

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



MONDAY, MARCH 9, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, March 9, 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 & Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Reports and Announcements
- 4.0 Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of February 9, 2015.

5.0 New Business:

- 5.1 Consideration to approve **CJ'S COUNTRY**: A replat of Lots 38, 39, 40 and 41 into New Lot 38 in Block 86 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plan 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).
- 5.2 Consideration to approve **NABORS PARKWAY**: Final Plat of Nabors Parkway Being 1.7950 Acres of Land in the Sam Lewis Survey, Abstract No. 1704, in the City of Tomball, Harris County, Texas.
- 5.3 Consideration to approve **VALUE BANK MAIN STREET – TOMBALL**: A Subdivision of 0.6322 acres out of Lots 1, 2, 3, and 14, block 7 Main Street Addition, Volume 15, Page 43 HCMR Joseph House Survey, A-34 Tomball, Harris County, Texas.
- 5.4 Consideration to approve **ZONING CASE P14-254**: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.
- Conduct Public Hearing on **ZONING CASE P14-254**
- 5.5 Consideration to approve **ZONING CASE P15-009**: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.
- Conduct Public Hearing on **ZONING CASE P15-009**
- 5.6 Consideration to approve **ZONING CASE P15-020**: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.
- Conduct Public Hearing on **ZONING CASE P15-020**

6.0 Adjournment

CERTIFICATION

Doris Speer_____

Doris Speer

City Secretary, TRMC

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2015

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission
Agenda Item
Data Sheet

Meeting Date: March 9, 2015

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 9, 2015

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of February 9, 2015.

Background:

Origination:

Recommendation:

Funding:

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

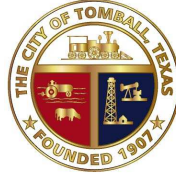
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Minutes of February 9, 2015 Meeting

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

MONDAY, FEBRUARY 9, 2015



6:00 P.M.

1.0 Call to Order

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

Commissioner Anderson
Commissioner Byrd
Commissioner Roquemore
Commissioner Torres

Others present:

Community Development Director – Craig Meyers
City Attorney - Loren Smith
City Engineer - Lori Lakatos
City Planner – Harold Ellis
Assistant City Planner – Rodney Schmidt
Community Development Coordinator – Amelia Vasquez

draft

2.0 No Public Comments were received.

3.0 Reports and Announcements

Harold Ellis, City Planner, announced an APA webinar training opportunity for the commissioners.

4.0 Motion was made by Commissioner Roquemore, second by Commissioner Torres, to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of January 12, 2015.

Motion carried unanimously.

5.0 New Business:

5.1 Consideration to approve LARUE's PLACE: Being a subdivision of 0.16 acre of land situated in the W. Hurd Survey, Abstract Number 371, Harris County, Texas and a replat of Lots 43 and 44, in Block 69, of the City of Tomball, a subdivision in

Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25 of the Map Records of Harris County.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Torres, second by Commissioner Anderson, to approve **LARUE's PLACE**, with contingencies.

Motion carried unanimously.

- 5.2 Consideration to approve **GATEWAY BUSINESS PARK**: Being a subdivision of 2.9894 acres of land situated in the Joseph House Survey, Abstract No. 20, Montgomery County, Texas.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Byrd, second by Commissioner Roquemore, to approve **GATEWAY BUSINESS PARK**, with contingencies.

Motion carried unanimously.

- 5.3 Consideration to approve **PYE ESTATES**: Being a subdivision of a 0.2410 acre tract, in the William Hurd Survey, A-371, Being a replat of Lots 29, 30 and 31 Block 29, Tomball Town site as recorded in Volume 4, Page 25, Harris County Map Records Harris County, Texas.

Lori Lakatos, City Engineer, presented comments and recommendations.

Motion was made by Commissioner Anderson, second by Commissioner Roquemore, to approve **PYE ESTATES**.

Motion carried unanimously.

- 5.4 Consideration to approve **ZONING CASE P14-262**: Request by Jose Vasquez to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 4.02 acres of land, legally described as Lot 1, Block 1, Vasquez-Phoenix, within the City of Tomball, Harris County, Texas, generally located at the southwest corner of Lizzie Lane and South Persimmon Street, from the Single-Family Residential-6 District to the Commercial District.

Rodney Schmidt, Assistant City Planner, presented the staff report and recommendation.

Henri Klok (P.O. Box 11732, Spring, TX 77391) spoke on behalf of the request.

Applicant Jose Vasquez (3007 Woodland Hills Dr., Kingwood, TX 77339) spoke on behalf of the request.

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

Hearing no comments, the Public Hearing was closed at 6:15 p.m.

Motion was made by Commissioner Roquemore to approve **ZONING CASE P14-262**, second by Commissioner Byrd. Vote was as follows:

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

Motion carried; 5 votes Aye, 0 votes Nay.

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

Motion carried unanimously.

Meeting adjourned at 6:19 p.m.

PASSED AND APPROVED this 9th day of March 2015.

Amelia Vasquez
Amelia Vasquez
Commission Secretary

Barbara Tague
Barbara Tague
Chair

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 9, 2015

Data Sheet

Topic:

Consideration to approve **CJ'S COUNTRY**: A replat of Lots 38, 39, 40 and 41 into New Lot 38 in Block 86 of REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plan 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).

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:

CJ's Country Plat

STATE OF TEXAS
COUNTY OF HARRIS

We, Clarence and Irene Melancon, hereinafter referred to as owners of the 0.3214 acre tract described in the above and foregoing plat of "CJ'S COUNTRY", do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said map or plat and hereby dedicate to the use of the public forever, all streets (except private), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations herein expressed, and do hereby bind ourselves and our heirs, successors, and assigns to warrant and defend the title to the land so dedicated.

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

FURTHER, 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" diameter) with culverts or bridges to be provided for all private walkways crossing such drainage facilities.

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

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

WITNESS our hand, this ____ day of _____, 2015.

Clarence Melancon, Owner

Irene Melancon, Owner

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Clarence Melancon, 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, and as the act and deed of said owner.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2015.

Notary Public in and for the State of Texas

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

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Irene Melancon, 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, and as the act and deed of said owner.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2015.

Notary Public in and for the State of Texas

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

I, Tony P. Swonke, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that the elevation benchmark reflected on the face of the plat was established as required by regulation; that all corners and angle points of the boundaries of the original tract to be subdivided of reference have been marked with iron rods having a diameter of not less than five-eighths of an inch (5/8") and a length of not less than three feet (3') and that the plat boundary corners have been tied to the nearest survey corner.

Tony P. Swonke
Registered Professional Land Surveyor No. 4767

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements and rights-of-way in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat on this ____ day of _____, 2015.

Gretchen Fagan
Mayor

Doris Speer
City Secretary

We, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat of "CJ'S COUNTRY" is in conformance with the City of Tomball ordinances.

George Shackelford
City Manager

Lori Lakatos, P.E., CFM
City Engineer

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of "CJ'S COUNTRY", in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat on this ____ day of _____, 2015.

Barbara Tague
Chairman

Darrell Roquemore
Vice-Chairman

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

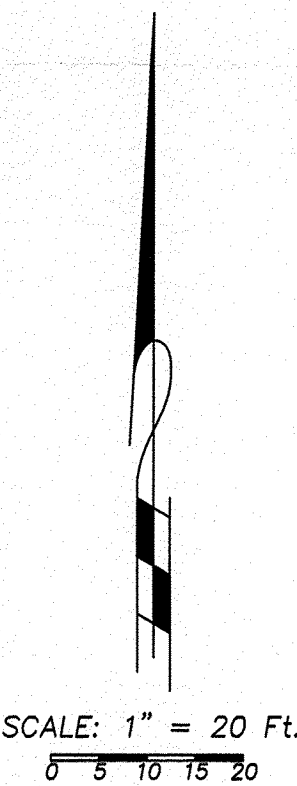
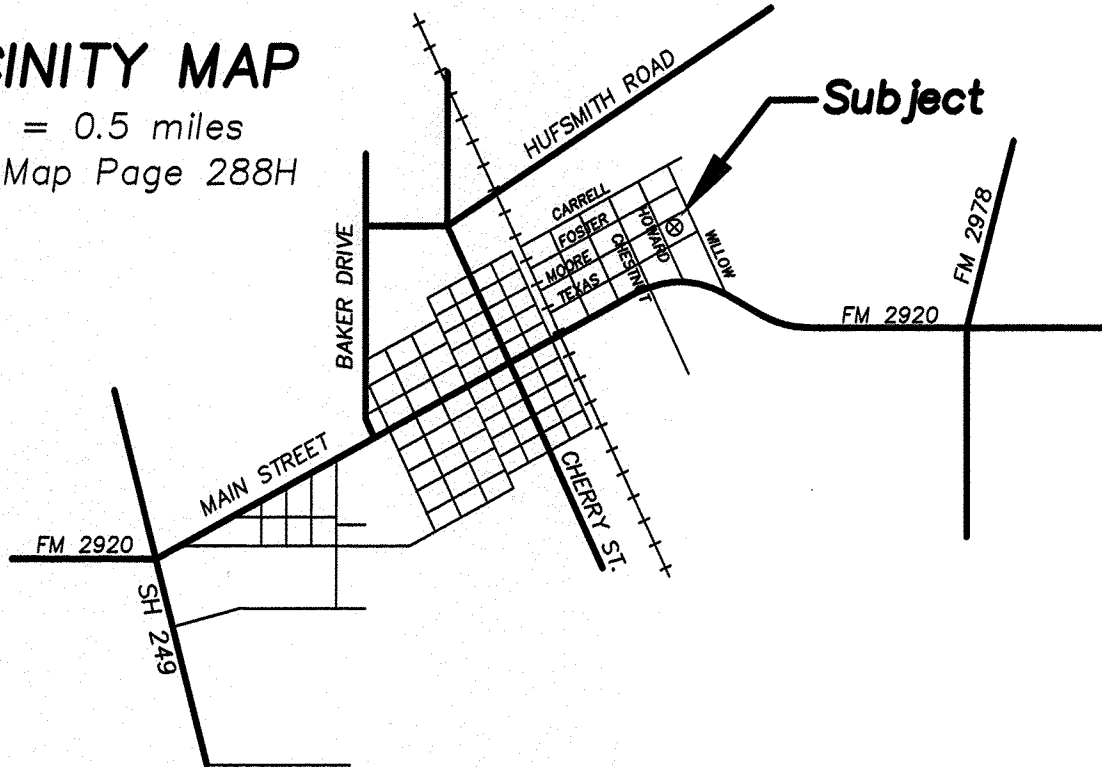
WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DATE AND DATE LAST ABOVE WRITTEN.

