

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



MONDAY, FEBRUARY 9, 2015

6:00 P.M.

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

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.
- 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.
- 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 Townsite as recorded in Volume 4, Page 25, Harris County Map Records Harris County, Texas.
- 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.
 - Conduct Public Hearing on **ZONING CASE P14-262**

6.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of February 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: February 9, 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: February 9, 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: February 9, 2015

Data Sheet

Topic:

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of January 12, 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:

1/12/15 Meeting Minutes

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

MONDAY, JANUARY 12, 2015



6:00 P.M.

1.0 Call to Order at 6:02 p.m.

The meeting was called to order by Chair Barbara Tague. Other members in attendance were:

Commissioner: Harry Byrd
Commissioner: Richard Anderson
Commissioner: Darrell Roquemore

Commissioners Absent:

Commissioner: Evelyn Torres (excused)

Others present:

Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
City Planner – Harold Ellis
City Attorney – Loren Smith
City Secretary – Doris Speer
Administrator/Deputy Registrar – Tracylynn Garcia
Administrative Assistant – Meagan Mageo

2.0 No Public Comments were received.

3.0 Reports and Announcements.

Harold Ellis, City Planner, stated that the Planning and Zoning annual surveys were sent out.

4.0 Motion was made by Board Member Anderson and seconded by Board Member Byrd to approve the minutes of the Regular Planning and Zoning Commission Meeting of December 8, 2014.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve **R & R ESTATE**: Being a subdivision of 1.394 acre, located in the Joseph House Survey, A-34, Harris County, Texas and being that same tract as described under H.C.C.F No. F401537.

Lori Lakatos, City Engineer, presented report.

Motion was made by Board Member Roquemore and seconded by Board Member Anderson to approve **R & R ESTATE** plat with the contingencies as recommended by staff being completed.

Motion carried unanimously.

- 5.2 Consideration to approve **YAUPON TRAILS SEC 1**: A subdivision of 10.9460 acres of Land, being a Replat of Unrestricted Reserve "E", Final Plat of Leslie's Park, Recorded in Film Code No. 400005, H.C.M.R., Situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas.

Lori Lakatos, City Engineer, presented report.

Motion to approve with the contingencies as recommended by staff was made by Board Member Byrd and seconded by Board Member Roquemore.

Motion carried unanimously.

- 5.3 Consideration to approve **ZONING CASE P14-255**: Request by the City of Tomball to amend Section 50-69(d) (Single-Family Estate Residential District – Area Regulations) of the Tomball Code of Ordinances with regards to minimum building setbacks, and Section 50-76(c) (General Retail District – Height Regulations) of the Tomball Code of Ordinances with regards to maximum building height.

Rodney Schmidt, Assistant City Planner, presented Staff Report.

- Conduct Public Hearing on **ZONING CASE P14-255**

Chair Barbara Tague called to order the Public Hearing at 6:12 p.m.

No Comments being received, Chair Tague closed the Public Hearing at 6:12 p.m.

Motion to approve **ZONING CASE P14-255** was made by Board Member Roquemore and seconded by Board Member Byrd.

Motion to amend was made by Board Member Roquemore and seconded by Board Member Byrd to approve **ZONING CASE P14-255** with the amendment of a 15' side building set back instead of 25' and approving the 70' height as recommended by staff.

Motion to approve with amendment carried unanimously.

6.0 Adjournment

Motion to Adjourn was made by Board Member Anderson and seconded by Board Member Byrd.

Motion carried unanimously.

Meeting adjourned at 6:25 p.m.

PASSED AND APPROVED this ____ day of *February* 2015.

Tracylynn Garcia
Temporary Commission Secretary

Barbara Tague
Chair

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: February 9, 2015

Data Sheet

Topic:

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.

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:

LaRue's Place Replat

STATE OF TEXAS
COUNTY OF HARRIS

I, GEORGE LARUE, owner hereinafter referred to as Owner of the 0.16 acre tract described in the above and foregoing plat of LARUE'S PLACE, do hereby make and establish said subdivision and development plat 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, water courses, 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 on the land so dedicated.

FURTHER, Owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

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

FURTHER, Owner 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 restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

WITNESS my hand in the City of Tomball, this _____ day of _____, 2015.

By: _____
George Larue

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared GEORGE LARUE, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledgment to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

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

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

I, David E. King, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods have an outside diameter of not less than three quarter (3/4) inch and a length of not less than three (3) feet.

David E. King,
Registered Professional Land Surveyor
Texas Registration No. 4503



This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of LARUE'S PLACE 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.

By: _____
Barbara Tague, Chairman

By: _____
Darrell Roquemore, Vice Chairman

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

George Shackelford, City Manager

Lori Lakatos, P.E.
Acting City Engineer

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 and duly recorded on _____, 2015 at _____ o'clock, and at Film Code Number _____ of the Map Records of Harris County for said county.

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

Stan Stanart
County Clerk
of Harris County, Texas

BY: _____
Deputy

LEGEND

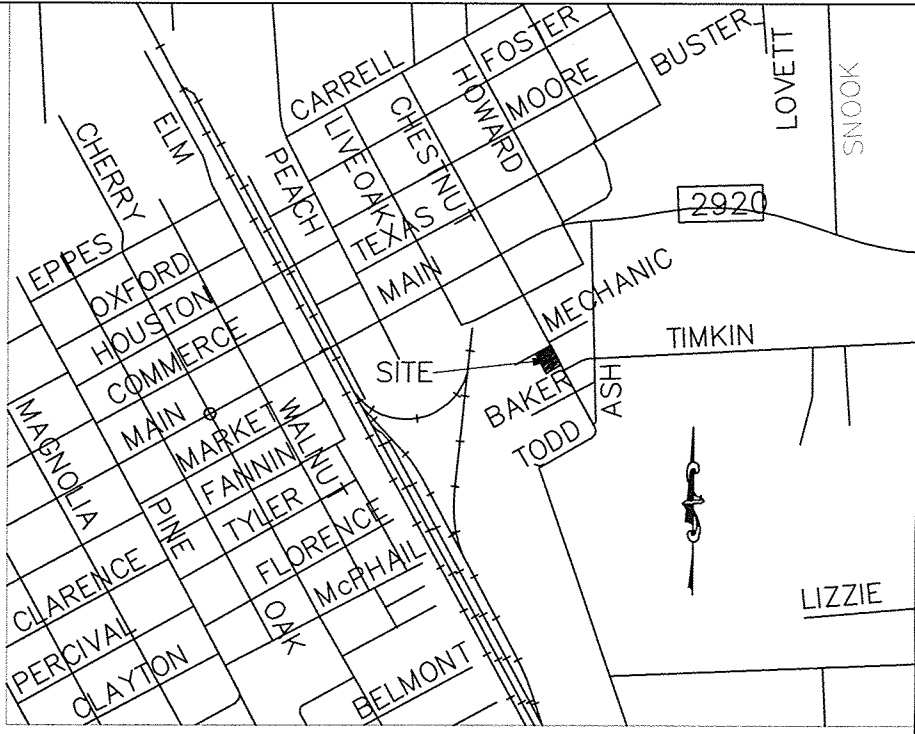
These standard symbols will be found in the drawing.

