According to the Map or Plat Thereof Recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 86 Lying in the Ralph Hubbard Survey (A-383).

Lori Lakatos, City Engineer, presented recommendation.

Motion was made by Commissioner Anderson, second by Commissioner Byrd, to approve Replat of **Asgard**.

Motion carried unanimously.

- 5.3 Consideration to approve **ZONING CASE P15-071**: Request by the City of Tomball to amend Section 50-2 ("Definitions") of the Code of Ordinances by creating a definition for "masonry;" to amend Section 50-33 ("Board of Adjustments") of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 ("Reserved") of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations.

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

The Public Hearing was opened by Chair Tague at 6:09 p.m.

Hearing no comments, the Public Hearing was closed at 6:10 p.m.

The Commission decided to take no action on **ZONING CASE P15-071** and asked City Staff to amend the Ordinance by extending the boundary to include all of FM 2920, SH 249 and SH Business 249.

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

Motion carried unanimously.

Meeting adjourned at 6:44 p.m.

PASSED AND APPROVED this 10th day of August 2015.

Amelia Vasquez
Commission Secretary

Barbara Tague
Commission Chair

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: August 10, 2015

Data Sheet

Topic:

Consideration to approve **MOH DALI DEVELOPMENT**: A Subdivision of 5.7965 acres situated in the Jesse Pruitt Survey, A-629 being a Replat of Lot 1, Block 1 of Huffsmith-2978 as recorded under Film Code No. 620122 Map Records of Harris County Harris County, Texas.

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	

ATTACHMENTS:

Moh Dali Development Replat

We, Moh Dali Research Services, Inc. and Huffsmith 2978, LLC, Texas Corporations acting by and through Syed M. Ali, Director being officers of Moh Dali Research Services, Inc., and Sam Oliver, Managing Member of Huffsmith 2978, LLC, owners hereinafter referred to as owners of the 5.7965 acre tract described in the above and foregoing plat of Moh Dali Development, 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 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 (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 covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters (1 3/4) square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

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 (1 3/4) square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby 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.

IN TESTIMONY WHEREOF, the Moh Dali Research Services, Inc. and Huffsmith FM 2978, LLC have caused these presents to be signed by Sam Oliver, Managing Member and Syed M. Ali, its Director, thereunto authorized, attested by its secretary Catherine Conde, and its common seal hereunto affixed this ____ day of _____, 201__.

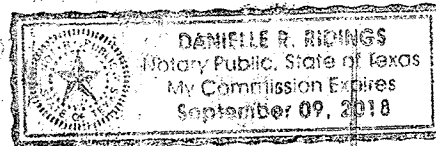
By: Syed M. Ali
Syed M. Ali, Director
Moh Dali Research Services, Inc.
Attest by: Catherine Conde
Catherine Conde, Secretary
Moh Dali Research Services, Inc.

By: Sam Oliver
Sam Oliver, Managing Member
Huffsmith 2978, LLC.

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Syed M. Ali & Catherine Conde 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 and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL of office this 5 day of August, 2015.

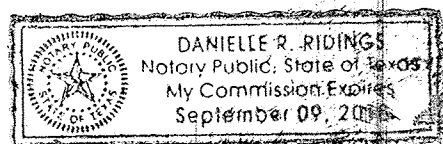


Danielle Ridings
Notary Public in and for the
State of Texas
My Commission Expires: 9/18/2018

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Sam Oliver known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL of office this 24 day of July, 2015.



Danielle Ridings
Notary Public in and for the
State of Texas
My Commission Expires: 9/18/2018

We the City Manager and 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., CFM, City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easement in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of _____, 201__.

Gretchen Fagan, Mayor

Doris Speer, City Secretary

This is to certify that the Planning Commission of the City of Tomball, Texas, has approved this plat and subdivision of MOH Dali Development 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__.

Barbara Tague, Chairman

Darrell Roquemore, Vice Chairman

J. PRUITT SURVEY
A-629

TOWERS STEEL SERVICES INC.
OUT OF LOT 336

HYDRO POWER SYSTEMS, INC.
OUTLOT 151
CALL 3072 ACRES TRACT
AS DESCRIBED UNDER
C.F. # 16895
VOL. # 1 PG. 75
H.C.M.R.

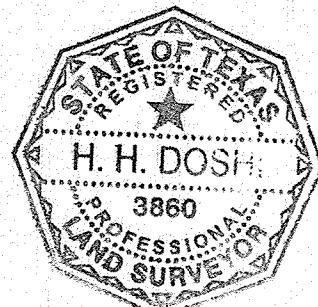
SAM E & HELEN E RABURN
OUT OF LOT 339

SAM E & HELEN E RABURN
OUT OF LOT 342

G & S CONSTRUCTION, INC.
PART OF OUTLOT 342
CALL 4.416 ACRES TRACT
AS DESCRIBED UNDER
C.F. # 222035

I, Hasmukh H. Doshi, am authorized and 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 accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plot boundary corners have been tied to the Texas Coordinate System of 1983, south central zone.

H. H. Doshi 4/15/5
Hasmukh H. Doshi
Texas Registration No. 3860

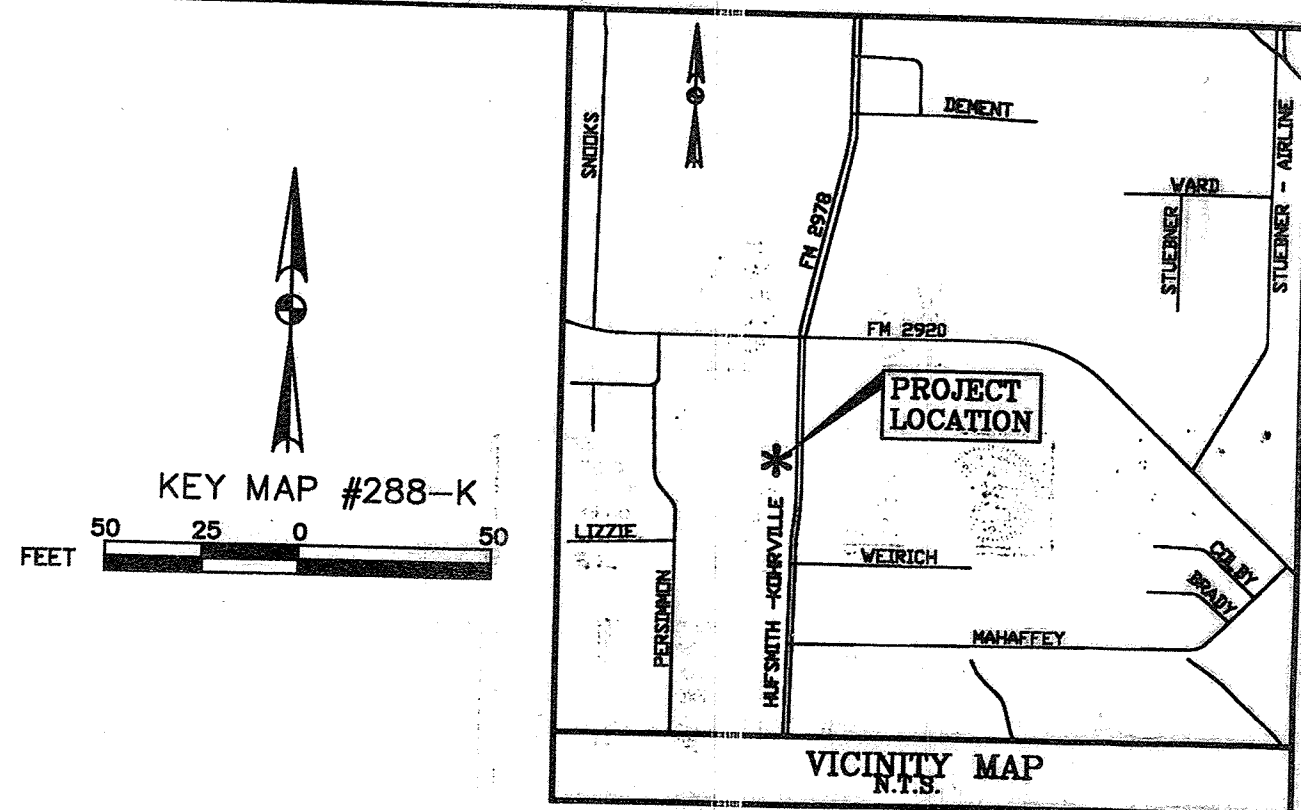


I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on ____ 201__ at ____ o'clock ____ M., and duly recorded on ____ 201__ at ____ o'clock ____ M., and at Film Code Number No. ____ 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.