Stan Stanart
Clerk of the County Court
Harris County, Texas

Deputy

VICINITY MAP

1" = 0.5 miles
Key Map Page 288H



OWNER:

Clarence and Irene Melancon
6203 Kingscrest Lane
Spring, TX 77389
Ph: 281-257-6222

PREPARED BY:

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

DATE: February 2, 2015

Note #1 All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2 All oil/gas wells (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3 No building or structure shall be constructed across any pipelines building lines, and/or easements. Building setback lines will be required, adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

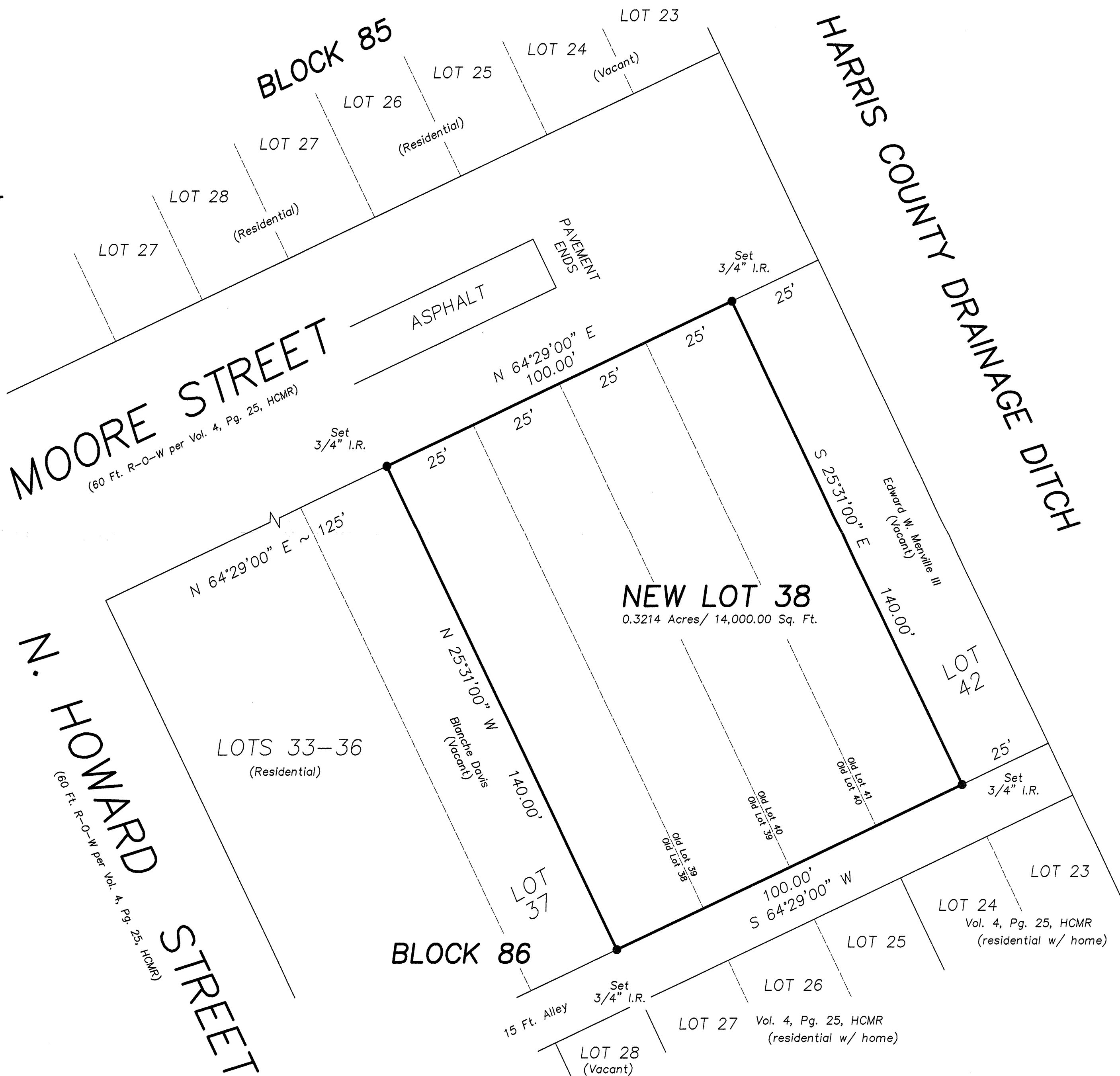
NOTE #4: This plat does not attempt to amend or remove any valid restrictions or covenants.

NOTE #5: The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building line required by the City of Tomball Code of Ordinances at the time of the development of the property.

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

PUBLIC EASEMENT:

Public easements denoted on this plat are hereby dedicated to the use of the public forever. Any public utility, including the City of Tomball, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, paved surfaces, 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.



REPLAT:

"CJ'S COUNTRY"

A replat of Lots 38, 39, 40 and 41 into New Lot 38 in Block 86 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).

(The common line between the lots has been eliminated and the four lots have been consolidated into one.)

Containing: 1 Lot / 1 Block

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 9, 2015

Data Sheet

Topic:

Consideration to approve **NABORS PARKWAY**: Final Plat of Nabors Parkway Being 1.7950 Acres of Land in the Sam Lewis Survey, Abstract No. 1704, in the City of Tomball, Harris County, Texas.

Background:

Origination:

Recommendation:

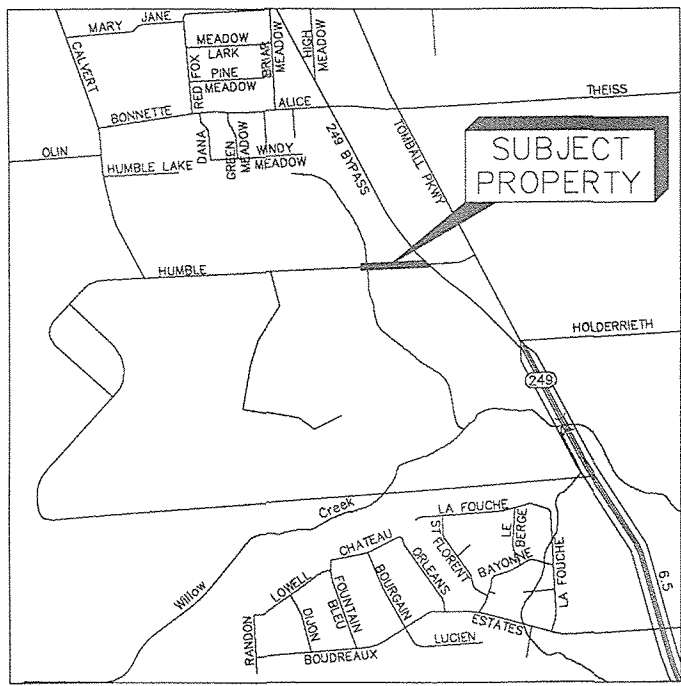
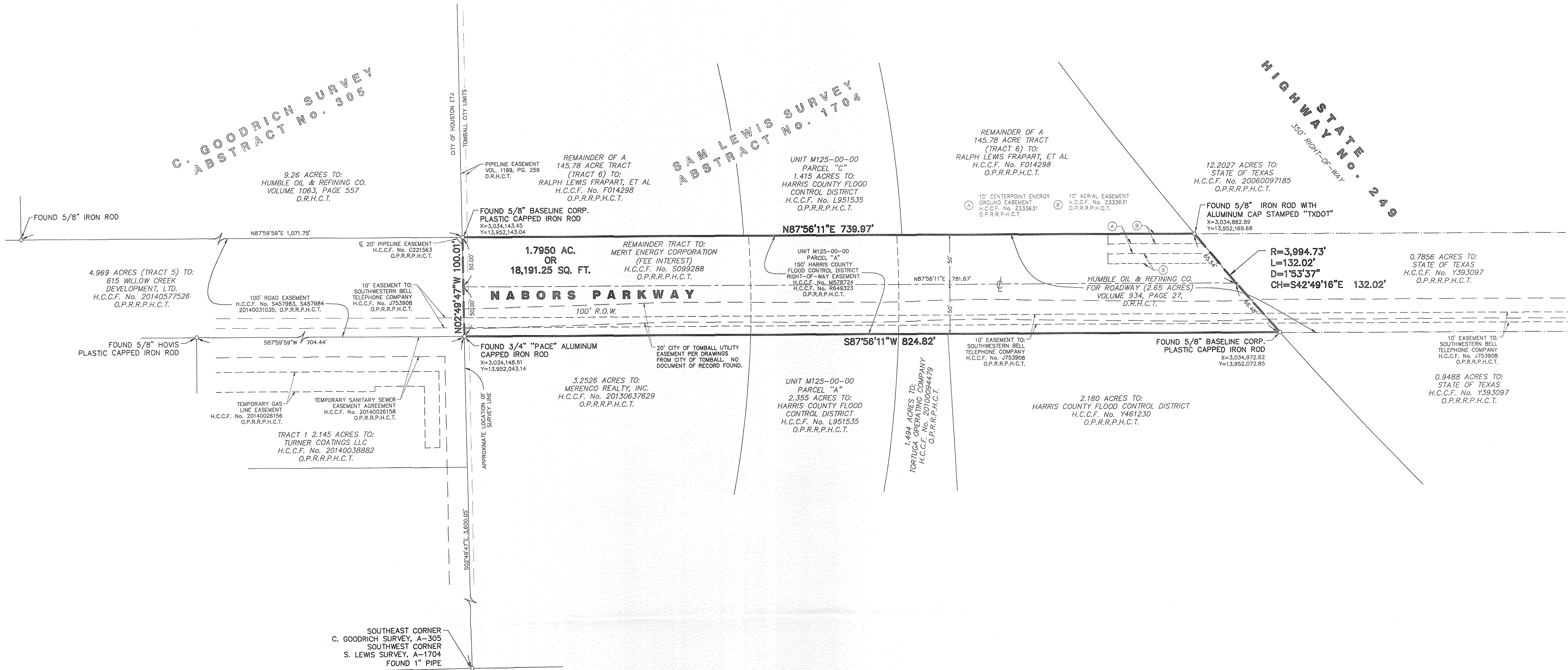
Funding:

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

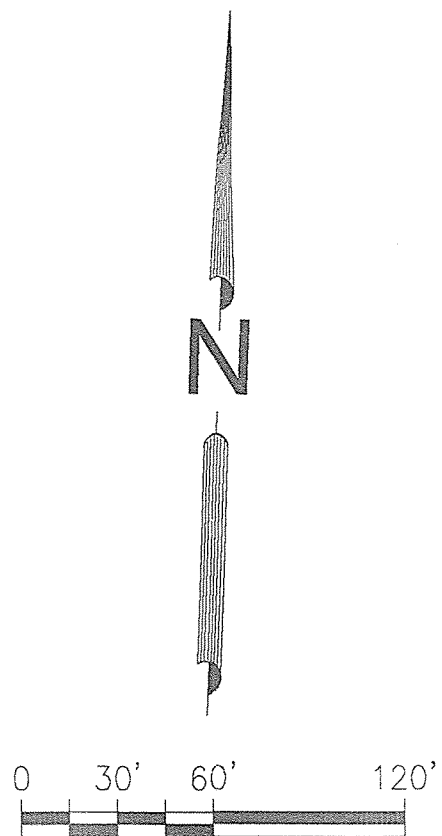
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Nabors Parkway Plat



VICINITY MAP
1"=3,000'



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
- PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HERE BY 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 (#204) NAD 83 CORRS ADJUSTMENT. THE DISTANCES SHOWN ARE SURFACE DATUM, TO CONVERT TO GRID MULTIPLY BY A COMBINED PROJECT ADJUSTMENT FACTOR OF 0.9999412773.
- THIS TRACT OF LAND IS LOCATED WITHIN 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.
- 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.

STATE OF TEXAS
COUNTY OF HARRIS

WE, 615 WILLOW CREEK DEVELOPMENT, LTD., ACTING BY AND THROUGH ARETE REAL ESTATE DEVELOPMENT COMPANY, ACTING BY AND THROUGH HEREINAFTER REFERRED TO AS OWNERS OF THE 1.795 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF NABORS PARKWAY, 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 AND UNOBTSTRUCTED SERIAL EASEMENT FIVE FEET IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

IN TESTIMONY WHEREOF, 615 WILLOW CREEK DEVELOPMENT, LTD. HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____, ITS _____, THEREUNTO AUTHORIZED, ATTESTED BY ITS SECRETARY _____ AND ITS COMMON SEAL HEREUNTO AFFIXED THIS _____ DAY OF _____, 201____.

BY: 615 WILLOW CREEK DEVELOPMENT, LTD.

BY: ARETE REAL ESTATE AND DEVELOPMENT COMPANY

PRINT NAME
TITLE

ATTEST: PRINT NAME
TITLE

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ OF 615 WILLOW CREEK DEVELOPMENT, LTD., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 201____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT OF NABORS PARKWAY IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 201____.

BY: _____
BARBARA TAGUE
CHAIRMAN

BY: _____
DARRELL ROQUEMORE
VICE CHAIRMAN

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 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 _____, 201____.

BY: _____
GRETCHEN FAGAN
MAYOR

DORIS SPEER
CITY SECRETARY

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 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 OUTSIDE DIAMETER OF NOT LESS THAN TREE-QUARTER (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'); AND THAT THE PLAT BOUNDARY CORNER S HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

MICHAEL F. CARRINGTON
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5366

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

FINAL PLAT OF NABORS PARKWAY

BEING 1.7950 ACRES OF LAND IN THE SAM LEWIS SURVEY,
ABSTRACT No. 1704, IN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS

LAND SURVEYOR

BASELINE

BASELINE CORPORATION
Professional Surveyors
BASELINE CORPORATION
1750 SEAMIST DRIVE, SUITE 160
HOUSTON, TEXAS 77008
PH: 713-869-0155
TBPLS FIRM No. 10030200

OWNER

615 WILLOW CREEK DEVELOPMENT, LTD.
c/o ARETE REAL ESTATE AND
DEVELOPMENT COMPANY
340 SAM HOUSTON PKWY, SUITE 140
HOUSTON, TEXAS 77060
(281) 272-6134

FEBRUARY 2, 2015

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 9, 2015

Data Sheet

Topic:

Consideration to approve **VALUE BANK MAIN STREET – TOMBALL**: A Subdivision of 0.6322 acres out of Lots 1, 2, 3, and 14, block 7 Main Street Addition, Volume 15, Page 43 HCMR Joseph House Survey, A-34 Tomball, 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:

Value Bank - Main Street Plat

THE STATE OF TEXAS §
COUNTY OF HARRIS §

I, Keary Barnes acting by and through trustee being an officer of Keary Barnes Trustee, owner hereinafter referred to as owners of the 0.6322 acre tract described in the above and foregoing plat of Value Bank Main Street - Tomball, do hereby make and establish said subdivision of said property according to all laws, 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 serial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown herein.

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.

IN TESTIMONY WHEREOF, the Keary Barnes Trustee has caused these presents to be signed by Keary Barnes its Trustee, thereto authorized, and its common seal hereunto affixed this _____ day of _____, 2014.

Keary Barnes Trustee
By: _____

Trustee

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared (names of persons signing the plat, owners, corporation officers, and landholders, (corporation title, if appropriate), 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 (all for corporation, "and in the capacity therein and herein stated, and as the act and deed of said corporation").

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2014.

(Signature of Notary Public)
Notary Public in and For the State of Texas
My Commission Expires: _____

(Affix notary seal)

I, Walter E. Smith, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron 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.



Walter E. Smith
Texas Registration No. 1982

This is to certify that the Planning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Value Bank Main Street - Tomball 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 _____, 2015.

Barbara Tague, Chairman
Darrell Roquemore, Vice Chairman

We, the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat of Value Bank Main Street - Tomball is in conformance with the City of Tomball ordinances.

George Shackelford
City Manager
Lari Lakatos, P.E.
City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements and rights-of-way in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat on this _____ day of _____, 2015.

Gretchen Fagan
Mayor
Doris Speer
City Secretary

I, Stan Stannett, 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 _____ of _____, 2014 at _____ o'clock (a.m. or p.m.), and in Volume _____, Page _____ of the map records of Harris County for said County.

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

Ex Officio Clerk of
Harris County, Texas
Chairman or Vice Chairman
By:
Deputy

Public Easements:

Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said 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.

Flood Information:

According to FEMA Firm Panel No. 48201C0210L (Effective Date June 18, 2007, this property is in Zone "X" and is not in the 0.2% Annual (Chance Flood Plain).

Note #1:

All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:

All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3:

No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

Note #4:

This plat does not attempt to amend or remove any valid covenants or restrictions.

Note #5:

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.

TOMBALL ASSEMBLY OF GOD CHURCH
FILM CODE 353037, MRCC

RAYMOND AVENUE 60' ROW
VOL. 15, PG. 43, HCMR

N 13960187.91
E 3035431.83

CATLIN JOINT VENTURE
J. GEER & L. LACROIX
LOT 13
HCAD 0670990070016
COMMERCIAL
LOT 5

N 13960049.58
E 3035437.85

LOT 3
LOT 2
RESERVE 71
RESTRICTED TO COMMERCIAL
27,537.52 SF
0.6322 ACRE
BLOCK 7
LOT 14

STEINER CAMERON
206 LAWRENCE ST
LOT 13
RESIDENTIAL

LOT 7
BLOCK 7
MAIN STREET ADDITION
VOLUME 15, PAGE 43
H.C.M.R.

LOT 8
LOT 11

Value Bank Main Street - Tomball

A SUBDIVISION OF 0.6322 ACRES
OUT OF LOTS 1, 2, 3, AND 14, BLOCK 7
MAIN STREET ADDITION, VOLUME 15, PAGE 43 HCMR
JOSEPH HOUSE SURVEY, A-34
TOMBALL, HARRIS COUNTY, TEXAS
JULY 2014