- FOUND MONUMENT
- FOUND 5/8" I.R. W/CAP

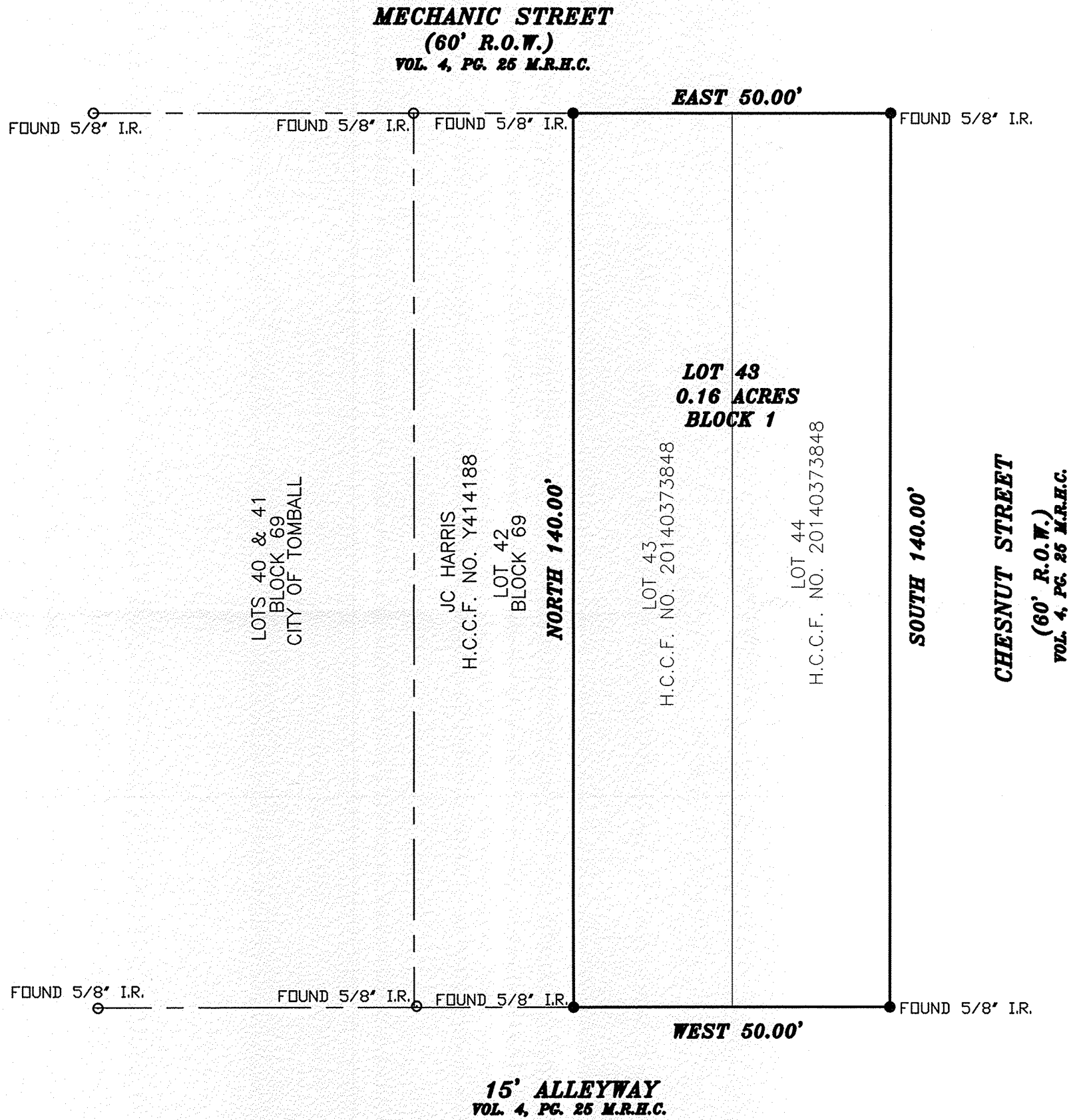
M.R.H.C. = MAP RECORDS OF HARRIS COUNTY.
D.R.H.C. = DEED RECORDS OF HARRIS COUNTY.
R.P.R.H.C.T. = REAL PROPERTY RECORDS HARRIS COUNTY TEXAS
C.F. NO. = CLERKS FILE NUMBER

GENERAL NOTES:

- 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 remove any valid covenants or restrictions.
- The building lines are not shown on this plat, contact the City of Tomball for any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
- According to FEMA Firm Panel No. 48201C02230L (Effective Date June 18, 2007), this property is in Zone "X" and does not appear to be in the 1% Annual Chance Flood Plain.
- Public easements denoted on this plat a 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 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.
- A City Planning Letter by Fidelity National Title Company Effective Date January 11, 2015, GF No. 5225001504 was used in connection with this Plat.



VICINITY MAP (N.T.S.)
KEY MAP PAGE 288H



Regular Planning and Zoning Commission

Agenda Item

Meeting Date: February 9, 2015

Data Sheet

Topic:

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.

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:

Gateway Business Park Final Plat

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §

We, Sahail Syed and Mohsin Rasheed, President and Vice President respectively of Gateway Development LLC, owner of the property subdivided in the above and foregoing map of Gateway Business Park, do hereby make subdivision of said property for and on behalf of said Gateway Development LLC, according to the liens, streets, lots, alleys, parks, building lines, and easements thereon shown, and designate said subdivision as Gateway Business Park, located in the Joseph House Survey, A-20, Montgomery County, Texas, and on behalf of said Gateway Development LLC, and dedicate to public use, as such, the streets, alleys, parks, and easements shown thereon, and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

This is to certify that we, Sahail Syed and Mohsin Rasheed, President and Vice President, respectively, of Gateway Development LLC, owner of the property subdivided in the above and foregoing map of Gateway Business Park, have complied or will comply with all regulations heretofore on file with the Montgomery County Engineer and adopted by the Commissioners' Court of Montgomery County, Texas.

FURTHER, we, Gateway Development LLC, do hereby dedicated forever to the public a strip, a minimum of land fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs, or other natural drainage courses located in the said subdivision, as easements for drainage purposes, giving Montgomery County and/or any other public agency the right to enter upon said easements at any time and all times for the purposes of construction and/or maintaining drainage work and/or structures.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title to the property, and shall be enforceable, at the option of Montgomery County, by Montgomery County or any citizen thereof, by injunction, as follows:

1. That drainage of septic tanks into road, street, alley, or other public ditches, either directly or indirectly, is strictly prohibited.
2. 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 shall be a minimum of one and three quarters (1 3/4) square feet (18" diameter pipe culvert).

IN TESTIMONY WHEREOF, the Gateway Development LLC has caused these presents to be signed by Sahail Syed, its President, thereunto authorized, attested by its Vice President, Mohsin Rasheed, and its common seal hereunto affixed this _____ day of _____, 2015.

Gateway Development LLC

By: Sahail Syed, President

ATTEST: Mohsin Rasheed, Vice President

THE STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared Sahail Syed and Mohsin Rasheed, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me they executed the same for purposes and considerations therein expressed, and in the capacity therein and herein set out, and as the act and deed of said corporation.

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

Printed Name: _____
Notary Public in and for State of Texas

We, Golden Bank, owner and holder a liens against the property described in the plat known as Gateway Business Park said liens being evidenced by instrument of record in Montgomery County Clerk's File No(s). 2007047645, 2008058950, 2009057849, and 2011049421, Real Property Records of Montgomery County, Texas, do hereby in all things subordinate to said plat said liens, and we hereby confirm that we are the present owner of said liens and have not assigned the same nor any part thereof.

By: Printed Name: _____

THE STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person 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 set out, and as the act and deed of said corporation.

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

Printed Name: _____
Notary Public in and for State of Texas

This is to certify that I, Fred W Lawton, a licensed Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground; and that all block corners, angle points, and points of curve properly marked with iron rods of minimum 5/8" diameter and 3' long, and that this plat correctly represents that survey made by me.