By: _____
Stan Stanart
County Clerk
of Harris County, Texas.

By: _____
Deputy



MOH DALI DEVELOPMENT

A SUBDIVISION OF 5.7965 ACRES
252,494.20 SQUARE FEET
SITUATED IN THE JESSE PRUITT SURVEY, A-629
BEING A REPLAT OF LOT 1, BLOCK 1
OF HUFFSMITH-2978
AS RECORDED UNDER
FILM CODE NO. 620122
MAP RECORDS OF HARRIS COUNTY
HARRIS COUNTY, TEXAS

CONTAINING
1 BLOCK
2 LOTS

JUNE 15, 2015

(REASON FOR REPLAT TO DIVIDE LOT 1 INTO 2 LOTS)

OWNERS

Syed M. Ali
Moh Dali Research Services, Inc.
9421 FM 2920 Road, Bldg. 161
Building 116 I
Tomball, Texas 77375
Phone No. 832-892-8800

Sam Oliver, Managing Member
Huffsmith 2978, LLC
28105 Tomball Parkway
Suite 106
Tomball, Texas 77375
Phone No. 281-351-4540

ENGINEER/SURVEYOR

DOSHI ENGINEERING AND
SURVEYING COMPANY
2019 Shadow Park Drive
Katy, Texas 77494-2195
281-395-8908

LEGEND NOTES:

1. B.L. INDICATES "BUILDING LINES"
2. U.E. INDICATES "UTILITY EASEMENT"
3. R.O.W. INDICATES "RIGHT-OF-WAY"
4. AC. INDICATES "ACRES"
5. SQ.FT. INDICATES "SQUARE FOOT"
6. Vol. INDICATES "VOLUME"
7. Pg. INDICATES "PAGE"
8. I.R. INDICATES "IRON ROD"
9. H.C.M.R. INDICATES "HARRIS COUNTY MAP RECORDS"
10. H.C.D.R. INDICATES "HARRIS COUNTY DEED RECORDS"
11. F.C. NO. INDICATES "FILM CODE NUMBER"

GENERAL NOTES:

1. PUBLIC EASEMENTS DONATED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENTS.

2. THIS PROPERTY LIES WITHIN ZONE "X" UNSHADED OUTSIDE THE 500-YEAR FLOOD PLAIN ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 48201C0230L REVISED DATED JUNE 18, 2007.

3. ALL OIL/GAS PIPELINES OR PIPELINES EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

4. 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 SHALL BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.

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

6. THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: August 10, 2015

Data Sheet

Topic:

Consideration to approve Preliminary Plat of **WILLOWCREEK RANCH EQUESTRIAN RESERVES**:
Being a Subdivision of 19.9242 acres in the William Biggio Survey, Cert. No. M-22954 and the M.B. Jones
& G.M. Cone Survey, Cert. No. M-22952 in Harris County, Texas.

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	

ATTACHMENTS:

Willowcreek Ranch Equestrian Reserves Preliminary Plat

STATE OF TEXAS
COUNTY OF HARRIS

We, CC Telge Road, L.P., a Texas limited partnership, acting by and through Kent Puckett, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, and General Partner of CC Telge Road, L.P., a Texas limited partnership, owner hereinafter referred to as Owners (whether one or more) of the 19,924.2 acre tract described in the above and foregoing map of WILLOWCREEK RANCH EQUESTRIAN RESERVES, do hereby make and establish said subdivision and development plan of said property according to all laws, dedications, restrictions, and notations on said maps or plot, and hereby dedicate to the use of the public forever, all streets (except streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plot 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 purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally on additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements, from a plane sixteen feet (16'0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

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

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plot is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley, or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plot, as easements for drainage purposes, giving the City of Houston, 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 plot and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such obutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the CC Telge Road, L.P., a Texas limited partnership, has caused these presents to be signed by Kent Puckett, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, General Partner of CC Telge Road, L.P., a Texas limited partnership, thereunto authorized, this _____ day of _____, 2015.

OWNER
CC Telge Road, L.P.
a Texas limited partnership
by
CC Telge Road GP, L.L.C.
a Texas limited liability company,
its General Partner

By: Kent Puckett, Vice-President

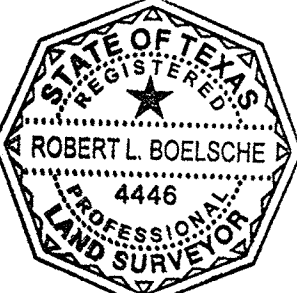
STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Kent Puckett, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

Notary Public in and for the
State of T E X A S
My Notary Commission Expires _____

I, Robert L. Boelsche, 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 accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plot boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.



Robert L. Boelsche, Registered Professional Land Surveyor
Texas Registration No. 4446

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 _____, 2015 by an order entered into the minutes of the court.

Stan Stanart
County Clerk
Of Harris County, Texas

By: Deputy

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 _____, 2015, at _____ o'clock _____ M., and of Harris County for said county.

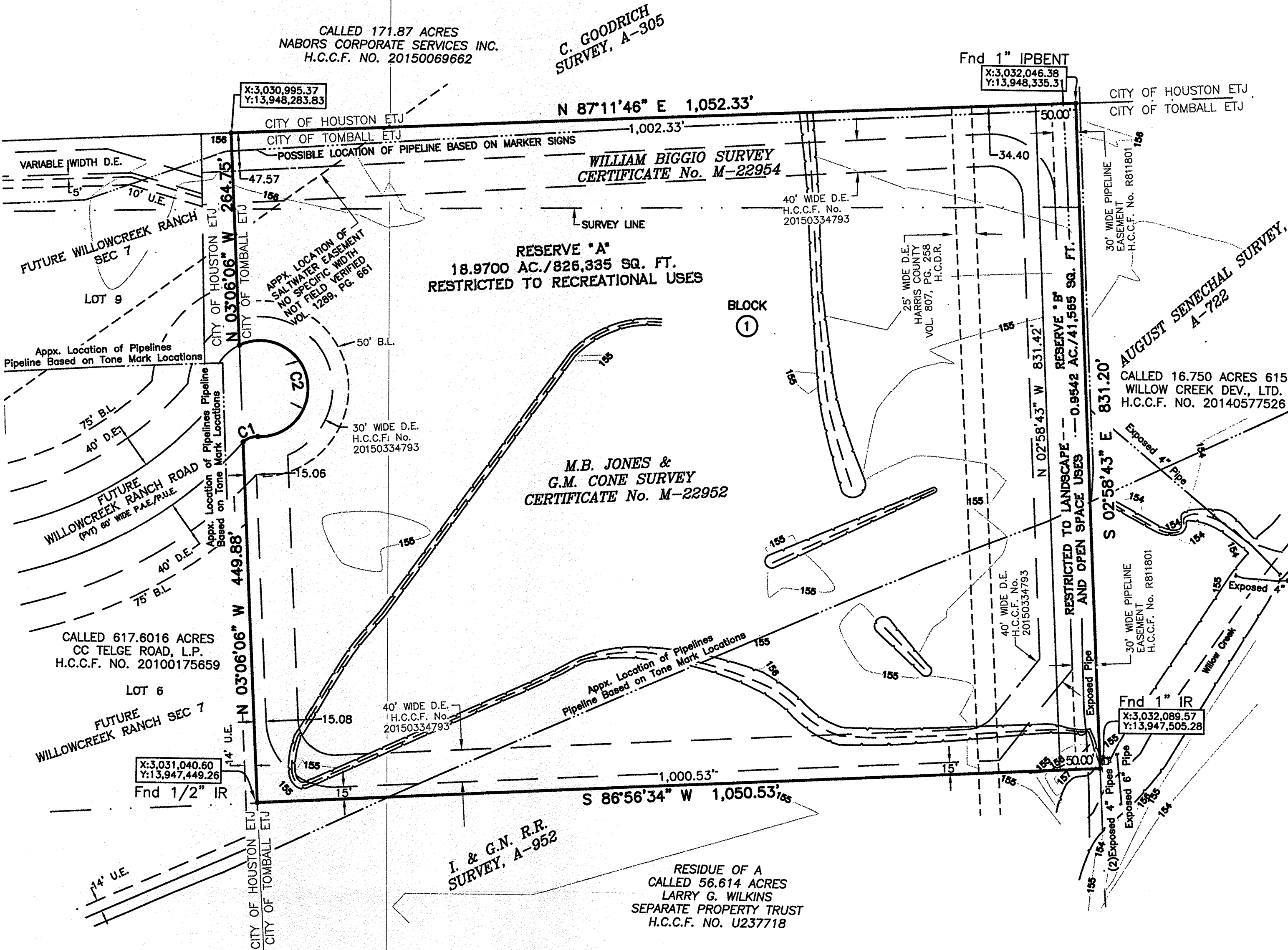
Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
Of Harris County, Texas