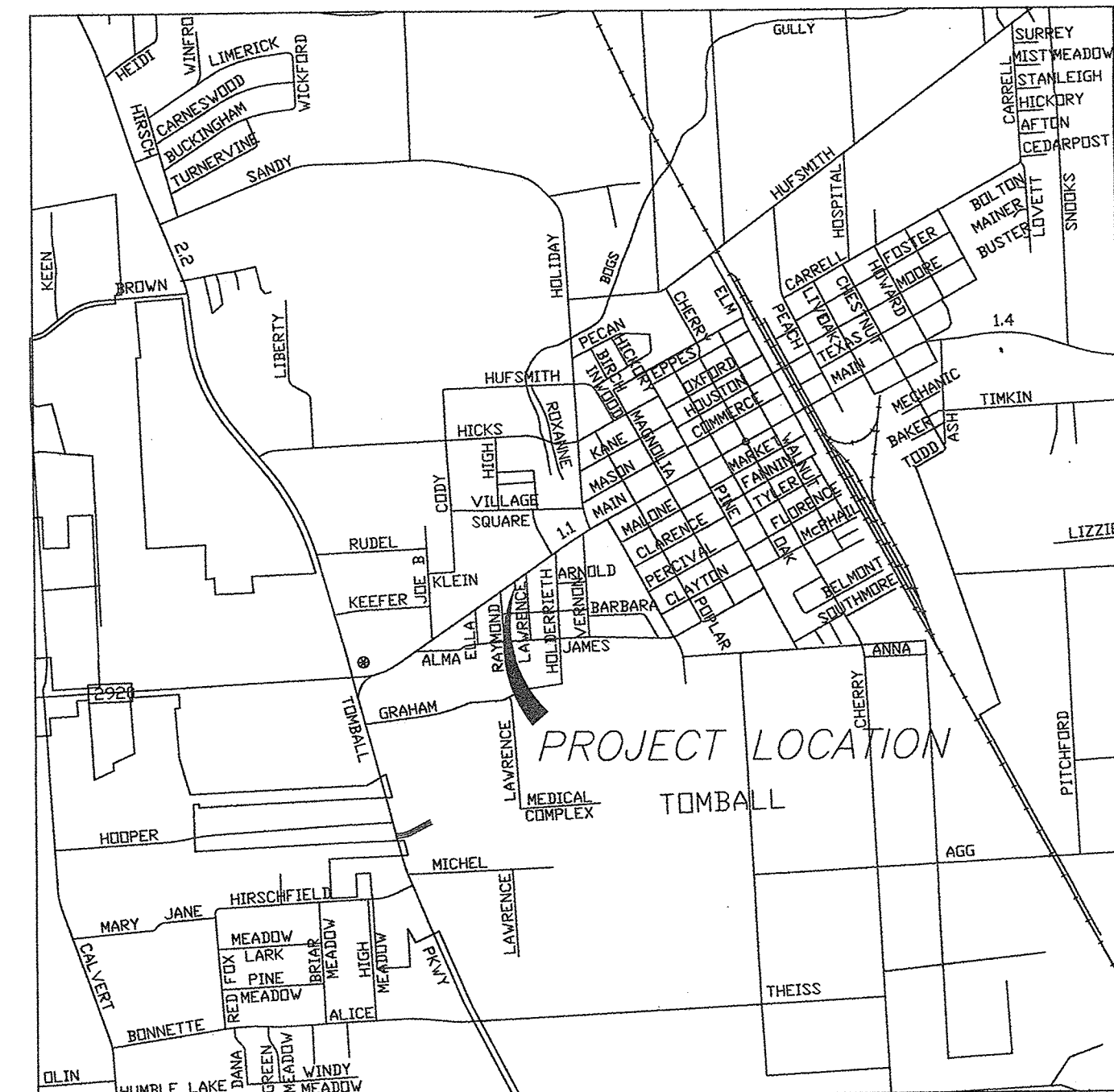
0 LOTS 1 RESERVES 1 BLOCK

PREPARED BY:
ARBORLEAF ENGINEERING & SURVEYING, INC.
TBPLS # 100543-00 TBPE # 7705
1002 VILLAGE SQUARE DRIVE, SUITE B
TOMBALL, TEXAS 77375
281-655-0634

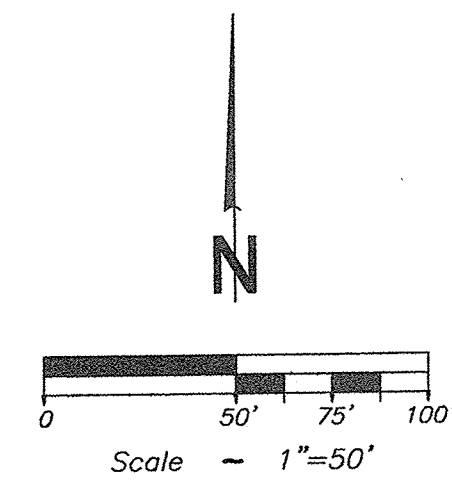
OWNER/DEVELOPER:
KEARY BARNES, TRUSTEE
13322 WILDWOOD
TOMBALL, TEXAS 77375
281-205-9691

ENGINEER:
ARBORLEAF ENGINEERING & SURVEYING, INC.
TBPE # 7705
1002 VILLAGE SQUARE DRIVE, SUITE B
TOMBALL, TEXAS 77375

SURVEYOR:
ARBORLEAF ENGINEERING & SURVEYING, INC.
TBPLS # 100543-00
1002 VILLAGE SQUARE DRIVE, SUITE B
TOMBALL, TEXAS 77375



LOCATION MAP--1"=2000'
KEY MAP 288G



NOTE: THE BEARINGS IN THIS SURVEY
ARE BASED ON THE TEXAS STATE PLANE
COORDINATE SYSTEM, SOUTH CENTRAL
ZONE, NAD 83

"U.E." indicates "utility Easement"
"B.L." indicates "Building Line"
"D.E." indicates "Drainage Easement"
"H.C.C.F." indicates "Harris County Clerks File"
"H.C.D.R." indicates "Harris County Deed Records"
"H.C.F.C.D." indicates "Harris County Flood Control District"
"H.C.M.R." indicates "Harris County Map Records"
"P.A.E." indicates "Permanent Access Easement"
"F.H." indicates "Fire Hydrant"
"S.S.E." indicates "Sanitary Sewer Easement"
"W.L.E." indicates "Water Line Easement"
"S.T.E." indicates "Storm Sewer Easement"

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 9, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P14-254**: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

- Conduct Public Hearing on **ZONING CASE P14-254**

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

P14-254 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2015
&
CITY COUNCIL
MARCH 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 16, 2015, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P14-254: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

ZONING CASE P15-009: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

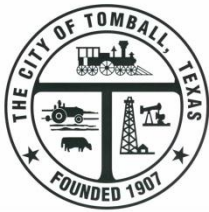
At the public hearings, parties in interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@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 5th day of March 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: P14-254

APPLICANT/OWNER: Jose Aguirre, on behalf of Tower Steel Services, Inc

LOCATION: East of South Persimmon Street and south of Lizzie Lane

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District.

* * *

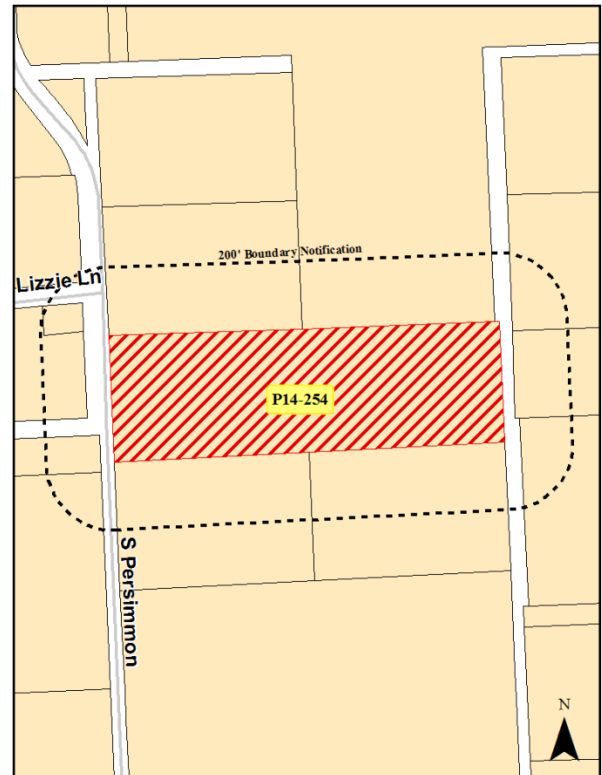
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

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

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

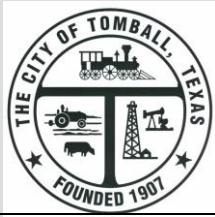


**Planning & Zoning Commission
Public Hearing:
Monday, March 9, 2015, 6:00 PM**

**City Council Public Hearing:
*Monday, March 16, 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 Hearing Date: March 9, 2015
City Council Public Hearing Date: March 16, 2015

Zoning Case: P14-254

Property Owner(s): Tower Steel Services, Inc.

Applicant(s): Jose Aguirre

Legal Description: Lots 335 & 336, Tomball Outlots

Location: East of South Persimmon Street and south of Lizzie Lane (Exhibit "A")

Area: 10 acres

Present Zoning and Use: Agricultural District (Exhibit "B") / Undeveloped land (Exhibit "C")

Comp Plan Designation: Low Density Residential (Exhibit "D")

Proposed Zoning and Use: Light Industrial (LI) District¹ / Light industrial and manufacturing

Adjacent Zoning and Use:

- North:** Commercial and LI Districts / Various commercial and industrial uses
- South:** Agricultural District / Agricultural land
- West:** Single-Family Residential-6 (SF-6), Commercial², and LI Districts / South Persimmon Street, undeveloped land, and City of Tomball drainage channel
- East:** Agricultural and Commercial Districts / Unimproved City of Tomball right-of-way, agricultural land, and undeveloped land

BACKGROUND

In August 2014, the applicant, Jose Aguirre, met with City staff to inform them of his desire to develop the subject site with light industrial and manufacturing uses (Exhibit "E") and to inquire into the property's zoning classification. City staff informed Mr. Aguirre of the following:

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

² The Planning & Zoning Commission recommended that Lot 1, Block 1, Vasquez-Phoenix (Zoning Case P14-262) be rezoned from the SF-6 District to the Commercial District on 2/9/15, the rezoning was approved by City Council on first and second readings on 2/16/15 and 3/2/15, and the rezoning takes effect on 3/16/15.

- The property was zoned Agricultural District;
- The Agricultural District classification did not allow light industrial and manufacturing uses;
- If he wanted to allow the light industrial and manufacturing uses he would be required to rezone the property to the LI District;
- The property had a Comp Plan future land use classification of Low Density Residential which was generally inconsistent with the LI District;

Subsequent to these discussions, the property owner turned in a rezoning application (Exhibit “F”) requesting the property be rezoned from the Agricultural District to the Light Industrial District.

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 service operations that do not typically depend upon frequent customer or client visits.”

There are several land uses in the vicinity of the subject site. To the north are various commercial and industrial uses; to the south is agricultural land; to the west are South Persimmon Street, undeveloped land, and a City of Tomball drainage channel; and to the east are unimproved City of Tomball right-of-way, agricultural land, and undeveloped land. The uses permitted by the Light Industrial District appear to be compatible with the commercial and industrial uses to the north.

There are several zoning classifications in the vicinity of the subject site. To the north are the Commercial and LI Districts; to the south is the Agricultural District; to the west are the SF-6, Commercial, and LI Districts; and to the east are the Agricultural and Commercial Districts. The LI District appears to be compatible with the Commercial and LI Districts to the north, west, and east. Any potential incompatibility of the request with the SF-6 and Agricultural Districts to the south, west, and east appears to be minimized by Chapter 50 (Zoning) of the Code of Ordinance’s building setback, landscaping, screening, and buffering requirements.