Fred W. Lawton, Registered Professional Land Surveyor
Texas Registration No. 2321

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

LEGEND:
SQ. FT. - SQUARE FEET
ESMT. - EASEMENT
B.L. - BUILDING LINE
U.E. - UTILITY EASEMENT
A.E. - AERIAL EASEMENT
R.O.W. - RIGHT OF WAY
M.C.C.F. - MONTGOMERY COUNTY CLERK'S FILE
M.C.D.R. - MONTGOMERY COUNTY DEED RECORDS
M.C.M.R. - MONTGOMERY COUNTY MAP RECORDS
VOL. - VOLUME
PG. - PAGE

I, Mark J. Moaney, P.E., County Engineer of Montgomery County, Texas, do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Montgomery County Commissioners Court.

I further certify that the plat of this subdivision complies with requirements for internal subdivision drainage as adopted by Commissioners Court; however, no certification is hereby given as to the effect of drainage from this subdivision on the intercepting drainage artery or parent stream or on any other area of subdivision within the watershed.

Mark J. Moaney, P.E.

APPROVED by the Commissioners Court of Montgomery County, Texas, this _____ day of _____, 2015.

Mike Meador, Commissioner, Precinct 1 Charlie Riley, Commissioner, Precinct 2

Craig Doyal, County Judge

James Noack, Commissioner, Precinct 3 Jim Clark, Commissioner, Precinct 4

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §

I, Mark Turnbull, Clerk of the County Court of Montgomery County, Texas, 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., in cabinet _____, sheet _____, of record of for said County.

WITNESS MY HAND AND SEAL OF OFFICE, at Conroe, Montgomery County, Texas, the day and date last above written.

Mark Turnbull, Clerk, County Court,
Montgomery County, Texas

By: Deputy

This is to certify that the Planning and Zoning commission of the City of Tomball, Texas has approved this plat and subdivision of Gateway Business Park 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 _____, 2015.

By: Barbara Tragne, Chairman Darrell Raquemoire, Vice Chairman

This is to certify that the City Council for the City of Tomball, Texas has approved this plat and subdivision of Gateway Business Park 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.

By: Gretchen Fagan, Mayor Doris Speer, City Secretary

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify that this plat of Gateway Business Park is in conformance with the City of Tomball ordinances.

By: George Shackelford, City Manager Lori Lakatos, P.E., C.F.M. City Engineer

BENCHMARK
3" BRASS DISK FOUND IN A CONCRETE COLUMN 6" IN DIAMETER, THREE FEET DEEP AND BURIED FLUSH WITH NATURAL GROUND
STAMPED: DECKER PRAIRIE COMMERCIAL PARK
ELEVATION: 160.7'

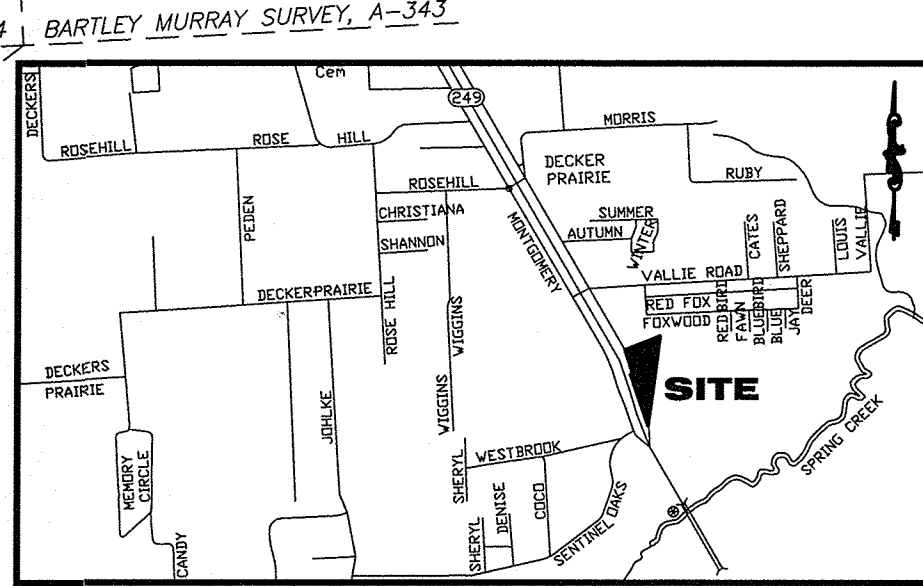
LOT 1, BLOCK 1
DECKER PRAIRIE COMMERCIAL PARK
(CABINET 2, SLIDE 34 MCPR)

COMMERCIAL LOT 1
1.9894 ACRES
(86,658.77 SQ. FT.)

BLOCK 1

COMMERCIAL LOT 2
1.0000 ACRE
(43,560.48 SQ. FT.)

(PUBLIC STATE HIGHWAY 249 SERIES)
(MCCF NO. 95-55700)



VICINITY MAP
NOT TO SCALE
KEY MAP 249W

- NOTES:**
1. 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 purposes of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective system 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 system 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 removal or relocation of any obstruction in the public 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 0.9995790816.
 3. According to FEMA Firm Panel No. 48339C04950 and 48339C06756, both effective August 18, 2014, this property is located in Zone "X-SHADED" & "X" designated as areas within the 100-year flood plain.
 4. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
 5. 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.
 6. This plat does not attempt to amend or remove any valid covenants or restrictions.
 7. 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 this property.
 8. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

LEGAL DESCRIPTION

A 2.9894 ACRE (130,219.25 SQUARE FEET), TRIANGULAR-SHAPED TRACT OF LAND SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 20, MONTGOMERY COUNTY, TEXAS, SAID 2.9894 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD FOUND IN THE NORTHEAST RIGHT-OF-WAY (ROW) LINE OF STATE HIGHWAY 249 (VARYING WIDTH), SAID POINT BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, DECKER PRAIRIE COMMERCIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET 2, SLIDE 34 MCPR, SAID POINT BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID LOT 1 AND THE HEREIN DESCRIBED TRACT, NORTH 60 DEGREES 25 MINUTES 51 SECONDS EAST, 344.64 FEET TO A 1/2-INCH IRON ROD FOUND IN THE WEST LINE OF A CALLED 18.10 ACRE TRACT AS DESCRIBED IN DEED RECORDED IN MONTGOMERY COUNTY CLERK'S FILE NO. 200807035, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID CALLED 18.10 ACRE TRACT AND THE HEREIN DESCRIBED TRACT, SOUTH 00 DEGREES 56 MINUTES 35 SECONDS EAST, 830.70 FEET TO A 5/8-INCH IRON ROD FOUND IN THE SAID NORTHEAST ROW LINE OF STATE HIGHWAY 249, SAID POINT BEING THE SOUTHERN CORNER OF THE HEREIN DESCRIBED TRACT AND BEING IN A CURVE TO THE LEFT;

THENCE, ALONG THE SAID NORTHEAST ROW LINE OF STATE HIGHWAY 249 COMMON TO THE WEST LINE OF THE HEREIN DESCRIBED TRACT, THE FOLLOWING THREE (3) CALLS:

- * ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 17013.73 FEET, A CENTRAL ANGLE OF 01 DEGREES 40 MINUTES 42 SECONDS, A CHORD BEARING AND DISTANCE OF NORTH 27 DEGREES 20 MINUTES 41 SECONDS WEST, 498.36 FEET, FOR A TOTAL ARC LENGTH OF 498.37 FEET TO A FOUND TIDOT DISK FOR AN ANGLE POINT;
- * NORTH 63 DEGREES 29 MINUTES 41 SECONDS EAST, 20.00 FEET TO A FOUND TIDOT DISK FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT AND THE BEGINNING OF A CURVE TO THE LEFT;
- * ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 16993.73 FEET, A CENTRAL ANGLE OF 00 DEGREES 47 MINUTES 04 SECONDS, A CHORD BEARING AND DISTANCE OF NORTH 26 DEGREES 08 MINUTES 47 SECONDS WEST, 332.67 FEET, FOR A TOTAL ARC LENGTH OF 332.67 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.9894 ACRES (130,219.25 SQUARE FEET) OF LAND, MORE OR LESS.