By: Deputy

JOB NO. 081-007-00

PATH:R:\2008\081-007-00\PLAT\08100700V-PRELIMP-EC BY:--- DATE:2015-08-03



- GENERAL NOTES**
- B.L. indicates Building Line.
D.E. indicates Drained Easement.
ESMT. indicates Easement.
ETJ indicates Extraterritorial Jurisdiction.
H.C.C.F. NO. indicates Harris County Clerk's File.
H.C.D.R. indicates Harris County Deed Records.
H.C.M.R. indicates Harris County Map Records.
P.V.T. indicates Private Street (Type 1 P.A.E.).
P.U.E. indicates Permanent Access Easement.
P.U.E. indicates Public Utility Easement.
R.O.W. indicates Right-Of-Way.
R. indicates Radius.
S.M. S.E. indicates Storm Sewer Easement.
(F) indicates Found 3/4" Iron Rod with cap stamped E.H.R.&A. 713-784-4500.
(S) indicates Set 5/8" Iron Rod with cap stamped E.H.R.&A. 713-784-4500.
U.E. indicates Utility Easement.
W.L.E. indicates Water Line Easement.
 - The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor 0.9993890386.
 - Bearings shown hereon refer to the Texas State Plane Coordinate System of 1983, South Central Zone, as determined by GPS measurements.
 - According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Harris County, Texas, Map No. 48201C0220 dated June 18, 2007, the subject tract appears to be within Floodway Area in Zone AE defined as the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachments; Zone "AE" defined as special flood hazard areas inundated by 1% annual chance flood event with base flood elevations determined and shaded as Zone "X" defined as areas of 0.2% annual chance flood event, areas of 1% annual chance flood event with average depths of less than 1-foot or with drainage areas less than 1 square mile and areas protected by levees from 1% annual chance flood event.

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA.
 - This plot 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.
 - The square footage totals as shown hereon are based on the mathematical closure of the courses and distances reflected on this plot. It does not include the tolerances that may be present due to the positional accuracy of the boundary monumentation.
 - Public easements denoted on this plot are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved 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 plot. 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.
 - Access granted by Vol. 2666, Pg. 263 of the Harris County Deed Records was granted for the right to use and improve existing roads that no longer exist in the vicinity of this plot. Access to other parts of the owner's property can be had by way of other existing roads that do not cross this plot.
 - 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 perimeter 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 solid wooden posts and paneled wooden fences back up, but generally will not replace with new fencing.
 - This subdivision may be subject to a Humble Oil and Refining Company roadway easement as reflected by instrument recorded in Volume 2666, Page 263 of the Harris County Deed Records.
 - This subdivision may be subject to the terms and conditions of that certain Water, Sewer and Drainage Improvement Financing and Construction Contract dated April 2, 2013 as reflected in instrument recorded under County Clerk's File No. 20130613938.
 - Pipelines shown are based on tone mark locations. Valves and wells are not shown hereon. The surveyor does not know if all pipelines are currently in use or shown.



WILLOWCREEK RANCH EQUESTRIAN RESERVES (PRELIMINARY PLAT)

BEING A SUBDIVISION OF 19,924 ACRES IN
THE WILLIAM BIGGIO SURVEY, CERT. No. M-22954
AND THE M.B. JONES & G.M. CONE SURVEY, CERT. No. M-22952
IN HARRIS COUNTY, TEXAS.

0 LOTS 1 BLOCKS 2 RESERVES

SCALE: 1"=100'

AUGUST, 2015

OWNER

CC TELGE ROAD, LP,
A TEXAS LIMITED PARTNERSHIP
7904 N. SAM HOUSTON PKWY. W. 4th Floor
HOUSTON, TEXAS 77064
713-690-0000



10555 Westoffice Drive
Houston, Texas 77042
713.784.4500
EHRAinc.com
TPE No. F726
TBLS No. 1092300

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas has approved this plot and subdivision of WILLOWCREEK RANCH EQUESTRIAN RESERVES 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 plot this _____ day of _____, 2015.

By: Barbara Tague
Chairman

By: Darrell Raquemore
Vice Chairman

This is to certify that the City Council for the City of Tomball, Texas has approved this plot and subdivision of WILLOWCREEK RANCH EQUESTRIAN RESERVES 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 plot this _____ day of _____, 2015.

By: Gretchen Fagan
Mayor

By: Doris Speer
City Secretary

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify that this plot of WILLOWCREEK RANCH EQUESTRIAN RESERVES is in conformance with the City of Tomball ordinances.

By: George Shackelford
City Manager

By: Lori Lokatos, P.E., C.F.M.
City Engineer

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: August 10, 2015

Data Sheet

Topic:

Consideration to approve **WILLOWCREEK RANCH EQUESTRIAN RESERVES**: Being a Subdivision of 19.9242 acres in the William Biggio Survey, Cert. No. M-22954 and the M.B. Jones & G.M. Cone Survey, Cert. No. M-22952 in Harris County, Texas.

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	

ATTACHMENTS:

Willowcreek Ranch Equestrian Reserves Final Plat

We, CC Telge Road, L.P., a Texas limited partnership, acting by and through Kent Puckett, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, and General Partner of CC Telge Road, L.P., a Texas limited partnership, owner hereinafter referred to as Owners (whether one or more) of the 19,9242 acre tract described in the above and foregoing map of WILLOWCREEK RANCH EQUESTRIAN RESERVES, do hereby make and establish foregoing map of WILLOWCREEK RANCH EQUESTRIAN RESERVES, do hereby make and establish restrictions, and notations on said maps or plat, and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, owners 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 purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements, from a plane sixteen feet (16'0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

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

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley, or any drainage ditch, either directly or indirectly.

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

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

IN TESTIMONY WHEREOF, the CC Telge Road, L.P., a Texas limited partnership, has caused these presents to be signed by Kent Puckett, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, General Partner of CC Telge Road, L.P., a Texas limited partnership, thereunto authorized, this _____ day of _____, 2015.

OWNER
CC Telge Road, L.P.,
a Texas limited partnership
by
CC Telge Road GP, L.L.C.,
a Texas limited liability company,
its General Partner

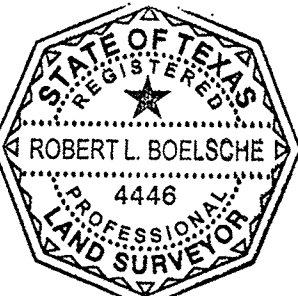
By: _____
Kent Puckett, Vice-President

BEFORE ME, the undersigned authority, on this day personally appeared Kent Puckett, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and as the oct and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

Notary Public in and for the
State of T E X A S
My Notary Commission Expires _____

I, Robert L. Boelsche, 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 accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.



Robert L. Boelsche
Robert L. Boelsche, Registered Professional Land Surveyor
Texas Registration No. 4446

I, John R. Blount, County Engineer of Harris County, hereby certify that the plot of this subdivision complies with all the existing rules and regulations of this office as adopted by the Harris County Commissioners' Court and that it complies or will comply with all applicable provisions of the Harris County Road Law as amended and all other Court adopted drainage requirements.

John R. Blount, P.E., LEED AP
County Engineer

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 _____, 2015 by an order entered into the minutes of the court.

Stan Stanart
County Clerk
Of Harris County, Texas

By: _____
Deputy

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 _____, 2015, at _____ o'clock _____ M., and duly recorded on _____, 2015, at _____ o'clock _____ M. and at Film Code No. _____ of the Map Records of Harris County for said county.