The Comp Plan designates the subject site as Low Density Residential. According to the Comp Plan, “Low Density Residential includes residential development on minimum 20,000 square foot lots with the intent to provide for a larger lot development pattern.” On the surface, the LI District does not appear to be compatible with the Low Density Residential Comp Plan designation. However, the Comp Plan states, “At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comp Plan. The Planning & 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 Comp Plan goes on to list eight questions the Planning

& Zoning Commission and City Council should consider. These questions are listed below along with the applicant's responses to the questions in *italics*.

1. Will the proposed development enhance the City economically?

The proposed development will enhance the city economically by promoting the creation and the relocation of businesses into the City. Our plan to build will increase the property value and assist in expansion of businesses in the light industrial & manufacturing industries thereby creating new jobs and revenues for the City.

2. Will the proposed development enhance the City aesthetically?

The proposed new development will enhance the city aesthetically as the new facilities will be new and professionally designed to integrate with existing buildings.

3. Is the proposed development consistent with the City's Goals, Objectives, and Actions?

The development is consistent the goals of the City as it also encourages new business development providing for additional economic and financial growth in the City.

4. Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?

Currently the property is zoned as agricultural land for hay production. However, due to the extreme weather conditions of the last few years, the production hay has been minimal with little or no revenue. Rezoning the land to light industrial will allow the construction of metal buildings that will bring in new business to the area providing the owners and the City new revenue and promoting economic development.

5. Will the proposed development impact adjacent residential areas in a positive or negative manner?

The development will impact the adjacent residential areas in a positive manner by encouraging the creation of new jobs for current residents as well as increase the value of their properties.

6. Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?

The proposed development will have adequate access and road capacity as it is consistent with the City's plan to expand surrounding roadways.

7. Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?

The property is currently surrounded by commercial and light industrial districts. Our proposal includes the construction of metal buildings that will be a similar development in both appearance, hours of operation and general compatibility.

8. Does the proposed development present a significant benefit to the public health, safety and welfare of the community?

The development will positively affect public health, safety and the welfare of the community by bringing positive business activity to the area. Business activity in the area would discourage crime as well as provide new jobs for the community resulting in the economic enhancement and welfare of the community.

This requested rezoning appears to be compatible with the Comp Plan for the following reasons:

- The uses permitted in the LI District are anticipated to enhance the City economically more than the agricultural land use currently established.
- The request appears to be consistent with Comp Plan Goal LUD 7, “Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs.” The full development of this site is anticipated to bring jobs to the City and positively impact the jobs-to-population ratio and mix of locally available jobs.
- Properties directly to the north and northeast are designated as Business/Industrial in the Comp Plan designation. The Business/Industrial designation is most compatible with the LI District.

ZONING CONSIDERATIONS

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

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

The uses permitted by the Light Industrial District appear to be compatible with the commercial and industrial uses to the north.

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 is little vacant property in the vicinity but numerous vacant properties elsewhere in the City zoned LI 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 affects 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 Comp Plan.**

This requested rezoning appears to be compatible with the Comp Plan for the following reasons:

- The uses permitted in the LI District are anticipated to enhance the City economically more than the agricultural land use currently established.
- The request appears to be consistent with Comp Plan Goal LUD 7, “Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs.” The full development of this site is anticipated to bring jobs to the City and positively impact the jobs-to-population ratio and mix of locally available jobs.
- The Business/Industrial Comp Plan designation which is compatible with the LI District is directly to the north and northeast.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 26, 2015. No public comment forms have been received as of March 4, 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 P14-254.

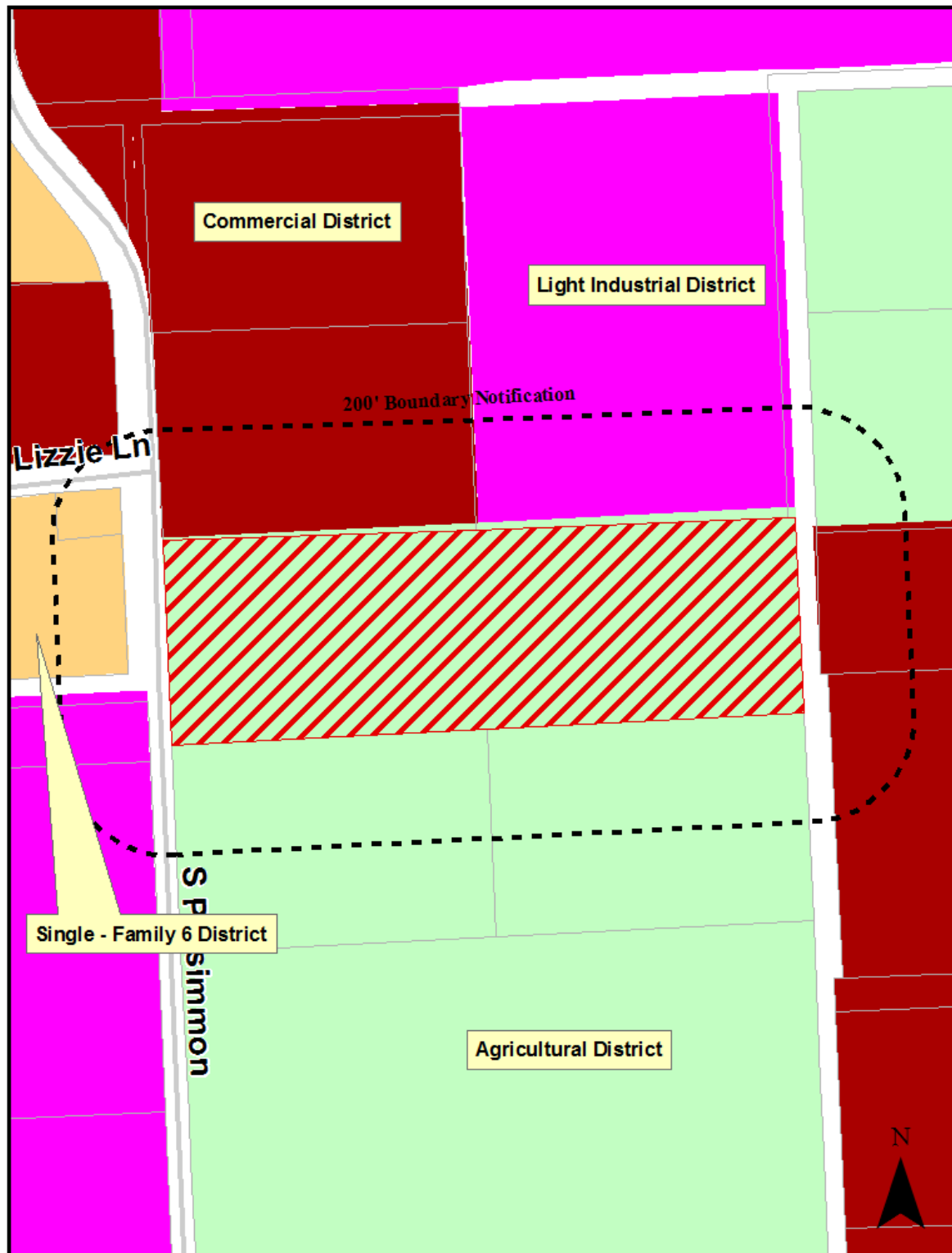
EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site.
Source: City of Tomball, TX



Figure 2: Subject site.
Source: City of Tomball, TX

Exhibit "D"
Comp Plan Map

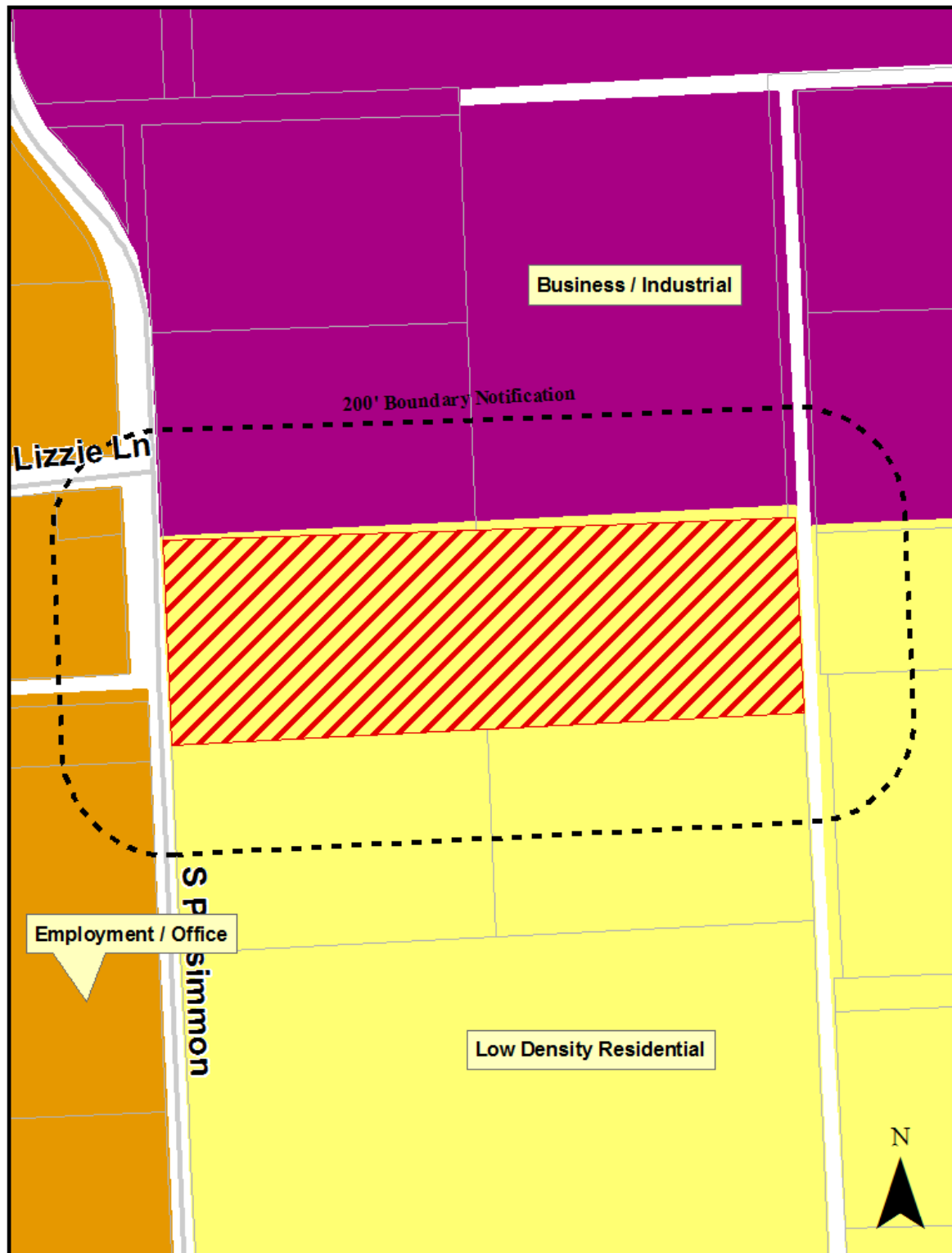


Exhibit “E”