GATEWAY BUSINESS PARK

1 BLOCK, 2 LOTS

A SUBDIVISION OF 2.9894 ACRES (130,220.26 SQUARE FEET) OF LAND SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT NO. 20, MONTGOMERY COUNTY, TEXAS

SCALE: 1"= 60' DATE: 10/2/2014

OWNER: GATEWAY DEVELOPMENT, LLC
ADDRESS: 5608 HIGHWAY 6 NORTH
HOUSTON, TX 77084
PHONE NO: 832-287-9681
PRESIDENT: SOHAIL SYED

SOUTH TEXAS SURVEYING ASSOCIATES, INC.

11281 Richmond Ave. Bldg J, Suite-101 Houston, Texas 77082
281-556-6918 FAX 281-556-9331



Copyright 2014 South Texas Surveying Associates, Inc. N:\COMRES 2012\PLATS\15-12.DWG (XD) FIRM NO. 10045400

JOB: 715-12

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: February 9, 2015

Data Sheet

Topic:

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 Townsite as recorded in Volume 4, Page 25, Harris County Map Records 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:

Pye Estates Replat

THE STATE OF TEXAS
COUNTY OF HARRIS

I, COLLEEN PYE, OWNER, HEREINAFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 0.2410 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF PYE ESTATES, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, 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 FOREEVER DEFEND THE TITLE ON THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET (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 QUATERS (1-3/4) SQUARE FEET (18" 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.

WITNESS OUR HANDS IN THE CITY OF TOMBALL, TEXAS, THIS _____ DAY OF _____, 2015.

BY: _____
COLLEEN PYE, OWNER

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED COLLEEN PYE, OWNER, 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 _____ DAY OF _____, 2015.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

PRINT NAME: _____

MY COMMISSION EXPIRES: _____

WE, AMERIPRO FUNDING, INC., OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS PYE ESTATES, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. 20140419108 AND ADDITIONALLY SECURED IN THE CLERK'S FILE NO. 20140419109 OF THE O.P.R.O.R.P. OF HARRIS COUNTY, TEXAS, SO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID SUBDIVISION PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOT ANY PART THEREOF.

AMERIPRO FUNDING, INC.

SIGNATURE

PRINT NAME: _____

TITLE: _____

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND 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 CORPORATION.

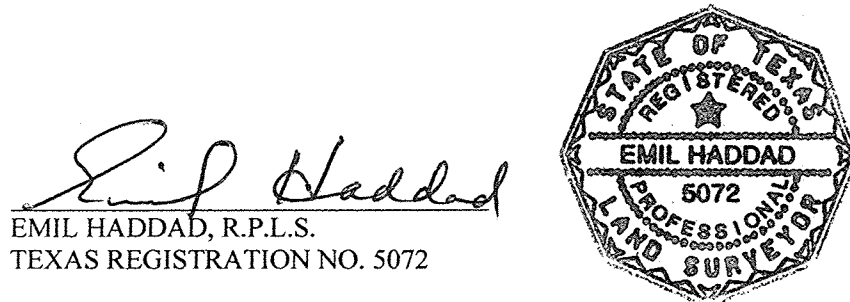
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2015.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

PRINT NAME: _____

MY COMMISSION EXPIRES: _____

I, EMIL HADDAD, 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 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 NEAREST SURVEY CORNER.



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.

BY: _____
GEORGE SHACKELFORD, CITY MANAGER

BY: _____
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 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 _____, 2015.

BY: _____
GRETCHEN FAGAN, MAYOR

BY: _____
DORIS SPEER, CITY SECRETARY

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF PYE ESTATES IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2015.

BY: _____
BARBARA TAGUE, CHAIRMAN

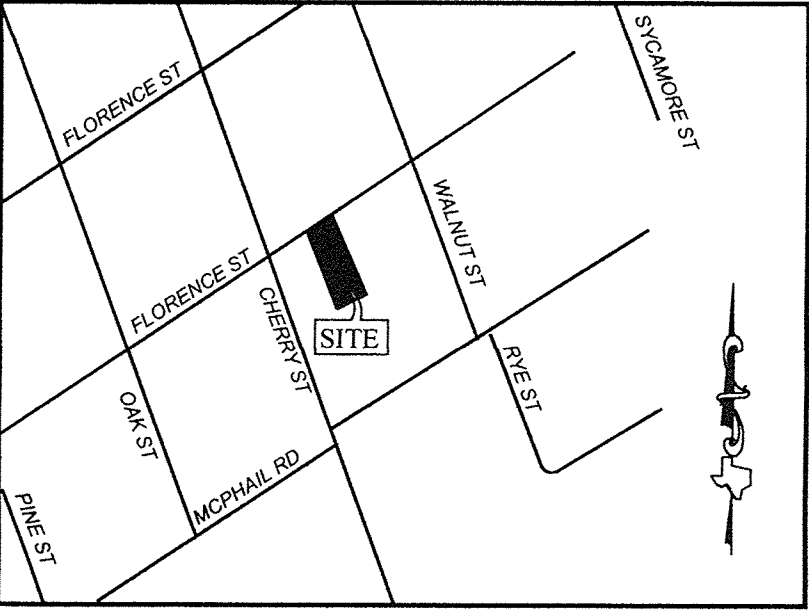
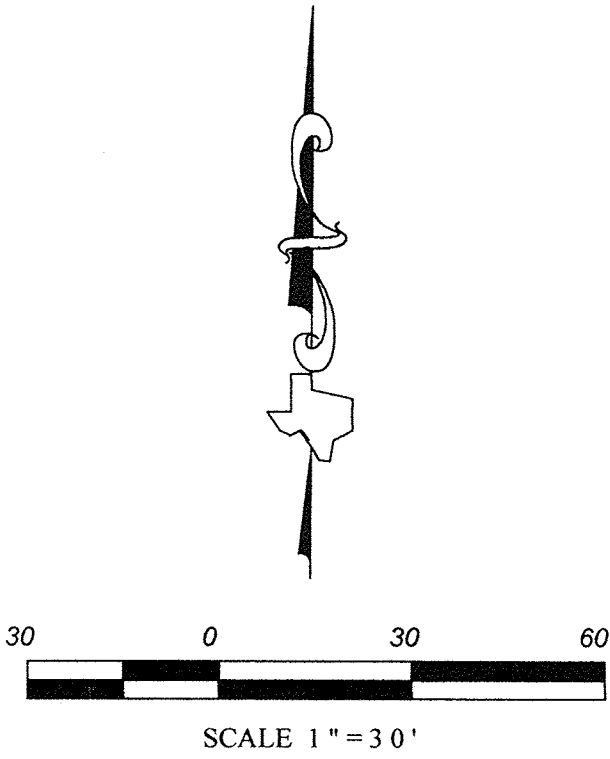
BY: _____
DARRELL ROQUEMORE, VICE CHAIRMAN

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 _____, 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



VICINITY MAP
NOT TO SCALE
KEY MAP 288H

PYE ESTATES

A SUBDIVISION OF A 0.2410 ACRE TRACT,
10,500 SQUARE FEET,
IN THE WILLIAM HURD SURVEY, A-371
BEING A REPLAT OF LOTS 29, 30 AND 31, BLOCK 29
TOMBALL TOWNSITE
AS RECORDED IN
VOLUME 4, PAGE 25,
HARRIS COUNTY MAP RECORDS
HARRIS COUNTY , TEXAS