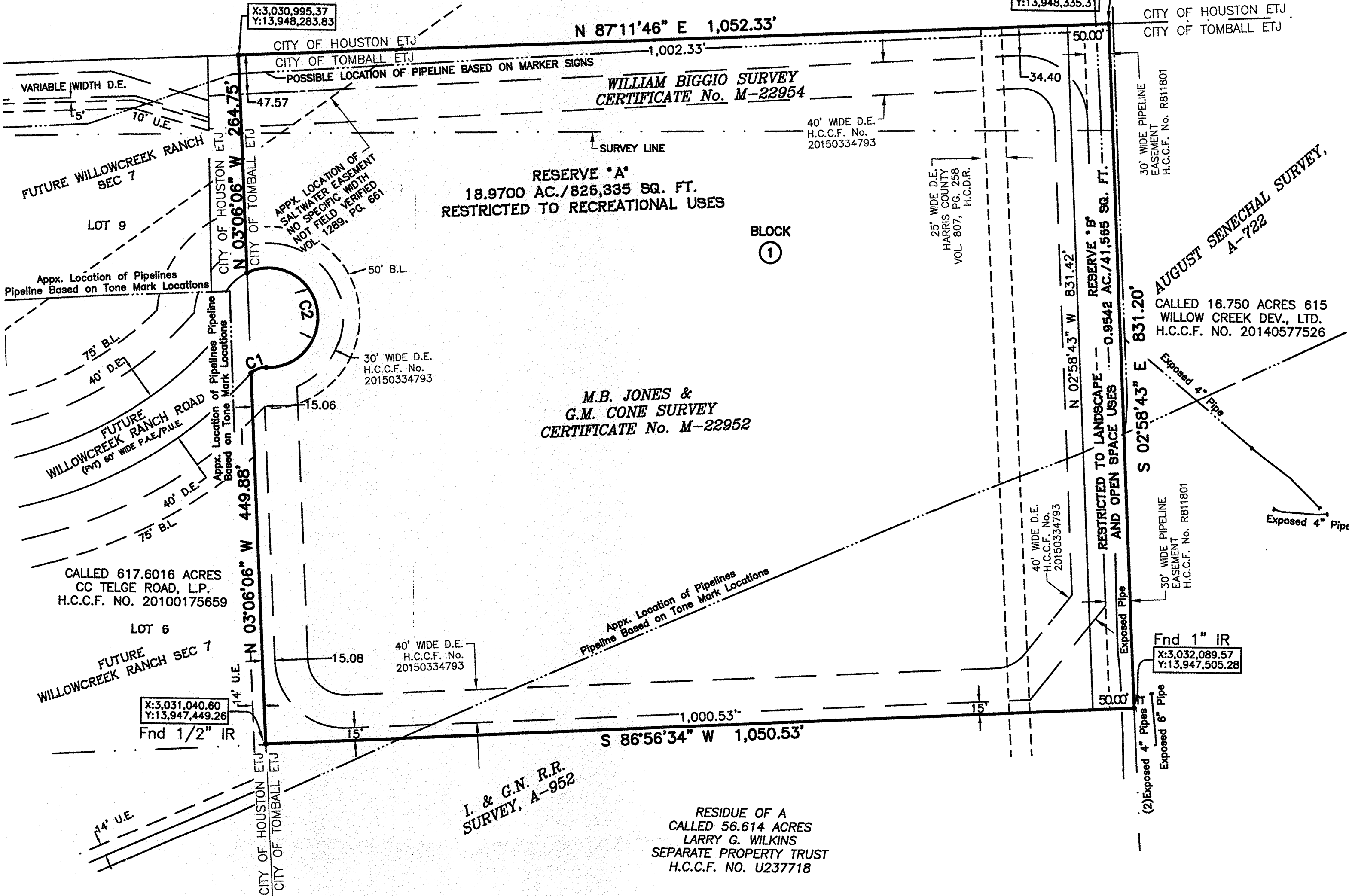
Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
Of Harris County, Texas

By: _____
Deputy

CALLLED 171.87 ACRES
NABORS CORPORATE SERVICES INC.
H.C.C.F. NO. 20150069662

C. GOODRICH
SURVEY, A-305



0' 100' 200' 300'
SCALE: 1" = 100'
GENERAL NOTES

1. B.L. indicates Building Line.
D.E. indicates Drainage Easement.
ESMT. indicates Easement.
ETJ indicates Extraterritorial Jurisdiction.
H.C.C.F. NO. indicates Harris County Clerk's File.
H.C.D.R. indicates Harris County Deed Records.
H.C.M.R. indicates Harris County Map Records.
P.V.T. indicates Private Street (Type 1 P.A.E.).
P.A.E. indicates Permanent Access Easement.
P.U.E. indicates Public Utility Easement.
R.O.W. indicates Right-Of-Way.
R= indicates Radius.
S.M. S.E. indicates Storm Sewer Easement.
(F) indicates Found 3/4" Iron Rod with cap stamped E.H.R.&A. 713-784-4500.
(S) indicates Set 5/8" Iron Rod with cap stamped E.H.R.&A. 713-784-4500.
U.E. indicates Utility Easement.
W.L.E. indicates Water Line Easement.
2. The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor 0.99993890389.
3. Bearings shown hereon refer to the Texas State Plane Coordinate System of 1983, South Central Zone, as determined by GPS measurements.
4. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Harris County, Texas, Map No. 48201C0220 L dated June 18, 2007, the subject tract appears to be within Floodway Area in Zone AE defined as special flood hazard areas inundated by 1% annual chance flood event with base flood elevations determined and Shaded Zone "X" defined as areas of 0.2% annual chance flood event, areas of 1% annual chance flood event with average depths of less than 1-foot or with drainage areas less on 1 square mile and areas protected by levees from 1% annual chance flood event.

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5. 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.
6. The square footage totals as shown hereon are based on the mathematical closure of the courses and distances reflected on this plat. It does not include the tolerances that may be present due to the positional accuracy of the boundary monumentation.
7. Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of it's respective systems on any of the easements shown 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.
8. Access granted by Vol. 2666, Pg. 263 of the Harris County Deed Records was granted for the right to use and improve existing roads that no longer exist in the vicinity of this plat. Access to other parts of the owner's property can be had by way of other existing roads that do not cross this plat.
9. Absent written authorization by the affected utilities, oil 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 perimeter 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.
10. This subdivision may be subject to a Humble Oil and Refining Company roadway easement as reflected by instrument recorded in Volume 2666, Page 263 of the Harris County Deed Records.
11. This subdivision may be subject to the terms and conditions of that certain Water, Sewer and Drainage Improvement Financing and Construction Contract dated April 2, 2013 as reflected in instrument recorded under County Clerk's File No. 20130613938.
12. Pipelines shown are based on tone mark locations. Valves and wells are not shown hereon. The surveyor does not know if all pipelines are currently in use or shown.



WILLOWCREEK RANCH EQUESTRIAN RESERVES

BEING A SUBDIVISION OF 19.9242 ACRES IN
THE WILLIAM BIGGIO SURVEY, CERT. No. M-22954
AND THE M.B. JONES & G.M. CONE SURVEY, CERT. No. M-22952
IN HARRIS COUNTY, TEXAS.

0 LOTS 1 BLOCKS 2 RESERVES

SCALE: 1"=100'

AUGUST, 2015

OWNER

CC TELGE ROAD, L.P.,
A TEXAS LIMITED PARTNERSHIP
7904 N. SAM HOUSTON PKWY. W. 4th Floor
HOUSTON, TEXAS 77064
713-690-0000



10555 Westoffice Drive
Houston, Texas 77042
713.784.4500
EHRAinc.com
TREC No. F726
TBLS N. 10092300

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: August 10, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P15-008**: Request by Dan Schaub, on behalf of Albers Properties, L.P., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .4186 acres of land, legally described as Tract 2A, Abstract 629, Joseph Pruitt Survey, within the City of Tomball, Harris County, Texas, generally located east of South Chestnut Street, north of Chestnut Business Park Drive, from the Single-Family 6 (SF6) District to the Planned Development District.

- Conduct Public Hearing on **ZONING CASE P15-008**

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	

ATTACHMENTS:

Notice of Public Hearing

Property Owner Notification Letter

P15-008 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
AUGUST 10, 2015
&
CITY COUNCIL
AUGUST 17, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, August 10, 2015, at 6:00 P.M.**, at City Hall, 401 Market Street, Tomball, Texas and by the City Council of the City of Tomball on **Monday, August 17, 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 P15-071: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry,” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations, effecting properties along FM 2920, SH 249 and SH Business 249.