Conceptual Site Plan

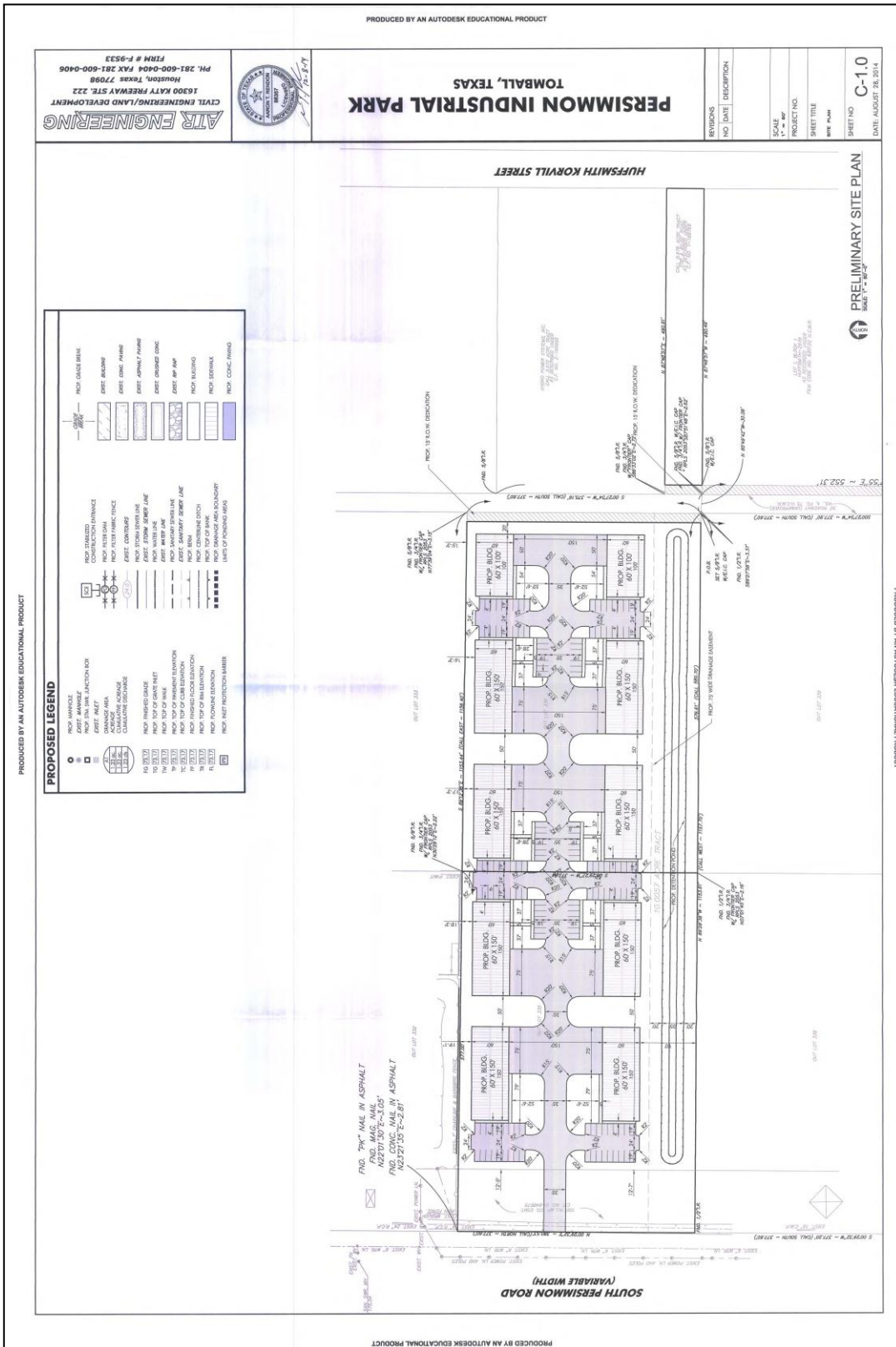


Exhibit "F"
Rezoning Application

P14-254

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: Jose M. Aguirre, Jr. rep. for Tower Steel Services, Inc. Title: President
Mailing Address: PO Box 690208 City: Houston State: TX
Zip: 77269-0208
Phone: (281) 290-0130 Fax: (281) 351-1732 Email: Joe@tsteel.net

Owner

Name: Tower Steel Services, Inc. Title: _____
Mailing Address: PO Box 690208 City: Houston State: TX
Zip: 77269-0208
Phone: (281) 290-0130 Fax: (281) 351-1732 Email: joe@tsteel.net

Engineer/Surveyor (if applicable)

Name: ART Engineering Title: _____
Mailing Address: 16300 Katy Freeway #222 City: Houston State: TX
Zip: 77094
Phone: (281) 600-0404 Fax: (281) 600-0406 Email: aarontrendon@yahoo.com

Description of Proposed Project: light industrial use metal buildings

Physical Location of Property: 0 Persimmon Rd S, Tomball TX 77375
[General Location -- approximate distance to nearest existing street corner]

Legal Description of Property: Tomball Outlots LTS 335, 336
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural District

Current Use of Property: Agricultural Hay Production

Proposed Zoning District: Light Industrial District

Proposed Use of Property: Light Industrial

HCAD Identification Number: 0352900000332 Acreage: 10 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.

<u>X</u>	<u>12/3/14</u>
Signature of Applicant	Date

<u>X</u>	<u>12/3/14</u>
Signature of Owner	Date

Tower Steel Services, Inc.

(Shipping Address)
14608 Union Street
Tomball, Texas 77377

(Billing Address)
P.O. Box 690208
Houston, Texas 77269-0208
Phone – (281) 290-0130
Fax – (281) 351-1732

December 4, 2014

City of Tomball
501 James Street
Tomball, TX 77377

Attn: Engineering and Planning Department

Re: Rezoning Persimmon's Property
Tomball out lots 335, 336

We respectfully request that our property, referenced above, be rezoned from Agricultural to Light Industrial. Our plan is to build the value of the property with metal buildings and develop further business in the light industrial & manufacturing industries.

The property is adjacent to several light industrial and commercial districts making it a good fit for the business community in the area. Our belief is that the rezoning and development of this property would promote and bring additional commerce to the Tomball area.

Please feel free to contact me for any other details that you may need.

Sincerely,



Tower Steel Services, Inc.
Jose M. Aguirre, Jr.
President

Tower Steel Services, Inc.

(Shipping Address) (Billing Address)
14608 Union Street P.O. Box 690208
Tomball, Texas 77377 Houston, Texas 77269-0208
Phone – (281) 290-0130
Fax – (281) 351-1732

January 26, 2015

City of Tomball
501 James Street
Tomball, TX 77377

Attn: Engineering and Planning Department

Re: Rezoning Persimmon's Property
Tomball out lots 335, 336

The following is additional information provided to advance our request for the rezoning of the referenced property from Agricultural to Light Industrial.

Deviations from the Plan:

The proposed development will enhance the city economically by promoting the creation and the relocation of businesses into the City. Our plan to build will increase the property value and assist in expansion of businesses in the light industrial & manufacturing industries thereby creating new jobs and revenues for the City.

The proposed new development will enhance the city aesthetically as the new facilities will be new and professionally designed to integrate with existing buildings.

The development is consistent the goals of the City as it also encourages new business development providing for additional economic and financial growth in the City.

Currently the property is zoned as agricultural land for hay production. However, due to the extreme weather conditions of the last few years, the production hay has been minimal with little or no revenue. Rezoning the land to light industrial will allow the construction of metal buildings that will bring in new business to the area providing the owners and the City new revenue and promoting economic development.

The development will impact the adjacent residential areas in a positive manner by encouraging the creation of new jobs for current residents as well as increase the value of their properties.

The proposed development will have adequate access and road capacity as it is consistent with the City's plan to expand surrounding roadways.

The property is currently surrounded by commercial and light industrial districts. Our proposal includes the construction of metal buildings that will be a similar development in both appearance, hours of operation and general compatibility.

The development will positively affect public health, safety and the welfare of the community by bringing positive business activity to the area. Business activity in the area would discourage crime as well as provide new jobs for the community resulting in the economic enhancement and welfare of the community.

Please feel free to contact me for any other details that you may need.

Sincerely,

Tower Steel Services, Inc.
Jose M. Aguirre, Jr.
President

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 9, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P15-009**: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P15-009**

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

P15-009

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2015
&
CITY COUNCIL
MARCH 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 16, 2015, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P14-254: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

ZONING CASE P15-009: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

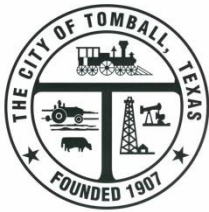
At the public hearings, parties in interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, holidays excepted, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Rodney Schmidt, at (281) 290-1410, rschmidt@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 5th day of March 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: P15-009

APPLICANT/OWNER: TNRG Development LLC, on behalf of Frank P. Fontana

LOCATION: West of South Cherry Street, north of Holderrieth Road

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, from the General Retail District to the Commercial District.