CONTAINING
1 LOT 1 BLOCK

FEBRUARY 2015
(REASON FOR REPLAT TO COMBINE 3 LOTS INTO 1 LOT)

OWNER

COLLEEN PYE
16314 PITCAIRN
TOMBALL, TEXAS 77077
TEL: (713) 882 - 5429

SURVEYOR

E.I.C. SURVEYING COMPANY
12345 JONES ROAD # 270
HOUSTON, TEXAS 77070
TEL: (281) 955 - 2772

LEGEND NOTES

- | | |
|--------------|---|
| 1. B.L. | Indicates " Building Line " |
| 2. U/E | Indicates " Utility Easement " |
| 3. R.O.W | Indicates " Right-of-Way " |
| 4. AC. | Indicates " Acre " |
| 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 " |
| 12. ● | Indicates " Found 5/8" iron rod with E.I.C. Surveying Cap " |

GENERAL NOTES

- 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 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.
- According to FEMA Firm Panel No. 4803150230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- 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.
- 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.
- All oil/gas wells with ownership (plugged, abandoned, and/or Active) throught the subdivision have been shown.

Regular Planning and Zoning Commission

Agenda Item

Meeting Date: February 9, 2015

Data Sheet

Topic:

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.

- Conduct Public Hearing on **ZONING CASE P14-262**

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 Notification Letter

P14-262 Staff Report

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



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 9, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, February 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 P14-262: 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.

Persons interested in this case will be given an opportunity to be heard. Action by the P&Z serves as a recommendation to the City Council and is not a final action on the request. Should the P&Z vote to table a decision/recommendation on this 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 decision/recommendation is forwarded to the City Council by the P&Z. The application is available for public review 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.

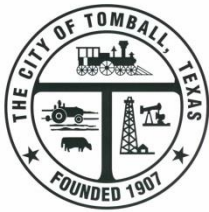
CERTIFICATION

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

Harold Ellis

Harold Ellis
City Planner

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: P14-262

APPLICANT/OWNER: J. Vazquez

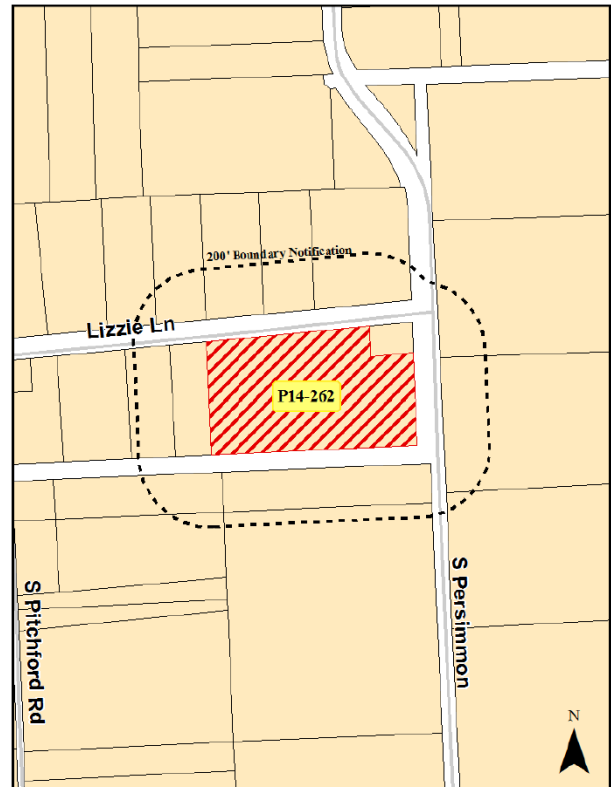
LOCATION: Near the southwest corner of Lizzie and S. Persimmon

PROPOSAL: 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.

CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov



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

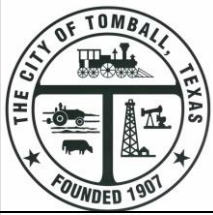
**City Council Public Hearing:
*Monday, February 16, 2015, 6:00 PM**

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

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 inspection Monday through Friday, holidays excepted, 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.

*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: February 9, 2015

City Council Public Hearing Date: February 16, 2015

Zoning Case: P14-262

Property Owner(s): Jose Vasquez

Applicant(s): Jose Vasquez

Legal Description: Lot 1, Block 1, Vasquez-Phoenix

Location: Southwest corner of Lizzie Lane and South Persimmon Street (Exhibit "A")

Area: 4.02 acres

Present Zoning and Use: Single-Family Residential-6 (SF-6) District (Exhibit "B") / Undeveloped land (Exhibit "C")

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

Proposed Zoning and Use: Commercial District¹ / Office and warehouse

Adjacent Zoning and Use:

North: Commercial District / Lizzie Lane and office and warehouse uses

South: Light Industrial (LI) District/ City of Tomball drainage channel, single-family residence, and commercial warehouse.

West: SF-6 District / Undeveloped land and a single-family residence

East: Agricultural and Commercial Districts / South Persimmon Street, agricultural land, and office and warehouse.

BACKGROUND

In December 2014, the property owner, Jose Vasquez, met with City staff to inform them of his desire to develop the subject site with office/warehouses (Exhibit "E") and to inquire into the property's zoning classification. City staff informed Mr. Vasquez of the following:

- The property was zoned SF-6 District;
- The SF-6 District classification did not permit the construction of office/warehouses;

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.

- The property had a Comprehensive Plan future land use classification of Employment/Office which was consistent with the Commercial District;
- City staff would support a rezoning of the property to the Commercial District to allow the office/warehouse use;

Subsequent to these discussions, the property owner turned in a rezoning application (Exhibit “F”) requesting the property be rezoned from the SF-6 District to the Commercial District.

ANALYSIS

The applicant is requesting that the property be rezoned from the SF-6 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 Lizzie Lane and office and warehouse uses; to the south are a City of Tomball drainage channel, a single-family residence, and a commercial warehouse; to the west are undeveloped land and a single-family residence; and to the east are South Persimmon Street, agricultural land, and an office and warehouse use. The uses permitted by the Commercial District appear to be compatible with the numerous non-residential uses in the area. Any potential incompatibility of the request with the existing single-family residences to the south and west appears to be minimized by Chapter 50 (Zoning) of the Code of Ordinance’s building setback, landscaping, screening, and buffering requirements for the Commercial District.

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

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 Comprehensive 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.**

The uses permitted by the Commercial District appear to be compatible with the numerous non-residential uses in the area. While any adverse impacts of this request have not been identified, any potential incompatibility of the request with the existing single-family residences to the south and west appears to be able to be mitigated by Chapter 50 (Zoning) of the Code of Ordinance's building setback, landscaping, screening, and buffering requirements for the Commercial District.

- 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 Comprehensive Plan.**

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

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on January 28, 2015. No public comment forms have been received as of February 2, 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 P14-262.