ZONING CASE P15-008: Request by Dan Schaub, on behalf of Albers Properties, L.P., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .4186 acres of land, legally described as Tract 2A, Abstract 629, Joseph Pruitt Survey, within the City of Tomball, Harris County, Texas, generally located east of South Chestnut Street, north of Chestnut Business Park Drive, from the Single-Family 6 (SF6) District to the Planned Development 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

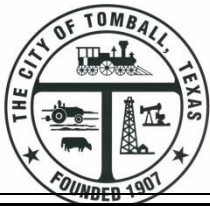
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of August 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled 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: P15-008

APPLICANT/OWNER: Dan Schaub, on behalf of Albers Properties, L.P.

LOCATION: East of South Chestnut Street, north of Chestnut Business Park Drive

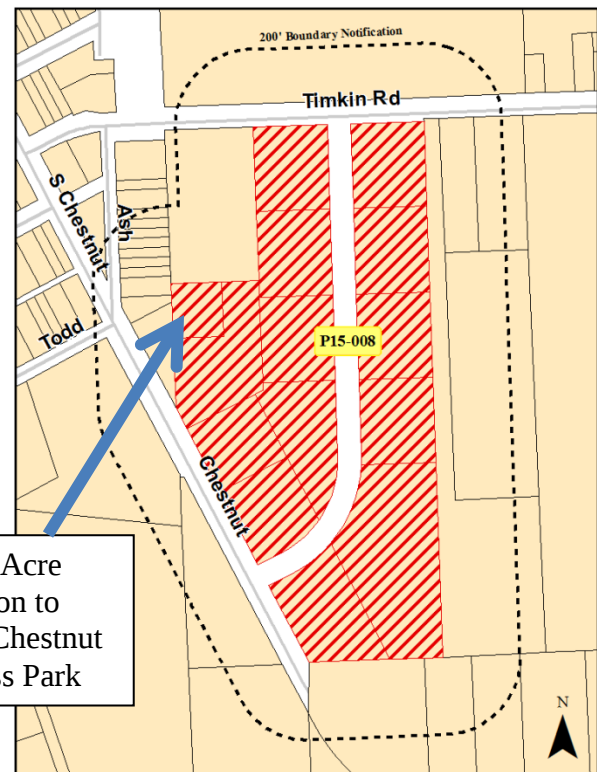
PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .4186 acres of land, legally described as Tract 2A, Abstract 629, Joseph Pruitt Survey, within the City of Tomball, Harris County, Texas, from the Single-Family 6 (SF6) District to the Planned Development District.

CONTACT: Amelia Vasquez

PHONE: (281) 290-1410

E-MAIL: avasquez@tomballtx.gov

.4186 Acre
addition to
existing Chestnut
Business Park



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.

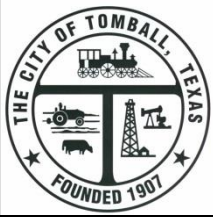
This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also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

**Planning & Zoning Commission
Public Hearing:
Monday, August 10, 2015, 6:00 PM**

**City Council Public Hearing:
*Monday, August 17 2015, 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: August 10, 2015
City Council Public Hearing Date: August 17, 2015

Rezoning Case: P15-008

Property Owner(s): Albers Properties, L.P. and 5 B Ventures, L.L.C.

Applicant: Dan Schaub

Legal Description: Tract 2A, Abstract 629, Joseph Pruitt Survey

Location: East of South Chestnut Street, north of Chestnut Business Park Drive (Exhibit "A")

Area: .4186 acres

Present Zoning and Use: Single-Family Residential-6 (SF-6) District (Exhibit "B") / Vacant Lot

Comp Plan Designation: Business / Industrial (Exhibit "C")

Proposed Zoning and Use: Planned Development District / Chestnut Business Park

Adjacent Zoning & Land Uses:

- North:** General Retail District and Planned Development District / Timkin Road and Concordia Lutheran High School
- South:** SF-6 & Duplex Districts / Undeveloped land
- West:** SF-6 District / South Chestnut Street, residences, and undeveloped land
- East:** Planned Development District / Concordia Lutheran High School athletic facilities and mini-warehouse

BACKGROUND

Chestnut Business Park is a 16.1-acre development located on the east side of South Chestnut Street, south of Timkin Road. Chestnut Business Park's first permit was issued on November 8, 2007, three months before the adoption of the Zoning Ordinance, resulting in its classification as a "vested project." Vesting gives a project certain rights to develop according to standards applying to that project at the time of its first permit. The Vested Rights Letter provided to the property owner, Albers Properties, L.P. on July 31, 2008, gives Chestnut Business Park the right to develop under certain conditions even though the City gave the property a zoning classification of SF-6 in February 2008. Without its Vested Rights Letter, Chestnut Business Park would be required to develop per the SF-6 District regulations.

Over time, the City was approached by Albers Properties, L.P. requesting the original Vested Rights Letter be amended to allow for a different mix of land uses to make the property more marketable. The City issued revised vested rights letters on September 21, and October 14, 2011. On September 6, 2012, the City met with Dan Schaub of Albers Properties, L.P. to again discuss allowing an expansion of the permitted uses. Mr. Schaub was informed that he could request a rezoning of the property from SF-6 to Planned Development District (PDD). With a PDD, all the land uses he believed would be possible developments in the business park could be added as allowed uses, which would eliminate the need for his Vested Rights Letter.

On December 10, 2012, the City of Tomball Planning and Zoning Commission unanimously voted to recommend approval of case P12-516, request to change the zoning of the property from SF-6 to the Planned Development District, and case P12-517, request to change the Comprehensive Plan Future Land Use designation of the property from “Medium Density Residential” to “Business/Industrial.”

On June 21, 2015, the City of Tomball received an application for a Planned Development for a .4186 acre tract adjacent to the Chestnut Business Park PDD. This parcel of land is being replatted and combined with existing Chestnut Business Park.

ANALYSIS

The existing business park land appears to be consistent with Concordia Lutheran High School’s facilities to the north and east and the mini-warehouse to the east. On the surface, the business park’s proximity to nearby residences may cause land use compatibility concerns. However, the business park has existed for several years now without any known filed complaints from its neighbors siting incompatibility concerns. The current proposal, as indicated by the applicant, is seeking to add .4186 acres with the same design standards and land uses as the existing Planned Development.

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

If the proposed zoning change were approved, there should be few if any affects on other areas designated for similar developments. As previously stated, this request is only adding a small parcel to an existing 16.1 acre business park.

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

The proposed zone change is not anticipated to substantially affect the public health, safety, morals, or general welfare.

C. Whether the request is consistent with the Comprehensive Plan (CP).

In December 2010, the City Council approved the Comprehensive Plan Amendment (P12-517) to change the Comprehensive Plan Future Land Use designation of the property from “Medium Density Residential” to “Business/Industrial” for the existing 16.1 acre business park. The future land use designation of the .4186 acres is “Medium Density Residential”, however as the

land use plan is not intended to be parcel specific, and due to its adjacency to “Business/Industrial”, staff has determined the request to be generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on July 30, 2015. As of August 6, 2015 no public comments have been received.

RECOMMENDATION

City Staff recommends **APPROVAL** of Zoning Case P15-008 based on the following:

- a. The proposed zoning of Planned Development District is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
- b. The request is only adding a .4186 acre parcel to an existing business park consisting of 16.1 acres.
- c. Due to the parcel’s adjacency to Business/Industrial, the request is generally consistent with the Future Land Use Plan.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Comprehensive Plan Future Land Use Map
- D. Site Photos
- E. Rezoning Application
- F. Concept Plan