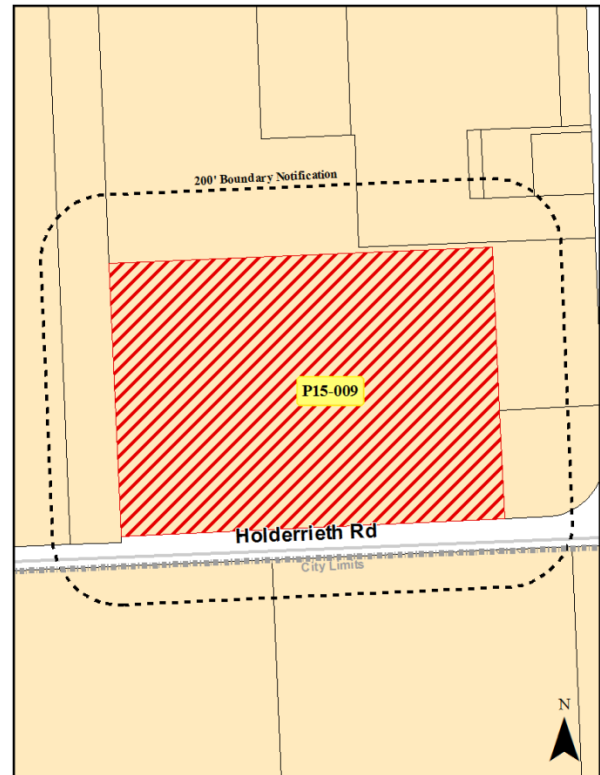
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

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

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

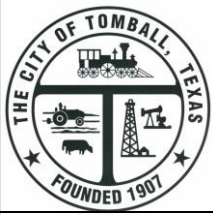


**Planning & Zoning Commission
Public Hearing:
Monday, March 9, 2015, 6:00 PM**

**City Council Public Hearing:
*Monday, March 16, 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 and Zoning Commission Hearing Date: March 9, 2015

City Council Public Hearing Date: March 16, 2015

Zoning Case: P15-009

Property Owner(s): Frank P. Fontana

Applicant(s): TNRG Development LLC

Legal Description: Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey

Location: West of South Cherry Street, north of Holderrieth Road (Exhibit "A")

Area: 20.64 acres

Present Zoning and Use: General Retail (GR) District (Exhibit "B") / Vacant (Exhibit "C")

Comp Plan Designation: Employment/Office (Exhibit "D")

Proposed Zoning and Use: Commercial District¹ / Business park

Adjacent Zoning and Use:

- North:** Agricultural District / Agricultural land, vacant land, single-family residence, and future City of Tomball drainage channel
- South:** Unzoned City of Tomball extraterritorial jurisdiction (ETJ) / Holderrieth Road right-of-way (ROW), agricultural land, and single-family residence
- West:** GR, Commercial, and Agricultural Districts / Future City of Tomball drainage channel and agricultural land
- East:** GR District / Agricultural land and vacant land

BACKGROUND

In July 2014, the applicant turned in a rezoning application requesting the property's zoning classification be changed from GR District to Light Industrial (LI) District to accommodate the development of multiple crane ready commercial/light industrial buildings. In its report to the Planning and Zoning Commission and City Council, City staff recommended denial of the request because the LI District appeared to be incompatible with the existing single-family residential and agricultural land uses in the vicinity and because the request was inconsistent with the Comp Plan's Employment/Office designation for the property. In September 2014, the Planning and Zoning Commission heard the request and recommended

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.

denial to City Council. Before the case was heard by City Council, the applicant withdrew the rezoning request.

In January 2015, the applicant turned in a rezoning application requesting the property's zoning classification be changed from GR District to Commercial District to accommodate the development of a business park (Exhibit "E").

ANALYSIS

The applicant is requesting that the property be rezoned from the GR 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."

There are several land uses in the vicinity of the subject site. To the north are agricultural land, vacant land, a single-family residence, and a future City of Tomball drainage channel; to the south are Holderrieth Road ROW, agricultural land, and a single-family residence; to the west are a future City of Tomball drainage channel and agricultural land; and to the east are agricultural land and vacant land. On the surface, the uses permitted in the Commercial District appear to be incompatible with the existing single-family residential and agricultural land uses in the vicinity. However, the Code of Ordinance's building setback, landscaping, screening, and buffering requirements for the Commercial District appear to minimize land use incompatibility.

There are several zoning classifications in the vicinity of the subject site. To the north is the Agricultural District; to the south is unzoned City of Tomball ETJ; to the west are the GR, Commercial, and Agricultural Districts; and to the east is the GR District. On the surface, the uses permitted in the Commercial District appear to be incompatible with the Agricultural District since it is considered a residential zoning district in the Code of Ordinances. However, the Code of Ordinance's building setback, landscaping, screening, and buffering requirements for the Commercial District appear to minimize zoning district incompatibility.

The Comprehensive Plan designates the subject site as Employment/Office. According to the Comprehensive Plan, "Employment/Office indicates where employment uses that are not industrially focused should occur. These uses include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations." The Commercial District appears to be compatible with the Employment/Office Comp Plan designation.

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.**

On the surface, the uses permitted in the Commercial District appear to be incompatible with the existing single-family residential and agricultural land uses in the vicinity. However, the Code of Ordinance's building setback, landscaping, screening, and buffering requirements for the Commercial District appear to minimize land use incompatibility.

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 several 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 affects 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 Comp Plan.

The Commercial District appears to be compatible with the Employment/Office Comp Plan designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 26, 2015. One public comment form has been received as of March 4, 2015, in support of the proposed zone change.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-009.