EXHIBITS

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

Exhibit "A"
Aerial Photo

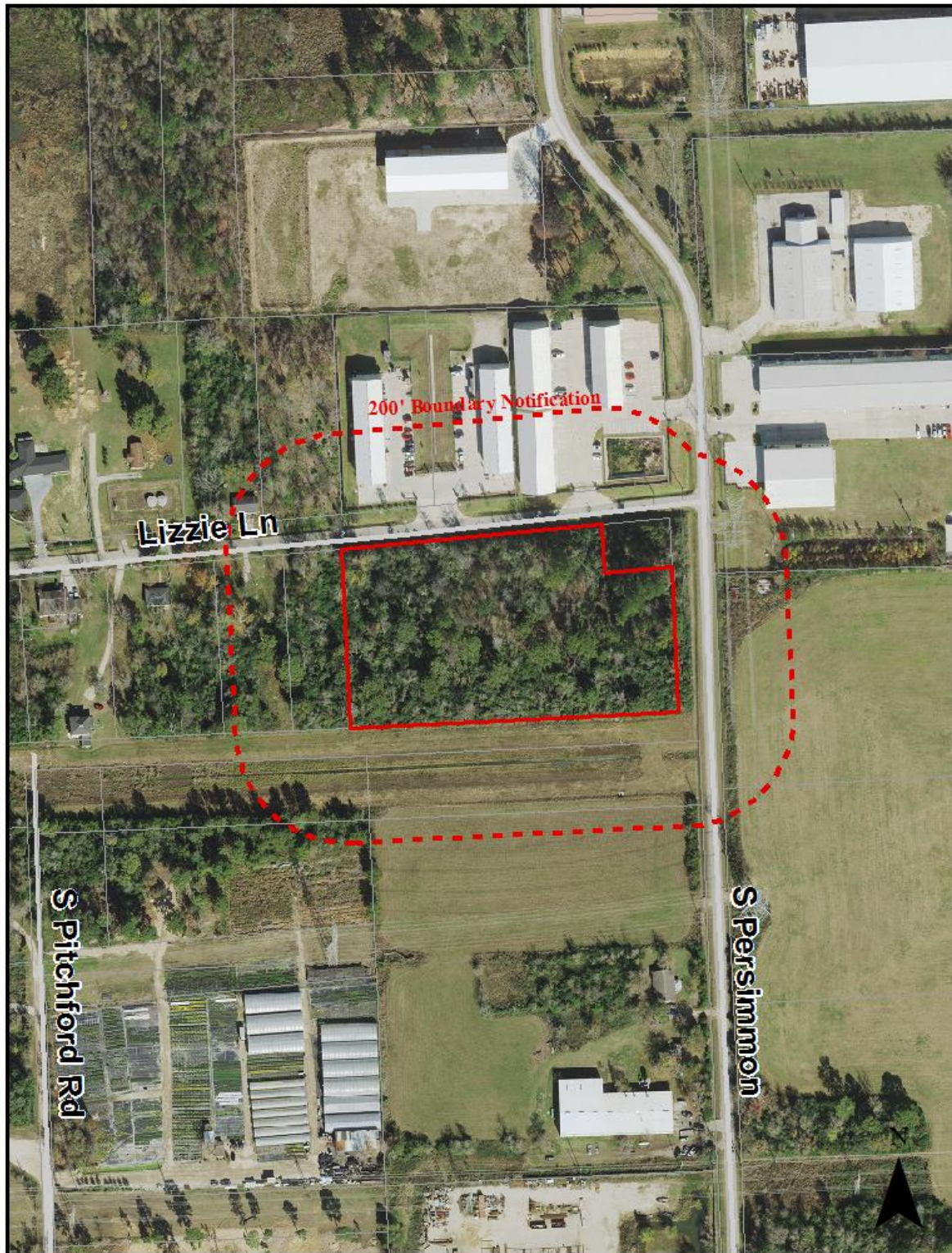
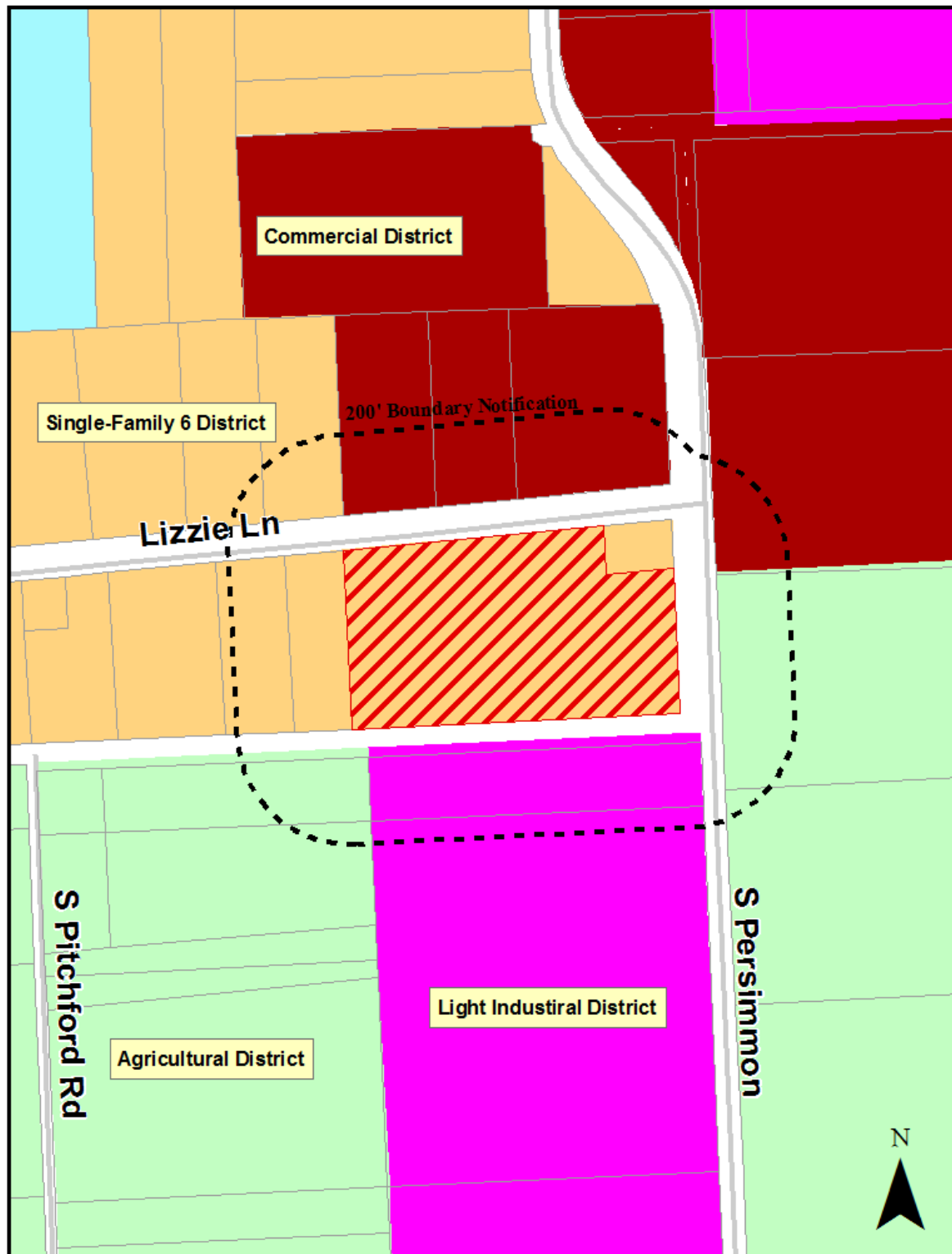


Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Figure 1: Subject site. South Persimmon Street on left.
Source: City of Tomball