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

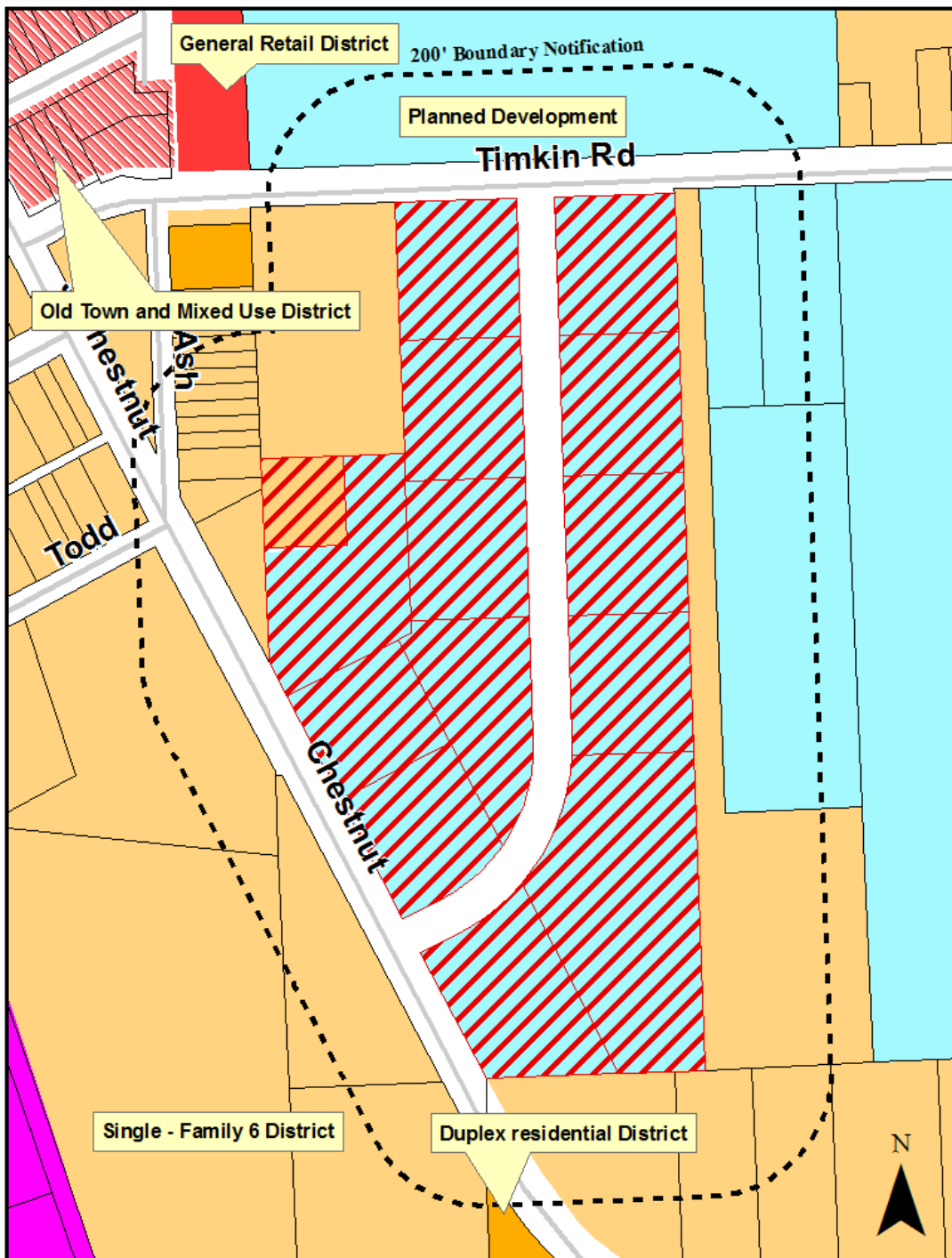
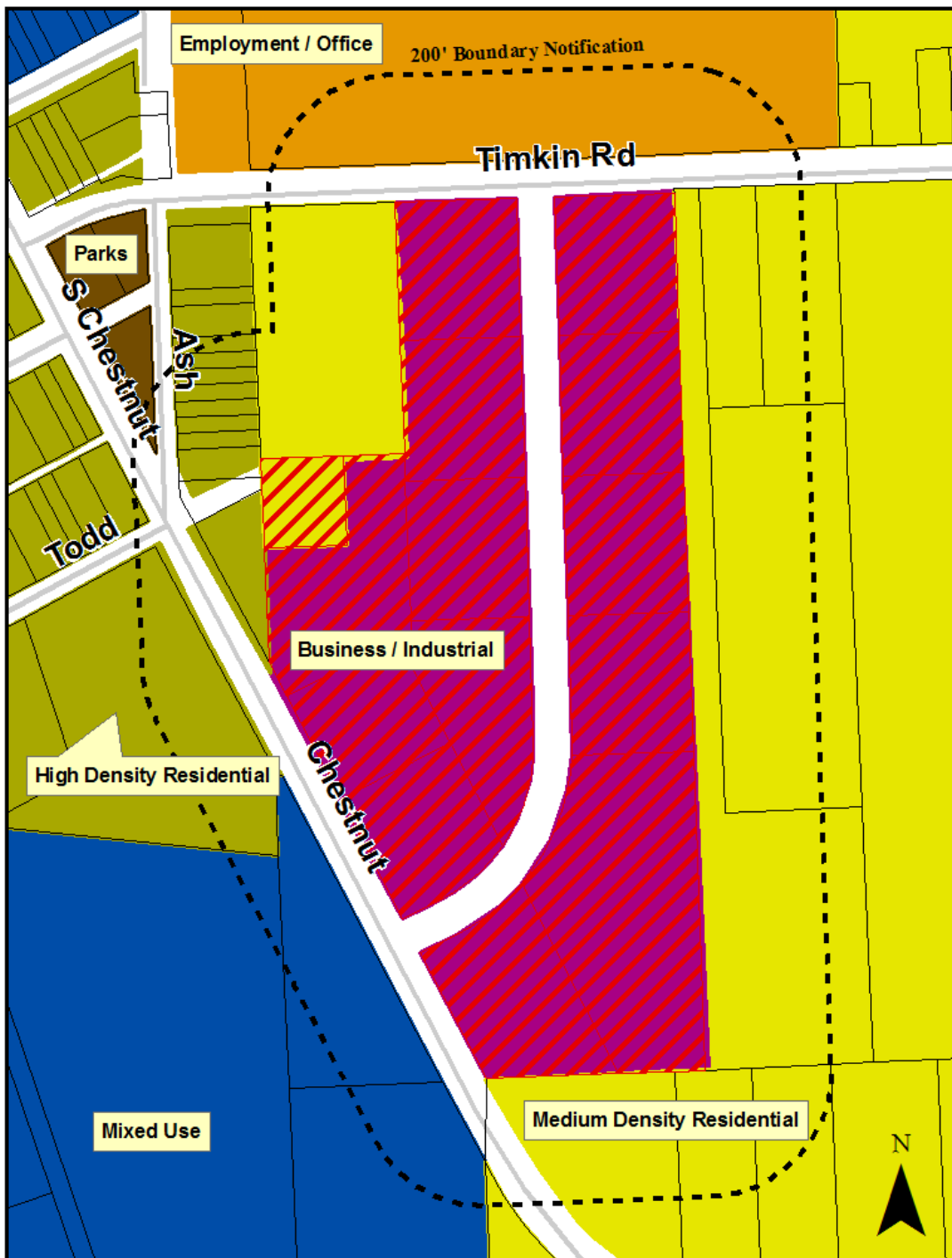


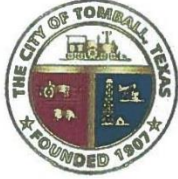
Exhibit "C"
Comprehensive Plan Future Land Use Map



**Exhibit “D”
Site Photo**



Exhibit "E"
Rezoning Application



Revised 1/20/09

**Application for
Planned Development**
Engineering & Planning Department



The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: Dan Schaub Title: Project Manager
Mailing Address: 21514 Fones Rd City: Tomball State: Tx
Zip: 77317
Phone: (713) 822-8095 Fax: () Email: dk.schaub@att.net

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

Engineer/Surveyor (if applicable)
Name: Four Points Survey - Mark Sherly Title: Owner
Mailing Address: 83 E. Greywing Circle City: The Woodlands State: Tx
Zip: 77382
Phone: (281) 961-0714 Fax: () Email: FPsurveying@gmail.com

Description of Proposed Project: Chestnut Business Park

Physical Location of Property: NE Corner of Chestnut Business Park + 525 S. Chestnut
[General Location - approximate distance to nearest existing street corner]

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

www.ci.tomball.tx.us

Legal Description of Property: See Attachment to letter.
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: See Attachment to letter Acreage: 16.5298

Current Use of Property: Not currently developed - Chestnut Business Park

Proposed Use of Property: Chestnut Business Park

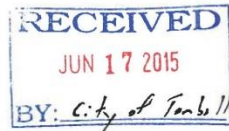
Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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] 6-17-15
Signature of Applicant Date

X [Signature] 6-17-15
Signature of Owner Date

Albers Properties, L.P
CHESTNUT BUSINESS PARK



May 20, 2015

City of Tomball Planning and Zoning
501 James Street
Tomball, Texas 77375

Reference: The Rezoning of Tract 2A, Abstract 629, Joseph Pruitt Survey

Dear City of Tomball Staff,

Albers Properties, L.P. requests that the City of Tomball consider rezoning of Tract 2A, Abstract 629, Joseph Pruitt Survey (.4186 acre) adjacent to Chestnut Business Park from its current Medium Density Residential to Business/Industrial for Office District to a Planned Development District. This Tract 2A, Abstract 629 Joseph Pruitt Survey (.4186 acre) is being replatted and combined with 525 S. Chestnut St. This project originally began in 2007 and consists of 12 premium lots with a regional detention pond and associated infrastructure. The plat prepared and recorded in 2008 along with the construction of the first 2 lots. In 2011, chestnut Business Park Drive and associated utilities were completed and approved by the City and was rezoned to PD. This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. These projects when complete will not only provide an aesthetically pleasing commercial park but jobs and economic impact to the City.