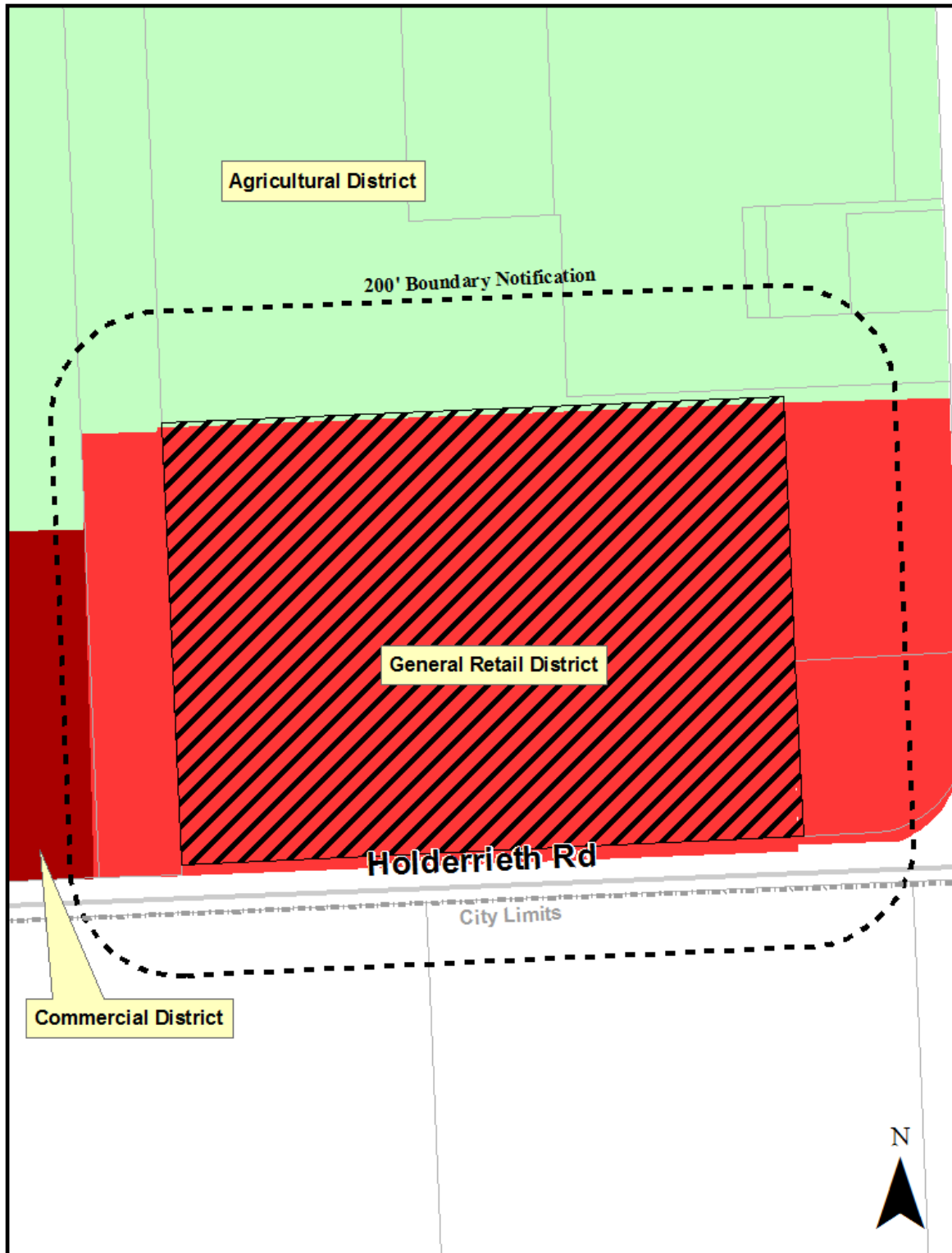
EXHIBITS

- 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)**



Figure 1: Subject site.
Source: Google Earth



Figure 2: Subject site.
Source: Google Earth

Exhibit "D"
Comprehensive Plan Map

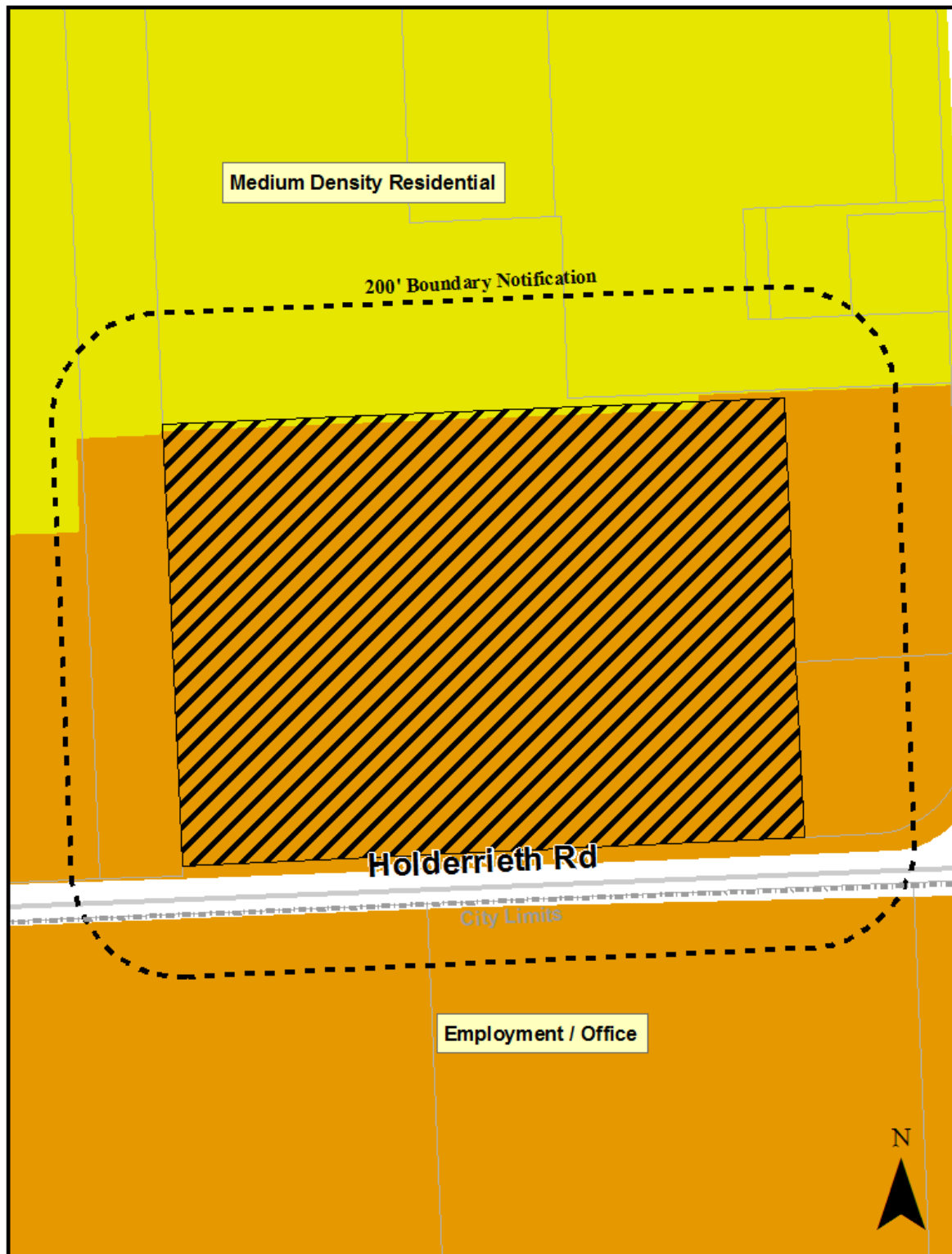
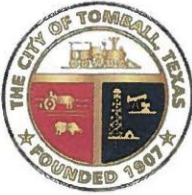


Exhibit "E"
Rezoning Application

P15-009

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: TNRG Development, LLC Title: _____
Mailing Address: 15120 NORTHWEST Freeway #200 City: Houston State: TX
Zip: 77040
Phone: (713) - 956-1000 Fax: (713) 856-1000 Email: beummings@TNRG.NET

Owner

Name: FRANK P. FONTANA Title: OWNER
Mailing Address: 14807 CARSON Bend City: Cypress State: TX
Zip: 77429
Phone: (281) 798-2726 Fax: (281) 257-0413 Email: LNFontana@Comcast.NET

Engineer/Surveyor (if applicable)

Name: TEXAS LAND ENGINEERS - John Gerdes Title: ENGINEER
Mailing Address: 550 WESTCOTT #550 City: Houston State: TX
Zip: 77007
Phone: (281) 576-1085 Fax: (281) 576-1086 Email: JOHN.GERDES@TEXASLANDENGINEERS.COM

Description of Proposed Project: COMMERCIAL BUILDING DEVELOPMENT

Physical Location of Property: HOLDAWORTH NEAR INTERSECTION OF HOLDAWORTH + CHERRY ST
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: TRS 44-1 + 46-2 ABST 632 CN PLOT
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: GENERAL RETAIL DISTRICT (GR)

Current Use of Property: VACANT LAND

Proposed Zoning District: COMMERCIAL (C)

Proposed Use of Property: COMMERCIAL BUILDING DEVELOPMENT

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

www.ci.tomball.tx.us

HCAD Identification Number: 0440580000281 Acreage: 20.64

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  1-27-15
Signature of Applicant Date

X  1-28-15
Signature of Owner Date



January 26, 2015

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

Re: Rezoning Request and Application pertaining to approximately 20.64 acres of land, out of the C.M. Pillot Survey, Abstract Number 632, Harris County, Texas and also being out of a 106.5632 acre tract of land described under Harris County Clerk's File Number (H.C.C.F#) L990867.

Planning Staff:

As the applicant to this rezoning request, TNRG Development is respectfully requesting rezoning from GR- (General Retail District) to C – (Commercial) for an approximate 20.64 acre tract on the North side of Holderrieth Road, also known as the Fontana Tract.

We are proposing the development of multiple commercial buildings for this business park. We feel it would lend itself as an attractive gateway to the Tomball Industrial business park located on the corner of Holderrieth and Huffsmith Kohrville and bring necessary conveniences to the area.

We would appreciate your positive consideration of our rezoning request. Should you need additional information or have questions regarding our rezoning request, please call me at 713-744-7473 or via email at bcummings@tnrg.net

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Cummings", is located below the "Sincerely," text. The signature is stylized with a large, sweeping "B" and "C".

Bill Cummings
TNRG Development

15120 NORTHWEST FREEWAY, SUITE 190 • HOUSTON, TEXAS 77040
713.956.1000 • WWW.TNRG.NET • fax 713.856.5100

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: March 9, 2015

Data Sheet

Topic:

Consideration to approve **ZONING CASE P15-020**: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

- Conduct Public Hearing on **ZONING CASE P15-020**

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

P15-020 Staff Report

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2015
&
CITY COUNCIL
MARCH 16, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 16, 2015, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the P&Z and City Council will consider the following:

ZONING CASE P14-254: Request by Jose Aguirre, on behalf of Tower Steel Services, Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Lots 335 & 336, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located east of South Persimmon Street and south of Lizzie Lane, from the Agricultural District to the Light Industrial District.

ZONING CASE P15-009: Request by TNRG Development LLC, on behalf of Frank P. Fontana, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 20.64 acres of land, legally described as Tracts 4H-1 and 4L-2, Abstract 632, C.N. Pillot Survey, within the City of Tomball, Harris County, Texas, generally located west of South Cherry Street, north of Holderrieth Road, from the General Retail District to the Commercial District.

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (“Definitions”) and 50-82 (b) (“Use Charts”) of the Tomball Code of Ordinances, adding an additional land use and associated definition for Brewpubs/Microbreweries in the City of Tomball.

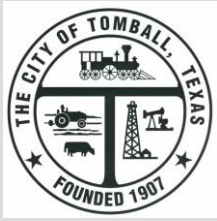
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CERTIFICATION

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 5th day of March 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: March 9, 2015

City Council Public Hearing Date: March 16, 2015

ZONING CASE P15-020: Request by the City of Tomball to amend Sections 50-2 (Definitions) and 50-82 (b) (Use Charts) of the Code of Ordinances, adding an additional land use and associated definition for a “brewpub” in the City of Tomball.

BACKGROUND

On February 16, 2015, City Council directed City staff to bring forward amendments to Sections 50-2 (Definitions) and 50-82 (Use Charts) of the Code of Ordinances to create a new land use for a “brewpub” and to establish which zoning districts they would be permitted to operate in.

PROPOSED AMENDMENTS

Sections 50-2 (Definitions)

Barrel: A quantity of beer, ale, etc. equal to 31 standard gallons.

Brewpub: An establishment where beer, ale, etc. are brewed in conjunction with a drinking or eating establishment. The maximum brewing production shall not exceed 10,000 barrels per year.

50-82 (Use Charts)

Land Use Type	Residential Zoning Districts							Nonresidential Zoning Districts				OT&MU	Parking Ratio
	AG	SF-20	SF-9	SF-6	D	MF	MHP	O	GR	C	LI		
Retail													
Brewpub								C	P	P	P	P	1 space per 1,000 square feet for the brewing of beer, ale, etc. plus 1 space per 100 square feet for associated eating or drinking establishments

ANALYSIS

Section 50-82(b) of the Code of Ordinances does not allow for a “brewpub” land use. The closest use in Section 50-82(b) is for the “distillation of liquors, spirits, etc. (brewery).” This use is listed in the light and heavy manufacturing/industrial portion of the use chart and appears to be intended for the large-scale production of alcoholic beverages similar the facility below.



Figure 1: Miller Brewery; Fulton, NY

The intent of this text amendment is to allow for the brewing of beer, ale, etc. on a much smaller scale along with on-site eating and/or drinking establishments similar to the facility below.



Figure 2: Triple 7 Restaurant and Microbrewery; Las Vegas, NV

City staff is proposing to require that all brewpubs have an eating and/or drinking establishment component and that the brewing production be limited to 10,000 barrels per year¹ to ensure that the use is retail- and not industrially-oriented. As the intent is to be retail-oriented, this use is being proposed to be permitted by right in the Old Town and Mixed Use, General Retail, Commercial, and Light Industrial Districts and by conditional use permit in the Office District as eating establishment (with no drive-through service) are currently permitted in the Code of Ordinances.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on February 23, 2015. No public comment forms have been received as of March 4, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-020.

¹ The 10,000 barrel per year production maximum is also the Texas Alcoholic Beverage Code production limit for brewpubs.