Figure 2: Subject site. Lizzie Lane on right.
Source: City of Tomball

Exhibit "D"
Comprehensive Plan Map

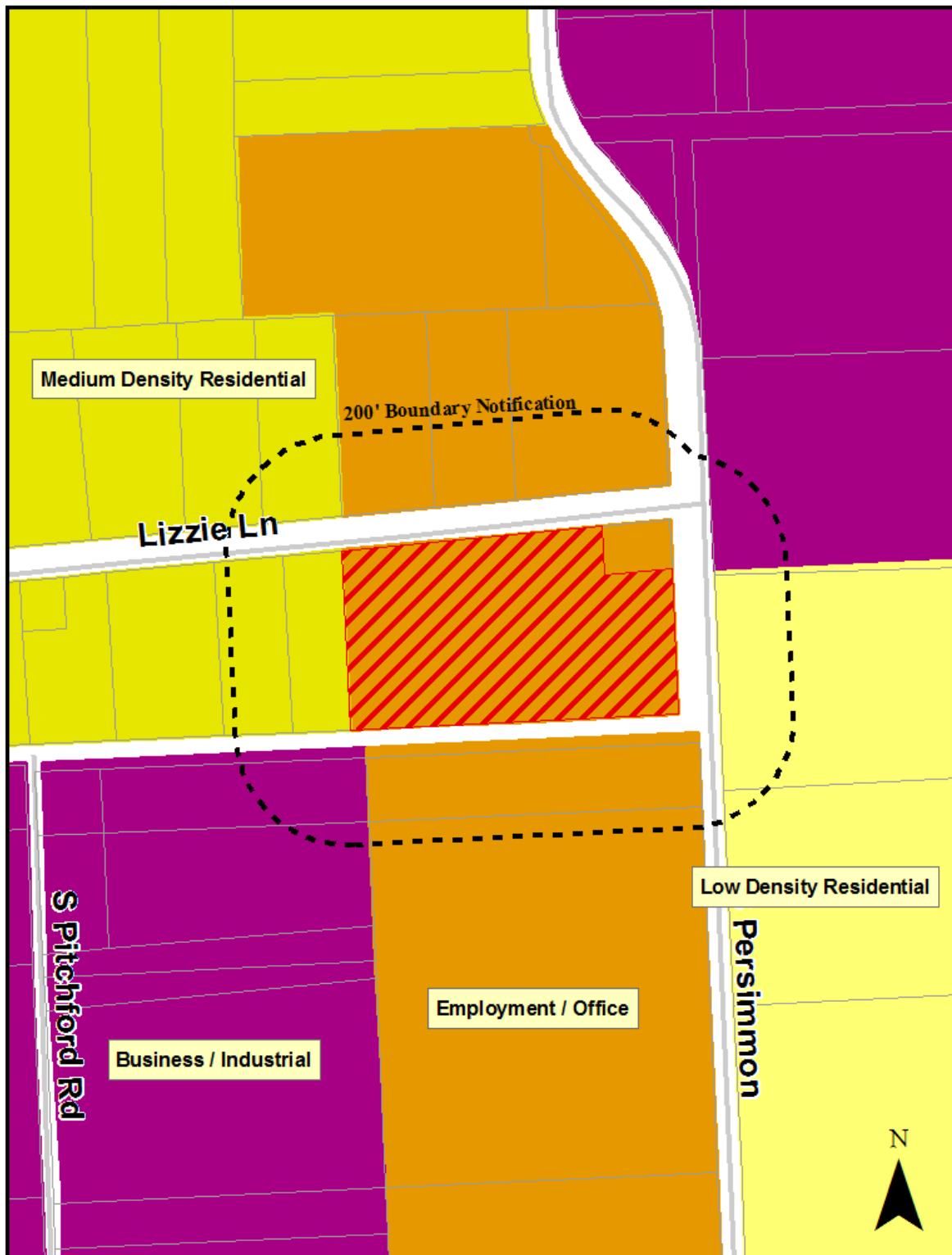
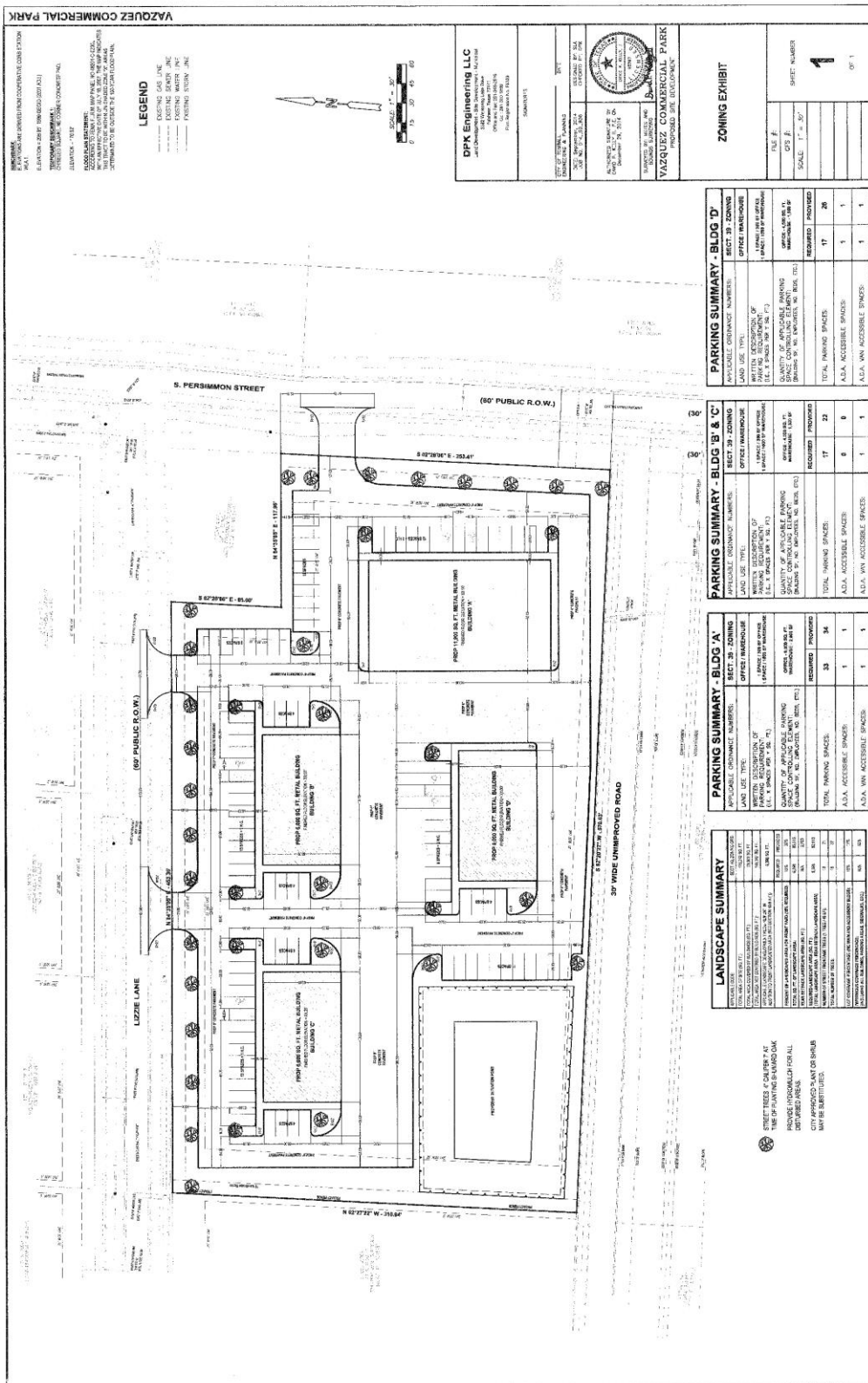
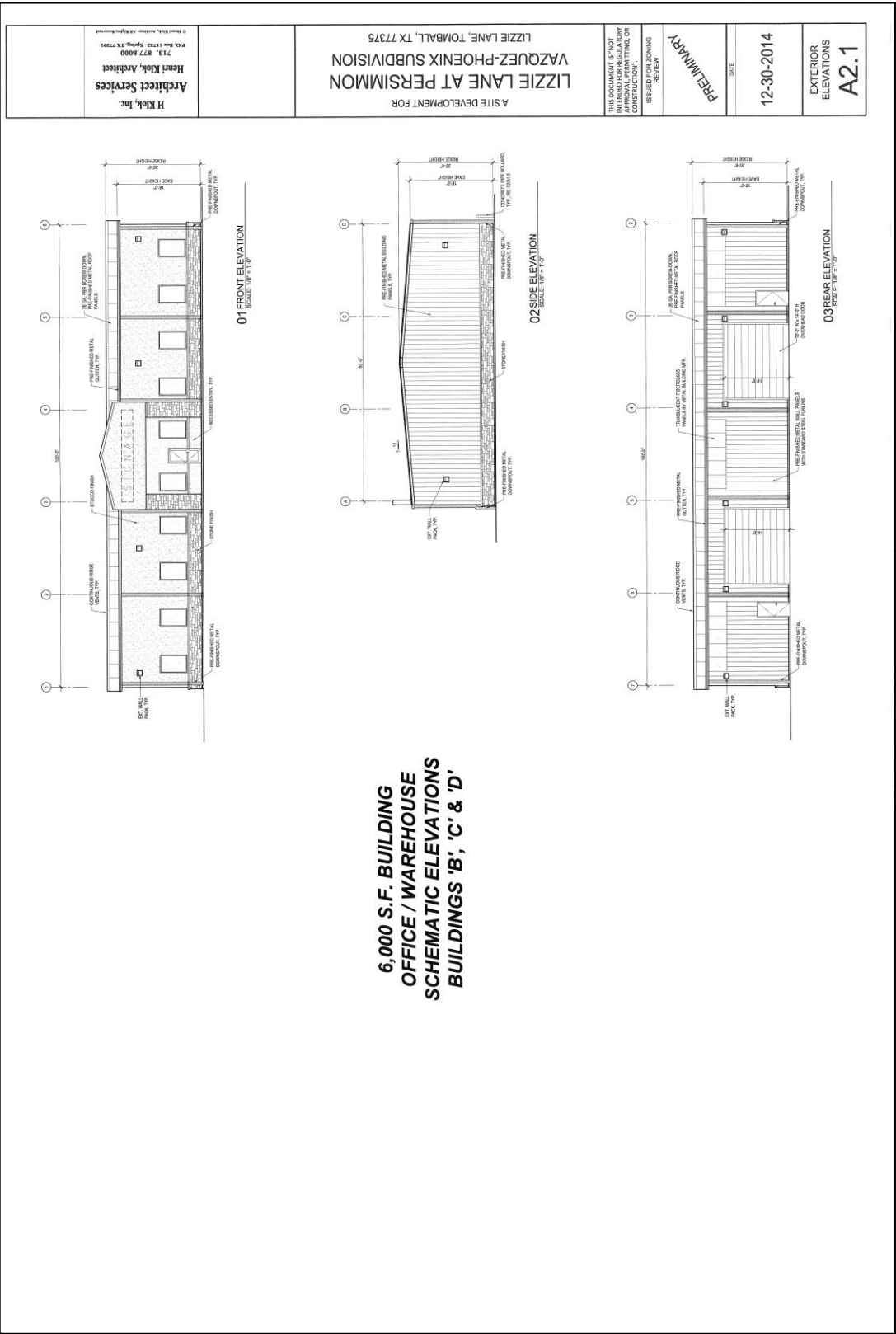