We look to have more flexibility for our future tenants in a manner which still adheres to the City of Tomball's Comprehensive Plan. In different economic times it is important to be able to offer a variety of products for the clients that look to establish businesses in Tomball. We are requesting that we are allowed to offer these types of businesses and opportunity to relocate their interest to the City. The Design standards and uses will remain the same.

The following uses are shown below:

Chestnut Business Park Rezoning

Page 2

Proposed Uses for Chestnut Business Park, Tomball, Texas

Sign Shop retail
Upholstery Shop Non-Auto
Auto Interior Shop/Upholstery
Auto Glass Repair/Tinting
Auto Muffler Shop
Auto Repair (Major)
Auto Repair (Minor)
Appliance Repair
Electronic Assembly
Fix it Shops
Heating and Air Conditioning
Lawnmower Repair and Sales
Locksmith
Maintenance and Repair Service
Moving and Storage
News Printing
Pawn Shop
Plumbing Shop
Printing Equipment, Supplies, Repairs
Quick Lube/oil-change/inspection
Scientific Research Lab
Security System Installation
Sheet Metal Shop
Tool and Machinery Rental Inside
Vacuum Cleaner Sales/Repair
Vet Clinic
Contractor Office/ Sales
Office Showroom/Warehouse
Assembly of finished products or parts as defined in 2nd Amendment to VRLK dated October 14, 2011
Commercial & Wholesale Trade:
 Communication Equipment sales/Service (Installation and/or Repair)
 Distribution Center
 Electric Repair (Domestic Equipment and Autos)
 Exterminator Service
 Iron Works (Ornamental)
 Machine Shop
 Pet and Animal Grooming Shop
 Publishing and Printing Company

Chestnut Business Park Rezoning

Page 3

Warehouse (defined under storage or wholesale warehouse)
Welding Shop
Wholesale Trade-Nondurable Goods
Woodworking Shop

Amusement & Recreation

Amusement,commercial (indoor)
Playfield or stadium (private)

Office

Clinic,Emergency Care
Clinic,Medical and/or Dental
Office, Professional and General Business
Office Showroom/Warehouse
Security Monitoring Company (No Outside Storage)
Telemarketing Agency
Telephone Exchange/Switching Station

Personal & Business

Ambulance Service
Automobile Driving School (Including Defensive Driving)
Dance/Drama/Music Schools (Performing Arts,Martial Arts)
Health Club (Indoor)

Retail

Artist or Photography Studio
Bakery (Wholesale)
Carpenter Shop
Catering Service
Copy Shop
Electronic Goods (Retail Only)
Furniture Store (New and Used)
Painting and Refinishing Shop
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only; no outside storage)
Trophy Engraving
Upholstery Shop (Non-Auto)

Transportation & Auto Services

Auto Accessories (Retail Sales Only)

Chestnut Business Park Rezoning

Page 4

Auto Body Repair/Painting
Auto Dealer, Primarily Used Auto Sales w/ outdoor sales (no outdoor display)
Auto Interior Shop/Upholstery
Auto Paint Shop
Auto Parts Sale (New or Rebuilt; No Outside Storage, No Outside Display, No Repair)
Automobile Assembly
Automobile Wash (Full service/detail Shop)

Institutional/Governmental

Child Day Care Center (Business)
Church/Temple/Place of Worship
Governmental Building or Use (County, State or Federal)
School- College or University
School-Commercial Trade (Vocational)
School- Other than Public or Denominational
Studio for Radio and/or Television (No Towers)

Commercial & Wholesale Trade

Appliance Repair
Carpet and Rug Cleaning Plant
Cleaning Plant (Commercial Laundry)
Communication Equipment Sales/Service (Installation and/or Repair- No outdoor sales or storage or towers/antennae)
Contractor's Office/Sales, No Outside Storage including Vehicles
Distribution Center
Electric Repair- (Domestic Equipment and Autos)
Electronic Assembly
Electro-plating/Electro-typing
Exterminator Service/Company (No Outdoor Sales or Storage)
Fix-it-Shops- Small Engine, Saw Filing, Mower Sharpening
Heating & Air-Conditioning Sales/Services
Iron Works (Ornamental)
Lawnmower Repair and/or Sales
Locksmith
Machine Shop
Maintenance & Repair Service for Buildings/Janitorial
Mattress- making and renovating
Moving and Storage Company
News Printing
Plumbing Shop
Printing Equipment, Supplies and Repairs
Publishing and Printing Company

Chestnut Business Park Rezoning

Page 5

Scientific and Industrial Research Laboratories (Non-Hazardous)

Security Systems Installation Company

Sheet Metal Shop

Taxidermist

Tool and Machinery Rental (Indoor Storage only)

Warehouse (Defined under storage or wholesale warehouse)

Welding Shop

Wholesale Trade- Nondurable Goods

Wood Working Shops

Light & Heavy Manufacturing/Industrial

Artificial Flower Manufacture

Awning Manufacture-Cloth, Metal and Wood

Bag Manufacturing

Bottling Works

Broom Manufacture

Candy and Other Confectionary Products Manufacture

Canvas and related products manufacture

Ceramic Products Manufacture

Cutlery, Handtools and General Hardware Manufacture

Electric lamp manufacture

Elevator manufacture

Enameling and Painting

Engraving Plant

Envelope Manufacture

Farm/garden machinery equipment manufacture

Fixtures Manufacture

Food Processing

Footwear manufacture

Furnace manufacture

Furniture Manufacture

Hair Products Factory (Other than Human)

Ice cream/ ice manufacture

Laboratory Equipment Manufacturing

Leather Products Manufacture

Marble Working and Finishing

Metal Products, Stamping and Manufacture

Mirror resilvering

Office equipment manufacture

Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture

Paper Products and Paper Box Manufacture

Plastic Products- Molding,Casting,and Shaping

Sign Manufacturing (No Outside Storage)

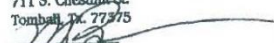
Chestnut Business Park Rezoning
Page 6

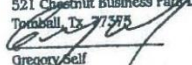
Stone Cutting or Crushing
Textile Products Manufacture
Wood Products Manufacture

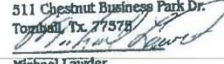
Many of these businesses are currently allowed and are in place for this development. By allowing this rezoning we feel like we can bring in quality tenants that will encourage growth and prosperity to this area in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,

Dean Albers/Albers Properties LP
PO Box 2563
Alpine, CA. 91903

Tan Mar 15B Ventures LLC
711 S. Chestnut St.
Tomball, Tx. 77375

Maurice Blodsoe

Standard Interests LLC
521 Chestnut Business Park Dr.
Tomball, Tx. 77375

Gregory Seif

Michael Lawder | Chestnut Rentals, LLC
511 Chestnut Business Park Dr.
Tomball, Tx. 77375

Michael Lawder

Chad Moore | CHEC M PROPERTIES
421 Chestnut Business Park Dr.
Tomball, Tx. 77375

Chad Moore

Albers Properties LP
411 Chestnut Business Park Dr.
Tomball, Tx. 77375

Dean Albers

Albers Properties LP
611 S. Chestnut St.
Tomball, Tx. 77375

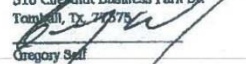
Dean Albers

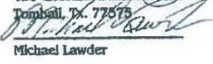
Spera Prop LLC
623 S. Chestnut St.
Tomball, Tx. 77375