Exhibit “E”

Conceptual Site Plan



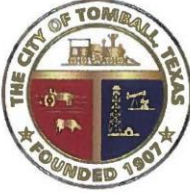


Architect Services Henri Klok, Architect 713. 877. 8000 P.O. Box 1123 Spring, TX 77381 © Henri Klok, Architect and Engineer, Inc.	A SITE DEVELOPMENT FOR VAZQUEZ-PHOENIX SUBDIVISION LIZZIE LANE, TOMBALL, TX 77375	THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE ARCHITECT. PERMITTING, OR CONSTRUCTION.	PRELIMINARY ISSUED FOR ZONING REVIEW	DATE: 12-30-2014	EXTERIOR ELEVATIONS A2.1
---	--	---	--	---	--

Exhibit "F"
Rezoning Application

114-262

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: J. VAZQUEZ Title: OWNER
Mailing Address: 3007 Woodland Hills Dr City: Kingwood State: TX
Zip: 77339
Phone: 832 287-4912 Fax: () Email: JVC@TEMEXSTEEL.COM

Owner

Name: J. VAZQUEZ Title: OWNER
Mailing Address: 3007 WOODLAND HILLS DR. City: KINGWOOD State: TX
Zip: 77339
Phone: 832 287-4912 Fax: () Email: JVC@TEMEXSTEEL.COM

Engineer/Surveyor (if applicable)

Name: DAVID KELLY/H. KLOK Title: ARCH/ENG
Mailing Address: PO BOX 11732 City: Spring State: TX
Zip: 77391
Phone: 713 877-8000 Fax: () Email: ARCHITECT@NEWVORTEX.COM

Description of Proposed Project: VAZQUEZ COMMERCIAL PARK

Physical Location of Property: LIZZIE LN & S. PERSIMMONS

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

Legal Description of Property: LT 1 BLK 1 VAZQUEZ PHOENIX

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

Current Zoning District: SINGLE FAMILY 6 DISTRICT

Current Use of Property: VACANT

Proposed Zoning District: COMMERCIAL DISTRICT

Proposed Use of Property: COMMERCIAL - SEE ATTACHED
PLANS + ELEVATIONS

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

www.ci.tomball.tx.us

1287940010001 4.0228 Ac.
HCAD Identification Number: _____ Acreage: _____

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.

Vaguer by HKLsk, Architect 12-29-2014
Signature of Applicant Date

X [Signature] 12-19-14
Signature of Owner Date

Joe Vazquez, Owner

Vazquez Commercial Park

December 29, 2014

Harold Ellis

Planning Division

Community Development Department

City of Tomball, Texas 77375

Re: Request for Re-Zoning of Lot 1 Block 1 of the Vazquez-Phoenix Plat HCAD 1287940010001

Dear Sirs:

The owner of this property Mr. Joe Vazquez originally purchased the property in conjunction with a set of partners to develop the Vazquez Phoenix plat as a commercial development on the north east and south east corner of Lizzie lane at S. Persimmons in Tomball, Texas 77375.

The partnership split into two parties and the northern section was developed in 2008 while Mr. Vazquez decided to develop his own portion a later date. During this time the City of Tomball has developed a zoning classification for this property as residential and there for Mr. Vazquez has requested that his original concept for a set of commercial buildings be considered for this lot.

The presentation materials attached demonstrate the history of the property from the original plat and the commercial development on the north side of Lizzie lane. A new development study was commissioned by the Owner of DPK Engineering to meet the development standards of a commercial tract in the City of Tomball and the drainage requirements of Harris County.

The development will be designed to meet the architectural and landscape requirements of the City of Tomball with considerate attention paid to the street elevations. The proposed development should be a complement to the neighborhood and the select commercial properties nearby.

We hope the City of Tomball will agree to the request and allow the project to be considered for

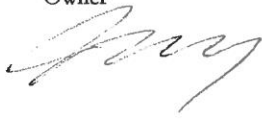
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for public review and approval.

Thank you,

Mr. Joe Vazquez

Owner

A handwritten signature in black ink, appearing to read "Joe Vazquez", written in a cursive style.