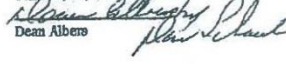
Curt Braun

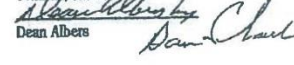
Auspicious T, Inc.
520 Chestnut Business Park Dr.
Tomball, Tx. 77375

Eric Ward

Standard Interest LLC
510 Chestnut Business Park Dr.
Tomball, Tx. 77375

Gregory Seif

Michael Lawder | Chestnut Rentals, LLC
420 Chestnut Business Park Dr.
Tomball, Tx. 77375

Michael Lawder

Albers Properties
410 Chestnut Business Park Dr.
Tomball, Tx. 77375

Dean Albers

Albers Properties LP
525 S. Chestnut St.
Tomball, Tx. 77375

Dean Albers

Chestnut Business Park Rezoning
Page 6
Stone Cutting or Crushing
Textile Products Manufacture
Wood Products Manufacture

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Tomball, Tx. 77375

Michael Lawder

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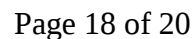
Michael Lawder

Albers Properties
410 Chestnut Business Park Dr.
Tomball, Tx. 77375

Dean Albers

Albers Properties LP
525 S. Chestnut St.
Tomball, Tx. 77375

Dean Albers



A		B		C		D	
1	HCAD#	OWNER	ADDRESS	LEGAL DESCRIPTION			
2							
3	1315270010001	SPERA Properties LLC	623 S. Chestnut St.	Lot 1, Block 1, Chestnut Business Park			
4	1315270020001	Albers Properties LP	411 Chestnut Business Park Dr.	Lot 1, Block 2, Chestnut Business Park			
5	1315270010002	Albers Properties LP	611 S. Chestnut St.	Lot 2, Block 1, Chestnut Business Park			
6	1315270020002	CHEC M PROPERTIES/Chad Moore	421 Chestnut Business Park Dr.	Lot 2, Block 2, Chestnut Business Park			
7	1315270010003	Albers Properties LP	525 S. Chestnut St.	Lot 3, Block 1, Chestnut Business Park			
8	1315270020003	Chestnut Rentals, LLC / Michael Lawder	511 Chestnut Business Park Dr.	Lot 3, Block 2, Chestnut Business Park			
9	1315270010004	Auspicious 7, Inc.	520 Chestnut Business Park Dr.	Lot 4, Block 1, Chestnut Business Park			
10	1315270020004	Standard Interest LLC	521 Chestnut Business Park Dr.	Lot 4, Block 2, Chestnut Business Park			
11	1315270010005	Standard Interest LLC	510 Chestnut Business Park Dr.	Lot 5, Block 1, Chestnut Business Park			
12	1315270020005	Albers Properties LP	0 Chestnut Business Park Dr.	Lot 5, Block 2, Chestnut Business Park			
13	1315270010006	Chestnut Rentals, LLC / Michael Lawder	420 Chestnut Business Park Dr.	Lot 6, Block 1, Chestnut Business Park			
14	1315270020006	TanMar/SB Ventures LLC	711 S. Chestnut St.	Lot 6, Block 2, Chestnut Business Park			
15	1315270010007	Albers Properties LP	410 Chestnut Business Park Dr.	Lot 7, Block 1, Chestnut Business Park			
16	0440550000210	Albers Properties LP	0 Timpkin Rd.	Tract 2A, Abstract 629 Joseph Pruitt Survey			
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Regular Planning and Zoning Commission

Agenda Item

Meeting Date: August 10, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P15-071**: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry;” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations effecting properties along FM 2920, SH 249 and SH Business 249.

- Conduct a Public Hearing on **ZONING CASE P15-071**

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	

ATTACHMENTS:

Notice of Public Hearing

P15-071 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
AUGUST 10, 2015
&
CITY COUNCIL
AUGUST 17, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, August 10, 2015, at 6:00 P.M.**, at City Hall, 401 Market Street, Tomball, Texas and by the City Council of the City of Tomball on **Monday, August 17, 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 P15-071: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry,” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations, effecting properties along FM 2920, SH 249 and SH Business 249.

ZONING CASE P15-008: Request by Dan Schaub, on behalf of Albers Properties, L.P., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .4186 acres of land, legally described as Tract 2A, Abstract 629, Joseph Pruitt Survey, within the City of Tomball, Harris County, Texas, generally located east of South Chestnut Street, north of Chestnut Business Park Drive, from the Single-Family 6 (SF6) District to the Planned Development 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

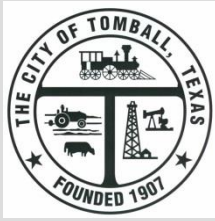
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of August 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled 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.



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: August 10, 2015

City Council Public Hearing Date: August 17, 2015

ZONING CASE P15-071: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry;” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations effecting properties along FM 2920, SH 249 and SH Business 249.

BACKGROUND

In June 2015, City Council directed City staff to bring forward amendments to Chapter 50 (Zoning) of the Code of Ordinance to help the City exercise greater control over the aesthetic characteristics of development along Main Street/Farm-to-Market (FM) 2920. The proposed changes below create a definition for “masonry,” limit the enhanced façade requirements to those properties on Main Street/FM 2920 not zoned Old Town & Mixed Use District, establish minimum building façade standards, set thresholds for enforcement, and authorize the Board of Adjustments to grant a special exception from these façade requirements. The Old Town & Mixed Use Zoning District is not being included in this amendment as that zoning district already has exterior façade requirements in the Code of Ordinances.

On July 13, 2015 City Staff presented the case to the Planning and Zoning Commission. After discussing the boundaries, the Commission decided to take no action on the item and directed staff to expand the boundaries to all properties along FM 2920, SH 249 and SH Business 249.

PROPOSED AMENDMENTS

Section 50-2. Definitions

Masonry means brick, stone, brick veneer, stucco, and split face block laid up unit by unit and set in mortar.

Section 50-33. Board of Adjustments (BOA)

g. General purpose and description.

1. Defined. A special exception is a type of variance, but is differentiated from a variance by the following:

- a. A special exception does not require a finding of a hardship.

b.Approval of a special exception by the board of adjustments is specifically provided for and defined in this chapter.

c.A special exception applies to nonconforming uses and structures, off-street parking requirements, **building façade requirements**, and landscaping requirements.

Section 50-62. Façade Overlay District

a. General purpose and description.

1. The Façade Overlay District (FOD) is intended to improve the aesthetics and integrity of development along the two main corridors within the City, FM 2920, SH 249 and SH Business 249, where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.
2. The FOD is limited to a specified area encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards. In the event of a conflict between the standards of the FOD and the regulations of the underlying zoning district, the standards described herein will prevail.

b. Scope and enforcement

1. New Buildings: All new non-residential buildings shall adhere to this Section.
2. Existing Buildings and Additions to Existing Buildings: Existing buildings shall conform to this Section upon expansion exceeding 25% in area of the existing building.

- c. District Boundary: Properties with frontage on either side of Farm-to-Market 2920, excluding properties zoned Old Town & Mixed Use, properties with frontage on either side of State Highway 249, and properties with frontage on either side of State Highway 249 Business. Properties zoned Old Town & Mixed Use are not included in the FOD boundary.
- d. Building Façade Standards: Requirements are applicable to all sides of a building or structure visible from Main Street. A building façade plan of the entire proposed project shall be submitted with site plan review documents.

1. Building Articulation: Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:

a.Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.

- b. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
- 2. Building Materials: A minimum of 100% of a building's total façade visible from FM 2920, SH 249 and SH Business 249, shall utilize materials allowed by right or Special Exception.
 - a. Allowed by Right: Masonry and glass.
 - b. Allowed by Special Exception: New technologies not addressed or contemplated by these regulations may also be allowed by Special Exception, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein. Additionally, franchise businesses with an established theme that has not been deviated from in any other jurisdiction may apply for a Special Exception to use a material not permitted in this section.
 - c. Trim Materials: Architectural metal, EIFS (exterior insulation and finish systems), wood, cementitious fiberboard may be utilized for window and door trim, fascia, or soffit. EIFS may be used as a trim material but shall not be used within 6' of the ground.
 - d. Bright or fluorescent colors shall not be permitted on any building material.
 - e. All façades of an individual building, multiple buildings in a shopping center, or integrated business development shall have architectural design, color, and materials that are compatible or consistent with an overall theme.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on July 27, 2015. No public comment forms have been received as of August 6, 2015

RECOMMENDATION

City staff recommends **APPROVAL** of Zoning Case P15-071.